

Closed Caption Log, Council Meeting, 06/24/10

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

>>> Good morning. I'm austin mayor lee leffingwell. We'll begin with the invocation by rabbi neil blumofe, the congregation agudas achim. Welcome. Please rise.

>> Thank you all for your presence this morning as we do this work, strengthening our city. And just coming in from outside, it's hot outside. It reminds me of traveling in the desert in the book of numbers. With the expectations for the people were so high and they were so determined to move forward into the next steps, into the promises that they were going to receive. And yet they were delayed. They were delayed not just for a budget cycle, they were delayed not just for an agenda item, they were delayed for a generation. And what in part kept them from fulfilling the potential, they were told how great they were. Surveys came out that said this is the best place for a generation for a decade. Yet their communication was flawed and they turned little issues into things that literally ate themselves alive. They complained inside and out and they didn't allow themselves to have the connection that they needed to move forward. And debating became a way of life. They were not atuned in the desert to the greatness and the blessings all around them to. The people working day by day helping in a basically level to bring goods and services to the community. They were not aware all the time of the everyday efforts that kept the community together. And I ask as you do this incredible work to recognize for us what is illusive and what remains for us. What is disposable and what is most profound public service. What is fundamental for us not just today but for the generations to come where we shall not wait a generation and our challenges are just in front of us, the expectations are high, and may we accept them proudly and humbly and act together as leaders benefit ing this great city and our great citizens that we serve. May we act now inspired by what moves us in the most positive way as we move together in this hot weather step by step. Amen.

>> Mayor Leffingwell: Please be seated. A quorum is present so I'll call this meeting of the austin city council to order on thursday, july 24, 2010. We're meeting austin city hall, 301 west second street, willie nelson boulevard, austin, texas. 06 a.m. We'll start with the changes and corrections. First item number 3 is POSTPONED UNTIL JULY 29th, 2010. Item 12 postponed to JULY 29th, 2010. Item 17 and 18 are withdrawn. On item number 29, delete capital as the funding source and insert operating. On items 39, 40 and 41, add recommended by the electric utility commission. On item number 70, delete the amount \$1 million and insert the correct amount \$611,419. And also delete the amount \$75,000 and insert the correct amount \$30,571. Item 72 is withdrawn. Item 78, add mayor pro tem mike martinez as a co-sponsor. Item 82, add councilmember randy shade as a co-sponsor. Item number 85, add yours truly, mayor lee leffingwell, as a co-sponsor. Item number 90, delete july 7th and add july 14th as the correct date. And advance notice item number our time certain for zoning items, councilmember morrison will be requesting a postponement UNTIL JULY 29th. And item 150, at its 4:00 p.m. Time certain staff is asking

postponement until August 5, 2010. Our morning briefings at 10:30, we have three. First the briefing on the 2010 proposed transportation bond package, initial draft recommendations. Number 2, a briefing on the downtown bicycle boulevard plan. And number 3, a briefing on the recommended urban rail systems plan. At 12 noon we'll have our general citizens communications. We'll take up our zoning matters. At 4:00 p.m. public hearings. 30, we'll take up live music and proclamations. The consent agenda this morning is items 1 through 102, and I'm going to read item number 76 which are board and commission appointments and waivers. First to the commission for women, Amy Wellborn is nominated by councilmember Riley. To the urban renewal board, Andrew If You Canall is nominated by Mayor Leffingwell. Intergovernmental bodies to the Austin-Travis County Advisory Board, Mark Clayton is nominated by myself, Mayor Leffingwell. Again, the consent agenda is items 1 through 102. The following items have been pulled off the consent agenda. Item number 13 is pulled by councilmember Riley. Item number 15 is pulled by councilmember Cole. Items 36, 81, 86, and 87 pulled by councilmember Spelman. And item number 28 will be also pulled since it's related to items 81 and 86. So 29, I misspoke, it will be item 29 is pulled related to 81 and 86. So although we will take up discussion on 29, 81 and 86 together, they will be considered in separate motions and the order will be we'll first take up 81, then 86, then 29 since 29 is irrelevant depending on what happens to 81 and 86. Items pulled off consent due to a number of speakers are 81 -- excuse me, 83 and 85. City clerk, any additional items to be pulled for excess speakers? And we have several items that have one speaker, and we will begin with those speakers. Starting with item number 37. Item 37, Heather Bagio has signed up against. Is Heather in the room? Welcome, you have three minutes.

>> Hi, good morning. Item number 37 is a recommendation to the council for action, and my first question is who was this recommended by because this grant -- there's only one speaker so obviously it hasn't been recommended by the people. We haven't had an opportunity to discuss the justice assistance grant or the bureau that we're supposed to be getting it from. It wasn't recommended by the public safety commission, which is supposed to look at federal grants. Y'all charge them with the duty of looking at federal grants pertain to go public safety and it wasn't vetted by them. I recently learned that 2 public commission decides which federal grant it's going to hear. I've been to every public safety committee meeting since its inception and even if Mike Levy decided he wanted to hear all the public grants related to public safety, we don't have enough time. We meet once a month for two hours and there's not been a single meeting where we've made it through the meeting and gotten through every agenda item. So here we are again just like a couple meetings ago and we have a federal grant last minute while the people haven't had a chance to discuss it with you, talk to you about it. And we're talking about taking almost a half a million dollars from them. This bureau released a training manual teaching law enforcement how to what warrants a suspicious activity report. Some of these things included passing out radical literature in public places and having video surveillance on your public -- your property. Those are warrants for specific activities report which we learned goes into the new fusion center, the department of homeland have access to. This infringes on property rights as well as free speech and press. I don't want our officers here in Austin taking heed to this kind of citizen profiling. We get nearly half a million dollars for each citation equipment, but what about system maintenance? We're discussing at other city council meetings whether to close more parks or libraries and here we are increasing our obligation to future debt and future expenses hundreds of thousands of dollars. These are some of the things that would have

been brought to the table at the public safety commission where it's supposed to be vetted through the public and through these guys appointed but it wasn't and it's another example of how some of the system is broken and it needs to be fixed. I want to ask you guys to slow down on this grant and all federal grants until they have made it through the public safety commission so it can be properly vetted with the public and all the benefits and consequences can be discussed. Even though we're one of the safest cities for our size in the country, we seem to be needing more federal grants to take care of things especially for public safety. For more technology, for more public surveillance equipment, so I pose this question to the public safety question last time and the question the does the city of austin -- do we anticipate a time when we're going to be self-sustainable?

[Buzzer sounding]

>> Mayor Leffingwell: That was your time. Thank you.

>> Thank you.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I want to thank her for bringing the issue up that is on the table in front of us and that is how to pragmatically accommodate the mission of the public safety commission, which is in part to review grant applications. And I've been working with chief McDonald and some of my colleagues and we'll be working with the public safety commission to make sure that there is a way in the very near future to allow the public and the commission to see what are the grants that we're applying for and look at what ones need to be questioned and discussed at the commission. So as you mentioned, they have very full agendas so we have to find some way to balance that visibility and transparency with the limitations on their time and I'm confident we're going to find a good way to do that in the near future.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: Like the public safety commission we have a very full agenda so I want to spend much time on this but she has raised issues if someone from the police department can address them, i would appreciate it.

>> Mayor Leffingwell: I see someone coming forward.

>> Spelman: Good morning, chief.

>> Mayor, council, I'm here to answer any questions.

>> Spelman: What will this grant do? We're taking \$457,000 from injure advertise assistance to do what?

>> This is a recurring grant. The police department basically has two kinds of grants. There's an

entitlement grant that comes from doj that goes to different police departments throughout the country in terms of they look at crime issues related to a particular community. They basically afford those jurisdictions such as austin and travis county to work collaboratively on crime issues. This particular grant is money that they give the police department, again, on pretty much an annual basis. What we have to do is then figure out how to best spend that money to accomplish some of the goals that are set out. This particular grant we're looking at spending money on basically ticket writers that are automated. Instead of having an officer hand write a ticket, it basically uses a driver's license to scan the information in there and they print it out, and hopefully that reduces the amount of time a person is actually detained while getting a citation.

>> Spelman: This will also cure to some extent the bad handwriting and the judges and clerks can't understand what's written down.

>> And there is a percentage of tickets that are forever reason are illegible, but that's what this particular grant is addressing.

>> Spelman: Do you expect any recurring expenses in association with these devices?

>> You know, any time you have some kind of technology there's going to be some sort of maintenance fee included in that, but when we're looking at technology grants, we're looking also at moneys to figure out how to get extended warranties and licenses to kind of upkeep those kinds of issues here. I don't have that specific information, but yes, there would be some future costs. But generally speaking, that would come from a similar grant.

>> Spelman: In view of the improvement reduction in time associated with producing a citation because you put it into the device and tear it off and hand it to somebody and reduction of time associated with being able to read the citation and perhaps even bring it in electronically rather than having to transcribe it, is this going to reduce the amount of time our officers and civilians are going to be spending on citations?

>> This will reduce it significantly and that's one of the issues we recognize. When an officer basically makes contact with a citizen on the street for a traffic violation, it can take up to, you know, 10, 15 minutes to go through the paperwork, look through those kind of things. This would expedite that. I don't have the exact number how it reduces but we figure that's better for the citizen as well as getting the officer out of the street as well.

>> Spelman: Sounds very reasonable to me. Thank you, chief.

>> Mayor Leffingwell: I'll just say I thought the whole idea of technology was reduce costs through labor and other kinds of overhead. Very likely that's what will happen in this case.

>> We believe this is a efficiency measure for us and for the city as well.

>> Mayor Leffingwell: We have a speaker on item 44. John moyer signed up for. He's going to try to talk us into opposing this. It's already on consent. Excuse me, john only wants to speak if there are questions. Unless there are questions, we'll move on to the next item. Which is 62. I'm not sure I have the correct spelling of the name. It's ken gossip. Ken gossip signed up against. And you have three minutes.

>> Good morning. My name is ken gossip and I'm here today to talk about a procurement opportunity for the medical supplies that's been presented to vendors here in the city of austin and across the state actually. This is kind of unusual i would have to come speak about this today, but this time it's been real -- the process has been flawed seeing information was not properly given to vendors to participate. In this particular case, there are vendors, 45 in the city, that could have submitted bids but only three vendors submitted a bid and the reason for that is because that information in the bid was misleading and is not properly given. I submitted several questions trying to get clarification and still did not get clear information to how to process this bid. One of the major flaws that I've seen is where they asked for pricing from 45 vendors to complete this bid package. And after attempting to get those items, I was not successful to get them all and I did attend the bid opening to see who did that requirement and to my amaze nobody submitted those required documents. I'm here to find out how they completed the package when all the items were not submitted. Just real confusing on how that possibly could have happened. I spoke to purchasing about that, but yet as of today no information was submitted to me as to why, how this process could go forward. I gave you a pact of some of the factual information about how things did process and just hope you would consider holding it off until we get a better understanding or proper information to vendors so they could provide a successful bid in this procurement opportunity which they fix to your contract. I'm here today to hope you guys can look at that to give all vendors a fair opportunity with information for people to compete to give you a competitive bid process. My other fact is this is a three-year bid and they would provide jobs in the local community. The current vendor is out-of-state who has had this contract for several years and unfortunately sometimes change is good. I let you know there are companies in town that could participate in this procurement process if the proper information is given in a factual way to vendors to participate. And I'm just asking today if you would consider that to talk to purchasing and just hold off on this item until they can really give information to vendors on how to process this item. I talked with a buyer, which he's a buyer one and I wasn't sure if she knew what she was doing because I asked several times about problems with the bid and didn't get straight answers, but yet today still the award is trying to be processed and I just ask you all to give it some thought on how that process should work. I know this is unusual for a commodity of purchase to go have a problem, but I've seen these happen in the past but maybe give purchasing a better understanding of how to consider all matters.

[Buzzer sounding]

>> Mayor Leffingwell: Thank you.

>> Mayor, I have a brief comment.

>> Mayor Leffingwell: Councilmember cole.

>> Cole: I would just like to ask that you visit with our mbr department because we have some specific minority participation goals. And although your comments may not result in this particular item being delayed, we would certainly like to see more minority contractors in compliance with that goal. With those goals.

>> I did that and I spoke with a guy yesterday and we discussed the matters and he was real concerned also about the issues and the factual information I presented. So I am working with

[inaudible]

>> Cole: Great. Thank you.

>> Mayor Leffingwell: Item 78. One speaker, paul robbins is signed up neutral.

>> Council, I'm paul robbins. I like the proposal that you are bringing forward to change the charter to make the city attorney accountable to council. I intend to vote for it. As long as you are going to have a charter election, i think you should create a charter revision commission to review other changes to the charter. I refer you to articles 7, chapter 11, which gives citizens the right to vote on revenue bonds. Due to legal -- a legal case in 1984, this article of the charter is currently being ignored. The citizens of austin have never officially voted to remove their participation in utility spending. We deserve this right. There are most likely other charter amendments that should be considered as well, so I'm asking that you consider a -- an official charter revision commission. I'll leave you with a thought. The ancient greeks had a word for people who didn't participate in their government. It was idiot. And I as a college professor, you would know that, wouldn't you? Basically there are several reasons that voter participation has waned over the decades in austin. And I can't blame all of it on this one dispute, but I would submit that by not allowing the people to vote, you are in a sense turning austin citizens into idiots. Thank you.

>> Mayor Leffingwell: And I'm sure there will be some kind of process to consider other potential amendments to the charter at the same time that this one is considered.

>> Mayor? I have a question for the city attorney or basically a brief directive.

>> Mayor Leffingwell: Councilmember cole.

>> Cole: This says robbins has pointed out that with the passage of the city attorney item before us, we will be going to the voters, I think that the council members or their aides should be afforded the opportunity to visit with legal about the -- just the general process of what would be available to be on the charter election because I've received questions about initiatives and referendums and just understanding that process so we can think through that a little better.

>> Councilmember, the law department will find someone to put together --

[inaudible]. Basically set out the general guidelines and requirements and any other input you would like to give us, we would be glad to look at that.

>> Cole: Thank you.

>> Mayor Leffingwell: Councilmember shade.

>> Shade: I wanted to make a comment about this. I support keeping this item on the consent agenda, but i really haven't decided how I'm going to vote whenever we get to the vote in november of 2012 and I just wanted to get a few points on the record because of that. I think that making a change to the charter, it's our constitution, it's a very serious matter and I know that the comments that were just made and the comments that councilmember cole just raised show what an important deal it is. It's a much bigger deal that i think most people think about. And I think citizens are best served when we take a strategic and holistic approach and a less politically expedient approach when we're making the changes to government that we're talking about. It feels like a piecemeal approach and I wanted to raise that point. I welcome the conversation about discussing the strategy for having the best form of government and I know that there have been a lot of events just recently that have brought this item in front of us, and I just felt like it was important to recognize that the city attorney, regardless of who he or she reports to, serves as the city's general counsel. And that means that they wear lots of hats. I put together a quick list, business and legal adviser, manager of the legal department, compliance officer, mediator within the on,, government affairs liaison, risk manager, they handle literally thousands of transactional services at a time, litigation, literally hundreds of cases at a time. And so when you think about it, that job is really analogous to being both the general counsel of a major public complicated corporate entity as well as being the manager of a -- you know, of a major general managing partner of a major law firm. So it's a really big job and they wear a lot of hats and there's a lot of pull. And regardless of all the roles and responsibilities the city attorney, they have to maintain their independence and represent the interests of the city as an entity rather than the interest of any one officer of this entity and i think that's really important to consider when we're talking about this. The city council is not the primary client nor is the city manager, but the city council is the highest authority of this entity certainly has a major responsibility in direction and leadership in terms of how our legal services are provided. So again, I've seen firsthand especially recently, but in the short time I've been up here on city council, I see a very hard working group of city attorneys. They are pulled in a lot of different directions, spread too thin. I wanted to acknowledge how much I appreciate the work that they do, but also acknowledge the fact that we should have better policies in place to ensure that information on legal risk is provided on a regular basis to the council and the city management, not sporadically when problems occur, but on an ongoing basis. I got to thinking about the up the ladder reporting rules and think that some of those ideas should be applicable perhaps here at the city. Again, that's not contemplated in the item that we're passing on number 78, but I really want to elevate the conversation because we have a lot to think about in terms of how we manage this entity, especially for a city this size. It's complicated business. There is no -- there are no simple fix. Obviously we're seeing lots of issues that are new and so when employees in a corporate entity are now increasingly more afraid to pass things up the ladder because they might see the general counsel as a mandated tattle tale and that creates new dynamics. What's my point is that the key point experiences a clear example of a situation where there were multiple legal matters arising from a single event and yet

we saw a lack of coordination which resulted in legal advice that at times was unclear and inconsistent, but having a november 2012 ballot items that changes the city attorney's boss from the city manager to six councilmembers and a mayor with varying degrees of management experience does not come close to addressing the issues that I think were raised during that experience. I had the fortunate opportunity this past weekend to meet mayor parker from east houston and one of the things she said changing the form of government doesn't solve problems, leader the public safety commission is what solves problems. I had to highlight that because I think it's so critical. And I wanted to recognize that as we did -- have done and are continuing to do the postmortem especially with respect to key point, I think it's critical every within of us on this dais work and demonstrate leadership with our city manager, police chief, monitor, public safety commission and the police association as well as the community to keep our eye on the ball when it comes to what we need to get done. And we also need to continue to call for and support the including those highlighted in the 2007 department of justice investigation, especially those related to the use of force policies and procedures and those called for by the african-american resource, the naacp, the public safety task force and the public safety commission and citizen review panel. We also need to recognize some things that have happened in recent months and I did put together a quick list I want to share which is the internal affairs department at a.p.d. Was revamped with new leadership and all personnel are vetted through the chain of command so that only experienced and vetted sergeant, they replaced all the detectives to make sure cases are conducted by investigators who have supervisory experience, mandated change and authority to move about the department. All officers department-wide were mandated to attend deescalation enforcement tactics and a mobile trailer was provided for training practicing different levels. This trailer requires minimal setup and is a huge addition in terms of what we can do in training. I think it was critical that we recognize the comment made by chief aucevedo which is the discipline matrix has been changed so an officer intentionally does not turn on his or her camera there are results immediately. We're going to be seeing over the course of the summer some in-car cameras that will replace the very antiquated system we have so when an officer opens up the car door, the camera will automatically turned it. While it wasn't pretty getting there, it's important to note we have a memorandum of understanding that is now in plays with the austin police association that does create a lot more clarity than what we've had in the past. Again, I'm going to support this item on the consent agenda, but I think we don't want to check the box and move on without paying careful attention to the importance of leadership and not just a minor form in -- change in government form. Thank you for indulging me.

>> Mayor Leffingwell: Point of clarification. The item calls for this to be on a charter amendment election no later than november of 2012. Legally, as you all know, charter elections can only be held every two years. So legally there could be a charter election as early as may of 2011, depending on what happens, there's an issue of a referendum and so forth. So it's not necessarily november of 2012. That is the last date that it could be considered under this resolution. Item number 79. We have one speaker. Robin schneider. Who is for. Item number 79. Robin schneider in the room? Robin schneider is not in the room. So --

[laughter] faster.

[Laughter]

>> I was out trying to sign up for the other item. I am here to support the study on the cost of plastic bags to the city. The plastic bag issue has been framed for a long time just on environmental criteria. I think it's important to realize that the costs of these choices by the retailers and by consumers have costs implications that many of us haven't thought about. So when the retailers give out plastic bags, it might be a very small cost to them in terms of what they pay for those plastic bags. Especially relative to paper bags. But the cost to us as taxpayers and to even -- even beyond that, to the environment, to other agencies that deal with litter, to the landfill operators that have to pick up plastic bags, those costs are externalized on to many different players. And so I think it's critical that we get a better handle on what those externalized costs at least to city taxpayers are and as we move forward with how to deal with plastic bags. And if more of the cost, for instance, paper bags, are placed on the retailers, and potentially on consumers, then there will be more incentive to use reusable bags. This is very much in line with the city's philosophy of producer take-back and zero waste is to make the cost of these choices much more evident and have them fall on the people that make the decision. The retailers make decisions about what kinds of bags they are going to offer either for free or for charge and we want them to bear more of the cost of those choices and not just put the costs on us as taxpayers. So thanks very much for this provision and we fully support it. Thanks.

>> Mayor Leffingwell: Thank you. I'll entertain a motion on the consent agenda. Councilmember shade moves appraisal. Seconded by the mayor pro tem. Further discussion? All in favor say aye. Any opposed? That passes on a vote of 7-0. Okay, we're past our time -- councilmember spelman.

>> Spelman: My apologize. This slipped my attention. I need to recuse myself on four items dealing with contracts for the university of texas. You can show me recuing on 2, 33, 22 and 75. Otherwise I'm fully in support.

>> Mayor Leffingwell: The clerk will show councilmember spelman reused on 2, 22, 33 and 75.

>> Spelman: Thank you.

>> Mayor Leffingwell: We'll go to our 10:30 briefings. First briefing is a briefing on the 2010 proposed transportation bond package initial draft recommendations. Mr. spiller.

>> Yes, good morning, mayor and council and mayor pro tem. My name is robert spiller, department of transportation. As soon as we get the slide show up, we'll start.

>> Mayor Leffingwell: Could I ask you to please exit quietly so we can go ahead with our meeting. Thank is on the bond package. We've briefed each of you. We've completed the community forum and I just want to tell you about what we heard and then go over the package with you as well. As you know, council directed us to develop a 2010 bond proposal. We're here to report on that and give you the high level statistics. The transportation bond package that we will be bringing back to the citizens task force includes roads, sidewalks, bicycle, trail and related investments. The direction from council was not to

exceed one-half of the projected total debt capacity, assuming no new taxes and i think that's important. We determined, staff determined that was approximately \$85 million level and that has been briefed to you previously as well. Council approved a prioritization process and we've been working with the assistant task force either weekly or bi-weekly as we work through getting to our proposal. The guiding principles that we used to develop the proposed bond package were to respond to immediate congestion needs where we could, focus on near-term needs as well as looking at longer term preparing for future funding opportunities, but really focusing on projects within the next two years where we could. Certainly we heard from the community that we needed to be cost effective in our proposals as we brought those forward. And the other eight criteria again that were identified by council as being needed to be involved in this prioritization process. Council, of course, approved the five step organization process and that's what we've gone use to go get to today. As you know, we went out to the community and asked for input on gaps. We talked to members of council as well as departments and we originally had something like 3,000 gaps identified. We were able to whittle those down to about 74 eligible for cal tall investment. Many of the citizens and agency and staff were redundant. For instance, we got many comments about mopac so we were able to collapse those into a single gap definition. As we looked at those 474 gaps, the distribution of priorities into an a, b and c gap level if you can think about that as a high, medium and lower priority breaks out as you see the pie chart there. About 45 projects, plus or minus one or two, end up in that high priority gap list. Another 187 into that secondary priority list. And so it was a distribution as we might expect in terms of the prioritization process. Working through the various steps, one of the things staff found is that as we analyzed the various gaps, some of the gaps really demonstrated the need to think about a preliminary design project or a design project before we came back and recommended the construction project. So those projects tended to be the larger regional projects, and you'll see here by this graphic we're recommending for some of those projects that instead of funding the construction or full implementation project, we will be recommending to fund a design process so that we get a better definition and prepare some of those projects for future funding opportunities. And when I say future funding opportunities, that's not just future bonds, but it's future grant opportunities, future partnership opportunities as well. Some of the questions that we're now responding to as were identified by council is are we leveraging those investments, can we combine packages and projects to get better projects overall, preserving existing infrastructure and is there geographic balance. I'd like to talk about the answers to some of those questions as well as these, are there catalytic projects, do projects emphasize access to transit development and so forth. One of the more important ones, is there any pertinent new information or missed opportunities that need to be considered and clearly that is the phase we're in right now is gathering information both from community forums as well as from members of council as well as from staff to make sure we haven't missed anything as we prepare to come back with a final recommendation to you in late July. So let me tell you a little about the preliminary bond package. It is a proposed project that's just under that \$85 million cap that we talked about that generates no new taxes or need for no new taxes. It does include roads, sidewalks, bike facilities, trails, as well as transit. It definitely leverages investments, and I've given you three examples of how we leverage with this bond the potential for other investments. Many of you may know, I'll be showing you data later, that the regional entities of txdot and ctr analyzing significant improvements to mopac loop one effort. We would like to propose through this bond effort that we join that design process with a small amount of money, but what that does it allows us to match a federal grant we already have in house to make that participation much bigger, in fact. 290 at oak hill y, we've been talking about the possibility that there might be some early

congestion relief opportunities out in this very significant intersection of two major highways. We believe that it is a combination of signaling and restriping and redesignation of the type lanes out there. Not to solve the long-term problem but to start to address some of the congestion while the region takes a breath and starts to look at the longer term environmental and potential solutions out there. And lastly the boardwalk trail is a good example of where we found traction in terms of partnering with private entities, in this case the trails foundation has identified the potential for participating in that funding. So that's important as well. Obligation of funds within the next two years. I want to hone in on that because both the public works department as well as the transportation department in looking at how to put this bond proposal together have determined that we believe we can fully obligate the funds that are proposed here over the next two years. What that means, if the money gets into the pipeline and starts working for the citizens of Austin. Obviously some of those projects that are construction projects may last longer than that two years, but those funds will be fully committed by the end of the two-year process, we believe. We've prepared some dashboard statistics to help answer some of the questions. One of the questions obviously being how is this distributed throughout the community. And this dashboard gives you a feel for how we believe the projects are distributed north, south, east, west, throughout the region. I do want to point out something that there's a regional partnership identified here as well. There are a set of projects that are clearly regional in nature, whether they be investments in the Mopac corridor or the proposed boardwalk corridor or similarly other regional impacts projects. So we've created another category here when we start to think about how things are distributed to really recognize there are a set of projects that belong to the city as a whole and the region as a whole and we tried to pull that out and identify that. In terms of the geographic distribution, this map which you have 11 by 17 in your handout folder, it's for the \$85 million proposed. It contemplates about 51 projects, about 30 of those, 31 of those are actually named projects based on the ranking process. Another 20-plus projects are those that would be funded through programs based on needs that we know that are out there right now to maintain the current infrastructure whether they be street repavements or sidewalk repavement. And as you'll see, it's a fairly good distribution in all over the region. It does contemplate both new capacity as well as preservation of existing, and I want to point out that per your direction there is no urban rail contemplated in this 2010 bond proposal. Again, if we start to look about how the package is distributed or the recommendation is distributed by mode, you'll see that clearly a little bit over 50% is right now recommended to go to roadways. That's the arterial highway and neighborhood street lines there. The next biggest chunk going to sidewalks. We did from our original presentation to you in terms of the information we sent you, you'll remember that we originally had pedestrian, bike and trail together. We've now broken that out so that you can actually see where those investments are going. Most of that pedestrian investment is in the sidewalk category. We did pull the boardwalk out and I want to point that out. Because of a sizable potential investment that the boardwalk represented, we pulled that out as a separate mode so that we're not trying to hide that in with sidewalks or anything. We're leaving that out there for everyone to digest and understand what that is. That rounds out about to \$85 million total. But as you are considering that, I want to point out that there is a lot of work going on through the partnerships that the city of Austin has made. In fact, what we find is every major highway or major transportation facility in this region through our partnerships with other agencies will be starting to be addressed between now and 2018. And actually I was quite startled by the amount of transportation work that is anned throughout this area. Everything from the investments in Mopac, the potential for managed lane improvements at the y, improvements at the major interchanges all along 71. In fact, by 2015, once our past refinance project

gets underway at mopac and ben white, the i-35 interchange with ben white gets completed, as well as the proposed construction at the riverside/71 interchange with that corridor, we will soon have a continuous roadway without stoplights, if you will, from approximately where the freeway begins in oak hill now all the way to abia international airport. So you will have a continuously completed freeway along our southern border. This is actually pretty exciting as you start to think about all our congestion. Regional congestion needs are soon to be addressed. Putting that into a pie chart gives you a feel for the amount of transportation getting in this region. The first shows spending by regional partner and you'll see the investments between now and 2018 including the recommended bond proposal by the city along with our past refinancing represents about almost \$2 billion worth of transportation investments by our partners as well as the city of austin. I'd like to say awful these partnerships the city of austin is participating in terms of staff participation, helping to watch for the assets and the good of the citizens of austin making sure that our needs are being represented as we move forward here. These pie charts do not include, I want to repeat do not include any anticipated bond program that might hoop in 2012 or beyond.

[Inaudible] similarly if you look at the regional spending by mode, you will see that most of this investment right now is in roads at a regional level. And again, this incorporates now the city of austin's proposed 2010 buy. But you see we are addressing the major congestion points and with the city of austin bond we start to address many of the other modal issues. When we look at the bond in terms of what phase of development these various projects will be in, you'll also notice a departure from previous bond proposal in that we are proposing to spend almost 16% on engineering and design. Again, looking at those projects that will take clearly more than two years to deploy, and instead of funding and tying up that bonding capacity all at once, saying let's split those projects over funding opportunities and let's get the design and early preliminary engineering done so we can, one, give very good cost estimates and very good definitions of those projects as we get closer to needing to implement them. I know all of you have seen the larger spread sheet that has the line by line items. For the public's benefit, i want to point out if they look on the website, they will notice several key columns. And I just want to walk through that. The priority ranking is literalry where the project ranks 1, 2, 3, 4. I would encourage the public to think more globally in terms of the a, b and c grouping and not focus on the fact that perhaps a bicycle or a pedestrian improvement is rated higher than their most congested freeway or roadway need. To really look at this more holistically and see this allows us to identify our most important bicycle, our most important pedestrian, and our most important roadway investments in the region and look at it at the grouping level. If I could, the next few columns talk about the project type. Those give the definitions. The yellow column there, the first yellow column, tells about what amount of funding is recommended for this bond proposal as well as the work type, so that tells the phase. Then it's very important for anyone looking at the larger matrix to also make sure they read the staff recommendation. Because what they will find is that all of the a priority projects are -- have recommendations with them. Even if they may not have funding in this proposal, they do have a recommendation because we are taking the input from the pickup very seriously as we move forward and want to make sure all the projects, even those projects not recommended for immediate funding in this bond proposal are addressed over the long term. Projects were recommended for no funding in this bond program for several reasons. One, they were either -- could be incorporated in another project that we funded, or number 2, the project was not right for funding at this point and so urban rail certainly fits into that category of not yet being right for consideration of

funding. And then the third reason because it's either -- it may already be funded under our current program. Again, remember how we assimilated this group of gaps, the public identified many of these gaps and so they may not have known if a project was already funded in the current program. So those projects that are already funded were eliminated from consideration. At the bottom of your matrix, you will also and the public will also notice a green section. The green section on the website as well as on your handout represents program areas. So again that is correct is a typical funding for us to make sure that we have money available to deal not only requirements that we've committed to but also future sidewalks over the next two years. Signal problems or signal needs over the next two years. That's pretty typical for our approach. However, the map that you have with you and the one I showed previously does for the street reconstruction projects as well as many of the larger sidewalk projects incorporated in these programs, does attempt to identify where these would be over the next few years. So we did complete mobility mow forums. There was a quorum of the city task force so they followed the procedures and opened the meeting and closed it at the end of the meeting. But they were there listening to the input that they heard from attendees. Attendees were from all over based on zip code so we had pretty good representation. And the comments were typically questions about individual projects that didn't make the a list. Why isn't my project on the list. And so some of those comments we were able to respond to directly and others we are working over the next few days to help explain why specific projects were or were not included. And then there were also the other predominant questions were about the proportion of the proposed bond package dedicated or recommended for the boardwalk. And quite honestly questions were asked about can that project be phased, request some of those moneys be moved to other projects if you were funding it, is there opportunity for private funding participation. We are still in the process of answering that and we will bring that forward in our final recommendation to council and also to the citizens task force, but in short yes, we believe there is a way that particular project could be phased. And that that would free up capacity within the direction the council gave to assign to other projects and so we'll be considering that in the next several days about how we might make an alternate recommendation as we come forward with the final. You know, the primary question what happens to gaps not included in the 2010 bond proposal, this goes back to presentation of the strategic mobility plan that we have developed this prioritization process to use over the next number of years. We hope that -- we believe that, one, that it gives a much more transparent and more rigorous approach to developing transportation program funding proposals, but it also allows us a systemic way to address system issues within our transportation network. And allows us to start thinking more from a network perspective as opposed to a project one by one basis. So we'll continue to use that and continue to prioritize projects over the coming years as we approach future funding opportunities. The schedule as we go out, we're here at the June 24th preliminary brief to go council, we will be presenting a final bond package to the ctf between now and July 12. The citizens task force voted to hold a workshop environment for their June 28th so we'll be supporting that. But also providing them a written recommendation or a final proposal after the 28th so they can consider making a recommendation to you ON THE 12th. The recommendation is staff recommendation to you and the citizens task force should they choose make comment based on that. We do plan to report to the comprehensive plan and transportation committee on JULY 26th. I believe the timing on that has been now set. And then the final presentation to you will be JULY 29th, AND THAT WILL Include proposed bond language. Remember that typically when we do bond programs here at the city of Austin, we roll that into a more simplified language that's easy to understand with an extensive bond brochure that lists the projects that we plan to do, and that's the same approach. We believe that

you need to consider approval of a bond recommendation in that august 5th time line. On the 26th we will confirm the date on which you have to make a decision so there's no misunderstanding. I would recommend to the public or provide to the public they can get all of this information as well as a variety of other information about the strategic mobility austin strategic mobility.com. And we look forward to talking to them. We'll also be placing in coffee shops and every place we can a new postcard that's pretty snappy reminding people where they can get information. I think what needs to be thought of here is there's roadway congestion, there's sidewalk congestion, there's bicycle congestion. And so we need to expand the knowledge of what congestion is defining or what people are referring to when they say congition. But what's important, and this gets back to the capacity, is many systems, and I would argue that our system, our transportation system has a problem that's not necessarily represented or caused by capacity. That there's also operations that cause congestion. So when a signal reaches maximum capacity, it is congested -- or maximum use, it's congested for operational issues. There is possibility that we can modify operations, add more control to how people drive in a traffic network to adjust the congestion category. Parts of our network will benefit from new capacity and some of that is included in this bond proposal, but not every problem in our transportation network is a capacity solution, if you will. And that's why we've also tried to use the word "mobility out "because when you think of central austin, and I'll be talking about that in my subsequent presentation in the future, we don't have many places to add capacity. And so we have to think about providing alternatives to the private automobile so that people have the opportunity to make a choice to be stuck in congestion or make an alternate choice. And that was clearly a point of interest that we heard from the public that scored very high is that give us more choices. Give us choices to get to central austin. Give us choices to get down the street other than our private automobile. And so we've tried to reflect that in this bond package as well.

>> Cole: And another item that I continually hear is why doesn't the city just do something about i-35 and mopac. So if you would just take those two issues separately and break down, first with 35 because we know it's one of the worst congestion, capacity both problems through austin that exist, what are we doing, what are the plans, what leveraing opportunities.

>> Yes.

>> Cole: Go ahead.

>> Councilmember, both of those roadways ended up in our top a priority list and so that's important to acknowledge. But are projects or issues or gaps or whatever you want to call them that staff has taken a very high level of interest in. Let me start with i-35. It is not only an interstate, but it is operated and maintained and really the decisions on it are made by txdot. We have already begun discussions with txdot that we need to restart the regional corridor discussion about i-35, specifically in that central austin area between approximately 71, ben white, and 290 on the north. And our sister jurisdictions to the north of that may argue that we need to extend that, but we would welcome them participating, and the same for the south of that. I'm sure sister jurisdictions in hays county would argue we need to extend that to the county line. We need to look at it all. The most important thing is we need to come up with a strategy for addressing what has been identified as the fourth most congested piece of freeway in the country, which is startling to think that although we may be the 14th or 15th largest city in the country, we have the fourth

most congested segment of freeway in the country. So the proposal is, and it's recommended in the bond pink and white line by line sheet, is that as a region we need to come together and restart that process. We know that a couple of investments were recommended or asked for by various agencies or organizations and citizens on i-35. One of those being at the riverside corridor and i-35, which we think is absolutely a gap, but we also -- staff also believes that that is a potential project that could affect downstream flow in downtown. And before we make an investment there, we need to really find out what we do in that whole corridor. We're not stepping away from that investment, we're saying we need to do some study. Staff is already looking for funds to start that process and perhaps phase in some of the projects or some of the projects we may be able to move some money in terms of the engineering piece of that analysis. So it's an important project. It requires a partnership with txdot and they are very interested in moving forward on that.

>> Cole: Okay. And just because several members on this council and myself sit on campo, and we deal with the txdot federal funding issue constantly --

>> yes.

>> Cole: And I just don't want to underemphasize the fact that there is just not enough transportation money for our federal highways.

>> Absolutely. Madame councilmember. And in fact even in the state there is not enough money for our freeways and highways owned by txdot. In fact, several of the projects on the bond proposals that are also state projects, south congress, which is a state highway, north lamar, rundberg, we're actually needing to step forward because our citizens are stuck in those traffic or more importantly our citizens that have various disabilities are hampered in traveling those corridors because there's a lack of adequate sidewalks and so forth. This bond absolutely contemplates partnership with txdot to move those forward. My understanding moving towards completion of a contract with a consultant now to begin a study process that would lead to a preliminary design and an environmental process for a potential managed lane on mopac, between the river and approximately 183. That's the approximate distance. That process, they are getting ready to spend considerable millions of dollars to do that. The city has already joined that process in terms of providing staff assistance to make sure that the connections into central austin are adequate. You know, it does us no good to have more capacity on missouri pack if we can't get people into downtown. Same with i-35. It does no good to add capacity to i-35 because the constraint points are just to the west of i-35 at every intersection that connects with i-35. So we have to think of that as a network. And so the city staff is already participating on your behalf to make sure those designs reflect and address that. We are proposing to bring some money to that table because we want additional modeling and trafficking at fifth, sixth cesar chavez. That money can be used to match a federal grant several years ago that was approved by council to bring to that design process. It's a grant designated for mopac. This magnifies investment i believe 100,000 into an investment of close to 400,000.

>> Cole: And I really like how you made the point of how you look at the complete picture and getting the traffic on to mopac and 35 and I also want you to clarify briefly how we talk about txdot, but a lot of that money is coming from the federal government. Z.

>> That comes through the metropolitan planning organization of the the local district engineer, carlos lopez, has done a good job no terms of attracting those funds and the distribution statewide. Where matches need to happen, we are helping them find those matches or find those partners. Ctrma has been stepping up to the plate to help on that. In fact, the project at 71 and 183 down towards the airport is funded through ctrma funds. That is nontold investment, but that is a partnership as well. So a variety of funds going there.

>> Cole: And the one last point that I would like you to just expand on, because i think it's important that we let the public know all the ways that we're trying to do something specially about the big capacity congestion problems that we have is that we do have lobbyists in both washington and state lobbyists that I'm assuming you will work with or have worked with on trying to receive additional funding for all the gaps that we've identified or the specific gaps.

>> Absolutely. One of the benefits, councilmember, of having a longer term list and a longer term view of funding needs that will continue to update and continue to -- excuse me, over the coming years, is just that ability not only to work with sister jurisdictions, our partner jurisdictions but also work with our lobbyists and our city council to go seek money both at the state and federal level for these important projects. The whole prioritization process is not just about the 2010 bond, it's about creating a system long term that i louse us to get projects for that shovel ready condition so when grants pop up from the federal government that require shovel ready, we have a variety of projects that we can look at to see which one best fits the criteria of that particular bond. The criteria or criteria for that particular grant opportunity. Those grants change each time. Right now we're starting to talk about these tiger 2 grants. There was a tiger one a year ago. Those are the federal stimulus grants and the criteria changed just in that year's process. Again we need a set of projects that are in that ready to go status that we can choose from the best whatever grant opportunity that comes out. Those are funds that other communities are acquiring and building their infrastructure with. It's not a matter of, you know, being self-sufficient, it's a matter of getting our fair share of those federal dollars and state dollars.

>> Cole: Thank you, rob. Thank you, mayor.

[One moment, please, for change in captioners]

>> rob, I wanted to ask a somewhat less arcane question, if I could, i liked the distinction you were calling a few minutes ago between congestion relief and mobility. Congestion relief is the way a lot of people are framing our transportation problem right now thinking in terms of the solution being increased in capacity. We need more lanes on ih-35 so we can carry more traffic, and what you see you saying is there's limits to what we can accomplish that way. We can do better by providing improved through-puts on parallel streets and increase viability of alternative means of getting around, light transit or walking or biking, that sort of thing.

>> Yes, sir, there are places within our network where additional capacity would definitely benefit and this bond responds to that. There are also places where we believe it's more operational in nature and again

ih-35 is a good example. Adding more capacity ih-35 without managing and directing how that capacity gets used, for instance, for transit or other higher occupancy vehicles, would not help our situation. Staff believes, simply because they would get to downtown and face the same intersection constraints where there is no room for more capacity to get into the grid and with regards to parallel streets, once you're into downtown past that grid of constraint points, you do have those parallel routes and so many people experience a much lower congestion level once they're inside that downtown area as an example.

>> Let me pursue the idea of mobility for a moment, though. People use streets and sidewalks for a lot of different purposes. In my neighborhood, for example, I think most of the people using the sidewalks seem to be using it for jogging. I'm not sure people actually walk to the store, I think they drive to the store, but they do use the sidewalks a lot. Do we need to draw a distinction for purposes of this package between people using streets, sidewalks, bike lanes, all the other methods available for primarily recreational purposes, as opposed to for pragmatic purposes of commuting to work, going to school, getting to the ore, that sort of thing?

>> Well, staff would propose to you that mobility is mobility. to use the example of the joggers on the sidewalks, those people, if there were not sidewalks there, might otherwise get to the car and jog the local high school and jog to the track for whatever safety-perceived reason there may be. It's difficult especially in this town I believe because of the temperatures to distinguish for instance on bike trails who is commuting to work versus who is riding for exercise or transportation, all of them tend to wear span decks because they don't want to sweat in their dresses. I can't tell who is going to work or not.

>> You will never see me in spandex.

>> Okay.

>>

[laughter]

[applause]

>> people are applauding about that.

>> Because of the temperatures here people tend to wear exercise clothes when they're traveling outside of a air conditioned box whether that be transit or a car. Staff would propose that travel is travel. Mobility is mobility. Whatever the reason for that, it is good and it's a reasonable-related issue. What we do know is that sidewalks make connections and bicycles make connections that if not there, passengers or people would not make that commute. For instance the board walk is a good example. Right now there's clearly a connection barrier in ih-35, safety attributes of crossing the -- not only the frontage roads but ih-35 itself is a barrier to people using bicycles and walking into central austin. If a student living in the riverside corridor can bike to downtown, they can then safely bike to the university, so without that connection, you really can't make that argument.

>> Though even if we do not have very many people for example, in the east riverside corridor who are currently using bikes or walking to downtown now, one reason they're not able to do that is because they have the barrier of ih-35 which is very difficult to get through, particularly on a bicycle. Even -- so even though we have very little commuting on pedestrian or bicycles to downtown, we might be able to create some if we created this new connection to the board walk.

>> Absolutely. And we actually do have a lot of people traveling that connection. I would invite people to go out along riverside there somewhere between the txdot headquarters and ih-35 on an average day and watch the number of people on the sidewalk. Again, it's difficult to tell who is out there walking for pleasure, versus walking down the street, but the concern there is actually it's a very narrow sidewalk, and I observed two weekends ago on a saturday on my way to the airport people with strollers forcing people out into the street to get around the strollers or whatever was using the sidewalk, and so clearly we have a gap in that area that needs to be addressed in some form.

>> Again in my neighborhood I see a lot of people walking to work and if you asked them are they walking to work because they want to get to work, are they walking to work because it's a primary form of transportation, the answer would be yes, and we can't separate the two.

>> Absolutely. Every traveler is a pedestrian on some portion of their trip, whether you drive to the store and park in the parking lot and walk to the front door, you're a pedestrian for some portion of that.

>> Last question, rob. You've got 195 in the last line of this spreadsheet for construction. I wanted see if you could address the means by which roadway reconstruction is improving mobility.

>> In terms of the budget here, the only way to address major asset maintenance, long-term maintenance, is to put it into a cip program. Those are roads that are reached or any type of transportation facility, they may be sidewalks as well, have reached a point in their life cycle that simple repaving doesn't work. You have to rebuild the road. I would submit to you that those travel corridors have reached a point where they are actually a gap. When the roadway surface is so bad, or the sidewalk is broken up, it has reached a point where it is no longer serviceable and needs to be rebuilt to maintain that connection. With a city that is as mature as the city of austin as for as longevity, it should be no surprise that we're spending a large chunk of any bond program on preservation of existing assets because we have a vibrant core, we have vibrant innercity neighborhoods and established sustainable neighborhoods that we need to maintain over time and so if we don't address those, those streets, the cost of repairing or maintaining or continuing to fill pot holes that are caused by sub surface problems eat up the other budget that we would have to continue to meet new emerging needs.

>> In some ways it's cheaper to resurface the streets starting from scratch, that is to fill in the pot holes which are going to be increasing.

>> Absolutely. Streets reach a point in the life. Whether that be ih-35 or south first or any of the streets where literally you have to dig up the whole thing and start over, and every roadway, every investment,

every transportation investment has a life cycle to it, and at some point you have to ..

>> I presume we can verify also that if you've got enough pot holes in the street you're slowing down the traffic, speed is in the street and you're reducing the level of safety for travel on that street.

>> We know that rougher roads slow the traffic down, yes.

>> Thank you, rob.

>> Councilmember morrison?

>> Thank you, mayor. I want to thank you and your staff for doing such a great job on this. I think that, you know, the idea of potentially having a bond election with limited funding focused on transportation and mobility were really looking for, what we would be looking for basically high impact low cost projects, and I think that the approach that we've taken, that you all have taken, really helps the public understand what our options are, you know, getting our bang for the buck and looking for those congestion relief projects that are generally going to be a lot cheaper than just trying to build our way out of -- with more capacity, so I appreciate that. The -- I think also the way you all have presented breaking up the pie in different ways by looking at phases and areas of town and different types of projects is important and I wanted to stress for the public that there is an amazing amount of information on the website that strategic mobility plan which is helpful. Some of the questions that I've heard from folks have to do with, you know, why did a project end up in a b or c priority? Why did they get the score that they got? And I wanted to take this opportunity to stress that folks can actually go look at all the values that went into the scoring and if there needs to be some conversation about that, I'm sure you all would be happy to entertain that conversation.

>> Absolutely, councilmember. You know, many times what we find is that we either didn't have a complete or good enough definition of what the need was so that we responded to it as best we could, as we gained better information, we're able to rescore or reconsider a project. At some point you do have to draw a line, we're moving forward with this a list as we go forward, but it is important, because we want to continue to improve this tool as we go forward for future opportunities, it's important that citizens continue to communicate on individual projects so that we can respond.

>> And for someone that likes spreadsheets, you guys have provided an opportunity for all sorts of excitement.

[Laughter] councilmember spellman. That I also wanted to mention that we need to understand people's frustrations because the line was drawn for priority a projects at a score of 70 or above, I saw there was 38, which means that, you know, i think that is something that the task force can help us with to see if we need to make some adjustments, but laying out all the information is really important.

>> Absolutely. Ande'd expect the greatest discussion right at the line where a goes to b. That's also leveraged against the capacity that was authorized by council too, so as you get close to that line, you're

getting close to the end of the capacity.

>> Right. And then the one detailed question I have about one of the projects where I've heard differing descriptions of what it really means has to do with the y at oak hill. I think that on the list we have two projects that are in priority a regarding the y, and only one of them then is in the bond package.

>> Yes.

>> And did you describe it. So I wonder if you could give us a little -- the question I think that I'm hearing is the funds in the bond package, are they for planning for a future roadway through the y, or are they for actually implementing sort of quick and dirty solutions to some of the problems?

>> We proposed about \$4 million in this bond program to implement early congestion relief efforts, specifically several council meetings ago, this council authorized us to partner with txdot and ctrma for about \$25,000 to do traffic engineering to look to see if we could improve the current signalization, probably means adding additional signals but in a design that is being used out of utah right now called continuous flow type intersections. What that does is it handles the left turns at the major intersections differently than they are handled now, and reduces the congestion. The benefits we believe are huge for that early solution. We do not believe that it would require an environmental review other than just a cursory review, because it does not contemplate adding structures or other things. It's a signal and striping and where there may need to be new lanage, we believe there's other pavement that could be removed to compensate for that. So it's a surface solution t benefits of that would be expected to last about 6 to 8 years. They would start to lose their effectiveness after that time frame as the normal growth in the region reaches that level. Early estimates are that those early traffic relief solutions could reduce congestion by as much as 50%, albeit short lived, that is a considerable benefit to air quality as well as carbon footprint and certainly would be a welcomed improvement by the citizens that have to endure that intersection as we go forward. That space of time gives the region an opportunity to consider what the next step or the larger project is. You may have seen that txdot has approved funding in conjunction with ctrma to restart the environmental process at the y. Our funds do not contribute to that. I want to reiterate; however, on your behalf, staff will be participating in that environmental study to help see how we can bring the best solution to the community as possible, not necessarily the larest solution.

>> Great. 50% --

>> I'm sorry. I almost forgot, the other project that was not recommended to us was brought to us by a citizen for pedestrian and gap improvements through the y, because there's major construction at least contemplated out there, we think that that project needs to wait and be incorporated in that overall discussion. That does not eliminate sidewalks or other things that might be implemented.

>> And I just wanted to highlight the point potentially reducing congestion 50% short-term, that's pretty significant.

>> It is very significant. And that's really the only reason we would propose such a short-term project

because even if we can only reduce that by that much over four, six years before it starts to decay, that is a worth while investment. We know from our participation in the 71 or the mopac at ben white interchange, the dramatic improvement in air quality by simply making that financing investment to finish that set of ramps, that's what really turned us on to this idea is the something shorter term. We are proposing in this bond to also do something similar on 183 south, south of the 290 interchange down to the ben white area. Again, the region is contemplating a major investment in that corridor, and we've asked the question could we make interim improvements that would bring some relief to some of those intersections while that construction project is being funded and moving forward. So again, similar strategy.

>> And then I just wanted to highlight one other piece of your presentation that i think is so interesting, in terms of the regional partnership where you indicated that we have about \$2 billion in the region, and 95% of that is going to roads, 1% to like trails and 3% to transit, and so i think that shifting some of that -- I mean obviously we need to deal with roads, but shifting some of that to other mobility choices really is going to open up options and you can see that you can get it for not that much money.

>> Absolutely, councilmember. And not to mislead you, some of those highway investments will provide platforms for transit, for instance, the mopac managed lane, once that is available, then there becomes a viable option to add transit to that corridor in terms of express buses and so forth, so I don't want to mislead you, but there is some mixing of modes in terms of some of those investments.

>> Thank you.

>> Thank you.

>> Thank you very much.

>> There are not going to be any shortage of comments as we go through this process.

>> I'm sure. I want to thank my staff, assistant city -- assistant director and his staff. They really delivered on this for you, so thank you very much.

>> Yeah, thank you. So next we'll go to our downtown bicycle boulevard plan briefing. Looks like it's unlikely that we're going to get to the urban rail system plan briefing this morning, since we only have about 25 .. go ahead.

>> Morning mayor. Councilmembers, thank you for the opportunity to come and talk to you, and the words of that great 20th century philosopher, monty python, for something completely different. We're going to talk a little bit about the downtown bicycle boulevard. Thought we'd start off with a definition of what a bicycle boulevard is. There's been a lot of talk about it. It's really a shared roadway for all modes emphasizing bicycle motility. We're not in any sense adversely impacting vehicle capacity mobility but we are making good accommodations for multimodal use of the roadways. So why are we here today? We're clearly here to present the staff recommendation and talk about the process which was extensive that we

went through, but really one of the reasons that as we went through the community outreach, we're asked are we going to go back to council, is because our intention is to do a lot of this work using in house resources so there won't be another opportunity for council to hear where we're going and have council comment and input. We're here to show you the end result of a long process with a lot of outreach that occurred and show you what came out of that. I'm joined today by the bicycle program manager as well as economics who did an impact analysis for us at the request of many concerned stake holders. I'm going to turn it over in a minute, but I do want to stress bicycle boulevards really are a commonly accepted practice for those cities that lead the pack, bicycle mobility. We were in Washington to accept the award and we noticed on Pennsylvania Avenue in Washington, they've taken out the two center lanes of traffic and made bicycle lane essential throughout the city of New York which has high congestion, high capacity issues. They also have bicycle lanes throughout all the burrows, and Minneapolis and other extremes with in weather has implemented a network of bike lanes. The question is where are we going to go from an Austin perspective to craft a solution that is unique to our city and meets our needs, with that thought I'm going to turn it over to Anique and let her walk us through the process and the staff recommendation.

>> Thank you, Howard. A picture is worth a thousand words, I'm going to talk you through a visualization of the staff recommendation and then I'll go into more detail. Takes about five to six minutes and I'll talk you through the improvements. You'll see them light up in green, the new CIP improvements we'll be implementing and then they will fade away. We're going to start Ornerio Grand at MLK and head south into downtown. On Rio Grande at MLK. I'll mention that Rio Grande currently, you all know from being in Austin for a long time, those of you that have been, there's already a prohibited left turn on to Rio Grande off MLK so there's natural volume control for motor vehicles and the first part of the construction will be a left-turn-only lane for bicycles which you see there. Cyclists will then travel south on Rio Grande and they will encounter traffic circle which will help slow the motor vehicles and it also eliminated north-south stop signs since we all know we hate to see them run, so this will eliminate that issue. Continuing south, a set of seat cushions, we've seen those throughout the center and lane markings, we'll be using them here. Continuing to move south, we're heading toward ACC, another traffic circle. These will be landscaped and we'll be working with the community to design the landscaping, the Cabelli school and ACC and the other schools have showed an interest in helping with the look and feel of those circles. AT 14th, A MEDIUM, ANOTHER Landscape median, and speed cushions. We're using a variety of traffic calming, that's what is shown as best practice to actually slow vehicles. Moving south, another set of speed cushions and then this long green area is a new dropoff/pickup zone for ACC. We'll also be doing one in front of P's, which is going to help congestion, because you have parked cars and double parking for dropoff and pickup, blocks the travel lane. This is going to move everything over one car width and keep the roadway moving. That's P's elementary right there. Continuing to move south. Another traffic circle. These traffic circles alot to eliminate the north south bound stop signs. It will keep things smoother for motor vehicles as well. Another set of speed cushions. And you guessed it, another traffic circle. Now we're moving into kind of the heart of downtown, the character of downtown changes a bit. Shared lane markings again. We added foldouts or curb extensions here because of the high pedestrian use by ACC, to help pedestrians as well as visually identify the corridor as the bike boulevard. We'll be changing ankle parking to reverse angle parking between 5th and 6th street, and again curb extensions and a new traffic signaturate at 5th and Rio Grande, again, high pedestrian area. The terminus will be a new hike and bike bridge that spans the creek

for direct connect to the initial trail. Those are the extents of the improvements on rio grande. Now we're heading north on nueces. Traditional bicycle lanes with parking adjacent to them. They will be colored, I'm for burnt orange but we could do maroon, maybe. I don't know. We'll work with the stake holders on that. Again, bike lanes with parking and then at 7th it angles, we use shared lane markings only. We don't have bike lanes because of the high needs as we approach the criminal justice center. We'll also be looking at eliminating north-south stop signs in this area as part of this recommendation working with the austin transportation department. Again, between 7th and 13th, SHARED LANE MARKINGS Keeping the parking, we'll be using place making signs to identify the corridor as the bike boulevard, the duo corridor approach. AND AT 13th, WE'LL GO BACK To the enhanced colored bicycle lanes all the way to mlk, and there will remain parking at all times on one side of the street. Heading to mlk. So in the next few slides, i will talk about the considerations that went into the staff recommendation, the process, and the next step. And I'll also add that nueces and r grande are significant part of the bicycle network through west campus and so this bicycle boulevard makes a nice connection into the ut campus and will be working with the stake holders there to continue improving the bike network in the near future through west campus. Again, you see the colored bike lanes and the parking on one side. So in summary, the staff recommendation is responsive to the outreach and planning process that we conducted. It's a superior project because of that process. It's a dual corridor approach, which you just saw. It's consistent with the city bicycle plan and the draft downtown austin plan. It's sensitive to future downtown growth and development or redevelopment, and it's supported by many stake holders including the downtown austin alliance, the planning commission, urban transportation commission, the downtown commission, the design commission, and the area neighborhood associations nameally original austin neighborhood association and the downtown austin neighborhood association also supported by pease elementary. This is a staff recommendation at a glance. This is meant to show how we responded to the stake holder input. The red items are the things that were proposed originally with the concept of the project that were taken out after further review and input from stakeholders. We also expanded the corridor to rio grande. The green represents the things we added based on the stakeholder input and on further engineering review, things like the new traffic signaturate at 5th and lamar, which has been needed for quite some time, reverse angle parking, the bicycle left turn only lane, and the other items that we went through in the fly through. The process, so the concept of improving this corridor for bicycles has been in city plans for over a decade stting the great streets plan identifying this area as a local access bicycle street and then the city bicycle plan adopted in 1998 also identified this corridor and then you have the draft downtown austin plan identifying the area for priority for bicycles. So in fall 2009 public works decided to go from plan to project which isn't always easy. That's the hard part, but i would argue as a planner, it's the most important part of planning is the implementation of the plan. We initiated the project and we started out with briefings to the city council comprehensive plan and transportation sub committee and to relevant boards and commissions to get their ideas on our proposal to go from plan to project and get any input they might have. After a successful run through through those meetings, we mailed over 4,000 pieces of mail to stakeholders in the area notifying them, inviting them to a design series to give us input on the project and what we could do to create the bicycle boulevard, what would be the best bicycle boulevard to meet the needs of the cyclists and those in the area? We went through that process in the winter, and we had a lot of concern and a lot of input about the project. We conducted traffic impact analysis and an economic study based on the requests of many of the stakeholders, and then we did further review of our engineering tools, and of the redevelopment happening in the area now and into the future and released

a staff recommendation in the spring 2010 that was responsive to all of that input. Throughout the six month, seven month process, we also had numerous smaller stakeholder meeting with various stakeholders, we made ourselves available at any juncture to have a transparent process and answer all the concerns and questions. The next slide I think is the most important slide, as it's going to run through the considerations that went into the staff recommendation. Namely, the preservation of network capacity, and the enhancement of the bicycle network. That was our number one goal. This is a mobility project and that was our number one goal. We examined our traffic calming toolbox, we have some new tools in the box, once we went into the public, we realized perhaps we're not appropriate for downtown on certain streets because of what's going to happen into the future. We had a lot of input on consideration rio grande, and I will say that not only did we hear this from the stakeholders, but during the downtown austin plan process, we also heard from those stakeholders that maybe rio grande should be considered as also being a bicycle corridor. So that wasn't new. We started scratching our heads. We need to look at rio grande more seriously. We also got involved with there's four schools on rio grande making traffic calming a win-win on that street. When we looked at the redevelopment potential for the downtown, and we looked at nueces and the volumes predicted into the future, we really started looking at a better tool which might be bicycle -- enhanced bicycle lanes meaning with color, and shared lane markings because of the parking need. So we started to look at the dual corridor approach at that point. We considered future capital improvement projects in the a, zoning, redevelopment, we looked as far as -- a short-term as 2012 and as far as 2020, was an interesting process, interesting analysis. We also had the benefit of our traffic impact analysis which did a detailed analysis of different versions of the bike boulevard. We did a very aggressive plan with diverters and pinch points and very progressive traffic calming and then we also modeled -- what will the traffic be like if we do nothing. And it was very interesting data, and the staff recommendation is one which preserves back to bullet one, network capacity, but is still going to accomplish keeping rio grande in the volume threshold that a bicycle boulevard is supposed to have while still with this dual corridor approach addressing the motor vehicle traffic needs in the area. We considered roadway grades. That was a big stakeholder issue on the bicycling side. Rio grande does have some steeper grades making again the dual corridor approach important. At about 13th street, it becomes a little bit steeper than nueces, so we're going to have signage and place making to direct the new cyclists or beginner cyclists to nueces at that point, and we have the enhanced cycling. The color are important on nueces, because they give a greater safety to the new cyclists which is the greatest opportunity to increase the modal separate split is the new cyclists. If folks are going to live in a denser downtown and want to walk and bike, we have to give them facilities that will be attractive for them to get out there and do it. This should probably be at the very top. Public safety operations was a huge -- a huge coordination effort on our part. When we first were initiating plan to project, one of our first efforts was a three to four month internal process with ems, fire, apd, the sheriff's office, just to assure they were okay in general with the concept, which they were. As it evolved, they obviously like this plan. They do like the staff recommendation because it did take the traffic calming tools off of nueces which caused them pause. They were fine with certain elements of it, but they do prefer that the majority of the traffic calming elements be on rio grande which is reflected in the staff recommendation. And then lastly urban design guidelines as set forth by the design commission, that we meet almost all of those with the broact t project benefits include the preservation and enhancement of bicycle mobility. This corridor has upwards of five to ten times the city as a whole modal split for bikes. That is because there are many duly-enrolled acc and ut students that go back and forth and using a bicycle is really the most efficient way for them to be

able to be duly-enrolled. It's an opportunity for place making and more tourism for the downtown area. We found talking to other cities that bicycle boulevards do in the downtown, folks want to come and ride on them and walk on them and because we have the lance armstrong bikeway which intersects there on the southern end of the bike boulevard, we expect that is going to become more and more of a tourism destination for our city. We are going to have a positive effect on motorcycle mobility in two ways. One is currently bicycles and motor vehicles share a lane on nueces. As volumes increase on nueces with a bike lane, the motor vehicles will be able to travel at a higher speed than being behind a cyclist who might be traveling 15 to 20, they will be able to travel around 25. The average operating speed RIGHT NOW, 85th PERCENTILE is 28 miles per hour, everyone is going to have their place hopefully making things flow nice -- more nicely as we have increased traffic and increased density in the downtown. Also on rio grande, with the removal of the north-south stop signs and the traffic calming, vehicles will be moving slower, but they will be moving more smoothly, so there won't be that start and stop and that's going to make a nicer ride for the motor vehicle as well. Lastly, we're providing for the provision of transportation choices which I think rod did a good job of explaining earlier. So our next steps is to start looking at four way stop modifications on nueces, a study to look at if we can remove four way stops between 7th and 13th street, and then once we have that done, we'll also be designing the circular intersections for rio grande with the hope of beginning construction in the fall or winter for phase I rio grande, and I will note that phase ii nueces will happen concurrently with a water line project which is scheduled for construction in 2012. We want to have an economy of scales in our efficiencies, and we'll be implementing that part at a later date. And then because we're doing budget right now, I wanted to also note that the cost of this project is approximately 670,000 for full construction and it is year 2000 bond funding that's been already appropriated for the implementation of bicycle facilities. With that, I'm going to hand the presentation over to angelo to talk about the study which did which is specific to the corridors of rio grande and nueces. Thank you.

>> Honorable mayor. Honorable members of the city council, thank you for allowing me the opportunity to briefly highlight the benefits of the economic impact study that we have conducted for the bicycle boulevard. It is a great pleasure for me to be here after so many years of absence, I guess, in testifying in front of the city council. Our study focused on answering three questions: First one, will the boulevard cause property values of adjacent parcels of property to decline? Number 2, will it make banks bankaverse to providing financing along the corridor. That's what the task force from the beginning. While there are many bicycle boulevard projects around the country and around the globe, and I say we've looked at maybe 15 to 18 of these projects, none of them have ever done an economic impact study, so we do not have a model that we could replicate or follow, so we had to devise one of our own, and that's what we did. We have looked at the economic impact from two perspectives. One is qualitative perspective looking at case studies of what other communities have done and what the impacts have been. And secondly a quantitative impact formulating our own economic model to predict what the outcome of this investment will be for the city. Some of the case studies that we have looked at berkley in california, tucson, as well as portland, oregon, we've selected these case studies because they've provided the strongest similarity I think to the project here in austin. In each one of the case, this cases we found that there will not be any adverse impact on property values. There will not be a decline -- there will not be a decline in commerce or retail sales and more over there will not be any impact on financing. In fact contrary we found that in all studies that we have looked at, all case studies, when there's been an

increase in property values over time, never one study has indicated a decline. As far as financing in Tucson, there are two projects underway on the bike boulevard, one is a ten unit sustainable housing development and then another high end condo development is occurring at an average price of \$600,000 per condo, so that provides some anecdotal information, you could say, about there's not been an impact on financing projects along bicycle boulevards. Another piece of anecdotal information occurred in Portland whereby 50 business owners have filed petitions with the city to encourage the city to replace parking spots within their corridor with bicycle lanes and bicycle parking areas because they felt the bicyclists would be more beneficial to commercial sales, retail sales through their project. So when we look at the economic impact study, and this is a quantitative approach, we've separated both the new and the existing bicycle users currently on Nueces and Rio Grande, and determined that the economic impact, it's a 6, to \$5.6 million over a decade. But it is a positive impact nevertheless, and we've used the sales tax data available from the comptroller's office, we've apportioned them to vehicular traffic as well as bicyclists. So our approach was extremely conservative, in this particular case our assumption was that bicyclists will increase over time at the same rate, namely about 29%, which was the same -- which was the rate of growth for the last ten years. To the contrary, we believe that there will be a larger increase because the very nature of the project is to make this corridor more friendly to bicyclists. So there is a positive although a modest economic impact. So in concluding the overwhelming evidence that we have found in over 15 case studies, as well as through our quantitative approach, through our own economic impact analysis, there is no negative impact on property values. There is no impact on financing or -- of opportunities available to land owners or business owners in bicycle corridors around the country, and we have also discovered obviously that in all cases there has been an increase in commercial activity because of the bicycle boulevards. The city of Austin I think has pioneered in this development, because I wish if there were other studies that we could have looked at and modeled this one accordingly, there's not never been an economic impact study done for a bicycle boulevard in all the projects that we have looked at all over the world, so I think this is an opportunity to begin tracking this project now, year-to-year, and Austin could very well serve as a model of using this bicycle project for the entire country and the world in terms of monitoring the progress and the impact of this project on the community. Thank you very much.

>> Council, I would like to get some idea of the amount of questions you and I are going to have, because we're at our 12 noon time for citizen communication. We could delay it five minutes or so, but if it's beyond that, I think we need to come back later. Need to pause this presentation and come back ..

>> I have three quick questions.

>> Councilmember? Okay. Why don't we pause this until this afternoon, and we'll come back and after citizens communication, we'll be going into executive session. When we come back, we will begin to address some of the items left over from this morning, and then we'll pick up your briefing after that.

>> Thank you. So we are at -- it is time for citizen communication, first speaker is Dale Flatt. Dale Flatt.

>> Yes, sir.

>> Topic is code enforcement, work without a permit program, fairview neighborhood. Three topics. And you have three minutes.

>> Yes, sir.

>> Just pass everything out at the end. Pass it down.

>> As I only have three minutes, I provided you each with a bound copy of the text and supporting documents I will be referencing during my talk. For those of you watching this broadcast, I have provided the city clerk with a copy as well. I will read that aloud, the highlighted portions. I attended a public meeting held by the code compliance department on FEBRUARY 16th, 2010, AT That meeting, the director of code compliance willie rhodes made several statements I felt were false and misleading. rhodes assured those assembled that he had a copy of the letter from the attorney general state of texas which says he does not have to identify the caller who made the reports. The city did not have that letter at hand. rhodes went on to state he had a copy of every permit ever issued by the city of austin since the 1930s. See tab 3. This is a public information request whereby the city admits to losing, misfiling or in some cases the old records were so badly damaged they cannot be scanned. In short they do not have a copy of every permit issued by the city of austin. Many homeowners stated they purchased their homes in the present condition and they should grandthered. rhodes told us there's no such thing as the grandfather clause when it comes to building codes. Refer to tab number 4. rhodes then stated there's no such thing as a statute of limitations when it comes to the building code. See tab number 5. That comes right out of his code enforcement handbook. I and many others feel that rhodes abused his authority as the director of code compliance in making these statements either out of ignorance or out of outright deception in an attempt to dissuade those present from challenging the statements made by him or his employees. This ignorance or deception trickles down from the director to the supervisor to the street level employee. Please refer to tab number 6. Note the appeal sentence. No appeal is available for land use issues. This is misleading and it attempts private citizens of a right to due process. The language in these and other letters and the twists of the facts was not meant to educate the public or seek voluntary compliance. I was clearly meant to intimidate and frighten the homeowners. Some of these families fell in line and applied for a permit, the inspectorred started citing other violations comparing 40-year-old homes to the 2006 building code such as not enough insulation, your ac was not replaced with a permit. You do not have hard wired smoke detectors that is another code violence. The right of the people to be secure in their persons, houses, papers and effects against unreasonable search and seizures shall not be violated. In particularly, when a warrant you should describe the place to be searched. Holding the current homeowners responsible for things that happened before they owned the property, the SIXth AMENDMENT, THE Confrontation clause to be confronted by the witnesses again them. The city is holding them responsible. Again I'm not a lawyer but the lawyer suggested I read this and so should you. The united states department of justice civil rights division.

>> Your time has expired.

>> Crime per person acting under the color of law to willful deprive the person of the right or privilege --

>> your time has expired?

>> Yes, sir.

>> Are there any questions.

>> Thank you.

>> I've been given a list here preferred order. We have a number of speakers on the topic of relocating pure casting. So if there's no objection, I will go in the order -- the list that's been given me instead of what appears on our agenda. First speaker is karen banks, and she has signed up. Karen banks. You have three minutes.

>> Good afternoon, thank you for this opportunity to speak with you. I'm here today to share was the observations of seven outciders about the community in east austin. This past spring myself, and six other graduate students from the community and regional planning program at ut worked on a project with poder to critically analyze issues of justice and industrial contamination in the austin community. Our target was the pure testing site. Our purpose was to consider community-based design guidelines for mixed-use affordable housing, a popular option for the redevelopment of this industrial site. Our message to analyze the social history, feelings of community and physical landscape and the neighborhoods surrounding pure testing site. The report is where you live is the product of our work last semester. Characterized by a mix of industry and residential uses, it is easy to forget the rich history of the working class families in east austin, as early as 1932, families began to occupy the streets just east of pure casting. Decades later pure casting would open. When environmental quality was not a popular concern, pure casting was an acceptable addition to the neighborhood. This addition, however, is no longer acceptable. To quote many resident, it just isn't right that this industrial facility operate across from an elementary skoal. It isn't right that so many industrial operations are concentrated in east austin in close proximity to homes and families. Pure casting is permitted to continue operations across from the school. Despite community desires to rezone the parcel, pure castings along with other parcels in east austin are allowed nonconforming uses. The current use does not nature their future land use. In other words these grandfathered parcels conflict with the desires of area residents for a healthy neighborhood, a neighborhood characterized by its sense of community and not the presence of industry. Until these industrial sites change hands or are subject to redevelopment, they will remain a bayne for the residents of east austin and a symbol of environmental instuses that consider in our city today. Thank you.

>> Thank you. Next speaker is sutton giese, if I mispronounced that, please correct me.

>> A few moments ago you heard karen banks speak about a product that we worked on with poder in the austin community. As stated our purpose was to create community based design guidelines for mixed use affordable housing which is a popular option for the redevelopment of the pure casting site. In formal interviews with community leaders who live in close proximity, it allowed us to discuss experiences living and often growing up in east austin and this particular neighborhood. Many of the folks living in this neighborhood have been there for generations, in some cases the people we interviewed were fourth and

fifth generation and had no interest in leaving the neighborhood. As one interviewee put it, I've been here my whole life. It's home. I can't go anywhere else. It is clear that this neighborhood and their homes have a much greater cultural and social significance than simply monetary value. This subsequently brings up the question how to preserve the cultural and social capital of this neighborhood for its residents, affordable housing is one way to do this. A second issue that became clear from the interview is the manner in which the neighborhood residents experienced pure casting. All of the interviewees stated there have been days when they could smell the fumes coming from the factor. Two said when they have had health problems they wondered if they had been caused by the fumes from the factory. One day I was sitting outside and I could smell it. I was like 7 o'clock in the morning. Now I don't know if it has affect me. I was feeling kind of sick for awhile. I was feeling kind of dizzy. The manner in which residents describe their experience with pue casting is an example how the legal framework behind environmental policies does not necessarily accurately reflect the situation of residence nor address the way that residents are affected on a daily basis. The question is what would be the best design for affordable housing considering its proximity to the school? One suggestion made by residents was to have smaller scale buildings facing the school. Taller apartment style buildings should be located on the northside facing the railroad tracks. How the elementary school influences what is placed on the site and how the design proposal should respond to zavalá elementary are important questions. We hope you will find a helpful guide on how to work with the community to redesign and redevelop the site. Thank you for allowing us the time to speak with you today on behalf of poder and east austin. Please enjoy reading the report and contact us with any questions you may have.

>> Thank you, next speaker is suzanne almanza. Welcome back. You have three minutes. >

>> good afternoon, mayor and city council members, I'm suzanne almanza. I want to thank the university of texas students for their continuous help to bring this issue forward. As you know for several years, we've been working on this issue of trying to relocate pure casting, and every time we bring more new students into the community, they just can't believe it, that a foundry that uses hazardous chemicals would be allowed next to an elementary school, and in a residential area. So every time we get new people coming to the community they say we know this wouldn't have been allowed in our communities and especially in west austin, and this just reinforces what we've been seeing for a long time, that it's wrong. That it's wrong to allow for chemicals to be, you know, in the community residential area and next to an elementary school just because the color of the skin of the children are brown, and because it is a working -- and a working poorer class community. We need to change this. It's not enough to change the zoning in the community which has been done, but to continue to lead a hazardous facility in the community knowing that they used chemicals is a great injustice, and I am glad that we're trying to move and making these recommendations for affordable housing, but most of all we're trying to do the equity land swap. We had a class come and do the research over a thousand properties. We would like to know where that is at, because we think we really need to move. We see the city really moving on trying to give some land for the homeless shelter, for the homeless, but we really would like to see the city also move on appropriating land to relocate pure casting so that we can live in a safe housing environment like children on the other part of the city do. So we ask you today to please move faster, also there is the affordable housing bond money. Let's appropriate some of that money either to habitat for humanity or the guadalupe neighborhood development corporation and give them the money so that they can

purchase the land and be able to redevelopment. There's a lot of different options that the city could move on so that it could protect children of color, the poor and the working poor. Thank you.

>> Thank you. Next speaker is nicole barrera. Welcome, you have three minutes.

>> Hello, mayor, and city council members, my name is nicole barrera. I am part of poder young scholarship justice leadership program. The program is dedicated to the development of youth in young adults of color to address social justice issues affecting them and to assure gender, racial equality. Poder is an environmental justice organization that seeks to empower our community through education, advocacy and action. This summer poder, the young scholars for justice collaborated with the units from the university of texas and the community health service. This survey was straited door to door around the community where pure casting foundry is located. Pure casting foundry is located right across the street from zavala elementary and in a residential area. Pure casting is a 39-year-old facility that manufactures various metal, pure casting uses various chemicals such as chrome, sodium hydroxide and arsenic, these chemical consist cause numerous health effects. We surveyed 63 households in the neighborhoods around zavala elementary school on three separate days, the results of this community health assessment are for 122 adults and 80 children, the most common condition reported were allergies. 32% For adults and 31% for children t next most common condition reported were headaches. 22% For adults and 19% for children. And obesity. 17% For adults and 13% for children. Other notable survey include dizziness, 10% for adults and 8% for children. Hypertension and diabetes. 44% Of the surveyed households are medicaid or chip. 11% Have mask, and 32% have no insurance. We must work together to ensure that residents receive the health services needed to address the health problems identified in the survey. Thank you.

[Applause]

>> that you. Next speaker is anthony gilbert.

>> Hello, my name is anthony gilbert, I work with poder young scholarship justice program. I'm here to discuss the adult issues, health issues we discovered from our health survey. Looking at the graph -- looking at the graph you can see that one condition as far away the most privilege little bit health issue. We found that 40 out of 122, roughly one third of the adults covered in our survey suffer from allergies. We feel in order to deal with issues of adult allergies in east austin, health care dollars should be spent toward identifying what in the physical environment is contributing to allergies. We also believe that whatever is in the physical environment is contributing to high levels of allergies is also contributing to high levels of headaches, the second most common among adults in east austin as well as dizziness, respiratory problems, asthma and nose bleeds. Again, looking at the graph, you can see that conditions looking through diet and exercise also affect a large portion of east austin adult community. 21 Adults suffer from obesity. 18 From diabetes. 18 From hypertension. And six from heart disease. In order to help confront these issues, east austin needs programs to help educate about proper nutritional and exercise and the importance of food preservatives and chemicals in our foods. Relocating hazardous industries are the best tools to create healthy lifestyles and communities in east austin rather than confronting them about

[inaudible] finally issues of cancer which seven adults suffer from, learning disabilities which four suffer from, and birth defects which one suffer from are issues we would like to see further studied. We want to know for sure that these are not by-products of heavy industries and/or chemical exposures in east austin, we need to know that in our physical environment in contributing to these health care issues and we need comprehensive well-being programs to combat lifestyle illnesses. Thank you for your time.

[Applause]

>> next speaker is adriana montez.

>> Hello, my name is adriana montez, I'm with poder's young scholars for justice program. I'm here today to talk about the health issues children in east austin suffer from. Looking at the graph you can correctly identify allergies being the most prevalent health issue in east austin, one might think of being fairly responsible for the climate in austin but in taking with the high number of respiratory problems, nearly 5% of children captured in the survey, asthma over 9% of children in the survey and nose bleeds. Again just over 9%. We can see that something more than just allergies is happening. The youth of east austin suffer from an unreasonable number of lungs, nasal, respiratory issues and we believe that this is part of a result of heavy industry and industrial traffic in east austin. The youth of east -- hold on. I'm sorry. We feel that policy makers need to take note of the physical environment in east austin and take actions toward improving it for the well-being of children in east austin. We also concerned for the well-being of youth in east austin because of the high level of obesity. Ten of the 80 children captured in the survey suffered from overweight and obesity. We need our school to do a better job of providing venue to keep our children active during the school day. We also concerned that part of this high level of obesity is a result of the type of food available in our public schools and would like for policy makers to push for more nutritious meals in school. We also need to address the food preservation -- and chemicals used in processed food. The high levels of headaches, dizziness and learning disabilities facing the youth in east austin. Two by the physical environments in which they are living, likewise, the high number of learning disabilities seems to be as a result of something outside the control of the children or their parents. We urge policy makers to take note of these health issues of the children of east austin that are facing ways to address their physical environment that is contributing to these issues. Thank you for your time.

>> Thank you.

>> Christina herrera.

>> I'm part of poder's young scholars for justice program. I'm here to talk about some of the findings of our recent health survey. I would like to say a little bit about health insurance for east austin. Private insurance is all but missing from east austin communities with only 9 of 63 houses surveyed reporting to have health insurance. Health insurance is largely filled by medicaid, medicare, CHIP and MAP, and also important to note that is that we found that nearly one third of the households surveyed lack any form of health insurance at all. We need the policy makers to address the issue of the lack of health insurance for our east austin community members in a serious way. One third of the households

not having any form of health care is unacceptable, we need alternatives that cover more people and outreach to let people know the programs they are qualified for. We also collected information. The highest response for households surveyed was receiving their health care through clinics, pointing the importance of clinic in our communities, the second highest response was through private doctors, people going through private doctors are largely doing so with the help of their house insurance provided by medicare or medicaid. Response to large house issues and/or severe illness. 16 Households reported using their health care in an emergency room or nonat all. We would like to see policy makers helping these people receive health care through doctors or clinics. We feel the issues of the health care in east austin are very important and expect health agencies and providers to use this information for better service for our communities. Thank you for your time.

>> Thank you. Thank you, eddie perez?

>> Hello, mayor and city council member, my name is eddie perez, and I am part of poder's young scholarship justice, as a young person i would like to have the opportunity when I graduate from college to live in my east austin community. I would also like the opportunity to [inaudible] as a youth and when i graduate from college. These are the opportunities that I and other young students of east austin are working to achieve. As you review the city's budget for the new fiscal year, we urge you to seriously consider the importance of youth services and employment when making tough decisions about the budget. We are austin's future and we are depending on you. Regarding the community development block grant fiscal year 2010-2011 action plan, we recommend funds be made available. Community gardens and the possibility for future community hilt single-families as funds become available. This is a project that poder and members of the neighborhood review team have worked on with the health and human services department and other city departments for over a year. We also support funding for the affordable housing by the guadalupe neighborhood development corporation. This project will provide 96 units of real affordable housing in our area and help alleviate gent triification. The ysj supports the allocation of \$180,000 of c dB G FUNDS TO THE SOUTHWEST Key initiative to provide job coaching, training to ensure east austin are prepared for employment in the new green economy and HAVE 21stCENTURY JOB Skills. Clear.

(One moment, please, for ..) and I certainly am aware that the land study that was done 's students do that and we had also looked with our real estate folks and talked with them about other properties that might be available. The problem with a land swap is as far as the pure casting folks, they not only need land, they need to relocate their business which adds many millions of dollars on to the price tag which I understand the city isn't able to participate in. You'll recall that we did a whole lot of work with tceq and they did somewhat extensive testing. None of it was really very satisfying I think to those of us that were involved in it including the scientists and the sierra club and all that. One thing that we are looking into if only a small glimmer of hope is that we have new leadership over our regional organization now that really is looking into the adequacy of permitting, tceq permit, so we are looking into the positive bit of whether or not we could work with some of our folks at the statehouse, see if that could be something to explore to yet again try to find some kind of niche for how we might be able to deal with this issue from our side of it. But I appreciate all the work you all have done and keeping up the effort.

>> Mayor Leffingwell: Next speaker is -- last speaker is ronnie reeferseed. Topic is peace and freedom and flour ride. And fluoride.

>> The last speaker, number 9, which means there's always room for extra speakers so change your rules, please. Yes, I'm ronnie reeferseed, and to poder, fight mono sodiumglutamate and if you really care when diet and everything. But hey, kids, love your life now. It's never better because the second you start imitating us grownups with that first hit of cigarette or alcohol, it's over. The only problems, kids tell your parents that you don't want to die early from the toxic sludge in your water. For your information, the mayor and the entire city council of criminals have been taking enough bribes, loan guarantees, kickbacks and other deals from other criminals to steal your precious taxpayer dollars to make us pay for the poison. They all admit they don't drink, they never drink this top poison, the toxic sludge of at least 150 toxic chemicals from territory lieser and aluminum production plants they shove down our throats and make us pay for it. Call the mayor, 974-2750, and ask him to please stop poisoning us with this toxic sludge. All us voters do whatever it takes to get rid of these criminals so we can have safe, clean, nonfluoridated water. Also, call 202-451-1111 for the president. I think that's the number to call and ask him about all those dead black babies much and what about so-called barack obama's so-called president [indiscernible] kenyan born indonesian citizen what. Is he doing to lessen the ongoing genocide against black babies? Not a clinic. Or instead is he continually following the trail of death and w genocide and mrs. felony hog wash clinton. Beyond reagan's idea, former president sill predator recently speculated ron paul enthusiasts like me, enthusiasts from the tea party movement are going to cause violence somewhere. Huh? That's total hog wash. paul are long-time peace enthusiasts. Or activists. To learn more call toll free for weekly updates from the ron paul and org, com and pauls in , it's happening despite zionist controlled media. Hey, you don't believe in death panels --

[buzzer sounding] -- about it.

>> Mayor Leffingwell: Thank you. You know what the buzzer means.

>> Okay. I got it. Thanks for your --

>>

>> Mayor Leffingwell: Also, you may or may not know that it is not legal to bring campaign materials into city hall. I don't know whether showing those materials on the screen is specifically prohibited if they constitute campaign materials, but we're going to next meeting.

>> If you challenge the first amendment, you are going to lose.

>> Mayor Leffingwell: Those are all the speakers, and without objection, the city council will go into closed situation pursuant to section 071 of the government code for consultation with legal counsel and take up one item, item 106, concerning nathaniel , versus leonardo quintana. Is there objection? Hearing none, the council will now go into executive session.

[Rumbling] Announcer: What if a disaster strikes without warning? What if life as you know it has completely turned on its head? What if everything familiar becomes anything but? Before a disaster turns your family's world upside down, it's up to you to be ready. Get a kit. make a plan. be informed today.

[01:05:33]

>> Mayor Leffingwell: We're out of closed session. In closed session we took up and discussed legal issues related to item 106. No action was taken. We'll go back to our morning agenda in order so far, and the first item we'll take up is number 13, which was pulled by councilmember riley.

>> Riley: Mayor, I just have a question for staff on this. The 200 block of congress, the block just east of congress, the planning commission recommended the alley vacation contingent upon a hotel complex. Is there a problem with doing that?

>> No, there's not.

>> Riley: Okay. So we could do that. Okay. Well, that was my only concern, mayor. I will move planning commission recommendation on this.

>> Mayor Leffingwell: Motion by councilmember riley to approve the council -- the planning commission recommendation on item 13. Is there a second? Seconded by councilmember cole. I have a question for the applicant. Is the applicant in the room? You understand the motion that's on the table, the planning commission recommendation?

>> I do, and we don't accept it. I think we should hear from council for the city, and you will find that it's a very dprai area. That it would require an escrow agreement signed by the owners of the property and the owners are not going to consent. Not going to consent to that escrow arrangement because of the difficulty it would impose in terms of financing. It would be an exectory contract. That would require site development permit approval, so we would be relying on hundreds of millions of dollars we would be relying on city staff to approve a site development permit, and it would be reliant upon on the other side -- it would be exectory on both sides. Relying on payment for the alley vacation. We have handed a check to ms. riser for the value. I would also focus a little bit on the fact that we are we are retaining a public utility easement on the property. So this issue will again arise at site plan when the city has another chance to look at the two easements that will remain on that particular alleyway. Finally, as you know, councilmember riley, the alley to the north and south have been vacated, so in terms of connectivity, i think we wants folks on the third street lance armstrong bikeway rather than in the alleyway would be my - - and I think your preference is since you have not yet put an alleyway in any bike plan that you've proposed. Those would be my kind of points in terms of this particular thing. And I would encourage a substitute motion supporting the staff recommendation, which is a straight-up alley vacation without the

additional conditions. Thank you.

[01:08:51]

>> Mayor Leffingwell: Thank you. Does the city attorney want to comment on this item?

>> Good afternoon. Gordon bowman, law department. I think you do have the authority to try to condition this vacation on the hotel use, but that wasn't what was before you. It's in the council's discretion.

>> Mayor Leffingwell: Pull that mic up.

>> Gordon bowman, law department. I think do you have the discretion to condition this vacation on the hotel use, but that's something for council to make a decision on. You could approve it without any conditions also or choose to deny the request altogether.

>> Mayor Leffingwell: Would it require an escrow arrangement?

>> I don't think it would require an escrow arrangement. I think the escrow arrangement would be the best way to handle it for a lot of different reasons. Mostly making clear that title was clear and not really gumming up the real property records. I think the escrow agreement basically could give both parties what they wanted. Is the public works director here, someone from public works? I'm just having a hard time understanding the importance of this alley. Given that this will be part of the great streets program on the front side on congress avenue, so I want to ask you if preservation of this alley serves any public purpose.

>> Upon our review of the application we determined that the alleyway does not currently serve a public purpose.

>> Mayor Leffingwell: Thank you. Any more questions, council? Councilmember shade.

>> Shade: So if i understand correctly, then the staff recommendation is to approve the -- to approve the vacating of the alley.

[01:11:03]

>> Yes, ma'am.

>> Shade: I would like to make a substitute motion to support the staff recommendation.

>> Mayor Leffingwell: Councilmember shade makes a substitute motion to support the staff recommendation. Is there a second? It's by councilmember morrison. And I will just say that i intend to support the substitute motion. This council is already on record months ago passing a unanimous resolution to -- asking the staff to do everything in their power to facilitate the construction of a convention size hotel on this site. I realize your condition, councilmember, is -- this only applies if there's not a hotel on the site, but i think it does impede the process and make progress toward that goal which we've already approved more difficult. So I'll support the substitute. Councilmember.

>> Riley: Mayor, if i could add a word. I would add that zoning on this site, which we will be getting to in a short time, is contingent upon the construction of a hotel. Can staff confirm that that's correct? The cure zoning is in fact contingent on there being a hotel. And I don't see a good reason why the alley vacation couldn't be treated similarly. In general an alley -- we have not been very careful about our alleys downtown. Alleys generally should be vacated only for a public benefit. Not simply for private development. I absolutely support the construction of a convention center hotel and I think that is a very significant public benefit that would clearly justify the vacation of this alley, but if all we're doing is saying we don't still care about this alley and we'll just put it out there for whatever gets built there, then I do have issues with that. I would much prefer that we make it contingent on the construction of a hotel just like the zoning on the site is proposed to be.

>> Mayor Leffingwell: I think we've heard from the applicant that if they don't get the alley vacation clean, they will not seek the zoning.

>> Riley: That's their call.

>> Mayor Leffingwell: Right. Any further discussion? Councilmember cole.

>> Cole: Mayor, I have a question of either greg or legal. Let's try greg first. I guess I'm trying to understand how we would make this lot contingent on a convention hotel. Is that some type of restrictive covenant or do we have the authority to do that? 00 agenda we have two zoning cases that discuss this property. And the way the application was filed for the cure zoning, that they could take advantage of greater enhancements on the property if they did a hotel type of use. If they did not, then it would be the normal requirement that you would find for the base district. And if they build a hotel, they would get the , the room counts and things like that would be attached to that application. But it's onlyf that use is utilized. Otherwise the other uses would maintain the existing base district requirements. So that's how we're doing it is through a cure zoning. It doesn't address the alley, per se, because it's changing the zoning restrictions and relaxing them if they built it for a hotel. And they're not relaxed if they don't build the hotel.

[01:14:45]

>> Cole: So it seems to guernsey, that it would be a good idea to postpone this item until we considered the zoning cases. Are you recommending that or how do y'all --

>> you can certainly do that. 00 and we can bring forward the zoning case.

>> Councilmember, you could do that; however, really the vacation -- your decision on the vacation is independent of your decision on the zoning. So really there would be no reason to pull them together.

>> Cole: Okay.

>> Mayor Leffingwell: Further discussion? All in favor of the substitute motion say aye. All opposed say no.

>> No.

>> Mayor Leffingwell: I believe that's councilmember riley and councilmember cole opposed, is that correct? Substitute motion passes on a vote of five-two. Now we'll call up item number 15, which was pulled by councilmember cole. This item involves three

(indiscernible) in the central city, bartholomew, west enfield and deep eddy municipal pool. And I basically wanted to ask staff some questions about your the plans for these facilities. Thank you, sarah.

>> Sarah hensley, director of parks and recreation. We are getting ready to enter into a design-build, which would begin, first of all, the design work for bartholomew pool. And we would be working with the windsor park neighborhood association and begin the design process in september to develop what we hope to be a state-of-the-art pool there at bartholomew park. In the interim staff hoped to be given permits by the week or week and a half to move on the splash pad at bartholomew park which is over by the playground area so there will be some relief for our families and friends during the hot season.

[01:17:17]

>> Cole: Excuse me. You're saying that's going to happen on what time period?

>> Doesn't would begin for bartholomew, complete redesign and rebuild of that pool, september of this year. Now, I want to be clear too because that is a complete redesign and rebuild. This pool failed in 2009. A study was done in 2002, an engineering report for all of our pools, and this one was listed as one that needed to be replaced, but didn't show significant emerging issues. Unfortunately in 2009 when we filled the pool, the pool failed extensively through some cracks, serious cracks that water leaked all through the pump room and a structural engineer gave us a report that said it could not be repaired. We expedited then to move up the redevelopment of the bartholomew pool. So it's going on and will start in september of this year through heavy public involvement and working with the neighborhood associations and the citizens and then behind that will be the work that needs to take place with deep eddy and west enfield. So in the interim, though, because it will take us, as I say, a complete redesign and then we may

even have to move a little bit from the current site of the pool because of structural issues for the rebuild of bartholomew. Then in the interim we're working as fast as we can on getting the splash pad up there at bartholomew so that we get that going. And currently young people and families are going to dottie jordan to swim. That's where we've kind of referred them until we get the splash pad up and going.

>> Okay. I guess I know that bartholomew is a very, very high use pool in the summertime. And I'm familiar with dottie jordan, but it's not quite as large. So I'm glad that there are plans to definitely replace that pool as quick as possible.

>> And we're going to move as expeditiously as we can, making sure that we get as much public input on this because this is an opportunity to create a really nice creative, state-of-the-art pool and we want to do that.

>> Cole: Okay. I think it's great you're getting public input, but let me give you kid input. Hurry up.

>> I gotcha. Okay. Thank you.

>> Cole: Move approval.

>> Mayor Leffingwell: Councilmember cole moves approval of item 15. Seconded by councilmember spelman. Further discussion? All in favor? Any opposed say no. It passes on a vote of seven to zero. Council, that now brings us to item 29, 81 and 86, which have been grouped together for public comment and for discussion. However, we will vote on them separately and the order of voting will be 81, then 8686, then 29. So I'll entertain a motion until we specifically call up the first item, which is item number 81. These items were all pulled by councilmember spelman, so would you like to make comments before we go to public comment?

[01:20:34]

>> Mayor, how many speakers do we have signed up for this item?

>> Nine.

>> Spelman: I'll defer my comments until the speakers super spoken. -- Speakers have spoken.

>> Mayor Leffingwell: All right. So the first speaker against -- I don't know against which, but lee coon. Is lee kuhn here? All right. Come on down. Adam mehevic. Is adam here? Okay. Ray schule? Greg lewis? Okay. So you will have 12 minutes.

>> Thank you. Good afternoon. I certainly don't intend to take more than four minutes. Good afternoon. Lee kuhn, general manager with allied waste. Over the last several weeks I've listened closely for reasons

why council believes allied waste should not or would not be included in the important negotiations for the city of austin single stream mrf project. What I believe I heard were three items, finances and/or cost. Second being community values and environmental compliance, and the third being a preference to conduct business with local companies. The first being finance. The city felt -- I believe you feel that with the original proposals you were not going to get the best financial package. And I'd like to point out that of all the proposals, ours was by far the most financially beneficial to the city. By the staff's own calculations on an apples to apples comparison, it showed that we were \$23 million better over 10 years than balcones by the city's own calculations. And tds having side stepped the formal process and , apparently now has the luxury of not laying all their cards on the table for a fair and open evaluation. Notwithstanding taking our financial benefits aside, with our public-private proposal the city would benefit from exclusive input into the design and operation of that project through the term of the contract. And at the conclusion of the contract additionally the city would take ownership of the facility at no cost. And that's an added benefit of between 13 and \$15 million to the city that you would otherwise not receive with the other proposals on the table. The second item that you heard was environmental compliance and community support. We stand behind our environmental record. And in our demonstrated community values. The facts are that we had one agreed order and 28 years of operations at our sunset farms landfill. And sense that time, which was eight years ago, we've listened closely to the citizens, to travis county and to you the city of austin and we agree to close our landfill down early. We agreed not to site a transfer station at that facility and we also agreed to many other operational enhancements. All of which we didn't have to do. We listened, we know how to cooperate and work with the constituents with the community and with the city. And despite the facts, our record has been distorted and smeared by only a vocal few. And those vocal few do appear to have a very close relationship with tds. I assure you that this is less about environmental compliance and more about financial gain. It's also been stated that the city wants to give preference to local companies as a reason to negotiate directly with b tds. I would like to point out that our company has been providing local services here in austin for over 30 years. We've been paying local wages and local taxes and our 170 employees live, work and shop in and around austin. We do believe we are local. We believe that the city's process was not flawed, but rather compromised by tds's interference and runaround the formal r.f.p. process. We acknowledge that the r.f.p. process is closed. We understand that. And that you are considering today to negotiate directly with balcones and tds. We again respectfully request to be included in those negotiations so that you can fairly and objectively evaluate our proposal and the benefits that we provide against any others and to be able to address any concerns that you may have. And we ask that so that -- to ensure that constituent, its businesses and its citizens get the best package for the city, both financially and otherwise. Thank you.

[01:25:33]

>> Mayor Leffingwell: Thank you. Next speaker is robin schneider. Is roy whaley in the chamber? Roy whaley? Evidently not. So robin, you have three minutes.

>> I didn't even ask him to give me minutes. Robin schneider, texas campaign for the environment. I've put myself down as neutral since there were so many different proposals. I encouraged the city to

negotiate with balcones and with texas disposal systems, and furthermore with reeb gruene star even though i have a lot of questions about their operations as to whether they would change their short-term deal with the city as well. I strongly encourage you not to take bfi's position and include them in the bid. You folks did the right thing two weeks ago and i don't think we need to rehash all the problems that have been with bfi over the many years that they've operated in this community with many notable problems. But I hope that constituent is finally on the right track with getting down to business, with good, short-term and long-term contracts with responsible companies. We've waited now more than a year and a half for this day, and I really wa to thank all of you for all the time and effort you've put into this. You've had to get very invested in this because we've had a lot of missteps over the years with regards to single stream. Luckily the blue carts are embraced by the residents. Our recycling rates are up and so now we have to finally get it right in terms of once its collected from our homes, what happens next? This will have implications far joined just what the city collects through its residential programs. This piece of infrastructure is critical towards getting us down the road for zero waste and having affordable operations for other -- for multi-family units, for commercial, institutional and other folks who are ready to do more when it comes to recycling. Thanks for your time.

>> Mayor Leffingwell: Thank you. Ruben haselt. Welcome. You have three minutes.

[01:28:08]

>> Thank you, mayor. I'm ruben with the austin zero waste alliance. It's our perspective that we really want the city to get the best possible deal when it comes to recycling. And I understand there's a large financial component to that, but also in looking at what was the best deal and the best bid for the city, not only does money need to be saved or profits need to be made, but we need it done responsely, done right and with local agreement and local participation. So I think it's important to get as many different players in the process for negotiation, so I would be in support of negotiating with tds and balcones and other local providers. I think it's important that we take the proper steps to make sure that we have infrastructure in place that's going to help with the growth of our city and help with the increase of green jobs here. Thank you.

>> Mayor Leffingwell: Thank you. Next speaker is gus pena.

>> Good afternoon, mayor and councilmembers. Gus pena, native east austin iet, I grew up in front of the tank farm, the slaughter house, tanker company. We are not in support of anything that will compromise the integrity and the environment of the community. I'm here to speak on behalf of a good corporate neighborhood, and that is balcones resources. I've known this company since we fought against them in 19 -- I believe it was 19 -- 1995 or '96 when they were wanting to move from the south austin location to the east sixth street facility. Balcones has proven to be a good neighbor, environmentally conscious and friendly, safety conscious, does not compromise the community's safety, well-being or otherwise. It has embraced the community, has welcomed the community to come into the meetings with them to say hey, this is what we would like to see our neighbor -- you would address our neighbor's concerns. For

example, the u.t. Elementary school on east fifth street. They agreed to balcones -- kerry getter agreed to redirect the traffic to the other side so the kids would not be possibly harmed. So that's in itself a lot of positives I'm talking about. Environment, any time there was any kind of grafitti or any kind of issues with the building, I would call

(snap) automatically getter got on it and the supervisor there. Clean, friendly environment. It also has worked together closely, cohesively and professionally with community and the community leaders. Some of them still are at odds, but nonetheless you can't please everybody. It is a clean, safe, healthy place. Finances has been spoken about, community values, environment. Well, I believe strongly that balcones has met all of these and more. I think they would be an asset to the city of austin, the taxpayers, and therefore why I continue to support getter and their facility in this issue, tds I've heard is good also. I'm not going to talk negative about anybody, but I do know that this man has met with a lot of folks in kerry getter, and as they speak positively about balcones and anywhere they move they will be cognizant of the safety, health, well-being of the community, environment and otherwise. Mayor, councilmembers, we support balcones on that issue. Thank you very much. Bill spelman, you have educated me a lot on these issues also. I'm not going to be a stranger here, mayor leffingwell, but I just had some issues to take care of healthwise and otherwise. Please support balcones and tds and they'll prove their worth, I guarantee it. Thank you very much.

[01:32:12]

>> Mayor Leffingwell: Thank you. Next speaker is james reyes. James reyes. James apparently is not in the chamber. Those are all the speakers that we have signed up wishing to speak. We also have scott johnson, erika fletcher, bryan olson, tim holland and jonathan mckee signed up not wishing to speak. So before we call up the specific items, councilmember spelman, did you want to make a comment?

>> Spelman: I suppose i can make a short comment and then bring up an item. I'm concerned, as I've said over the last few weeks, a propriety of our negotiating with one of the companies that was not , not considered in the r.f.p. Because of the finding on city staff's part that they were not in compliance with our no contact, our anti-lobbying oarns. I believe that tds is an excellent company, they have done really good work with us on the landfill over the last few years. And if given an opportunity to participate in this and have a proposal considered by city staff that their proposal would be favorably considered. Reasonably considered and would be considered on the same level playing field as all the other proposals. However, they did not have that opportunity in large part because of activities of the company itself. I think the best way for us to make a decision on a contract of this size over this long period is through process rather than through a one-off, arbitrary negotiation process. And so my preference at this point would be for us to go back and open up the r.f.p. Process again, if that is something which we can do in an expeditious way. And mayor, if you wouldn't mind, I would like to ask a couple of questions of our solid waste staff to see whether or not that's a possibility.

>> Mayor Leffingwell: Anyone here from solid waste? I would note that that's not on the agenda for any of

the items to reinstitute an r.f.p. process.

>> Spelman: Mayor, I'm given to understand that this is in our parameters of the language.

>> Bob (indiscernible), director of solid waste services.

>> I would also recommend as , that we do have the city's purchasing officer with us here and he may be better suited to answer some of the questions that deal with the processes as opposed to technical content.

[01:35:03]

>> Spelman: That would be fine. I have one basic question. If we were to reopen up this , send out the solicitation again, ask for bids at the earliest reasonable moment, given that I believe all the companies are likely to , have already responded. If we were to make changes , they would of course have to make some changes in their responses. And then of course we would have to examine the proposals and rate them. What is shortest amount of time that that could reasonably be done? I guess this is a byron question, isn't it.

>> Byron johnson, purchasing officer. Our best estimate on that is a five to six-month process to include getting an r.f.p. Out, getting solicitations in, getting them reviewed by staff and then bringing it to council again.

>> Spelman: So five or six months is the minimum period given we've already written solicitation, given we've seen proposals from the vast majority of the companies that are proposing it will still take six months?

>> Really if you're going to leave it out there you need time for them to be able to give a good response tony r.f.p. So we would need to draft an r.f.p. We have not worked on one. We've just talked. Originally what our schedule would be. And I think the reasonable assumption would be that you're going to want to allow that time period to be able to have it out for a period of about 30 to 40 days. You're going to need to be able to have some time once it gets into evaluate the 's, then you will want to bring it back to council. We did generally provide council about 30 days in advance, so that's a fairly optimistic schedule to do it in five months. Six months is realistically.

>> Spelman: Thank you very much. I appreciate it. It's probably a dead letter, but if I could ask you, within the parameters of our posting language, would it be permissible for us to propose -- debra.

>> I think debra thomas has looked at that issue and she can address that for you.

>> Mayor Leffingwell: If it is permissible, I would point out that we have not called up any specific item for

action yet.

>> Spelman: I understand that. I'm trying to get a sense of what the envelope of possible actions are, mayor.

>> Mayor, can I make a statement? I think I just need to put some information out to the council about these two items under robert's rules of order. We currently have two items on our agenda that conflict. So as the council debates taking up this item and the first item to be approved, the second item will not be eligible to be considered. Because under robert's rules of orders the rules say that you cannot take up an item that would conflict with an issue that has already been approved by the governing body. So just want to let you know that that's out there. Order is important, of course, under robert's rules of order. So the first item that is taken up, if that item would be approved, that second item would not be eligible to be considered because it would be out of order under robert's rules of order.

[01:38:22]

>> Spelman: And if I may add, as the mayor has mentioned, item 81 will be taken up first, and if 81 is passed, then 86 will automatically be disqualified from further consideration. Is that correct?

>> Correct.

>> Spelman: Okay. Thank you.

>> Mayor Leffingwell: And I would add it is possible to bring up 86 if you first reconsider and rescind item 81.

>> Correct. It would also, mayor, be -- it would also be available to bring up item 86 out of order under robert's rules of order if there were a two-thirds vote to do that.

>> Spelman: Okay. While we're in the realm of fantasyland, debra, is it possible -- [laughter] would it be permissible under the posting language for us to consider the possibility of opening up the r.f.p. again?

>> Well, short answer is yes, you could. The posting is broad enough to let the citizens know that you will be considering giving direction to the city manager about how to proceed to s mrf vendors. And this is a reasonable outcome of that discussion that you have. So it would be permissible.

>> Spelman: Thank you very much, ms. thomas. Mayor, with that in mind, let me propose that we direct the city manager to send this issue back to -- let me try again.

>> Mayor Leffingwell: Let me say this. Let me call up item number 81 first and discussion on 81 you will be free to make that direction or a motion for postponement, whatever you wish. So we'll call up item

number 81 for discussion and/or a motion. Councilmember shade.

>> Shade: Well, it seems like I feel like we've had a lot of conversation on this item, and I want to propose that we -- I will move to pass number 81, which will allow the city staff to negotiate short-term and long-term options with two companies, two private companies, and also it doesn't take off the table the opportunity if necessary to expand -- exercise the extensions as necessary that are on the existing greenstar contract. So it seems to me the most prudent thing is to support that.

>> Mayor Leffingwell: Motion by councilmember shade to approve item 81. I believe there was a second by the mayor pro tem. Further discussion?

[01:41:07]

>> Cole: Mayor, I have some questions.

>> Mayor Leffingwell: Councilmember cole.

>> Cole: I have some questions for staff. Byron in particular. Byron, how long have we been dealing with this contract?

>> We've been in -- byron johnson, purchasing officer again. We've been on this contract -- we originally started discussions of this contract about nine months ago.

>> Cole: Do you have an estimate of the financial value of this contract?

>> I don't have an estimate of what the total dollar value would be of this contract. There are some estimates of what range the contract is in, but I don't have --

>> Cole: Can you give me a range? One million, two million, 200 million?

>> Somewhere in the ballpark between 25 and \$35 million counting the building value.

>> Cole: Okay. I would like to know what our best practices -- what are best practices for handling a contract of this size and this complexity?

>> Two different pieces.

>> Cole: Of this size.

>> If you're asking what is normal practices, then again, there are two method dolingses. We normally go through a process which is a request for proposals. Again as the legal department has told you, staff

again has said the same thing is that council has the ability to take into health and safety concerns and direct staff to do something, which is negotiate. So both of those avenues are open to council.

>> Cole: Can you give me an example of a health concern?

>> That wouldn't be my call.

>> Mayor Leffingwell: City attorney?

>> Councilmember, I believe what the purchasing officer was mentioning that this type of service is not required to be a competitive process. The law gives you the ability to just direct the staff to go out and negotiate without any kind of competitive process, whereas there are other types of services and other types of issues where you would be required to do that. But this is a specific exemption to that and you have the discretion to not enter into any kind of competitive process on these types of matters.

>> Cole: So I guess then we need to get -- we can do that individually with councilmembers or a separate briefing when we are legally required to competitively bid and then when we just have the option to throw out all the bids and just pick individual bidders. Do you have any comments on that, city attorney? I mean, because it's my understanding now that this is not a health and safety exemption.

[01:44:20]

>> I believe that's what our legal advice is is that this particular type of contract fits under the health and safety exception under the law. As you know, in the state law there's a monetary threshold generally from when you have to bid, and that's the threshold. But that act also has 20 to 25 exceptions to it, and this is one of the exceptions. The act however says that under one of those exceptions if it's an exception to the act, you can choose to bid it even though they're not required to. So we can of course provide you an overview of all of the laws, when you're required to competitively bid or purchase an item, and then all of the laws when you have some discretion, we can do that for you, councilmember.

>> Cole: Okay. And byron, if we decide to rebid this contract, would both tds and balcones be eligible to participate? In a rebidding process?

>> That's a legal question, I believe that --

>> Cole: It's my understanding that without question they would be able to do that.

>> Mayor and council, kerry getter of the law department. You're asking a question about the city's anti-lobbying ordinance essentially. The proposal that tds presented earlier has been disqualified. The -- if the direction to the staff were to reissue process, that proposal would remain disqualified. If the reissue was the same or substantially the same -- in other words, if you're asking us, the staff, to for the same

services, then the disqualification continues.

>> Cole: But if we were to say to the staff, in light of our community values, set additional parameters such as environmental stewardship, record of public health, record of safety. And that those parameters would reduce the number of -- I would believe of applicants that would be eligible to participate. So that's almost a new that I would think -- well, tell me where the balcones and tds would both be eligible to go through the r.f.p. process under. that's issued in the future is not the same or is substantially different than the one that you chose to close two weeks ago, the tds would be eligible to participate in that process.

[01:47:17]

>> Cole: Thank you, kerry.

>> Mayor Leffingwell: Councilmember shade.

>> Shade: I want to point out that one of the -- i have great concern for the purchasing process and for the anti-lobbying ordinance. But I do want to point out that in this particular case in 2008 before I was on this council when a council that you were part of had the opportunity to start a recycling contract, you did it without an r.f.p. I mean, that was under the same exact exemption that the city attorney just referenced. Now we're fast forwarding, here we are today, and actually it was a few months ago, I guess, before we had our current solid waste director in place, when the city chose to do an r.f.p. Process, but we have a -- we didn't have the director in place. We went through the process, which I supported. We got the results back. We looked at those and then two weeks ago voted to close and not select any of the -- any of them. And what we're doing today in my -- what I'm suggesting that we do today is follow the -- follow what we're allowed to do, which is not process and actually negotiate with the companies that we want to direct staff to negotiate with. And so it's -- it's not related. We didn't -- we voted to reject the proposals last time and I think for me there were a number of reasons. I learned a lot in the process. We cast a very broad net. It wasn't for naught, but it was a very broad and included short-term, it included long-term, and that made it a very unworkable process in my opinion in order for us to make the selection to get the best value for the citizens. As I sit here today it makes sense to me that we have an existing contract in place for the short-term that allows for extensions. It's already in place with green star. They can continue doing what they're doing. In the meantime we direct staff to evaluate the best possible options on a short-term and long-term basis and give them clear direction to start doing that because the contract that we have expires sooner than later. So I think it's time to provide that. I think we've considered most of the issues that you've raised, but the disqualification of tds, that was the penalty. Perhaps if they had not been disqualified and they had bid, they might have been selected. I don't know. There's no way to know that. But I know that in the process, what we had, none of them were ones that i felt comfortable voting to select. And that's why I want to get busy negotiating and it makes sense for me to negotiate with multiple providers and it makes sense to me to not do a public-private partnership, but to actually contract with a business that owns and operates their equipment. That's why I'm supporting this motion.

[01:50:29]

>> Cole: Mayor, I have a brief response.

>> Mayor Leffingwell: Councilmember cole.

>> Cole: I agree with you that we should negotiate with multiple ploirs and i also agree with you that we should negotiate with tds and balcones. Where I disagree with you is where we had the green star contract, none of the issues that are in front of us now existed then, which is timing issues, delay issues, anti-lobbying issues. Now I just think the sanctity of the preciewrmt process is on the line. And because the two companies that we want to negotiate with will be able to participate, get the exact same start, we can reduce the parameters by which staff considers s that it could possibly be even a shorter period of time, but we say not only to the recycling contract, we say to every other contractor that comes before us, this is how we do business. Especially if there's any doubt about our decision-making process. I just don't see any reason to -- and we're both -- both resolutions today, the one bill and I were considering or you guys were considering, contemplated an extension with green star. And a rebidding process again is going to contemplate a rebidding with green star.

>> Mayor Leffingwell: Further comments? Go ahead.

>> Cole: So I -- I guess you made a motion. I will b making a motion to substitute that we rebid again and in accordance with the resolution we extend the contract with green star, that we give the additional parameters that part of our community values include environmental stewardship. The public health records, their public safety records, and also a positive cash flow to the city. And that's my motion.

[01:53:00]

>> Mayor Leffingwell: Substitute motion by councilmember cole and second by councilmember spelman. Councilmember riley.

>> Riley: Mayor, I have a couple of questions for mr. getter. We just went through like process and now with the motion on the table it contemplates the issuing again except with additional requirements built in. Can you give us your sense of the -- of what you might expect from the -- in terms of responses to the issuance ?

>> Hard to project. The -- obviously specs going out, the bid specs would be different, obviously. Hard to predict who would bid. It could be a more enlarged number of bidders. It could be a fewer number of bidders. It's hard to really project who is going to bid. I'm not sure I'm answering your question there.

>> Riley: What I've heard you say in previous discussions about this, you didn't really expect much of a difference.

>> I think you'll find similar bid responses. I would agree with that.

>> Riley: Which we did not find satisfactory through the first process. If you had authority to negotiate outside the formal process, would that empower you with more flexibility in terms of working with responders to meet the needs that the city has?

>> That's a negotiation issue there. And I -- it depends on a lot of variables. Perhaps, yes.

>> Riley: I guess what I'm get at, the biggest single issue we had with the previous response is that with one exception they were many losers for the city. And to a significant degree. And so my headstation is going out with a very knowing we're likely to get significant responses and they will still be money losers. And what I'm looking for is an alternative approach that could perhaps lead to a more encouraging outcome for the city in terms of the cost that we'll be paying. And one possibility is that if we could somehow divide up the work to be done into smaller chunks and figure out who is most capable of meeting separate chunks, then maybe that could lead to a more attractive outcome for the city. And the negotiation seems like a more likely context for that sort of discussion to take place. Is that fair?

>> In negotiations there are multiple approaches, so there are multiple paths that could be taken to -- i would also state that any bids received are fully negotiable. So it's a guessing game of what your latitude is on negotiation from a bid process versus a non-bid process, how far the two parties can stretch on a bid negotiation path.

[01:56:21]

>> Riley: One last question focusing specifically on our short-term needs. It's my understanding that balcones has a limited ability to provide a mrf -- to process our recyclables on a short-term basis. So really under smz's motion, we would really be talking -- we would be talking mostly about negotiations with tds, knowing that we -- that there's a fall back that we do have the possibility of extending our current green star contract to a six-month extension. Is that right? So we would be negotiating -- for short-term, we would really be negotiating with one entity. We would likely be negotiating with one entity with a fall back of extending the green star contract.

>> Councilmember, I don't think we can answer that question because we're dealing with a situation where we don't have any parameters yet. We don't have any direction from council on what to do. I think it would be premature to make any judgments or assessments.

>> Riley: Okay. Maybe I'll hold on to that question pending the decision on the motion actually on the table?

>> Mayor Leffingwell: There is a substitute motion on the table with a second. I'll try to encapsulate that motion to be to reissue an with different parameters yet to be determined, but sufficient to distinguish it from the previous r.f.p. Is that correct? Maybe you would like to correct it.

>> Cole: I do have specific parameters that i would like to be part of the motion, and they are, one, environmental stewardship. Two, is a part of our community values. The public health record. Three, the public safety record and consistent with what councilmember riley was suggesting, that we have a long-term positive cash flow such that bidders recognize that we do not want to accept bids that do not have a positive cash flow for the city. And that is my motion.

>> That's your motion? Do you accept? Will you furnish that to the clerk in writing? All right. Motion on the table with a second. The substitute motion will go first. All in favor of the substitute say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no.

>> No.

[01:59:00]

>> Mayor Leffingwell: I believe that fails on a vote of two-five with councilmember riley, mayor pro tem martinez, councilmember shade, myself and councilmember morrison voting no. That brings us to the main motion. And all in favor of the main motion -- does everyone understand the main motion?

>> Riley: Mayor, if i could get back to a previous line of questioning. Now we're back to councilmember shade's motion, which as i understand it directs staff to negotiate with tds and balcones for short-term and long-term options and the concept that we're working from is it's better to be able to negotiate with more than one player at the table. What I'm getting at is with respect to the short-term options, we will essentially be negotiating with one player at the table, granted we have a fall back of expanding the green star contract, if we're not satisfied with what we might get with tds. But what I'm wondering is would there be any advantage in being able to negotiate with green star in addition to the other two entities with respect to the short-term options?

>> Again, councilmember, i think it depends on the direction from council. I think what I've heard is that it's clearly to the city's benefit to negotiate with multiple firms to ensure that we can obtain competitive pricing. In addition to price, though, we still have an obligation to look at capability as well as in terms of processing material and financial capability as well as liability protections to the city. So those are all things that would have to be negotiated whether inside or outside an r.f.p. process. It's probably still premature to figure out who would -- what the transition approach would be until we start those

negotiations.

>> Riley: Mayor, we already have a pretty good sense of capabilities since we're talking about the firm that is currently handling our recyclables. So I guess what I would be proposing, which I think would be a friendly amendment to the motion, is that with respect to short-term options that we direct staff to negotiate with green star in addition to -- into the other entities that are already identified and come back with conditions in the event that that leads to a more favorable outcome.

>> Shade: I accept that as friendly. And I think it's -- i thought it was a given, but I'm absolutely glad you've clarified that.

>> Mayor Leffingwell: City attorney, is that friendly amendment acceptable under the posting language? The second was mayor pro tem. Do you agree?

>> Martinez: I have one question on that. In order to negotiate with green star because we're under an existing contract, in order to sit down and negotiate short-term, they would have to laterally agree, wouldn't they?

>> The contract with green star right now requires bilateral agreement of any modification. If the city doesn't agree to it, then we don't have to exercise those options. If they the don't agree to it then we can't exercise those options. I don't think that precludes us with a new agreement.

>> Martinez: So if you say you have your extensions on the table and the current contract, then that's the end of negotiations with green star?

>> Correct.

>> Martinez: Thanks.

>> Mayor Leffingwell: Favor of the motion as amended say aye? Any opposed say no. Motion passes on a vote of five-two with councilmembers spelman, councilmember cole voting no. So that brings us to item number 29, which is related.

>> Spelman: Move approval.

>> Mayor Leffingwell: Councilmember spelman moves approval of 29. Is there a second? Seconded by councilmember morrison. Any discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero. I'll call up item number 36, which I believe was pulled by councilmember spelman. And we do have speakers. 36 Was pulled by councilmember spelman.

>> Spelman: I'll defer to the speakers, mayor.

>> Mayor Leffingwell: First speaker is carol torgumson. She signed up against. Peter toregumson is in the

chamber and donating his siem to you, so you have six months. -- Six minutes.

>> Thank you, mayor. My name is carol. I'm here today to ask you to deny the request for an mga that's before you today. First of all, the use of an mga is unnecessary in this case. According to the staff reports, this property is permitted to be developed under the 1986 williamson creek watershed regulations. Because of a restrictive covenant that's tied to the zoning ordinance. Consequently the new site plan which was approve on may 11th of this year has the same entitlements as the original 2006 site plan. The 10 year mga is not required to maintain those entitlements. They would apply to future site plans as well as to the current and past site plan. Second, this isn't a particularly large development. We've seen much larger developments in my area of austin since -- in the same time period of 2006 to 2010. We've had 160 unit, 350 unit and 335 unit development all completed under code with site plans approved in 2006 or later. It's certainly possible to develop 135 unit development without the need for an mga. This is a problem with the business model that's been chosen by the developer. Not the size or complexity of the development itself. This is really a subdivision development model which is acting like a condo development. Third, the mga offers no public benefit in exchange for the 10-year period. Was it was simply the convenience of a developer to not have to refile his site plan if the development takes more than three or four years, which is the time frame of the current site plan. So far he's only developed 10 of the 135 units that have been constructed -- I'm sorry. So far only 10 of the 135 planned units have been constructed since 2006. The use of an mga is a problem because mga's patriot outside the normal -- operate outside the normal public process. There are no noticing requirements, no consideration by land use commission and no public hearings even when it comes before city council. At a time when transparency and open government are a hot topic, here is a site plan extension exception being handled as a consent 00 agenda flying under the public radar. I can count on one hand the number of mga's the city has approved since 1997 when the ordinance was first passed. These had been in cases where there were special circumstances. That's not the case here. This is just a matter of convenience for the developer. Mga's should be used with discretion and not as a routine mechanism for getting around the land development code. The use of an mga in this case will set a dangerous preceden for land use cases to go directly to council while bypassing the processes specified in the land development code and while avoiding public scrutiny. In conclusion, an mga is not necessary in this case. It's overkill. There is no public benefit to the mga. It bypasses the land development code and undermines it. It sir cum vents the public process. It establishes a dangerous precedent of misusing the mga as a mechanism to bypass the land development code. I ask you to deny this request. Thank you.

>> Mayor Leffingwell: Thank you. Next speaker is ron thrower. Ron has signed up for. And you have three minutes.

>> Mayor, mayor pro tem, councilmembers, I know you have a long agenda ahead of you. I want you to know the projects before you is an apartment project and this is specifically a condominium project and it was a project that was acquired after a foreclosure of the project, a bankruptcy. So additional time is required to move this project forward. If somebody had a crystal ball and could determine that three years was adequate, I think we would be great, but nobody has that crystal ball and client is looking for certainty to move this project forward to a completion in a reasonable time frame. I'm available if you have any questions.

>> Mayor Leffingwell: Questions? Councilmember Spelman?

>> Spelman: Mayor, the rule on managed growth agreements is -- continuing with staff recommendation, states that for MGA's -- an MGA application must meet or exceed current code. The current approved site plan does not meet the land development code in its current form. It's calling for impervious 8% and the current code calls for 25%. Tore Dleem Gumson said they're grandfathered through a restrictive covenant, but it's clear the site plan does not meet the current code and therefore doesn't meet the requirements of an MGA. Therefore I move to deny.

>> Mayor Leffingwell: Motion to deny by Councilmember Spelman. Councilmember Morrison. I think before discussion we should get a second on the table. Is there a second? Second for purposes of discussion by Councilmember Morrison.

>> Morrison: Guernsey, I did have a question for you. Good guess. Could you speak a little bit to that? Because when it says it must meet current code, I guess it doesn't explicitly say it must meet the current regulations. It must meet the regulations which it is currently or going to be under. Do you know what I'm trying to get at here? I'm a little confused.

>> Let me clarify one thing. There is an error in the staff report. 8% impervious cover. The overall impervious cover 48 and that breaks down to be on the portion of the property zoned SF-6 it's 58 percent, and on the LR portion 13.9%. Within our packet for the MGA application it says all -- a managed growth agreement application must meet or exceed current code. And will not impede or delay other city initiatives related to economic development or sustainable growth. Staff will make a recommendation to council. And since this has a covenant that's in place, that doesn't necessarily grandfather it under some 245 claim, it's just a right that exists by virtue of this previously existing covenant the city entered in with a prior property owner back in the '80's. It would not meet current code requirements and they could take advantage of that covenant that existed long ago. So does it meet current code? No, it does not meet all the current code because the impervious cover is too high. So we recommend against it. If this were to expire, they could refile the same application and go forward, which would mean my staff would then review it again and they would pay another fee. The one thing that is unique about some of these Tore Gumson had mentioned, this is a condominium and these are attached units. So they have to get an individual building permit in order to keep it alive. If the site plan were to expire, unless they had every building permit for each detached structure, all 126, I think, that are left, then the site plan would expire and they could not take out another building permit without resubmitting the site plan and going back through the process.

>> Morrison: Were you around when that managed growth agreement language was written?

>> I was, but I think that was actually done by the watershed department and working with our legal department at the time.

>> Morrison: It's a little curious to me because it seems they're meeting current code and then they're sort

of being under something that -- they have an eternal right to apparently.

>> I think this was at a time when there were some sunset regulation at the legislature and 245 went away, back when Kirk Watson was here and we actually came up with a project duration provision within our own ordinance that would -- that would make projects like this go away after a certain period of time. But this was something that was put into place that a developer -- if they're meeting all our code requirements- could get some certainty into the future and would allow that project to be under whatever code requirements there were at that time that that particular application was put into effect. Not unlike if you had a project begin under the chapter 245 local government provision that allows for vesting of a project if you were continually moving forward with that project in subdivision, site plan and eventually the building permit that your project would not expire.

>> Morrison: And it sounds like they didn't really contemplate cases where there might be these restrictive covenants in place, giving other entitlements.

>> That's probably correct. We discover these as applications come in. There were many, many that were done during the time of 1986 when we annexed the Oak Hill area into the city limits, and it was a negotiated process. A property owner would come in, we didn't have the conditional overlays that we have today that would modify zoning. So a property owner would say, well, I will agree to lesser impervious cover. If you allow me to build a 50% impervious cover, even though it might be zoned GR, I won't exercise 90% impervious cover. And they would enter in the covenant, the city would agree to that, and then they would move on. So it's actually similar to the conditional overlay. Some of them limited trips, some of them prohibited uses. Some of them limited impervious cover, but basically there was an agreement to limit the property in some manner.

>> Morrison: Okay. Thank you. And I think with that I have -- I have a comfort level that were with the intent of a manage the growth agreement.

>> Mayor Leffingwell: I'm sorry, I didn't hear that last --

>> Spelman: It dies for lack after second, mayor.

>> Mayor Leffingwell: Is there another second? Motion dies for lack of a second. So we need a motion on the table. Mayor pro tem moves approval. Seconded by councilmember Cole. All in favor say aye. Opposed say no. That passes on a vote of six to one with councilmember Spelman voting no. And with that we'll move on to item number 83, but before we do, I don't think I formally announced that item number 86 was withdrawn on a point of order. That being said we'll go to 83. I have a number of folks to speak on 83. And it was pulled because of that. Without objection, council, we'll go directly to those. The first one is manage Ureka. And I'm sure I mispronounced that. Please correct me. He's not in the chamber. Susana Woody. Susana Woody is signed up against. And you have three minutes.

[One moment, please, for change in captioners]

>> there is a county park and a state park within three miles of the proposed location. It seems that this program did not research the location properly. We as a community are trying to find productive solutions -- I'm sorry, proactive solutions to problems and unforeseen development and we ask that you take in consideration the community when researching this proposal in any further development in the area. There is also a concern as far as crime in this area. I hear it from many of the members in the community that they feel that this area is neglected by law enforcement. With this proposal I ask if the city of austin has a

[inaudible] for the increased possibility of crime as a preventive measure. Once again I ask you to consider the residents of the area when you make your decision. Thank you. thank you. Next speaker is norma torro garcia. Welcome. You have three minutes.

>> Okay. I moved to del valle in 2008 because it's a family-oriented neighborhood. Won't allow children to live there and why would they put it next to park that we frequent. Please consider that and for our community when we're searching this development, we are lacking resources even for us, as travis county taxpayers. Thank you. thank you. Delwin goss. Delwin goss? Not in the chamber? Alan graham? Alan graham is signed up for. Welcome, and you have three minutes.

>> Mayor, mayor pro tem, council members, thank you. As you are aware we've been working on this project for five and a half years. We currently own 45 rvs, housing, approximately 60 people. The program has been phenomenally successful. We've met with each -- each of you. A lot of research has gone into this particular site location, bus transportation is absolutely extraordinary out there. The 350 bus line as well as the airport flier are very nearby. Services within the immediate east austin area are exceptional the McCARTHY SETON CLINIC IS Not that far from the project. And I just ask you to vote for this -- for this project and if you have any questions I'll be glad to answer them. thank you. Richard proxell?

>> Mayor? council member riley.

>> I have a couple questions I'd like to ask mr. graham.

>> Mayor leffingwell: okay. I just wanted to see if you could address a couple points raised by previous speakers. One was that there are no grocery stores or -- as far as fresh food in the area so folks won't have any way to feed themselves, and then second was that there are parks and schools nearby, and so is this project going to be exposing users of those parks and schools to dangers. Could you address both those points?

>> The -- in terms of the food, mobile loaves and fishes has been working for a year and a half now on a very vibrant sustainable food movement that will actually transfer to this property that will be extensive gardening opportunities on this property. I wish there was a grocery store nearby, but there's not, but it's probably a ten-minute bus ride away to the nearest grocery store, not that far. Also on-site we have a planned food pantry that will serve exclusively the residents of this community. There's not going to be any problem with access to food or services as a result of the location of this property. In terms of the proximity to the del valle schools, i haven't measured as the crow flies, but they're quite a distance away.

They're not accessible by bus line. They're on the other side of sh-130, and it's really quite -- quite some distance away. So --

>> riley: thanks. richard troxell? mayor, council members, richard troxell, president of house the homeless. I'll be very brief. The underlying habitat on wheels mobile home park will provide a critical additional piece in the ending homelessness mosaic. This has been a fully transparent proposal. The master plan for this project has been totally public and on the mobile loaves and fishes web site for years. Furthermore, this project has already received extensive broad-based community support. While this project is long today's merely advances the project along a continuum toward completion. House the homeless fully supports this project and resolution and anticipates a 7-0 council vote, advancing this issue, and to the council we are most appreciative. Thank you. thank you. Gary michel.

>> Good morning mayor and council. My name is gary michel. As a resident and taxpayer in the city of austin and the austin community for the last 27 years, to my credit let me say that I take a certain pride in this city considering that as a construction engineer in the '80s and '90s I helped you develop what you see as the 27 years I've been living in this city I was a heroin addict and alcoholic. Five years of that put me on the streets of austin. I was the one out here holding those signs. Today I live in a habitat on wheels community. Today I am one year eight months and 24 days clean and sober. I work at a job, pay my taxes, I pay my bills, and i act in the capacity of peer support within a habitat on wheels community. I'm there to talk and speak with others who are still looking for the solution. Let me say on a personal basis that while this may not be a total solution to the end of homelessness, i do consider the reputation of austin first and foremost because this is my home, and I do want to see austin stand in the forefront of what it takes to find a solution. If what habitat on wheels has offered me a hand up instead of a hand out, and opportunity, I plead the mercy of the city of austin to cooperate and assist mobile loaves and fishes in finding a way to help another individual like myself when they're ready to come up out of the streets and find a life. Thank you. thank you, gary. I appreciate your testimony.

[Applause] robert plidera has signed up neutral and is available for questions. Bill mccllellan is signed up for, not wishing to speak. Those are all the speakers we have signed up.

>> Mayor? mayor pro tem.

>> Thanks, mayor. I want to just make a few comments. You know, this project has been going on for some time, and, you know, you're always going to have folks that raise concerns. We're going to do everything we can to address those concerns that were raised. The item before us today simply asks staff to do everything we can to determine whether or not the 16 acres that have been identified near the airport truly can be used for thi project. Preliminary indications are that it cannot, but it's not definitive. The letters that I saw from faa said that it probably would not recommend this site and that it may require the city to reimburse some grant funds that were used to purchase the site. All we're asking is let's find out truly what the ramifications are, truly if we can use this site, and if we can't, then let's look at other sites and make a recommended list of where this project can go. I agree it's not the answer to all of our homeless issues, but it is a step in the right direction, and as long as we continue to take these steps and make these decisions, hopefully we can have the impact that I think we all want to have. Homelessness is

a -- is a problem that -- it's not new to austin, and arguably it's one of our most controversial issues, but it's also one of our highest priorities as a council that I've seen in the four years on this dais. We really need to start doing something -- not start, continue doing the work that so many have done for years leading up to now to try to truly address the issue. So I just want folks to know that if this motion passes and if we are truly able to find a site, then the negotiations with mobile loaves and fishes takes place on any lease agreement and all the concerns that are raised, it's already been committed to us by graham and mobile loaves and fishes that they would do everything they can to tighten it into a lease agreement so that we all know, so the community knows what's going to happen on the site, how it would be operated, security issues and things of that nature. I want to say, though, that in addition to wanting to do something on the global issue of homelessness in austin, one of the reasons that I support this project so much is because of graham, and it is because of his integrity and the army of volunteers that are committed to making this a success, and I can't speak enough to that, because you have to have that when you're making these difficult decisions. You have to know who you're dealing with, you have to know their commitment to the community, and I am 100% convince thad they are committed -- convinced that they are committed to this community and doing what's right. So I move approval. mayor pro tem moves approval of item 83. Is there a second? Second by council member shade. On a point of personal privilege I'd also say that I've long been an admirer of alan graham's, to the point where one years ago yesterday when I was sworn in as mayor, I asked alan to do the invocation at that ceremony. So I think I'm going to support this motion. mayor, I have a -- council member cole? I have a

[inaudible] to mr. graham. I think the entire dais deserves a copy of that article. No further comments. all in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Any opposed say no? Passes on a vote of 7-0. Thank you. Now we'll call up item no. 85, Which was also pulled by speakers who are evidently going to get up here and try to talk us out of this item that was on the consent agenda early this morning. The first is cookie russ. Lance johnson? Is lance here? David wyatt? Zack web? All your donators left, cookie, so you have three minutes --

>> I have one more donator -- and I won't take six. so you have six.

>> And I do not want to talk you out of it, mayor, mayor pro tem and council members, in december of 2006 a diverse group of 75 community leaders accepted the charge of developing a cultural plan for austin for the next ten years. Along the way we have worked with hundreds of austin's working artists, organizations, representatives and broad array of creative enterprises, listening to their needs and concerns. Somewhere in this process we experienced a dramatic shift, a shift away from a collection of disparate genres and disciplines comprised of organizations and individuals, and a shift to a collective creative community that annually 2 billion in economic activity and is responsible for 44,000 jobs. So what have we accomplished since our briefing in these chambers two years ago? As a consulting contract ended, a group of citizens gathered in september of 2008 and committed to never let this investment of time and resources sit on the shelf. Our citizen volunteers decided to keep moving forward with the

second phase of the process, the process of prioritization, using personal resources and time. We have reviewed the plan's top ten recommendations and decided to dig more deeply into the following areas in order to establish clear priorities for implementation of the plan, and they were city planning, the downtown austin plan under the leadership of cliff red; education, under the leadership of dean doug deborah edward and dr. brent hasty. Advocacy under the leadership of robert ferez and identifying revenue neutral changes which we entitled easy wins by ann chick legala, austin community foundation, the formation of the greater austin creative alliance, that was led by huey houston of the music commission, formally austin circle of theaters, with support by carolyn frost. We were joined in the effort by the city staff with janet cyber. Each of the task force leaders engaged groups of other exceptional volunteers in their work, generating a list of final recommendations for implementation. We did explore the viability of a stand-alone department and realized that our goal was more outcome based than structural. Stand alone is not a goal of ours if it serves to further segregate or silo the various disciplines or slows down interdepartmental collaboration. Along the way we realized that the greatest effectiveness of the creative community could be reached if we could work together within the city the way we practice in our various fields of endeavor, creation and activity. So has create austin been successful? Since june of 2008 we have launched a greater austin creative alliance, we engaged in intensive research and survey models concerning austin's needs of regarding arts education through a process called mind pop. We brought a team to the table to be part of city planning efforts such as the downtown austin plan, waller creek and now with the comprehensive plan. We asked the art commission to assist in the process of inventorying available real estate that's controlled by the city of austin that might be repurposed as affordable rehearsal work or performance space and the list goes on. Richard loves austin but his return speaking engagement to us several years ago he warned about the growing chasm of wage disparity for our working creators, and the necessity for working creators to be able to access affordable infrastructure in order to sustain their presence in our community as part of a highly mobile enterprise. We believe we're working and moving in the right direction, but the real measure will come ten years from today. If our creative community is thriving, if creative individuals and organizations can afford to call austin home, if innovation and creativity are identifiable as the engine of austin's prosperity we have reached our goals. So we're here to thank you as our city for initiate thanksgiving opportunity, to thank council member morrison, mayor pro tem martinez, mayor leffingwell, for sponsoring the resolution to the music and arts commissions for their additional support. Today we do not seek funding but we seek endorsement and action. We ask you to support the endorsement and the resolution that will create a public/private work group comprised of representatives from create austin's community leadership and the city of austin to provide accountability and oversight as well as to identify roles, responsibilities and structure for working together to continue to accomplish the goals of the plan. Number two, to consider the collaborative work models of austin's creative community, the currently function and for profit and not for profit as well as multidisciplinary boundaries as the city explores further efficiencies that will minimize impediments to the development of full and creative potential of our collective creative enterprises. And finally, as a comprehensive plan imagine austin move forward with a roadmap with the strategic feature of austin's next 30 years we ask that the austin plan be incorporated into the final plan. It has been an honor and a joy to be a part of this process for the past three and a half years. I am personally grateful for the opportunity to learn as much about the exceptional talent pool of the creative enterprises and individuals that define the uniqueness that is austin, much like any commencement speech, today we are closing an educational chapter and preparing to move into the world applying the lessons learned. Thank you for

your consideration of the support for this agenda item. thank you, cookie. Council member morrison? I just want to thank cookie and all the folks that have been involved, especially for your leadership, cookie, to keep this alive, and I know that there's been a lot of progress over the past couple of years, so it's great that you have come down to give us that -- that progress report and the opportunity -- I feel like we've -- we as the city have been remiss, actually, that we haven't formally adopted and endorsed this great work of the community and this staff. So today gives us an opportunity to do that, and I think that the three specific items in this resolution are entirely appropriate, and i particularly want to point out that the one that addresses making sure that we integrate the create austin plan and arts and culture into our comprehensive planning, i think you know as one of the task force members that already the visioning process and a lot of the conversation that going on in the public about the comprehensive plan highlights arts and culture as something that makes austin our home. So I think all of that is entirely appropriate. And with that I'd like to move approval of item 85. motion to approve by council member morrison, and I'll second. Any further discussion? Council member shade. I'm really pleased to support this, and I just wanted to make a special thanks to cookie, because not only has she seen this through, and she made a point about not focusing so much on structure, we had a little bit of a comment earlier to that effect where it's leadership, which you have absolutely demonstrated as your tenacity has, you know, kept this going and you've kept people involved and you're serving on the plan, you're working on other matters that affect the arts community, and i just wanted to make a special thanks to you because you thanked everybody else, but somebody does also need to emphasize the thanks that you deserve. all in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no? Passes on a vote of 6-0, with the mayor pro tem off the dais. And I should have said that mark goldsbock, barbara shake, ann marie mekaski, susan, linda castle and diana bris hanson were all signed up in favor not wishing to speak. So council, that brings us now to item no. 87. 87 Pulled by council member spelman. Council member. I believe we have two speakers. we do have two speakers? Okay. We'll go directly to our speakers. First is gregorio hazer, hoster, correct me on that, who signed up in favor. You have three minutes.

>> Council members, everyone else here, I invite you for a moment to please just look at this voting, really like at it. It's amazing. We have walls that protect us from the heat -- look at this building. We have walls that protect us from the heat and the elements and they're full of electrical cables that allow these lights to shine down on us. We couldn't do this without this building. We also have roads that -- and sidewalks that brought so many of us here and those of us that are so blessed to have homes or apartments or our own, that's where we stayed last night. And although some people may not remember this, these buildings and roads did not appear out of nowhere as if by magic. They were built. They were built by people and by their hands and by their sweat. People built buildings and people built austin. And something that's amazing about the city of austin and our country is that we believe all people deserve respect, and we would think that the people who built this place would be included in that category of deserving respect. But tragically and unfortunately we have found that this is not always true. In a recent study published by the university of texas, as well as the workers defense project, over a third -- excuse me, over 41% of construction workers receive no rest breaks while at work, so they're working out in the

austin and texas heat with no rest breaks, working eight or ten hours a day without a break. Almost a third of austin's construction workers receive no drinking water while at work. This is not only an infringement upon their basic respect and dignity but also upon their safety. So what does that leave us with? Although there are businesses, surely many businesses that do provide drinking water and do provide rest breaks, they are constantly having to-out compete unscrupulous businesses that cut out these costs, that are putting profits before people, and that leaves us with people out there not in this air-conditioned building who are thirsty, and there are people out there who are tired, and we are tired of hearing that texas is the number one state for construction worker deaths. Every two and a half days a construction worker dies in texas. That's much greater than in any other state. We are tired of hearing of people dying of heat stroke while out on the job. It's a totally preventable death. We are tired of coffins and we're tired of injuries. However, we're also hopeful. We're hopeful that with your leadership we can make this a better place, a safer place for everyone. Together we can build an austin that we're all proud of, and we can build a place where we're all safe and all respected. Thank you. thank you. Roy whaley? Roy whaley? Apparently not in the chambers. Roy has signed up in favor. Jack kirkland signed up in favor not wishing to speak. Harry savio signed up against not wishing to speak. Those are all the speakers that we have.

>> Mayor -- council member spelman. casada has said what needs to be said most importantly. We need to treat our construction workers with respect. We also need to recognize that tired people makes mistakes, thirsty people makes mistakes and if what we want in the end is good buildings and good work, we need to treat them with respect and give them what they need in order to do the best work that they're capable of giving us. So it's in everybody's best interest to treat construction workers with respect. And one other thing that came out of my mouth involuntarily for the -- the a couple days ago. I've been repeat tg like a man ra. What we're asking the city attorney to come back with in ordinance form in a few weeks, what we're asking for this resolution is nothing other than what cesar chavez was asking for the fields in the valley of california 50 years ago. Mayor, I move approval. motion to approve by council member spelman. Second by the mayor pro tem. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Pas on a vote of 7-0. Well, council, we have worked our way through the morning agenda, except for the briefings, so we're going back to pick up where we left off, which was q and a part of the downtown bicycle plan briefing. Aneek budet. Welcome back. And I believe when we left, if memory serves, council member morrison was poised to ask a question. So you're recognized. thank you very much. Thanks for that really cool video. That was terrific.

>> Thank you. i couldn't figure out where that music was coming from. I thought it was some band outside.

>> It was a little low. It was a little low. it was also soothing.

>> A little soothing, appropriate. yeah, I guess so. Thank you for your work and for all the people in the community that chimed in and especially for the work that the staff did to really try to sort through and figure out the best option to move forward. So I have a couple of questions that I wanted to ask just to get

a few clarifications and things that I had heard from folks' concerns or questions. And the first one has to do with the speed limit on nueces. There was talk about whether it was possible to consider lowering it to 25 miles an hour, but I understand there are some state requirements and things like that, and I wonder if you could explain how that works and if, in fact, we will be looking at the feasibility of doing that.

>> Yes, we -- during the process in formulating the staff recommendation, we were with what's recommended now. We -- with what's recommended now we're also considering lowering the speed limit on nueces as part of it. That's always been part of the staff recommendation. However, we didn't want to outright recommend it because as you know we will be looking at removing some north-south stop signs if we can make that happen, and we want to redo a speed study to see what happens to the speeds after we do that before we make any determination, because there are some -- there is some engineering judgment that comes along with lowering the speed limit and we want to make sure we're still in the parameters at that point. And so we wanted to leave that open. But that is part of the plan to study that and look at it and strive to do so.

>> Morrison: okay. Great. That's very helpful. And then another issue that's come up is once we get the rio grande plan in place, well, the plan in place, what we have now for the first phase, rio grande, you explained how the nueces work is going to be done in conjunction with the -- with the other infrastructure work, so that wouldn't happen until 2012, probably at the earliest. So will there be an opportunity to, and do you intend to do an evaluation of the rio grande plan and how that plays in -- you know, in coordination with the -- with the nueces plan, once the rio grande is in place.

>> Yes, absolutely. We hope to start construction in winter of this -- or at the end of this year, into early 2011, and hope that there will be ample -- or enough time to evaluate and look at what's working or not working on rio grande before we move into any implementation on nueces. So we will be looking at things like bicycle ridership and of course motor vehicle traffic variables and the like. right, and however -- I think how it relates to nueces and all will also be interesting to know.

>> Yes. and so I guess what would your plan be with regard to doing that evaluation? Would that go to the utc? Could you take it to the utc?

>> It could. That would be an appropriate venue to talk about the evaluation parameters and then also report the results.

>> Morrison: okay. Great. I think that would be helpful. And then the last question I have is whether or not our plan will require an amendment to the bicycle plan, and if so, how would we expect that to happen?

>> We -- we would like to bring an amendment to the bicycle plan to include rio grande as part of route 31, which currently only incorporates nueces, between 3rd street and mlk. Rio grande from 17th to mlk is in the plan, but the section from 3rd to 17th is not currently designated as a bike route, and so since the adoption of the bike plan in June 2009 I've been keeping record of insignificant-type amendments, typos, that kind of thing, as well as substantive ones, and this would be a substantive one. And so we amend the bike plan concurrent with amendments to the amatp, because it's part of the amatp, and in talking with the

transportation department and the long-range planning folks, they are looking at possibly bringing an amendment forward in the first quarter of 2011 calendar year, and so that would be the earliest that we would be bringing amendments and we would include rio grande, because we coordinate with them because it's a -- it's a big public process, a notification process, so it makes sense to coordinate with their amendments. So short answer is yes.

>> Morrison: all right. Thank you very much, and again, thanks for your work.

>> You're welcome. council member riley. yeah, anique, i want to thank you for all the work too. I know this has been a long and difficult process. I've very impressed with all the effort that has gone into it. Just a couple questions following up on council member morrison's question. I understand what you're saying, one we get improvements in on rio grande, then there will be an opportunity to evaluate those improvements before we proceed with any of the significant work on nueces. Right?

>> Yes. meantime, with respect to the things that we can do onno carrierringconnect 57600 and planning to see and also coordinating with rail plans to see what would be the best way to accommodate two-way bike travel through there. So that is ongoing and we hope to have some final recommendations here in the next few months. so that may be one more circumstance that we can consider at the time that we're ready to actually proceed with the significant work on the way, so we could look and see what's -- what we're doing with the routes immediately north of --

>> right. We'll definitely have the input of how the connectivity of work to the north and that will help with the evaluation as well, yes.

>> Riley: okay. Great. Thanks a lot.

>> Thank you. council member spelman? I'd like to very briefly second everybody else's commentary on your willingness to stick with this. Turned out to be an incredibly difficult chore. Thanks for doing this. I'm glad we actually have a plan that's actionable now. It looks a few months ago like we would never get to this point. The one issue I heard most frequently, I suspect it's the same issue you heard most frequently, once people got over the fears that the street was simply going to be closed off to automotive traffic, once they realized cars are still going to be able to use it, the concern I heard often was the reduction in parking spaces. I wonder if you could speak to exactly how many parking spaces are we going to be losing on either rio grande or nueces and what effect that's likely to have on the prospects for the commercial buildings located on either side of those streets.

>> Sure. On rio grande it will be zero to very minimal. The only parking that will be removed would be in conjunction with the traffic calming devices, the circles or the medians, depending on how we place them. We will try to design them and place them to have a minimal effect on parking, ideally having no effect on parking. So rio grande should have no change. On nueces between 3rd and sixth street, the bicycle lanes and the staff recommendation as presented include design that is a great streets cross section, that includes park on both sides with the -- parking on both sides as the bike lanes and that will be built out as development happens so there should be no effect between 3rd and sixth street. Between 6th and 7th, it's

-- the right-of-way is narrow and we will remove parking on one side of the street, and I don't have that exact number, but -- and I believe there's some no parking there already so it's not like we're taking one whole half side off. Then between 7th and 13th no change whatsoever. Between 13th and martin boulevard it will go to one side. I don't have the total numbers with me, but I could certainly get that to you. We did do a parking demand study and found that between -- in the areas where we're taking it off one side, that there's ample -- we're leaving ample space for the demand that's there now, and any new development in the area will have to meet off-site parking standards per the land development code. So we believe that it's a fair balance between what's there now and predicting redevelopment into the future. in the parking demand study, did you examine the total number of parking spaces that were available to tenants or patrons of the commercial buildings?

>> We only counted what was there and what was being used. We noted whether the existing commercial uses, whether they were small -- a lot of the uses there are small homes that have been converted to offices. Some have small front parking areas or small parking areas in the back, and so we did note side street availability of parking and whether or not the businesses had any off street parking at all. And what we found over and over again was that at any given time there was ample on-street spaces available as well as side street for all of the businesses there. So even if there were small additions made to the office space in those areas, there appeared to be ample off-street parking, even though they wouldn't be permitted to actually count it with their expansion, but it did exist. so at no time -- sounds like what happened is you would send people out to take a look at the number of spaces that were occupied at various times during the day.

>> During the day and the evening.

>> Spelman: and the evening. And at no time when you sent somebody out were all the spaces filled on both sides of the street.

>> Correct. so there is some slacin the system now, and even if you remove one side of the street, it's your judgment based on your survey that there's going to be places to park.

>> Correct.

>> Spelman: okay. Thank you very much.

>> Thank you. thank you. And I want to congratulate you and howard, the public works department, because i know this hasn't been easy. Lots of public hearings, lots of work, but you finally got to consensus, and I think that's remarkable. And I do want to ask you one question. I think I know the answer, but I just want to hear you say it. As a result of this conversion or change in purpose of rio grande and nueces, is there any loss in motor vehicle-carrying capacity as a result of these changes?

>> No, sir. thank you. Thank you very much. We'll go to our third and final item, morning briefing, which is a briefing on the recommended urban rail system plan. Welcome, mr. spiller.

>> Yes, sir, good morning -- excuse me, good afternoon again.

[Chuckle] my name is robert spiller. I am the director of transportation and I would like to brief you on the other part of the strategic mobility plan. This morning I briefed you on the proposed bond package for 2010, and now I would like to bring you up-to-date on the urban rail alternative evaluation process that has also been under way since last okay. As you will remember, city council directed staff in october 2009 to restart the strategic mobility -- start the strategic mobility plan and to specifically take a look at urban rail based on previous regional efforts. The present station today is to provide to context to the rail network, the urban rail system plan that we will be taking out to the public and also in discussions with others, and also to specifically talk about the next steps so that you're aware of the process ahead. I want to point out that the urban rail in and of itself is part of an overall network that we've been partnering with a number of other folks to -- other agencies to deploy. Certainly, as I said this morning, we're working with both txdot and the central texas regional mobility authority to make improvements to the regional roadway network, also working with lone star rail. Many of you -- or some of you sit on the steering committee for lone star rail, formerly san antonio quarter council and quarter rail. They've now received the name of lone star rail, looking to provide access between both san antonio, austin and georgetown, but also to look at the spur to abia that's along ben white boulevard. Capital metro, of course, has now opened their metrorail, their red line, leading out there west austin, north austin into leander. They also have a line to the east called the green line that goes to manor. That has been the topic of much talk and that is part of their ongoing planning as well, but also the capital metro rapid bus program that is coming to construction as early as this january but certainly in early 2012 that will serve southwest austin both on lamar and south congress corridors as well as north through town running along both of our main north-south corridors in downtown lavaca and guadalupe. And then lastly we continue to coordinate with the county along projects that affect the state highway 130 in terms of east-west connections and through the public works department we are deploying projects that were funded through our last bond programs to make sure that part of the county and specifically our growth corridor, are addressed. In terms of the transportation vision, remember, as part of the strategic mobility plan our goal is to provide or our vision is to provide an integrated mobility network for all of austin, providing safe, efficient and driver choices or diverse choices to people so that everyone has an easier and more productive way to travel through town. And as you know from my morning briefing we've been talking to the public about gaps within this community. They've talked about over 3,000 gaps of which about 473 of those are capital improvement-related, but i want to point out that one of the major a, high prioritized gaps within the system is access in and out of central austin and access between major transit investments that are headed for central austin, and those are all being represented by projects that could be served by urban rail that we will be proposing the system plan for. I want to point out that central austin has some significant mobility needs. First of all, we know that there is insufficient network capacity, as we talked about this morning, there is a ring of constraint that is represented by the major intersections on corridors leading in and out of central austin, that really constrain access to those three areas of the cbd, the capital and ut. Most importantly those are inside the major freeway ring, if you will. They're to the west of i-35 and to the east of mopac, constraining access to what arguably may be called the heart of our economic region. We know that population is increasing not only by the presence of the new condos downtown where population is coming to the central district, but we know demographers talk about another million people coming to this region and that if it is the desire of council and the city to maintain that economic engine in central austin,

we know that we have to find ways for people to get into the central area. We know that there is insufficient connectivity. We know that capital metro's metrorail comes in on the east side of downtown and the lone star rail investments will touch our west side of central austin, and that we need additional connectivity not only between those two major regional transit investments but also between those investments and our major employment areas. And then lastly the sustained economic development. If this economic engine in central austin is to stay healthy over the next 20 years we have to find ways for that next generation, if you will, of workers to continue to access central austin. On that economic development stance, we know that just recently the state has indicated a plan or a desire to look at densifying their property to the north, to the north of the capital, a pretty strategic plan -- this picture was actually taken I believe from one of the local newspapers, the austin american-statesman, that presents their proposal but I want to point out that development is within that ring of constraint. And so as we think about bringing up to another 5,000 employees just to fit that development into downtown, again, we need to figure out another way to get there, even if we wanted to serve those with additional vehicle trips, we cannot get additional vehicles across that constraint ring, and so we need to think of other ways to serve not only that development but other opportunities that will come to the central area. If we look at the ring - - or the range of issues that were brought to us by the citizens in terms of those gaps and other plans, we can identify a study area that the urban rail program currently responds to, and as you see here we've identified a range of zip CODES AND TAZs THAT WE ARE Trying to serve by this. This study area was verified in a range of plans over the years, including the downtown austin plan, waller creek, tunnel master plan, all of these -- all the way down to the mueller master development plan, all speak to the need for greater public transit investments in this corridor. Again, the other thing that I would point out is that as you can see from the yellow boxes on top of the gaps that were identified by citizens, of course this investment that we are contemplating for the future does not answer all of our mobility needs, but it answers mobility needs within these corridors in a way by providing travel alternatives. So when we think about why invest in central austin transportation network, we -- working with the public in reviewing the previous studies, we came up with approximately six goals. Those include ones that many of you have seen if you are on the capital metro board of directors or have been involved in this, and they range from improving that place connectivity, the connectivity between places, transit connectivity, improving mobility or access throughout the community, maximizing community benefits, environmental benefits and economic benefits within the study area. As part of this urban rail evaluation, we did look at three different alternatives. One, the no-build, the existing bus and rail system provided by capital metro; a better bus concept, which is roughly equivalent to the metro rapid bus system being looked at on guadalupe and lavaca but applying it in the riverside corridor and central austin corridor. I would note that that is currently the base plan by capital metro, is to look at something very similar to better bus concept in that corridor. And then the third alternative, which is our build alternative, is the urban rail alternative. Just to make sure that everyone knows that we are talking about a technology that is a blend between street car and light rail, it is typically an overhead electric powered vehicle, can operate in mixed traffic or on dedicated right-of-way. That is particularly important in the corridor that we are looking at. We know that everyone wants this technology to move as quickly as possible in our downtown where we do not necessarily have room for dedicated right-of-way, but technology needs to be able to interact with traffic and pedestrians in a safe environment. Again, it is similar to light rail but potentially uses a smaller vehicle, a number of western cities are moving to a technology in the light rail range that approximates what a street car can do. It generally has two sets of tracks, one in each direction, and operates at comparable traffic speeds

based on signal characteristics and number of stop locations. When we look at an application of these type technologies within an urban environment, the controlling -- or the control on speed or the controlling element that affects the speed of the technology really becomes the number of stops you make to pick up and drop off passengers and the effect of signals on the overall system. And so the technologies need to be comparable and able to control the signals, which these all do. When we compared no-build, better bus and urban rail together, similar to previous studies, we looked at how they performed against those six scores, and council members, we will be releasing a draft alternatives evaluation this next week. We'll be bringing that to you and then releasing it on our web site. And so the full information on the evaluation process is included in that report. Again, that will be available on our web site this next week. And what we found is that across all six goals, urban rail tended to-out perform the other two alternatives that were being concerned, with the notable exception of 2 and 3, where we thought the better bus and urban rail really did perform nearly equivalent or at a level that we could not distinguish them. And so both were able to improve transit connectivity over the existing conditions and also improve mobility over the existing conditions. So why did urban rail perform so well in our evaluation? In summary, we thought that urban rail, compared to its alternatives, provided greater people-carrying capacity. Of course these vehicles can load between 120 and 160 people. As we started to look at the land use plans and specifically in the riverside corridor, we thought that maximizing that capacity was going to be important, but to do it in a way that we were still talking about single-vehicle trains, if you will. Increased comfort and proven increase in ridership. The increased comfort drives higher ridership in terms of a rail bias, but clearly the more permanence of a vehicle and the rail life over bus life, maximum you invest more in terms of the comfort that the vehicle provides including the characteristics of the suspension. The proven increase in ridership, as I mentioned, when we look around at the systems not only in this state but around the west coast, where systems similar to urban rail have been implemented, they've noticed dramatic increases in ridership in those corridors. Reduction in operating costs per passenger, again, because of the larger capacity that these vehicles have, you need fewer vehicles to meet the demands of the corridor. They do -- are more environmentally friendly when you consider the fuel, noise and emissions that these vehicles provide. They are electric, and we have a unique situation here in Austin where a percentage -- an increasing percentage of our electrical power will be generated from renewable sources. And then lastly, the influence on land use. Most notably the various neighborhood plans that are evolving in the riverside corridor and elsewhere call for the implementation of a fixed guide way system to reach and induce the land use characteristics that are desired through these plans. Again, to give a graphic, we found this on the internet, and again, it reemphasizes why in these corridors where we're expecting dramatic population increases without increases in road way network capacity, the benefits that light rail or fixed guide way in this case can bring to a corridor, and you can see that the same number of people carried on light rail as compared to the number of vehicles to carry a similar vehicle occupancy of one or a little bit over one, but more importantly what's not told in the picture about street car, light rail there, is that of course there would be cars still driving in those vacant lanes that are shown in this picture, and so you have, in fact, increased the capacity of that corridor in terms of carrying both people and goods through that corridor. I'd like to talk about the evolving regional transit network. Of course I mentioned the campo 2035. This is all part of the campo 2035 plan. The metrorail out to the east and north consisting of both the red line and the green line. The rapid bus on south congress and Lamar and north through town up to significant park and rides to the north. The lone star connecting Georgetown, Buda, San Marcos and of course the spur to AIA. And layering on top of that urban rail and the important part here is urban rail is being invested so

that it can leverage the regional system. It provides a piece of the regional system but not the entire regional system. What you have here is a coalesce event of various investments that provide a network of rail in Austin in the future. All of these efforts are under way. The red line is operating. Capital Metro is actively moving towards construction of the Metro Rapid. Lone Star Rail is currently in the environmental process for the solid blue line and reserving the ability to think about a spur to Abia, and the green line has been openly talked about by Capital Metro as an important element of a future rail system. I'd like to point out downtown that the current urban rail planning departs from the Campo plan, and those urban rail efforts that were described earlier slightly. You see here the connections to the blue line and the red line, whether they be on the east or the west side of Austin. From the central Austin circulator study that was done in tandem with Capital Metro a number of years ago, we've brought in the connection to the north through the University of Texas on San Jacinto, out to the Mueller community. We've also brought in the recommendation for the connection on Fourth Street between Seaholm and the end of the red line. The transit working group submittal and downtown Austin plan identified connections or the desire to have connections to the south, to Abia and also to the Palmar Auditorium area. I will make note that in all that planning effort that Congress Avenue bridge is used as the nominal crossing, but really part of our recommendation going forward is to have a full environmental impact analysis to determine the best place to locate a crossing, and you'll see there that the recommendation from staff is somewhere between the first -- south first bridge over to the east to about where Waller Creek enters the river. But the third piece that is new based on our latest analysis of the need for future capacity is the addition of a Guadalupe/Lavaca corridor as well as an additional east-west corridor, potentially providing service into West Campus. What's important about this is we believe that that downtown capacity along with the previous information that had been viewed really does provide access for future connections that we need to make sure we have ability to handle in the future. Again, we know that there will be demands for additional access to the east and west of downtown once your system is up and running. Likewise, we know that there will be additional requests for service to the north and to the south in a number of places off this key line. And so what this latest proposal on a system plan that I know all of you have seen before does is really provide that capacity for the future connectivity while maintaining that access to Mueller, CDBG, Riverside and Abia. And so the urban system plan that staff is ready to go out and talk to our partners about is really the entire system plan that you see there. Again, I want to emphasize that that system plan is on top of the evolving regional system that this really makes into a complete network. So let me go over the specifics, again, connects Mueller to Abia, Congress, San Jacinto is the recommendation for the central east side and downtown. We're also recommending as part of the alternatives evaluation a connection on the Guadalupe and Lavaca corridor, a connection east-west on Fourth Street from approximately the Brazos at 4th connection to Seaholm and the 17th and 18th street connection, again, to give us that circulator box around or in central Austin. And then a connection out Riverside. We looked at a number of opportunities for a maintenance facility and what we're going to be recommending is an interim maintenance facility south of the river. We've identified a potential site for that interim facility, perhaps even in the parking lot of one Texas Center would be a viable location. We will continue to refine that through the environmental process as well as the actual location for the Neepa -- or for the connection across the river. The recommended urban rail system, again, just some high-level statistics. 8 track miles. 5 miles of double track. There are some single track elements within that, but this gives you a good overview of the length. The service frequency that we are planning with is about a 10 minute headway, 16 hours a day, so that's essentially most of the day. We need some down hours late in

the evening to clean the vehicles and so forth. But seven days a week. Travel time from either end to central austin is about 32 minutes, 33 minutes, that's comparable to a vehicle trip. An estimated ridership again in 2030 is consistent with previous ridership numbers, now with a little bit longer routing, is about 28,000 weekday riders by 2030. That's for the full system. And that is consistent with other similar urban rail systems that have been implemented not just on the west coast but also here in texas. Capital costs, and I'll be taking two slides to discuss this. The estimated capital cost is 955 million. That's in the first quarter of \$2,010. Before I go further I want to point out that that does not mean we're going to the bond market in the future to pay for all that. That is simply the full cost of the system. The plan is still to recommend a local investment on those -- those costs followed by a future secondary pursuit of federal dollars. I will point out that now with the campo 2035 plan we have to talk about year of expenditure dollars, and so that first quarter 2010 dollars does inflate to 26 billion investment in year of expenditure. out that that is consistent with the previous investments that ranged in the area of 37 million per track mile. Operations cost are still consistent with previous estimates of 22 to 25 million per year. That's the entire system, mueller to abia. So obvious question is, these costs are a bit higher. Why are they higher? Three basic reasons: Implementation year. We're now talking a first quarter 2010 versus 2008. The cost escalates at about 5 1/2% per year, so as you can imagine that cost steps up about 5% every year. Now, also the year of expenditure, and this is not unique to rail, all of the roadway projects -- all of the transportation projects in the campo plan are now having to be expressed in year of expenditure dollars, and so I would tell you that anyone who has been following prices know that all of the projects seem to have inflated, but that's because of an accounting issue. Longer track a line him. There are approximately -- alignment. There are approximately 3, almost 4 miles of additional track with the addition of the guadalupe and lavaca corridor, so that increased. Now with that added capacity we can start to think of this system as two primary routes, one from the north, one from the south. That increases the demand on fleet size somewhat, and then obviously fleet size increases the need for a larger maintenance facility. So those are all sort of structural issues for increasing the cost slightly. And then there's an increase in the assumed design and a contingency allowances. Because we want to make sure that we preserve the ability to go to a design/build delivery method. When you're thinking traditionally in terms of a design bid build format, many of the risks, financial risks, are inherently absorbed by the implementing agency. With a design build you actually need to account for those financially because you may transfer those to the developer. So what are the next steps? The next steps are certainly to take this presentation and get into much more detailed discussions in terms of coordination with travis county and capital metro and the other agencies that you see up here. We're eager to do that. We've already been approached by many of these agencies and been coordinating with them on an informal basis but we wanted to make sure council understood we would be talking to these organizations in a very informal way, not only talking about the issue but talking about partnering in terms of funding opportunities. In terms of policy decisions, after this presentation we will be distributing the alternatives evaluation middle of next week and making that available on our web site. We would very much like to come back to you sometime before christmas and ask you to adopt that system plan. We wish to initiate the national environmental policy act, nepa, studies this fall, continue to refine those maintenance operations plans, which directly we hope will start to lower those cost estimates. Identify cost of a first investment segment, again, the notion here is that we'd be recommending to you to make an initial local investment seeking federal and state investments in secondary piece we will be seeking federal involvement in this first piece, but specifically trying to steer it clear of the new starts process so that we maintain the current schedule and control over the design

process. We will be pursuing funding options, as we said, adopt first investment segment. Probably after the first of the year, initiate a regional governance discussion. This is already a conversation we started one of with staff at campo and capital metro. We need to come together as a variety of agencies and have a policy discussion about how you operate these various rail lines in and out of austin, and then look for ways to support economic development opportunities. I would encourage the public to go to our web site, [austinstrategicmobility . Wwww.austinstrategicmobility. Com](http://austinstrategicmobility.com), for continued information on the urban rail process, and again, we'll be making the alternatives evaluation draft report available on that web site by middle of next week. That's my presentation. thank you. Council member riley? ep to thank you for the presentation -- i want to thank you for the presentation and I have a couple questions about it.

>> Absolutely. first with respect to funding. Do you have any sense at this point of how likely it is that we might be able to tap into federal funding?

>> Right. We've been analyzing a variety of various federal funding avenues, and it turns out there are a number of grants. For instance, as we start to think about the possibility of crossing lady bird lake, in considering a possibility of a new crossing for a variety of operational issues, there may be ways that as we add pedestrian and bicycle attributes to that crossing, that we could seek partial federal fund for those type of investments and stay out of the new starch progress. There's other grants through tiger and others, and ongoing grants that we can seek funding for, and so we will keep a lookout for those opportunities. as we look around to other urban rail systems around the country, can we identify examples of other systems that have obtained federal funding and outsider new starts?

>> Yes. In fact, we have several consultants on board right now that have been involved in other street car/urban rail funding efforts, and that's precisely their charge, is to help us through that. We started the funding analysis. In fact, today I believe you passed a authority to staff to contract with financial consultants and they'll be helping steer us through those analyses through the next several months. and lastly I want to ask you about operation. I notice at the end of your presentation you mentioned something about initiating conversations about governance. How do we -- how are we going to get to a recommendation on who would operate the line?

>> Well, we continue to keep all options open at this point as we start to move towards that discussion. It really becomes a governance issue, and i think the proper place to launch that effort is through campo, which is the regional transportation authority. We think that there is good cooperation amongst all partners but is not just capital metro. It's lone star rail. It's also proposed investment through georgetown. So we believe we're at a point now where we can define what our investment recommendation is from the city's perspective and move forward in that discussion. So -- through campo, we recommend. in terms of the possibilities of who would be operating the system, are you -- I guess -- we talked previously about the possibility of a new nonprofit or tying it to an existing entity. Do you expect that there will be a staff recommendation between those various options?

>> Yes. Yes. Yes, sir. and when would you expect we would get there?

>> That would be part of the first investment segment discussion, and so we'll be working on that issue

with our regional transit partners between now, hopefully, and January, February, time frame. So when we come back with the first operating segment recommendation, we would also be making a recommendation on operations.

>> Thank you. Council member you asked the hardest question first and that is one of the key questions, one of the most difficult questions, but it is one that we have to have a solid answer for before we go ahead. Council member Cole? Again, Rob, I want to thank you for all your work and efforts with this. I know you've been working very hard. I have just a couple of requests, and I guess the main one is that we're going to probably ask you to come to the comprehensive planning and transportation committee to lay out some of the details of the funding analysis that we just approved for you to have now because I think we really have to just try to nail that as early on as possible, especially the part that the mayor brought up about the operating costs and talk about the particular options. So we'll give that a little time, but just know that we want to do that.

>> Yes, ma'am.

[One moment, please, for]

>> As you know, the Congress Avenue bridge has I guess the world's largest bat colony on it, so we need to consider all those issues on the same page, if you will, before we make a recommendation. And so the environmental process we believe is uniquely capable of helping us through that decision. It will be still a recommendation we bring back to council on how to proceed.

>> Cole: So it's an environmental issue, not a capacity ability issue.

>> All of the issues get considered as part of that environmental issue. And environmental is a little bit after misnomer. It considers the social and other things associated with the investment itself. If an alternate location is considered, that does not require shutting down one of the existing bridges for an extended period of time during construction. Shutting down one of the existing bridges for an extended time during construction has obviously economic and social impacts during construction. So those would be weighed against any potential environmental, biological issue of putting a new bridge across there. We have completed early studies and so we know that the environmental issues with each of these alternatives, we have a good idea of what the range of those alternatives might be and what the potential impacts are.

>> Cole: And the reason I seized on that I think is important, if possible, to look at sort of the hardest issues first because it just doesn't make sense to talk, all this business if we can't get across the bridge or if we don't know anything about operating costs or who the operator is and we spend all this time, effort, energy, outside consultants with sort of the easy stuff, but we can't bite off the hard stuff. That's why I put it on your mind now. The other question I had is you gave us some ridership numbers based on other cities. I think you said 28,000 if complete by 2030.

>> Yes.

>> Cole: Are those other cities that you received those numbers for have similar populations as we do?

>> The 28,000 estimate for this system was generated using the regional model and a four-step model plus post-modeling. So that is an original number estimated based on the characteristics of austin using state of the practice methodology. I compared it to other cities like portland, like seattle, like san diego, salt lake and they've all demonstrated a strong riderships when they've made these investments. So that ridership investment was based on the local characteristics.

>> Cole: Again, i highlight that one because lots of other cities and austin have received some very significant serious criticism when people are actually not riding the rail and we've put so much money, time, energy, investment in it. So that's another area that I think we really do have to nail down is what do we really think the ridership will be and as early as possible, not just a built out system. Potentially we will have to go to the voters and we don't want to go to the voters estimating a low ridership numbers or that we haven't done the work in that regard.

>> Yes, ma'am.

>> Cole: Last issue. When you talk about the first investment phase, i think I remember sitting here at least three years ago and it was called phase one. And I'm trying to get a feel for is that still phase one, and that would be the segment from where to where? Can you describe that to us?

>> I can't describe it to you yet because we're still working at the systems level, so we had to back up. We know that this size of investment is best phased so that we can take advantage of federal funding and other fundings as we start to build the initial system. Whether that's three phases or two phases I can't tell you right now. Clearly the important places to reach are the three major centers of activity in central austin, the cdbg capital complex and university of texas. Clearly reaching out into east austin in terms of the riverside corridor is equally important in terms of generating ridership and getting outside that initial ring of constraint. So I think those are the important areas, although i can't tell you the first segment yet.

>> Cole: I guess a big piece of that is not only the ridership and potential density, but it's also the potential value capture through a tif and our ability to fund.

>> Yes. Tif and other funding mechanisms as well. That is important that how far -- the extent you can recommend to construct is constrained by your funding ability and so that's what we're working on over the next six to eight months to bring back to you. The other thing that drives the first investment recommendation is where we can put that initial maintenance facility. And so getting to areas where the city already owns real estate and could locate an interim facility is important. And when I talk about an interim facility, these things in seattle we went to one which was sandwiched between two apartment complexes, and talked to people next door and they said what maintenance facility? I mean, they're very - very good with community so they can be built so they blend in.

>> Cole: Thank you, rob.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thanks, rob. I have a couple of questions. This step in the process of looking at alternatives and doing an alternative analysis is an important one. So can you talk a little bit about how you decided which alternative we ought to integrate into this part of the analysis, the better bus?

>> This alternative analysis drew heavily from previous work. So there is a range of studies that the city had already worked through. Our primary goal in creating this alternative evaluation is to pull all of that very good information that's been developed over the last six or eight years into a single source so that we can move forward with a firm foundation, if you will. A number of previous studies had recommended, urban rail, street car, light rail, they're all sort of the same technology. Capital metro's current regional transit plan talks about a better bus type investment or metro rapid investment in the riverside corridor. That is certainly a step above the current local services that are being provided. So that's really how we coalesced around these three alternatives. We looked at a variety of modal alternatives, types of vehicles. We looked at elevated systems, we looked at underground systems as had been looked previously. And both of those seem to have flaws given the current service desires of the study area that we were looking at. The most notable constraint to overhead systems other than the potential impacts to community are getting across i-35, specifically north of the university of texas where we have parts of i-35 below grade, we have parts of i-35 above grade and we have parts of i-35 at grade. So there really wasn't a place to go aerial across that barrier at those locations, similarly in the south. And then we know from previous experience, underground has its challenges as well. So that really coalesces to a surface alternative and the three that we talked about.

>> Morrison: Great. That's helpful. And then I wanted to ask in terms of next steps, one of the things that I had asked that we keep our eye on is the whole issue that one of the things that we may expect along a new rail line, especially, for instance, from mueller down manor, would be increases in property values, and in fact we might even be talking about a tif to capture that increase to pay for some of it. But it's that increase in property value can have a negative aspect for the people that call that area home and don't want to be priced out of their homes with property taxes. And so that was one of the things that I -- that we need to keep our eye on and find a way to deal with as we go through. So I wanted to know in our next steps and decision making and analyses where we'll be able to get into some analysis and detail on that.

>> The environmental process is the correct place to do that. Not only is there an environmental justice element to that so that we're looking at the impacts on lower income neighborhoods or historically impacted neighborhoods that have been historically impacted, but also it looks at that gentrification issue specifically. Even though it says environment, it also means the social and community fabric type environment. That's the proper place. I think we will find many opportunities for council to work on policy issues that could either mitigate or negate that increase-- impact in increasing values in certain neighborhoods. So I think there will be an opportunity to do that.

>> Morrison: I think it will be really helpful if we can look at options that we have to be able to deal with.

And as you mentioned to councilmember cole is the environmental study is really a misnomer. It's really sort of an impact analysis.

>> It is an impact analysis, but at a detailed, structured level and it's a decision document that looks at the variety of scope especially packets that this might have. -- Impact that this might have. When we talk about environment, it's not just the natural environment, it is the built environment as well.

>> Morrison: Thank you.

>> Mayor Leffingwell: Further comment? Thank you very much. Excellent brig. We'll look forward to hearing from you in about eight months.

>> Thank you very much.

>> Mayor Leffingwell: I believe we're ready to go to time certain zoning cases. But if there's no objection, before we do we have two items that as announced earlier were planned to be postponed, so without objection, council, we can formally now postpone item number two 48 at the request of councilmember morrison until july 29th. 148. And postpone item number 150, a request of postponement by staff until august 5th, 2010. If there are no objections, that will be the case. And welcome mr. guernsey.

>> Thank you, mayor and council. My name is greg gurn guernsey, director of development and planning review department. I will walk through the items we can offer for possible consent on your two agenda, zoning ordinances and restrictive covenants. These are items where the public hearings have been closed. The first item that I'll walk through and offer is item c14-2008-0224 - 13642 research boulevard - approve second/third readings of an ordinance amending chapter 25-2 of the austin city code by rezoning property locally known as 13642 research boulevard. From single family standard lot (sf-2) and unzoned (unz) district zoning to general office-conditional overlay

(go-co) combining district zoning and community commercial-conditional overall. It was recommended to you by the commission and is ready for second and third readings. C14-2009-0097 - 11505 anderson mill road rezone - approve second/third readings of an ordinance amending chapter 25-2 of the austin city code by rezoning property locally known as 11505 anderson road

(bull creek watershed) from development reserve (dr) district zoning to neighborhood commercial-conditional overlay (lr-co) combining district zoning with first reading approved on february 11, 6-0; cole off the dais. applicant/owner: C814-2008-0136 - north austin medical center planned unit development - approve second/third readings of an ordinance amending chapter 25-2 of the austin city code by rezoning property locally known as 12221 north mo-pac expressway northbound and 2311-2511 park bend drive to zone the property planned unit development or pud district zoning with conditions. I'll note that on the ordinance in yellow that there's an additional condition that we have placed in the ordinance. The applicant on the property is working with our parks department regarding trail improvements and parking improvements, and there was a request that was jointly agreed by staff and the owner that if a variance is needed for the parking or trail access or other improvements within the critical water quality zone as

depicted in the walnut creek bike trail site plan, the variance will be sought by the city. And this would just merely help the applicant as they're going through and getting the site plans in. If there is a variance that comes up, that we will file the variance and process that before our various boards and commissions.

>> Mayor Leffingwell: So that's a public restrictive covenant?

>> That's part of the zoning ordinance. So that's on your dais. So with that one change, staff would like to offer this also as a consent item. Item number 110 and 111, 112 and 113 will be discussion items. And item 114 will also be discussion items. That concludes the items i can offer for consent on this portion of your agenda.

>> Mayor Leffingwell: What did you say on 113?

>> 113 Will also be a discussion item. We'll bring that up with the neighborhood plan and neighborhood plan rezoning items all at the same time. The consent agenda for those items where we've already held a public hearing will be to approve on second and third readings item number 107, 108, 109 with the additional conditions in the zoning as you read. And that's it.

>> And 110. No, excuse me. That's correct, mayor.

>> Comps moves approval. Seconded. All in favor? That passes by unanimous vote? It passes on a vote of seven to zero.

>> This is where the public hearings are open and there's possible action proposed for tonight. Item number 115 is a discussion item. Number 116, staff is requesting a postponement of this item to your july 29th agenda. A related item, item number 117, 01 , staff is recommending a postponement of this item. 119 Is -- 118 is discussion. 119 Is discussion. Number 120, staff is recommend agriculture postponement of this item to your july 29th agenda. Item number 121, c14-2009-0159 - 2807 del curto road - so zone the property townhouse condominium district zoning. The planning commission recommendation was to grant sf-6-co define '89ing district zoning on this property. We would offer this as a consent item. That's agreement among the property owners and the neighbors regarding this property to comply with sf-3 standards as recommended by the commission. This would include limiting the minimum lot size to 5,750 square feet. The maximum height to 35 feet. The maximum building coverage to 40%. The maximum impervious cover to 45%. 2 residents per acre and the maximum density is 20 units. There is an ordinance that is available that reflects this on your dais so we could offer it as a consent item on 121. Pardon?

>> Mayor Leffingwell: How many readings?

>> Three readings. Item 122 is a discussion item. , Which is related to item 123, which is also a discussion item. c14-2010-0035 - 1800 nueces street. This is to zone the property a downtown mixed use or dmu zoning. The planning commission's recommendation was to grant downtown mixed use-conditional overlay

(dmu-co) combining district zoning. There is an agreement with the judges' hill neighborhood association to support this rezoning request to dmu with some conditional overlays, noting that it is a unique situation and that their support would not constitute setting a precedent going forward. These additional changes would include allowing exterminating services as a conditional use, permitting -- prohibiting auto rentals, auto repair, automotive sales, automotive washing, bail bond services, pawn shop services, service station, vehicle storage, limited warehouse and distribution and maintenance service facilities. Those would all be prohibited uses. Also to prohibit a cocktail lounge use, which would accomplish their agreement where it says prohibit sales except for restaurant where at least 51% of the sales are from food. So that would be the equivalent of prohibiting a cocktail lounge. Limiting the height on the property to 60 feet and that the rear and interior side yard set backs, these would disappear if the adjacent lots are combined, but that would be five feet. So with those changes, I have a signature of Scottie Sayers and Jay Tason who represent the owner and represent the judges hill neighborhood association. With those I could offer this on first reading approval as a consent item. Continuing on, item number 125 and 126 are discussion items. 127, Staff is requesting a postponement of this item to your July 29th agenda. c14-2010-0068 - for the property located at 1834 Ferguson Lane. This is to zone the property to limited industrial services conditional overlay to limited industrial services conditional overlay

(li-co) combining districts c14-2010-0057 - east Braker duplex - conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1120 East Braker Lane

(Walnut Creek Watershed) from development reserve

(dr) district zoning to townhouse and condominium residence (sf-6) district staff to grant townhouse and condominium residence (sf-6) district zoning with conditions. Zoning and Platting Commission recommendation: To grant townhouse and condominium residence (sf-6) district zoning with conditions. This is ready for consent approval on first reading only. Item number 130, case c14-2009-0093 - 2203 and 2205 Western Trails the applicant has requested a postponement of this item to your July 29th agenda. c14-2010-0044 - the applicant as requested a postponement of this item to your July 29th agenda. 132 is a discussion item. 133 and 134 are related items. 01 - 117 Sandra Street - this is a change to the South Congress Combined Neighborhood Plan an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (flum) from single-family to mixed-use the planning commission was to grant the mixed use designation. This is ready for consent approval on all three readings. c14-2010-0018 - again for the property located at 117 Sandra Street. This is to zone the property to general office mixed use conditional overlay instant replay or go-mu-co-np combining district zoning. The planning commission did recommend that combined district zoning with conditions and this is ready for consent approval on all three readings. c14-2010-0050 - 2705 East Highway 71 - this is to zone the property general commercial services district zoning. The zoning and platting commission's recommendation was to grant general commercial services existing district zoning with conditions. This is ready for consent approval on all three readings. c14h-2009-0066 - for the property located at 1406 Harvee Vin Avenue to zone the property sh-3-h. The planning commission recommendation was to grant the sh-3-h combining district zoning and this is ready for consent approval on all three readings. c14h-2009-

0067 - for the property at 1412 west ninth street. This is to rezone the property to family residence historic landmark neighborhood plan. The planning commission recommendation was to grant the zoning and this is ready for consent approval on all three readings. c14h-2010-0001 - for the property located at 1925 nooning avenue. This is to zone the property family residence-neighborhood plan

(sf-3-np) combining district zoning. The planning commission was to grant the sf-3-h combining district zoning and this is ready for consent approval on all three readings. c14h-2010-0002 - at 2504 bridle path. This is to zone the property to family residence (sf-3) district zoning to family residence-historic landmark

(sf-3-h) combining district zoning. The planning commission was to grant the sh 3 h combining district zoning and this is ready for consent approval on all three readings. c14h-2010-0004 - wupperman house - conduct a public hearing and approve an ordinance amending chapter 25-2 of the austin city code by rezoning property locally known as 506 texas avenue (waller creek watershed) from family residence-conditional overlay-neighborhood plan

(sf-3-co-np) combining district zoning to family residence-historic landmark-conditional overlay-neighborhood plan

(sf-3-h-co-np) combining district zoning or family residence historic landmark neighborhood plan zoning. It was recommended by the planning commission for that combining district zoning. This is ready for consent approval on all three readings. c14h-2010-0005 - jacob and bertha schmidt house - conduct a public hearing and approve an ordinance amending chapter 25-2 of the austin city code by rezoning property locally known as 712 sparks avenue to zone the property family residence-conditional overlay-neighborhood plan

(sf-3-co-np) combining district zoning. The planning commission recommendation was to grant the sf-3-h-conp combined district zoning and this is for ready for consent approval on all three readings. And that concludes this portion of the agenda that i can offer full consent at this time.

>> Mayor Leffingwell: I'll read back the consent agenda for those items where we have yet to hold a public hearing. Item 116 is postponed until july 29th. Item 117 is postponed until july 29th. Item 120 is postponed until july 29th. Item 121 is to approve -- close the public hearing and approve on all three readings. Item 124 is to close the public hearing and approve on first reading only. Item 127 is postponed until july 29th. And to close the public hearing and approve on all item number 128. Close the public hearing and approve on first reading only: item 129. Postponed until july 29th, items 130 and 131. To close the public hearing and approve on all three readings, items 133, 134, 135, 136, 137, 138, 139, 140 and 141.

>> Mayor, on item number 130 and 131, those were to postpone those to the 29th as well of july.

>> Mayor Leffingwell: Did I not read those? That should be the case, items 130 and 131 postponed until july 29th.

>> Thank you.

>> Mayor Leffingwell: Councilmember morrison moves to approve the consent agenda. Seconded by councilmember spelman. Discussion? Councilmember shade.

>> Shade: I'm going -- I'm uncomfortable based on the resolution that we passed last meeting with respect to the six historic zoning cases being all on -- all three readings consent agenda items. I think we owe it to learn more about these cases and to hear what was the outcome of the resolution that we passed last week. I would like to pull those from the consent agenda or entertain some other options, but I don't feel comfortable having them go through all three readings on the consent agenda.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: How about if we do -- we do have a pretty heavy schedule, so maybe what we could do would be to approve them on first and second reading and then take th time in the interim to come back on the 29th and that will give us a -- of july. Give us the time to study them a little bit and get questions answered.

>> Martinez: Mayor?

>> Mayor Leffingwell: I think that is a very reasonable suggestion and i would support that. Mayor pro tem.

>> Martinez: And I like that suggestion, but I would also suggest after I ask this question and get a response. Greg, if we pass it on first and/or second reading, what's the time frame for when we can bring it back? What's the deadline for bringing it back for third reading?

>> We can bring it back at your next meeting.

>> Martinez: What is the longest time we could go?

>> You could wait almost up to a year, I think.

>> Martinez: While I don't think that's appropriate, waiting a year, but we have passed an item two weeks ago asking staff to help us come up with some recommendations as it relates to historic zoning. What I would suggest is that we adopt it on first and second reading, try to work with staff and in a timely manner and then bring it back when we have these recommendations or at least have had some of these discussions that we have asked staff to help us with.

>> Morrison: I guess my discomfort with that, mayor pro tem, is that these folks are under current rules and we're going to -- we may be coming up with new rules. And it sounds like you're asking us to put them -- put things off and consider them under new rules. It sounds a little bit like you're suggest agriculture moratorium on historic zoning until we do that. So that's not something i would support.

>> Mayor Leffingwell: Let me say it's my understanding that wouldn't affect their status. They would still be considered under the old criteria.

>> These applications have already been filed and are already in process.

>> Mayor Leffingwell: And I do think there's a basic fairness issue. Although I -- I share mayor pro tem and councilmember shade's concern about this. And we went through all this last december with a similar spate and we wound up realizing at that time that really fairness dictated that we consider each of these items under the existing criteria and try our best to follow what the code said and we wound up a few meetings later approving all of them under these same criteria. So I believe we set in process a-- we set in place a process to try to get at this problem, but I think it basically unfair to those

Title: Community Access

Channel: 6 - COAC006

Recorded On: 6/24/2010 5:00:00 PM

Transcript Generated by SnapStream Enterprise TV Server

=====

To the six historic zoning cases being all on -- all three readings consent agenda items. I think we owe it to learn more about these cases and to hear what was the outcome of the resolution that we passed last week. I would like to pull those from the consent agenda or entertain some other options, but I don't feel comfortable having them go through all three readings on the consent agenda.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: How about if we do -- we do have a pretty heavy schedule, so maybe what we could do would be to approve them on first and second reading and then take the time in the interim to come back on the 29th and that will give us a -- of july. Give us the time to study them a little bit and get questions answered.

>> Martinez: Mayor?

>> Mayor Leffingwell: I think that is a very reasonable suggestion and i would support that. Mayor pro tem.

>> Martinez: And I like that suggestion, but I would also suggest after I ask this question and get a response. Greg, if we pass it on first and/or second reading, what's the time frame for when we can bring it back? What's the deadline for bringing it back for third reading?

>> We can bring it back at your next meeting.

>> Martinez: What is the longest time we could go?

>> You could wait almost up to a year, I think.

>> Martinez: While I don't think that's appropriate, waiting a year, but we have passed an item two weeks ago asking staff to help us come up with some recommendations as it relates to historic zoning. What I would suggest is that we adopt it on first and second reading, try to work with staff and in a timely manner and then bring it back when we have these recommendations or at least have had some of these discussions that we have asked staff to help us with.

>> Morrison: I guess my discomfort with that, mayor pro tem, is that these folks are under current rules and we're going to -- we may be coming up with new rules. And it sounds like you're asking us to put them -- put things off and consider them under new rules. It sounds a little bit like you're suggest agriculture moratorium on historic zoning until we do that. So that's not something i would support.

>> Mayor Leffingwell: Let me say it's my understanding that wouldn't affect their status. They would still be considered under the old criteria.

>> These applications have already been filed and are already in process.

>> Mayor Leffingwell: And I do think there's a basic fairness issue. Although I -- I share mayor pro tem and councilmember shade's concern about this. And we went through all this last december with a similar spate and we wound up realizing at that time that really fairness dictated that we consider each of these items under the existing criteria and try our best to follow what the code said and we wound up a few meetings later approving all of them under these same criteria. So I believe we set in process a-- we set in place a process to try to get at this problem, but I think it basically unfair to those who have made application under the old criteria to put them in a state of limbo suggesting that at some future time they might have to meet a different set of criteria. I don't think that would be legal either. Councilmember.

[00:03:49]

>> Spelman: I would like to remind all of us that the criteria for the suggested changes in the resolution that we passed a couple of weeks ago were two parts. The first part which would be coming back to us shortly, would have no affect on these at all because they would only have an effect on the number of cases that come to the historic landmark commission and to the planning commissions on a monthly basis. These are already past that gate. The other set of changes that we would be considering would not come back to us until conceivably DECEMBER 31st. I don't believe any of us want to wait that long on dealing with these cases here.

>> Councilmember shade.

>> Shade: I was definitely not suggesting a moratorium and I am very sensitive to the comments that the mayor just made with respect to it. I think it is reasonable for us to be able to have discussion on these and to have more time. As I was going through the backup, I feel like I want to at least give it the same amount of time that we do so many of the other zoning cases, especially because of the financial

implications on these. I don't know that I could see doing all six by July 29th, but maybe we could find a way to have a compromise because again, the implications from the tax perspective don't affect any of these folks in the -- until next year anyway. I'm not suggesting changing the criteria with these folks, I'm really just looking for a little more time and a little bit more thoughtful discussion. I don't know if that's achieved by passing on consent the -- on first and second reading and putting a postponement date that we could see them come three at a time instead of all six at once to be more family fair to the families and the people here. But stagger them. I'm open to suggestions. I just don't want to see all six of them on July 29th because I think I'll still not be fully prepared and I think that's a long agenda.

>> Mayor Leffingwell: Councilmember, I guess the best course of action is for you to pull items 133 through 141 off the consent agenda.

[00:06:07]

>> Shade: Can we do September or August?

>> Morrison: I would like to keep it July 29th and if we need to postpone them at a time if we haven't had time to study the backup by then, we can postpone them. But I think it's in fairness to move these forward and even the limitations, you know --

>> Mayor Leffingwell: Excuse me, councilmember. I'm going to pull 133 through 141 off the consent. We'll do -- deal with the consent agenda and then we can address these items and make a sort of Robert's Rules of Order motion to postpone them until a certain date or whatever that motion might be.

>> Mayor and Council, just so you know, 133, 134 and 135 were not historic cases. So if you want to keep those on the consent agenda, they won't -- they're not being up for historic zoning.

>> Mayor Leffingwell: So it should be 135 through 141 that are pulled off the consent agenda.

>> 136.

>> Mayor Leffingwell: Excuse me, 136 through 141. Okay. Does everyone understand the consent agenda as it is now? I'll sprain a motion to -- entertain a motion to approve the consent agenda.

>> Spelman: It's already on the table, Mayor.

>> Mayor Leffingwell: All in favor say aye? Any opposed say no. It passes on a vote of seven to zero.

>> Thank you, Mayor and Council. That will bring us back to our discussion items.

>> Mayor Leffingwell: Rievment.

>> I would like to introduce Jacob Browning and Mark Walters that will speak to items number 110, 111,, 112 and 113. These are all items related to the North Lamar Combined Neighborhood Plan Area. These are

for consideration of second and third reading approval of all three of these items. And since your first reading we've had some changes to a couple of the properties and I'll let mark and jacob go through those. Thank you.

>> Good afternoon, mayor and council. I'm mark walters with planning and development review department. At your may 27th meeting you approved the bulk of the north lamar combined neighborhood plan and associated rezonings. I'm here today to go through the bulk of the plan for second and third reading. Just to give you a little context, the plan is bounded by braker lane on the north, 183 on the south and lamar boulevard on the west. And with that I'll go into the motions and we'll go through the motion sheet unless there's any questions at this time. Okay. For motion 1, it would be for agenda item 110, on second and third readings approve the north lamar combined neighborhood plan as approved by the city council on first reading except for tracts 134 and 135-b and the sections of the neighborhood plan relating to tract 32 on pages 79 through 82. And this motion includes actions taken by the city council regarding other tracts as well on the first reading. Tract 32 was postponed on your consent agenda, so we won't be taking item at this time.

[00:09:53]

>> Mayor Leffingwell: I'll entertain a motion on agenda item 110. Councilmember spelman moves approval of our previous actions. Seconded by councilmember cole. Any discussion? All in favor -- this will be on second and third reading. All in favor say aye. It passes on a vote of seven to zero.

>>> The second is the north lamar neighborhood planning district as approved by council is on first reading. This includes actions taken by the city council regarding special infill options and design tools approve on first reading. And that's the end of my presentation on agenda item wn 11 if you have any questions.

>> Mayor Leffingwell: I'll entertain a motion on item 111. Councilmember spelman moves to close the public hearing and approve on second -- the public hearing is already closed. To approve on second and third readings item number 111, seconded by councilmember cole. Discussion? All in favor say aye . Opposed say no. It passes on a vote of seven to zero.

>> The next motion 3 was for agenda item 112 on second and third reading to approve the george an acres neighborhood plan except for tracts 134 and 135-b and these two tracts will be discussed in the following two motions. And this motion like the previous one, includes actions taken by the city council regarding design tools and tract 125-a. That's the end of my presentation if you have any questions.

>> Mayor Leffingwell: Questions? Okay. So we need a motion on 112?

>> Yeah. For motion number 3, yes.

>> Spelman: Let me try again, mayor. Approve on second and third readings.

>> Mayor Leffingwell: Councilmember spelman moves to approve item number 112 on second and third readings.

[00:12:01]

>> Except for tracts 134 and 135-b.

>> Mayor Leffingwell: Except for 134 and 135. Is there a second? Seconded by councilmember morrison. Discussion? All in favor say aye . Opposed say no. Passes on a vote of seven to zero. The next motion is a videotape for a tract. -- Is a valid petition for a tract, tract 134, and it is 602, 604, 606 middle lane. It is off the frontage road of i-35 just south of rundberg lane. The owner is sam chin. The property is currently vacant land and zoned for lr. The planning commission and the neighborhood stakeholders recommended that the land use designation should be single-family 3 and the zoning of sf-3-np. The property owner submitted a valid petition opposed to the zoning to sf 3asked that the zoning be gr-np, an up zoning of the property from its current zoning. After considering the property owner's request, staff developed a possible alternative recommendation for this, that the land use designation of office with lo neighborhood office, limited office with conditions, those conditions would be to restrict the building to 18 feet in height and make both medical office uses conditional uses. And as you can see here, the tract circled in red to the east of it is a hotel, to the west of it is a hotel. To the east is the neighborhood. During the planning process, the neighborhood was concerned that more intense commercial encroachment, specifically hotels and those types of uses, would encroach into the neighborhood. The picture in the upper left is the subject property looking west along middle lane as you can see. It's a fairly narrow road, unimproved, no curbs, no gutters. Across from middle lane, the next picture over, shows that there is a hotel. And then as I said earlier, to the east of the property there is a hotel. And as you look at the western edge you can see that it starts to transition into the single-family. And that is why staff came up with an alternate recommendation to the -- to the gr or to the sf-3. The lo would provide a transition to -- from the intense commercial on the freeway into the interior of the neighborhood. There is a valid petition, so it would require six votes to approve the sf-3 or the lo-co zoning and five votes would be needed to approve the zoning for the gr if that was council's desire. That's the end of my presentation. A valid petition is in your late backup. I can answer any questions at this time. I'm not sure if the property owner is in attendance this evening.

[00:15:20]

>> Mayor Leffingwell: Questions, council? This will be item 112. The first part of it dealing only with tract 134.

>> Morrison: Question, more. The valid petition is not an owner valid petition?

>> Yes, it's owner valid petition. chin submitted that i think last week and we had it validated through our staff.

>> Mayor Leffingwell: So six votes would be required on anything other than the property owner recommendation.

>> That's correct.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: Recall for us what is the recommendations for lr?

>> No, councilmember. The staff, after hearing the property owner's request to gr, thought that would be rather intensive, it would allow for another hotel. And the staff would be for lo, limited office, with conditions, limiting medical offices as well as restricting the building height to effectively one story.

>> Spelman: Are you recommending any kind of a buffer between this lot and the adjacent lot, which is single-family?

>> The compatibility standards would kick in, which would put a 25-foot buffer between the property line, the western property line, and any improvements.

>> Spelman: Mayor, is the owner in attendance? Is the owner of this property in attendance?

>> Mayor Leffingwell: Is the applicant represented here? Evidently not. Which the public hearing has been closed, so I wouldn't necessarily expect him to be.

>> Spelman: Mayor, I move approval of the staff recommendation on second and third reading.

>> Mayor Leffingwell: Motion by councilmember spelman to approve the staff recommendation, lo-co-np on second and third reading. Seconded by councilmember morrison. Councilmember cole.

>> Cole: I have a quick question. Can you remind me what happened at the planning commission with the conditional use permit? My notes have that there was some issue with the conditional overlay, the conditional use permit?

>> I think that related to hotel-motel uses because of the overabundance of hotels, motels. There's over 17 in the planning area. And some of the issues that they have caused the community that we made all motel-motels conditional uses, which would trigger a conditional use permit for a new hotel or motel in this area.

[00:18:12]

>> Cole: And that's consistent with the staff recommendation?

>> Yes. That was the staff -- that was the community and staff recommendation to address the issue.

>> Mayor Leffingwell: Is that all you have, councilmember?

>> Cole: Yes, mayor.

>> Mayor Leffingwell: Further discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero.

>> The next motion regards tract 135-b, that's 9220 north i-35. Also known as the budget lodge. The owner is 9220 north i-35 llc, a gentleman larry hall representing it. And there is an agent from the firm of (indiscernible). Currently the site is a hotel. It's currently zoned gr. The planning commission recommendation was to keep the property as a land use of commercial and keep the gr zoning, but to make hotel-motel uses conditional uses, which is consistent across the entire planning area. The stakeholders recommended the same as the planning commission and the property owner would like to remove the condition of -- make hotel-motel a conditional use and has filed a valid petition and requires six out of seven votes. You can see here is the property. It's more or less at the intersection of Rundberg and i-35. It has that I shape. Here's the picture of the hotel-motel. It has been the subject of neighborhood action and protests against it. The stakeholders in the community feel that this has negatively affected their quality of life and was really the reason why we came up with the conditional overlay for hotel-motels in the first place. This was the primary agent for that decision. If you have any questions, I'll be happy to answer them at this time. If not I understand that neither the owner or an agent of the owner is in attendance if you have any questions of them. They are in attendance.

>> Mayor Leffingwell: Councilmember Spelman.

>> Spelman: Under what circumstances would the owner actually have to seek a conditional use permit?

>> If he was to have his certificate of occupancy revoked, that might necessitate a conditional use permit. Or if the property ceased operation for 90 days and had its electricity turned off, that would trigger a conditional use permit. Otherwise they would be limited to a certain amount of improvement. They could not make improvements that would create parking 120% greater than what's required by code, but they could make improvements of 20% of the assessed value of the site per annum in perpetuity.

[00:21:08]

>> Spelman: Per annum in perpetuity. So they could keep the building, they could sell the building to somebody else. They could continue forever. They could continue to make additions to the building so long as it's less than 20% per year forever.

>> And didn't increase the parking requirements.

>> Spelman: Right. Move approval of staff recommendation on second and third reading.

>> Mayor Leffingwell: Councilmember spelman moves to approve staff recommendation for tract 135-b on second and third reading. Seconded by councilmember morrison. Discussion?

>> The planning commission would approved and there is a representative of the property owner if you have questions.

>> Mayor Leffingwell: Motion on the table. Any questions?

>> Spelman: We have the property owner here, we should probably hear from them.

>> A representative, yes.

>> Good afternoon, mayor, mayor pro tem, council. I'm jim whitlive. I'm here on behalf of larry hall, the owner of the property. Let me be clear what his objection is. This hotel is in a little bit of a different situation than the other five hotels up and down the i-35 corridor. Now, as you saw in the picture that was up there, and most people know the name budget lodge. The first time I ever talked to the property owner, i came up with every excuse in the world not to come out and meet with him because i had already talked to the georgian acres neighborhood association and I kind of had made my mind up too. But when I went and talked to him I found a guy that i thought was trying to do the right things. Now, his property, as most of you probably know, in december 2008 was in fact closed down by the city of austin under the nuisance abatement act. The austin police department, law department and code enforcement combined revoked his operating permit. The city planned on taking him to court and on JULY 23rd, 2009 THE CITY Dropped their case. And instead negotiated for him to do certain things, put up fences along rundberg lane to keep traffic -- walking traffic and vehicle traffic out of his parking lot and other measures. And he today is in legal standing with the city. He's got a legal operating hotel on that site. He's got a state-of-the-art facility to make sure that people that are -- have warrants or people that don't have identification can't stay at his motel. Now, his motel, the difference between his and the other ones up and down i-35, is his is completely engulfed in the 100 year floodplain. How does that affect the property? He already had nuisance abatement filed on him. After it went through a legal process -- I've got newsletter that went out and they said there were 463 complaints in a 10-month period, but according to his attorney, only four of those cases were legitimate cases out of 463. I won't go into all the details of the difference, but that was a big part of the reason why the city's law department decided to drop that case and not prosecute it in court because they could have shut him down for a year. And they chose not to do it. So if this conditional overlay is applied to this property, if nuisance abatement is enforced on this property again, for either a legitimate reason or like what happened last time, if somebody says, well, we think it's a problem and we -- we don't want to tolerate the problem, he is going to have to get a conditional use permit in order to reactivate his hotel on the site. Now, I don't think -- I've done conditional use permits and I don't think you could get a conditional use permit. I don't think the planning commission would garner the votes necessary to approve it. I think it would be politically impossible. So now you would have a structure set in there that was built for a hotel and it can't be used for a hotel. What could it be used for? I don't know. Maybe you could turn it into some sort of an odd rooming house. That doesn't sound like it would make it any better. You couldn't tear it down and build anything else there because the entire property is in the 100 year floodplain. So with the conditional overlay to make the existing legal use

of this property into a conditional use, potentially you're putting a death sentence on this property that it can't be used for anything. And I don't think that's reasonable or fair. I don't think that would be your objective. And I would like to you consider that. I was told by staff that one of the reasons was they didn't want the hotel uses expanded. There were too many hotels in the area. I tend to agree with that argument. We would be okay with a conditional overlay that said you can't expand the motel use or the hotel use, but I would ask you to not put the co on to make the existing, lect legal use of that property a hotel-motel into a conditional use because the fact that this property -- and the floodplain, by the way, this thing was built around --

[00:26:58]

[buzzer sounds] the floodplain is the result of the culvert under i-35 that was built in 1952 by txdot. It's undersized, so there's a back water condition.

>> Mayor Leffingwell: Thank you. Has he answered your question fully, councilmember?

>> Spelman: If I could ask a follow-up, mayor. Why was it that the neighborhood was so exercised about this hotel?

>> I'll give you my opinion. I'm not an expert on this hotel, but I do have a strong opinion. The owner of the property owns a number of motels around the country, and his niche is turnarounds. He buys things that are I'd say kind of problematic and tries to bring them up. He's kind of a gruff guy. He's easy for me to get along with, but that might not be saying much about me.

[Laughter] but he tends to be a little bit gruff. And when I first heard about this thing -- there's a problem out there. I stood with him in his parking lot with his manager and we had a prostitute come up at noon at 90 degrees and offer us a three for one. It's a problem in the area. And, you know, there are problems. The city -- the police department has put up cameras in the area now. They've required that this be fenced off.

>> Mayor Leffingwell: I think the question was do you know why the neighborhoods are upset by this?

>> Because there's been so much crime, prostitution, drug dealing, etcetera, in the area. And they want it stopped.

>> Spelman: It appears to be centered on this hotel for a reason and I wondered if you could explain why the reason was this hotel was the focal point for the neighborhood's concern.

>> I can tell you why i think it was the focal point, and this is the information that was given for me by the attorney that represented him in his lawsuit with the city. Police go out there and follow people around, I'll call them the never do wells. Sometimes it's jay walking across the i-35 frontage. Sometimes it's littering. Sometimes it's other things. They stop them and they use his address. That's a big part of it. What I was

told is four out of 463 of the incident reports were found to be legitimate related to his hotel. And I can't tell you anymore. I can tell you he's in good standing today and I think he wants to operate his hotel legally.

[00:29:40]

>> Spelman: I understand. Thank you very much. Mayor, I would like to ask a question of staff.

>> Mayor Leffingwell: Is staff recommendation the same as the planning commission?

>> Pardon?

>> Mayor Leffingwell: Is the staff recommendation the same as the planning commission?

>> Yes, mayor.

>> Mayor Leffingwell: It doesn't say on the motion sheet.

>> It's the -- in this case you can consider it one and the same. The staff recommendation and the planning commission --

>> Mayor Leffingwell: I was asked to clarify that by the city attorney.

>> Spelman: What is required to revoke the co of a building?

>> It's outside of my -- there's someone here from the code enforcement who could more closely answer that. I can't.

>> Spelman: Fair enough.

>> You might have our housing folks come and declare the building unsafe. Be forced for demolition or you may have the owner actually start using the building in a manner that's not a hotel anymore. Some of the rooms may be converted to start selling, I don't know, hallmark cards or some sort of products.

[Laughter] and --

>> services.

>> Where it would then change the use and we might come in and say there's a zoning violation because they're not operating as a hotel anymore.

>> Spelman: That was very delicately put, greg.

[Laughter] okay. So is this an administrative procedure or do we go to court and get some --

>> it would only go to court if it was actually appealed beyond -- it's usually an administrative process to revoke a certificate of occupancy. It may then come before the building and park code of appeals. It may come back to you. You may have an opportunity to review one of those at your upcoming meetings where this issue came up. You will see one in the coming months. But yes, it is administrative to a point and then it may come before you. The only way it gets to court is if someone actually intervened, like the owner to take it to a court.

>> Spelman: So it is appealable.

>> Just about everything you do is appealable to a court certainly. But it's administrative for a few steps and then might get to you if there's an appeal beyond that.

[00:32:07]

>> Spelman: So, for example, suppose someone were to show that goods and services were being sold out of this hotel which were inconsistent with a hotel use. You on an administrative procedure revoke the co. The owner appeals it to the court. Would he then supposedly the court then overturn the administrative action that you guys had put before them. If the co was no longer revoked because the judge overturned it, would that trigger a requirement for a conditional use permit because we had administratively revoked the co or would that not because a judge had overturned it?

>> I will have to ask our attorney that. I don't k --

>> what I'm looking for here is another pair of eyes other than our own administrative procedures which could at least conceivably trigger the need for conditional use permit. If it's just us, then i think the owner has a point, we could just decide to revoke his co and that would require a conditional use permit, making it difficult for him to develop land or use it for some other purpose. But if a judge has to look at it as well or could be made to look at it as well through an appeals process, another et set of eyes, then I'm a lot less concerned about any arbitrary action on our part.

>> Normally in the process, there is a notice of intent before we would actually -- I guess suspend a permit. There would be also notice if we were going to revoke a certificate of occupancy, and that's not done lightly. There usually has to be a compelling reason before we would go in and take such an action and then it would go before the building and fire code board of appeal. It would be reviewed by them and could be appealed to the city council. So we would have several sets of eyes before you would get to a court situation unless the owner just decided not to avail themselves of any of those process and just went to court.

>> Spelman: I don't need the other set of eyes to be a judge, but just another set of eyes. That could be the board of appeals or it could be us. Good enough for me. Thank you.

>> Mayor Leffingwell: Further discussion. The motion is still on the table as the staff recommendation, the same as the planning commission recommendation. All in favor say aye. Opposed say no. It passes on a vote of seven to zero.

>> The final motion applies to agenda item 113 on second and third reading. Approve an teamed eamed to article five and figure one of subchapter e of the land development code to north lamar boulevard from west 183 to west braker lane to the list of core transit corridors as approved by the city council on first reading. And that's the end of my presentation if you have any questions. Currently it's a future core transit corridor.

[00:35:06]

>> Mayor Leffingwell: Councilmember spelman.

>> Mayor Leffingwell: Motion to approve staff recommendation on second and third reading. Seconded by councilmember morrison. Discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero.

>> Thank you.

>> Mayor Leffingwell: So council, without objection, we are now in recess for live music and proclamation. And we anticipate being back on the dais at approximately 6:30.

[00:39:53]

>> Mayor Leffingwell: Folks, it's time for live music and proclamations. Today it's our privilege to have vincent turner from the austin classical guitar society who is competing in the contest they're having at the long center this week. I will be there myself saturday night. I think vincent is playing in the afternoon, so i probably won't see him. Good luck to you certainly in that. These are not your ordinary cowboys. These are classical dpit tar players, come from all over the world. Society has become one of the leading promoters of classical guitar in the united states aside from an annual international concert series featuring some of the world's classical guitarists. The society offers monthly meetings for instruction and performance. Free concerts throughout the community and has an educational outreach program for low income students in the austin independent school district. The austin classical guitar society is currently hosting the 2010 guitar foundation of america international convention and competition at the long center through june 27th. The event features austin's best classical guitarists as well as competitors from more than 25 countries. So please join me in welcoming vincent turner. Vincent, take it away.

[Applause]

>> back in new braunfels one of the bigger attractions of the city is tubing. It's a kind of slow piece. And as my instructor brought up, it kind of feels like you are tubing. That's kind of what's in my mind when I play it. It's a really cool piece.

[00:42:16]

[??Music playing??]

[??music playing??]

[00:45:16]

[applause]

>> Mayor Leffingwell: Excellent, vincent. Very good. Are you strictly an amateur at this point or do you play publicly anywhere that you might want to tell folks about?

>> Well, I should be playing more than I do right now, but yeah. I mean, in front of people, you know.

[Laughter]

>> Mayor Leffingwell: Any local bars you might be playing?

[Laughter]

>> no. I'll pass.

>> Mayor Leffingwell: Do you have a website?

>> No, no.

>> Mayor Leffingwell: Okay.

>> Vincent has got some excellent videos on youtube, though. You should check out vincent turner on youtube. He has excellent stuff up there.

>> Mayor Leffingwell: Vincent turner on youtube, folks. Excellent. So we have a proclamation and I'm going to read this proclamation, and it says that be it known that whereas the local music community makes many contributions towards the development of austin's social, economic and cultural diversity and whereas the dedicated efforts of artists further -- excuse me. Further austin's status as the live music capitol of the world. Now therefore i, lee leffingwell, mayor of the city of austin, texas do here by proclaim june 24th, 2010 as austin classical guitar society day in austin, texas. So congratulations. I guess you get to keep that.

[Applause]

>> Mayor Leffingwell: Excellent, thank you. Very pesky and unpredictable. It's my pleasure to honor one of our fine employees today, ray windsor, watershed protection department, who has received a significant honor. Hold it up there.

[00:48:04]

[Laughter] can you hang that on the wall or do you serious justice to weight papers down?

>> I carry it around wherever I go.

[Laughter]

>> Mayor Leffingwell: It says 2010 floodplain manager of the year. For demonstrating excellence in the field of floodplain management. That is not a big field, folks, floodplain management. Seriously very important work here for the city. So this is a certificate of congratulations for having been selected as the 2010 floodplain manager of the year by the texas floodplain management association. Ray windsor is deserving of public acclaim and recog. Since the 1980's, windsor has been involved in austin's floodplain management with the goal of reducing flood damage and preventing loss of life. He has been a certified floodplain manager since 1997 and his work has benefitted not only the city of austin, but other communities in texas as well. We are pleased to extend our congratulations to ray windsor for having been selected for the statewide honor. This certificate is presented the 24th day of june, the year 2010, by the city council of austin, texas, signed by myself, mayor lee leffingwell. Congratulations. And you're more than welcome to say a couple of words if you want to.

>> May i? Sure. Thank you, mayor. I've got too many things here. Well, this -- this award is a great honor for me, and it's a major milestone in my life. It also reflects back on -- I get joked up. It reflects back on austin as the most liveable city in , and I'd like to thank all the people I've worked with throughout the years. We're fortunate here to have a very proactive management team of leaders in watershed engineering. And also I would like to thank all the staff members who helped support us because one person can't do it alone. And thank you very much again. I appreciate it.

[00:51:34]

>> Cole: In 1994 my family moved to willshirewood and i had my first son and i decided I was going to change jobs because I wanted to get home before dark and be able to go to the park, which was patterson park. And more important in all that, I wanted to be able to feel the crunch of the leaves as I pushed the stroller up the hill to the playground. So needless to say this is a very, very special park to me and I have raised three boys in this neighborhood and I appreciate the opportunity to be able to present you with the proclamation. K with thean noan that whereas a reunion of maplewood elementary students from the classes of 1961 through 1965 brought 250 people together on june fifth, 2010 to share memories of their childhoods in the dellwood neighborhood during the 50's and 60's and whereas the group remembered their school as providing positive, educational and social experiences. The former students raised \$2,000 in donations to carry on maplewood's good work for the current generation and whereas

patterson park was the site of joyous austin summertime activities, including swimming in the pool, playing four square, box hockey and horse shoes as part of the city's summer park program. And whereas in a society where everything changes rapidly, reunions provide a pleasant opportunity to rekindle friendships and forge new bonds. Now therefore i, lee leffingwell, mayor of the city of austin, texas do here by proclaim june 2010 as the maplewood elementary school 50-year reunion in austin. There you go.

[Applause]

>> sheryl, thank you very much. She moved there in 1991. My dad moved there in 1951. My dad still lives in that area. There were six of us on the reunion committee. My name is doug green. Allen, denise, sylvia wise, we put together this. We started december 16th with one e-mail. I had 12 people on the e-mail. Today I have 280 people's name on that e-mail address. 225, 250 People played barbecue, we played box hockey and we saw people we hadn't seen in 40 years. We all went to school together. We all graduated from reagan in 1972, so we've known each other, but we got to see people that we hadn't seen and lost contact. And we did raise some money. We decided we put out some money for the event. I served barbecue and did some other things. And we haven't quite raised \$2,000, but we'll put out another e-mail for people that didn't get to attend and we're going to turn that over the first of the school year to the maplewood pta. Thank you very much.

[00:55:03]

[Applause]

>> Cole: I just wanted to let you know, doug, that i found out of this event because of a lady, sheryl taylor, had -- sheryl, come up here. We've been friends a long time. She said, well, why didn't you get invited to the event? I said I don't know. Now I know it goes back to 1950.

[Laughter]

>> Cole: I try to make this event every year because it just lifts my spirits because it's so important to austin and to recognize women of achievement. And I just can't emphasize enough how warm it makes you feel to actually have women mentors and other women that you can look up to for all different types of accomplishments. So I'm going to read the first certificate in its entirety, but all of you have the same thing except that you received the certificate for different reasons. So I'm going to read those reasons. Okay? Okay. Certificate of congratulations for having been honored as a young woman of achievement by the ywca. Ms. mayers. Congratulations. Certificate of congratulations for having been honored as a leader of promise by the ywca pillar sanchez, is deserving of public acclaim and recognition. We are pleased to join the ywca in recognizing sanchez as a woman of the year for 2010 and to thank her for her many contributions to our community. Presented this 24th day of june in the year 2010, the city council of austin, texas, mayor lee leffingwell, mayor pro tem mike martinez, councilmembers chris riley, randy shade, rawr ra morrison,-- laura morrison, will spelman and sheryl cole. I'll spare the rest of y'all all that. Certificate of congratulations for having been honored for her work in the area of economic empowerment

by the ywca, laura greebles. Is that right? Certificate of congratulations for having been honored for her work in the area of racial justice by the ywca, audrey sheldon. I've known you a long time. Certificate of congratulations for having been honored for lifetime achievement by the ywca, kate nevin.

[00:59:51]

[Applause]

>> to some of our mobility impaired folks and elderly folks in our community, so now we have a hillside theater that truly is open to the entire community. So this year we're going to kick off tonight's 52'd year of the summer musical and allow laura to say a few words and john as well. But you have the hook on him because that guy can talk. I'm just kidding, john -- kidding john -- the proc reads for 52 years the zilker has provided free music for families and this year zilker productions presents annie -- and I'm not playing daddy warbucks. I want you-all to know that. I can't sing, otherwise i would. This year's zilker theater production proudly presents annie, the aspirational story of a young spung' -- it will run july 9 through 14, thursday through sunday at the hillside theater in zilker park beginning at sundown and whereas annie is funded in part by the cultural arts provision, by a grant on the texas commission on arts and an award by the national endowment for the arts and is co-sponsored by parks and recreation department, i, leave leffingwell, declare july 9 through august 14th, 2010 as the 2010 zilker summer musical season. Congratulations.

[Applause]

>> hi, I'm laura powell, president of zig cer music productions. And for 60 years families have grabbed blankets and thrown them on the hillside and enjoyed the music always, and we're happy to kick off the favorite with the favorite annie. And of course our -- on we're also very excited for you to see the transformation that the hillside has undergone in the last year. You're going to be amazed. It's absolutely unbelievable. Not only is it ada compliant, we have a new decking on the stage. Lots of things that you can't see that are going to make the crew's job much easier. The whole hillside has been resodded with beautiful grass, no more fire ants, and so we encourage you to come down, join us on the hillside, july 9 through 14th, and also I know you do see a resemblance of our own mayor pro tem to daddy war bucks, who is actually here this evening.

>> I didn't recognize him.

>> I know, last time you saw him he had hair.

[Laughter] and he has graciously agreed to do a walk-on role during the production this summer, so when you come down to see the show, you might actually get to see mayor pro tem mike martinez on the stage in the production. So thank you very much for the recognition and the honor.

[Applause]

>> hi, I'm john falk. I want to say a couple words. When I started this whole thing out about a year ago with the bunker project, none of this would be possible without the cooperation so many people in the city of austin parks department. When we brought the idea in they spent their time, gave advice, helped shepherd it through the process. Dtp used their organization to acquire grants, belinda will tell you I bugged people to death taking pictures and asking what we should do, and it all resulted in a tremendous example of public/private cooperation to create something really, really special for the city of austin. Also, there were many, many companies, home depot and several contractors and individuals who contributed their time and resources at no charge to the city to make this happen. It was really something special. Thank you.

>> Thanks, john.

[Applause]

[music playing] spunky inspirational spongy spun ci test test test test test metcalf restrictive great hills ck pd marc ott marc ott marc whelan whellan wheelan maw and mau planning blank and kahn tran cull ber son we are out of recess, and we're going to begin with some items that without objection council will begin with some items that we can take very quickly, and then go back to our discussion items, and i believe the first one of those is item 118.

>> Yes, mayor and council, item 118, the applicant had to leave, had a family emergency, and would ask for postponement until your august 5 meeting. 118 case c14-2009-0078.

>> Mayor leffingwell: okay. So do I have a motion to postpone item 118 until august 5? By council member morrison, second by the mayor pro tem. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Any opposed say no? That passes on a vote of 7 -- or excuse me, 4-0, with council members shade, cole and spelman off the dais. And so we do have one person we're going to take up en masse, items 136 through item 141. Let me -- we have one speaker signed up on 136. Let me ask if hunter barrier -- is hunter spare year in the chambers? Hunter barrier is not in the chamber, so we can check him off as having been called to speak on 136. And the motion to take these items all at once will be to close the public hearing and approve on first and second readings items 136, 137, 138, 139 and 140, with additional instructions to staff -- did I say -- 141, with additional instructions to staff to bring back items 136, 137 and 138 on august 5 and to bring back for third and final reading items 139, 140 and 141 on august 19. And we now have five members on the dais so we can do that. So -- motion to close the public hearing and approve on first and second readings, 136, 137, 138, 139, 140 and 141, with additional instructions to staff. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Any opposed say no? Passes on a vote of 5-0 with council members spelman and cole off the dais.

>> Thank you, mayor and council. At this time I'll introduce george adams, assistant director of planning and development review to cover items 114 and 115.

>> Evening mayor and council, items 114 and 115 are related, 114 is zoning case -- let me stop you just a second. 114 As a valid petition?

>> That's correct. and we don't have a full council on the dais so it would probably not be a good thing to hear that item right now.

>> Okay. so let's go on to the next. we can go on to item 119. 119 Is case c14-2010-0017 for the property located at 5914 loss horizon drive. This is the great hills country club. This is a zoning change request from community commercial conditional overlay or gr-co combining district zoning to community commercial conditional overlay gr-co combining district zoning. The planning commission did recommend the gr-co combining district zoning and they recommended approval with conditional overlay that would allow the following uses as community recreation private, indoor entertainment, outdoor sports and recreation, restaurant limited and restaurant general and permit all other lo uses on the property. The property itself is about 68 acres in size, and the site is currently used as a golf club. Includes a pool area, restaurant, retail shop, meeting rooms and the golf course. To the north zoned pud and there's county. Golf course to the south is sf-2 and sf-6 and self-restaurants. To the west is sf-1 and sf-2 self-residences and to the east is sf-2. There is a valid petition that's been signed by adjacent property owners. It is currently -- stands as valid petition. We do have a full council seated on the dais. There is a proposed expansion and remodeling that's desired in the site. Specifically, the country club would like to add tennis courts in place of some of the existing parking lot on the property. In addition they would like to expand the pool area and remodel some buildings for the benefit of the future needs of the golf club. At this time I'll pause. If you have any questions, and I believe the owner's representative, larry harper is here to speak to the item. As I did mention there is a valid petition filed by property owners. and it is ready for first reading?

>> It's ready for first reading only. Questi questi questi questi ons of staff? We'll hear from the applicant or the applicant's representative, larry harper. Is larry watson in the chamber? Okay. Floyd cobb? And I can't really read the first name. It's b.r. 4 a.d. brown. Okay. harper, you get -- as the applicant you get five minutes. You've had two people donate three minutes to you, so you have 11 minutes.

>> Okay. Thank you. I probably won't need quite that much.

>> Mayor leffingwell: okay. Well, take what you need.

>> Good afternoon, mayor, council members. My name is larry harper. I'm the general manager at great hills country club, which is a member-owned private country club with approximately 500 members and 300 of those members live in the community of great hills. We are a not for profit business which is listed

with the IRS as a 501(c)(7), and -- which also rely gates us to some kind of straight strange things we have to do operation-wise. Ten weeks ago on April 6 Great Hills Country Club made a request of the zoning commission to lift five restricted uses that are currently listed in ordinance no. 001026-63. During the meeting we discovered that there was a valid petition to stop the closed progress by a portion of the homeowners that lived on the adjacent streets. All thought club had made attempts to address any issues with the area homeowners association, this group was not part of an HOA and therefore not aware of our intentions. The commissioners asked that we meet with the petitioners and review their concerns, and we held a meeting on April 14 and found that the petitioners and the residents around there were concerned that should permitted uses be granted, the club could make changes in improvements without further discussions or input from the local community. The board of directors of the club acknowledged that this was a legitimate concern and agreed to a major concession that we would change our request, amend those restricted uses to conditional uses, believing this is the best for both parties, that the club would be a -- would have the reasonable ability to improve our amenities as needed, and because those changes would require zoning commission approval, the local community would be notified and have an opportunity for open discussion through the zoning commission approval process. In light of this change, the commissioners voted unanimously to approve our request at the April 20 meeting. We were then scheduled to appear before the city council on May 13. However, legal technicality raised by the petitioner sent us back to the zoning commission for a second time on May 18, which again the zoning commission approved the club's request unanimously. During this process there have been numerous and varied requests for the club to accept additional restrictions and limitations prior to the approval by the city council. The requests include large areas of buffer and time limits of operations, mainly. We have been reluctant to agree to these -- these specific restrictions as we have not actually asked to build anything at this time. These requests will come following the anticipated approval of the zoning request when proper site plans and diagrams will be developed and submitted for open forum discussion in front of the zoning commission. At that time it is fully anticipated the club will present a request for tennis amenities consistent with recent discussions. Be that as it may, we held a second meeting for the petitioners and homeowners on Sunday, June 6. The club presented conceptual sketches and designs that included locations of future tennis facilities, parking configurations and landscape designs. It was explained and we continue to agree that the tennis court structures will be moved as far from Lost Horizon Drive as possible without impacting parking availability. Further, the club agrees to a landscape buffer between the road and the courts that will be done to shield the structures from view. These landscape plans will be consistent with recent improvements that shield existing pool and tennis amenities. Although the club has been reluctant to agree to further restrictions, an offer was made during the June 6 meeting with the basic guidelines to include a 35-foot landscape buffer measured from the back of the curb of Lost Horizon Drive and the court lights to be turned off at 9:00 p.m. Because the city council meeting was scheduled for Thursday June 10, we asked that the petitioners let us know their answer before the end of the day, Monday June 7. There was no contact on Monday, and the club withdrew the offer and began preparing for the meeting as it stood. Also, after further reflection by the board of directors, they agreed that the time restriction of would be an undue hardship and since Austin tennis facilities have a standard operating time of 00 would not be a reasonable concession and would prevent the club, most likely, from doing the tennis improvements. In the material that was passed out, there are two LETTERS FROM THE AREA HOAs That state their agreements with the club's proposal and anticipated improvements as Great Hills Country Club is a significant attribute for property values, green spaces and recreational uses. In addition,

the club offers a variety of golf, tennis and swim instruction to children and adults alike. The tennis professional, Chris Anderson, has an active junior program and in 2010 has presented the game of tennis to the USGA Quick Start program to over 2,000 children in the local public schools. The PGA golf professional, Rick Arnett has a strong golf program to all ages and a steady stream of top junior players have come to compete locally and stayed wide. But sports and recreation aren't the only thing provided. We also offer sporting competitions as well as sporting events for members and guests. There's a valid petition in place that threatens to close progress and future success. We have worked diligently to answer the concerns and requests by the local residents listed on the petition as well as those that are not listed. Also in your package is a summary of the efforts and concessions the club made, which include agreeing to conditional use restrictions, holding open meetings, individual private meetings, making email communications, the most recent being a Q and A and a response -- or correspondence, providing preliminary drafts of side plans and sketches, and agreeing not to just meet the city ordinance guidelines but far exceeding those restrictions. The club is currently more than a little apprehensive about the future of our 500-plus members. Again, 300 which live around the Great Hills community, since, in effect, our progress and future viability is being held hostage by a comparatively small group. In closing I want to reiterate that the club's request concerns changing our restrictive uses to conditional uses on five specific uses. At this time we are not asking for approval to build tennis courts, although this will most likely follow the anticipated zoning change. The club also has made and will continue to make efforts to find reasonable and effective common ground with the residents of Great Hills community. It is our sincere hope that you will agree with our request and approve this vital step needed for our future progress and viability. And I would be happy to answer any questions. I have one.

>> Yes, sir. to the OARMS association, looks like -- homeowners association, looks like Great Hills section 8 and second one is 9 and 10.

>> Yes, sir. are these the homeowners associations surrounding --

>> those are the main ones. There's one smaller one called the Greens which only has a few but it's across the course. These are the two main ones -- are they adjacent to the club?

>> They are to the golf course, yes. all right. Council member Spelman Harper, could you -- it sounds like you've moved a long ways away from your opening bid, which you started with seeking. Could you explain to us exactly what the points of difference are between your current position, what you're seeking right here, and what the homeowners are asking for?

>> Well, I think the main -- the main area of contention seems to be about the hours, the operational hours. The problem is if we get 00 time frame or a 00 time frame, what that does, it cuts out quite a bit of our ability to have periodic leagues and tournaments, those kind of things. We have four existing courts that are across the street and down the road a little bit. I've talked to several of the homeowners that live around there. There's really not a lot of -- they don't have a lot of concern with the lights. They don't really notice them. There's not that much noise. During the June 6 meeting we had a conversation with one of the petitioners that mentioned he had been down there at night and, you know, to view the lights and the noise, and he mentioned that it really didn't -- wasn't noticeable, the noise wasn't -- you couldn't hear it

and the lights weren't noticeable. So, you know, the club feels like we will address any reasonable -- reasonable concern or problem, and we can't quite get a beat on what the problem is with 00, because if it's not a problem with the noise and the lights, then what's the problem? We also plan on putting a buffer between there that would shield the lights, with shorter poles also, there are shields and visors you can put to control. Also right on that corner is a street lamp that's on all night. so you're willing to put up shielded light so the light is going straight down on to the court but not bleeding off into the rest of the neighborhood.

>> Yes, sir. That's what we have on the other one right now. is the other one open till 10:00?

>> Yes. and at least so far as you know, the neighbors around that court have not been complaining about the 10:00?

>> We've talked to several of them and they don't seem to have any -- the one of growstein, grugenberger, they said they have no issue at all with it. and the reason you have to stay open until 00 is you wouldn't be able to have leagues because sometimes the leagues --

>> yeah, they sometimes 00 into that area. what happens when they go past 10:00? You just pull the plug and say --

>> yeah, we have a light -- timer on it, and it just automatically turns them off at 10:00.

>> Spelman: thank you, sir. I'd like to follow up on that point, and I may need staff on this one, and the question is, at the site plan stage before site plan approval, isn't there a city ordinance that would require shielding of those lights anyway? yes, during the site plan review there's compatibility standards and one of those design standards would require the shielding of lighting so a light source would not be visible from the adjacent residence. the light source would not be visible.

>> That's correct. from the petitioner's homes?

>> F single-family, even those that are not petitioners, there would be shielding for lighting.

>> Mayor leffingwell: okay. Thank you. Those are all the speakers that we have signed up for, so now we will hear from those signed up against, and I'm assuming that william bosking is the lead sperg. All right. So darlene bosking, joanne lutkey. Jason -- jason janson. Okay. So you get five minutes. You've got four people who have donated three minutes to you, so that would give you 17 minutes but the maximum is 15, so all you get is 15 minutes.

>> Yes, sir. I will try not to use that much. all right. mayor, city council members. Thank you very much for hearing our concerns this evening. Before I start I want to thank council member riley and council staff for multiple offices for meeting with us during the last few weeks, and to the city arborist and to the city legal department and the city zoning staff for answering lots of our questions during the last few weeks. We really appreciate the access that we have to city government in this city. So thank you. Before I start on

my presentation, I'll just disagree with one thing that harper said and a few others later in my presentation, but I wouldn't consider the improper notification in this case to be a mere legal technicality. I would consider that it was pretty important and that it's actually something you can't easily even make up for by simple renotification in the case, so I would disagree with that characterization. So the big picture for us here is that this is a private club within a quiet residential neighborhood in northwest austin, and this has been a stable neighborhood and stable land use for 10 or 20 years and the zoning on this land has been stable for the last 10 years. And now the applicant would like to change the zoning to enable some club modernization of the clubhouse and of the pool and to allow the installation of new uses on the land, including the tennis courts. And our position is basically that we're not against this. We're not trying to hold them hostage, and we would like to see the club succeed, but we would like to see a reasonable transition between the neighborhood and between -- and the club. And we think our goals and our principles in this case are really directly in accord with the city's zoning principles that are put forth in the city zoning guide, three of which I put on this first slide. So one of those is that zoning should allow for reasonable use of the land. And basically that's what the applicant and what the city zoning staff and what the zoning commission have said, is that this is a reasonable use of their land, and basically we agree with that, but we think that there could be restrictions placed on using the entire land or leaving some buffer space and that there are at least two other important principles here that zoning should provide for transitions between adjacent uses and that zoning should help maintain the character of neighborhoods. So we seek the compromise that addresses all three of these concerns, not just one. And -- sorry. How do I do the slides here? Is it just the mouse button? Yes. So we do have a valid petition in this case. Currently we have 24% of the land within 200 feet of the property is owned by petitioners. You should note that that may not sound like a large number, but over half of the land is owned by the applicant. And more than half of the people within the 200 feet who own land have signed the petition. So it's a large number of us in this area. I'll point out a couple things here. Most of us in this area, i think some on the east or northeast side of the property, are in one of those homeowners organizations that are mentioned. The rest of us are not and we don't have a neighborhood organization, although we probably should. And the one thing I'd point out on this diagram is some of that red patches on the bottom petitioners, are close to the other tennis cou that were mentioned earlier, so there are some people who apparently do have some concerns over those courts and over the current changes. So when we originally formed this petition and when we originally heard of the case, we were against this rezoning for a number of reasons, including that it wasn't clear what it was being asked for the changes were very for, the changes were broad, we had concerns or traffic and parking and traffic to the neighborhood and noise. harper is right in saying some of those things have been addressed. harper have made much more clear what they're asking for, the removal of five things from the conditional overlay, and it is generous that they have offered to make those things conditional, but it simply doesn't address our main concern of changes to the character of the neighborhood, and that's why we still have a petition and that's why we're still here. So our proposed compromise in this case is illustrated here and this is basically going to be the same compromise that we gave to harper three days after the meeting that he referred to a couple weeks ago on a sunday, the wednesday before that city council meeting we gave him this compromise. The reason for that delay was so that we could check the city code to see if we were getting more than the minimum, to talk to the city arborist, to talk on to our neighbors, many who weren't at the meeting, and frankly we thought we were being pressured at the meeting. It was a verbal offer. It was the first offer we received in this case at all and we thought we needed time to consider it. And I really did not hear a specific time

frame on that offer at the time. And in any event, if there was, I apologize, but I don't think a few hours to consider something that had taken months so far would have been reasonable. So in any event our counteroffer is shown here, and basically we would like to see these five uses allowed or made conditional as the applicant and the commission have recommended, but to allow a 25-foot buffer along Lost Horizon Drive, which is vegetative, and to have restricted hours 00 to 9:00 p.m. So our main rationale for the size of the vegetative buffer and for why we want the city council to do this now at the zoning stage and put it in an ordinance rather than waiting for site plan is shown on this slide. So the first thing I'd like you to consider is that for the residential properties along Lost Horizon Drive, the building setback is 25 feet. So no houses, railroad, other buildings in all -- houses or other buildings within that residential property can be within 25 feet of the property. The applicant's property also has a setback of 25 feet. This is due to another section of the code, since they are a GR property that's adjacent to SF-2 property, they have this restriction for buildings. One additional restriction is that for intensive uses such as tennis courts there's a 50-foot setback on the side, or the northeast side, in this case property from the adjacent SF-2 property, and what we're trying to point out here is that we would consider, although this intensive usage has some additional screening considered on the side property, it doesn't on the front. There's nothing in the code that addresses should there be a larger front yard setback for a GR property in a residential neighborhood like this where there's intensive usage on the GR property, and basically our argument is that the 10-foot GR minimum is inadequate when you have intensive usage such as proposed here, and a way to think of this, you know, structures as imposing as a set of four lighted tennis courts, the existing pool, parking lot, clubhouse, driving range and golf course. When you consider that whole thing as a set of uses -- as a set of uses, it's hard to consider it less intrusive or less than a simple house on this road, and it's hard to consider that it should have a 10-foot setback instead of a 25, but the code doesn't address this and that's why we would see special consideration here and not put and put in the ordinance and not wait for the site plan. That's the basic structure of our argument. This slide just makes some of the same points on the satellite view and allows me to make a few more points. I would want to emphasize that we are not just screening against a single tennis court or against four tennis courts. That's not really our purpose. The tennis courts triggered our involvement in this case, but as we proceeded in this case this has really become about principles of screening the club from the neighborhood, and if they were proposing extension of the pool or volleyball courts or soccer fields or something else in that area we'd be proposing the same thing. In any event, they are planning tennis courts and they already have a pool and a parking lot and a driving range and a restaurant, and they're seeking restaurant general classification and indoor entertainment, so they have a lot of uses back here. As far as the development of the tennis courts on the northeast part of the property, there are a number of considerations that they're going to run into during development, including trying to get a variance for the 50-foot restriction I alluded to earlier, and there is a heritage tree in that area, and currently to put the tennis courts in that area, I think with or without the buffer we have requested, they would plan on putting parking in what is currently SF-2 property adjacent to the property being considered, and which is in close proximity and view of petitioners to the northeast side of the property. The person immediately adjacent to the property on the northeast has signed off on all of this, but the pro properties immediately adjacent to that are on the petition and are quite concerned about the development of that end of the property. Excuse me, northeast or northwest?

>> Northwest. I apologize for the dislexia --

>> adjacent to the red rectangle. The first house is not a petitioner, the two to the right of that are, is what I was trying to indicate. Thank you. So very briefly, the structure of the buffer we're talking about is shown here. I don't think you can see the numbers on the right-of-way. The right-of-way is 64 feet wide, as best we've been able to determine. It terminates within a steep embankment on the property, and that's one of the things I wanted to point out to you about the unique characters of the property. There's a steep embankment that goes up about 6 feet and the right-of-way seems to terminate in that area, so some of the plannable region of any buffer space is going to be limited by that characteristic of the property. So we're seeking a 25-foot buffer with large trees. Again, we wanted to point out that a heritage tree slightly further back on the property would have to be removed for their current plans. This is a drawing that I made based on input from the cityist on recommended species and spacing. Basically I'm showing this to indicate we'd like to see a buffer that's large enough on top of this embankment to ensure adequate growth of these species and adequate structures and uses that are planned, and that would be 20 feet on top of the embankment, basically, and 5 feet within it. Hence, another reason for the 25. So in summary, we think that our proposal is both fair and reasonable because we're proposing essentially the same setbacks as are found on the rest of the street to be continued and to be extended to structures and uses that are intensive directly across the street from our property. This would provide for the first time screening of parking on their property and screening of the new uses, such as community recreation. We think it will help maintain the character of the neighborhood and will still allow reasonable use of the land, and I -- I want to conclude by saying we really wanted to negotiate in this case. When we left their meeting a couple weeks ago and made the counteroffer, it was intended mostly as a clarification and only as a 5-foot change in the size of the buffer, and we came to city council two weeks ago hoping that they would reach a final agreement with us, a steel want to do that tonight. Still want to do that tonight. We hope you'll consider a 25-foot buffer and restricted hours of operation. If however you do not want to go there in light of the valid petition we would ask that you reject the applicant's rezoning request, and I'd be happy to take any of your questions. council member spelman in. harper and bosskey I'm going to ask you the same question. From your point of view, what do you and the country club disagree on, exactly?

>> Right now?

>> Spelman: right now.

>> I think we disagree on both the hours of the operation and the size of the buffer. do you want 00, and you want a 25-foot buffer?

>> Yes, sir. do you have a harper didn't mention a buffer. Do you have a sense for how harper is proposing?

>> They offered us 20 feet a couple weeks ago and he hasn't said anything since then. so he's offered it -
- at one point --

>> I should say he offered to be -- technically correct. He offered 35 feet from the curb and we offered -- we were offering 25 feet from the right-of-way. One of the difficulties in this case is neither the applicant

nor we know where the edge of right-of-way is. We attempted to get that information from the city zoning staff and we weren't able to.

>> Spelman: okay. So one point he offered 35 feet from the curb, which may or may not be the edge of the right-of-way --

>> he's definitely not the edge of the rimp but it's not -- right-of-way, but it's not clear exactly where the edge of the right-of-way is. The road by our measurements is 44 feet wide. The right-of-way is 64 feet wide. Again, to the best that I'm able to determine. So I think it's 10 feet past the curb and that that terminates in steep embankment, and again, that's part of why we're seeking some additional feet there so we have 20 feet on top. if it's 10 feet from the curb, he's actually at one point offered you a 25-foot setback, which is what you're asking for.

>> When he offered -- 35 feet from the curb, right-of-way is 10 feet from the curb so that would leave 25 feet -- --

>> sir, at the time we don't know the size of the right-of-way or edge of the right-of-way. I feel like I should not technically try to answer that. In fact, in the meeting that sunday it was very confusing. He offered 35 feet from the curb. We were looking for 25 from the edge of the right-of-way because we thought that was the way the city usually specified these things. which probably ends up being about in the same place. We can nail that down.

>> I certainly think they're within 5 feet. 00 and not 10:00? Why does that hour mean so much?

>> I think it will influence our property value to tell people when you go to sell your house that those lights have to go off at 9:00. I think it will ensure some quiet period in the evenings. You have to realize it won't just be the lights but it will be the cars and the other traffic associated with it. Their own tennis pro told us in the same meeting that league play would mostly be during the day and he anticipated very little play during the evening. So I feel like they're giving very little to grant that but that it likely increases our property value and maintains the character of the neighborhood.

>> Spelman: thank you, sir. so just quickly, you did hear that you wouldn't be able to see the lights from any house in t neighborhood.

>> I heard that, sir, and we understand the city requirement for the hooding on the lights and we understand that, and we believe that they will use the best lights possible. We believe, in general, that they want the property to look the best it can, but i can tell you of the current tennis courts that you can see those from half a mile away in our neighborhood, and the actual light source may be screened, but nevertheless -- but we don't know that they're subject to the current light shielding ordinance.

>> They may not have exactly the same things, yes, sir. council member shade. I'm curious -- I'm not that -- I'm somewhat familiar with that area, and I remember the country club being there before there were any houses, and so i guess when you talk about the character that you're -- I want to see if you could

elaborate. What do you mean by that and how does this impact the character of the neighborhood. I'm having a hard time figuring that out, since it's part -- it was what the neighborhood was built around.

>> Well, I -- sometimes i think this -- I'm not saying this is how you're characterizing it. This has been characterized as if we bought into a country club or this is a golf course community, and it's not. It's a community that happens to have a club or have a golf course. And it's a private club and it's a quiet residential neighborhood. I think it's going to be very visually intrusive and that it's likely to change the traffic and parking problems that they already have, and that they're trying to fit an awful lot of uses into a very small space and that that has to end up impacting the surrounding neighborhood. As far as, you know, they were there first. They have been there for a long time, but the current zoning has been in place for a long time also, for ten years, and the current compromise in terms of this being a gr property, which i failed to point out is actually kind of a strange thing. This is not a major roadway and yet this is a gr property, and it used to be limited office, which would be have a 25-foot setback. So there's -- there's been a long time where the established usage of this was simply as a parking lot for a quiet country club and now it's going to become much more intensive, is what I'm trying to portray. And that the existing zoning has been there for ten years, and when we bought our property during that time period we shoopt have shouldn't have had any reasonable reason to guess it would just change.

>> Mayor leffingwell: okay. One more quick question.

>> Yes, sir. we have letters from two surrounding neighborhood associations in support of the country club. Is it they just don't care about you or what is it?

>> I can't answer that directly, sir, but when we -- they were at some of the meetings in question, and they actually stated at those meetings that they were neutral. So being in favor is new to me, because had we met them in person they said they were neutral. we have the letters.

>> I understand. It's new to me [chuckle]

>> mayor leffingwell: okay.

>> I don't know why. I think they're advocating for their own interests, sir, and we are for our section of the community. thank you. Council member morrison. I have one question. You made a comment and maybe this shouldn't be for you, but you made a comment that you understood they were going to be looking for a variance to the 50-foot setback. Was that with regard to the tree that -- getting rid of the heritage tree or actually building in the 50-foot setback?

>> I went too quickly over that. I apologize. Our understanding is that that variance is required for them to go within 50 feet with the proposed tennis courts on that end of the property and that the property owner there has agreed to the extent that they can being that they're on board with that. We don't know if that means the city has to or will grant that as well. as far as you know they're planning to put their tennis court in the 50-foot setback? That's what they're --

>> as far as I knew that was the current plan and it was partially a request of that immediate neighbor for their own reasons. I mean, currently there is a maintenance area or corral that is directly in that area, which is fenced off, and I think they're willing to trade it for tennis courts and they'd rather have that than parking or the maintenance corral. So they have -- and -- well, I'll stop. that's just a lot of surmising. And then I do have a question for scott, if mr. guernsey is here. Thank you very much for your presentation. I'm curious if you know whether or not the other tennis courts are subject to the same lighting compatibility standards. They do look to be on property that's adjacent to single-family.

>> A lot of this area may have been annexed before those areas were subject to compatibility, improvements were annexed into the city limits and they were preexisting. So they would have been grandfathered with that respect. I don't know if the structures themselves would meet the standard, but if the light source is invisible from the residences, then they would. Usually there's -- they call a shoe box type of light where the light source is usually held within, and then it's actually enclosed so you don't actually see that unless you're directly underneath. so this is a case where it was annexed after the -- I believe this area -- I don't know the exactly annexation date, but I believe we annexed this into the city and it already existed.

>> Morrison: okay. Thank you.

>> Spelman: mr. guernsey? council member spelman. could you give us an example for where there are these aerodynamic lights that you can't see from a distance but do shine directly down? on oltorf?

>> The on oltorf, those probably were there before or we had -- before we had compatibility standards in place. You probably would have to go further out to where we have a newer shopping center that might be built to see that type of lighting. if you had an example in your back pocket that people could go take a look at and see whether -- I live out south so I can't think of anything exactly north. I can think of examples that are actually built in the circle c. I'm sure we can get you one, council member.

>> Spelman: thanks. but this is first reading so we could come back and probably get a -- an example of a detail of a light may have been used somewhere else. let me follow on that. This is only ready for first reading, it's not ready for all three read iption readings, anyway? Is that correct?

>> Yes. are there more speakers. we have more speakers. I'll wait for the rest of the speakers. robbie menery. You have three minutes.

>> Okay. Thanks. Good evening, mayor, respective council members. My name is robey batergy and I live on 9700 granada cove. I'm the fifth house down from where the proposed tennis courts are going to be built. I don't have much to add bill bosking's presentation, but I'm pretty much here to make a statement and, you know -- and my opinion. I'm here to support the petition here, but also here to reach a -- also here to come to a reasonable compromise with the club. Our request for a buffer zone is not unreasonable considering that we'll be looking at an 8 to 9-foot wall presently where there is blue sky. It will afford some degree of landscaping, which though not optimal would be a minimum for maintaining some kind of a curbside appeal. The buffer zone will also probably minimize the noise and light

[inaudible], and i appreciate the club stance in listening to the community and hopefully we can come to a compromise. Thank you. thank you. William hamilton, also against.

>> Good evening, mayor, council. I didn't really plan to speak this evening. I just hit the wrong button when I was outside again.

[Laughter] but here I am. you can just say ditto --

[laughter]

>> no, no.

>> Make friends.

>> It's just a very small joke. I just quickly have a few -- couple of comments. We do support the club and we want to see the club be successful. We live in a house that is just on the other side of where the tennis courts are proposed, and we -- my main concern is a couple things. One is the extension of parking that's to the north -- I guess more to the northeast or maybe even due north, where it could possibly extend around to be visible to our -- our property. When we bought our house -- we've lived in this house for ten years, and had there been a tennis court in place where they're proposing to put the tennis court, we may not have bought our house there, so I can't -- I can't say for sure, but it's -- it certainly is a major structure, and I think the additional intensive use that's going to be used if we're talking about tennis tournaments and that sort of thing is a bit of a concern as well. But again, as I stated earlier, we do want to see the club be successful. We're not against it -- you know, some sort of accommodation and some way to be able to work this out, and it seems to me we're not that far apart from what the group has recommended to what the club is wanting to do. So I can't imagine that we can't come to some kind of an agreement.

>> Mayor leffingwell: great.

>> Be glad to answer any questions. council member morrison. I do have a question. I wonder if you could speak from your perspective, you mentioned tournaments. I guess the other tennis courts, do they have tournaments on them now or as far as you know --

>> to be honest with you, they're pretty far down the hill from where we live, so we don't really have much visibility to that, unless we're leaving our home driving out of the neighborhood. The only thing that really occurs now on a very infrequent basis are swim meets that they have on the weekends, which is fine. I mean, it's just -- it's maybe once or twice a year, but when it happens there's cars everywhere. But like I said, we're not opposed to that. We're not opposed to most of the activity of the club or even additional tennis courts, but it's just i think that the location of these tennis courts, it seems to me, might be better suited not right next to adjoining houses to the property.

>> Morrison: thank you. all right. Those are all the folks signed up against that want to speak. We also have christina jenson and kathleen hamilton signed up against not wishing to speak. So now we'll go back to the applicant for a three-minute rebuttal. Larry harper.

>> I'm sorry, I didn't catch all that. -- you get three minutes rebuttal time.

>> Okay.

[Chuckle] there's -- you know, I think there's basically two issues, as i said earlier. There's lighting and there's distance. I'm not sure why there's any confusion on the distance. We presented drawings, sketches, everything about -- we were, I think, basically 37 feet off of the curb, which, you know, we just don't know where that other point is. We've mentioned that we are very concerned about giving specifics at this point because we don't have engineer drawings. I think in nature we can understand that we're going to go back as far as we possibly can and we've even pinpointed those things with places on the ground out there. Our concern is to get -- if we do -- if we give too much, what happens is if it pushes those courts back, we lose substantial parking and we -- there's no way to recapture it. Right now we're working with the parking issues, and we figure we can come out with a net positive five to ten extra spaces in the parking lot. Right now the parking lot generally is about 75 to 80% capacity. Most days, it's hardly ever over that. There are days when it does get very full, but as a general rule it's not quite used to its full capacity. So our concern is if we -- if we agree to something without those specific drawings, we could paint ourselves into a box where, you know, especially the land is useless, we couldn't use it again.

[One moment, please, for]

>> yes. And that's really what we anticipated going into this, the whole idea was to get -- to get the drawings once we got to the zoning and do those kind of structures and say okay, here's what we can do. Like I said, we're definitely fully aware that we need to push these as far back as we can. We want to create a veil from the road so people can't really see in, but they can kind of see something.

>> Mayor Leffingwell: Okay. Thank you. So those are all the speakers that we have signed up. Councilmember spelman?

>> Spelman: Mayor, it seems to me that these two parties are very, very close together and just a little bit additional conversation between the two of them could probably result in a deal. So I would like to move to leave open the public hearing and vote to accept the zoning change on first reading only. Give the parties an opportunity to talk with each other so when we come back for second and third reading, perhaps we'll have a deal.

>> Mayor Leffingwell: So the motion is to leave the public hearing open and approve on first reading only the zoning and platting commission recommendation. And what setback is in that? Does anybody know? At any rate, maybe we can get an answer for that while we're asking for a second. Is there a second? Seconded by the mayor pro tem.

>> The zoning and platting commission recommendation dealt with additional uses being considered, but they did not specifically list the setback. So if you would like to add that, you can certainly do that with this motion to provide -- I think you said a 25-foot setback.

>> Spelman: Greg, how much trouble would it fob your staff to determine whether this 37-foot set back from the curb is actually equivalent to a 25-foot setback from the right-of-way?

>> We could figure that out before you come back for second and third reading. We should be able to determine that working with our public works department, probably aerial photography.

>> Spelman: Let me add a 25-foot setback from the right-of-way, which i believe is the usual standard, to the zap recommendation.

>> That's for the additional improvements, not just a building set back.

>> For any addition improvements, for any additional impervious cover.

>> That would apply to the parking lot.

>> Spelman: Parking lot, additions to the pool. Tennessee nis courts.

>> Isn't it possible that right-of-way would be variable?

>> It is. It's not uncommon that you would have variations in right-of-way, especially where there are curved skszs in the road. But if you were to speak generally, look at the 25 and we could tell council before second and third reading.

>> Mayor Leffingwell: We would almost have to do a metes and bounds things to describe the setback if it's set back from the right-of-way, wouldn't you?

>> That would be a 25-foot setback from the property line and that would be easy to determine. If council is concerned that there might be great variation between the property line and the curb, we could come back and probably give you an idea of what that would be before you take action on second and third reading.

>> Spelman: If you would be willing to convey whatever information you boskue harper, I would appreciate it.

>> We can share it with all parties.

>> Thank you.

>> Mayor Leffingwell: Motion and a second on the table. Further discussion? Councilmember riley.

>> Riley: I shared councilmember spelman's hope that something that something Can be done on this case. It seems that the parties are close to agreement. I'm going to vote against the motion with the valid petition, but I'm hopeful that when this comes back on second and third reading that we will have an agreement and we can all sign off on that. So I'll be voting no for now. I look forward to revisiting it when it comes back.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I'm also going to vote no. I think these are valid concerns that the neighbors are raising in terms of having this use next to them. I think lights and noise and the activity will have an impact on what their living condition is now. And while I appreciate the applicant's quest for assurances, I think that the neighbors also have some right to assurances and we need to keep in mind that applicant is requesting an increase in an entitlement that's beyond what they have now. So I do hope that a compromise can be reached. It is very close -- everybody is very close and hopefully that work can be done over the coming months.

>> Mayor Leffingwell: Further comments? Councilmember cole.

>> Cole: Just briefly. Again, I hope that we can reach a compromise because you are so very close and i also recognize the needs of the neighbors, but also that certain portions of this golf course were there before the neighborhood was actually there. So in that spirit, I hope that both parties have a mutual respect for each other and the space that they occupy.

>> Mayor Leffingwell: All in favor say aye. Opposed say no. It passes on a vote of five-two, councilmember riley, councilmember morrison opposed.

>> Evening mayor and council. George adams with the planning and development review department. I'm here to present items 114 and 115, which are related to each other. Item 114 is zoning case c-14-2009-0102. Upper boggy creek neighborhood planning area vmu opt in, opt out application tract 3. Item 1 finish is 03, upper boggy creek vertical mixed use neighborhood plan amendment for tract 3. On june 10th the council approved second reading of an ordinance to exclude tract 3 from the vmu overlay district. The owner of tract 3 has filed a valid petition in opposition to this action to -- excluding the property from the vmu overlay district and six votes would be required for third reading of the ordinance. If third reading of the ordinance does not receive six votes and the council takes no other action, the property will stay in the overlay district, but will not receive the vmu-related standards, the dimensional standards, parking reduction and additional uses in office district. If the council could also choose to approve the planning commission recommendation, which would apply those vmu-related standards, if the council does choose this option, we would ask that item 115 be taken in association with item 114. That concludes my presentation. I would be glad to answer any questions you may have.

>> Mayor Leffingwell: We have some folks signed up to speak on item 115. So if we want to consider these items together for purposes of the public hearing --

>> mayor, I might just mention if it's the council's desire just to do third reading on 114, that wouldn't require consideration of item 115.

>> Mayor Leffingwell: All right. I think that's a good suggestion. We'll take up item 114 first since the public hearing is already closed on that. Mayor pro tem, did you want to speak or was it councilmember riley?

>> Riley: I'm ready to make a motion unless somebody else wants to make comment.

>> Mayor Leffingwell: Okay. Councilmember riley.

>> Riley: I'm going to move that we amend the vmu overlay district to exclude tract 3 and in particular I'm going to move the planning commission's recommendation on all three readings. Actually, no, maybe I said that wrong. I wanted to -- I want to move the planning commission's recommendation on that.

[Laughter] could you tell us exactly what that would mean?

[Laughter]

>> yes, I will.

>> Mayor Leffingwell: Tell me too.

[Laughter]

>> I'm sure this will all become clear some day. What the planning commission recommendation would do, the property would stay in the vmu overlay district and it would apply the vmu standards. Essentially the incentives for vmu. It would also apply the requirement for the affordable rental units. That was part of the pc recommendation. And I might just add that if it's the council's desire to do all three readings, we would need five votes and then we would also add the request that 115 be taken at the same time.

>>

>> Riley: Okay. I would move planning commission's recommendation on all three readings.

>> Cole: Second.

>> Martinez: Mayor, I was going to second george's motion, but since sheryl did, go ahead.

[Laughter]

>> Mayor Leffingwell: So councilmember riley moves the planning commission recommendation on third reading since we've already had -- no?

>> All three readings.

>> Mayor Leffingwell: All three readings? Okay. My sheet is wrong then. Second by who? Councilmember cole.

>> Not nancy.

>> Mayor Leffingwell: Further discussion? Councilmember morrison.

>> Morrison: I'm going to vote against this motion. I had made the motions previously to exclude this tract because I felt quite strongly that it was important that we stand by the city's commitment -- what I felt was the city autos commitment to the neighbors from some years ago reflected in the public restrictive covenant saying that there wouldn't be residential here. So I can't support this motion.

>> Mayor Leffingwell: And I will also oppose the motion. Anything further? Councilmember cole.

>> Cole: Mayor, I have actually seen this property on airport, and know what we're trying to do with the vmu and actually visited with more of the neighbors in the area and have become convinced that it is a commercial corridor that we should support with vmu.

>> Mayor Leffingwell: I understand. Well, you know, I'll just go ahead and say it. My objection is primarily on principle, that the process basically automatically up zones the property. So then in order to downzone the property or let's say leave the property zoning the way it is, you have to overcome a valid petition. I don't like that process, i don't think it's fair, i don't think it's equitable, so that's the reason I'm voting against it. Okay. All in favor say aye. Opposed say no. It passes on a vote of five-two with myself and councilmember morrison voting no.

>> Mayor, just to clarify, i think it would help if the council could take action on item 115 as well, the future land use plan amendment.

>> Mayor Leffingwell: Well, that's what we plan to do.

[Laughter] so the briefing is completed on 115?

>> Yes.

>> Mayor Leffingwell: So we'll go to our speakers. So we don't have -- is there an applicant in this case? We don't have anyone signed up wishing to speak in favor unless there are questions. Amelia lopez and gerard kinney. We'll go to those against. Tom johnson johnson is against. Is robin graham moore here? So tom, you have six minutes.

>> Mayor, city councilmembers, I live on east 40th and my property abuts right up against the property that is in question right now. One of the big concerns we have is the erosion problems that we're having. We have a small creek or runoff that runs right beside our property. And when they built mueller, because

we're right across the street from mueller, we were told there would be no water runoff. And the city told us that. But now this dry creek is a constant running creek and we have -- like the recent rains that we had, we have actually had water coming up into our backyard now. We have an erosion problem that's getting out of hand. It actually floods east 40th street. And I didn't realize we would be talking today because I did have -- I had a whole bunch of pictures with me. The last three times we weren't able to talk and i brought the pictures each time. This time I didn't bring 'em. I'm also concerned about property values. When they built on this property -- and I don't know if anyone else has seen this property. It is so narrow. We don't know where they're going to park. Are they going to be on our side streets? We -- what's going to happen to airport boulevard? Because when they put mueller in, they cut off all of our crossings across airport boulevard. So we have to go all the way through the neighborhood to get out of our neighborhood now. We have to go actually through to cherry wood to get to 35. One of the concerns we have is the traffic congestion, noise, lighting, sound noise, pollution, and i really feel for the people that are on vineland who are butting right up against the property itself too. We just see -- think there are many concerns here. Devaluation of our property for sure. Because the city is talking, what, three-story buildings now? That's what they're talking. And that's going to be looking right into our backyard. It's a bringing concern for us. -- A big concern for us. And that's about it for me. I'm hoping to persuade you guys to look our way here.

>> Mayor Leffingwell: Thank you. Raymond joseph.

>> [Inaudible - no mic].

>> Mayor Leffingwell: Bryan graham moore. And you have three minutes donate towed from raymond, so you have six minutes.

>> I'll be very brief. Mayor leffingwell, mayor pro tem and council, we've -- we've tried with numerous attempts with e-mails to demonstrate that there are -- virtually everyone on vineland is against changing this zoning. We have documented that and we're hoping you pay attention to that. We've had trouble getting a valid petition into your hands, but it doesn't change the good faith everyday effort. Everybody on vineland that we've talked to, and it's 16 signed petitioners, is against changing the zoning. So that's a fact. If we go out 500 feet, we'll double that number because we've talked to those folks. We know that around that particular stretch of land there's a very strong commitment against seeing zoning change. As tom mentioned it's a very narrow strip of land. The first thing that happens with vmu is to relax standards. You will be pushing right up against that creek. Three stories will be looking right into the backyards of those folks' homes. They're really worried about that and I feel for them. I really feel that's a problem with the vmu. It relaxes the standards way too much. The other thing I would like to point out is that the 1984 covenant deals with all these things. The 1984 covenant is very reasonable from my point of view. It talks about privacy, it talks about security, it puts limits. It's not against development. It puts limits on development. It's for office, it permits two-story buildings. I mean, everything about it is quite reasonable. In fact, I've even compared some of its language with the covenant at mueller that is used over there is very similar. It concerns noise, lights, those kinds of things. So if we look at these two items, they're both really the same thing. They permit vmu in a very narrow strip of land which has never ever been developed. The market is speaking. That land has never been developed. No covenant has prevent it had

from being sold to someone for development. No one wants to develop it. So if you have questions for me glad to answer them, but basically i think where we are is this is a strong neighborhood feeling that vum is a bad idea, a very bad idea.

>> Mayor Leffingwell: Questions? Thank you. Councilmember morrison. There is a question.

>> Morrison: I just wanted to make one comment. You were talking about attempts to get a valid petition. And unfortunately sort of to follow up on what the mayor said on the last case, unfortunately in this situation, the process got set up so that neighbors didn't have valid petitions rights when it was going to vmu and the owner had valid petition rights on taking it out. It's a very unfortunate situation.

>> We another we're late to the party, that's for sure, but by the token, why i used the same good faith, those folks signed that petition believing they could get their views therd, which is what the city council is all about.

>> Morrison: Right. And you're not late to the party. Now unfortunately is the time to be doing this. I do want to mention that one of the concerns that you mention is that it's a very long, narrow property. And that's exactly why there have been concerns raise understand some of the other neighborhoods that have already seen vmu buildings come in because they end up getting some pretty, you know, stark, gray walls of parking garages right facing on to them. adams here is going to be overseeing a process to get something -- a discussion going on what's called neighborhood side design standards being talked about to make sure that there's some kind of compatibility on that side. Hopefully you can stay tapped into that process and have some input there.

>> Thanks.

>> Mayor Leffingwell: Further questions? Those are all the speakers we have. Does the city want to rebut?

>> Mayor, I'm available to answer any questions that council might have.

>> Mayor Leffingwell: Questions for staff? Okay. Discussion or a motion on item 115? Mayor pro tem moves to adopt the planning commission -- i assume you want to close the public hearing, adopt the planning commission recommendation on all three readings, is that correct? Seconded by councilmember cole. Further discussion? All in favor say aye. Opposed say no. It passes on a vote of six-one with councilmember morrison voting no. And councilmembers, it's just been brought to my attention that when we voted on item 114, nobody on this dais had the final draft of the ordinance before them. All we had was what we voted on last time, which was changed this time. So that being the case, it's up to councilmembers if you want to reconsider item 14. The motion to reconsider would have to come from someone who voted for item 114 on all three readings. Mayor pro tem.

>> Martinez: There's no opposition for councilmembers to insert the amended ordinance. Does there have to be a reconsideration or can we just move with the vote?

>> Mayor Leffingwell: It's your discretion, council. I'm just required to point out that nobody had actually seen what they were voting on. When they voted.

>> Martinez: Thanks, mayor.

>> Mayor Leffingwell: There's not a motion to reconsider so the action on 114 stands. Mr. guernsey.

>> Mayor and council, i believe that brings us to item 122, and if I may, i would like to offer 122 and 123, present both of them. They're related, one is the neighborhood plan amendment and the other is a zoning change for the same property. Item 122 is case npa-2010-0022.01. This is for the property located at 1307 newning avenue. It's located in the greater south river city combined neighborhood planning area. And this is a change to future land use map from single-family to higher density single-family for this property. The other item is item 123, this is case c-14-2010-0039 again for the property located at 1307 newning avenue. This is a request to rezone the property to urban family residence, neighborhood combining conservation district, neighborhood plan or sf-5-nccd-np combined district zoning. The planning commission in both items did not recommend the change to the future land use map, and request that it remain as single-family designation. On the zoning case they recommended denial of the staff recommendation. The property itself is approximately 19,000 square feet or 18,993 square feet. It is currently developed with a duplex dwelling. Under texas law there's a right by any property owner to file what's called a condominium regime in the texas property code, captain e 2 makes allowance for that provision. So although all our building permits and perhaps a certificate of occupancy we would issue to a property such as this would indicate it's a duplex, you're allowed to file the condominium regime and sell the structure, a portion of the structure, off separately. The property is currently zoned sf-3-nccd-np. It was part of the neighborhood planning process that was adopted in 2005, but in order to subdivide the lot so not only the building and the land can be conveyed and upzoning is required in this case. And the least intensive or most restrictive zoning category that would allow for the subdivision of this lot into two lots would be the district. The owner has agreed to limit the property to the sf-3 impervious cover standards, which are 45%. Let me tell you a little bit about some of the area around this. To the north there's an existing multi-family property or development zoned mf-4 nccd-np. To the south and east of this property is zoned family residence and developed with single-family residences. And to the west is mf 2-nccd-np. The south river city citizens neighborhood association voted against the rezoning and the future land use map change. Some of the rationale and the neighbors that might be here tonight will speak to partly this is that they felt that the upzoning, even though the density would remain the same, that the building from appearance would remain the same, would set a precedent of-up zoning within -- up-zoning within the neighborhood and were opposed mainly for that particular reason. The reason for the zoning change, the owner is actually seeking to sell a portion of this and due to financing issues that have arisen, it's not as easy to finance the sale after condominium as it is to finance the sale of the unit and the land underneath it as a separate dwelling unit and a separate lot. As I mentioned before, the planning commission did recommend against this. It was a unanimous vote of denial in both cases. Staff did recommend the zoning change in the future land use map amendment. If you have any questions, I'll be more than happy to answer them. I believe you do have the owner, brenda reese here, and representatives from south river city that are here to speak on this item.

>> Mayor Leffingwell: Councilmember Morrison.

>> Morrison: So you said that planning commission unanimously recommended denial, but staff did recommend.

>> That's correct.

>> Morrison: I've heard some comments about laws or principles of zoning for financial purposes, which just seems sort of to be a zoning for financial purposes. Do you have any background or comments on that?

>> Well, the staff recommendation I think was looking at the adjacent land uses. To the north there's a multi-family use. To the south there's single-family. Multi-family further to I think the west and single-family to the east. So we saw it more as a transition by the owner limiting the density to the one unit per lot or per 9,000 square feet. In essence the land use is essentially the same. The only difference may be in the case of this property would be ownership, but the land and unit would be conveyed instead of just the unit itself and the land held in common. So we thought that that was really the land use, the intensity, the impacts to the neighbors would essentially be the same. You may end up with two property owners rather than maybe a renter if the unit cannot be sold, but we felt it was compatible. The commission certainly disagreed with it.

>> Morrison: Can you comment on the commission's rationale at all. I know one of the disconnects we have is we just get the PC recommendation and don't have the advantage to be able to ask them.

>> I really think the owner went into this building the duplex, knowing the zoning that was in place when they constructed this, because it was a relatively new complex structure. The economy was better at the time, most likely when I think this was constructed in the mid 2000's certainly. And just because the economy changed doesn't necessarily mean you should change land use laws and regulations as it applies to the property at the convenience of the owner. I think that's the basis of the commission's recommendation.

>> Morrison: Thank you. I appreciate you sharing that with us.

>> Spelman: Mayor, I have a question also. Guernsey, I haven't seen a future land use map in awhile. So if you could remind me, does the flum only include the zoning categories in it or does it include any other additional restrictions that may be placed on a piece of property?

>> The future land use map it basically is the designation of the use. And certainly could you have more restrictive land uses within it. But in this case when you get to the SF 5 or SF it's not the same as you would find in single-family. Single-family you might find SF 1, 2, 3, maybe RR, but as you get into higher density residential, then you enter into SF 6 designations. SF 5 doesn't trigger compatibility, but SF 6 development certainly would. So this isn't actually subject to compatibility, but in this particular case the use of the land as it residence would still be the same. It's still single-family. But because of the SF 5 designation that's

needed, it's looked at as a townhouse type use and triggers additional -- a higher zoning category, more intense category.

>> Spelman: In the flum it's a different color.

>> In the flum it's a different color. Maybe a slightly darker yellow.

>> Mayor Leffingwell: But the specific zoning categories are not on the flum.

>> The zoning categories are not on the flum. In order to get the sf 5 you would have to go up to that higher category, so it would be conformance with that flum.

>> Single-family high density.

>> Spelman: I understand. If somebody did not know the background of this case, only looked at the flum, what are they going to see for this property should we choose to accept the zone category? Are they going to see something which looks like townhouse or are they going to see something that looks like single-family?

>> Well, in this case because we're only talking about two units, the appearance of the structure will remain the same.

>> Spelman: I understand that. I'm wondering if they only looked at the flum and didn't actually look at the structure itself.

>> Most people would think there would be a townhouse, you might see three or four. If you had other more land ajoy stoant this that was brought in and the density for sf 5, 6 type 4 units per acre as opposed to maybe sf 3. That's I think about seven units or six units per acre. So from that standpoint there is a big difference on the flum.

>> Spelman: Do we ever put asterisks on our flum?

>> Not exactly. It becomes more difficult in administration if you start putting asterisks on every tract. I think actually we do have certain flum maps that will have asterisks on them that might speak to general conditions, but usually they're speaking to some of the commercial areas or some of the corridors that we have.

>> Spelman: Broad brush stuff, not lot specific stuff?

>> That's correct.

>> Spelman: Thanks.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Could you tell me how large the lot is when it gets subdivided? Is it going to be -- I can presume they're going to subdivide it to sell it off separately? Although it's only residential because it's a duplex, so they have common walls.

>> They would still have a common wall. The proposal, as I understand, would be 9,000 square feet would be the minimum lot size. So you would then end up with two units, which already exists right now, but on a single lot you would have one unit on each lot.

>> Each lot is 9,000 square feet.

>> At a minimum.

>> Morrison: At a minimum. Okay. And so how many units under -- I presume these structures are going to stay, but I'm just trying to get a feel for how many units could be built on this land if they wanted to max out the density?

>> Well, they would have to come back and ask for a zoning change to remove -- because they're agreeing to a minimum lot size of nine thousand square feet. So if they wanted to come back and further subdivide it, they would probably have to come back before this body to remove that minimum lot restriction. They're agreeing to one unit per lot, minimum lot size nine thousand. So for all practical purposes, the building you see and the land you see that it sits on remains the same. The only difference is there will be a split down the middle and the land will be conveyed with one half and the land would convey for the other half.

>> Morrison: Okay. Thank you.

>> Mayor Leffingwell: All right. We'll go to -- hear from the applicant next, Brenda Reese. And Brenda, you have five minutes.

>> Good evening, Mayor and Councilmembers. You guys work awfully hard. Y'all have a lot of issues to deal with.

>> Mayor Leffingwell: That's right.

[Laughter]

>> and y'all do a great job. I'm here to request the zoning change for the property at 1307 Newning. This would allow each half of this newly constructed duplex to be sold as a more owner friendly single-family attached home. The way the current zoning codes are written, we cannot sell it as single-family attached without the zoning change. It can be done as a condominium. If we could go to the first slide. The property at the top is the existing duplexes on this site. The picture at the bottom shows the multi-family property next door to us on the northside. If we can have the next slide, please. This shows apartments on the northwest corner across the street from us. Then directly across the street and next door to the

apartments is a single-family home. This shows some multi-family on the southwest corner and then another single-family. And then my last slide is the zoning slide. There's quite a bit of mixed use in the neighborhood. I've called Austin home since 1968. I've seen the city go through a lot of changes and I believe all of us who love Austin and consider ourselves Austinites want to see our city maintain the fabric and unique qualities that make our city special. Many, many people now want to live closer to downtown. They want to avoid the long commutes, they want to avoid the growing traffic problems. But as we all know, it can be very, very expensive. And I think it's incumbent upon all of us to consider more diverse housing options. Financing is one item that was brought up, not only to make it more owner friendly, but because of the financing. And I'll give you an example. This morning I had a realtor call that has two young doctors that just started practice. They make well over 300,000, but they have tons of student loans. And under a condominium financing arrangement, they would be required to put 20 to 25 percent down. If it were a town home, they could put five percent down. That makes a big difference to a young family starting out. While each side of this property could be conveyed through a condominium regime, why subject a new property owner to the restrictions, the requirements and the ongoing cost of a homeowners association. Travis Heights is a wonderfully established, diverse neighborhood and we believe that a single-family attached home is consistent with the mixed use of the existing neighborhood. The neighborhood planning staff analysis also indicated that this use is consistent with the neighborhood plan objectives to increase the diversity of housing types and this property would provide a transition between the multi-family on the north, west and southwest to the single-families to the south. In meeting with the development staff, the only means to make this property single-family attached is by changing the zoning to sf 5. In trying to be sensitive to the concerns of the neighborhood when requesting the zoning change, we agree to conditional overlays which would legally limit the new sf 5 zone willing to what is currently existing and in place. In addition we agree to limit the minimum subdivided lot to 9,000 square feet, which is 1500 square feet greater than what is in the neighborhood now. We respectfully request your approval of this request to allow a more owner friendly use through the sf 5 zoning change. Thank you.

>> Mayor Leffingwell: Thank you. Next speaker in favor is Robert Palmerton.

>> Good evening. Many of us in this room at one time or another have bought a piece of land for a house. And we all know that when you go to a loan closing the paperwork is pretty daunting. At 1307 Newning Street, each loan closing there will be a paperwork bonus in the form of 25 pages of condominium documents. As Brenda said, imagine having a homeowners association, monthly dues, yearly meetings, elections for board members for just two adjoining pieces of property. We are here today to ask the city council to allow us to make these properties owner friendly through a zoning change. Currently zoned as sf 3, we're asked for a change to sf 5. This will allow the property to change from a two unit condominium regime to two single-family townhomes with an adjoining wall. You will hear from the neighborhood tonight that this upzoning will set a precedent for future projects that are not in keeping with the neighborhood plan that they put in place. They are afraid that a developer will use our request to do this zoning change to their benefit. We have included many conditional overlays and welcome any future developers to match our restrictions. We applaud what the Travis County Heights Neighborhood Association is doing with their area. We are not here to try to build something new that has not already been approved. We are here tonight to ask the city council to make an existing piece of property be much

more ownly friendly for future families. Why subject these families to all of the additional work of the condominium project when we can do the right thing and through a zoning change can turn this into two single-family townhomes with a common wall. We ask that you approve this zoning change from sf 3 to sf 5 for 1307 newning avenue.

>> Mayor Leffingwell: Thank you. We'll go to those signed up against. James ballard. James ballard has three minute.

>> Mayor, mayor pro tem, councilmembers, thank you very much. My name is james ballard. I live at 1304 newning, the property immediately across the street from the subject property. I would like to give you a brief history of the fairview park neighborhood, which is the subsection of travis heights where I live and where these houses are. Fairview park was subdivided in 1886, the same year that the capital was built. It was probably the first subdivision surrounding austin. And in 1931 when the city council adopted the first zoning ordinance, that entire neighborhood was zoned the second height in area, which was the equivalent of a maximum density available for apartments. And despite the fact that it was zoned multi-family, it continued to develop very much as a single-family neighborhood. In the late '60, old victorian homes started to be torn down to make way for apartments and the residents concerned about that decided to voluntarily, 62 properties voluntarily rolled back their zoning to single-family. Dpl 1982 there were continued development pressures in fairview park and it caused fairview park to be chosen for the first city initiated zoning roll back. At this time the planning department did a thorough study of the neighborhood and they recommended the zoning be rolled back to the existing land uses, which were overwhelmingly single-family residential. That plan was unanimously accepted by the planning commission and the city council approved it. In 1984 a developer asked for a high density p.u.d. That would have allowed combined single and multi-family zoning and permitted multi-family construction on all of the area. Neighborhood representatives went to city council for help in preserving the historic neighborhood and that is when the neighborhood conservation combining district or nccd zone was first con veefd. Fairview park was the first neighborhood to apply for and obtain nccd zoning. That brings us to what's happening now. That's a little history. You can see our neighborhood has gone through a lot of efforts to upzone the area, and it has continued to primarily remain single-family. If I had brought my own photographs of the neighborhood, you would see something that looked very much like a whole lot of single-family houses with a few small pockets of multi-family in them. I and other individuals in the surrounding area are requesting that you deny this application. We support the planning commission's recommendations not to approve this upzoning. It is primarily about the concerns of this setting a precedent for other developers. We've seen them use precedents like this in the past. They keep trying and they keep trying and we keep coming here and asking you to help support us. Thank you very much.

[Buzzer sounds]

>> Mayor Leffingwell: Thank you. Next speaker is jean mather. Councilmember riley.

>> Riley: ballard, i just had a question for you. And it's about the characterization of this as an up-zoning. By up-zoning you mean something with greater density. Is that the issue?

>> Yes. And I will admit I'm not an expert on zoning issues. But this is going from an sf 3 to an sf 5.

>> Riley: Right, but it's also changing the development regulations governing the property. Right now on a lot this size you could divide that lot and place two separate dwelling units on each house. You could end up with four dwelling units. What we're talking about is development restrictions that would actually bring down the developability of the lot to the existing two unit. So in that sense it's kind of a --

>> to be honest, I don't know if there could be much more done. It's a very large development. It is -- I think about 7,000 square feet. I live across the street. I have a much larger lot. I have less square footage for that. I have a lot, but a lot less than that. Again, it's the neighborhood's concern about this precedent. And you heard the developer, who I'm very sympathetic for. I do some real estate development myself. I understand the challenges in this economy. The developer has asked you and what I hear from them is a let's act now and ask for forgiveness later. These restrictions and the sph 3 designation was in place at the time they built it. They built it as a condominium because that was the option they chose. That's not working now and it's causing a financial hardship, at least that's what they say. I don't think it's that that's causing the financial hardship. I think the financial hardship is due to the economy. Riel rye I want to focus you on the impact of this lot of the proposal. I'm trying to get a handle on the concern about what's going to happen on this lot.

>> It's really a concern about the neighborhood as a whole.

>> Riley: But it could happen on other lots.

>> Any kind of zoning change will be -- people will try to take advantage of that and use that to again hit us with more up-zoning requests.

>> Riley: Okay, thanks.

>> Mayor Leffingwell: Jean mather.

>> Mayor and council, I'm Jean Mather and I'm the chair of the GSRBC and Sarah Campbell, who is the president of SRCC couldn't come tonight, but both groups met separately and voted I think almost unanimously and maybe unanimously -- I didn't keep the records -- against this. And it isn't that -- I mean, Miss Reese is a very nice person and I understand the dilemma she's in. Part of it is that each unit has about # 4,000 square feet, so part of it is the price of the unit itself. It's not that -- it's not as if you had two little ordinary houses. And as far as developing it, these lots go downhill quite steeply to a draw, and there's no -- there's not enough room to put driveways on either side of these existing buildings to access what's in the back there. So they've done the best that they could, and if you could see the driveways that enter this building, they've really done the best that they could and got these two enormous units on it. And I'm sorry that condominiums are in trouble right now, but I know in the neighborhood we have people looking at every piece of property that is there. And if they see sf 5 as a precedent, there are lots of properties where they could resubdivide and have narrower lots and use sf 5. And we really can't afford the precedent. And this neighborhood, Fairview Park, NCCD worked so hard to get back the single-family

that they have, it's not fair to set a precedent like this that imperils that. The people that kept their multi-family are profiting by it, but the other people gave up multi-family zoning on their property to preserve the neighborhood. So anyway, that's the story. And claudette lowe, who is the area coordinator of that, couldn't come down tonight. She provided much of the information that we have because she was in it from the very beginning. But she's taking care of her mother in houston and she couldn't make it. So do you have any questions? I think you've heard all the arguments for pro and con here.

>> Mayor Leffingwell: I think councilmember spelman has a question for you.

>> Spelman: Let me be sure I understand the problem, jean. I'm looking at the letter with your name on it, which lists from gsrc, which lists three reasons for opposing the zoning change. All of which use the word precedent.

>> Right. And that's the -- it really is it. She's a nice lady, we would like to help her. And the houses are there and her offer is very generous, but we have had experience with that precedent and yes, precedent is a big, scary thing particularly in that neighborhood.

>> Spelman: The precedent you're particularly concerned about is the up-zoning from single-family to something more intensive.

>> Yes, which means narrower lots. You could take two lots and make it into three lots. And we've had builders -- we had one on monroe that bought all three lots there. He was prevented from doing that because there was a fourth lot in the middle that wouldn't sell, so he could only do sf 3, but if that fourth lot had given up, we would have had five houses there instead of the three that he built.

>> Spelman: In this particular case, of course, for this particular case, they're splitting a large lot in half and there's no way short of coming back to the city council and getting yet another zoning --

>> there's no way to develop anything more in the back anyway.

>> Spelman: They couldn't do a flag lot back there. There's not enough room.

>> No, you couldn't.

>> Spelman: Are you familiar with the term legislative intent, jean?

>> I think I have.

>> Spelman: I just looked it up in westlaw dictionary.

>> No, I haven't been to the dictionary.

>> Spelman: Let me read it to you. The reports the congressional committees produce when they send a bill to the floor as well as the speeches that the bill supporters make help to establish the bill's

legislative intent. The reasons why congress passed the legislation. When questions arise the courts often consider legislative intent when they interpret those laws. I'm thinking that if the precedent is just the zone, then you're absolutely right. It's movement of the zone from sf 3 to sf 5 is setting a very bad precedent because we don't know whether people are going to understand what we're up to. If in addition, however, to that change in zone from sf 3 to 5, there is, for example, an asterisk in the flum or a change in the color or some other means of flagging that the only reason we did this was to keep the land use restrictions as sf 3, keep the height limitations, set backs, all the other stuff associated with sf 3, but for these two -- for this one lot, now these two lots if we pass a change, to enable the land to go with the building rather than to require a condo regime. And we're really not setting a precedent of a kind which is going to lend itself to townhomes or additional density down the street.

>> Well, councilmember spelman, our neighborhood for some reason is hot. I don't know why. It's raising all our taxes. But I can tell you that it's like vultures circling. Every time some elderly person dies --

>> Spelman: I know.

>> Never mind. I mean, there's --

[laughter] that precedent has a big -- a big effect. And particularly in the fairview park nccd where you see, as miss reeves said, right next to it is a guy who owns a great big multi-family, not developed, and he -- he would like to go around and -- well, never mind. Anyway, there's another lot afoot there. And it's late and you want to go home and so do i.

>> Spelman: I was looking at the land use map for newning avenue. And you have to have 3 to get sf 6 and it's all next to each other. I very much understand your concern about setting further precedents for increasing density, but it occurs to me that one way of dealing with this issue might be for us to make really clear --

>> might be what?

>> Spelman: One way of dealing with this in such a way that it may be acceptable to the neighborhood and it may not, I think it would be acceptable to me, would be to state very clearly the only reason we're making this change is so that the land will go with the house, with the structure. It's not that we're trying to increase density --

>> and we feel gt that we can't help her. But the other fear is serious.

>> Spelman: The priewms that a change -- the presumption that a change in the zoning category will be contagious and there will be further changes down the road. I understand. Thank you, jean.

>> Mayor Leffingwell: Those are all the speakers signed up opposed. So now we'll go back to the applicant for a three-minute rebuttal.

>> Thank you. First of all I would like to clarify that we were not involved in the very beginning. There was another builder that started this project. We came -- I became involved shortly afterwards and i won't go into all the details of why breast cancer and all that, but it's a quirk in the city's zoning and I think you should have in your package a letter from christopher johnson. Had the builder come in before construction was started and requested what we're requesting, he could have done it without going to the neighborhood. Lawsuit -- the single-family attached residential use is permitted on unplatted land, vacant platted duplex lots or platted lots developed with a duplex before march of '87. But once it's built the zoning change is the only way to make it single-family attached, which is kind of a quirk. I agree with councilmember spelman that we should be able to asterisk and note that this is more restrictive than what a normal single-family lot in this neighborhood would be. And I would hope that we could make that notation and protect the neighborhood and still grant our request. Thank you.

>> Mayor Leffingwell: Thank you. Councilmember morrison has a question for you.

>> Morrison: I wonder -- part of this is you're talking about being able to get buyers for this place. And so this would make it easier.

>> Yes, ma'am.

>> Morrison: So the flip side of that is what is the -- obviously there's a price that you would be able to get someone to pay. What I'm struggling with is how do we know that it's not just overpriced.

>> Well, I've been in the construction business in austin since 1972. One of the big things that helps buyers get into properties is down payments. And very few people have lots of cash sitting around. Unfortunately with the economic change that happened last year and the economic melt down, condominiums became less desirable financing things and so the lenders don't want to do it without a significant -- and most of the big lenders won't do it. I've talked to the small lenders and they're saying 20 to 25 percent down for the right buyer. If this were a town home, we could get five percent down readily across the board.

>> Morrison: Interesting. I don't understand that, why five percent is all right for a town home. I thought that 20 and 25% was required.

>> For an owner-occupant.

>> Morrison: And then so just online checking, it looks like are we talking about 733,000 and 669?

>> No, ma'am. It's 589 and 597.

>>

>> Morrison: So that's old information that I've got?

>> Yes, ma'am.

>> Morrison: Okay. Thank you.

>> Mayor Leffingwell: Councilmember shade.

>> Shade: This is kind of a tough situation, but i want to point out as -- i was about to say professor spelman. As councilmember spelman made it clear, there is a precedent that is being set here, but it may not be the one that the neighborhood is fearing. Because the co attached to the zoning category would be send on the zoning map and I think that that's important. And while I didn't have the definition at my disposal that he did, I did start to mather's comment about how weird that neighborhood is and we're looking at the zoning map and all the variety there. And that is such the essence of what is south austin. It is also a big essence of the neighborhood that I live in, which has a lot of mix and it has a lot more of these types of properties where you take a single lot and make it into two condos. I actually live in a condo like that in my neighborhood. I felt like it's easier to fight for principles than to live up to them. As we said, we're trying to make a more owner friendly situation. There's protection from a zoning perspective here. The neighbors don't have that to fear. I think you're getting hung up on the sf 5 category or the flum, which is important to neighborhood associations, and i understand that, but point is you have two homes on a lot that makes sense in my opinion. The restrictions are all exactly the same. I'm going to go ahead and make a motion to support the staff recommendation with the understanding that it is not about financing, but about owner friendly -- it is about a principal that is to make -- make it possible for people to live in these neighborhoods. So I'm going to make that as my motion and hope to get a second.

>> Mayor Leffingwell: Councilmember, is that motion on 122?

>> Shade: Both. I thought we were handling them together.

>> Mayor Leffingwell: We have to vote on them separately.

>> Shade: I'm sorry. I will be making a motion to support the staff recommendation on each item, but will start first with 122.

>> Mayor Leffingwell: Your motion is to close the public hearing and approve on first reading?

>> Shade: First reading only then.

>> Mayor Leffingwell: First reading only item 122. Motion by councilmember shade. Seconded by the mayor pro tem. Discussion? Councilmember spelman.

>> Spelman: I have a question of mr. guernsey. Dealing here greg with 122 and not 123. 123, As I understand it, is a zoning case and 122 is the flum. Is that correct?

>> Mayor Leffingwell: That's correct. We're voting on 122 now. The motion is on 122, which is the flum.

>> Spelman: The question is is it permissible for us to change the zoning category on 123, but not change the flum in 122? Here's my argument for not changing the flum.

[Inaudible]. In 1 -- in this case if we pass the zoning category of sf 5 solely for purposes of allowing the land to convey with the structure, but not for purposes of increasing density, we will not have in fact increased the density or allowed density typically to -- typically you would be under sf 5. So our action in this case would not be increasing density and to say that as the flum would usually say that this is a higher density single-family on these two lots would be incorrect. In fact, we would not be allowing higher density single-family on these two lots, we're still requiring standard single-family. Would that be permissible under your usual rules of how flums are developed?

>> Council, at your discretion staff would recommend that you still go to the higher density because the use is actually different. This will no longer be a duplex.

>> Mayor Leffingwell: guernsey, the question was is that allowable and the answer is yes, it is allowable.

[Laughter] I know you don't like it. I know you don't like it, but --

>> Spelman: You would not recommend it, but it is allowable. We could keep the flum as single-family even if we zone it sf 5 for this particular case. It wouldn't be improper.

>> No. There's a direction in the land development code that zoning shall be in accordance with a comprehensive plan. In this case it would be the neighborhood plan. And plat use is not one that you would typically find or you would not find in a single-family, a zoning category or there hence a flum designation of single-family spell this would be a particular single-family in that these two houses share a wall and that's usually in higher density, but in this case it could never be spooasted with higher density. They would share a wall, but would still be dealing with single-family densities.

>> That's correct, if you take such action in the next item that would have a minimum lot size larger and more than one unit per lot.

>> Spelman: Mayor, I'm going to vote against this motion, but in favor of what I suspect will be the next motion. I would like to keep the flum as single-family, but i would vote in favor with the proper legislative intent to be established for a change in the zoning category.

>> I'm going to oppose it likewise. I would like to repeat something I've said several times before because it's kind of funny.

[Laughter]

>> by all means.

>> Mayor Leffingwell: The flum is the dream, the zoning is the reality. Any further comments? Second by councilmember? Second was mike.

>> Morrison: I actually want to make a substitute motion that we deny this --

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I'm making a substitute motion that we deny the change in flum because no matter how the zoning works out, I see the flum as single-family as being consistent with the intent.

>> Mayor Leffingwell: Motion to deny by councilmember morrison. Seconded by councilmember spelman. Further discussion?

>> Shade: I'm going to --

>> Mayor Leffingwell: Councilmember shade.

>> Shade: It's a substitute motion, and that's fine. This is a creative idea that I hadn't considered and i actually thought we were doing the zoning case and then the flum. Got them mixed up. There is a part of me that worries about 20 years down the road when there's some council wondering why is there this flum. I'll willing to take that as a friendly amendment instead of as a substitute or we can vote it the either way. I'll withdraw whatever --

>> Mayor Leffingwell: The motions are on the table. You don't have to withdraw. We'll vote on the substitute first. Councilmember spelman.

>> Spelman: Fortunately this meeting is being televised and digitized and will be available for jedgeses to come and whatever we say will be remembered forever.

>> Mayor Leffingwell: All in favor say aye of the substitute motion. Looks like that passes on a vote of six to zero with councilmember cole off the dais. That was on first reading only, item 122. Councilmember shade.

>> Shade: I would like to make the motion for item 123 to follow the staff's recommendation, which is per the discussion we just had.

>> Mayor Leffingwell: Councilmember shade moves to close the public hearing and approve on second reading only item one 23. Discussion? All in favor say aye opposed say no. It passes on a vote of six to one with -- excuse me, five-one, councilmember morrison voting no, councilmember cole off the dais.

>> Thank you, mayor and brings us to item 125, and if I may i would like to also offer 126 at the same time. These properties are next door to each other. Item 125 is case c-14-20100053 for the property at 106 east second street. It's a zoning change request to central business district, central urban redevelopment district combined district zoning. The planning commission's recommendation on this case, further to the east of the two, is to grant the cdbg cure zoning with conditions. Case c-14-20-0054, which is item number 126, is located at 209 congress avenue. This is also a zoning change request to cbd cure, planning commission was also to grant cbd cure with conditions. The property to the east is 01 acres and the property to the west is .729 acres. They're both owned by the findlay company. They are

located in the downtown area. The transportation reviewers comments regarding the tia waiver are attached in those documents. The planning commission's recommendation was to grant the staff's recommendation in both cases for the traight to the east it was to grant cbd cure with a two star building rating, a five percent green roof and the prohibition of residential uses. Thaftion voted on by a vote of 8 to 0 and the same wns also were applied to the tract to the west. Again, this is the property at 209 congress avenue. The two star green building rating, the five% roof -- green roof requirement and the prohibition on residential uses. The essence of what this request would be would be to modify the cbd regulations as they apply for a hotel-motel use. The cure overlay would actually allow an increase in the floor to area ratio of up to 16-1 and would allow for up to 700 rooms. It would allow for loding, unloading of the alley between first street and second street between the alley and the applicant has also agreed to enter into a public restrictive covenant with the city of austin. The covenant would generally take four parts. It would provide that they would comply with the great streets master plan, streetscape standards for the new development on the property. They would be -- submit a limited traffic impact analysis, transportation review section of my department, planning and development review department, but the applicant would agree to smiment a study to my transportation staff. At least 60 days prior to the submittal of a formal site plan. And that would apply regardless of ownership. So -- if this property were to transfer to that, that stipulation would still apply. The applicant also agreed that all service vehicles, including delivery trucks, would access the site from third street and I should note that also the alley. We have prepared ordinances for you based on the planning commission's recommendation that you have. The property in this area is all cbd. There's one tract that i believe is cbd cure. The adjacent uses generally in the area, to the north, south and east generally are offices. To the most western case you do have residential across congress avenue, but this property right now within the block is retail, restaurant or parking lot on these two blocks or these two half blocks. At this time I'll pause and the applicant can come forward and make a presentation. I know that they have agreements regarding the planning commission's recommendations.

>> Mayor Leffingwell: Council, we have to consider that although 125 and 126 are the same case, technically they're different properties because until this morning we were divided by an alley. So it would be exactly the same motion, exactly the same case, but it will take two separate motions. We'll conduct the public hearing and all the discussion on 125 and 126 together. Applicant has five minutes. Thank you. Just to show you a quick picture, it's the high-tech picture that I have. You will see from this picture in a moment the locations about two blocks from the convention center. We have a significant investment in the convention center and I think what we're asking for meets that policy initiative. And the best way to summarize this case is if 700 or more rooms are not delivered, nothing is getting done. There will not be cure zoning. It remains cbd. So there is a test, a metric, if you will, for this cure zoning. We do have staff's recommendation. Again, I want to emphasize this is not a blanket cure zoning case, but it is -- it is fulfilling a specific policy goal that the city has identified, an important purpose so that we can fulfill really the full potential of the convention center. I think revenue and jobs also that will be generated from this are significant. You've seen in the past studies done by acvb. I don't think there's any need for me to go through those. I'm happy to do so. We would ask that the council support staff's recommendation. A lot of time and energy was spent in thinking about what would be fair and balanced and restrictive and I think that balance was achieved with the staff recommendation, including the tia requirements that have been imposed on this and which we would include in a restrictive covenant that I think has been circulated. I'm happy to answer any questions related to the planning commission recommendation, but again staff

recommendation is i think what makes sense under these circumstances. And I say these circumstances and I ask you to pause and consider the budget, where we are economically and whether this city is going to be able to do what other cities need to usually do, which is help finance a convention hotel. Every time you add a condition, every time you add something else, whether it be a rooftop garden or something else, you're adding to the cost and creating another hurdle that has to be cleared by a hotel operator. So I would ask you to seriously consider those and look to the staff recommendation. Thank you.

>> Mayor Leffingwell: Thank you. We'll hear from those opposed to 125 and 126. Frances ferguson is against, and you have three minutes. I'm frances ferguson. I would simply like to ask that as this is being considered that we also consider what happens to the workforce in downtown. It's certainly going to be a huge driver of jobs. It will be a huge driver of low wage jobs. I'm not opposed to low wage jobs, but we are at a place where we're also trying to figure out where low wage workers will live. And so I would ask that as you are considering this kind of a case that you do consider the intent of pairing more intense development with some degree of contribution to the needs for affordable homes. Because not only will the jobs in the hotels be many lower wage jobs, in general as we drive a tourism industry, that builds out a lot of other lower wage jobs. It does support our economy and tax base and all that is vital, but it is the kind of development that will drive our need for affordable housing and therefore needs to be understood in that context so I would ask that you consider how this works with the possibility of participating in some way in the density contributions to housing. Thank you.

>> Mayor Leffingwell: Thank you. Next speaker is 17 thee i can't harris. -- Cynthia harris. Is cynthia in the chambers? Not in the chambers, so that's all the speakers we have. The applicant has up to three minutes rebuttal if you care to take it. Waived? Okay. Council, discussion? Councilmember shade.

>> Shade: I think there's been a lot of discussion. I have followed the discussion that took place at planning commission. I've had a chance to talk to some of the folks out there about this. I'd like to make a motion that we go with the staff's recommendation for -- I'll leave it at that.

>> Mayor Leffingwell: Motion by councilmember shade for the staff recommendation. That is to close the public hearing and approve on all three readings. Is that a second by councilmember morrison?

>> Morrison: It's a second and I want to ask for an amendment.

>> Mayor Leffingwell: All right.

>> Morrison: I want to thank frances and all the folks who have spoken out on the issue in terms of affordable housing which we're struggling to work into our downtown and throughout the city. I'm going to be supporting this because consistent with the other hotel cure cases we've looked at downtown that the rationale is that it brings bed tax to the city so that we have something in the way of a community benefit with that that's different than office buildings where I won't support cure in general. But I did want to bring up the issue of the -- of an idea that I would like to throw out and see if the applicant would be interested in. You know, in our downtown plan along congress we actually have set 25 to one that we're looking for.

And what I would like to consider is suggesting an amendment that we add on to here that if -- to actually of up to 25 to one, and if in fact it goes over 16 to one, so anything between 16 to one and 25 to one that that part of the structure would participate in the part of the code that is the affordable housing density bonus.

>> Mayor Leffingwell: whaley a question.

>> Morrison: It was to ask him how he felt about that.

>> Mayor Leffingwell: You can't just come up and start talking.

>> I thought she had motioned for me. I picked up on the non-verbals.

[Laughter] I usually walk away from them. Michael weigh lien on behalf of the applicant. Yes, I think that's helpful. I know it means that it would cost quite a bit for somebody to go beyond 1601. I tried to restrict it to 16 to one, which is trying to encourage perhaps even more density, but having them pay for that additional density. So the applicant would be agreeable to that.

>> Morrison: That's terrific because I think it gives us a win here because we can encourage the density, where we want it, and it also takes us into that realm where we're going to be starting to participate in that part of the code where we do have affordable density bonus -- affordable housing density bonuses. So my amendment then -- i have it written out here, which legal has helped me with -- is on two of both 125 and 126. Number 1 --

>> Mayor Leffingwell: We're only taking 125 now.

>> Morrison: So this would only be on 125. That where it says the property -- development of the property may not exceed a floor to area ratio f.a.r. Of 16 to one. To add on the clause unless dwopter elects to participate in the bonus development program under section 25-2-586 of the city code, development of the property under 25-2-586 may of 25 to one and the floor to area ratio limitation for the developments shall be 16 to one for the purpose of calculations made under that section. And I can provide this to the city clerk, but basically it says anything over 16 to one would participate then in the affordable bonus density.

>> Mayor Leffingwell: Is that acceptable to the maker?

>> Shade: It's acceptable and I do really appreciate the fact that that brings it to more of a win to address the points that were raised earlier. Thank you.

>> Mayor Leffingwell: Further discussion? All in favor say aye.

>> I apologize, mayor. I thought you were finished with your discussion. I just wanted to be clear if we're going all three readings for our purposes and for the clerk's purposes, that I understood the changes that

staff's recommendations would be making to the ordinance and the restrictive covenant just because we have the document with extra items on there. Can I just get that information?

>> Mayor Leffingwell: She said she would furnish it in writing.

>> I have her language. I wanted to see what would be removed from our draft.

>> I think that's easily done to strike those portions. The planning commission added to the staff recommendation.

>> I just wanted to be sure we had it down.

>> The law department will actually have to craft that to give it to the clerk, but I don't see a problem removing those three additional conditions because they only added --

>> Mayor Leffingwell: All opposed say no. It passes on a vote of --

>> Spelman: Mayor, I have a question.

>> Mayor Leffingwell: Of seven to zero. Councilmember spelman.

>> Spelman: My apologies for asking late and if this requires reconsideration, I'll offer one. I don't think it will. The current staff recommendation had a prohibition, it was a planning commission recommendation had a prohibition of any residential housing on this property. So the staff recommendation had no such prohibition. Okay. Thanks.

>> Mayor Leffingwell: Council, we'll now take up 126, which is exactly the same except it's a property across the alley. Councilmember shade.

>> Shade: Mayor, I would like to make the exact same motion, close the public hearing, approve on all three hearings the staff recommendation with the addition of the amendments as suggested by councilmember morrison earlier.

>> Mayor Leffingwell: Councilmember shade moves to close the public hearing and approve the staff recommendation with the addition of the amendment on 125 by councilmember morrison. Seconded by councilmember morrison. Any quirtsdz discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero.

>> Thank you. That brings us to our last zoning amendment, case c foreign 20100070. This is for a city owned property owned by the austin water utility at 5006 shaw lane. It's a zoning change on a 168 acres of land to zone the property p public. This is a public district zoning that is suited r. Suitable for city of austin land. When it was annexed on december 31st of last year. Currently a non-tock toxic, orderless by product of our water treatment system is currently being deposited in these gravel pits. And that is from the water treatment plants. It's actually anticipated if the water treatment plant 4 is completed at some

point in time in the future that that same material which has been also -- this facility has been approve by the tceq for disposal, would also be deposited here. There's no construction waste from water treatment plant number 4 or associated tunnels would go in this facility. So it's only those lime residuals. You may recall that we had a facility in cedar park with the legislature, preempted the city of austin from using that facility within the city park, city limits for that, so at that time the water utility decided to put that same material here since it's already been going on. For several years.

[One moment, please, for change in captioners]

>> paul robbins. Paul robbins signed up neutral, and not in the chambers. Those are all the speakers that we have signed up. Mayor pro tem? So mayor pro tem martinez moved to close the public hearing and approve item -- approve the staff recommendation on item 132 on all three readings. Second by council member cole. Further discussion? Council member morrison. I do have some questions first off. Is our capacity fine right now as it is and we're adding this gravel pit because of water treatment plant no. 4?

>> Thank you. That brings us to our last zoning amendment, case c foreign 20100070. This is for a city owned property owned by the austin water utility at 5006 shaw lane. It's a zoning change on a 168 acres of land to zone the property p public. This is a public district zoning that is suited r. Suitable for city of austin land. When it was annexed on december 31st of last year. Currently a non-tock toxic, orderless by product of our water treatment system is currently being deposited in these gravel pits. And that is from the water treatment plants. It's actually anticipated if the water treatment plant 4 is completed at some point in time in the future that that same material which has been also -- this facility has been approve by the tceq for disposal, would also be deposited here. There's no construction waste from water treatment plant number 4 or associated tunnels would go in this facility. So it's only those lime residuals. You may recall that we had a facility in cedar park with the legislature, preempted the city of austin from using that facility within the city park, city limits for that, so at that time the water utility decided to put that same material here since it's already been going on. For several years.

[One moment, please, for change in captioners]

[00:03:02]

>> paul robbins. Paul robbins signed up neutral, and not in the chambers. Those are all the speakers that we have signed up. Mayor pro tem? So mayor pro tem martinez moved to close the public hearing and approve item -- approve the staff recommendation on item 132 on all three readings. Second by council member cole. Further discussion? Council member morrison. I do have some questions first off. Is our capacity fine right now as it is and we're adding this gravel pit because of water treatment plant no. 4?

>> I might actually let the water utility address there.

>> Morrison: thank you. would it matter.

>> Morrison: yes.

>> Go evening, I'm gopal, water utility. This site has been in operation since 1987, the lime sledge disposal -- the lime solids disposal facility for two of our different plants currently, and we intend to use this for the water treatment plant in the future. We did purchase an additional 80 -- 70 feet -- 74 acres of site in 2008 to the existing property, and we are in the process of developing a master plan for the entire site, and we are in discussions with tceq on how we maintain the site and then [inaudible] but if we had, for instance, been able to work out the deal with cedar park, then our lime sludge from water treatment plant 4 would be going -- would plan to go to the cedar park site instead?

>> Yeah, the cedar park site is no more available because the legislator passed legislation -- legislature passed legislation not helping us to dump our lime solids. but I'm just wondering if it had worked out then the water treatment 4 sludge would have gone to cedar park.

>> That's correct. because I guess one question that's arisen is the distance from water 4 all the way across to southeast austin where this is, do you know what distance that is and what kind of environmental effects that will have?

>> Yes, it's 22 miles from water treatment plant site to the facility, and to the cedar park facility is over 10 miles. So we are talking about the difference of about 12 miles one way increase. and do you know how often -- how many truckloads go with what frequency between the water 4 and the site?

[00:06:15]

>> Initially when we start the facility, we are looking at about three to four trucks per day average.

>> Morrison: per day?

>> That's correct. three to four trucks per day?

>> Yes. and was that taken into account in the greenhouse gas emissions analysis for water treatment plant no. 4?

>> The emission analysis probably did not take that into account, but the difference is going to be very negligible considering there are only three to four truckloads going on the average, and the distance we are talking about is about 24 miles additional miles on the trucks.

>> Morrison: okay. Thank you, and we've had -- I appreciate that. I'm going to vote against this motion.

We've had concerns raised about whether this is appropriate to be moving the sludge across town, and once again, depending on east austin, to manage the -- this kind of infrastructure for the city. So I won't be supportg the motion.

>> Mayor leffingwell: mr. Go go odconda, does it really make any difference to take -- and I prefer to call it clean fill instead of sludge, to the site, whether the zoning is changed?

>> No. The -- what happened on the zoning changes, the property was annexed into the city recently, and then it was assigned automatically rr zoning, which does not fit our facility for its operation, so we are changing it to the p zoning, which is the public zoning. so basically it's a cleanup item, it doesn't make any difference in your operations whether the zoning is changed or not?

>> That's correct. further discussion? Council member shade.

>> Just to confirm, davis ulrich are already using this site?

>> Can you please repeat the question?

>> Davis and ulrich are already using the site?

>> That's correct morse. so theieder park facility is closed and

[inaudible] it's already being used for the existing plant we have?

>> It has been for many years.

>> Shade: okay. So supporting. motion and second on the table. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on all three readings on a vote of 5-2 with council member riley, council member morrison voting no.

[00:09:10]

>> Thank you.

>> Thank you, council. That concludes the zoning map amendments for this evening. but you're not through yet. That brings us through item 142. Public hearing, and you can take it from there.

>> Mayor, 142, 143, 144, 1 16 are all items you've heard before for second and third readings, so the

public hearing is still open. You may want to hear the testimony. I could abbreviate and just say that the information that you have is the same information that you had previously, although there might be some amendments. The one item that I think -- well, I know that you have not heard before is item 149. This is to conduct a public hearing and consider an amendment to chapter 25-2 relating to residential remodeling of noncomplying structures and nonconforming uses. This is an item that was recommended to you by the planning commission. It's affectionately known by staff and others as the remodeling ordinance. I've been told by several parties here this evening that if you would simply act on the planning commission's recommendation, that many parties will probably decline and staff would not object to making an actual presentation. There is one item I'd like to draw your attention to, which is in yellow. It's language prepared by our law department --

>> mayor leffingwell: mr. Gu gu ernsey?

>> Guernsey: yes, sir. why don't we take -- can we take items 142 through 147 together? They all have one speaker that's signed up in favor.

>> Okay. and then we can address 148.

>> Guernsey: very good. Then I'll just sit down. all right.

[Laughter] so the one speaker, common speaker to all the items is harry savio, signed up for, and you have three minutes.

>> Thank you, mayor. My name is harry savio. I'm the executive vice president for the home builders association of greater austin. One of the items that is talked about on a number of these items and that is referenced is permit expiration. First I want to thank council member morrison for working with us on this. We appreciate the opportunity to provide input and probably most importantly the fact that you accepted our suggestions. It was one of the items that actually, mayor, I did sign up to speak against, and that was the energy code amendments. We sent an email to the council, actually this morning, outlining our concerns. You'll recall that the last time this item came before the council the staff was directed to go back and meet with representatives from the home builders association, which I guess they did in return for which though they promptly said -- or declined to make any amendments whatsoever. This is an issue to us because, for example, in the single-family -- in the windows it results in the effect of a single vendor monopoly where we might point out that that vendor just increased his prices 30%. The -- also of concern with respect to that one issue is the differential creates -- is a cost where the payback for that delta or for that change is 30 years on a window that has a life of 20. We talked about the issues of -- or the problems involved with batch testing, had asked that since this was a new initiative, new concept, that the staff would give some consideration to trying to implement this and make it work, and again they declined to do so. So with the -- with that one exception, on all the other items, again, we appreciate the process, the inclusion and the opportunity to provide input. Thank you. those are all the speakers we have savio is signed up against -- against 144 and for all of the others. So if any council member wants to pull 144 from this bundle, otherwise we'll consider them all together.

[00:14:20]

>> Cole: mayor? council member cole. I would like to move to close the public hearing and move approval on 142, 143, 144, 145, 146, and I believe 147.

>> Mayor leffingwell: okay. That was motion by council member cole to close the public hearing and approve on all three readings items 142 through 147. Second by the mayor pro tem. Council member morrison. on item 143 i want to offer an amendment. savio was referring to in terms of the reactivation concept that the staff had brought forward, I had proposed some -- some modifications to the staff recommendation and had the opportunity to sit in a room full of hba, enrica and permitters and hash through the particular modifications that I had suggested and it was a really great conversation. I think that it became clear that some of the things that made sense in theory from a pragmatic standpoint did not make sense, and so we adjusted it. We've worked with them, so i would have a motion to amend to replace part 2 of the in accordance as it was posted in backup for 143, with legal language that was provided to the clerk, and this is the language that we and my office have been working with harry and the rica folks and all. So that would be my motion, and I'd like to ask lloyd to come up and ask if he'd actually like to offer some clarification language to one small part of it.

>> Yes, I would. Brent lloyd from city law department. And I've reviewed the proposed language and it's fine, it's very clear. However, I would suggest in section 25-12-267 that specifically paragraph 2, after the date of the last scheduled inspection, if that inspection, and at that point I would suggest inserting the word "is scheduled before the 141st day" and the rest of the sentence can remain as is. that would be fine, and I know that you've spoken with everybody -- what is the purpose of that revision?

>> It's to make it clear that the inspection, in order to have the ability to reactive ate -- or in order to keep -
- keep the permit alive, the inspection actually has to be requested before the date that it was expire. It doesn't actually have to be performed, but the request has to come in before the expiration date itself, and I think that was the intent but it just wasn't crystal clear. it was, and did you cite the number 140 first or --

[00:17:26]

>> scheduled -- I'm sorry, before the --

>> 81st,.

>> Right.

>> Morrison: okay. Yes. So if you can help me get that along with the --

>> yes, I can, because it's clear enough on the record, I think we can put it in the final ordinance.

>> Morrison: okay. Great. So that would be my amendment to propose for no. 143. I will consider that friendly and i appreciate your working with harry savio, the home builders and rica. always a delight, and I would also like to take the opportunity to make some comments on no. 142, the fire code. I want to thank folks from the fire department for working with us. We had heard from some -- there's a -- in the new code that are through requirements for day cares, and we had heard some concerns from the day-care centers about how that was going to impact them and i think i'll just briefly say that I appreciate you working with them. We know that there's more outreach that needs to be done. I think one of the concerns is that some of these upgrades may cause some good chunk of change to do, and one of the things I think we as a city can do and I look forward to working on this is looking for opportunities for loans and grants and maybe even some of our cdbg funds for the day care that provide low income folks with day care services to be able to help them with that and i'll look forward to working with the fire department on that in the future.

>> Mayor leffingwell: mr. Gu gu ernsey, do you have a comment? yes, staff would like to ask that all these amendments would go into effect as of october 1. Some of the language that you may actually have may actually spoke to dates that may already have passed and that we would like the opportunity to make sure that staff understands and the people that we work with understand about what's happening. And so to be transparent, staff would like to ask that council, in adopting this, implement all of these in the same day and having that implementation date of october 1 of 2010. So these amendments would go in effect on that date. second agree to a effective day of october 1, 2010. yes, that is agreeable and consider it a part of the motion. and a second? Okay. So does everyone understand the motion, 142 through 147 was changed to effective date on all of those of october 1 of 2010, and changes that will be furnished in writing by council member morrison on item 143. All in favor say aye.

[00:20:17]

>> Aye.

>> Mayor leffingwell: aye. Opposed say no? Passes on a vote of 7-0. That brings us to 148. 148 postponed -- oh, sorry. 148 Was postponed earlier this evening by vote of council to --

>> mayor leffingwell: right.

>> -- July 29. Item 149 was the item I was beginning to introduce earlier. This deals with noncomplying, nonconforming uses. As I said before, I think i have a consensus on this item if you were to approve the planning commission recommendation. Very briefly this has been known as the remodeling ordinance, and staff would offer one clarification. I'm not going to call it change -- under part 3, which would be paragraph e 1 a. That's also reflected in e 1 b, and that would add language and say do not extend further

into required yard setback than the existing noncomplying portion of the building, except for a vertical change in the finished floor elevation allowed in the section b 2 of this section. And then there's similar language, I think, that was already in b, and this is on the dais. Staff is in agreement with the planning commission's recommendation and there's been considerable input by all stakeholders, neighborhood, and the industry regarding this amendment.

>> Morrison: move approval.

>> Mayor leffingwell: okay. Motion by council member morrison to close the public hearing and approve on all three readings the planning commission recommendation, but I want -- I want to stop right there because we do have a bunch of people signed up, and this is a posted public hearing, so i want to make sure that you're waving your right to speak. see them waving. harry savio? All right. Rudy rowsengarden? Not in the chambers? Aaron farmer? Not in the chambers? Setha mentor? I don't see setha. Frank herrin? Frank herrin is not here.

>> He's gone. so everybody left. You only have three minutes.

>> I only need 30 secds. Mayor, my name is harry savio. I'm with the home builders association of greater austin. We just want one second to sort of tip our hat and say thanks to a number of people. Clint small and denet clemente worked hard to bring a number of groups together. They had to get aia, narray, the hba austin remodelers council, abor together all on the same page with neighborhood interests, and they worked extremely hard to do that, and again, a number of those people were here from abor and other groups in support toay thank you, and this ordinance was two years in the making and I know it was hard and difficult and challenging, but we appreciate you and your appointees on this. Thank you. thank you. Mary engel? Ricky iverson? Randall solo? Carol delgado? No, she doesn't want to speak. Karen mcgraw, carol dell delgado, christina ortiz, earl harbor harrison all signed up for but not wishing to speak. So all the speakers that we have, so council member morrison, I'll entertain your motion as previously stated. Mayor pro tem, still second? Any further discussion? Council member morrison. I would just like to make a brief savio, to correct him, I think it's more than two years in the making, I think it's more like three or four. I know it was discussed DURING the McMansion task force and I want to mention that denet and clint were on that task force with me and it's just such a delight to see the two of them working together now and really bringing together some great progress because, you know, we struggled some on the McMANSION TASK FORCE. So it's really a great day. well, I agree with council member. It's probably been more like three or four years, somewhere in there, and, you know, it just shows you that sometimes takes a little time to work through the staff process. Okay. All in favor say aye.

[00:25:28]

>> Aye.

>> Mayor leffingwell: aye. Opposed say no? Passes on a vote of 7-0.

>> Thank you very very much.

[Laughter]

[applause] thank you, mr. guernsey. thank you, mr. guernsey.

[Laughter] so item 150 has been postponed till august 5. So here we go. Item 151, conduct a public hearing and consider an ordinance amending the austin tomorrow plan with the waller creek district master plan.

>> Good evening, mayor and council. I'm jim robertson with the planning and development review department and project manager for the waller creek district master plan. We conducted a briefing on this project for you june 10. Given the hour I suspect i know the answer to the question I'm about to ask you, which is I do have about a five slide summary of that briefing, which i can present to you if you need something to refresh your recollection, or if you would like me to slide past that and move right into the public hearing portion, then I'm happy to do that. i personally am fine were going right to the public hearing. Is there any council member that would like to have a brief presentation? Well, all right, then.

>> What I would like to do, if I could, is just draw attention, you have on the dais a packet that's fronted by a member from my colleague tonya schwartzen duber to you. It contains of course the cover memo and some attachments. One I think I wanted to just draw your attention to, the last item in that thing is what is essentially a motion sheet, like we bring to you for neighborhood plans, and it's an attempt to sort of organize your efforts in any action you would like to take on this, but before we get to that, if you would like, we can move straight to any public hearing component. do you have any more of those? I don't think I have one.

>> I think we might. We distributed them on the dais earlier today, but they may have migrated elsewhere.

[00:28:06]

>> Mayor leffingwell: okay. So I do have one question, and that is there is some language -- there was some language circulated earlier as a proposed change to the plan that referred to the symphony square.

>> That's my understanding. In -- in this -- in this attachment you just received -- or in this document you just received is one of the attachments. 6, which includes -- which addresses about six issues that have come up during the board and commission review of this. These are all staff recommendations within attachment 6, whereby with council directive, if you were to direct the approval of the master plan or the adoption of the master plan, it is our recommendation that were you to direct us to do so, that the language on these six issues as contained in attachment 6 would become an amendment to the master

plan. Now, there is language in here about the -- about the symphony square area, but it's my -- and that's what staff has been recommending for the last couple weeks. It's my understanding that in the last couple days an additional adjustment, or modification to that language has been -- modification to that language has been circulating. I don't know that I have a version that may be that version, but I'd be reluctant to speak to it without knowing that for sure. It's exactly what you have in front of you.

>> Cole: mayor? council member cole. bobby levinski, council member morrison's aid, is about to give that language to jim robinson right now. in that case, while that's happening, we'll go to our public hearing and we'll talk about that later. First speaker is melba watley. Melba watley -- excuse me, melba does not want to speak. We have thomas jones and melissa berry signed up for and willing to answer questions. Melba watley and melanie barnes are signed up for but they don't want to speak, so we don't have any speakers. That's all the folks who have signed up. So council, I guess we can work our way through this motion sheet, one motion at a time.

>> Cole: mayor? council member cole. first off, I want to thank jim robertson for what I believe has been almost three and a half years worth of work together with george adams and tonya and of course the roma team and joe petalian and lots and lots of staff, and second of all, I am simply going to make a motion in light of all that professional staff work and the large number of boards and commissions that this plan has been through, and the final saving efforts of council member morrison with the austin symphony and the language that we have agreed to there that should be included as a part of the plan, that we simply adopt staff recommendation. so let me make sure I understand that. Are you making a motion to approve the planning commission recommendation on motions 1 through 10? I'm making a motion to approve the staff recommendation. staff recommendations on 1 through 10, and that would be to close the public hearing and approve on all three readings? on all three readings, with the caveat that the language that has just been handed regarding austin symphony square -- with 6 to reflect the latest language on symphony square.

[00:32:19]

>> Cole: yes, mayor.

>> Mayor leffingwell: okay. Council member spelman.

>> Spelman: second. and mayor, I have one last comment, and that is that I would like to thank council member shade and council member riley for their hard work in participating on this project since they have been on the council and the efforts that we are in the process of making to create a public/private partnership to work with us to raise funds and come up with contributions and ideas for the surface level improvements.

>> Mayor leffingwell: okay. Further discussion? Council member morrison. I want to thank council member cole for her leadership on this. I think we're looking forward to, you know, a really vibrant future

with waller creek as it develops, and there's a lot of hard work ahead, but I know that people on this dais are up to it and the staff is up to it. So I appreciate all of that. I did want to mention one thing in terms of the staff recommendation, is actually has incorporated the planning commission recommendation about affordable housing in the district, as I understand, that there be lots of affordable housing, and that was included in attachment 6. And I know there's been discussion about lakeside, which is the haka site, which is -- basically which has the affordable housing in the district, and I know it would be, if, in fact, we ever lose that site, that housing, a disappointment for folks, but we're going with the planning commission recommendation to make it an overall no-net loss. My request to staff is that having the goal of no-net loss is a great goal, but i think that we really need to do some work to be able to take a look at how we can actually achieve that goal. So I'd like to ask if you could come back to us and, you know, I know it will take some work, but perhaps along the same path -- parallel path as well -- as the regulating plan is developed, to bring some scenarios and some ideas back about how we can actually achieve that. I know we talked briefly about that in the comprehensive plan and transportation committee, we threw out some of the ideas, but I think that it's very important that we be able to nail down some avenues that we have to be able to -- nail down some avenues that we have to be able to achieve that. Because the lakeside community is a very important community and i think that we all want to be -- we all are committed to being a city that does have all kinds of housing in all parts of town. Thank you. I've got a question that may be a legal question, but on the changed language, the amendments to item 6 relating to symphony square, recognizing that the austin symphony has a lease on that property, including the four parking lots, until 2025. It's my understanding that they also have the option to renew that lease for 50 more years. Is that correct?

[00:35:32]

>> I believe that is one of the terms of the existing lease. that is their option, and that was my understanding as well. Okay. Further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no? Passes on a vot of 7-0.

[Applause] brings us, I believe, to the last item on our agenda, which does not require council action. It's a public hearing to receive public -- citizen comment on the city's draft annual action plan for fiscal 2010-2011 required by hud. So right now we have 35 speakers signed up, which is approximately two hours worth of testimony. The first speaker is kelly weiss. Do you want to make a presentation?

>> Good evening, mayor and council. My name is betsy spencer, acting director for neighborhood housing community development. I do have a brief slide presentation if you want to see it but it is not required. does anyone want to see a slide presentation? We do have a hard copy of that presentation. Thank you. So now we'll go to kelly weiss. Kelly weiss. Not here. Joe ella brooks. All these speakers are for, I guess they're for the plan. Jo ella brooks. All right. Is marcelo tafoya here? Not in the chamber so

you have three minutes.

>> Spelman: mayor? council member spelman. before the public hearing starts I'd just like to mention I will be off the dais in the back room eating dinner but i will be watching the public hearing on television. Thanks.

>> Thank you.

[00:38:01]

>> Mayor leffingwell: gotcha. We check on you. All right.

[Laughter] go ahead, jo ella. You have three minutes.

>> Good evening, mayor, mayor pro tem and city council members. My name is jo ella brooks and I am the deputy executive director of southwest key program. Last week we went before the cdc to present our proposal and were instructed that the next step in the process was to come before you. So I come before you today asking that you support southwest key social enterprise initiative. This initiative will allow us to put people in east austin back to work. Where southwest key is located is in the johnson govai neighborhood. We are located in a neighborhood where 20% of the people live in poverty and the unemployment rate is three times greater in this community than it is in west austin. The focus of this initiative is to provide job training, job opportunity, job coaching and housing counsel to the residents of east austin. Over the past few days southwest key has worked closely with this community and has made significant investments on the east side. Southwest key has become a significant economic driver whose contributions have not only benefited east austin but they've also benefited the entire city of austin. After being invited by this community to move our corporate offices to the east side, southwest key invested \$8 million in our national headquarters in east austin and we've just broke ground on a 5 million addition to what will be a resource center for families for job training, job coaching, housing counseling and more. This initiative alone will bring 60 jobs -- will bring 60 construction jobs. Since 2007 southwest key has hired 73 new employees. We currently employ 145 people in the city of austin. By december of 2011 we hope to create 100 new jobs in east austin. We believe that by putting people back to work will allow them to take care of their families, purchase homes and remain in their home. We are asking the city of austin to support our request of \$180,000 of cdbg funding to help us continue doing this work. Southwest -- this is the first time that southwest key has approached the city for operational funding. We hope that you will consider our request to partner with you in helping to put the people of east austin back to work. That's the end of my presentation and I'll take questions if you have them.

[00:41:07]

>> Thank you ms. brooks. Any questions? Thank you.

>> Thank you. I want to let 12, you might see a bunch of security come in. We have barack obama signed up in favor of the plan.

[Laughter] I wanted to make sure the person who played that joke got credit for it. The next speaker we have is mark bell. Welcome, mr. bell. You have three minutes.

>> Good evening. Thank you very much. My name is mark bell. I'm director of social enterprises at southwest key. I'd just like to talk to you about some of the programs we're working with and how many people are coming into our office every day. We've got about 30, 40 people coming in seeking work and many of our different for profit businesses. Most of these people are anxious to learn a skill in hopes to join our training programs in order to become sustainable and employed by us or other green focused businesses in austin. As an employer we face tremendous challenges in the way of recruiting, retaining and developing human capital in east austin. Disparities in education, attainments, employment income exists between various segments of our community's population in east austin. Through remaining competitive in today's green marketplace it is imperative to me we invest in economic development opportunities that positively impact the lacking of the 21st century skills experience for today's market. Austin is positioning itself to become a leader in the green energy and green job creation and is doing a pressing job in their efforts to attract green business leaders such as samsung, jim nightsler development and active power. When the city of austin put out the rfp to build the 30 megawatt solar farm in webber ville [inaudible] was awarded the contract. Wondering how many people we know have solar skills and are able to put on photo photovolume I take I can into homes. This work cannot be outsourced. It is in east austin were and we need to become competitive and have job training skills in place. Through our existing social enterprise we are successful in creating green jobs and successful in working with austin's weatherization jobs, lowering energy consumption. We're empowering workers to become skilled workers who have the necessary training and capability to be employed by us or other green business leaders. Our new social enterprise facility will house many of the key training services to fill job opportunities. We will continue to provide support for some of the lowest income individuals and will serve to revitalize the community suffering and economic distress. I ask you to support our daily efforts and set a priority for the funding of 180,000 to support economic development opportunities in east austin in order for us to work together to fill today's and the future job demands. The dire need is ever so present, it can only be addressed by efforts such as ours as southwest key. Our hopes everyone will make a change, most important thing to spread the change as widely in society as possible. Thank you for your time and thoughtful consideration in furthering southwest key programs. Thank you. thank you, mr. bell. Any questions? Next speaker is susan meredith. Susan meredith in the chambers? Santos martinez?

[00:44:46]

>> Good evening. My name is santos martinez and I am a grateful employee of southwest key program. Southwest key already changed my life over two years ago. I was looking for a job in austin and I was

turned down for many times because of my past, my mistakes. I heard about southwest key program. Southwest key did not judge me about my mistakes or my past. They gave me a second chance. I have been with southwest key over two years. I started out at the bottom and worked myself hard to be a supervisor. My point that -- my point is that I pray to hope that the city of austin will provide the funds needed to build southwest key enterprise complex because I will -- it will help improve the lives of other people like they did to me. Thank you and god bless you. Thank you. thank you, mr. martinez. Next speaker is rosco overton. Thank you, you'll have three minutes. mayor pro tem and members of the council. I'm rosco overton and a resident of east -- I'll call it central east austin since we reside -- it's divided somewhat in section. Will as a supporter of southwest key I just want to mention a few things to the council. When I returned to austin in 2003 I think one of the first activities I was able to participate in was some survey that the city of austin had paid for in order to get some information called the quality of life of african-americans. This was the city of austin -- the city of austin paid for this. Not only this, but then you paid for another study called the hispanic quality of life. And what I wanted -- the reason I mention that back to you is because within those -- this document that you paid for, which was quite expensive, reveals some information that's generally known. What is generally known is that the economic circumstances in east austin has not kept up with the west part of austin. That's definite. So why I'm here today is to say that the \$180,000 that the southwest key asking for would be kind of a payment on that check that was kind of insufficient when it was set forth. So I'm asking the city to consider that because -- because of the different that exist in east austin has to do with economics, whether it's schools or whatever, or whatever factors are involved, but it's basically around economics, that is jobs. So we're asking you to in getting that -- in affording southwest key with the monies because the job program that they are proposing is extremely a vital part and I just said that -- give you some as on me a little bit because i was part of the original job program in 1966 when the labor department set forth the job training program and I can tell you for sure because I directed one while I was in the city, is that it is a tremendous, a tremendous good program and it helps a person. I would like to recognize that some of the members have -- have left the chambers, but we still have a supportive group has been 00, so the longevity, person supported from southwest key, will you stand and let us know you stood with us?

[00:48:40]

[Applause] thank you. Okay. So the council, we would appreciate you considering that and thank you very much. thank you, mr. overton. Any questions, council? stewart hersh. herch, you'll have up to three minutes.

>> Mayor pro tem, members of the council, my name is stewart hersh, and like most people in austin I rent. The action plan draft is an attempt to strike a balance between contractual obligations that the city of austin has with the united states department of housing and urban development and the housing priorities of this community established by the city council and documented in numerous reports the city has funded. I recommend amendments to the draft action plan that could result in both greater availability of federal and local funds to promote austin's housing affordability goals and contractual compliance with federal and local requirements. Here are my suggestions. Number one, if funding sources become

available in 2009-2010, the willow sweeney circle and the ivy will become eligible for funding in 2009-2010 instead of in 2010-2011 as recommended in the plan. 2, that home cdbg geo bond and housing trust funds available 2009-2010 and 2010-2011 be limited to due diligence preparation of engineering plans, accessibility and advisability compliance and greenbuilding compliance for the following federally funded projects appearing on the draft action plan list. Anderson cdc, 1113 merl street. Anderson cdc 24 units, June per Allah phase 3 and the 11th and 12th street project. 3, home cdbg, go bond and housing trust funds not required for activities 1 above are available for the projects in the 2010-2011 budget. Permanent support of housing, rental housing and development assistance, home ownership and go repair. 4, that repaid smart housing fee wafers are made available for go repair in the 2010-2011 budget. 5, all permanent supportive rental housing serving households at or below 30% median family income completed after March 25, 2010 be counted towards the 350-unit 30% median family income goal established by the city council. With these amendments to the draft action plan, the city of Austin will position itself to maximize opportunities for the poorest renters among us as well as working families aspiring to or seeking to retain home ownership. Thank you for your time. Thank you, Mr. Hersh. Next speaker is Jo Katherine Quinn. Welcome, Ms. Quinn. You'll have three minutes.

[00:52:11]

>> Good evening, Mayor Pro Tem, Council members. I'm Jo Katherine Quinn. I'm the director of housing services at Caritas of Austin. 300 Of the 350 units of permanent supportive housing as has been recommended by the corporation for supportive housing and its financial modeling report for production in Austin in the next four years targets a very narrow population of chronically homeless people. This population are people who are most frequent users of public resources, primarily the criminal justice system. This population cycles between incarceration, mental health facilities and homeless service providers, and disproportionately consumes public services. These individuals are the most challenging to serve in our community and we are yet to design and implement effective strategies on a scale that yields noticeable results. The priority for funding in this action plan for permanent supportive housing is a very important start to scale up housing and services for this population. Implementing effective permanent supportive housing in Austin will make a noticeable difference in the number of the most visibly homeless on our street. My feedback today is that neighborhood housing and community development continue to pay close attention to the corporation for supportive housing recommendations, that this housing should be reserved for the hardest to serve chronically homeless population. Business as usual is service providers and the housing community screening out those who are the most challenging to serve. Justifying this approach with the fear that this population will not well utilize scarce resources. All the while the chronically homeless reentry population is spending millions without much effective difference in their lives. This is our opportunity to change the way we do business. It is time to screen in this population and employ strategies that will effectively change their lives and ours. Thank you. Thank you, Ms. Quinn. Our next speaker is Mark Rogers. Mark, you'll have up to three minutes.

[00:55:08]

>> Good evening, council members, mayor pro tem. I'm actually going to give my time to Isabel Hedrick, we're co-chairs of the roundtable, a coalition of different housing groups here in Austin. I'll hand out letters, a memo we sent out, you might have got it by email and Isabel will hit the manipulate points of that, and several of us are not going to speak so we can all get home a little bit earlier tonight. But I would like to point out some of those that are here. We've got folks from Green Doors, Habitat for Humanity in Austin, Easter Seals and so on. So trying to save you a little time.

>> Martinez: thanks, Mark. Isabel you'll have three minutes.

>> Okay. With your permission I'll try to stay within that, although I am substituting for several people, so I'm sure even if I go a little bit over I'm saving everybody time. Mayor Leffingwell, city council members, good evening. My name is Isabel Hedrick, I'm executive director of Black Land Community -- and Choateo Roundtable. On behalf of the Choateo Roundtable we'd like to express our appreciation for the City Neighborhood and Community Development Office and its creation of the action plan -- draft action plan for 2010-2011 and we commend the department and staff as past success and active and supportive partner in funding the creation of affordable housing around Austin. To put the following suggestions in context, this has been a very painful year for nonprofit housing developers. The moratorium on applications and funding is entering its eighth month. City Council's support of housing, coinciding with the legitimate attempt of any CD to size up resources has had the unintended consequence of creating confusion and a moratorium on allocation of funds. This state of confusion let some Choateos to -- after March 25 that haven't been processed, while other Choateos were told not to submit applications after all. Projects that were viable and shovel ready that would provide affordable housing have been lost and others are in danger of losing leveraging and dying. Meanwhile opportunities in the real estate market than we have seen in years and may not see for years again to come are passing us by. We have lost valuable time and if City Council and staff don't act quickly more opportunities will be lost. This means desperately needed affordable housing of all types and people of all income levels that may be developed may never be developed. Therefore, after reviewing and discussing the draft action plan and the situation in the current fiscal year, the Austin Choateo Roundtable requested the following revisions be accepted and where applicable be incorporated in the action plan here. I'll abbreviate here just a little since you have the letter in front of you, but we highly recommend that any -- CD immediately process applications received prior to the December 2009 moratorium, that it prioritize funding from this fiscal year for three projects that are identified for the following fiscal year, namely the Green Doors project, Easter Seals, the Ivy and Mary Lee's project. And the pause in moratorium by issuing ANOFA, and taking applications on first come first serve basis, basically go back to the system we had before, that was working very well. And immediately -- as soon as possible identify the remaining 2009-2010 funds and allocate them towards eligible projects. We -- there are several other suggestions that you see in front of you, and so I don't need to go into all of them in detail, but the big thing is that we really would like to establish the expectation that affordable housing will be on the 2012 bond referendum, and to that end make as many of the go bond funds available and accessible as soon as possible now so that they can be spent down by the ends of 2011 if possible. And finally -- did you hear the buzzer?

[00:59:29]

>> I did. We have several members who are seeding their time to me.

>> Frank fernandez, marge rogers. Nolan? mayor, before you came out here I told the speaker she could take an extra few minutes since she was speaking on behalf of a larger group. I don't think she'll need a whole lot more time -- how much more time do you think you need?

>> If I can have just about 45 seconds I think that will do me just fine. without objection --

>> thank you very much. you can speak for another minute.

>> I appreciate it. So the -- I already spoke about the bond, and then further on, just in general, as we proceed with allocating funds, built in flexibility so that funds that are targeted for one use might be shifted to other uses after a specific time period, if they're not attracting enough eligible projects. That is a recommendation that we made last year to council members, and we reiterate that. And we just cannot express strongly enough the urgency to end this moratorium and return to the previous funding process or a very similar one as soon as possible. We really appreciate all the efforts of staff at nacd. It's been -- we've had some excellent communication with them and we're very appreciative of that so we look forward to having these issues be resolved. Thank you very much. thank you.

[Applause] looks like I missed the three minutes by barack obama. he was great mayor. You did miss it. Brought the house down.

[Laughter] mike McCONE?

>> Tough act to follow, mayor, members of the council, my name is mike McCONE. I'm here on behalf of the university area partners talking about the uno university neighborhood overlay item that was posted with this plan -- action plan. Hud is not involved in the uno process. Austin is to be commended for developing an affordable housing program for students who are not recognized as a class of people to be helped. The university area partners currently supports the modified staff proposal, which was to have full stakeholder participation in the review of the fees and requirements of the afford -- affordability requirements of the uno district. Uno was established by the neighborhood planning process in 2004. Funds collected in uno can only be spent in uno and since that time we've had numerous projects built and even a drawdown of the funds that have been developed to create a very affordable project with most of the residents, the low -- the 50 percentile. Uno took over two years to develop. We need to take the same careful approach in looking at the proposals that would modify this ordinance, and we would like to support staff's recommendation that we have a hearing and full stakeholder participation in the fall when the students are back, which are a major beneficiary of the program, and we would like to have their full input and the student body president was able to make the last meeting before the cdc but he was not able to be here this evening, and I will let you go on with the hud portion of this action plan and look

forward to working with each of you in the fall, hopefully to make any modifications and clarifications that are appropriate now that we've had the four years of experience with the uno projects to date. Thank you. thank you. Is that rosie williams who just spoke? Okay. Rosie williams? Welcome, you have three minutes.

>> Good afternoon, to the mayor leffingwell and his staff. It's just an honor to be here tonight because I am a very concerned citizen, and, you know, as a citizen of east austin, and I've been a citizen of east austin for 45 years, and I'm concerned about having a voice in the redevelopment of east 11th street and 12th street. And the concern that I'm having is the changes that are proposed is affecting us senior citizens in east austin on our taxes and our properties, and I say that because most of them that are still living in east austin are on fixed incomes, and even homestead exemption doesn't help very much. I am a senior citizen, and homestead exemption is still a little bit much for me on a fixed income. I come to ask that you give the citizens action task force committee more time so that we may speak with ura and the ara to make them clear of all our concerns coming from east austin. And I'd like to also add, please, please, don't let the north and the west austin dictate what's developed in east austin.

[Applause] please consider our request. Thank you. thank you, rosie. Verna smith. tony McGee? tony McGee? NOT -- IS tony McGee here? All right. Gotcha. So you have six minutes.

>> Okay. G evening, mayor and city council. Thank you. I've been going to a lot of meetings here in the last few months listening to people talk about what they think should happen as far as the urban renewal project for east 11th street and 12th street. Most of the people that belong to these organizations don't live in or own properties in east austin, and developers who brought -- who have bought and built there don't respect the culture or the quality of life of theho have livedhere their lives and have paid taxes, both property taxes and school taxes but have never received true community development. We the citizens would like the properties on east 12th street and 11th street that are already owned by the city of austin to be set aside for affordable housing for citizens' income of 20,000 to \$50,000 a year so that people who were raised in these neighborhoods can continue to live there and those who want to come back can come back and live in affordable housing. We would like for the ara and the ura to be allowed to continue the redevelopment project and the tri-party agreement with the city of austin, and we demand that the ara and the ura come back to the east austin community and get the opinion of all the citizens and not just the newcomers that are there for investment opportunities at the expense of the human rights and the culture of the people. Most of the citizens in east austin don't have the leadership to -- to sit down and explain to them how or if the gentrification of the neighborhoods would impact them and their lives and their properties. The citizens of east austin welcome change. We just want to be able to enjoy and for it to meet our needs. Where do you expect for the people that have been pushed out due to gentrification to live? Manor? Round rock? Pflugerville? He will begin? The diversity of east austin is changing. African-americans are being pushed out to make room for what you want tourists to see if they accidentally cross i-35 into east austin. They won't see african-americans because they're being pushed out of austin, texas. I urge you and I ask you to please continue to allow the ara to -- and the ura to continue with the project but also to keep in mind that the people in east austin, on the east side, there are 38,000 people unemployed in austin, texas, and a lot of us don't have places that are affordable to live for rent. The section 8, a lot of people who were -- would usually have access to section 8 and housing, those entities

have been closed down and continue to be closed down in the next years, so we need developers to come over and build housing that is affordable to the community, that matches the salary of the people. Thank you very much.

[Applause] mayor, I have a couple of questions for smith, and maybe ms. rosie too. council member cole. you might know this. Do you live on 11th and 12th or what area of --

>> no, I do live in east austin.

>> But close to this area that the urb and ara covers?

>> No, I don't live close to the area that's being developed, no.

>> Cole: okay. But you grew up in austin.

>> Yes, I did.

>> Cole: okay. Because the reason I'm taking the time to ask this, because I get -- I'm really struggling with this issue and I need your help, okay? I mean, and it's not -- i want a better -- I want to better try to land on where I should be thinking about this, because I didn't grow up in austin, but most of my relatives did, my aunts and that type of thing. The people that you know, african-americans who have left austin, where did they go?

>> The ones that I know have either moved to manor, to pflugerville, austin colony, places like that. are they retired or are they working, or they're split?

>> They're not retired. Some of them are either, like I said, have gotten on the section 8 vouchers and they felt it more economical for housing to move out that way. Some of them are -- like you said, some of them are maybe employed, but the majority of them have moved out there because that's where housing is affordable to them.

>> Cole: okay.

>> Working. because the issue i struggle with, I guess it goes across generations, depending on your age-group.

>> Right. I've seen the situation where, like my grandmother or her brothers and sisters, who had homes in east austin, shotgun homes, and they bought those homes for 12, \$15,000, and a developer walked up to them and said, "i'll give you " and they could count, and they moved to manor, and they had a retirement that they never anticipated. And at the same time I see other elderly people who don't want to move and their taxes are climbing.

>> Exactly. and it's just a totally different situation, for whatever reason they're being offered the same,

you know, money for their homes, but for whatever reason, it might be close to their kids, might be close to their church or whatever reasons, they don't want to move.

>> That's right. and so I agree with you in terms of that population, that you should not have to be displaced, and we need to think about ways to stop that from happening. But at the same time we don't want to think about ways to keep your property values down.

>> No. because that's not right either. And I struggle because I see my generation very different from my grandmother's generation, who would pay her taxes before she paid anything else. They never even came close to thinking about losing their home and that those type of values we can't lose, and we also can't lose the concept that we keep our property.

>> Uh-huh. so those are kind of two different issues that I'd just put on the shelf, and I agree with you 100% about people that never get the opportunity to own a home and have to rent or live in section 8. Well, that is totally government responsibility.

>> Exactly. and I don't dispute that. The only thing I get concerned about is that a lot of times when we put these issues on the table, we don't lay them out clearly enough so that people understand, we value property and we want to own property and we don't want to lose our property, and we understand the need for the value of our property to rise and for us to be able to sell that property and have a retirement income, because we just can't lose that in terms of passing that to on to your kids. So I'd like to visit with you guys later, maybe come up to my office or I'll come -- I don't know what's a good place to meet, maybe carver or something, just because I'd like to explore this conversation further, because I don't have the answers, but I think if I understood or listened to more of the problem we can get closer to the answer.

>> Thank you very much. I'd welcome that. I appreciate it. You have a good evening.

[Applause] darlene harris?

>> Melanie harris? Shawnee harris is donating time to stella wells.

>> [Inaudible]

>> mayor leffingwell: okay. S harris, you have six minutes.

>> Okay.

>> In your agenda 152 to the council, linda wells, I probably didn't say it right, it stated that the city of austin will receive 1 million and different grant programs will disburse that money out in -- in 11 or 12th, the city of austin. My question to you-all is, how -- my question here is that when the city of austin received this money specified for different areas of austin and built homes, apartments, businesses, department stores, grocery chains, health care facilities and day care providers, I ask council members to

take into consideration the nationality and makeup of the residents who reside in east austin for a long time, for dominant black and hispanics communities. Black and hispanic communities of austin ask when the revitalization authority of central east austin and austin urban renewal program disbursed money for grants that their communities be represented fairly. East austin is the heart of austin, a historical landmark of austin. The black and hispanic community and its culture and their life-styles are the catalyst of austin. The black and hispanic community would ask council members to take in consideration the average income, financial wage, the structure and -- that already exists within the community. The fixed income for the elderly, the fixed income for those who are on housing assistance, welfare and health programs, affordable and spacious homes for apartment dwellers. Grant monies received for small hispanic or black businesses are able to keep doors open and rebuild them, with the advantage of the large companies and business that invade east austin. Several affordable children's day and night care providers because many of our parents in east austin work at night. This is only a few suggestions that east austin asks council to take in consideration when you continue to flood our community with the high rise cost of homes, apartment dwellings, business property tax increase, when those who are on fixed income and wages, government checks, welfare cannot afford the expense. In my understanding, the national -- the austin neighborhood council is kind of bulldozing the area and urban renewal when it comes to receiving this fund and disbursing within the city of austin. And my question to city council is, why is the austin neighborhood council deciding that they're not using this money fairly and lots are not getting built fast enough for them. For what purpose are they saying that area and urban is sitting on this money? I want to -- because what are their special agenda behind this? So I ask council to take that in consideration. It's not fair that these things should happen and that people should have that much control over people in east austin. East austin is for -- was based upon the minorities of east austin and the financial -- we need to be taken in consideration when these things happen. On here it says the austin neighborhood council urges city council to bring it in line with the spirit and -- texas urban renewal law by not entering into any new similar arrangement by adopt more -- timely and transparent use of the city taxpayer dollars in the 11th or 12th street revitalization, such as a

[inaudible] measures, articulated and stakeholders, neighborhood resolution by setting a new model future, the city urban renewal efforts that precludes exclusive and other special status of any development in any project. So where are the affordable homes, where are the jobs for east austin? Where are the cost of living affordable? And you made a point, cole, that you would want -- you hate to see this area done like that but we've got to think of the increase in taxes. We've got to think of the property tax value, but the minorities in east austin are on a fixed income, and why not take in consideration before you build over there that that tax value was affordable where they can pay for it but now you invade east austin with these high rise apartments, with these certain business, but it's not benefiting the black and hispanic community. So how do you overlook our nationality? How is this possible? So wherever austin, the neighborhood -- austin neighborhood council is taking in consideration, what reasons are they giving why area and urban should not receive or direct this information -- direct this money for east austin, then what are that purpose for? What are their reasons for it? Thank you. thank you. Council I, I will entertain a motion to extend the meeting past 10:00 p.m. Council member morrison, second by council member shade. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Any opposed? Passes on a vote of one, two, three, four, five, six -- zero -- with -- 6-0 with council member spelman off the dais. All right. Next speaker is charles qatman.

>> Thank you, mayor, council members. It's late so I'll be brief. Of the draft agenda of a draft action plan, actually, has a mistake to it. It declares that there's going to be a million and a half allocated in that next year's budget for home repair. That is not accurate. There's only \$1 million of new allocation. The 500,000 extra is a care-over that really won't be there. We will be using that up shortly. We've already asked for the money. So I wanted you to know that going in, and we ask that we have -- that the funding be 3 million instead of this past year's 2 million because we're going through it in several months, and home repair is something that's very vital. There is other money out there. We have projects, housing projects that have been sitting in empty fields for five years. Maybe we should reobligate that money or work with other funds. Really, I think we all know that home repair is a very vital thing. We need to continue this program. It is very effective. It's very useful. There's people that are having their lives change because of your goodwill, and with that I ask for your heartfelt investigation into this and your consideration to increase this funding, not decrease this funding. Don't stop us while we're doing good. Please. Thank you. thank you. Bob capca. David witty. All right. Remind me when I get to stephanie thomas that you're donating your time. Marita haiden. Not here. William bets, also gone. Spencer duran.

>> [Inaudible]

>> spencer passes. Michael kellerman.

>> [Inaudible].

>> So he's already donated time. Jerry huchias -- ouchas? And you have three minutes.

>> I'm gerry owshas, the administrative director for the austin/travis county

[inaudible]. Traditionally we always thank you for listening to us again. Tonight I do thank you, but I particularly want to thank on behalf of the reentry roundtable the city staff of mhcd and hss. We thought we prepared this 2010-2011 action plan. They had a very tough job to do and the draft plan demonstrates a real desire to meet multiple expectations and priority. The agency and council on homelessness [inaudible] comprehensive federal plan with goals to combat homelessness in america. The first goal was to finish the job of ending chronic homelessness in five years and the key strategy identified to do this is to provide permanent supportive housing. The reentry roundtable pledges to remain an active community partner to help reach the city's short-term goal of 350 units of permanent supportive housing by 2014 as recommended by the research findings of the corporation supportive housing. We would like to remind the council members that of the 350 units [inaudible] 325 of those 350 were recommended to serve chronically homeless reentry population, clearly signaling the recognition of the physical and fiscal impact this population is having on our community and on our system. Of the 13 million in go bonds we appreciate that the action plan includes 2 million for the proposed psh project as a short-term strategy for bringing permanent supportive housing units on line this year. Unfortunately very little of the go bo

allocation will serve the low come, particularly cominl justice, emergency health criminal justice and shelter systems. We strongly urge nhcd to consider their projected distribution of these funds and screening folks into housing not out. With the city council to assist us and develop a strong partnership with the local housing department to create a shift that will relax their selection criteria and develop project-based voucher programs targeting the special needs population which will help us to create a stream of operating subdis to fund these 350 unit. hss secretary says this. Homelessness cannot be solved by a single agency or organization, by a single level of government or by a single sector. Everyone should be reminded of the intricacies of homelessness as a policy area and remember that preventing and ending homelessness will take real coordination, collaboration and a constant exchange of ideas. The roundtable looks forward to participating in this great exchange of ideas and a real collaboration that will help us find ways to maximize our resources, talents and passions to meet the goals we share along the housing continuum for our vulnerable populations. ?A. thank you.

>> May I ask one quick question. council member cole. I know you have a lot of expertise in this subject, and I'd lay out the difference between your perspective and the entry roundtable, the difference between a chronic homeless person who is not housing ready as opposed to mentally ill substance abuse, that type thing.

>> Okay. And fortunately we're all individuals. When we talk about housing ready, what we're really looking at is fairly rigid, where there's demands placed on the person that they meet certain criteria, that they have treatment or that they do certain things in order to stay with the program. Housing first says let's get them in a house and have those services on-site provided there for them to be able to access as ready. So from the reentry roundtable standpoint, and also nationally, we know the research says that housing first is the solution for this population -- for this highly vulnerable population. And highly vulnerable not just to the individual but from the cost that comes from the individual's vulnerability. So we know all the research is showing and all the nationally and statewide that housing first is the solution for supportive housing for chronically homeless and particularly those that are using the systems, the criminal justice, the mental health, the hospital system, physically and mentally. Does that help? yes, thank you, ms. gerry.

>> Thank you very much. And thank you all from neighborhood housing. joyce poleman? Gone?

>> If that is the case then number one, we urge you to open up the funding now for existing projects and not wait until the next fiscal year. There are repairs to be done as charles said, there are permanent supportive housing units that could be completed if the funding were released and there are premonitorium applications that could be rolling if the funding were released now. Secondly, on the bonds, we recommend that you encumber as much as 95% by the end of fiscal year end 2011 partly because the economic cycle is low now and now's the time to be investing and because there are projects that are ready to go, which -- which should be kept moving forward. Recommend three pools of funding, one for home ownership, one for rental and permanent supportive housing and one for go repair, all of these comments are about the bonds. Finally, about the bonds, all projects should go through a process that is already established, where they apply they are under written, to go the bond review board and to the council so that they will be -- we will be scored up as usual, that will -- and twhrfer that the

projects -- therefore the projects listed besides those pools and not just become approved by the council. Third area is funding sources for the trust fund. Number one, you have already passed a resolution that puts 40% of increased city taxes from "properties not previously on the tax " those would be city, state, annexed properties. Therefore we would ask that you look for the possibility of pulling those 40%, which you reaffirmed last year from properties such as the triangle on state property and other properties that could come into the trust fund. Number 2, that smart fees be -- if they are refunded or waved or not used during the year, be included in the trust fund and, third, that we really have a complete inventory of the carry forward projects. Right now there's -- there's this sort of mysterious, we're not sure what the carry forward is. While we understand that that can be quite hard to figure out, we think that it could at least be possible to get a list of what kinds of projects might be carry forward so that -- so that it would be easier to understand. Finally, in the area of homelessness, first of all we are going to need a definition of permanent we know what we can count and what we can't. Secondly, I would urge leadership on council to partner with Echo so we can get a fee structure for services and improve use of existing services so if we have bonds for homeless housing we have the services needed. Thank you very much.

>> Mayor Leffingwell: Thank you. Jonas Schwarz.

>> [Indiscernible] ward.

>> Three minutes. Thank you mayor, city council, my name is

[Indiscernible] ward. As a resident of east Austin -- a resident of east Austin I wanted to point out the difference between gentrification and revitalization, revitalize... Gentrification displaces communities that already exist. In east Austin this is what has been happening largely with development. Oftentimes there is an overlap between the people who are affected based on their economic status with their race, ethnicity or culture. Has been the case in east Austin as well with a greater amount of displacement affecting the Hispanic community and even more so the Black community. I think this needs to be on the forefront of what the city is looking at when it's looking at development in east Austin. Affordability, and diversity are huge here and right now as we see that much gentrification has taken place, east Austin is currently a very mixed space, a very affordable place, lots of people are moving there. If people are -- do not do something to change the nature of the way that development is happening, it's not going to be affordable, only for rich people and not mixed, only for white people. If you look at a map of where Black people have resided in Austin, you will see probably in 10 years they're not going to exist in central east Austin anymore at all by the numbers. To respond somewhat to what councilmember Cole was saying, you know, these things can be prioritized when we are focusing on a community, not necessarily individuals. Maybe individuals would benefit from someone selling a house for more money, a community as a whole can oftentimes lose when property values are raised. Looking at things in terms of communities versus just individual plots is something, you know, as a viewpoint, but also when we look at for example affordability, the standards that the city uses right now as -- you know, affordable is based on a percentage of the median family income for Austin, which is \$56,000 for the city as a whole, but for Hispanics, it's 34,000. And for African-Americans it's 32,000. So by the numbers, if you are putting affordable housing right in the middle of central east Austin, by the numbers, that is not housing for Black people or Brown people. I mean, just it sounds nice to use the term affordable, but it does not help people of color,

that is problematic. So we would like to see east austin be a mixed space and affordable space, diverse space, we would like to encourage the city when they are looking at the development to pay attention to the communities that are being displaced and do whatever they can to allow them to keep their land and communities intact. Thank you very much

[applause]

>> Mayor Leffingwell: Thank you. Jonas schwarz again, still not here, I assume. Tom spencer.

>> Good evening, mayor, mayor pro tem, councilmembers, I'm here to echo in part some of the sentiments of the coalition partners that have spoken, the housing repair coalition, charles from meals on wheels and more and fancy ferguson. Talking about three things briefly, momentum, priorities and enlarging the pie. On the momentum piece, the housing repair coalition is fully engaged now in repairing homes in the east side. Many for the homes of individuals like those we've heard from individuals who want to stay in their homes as they live out the last years of their lives, in the case of our particular program hands on housing making a difference. The momentum is full and ongoing right now. Working as hard as we can, creating new programs to partner with the city in this particular endeavor. And for us to cut back on that immediately as the program is just geared up, seems to me to be misplacement of priorities. Further, on priorities, i hope that when you consider where you spend the remaining bond dollars and prioritize the -- further in this plan, that you look to partners who can leverage things for you and for the community as a whole. Hands on housing, our particular program, leverages thousands of volunteers every year. Bringing labor in -- into really stretch those dollars, to do amazing things for the families that we're helping. So that's just one way that you can help look to again setting priorities for your allies. E further thing, I will just say this, not speaking for my coalition partners, but specifically for aim. As an organization, we represent dozens of faith communities. We have also, as the leadership of my organization has voted to take on a new role, which is advocacy in the community, not just harnessing the shared compassion and putting that to use and service, but to speak out on moral issues. The one issue that we have adopted very clearly is affordable housing. If you are looking for a partner to enlarge the pie, then you want to get the word out to communities that are active, politically and active socially engaged, come to us as we -- grow this pie to look further bond moneys for the housing and to get the word out on the importance of all of these investment that's we're making. Investments that we're making. We will be with you, we will stand with you, we will make sure that the folks who get out and vote hear this message. Thank you for your attention this evening. We look forward to working with you in the future, we hope that the momentum of this great program that we are doing right now will be continued.

>> Mayor Leffingwell: Thank you, tom. Allen robinson.

>> Thank you, mayor, mayor pro tem, councilmembers, my name is allan robinson, the general administrator of college houses, I would like to talk about one specific part of this plan, that's the uno trust fund. College houses benefited from the trust fund. Without it, we wouldn't have been able to build homes for 176 students. It's made a real difference. So as we move forward, we don't want to take success and ruin it. I really appreciate the fact that the staff has talked about this is the public input, but in the fall we need stakeholders at the table and specifically we need students at the table. That's the group that's the

most affected. The summer is the worst time to try to get input from the students. So I appreciate the staff's recommendation to have stakeholders meetings, delay them. As you look at other issues that come before you, if students are part of the equation, please consider that, don't make decisions for students during the summer. But thanks for creating the uno trust fund, it's made a difference and I will echo the other speakers that we need to spend some money now on projects, move forward. Any money that you can move it forward to things that can happen. Thank you.

>> Kathryn stark. Kathryn is not here. Stephanie thomas. Did you have some folks that wanted to donate to you that have not already spoken?

>> [Indiscernible]

>> Mayor Leffingwell: His name is?

>> Bob kafka.

>> Okay. So you will have six minutes.

>> Okay.

>> My name is stephanie thomas, I'm with adapt of texas. I am very concerned about many things in this annual plan. Some of them grow out of the plan that was passed last year, disability seems to be sliding out of the focus of austin and -- and that very much concerns me because not that long ago we had a voluntary compliance where they came into the city because the buildings that were built with the assistance of the city were done so out of compliance that over 60% of the buildings were not in compliance with section 504 or fair housing and the -- came in and intervened. I don't want to see us going back to a point like that again. Yet, I kind of get the feeling that we may be. There is -- there's almost no mention of disability in the action plan. There's not much talk about -- about the 60% housing discrimination against people with disabilities. All of that is just kind of swept aside. That is very much of a concern to us, we have also brought up to you year after year that the architectural barrier program is much more biased towards homeowners than renters. Yet if you think about it, people that are on disability incomes, many of them are extremely low income and unlikely to be homeowners. I have heard it says that's because of the usage and i think that is a problem of outreach. If you think about it, where are they going to go? Mostly to rent. There have been barriers put up that are now corrected i think they can be corrected better for not using cdbg funds for rental units. And so there wasn't maybe as much money available for rental units. That needs to be changed. The biggest worry that i have is the big, big emphasis on supportive housing. Housing should be housing. It should be a place to live and there's so few housing dollars available we shouldn't be spending them on other things that aren't housing. I totally agree there are people that need supportive services, but we don't need to be spending housing money for those things and we should be providing people housing not other things like -- that are tying services to housing. There is some language in here that says they shouldn't be tied. Yet as I see other things slipping away so fast I'm very concerned that would happen here. There's a whole lot of people in this city that don't need support services that need housing that are very low income. There's people with

disabilities that don't need support services or may not want them. And there are other people who don't even have disabilities. People who are attendants who work in the lowest paying jobs around, y heard from these people earlier about people who are having to move to manor and other places to find somewhere to live. That is not what we should have in austin. You could make 811 units in some of these groovy high rices that can't fill up their places, make 811 units where people with disabilities could move in or subsidize them in other ways to have lower income people living in those places. Bring some reality to downtown. To tie services to housing, creates a mini institution, that is not what people want. I don't care who they are. Nursing homes are not housing. You have them listed as housing in the con plan. If they are such wonderful housing, why don't you live there? You get half a room and you get people running in and out of there all day long going through your drawers, taking your stuff. That's not housing. That's warehousing. If you are going to count nursing homes as housing, you might as well count jails as housing. A lot of people go there because they don't have any housing. This is not what we should be promoting in austin. I think this plan is really a problem in the way that it focuses so solely on that. I have to wonder somewhat cynically if there isn't a few people supporting that, I know many of the people who support it have very good motivations. But if we get everybody out of downtown who doesn't look right, then we can charge even more money for those expensive condos. This plan is supposed to be to help the citizens of austin. The lowest income citizens really need your help. They don't need the city of austin to be spending affordable housing money to make really more affordable units like stone ridge and sunny meade turned into higher income housing. We don't need to be using affordable housing dollars to be doing things like that, yet that is what happened. If you look at your plan, it says in there that 70% of the affordable section 8 project based units are going to be aging out of their contracts this year. Now, I asked the housing authority about that and they said that they hadn't heard of a plan of turnover, but that is a very scary thing. Over 70%. We -- it's going dry up and go away and we need to protect that. And I think that your plan needs to address it better. Thank you.

>> Mayor Leffingwell: Thank you. Those are all of the speakers that I have signed up on my list. Is there anyone else who has not spoken or donated time that would like to speak in this public hearing? Seeing none, I will entertain a motion to close the public hearing. Councilmember morrison moves to close the public hearing, seconded by councilmember shade. All in favor say aye.

>> Aye.

>> Opposed say no. Passes on a vote of 7-0. And confirming with the city clerk, I believe -- i believe that is -- completes our agenda for today, june 24th. Without objection, we stand adjourned at 10:48 p.m.

End of Council Session Closed Caption Log