

Closed Caption Log, Council Meeting, 11/04/10

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morning, I'm austin mayor lee leffingwell and we'll begin today with the invocation from reverend paul meyer, pastor of mount olive lutheran church. Please rise.

We pray.

Heavenly father, we thank you for another day. A day not yet spent and a day in which we bring glory to you. We ask a special blessing upon this council and all the people of austin. Thank you for each of the councilmembers who willingly serve so that the lives of those who call austin home may be all the richer in many ways. Let us remember that serving others is the highest calling in life. As we have had the opportunity this week as citizens of a city, nation to voice our will through the casting of ballots, may the people be blessed with wisdom and the strength of the lord. Oh lord, may we all look to to you for guidance as you show us the way to service, hence lifting up the lives of those around us. We pray this in a precious name of jesus the christ, amen.

Mayor Leffingwell: Thank you. A quorum is present, so I'll call the meeting of the austin city council to order on thursday, november 4, 2010 at 10:05 a.m. We're meeting in the austin city council chambers, austin city hall, 301 west second street, austin, texas. We'll begin with the changes and corrections to he'd's very short agenda -- to today's very short agenda. First item number two is withdrawn. Item number 14 is postponed BY STAFF TO NOVEMBER 18th, 2010. On item 24 add as a co-sponsor mayor pro tem mike martinez. On item 32 after 207 chawmers avenue add the words, and 1701 east third street. Item 41 add the words after the zoning and platting commission recommendation, add the words, to grant an indefinite postponement. On item 42, add the zoning and platting commission recommendation, to grant general commercial services mixed use conditional overlay cs-mu-co combining district zoning with conditions. Those are the changes and corrections. Our time certain items for 30 morning briefing on the austin climate protection plan. And also a presentation on the economic analysis of a new convention center hotel in downtown austin, although we will not hear that briefing until after discussion of that -- a related item in executive session. So it will be afternoon before we hear that item. At 12 noon we'll have our general citizens communication. And under the speaker gus pena there was an error in the print up of the agenda, and instead of reading god bless our veterans and marine corps, the word corps was inadvertentlt off, and that is very offensive to marines, so we're inserting the word corps in the speaker's communications. we'll hear our zoning matters. we'll have our public hearings and possible actions. 30 live music and proclamations. Sic this afternoon will be mother falcon. Our consent agenda today is items 1 through 26, and i will read item number 22, which remains on consent. These are our appointments to board and commissions and waivers. To the asian american resource center advisory board, erika astetter is councilmember shade's nomination.

Cole: Mayor? I'd like to make a motion to postpone item number 9.

Mayor Leffingwell: Councilmember, if I could suggest, we will take it off the consent agenda and then you can make that motion after the consent agenda. So items pulled off the consent agenda are items 4 and 5 for speakers. Item number 9 is pulled by councilmember cole. And items 18 and 19 are pulled off the consent agenda. Item 18 has several speakers and item 19 is related, so I'll pull 18 and 19. Are there any additional items to be pulled off the consent agenda? Hearing none, I'll entertain a motion to

approve the consent agenda.

Cole: Second.

Mayor Leffingwell: Councilmember spelman moves approval. Seconded by councilmember cole. Any discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero. Now we'll go to our single speaker on item 4. Scott johnson, who has signed up neutral. Scott johnson, you have three minutes.

Morning, mayor, council, and mr. ott. Regarding item 4, last april or this april past, we talked about the fact that construction activities, particularly concrete or cement purchases that involve portland cement, are extremely high in energy and therefore create a lot of carbon dioxide emissions globally, up to five percent of the total. Staff came back with a memo that I got a copy of that indited there is so andards in place for anies that have high standards for the processing and dissemination of concrete, but I do believe that there is an opportunity for the council to look more closely at this as we try to move towards sustainable contracting like we're doing with the construction, demolition air quality item that should come back to you in the near future in december. Specifically, when the city is spending that much money, the amount of this contract is approximately \$500,000. When they spend that much money they can speak very loudly with their purchasing power to change the course of emissions, whether they be carbon emissions, particulate matter, which is even more unthey will think than ozone or ozone forming emissions. As many of you know e.p.a. Will decide later this year, early next year what nut what the newozone region is. This area will likely be a when that happens we will have to work smarter, allocate our resources on products and services better. Regarding the climate protection program and the air quality program, this is among the greatest opportunities, sustainable contract, sustainable purchasing. Believe me, it's hard. It's hard to change the contracting and purchasing of a large organization, but we've only gained ground very incrementally on landscaping contracts. We haven't gained ground in a way that's impressive yet. I would encourage the mayor and council and the management of the city to look at sustainable contracting and sustainable purchasing using the chief sustainability officer and the purchasing department to try to drive change. I'd be happy to answer any questions.

Thank you. Councilmember spelman.

Spelman: Scott, how have to change in order to ensure that we're getting low energy concrete?

At least for a pilot project the city could request that e-crete, a non-portland based cement product be used or an alternative. You obviously have to look at what options are out there and which vendor could deliver the product in the most cost effective way or in the lowest way, but the purchasing department has transitioned to best value, procurement and I know byron johnson can speak to that. So if you stipulate and say we want to be energy -- energy content to be only this level or the emissions level to be only this level, it may be possible to extrapolate that. I don't know if any cities have done that, but other cities have experimented with e-crete, non-portland based cement, and also rubber rised asphalt in alternative to regular asphalt.

Spelman: Thank you. Mayor, if there's somebody from purchasing who could answer a question, I would like to ask it.

Morning, byron johnson, purchasing manager.

Spelman: Did you hear what mr. johnson just said?

No relation. Just did.

Spelman: Have we considered changing our requirements to take energy load into account?

Public works helps with that and looks at that as a regular basis. One of the criteria that they look at is whether there are sufficient companies out there that can provide that to us. Right now there weren't sufficient companies out there that there could be competition, but again that's something that they look at on a regular basis and I was just talking to Howard Lazarus and we'd be glad to look at that again and provide you a report.

Spelman: If we were to which restricted concrete suppliers only to suppliers of e-crete or other non-portland-based products, how much effect do you think that would have on the total cost of the project?

I don't know that because we haven't done that. But that's something that we always look at when you don't have sufficient competition out there. And that is a factor that we can look at. Again, I think what we could do is ask public works to look at that again for you and provide you some data.

Spelman: If you could, I would sure appreciate it. Thank you, sir. Mayor, move approval.

Councilmember moves approval, seconded by councilmember Cole.

Mayor Leffingwell: Just a quick question. Obviously you would determine what the increased costs would be before you implemented a new requirement.

Yes, sir.

Mayor Leffingwell: And so would you include that in the data you said you would furnish to councilmember Spelman and the rest of the council?

Yes, that's exactly what we thought would be necessary.

Mayor Leffingwell: Okay. Thank you. Other comments? All in favor of the motion say aye? Opposed say no? It passes on a vote of seven to zero. We'll go to item number 5. And one speaker signed up for the item is Gus Pena. Gus, you have three minutes.

Morning, Mayor, councilmembers, Gus Pena. On behalf -- I'm not speaking in and for the best interest of the Marine Corps, but on behalf of the United States Marine Corps, I thank you for that correction, sir.

Mayor Leffingwell: I know what a sensitive matter that is. I'm happy to do that.

Thank you, sir. Appreciate it very much. Mayor and councilmembers, city manager, item number 5 has to do with authorizing \$270,000 for federal representation. I had a lot of phone calls, an astronomical amount of money spent. I'm in support of this because we're against tough competition. Our country is in need of services, in need of help for their own states and cities. And I do applaud this so I -- I'd be honest with you, Mayor, I've had about 60 phone calls anti-number five, but I told them we need it. We're up against tough competition. I thank you for that. Believe me, we do try to educate the public. They're all in support of item number 5 after I explained the expenditure that was appropriate. Thank you very much.

Mayor Leffingwell: Thanks, Mr. Pena. I will entertain a motion on item number 5. Councilmember Spelman moves approval. Councilmember Riley seconds. Discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero. Which brings us to number 9 pulled by councilmember Cole.

Cole: Thank you, mayor. We know that staff has put an incredible amount of time and effort into this long range plan, and we certainly support that effort. But in the comprehensive planning and transportation committee, we had some additional stakeholder comments and concerns, so i simply want to postpone this item for a very short amount of time to make sure that we can incorporate those comments into the long range parks plan. So I'm making a motion to postpone number nine.

Mayor Leffingwell: Do you have a suggested date?

Cole: Yes. NOVEMBER 18th.

Mayor Leffingwell: Councilmember cole moves to pope item number 9 until NOVEMBER 18th. Seconded by councilmember morrison. Discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero. We do have speakers on item 18, so I pulled the related item, item number 19. And before we go to our speakers, I'd like to get just a little -- a quick briefing from the staff on the related items 18 and 19, and explain in a few minutes what this does.

Thank you, mayor and council. Bob getter, director of solid waste services, and i can give you a very brief overview. If you wanted more detailed presentation, I do have a powerpoint loaded. For being brief, instead of walking through the powerpoint I'll give you a brief one, but I can refer to the powerpoint if you want to dig into the details.

Mayor Leffingwell: Let's try for the brief and see if we need to dig in.

We'll do. This particular ordinance has a two-year history of working with stakeholders through the solid waste advisory commission and a subcommittee. And through that two-year history about 175 stakeholders have been involved in the discussions and the making of this ordinance. The ordinance itself and the details are in the back material, and I'll walk through that briefly. This affects multi-family and commercial buildings. It does not apply in this particular ordinance to food service, retail, hotel-motel, event facilities, industrial manufacturing. That will be a set of clients and buildings and office settings that will be affected in a second ordinance that we will present to council next year based on the need for organics collection and some complications there. This particular ordinance applies to multi-family commercial nonresidential office use, institutions and so forth. And it is a phase-in approach. The concept is the larger the property, the sooner the phase-in, the first phase in DATE IS OCTOBER 1st, 2012. The last phase-in of the smallest units in 2014, 2015. Could not september of phase-in is that the -- could not september of phase in is that the service providers need ramp up time for equipment and education of the customers in the implementation. So it's an implementation strategy. This particular ordinance would require the collection of mixed paper, plastic containers, corrugated cardboard, aluminum cans and glass. This models the single string program of the residential program. I would like to just note a clarification. Although this models the collection method -- the collection materials of single string, it does not mandate that the commercial enterprises collect in a single stream manner. It's the relationship between the service provider and the office building or the commercial enterprise as to how this material is to be collected. So that's a minor clarification right there. This ordinance also in effect a multi-family and commercial enterprises requires universal signage, public education programming by the city staff and some other educational methods that will be performed by the staff, including website updates, reporting requirements by the haulers and so forth. It is a comprehensive recycling ordinance that basically has the intent of moving the recycling program and diversion activities from the single-family homes to include multi-family and commercial and be a full spread so that you can recycle at home, at the office, at play and so forth. That's my brief version of it.

Mayor Leffingwell: Very good. Could you briefly talk about the costs associated with implementing this program?

Yes. There are two types of costs. Cost impacting the city, cost impacting the client base. The cost that is impacting the client base will be a cost impact as negotiated between the customer, the owner and

operator of the apartment complex or the commercial enterprise with their service provider. So that's a contractual agreement with their private service provider. The cost associated to the city would be basic educational and technical assistance programming that we make commitments to. For instance, there's a universal signage concept here where all bins would state what the ordinance requires in recycling, so it's a point of -- at the point of usage of that bin, exactly what can go into that bin for recyclables. The city has committed to funding that signage and distributing that to all the associated vendors that are servicing these clients. We also have a cost factor for development of our website, in maintaining a reporting mechanism and we also recognize that in the private sector service providers, the haulers, there's a concern on gathering cents active data and so -- sensitive data and so there might be a cost to the city in providing a reporting mechanism through a third-party, nonprofit or private company that could the data and then present the data in an agriculture gated form to -- aggregated form to the city to make sure there's compliance to the recycling ordinance. Those are the main costs that the city may incur. There's also some staffing increase requirements. And that would be presented in our fiscal year 2012 budget. It's not presented in our fiscal year 2011 budget.

Could you include the numbers associated with those costs?

Yes. Let me reference those numbers. Rough estimates, we're looking at additional staff in office requirement of about 300,000. We'll nail that cost down more precisely as we present it in our fiscal year '12 budget. The education campaign would -- in working with these new businesses is roughly estimated at about 50,000 a year. The signage would be about 65,000 a year over a four-year period. As we add in new bins and new service through the private sectors system. And the web design initially would cost about 110,000. That is not an annual fee. That's an initial fee. But there would be an annual maintenance fee that is somewhat unknown. We would have to bid that service out. And the third-party confidentiality monitoring is roughly estimated with a few phone calls to some private companies that can perform this roughly estimated at 100,000 annually.

Mayor Leffingwell: So i get about \$525,000?

Roughly, yes.

Mayor Leffingwell: Over a period of years. And all those costs will have to be addressed in the 2012 budget.

Yes. And each year that we are in the implementation stage we will present these costs in our budget presentation. And we will segregate these costs so that you will see it each year.

Mayor Leffingwell: And educate me a little bit on this 110,000-dollar website.

The concept on the website is not just simply planting a website up there. We have technical expertise within the city to do so. The expense is creating a reporting mechanism where it's easy to submit a form with numbers by all these ent customer bases and haulers and so forth. Try to make the reporting requirements as simplistic as possible. So it's a form-based web application. And there is some complications in the initial setup. So that's a rough setup cost right there.

Mayor Leffingwell: So it's an interactive website, which -- is that typical cost for these types of websites?

Yes.

Mayor Leffingwell: Is it 3d also?

Yes. And beyond my technical expertise. [Laughter]

Mayor Leffingwell: Any further questions for staff before we go to speakers? Councilmember morrison. And then councilmember spelman.

Morrison: Thanks, bob. As you mentioned, this ordinance does not apply to several types of use. Could you talk a little bit about what we have to look forward to as we move forward and how we'll work all those issues out with the restaurants, etcetera?

Say that again. I didn't catch everything you said there.

Morrison: This ordinance only applies to certain uses. It does not apply to restaurants, retail, etcetera. So I wanted to know if you could talk a little bit about how we can expect to move forward, what kind of conversation, how we're going to work out the details and the challenges with those uses, recycling?

Yes, easily. We've met with a lot of stakeholders in the restaurant field as well as the other affected customer bases that are on hold for what we call phase 2. And the commitment by those entities is very strong on the recycling end. They have absolute firm commitment to honor the city's attempt to increase recycling at their facilities. The complication is in the collection end and particularly the largest complication is in organics collection. The need to work with the health department in collecting organics in a safe and healthful manner, those details at the collection end of each restaurant or food service entity, caterers, food processors, whoever is affected, those details are not fully vetted out. There's significant concerns by the stakeholders. And so our answer to our stakeholders is let's work those details out and come back to council next summer.

Mayor Leffingwell: Councilmember spelman.

Spelman: Bob, I appreciate your very thorough analysis of the cost of this program. I wondered if you could give us a sense -- I understand how the program is going to have a direct benefit to people who live in the multi-family structures and are working in the offices. I wonder if you could walk through for us what kind of benefits the rest of us are going to incur as a result of our participation in this program and our mandate here.

In this particular ordinance this does not affect single-family homeowners. It does directly affect the multi-family apartment complex residences. If the residents in a multi-family setting is not currently serviced by the city through a toter set up. If they're serviced by a metal bin, by a private sector service provider, then they are affected by this ordinance. The concept would be that those residents would gain the same service level as a single-family home. The collection method would be determined by the service provider. There are multiple service providers. We'll work with them on implementation issues and bin placement. There are a lot of concerns about how to place a bin in an apartment complex parking lot and not lose a parking spot or other amenities. So there's other --e technical issues at each apartment complex, but the tenants should be receiving that service.

Spelman: Approximately how many people will now have access to recycling after this has passed or after it's implemented that haven't before?

That's a good question. I don't have a real good number nailed down on the number of residents affected. I can tell you that there are 2,436 multi-family properties. Those are not number of units, those are number of complexes that are affected, 2,436 properties. I don't have a very good estimate on the number of residents that are affected. I can also tell you there are 2,178 commercial offices that are affected. By this ordinance.

Spelman: In the beginning we're talking about implementation in october of 2012. 500 Properties of 100 units or more, that's 50,000 units. That's a lot of units just to begin with.

Yes.

Spelman: There are probably a couple of people in each of those units. We're talking about something like 100,000 people a year and a half from now getting access to recycling who do not have it now, at least at home.

Yes. And that is part of the reason why we rolled back the timetable. There are stakeholders that would prefer an implementation schedule more aggressive and sooner than this. We've rolled back the first implementation date to 2012 because we have a tremendous amount of education and we need to reach out to the tenants of the apartment complexes and the tenants of the office complexes and make sure they are aware of how to use the program correctly. And that will be a city responsibility in partnership with the private service providers.

Spelman: We've got an estimate for approximately how much this is going to cost the apartment owners and the office managers?

It is really tough to answer that. The apartment complex managers as we work through this issue with their association is very sincerely concerned about that. There is a pass-along fee increase to add new service basically. We don't know how much of an impact economically that will be. We can calculate on average numbers, we've got an average cost by our staff estimates at two cents per square foot by month for commercial properties. That is taking in account adding recycling services large quantity of square footage of office space and trying to average it out. It really is hard to estimate precisely what the impact would be on an apartment complex owner or a property manager, a manager of a property. We don't have firm numbers on that.

Spelman: What's the source of the two cents per square foot for offices?

That is a staff analysis of looking at private sector current pricing of services for recycling and averaging it out over the square footage available.

Spelman: So there's a market for that sort of thing based on square footage and we can have a sense of that pretty directly, but we can't really get a good estimate for the apartments. Would it be roughly two cents a square foot? Is that the numbers we're talking about?

In the apartment complexes if they are to be serviced through a cart service, a tote or cart service similar to single-family, we're estimating that at roughly five dollars per month. However, that is not a proper pricing mechanism if they're serviced by a larger bin because they're a larger complex. So once again, those are costs that we'll explore with the private service providers over the next two years.

Spelman: We'll be getting updates over the next couple of years as we move towards implementation of what those costs are going to be. And if you would provide those to us, I would certainly peesht seeing what they look like.

Yes.

Mayor Leffingwell: Councilmember Riley.

Riley: Bob, we're still -- as you know, we're still working towards plans for -- long-term plans for a city-owned material recovery.

Yes.

Riley: Can you help me understand why we wouldn't include anything beyond residential within the scope of those long-term plans? We're still expecting that the private sector to take care of commercial and multi-family. Why wouldn't we consider having the mrf cover those as well?

In the mrve negotiations for our -- the mrve negotiations for our long-term contract, we are estimating the tonnage that would be generated through this ordinance, and that is part of the discussions for the planning of the size of the mrve. Mrf. So we are planning the tonnage to be collected from the effects of this ordinance in our long range planning.

So long-term then the mrf would be able to cover it?

Yes. It's the ability to have the mrf to have the ability to cover single-family as well as commercial.

Riley: When you say that the lead time is intended to allow private sector companies to ramp up, what is the vision for how that ramp-up would relate to the city's own progress on a mrf?

The ramp-up is needed not only for equipment acquisition to service the sites in particular, like trucks and bins, but it's also to ensure that we have enough mrf capacity in the area. I'm convinced that the private sector plans that I see on the table will service this tonnage, but they need the ramp-up time.

With respect to our reliance on the private sector to cover these things, we have had some issues with enforcement of the current ordinance. Can you speak briefly to how -- what additional measures we might be undertaking on enforcement under this new revised ordinance?

Under our current game plan for enforcement, it's primarily through technical assistance. If we see a property that is not complying, we will send staff out and investigate why there is a noncompliance issue. Generally what I anticipate is that the noncompliance is -- will be related to placement of the bin or working arrangements with a private sector service provider that is difficult for that site. And so we'll provide technical assistance. If the noncompliance is beyond a technical assistance solution, if there's just simply the defiance to honor the ordinance under this ordinance, it would be a civil misdemeanor and we could engage our law office in pursuit. But I don't anticipate that type of enforcement up front. The first form of enforcement would be through technical assistance.

And then just one other question about the materials collected. I know you said that this program will be modeled on the current single stream program in terms of the materials to be collected. Are there some materials that single stream covers that aren't covered under this, like steel and tin?

Yeah. The composition of waste in office complexes are quite different than single-family. So what we're being careful of is not dictating the type of collection at each site, we're more concerned that these large groupings of materials are covered by the ordinance, that there is the intent to collect these items. The collection method will be determined by the site and the service provider.

Riley: So we would be collected even steel and tin?

I'm sorry, I didn't hear you.

Riley: So we would be collecting even steel and tin from commercial sites?

Yes. The intent is steel, glass, tin, paper, cardboard, the full stream, but there is that recognition that there may be very limited quantities of steel or tin from an office building. In many office buildings it's 85% paper fiber.

Riley: Okay. Great. Thanks.

Mayor Leffingwell: Just for clarification, on the -- who is going to service commercial properties, it's my understanding that the city could -- the city is not excluded from some point in the future from taking over that service, but right now the contemplation is it will be done by commercial companies. That is presently an open item and my understanding since we started talking about this stuff several years ago as far as the mrf is concerned, the material recovery facility, one, it's not going to be enough for the city of austin down the road. We will need several, including possibly the city's own. So thank you very much. If there are no more questions, we'll go to our speakers. And we may have questions after that, mr. getter. Gus pena. He signed up for. Welcome back, mr. pena. You have three minutes.

Mayor and council, gus pena again, native east austin austinite. I want to say early austin joya, who used to be assistant city manager, she's no longer here, i understand, formalized a meeting with committee members, staff -- I don't know if tammy was there or not, but I know a lady by the name of melissa and a lady who was here, hispanic lady. I don't remember her name. One of the recommendations brought in by melissa martinez and others and concurred by susana almanza and others was that it would be good and appropriate and necessary to have an advisory committee of youth. Who better than a youth who are going to be our future recyclers to be knowledgeable about the policies and procedures and the process. And so I asked alta this morning, mark, if I can call you marc, instead of ott, who had come up about that, and in fact the city it established a youth advisory committee or commission and so if it has not, we respectfully would request that happen because we need to get our youth engaged and I think it's a very good tool. And randy, I wasn't raz sell dazzled, but I was with chris riley and mrf and all that stuff. If we can let the public know about what we're talking about the mrf and the ramp, that would educate the people more. Just getting it from the backup doesn't get it. Maybe the staff could do a better job of explaining. I think having again a committee comprised of youth is very acceptable. I do know that you're going getter will have to do a good job of educating the multi-family residents, spanish, english and other languages also. And I know that we'll get done because I know the city has done a good job. Mayor, I'll keep it at that and thank y'all very much for that. Maybe you can implement martinez's idea of a youth advisory commission for recycling. Thank you very much.

Mayor Leffingwell: Thank you, mr. pena. George diaz. George diaz. Apparently not in the chamber. Those are all the speakers that we have signed up to speak on item 18. And council, we can consider the related items, 18 and 19, together in one motion. So I'll entertain discussion or a motion on those items. Councilmember spelman moves approval. Councilmember riley seconds. Any further discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero.

Riley: Mayor? If I could, I would like to acknowledge all the work of the solid waste advisory commission and staff on this. I know it was a lot of hours of very hard work for the community. It was very collaborative process. I just want to thank everybody who was involved in it. I really appreciate it.

Mayor Leffingwell: Thank you, councilmember. I would actually like to say ditto to those comments. So I believe, city clerk, those are all the items that we can consider on our morning agenda. So we will go to our briefing on the austin climate protection plan. Welcome mr. robago.

Good morning. My name is carl robago and i am the president of distributed services for austin energy. The austin climate protection plan staff program is in my group. What I want to do today is provide an update. I hope we have a presentation loaded. Perfect. What I want to do is provide an update for you, an annual report. This annual report has -- wherever we speak of specific numbers, we're speaking of 2009 data, which is the last verified set of data we have for our climate protection measures. This presentation will be in two major parts. First, I want to tell you about a lot of the program activities that are going on in the austin climate protection program right now. And then second, I'm going to walk you through some of the major goals, most of the major goals in the actual resolution from 2007 and give you the progress to date against those goals. Before I do that, let me tell you that -- well, actually, let me

start with the first slide here. Hopefully I can -- good. The first thing I wanted to say is that austin's climate protection program continues to be a leader in the nation among those undertaken by municipal governments. The international council for local environmental initiatives, which is an association of local governments working on sustainable development, recently recognized the austin climate protection program for its great success in meeting a pretty challenging road full of milestones to getting to climate measurement and responsibility. I want to take a moment to call out in particular esther matthews, who has been running the program since its inception. She's sitting here in the chambers. But also the whole staff that we've had working over the last several years on this. This particular recognition comes from having made it through five steps. I'm going to lay out the steps for you because it's important for you to understand what the foundation for a city climate protection program really entails. The first thing you have to do is you have to measure what your greenhouse gases are. You establish a baseline inventory both for the community at large and for the city government's operations as a share of those emissions. Second you set formal emissions targets, where you're trying to go. That of course was done in the 2007 resolution. You create climate action plans broadly and as we have in the resolution, but specifically in the departments to make progress and measure progress against that. And you start the project activities that will result in those reductions of climate, greenhouse gas, climate change causing emissions. And then finally you go back in and you measure your progress against your goals and you update your inventory. So it's a pretty complex process required in order to be climate responsible. And austin energy -- the city of austin leads many, many communities in that. This is also a good time to remind you of the basic timeline associated with the austin climate protection program. You will remember the resolution was dated in february of 2007, but the first staff reported about six months later. And actually it started to work. And again, that first step was getting the inventory, understanding where the emissions are, who causes them, and what sectors they come from. That took -- and we covered the first two years period with that. We are about to see some major milestones. I'll be talking about more in a moment that were laid out in that resolution, the powering of facilities with renewable electricity, the zero energy capable home standard in 2015, improvements in all buildings up to 75 percent improvement in energy efficiency for new building construction. And 20 twen some really big milestones associated with both the austin energy resource and climate protection plan as well as a lot of facilities and transportation use. So keeping that in mind, the overlay on those, again the big goals. 2012, Renewable energy for city facilities. 2015, Residential, 65 percent more efficient than today. And by the way, in the parenthesis on this particular slide you see our status as of those 2009 numbers. 2020 Those other big goals. And we also started the community climate action plan process some months ago and while detailed work is still underway to culminate in a community climate action plan, the group did convene around a visionary goal for our community that we would be climate carbon neutral by 2050. So that in all our activities, in all our undertakings in our lives and in our government operations and business operations as well we would try to get to that point. A major part of course of our footprint as i will show you later on is our energy contribution, our energy -- electricity related emissions. And you all are well familiar that austin energy completed its resource in climate protection plan and submitted it to you. It waits final approval, but it has some major milestones along that climate leadership for austin. The 35% renewable energy generation target by 2020, including a doubling of our target for solar from 100 to 200 megawatts of solar. # Hundred megawatts, an increase of 100 megawatts and energy efficiency from 2007. And for the first time for austin energy a specific climate goal of 20% reduction in co 2 from our 2005 baseline, which would put us safely under what we anticipated at the time and still anticipate as the number that is likely to emma nate if there is any climate legislation at the federal level. The staff of the austin climate protection plan has been busy and continues to be busy on a number of additional projects. A number of them are listed for you here. This is the an going activity to reap the benefit of the foundation that has been established. More work on the inventories and importantly updating it on a regular basis. Representing the departments create their departmental climate protection plans and tying them together with a reporting system that I'm going to give you a little more information on in just a minute. Continuing the goal of educating all of our city employees about climate protection and their potential role in it. Working to establish those community wide targets and figure out a real plan for getting to that climate neutrality by -- carbon neutrality by 2050 objective, developing the calculator and improving its use, getting more customers to use it and adding to it soon an opportunity for customers to buy locally produced carbon offsets if they want to make their homes carbon neutral by taking that additional step. And then of course recognition, calling

out the leaders, restarting the environmental awards program. So now let's get into a little bit of the numbers in those inventories. It was the first foundational thing. These are the numbers associated with the tons of emissions that we produce. The city operations produce. So the big one there of course is energy. That's austin energy's power plants producing greenhouse gas emissions. And then the other ones you see they're waste and transportation and water. So that's what we produce when we run. But not all those emissions are attributable to us. This next slide shows you in terms of our activities as a city, this is the sort of the -- this is not or the so of. These are the emissions that are directly attributable to what we're doing. So out of the six million that we produced, city operations are directly responsible for about 250,000 metric tons of ghg, carbon dioxide and equivalent emissions in the year 2009. This breaks down to 2,110,000 from austin energy and about 140,000 from -- 110,000 from water, 73,000 from austin energy and about 44,000 from the transportation that we as a government do. I want to remind but some of these numbers later on as we get into a little bit more detail. Once we know what the city does, then the city has to set up its plans on how it's going to reduce its emissions in each of the departments. We started with our inventory and then working through our climate action leadership team, austin energy's austin climate protection plan staff led and cooperated with the departments to get their inventories allocated properly and to identify their goals for reduction. Those goals were reviewed by the department directors, assistant city managers and of course esther matthews as the director of acpp and they've all been put into place now. And the next thing is to put the tracking system cars that I mentioned a little earlier, the climate action reporting system. And the irony is not lost on us of naming our climate program cars. We're working on electric transportation. That's another briefing. So on this slide it shows basically the simple schematic of how this works. The departments in the five key buildings in the plan all get together all their information and it will be automatically up loaded into the tracking system. It will collect projects that are in cis and other data bases. It will quarterly progress on those and generate regular reports on a monthly quarterly and yearly basis on what impacts are expected on emissions. And then those can be used by managers to track their progress. If they said they're going to do, for example, relighting of their buildings and there was a budget for it, they can see that the relighting money was spent and that that was put in place and that will be tied to a specific estimate of carbon dioxide, emissions reductions and that will go into the cars reporting system. So it's set up to be user friendly, but also sufficiently rigorous that we can watch what's happening. Being good to the climate is good for the city and that means it's good for taxpayers as well. Collectively the plans that our departments have articulated have the potential to reduce according to these numbers here. A lot of kilo watt hours, a lot of cubic feet of natural gas, a lot of gallons of water, a lot of gallons of transportation fuel and the relating benefit of the greenhouse gases and savings to the people of austin. Couple actively the 337,000 metric ton reductions proposed by the various departments would be about a five percent reduction of the total and save a 3 million in operating costs. Not quite a free lunch, but one that you get a little bit to eat. If we continued that type of performance over the areas of the plan reaching for the goal with the improvements in technology, we should continue to enjoy cost effective opportunities to reduce our carbon footprint. Another key part of this of course is training and outreach. So far austin's climate protection program has trained almost 4,000 participants. Students at various levels. 1100 -- Almost 1200 city employees and a number of community members in various activities. Moving the next step to multiply that, the trainer programs and going online with training for city department staff. Again, so that everybody can be aware that it's in the little things they do in their life to create carbon emissions and that's the way we can deal with the climate problem, one little step at a time.

I want to lay out the key objectives and to remind you of where we stand as of the close of the 2009 inventory data. In the municipal plan, I've already laid out all these goals for you, but the key ones are the green electricity, carbon neutral fleet operations, plans in place and training for employees. And you can see there in the subbullets the pressure of progress. Remember, this represents about the 260,000 tons. When we dig down just a little bit on fleet where we stand right now is at about 55% of the fleet is alt fuel capable. So we're making progress, but there's still work to be done. Of course alt fuel capable is not the same as carbon neutral. It's a foundational step towards switching the fuel use and changing -- and changing sort of the way we get the energy into the vehicles to move them along. But it's a foundational step that we work through and we had to work through some technical issues. Remember, it's about 44,000 tons here. The utility plan already mention sheriff's department proposed. I went

through all these numbers. Progress on energy efficiency in particular continues, although it has been challenged because a lot of low cost reductions come from new buildings. And the implementation of codes. With the slowdown in the economy we're having to double up our efforts and you may have seen or heard of things about that. But double up our efforts on the existing building stock where a lot of the inefficiency lies untapped and undeveloped. That's about 73,000 tons in 2009 just to put it in perspective. The next major plan element was the homes and buildings plan. This is my green buildings group over at austin energy and it's about implementing the building energy code. In 2009 we adopted another major -- 2010 we adopted the 2009 revisions with your support. And that will make -- that accomplishes a pretty significant step change in efficiency of new buildings. And also by the way major retro fits. And moves us away with those coded options as well towards our goals for all buildings being 75% more efficient by 2015. And gets us closetory that zero energy capable tomorrow standard. E-cad ordinance is up and running and we're tweaking and trying to improve it on a continuous base. We're continuing to gather data in anticipation of a report we'll be giving you within the next year on the two year anniversary of the implementation of that. And we're working on the mandatory green building report with -- in final review with the departments on that. On the community side, i mention that had we already had a major kickoff charrette in march. For twoays o icipants, volunteers, city department representatives and others. We've had some advisory committee meetings in the meantime and we hope to have a summit on the one year anniversary in which a plan is articulated and could be adopted by community members and put forward as the plan. And this is really where the climate emissions are. This is 10 million tons of our total footprint, which is sitting at around 16 million tons in the travis county big picture area that we all impact. So the community stepping in with the tons that are attributable to there activities and living their lives and doing their works and going to the places they go and using the services they use is where we really want to take the leadership from the city departments and take -- and take the planning efforts, for example, austin energy, and turn those into opportunities for citizens to take a change. The last thing, just to mention, is this idea of the go neutral plan, which is giving citizens this opportunity to make changes. And we want to allow them to do that not just through reducing their energy use and carbon emissions, but renewing their energy use and carbon emissions and then finally going to the option of offsetting. So just like you know in recycling, it's reduce, reuse, recycle, in climate it's reduce, renew, offset in that preferred order. As I mentioned, we'lling moving to launch a challenge grant opportunity for local projects that will reduce or avoid greenhouse gas emissions or sequester carbon. And we hope to be getting that rolling out very soon. So with that I'll conclude my briefing with one more sort of shoutout to esther and the entire team at austin climate protection plan as well as the leaders in all the departments who have helped us make such significant progress over these years. The foundation is in place and now it's the time to really start doing some of the hard work and the plans that we've created to actually achieve the goals we've set out for our sestledz. I'd be pleased to answer any questions you might have.

Mayor Leffingwell: Thank you, carl. Questions for -- councilmemr riley.

Riley: Carl, I want to thank you for the presentation. I also want to echo your comments thanking esther and everybody else on staff who has been working so hard on this. Just a couple of questions. With respect to our goals on the city fleet vehicles. I appreciate the numbers on the percentage of our fleet that's alternative fuel capable. Do we have data on the percentage of our fleet that is actually using alternative fuels?

I believe there was some information that came through the city auditor's office as a result of an audit. I think you received a report on that a couple of months ago that tracks that data specifically. I'll make sure we can get it to you, but there is -- there are estimates of use and therefore carbon emissions that have been experienced as a result of looking at that.

Riley: Isn't that really the critical thing, how many are actually using -- alternative fuels and the carbon reduction that that represents?

It is critical to accomplishing your goal of reducing emissions by just changing the fuel or the technology,

but it's -- it's also sort of a walk before you run step. There are things associated with how you manage the use of the equipment if you're using bio diesel, for example. You have to change your filters. And then you've got to train staff that when they're out in a vehicle and they need to fill up, they make use of alt fuel where it's possible. And then you you've got to have the infrastructure that goes along with it. So in some ways changing out the vehicles by just buying different vehicles when they come up next in the rotation for purase is the easy thing. It's then living in a way that you're trying to follow through on those. It's hard. And that's the stage we're at now.

And the fleet isgoing to be carbon neutral by 2020, then it seems like we'll need to get to work on looking carefully at our actual use of alternative fuels and then we can have discussions about what that means, what the -- what alternative fuels we're talking about and what carbon emissions reductions those present.

Absolutely. There's a great leadership opportunity for the city of austin in accomplishing that goal.

Riley: Okay. And then on the homes and buildings plan. You mentioned the energy audit and disclosure. In fast we've talked about goals for actual follow through in making the improvements that are suggested and energy audits. Are we talking our progress towards those goals?

We've been keeping the rmc and the uc up to date. The resource management commission and the electric utility commission, up to date with progress reports. I've reconvened a working group of some of the people on the original toirs and we're making some midterm corrections to see if we can get at it. So we're below. I think the last numbers I saw is that we might say that 10% of those homes that had measures identified to them undertook those changes and you may remember that the first year goals was about 25 percent. So there's a gap there to be closed, but we're also finding that customers are in many cases not even aware that there was an audit performed when they buy a home. So we're trying to find ways to increase the visibility and accessibility of the information being provided to see if it's just a matter of implementation or if we have to reraise the question of how do you get the measures accomplished? That will all be rolled up into the report that we'll have within the year for you on the progress.

Riley: Okay. So there is ongoing work on that?

Yes.

Riley: Thanks, carl.

Mayor Leffingwell: Councilmember morrison.

Morrison: Thanks, i appreciate it. One of the slides you had broke out the emissions that were going after in terms of transportation energy and waste. I wonder if there are other ways that you've 2010 it out because I'm sort of interested in how much of it, for instance, -- one thing that comes to mind, how much of it comes from governmental entities in the city of austin? Because that probably presents a bit of a challenge in terms of working together --

you mean like state?

Morrison: State, school district, county? Are there any other breakouts, other ways of cutting the pie that you all have done?

Esther, do we have those? I don't have those with me, but I think it wouldn't be that hard to do. At the highest level we could allocate on a kwh and then account for example, green choice subscription or renewable energy installations and we could probably make a pretty good approximation. I've got to be

careful about -- at least on the electricity side. On the transportation side, we would have to sort count buses and things like that. But we can look into seeing if we can do that and see which subsets of our non-municipal customer -- how they contribute.

I think that would be interesting. And then -- because obviously we have a lot of governmental activity in this town and so -- and that means that we might want to have a plan for reaching out to them and working together to try and get them on board and help them.

Again, another great opportunity for leadership.

Morrison: Rievment another question I had on slide 4, our goal is mention understand 2015 for residential could be 65 percent more efficient. We've already achieved 31% more efficiency. That's pretty amazing, if you ask me. What are the major components of that? That's really a great track record?

It would be 31% more efficient based on the new buildings. It's not making -- that's where we have to do is we have to get into that existing stock. So the new standards will walk us that far for a new buildings. And every new building will accomplish that. And where we're accomplishing -- where we're seeing those great energy efficiency buildings is -- I mean, just simply the outstanding green building community we have in this town that has been nurtured and cooperatively developed over the last 25 or so years that I've even been aware of it. It's also new technologies that they're deploying more cost effectively. It's a substantial increase in customer awareness that comes from the private sector, buying advertising, chasing those green builder ratings and doing all that kind of activity. And again, government leadership, setting standards for our buildings and how we want to -- how we want to sort of show the way.

Morrison: Not to mention getting the folks involved in the industry here. I guess I'm a little unclear on what the numbers mean. So residential, our goal is by 2015 to be 65% more efficient. So that's just with regard to new --

right. The new buildings will be 65% more efficient and all buildings -- all new building stock, not just residential, to that 75% goal.

Morrison: Got you.

For the new building standard.

Morrison: One thing that's changed since 2007 when we adopted this goal is that we now have achieved -- have a chief sustainability officer. And since this is obviously an overarching issue for the city government and for the city, have you worked with her or can you tell us how you're working with her and how that's all getting integrated together?

I didn't even know we had -- [laughter]

Morrison: Let me introduce you. She's right back there.

No. We have met several times. We're not quite on each other's speed dial, but it's interpreting pretty close. So yes, she comes with great experience in the green building area from her previous posting in seattle. And we've already had several conversations both between her and i and at the staff level as well.

Morrison: So there's a certain amount of collaboration and work going on there.

Yes. It's fun to have morale lies. -- More allies.

Morrison: My last question, my interest was piqued on slide 11, I believe it was, when you were talking about cars, the reporting -- online reporting system. And I was thinking about what the mayor had just brought up for our previous item that we discussed in terms of needing an online reporting system for our new recycling program. Do you know, did we do this cars system in-house, development of online?

Yes.

Morrison: So -- you don't have an estimate of the cost then. But we do have the in-house capability to do that at least in austin energy?

Right. Yes, we did. And it's integrated in with the existing sort of budget system and the department I know helped Jennifer Climer is the person who was primary responsible for it and the various people on the CAD team. So yes, it's just a matter of sort of setting the time and tweaking the outputs and the ways to dump reports. In many cases. And just add multipliers and factors according to your original plan.

Morrison: Thank you very much and thanks for your work and to all the staff.

Thank you.

Morrison: Councilmember Spelman.

Spelman: Thank you, Mayor. Carl, I'd like to talk more about the DMUNT plan -- community plan. It seems the great benefit of what we're doing, in addition to the direct carbon offset, the direct reductions, is that we're providing a demonstration for other institutions that are similar to the City of Austin (Indiscernible). Could you tell us more about how it is that that demonstration project is going to get out.

Okay. And which demonstration project, I'm sorry?

Spelman: The whole corporate surprise of reducing our carbon footprint?

Our stepping out first. Basically the community plan as I said goes after that 10 million tons that is really under the control of citizens' actions on a day-by-day basis. Much of it is emissions that are attributable to them because when I use electricity, I really own the emissions that I cause. What -- our basic concept for the community plan was to say what would be our big goal, and that's carbon neutrality by 2015. That's what they agreed on. And what are the major sectors in which we need to operate and it becomes energy, you know, water, buildings, those kinds of things. And then they establish -- they'll establish goals, which will sort of become the community action plan? And it's government action and what is individual action. It's easy to say we can have the government do this and the government do that. And we've still stuck with the 10 million tons. So it's sort of bringing it home and making it personal. Do I seek an opportunity to participate with a government program. Do I go down to the store and buy a light bulb myself and replace it? Do I call a neighbor and carpool to get the kids to the soccer game or do I just load up my SUV myself. Those kinds of things. And when we find the role of government action is most significant in relation to those individual actions is showing that it's possible, demonstrating that it's cost effective, because most people won't end up doing those calculations themselves, but they believe government will try to. And if government does it, it's probably cost effective or it's going to help make it more cost effective by being in a leadership role. And then really showing them that it works. Really showing that you can come into a place like this and it can be lit with efficient and effective lighting. And it doesn't mean a bad thing in the way I live or that the police vehicles or whatever vehicles run on 10% ethanol and it didn't destroy other engines and maybe they ran on 85% ethanol and they

were still able to catch the crook. [One moment, please, for change in captioners]

and, you know, and it's going to be the media and it's going to be shows and fairs and what we've seen in other communities it will be when if private sector steps up. We've seen that effect already. We have a lot of green businesses on the environmental sustainability side who are showing their way to carbon responsibility, climate responsibility. It generally goes government first, then private sector picks up on it and says we are too and then private people take it home.

Spelman: We have a mechanism in place for monitoring the greenness of people around town.

We do things like the green builder rating and that's a major part of the footprint. And there are -- as well as our green builder program, there is leed and they are picking up other sustainability indicators like water use and landscaping. The folks at the wildflower center are working on sustainable landscapes, goals to go along with buildings. We're sort of the goals and standards are expanding and people are getting ways to measure it. Once those are out there, what we see is businesses tend to compete, you know.

Spelman: They can compete on that basis of measuring how well they are doing.

Right.

Spelman: Leed works great for buildings. We don't so far as I know have a leed-like measure for landscaping.

Not yet although I think there are some people working on developing it and that would be the mechanism. I don't know that -- we keep an inventory obviously because we are specifically counting, we have to specifically count all those emissions reductions because of our efficiency plan and because we forecast it. If we get it wrong on the energy savings we have to buy expensive makeup power. We're really focused on that in green buildings and energy efficiency programs and programs like that. And I know water is does a -- water conservation programs, but it will be the next -- the broader sort of, you know, broader community pieces that aren't picked up in that, we probably do need an expanded tracking mechanism. Or maybe the private sector can step in and I can naj NGOs DOING THAT.

Spelman: One of the great benefits of what you and esther and the staff have been doing is roll all the things the city is doing into a single calculation. I think if there's any way of facilitating a similar calculation made by the private sector, I think it will be easy for them to justify doing a lot more capital expenditures which are going to provide a lot more operating benefits downstream.

I should say the big companies will do some of the big sustain ability indicators INDICATEDDERS, THE GRIs, They can be fairly cost effective. What I know from my background in sustainability stuff in corporations is that what are really needed are going to be tools that are accessible just like that for a small business. Somebody can take five minutes off and just update on their restaurant or their trailer restaurant or whatever.

Spelman: Well, the institutional version for the carbon footprint, for example, something like that.

Yes.

Spelman: Which I need to mention brother riley and his office and I are in a race to see who can reduce their carbon footprint. And although I'm not finished yet, we are confident we are going to kick your butt, we are going to smack you down.

All right.

Mayor Leffingwell: I don't think you can say that on t.v., councilmember.

There you have it.

Mayor Leffingwell: Councilmember shade.

Shade: It's so fun to see the dueling professors on either side. I actually am curious and councilmember spelman talked a little about it and I think councilmember morrison's question about the role that she plays, I am curious, where do you think this out to be housed this effort? I mean given what you've seen, the good things, the bad things, the struggles, the positives, what's working, what's not, the roles the various utilities play as well as the corporate entity as a whole? I mean do you have --

of course I always have thoughts on things.

Shade: That's what I'm counting on.

Let me be appropriately diplomatic at this stage.

Shade: Less diplomatic is okay with me. I love the more candid.

I've got to go home. But no, let's put it this way, there are -- I don't know -- I'm not going to speak for the city manager, that's his job that, but clearly a lot of things that have been done in the acpp now are depending on the departments following through on their plan. So one way or another the city manager and the city manager's chief sustainability officer are going to be involved with a major component of our plan. Either they've said they want to do this and if they falter somebody h conference crack the whip and it's got to be integrated into budgets and one would say it becomes a conversation between the city manager and his reports. So I expect there will be a natural increase in emphasis and attention in the city manager's office now that we've done the inventory, we've allocated the responsibility, we've developed the plans in cooperation with those department people. Austin energy as a department will continue to have to deliver on its metrics, and even more so if we get any sort of federal regulation, but we're a department too so that's just saying more of the same. The only other piece left is the community and I will say the city has the reach on pio and all those things, the various ways in which people don't just touch the city through austin energy. Although we touch a lot of them by the provision of electric service, but the city obviously touches its population in a lot of ways. I can't imagine the city manager's office and his reports not also being involved in the community plan. There's lots of reasons why we'll see more emphasis in relationship. The specifics, that's for the boss to discuss.

Shade: That was a great answerren I know mark has had to leave the dais because of an emergency that we're tending to. With the passing of a state rep. So there's more news I think to come on that. I apologize he's had to leave the dais. At least we've got that part of the discussion out there because I think that's the frustration that I see as a councilmember, it's really hard when you see competing departments and even though i know that at the director level there's tremendous amount of collaboration and that sort of thing. It feels very difficult to make this work so that you have consistent goals and objectives. I know people have talked about performance metrics for all employees across the board so that anybody wherever they are in the organization knows they can make a contribution to this effort and likewise the same with community members. So you are right, we do have the reach, but we do need to do some work at this level and [inaudible]

Mayor Leffingwell: Yeah, well, first I would just like to say that state representative edmund kempel has been pronounced dead at brackenridge hospital. Suffered a heart attack as some of you may recall. He suffered one last year and the city manager has gone to brack and mayor pro tem martinez will also be

on the dais for a while because he went to brackenridge hospital. City manager.

I just wanted to respond a little bit to councilmember shade's question. I didn't hear all of it, but i want to recognize lucia athens who is in the awed thence and lucia has been working diligently since she has been here doing an inventory of all of the different sustainability efforts that the city is doing. And going toward exactly what you are talking about, councilmember shade. So she has inventoried almost everything. We've had discussions with the city manager about whether or not and when she might be actively taking control of some of the things that are going on and being responsible for them. But one of our purposes and main goal was, one, to inventory, and secondly, to begin looking at a consistent policy across the city and doing away with some of the conflicts that we have, and also centering on an area where we can have one place where somebody can click on and go to and see the

Shade: Thank you, mayor leffingwell, for your comments.

Mayor Leffingwell: I just have a couple of comments and they may be redundant since i was off the dais for a little while. I think what we're beginning to see is a lot more emphasis being put on community outreach and all those voluntary small efforts that add up because a lot of people are doing them and as a result of that turn out having a big effect. And with regard to that, i guess we're getting ready to launch an online training program so that folks can figure out things they can do in their daily lives to reduce energy consumption, at least i did an intro yesterday for it to be posted online.

That's for employees, yes, sir.

Mayor Leffingwell: And the second thing I wanted to mention, it's been several months since I did it, but i referred to the online calculator and took the short course because the long course looked kind of intimidating at the time. But what I found was if you travel -- use air travel on any kind of regular basis, according to the calculator, you are just wiped out. So it doesn't really matter what else you do to try to reduce your carbon footprint. I just wonder how relevant that is. I don't want it to be discouraging to people and say, well, it doesn't matter what I do, I've got such a high rating and I can't avoid air travel. I just think it bears thinking about how we can maybe break that out into maybe a separate category so that people could get a separate evaluation of the actions that they take.

Well, and I'll just comment on the -- in backwards order, travel is a major issue. Offsets is one way to deal with that, of course, because these emissions go into one atmosphere around the whole earth, so offsets are a good way to do it and they can be pretty cost effective these days. This is a place where the firm that hires you and pays you for that travel is -- can also be a partner, and I know that there are a lot of companies partnering up with off set firms to do that on a corporate basis because really the companies travel for business and they profit off of it and in terms of assignment of responsibility that could be a good way to do it. Locally produced off settle is a doubley good way to do that so we want to offer that opportunity on the website. Going back to you are exactly right, the shift is going to be to community. The order of the progression of the way we strategically went after implementing this austin climate protection plan I think has been a great success. The number one way in which everyone emits carbon dioxide is through the use of electricity. So the austin energy resource and climate protection plan was a key first step for us to get going, and the department plans, everyone is responsible, we all share in that footprint. As we were talking before, we can demonstrate leadership that way, show people there is a path to climate response it abouten now they have the tools and the ways and we're going to continue to provide them tools and ways they can follow through themselves.

Mayor Leffingwell: Yeah, and I guess I would also have to honestly add from my perspective I don't want us to be seen as discouraging people from air travel.

Right. Especially when they come here with their wallets. I understand.

Mayor Leffingwell: That's right. Anything else? Councilmember morrison.

Morrison: After I made -- after we had our conversation, I was thinking I wanted to acknowledge that I'm fully aware that there are other -- there are a lot of efforts going on in the other governmental entities here in the city and I think that our leadership could be in terms of pulling them together and working together.

Yes, ma'am. Thank you.

Mayor Leffingwell: Thank you very much for the update. So now, council, without objection, the city council will go into closed session 071 of the government code for consultation with legal council to take up two items. Item 29 concerning legal issues related to a new convention center hotel in downtown austin, and item 30, concerning legal issues related to nathaniel sanders, , the city of austin, which concerns a breach of contract and fraud lawsuit filed against the city. Is there any objection to go into executive session on the items announced? Hearing none, the council will

Mayor Leffingwell: From closed session we took up and discussed legal issues related 29 and we'll go back into closed session this afternoon to discuss legal issues related to number 30. So it is now -- oops, no quorum.

Mayor Leffingwell: Okay, now we're ready for citizens communication and our first speak is paul connett. Topic is fluoridation. Welcome. You have three minutes. mayor, council. Thanks for hearing from me. I've researched the issue of fluoridation for 14 years. It's been the most frustrating effort in my life to try to stop this practice which i think is a huge betrayal of the public trust both by the public health services and department of health and human services and all the cogs in the wheel down to the local health districts. There were two moments really recently where fluoridation should have stopped. One was when the center of disease control admitted the major benefits of fluoride are topical. It works from the outside of the tooth not from inside of the body. Point adding fluoride to the body doesn't make sense. If you want to apply it directly to the teeth use fluoridated toothpaste. Unfortunately the cdc and others didn't take advantage of that. If you apply to it the surface you don't force it on people that don't want it and you've heard from many citizens in austin that they do not want to be medicated in this way. This is the only time we've used the public water supply to deliver medicines. You can't control the dose and who gets it and there's no medical supervision, oversight. Also to make matters worse, the chemicals used are not pharmaceutical grade. They are industrial waste products from the phosphate fertilizer industry. The second time when this practice should have ended is when the national research council produced this 507-page report with 1100 references that they lower the safe drinking water standard. After four and a half years, has not done that which indicates to you the politics is operating here. Now we've -- we've taken all these arguments, three scientists, myself, james beck and speddy niccluy and written a book and there are very many health concerns and basically there is no adequate margin of safety between the levels which are causing harm as documented in this national research council report and the doses that people are likely to get. Nowhere near an adequate margin of safety. One of those studies indicates from china that iq in children 9 parts per million. This is one of my major concerns. That the level of fluoride in mother's milk is incredibly 004 parts per million, which means a bottle fed child in austin is getting 250 times more fluoride than nature intended. What is particularly serious about that is that at birth the baby's blood brain barrier is not fully formed which the means of fluoride can enter the brain. We've got 100 animal studies that shows that fluoride can damage the brain. [Buzzer sounding] they've acknowledged this and we have 23 studies which indicate fluoride lowers iq in children.

Mayor Leffingwell: Sir, that was your time.

If I can finish the senate, mr. mayor. What I would request is you find somebody either this the government or in your health department who can respond scientifically to this book.

Mayor Leffingwell: Thank you. [Applause] next speaker is gus pena, speaking on a variety of topics which are in the agenda record.

Out of disrespect to the marine corps again. Lord, we lift up autopsy the veterans and loved ones left behind who have answered the call of duty in the land and sea and air. We thank you for letting us live in this country. We thank you for the victories that have been given to us and the liberty we enjoy because of the courageous service of military veterans. Bless us, bless our land that we may always be the land of the free and the home of the brave in jesus' name, amen. And I will read following issues that I bring in for the veterans. Please support and thank our military personnel for the service and sacrifice to and for our country's freedom, safety and democracy. Our returning military veterans need jobs, ptsd, post-traumatic stress treatment, affordable house, wrap-services and our prayers. You all will have a day off on veterans day, but a lot of veterans will not have the day off. Remember our homeless veterans and homeless veterans with families. It's a disgrace we cannot help them achieve self-sufficiency. Give them a hand up, not a hand out. God bless our americans, our veterans and our marine corps. This is me when I was in boot camp 40 years ago. And I remember the united states marine corps birthday and I am proudly here to represent our marine corps. This is the album I got from my boot camp. It's old but I'm old and bone cold. The veterans from johnston high school, johnny roland, all the way from zavala, alan junior high, I lost him in 1971 when he was killed in vietnam. Somebody's hero every one. The first to day, my last to die. All I ask is this, please pray for our veterans. When you have a day off because of veterans day, remember the veterans and the sacrifice they made to our country and democracy. I'll leave it at that because have I to take lunch to my boy, but god bless our city and united states and marine corps.

Mayor Leffingwell: Thank you, mr. pena. And veterans day is next week. Next speaker is -- we're adjusting the order at the request of several folks. The next speaker is rob love, also speaking on fluoride.

Good afternoon. My name is robert love and I'm a student at the lbj school of public affairs and I'm a member of the student group social health and economic policy makers. I would like to you consider an important question. Is austin city water safe for our children? I think you and I agree that the welfare of the children of austin is very important and something that deserves our attention. Austin health and human services has done their best to protect infants in austin from the dangers of water fluoridation. The center for disease control and the american dental association have both issued warning to patients telling parents telling them not to use fluoridated water for baby formula. Telling them not to use fluoridated water for infant formula. Councilmember shade, recently you came to the lbj school and you said that your dentist and doctor warned you not to use fluoridated water for your infant's formula, and I can only assume as a responsible parent you took every step necessary to protect your child from fluoride as i assume most parents in austin would. The problem is not every parent in austin knows the dangers that water fluoridation poses to their children. More concerning is that fluoride might be harming the brains of our children. connett mentioned that there are many animal studies that show that fluoride crosses the blood rain barrier and the blood brain barrier in babies is not fully formed. Infants are very vulnerable to toxins in their environment and we should take every step necessary to protect the brains of these developing minds. And there are over 23 studies that show an association between ingestion of fluoride and lower iq. I have two recommendations. First, please warn all austin parents of the dangers of water fluoridation and the dangers it poses to infants. This could be done simply by putting a warning at the bottom of the water utility bill. Second, I think we all agree right now that we are unsure of what effects water fluoridation has on the brains and bodies of our children. I urge you to move forward with the environmental board's recommendation and investigating fluoride. This is a complicated and difficult issue, but the citizens of austin need to know what effect fluoride is having on their children. Thank you. [Applause] I have those 23 studies about iq.

Mayor Leffingwell: The next speaker is heather fazio. Same topic.

Hi, good afternoon. I have two points to make regarding the fluoridation of austin's water supply. First

and foremost I don't want to have to ingest fluoridated water. I don't want to have to buy bottled water just in order to avoid this. I don't know what it's doing to my body. The European Court of Justice recently determined that fluoride is a medicine. I don't want to have to ingest medicine in order to give my body the water that it needs. I don't want my local food to be saturated with medicine. Can any of Austin's local food supply even be called organic if we're using city of Austin's water? This concerns me. I know none of you are experts on the topic which is exactly why you have an environmental board to look into things like this. A year ago they recommended you investigate the cost and benefits of water fluoridation. Why have you ignored that? This is incredibly irresponsible. The second point is as Rob mentioned that this was -- the Austin Health and Human Services said that you should not give fluoridated water to your children. Just the practice of fluoridated water supposedly is to help the poor for dental health. This means the poor have to go out and buy bottled water to simply avoid poisoning their children. This is a disservice. And the city of Austin is borderline negligent as far as I'm concerned for the city of Austin not to be informing every parent in the city of Austin of the dangers of fluoridating -- giving fluoridated water to their kids. I would urge you to please take heed to the recommendation by the environmental board and reinvestigate the practice of fluoridating Austin's water.

Mayor Leffingwell: Next speaker is Bill Wigmore and his subject is annual report.

Good afternoon, Mayor, Councilmembers. Bill Wigmore, executive director at Austin Recovery. As some of you are aware, we are the largest provider of alcohol and drug treatment services in central Texas and we've been here since 1967. It's been my honor to come down here once a year and just give you a brief report on how the agency is doing and the status of treatment in our community. As some of you may be aware, our board of directors is elected by the Mayor, the County Judge, and Judge Triana and we thank Mayor Leffingwell for his continued service on our election committee. Receiving the amount of funding through Austin-Travis County Integral Care and I would urge you to continue that funding. I know things are going to be tight in the coming budget things, but we have a small contract which provides detox, alcoholism treatment services for homeless men, comes through Community Court downtown and provides services for those members of our community, also for women at risk. We have a parenting and recovery grant which is a federal grant which provides through Judge Burns' Court family drug court special services for women who are at risk for endangering their children because of their alcohol and drug use. And recently we competed statewide for the Department of State Health Services' money. That money had not been competed for in six years. They just kept renewing it. I'm happy to report that we were able to increase our state funding from this 9 million to 2.6 million. So that's a significant increase to the services that people of Austin, Travis County and surrounding counties can now receive. Part of that went to an increase of our family house program, added four additional beds for women who can bring their children with them into treatment. And I'm very happy to report for the first time in several years Austin now has some state dollars to provide detox services who are medically indigent. We only receive \$150 a day reimbursement, it costs closer to \$300 a day to provide that service, and I'm so grateful to the good people at St. David's Foundation because they are subsidizing those five beds for us so that the citizens of Austin can have those detox services. You are also aware of the closing of family connections, the scandal that happened a number of months ago where funds were absconded with and we were really in danger of losing and have lost some of those services, but Austin Recovery was able to rescue the Cradles Project which brings \$475,000 of federal money into this community and it helps women -- [buzzer sounding] -- educate their children and provide good home environment for them as they struggle with their own addiction and things. Just on a personal note, I've been at Austin Recovery 16 years. This is my last year. I'm going to be stepping down and will be serving as chaplain for the agency so I'll continue to be seeing you but in a new capacity and hopefully a little more spiritual the next time you see me. Thank you for all you do.

Mayor Leffingwell: And thanks for your service. Enjoy retirement. [Applause] Robert Brennes. Robert Brennes. Not in the chamber. Topic is parks board, in case I pronounced that so badly you couldn't recognize it. Okay. Then we'll go to a series of speakers talking about pure casting. First is Dr. Neal Carman.

Thank you, mayor and councilmembers. My name is neil carman with the sierra club. I'm here to speak about this industrial facility in east austin, pure castings. It's a metals manufacturing site and the big issue is that it's got significant toxic emissions. This is the site over in east austin. And there's a lot of data that is reported, but not all of it environmental protection agency through the toxic release inventory. It reports hex chromium. The company emits millions every year. It reports nickel and other toxic substances. So it's a huge issue because if you look at nickel alone, it's a known human cancer causing agent as is the hex chromium. It's a developmental intoxicant, suspected immuno intoxicant and many others. Chromium also has a lot of issues. This is the elementary school, zavala elementary, so the number of children that attend school and living in the area is between 600 to 800. So it's a huge number of children. There's also a lot of fine particle pollution. These foreign particles are like toxic suitcases. They carry chemicals. We don't need our children exposed to any of these kinds of toxic substances that are routinely emitted by pure castings. These were the metals that were detected in air sampling that was done over a year ago. You can see lead, cadmium, arsenic, aluminum, lead, manganese, selenium and nickel. This is a toxic cocktail. These are the metals, some of those are unacceptable levels, but besides the metals are things like polycyclic aromatic hydrocarbons in the soot. This is carried -- it was identified in the fine particles, the pm 2.5. So this is part of this toxic cocktail of 12 metals that are -- the children are being exposed to. So these are some of the emission points, open doors, there's events, the facility is not adequately controlled. The stack is dark colored because of the soot and particles that come out. This facility has issues unfortunately because it's small category, it's not -- [buzzer sounding] -- adequately regulated. I would add one more point.

Mayor Leffingwell: Very quickly.

That the metals.

Mayor Leffingwell: Your time has expired.

Are toxic like the fluoride that dr. connett pointed out. Thank you.

Mayor Leffingwell: Thank you. [Applause] next is paige deshong.

My name is paige and I'm thanking you all for listening. Three years ago my then four-year-old son and I moved across the street from pure castings, a four-year-old dilapidated foundry. For the next nine months we felt awful, my son had a persistent cough and headaches and I was exhausted and had brain fog. When we played outside our skin stung. We moved august 1st of last year and immediately my son's headaches went away and my health concerned. I have no doubt pure castings caused our health concerns. However, I will never know what long-term health effects might harm my son and all the children at zavala. Will they struggle with learning abilities, suffering with asthma, reproductive problems, cancer. These children have a lot of years carcinogens to wreak havoc. Cancer is on the rise. I did what I could at the time to protect my son from pollution but that's not enough. I felt sure when I got the results back from the tceq that identified the burnt silica et cetera coming from pure castings that the tceq would issue a violation and -- but instead the tceq reassured me, the directors, that is safe for me and my son to be outside breathing the air so that's what we did. Three years later now and it's business as usual except I'm not across the street to spy and report on the damaging and unethical practices of pure castings, the largest emitter of carcinogens in austin. Like all of you who do not live there, we can do nothing while the children and nearby residents are being poisoned. Until you have lived it, you cannot know what it's like not to be able to breathe the air outside and worry about the air you are breathing inside, to feel sick all the time and worry about what your young child is breathing while sleeping. Safe air should be a human right. I notice in the budget written in eco font to save toner, one of our four city council priorities is a healthy safe city. Using eco font and building trails are a good thing but we need to do the hard things. Pure casting requires 5 million to build a new factory. I imagine in a recession that's negotiable. Austin a green city with air quality verging on substandard can afford to protect its children from pure castings. It was the city that decided that a metal foundry went next to a school 40 years ago. Austin needs to make clean air priority for everyone not just those

who can afford the right neighborhoods. Thank you.

Mayor Leffingwell: Thank you. [Applause] susana almanza.

Good afternoon, mayor and city councilmembers. With poder. And first of all I want to neil carman for all his work and dedication in helping us to protect the children and our environment in east austin and also to paige deshong because she lived there because she was able to move way away but she has never stopped caring about the children. We've been here, this is our third year to come before you. We've worked with the university of texas in doing this particular study out there to show the concerns for the residents and the children, looking at the environment and the dangers in the community. Actually went sort of like a safe route looking at all the hazards in the area. Right near zavala in that residential area. You can see there's a lot of different industrial impact in that particular area. So for us it's real important to get our community involved and to get the next generation, but it's also, i think, important for us to see what can the council do of. We've brought you information on over 1,000 different properties you have on your roll that's owned by the city of austin. students actually go out on and visit and give you descriptions, and we really need assistance. We know you don't live next to this facility and you don't live there in the area, but we also know that we're all human and that we should be concerned about the health of all children regardless of their race or their income. And that we really need to move up and do something about this facility. There's moneys available that we should look at the land swap. There's something that we need to do to change what is happening. We cannot begin -- we cannot continue to talk about austin being this safe, green city and open spaces when we continue to let children of color being exposed to chemicals in the area. And I think that we really need to step up the effort to see how can we get moving on this land swap, what can we do to make sure it happens to safeg health of all children. Thank you.

Mayor Leffingwell: Thank you. [Applause] babs k. warren. Babs k. warren? The chamber? And the topic is fluoride. Welcome. You have three minutes.

First I want to say my name is babs warren. There are five barbara warrens in austin. [Inaudible]

Mayor Leffingwell: Pull that mic down toward you.

Oh, you can't hear me. Thank you. I'm sorry. I'm not representing any organization. I'm representing myself and the things that have happened in my life. I have a -- I had -- he's dead now, a half brother who was 12 years older than I was. He was in austin high when i was in pease school, walked me to class every day. My brother, when he got out of high school, joined the army air corps. He became a pilot. Flew a b 19, I believe, b 17. And when he was in germany, he was in england, he flew and bombed germany for a number of years. And fortunately when he was shot down, he didn't -- well, he became friends with one of the guards that was guarding him, okay? And he learned a lot of the things that are happening in germany -- were happening in germany. And he learned what they were doing with fluoride. And when he came home, he weighed 98 pounds. He was 6 feet tall and he told my family what all the german, what hitler was doing. And this is -- I don't have anything documented to give to you except my word. But this is the honest truth as I know it. Shouldn't keep this stuff in the water people drink. I don't even want to swim or water ski anymore. It's just a little bit, but these little babies, these organizations, the disease prevention and the american dental association, they say that you can have the fluoride on the teeth but you cannot ingest it. They are ingesting it. If they are drinking the water with this stuff in it, it can kill them, give them cancer. They have proof from other things that are in europe. So please, doesn't take but four of you to change this and all these people have been coming up here at least two years telling you about it and you haven't done a thing about it. Please think about what you are doing. Don't you have grandkids? Or children? Please help america. We're going the save america one person at a time. And one day at a time. Thank you.

Mayor Leffingwell: Thank you, ms. warren. [Applause] so once more robert brennes? Is robert in the chamber? Those are all the speakers that we have signed to speak up -- signed up to speak in citizens

communication. And we will go back into executive session without objection pursuant to section 071 of the government code for consultation with legal counsel to take up one item, item 30 concerning legal issues related to nathaniel , versus city of austin, which concerns a breach of contract and fraud lawsuit filed against the city. Is there any objection to going into executive session on this item? Hearing none, the council will now go into executive session. .. The real estate bubble, the global recession as a function of all the things we talked about. It's a lot of turbulent seas up and down. It's hard to project each one of those. As you look over an extended period of time, you hope they even out and try to err on the conservative side making projections. My advice would be to take what I think is the mid-level scenario which is we can do a better job, we can take the people who are talking to us now, the existing facility and the people talking to us and even at our current conversion rate will do better by having this additional capacity.

Morrison: Thank you. I appreciate all the work. It's intriguing and I can see how much there is to balance and incorporate into this decision.

Mayor Leffingwell: Councilmember spelman.

Spelman: John, as usual you've waved a red flag in front of a bull and I'll try not to go into too many arcane details although maybe later on.

All right.

Spelman: I have it down to a real small number. You are saying that a new convention center hotel opens up [inaudible] that we can expect at a minimum we're going to be bringing in 40,500 or so room nights per year.

Right.

Spelman: What's the basis for that?

That's the existing hilton.

Spelman: The current hilton is making 40,500 room beds right now, bring in another we can expect -- that's actually the hilton average over the last five years.

Spelman: Now, is it -- over the last five years, I'm guessing it probably did better the good evening of the period of time than lately because there's been so much of a falloff.

2004 Through 2009. Things got rocking and fell off in 8 and 9.

Spelman: So if we doubling our capacity, we're going to double our total number of room night requirements or total number of convention beds or seats.

That's right.

Spelman: This seems a l ambitious, doesn't it?

I don't think so. Tell me why you think.

Spelman: We've got some number of conventions not coming because they are too big and hotel space extends [inaudible] over one or two. I understand that's going to limit the number of conventions we can

bring in. But what this suggests is we're getting only the half the number of conventions we would be getting if we serious had one more hotel. And we've still got like 13 hotels providing share of the business.

Remember 40,000 nights, that's equivalent of 50 nights a year filling the place up. That by no means represents 100% of the business that goes into that hotel. It's also we're not assuming that -- the truth is if we added this capacity all those room nights would not end up in that convention center hotel. They would spill elsewhere. Bob is saying the sweet spot for this market is people who need 1500 to 2,000 room nights as part of their deal and we're not in a competitive decision because we can't get close in two facilities, he's having to do nine. That's complicated and I'll let him put more detail on that, but what he's saying is I believe, and I find this could be credible, a second convention center hotel gets us over the threshold where we a competitive position to after the same as they are offering. Which is a couple of main facilities handling the majority of business and a little can spill out around the edges and we're not in that position right now.

Spelman: On the other hand, you are also saying with changing one of many instruments, you mentioned one -- the biggest single reason why people are turning us down is people are saying can't get enough people under one roof.

That's right.

Spelman: There were other reasons and if we just change this one reason, we're going to be doubling our number of beds.

No, we're going to be doubling the number of large group-related activity. I mean again it's 40,000, which is the equivalent, if i remember right, of less than one percent of total visitor activity. So I mean it sounds like it's not -- we're not doubling the visitor industry in austin, we're doubling this piece.

Spelman: We're not even doubling the number of -- I'm not sure what's the proper metric to use, we're not doubling the activity in the convention center.

No, no, no, we're doubling the net new increment, the net addition.

Spelman: Now I'm going way too arcane when I don't understand what you are talking about and that's just ago well. Can we reasonably expect whoever builds this thing is going to make as much money off this as they would off their next best alternative? Is this going to be a particularly look active investment or not?

I'll be honest, I don't know. I don't know fundamentally for those guys is what is their opportunity cost associated with this investment. I couldn't answer that. You ought to ask them that directly and if they are honest we'll tell you we'll commit capital at the place we can realize the maximum return and minimize the risk. This has got to be one of a bunch of things they would be thinking about. I have to think is a pretty appealing market to be in for all the things we've talked about.

Spelman: Given all the things you and bob were saying about what this market is and how much you can count on coming in over the transome, seems this would be a lucrative opportunity.

Given hotels says this is a great opportunity and the cap mall markets say that's terrific show me a coverage ratio of three. I don't know what it is right now.

Spelman: Rodney, could you shed some light on this?

I would concur with john, and I think we could look back a couple of years when marriott was coming

into town, it was completely different financial market and they've chosen not to pursue that construction just because of the financial market. So as John mentioned, we're just in a completely different time than what we were before. We have a positive of 75% occupancy downtown, but that still doesn't satisfy the financial market that we're in right now.

Spelman: If the financial market were to change, which I think all of us are hoping and most of us are expecting that it will over the next couple of years, would it make sense for, for example, Marriott to resurrect its old idea and build this on its own without any assistance from the city?

I think then you get into discussing the opportunity as Bob has mentioned and John mentioned, there are a number of other cities, some in Texas, some across the city that are doing this right now. They are capturing the market, right now they are capturing some of those conventions. I think you speak to the opportunity -- and that's if someone were to propose this, what does that opportunity present now as opposed to waiting for the financial market to regain ground.

Spelman: So if we delay two years in making the deal with somebody, this is putting off two years when we actually get the beds on the ground and by two years when we can actually fill up the convention center with larger conventions [inaudible].

Well, you know, it's hypothetical. If someone were to come with a proposal right now, but you chose to wait for two years, that's waiting for two years, then plus the construction timing for that as well. So you are talking about a much longer time period.

Spelman: Is this like sports stadiums where even if -- well, sports stadiums may not be exactly on target, but let me pursue it anyway. Even if this is going to make you money. Everybody assumes the city is going to have to kick in money so that's just the way it works.

I don't think we're assuming that, Councilmember. All we're doing is showing that if a new construction were to happen, here's the economic impact always of that. We're not assuming the council would partake in that investment at all.

Spelman: Thank you.

Mayor Leffingwell: Anything further? Thank you very much. So, now folks it's time for our 2:00 p.m. zoning matters. Is Mr. Guernsey in the house?

Good morning, Council. Greg Guernsey, director of planning and development review department. I'd like to walk through the items I can offer for consent tonight on your 2:00 agenda. These are the zoning and neighborhood plan amendment items. The first item I can offer for consent, I'm going to skip 31 and 32 and come back briefly and spoke to those because there's kind of a last minute change in item 31 and 32. Item 33 is case 2010-0016.01, located on B. Lm road. This is an amendment to change the future land use map to designate this property as an office land use. The planning commission recommendation was to grant the office warehouse use designation. This is ready for consent on all three readings. Item 34, case 2010-0117. This is rezone the property to general office mixed use overlay, neighborhood plan. The planning commission recommendation is a G zoning and this is ready for consent on all three readings. Items 35 and 36 I believe are discussion. Mayor, I believe you have at least one or two people signed up in opposition. Item 37, case 2010-0146 for the property on Jollyville road. Staff is requesting postponement to your November 18th agenda. That's item number 37. Item 38 and 39 are discussion items. We now have a valid petition, just so you know, of just over 21%, which occurred this afternoon. It actually went away this morning and came back this afternoon. Item number 40, case 2010-0038, located on Manchaca road. The proposed zoning change is community commercial conditional overlay or GR-CO. The zoning and planning commission recommendation was grand the combined district zoning. This is ready for consent approval on all three readings. The applicant and the neighborhood

have agreed to a private restrictive covenant and the agent has handed me highlights of that private agreement that the owner will provide bike racks if the service station is developed on this property, the owner will agree to have more than four pumps -- no more than four pumps if a gas station is developed and the owner will provide free air for bikes and cars. That's part of the private agreement, not part of the public agreement, but wanted me to read that into the record. Item number 41, case c14-2010-0111 for the property located at 10301 old san antonio road, staff is requesting postponement of this item to your november 18 agenda. Item number 42, this is case c 14-2008-0220 for the property located at 10200 and 210614 south ih-35, staff is requesting postponement to your 11-18 agenda. And I believe we have a councilmember that would like to speak to item 42, 43 and 45.

Mayor Leffingwell: Well, all right. Are you going to go back to 31 and 32?

And as I said before, i think we have a councilmember that would like to speak to the historic zoning cases, 43, 44 and 45.

Mayor Leffingwell: I heard that, but I said you are going to go back to 31 and 32?

Yes. 31 And 32, this afternoon the applicant has asked for a slight change to items 31 and 32, and we contacted the neighborhood. They don't necessarily object to the change, but if the change is still requested at today's meeting, they would ask for postponement of items 31 and 32. Item 31, I'll just read, npa 01 for property on chalmers to change the neighborhood plan to designate this tract as mixed use as a land use designation. Planning commission agrees. Case 32 for the same property at 207 chambers and 1703 third street. This was a zoning change to community commercial, mixed use neighborhood plan,. Planning commission recommended the zoning change to grmuconp. The neighborhood would agree to allowing this to remain on the consent agenda as recommended by the planning commission if the applicant -- dale, I don't know if he is here, would like to make a change which we understand he would like to add back in and remove from the prohibited use list limited restaurant, if that is still desired by the applicant today, then they would like a postponement to 11-18. I don't believe there's anyone from the neighborhood here because we got ahold of them just before the meeting. So it's their desire to postpone it to the 18th only if if applicant changes their request this evening.

Mayor Leffingwell: Since nobody is here, I guess we have to assume that this is a request to postpone until NOVEMBER 18th.

Or you could possibly consider just first reading today, they could discuss it and we could read second reading back another day.

Mayor Leffingwell: The advantage would be closing the public hearing.

Right, but council, you could still ask for questions and I could provide a written -- an agreement.

Mayor Leffingwell: Are you proposing consent on first reading only for 31 and 32? Okay. The consent agenda is as to close the public hearing and approve on first reading only items 31 and 32. To close the public hearing and approve on all three readings 33, 34 -- 33 and 34. To postpone item 37 actual november 18. Close the public hearing and approve on all three readings item 40. To postpone items 41 and 42 UNTIL NOVEMBER 18th. And I'm assuming we're saying that the rest of the items are discussion items.

I believe so, yes.

Mayor Leffingwell: Councilmember shade.

Shade: I'm sorry for the confusion. I didn't know if they were going to be on the consent agenda. I know they are prepared for all three readings but I would like to pull them off consent agenda to allow for sadowsky to present the historic cases. I think it's important to hear them.

Mayor Leffingwell: That's fine. So that is the consent agenda ending with item 42. Is there a motion to approve the consent agenda? Councilmember spelman moves to approve the consent agenda, seconded by councilmember shade. Discussion? All in favor say aye. Opposed say no. Passes on a vote of 7-0.

Thank you, mayor and council. That b back to 35 and 36. 01 for the property at 2205 east 12th street. This is a change to change the land use on the future land use map from civic to mixed use. The property -- let me introduce the second case. Item 36 is case c14-2010-0114, for the same property at 2205 east 12th street. This is a zoning change request to limited office mixed use conditional overlay neighborhood land on this property. The neighborhood plan amendment is for a tract and the zoning change is for a tract for a .128 acres tract. The property was developed with a church that's been vacant for many years. It's fallen into disrepair but is still in good enough shape for the building to be used. As I mentioned, the designation for the property would be changed on the future land use map from civic to mixed use. The zoning change on the property would change from mf-3 to lo-mu np. The proposed use of the property would be for a reporting studio and accessory apartment within that structure. It was recommended by the neighborhood planning contact team, recommended to you by staff, and also recommended to you by the planning commission for both the plan amendment and the zoning change. The property is located just about three lots west of chestnut on east 12th street. The surrounding properties to the north are single-family residences. To the south is also single-family residences. To the east is office and to the west is single-family residences. The zoning in the area generally to the north and south is sf-3. And to the west is multi-family. At this time you'll pause if you have any questions. There was opposition voiced at the planning commission, although the planning commission did recommend it on a 7-0 vote.

Mayor Leffingwell: Questions for staff? All right. We'll hear from those signed up first in favor of the request. And that will be scott way. Scott, you have five minutes.

Council, good afternoon, mayor and mayor pro tem. I am a property owner on east 12th street, I own several properties including one about a block away from this parcel. In total I own eight acres along east 12th street. And I usually find myself on the same side of the table as some of the folks like scottie ivory and the neighborhood, and I'm sad that we're not on the same side of the table on this matter. There is some misconceptions brought to the planning commission about how this property came to market. This was a marketed property. I actually looked at it myself, it was on mls and it was well known it was for sale even though there was not a for sale sign on the property. I just wanted to let council know that in case anyone brings that to the table. It is sad to lose a church in east austin, but I'm happy to see the structure will remain the same. I've enjoyed looking at this structure as I've acquired property and spent time in the neighborhood and speaking with the new owner, he will be keeping the structure the same. But most importantly and exciting to me is a new business on east 12th street. This is one of the first new businesses on east 12th street in many years and i welcome it to the neighborhood and I'm excited that we're seeing folks wanting to open up new businesses in east austin so I'm hoping you will support this change. Thank you.

Mayor Leffingwell: I'm sorry. Did the applicant -- listed applicant wish to speak? Introduce yourself.

Good afternoon, mayor leffingwell.

Mayor Leffingwell: You should have the five minutes so you can have the five if you need it.

Will sneer, agent for paul riekert, and if you desire you will have the opportunity to speak with him in a moment. As staff mentioned, as guernsey mentioned, we're seeking a change of zoning so that we can

construct a music recording studio in a vacant and abandoned building. We do not intend to change the exterior appearance of the building in any way. guernsey mentioned, we do have support of the rosewood planning team. We have support of all the neighbors that touch our property. And we have staff recommendation and the planning commission recommendation. The building was originally constructed as a church and was used for religious assembly purposes from the 1950s TO APPROXIMATELY 2006. The property is currently vacant and was purchased by riekert in june of this year after being on the market for several months. And it's currently vacant and in quite a state of disrepair. This is a photo of the outside of the building. Either side and the rear of the building. guernsey mentioned, it's currently mf-3 which would allow six dwelling units on the property which we have no intention of doing that and in order to build the recording studio. so the most restrictive and first district that would permit such a use, categorized as communication services. We have been very proactive in our neighborhood outreach efforts. We presented at the rosewood neighborhood meetings three consecutive months, june, july and august. We also hosted three additional meetings on our own behest at different days of the week and times in order to present our project and get neighborhood input and support which we managed to do successfully with the rosewood planning team. Again, rosewood recommends approval of our request, staff recommends approval of the request. Our neighbors are in support of us. Our contiguous neighbors and many others whom you just heard from, and again, planning commission recommended it 7-0. There are nine parking spots on the property. If a church had moved in there or moved in today, they would need 21 spaces based to square footage, which I suspect is one of the reasons the church ultimately moved out of the building. I should point out that every can be parked on the property. This is a copy of the police record since 2007, which is the approximate time the building was vacant. You can see it was quite an inactive police -- or had active records on it. Eight burglaries and the last police case, in fact, the copper plumbing has been ripped out of the building by burglars, the electric wiring has been ripped out and the floor and roof were damaged by burglars as well. This should be in your backup packets, but this is a letter of support from the rosewood contact team, the final sentence I would point out to you, thank staff and the city for the support of riekert's plans and their plans to maintain the neighborhood. This is a letter from an ajays a an adjacent neighbor. He's in support and agrees the district is appropriate. Neighbor on the other side in full support, and that's the end of my talking points. riekert is here tonight or this afternoon if you wish to hear from him directly or have any questions for him. And if you have any questions for me, I would be happy to answer them.

Mayor Leffingwell: Questions? Councilmember morrison.

Morrison: Can you speak a little to the business that riekert plans to put in there or maybe he should speak to it. Who is it going to be catering to. It's a recording studio, as i understand it. So I guess it would just be helpful to hear a little about that. riekert answer that question as there's been some misconception that it's a live music venue. There is no live music occurring here. There's a lot of expensive equipment which would prohibit it not to mention the fact that it is very close to neighborhoods. So it's a very quiet recording studio and I'll let riekert expand on that answer.

Morrison: Okay.

I'm paul riekert. Thanks for your time. Getting to the question, it would be a recording studio for commercial use. These buildings are generally rented weeks or months in advance. There are generally two to maybe five or six people in the building at any one time including the engineer. There is -- they don't get business from having signs out front so there's no theodosia need to have a sign, there's very little traffic coming and going. Musicians are on the clock. These are expensive rooms to rent so people are generally in a hurry to take breaks and get back to work. So it would probably put -- it would put foot traffic on 12th street and they would, you know, be having lunches across the street and trying to walk to restaurants and adjacent businesses. Just to echo what will said, it's a highly specialized office building. It is not a performance venue. That has never been the plans. It's not in my best interest to open it to the public or to have performances there and that's not what it would be.

Morrison: So musicians come and will be renting some of the space and recording there. So they will be

performing there, but not for entertainment purposes.

Right, exactly. Exactly. There will be live music to be recorded there, but it's not open to the public. It's not for performances ever.

Morrison: Okay. And I assume since there are multiple recording studios in the one building, is that correct? Or only one at a time?

There's only one. Yes, there's only one. It would be -- you know, part of the reason we chose this building, you know, there are very few buildings with any zoning, any zoning that could be good candidates to be a good studio and this one has solid concrete walls, high ceilings throughout the structure and it doesn't have any internal walls so we can divide it based on acoustic presence and it would be ahead of the game as far as the way it's constructed. It's divided into different rooms but only to one artist or band at one time.

Morrison: I apologize, if you had points to make and were only limited to three minutes, I hope you would make those points in any case.

I think between what will said and your questions, i think we've hit the high points. Now, I would -- again, I would echo I've been very transparent and available to my neighbors through this process because I feel this is a responsible use for a building. It's very low impact to adjacent neighbors. I'm not building anything, I'm taking a structure that's been vacant for a few years, it's been on problem, a magnet for crime. The letter that's still up reeves has called the police multiple times because of vagrancy and substance abuse and even prostitution occurring on the property. I'm not tearing the structure down. I love the building. I want to preserve the building, but I do -- it would require a remodel of the interior.

Mayor Leffingwell: Okay. We'll go to these signed up to speak in opposition to the zoning change. Reverend Lewis and Theresa Lewis.

[Inaudible]

Mayor Leffingwell: I know. I have to make sure that she's in the chamber. Theresa Lewis. Is she here? Raise -- okay. So according to my list she's the only person donating time so you have six minutes.

I want to thank, first of all, being a citizen of the United States we have a right to -- to the equal citizens that we can speak. I want to thank this council and I want to thank those who have given me their time to speak. Psalm 47, God says my judgment is terrible. He shall do the people under us and the nation under our feet. He shall choose our inheritance for us. 26 says fear them not for their is nothing covered that shall not be revealed, hid that shall not be known. What I tell knew darkness what you see in the light, what you hear from the house top. This political distortion that these people are giving, I'm a native East Austinite born and raised. I was born at Holy Cross Hospital, which was in East Austin. The -- the criminal plight that they are talking about was created by outside forces that brought drugs, that caused East Austin to fall. These drugs, they were not manufactured in East Austin. They were brought in East Austin. I've watched white police officers at 12th and Chicon with women of the night sit in their cars. I've watched white police officers have their own drug runners. I've watched all of these sorts of things that has caused East Austin to fall as it has fallen. And you know, the thing that really is -- it's not humorous. Humorous is the wrong word I want to use, but it -- it just befuddles me how this property -- I'm sure some of y'all in here go to church. That's God's property. That property was dedicated to God. When Moses went before Pharaoh, Pharaoh -- and he told God -- told Pharaoh what God said, Pharaoh said who is this God that I should obey him. That's the problem. You all don't see this from a spiritual point of view. Y'all are making this thing a secular thing. And this thing about neighborhood team, Rosewood neighborhood team, that's East Austin. And what has been done, all these different neighborhood associations has been politically turned on each other. That's all of East Austin. It's not Rosewood neighborhood association, Chestnut neighborhood -- it's not that. It's East Austin. My East Austin. Born

and raised there. Sister ivory, I call her sister because she's my sister in christ. She has maps of east austin when it was dirt roads. 12Th and chicon. She has maps of different things that occurred in the developing of east austin way BACK IN THE 30s AND 40s AND 50s. 1928 When african-americans were told if they wanted civil -- if they wanted -- if they wanted city utilities, they had to move east of what the now i-35. Since 1928 they have developed east austin. And now the city of austin and the university of texas -- and miss kirk that's on the planning commission, she had this young black lady come up her and she asked her the question is the city and the university of texas behind this, and this young black lady said no. But in the meantime, I'm watching this blonde-headed lady running up all in the riekert and this man right here who is an administrator with the city of austin, all up and down their faces. She didn't run up in my face. I don't know where this is going to stop, but I know I'm not going to stop. I'm seek to go file a civil rights lawsuit because you are trying to destroy our heritage. My heritage. I'm not going to stand by and let it happen. And I know sources that I go to to file a lawsuit to stop you from stealing my heritage. Pharaoh said who was this god. Oh, here's the article, austin to sever ties with revitalization authority after urban renewal effort stalls. I realize the doctor and them might have misappropriated funds, I understand that, i understand that, but that's early and his team was supposed to be representing news east austin. But I know that the city government and the -- and the urban renewal are not in favor of east austin. Here's another one. Austin schools segregated by disparities in teacher qualities. All of this is not occurring haphazardly. A lot of this is going on deliberately. I just handed this young lady some articles that I want to give to the city council talking about how -- how it's strategically planned to see to it that the black male -- [buzzer sounding] -- be a failure. I'm going to say this one thing and I'm threw. Through. I have a map here of innercity chicago, illinois, greek town, china town --

Mayor Leffingwell: Sir, your time has expired. Finish your sentence.

Just one sentence. There's a negro spiritual that says that's well on the heels, you just can't kill for jesus. Don't build a temple where the lord has laid his hands. There's a well on the hill. Let it be.

Mayor Leffingwell: Next speaker is miss scottie ivory. And also miss ivory donating time, are you in the chamber? Miss ivory, you will have six minutes. If I could get tech assistance, my commuter is jammed up.

Mayor and council, I'm so happy to be here today. This is up my alley talking about my neighborhood. I worked in this neighborhood -- first because I know how times pass so I'm going to say this early. I want to let you know that god is in control. God is in control and he -- he put us here. We are responsible for our brothers and our sisters. We are responsible to look after the safety and the comfort of our neighbors. We are not to take from or add to to make them more comfortable. This is our job. We are stewards of this earth. All his creation we are here to take care of. We are left here to take care of his creation. But talking -- I just want to say to you that I'm truly -- our father god, I don't worry about what -- I follow god, i don't worry about what the city does, but I have to speak. My dad, my mother, they always taught me you always stand up for what the right. Whether you have to stand by yourself, stand by yourself because one day you are to meet your maker. And I believe it and I know i can go home if I follow this council today, I know where I'm going because I believe in doing what's right. I love people. I love my neighbors. I don't want to do anything that would cause them discomfort. And the property they are talking about is right across the street from me. It's diagonal. I can walk about -- do about ten steps and I'm at that particular location. He's talking about burglaries and all this kind of stuff. Nobody didn't do for burglaries, but I tell what was going on there because see I was policeman in that neighborhood. I called the police many times about drugs over there. And they came and busted those drug users over in that church yard parking lot. As far as parking lot, they don't have -- they didn't have space then, they don't have space now, but they park beside my house, they park down 12th street, they park -- they had places to park when they had funerals and everything. They had enough space. They used -- and used that space to park. And just like when the university have a football game. They don't have enough parking, but it's all down by my mother's and them's house on comal all around oak wood CEMETERY, ALL DOWN 19th. Where is the parking lot for them? Don't tell me about no parking lot. You see this is what I have here. I got a book full of things here. I got my cosmetology license, okay, in east austin.

Went to school part time and worked -- went to school at night. And walked to work when I made \$3.50 a week. Hi to walk to work to make that money in east austin. I rode the bus, every time we get on the bus at east end 12th and chicon, they move them signs white up here, colored back there. I was at woolworth, couldn't eat. I've been here in austin, my brother, I'm sure of winnery davis and my other brother floyd davis, they've gone on, but they finished carpentry school off of 11th street. And my brother was a bag boy at sanders store on the corner of 12th and chicon and went on to at doctorate. We were a rich community. We had everything we need. When you gave byron marshall the authority to redevelop 11th and 12th street, i spent numerous hours, we were planning not only me, the community came out, when goodman was on the council, she said let this plan be neighborhood driven. What did he do? You think the neighborhood can utilize 11th and 12th street? He's doing what the city told him to do. The city, I learned -- well, [indiscernible] I told you i got that from the city. They put all that money, but 12th street into 11th street. And that arch over 11th street, I asked why is it orange? Why would that remind you of orange? That remind you of university of texas. And so I just don't -- I want you to know I work with the community. What we do, we work hard and it's off our backs. There's danger in east austin, drugs, walk the street, did everything to make the neighborhood better, and then as soon as we get it clean here you come, you want to take over. If any time you get a chance to see the movie "rosewood" this is what's taking place. And we need to stop tending lives just to get -- telling lies just to get our way. Tell the truth. The truth there stand any time. I just want to let you know I'm a servant, I'm not nothing but a servant to the community and the people and I love people, but I do not like when we have injustice as far as we're concerned. Because when they didn't want us over there, you remember we had many businesses from sixth street and congress all the way down, we used to go down on sixth street for entertainment. All 11th and 12th street used to come to charlie's play house, everything was together, together. Nobody tried to take anything away from anybody. Just like -- just like the hispanics. I admire them. Because they keep their culture. And they keep their buildings. And they keep their businesses. [Buzzer sounding] one more thing before I sit down, I'd like to leave with you and let you know that I am god's child. And I'm going to do what I'm supposed to do what is right. So I just ask you when i leave, just look into your hearts and don't let them come in here and do everything. This is the last little community we have with the old houses --

Mayor Leffingwell: Ma'am.

Don't take that away and don't let business come and take it away. Thank you very much.

Mayor Leffingwell: Applicant has three minutes rebuttal time if you need it.

I don't really have anything to add. I think we've stated our points. I would emphasize there hasn't been anything underhanded or secretive about my purchasing the building and I would emphasize this was not a building with an active church when I bought it and what was happening on the ground was anything but holy. So --

Mayor Leffingwell: Thank you. I've got a question for staff. Mr. guernsey. So I just want everybody to remember that we're not zoning for a particular commercial establishment, we're zoning the dirt basically. So what we're zoning, the requested change is lo-mu versus mf-3.

That's correct.

Mayor Leffingwell: So can you tell me what the difference in entitlements with regard to density or impervious cover and setbacks are between those two? could be residential just like mf-3.

Mf 3, under the current zoning, individual coquet the structure to apartment or condos. Some sort of civic use, could be a day care use on the property. would introduce additional uses for an office, medical office, professional office. And also it would take in the uses proposed as well. So it does add additional uses that would be allowed on the property. Zoning in itself doesn't change the structure that exists but how the building would be used. Briefly, looking at the mf-3 district, it allows a maximum impervious

cover of 65. would allow 70%. So it could increase the impervious cover slightly by 5%. district allows building heights of 40 feet, and the multi-family or mf-3 district allows building heights of 40 feet. So the building height limitations are the same. Generally the setbacks are the same. For the front being 25. The interior side yards are 5. And the rear yards of being 5. Under the l.o. district. The mf-3 would have the same except the rear would be 10 feet and 5 feet, but given there are residences to the south, if the property would be developed, regardless if it was a church or if it was an office building or a multi-family building, it would be success inject to compatibility standards so they would have additional setbacks from the rear.

Mayor Leffingwell: What i get from that is no significant differences with the --

the site development standards are very similar. The difference is they can use it for some other uses other than the residential zoning category allows today.

Mayor Leffingwell: Thank you.

And as I said before, this is ready for all three readings for both items.

Mayor Leffingwell: Further comments or questions?

Yes, mayor, I have a few comments.

Mayor Leffingwell: Councilmember cole.

Cole: First I'd like to direct my comments to miss scottie ivory. It was particularly touching to me that your statements about our loss of history and culture, and I just want to let you know that it wasn't very long after I was on council that city manager toby futrell visited with me about you and all the work that you have done on east 12th street having to do with cleaning up the area and basically dealing with the criminal activity. So I don't think we get to say that often enough, and while it is true that we still have much to be done and it is appropriate to admire other cultures, you should never forget that people remember you. That being said, I'd like to direct a few comments to reverend lewis. Oh, there you are. Every morning before we start a council meeting we all stand and we pray. And then we start in on our agenda, and very seldom do people come down here and direct any particular decision that we are making as being related to our faith or our spiritual responsibility. And although this is a zoning case and it's not going to directly impact that directly, I appreciate you coming here and just putting that on the table. That being said, I will tell you that I go to church in east austin and almost every one of the people sitting with me, my colleagues, have been to church with me. And that one visit, of course, is not a testament to our spirituality or my own, but i simply tell you that to let you know that we haven't thrown that out the window as we try to do our business, and it's very important that people such as yourself and yourself come and remind us of that even in cases where it might not seem directly related. What really struck me in the backup was that kealing and blacksheer, and it wasn't campbell -- I'm trying to remember the other school, the neighborhood school that was in the area. And before I was on council, i did a lot of work with the schools and I think most people know that I have three boys, and that is just something that is very near and dear to my heart. So now we're facing a situation where although this is a use that you disagree with, we're about to put a vacant piece of property back on the tax rolls. And that means not only city taxes and not only county taxes but school taxes. And that is a very important thing to me. And so I would -- and I know that this location is located close to those schools, and particularly close to kealing. So to whatever extent you can work with kealing or the other churches in the area, reverend clark's church and other churches to do outreach effort so that hopefully they can begin the process of learning a little bit about your industry, I think that the community would appreciate that. Of course, that is not a requirement of zoning. I'm just suggesting that that would be something that you would work on with the entire neighborhood, those that are for this or against this. That being said, mayor, I'm going to move approval of the planning commission recommendation.

Mayor Leffingwell: Councilmember cole moves to close the public hearing and approve on all three readings. Planning commission recommendation. Is that correct, councilmember?

Cole: Yes, mayor.

Mayor Leffingwell: Seconded by the mayor pro tem. Is there any further discussion? Councilmember morrison.

Morrison: Thank you. I appreciate councilmember cole's motion which I'm going to suggest, but I did want to follow up with the applicant on any ideas or encourage you to explore any ideas about working with the neighborhood in terms of making it a place that serves the neighborhood, because that, if you look at the neighborhood plan, obviously that's one of the objectives of businesses is to encourage businesses that serve the neighborhood, that serve the neighborhood needs, that provide jobs for the neighborhood, and I can imagine a lot of really creative things that you might be able to do using your space, you know, during down time when you wouldn't normally be using it to really get integrated with the neighbors and be a business that serves the neighborhoods. So I would appreciate any -- please, if you could comment on that, I would love to hear it.

Yeah, we are already in discussion with those. I didn't mention when i introduced myself, I'm actually the son of the church pianist and deacon. I've made a gospel record, but one thing to speak to your point that we talked about doing was the other churches that are active healthy churches in the area, we would like to invite them in maybe on an annual basis or some sort of rotating basis or christmas special, maybe record the choirs at no cost and present them with a c.d. They could sell to the church or do fundraising with.

Morrison: I think ideas like that and obviously there's probably lots of folks and kids in the neighborhood that would love to learn how to use the equipment and all that so I can see there could be a lot of creative uses. Thank you.

Mayor Leffingwell: Councilmember shade.

Shade: I just -- I wanted to make comments, specifically, miss ivory, you called me a couple weeks back to look into it and I just wanted you to know I did and i can't articulate any better than councilmember cole for the reasons supporting the motion which I intended to. And I do appreciate the discussions about these ideas that have just been circulated, but the bottom line is the change is just really hard, it's painful. Long before I ever thought i would be on the austin city council, I was at mount zion church. I've been to church with councilmember cole, of course, as she said, but I know the neighborhood and I'm familiar with the work that you did way back when. was even an idea, some of the initial work with the chestnut neighborhood plan was first being contemplated. Change is really hard and i don't want you to think we didn't hear that and understand it. And you may not every like what's in that building and i just want to knowledge you've been heard. I hope that it works out, but I can't make a decision other than to support the motion because we're -- it's a zoning case. And I do agree that having it a used space as opposed to what's been going on, it's been on the market for over two years, it's had a for sale sign up. And so I just am going to support the motion, but i thank you for your comments.

Mayor Leffingwell: Anything else? All in favor of the motion say aye.

Aye.

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

Mayor?

Mayor Leffingwell: Councilmember riley.

Riley: Yeah, if it's possible to go back to items 31 and 32, I know we passed those on first reading, but i think there's been some development and if I could get staff to report on that, i think I would be prepared to make a motion we reconsider those items.

Mayor Leffingwell: Do you have a question for mr. guernsey? Mr. guernsey.

Riley: Greg, anything to report on items 31 and 32?

On items 31 and 32, the applicant or the agent, i should say, is here and we have spoken to them and they are agreeable not to change planning commission's recommendation and would be willing to leave the planning commission recommendation unchanged, not as to allow the limited restaurant and would ask that you reconsider 31 and 32, if you could, and do all three readings and have it end today rather than come back another day to discuss it. They would be agreeable with that.

Mayor Leffingwell: Thank you. Councilmember riley.

Riley: Yes, based on the information from staff, i would move that we reconsider items 31 and 32.

Mayor Leffingwell: Councilmember riley moves to reconsider 31 and 32. Second from the mayor pro tem. Any discussion? All in favor say aye.

Aye.

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

Riley: And mayor.

Mayor Leffingwell: Councilmember riley.

Riley: Also based on the information from staff, i would move that we pass items 31 and -- approve 31 and 32 on all three readings.

Mayor Leffingwell: Councilmember riley moves to approve -- close the public hearing and approve on all three readings items 31 and 32. Seconded by the mayor pro tem. Discussion? All in favor say aye.

Aye.

Mayor Leffingwell: Opposed say no. Passes on a voted of 6-0. Councilmember cole off the dais.

Thank you, mayor and council. That brings us back to item 37 -- excuse me, 38 and 39. Item number 38 is case c14-2010-0112. From the property located at 1503 endfield road, change to multi-family. The planning commission's recommendation was grant the mf-3 with a conditional overlay. The property is .339 acres. And it's a tract that would be limited by the planning commission recommendation to not more than 2,000 trips. And right now the property is part of another application that's related on the next case I'll introduce in a minutes, and that case -- well, in a couple minutes, is proposing a swap of the land or I should say the zoning on the lands between these two properties. The property next door, there's a desire to zone that to multi -- excuse me, to neighborhood office, and from its existing multi-family 3 designation. This property is located just west of marshall lane on endfield road. This property, as I said before, is under a half acre to the north, to the south, to the east of this tract. It's all zoned multi-family, mf-3, and there are existing single-family uses to the north and south and to the east is an

office. To the west is an existing office building and it is zoned no-co-np or for office designation. For that, mayor, I can pause, if you like, and introduce the other case since both of these cases are somewhat related. Couple 39, c14-2010-0113. This is the property right next door at 1501 endfield road. This is a zoning change request to neighborhood office, neighborhood plan or no-mn combined district. The planning commission's recommendation on this case as well is to recommend approval, and in this case it's to zone the property to no-co-np. This property was subject to a petition that was valid this morning, early in the morning. Later in the morning it became invalid, and then this afternoon it became valid again. And the petition currently stands against the rezoning at 21.80%. This property is slightly bigger than the property next 02 of an acre and it's located on the corner. It is recommended by staff, it is recommended by the commission to the no-co-np. The desire is to rezone this property to allow office uses. North of this property to the south and to the east and to the west is existing mf-3 np zoning and existing single-family uses. With that, I think I'll pause. If you have any questions, basically the idea having two properties rezoned and switch multi-family from current locations.

Mayor Leffingwell: We'll take questions in just a second, but I want to explain how we're going to proceed with this because they are different pieces of dirt, 35 and 36. We have now heard the staff presentations on both 35 --

38 and 39.

Mayor Leffingwell: Excuse me. 38 And 39.

Mayor Leffingwell: Excuse me. 38 And 39. [One moment, please, for change in captioners] as part of the ordinance what we're proposing is to limit the area of the noco -np on the corner to an far 2, which would limit the building to 4,000 square feet on a 15,750 square foot lot. In the case of 1501, we're asking that it be down zoned to mf 3 and by ordinance we would like to limit the mf 3 construction there to three units only. Back to the track on the corner, what we would -- tract on the corner, what we would like to do there as well by ordinance is limit the uses to professional [indiscernible] and administrative offices only. The ordinance contains all excluded uses. We are in the process of working out our parking. We have existing seven spaces. We will provide the -- the 11 spaces required by zone and an additional four spaces. In doing so, we'll have a -- a maximum building cover of 15% and a maximum impervious cover of 44. We expect for variances. We plan for additions to the building -- no additions to the building. It is a building built in 1924. It is in its original intact facade. We see it as a preservation project. We're very happy, I'm personally very happy. I've preservation and rehabilitation person for many years, here in austin 16 years. I realize that the use is different, but the building remains the same. My owner is willing to put the restrictions on it so the building can stay intact and the fabric of the neighborhood be preserved. The development of the adjacent lots at -- adjacent lot at 1503 when donate zoned to mf 3 will need no variances for any planned development. Thank you.

Martinez: Thank you. We will now go to the citizens that have signed up on these two items. Again as the mayor mentioned, if you want to speak on both items during your one time up, you can, but we'll have the second public hearing, we'll call your name and you can choose to speak or not speak. If you have already spoken on this item. But we do have to continue with both of them. The first speaker in favor is david newton. Welcome, you will have three minutes. mayor and city council members, my name is david newton. I live on palma plaza, the only owner in the neighborhood whose property directly abutts both of these properties in question under the agenda 38 and 39. Abuts. So I feel that I have one of the biggest stakes as far as the neighbors go. As to what happens to 1503 enfield, which is currently dilapidated 1950's ranch house. I immediately called the contact person, who were turned out to be christine who just spoke and discussed it with her since I live for 12 years with the children's shelter behind me and got along perfectly well. It was a perfectly compatible use of that space in my opinion. And they've been gone at least a year now. And so I have lived with some anxiety as to what would go up behind me. As you can understand, in that neighborhood which is a medium density desirable location, there's been a lot of instruction of large condo and apartments and just west of us is one that -- that seemed to have been bankrupt, a looming structure, steel girders, right behind houses

on palma plaza. I thought that might happen behind me. After talking to controse and realizing who she was, because I have seen her work all over enfield and clarksville, stunning work preserving old mansions and houses fallen into states of delapidation, her owner has a sterling reputation, she wanted to preserve the mansion at the corner, well, this all sounded very good to me. And I -- I support -- so i didn't object and now i actively support their request for a zoning change and their proposed use because they want to change the corner house to 1501 which is a neighborhood office and I think that this change should be made with the rationale for the neighborhood zoning in mind. That is a small single use, a small brokerage firm of high end luxury type of sales. The neighborhood office single use, that's number one. And number two, neighborhood office encourages the -- and preserves -- let's see -- compatibility with existing neighborhoods through renovation, and modernization, of existing structures. So they want to preserve this beautiful 1924 mansion, which -- strip away the institutionalized -- [buzzer sounding] -- things that went on with the -- with the children's shelter and return it to its previous splendor. Also, I think --

Mayor Leffingwell: That buzzer was your time is expired.

I'm sorry? Time expired?

Mayor Leffingwell: Time expired. Thank you.

Thank for you listening to me.

Mayor Leffingwell: Also signed up in favor but not wishing to speak are amanda harding, anne wheeler, natalie polk, morris gottesman, tammie cohen, amy whack customer, jane downs, liz beth cannon, [indiscernible] swisher, .. [Reading names] we will go to those signed up in opposition. Roya johnson. Signed up. Please come forward. You have folks donating time to you. Jerry johnson. William eun? Ms. johnson, nine minutes. Dear mayor leffingwell and councilmembers. I live two doors -- two doors from this house. And we moved there because i felt like marshal lane was a quiet neighborhood and was going to stay as a neighborhood. There has been a lot of misinformation in this case. In any other presentation that was made here was brought up that the zoning was conditional zoning and that -- that it was for 50580 square foot on 1503 enfield for only children's shelter, using it as administrative office and the neighborhood fought that very strongly, they did not want any kind of children's shelter in that corner. Because they felt like it would damage the neighborhood having the office there. And their compromise and agreed to allow 580 square foot of administrative office for 1503 to be used by the children's shelter. During this time of living in marshal, I have lived there over 12 years, the traffic has been tremendous. We wanted to support the children of austin, out of the goodness of our heart, agreed to a law the children shelter to be there, so we could support them and they could be part of the neighborhood. I went through. Volunteered, I -- I -- i baked and took to that place because I wanted to support the children. Now because of our goodness of heart it's coming to haunt us because they agreed to let 580 square foot of one of the buildings, which is 1503 to be zoned office. They are not asking to convert the 1503 to office. They are talking about making a property on 1501, which is marshal, to an office. They are no -- I have made a package for each of you. I want to pass it along. Because I want you to see how the -- how the neighborhood [indiscernible] you have the map over there. You will notice all of those greens are marked -- green are residential properties. There is no single office zoning there except that property 1503 for 5850 square foot which was conditional overlay and there's ordinance that passed in 1996 by city of austin restricting use of that office only for a function like children's shelter. And none of this was brought up to the p.c. When I talked with the p.c. They told me they did not have that information, they did not know that ordinance existed. They did not know city hearing existed in 1996 and they did not know that the restrictive covenant existed, which I have included in that package and you could see. I have really fast forwarded some concerns. One of the them is the fact that the misinformation wasn't linked and this information given to the before they made the decision. I feel like we as citizens were let down by that happening. The second concern that i have, I was one of the first people object to this project, it was in july of 19 -- july of this year, i e-mailed the case manager and told them that I was objecting. We were totally ignored and we were not heard in

any of the hearing of the p.c. And then of course the p.c. Passed it thinking this was equal swap. There's no swail swap over equal swap over here. There's no equal. Two equal lands. There's no equal. You are swapping 580 square foot of office space to 4,000 square foot of office space. That's what they are asking you to do. If this is going to happen, we need to start over and start by going and telling the neighborhood you really want to convert 1501 marshal to an offers. That you what you need to say. Because they are going to be marshal. 1501 Enfield which -- will use marshal for exit and entrance as an office. The -- the second thing that I want to -- to talk about is the setting an example. There are no offices on enfield road zoned office. There's none. There's only this 580 square foot, which was done by a goodness of our heart. We as neighbors came in and said you want to do that because we want to help the children. That's the only zoning on enfield past lamar off -- zoned office. And only for 500 square foot. And if you allow that office to go in that corner, i could promise you, in 10 years, I'm going to stand over here telling you that the whole enfield would be converted to office and business. Enfield will not be able to control the traffic. The traffic is already tremendous. Can you imagine having all of that traffic that's from those offices has to go through our neighborhood. Our neighborhood with our beautiful houses. And that's -- I oppose that, that's why I'm very concerned about the neighborhood. There won't be consistency with the neighborhood. I have lived in west austin 37 years. And I have owned a lot of properties there. The reason that I moved to clarksville, old enfield, because I like the neighborhood. I do like the fact that we have some shops there and i want some shops there. But I don't want it in my back yard. Or front yard in this case. I think that there is -- this -- there is other places to put things like that, it's not putting it on enfield road, which is a buffer that protects us from having businesses growing into our back yard. This is what that lay allowed. -- that allows, the reason mr. Newton and other people are agreeing to do that because she agreed to build wall in back of their property and make it very private for them. That doesn't help me because the traffic will be tremendous in terms of getting -- going through marshal. Because in that corner, if you look at the map, you will see the street turn in that little corner over there. There's a blind spot. No ingress, egress out of our street into enfield because you cannot do it. If you do, you are going to hit a car. Therefore all of the traffic is going to go front of my house at 1401 marshal, two houses down from this property. Every car. I have to tell you, everybody says this is going to be a very small office. Is that a small office there? All of those people over there work in that office. Is that a small office? All of those people sitting over there, is going to be at least -- almost every 30 minutes to two hours, we go back and come back. We go to clients and come back. Plus other clients come to us. To -- traffic will be tremendous. And that's -- that part of marshal is a very small street. It's only I believe seven -- seven, eight, nine houses in that part. So we get all of the traffic because they have to turn in front of our street. I beg you to think about this seriously, you are talking about changing the face of west austin if you want to put zoning in that location. You are really talking about our home. -- [Indiscernible] with my cat, with my dog.

Mayor Leffingwell: That johnson, that was your time. The next speaker is lydia francine monroe in opposition, you have three minutes.

Good afternoon, mayor pro tem and council people, thank you for the time. My name is lydia francine monroe, I live across the street from the proposed change [one moment please for change in captioners] to give you some historical perspective on how this issue affects our neighbors. On marshal lane, the austin children's shelter moved from 1501 and 1503 enfield, moved away. For almost 10 years the people on marshal lane had been living during school time with one or two or three school buses. We have been living with school buses stacked up, tooting the horn, stacked up, the buses would return and deliver a repeat performance. Meanwhile a coming and going of delivery trucks and vans dropping off office supplies and linens and foods. Additional there were comings and goodings of shelter staff that had inadequate staff and that forced the staff to park on marshal lane and palma plaza, especially in front of 1401 and 1403 which is where I live. The closest distance to the 1501 enfield, which is the proposing zoning change, this parking dilemma went on day and night 24 hours a day. They truly shut down our neighborhood. And our social life because you couldn't park anywhere. Now the shelter moved to a more appropriate location. And life has returned to normal see. Traffic has dramatically decreased. Parking issues no longer exist and noise has lessened, life in the neighborhood is sweet again or walking back and forth, there are children, there are animals. Now they want to lessen the quality of life in our neighborhood once more. Please keep this office away from our marshal lane.

Please keep us and our personal lives away from the disturbances of commerce. Our quality of life will only be degraded by the coming and going of this office's customers. Sales people, and commercial support services. We accepted the change when you granted the zoning modification for an office for the good of the children in our community. But the present zoning and the request to alter the zoning location -- [buzzer sounding] I'll finish my sentence -- the present zoning and the request to alter the location of that zoning isn't for the good of the community's children anymore. It's only for the sake of a commercial office. In a single and multi-family neighborhood environment. Thank you for caring.

Mayor Leffingwell: Thank you. That's all that signed up against. Neutr jean stevens.

Thank you, I am the old west austin neighborhood planning contact team representative. I'm here today to speak on behalf of our other two members of the team, that would be mary reed from the clarksville community development corporation, perry lorenz from the west end austin alliance. At the beginning of this process, the -- both of those entities chose to defer to owana and I have recently reaffirmed their position, they are deferring to owana. In december of 2010 we voted to take a position of non-opposition regarding the rezoning of the two properties located at 1501 and 1503 end if he would. This was scheduled to be HEARD ON OCTOBER 14th, BUT Because of new information received in mid october, all parties agreed to postpone to the hearing today. This postponement also allowed the owana steering committee to revisit the ISSUE AT THE NOVEMBER 1st, 2010 Steering committee meeting at which time the applicant presented the proposal and the affected neighbors voiced their concerns. At the completion of this session, members of the steering committee were asked to make a motion to reconsider the original vote of non-opposition. No motion was made and owana's original position remained. Therefore the neighborhood plan contact team is not opposed to the requested zoning changes for these two properties. Thank you.

Thank you. They also signed up neutral. Larry hofford. You have three minutes. I'm [indiscernible] speaking on both cases. Based on the information provided by both the applicant and many of the nearby neighbors, in the thorough review and analysis of the facts of the case, owana zoning committee, steering committee and general membership chose not to oppose the requested zoning change. And we conclude this non-opposition is in the best interests of the neighborhood as a whole. Our letter dated j 13th, SUPPORTS THIS, States this. Owana has attempted to mediate and facilitate discussion between the applicant and nearby neighbors. And as a result, we identified three issues that were believed to potentially impact the neighborhood. On street parking, a volume of traffic, an increased volume of traffic, and -- and setting precedent for increased office use along enfield. Without question, owana is sympathetic to the potential traffic and parking issues raised by opposing neighbors. However, denying the zoning change will not resolve these issues. More likely lessen then. There appears to be support within owana to seek alternative approach to resolving parking issues through parking permits. We believe the predict has worked with the immediate adjacent and most affected neighbors and proposed through we understand through restrictive covenant mitigating measures, screening, landscape, setting back of parking in the -- and the addition to parking. Satisfactory to gain their support for the zoning change. The applicant indicated they will be asking through site plan process to increase the amount of onsite parking beyond the minimum required. The third item, setting precedent that would bring up additional zoning changes along enfield for office in our opinion is just not a reality. If anything enfield is more susceptible to multi-family development than office and many of the properties, including 1501 currently allow multi-family redevelopment without a required zoning change. Thank you.

Thank you. Councilmember morrison?

Morrison: Larry, and i have question for you. I'm not sure if I missed it or not, you raised the issue of volume of traffic as one of the issues. What were your comments on that? Did I miss it? Or -- could I hear it again if I did?

The two properties are of equal size. And 1503 already has office zoning. 1501 Already has multi-family

zoning. So we don't see where there is a net -- there is an increase in the amount of -- of -- of traffic that would be generated beyond what is currently allowed. I'm not speaking about how many cars are going through there today or not. But increased beyond what it's currently allowed.

Morrison: Okay, thank you. Those are all of the speakers that we have signed up. As you recall, we are dealing first with item no. 38. Which is 1503 enfield which is a request to change to zoning from no to mf 3. Any further questions? Discussion or a motion? guernsey, I believe you said there was a valid petition on item 39, but not so on item 38, is that correct?

Yes, there's a valid petition on -- on number -- number 39. The -- I've taken a look at the ordinance in your backup, there's a reference 4 far limitation I think on the item no. 39. On number 38, there's also a reference to -- excuse me, a point -- .26 far. On item no. 38. And then -- then a limitation of three units on -- on item 38.

Mayor Leffingwell: Okay. Gotcha. So we are --

the ordinances are ready if you wanted to go for three readings today.

Mayor Leffingwell: Considering item no. 38. A motion on item no. 38?

Morrison: Is there a speaker on 39?

Mayor Leffingwell: We're for the dealing with 39 yet. We're not dealing with 39 yet. I'll call all of the speakers signed up on 39.

Mayor [indiscernible] representing the owners, regarding the matters as well. Asked if the items be brought up together if one fails, they would not desire to go forward with the other. So --

well, I -- I've been advised that we have to consider the items separately. Perhaps then -- then -- i would suggest then you consider the upzoning of the property first. subtle is nodding that that would be acceptable if you want to take them each in order. So consider the upzoning first and then consider the down zoning second.

Mayor?

Mayor Leffingwell: Expel.

I move to place 38 on the table to be taken up after we take up item 39.

Mayor Leffingwell: Well, I think we can just do that if there's no objection. So in that case, it's on the table for the time being. We will go to, we've already had the presentation on item no. 39. The applicant's presentation as well. So -- so many of you have already spoken on item 38, I'm going to call your names anyway. And you can indicate if you wish to speak. Christina contras do you wish to speak again on 39? David newton. All right, david, you have -- you have three minutes.

Yes, a couple of points about this that I was going to say, but my time was cut off. I -- I concur with mr. Hofford about the traffic and parking as being an overstated problem in this area. Since neighborhood permit parking could be put in along marshall and -- and I -- yes. And the applicant has already agreed to put in more than is required parking spaces on the property. But I find it interesting that opponents here have also opposed the idea of neighborhood permit parking. Which is a confusing position to take. If you want to calm parking along marshall road. I live on palma plaza, we have a premises lot of people park -- a tremendous lot of people parking there. The parking situation isn't created by a business or an

office necessarily. The children's shelter maybe had some extra parking issues. But there are -- there is a -- there is a shuttle route on enfield, students regularly park along marshall and on palma plaza, leave their car, take the shuttle go to school. That's a contributing factor a proprietary feeling among certain people that the street in front of the house belongs to the house. We know it doesn't. It's a public street. I have people parking in front of my house all the time. We live in a congested neighborhood and that's just the way it is. So I don't think a small neighborhood office single usage like the brokerage firm that is proposed would contribute to that and -- and -- I think that's about it except to reiterate my support of this as an -- a usage of a property that's been sitting empty and falling into a state of delapidation. I think it's going to be a great improvement.

Thank you. I have a note that laura gottesman wishes to speak on 39. But you are not signed up. But just come forward. And you will have three minutes and please sign up with the clerk afterwards.

My name is laura gottesman, I'm the owner of the properties at 1501 and 1503 enfield. I would like to tell you a little bit about myself. I grew up in dallas and came to the university of texas in 1982. And have been here ever since, I never went home. This is home. I have been married 25 years and raised three sons in austin. My husband and I are deeply committed to the community and take great pride in calling austin home. Recently I was invited to join the greater austin economic development corporation and I feel so honored to serve as an advocate for the city of austin and be able to show our city off to people coming from other places and looking to relocate here. In 2000, my co-founder and dear friend shannon [indiscernible] and i started a very small boutique real estate company trying to assemble the highest level and the most highly respected, seasoned residential real estate agents in the city. We pride ourselves on customer service and our professionalism. We currently have nine producing agents, including myself, four licensed assistants and two staff members. Including lucy bombgardner a native austinite here today, who will be turning 85 next month. She is our receptionist and our mascot. We have never had more than 10 producing agents and we have been open and endured the very best of economic times in austin as well as very dismal economic times. As you can imagine, from my career choice, I have a passion for architecture and old homes. I have a great deal of experience brokering them and a keen understanding of the value that restoration brings to a neighborhood. I have seen the impact that restoration has on surrounding properties and the impetus that it is to beautifying a neighborhood. In life and in business, i try to follow this philosophy of win-win. By restoring this 1924 home and using it as a small real estate office, I feel that i can justify bringing back the grandeur of an old estate in an historic neighborhood, while at the same time lowering the density and lowering the impact that a new development with mf 3 zoning allowed for. I want this to be the home for my company and I want to care and maintain it as a landmark. My goal is that everybody wins and this property can be something that we are all proud to have in our neighborhood. Thank you.

Mayor Leffingwell: Thank you, ms. gottesman. This is the clerk over here, would you go over and give her your name and -- and any other information she might require? I'm going to call your name again. Just for the -- for the legal purposes. Indicate to me if you wish to speak again johnson. All right.

The thing that I wanted to bring up, also, there is a lot of misinformation in terms of what can happen in that corner. A lots of the neighbors have been told if this zoning doesn't happen, that there could be a 31 bed homeless shelter put over there. And -- and/or a fraternity could be officing there. And those are the things tactics being used to tell the neighbors, as you notice my petition has changed. I've been through if we only have limited number of neighbors around us, so my petition keeps changing because every time I get someone signed, they go there, they scare them to death, telling them there's going to be a homeless shelter with 31 beds in that house. I don't think that's what you all to happen either. I want to preserve that building. I want to make that location to be a great location. I'm very interested in - in preserving and having a beautiful home in our neighborhood. gottesman have been in real estate, many of you have seen my name for 30 -- for 27 years in austin. And mainly in west austin. I've lived in west austin. I went to the university of texas in 1972. So I'm very interested preserving and I want to make sure everybody understands, we're not talking about traffic on enfield. The 1503 the traffic will be on enfield. The 1501 the traffic will be on marshall. And that's the big difference. If you all let that office to be there, we are going to carry all of the traffic in our neighborhood. The enfield won't be used as a --

as an egress, indegrees. The marshall will be. newton said he doesn't have a problem with parking. He lives on palma plaza. He doesn't -- they don't go through his street to go. They have to use our street to come and go. They go by his or they could GO FROM 13th -- THEY HAVE Three different ways to go after they pass our houses. We are impacted the most. And I -- I really ask you to think about this seriously. Because I think this will impact our community, our west austin community and will -- will damage the integrity of enfield road which has been neighborhood and residential for as long as I remember living there. The first time I remember taking the shuttle and going to university I used to live as a baby-sitter on hartford road, for a family who still lives there. Thank you very much.

Mayor Leffingwell: You do have people that donated time to you. Do you need any more time?

I don't believe so.

Mayor Leffingwell: Okay. Thank you.

Thank you very much.

Mayor Leffingwell: That would be jerry johnson and william ewen. The next speaker signed up against is -- is lydia francine monroe. Do you want to speak again?

I went to the neighborhood association meeting on monday. The chairman of the -- of the neighborhood association said he would be remiss if he didn't bring up to the committee that there was a petition from the neighboring community to not have a business and would anybody say anything. To renege that. I don't -- forgive me, this is not my forte, you know, the language of business and -- and politics. But no one said a thing, they all just looked at the table and went on with business of -- fifth street and sixth street wanting to make it more pedestrian friendly. And I just thought it was ironic, you know, that they are trying to make fifth and sixth street pedestrian friendly, there's a petition from the neighbors across the street from the proposed building and I just feel unrepresented by the neighborhood association as well. I went because we had a name dropped from the petition. And went to visit a neighbor that is across or rather right behind the 1503 building today and it's a woman who has lived there for 50 years and she thanked me for bringing her the information. And said she, too, would like to keep the neighborhood a neighborhood. As opposed to a business. Thank you for listening. --

Mayor Leffingwell: Thank you. Gene stevens and larry halpern, do you wish to speak again? Jean stevens.

Again. I would just briefly like to address lydia as far as their attending meeting on monday night. Yes, paul the chairperson of owana did mention that there was a petition. No, the steering committee made no motion to reconsider that. I think what's important to note, though, is -- and roya has brought this up, too. We've had a valid petition, invalid, valid petition, invalid petition up to just right before this meeting. So at the time it was presented to us monday night, it was presented as a petition that had not been verified. And so I speak -- I think that somewhat speaks to the actions of the steering committee of that evening. Thank you.

Mayor Leffingwell: Thank you. Mr. halpert, are you good? Okay. So there are -- those are all of the folks that I have signed up wishing to speak on item 39. Council, I will entertain a motion on item 39 only.

I just wanted to talk about the misinformation, can you explain what the current piece of property, what it's currently zoned, what could be there?

Talking about 39?

Shade: If no zoning change were to occur, what could the owner do with this piece of property?

With the change on -- to neighborhood office, administrative office, you could do a professional office that would be -- that would be like an attorney or an engineer. You would not be able to do a medical office. You could do certain civic uses. It might include some daycare or religious assembly uses if it went to the no-co-np designation. The -- the existing zoning, is multi-family. And so it allows single family duplex and multi-family uses as it stands right now. That would be abandoned if we tonight to the neighborhood category.

Mayor Leffingwell: Councilmember morrison?

Morrison: Greg, there was some comment about an additional ordinance that was limiting the amount of square footage or something like that on -- on no.

In the origins that you have before you -- ordinance that you have before you, a 26 on part three b, there's a trip limitation of 2,000 trips. That's what you have on the dais before you. I assume the applicant has -- has amended their application to use that include additional far limitation.

Mayor Leffingwell: Anything else? Item 39. Councilmember spelman?

Spelman: Mayor, some zoning cases are difficult because you look at both of the parties and both of their arguments, you think that you've got a point. But sometimes we have to make a decision between one or the other. This is one of the cases that I have to decide which is going to be in the best interest of this neighborhood. I'm persuaded that although both sides made good arguments, that this is a relatively benign change and therefore I'm going to move in favor of the staff and planning commission recommendation on all three readings.

Mayor Leffingwell: Close the public hearing. Motion to close the public hearing by councilmember spelman and approve planning commission recommendation on item 39. On all three readings. Mayor pro tem seconds.

Mayor and council, if i may, the ordinance I think reflects an additional far condition with a trip limitation. So -- so I'm not sure if that was actually part of the commission's recommendation on the far, but I just wanted to make sure that the far limitation 26 is parts of that motion as I understand it.

Spelman: I believe believe it was part of the planning commission recommendation, if it's not it should be.

Mayor Leffingwell: So the motion includes the far limitation of .26.

Spelman: And trip limitation of 2,000 a day. Although if it gets anywhere near 2,000 trips per day we're going to be hearing a whole lot more from this neighborhood.

Mayor Leffingwell: Mayor pro tem? Further discussion? Councilmember morrison?

Morrison: Thank you. I think that I wanted to mention that I am going to support this motion. I wanted to mention that obviously when we have a valid petition that puts extra focus, extra consideration. In the whole thought process decision making process. In this case, particularly challenging because it's sort of like a ping-pong ball, back and forth it's valid, not valid. Looking especially hard at the issues. I note that there are concerns about traffic and parking. But with regard to parking and traffic, frankly it sounds like it's going to be a better situation than when the children's shelter was there. And I do hope the neighbors, if it's an issue or perhaps there's an ongoing issue because it's on the shuttle, lots of neighborhoods have that, that folks will consider resident only parking. It's a very workable solution and

I know because I live in an rpp area and it is a tool that's available to folks in center city neighborhoods. I hope that folks will take advantage of it. But the bottom line is that this is equivalent entitlements and out of it we're getting the bonus of repurposing and reuse and preservation of an important house on enfield. If you drive down enfield, we've lost a lot of those beautiful houses and I think that maintaining those houses maintains the character and the moderate density that's there. So with that, I will be supporting the motion.

Mayor Leffingwell: Councilmember riley.

Riley: I'm also going to be supporting the motion. I want to echo my colleague's comments that this was a very tough case. I want to especially thank the neighborhood for giving this very careful consideration. I know that made -- that was very helpful in my decision. Y'all know this area better than I do frankly. And are in a better position to judge the impacts of changes like this. I know that you have given it very thoughtful consideration. I appreciated your going through that process and then being here today to share your thoughts on it. So with that I will support the motion.

Mayor Leffingwell: Further comments? All in favor of the motion say aye.

Aye.

Opposed say no? Passes on a vote of 7-0, all three readings. So now council we will take up item no. 38. For a vote. Is there a motion on item 38? Mayor pro tem moves to close the public hearing and approve item 38 planning commission recommendation on all three readings. Seconded by councilmember shade. Any discussion? All in favor? Mr. -- same deal here?

Yes, there's a 2,000 trip limitation. But I know that the owner has offered a limitation number of residential units on this property to a maximum of three. And that's reflected in part 3 b of the ordinance. So that's also part of this motion. That they -- that the applicant's agent has agreed to I just want to make sure that staff understands that and the clerk understands that.

Mayor Leffingwell: That your understanding mayor pro tem that the maximum of three units and 2,000 trips and seconded by councilmember shade. Is that satisfactory? Further comments? All in favor say aye? Aye. Opposed say no. Passes on a vote of 7-0. I believe that takes us to item 43. Mr. sadowsky. Good afternoon, mr. Mayor, mayor pro tem, council, I'm steve sadowsky from the historic preservation office. Our first case is the matsen house.

Hang on. Folks, if we could take our conversations outside so we can continue the council meeting, we would appreciate it. We know that you're happy.

Take it to the zocolo.

The first case is the matsen house, located at 1800 san gabriel, the owners application for historic zoning. Recommended by staff. The landmark commission and the planning commission. It is an international style house one of the very few international style houses in austin. The international style was the beginning of the modernist movement in architecture. Came from western europe. Particularly france and germany where it -- it developed out of the bow house movement. Came to the united states in 1932 as part of the international exhibition of modern architecture at the museum of modern art in new york city. One of the main proponents was phillip johnson who went on to design many of the signature sky scrapers of THE LATE 60s AND EARLY 70s. The international style features a radical simplification of form. Generally rectilinear. Emphasizes balance over symmetry has -- expresses a disdain for ornament. This is the dodd house in los angeles, demolished in 1970. Extremely early example. Built in 1914. You can see here the -- the almost cubist forms of the house. And very rectilinear, very little ornamentation on the outside. Bank building in flagstaff, arizona. The international

style is very rare in residential structures, most of the examples that you see are going to be commercial structures. This picture in particular relates to the matsen house very well because of the cantilevered walls around the main body of the building. Here's the matsen house itself at 1800 san gabriel street. Very rectilinear form, almost cubes. Formation. Very little ornamentation. It fits almost all of the standards of the international style. Here is the original drawing of the house. Showing that it was built for mr. and mrs. matsen. The house was built in 1953. It was the -- has been the family home of the current owner since the time of the construction. The original owner was frederick albert matsen, and his wife. matsen was a professor of chemistry and physics at the university of texas. He had an incredible pedigree coming here. He was from wisconsin, he HAD HIS Ph.D. FROM Princeton, university and taught at bucknell college in pennsylvania. Excellent schools of engineering. Especially noted for his early use of computers on campus. In fact in 1950 he set up the first computer center on campus, was the first director of the university computation center. His daughter is the current owner of the house along with her husband, misenback, they are here if you have any questions. Staff recommended this house for lands mark designation because it is a very rare example of the international style in austin. Very rare example of international tile in residential architecture and associated with a very prominent professor at the university. Approach.

Mayor Leffingwell: Questions of staff? Councilmember shade?

Shade: I don't know a lot about this type of architecture, but versus art moderne, are they connected, this led to that?

Yes, very much connected. Art deco and art moderne are of course very related. Coming out of the western europe and flourish in this the 20s. This is basically a very stripped down version of art moderne. They emphasized really the rectilinear of -- configuration of the house and the lack of ornamentation. As you know, art deco and art moderne were both highly embellished with ornaments.

Shade: What is this inventory-wise for us? What does this mean for us --

so designate this as a landmark?

Yes.

Well, it's a very good example of the international style. I can think of only one or two other houses in austin that exhibit the international style in this pure of a reputation.

The other two or three are already zoned historic.

Shade: No, they are not.

Not yet.

Shade: Not yet. And how many have we had that aren't here anymore?

It's very rare. The other example that comes to mind right off the bat is at the corner of 38th and red river, which is another two story house. It's a little bit more art moderne. Than this one because it has the rounded corners, a lot of -- it's a very stripped down house as well. But not nearly as spartan as this one. This is really renting the real principles of the international style, by the way the architects who proposed the international style didn't like using the word style along with it. It was really just a manner of building that -- that reflected simple forms without any ornamentation. They didn't like using the word style along with their style. [Laughter]

Shade: I'm curious, why this house hasn't come into our process sooner? Do you have any sense for

that? I guess maybe I should ask the owner that?

I'm not sure that I understand your question.

How it came to be that you decided -- this is a house clearly maintained, taken great care of. Been in the same family.

I'm Meghan. I think that I can answer your question by saying our neighborhood has felt increasingly threatened and I didn't -- didn't feel like we were going to become a -- a residential neighborhood for very long. And this has spurred me to do the work.

Meghan is signed up to speak.

Ooh, sorry.

Mayor Leffingwell: Later.

Shade: Okay can she finish the answer.

Mayor Leffingwell: Go ahead.

So it -- spurred me on to want to get an historic designation to help the judge's hill neighborhood. Why didn't I do it before? I was taking care of my parents before that.

Shade: Okay. I'm sorry. I -- well, I'll wait until you come back. Thank you.

Mayor Leffingwell: Okay. Now we will go to those -- those folks who have signed up to speak. Meghan Massenback first, signed up in favor, you have three minutes.

I thought that you might like to see some slides of the house, if I can work this properly. That's my father at the university, born in Racine, Wisconsin where Frank Lloyd Wright was active. Front door. The entry. The living room. The porch that was my father's joy. More pictures of the living room. This is how it was in 1957. This is the living room, the wall intersects the whole up and down stairs with the brick wall, with a stonewall that was a fascination for the historic homes tour. The family in about 1952 sorry 3. Kitchen, painting the woodwork. Some of my father's honors. This is how the house was in '57. I hope that I'm not making you dizzy. And this is how it was in '53. If you go back then you see how it was today.

Mayor Leffingwell: Councilmember Shade.

Shade: The other question that I was going to ask you, without realizing that you are going to speak, I apologize, do you have any worry this house is going to be torn down or demolished?

Not directly. But -- but there is a neighbor who is zoning going, which is going to come up in front much sooner. Another neighbor would like to make the property next to mine multi-family. And so -- so all of that makes me feel not secure. So not specifically for my house, but for what's around it.

Shade: Thank you.

Thank you.

You are the property owner?

Yes, sir.

Spelman:.

Would you feel bad if i refer to your house in the future as bow housey but not to bow housey?
[Laughter]

I think that's apt.

Next speaker is jay tassen.

Thank you mayor and councilmembers. I don't think that I will take that long. I'm a neighbor of megan's, my house is actually up next. I wanted to just say having 's graduate architecture school that this international style that you haven't heard much of here is really the holy great deal of architects. If people would study architecture -- [indiscernible], so as massenback and the community, to me the reason really not to miss this house is a great style, we don't see much of here. In fact when we had several hundred of the national historic trust, this one was a big hit. A lot of them came to my house after and were quite exited to talk about having seen this because they didn't expect it here. It's really fun for a tourist group when they come to a couple of thousand them, when they come to an area, they wanted to find an inner city intact residential neighborhood that had a mix of styles from different eras. This really complicated that -- complimented that very nicely. Thank you.

Mayor Leffingwell: Those are all of the people signed up to speak on this item. So -- so council? Discussions or a motion? On item 43. Councilmember morrison? I would like to just comment that it is a really spectacular example of an unusual style and the owners and the history of it and their own lives and their position in the community, not just because he was a professor of physics, i think all -- all is a good reason for us to -- to zone this historic. I would like to move the planning commission recommendation.

Second.

On all three readings and close the public hearings.

Mayor Leffingwell: Councilmember morrison moves to approve the planning commission, close the public hearing and approve the planning commission recommendation on all three readings. Seconded by councilmember spelman. Further discussion? Councilmember cole?

Cole: I was just going to simply say that I know that we have been through a careful balancing act trying to figure out properties that should validly be deemed historic and then not overreach. And take into account our tax base. And -- but I do feel like this is a house that meets the standards and also after having heard quite a bit of testimony today, related to another zoning case in east austin, on east 12th street and recognizing the need for preservation, in particular, with -- with african-american heritage and other ethnic minorities that I don't think that we should throw the baby out with the bath water in terms of historic landmark recognition. So I will be supporting the motion.

Councilmember riley?

Riley: I'm also going to be supporting the motion gladly. Really excited about this and really appreciate all of the efforts that have gone into the preservation of the house. I just wanted to add one note when I have been mentioning in all of the historic zoning cases we've been doing lately that there are ongoing discussions about the benefits that are afforded to historic landmark properties and my expectation is

that those changes, that cases that we are considering now will be subject to those changes, whatever they may be. So that -- because people are -- everyone knows that conversation is ongoing and -- and those changes may include some -- some adjustment of the benefits and tax benefits associated with the zoning. Just wanted to make sure that everybody understands that. That there are very generous benefits offered now, but those may be subjected to change at some point in the not too distant future.

Mayor Leffingwell: Councilmember shade?

Shade: I have a question. This neighborhood, judge's hill so clearly seems like it would be a great candidate for the district for a local historic district for all kinds of reasons. And I think that -- that, you know, that the notion of using historic zoning to preserve a demmation of a house or to use as a neighborhood planning tool is very challenging. It's the only tool that we've had up until recently now that we have the local historic districts. I struggle with this case. I keep thinking what's the public purpose here. I understand the public purpose served by having a beautifully preserved residential neighborhood and I realize that it's each individual house that makes that up. But it's -- it's -- this is challenging, especially knowing that we are about to look at another case right there in the same neighborhood and then you start finding yourself comparing the subjectivity professors and their historic associations and so forth. That becomes very challenging. I'm going to go ahead and support this one. But I would like for you to address, you know -- how a local historic district tool could be used so we wouldn't be in this situation perhaps.

The house in the next one would definitely be contributing.

Shade: Whether it was zoned historic or not. There is a movement in the judge's hill area to put a local historic district nomination together. I don't know when that's actually going to come before the landmark commission or even be presented. But I know there has been quite a bit of activity and discussion about a local historic district for judge's hill.

That would address homeowner's concern perhaps better than this. How would you deal with the fact that's a neighborhood that's got such a mix, that is what makes it interesting.

In the local historic district context? Well the -- every neighborhood is going to have a mix, every neighborhood in this city basically has a mix of architectural styles. When we are looking at a local historic district, we are looking at the context and the history of the neighborhood in particular. Where a neighborhood may have started off as an upper middle class suburb but then.

Went through some hard times and then became a middle class suburb and after that I'm thinking of a hyde park in particular, and their history where the big houses were they supplanted by much smaller bungalows, it's all part of the history of the neighborhood. So every house as long as it was built within a period of significance, if it maintains its integrity and historic appearance it would be contributing to that district.

How do you answer a citizen who says if this is a house that's going to be preserved anyway, why would we spend \$1,700 or \$7,000 or whatever it is each year, how do you answer that?

Well, I think the difference being is that there is no historic district right now. So we have to deal with what we have in our hands. And we don't know that there ever will be a historic district because historic districts depends on a certain legal of support. If that level of support is not there, no matter how great architecturally or historically a district may be. If the folks who live in that district are not supporting the district, then that district may never come about. I think the answer that -- that I've given people that the houses that we are bringing forward as historic landmarks are really truly significant to the history of the city. Whether or not they are in an historic district or not. The historic district protects the character of the neighborhood in general, whereas lands mark designation protects individual houses that we feel

have extraordinary significance. Landmark designation.

Mayor Leffingwell: In fact, they've had that process underway for probably at least two years. To -- judge's hill, yes.

To create an historic district there, evidently it is a very difficult process. But if there is any area of town that is more deserving or more worth preserving as a historic district it's judges hill. Probably more significant historic houses or residential houses in that area than any other part of town. So -- so I hope there's some way to move forward with that. If there is I think that would be a good thing for the city. Further discussion? All in favor of the motion say aye.

Aye.

All opposed say no.

That passes on a vote of 6-0 with mayor pro tem off the dais. I did get a quick signal from councilmember spelman.

Next one is the mcclendon-kozmetsky house, also in the judges hill neighborhood. 1001 West 17th street an example of mid century modern architect. I hope you all appreciate the architecture lesson. Of course it refers to houses that were built between world war ii and pretty much up to 1970. They -- they were based upon the principles first expounded by frank lloyd wright with some bauhaus influences, the main characteristics of mid century architect are the open floor plan, large expanses of glass. [Reading graphic] a lot of people referred to -- a lot of mid century architect as jetson because they did use a lot of unusual shapes. If you think of like dulles airport in washington, some of the other, even the seattle space tower, these are all examples of mid century modern. This is the pavilion house in houston demolished a couple of years ago, a good example of the use of organic materials, a lot of stone, a lot of unusual shapes. The scalloped roof unfortunately this house doesn't exist anymore. Here is one in san diego. That is threatened with demolition. Again I put the slide in here to show the use of different shapes in the mid century modern architecture that really set them apart from the otherwise cookie cutter type of suburban houses. One on lund street in austin, texas. Adstanger, a lot of his houses on land, [indiscernible] way and -- on lund, nearly, behind zilker element inventory on the cliff. This one belonged to john henry faulk when he came back to austin of being black listed off of the network in new york. This is the mcclendon-kozmetsky house, you can see it really embodies this. Very low slung, a lot of stone, unusual shape in the gable above the front door, a lot of glass around the front door which I'm sorry doesn't really appear very well in this particular slide. But really embodies every principle of mid century modern architecture. Built in 1955 which was the heyday of this style of architecture. Built for judge and his wife on a piece of property that she had inherited from her parents. Judge mcclendon was born in georgia, came to texas, went to the university of texas law school. He practiced law with his brother-in-law here in austin for over 20 years and then he was appointed by governor hoby to the texas supreme court commission of appeals in 1918 and served as chief justice to 1923. He was appointed as the chief justice of the texas court of civil appeals, a position that he held until he retired in 1949. He was -- he was instrumental in -- in developing the texas rules of civil procedure and he presided over sweat versus painter, which was probably the most famous segregation case to come out of the state of texas and one that was relied upon by the u.s. Supreme court when they overturned separate but equal in brown versus the board of education. Judge mcclendon was also a very active civic philanthropies. The -- texas fine arts association which oversaw the creation of the lizabet name museum, laguna gloria, various post including the heritage society, instrumental in the committee that built gregory gym at the university of texas. After his wife passed away he moved to the westgate towers and sold this property to george and royna kozmetsky. .. executive at [indiscernible] and co-founder of a large electronics firm, came to the university of texas to teach in the school of business administration. The dean was the -- the dean of the -- I'm sorry, he was the management in the computer science department and while he was dean the school almost

quadrupled in size and his probably most famous student was Michael Dell, who is Dr. Kozmetsky. He was his mentor. Michael Dell spent many hours, his business plan, which we all know in legend dorm room but also this house. They were very end involved here in Austin. Kozmetsky moved in 2002, gave the house to the foundation they had created which then sold the house to Joseph [indiscernible] who sold it to the current owners, Jay Tassen and Brent Danniger. The original house is completely intact. A wonderful example of mid century modern. The current owners have added a garage, breezeway and wood shop in 2006, but other than that the house retains its historic 1955 appearance. The house is significant for its architecture and its associations and the staff, landmark commission and planning commission have recommended it for landmark designation.

Mayor Leffingwell: So this house was built in 1955.

Yes, sir.

Mayor Leffingwell: My house was built in 1955. Just a thought. [Laughter] now we will go to people who have signed up to speak on this. Meghan Messenback, did you want to speak on this? Welcome, you have up to three minutes.

The McClendons feature in almost all of the landmark houses in our neighborhood. Excuse me really tie it together. Matsen Kozmetsky were friends and met together in each other's houses. I think that you would really enjoy having this as a landmark house in Austin. Thank you.

Mayor Leffingwell: Thank you. Jay Tassen. You also have up to three minutes.

Thank you. Again, thanks for listening to this. There -- Judge McClendon that was referred to got his degree in the 1800s from 's law school, lived to be the oldest Texas-ex at 98. Sadowsky said it's a terrific example of a mid century modern house. It's different because after they left it was a flip, it's been four years of an interesting path to restore the house. The garage and wood shop out back, my partner is a woodworker who has helped with a lot of the restoration, those are behind the house, you can't see those from the street. The thing that the Kozmet Skies did was -- I looked it up, people said you know where you are living is an important house because of the former residents. And somebody wrote in and said how dare these new folks change Judge McClendon's house. As a matter of fact the K's became some of the most important contributors by not only being successful, which isn't all that rare, but generous and clever. The more that I read the more admiring of them I became. The dean with contributions built the business school into a nationally important school, also his tech incubator, it squared helped. I was warned not to change the house from the front. The question came up, gee, we have to think about the tax base, which is true. I'm not going to get into that huge issue too much here. One thing that I will say in the four years of restoring the house, the assessment was restored in part with a mind towards it's more expensive to go back and find Austin common brick and salvage it, get all of these custom batens made. But the taxing authority realizes that, too, the assessment went up a quarter of a million dollars with the restoration, the abatement takes some of that back. But that number hasn't figured into the many newspaper articles weighing the two sides. That is one of the things that reduces that. It's not just tourism, not just what Savannah and Charleston and San Antonio have people coming to see. We are working toward a local historic district. We have spent the entire neighborhood kitty doing it. Not a big kitty but upset a few people. It's more of a challenge. We want to do it when the time is right. Right now it looks like the time for the support for the historic preservation is on the wane. We are in a neighborhood if we wanted to cash out we wouldn't do it by preserving our homes. We are working on it. The history is together. Things are a bit up in the air, we would like you to resolve the other issues and we are ready to move forward on the local historic district there. I think it will happen if we have the right [indiscernible]

thank you.

Mayor Leffingwell: Those are all of the folks signed up to speak on item 44.

Mayor?

Councilmember cole? Cole cole having -- having been a graduate of the dean kozmetsyy, I will not take this opportunity to go on about how wonderful he was, how much he did for the university. I will take this opportunity to mention roya kosmetssky to say that shortly after i graduated she invited me to this house because she thought it was very important that I meet a group of women. One of those women was sarah weddington. And that's just one side of the equation of why I think this house has very historic significance for austin because I don't really know had she not made that meeting whether I would have had the confidence to enter politics because there has never been an african-american in this seat. And on the other side of that equation, I -- I know a lot about the heman sweatt, the law school, judge mcclendon, even the renaming of our downtown courthouse after he han sweatt. So that being said -- heman sweatt. That being said, I want to point to that as not only being a representation of but also that of african-americans, with that I move approval.

Mayor Leffingwell: Councilmember cole moves to close the public hearing and approve the planning commission recommendation on all readings.

All three readings. Seconded by councilmember morrison. Further discussion? Councilmember shade?

Shade: I'm going to be enthusiastically supporting this one. I did have an opportunity to meet with jay earlier to talk about the house. I have visited it. Did not know it was the birth place of cheryl cole's political career but am glad to know that as well. I think that we all understand a lot has happened. But I think jay's point about something that was added later is something that we should all keep in mind. Because when we talk about culture and heritage, it is about preservation but it's also about creating the opportunity for a new -- new things, new ideas, new creativity and I just think this house has -- there's kind of that's an interesting twist to this story. That in our efforts to -- to avoid change sometimes we could have actually stunted the opportunity to have a library which is famous among business students, you know, and ronya kozmetsky probably hated that because it kept her up as well. I appreciate that. Thank you for all of your work on this, jay, too.

Councilmember riley.

Riley: I'm glad to support this one, too for all of the reasons that have been mentioned and since jay was here during my previous comments I won't go into them again. But we all understand there is a process and a way to revise the benefit to historic zoning, I would expect those to apply to anything that he we do today.

All in favor say aye.

Aye.

Opposed say no. Passes on a vote of five to zero with the mayor pro tem and councilmember spelman off the dais. Just barely. Okay. Item no. 45.

This is the warner stewart house. 15 Gasston avenue, out of judges hill now. Southern colonial revival house. A variant of the popular house style in the united states between 1925 and 1980. It was generally two stories, got [reading graphic] you can see it embodies the principles of the southern colonial revival. A lot of people refer to these arrest the tara houses and this one is a particularly fine example of it built in 1936. Excuse me, look an the wrong sheet here. It was built for warner stewart. Warner stewart who was the founder -- I'm sorry, took over the austin housing authority in its period of its greatest expansion. The austin housing authority was first funded and founded in 1937. One of the

first to receive federal funding due to the efforts of then senator lyndon johnson. They built santa rita courts the nation's first public housing complex in 1937. The austin housing authority generally led the way in public housing initiatives. Warner stewart took over the authority in 1946 and expanded it and pushed for the authority's ability to build housing for low income folks of any race, any nationality and finally for the elderly. So he was very important in spearheading the direction of housing authorities -- of the housing authority not just in austin, but his efforts had nationwide ramifications as well. He passed away from a heart attack in 1961 right as he was about to get approval for the elderly here in austin. He was responsible for the construction of medal brook homes and the booker t. Washington terrace in east austin. His wife remained in the house after his death in 1961, she remarried and sold the house in 1973, it is currently owners purchased the house in 1996. The landmark commission staff and planning commission have all recommended this house for landmark designation. It's an excellent example of southern colonial revival architecture and the only house in austin associated with warner stewart who was a -- who was a pioneer in -- in low income public housing.

Mayor Leffingwell: Questions for staff? We have no one signed up to speak on this item. So -- this -- I understand this is not ready for three. It's only read for --

only ready for first reading, yes, sir.

Mayor Leffingwell: If there's no more discussion, I will entertain a motion, councilmember morrison?

Morrison: Thank you, i would like to make a motion to close the public hearing and approve on first reading the planning commission recommendation. I think that it's particularly compelling. Especially considering our challenges today in terms of the affordable housing and maintaining a stock that is available to all income levels and -- and so his working as you said a pioneer in that really is a significant thing for us to keep in mind.

Mayor Leffingwell: Motion by councilmember morrison to close the public hearing and approve historic designation on first reading. Is there a second? Seconded by councilmember riley. Further discussion? Councilmember shade?

Shade: I'm not sure that I'm going to be supporting this, but this is just for first reading. But I'm curious. Tell me how many of this kind of stock we have in our inventory?

This is -- this is not nearly as rare as the first two that we saw. But to have a pristine example of this like this is pretty rare. We do have a couple of other southern colonial revivals, especially in pemberton. It was a fairly popular style in that neighborhood. But they are all kind of variants. This is a very -- as I said pristine example. Divided windows, triangle impediment, side lights, full, double height porch. Really embodies it to a remarkable extent.

Shade: How do you define the public purpose being served here?

I think this would also be tied into warner stewart in a commemoration of his life and director of austin housing authority. But it's also from an educational perspective, very good example of this particular style.

Mayor Leffingwell: Any more questions? All right. For first reading only, I'll just say that I'm going to -- I'm not too sure about this myself. But for first reading I'm going to go ahead and support it. To give it a little more consideration before it comes back. COMING BACK ON THE 18th?

Yes, sir.

Mayor Leffingwell: All in favor say aye.

Aye.

Opposed say no. Passes on a vote of 5-0. With the mayor pro tem and councilmember spelman off the dais.

Thank you. [One moment please for change in captioners]

the enterprise zone program is an economic development tool whereby designated projects are eligible to apply for state tax and use free funds on qualified expenditures. By approving this ordinance the state will allow certain points under the local participation section of future enterprise zone project applications. Thank you. Questi questi ons of staff? Nobody signed up to speak. Dave porter from the chamber is here available if there are questions. So, council, this is -- I'll entertain a motion on item no. 46.

Move approval.

Council member cole moves to close the public hearing, approve on all three readings, and is there a second? I'll second. Further discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 5-0 with mayor pro tem and council member spelman off the dais.

Thank you. I believe, city clerk, those are all the items that we have on our agenda. Without objection we stand adjourned at 4:30 p.m.