

Closed Caption Log, Council Meeting, 10/28/10

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Mayor Leffingwell: Good morning. I'm Austin mayor Lee Leffingwell and we'll begin with our invocation from Austin Police Department senior chaplain Rick Randall, who is the pastor of the Austin cornerstone church. Please rise.

Could we join together for prayer? Eternal God our father, we are grateful to you for another day of life, for another day of health and for the opportunity to serve you with our lives. We thank you for this great city in which we live for the unique giftings that you have placed here. The great joy that it brings us just day to day seeing what you have put before us. We thank you for the opportunity, the freedom that we have to govern ourselves. For your word teaches us that authority ultimately derives from you. And so we ask today not just your presence in this place, but we ask you that you grant this council wisdom, discern. And understanding. May their decisions and deliberations be filled with a sense of your destiny and your purpose for them and for our city and for all those things we give you the honor and the glory in your holy name we pray, amen.

Mayor Leffingwell: Amen. Thank you, pastor. Please are seated. A quorum is present so I'll call the meeting of the Austin city council to order on Thursday October 28th, 2010 at 10:05. We're meeting in the council chambers, Austin city hall, 301 west second street, Austin, Texas. We'll start with the changes and corrections to today's agenda. Item number 4 is withdrawn. Item number 24 should read, approve on first reading of an ordinance for the full purpose annexation. Item number 27 should read, approve second strike third and insert the word second reading of an ordinance to annex, etcetera. Item number 28, strike the word third and insert the word second to read approve the second reading of an ordinance, etcetera. Item number 29, strike the word third, insert the word second to read approve the second reading for the ordinance for the full purpose annexation, etcetera. Item number 32 is withdrawn. On items 40 through 43 delete the words repealing and replacing and insert the word amending so that it reads approve an ordinance amending. On item number 58, insert the words at the end, a valid petition has been filed in opposition to this rezoning request. Our time certain items today, at 10:30 we have a briefing on the green roof policy recommendation. At 12 noon we have our general citizens communication. At 2:00 p.m. we'll take up our zoning matters. At 3:00 p.m. we'll convene the special meeting of the ABIA development corporation board of directors. At 4:00 p.m. we'll have our public hearings and possible actions. And at 5:30 we'll have our live music, proclamations. And the music for today will be courtesy of the Austin LYRIC opera. The consent agenda for today will be items 1 through 51, and item 54 remains on the consent agenda, but I'll read the nominations and waivers to our boards and commissions. To the animal advisory commission, Emily Phillips is Councilmember Spelman's nominee. To the commission for women, Julia Cuba is Councilmember Spelman's nominee. The following items have been pulled off the

consent agenda. Item number 15 pulled by Councilmember Morrison, item 33 pulled by Mayor Leffingwell. Item number 46 is pulled for executive session. Item number 21 is pulled for a very brief staff briefing on changes to the original proposal. Item number 2 now has two speakers correction. Item number 3 has two speakers, so that will be pulled from the consent agenda. And before we take a motion on the consent agenda, we have single speakers on items 7, 18 and 21. So we'll start with item 7, the speaker is Sharon Blythe who is signed up against.

Cole: Mayor.

Mayor Leffingwell: Councilmember Cole.

Cole: I apologize for not having done this earlier, but I would like to pull items 40 through 43 for brief comments.

Mayor Leffingwell: Items 40 through 43 will also be pulled from the consent agenda at the request of Councilmember Cole. So we'll hear from our first speaker on item number 7, Sharon Blythe. Three minutes. Welcome.

Sharon Blythe representing the Spicewood Springs Road tunnel coalition. Of course item 7 is fundings for road improvements of Bullock hollow road for the water treatment plant. I just would like to say if the environmental studies have been done on that or if they have not been done, I think they need to be done. And to move ahead with this kind of funding for the water treatment plant is imprudent. Thank you very much.

Mayor Leffingwell: Thank you. Item number 18, the speaker is Kathy Heinz. Did I say that correctly?

Yes, mayor.

You're signed up against. You have three minutes.

Thank you. First of all good morning, mayor and council. And wow, so much needed to be said and so little time. Let me thank the mayor and the council advisers and the input from the council persons in regard to our meeting yesterday. I hope that everything can go forward in a positive manner as I was led to believe. And I would really like to stand here and say that I think that conversation would have taken place had the media not gotten involved, but I honestly cannot say that. So what started out as a fight to preserve our property rights in order to preserve hippo therapy to our 13 year old son who has a diagnosis of autism has turned into something far greater than that. And with that I've had in this small amount of time the opportunity to do a little research. And the City of Austin has something which came about in 1996, which is called neighborhood planning. And neighborhood planning was basically put together to provide communities with unique characteristics, not only in the past, but future time to be able to direct their neighborhood growth, annexation, etcetera, to preserve the unique characteristics of their neighborhoods. And with that for the 620 oaks subdivision, which you're severing nine out of 29 properties to annex, there are very unique characteristics of that neighborhood. And last I had spoke with

any advisers or council persons, no one had ever bothered to venture out into the far northwest corner of Travis County to look at us. I know one councilmember's advisor has and we greatly appreciate that. So with that today I am asking the City of Austin on behalf of the 620 oaks homeowners association to not show any bias towards us being without in the far reaches of Travis County to provide us and commit to us today a designated staff neighborhood planner so that our community can go forth with the continuity that it has been provided for 35 years, ladies and gentlemen. 35 years. So we can protect the yellow cheeked warbler, we can protect the flat worm. So let's not only protect the rights of a special needs child that will soon be living in our city because we know that's going to be a process very difficult to stop. But let's start protecting the property rights of those of us who live in the E.T.J. who will be part of this city. Let's have some of the characteristics that you want to annex that have long been lost, hobby horse riding center down Burnet Road. All these little enclaves. One of the comments I've gotten from an e mail is has the city offered to relocate your family where you can have the same life style that you're now providing for your son? My answer was well, no, because due to large development and due to forced annexation, that's been lost. I thank you for your time.

Mayor Leffingwell: And for your edification, it's the golden cheeked warbler.

Thank you, mayor.

Mayor Leffingwell: Councilmember Shade.

Shade: Mayor, I appreciate those comments and I know that a number of the council aides have met with folks interested in this issue. And I'd like to I know that this item is on the consent agenda, but I would like to pull it so that we might be able to consider an amendment.

Mayor Leffingwell: So Councilmember Shade is pulling item number 18 also from the consent agenda. We have one speaker on item 21.

Good afternoon, mayor, council. My name is Jeff Howard.

Mayor Leffingwell: Welcome.

Thank you, mayor. Good morning, councilmembers. My name is Jeff Howard. I'm here on behalf of the owner of the Pearson place at Avery ranch subdivision.

Mayor Leffingwell: Mr. Howard, excuse me. Item number 21 has been pulled off the consent agenda. So you can start over again in just a minute.

It has been pulled from the consent agenda?

Mayor Leffingwell: Yes.

Are you going to take it up separately then? I'll reserve my comments.

Mayor Leffingwell: Momentarily.

I'll reserve my comments until you call the case. Thank you very much. So first we'll consider the motion to approve the consent agenda. Mayor pro tem moves to approve the consent agenda. Councilmember Cole seconds. Discussion? All in favor say aye?

Spelman: Mayor, please show me voting no on item 7.

Mayor Leffingwell: Item 7?

Morrison: Mayor, I would like to be shown as voting no on item 7 also.

Mayor Leffingwell: Councilmember Riley?

Riley: I would like to be shown as voting no on number 7.

Mayor Leffingwell: So the clerk will note that inspect, Morrison and Riley are voting no on item number 7. And with that all in favor of approving the consent agenda say aye. Opposed say no. The consent agenda is pass odd a vote of seven to zero with the exceptions noted.

Councilmember Cole on 40 through 43.

Cole: Thank you, mayor. I just wanted to point out on items 40 to 43 that is making amendments to provisions of the procurement program for small and minority and women businesses. We've noticed over the past year and also in our subcommittee and also by virtue of the comments from the MWBE advisory committee that we were not receiving the responses to request for proposal and we will concerned that good faith efforts were not being used to actually try to achieve our goals. So in keeping with that, staff has proposed various amendments and essentially there were two main concerns and one was that proper notification was being given to minority and women contractors and small businesses. And so this this puts in place a sanction for failure to do that. These amendments also put in place a penalty for not using all outlets of notification, including social media and e mail. It is requesting that both of those things be done. So I think this is a step in the right direction and I want to commend staff for their work. Move approval.

Mayor Leffingwell: Councilmember Cole moves to approve items 40 through 43. Seconded by Councilmember Spelman. Discussion? All in favor say aye? Opposed say no? It passes on a vote of seven to zero. To without objection, council, I think number 21 will be very quick, so we'll call up item 21. We do have one speaker, Jeff Howard signed up against. Is that what you meant to do? You have three minutes.

Good morning, council. I'm against the ordinance as currently in the backup but we have since the public hearing at the Carver museum and library, we have been working with staff on a potential alternative. As you recall at that public hearing and the one prior, we had suggested perhaps annexing only a portion of

this 196 acres that had been platted and annexing reaching an agreement as to how annexations would occur in subsequent sections. Since that time having heard concerns expressed by merit and my staff, we have been working on an alternative and that alternative would be to go ahead and annex all 196 acres, but have our last section, our fifth section be classified interim MF 2. That is what is shown on the preliminary plan. It's shown as multi family on the preliminary plan and that's what state law would require it be allowed. So we would ask that the interim classification so that we don't go through that process that the interim MF 2 matched the preliminary plan and be given that designation. I think staff doesn't have an objection on that. And if we can proceed in that way, then we'll be in support and we would ask that it happen only on first reading. I just saw the new ordinance with the interim MF 2 and I would like some time to review it and make sure we have the right legal description. So if we can we would support annexing all 196 acres with our last section, being classified interim MF 2, which is consistent with the preliminary plan, on first reading only. With that I'll be happy to answer any questions you may have.

Mayor Leffingwell: Thank you. Any questions? Mr. Guernsey, has staff reviewed this proposal?

Yes. Greg Guernsey, director of planning and development review. We do not object to the interim MF 2 category as stated by Jeff. And we went through a couple of technical things and what we would like to do is offer this probably only for first reading today and make sure we're both on the same page and then bring it back at a later reading for second and third reading. With that change, maybe a portion of the property, interim MF 2, we are in agreement, I believe, with first reading.

Mayor Leffingwell: So the motion would be to approve on first reading only with additional directions to staff to make the changes that have been coordinated and review those changes and come back on second and third reading.

Cole: So move, mayor.

Mayor Leffingwell: Councilmember Cole moves approval. Councilmember Spelman seconds. Any discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero. Now we have a special request from Councilmember Cole to allow a citizen to speak on items 40 through 43, although we have already passed that item. It is no longer on our agenda. If there's no objection, we'll allow her to speak on items 40 through 43, and that would be Carol hadnot. Welcome. You have three minutes.

Councilmembers, my name is Carol hadnot. I represent the Austin area black contractors association. It is unfortunate that you didn't get my card where I signed up, but anyway, I'm here to support items 40 through 43, the amendments. We have worked with the committees and in our community of contractors to make sure that these amendments are incorporated. It's just basically housekeeping, but it needed to be done so that we could all understand exactly what the ordinance is saying and there would be no confusion. In the future we would like to see that the ordinance take the ordinance pay attention to pass throughs because we're having a lot of issues with pass throughs, substitutions with (Indiscernible), and the definition of commercial useful function. We're having nonprofit organizations being put in place, profit making commercial business, and that attention needs to be made to that. But otherwise we do commend the staff for their work and we support these changes. Thank you.

Mayor Leffingwell: Thank you. The item has already passed, the items have already passed. So we'll go to item number 3, where we have two citizens signed up. First speaker is Sharon Blythe who is signed up against, and you have three minutes.

Sharon Blythe, Spicewood Springs tunnel coalition. Appreciate the time today to speak to you concerning a very important issue with this water tunnel. I'm getting ready to show you a video clip of what a four inch bore drill does to the environment.

Now I have a PowerPoint to show you this morning. The timeline begins April 20th of people out on Spicewood Springs Road were informed of the shaft site there. May 10th 30 citizens showed up at the parks board subcommittee and it was delayed until summer '08. Austin water utility asked us to trust them, trust them and trust them. October 26th, the parks board delayed decision until further information is provided by a vote of seven to zero. October 27th, Rudy Garza sends an e mail to the parks board that he is moving the tunnel issue forward to full city council without parks board recommendation. That circumvents the environmental board also. If you're going to move it on to the agenda item without parks board. Trust us, (Indiscernible) says, but they have discovered up the names on their trucks, not letting us know who the drilling companies were. That is a black plastic bag placed over their trucks. So we do not know who the drilling companies were. This is inside the Bull Creek watershed environmentally sensitive region, which you continue to ignore that. You want us to trust do the public trust here. Is any public site with drilling encoach., trucks with names covered in black plastic bags, no plan to protect the parkland is required under the chapter 26 hearing before the city council. There are prudent and feasible alternatives to this that water utility has not explored. And we have suggested to them. They have completelily ignored those other alternatives. Not the 620 hybrid. And environmentally sensitive to Bull Creek. Thank you very much.

Mayor Leffingwell: Your time has expired. Thank you. Next speaker is bill bunch signed up against. You will have three minutes.

Thank you, mayor, members of council. I've attempted to speak up in favor of this acquisition of 13 acres of prime zone 1 endangered species habitat right where we need it on the top of Bull Creek where the most biologically diverse caves in probably North America exist. But I'm against it because you're buying it to tear it up. With one or two, it's not clear, 40 foot diameter, 100 to 200 feet deep construction shafts. Through the Edwards recharge zone, through the endangered species habitat to build a plant that at this point we don't know what it costs. And you're proposing to pay \$2.2 million for this 13 acres. The city auditor started an investigation and Travis County had to buy BCP cave preserves, paying obscene prices with taxpayer dollars, based on that purchase, and now I zoom here we are I assume here we are doing it again. As Ms. Blythe pointed out, last night the night before your parks board voted seven to zero to not take action until the environmental studies were completed. The studies are not even done yet. You don't know if this site can be engineered for these shafts. Without doing severe damage to Bull Creek and head water springs through both listed endangered species and Jollyville salamandererrers. For a project at that this point you don't know what it costs. You were told 20 months ago in January of 2009 that it would cost 5 million dollars. That number has stayed the same. There's not a 13 million dollar line item in that budget. That estimate included the forest ridge transmission main. Now we're told that's put on hold and

that number is not being counted now. So we're getting the same number, but we're missing a transmission tunnel. How much is this thing going to cost. How much is too much? When are we going to insist that we actually have real science rather than junk science engineered after the fact to fit the decision already made?

Mayor Leffingwell: Thank you, Mr. bunch. Those are all the speakers we have signed up on this item. So I'll entertain a motion on item number three. Mayor pro tem moves approval of item number 3 and I will second. Is there any discussion? Councilmember Morrison.

Morrison: Thank you, mayor. I have a question for staff, maybe you could help us understand the timeline. I have some concerns about not being able to get a parks board recommendation one way or the other on the mitigation. Could you give us a sense of when the environmental studies are going to be complete and how that would I assume from your perspective that might interfere with construction if we take those studies to the parks board.

You're asking when environmental studies for this site or for the PARD site?

the studies that were requested by the parks board. The BCP is set up to mitigate for golden cheeked warbler as well as karst and vertebrae habitat and there were studies set up with regards to those matters and the utility corridors that were using through the BCP are all fully mitigated for those species and we would have extensive documentation for those elements. We have been in preliminary engineering and design on this project for quite awhile. We've invested about five million dollars for the Jollyville line for the preliminary engineering phase and that has included extensive environmental work and including analysis of water, we have a groundwater model that is being developed, various geotechnical activities. We feel very comfortable at this time recommending both the purchase of the shipman site on the council agenda today as well as the use of the park site on the opposite end of the BCP of this site.

Morrison: Yeah. Thank you for that, but I'm trying to zero in on the parks board was requested the results of certain studies that aren't available yet? And when would they be available?

Well, there's as a part of completing our design of the project, we would put together all the subenvironmental work going on, the recommendations by the commissioning which is a separate part of our project team. And we would produce a final report there. But we've completed extensive assessments of the PARD site. We did a salamander survey. We again did evaluations of if there are critical environmental features of the working zone of this site. Geotechnical work, groundwater modeling and that we have various elements of that and technical memorandums and we would need to put that into a final report before completing the full design process. But again, based on all of that evidence it's not premature to be recommending the acquisition of these sites.

But I have to go back to my question and that was the parks board was requested in certain environmental studies and it's my understanding that they're not available yet. Is what you're telling me is that everything that the parks board would like to see is available?

Everything is not in a final report, but all the information and again, from my perspective that the parks board would need to make a decision. We have provided. And parks board was nonspecific in terms of their additional requests, they just said complete additional environmental assessment work and come back at some future date.

When with the environmental assessment work be completed?

In terms of the acquisition of the sites that we're after, we believe that we have completed all the necessary environmental work to make recommendations to acquire those sites. The tunnel project itself is over six miles and we still need to complete the design process, get that ready for construction bidding and as a part of that there will be additional environmental assessment as we complete the design process.

Morrison: Okay. Well, I guess I'll get in touch with my parks board member because it's my understanding that there was a sense of incompleteness in the information that they felt they needed to make a recommendation. I'd like to be able to sort that out and really figure out the details. Thank you.

Spelman: While we've got you there, Greg, what was the basis for the price \$2.24 million?

I would like to have our real estate person address that?

Spelman: Thank you.

Mayor and councilmembers, Lorraine riser. The shipman tract was appraised based on the highest and best use, which is currently a boat, vehicle, motor storage yard. It has over 100 vehicles stored there. So the appraiser looked at the income stream of that property and that's the main way of valuation of this property.

Spelman: When was that appraisal done?

The appraisal was done I believe it's been within the last six months.

Spelman: So it was not tied in any way to the proposal on the tract on which the water treatment plant itself is being built?

no, sir. It was based on the income that the property is currently producing.

Spelman: And it was done in the last six months? Are we paying the appraised value or some value other than that?

The appraised value.

Spelman: Thank you. I appreciate it. I have a very short question for Greg too if I could. Greg, why on earth are there plastic bags over the names of the drilling companies on the trucks?

I can't say for sure why they did that. I think in the past when we've had work, drilling on the site, some of the firms have perceived I can't speak specifically but that they are harassed by surrounding people calling their home offices, reporting them as doing illegal work to the police and regulatory authorities and I think they have responded to that by covering up the number on their trucks.

Spelman: I think there's a lot of people out there who believe that there are black helicopters out there and believe that there's also surreptitious government action, and if we could persuade them to remove those black bags, I would sure appreciate it.

I think that's a valid suggestion and I will see that that happens.

Mayor Leffingwell: There's a motion on table to approve item number 3. All in favor say aye. Opposed say no. I believe that's on a vote of four three with councilmembers Riley, Morrison, Spelman voting no. Did I have you correct, councilmember?

Yes.

Mayor Leffingwell: So we'll go to item number 18. Councilmember Shade, I'll recognize Councilmember Shade.

Shade: I wanted to pull this so I could make an amendment and I realize that had several of the council aides and staff have been working on this and I understand why staff's recommendation is the way that it is. I would like to move that we move forward with the adoption of the annexation ordinance as written, but under part 5 I would like to strike the phrase, for a period of 10 years from the effective date of this ordinance. And by striking that, we'll be able to accommodate the hippo therapy that's taking place with the Heinz and their son, and so I would like to do that. I want to compliment the staff and the aides for the time that they've spent in trying to find a way to do the right thing. And I want to specifically thank Virginia Collier and Hank usher for following through on the council's request to work harder at making annexation go more smoothly and I would like to recognize and thank you, Ms. Heinz, for your comments earlier about the neighborhood planning and the importance of that. This is not part of the motion, but just while talking about the staff and the work that they've done, I would request our transportation staff take a look at the following three items, and these have also been discussed, but could we initiate a stop sign study on boulder lane and apple tree? Could we explore safety in regards to where the school bus stops and coordinate that with Leander school district and if boulder qualifies as an isolated street and might be eligible for enhanced traffic calming measures? I know that my aide has talked with folks in Rob Spillar's department, but I wanted to put that on the record as additional information. It's not part of the motion. The motion is simply to strike for a period of 10 years from the effective date of this ordinance in part 5.

Mayor Leffingwell: Motion by Councilmember Shade to strike the 10 year restriction on the proposed ordinance and pass on all three readings. Seconded by Councilmember Morrison. I've got a question for Mr. Guernsey. So this means that this hippotherapy or actually, we can say horses, right? Horses are allowed on this property in perpetuity?

It would basically allow that there's a setback requirement under our health code that they have to be at least 100 foot setback from adjoining residential property and they've waived that requirement so that the horses can continue on this property.

Mayor Leffingwell: Okay. It's kind of unusual, but I think it was I think I was the only councilmember on indict acetate we approved a special waiver for nick the goat years ago, so I guess I'll support this as well.

Spelman: Mayor?

Mayor Leffingwell: Councilmember Spelman.

Spelman: My gut reaction is not to support this to try and find another way of accomplishing the same objective. So I suspect I'm going to vote against this motion, but if I could talk to Greg for a second, I've got to at least begin pursuing an alternative approach. Are enclosure setbacks you are enclosure setbacks are based on the assumption of typical city lots, roughly a quarter, maybe half an acre. Is that roughly correct?

Yeah. The ordinance generally is speaking of larger livestock, not miniature livestock or household pets. Those are treated differently in our code. And so when we're speaking of larger livestock, then the setbacks are much greater than you would for other types of miniature livestock or household pets.

Spelman: What's the basis for that? Why do we have a larger set back?

I have health department staff here too. They might be able to explain it. Generally it's just health and sanitary conditions. You have larger animals. They require more food and care and cleaning up after than certainly a household pet would be. As you have those, they're just larger in nature.

Spelman: I think the variance that the mayor was referring to a moment ago was for a pig or a hog.

It was a goat.

Mayor Leffingwell: I know I told you a pig yesterday, but it was a goat.

Spelman: And we have larger set back for goats.

That's right. It was amended to accommodate the goats. And we do have miniature livestock allowed in the City of Austin. You can have those as household pets. Those are typically under 200 pounds that you're talking B.

A horse that's less than 200 pounds is a very, very young horse.

We have miniature horses that exist in Austin as well.

I know and one of my council aides used to raise them and he loved those miniature horses. Have we ever considered not requiring so large the city I grew up in was Los Angeles and there were sections not of the city of Los Angeles, but of adjacent cities. The one I'm thinking of is rolling hills where the minimum lot size was about two and a half acres and I think the average lot size was three acres. And the advantage for living at rolling hills is that you could keep horses and everybody kept horses and they didn't have particular setbacks for the livestock enclosures because the lots were so large that going all the way to the lot line with your horse's activity was not going to be impinging on the next door neighbor because the next door neighbor had a very large lot to work with. Have we ever considered making our enclosure set backs contingent on the size of the lots or the size of the adjacent lots?

I'm not sure. I would have to talk to the health department. What we could do is based on the dialogue I could approach the health department and we could take a look at what our set back standards are for livestock and get back to you in memo form about those standards.

Spelman: I would like to hear more about that because in part Ms. Heinz's property is two and a half acres, am I right?

Mayor Leffingwell: If you want to ask her a question, she can come up to the dais?

Spelman: That was the only question I was going to ask is whether it was two and a half acres. It was.

Spelman: I notice that all the properties that are adjacent to you and all the other properties on boulder lane are approximately the same size. And if we were to ask on a broader brush rather than this particular property that two and a half acre or larger lot would not be subject to the same enclosure setbacks as other properties, which would have to have larger setbacks in order to accommodate next door neighbors, we would be right up against the lot line or five feet away from the lot line. It seems to me that we would be providing the opportunity for horses to other neighborhoods this neighborhood and other neighborhoods yet to be annexed where without impinging on the health and safety concerns that we would be if we were to do that with smaller lots. But I would like to pursue that further. And also provide us an opportunity to annex this neighborhood without having to make a special exception for one particular lot. We'll get with the health department and talk about that. I think I'm going to be voting no on this particular issue, not just I'm at all unsympathetic to Ms. Heinz's problem or to the general irrelevance of horses, but I think we'll find another way, we may very well find another way of accommodating this particular family's concerns and also providing for horses and other lots that are similarly situated.

Mayor Leffingwell: Motion? Councilmember Shade.

Shade: I'm going to keep my motion and I know we'll end up voting on it. But I'm a little bit confused by how we're to slow down this annexation I appreciate what you're talking about in terms of looking at it for future, but I don't understand what the benefit of preventing this annexation or slowing this down would be. And I would be very uncomfortable with proceeding with the annexation without addressing this particular issue that is in front of us today. So I don't know that the two things are mutually exclusive. We can still be pursuing what you're talking about, but at the same time proceed forward and make the with

the hopes that we don't have to do this on a case by case basis in the future, but this case to me seems pretty easily resolvable with simply striking this language. And again, because of the size and proximity of the lots and because of the health and safety issues that have been already addressed with the way that they're currently living. So I'm going to I guess what I'm trying to say is there is an opportunity to both approve the amendment as I've proposed it, but also do what you're suggesting.

Spelman: I think we want to accomplish the same objective. We're talking about several different ways of doing T I'm certainly not opposed to the annexation at all. I'm in favor of that.

Mayor Leffingwell: Motion on the table. All in favor say aye? Opposed say no? It passes on a vote of six to one on all three readings with Councilmember Spelman voting no. So council, those are all the items on our morning consent agenda. Councilmember Morrison.

Morrison: I believe we overlooked item 15 which I pulled off the consent.

Mayor Leffingwell: Oh, right. And actually, there's a couple. There's another one too. Councilmember Morrison.

Morrison: Thank you. Item 15 is an item to consider adoption of the updated hazard mitigation plan that has been prepared by our staff and a consultant. It's a very significant plan. Not just because it weighs many pounds which I brought to show you all. I've learned a little about political theater from my colleague to my right. And what this plan does is identify the hazards that we faced in our community and also it looks at what our vulnerability is to those hazards. So what kinds of things can we be hit with and what the impact of them are. And then it's very important because it recommends actions that we can take to minimize consequences of tornados, flooding, etcetera. So it's a very important plan. And so I wanted to ask staff to come up and just give us a brief overview to make sure that we can that folks in the community are familiar with this plan and we'll know that it's there for reference.

Thank you, Councilmember Morrison. Mayor, council, my name is Otis slatton, I'm the director of homeland security for the City of Austin. We were charged with updating our hazard mitigation action plan and Billy Atkins from my office was the point of contact, and we have Aaron caps, our consultant from H 2 on O partners that helped us develop and update the plan. Today she will give a short overview of the process and some of the things that we did to get that plan updated. And then we would like for y'all to vote for it.

Thank you, Councilmember Morrison. I certainly appreciate your support and also mayor pro tem Martinez and city manager Marc Ott for participating in this process. What you see there is just the cover of the plan which you so graciously displayed earlier. It is a large document. There is a lot of useful information in there. And it was, as you mentioned, sponsored by the City of Austin office of homeland security and emergency management. They are in charge of developing disaster plans for the city, but mitigation is a little bit different. I just want to talk briefly about it. I have a short graphic there, just to show that mitigation is separate from preparedness response and recovery. It's something to think about before disaster strikes. And it's very important. And I would like to say that the City of Austin in 2004 with the first

plan, it was one of the first plans approved by FEMA and so we're really happy to work again with the city. The purpose of it, to meet state and federal guidelines because of the disaster mitigation act of 2000, it is a federal requirement to have an approved mitigation plan and by approve that means going through approval at the state level, which is the Texas division of emergency management and also the federal emergency management agency, FEMA. When you have that approval it allows you to leverage funding from federal grant programs. Without a mitigation plan in place you are ineligible for several large scale disaster funding programs that predisaster mitigation program, the hazard mitigation grant program, flood mitigation, repetitive loss and severe repetitive loss. Without this in place you are closing the door on a lot of federal funds to mitigate for disasters. The main importance of this is to protect lives and property, even without the federal government this mitigation plan is important for the citizens of the City of Austin. And also to increase public awareness about the disasters that could potentially affect the city. As I mentioned before, this is an update. It is a federal government not only to have a mitigation plan, but to update that every five years. So since the city had their first plan approved in 2004, we began the update process in 2001. And the city did receive a grant in order to fund the development of this plan update. The plan was approved by FEMA in September of this year, and it is available online for anybody to see for the public, that's the website. It's just the homepage for the office of homeland security and emergency management. The hazards that were identified, there were 14 total. They consisted of both natural and technological hazards. As Councilmember Morrison mentioned, you're looking at profiling these hazards, looking at the vulnerability to these hazards and developing mitigation hazards to address each of these concerns. And of course, although there are 14 there that is the high risk hazards for the area are flooding and wildfire. Public input was done throughout the process. In addition to this plan being available for the public to read, we did seek it throughout the process. We had 12 public meetings. There were four different times that we had meetings and we had them at locations throughout the city. North, south, east and west at public libraries. Because sometimes it's difficult for people to come to public meetings, not that this material isn't exciting, we also had public surveys that we sent out strong Kelly and we electronically and we collected 156 of those surveys, the results of which are actually in the plan in an appendix. And we also participated in public activity such as wildfire awareness. I know the time is up. There's a brief timeline where we started in 2009 to FEMA approval in 2010 and then also I wanted to briefly give you contact information for any questions.

Mayor Leffingwell: Thank you. Councilmember Morrison.

Morrison: I want to recognize Erin and staff for putting together such a great plan and such a big effort. And as I understand it, you all worked with all the departments that were impacted. And I do think it's interesting. I don't know if everybody in the city does, but I would urge folks to browse through. Some of the mitigation actions you know are addressing things like climate change, recommendations to plant more trees. So it's really broad reaching and probably you will find some topics in there that are covered that you might not expect. And as Erin mentioned, it does get accepted by FEMA and as I understand it, it pretty much just sailed through FEMA. So that's again another recognition of what a great job we've done. So with that I would like to move approval.

Mayor Leffingwell: Motion by Councilmember Morrison, seconded by the mayor pro tem. Discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero. Thank you. And item number three, which I pulled, I would like to ask staff a couple of questions. 33.

Morning, councilmembers, my name is Christopher fry. I can answer any questions you might have.

Mayor Leffingwell: So explain the contract for me, what it does and what the fee structure is for paying for this contract?

It's \$300,000 a year. The contractor provides interview services, data collection from our customers on their experiences, on their opinions. They provide us that data. They provide us some analysis of that data as well. And we do a number of ongoing we currently have this service. We do a number of ongoing surveys to measure customer experiences and collect opinions from our customers.

So what is the purpose of this study just to get people's opinions.

It's to collect customer service information, which is one of our strategic goals to allow us to calculate what that is. It's also to allow us to get opinions from our customers about how effective our service delivery is or needs that they may have or needs they may have in terms of future programs and services.

Mayor Leffingwell: We just had an extensive report, a market study of customer response to all parts of the city operations, including Austin energy. So how is this different?

Well, there's very specific surveys. We have a specific survey that measures customers' experiences with our call center. We have another one that measures customers' experiences with tree trimming services. So there's specific surveys that look at specific programs or specific service delivery items that we want to find and see how well we're doing.

Mayor Leffingwell: So apparently it's all related to the upcoming Austin survey study and so forth?

No, sir.

Mayor Leffingwell: Those are all the questions that I have. Is there a motion to approve item 33? Councilmember Spelman moves to approve it. Councilmember Cole seconds. Further discussion? All in favor say aye? Opposed say no? Apparently it passes on a vote of six to one with yours truly voting no. And those are all of the items that we can take up before executive session. So now we'll go to our morning briefing on green roof policies.

Good morning, Mayor Leffingwell, members of the city council. My name is Eleanor McKinney, landscape architect and chair of the green roof advisory group. And I appreciate being able to come to you this morning. The green roof advisory group did start last year on your initiation in August of last year and we are now coming to you with our first report today. The council resolution did support green roofs as a component of green infrastructure, energy conservation to mitigate storm water runoff volume, provide

wildlife habitat and reduce the urban heat island effect. And the staff has been working with us, especially Matt Holland and Maureen Scanlon and from the watershed protection and Austin energy green building respectively. And we've had a really productive year and we really appreciate your support. Just for everyone to understand what is green roof is, there are various types of green roofs from an amenity deck at a multi family housing to a residential terrace that provides wildlife habitat. The public benefits of green roofs are urban heat island mitigation. If you can imagine more greening of the city helps to offset the heat from the concrete and asphalt. Storm water detention, air quality, carbon dioxide impact, water quality well bag, wildlife habitat. On the private side an individual building can actually lower its energy use. It can provide open space to the tenants. It can increase the real estate value and it actually can attenuate sounds of the city, which can be very helpful in dense situations. We have about 23 green roofs documented in the city. I know there are probably a lot more that we don't know about yet, but some may think that we only have a few, but we do have 23. Here are some of the sites you found in the report. Some of you may not know that Austin city hall is actually a green roof. The landscape at grade is at the plaza over a parking garage, so that's considered a green roof. And also the city managers and mayors and councilmembers terraces are green roofs. On the residential side we have an example, which is the Hill Country residence of 1,025 feet of green roof. That's been very successful. So the accomplishments of GRAG has been documenting existing city policies and initiatives, developing a five year policy implementation plan, anywhere initiating design and performance considerations, integrating water conservation 2020 principles. So the green roof policy development, we feel like we're in phase three, and this is looking at worldwide policies. Stuttgart, Germany, they're in about a phase six. We are in phase three, just starting to initiate. On incentives and credits, which we were asked to take a look at, in zoning with site development regulations, energy conservation, air quality, watershed protection and financial incentives. We are going to be looking at performance considerations to be able to meet any criteria for these incentives or credits. Again for site development regulations and P.U.D.'s, there are already open space requirements and landscape requirements. And looking at having green roof satisfy those requirements also open space for commercial projects, subsurface parking garages and for parks. And I must say that Matt especially worked with all the different city departments, with PDR and parks and watershed protection, to work with the departments to see what incentives and credits were available in their department. Right now as you know there's a downtown plan with downtown density bonus program and we are recommending that green roofs become a stand alone option in that program. Other future density bonus options might be at north Burnet gateway or even Airport Boulevard. Looking at increased building cover credit and looking at the feasibility of green roofs at city and central business district. I do want to say that other cities such as Portland and Chicago and Toronto do have these incentives and credits already established. Looking at existing green roofs, that green roofs are equivalent to cool roofs and the energy code. Potential might be looking at future Austin energy rebates and increasing those rebates. With watershed protection, there are green roofs looking at potential green roofs for flood control or for water quality. And that's in kind of in an existing and how watershed protection can work with them on that. Potential is looking at less runoff, allowing smaller water quality ponds, but they're not ready to count as impervious cover. Again we're kind of on a continuum here as far as initiating policies and how they can grow in the future. If you do have any other questions at the end, also Matt and Maureen are available to answer any specifics. As I mentioned earlier, some of these different cities that already have incentives would be in Portland they have a bonus floor area ratio Farr for green roofs in the central city. In Chicago they grant up to \$5,000 to residential and small commercial projects. Also they do have

density bonus options. And in Toronto they have an incentive of \$50 per square meter up to a maximum of \$100,000. So we are getting ready to join them, we hope. The thanks to the city council we have gotten some research and monitoring dollars for the wildflower center to do some more monitoring of their green roofs and help to develop our criteria which can help with future storm water calculations. We have gotten feedback that there's interest in design and performance considerations, looking at size, soil depth size being the amount of coverage of square foot of a roof, plant cover and variety, drainage, visibility and access and maintenance requirements. So also we coordinated with the water 2020 report, and looking at water conservation and green roofs, on the left you will see Stanley studio, which has rainwater harvesting. And the Austin tonian which uses the AC condensation for irrigation. Some people say do you use water up there? It does not have to be potable water it, could be recycled water. As far as a green roof density bonus, this one proposed at least 20,000 square feet of green roof to be provided in the restrictive covenant. So that is showing that the downtown developers are interested in green roofs as a density bonus option. Green roofs on city buildings, again we have one on Austin city hall and our understanding is that public works is looking at the potential of adding at least one more to their portfolio. We did identify outreach and education as an important an important component of the green roof program to coordinate a website, brochure and presentations where all the information from all the departments can reside in this location. So the five year policy implementation plan would be looking to further and the short term a multidepartmental coordination, downtown density bonus, performance standards and support of the education and website work. In the mid to long term to increase density bonuses for these other areas, north Burnet, gateway, Airport Boulevard, east Riverside corridor and the TOD's. And continued financial support of watershed studies. We are requesting to be extended for a year. You did initially authorize us to be here for a year. We would like to be able to provide you with some more information on performance standards. And specific to help to work toward the density bonus option for the downtown plan. The website is Cl.austin.TX.US/council/place1, Councilmember Riley. It does have a copy of the whole report and we have other resources here. If you have questions, I would be happy to answer them.

Mayor Leffingwell: Questions? Councilmember Riley.

Riley: I would like to thank you and the staff and the advisory group for all the tremendous work that has gone into this. I know it's been a long journey and there has been a lot of hours of work and coordination with a lot of different departments and I salute you for undertaking this effort and for introducing what is a very impressive document. I really appreciate it. Just a couple of questions. First just in general with respect to your survey of other cities that have been promoting green roofs and have made great process in that. I notice that one reaction when you see the references to cities like Portland and Chicago and Toronto, one reaction might be those places have such have completely different climates. They're so much wetter. It's probably a lot easier to do green roofs there. Do you see as much potential in Austin for green roofs as we see in other cities that are further northward and that may have wetter climates?

As we've been working with again the water 2020 report, using recycled water so that we're not adding more water to the green roofs. I do believe that especially it can mitigate the urban heat island. As we all know in Austin, Texas, in August and September it can reach over 100 degrees. And the urban heat island epicenter is downtown. And so looking at mitigating that, just like a few years ago you started

advocating for street trees and great streets master plan and how that is starting to mitigate the urban heat island. It's part of a whole greening of the inner city and green roofs being one component of that.

On the other hand we have flooding as you know because of the increased density. And use of green roofs to mitigate storm water volume has been proven all over the country, at least 50% retention of water so that it doesn't immediately go into the flood waters. It is critical to our particular location here in Austin, Texas. And in terms of the upper watershed of Shoal Creek and also as it comes down to Lady Bird lake. We really feel like downtown is a prime area for green roofs to help to start to mitigate some of these issues.

So there may in fact be even more reason to promote green roofs here than in other cities?

Yes. We also do have, you know, Central Texas made a plant pallet, which has been developed and is drought tolerant. We're working with that pallet as well as the palate as well as with the plants for more drought tolerant to be using less water.

Riley: And with respect to the possibility of extending the advisory group's work, I know have you short term goals, long term goals. There's a five year policy and implementation plan. Can you give me an idea of how much what will be your vision of continued work on the part of the advisory group. What do you foresee work on work on the short term goals over a period of say a year or do you envision something that goes longer than that? Help me understand how the the continued life of the advisory group that you would like to see relates to the short and long term goals that you've laid out?

I believe it would be incident graded into the integrated into the city departments more than it is now. We're just starting to identify now. With the looking at some of the items that we say we're going to accomplish in year one, if we can get the departments to work with us on that, I do believe that will start to get that developed into their policies. Also the website, getting the website up to speed and where that information is more out there for developers. And I think that once we have that, again, Austin energy and climate protection, urban heat island, they can be doing that from a staff perspective with our initial support. And then finally looking at the performance standards and also the quid pro quo for the density bonus, how does the F.A.R. relate in Austin, Texas for amount of coverage of green roofs and how much square feet you might get for entitle.S. So those are our major focuses on this year. I don't anticipate that we need to extend farther than that.

Riley: I know it has been a tremendous commitment even during the time you've been in existence. So the fact that the advisory group is willing to take on another year of work is really commendable. I really appreciate everybody's commitment to this. I support moving forward on your recommendations very quickly.

I do appreciate your staff's support and our co sponsors with mayor pro tem Martinez and Councilmember Shade. It's been very helpful to us. Thank you so much.

Riley: Thank you.

Mayor Leffingwell: Further questions or comments? Thank you very much. Very good briefing. I believe that takes us to everything we covered in the morning agenda until after executive session. So council, I believe we can just go into recess now. Until 12 noon. Without objection, we are in recess.

Mayor Leffingwell: We Are out Of Closed Session. In Closed Session We Took Up And Discussed Legal Issues Related To Item 46. No Action Was Taken. Before We Begin Our CitizensCommunication, I Want ToRecognize Councilmember Morrison On A Point Of Personal Privilege.

Morrison: Thank You, Mayor. I Just Wanted To Highlight And Recognize That Everybody, All 1 Of My Colleagues And Myself On The Diaz Are Wearing Pink Today. For Some Folks That Wasn'T Easy In Terms Of Finding The Pink Attire, But All Uniformly Here To Express Our Support For Breast Cancer Awareness And All The Great Work That'S Going On In The Community. So I Thank You For That.

Mayor Leffingwell: Thank You, Councilmember. We'LI Go To Our Citizens Communication. Rob Seidenberg. Rob'S Topic Is Central East Austin. Welcome. You Have Three Minutes.

Thank You Very Much. My Name Is Rob Seidenberg. For Years We Residents Of Central East Austin Have Beseched You To Jump Start 12th Street Yet It'S Never Been A Priority And That Won'T Change Until You Guys Step Up And Take Ownership Of This Issue. That'S Why I'M Hear Singing The Song You'Ve Heard Me Sing Before. It'S An Important Song. Yes, You Helped Eradicate A.R.A. From The Corridor But Only After It Failed. Then With The Demise Of The Tri-Party Agreement, Chaos Ensued And We'Re Left With What? Unclear Apportionment Powers, A Flesh And Drug Trade At 12th And Chicon That Continues Unabated, A Street With The Charred Remains Still Of A Burned-Out Building, Numerous Abandoned Structures And Several Empty City-Owned Lots And Nothing More Than The Promise That Some Marketing Firm Will Be Hired In The Near Future To Do A Study Of The Area. I'M Here To Say We Don'T Need A Marketing Study. There Are Plans In Place And The Communities Have Made It Known What We Want And Need, Better Transportation, Updated Infrastructure, A Stronger Link To Downtown, And Neighborhood Services Like Food Markets And Cleaners. But None Of That Is Going To Happen Without Your Attention And Help. Repeatedly We'Ve Been Told There'S No Money Available For 12th Street, Yet We Continue To Watch As Public And Private Funds Are Spent In Just About Every Other Quadrant Of The City. Despite The Fact That It Doesn'T Break Off Even A Crumb For 12th Street, We'Re Asked To Support A Bond Package That Devotes \$8 Million To The Rebuilding Of 3rd Street And 14 More For A Boardwalk At Lady Bird Lake. 3 Believe Me We'Re Not Road Only Advocates In Central East Austin. We'Re Opposed To The Package Because We'Re Not Served As Usual. When Will This Pattern Of Neglect End? We'Re Told The Next Bond Package Will Address Our Needs, But That'S Not Really True. We'Ve Seen The Plans For The Urban Railroad And It Skirts Central East Austin Entirely. It'S Incredibly Sad And Disappointing That Nobody Considered Placing A Train Line Along 12th Street Where One Thrived In Years Past. And Nobody Thought That Might Actually Provide The Needed Impetus To Bring That Corridor To Life. In Disbelief We Hear That You Might Allocate A Half Million Dollars To Study The Future Of Airport Boulevard, That You 1 May Spend 2 Million To Studying Burying Utility Lines To Maybe Guadalupe And Lavaca Great Streets. We'Re Told Time And Again That Nothing Of That Sort Will Or Can Happen On 12th Street. Why Not? I Just Don'T Understand How You Don'T See That Street'S Incredible Potential. Finally, We Have To Wonder Why There'S No Money For 12th Street When You Are

Spending So Much On East 7th. I'll Wrap Up. Sorry. We're Not Asking You To Spend This Money Today. We're Asking You Step Up And Take Ownership With A Concerted Effort On Your Part. 4 It Can Happen. Without Your Help It Won't.

Mayor Leffingwell: Thank You.

Thank You.

Mayor Leffingwell: Next Speaker Is Paul Avina. Topic Is 30-Year Plan.

I'm Paul Avina. This Is For Mr. Your Which Way Austin Plan Is Not Going To Work If You Keep Blacks And Chicanos Out. There'S Not A Youth Plan In The Previous -- Dominated By Government Jobs And Investment. With A Drive For The Best Of Education For The Children. Burning Out Blacks And Chicanos Aspiring For The Opportunities In Their Native Land That Created A 20 Square Mile Of Poverty, Prostitution, Alcoholism And Ignorance That Mr. Robb Has Never Addressed. In Eight Or Ten Years He Will Leave To Enjoy The Package He Signed For, Becoming To Another Board Room Just As Teachers, Firefighters, Doctors, Pilots, Managers Of What We Can Do Certain Of Our Taxes And Fines We Provide For Them In Their Hometowns. He Hasn'T Shown Concern Over Duplicate Agencies Like Health Or Housing Or The Inefficiency Others Like Police Monitor Or Internal Affairs Or Even The Property Of Drug -- Who Don'T Care About Land Use, Transportation Or The Environment Because Their Kids Are Hungry. To Make City Government Less Bloated And More Affordable Before He Embarks On His Plan. This 20 Square Miles Came -- By Government Outsiders Engaging In I.D. Theft. Medaling In School District Policies. The Austin Police Running Checkpoints Daily For Money. With Hit Hard Plus The Protection They Provide To Other Predators But Its Power Of Policies From Israel. We've Seen Capital Metro, The Airport, U.T., Sematech, Dell New Buildings, The Mueller Settlement -- Of 100 A Day Back In The 90s While Blacks, Chicanos And Immigrants Were Suppressed And Pushed Aside By Law Enforcement Means. What Is Social Bay Identifies Tore The Overall Development For Austin For The Next Year. More Caucasians. Some Blacks Have Made It In Government But Look At This Dude, David, Jones, Thomas, Cole, Ott, Linger, Brown, Scott, Biscoe, They Know The Misery Black Folks Are In But The Fear Of Looking Prominence Is High. Same Goes For Latinos, Mr. Martinez. This Black I Met At Austin Energy Helped Create Policies He Said Affected His Own Grandmother. How Do You Trash All The Rich Contributions From Blacks In Texas Borne Out Of Suffering? Ask Him. Your Which Way Austin City Is Planned Will Not Work If You Keep Blacks And Chicanos Out. Thank You.

Mayor Leffingwell: Thank You.

Mayor Leffingwell: Robert L. Thomas. Topic Is Labor And Industrial Relations At The Rosewood Park And Recreation Center.

Thank You, Mayor Leffingwell And Honorable Members Of The Council, Mayor Pro-Tem. I'm Honored To Speak With You Today Concerning The Labor And Industrial Relations At The Rosewood Park And Recreation Center. Today I'd Like To Speak With You Concerning The Recent Agreements Concerning Employment At The Rosewood Recreation Center. About A Month Ago I Met With Directors Of The Park

And They Had Discovered A Job Opening -- I Mean At The Rosewood Park October 1st. And I Had Called In To And No One There Working On The Employment Office. Then I Had Spoken To Them To Call Back. They Never Called Back And I Went In To See How The Office Was. No One Was There. Someone Told Me That She Reported Next Day, That She Didn'T Come Back In All The Month Of October I've Been Calling And They Are Not There. So What I'M Basically Concerned About Is I Need Time To Work With Our Industries And Our . We Need Fairness In Labor Practice Throughout The Directorship. They Speak Of One Thing And They Mean Something Else. So What I Would Like To Do Is Try To Work With You Concerning Directorship Of The Park Needs Revision And Directorship Needs Better Quality. I Think I Can Do A Better Job. Because I Have Experience In Professional Sports. I Used To Play Professional Football And Washington Redskins. At The Rosewood -- I Mean At The Surrounding Area, The East Side Football Park. Not Only The You Might Say Advantaged Within Labor Relations And Employment For Athletes, It'S Generally The Many, Many Years Of, Well, Maltreatment. In Our Construction Unions, We'Re Bringing That Back To Affirmation With The Afl-Cio In Many Parks Doing Many Things With Municipality And . So I Want To Really Work Again To Management Of City Hall To Bring Forth Some Type Of Ballot Agreement That We Should Have Some Labor Rules. Not Just The Old When I Say, Well, Adversity Against Our Coalition. Many Years I've Been Speaking About A Position To Help The Children, But They'Ve Gone On And Gotten Out Of The Position And Not Doing The Work. So I Need An Immediate Assistance From City Management Over The City Parks . And I Almost At An Impasse -- -- Who Can We Meet. Do You Want To Speak Of It?

Cole: Mr. Thomas, I Wanted To Ask You --

Mayor Leffingwell: Councilmember Cole.

Cole: I'M Sorry, Mayor. I Know On My Calendar There Is A Group Of Residents Next Week, I Believe On Tuesday, That I'M Coming -- That Are Coming To Meet With Me. Are You Included In That Meeting?

I Could, Though.

Cole: Well, Let'S Plan On Doing That Because There'S A Large Group Of Citizens Coming About The Rosewood Area And I Think It Would Be Real Good To Kind Of Hash Out Some Of These Issues. I Tell You What, Mayor Leffingwell'S Senior Aide Nancy, Who Serves Us All Is Sitting Right Behind You You, And If You Would Just Turn To Her And Get Your Information Because I Don'T Think I Know How To Contact You. Thank You. Mart.

Martinez: The Next Speaker The Morris Priest. Your Topic Is City, County And State Issues.

Thank You, Mike Martinez And Council. Morris Priest Speaking On My Own Behalf. I Wanted To Talk About Some Of The Issues That We'Re Having And One Of Them Is I Know Some Of You All Are Familiar With Because You Serve On The Campo Boards And There Are Many People Who Want Us To Have This Sh 45 Built. This Is On The Ballot And The Voters Voted This In In A Bond Package Previously That The County Had And This Right-Of-Way Was Purchased And The Land Was Turned Over To Txdot. And, Of Course, You Realize That This Land Is Now Off The Tax Rolls And Many People In This

Community Have Been Dealing With This Nonresponsive Government On Our State Level And Our County Government And Our City Level On Many Transportation Issues, And I Too Am Opposed To This Bond Election That We Presently Have With The City. Looking At The Situations That We Have, We See Time And Time Again That Most Of The People Are Not Happy With The Way Our Government Is Spending Money Even At The Federal Level, The Cap And Trade And Obama Care And Other Issues That We See. We Have Quite A Bit Of Unnecessary Divisiveness Caused In Our Community And I Think Some Of These Things Have Even Showed Up At Our City Council Levels. The Rv Park On Harold Court And Situations Such As This Abortion Clinic Ordinance Is What Many Have Described As An Attack Against Members Of This Community That Are People Of Faith. This Announcement Made On Good Friday, The Christian Holiday, Both Basically Attacking People That Are Doing A Worthwhile, Worthy Cause For Women That Have Abortions, Providing Them Services Of -- Medical Services At Free Or No Charge. And Then We See -- We'Re Told It'S Covered Under The Police Powers Act, But Police And Code Enforcement Won'T Be Involved. Then We Hear It'S Because Of False Advertising And There Was No -- That Was Never Substantiated. But We Have Situations When We See These Things Such As Txi Where They Are Digging Up 200 Acres For A Gravel -- And The City Responding After This Initially Came To Y'All With A Conveyor Built And Later The County Calm Up With A Road Agreement. But We Have Environmental Issues And Most People Just Want Our Government To Provide Us With Police, Fire And E.M.S. And Water And Wastewater, Roads And Garbage Pickup And Things Of This Nature And Pretty Much Stay Out Of Our Lives When It Comes To Business And Writing Ordinances And Causing Divisiveness In Our Community With Things That Are Really Not What Our Government Should Be Doing And Focusing On. But I Would Hope That You Would Plan In The Future To Not Spend The Enormous Amount Of Moneys On Some Of These Things -- -- That The City Has Been Sponsoring And Look More On The Our Liberties And Freedoms, Not Just Budget Issues. Thank You.

Martinez: Our Next Speaker Is Glenn Nessel. Topic Is Caesar Chavez. Is That The Street Or The Person? Well, You Have Three Minutes.

People In Austin They Don'T Know Why That Street Named Cesar Chavez. I Was Curious To Find Out When I Look On The City Website There Is No Recognition Of His Birthday Or The Holiday That'S Recognized In The State. It Is One Of Few States That Recognizes Cesar Chavez'S Birthday And Then Kind Of Buries It. Ufw Flag -- This Is A Small One, I Would Be Willing To Purchase A Large One To Fly On His Birthday If You Would Be Willing To Fly It In Recognition Of His Birthday. March 31 st. What Ufw Wants Is Actually To Get Local Governments To Give -- And Governments In General To Give People The Day Off Not To Just Take A Day Off, But To Do A Day Of Service. There'S A Petition Going Around Right Now On The Web Sponsored By The United Farm Workers And Ufw Foundation And The Cesar Chavez Foundation Just For That Purpose. Only Eight States Have Recognized It. And He Was A Great American, A Great Civil Rights Lieder And A Great Labor Leader. But Unfortunately He'S Being Taken Out Of Our History Books. And That'S Pretty Much What I Wanted To Say. Besides That, I Did Want To Make A Comment To Mayor Leffingwell Thanking Him For Getting Involved On August 12th When I Was Trying To Get Some Information Under The State -- I Always Get Mixed Up. Sorry. What The Law Is Called, But Basically The Freedom Of Information Act In Texas. And The City Manager And The Chief Of Police Refused To Get Involved With It. And He Assisted Me, And I Wanted To Thank Him For That Officially. So Thank You.

Martinez: Thank You, Mr. Nessel. John Bush, Welcome, You Will Have Three Minutes.

Good Afternoon, Council. John Bush, Executive Director Of Texans For Accountable Government. Just Recently We Held An Event Texans For Accountable Government, It Was Called Agenda 21, Unseen Dangers Of Unseen Environmentalism. Sent You All An Invite. I Started Learning About Agenda 21 Indepth Which I Realized The Austin Climate Protection Plan And -- Were Components Of Agenda 21. And We Recently Brought Michael Shaw. He'S The President Of Agreement Advocates.Org, An Attorney, Cpa, At An Abundance Of Colleges. He Spoke Last Night So I Want To Give The Remainder Of My Team To Introduce To You Agenda 21 Because I Want You All To Be Aware That Some Of The Policies That You Are Implementing Now, You May Not See The Ultimate End Goal But We Are Carrying Out This Agenda 21 Policy And The End Goal Would Not Be Good For Any Of Us.

Martinez: Mr. Bush, Our Citizens Communication Rules Do Not Allow You To Transfer Minutes. So You Will Have The Remainder Of Your Time Left If You Want To Continue.

I'Ve Done Youtube Videos.

Martinez: That'S Your Time.

We Flew Him In For California Just For This. I'M Just Kidding.

Martinez: For citizens communication?

Austin climate protection plan, smart growth, local carbon credits, a lot of these are part of the suppressed 1992 document called agenda 21. Basically the end goal of agenda 21 would see elimination of private property as we know it. Private property would be pushed into public-private partnerships. Me and Michael went down to our favorite domain mall to do recording and we ended up getting kicked off by security. I find it interesting a lot of these communities, smart growth developments like the Mueller development, again this all emanates from sustainable development with started with agenda 21 in 1992, they are basically, you know, a constitution free zone and the more and more smart growth developments, we have the Austin comprehensive plan which a lot of it, economy, environment and equity extends from agenda 21. The more and more smart growth developments we have, the less and less freedom we the people will have and I think eventually agenda 21 would have the entire geographic area in Austin be a smart growth development. And you guys continue to subsidizes and push for Public-Private Partnerships And We The People Are Getting Hurt. I'Ve Talked About Agenda 21 Calls On Urban -- I'M Sorry, Rural Developments To Cease And Pushes To Drive People Into The Urban Areas. I'Ve Drawn The Connection. That'S One Of The Reasons All Are Declaring We Need This Water Treatment Plant 4 Because The Population Is Going To Double By 2035. I Believe That Growth That You Call It, I Think It'S Unnatural Growth And The Reason It'S Happening Is Because We'Re Giving Way Deals And Incentives To The Development Interests. The International Council On Local Environmental Initiatives, We'Re A Member Of That. We Are A Dues Paying Agenda. They Are Pushing Agenda 21. We Rarely Here About -- We Are A Member Of Them, An International Agencies. There'S Inconsistencies In The Constitution. Please Look Into Agenda 21.

Martinez: Thank You, Mr. Bush. Next Speaker Is Stoney Williams.

Thank You, City Council.

Martinez: Welcome, You Have Three Minutes.

We're Happy To Announce Our Fourth Annual Dia De Los Muertos Fireworks Celebration, Sunday, October 31, 9:00 P.M. It'S Free For All Of Austin To Come Out And See. So After Everybody Is Through Trick-Or-Treating We Would Love You To Come Out And Enjoy The Fireworks Show. 2007, 2008, 2009 We Hosted The Dia De Los Muertos Fireworks With Thousands Much Spectators Around Craig Baseball Field As Well As Collecting Donations For Food And Charities In Austin. Last Year The U.S. Census In 2009 Showed Nearly One Out Of Five Austinites Lived In Poverty. So What Do These Do? It Kicks Off Our Drive For A Season Of Giving To Deserving Charities In The Austin Area That Directly Impact Our Community. One Of The Charities Is Capital Area Food Bank Who Is A Leader And Advocate For Hungry In Central Texas. Food Bank Has About 5,000 Volunteers A Month. Though Range From Ages Of 4 To 9 And They Collect Up To About 15 Million Pounds Of Grocery And Produce Every Year That They Distribute. Mobile Loaves And Fishes Is Another One. House The Homeless, Who Was Founded With A Mission Of Education And Advocacy Surrounding The Issues Of Homelessness, House The Homeless Projects Consist Of A Campaign To Fix Federal Minimum Wage, Citywide Day Of Mourning Which Is Coming Up On The 14th -- November The 14th Of This Month, It'S A Sunrise Service On Auditorium Shores. Also Just Finished A Book, Looking Up At The Bottom Line. So Got To Think Some Of You Will Be Speaking At The Memorial Also. We'LI See You There. We Also Have Austin Home Reduction Coalition Which Is A Nonprofit Volunteer Based Organization That Works To Prevent The Spread Of Hiv/Aids And Hepatitis C By Providing H.I.V. And Hepatitis C Testing, Drug Testing Referrals, Medicaid Resources To Prevent Disease Transmission. Again We Would Like To Invite The City Out To See The Fireworks October 31st At Lake Shore Drive And Pleasant Valley, Right Over Lady Bird Lake. We'LI Also Be Doing Fireworks In San Antonio At Wood Lawn Lake At 8:00 P.M. So We Would Like To You Come Out. If You Want Any Information More Check Out The Website At [Www.PlanningTexas.Com](http://www.PlanningTexas.Com) And There Will Be Information About These Charities If You Are Interested Volunteering Time Or Money. Thank You.

Martinez: Next Speaker Is Allen Roddy Speaking About Lake Austin Cleanup.

Good Afternoon. I'M Allen Roddy Here To Speak About Lake Austin Cleanup. On September 7th The Lake Austin Watershed Received 10 To 12 Inches Of Rain. Quite Literally Every Plastic Bottle, Beer Cup And Foam Cup Was Washed Into Lake Austin. Trees Have Fallen Into The Lake Because Of Shoreline Erosion Washed Into The Main Channel Creating Serious Navigation Hazards. For 13 Years I Saw The Trash That Was In The Waller Creek And I Smelled That Special Aroma Along The Creek Of Human Waste. Unfortunately Lake Austin Has Been Turned Into Waller Creek. Not Only Does Lake Austin Have A Major Trash Problem, But The Saturday Before The Flood I Took A Boat Ride Between Emma Long Park And Tom Miller Dam And Three Different Locations I Smelled That Special Aroma, The Stench Of Human Waste In Our Drinking Water Supply. I Suggested That City Of Austin Help Sponsor Lake Austin Cleanups Like The Lake Travis And Town Lake Cleanups. Will Austin Lake Be Lowered? We Have A Major Hydrilla Problem Again And With All The Trees Washed Into The Lake, The Property Owners Are

Going To Need More Time To Clean Up All The Trash And Debris. Last April The Town Lake Waterfront Advisory Board Passed A Resolution To Create A Lake Austin Task Force. I Come Before You Again Asking You All To Take This Resolution Up. We Need A Dedicated Staff And To Look Into The Problem Along Lake Austin. And Also This Afternoon I Believe Y'All Are Taking Up An Ordinance About The Shoreline Erosion On Lake Austin And Other Lakes Here. I Support That Ordinance Overall. I Don'T Agree With The Ban On Boat Ramps Being Built Because There'S Not Enough Public Access To The Lake. I Also Suggest That Y'All Require That The Trams And Any Other Infrastructure Being Built On The Cliffs Be Painted Green Or Earth Tone Colors So They Are More Camouflaged. There Is Going To Be A Requirement To Add Vegetation To Screen The Tram. Building On A 300-Foot Vertical Cliff, You Know, People Don'T Need To Be Down There With The Trees. Just Painting Them Green Would Greatly Enhance The Ordinance. Are There Any Questions.

Martinez: Questions? Thank You.

Will The Lake Be Lowered This Year.

Martinez: I'M Not Sure.

I Believe It'S Been Three Years Since 2007.

Martinez: Do You Know? He Was Asking If The Lake Is Going To Be Lowered This Year For The Dock Maintenance.

Thank You Very Much.

Martinez: Thank You, Sir. The Next Speaker Is Johnette Mason. The Last Speaker Is Carol Ann Rose Kennedy. Council, Those Are All The Speakers We'Ve Signed Up And I Believe We Don'T Have Any Action For Quite Some Time So Without Objection We'LI Be In Recess Until Approximately 3:00 P.M. 4:00 P.M. Sorry. Is That Right? I Think It'S 3:00. I'M Sorry. We'Ve Got Hecklers In The Front Row That Need To Pipe Down. It Will Be 3:00.

Mayor Leffingwell: We'LI Resume By Taking Up Item 46 Which Was Pulled For Discussion In Executive Session. So Does Anyone Have Any Questions Of Staff Before We Take Action On Item 46? Motion To Approve By The Mayor Pro Tem, Second By Council Member Riley. Is There Any Further Discussion? All In Favor Say Aye.

Aye.

Mayor Leffingwell: Aye. Opposed Say No. That Passes On A Vote Of 5 0, With Council Member Spelman, Council Member Cole Off The Dais. So Without Objection Council Will Now Recess This Meeting Of The Austin City Council And Call To Order The Meeting Of The Board Of Directors Of The Austin Bergstrom International Airport Development Corporation. And Are You Here To Read The Consent Agenda To Us?

Yes, This Afternoon. My Name Is Suzanna Gonzales From The Law Department. There'S Only One Item On The Agenda For The Abia Development Corporation. We Are Requesting The Board Of Directors To Appoint Officers And Registered Agent To The Abia Development Corporation. We Recommend That Jim Smith, Executive Director Of Department Of Aviation, Be President, Appointed As President, Leslie Browder As Secretary And Treasurer, David Arthur As Vice President, Assistant Secretary, Assistant Treasurer And Registered Agent.

Mayor Leffingwell: In Other Words, He'S The Guy That Does All The Work, Sounds Like.

Yes, Sir.

Mayor Leffingwell: Is There A Motion To Approve Item 1 On The Abia Development Corporation Board Agenda? Council Member Spelman Moves Approval. Second By Council Member Excuse Me, Board Member Morrison. Is There Any Discussion? All In Favor Say Aye.

Aye.

Mayor Leffingwell: Aye. Opposed Say No. It Passes On A Vote Of 7 0. Those Are All Of The Items On Our Agenda For The Abia Corporation Board, So Without Objection, Council, That Meeting Is Adjourned. We'Li Call Back To Order The Meeting Of The Austin City Council And Begin With Our Zoning Cases.

Thank You Mayor And City Council. My Name Is Greg Guernsey From The Planning Development Department. I'D Like To Go Through 2 P.M. Zoning Ordinance Restricted Coves Items. These Are Items I Can Offer For Consent. First Is Item No. 53, Case Npa 2009 0016.01, For The Property At 3306 East Fifth Street. This Is To Change The Govalle Johnson Terrace Neighborhood Plan, Austin Tomorrow Comprehensive Plan, Change The Future Land Use Map For This Property To Mixed Use. Item No. 54 Is Case C14 2010 0014, That Same Property Located At 3306 East Fifth Street. This Is To Zone The Property Community Commercial Mixed Use, Conditional Overlay Neighborhood Plan Or Gr Mu Co Np Combining Zoning For Tract One And Family Residence Conditional Over Labored Plan For Sf 3 Co Np For Tract 2. This Is Ready For Consent On Second And Third Reading And Finally Item 55 C14 2010 0035 For The Property At 1800 Nueces. Downtown Mixed Use Or Dmu Co Combining District Zoning, And This Is Also For Consent And Approval On Second And Third Reading.

Mayor Leffingwell: So The Consent Agenda For Those Items Were Already Held At Public Hearing, To Approve On Second And Third Readings, Items 53, 54 And 55. Is There A Motion To Approve? Council Member Spelman Approves. Motion Moves To Approve. Council Member Morrison Seconds. Discussion? All In Favor Say Aye.

Aye.

Mayor Leffingwell: Aye. Opposed Say No? Passes On A Vote Of 6 0 With The Mayor Pro Tem Off The Dais.

Thank You, Mayor And Council. Item No. 56 And 57 Are Related Items. Item No. 56, Npa 2009 0019.02, At 209 East 38th Street. It'S A Neighborhood Plan Amendment Item. Requests A Postponement Of This Item. The Neighborhood Objects And So This Will Be A Discussion Postponement Item. Item No. 57 Is A Related Zoning Case, And Again, The Applicant Has Had Requested Postponement Of This Item And The Neighborhood Has Objected To The Postponement Item So This Will Be A Discussion Postponement. Item No. 58 Is Case C14 Already It Was Not 0034 For The Property At 2500 West William Canon Drive. The Applicant Has Requested A Postponement Of This Item To Your December 9 Meeting. Item No. 59 Is Case C14 2010 0038. This Is Property Located At 11410 Manchaca Road. The Applicant Has Requested A Postponement Of This Item To Your November 4 Agenda. Item No. 60 Is Case C14 2010 0152 For The Property At 10601 North Fm 620 Road. This Is To Zone The Property Liquor Sales, Conditional Overlay Or Cs 1 Co Combining District Zoning. The Zoning And Platting Commission Recommended The Cs Co Combining District Zoning And This Is Ready For Consent On All Three Readings. 61 Is A Property On South Lamar Boulevard. This Is A Discussion Item. Item 62 Is Case C14 2010 0078 For The Property Located At 601 West 17th Street. The Applicant Has Requested Indefinite Postponement. This Would Require Renotification Before We Bring This Item Back To You For Your Consideration. Item No. 63 Is Case C14 2010 0101, 1808 Man Circle. Staff Is Requesting A Postponement Of This Item To Your November 18 Agenda. And Then Items No. 64, 65, 66, 67, 68, 69, 70 And 71 All Involve Rezoning Under The Greenshores Annexation, Various Streets, And So Staff Is Requesting A Postponement Of Item 64, 65, 66, 67, 68, 69, 70 And 71 To Your November 18 Agenda. The Zoning And Platting Commission To Take Action On Most Of These But Not On One Particular One And We'D Like To Bring These Back As A Group For Your Consideration. And So Staff Again Is Asking For Postponement Of All Those Items To Your November 18 Agenda.

Mayor? What About Item 72, Greg?

Guernsey: Oh, And Item 72. Pardon Me. That'S Another Greenshores Item As Well.

To The 18th.

Pardon?

Mayor Leffingwell: Slight Oversight. So The Consent Agenda For Those Items Where We Have Yet To Hold A Public Hearing Is To Postpone Item 68 Until December 9, To Postpone Item 59 Until November Till November 4, To Close The Public Hearing And Approve On All Three Readings Item 60, To Indefinitely Postpone Item 62 And To Postpone Item 63 Until November 18, And Item 56 And 57 Will Be Discussion Postponement, Which We'LI Take Up Next. So Is There A Motion To Approve This Consent Agenda?

Mayor I'D Like To Add

I Was Just About To Add

Mayor Leffingwell: We Are Think Postponing Until November 18 Items 64 Through 72.

So Moved.

Mayor Leffingwell: And Council Member Spelman Moves To Approve The Consent Agenda, Second By Council Member Morrison. Any Discussion? All In Favor Say Aye.

Aye.

Mayor Leffingwell: Aye. Opposed Say No. Carries On A Vote Of 7 0. So Now We Will Take Up Items 56 And 57 As Discussion Postponement Items, And I Believe Council Member Spelman Is Recused On Both Of Those Items. So We Have We Have Three People Who Are Signed Up To Speak. Is There Someone To Represent The Applicant To Talk About The Merits Of The Postponement And Talk On Behalf Of The Neighborhood About

The Applicants Representing Vincent Gerard Is Here To Speak About His Postponement Request.

Thank You, Mr. Mayor And Council. My Name Is Vince With Vince And Gerard. Requesting A Postponement. This Is Our First One, To Allow The Owners To Travel To Be Here On November 18, They'Re From Out Of State. We Appreciate Your Consideration.

Mayor Leffingwell: Is There Some Reason You Can'T Do It On The Next Meeting, November 4?

We Talked About That With Them. That Works Really Well For The November 18 Meeting, For Their Schedule.

Mayor Leffingwell: Okay. Thank You.

Thank You.

Mayor Leffingwell: Now We'LI Hear From A Representative Of The Neighborhood.

Good Afternoon, My Name Is Mary Engel And I'M The Co Chair Of Canpack As Well As Representative Of North University Neighborhood. I Spoke With Steven Tomlinson Today, Who Is The Chair Of Our Development Review Team, As Well As Lawrence Miller, The President, And We Are Opposed To This Postponement Just Because This Process Has Been Going On For Two Years. The Applicant Has Made No Attempt Or The Owner Has Made No Attempt To Come To Austin From San Francisco To Talk With Us. I Don'T Know What There Is To Talk About. We'Ve Been In Email Communication Recently As Well As Phone Conversation, So I Realize You Do Usually Give A Postponement, A First Postponement At Council Meetings, But I'M Just Here To Speak In Opposition, Especially To The Three Weeks. Thank You.

Mayor Leffingwell: Council Member Shade.

Shade: I've Been Following This Case, Ron. I'M Curious, Sir, If You Can Come Back I'D Like To Get More Information About You Know, When The Owner Has Been In Town, What Discussions Have Ensued, In The Past, If This Has Been Heard At Planning Commission, Were They Here For That?

No, Ma'Am, No.

And You'Re Advising Them That They Need To Be Here?

I Am. This Is A Very Difficult Case, So I'D Rather Them Be Here, Present.

Have They Ever Been In Town On This Case?

Not Not On This Zoning Case, No, Ma'Am. They'Ve

And How Long Has This Zoning Case Been In The Pipeline?

The The Pipeline For The Zoning Case Has Been Greg

Guernsey: The Zoning Case Was Filed This Year. However, They Had A Plan Amendment That Had A Limited Window Of Time, So That Was Filed Last Year.

... Which The City Contends Is Not A Lawful Use On This Property.

Shade: How Long Have These Owners Owned This Property?

A Little Over Two Years.

Mayor Leffingwell: Councilmember Morrison.

Morrison:, Greg, Can You Tell Me, Is There A Valid Petition On This Case?

I'M Not Aware Of A Petition Being Filed, Maybe One Circulated By The Neighbors. I Don'T Believe It'S Been Submitted To The City. If Mary Is Still Here.

Morrison: Mary Is Still Here And Actually --

I Don'T Think We'Ve Received A Petition. I Think There May Have Been A Discussion Of One, But I'M Not Aware Of --

Morrison: Can I Ask Mary, Can You Speak To That, And Have You Spoken Yet About The Postponement? Oh, You Have. Sorry. There'S Not A Valid Petition On This?

There'S Not One Submitted At This Point.

Morrison: Is There One That Is In The Works? Well, You Don'T Have To Share That With Me, But -- Thank You.

Mayor Leffingwell: Further Discussion? I Have One Question For The Applicant. Have You Gotten Other Postponements, Planning Commission And Other Venues Before You Came To Council On This?

No, I Think Staff Had A Postponement Request For Planning Commission. So We Haven'T Asked For One.

Mayor Leffingwell: Is There Your First Request Throughout The Entire Process?

Correct.

Mayor Leffingwell: Is There Any Reason You Can Tell Me Of Right Now Why You Couldn'T -- Why We Couldn'T Hear This Case On November 4th?

The Scheduling For The Owners. I Really Think It'S Important For Them To Be Here And Be Included In The Dialogue Of This Case.

Mayor Leffingwell: So What Is The Scheduling Problem?

I'M Sorry?

Mayor Leffingwell: What Is The Scheduling Problem?

Well, Mr. Mitchell And His Wife Just Had A Baby This Week, It'S Their First, So They Are Trying To Get That Set Up And For Him To Come Out Would Be Better In About Three Weeks.

Mayor Leffingwell: Okay.

Mayor?

Mayor Leffingwell: Mayor Pro-Tem.

Martinez: Thank You, Mayor. I'M Going To Make A Motion To Go Ahead And Postpone This. It'S Custom Marry, Not In Any Way Indicative Of Our Position On This Case, But I Will Tell You That My Position Is So Far Against, But I Will Go For The Postponement Just Because It Is Their First Request And We Always Grant Either Side A Request To Postpone.

Mayor Leffingwell: Postponement Until November 18th? Motion By The Mayor Pro-Tem.

Cole: I'LI Second, Mayor, Under The Same Rationale, Simply That We Need To Be Consistent With Our Policies And I Agree With The Mayor Pro-Tem About That Consistency.

Mayor Leffingwell: Seconded By Councilmember Cole. And I'll Just Say That I'll Be Supporting The Motion To Postpone Only Because It Is A Long-Standing Tradition And Sort Of Quasi Agreement With The Citizens That We Do This, But I Agree With My Colleagues That It's Very Unlikely That I'll Be Supporting This Motion On November 18th. Further Discussion? All In Favor Say Aye.

Aye.

Mayor Leffingwell: Posed Say No. Passes On A Vote Of 6-0 With Councilmember Spelman Off The Diaz.

Thank You, Mayor And Council. That Brings Us To Item Number 61, Case C14-2010-0118. This Is For A Property Located At 1901 South Lamar Boulevard. It's A Rezoning To A Commercial Liquor Sale District Or Cs-1 For A Tract Of Land That's About 11,500 Square Feet. The Property Was Previously Used As An Auto Prepare Or Auto Inspection Facility And The Applicant Would Like To Use The Property In The Future For A Proposed Cocktail Lounge. A Cocktail Lounge Would Require A Conditional Use Permit And That Would Require Site Plan Approval By The Planning Commission Before This Could Be Considered For A Cocktail Lounge Use. If An Agreed Party, Either The Applicant Or Just A Party In The Surrounding Area Objects To The Decision Made By The Commission It Could Be Appealed To This Body And Council. The Local Neighborhood Has Taken A Position Not To Support The Rezoning Request. However, It Is Recommended By Staff And Was Recommended By The Planning Commission For Cs-1 On A 9-0 Vote With The Applicant Should -- Of A Conditional Use Permit Not To Seek An Outdoor Music Venue For This Site. The Site Is Zoned Cs. Properties To The North Restaurant, At Toe Repair, To The South Office And Zoned Cs. To The East Is Also Cs And Sf-6, Which Are Warehousing And Apartments And To The West An Auto Repair. The Property As Developed Has About 1425 Square Feet Of Building. If It Were To Be Converted To A Cocktail Lounge Use, It Would Require 11 To 12 Parking Spaces Depending On How The Building Is Finally Redeveloped. The Applicant Does Have A Presentation And There Are Members Here From The Neighborhood Association That Are In Opposition To This Request. If You Have Any Questions, I'll Be Happy To Answer Them At This Time.

Mayor Leffingwell: Questions For Staff? In That Case We'll Go To The Applicant. I Assume That's Kareem Hajjar. You Have Several People Donating Time. Is William In The Chamber? Okay. Natalie Stone? Natalie Stone Is Not In The Chamber. John Flynn? John Flynn Is Here. Tatum Smith. Tatum Smith. Okay. So You Will Have 14 Minutes Should You Need It.

Let's Hope That I Don't. Welcome To 1901 South Lamar? Thank You For This Opportunity To Try To Transform This Parcel Of Property To This. The City Of Austin Has Long Been A Proponent For Pedestrian And Bicycle Transportation, And As We Approach That Tipping Point And We Are Seeing Businesses Adopt The Neighborhood Centric Model Of Operation, It's Essential For The City To Also Adopt It And Allow Those Businesses Who Do Want To Operate A Business Plan Responsibly Within The Bounds Of A Residential Neighborhood To Do So So That We Can Have The Social Hubs That We Have Been Listening To -- Or Hearing About In The Past. Crossroads Is One Of Those Venues. It's A Traditional Neighborhood Bar At The Corner Of Maries Street And Lamar. It Would Have Bike Racks. It Would Encourage Pedestrians From The East As Opposed To The West To Walk Without Having To Cross Lamar. As We Heard, It Is Zoned Cs Currently And Is Surrounded By Cs In All Directions With An

Apartment Immediately To The South And One Sf-6 Also To The South And East. The Objections To This Particular Zoning Case Are Puzzling Because Of The Similarities Between Cs And Cs-1. The Parking Requirements Are The Same. The Hours Of Operation Are The Same. Both Allow Live Outdoor Music, Both Allow An Outdoor Patio, Both Allow The Sale Of Mixed Beverages. So Why Do We Request Cs-1 If We Could Stay With Cs. The Answer Is We Have Six Restaurants Within A Block Of Us. We Do Have Austin'S Pizza Zone And Other Austin Establishments Around This Area. It'S More Cost Effective To Outsource The Food. Austin Patrons Have Become Much More Demanding Than Patrons Of Old And Food Is Now Almost A Necessary Component Of A Cocktail Lounge. So The Anticipation Is That Food Will Be Provided, It Just Wouldn'T Have To Be 51% Of Food Sales. Our Firm Represents In Excess Of 140 Other Bars And Restaurants Around The City And Every Time We Discuss A New Project With A Client We Look At The Big Five. Noise, Live Outdoor Music, Parking, Lighting, Security, All -- All Are Issues That Can Cause Heartache With The Residents And Other Neighborhoods Around You. As Pertains To Noise, The Orientation Of This Property Faces East. The Multi-Family And Single-Family Are -- I'M Sorry, This Property Faces West And The Multi-Family And Single-Family Are To The East. Having Done The Rezoning For Gibson Street, Channel 6 With The City Of Austin'S Cooperation Pumped 120 Decibels Inside What Is Now The Gibson Street Bar And Other Than Rattle Out A Few Windows, Everything On The Property Line Was Still Crickets And Quiet And Dent Affect The Recording Studio That Was Immediately On The Other Side Of The Property Line. So Having A Cinder Block Wall In This Particular Case Seems To Be A Very Adequate Buffer. Not Because Of Any Demands, And It'S Something We Have Set From The Get Go, There Will Be No Live Out Door Music, Period. The Intention Upon Approval Is To File A Public Restrictive Covenant To Allow Anyone To Enforce It, Not Just City Staff, Not Just A Noise Ordinance, But Anyone Should Live Outdoor Music Be Played There. This Particular Location Is Also About 50 Yards From The Infamous Freight Rail That Runs Right Through The Middle Of The City. The Federal Railroad Administration Requires That The Conductors Blow Their Horns Three Times Between 96 And 110 Decibels. Every Time. 50 Times A Day, 110 Decibels. By Comparison, This Is A Jet Engine. So The People Who Have Chosen To Live In Those Single-Family Homes And Multi-Family Have A Jet Engine Outside Of Their Windows 50 Times A Day. By Comparison, We Don'T -- We Don'T Anticipate Having Any Live Outdoor Music Which We Will Prohibit And Having Only Ambient Patio Music. This Site Is Also Fully Parked. There Will Be No Variances Requested On This Site In Any Way, Shape Or Form Including Parking, Period. In Addition, There Are A Number Of Curb Cuts That Will Need To Be Rebuilt, And This Will Now Prohibit Cars From Cutting Through This Particular Corner And By Passing The Light At Heather Street And South Lamar. Further, Austin Pizza Is Located Immediately To The North And We'Ve Been Exploring Leasing Their Parking On An After Hours Basis Which Would Provide 30 Additional Spots Between 11:00 And 2:00 Which Is Austin Pizza'S Closing Time. In Addition, Austin'S Pizza And Crossroads Have Begun A Discussion To Create A House Account Where A Patron Could Order Food And That Food Appear On Your Crossroads Bill So The Disjointed Nature Of Some Of The Trailers And Cocktail Lounges Wouldn'T Exist Here As You Would Have The Feeling Of Food As An Active Component Of This Establishment. Lighting Is A Nonissue. My Client, The Applicant And -- I'M Sorry, The Applicant Does Not Live In The Neighborhood. The Operator Of This Establishment Lives Two Blocks Away. This Is A Real Issue For Him. The Dark Sky Initiative Is A Big Deal. There Will Be No Lighting So That The Light Doesn'T Exceed The Property Lines. Finally, Part Of Operating A Commercial Establishment Inside A Neighborhood Is You Need To Be A Good Neighbor. Part Of The Job Description Of Bus Boys Will Be To Run From South Lamar To The Railroad Track Picking Up Litter Whose Ever It

May Be. All Bartenders Will Be Tabc Certified, Always Door Man During Operating Hours. If The City Is So Inclined, My Complaints Have Begun Exploring Putting Trees On The Patio During The Western Sunset. I Just Wand To Show You The Property That We'Re Talking About From Different Angles So We Can See What It Looks Like Today And What It'S Going To Look Like. This Is A Beautification Of What Is Now An Eyesore In South Austin. The User Is Going To Invest Had In The Neighborhood Of Half A Million Dollars To Rehabilitate This Parcel Of Property. This Is Something That Would Bring This Particular Property Back Into Commerce. Eve Actively Mitigated Parking Noise, Security, Lighting, And We Prohibited Outdoor Music. We Are Collaborating With Neighbors To Encourage Commerce In South Austin And We'Ve Had Support By City Staff And We Were Also Given A 9-0 Approval By The Planning Commission. I Hope That You Will Also Support This Particular Zoning Change So That Crossroads May Proceed. Thank You Very Much.

Mayor Leffingwell: So As I Understand It, The Only Difference This Zoning Request Makes To You Is That You Don'T Have To Sell 50% Food, 50% Of Your Revenue Doesn'T Have To Be From Food If You Get The Cs-1.

That There Is One Additional And That Regards Decibel Levels At The Property Line. Councilmember Morrison Will Be Able To Comment Off The Top Of Her Head. I Believe It'S # 5 For A Cocktail Lounge And It Is 65, 70 For A Restaurant. The Applicant Has No Problems Including That Same Restriction Because The Music Intended To Be Played On The Patio Will Be A Speaker About Yay Big And It'S Supposed To Be Ambient. The Suspension Is Just Provide Music For People To Sit On The Patio And Not Blare It Out. This Isn'T The Kind Of Place That Needs To Be.

Mayor Leffingwell: You Will Be Willing To Include That Additional Where Noise Would Be Limited To 65 Db At The Property Line?

Yes.

Mayor Leffingwell: Councilmember Spelman.

Spelman: I Would Like To Congratulate You On A Very Well Laid Out Presentation. I Just Wanted To Ask, Is That Big Five An Invention Of Yours Or A Term Of Art In The Industry?

It Is An Invention Of Mine, But Admittedly It Came From The Progression Of A Negotiation We Did With Zilker And Bolin When We Rezoned Gibson Street Because Those Are All Issues And Other Establishments The Same Issues Keep Coming And A Big Issue.

Spelman: The Big Five, As You Probably Know, Are The Big Animals You Find In South Africa When You Are On Safari And Noise And Lighting And Outdoor Music Look A Whole On Lot Like Rhinos And Elephants From Where We Sit.

They Are.

Mayor Leffingwell: I Remember That From My Last Safari. Councilmember Morrison.

Morrison: Thanks, Kareem. I Have One Question. You Mentioned Public Restrictive Covenant That Anyone Can Enforce. When We Talk About A Public Restrictive Covenant, We'Re Usually Talking About One Signed Between The Property Owner And The City That'S In Our City Documents Or There'S Also What I Know As Private Restrictive Covenant Filed At The Courthouse. Which Are You Talking About?

By Example, For Instance, Tarrytown Has A Number Of Old Restrictive Covenants That Were Unilaterally Filed By The Developer --

Morrison: So Private. The Answer Is Private.

But It Wouldn'T Be Between Any Two Individuals, It Would Be Between The Property Owner And The Public. So Anyone Could Come In And Sue Underneath It To Enjoin The Activity.

Morrison: I Just Wanted To Clarify, It'S Not Something That The City Is Entering Into.

Correct.

Mayor Leffingwell: It'S Actually A Private --

Morrison: It Is A Private.

Mayor Leffingwell: Further Questions Of The Applicant.

Morrison: I Guess It'S A Private-Public Restrictive Covenant.

Mayor Leffingwell: Okay. Thank You. We'Li Go To Those In Opposition. Beginning With Lorraine Heatherton. Welcome. You Have Three Minutes.

Hello, Lorraine Atherton With Zilker Neighborhood Association. I'D Like To Thank You All For Postponing This For A Month So That We Could Meet With Our Neighborhood And Reopen Our Discussions Of Corridor Planning In General On South Lamar. It Has Really Helped A Lot. I'Ve Sent You An Email, All Emails Earlier Today. The Highlights Are That The Neighbors' Response To Our Request For Guidelines Redevelopment On South Lamar Was Overwhelming In Its Recognition That We Don'T Need More Bars, We Don'T Need More -- Especially More Cs-1 Type Bars. And That The Proliferation Of These -- These Businesses That Are Released From The Restrictions Of Restaurants Providing Kitchens And So Forth Allow Them To Compete With Established Businesses, Intensify Traffic And Parking Problems For Both Residents And Businesses, And Especially They Eliminate Many Of The Opportunities For Housing And Small Retail Businesses That We Have Been Trying To Encourage In Our Vertical Mixed Use And Other Plans. So As A Result, The Cna Membership Voted On Monday To Oppose The Rezoning To Cs-1 Of Any Properties Within 1,000 Feet Of An Existing Cs-1 Property. There Are Already Two Cs-1 Properties Right Across The Street From This Location So Cna Can'T Support This Rezoning Request. My Attachments Includes A Detailed Argument Against The Rezoning Based Just On The History Of

Planning And Zoning Decisions For This Immediate Area. In 2004, I Believe, The Zoning And Platting Commission Actually Recommended That This Entire Block Along Evergreen Be Down Zoned To General Retail Mixed Use. And We Think That Was A Really Good Plan. There'S Also An Outline Of The Factors That Cna Would Continue If We Tried To Continue To Engage The Milk Can'T In Site Plan Negotiations As Suggested By Approximate Planning Commission. If You -- Those Are Actually Laid Out -- -- In The Big Five, Broken Down In The Big Five And I Would Be Happy To Answer Any Questions About That.

Mayor Leffingwell: Any Questions For Ms. Atherton? Thank You, Lorraine. Next Speaker Is Bill Neal. Bill, You Have Three Minutes.

Thank You, I'M Bill Neal With The Zilker Neighborhood Association. I Live On Kinney Avenue, And A Few Years Ago The Property Adjacent To The One Talking About Today Was Playing Live Music Without A Permit, Austin Pizza. And I Don'T Know What The Decibel Level Was, But I Could Hear It Inside My House On Kinney Avenue. And When It Comes To Mitigating Sound, There'S Really -- The Proposal Is To Point The Speakers In The Westward Direction. And When You Think About Where Lamar Is, It'S Starting To Curve To The West So The Southeast Wind, Southeast Breeze Is Going To Carry That Sound Across A Huge Parking Lot Where Caliber Collision Repair Is, Past Some Metal Buildings, Or Else Go Through A Church Giant Field On Kinney Avenue, Formerly The Baptist Church She Now It'S Just A Christian Church. So -- And I Can Tell You That Having Been On The Deck, I Can Hear The Live Music Across The Street In Some Of Those Venues. It'S Surprising How Loud 70 Decibels Sound. It'S Actually Quite Loud. Standing In The Alidia Parking Lot, The Restaurant At Lamar And Oltorf, The Sound From Opas Is Actually Quite Loud. So That'S Something To Consider, That If You Approve The Cs-1, You Are Going To Be Allowing Sound To Be Carried Across An Area That Arguably Amplifies The Sound. The Concession To Not Play As An Outdoor Music Venue Is Not Much Of A Concession Because As Of A Cocktail Lounge They Can Get 85 Decibels Approved. From What I'Ve Seen From The Planning And Development Review Department That Is Pretty Much A Done Deal. You Submit Your Application And Unfortunately A Lot Of Factors That The Code Requires Consideration Of They Just Don'T Seem To Have Much Traction For Whatever Reason. Also I Have A Question About This Covenant With The Public. From A Legal Standpoint, I Mean Is This Revocable? Some Of You Said At The End That It Was A Private Covenant. Well, It'S Not. And Kareem Did Not Correct That Misstatement. I'M Just Very, Very Vague On How Much Enforceability This Thing Would Have. And We'Re Talking About Music. It'S Kind Of A Subjective Thing. I Mean How Do You -- We Would Have To Go To Court At Our Expense, And I Guess I'M Running Out Of Time. I Want To Just Talk About The Train. The Implications If You Live Next To A Train Track You Are Okay Worry Kinds Of Loud Music. I Can Hear The Train At Night, But It'S Just A Very Different Type Of Sound Than Bass And Drums Inside Your House. Also This 50 Times A Day -- - At Work During The Day. I'M Here On My Work Time.

Mayor Leffingwell: And That Was Your Time.

Thank You. Any Questions?

Mayor Leffingwell: Well, I Would Like For This To Be Clarified, The Covenant, The Public Refers To Government Involvement. But A Private Covenant, That Means It'S Between Private Individuals And The Property Owner. Public Covenant, Then The City Gets Involved Also So I'M Still Not Sure Exactly What We'Re Talking About. We Intend To Resolve That. The Other Thing Is I Hi You Heard The Applicant Say That He Was Willing To Use Cs Noise Limitations, And I'M Going To Wonder If That Can Be Incorporated As A Co Instead Of A Covenant. I'LI Ask That Question.

Thank You.

Mayor Leffingwell: Now Three Minutes For Rebuttal.

Thank You Very Much. If It Makes Is Zilker Neighborhood Association Feel Better, We Can Just Limit The Restrictive Covenant To Only Be With Them. I Thought It Would Be Wiseer To Let Anybody Sue Us If We Violated, But If They Want To Just Be The Only Ones That Can Do It, Fine. We'LI Just Let Them Be The Only People That Can Sue Us.

Mayor Leffingwell: Well, Let Me Just Say This. Regarding A Private Restrictive Covenant, We'Re Not A Party To That, It Can'T Be A Condition Of Our Approval Or Disapproval. Public Restrictive Covenant Is Different.

I Guess My Only Response Is If This Vote Is Contingent Upon This Restrictive Covenant That Is Going To Be Used To Limit Some Of The Uses On The Property, And The Neighborhood'S Concern Is That They Question Is Enforceability Of The Document Because They Feel Like -- Because They Question The Serras Times A Day Of The Document -- The Veracity Of The Document Which A Purely Private Restrictive Covenant With Zilker. And The Reason We Went Away From That We Didn'T Only Want To Give The Zilker Neighborhood The Right To Sue Us, We Wanted To Give Anyone The Right To Sue Us If We Were Violating That Because The Intention Is Not To Play Outdoor Music. If This Is Causing The Zilker Neighborhood Association Heartburn, We'LI Just Do What They Want. As It Pertains To -- I'M Done.

Mayor Leffingwell: Thank You. I Had A Question For Mr. Guernsey. Would It Be Possible To Incorporate Cs Noise Limitation Into The Cs-1 Zoning As A Co?

Cs Doesn'T Have A Noise Limitation. If You Are Asking We Could Do A Public Restrictive Covenant Enforceable By The City To Limit A Decibel Level If That'S Your Intent. That Could Be Done Through A Public Covenant. Mr. Hajjar'S Client Would Have To Agree, But If That'S What You Are --

Mayor Leffingwell: I Thought I Heard Him Say If It Was Zoned Cs --

If It Was Used As A Restaurant, You Are Limited To 70 Decibels. If You Are Using The Cocktail Lounge, You Are Allowed Up To 85. And So -- But That'S Not Necessarily In The Zoning Ordinance By Way Of A Cocktail Lounge. There Is A Reference To Decibels In The Zoning Regulations, But If There'S A Desire To Do That We Could Do A Public Restrictive Covenant.

Mayor Leffingwell: Why Couldn'T You Do A Co Instead?

I Would Probably Talk To Law About That. We Could Pursue That For First Reading If You Want To Go Forward Today And We'Li Talk To Law And See If We Could Do It By Covenant Or Co Restrictive Covenant.

Mayor Leffingwell: Thanks, Greg. Anything Else For Staff? So Discussion Or Action? On This Item. Councilmember Spelman.

Spelman: I'M Given To Understand We'Ve Got Two Issues With The Noise. One Of Them Is Whether Or Not The Neighborhood Enforce 70 Decibels Or Any Other Decibel Level Or Whether That Could Only Be Done By The City. And I'D Like Greg Or Legal Counsel Which Of The Variable -- Which Of The Instruments Available To Us Would Be .

By The Neighborhood?

Spelman: If Somebody Is Walking Past The Street And Hears 85 Decibels Coming Out Of This Play, Which -- What Instrument Would Make It Easiest For Them To Get Them To Turn It Down?

Probably To Call Code Compliance And They Would Get A.P.D. To Go Out And Have A Decibel Level And Check It. It Would Probably Be More Easy For Them To Make That Phone Call Than To Have Someone From The Neighborhood Association Come Out With A Meter And Then Keep A Logbook And Take Them To Court Via The Covenant. I Would Imagine Making The Call To 311 Would Be Easier.

Spelman: Making This A Public Restrictive Covenant And It Could Not Be Conditional Overlay Because -- .

We'Li Check With Law. I Would Say It Would Probably Be In A Restrictive Covenant Be An Appropriate Place For That. I Think That'S Been Done Before On Some Other Bars That Are In The Downtown Area. But We Can Work With Law If That'S Your Desire To Approve This On First Reading Today, Whatever Mechanism We Could Bring That Back With Restrictive Covenant That Would Administer To Mr. Hajjar Or We Would Put That Into Ordinance.

Mayor Leffingwell: Councilmember, If I Can Comment On That.

Spelman: Please.

Mayor Leffingwell: To Me, It Would Be Much More Advantageous To The Neighborhood To Have A Public Restrictive Covenant Because Then They Could -- Like Any Violation Of The Law, They Could Simply Call The City And Say Somebody Is Violating The Law Here And It Would Be The City'S Financial And Enforcement Responsibility. A Private Covenant It Would Be Their Responsibility To Go Out And Get A Lawyer And Enforce That. I Just Think It Would Be Better For The Neighborhood To Have A Public Covenant.

Spelman: They Would Also Have To Find Some Way Of Proving That The Decibels Are Over 70 And That Would Mean Somebody Would Have To Have A Decibel Meter And So On. I've Got Another Issue. That Makes Good Sense To Me. That'S The Issue Of Reversibility. If There Is A Public Restrictive Covenant That We Sign And The Owner Signs, Then Could That Not Be Changed By Some Future City Council At Any Time?

Yes. A Public Restrictive Covenant With Zoning Could Be Altered In The Future By Other City Councils. Usually Our Covenants Are Written So They Run With The Land, So Even If Mr. Hajjar'S Client Decides To Sell The Property To Somebody Else, Then That Covenant Would Remain In Place Because It Would Run With The Land. So It'S Not So Much An Issue Of Staying In Place Whether Is Bar Is Under The Same Ownership, Management In The Future, It'S More Of If There'S A Desire -- The Property Owner Can Come Forward And Ask To Amend The Covenant, City Council Could Also Amend The Covenant Because They Would Be The Two Parties That Are Involved, The City And The Owner.

Spelman: If, On The Other Hand, The Owner Were To Engage In A Private Restrictive Covenant With, For Example, The Zilker Neighborhood, Then That Restrictive Covenant Could Only Be Changed With The Acquiescence Or Agreement Of The Neighborhood, The Other Party To The Restrictive Covenant And Wouldn'T Have To Involve Us.

That'S Correct, And We Would Not Be A Party To It So We Could Not Alter That Arrangement.

Spelman: Seems To Me There'S A Little Conflict Here Between What Is Going To Be Easily Enforceable And Easily Reversible. From The Neighborhood'S Point Of View Easier To Enforce Is Also Something We Could Reverse On A 4-3 Vote With Very Little Notice. If They Wanted To Maintain The Ability To Hold That Restrictive Covenant To Their Own Authority, Then It Would Be More Difficult For Them To Enforce It. Is There A Way We Can Get The Best Of Both Worlds Where The Neighborhood Could Have A Measure Of Certainty That The City Council Would Not On Its Own Volition Reverse It; At The Same Time, The City Would Be In A Position To Enforce It.

You Could Ask The Applicant If They Would Agree To Enter Into Two Covenants, One Public One Private, And You One Would Be With Zilker And One With The City. Each Would Be Independent Of The Other And Each Could Be Enforced.

Spelman: Would You Be Willing To Do That? I Don'T Know What The Time, Trouble And Cost Associated Would Be Having Two, But I Figure If You Have One, You May As Well Get Three.

For Efficiency, It Could Be A Three-Party Agreement.

Spelman: We Could Do That.

I Probably Want To Talk To Law A Little About That. I Mean Usually Our Agreements Are Made With The Property Owner And Do Not Involve A Third Party.

Prefer To Do One Versus Another. We'Re Talking About 15 Decibels Here.

Spelman: It'S Only The Last 15 Decibels That Really Hurt You. No Matter Where You Are On The Scale.

Mayor Leffingwell: That'S Logo Rhythmic. Probably Much Louder.

I Feel Like A Public Restrictive Covenant Would End Up Being Easier To Put Together And It Would Be Much Easier To Certainly Get To Terms On. I Find If We Craft The Document With The Right Verbiage And Set The Burden Such That The Intent Is Written So That -- So That The Intent Is Clear Behind The Document, It Would Take A Pretty Phenominal Circumstance For City Councilmembers To Go Back And Say We Were Just Kidding And Remove It. So I Would Prefer To Do A Public Restrictive Covenant Just Because I Know We Can Do That On A Faster Timetable. And Go Through Another Long Negotiation With Zilker. I Would Rather Do It With Greg And Let My Clients Start The Buildout There On The Lease.

Spelman: Thanks.

Mayor Leffingwell: Anything Else? Is There A Motion On This Item? Well, That Depends On What The Motion Is. If There Are Additional Changes, It Would Be First Reading Only. Councilmember Spelman.

Spelman: I Move Approval On First Reading Subject To The Development Of The Restrictive Covenant Restricting Noise Levels To 70 Decibels.

Mayor Leffingwell: Councilmember Spelman Moves To Close The Public Hearing And Develop For Second And Third Reading A Public Restrictive Covenant Limiting The Noise Level To 70 Db. Is That Correct, Councilmember? Is There A Second To That Motion? Seconded By Councilmember Shade. Further Discussion? Councilmember Morrison.

Morrison: I'M Not Going To Be Able To Support This Motion. Beyond The Problematic Issues With Being Able -- With Council On Four Votes, That'S All It Takes To Rescind A Public Restrictive Covenant, And It Happens. There'S Plenty Of Record Of That Happening. I'M Also Quite Concerned About The Issue Of Mix Of Uses. And I Appreciate The Zilker Neighborhood Association Raising The Issue Of Sort Of The Density Of Cs-1 Zoning And Coming Up With A Guideline And A Recommendation That There Be No More Than One Within 1,000 Feet Because I Think That We Have Plenty Of Examples In The City Where Areas Have Very Quickly Turned Into Entertainment Districts And That Is Not A Mix Of Uses. And While Entertainment Is Great And Bars Are Great, It'S -- There Is A Propensity In This Town Because It'S Such -- There'S Just Sort Of Appears To Me An Unsatiated Demand And I Think This Area Could Be In Danger Of Changing Into Something That'S Really Single Use, And That Means No Daytime Vibrancy And That'S Not What Our Vision Is For That Corridor. With That, I Won'T Be Able To Support The Motion.

Mayor Leffingwell: Further Comments? All In Favor Of The Motion Say Aye.

Aye.

Mayor Leffingwell: Opposed Say No. That Passes On A Vote Of 6-1 First Reading Only.

Thank You Mayor And Council. That Concludes The Zoning Items For Today.

Mayor Leffingwell: Without Objection, Council, Those Are All Of Our Zoning Items So We Stand In Recess Until 4:00.

Mayor Leffingwell: Council, We Are Out Of Recess And We'll Begin Our Public Hearings And Possible Actions With Item 74.

Mayor And Council, Item Number 74 Is Conduct A Public Hearing And Consider Appeal By Albert Stowell Regarding The Decision To Renew Outdoor Music Venue For Permit For The Alan House, 1104 San Antonio Street. I've Been In Discussions With Both Parties. The Appellant Has Asked For A Postponement. The Property Owner Agrees. The Owner Of The Property Alan House Has Agreed To Acquire Some Sound Mitigation Material That Will Hopefully Dissipate Some Of The Impact On To The . We're Negotiating That Right Now And Will Continue To Do So So Staff Certainly Supports The Postponement Request By The Appellant And The Property Owner Does Not Disagree So We Would After This As Consent Postponement To December 16th.

Mayor Leffingwell: Is There A Motion To Postpone Item 74 Till December 16? Mayor Pro-Tem Moves To Do That To Postpone Until December 16, Seconded By Councilmember Spelman. Discussion? All In Favor Say Aye.

Aye.

Mayor Leffingwell: Opposed Say No. That Passes On A Vote Of 7-0. Item 73.

Thank You. Good Afternoon. Austin Energy Has Three Tariff Amendments In Front Of You Today. The First Two Are Fairly Minor Technical Corrections And I'll Just Go Through Those Briefly. The First One Is The Independent School District Time Of Use Rate. There Is Currently A Requirement In The Tariff For A Written Contract, However There'S Really No Need For That Contract And We Are Just Proposing To Eliminate That Requirement. The Second Tariff Is The Coincident Load Special Contract Rider. That Is A Ride Their Gives A More Favorable Rate To Customers, To Large Customers Who Have A Sharp Peak That Falls Within The Wee Hours Of The Morning So They Are Off Our Peak Hours. Right Now It Only Allows General Service Demand Customers To Participate And Includes Primary Customers, Those Receiving Services At A Primary Level. The Last Tariff Is The Low-Income Residential Rate. Back In 2004 City Council Pegged That Rate To The Green Choice Rate Of 1.7 Cents. And That Batch Is Due To Expire In March Of Next Year. As The Austin Energy Rate Review Has Been Pushed Back There'S Going To Be A Gap Between Next March And The -- So We'Re Proposing To Eliminate The Reference To The Batch One And Fix The Rate At The Current .17 Cents.

Mayor Leffingwell: Thank You. Yes, Sir Of Staff? -- Questions Of Staff? There Are No Citizens Signed Up To Speak So I Will Entertain A Motion On Item 73 To Close The Public Hearing And Amend The Rate

Schedule. Councilmember Spelman Moves To Close The Public Hearing And Approve Item Number 73 On All Three Readings. Seconded By Councilmember Riley. Further Discussion? All In Favor Say Aye.

Aye.

Mayor Leffingwell: Opposed Say No. Passes On A Vote Of 7-0. Take Up Item Number 75.

Good Afternoon, Mayor And Council. I'M Pat Murphy, Watershed Protection Review Department Or Actually Now The Wastewater Protection Department. Pardon Me. We Are Prepared To Make A Presentation To You This Afternoon On The Proposed Ordinances That Address Bulkheading, Boat Dock And Shoreline Access. And After That We Would Be Available For Questions. The City Attorney'S Office Is Here As Well As Myself And Other Technical Staff If You Have Questions. If That'S To Your Liking, We'LI Have Andrew Give His Presentation Now. Thank You.

Good Afternoon, Council. We'Re Here Today To Present Some Proposed Amendments For Shoreline Modifications And Access And In Layman'S Terms That Boils Down To Bulkheads And Trams. The Problem That'S Been Discussed Over The Past Year, Year And A Half Is That Currently Trams Are Not Specifically Referred To In The Code. There Are Certain Issues Including Accelerated Erosion Of The Slope, Natural And Traditional Character Of The Slope And Potential Impacts Of Cefs Such As Bluffs And Rim Rock, Et Cetera. The Solution We'Ve Identified Is Require In The Code It Have Applicable To Title 25, In Addition To Requiring A Site Plan And Building Permit And To Identify A Way To Maintain The Integrity Of The Hillside Vegetation. Shoreline Modification. When People See That Their Shoreline Is Experienced Erosion, They Naturally Want To Protect It And They Have The Right To Protect Their Property. In The Past It'S Taken Many Different Forms Of How They Choose To Protect Their Shoreline. In Some Cases They Use Bulkheads, Which Is A Wall Or Some Other Type Of Hard Armor To Protect Their Shoreline. Current Code Prohibits The Smooth Vertical Face Of The Bulkhead On The Main Body Of The Lake And Apparently That Has Led To Some Ambiguity And Some -- Leaves A Lot Of Room For Interpretation Of What Is Smooth And For That Matter What Is Vertical. Early In The Process We Tried To Define Vertical And Found That To Be Much More Typical Than You Might Assume. In 2009 To Get A Handle On Exactly How Big A Problem This Is, The City Of Austin Used City Boats And A Gps And Documented How Much Of The Shoreline Is Currently Walled Off With These Vertical Bulkheads And How Much Is Still Natural And How Much Uses Kind Of A Nonvertical Approach, A Rip Rap Or Just Uses The Natural Plants Or Trees Or Shoreline Is Just Fine As It Is. As You Can See, Approximately Half Is Vertically Bulkheaded. There Have Been Several Permits Over The Last Year Since This Is Done So It'S Probably Upwards Of 50%. So What Is The Problem With This? My Father, I Love Him, He Asked Me What'S Wrong With The Bulkhead? He'S A Naturalist And Biologist And I Showed Him The Literature Review That We Did And It Became Clear To Him The Person On The Street When You Try To Explain It But It Takes A Little While And I'LI Try To Go Through This Quickly. The Primary Problem As Was Foreseen Years Ago When They Put In The Code To Prohibit Smooth Vertical Was Primarily Wave Reflection. As You Can See In The Animation, As The Wave Comes In On A Graded Slope, The Wave Expend Its Energy Fighting Gravity Up The Slope. As The Wave Hits A Vertical Surface That Is Outward And Downward. This Is Not Something We Felt The Need To Quantify. This Is Something That The Corps Of Engineers And Other Federal Agencies All Have Well Documented. The Problem Where The Wave

Rebounding Outward, Of Course, Is Increased Wave Action And Erosion On Other Shorelines In Addition To Making A Very Wave Action Prone Lake For Recreation. In Addition, That Downward Component Of The Wave Force Erodes The Soft Bottom Sediment. And Oftentimes It Leads To The Undermining Of The Bulkhead That'S There, The Tow, As They Say, The Bottom Of The Bank Gets Drilled By This Washing Machine Effect And Oftentimes Leads To The Rotation Of The Bulkhead Or Catastrophic Failure Of The Bulkhead. From An Ecological Standpoint This Is Also Bad Because The Soft Is Where The Mussels And The Fish, They Are Safe From Predators Up In The Shallow Area So It'S Very Important Ecological. It'S The Lungs And The Nursery Of The Lake. In Addition There Are Water Quality Impacts Identified By Other Federal Agencies Including Increased Turbidity Because It Maintains That Suspended Solids. The Solution Here, Well, We Need To Clarify The Prohibition Of Vertical Surfaces. If The Code Prohibits Them, But We Need Clarification. We Need To Promote Using Natural Materials Instead Of The Smooth Surfaces Like Metal And Concrete And That Will Help Promote The Natural Characteristics Of The Shore In Addition To Incorporating Vegetation. Just A Quick Recent History, Back In 2005 You May Recall That This Came Up Before And The Lake Austin Advisory Panel And Stakeholders And Friends Of Lake Austin, They Looked Into This Issue. Public Works Worked With Them Or At Least Got Their Input And Public Works Provided Draft Guidelines In Which Very Similar Recommendations Were Made To Have A Component Of A Slope. They Also Provided Other Recommendations, But Primarily Their Main Focus Was Wave Abatement And Stabilization, But Not For Ecological Component And That'S What We'Re Trying To Incorporate Here. In 2009 Parks Board, Environmental Board And Planning Commission Crafted Similar Initiatives To Direct Staff To Do The Same Thing, Prevent Vertical Bulkheads To Clarify Protection And Promote Stable Shorelines With Natural Vegetation. The Code Changes, Lots Of Clerical Issues. I Won'T Go Every Single One. I Know You'Ve Seen The Backup Material. Some Of The Ones That Have Received A Little More Comment Is The Prohibition Of New Boat Ramps. This Is Something Early On That Pard Requested. Pard Doesn'T Request New Boat Ramps So We Wanted To Make It Easier For Them To Enforce Policy. No Vertical Bulkhead, Planning Commission Requested. We Chose 45°. Anything Is More Vertical Than Horizontal. It Is Not A Requirement That The Structure Has To Be 45°. That'S Just The Maximum Steepness, Maximum Slope That They Would Be Able To Use. And Provide Criteria And Materials In The Ecm. Early On The Stakeholders Requested For To Us Give Them Guidelines To Give Them Specs Or Details So We Wanted To Provide A Section To Give As Much Information As They Need And Give Them The Resources They Need To Do This. In Addition To Prohibiting And Capturing Of Land. This Is Consistent With The Lcra Dredge And Fill Standards. They -- They Have On Five Different Pages Of The Dredge And Fill Standards In Bold Letters No Capturing Or Reclamation Of Land Below A Certain Contour, Our Contour 492.8 For Lake Austin. It'S Also Very Consistent With -- Sorry. The General Land Office. For Example, On The Coastal Shorelines, They Understand That Natural Shorelines Move Around, It'S A Dynamic System. And Their Setback For Building Moves With The Shoreline. So As The Shoreline Moves, The Setback Moves. If Your House Happens To Be Now In That Setback, You Are Not Allowed To Rebuild It. It'S Consistent With The Mobile Shoreline. Also In Order To Provide The Other Little Tidbits About Shoreline Access, Trams, To Provide That Vegetation, That Vegetational Cover Both Herbaceous And Maintain Whatever Canopy Is Existing So Storm Flow Will Not Continue To Accelerator Ex Satter Bait The Erosions Of The Slope. We Provided Site Plan Exemptions Which Is We'Re Kind Of Easing Up And Pulling Back On The Requirements By Clearly Stating Where Site Plan Exemptions Would Be Allowed. At This Time It'S Always Been A Debate Whether Or Not They Can Redeck An Illegal Or

Noncomplying Structure Or Can They Replace A Piling Or Pier And When Do They Need Site Plans And Get Exemptions. We'Re Taking Existing Policy Or Stepping Back And Making More Permissive For The Site Plan Exemptions. In Addition The Trams Take A Long Time To Review And They Take A Lot Of Staff Involvement So We Needed To Make Sure They Were Not Lumped In With The Small Project Category. In Addition To The Critical Water Quality Zone, Currently There'S Funny Language In There That May Lead A Person To Believe That The Critical Water Quality Zone On Lake Austin Is Only A Narrow Band Of 75 Feet On The Shoulders Of The Shoreline When In Fact It Was Worded That Way Because You Can'T Use The Center Line As A Starting Point To Measure The Boundaries Because The Center Line Wouldn'T Make Sense If You Go Up To The Sloughs Like The Bull Creek Or Bee Creek Slough Or In Areas Where The Lake Changes Width. So We Wanted To Clarify That The Inundated Areas Were Always Meant To Be Part Of The Critical Water Quality Zone, Consistent With Other Language In The Code That States Structures Such As Boat Docks Are Permissible In The Credit Wall Water Quality Zone. Some Of The Comments That We Received, I Distilled Them Down. We Tried To Address Them As Best We Can. The Public Comments We Get More Frequently Is Access. People Are Worried That The New Requirements, Which Really Just Require The Applicant To Incorporate Vegetation Somehow, It Could Be Submerged, At The Shoreline, Up On The Bank. They Can Choose Where They Want To Landscape This And Put The Plants Where They Want. They Have To Have Some Type Of Slope Incorporated. This Could Involve A Beach Or Involve A Variety Of Different Ways To Do This. Kind Of Left To The Imagination Of The Vision Of The Landowner And Over They'Ve Got -- The Engineer In Some Cases To Construct This For Them. You Can See These Two Examples Are From Seattle. They Are Not From Austin. As You Can See, These Would Be Compliant. They Have 45-Degree Angle Slope And Provide Ample Access To Get To And From The Water. The Ecm Guidance, What A Misspelling. It Was Not Something That I Created. I'M Just The Wetland Biologist. It'S Not Something Our Engineers And The Stream Restoration Team Created. It'S From Federal Authorities, National Authorities, Regional Authorities. We Pulled Together As Much Resources In A Large And Extensive Literature Review And Tried To Find The Common Thread Of Something That Will Work Not Only On A Stream Bank But Also In A Lake And Use Those Same Recommendations They Use On The Coast. As We Know, Some Of The Very Large Boats We Have On Lake Austin Throw Very Large Waves And If The Structure Is Built To Withstand Coastal Waves, Then Surely It Can Withstand A Motor Boat Wave. We Went Through These Recommendations. We Included The Recommendations From -- We Looked Through The Lake Austin Advisory Panel Recommendations And Some Independent Stakeholder And Engineer Recommendations And The Recommendations From Public Works Back In 2005. Each Of Those Were Different In Their Own Way, But The Common Thread At Some Point They All Recommended A Slope. Typically The Best Solution To Attenuate The Waves, Still Provide Some Access And Some Landowner Stability And Provide Ecological Benefits. In Addition To Other States, Other States At The Bottom, You Can See All Over The Nation, Not Just From The North. I Know A Lot Of The Pictures We Have Are From Seattle And Maryland Just Because They Are Kind Of The Leaders Here. But We'Re Not Exactly Forging New Territory. The Southeast Has These Same In Place. Georgia Department Of Natural Resources Sources Is Much More Strict And I Like Theirs But I Didn'T Think We Could Get Away With Something As Strict. Another Comment Is Feasibility. We Can'T Do It On Lake Austin, It Won'T Work. It'S Been Done On Lake Austin, It Exists On Lake Austin And It'S There Now. So I Don'T Think That The Idea That It'S Not A Feasible Thing To Require A Slope Of Various Methods And Materials Would Be Unfeasible At All. Cost. Some Public Comment Has Been Given To The Fear That This Might Cost More. And When You Are

Doing Shoreline Stabilization, Cost Is Highly Dependent On The Scale Of The Project And The Method You Choose. Currently I've Heard That A Typical Installation Of A Sheet Pile Bulkhead Is Approximately \$200 Per Linear Foot. So I Had Our In-House Stream Bank Restoration Engineers Review The Projects They've Done And Try To Identify The Materials And Labor For Similar Projects With A Graded Slope Or Rip Rap Or Boulder Wall Or Mechanically Stabilized Earth, Bank Stabilization Project And They Came Up With Comparable Numbers. I'm Certain You Can Identify The Limousine Version And Councilmember With A Very Large Number For Linear Foot Or Use Enormous Boulders And Make It Appear Very Expensive But None Of Those Are Required. They Are Options But Not Required. You Can Certainly Find Much More Inexpensive Solutions. Available. USA's Permits, The Corps Of Engineers Have Permits For Bank Stabilization, Permit 13. The Comment Has Been That Potentially These Federal Permits Would Be Triggered Or Required Or Be More Extensive. We Have Looked At This Extensively And Done The Calculations As We Don't Find Any Difference In Additional Federal Permits. That These Methods We Are Promoting Can Still Be Done Within And Under The Criteria Of Nationwide Permit 13. Land Capture Is One Of The Items That We're Trying To Maintain With Consistency With LCRA. As You See On The Top Left, The Current Method Is Going Out And Put A Bulkhead And Reclaim That Land Or Filler Or Capture The Land For More Yard. The Alternative Options We Feel Would Not Result In Land Capture Because The Shoreline Itself Where The Water Meets The Land Would Stay The Same. The Rock, Rip Rap Or Boulders Or The Logs Or Whatever Method They Choose To Put In Front Would Have The Ability For Water To Infiltrate And The Shoreline Would Remain The Same. The Actual Structure Would Not Be Land Capture, Only The Backfill Behind It. As Long As That Backfill Is At Or Behind The Shoreline That Wouldn't Be Capturing New Land, It Would Be Bringing It To The Shoreline. Wakes Is A Very Contentious Issue. More And More Lakes Have -- More And More Boats And More And More Skiers And Wake Boarders And Other Recreation Is Occurring Because Our City Is Growing. Large Boats And Plows And Other Wave Extenuating Tools Are Probably Something That Should Be Considered And Looked At And Thought About, But They Are Not The Only Source Of Erosion On The Lake. You Understand The Lake Is A River And Occasionally There Are Velocities. There Are Wind Driven Waves That Can Get Very Large Especially When We Have Fronts Go Through And Removal Of Native Vegetation. If Someone Removes All The Trees And Native Vegetation And Replaces It With St. Augustine Grass. There Are Many Reasons Why There Would Be Erosion. This Code Amendment Is Here To Do What The Planning Commission Initiated Us To Do To Clarify What The Development Practices Are Not So Much The Recreational Use. That Is All The Slides I Have For You At This Time. I've Got Additional Slides If You Have Questions. At This Time I Would Like To Take Any Questions.

Mayor Leffingwell: Questions From Staff, And We Do Have Six People Signed Up To Speak. Okay. Thank You. Craig Burrline. Craig Burrline Is For And You Have Three Minutes.

I May Bring A Different Perspective To This Issue From The Homeowners' Side. I Look At It From The Water Scheme Perspective. When The Lake Has Retaining Walls On Both Sides And One Boat Goes Through The Wakes Hit The Retaining Walls On Both Sides Of The Lake And Not Only Like The Waves Erode The Soil, But The Waves Rebound Across The Lake Running Into Each Other And Creates A Doubling Up Effect. Then The Waves Continue And Hit The Retaining Walls On The Other Side And Rebound Back Through The Other Rebounded Waves And Again Hit The Retaining Walls On The Other Side. This Goes On More Than An Hour. This Also Assumes No Other Boats Go Bigger Than That One. If Other

Boats Go By, This Goes On All Day, Never Quiets Down Until No Boats Go For For At Least An Hour Or More. If You Look At The Sections By Mount~Bonnell And East Shores Restaurant, Waves Rebound All Day, They Never Calm Down And This Is All Because Of Vertical Retaining Walls And They Make It Too Rough For Skiing. The Skiers Resort To Surfing Like Pointed Out Before. When Even Larger Waves Created By Boats Create The Waves. They Surf On These Enlarged Wakes Because The Wakes Too Rough And When Surfing You Don'T Feel The Lake Chop. I'Ve Been Water Skiing Over 52 Years. We Barefoot Water Sky Frontwards, Backwards, One Foot, Hold The Handle In Our Teeth Or With Our Foot. We Scan Competition Slalom Courses. In The Case Of Barefoot Water Skiing, If You Have A Wake That'S A Inch High Or Longer Taller It Goes Over Your Toes And It'S Rough. And The Only Sections Of The Lake That Are Skiable Are The Sections With No Retaining Walls On Either Side Of The Lake Or The Sections With Slanted Retaining Walls Like . He Has The Rock Slanted Walls. And Where There Is Only One Side Of The Lake That Has Retaining Walls. I'Ve Been So Concerned About This Issue That I Even Prototype A Wave Dissipation Device That I -- And Sure Enough The Waves Came In But They Didn'T Go Back Out Similar To The Waves On A Beach At The Ocean. Just Imitating Mother Nature. The Slope Effect. Anyway, Lake Austin And I Hope If Retaining Walls Are Allowed, Which I'M Sure They Are, That They Will Be Slanted. And It Would Be Even Better If All Existing Vertical Walls Had Some Form Of Wave Dissipation Device Attached To Them. Then We Would Not Lose Lake Austin. We Would Truly Have Lake Austin As One Of The Best And Smoothest Lakes In America Without Rebounding Wakes. Thank You.

Mayor Leffingwell: Thank You. Next Speaker Is Ellen Wit. Ellen Is Signed Up For. And You Have Three Minutes.

I Know That You All Are Not Considering That Now But I Want To Say I Don'T Think That Is The Right Approach To Take. I Think That Changing The Requirements For The Bulkheads Will Alleviate Most Of The Issues. I'Ve Been On The Lake For A Long, Long Time And The Areas That The Other Gentleman Referred To In Front Of Mount Bonnell Is The Roughest As People Know, It'S The Roughest Spot On Lake Austin, And The Reason Why Is Every Single Linear Foot Of Lakefront Property Has A Vertical Bulkhead In That Area. And As The Gentleman Said, They Bounce Back And Forth For Hours When One Boat Goes Through. And So I Believe That These changes Will Make Significant Improvement To The Water Quality On The Lake And Appreciate Your Work On This Issue.

Mayor Leffingwell: Thank You. Next Speaker Is James Johnson. James Is Also Signed Up For, And You Have Three Minutes.

Thank You For Hearing Us This Afternoon, And This Is Something That'S Very Near And Dear To My Heart. I'Ve Been A Lake Austin User Since 1958, And I Use It In All Different Types Of Recreation And I'Ve Had, You Know, Declining Appreciation Of The Lake Just Through Its Development Over The Years And Things Like That, And I'Ve Just Got To Be Convinced That There'S A Much Better Way To Control The Shoreline For Developers And Home Builders And Homeowners And Things Like That, Because What'S Currently Out There Has Like Like The Two People Previous To Me Have Explained, It'S Really Degraded The Quality Of Lake Austin For Recreational Use And The I'M Just Like I Said, Supportive Of This Proposal Just To Maintain That Quality That I Grew With Up And Have Seen Go Away. And I'Ve

Been On Other Lakes That Have Had A Recent Recent Development Explosion, Like Lake Lbj, For Instance, Another Constant Level Lake That Had A Huge Percentage Of Shoreline Being 90 Degree Bulkhead, And With More People Using The Lake, They'Ve Seen A Rapid Explosion. It Wasn'T A Problem With Them, You Know, Because It Was Such A Remote Location, 15, 20 Years Ago, But Now It'S They'Ve Got Seawalls That Are Falling In And On Property And The Lake Is Just So Choppy You Can Hardly Use It. And Just To, You Know, Talk About The Phenomenon Of What Happens When You'Re In A Boat And You'Re Going Through Rough Water, You Know, You You Want To Slow Down. And I Don'T Care What Kind Of Boat That You'Re In, And This Comes In That Zone Where You Have Build Bulkheads On Both Sides Of The Shoreline And It'S Always Rough. Well, Everybody You Know, So You'Re Not Beating Up Everybody In The Boat, You Know, Everybody who'S A Prudent Boater Will Slow Down In Those Conditions. Well, When You Slow Down, What Happens, The Size Of The Wake Grows, And I Don'T Care What Kind Of Boat You'Re In, If You'Re In Awake Board Boat, Competition Ski Boat, A Fishing Boat, When You Slow Down You Throw Out A Very Large Roller, And When That Hits You Know, When That Hits The Shoreline, Like Craig Was Saying Earlier, It Bounces Back And Forth, You Know, For Hours. And This Is Kind Of A Snowballing Effect Is What Happens. When You you Know, When It'S Rough You Slow Down. When You Slow Down You Make Bigger Wakes. So And He'S Exactly Right In His Description That It'S A Problem That Lasts All Day Long Every Day, And The More The Lakes Are Getting Used, It'S Going To Be An Issue About Rebuilding Some Of These Bulkheads And Everything.

Mayor Leffingwell: Thank You, James.

Yes, Sir, Thank You.

Mayor Leffingwell: Next Speaker Is John Mcentire. John Is Signed Up Against And You Have Three Minutes.

I'M John Mcentire. I'M An Engineer Here In Town, Moved Here In 1970, Lived Here Since, Went To Texas And Have Been Designing Shoreline Structures For The Last 25 Years Or So. This Whole Discussion Started Out About Four Or Five Years Ago As A Wave Abatement Problem, And Somewhere In The Last Nine, Ten Months It Seems To Have Gotten Into A Biological Problem, So I Think We'Ve Kind Of Lost A Little Of The Focus, But The Biggest Problem Is The Number Of Boats On The Lake And The Size Of The Wakes They'Re Putting Out. Used To Be With Ski Boats You Didn'T Have A Problem. The Last 15 Years Or So The Erosion Has Increased Dramatically Because Of The Size Of The Waves. If You Double The Wave, You Ten Times The Erosion Energy Of That Wave. So Making A Little Bit Bigger Wave Does A Lot More Damage. We'Re Losing Trees, We'Re Losing Shoreline. This Has All Been Talked About By Alex. We Don'T Disagree That Vegetated Shoreline Is Necessarily A Bad Solution. We Just Don'T Want It To Be The Only Solution. We Have Gone Up And Down The Lake With Boats On Very Calm Days When There'S No One Out And It'S Like Glass. Done Measurements Of The Incident, The Reflected Waves And The Waves On The Far Shores. We Have Presented To The City And Others 25 Recommendations That Have Varying Degrees Of Wave Abatement That All Are Very Logical And Valid That Reduce The Bottom Erosion, Reduce The Reflected Waves. As The Waves Sit In 25 Different Conditions On The Lake When We Measured Them, We Put A Guy With A Measuring Pole 10 Feet Off The Shore On One Side, 10 Feet Off The Other. The Largest Reflected Wave We Got Across The Lake

Was An Inch And A Half To Two Inches And That Was Starting Out From A Bigger Wave On The Other Side. So This Idea You'Re Getting Huge Waves Going To The Other Side Is Just Not True. What You'Re Seeing Is Waves That Are Coming Off The Boat You Get Wave Obviously Off Of Each Side. The Wave That Goes Unimpeded, Not The Reflected Waves. The Reflected Waves Are Not The Problem. When You Get These Big Rollers In The Middle, You'Re Getting Constructive Interference. You Have Right Hand Rules. Two Boats Approach Each Other. When The Incident Waves Off Those Boats Approach Each Other You Get Constructive Interference. You'Re Not Seeing The Reflected Waves To Cause That Nearly As Much. What I Heard Mention Before Wind Driven Waves. You Don'T Have Enough On Lake Austin. They'Re Very Small. You Need Ocean Stretches To Do That So That'S Not A Valid Point. The Rebound Dies Down Quickly. To Sure We Weren'T Getting Distracted Waves We Were On A Glass Smooth Day, No Wind, We Ran The Boats, The Waves Died Out Within A Minute Or So. The Reflected Waves Get So Small You Can Hardly Tell Them After The First Read Out. The Shoreline Recapture Shoreline Recapture We Disagree With. There'S A Lot Of Waves. For Example, If You Have A Bulkhead On Each Side Of The Property And You'Re The One In The Middle That Gets Eroded, It'S Easy To Tell If You Have A Stand Of Trees That Only Germinate On Land, Not In Water. That'S Going To Be A Mitigation. You'Ve Got Aerial Photos, Satellite Photos, The City Uses These In Their Departments. Sometimes There Will Be Old Structures Under The Way That You Can Use. So There'S A Variety Of Ways To Establish Where The Shoreline Should Be, and Then You Can With A Structure We Feel This Ordinance Is Biased Against Structure

Mayor Leffingwell: Thank You, John. That Noise You Heard Was Your Time.

Okay.

Mayor Leffingwell: Thank You.

Thank You.

Mayor Leffingwell: Question For You, Though, From Council Member Morrison.

Mayor Leffingwell: Mr. McEntire. Your Comments That You Don'T Think It'S The Reflected Waves That Are Really Making The Problem, But The Actual Incident Waves.

The Incident Waves, Yes.

Mayor Leffingwell: So In That Case With That Logic It Doesn'T Make Sense To Work On The Bulkheads And Make Them Non Vertical; Is That Correct? Or Just Non Vertical Bulkheads

Well, The Non Vertical Bulkheads Will Often Chew Into A Shoreline, Some Of The Yards, Where You Have An Eight Or Nine Or 10 Feet Deep Bulkhead To Get From The Lake Bottom To The To Get From 45, What Was Suggested More, Even A 30 Degree Slope, You'Re Going Back 15, 20 Feet Into The Yard To Implement That, And You'Re Losing A Lot Of Yard To What You Used To Have. And Some Of The Older Houses, That'S Most Of The Backyard. So It'S What We'Re Saying Is Allow The Engineers To Do

Their Job And Find Out What Fits Best, Because This One Size Of A 45 Degree Slope Or Flatter Doesn'T Work Well Everywhere. In Some Places It Does, But It Doesn'T Work Well Everywhere.

Shade: But I Guess My Follow Up Question Is, Apparently, According To Staff, There Are Quite A Few Standards That Do Impose Something Similar To This, And So I'M Curious As To Why It Wouldn'T Make Some Sense For Us To

Well, If You Look A Lot Of These Lakes Are More Of The Static, Especially, You Know Made Reference To The More Northern Lakes, And They Tend To Have Gentler Shorelines, If You Saw The Pictures, Of Seattle, They'Re Not On Steep Lies Like This And A Lot Of Lake Austin Is. It Has Such A Varied Shoreline, It'S Not Like More Of The Static Lakes. It'S Really Like A River That'S Been Dammed Up. And From Sandy Shallow Shores To Steep Rocky Shores And In Between A Variety Of Shorelines. So We'Re Saying There'S Different Solutions That Fit That Criteria Best. You Need To Look At It And See What Works Best In That Particular Situation And Not Just Do One Blanket Configuration Everywhere.

Morrison: Thank You.

Okay.

Mayor Leffingwell: Next Speaker Is Bruce Oppenly. Did I Say That Right? Also Signed Up Against. You Have Three Minutes.

Bruce Oppenly. I Just Wanted To Say That We'Ve Been Work With Staff. They'Ve Been Very Good About It, But I Think We'Re A Little Premature. We'Re Waiting For The Environmental Criteria Manual Portions To Be More Filled Out And Get Some Details. For Example, We'Ve Shown Pictures Of Places Along Lake Austin And Said, Will This Work For You Guys? And We Sent Them Several Photos, And We'Re Not Necessarily Getting Positive Answers Back, But It Seems To Meet Their Criteria. And So At This Point I Feel Like We'Re Working With A Black Box. We Don'T Know Exactly What'S Going To Be In It, And So We'Re Asking For You All To Postpone This Action Until The Ecm Is A Little More Planned Out And Taken Further Along. But I Brought Some Photos Tonight To Show You Of Examples On The Lake, If I Can Have Those Brought Up. This Is A Natural Shoreline On Lake Austin. This Would Be Fully Accepted Because It'S Natural, Undeveloped, But This This Is Okay, Am I Under Control? Okay. Go Next. This Is A Developed Shoreline, Very Similar In Nature To The Photo You Saw Before But Would Not Be Acceptable. Same Here. This Would Be A Vertical Bulkhead. This Would Not Be Allowed. This Is At Emma Long Park. It'S Also A Vertical Bulkhead But It Would Not Be Allowed. Again, This Is An Existing Bulkhead On Lake Austin. It'S Made Out Of Concrete, But It'S Sloping. Not Allowed Under The Current Criteria Manual. This Is An Example Where On The Right Side It'S Vertical, Would Not Allowed. On The Left It'S Natural, Would Be Allowed. Next Slide. And Then On This Photo, It'S Similar, On The Right Side Is A Vertical Bulkhead, Not Allowed. Left Side, No Vertical Bulkhead, Would Be Allowed. So People Who Live Along The Lake Need To Know That This Is Going To Be Happening To Them, That If Their Current Vertical Bulkhead Fails, What Here Looking For As Far As Construction Goes, And If You See This Wave In Front Of In Front Of Part Of This Picture, I Brought A Video To Kind Of Emphasize What'S Going On In The Lake, Especially In The Surfing Mode. This Is A Film That'S Found On Youtube, On The Web. It'S

Lake Austin. This Is A Video Of Some Friends That Are Wake Surfing On The Lake. You Can See That This Guy Is Creating About A 2 To 2 ½ Foot Wake As He Goes Down The Lake. And This Is What'S Accelerating The Erosion On Lake Austin, In My Opinion, And I Surely Would Like This A Little More Thought About. Thank You.

Mayor Leffingwell: I Got A Question For You. You Might Not Be The Right Person To Ask, But This As I Understand It, This Ordinance Does Not Apply To Existing Structures, So If You Got A Vertical Bulkhead Now, You'Re Going To Keep It, Right?

Maybe Staff Can Clarify This, But If You Have An Existing Bulkhead But Did Not Permit It Or It'S Illegal In Some Fashion, It Could Not Stay, No. If You Had To Come In And Repair It Or Replace It.

Mayor Leffingwell: But You Wouldn'T Have To Take It Out?

If You Don'T Go Back In For A New Permit You Wouldn'T Have To Take It Out, But If You Come In For A New Permit

Mayor Leffingwell: What'S There Now Stays Until It Breaks Away

Falls Apart.

Mayor Leffingwell: Falls Apart, Which Could Be Decades.

Right, But If They Choose They Can Go In And Do The Research And Find Out Whether That Bulkhead Was Ever Permitted. If It Was Never Permitted, Then They Might Make You Retrofit To The Current Standards.

Mayor Leffingwell: I'M Just Thinking If If We Have A Serious Problem Right Now, It Doesn'T Seem To Me That The Way To Solve That Problem Is To Wait 20 Years For Vertical Bulkheads To Decay. Maybe It'S To Address How The Waves Are The Excessively Large Waves Are Originated, If We Want To If Our Objective Is To Prevent Erosion On The Lake.

I Agree

Mayor Leffingwell: Okay. Thank You. Rusty Setenor. Tell Me Correct Me If I Pronounced That Wrong.

I'M Rusty Signar And I'M Going To Start With A Disclaimer From My Wife. She Thinks I'M Absolutely Opposing This Because I'M Going To Double The Amount Of Money I Make Doing This Ordinance. So That Being Aside, A Couple Things, There Are A Lot Of Things In This Presentation That Are Absolutely Incorrect And Untrue. One Of The Things Is The Cost Of The Bulkheading. The Armored Wall, As They Call It, Is About \$200 A Foot. We Just Finished Doing Rocks In Front Of An Armored Wall With Land Access. We Put In 60 Tons Of Rock In Front Of This Wall, And We Had Land Access. If You Have These Bulkheads. Otherwise I Have To Bring Them In, But Where Do I Unload Them? There Is No Place Think About That In The Ordinance. The Next Thing Is That One Of The Other Things On The Friends Of Lake

Austin, There Were Several Engineers And About 18 People, The Friends Of Lake Austin. Their Study Has Absolutely Been Ignored. There Are So Many Ways To Mitigate Waves. You Can Put A Ballast Right In The Middle. You Can Put A Lip At The Top, You Can Put A 45 Degree Tow In, Because One Of These Houses That We Just Put In 60 Tons In, You Can'T Bring A Boat Up To The Shore. You Can'T Have Any Ingress And Egress To The Water Except From The Dock. Now, That'S Just A Few Of The Things That Are Being Presented, But Remember, One Of The Things The Friends Of Lake Austin Said, Any Shoreline Less Than 4 Feet, Because The Dynamics Of The Wave Less Than Four Feet There Is No Wave Refraction Coming Back. We Did The Study And It'S Engineers And I'M Just Reflecting This. The Other Thing I Wanted To Mention Was About Shoreline Reclamation. This Ordinance May Affect, You Know, A Lot A Lot Of City Ordinances Affect Hundreds Of Thousands Of Contractors. This One Contractor Has Done Over 90% Of The Work On Lake Austin In The Last 25 Years. I Work All Over Central Texas, And It'S It'S Something That When I'M Trying To Get Layouts And It Takes Me Three Years To Get Where The Shore Is And They Quote The Lcra Ordinance. I Called The Head Of The Real Estate Department. He Says, We'Re Talking About When Lake But Buchanan Goes Down And They Have To Reclaim Acres. Not In Front Of A Tree Or Something. And He Said The Satellites Are Fine. Looking At Bulkheading In Front Of Trees, But There Seem To Be Logical Steps Because When You Do The Layout And I'Ve Done 90%, People Go We Don'T Know Where To Put The Layout. You Need To Find Existing Walls. Have Conditions That Will Facilitate The Layout Inspectors To Have Help. The Last Thing I Wanted To Mention Was In The Mid '70s I Was A Project Manager On Lake Conroe And We Had Water Quality Of About 3 Inches. We Had A Hydrilla That Came On A Boat Trailer From Florida And The Hydrilla Ended Up Taking Over The 22,000 Acre Lake And The Water Quality Was 16 Feet, Crystal Clear, It Was Like A River. They Put In The Carp. We Lost Nine People Last Year. If You Will Show The Pictures What'S Happening On Lake Austin. I'Ve Got Pictures Each Way On Lake Austin. A Lot Of People Don'T Understand This. We Have This Hydrilla. It'S An Invasive Species. It Starves Fish And Yet It Produces Water Quality. So

Mayor Leffingwell: Thank You. Next Speaker Is Eric Moreland. Eric Moreland Is Also Against And You Have Three Minutes.

Good Evening Mayor And City Council. My Name Is Eric Moreland. I'M On The Board Of The Friends Of Lake Austin. I Also Was On The Lake Austin Advisory Panel During The Shoreline Study Out There We Were Out There In August And Everything. I Just Want To Back Up A Little Bit. Not Really Say In Opposition. We Would Like More Time To Involve More Stakeholder Input On This. We Feel Like This New Proposal Really Has Not Been Fully Vetted By Even More Than 5% Of The Stakeholders Along The Lake, Property Owners, Business Owners, Boat Users, Things Like That, And We Just Would Simply Ask For A Delay To Study This More. We All Agree That Lake Austin Is A Wonderful Resource. I'M A Huge Boater. I'Ve Been A Business Owner, A Property Owner And A Boat Owner On The Lake For 25, 30 Years, So We All Agree That We Want To Make Some Modifications To The Bulkhead Ordinance. We Want To Work With Staff Further On This. We Want To Work With Council On This. We Would Just Like To Have Some More Options Other Than What'S Proposed In The Current Ordinance, And Look At Some Of The Studies That We Have Done With The '05 Lake Side Study. I'D Like To Defer My Remaining Time To An Existing Property Owner Who Didn'T Get Time To Sign You Up, If That'S Okay. We Just Would Ask For A Little More Time. Thank You.

Mayor Leffingwell: Okay. Next Speaker Is Teboe Bowman.

Thank You, Mayor, Council. My Name

Mayor Leffingwell: Did He Say Your Name Right?

Teboe, Yeah. My Family Has Owned And Operated A Ranch On Lake Austin For About 70 Years, And I've Been A User Like Some Of The Folks Who Spoke Earlier Here, Since 1947 Myself. We, Of Course, Have Been Greatly Affected By This New Phenomenon Of The Deep Holes And The Wakeboarding And We'Re Losing A Lot Of Our Shoreline, And As Important As That To Us Is We'Re Losing Some Very Heritage Cypress Trees All Along Our Shoreline, About Half A Mile, Including The Cold Water Creek Portion. And I Want To Amplify What Eric Said, And That Is We Think That We Need A Little Bit More Time To Work With Staff And To Try To Come Up With Alternatives To This One Size Fits All Ordinance. On Our Particular Property We Have Several Different Lakefront Environments. We'Ve Got The Front Which Fronts Right On The Lake And Is Taking These 3 And 4 Foot Waves And We'Re Losing A Foot A Year I'M Not Measuring It But It'S Getting Pretty Bad And Trees Are Falling In The Lake. And Then Around Cold Water Creek We'Ve Got Gently Sloping Land That We Can Have Remediated In The Way That This Ordinance Would Require. We Just Think There Is More Than One Way To Look At It And We'D Like To Have The Opportunity To Work With The Staff And Ask That You Not Act On This. We Only Found Out About This When We Read About It In The Newspaper, And I Have Now Found Out That I Could Register With The City Council And Receive Actual Notices Of Things That Affect Our Land. I Also Just Would Mention, Mayor, That I Read Some Of The Materials That Staff Provided As Reference Materials, And Quite Frankly A Lot Of That Material Doesn'T Apply To Us. They'Ve Got Shore Erosion Control On Lake Champlain And Seattle, Washington, As He Mentioned. That'S Not Our Environment. We'Ve Got A Very Narrow Lake. This Is More Like The Houston Ship Channel, If We'Re Going To Allow All These Boats, And I'M Not Saying That We Shouldn'T. I Just Want An Opportunity, And I Think Many Other Landowners Wants The Opportunity To Try To Protect Our Property Interests And Our Trees And Do It In A Way That Fits The Particular Environment. Thank You.

Mayor Leffingwell: Thank You. Next Speaker Is Camille Lyons. Camille Lyons? You Are The Last Speaker I Have Signed Up Against.

I'D Like To Address The Problem Of The Tram Issue. We Have Lived In Our House On Lake Austin For 30 Years Now. I Was 35 Years Old When We Moved In And We Live On Bull Creek, And We Had To Rush And Get Grandfathered In To Go Down To A Boat Dock. We Have 160 Some Steps To Get Down To Where We Had Our Boat Dock Built, And Then We Had To Rush And Build Our Boat Dock Because, Oh, We Don'T Know What The City Is Going To Do. We Don'T Know What The City Is Going To Do. So We Got The Boat Dock Built. Well, I'M Not 35 Years Old Anymore, And I Can Climb The 160 Some Steps From The Boat And Boat Dock Up To Our House, And There Is No Road I Love The Comment By Some Well Meaning Person That Was In The Paper. "Oh, We'Li Let Them Figure That Out. They Can Take The Road," Or Whatever. I Don'T See Any Boat Docks That Have Roads To Get To Them, And I Think That'S Pretty Arrogant. I Know I'M Keeping My Boats And My Tram For My Boat Dock Because It'S Already Been Approved And All, But This Is A New Age, And Trams Are Not All That Ugly, And I Think With The

Awareness Of The Vegetation And All, I Can'T See Why A Tram Would Be A Big Issue For Anybody. I Mean, It'S Kind Of Lake Nobody'S Business, Really. The Neighbor, The Tram, The Boat Dock. It Doesn'T Interfere With Anyone Else. They Hug The Ground Had They Go Down, And Unless They'Re Squeaky, It'S I Think It'S A Nonissue. It'S Just Another Way To Keep Gnawing Away At The Citizens Who Have Been Here For Longer Than Many Of You, But It Was Really The, Oh, Well, Let Them Figure Out How To Get To Their Boat Docks, Maybe Take A Road, That Really Got Me, But I'M Very I'M Very Much Against Making It So Difficult To Get A Tram Approved, And As Far As The Erosion That Goes On On Bull Creek

Mayor Leffingwell: You Can Finish Your Sentence, Ma'Am.

That'S It?

Mayor Leffingwell: Yes, Ma'Am.

I Have Two Neighbors Who Ride Those Boards And They

Mayor Leffingwell: Thank You. Cynthia Peterson? Is Cynthia Peterson Here? Cynthia Signed Up Neutral. And So You Have Three Minutes.

Thank You Very Much For Your Time. The Reason Why I Said I Was Neutral Is Simply Because I Did Not Find Out About This Proposal Until I Read The Austin American Statesman. I Was Very Surprised, As A Property Owner On Lake Austin, That We Weren'T Privy To Any Of These Decisions That Will Possibly Be Made, And I Guess I Don'T Really Have A Stance On It For The Most Part Because I Don'T Have The Information That'S Been Talked About. Like Eric Moreland Said, I Would Like More Time To Learn How I Can Get Involved In This And Learn The Positive And Negative Aspects Of Both. I'M Not Familiar With The Types Of Bulkheads That Are Proposed. I Haven'T Seen The Data To Know If It Would Be A Positive Or A Negative Or If It Would Even Make A Difference. I Don'T Know. And I'M Also Not A Fan Of Taking Away Something That People Truly Enjoy, And One Of Those Is I Was On The Water Ski Team In College At Ut. I'Ve Been Barefooting On Lake Austin For 22 Years. My Daughter Who Is With Me Is Awake Boarder. However, I Can Tell You There Are Many Things We See Go By In The Lake, And In My Opinion In The Past Five Or Ten Years In The Main Body Of Water We'Ve Consistently Seen Our Land That We'Ve Worked Very Hard For Fall Into The Lake. When My Daughter Swims Out In The Front, We Have 3 Feet Wakes That Are Caused By The Boats. And Again, I'M Not Trying To Say That What We Need To Do Is, You Know, Ban Wakeboarding. That'S Not What I'M Saying. But If We Could Consider Both Of Those, You Know, Probably The Number Of Boats Is Very Critical To Consider. They Come Very, Very, Very Close To Our Property, Very Close, Within 5 Feet Of The Boat Docks, And I, You Know, Would Invite You To Come Out And Really Sit Down For An Afternoon On A Busy Day And Watch What Particularly Happens When These Wakes Hit The Property. We Have Land That'S Falling In. Our Next Door Neighbor'S House Was Built In 1957 By His Grandparents, And The Concrete Steps That Was Built By His Grandparents Has Recently Fallen Into The Lake Due To The Pressure. So I Don'T Know What The Answer Is. I Would Like More Time So That The Property Owners As Well As Everybody Else Involved That Uses The Lake Would Be Able To Have Some Time To Look At All The Information. That'S All. Thank You.

Thanks, Mayor. So That We Can Just Get Some Discussion Going I'M Going To Make A Motion Here On The Side. I Think There'S Legitimate Concerns Being Brought Up, And Quite Frankly I Think I Personally Need More Time Now That I'Ve Heard Some Of The Speakers And All The Emails We'Ve Gotten This Week To Learn A Little Bit More About This Issue That Is Not Only Important From An Ecological Standpoint But It'S Important From A Citizens Standpoint And Property Owners' Standpoint. So What I'D Like To Do Is Make A Motion To Postpone This Until November The 18th, But I Do Want To Give A Little Bit Of Direction On What I'M Concerned About And What I'D Like To See Coming Back In Terms Of How It Looks In An Ordinance Form On The 18th, And That Is That, One, That The New Rules Shouldn'T Apply To Preexisting Noncomplying Balm Heads And Docks. Bulkheads And Docks. This Would Include Modifying And Maintaining Those Existing Docks And Bulkheads Under The Noncompliant Rules Currently In Effect. And That Site Plan Exemption Should Still Apply For Repair And Alteration And Maintenance. I Just Don'T We Should Have To Go Through The Whole Site Planning Process If You'Re Preparing Or Maintaining Something That Has Existed There For Such A Long Time And Will Continue To Exist There. And Then That The Recapture Regulations Allow Folks, Property Owners, To Repair Their Property, You Know, That Extends Into The Water, And, You Know, In The Cases Of Where There'S Vegetation And Trees And The Land Erodes Away, They Should Be Able To Protect Those Assets, And Quite Frankly The Trees That Are There, By Adding Back The Fill That Is Eroding Away And Stabilizing The Properties, Because, You Know, I Went Out On Some Patrols With The Lake Austin Pd, And There Is Significant Amount Of Activity Out There During The Summer And On The Weekends, And I Can See Where From A Policy Perspective We Do Need To Take Into Consideration The Issues That Are Causing Degradation Of The Shores, But At The Same Time Causing Safety Issues. There Were A Couple Of Incidents Right Around I Guess It Was Just Past Just West Of Bridge Where There Was A Child That Had Fallen Off A Tube, And We Literally Got Right Up To It Before We Could See The Child Because The Wakes Were So Large Now With, You Know, The Baffles That You Can Put On Boats And The Way They'Re Designed Now To Create These Surfing Wakes. I Really Think It'S An Issue That We Need To Address. So That Will Be My Motion, Mayor, To Postpone With That Direction. If I Can Get A Second Maybe We Can Discuss It

Cole: I'LI Second.

Mayor Leffingwell: Motion By The Mayor Pro Tem To Close The Public Hearing, Postpone Until November 18 For Additional Direction For Changes When The Proposed Ordinance Comes Back, Second By Council Member Cole. Council Member Spelman.

Spelman: A Quick Clarification. Mayor Pro Tem, Do You Have In Mind Keeping The Public Hearing Open Or Closing The Public Hearing?

A Great Point. Please, I Want To Keep It Open. Thank You.

Spelman: Mayor, I Would Like To Ask A Question If I Could.

Mayor Leffingwell: I Just I Have One Question About The Public Hearing. If You Totally Keep The Public Hearing Open That Means That Anyone Who Wants To, Including Those Who Spoke Today Can Come

Back. We Also Have The Option Of Reopening A Public Hearing In A Special Case Or From The Dais, But I'll Respect Your Motion, Whatever You Decide To Do, Which Is To

Martinez: I Would Like To Keep The Public Hearing Open Because I Want To Hear How The Discussion Goes Moving Forward And If We Don'T Have A Public Hearing We'LI Only Get The Staff Side Of

Mayor Leffingwell: Friendly Amendment To Keep The Public Hearing Open, Which Is Accepted By The Maker, The Second Accepts It Also. Further Discussion?

Spelman: Mayor, Yes.

Mayor Leffingwell: Council Member Spelman.

Spelman: I'D Like To Ask Questions, City Staff Are Responsible For The Ordinance In Front Of Us. There He Is.

Depending On What Your Question Is We'LI Get The Right Person Up Here.

Spelman: Fair Enough. Several People Came Up And Said, We Haven'T Seen This First Thing, We Read About It In The Newspaper But We'Ve Been Living In Lake Austin A Long Time. I Wonder If Somebody On Your Staff Could Describe What Steps We Took To Make Sure That All The Stakeholders Were Somehow Involved In The Drafting Of This.

We Followed The Standard Processes For Code Amendment, Which Don'T Necessarily Include Mail Outs To Everyone Within 500 Feet Like You Would See, For Instance, For A Zoning Requirement. So Many Of These Property Owners Along The Lake May Not Have Received Personal Notice, But It Was Posted In The Newspaper And There Was Notice To Register To Individuals Who Have Asked To Receive Notice Of These Sorts Of Things.

Spelman: When We'Re Posting Notice For Most Zoning Cases, For Example, Because They'Re Based On Land, Frankly, You Can Go To A Neighborhood Association, The Neighborhood Association Has Means Of Getting Word Out To Everybody Else In The Area Surrounding A Zoning Case.

Right.

Spelman: Since In This Case We'Re Dealing With A Lot Of People Who Are Backing Up On A Lake, It'S A Long Skinny Area, And The People Who Are Most Affected Are Going To Be Backing Up On A Lake Rather Than Fronting The Land. So It'S Very Difficult To Reach Them Through The Usual Means And It Seems To Me We Might Want To Think Through In The Future When We'Re Dealing With This Kind Of An Issue, Another Means Of Finding These People Rather Than Just Posting Something In The Newspaper Which Is Very Often Unfitting, Particularly Dealing With Which Is Probably Not Going To Be Organized The Same Way.

I Do Understand. I Do Think There Is A Need For Improvement, And How Notice Is Currently Required For These Sorts Of Amendments.

Spelman: Although There Are A Lot Of People Here Who Now Know This Is An Issue And What Like To Get Involved, There Are Still Some Other People Who Have Houses On The Lake Or Businesses On The Lake Who Don'T Yet Know About It. Is There A Means Available Between Now And The 18th Of November That You Guys Can Use To Get Ahold Of Them?

It'S Hard For Me To Just Say On The Cuff Exactly How We Would Do That. If They'Re In The City, We May Be Able To Reference Them By Address. We Certainly Will Look At That Issue And We Will Do Our Best To Figure Out A Way To See If We Can Get Notice. There Is Obvious Expense Associated With Mail Notice That We Would Need To Address As Well, But We Certainly Will Do Our Best To At Least Identify Neighborhood Associations And So Forth, At A Minimum, And See What We Can Do To Improve Notice On That.

Spelman: Even If We'Re Having To Contact Neighborhood Associations That Are Outside The City Limits If They Are Fronting On A Lake, They Certainly Ought To Be A Party To This.

We Will Take A Look At That And See If There Is Anything We Can Do To Increase The Notification Regarding This Amendment.

Spelman: Appreciate That. The Second Question Is A Little Bit More General. Several People Were Referring To A Report From Friends Of Lake Austin, Referring To I Think One Of The Fellows Mentioned There Were 25 Recommendations That They Had. Somebody Who Can Speak To How Those Recommendations Were Received By City Staff And To What Extent They Were Incorporated In The Ordinance Before Us.

Perhaps That'S Something Andrew Can Respond To.

Andrew Clemon, Watershed Protection. We Received And The Lake Austin Advisory Panel Recommendation And This List Of Recommendations As Well Early In The Process. It Was At Least A Year, Maybe Just Shy Of A Year Ago, But They Certainly Got Incorporated And They'Re Very Useful. The Notes They Took On The Lake, Although Maybe Not Necessary Scientifically Replicable Were Certainly Useful In Their Observations And They Factored Into Our Decision Of Which Methods To Use. I'M Going To Put Up On The Board The 24 Design Considerations For Wave Abatement That Were Provided In A Letter From Mr. John McEntire, Engineer. If You Could Zoom In If It'S Possible To Zoom Into The List. There We Go. It'S A Two Sided List, The 24 On The Other Side. Approximately A Third Of These Recommendations Were Either Directly A Part Of The Recommendation Or They Are Compliant And Consistent With What We'Re Recommending. So About Eight Of Those Would Be Supported By Our Initiative. Approximately Two Thirds Of Them, Though, Were Either Not Specifically Wave Abatement Strategies. They Were More Construction Or Internal Components Of The Bulkhead. For Example, I'Li Direct Your Attention To No. 11, Install Filter Fabric Behind Bulkhead Assembly. It'S A Wise Practice And It'S Great For Sapping Finds And Other Issues With Erosion Behind The Bulkhead But That'S Not A

Wave Abatement Strategy. It'S Not Consistent With An Alternative And We Have Been Considering Them. So Some Of These Really Didn'T Provide Wave Abatement. Others We Found To Be Interesting And We Investigated Them, But If The Literature Did Not Corroborate Them As Known Wave Abatement Strategies Or Methods That Are Recommended By The Federal And Other Authorities In The Field, We Did Not Consider Those. For Example, One Is A Cap, A Cap On The Top Of The Wave That Projects Out About Three Inches. That'S An Excellent Strategy To Keep Waves From Slapping Over The Bulkhead And Causing Erosion Behind It, But It'S Not Really Going To Abate The Leg. It Might Shave A Little Bit Off The Top But It Doesn'T Keep The Wave From Bouncing Back Off A Vertical Surface. So We Did Look At These And They'Re Very Interesting And Some Of Them Are Useful. Others We Didn'T Feel Are Really Supportable. One Of Them Is Planting Cypress Trees. It'S A Fantastic Method If You'Ve Got 90 Years To Stick Around, But Not Necessarily One That We Would Feel Would Be Compliant With The Intent Of Creating A Wave Abatement Structure.

Spelman: Your Focus Was Very Much On Wave Abatement.

I'M Sorry?

Your Focus Was Almost Entirely On Wave Abatement?

No, I Would Not Say That At All. We Took A Three Prong Approach. We Looked At Lake Ordinance Crafting Papers Reports From All Over The Nation, And Consistently The More Progressive And The Newer Approaches Are To Provide A Three Pronged Approach, And One Is To Protect The Property Of The Landowner, Not One, So The Method Has To Be Strong Enough Or Has To Work. The Second Is To Protect The Recreational Experience Of The Lake, And That'S Primarily The Wave Abatement. You Don'T Want Those Bouncing Back. And The Third Is To Protect The Aquatic Resource, The Integrity Of The Resource Itself. So That'S Where The Ecology And Requiring Some Vegetation Come Into Play, But Also The Other Three Are Just As Important.

Spelman: Stake Owners, Boaters And Fish. They'Re All Taken Into Account.

Exactly. We Tried.

Spelman: Okay. Last Question. One Of The Engineers Was Talking About The Need To Match The Abatement Strategy To The Particular Conditions Of The Lakefront. I Wonder If You'D Be Kind Enough To Argue That The Ordinance Before Us Was A One Size Fits All Strategy.

Certainly. So Early In The Process When We Proposed These And We Had Some Stakeholder Meetings With The Developers, And This Is Back When We Presented To The Environmental Board And The Parks Board About Our Concerns For The Status Quo, And We Got Feedback From Them At That Point Quite A While Ago, And Their Request Was That We Didn'T Provide A One Size Fits All Method And We Completely Grew. There'S Back Water Sluice That See No Waves And There'S Areas By 360 That Receives Pounding By Waves All The Time And Everything Within. In Addition To The Slope As Mr. McEntire Was Mention, The Slopes Of The Highlands Are Geo More For Logically, We'Ve Required A Set

Of Criteria, The Criteria Being Nothing More Than 45%. How They Choose To Achieve That, Whether It'S Through Stacked Boulders, Stepped Rocks, Different Grades Of Material, Could Be Sand, Could Be Pebbles, Could Be You Can Achieve Your Slope However You Want. So The Method Is Certainly Not A One Size Fits All. It'S Just A Set Of Criteria Or Boundaries Within Which To Work, Require The External Materials To Be That Of Natural Ones, Rock, Plants, Et Cetera. But That If They Want To Use Steel Sheet Piling, Steel Piles Or Concrete Or Rebar Or Any Kind Of Steel As The Internal Structure, That'S Fine. That Would Be Totally Compliant Too. So We Have Like We Have Set Up A List Of 6 Different Criteria In The Environmental Criteria Manual, Which Is Draft And Available. It'S Certainly Not One Method. They Can Choose Whatever Method They Want Within The Boundary Of Those Criteria. I'M Sorry?

Spelman: What Is The Status Of The Ecm.

The Draft Ecm Came Out For People To View Back In September. It'S Something That'S Been Developed Over Time, And It Is Available I Forget Exactly How To Put It, But It Is Prepared And Ready To Be There To Support The Code If It Were To Be Approved.

Spelman: Has It Been Adopted Or Will It Be Adopted If We Adopted This Ordinance? What Does That Look Like?

The Normal Rules Process Occurs Based On A Code Amendment Being Adopted. So You Can'T Really Post A Rule Until There Is A Code Requirement That It Is Addressing. What We'Ve Done In This Case, Because Andrew Was Receiving So Much So Many Requests For Additional Information About What We Meant, What We Were Thinking, He Drafted Up Some Rules In A Draft Form So That We Could Inform People More Of Kind Of Where We Were Heading. If This Code Amendment Is Adopted, We Will Then Post The Rules, And We Go Through A Stakeholder Process, Which Will Involve Getting Input From Them, Trying To Address As Many Concerns As We Believe Are Appropriate, And Then Ultimately Those Would Be Requested To Be Adopted By The Director Of The Department Of And The City Manager'S Office To Go Into Our Permanent Criteria Manual. So If The Some Of The Citizens That We'Ve Been Hearing From, And I Understand Why, They Want To Know A Lot More Information About The Details Of What These Design Standards Are Going To Look Like. That'S Understandable. That Opportunity Would Occur If This Is Adopted If This Ordinance Is Adopted, Because All Of Those Criteria Will Be Housed Will Have The Design Specifications That Andrew Has Been Talking About That Would Support The Code, The Ordinance.

Spelman: So Even If We Pass This Ordinance On The 18th Of November, We'Re Not Done Yet, They'Re Not Done Yet And You'Re Not Done Talking With Them Yet. You Still Have To Haggle Out The Details Of What That Ecm Is Going To Look Like.

In Many Ways The Work Is Just Beginning At That Point, Because That Is Where We Are Obviously Going To Have A Lot Of Different Opinions And Concerns That We'Re Going To Need To Work With. We Would Adopt Emergency Rules If Needed In Order To Be Able To Implement The Ordinance That Would

Live For A Short Time We Were Posting The Permanent Rules That Were Going Through The Stakeholder Process.

Spelman: The Permanent Rules Themselves Are Still Subject To Debate And Something You Would Expect To Be Negotiating With All The Stakeholders, Including, Presumably, The Fish, Over The Next, Say, Six Months Or So?

That'S Correct.

Spelman: Thanks Very Much.

Mayor Leffingwell: Council Member Morrison.

Morrison: Thank You. Pat, Mr. Murphy, I Don'T Know If This Is A Question For You Or For Andrew, But One Of The Issues That Came Up Was Basically We Heard Anecdotal Evidence That It Wasn'T The Reflective Waves That Were The Problem. And So Clearly It Looks Like We'Ve Got A Few We'Ve Got The High Wake Waves And The Reflective Waves. What I'M Curious About Is If There'S Any Wave Has Sort Of An Engineering Or Scientific Analysis Of What Portion Of The Problem Is From The Big Wakes And What Portion Is From The Reflection With The Vertical Bulkheads.

I Don'T Feel Qualified To Answer That. I Don'T Know If We Have A Staff Person Here Who Is, But Certainly I Will Say This. We Will Definitely Look Into That And Try To Evaluate That And Make Sure That'S Part Of Our Consideration In Terms Of Our Recommendations. One Of The Things That Is Clear Is That The Shoreline Is Eroding And Appears To Be Eroding At An Accelerated Rate. And There'S A Very Big Need To Try To Reduce That. And Staff Believes That The Criteria Design That We Are Promoting Will Be Much More Sustainable Long Term Than The Vertical Bulkheading That We'Ve Been Seeing On The Lake, Because As You Know, A Lot Of Those Bulkheads End Up Falling Over Over Time, And We Feel Like These Sorts Of Approaches Will Long Term Actually Be More Sustainable And Less Expensive Than Having To Replace Bulkheading And Continue To Repair It Because It'S Undermined By The Waves. You'Ve Also Heard The Boats Are The Problem And If We Could Deal With That We Wouldn'T Have To We Wouldn'T Have This Problem. That'S An Issue That Obviously Is Part Of The Mix And Needs To Be Addressed In Some Way. I'M Not Sure When Or How, But We Are Really Addressing A, If You Will, Protection For The Shore That'S Caused By The Problems Of The Erosion And The Waves, Not The Wave Creation Itself.

Morrison: Right, And I Guess I Just Want To Get Some Sense I Mean, If We'Ve Got Two Two Causes Of Erosion That We'Re Looking At, I Think That We All Agree That That'S Probably This Case, If One Of Them Is 95% The Problem And The Other Is 5% The Problem, I Think That Would Be Helpful Information For Us. So If There'S Any Way That We Can Get Some Kind Of Sense, I Assume It'S Not Nearly Like That Some Kind Of Sense Back From You All From Staff Doing Some Research, I Understand It'S Not An Answer That You

Well, I Was Just Going To Say, I Think That What We Obviously Can Do Is We Can Do A Search Of Different Reports That Are Out There And We Can Evaluate All That Information And We Can Come Back To You And Present What Our Findings Are.

Morrison: That Would Be Very Helpful. And I Do Want To Mention That We Heard From The Chair Of The Parks Board Today Mentioning That She She And The Parks Board Were Fully Aware That There Are Need There Is Need For Additional Consideration. She Listed Specifically Wave Abatement, No Wake Zone, Apb Policy Ordinance For Wakeboarding And Residential Permits For Boarding. I Think That Is Something The Parks Board Is Planning To Do More Work On, So Whatever Happens Today There Is Going To Be More Discussion. On To Another Topic, The Mayor Pro Tem'S Motion Mentioned Allowing Recapture. Is There And Maybe This Is Also Something That You'LI Have To Get Back To Us On. I'M Real Curious As To How We Would Know Whether Someone'S Land Had Eroded Out To A Certain Amount, I Guess From Previous Surveys And Things Like That. Is That

Typically Surveys, Aerial Photos, Historic Photos Are One Of The Things That We Look To. Sometimes There'S Clear Indicators, Such As Trees That Used To Be On The Shore That Are Now In The Water. So There Are Ways To Determine Where That Is. Sometimes It'S Not Easy To Do, But Usually We'Re Able To Determine About Where It Was, Or Approximate It.

Morrison: Okay. And Then One Comment In Closing, And That Is, Council Member Spelman Has Already Commented About Suggesting That We Find Ways To Notify More People That Might Be Significantly Impacted. I Think That In Addition To That, To Make Sure That There'S Some Mechanism, Perhaps A Gathering Or Something Where They Can Actually Come And Get Answers To Questions To More Fully Understand The Issues, Because Obviously It'S Very Complicated And There'S Different Levels That People Will Need To Understand It.

We Have Discussed The Idea Of Maybe Having A Work Session Or Something And Invite The Public So That We Could Make Sure That We Reached Out To As Many People As Possible Before Council Makes Their Final Decision.

Morrison: I Think That Would Be Great To Give Folks That Kind Of Opportunity.

At Least I Mean, Restate That. As Part Of The Rules Process I Think That'S One That Would Most Likely Occur. I Don'T Know If We Have Enough Time Between Now And When This Would Be Coming Back To Council To Have That.

Morrison: Well, If We Do Give Yeah, I Do Understand We'Ve Got Time Constraints, But If We In The Next Before The November 18 Give Folks Notice That This Is Coming To Council, You'Re Going To Probably Get A Lot Of Phone Calls.

I Suspect So.

Morrison: Thanks.

Thank You.

Cole: Mayor, I Have A Few Comments.

Mayor Leffingwell: Council Member Cole?

Cole: I Will Be Supporting The Motion, And Mr. Murphy I Had A Couple Questions Based On The Line Of Questions That Council Member Morrison Brought Up. When We Talk About Recapture, Are We Also Specifically Contemplating The Option Of Allowing Owners To Actually Fill In Their Land If It'S Already In The Water?

That'S What Recapture Is Referring To, Where Someone Has Clearly Lost Land And They Can Document That As A Result Of Their Bulkheading Failing Or So Forth. It'S A Pretty Complex Evaluation To Determine What Exactly Happens, And It'S A Site By Site Analysis. In Some Cases It'S Clear And It'S Something That Staff Can Work With Them On To Put The Bulkhead Back To Where The Obvious Shoreline Used To Be. In Other Cases It May Be That It'S Been Eroding Over 30 Or 40, 50 Years, And So It'S Not Something That Clearly Is Easy To Determine. And Also There'S Issues Associated With Some Lots Are Platted Such That They Own To A Certain Point On The Land, And Other Lots Are Plotted So That They Actually Own Out To The Centerline Of The River. And So Sometimes There Are Issues Whether They Have Actually Owned That Property And Have A Right To Reclaim It. So I Just Want To Point Out That There'S Quite A Few Questions That Come Into Play Relative To Reclaiming Land That'S Been Lost. But Typically We'Re Able To Work With Property Owners In Order To Secure Their Land Against Erosion And To At Least Get Their Shoreline Back In A Condition Somewhat Similar To What It Was Previously If We Have Clear Documentation, If They Have A Clear Legal Right To Be There, We Usually Can Work Through Those Situations.

Cole: And So We'Re Going To Look At That On A Site By Site Basis, And When We Talk About The Ability For A Landowner To Take Advantage Of The Recapture Option, We'Re Going To Work With Them With That?

Right, I Guess I'Ll Just Underscore That By Saying, It May Be An Option For Some, It May Not Be An Option For Others.

Cole: Okay. Thank You, Pat.

Mayor Leffingwell: And Council Member, The Motion Included Direction To Include Methodology For Recapture When The Ordinance Comes Back To Us. And I Would Point Out In Addition To That That As I Understand Mayor Pro Tem'S Motion, It Basically Does Not Change The Structure Of The Existing Ordinance Except To Allow Grandfathering In Several Different Areas So That, You Know, People That Already Have Facilities And Structures On The Lake Will Be Able To Keep Those Structures And Maintain It As Time Goes By.

Cole: That'S Consistent With Our Existing Ordinance?

Mayor Leffingwell: Yes.

Cole: Okay.

Mayor Leffingwell: Council Member Riley?

Riley: I Just Have One Question To Staff. It'S About The We Did See In One Presentation We Saw An Image Of City Park, I Think It'S Emma Long Park Where There Was Actually A Vertical Wall There Now, And Has The City Given Any Consideration To The Impact Of That Vertical Wall And Whether Any Measures Should Be Taken To Mitigate The Impact Of That Wall?

Andrew, I Think, Has Some Information On That.

Andrew, Watershed Protection. Certainly, Alberto Perez Is One Of The Most Fantastic Park Managers I'Ve Met. He'S At Emma Long Park And He Knows More About That Park And The Shoreline Than Anyone. I'Ve Walked That Shoreline And We'Ve Discussed Strategies Of That Specific Portion Which Is Right Between The Two Boat Ramps And He Is Very Willing To Meet The Same Kind Of Standards, He Wants A Natural Looking Lake Character Approach There, And It'S Something We'Ve Opened A Dialogue And We'Re Working With Them For That Specific Structure.

Riley: Can You Give Us An Idea How That Would Be Achieved? Once That Work Is Done, How Would It Look Different Than The Way It Looks Now?

Well, It'S Kind Of Hard To See In The Image, But The Way It Is Now I Believe There Are Wooden Pilings, And It'S A Wooden Eroded Away And The Soil Itself Is Kind Of Being Exposed, And The Idea There Would Be To Lay Back The Slope A Little, Add Some Rock In Front At The Toe, In The Wave Action Zone, Which Is Really The Only Place Where The 45 Degree Angle Would Be Applicable, Is Just In The Wave Action Zone, And They Would Provide Plantings And Cypress Trees And Other Native Plants To Kind Of Re Create A Natural Shoreline. We'Ve Got A Couple Sketches Drawn Up, But It'S Still In The Draft Phase. They'Re Still Looking At Different Approaches.

Riley: Okay. Thanks.

Mayor Leffingwell: Motion On The Table To Postpone Until November 18 For Additional Direction. All In Favor Of The Motion Say Aye.

Aye.

Mayor Leffingwell: Aye. Opposed Say No. Passes On A Vote Of 7 0. And I Believe, City Clerk, That Those Are All The Items On Our Agenda For Today, So Without Objection We Stand Adjourned At 5:26 P.M.

Mayor Leffingwell: It'S Time For Live Music In Austin, Texas, At The Austin City Council. In The Chambers Joining Us Today, Texas Native And Tenor, Chad Shelton, Accompanied By Eldon

Fingersliddle. Chad Shelton Has Been Nationally And Internationally Recognized For His Performance In Various Operas, Including Lyric Opera Of Chicago, Opera Australia, New York City Opera, Dallas Opera And Many More. Chad Will Be Performing With The Austin Lyric Opera As The Lead Role In La Traviata, Which Debuts In About A Week, And I Plan To Be There And I Plan To Be On Stage With You, Chad. I Do. I've Done This Before, Don'T Worry. It'S An Opera Which Has Inspired The Movie Pretty Woman. Chad Received The Richard Tucker Foundation Career Grant And A Richard F. Goal Career Grant For His Accomplishments At Central City Open, In Colorado. Ladies And Gentlemen, Please Join Me In Welcoming Chad Sheldon.

Mayor Leffingwell: Fantastic. And There'S A Lot More Where That Came From. The Lyric Opera Will Be Performing La Traviata, As I Said Earlier, Several Performances Beginning In The Next Week. Chad, Would You Like To Give Us A Brief Rundown On Had Those Performances Are?

November 6.

Mayor Leffingwell: November 6 Is Opening Night, Correct?

6, 10, 12 And 14.

Mayor Leffingwell: 6, 10, 12 And 14, At The Long Center. Come On Out, It Will Be A Great Experience And You'LI Get To Hear A Lot More Of Chad.

Oh, Yeah.

Mayor Leffingwell: Thank You. I Have A Proclamation For You. You'Ve Probably Never Had One Of These Before, But It Reads As Follows: Be It Known That Whereas The Local Music Community Makes Many Contributions Towards The Development Of Austin'S Social, Economic And Cultural Diversity And Whereas The Dedicated Efforts Of Our Artists Further Austin'S Status As The Live Music Capital Of The World. Now, Therefore, I Lee Leffingwell, Mayor Of The City Of Austin, Texas, Do Hereby Proclaim October 28, 2010, As Chad Shelton Day In Austin, Texas.

Thank You So Much.

Mayor Leffingwell: For The Lyric Opera And The Austin Lyric Opera Is Beginning A Week Long Session With All Different Kinds Of Events, Not Just Opera. One Of The Events Features Ray Benson, Willie Nelson And Other Folks That We'Ve Heard About For A Long Time Around This City. We Look Forward To It Very Much Every Year, Usually, And This Year Is Included In That Usually, I Have Kind Of A Role In The Opera, And I Plan To Do The Same Thing Again This Year. It'S Always A Great Challenge For Me To Go Out On The Stage And, You Know, Speak Those Words And Try To Memorize My Lines. Usually I'M Fairly Accurate About It, And I Haven'T Had Any Big Complaints And They'Ve Invited Me Back. So I Will Do My Best Not To Totally Destroy The Evening For You. So I Have This Proclamation In Honor Of This Whole Series Of Events. Reads As Follows: Be It Known That Whereas To Open The 24th Season, Austin Lyric Opera Is Staging A Week Long Celebration Of Film And Music That Highlights Austin'S

Creative Diversity, And Whereas The Opera Stampede Begins With The Screening Of "Pretty Woman," Which Is A Contemporary Retelling Of The Opera La Traviata. I Didn'T Know That, Which Closes The Stampede And Opens The Opera Season, And Whereas Musicians' Workshops And Performance By Local Favorite Seth Walker, Del Kastioa, Ray Benson, Along With Special Guest Willie Nelson Round Out The Week'S Events, And Whereas Proceeds From The Event Benefit The Austin Lyric Opera, Which Reach More Than 15,000 People Annually And Also Support The Health Alliance For Austin Musicians. Now, Therefore, I Lee Leffingwell, Mayor Of The City Of Austin, Texas, Do Hereby Proclaim November 1 Through The 6th, 2010, As Austin'S Lyric Opera Stampede Week In Austin, Texas. Congratulations. And Now We Have The Director Of The Lyric Opera, Kevin Patterson, Who Will Come Up And Say A Few Words For Us.

Thank You, Mayor. On Behalf Of The Board Of Directors Of Austin Lyric Opera I Want To Say Thank You For This Proclamation. The One Thing We Love In Austin Is Music. We All Love It, No Matter What The Style Is, No Matter Where It Is, We Love It, And At Austin Lyric Opera We'Re Committed To Music, Not Just Opera But All Music, Through Our Educational Programs. So I Thank You For This Proclamation And Come Out And Join Us. Remember, Don'T Get Run Over By The Stampede. Stay Out In Front Of It. Thank You.

Mayor Leffingwell: Take A Picture?

Mayor Leffingwell: So We'Re Now Here To Honor A Bunch Of Folks From Austin Energy, Our City'S Electric Utility, Which We'Re Very Proud Of. A \$1.3 Billion Annual Revenue Business That The City Of Austin Runs, And Totally Supports Itself Through The Fees That It Charges For The Product It Sells, Which Is Electricity. But Another Product We'Re Trying To Sell Very Hard Of Late Is Energy Conservation. In 2007 The City Of Austin Adopted A Climate Protection Plan, Which Had Several Elements In It, Kind Of A Comprehensive Look At Ways To Reduce Our Carbon Footprint Here In Austin. One Of Those Ways Was Conservation. We Have Committed To Save, Through Energy Efficiency, 800 Megawatts Of Electricity By The Year 2020, A Formidable Challenge. A Big Part Of That Is Working On Our Existing Infrastructure, Our Existing Housing Stock, Our Existing Buildings, To Try To Make Those Buildings More Efficient. If We Concentrate Strictly On What We Build In The Future, We'Ll Never Get There Because 90% Of The Stuff That'S Going To Be Here For Decades To Come Is Already Here. That Brings Us To The Subject Of Today'S Proclamation, Which Is Our Weatherization Program. Funded In Large Part Through Federal Stimulus Money, We Got A \$6 Million Award About Eight Or Nine Months Ago, And We Are In The Process Of Trying To Spend That Money According To Federal Direction As Fast As We Can, And It'S Really A Great Program Because It'S Good For Folks Who Derive The Benefits From Having Their Homes Weatherized Because Their Electric Bills Are Lower. It Supplies Jobs For The Folks That Are Hired To Do The Actual Work, And Finally, It Works Towards Meeting Austin Energy'S Goal Of Energy Conservation By 2020. So It'S A Multifaceted Good Thing. So In Honor Of That I Want To Read This Proclamation. Be It Known That Whereas Austin Energy'S Free Federal Weatherization Program Has Weatherized More Than 280 Homes To Date With Another 600 Homes Enrolled To Be Weatherized, And Whereas Austin Energy Is On Track To Enroll More Customers To Meet Its Goal Of Weatherizing 1,064 Homes By August 2011, And Whereas, Austin Energy Having Successfully Administered Its Own Free Weatherization Program For 30 Years By Weatherizing More Than 14,000

Homes Has Saved 16.4 Million Kilowatt Hours Of Electricity Annually. Now, Therefore, I Lee Leffingwell, Mayor Of The City Of Austin, Texas, Do Hereby Proclaim October 30, 2010 As National Weatherization Day In Austin, Texas. Congratulations To All Of You And Thanks For The Great Work You Do, And I'D Like To Bring Up Fred Yebra To Say A Few Words. Thank You, Fred.

Thank You, Mayor. Again, My Name Is Fred Yebra. I Direct Austin Energy Services For August Efficiency Services, And On Behalf Of Austin Energy And The Weatherization Team That Is Here With Me, We Are Very Proud To Accept This Proclamation. Our Weatherization Team Shares A Common Vision, To Provide Energy Efficiency Services To Low Income Customers In Austin. To Us, It'S Not Just About Weatherizing Houses. It'S About The Families That Live In These Homes. The Weatherization Assistance Program Is Absolutely Vital To These Customers. It'S Good To All Customers, And It Is Also Essential To Developing A More Sustainable Community In Austin, And Again, We Are Very Proud To Receive This Proclamation, And We Are Even More Committed To Continuing This Important Work, And I'D Like To Introduce The Members Of The Weatherization Team, Starting With Mr. Steve Saenz, Who Is The Program Director For The Weatherization. We Have Marguerite Jones. We Have Rusty Smith. We Have Cindy Berry, We Have Jack Patella, And Our Project Coordinator Is Mr. Joe Guerrero. I'D Also Like To Recognize A True Partner With Austin Energy Is Ms. Terry Green With Texas Gas Services. Together We Are Doing A Lot Of Good Work In The Community, And Again, We Are Very Proud To Accept This Proclamation, Mayor. Thank You.

Mayor Leffingwell: I'LI Introduce My Colleague, Council Member Morrison, To Issue The Next Proclamation.

Morrison: Thank You, Mayor. It Was 40 Years Ago That Peoples Community Clinic Started In Austin, Texas, And Fundamentally Without Our Help For People To Be Able To Work With Medical Professionals, So We Are Lacking In Our Lives And We'Re So Fortunate That From Very Humble Beginnings Beginnings, People'S Community Clinic Has Grown And Thrived And They'Re Still With Us And They Will Be For Many More Years, And They Provide A Very Special, Very Effective Center For People To Come For Health Care In Our Community, And We'Re Fortunate To Have Them. So I'M Joined Here By Margaret Margaret Henkels, And Ophelia Zapata, Representing People'S Community Clinic, And We Have A Proclamation To Mark Your 40th Year Anniversary. It Says Be It Known That Whereas Since 1970 Peoples Community Clinic Has Offered Care With Respect And Dignity To Austin Residents With Little Or No Health Insurance, And Whereas Peoples Was Founded By Volunteer Nurses And Doctors Who Saw A Need And Its Staff Has Never Wavered From Its Mission Of Improving The Health Of Its Patients By Providing High Quality Affordable Medical Care, And Whereas Today 11,000 Patients Rely On People'S Community Clinic As Their Medical Home For Accessing Prenatal, Pediatric, Adolescent And Adult Care, And Whereas We Are Pleased To Recognize The Dedicated Service Of Peoples Community Clinic, That It Has Provided To Our Citizens For The Past Four Decades. Now Therefore I, On Behalf Of Lee Leffingwell, Mayor Of The City Of Austin, Texas, Do Hereby Proclaim October 2010 As Peoples Community Clinic 40th Birthday Celebration In Austin. So Congratulations And Thank You So Much For All Your Work. I Know That Regina Rogas Was Planning To Be Here, Thank You For Being Here And Hopefully You Can Make A Few Comments.

Thank You So Much, Council Member Morrison. We'Re So Excited To Have A Proclamation. I'M Margaret Henkels. I'M Director Of Development Of Community Clinic, Virginia Rogas Doesn'T Have A Voice Today. She'S Sick And Sends Her Apologies But Wanted To Join Us In Celebrating Our 40th Birthday. This Is Ophelia Zapata. As Council Member Morrison Said In The Proclamation This Is A Happier For Us, We'Re 40 Years Old. One Thing About Being 40 Is You Can Celebrate All Year. So We'Ve Been Celebrating And We Hope That You All Will Continue To Celebrate With Us Because We'Re Happy That We Can Provide Great Care For People In Our Community. Thank You So Much.

Morrison: And Now We'Re Going To Welcome My Colleague, Council Member Shade, To Present The Next Proclamation.

Shade: Well, It Is My Honor To Recognize This Community Leader Who'S Going To Be Receiving This Proclamation, But This Is A Proclamation Recognizing A Very Serious Topic. I'M Going To Read The Proclamation. Then I'M Going To Let Julie Spann Talk For A Few Minutes About The Importance Of This. Be It Known, Whereas, Domestic Violence Is A Serious Crime That Affects The Lives Of More Than 4 Million Americans Of All Races, Ages And Income Levels Each Year. In 2009 Apd And The Travis County Sheriff'S Office Reported A Combined Total Of 10,557 Family Violence Cases And Whereas Children Who Grow Up In Violent Homes Grow Up At Risk Of Abusing At A Higher Rate And Whereas Domestic Violence Cost The Nation Millions Of Dollars In Police And Court Costs, Shelters, Foster Care, Sick Leave, Absenteeism And Non Productivity And Whereas We Urge Citizens To Learn More About This Issue And To Assist Friends And Neighbors Who May Be Experiencing Violence Behind Closed Doors, Therefore, I, Lee Leffingwell, On Behalf Of The City Of Austin, Texas, Do Hereby Proclaim October 2010 As Domestic Violence Awareness Month. I'M Going To Introduce Julie Spann, Who Runs One Of Our Most Well Run Nonprofits In Town. This Is Toward The End Of The Month. There Have Been A Number Of Activities That Have Been Part Of This Month'S Activities But Before The Month Ended We Wanted To Be Sure And Get On Channel 6 And Raise Awareness Because Even Though This Is The Official Awareness Month, Every Month We Need To Be Aware Of This Issue. Julia, Welcome And Thank You For All You Do.

If We Think About How Big Domestic Violence It, It'S Absolutely Enormous. The Highest Risk Factor For Domestic Violence Is Simply Being A Woman And One In Four Women In Their Lifetime Experience Some Form Of Abuse. In Any Given Year It'S One Out Of 12 Women. But If You Think About The One In Four Number, The Story I Always Tell Is As You Whack Through The Grocery Store Or As You Stand In This Room, Just Count Out, One, Two, Three, Victim. One, Two, Three, Victim. And We All Have A Role. It'S Not Just Incumbent On One Organization But Rather On The Entire Community To Be Courageous Bystanders, To Raise Alarm, To Help People Find Safety And To Refer Them To A Place Where They Can Get Help. We Thank You For Your Recognition Of This, The City'S Incredible Support In The Issue Of Domestic Violence. Thank You.

Shade: The Next Proclamation Is An Organization I'M Familiar With But Just Being I'M Looking Forward To Your Comments. Be It Known Whereas For The Past 25 Years Austin Baptist Chapel Soup Kitchen, Angel House, Feeding The Hungry, Refreshing The Thirsty And Clothing The Needy, It Serves A Hot Lunch 363 Days A Years And Served Many Hot Meals Since Its Found, The Food Bank Distributing 9,000

Family Food Boxes That Feed A Family Of Four, Church Food Pantries All Around Austin, And Besides Physical Needs, Angel House Provides Direction, Encouragement, Support And Meaningful Relationships To Its Clients, Now, Therefore, I, On Behalf Of Lee Leffingwell, Mayor Of The City Of Austin, Texas, Do Hereby Proclaim November 7, 2010, As The 25th Anniversary Of Austin Baptist Chapel'S Angel House Soup Kitchen, And Again, I Really Appreciate The Work. I'M Very Familiar With The Organization And I'M Pleased To Meet You. Welcome.

For 25 Years The Austin Baptist Chapel Angel House Has Served 300 To 400 Homeless And Needy People Each Day With A Hot Meal, A Hot Shower, And A Word Of Encouragement. If We Had Golden Arches It Would Read Over 2 Million Served And We'Re Valley Proud Of That. Angel House Was A Vision Of A Retired Air Force Sergeant And Pastor, Frank Butch, Who Is Today Our Executive Director. Frank, I Couldn'T Be Here He Couldn'T Be Here Tonight. He Has A Seminary Class He'S Teaching. He'S Also Shy. So I Was Given The Honor To Come And Accept This Proclamation. Frank Would Tell You That None Of This Would Be Possible Without The Caring Hearts Of The Citizens Of Austin, And We Really Want To Thank The Many Volunteers Who Have Supported This Work With Their Finances, With Their Hours Of Coming And Serving Every Day, And We Certainly Want To Appreciate The City Of Austin City Council For This Recognition And This Proclamation. We Invite The Public And Council Members To Our 25th Year Celebration Party, Which Is The Afternoon Of November The 7th, From 3:00 To 5:00 P.M. At The Soup Kitchen Facility At 908 East Cesar Chavez Here In Austin. Thank You Again.

Shade: I Didn'T Know This Until Today, But It Is Actually Municipal Court Week, And So I'M Going To Have The Honor Of Presenting A Proclamation To Friends And Hardworking Folks Here At The City, Rebecca Stark And Judge Edwin Mckee, And I'Li Read The Proclamation In The Mayor'S Absence But I Know That He Got To See Him Before He Had To Head Out, But We Really Do Appreciate All The Work That You All Provide. Be It Known That Whereas More Citizens Come Into Contact With Municipal Courts Than Any Other Courts In The State, So The Public'S Impression Of The Entire Fiduciary System Is Largely Dependent On Their Experience Of This Court, Austin Downtown Court And Community Court Pledged To Be Impartial, Rendering Service To All Equal Service, And Performing By The Standards Of Judicial Conduct And Whereas We Are Pleased To Recognize Our Court Personnel Including Nine Full Time Judges, 15 Substitute Judges And 164 Operational Court Personnel, And To Salute Their Critical Role In Preserving Public Safety, Protecting The Quality Of Life For Area Residents And Deterring Future Criminal Activity. Now Therefore I, On Behalf Of Lee Leffingwell, Mayor Of The City Of Austin, Texas, Do Hereby Proclaim August 1 Through 5 As Municipal Court Week. Again, I Thank You For All Your Hard Work.

Well, I Am The Presiding Judge Of Municipal Court. I'M Evelyn Mckee, And This Is Rebecca Clark, Our Chief Clerk, And We Together On Behalf Of All The Employees And Judges And Even The Prosecutors Who Work In Our Court, I Would Like It Thank You For This Recognition.