

Closed Caption Log, Council Meeting, 08/26/10

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Mayor Leffingwell: Good morning. I'm austin mayor lee leffingwell. We'll begin this morning with the invocation by minister roger McCowan of brentwood oaks church of christ. Please rise.

Lord, together now we invoke your presence among and your gracious on this group of servants to the end they may conduct themselves with integrity as they measure carefully the impact of their actions on the world you created in a way that obligates us all to do what is good for the many over and above what is best for the few. Grant to each one of these in the day of work spirit and cooperative and respect for all and provide for those assembled here and those who help them energy to do well today what needs to be done. May one and all of them remain willing to hear the helpful suggestions from those whose lives they impact and whose money they spend. In all we do together, may you be honored by every word spoken, every deed done, every decision taken in this chamber this day. In christ we pray.

Mayor Leffingwell: Amen. Please be seated. A quorum is present so I'll call this meeting of the austin city council to order on thursday, august 26, 2010, at 10:07 a.m. We're meeting in the council chambers, austin city hall, 301 west second street, austin, texas. We'll go first to the changes and corrections to today's agenda. First, to items 2, 3, 40 and " and likewise to items 4, 5, 21, 22, 23, 24, 25, 26, 65, and 66, add the word " 23% m.b.e. and add 20.36%. 26% and insert 1.94%. On item number 42, add councilmember morrison as a co-sponsor. On item 43, add the words " on item 65, delete the word " on item 69, add the words after the domain rezoning endeavor dash should read, add the words "planning commission recommendation to grant major industrial planned development area (mipda) combined district " likewise on item 70 for the domain rezoning simon, add the words "planning commission recommendation to grant major industrial planned development area (mipda) combining " for item 71, add the words after planning commission recommendation, add "to grant commercial liquor sales (cs-1) " in item 74, add the words after zoning and platting commission recommendation "to grant planned unit development " and those are all the changes and corrections that we have. Our time certain items today, 30 we will get an update from the capital area council of governments. At 12 noon we will do our general citizens communications. , we will address our bond sales items. , we'll take up zoning matters. , we will convene a meeting of the austin housing finance corporation board of directors. , we'll take up our public hearings. 30, we'll have live music and proclamations. The consent agenda for this morning is items 1 through 49, with the following exceptions, and first before I read those exceptions, I will read appointments to our boards and commissions and any waivers that might be applicable. To the downtown commission, mandy dealy as the representative from the planning commission as nominated by myself, mayor leffingwell, and to the mexican-american cultural center advisory board maurice desimone is nominated by councilmember shade. And now those exceptions to the consent agenda. items 2, 3 and 40 are pulled because of their -- they are related to zoning item 78, so we'll take up those items along with the zoning item. Similarly, items 4, 5, 21, 22, 23, 24, 25 and 26 are pulled off the consent agenda and they will be addressed along with the related zoning items 65 and 66. At our 2:00 p.m. time certain. Items 8 and 9 are pulled by councilmember cole. Item 17 is pulled for executive session. We will hear that item after discussing it in executive session. Item 43 is also pulled for executive session, and it's actually listed as executive session item number 53. At this point I have no items that are pulled off of our consent agenda due to speakers who have signed up to speak on those items. I do have one speaker on two items which we will address momentarily. So with that being said, before we take a motion on our consent agenda, we will hear from david watson, who has signed up for

item number 28. David watson. And you will have three minutes. Welcome.

All right, my name is david watson. I represent industrial properties corporation. 9 million square feet of industrial and warehouse building here in the greater austin area. We've been in business here in austin since 1970 and we've developed all the buildings that we currently own and manage. We have over 110 businesses occupying these properties. We fully support amending title 4 of the city code to add chapter 4 through 7 related to metal recycling, and more increasing record keeping reporting of suspected stolen metals and increased civil penalties. In the past year we've had \$25,000 of air conditioning equipment, ground wires and electrical wires stolen from these properties. These crimes occurred at properties located at burnet road and longhorn boulevard in north central austin. We have met with austin police department to develop a plan -- action plan to reduce these crimes. We agree this is a good first step in reducing the theft of regulated metals, however, we ask that the city council work with the austin police department to develop tougher regulations to combat these crimes.

Mayor Leffingwell: Thank you. Did he talk anybody out of approving this on consent this morning?
Councilmember morrison.

Morrison: Thank you. I wanted to thank the speaker, but also I want to thank the a.p.d. I think everybody is on board that it's going to really be a good [inaudible]

Mayor Leffingwell: Michael will also signed up not wishing to speak. Mayor pro tem.

Martinez: I just wanted to echo the comments councilmember morrison made but also to highlight how significant of an issue this has become in the down economy. Up to and including a thief on the pole trying to strip wires. I mean, that's how bad it's gotten. This copper and these metals are worth a lot of money, and, you know, these are difficult times. And so I believe with the work and the metal recyclers we've come up with a fair balance of how to put measures in place to catch folks that are stealing these materials and trying to sell them at a profit but at the same time allow the businesses to operate in a manner that is efficient for them as well. I want to change chief McDONALD, CARTER, ALL THE Folks who worked on this, really do appreciate all your efforts.

Mayor Leffingwell: Those are all the speakers signed up to speak on consent items. I'll entertain a motion to approve the consent agenda.

Move approval.

Mayor Leffingwell: There were about three of those. Councilmember cole moves approval.
Councilmember spelman seconds. Any discussion? All in favor say aye.

Aye.

Mayor Leffingwell: Any opposed? Approved on a vote of 7-0. So council, we've got a few minutes before our morning briefing so we can take up as much as we can, but I believe all we can take up is items 8 and 9 pulled by councilmember cole. Councilmember cole. You have the floor.

Cole: Yes, thank you, mayor. On item number 8, is there anyone from excel construction here or dsmbr?

Mayor Leffingwell: Pardon me, councilmember. Could I ask everyone to kind of hold it down as you exit the chamber. We're still going on with our meeting. Thank you. Go ahead.

Cole: I am pleased the participation have improved over the last three months but I'm concerned in this contract with the participation of african-americans and I would like you to give a brief summary what

was done for outreach efforts.

Good morning, mayor and council. My name is deborah dibble, assistant director for small minority business resource department. I needed to understand your question again, councilmember cole, as to african-americans specific for item number 8?

Cole: Well, yes on item number 8. I'm concerned about the amount of african-american participation, but what your outreach efforts for all minorities under our current ordinance.

Okay. We are currently working on doing some ordinance changes and to ensure that we get more participation and more outreach that that's going to come up in our october council. We're going to make a recommendation. But we are trying to do more work towards good faith effort and defining good faith effort and how that outreach is done. It's going to be looked at two points of contact instead of one method of contact to ensure everyone on our availability is being contacted and that there is some physical -- some contact with either phone or email so we can get a better representation.

Cole: Okay, and I believe on certain contracts at least that we do provide some notice in newspapers. Was that done?

Now, on item number 8, there were not subgoals so there was no specific african-american goals. There were just the -- there was just a composite goal of goals which were 2.65 for m.b.e. and 1.63. Those were the goals set. So there were no ethnic goals set on number 8.

Cole: But the outreach --

they did contact everyone on the list. There were -- they contact all and all of the participants on the significant local business present, so all were contacted.

Cole: Okay. I see assistant city manager rudy garza back there. Can you shed a little bit more light, I know you are very familiar with ordinance and you attend our committee meetings and you are very well aware of what this council is trying to accomplish within our legal guidelines.

Mayor, council, rudy garza, assistant city manager. On this particular solicitation, it was a little different only because as a matter of practice if it's below \$500,000, we don't provide ethnic specific goals. We did have the -- the goals, and in this case the contractor in fact exceeded the required goals so no additional outreach efforts were required. They did contact everyone on the availability list, and as a practice, as we do with all solicitation, if they were unable to meet those goals, they need to demonstrate additional efforts. But in this case they were able to meet and in fact exceed the goals simply by using the availability list. So this one is a little different than most of the contracts that we are - that we present to you.

Cole: Okay, I just want to make certain that we are clear regardless of the size of the contract. We want to do -- continue to do a good faith effort in outreach to minority contractors.

Absolutely.

Cole: I also have some questions about number 9, the excel construction services from leander, texas. Can you tell me about the good faith efforts that were made in connection with that.

Number 9 is pepper lawson, councilmember cole. Number 8 is excel. Do you have questions about number 9?

Cole: I have questions about number 9.

Okay. As you know, a firm is deemed compliant if they either meet the goals or exceed -- meet the goals or at least show more than half of the percentage of the set goals. In this particular instance, pepper lawson did exceed some goals and the ones that they did not meet at least half, there were some good faith effort that was reviewed, and pepper lawson contact, 33 of the 34 african-american firms, they contact 13 and of all 13 asian native forms and they contact 46 of the 48 women firms in the slbp. So additional reviews were looked at, and what they did was the bids were submitted by all of them and they were not used because pepper lawson had made a determination that they are going to - they are going to actually perform the services because of the cost of the bids, they were high bids, and they are going to set the form. Now, additionally our director, miss laura, contacted pepper lawson and they made a commitment to go back and utilize and commit to use some firms on this project that are african-american. So pepper lawson is here today and they are here to speak to that if needed additionally.

Councilmember, I would also add in addition to going through the availability list, the efforts of pepper lawson, they reached out to smbr on two different occasions to seek our assistance to help find additional m.b.e./w.b.e. Contractors. In addition to that, they also broke down some of the scopes of work to make them more economically feasible so a smaller firm could in fact participate. So based on that, they demonstrated additional efforts to try to increase participation. And I believe there is a representative here from pepper lawson that may want to speak about their additional efforts.

Cole: I would love to hear from them.

Good morning, honorable mayor and councilmembers, josh layman, project manager for the pepper lawson construction group. Regarding our efforts, on bid day sometimes it's difficult to determine scopes based on last-minute entries of bids from different subcontractors, and the plan that we've submitted, we are going to request some changes to that plan that will increase participation for both minority -- the minority group, hispanics and the african-american participation. We'll more than double the original participation that we had for the african-americans based on what I've going to request for approval through the compliance -- changing compliance plan, and we'll also have some increases to the hispanic-american participation.

Cole: Well, certainly appreciate that increased commitment and effort on your part and think that I can almost speak for the entire council in support of our ordinance and what it requires, and you have voluntarily agreed to go above that commitment. And I recognize that you are from katy, texas; is that right?

The company is based in katy.

Cole: And we do business with companies all over the world and I support that, but there's also a large commitment in austin to make sure that we also recognize and assist our local businesses. So I appreciate when that type of additional effort is made from any company. So thank you for coming down and thank you for your testimony and thank you for your additional commitment.

Thank you very much.

Mayor Leffingwell: So i have a question. I guess mr. garza. Did I understand that we are -- we are embarking on a process to revise our m.b.e./w.b.e. ordinance? Is that correct?

Yes, sir, we in fact have posted that, we've presented that to the subcommittee and we are working with the advisory committee now to obtain additional feedback so we are in the process. The primary change is in fact with good faith effort to enhance the good faith effort, require -- have additional requirements

so that we can do everything possible to increase participation.

Mayor Leffingwell: Well, I know it's a very fine line that you have to walk here to make sure that you have an effective ordinance and at the same time a legal ordinance, one that won't be stricken down and imperil everything we've already achieved so far. So we're going to be looking at that as a council in when? October?

October, correct.

Mayor Leffingwell: Okay. Thank you.

Cole: Mayor, I'll move approval on both items.

Mayor Leffingwell: Councilmember cole moves to approve items number 8 and 9, seconded by councilmember spelman. Is there any further discussion? All in favor say aye.

Aye.

Mayor Leffingwell: Opposed say no. Passes on a vote of 7-0. Thank you. So council, amazingly we do not have any more items on the morning agenda that we can take up now and so we're waiting for two minutes to 30 time certain briefing by capcog. So if the capcog briefers were kind of ease their way up to the podium, we can begin that at 10:30. Okay. Go ahead.

Good morning. My name is betty boyd and I'm the executive director of capcog, and mayor, councilmembers, thank you for having me on the agenda this morning. I want to acknowledge councilmember riley who is one of our board members. Our board decided this year in honor of this being our 40th anniversary that we should do some things different this year, and one of those was to go around and talk to our cities and counties and make sure that the elected officials and their staff knew what all we do. It's been a long time since we've done that, so we're past due. What I'm going to do is walk through fairly briefly most of our programs. I'm happy to take questions at any point or at the end. And I'll just get started. What you see in front of you is our region. We cover all 10 counties. It's kind of a unique area because we have very urban and very rural out to the farthest west and east, but - but it makes a nice blend for some of the programs that we have. Basically cities, counties and several other organizations -- there it is -- can be members of the council of government, but we mainly serve cities and counties. Lcra, school districts, chambers of commerce, there's a lot of different organizations that join us. The question that I get asked most often is what is a cog. And basically we're kind of a strange animal. If you are not connected with the city or county, you may have never worked with us. We're basically a political subdivision like a city or county, we're created by the local government code. All of our members are voluntary members, so we want to be mindful of taking care of those that pay our dues every year. We can do anything except enforce laws or levy taxes. And that is a nice situation because when cities and counties come to us and ask us to take on certain types of projects and programs, we're not limited in what we can do except for perhaps the resources to actually do it. Councils of governments, our main focus is really to do regional level things, so we don't spend as much time with individual cities and counties as we do trying to continue to waive the regional flag and get projects going that cross city and county boundaries. There's an economy of scale that's created by doing that in a lot of case. In some cases it's just the state or federal agency that tells us that something has to be done at a regional level. A lot of times it's a project that really can be addressed by an individual city or county. There's 24 in texas. There's three cogs that are only three counties and some of those in north and northwest texas are much bigger, up to 22 counties. Just briefly, we went in last year into our bylaws and changed our governing body so we would ensure we were more reflective of the growth going on in our region. One change we made was to give the city of austin its own slot. Just about all the cogs do that, at least the metro cogs, so we felt like that was appropriate. We've always given a you will the counties a slot. Travis county gets two. And then we went in and tried to capture representation by both the small and mid sized cities. So we feel like we've done a good job of getting a

fairly well-rounded board. We have three at large slots so we can make sure geographically we get everybody. I won't walk you through all of that, but that's basically our board currently. In december we will vote on a new board for the calendar year 2011. Our chairman is the bee cave mayor carolyn murphy, and basically our officers, we try to do city, county, city, county and alternate so we get both of those groups represented. So how are we funded? It's kind of a hodgepodge really. Of the federal money we get directly, most is from the department of commerce economic development administration and that's that top one much then we get a lot of federal money that passes through state agencies. The majority of that is the administration on aging that gives the money to the department of aging and disabilities at the state level, and then they pass on funding to us for our aging program, and I'll talk more about that in a minute. The other portion of that is the federal homeland security money that goes to the state, and that money doesn't actually come to us. We recommend how it gets spent. The majority of our funding comes directly from state agencies. Of that almost 11 million. The biggest portion of that is 911. At one time all the 911 money that everybody pays on their phone bills went directly to the cogs, and then the legislature decided that they were going to have that go through them and appropriate it back to us. Which is not a wonderful situation, but that's nothing we can do about that. The other state money that comes directly to us is from tceq to do municipal planning and air quality, criminal justice. We get some fund to go subsidize our regional law enforcement academy. And then the cogs all get what we call a state planning assistance grant. That is basically \$5 million per biennium for all 24 of us. Our share is only 138 million. And -- or 138,000. 138,000. Million, I wish. And that's the money, that's part of the money that gives us some flexibility to do some things that aren't specifically tied to some of this funding. Those are our divisions. Area agency on aging is our largest one. Community and economic development has two people so it's our smallest. And I'll go through and describe each one of those. First of all, the area agency on aging, we do a lot of things through that. First of all, we contract directly with a lot of service providers to do in-home meal delivery, in-home repair. We provide some assistance to elderly folks that are very indigent when it comes to some of their bills for dental work and hearing aids, that type of thing. We also do contracts directly with senior centers to provide settings for congregate meals for seniors to go to. And some of the other activities. And we contract with card to provide some transportation for elderly to get to medical appointments and things like that. Our staff provides direct benefit counseling to elderly. Basically to the elderly and to their caregivers. And we provide counseling in about anything that could come up. Everything from confusion over social security benefits, perhaps, to being evicted from a rental space. If we can't help them, then we figure out who can. Our ombudsman program is what we do in the nursing homes and assisted living facilities. Dads, department of aging, disability services requires all of the cogs to have an ombudsman program where we provide basically a patient advocate in every nursing home. And we only have three people on staff so we don't do all that ourselves. We have a core of volunteers that we're consistently training. We're always looking for new volunteers, by the way, to go out and do that. The certification even at the volunteer level is fairly rigorous for liability reasons and that type of thing, but we're constantly looking for that. It's important to get somebody out to those facilities periodically so that the patients feel like they have something they can talk to if they are scared of the staff, and that happens. We've moved a lot more in the last few years into caregiver services because so many of us have elderly family and neighbors and we need some support on how to deal with some of those issues. And then falls prevention, we're starting to move into try and do outreach that is more preventive in nature, and if falls prevention is a big one because I would bet most of us know at least one person who has fallen and broken a hip or shoulder, and so we're trying to do more education on that. Community and economic development is where we basically did all the census work. We do -- this is kind of our data shop. A lot of the cities and chambers of commerce call us when they've got an economic development project going on and they want different types of demographic and economic data. We do economic impact studies. Even the austin chamber calls us periodically for data. And then we do some direct services for cities and counties. Typically more the case for those that don't have staff. In fact, we probably get more calls from some of the county officials than we do the cities. Emergency communications is our biggest portion of our budget. It's not our biggest staff. Basically the 911 fees that everybody pays on their phone bills, luke I said, goes up to the state, comes back to us and we do a lot of different things with it. First of all, every 911 call taking center is called a psap, public service answering point, and we have 32 in our 10 counties. That includes the four that sit in ctec. We also have a backup psap at our council of governments that austin-travis county shares and I think most of you

are familiar with that. That has 34 positions. And is fully operable at any point in time if call taking needs to be moved over to a different site. We also -- the city moves people in there to take calls when any type of major equipment is getting changed out or testing done over at ctec. We are required to do a regional plan which is largely about replacing capital equipment. Most of the equipment in the 911 centers is basically computer equipment that gets much heavier use than typically you would have on your desk top and we try to get those replaced every three to five years. And then we also fund and maintain all the backup equipment that goes with that like servers, call recorders and that kind of thing. We do mapping for the whole 10-county area. We get some help from the counties and the city of austin on this. The mapping accuracy is critical because texas, and particularly our region, has complete deployment of phase 2 wireless. And what that basically means is that the first step was to be able to identify a 911 call on a land line, then we moved into being able to identify where a cell phone 911 call is coming from, and so the more accurate the maps are, the better that call taker can see on their screen where that person is. And I'm going to talk in a couple minutes about our next step with how we move 911 calls in our next generation era. We train all the 911 call takers. There's required classes that they have to have and we also train them on equipment. We have extra equipment in the backup center so we can do that. And basically we pay the phone bills because you have to have dedicated phone lines into all THESE PSAPs JUST LIKE YOU Have in your home if you still use a land line. Embedded in those costs are also database costs because someone has to keep this database that has all these phone numbers and addresses linked together. And we probably spend about 300,000 a month just on those phone bills. Homeland security is one of our newer programs. Obviously we weren't doing this before 9-11. When -- after 9-11, governor perry decided that he wanted a regional approach to homeland security because he thought it was important that cities and counties work together on how they would respond to a catastrophic event. And so we created a task force that includes all of our county emergency management coordinators as well as the ones in city of austin, and they oversee multiple planning committees that look at technical response, they look at communications interoperability and five-year plans are done for all those areas. So when the federal money does come down and is allocated, that funding is directed toward those plans. We know from experience in distributing money that you can't wait until the pot of money is in front of everybody and then hope that - that everyone can be regional in their thinking. So in advance we decide what our priorities are. One thing that we've done that's been important, when we first started getting this funding, we said we're not going to hand out money to every city and county or we will never build any significant capacity. So our strategy has been to build our capacity along the corridor with city of austin, travis county, williamson county, round rock, hays, san marcos. We think obviously those are areas that have the tendency towards the most likely catastrophic events and that's what we plan for. We don't plan for the day to day, we plan for the catastrophic events. And so a lot of the money we put into equipment has gone to those jurisdictions. The caveat, though, was that those jurisdictions would be willing to respond throughout the 10-county area. Most of you all do that anyway, but the smaller cities and counties felt like that was a good plan because they know that if something ever happened out in their area they would be calling on austin or travis county anyway. And so that's worked well. Everybody has played well. One thing that we are finalizing is to be able to have true communications interoperability in our entire region. On 9-11 a lot of first responders couldn't talk to each other, they had different radio systems, they were on different wave lengths and different bands and frequencies. So we have addressed that by making sure that at any event, anyplace in the region, all the first responders will be able to talk to each other. We have response protocols that have been developed which basically ensures that if you are in llano or lagrange you know which city or county that has the equipment is going to respond to you. We've spent some of our funding on a couple of tools that have been valuable. Basically everybody knows that it's reverse 911. That is actually linked to our 911 database so that was kind of an easy thing to set up. We've added a second level of service to that so that cities could actually send out calls to people if they need to issue a boil water notice and things like that, which are not really the severe emergencies. Web eoc is a web based system where if we're in the middle of an event, and it might be where we've had a hurricane and we're getting thousands of evacuees into our region and we're trying to figure out which shelter to put them in and how to deal with that, all of the folks in each of the counties and the cities can log into this eoc on the web and figure out what our resources are, who needs what, if we need to go moving ambulances around the region or any kind of other capacity. It was also valuable when bastrop county had their big fires a little over a year ago we

had four counties working on that. Under regional services, that's kind of a hodgepodge of smaller programs. We continue to do the air quality planning for the region. Our role is really not to do the education and outreach. Clean air force does that. Instead we actually manage the monitors that collect the air samples, develop the emissions inventory that identifies what is in our air. to do the photo chemical modeling so we can look at the strategies involved for lower emissions, and we continue to have our regional compact in place, the ozone flex program. I think I'm getting the name wrong on that. We've had three of them. This commitment from the cities and counties and the msa to continue to work on lowering emissions. And we're committed to doing that through 2013 regardless of whether we get designated nonattainment. I did check before I came over this morning with my air quality staff. , as you probably know, was going to make a decision by the end of august on whether they were going to go with a new standard and that's been delayed. says until the end of october, but we're going to guess it's going to be probably till after had election. The governor's office of criminal justice gives us funding to do planning, criminal justice planning for the entire region, and then the funding for victims of crime, juvenile justice, safe and drug free schools, violence against women is all planned and approved by our criminal justice committee. The funding doesn't actually flow through us. We just make recommendations on which projects should be funded. And probably the majority of funding continues to go into victim services type of activities. We're required by tceq to do a regional solid waste management plan and we're in the process of updating that now. We're doing that in partnership with the city of austin and some of their staff because we know there's going to be an overlap of a lot of the data we would collect. Going along with that is a requirement that the cogs review any applications for new or expanded landfills. And so we've done some of that with some of the expansions of the landfills in northeast travis county. We continue to have some projects, you know, even if a company is changing their permit for grease traps and things like that, they have to go through us. We do some transportation and land use planning. It's pretty minimal because i have one and a half people to do it. One of the things that we have done is to establish a rural transportation planning organization that acts like a mpo but serves the area outside the mpo. A big push on that was to try and start getting rural counties a transportation plan so they can maximize land use authority given to them by statute. So we've morning with -- we did bastrop county and burnet county so far. We've been pushing caldwell county to let us get down there and start doing planning for them since they have this huge highway that's carving through the side of the county, and then we'll probably look at blanco county too. Our focus those contiguous to the metro area. It's been called several things and it's a federal requirement passed on to the state that they pass on to us that says we should look at every application for federal money and determine whether it's good for the region, whether it did you happenly indicates anything else going on. There's a whole list of things we're supposed to look at. We have a committee that does that. Occasionally we send in comments because we have a problem with something and we can't determine that any of the federal agencies listen to us. So we're still required to do that and we'll continue to. We also manage the regional review committee. City of austin and all the larger cities get their community development block grant money directly from , but if you are a small county or city you have to compete for it and they go through that process. Then the last department under regional services is gis. We have a regional law enforcement training academy. We've had that for a number of years. We basically do about four basic peace officer courses a year. We do daytime and nighttime so we can get folks that may have other jobs but want to become law enforcement officers. We average about 35 people per class. We pretty much have one going on all the time. I'm proud to say that we've continued for about three years now to have 100% pass rate. First attempt when folks go to get their license at tclos. We also do the continuing ed. Once you are a licensed police officer, you are required to do a certain level mandated courses on a two-year cycle, and we provide all of that. We've started doing jailers basic courses because we have a lot of counties that figure out they need a lot of jailers quickly if they are doing expansion or bringing on a new facility, and we go do those out at site. We've done two for bastrop, one for lee county and one for burnet now. We survey all the sheriff's departments and police departments every year to find out what they want and what they need. And some of that goes beyond the required stuff. We do forensic hypnosis. There's some other classes that have great appeal. And that's not just city and county. at those and some of the other law enforcement departments. You know, we understand that city of austin has your own academy. We do in our last class, we did get a few firemen. And that was because they needed that to become inspectors and so we were always happy to have any of the city of austin folks in our classes. On administrative services,

we have 12 folks doing that. It's basically I have two , four people that do finance, two front office people and four general management. That's a look at our budget. You see that emergency communications is about 45% so that's the hugest amount. Aging services comes in after that. And finally, things that we're working on for now and moving into 2011, we're beginning to move -- we've been doing training for a long time in homeland security, law enforcement, because we're going to expand that and move into some other areas. One of the things that we're planning is to do a economic development course for elected officials that are interested. We believe that sometimes the folks that do economic development have a different perspective than perhaps what some of the elected officials might have. And I hear that a lot from some of the mayors and county commissioners. We are about wrapped up with our assessment of growth and development. This was an interesting project because the capcog board really had never directed us to do anything in this area before. Two years ago, october, they said, you know, we think capcog is, you know, pretty much a neutral body, you don't re a dog in this fight, we want to you assess deem in these four areas. And that was pretty much the extent of the guidance we got. And so it took us a little while with limited staff to kind of ramp this up, but we're making real progress now. Councilmember riley has been involved in this. We have the hays county judge that's active in it. You know, a lot of the -- the burnet county judge. We've got the pflugerville assistant mayor or mayor pro tem. So we've got a good cross representation of folks. Commissioner huber from travis county. And we got going on this and we said this has got to be all about land use. Once we map where all this development is going and everybody sees the sprawl in unincorporated areas, we're going to have this epiphany. We started asking for information about development and the first time the committee met they said we want to look at water. Water is not an easy thing to look at. There's just so many moving parts and probably the biggest challenge we had was just to get the data from the providers on where the water contracts are, what the balance is and consumption. Now we have a map that looks at where water is and may not be in future. We've put an overlay of transportation on that to begin to figure out what ramifications that's going to have for growth. Out of our stimulus money, we bought a use of force simulator. has one but it's not mobile and they have a lot more people to train on it, we understand that. Our is mobile. We're going to move it around the 10-county area. We expect it to be here next week. We ordered it back when the stimulus money came out, it took so long to get the stimulus money that our bid expired. But, you know, we're back on track and every city and county will have an opportunity to use this. We got eda money to do an innovation cluster project and we funded the pecan street. Kind of a little bit of the history behind that, the new administration was pushing the economic development administration to move away from the traditional funding industrial parks, which is what they've done for years. And try to look more innovatively at how we do entrepreneurship and we do more business development. And industry clusters have been around for a few years. Bere ey were target industries, there's always been the economic development terms. Basically what it is is a cluster of businesses that are interrelated and so they can be more competitive because they share certain types of workforce and technology and that kind of thing. What eda and the obama administration wanted to do was start funding the development of clusters and particularly clusters of businesses that are innovating. So the eda regional office which covers our five state area of texas, oklahoma, arkansas, louisiana, new mexico, decided to fund a project in each state and we're the project for texas. And they said you can do whatever you want as long as it's innovative and has economic development so what we're looking for is not just the cool part of the whole smart grid demonstration, but the organic spinoff of business activity that's going to come from that, whether it's applied research, patents, you know, new professional services and all of the things that go with that. And we'll be showcasing that project next month. We're hosting a national conference of regional councils the last week of september and that's going to be one of the things we're going to go talking about with the other cogs from other metro areas. The geospatial base map, we do this every year or two years. This project we did last time in 2009. We saved the participating entities about \$200,000. Basically what we do is go out and bid a contract for aerial photography and imagery and coverage of that, lidar and elevations and that kind of things much we get good pricing and we do a call for projects. And any governmental entities that's interested can come on to that and they save money through the economy of scale of the pricing. Last time we did it, we had travis county appraisal district. Campo usually comes in, travis county did it, the cities of san marcos, marble falls, lagrange, city of austin participated. And it usually every year or two it varies depending on, you know, who is at the point where they either want imagery or they have money in their budget. The last thing I want to mention is next generation 911. We have the same phone system we've

had for 40 years with regard to the old southwestern bell or it wasn't even southwestern, the old ma bell legacy system in the ground. And nowadays you all know that there are a lot of communications devices that can move information digitally to a lot of places, but not to the 911 center. We still can only take a 911 call by somebody picking up the phone and calling. That's a huge problem for all of the younger generation that thinks they can text 911. It would be great if we could get something in place so that the disabled community would have better access. So we're moving on that. Next gen 911 will be moving the 911 s an intercom platform and it will be a secure internet system. We're going to have regional internets for 911. Our region already has thundershowers place. There will be up to 14 in texas so that implies a lot of cogs and cities and counties are going to have to work together. We are on the cutting edge of this. We've already done our first beta test to actually move a 911 call completely on ani.p. System. The problem for us is going to be that the phone companies are not inclined to make the infrastructure on their end to get the system in place. So we'll continue to have to have a gate where -- gateway where we move a 911 call from an analog system into a digital system. Once it gets into the digital system, not only will we be able to take text calls, but if you are seeing a robbery going on, you take a picture of that, you can send it to us and we can move that photograph out to a patrol unit instantly. So it begins to create an opportunity for a seamless public communication system for us. If you have on star in your car right now, if it goes off, it goes up to a call center and then they call 911. It would be able to send a signal directly into on 911 call taker immediately. So we're excited about that. We're the first place in the united states that's doing it. And the only thing that's going to hold us up is this next legislature session if the legislature doesn't keep giving us money to move forward. We are in the process now as we replace our computer EQUIPMENT IN ALL THE PSAPs Of putting ip capable equipment so we can continue to move on that project. One more thing, I signed a new contract this morning. We are a pilot for -- under our aging program for life span respite care, and that's going to be an expanded way to work with not only terminally but chronically ill elderly folks and come up with some best practices on thousand train the caregivers in those situations. And I'll stop there and see if you have any questions.

Mayor Leffingwell: Questions? Councilmember riley.

Riley: Thanks for the briefing. It has been my privilege to represent the city of austin on capcog for the past year or so and it has been a real pleasure to get an education on how much inter regional -- intraregional coordination and cooperation we have going on on a whole host of issues covering on whole spectrum from public safety to aging and solid waste and now growth assessment, as you mention. I've been very impressed at all the very excellent work that is going on and much of it unknown across the 10-county region but it is truly impressive I i wanted to ask you about one thing that i know you've been working on lately and that is a grant application relating -- on some h.u.d. funds. Could you bring us to up speed on how that grant application is going on the livability or sustainability?

Yes. You know, this is a great -- this has been a wonderful regional project. If obama administration decided that maybe it might be a good idea for regions to begin to cross-plan housing with economic development, with mobility, with transit, with environmental issues because all of those pretty much get dealt with in silos right now. And so we thought that was a great opportunity to look at it in our region and to start figuring out how we bring all of those together. Basically there is a new called sustainability. It is a partnership between , department of transportation and e.p.a. We think some other federal agencies will come into. That they will give a region up to \$5 million to do a project and you can either do the visioning which basically our region had done a now years ago with envision central texas, or we can do something that actually implements. And so we have applied for that to do an implementation level project. We have a partnership of the city of austin, city of round rock and city of san marcos, which we thought was great to get all three of our largest cities. , acc and texas state, the workforce board, the housing finance corporation. You know, I always hesitate to start listing people and leave somebody out. Basically all the regional players that would -- we have neighborhood works. Anyway, I knew I would leave somebody out. But we have put that application in and the premise that we're applying for so to look at the growth centers in the campo plan. And the question we started out with was if we really want our growth to be focused into these centers, how are we going to do that. Because a lot of our cities and most of our counties really either don't have the inclination to be pushing that right

now, the counties don't have the authority to do it. And so how do we really make this happen. And so we decided that was going to be the focus. Our goal will probably be to pick between five and seven demo sites, if we get funded, looking at those activity centers. We'll definitely have at least one in the city of austin but we also want to look at make lockhart or maybe elgin and get them to begin to understand why they need to think about how they are developing also. The other cool piece of that is that working through the city of austin we are would play a role in our project by developing a analytic system that would do what's not available anywhere that I can determine, and I called a lot of people. Right now if you do transportation modeling, you can put into that model certain types of road capacity and changes this the transportation system and determine the impact of that. But what we're proposing is a model that looks at transportation as it relates to where housing might be located and where people are work and living. And that's a huge issue for us because as you all know, if, you know, if we don't address this before we become nonattainment we're going to have to address it after. And our data shows that almost 70% of folks that have jobs in our region go to another county for that job. So we have a lot of commuting going on. And so this is going to be an exciting project. Weaver required to have a 20% match and we've exceeded. We don't know when they will -- when they will actually headache this award, but -- make this award, but we think if texas has a chance and pretty much every metro region has a pride. If texas has a chance, our metro probably has a better chance than the other three. Itself with someone from washington yesterday with our national association of regional councils and she said that based on the ridiculous calls that they were receiving the last couple days before the application was due, that there was a lot of metro regions that were just applying without really well thought-out projects. The reason that's happening is because there's been some clues from the feds that if you don't at least apply for this funding, whether you get it or not, you don't get extra points towards future tiger 2 money for transportation and other things so they want to see regions that are trying to work together on these. Thank you for asking. It's going to be a good project.

Riley: It is an exciting project and I'm deeply grateful we have an organization that has the vision and the capacity to do an application like this and do it very well. I'm very thankful for all your efforts on it and for everything else you are doing.

Thank you. Thank you. Any other questions?

Mayor Leffingwell: Councilmember morrison.

Morrison: Thank you. I just wanted to briefly say welcome to miss boyd. I appreciate councilmember riley has taken over the role representing the city of austin, but for me the year before, it was amazingly informative and educational not only to understand, you know, didn't understand the nitty-gritty of what it takes to put together, for instance, our 911 system and all of that. And there's a lot of work that goes on that capcog does and i appreciate that. It's also a great opportunity to get to know and build relationships with folks in the nation and I don't know of any other opportunity to work like that. All 11 counties is it?

10 Counties. We have 25 people on the board. And, you know, both of you all that have served know when they come together it's not about big or small or rural or urban. They are very regional thinking and come together on a lot of really important issues.

Morrison: Absolutely. And great capacity you have and bring to the table so thank you.

Thank you.

Mayor Leffingwell: Thank you. Before we go into executive session, I neglected to announce earlier, point of personal privilege and announce now that our -- as are reminder, our september 30th meeting will not be held here in the council chambers of city hall, instead we'll be at the carver center at 1161 angelina street ON SEPTEMBER 30th. And also just to clarify an issue, as announced earlier, all of our public hearings are time certain. There is no change in the time certain for the public hearings. With tall

I'll recognize councilmember morrison also on a point of personal privilege to ask a question of the city attorney.

Morrison: Actually it was a question of city staff.

Mayor Leffingwell: Okay.

Morrison: We are going to be going into executive session to discuss number 17, item 17, which is an aipp project, and I thought it would be helpful if we could -- if I could ask staff before we go in to describe the aipp process in general, not with regard to what happened here specifically so that we can have a more informed discussion in executive session.

Thank you, councilmember. Kevin johns. In order to talk about the process, I think I first need to kind of explain the kind of thought process, and I have to say as a newcomer I'm very impressed with the staff coming up with the idea for the seaholm structure in the first place. I think it's a very visionary idea to embed a giant piece of artwork around a substation in \$175 million project. I think that's really just a brilliant idea. The process -- the overall process, I guess, is really what you would like to know about. The typical aip process is different from the enhanced process, which I can speak about later. But the aipp program is governed under council ordinance. It is appointed by the arts commission and it is a seven-person panel of both artists, visual arts and design professionals that serve two-year terms. The current panel is made up of seven individuals, I'll tell you who they are and what their credentials are. Risa pulao, who is at the blanton museum. Jamie castillo, writer and artist, has a bfa in studio arts from the university of texas. Jennifer chenowith, artist, painter and sculptor. Murdery leg oh,, architect, who designed the arch, which as you know was recognized by aia with a green building award. lynn osgood, urban planner. She has a long acronym that as a city planner I couldn't figure it out but it is a really great degree with so many credentials attached to it. Irene roderick, who is executive assistant to the chair of the art and art history department at u.t. She's the liaison to the art commission. And lastly ryan thompson, who is in the private sector as a graphic artist. The owner of a firm called flash bang. In the typical art review process, the seven-person panel appoints a separate three to five-member selection panel. That membership of who they select is geared towards what kind of project it is and what kind of goals they hope to achieve. In those cases there's also advisers from the city for whatever departments are relevant or from stakeholders in the community. For example on, the library project, in addition to the subcommittee or the selection panel that was set up, there were also representatives from all of the areas where the library would have an impact. The selection funnel reviews these functions, reviews artists submissions and creates a short list who are interviewed in person and asked to select credentials. The selection panel process then makes a recommendation to the aipp panel at a public meeting who then makes a recommendation to the art commission. And then on to the mayor and council if the project has a value of more than \$53,000. So that's kind of a summary of the art and public places project process. There's a lot of p's in there. [One moment, please, for change in captioners]

instead of creating a committee, a separate committee, acted as the representative. They acted actually as the selection committee. And added four staff persons, two from egrso, registered architect and a registered landscape architect, and two from austin energy who were engineers that could talk to the specific requirements of the project in terms of its size, security, the insulation of the electricity and other issues. So --

Mayor Leffingwell: johns, I'm afraid we're getting off into an area here of having a council discussion on an item that has not been called up. I understood that the effort was just to ask a question and get an answer to the question. So if we could confine ourselves before we get into the area of doing something we're not legally supposed to do.

Yes, sir.

Mayor Leffingwell: Okay?

Morrison: Okay.

Mayor Leffingwell: All right. And so we will now go into executive session, closed session pursuant to section 071 of the government code for consultation with legal counsel to take up five items. The first is item 17, concerning the award of an agreement for the design of the seaholm substation art well. Item 51, concerning a proposed electric franchise agree the city of westlake hills. Number item concerning the development of mission bethany subdivision, site of bethany ruth ran church. Item 53, the time warner franchise, and item 54 -- my microphone dropped off. Item 54 concerning the restated acquisition development and loan agreement or tri party agreement between the city of austin urban renewal agency and the city of austin revitalization authority. Is there any objection to going into executive session on the items announced? Hearing none, all those in hearing none, the council will now go into executive session. [Rumbling] Announcer: What if a disaster strikes without warning? What if life as you know it has completely turned on its head? What if everything familiar becomes anything but? Before a disaster turns your family's world upside down, it's up to you to be ready. Get a kit. make a plan. be informed today.

Leffingwell: We're out of closed session. In closed session we took up and discussed lelz issues related to item 17, but did not complete that discussion. And so we'll finish that when we go back into closed session. Obviously no action was taken. We now go to citizens communication, our 12 noon citizens communication. And the first speaker is gus pena, who has a lengthy list of subjects here that are posted on the agenda.

And all appropriate, mayor. All of them are appropriate. Good afternoon, mayor, councilmembers, gus pena, native east austin iet. Glad to go back with y'all after a long needed sabbatical. For the record, do not cut any funding for social service ealings, do not postpone any police cadet academy classes now or in the future. Please continue to fully fund all youth summer job programs and senior citizen programs. Need it. We need it bad to keep the kids active and seniors active also. They paved the way for us. Property taxes going up, property values going down. Not good. A lot of people stop me in or wal-mart whenever I have cans or money to buy food, they say pena, this is not good. Address it with the mayor and council. I'll try my best. The city needs to improve communication with the community. Mayor and councilmembers, you call people, sometimes your office also, you did not get a return phone call. That's not good. It's unprofessional. We need tomorrow prove that also. -- We need to improve that also. Allow community leaders -- back in the '70's, '80's and '90's, the chief used to allow citizens or community leaders or whatever to speak to the cadets about the so you build proper community and police relations, improve relations that way and just a suggestion to the chief and mayor and council and city manager, you know, bring this back about and have citizens speak at the police academy. The cadets will learn from the community and the community will prosper also. And we need to also improve community relations. It's a divided city. That's not good. My city shouldn't be like that. Support our military. Show your appreciation and thank them for the service to our country's freedom, safety and democracy. I was going to call you judge, mayor. Mayor, I would ask -- i haven't been there in a long time.

Mayor Leffingwell: A promotion.

Probably. Without the pay. We would ask you respectfully to reassessment all travel outside the city of austin and see if it's appropriate, needed. At this time of the economy and recession, I don't think some of it is appropriate and needed, just reassessment and reea vool wait, cut down to the travel. Other than that, mayor, councilmembers, mayor pro tem and wherever mark is at, I want to thank you for the hard work you do on the budget, you and your staff, in allowing the budgetary process to start earlier, that's very good, very positive, very productive. Please, please we need mentors and tutors for our kids, our students are failing in math. We cannot allow them to drop out. Help us all and god bless y'all. And for the listeners on kezi, call in your elected officials and hold them accountable. God bless y'all very much.

Have a good day.

Mayor Leffingwell: Thank you, mr. pena. Next speaker is christopher ringstaff. Christopher ringstaff. Not in the chamber. We'll go to the next speaker, rae nadler-olenick. The topic is water fluoridation. You have three minutes.

Good afternoon, mayor leffingwell and councilmembers. Back in may when stories of imported chinese fluoride clogging up a massachusetts water system hit the news, it occurred to me to wonder whether austin's fluoridation chemicals might come from china too. Although austin supplier, mosaic, operates phosphate mines in florida, they also contract with china. So I duly contacted the water utility to ask that question. In answer, they sent me this certificate of proud compliance with nsf standards. These are arbitrary, voluntary and non-enforceable standards set by the national sanitary foundation, a private consortium of fluoride vendors and customers. The document also certifies that the scrubber waste mosaic supplies to us has been produced within the limits of the continental united states. That should have made me feel a lot better, but a week ago the news broke that mosaic's largest mine in fort meade, florida had just shut down over environmental issues, reducing the company's future production by 30%. A 30% drop in productivity will mean a serious shortage of homegrown fluoride. By coincidence also a week ago I placed an ad in noco, the observer, and since then traffic on the fluoride free austin website has markedly increased. In the same issue, noco a's editor ran a column from natural news that talks about the heavy contamination of chinese fluoride with lead and arsenic, juxtaposed with a picture of me speaking at the podium here. evans know that austin still uses the fluoride variety so he can make that clear in the caption, but with the soon to be diminished supply who knows? At the very least we can expect to see a price increase in the near future. We are reaching out to austin's communities of color because it is largely in their name that the damaging policy of water fluoridation is implemented if they suffered disproportionately from its effects. And on november 9th when professor paul conette, author of the case against fluoride, visits austin, we will hold a special event on the houston-tillotson campus, a public lecture and panel discussion with some respected community leaders. We'll be giving out more details as the time draws closer. Thank you.

Mayor Leffingwell: Thank you. Kathleen stansbury. Kathleen stansbury. Not in the chamber. Leila abi-rached. Leila abi-rached. Is this leila coming this way? Okay. Leila is evidently not in the chamber, so we'll go to pat valls-trells. The topic is the august 31 film shelter. Very nice.

Thank you, robin, for distracting everyone while i come here to speak. Robin is a neighbor and i love what you're doing. Thank you. Thank you, mayor, mayor pro tem and councilmembers for the support you've given in the past and the support you continue to give to the no kill initiative. I'm here to invite you to the film "shelter", which is only 17 minutes long. It's a 17-minute documentary that was filmed here locally by two u.t. students. I hope you come tuesday, AUGUST 31st, AT 11:45 A.M. Right here in the council chambers to watch it and be part of the audience as we watch this impressive and powerful film. For listeners, any -- if you would like to check on the information, it's posted to animal issues forum.org. And it will be part of the animal issues forum. The speakers after the film -- first I want to thank councilmember riley for sponsoring us showing the film and councilmember shade for the free speech venue that allows us to be here, however we couldn't have shown the film without which are's help. Thank you -- without councilmember riley's help. Thank you both. And I would like to invite you to see it here with the audience because I think it's a very powerful experience to share with other people and be part of it and listen to the speakers that we'll have afterwards. We will have rob graham, a member of the animal advisory commission, the two filmmakers will be here to speak afterwards, and I want to mention that rob is councilmember spelman's appointee to the animal advisory commission. He will be speaking here on tuesday august 31st after 45 showing of the film "shelter. " And I'm here to vied all of you to come be here for that. Right after that part of the forum we will have della lindquist, an emancipet volunteer and she is doing important work doing outreach with the neighborhood captains that have been part of the space street program. And we are trying to recruit spanish speaking neighborhood captains and any help you can give us in this effort would be great. As you will notice if you come to fliment or any other animal event, our advocates are animal advocates in this town are not very diverse. We lack support or we lack conversations with the latino community, the spanish-speaking

community and the african-american community. And we need to work on that. And I am commit to go work on that this year. So any help you can give me in that effort, I would greatly appreciate it. And we're kicking it off with della lindquist's presentation on tuesday. I'm going to try to work with her on doing outreach through emancipet. [Buzzer sounds] thank you. And again, any information -- for people who want to look this up for the time, it's on animalissuesforum.org. Thanks.

Mayor Leffingwell: Thank you, pat. Next is ken vasseau. Whose topic is all I know is what I read in the newspaper. You're in bad shape.

This is a very unique forum, and I just never did think that I would ever -- can imagine being up here to speak like this, but I'm just here to just kind of throw out some ideas that might, you know, be positive. This was from back in the 20's and 30's is will rogers, and I know you hear about a lot of things, but this is just a conversation just to, you know, maybe generate some new ideas. And I know our economy, I've been out looking around, and in january there's going to be a lot of different empty storefronts because the business is just not there. And I've had interviews with different people. My dad, he knew this guy, john crawford, at ids when i was in little rock when i was much younger before i even moved to austin, and like when the police department, they offer, you know, you have to have a low profile examination because you're not going to put some police officer out there on the street, you know, without some kind of a background to see if they're able to do this. But anyway, at ids they had the same kind of test, and the test came back and said that, you know, you're really not suited for us, but one of these days you'll come back and you'll want -- you will have a job and when you want something like this. So I feel like I'm suited to do something a little bit more than what the average person would be, and there's going to be some gas in my tank, but I have to figure out a way to go about doing it. I do know that we're going to have to create jobs. And the only way we're going to do that is create ad valorem taxes and that would be a cure for all things. But we've got to be able to find a way to go about doing it. And so anyway, I'm just batting around hopefully -- need to break this country up in several different sections. There are six members right here, and you know, just go through the nasdaq, go through and break it down. And there will be somebody that would want to move to austin or create jobs. But that's just an idea. And you're in a position to be able to -- of influence that would, you know, want to attract someone. And then there has to be somebody there to be able to put all this project together. [Buzzer sounds] my time is up. And I do thank you.

Mayor Leffingwell: Thank you, ken. Next is ronnie reeferseed. Topic is peace, freedom and fluoride.

Yes, I'm ronnie reeferseed singing and saying hey, kids, love your life right now with joy now while you've got it so good because with that first hit off a cigarette of any kind, that first swig of alcohol of any kind, you've cancelled it. When it's gone, it's gone. And we all wish for one more day as a kid. Groundups, we should be all be ashamed of what we're doing to the kids' future world now. Let's deal with it as freedom as envision bed our founding fathers, absolute freedom for family farmers means more organic farming, less sterilizer death crops, I sevment drops that you eat that hijack all future use. Sterilization is happening by design. It's no accident. Try to grasp the undeniable evil here. Powerful elite and they're stupid evil goons like the austin city council on their behalf in their evil minds to exterminate you, to sterilize you, knowingly and on purpose because yes, they can. (Indiscernible) has been openly writing about this ongoing program of early death and sterilization now through poisoning our water with toxic sludge, along with a ticking time bomb of painted, polluted and programmable killer vaccines. That's the real motive. And they're all behind hin punishing this big flu concoction to fight the, close quote, this man-made flu that is programmed poorly, but now they have a new and improved have version. The same people who want to kill you and sterilize you are using polluted water and killer vaccines just like they said they would. Look it up, eco science. And in about 10 other books by john holdren. Blackmail by design because truly ineligible to be president, barack obama is a killer, stooge. Bankster constitutes. The entirely regime, especially included in this big daddy himself, he row moats this ongoing worldwide general know side against blacks. Of course, evil forces dressed up in blackface and ego tripping, within the first year of his hateful dictator regime he has surrendered parts of texas to his mexican based international drug overlords. He has spent more money than all 43 previous administrations combined, turning the dollar to toilet paper by design. And more than 50%, overhalf of

all black babies conceived here in the wealth were murdered in the womb, aborted, less than half survived a pregnancy to be born alive. Start to learn more and contribute your ideas somewhere. com and/or please call for weekly updates from dr. paul. Every week this proud patriotic of happy marriage has delivered over 4,000 babies so far. [Buzzer sounds] gives us his weekly update for free.

Mayor Leffingwell: Okay. Thank you. Next is paul robbins. Talking about city issues.

Mayor, you did it again.

Mayor Leffingwell: What?

You sounded happy to hear from me. [Laughter] city council, I'm paul robins. I'm an environmental activist and consumer advocate. There is an area in the pacific ocean called the great pacific garbage patch. Also known as the basic aye row. It's midway between hawaii and san francisco. Ocean currents and wind draw garbage, much of it made of plastic, into large, contiguous mass, roughly the size of texas. In some places it is as deep as 100 feet. There are other gires in the oceans, but this is considered the largest. Plastic is not quickly bio degrade and these grow ever larger. Plastic in the oceans kill fish, sea birds, turtles and even marine mammals that ingest it. When mistaken for food, in addition to wrecking ocean ecosystems, it reduces fish supplies for people. The average american uses 500 plastic bags a year or 45,000 plastic bags over their lifetime. Now, some of you on the dais are thinking, gee, this is all a shame, but what can i, a humble city councilmember from austin, texas, do to stop such a huge pollution problem? You can pass an ordinance banning large plastic bags, similar to the one already passed by the city of brownsville. Austin can stop a major source of plastic from entering our solid waste while encouraging reusable bags. This will also keep loose bags, called urban tumble weeds, from getting into our waterways, with some of them eventually washing into the oceans. Now, I would like to introduce you to the bag monsters. They're on a cross-country tour to promote legislative action from environmental communities like austin. Now, despite this monitor's laid back -- monster's laid back demeanor, he's a killer responsible for millions of deaths of sea creatures each year and he's threatened not to leave austin unless you pass legislation. And I would also like to present letters to council from austin residents who are supporting a ban on carryout plastic bags. [Buzzer sounds] thank you.

Mayor Leffingwell: Thank you, mr. robbins. I'm glad to see that you put those petitions in a reusable bag and not a plastic bag. Last speaker is nailah sankofa. Nailah sankofa? All right. Apparently not in the chambers. And once again, christopher ringstaff? Not in the chambers. Kathleen stansbury and leila abi-rached? Okay. Those are all the speakers that we have signed up to speak in citizens communication. So council, we will go back into closed session without objection, the city council will go into closed session 071 of the government code for consultation with legal counsel to take up five items. Resuming item 17 concerning the award of an agreement for the design of the seaholm substation art wall. Item 51 concerning a proposed electric franchise agreement with the city of westlake hills. Item 52, concerning development regulations applicable to development of mission bethany subdivision, site of bethany lutheran church. Item 53 concerning the time warner cable franchise. Item 54 concerning the with a sition development -- acquisition development or tri party agreement between the city of austin, urban renewable agency of the city of austin and austin revitalization authority. Is there any objection into going into closed session on items announced? Hearing none, the council will now go into closed session.

Mayor Leffingwell: We're out of closed session. In closed session we took up legal issues related to items 17, 51, 52 and 53. No action was taken. We will now take up our time certain items on discussion and possible action on bond sales, items 51 -- 55 through 58. And for that we're kind of in a time crunch on this, --

I'm dennis whalely --

Mayor Leffingwell: Dennis whalely and we'll explain this.

The full bond sales. This morning we sold four series of bonds for the city, 79 million dollars' worth of public improvement bonds, 26 million dollars' worth of taxable public improvement bonds. Both were voted projects. We sold 22 million of co's for other projects as well as 16 million of contractual obligations for equipment. That information so page 2. On page 4 of your predges we have some rating highlights, which I think are all very good. We had rating conference calls on august 13th and 16th. I'm prawd prawd to say -- proud to say austin was rated aaa by all three rating agencies, which is the highest possible rating. Leslie broader and greg canally participated in these indicating presentations and did a fantastic job. Some of the highlights, moody's talked about the healthy economy, strong financial performance and the rapid retirement of the city's debt. Standard and poor's mentioned strong and diverse economic base, strong financial management and your moderate debt levels. Fitch mentioned the experienced management team. You will notice that all of the rating agencies are very positive on the city of austin. So that's wonderful news. And I'll turn it over to bill newman to give you the results of the four sales.

Good afternoon, mayor and council. Let me apologize for bringing this item up so quickly. When we do a sale like this we take competitive bids online in the morning and for each half hour period for about a two hour time period we take these kids from the various underwriters. You will see later on how many bids we got. It was a great turnout for this transaction. When the underwriters buy these bonds their putting their capital at risk at the time that they buy them. And they go ahead at that point in time at 10 in the morning and try to start selling them. Well, their agreement, if you would, with their buyers is normally that we need to confirm these tickets, we need to guarantee those 00 today their time. So it's just about four there and we need to get them notified as soon as possible. So that's why we're rushing. I certainly apologize for doing so. Very quickly on page 5, all that page says is there's not a lot of volume in the market today and there's been some aggressive bids from underwriters because the market has been very good. Page 6 shows you some of the lowest rates in history that we've got with the treasury -- 30 year treasury at some of the lowest levels at 347. Very little volume as you can see on page 7 in the market. You weren't the biggest deal in the market, but you were one of the largest, which turned out to be in your favor. Dennis mentioned there were four transactions. The public improvements bonds, series 2010-a, you got 10 bids on that thing. You will see four to five bids normally, but 10 bids is a great turnout and a lot of interest. The tic or two interest cost for the lowest bidder is 3.347034. For your certificates of obligation, which were also 20 years long, the low bid was 3.018. For your taxable bond, which those rates again are taxable and not tax exempt, you will pay a higher rate of interest there for that small issue, the rate there was 4, which was excellent. And then you have short obligations, about seven years, and that rate is just crazy low, 1.27. I told somebody earlier, i wouldn't buy any of that, but I love to sell t it's a great rate. So the last page in any event is page 9. It shows you the maturity schedule. These are fantastic rates and again some of the lowest rates if not the lowest rates that you've had on bond sales and I'm pleased to recommend that you approve all of them.

Mayor Leffingwell: Thank you, mr. newman. All excellent news that we're actually saving a lot of money with these historically low interest rates. I haven't talked to anybody that has seen these before. Not only because of the kind of market we're in, but because when we come out with a safe product, and one that's backed by that aaa rating, which again I don't think we've seen in my memory at least. It's been a very long time. We've had some aaa's, but not on every rating agency.

Not on all three, no, sir.

Mayor Leffingwell: That means we're at the very top. And that is an achievement that shows -- we've got to thank a lot of people for putting their efforts into this, not the least of which is you and your company for managing this for us and organizing the trips and presentations to the bond rating agencies. And I know that's not as simple as it sounds because I've been on a couple, but an excellent job by you, certainly an excellent job by our city staff as actually cited for experienced management and qualified

management. And of course us, the city council.

Mayor, you should say that because some of the things that are always cited by the rating agencies, we talked to them and it makes our job easier, the staff's job easier, is that the financial policies that this council has put in place are nice and tight. They mandate good, tough financial policies and good financial management decisions. That's great for you. That's part of the reason why you have that trouble.

Mayor Leffingwell: Good, tough policies and following through. Following on those policies every year, and especially this time of year at budget time there's lots of temptation to deviate from those policies. And we've stuck with it, so we have three minutes to go, so -- mayor pro tem.

Martinez: I just want to make a couple of comments that not only does, you know, our financial policies have an impact, but when the mayor and I were up there last year with you, we spoke to things like public safety, like the decisions we make as a council not just relating to specific budget policy matters, but budget decisions and how we're spending our money wisely and how it affects our community. So I think those comments that you just made and that bill made are very important for our community members to understand that we don't get these financial ratings, you know --

Mayor Leffingwell: I'm sure we have lots of good things to say, but we've got two minutes.

Let me say, mayor pro tem, I would agree with you. You guys make my job very easy and I appreciate it. Thank you.

Martinez: Move approval on both items.

Mayor Leffingwell: On -- I believe it's 55 through 58.

Spelman: Four items, are there not?

Mayor Leffingwell: Move approval of items 55 through 58. Seconded by councilmember shade. All in favor say aye? Opposed say no. It passes on a vote of seven to zero.

Thank you again and congratulations on a great sale.

Mayor Leffingwell: Okay. One minute to go.

Thank you. So since it is virtually 00 we will recess this meeting of the austin city council and call to order the meeting of the austin housing finance corporation board of directors meeting.

I'm here today to offer four items for consent today for your consideration. Item 1 is approval of the minutes of the august 5th board meeting. Item 2 is approval of a resolution that will approve the austin housing finance corporation's 2010 housing finance corporation annual report authorizing the acting treasurer to submit this report to the texas department of housing and community affairs. Three is authorizing the negotiation and execution of an amendment to an existing loan agreement increasing funding by \$200,000 for a total loan amount not to exceed 2 million to the community partnership for the homeless incorporated. And item 4 is authorizing the negotiation and execution of an amendment to an existing loan agreement increasing funding by \$225,000 for a total loan amount not to exceed \$2,475,000 to the mary lee community or its affiliates. I'm available for questions.

Mayor Leffingwell: So we have items one, two, three and four for the austin housing finance corporation. And does any councilmember want to pull any of the items off consent agenda? If not I'll

take a motion -- councilmember cole moves to approve the consent agenda. Is there a second? Seconded by councilmember spelman. Any discussion? -- He should have said board member spelman. All in favor say aye. Any opposed say no. It passes on a vote of seven to zero.

Thank you.

Mayor Leffingwell: Council, those are all the items on our agenda for the austin austin housing finance corporation board of directors meeting, so without objection, we'll adjourn that meeting and call back to order the meeting of the austin city council. So I believe we can go directly -- pick up a few of these items before we go to our zoning. Item number -- we don't have to go back right now. I'll call up item number 17. And on number 17 do we have anything from staff on that? Anything from councilmembers? Councilmember riley, do you want to speak to item 17?

Riley: I would, mayor. Thanks. We already discussed this at some length last week and I'm going to reiterate the motion that I made then. Specifically I would like to make a motion to authorize negotiation and execution of a contract with nader tirani for the substation wall art in the public places art. It is the most highly qualified procedure of the services requested on the basis of demonstrated competence and qualifications and should be the selected artist led design team. In addition, this motion, as I laid out last week, includes direction to staff that during the next phase of this project the terms of the design agreement should require the design team to consider including to the extent possible green elements, both from a vegetative and environmentally conscious perspective as well as adherence to the urban design guidelines for austin and it should require the design development process to gather input from stakeholders and review by relevant boards and commissions. And just to reiterate that the reasons behind this motion, the project approach outlined by nader terani includes the elements that the downtown commission emphasized were very important in this project. They actually -- I was impressed in their sensitivity to the context of this project. In case anybody missed the discussion last week while we're talking about it is a wall that is expected to be 12 to 25 feet high, surrounding a very significant block in the seaholm subdistrict. That is very critical area in that emerging district and will be right between the seaholm plaza and shoal creek and then bounded on the north and south by a -- hopefully a bicycle pedestrian plaza in the third street right-of-way and then our new central library to the south. So it is a very critical area and it's very important that the community participate in the infrastructure that is going to identify the character of this district and both define it to a great extent. I was very impressed with -- I was very impressed with nader terani. They were the alternate team recommended by both the arts commission and the aipp panel. It also as I mentioned, scored very highly in a category that is especially important that I consider especially important, and that is the ability to design in a context sensitive manner. This is -- it is an absolutely critical emerging area and their presentations reflect a great deal of sensitivity to that. And on that one criteria I'll say that the artist that emerged with the top ranking score, slightly ahead of nader terani actually scored lowest of the top five on that critical element, on the ability to design in a context sensitive manner the number one recommendation actually came in the last of the top five. And the second -- and that nader terani, which was the alternate recommendation, scored higher on that. They also scored higher on subconsultant firms comparable project experience, and I think that their team structure and project approach was very consistent with the discussion at the downtown commission. So I think they'll do a great job. I do want to say that the leading team is very impressive. In fact, all the finalists are very impressive and it's only through a very careful process that involved a lot of work on everyone's part that we were able to get to understand that the top ranking firms, and it was very helpful to be able to have it winnowed down to the few that are in the top five, really the top three are the ones that we were reviewing. And I just think based on my assessment of the entire proposals presented by the finalists that the alternate recommendation represents a better fit for the site we're talking about. And in fact, that that team is the better qualified team based on all of the materials that they presented. So I move that we instruct staff to move forward with negotiations and execution of contract for that team.

Mayor Leffingwell: Motion by councilmember riley to approve negotiation and execution of an agreement with nader terani for the scope of work described in item 17. Seconded by the mayor pro

tem. Is there any further discussion? Councilmember morrison.

Morrison: This is not a motion they'll be talk to support. Johns talked about earlier today he supported the aipp process. In this case it was the full aipp board and it included engineers and ae staff that integrated the expertise required for actually putting up a wall. And I appreciate councilmember riley's really looking in detail at the materials that were available and the reason i think that I can support this motion is, for one, i think that what is really important that really isn't captured, for instance, in the scoring of the context sensitive stuff is the fact that the interview was really much more than an interview. It was a presentation and an extensive discussion in which sustainability and the context sensitive nature of the jim iserman number one recommended project was extensively discussed. I think that we have to -- clearly council has a discretion, I agree, in this. Clearly it's not about a group of people, a committee making a recommendation and all we have is the ability to rubber stamp it. So I do believe it's important for us to look into this. I'm very concerned about the fact that it requires significant review and understanding of the projects and I think that the images that have been available to some really don't capture the full expertise and review that went into it. I will say that I appreciate the fact that councilmember riley brought up the issue of the agenda posting last week, that it precluded us from making a decision, and I will always support us being able to make a decision one way or the other. And I have supported that in the past, not going with staff recommendation when we had a situation, but I would say that in that case we really put in a lot of work and an extra three weeks or month that it was asking more questions so that we could make sure we really understood at the depth of the people that made the recommendation. And this is not just a staff recommendation and board and commission recommendation on top of it, it's a much more extensive process, which i believe in this case really came to the right decision. So with that I would like to make a motion that we go with the staff recommendation, and I would like my motion to include the additional language that councilmember riley had added on that -- regarding green development, urban design guidelines and boards and commissions review. So that's my substitute motion.

Mayor Leffingwell: Motion by councilmember morrison for the staff recommendation on item 17 with the same additional direction to staff as in the main motion. Is there a second?

Cole: Second.

Mayor Leffingwell: Seconded by councilmember cole. So we will vote on the substitute motion first, and discussion is in order on either the substitute or the main motion right now.

Cole: Mayor, I have a few comments.

Mayor Leffingwell: Councilmember cole.

Cole: I really have come to appreciate the work that councilmember riley and councilmember morrison have put into this particular item, and I think that we are always in a difficult position balancing act between taking the recommendation that we received from staff and our boards and commissions, and in this case a whole separate process through arts in public places, and then balancing that against what we as a body consider is important. But I think that as a policy matter it is very important to send a clear message that the work of the staff and the boards and commissions and individual citizens and special bodies that look at these type of contracts, that it will be the exception, a clear exception rather than the rules that we will deviate from. And that is why I'm seconding the motion.

Mayor Leffingwell: Further discussion? Councilmember shade.

Shade: Yes. Well, I would like to say that first of all, I want to recognize sort of how this came into being, which is some very innovative work on the part of staff staff to recognize that on a project like this to introduce the art in the way that they did and to bring art in public places into the fold and to get the people who were redeveloping this land involved and to raise some of the funding to make that

possible. It was very innovative and wonderful. And the process of putting together arts in public places and the panel and the qualification of those panelists was also excellent and I think the result of that is that we have some incredible proposals, three of which were interviewed and an additional eight hours spent dissecting the qualifications. But in the end the first and the second ranked were incredibly close and all three in terms of the scoring seem to be very qualified. And I've double-checked and dug into this quite a bit, looked at some of the presentation materials as well, and there is -- I am going to not support the substitute motion, but -- and support councilmember riley's original motion, but I'm doing that with recognition of the fact that the highest -- the highest score, the item that had the highest value was in fact the item that the alternate had the highest score in going into it. And that has to do with their subcontractor's experience with this type of project. So with absolute full respect to those who are involved in this process, it's a really tough call. Ultimately councilmembers are in the position of having to make tough decisions, no doubt. There is a lot of subjectivity that goes into all these kinds of decision making, and I believe that the arts in public places staff and the experts who are involved should not feel that this is in any way an undermining, although I've heard that phrase used. Their job is to make recommendations and they did their job very well because they've recommended three outstanding and well qualified folks, and it's a tough call and we make tough calls everyday. It's the worst part of this job I think actually. [One moment, please, for change in captioners]

Riley: I think in the future when a project like this comes out, if another one comes up like this, we'll have the benefit of a new process thanks to a resolution that council approved last week under which a major infrastructure project will go through a process that the design commission will be helping us figure out so that we will be able to figure out all those design considerations from the get-go, get those on the table early on except having to step back at this point in the process and think carefully about what exactly it means to be contact sensitive in a particular situation. Hopefully going forward the process will be cleaner. It did require a little bit of extra work to understand what the community expects this this site. I think that's been helpful and based to guidance we've got finance the downtown commission and the others that the decision is all the more clear that the second -- that it is the most qualified team for this project.

Mayor Leffingwell: Further discussion? Councilmember shade.

Shade: There's one other item that I wanted to bring up just in terms of process for those of you watching, and that is that in the case of the two commissions that were able to take a look at this before it came to council, i think it's important to recognize that their options were also endorsing the process but really not choosing between one or the other. It was endorsing the initial recommendation which was a recommendation with a suitable alternate. And so that's what is what they were given the opportunity to look at.

Mayor Leffingwell: Councilmember morrison.

Morrison: This will hopefully be the last, I just have to respond because i believe when it went to the downtown commission and the arts commission there were people part of the evaluation team that were explaining not just the process but also their perspectives that were brought to the table during that process. And I do want to mention that the interview really did bring out much more, it was 400 hours of work all together, much more than could have been captured in the -- in the proposals that were presented. So anyway, I know we disagree on this whole thing, it's clear and probably good to get on with it, and like councilmember riley said, I'm really glad that actually he and I together brought that resolution forward last week so that we will be able to avoid some of these issues in the future. Thank you.

Mayor Leffingwell: All right. I think we're ready to vote on the substitute motion by councilmember morrison, which is to approve the staff recommendation with additional direction. All in favor of that say aye.

Aye.

Mayor Leffingwell: All opposed say no.

No.

Mayor Leffingwell: You -- okay. So that fails on a vote of 3-4 with councilmember riley, mayor pro tem martinez, councilmember shade and myself voting no. That brings us to the main motion. Which is by councilmember riley to approve item number 17 with the negotiation to scoot with needer tirani instead of the named party. All in favor.

Aye.

Mayor Leffingwell: Supposed say no.

No.

Mayor Leffingwell: That passes on a vote of 6-1 with councilmember morrison voting no. So council, we're going to have to go back into executive session. I planned to do this later, but we have some folks that had been waiting on item 43 for a long time so we'll go ahead and finish that item and come back out so we can address it quickly. So without objection, the council will go into closed session pursuant to section 071 of the government code for consultation with legal council to take up one item, and that will be item 53 concerning the time warner cable franchise. Is there any objection to go into executive session on the item announced. Hearing none, the council will now go into executive session. Dren

Mayor Leffingwell: We are out of closed session. In closed session we took up and discussed in the course of the day in three different executive sessions, we discussed items 17, 51, 52, 53, and 54. So all of the items posted for closed session have now been discussed. And we are not ready to take up item 43. We'll take that up as soon as we have some draft material to work on which is being done right now. So we'll go ahead and go to our 2:00 zoning cases.

Thank you, mayor and council. My name is greg guernsey, planning and development review department. I'll go through our 2:00 items. These are zoning ordinances and restrictive covenants where public hearings are low. The first item for consent is item 59. This is case np-2010-0026.01. This is the north lamar combined neighborhood planning area, tract number 32. This is an amendment to the austin tomorrow comprehensive plan to amend the future land use map for the north lamar combined neighborhood planning area for the property located at 320 east rundberg lane. This would be changing the land use to mixed use commercial recreation and open space and we can offer that for consent approval on third reading. 01 for the north lamar planning area, tract 32. This is for zoning on the rot located at 320 east rundberg lane. This would known to public neighborhood plan combining district zoning,. Warehouse limited office, conditional overlay or w/lo-co-nb, vertical mixed use. Conditional overlay neighborhood plan combined district zoning and this is ready for third reading. Item number 61, case c14-2010-0044, western trails boulevard. To zone the property neighborhood office mixed use, conditional overlay and this is ready -- with conditions. This is ready for consent approval on second and third reading. Item number c14-2009-0093 for property located at 2203 and 2205 western trails to zone neighborhood office, mixed use with conditions and this is ready for consent approval on second and third reading. Item number 63, case c14-2010-0035 for property located at 1800 nueces. This is a postponement request by staff to your september 23rd meeting. Item number 64, c c14-h-2009-066, a discussion item. I understand council would like to hear information on that. Item 65, c14-2009-0089, indian hills tract. This item I would delay. We need to make sure that the other related items are considered first including the annexation so that needs to be considered first before we can really consider the zoning case on final readings. It also applies to 66, c 814-2009-094 for the whisper valley p.u.d. Those other items that are related to this earlier on the agenda and this can be considered

primarily the annexation item before we can finalize zoning. That concludes what I can offer for consent.

Mayor Leffingwell: The consent items where the public hearings has been closed is approve item number 59 and 60 on third reading, to approve items 61 and 62 on second and third readings. And to postpone item 63 until SEPTEMBER 23rd. And so we can go ahead and go to the consent items for those items where we've yet to hold a public hearing.

Mayor, then let me continue with the list of consent items that you can consider on the consent agenda. These are the zoning and neighborhood plan amendments, public hearings are open and possible action available this evening. First item I would like to offer for consent is item 69, case c14-2010-0015. These are for various properties on burnet road, domain drive. This is known as the domain rezoning for the endeavor portion. The owner has requested a postponement of this item, item number 69, to your september 30th meeting. Your september 30th meeting will be held at the lloyd vance thea on the carver property on angelina street so it will not be held in this chambers, it will be held at that location at the same time. Item number 70 is a discussion item. Item 71 I can offer for consent for property located highway 183 north. This is to zone the property commercial liquor sales or cs-1 district zoning. The zoning and platting commission's recommendation was grant commercial liquor sales, conditional overlay or cs 1 co. I'll note that the conditional loafer lay would prohibit dropoff recycling, adult oriented businesses, bail bonds services, commercial blood plasma centers and transitional housing as part of their action and this is ready for consent approval on first reading only. Item 72, c14-2010-0096 to zone the property community commercial overlay. The zoning and platting commission's recommendation was to grant the gr-co combining district zoning and this is ready for consent on first reading only. Item 73, case c14-2010-0097 pore the property at 11777 jollyville road. The zoning and platting commission has yet to make a recommendation so staff is requesting postponement to september 23 meeting. 09 for property located at 7301 north fm 620 road to zone planning development, to change the conditional zoning. The zoning and platting commission's recommendation zoning to change a condition of zoning and is ready for consent approval on first reading only. Item number 75 is case c14-2010-0034 for the property located at 2500 west william cannon drive. We have an adjacent property owner who has requested postponement. Consents and this is postponed to september 23rd agenda. Item 76 is discussion item. Item 77, c14-2010-0084, staff is requesting postponement of this item to your september 23rd agenda. The zoning and platting commission is yet to consider this item. Item 78, c14-2010-0019, this is to zone the property at 2614 wall much tarlton lane to community commercial mixed use or gr combined district zoning. The platting commission recommendation was grant the gr-mu. This is related to items 2, 3 and 40 on your agenda, but you can consider this item and perhaps after we do the consent zoning items, then we can bring up 2, 3 and 40 for your consideration before we go to the discussion items.

Mayor Leffingwell: Great. [One moment, please, for change in captioners] portion of the agenda that i can offer for consent.

Mayor Leffingwell: So the consent agenda for those items where we've yet to hold a public hearing will be to postpone item 69 until september 30th. To close the public hearing and approve on first reading only item number 71. And to close the public hearing and approve on first reading only item 72. Postpone item 73 until SEPTEMBER 23rd. Postpone -- excuse me. To close the public hearing and approve on item 74 on first reading only. To postpone item 75 until SEPTEMBER 23rd. To postpone item 77 until SEPTEMBER 23rd. To close the public hearing and approve on all three readings item number 78. To postpone items 79 and 80 UNTIL SEPTEMBER 23rd. To postpone item 81 until september 30th. And to close the public hearing and approve on all three readings item number 82. So that is the consent agenda. I'm entertain a motion to approve. Motion by councilmember spelman, seconded by the mayor pro tem to approve the consent agenda. Any discussion? All in favor say aye? Opposed say no. So that is approve odd a vote of seven to zero.

Mayor, I have one more postponement. The applicant is here on item 68 and has requested a

postponement again of this item to your september 23rd meeting.

Mayor Leffingwell: Motion to postpone item 68 to september 23rd by the mayor pro tem. Seconded by councilmember spelman. Discussion? All in favor? Opposed say no. It passes on a vote of seven to zero. So now, council, I will entertain a motion to approve together items 2, 3 and 40, which are related to the zoning item number 78 that we just passed on consent. The mayor pro tem moves to approve items 2, 3 and 40. Seconded by councilmember riley. Any discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero.

Thank you, mayor and council. I think that brings us back to item 64 --

Mayor Leffingwell: guernsey, we had earlier announced we were going to table item number 43 only for so long as it took to draft the new resolution on that item. So that has been done and distributed, so I'm going to pauses on the zoning cases and go back to consider item 43. Item 43 do we need a brief and quick staff presentation on that by legal? Or whoever? Apparently not. Okay. Council, anyone on the council want to speak to item 43 or offer a motion? Councilmember morrison. If you don't have any comments to make, we will go ahead and go to our public hearing on this or hear our speakers. The first one is sue anne campbell who is signed up for. The item as originally posted. Is sue anne campbell in the chamber? Apparently not. Kay sheik? Kay sheik is signed up for. The item as originally posted. Is kay in the chamber? Apparently not. Susan patton is signed up against, and willing to answer questions. Those are all the speakers that we have. All the speakers that are signed up wishing to speak. Councilmember morrison.

Morrison: Thank you, mayor. Now I'll make a motion that we approve item 43 as amended that we have on the dais. And I will read the change, the be it resolved is changed to the city manager is directed to take appropriate steps to protect the continued access by time warner cable subscribers to austin peg channels on the basic and standard service tiers without any additional cost to the subscribers or any austin peg channel administrator. Be it further resolved the city manager is further directed to ensure any switch to digital peg programming -- peg channel programming will be a smooth transition for current analog subscribers. This may include working with other entities on public outreach campaigns to reach awareness of an impending change in services for those subscribers and prepare them to make the switch. The bottom line is that time warner is planning at this point on october 1 to change the peg channels to digital, which will cause folks with analog tv's to have to take action, get converters, which are going to be provided for a certain amount of time by time warner, and with this direction to the city manager, certainly the appropriate steps would hopefully engage in dialogue with time warner folks to see if there's some way to avoid this step because it will be an imposition for folks, and suggest other strategies to council as may be appropriate. So I move that we approve it.

Mayor Leffingwell: Motion by councilmember morrison to approve item number 43 with the resolved language just read into the record. Is there a second? Seconded by mayor pro tem. Is there any discussion?

Martinez: Mayor?

Mayor Leffingwell: Mayor pro tem.

Martinez: I just want to give notice to all three of you watching us right now that the change is going to happen in a few days. So we might have covered the outreach already. [Laughter]

Morrison: We're hoping to avoid that.

Mayor Leffingwell: Any further discussion? I'll just say that I'm going to -- I will probably be the only one to vote against this motion, but I think the language is still very vague. The city manager is directed to

take appropriate steps. I'm not sure that those are cost controlling -- that that's cost controlling language. And in addition, the further resolved directed to ensure that channel programming will be a smooth transition for current analog subscribers, I'm not sure what that means. I'm not sure that anybody else knows what that means. It's subject to broad interpretation, especially in view of the fact that time warner has offered to provide free of charge a box which will enable this conversion to any subscriber that needs it, and the fact that this digital transition is currently scheduled to be completed, and this will be a moot question, by OCTOBER 1st, 2012. And I understand that that date could be extended, but based on all those facts together, I think in my opinion it's imprudent to go ahead with this resolution, so I will oppose it. Anything further? City manager.

I do appreciate and respect council's interest in this matter. I do, however, want to agree with the mayor as to aspects of it being a bit vague from my perspective, along the same lines that the mayor characterized. I'm happy to exercise the prerogative as long as it's understood that this will require some interpretation by me, short of any additional specification in the course of these proceedings.

Mayor Leffingwell: Councilmember shade.

Shade: I appreciate those comments and recognize that frequently there is that requirement for interpretation to be made. I think the point is that we are trying to raise awareness that analog is -- we are experiencing a change. We're trying to make it as easy on those analog customers as possible. We wanted to make -- make recognition of that fact and we have staff that has been very involved not only with those that work here, but with the other peg channel providers, the other governing entities. And clearly I think it's important to mention that in texas as this transition is occurring, time warner cable subscribers who are impacted will have the opportunity to have free boxes if necessary. There has been I think -- this is something that's happening nationally as the world goes from analog to digital, and I think that time warner is trying to do the best that they can in this marketplace, but clearly this is going to impact some people. We have more people, more and more people watching us on the internet. I don't think there are only three people watching there. May be a few more, but clearly for those that rely on this as their means for community involvement, it's important that the city do as much as we can to make that service available. Just passing the resolution raises the awareness for that fact.

Mayor Leffingwell: Councilmember cole.

Cole: Mayor, I will be supporting the motion for several reasons, and i definitely want to try to give clear direction to the city manager. Number one, I would hope that the city would conduct public service announcements about this change to digital peg channel programming. Number two, I would request that we contact time warner representatives and have meetings with them on ways that they would be willing to support us in this effort to educate the public on the switch to digital channel programming. And if possible, upon ultimate approval by council if it is not within the city manager's monetary authority, that we may partner with resources, including financial resources, to get that done. And I wanted to be more specific about that because I think that this issue of the switch will affect all of austin, but will in particular affect a particular segment of austin that are most vulnerable. Thank you, mayor.

Mayor Leffingwell: Anything else? Councilmember morrison.

Morrison: Thank you. When I made the motion I did say that I would -- as part of the direction to the city manager to reach out to time warner. My interest in this, and i think several people, some of my colleagues anyways, would be interested in this being delayed if it is at all possible. It is going to have to happen. We understand that. And in 18 months to five years perhaps. Doing it all at once would of course be simpler, but also I would ask the city manager to bring back other options and potential strategies to the council if some appear to be feasible and reasonable.

Mayor Leffingwell: Thank you. Anything else? All in favor of the motion say aye? Opposed? So that passes on a vote of six to one with yours truly voting no. So now council, I believe we can go back to --

before we go back to our zoning cases, we have I believe the first discussion -- no, the second discussion. If we go ahead and go back and pick up items 4, 5, 21, 22, 23, 24, 25, 26, which are all related to zoning items 65 and 66, I believe that's the correct order we need to do this in, we take all of those motions that i just named together in a motion for approval, then we will be in a position to address zoning cases 65 and 66. Correct, mr. guernsey? Okay.

That's correct, although I think you may have a few speakers on --

Mayor Leffingwell: We do have speakers.

On those items.

Mayor Leffingwell: Yes. We will go through that list of speakers. All these items are separately posted. It would have been better if terp posted together, but that was not done, so we'll go through and city clerk will you help me ensure that no one who is signed up on any of these items is not called to the podium? So on item number 4, we have one speaker, that is richard morgan, who is signed up against. Is richard morgan in the chamber? Richard morgan is not in the chamber. Okay. Excuse me. That was for items 4 and 5. Now for item 21 we have four speakers signed up. The first is john williams, who has signed up in favor. John williams? And you have three minutes.

Mayor, if I may, my comments really apply to items 21 through 26, which are all the indian hills and whisper valley package. So if I may speak generally about those?

Mayor Leffingwell: You may. We're really considering them all together. All the speakers that are called will be speaking to all of these together.

You folks are about to annex more than 2200 acres of territory that lies within our park springs neighborhood association district. I'm john williams, member of the board of that association. -- I want to welcome you to our neighborhood. We have meetings scheduled in september about eating insects and in october about national night out. I hope you will pay your 20-dollar dues and come to both meetings. [Laughter] you have heard me for two years talk to you about the crucial need for transportation improvements in this district. As you know, to get from the current city limits of austin into whisper valley, you have to go through an unincorporated part of travis county. Whisper valley does not immediately adjoin any current part of the city of austin. So it has been essential that you folks in the city work with travis county to try to develop adequate roadway infrastructure. And I'm delighted that there is now wording in the various agreements for the and the annexation that funds from the whisper valley, indian hills p.i.d. May be used for roadways area wide, not just roads within the development. And I'm pleased that you are willing to take on now the added responsibility. There's wording that in your role as I guess it's a board , you will review or you may review, I would hope that the wording was will, but it says may review transportation along taylor lane and fm 973, the only two roads that provide any access to whisper valley, and take the traffic conditions into account as you approve the issuance of and the timing of the p.i.d. Bonds. I also want to say thank you to your city staff, to the county staff, and to the developers of whisper valley and indian hills for working together to try to address the transportation issue. We haven't reached a successful conclusion yet. It's going to take millions of dollars, but at least we're establishing a framework to get that done, and I'm sure we'll be back talking to you again every time there's a new bond issuance about whether or not we're adequately fulfilling the responsibility. Thank you.

Mayor Leffingwell: Thank you, john. Tom west? Tom west signed up for, and you have three minutes.

Thank you. I'm the president of the park springs neighborhood association, following in john's -- walking with john who has expressed himself i think fairly clearly our role in coming for these last two years as these meetings took place. We appreciate that whisper valley and indian hills are being developed as superior designated developments. We've appreciated that developers have likewise made an effort to

keep the neighborhood association well informed and with current materials and information. We've seen a lot of cooperation between the developers, our neighborhood association as well and the county and the city staff regarding our concerns and to reiterate very simply what I think John Williams expressed very clearly is that in this desired development zone for Austin, we have to take care of the business of roads. We have to take care of the business of transportation infrastructure. These are two huge developments that you're bringing in to the city, attaching to the city, and will be in our neighborhood. So we'll be back, we'll be continuing to watch what's going on. In the meantime we did sign up in favor of the development in recognition of the efforts of all parties involved. I want to also invite to you our September 12th program, which will be eating bugs. If perchance you would rather, also on the October night out will be eating homemade cobbler and ice cream -- cobbler and ice cream. Thank you very much.

I thought I heard that from the first speaker, but I didn't believe it, I guess.

Mayor Leffingwell: The next speaker is Steve Metcalf, who signed up for. Three minutes.

Thank you, Mayor and councilmembers. I signed up in order to address any of the issues that might have been raised by our neighbors, but don't really think there's anything that needs to be addressed we've worked really hard with them to come up with something that is going to make them happy and so I'm just going to go ahead and take this time to thank city staff and management and the council for spending the last two and a half years working with us to try to get this project on the SH 130 corridor. It's been a long process and everybody has really worked hard. We also want to thank the county and the county staff. Tom Knuckles was here to speak on behalf of Commissioner Davis. I think he had to leave and he just asked me to relate that Commissioner Davis has sent some correspondence and he just wants to reiterate that he is in support of what we're doing at Whisper Valley and Indian Hills. So again, we have our founding partner of Taurus Group here who has flown in for this and he wants to express his thanks to everybody for making this project possible. Thank you.

Mayor Leffingwell: Thank you. And Tom Knuckles is signed up as the next speaker, just confirming that Tom is not in the chamber. John Williams and Tom West are both signed up for item number 22. Do you have anything further to say? You just spoke on all items together. Same two on item 23, 24 and 25. And 26. So I believe, city clerk, those are all the different speakers who have signed up on those items altogether. So with that, those are all of the citizens that we have signed up to speak. So we can entertain a motion to approve -- let me make sure I get these read into the record correctly -- together items 4, 5, 21, 22, 23, 24, 25 and 26.

Cole: Mayor?

Mayor Leffingwell: Councilmember Cole.

Cole: First I want to thank you for proposing and going to build such a wonderful establishment in our plan in East Austin. And I also want to recognize Commissioner Davis for having called and being very supportive of this project. I know it has been a long time coming and we appreciate the efforts of staff. That being said, Mayor, I move approval of item number 5, 4, 21, 22, 23, 24, 25 and 26.

Mayor Leffingwell: Motion by Councilmember Cole to approve all those. I'm not going to read them again. Councilmember Morrison seconds. Is there any discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero. And so now while it's fresh Guernsey, we could take up items 65 and 66.

Thank you. Mayor and council, item number 65 is case C-14-2009-0089. This is for the property located at 3609 North FM 973, 5911 North FM 973, 6513 North FM 973 Road. And this is to zone the property which is currently unzoned and P public and DR to multi-family residence median density or MF 3 district zoning and limited industrial services conditional overlay or LI-CO combining district zoning. Item number

66 is case c 814-2009-0094 for the property located at 9605 north 973 road. 9501 North fm 973 road. Taylor lane, nez pearce trace, 8312 taylor lane and 9015 taylor lane. To shown that property from unzoned to planned unit development or pud district zoning. Both of these items, items 65 and 66, I can offer for consent approval on second and third reading.

Mayor Leffingwell: I will entertain a motion to approve items 65 and 66 on second and third readings.

Cole: So moved.

Mayor Leffingwell: Moved by councilmember cole. Seconded by councilmember riley. Councilmember riley.

Riley: If I may make what I hope would be a friendly amendment to that. Just on item 6, I've spoken with my zoning and platting commissioner who made -- who recommended against the applicant's request to allow for block grant -- modifications to be at administrative approval rather than at a zoning and platting commission approval. City staff and the applicant have since clarified that the (indiscernible) modification is already an administrative variance by code and didn't require a special request. So based on that discussion I would like to recommend that on item 66 that the requirement of zap approval for (indiscernible) modifications be removed from the recommendation. So with this amendment block modifications would be subject to administrative variance per section 25-4-153 of the city code. I do think we may need to take a look at that process in the future and consider whether any adjustments should be made to the parameters governing those decisions, but for now I'm satisfied that it is appropriate for block grant modifications. So with that I would approve item 66.

Mayor Leffingwell: Is that good with councilmember cole.

Cole: I don't know who is more brief, but can you explain exactly what that means?

There's a -- when you have a dead end streets, the block length would come before as written now for the land use commission and this would simply place -- rather than coming back to the commission each time that you have a lengthy dead end street, probably more than 2,000 feet, then this would be an administrative process rather than coming back to the commission with respect to that one point. And it's only in the whisper valley or item number 66 on your agenda, and I believe that direction is enough that that one simple change could be made without bringing back this item on another week, changing it from a commission approve to an adminisive waiver ance ont particular item.

Cole: That settles it, councilmember riley is briefer than you. I will accept the amendment. [Laughter]

Mayor Leffingwell: Okay. And you can handle that on second and third readings without bringing it back?

Yes.

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

Thank you, mayor and council. I think that brings us back to item number 64 on your 2:00 agenda. And at this time I will steve sadowsky, our historic preservation officer to introduce the zoning item related to an historic property. mayor, members of council. I'm st sadowsky with the historic preservation office. The case up is the spires-seekatz house located at frowrn 06 hardouin avenue. And this is brought to you by the planning commission. The spires-seekatz house was built in 1937 by matt spires a nigh active of bell county. He moved to austin around news 8 austin 21, opened up

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very similar to the spires-seekatz house. Here's one that has notable for its rounded corners. Kind of looks like a wush tub to me, though. And this one is in dallas. And you can see again the very rounded surfaces, asymmetrical composition, but very horizontal, all tied back to what is displayed on the swiers house. -- Spires-seekatz house. The spires lived here until 1960. spires passed away in 1955. spires sold the house in 1960 to roadway seekatz and his wife rose. seekatz was the owner of a prix mere dry cleaning business that was on barton springs road. The house has value and significance as a very rare example of art modern residential architecture in austin, and has significant associations with matt and ida may spires. spires being the proprietor of several of the most prominent shoe shops on congress and one of the pro generalters of the redevelopment of congress avenue with art deck co-and art modern storefronts. seekatz, who operated capital laundry and dry cleaning, lived here for the next 12 years. Thank you.

Mayor Leffingwell: Discussion, council? This is ready for third reading. Councilmember shade.

Shade: I was kind of struck by the examples you showed in the other cities and they don't really look like this one. Can you explain that? The other ones, what's -- what am I missing?

Well, I mean, art modern had a lot of -- art modern actually was much more of a commercial style of architecture. You see a lot of bus stations, greyhound stations that were built in the 30's and 40s that exhibit art modern. The differences are I think that the -- this is the california example and it has a lot of art deck co-to it in that it has a lot of orn mentation to it. It was a stripped down look of art deck co-. The one in dallas is also kind of vertical example. We just don't really have any other examples in austin. The bone house on 29th street is a good cross between art deck co-and art mode that it's got the horizontal composition of art modern, but it has the decoration and orn mentation of art modern.

The hip roof is really different on this house that you're presenting to us.

Well, yeah.

Is that typical?

The style really depended on a low roof. So ukds see flat -- so you could see flat roofs or a very low hipped roof like this one. This is not uncommon in art modern, but I think the more textbook examples like the other photographs that i showed would have a flat roof.

Shade: Okay. Do you know anything about the treatment of the other houses that you pointed out in other cities? Are they landmarked and treated the same way of what we're propose to go do here?

I don't know. The one in dallas I don't believe; but I really don't have any idea about the one in california. The third one with the really rounded corners, i don't know where that one is.

Shade: I'm going to be voting against this, but i certainly think it's a beautiful house and I think that the treatment that the owners have done with this house is fabulous. It's on a great street. I've been by it, wonderful, but I keep going back to this notion that a city like boston has eight homes and we're on 499 today with this one, is that right?

I wish it was that low.

Shade: I mean, I was looking at --

we have 547 landmarks, but that includes commercial buildings.

The homes. Just the homes I think we're getting close to 500 homes. And a city like bostonton that has 185 landmarks, only eight are homes. I'm going to have to vote against it, but I really appreciate the work and i agree that it's a beautiful home and that the families that have owned it have done a great job with it.

Mayor Leffingwell: Is there a motion on item 64? Councilmember spelman moves approval on third reading. Is there a second?

Second.

Mayor Leffingwell: Seconded by councilmember morrison. All right. Councilmember cole, you get the honors. Any further discussion? Councilmember riley.

Riley: I am going to support the motion, but I do want to have the same word that I've been adding every time we've considered one of these historic zoning cases lately and that is just to point out that there are ongoing discussions about the need for some adjustments to our historic landmark program, and in particular we'll be considering -- I expect we will be considering some changes to the benefits associated with historic zoning, and so my expectation is since that conversation is already ongoing, that this particular house, like the other ones that we've approve lately, would be subject to whatever changes we decide on when that comes before council. That we shouldn't have to have a conversation about grandfathering because this -- these tax benefits are being extended in the context of ongoing conversations about adjustments to those. So my hope and expectation is that this house would be subject to those changes down the road. Mayor mar further discussion? All in favor of the motion say aye. Opposed say no. It passes on a vote of six to one with councilmember shade voting no. I believe that takes us to item number 67. Another historic zoning case. And we do have 12 citizens signed up to speak on this item.

Good afternoon, council. This is the cal lan boss well house at 408 east 33rd street and this is a house that came to you on an application for demolition. Staff recommended against historic zoning for this house, the landmark commission recommended it for historic zoning, and the planning commission recommended against the proposed zoning change for historic zoning with the request to council that if additional substantive information arises before the council hearing that council will consider remanding the case back to the planning commission for further review. The callan boss well house sits on 33rd street at the corner of duval and it is basically on the property that finch krueger house at 3300 duval street. This faces south on to 33rd. The other house faces it to the east. It's a one story rectangular house, partial hip roof independent porch on turned wood posts and one over one fess administration. This is a bum ber land sciel house in that it has two front doors to it. The fro front doors are right next to each other because the cumberland style houses were developed in tennessee and the kara dioguardis as textile millworker housing and they could be divided into dplectses. This has the two front doors, but they're separated by a window, so it's a variant on that style. The house was moved to its current site in 1945. And we don't know where it came from. The neighborhood has worked very diligently to try to discover the history of the house, and I'm sure will give you information about where they think it may have been on this property prior to the building permit that we know put this house where it is in 1945. How far, in looking in city directories and all kinds of other information, we couldn't establish any residency prior to 1945. And from 1945 to the present it was occupied by robert and hilda callan. He worked as a book binder for ac baldwin and sons and he lived here through 1949. Then boswell was the longest term tenant and owner of the house. Lived here from the mid 1950's until he passed away in 1997. He was a building crew and that's a position he kept until he retired in the early 1980's. The house is a good example of its style, but staff cannot recommend it for historic zoning because of the uncertainty of its history. Prior to 1945 we don't know who lived in this house or its history. It's a good example of its type, but we cannot base a landmark designation on conjecture. So staff cannot recommend this one for historic zoning and the planning commission agreed with staff's recommendation. Thank you.

Mayor Leffingwell: Questions for staff? Councilmember morrison.

Morrison: Thank you, steve. This is an interesting case. Can you tell me -- you mentioned that this is the only cumberland style house that we have left in austin? Is that true?

No. We actually have several. There are a number of them just to the west of guadalupe street. I guess what would be like the north heritage area, west avenue. There were a couple very simple types that still exist in the riverview and canter bury, holly street area. It was really designed as working class housing. You know, there was nothing special about any of these, but we do have other examples on cumberland style houses in austin.

Morrison: And are any of them landmark, any of the other cumberland style houses landmark?

No, they are not. I do want to mention before I forget, council, that there is a valid petition on this case, so it will take a super majority.

Morrison: Okay. It's interesting that there is lake cumberland in kentucky, which I've been to. And you mentioned that it's a style that came from tennessee and kentucky. Was it brought with folks when they came from tennessee when they had gone to texas phenomenon happened?

No. They generally post-date that phenomenon. The earliest cumberland style houses I would say date from the 1990's, but it was a fairly common housing type at least in that area through the 1940's. And this house obviously predates 1945, but there's no way of determining how old it actually is.

Morrison: But there are no others in nuna, for instance, in that neighborhood?

No, I don't believe there are.

Mayor Leffingwell: Okay. We'll do our public hearing. The first speaker is mary inge. You have donated time. Susan moffett. Rick iveron. So mary, you have nine minutes.

Thank you very much. Good afternoon, mayor, mayor pro tem, councilmembers riley, shade, morrison, spelman and cole. I'm mary ingel as you well now. And I'm a resident of the grooms' addition, which is a subdivision of the north university neighborhood and it's a cauldron of diverse opinions, which means we're a healthy neighborhood. And we're normal. I would like to tell you a story about this cottage at 408 east 33rd street. We were successful in obtaining a letter that we established a postponement for last time from a professional preservationist named gregory speak who works at the texas historical commission. I e-mailed all of you this letter earlier today and i hope that you may have time to read it later. The reason I got this is because this professional has verified our research, which has been ignored and discounted during this historic landmark process. We based our case on research, not here say. From our research of tax records, we can now date this cottage from 1912 to 1914. This is new evidence. The bottom line about this property is that it's a 97 to 98-year-old cottage which was always a part of the historical estate at 3300 duval. It was located behind the grand house belonging to the howell charles krueger judge and his son krueger, who was a lawyer. In 1945 the cottage was moved 50 feet forward to its present spot on 33rd street where it has been for 65 years. This I was subsequently subverted in 1987. It has been set to the cottage was moved from white is street to 33rd street in 1945. There are two main pieces of evidence which dispute this statement. Our comprehensive research did not uncover any structures which were moved from white is street or white is addition during that time. The time period say from 1944 to 1946, not a penny changed for each property on the tax assessments in the city lot registry for those three years. All were accounted for fully. Number two, there was a permit which states relocate residents on lot and add two rooms. We found another permit for moving the house from the same time period -- this is also new evidence and it was for a house in hyde park which said move house on to lot. The difference in the language is clear. It's also clear to the professional

preservationist who read through our research. We think that the original permit says relocate residents on lot because the cottage was moved over 50 feet. It was always on this historic property at 3300 duval. The sanborn map substantiates this and so do the tax records. These two points strengthen our argument that the house was originally part of the historic estate on duval. It is guilty by association. We have based our case on research, not here say. This particular case has pointed out some omissions in the process, and I hope that you will be very concerned about changing this. The historic landmark commission's recommendations and findings from their criteria were never documented, mentioned or forwarded to the planning commission hearing. The historic landmark commission took the time to evaluate carefully this criteria, but these points were omitted in the next step of hearings. They were mentioned today, or the fact that the recommendation was made, but you don't know what the criteria is, nor do you know which ones from the list apply to this property. It was not made clear to us. This type of omission creates distrust of the public and not to mention the planning commission. It was hard to evaluate evidence when -- it's hard to evaluate evidence when it's not there. I hope you will support this idea that in order to make city government more transparent, the findings from the historic landmark commission, especially if they conflict with the staff's recommendation, must be visibly included somehow in the process. This would be a small improvement and it will benefit the entire community. And the preservation process which is under such political scrutiny today. We don't need to perpetuate a flawed process. The historic landmark commission doesn't recommend all properties for historic designation. To move forward their careful work is being undermined by these careless omissions in the process. I hope this will be changed and I'm confident that you can see that this needs to be. Why is this cottage so important to us? In the grooms addition, which is one of the subdivisions of nuna. We are far along in this process. Unfortunately our area is constantly under siege. We have experienced demolition after demolition. This cottage would be the third demolition this year. We have had -- over the years we have lost 250 structures, which will be put up on the overhead now. 250 Structures. This particular demolition will be 251. This is just in one subdivision of the neighborhood. In summary, this is the only process we have to protest a demolition in our central city neighborhoods. By opposing demolition, a case either moves forward or not for historic designation. We have successfully based this case on research, not here say. We are hoping that the public record will reflect our efforts with this letter, which I received this morning from gregory smith at the texas historical commission. We are hoping that the process of historic zoning will be amended in the future to include mention and visible proof of written recommendations from the historic landmark commission for other public hearings. Transparency and clarity in city government are of course good practices benefitting everyone. Because this has been a rather long afternoon for me and for you, I want to ask if it would be helpful for me to read the letter that gregory smith wrote, and if it's not necessary since you have a copy of it, I just want to clarify one sentence in the second paragraph. the historical record regarding this property is incomplete and thus any assessment of the building's providence is based on circumstantial evidence. He's referring to the city staff's historical record which I gave him to review. And he goes on to say that the research that we have done on this property is commendable. And he agrees with our assessment that it could be concluded that this was the same cottage that was on the property all along. And I will answer any questions.

Mayor Leffingwell: Thank you. Next speaker is carol jurneax. Signed up for. And you have three minutes.

Mayor leffingwell and councilmembers, I am carol jurneax. I am co-chair of the grooms addition historic committee and also a resident and member of nuna. This house lies within the proposed grooms addition historic district and the boundaries of north university. As stated in nuna's bylaws, one of the main purposes of this association is to improve the quality of life in matters such as land use and environmental protection and to preserve the historic and unique character of nuna. Austin prides itself as being one of the greenest, and yet demolition relocation permits continue to be issued in grooms addition. The owners of the subject property have stated that they will build a five-star green energy home should they receive their requested permit. Please consider when a building is demolished, its imbedded energy is lost. Recycling materials from a demolition captures only limited resources. Relocation involves expended energy and in this case historic importance is lost. No matter how green the new structure claims to be, the energy to build it far outweighs that which would be involved in

updating the existing structure. The subject cottage is in relatively good shape and even if improvements are as needed, the reparability of existing materials reflects the greenest of attributes. Repairs extend service life, often doubling the life of materials, cutting in half the environmental impact. The owners plan to build a new home on a small 5,662.8 square foot lot. The square footage and footprint of the new house will most likely exceed that of the current dwelling. Small homes such as the existing cottage built to only moderate energy performance use substantially less energy than a larger house built to the highest energy performance standards. Storm runoff water will probably also be increase understand this area, which already has flooding problems. Allowing a demo relocation permit for the callan boswell cottage makes no sense. Reusing intact buildings is the most efficient way to capitalize on being green. Across the nation, historic tax credits which have stimulated the reuse of over 34,000 buildings, an investment of over \$13 billion, may be the greenest legislation ever created. Your vote today for historic landmark status for the callan boswell house would not only preserve the unique historic character of this charming cottage, but be one of the first steps needed to reduce austin's carbon footprint tomorrow.

Mayor Leffingwell: Thank you, carol. Next speaker is scott morris. And is joyce visoiner in the chamber? Mary arnold? So scott, you have six minutes. And when you finish, we will pause consideration of this item for our live music and proclamations. So it will be sometime until we get back.

Thank you, mayor. Good afternoon councilmembers, my name is scott morris. On may 24th after careful review, the historic landmark commission found that this property was historic based on its architectural style, its historic associations and its community value. As a member of that community, I hope that you will join me in supporting those findings. And I think we have something -- the criteria list if you could pull that up for us. Those criteria were established in the following five to one vote on may 24th. In terms of architectural significance, the property embodies the distinguishing characteristics of a recognized architectural style, type or method of construction. The property represents a significant portrayal of the environment of a group of people in an historic time. And the property has a unique location or physical characteristic that represents an established and familiar visual feature of the neighborhood or the city and contributes to the character or image of the city. The hlc are your appointees who use their expertise to weigh all the factors leading to historic zoning. Yet findings of a city commission are not incorporated in or conveyed by the staff report for this case. A zoning change review sheet before you has remained substantially unchanged since april. New facts discovered since that hearing have only strengthened the case for preservation. The history before the 1945 relocation permit is now known. Without question, sanborn fire maps show this was once the servants quas to the estate known as frinch krueger. Without question a city permit explicitly states that this was relocated on that lot, yet again these facts are not acknowledged or otherwise conveyed in the staff report to the planning commission or to this body. The purpose of historic zoning is to preserve the history of the built environment, not just the history of the affluent, but an accurate, cross-sectional representation of our community. The people of north university were adds economically diverse in 1945 as they are today. At least 87% of us are renters. Yet out of 2600 dwellings, there is only one h zoned working class property, and this would be the second. The servants of the finch family, the crieuwgers, callaghans and boswells in their century old cottage on 33rd are a testament to a an economically diverse history. There is consensus on the boards in this city that an imbalance of class exists had in the historically zoned inventory. Indeed, the whole program may now be at risk because there has been such a profound bias toward only the history of the applicant. Here we are, we're presented with a solution tonight, this afternoon. A house in the vernacular, with solid credentials, supportive findings by your own board, supportive research by volunteers which has been corroborated by experts in preservation, and a servants quarters which served as the engine behind the established edwardian era manner. This is your opportunity to make small steps to rebalance that inventory. Great expense and care was taken to save this house 65 years ago by moving it a few feet to south. And on the same property. It beat the odds once, and I hope that today you can help us preserve the callan boswell house for future residents by supporting historic designation. Thank you very much.

Mayor Leffingwell: Thank you, scott. Since you finished a little early, we can take the last speaker, who

is signed up for. And that is bob kayler. Let me make sure joan burnham -- is she in the room?

No, sir.

Mayor Leffingwell: Okay. So you will have three minutes.

Right. Mayor and members of council, I am bob taylor. I'm a member of nuna in the grooms addition historic district committee. I've served that association for three decades as an officer, a member of the executive committee, and later as an architect and urban planner. The exhibits that I had passed out prior to the beginning of our presentation are the ones that were prepared to be shown to the state -- the state historic commission. This is a very abbreviated version because I realize we don't have a whole lot of time here. They're tabbed. The first tab is -- it was always there, because it is critical to the success of the recommendation of the landmark commission that the date the cottage appeared on the land be established. Those documents from the sanborn maps clearly show that it was there at least in 1921. And we have other records that place the house there in 1913. The city of austin permits confirm that it was relocated on the site. As you go through the exhibits, and I know we're in a hurry, so let's quickly pass through them. One thing that is important is that as it was moved, relocated on site, it was added on to, and the addition matched the sanborn maps as closely as I've ever seen. And I've been looking at sanborn maps for a long time. You can still see the footprint of the old house within the addition. I'd like you to move on to recognizable style. As far as I know, there are six of these cumberland cottages in austin. This is the only one in our neighborhood. Councilmember morrison asked if there were any that received historic designation. There is one in this grouping of six that has. It's on sheet 7, the last one there, 1106 toyos is an historic landmark from the city of austin. If you will move on to the notation for folklore, we were told -- my wife and i were interviewing adeli yavment nu on some other issues -- [buzzer sounds] since I've lost my time --

Mayor Leffingwell: Finish your sentence, bob.

Okay. She basically told us a story that there were -- there was a black family that lived in the neighborhood and it was during our research for our historic district that we came to -- we realized that the only house that this person could have lived in was 408 pawts that was the only other small cottage on the east side of the creek. The creek has subsequently put into a culvert so it's not there anymore. Thank you so much for your time and attention.

Mayor Leffingwell: Thank you. So those are all the speakers that we have signed up for the item. We'll now go into recess for live music and proclamations. And when we come back, 15, we will resume the public hearing with those folks signed up against.

Shade: Hello. This is a lot of fun whenever I get to do this. The mayor had to go upstairs, but will be back down shortly. I wanted to keep us on schedule and introduce our music this evening. Joining us today is sarah jarosz. She emerged seven years ago, jamming on stage with blue glass gras icons. She played herman do lien with a sure touch and real joy. While her instrumental talents are formidable, she is an equally talented vocalist which you will soon see or hear. She has already won four austin music awards and was also nominated for a grammy at the age of 18. Currently on summer break from the prestigious new england conservatory in boston, share ra released her debut album, song up in her head last year on sugar hill records to critical acclaim. It fee sures her song writing and velvety vocals. Ladies and gentlemen, please join me in welcoming the very talented sarah jarosz. [Applause] ????

thank you, sarah. That was wonderful. That was really great. Do you do any professional performances around austin? That you would like to tell us about?

Yes. The most recent thing that was really exciting is I did a taping for austin city limits in april. And that's going to air on november 6th. So be looking out for that. All the rest of my performance dates are

on my website, sarahjarosz.com. That's updated regularly.

Everybody got that. And buying your music on your website or is it available in stores?

The link is on my website, available on iTunes and Amazon and at Waterloo. And at stores. Look out for it.

Mayor Leffingwell: Well, you've had a great career so far and lots to go. So congratulations to you. And so we have a proclamation in your honor. It says be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talent extends to virtually every general obligation debt service fund and whereas our music scene thrives because Austin audiences support great music produced by legends, our local favorites and newcomers alike and where we are pleased to showcase our local artists, therefore I, Lee Leffingwell, Mayor of the Live Music Capital, do hereby proclaim August 26th, 2010 as Sarah Jarosz Day in Austin, Texas. Congratulations. [Applause]

Mayor Leffingwell: Okay. Everybody has disappeared and left me standing up here. Here they come. We want to welcome a group of children to City Hall along with Dr. Lockhart. These are children who have been affected by childhood cancer. Probably one of the things that wrings your heart more than anything else. We certainly want to appreciate them. And one of them after we get through -- after I get through reading this proclamation, Thomas Molina is going to come up and speak and tell you a little bit about his story. And also, Thomas, when you come up would you introduce all of your friends? Okay. Because I don't have them written down here and my memory is not that good. So the proclamation reads, be it known that whereas childhood cancer is the number one disease killer and second leading cause of death for children aside from accidents. And whereas on any given school day approximately 46 young people are diagnosed with cancer, totaling more than 12,500 children diagnosed each year and whereas every year more than 2,500 children under the age of 20, our most precious resource, and the treasure treasures of our hearts, lose their lives to cancer. Now therefore I, Lee Leffingwell, Mayor of the City of Austin, Texas, do hereby proclaim September 2010 as National Childhood Cancer Awareness Month in Austin, Texas. Thank you all for coming down here and Dr. Lockhart. Toments, you're up, you're speaking for everyone. [Applause]

Hello, everyone. My name is Thomas Molina. I'm 14 years old and I've survived cancer three times. I'm here with my oncologist Sharon Lockhart from the Children's Blood and Cancer Center at Dell Children's Medical and also a few of my friends who are also cancer survivors. They're David, Jack, Elizabeth Maddie. I've been battling leukemia off and on for over 11 years now. I got it first when I was three years old and went through chemotherapy for a little over three years. When I was 11 I found out I had it again after Thanksgiving. I started chemotherapy, only this time it was much stronger. I was in the hospital most of the time and missed sixth grade and only went to seventh grade part time. Right after I started going to eighth grade I found out I relapsed again and this time in my central nervous system. I had to withdraw from school again and get back on very heavy chemo. In November last year my mom and I moved to San Antonio for over three months where I had a stem cell transplant using the umbilical cord blood that had been publicly banked by some very generous couples. We will never know whose core blood saved my life, but I am so grateful to them for donating. I am now in the ninth grade at the Liberal Arts and Science Academy at L.B.J. High School. All the treatments from affected by joints and bones and I will be having surgery on my hips in the next few months and I have osteoporosis as well. Most people don't realize except for many of us kids who get sick we will have health issues for the rest of our life from the treatment that saved us. Thank you, Mayor Lee Leffingwell for issuing this proclamation. Not many people know September is National Childhood Cancer Awareness Month. Cancer is the number one disease killer of all children more than asthma, diabetes, cystic fibrosis and AIDS combined. It's true. 40,000 kids are currently in treatment for cancer in the and today 36 more kids were diagnosed. Two-thirds of those who do survive face at least one chronic health condition. A quarter of survivors face a late effect from treatment that is severe or life-threatening. I hope that by making more people aware of childhood cancer, more money will go for research for childhood cancers and that maybe in my lifetime we will find a cure and also better treatments that don't cause all of these effects on our

bodies because I don't ever want any other kids like me to have to go through what I'm still going through. Lastly, I would like to invite all of you to join me and many other kids and their family and friends to the cure search walk to cure childhood cancer on september 11th at the hill country galleria at nine a.m. My mom and I missed it last year since we were in san antonio, but we will be there this year for sure and hope you will join us to help raise awareness and funding. Elizabeth, david, jack and maddie, I have a lot more to do in this world and we want the chance to do it all. Maybe one day I could be a senator. Once again, I thank you for doing this. [Applause]

[applause] Mayor Leffingwell: We're here also tonight to honor an organization that probably not many of you know much about it. I know that I didn't until tonight. Austin's cultural campus. Many of you know that the university of texas, obviously, the jewel of austin, our economic and cultural driver, fourth largest university in the country, very important to us, to all of us here in austin. And all of the new things that they are doing with regard to advancing the cultural aspects of that university. You know, when I went there, we didn't have any culture, that was a few years ago. Now we do. So we're doing much better. Also includes off campus venues like the bullock museum which is represented here tonight. I want to read this be it known that whereas austin's cultural campus consists of five museums located on and around the universities of texas, whose central location allows easy accessibility to residents and visitors to austin and whereas cultural campus museums include the blanton museum of art, the bob bullock texas state history museum, the harry ransom center, the lyndon baines johnson memorial library, and the -- and museum and the texas memorial museum and, whereas, austin's cultural campus provides austin residents with visitors, with exceptional cultural experiences, programs and exhibitions that educate, entertain and inspire, plus performances, shopping, dining and more. Now there ever i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim september 2010 as austin's cultural campus month in austin, texas. So congratulations, thanks for what do you and you want to say a couple of words?

My name is timothy dillon, i'm the director of marketing at the bob bullock texas state history museum. I'm honored to have been chosen by our partners in the cultural campus to accept this proclamation. I want to reiterate what mayor leffingwell said. It encompasses five local museums located on or near the university of texas at austin and we have joined forces to create an exceptional cultural destination for austin residents and tour alike. The cultural campus is comprised of the blanton, bob bullock, harry ransom, library and museum and the texas memorial museum. Together we provide an opportunity for exploring art, history, science and the humanities all within walking distance. Visitors can enjoy exhibitions special programs, performance, shopping, as well as dining. Austin is such a beautiful, walkable city. We are happy to offer residents and visitors a pedestrian friendly one stop way to take advantage of austin's best cultural offerings. Again, thank you for the opportunity. And we have -- we have brochures that are available here at the info desk and all around town that give maps and more information about each venue.

Thank you. [Applause]

Mayor Leffingwell: So we actually have two groups of warriors here with us behind me. Vietnam veterans and airplane modelers, but all of the air plan modelers i believe are veterans, too, just flying smaller airplanes these days. And I know senator babe schwartz behind me here is very active in that modelers organization, he invited me several months ago to come out some day and fly model airplanes with them. I know it's more difficult than the airplanes that i flew all of my life because they're a lot smaller. I bet that I could learn to do it. One of these days I'm going to. I -- I -- this has special meaning to me. This memorial, this vietnam memorial at the capitol which we see a replica of right here, that's amazing, isn't it? What a great -- great message that sends. A lot of different messages, actually. I know a lot of people have worked very hard to raise money to get this done. Are all of you guys vietnam veterans? Okay. Me, too, that makes all of us. .. good to see again. Welcome home. That was a long time coming, too. So I have a proclamation for you. And then we're going to have robert floyd come up and say a few words. Be it known whereas over 500,000 texans served and sacrificed for our country during the vietnam war but returned home largely unrecognized and whereas the vietnam monument authorized in 2005 will be a granite and bronze sculpture on the capitol grounds built through private

donations, which will pay tribute to the fighting force that served in vietnam and, whereas, the monument will feature five infantry grunts and I'm sure robert will explain to you what that means, of different backgrounds representing the diversity of texas, texans, who fought in vietnam and whereas proceeds from the hill country arrow modelers electric aircraft fun fly on september 17th through wright metropolitan park will benefit the texas capital vietnam memorial project, now there ever I lee leffingwell, mayor of the city of austin, texas, do urge citizens to donate to this long overdue tribute to our veterans and do hereby proclaim fall, 2010, as the texas capitol vietnam monument fundraising campaign months in austin, texas. Congratulations, guys, i thank all of you for doing what you're doing. [Applause] so, robert, welcome -- there you are.

Okay.

Thank you very much, mr. Mayor. And members of the council and citizens. We very much appreciate this opportunity and honor to be here with you. You may have heard some of us say when the mayor stepped up, welcome home. That's a greeting that each one of us gives another, vietnam veteran -- when we meet them because we were not welcomed home. Years ago. This monument we hope to have it erected and on the capitol grounds on the northeast side of the capitol in the fall of 2011 and we are continuing to try to raise the money for this effort. If you have been to the state capitol grounds, you will have noticed that there is a monument to all of the other wars, with the exception of vietnam. So this is a great, great honor for us and an opportunity to be here. We -- we were kind of in an urgent way, I guess you might say, to build this monument. We hoped to have it completed by the fall of 2010. We -- I'm sorry, 2011. We are losing approximately 300 vietnam veterans every day in this country. Many of them related to cancer related illnesses from the chemicals and the agent orange that was used in vietnam. And I can certainly identify with these young people that were up here, they were an inspiration because i, too, am a cancer survivor. I would like to recognize a couple of people, special people here that are with us today along with all of the vietnam veterans. First of all, she is not with us today, but we have had just incredible support from lucy baines johnson. And the johnson family. As lucy has said in talking with members, my dad was also a victim of this war. And she has been wonderful as the whole family in -- in helping us raise money and to create awareness. In fact, before she died, ladybird johnson graciously lent her name to be the honorary chair of this effort. So we owe a great deal to the johnson family. I would like to recognize state representative wayne smith from baytown, the house sponsor of our resolution authorizing this on the capitol grounds. Wayne. Of course you have met former state senator schwartz who has been very strong in helping us with this project. These other gentlemen up here have been very active in our project, they serve on our board of directors and this is all a volunteer effort to be raised with private funds. We appreciate that you honor us and the fact that you are a vietnam veteran makes it all of the more -- I think all of the more meaningful. Thanks to you, to all of you and -- and we do have a website, www.buildthemonument.org. If you would like to make a contribution, we will certainly accept it. Thank you very much. [Applause]

Mayor Leffingwell: Thank you, robert. I hope as many of you out there have a chance to come up and look at this model closely because it is really an inspiration, I hope that everyone will be inspired to go on line and whatever it takes to make a donation. Guy, if I didn't say so earlier, welcome home to you. Let's take a picture of that.

Mayor Leffingwell: Thank you, I appreciate what you are doing. I would like to introduce for the next proclamation, mayor pro tem mike martinez.

Martinez: Thank you, mayor, I want to welcome up some of our city employees from our office of homeland security. It gives me great honor to present this proclamation this year. Every month, folks, or every year we celebrate a month, we put a month aside and we try to educate our community about being prepared in case of an emergency or disaster. And obviously we've known, we've learned over recent years just how big of an impact you can have on your community when you think about things like hurricane katrina, hurricane ike and how many folks we helped here. It's important how austinites understand how they can be prepared if and when it hits austin. We try to create that awareness by

proclaiming this month, running programs through our city departments that let folks know what they need to be doing in case of an emergency. So I'm going to read this proclamation. be it known that whereas national preparedness month provides an opportunity to remind austin residents to prepare their homes and families for emergencies, ranging from natural disasters to potential terrorist attacks. And whereas austinites need to be ready to survive on their own after an emergency, this means having their own food, water and other supplies in sufficient quantity to last for at least three days and whereas the city of austin office of homeland security and emergency management wants every household to be well prepared and resilient in the event of a disaster. And whereas they urge citizens to review fema's ready campaign website at gov or in spanish gov and become more prepared. Now therefore I lee leffingwell mayor of the city of austin, texas, do hereby proclaim september 2010 as national preparedness month. Congratulations. [Applause]

thank you. And we have candice wade from our office of emergency preparedness and homeland security.

Thank you, councilmember martinez for that introduction. First, I would like to also introduce with me here today lindy mcginnis, our community preparedness program manager as well as work in finance and administration. She has a very long title, folks, so she does a lot. But thank you very much. Today we're just here excited about september, september is our month for national preparedness. We have an event that will be taking place at c tech SEPTEMBER 18th, OUR SECOND Annual public safety open house. At this event we will show citizens of austin how to make an emergency plan, how to get -- create a kit. Also, we will invite them to join volunteer programs, so that you can go out into your neighborhood and prepare yours and your neighbor -- yourselves and your neighbors in case of an emergency. So we would like to invite you guys to also visit our website, that's www.austinESOME.com, WHERE You can find information on how to prepare you and your family in the events of an emergency. Thank you. [Applause]

Martinez: Now we'll turn it over to councilmember riley, who is going to talk to us about a really cool event in downtown that has to do with magic. I am councilmember chris riley, this is an exciting moment for me. A lot of us feel there's something magical about the city of austin, some of us feel especially strongly about the magical presence that we have in this city. And it's my pleasure tonight to be able to recognize some folks who are out there carrying magic to all sorts of audiences. And I have a proclamation to acknowledge this one event that's coming up. I'll read it. be it known that whereas austin has been a focus of magic in texas. We're home to a large collection of houdini memorabilia at the harry ransom center. We are headquarters for the premiere magic store in texas. Whereas austin is well suited to host the annual convention of the texas association of magicians, taom, an organization which pursues the development of magic as an art form and fosters camaraderie among its members. Whereas assembly 206 of the society of american magicians is sponsoring the first annual austin street magic festival in downtown austin as a prelude to the taom convention. Therefore I lee leffingwell mayor of the city of austin, texas do hereby proclaim september 1st through 7th 2010 AS AUSTIN MAGIC Week 2010. So on behalf of the whole city council I want to thank everybody making this possible. I also want to recognize some of the magicians that we have here with us tonight. In fact hull youngblood, dan page and john maverick and see if we can get them to actually do a couple of magic tricks for us here tonight.

Thank you.

Thank you, councilman. My name is hull youngblood. I serve as the president of the texas association of magicians, which was founded in austin in 1943 at a picnic out on the pedernales river. Over labor day weekend, we will host the 66th annual taom, texas association of magicians convention. That starts on friday of labor day weekend, september 3rd. The day before, on thursday, SEPTEMBER THE 2nd, IN THE to , one of the local magic club, the second largest magic club in the world, based in austin, will host the austin street magic festival. We have a big hat and a small hat. The small hat guy is dan page the chairman of the austin street magic festival. They're going to have world famous street magicians

flying in from all over the world. They are going to have jugglers and balloon twisters and acrobats and-- there's a lot going on. It's up and down sixth street. They are blocking off red river right by esther's follies, there will be magic as they say from esther's all the way down sixth street to the driskill hotel. Thursday night, a lot going on. [Austin magicfestival.com](http://AustinMagicFestival.com). THURSDAY SEPTEMBER 2nd. If you are really into magic, on friday, saturday, sunday, a little bit on monday of labor day weekend, we will hosting what will be the largest magic convention in north america. There really are a lot of magicians. It is the texas association of magicians convention. There are tickets available to the public. I get asked this all of the time. It's not all closed. There are tickets available to the public. Taom2010.com. Tickets available to the public. Please come, have a great time. You need to see some great magic. Talk about seeing great magic, that's why we have the you guy in the big hat. John maverick. John, you are on.

Thank you all. I want to one more time say thank you for bringing --bringing me here today. There's a lot -- austin chronicle, austin american-statesman, daily texan, austin 360 -- all of these different places that have said things about the austin street magic festival, check them out. I brought them along, too, if anybody wants to read them. Talk to me afterwards read all of them right here. [Applause] we will do a couple of quick tricks for you. First off, you have to -- would you help me. Okay, we are going to do a card trick because it's magic and we have to do a card trick. Nice and simple fun way to do this. I'm going to go through the deck like this. Tell me when to stop. Would that be fair? It's not fair, any time a magician does like this. Take one out. Okay. Go ahead and give it a good look. I won't look, i won't look. Show it to the camera. [Laughter]

okay. Okay. [Laughter]

works so well. All right. Okay. Don't worry, we will make it fair, we will make it fair. You get to put it back in there, anywhere at all that you like. Anywhere, not there. I'm kidding. Okay. We're going to make this extremely hard for me to find. Okay. If I would just take the deck like this, would this be easy for me to find your card with the deck like this.

Riley: I don't see how you could do it.

No way to do it at all. Shuffle it up. I'm going to put the deck into the box of cards right like would that make it hard foreme to find.

Absolutely.

Even more difficult. A wonderful silk scarf, wrap it around the box of cards, would that make it hard.

Much harder.

See where we're going here. Keep going. Take the box, put the box here. Wrap the box up in the silk right like that. Would this now make it even harder for me to find your card.

Sure.

Of course.

That would be impossible give it a shake like this. Hope that I have got it right this time. One card comes out there. you go.

All right. [Applause] since I was asked here to come today, they said keep it quick. I'm not exactly good at that. One more trick for you ladies and gentlemen. I'm going to perform my favorite magic trick. Pop!

???? [applause]

thank you.

[Applause]

thank you, john maverick.

Thank you everybody.

Councilmember riley, we really appreciate it. Come to the convention.

Let me clean this up real quick. I want to do a picture, can we do a picture? Let's do a picture.

Cole: So that's a little hard to follow. I have the pleasure of reading a proclamation directed particularly at health. And the health problems that face the minority community. And the need to always be ever vigilant. Hey, how are you doing? Thank you. Hey. And to -- just the great opportunity standing here with members of the community and members of the -- of the city of austin staff. And recognizing the hard work that they do and how proud we are of them. And the fact that they dedicate so much time to an undeserved community. With that I will read the proclamation. A serious health gap exists between racial and ethnic community population and the general public. Showing that they are more apt to suffer from such problems as heart disease, stroke, cancer, diabetes, infant mortality, h.i.v. Aids and whereas early detection of disease prompt referral to a quality health care resources and immunizations against disease are essential steps to reducing such health disparities. And whereas the national closing the health gap campaign is aimed at encouraging individuals, especially those in need, to find and live healthier lives and to visit a health care professional. Now there ever I lee leffingwell, mayor of the city of austin, do hereby PROCLAIM SEPTEMBER 18th, 2010, As take a loved one for a checkup day. With that I'm going to go call my mom and dad. Do you have a few words?

Okay, my name is sam price, I work with the -- let me take a deep breath, austin travis county health and human services department community health initiative unit. And we are one of the sponsors, along with the seton family of hospitals. Let me tell you a little bit about the purpose of the -- of the take a loved one. Take a loved one event is to raise awareness of health disparities and empower the community to take action to close the gap. And when we talk about closing the gap, we're talking about -- about the importance of having good health and issues especially among racial and ethnic minority populations who most people know are affected most seriously by disease and health conditions far greater than any other -- any other people in the united states. So with that, I would like to say that we will be doing this event, this is our fifth year of the fifth annual take a loved one for a check upday event. This event will be taking 's,heb's, heb north lamar, 9414 north lamar and we will be doing the other one 7112 highway 183 which is springdale shopping center on the same day from 11:00 to 4:00. At that event we will be doing health screenings, blood pressure, blood sugar, testing, a host of providers giving out all kinds of important information that we will be -- that will be very helpful for individuals that does not have access to care and that just need other information dealing with not only just care, dealing with other social service issues. With that said, I would like to also recognize the people that -- community partners and co-sponsors that have really committed themselves to helping us, you know, you know it says it takes a village to raise a child. I think it takes a community to keep us healthy. I really appreciate the fact that these individuals have worked with us and partnered with us to help us to close that gap. To make it a little bit better for those communities that are -- that are lacking in health care. Austin is a beautiful city, but there's some sides of the city that's not so beautiful, there's people that are really, really hurting that need access to health care and need help. With that I would like to introduce, I don't have the names but I do have the organizations, I want you to raise your hand as I call the organization out, or if you want to dance, turn a flip, doesn't matter to me. First of all, I would like -- some I think some of the individuals are not here. Anyway, ameri group, community care, abercrom home health, american association of critical care nurses, austin chapter of top ladies of distinction, austin travis county health

and human services h.i.v. Prevention, austin travis county integral care, heb, frank more ran oak community partners, liberty medical, physician health choice, the smile center dental, texas department of insurance, specialist, last but not least wal-mart. As you can see we have a host of different type of services being offered from vision to dental, we know that there's a lot of individuals that need these services and we're -- we'll be available on those two days to give those services. I want to say thank you so much. Thank councilmember cole for presenting this proclamation, we just thank the mayor, also, for giving us this opportunity. And I think this -- anybody else have anything to say? We don't want to do that. Anyway, thank y'all very, very much, we hope that you would tell someone about this event. We will be airing some radio spots all for the next three weeks and we will be having fliers all over the community. Just letting everyone know this event is going on, we would appreciate it very much. Thank you. [Applause]

Mayor Leffingwell: 67. And -- now we are -- we are hearing from folks who are signed up against the item beginning with charles bose, am I saying that right? Charles bose, has three minutes.

Thank you, mayor, I hope not to take three minutes. I appreciate the opportunity to come back again to discuss this case. I listened very carefully to all of the information that was presented before. This is not new information. Except for the letter, which ingle tried to rewrite here today, a letter from our own "expert" I was able to -- the planning staff shared that letter with me approximately an hour ago. I agree with them. It's circumstantial. That's all that it says on the first page. There is no history. There is nothing to base this structure for historical landmark designation. I totally don't understand the second page, these same witnesses spoke at the planning commission, provided the same information to the planning commission. sadowski has been looking at this matter for four months, he has done thorough research, has not changed his position. Every last minute bit of information submitted by these individuals steve had to check out and after reviewing all of this information, he remains firm in his recommendation that this structure does not qualify for a landmark. This is not in a local historic district. This is not in the 1984 survey. This is in no historic designated area in the city of austin. For all of those reasons, we don't believe it meets any of the criteria for landmark designation. Thank you.

Mayor Leffingwell: Thank you. Next speaker is christine boes.

Thank you. Honorable mayor, members of the city council, I'm here together with my husband as owner of the property. And again do feel and reiterating on certain points that nothing has truly changed in the staff recommendation or their review of this information. I would bring forward that we made this application for our demolition permit to the CITY ON MARCH 11th. We have been through this process numerous times and this information that was submitted into record today with the -- with the -- over arching conclusiveness that the supposition was possible by greg smith, is not new information, it was information that was originally introduced in the way of supposition at the july 13th planning hearing, at which time they begged off for additional time to have the information sadowsky and his staff. On july 27th at the planning commission, there was an attempt to have a postponement and the planning commission aired that motion, decided no, they would go forward. And they did so in presenting this information and were not able to convince the city commission that there was the way to draw logic from the conclusion, since there was nothing verifiable from that information. So once again, it is not new information and the city staff's recommendation has not changed. As I recall, at the july 27th meeting, before the planning commission, that second meeting, the -- we were advised that no new information would be introduced to the record for further consideration unless it could be verified by the city staff. Ie, mr. sadowski. So I do not -- I will ask sadowsky verified this new information and given you that -- that affirmatively.

Mayor Leffingwell: We can ask him that at the appropriate time.

I would say there are no new conclusions that can be gathered from today's proceedings and I would ask that you rule to grants the demolition permit. Thank you.

Thank you. Last speaker is susan pryor.

Thank you, councilmembers. I -- I own the historic property that is adjacent to this home and my husband and i, my husband richard boner and I have lived there for 18 years. When we bought the house, the 408 property was owned -- was sectioned off from our property. The owners of that property were the krueger family who we bought the house from. At that time, they made a point of telling us that this was never a part of the property, it was moved there in the '40s and that there was no reason for us to consider it as something that would be part of our property or of interest to us because they knew we wanted to zone our property historic. john boswell lived there, we had a relationship with him. We knew him very well. He also confirmed that was moved there in the '40s. He thought somewhere in the university area. When he died, we looked at the property for purchase. We evaluated it to see if we could some way make it work. It was suc structure, it was so poorly maintained, at the time, since then it's been fixed up a little bit. But nothing what I would consider habitable. I think the boes family agreed with that. They bought this property for the lot value only. In that time, they have used it as temporary housing as well, but they always bought it to be their retirement home. And they plan on building aircraftsman style home that is compatible with my house and I believe that what this family wants to do is what any neighborhood and neighbor would want and that's to build a single family owner occupied home that's going to be compatible with the historic property next door, they are going to have a home that will be here in 100 years and will be ready for historic zoning at that time. And I find it unbelievable that the neighborhood is objecting to this. And it's only these three people. You have a letter from nuna not supporting either one. I'm also appalled that they keep saying that they are not saving the information. I have tried to submit information to their files and they refuse to take any information, even though i had peter [indiscernible] max do work on my property.

Thank you.

Thank you. Those are all of the folks that we have signed to speak up on -- speak on this item. The city is the applicant. So unless there's something sadowsky doesn't have any -- doesn't have any further comments. I will entertain discussion or a motion on item no. 67.

Mayor?

Mayor Leffingwell: Mayor pro tem.

Martinez: I wanted, mr. Sadowsky, there was some testimony given just a second ago by the applicant. Have you reviewed the letter that was submitted today or last night whenever and has it changed your recommendation as new or significant?

I reviewed it today, mayor pro tem. And there didn't seem to be anything there that would have changed by opinion. I would have let you know if it had.

Riley: Mayor?

Mayor Leffingwell: Councilmember riley.

Riley: Steve, if i could just ask a couple more questions. You've heard the neighborhood's evidence and their arguments to the effect that that -- the house that's on site now is originally -- was originally associated with this house. Does any of the -- of the evidence that they are presenting now change your opinion on that issue?

No, it doesn't councilmember. I'll tell you why. There was -- there was another house on this site. I don't think there's any proof that that house that's shown on the earlier sanborn maps is this house. There's no conclusive proof of that. If there had been, I -- my recommendation most likely would have been

different. Because then it would have had a clear connection to the finch-krueger house. To me it's not justified, it's not there. So there was a house. I don't know what happened to that house. It could be this one. But it could not be. I don't think that -- that it's in the city's best interests or my professional evaluation to say that something should be designated as a landmark when we've got a should, could be, in the equation.

Riley: In your view, would this building qualify as a contributing structure to a historic district if we had a historic district for that area?

It would. Yes, it would. But that's a completely different level of analysis and evaluation.

Riley: Okay. Thanks.

Mayor Leffingwell: Councilmember spelman? sadowsky I'm not persuaded yet that this house was necessarily the house that was there 98 years ago. On the other hand, I think it's likely that it was. Nobody has asked you for a probability estimate. I'm not going to be the first one to ask you for a probability. But you did -- but you did admit to the possibility that this is the same house. This may be the house that was built in 1913 on this site.

Again, councilmember, it could be.

Spelman: Could be.

Again, it may not be. It may be a house that was moved on to the site.

Spelman: We have several people in the neighborhood who believe it was. There is an historic architect specialist from the university of texas who believes it was. And it seems to me that there's enough information here to do what the planning commission asked us to do. When the planning commission considered this case in july, I'm trying to come one the magic words here, if any new information comes back, request to council in additional substantive information arises before the council meeting. Here it is the council meeting. I feel we have additional substantive information. The council will consider remanding the case for planning commission for the further review. It seems to me, I've got more information than I had two days ago. That I am persuaded that this is probably the same house. I would like to have more time to think about it. I would like to review the evidence more carefully than I have time to right now. Our usual procedure in cases like this is for the planning commission to review the historic landmark cases and I'm persuaded they did not have a chance to get to that review because they were not persuaded this was the same house originally built on that site. I would like to hear what the planning commission says based on the new evidence available from the , who believes that it was. So, mayor, I would -- I'm not sure of the exact form for this motion, but I would like to send this case back to the planning commission for another review and then have it come back to us at that point.

Second.

Mayor Leffingwell: So motion by councilmember spelman basically to remand this item back to the planning commission for reconsideration. I ask the city attorney if that's the proper terminology.

I think that will do just fine, mayor.

Okay. Thank you.

Seconded by councilmember cole. Any further discussion by the council? Mayor pro tem?

Martinez: Yeah, mayor. I think -- I think the information was presented sadowsky's recommendation hasn't changed. This does have a valid petition. I don't know that -- that anything that comes back, I'm only speaking for myself, would change my opinion of this. I believe these folks have gone through this process and have accepted delay after delay, including last week to this week. We're still at the same spot. So I'm going to make a substitute motion that we deny the historic zoning.

Mayor Leffingwell: Substitute motion by the mayor pro tem to deny the historic zoning. Seconded by councilmember shade. Any discussion of that?

Cole: Mayor, I have a brief comment.

Mayor Leffingwell: Councilmember cole?

Cole: We know that we have within the last two to three months went through extraordinary efforts to try to get our historic zoning policy right. And I think that asking another body to help us with that process, especially when we have additional information, is not out of order. I do, of course, sympathize with people who are having to extend that process, but I think the public and those citizens will understand our needing to take more time in this case.

Mayor Leffingwell: I have a question for mr. Sadowsky. Is there any new information that you know of?

No, sir.

Mayor Leffingwell: Okay. Thank you. Councilmember shade?

Shade: I would like to get some clarity for those who want to send it back a little bit more what additional information is there? Or could there be?

Spelman: We've a question here councilmember of dualing experts. sadowsky isn't sure it's the same house. believe it's the same house. Frankly I believe it's the same house. If I look more carefully at the record, I will probably have a stronger belief one way or another than I do. But given that we have a lot of people here who want to talk about other issues, i don't feel like this is the right time and place to spend the time necessary to comb through the records of this case and figure out where I actually would stand. I think the planning commission has said that they are willing to take a look at that if we have something new. What we have new is an expert opinion that says that he thinks that it's that house. I think he's probably right. I'm happy to give them an opportunity to do what they said they wanted to do which is to take a look at this case again if we had something new to tell them. We have something new. Let's let them take a look at it.

Shade: I'm not sure that I understood, but I'm having a hard -- I mean, mary addressed this issue and I had read your letter, I was going to ask you the question about this sentence about the historic record .. Based on circumstantial evidence. I'm not following how that is going to -- is going to get us somewhere else.

Depends I guess on what standards of evidence that you would require to verify that this was the same structure that was -- that was the structure there in 1913. It's consistent with the structure. It is -- there has been hearsay evidence that the structure was moved from a different place. But there's also good evidence that this is the the same structure that was there in 1913. Frankly, I haven't got the time or the bandwidth at this time or the hour at the time of the day to comb through all of that and reach a judgment on my own. Seems to me there's a good case that can be made this is that structure. If it is a 98-year-old building on the same site, i think that it deserves a fair hearing. Let me say one more thing, if I could, councilmember. Back in 1915, a huge percentage of the people who lived in austin were domestic servants. They did cooking and cleaning and gardening and taking care of kids and that was

primary job for thousands and thousands of people in the city of austin. We have, as I think as a matter of historic record, of those 500 or so houses or 499, whatever the number is, we have granted historic zoning status to, the vast majority of them have been rich people. They have been big houses in relatively well off neighborhoods. That's an important part of our heritage, but I think the fact that thousands of people did cooking and cleaning for the people who lived in those big houses is an important part of our heritage, too. I would not want to short that important part of all of our heritage but I have gone it short shrift because we can't be certain right now right here that that structure was the same place where those people lived.

Mayor Leffingwell: Anything further? Okay. So we have a main motion, a substitute motion. We will vote on the substitute motion first. Which is the motion to deny historic zoning. And with that, all in favor of the substitute motion to deny say aye.

Aye.

Aye.

All in favor -- all opposed say no.

No.

No.

So the motion to deny fails on a vote of 4 to 3. With councilmember riley and councilmember morrison, councilmember spelman and councilmember cole voting yes. So now we --

there's a valid petition. How does that --

voting no.

Pardon?

Wait a minute.

There's a valid petition.

To deny?

For in support of historic zoning, correct.

Mayor Leffingwell: Right. So again there's a valid petition, it will take six votes to eventually approve historic zoning. But it doesn't take six votes, only takes four, to approve the motion that councilmember spelman just made. So all in favor of the main motion, say aye.

Aye.

All opposed no?

No.

That passes on a vote of 4-3 with mayor pro tem, councilmember shade and myself voting no.

Thank you. Before we go to the next item, I want to make announcement just in the interest of fairness and making sure that everybody knows what our plan is. Just looked at the -- at the signup list for the public hearings. And we have over six hours of public testimony remaining. That is -- that is -- of course does not include council discussion and other administrative actions and procedures. And so -- so the tentative plan, I will not make this decision now, I will not make it until later, 00, that if we still have a significant amount of public testimony remaining, we will likely recess this meeting of the austin city council until 10:00 tomorrow morning. Just to let you know in advance, that may or may not happen, but I want you to know it's under consideration if there's a significant amount of testimony remaining. So with that, I think mr. Guernsey we can go to item no. 70.

I have one item that i can offer postponement real quick. This has not to do with a 2:00 item. 00 item. Item no. 88. Conducting a public hearing to consider an appeal by the zilker neighborhood association regarding an outdoor music permit on 2050 south lamar boulevard. We received a letter requesting a postponement of this item to -- to september 30th. One of the owners is not available. It is the owners first request. I understand that the appellants are not opposed to the postponement. With that I can offer item 88 a postponement to the sent 30th meeting. Again that will be at 1165 angelina street that will be one of our council meetings that will not be held in this chamber. 00 at the george carver facility on angelina street.

Mayor Leffingwell: Okay. Motion to -- entertain a motion to postpone item no. 88 UNTIL SEPTEMBER 30th. Councilmember shade moves approval of that motion to postpone. Seconded by the mayor pro tem. Any discussion in. All in favor say aye.

Aye.

Opposed say no. That passes on a vote of 6-0 with councilmember cole off the dais.

Thank you, mayor and council. 70 on your agenda is zoning 14-2010-0087, the -- for the domain rezoning for the simon portion. For the property goes located at 11701, 11733 north mopac expressway, 11400, 11500 domain drive, 3311 rodgers road, 3409 crossing, 11600 century oaks terrace, this is a zoning change request from mmpda to mi-pda to change a condition of zoning. The property acreage is approximately 170 acres. The zoning change request was for specifically to increase the impervious cover to 83% overall on the site. The -- the planning commission's recommendation after considerable amount of testimony and consideration was to approve the mi-pda zoning change on an 8-1 vote to require that the applicant provide bicycle access for a portion of a bicycle route segment number 905.04. And there's a public works memorandum attachment b in your backup material that speaks to that to allow for continuity for bicycle traffic to and through the domain development and to require a public restrictive covenant that will limit one acre of land on endeavor domain, which is actually a property next door, which the owner agreed to. To 0% impervious cover, to be signed before third reading of this zoning case. This was a case initiated on behalf of the city by the city council. Proposed use of the additional impervious cover on this site would be for the construction of a financial services use. Bank on the property. On the northern portion of this property. It was done with the understanding that a reciprocal amount of impervious cover would decrease on the property next door. And as far as I know, the property owner next door is still willing to decrease that same amount. So overall, between these two properties, the amount of impervious cover would not increase from the overall amount of 80%. This is an amendment to the pda because it's currently limited to 8 on% and the cross -- 80%, the increase would be 3%, the site is zoned commercial multi-family office uses to the north. The property is parts of the north burnet gateway neighborhood planning area and designated for hotel office bank. So the south is mi, np and it's the university of texas pickle campus. To the east is hotel, commercial, multi-family and industrial office warehouse uses zoned mi-pda, to the west is mi-pda, lo an office and retail uses. I think at this time I will pause. If you have any questions, we have representatives here from the public works department that can speak to the bicycle transportation issues. If you have any questions

regarding those items.

Mayor Leffingwell: Questions for staff?

Spelman: guernsey what's the instrument for moving this part of the development from 80 to 38% before us instead of -- to 83? Am I right in item 69 was the instrument for moving the adjacent part of the property from 80% to a lower number.

That's right. It would basically -- not directly part of this case, there is an agreement by this property owner and adjacent property owner to lower the equivalent amount of impervious cover by the same amount. So what would come up on this property, would go down on -- on the adjacent property, probably through a public restrictive covenant that would basically use up the impervious cover that was available on the joint property.

If we say yes, how can we ensure that the affected restrictive covenant will in fact go forth.

This is only for first reading. As I understand it, there is an agreement by the adjacent property owner to encumber their property for that equivalent reduction before you take final action on this zoning case. So you would have the opportunity of having that information provided to you before you would act to finalize the zoning in this property.

Okay. So somebody has second thoughts, we just don't have to vote until third reading.

Zoning is discretionary, you can choose to approve or modify at the time it comes back to you.

Mayor Leffingwell: So prior to third reading, the public restrictive covenant must be signed by all of the parties and filed at the courthouse, correct?

That's correct. We can have that instrument before you -- it may be that -- well, I will let the applicant actually speak to that. They may execute it and have it in our hands, depending on our action, I don't know [indiscernible] point of the recording if you do not approve this case. I will leave that to them to really satisfy. The commission as they recommended to you, it would be signed and recorded before third reading, it might be best to hear from them in regards to that. If you decide not to do this, then they just encumbered their property to a lower impervious cover without any benefit.

A little bit of faith there that -- that that final part of it -- but just for clarification, my understanding was the slightly different from reducing impervious cover on the endeavor tract, it would be a reduction on the endeavor tract sufficient to make the overall impervious cover on both endeavor and simon 80% or less. Is that --

that's what I understand the applicant is --

depending on the recommend active size of the tracts -- relative size of the tracts it might be more or less, but the overall is 80%.

The council directed staff to do 83% because that is the amount we understood would allow for the maximum amount that may be asked with regard to the simon property in order to construct the bank facility. That reciprocal amount would decrease on the add joining property on this same amount of land area being used to equate to 80% overall on both tracts.

Mayor Leffingwell: Right. Close enough mr. guernsey. But it will all be in the covenant. Any other

questions from staff.

We will hear from the applicant.

Actually, we're the applicant. You can take those in favor and those opposed.

Mayor Leffingwell: We will go to those -- to the public hearing. First -- first speaker is steve drenner. Michelle houseman? Got you. Amanda [indiscernible] joe [indiscernible] okay. drenner, you have 12 minutes.

Thank you, mayor. I won't use 'em. guernsey did an excellent job of explaining the -- the request. As you see the picture in front of you, most people think of this area as just the domain. Not knowing that there's actually two ownership groups and two similar but separate zoning cases that created the rights on either side. It's unique in that regard. It's unique in the fact that this is a pda, you don't see very many pda's. They can -- it's a combining district and it can only be combined with industrial zoning districts. So this wouldn't be a situation that could be repeated, say, with a -- with a site zoned sf 6 transferring impervious cover to a site zoned sf 3. This requires a public process that we're going through. So it's not a situation where property owners can just get together and trade impervious cover back and forth. We have sharpen -- that 97 speakers instead of 83%, there will be a corresponding drop of one acre of impervious cover on the endeavor side. And absolutely would commit that -- that that signed restrictive covenant will be guernsey's hands before third reading. So there will be no question, no second thoughts possible. We will give him the instructions that we cannot bring it back. We can't take it back. So I do think that it's a unique situation. It's very unique in that -- in that because of the way this property operates, it's viewed at one track. All of this area drains to the same pond. So there is no difference in watershed, no difference in where the -- where the water quality is taken care of. There is a very elaborate tracking system that the staff uses for the domain where they track on every site plan, how much impervious cover was used and how much is available. So this would be noted not only in the restrictive covenant, but it would also be noted in the city's tracking plan that they use for every site development permit out here. Reflecting that -- that one acre of impervious cover on the endeavor side is lost forever in exchange for the one acre that simon would enjoy on its side. The -- the planning commission was supportive of this on -- on tuesday night. I think the questions primarily that we got from planning commission has to do with process, has do we make sure that if the zoning case is approved that the corresponding reduction is accomplished and I think that they were satisfied that the process that we just described would take care of that. Let me close and happy to answer questions.

Mayor Leffingwell: I've got a question. There's been some discussion about a bus route and some e-mail traffic indicating that there would not be a bus stop allowed. Can you address that question?

Yes, sir. Amanda, would you put up the picture of the overall bus route? I think there -- there has been -- this came up tuesday night at planning commission. It was the first that I had heard of it. On the endeavor side, the -- I don't think there has been any disagreement at all as to the bus routing and so forth. There is an existing bus stop on domain boulevard that -- that is already built. It's not currently being used by capital metro. The only issue that's come up recently is the new shuttle system that's operating. What would the route be for that bus traffic? The question would be if you look at where -- where the number four is, whether or not you take a direct shot through there or whether you wind back on domain boulevard and tried to miss the area that simon feels is pretty congested with pedestrian traffic and in particular the new little water park that has been built with a lot of kids who would be using that area. My suggestion and my request would be let us have the opportunity between now and second and third reading to go back and finalize that alignment, assuring you that there will be an alignment that allows bus traffic throughout the whole of the domain. It's always been their intent that not only bus traffic be allowed but it be handled in a way that's additive to the domain and to the needs of the people who would use it.

Mayor Leffingwell: Councilmember morrison?

Morrison: Thank you. Steve, one thing that you might be able to help me with. When I was speaking with your staff and there was a -- a discussion about the specific acre of land on the endeavor side that was going to be restricted under the public restrictive covenant as the impervious cover trade that was land there was already planned to be parkland and so I didn't get to finish my conversation with her. Trying to get my arms around whether this is really an offset if what we're constraining is something that was already going to be pervious.

Yes, ma'am. If you would, go back to the two part, two color picture. The way that impervious cover is calculated on the endeavor side, it's -- is that it's dealt with in a bucket approach. So it's collective. It's not done as a matter of each particular track has 80% impervious cover. It's a collective bucket. So -- so this came up at the planning commission and I'm going to -- going to say it exactly the way that I understood it when Jerry Rusthoven said it Tuesday night. That is to make sure that it shows up in that tracking chart correct historic it would be shown -- correctly, it would be shown two ways. The overall impervious cover goes down by one acre. So the summary of the allowable impervious cover goes down by that one acre. Then the other thing that would happen is that they would take a specific piece of property, probably the parkland since we know there will be no impervious cover there, and there would be an allocation of impervious cover of one acre to that tract and then a corresponding provision that says no impervious cover can be built on that. So it's a belt and suspenders approach to make sure that it shows up in both of those ways. If I misstated that, Jerry, correct me, but that's I believe we're on the same page that that's how it would be handled.

Morrison: Okay, thank you.

Yes, ma'am.

Mayor Leffingwell: Councilmember Spelman?

Spelman: Drenner, if you could get Amanda to put that other picture with the bike route back up again, I would appreciate it. I want to be sure that I understand the status of this picture. This is a proposal that you are making but has not yet been accepted by both the Simon and Endeavor people.

This picture shows the, as I would understand it, the desired shuttle route that Capital Metro would like to use. I think all of that has been agreed to with the exception of about where the number 4 is and it's how you get from the Mopac area to Domain Boulevard, it's hard to do this without pointing. And Simon's preferred route, they think the safer route, would be to take the buses and loop them back around Knee Man's and come back -- Neimann's and come back down.

Western edge alongside Mopac.

Sort of the northern edge, if you will. What -- western and northern. And at least initially Capital Metro had said, well, we like the direct route. I think two things would be determinative. How long does it take to make the slightly longer loop. It's a little bit longer, but the roads are -- it's easier to travel on those roads than the more congested roads that go through the middle and then secondly, can we all agree on what the safer route would be. And a balance between those two issues. But I would assure you before third reading, we will have a route that is agreed upon by Simon and by Capital Metro.

Spelman: Okay. Thank you.

Mayor Leffingwell: Councilmember Riley.

Riley: Just following up on that idea. I appreciate your indication that there will be -- bus stops

essentially bus access throughout the domain. There have been issues about the accessibility of some bus stops in the area. When you say there will be bus stops there, can we take that to mean that there will be accessible bus stops so the people in wheelchairs can use the bus stops there?

That would be another thing that I would ask you to -- to hold us accountable for by the time we get to third reading. I should be able to demonstrate that -- that that is the case -- is in the fact. We have one bus stop that's been built. Not currently utilized. But built. And then simon is actually causing a second bus stop to be created just to handle the shuttle traffic. Pretty close to the existing bus stop. But on -- but on esperanza, which is where capital metro wanted to go. I need to find out how that one will be built to make sure that I can guarantee you that it will be accessible.

Riley: Okay. Thanks.

Mayor Leffingwell: Questions? We'll go to the next speaker, signed up against, is susan moffett. Several people donating time. Mary ingle. Is mary still here? She's gone. Rick iveron? Rick? Not here. Nancy mcclain?

I think that whole group left. I think I have mark left.

Nancy mcclain. Marcus naga? Okay. So far susan you have six minutes.

That will be plenty, thank you.

All right. I'm susan moffet, I'm sure this seemed like a very simple thing when council first came up with it in may. Unfortunately the devil is always in the details, i drenner's newly sharpened pencil, i think we're getting closer to understanding how this will all work. I would just like to identify the main concerns about this and offer some practical suggestions, both for tonight's case and moving forward on any similar cases. First, according to the staff testimony, at planning commission, the city will be legally and financially responsible for the proposed public restrictive covenant. And the city does not routinely offer or end force public restrictive covenants for neighborhoods or other people who live here. And since this has not been our practice, our accepted practice, I really see no reason for taxpayers to assume financial responsibility for a covenant that benefits a private for profit entity. Especially one that's already received 37 and a half million dollars in tax incentives. For this reason, I would urge you, if you do go with the restrictive covenant, to do what the neighborhoods have been forced to do and ask simon to put up a bond to cover the costs related enforcement or any future legal actions or any costs related to it. Second, the restrictive covenant for this item, as you know, hasn't actually been drafted yet, so there's really no way to know what you are voting on. For that reason, I would urge you to ensure that these covenant is drafted and available for review and comment before you officially close the public hearing. And this has already been said, but make sure that it is recorded before third reading and please require any future similar requests include the proposed legal document in the case file before it goes to planning commission or comes to you guys because I think it will just help everybody make faster and better informed decisions. My third concern and I was happy to hear this somewhat touched on, but I really want to nail it down, the precedent that this case may set for impervious cover sharing deals. My first thought was that i can max out my front yard, get my friend anne to put a restrictive covenant on an equal part of her yard, but then if anne's neighborhood suddenly notices that anne is building on the restricted part is the city going to cover the legal fees to defend the neighbor on this? If we say yes to the domain with this kind of deal where the city is going to put up and be the financial and legal responsible party, how do we say no to others? I do get that the transfer development rights is a hot topic, I want to make sure that we have a solid plan for tracking and enforcing these deals over the long haul. And staff did say at planning commission that the proposed restrictive covenant would not be recorded on zoning maps and in fact the quotes were "staff will know about it and I will be "in the file". And if you have the misfortune of remembering the hyde park baptist parking garbage mess, that is exactly how we ended up there, the ordinance was put in a file drawer, never put on zoning maps, never appeared in the land development codes. In the file is not going to get a happy ending here. I also

would like to remind you, not that I don't trust them, but it's not really in the interests of endeavor or simply to actually enforce this over the long haul. They have nothing to gain by enforcing it and they actually have something to gain by not enforcing it. So for all of those reasons, I would appreciate it if you could work with city legal on language that clearly distinguishes this case as a one off so we're not setting a precedent for wholesale swaps of impervious cover unless we can get a real handle on how that would work. Also to ensure that if you do use a public restrictive covenant, that this one and any future ones will be clearly recorded on zoning maps where everybody knows they are there. Also if you would consider directing staff to start developing a well defined process for -- for these kinds of things, any proposed transfers of development rights, including how we're going to track, record and enforce these agreements and who will be financially and legally responsible for all of that. And then finally, the bike access that's offered as the quid pro quo in this deal appears from my reading to already be required under the 2009 back plan ordinance and planning commission tried really hard to understand what would already be required versus what we might be getting as any kind of benefit in this deal. And as hard as they tried, I don't think we -- we really were very clear on that. And, you know, our city staff is wonderful. And they worked so hard, but they all have full-time jobs already and I don't think it's really fair to pit them against top dollar private negotiators in these ad hoc agreements while they're trying to take care of their regular work and expect for sure that we're going to come out with a good deal for taxpayers. So for all of those reasons, I would urge you to review the current process for negotiating these ad hoc tradeoffs to ensure that we are getting good value for our taxpayers. I would also like you to consider making trained negotiators to help staff members and to clearly indicate in today's case and in the backup materials for any future cases like this, exactly what the applicant is already required to do in this case it's bike routes or bike access and then what we're getting on top of that as -- as the alleged benefit because none of that was clear during the planning commission talk. I have nothing against the domain, my husband goes and uses the mac store there. I really would love it if it could just plain function under the same rules that govern the rest of us. [Applause] I'm a home owner, a taxpayer, I am dismayed as a city we seem to continue to offer this endless supply of goodies and special treatments to a private non-profit entity which, please, don't forget, competes against directly against other local developments and other local businesses that haven't enjoyed these privileges. 37 And a half million dollars.

McCracken: Didn't hear the buzzer, is the buzzer turned off down there? Pardon?

I'm sorry. May I just quickly wrap up. I'm sorry I did not hear the buzzer.

I was getting my haircut this week. My hairdresser is a small local busy owner, she wanted to enlarge her parking lot, but couldn't because it would compete her impervious cover. Diana didn't hire somebody to come to a deal. She didn't expect to do that. She asked, the question was answered. She's living in her impervious cover limits. I would just like to say like thousands of other businesses around town. I think after all of this time and money I think it's time for the domain to live by the rules, too. Thank you. [Applause] [one moment please for change in captioners] .. for making sure there's some accessibility to their property from the bus stop. I'm against what they've done. The gentleman who spoke on behalf of the property had said there was a bus stop but it's not used. That's not true because Saturday afternoon they had a cupcake festival and I tried to use that bus stop. There was a whole bunch of stuff going on. The world's biggest cupcake was being frosted, I wanted to be in the Guinness book of world records. There was a cannon that shot cup indication. I thought hey, it sounds like fun, even though it's a two-hour bus ride, I'm going. I hopped on the bus and when they let me off the bus, that's when I realized, oh, I can't get down from the bus stop, it's not accessible. I was meeting my friend Sara there, she was on the bus behind me about 20 minutes. I called her up on my cell phone and said Sara, I'm trapped at the bus stop. She said okay, I'll let the driver know. We assumed the driver would be cool and let me off the sidewalk and we would go do our cupcake thing. Well, that didn't happen. The driver told her that she couldn't pick me up at the bus stop because she was afraid she would be liable and we had to call dispatch to get permission. All this stuff plays out and the woman picks me up and she drops both of us off on the other side of the highway. We have to hoof it back I don't know how far. By the time we got to the cupcake festival, no giant cupcake to frost, no cupcakes for sales. I did get to play with the cannon. But after three hours, a little bit anti-climatic and I felt bad at the kids who I shot at who was dressed up

like a zombie because I was ticked off and it wasn't fair to him. The point is when you give somebody a \$37 million tax abatement, they can pay for a distance of about from here to the dais of sidewalk to make sure that everyone is safe who goes there. Thank you. [Applause]

Mayor Leffingwell: Thank you. Next speaker is Roy Whaley. Roy signed up against. And you have three minutes.

Howdy, y'all. Roy Whaley, vice chair of the Austin Sierra Club. I don't have any cupcake stories, sorry. I want to thank Susan Moffet for pretty well putting into words what is a major concern for us. The fact that the -- that this won't be on the zoning map and also part the reason we're opposed to this on paper, this looks pretty good. Sierra Club is in favor of density, in favor of walkability, in favor of bicycling, we're in favor of densification of this sort. We're also in favor of process and procedure. And do not feel like this has gone through the proper process. We -- I really don't care what they build at the domain. It doesn't really matter. The concern is that when we start letting process slide, that we will have this happen on the aquifer. That it will happen in an environmentally sensitive area. That we start having these kind of land swaps and that the transfer of development rights should be a process with a predictable outcome. Something that we can look at and see how it works. That kind of predictability is something that I think would be desired by the development community and the environmental community also. In regards to the bicycle infrastructures up there, I'd like to see something significant and meaningful. Something more than just a stencil of a bicycle on pavement saying, don't run over cyclists here because you are not supposed to run over me anyway. I already have the right to be on that road. This is not an amenity that is being given to us. It's something that's already required. If they want to give us something, either do significant bicycle mobility and pedestrian mobility in the form of a separate trail or pay into a pool that will help with other infrastructure. Getting from the north end of Shoal Creek across 183 where you can even get to this is impossible right now. That's not going to be covered by the bond this November. And this would be an excellent opportunity to work on that. And then have access to national instruments, et cetera, from there. This is a hard area to get around in a bicycle. I'm not part of the official bicycle community for a reason, but I do think shoros are a joke. I already have the right to ride there. Let's do significant improvement when it comes to bicycle and pedestrian mobility. [Buzzer sounding] this is what they should do. It's an amenity for them. Thank you.

Mayor Leffingwell: Thank you. The last speaker is Gill Abel. Gill signed up neutral and you have three minutes. Mayor, City Council. I'm here to talk about bicycle infrastructure and the domain. Drenner failed to mention that the planning commission was very explicit in pointing out that the bicycle infrastructure that was in the current plan is inadequate and had charged them with coming back with a plan that would include adequate bicycle infrastructure. I was with a group, a small group of the bicycle community Drenner and one of his associates on a different part of the domain. We agreed to the shoros because of a couple of reasons. On Guadalupe and Lavaca Street, the city has put them in place and we feel like it's made a significant difference in the safety of bicyclists using those very heavily traveled, densely populated streets, and a lot of cyclists use them on a regular basis. So we made a concession to the developer where he should have put in bicycle lanes. I personally think that would be in the developer and the businesses that are in the domains best interest because it would foster better sense of community and better accessibility. But we did make the concession. They pleaded that they had already done most of the planning for the development and had not -- they needed the impervious cover so they didn't build in bicycle lanes basically. Pretty ironic, isn't it? But anyway, at this point they are telling us that Simon feels like the -- is a major liability issue to put in shoros. The fact is they have been proven in national studies as well as an ongoing study in Austin that they are a safe mechanism, especially on a street that has a speed limit of 25 miles an hour. So we feel like it's a great mechanism. One other issue I would like to address is accessibility into the domain on the west side adjacent to Mopac. Simon has an opportunity to make a great accessible gateway into the development yet they are having difficulty coming to that decision to make that accessibility. And I would like to stress to the city council that it's a key accessibility point to get into this development that is going to be a major magnet with the whole foods going in and all the other businesses, and I would like to ask you to press them to get that done for us. Thank you.

Mayor Leffingwell: Thank you. Those are all the people that we have signed up that wish to speak. There are others whose names will be entered into the record. Who are signed up but not wishing to speak. So, council, does the applicant, the city, have anything to say? All right. Councilmember morrison.

Morrison: Thanks, mayor. I'm going to start out with a couple questions. I bet my colleagues will have some too. guernsey, i wonder if you could give us a sense for the time line of the restrictive covenant draft. First of all, when this case might come back and when we might expect to be able to make the restrictive covenants draft available to folks to start looking at?

I think we can probably start working with the law department and have it within a week or two. We wouldn't be able to come back any earlier than the 23rd. Probably come back maybe on THE 30th. That's approximately about a month away from when we are right now. The covenant, again, would probably then -- it would be a public covenant. We have others that might speak to hours of operation or traffic issues. We've had things that are not necessarily described that you would find in our zoning regulations, but the owner might change something about a building design or improvement that they've offered. And so those are not necessarily uncommon that we would have a public restrictive covenant. And those are not typically shown on a zoning map, but they would be worked out at the time of a site plan coming in. In this case we already have a site plan on the endeavor side that would be encumbered by the one acre of impervious cover reduction from their chart. But we could certainly work on that and I think have it back in about two weeks for public covenant.

Morrison: That sounds helpful. The other point about the covenant that susan brought up was cost of enforcement, and I'm very well aware of the situation she raised because when neighborhoods enter into private restrictive covenants with developers when they are trying to work things out, one of the problems that arises is hey, if they actually have to end up enforcing it, it costs money and how is the neighborhood association or why should they be the ones that have to come up with the money. And so they solve that by putting into the covenant a means for the other party to pay for any enforcement, required enforcement action on the part of the neighborhood. Is there a way that we might be able to talk about doing something like that here?

I guess we could, I mean it really has not come up before because we have the ability to do one of two things. If a private [inaudible] is not -- we could withhold building permits with rap to the improvement. For instance, if they were trying to develop that parkland, we wouldn't issue a building permit. If they were trying to add impervious cover on the endeavor side that exceeded what was allowed, we would simply deny the application. It would not move forward. If they went ahead, I guess, and did something illegally, we have the power to take an individual to court and as probably a matter of last resort there is a provision in the code that allows the director to suspend a site plan, and that would have the effect of basically stopping development on a parcel until that tract is brought back into compliance.

Morrison: I'm going to ask mr. drenner a question. The issue is -- what it looks like to me is that it could very well be something that's in the zoning especially -- do we have a pda also on the endeavor side?

Yes.

Morrison: So it seems like it would be easy to adjust the impervious cover and the pda on the endeavor side also and that way we might not have to worry so much about enforceability and something put in the file. I don't know if you represent the other folks. I think you do. I wonder if that's something that might be feasible from their perspective.

Yes, ma'am. We do represent endeavor as well and they would be -- they have a zoning case on kind of a minor pda adjustment coming forward that will probably be at council by the end of september. And they would be fine with putting the reduction in impervious cover in their zoning case either together with

a public restrictive covenant or instead of, whichever -- whatever the city would like to see.

Morrison: That sounds great. It sounds like it might really solve some of the problems that we're facing. Okay, with that, mayor, I'm going to stop with my questions because I have a feeling that others will be asking about bike plans and bus stops.

Mayor Leffingwell: Yeah, I want to follow up on this covenant issue with both of you because I was following what you said, councilmember, and what we are talking about here is a public restrictive covenant.

That's correct.

Mayor Leffingwell: On the transfer of development rights. So that is totally the responsibility of the city for enforcement. I have not heard about any discussion of posting a bond for a public restrictive covenant and I believe when you brought it up, you referenced a private restrictive covenant that would be bonded because that would not be the city's responsibility to enforce, that would be whoever the private signer is whether it be a neighborhood association or an individual. So just to clarify the normal - that would not be normal practice to post a bond for a public restrictive covenant.

That's correct, mayor and council, because we have the wherewithal being the city of austin to deal with the permits directly. On a private covenant, most neighborhood associations don't have the financial feasibility of hiring an attorney and pursuing diligence, a developer if they are not compliant with a private covenant, but I feel confident the city of austin could step in and take that role without any bond from the property owner.

Mayor Leffingwell: Not only could, but would be obligated to under a public restrictive covenant.

I don't think that's necessary because we have actually enforced private or public deed restriction on other tracts without having that bond.

Mayor Leffingwell: Well, yeah, I'm saying without the bond, the mere fact that we have a public restrictive covenant, it would be the city's responsibility to enforce that.

That's correct.

Mayor Leffingwell: So -- and then --

Morrison: If I could just clarify, my point was that i was hesitant for the city to take on an expense so that this could work out, and if there are other ways to enforce it that don't have to be litigation, that's fine. I was just trying to ensure that we weren't taking on an expense that should really have been shared by someone else.

Mayor Leffingwell: I kind of agree with you, councilmember, but I would really much prefer the public restrictive covenant to a private. I think it would be much superior. And I was a little confused by the back and forth between endeavor also doing another restrictive covenant when their case comes -- aren't they going to be a party to this? This public restrictive covenant on -- on the simon side?

Yes, mayor.

Mayor Leffingwell: They are the ones that are furnishing the land. Seems like they would have to be a party.

Let me try again. As a part of this impervious cover transfer, simon gets the benefit of that via this zoning case. Endeavor would get the negative, if you will, the reduction in impervious cover via their -- the restrictive covenant that they would sign. As I understood councilmember morrison's question, it was could we perhaps supplement that with something in their zoning case, endeavor's zoning case, that also recognized the -- the drop in impervious cover. And if I understood that correctly, the answer is yes, endeavor is willing to do either or both. However they would like.

Mayor Leffingwell: So that was what I was trying to clarify. It's already there, but the redundancy is not a bad thing to have it on both sides. I just wanted to make sure i was thinking about it right.

Mayor, I just have a quick question.

Mayor Leffingwell: Councilmember cole.

Cole: guernsey, I'm going to try to touch the moffett brought up that hasn't been talked about and that's this concept of trade negotiators. Have you heard of that in other cities or is she just trying to increase your dget

well, that would be nice if she was increasing by budget, but I feel confident, especially with this particular item, it is a fairly simple matter of making sure that one side the impervious cover drops and the other side goes up. We've only had, I think, zoning case where we had a legal counsel that was brought in for concordia.

Cole: I remember that.

I think that was the only time that may have come up before. But I think my department working with watershed or public works and the law department have been very successful in negotiating other items through time for the city's benefit, whether it's bradley or very large complicated developments. So this one is a very -- actually fairly simple. It's a matter of something goes down, something goes up and making sure that it stays in place in perpetuity.

Cole: Okay. Thank you.

Mayor Leffingwell: Councilmember riley.

Riley: Yes, mayor, if i could ask a question or two of our pedestrian staff. The planning commission based their recommendation in part on what they considered a very important connection at mopac. You offered a memo on august 18th describing that -- some bicycle recommendations. Could you help us understand what the planning commission was focusing on and the significance of the bicycle connections outlined in your memo?

Yes. Public works department. City staff, bicycle and pedestrian staff has been looking at sidewalk since the original zoning and proposals 10 years ago, and we have in conjunction with planning transit oriented development staff over the last two, three years looked at an overall transit pedestrian and bicycle circulation system that includes not only our city right-of-way streets coming to the domain but looking at their internal drives to create a cohesive -- cohesive connectivity for folks who want to bike and walk or take a bus to the domain and then making sure they can get through and around the domain once they are inside. And so the recommendations in the memo with this -- associated with this zoning case realized that plan and it's -- I can put it up on the overhead, but basically city staff this past summer but bicycle lanes on braker lane from cameer to mopac and next summer we'll be adding bicycle lanes on braker lane from m jollyville. So the system that is not bicycle lanes but is proof he be to be a higher facility nothing to roadway for bicyclists, we just completed a study, public works and the center for transportation research at university of texas on shoros on 51st street and we've proven it's

significantly and the placement of vehicles and bicycles are in a much better place. We highly recommend the system within the domain absent bicycle lines. What we've done is added the system on what would be their major collectors seen as the major collectors throughout the domain. So all the minor streets that have storefront age and angle parking, we're not asking for any special bicycle connectivity or accommodations there. It's just on the major roadways. Al terra park way, esperanza, domain drive, so you can have major circulation through there. The endeavor portion has agreed to the sharos. With the simon property agreement to the sharos, we would have a complete circulation route for bicycles in the domain. There's a connection under mopac that is really important and is actually adopted into the 2009 bicycle master plan because the bicycle master plan speaks to requiring development to continue to planned and existing bicycle routes through their property when they develop. And so kramer lane is one of those routes that is continued through the domain which will have sharos, and then it connects with the bike and ped access underneath mopac, which is really important to open up access all the way through national instruments and the streets adjacent to national instruments over to shoal creek. So that's basically the circulation is sharos through there and then the connection crossing under mopac which crossing mopac otherwise would require going all the way -- very far in either direction without that under crossing. And then to speak to what would be required by code and above and beyond, all the internal drive sharos would be definitely a benefit because the code just speaks to continuing existing routes. So kramer lane is the only existing official bicycle route that abuts the domain and goes through the domain. So all of that would be an additional benefit if they were to agree to put the sharos as city staff has recommended. The connection under mopac is something that would be required because it is in the city of austin bicycle plan. So again, it's just the internal route sharos that would be additional and are recommended by staff.

Riley: And the connection under mopac is where?

It is between -- between -- I can put the map on. That would probably help.

Riley: It's right at the rail underpass. I see. I'm sorry, could you get to a microphone or take the traveling mic?

There's an existing trail -- sorry. There's an existing trail to the north, that big white swath that leads to national instruments and their adjacent roadways. So we're asking for a connection which you see all that greenery.

Riley: Okay.

Right here there's no connection. So a bike can't -- there's lots of rocks and gravel and no curb cut to the street. So we're asking for a short 12 by 50-foot connection and there's a gate here that sometimes is locked and sometimes isn't that's controlled by simon's. And so we're asking to keep that open and to create the trail connection to the street so that there is bicycle and pedestrian access and there would be an accessible curb ramp included with that request.

Riley: Okay. Now, the city's bicycle pedestrian map doesn't show bike routes connecting right on the other side of mopac. Although there are some not too far from there. Is the idea that eventually we would have connections to the bike network on the other side?

Yes. They are planned, not programmed at this time, but we certainly could program them if we were to get these connections more sooner than later.

Riley: So this would actually open up a whole new area of bicycle connections.

Absolutely, and especially from the neighborhoods in that area, north walnut creek neighborhood being

one of them, to the domain for folks who want to utilize the domain.

Riley: Okay. Great.

To and from the domain, yes.

Riley: Thanks.

Mayor Leffingwell: Anything else? Councilmember morrison.

Morrison: I think one of the issues that we haven't talked about is access from the bus stop, and I wonder -- I don't know which staff can help me with this or maybe drenner you can if you have any plans, if you know of any plans in terms of filling in the sidewalk, missing pieces of sidewalk from the bus stop that were being REFERENCED BY MS. McPHAIL.

We'll be checking on that first thing in the morning.

[Inaudible] it's in front of dillard's.

Morrison: In front of dillard's she said.

I will be checking before i leave tonight to ask the proper question. Eel be out in the morning to check that.

Morrison: This seems like a perfect opportunity to fill all that in.

I agree.

Mayor Leffingwell: Councilmember riley.

Riley: Could I just check drenner, you heard anick recommend bicycle improvements for the area. Are those all things that simon could handle?

I just got confirmation that simon is in agreement on all of those things.

Riley: Great. Thanks.

Mayor Leffingwell: Council, this item is ready for -- only for first reading and obviously there's more to do, more questions to be answered, but entertain a motion on item number 70. Councilmember morrison.

Morrison: I'll move approval on first reading, but holing the public hearing open because nobody has had the opportunity to look at the public covenant yet.

Mayor Leffingwell: Okay. Motion by councilmember morrison to leave the public hearing open and approve on first reading only and a second by councilmember spelman. Councilmember riley.

Riley: Just to clarify, this motion does include all the conditions outlined by the planning commission including the bus connects as well as the bicycle connections.

Morrison: Yeah, my motion is for planning commission recommendation.

Riley: Okay. Thanks.

Mayor Leffingwell: And also all of the additional direction to come back for second reading and answer these questions about sidewalks and missing bike segment and all that.

Morrison: And the understanding that the endeavor piece is going to be changing their impervious cover.

Mayor Leffingwell: I think we have all that.

Staff will contact capital metro also about the routing questions that wasn't specifically part of what the commission recommended, but we can certainly contact them and drenner's group and have information for you. I would suggest staff would probably bring this back at THE MEETING ON THE 30th, Which is the same evening that you would have the endeavor side coming back so you get to see both halves on the same night.

Mayor Leffingwell: Very good. All in favor of the motion say aye.

Aye. Opposed say no. Passes on a vote of 7-0. Number 76.

Item number 76, our last zoning case this evening, is a rezoning of a property, case number c14-2010-0777. This is a zoning change 8-acre tract of land approximately from sf-3 to lo-mu-co, limited office mixed use conditional overlay. The property is currently developed with a relative assembly use and the probably is rezone the property to allow for greater development of the religious assembly use on their own property, basic for additions on to an existing church. They have agreed to limit the zoning uses on this property to the religious assembly use and all other uses that would be allowed in the single-family residence o sf-2 district. Actually the effect would be on the sf-3 property would actually be allowed only sf-2 uses on this property with a religious assembly use. It was recommended to you by did zoning and platting commission on a 6-0 vote. There are representatives from the western trails neighborhood association and south wood neighborhood association that have provided letters of nonopposition that you have in your possession. However, there are individual property owners that are opposed and have raised issues regarding traffic. The site is currently zoned sf-3 in its entirety. To the north is a property zoned sf-3, and the almostry school and park to the south is zoned sf-3 and single-family residences. zoning and is currently used for offices, religious assembly and single-family residences. And to the west is sf-3 zoning and single-family residences. At this time I'll pause. If you have any questions, i think you have a couple speakers in favor and opposed to this request, and then jim bennett is here on behalf of wood lawn baptist church as their agent.

Mayor Leffingwell: Okay. Mr. bennett. I believe you are allowed five minutes.

Thank you, mr. mayor. I probably won't take that long. guernsey has pretty well given y a rundown on this property, however wood lawn has been on this location since 1951. It is in need of some improvements and additions. We are proposing to make an addition to the church on the northeast portion of the tract towards the manchaca roadside of the property. This project has been going on for about two years now with the western trails neighborhood association. Their boards, committees and the neighbors that were in attendance as well as the south wood neighborhood associations has been in contact about the project as well. guernsey indicated, we are limiting to the religious assembly use and sf-2 uses. Concurrently is a site plan that has been filed and in progress as well as a resubdivision that's going on. So all three things are being done simultaneously for this proposed addition to the church. The architect is here tonight to also present to you the basic proposal that the church is proposing for the additional square footage that we're going to add to the sanctuary. I'll be available

should you have any questions, but i think that pretty well sum advises it. The use of the property is not going to change from what it always has been since '51. Traffic is not going to change. So we would appreciate council's consideration as well as the recommending for the staff and planning commission for approval. Thank you.

Mayor Leffingwell: Thank you. Councilmember morrison.

Morrison: benefit, i hope I didn't miss this, what is the church going to need to do their -- their additions that you mentioned? Like in terms of setback or f.a.r. or what.

Yes, the reason we're is site regulations. When the church was built in THE '50s, IF YOU WERE AROUND Then, you didn't have impervious cover limits, building coverage limits and those kind of things, so the churches at that on -- church is at that point already. The zoning will make those things fall into play.

Morrison: For the record, I was not around in 1950, but and so with the additions, i guess it would be helpful for me to understand like how much more into the setback or how much more of height or whatever is going to be added, that is l.o.ish. You know what I mean?

Councilmember, I think i can refer you to the architect who has a pictorial, but it's basically about 5,000 square feet of new impervious cover.

Mayor Leffingwell: So are you through, mr. bennett? Are you through speaking?

Yes, sir.

Mayor Leffingwell: And i believe you are signed up as the next speaker. You are the architect that we just referenced, correct?

That is correct.

Mayor Leffingwell: All right. So is in favor and has three minutes and hopefully can answer questions.

Thank you, mayor and councilmembers. And I can address that question as well as direct you to the plan that shows you the work of a good two years of create activity and a lot of energy from the church as well as a number of neighborhood members. bennett said, been here for a long period of time. They currently worship in what would be the block back at the top of the screen and in the shaded area you see we're actually removing a one-story portion and building a new worship space there. That little gray bar is a breezeway which is going to become an even closed atrium. In order to make all this happen, many years before the church had bought the residences you see which are against lasso court, and the thought was that would be the extra impervious cover because they are in a sf-3 zone, they are already way above the 45% impervious cover. When we showed them that the only way that could actually be accomplished would be to tear all the houses down, that would have allowed 45% impervious cover and one consolidated lot. That was never anyone's intention. That is not something that we would support at all. And in fact, the creative minds got together and said, well, let's do this subdivision where we consolidate the lot, ask for appropriate amount of impervious cover. Right now with the area you see in the consolidated lot, before this construction, we would be somewhere in the range of right at about 58% of impervious cover. By the time we're finished, we'll be about 61% of impervious cover between the footprint and some of the walkways that we're fixing. There's no new parking required. The church actually built the parking that the school uses across cimarron. And the only concern that i know has come up and I think we've addressed very effectively here, those houses are going to be sold and there's a private agreement with the neighborhood association just to make sure that even during the rental period, before those sales are complete, that everybody's interests will

be met. So it's a great project. We're very proud of it. Since you can indulge me just a second, I'll show you. The new look. Because one of the complaints has been from the church members, it's hard to tell the difference between the church as it looks now and the school next door. When we're finished with this project, which is the only reason we need to rezone, and councilmember morrison, to answer your question, it is strictly the impervious cover. All the height issues have been worked out. But you'll know it's a church when we're done. Thank you.

Mayor Leffingwell: One speaker signed up against. Joan ray. Welcome. You have three minutes.

I'm joan ray. I live at 4602 cactus lane. That's across the street from the church parking lot. I do want to let you know that when we went to the planning commission meeting, we presented 31 objection forms, and I guess they had a deaf ear to that because they only -- they said that they had an endorsement from the southwood association and wtna, which is western trails association. They did not have an endorsement from the association members. We were never -- we never had a meeting and we never voted. The only people that agreed to this, whatever they agreed with with the church was in secret meetings with the -- with the officers of the association. None of the members like me that have been there for years never even got a chance to vote or to figure out what they were wanting or doing. So we also have a petition that we presented tuesday, i believe, and I didn't know really how to go about figuring 200 feet, so I was told that I'm short maybe two or three percent points of the required 20%. There are nine other houses that have agreed to sign. It's just that they have -- they were out of town or they were in the hospital or whatever. They had different reasons why they weren't there when I went by for them to sign the petition. So there's so many people in our neighborhood within 200 to 500 feet that have objected to this, but no one has heard us, no one has paid attention to us, not even the church. We tried to talk with them about it. I don't have any idea what's going on. And I'm one of the main members of the neighborhood, been there for 32 years. There's four houses on our street that are highly affected by the driveway that's out on cactus lane. The cimarron driveway is -- we're highly affected from the cimarron people, and they are upset about this as well. So if you look at what we've presented and how many people are against it compared to the people that are for it, the homeowner -- the association president said that there were 13 fors. Well, most of those were the officers and the board members. I don't know who else it would have been. So anyway, I think that what we're asking is that you do not allow alo-mu zoning because they could have come in with less zoning, even a , rather than lo-mu. And with us having to live across from that, our objection is -- [buzzer sounding] oops. I'll stop. Thank you.

Mayor Leffingwell: Thank you. Councilmember spelman.

Spelman: I would like to ask a question. Ma'am?

Mayor Leffingwell: Question.

Spelman: You are the only person who signed up against and you were just getting to what I really wanted to hear when your time ran out. Let me ask you a question. What's the nature of your objection?

The nature of all of the homeowners' objections within 200 to 500 feet is that with -- the lo-mu zoning, we're all mostly old people and we can't get out and petition like I did this time. I'm 70. In another five or ten years, I can't do this. And most of the people in my neighborhood are anywhere from 60 to 90 years old. So what our concern is, that five years or ten years down the road, they are going to sell this to a big developer, it will already be zon lo-mu. I know they say there's going to be overlay agreements but i haven't seen any of them and I'm not sure there are going to be, but anyway, the only agreements that they have with the church, the association president is that -- it's for the rental property. That's all. As long as it's rental. And what we're concerned with is the city did a transportation study and it was done on a tuesday with no school. So what -- what the transportation department told me is that if I would postpone UNTIL THE 23rd -- OR ASK FOR POSTPONEMENT UNTIL THE 23rd, They are going to do two more studies on a wednesday and a sunday. And I didn't have a chance to postpone because I was

out of town because I have several ill relatives that went through cancer treatment, cancer surgery, major. So I've been out of town a lot and haven't been able to do as much as I should be able to. But our concern is the future. Because once it's a zoning change, we have no control over that. It won't ever go back to something else. Lesser. It will just go further. And not that they are going to do it any time soon, but I was told by one of the church members about a year ago that they were looking for property south and they were thinking about purchasing property south. So whether that's on the agenda or not, I don't know. But we are very concerned. We don't want the lo-mu. And I know that it being a church, they can surely -- they can surely go with n.o. Or something else and we can give them some kind of variances or whatever. I mean I haven't been involved enough talking to the correct people to know what's going on.

Spelman: Okay.

I've only got what little information I've got even from the only people that helped me was the site department, the zoning commission was absolutely already biased, didn't even listen to us, didn't even consider us, didn't consider we existed. They said, well, the neighborhood association has endorsed this. No. Only eight people.

Spelman: I think i understand what your objection is and we'll make sure it gets taken into account. Thank you very much, ma'am.

I really appreciate that.

Mayor Leffingwell: And just for my own edification, i think what I heard was the use allowed was religious assembly, and all other uses would be single-family. Is that correct?

That's correct, mayor.

Mayor Leffingwell: And ray, that overlay is the zoning. That's as much a part of the zoning as anything else. So that would go forward for any, if the property was sold, still have that limitation. If it were anything besides religious assembly, it would have to be single-family residence development. Councilmember morrison.

Morrison: Thank you. So you all are asking for I -- mu. Tell me why you need m.u.

Staff had indicated we couldn't only have one single l.o. use, religious assembly. That we had to have more than one use. That's where the m.u. Component came in with the sf-2 restriction.

Morrison: guernsey, talk to me about that. with religious assembly only?

No, you can't limit it to just one use. There's some legal rationale if you actually got down to zoning a property for run specific use. That also almost being spot zoning. It would allow for single-family development which would be compatible with neighboring properties. Actually if they chose not to do a religious assembly use and just decide to build under sf-2, sf-2 is more restrictive. All the others are zoned sf-3 so they could build duplex. It would not allow duplex but still allow them to build single-family homes on this property if the church were ever to decide to move away unless they wanted to continue it as a church or go for other uses allowed in sf-2.

Morrison: Thank you.

Mayor Leffingwell: So guernsey, without all of the alphabet soup, there are only two uses allowed on

that property, religious assembly and sf-2.

Those uses in sf-2, single-family and civic uses.

Mayor Leffingwell: Councilmember shade.

Shade: I just wanted to assure just as the mayor said already, but make sure that you understand that you are being heard and that the zoning category includes those letters, it does seem like an alphabet soup but it includes letters that come as part of this. Any changes an owner would seek would require a zoning case. You can come forward if you don't understand it. I just wanted to make sure you understood that.

I do realize that, but what concerns my neighbors is the fact that future -- let's say none of us are able to fight it next time or do anything about it. And a developer comes along and decides they are going to get rid of the covenants or the overlays or whatever and they are going to go -- since it's already zoned lo-mu they are going to do that.

Shade: It may just be --

I know they have to come before --

Shade: The zoning category is not just being I -- mu, it is actually c.o. So I mean all three of those pieces of that zoning category matter. And so I mean I think that -- I have a better sense for why the -- why the church is doing what they are doing and I'm going to be supporting the applicant, but I wanted you to understand that in the future it's going to have to be -- it's going to have to be the single-family or the religious assembly. It isn't like somebody is going to be able to build something else.

So in the future lo-mu is going to be disintegrated.

It's all part of it and it travels with that property, whoever would own it.

But a new owner that wants to develop would come in and say you've already got lo-mu.

Shade: C.o.

And say that's off the table.

They could also get rid of --

Mayor Leffingwell: Ma'am, that's a new zoning case. That would have to go through the process. It would be just like -- he could also come in and ask for g.r. or something like that. It would require a new zoning case.

I think all the business is across on manchaca road are zoned n.o., not l.o. We're right across the street.

Shade: without this conditional overlay --

there's a driveway comes into our street and we look at the city -- I mean their dumpster every day. We look at -- have no landscaping and the dirt washes off every rain. They should come out and I'll show them. It's all over the street. I go and I pick it up with shovels, buckets, at least five-gallon buckets. And their leaves come down our street and I pick up at least 100 cans a year and I've asked the church to

come and help us and they won't do a thing about so they haven't been good neighbors.

Mayor Leffingwell: Ma'am, excuse me for the interruption, but that really has nothing to do with the zoning. And so what I want to happen is the city manager is going to get someone to sit down with you now or, you know within the next few minutes and try to explain it further to you how this system works.

Okay.

Mayor Leffingwell: But frankly, I don't know how to explain it.

No, what we're trying to get there also is the driveway issue, the landscaping, and that sort of thing.

Mayor Leffingwell: We'll have somebody sit down and talk with you about all of your concerns.

Well, I appreciate it.

Mayor Leffingwell: Thank you.

No one has so far.

Mayor Leffingwell: Okay. I think we're back to rebuttal by applicant. If I didn't get lost in there somewhere.

Mayor, just briefly, the use of the site is not changing. It would still be as it has been since 1951. The driveways are not changing. The parking is not increasing. The amount of investment to make the addition that was shown to you in the rendering surely warrants that we're not living in a quick time pattern.

Mayor Leffingwell: We understand, mr. bennett.

And that's in summary. Thank you, sir.

Mayor Leffingwell: Okay. So item number 76. Discussion or a motion? First reading, mr. guernsey.

No, this is actually ready for three readings, and you had referenced there was a petition. You do have that on your dais. It stands about 15.17%. The petition as written is basically saying that they would like to see no more than n.o. zoning. The big difference is --

Mayor Leffingwell: We understand, but it's not a valid petition.

Right.

Mayor Leffingwell: Councilmember shade.

Shade: I'll move to close the public hearing and support I guess support the applicant or the zap proposal.

Mayor Leffingwell: Zap recommendation. All three readings?

Shade: Yes, sir.

Mayor Leffingwell: Motion by councilmember shade. Seconded by the mayor pro tem. Any further discussion? Hearing none, all in favor say aye.

Aye. Opposed say no. Passes on a vote of 6-0 with councilmember cole off the dais.

Thank you, mayor and council. That concludes zoning changes for this evening.

Mayor Leffingwell: Okay. Thank you, mr. guernsey. So council, we have a number of public hearings, seven, to be exact, and with your permission and approval, i think we could arrange these in order of least to most public speakers in order to get as many of these cases done as we can and let folks who are signed up for an item with few speakers could go ahead and go home. If there's no objection to that, the order that I have is beginning with item number 85, which has zero. People signed up to speak. 85.

[Inaudible]

Mayor Leffingwell: Pardon? 87 Has zero also. If 85 is not in the room, we'll take 87.

I'm 87, mayor. Juney plumber, real estate services. Item 87 is a change in use in parkland for reclaimed water guerrero colorado river. The reclaimed water will be used on the fields and it will have significant financial benefit in the future. There is no other feasible and proven alternative to the taking of the dedicate parkland which always all plan to go minimize harm to the park.

Mayor Leffingwell: Thank you. No one signed up to speak. Anyone wishing to speak on 87? Hearing none, I'll entertain a motion to close the public hearing and approve the resolution. Moved by councilmember riley, seconded by the mayor pro tem. All in favor?

Aye.

Mayor Leffingwell: Opposed no. That passes on a vote of 6-0 with councilmember cole off the dais.

Thank you.

Mayor Leffingwell: Are the austin electric people anywhere around here tonight? Okay. So we'll take up item number 85.

Good evening. We're here on item 85 to conduct a public hearing to receive public comment on our proposed fee changes and adjustment to our -- sorry, i ran from the back. To an adjustment to our tariff called a transmission rider. And we're here and available to --

Mayor Leffingwell: Any questions of staff? We've been briefed on this in the budget work sessions. Any questions of staff? Seeing none, I have no one signed up to speak on item number 85. Is there anyone in the chamber that would like to speak on item 85? Hearing none, we'll entertain a motion to close the public hearing on item number 85.

So moved.

Mayor Leffingwell: Moved by councilmember morrison, seconded by councilmember spelman. Further comment? All in favor say aye.

Aye.

Mayor Leffingwell: Opposed say no. Passes on a vote of 6-0 with councilmember cole off the dais. That

takes us to item number 84. Item number 84, solid waste services. Okay, we'll go -- we can go to item number 90 which also has only one speaker signed up. Could somebody go back there in the bullpen and ring a bell, tell them we're taking up these public hearings? mayor, Kevin with the watershed protection here for item 90. This is a flood plain variance request, the address of 2918 East Martin Luther King Boulevard, a site plan known as the M station. If I could get the presentation up on the board, that would be great. Thank you. Okay. Back before you showed the M station property outlined in red, bordered on Manor Road on the north, MLK on the south, you can see Airport Boulevard there over to your east. The western boundary of the site is railroad tracks and the eastern boundary for the most part is Boggy Creek. Total site area is about 8.5 acres. The western side of the property on the western side of Boggy Creek is about 7.88 acres. They are proposing and do have site plan approval for four multi-family residential buildings and one leasing office. The site plan, as I said, was approved for the western side of the property in late May and construction on that site is as active as we speak. The applicant submitted a revision to the site plan to include one additional building that's on the bottom portion of the property on the east side of Boggy Creek. 7 acres of property. It's a child care services building. In addition they are proposing a pedestrian bridge that will cross Boggy Creek to connect the two portions of the property. The photo on the left side is the active construction that's taking place, picture taken a couple days ago so they are working -- working very hard right now. On the picture on the right side is the vacant piece that's currently not developed where they do not have approval to develop on the east side of Boggy Creek. Here's a zoomed-in picture of the portion in question for this flood plain variance. It is a child care services building and parking area that encroaches on the 25 and on 100-year flood plains of Boggy Creek. They are proposing several improvements in this area of the building, the parking area, a small retaining wall area and some water quality features. The development within this area because of these items does cause a small increase in the water service elevation for 100-year flood plain however it does not affect any other property by M station. By the time you get off the property, the water elevations are the same. Impacts their property and not any other properties.

Mayor Leffingwell: Would you say it's an insignificant increase?

Only so much as it affects their property and they design around it, yes, sir. With that said, the variance request items include prohibiting -- the code requirement that prohibits encroachment of buildings and parking on the 25 and 100-year flood plain. The requirement for a drainage easement, their request to exclude the footprint of the building. And the last three deal with increases in water surface elevation. It only impacts their property so the requests come along with the fact that increase does exist. One item I wanted to point out and discuss with you, Mayor and Council, is some of the protection that we as flood plain managers like to see for certain types of uses that are on property. I wanted to mention that this proposal that they have in front of us and the item before you does meet the minimum city qualifications as far as our flood plain management regulations go. They don't have an adverse impact to other properties, flooding impact to other properties. The finished floor elevation of the building is just at one foot above the designed flood plain elevation. And they do have safe access albeit pedestrian only, but they do represent safe access out of the building to a point out of the flood plain. However, for some types of development, even a slight chance of flooding is too [inaudible] and when we talked with FEMA, they encourage special consideration regarding development in the flood plain. They define critical facilities as hospitals, fire and police stations, emergency operations centers, nursing homes and similar facilities. It also includes housing likely to contain occupants who may not be sufficiently mobile to avoid injury or death during a flood. A critical facility should not be located in a flood plain if at all possible and if must be, FEMA encourages regulations that those facilities should be provided a higher level of protection to further protect the occupants and the facilities. Now, while a child care facility is not directly defined as a critical facility nor does the City of Austin have regulations for critical facility designs, staff believes it's important to provide increased flood protection for a child care facility. It is possible for the M station development to locate the child care building out of the flood plain on the west side of the development. The current location does not allow for a high level of protection due to proximity to flood plain and some of the very specific size and design requirements required for this type of facility. Mayor and Council, the quick summary of the findings for this project, it does even control to 25 and 100-year flood plains. There's no adverse flooding impact on other properties. Safe access exists for pedestrians out of the building, finished floor elevation is at the one foot above the designed flood plain. It's our

opinion and my opinion as a flood plain manager that this child care use in the flood plain, it really snot sound flood plain management and if at all possible we could have that building located out of the flood plain, that would certainly be a benefit. The benefits, however, to this entire development to the community cannot be overstated. The housing that they are providing, the child care they are providing is a -- will be a great asset to the community, we're certainly not denying that, however we feel the particular child care building could be located on the other side of the property out of flood plain. There is a draft ordinance in your packet that staff provided to facilitate the process if you choose to approve the variance request. There's three conditions in that ordinance. The drainage easement requirement, which excludes the footprint of the build, the elevation certificate requirement to assure the elevation of the structure is built to the proper elevation, and a structural certification that will assure that the design and construction of everything in the flood plain can handle the force of the flood waters. If you have any questions, I'd be happy to answer those.

Mayor Leffingwell: Questions of st? Seeing none, we can go to our public hearing, and there's actually no one signed up to speak -- signed up to speak are people for and against. Walter moreau is here to answer any questions you might have. Susan moffett signed up for but not speaking. So unless there are questions moreament u or staff, entertain a motion on item 90 special springfield, missouri 90.

Spelman: I have one quick question.

Mayor Leffingwell: Councilmember spelman.

Spelman: Staff is concerned having a child care facility there is bad practice. Can you put that anywhere else?

No. We can shrink the building and try to squeeze it in, but it would be very painful to do that and I don't know we could achieve the same level programming with open door preschool. One of the goals of having this on the major artery of mlk, it's part of the t.o.d. Plan that puts commercial uses on arteries for pedestrian use. I want to clarify too, we are not in the fema flood plain. It's the fema flood plain plus the city then does a model assuming 100% buildout upstream and that's what pushes that area over. So we're talking about in an extreme 100-year flood event, we've added a \$200,000 retaining wall along boggy creek and added elevation to the building so that we are at least a foot out of any city modeled 100-year event. So we feel very comfortable with the location of this building and the use of the building and do not feel comfortable trying to put it somewhere else. to close the public hearing and approve the ordinance.

Mayor Leffingwell: I just got word that someone else has signed up to speak. Roy houston?

I'm sorry, mayor and council --

Mayor Leffingwell: Are you for or against?

I don't know am I'm neutral. But there are some things that concern me about this. One, I don't know the ages of the children and then i just heard the developer say something about open door school, which is a school for able bodied and kids with disabilities. And so to me that has some extra issues about how we're going to manage if we should happen to have a 25-year flood or 100 year flood, how we get kids with disabilities out of the child care center. And we don't -- I didn't hear anything about ages. So I'm just saying those are some concerns.

Mayor Leffingwell: The staff finding was that safe entry and exit does exist.

Well, I've worked with staff too, so --

Mayor Leffingwell: You don't believe them, do you?

My concern as a person who has done services for people with mental

retardation and disabilities is that you need an extra level of protection and i didn't hear that in this presentation. But you may have more information than I do.

We're excited to work with open door preschool. They serve infant through pre-k. There are in full support of the building in this location. A corner of the building is out of the fema and city modeled floodplain and it's accessible route straight to mlk. They have not only an evacuation plan, but they most likely would not be open in a heavy duty rain situation. We're not like we're down into the boggy creek area where we're at risk of flash flooding. So we're -- we care about the safety of all the children there and the whole property and both open door preschool and foundation communities are very comfortable with this location.

Mayor Leffingwell: Thank you. Councilmember spelman.

Spelman: Mayor, I move to close the public hearing and approve item 90. Mayor so councilmember spelman moves to close the public hearing and approve the variances requested with staff conditions. Seconded by councilmember morrison. Discussion? All in favor? Opposed say no? It passes on a vote of six to zero with councilmember cole off the dais. Number 84. I'm sorry to have gotten you out of wherever you were, but we don't need a briefing, but we need you to be here in case councilmembers have any questions of you. And I'll ask that now if there are any questions of staff. Okay. In that case I'll entertain a motion to close the public hearing on item number 84. Okay. There is someone who just signed up. Greg guumby. Is greg in the chamber? Greg guumby is not in the chamber. We'll entertain a motion to close the public hearing. Maimp moves to close -- mayor pro tem moves to close the public hearing. Is there a second? I'll second. All in favor say aye. Opposed say no. It passes on a vote of six to zero with councilmember cole off the dais. Thank you.

Thank you.

Mayor Leffingwell: And that takes us to I believe item number 89.

Item number is to conduct a public hearing and approve the imagine austin comprehensive vision statement and inclusion of the additional elements to be incorporated in the comprehensive plan. It was recommended to you by the planning commission. At this time I will turn it over to garner stole, assistant director in -- assistant director in my office. Garner?

Good evening, mayor and council. This item has two parts. The first part is for you to consider the enforcement of a draft vision statement of the austin exren self plan and the second item is for you to consider -- second part of the same item is for you to consider the planning commission's recommendation to add an additional four elements to the development of the plan in addition to the 10 elements that are in the city charter. So with that I have a very brief presentation. As you know, this process has three phases. The first phase is getting ready to do the plan. The second phase is to provide the public -- to provide public an opportunity to provide direction for the plan in terms of the policy direction for the plan. And third phase is the comprehensive plan itself, the development of the comprehensive plan itself. As you are aware, since october over 6,000 participants have been involved in answering three questions from october through march, three questions were answered. What are austin's strength, what are austin's weaknesses and how should the city be improved in 2039? In addition to those six thousand participants, our consultant team also interviewed 1300 austin citizens randomly selected, which answered a whole series of questions that was also provided input to the development of the vision statement that you're considering tonight. Taking our consultant team took that input, staff and volunteers and interns carefully considered all the open-ended questions, created a paper called the common groundworking paper, which summarized the major themes coming from the

public. The taskforce met and used that input from the public in the big ideas brainstorming session and identified their big ideas that they thought should guide the development of the vision. Those ideas were used by our consultant team and the staff to create a draft vision statement which then was reviewed in community forum number 2. Over 4,000 people participated in that forum and rated the draft components of the vision statement. The statements went from strongly agree to agree and they either agreed strongly or disagreed, most fell somewhere in the middle. So there was broad support for the general content of the draft vision statement. After that had occurred the taskforce sent the draft components of the vision to committees who worked diligently over the past eight weeks. They met eight times. They once again went back and checked the public input to make sure that it reflected the -- accurately reflected the public input. They vetted the list of key stakeholder constituencies. They refined it in an attempt to make it more inspirational. On July the 13th the staff -- the taskforce recommended the draft vision statement which then went to the planning commission. The planning commission recommended approval of a draft vision statement which you have in front of you tonight, and it is written as if it were 2039. It contains a preamble and it contains seven themes. The preamble states as it approaches its 200th anniversary, Austin is a beacon of ability, social equity and economic opportunity where diversity and creativity are celebrated, where community needs and values are recognized. Where leadership comes from its citizens and where the necessities of life are affordable and accessible to all. Austin's greatest asset is its people. Passionate about our city and determined to see this vision become a reality. The seven themes are Austin is liveable, Austin is natural and sustainable. Austin is mobile and interconnected. Austin is prosperous. Austin values and respects its people. Austin is creative. And Austin is educated. Switching to the other part of the agenda item, the planning commission after literally months of discussion and research recommends to you that in addition to the 10 elements that are contained in the charter, that the development of the plan should contain four additional elements, historic and cultural preservation, children, families and education, arts, culture and creativity, and urban design. If you look at this chart, it's simply on the left-hand side lists the 14 elements. On the right-hand side it does a grouping of building blocks. This process will continue with a discussion with the taskforce in September and October. But the intent of this is to have clean working groups to work on the individual building blocks and elements. After receiving council's comprehensive plan and transportation committee suggestions for the vision, the commission revised the vision statement to reflect council suggestion and community input and recommended its endorsement by the city council. Very briefly, the next steps is to once again receive public input, to receive public input regarding the four scenarios that have been developed. And -- over the fall. And then the planned framework would be developed this fall. And phase two would be completed, including the vision and planned framework, and brought back through the process for your consideration and endorsement. With that, that completes staff's report. I believe Carol Torgeson, Jennifer McPhail, (indiscernible), or a Houston here from the taskforce and they may want to speak or answer some of your questions.

Mayor Leffingwell: Thank you.

I also believe that Dave Anderson is here from the planning commission.

Mayor Leffingwell: Right. None of those are signed up. We'll go to the public hearing. Any questions of staff? Okay. We have actually only one person signed up wishing to speak, that's Mary Arnold signed up against. Is Mary in the chamber? Okay. You're signed up to speak against the vision statement. You have three minutes.

I really don't think we need a vision statement. I think that's the wrong place to start. When we did the Austin Tomorrow Plan, we came up with goals and objectives and policies in various areas, such as urban design, economic development, environmental management, government and utility services, housing and neighborhoods, transportation systems and health and human services. And it says this chapter, the introduction about the goals, objectives and policies, is significant because it represents a vision of Austin shared by many citizens. In other words, the goals that are laid out for these eight different sections together become the vision. And one of the things that upsets me about the introduction to this vision statement is that it says that the people are our greatest assets and to me that ignores the value and importance of our environment because that is why we're here. We're here

because of the water in the hills and those men riding horses all over the state who stopped here and said, this is a great place for the capital of our state. So so I would just like to read a little bit on the urban design introduction, wh says the four goals of urban design are to encourage development of austin's urban environment in the manner most compatible with the natural environment. To provide transportation facilities throughout the city which enhance neighborhoods and districts while facilitating safe, efficient movement of vehicles and pedestrians. So encourage quality development of pedestrian

Individual building blocks and elements. After receiving council's comprehensive plan and transportation committee suggestions for the vision, the commission revised the vision statement to reflect council suggestion and community input and recommended its endorsement by the city council. Very briefly, the next steps is to once again receive public input, to receive public input regarding the four scenarios that have been developed. And -- over the fall. And then the planned framework would be developed this fall. And phase two would be completed, including the vision and planned framework, and brought back through the process for your consideration and endorsement. With that, that completes staff's report. I believe carol torgeson, jennifer mcphail, (indiscernible), ora houston here from the taskforce and they may want to speak or answer some of your questions.

Mayor Leffingwell: Thank you.

I also believe that dave anderson is here from the planning commission.

Mayor Leffingwell: Right. None of those are signed up. We'll go to the public hearing. Any questions of staff? Okay. We have actually only one person signed up wishing to speak, that's mary arnold signed up against. Is mary in the chamber? Okay. You're signed up to speak against the vision statement. You have three minutes.

I really don't think we need a vision statement. I think that's the wrong place to start. When we did the austin tomorrow plan, we came up with goals and objectives and policies in various areas, such as urban design, economic development, environmental management, government and utility services, housing and neighborhoods, transportation systems and health and human services. And it says this chapter, the introduction about the goals, objectives and policies, is significant because it represents a vision of austin shared by many citizens. In other words, the goals that are laid out for these eight different sections together become the vision. And one of the things that upsets me about the introduction to this vision statement is that it says that the people are our greatest assets and to me that ignores the value and importance of our environment because that is why we're here. We're here because of the water in the hills and those men riding horses all over the state who stopped here and said, this is a great place for the capital of our state. So so I would just like to read a little bit on the urban design introduction, wh says the four goals of urban design are to encourage development of austin's urban environment in the manner most compatible with the natural environment. To provide transportation facilities throughout the city which enhance neighborhoods and districts while facilitating safe, efficient movement of vehicles and pedestrians. So encourage quality development of pedestrian facilities by giving greater emphasis to pedestrian environments and development proposals. And to preserve the historical past of austin by assuring that development and redevelopment proposals consider structures and areas of cultural, historical or architectural value. So many things we said in the past that are still very, very true today. What we haven't looked at with the comprehensive planning yet with all this about chips and vision, we're ignoring the basic information that we should be studying to try to look at those things that we can do to make a difference in our future. We should be paying attention to where we put our public utilities, our water and wastewater lines. And whisper valley is urban sprawl! [Applause]

Mayor Leffingwell: Thank you. You seemed to have a few people agree with your comments. So with that, those are all the folks that we have signed up. I believe that --

[inaudible - no mic].

Mayor Leffingwell: Did you just sign up? Go ahead and I'll call it up. Introduce yourself.

My name is John Bush, executive director of Texans for Accountable Government. I wanted to make a quick point. I would be against it because I think it's going to be difficult the way things are right now to actually pull off the vision statement, especially the portion on social equity. And this comes in light of we just had the domain hearing. Obviously it's inequitable. Privileges and incentives for bigger development interests and opposed to local businesses. Additionally there's a massive inequity in the distribution of property tax. The commercial developments are on the books for half the property tax value. Meanwhile lower income residents are struggling to make ends meet. Additionally we're putting a toxic chemical byproduct that makes the African-American population more susceptible to lead poisoning, more susceptible than other populations. So we're not promoting social equity by incentivizing big business. We're not promoting social equity by putting a stronger burden on lower income property taxpayers and we're not promoting social or ethnic equity by putting African-Americans at higher risk for developing lead poisoning. So there's going to have to be some major changes for us to actually pull that vision statement off. Thank you. [Applause]

Mayor Leffingwell: Mark and Carol Torgerson's, the co-chairs of the committee are here to answer any questions that you might have.

Morrison: Actually, it was -- [inaudible].

Mayor Leffingwell: My apologies. Susan Fofmet is signed up for, but not wish to go speak. Those are all the folks that we have signed up. So I'll entertain a motion on this item, Item number 89, to consider approval of the imagine comprehensive Austin vision plan statement and the additional elements recommended by the planning commission. More moves approval.

Morrison: No, not quite. I had some comments and a couple of amendments that I wanted to suggest.

Mayor Leffingwell: Okay.

Morrison: First I want to acknowledge the speakers and clearly this is only one step in the process. We have very serious work to do, including evaluating different scenarios and doing fiscal analysis and estimates of infrastructure costs. So certainly those concerns I think should be at least addressed in some degree in the coming months. I do want to thank everybody who has participated so far. That's all of the folks that have given public input. The taskforce has done amazing work and especially the committee that got together and massaged and looked at and pulled out all the public input to actually create this vision statement from that. I know that was a tremendous amount of work. It's also been a tremendous balancing act, very delicately done to come to consensus. And I appreciate all that effort and how important that is. Part of our charter, of course, requires that the planning commission is the next step before council. And the planning commission did make some recommendations to amend what came out of the -- out of the taskforce. I did have the opportunity to sit down with the co-chairs, Kent and Carol yesterday, and to work through the planning commission recommendations. And from that I do want to make a couple of amendments. It's an interesting process because after we -- I worked with you all, we went back to the planning commission to see what they meant, so we've had a few go rounds here, but it's been very delicately balanced to -- so what I do want to do is make a motion to accept planning commission recommendation, both for the vision statement and to adopt those four other elements, but with the following and that is that under the Austin is Liveable section, replace the fifth bullet, which currently reads, clear rules guide sustainable development and preservation, and they provide compatibility and certainty for residents and the business community with something that goes back, reverts actually back more closely to the intent of the taskforce proposal, which is clear guidelines support both quality development and preservation that sustain and improve Austin's character and provide certainty for residents and the business community. So it might seem hardly any different, but it

was and we want to make sure we stay on the right track. And then the second amendment is, and I'd be happy to provide this to the clerk, the second amendment I want to recommend is under austin values and respects its people section, I want to remove the third bullet because it was something that was added by the planning commission. And it raise add few questions about what it really meant, and we felt that it was covered under other parts of the vision already. So to remove the third bullet, which says austin ensures that no person is without basic necessities as healthy food, clothing, shelter, physical and mental health care or basic rights. So really that was something that was already covered elsewhere. So that is my motion to accept the planning commission with those two -- two amendments.

Mayor Leffingwell: Motion by councilmember morrison to close the public hearing, accept the planning commission recommendation and the four additional elements. And two darrell changes that will be furnish -- two additional changes that will be furnished to the clerk in writing. Is there a second? Councilmember spelman seconds. Any further comment? Mayor pro tem.

Martinez: I just wanted to ask -- I support the motion and I will be offering a two-word friendly amendment -- three words. But where else -- where else in the vision statement, councilmember morrison, does it address the issues of basic needs like food, clothing, shelter, physical, mental health care?

Morrison: We found that essentially -- let me see where I can find it. Under austin values and respects it's people. It was actually right on -- the bullet right under people in all parts of the city need stable neighborhoods with affordable homes, healthy food, economic activity, health care, transportation and additionally the issue of rights is addressed in the bullet right after it.

Martinez: I wanted to see if this would be friendly to you. Under austin is liveable, the first bullet, it's not thaik taiking anything away, simply adding three words. After the comma, behind the word life-styles, I would offer the -- if we added three words, reducing sprawl while, and then continuing on, protecting and .. just reducing sprawl really are the two words.

Morrison: That would be fine. I think it's br close to what -- it's very close to what --

Mayor Leffingwell: Is it acceptable to the second? Is there any further comment? Councilmember shade.

Shade: I just want to make an acknowledgment of mary's comments about the excellent work that was done in 1975 to 1979 and the importance of recognizing issues first and foremost. We've been going through some work on the health and human services subcommittee and what I found amazing actually was that we were able to go to the 1975-'79 actually approved plan. And although it has been slightly updated in 2008, very slight word changes, we found that the five priorities that were identified then were still exactly what we should be focusing on now. So I really didn't want you to get away tonight without my publicly acknowledging the excellent work. And I do appreciate all of the efforts that everybody is engaged in at the moment. I think whether you call it victimising or whether it's identifying goals -- visioning or whether it's identifying goals and the next steps that occur, i think councilmember morrison said it's a process, but we really need to stay focused on the issues that we can address at the city. And I look forward to us getting to that substance in subsequent phases as we're calling them. Thank you.

Mayor Leffingwell: Thank you. And I would second those comments and I appreciate the work that mary and many of her colleagues did many years ago. And sympathize with many of the statements she made here tonight. I intend to support the vision statement on the grounds that it doesn't say anything totally outrageous. [Laughter] all in favor? Any opposed? It passes on a vote of six to zero with councilmember cole off the dais. And that brings us to item number 83, and we do have a fairly large number of folks signed up to speak. Council will now take up agenda item number 83 to conduct a public hearing and receive public comment on the city of austin 2010-2011 proposed budget. Council will close the public comment at the end of this item and conclude the hearing on the budget on

september 13th. If council does not approve the budget on september 13th, we will continue the hearing to september 14th and 15th. First speaker is gus pena. Is gus pena in the chambers? Gus is not in the chambers. Lucio pena? Lucio is not in the chambers. Dr. ron justice waters. Dr. waters? Not in the chambers. Sharon blythe. And donating time to sharon IS james McMullen. Okay, james. Mitra medony? Is she in the chamber? Don't see her. Sharon, you have six minutes.

A powerpoint here. Excuse me, trying to get a powerpoint up here. My name is sharon blythe representing the spicewood springs tunnel coalition. I wanted to address the budget issues, but first i believe the city has an issue with throwing money -- contracting with contractors, throwing money at them and not surprising them, so I call this section contractor danger. This is a picture, it's not very good, that i took this morning at 30 at the bottom of the mountain neighborhood where they left a trench open without any safety net around it where people are walking by on the sidewalk. Where cars could have run into this excavation. And this is exactly the ground zero where the shaft is going to be. I think it's very important that you put in your contracts that contractors understand that they are supposed to secure these things at night and not leave them open. Can you guarantee safety of 26,000 or more dump trucks and 18-wheelers along a residential street, which is spicewood springs road, that has blind intersections, canyon vista middle school is up the school and a school bus route is along there. Number 7, bike route for the city of austin, upper bull creek park used by thousands. Just give them the money. Throw safety to the wind. Accidents will happen. Unexpected risk, unexpected costs, and cost overruns on that project. The mayor's quote this morning on "austin american-statesman", these kinds of things are science and an art and we've done -- got professional engineers, he said. I trust their projections and i haven't seen any other nearly as reliable, meaning the route on spicewood springs road. Yes, he has not seen all the sites. And we have asked to meet with him. And lee, he's out of the chamber now, we respect you, but please respect the coalition of neighborhoods along spicewood springs road. We have reliable engineers too who have analyzed the routes. There is important information for you to know and a face-to-face meeting is appreciated that you have denied us for over three months.

[Applause] the 1984 water treatment plant numb 4 voter approved bond was -- did not include the spicewood springs, jollyville tunnel. We believe that this is going to be addressed later in someone else's presentation, but we believe that that bond proposal does not include the spicewood springs tunnel. Under state law you cannot use those fund for that tunnel project and I would appreciate it if you would study that. This will be covered later on in another presentation. Voters never approved the vocationalville or forest ridge transmission mains in 1984. It was not in the scope of that bond election. And who gave approval to use funds currently for a bond that was never approved for that transmission main? 8 Million has been spent to date on the jollyville main without any approval from the voters. When will the voters approve the water tunnels? The city has no approval to spend water treatment plant number 4 bond money on the jollyville water tunnel. Is this just a small oversight? Thank you very much. I'll address any questions.

Martinez: Any questions, councilmembers? Thank you, sharon. The next speaker is eric veal. Is eric still here? Is phillip kay here? Is martin leroy here? Great. Eric, you will have nine minutes.

I shouldn't need that long. I would like to thank the council for letting me speak tonight. Austin water utilities is losing \$43 million this year primarily caused by the revenue, loss of revenues as customers purchase 25% less water than expected. Austin should not continue spending on water treatment plant 4 when it cannot meet expenditures with its existing revenue stream. Incurring additional debt in such an environment is financially irresponsible and only forces additional rate hikes that will amount to about \$120 per year for an average residence for the next 30 years. Citizens are fed up with reckless government spend willing. It must stop. [Applause] I asked the council to put funding for wtp 4 on hold until it can be determined that new treatment capacity is actually needed. Water usage is down 25 sprs this year. Conservation is working. We do not need water treatment plant 4. Thank you. [Applause] donating time is dorothy johnson, warren johnson, texas a&m my coleali, peter joe self. Peter joseph.

Okay. So desmond, you have 15 minutes if you need it.

Geefnlg and thank you. I'm going to go through a presentation and explanation of the hybrid 620 route. This is something that i think y'all have heard a lot about. Unfortunately everything you have heard has been from parties other than us. I'd like to walk you through that, point out a few things that highlight the route. And then point out some claims that we see as being fairly obviously false made by austin water about this route. I'll go into the route itself. This route lays it out for you starting from the bottom left. The dashed white line is the spicewood springs route. This is the way things are currently being planned. Running roughly diagonally towards the tank, which is the blue dot on the right. The red is the shaft that's currently the ground zero for the main construction method being planned. Apparently there are alternative methods being evaluated. The hybrid 620 route stops at the same place as the wtp plant bottom left, runs not from there. It does not run along 620. This is point number 1. There have been statements made by the city, including by i believe asm rudy garza, that says our proposal would shut down six 20 to a single lane. This is completely and totally false. The route goes around the pedernales electric cooperative utility corridor. It heads up towards the red dot at the top. That red dot is the alternative wtp site purchased by the city a couple of years ago. It's about 73 acres in size. From there it goes across to the right around spicewood springs road and then down to the tank along 183. A couple of highlights the first segment going north is not tunneled. It's done along the surface or in a trench. The very first mile is sensitive area with shallow caves and critters, and we have two proposals for that segment. One is a surface pipe literally laid along the surface. It meets the four feet limitations that are some limitations on what you can do there. It meets the four feet limitations. Alternatively you can have a short tunnel segment. The rest of that route is down with a trench which saves approximately \$10 million on the cost. From there going down spicewood springs it's all tunnel. There is no -- going down anderson mill, there's all tunnel and there is no impact on the road at all. Along 183 it's all tunnel and there's no impact on the road at all. This is the profile. First segment, either the green bar, which is a surface pipe, or the dashed brown line, which is a tunnel, both of them are a way of avoiding or working around the surface sensitive areas. Next segment is open cut. I'll show you some implications of this route in a minute. In order to look at the impact of this route, I'll talk about the impact of the tunnel. This is the stuff 100 feet underground. I'll talk about the impact of the shaft site. This is basically a ground zero. I'll talk about the impact of everything that goes to and from the shaft side. These are the three main contributors to impact. And of course if they're going to propose open cuts you have to talk about the impact of open cut. I'll talk to that also very briefly. Environmental impact. I believe you have heard this many times. It comes from the shaft, it comes from the tunnel, it comes from the risk of the tunnel interfering with critical features in the head waters region of bull creek and it comes with corresponding threats to the salamander and to bull creek itself. There's an interesting quote from the black and rich report which says for the spicewood springs route, the dewatering -- there's a nice phrase called dewatering. The dewatering rate can be as high as 270 gallons per minute. I'll let you multiply that out by minutes per day. It's not a trivial number. And that's the dewatering that happens out of the tunnel and that amount of water correspondingly gets put into bull creek. I'll talk about corresponding environmental impact on hybrid 620. The shaft sites are bigger. .89 Acres versus 73 acres. That's a pretty huge difference. The tunnel route does not threaten upper bull creek. There's no danger to the creek from dumping stuff into it. There's no danger -- the proposal protects the caves and salamander habitats. Most of the work is in existing commercial zones. Community impact. This was an interesting one to expand on. Again because of statements made by city, both greg (indiscernible) and i believe acm rudy garza have made statements about this is just a couple of people that don't want it in their backyard. So we thought let's work out. Let's work out something real that says impact looks roughly like a versus b. Here's what it looks like. This is the spicewood shaft. On the spicewood springs route, the little red dot is ground zero. In order to talk about impact, you need a zone. we picked a zone from the water austin documents. We picked 600 feet. We also tried 1,000 feet and we tried 1500 feet. The comparable numbers, they work on both the routes about the same, so I'll talk just to the 600 feet zone here. Within 600 feet, you've got the shaft site itself, 0.8 acres. You've got 48 homes within 600 feet. You've got about 3 to 400 homes if you go up out to a thousand or 1500 feet. So I again stuck with the 600 feet. You have to multiply the number of homes by the duration. If you don't consider the duration, then you're talking about a pretty meaningless number. Austin water numbers do not consider duration. This is some professional engineers which I believe the mayor said he trusts. So if you take the number

of homes you take the duration of 36 months for spicewood springs you get 1,728 whole months. That's a figure you file away and then compare it to the next route. Trucking out from there 8 miles to get to hoyt. 8 Miles through residential neighborhood. 120 Feet in front of a middle school. So you have trucks going by every four minutes. In front of a middle school where 1,000 students are trying to get their middle school education. That's one school or one thousand students times 36 months. That number is 36,000 student months. There's one park that gets hit and if you expand the zone you get a bigger number. Here's the corresponding impact for hybrid 620. Within -- first of all start with the site itself. It's 73 acres in size, not .98 acres. That's a lot of space. In that space you can put water holding tanks, you can put noise barriers, you can park your trucks, you can have your workers have their port-a-potties. You can park your sale boats there. If you take a zone outside this shaft site, 600 feet zone, within the 600 feet zone total number of homes or businesses, zero. That's a zero with nothing in front of it. Zero times 36 months makes zero whole months versus 1,700 something whole months. Walk around this area and you come around paint and body, parking, storage, construction, jiffy lube and 620, completely commercial zone. Drive to 620 it is 0.3 miles away. You pass zero schools. Zero schools times 36 months makes zero student months. Expand the zone out to 1500 feet, you hit a few more apartments. They're very close to 620, and both sides, both routes get affected in compatible ways. Moving on, open cut. We're proposing that part of the segment be trenched in order to save money. If you want to consider the impact of trench, which I'm sure you have been told is truly horrendous if it can be done at all, here is what you need to do. Open trench is a moving impact zone. You tear up a piece of land, you bury the pipe, you close it up, move on. Tear up the next segment, bury pipe, close it up and move on. It's a moving zone. The little red house on right, that little red house starts getting some impact when you're trenching activity approaches your zone. Before that there's no impact. So 600 feet away impact begins. Impact crosses the house. 600 Feet on the other side impact ends. You don't write the 600 feet number, take a thousand, take 1500. Both routes get affected the same way. So you have a corridor 1200 feet long that means with this zone full open trenching that proceeds at about 100 feet a day, an individual house gets impacted for 12 days. 12 Days. Take a different zone, like I said, both sides get impacted the same way, okay? So we took this number and we said okay, let's go google maps and let's run up the open trench map. Take a little rectangle, move it up, count the houses and businesses, total 32 home months. 32. Here's the comparison. Spicewood spring home months 1,007 twait. Hybrid 620, 32. Student months, 36,000. Hybrid 620 zero. Park months 360 cost to homes if you think about homes that gets rendered unusable, I put some number loft, I don't know the number on the right. Cost to students, you guys please help me figure out what number i should put on my daughter's middle school education. Constructability. In one table spicewood 8 acres, hybrid 620 73 acres. According to the black and rich report you need at least two to three acres to have a working shaft site. Trustable engineers. Access to highways, 1.8 miles on one. 0.3 Miles on the area. Other. Big difference, constructibility issues with cost. Now, there are lots of things that happen on the spicewood route chz costs have been not revealed or discussed with anyone. They've been very carefully kept hidden. You might need to condemn properties to get more shaft site or you work in a really champed site. If you work in a champed site and you dangle a check in front after contractor saying here is \$60 million, will you do the job, the contractor will say yes, I want that \$60 million. But guess what? My price is going to get bumped up. So don't buy the story that says we can work on a small shaft site because there's a hidden cost behind that that you're not being told. You might need an inundation he's easement. I won't go into that in detail but there's stuff you can read through. Cost numbers, I can't figure them out, we can't figure them out, but you better find out what they are before you decide. Cost, let's put these numbers together. Spicewood springs, 5 miles of tunnel, \$103 million. 620 Hybrid, depending on which of two options you take, whether you do a surface pipe in the beginning or whether you do a short tunnel segment in the beginning the numbers come out \$92 million and \$103 million. So anything from comparable to about \$11 million less. The numbers that have been quoted publicly numerous times by just about everyone that can make a quotation say 40 to 50% more. If you look at the spicewood spring option with drilling in from the tank, this is something that has been talked about recently, change the shaft site, go to the tank and drill in from there, costs go up. Please tell me how much they go up because so far nobody has told us. There are all these great discussions happening behind the scene, behind closed doors. Why are we not part of those discussions? Why are they being done privately with y'all? True costs over here i just attempted to put these all together. Basically if you're going to claim that you do nice costs for environment, for constructability and for community, then you need to put real

numbers behind these. Right here I simply list the issues, I don't know what the numbers work out like. We need a credible person, a credible source to tell us what these numbers look like. And I'm unfortunately going to tell you that awu has been making several claims here that really make it hard for us to continue believing everything we've been told. hybrid 620 potentially offers a -- this is not an engineering analysis, folks. We have engineers on our team, but it's not an engineering analysis. Most of this is common sense. Hopefully it's clear and hopefully it's simple enough that someone can look at it and go, that's really worth finding out more about. Who wins? Potentially the environment, the homeowners, no school students are hit, city of austin and the customers. Summary here, I hope I've got enough time to go through this. If not, I will definitely revisit it under item 86. These are the false claims austin water has made. I'll be back. austin water claim on the left, fact on the right. There's a claim from -- all of these are from an august 13th memo. First claim, we began community outreach in august 2009. Well, something began in august 2009, but it was not community outreach. It was deception. Thank you. [Applause]

Mayor Leffingwell: Paul robbins? Paul robbins pointed out to us that the speakers -- we're not calling speakers in the order that they signed up. And the system automatically sorts for for or against and neutral. And so I have decided that for or against and neutral, since it's a budget hearing, east austin though some of what we're hearing is not related to the budget, that those terms are meaningless, so I've resorted in terms of -- in order of signing up. robbins, you are correct, and you are now up to speak. And you have some time donated to you. Steve miller. Helen nooner. Helen nooner not here. Raymond williams. Raymond williams not here. Doug young. Doug young not here. So you have six minutes.

Council, I appreciate it. First for the sake of my peers who are here at 00 to speak on water rates and infrastructure, we are curious as to why we had to wait five hours. It is certainly true that council has a packed agenda, but one reason that council does have a packed agenda is that you do not have more frequent meetings. Given that this is a budget season, given that you should want to hear from the public, scheduling more frequent meetings to accommodate the public should have been a top priority. [Applause] I didn't prompt that.

Mayor Leffingwell: They'll clap at anything, though, paul.

That's true. They're like that. I'm paul robbins, I'll an environmental activist and consumer advocate. I would like to show you some statistics about austin water use and infrastructure that you may find interesting. And now the first slide is water use in million gallons per day the standard measurement for a major city? This first chart uses data online on austin's daily news in august. It is online provided by the austin water utility. The blue line is austin water use and the red line is maximum temperature. Austin had 19 days in august where we reached 100 degrees or above. The highest of these days hit 107 degrees. Now, you can see the end lines for both temperatures and water use going upwards. Austin's maximum usage was last sunday, AUGUST 22nd. We used 191 million gallons per day. But compared to what? Next slide. Our current capacity exceeds 2010 peak use by 49% if water treatment plant is added, it will exceed 2010 peak use by 75%. This is despite only modest enforcement of the two-day mandatory watering schedule and lackluster conservation programs that have been implemented in the last three years. This is before overruns from water treatment plant 4 begin, which are not -- and this does not take into account the effect that these higher prices will have in driving down usage, the phenomenon called price elasticity. And the third slide is austin's water and wastewater rates compared to the 10 largest texas cities. This has been updated. AND AS OF AUGUST 1st, Corpus christi pulled into the lead; however, when austin's rate increase goes into EFFECT NOVEMBER 1st, We will again be number one. Like I said, they'll clap at anything. [Laughter] so with all this talk from the business community about how austin should be able to compete, this certainly doesn't look very competitive. Now, I want to address another topic that keeps getting brought up for a rational for building water treatment plant 4, which is security. Water treatment plant 4 supporters have stated that the plant is needed to diversify sources in case of an emergency. And hearing this statement frequently repeated has made me wonder if the real intended target of 9-11 were the twin water plants on the colorado and not the twin towers. So I asked a lifelong resident of austin if there was anything done in world war ii? Nope. How about the cuban missile crisis? Nope. I was in austin during the gruesome slft

attacks in new york and no one was talking about another treatment plant on grounds of security. And even though security of water sources is cited as an official reason for building water treatment plant 4, this did not stop green water treatment plant from being decommissioned five years or so before the new plant was going to come online. So apparently downtown real estate deals are more important than the security of water sources. [Applause] council, unless you are planning on building the new plant underground as a hardened fortress, you are really on shaky ground justifying this plant on security of source. Thank you. Appreciate it. [Applause]

Mayor Leffingwell: Next speaker is roy whalely. Roy whalely? Donating time, victoria miller. Okay. Doug lining. Not in the chamber. Scott kipperman. Not in the chamber. You have six minutes.

Thank you. My name is roy whalely, vice-chair of the austin sierra club here to talk about budget issues. Today I budgeted some time 00 to come down and talk to y'all, and I'm a little over budget. [Applause] my rates will be going up. [Laughter]

Mayor Leffingwell: You guys are getting better writers. [Laughter]

that's hard to follow paul. So I will say this is not the time. This has never been the time to raise rates for something we don't need. People will pay for value. People will pay for value. I will pay for value. Most people will. But you don't get value out of paying more for something that you already have. It's the same water, we're just going to be asked to pay more for it. We don't need a rate increase for a water treatment plant that we don't need. [Applause] wow. There are a lot of things that as we look across the budget that I know we're going to be cutting back on. And this is one of the ones that we have to look at and go back and look and see what we do need would be jobs programs. Well, that's an excellent jobs program. Instead we start replacing the leaky water lines and save over 1 billion gallons of water a year local jobs water conservation. We need to be looking at our budget and saying we're going to look at new ways to use water. We're actually going to look at new codes to reuse water on site, to capture water at the source and reuse it. We look at paul's numbers and it's real simple. We cut back to once a week watering and our water needs drop radically. We've been told by awu that during the winter we don't even need one of the water treatment plants that we now have. We could run off of one of them. Weaver told for security purposes we need to have this additional 50 million gallons of water so in case one of the treatment plants goes down, but even if we have it, it doesn't bring us back up to what our maximum usage is, so we're still not all that secure in that fashion either. They can repair and we are prepared right now by keeping our reservoirs full just in case something does happen and our children and grandchildren will not die of either dehydration or burn alive because we will have water in reserve. What we do need to do is look at budgeting for true alternative water usage. When we -- one of the most important things I think the city look at for budget is how to grow our economy, how to bring in new employers. Employers are going to do a very detailed analysis and they're not going to say wonderful, they can treat this amount of water, they're going to say, they actually have access to this amount of water, and that is a shrinking pool. And so if we can show them how they will have the resource itself and not treatment capacity, I think this will be something very important for new industries to look at as they look at austin and consider moving here. Now then having said that, growth in and of itself does not pay for itself. We are not paying for growth with the model we're using now. So how are we going to charge more? And I know that unlike paul who had bag monsters with him earlier today, I know y'all like a visual aids and so I brought a straw. Can you see this? It a straw. Security has this thing about bringing camels in, so I don't have all of my visual aids with me. But you look at it being a mere four dollars a month. Well, this would be the straw I would put on the camel and camel's back would break. [Laughter] so it's a mere four dollars a month. Let's look at it. It's just a mere anything to keep the libraries open. It's just a mere anything to keep the pool open. It's just a mere anything, name your amount, to keep the parks going. But y'all are cutting back on that. So let's cut back where we don't need it. We need our parks, we need our pools, we need our libraries. We don't need water treatment plant 4, not at this time, maybe never. What we need to do is live up to what austin says. We are an innovative city. We can't truly be an innovative city if we keep trying to apply the same solutions to new problems. Old solutions will not solve our new problems. We have to take a look at new solutions to our water needs. And in regards to the transmission lines, let's look at the enormous amount of time and

money that has gone into establishing the bcp. And as we go through that with murky research and murky water being pumped out of it and into bull creek, what's that going to do to bull creek and what will be cost of the cleanup? What's that going to do to us when we hit void in the hydrology and we endanger the -- and we destroy the springs and kill the endangered species and lose our permit? Where does the money go then?

Mayor Leffingwell: Thank you, mr. whalely.

Thank you very much for your time. [Applause]

Mayor Leffingwell: Jennifer mcphail. Welcome back, jennifer. You have three minutes. Nope, not yet.

I'm with adapt of texas and I just -- we wanted to once again get on record saying that we think it's very important that you maintain funding for a sidewalk construction and accessibility at five million dollars in budget. That's independent of the upcoming bond election. And would allow for more improvements to be made throughout the city. We haven't gotten any specifics about what is available in the budget. It could be a better deal than what we're asking for. But we can't really get any clear answer, so that tells me after 20 years of being around city hall that if it's not obvious and you can't see it, then it's probably not there. And you guys are making the cupcake guy bus stop accessible, but something else struck me this afternoon when we were doing the proclamations and the gentlemen who were veterans of vietnam war were talking about coming home. Well, for me I can tell you that every time I find an i impediment to my being able to move around or be integrated in society, I get the message that I'm not really a member of the community. I'm not really an austinite. That you hear a lot about community and family and togetherness, but that doesn't mean me. That I'm nothing more than a bastard member of this society, even though I have the key to the city. I have to risk my life on a regular basis and so does everyone else with a mobility impairment who tries to get around this city. And five million dollars is going to do a sizeable amount of work. It will not bankrupt the city and it's not going to solve all the problems with the magic wand. I've always said that there's no infrastructure fairy. It's not going to save everybody. There are going to be a few people that probably either get injured or killed while waiting for their project to get done even if you fund at this level of funding. But I also want to remind you that the five-million-dollar minimum that we've proposed is comparable to what you spend on the golf enterprise fund. We're at least as valuable as game of golf. You know?

[Applause] and those projects allow us -- when you have accessibility throughout the city, they allow you -- the specifically allowed me -- I've had two different life times. That's the way I look at it. The lifetime that I lived and the lifetime that I lived after. I'm a different person because I'm able to be more active. I'm able to volunteer on boards and commissions. I'm able to volunteer adds a cert team member. When I work the shelters with little old ladies with disability and everybody, they were shocked to see another person with a disability in there and frankly relieved probably. It was a very difficult experience and when you're put through a very harrowing experience it's always nice to see somebody in your position. I worked a lot with those little old ladies and their families. They were put in nursing homes even though they had a place to go. There's the whole thing and we've got them back home finally. But those little old ladies call me every now and then to tell me how much they love me. And it's been a few years. You take it for granted but the rest of us don't. If people feel so passionately about it that they're willing to get into oncoming traffic, then you know you've got something special and you should invest in it. If you mean equity, then you invest in that as well. That's all there is to it and we deserve at least five million. It should be more, but that's a place to start.

Morrison: I know we're trying to get the information to find out exactly how much and where we have funds in the budget for this coming year for sidewalk fund. We have submitted that question -- questions are all on the city website. If you just google city of austin budget, it will be up there until the answer is there, but we'll stay in touch and make sure you know when it's there.

Mayor Leffingwell: William betts. William, you have three minutes.

Thank you. I'm William betts with adapt of Texas. And two years ago we were begging to get the five million. Last year we had the five someone came up to talk to Jennifer today and said it was in the bond, a 10-million-dollar bond, it was five for last year and five for this year, but we don't see it in writing. And you get in a wheelchair and you go down and it has to turn around or climb a hill and there's no ramp, and you've got to turn around and come back down. There's one at 10th and Coj. You come up the hill going west and have to turn around and come back down because you can't go any further. You have to go in the street to go up the hill. Mrk, they're going to fix it. I already pointed out the problem, but it's the sidewalk where they had the trench accident, and Capital Metro is working with the city. There's lots of places that need to be worked on and they've got to work together. And they put money out and we need y'all to put the money out too because y'all are the ones that connect the bus stops. And this city has won -- we only ranked in the top five for the best city, the greenest city, and a lot of snow birds come here now, people move downtown. I want it also say Boggy Creek, that guy brought that up the other day. Anyway, I'm just here for the sidewalks accessibility, affordability, integrated housing is what we are too. And I know I'm for the homeless thing that y'all are setting up. But don't put all the money in one pot. I was at the housing thing the other night on 11th street, and they were saying that the money was in -- it was very little, but it was in two pots. And I just hope that some housing, affordable housing will be taken care of. And please have the five million dollars for sidewalks. Thank you.

Mayor Leffingwell: Mary Steele.

She had to leave.

Mayor Leffingwell: Phil Mencada. Martin Leroy. Bryan Rogers. Donating time are Elizabeth Feeder, Elizabeth Feeder, Kurs Pruitt. Okay. Katrina Kennedy. Linda Curtis. Bryan, you have 12 minutes if you need it. Councilmember Spelman.

Spelman: I would like to speak for a moment on a point of personal privilege. I have a seven-year-old who needs to get to bed. I am a single parent again as I have been for the last month and will be for the next few days. I will be watching as long as you are here. I will be listening on the radio on my way home and I'll be watching on channel of on my analog television set. [Laughter] while I still can as long as you are here talking, but I won't be on the dais listening to you. But I will still be here and feel free to address me any which way you can. I will call you back if I have your number. I will give you a hard time if you do. Thanks. [Applause]

Mayor Leffingwell: I'll also say that Councilmember Cole left to take care of one of her boys. I think he broke his arm or leg or something, broke something. And she had to take him to the hospital. She's going to try to come back. So we're down to five people here. We're at 10:00. We have a total on the books right now, I don't know how many people are still here, we have on the books 297 minutes of testimony remaining. So Council, I think we need to make a decision and I want your input on this as to whether we want to extend 00 for awhile or -- a little while longer at least or whether we want to recess this hearing until tomorrow. Councilmember Morrison.

Morrison: Mayor, I would like to stay as long as we can manage it. These folks have been here for at least six hours. [Applause] it makes sense to try that.

Mayor Leffingwell: Any other comments? Councilmember Shade.

Shade: I agree with that. And I am willing to stay. [Applause] this is a test,.

Those are our boom years. He says -- [reading graphic] what we have is rising costs and expenses and declining wage and earnings. So we have a -- we have a squeeze going on, on the middle class. And --

and some say that the middle class and poor, they are going off of a cliff here. So here comes the residential rate hikes. As if those people could take more hits. This is the class of the middle class that -- that most of knees entities are -- these entities are a part of. This water utility budget, 27 billion over the next five years, the majority of that money is to serve newcomers. Okay? Now, my water faucet works just fine. Why do I need a new billion dollar water treatment plant with interest is because it's to serve the newcomers. You know what? I'm not interested in paying for the newcomers. Let them pay for it themselves. There's a way to do that. But first I want to go to a crime scene. Here's the crime scene, south i-35 water and wastewater. I commissioned a report to determine what is the full amount of that cost because I know you guys are every -- every thursday you are having to -- well, I say every thursday. You are authorizing more and more money to be spent on this program. That program is 15,740 acres is in the program area. 89 lue per acre. Those are the water utility's figures. That's the equivalent of 45,000 new single family dwellings out southeast. Okay, the total cost, 101 million spent so far with another 77, that's \$180 million for trunk lines and back backbone to go out that direction. If you add the cost of the water treatment plant and the wastewater that will be assigned to those 45,000 homes, you have about \$519 million required to serve that. And if you divide that by the number of homes, 519 million, divided by 45,000, it's about \$11,000 per water and wastewater connection. Okay? So that would be the total cost to serve a new home. Well, what does austin charge our water and wastewater impact fee. The drinking water protection zone, maybe down to -- same for wastewater, 1400 down to 400. But okay here's the chart of all of the municipalities and water providers in the region. Now, looks like it's alphabetical order but it's not. It's austin brushy creek, cedar park, sounds alphabetical, but the fact is, austin charges far less than its peers. By enormous amounts of money. Why are we cheaper than hutto? Why are we giving it away cheaper than round rock. Austin are the far left six figures, two red ones are the drinking water protection zone. We're charging less for our most critical areas than hutto is, hutto is up at over \$5,500. That doesn't give us a complete picture because not that many people, we don't sell that many drinking water protection zone in the e.t.j. All right. So what I did was i calculated we sold 34,000 c units over march of '04. This is the weighted average. All right. We sell most of them in the ddz. Well, the weighted average of what we sell at water tap fee for in austin is \$1,241 and wastewater 724. When you look at how do we rank with our peer cities, well, we are selling them for 2,000. And round rock is selling it for 6800. We're giving it away. We're a cheap date. Now, I talked to the woman at lcra. Her name is janet stevens. I said lcra you charge \$5,900 for a water tap or 5250. She said yeah we're in the no competition. We're charging what it costs. Our rate payers don't want to pay for the next person. We are charging the state maximum allowable. So -- so here's how they do it. Two different ways to calculate it. Their water -- their water fee, their water cost was \$7,300 and 87 cents. If you do the 50% credit method, that means they could have charged 3694. If you do the credit for the rate pair, payer, some of you say it's all paid back by the rate payer. It's not, in this case \$2,100 was. Lcra picked the higher of the two figures, charged \$5,200. We charge an average of \$1,200. All right. So here it is for wastewater, the same thing. In our impact fee, we could charge 3307, wastewater 1852. If you look at it we are charging an average of 1241, 724, you could pass an ordinance, i think, after you talk to city legal, right now, not tonight, to boost our collections so that we get at least up to where our peer cities are. At least with pflugerville and georgetown, more expensive to locate in hutto and round rock, but this makes sense. And this is good political cover for you because you are raising the rates for water, but we're not getting anything back. Not the capital recovery fees that we could. This is one way to do it. In fact councilmember morrison on the 28th of april, asked, I guess that you are saying that you are recovering as much as perhaps we are allowed under state law. He says yes, yes, that is a fair statement. We are covering a fraction of what we are allowed to, under the 2007 ordinance of our impact fees. So pass an ordinance to bring the impact fees closer to actual costs, and in line with our peer cities. This is what we should be doing in collecting, especially on this -- on this out in the -- in the area of pilot knob where we have got 180 million line running that we're ahead of the market on, we have got that much infrastructure sitting in there waiting, will the market save us out there? I don't know. Do you -- do you bring the water first and the development comes next? No. It doesn't. Okay. So here it is again. Put us in the peer group. People say, well, bryan, now is not the right time in this down economy. That's what the developers are saying, I've heard them say it. Well, yeah, it's not the right time for you. What about the rest of us that you are burdening us with those costs for. [Applause] it will hurt affordable housing, affordable housing gets fee waivers, the home owner pays their rate, taxes paid, that's not true. They only pay a small fraction.

State law specifically requires that you give that credit so as not to double tax. So Austin is selling far below cost, far below peer cities. The current system is a wealth transfer from existing residents to land speculators, lot developers, home builders and newcomers. We are not interested in subsidizing the newcomers, let them pay their own way. The water rate hike component for commercial we're stopping that -- that subsidization of commercial and residential on our water because they said it's the right direction to be headed in the future. The right direction is stop subsidizing the newcomers. Charge the true costs, the full costs, nothing more, nothing less. That's that's part y speech. Thank you. Now it's the road impact fees. Same thing goes on. This is campo. \$27 Million in a multi-modal agreement on how we're going to get austinites around in 2035. Locally 34%, the sales tax another 25%. Basically all going to come from the local area. The real estate industry pays zero. All right? So -- so here's the pie charts. Right now we are 15% congested. After we spend the \$27 billion, we're 40% congested. All right. That is -- this is not a misprint. You spend 27 billion in those situations and it's worse. All right. Here's what Fort Worth did. The impact fee laws allows you to divide your city into -- into six mile radiuses and calculate impact fees of -- based on new development construction related new development on the highways. So they with 27 areas and they came up with a schedule of \$2,000 per home for road impact fee. Okay. So the developer goes down at the end of the two lane road, puts in a thousand unit subdivision, takes a profit and leaves us with the cost of roads and schools and water and wastewater. Well, we can't collect on schools. But we can sure collect on roads and Fort Worth has collected -- is collecting now \$2,000 per house and they have a different schedule for commercial. Guess who is doing it next? Yep, Georgetown. Georgetown completed a road impact fee study last year and now they're about to have a public hearing on road impact fees. Austin is in charge of them. Look who else is leading the way, Leander. Okay. This is the cutting edge. Maybe we can get out with them and charge that -- that growth should pay for itself. There are certain mechanisms where a growth can pay for growth. That's all that we are saying, we're tired of paying for everybody that's going to move here. Growth should pay for itself. Thank you. [Applause]

Mayor Leffingwell: Thank you, I may not agree with everything that you say but at least you spoke on the topic of budget, which is about a first for tonight. Roger Baker, three minutes. Middle middle thank you, I'm going to -- thank you, I'm going to talk on the budget. I'm going to talk on the budget philosophy. I think that you can't have an efficient budget without good urban planning in dealing with the kind of stuff that Mary Ann said which is growth policy and annexation policy. The more growth that you have is not necessarily the best. I want to quote from the budget, volume 2, page 409. It says "while the deepest recession since World War II has come to an end, the impact remains widely felt. Perhaps the strongest indicator of recovery has come in the stock market". Well, that's not true, of course. But you're confusing the stock market with the average taxpayer. Struggling to pay for this stuff. Locally in a crisis because of the state jobs, we have about 77,000 state jobs, but we're facing about a 10% -- a 10% shortfall so that would mean eliminating about 7,700 state jobs locally. I suppose. Well, in fact, most of the jobs that are being created are hospitality, working hotels, low paid jobs. The jobs are disappearing, professional jobs in manufacturing and electronics jobs. High paid jobs. So -- so we're in an economic crisis. And growth in a lot of the outlying areas, suburban areas, has taken a nose dive. The county went from -- Travis County went from 15,152 building permits in 2006 down to 7,800 in 2009. So that's about a 50% decrease. But in the city, the building permits are still about 80% of what they were. So in other words suburban growth is collapsing relatively while growth inside the city is more or less holding its own. In general we should protect our citizens by making development inside the city easy, in making development outside the city hard. And not trying to subsidize sprawl. Now, what I see us doing is weakening the -- the Austin's tax base by suburban sprawl tax breaks and I think today there was an example of Whisper Valley and Indian Hill. Those are not even inside the city, but they are many square miles of potential growth and what we've done, I think, is given them water and wastewater service and said they don't have to pay taxes for a long time. Well, I think --

Mayor Leffingwell: Thank you, Mr. Baker.

Okay.

Mayor Leffingwell: Time is up. [Applause] Bill Bunch. Donating time, Pat Broadfast. Pat Broadfast?

Dana blanton. Okay. Greg goombey. Stan ostrum. Okay, you have a total of 15 minutes.

Thank you, mayor, members of the council. I'll try not to use all of that 15 minutes. I would like to ask the question, though, mayoral is water treatment plant plant 4 not part of the proposed budget? [Applause] is it not --

it is remotely a components, yes, but we're --

\$500 million plant is remotely part of the budget!

Mayor Leffingwell: Do you want to control yourself or do you want to be removed from the chamber?

I would respectfully ask that you not insult the intelligence of this community [applause] by pretending that water treatment plant 4 is not part of the budget and is not germane to this public hearing. It certainly is.

Mayor Leffingwell: Your time continues. Last fall we had a public debate about this plant. And I know that a lot of you would like to put this issue behind you. And make the decision based on the information at that time. But that's the wrong thing to do. The world has changed since then. We've learned, as these neighbors have learned, much to their chagrin that there's going to be a three year mining operation in their back yard. That information was consequence sealed from you by -- concealed from you by your staff and consultants. You didn't know that then. That shaft site was actually erased from the maps that were shown to the public. The information was concealed from you that up to 270 gallons per day, that's probably an underestimate, of muck water, muck, that's the technical term in your engineering report, per minute, excuse me, 270 gallons per minutes for three years of construction treated to some level, somehow, undescribed, and discharged into bull creek, above the bull creek preserve, above the bull creek park, above our water treatment plant intakes. All of that concealed. You contracted to have four stakeholder meetings before any of that information was finalized. Before the route was finalized. None of those stakeholder meetings took place. Your staff and the contractor violated their own contract and axed four stakeholder meetings that we presumably paid for. Did they take off some money because they didn't have that? We're getting ripped off here. The red flags are just jumping up left and right. \$50 Million short on water sales. Your staff spent two years trying to convince you we had to have this thing right away. They told you, mayor pro tem martinez on your first day on the dais, that it was an emergency and we had to have this plant online in 2011. Lo and behold it wasn't an emergency, now they insist it has to be online by 2014. You have adopted a -- water conservation policy that beats growth patterns. And from your own numrs, and from our 10 years of track record, we can keep our use flat through 2023 at least. We don't need this plant until beyond 2025. We don't need to build it now. You can erase this out of the budget. Tonight. OR ON SEPTEMBER 13th. And keep some money in your pockets. And put the money where it belongs. How is the water utility making up these shortfalls, cutting out, fixing, old broken pipes. They are trying to conceal those numbers, too, it ought to be crystal clear what they are doing. But -- but roughly, they were budgeting for this year and next year, they had been budgeting 20 to 25 million a year. To fix the old cast iron pipes. But we're pumping billions with a b, gallons of treated water into the ground totally wasted. To to 25 million -- 20 to 25 million a year. Now it's going to be 10 to 12 million a year. Is that the right priorities? Build a plant we don't need, stop fixing the pipes that have to be fixed and that are wasting water. That's backwards. This is pure pork barrel. We should just be honest about it. [Applause] you're going to pump hundreds of millions of dollars into the pockets of a bunch of contractors, most of them out of state contractors for something we don't need. We don't get any better water, we don't get any more water because we're not going to treat water we don't really need and we have plenty of capacity right now. This is like the bridge to nowhere. This is the water plant to nowhere. Let me explain. You are not even going to start building the transmission mains until the end of next year. And then it's going to take three years and with all of the complications you are certainly going to run into with tunneling, probably four years to build. You are starting to build the plant right now. You can build the plant in two years. Have it sit there doing absolutely nothing for two, three, four years. How much sense does that make? It makes no

sense what's whatsoever. Mayor leffingwell you are quoted in the press as saying well, we have already spent so much money on this thing, it would not be fiscally prudent to stop now. We are going to get 50 mgd capacity for 508 million not counting the interest payments, which your own utility has said are another 700 million. 2 billion counting interest for 50 mgd. We recently expanded ulrich and got more than that capacity for 60 million. Even if every dime that you pumped in was flushed down the toilet, you would still be saving rate payers 300 million bucks to stop right now. [Applause] the 50 million that you have spent on land is salvageable. Good land. You have paid three times too much for it in a fraudulent deal [applause] that -- that should be another giant red flag on the gross mismanagement of the austin water utility. [Applause] along with the simple fact of raising water rates every single year for 12 years in a row. [Applause] we are only, what, seven years into that. But they have already charted it out. As councilmember spelman, to his credit, has checked the numbers and told you that the -- that the out years of roughly 30% more rate increases coming down the road, if you've approved this budget, that's the path that you are on. Is likely way underestimated. And that you are going to have to raise rates a lot more than that. 75, 100%, When you factor in the fact that people are conserving, they are using less water, and in part because you are -- you are paying -- we're having to pay a lot more, but in large part because we're getting efficient. We know how to save water now. It's cheap to do. And both businesses and residents are being -- being efficient with their water. Much more efficient. And there's plenty of room to go. And you've -- you've told the water utility that's where you need to go. You're trying to serve two masters at once and it's an enormous financial waste and you are robbing the funding for conservation, fixing old pipes, for a plant that dictates water. Now the other argument that you make is but construction costs are down so low. We've got to build it now to save money. Well, how many condo towers that were being fast traed a year are dead in the water and going nowhere. Now, if construction costs are so low, let's build them towers, right now. Doesn't matter that nobody is going to buy 'em. You know, they'll buy them later. Right? Isn't that the logic? How come logic doesn't work in that market? Well, they don't have a monopoly buyer. You can shove these rates down our throats. [Applause] if you want to run this city like a monopolist, which is what you're doing, then, you know, make that argument. But it really holds no water. You are going to save ratepayers a lot of money by just doing one simple thing. Put this plant on hold for two years. It won't slow down the ultimate completion of the project a single day. Study your alternatives. Adding capacity to our existing plants if and when we need it. Fixing the bottleneck at davis which you are doing anyway, gives us 10 mgd extra capacity for no extra money. Do the conservation, look at replacing, rebuilding green, which your own staff has said we can do, rebuild the green plant. For 214 to 250 million. Okay? Again, if you just flush 100 million down the toilet, on the water plant 4, you are still saving ratepayers 150 million. If you choose to rebuild green instead. That was the official policy of this council for about a year and a half. Before the staff and the contractors sabotaged the plan by proposing to build it in roy guerrero park. My last analogy for you is urban rail. You all wanted to go forward with the urban rail because you thought it was a good idea. And you thought the community would agree with you. But you weren't ready. You didn't have the studies. You didn't have the information available so you could make a good judgment on it or the community could make a good judgment on it. And it was going to cost a lot of money. Water treatment plant 4 is exactly the same. Greg lazarus, the director of your water utility was quoted saying we're going to make a decision on the jollyville transmission main this week. His staff and consultants are saying our ground water assessment is going to be finished in october november. So we're going to decide how and when and where to build the line this week but our studies aren't going to be done for two or three more months. This is the gentleman that you're bank rolling on to bring this project safely on bug, it doesn't add up. desusa started to go through his last of false claims. There are so many false claims, you can't get them on one slide. Mez. This project needs to be rethought. We are in a recession, people can't afford to pay for something we don't really need. We don't need it. You really could put it on hold completely. Keep doing the studies. Preliminary engineering, fine, but you need a new independent look at your alternatives that are cheaper, don't risk destroying 20 years of conservation efforts. For the bull creek preserve which is the crown jewel of biodiversity in this part of the world, quite literally. Thank you. [Applause] snrend.

Mayor Leffingwell: Next speaker is craig naser. Craig naser. Three minutes, craig.

Thank you, my job makes it so I can't get down here as much as I would like to. But there is not another

person that has spoken to this council that loves austin more than I do. And I can assure you of that. I wonder what's going on. You know, I saw in the report they said austin is sustainable. And austin is prosperous. Austin will never be prosperous unless we are sustainable. It's not just -- just not going to work any other way. I don't see us as being very sustainable. This is a budget. This is a whole budget thing. I tell you a couple of years ago up in my neighborhood I saw a water main break. It wasn't very big, it was a bit of a trickle, I called the city right away. I said your water main is broken. I said okay. Okay. Two weeks later in the morning, I was taking a shower and the water goes off. I know what's wrong. Once I got out of the shower and dressed I walk down the street, there is a huge flood of water going down the street. I call them up I say your water main has now really broken. They sent a guy out. Huge amounts of water. But now I hear that we're going to spend all of this money on this new water treatment plant, when the way our water mains that already got don't seem to be managed as well as they should be. That just doesn't make sense on a budget level to me. There's some other issues that I have seen around here, one has to do with park and I have talked to a number of councilmembers in the past about underfunding at park and how that affects the city. I love the parks. And what I have found is over the years, I have lived in austin, park has been more and more underfunded, it has a negative effect on a lot of our parks, you are aware of a lot of this. I really won't go into much detail about that. But I just wonder how this is happening. When you hear about this water plant and drilling a tunnel under the balcones canyon land preserve and you hear people say that it's not really going to damage -- that's not really going to bother the water or the cave creatures, I don't believe that. Limestone is porous, you don't know what's under there. Saying it doesn't need an environmental impact statement, it's going to cost all of this money it just doesn't make sense. I think there's a lot of people in austin who maybe need to explain it better if you are going to do it. But it hasn't been explained to me, I don't understand it. Then I'm told my water rates are going to go up. You know, that -- I don't see where this is going. It's not sustainable. I would rather have a budget plan that rather than trying to make room for all of the people who are planning to be here in the future, we had a plan to kind of consolidated what we have now. Stuff that we have always had, we have enjoyed. So I would ask you to look at that. In the budget.

Mayor Leffingwell: Thank you, craig. Next speaker is -- [applause] -- scott johnson. Scott johnson. Not in the chamber? Else ton prewitt dobie donating time. Elton prewitt. Do you want to speak elton?

[Indiscernible]

all right. I will make a note of that. Next speaker is -- is sumner ericson. You have three minutes.

Good evening, thanks for the time. And -- and yeah I just wanted to speak to, you know, the impression again about austin being innovative and leader in the world and liveable city. And I'm really shocked that -- that conservation measures aren't being put to the top of this list. And learning that los angeles water usage is at a 30 year low. And, you know, I'm -- I'm again I'm just I love I was born in this town, I love this town and I think we can do better. I think we can lead and to waste money at this moment seems like a -- like a very bad idea. Thank you.

Mayor Leffingwell: Thank you, elton. William, I believe I already called william stout.

I donated my time.

Mayor Leffingwell: Okay. Colin clark. Is robin trustee, you have six minutes. Do you all have the timers working.

Colin clark with save our springs, welcome back councilmember cole, I hope your child is doing all right. There have been a lot of reasons stated for water treatment plant 4 which is a big chunk of the water utility budget. But the only one that the water utility really sticks by is we have to have adequate water to meet the demand in the summer of 2014. The one that they have put in their budget as the headline. I want to address the four of you who have been supportive of water treatment plant 4. Let's take a look at our reality right now. Getting back to something paul robins was talking about. It was 107 degrees a

couple of days ago. That's when we used the most water when it's scorchingly hot. How many water did we use on that day, 181 million gallons of water. What's our capacity? 285 Million gallons. Do a little math. So there was 104 million gallons of capacity spare when it was 107 degrees. So we're sitting on a cushion of 100 million gallons of water. That we can treat and distribute throughout the city on those few days in the summer when we use the most water. Can y'all actually look at your ratepayers in the eye and say, we have to have 50 million gallons more by 2014? You can't. You can't honestly tell people we have to have that additional treatment capacity by 2014 or your tapes going to go dry, because it's simply not true. Unless we declare a day water your asphalt day. [Laughter] that's the only way we're going to need that extra 50 million gallons a day. If we're just pouring water on to the street. That actually happens inadvertently as people have mentioned. We aren't enforcing our two day a week schedule as well as we could. At the same time, the water utility is asking everyone in austin to pay more, they are slashing their budget to fix the leaky pipes. So treat more water and we'll let it keep going into the ground. That's not the best managed utility that you can have. How can you trust a department that says concentration is a priority, but they don't fix the pipes that are leaking water back into the ground. An ancillary argument for the water treatment plant is growth in the 130 corridor. Right. Where is the water treatment plant? 25 Miles away. Okay, why is there not a lot of demand for water in the northwest area. It's either build the neighborhoods like the folks who live near barton springs road or it's wildlife preserves because it's endangered species habitat. We are building the water plant somewhere where the water isn't actually going to go. If it's actually going to go to 130. Could you put my slide show on please. So this morning you approved \$45 million in water and wastewater to go whispering valley, whatever it's called on the 130 corridor. If the slide comes up, paul already showed you our water use. These two tracks, there's a -- big body of water right next to them. Called decker lake. Now, water treatment plant 4 is 24 miles from here. Is the plan -- this doesn't add up. The thought occurs to me, should occur to you, if we're going to spend all of this money on this water plant to get water over to 130, what about building a water plant at decker lake, how much would that cost? Golly gee the water utility actually ran that, they didn't show it to you. We got it from an open records request. We know 50 million gallons a day at lake travis. 508 Million. Mayor leffingwell you have been e-mailing, responding to e-mails to you by saying I don't know of a one billion dollar water treatment plant. We think you do know because we have been letting you know that there's interest and it's 700 million. You do the math, it's over a billion. The exact same amount of capacity at decker lake, your staff says is \$216 million. Again let's do some subtraction. Mayor leffingwell you have said that it's fiscally irresponsible to stop spending money on water treatment plant 4. So it's more fiscally responsible to spend more money. This does not make sense, okay. If you have to have a new treatment plant. We don't think that we do at this time. But if we do, we could save ratepayers \$292 million. Isn't it more fiscally responsible in the budget process in the rate setting, to save ratepayers more money? That's what their utility is supposed to do. They are supposed to respect the ratepayers. They are not doing this. Okay. So we know we don't need the water. Right now. We don't need it soon. That should be clear to you. We don't need it. It's clear to you if you have on build a water treatment plant you can build the same size of plant for \$292 million less. If you are acting in the interest of the ratepayers, the voters, you will pull water treatment plant 4 from the budget. Again if you have to build a treatment plant, there are cheaper options. We don't have to build one right now. Let's save the ratepayers the money. Thank you. [Applause]

steven -- [applause] [indiscernible] steven rice.

Cole: Mayor, I have a brief comment to colin. Thank you for asking about my son. He is suited up by on the bench at his last game at mccallum versus anderson. You should know that he and my oldest son are big fans of yours, when you were here before testifying about water treatment plant 4 my oldest was in the back of the room and sent me a text and said listen to colin, he is not just cool but he is right. [Laughter] [applause] if he would have had a job when he sent that, we might be in a whole different direction in this city. But we'll work on that.

Thank you, first of all I appreciate you staying late tonight. I came in from my first vacation in eight months to talk to you guys. I think on that example they are talking about in the past two years, no pay raise. In the past two years I've had to give back pay to my employer to keep so we can keep more

people working. I work in the private sector. There is no more money in the rice family budget. Okay? When I hear the city 7% increase in the water utility rates over the next five years or whatever that number is, okay, trust me, my pay is 7% over the next five years. All right? We will have to delete other expenses in our budget to pay for that. As a taxpayer and a voter, I trust that my city council is doing everything in their power to scrub the budget and not spend any money that's not absolutely necessary. Okay. As a voter, I don't understand going down the path of a water plant and a transition tunnel from everything that you have -- transmission tunnel from everything that I have heard that says we don't need it right now. It's a big thing on my mind and associated with my checkbook at the moment. Last points is -- I was on the fence about all of this until today. Okay. Somebody said something about that straw thing. I was actually out at the corner of spicewood springs and spicewood spring -- the city has contracted with the pr firm, okay, that has subcontracted with another pr firm to come out there to make sure that the pr is being done properly on that project at the intersection out there. As a taxpayer, okay, i don't understand why my city council needs to hire pr firms to come in and communicate to me on something. Okay? [Applause] s for sense. I would rather you take that money and either a not spend it or put it back on the trail of lights. I would go with either one. I would ask that you do take the due diligence to scrub the budget and eliminate any wasteful spending whatsoever from money that's not needed in the foreseeable future. There is no 134% pay increase out over the next five years. Thank you.

Sarah watkins. Sarah watkins in the chamber? Jill rowe? And is mary eason in the chamber? And elton prewitt still here. Okay. So jill you will have nine minutes. And the next speaker, if you want to start getting ready is debbie russell.

Hi, I'm jill rose, thank you so much for staying late. I appreciate y'all's time, I will make it as quick as possible. The question that I'm going to be asking today can funds from the 1984 budget or the 1984 bond election be used on the jollyville transmission main. Only the four points transmission mains are shown in t election. Every word from this -- these next couple of slides was listed from your july 23rd presentation, you see the footnote down there. By austin water utility to the city council at the time that you were voting on the plants. And even the title was -- this is word for word from y'all's documents. [Reading graphic] here's the relevant slide. Skip down, 165 million, everybody talking about this tonight. [Reading graphic] what do you think is missing from this slide? Jollyville transmission main. The four points transmission main. When I saw this last night I went oh, my gosh. Did we ever vote on the jollyville transmission main? Maybe this is why the neighborhood is so upset. It has never been voted on, maybe that's why they're so surprised. Wow. Maybe this is actually part of the answer. [Applause] again. From the same page. This is page 10 of a document, I will be more than happy to e-mail to you, same page 10 as the prior two slides. [Reading graphic] word for word including the title is y'all's language. [Reading graphic] remember the original scope of the project does not mention the jollyville transmission main or forest ridge for that matter. Other people are talking about how the math works on that. The relevant points that I'm here to talk about tonight is the joel advice transmission -- jollyville transmission main, from everything that I can see from y'all's own documents was not part of the original scope of the project. If you can show me where it was part of the original scope of the project as per the 1984 bonds election, I'm assuming that greg meszaros when he put that slide together on this same page earlier, i assume that he probably tried to put everything in there that was relevant to put in there, I'm assuming it wasn't in his number on this prior page because it didn't exist. I can't imagine that he would have left it off if it did. Here's my question to the mayor and council, I would like an answer, given it's a \$111 million issue you might have an answer, the jollyville transmission main is not listed as best as we can tell as the original scope of the project as parts of the bond election. Voter approval would then be needed given in the drink drink and you tend to fund it by revenue bonds. Here's the question. Does the council plan to have a public vote. [Reading graphic] y'all may think this is some other budget but it is in this budget. [Reading graphic] I'm questioning in that might violate the bond election from '84. Also, if the bond is not approved and is not bonded how will this affect the budget if you have to fund all \$111 million some other way, that's again why I'm bringing it up tonight. Does the 11 million already spent need to be returned to the 1984 funding. Does anyone have any answers for any of that?

Mayor Leffingwell: I yes. The answer is we do not plan to hold an election for the bond money. In fact it

would be illegal to hold an election for the bond money to build that transmission line or any other revenue measure.

Can you explain why you are not talking about the plant, the transmission line --

transmission lines are funded by revenue bonds, which it would be not only not required to hold an election, to approve, but would be illegal. I will defer to the city attorney --

mayor you are correct. We've -- previously said under state law, our charter has been pre-empted by state law. Unless you can point to specific authority it would be unlawful to do so.

What would this paragraph mean if it doesn't mean that? Can somebody explain that? What does that first sentence mean?

I'm sorry, I don't --

voter approved revenue bonds will be used to finance new water and wastewater plants, capital expansions and growth related projects that are located in the drinking water protection zone.

We are happy to take a look at that document. I haven't had an opportunity to look at that document.

That's the document -- here. I will hand it to you actually. [Applause] I see the language in front of me. I don't want to try to give an opinion based upon the language that I have seen in the last three minutes. We're happy to look at it and speak with the council about it.

Great, you can see that, I'll e-mail this to y'all. Looking to be friendly here, but we really would like some answers and irrespective of how things are decided on the plant itself, the jollyville transmission main, if there is -- if there was a vote taken on it previously, if somebody could just please show where.

Mayor Leffingwell: So just to add a little bit to that, not to give you a full answer, but in 1984 when that election was held, the situation was different. That situation was changed by -- by a judicial decision that changed that policy and said what I just said. Not only are you not required to have elections for revenue bonds, but it's illegal to do so. Judicial decision was after 1984.

Right. I'm not questioning that. But again this as much as from a document -- this was from a document in 2009, that last page there. That was from 2009. This is in your document on the -- on the -- on the July 23rd date that the -- that the vote was taken.

Mayor Leffingwell: If it's a city document as the attorney said we will look into that. Get you an answer to that. But that is not going to overturn the decision by a judge.

Okay. Then I guess the second question that I would ask, would be, if this wasn't relevant, why would this have been in the presentation to y'all by Austin water utility as -- as their backup, as their material during the vote, if this wasn't part of that?

Mayor Leffingwell: I said that we would get you an answer to that question.

Okay. Okay. Here's a different question. Would you be willing -- well -- is there a way that you would be willing to have the public weigh in on the jollyville transmission main?

Mayor Leffingwell: I believe you are doing so now.

With any power. [Applause]

Mayor Leffingwell: I'm not sure that I know what you mean.

Well, given that the contract wasn't followed that said the four public hearings before the preliminary engineering report was to be done, that was concluded in -- as a draft preliminary engineering report that was concluded in november of '09, there should have been four hearings. There was one hearing, but with a relevant information deleted, the shaft sites in bull creek. And so given that the contract that was approved wasn't followed, and given this -- this doesn't appear to have been voted on, as part of the project, I mean, those seem like kind of the two of the ways that would work, those aren't working, I'm just checking if there's some other -- we're coming to you, hopefully y'all are studying some of the things that many of us, including desmond brought to your attention. But frankly we're just at a loss of thousand make this work. So any feedback would be appreciated. Thank you. [Applause]

Mayor Leffingwell: Debbie russell. Councilmember shade?

Shade: I have been out there, I have met with many of you, I've visited the site on multiple occasions. And you are being heard and there is a -- working done. I just don't want you think that it's not being heard. From last week to this week, I don't have a new answer for you. But we are working on it. I think the last time we talked to you, you know, we assured you, I know that -- that the plant itself is controversial. We know that, we've been, you know, we're aware of that. But the thing that i committed to you that if we're going to do things, we're going to do it right. We're going to take seriously what you have brought up in terms of the utility, I believe that the water utility, engineering firms are working on that. It's very complicated. Not something that we can respond to up here on the dais, you know, at this time of night with any specificity. And any attempt to do so, I think, would be more harmful than waiting for the details in the engineering assessment to come back. I assure you that we're taking you seriously. We took you seriously last week when the kids were here. I mean, all of this is great that you are doing it, but I can't give you any answers yet nor can any of my colleagues.

Thank you.

debbie you have three minutes.

Thank you, and mayor, i wanted to clarify something that has been in contention, apparently you have been confused, and I wanted to also expand on something that I didn't finish up on last week when I spoke on the budget. A word we and I want to see we keep working on the promise and have been working on the premise for at least ten years that i have been around that we need a certain amount of officers per residence in this is a hard and fast number. When I asked the police chief, he said I didn't know. And then didn't it come from an ordinance. It's -- pretty interesting, the myth surrounding that. In fact, there are many indicators that go into that. That's what the public safeties a sessionment that we spent \$300,000 on said that we look at the cities, we look at the crime challenges. We look at the different population needs. We look at a lot of different factors. We don't just look at it as simple ratio. Ucla professor public policy said in seattle two months ago at a city council sponsored town hall on the matter that there is no generally accepted benchmark for appropriate police staffing levels, of decent police population ratio if you had to come up with one is one and a half to two officers per a thousand residents. That means that they are online with mjt in their assessment we are on completely on average compared to peer cities with like crime challenges, and violent crime is not increasing, so the justification for increasing the polices for is flimsy. I know a few of them are for attrition, that's fine but what we are also looking at is making up for what happened on consolidations that supposed to make us more efficient. We got raid of people we are having to replace and I ask you to look into why that is. I don't know why. But it is a question I know that should be on the table. Earlier, I listened to the collin boswell house item and the lady said something I caught. She said it is hard to evaluate the evidence if it's not in front of you and I think that's the running theme with our budget with many items and she essentially went on to say, I will para phrase it, that if the internal process becomes politicized as we

see often through staff and then by the time it reaches here, that the process, where the public gets to engage breaks down, and that of course affects trust, and we have -- we have been doing a lot of things wrong here when we give money away. We have been giving [indiscernible] and contracts. We spend but don't invest.

Thank you, debbie.

We don't prioritize and we need to prioritize, [buzzer alarming]

thank you. john bush. Is william scott in the chamber? Okay. You have 6 minutes.

Thank you, council. after that will be marion militok -- milotok. You will be over here. Go ahead, john. Six minutes.

Thank you for sticking around. I want to thank the community, too. It shows a lot about the involved community that everybody would stick out past 11:00 o'clock. I think it is a very I am a libertarian so I am used to the council voting and ignoring me in many things. It is pretty strange when the environmental community is in such dire straights, too, as well, something has to be up. I have four issues I want to cover concerning the budget. Some of the problems, there is many more than that but these are primary concern. As debbie said, we have to stop giving money to defense contractors there, a community largely opposed to wars of aggression in the middle east. I imagine most of the council is if not every single one of them. I don't have the opportunity not to pay for the war because my income taxes are taken from me coercively. You do have the opportunity to choose how those income taxes get used and property taxes as well with and i hope that you consider in 2011 us not giving any more money to north of groman or kbr who we have been shoveling out money to these additionally, there is 50 officers to use a federal grant for that is good for two years, chief carter stated previously after two years we will be on the road of recovery, I don't expect us to be recovery and so we could have 50 police officers out of a job and keep that in mind in the if we with don't have the money there, eventually we havel have to foot the tab. Additionally we have been speaking about the year 1984 today. There is a lot of double think -- double think that has been going on in this chamber. One of the instances is i have come up with with with a way to save the city council \$400,000 a year and we simply have to no longer poison our water with fluorosolicit aces which is a by-product of the fertilizer company. I know it falls upon deaf ears but we will keep bringing that until we do action on it. I saw proposed vision statement for austin. Saying with we want to be a city, this is double think example, that promotes social equity, people sell idea of fluororyation of water based on social equity in the lower economic status classes cannot provide proper dental care for themselves so we fluoridate the water, so if citizens as I have learned here that fluoridation is very harmful. It affects endocrine system and has been known to lower iq and increases the risk osteossleromo. I can't purchase bottled water. There are many city that are less fortunate for then I am and it is harder, so the idea of promoting social equity, it is a double think. Additionally african-american populations are more susceptible to lead poisoning when drinking fluorry dated water, so there is another social inequity with that with austin water, not only can you bring us to more socially equitable position but additionally \$400,000 a year.

Moving on to 1 billion-dollar elephant in the room, I would like to discuss the double think going on with the water treatment plant for, I think it is obvious to everybody that the reason these rates will be going up and the reason we will be having to pay for this 1 billion-dollar contract is because we have unnatural growth occurring in the city. The question is why is unnatural growth occurring? There is two reasons. I have to two theories why they are occurring. One is talked about quite often. That is the machine, the city of austin is incentivizing big fat developers to come here. As they were saying we are below our competing cities as far as impact cities. Called the city a cheap date and are being taken advantage of by the development interests which is one of the reasons we have unnatural growth going and we with have to have this water treatment plant for because you expect the population to double by 2035. Another reason that doesn't get talked about and a wonderful example of double think is sustainable development, on the screen here you have a picture of the wild lands project. The term sustainable

development comes from agenda 21 which is a 1993 document from the united nations earth summit written by a billionaire named maurice strong the event carrying out 069 document will eventually eliminate private property rights as we know today. One of the agenda items said land cannot be treated as ordinary asset controlled by individuals and subject to inefficiencies of the market. If left unchecked, private ownership of the land may become a major obstacle in planning, implementation of development of schemes. It goes on to say, as appropriate, intermediate sites and cities like austin should concentrate on the transition of urban lifestyles and urban settlement patterns so 21 would do and we carry out vision central texas and central texas sustainability project, you took a billion dollar grant in order to carry out more sustainable research, they are driving people outside of rural cities -- driving people from rural cities to major metropolitan areas. The red zone on that map are core wildlife reserves that would be off limits to human use. The small black dot you see, those are the major cities. They are using sustainable development to drive growth to the major cities and what we see happening in the city of austin is we have the need for a water treatment plant in order to keep up with this growth, so we have international development schemes that are furthering through sustainable programs, unsustainable development. Of course depleting our water resources and endanger our species -- [buzzer alarming]

promotes sustainable development.

The speakers -- I don't have that right yet, but you have three minutes, malitok.

Thank you, I appreciate you staying late and I have certainly stayed here before tonight. I want to speak to the water issues in the budget and the first one would be about the water treatment plant. I find it objectionable that we are going to be tearing apart places that are endangered species and the habitat is going to be destroyed for these species. I know we don't need a water treatment plant, I know we have two places where people are watering their lawns whenever we feel like it and if we enforce the rules that we have now, we could save actually even more water than we are already saving. I also would rather see money being spent on -- in addition to enforcing the conservation rules, rather than spending it on a water treatment plant, spending it on helping people to zero scape their yards in helping people do rain water collection so we can save more water basically, and I would like to see the city fix their leaking pipes before we start treating more water and then the last issue that I would like to speak to, John just spoke to which is the \$400,000 a year that we are spending on fluoridating our water which with means we are in effect poisoning our water with. I have to go through a lot of expense and trouble, given that I have health issues that are affected by fluoride to get water that is not fluoridated. Other people who are not in a physical position to carry water or can't afford it are not in the position that I am in to have different water than what comes out of the tap. So we could save a lot of money by not fluoridating our water and we could save a lot of water by teaching people and helping people to conserve more and by enforcing the rules we already have in place. And we with don't need another water treatment plant, which is now, as I understand it, in our budget. Thank you. [Applause]

mayor leffingwell: Andrew hawkins. Andrew hawkins. Andrew. And after Andrew will be Cory Walton. Cory Walton. You will be over here.

Thank you.

You have three minutes.

Thank you, mayor, council, I am Andrew Hawkins with Save Our Springs Alliance, I am here to urge you not to approve the Austin water utility budget and rate increases. I think what you have been hearing about tonight again and again is a pattern of the utility forging ahead with projects, even when all of the conditions around it have changed. You heard briefly about the south I-35 water and wastewater program. This is something that's going to cost more than \$160 million, yet no one at the utility can even tell you what the status is of the individual developments planned to be served. Another example of the change conditions is this city council's admirable goal to reduce water usage to 140-gallons per capita per

day. I think we can do more. That is a good start. But the problem is that it has not been factored into, the projected water revenues and rates. A third example is external forces outside the city in the water utility. Last year Ica's drought restrictions dramatically reduced ground water even more than the external restrictions and these restrictions are not planned for in the pumping and revenue projections and of course the most disconcerting example forging ahead is water treatment plant 4. Austin water customers are not meeting pumping projections it was based on. Revenue is down, new customer base on north and west have been used by other providers and our weather has become more and more variable. The current plan is that by 2016 the average customer will be spending at a 24 a year for water treatment plant 4. That is in addition to any other rate increase that is become necessary over time. The rate increases planned for this year and others are unacceptably high and burdensome. The conditions that led to the model of massive infrastructure paid for with more and more water pumping and sales have changed. We have time now to reconsider this course of action and create a sustainable water system for the future. So we urge you to overcome the institutional and private sector inertia of water treatment plant 4 and reject proposed rate increases and set the water with utility on a course of efficient and effective water use. Thank you.

Mayor Leffingwell: Following Cory Walton will be Susan Bright on this side. You have 3 minutes.

Thank you, good evening, Mayor, Councilmembers, City Attorney. I am Cory Walton, president of Austin Neighborhood's Council and I am here this evening to restate for you AMC's July 22, 2009 resolution that was forwarded to you that requested that the Council not make any further expenditures on water treatment plant 4 until completion of the comprehensive plan and we will have this evening this confluence of different issues, one of which was adoption of the glowing rhetoric for the vision statement for the comprehensive plan, and among that rhetoric I believe was included reference to sustainability and I think sustainability also refers to and includes establishing new water demands figures in conservation strategies, so I hope you will keep those thoughts in mind from that resolution in your deliberations over the budget and water treatment plant 4. Thanks very much.

Thank you. [Applause]

Mayor Leffingwell: Following Susan Bright will be Chris Leeman, is Chris Lehmann in the chamber? You will be on this side, Chris. Susan, you have 3 minutes.

Well, good evening. I want to say something about numbers. I want to say that the water treatment plant 4 is going to cost over a billion dollars. And then I want to say something else about numbers, and that's the number 5 and a half. That's hold my grandsons. My grand grandson is. My grandson is an absolutely wonderful person who gives everyone around him enormous joy. If you build this water treatment plant, if you build it, they will come. If you build it, you have got to use it. You have got to sell water. When you sell water, you cause -- you become someone who is trying to get people to use water, so you can pay for the water treatment plant. You don't conserve water because you don't need to conserve water. You need to sell it. We are losing 11% of our water from pipes that leak. Fix those pipes. Postpone the water treatment plant. You know, we could run out of water here if the climate change people are right and we are in for a lessening of rain here -- a lessening of rain here, we could run out of water with. It happened in Texas in El Paso. It's time to change our thinking to conservation, not to selling water. You know the Barton Springs Edwards Aquifer District is actually trying to get a grant for \$600,000 to study the feasibility of putting a desalinization plant off of East Austin. They want to know if they can go underneath a landfill that has been used for toxic waste to get salt water and brackish water up so they can sell it. There are better ways to live on this planet and the number that I like best is the number five and a half and I just assume when he gets to be my age that there is some water for him, too, and for his wonderful grandchild, should he be so blessed. Thank you. [Applause]

Mayor Leffingwell: Following Chris will be Steve Veres on this side over here. Chris, you have 3 minutes.

Thank you, I don't come here very often but I want to thank you for choosing to serve the community as

councilmembers and mayor and staying up so late to do it. I am chairman of the austin regiona of the sierra club and are here to support austin as we have been for decades and continue to support austin water utility, their budget items to continue and increase water and wastewater line repairs. We appreciate the expense and investment in existing trea improvements. The austin water quality protection land programs, we contribute both time and support in lobbying for the bonding, and beletted water projects on the current budget. Today I rise to warn against what appears to be a very greivis mistake, a pus take in treatment capacity for water supply. We move forward during this drought, the severe drought of last year, which was draining our lake at a faster rate than we ever experienced before and if we with hadn't been blessed with the kind of rain we had been experiencing, it could have been much worse than the drought of record, and even though we didn't get that bad, we were with rationing our water supply, not the treated water, that's what people were looking at but the fact is our crisis rises from the fact that the lake dropped so much, that we don't replace that problem, and the solution there is conservation. We have leaking water supply lines and we already have a superadequate treatment capacity, so the solution which stimulates our economy and enriches this community is to invest in our community in ways that keep the money in austin by hiring people to repair these leaking water lines. They enrich all the 5 million ratepayers because they aren't paying for the water that is getting treated and lost in the underground water line that are leaking all over the city. The big -- the good news is that, inspite of the report provided by city staff in the debate a year ago that it is cheapest to bear it now than bear the higher cost later, it is, in fact, true that to the ratepayers, it is cheaper to rate. The time value of money when you don't discount that future higher expense at the water utilities triple a bond rate, when you in fact look at what the cost of capital is for your ratepayers, and this is texas. They are not going to pull money out of their homes with a home equity loan to pay these utility bills. Additional money they need to get is either money they are using not to pay down a credit card or money they are throwing something else on to the credit card in order to pay a water utility bill and there are a lot of people making hard choices. [Buzzer alarming]

thank you. [Applause] thank you. Steve veres. Steve has three minutes.

I checked some recollections. I called the court decision in 1984, where the court said that since state law did not speak to a requirement to vote on revenue bonds in city elections that a court then said the city councils do not have to follow the city charter, which says we the people get to vote on revenue bonds. The court said that you didn't have to follow the charter, but it did not prohibit olding a vote. Mayor cookcy, the cook mayor at the time championed our right to vote and for the next 14 years after that, austinites continue to vote on revenue bonds, more than a billion dollars worth of projects passed. City attorney david smith, remember him? Pulled together various court cases relative to nonbinding referendums that said if a nonbinding referendum isn't specified in the cha then you can't hold one. Well, there is a charter requirement for revenue bond elections that still stands, so the court did not prohibit us from voting on revenue bonds and for the next 14 years we held elections. I think this is kind of a stretch to take a bond election in 1984 that was for a much smaller sum and for different facilities and stretch it to cover something like this. On another note, everyone is piling on on alternatives. I have sort of an alternative, too. Ability a mile upstream, the village of vilintae is being unfortunately cut in half with this water pipeline that is going to serve cedar park, round rock and leander, it seems to make sense to me that rather than having two water treatment plants and pipes and transmission so very close together, instead it would be better if you simply leased water supply from those folks to serve the northwest, if that is a consideration. But I suspect it isn't. I am really dismayed at what I am seeing here tonight. It really bothers me that you are so impervious to facts and even common courtesy, mayor. [Applause] those are all of the speakers that we have signed up. Council is now closing public comment on the proposed budget for fiscal year 2010-2011.

[Indiscernible]

but we will --

mayor, I think -- i have no more speakers on this side.

I think they are confused. We are closing this public hearing and we will start the next one and there are 56 citizens signed up to speak.

Mayor leffingwell: Council is now closing public comment on the proposed budget for fiscal year 2010-2011 but will not conclude the meeting on the budget until we vote to adopt the budget at the annual budget meetings here in austin city council chambers. These meetings will begin at on monday, september 13th, 2010, tuesday september 14 2010; and wednesday, september 15th, 2010. I will entertain a motion to close the public comment portion of the budget hearing? Councilmember morrison moves to close the public comment portion. Second by councilmember cole. All those in favor closing public hearing say aye.

Aye.

Opposed say no.

Passes on a note of 6-0 with councilmember spelman off the dias. So we will now go to the last item, which is item number 86, to receive public comment on the proposed rate and fee changes for the austin water utility. Any questions of staff before we proceed?

The first speaker is paul robins. Paul robins. Paul is in the chamber. Dana blanton. Is dana blanton here? Okay. So paul, you have six minutes.

Actually, mayor, I was going to give you all a break. I was not going to speak, and then you brought up voter approval. [Laughter] you brought it on yourself.

Mayor leffingwell: Somebody asked us. [Laughter]

simply put, I have never mischaracterized this law, since 1984, it has been the council's option to hold an election. And between 1984 and 1998, city councils held elections to authorize billions -- at least a billion dollars in bonds. If you choose not to do this, I don't know any legal way to challenge this except to go back to court, but we -- it is not illegal to vote, and, in fact, mayor cooksy, who is a lawyer championed it during his election and then proceeded to pass at least one and maybe more bond issues during his term. I do believe that we should have the right to vote on water treatment plant 4 but I think there has a lot to do with with what joe roe brought up earlier tonight does this violate the fiscal policy that council has set? Plainly, the council, given the 1984 court decision, can change its policy. And if you don't want to vote on that transmission main in the drinking water quality zone, you don't have to, but it is in your current policy. And I believe she was correct in pointing th out. Good evening. [Applause]. eric beal? Is peter joseph here? All right, susan lindsay rice, ellen ingram. Not here. Carol edkins. You have twelve minutes.

I don't anticipate using all of them; again, thank you for staying late tonight and allowing you to address, my name is eric and I am here to speak as a a citizen. First I want to applaud austin city utilities for promoting conservation in the promote of rain barrier rebates and especially the landscape rebate which addresses issue of peak water demand I would like to ask the council to reject proposed water rate hike for this year, incremental rate hikes of \$4 per month may not seem like much but when they incur several years the effect is alarming and begs the question of whether austin water utilities is truly acting as good stewards of our money and natural resources, using typical average, combined water and wastewater have increase had% the past five years from \$612 per year in 2005 to proposed \$893 per year in 2010. This is a cost difference of \$281 per year for the same service we with received five years ago. While it is admirable that awu works to lower income families with with their water bills, in the end all austin residents are adversely impacted by water rate increases and economic times budget should

be held study] steady not increased. Inflation does not explain rate increases. I wish my income would have increased at this rate over the past five years. [Applause]. Even with these rate increases, austin water utilities is seeing a revenue shortfall between 30-\$40 million for this year. I think I heard the number \$43 million. In fact the proposed rate increase for this year covers only one-third of the revenue shortfall in next year's budget. meszaros at the austin water utility briefing yesterday t primary reason for the shortfall is portable water sales have fallen by about 25% from projections and austin water utility is placing the cause on our wetter than average year. In actuality rainfall totals are within 5% of historical 30 year averages and the current year seems wet compared to our drought years of 2008-2009. The real cause of the shortfall is austin water utilities expenditures have gotten out of line with needs of austin. Nationwide there is increasing awareness of the scarcity of natural resources such as energy and ter around conservatio forty the city of the all the as well as individual residents are reducing water usage. The capacity of lake travis was a wake up call that the lake is not an infinite source of water, furthermore rate hikes for last five years in addition to five years to cover the billion dollars in finances for water treatment plant 4 will punish payers with higher rates, it is time for utilities to adjust the spending to meet realities of today's world not 1984. Citizens are fed up with ballooning city as well as representatives insisting on following through on controversial decisions with the outdated date with the expense of litigation and environmental community impact and demand the goths act in th a financially responsible manner awu does not have rate structure that matches expenditures, thus, austin ha must re-evaluate the need for treatment capacities well as consternation efforts that has been acted on the last few years. To not do so is irresponsibly financial responsible and will make us pay for treatment plants. Awu and city council work on building water treatment plant is answer to all concerns, in reality the only long-term solution is to appropriately manage this valuable natural resource. Austinites are realizing that conservation is the only way to ensure we have a water supply -- the water supply that we need in years to come. When will awu decide to act on the same reality. I would like to para phrase meszaros at the april meeting. When asked about the 25 revenue shortfall at that time. He replied para phrasing, i don't mind a 25 million-dollar when lake travis is full, the implication water sales and not sustainable management is austin's utility priority. I ask the city council to reject water rate increase and ask them to reign in expenditures to meet existing revenue stream to defer services for water treatment plant 4 until effects of conservation can be determined. Thank you. [Applause] roy whaley. Following roy will be phillip kay, on the other side. Donating time to roy is scott johnson. Scott in the chamber, not in the chamber.

He is taking a nap.

Stan ostrum.

You have 6 minutes.

Okay. Thank you.

Roy whaley, vice chair, austin sierra club. I hadn't planned on being here this late but neither had y'all. Quite simply, I talked to a lot of people. I don't do the polls that the city does. I just talk to people out and about and I know that we've got the bond election coming up this fault and there are a lot of people talking about the bond election. I am sure your polling numbers show that it looks pretty positive but the voters might have a different idea about that and it's not because they think that increased month is a bad thing or road improvements would necessarily be a bad thing or even the trail extension would be a bad thing. They are looking at it going, man, this suspect the isn't the way I run my budget and that's what the straw and the camel was about. Brian rogers showed you how every feat is going up, how they are going down, he showed you the list, 10 people are going behind it. So, it doesn't seem like a whole lot, but this is the thing that is catching the attention of the average person on the street, no matter what part of town we are talking about. Everywhere times are tight. And people are just saying \$4 is still -- that's not that much unless you don't have it. If you don't have that \$4, that's a lot of money, like chris layman was saying -- lehmann was saying, you know, when you look at how it impacts something like the city budget, it is one thing. When you look at how it impacts your personal budget, that is a whole

different story. We don't need to -- to have this water treatment plant. I know that that is like i handed the slide to debbie on page 38, that is their number 1 expense right there. Now are the rates going to go up anyway? Perhaps. And like I said before, people don't mind paying for value. They may grouse about it but when it comes down you will pay for the things you truly need. We don't truly need this water treatment plant. We with don't need the added expense of it. It's time to take a serious look and come up with with the new solutions we need. It is never too late to change the course you are on. It's never too late to change your vote on this and that is.

Councilmember spelman just sent me a text that he was going to [indiscernible] [laughter]

I just happen to be looking at you at the time, sheryl. But on the budget, it's -- it's time for us to start saying no to certain things. I have to do that at my house. I bet some of y'all are doing it at your house right now, okay. Do we need libraries? Yes, we do. Are they going to get money. We need parks are our parks going to get more money? We need -- we need all of this, and yet, we don't need this treatment plant. Here is one way we can truly cut back, right now. We can -- we can start -- if you want to put money in the budget, put money into enforcement. They are watering yards all over the place at night in my neighborhood and not much happens when I call 3-1-1. I don't get much of a response there. Let's enforce. Let's cut back. Let's live within our means and let's help all of the citizens in austin within to live within their means. Thank you very much for your time. I appreciate it. [Applause]

phillip kay. Following phillip will be desmand dazooza on the this side. Is helen in the chamber? Phillip you have 3 minutes.

Okay. I was thinking about the four people here who are in wheelchairs and they were asking for \$5 million and just a month ago I watched some unlicensed contractors digging pilot holes in spice wood springs road and charging the city \$4 million for that, that's going to have to be redone, by the way, it is being redone as we speak. The -- I guess I am definitely against this plan for many reasons but first i believe we don't need it. That's been said many times. The problem with this plan, besides its location, which is absurd for putting water on to the other side when there are so many choices that are so much less expensive like decker lake and row building green and a new plant on lbj are all possibilities that would be much less expensive that would transmit the water to where it needs to go with much less cost. Another main problem here of course is the environment. We are trying to do 8-acre piece of land with 21 feet of fill dirt filling it up. It is totally unsustainable as far as a concrete plant and a drilling platform and just this whole last thing tunnel. It is just absurd in a residential neighborhood, 55 feet from homes. Now, besides all of the the effluent, the muck that is coming out of -- nobody has mentioned hydraulic oil, here is a statement saying ground water from the tunnel will be contaminated with with sediment and potential leak from the tunneling equipment. Tunneling equipment, we are talking about 30,000 lineal feel of 7-foot tunnel going underground that uses hydraulic fluid. If you have been to a construction site you will see how much oil is dripping all over the ground. Gallons, we are talking thousands of gallons than in the tunnel and leach going the aquifer -- leech going the ground water and the aquifer. This will be a catastrophe and then you will have to send the marines to get it out and I don't know how much that would cost and may, I say there are elections coming up and i would say this vote on this project will probably impact your political future, whoever is up for a vote. [Applause]. So you you will either come out looking like a hero or you are going to go down with with a sinking ship. Summer is almost over but i will tell you, the heat -- the heat is just beginning. [Applause] thank you.

Dezman sooza and following him will be william scott on the other side. I am getting ready to call out the names. Sharon blake. Okay. James mcmullen and tammy kolila. You have twelve minutes.

Thank you. Thank you for being here so late. I would like the start by reminding you about a young lady who you saw a few days ago about four feet 7 inches tall. I just got off the phone with her an hour ago and she called me a pooppy head and the reason was because i wasn't going to be home to say good night to her and i said, well the items move around and things happen so he said to tell y'all to call y'all pooppy heads. I said, well, wait a minute. [Laughter] there is 40 or 50 other people like me, too, she

didn't call y'all pooppy heads so he said maybe they are okay. I was -- I was interested to hear that the alternative that we proposed is going to be evaluated by austin water utility. Four months ago I would have been actually quite relieved to hear that, quite glad to hear that. Today I am not so sure, but I am hoping by the time i finish these few points here, you can understand why I am not so sure. I am going to walk you through a series of claims, most of them from a memo dated august 13th, by greg meszaros, that he spent in response to the hybrid 620 proposal, and I am going to go through for each of the claims I will say here is a claim pretty much verbatim from the memo and here are facts we look at and put them side by side with with the claim and we go, huh, how does that work. This is the sort of summary review of the claims and then I will spend a few minutes -- a minute on each of them. The first one was with we began community outreach in august 2009. And the fact is in august 2009 austin water held a meeting, had an e-mail documenting the meeting with action items from the e-mail that said we have a community event coming up to talk about the plant and the mains. We have exhibits for the plant and the mains. Let's delete from the exhibits, and the second time let's release the shaft from the exhibits and the third time let's remove the bull creek sign. I call a that a stretch to call that community outreach. There was a draft preliminary engineering report dated november 2009 and in that report -- sorry, and in -- in up with of the agreement, it is four meetings that were stipulated that needed to happen before the draft preliminary engineering report was issued. The four meetings did not happen. Somebody decided not to hold them or they were not necessary. The second claim in the memo the hybrid 620 requires 40 private easements and therefore, it's going to cause the schedule to slip. Again, putting the side by side with some fact. Austin water has processed in the range of 200 easements per year previously. It really doesn't seem that much of a stretch to complete 40 somewhere between now and the end of 2011 when construction is even supposed to start. You have got three years after that to finish if some of the 40 didn't complete. Our next claim, environmental concerns prohibit hybrid 620 or 620 as a route. Again, putting the side by side with some things that we understand. The 620 route is part of austin water's own plans, their own stated plans, to reach 300mgd delivery. If you ask them where the main will go today, they carry 50-75. Eventually you want to deliver 300 to someone. Where does the 300 run? It runs up 620. Well, there is something that doesn't fit in those two statements. Number 4, alternative wtp site t one we with repropose using as a shaft site is environmental unacceptable as a a hybrid 620 shaft site. Again, looking at some facts. Fact that's a 72-acre site. It is pretty big. It was bought for \$11 million. Pretty good chunk of change. It was actually assessed for suitability and something changed between the assessments and today that says you can't put a shaft there. I would like to understand that. The next claim, therefore, hybrid 620 has to be all tunnel. , If you are basing that conclusion on four claims that are questionable, the conclusion is questionable. We believe hybrid 620 can be hybrid as proposed and mayor, you are absolutely correct, I am not a professional engineer and my background is architecture and the last thing I would expect to be doing tonight is standing here and the last claim, hybrid 620 will cost 20% more, of course this is based on previous conclusion which is based on the previous preceding 4 claims which are false. Hybrid 620, we believe, saves about 11 million over spice wood springs and possibly more over spice wood springs drove in from the tank. Let's look at why these claims were made. This one is where it said community outreach began august of last year. The date is right. The e-mail I mentioned. This only has the clip from the e-mail and I will be happy to share if you want. Aug rob -- arin gray who does the administrative -- and you can see remove the shaft, remove the shaft, remove the shaft, remove bull creek. This is a scope of contract agreement with with black and leach underlined in read, the project that said we need two orientation project meetings and two additional follow up stakeholder meetings, that adds up to four. Those four community outreach meetings never happened. Presumably somebody decided they didn't need to. -- Black and veatch -- the next claim, claim 3, this says 40 private parcels are needed. Therefore we can't do this. Otherwise we with can't complete the transmission mains by spring 2040, and the first observation here, this is the first time I am hearing of spring 2014, the last time we discussed this with austin water, the target of completion was end 2014. Maybe some pressure is causing the dates to move. I am not sure. The next observation is everyone if it is 40 private parcels you can easily finish that between now and the time the construction starts.

There is another claim here that says there is a delay in redesign and the delay in redesign will impact the schedule, in which case we have pretty serious questions. If there is delay in redesign, that means you are ahead of where you should have been. Ahead of where you should have been, otherwise you

don't have delay in redesign

however has the design progressed? How much is being spent and why was it prematurely fixated on what might be the wrong route. Most importantly, facts deliberately hidden from us because if all of these things were open a year ago we wouldn't have this late stage mess. If everybody was not pedal to the metal. [Applause]. If it wasn't pedal to the metal, full steam ahead, this could have been done much more sensibly. The next claim over here is that because of environmental concerns, this thing can't be done. Again, I won't walk you through the details. I will point out two things here. First, 620 route is part of the 300 million-gallons plan, and then last are the bottom of this that page, on the proposal offs -- the proposal offers of talking to [reading graphic] the first point nine miles of the tunnel, tunnel segment of that. We believe both of them are feasible. We would be glad to learn otherwise but we like to trust the source of that information. The next claim, even if this route were tunneled the intermediate shaft site is unacceptable from an environmental perspective. S this completely mind boggling to me and I would like to understand what I am messing, how is a 72-acre site which according to the next e-mail sent on behalf of greg meszaros in 2078, this site cost \$11 million had engineering feasibility done on it for a water treatment plant, had an environmental site assessment phase one performed on it including site geology, water quality and biological issues before the check was signed. Did those things change between then and now that you can now say in the 72-acre site I cannot find two acres for my shaft? I would like to understand why. The next claim, the hybrid 620 route is several miles longer, therefore, the costs will be 40 or 50% higher, again, because the previous claims are probably questionable, this concludes is probably questionable. We believe the numbers are quite different. We believe you get an 11 million-dollar savings over spice wood shaft, possibly much higher savings because the costs go up when you are drilling from the jollyville tanks so possibly more savings compared to that one and once again, we will be happen by to learn the actual numbers -- these are numbers using estimates from austin water. I will skip this one. This one just points out ha bottom line now seemed to include -- in the memo seemed to include three factors, cost, environmental and social and we noticed that constructibility seemed to have disappeared, just curious what caused that. And then the conclusion, i didn't mean this -- this little cartoon icon here to be nonserious. It's not meant to be funny. It is actually meant to show the contrast to what might be seen as full steam ahead, let's go for it and somethings that really a bit out of control. And what we are seeing -- and I think many people are seeing and rereally, really hope you all are starting to see, that there is no sign of slowing down from austin water, and when this kind of thing happens, you know, you kind of have to go through some stages. I talked about first warning here. Really the first step is you ease off the gas. You have to ease off the gas. Otherwise nothing else will help. You might gently squeeze the brakes. At some point in time, during the lexus situation, you have going to see emergency brakes. I don't see 3 happening, i don't see 2 happening. I barely even see 1 happening. Now, I will qualify that, i am really encouraged and our group is really encouraged by what we have heard recently have councilmember randi shade and others. Glad to hear that. The question here is, city of austin, across these three, where are you? [Buzzer alarming] we are confident you can do this right, even now. We hope that you will. Thank you. [Applause] the next speaker is william scott. William scott. Not in the chamber. Bill blunch, donating time are steve miller. Steve miller here? Mary not here mary easzen. Not here. Karen varin. Karen varin is here. Pat broadnax. You have 9 minutes. Next will be jill rau again on the other side.

Thank you, mayor. Members of council. I am not going to need nine minutes but I do want to address some of the technical issues about the rate -- rate proposal. The water plant, as you know, the rate impacts are being phased in as you go forward and building the plant the next few years. When you finish you have the o and m costs. Right now we only have two plants for 24 hours a day, 7 days a week, 365 days year, o and m costs, and -- but then that will be increased obviously by 33 and 1/3%, if I am doing my math correct or maybe it is 50%, adding another plant, but the water utility thought your water and waste -- fought your water and wastewater commissioners tooth and toenail, insisting repeatedly that it was impossible for them to project the future year rate impact of building the plant and -- and other things that are happening, including the shift in some of the cost burdens of operating the utility from commercial and business over on to residential ratepayers. They finally did, after being beat on almost physically by some of your water and wastewater commissioners, and came up with these numbers that are in the answers to your rate case. That's going out to 2015, residential rate hikes on

this chart. Then we went backwards to the historic record and put these together, and the cumulative total that we are looking at, if we use 2004 7% rate increase from '04-2015. Now that, as was observed earlier doesn't even factor in lower water use that you've mandated with the adoption of getting to the state recommended 140gpcd goal by 2020. The staff, in projecting these out year rate increases is still insisting that our rate -- our consumption is going to keep going up. It's not going to, and that means these rate increases are going to be -- they are still low balling these out year rate increases. Now, can you imagine if solid waste services or austin energy was doing this, or if our tax rate was doing this? We have a problem at the water utility, and it's costing citizens a lot. It's costing business a lot. By contrast, the city of san antonio that used to use more water per capita than we do, now they are about 25-30% more efficient and -- they have calculated they are saving their ratepayers about 20 years between 2 and 3 billion-dollars, and they are marketing that as showing how well governed they are, how much of a competitive advantage they have, because they are affordable, because they are being innovative, because they are sustainable. Businesses aren't leaving because they are afraid that the edwards aquifer is going to run out because they see the city being incredibly smart and well managed with their water. Contrast that to our water utility, and please keep that in mind with these rate increases and say no to them. Thank you. [Applause] bill rawl.

[Indiscernible - no mic] thank you. And all of the folk who is have donated time to you are -- all of the folks who have donated time to you --

[indiscernible - no mic]

he has already spoken? No.

[Indiscernible - no mic]

mayor leffingwell: yes. I will give you the benefit of the doubt if he wants another three minutes. All right. But you will have to wait until the end. The next speaker is steven rice. Steven rice and raymond williams. Raymond williams in the chamber? So you have three minutes.

Thank you. Once again, thank you for staying late tonight. Yesterday when I learned that my water bill was going 7% over the next five years I called each of my council members as my elected representatives yesterday to find out exactly where they stood on the west treatment plant -- or the water treatment plant and the jollyville transmission main. I think councilmember morrison, spelman, I thank you for your motion on this, for councilmember cole, your evaluating position, no firm commitment yet. Pro tem mayor, you have no position on this according to your office. Councilmember shade, you are still evaluating, mayor, voice mail. So at the end of the day, guys, my position is this. I am a voter and a taxpayer, okay. This is a pivotal issue for me. 7% increase in my utility bills over the next four or five years, okay. It doesn't work that way in the private sector. I can't go out and raise my prices 134% and still expect to be in business the end of the day. It is just that simple. I ask you take that into consideration when you are looking at the -- raising the rates for the utilities for this. Thank you. [Applause] sarah faust. Sarah faust not in the chamber. Martin leroy. You have three minutes and next will be mary arnold.

Thank you very much. I came here today hoping to hear some information about why the rate increase was needed. I looked for that information on the internet. I couldn't find anything about what's driving the increase. So I was using my -- my angel sense to figure out what would drive it and i was thinking, I doubt that it's the water utility trying to increase its profits, so it must be either that expenses are increasing at 50% or moreover five years or that volume of sales is going down, and I don't know which one it is. If expenses are going up 50% over five years, that's just not something that we can sustain and I -- I know at the company I work for, if we said that expenses were going up at that rate, we would be told, no, go figure out another solution, so i hope that you put the pressure on your water utility to find another solution. And on the other side of that, if it's the sales -- that sales are down so you need a higher rate per sale to get the revenue, then that just doesn't seem to jive with the need for the water

treatment plant number 4. So I just don't understand what is driving the need for the rate increase, and I haven't been able to find information and I am kind of new to this. I am glad in my neighborhood, in the representatives there, that they brought the issue to my attention, I could come down tonight. But I don't know how this is supposed to work. I mean, shouldn't the water utility head be here tonight to take about it or are there other forums where citizens can be made aware of why they think this is needed and it just seems like either I am not aware of a good system that is in place, or we don't have a good system in place. Thank you. [Applause] Mary Arnold. Donating time is Elizabeth Bealer. Elizabeth Bealer not here. Cursa pass-through wit is here. Pruitt is here -- and so you have nine minutes. The next will be Robin on the next side.

Thank you very much, Mayor Leffingwell and members of the city council. As both of you know, this isn't really late. Remember I was here 00 o'clock one morning for the public hearing on the water and wastewater rates, I looked in the back-up information on the council agenda and it gave me some information but it did not include mention of all the different water and wastewater rates that were being raised and I am glad the gentleman asked because I also had written down, what are the increases going to be used for? And how much is expected in additional revenue from the increases? I did hear some mention of that. One of my concerns is what the impact of these rate increases will be on the budget of the other city departments. I don't know if that is being calculated, if that is some public information we might be able to get but of course I am very concerned about the parks and recreation department and our golf program, and the golf -- for the program, that deals with the increase in the reclaimed water rates, because we use reclaimed water to water several of our golf courses, but those rates are going up, too. We are trying to encourage people to get used to using reclaimed water instead of having to treat water and use drinking water for irrigation, but if you raise the reclaimed water rates, doesn't that have a tendency to discourage the use of reclaimed water? .. On the list, you mentioned some of the large volume customers. Some of them -- I mean most of them, the large volume water customers that you mentioned are private businesses, but I notice that UT Austin is mentioned, but the state of Texas is not. And then the same thing for the waste water rates. It's interesting that the wastewater rates aren't being raised for Rolling Wood or Steiner Ranch but they are for us here in Austin. So I am disappointed that we don't have some more information and I urge you to please not raise the rates right now. Thank you. [Applause]

Robert Corbin, following Robert will be Collin Clark on the other side.

It's two or three weeks ago there was a hearing about this water treatment plant when you were going to vote \$43 million, I believe for it, and I was here to speak and about five minutes before it was my turn to speak, you cut off all speakers, so I didn't get to speak then, so I was kind of irritated about it. And then you voted \$43 million in it seemed like two minutes for the plant so when I was leaving, I asked somebody, what is going on, you know, and I asked -- with all of the testimony that I heard or have heard, why are these people -- these four city council members voting this money for this unneeded plant? And what he told me, I said is it corruption or what, he said, no, it's quite that, what it is, these people are all going to be running for reelection and what's going to happen is a lot of these people who get contracts, architects, engineering firms and their executives, et cetera, are going to be making good sized donations to some of these city council members so it is all kind of part of a circle where everybody helps each other kind of. Now, there has been a lot of testimony tonight. Somebody is lying. Somebody is lying in this. You've got your water commission that's either lying or you've got all of the people that have been talking in this room tonight are lying. But somebody is lying. [Applause] and you guys are voting for what I hear is a billion dollars, depending on how you look at it, for a billion dollars for something that the truth is unclear about. And it doesn't seem right. And it seems like one of you, at least, is -- needs to change your vote and kill this plan because -- [applause] -- worse case scenario, you get out to 2020, let's say and this plant has not been built and let's say you are running out of water capacity, what's the worst possible scenario that would happen? Really? For a few pique days during the week, the worse case scenario is maybe people will have to use a little less water when they brush their teeth, maybe not water their two acres of St. Augustine grass. Maybe some of the people who are using 200,000-gallons a month are going to have to cut back a little bit, you know, so I think before you proceed at all -- in fact, I don't think you need to proceed. I think you need to kill this plant soon,

immediately, and all it takes is one of you votes to do it. Which one is it going to be? We haven't heard from the water commission tonight. At the very least, you need to set up some kind of separate independent commission to look into it. [Applause] [cheering and applause]

is that -- is that a rationble --

mayor leffingwell: Collin clark is the next speaker. Your time is expired.

Could that be a rational decision to make, can you say yes or no? your time has expired. Collin clark. Donating time is karen kreps, karen kreps in the chamber. Greg goomby, he is here. you have nine minutes.

I will try not to use it all. Collin clark with with with save our springs, sarah faus the with the water and wastewater with commission typed up comments she wanted you to get and I will pass these out when I finish my remarks. So on the water rates, i would like to read a little bit from today's issue of the chronicle, from wonderful times -- they had edtory peak which they referred to the increasingly boon doingal that is water treatment -- boondoggle of water treatment plant 4, let's put it this way if the austin sere rear I can't club and the great panthers and livable city and public citizen, not to mention, spelman, morrison and riley are all vehemently aligned with the save our springs align on the is same side of issue, you think that would carry weight, but no, apparently not, as environmental reasons, not to continue this folly corporates to pile up a slim but dogged council majority, lee leffingwell, mike martinez, randi shade and cole, remember those names you will get a chance to vote on them continues to vote for millions dollars a month for even as peak water usage continued to drop since its high point in 2001. Ee, nine years ago, a a constant underlying refrain is this revenue increase will fund water treatment plant 4 construction and the huge new debt service it will require at the same time that the water utility is cutting back on conservation measures and long overdue leaky infrastructure which has been successful in bringing back equally overdue destruction of our city's per capita water usage the logic of course is that such reduction means less water sold for austin water utility, less revenue, less need for the plant. So nick barbaro understands you increase rates, you drive down use, you have to raise rates even more and bill spelman has pointed out the price elasticity of demand, raise the rates, people use less, you have less revenue. You still have to pay back the debt for the water with treatment plant and the water and wastewater commission meeting, water utility official said that the mayor will go to wall street and assure the bond houses we will raise our rates as need be to pay back our debt so the chart you should -- that we with saw earlier with the rates that the utility has importanted they are on the low end. You need to be aware of that, if we take that on the water treatment plant, the rates will probably have to go up more than projected. Which gets me something to think about during a long time during the mayoral campaign, there is a term called hunker down and the notion is since we are in a recession we should hunker down on providing our essential services and not having a bloated budget. Well, raising the rates is not hunkering down, it is trying to break open the bank. Hunkering down would be maintaining the infrastructure we have. Say you have a house and a hole in the roof and instead of fixing the hole in the roof you will say I will build another house and borrow money and pay that off instead of fixing the roof. That wouldn't be a prudent thing for a homeowner to do and not a prudent way to run a water utility. I talked to a lot of people about the water treatment plant and about the water rates and after I described for them the reality that we don't need the water now. We don't need it any time soon, but if we need redundancy in water supply, we would have a distributed rain water system with thousands of miniature treatment plants throughout the city and putting a new treatment plant on the same river isn't actually diversifying, putting it on a lake that is prone to drought that we can't control is not really safely assuring our water future, and so people asked me, collin, what is the deal? Why are these four councilmembers really pushing forward on this? And the only answer that i can give them is that they think it's in their best interest for getting re-elected and sometimes it is something we don't like to say because it is kind of painful because we look at you as human beings that are real that we can talk to. Mike, you were a firefighter, trying to save people's lives, people appreciate that. Randi, you are very involved with the community. Mayor leffingwell is pilot and on the environmental board and a community leader. We don't like to think the ugly politics of congress are infiltrated down here and again, there is no allegation of corruption. It is just the way politics works, so at a political calculation,

supporting water treatment plant and raising the rates to pay for it is a calculation that it appears to us some of y'all have made that that's going to help you down the line, and I hope that's not the case, but the public justifications, I see you rolling your eyes, the public justifications have all been shot down. Every single one of them. Every one that got made up at the last minute as a reason, global warming, it's going to reduce that, the environmental defense fund said no, not really. We need jobs. Well, they will be contractor that is are taking money out of state. Fix the pipes here. There is jobs. Invest in conservation. There is jobs. Every rationale has been shot down. So the only thing we can fall back to, is, well, we think it's going to help them get re-elected. So I ask you is it worth the legacy of saddling the ratepayers with this debt? Is it worth that so a handful of companies get a whole lot of money? And maybe the answer is yes, but because I know y'all live here, you are going to be here here -- we want you to be leaders for austin and I hope you are hearing from the people. It's not too late to change course. You don't have to adopt the rate hikes. You don't have to keep funding this boondoggle and you can put the brakes on it and the people will support you for that. We want to support you in that. We want you to help lead us being innovative and efficient and well managed and we will be here for you. So I want to throw that out to y'all at the late hour and I will stop then. Thank you.

Roger baker, roger baker, not in the chamber. Marijuanaian melitok? Better. Okay. Good. -- Following marion will be marvin, is he here, no, and susan bright. Suzanne is here, r smith. Okay. You will be next over here. Marion you have three minutes.

When I spoke today, i forgot to say don't raise the water rates and I would like to start with that. It used to be when I would come to city council, I knew a lot of the city council members because I had worked hard on their campaigns, and that's not really the case this time. I worked on chris' campaign some but I really sort of have taken a hiatus from that more or less but I am watching what is happening tonight and I am ready to start work on campaigns very hard again. My community, people in various of my community that I am involved in, people is me because they are not paying attention who should I vote for and I am ready to really work but on this issue, this is an important issue to me, what happens with with water, what happens with with the way this city council is operating, and to continue on a path that's -- that serves no one in the community and doesn't give any benefit, I am not going to support people who do that. I am not going to work for people who do that. I am going to work for their opponents and I am going to work for the people who are going to vote the right way and that's how I am going to operate. I will continue to support chris. I will support laura. I will support bill. I voted and worked hard for bill the last time he was on the city council and I am not the only one who is going to be operating that way. People are starting to pay attention who have just been sort of asleep for a while. So I ask you to consider that in your calculus about reelections, also, and I ask you to really do the right thing for the citizens of austin, do the right thing for the people, especially of low income who can't afford this and I am talking specifically to the people on the council who are supposedly representing the low income people and I am talking to doing the right thing -- I came to a fundraiser for you, lee leffingwell, a long time ago before you got on city council the first time, and I am not so happy at this point that I started to support you, and unless something changes, I won't continue to support the candidacy of yours. So that's what I have to say right now. [Applause] thank you. Craig nase r will be next on the other side after raw smith. You have three minutes.

First of all i want to say I agree with 95% of what bill said and i signed up in favor of the rate increase and probably the only person here who did. While I feel like the base rate.

Should stay the same, my hunch is. [One moment, please, for change in captioners] facing the same issue of financing lower revenue and increasing infrastructure expenses. As -- as the electric department is, that the water department do the same thing that the electric department is considering and decouple the -- the infrastructure costs from the cost of the product that moves through the pipe. They have already done this. The city did this decades ago by doing a separate line item for wastewater and storm water. There's no reason you cannot do the same thing for the supply pipes. I would suggest that you would get an added benefit from doing that because -- because those pipes don't just deliver drinking water, they also charge all of the fire hydrants in the city. So -- so by decoupling, you can -- possibly, if you don't already know, use some of the money from the public safety budget to help pay for

the upkeep of the water that runs the fire hydrants. I ask you to seriously take this under consideration. I think that it would make it a whole lot easier to sort out the questions of how much infrastructure do we actually need if it's not tied up with -- with what people are paying day to day for what comes out of the pipe at their faucet. Thank you.

Thank you, ross. Craig nazer, following craig will be sumner ericson. You will be next over on this side. You have three minutes.

If I thought that raising the cost of water would -- would help in conservation measure, I would be for it. If I thought that raising the cost of water would help us repair our pipes better, like the incident that i talked about earlier, i would be for it. But if -- when I know that there's going to be a huge amount of money spent on a new water treatment plant, i have to say that I'm not for it. And I have found some things out tonight that make me even less likely to be for it. Now, as I said earlier, i love the austin city parks. There's some parks that are particularly favorites of mine. Have any of you ever been to st. edward's park? Anybody on the council, you really should go. Right along balcones canyonland on old spicewood springs road. When people come to austin i drive them down that old spicewood springs road, i say this is austin, it's amazing did two lanes, trees meet overhead. Beautiful creek with nature preserve, you can go there and watch birds and see all kinds of species that come from the nature preserve, easily accessible. One of my favorite things to do is going, a little dam down there, walk out there, little turtles, 10-foot down in the water. You know hunting things, really interesting species of dragon flies, things that I love about austin. I heard tonight there's stuff called muck, 200 how many gallons a minute that's going to go into bull creek above st. edward's park. I just heard that tonight. No is it true, is it not true? Well I'm going to find out. But I'll tell you something, anybody who is going to support 200 some gallons of muck into that creek in a park that I go to all of the time, I grew up on the shores of lake eerie. I saw what happens to a lake when no one cares, a big lake. We had one of the most -- 10 most toxic waste sites in the united states. A little brook that ran through my hometown in ohio. I saw it. This is my town. [Applause]

eric sumner. Thomas della meter. I don't know if I said that right. He wasn't in the chamber on the last hearing. Still not here. John bush still here? John bush. Robin trustee. Okay. So you will be next over here. And sumner you have three minutes.

Thank you very much. And appreciate you guys staying late. Appreciate the -- the community involvement and I'm hoping that this is not all just kind of a moot point everybody staying up late, you have got to travel tomorrow. I understand, mr. mayor. I hope it's not a moot point in that minds have already been made, that they are not -- they are not perhaps going to be swayed by some new reason, new logic, new points of view, new information brought into the extreme. If this is a moot point it would be extremely discouraging as to the way the government is being run in this city. Just to repeat a little bit. I think green has to be number one, sustainable has to be number one. Things that we want to lead, this incredible city that we get to live in. And I would hope that you make your decisions based on the common good. You know, what's best for the most people and not for, you know, a few individuals. And I haven't come around very often hear, but I must say that I'm rather shocked by some of the decorum that I have witnessed this evening, I'm not speaking about here or there. I'm speaking about collectively. I think that the civility has been questionable this evening. I'm saddened by that. And, you know, that -- that above everything else, love and respect have to always be, you know, foundation. Thank you very much, good night. [Applause]

Mayor Leffingwell: Thank you. Following robin will be sarah poosko. Sarah here? Steve beers. Steve beers is here. Okay. You will be next on the other side. Robin you have three minutes.

Thank you. I won't take three minutes. Thank you, council, I'm here speaking as a regular citizen, a taxpayer, a voter. I wrote out a speech tonight. Which I'm not going to have y'all suffer through, you've heard pretty much everything that I had on my speech. So I just want to make one observation. That is that there is a lot and has been a lot of passion in this room tonight. And extraordinary amount of

passion. Pele risking hunger thirst, exhaustion, i, too, have to get up early in the morning and go to work as a lot of you do. But I have not heard one person in this room all night, not one person here, risking hunger, thirst and exhaustion asking for this water treatment plant. Not one person. [Applause] that's a big statement. Thank you. [Applause]

Mayor Leffingwell: Steve beers three minutes. Following steve will be corey walton. Corey still here? Apparently gone. Chris leeman. Chris, you will be next on the other side. And you have three minutes.

Thank you. Well, I'm not on the other side from the previous speaker. I'll echo it. As have all of the speakers. In 2009 just before the drought broke, lake travis was 40% full, 600-acre feet our normal annual consumption of about 160,000-acre feet, a year, is what we consume, there was only four years left in that lake. If every other user other than the city of austin were completely cut off, that broke a six year drought, the drought of record in the 1950's lasted seven years. So what we have here now is perhaps, I will just state it as -- as probable. We have a new normal. It may be raining plenty right now, but climate change I think we have to call it a fact. This city has claimed it wants to be a climate leader in responding to climate change. This plan does not respond to climate change. It's pretending that it doesn't exist. It's jamming more straws in there. It's not supplying more water. Lcra has said that all customers must cut back in a drought pro rata. So the idea that we have some sort of firm water or firm contract with lcra that will allow us to -- to pump as much as we want is false. 500 Billion needs to be spent on saving water. And responding to this emerging crisis. So there's a huge opportunity cost here mayor. We're going to burn up the resources that we need to address the real problems. It's totally reckless. I'm really sorry I voted for you. I'm really sorry that i believed you. Thank you. [Applause] chris leeman, next I'm sorry, I have forgotten your name that jill donated three minutes to you. You will be the next speaker over here. Well, hi, thanks again for staying late and caring. I think we have already made the point about the other side had nothing to do with the other side of the debate. There's only been one side from all of the citizens. I had the privilege of speaking with the mayor at one of his outreach meetings a year ago when we were in the heat of that drought. The lake was at 40% they talked about and the declining [indiscernible] before I was struggling with the logic of more capacity to pump water out of the lake that was shrinking and I asked him, where are we going to get the water? That wasn't a privileged communication or anything, I'm not speaking out of school, am i, sir? Your response at that time?

Mayor Leffingwell: Say whatever you want to say.

At that time your response was we have a contract. It doesn't matter. They will get the water from somewhere. I was so shocked that it's taken me about this long to come up with why that just freaks me out so much. I enter into contracts all of the time, contracts all over the place, even ours with lcra didn't have them providing us with all of the water we want. They are constantly putting restrictions on us as to how much water we can draw from the lake, that's the shortage, that's the crisis. Whatever the contract allows, acts of god or force major, basically we will be in the position of trying to bleed a turnip if they don't have the water. It won't matter how much paper we have got saying otherwise. I'm real concerned that we would think that we could get it because we have a contract. What we need is water. What we are doing is pursuing a super adequacy. Most people replace things that are going to break down when they break down or shortly before they break down. We get some warning. We are not living in a vacuum when we don't know when water treatment plants fail. Green was older by decades than any plants that we have right now. We are going ahead with revitalization with some of the existing plants to give them long life. But as much as 40 years in advance needing to replace it, we're going to get a brand new third one. We already have more capacity to treat water than we can use. This doesn't make sense, i can't imagine why we would do that. Again, I'm not against your spending money. I think there are a lot of ways we do need to spend money to preserve our water supply. We support a lot of that budget at the austin water utility. If I didn't say it correctly, the reclamation projects have our support. Stopping the water leaks. And focusing on conservation. Those things add value to austin. When you spent money on those things, you increase the value of austin but when you spend money on a super, super adequacy, the definition of that is that you don't get in value what you spent. You're going to have

something worth a whole lot less than you are spending. Thank you. [Applause]

Mayor Leffingwell: Give me your name again. Three minutes donated by jill rowe.

Phillip cate. Actually it's appropriate i guess that I'm the last speaker. I have a proposition, a proposal. I think that I have a solution that might help everybody. We repeatedly tried contacting greg meszaros. For every question he got a false answer. We all did from the spicewood stop the shafts group, whenever we contacted him. I don't know the man, I have never met him. Perhaps you guys have been getting wrong answers, also. What I would suggest, I feel a -- I have a feeling you really are against the water treatment plant plant, i think greg meszaros is the only one for it. I think that you should fire him, then you can all vote it down and everybody will be very happy, you will be reelected, a happy town again. Thank you. [Applause]

Mayor Leffingwell: Okay. That's everyone that I have signed up wishing to speak. If I missed anybody, now is the time. What's your name? Your name was called earlier and you weren't here.

Really, pardon me, I was using the restroom. 00 as you guys have as well. I don't envy your jobs and i respect your dedication to the city. I will just say a couple of things. I have noticed the approval of the new vision statement for the comprehensive plan. I admire that. I helped collect petitions or surveys for that. I went door to door. I went to the forums, I got, you know, responses from as many people as I could. And a couple of things that came up regularly were environmental concerns and economic concerns. People are concerned about affordability and they are concerned about places like barton springs and our creeks. And I think that this plan, this comprehensive plan that we are spending so much time and energy on right now is getting off -- not getting off to a very good start on reaching that vision. I think -- I'm not going to go into all of the things that I was going to say about statistics. I think everybody else made the case for me. I would say I for one have had a hard time paying even just basic bills. I'm the oldest of seven. 10, 20 Bucks a month really adds up for a lot of people. Money I can't pay on student loan, library loans, everything else. We should really look at the other alternatives here. I think the other speakers pointed out if we can debate all night whether or not we should build a new plant. But I think that it's pretty clear that the location and the messages that are being used, where we are building it is not the answer. Even if we do need a plant, I think it's pretty clear that we don't, at least for a few years, I think there are other options we should sincerely look into more and really just take a timeout. As so many others have talked about, this is really more of an issue about availability. While I was going around collecting surveys, all of these things for the comp plan, I was reading suburban nation, very good book that I would recommend. One of the things that he mentioned was, you know, adding roadway capacity and expanding roadways is -- to cure congestion is like loosening your belt to cure obesity. You know, it makes the -- the problem worse in some ex-extent. You can't -- we can't just continue building wastewater treatment plants the water is just not going to be there. If our semi arid raid climate gets more arid, more people come, let's face it development cannot exist without water, we need to focus on fixing the drains or fixing the leaks, conservation whether it be rainwater harvesting, promoting xeriscapes, people will respond. People are dedicated. My partner is probably flipping out, where are you? We are dedicated. This is important. I think the city of austin will respond. Most people are conscious about environmental and economic -- conscience about environmental and economic issues. If the cost of rates go up, people will have to cut their usage, please say no to rate hikes thank you.

Mayor Leffingwell: Those are all of the speakers that we have. [Applause] so council, I will entertain a motion to close the public hearing.

Move.

Moved by the mayor pro tem. Seconded by councilmember morrison. All in favor say aye.

Aye.

Mayor Leffingwell: Opposed say no. Passes on a vote of 6-0 with councilmember spelman off the dais. I believe city clerk those are all of the items on our agenda, without objection, this meeting of the austin city council is adjourned. At 12:47 a.m.