

Closed Caption Log, Council Meeting, 08/05/10

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.

Please rise for the invocation.

Please bow your heads. Our father who art in heaven, hallowed be thy holy name,, thy kingdom come, thy will be done on earth as it is in heaven, give us this day our god our daily bread. We come today to thank you for life, health, strength, thank you for this early arising, for the activities of our limbs. We come asking lord god that your presence would be in this council meeting, we pray, lord god, that you will dwell in this place, that you will give the council members wisdom and knowledge and understanding of the issues that we are dealing with in our city of austin, texas. We pray for the mayor. And for every councilmember and for everyone that's here today, god, that you would speak through us, that you would speak through them, give them the wisdom and the understanding of the issues and divine order in order to deal with the people in this city, in jesus name we pray, everyone say amen, amen, amen.

Mayor Leffingwell: Thank you, pastor, please be seated. Q is present, I will call this meeting of the austin city council to order ON THURSDAY, AUGUST 5th, Between, at 10:05 a.m. We're meeting in the city council chambers, austin city hall, 301 west second street, austin, texas. I will read the changes and corrections first item no. 23 withdrawn. 29, add as a co-sponsor, mayor pro tem mike martinez. Those are all of the changes and corrections that I have on this morning's agenda. Our time certain items 30 posted morning briefing on proposed whisper valley and indian hills public improvement districts. But as a courtesy to those who will also be attending 00, for these same two areas, we are going to delay this briefing until just before annexation hearings, approximately 3:30. But the time certain is still on at 10:30. 12 Noon we have our general citizens communications. we will take up our zoning matters. We anticipate that item no. 44 Zoning case, number 44, will be postponed at that time. But it can't be officially postponed until after 2:00. 00, we will -- we will recess the city council meeting and call to order a meeting of the austin housing and finance corporation board of directors. Conduct that meeting, adjourn it and then return to our council meeting. , we have our scheduled public hearings and again although we can't 00, 00 50 will be postponed. 30, we have live music and proclamations. The consent agenda for today, is items 1 through 35. With several exceptions, which I will note momentarily. But before I do, I want to read into the record item -- 27, which are nominations and waivers to our boards and commissions. To the -- to the austin airport advisory commission, earnest solomon is yours truly, mayor leffingwell's nomination. To the planning commission, david anderson, mandy dealy, richard hatfield are yours truly, mayor leffingwell's nominations. Items pulled off the consent 5 is pulled by councilmem cole. And the following related items are pulled in one bunch, by councilmember cole, items number 6, 13, 14, 20, 21, and 22. 9

is pulled by councilmember riley. City clerk I have no items, no items on the consent agenda pulled because of speakers. Mayor pro tem.

Martinez: Sorry, what was the disposition on item no. 23. I didn't hear you.

Mayor Leffingwell: I didn't say anything -- excuse me, item 23 on a previous page is withdrawn.

Thank you.

Any other items to be pulled off the consent agenda? By council. .

Spell spell mayor, you might unofficially announce that item 44, which we will 00, and item 50 which we will take up at 00, will very likely be postponed until the 19th of august, two weeks from now.

Mayor Leffingwell: Councilmember spelman I did that moments ago.

You mentioned they were going to be postponed but you did not have a date. Very likely the date will be the 19th of august.

Mayor Leffingwell: Duel noted. Thank you. I will entertain a motion to approve the consent agenda?

Riley: Mayor?

Mayor Leffingwell: Councilmember riley.

Riley: I'm going to support a motion to that effect. I would just like to add a brief word about item 8, if you would.

Mayor Leffingwell: Did you want to pull it?

Riley: I don't need to pull it, I just wanted to make a one note about it, if I could, just very briefly.

Mayor Leffingwell: Okay, if it's very brief. Normally our policy is if you want to comment on the items, we pull it off --

Riley: I'm fine pulling it off. We can pull it off.

Mayor Leffingwell: You want to pull it off?

Riley: That's fine with me, sure.

Mayor Leffingwell: Okay. 8 to the list of items pulled off of the consent agenda. Councilmember spelman? Councilmember spelman moves to approve the consent agenda, seconded by the mayor pro tem. And are there any further comments? All in favor say aye?

Aye.

Any opposed? Passes on a vote of 7-0. And since she did say it would be very quick -- since he did say it would be very quick, councilmember riley, if there's no objection we will go directly to item no. 8.

Riley: Thanks, mayor, item 8 is just an item for the reconstruction of rio grande street from martin luther king to 24th street. I do support this project. But I just wanted to note that it is very significant from a bicycle-pedestrian standpoint. That segment of -- of rio grande is part of route 31 in the bicycle plan and there have been long standing discussions to have a special facility on something like a two-way separated facility on rio grande which would connect actually to the bicycle boulevard south of mlk. That work would be done as this project is completed. So this project will require ongoing coordination with the bicycle-pedestrian program to figure out exactly how we're going to handle that. And so the -- so that we can get that sorted out, get that infrastructure in place as this project is -- is finished. So I just wanted to call that to council's attention. It is a very significant piece of bicycle-pedestrian infrastructure that will be done as part of this project. The design is not yet complete. But hopefully we'll get it figured out by the time this project is wrapping up. With that I will support the item. So I will move approval of the item.

Mayor Leffingwell: Councilmember riley moves approval of item no. 8. Seconded by councilmember morrison. Discussion? All in favor say aye.

Aye.

Any opposed? Passes on a vote of 7-0. So now council we'll go in order. 5 was pulled off the consent agenda by councilmember cole. Councilmember cole?

Yes, mayor. Thank you, I just wanted to say thank you, first of all, to our professional staff for all their work in preparing this item for you. And for the item going through both committees, audit and finance, and comprehensive planning and transportation. I know that we have taken a long time getting here to the point where we are considering call this election and I know that there was a point that -- that mayor leffingwell and i were supposed to arm wrestle and because of nancy williams refused to judge that contest, we did not do that. So -- I want to emphasize the fact that we in the resolution that was carried by myself and the mayor and the councilmember martinez, we made clear that we were preparing and potentially going to approve an item for between. But we were also looking forward toward an -- toward a potential election for 12. And begin the process of putting that framework together. Not necessarily in a needs-based assessment of projects, but beginning to look at what financial impact that may have on the voters, if we go out in 2010 and 2012. So I believe that we have finally gotten to that point that all of the councilmembers have had a chance to review the projects and -- and continue to evaluate them as we move along, but more importantly are comfortable with the financial pursue dents of taking this -- before you prudence of taking this action now. As in the past, we have the full assurance of our bond counsel, our professional staff, the audit and finance committee, and with that and most importantly we have had the leadership of our mayor, so I would like to say congratulations and move approval.

Mayor Leffingwell: Councilmember cole moves 5, i will second. I will say a couple of brief words. I'm really pleased that we're going to be able to put this interim transportation bond proposal before the voters this november. I think it's important, as I've said before, that we do as much as we can and as soon as we can. I also want to point out that we're doing this with half of our current bonding capacity, we're holding back half of our bonding capacity, another way to put it, for the 2012 plan, comprehensive bond package that will also include transportation items that councilmember cole just spoke about. And secondly, I want just a very brief word about the mix of projects that have been recommended by staff in this proposal. Maybe somebody can correct me, but I think it is probably the most specific bond proposalment that we've had -- proposal that we've had, certainly in my memory, in my knowledge of bond proposals. There's a lot of specificity in this, so people have a very good idea of what they're going to be voting for when they go to the polls. Because of that specificity, there has been a lot of discussion, a lot of people like this item but don't like that item. I'm one of those people, there's not everything in this bond package that i like, but the preponderance of it, it hits the elements. Immediate congestion relief, that was one of our goals. It also is diverse in terms of alternative means of transportation. There are projects in there that have pedestrian infrastructure, bicycle infrastructure, more than half of it has to do with road infrastructure, I think that's a good balance. It reflects roughly the balance that is in the campo 2035 plan, for example. I think the timing of this plan is very important. We all -- all -- all of us on the council, two or three weeks ago, got a memo from our public works director, howard lazerus, pointing out that the capital projects that the city has done in the last 18 months have come in over 30% below their projected original costs. That's because in the economic downturn like we've been experiencing, material costs and labor costs and all kinds of costs are down. So this is an opportunity for us to spend taxpayer dollars wisely. This window of lower cost construction is not going to be open for much longer, i don't think, so we need to take advantage of that. I want to remind everyone that we recently have ism. Ed a new local -- implemented a new local preference policy in awarding contracts. So this money that we're about to put a proposal -- proposal that we're about to put before the voters authorizes almost \$90 million that could be very well considered local stimulus package. This package is in large part going to go to our local small business construction companies. We're going to spend it very rapidly. We set a goal that these projects would all be underway within two years. It's not going to be like the normal bond package where it's strung out over six or seven or eight years or even longer in cases. That being said I want to commend the many folks on the staff who worked really hard on this. Of course the city manager, marc ott gave his full support, robert good our transportation director worked hard putting this together. A lot of folks and we actually convened a citizen transportation task force, which met several times, spent their time and effort in developing and shaping this proposal. And actually the final vote was 6-0 by the citizens task force on what package would actually -- would actually look like. So with that, I would like to give anyone else on the council an opportunity to make a comment or --

Cole: Mayor I forgot --

Mayor Leffingwell: I may have a question --

Cole: Mayor I forgot --

Mayor Leffingwell: Councilmember cole?

Cole: I wanted to emphasize that we expect all of the money that is currently allocated in the project to be spent on those projects. I have received some special concern about the y at oak hill. And there's no reason to expect that this council intends to do anything different with the money at the y at oak hill or any other project.

Mayor Leffingwell: Councilmember morrison?

Morrison: Thank you, i wanted to comment. I'm certainly going to be supporting this item. I wanted to comment specifically on one item, one piece of the bond package that's generated quite a bit of conversation and I've engaged in that conversation with folks about the board walk, which is one of the prominent pieces of the -- of what will be the bond package. The conversation has been somewhat about the wisdom putting a large am of the bond -- amount of the bond, relatively large amount of the bond funds to one project and the staff worked out and worked through the transportation -- excuse me the advisory committee, with the trail foundation, worked out a plan to actually divide that into two phases, with a commitment from the trail foundation to actually raise \$3 million in funds to complete the trail, plus opening up some of the funds for other projects. So one of the questions was would it make sense to defer the second phase to a 2012 bond election, there's some logic to that, because it would allow even more funds to be freed up to other projects right now. But in fact upon further discussion with folks, it became clear that that's not really a pragmatic approach to divide the two phases between bond elections, because of the reality of fundraising. That fundraising needs to have a commitment of the city to -- to be maximum maximally effective. It wouldn't just put it off to the 2011 date, it would -- 2012 date, it would be a couple more years. Even though it was an appealing idea to discuss, I'm fully behind having both phases in this package and in particular because i think, you know, we've certainly heard strong interest from folks about getting the east side of the -- of the board walk done and there have been suggestions to do that in the first phase, to flip the phases instead of doing the west side first, but again that's not pragmatic because of the logistics of needing to get under i-35 from the west to the east as the transportation runs -- director has explained. I'm fully comfortable this is really the right approach in terms of putting a bond package together and i congratulate all of the folks that worked so hard to -- to put a good package together.

Mayor Leffingwell: Councilmember spelman.

Spelman: Councilmember morrison has just explained exactly what I think as well. Same concerns about the boardwalk project. Both halves of it as she did. I fully agree with what she just said. Effectively that second half of it is going to give us a one to one match.

[Indiscernible] foundation is able to raise the \$3 million, they believe they are able to raise, then that effectively means that our money is going to go twice as far for that second half of the of the boardwalk project as it otherwise would. If they are not able to raise the money, we can spend it for something else, I think that's a fairly reasonable place for us to go. I want to mention one other thing. That is that I agree with the mayor that this bond proposition is a model of transparency in the sense that you know exactly

what you are going to get. You vote for this project, for -- for this proposition, you are going to get a list of projects, you know they are going to get built in the next two or three or four years. This is not the way we have usually done bond propositions, but I think it's a good model for going forward. I don't agree, as the mayor doesn't, with every one of those projects. I don't see the value in every one of those projects being equal. But that's okay. I know what I'm going to get. On balance I think this is a very good list. I think what we need to do going forward as we started thinking about bonds in 2012 is to back up that transparency so that the process of project selection is just as transparent as the list of the projects itself. Several people have expressed I think all of us a concern that they don't know why these projects are on the list and other projects are not on the list. And although -- although I'm persuaded that there is a good reason for all of these projects being here and all of the projects that could have been here not being on that list, I think it needs to be clear to everybody concerned how those decisions were made and to give us all an opportunity to discuss those criteria, to discuss the dimensions of value, that we're having to make decisions about. And I look forward to -- to continued conversations with transportation people to be sure that those criteria are as clear as the list of projects itself in the next go round.

Thank you, councilmember. Councilmember riley?

Riley: I want to join in my colleague's comments and I am going to support the package for all of the reasons that have been stated. I would, if I could, like to offer one very minor addition to the language on the ballot. I have gotten some input from a citizen who is pointing out that while we do talk about bicycle and pedestrian mobility infrastructure, we never actually use the word sidewalks or bikeways, in the interest of clarity and transparency since we are talking about sidewalks and other infrastructure we could just go ahead and say that. And so I'm going to propose, I hope this will be a friendly amendment, I am going to propose in the two places where the words bicycle and pedestrian mobility infrastructure appear on the ballot, we just revise that to say sidewalks, bikeways and other bicycle and pedestrian mobility infrastructure. I have talked to

[Indiscernible] I think actually using the word sidewalks and bikeways would promote that. So -- so I -- I hope that will be a friendly amendment.

Mayor Leffingwell: Friendly amendment? Maker? Councilmember cole? Do you accept that as a friendly amendment to the ballot language? I as the second accept it as well. Never hurts to use plain language, does it? Even for lawyers. I've got another friendly amendment. There's a glaring gap in the ballot language in that there's no amount specified. I think we need to fill that in at \$90 million. And councilmember cole do you accept that?

[Indiscernible]

okay. I have a couple of other questions that I want to ask just for the record. I think I know the answers. But I want to -- to get them out there for the record. It has been suggested that we talk about breaking that -- this proposal into two ballot items, one for roads, one for alternative -- this is for the staff. What is the staff's recommendation? With regard to that. One package or two?

Mayor, there is

[indiscernible] from the law department. We've run this language by the attorney general's office and they are comfortable with this language, that it's consistent with our prior bond packages for mobility infrastructure.

Mayor Leffingwell: Okay. That's essentially the question. There's no legal issue with regard to whether this should be broken up into two separate packages.

No. There's not. Not from a legal perspective.

Mayor Leffingwell: All right. Thank you.

Cole: Mayor?

Mayor Leffingwell: Councilmember cole?

Cole: It is my understanding from legal that I need to restate my motion to move approval of the bond proposal for one-half of bonding capacity, which represents approximately \$90 million.

Mayor Leffingwell: Is that the correct --

we needed to make sure that the motion included the 90 million-dollar figure. We left that blank in the draft proposition because we realized that you all might have a discussion about the numbers when you were here.

Mayor Leffingwell: Right. But there's some extra verbiage in there. Looking at the draft language it would just read the issuance of \$90 million in tax-supported general obligation bonds and notes, et cetera.

Yes, sir.

Mayor Leffingwell: The draft language is correct with the addition of the number 90 million.

Yes, sir.

Mayor Leffingwell: And with councilmember riley's friendly plain language amendments?

Yes.

Mayor Leffingwell: Okay.

Cole: So is legal fine or do I need to take back the one-half bonding capacity.

The one-half bonding capacity I don't think is necessary, just the 90 million.

Cole: Move approval of a bond package for \$90 million. Including councilmember riley's friendly amendment.

Yes.

Mayor Leffingwell: Thank you, councilmember. That's what we'll be voting on. Anything further? All in favor say aye?

Aye.

Mayor Leffingwell: Any opposed say no. Passes on a vote of 7-0. Thank you, congratulations. That brings us to, sounds like a whole lot of items that councilmember cole is pulling this morning. But they are all related. So we'll handle them altogether. Councilmember items 6, 13, 14, 20, 21 and 22, you pulled those and it's your opportunity to speak to those.

Cole: Well, although i pulled so many items today, I have yet to catch up with councilmember spelman.

[Laughter]

Mayor Leffingwell: Duly noted.

Cole: In total number of items pulled over the council term. Yes, you do, you do have a huge lead. I pulled this item because i think it's important today to recognize that we are making an initial first step or small deposit on trying to move forward in a positive direction on the relationship between the police officers and in particular the minority community. Now, even though I start there, I think most of the police officers will tell you that they have vhs in their patrol cars and that they have been wanting this for years and years and years. And that it was not instigated because of the recent sanders' incident. But I happen to know that officer day I believe has schematics and that they are very impressive. I want to thank, first, city manager ott for his leadership in bringing this item forward, along with chief acevedo and city -- assistant city manager mike McDONALD. And all of the members of the police department who spent a lot of time searching practices. And these current cameras which turn on when an officer opens their door and they will be automatic feed. So the goal is to take as much of the guesswork out of what happened at any particular incident between a person that is stopped by a police officer. So I think this is an appropriate time to do that. I want to thank my colleagues for the support of this item all the way through because we have been looking on it for at least six months. With that I move approval.

Second.

Mayor Leffingwell: Motion by councilmember cole to approve items 6, 13, 14, 20, 21 and 22. And seconded by councilmember spelman. Further discussion? Councilmember shade?

Shade: I will definitely be supporting this item, I am very enthusiastically supporting this item. I also want to make clear to the community who spent a lot of time following the -- this process for improving the

technology, to build better trust and to -- to get these cameras in place, it will take time to roll these out. And so it's not going to be an instant fix that happens immediately. I think that it is really important to note that over the course of the last few months the disciplinary matrix has changed such that it is now -- now grounds for -- for immediate termination when an officer intentionally does not turn on his camera. I think that's really noteworthy. Especially given the discussion that's we've had in recent weeks. So -- so recognize that it will take time, but in the meantime we've got an excellent new procedure in place that's worthy of mention. Thank you.

Cole: Mayor, I have another comment.

Mayor Leffingwell: Councilmember cole?

Cole: I think that the most important comment is that when I say that this is a positive step forward, i say that with the support of apa, which is the austin police association, and i say that with the support of the naacp.

Mayor Leffingwell: Well said, councilmember. I think we are all in lock step on this one.

Spelman: Quick question, mayor. If someone from the police department could explain to me what's the schedule for rolling this out and how quickly can we anticipate that the cameras will be actually operational in the -- in our patrol cars and motorcycles.

Good morning, mayor, mayor pro tem, council. My name is patty robinson, one of the assistants chiefs with the austin police department. I have asked commander troy gate to come down and speak with us today. Our first rollout will begin in -- at the east subwith the charlie sector cars, about 40 marked units that we will be installed the d.v.d. cameras on. I'm going to let commander gate tell you the specifics regarding that.

How are you doing, mayor and council? Thank you for this opportunity and thank you for your support. We are looking at january of doing the initial rollout of the 40 vehicles at the east substation. We do anticipate that it will take us until the spring of 2012 for a full implementation of about 550 units, with -- with an additional 75 motor units.

So you are starting in charlie sector in central east austin.

Yes, sir.

Spelman: Why are you starting there?

We actually -- it's a sort of a centralized location. It's one of our largest substations. It's very close to our c tech our data center as well as the wireless office which gives us the opportunity to monitor the project very closely.

Spelman: Why start in one section of town and not city-wide all at once?

Clearly we want to r the first dloyment of t cars so we have sort of a testing ground to make sure that we do work out any kinks, if necessary. And then we will be rolling out that to the rest of the substation.

Spelman: Although this is relatively new technology for us, this technology has proven itself out in a couple of other police departments elsewhere; is that correct?

Yes, sir. We have made site visits to louisville, kentucky as well as montgomery county, maryland. It is being used in several departments. We did -- we did a lot of research with about 31 agencies that are currently using digital technology, so it is proven. I do believe that we have selected for austin the best product that -- that will meet our needs.

And by rolling this out, well, not on a city-wide basis all at once, but over a couple or three months, we get a chance to test it out and be sure that our procedures and equipment are appropriately working. But by purchasing all of the equipment, we're eventually going to need at one time, I'm given to understand that we are actually obtaining substantial savings over what we would have had, had we bought this in pieces over a longer period of time; is that correct.

Yes, sir. Do you need some specifics? I believe byron is here that can actually give you more details about the specifics of the savings.

Spelman: I have actually got a memo from byron here which suggests that we have actually negotiated savings of about half a million dollars over what would --

correct.

Spelman: We would have had to pay if we had done this in pieces.

Yes, sir.

Spelman: That's good enough for me. Thank you. .

Mayor Leffingwell: Anything further? So I guess we have to vote on this, don't we? All in favor say aye.

Aye.

Any opposed say no. Passes on a vote of 7-0. That brings us to the last item on our morning agenda, which was pulled I believe my councilmember riley. Item no. 9.

Riley: Mayor, if i could just ask a couple of questions of staff on this.

Mayor Leffingwell: Pardon?

Riley: If I could ask a couple of questions of staff on this item.

Mayor Leffingwe Sure.

Riley: Item 9 is a very interesting project. It is the -- there's a design agreement for the design of the seaholm substation wall, which will as I understand it will encircle the entire seaholm substation. We don't have any backup materials accessible through the agenda, so I don't know much about the project. I was able to obtain from staff some -- some drawings of some concepts. But -- but don't know anything more. I'll just -- basically the drawings essentially show a fairly -- a large metallic wall. Surrounding the whole block. So I guess that I would just -- that I had a couple of questions about that. This is an art in public places project. When I think of other significant art in public places projects, I think of things like the -- like the -- the sunflowers at mueller, which I thought did very well at both contributing to the beauty of the place and also making a statement about energy consciousness. This is a wall surrounding an energy substation, I'm unclear as to exactly whether there's any similar sort of statement that would be made by a wall of this type. Can you help me understand what kind of statement this would be making about energy consciousness or anything else?

Certainly, I would be happy to address your question, I'm megan

[indiscernible] the administrator for the art in public places program, part of the economic growth redevelopment services office. If I could give you a little brief history of this. As you know, the seaholm district is undergoing a redevelopment and transformation into an urban mixed use neighborhood. The redevelopment project will include residential hotel, open space development and construction of the new central library. The city of austin recognizes the value of thoughtful design of an electrical substation in a downtown redevelopment area. As well as maintaining safety and security needs of an austin energy substation wall. It will provide an opportunity to revitalize a portion of central downtown and to participate in a larger context of public art, pedestrian activities, retail, residential, hotel specific development. Just a little bit of background, a memorandum of understanding was executed by the city of austin's art in public places program, austin energy, to commission a work of art that will serve as infrastructure in the form of a wall enclosing the seaholm substation. The austin arts commission recommended the wall project to be managed as an aipp project under the

[indiscernible] ordinance 7-2 recommended to you -- to city council, which was approved on february 25th of this year. Authorizing funding for the design and construction of this wall seaholm station wall, as part of the seaholm east redevelopment district. The intent for the project of -- is to create an engaging and unique work of contemporary art for the public, as well as enhancing the experience of being downtown through a significant work of public art. Enhancing the proposed new facility and adjacent private and public development. Address the plans used in technical considerations of the facility as an electrical substation, create a work of art that is easily maintained and create a work that meets safety and security specifications per austin energy. What I would like to show you, we have provided you here the images that -- that I believe you are looking at. I want to emphasize that the images that you are seeing before you is from the top ranking team, jim

[indiscernible], and the process was such that there were 24 responsive submissions that were evaluated by selection panel consisting of architects, landscape architects, engineers and public art professionals

as well as project advisors including seaholm district stakeholders. The top three finalists were interviewed and during that interview they presented past work and spoke about their potential approach for a wall of such scale. What you are seeing here is the aerial view with the footprint of the wall. And this team went a little further in terms of not necessarily saying what the wall will look like, but more about their potential technique. This artist is interested in folding metal and creating -- using geometric shapes to create varying patterns. So with this example, he's showing possible approaches. This particular one the fold was inspired by the lightning rod from the austin energy substation art deco neon sign, so again just an example. Possible color that might be on the interior, recognizing that there is a view from the top with high rise development. And also exploring the possibility of -- of varying materials, understanding that -- that it needs to be responsive to security needs, not climbable. So the images that you have seen are merely example approaches. What we will do is once the team is authorized for contract, we will then enter into a design agreement and work with austin energy and the project stakeholders in terms of -- of -- of finding an eventual design for approval.

Riley: Okay.

Does that answer your question?

Riley: Well, to in extent. In the past, at least some downtown aipp projects have been reviewed by the downtown commission. Has this project gone before the downtown commission?

The process by ordinance is under the purview of the art in public places panel and the arts commission. However, once we have something on paper, we would be happy to take it to a board or commission for information and keep them updated on the project. Then the arts commission would have the final authority for approval.

Okay. Is that a no?

Riley: Correct. We have not taken it to this point. But we will plan to do so once we have a design on paper.

Riley: This contract is in the amount of \$144,000 for design.

Yes, sir.

Riley: Okay.

Mayor, sue edwards, assistant city manager. Let me follow up on that. The answer is really yes. The concern that we have at this time is that there is not a final design, that this is just conceptual as we normally go through and select an artist. They provide conceptual design. There are a number of different people make megan has indicated that will have input into that final design. Normally, what we do is take that threw the aipp panel and then the arts commission, but to any other downtown or design commission, if they would like to see it, I think our concern at this point is that there is no final design.

Riley: So the idea would be to spend \$144,000 on the concept and then take that concept to boards and commissions?

No, the boards and commissions are the art in public places and the arts commission are a part of the process of the design by ordinance.

Riley: I guess that I'm going to repeat my question, the idea would be to spend \$144,000 on the design and then to take that before the downtown commission.

As a final, as a courtesy is what we normally do.

Riley: Okay, okay, thanks.

Riley: Mayor, this is a very significant project. This is an emerging district as we all know, one that is extremely significant to the south of this project, we're going to have our new, to the immediate south we're going to have our new central library. To the immediate west we are going to have the new seaholm plaza, to the immediate north they are going to have hopefully a new high school pedestrian plaza, a very significant new public space downtown. To the immediate east we have the shoal creek green way. This is an emerging district that really has not established much of an identity to date, so this project will play a great part in establishing the character of this district and its identity. I think the entire -- the entire community has a -- the art and entire imhiewnt has a lot -- communities has a lot of interest in how that community takes shape, is it going to have a natural character, is it going to have a more urban character, what kind of statement is it going to make? This is a project that warrants careful thought before we -- before we proceed and before we spend \$144,000 just -- just on the conceptual design. I think there -- we do have one commission that actually provides a very convenient forum for having a community discussion because it's by ordinance it's a very unusual commission in that it's not -- not a collection of people appointed by individual members of council. They actually consist of representatives from a number of stakeholders in the downtown community, including parks board and the downtown neighborhood, other -- downtown stakeholders, the design commission, they all have a seat on -- on the downtown commission. So I would just suggest that -- that we give that commission an opportunity to take a look at this and talk about it. Just so we all can be on the same page about -- about this very important step in establishing the -- the character and identity of this emerging district. So I would propose that we postpone this item to allow time for review by the downtown commission.

Mayor Leffingwell:

[Inaudible - no mic] motion by councilmember riley to 9 until -- until -- we kind of need a date in here.

Riley: I can -- the downtown commission meets on the first wednesday of the month. I don't have a calendar in front of me, that I can come up with a date on that.

Can you suggest a date.

We can find out the date. That's not a problem. I do want to clarify a couple of things. All of the surrounding projects will and have been involved in the design so far. So I do want to make it clear that -- that the library and seaholm and green projects and the ecc, all of those participants who are surrounding that have been involved in that design and the other thing that I wanted to clarify is the total amount is through construction and putting up the -- up the project. We're not talking about spending the entire amount, we are talking about spending a portion of that for the conceptual design. I wanted to make that clear.

Riley: I will say that I have heard from stakeholders who have indicated that they would like additional input and they feel like they have not had adequate input at this point.

Mayor Leffingwell: For now why don't we say until AUGUST 19th. Then if it needs to be postponed, after that.

Riley: That's -- move that it be postponed until august 19th for allow to be reviewed by the downtown commission.

Second.

Is there a second? Seconded by the mayor pro tem. Councilmember morrison.

Morrison: I wonder if i could ask staff to go through the process that the aipp panel went through. I got to follow that a little bit from the outside. I understand that was quite an extensive process in terms of how the -- how the different artists -- because this is really selecting an artist to do the design as opposed to picking a design. And as I understand it, sort of a matter of looking at the kind of work that they've done just to get an idea of the kind of project that might come up.

I do want to emphasize that this was a request for qualifications. We did work closely with contract land management staff and established protocols for procurement of professional design services because which was a new model in which public art is going to serve as infrastructure. So it required architectural engineering firms to partner up with an artist who would work together collaboratively to come up with a solution that would be both functional and esthetic. In this particular process it was request for equal qualifications that was competitively solicited nationally. There were 24 submissions that were considered responsive. And we had an 11 member selection panel that reviewed, in addition to adjacent property owners, developers, who served as advisors to that process. Again, they -- they interviewed, questions, reviewed past work, mainly focused on how the team would work together, how they would function, who would be responsible for what scope of work and so based on their team makeup, the -- the teams were ranked, as you see before you, the top one having the most success according to the selection panel. So similar to our normal process, it then went to the art in public places panel for review and recommendation and then on to the austin arts commission. Then on to you in terms of the selection process. When we enter into a design contract, we will certainly be inclusive of all of those folks in addition to boards and commissions for review and input as we move through design development. What I am wondering is if we take it to the downtown commission as councilmember riley suggested, what

exactly we would be presenting to them? Would we envision, maybe you can help us out here councilmember riley, because there have been extensive discussion from a lot of different perspectives. Would you be thinking just this one artist conception designs and team make up would be presented or the finalists or all 24 or -- or what exactly?

I think it would be helpful to have some input, for instance, from the parks board to hear about the implications for the shoal creek trail, which runs immediately adjacent to this. I think it would be interested to hear from representative design commission, to hear their perspective on the establishment of the -- in terms of the design issues related to very significant public space surrounding the site. I think we could talk about the criteria that will be used as we move forward with this project. What are we going to look for this with project, what sort of materials would the community be interested in seeing. What -- what are the objectives, just I think there's -- there's really not -- I have to say, i respect the fact that there has been a process for the -- and for -- for the typical aipp process. But all the same, we don't even have -- we don't even have an attachment on the agenda. There's not been -- I'll go so far as to say I don't believe there's very much public awareness about what we are proposing for this extremely significant project that will encircle the one big piece of existing infrastructure that's going to be walled off from this entire district. So I think there are questions about -- there may be questions about the role of for instance plants, can -- will any -- do we expect that any plants would be able to grow on this wall? Questions like that, just to have a raising of questions so people can talk about it and I think it will inform the process and I think the earlier we can get that kind of input, the better informed we will be, the whole community will be as the process moves forward.

Morrison: I'm all for an informed communities. What I really asked was what kind of information would you expect the staff to bring to the downtown commission? Because there has been quite a process and aipp has come to this recommendation of an artist. That's what the recommendation is, is to move forward with the design with this artist. So would it be like to try to move back and look at all of the options in artists or what exactly?

I would foresee a presentation on the process to date, the recommendation of -- of the aipp program, summary of where we are, the conceptual designs that I've been able to obtain that aren't on the public agenda because I suspect that many people have not been able to obtain these drawings. Just to have a sharing of the drawings and a discussion about where we are, what we would like to see going forward.

If I could add, the -- we would be able to present a selection process. The images that you see are just examples of technique. And so we don't have any idea of what the design will be. And we can make that very clear. In terms of a schedule, we have very tight schedule to meet the needs for the district in terms of opening west avenue. In terms of meeting the needs for austin energy. And so in the memorandum of understanding with austin energy, if we miss the deadline for construction, they will -- it will convert back to austin energy to build their standard wall. So I just respectful of the time line, we're happy to present to boards and commissions, but I just want to give that information to you.

Morrison: We're talking about a two-week delay and potentially in the approval with councilmember riley's motion? Am I understanding that correctly, that the commission meeting is such that we would be able to hear this on the 19th of august.

Riley: Actually I have just learned that I was mistaken, after having served 12 years on the downtown commission, it actually meets on the third wednesday. AUGUST 18th, SO AUGUST 19Th would work, welds be -- the downtown commission would be able to review this on aug 18th, I PRESUME, COUNCIL Could consider their input ON AUGUST 19th.

Morrison: Staff, would a two-week delay --

we can accommodate that.

Morrison: All right.

This is mike trimble, contract land management. I just wanted to note that because this did go through the process, we did work closely with the staff working on the selection process. Because there is professional services component to this, whatever discussis everytng happens as long as we're still getting to the most quified competent firm to perform the scope of servicesvided the professional services procurement act, wanted to make that note.

Morrison: Mayor, just one last comment. That is if we take this on the dntown commission, i envision as we go through the design process, really gets flushed out, that there will be a lot of other opportunities in addition to get some concrete feedback.

Mayor Leffingwell: Okay. Motion by councilmember riley to postpone until AUGUST 19th. Pending review by the downtown commission, also that we have to act within the constraints of the m.o.u., with austin energy. Second was by mayor pro tem?

Martinez: Yes.

Mayor Leffingwell: Any further discussion? All in favor say aye.

Aye.

Mayor Leffingwell: Opposed say no? Passes on a vote of 7-0. Now I would like to recognize on a point of personal privilege, councilmember spelman.

Spelman: Thank you, mayor. A bit of information which is surprising to me and potentially disturbing just became available. 4, which we passed on consent earlier this morning. And I would move to 4 so i could ask staff a few questions about it, mayor.

Motion to reconsider item 4, seconded by councilmember spelman, discussion all in favor say aye.

Okay. Stand corrected. Councilmember morrison is the second. All in favor say aye.

Aye.

Mayor Leffingwell: Opposed say no. Passes on a vote 7-0 to reconsider item no. 4.

Good morning.

Good morning, mr. garza. I wondered I was looking at the backup of this item. All of us were looking at the backup of this item and all of the other items in the week coming up to this meeting. And I saw no map of the wandering creek investments subdivision. And wondered if you had a map available.

I don't have one on me, councilmember, I can try to get staff to bring one down.

Spelman: Let me ask you, rudy, would it make more sense for us to consider this at this point in the afternoon to give you guys an opportunity to pull together the people that you need and the information rather than talking about it right now?

If-- if all you need is a map, I guess I'm trying to figure out exactly what your questions are.

Spelman: Let me be really direct. When the service extension request was passed in 2008, the wandering creek investments proposal was a subdivision that was going to be single family houses. Just on the other side of 130, off of burleson road or what burleson road turns into elroy road. It's not clear to me exactly whether this is true, but the site of the wandering creek investments division turns out to be exactly the same as the site of the formula 1 racetrack that has been proposed for east austin as well. Are you familiar with the fact that these two sites happen to be the same?

Yes, councilmember. Maybe I will just give you some additional background.

Spelman: Please.

This item, clearly everyone knows this is the site for the proposed formula 1 track.

Spelman: I did not know that until a few minutes ago, mr. garza.

I'm sorry. It's been pretty public knowledge. But you are right there was not a map to describe this site. However, the action that council took today was simply to extend the existing ser. We are continuing discussions with the developer to come back to the council to seek a change to that ser if in fact they are not going to proceed with their single family development because the ser that they have approved is only for single family residential. If in fact they don't build that, they won't be able to collect reimbursement for the ser. So we will have to come back to council and make that change or request that change.

Spelman: Let me be sure that I understand you. The service extension request is about, as i understood it, 36-inch pipes, 24-inch pipes, the developer makes a deal with the contractor, they build it, we

reimburse them their costs for building it and take over control and operation of the pipes. So this has a fiscal note to the city of about 4 million in its current form. It's going to cost the city 4 million to build the pipes to serve the subdivision.

That's correct.

Spelman: Okay. Again, there's been some discussion about this, i want to be sure that I'm clear. The -- the investor who is building the subdivision would make a deal with the contractor, build the pipes to extend the service and then we would reimburse them their costs and the city taxpayers and ratepayers 4 million in exchange for the 36 and 24-inch pipes. Okay. But as you are telling me now, that service extension request is tied to a very specific type of development and if the type of development changes from for example residential housing development to a racetrack, then what's the legal status of the service extension request which we voted in favor of a few minutes ago?

We would not be reimbursing them for that and that's why -- so another piece of information the service extension request EXPIRES AUGUST 15th. So this extension that council previously approved moments ago was to allow the developer to continue discussions -- other discussions that they have going on for that tract. We're not party to that deal or contract that they may or may not already have in place. So the developer is simply trying to preserve his original plan if something were to occur that they aren't able to come to an agreement, they need to be able to fall back to their original ser, if in fact things work out as expected, we would then come back to the city council, requesting an amendment to the ser to allow this change in use, which we believe will in fact -- well, the infrastructure will certainly be different, the reimbursement will be different. It will be a very different ser, but at this point they don't have approval to just go to something different. They could, but they won't get reimbursed for it.

Spelman: What we did not do a few minutes ago was approve an ser to the formula 1 racetrack. What we did do was to approve -- approve a service extension request to the fall back plan if the formula 1 racetrack proposal falls through or builds in some other location.

Absolutely.

Spelman: I think it would have been appropriate, garza, if the location of the formula 1 racetrack being in wandering creek investment subdivision had been flagged had that been noted in the backup it was very surprising to me and i think it may have been surprising to other members of the council. Maybe everybody else was sparkeyer than I was and was on top of this. I wasn't. Had a map been provided or even something a little more explicit, such as this is by the way the site of the formula 1 racetrack, but -- by saying yes to item 4 you are not providing 4 million worth of subsidy to that racetrack. I think that would have made it a lot easier for me. I would not have been so alarmed a few minutes ago when I first found out why where that racetrack was going to go.

I apologize for that.

Thank you, sir.

Spelman: Mayor I move approval of item 4.

Mayor Leffingwell: Councilmember spelman moves to approve item no. 4. I will second. Any discussion? Mayor pro tem?

Martinez: Rudy, i wanted to ask about ser's because they come up on our agenda a lot. But there's a legal requirement in certain circumstances where we must approve ser's if they lie within our ccn, you know, which is our water authority. Is this one of those cases?

It is in our ccn. I don't have all of the background behind this one. But obviously this was approved as councilmember spelman pointed out a couple of years back. I couldn't respond specifics to that one.

Morrison: The reason i ask that is because I do --

Martinez: The reason i ask that, I do recall -- it may have been a different case but I do recall having a conversation about certain serum's that -- ser's that were required to provide that service. We reimbursed them for the construction costs. One of the ways we recouped the taxpayer investment was by selling them water and treating wastewater moving forward.

That's correct, most of them have capital recovery fees and obviously become our retail customers.

Martinez: Thank you.

Mayor Leffingwell: Councilmember shade?

Shade: I'm just curious because there were actually some councilmember who's did know this was the f 1 site because wandering creek investments has been so broadly publicized, huge story about it in the sunday paper. And so some of us including myself did ask some questions about this item. I guess my question from a process standpoint, councilmember spelman's point is, when one of us asks a question, does it get circulated? Typically it does? Did I do something wrong with my question that it didn't get circulated --

I was actually thinking that as councilmember spelman was asking me his questions. It was just a -- it was a phone call I received from one of your staff persons, i answered the question and it was over. Typically that question would be e-mailed in, we would go through the whole q and a process as far as part of the budget or part of the council meeting, but it was just -- it was one of those things that didn't even cross my mind when he called me I just answered his question.

Shade: In the future i might have -- could have asked that question. I know that I spoke to the mayor about it as well. So I felt very comfortable with what we were doing, realize that there is reason for it to be confusing. We will have another opportunity to look at this when there is a discussion about changing it to a commercial use instead of a residential use. But thank you for that clarification.

Mayor Leffingwell: Thank you.

All right, council, i believe that disposes of our morning agenda. Oh -- little matter of a vote. All in favor aaye.

Aye.

Mayor Leffingwell: Opposed say no. Passes on a vote of 7-0. That takes care of our morning agenda. As previously stated we are 30 briefing until just before the public hearing on annexation out of courtesy to residents in the proposed annexation area. So what we can do is go to executive session. Without objection the council will go into closed session pursuant to section 071 of the government code for consultation with legal counsel to take up -- let's see -- take up three items, the council will go into closed session pursuant 072 the government code which allows discussion of real property, take up one item, item 39, concerning acquisition of approximately 34 acres located at 1407 west stassney. And the council will also go into closed section -- closed session pursuant to 071 of the government code for consultation with legal counsel to take up two items, item 37 concerning constructtues located in the right-of-way and alley adjacent to 201 and 203 colorado street and item 38, concerning dan huebnerv city of austin. Is there any objection to going into executive session on the items announced? Hearing none the council will now go into executive session.

Mayor Leffingwell: We are out of closed session. In closed session we took up and discussed real property issues related to item 39. We did not take up items 37 and 38. No action was taken. That brings us to our 12 noon citizens communications. And the first speak signed up is aimee bobruk. Aime bobruk. Always feel free to correct my no nonization -- pronounciation. Come forward. You have three minutes. Three.

I guess I got my times mixed up, but that's okay. In short I'm just here as a fan today to represent the best wurst. A lot of people here in austin know the current situation with the disputes on the permits downtown,

and I wanted to represent fans that are out there asking questions that I've heard while I'm standing in line at the best wurst. Just to start off the best wurst for those of you listening that don't know what it is, it's a four by five food vending kiosk in downtown austin in the entertainment district. It's been serving sandwiches since 1993 and has been in business for 17 years at their current location on sixth and san jacinto. And without getting into too many legal things, my understanding is that the city of austin granted two permits which overlapped. One was a balcony permit issued to parkside and this was issued while the best wurst permit was in place. I understand from my following the situation that this might -- could have begun as a simple mistake by the city of austin. I want to take the time to read a few reviews by best wurst fans, and first off start by telling how I met john edward's university when he was earning his english degree. I thought he was a professor, but in fact he had hundreds of papers spread out in of him and he was earning his bachelor's degree in english. Shortly after meeting him I had one of his sandwiches and fell in love with the product and had been a fan for nine years now. I've been a part-time employee on occasion when I needed money. He has employed me and it's been very good to me. So I just want to take a few moments to express some stories from our -- some of our fans on yelp. The very first comment today on august the 5th, I love the best wurst. That's from austin, texas. From shaunee kansas it says best wurst is by far the best food cart on sixth street and not without reason. He goes into express further his support. From richmond texas, i must say that two and a half hours to get to the best wurst is so worth it. First off I'm not a big fan of bratwurst and sauerkraut, but the best wurst was everything and make you want to slap your mama. The meat is so juicy, the sauerkraut is perfectly steamed and the sauce is amazing, 50 for a late night snack isn't that bad either. Another one from sugarland, texas. I love this place. I craved the best wurst for six months before we finally made the trip back up from houston just to get it. 50 is a small price to pay for happiness. What's not to love? I really hope the next time I make the trip to austin best wurst will soon be there serving up delicious food on sixth street. Is that my beeping for the time?

That indicates three minutes are up.

Request I ask a question? -- Can I ask a question?

Very quickly.

The main question that I'm getting from best wurst fans on our facebook page, which is save the best wurst on facebook, is is it possible for the best wurst and parkside to co-exist at its current location, with our understanding being that the best wurst has been cleared of all legal -- of all legal objections?

Mayor Leffingwell: I don't know the answer to that question, but we'll have someone from staff talk to you right after you finish, which is right now.

Okay.

Mayor Leffingwell: And try to get you an answer to that question.

Thank you for the time.

Mayor Leffingwell: Councilmember morrison.

Morrison: I guess i would like it if staff could give us in a nutshell where we are on this issue. Obviously we've all been hearing a whole lot about it. And to bring us up to date on the status of the process.

Yes, thank you, councilmember. Robert spillar with the transportation department. We also maintain the right-of-way permits and so forth. We've been working with the vendor of the best wurst. He has a spotless record. Obviously as many of you do know. And has quite the following. I know you've been receiving a number of e-mails in support. We've been working with him to actively relicense. He's operating on a temporary license right now. We plan to relicense him. We've been working with him and the other proprietors in the area to try to find the best solution for all of them, and I'm glad to say that he's been very proactive in working with us to find that solution. We expect to have that resolved in the next couple of weeks. We've also been responding to e-mails recently letting people know that we have been working with the vendor.

Mayor Leffingwell: Yes. And you can let all your friends know, we have the message. We have gotten the message.

[Laughter]

good. There's a lot of them out there.

Mayor Leffingwell: All your e-mail sending friends.

Thank you.

Mayor Leffingwell: Walter olenick speaking on water fluoridation.

Okay. We won't start your time until you get there.

Good afternoon, mayor leffingwell and councilmembers. On the screen -- is that on the screen? Yeah. You will see the label for flurosolicic acids, which must be on trucks as they roll along the trucks as they bring it to the austin water utility. It took a bit of searching to find that image. Let me read it to you in part. Danger, poison, and not one, but two skull and cross bone symbols. They mean it. Warning, do not take internally. That sounds like a good idea to me. Avoid contact with the skin, eyes, mouth and clothing. Avoid breathing fumes or vapor. Special protection information. Respirators approved for flor reen, rubber gloves, chemical goggles and protective apron or acid resistant clothing should be used. Special precautions should be taken in handling and storing material. Antidote, skin, copious amounts of water. Internal, contact physician. contact physician if ingestion has occurred. It's kind of what we do when we drink it. And then there's a warning about what happens when it contacts fire and directions on what to do when it spills. Not the nicest stuff to be around. Up in the right-hand corner are the magic words that turn this poison from a hazardous pollutant into a benign product. Directions for water fluoridation. Application of this product for water fluoridation is subject to approval of all interested state and local health

authorities. Its use should conform to the American Water Works Association statement of recommended policy and procedure. We know that all interested state and local health authorities have been rubber stamping water fluoridation for decades despite mounting evidence of both harm and ineffectiveness. The American Water Works Association's jurisdiction pertains only to handling procedures. Finally, exact usage must not rise the total fluoride concentration in drinking water by five parts per million. That's not very reassuring. Public Health Service which in 1950 first caved in to corporate pressure to endorse water fluoridation, triggering the disastrous cascade of copycat bureaucratic endorsements that keep it in place to this day. Look at the label again. That's what we spend millions of dollars to put in our water supply. Thank you for your time.

Mayor Leffingwell: Thank you, Walter. Next speaker is Ken Vasseau, topic is green jobs for Austin. Welcome.

(Indiscernible). I was before the council a couple of years ago and I tell you what, I have to say that I really did enjoy doing that. But anyway, I'm going to stumble along. I only have three minutes. But here's something that I did and somebody gave me, my dad, he auctioned off all the stuff that was in this building one time, and I didn't have the map for

(Indiscernible) either. We just had to search, but we did survive for 65, six years. But anyway, it was just an adventure and it feels like, well, I just stuck on that project of running for city council and if I win I win, if I don't, I don't. It's been a very good learning experience. And in that time, you know, I would have to say that it's unfortunate that I lost, but it was a learning experience. But in the last two years I feel like the economy has fallen on its tail because everything was based on oil. And now we're going to have to come up with new ideas for new green jobs. And so some of the ideas that I have that's going to be unofficial would be that all the buildings that are downtown are going to have to be redone. That's going to be a green job. And they need to be double plated with solar film around it. That's going to reduce CO₂ gas. And I have in this bag right here, for every mile that a police car goes down the street, it emits one pound of CO₂ trash. I was noticing last night that when electric companies -- the power plants has jet engines. And for every mile that a jet engine runs, there's 250 pounds of CO₂ trash gets thrown out. So those items, if they're powered by jet fuel or gas, those things are obsolete, but we need to stress on creating green jobs and -- green jobs and maybe finding ways to create electric power vehicles, and maybe if we could have something like that come on -- you know, create a job or create an industry that would develop batteries. And it hasn't already been done around the country, but if we could attract a businesslike that, that would be very beneficial. That would be an idea. And I'm just throwing out ideas. Everybody has ideas. That's what this job is about, throwing out ideas. And I did notice that I was talking to a teacher yesterday --

[buzzer sounds] -- and talking about a survey on school supplies are always in short supply. And the last survey says 64% of the --

Mayor Leffingwell: Thank you, Ken.

Of teachers need supplies.

Mayor Leffingwell: That was your time. Thank you very much.

All right, bye.

Our next speaker is paul robbins. Welcome. You will have three minutes.

Mayor, council, citizens of austin, I'm paul robbins, I'm an environmental activist and consumer advocate. I'm here to speak about an item that will be coming up sometime in the next few weeks or months, that is the redevelopment of the austin energy control center on third and west avenue. There are a number of problems with this proposal. The contract as proposed does not accomplish the city's goal of quickly developing downtown and creating a larger tax base. The developer has up to four years to exercise their option to purchase the land and another five years to keep the site plan active. Since the building will not even be vacated until 2013, this means it could be 12 years before construction even breaks ground. No realtor that I know of offers a four-year option on a house. And the proposed contract seems like little more than a land bank for one of the largest developers in the state. The four-year land option will also prevent austin energy ratepayers from being reimbursed in a timely manner. In a worst case situation the developer can back out of the deal and the city will not -- will have to find a whole new buyer. Moreover the 5 million the developer promises to pay the city comes from a 2007 appraisal. Even though the land may be sold as late as 2017. The city could lose 10 years of increased compensation due to inflation and increased land values. If the developer cannot pay the city in a timely manner for this valuable property, then we need to find another buyer. I hope I have time for this next one. There is another thing that needs to be considered. In utility rate-making there is a term called i am prudence. It -- imprudence. It means if a utility hasn't spent moneywisely it can be penalized. In the case after municipal utility, the penalty comes from the general fund transfer. Currently the energy control center is only valued for the land, but the building can be refurbished as an alternative to expensive downtown office space that the city is leasing. No analysis has been done to determine if the energy control center as downtown office space would yield more money than the 2007 land appraisal. In an electric rate case, the city could be penalized if there's a difference between the appraisal and the office rent savings. Council, you can ignore me, you cannot ignore rate case intervenors. And as we are told often --

[buzzer sounds] -- the rate case is just around the corner. Thank you.

Martinez: Thank you, paul. Next speaker is glen nestle. Welcome, sir. You will have three minutes.

Before I start, in all fairness, I was arrested and given a , but it was dismissed for agriculture lack of evidence -- dmissied for lack of evidence. You have a number of people being arrested and going to central booking. You have an interlocal agreement with the county. The environment in central booking is unsanitary. 70% Of our people coming down with hiv, aids are people of color. A lot of people of color are going through central booking. And I really think you need to look into your agreement because you are at risk for people getting sick. Because their immune systems are not up to par. I happen to have aids and I was very disturbed by the conditions. The police officer that gave me my blood alcohol test failed to follow procedure. He used an alcohol wipe on the intox lieser tube before he put the mouthpiece on it. That renders the finding of the intoxlieser finding completely useless and inadmissible in a court of law. The

county attorney is using this type of evidence against citizens of the united states. They are not doing their due diligence. They are guilty of bad ethics and breaching their fiduciary responsibility. In my case there were also made aware of evidence that tampered w tampered with, made it prejudicial. Tampered with and it made most of the evidence in my case inadmissible. I have failed charges against officers reason, garcia, gilbert and jennings and against the individual responsible for the freedom of information act or whatever it's called because he has not lield with it. -- Complied with it. I put the county on legal notice, I'm putting you on legal notice. I have also found that somebody from the police department has gotten into my e-mail account with unauthorized access. I've called the f.b.i. Internet or whatever division it is at the because it scares the hell out of me that somebody is accessing my records and getting into my internet accounts. And it was directly tied to internet contact with the a.p.d. I want to say that I was brought up in a family that believed in this country. My father was jewish pow and -- in a nazi pow camp. He didn't go through that for nothing. I believe in this country. The police officers and prosecutors are not acting within the rule of law and we don't need to be fighting wars overseas to protect the rule of law if we're not doing anything to continue to protect it.

[Buzzer sounds] now, as far as this three minutes is up being concerned, 10 years ago I was forced into an illegal contract of employment by cora wright in which I had to work for 10 weeks as a coordinator for the hiv planning council without benefits or pay. And I was a full-time employee of the city of austin.

Martinez: Thank you, that's your time.

(Indiscernible) a temporary employee and fulfilled all the obligations of an employee.

Martinez: Thank you for your time.

You can give me three more minutes.

I didn't sue the city.

Martinez: Sir, your time has expired. Thank you. Our next speaker is mr. ernest samudio. Can someone please ask nessel -- thank you, sir. Welcome, sir. You will have three minutes.

Hello, mayor and city councilmembers. My name is ernest samudio. I've lived in austin since '95 and I've been a long time activist in my community since I was 20 years old. First of all let me thank you for voting to ban the sale of puppies in pet stores in austin. Thank you. Any city in the united states is calling itself progressive must now look to our city as an example of how best to protect cats and dogs in our community. Today I want to speak to you cruelty to animals in circuses. As you may know ringling brothers is coming to austin in a few days. The slides that you are seeing right now are photos taken at ringlings elephant conservation center in florida. They were taken by one of ringling's own trainers and handlers cruelly force baby elephants to learn tricks. As you can see, hooks, chains and electric prods are used to inflict pain on the baby elephants. The trainer's name who provided these photos to peta is samuel had dock. He came forward shortly before he died last year. Here's some of what he said in his statement to peta, which I can provide to you right here. Some of the things he said is, I have contacted

peta in an effort to do the right thing. Baby elephants are typically pulled from the mothers at 18 to 24 months of age. Once they are pulled from their mothers, they have tasted their last bit of freedom and their relationship with their mother ends. Mayor and councilmembers, as you may know, in the wild female elephants spend their whole life with their mothers and male elephants leave their mother's side when they're about 18 years of age at the center for elephant conservation, baby elephants are taken from their mothers at 18 to 24 months of age. Samuel went on to say in his statement, when pulling babies from their mothers, the mother is chained against the wall by all four legs. Some mothers scream more than others while watching their babies being roped. Once a baby elephant is tied and in training, sam says they are never turned loose outdoors to play. He says also based on my experience, these violent training methods are the only way an elephant can be trained to perform. Its bunk when the circus says it's showcasing an elephant's natural behavior. Mayor leffingwell and councilmembers, these same painful instruments that you see here in the pictures are the same devices -- are going to be used throughout an elephants' life in a circus and will be used when ringling brothers and any circus with animals visits austin. Today I'm asking you to ban the use of bull hooks, electric prods and chains on elephants when they are in the city limits. If you are interested in protecting dogs and cats in our community, you must also protect those animals that are brought into our city for entertainment. Thank you for your time. Who can I give -- these are statements from --

Mayor Leffingwell: Pass it to the end. Ernest, thank you. Next speaker is nathan chelstrom. Topic is single-family development at 2700 edgewater drive.

Mayor and members of the city council, my name is nathan chelstrom and I'm the owner of the property at 2700 edgewater drive. In february 2007, i received a site plan exemption permit to build a new bulk head on my property. During the construction of the bulk head I was visited by a city of austin environmental inspector in response to a complaint by my neighbors the inspector came to check the location of my new bulk head and the fill being used. I was told by the city inspector that I was doing the right thing and I was instructed to complete the bulk head construction. In june of 2007 the shoreline modification was inspected again by the city. This time I received an e-mail saying that the bulk head was a closed issue. Two years later i received my building permit and finally began construction in january of this year. I passed more city inspections and pour my foundation at the end of march of this year and then one week later after more neighbors' complaints my house construction was given a red tag and I've not been able to continue work for the past four months. Constituent is requiring that I go through the site plan process for my bulk head, which i received a site plan exemption permit for three and a half years ago and was inspected, accepted and closed in 2007. In april 2010 already under construction of my house I submitted a site plan application. City staff then said that I would need to go to the parks and rec board for approval to the location of my existing bulk head and on july 15th the parks board approved my site plan. Now the city staff is saying that an environmental variance is required to complete the action of the parks board. And while I don't agree this is required in the land dwoamed code 25763 and 25862 is on my side, I just want to end the nightmare as quickly as possible. It seems very arbitrary and discriminatory what the city of austin is doing to me and my family. How many times does the city staff have to approve something before they're no longer able to take their approval away? What is the point of having a building permit if the city can then take that away? Why don't they treat my neighboring properties the same way they've

done me? The city staff has admitted mistakes were made and a building permit should not have been issued until after the site plan process, but why am I to blame for that mistake.

With all the delays and costs we've had to incur, I feel like the city is forcing me into foreclosure. It simply doesn't make sense. The arbitrary decision now for me to go to the environmental variance board and the zoning, platting commission will be another month and in addition to the \$1,400 I've already paid for my site plan application, I need to pay \$1,430 more for an environmental variance, which the city has decided that I need for something they previously approved. Today I'm asking the city council and the mayor to help expedite my process and to urge the city staff and commissions to expedite my final variance approvals so I can build that house begin. I'm also requesting that the city council waive my 1,430-dollar environmental variance filing fee. Sorry for speaking so fast, but thank you.

Mayor Leffingwell: Thank you. Next speaker is Maria Whitsett. Firefighter academy and the budget.

Good afternoon. My name is Maria Whitsett. I'm parent of a high school senior in the firefighter academy in Austin ISD. Thank you for the opportunity to speak about the city's proposed 2010-'11 budget. Each of you has received communications from my family about the importance of continuing the firefighter academy. Thank you Mayor Pro Tem Martinez for responding. We understand the importance of a balanced budget for both the city and the school district. Our worst nightmare would be if the academic fate of 67 high school seniors and juniors were overlooked and therefore inadvertently sacrificed between the tandem budgeting processing. In the city's budget survey academy participants comment on why the program is important. Its full value is not easily quantified. What price tag do you put on giving students leadership skills? How about on their diplomas? Eric Henshe can with the University of Texas at Dallas, receipt of a high school diploma results in an increase 2 million in lifetime earnings unadjusted for inflation. Given that, the program's returns need to be gauged in terms of the economic dividends that result to the city from each student who stayed in school and graduated because of firefighter academy. When you consider it that way, the academy is paying for itself many times over. The city's analysis indicates that no one completing firefighter academy has the three years experience required to work in the department. If the city's intent is for the program to be a pathway into the workforce, then the hiring policies and the program need to be aligned to make that possible instead of labeling the program as a failure. We have been greatly heartened by the city's and the school district's recognition of the ongoing commitment that exists to juniors and seniors currently in the firefighter academy. We implore you to continue to honor the commitment already made to these outstanding young men and women, many of whom want to give back to their community. Longer term, we pledge our community towards working with each of you and with the district to find ways to sustain high quality academically rigorous programs like this one so that students will finish high school and the city can reap the rewards. On behalf of our son and the other students in the firefighter academy, again, thank you very much for the opportunity to speak to you about the importance of continuing to fund this program.

Mayor Leffingwell: Thank you. It's my understanding that none of these students will be cut off in midterm, but actually the fire chief is back there. She will be glad to discuss it with you.

Yes. Initially that wasn't clear. We just really want to continue to support this ongoing cooperation with the district. And again, longer term you've got a pool of parents that are willing to really go the distance with y'all and keep programs like this going.

Mayor Leffingwell: Thank you. Next speaker is Sharon Blythe. Sharon Blythe does not have a topic, so you're welcome to speak, but the council will not be allowed to interact with you on whatever topic you pick.

That's fine. My name is Sharon Blythe. I am representing the Spicewood Springs Tunnel Coalition today. But today is not about that tunnel, it's about Sharon's story. I live a few hundred feet from the proposed construction site at the corner of Spicewood Springs and Old Lampasas Trail. I suffer from a serious lung disease called Wegner's Granulomatosis where I lost a great bit of my lungs to surgery. I was on chemotherapy for three years. I'm in remission now thank goodness. I look healthy as a horse, but I'm not. I can tell you that if that tunnel is built there, I will not be able to withstand the environment that you're going to be creating. I will have to move from my home for three plus years to be able to survive. This is a matter of survival for me. If the tunnel is built in my neighborhood, you cannot mitigate the exhaust fumes from 26,000 trucks plus the exhaust fumes from 18-wheelers. You cannot mitigate the bacteria that will be dug out of the ground, and there is bacteria that come out of the ground every time you break up the soil. That is probably more likely what caused my disease in the first place according to medical research. Three years is not temporary to me, and certainly if you're on the council for three years, you don't call yourselves temporary council people. You're permanent for that three years. So it's not a temporary situation out there. They're also proposing a 300,000 gallons of water per day possibly being pulled out of that tunnel, which is another problem with the health environment out there. It will be contaminated with hydraulic fluid. Don't see how they're going to be able to handle all that water out of that tunnel. You haven't notified the homeowners downstream on Spicewood Springs Road, and they're all on well water. And they don't even have sewer, they're on septic system and well water. They have not notified of this project other than by the citizens putting out yard signs. If you want to have real community outreach on this situation, you will ask water utility and maybe two of you all at separate meetings meet with citizens and come up with valid information on all sides so we're all in the same room talking together so you don't get one side and then you have to turn around and hear the other side. It would be efficient for y'all to be able to do that and I'm asking for that to happen real soon. Also there are some problems with that risky mining operation out there at Spicewood Springs Road.

[Buzzer sounds] I would appreciate it if you could not have the agenda items co-mingled with the plant because give us a chance to have our own agenda items. Thank you very much.

Mayor Leffingwell: Thank you, Sharon. Next speaker is Nailah Sankofa. She is related to black artists in the city.

Good afternoon and thank you for having me. I'm going to deviate or maybe add to the topic that I said I would speak about. Basically what I'm going to shorten is that I'm requesting that the city council look at how the city can be more progressive with how artists of all ethnicities and especially black artists are limited by the fact that the city's current vendor or what we would call your peddler's licenses, the fees are

too expensive and the rules for it are just too prohibitive and limited. You can only have -- be a vendor in one location with one license. The fees are \$450 the last time I checked. They may have gone up since then. And other cities was -- who are obviously much more progressive than austin have vendors/peddler's/hawker 's licenses like new york, chicago. Their fees are 25, \$50 for the entire year and you can move around the city and be able to sell yourwares and not just be limited like it is here in austin. You're preventing a lot of people, especially artists or even just the average stay at home mother who might do something very creative and be able to take herwares out and make additional income or even income in general, but the city doesn't allow for that. And you know, look at models like boston and san diego, atlanta, and step up austin's game. Okay. The other thing that i wanted to speak about was that we really need for you all to be mindful that there are those of us who have intangible resources behind the scenes that open paths and provide tangible support needed to place and maintain political positions that need to be honored and serve the people. And you all on the city council have an obligation to us to be respectful of and mindful of the fact that you're not respecting the people of the city with your decisions. And I'm speaking of the nate sanders' situation. It doesn't matter whether you agree with his background or, you know, the fact is that a young man was killed --

[buzzer sounds] -- unnecessarily, and he deserves justice. Thank you.

Mayor Leffingwell: Thank you. Council, those are all the folks that we have signed up to speak in citizens' communication. So without objection, the city council will go into closed session pursuant to section 071 of the government code for consultation with legal counsel to take up two items, item 37 concerning structures located in the right-of-way and alley adjacent to 201 and 203 colorado street. Item 38 concerning dan huebner, the city of austin. Is there any objection to going into executive session on the items announced? Hearing none, the council will now go into executive session. we are out of recess, and first order of business this afternoon, council will take up a motion to reconsider 5 for purposes of making technical corrections to the ballot language. That's the ordinances adopting ballot language and calling a bond election for november 2, 2010. Council member riley. mayor, as a council member who voted for 5, I move to reconsider item no. 5.

Second. staff would like us to approve conforming change in a ballot ordinance they have made from the dais and reconcile the language. motion by council member riley.

Second. second by the mayor pro tem. Is there any discussion on the motion to reconsider? All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed? Passes on a vote of 6-0 with council member cole off the dais. And we'll have a brief presentation from staff. romero from the law department.

As council member riley mentioned, we're reconsidering agenda item no. 5. There are two ordinances in this agenda item. We're not proposing any changes to the ordinance that calls the election. The other ordinance in this item specifies ballot language. We made a few changes from the dais this morning, and staff would like to present to you what the final ballot language and then backup full language would look like to make sure we've accurately captured your request and to reconcile the language between the two. You-all have a paper copy of both the little tweaks that the law department made in addition to your changes, and then a copy with all of the copies -- all the changes, and that will go up on the overhead for folks in the audience. If you have any questions I'm happy to answer them. Questi questi ons of staff? I'll entertain a motion to 5 with the conforming changes presented by staff.

Mayor? motion by, I believe, council member spelman to adopt item 5 with the conforming changes.

Riley: seconded. Second second ed by council member riley. Discussion? All in -- council member morrison. this is just a question that came up but i noticed in the language that we're constructing -- recruiking roads and improvements, but when it comes to, say, the sidewalks, we're constructing, reconstructing and improving sidewalks. Is there a reason for that?

That's a very good policy question. If there's someone from transportation who would like to addr subtly.

Thank you, council member roberts, phillips from transportation. I think the improvement covers any ada improvements to the sidewalk elements, and it's language that we've used before, and so we just wanted to make sure that constructing of new items which are contemplated under the proposal are included in this as well.

Morrison: great. Thank you for that explanation. tried and true language, mr. speller. Further discussion. All in favor say aye.

Mayor leffingwell: aye.

Aye. any opposed say no. Passes on a vote of 7-0. Council, without objection we'll now go back into recess and call to order a meeting of the austin housing and finance corporation and have a presentation on that agenda from ms. spencer.

Good afternoon, board of directors, betsy spencer, acting treasurer of the austin housing finance corporation. I have three items for you today, all for consent consideration. 1, the minutes from the board meeting on july 29, 2010. 2 is to approve an item that will allow us to negotiate and execute a loan agreement not to exceed \$500,000 of general obligation bond funds for the easter seals central texas austin housing equal group. This will allow for the acquisition of eight condominiums to be located at 3204 manchaca road, which will allow for permanent supportive housing for very low income persons with

disabilities. 3 is to authorize and negotiate execution of a construction contract with ilcor homes incorporated of austin, texas to construct up to 12 family dwellings at frontier subdivision, using neighborhood stabilization funds in an amount not to exceed \$157,250. I'm available for questions. Questions for staff? The consent agenda for the austin housing finance corporation is to approve items no. 1, 2 and 3. Is there a motion to approve? move approval of all items 1, 2 and 3. and board member coal moves to approve the consent agenda, second by board member morrison. Any discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0.

Thank you. that concludes our agenda for the austin housing and finance corporation, so without objection we'll adjourn this meeting of the austin housing and finance corporation and call back to order our meeting of the austin city council. And we will commence to address our zoning items, our 2:00 p.m. zoning items.

Hello, mayor and council. My name is greg guernsey with the planning development and review department. I'd like to go through the 00 zoning ordinances and restrictive covenants. Items -- public hearing have been closed and offered for consent. We have an owner requested postponement to your august 26 meeting for item no. 40. This is case c14h-2009-0066. They weren't able to be here this evening and would like 40 to august 26. I understand that council would like a presentation on 41 and 42, so I'll skip those and that's the only item I'll offer for postponement on this portion of your agenda. so the consent agenda for those zoning items for which the public hearing has already been held is to postpone item no. 40 until august 26. Motion to approve. Motion by council member spelman, second by the mayor pro tem. All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed say no. Passes on a vote of 7-0.

Thank you, mayor and council. I'll go to zoning and neighborhood plan amendments items. These hearings are open and possible action. Item 43 is a discussion item. 44 is case c14-2010-0017 for property located at 5914 lost horizon drive. I understand from this morning's agenda that there's a desire by council to postpone this item for two weeks to august 19. Item 45, case c14-2010-0073, known pub on 620, located at 12809 fm 620 road. This case has been withdrawn. No action is required of you on item no. 45. So the only item I can really offer for consent approval is a postponement to august 19 on item no. 44.

Mayor leffingwell: okay. So the consent agenda for those items where we have yet to hold a public hearing 44 until august 19, noting that item 45 is withdrawn. Is there a motion to approve? Council member morrison proves approval of the consent agenda.

Mayor, I'll second. I have a comment as well. second by council member spelman. And you're recognized for comment.

Spelman: thanks. This is a case which all of us have been working with for the last few weeks. The two parties are en route to mediation. We have found a mediator. They're still discussing who's going to pay for the mediator, when mediation will take place and so on. We expect there will be a closure on those items in the next week. I want to mention those two parties when they go to mediation, if they're unable to come to an agreement, then I believe the city council is prepared to draw a compromise, which probably will not be as good of resolution as the two parties could have obtained through mediation. So this is an example where mediation probably would be better for both sides than whatever their best alternative might look like. But we'll do the best we can in two weeks if we do not get a mediated result. thank you, council member. I'll just say that I was prepared to support this item on second and third readings today, as previously discussed, but, of course, I want -- if there is an opportunity for a mediation and further discussion, an opportunity to come to an agreement, i want to allow that to happen. So I will support the mediation and postponement. Anything further? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. And that passes on a vote of 7-0 and brings us to our discussion item.

That's correct. which is 43, correct?

Mayor, I have one additional postponement request that I can offer you. 43, jerry rusthoven had an opportunity to talk to the owner and i think there's some confusion between the agent and the owner about the meeting and time of today's hearing. I know that you've postponed this at the applicant's request three times. The last three times, but they've asked for one additional postponement to 43 on limerick.

Mayor leffingwell: okay.

If you'd like to consider that for postponement, or consent for postponement on -- to august 26. I'll just see if there's a motion from the council to postpone item no. 43 until august 26. Motion by council member spelman, second by council member morrison. Discussion? All in favor say aye.

Aye.

Mayor Leffingwell: aye. Opposed say no. So item 43 is postponed until august 26.

Thank you, mayor and council. At this time I'll introduce steve sadowsky, our historic preservation officer for the city of austin and he'll present to you items 41 and 42.

[One moment, please, for]

the house is significant for its architecture. It's tier revival influence, you can see that in the false half timbering in the front porch gable. And it's also a very early example of what we now call a craftsman bungalow. Bungalows were just coming into favor in 1910 and houses earlier than this had some of the features of bungalows, but this was a specific style that this house represents completely. It's a very small house, one story, simple floor plan and it was a reaction to the earlier and busier queen anne and victorian style houses that preceded it. By the 1920's these houses had become almost manufactured homes. You could buy these off a sear's catalog and have these delivered, but this one was a good example of a very early exemplification of a craftsman style bungalow. The owners of the house were ernest and irma wilde. wilde was the son of a cabinetmaker, rudolph wilde, and he really exemplified the lives of the german community in austin in the late 19th and early 20th centuries. His father, as I said, was a cabinetmaker. They immigrated to the united states in 1882. Ernest was born here in austin. His brother paul was the president of the becker lumber company and also provided the long leaf pine wood for the construction of the house. Ernest went to work with his father as a cabinetmaker, but then he decided that his real love was in piano tuning. His father sent him to piano tuning school in indiana and he came back to austin and worked for the jr reid music company for many years and was well-known and beloved as austin's premier piano tuner. I know this is not the typical historic zoning case, but it exemplifies the other types of lives and houses that our program is seeking to landmark. This house, besides its importance in architecture, also has great importance to the german community. These people were early members of the oldest ethnic group in the city. wilde was a piano tuner, which may not seem like much today, but at the time was a very important profession and typical for the german american community at the time. The house fits our criteria for exemplifying an early example of craftsman bungalow. It also fits our criteria for its association with the german american community, the sangrundi and ernest and irma wild who were prominent in the german community in austin.

Mayor Leffingwell: Thank you. Questions of staff? Councilmember shade.

Shade: This house is in a neighborhood that is in the process of applying for a local historic district, is that correct? Is this house in that boundary?

It is --

Shade: Really close.

Very close, just outside of it. It's in the national registered district. Shays shays but it is not in the --

Shade: But it is not in the the national historic district contemplated now?

No.

Shade: Is the owner here?

Yes, I believe they are.

Shade: That's okay. I guess one of the questions that I'm curious is when a citizen asks me what is the public benefit to the tax exedgeses that would be associated with this zoning change that we're contemplating, how would you answer that? On this house.

The public benefit i think is the educational value of looking at this house and understanding its place in the architectural history of austin. This is a very early example of a style of house that then became very popular. So this is one of the very first in austin. And also I think its associations with the sangurandi and the german community, looking at all of the ethnic groups that came together in austin. The germans were one of the most prominent and the wildes were a very prominent member of that community from a very early stage onward.

Shade: So how would somebody know about this house? This is my neighborhood and I drive by this house everyday, so I'm very familiar with the house, but it doesn't really stand out on that street that I would necessarily notice it. I'm just curious how would I know about the history and about the --

well, if you all do vote for historic zoning, it would get a plaque. And we are in the process of putting together a website. It's been a very long and drawn out process, I'll admit, but what we would like to do is have the ability for anybody to click on a map to get a little blurb about the house so they can learn about it. It's also part of a national registered district, so there's information about the house in that nomination. And then eventually, as I said, we'll have the website up that people can learn about all of the landmarks in the city.

Shade: And one other question. So on the boundaries, and maybe one of my colleagues knows better than I do, but since this is so close, how far is it from the district? Is it in the same block?

No. It's up the hill. This is in the 1400 block of ninth and the castle hill historic district is really focused on blanco.

Shade: So nothing west of blanco is part of that district?

Nothing west of blanco. Right.

Shade: I didn't know that. Thank you.

Mayor Leffingwell: Any more questions? And just for clarification, first and second readings were approved June 24th, 2010. So this would be --

third reading.

Mayor Leffingwell: Third reading. Is there a motion?

Spelman: I have a question. You're listening in the department comments that the house was listed in the comprehensive cultural resources survey of 1984 as a priority 2. What exactly does that mean?

That means that the 1984 survey is basically an inventory. And this would have been highly unusual at that time because in 1984 bungalows were not considered very important architecturally to the city's history, but the priorities listed in that survey, sir, were priorities for research. Not necessarily for preservation, but houses that the compilers of the survey felt definitely warranted further investigation for landmark designation. So it was priority one and priority two were the only numbered priorities and then everything else that was listed in there was unnumbered.

Spelman: Approximately how many priority 1's and 2's were there in that inventory?

I would have to check the figures on that, sir. I would hesitate to answer that without knowing, having a better grasp on what I was telling you.

Spelman: Are we talking in the hundreds or in the dozens or the thousands?

The priority ones are probably around 100. The priority twos are probably in the several hundred, maybe two or three hundred of them. The vast majority of the properties in there are residential properties in there, are not prioritized at all. But the priorities, as I said, were really based on architectural merit or there may have been some information that the compilers of that inventory knew about that they assigned a house a priority. As I said, it's very rare in the 1984 survey to find any kind of bungalow that has a priority rating at all. Because bungalows were not recognized 20 years ago.

Spelman: You would have to give pretty much every house in Hyde Park, for example.

Yes. And there are a number of them that have been assigned priorities in that survey, but they're the really architecturally significant ones.

Spelman: So of all the bungalows we have in town, and I think there are probably thousands of them, this one would be significant particularly because it was slightly different style, it was not a manufactured house, and it was an early example of craftsman style.

Yes, sir.

Spelman: Okay. Thank you.

Morrison: Thank you for clarifying what you see as special about the architecture of this house, and I think it's important for us to keep in mind that based on -- I understand your questions, councilmember shade, about looking at it how would you know it's special, and I think that the next case that we have that you're going to present to us is one of those cases where you can look at it and it sort of takes your breath away, but we have to keep in mind that the rich and fabric that we want to preserve and want to help preserve with our program is more than the ones that just take your breath away when you look at them and that really will provide sort of a range of the important historic examples that we have in the city. I also think that your description of the family is really compelling in several ways. As you said, it's not -- it wasn't necessarily high society or a big powerful family, but it's to me a very telling story of the german immigration and what that community was in forming the city of austin. I think that the -- I read in the backup that irma, is that her name? Irma was the granddaughter or step granddaughter of sholz and that her -- and her father had built sangrundi hall. And the piano tuning pulls us all into the whole world of music, which is still a prominent feature of our city today. So I think this is a good prospect for historic zoning, and with that I'd like to move approval on third reading of h zoning.

Mayor Leffingwell: Councilmember morrison moves approval of item 41. Seconded by councilmember riley.

Riley: Mayor, I will second that and I would like to add one comment, if I could. And I've made the same comment the last few times we've approved historic zoning cases is that while I support the historic zoning, I do want to make note of the fact that if there is some ongoing discussion about possible changes to the program, which may well include changes in the benefits to be afforded as a result of historic zoning, and I want to make clear to these property owners that I would expect that to the extent changes are made and the benefits afterwarde as a result of historic zoning, I would expect those changes to apply to these cases that we're zoning historic now. I know sometimes we get into discussions about grandfathering, but I think in these cases where people are on notice at the time of the zoning that changes are likely imminent, that there's much less persuasive case for grandfathering. That there is a very good possibility that those benefits will be curtailed. So with that -- that's the basis of my support for the motion is that there may well be changes to these benefits once we get through the process of thinking through exactly what changes should be made.

Mayor Leffingwell: Further discussion? Councilmember shade.

Shade: Based on that, what exactly is currently, without any changes of rules and discussions of grandfathering, what would this owner end up receiving in terms of a tax exemption? What would the total dollar amount be? It may be in here and I'm sorry, I have too many papers in here.

Yes. The estimated -- actually, I would have to revise the figures has dropped out of the program for the total, but the city portion of it would be \$1,763.

Shade: Okay. I see it here. So that's adjusted because the total -- what I have here is 2400. Am I looking at the wrong?

Maybe.

Shade: Here we go, yeah. You're right, sorry. I have too many papers here. So it's 1763. Okay. And then the other question I had before voting on this is you talked about the criteria. If I'm looking on this based on the conversation you had earlier about the national register, tell me again how this meets -- in this case you meet one, two and three on the criteria or you have to be significant in any of the other two -- other five categories, is that right? Is this one meeting the criteria because it meets the first, second and third without the number four being significant?

No. It would -- the first one is -- actually, the first two are what I would call the threshold criteria. It's got to be at least 50 years old and it has to retain sufficient integrity of materials and design to convey its historic appearance, which it does. The third one is if it's already listed in the national register, then you don't have to meet number four. But number four is the two sections, and the two that this house is nominated under would be the architecture for its ex-simulacrum of tie-dye revival inspired craftsman bungalow and then the historic associations with its significant associations with persons, groups, institutions, businesses or events of historical importance to the city.

Shade: How many other houses on this block are currently zoned historic?

There are two across the street that are 19th century.

Shade: Two across the street. So it's a different --

different time period completely.

Shade: Okay. And I had one other question. Oh, when you were -- sholz's is an historic landmark, isn't it?

Yes, it is.

Shade: Are there other landmarks where if I wanted to learn about the german community that you're talking brks I would be able to identify here? Maybe more easily than this one particular house? Sholz's is a great example.

It is a great example. I wish I could have used that one.

Shade: But what I'm trying to think about is -- and I recognize what you're saying about improving the website. But when we're going to talk about community associations and these kinds of associations that you're talking about, it's not with -- I value those. I'm just trying to figure out how somebody would be driving down the street, they would have a sense for this if we don't have more support for education and that kind of thing. So there's really -- like is there something in the history center where I would be able to find out about german life of the community at that time and it would have this house on that list?

It may not have it on any list because it's -- it's coming up now, but all of our historic zoning staff reports are also available to people. Copies are at the history center. They're on the city's website as far as backup for landmark and planning commission and council meetings. It would also be in the national register nomination for west line. This house is listed in that. But then again in the national register district, it's contributing to that district principally for its architecture. The history of the house is something that has to be discovered through the nomination and through our office doing additional research and providing you the information that y'all need to make a decision about whether this is a good candidate for landmark designation.

Shade: Then you said the owners are not here today?

I thought I saw them earlier, but I must have been mistaken.

Shade: All right. Thank you.

Mayor Leffingwell: Councilmember morrison.

Morrison: I wanted to remind everybody that I think it was just at the end of june that we all approved an interlocal to work with the university of texas and the community and regional planning, historic preservation program, professor michael holleran and his students are producing an historic web tool. And that will be a tool that will be eventually an online database that will integrate all the information we have out in the community, folks being able to add their own information about particular structures. So, for example, for this house the owners would be able to upload a lot of the information about the -- about the family and the background, exactly what councilmember shade seems to be asking for. So I think that we really have a great opportunity in the future for having sort of a one stop shop for information on historic structures and their associations. So we are really moving forward in that regard.

Mayor Leffingwell: Anything else? All in favor of the motion say aye? Opposed say no. And that passes on a vote of six to one with councilmember shade voting no. That brings us to item number 42, which is -- if you will -- this is already -- the public hearing is closed. We've already had a presentation, approved on first and second readings. And you can refresh us very briefly on it.

Will do. Thank you, sir. Councilmembers, this is the lewis and flossy john house, 1984 nooning avenue on top of the nooning avenue hill. So it has been a city landmark physically and visually for a very long time. The owners have put together their application for landmark designation, and this is a 1937 house. It is, for lack of a better term, of mooreish influence, mediterranean revival style house, built out of stone that was built by lewis and his wife flossy john. Lewis john was a lebanese american. He was born in lebanon, came to the united states, came to austin as part of the first great influx of lebanese immigrants to the city that included the jabors, the soors, many of the names that are still well-known to us in the city that are very prominent folks. The lebanese who came to austin were almost all manor iet catholics. If you look at the old census records, lebanon was still part of syria at that time, so it was a muslim country and the catholics in that country were facing persecution. Many of them came to austin through galveston as did many of the jews at the same time who were facing very similar sorts of persecution in europe. Lewis john came to austin, set up a cash grocery store called the alamo store down on sixth street. Did very well with that for quite some time and then went into the contracting business. The most interesting thing about this house is that he built it himself, and it's based, we think, upon designs that he was familiar with from the old country in lebanon. And here's a good shot of the upstairs of the house showing the decoration of the house. This house is entirely unique in austin. We don't even have to go through the game of this is the best example of this because this is it. There are no others. As I said, it's way up on a hill that overlooks south austin and travis heights. It's got community value for its association with austin's lebanese community. This is one of the very few houses associated with the lebanese community in austin from the earliest days when they all came over in 1918. It's an excellent example of the style. The johns lived here john passed away in 2001. They had a guest house on the property which still exists that they had a caretaker, but the house remained unoccupied. The current owners are ian reddy and angela reid. They purchased the house in 2006 and have been restoring the house because after five years of being empty there was some deterioration of the house. Staff, the landmark commission and the planning commission all recommended this house for historic zoning.

Questions?

I do want to add too that the iron work on the house, if you see the front gate right there, it's got a j in it. This is all done by the weigles. So it's got -- and the railing on the second floor was all weigle ironworks as well.

Mayor Leffingwell: How many bedrooms, how many baths? Just kidding.

Actually, I think there's four and two. I've been in this house. The travis heights group that's doing the national register nomination had a fund-raiser here a couple of months ago and opened this house up for folks to come in.

Spelman: Mayor, this is why we have historic landmarks. This is the sort of house that I think would fit in historic landmark designation no matter what changes we make in our program. I move approval.

Mayor Leffingwell: Councilmember spelman moves approval. Seconded by councilmember morrison. Further discussion? Councilmember riley.

Riley: Mayor, of course I support this motion, but I wanted to add the same note on this case that I made on the last case, that I do expect that to the extent we make changes by the landmark designation that those changes would apply to this house as others that we're landmarking currently.

Mayor Leffingwell: And I agree with councilmember spelman, this is a unique -- this would probably be an historic house in scotland or someplace. All in favor say aye. Any opposed say no. It passes on a vote of seven to zero.

Thank you.

Mayor Leffingwell: Does that complete our zoning cases?

That concludes your zoning for today.

Mayor Leffingwell: Zoning is completed for today, so our timing is looking pretty good. 30 public briefing.

And that's item number 36.

Mayor Leffingwell: I believe so.

Good afternoon.

Mayor Leffingwell: Item 36, briefing on whisper valley and indian hills p.i.d.es.

Good afternoon, mayor and council. My name is greg guernsey, director of planning and development review. I want to thank you for opportunity to present this briefing to you today on the public improvement districts for whisper valley and indian hills. These are properties owned by the tourist properties. We started this process over two years ago and we're pleased to be here today to discuss the public

improvement districts. The purpose of today's meeting is to give you an overview of the 's in preparation of today's public hearing that will follow. The public hearing is required by state law and it's authorized prior to the authorization of the pid. A future item 's will be scheduled for your august 26th agenda along with zoning and annexation hearing for the proposed developments. We'll be breaking this briefing today into a couple of sections to discuss the development aspects, the financial aspects and briefly on one legislative issue. Staff will be present and a representative is here from the developer to answer any questions that you may have after our briefing. Your previous actions including resolutions giving us direction to move ahead, direction of p.i.d. policy in '08. Your future actions that will take place on the 26th would conclude the final readings on zoning on the limited purpose annexation dealing with district itself and the water/wastewater cost reimbursement agreements. Whisper valley and indian hills are situated in our desired development zone. They constitute over 2,000 acres and they're located in the 130 corridor. That little blue area you see on the map is decker lake. Further to the north of this area is the city of manor and the pro properties we're talking about are the areas in green that flange either side of 130. Braker lane will eventually be extended from fm 973 to taylor lane to the whisper valley property. And then on indian hills where you see loyola, that actually becomes decker lake road. It will go through the indian hills and connect up to 130. Whisper valley itself is just over 2,000 acres. The proposed is limited purpose annexation, as you have previously approved on first reading. This is the planned unit development zoning, which would be superior than standard zoning. As I mentioned before extension of braker lane is included in this. There's a 600-acre park and water and wastewater extension and facilities. It will take approximately 20 to 30 years, we would estimate after talking with the developer, to develop this property. Indian hills is a much smaller property. It also would be limited purpose annexation and comprises about 240 acres. Limited mainly to commercial and multi-family zoning. The extension going west to east to 130 of decker lake road. And again water and wastewater utility extensions would be attached to this property. The actual development of both of these is a considerable amount of development, about 7500 dwelling units are associated with whisper valley and about 6 million square feet of office and commercial uses. Indian hills, about 1500 units. And about 4 million square feet of office, retail, r and d and industrial development. So this is a sizeable chunk of development that would occur and associated with this property, but again we're talking about 20, 30 years for buildout, even though our agreement might be actually longer than that. The benefits to the city would be that we would have limited purpose annexation, land use control. As you know we don't have land use authority , so that comes to the table. We would have affordable housing. They have agreed to do 10 percent of housing at 80% mfi. As part of your p.i.d. Policy, doing grow green participation, the financing of the infrastructure frees up dollars that could be used in other capital improvements. is controlled by the city. It's not a political subdivision by itself. You will be controlling the bonds of those for your approval. benefits to the developer, the infrastructure lowers their capital costs. allows more flexibility to them of doing mixed use type uses, arrangement of those uses. There's grandfathering on the property to basically lock in the regulations so they can deal with certain set of regulations for a longer period of time than you might find through normal vesting. But they're still required to meet the health-safety requirements. Those things like building codes. Full purpose annexation is deferred up to 44 years. That starts at 15 years and there are renewals that can take place in 15 year increments. Safeguards to the city. As I said before, the city issues the bonds only to if the developer demonstrates the project viability. This would be actually looking at the financial viability. And also the transportation viability, making sure that we have the infrastructure that can serve this property as it develops out. The city is not obligated to provide funding for

improvements except from the bond proceeds. The assets remain in place until the bond debt is retired and the city can full purpose annex. If the developer does not pursue the bonds for that property within 15 years, improvements are close to \$300 million and would address roads, water and wastewater facilities, drainage facilities and parkland. The roadway improvements, the p.u.d. Documents will provide a number of roadway improvements in the city of whisper valley. I mentioned the extension of braker and taylor lane is also planned as a four-lane arterial. The developers also would provide a pro rata share of 55 off street intersection improvements in this area that would include turn lanes and traffic signals. Those were identified by city staff in working with the applicant to analyze these through their tia. The tia areas usually only extend about a mile. In this case we worked with the developer and looked at a scope that went as far as four miles out to really look at the significant number of trips that would impact the site and contribute traffic to the area roadways. And then look at those for those impacts. The total pro rata share of the improvements is approximately 335 million for whisper valley and then 270 million for indian hills. Staff is recommending the inclusion within the tia phasing agreement that would allow the developer, the city and the county the flexibility to group the pro rata contributions of fully funded individual intersection improvements recommended in the tia. Also other tia's in eart will also be able to participate in this funding strategy that may allow for intersections improvements to be built sooner. With the roadways and the campo long range plan being significantly reduced due to fiscal constraints, there is a challenge to ensure that the roadways assumed in the plan will be constructed in time for the demand generated by these and other developments when they come online. Understanding this fis cet con strant, the developers are working with campo to create a priority roadway list. The group in the negotiations with the county to create regional participation agreements through which participating developers would assist in the funding of construction of priority roadways. So we're working with campo trying to make sure that those priorities are built. In the tia phasing agreement associated will include language that allows for the proposed agreement that I just spoke of. When finalizing and applicable to meet the funding requirements of the phasing agreement. At this time I'll turn the presentation over to leslie broward. She will continue talking about the financing of the p.i.d. Projects.

So as greg just mentioned, part of the developer's financing proposal includes the issuance of p.i.d. Bonds, and this is really a type of special revenue debt, so when we looked at the developer's proposal we completed some preliminary due diligence on both the whisper valley and the indian hills projects. We did that back in 2009 prior to executing the development agreement. We used an independent consultant to help us, economic and planning systems. They have worked with us before on the mueller redevelopment project as well as others, seaholm and green redevelopment. And we also used the city's financial advisor to assess the developer's financing plan. Overall the conclusions there is that the financing plan and the improvement projections appeared achievable even though at that time it was very early in the process and it is still early in the process. Then prior to the issuance of the p.i.d. Bonds that greg actually referred to in his part of the presentation, for either of the projects we would do a more in-depth and again independent feasibility assessment as part of that process. We would be looking at current real estate market conditions and taking into account the future market outlook as well,, and then

that assessment would also include looking at the developer's absorption and their pricing assumptions. And as we always do on debt, whenever we issue debt, the city's financial advisor and bond counsel would be overseeing the process as well. Just a couple of points to make. This is the last slide in the financial sears. Just want to reinforce what we've presented to council in the past about these two projects, although the debt will be in the city's name, it is considered special revenue debt and it really has no ability to access any other city revenue stream. Taxes or otherwise, just the assessments on the property within the district. So the levee of the assessment secures the bonds and then the primary security underlying the p.i.d. Assessments is the lien on the land and again that feasibility study i talked about will help to assure that the assessments are sufficient to support debt service on an ongoing basis. And then just want to emphasize this point at the bottom of the page that our full faith credit or taxing power would not be pledged to guarantee the bond payments. And with that I will turn it over to sharon smith for some information on legal status and the next steps.

We are bringing forward to you some information about the current state of the law, some legislation that was adopted in 2009 that affects the financing aspects of 's and all 's and also how we anticipate that to progress in the future as well as our conversations with the attorney general's office. In 2009 there were two 's considered by the -- bills considered by the state legislature. The first one, senate bill 978, was a comprehensive bill that was intended to remedy some issues with the statute and it passed the house and senate, but it was vetoed by the governor. And so as we work through with the attorney general, we're going to be dealing with some of the shortcomings of the fact that that bill wasn't adopted. House bill 621 was a narrower bill and that created an interest rate limitation on all p.i.d. Obligations. And the reason that we're explaining that to you at this time, it doesn't affect the , but it will be something we will continue to discuss as the developers -- if the is approved as the developers come back with bond proposals for your consideration. The attorney general's interpretation of that bill is that it could bond financing difficult. The statute provides an interest rate limitation that in today's market would not exceed 5.5%. I will just leave it at that without getting into legal details for you. But to meet the developer's financial projections, the bonds for this project would need to be sold at a rate that was possibly three percent higher, around eight and a half percent potentially. And we do have bond counsel, bob danesfield here, for more detailed questions, if you would like to follow up on that. In addition we've been in ongoing conversations with bond counsel and the city with the attorney general about these p.i.d. proposals. It's not for the attorney general to sign off on the p.i.d. Creation that you will be considering later this month, but rather to get a sense from them about whether there are any stoppers to this particular project and how it will be reviewed when those bonds come back to them for their approval as always happens with government bonds whenever the developer does come back for that. And finally, in 2011 we do anticipate a bill similar to the one that was vetoed in 2009 to be reintroduced, possibly fixing some of the problems that we're presenting to you now, so that's another reason why we're not going into extensive detail because our hope is that the legal situation will change and this won't be issues when the time comes. And we do think that this bill would be likely to enjoy broad support not only from the development community, but from any municipalities or counties that are 's being a viable development avenue. And I'll

conclude with advising you of the next steps. public hearing, you have two of those on your agenda momentarily. The second limited purpose annexation hearings, you had the first ones last week and you also have those today. And then on the 26th we have several items for your consideration, final action on the limited purpose annexations, final action on the zoning for 's, the water and wastewater cost reimbursement agreement, creations themselves. And with that, that concludes our presentation. And as I said, we do have bond counsel and and our financial consultants here if you have any questions about that.

Mayor Leffingwell: Questions? Questions of staff? Okay. Council, we will stand in recess until , which is five minutes from now, at which time we will take up the four items relating to indian hills and whisper valley.

Mayor Leffingwell: Before we take up our public hearings on the 's, very quickly we're going to go through some postponements so that these folks can go home. Mr. guernsey.

Thank you, mayor and council. The first item I'd like to offer postponement is item number 50. I think council had the desire to postpone this item to august 19th to i guess address some additional questions that the council has. Item number 50 was a public hearing to consider an ordinance amending the city code to limit the number of owner-initiated historic and landmark initiated per month. I think the desired date is to move it to your august 19th agenda. The next item I would like to offer for consent postponement is item number 52. This is for the property known as allen house at 1104 san antonio appealed by allen stole. Staff is recommend agriculture postponement of this item to your october 28th meeting this year. We are working with the owner over issues related to the primary use of the property. There will be a code and ordinance subcommittee meeting on august 17th, and I've met both with the owner's john joseph, and albert stowell outside and they're willing to meet to discuss the permit application. That's un 10-28. On item 53 we have a neighborhood postponement for opa's, located at 2050 south lamar boulevard. This is an appeal by the zilker neighborhood association. They are requesting a postponement to your august 26th agenda. The zilker neighborhood association would like to sit down and meet with opa's to further negotiate or discuss their outdoor music venue permit. And so with that those are the items that i could offer for consent to postpone.

Mayor Leffingwell: Council, I believe we can take all these together in one motion, which would be to postpone item number 50 until august 19th, postpone item 52 until october 28th. And postpone item 53 until august 26th.

Move approval.

Mayor Leffingwell: Motion to approve by councilmember morrison, seconded by councilmember riley. Councilmember morrison.

Morrison: I did want to comment on both of the music permit appeals. I think you mentioned, guernsey, that the parties are talking in number 52 about the permit and that's what i would certainly like to encourage and to rely upon certainly our staff as a resource, our music manager and the sound engineer because that's why we have them here to help with that conversation. And also certainly with the zilker neighborhood and opa's, the name thing, that it's really much better for you all to find something workable. And again to rely on our staff as a resource because we really want to help to find ways to mitigate the impacts and find a workable solution for both sides.

Mayor Leffingwell: Favor of the motion say aye. Opposed say no. It passes on a vote of seven to zero. guernsey, we'll go to our first meeting for limited purpose annexation of the indian hills area, item number 46.

Thank you. I'll introduce virginia collier and she will present that annexation item.

Mayor Leffingwell: And we do have speakers.

Good evening, mayor and council. My name is virginia collier with the planning and development review department. This is the second public hearing for the item number 46, the indian hills areas. Again, this area includes approximately 234 acres located in travis county, west of state highway 130 and east of fm 973 at the intersection of fm 973 and decker lake road. Annexation for the limited purposes of planning and zoning will extend the full range of city regulatory authority regarding development, construction, land use and environmental quality to the area as described in the planning study and regulatory plan, copies of which are available by the front door here today. I will remind that areas annexed for limited purpose, the city does not assess property tax or provide full services, public safety and road maintenance will continue to be provided by travis county. As the area develops residents will be able to vote in city council and charter elections. The owners have waived the requirement for conversion to full purpose within three years and instead future purption will occur -- full purpose annexion will occur in accordance with the agreement. This concludes the staff presentation for item 46.

Mayor Leffingwell: Questions for staff? Let's go to our public hearing. We have two speakers -- actually, one speaker signed up twice, but we'll go to tom west who has signed up neutral. You only get to speak once, though, tom.

I would point out that I was going to sign up four times at three minutes and talk for 12, but I'm going to expedite matters.

Mayor Leffingwell: Thank you.

I am tom west, president of the barton springs neighborhood association, which includes territory in both of the proposed indian hills and whisper valley annexations and p.i.d.'s. You've heard from our association for the past couple of years now, and about the need for you to require adequate infrastructure, particularly regarding transportation and roadways to both of these annexed and p.i.d. Areas. We've tried to read the backup material. We do look at the exhibits available online. We're

reassured from exhibit b that the development agreement says on page 1 that it may be -- p.i.d. Funding may be used for on or off site roads, wastewater and water infrastructure. We understand this means that the developer will provide funding in an amount that the city of austin, travis county determined to be sufficient for off side roadway and traffic infrastructure. And we ask that you require and establish a mechanm for this developer and the others to contribute this adequate funding for off site roads and access. We also know the same exhibit b near the bottom of page one says the assessment on a given parcel may include components of both local and regional infrastructure. And again we're counting you on, city of austin, arequire this this include requirements for the local and regional infrastructure. So I'll get to the bottom line and simply that we want to make sure that you require adequate roadway infrastructure to service these very large and significant and very impacted developments of whisper valley and indian hills.

Mayor Leffingwell: Thank you, tom. Anything else from council? If not, I will entertain a motion to close the public hearing on item 46. Councilmember spelman moves to close the public hearing. Seconded by councilmember morrison. All in favor say aye. Any opposed say no. It passes on a vote of seven to zero. He gave me the ie aye sign. And now we'll go to item 47, which is to conduct a public hearing relating to the authorization of the p.i.d. for indian hills. Do we have staff opening comments on that?

Mayor and council, you are indeed correct. This is to conduct a public hearing relating authorization to a public improvement district for the indian hills areas, approximately 240 acres set in travis county south -- west of sh 130 and east of 973 at the intersection of 973 and decker lake road as it would be extended to 130. And you've heard the briefing. If you have any questions, we can go through and answer them at this time. I'm not sure if you also want to do 49 as well.

Mayor Leffingwell: We'll do them one at a time. Questions for staff? If there are none, there are no citizens signed up to speak on item 47, so I'll entertain a motion to close the public hearing. Mayor pro tem moves to close the public hearing for item 47. And I will second. Further discussion? All in favor aaye? Opposed say no. It passes on a vote of seven to zero. That brings us to item 48, which is to conduct a public hearing relating to the authorization of a public improvement district for the whisper valley area. I've got them in reverse order this time.

48 Is to conduct a public hearing, authorize a public improvement district for the whisper valley area, approximately 2,066 acres in travis county, east of 973 and approximately 782 feet north of the intersection of fm 969 and taylor lane. If you have any questions, I'll be happy to answer them.

Mayor Leffingwell: Questions? We do have one speaker signed up, a familiar name around here, tom knuckles. He is signed up neutral. Welcome back.

Thank you.

Mayor Leffingwell: You only get three minutes, though.

[Laughter]

I thought I built up some time while I was here. Mayor, mayor pro tem, councilmembers, robert, chad, good to see y'all again. I'm here representing commissioner ron davis day. He sent y'all a letter a couple of weeks back, which I hope y'all have had a chance to read. The commissioner's perspective here is this is an issue of connecting transportation and land use. In this case the land use decision you're making is 2800 units of residential as well as commercial development; however on the transportation side, there's no plan in place for the major roadway link that's going to serve this development. And the main roadway is fm 973, which runs north from whisper valley to manor. It's a two-lane road in some places with no shoulders. If the road is not improved, all this development will follow this development into the city of manor and will cause tremendous congestion and air quality problems there. We're not saying somebody has not done their job. In this case city staff has done what code required. They reviewed the development for code requirements and the code requirements were met. The real issue here is that code is based on an outdated assumption. If you look at the city code, and I'm talking title 30, the joint city-county subdivision regulations, they don't really require a developer to address off site roads. He really only has to address the roads within his subdivision and miss whisper valley has done that here. That has never been much of an issue in the past because mainly the off site roads being the main arterial network was made up of state roads, farm-to-market roads, state highways, ranch roads. In days past, that worked because the city and county could focus only on the on-site road and the state had plenty of gas tax money to build the off site roads, the major arterial network. As everybody knows that's not the case anymore. Txdot can't really build roads anymore. So the question in this case is how is this road going to be built? How is going to pay for it? Travis county is working on a number of different solutions to that problem, but that's going to take a long time. The developers have proposed a phasing agreement. We're still actively considering that. We're looking at a road district. We're looking at perhaps another public improvement district. The solution may involve amending the code to address the off site road issue. The bottom line is all of those will take time. If you grant entitlements to all of this development today, there is no opportunity for you to come back and say wait, we don't have a solution yet. Let's find one before we allow further phases of this development to proceed. Since it is a code problem, you do have the opportunity to address it in the planned unit development ordinance. As you know the planned unit development ordinance can amend any provision of the code, so you could in the ordinance require the off site roads to be addressed in some way. That's one solution. We have met with staff, we have met with the developer. We are also working on a different solution which is to address the off site road issue in the p.i.d. bond process. As you know, this project will develop in phases and at each phase the city will be asked to issue p.i.d. bonds. It would be possible to say perhaps if you get two, three, four phases into the development and fm 973 and the other roads aren't developed, you could say we're going to hold off on bonds until the road problem is solved. Commissioner davis' preference is the p.u.d. Ordinance, however we are actively working on the other alternative and hopefully we will have that worked out before final vote on august 26th. Thank you and I'll be glad to take any questions.

Thank you, tom. It's a public hearing and there will be no action on this item tonight. Accordingly, those are all the speakers that we have signed up. I'll entertain a motion to close the public hearing for item 48. So moved by councilmember morrison. Seconded by councilmember spelman. Discussion? Opposed say no? It passes on a vote of six to zero with councilmember cole off the dais. That brings us to item 49, which is to conduct a public hearing for the limited purpose annexation of whisper valley.

And once again, annexation for limited purposes of planning and zoning extends to the regulatory authority. Areas annexed for limited purposes are not assessed city property taxes and the county continues to provide that road maintenance and public safety services. As the area develops, these residents will become city voters and the property owners have waived the requirement for full purpose annexation within three years and an annexation will occur on a schedule in accordance with the development agreement. Copies of the regulatory plan for the limited purpose annexation are available on the shelf behind me here. That's all I have for item number 49.

Mayor Leffingwell: Questions for staff? There are no speakers signed up to speak on this item, so I'll entertain a motion to close the public hearing on item 49, moved by mayor pro tem. Seconded by councilmember morrison. All in favor say aye. Opposed say no. It passes on a vote of six to zero, councilmember cole off the dais. That takes us to item number 51.

Item 51 is to conduct a public hearing and consider an ordinance amending the city code -- chapter 25-2, subchapter f. This is the residential design and compatibility standards to include in an area bounded by ben white boulevard to the north, interstate highway 35 on the east, william cannon drive to the south, and manchaca road to the west. This amendment was actually brought up by neighbors and the city council gave direction to move forward with this request. The southwood neighborhood association and residents of the st along with other property owners in the ben white boulevard property area made this request back in december of 2009. We have worked with the residents in this area and actually delayed this public hearing several weeks to allow for meetings to take place with the neighborhood. It is recommended to you by the planning commission. Staff is also recommending the code amendment. On the -- before you is a map. The area in blue is the area that is already subject to the residential design and compatibility standards regulations. The area is kind of in the maroon or burnt orange maybe area of it. The map is the area that is proposed to be expanded into. If you have any questions, I'll be happy to answer them at this time. I do have my technical john mcdonald. And I believe there are some people from the neighborhood that are also here that would probably like to speak to the amendment.

Mayor Leffingwell: Is this ready for all three readings?

It is ready for three readings.

Mayor Leffingwell: Any other questions of staff? We do have speakers signed up. No questions, we'll go to the speakers. First is andrea mccartney. Andrea mccartney. Does all that activity indicate that andrea is back there somewhere?

[Inaudible - no mic].

Mayor Leffingwell: Certainly, that will be all right. Josh maxwell. You have three minutes.

I'll be really brief. I live in the southwood neighborhood. The southwood neighborhood association started to get this ordinance expanded to our area, but it not just us. Throughout this process, which actually started about a year ago in september was when the first resolution was written by a neighborhood

association to get this ordinance extended to this area. We've held public , the neighborhood associations on their own have held those meetings to step through the ordinance, go through all the provisions, answer any questions. We were very grateful back in april to have a meeting with is the city staff, also at the south location, which is in the middle of the area where all questions were answered. Anyone having concerns or is unsure of what the amendment says, that went over there. And I'm really glad that I think throughout this whole process one of the main focuses has been making sure all the residents in this area understand the ordinance and know what it says through this whole process. There's been no loud vocal opposition from any of the residents in that area. In addition to the southwood neighborhood association, the salem lock neighborhood association also supports this, the combined congress contact area for that neighborhood plan also supports this. And I've been really happy with the process that we've gone through and make sure everyone knows what this ordinance is, and the fact that they all support it. With that knowledge would lead me to encourage you all to pass this. Any questions?

Mayor Leffingwell: Thank you. So all the speakers are signed up in favor of the amendments, so -- any order you prefer will be okay. I'll just call them out in the order that i have. Next is --

[inaudible - no mic].

Mayor Leffingwell: So andrea mccartney does not want to speak. Emily laden, don leach, missy bledsoe, joan owens.

[Inaudible - no mic].

Mayor Leffingwell: And mary rocomora.

[One moment, please, for change in captioners]

noting that one change, the map would be correct. So I just wanted to note that for the record and that our law department will get a map with a revised -- the legend area and then the title.

Duly noted, mr. guernsey.

Thank you. Anythi anythi ng from council? Entertain a motion.

Move to close the hearing and approve on all three readings. council member morrison moves to close the hearing and approve the amendments in item 51 on all three readings. Second by council member spelman. Any discussion? All in favor say aye.

Mayor leffingwell: aye.

Aye. opposed say no. That passes on a vote o 7-0. Okay. So with that, council, and with the concurrence of the city clerk, I believe those are all of the items on our agenda for today, so without objection we stand adjourned at 4:30 p.m.