

## City Council Meeting Transcript 8/2/2012

>> Let's look to the lord in prayer. Eternal god, our lord, we come to you this day in great thanksgiving and praise, and we come this day, o lord, asking your divine favor, seeking your blessed direction and pursuing your highest and best goodwill. So in the midst of this body, search them, o lord, and know their hearts. Try them and know their thoughts, and see if there be any iniquitous way in them and lead us all in the way everlasting. It is in the matchless name of our lord and savior jesus christ we pray, and all who agree said amen.

>> Amen. thank you, pastor. Please be seated. before we begin today I'd like to recognize a special guest, mayor buddy dyer from orlando. Mayor, would you stand up so everybody can recognize you as you're visiting austin today with a delegation.

[Applause] they have a busy schedule with a lot of events to attend and people to listen to here in austin, and I was pleased to go out and address their group yesterday at the at&t conference center. We want to welcome you and your delegation to austin. Have a great time while you're here and remember to spend lots of money.

[Laughter] a quorum is present so I'll call this meeting of the austin city council to order on tuesday, july 31, 2012 -- correction, on thursday, august 2, 2012 at 10:10 a.m. We're meeting in the council chambers, austin city hall, 301 west 2nd street, austin, texas. We begin with the changes and corrections to today's agenda. Item no. 7 is withdrawn. 19 is postponed till august 16. Item 33 postponed to august 16. Item 71 is withdrawn. Item 72, add as a second co-sponsor council member laura morrison. Item 76 is postponed until august 16, 2012. Item 77 is postponed till august 16, 2012. Item 84 is withdrawn. Item no. 113 is withdrawn. 00 time certain, there will be a request for a postponement of items 114, 115, 117, and 119. Our time certain items for 00 noon we'll have our citizens communications. we'll take up our zoning matters. 00 we'll recess the meeting of the austin city council and causing to order a meeting of the austin housing finance board of directors. 00 we'll have our public hearings. 00, live music and proclamations. The musician for today is ruby jane. The consent agenda is items 1 through 84, with some exceptions that I'll read into the record in a moment that are pulled off the consent agenda. I want to read item no. 68. It's lengthy, but these are appointments to our board and commissions and since this is the beginning of a new term there are a lot of them. So I'll just read through them as quickly as I can. To our commission on immigrant affairs, pete shen is mayor pro tem cole's nominee to the commission for women, katie naranjo is mayor leffingwell's nominee. Community development commission, eldridge nelson, mayor pro tem cole's nominee, construction advisory committee, calvin williams, mayor pro tem cole's to the design commission jenny wiginton is mayor pro tem cole's nominee. To the downtown community court advisory commission, lorri ronte mayor pro tem cole's nominee and william kelly is mayor leffingwell's nomination. Downtown commission, mandy dealey is mayor leffingwell's nominee. To the early childhood council, sophia casinai, larry elzner, al thea houston, laura canig, and rhonda haver are level well's nominee. Rockwell porter be the nominee from the austin independent school district. The electric board, randy walden, the mayor's nominee, ronnie williams, mayor pro tem cole's nominee, to the -- nominee, judy bear, mayor-level's nominee, steven swaha to the environmental board. Marianne neily, mayor leffingwell's nominee, james shisle r, rerks cole's nominee. To the ethics review commission, austin kaplan mayor

leffingwell's nominee, very well ma price, mayor pro tem cole's nominee. To the historic landmark mary joe glindo, mayor pro tem cole's nominee, human rights commission, duane lofton, mayor pro tem cole's nominee. The impact fee advisory committee, william moore is mayor pro tem cole's nominee, to the lake austin task force, mary gay maxwell is the environmental board riptd nominee, eric moreland and brian rourke are mayor leffingwell's nominee. Patricia dab ert is mayor pro tem cole's nominee, thomas coal -- excuse me, thomas combs is mayor pro tem cole's nominee. To the mexican-american cultural center advisory board, david carol, mayor pro tem cole's nominee. The parks and recreation board, dale glover, mayor pro tem cole's nominee, to the planning commission dave anderson, richard hatfield and brian rourke are mayor leffingwell nominee's and james norte is mayor pro tem cole's nominee. To the public safety commission, tim holt, mayor leffingwell's nominee. To the residential design and compatibility commission, keith jackson, is mayor pro tem cole's nominee, resource management commission, leo dealman mayor pro tem cole's nominee. For the robert mueller municipal airport plan implementation plan advisory commission, michael jones, mayor pro tem's coal's nominee, rich traviniak mayor leffingwell's nominee. To the sustainable food, laura coeb, is mayor level's nominee, to the urban forestry board, patrick brewer, mayor leffingwell's nominee, nicholas classen, mayor pro tem cole's. To dustin le near, mayor pro tem cole's nominee, steven trujillo, mayor leffingwell's nominee. To the water and wastewater commission, chen lee, mayor leffingwell's nominee, and jay michael ohury is mayor pro tem cole's nominee. To the waterfront planning advisory board, eric schultz is mayor pro tem cole's nominee, to the zero waste advisory commission rick cofer, mayor leffingwell's nominee and dave sullivan, mayor pro tem cole's nominee. To the zoning and platting commission, cynthia banks is mayor pro tem cole's nominee. We'll also include the following two waivers, approve a waiver of the residency requirement in section 21-21 of the city code for calvin williams' service on the electric board and approve a waiver of simultaneous service on more than one city established board as provided in section 21-21 of the city code for dave sullivan's service on the zero waste advisory commission. We have the following additional nominations that were a little out of order. I'll go ahead and read those now. To the african-american resource advisory commission, nelson lender, mayor leffingwell's nominee, to the nathaniel advisory commission, ba bet ellis, mayor pro tem cole's nominee, to the arts commission, bruce wellsnick, mayor leffingwell's nominee, to the austin airport advisory commission, rose marie clee, mayor pro tem cole's nominee, ernest sole man, mayor leffingwell's nominee. To the austin technology and telecommunications commission, melvin white, mayor pro tem cole's nominee. To the austin mayor's committee for people with disabilities, tanya winters, mayor leffingwell's nominee. To the austin music commission joea spearman and brad spees or mayor pro tem cole's nominees. I think there's an error here. Yes, there is. Joa spearman is mayor pro tem cole's nominee and brad spees is mayor leffingwell's nominee. To the board of adjustment and sign review board, fred McGEE IS MICHAEL VON Olen's -- excuse me, fred McGEE IS MAYOR PRO TEM Cole's nominee, michael van olen is council member riley's nominee. Oversight committee, beverly silas, mayor pro tem cole's nominee, dave sullivan, mayor leffingwell's nominee. To the building and code -- building and fire code board of appeals, alan scheueman is mayor pro tem cole's nominee, to the building and standards commission, steven aloway is mayor pro tem cole's nominee and david brown is mayor leffingwell's nominee. Again, the consent agenda is items 1 through 84, with the following items pulled off the consent. Items 10, 11 and 12 were pulled by council member 13 pulled by the law department, and that will be heard later in the day. Item 15 is pulled by mayor leffingwell. Item numbers 30, 31 and 57 are pulled by mayor pro tem cole as

are items 59 and 65. Item 50 is pulled by council member morrison, and item 58 is pulled by council member martinez. There are no items pulled off the consent agenda due to speakers. Are there any additional items to be pulled off consent by council members? Hearing none, we'll go ahead and hear from several speakers who have signed up to speak on the consent agenda. First speaker is pam thompson. Pam thompson? Okay. While she's coming up here, if I didn't read it in, the 52 is also pulled by council member tovo.

[10:21:16]

>> Okay. Mayor and council, forgive me for not being here. I was out in the hall. I just wanted to say that years and years and years ago I can remember us all sitting around and talking about why this fund was formed and it was a reserve fund to make sure that we had solar and alternative energy use in the days forward so that we could assure all of the people in austin would have -- would be able to afford their electric bill. Along about that time, to keep us in affordable, they said on your electric bill you can donate a dollar to help pay your friends' or neighbors' that maybe don't have enough money to pay their electric bill, and so I am just telling you that when you rob austin energy, you are robbing austin citizens of their quality of life and the initial purpose that this fund was set up for. Now, I remember when the semi-con building was built and we had to rob this fund for the first time so that we would not lose our bond status in new york. So I am telling you, if you continue to do this and raise our taxes and make us pay high electric bills, all of the things that you love about austin are going to go away, because people that live here will not be able to do so in the future. thank you. Next speaker is will mcleod. You're signed up on several items. You have a total of three minutes.

>> Good morning, council, mayor. Basically one of these items on here, on your consent agenda is austin energy's radio flyers. You're going to spend up to \$300,000 to put flyers on people's doors? And austin energy has just wanted more money. What is wrong with this picture? Why are we spending that? You know, can't that go towards other important stuff in austin? Other -- other concern is the redistricting, the 10-1. If you read between the -- in between the lines on the redistricting, it says that you're going to increase term limits and create more bureaucracy and more boards. I read in the paper today that the city of austin is considering to raise property taxes by \$217. That's a lot of money. Folks say, oh, it don't affect me. I don't own a home. Well, guess what. Your rent goes up because you don't get something for nothing. There is not a free lunch. There is no such thing. Water supplies for the water commission, they want to raise fees, and why don't -- why aren't we bringing this discussion of cutting salaries at the executive level at city government? I brought that up on-line at one of your forums, and i explained to them, don't - - talent is not an answer to the question. The answer to the question, oh -- you answered the question, oh, it's going to affect the talent. And finally we have something with capital metro, and you want to spend more money on capital metro, but yet we're doing a poor job in providing accessible transportation. Let's fix the streets. Let's fix the sidewalks and let's fix areas and put bus service where they say they financially cannot do it. Well, you're the city. You seem to have all the money in the world. Let's -- let's rethink our priorities, and if you need to contact me, please do. Thank you. next speaker is laura presley.

[10:25:47]

>> Good morning, mayor, mayor pro tem and council members. Laura Presley, citizen of Austin, Allandale resident. I'd like to take this opportunity to highlight an issue that's been brought up in the past here at the council. One-on-one with many of you and also with the city manager directly that I've spoken to, Ott about. This is regarding letting us know where our tax dollars are being spent, and I'm speaking specifically on item 55. In December we started asking questions about where our tax dollars are going in Austin with regard to companies that can provide service for our municipal contracts here for the city budget. And that was brought up in December. In January the physical location information where the tax dollars are going was removed, and that's been brought up multiple times here. Item 55, there is nowhere it is documented, even in the backup material, where this money is going, where the location is, and I'd like you guys to pull this from the consent agenda, ask some more questions. There's no documentation of who the bidders were, what the amounts were, was there a local company that was close to the bidding amount? And I'd like you to ask those questions and pull that from the consent agenda because it doesn't exist, and council member Morrison, thank you for pulling item 50. Hopefully that will go to a local company. Item 54 real quick, this is to spend \$630,000 on music CDs for the Austin libraries. I'm a little concerned about that, and I'd like to encourage you to delve a little more into this expenditure and see what other needs our library system might have that would be of higher priority than music CDs that people can check out. There are issues, we know, with our libraries. We need extended hours over the summer, we need additional support staff, repairs and also security against vandalism. There was a recent issue at University Hills branch where there's increased vandalism lately. So I'd like you to really consider and investigate this more. Pull it off the consent agenda and see if there are other priorities for our libraries than music CDs. Thank you. Thank you. For clarification, I read in the record earlier that item time certain would be postponed. That motion is anticipated to be to only postpone that, to set it as a time certain. Those are all the speakers that I have signed up to speak on the consent agenda.

[10:28:37]

>> Spelman: Mayor? Council member Spelman. I lost the thread there. Which item has been? Will time 117 will be -- made a motion to set that for 6:00 p.m. Council member Martinez. Can you remind me what the disposition of item 77 is? Is it on consent or is it postponed until August 16. Just to confirm. Thank you. Council member Morrison. I would like to request a time certain of no 30 for item 122, so I wanted to include that in the information at this point. And that's currently set for 4:00?

>> Morrison: That's correct.

>> Mayor Leffingwell: Okay. Time certain there will be a motion to set a time for that item. So with that I will entertain -- Council member -- Mayor, I just wanted it on --

>> Mayor Leffingwell: Tovo. I wanted to confirm 57 has been pulled. Okay. Thank you. That is correct. And Mayor -- Mayor pro tem Cole. I would like to confirm that 00 we'll make a motion to 117 related to the November 2012 bond election to 6:00. I just read that.

>> Cole: You just read that. Okay.

>> Mayor leffingwell: yes. Council member morrison? I would just like to clarify that for 73, which is the civil service item for the -- for charter amendment, we have a yellow sheet, which is the version that we're considering here, and it's the product of a really good discussion that we had with all the parties involved yesterday, and so i appreciate that -- that effort. with that I'll entertain a motion to approve the consent agenda. Council member spelman so moves, mayor pro tem cole seconds. Is there any further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. Cheart mayor pro tem cole, I forgot the items that you told me. But you can bring it up now. I think start with item 31. yes, mayor --

[10:31:14]

>> yes, mayor,. for postponement.

>> I'd also like to take a moment to recognize some students that have been brought -- children from hancock center, turner-roberts center, dottie jordan and northwest center who are here to experience government today. Would you all like to take a stand so we can see you?

[Applause] thanks for coming. How does it look so far?

[Laughter] we want to recognize parks and rec -- and recreation department for making that happen. Mayor, I'm ready to tell you, I pulled items 30, 31, 57, 59 and 65.

>> Mayor leffingwell: right. Are you going to make a motion to postpone all of those? no, I would like to make a motion with respect 30 that we consider that only on first reading. This is the amendment on the november 2012 ballot, and the sierra club and public citizens have asked that it be postponed and we can have the third reading on august 16. so you're making a motion to 30 until august 16? well, no, we're going to take it on first or second reading only today and then third reading on august 16. well, now, see, we have a whole lot of speakers signed up to speak on this item before we can consider it on -- I just wanted -- would you consider withdrawing this proposal for now and we'll take up item 30 in regular order? yes, we can take it up in regular order. I wanted the speakers to know.

>> Mayor leffingwell: okay. I will make a motion to make it final today. all right. 31, meals on wheels and more had some concerns about being able to maintain their stopgap funding, and so also neighborhood housing is asking for additional time to be able to work with them to make that happen. So I'm asking that we 31 till august 16. all right. Motion by mayor pro tem cole to postpone 31 until august 16. Is there a second?

>> [Inaudible]

>> mayor leffingwell: pardon? I think there might be some issues with staff, from staff perspective on that.

>> Betsy spencer, director of neighborhood housing. The action plan item needs to be approved today. I've not requested a postponement. It has to be delivered to hud by august 15.

>> Cole: okay. So we can -- do you withdraw your motion on item 31? yes, based on the comments of professional staff.

[10:34:03]

>> Mayor leffingwell: okay. That's withdrawn. We're not considering item 31 at this time. 57 is the item involving austin cab, who has just --

>> mayor leffingwell: okay. do you want me to keep -- well, I only asked you to bring up the items that you wanted to postpone. this one is one of them.

>> Mayor leffingwell: okay. 57 is the item involving austin cab, who is perfectly consent that we consider this item together with lone star in a comprehensive matter and kind of work more on the formula, so I'm making the motion to postpone no. 57. Steve grassfield, are you here? Do you have any comments? Okay. I'd like to make that motion. make a motion to postpone item no. 57 Until august 16, second by council member spelman. Any discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. Okay. So now we'll go back to regular order. 10, 11 and 12 together. We have several speakers signed up. That was pulled by council member tovo. Do you want to hear from speakers first? All right. First speaker is david foster. Welcome. You have three minutes.

>> Thank you. Thank you, mayor leffingwell, council members and staff. And thank you, council member tovo, for pulling this item for further consideration. My name is david foster. I'm here once again to speak on behalf of clean water action about the drought contingency plan and related matters. I want to begin by expressing my appreciation to the staff of austin water utility for convening those meetings all of which i believe I attended, involving multiple stakeholders to look at the set of issues. I was able to sit across the table from irrigators, car washers, et cetera, folks that I don't necessarily have much chance to talk with, and they had some really good ideas and i enjoyed the process. I also want to thank the staff for actually continuing with this process altogether. It was begun at a time when it looked as if the combined storage in lakes buchanan and travis was going to reach 600 acre-feet or even dip below that before we had the rainfall that we had this winter. After we had that rainfall, though, to its credit the utility continued with that process, didn't use that as an excuse to put it off, realizing, I assume, that we may very well be at that level at some time in the near future. So I signed up as neutral on this item. I think on balance it's an -- what we have now. I do, though, share the hope that you'll consider making additional improvements to that. We expressed those suggestions in a community letter, the clean water action and some other environmental groups signed off on. I think it helps just to take a step back and look at this in terms of the big -- the big picture. Even with the recent rainfall that we've had, even with the decision of the lcra to curtail shipments to

the rights of farmers, our reservoir is still about 48% full. And of course we have more than three times as many people living in the city of austin now as we did in the 1950s, so it behooves us to be very careful and cautious as far as where we set these drought triggers. So really what we're calling for, one of the things we're calling for is that we be a little more cautious in where we set the drought triggers, so raise the amount of combined storage in the reservoirs so that we go into a set of watering restrictions and so forth sooner rather than later, just to err on the side of caution. That's one big point. Another point of concern that we expressed in the latter is of course the city council did require -- or did pass a resolution requiring that we reach 140 gallons per capita per day by 2020, which we fully support, but that number isn't always reflected in the actual document that the austin water utility staff finished. It's lower than 143 gallons per person per day after 2020, sometimes it's as high as 157. So we think that that goal you all have set for the utilities should be reflected consistently in this document. So those are all the comments I have. Once again, thank you for your time and consideration. thank you. Next speaker is paul robbins.

[10:39:07]

>> Good morning. First I'd like to have the powerpoint presentation up. I have a chart pulled from the lower colorado river authority's web site just this morning, measuring the capacity of the highland lakes. This is 900 -- this little beaker shows the fullness level, and it's 963,000 acre-feet, only slightly above the drought trigger. The lakes are less than half full. The next slide shows the capacity of the lakes since march 1. Note it is just on the edge of the drought trigger, the red line at 900,000-acre-feet. Now, I want to ask council if they'd like to set a betting pool, no pun intended, to guess the day we officially go back into drought phase. How about it, council? \$10 To your charity of choice if you can guess the day? Any takers? You're good at math, bill. I can't emphasize enough how irresponsible it was to go into drought stage when short of a tropical storm or hurricane we will inevitably go back into drought phase. It sends a message to the public that things are okay and things are obviously not okay. Second, next slide, here's the conservation budget over the last five years. The dark green bar is what was budgeted. The light green bar is what was spent. Next slide. Here are the five-year totals, and you can see it's almost 40% below what was budgeted. This leads me to my third final point. The management of this city has known that there has been a problem with conservation since about october of 2008 when several disaffected water utility employees met with the manager about staff problems, and this has been in the paper. This has been discussed at council numerous times, and we still have major problems. And so I have to recommend again that you move the water conservation department out of the water utility because things just aren't getting done and council has the purview to do this in the city charter. Thank you for your attention. next speaker is bill bunch. There's a question for you. Council member spelman.

[10:42:20]

>> Spelman: \$10? Put me down for november 15.

>> Say that? put me down for november 15.

>> November 15. Okay. Let me know what your -- bill bunch, you have three minutes.

>> Thank you, mayor. Members of council, I'm bill bunch with save our springs save our springs alliance. I just wanted to underscore a little bit of what paul and david said and make one or two other points. You should all have the letter that was delivered yesterday early, I believe, and now hopefully have a hard copy in your hand. That letter is from clean water action, paul robbins, roy whaley with austin sierra club, jennifer walker with the lone star chapter of the sierra club and also from save our springs. And while the letter is a page and a half we are really requesting only a few minor changes, and I hope that we didn't give you a wordsmithed red line document to adopt. So I hope you'll perhaps postpone action on these items for two weeks so you can do that. And these are relatively minor changes but we also think they're very important to our conservation efforts. I think no one will argue that water conservation should not remain a top priority for this city given what the climate models tell us, given what we're continuing to live through today, and yet as the budget robbins just highlighted to you shows, that year in and year out, and you can look at the chart attached with the letter, the city underspends by 30, 50 or more percent its conservation budget, and that's not saving money, because saving water is what saves money. By not spending this money the utility is reneging on its promise to each of you that we could do both, that we would build water treatment plant 4, but we would maintain a very serious commitment to water conservation. We've got to fix this. You've got to tell staff to spend their budget and to spend it wisely instead of sitting on it. There's no excuse for spending less than half of their budget last year in the worst drought in history, 2011. And there's no sign that that's going to change going forward. And that spending needs to be targeting those strategies that save the most water, and that's one of our other points here, in calling for periodic monitoring of larger projects, commercial and multi-family projects. The largest ones, the top 10%, that should be an annual, at minimum, requirement, and it shouldn't just be verifying minimum compliance with city code. It should include a conservation component, at minimum recommendations, if not mandates, to improve the irrigation system. So please take a little bit more time, let's get this right. Thank you very much. your bunch -- council member tovo has a question for you. thanks for the letter and the items that you've identified. Have you had an opportunity to talk with staff about -- about any of these issues?

[10:46:10]

>> No, we have not.

>> Tovo: okay. Thank you.

>> Thank you. roy whaley?

>> Howdy you all, my name is roy whaley, I'm the vice chair of the austin sierra club, and we appreciate all the hard work that has gone into this. We did sign under the letter that has been referenced and we ask you to consider that and postpone this item and give it time for the consideration it requires. I want to echo everything that's already been said by paul and david and bill, and also touch on -- well, just on that matter, the 140 goal. Why set a goal if we're not actually going to put a plan in place to try to achieve that goal. And one of the things that I've heard this summer from contact with the water utility and frequently calling 311 to report people for watering in the middle of the day, is that more and more people are using that service, more and more people are calling to say that people are watering inappropriately. Now that we've gone

back to two times a week, no one knows what day anyone is supposed to be watering, and so it's hard to report water abuse. And so that's another reason that we want to stick with our trigger points, the higher trigger points, and keep it with once a week watering. I know that there's been some concern about our heritage trees, and sierra club is always concerned about trees, and particularly our heritage trees. Now, I've talked with a retired forester and an arborist that both say that because of the recent rains that we've had our trees only need to be watered about twice a month right now, and speaking with the landscaper earlier this week, that at 18 inches they are digging in mud. So the roots have plenty of water. These trees have deep roots, and so we're in good shape. We don't need to be watering twice a week to save our tree canopy. We're in good shape. A concern that I think that the city has, and I think is a reasonable one, has to do with the water wells that are being drilled, and people sucking the aquifer dry. The city of pflugerville has managed to regulate that. It's a short trip up i-35. We can go learn from them and see what they're doing and put that into place. And jennifer walker, with lone star, is going to be coming up in a few minutes and talking about some of the climatological model that goes into this also and I think she'll also talk about the recommended trigger point recommended by lcra, but I'll let her do that. And council member spelman, I think that november 15 date is kind of optimistic, but thank you for your time. next speaker is jennifer walker.

[10:49:44]

>> Good morning, my name is jennifer walker, and I am the water resources coordinator with the lone star chapter of the sierra club. I wanted to make a few comments about the proposals from the water utility. I submitted a letter back in late june about this so there's many items that have actually been out there for a while to talk about. I promptly went on vacation for a long time after that so I haven't done much to follow up on that. But a couple items. First off, on the 140 goal, I was on the citizens water conservation implementation task force and we, you know, met a lot and came up with a package of recommendations and worked with staff on the 140 goal, and there's a lot of support from staff, a lot of support from council. I was really glad to see all that. It's been a while since we did that, and so I was really disappointed to see the goal for 2022 of 142 gallons on average per capita per day. So I would really hope that we can go back. It's a couple gallons, but those goals are important and we -- you know, it's less likely that we'll meet them if we don't actually put them down somewhere. I also want to talk about the weather-based indicators a little bit. I'm really appreciative that austin water utilities responded to concerns from the community and others that we should have reacted sooner during the drought of 2011. This response is embodied in the proposal for the new triggering mechanism that goes into effect earlier than in the previous drought contingency plan. Beginning to reduce water 4 million acre-feet combined storage rather than waiting for the previous trigger of 900,000 acre-feet makes a lot of sense. Although recent actions going out of the drought triggered -- are counter indicative of that, I do like what's in the proposed drought contingency plan. I would ask that we also incorporate consideration of current and forecast meteorological conditions into our drought response. I think it makes a lot of sense to look at treatment triggers and water supply. I mean, all water utilities do that, and -- but I think that we also need to look at meteorological conditions. So I think that -- that it can give us advance -- that this may give us advance warning of impending drought when current water supply meas may not, for example, last summer the lakes were full for most of the summer but everybody knew we were in a drought. We read about it in the paper every day but we weren't doing anything about it. Austin has twice a week

watering year-round already. Many cities don't. But still we weren't sounding the alarm. We were talking about how our water supply was sufficient, which it was, but it was going down, and i think that it's an educational amendment that we're not using that we could go to. That went by fast. Thank you. thank you. Council member morrison.

[10:52:52]

>> Morrison: ms. walker?

>> Yes, ma'am. I have a question for you. I think that probably we all have a lot of detailed questions for staff and conversation about the things that you raised, but my just initial question for you now, just in terms of the timing, were the -- i know that this -- these items went to water and wastewater commission as well as resource management commission, and I think you're on the environmental board.

>> Yes, ma'am. did they come to the environmental board?

>> No, they don't. and do you know if the issues that you've raised were discussed at either of those commissions?

>> I don't. I was actually out of town when both of those met, and then the last resource management commission, that was the same night when obama was in town and that got cancelled because of a bunch of traffic concerns.

>> Morrison: right. That's okay. I just wondered if you had been able to have that conversation and what had come out of that.

>> Yes. but that's helpful. Thanks.

>> Thanks. those are all the speakers that we have signed up that wish to speak. Ross smith. You have three minutes.

>> Thank you, mayor, council. I want to add to what they are saying. I think that the triggers that have been set are an improvement but they are still far too permissive. I believe that -- let me put it this way. If someone you loved is coming down with pneumonia, do you wait till things are desperate before you take them to the hospital or do you act at the first sign of trouble? The triggers that we have are better than we had, but frankly, I think the stage 1 trigger should be bringing in stage 2 restrictions. That is where we should be headed for. Another thing is there's a lot of feeling in this community that if we don't use the water here it will go downstream and be used by the rice farmers. robbins' comment last week in the chronicle was well-taken. Given a choice between looking pretty up here and growing food down there, food should always come first. That's the bottom line. The third thing is I would encourage you to really work on staff to work on -- to move on split metering for indoor human use and outdoor lawn watering, especially for commercial and large multifamily operations. It's not expensive. It's very cheap to do, and it would make your drought planning an awful lot simpler. It would also make billing an

awful lot simpler. Thank you. that's all the speakers that we have. Council member tovo. I have a couple questions for staff. Thanks.

[10:55:44]

>> Greg ma sair os, austin water.

>> Thank you, and thank you to your team for your work as part of the stakeholder process. We've received a good deal of feedback all of it positive about the process and the plan in general. As you heard, we received this letter yesterday, and so I just wanted to ask you if you had received a copy of it and if you had had an opportunity to look at some of those specific suggested edits, and they really range from being relatively, you know, easy to incorporate. I think the one just asked that there be a list of the actual restrictions in a particular table to some of the more -- issues of substance and policy.

>> I don't believe I've seen that letter. well, I think in light of some of the -- then I guess I should ask you, is there any need to pass this today or would it be possible to have it come back to us in two weeks after you've had an opportunity to review these and see if it's an appropriate -- if these are appropriate changes to incorporate?

>> It's the will of the council. There's no problem with a delay.

>> Tovo: great. Thank you. I had want to ask you one question about -- you know, we have received some feedback about the lifting of the stage 2 restrictions, and the trigger, going to two-day a week watering, and I wondered if you might just talk a little bit about the rationale for doing that.

>> The rationale for going to two-day per week watering?

>> Tovo: uh-huh. I know it's not the subject of the discussion here today but it is related.

>> Well, in general we have triggers that our strategy for going into various stages of restriction. We have stage 1, stage 2, stage 3. Predominantly those are based on lake levels. We tie it back to the water management plan. When we fall below 900,000 acre-feet in highland lake storage, the utility advises the city manager that we would recommend going into stage 2 water restrictions, which is really one day per week watering, is the primary change. There are other changes but that's the primary one. The decision process for coming out of that is somewhat judgment-based. There's no set hard trigger. It's really based on a series of factors that the city manager considers. It is a combination of the lakes being above 900,000 acre-feet. For example, this spring was -- and winter was wetter than normal. Lakes actually climbed above a million acre-feet for a period of time. We were closely monitoring that, providing data to the city manager's office on lake levels. Currently there are about, i think, 965 or 970, so still about 65,000 to 70,000 acre-feet above storage. Were he also look at factors. This year there's no irrigation water so the lakes aren't dropping as fast, not likely to drop as fast, just comparatively, for an example, the difference in savings between stage 1, one-day per week watering -- or two-day per week watering and stage 2, one day per week, in a full year the difference between those two stages

saves about 10,000 to 15,000 acre-feet. During agriculture releases, just comparatively, that's about two days of agriculture release water. So we kind of take those factors into account too as we're advising the city manager. Other issues, we're receiving a lot of input from concerned citizens as they were moving into what would certainly be probably the hottest month of the year, august, about continuing to rebuild the health of their tree canopy, protect other investments in their landscaping. I think there was certainly concerns that staying in stage 2 longer was maybe driving decision-making for people to pursue private wells. So I think it was a whole preponderance of those factors that ultimately led the city manager to lift the stage 2 water restrictions and return to stage 1. And I think that was done with full acknowledgment that the lakes may continue to fall. One can't always predict the weather, but if they continue to fall then we would ultimately go back into stage 2 when they fall below 900,000 acre-feet again. how long -- council member, could I interject one important factor here that you did not mention? And that is that the lcra's likely forecast is that we would not fall below 900,000 acre-feet this year. That's their likely scenario. That to me was an important factor in supporting that decision to go back into stage 1, is that we would stay -- most likely -- there is never any guarantees, of course, but the likely scenario is that lake levels would remain above 900,000.

>> That's a good point. There's a forecast for the late summer and fall into the winter is a return to el nino pattern, and that typically brings wetter weather to central texas as opposed to the other ocean-warming patterns, that brings typically drier weather. so now I have a few questions for you. Could you remind me, though, how long it had been since we were over 900,000? How many -- what was the time period?

>> Well, I don't remember the exact date. We probably crossed over 900,000 acre-feet in the early spring, maybe april, so we were above 900,000 acre-feet for april, may, june, july, now moving into august. So about -- about five months. I think it peaked out at 1,030,000 acre-feet in may, was the highest that it got to. and I ask that question because I remember at our work session and it was recently reprinted, your quote was recently reprinted in the chronicle, your recommendation that the lakes be above 900,000 for at least a four to six-month period before stage 2 is lifted, so that was one of the reasons I want to do clarify how long we had been above 900,000. It hadn't hit that four to six-month period.

>> Well, I think all other variables not considered, we had discussed at -- 1 million acre-feet and a projection that the lakes stay above 900,000 for several months after that. But again, I think there's other variables to consider. Not having agriculture water, which is interruptible water and it's supposed to be interrupted, that not having those releases I think is a significantly reducing of the risk, again, a pattern of wetter weather, concerns for the tree canopy. I think those are all part of the city manager's deliberations. And this was a deliberative process. It wasn't made in one meeting. We were working closely over a period of weeks and months to provide input, and there was some judgment involved in that, and that's why we lifted to stage 1. I wonder, you know, as you know, the original watering hours were ended very early, and we received a lot of public comment about it quite immediately, and that was adjusted, which I'm grateful for, because i think it addressed the concerns of many people who don't have austin watering systems. But it -- automatic watering systems. But it made me curious what process we have to take a contemplated lifting to one of our boards and commissions, either the resource management commission or water and wastewater or both, and perhaps even the environmental

board being to get their feedback before something like is -- before the decision is made by the city manager so that he can be informed by -- by that public comment.

>> We typically don't take a decision like that to the boards and commissions. It's in the city manager's authority to make a management decision, and that typically is not something that we have taken to the boards and commissions. Similarly, we don't take a decision to go into a stage to the boards and commissions. We do seek input from stakeholders and get input, and that was a part of our process here, was reaching out to various groups and kind of feeling the pulse of the community on that, but it was not a formal board and commission input process. and I certainly understand the need for urgency in moving into a higher level of -- a more restrictive stage in terms of backing off. That seems to be one where it might be useful to take it to boards and commission for public feedback. Since we've talked about -- walker mentioned meteorological data, i wonder if you could talk a little bit about some of the sources you use in making the determination of weather , the el nino, I think you mentioned, where your sources tell you it will be an el nino pattern through the fall. Because we've received questions, if you could cite a few of the sources you use in predicting it's going to be a wetter summer and fall, especially as we sit here in the middle of yet another blazingly hot day.

>> I'll respond in a couple ways. In terms of the downward ratchet process we go into suckive stages of additional restrictions, we really rely on the lake levels for that. We don't try to interpolate or use forecast data -- for example, if we were at a million acre-feet we know our stage 2 triggers 900,000 acre-feet, and if we're in dry conditions we don't then say, hey, let's go into stage 2 now because we think it's going to continue to be dry,, that we really rely on the downward ratchet side on the actual lake levels, that that's what governs. And central texas is actually a place of extremes and trying to predict the weather here and interpret that is difficult. For example, it was expected that this winter and spring was to be extraordinarily dry. That was the forecast. We are in a dry pattern, we had not shifted anywhere, el nino. Bob rhodes said it will be a dry winter. He would come here and laugh how poor his forecast was in hindsight because it turned out to be one of the wettest winter and springs we've had in a while. So certainly on a downward ratchet, before we impose additional hardships on the community in terms of watering restrictions, we really use just predominantly that very clear standard of the lake levels. On the upward ratchet, when you lift the stage, there is a little more judgment involved in that, that, you know, we don't lift as soon as we get above 901, but when should you lift? 950? A million? 1,000,025? As I described earlier, i think that's a preponderance of different factors. Again, part of that is a weather forecast, part of that is how long you've been above 900,000, how far you've gone above 900,000, other factors that are drawing on the lake. As an example, how much ag water are they going to release, you know, there's a risk to the lake. So I think on the upward ratchet, emerging out of stages, again that's more of a preponderance kind of decision-making that we've done. We've only done it twice. We've only been in stage 2 twice, once after the drought of -- I guess it would be 08-09, and we came out of that really in the middle of winter after a very wet period, and now this is our second time of coming out of stage 2 with this latest round that we've been through.

>> Tovo: thank you. And again, I see, you know, from your comments at the work session, you had said at that time that you were 1 million acre-feet would be the number we'd want to get to

before we'd recommend restrictions, but as you said, they were -- in the consideration there was also the fact that there was not agriculture water being released and that played into it.

>> And council member, there's a whole set of other issues, there's significant business impacts from being into stage 2. You know, we restrict how you can power wash, we restrict car wash issues, operation of other facilities. So you're weighing all of that. There are true hardships imposed by water restrictions, and they're needed and appropriate, but you do try to search for that -- society's preference in terms of that as you're coming out of a stage, and again, I think there's judgments involved in that, and that's the kind of things we were working through.

>> Tovo: okay. Well, thank you for that, and again, just to wrap up to the point where we started, and if we -- it sound like -- in my opinion, I think we have gotten, you know, some very reasonable suggestions for potential adjustments to this plan, and as you said, there's no need to move forward on it today, delaying it two weeks wouldn't impact -- wouldn't have much of an impact.

>> You know, I would comment a little bit. The process by which we formed these recommendations and revised the code in the drought contingency plan was very stakeholder involved. We had, I think, upwards of four well attended public hearings that involved a large number of stakeholders, car wash, apartment complexes, interested citizens, businesses, on and on and on. We also took that to our water and wastewater commission. We took it to the resource management commission. We're going to take it a second time to the resource management commission on the drought triggers but the president's visit interrupted that. So my only concern would be if you remand this back to us is that I wouldn't want to just take -- and i haven't seen that letter so I don't know the comments. They might be very easy and acceptable, but it may not be just a two-week delay. We might want to think through what kind of changes would be in there, if we would agree with them, if we should go back to those other stakeholders because their voice won't be heard being back through waterways water, back through resource commission, that there's a lot to that. The other item I would add, of the three items you're considering today, I can't remember the item number, but it's the one that deals with our wholesale revisions to our wholesale conservation and drought contingency plan. That's more of an administrative update to that plan. We received feedback from tceq that we need to update that. There -- whenever tceq reviews various technical matters or water permit applications or things that maybe are going to be dealing with the labored lake levels and the like that we often work with them, if there's a deficiencies in a plan they won't approve them. So I would really encourage you to approve that wholesale plan. It's really an inconsequential update plan but it will fulfill a check off box we can't from tceq so they can move forward with water right reviews and other pending applications the city had in the future. So if you do remand the water code and the drought contingency plan back to us I would really recommend that the council consider approving the wholesale element of that. I think that's very good. And just to be clear, i understand there was a -- you know, broad public stakeholder process and that it has been through some commissions and perhaps a two-week delay would allow you to go back and have the meeting with the resource management commission that needed to be cancelled. And my thought is, you know, we all received a memo indicating, it was a very helpful memo, that you had received, you know, these were stakeholders comments you incorporated. These were stakeholders comments you didn't, and it delineated that and really all I'm suggesting is that you -

- I want you to have the benefit of time to look at this all right and see, and at least a few of them are really, I think, pretty easy and would seem, you know, at least on my initial assessment, to make very good sense to incorporate. I think, and maybe our staff can help us here, I believe that ten it the wholesale water supplier water conservation plan. Is that the document that you feel would be important to --

>> yes, let me verify --

>> to move on today?

>> Yes, it would be item no. 10. so mayor, I would like to move approval of item 10, please. council member tovo moves to approve item no. 10. Second by council member morrison. I want to say just a couple words about this because i just attended a texas big city mayors conference in fort worth on monday, and there was a lengthy discussion about water. Frankly, all of these big city mayors are in the same situation that we're in. They're surrounded by smaller cities that are -- you know, make their own rules and go their own way, and I think especially from the folks in dallas and houston, their biggest concern is if we move and our suburb cities don't move, what situation does that put us in. First of all it puts us in a very difficult political position with our citizens versus -- they're all going to say, why are we doing this when our neighbors just across the city line are not doing it? Frankly, also I have to say they were amazed -- when i told them we're in permant stage 1, permanent two days a week, they couldn't believe it. You know, they thought everything would be turning brown up here and they couldn't believe that the citizensaccepted it, went along with it, and I assured them -- I tried to assure them that we have been very successful with our process and staying in permanent stage 1, which is a permanent water conservation that very few other jurisdictions in the state of texas do. The other big component of this talk, and we had an engineer who's a 30, 40-year water expert statewide, freese and nichols, one of the discussions that's ongoing right now is a statewide water drip. There are a lot of cities that are very much interested in the water in the colorado basin. Just to simplify that discussion, I would -- i would infer the following conclusion, and that is, we own this water, we paid for it in advance. We have the rights to it, but if we don't use it, i think we're pretty well assured that somebody else will. Not just in the local area. If the statewide water -- san antonio, of course, is very interested in that statewide water grid issue, and I would say that if we don't use our water, somebody else will.

[One moment, please, for ] .. city council adopted a goal of going down 140 by to 20. This plan would get us to 143 by 2020 but not quite the council goal of 140. And the text notes that progress will be evaluated annually to determine what additional measures may be necessary to further reduce water use. I us want a better understanding of why we had the land on 143. Why couldn't we plan to hit the goal of 140 by 2020 as contemplated by the resolution we adopted in 2010.

>> I'll speak to that. The goal of the utility is get to 140 by 2020. And that is resolution of the council. You might recall at the time we crafted the original plan there were some elements of the plan that were somewhat controversial, considered more draconian restrictions on areas that you could irrigate that got a lot of dialogue going annual at the request of several councilmembers we convened a meeting, we met with the resource management commission and

committed to work in a collaborative process with resource management commission leadership to craft the plan that could achieve the 140 goal but look for ways to do it, particularly getting at what was considered some of those more really heavy-handed alternatives. So we have been very actively engaged with that process, meeting with the chair of that committee and several other members and so we deemphasized some of those heavy-handed items and are working with them to craft and cast substitutes and other ways to achieve that 140 goal. I think in terms of just this document based on kind of our current plan and where our last four or five years were gallon per capita demand and it continues to fall significantly, we wanted to provide the state the most accurate data we had and that was the 143 number by 2019. But we are committed to the 140 plan, we just haven't substituted all the final plan elements working with resource management commission to get us back from that 143 back to 140. And that process is underway and, you know, you may want to speak to the chair, leo beallman, he's been collaborative with our efforts and we've been meeting almost every two weeks for a period of four months to work on those kind of enhancements to the plan. Just as an example, we are forecast ing this career that our gallons per capita per day will be 149. Again, that's a very low number. Last year it was 135, albeit a wetter year or the year before was 135. We see our five-year average continue to drop and I think we are in a path to be at 140 and it just needs a little fine tuning to get that last couple gallons per capita per day squeezed out by 2020.

>> Riley: So those efforts will continue and your hope we will be on track eventually to hit 140 by 2020.

>> Yes. And we're working on plans, longer term plans to go below that. You know, we see opportunities over the next 20, 25 years to continue to see our gallons per capita per day continue to go down.

>> Riley: How frequently does this report have to be filed?

>> It's updated every five years. This was just an interim update because of this wholesale item.

[Inaudible] 2014 we would be submitting our next full five-year update.

>> Riley: One goal could be by the time we submit that update in 2014, we will have worked out those additional steps that would get us to the 140 goal by 2020.

>> Yes.

>> Riley: Okay. Great, thanks.

>> Mayor Leffingwell: I would like to add a couple of comments from our lengthy water discussion this past monday. First of all, on the 140 goal, that's a statewide goal that was established and council has adopted a resolution to try to get to that, but also it's my understanding from the briefing the state water board is working on revising that goal so that the goal would be -- there would be a separate goal, a residential component and then an other component. And we discussed this before, but we are here in the city of austin, our numbers with regard to gpcd are significantly skewed relative to other cities because we have certain industries

that use a high amount of water. My strong suspicion is, and I'd like to ask you to look into it at some point prior to 2014, is that when the state does revise those goals and sets forth a specific residential goal, that we will find ourselves considerably below 140 already because, as I said, our numbers right now are -- you've got several very high users that's going to skew your numbers up. Our residential limitations I would suspect are below 140 right now, although I don't know that.

>> Those are well made points, mayor. We are expecting the state to revise some of the methods they calculate per day and slice the number out differently. The council resolution for 140 does call for a reexamination of that goal from time to time to incorporate factors such as our industrial base and its water use. As an example, if you were to land another large chip maker that uses a lot of water but built a lot of wealth in the community, your gpcd may go up a gallon or two but that might be a fully appropriate and good news thing. So I think that that's some of the things that the resolution envisions ultimately happening.

>> Mayor Leffingwell: And just an additional little tidbit, the state water board in their future water planning for the needs of the entire state of Texas does have a component of 24% savings from conservation. The rest of the water needs will be met with other advanced treatment for brackish water and that kind of thing. But I noted the residential component is only one-third of that 24%, so 8% savings from changes in reduction in residential use is going to be the statewide goal for meeting projected needs I believe it's in 2016. I'm not sure of that date approximately. Just to put things in context. Councilmember Morrison.

>> Morrison: I'm going to certainly support this motion and I appreciate you taking time to work through if we have a motion to postpone for two weeks the other item because I think that there are some good ideas on the table and I realize there's a lot of discussion about triggers and all, but in addition to that there's some other things that have been suggested. I just have one burning question for you as we look through, we've got the wholesale plan that we're about to consider approving. We've got the code change, and then we have the drought contingency plan. And I'm just trying to figure out where exactly do we specify the number of watering days per stage. Because I thought it might be in the code, but I didn't see it in the code.

>> When you say the number of watering days -- like what days of the week?

>> Morrison: No, how many days are allowed for watering in each stage.

>> That's done through the rule making process is how that's done.

>> Morrison: Okay, because that confuses me because in the rca itself what I saw, that was where I saw a reference. Let's see. See if I can find it. It said here are the changes with these documents and that's where I saw it specified that in stage --

>> I'm sorry, councilmember, go ahead.

>> Morrison: It was just in the overview rca that I saw it. There's a lot of documents to these items. Oh, here it is. It says major revisions provide for five stages which include conservation

stage two days per week in stage 1, et cetera. So I assumed that the documents we were looking at had the number of watering days per stage, but you are saying it's not in any of these documents so it's a rule decision as opposed to a code.

>> A formal rule making process that goes along with ordinances for those kind of things, you could certainly put it in the ordinance. I don't think there's any legal problem with that, but we typically have done those things through the rule making process.

>> Morrison: Okay. I guess I would like to over the next two weeks see consideration and discussion about putting those in because to me those are sort of the crux of the biggest impacts to most people in the city. So I do think it would make sense to consider putting those in.

>> Like the days of the week and the times?

>>

>> Morrison: I'm talking about the number of days like one day or two days a week goes with stage 1, one day goes with stage 2, one day goes with stage 3. So if you could consider that and come back maybe with a suggestion of where that could go in the code, I'd appreciate that.

>> I understand.

>> Mayor Leffingwell: I could tell you one thing about where the days come from, we began in 2006 a water conservation task force that several of us here on the dais were on. We went through a lengthy process to arrive at the two days a week for stage 1, our permanent situation.

>> Morrison: Yeah, i appreciate that and because it was such a lengthy process, it suggests to me that it would be good to memorialize that in code as opposed to having that being a rule making so there would be that visibility if that ever were to change. Thanks.

>> Mayor Leffingwell: So we have a motion and a second on the table to approve item number 10. All in favor of that say aye. Opposed say no. That passes on a vote of 7-0 toe mayor, I would like to move 11 and 12 be postponed and come back at our august 16th meeting to meszaros and his staff to review some of the additional suggestions.

>> Mayor Leffingwell: Motion by councilmember tovo to postpone 11 and 12 until AUGUST 16th. Seconded by councilmember spelman. Further discussion? All in favor say aye. Opposed say no. That passes on a vote of 7-0. Thank you. Mayor pro tem cole.

>> Cole: I was informed by staff you may want to come up, that item number 57 that we postponed till august 16th needs to actually be postponed till OCTOBER THE 11th. To actually bring the austin cab items together with the lone star cab items. Is that correct?

>> Angela rodriguez from the city legal department and that is absolutely correct. If the intention of council is to keep lone star and austin cab on the same track, then it would have to be

postponed until OCTOBER 11th. As it stood, the mayor only -- the motion that was voted upon was only to postpone it until AUGUST 16th.

>> Cole: Mayor?

>> Mayor Leffingwell: Is your motion to reconsider the previous action on the postponement of item 57?

>> Cole: Yes.

>> Mayor Leffingwell: Is there a second to that motion to reconsider? Seconded by councilmember martinez. All those in favor please say aye. Opposed say no. Motion passes on a vote of 7-0. Mayor pro tem cole, your motion would be to postpone it OCTOBER 11th.

>> Cole: So moved.

>> Mayor Leffingwell: Seconded by councilmember martinez. All in favor say aye. Opposed say no. Passes on a vote of 7-0. So that brings us -- I'm still showing item number 13, but that item -- city clerk, is item 13 already been disposed of? It has been pulled, yes. Let's skip that one for right now and go to item 15. And we have a number of folks signed up to speak on this item. Beginning with les isenmen. Not here. Wilma cloud. -- will McLeod.

>> Good afternoon, mayor and council. Actually good morning. This charter amendment, I've read the whole thing from a to z and I don't like the provisions in there that include lobbyists. Something about \$1,000, i think it's at page 2 or 3. It's in there. It's in your draft ordinance if you look at the draft ordinance. There's -- some of these positions are for three -- two or three three-year terms. I myself am in favor of term limits. And I strongly believe and it's going to slowly take wind in this country that if you can't get stuff done in four years, two terms, you need to not worry bit. Because there's a purpose of term limits and I'm in favor of term limits, stricter term limits. And this ordinance, this petition, for 10-1, it's not real strict on term limits. Also what surprises me, i heard h 21 was supposed to be read today, passed today on second reading. Well, I don't see it in here. What about an alternative like 441. We need to have choice. Because this my way or the highway stuff really doesn't work. It doesn't help and it doesn't serve a purpose. It's just -- I would say let's postpone this number we can weed out some of the stuff in the draft ordinance such as the lobbyist provisions. The independent community. How much is this going to cost us? That's what I want to know you have the draft ordinance but I don't see the cost. I want to know how much is this going to cost the taxpayer. Don't have a good idea of geographic representation. Don't get me wrong, but please, read the whole draft ordinance before making a decision and let's go one by one. We don't want to be surprised. We don't want to be bait and switched. And this draft ordinance, there's provisions in there that makes me go huh? Thank you.

>> Mayor Leffingwell: Just a comment, not a question, but for your information, this is a citizen initiated petition and it has to go on the ballot. It's basically a directed verdict. Not a comma, not a period can be changed in it as drafted by the citizens petition. So hopefully that will be informative for the rest of the folks who are signed up to speak here. This is a situation where the outcome is known at this point. Les isenmen.

>> While I am addressing the city council that's charged with the obligation to place the people's 10-1 position petition on the november ballot, we all understand that this is simply an exercise the charter requires of you. Several of you have made it quite clear that you prefer not to be doing so, but you have no choice. Your actions already underway in the dark of a work session in placing a competing charter change on the same ballot make your real intentions extremely clear. 821 Is a system that retains at-large seats and provides a continuing power base to the traditional power precincts of the central city and the west --

>> Mayor Leffingwell: isenmen, we're discussing item 15 now. I would request that you limit your comments to discussion on item 15, which is the petition.

>> That is part of item 15 what you are doing to it.

>> Mayor Leffingwell: We're not doing anything to it.

>> That's your opinion. Not mine. And I'm here to express my thoughts and my ideas on the subject, not the mayor's.

[Applause]

>> Mayor Leffingwell: You are allowed to comment on this item restricted -- with your comments restricted to this item. If you would like to talk about other items that are not on the agenda today, you have the privilege of signing up in citizens communication at 12 noon, although that's already closed for today.

>> I think you need to read your charter which clearly you are unaware of because the manner and the despotic manner in which you try to control discussion and debate here is clearly in conflict with the basic elements of our democracy.

[Applause] I will continue.

>> Mayor Leffingwell: Again, I'm going to ask you to confine your comments to this item; otherwise your time will be terminated.

>> If change must come, then they can contin dominate citywide elections through the power of influence and money. Citywide campaigns are expensive and generally beyond the economic capacity of locally based candidacies. As david butts, the political godfather of 821 stated before the city council last month, placing both 10-1 and 8-2-1 on the same ballot will result not in a --

[buzzer sounding]

>> Mayor Leffingwell: Your time has expired.

>> You took my time.

>> Mayor Leffingwell: Your time has expired.

>> You took my time.

>> Mayor Leffingwell: Step back from the dais. Step back from the podium.

>> You took my time. That's unfair. And unreasonable and despotic.

>> Mayor Leffingwell: Your time has expired. For the last time, I'm going to ask to you step back from the podium. The next speaker -- mayor.

>> Mayor Leffingwell: Expect I would like to ask mr. isenmen a question. Could you please give us the next two sentences of your speech.

>> I'm sorry. I'm having difficulty hearing you.

>> Spelman: I understand you have very little left to say. Could you just tell us the next two sentences you were going to tell us.

>> The reality is that with both on the ballot as david butts said, you grant not an up and down vote on either of them but you probably condemn both to defeat. Which is clearly the intention in order to retain the plantation-type system that we have here. And it's time that that be taken away from despotic control.

>> Spelman: Thank you, sir, you've answered my question.

>> Thank you very much.

>> Mayor Leffingwell: Pam thompson. Pam thompson. Jessica ellison. You have three minutes.

>> Mayor, council, it's nice to see you all today. I have been working for a long time, for the last about seven months on citizens -- it's unfortunate to me that the shadow of what happened in the work session on tuesday is hanging over our head a little bit. But I would like to say that I believe that this is a very auspicious year for us to put forward the citizens districting 10-1 in the wake of the 20th anniversary of ordinance that passed. Which was yet another situation where the citizens of austin came together and in a large grass roots coalition they put forth a ballot initiative to say that they wanted a different way than the council decided that they wanted. Actually they put it forth and the council decided it wasn't good enough and that they didn't think the citizens knew what they wanted to do. And we through 29 endorsing organizations, you know, 33,000 people have signed the one petition and now it's being put on the ballot in november. And no november the citizens will vote for the plan they've worked on and i thank you, councilman spelman and councilmember martinez for trying not to get in the way of the voice of the people. And the voice of the people will prevail in november and I believe that when cd 110 is passed we will have a more transparent local government and not -- not have situations like what happened on tuesday where it felt as though to a lot of people in the city that you were disallowing them from being able to have a voice in something that you passed through the second reading, which will remain unmentioned. That's the thing that -- the thing I'm talking about is not on the agenda so I won't be mentioning the other plan. But thank you for your time,

and again, councilmember spelman and councilmember martinez thank you for standing up for the people. To the rest of you, we won't forget what you did. Thank you.

>> Mayor Leffingwell: Rick young. All right. Beck, you have six minutes. Tina cannon has donated three minutes to you.

>> Thank you, mayor. Mayor, councilmembers, it's a pleasure to be up here today on what I think is an historic day when you all place an initiative for geographic representation which is the first-of-its-kind presented by the citizens of austin to the -- to be on the ballot. I think it's important and i think it's important to the citizens -- to the city that we have such an initiative that's been supported by 29 organizations, been -- the petition has been signed by 33,000 people and I don't think that's something to be minimized. And we have over 23,000 of those citizens that your clerk verified as people that met all the criteria necessary to put this on the ballot. I think little interesting that we're doing this on the 20th anniversary of s.o.s. I think this petition and this initiative is going to survive anything that's put up against it. I wish that there was not an alternative, but there seems to be a determined effort to do that and I think it's going to have the same success that the alternative that was put on the ballot by council 20 years ago had which there was -- in which it will lose. I think we're going to see change. I think that's what's so historic about this. And I think that change is going to be the change that was proposed and put on the ballot by the citizens of austin. The gentleman talked about not understanding what we are proposing. We will take care of that in the next three minutes with a campaign we will stage. I'm not sure what a lobbyist he's talking about, but there is no lobbyist proposed in our ordinance. What there is is an independent redistricting commission that actually bans lobbyists from participating in drawing the district. It's based on a plan in use in california and in use in other states which allows citizens to draw the districts, as I'm sure some of you are well aware and not happy about. We think that's important. The one time that this nearly passed in the past, an independent commission was part of that plan and we believe it's a vital part of the plan today. We want to thank you all for taking the action you take today. I'm sure some of you are not as enthusiastic about it as we are, but we believe this is going to be a major change for this city. We're going to have every part of this city have a voice in the city council and not just 10% of the city which is elected 55% of the city councilmembers for the last 40 years. When this passes, every 10% of this city will have a voice on this council and we think that's critical. Thank you for your time and I agree councilmember martinez and spelman we appreciate your help. Thank you very much.

>> Mayor Leffingwell: Thank you. Roger baker. Donating time is bill bunch. Is bill bunch here? Apparently not here so you have three minutes.

>> Okay, well, first of all, what are my credentials as a speaker on the issue. The fact is that I was amongst those who originally helped to integrate austin in 1961 before it was integrated so I got a dog in this fight, and this is really a civil rights issue. I'm here today to talk straight to the public, trying to urge the public to take back your city government from the real estate special interests and the political power brokers. By supporting the 10-1 citizen initiative and by understanding why the city is trying to put a competing proposal on the ballot with an intention of trying to kill all our grass roots effort and hard work, we need at least 10 district to give both afro americans and hispanics a fair opportunity to choose their own leaders. Fewer districts won't

satisfy the federal voting rights act. Under federal law, we need at least 10 districts and the 10-1 plan gives us that and is supported by 30 organizations who helped us collect over 20,000 signatures, more than enough to compel the city council to put the 10-1 proposal on the november election ballot. Otherwise they wouldn't do it because the 10-1 plan might cost them their own seat since four of the city council live so close together. In fact, the council has ignored the results of those of their very own charter review committee that said they ought to put the 10-1 plan as the plan that we have on the ballot. Let me also say that the austin bulldog has provided by far the best coverage of our citizen effort to retake control of our austin city government. Go to the austin bulldog to read the story on that that the statesman and correct me the statesman and chronicle haven't told. We have an amazing coalition of about 30 organizations and I'll read them that support the 10-1 proposal. The austin charter revision committee that the council set up. The austin firefighters association. The austin human rights commission. The austin neighborhoods council. The austin police association. Austin tejano democrats. Central texas republican assembly. Change austin. Del valle community coalition. El concilio. Gray panthers. Greater austin hispanic chamber of commerce. La princia. League of women voters. Lulac. Mexican-american democrats. Montopolis community alliance. Nacp. Southwest east austin vote campaign. South austin democrats.

[Buzzer sounding] texans for accountable government. Texas county green party.

>> Mayor Leffingwell: Mr. baker, hold on. You can have another three minutes. bunch is in the chamber now.

>> Okay. The university democrat. The u.t. student government. These are all the guys that supported our thing. Who supports the city council's competing 8-2-1 proposal? One organization. That's the real estate council of austin. Now, if you know anything about city politics, it starts to make sense. The real estate council represents the real sort of behind the scenes political power. What the 8-2-1 proposal is really kind of a full employment act for city council consultants. You have these guys like -- like david butts and mark nathan and these guys that are political operatives behind the scenes --

>> Mayor Leffingwell: If you can confine yourself to the topic for your remaining two minutes.

>> Well, they don't want me to talk about the important thing which is what the real plan is, to kill our proposal. So since they are trying to muzzle me, I guess it is true that only the real estate council supports the 8-2-1 proposal. So thanks a lot and I'll see you around. I'll be delighted to answer questions.

>> Mayor Leffingwell: Thank you, mr. baker. Those are all the speakers that we have signed up. Mayor pro tem cole cole i have a question for mr. steiner. steiner, I know we've already passed some charter amendments and in particular on a 7-0 vote of council we passed an amendment that would limit council's terms to four years with two terms. Is that correct?

>> Yes.

>> Cole: Now, I want you to tell me the practical implications of that if that charter amendment were to pass.

>> If that charter amendment were to pass, every councilmember who is in their second or third full term would be term limited. And so therefore could not run again.

>> Mayor Leffingwell: I think, mayor pro tem, again confining ourselves to the subject asking the question how would this item be affected if that item were to pass.

>> How would this item be affected.

>> Mayor Leffingwell: Yes. Isn't that what you are asking?

>> Cole: Mayor, what I was trying to get ought, i believe the speaker, and there have been several speakers that have stated that it was their understanding under the items that we had passed or that we would get to draw the line. And I wanted to make clear that of the items that we had already passed is only i believe one potential councilmember that would have an opportunity to draw a seat because we will all be term limited. And I think that information has simply not gotten out there. I mean, we're doing our level-headed best to try to govern, but protecting our own seat is not something that we've done or intended to. If,

>> Mayor Leffingwell: That's correct. Thank you for that clarification, mayor pro tem. Councilmember martinez moves approval. Seconded by councilmember spelman. All in favor say aye. Opposed say no. That passes on a vote of 7-0. Maybe we can get item number 31, mayor pro tem, address that item. There is one speaker.

>> Cole: Mayor, we heard that item and we need to pass it after the speaker because staff, betsy testified -- is that correct?

>> Mayor Leffingwell: The item is next on the agenda, there is one speaker, and then we'll take action. Katherine stark. Katherine stark here? The speaker is not here. Okay.

>> Mayor, councilmembers, my name is kathie stark. I'm the executive director of the austin tenants council. And I just wanted to take a moment or two to talk about the action plan and to talk about federal funding. As you know, the federal funding keeps going down and down on community development block grant and home funds, which other than bond money are specific money to build affordable housing in the city of austin. This year for the first time they are doing a two-step process where they allocate in the action plan the federal funds, but the funds the city typically puts in won't be completed until the budget process. The austin tenants council currently right now since the action plan went through would lose over \$60,000. So I urge you to approve the money that is in the budget under the housing trust fund. The other item I wanted to talk about is the need for more action on moderate to low-income rentals. As you know this summer we've had a huge problem with woodridge and I could name five our complexes that I think probably fall in the same category. So it's my understanding under the budget that you are increasing or code compliance is going for more people to do code compliance in apartment complexes. Even at our current funding that will bury us. Code compliance refers a lot of those

tenants to us. They need someone who is outside the official process to assist them and guide them on putting in a request for repair and doing other issues. So if code compliance's budget goes up, I wish you would consider in the budget process raising tenant services so that tenants have the protection of putting in written requests for repairs before code compliance goes in so they have those protections under the law for them. I also wanted to say that i thought city staff had done quite a good job in trying to balance needs in the allocation process with the cuts that were done, and i just wanted to let you know that everyone understands this is a very tough process. Thank you.

>> Mayor Leffingwell: Thank you. Those are all the speakers that we have. Mayor pro tem. Councilmember morrison.

>> Morrison: Thank you for bringing up that point especially about code compliance and all. We had a discussion yesterday at our work session about the fact that as code compliance gets beefed up to help protect and inspect and protect our older multi-family, we're also looking at, will lumbreras, I don't k if he is here, having to align funding to invest in those properties because we don't want them just to go away. So I'm hoping there will be some flexibility in that funding which has already been looked at to address tenants' issues in those cases because I hadn't thought about that. You bring up a very good point.

>> Thank you. Tenants are very afraid to come forward. And to have someone from my staff there telling them what their rights are and whether management can do that or not do that. Just advising them through the process.

>> Morrison: Right. So if I could just ask our city manager to make sure our staff get that additional piece of thought in the process. I don't know, miss spencer, if you want to comment on that or if that's good enough. I know you are working with code compliance.

>> We are. Two points. In our local budget process, we've actually recommended you utilize sustain ability funds to make the austin tenants council hold. So we're making that recommendation. And second we are working very closely with code compliance looking at some previous preservation studies that we have done to see what we can do with our current program to see how we can even sure that we also take into account the importance of preservation.

>> Morrison: Okay, great, I appreciate that. And then I did just want to ask if you could explain the issue and if there are ongoing conversation with meals on wheels that mayor pro tem brought up earlier.

>> Absolutely. The issue raised by meals on wheels was because the general obligation bond funds have been exhausted, that program, all of the repair programs fell under the -- were funded by general obligation bond funds. Their request was to be provided some money as a stop gap until we see the results of the election should that occur in november. We have in our budget put in \$400,000 of community development block grant funds for that very purpose. One of their issues is there are federal requirements, obviously, with that, but all of our subrecipients that use our federal funds have to comply with that so it's, in my opinion, not a terribly onerous thing. But

we did meet their request to put money there. I know they would like more, but as you have seen, everybody would like more.

[11:58:02]

>> Morrison: Thank you very much.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: You indicated you would like for this item to move forward and you understand the limitations meals on wheels has this since you are working with them and providing funding for them during this difficult time. Move approval.

>> Mayor Leffingwell: Motion to approve by mayor pro tem cole, seconded by councilmember martinez. All in favor. Opposed? That passes on a vote of 7-0. And I believe item 58 has no one signed up to speak. Councilmember martinez.

>> Martinez: It does have my north participation goals but we are getting to this final 250,000 and we have yet to achieve any of those goals so I wanted to ask miss latta what authority we have as a city to ensure those goals are met.

>> Good morning, veronica latta. The interlocal that you are asking about today, it is an interlocal so it's not a contract that the city is administering ourselves. Capital metro is administering. However, it' additioning [inaudible] which was stated in the contract.

>> Martinez: So that's what I would like to do is move approval with that direction, that staff work with capital metro on achieving the minority goals.

>> Mayor Leffingwell: Motion to approve by councilmember martinez with additional direction. Seconded by the mayor pro tem. Further discussion? All in favor say aye. Opposed say no. Passes on a vote of 7-0. Now we'll go to our citizens communication. Herman dyal is the first speaker. Herman dyal. D-y-a-l. Not in the chamber. J.b. headrick as canceled. We'll go to dora salazar. Councilmember martinez.

>> Martinez: There's many speakers signed up on one item that may not be here this morning. They were here to speak on a proposed student housing development at mlk and colorado street. That project as of last night is dissolved. The contract was withdrawn. I just want those folks who may be here to speak on that to know that, but there may be folks who don't show up because of that.

>> Mayor Leffingwell: I'm sorry. What topic was this?

>> Martinez: They were speaking on a potential student housing development at colorado and mlk and that contract was withdrawn last night from the purchaser. So the project is not going to happen.

>> Mayor Leffingwell: Okay, well, I believe that all three of those speakers must have gotten that word because they are registered as absent at this point. So dora salazar, you have three minutes.

>> Thank you. My name is dora salazar and I've got a video about the circus for you.

>> Mayor Leffingwell: Thank you. Alex salazar. Alex salazar. Angela williamson. The topic is mai update.

>> Dear city council.

[Inaudible] current nonprofit leadership credentials. In the city's audit of molly's report october 1, 2010 through september 30, 2011, the auditor presented two important findings favorable to molly regarding in kind donations clearly auditing both in-kind donations and cash match, hopkins concluded it does not appear this resulted in any overpayment of fund to molly's as the remaining in-kind donations haven't been audited plus cash hasn't been audited exceeding amount by the cmplet the 32 \$120 balance and the 19,200 total ward amount balance for the 2012 funding year a pass through have not been made to molly by the cad office. The cad office is holding open records thus creating a transparency issue. Also the arts commission working groups are not subject to transparency which causes inequitable practices. Molly in no way waives his right to assert that the auditor 5013 c fund is not detrimental or unfavorable to molly and the cad office that previously addressed this issue.

[Inaudible] two that the violation of overstating in-kind donations and not being cooperatist are not contractually found and we would like them removed. 3, The cad office except the report regarding funding year 2012 under the umbrella austin alliance were unjustified. That the changes to the 2010 2010guidelines are not approved by vote as a committee appointed by the arts commission. The changes were not lawful because committee members have a clear conflict of interest and direct monetary good in the outcome. The changes were not lawful and violate I have because not adhere to the rules of the austin arts commission bylaws. The \$3,125 balance for 2010 in total amount 19,200 for 2012 is passed through and owed to molly. Facts demonstrate both molly and angela williamson as an individual artist should be permitted and considered eligible to receive a 2013 contract and future culture contracts with both molly and angela williamson as an individual has timely submitted their 2013 funding application and all allegations cited are unjustified. The media arts and list are is he institute is organized to provide economical and environmental friendly services that produce education workforce development, training and technical assistance about media literacy and arts production which results in increased tourism. The continue support of our mission allows us to bring quality --

[buzzer sounding] to under served audiences in austin, texas. We've been funded by your program for the past six years.

>> Mayor Leffingwell: Thank you. Jeannie ramirez. The topic is the circus is coming to town.

>> I'm jeannie ramirez and I'm speaking out against the circus, ringling brothers will be coming to town soon. I have a slide show and i want to tell everybody in austin listening and for city

council and everybody that's here to please not support animal cruelty. It's how baby elephants are broken. Ringling 18 to 24-month elephants are captured roady style, held by their neck and dragged from their mothers. From this point forward in their lives, every moment, every instinct and natural form of behavior is subject to the whim of the trainer. Next. For years baby elephants at ringling's breeding center have been subjected to violent training sexes that lasted three to four hours until they learn out of fear punishment to perform confusing tricks. Next. Ringling restrains he will pants on a rope or chain up to 24 hours a day to break their spirits. The babies are never allowed to play outdoors or enjoy anything that is natural or important to them. Next. An elephant collapsed shortly after performing. In 2011 a 54 elephant was born in a rail car when she slipped and fell but the cause is hotly debated by both sides. They were given a fine and this is very common. Next. Since 2000 the u.s. Department of agriculture has cited ringling numerous times for serious violations of animal welfare act and improperly failing and provide adequate veterinary car including an elephant with large swelling on her leg, camel injured on train tracks, endangering tiger nearly baked alive in a boxcar because of poor maintenance of enclosures, unsanitary feeding practices. On and on. Next. Elephants are chained inside filthy, poorly ventilated boxcars for an average of more than 26 straight hours and often 60 to 07. When the circus travels, even former employees have reported elephants are routinely abused and violently beaten with bull hooks. Look how pointy that bull hook is. Next. Ringling brothers at their breeding center were heavily involved this training baby elephants and came to regret his career choice later in life. He provided peta with never before seen photos and help elephants. He has described the violence and unimaginable cruelty inflicted on baby elephants. Next, animals should not be caged. Ringling is known for long history of abusing animals. Next. Since 1990, dangerous incidents have resulted in 13 human deaths and more than 135 human injuries. Next. Will this happen in austin? Next. Animals are not meant to be our entertainment. Next. 29 Elephants including four babies have died since 1982. Thank you.

>> Mayor Leffingwell: Thank you.

[Applause]

>> Mayor Leffingwell: I believe that's all the -- councilmember martinez.

>> Martinez: I just wanted to ask staff a question from the dais, not an answer today, I don't think it can be answered. Because every year we get this request about the circus, I wanted to know what the effect of any regulations that we might put on circuses coming to town would have since the circus -- the circus that does come to town occurs in a state building and on state property.

>> Mayor Leffingwell: We'll look into that. Thank you, councilmember. I just want to read these names off for the record to make sure you are not here. My understanding is you have withdrawn because of the withdrawal of that zoning case. Herman dyal. J.b. headrick. Paul walhus. Steve brensen. Tellmond richter and janice gallon low way. Those are all the speakers signed up to speak in citizens communication. Unless I missed someone. So with that, city council will go into closed session to take up four items. 071 of the government code, the council will consult with legal counsel regarding the item 86, discuss legal issues related to open government matters; item 87, to discuss legal issues related to ronni esparsa versus city of austin. Tuesday

legal issues related to noach 6, 2012 election. 074, the council -- council, there will not be a discussion of item 85 as there is a postponement request by councilmember spelman. Those three items I read are the only ones we'll address. Is there any objection to going into executive session on the items announced? Hearing none, council will now go into executive session. Test test pressler park park view park view partners cs-co-np grand view street chaffin ryman sf-6-np mark ought lange blank marc ott marc ott cbd-cure cdbg cure cbd-cure i-rr car month leg comes he will he have they're i don't say he feel they're I don't say he feel their I don't say beauchamp michelle haussmann far saad boast og mayor eleftherios karamolegkos karamolegkos be laj be laj bell laj no-mu-np randerson kalish blank. we're out of closed session. In closed session we took up and discussed legal issues related to items 87, 88, item 86 was withdrawn and was not considered in executive session. We postponed item 55 until august 16. We'll have a short pause here. We need to have five members. Even though we have a quorum, before we can consider some of these items, which will be consent on three -- okay. Without objection, council, we'll go ahead and take up our consent agenda on zoning cases, which should move fairly quickly, he anticipate.

>> Thank you, mayor and council. My name is greg guernsey, director of planning and development review. 00 zoning, ornz and restricted items. They're close, the first item for consent is 89 case c14 2012, 08 at 300 pressler street. Zoning changed to conditional overlay, neighborhood plan or cs-co-np combined district zoning. 90 is case c14-2012, 0015, for the property located at 315 pressler street. This is a zoning change request to general commercial services, conditional overlay, neighborhood plan, or cs-co-np combining district zoning. This is ready for consent approval on second and third readings. 00 zoning and neighborhood plan amendments, these were the had you been -- where the public hearings are open possible action. First item for consent is 01 for property at 1301 1/2 chicon street. This is a change to chest news neighborhood plan to change the future future land use map to reflect land use. Planning commission recommended to grant the mixed land use and this is ready for consent approval on all three readings. 92 is case sh, for the property located at 1301 and 1301 1/2 chicon street. This is a zoning change request to neighborhood commercial-mixed use, neighborhood plan or lr-mu np combining district zoning. The planning commission recommendation was to grant neighborhood commercial-mixed use conditional overlay neighborhood plan or lr-mu-co-np combining district zoning, and this is ready for consent approval on all three readings. 93 is case 01 for the property located at 3206 west avenue and 3205 and 3207 grandview street. Staff is requesting a postponement of this item to your september 27 agenda. 9 is is case c14-2011-0031 for west 34 street. Staff is requesting a postponement of this item to your september 27 meeting. 95 is case c14-2011-0132, for the property located at 3316 grandview street. Staff is requesting a postponement of this item to june -- or excuse me, to september 27. 96 is case c14-2011-0133, for the property located at 801 west 34th street, 3205 and 3207 grandview street and 3206 west avenue. Staff is requesting a postponement of this item to your september 27 agenda. 97 is case c14-20134 for 9 property located at 715 west 34th street. This is a staff postponement of this item to your september 27 agenda. 98 is case npa-2012-0018.02. This is for the prnt located at 828, 836, 900 and 902 houston street and 5527 sunshine drive. Staff is requesting a postponement of this item to your september 27 agenda. 898 Is cig r case c14-2012-0052 for the property at houston street. Staff is requesting postponement of this to your september 27 agenda. Item 100 is case c14-2012-0054 for the property at 5527 sunshine drive. Staff is requesting a postponement of this item to your september 27 agenda. 101 is case 01 for

the property located at 5536 to 5540 north lamar boulevard. Staff is requesting a postponement of this item to your september 27 agenda. 102 is case c14-2012-0053 for the property located at 826 houston street and 5536 to 5540 north lamar boulevard. Staff is requesting a postponement of this item to your september 27 agenda. 103, this is case c14-2011-0016 for the property located at 201 east 34th street and 3307 hell himself street. This is a zoning change, neighborhood combining district neighborhood plan or sf-3-nccd-np combining district zoning to change conditions of zoning. Planning commission recommendation was to grant the sf-3 and nccd-np zoning. This is ready for consent approval on all three readings. 104 is case c14-2008-0159, this is a restrictive covenant amendment or rca. This is for the property located at 301 and 311 colorado street and 114 west 3rd street. Staff is requesting a postponement of this item to your august 16 agenda. 105 is case c14-2012-0028 for the property located at 301 and 311 colorado street and 114 west 3rd street. Staff is requesting a postponement of this item to your august 16 agenda. 106, case c14-2012-on 0051 for the property located at 4134 felter lane. Staff is requesting a postponement of this item to your august 23 agenda. 107, case c14-2012-0042 for the property located at 1300 west dittmar road. This is a zoning change request to townhouse condominium residents conditional overlay or sf-6-co combining district zoning. The zoning and platting commission recommendation was to grant the sf-6-co combining district zoning and this is ready for kept approval on all three readings. 108 Is case c14-2012-0045 for the property located at 1168 angelina street. This is a zoning change to limited office mixed use neighborhood plan or lo-mu-np combining district zoning. It was recommended by the planning commission to grant neighborhood office mixed use neighborhood plan or no-mu-np combining district zoning. This is ready for consent approval on all three readings. 109 is case c14-2012-0058 for the property located at 7905 san felipe boulevard. This is to rezone the property to multi-family residence medium density or mf-3 district zoning. The zoning and platting commission's recommendation was to approve multi-family residence or medium density or mf-3 district zoning and this is ready for consent approval on all three readings. 110 is case c14-2011-0165 for the property at 10 east 51st street. Staff is requesting a postponement of this item to your august 23 agenda. Finally item 111, c14-2012-0046 for the property located at 135 slaughter lane. Staff is requesting postponement of this item to your october 18 agenda. And that concludes the zoning items I can offer for consent or consent postponement. Thawrn g, mr. guernsey. So the consent agenda is to approve items 9 and 90 on second and third readings, to close the public hearing and approve on all three readings items 91 and 92, to postpone until september 27 item 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, close the public hearing and approve item 103 on all three readings, and to postpone item 104 and 105 until august 16, to postpone item 106 until august 23, to close the public hearing and approve on all three readings items 107, 108 and 109, and to postpone item 110 until august 23, postpone item 111 until october 18. That is the consent agenda. Entertain a motion, council member spelman moves to approve. Mayor pro tem seconds. Any discussion?

>> Tovo: mayor? council member tovo. I will be recusing myself from 93, 94, 95, 96 and 97, please. thank you. So all in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0 with -- showing council member tovo recused on items 93, 94, 95, 96 and 97.

>> That completes the zoning map amendments today. very good job, mr. guernsey. Thank you. Go to -- if there's no objection, go to item 58, which has no citizens. We approved item 58, did we not, city clerk? Okay. Let's go to item 52, which has one speaker will mcLeod. Is will mcLeod -- you have three items. This item is pulled by council member tovo.

>> Good afternoon, mayor and council. Will mcLeod here again. It's about radio flyers door hangar delivery services, authorizing the award and execution of 12-month requirement service agreement in an amount not to exceed \$66,700. Are these those little pesky flyers that I find on my apartment door where I have the sign that says no soliciting, no hand bills, no flyers. I believe they are, and door hangars, we're supposed to be a green city. Why are we wasting money on hangars? Is stl another way to advertise the power saver programs? I can buy a couple of billboards. You can also put the advertisement in the statesman, and as well on-line. I don't see the necessity of having these door hangars, especially when austin energy begged you, they said they were going bankrupt or their deficit -- they were in a deficit, and they said we have to extend the rates, we have to increase the electric rates in order to survive. This is purely wasteful spending. There was a big argument about green energy that was all over the chronicle, the austin chronicle, okay. So if you're proving to us that we want to be a green city, we need to say no to these door hangars, because you know what people do with those door hangars? They throw them away. It's garbage. It's fish, it's fish wrap, as my mom would say. Why are we wasting money on door hangars? I personally -- I would like to see a no-hand bill ordinance that the city of alamo heights has and the city of san antonio, and those places, you cannot put flyers, post flyers on people's doors. I kid you not, because they're also a sign for burglars, too, because if you're taking a vacation and your flyers stack up, guess what a thief would think? You're not home. And we do not need to raise our crime rate and we do not need to hurt our environment with this wasteful spending on these door hangars. So please vote no. that's all the speakers that we have signed up on item 52. Let me recognize -- motion to approve by council member martinez. Council member tovo, did you want to second and be recognized? yeah, I'm happy to second it. I do have some questions for staff. you're not going to second it? I said I'm happy to second it but I do have some questions for staff. yes, go ahead. I had asked some questions in the q and a process that I need to ask for some clarification on. One is, I wonder if you might address the concern one of the concerns that mr. ma cloud made. I share it as well. We get called from constituents on a somewhat regular basis who don't want hand bills on their doors for just the same reasons mcLeod mentioned, you know, it's a sign to everybody who passes that house or that apartment that nobody has been in for a period of time. So I think it's a legitimate concern, and I wonder if you've addressed that or thought about it in terms of the idea about putting handbills on doors.

>> Okay. Good afternoon, mayor leffingwell, city manager ott, council members. I am fred yaiber. I direct the energy efficiency programs for austin energy. In response to your question, you know, i checked with my staff. I have -- we have no indications of any customers ever complaining to us about, you know, the door hanger program. We have had the door hanger program for marketing our energy efficiency program for close to ten years already, since 2003. The instruction that we provide to the contractors are just to hang the door hangars, so there is no indication, you know, when they leave the door hangars, that there is or there isn't a resident at the house. well, the -- you know -- I mean, the -- well, let me explain to you the concern because as I said, we got a call this week, for example, from a constituent about door hangars, not

specifically austin energy, but, you know, they had come home to find a door hanger on their door, and if it's been there, say, all day, it really does give the message to anybody passing that house that nobody is in and out, they're at work, and so that house could become a target for crime. So that's -- that's the concern. I mean, I understand what you're saying. Nobody is -- the people who are distributing them aren't knocking on the door and what not and not verifying there's somebody there or not, but it's the fact that if there's been a hanger, if you look at five houses and there are two houses that still have a hanger on, it's a pretty good sign that nobody is in and out of that house that day. But -- so I'd like that consideration worked in the mix, and I'm happy to share with you some of the constituent concerns we've received if that would help the marketing efforts. But with regard to the questions I asked, I did ask what their approximate cost would be of providing this information as an insert. I understand from your response that I've had a door hanger program for ten years, but have you done a cost benefit analysis to see what the comparable cost of putting it in utility bills rather than making a special effort to put it as a door hanger?

>> Okay. I checked with marketing and communications, and we share the bill inserts with several other departments, and there's a couple of options that they said, okay, so if you want to put the information on -- it's a two-page, I think, bill insert, if you want to put it in there it is minimal cost, but you lose providing the same service to some of the other departments, because you're using the space. Also, they mentioned that you are competing for the information that is put in there. We need to keep doing monthly, you know, information. The door hangers are a very effective way of getting -- reaching out and providing information to customers on a very frequent basis, and if we do it another way, they said, well, let's look at providing a separate -- a separate page insert, so this would be a third page in the bill insert, they estimate an \$80,000 a year print cost-plus about a 20 to 30,000 postage and mailing. and what we're looking at here exceeds that, right? It's 66,700.

>> It's less than that. 66 Versus about 100 -- \$110,000 a year.

>> Tovo: okay. So can you tell me a little bit about the -- you talked about -- there's a line in the q and a that says when a market facing programming challenges or has specific aims in a specific market, has this marketing face challenges?

>> We use the door hanger program for a number of programs, and it started with the low income free weatherization program. Then it was effective in doing targeted marketing, so some of the other contractors started suggesting that -- you know, that we should use the door hanger to specifically target areas, zip code, so that they wouldn't be going from one side of town to the other to pick up a refrigerator, for example, or to install programmable thermostats. So it's been -- again, it's an effective way to target market and to reach our target goals that we really are looking to achieve both on an annual basis and to reach those 800 megawatts that we are shooting for. well, I certainly support the goals of promoting the energy efficiency program and as you may be aware I'm bringing forward a resolution with several of my colleagues on next council -- on the next council agenda, specifically looking at energy -- at our energy efficiency program, but I do wonder -- you know, I do want to talk through a few of these issues about how you're marketing the program, and I wanted to get straight on -- because the response said when a program faces marketing challenges, door hangers are effective, in your estimation, are we

facing a marketing challenge and that's why door hangers are more appropriate for marketing this?

>> Yes.

>> Tovo: okay, thanks. And in terms of targeting towards specific zip codes, are you -- is it -- that's helpful information that you just provided, that it -- it in the end, I guess, would be more efficient and less costly for your staff if you're targeting specific zip codes at once so you can pick up refrigerators in one part of town all at once but are you broad in targeting specific zip codes throughout the city?

>> Yes, we are.

>> So it's not targeting a few zip codes but all of ours at a specific period of time.

>> Yes, exactly.

>> Thank you. I appreciate that clarification. I don't know if this is going to be a question or not but I'd like to offer my personal opinion that the door hangers are much more effective. I don't know how many of them I actually look at, but I know that I do use the ones from solid waste services because they're in a format where I can take those things and go, okay, big scrap pickup or whatever they call it is such and such a date, bang that thing on my refrigerator with a magnet and it's a consistent reminder, whereas a piece of paper with a bunch of typing on it, I'm much less likely to even read, much less keep track of. Council member tovo? mayor, I have the same experience with the solid waste, but just a clarification. I think those are actually mailers, aren't they? I'm not sure that's a door hanger. I don't know. These are -- what you're contemplating are actually hanging outside on the door. They don't go come through the mail slot.

>> Correct.

>> Tovo: all right. Thanks. all in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. Now we can call up items 59 a 65 together, but we'll have to vote -- they require separate motions were you we can discuss them together -- but we can discuss them together, and I believe this was pulled off by you, mayor pro tem. yes, I have a few questions for mr. spiller. We're going to discuss both 59 and 65 together. It's generally my understanding that both of these items relate to the ih-35 makeover project, and that wasn't in the description, so would you briefly describe that project?

>> Well, the -- council member, thank you, robert spiller, transportation department. They actually reflect the current operations of the current facility, yes, that did enjoy the benefits of the i-35 makeover project. and so can you describe a little bit about where the funding is coming from? Because we're making an increase of expenditure.

>> Yes. As you know, we charge for parking in the evenings, i believe monday through 00 a.m. in the morning. After the normal workday we staff that lot and we charge there. We've been doing that for a number of years. We updated the agreement with txdot when the original i-35 parking facility improvement project was done, but at that time it was expedient to make minor revisions to the agreement and now this comes back and modernizes that agreement. One of the things we have found is that since we have cleaned up that lot and certainly done the improvements and also changed the collection system to our meters, we are generating more income than we anticipated. That's partially because we've modernized the operations there, and so THESE TWO RCAs, THE FIRST 59, establishes the ability to in that lot charge the market rates, which are reflective of the surrounding lots, which is exactly what we're charging right now, but should we generate revenue in excess of what it takes to run the current lot, through this agreement with txdot it allows us to use those excess revenues on the right-of-way, the txdot right-of-way, to do other improvement projects, which was one of the original ideas of the citizen group, was to be able to make improvements, for instance, at the 4th street underpass, at the overpass at the river to do lighting and safety and other improvements within the corridor. pedestrian-type improvements?

>> Yes, sir. so how long is the agreement with txdot?

>> The agreement with txdot I don't believe has a time life. It is just an ongoing -- but it allows for other uses of the funds?

>> Yes, it allows us to spread those funds up and down the corridor for corridor aesthetics and maintenance and pedestrian improvement projects. Yes, we're very excited about that. well, I would just like to give the additional direction that we make a priority of using the additional funds for the portions of the -- the pedestrian portion or -- of the lance armstrong bikeway that is under 4th street.

>> Yes, ma'am, that is our objective. Understand each of these projects, other than normal maintenance, has to be approved by txdot each time, but we have no indication that they would not be supportive of that. I just would like to make that one a priority.

>> Yes, ma'am. is that a motion to approve item 59. yes, mayor, I'd like to make a motion to prove item 59. Second second ed by council member spelman. Further discussion in all in favor say aye.

>> Aye. opposed say no? Passes on a vote of 7-0. I'd like to make a motion to approve item 65. mayor pro tem cole? I'd like to make a motion to approve item 65. let's hear a second. second by council member spill man. Further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no, passes on a vote of 7-0. Brings us to item 50. Item 50 has one person signed up to speak, and that is laura presley. Laura presley is not in the chamber, so --

>> morrison: mayor? council member morrison.

>> Morrison: thank you. I pulled that one. Thank you, and I wonder if we could get staff from purchasing to come speak with us about this. I really appreciate the posting language that was used here because it's consideration of authorizing award and execution of a specific contract that makes the staff recommendation that came out on top, but then it also notes that "or the following qualified bidder, consistent with local preference law," so, in fact, this is a situation where we had two bidders come in and a certain closeness in price, one of them is local, the top one is not. And so we actually have some leeway in the way we consider this, and I wondered if you could remind us about that.

>> Yes, thank you. My name is Yolanda Miller. I am the deputy purchasing officer in purchasing office. Recently the legislature passed a provision that allows us to use local preference in awarding contracts when there is -- the one we're applying here is there's 3% from a local firm from the lowest bidder who is not local. and so I think that there's been a lot of discussion, and obviously interest on the dais, about things like that. Do you know -- can you remind us right off the bat what the difference in price was between the top bidder and the local bidder?

>> Absolutely. It's \$50. \$50 out of a contract that is \$275,000.

>> Correct. It's actually the low bidder was 274,950, and the next lowest, which is the local bidder, is 275,000.

>> Morrison: I see. That's great, and we actually have posted up to 275,000 to accommodate if we want to make the choice of a local bidder.

>> That is correct.

>> Morrison: great. So I would like to make a motion that takes into account this local preference. So my motion is that I move to authorize the award and execution of an agreement with Melendrez Trucking LLC for trucking and hauling services based on the fact that the local bidder offers the city the best combination of contract price and additional economic development opportunities for the city created by the contract award, including the employment of residents of the city and increased tax revenues to the city. a motion by council member Morrison, and I would note that it's the language required by state law, second by council member Spelman. I did want to mention I did not just make that up.

[Laughter] any further discussion? All in favor say aye.

>> Aye.

>> Mayor Leffingwell: aye. Opposed say no. Passes on a vote of 7-0. So I believe that brings us to item no. 30. We have several speakers signed up on this item. This item was pulled by Mayor Pro Tem Cole, and without objection Mayor Pro Tem, we'll work our way through the speakers. David Power. Is David Power in the chamber? Signed up against and you have three minutes. Mayor, Council. My name is David Power. I'm with the local office of Public Citizen. I'm

here today to discuss our concerns about this charter amendment and its language. We believe this is not something that should be done without a great deal of conversation amongst the voters. This is our charter, and we think it's important, there should be a series of meetings to discuss this important issue, if it's all right with you. We understand the speed that this needs to take and that all options should be clear and well understood by everyone, including any benefits or consequences of the action. During the analysis public service preferred amendment 2 though we did want clarification of the language we proposed that we thought would make it more clear as to what the intent of the council was and it would make us happier, if you would like it. Would there be any questions? as it stands right now this basically refers to selling or leasing a utility facility or component or leased parkland. We're going to preparing for council consideration, split that into two to consider the utility and the parkland separate, just so you'll know. Thank you.

>> Thank you. joan barts? Joann barts. Excuse me.

>> Good afternoon, mayor and council. And I'm here -- we haven't had time with our association, our neighborhood association or with our local park advisory board to discuss this, so my comments today will be strictly my own and then we will get back to you after we have held these discussions with these different entities. , You know, our parks and our parkland are one of the most cherished elements of -- as you the mayor stated this morning early in regard to another matter, this little city of austin. Quite frankly I'm agas that this council would consider lessening a protection for our parks that is currently provided by our city charter. I'll paraphrase that language a little bit. Basically it says the council condition sell, convey, lease, mortgage or otherwise alleviate any land dedicated for park purposes, unless authorized by the voters of the city. That's the crux of this particular matter right here. This charter amendment -- proposal before you all will remove the word "lease" from that listing of protected park elements. After the thursday work session -- and by the way, that was the reason I was there, because I had gotten the work session agenda and when I saw that phrase that was tacked on to the utility part of it and referred to the parks, the little red light started going off. So I was asked to come down and check it out, which i did. So after that session i emailed the director of the parks, requesting background data, which led to the proposal in the first place. I also voiced concern about the potential input of this lessened protection on our present city parks regardless of size, and in reply district -- as i state -- they stated, this is really in relation to being able to work with aids in sharing land. I have to tell you I'm just as confused as ever. What concern is it of the city of austin and aids to lease land, to share land? Why is this necessary? I don't really understand it. Perhaps I'll understand it as you said you're going to be talking about this later. Right now it doesn't make any sense. Also, if indeed as hansly said, it's to work with aids in sharing land, why don't we just go ahead and put aids into the proposal instead of governmental entities? Of course I know the answer to that. Later on you plan to use other governmental entities, although that's not what was indicated to me by the director. Conversely, what would the aids or any governmental entity need or want to lessen any of this parkland. I'd like too to conclude by saying, please -- and you said you were -- mayor, i believe I understood you, you're going to break it down into two separate proposals. In other words, you won't couple the two together. If you do that's not going to work. So if that's what you said, that's fine. thank you. I just want to mention also, it's not -- the council is not approving this. We're giving the voters the option to approve.

>> Right, I understand that little -- yes, the little steps in between. little technicality.

>> But still you all are going to be the ones controlling what's going on -- what is place order the ordinance requesting this. Thank you.

>> Mayor leffingwell: yes. Council member tovo may have a question for you. actually, barts, I was going to ask our legal staff to explain but maybe I can summarize and they can correct me if clarifications need to be made, but it's my understanding that for school districts there are some legal challenges right now for them to lease -- to enter into leases, and so what we are trying to do is offer them -- to make -- to put some language in the charter that would make those arrangements possible. I know you're familiar with the turner-roberts recreation center, and, you know, there are other examples throughout the city where we've got partnerships with aids and share, you know, may potentially share a park space. So in my opinion those are good opportunities for us to leverage resources and share them with our school districts, and so we want to be sure that there aren't impediments to do so. But I take your point that limiting it to school districts may be -- may be inappropriate.

>> Well, and I understand exactly what you said, but i still have a grave concern to not lessen the protection that is in the charter now for our parks. They are precious, they need all the help they can get. I just -- I'm going to have to be convinced that -- and the people that I work with are going to have to be convinced that this is a good thing. So -- and if you do splilt split it, that's half the battle. and I would say too, there's that language in there it has to serve a public purpose. That language is absolutely, in my opinion, critical to remain because we don't want to enter into leases for parkland that are not going to serve a public purpose, but it's -- you know, i think the examples we've got out there where there are relationships between the city and the school district surrounding parkland, you know, they are serving a very high public purpose.

>> Absolutely. I look forward to further consideration and discussion. if i steiner to come up because I believe the way it was stated, there's a legal technicality, it's not quite as you stated it, that basically would give the authority to lease, which we don't have now. Would you care to explain -- no, I'm asking mr. steiner.

>> Oh, I'm sorry. thank you.

>> I can leave?

>> Mayor leffingwell: yes.

>> John steiner, law department. Yes, sir, the issue is that we often need to enter into arrangements with particularly aids to -- so that they can use park facilities and make improvements on the parks facilities for things like soccer fields or other kinds of sports facilities, but state law requires that before they can make an improvement on property, they have to have a leasehold interest in it, and we can't give them the leasehold interest. And so that's kind of a hitch in the get-along that comes along with a fair degree of frequency. And so what this was intended to do is give us the option to enter into arrangements with particularly aids so that they could make improvements on parkland to set up, say, a soccer field and -- which is

entirely consistent with the use of the land as a recreational facility for the community. thank you. Yeah, I think, you know, the point is this is something we can't legally do now. It's an issue that's been raised, a legal technicality, even though we are doing it now, we can't continue to do it legally without this change. Council member tovo? thank you for asking for that clarification. While I understand it, i think I expressed it exactly backwards, so --

[laughter]

>> cole: I never do that. all right. Paul robbins?

>> Good afternoon. I'm paul robbins. I'm an environmental activist and consumer advocate. My concern here is that the charter amendment be written to mandate that utility assets cannot be sold without a public vote. I'm still not convinced that this charter amendment is really needed, but I can live with it if it allows voter approval. Speaking of voter approval, I have to ask about the charter amendment proposal to reword the voter approval statute -- or the voter approval section in the charter regarding revenue bonds. The charter revision commission voted to recommend it, reportedly by a wide margin. I might add that I had nothing to do with this, even though I've been outspoken before council, i did not lobby the commission in any way. And it goes to show that many people in austin value participatory democracy. Thank you. next speaker is bill bunch.

>> Good afternoon. Bill bunc save our springs alliance, requesting that at minimum you postpone action on this item, and i understand from mayor pro tem cole's comments earlier that you would at least postpone final action from today. We were quite surprised, as I think others were, to see this show up on the council agenda for a bond proposition to amend -- excuse me, a ballot proposition to amend our charter to be placed on this november's ballot, to allow leasing of government parkland without a vote of the public, and then also the related -- or the attached utility provision. When this didn't go through any of the charter review committee process, and there was no prior information given to the community about this surfacing sort of at the 11th hour, there's no backup given for why this is necessary or why it might be necessary on some sort of emergency basis without going not only to the charter committee but to any of our boards and commissions. The parks board hadn't seen this. The euc so far as I know. Nobody has seen this whatsoever. My primary concerns I want to speak to are on the parks provision. I had learn about this concern about aisd. I think it should be spelled out as to why our work with aisd can't be done by a management contract that allows t achieve their school pe and recreational sports goals that are consistent with park usage and do it simply by management contract. If that can be shown, then i urge you please to be specific and say this is limited to school districts, no the overwhelming body of governmental bodies as it's currently drafted. There are hundreds of special utility districts that are 100% controlled by private developers. They're privately owned governments. You should not be able to enter lease of parkland with those kinds of government bodies that aren't government bodies in the sense that we generally under them to be. I would also urge you, do not use this language consistent with park purposes. What does "consistent with" mean? It should say for park purposes or park and -- recreation and sports purposes or something, that's saying you're doing parks -- traditional parks activities are still going to be allowed, not these hedge words that could mean something else. thank you.

>> Thank you for your consideration. roy whaley? mayor, I have a question in light of some of your comments. bunch brought up a good point and we kind of went over these in executive session but I think it's okay to bring this out in public, which is what is the difference between a management contract, a license agreement or a lease is this can you make that clear?

>> Well, the issue is not -- on our end the issue is not -- the lease is on aisd's end. I know, and thank you for pointing that out, the problem is not really with us it's trying to have an agreement with aisd and accommodate their needs. Will you go ahead and explain that?

>> Well, for some of the recreational purposes, they would like to use the land, and we would like to let them use the land, they need to make improvements, and for them to make those improvements under the laws that govern them they have to have an interest -- a property interest in the land. And so a license agreement or a management agreement wouldn't give them the necessary interest in real estate that the law requires them to have. So essentially they need a leasehold. And we'd be happy to let them have the leasehold, but for the problem that we have in the charter. So that's it in a nutshell. okay, and so the recreational purposes that you've been in discussions with them about, can you give us an example of what those would be?

>> A sports field would, you know, to put in dug-outs or lights or goals and stands, those sorts of things. thank you, mr. steiner.

>> Okay. roy whaley?

>> Howdy, you all, I'm roy whaley, vice chair of the austin sierra club. I would ask today because we weren't expecting this to come up today, not just the local chapter but the state chapter also, and we haven't had a chance to have a good discussion about this. And it is kind of one of those things where the parks and the fayette thing didn't work out as well as chocolate and peanut butter did, don't quite see them going together on this. So we'd like to see them separated. Cyrus reed is our acting director now that ken kramer has retired, and -- retired -- resigned, he's still working, but he is out of town today and eva hernandez, who is in charge of our beyond coal program is out of town today, so we've not had a chance to sit down and discuss this. The language does seem a little twisted and we would like to have a chance to have discussions with you and among ourselves. So our ask to do is for a postponement, and even uncomfortable with the idea of passing it on first reading, but an actual postponement. We do understand the deadline pressures here, but we do need to have discussion on something that is this important. So that's -- we do look forward to some of the positive implications of what this action will do for us, but we don't want to do one good thing and have seven bad things as an unforeseen consequence. So if we could have deeper discussion that would be appreciated. Thank you. council member morrison.

>> Morrison: thank you. I know you haven't had much time to think about this, but there is a couple of options on the table with regard to utility issues, or substantial pieces of the utility. One is a two-thirds majority of council giving the okay and the other is voter approval. Do you have an initial reaction to those or any insights?

>> I do. could you please provide that?

>> As an individual I do, and I would say that this is a government of the people, and so I believe that on something like this the people should have the final say on something like this. Now, is there something -- two-thirds or even six of you agree, make it like a super-majority thing is not required? That's something we need to discuss, but in regards to the utility, that is a concern. Of course -- I'm going to bite my tongue and say nothing after that. okay, thank you. mayor, I have a follow-up question since you -- mayor pro tem cole.

>> Yes, ma'am. we're really struggling with the issue that council member morrison brought up, which is the two-thirds vote, whatever majority -- super-majority of the council getting to make a decision, or there's also an option of having that on the table and/or a qualified vote. And the issue -- and I know that you and the sierra club bunch, you all followed what happened at the legislature, and so I just want to be clear that we're trying to come up with a policy that gives us the flexibility to do what's best for the city quickly, if necessary. So I just want to leave that with you to think about a little bit and let's visit so that you see why it's coming up.

>> And I appreciate that, mayor pro tem. I do, but I think my first reaction to that is that sometimes when a deal is too good to be true and you have to jump on it, it turns out to be a lot like the wood-burning plant out in east texas, nacogdoches. and we're worried about not a deal being too good but having to react to a bad deal that's put upon us. So let's just think about that and talk about that a little off-line.

>> Yes, ma'am.

>> Cole: okay.

>> Thank you. next speaker i righthouse. I would mention there are practical considerations in the event of a divestiture. It would financially be much more advisable to the city to be able to have that transaction approved by the council than to enter into a contract that was subject to approval by voters and by definition much more outcome -- much more uncertain. So it could have a definite dollar and cent impact on divestiture of any component of the ultimate, if that were the case. Ryan ritenhouse? Not here. Sylvia benini? Peggy maseao?

>> Mayor, council, I have some concerns about this change to the charter amendment. I didn't know anything about this, really, until last night, and so I think -- I've heard some things today just listening to the other speakers aisd, and I'm sure there's a lot of facets to this and that you probably discussed it for a long time, but there is a lot of us who spend a lot of time wishing we had more parks and trees and being very concerned about that who really don't know anything about this. And I'm just asking today that you might postpone this so the rest of us will know what you're concerned or what criteria you used for this and, you know, feel like we can be a part of that, because the way it is right now and not knowing anything about it sounds very scary. So I'm asking -- I'm urging you, please, to postpone today. Thank you. peggy, let me respond briefly to that concern that you just voiced and others have.

>> Okay. we're kind of in the same boat here. We wish we had started to address this issue much earlier, but it just came up, and, you know, we have this impending charter election in november this year, and having just found out about it, if it's not on this election, then it's at least

two more years, probably more -- probably three years before we could address this question. So we'll be left in no man's land basically for a period of three years when we couldn't -- I realize it's kind of a short notice thing, but there is, of course -- again, it's subject to voter approval and there will be plenty of time for a lot of discussion, bring whatever message you have to the voters and they ultimately have the decision to make. So again, I realize that -- I wish we had had more time to do -- to work on this, but we're right down to the -- working with the last possible dates that we could do this.

>> Okay. Thank you. those are all the speakers we have signed up wishing to speak on this item. And council, I guess you've seen we have the yellow copies, which would split, potentially, subject to your wishes, the utility and the parks item into two different ordinances. So I would suggest that we take up the parks item first.

>> Cole: mayor? mayor pro tem. I do want to agree that we go ahead and take up the parks item, but the other utility item I want to ask to postpone to -- let's deal with the parks first. okay, I just wanted to let you know. Bill is gone. council member spelman will be off the dais for probably two hours. so I was simply going to make the motion that we take up this but we postpone the utility portion of it until 5:00. why don't you just make a motion on item 30 and then make a separate motion to consider -- put the other item, the utility item, on the table at 5:00.

>> And may I suggest, mayor pro tem, that your motion include separating the topics? And then make a motion related to the parks item, and then you can have a separate motion related to the utility item, but it should include separating the two items as posted. mayor, I'd like to make the motion to separate the two items on items 30 and that we first consider the parks side. okay, second, council member morrison. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-0 with council member spelman off the dais. Mayor pro tem? mayor, I would like to ask for legal counsel to discuss the parks item and what revisions could be made to make sure that the lang clear and only applies to the school district.

>> Law department. in front of --

>> you have a yellow copy that proposes some substitute language from the previous backup. It would propose a charter amendment that addresses only the parks issue and not the utility issue, and it would provide that the council could lease parkland to an independent school district, as defined by state law for a purpose that two-thirds of the council find is -- typo there, it should be is instead of are -- for a purpose that two-thirds of the council find is consistent with park purposes. i think that's either british or american. You could go either way on that.

>> Yes. i think this is the american council member morrison.

>> Morrison: thank you. One of the speakers raised the issue of the language for purposes being adding some ambiguity. Could you comment on that and if there's a way, if you think that that does actually open things up a bit, where we might be sorry and whether there's a way to address that?

>> What about for a purpose that two-thirds of the council finds is a park purpose? that would be great. mayor, I'd like to move approval with the amended version as we have in our yellow copy. mayor pro tem moves approval, second by council member morrison. yes, my question, so does that motion include changing it to be is a park purpose and removing consistent?

>> May I read it?

>> Yes.

>> So it would be a lease is to an independent school district, comma, as combined by state law, comma, for a purpose that two-thirds of the council find is a park purpose. I'd move approval, mayor. motion on the table with a second. Is there any further discussion?

>> Cole: all three readings. unless otherwise stated. Further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-0, council member spelman off the dais. And now mayor pro tem is recognized to discuss the utility-related item.

>> Cole: yes. I will make a motion that we table the utility-related 00, and at that time we will only be considering it on first and second reading. without objection we'll consider -- put this item on 00 p.m. And I believe that brings us to item 13, which I think we start with a presentation from law, and there is one speaker. Why don't we take the steiner, and -- will mcleod? You have three minutes and please be specific in your comments to the content of item 13.

>> No. 13. All right. I'm getting there. As I was reading in this 13, prove an ordinance, a special election to be held on november 6, points well providing for the conduct of the election and authorizing the city clerk into entering joint election agreements, with other local political subdivisions as it may be necessary for ordinary conduct of the election, setting the ballot order for the propositions to be sent to the voters, finalizing the wording of the propositions, and declaring an emergency. The draft ordinance as I was reading was empty. I didn't see what this was all about. I would appreciate, you know, in the future when you all present this, make it clear and concise so people like us don't go give you just a blank look saying, what's this about? All I know is that we don't know what you're voting on, and we would -- we would definitely like to know that on 13, and if this is about 10-1, then, you know, we -- we need to know that. Thank you. thank you. And without objection, council, I'm going to place this item on the table until we hear item no. 30. There has been a request to reconsider -- 73, excuse me. Misspoke. Item no. 73. Motion by council member morrison -- I mean, martinez. I know we get confused a lot but

it's martinez. council member martinez moves to reconsider item 73, seconded by council member morrison. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 5-0 with council members riley and spelman off the dais. So now do we have a copy? motion to approve item 73 with -- and I'll add an amendment to it. council member martinez makes a motion to approve item 73 as amended. Would you care to enumerate the revisions for us? yes, it's just five words, in section 2 under municipal service, part g1 in the first sentence, the five words are inserted after hear appeals and the new five words are "and make final by noon " an amended motion by council member martinez, seconded by council member morrison. Is there any further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-0 with council member spelman off the dais. So now I believe we can go back to item no. 13. We've already heard the speaker, so mr. schneider.

>> John steiner, law department. Item 13 is the general call of the election for november 16, what we've been doing for a couple of -- three months has been putting ballot items on the election, and this is the -- the actual order of the election that authorizes the clerk to enter into a contract with travis county and the other political subdivisions that will be holding elections on the same day for the purpose of conducting it. It incorporates by reference all of the ordinances that you have up to this time passed, placing items on the ballot. That's in part 5, where it references the ordinances that have put the various ballot propositions so far on the ballot. The one that authorizes council appointees to manage their own personnel, the one that would move the city elections from may to november, the one that would provide for the council to appoint the city attorney, the one that would provide civil service for ems employees, the -- as drafted it has the old 10-1 proposition on the ballot, which we will change, and then it has one for petition signatures, the one for after-election campaign contributions and the one that would change the election date to -- from may to november and provide for four-year terms and two term term limits. Because of your actions earlier today it no longer should reference the original 10-1 proposition but should reference the one that you adopted this morning as item 15 and should reference the parks -- parkland proposition that you approved just now as item 30, and the civil service item that you just now approved as item 73. So in part 5 we would remove the reference to ordinance 20120628-84. And add references to ordinance 2012-0802-015, 2012-0802-030, 2012-0802-073.

>> Mayor leffingwell: okay. Questions? Council member morrison. I heard some reference and we had some discussion during our work session about identifying the order of the ballot. Are we doing that here? Are we doing that next week?

>> We had hoped that perhaps we would be at that stage, but we're not. So we can't really order the propositions in order until we know what they all are, and some of the ones that we -- I think

will come in the middle of the ballot order haven't been completely passed yet. So we'll have to wait on that until perhaps the -- as I understand, the august 9 or perhaps the august 14 election or worst case, august 15. We hope we can get it before the 16th so that we'll have a cushion in case they're a little -- things need to be cleared up.

>> Morrison: that's great. Thank you. And I confess, I'm glad we're not dealing with that today. so entertain a motion to approve the ordinance.

>> [Inaudible]

>> mayor leffingwell: right. Motion by council member morrison, second by council member martinez. Okay. Is there any further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-0 with council member spelman off the dais, and now we do need to discuss related item that's covered under this posting for the calendar for the next two weeks.

[One moment, please, for ]

>> Mayor Leffingwell: That is not in accordance with our current rules. And it will require us -- I'd ask we waive the rules and do it in advance with approval of council. So that we would be able to consider an item on the 14th that appears on the council AGENDA ON THE 16th. So I'll just say if there's no objection, council will approve that order, the bond election item will be considered POTENTIALLY ON THE 14th, 15th and 16th. And that includes a waiver of the council rule which we can do that we not consider an item on the 16th agenda at the preceding work session. Without objection, that's the way we'll proceed then. Ok.

>> Cole: Mayor, will we --

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: Will we be posting for potential action on the bonded ON THE 14th?

>> Mayor Leffingwell: Yes, we'll be -- first reading on the 14th, SECOND IF NECESSARY ON THE 15th, THIRD ON THE 16th.

>> Cole: And if we finish we can do them earlier, first and second then? Ok.

>> Mayor Leffingwell: Yes, ma'am. So I believe that brings us down to -- completes the items on our morning consent agenda. Double check here. It does. So without objection, council, will recess the meeting of the austin city council and call to order a meeting of the austin housing and finance corporation.

>> Good afternoon, betty spencer, treasurer of the austin housing corporation. I offer four item force you and all on consent.

>> Mayor Leffingwell: Ok, the consent agenda for the austin housing and financial corporation is items 1, 2, 3 and 4. Board member martinez moves approval. Is there a second. Second by board member morrison. Any discussion,. All in favor say aye. Pose no. Passes on a vote of 6-0 with board member spelman of the dais. Thank you. That concludes the business of the austin housing finance corporation board of objection. Without objection, that meeting is adjourned. I'll call back to order the meeting of the austin city council and I believe we're in a position we don't have anymore items we can consider. Double check this. Until 4:00. I believe that's correct, click, without objection we'll stand in recess until 4:00.

>> We need a break.

>> Mayor Leffingwell: We're out of recess and we'll begin with our 4:00 p.m. public hearings. And first, I would entertain a motion on items 114 and 115, to postpone those items until SEPTEMBER 27th, 2012. Council member morrison move,. All in favor say aye. . Opposed, no. It passes, with council member spelman off the dais. Now I'll entertain a motion to postpone -- to take up item 117, the 6:00 p.m. time certain. Council member morrison so moved.

>> Cole: Second.

>> Mayor Leffingwell: Mayor pro tem second. All in favor say aye. Ayes ayes. Opposed, no. That passes on a vote of 6-0. Item -- similarly, item -- let's say 119, entertain a motion to postpone that item until SEPTEMBER 27th, 2012. Council member morrison so moves. Seconded by the mayor pro tem. All in favor say aye. Ayes ayes. Opposed, no. Passes on a vote of 6-0, council member spelman off the dais. And number 122. I'll entertain a motion to set that item for a time certain of , council member morrison makes that motion. And seconded by council member tovo. All in favor, say aye. Ayes ayes. Opposed, no. 6-0 With council member spelman off the dais. Can we -- number 118 which I'm not showing -- was it inadvertently taken off? Number 118? Ok. So -- number 118 is posted for -- it's a third reading. And we don't -- obviously don't have anyone signed up on it. So I'll entertain a motion to approve third reading of an ordinance reviewing -- renewing a non-emergency medical transfer franchise to acadian ambulance, council member martinez moves approval on third reading, second by council member morrison. All in favor say aye. Opposed, no.

[CHORUS OF AYES] Passes 6-0 with council member spelman off the dais.

>> Mayor, item 113 has been withdrawn, this was the speedy shop food store, that application for request of waiver has been withdrawn. No action is required of council. Our first item for public hearing is item 116. This is to conduct a public hearing and consider an appeal by mary and bill ley regarding a decision to issue a outdoor music venue permit for home slice pizza at 1415 south congress. joseph strictland and there are additional appellants listed in the backup material. The application was received in february of this year. It was approved by my department. There are conditions, though, that were attached. With the approval, and on your dais there's a yellow handout in the upper right-hand corner, saying 116 home slice and entitled

2012 outdoor music venue sound impact plan and it's an updated plan and there was a meeting that occurred with our pro, neighborhood representatives and the applicant.

>> Mayor Leffingwell: Could i interrupt just a second.

>> Sure.

>> Mayor Leffingwell: Before we proceed with the case, I need to ask if there are any requests for postponement or issues of standing that anyone would reish to raise. Hearing and seeing none. guernsey, you can go ahead with your staff briefing.

>> Thank you, mayor. There were additional concerns made part of the recommendation. The one that probably changed the most that was added, there would be a limit of six live band performances in the rear patio area associated with the did youration of this outdoor music permit. Home slice has agreed to construct a eight-foot sound barrier fence along the north and east property line. And this fence would be incorporated with loaded vinyl and would be an effective sound block. That could be something that would be reviewed by our music office. The patio speakers would be mounted a minimum two feet below the top of the sound wall. The sound absorption products would be installed on portions 20% of the hard reflective building surface, including the east wall of the north building and the north wall of the south building in order to minimize sound reflection that could potentially impact nearby neighbors. There would be no woofers larger than 15-inches used for any event and the cellphone number of the party responsible for attending and monitoring the sound levels shall be made available to the home slice neighbors. The outdoor music venue permit, the amplified sound would have sunday and thursday and 10:00 p.m. Friday and saturday. This is a restaurant and not a cocktail lounge so the sound level is 70-decibels and the managers on-site will have a decibel meter to help self-enforce the limitation. Additional measures and restrictions of hours may be needed and required and that will be monitored by our outdoor -- or, our music office. There was an appeal as mentioned before, and I think some of the issues that may come up that are in your backup, there was a -- if there was a complaint, that was filed on may 16th regarding this property. The caller stated that home slice had loud music and wanted someone to go out and use a sound meter to see if they were in compliance. , not a.m. I wanted to headache that clear. The property does front, as mentioned, on congress avenue. There are existing residences that are on the north side. The property on the north is zoned commercial and not residential. The commercial to the east is on commercial and residential. There was a concern, I think, raised because our ordinance as written speaks to a 100-foot setback. From a property that is zoned and used as residential. The interesting thing about this, though, is the property is zoned that would allow a restaurant that also denies the accountable official or director, myself, from denying a request for an outdoor music have been awe permit. So I am compelled by the ordinance to approve the permit that is before you tonight. Although it's also appealable to you tonight. Because interested parties that met the criteria and the city council in your authority may uphold or reverse or modify the decision of the accountable official and my approval of this. The section of the ordinance that speaks to the decision on the application falls under 9-2-53 of our code and state that the accountable official may not deny the permit for an outdoor music convenient sue, located within the footprint under section 252808 which speaks to restaurants and cocktail lounges and still allows me to impose conditions and those are the conditions I've outlined earlier on the yellow

piece of paper that's been passed out. With that, I'll pause. I have a representative from the music office. If you would like to hear from them and at this time, I can sit down and you can ask me questions later or now, and hear from the appellant.

>> Mayor Leffingwell: Any questions for staff? Council member martinez.

>> Martinez: I wanted to ask, greg, is the appeal from the standpoint of simply not wanting home slice to have live music or are there issues -- unresolved issues such as hours of operation?

>> I think there's a concern, certainly, of the proximity to the residential uses across the alley in the back property line. I think initially, the outdoor music venue did not have the sound impact plan and I think some of the issues that were certainly raised at the june meeting may have not addressed all of the concerns that the payments had. When we limited the -- that the appellants had. When we limited the number of event, I think it was six live band performances. So during the course of the year on the outdoor music permit, they may have six out of 365 that's a very small number. Property 98% of the year, they're not using. The 2% of the year, would be those six days. That's a certain, I think, still to the residents nearby.

>> Martinez: Do we know what days those six are? They can apply to any six days within the 365?

>> That's correct, I can -- i don't know if I really want to address that. I think I'll allow home slice to come forward.

>> Mayor Leffingwell: We're fixing to have a 10-minute presentation by the appellant.

>> Ok.

>> Mayor Leffingwell: And we'll do that now. We'll hear from the appellant. And your -- bill ley, is that correct?

>> I'm actually mark davis.

>> Mayor Leffingwell: You're representing.

>> We're on there as the appellant.

>> Mayor Leffingwell: Represent i representi ng the appellant?

>> Yeah.

>> Mayor Leffingwell: You have up to 10 minutes.

>> Thank you very much. You have the images ready? Ok. Mayor, mayor, council member, thank you for your time tonight. My name is mark davis, as i said. I'm the president of the neighborhood association that is the -- covers this area. We're austin's oldest neighborhood

association and a long proud history of representing our residents. Several of whom live right next to home slice pizza. I'm here on behalf, representing the residents who have requested the appeal of the outdoor music venue permit. I want to be absolutely clear to everybody in the room here, we do not hate outdoor music. We do not hate music. We do not even hate pizza. We really like it. I'm a native new yorker and i think home slice is the best in town. The reason for the appeal is because home slice's location and in particular, the location of their outdoor stage makes it absurd for them to have any sort of regular outdoor music and that's the issue. You can look on the display and see the red square shows where the home slice outdoor stage is. And then in the blue squares, you can see single family residential homes. We're talking about 15-20 feet, right, from the stage. It borders little rather two or three homes in the -- literally, two or three homes in the lot. And the stage is smack right there. I feel if you would think about your neighborhood, somebody in your neighborhood next to you putting up a stage right next to your house, your family home. It's just -- it's crazy. And as you can see, it's because of this proximity that the appellant spent much of the past several weeks trying to figure out how the city code could allow this to occur and round and round we went with different council members and aides and our own code experts and left with the understanding that of the code is flawed when it comes to the situation. Title xxv stipulates a restaurant must be granted their initial permit with no restriction on distance from residential properties. No mention. Title 9 states that a permit cannot -- cannot operate sound equipment between 100 feet of residential property. But back and forth it went. In the end, we know we're not here to debate the code and i know it's a -- it's complex and a sore subject. But the appellants want to make it clear how flawed it. You can go back and look. There are speakers mounted live literally a foot from the neighbor's fence and you can go and sit in a beautiful home that's been there for 109 -- been in the family for 109 years, right? These are not new neighbors that just moved in after home slice. These houses have been there forever. Far before home slice was a glimmer in the founder's eyes. It's these people that we're here to represent tonight. So when we're looking at the code, and after all of this investigation, the meetings and emails we've had, heated conversation, the appellants have been forced to consider what would be a reasonable set of restrictions for home slice to implement so they can have amplified music played on a stage 15-20 feet from their home. Everyone looks and thinks why doesn't the neighborhood be reasonable? What is reasonable. Think about a stage 15-20 feet from your house. What would you like to have playing 15 feet from your house? It's unfathomable. Most people don't live in that kind of situation. At this point, the appellants received no direct communication or interaction from home slice on this. Only thing is that don pitts from the music department has a proposed draft, which limits the sound levels to 70-decibels. Which isn't a restriction. That's the code already. Limit the hours and number of performances per year and all of those restrictions makes sense when the music venue is a normal distance. It is not reasonable at for for a venue that close to people's homes. I love live music, I love all of this stuff, but if you lived right next to the stage, how much would you love it, right? So -- we had a lot of consternation and talked amongst the appellants and came up with the only restrictions we feel are reasonable in this situation. The first thing home slice is allowed to continue their two large single day events every year. The carnival and south by southwest party. Until the normal end time of and adhere to the decibel levels and start times for that but the appellants are absolutely willing for those two big events. S about giving to the charities and they're wonderful events, fine. But we don't believe that home slice should be allowed to have any other regular amplified music at any time. There's no reasonable way it look at this and say, that should be allowed and I can't imagine any of you could look at this and come to any other

conclusion. In addition to these restrictions the appellants request that the council give -- to enforce these restrictions. Our past experience does not give us faith that home slice will be able to comply with the rules themselves. This is the first time we're talking about this permit and they've been doing the carnival since 2005 so our residents have called in the past and asked them to comply and been hung up and ignored and there's a individual who said, good luck in getting that enforced. Forgive us if they seem jaded in this experience. Sadly, the music office and apd have not been helpful either. Frequently we've excuses about not having a officer properly trained in using the decibel meter or no response or action due to the fact it's a low-priority issue. So in order to appropriately police home slice in this situation, we request apd have an officer trained in operating a decibel meter on-site for these events. I believe that home slice is required to have police presence during that event anyway. So it's reasonable that that person be required to be trained in enforcing this ordinance. And that would give us the teeth and the limitations that we think would be appropriate and it would allow home slice to continue to do the events that it is most focused on pursuing. Thank you for your consideration. Happy to answer questions.

>> Mayor Leffingwell: Coy ask one question. I'm having a hard time understanding what the distance has to do with it. Seems to me, what matters is how loud is it at the perimeter of the property. And doesn't make any difference to me whether it's five feet or 500 feet. It's the amount of noise that is delivered -- delivered to the people across the street in this case.

>> I understand what you're mayor, it is a question of whether or not the -- the -- if you're required to limit something to 70-decibels at the property line, if you're 15 feet away from the property line, what you hear is dramatically different than someone that is 100 feet away. I kneel like in a normal situation, nobody is allowed to have this within a hundred feet --

>> Mayor Leffingwell: If you're standing at the property line, 70-decibels would be more uncomfortable as opposed to 100 feet away?

>> Yes, absolutely. And the measurement is done right at the property line but the restriction on distance is further.

>> Mayor Leffingwell: So you and are are probably creating more than 70db right now.

>> I think it's higher than a conversation and we've had the debate what the appropriate level is but two ordinances said that, I mean --

>> Mayor Leffingwell: Ok. Thank you.

>> Thank you.

>> Mayor Leffingwell: There's one other person signed up for the appeal. And that is -- and let me say this, before we get too far, oftentimes it's confusing whether you're for or against, but we have to take them in order. And now we'll take the people who are for the appeal. You're for the situation and -- for denying, in other words, the only other person I have signed up in that category is will McCLOUD.

>> In that case I want to --

>> Mayor Leffingwell: You have three minutes.

>> I want to change, for the record, I want to change to against.

>> Mayor Leffingwell: Then you're not speaking right now.

>> Ok. Thank you.

>> Mayor Leffingwell: That's all the speakers I have on the list. Who are for the appeal. Except possibly raymond alwood. You're donating time to mark davis but mark davis was for the appeal. So are you also for the appeal?

[Laughter] you're for denying the permit.

>> No.

>> Mayor Leffingwell: Ok. But --

[laughter] ok, we'll go through the folks who are against the appeal and I'm just going to go in order here. Jennifer hoolihan. Awe, we have people donating time to you. Who are you donating your time to? Let me call jessica ellison ok, go to the next person. Juan gonzalez. Juan gonzalez, are you here?

>> Mayor, I want to make you aware that the owner -- we understand, did not sign up.

>> Mayor Leffingwell: The owner did not sign up. We have someone representing the owner, because the difference is they get 10 minutes. Whoever is representing the respondent. The respondent is the person who is responding to the appeal. Do we have someone in that group? In that category? Yes. Give me your name and you'll have 10 minutes.

>> Ok. My name is terry and I'm co-owner of home slice pizza and I'm against the appeal. And thank you all so much for this opportunity. If we could put that picture back up. That mark had, if you don't mind. I feel like I need to clarify something. Because there was -- at least where the stage was is not where the stage has ever been. So --

>> Mayor Leffingwell: You're referring to the previous presentation?

>> Yes, to this picture here where the red rectangle is. That's not where we have ever put a stage. I wanted to make that clear. It's not butted up against the property like that. It's been in the parking lot. Last year in particular we moved it as far from the fence line into the parking lot facing congress and at an angle way from the property. Just to let you all know that. We did this in response to our direct neighbor. We've never heard from the two neighbors on this side. No complaints from those neighbors. The direct neighbors of home slice. We've heard her say she doesn't appreciate the sound so we've moved our -- I must say, we only have one music event a

year. The other event that has amplification is a carnival and WE HAVE M.C.s TALKING THROUGH A microphone. So in the past, we've only had one music event a year. We've had it for three days, but last year we moved it to one day. and also we like to keep those hours just because the neighbors, they don't want the sound and we like family-friendly events. So just want to make that clear.

>> I'm a little bit confused about the idea that all those houses have been complaining about the sound because I just haven't heard that. Partisan also I want to clarify we'd be thrilled to meet with the appellant, any of them, to about this. And with regard to the speakers that mark was mentioning that are up, we keep those sound levels incredibly low, and anytime our neighbor has called to complain that she can hear them we immediately turn them off, so it hasn't -- that's how we operate. Just for the record I feel like I need to state that. And I just want to take to let this council know that although we completely respects the concerns of the appellant, we also feel like we have a esponsibility to the hundreds, if not thousandsof other people in the neighborhood that support home place and their event, in particular the music event and the carnival, and would like to see us do more although we don't mind if we don't do more, those two kind of wear us out, so I want to say that, and I also would just like to see if these folks, everyone who's in support of home place, so you can see these people came down today in particular to let you know that they are in full support of our sound permit, because I know part of your job is to -- is to listen to complaints all day long, and so I also just want to take this opportunity to point out that we have a petition of over a thousand people -- over a thousand people have signed saying that they have home slice events and what home slice does, not only that, they love south congress events. In general they love live music. They -- that is one of the things they love about austin, and I just want to make sure that you all hear that, that yes, there are some people that aren't happy with it but there are many, many, many more people that are happy with it. So I just want to point that out. And I guess that's all i really need to say. Do you have any questions? might be a couple questions. Council member morrison? thank you for coming down. I do have a couple of questions. I think I heard you say that you only do one or two but now one event, and you don't mind if you don't do more.

>> We do do two events, two big -- in the past we've done two major charity events every year, one is a live music event. The other is a carnival. and it does have outdoor -- it requires an outdoor music permit also?

>> There's an amplification. it's an amplification. And then are we talking about something else besides events? Are you talking about performances or something, because I heard --

>> we got this permit in march, and with that permit we are allowed to have more events than that, so what I'm referring to is what we have done before we got that permit.

>> Morrison: okay.

>> With what mark was referring to. because I heard mark say, hey, if they just stuck to what they were doing before that would be okay, and I think I hear you saying you're happy to do that. So what am I not understanding?

>> We would do that. We would also -- if we are allowed to do six events a year, there are many different things that we could do with those events. We would happily work with the neighbors to figure something out that would be a neighborhood-friendly event for those other events. We would definitely do that. So in the past we've only had two large events. and you would still be okay with just keeping it at two so this would change -- I'm just trying to figure out if we really -- if you guys are really on the same page here. You said that a permit is for six and that's what's being --

>> we have agreed to doing six. The permit, as I understood it, allowed us to do way more than that, which we would do that. We would have an event a month. We would definitely do that. They wouldn't be of the size of the two events that we've done in the past that we would like to continue to do annually, but we have agreed to only do six events, two of the big events and then four other smaller events, so that's what we've agreed to do. that's what this permit says you can do.

>> Right, and that was after we had negotiated and agreed -- and the neighborhood said that they were fine with that too, the majority of the people that I guess were negotiating.

>> Morrison: okay. But tonight you're saying but if that six went to two, that would be fine with you? That's what I heard you say.

>> I would definitely be willing to have that discussion.

>> Morrison: okay. Great. Thank you very much.

>> Sure.

>> Mayor leffingwell: okay. Thank you.

>> Thank you. we'll go back to the rest of the speakers, who will have three minutes each, unless they have time donated. Robert hoffman. Again, these are speakers who are against granting the appeal.

>> I'd like to offer my support to home slice events. They've been a great neighbor. I live on milton street just right around the corner from south congress, and I moved there because -- three years ago because it's a vibrant interesting neighborhood, it's an urban environment, and it's a very civilized urban environment. Home slice has events that are quiet, don't go on late. They don't affect me at all and it makes the neighborhood more interesting, and I think more valuable. The reason I am here, and i was going to initial to the community -- going initially to the community meetings is about like parking and things, because it seems like just a few people, they just like to stop everything. The person who wrote this appeal, whatever it is, he stands on his porch and yells at people in the neighborhood when they try to turn around. He's like -- he's got nothing better to do than stop people putting up murals, stop them doing this, stop them doing that. There's just a few people but they're very good at this community board thing but they're not good neighbors and they don't act in the interest of everybody. So I feel a time frame - - at times it's important for me to get involved, because a few people just like to -- they're like

ladies of the garden club or something, they're just busy bodies trying to stop everything for their own selfish immediate needs, and I feel it's important to do something about that, because most people are fine. This is great, this is a beautiful city, lots going on. We don't need people saying, oh, no more -- what else are they going to say? No yellow hats? It's crazy. Let people have fun and do what they want to do. It's a beautiful city and that's why I'm here. So I'm sorry if I got off track a little bit, but I do really support home slice. It's a great neighborhood. I love the neighborhood and I'm planning on staying. thank you. Sara round -- ronder. Sara ronder?

>> It's ronder. I've gotten lots of confusion for my whole life. what is it?

>> This will be brief. I want to say being born and raised in austin, texas and going to travis heights elementary school which is in that neighborhood, full her middle school on south congress and travis high school, I have felt and still feel emotional growing pains over the neighborhood and how it has progressed, but I've taken the opportunity to embrace community and neighborliness, which is something that home slice has also taught me. Working there for five years, having a 3-year-old son who is here with me, i feel that it's important to embrace and honor home slice with what they do that teaches you to be bona fide, respect your neighbors and your community and give back. So we should really be in support of helping home slice and their ambitions, because they really do care about their community. That's how I feel. So I am opposed to the appeal. so did you know I went to travis high school too?

>> I didn't. I just thought maybe you were trying to curry favor.

[Laughter]

>> go rebels. all right.

>> Thank you. next speaker is will mcLeod.

>> All right. I am also opposed to the appeal. It seems like home slice is working their way -- or trying to make compromises with the neighborhoods and the neighborhood association out there. Got a lot of restrictions. This one guy that was in favor of the appeal was only one person, said it was 70 decibels. You know, if you got to lower the decibel from 70 down to 50 or 40 and do this on a trial basis, let's do it on a trial basis. And, you know, there's no problems. You know, let's review it, and let's -- let them continue on offering the live music. As the lady explained, home slice's performances are closer to congress avenue than the backyard of the neighborhood. It seems like they're really trying to work out any issues and they're more than happy to do that. So I would -- I'm going to keep this short. It creates jobs. It brings money into the economy, and with money, job creation, there's less -- there's more to collect for sales tax and usage tax and stuff like that, which i think -- I do think you all should control, but like i said, I'm in favor of home slice's decision for live music at this location, and on a temporary -- at least on a temporary basis we can work something out. They can work something out, I'm pretty sure. I know sincerity from some person when I see them speak, and I appreciate home slice from coming out today and I wish they had brought us a free pizza. Thank you.

[Laughter] that's later. Nancy mims? Nancy mims here? Yeah, okay.

>> I'm nancy mims and this is my son atticus, and we're huge fans of home slice, and I don't think we've ever missed one of their carnivals, and one of the reasons I love to go to the carnivals is, first of all, because I love home slice and I love -- I respect what a creative business they are. I mostly respect the sense of community that they bring to the -- to austin and to their neighborhood. And I also -- their events are always very, very family-friendly. People have spoken to that, but I have a child, proof that -- and he loves -- he loves all of the events. And one of the things that people haven't mentioned is that home slice gives a lot of money to amazing charities in town that need money, and a lot of the events that they put on give tons and tons of money to great groups like urban roots and big brothers, big sisters, and austin bat cave, to name just a few. And I think just -- I mean, they could be putting on these events just to make money for themselves, but they're giving back to the community in a big way in addition to giving these fun, very creative events that are family-friendly. That's all I want to add. thank you. So, council, there's a strict order on these appeals. We have to take those four and then -- those for and then those against. I see we have a late signer up for those for, we have several more against. If there's no objection, if we're going to take the person for, we'll take them now, person for the appeal, connie todd. Technically those speaking for the appeal, your time has already closed, but if there's no objection from the council we'll let you go ahead and speak for three minutes. mayor, I'm connie todd. I've lived at 1403 south congress for the last 30 years. I live in my great grandma's house, tennessee ann todd's house, which has been the family residence for 109 years, and a resident since it was built in the 1870s. I knew when I decided to live in the house all those years ago that the surroundings would change a lot, but I wanted to stay. I had my house designated as an austin historic landmark because back in the 19th century there were victorian houses all up and down congress but mine and mary level's next door are the only ones left. Because they're still there people can kind of see and get an idea of the 19th century aspect of south congress. I've been a close witness to many changes in the last 30 years. Happy to be able to look out my upstairs windows and see that the basic configuration of things as I remember them from childhood, nice to be able to see central seed and feed across the street, beautiful oak trees on the north side and even though it's a restaurant now and the lovely 19th century crawford house that once sat among the oak trees is gone, in general, though the public is loving south congress to death and thronging there, not surprising because of its kind of funky charm and human scale, I still enjoy living in my family house despite the many problems that come with commercial success. That said, however, the question of noise pollution is a game changer. Residents can upgrade their air -- can't up -- can upgrade for declining air falters, they can keep clear spaces in front of their houses for family or friends or emergency vehicles. They can call the police if someone is using their front yard for a bathroom, they can put on rubber gloves and pick up trash, clean off graffiti, they can call 911 if their driveway is blocked but they can't get away from excessive outdoor noise. Even though I don't use my front yard, my front gate anymore for traffic and noise I can retreat to the backyard, it's the size that faces the neighborhood where I grew up, stretches all the way to ih-35. South congress is just a narrow commercial strip through two neighborhoods. Travis heights and bouldin creek, home to thousands of austin residents, many of whom moved there before the huge success of the so-called soco. More and more lately noise from the increasing number of outdoor music venues has been intruding not only on my life but on the lives of my neighbors as well. It's impossible to escape or to effectively buffer it. Most of the outdoor venues are quite small and don't need to amp up to 70 decibels to reach their patriots. I'm a singer for over 12 years who had weekly gigs with a jazz trio, and believe me, when the bosses tell us to turn it down we turn it down. In

closing, I just want to express my pleasure, the pleasure that I feel in being able to come before you as my city advocates, state my case. It's a wonderful right that we have and I thank you for your time and consideration of this appeal to the home slice pizza outdoor music venue permit. Thank you. Are you kin to Terry Todd?

>> He's my brother and he said to say hello. There we go. Another connection.

[Laughter] that neutralizes. Next speaker, Raymond Oward. Raymond Oward.

>> [Inaudible] no ma'am.

>> [Inaudible] well, somebody spoke in your -- I'll tell you what, you'll have an opportunity to speak but he will and you can take -- but he will and you can take that if you would like.

>> Raymond? I donated my time incorrectly earlier. I'm not signed up to speak. Okay, well, we'll check you off the list. There's only one more speaker against. And that would be Amanda Elmore.

>> My name is Amanda Elmore. I have lived in Travis Heights for 15 years and I've worked over the years in various South Congress shops like Uncommon Objects and Aqua, which was in the Home Slice building. I've seen the neighborhood change dramatically in this time. South Congress used to be a little bit seedy back in the day. I believe that unique small businesses have changed all of that for the better. I work at a gift shop on South Lamar called Spartan and we regularly have people come in from out of town and they ask for recommendations, and I always send them to South Congress because of the character, the variety of good restaurants, my favorites iced coffee, cool shops and people watching. I can't think of a place in Austin that better represents the city I know and love. This does not all happen by accident either. Places like Home Slice make my neighborhood special. I am a music fan and I oftentimes can't afford the high prices for SXSW bands but I don't fret about it because there's so much good to be had and Home Slice, Joe's. They give high quality bands and they donate to charity. I want my neighborhood to flourish because this makes the investment in my home and community worth it for me. People in the community that don't want Home Slice to have their music permit don't speak for me. Thank you for your time. Thank you. And we do have one more speaker against, Juan Gonzales.

>> I think reading my words is going to freak me out. My name is Manuel Gonzales. My dad is Juan. I am the director of one of the beneficiaries --

>> you signed up for your dad?

>> Yeah, I signed up for my dad. Oh, is that illegal? We will make the change.

>> I'm the director of Austin Back Haven. Last year we were a beneficiary of the Home Slice Carnival of Pizza. And that was the 6th year they have conducted that. When I first became the director of this Austin Back Haven, which has -- bat cave, it's a writing and tutoring center for kids, ages 6 to 18, we provide free creative writing programs, in school and after school, and we do summer camps as well and they're free for the kids, their parents, the teachers. And when I first became the director about two years ago I sought out a relationship specifically with Home

slice. I'm acquainted with their owners from when I lived here and went to school but I also have been tracing the record of home slice and their ability to create community. And when you're part of a small struggling nonprofit organization, what you need is you need somebody to help you create community. It's where you find your stakeholders, it's where you find your volunteers, it's how, in the case of home slice, you gain some kind of street cred because home slice, everybody loves the pizza at home slice, and if you're lucky it's where you get free donations of pizza. And that's really what I went in there for. But what I got from them, actually, was overwhelming amount of support and advocacy. They've been our most enthusiastic cheerleaders. They've donated talent, skills, time, effort to our organization and into spreading the word about our organization. But as the direct are of a small nonprofit organization I can't just think of that huggie feely lovey-dovey stuff, I have to think about the bottom line as well, and last november with the carnival of pizza, home slice raised for austin back have over \$24,000. It's not the whole story. \$22,000 Is a fifth of our annual operating budget, and that's not even the entire story. B time the carnival came around, because of our lack of revenue and our inability to fundraise during the midst of a really bad recession, we had had to let go all of our staff, and I had been working for three and a half months unpaid, and it's without a doubt that without the carnival austin back have would not be an organization today, whereas today, because of the carnival, which acted kind of as a tipping point and led to much more fundraising success afterwards, we now have programs -- is that my time? that's your time.

>> We're awesome, is what it is. Thank you.

[Laughter] and it's all because of home slice. good summation there.

[Laughter] that's all the speakers that I have signed up against the appeal. If there's anyone else, now would be the time. In that case now we'll hear rebuttal from the appellant, and I believe mary ley is going to --

>> thank you, mr. mayor. I'll be very brief. I think this is a good example of how communications need to be better, because we've listened to a lot of arguments that really don't come down to outdoor music venues. We've listened to fantastic stories about donations to charities and wonderful events for families and things like that, and there's nothing to be against there. What we're against is the idea that home slice could become a regular outdoor music venue. If you're going to throw a big event, and as I've said, we're fine with the two events as they are, if you're going to throw a big event, you're going to put your stage in a different place, the neighborhood is fine with that. If you're going to have the ability to have multiple -- many events or continuous outdoor music performances and that's how it's worded in the permit, performances, so it's not clear that that's a giant event with a separate stage somewhere else, it makes it clear that you would put it back on the deck in stage area where it -- you know, where it appears in the -- in those drawings. That's what people are concerned about. And so we really would love a nice compromise here that I think suits both sides. We support live music, we support pizza, we support these causes. We just don't support regular music being played in the back, right next to residences. It just doesn't make any sense, and that's it. Thank you very much.

>> Thank you.

[Applause] council member martinez? is that all the speakers, mayor? those are all the speakers. I appreciate folks coming down and the concerns. You know, my staff has worked with the music department on this particular o and b request, and I think there has been tremendous compromise and i hardly would say that six events a year is a regular out of 365. And I think they're -- you know, there have been some compromises made on behalf of, you know, hours of operation. They're willing to continue to work. It's not like they're asking to play music every night or every saturday or every sunday. They're asking for four more than what currently exists. Four, out of 365 days. And I just -- I understand that there's concerns, but right now you can sit in front of that exact same house next door to home slice without any music playing and it's 120 decibels, because it's congress avenue. It doesn't mean that that gives anyone the right to play amplified sound whenever they want, but we do have a process and this is part of that process. I think we'll keep working on it. I think home slice has -- terry has said that she's willing to continue those conversations. I think that the request to allow amplified sound for six days out of the year, four more than what currently exists, is a very, very modest request. So I'm going to move that we deny the appeal. council member martinez moves to deny the appeal. Seconded by mayor pro tem. I'll just say that for me, you know, maybe it's because I'm an engineer by education, but to me the real question is how noisy is it, how much of a nuisance is it, and if that -- it -- in fact, it doesn't matter exactly where it is, but where you're sitting and listening to it, there are limitations on what that noise level can be, and those limitations are contained within the permit and within the ordinance and are enforceable. And I certainly will support, as much as I can, efforts to enforce the permit and enforce the ordinance, but that -- the issue of the number of minutes -- I fully agree with councilman martinez, six -- once every two months like this is not an onerous request, as far as I'm concerned. Council member morrison. I guess I have a question for staff about the permit. We're talking about events, and there's a limit on events in the permit, but the permit is actually for amplified sound. And they could actually have amplified sound. Is that true? They can actually have amplified sound?

>> That's correct. They have speakers that play background music while people are eating, and that's not considered a, quote, live event. so there's no limit on that?

>> There's not a limit on that. I think the performance of six live events is what they agreed to, so -- with this application.

>> Morrison: okay. So what I'm hearing is that there has been some work done on this, and i appreciate that, but I'm concerned that we haven't had the parties sit down at the table together, and it sounds like there's still some more room to possibly be able to bring folks a little bit back together, which I think -- a little closer together, which i think is really quite important in a situation like this, and from my perspective, once every other month is actually sort of a pretty regular thing, and so I think the difference between two and six is not trivial. So I want to make a substitute motion that we postpone this item until -- until our august 23 meeting and ask the parties to -- ask our staff to help and see if they could facilitate a meeting bringing the parties to the table at the same time, especially because I'm hearing that on both sides that there might be some room for further discussions. So that's my motion. motion to postpone until august 23 by council member morrison. There is a provision to ask for a postponement at the beginning of the hearing. I'm trying to find out if there's -- it is -- it is legal to postpone it at this point.

>> [Inaudible] all right. So as I understand it, if the postponement were to pass, we would not go through the public hearing process part of the appeal?

>> That's correct. As I understand it, the public hearing has been closed and council -- postponement at this point would simply be postponing for action, and there's not a right to a postponement, but if council chooses to do that, there's nothing to prohibit that. That would be my intent, to close the public hearing and certainly -- just motion to postpone, and we've already done the public -- it's not technically a public hearing, it's a process -- a special process for -- is there a second?

>> Tovo: I'll second that. Second second ed by council member tovo. and if I could speak to that. go ahead. , you know, I think what I heard from the -- Davis of the south river city citizens, was an agreement that -- that they could live with the two events that are currently going on, and it sounded Hanafin was open to that as well. So it seems to me that there is great benefit in getting the parties together and, you know, seeing what kinds of -- whether you can come to an agreement on that. I think -- it sound to me like there's already agreement on the number of events and I think there could be great good from having better communication among the different parties, and I think it would be to the neighbors' benefits -- long-term benefit as well as to home slice's, and I guess maybe just by a nod, I would like to see if the two parties would be -- would commit to having that discussion. I know that has been a bit of a challenge in the past. Hanifirk n, do you have a -- Hanifin -- please come to the microphone.

>> I'd like to stick with the six events, with the two large events we do and four other smaller events, so we would like to stick with that.

>> Tovo: I see. So that is a little different than what we heard earlier. In any case, I think there still would be a benefit of having a discussion and coming back on the 23rd.

>> Cole: mayor? mayor pro tem. I simply want to say that I'm supporting this motion and I understand Hanifin's commitment to stick to the six events, another four, and that still isn't enough for the live music we cherish in this city, but I do think the parties have made a good case. let me just say, I'm not going to support the motion to postpone. I believe there could be additional negotiations, but I believe the request is reasonable and conforms to the city ordinance, so I'm not going to support the postponement. mayor, I want to be clear I'm not supporting the motion to substitute.

>> Mayor Leffingwell: okay. Thank you. In that case we'll vote on the substitute motion first, which is to postpone until August 23. All in favor of that motion say aye.

>> Aye. opposed say no.

>> No.

>> Mayor Leffingwell: no. That motion fails on a vote of 2-4 with council members Riley, Martinez, myself and mayor pro tem voting no. That takes us to the main motion. And the main motion is to deny the appeal. Is there any further discussion on that? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 4-2 with council member spelman off the dais.

[Applause]

>> mayor leffingwell: mr. Gu gu ernsey?

>> Mayor and council, our next two items I think we could probably present together. 10, it's conduct a public hearing and consider an appeal by david whitworth on the decision of the residential design and compatibility commission, the rdcc, denying a modification request for 8% increase in allowable floor-to-area ratio, for a two-story duplex at 5502 jeff davis lane. 12 is conduct a public hearing and consider an appeal again by david whitworth, of a decision by the rdcc denying 6% increase in allowable floor-to-area ratio of a two-story duplex at 5504 jeff davis avenue. MR. john McDonald, development services manager for residential view is here to give you a very brief presentation and we can turn it over to the applicant. first, no questions for staff. In that case we'll hear a presentation -- you're the appellant? Oh, okay, I'm sorry, i misunderstood you. Go ahead.

>> Good evening, council MEMBERS, john McDonald with the residential review section. The appellant is seeking a request for an appeal for the modification waiver at two separate addresses for two separate duplex structures. About the only thing I have to add other than what greg has already stated is I've kind of summarized the background and basis of the appeal in that the appellant challenges the residential design and compatibility commission's decision to deny the increase in floor-to-area ratio based on four reasons alleged in their all right and summarized below. The residential design and compatibility commission did not rule on the specific waiver request. The residential design and compatibility commission misinterpreted the character of the area. There was zero opposition to the modification waiver request, and the residential design and compatibility commission based its decision on the b on. A -- I'm sorry, the board of adjustment guidelines. The appellant requests the residential design and compatibility commission's decision be overturned. The appellant requested that council grant the modification request to build a two-story duplex at 8% increase in floor-to-area ratio.

>> Mayor leffingwell: okay. Before we go on with the rest of the hearing, I'm going to ask if there are any requests for postponement or issues of standing to be raised here. Seeing none, we'll go to a presentation by the appellant. Is the appellant or the appellant's representative here? You are. Okay. So give us your name and you'll have up to ten minutes.

>> Good evening, council. My name is david whitworth. I'm an end field builder in central austin, and this project is two adjacent lots. We resubdivided one lot into two lots. We're building a duplex on each lot with a central drive up the middle. I originally set out on this project to build some affordable homes. The -- right now I have a single-family project going highland village, very easy to do. But these affordable homes are very difficult to do, and I think that's the point of concern, but I already actually have a building permit for this project. My original -- let's go ahead and go to site layout, if you can. Okay. So this is two adjacent duplexes with a central

drive up the middle, and the request to rdcc was for -- you can see currently we have it permitted as a garage and a carport. The carport is nearest to the street. The reason we had to do that is because these are modest 1400-square-foot, three bedroom duplex units, and the way that the code was written was not -- I always thought it was inequitable to duplexes from the get-go. You're only allowed one single-car garage for a DUPLEX UNDER the McMansion ordinance, even though there are two sides to a duplex. So it creates a hardship on these affordable -- this affordable product. So my request to rdcc was, can I have one additional 200-square-foot parking exemption waiver since this is a duplex, and it's a duplex on a 7,000-square-foot lot, which is a little bit over 7,000, but it's on the smaller end. We're trying to be efficient, creative and think outside the box to provide these homes in about the 300 range. For a new home that's pretty good in central austin. If you go -- and so when i originally went to rdcc i had zero opposition, numerous letters in support from the neighbors. Two of the previous neighborhood presidents, don layton burrwell and -- oh, my gosh, I'm forgetting his name -- rich broth, they both -- I sent it to them because now they're on notification group and board -- another committee in the neighborhood association, they both said, it's not on their radar. Don actually said, I like you have the garages facing inward. And so I went to rdcc with support from two previous neighborhood presidents, zero opposition, and the -- so let's go to the aerial photos. And so I think first of all the area character was misinterpreted. If you look at this, we're right there at the intersection of koenig lane and burnet road. Jeff davis is a very short street that connects from koenig straight down to basically the intersection of burnet and north loop. Within those three blocks i counted on jeff davis on my block that out of 46 properties, 27 of them are duplexes or two-family homes and 19 are single-family. This was never a planned development, not like hyde park. You know, we all know the history of hyde park, monroe shiep planned it as a higher residential enclave and it didn't work out exactly that way, but a hundred years later it kind of higher -- echelon residential enclave now. But this neighborhood was -- there's at least three or four subdivision -- original plats within this little area. I actually had dinner one evening with the wilson who did a little subdivision at the top originally -- or platted it originally. There's homes -- there's bungalows, there's ranch. It was all built in diffe eras. Some homes were moved in from other neighborhoods, so it's always been eclectic, varied, vibrant, and now this is the heart, the center of austin, a lot of local iconic businesses up and down burnet road there, transit. People can walk out or ride their bikes to the capital metro a block away on burnet road or go have dinner and ice cream at amy's ice cream. But as far as the misinterpretation of the character, within a 500-foot radius out of 77 properties, 21 of them are over 40% far the -- so let's go ahead and skip to the next page. I'm kind of zooming in. Just go to the second page of this pdf. So we zoom in, that little a is the spot. Zoom in again -- or go to the third page. Go to the fourth page. Now we're getting to aerial image and we keep zooming in, but you can see where two properties away from the burnet road corridor there's lots of multi-family, commercial -- go to the next page, and then so that is the original structure. It was a condemned property that we demolished as part of this project. That property on the corner is an apartment complex next door to this duplex project. Go to the next page. And then that's just the jeff -- jeff davis, but we won't go through and pick out all the duplexes. But the -- so as far as the -- I don't think that they really had the neighborhood character right. This is a great area, a vibrant, exciting area. It's not cookie cutter at all. The rdcc did not rule on my specific waiver request, which is strictly -- this is only about can we add a garage door to a carport. We already have it permitted exactly how it's going to be built. We just want to put a carport, and I think that that will help the front elevation. Instead of seeing a car parked in the carport now, we can put siding and a window and do a front

elevation treatment to give it a better feel from the street. You know, it was a 40-minute agenda item at rdcc. We talked about super duplexes. We talked about all kinds of things except for what does adding a garage door mean in terms of design, functionality, you know, somebody who rides a bicycle can keep their bike in their single car garage in this area. And I think people shopping in the 300 range deserve that. I think that it's reasonable. And zero opposition I spoke about. And then the rdcc, they're kind of going with boa, board of adjustment guidelines. You know, there's a request for proving that it's unique and a hardship. And I don't know -- if it's about compatibility, and in this case zero opposition and support from, you know, neighborhood presidents being okay with it. They could actually have approved this here and then deny it somewhere else. If it's compatible it's compatible. If it's not compatible it's not compatible. And I think that's the basic idea. I have a lot of information on that jump drive if you all have questions, I'm happy to answer. I'm sure there's technicalities involved here that I'm not aware of, but I'm understanding that you're -- the only reason for this increase in floor-to-area 8%, is adding a garage door? Door.

>> Yes. would you care to explain how that adds far?

>> the McMansion ordinance, it grants you one 200-square-foot parking waiver exemption per lot, and that's the size of a single car garage. So in the case of a duplex you still only get one single car garage worth of parking exemption. So what we had to do was permit it as one side gets a garage and one side gets a carport. Once -- the carport does not count against your square footage, but once we put a garage door on it we either go slightly above floor-to-area ratio or we have to take that 200-square-foot out of these two modest units and they're three bedroom, 1400-square-foot, that would require a hundred-square-foot a side, which is basically a bedroom a side -- the reality is there's no increase in impervious cover, there's no increase in living space; is that correct?

>> The only -- this case, if it is overturned, the only thing that happens -- we're already under construction. We have a permit. All we're going to do is add a garage door to a carpet in the design. but confirm that, there's no increase in living space, no increase in impervious cover --

>> no increase in impervious cover, no increase in living space. Strictly we want to put a garage door and enclose the side. And I have elevations. I imagine somebody wants to see elevations but --

>> mayor leffingwell: okay. Thank you.

>> Sure. i don't have any speakers that are signed up in favor of the appeal, so we'll go to those signed up against the appeal, and we have one speaker, karen mcgraw. Sir? Thank you. You have three minutes -- excuse me, are you representing the respondent?

>> I'm karen mcgraw, I'm the vice chairman of the rdcc voluntarily here to try to clarify some things about the case. well, I'm trying to find out if you're representing the respondent, you get ten minutes. If you're not, you get three.

>> Who is the respondent? I'm sorry, I'm a little confused. we'll give ut benefit of the doubt and consider you -- you the benefit of the doubt and give you ten minutes.

>> I'm karen mcgraw, I'm the vice chairman of the residential design and compatibility commission. I would like to explain some things about this case because not all of you sat through every minute of McMANSION. I know council member morrison remembers all of this quite well, but I do want to remind you of a few things, and one is we are -- we're established to help try to kind of straighten out things with the McMANSION ORDINANCE, Because it was a new ordinance, and so we actually did a really good job a couple years after it went into effect of straightening ow many, many -- out many, many things that were coming to us and coming to staff, and we haven't had nearly as many issues with it since 2008. One of the things too is because people come to us, we do not require a hardship like the board of adjustment does. This is completely a privilege, and it's based on design incompatibility. What we're looking for is someone has disun excellent work in design and in -- done excellent work in design and compatibility in order to be rewarded. So this is not about hardship. And it does require good design. whitworth emailed maybe all of us, and said, well, this one garage per duplex is wrong. I'M SURE the McMansion task force made a mistake, and we did not make a mistake. When we were deliberating McMANSION, WE WERE TRYING To incentivize putting garages on the back. We were getting many, many large buildings completely fronted with garages, and the prevailing character of the central city is not garages on the front, and that was really making a difference in our neighborhoods. AND SO the McMansion task force tried to incentivize having that garage to the back, separated from the building. The other part of that is when you put a garage in a building, it adds bulk to the building and we were very focused on bulk. So we were trying to get those garages out of the buildings to rud the bulk in buildings -- reduce the bulk in buildings. As a compromise toward the end of all that deliberation it was agreed there could be one, one-car garage of 200 square feet per site allowed to be exempted from the floor-to-area ratio that's permitted. So we did that per site, and we did not do that for dwelling unit because we didn't want to incentivize duplexes either. So there was a very good reason for that one per site. It was not an oversight, it was not a mistake. It was very intentional. When we got this project -- and we did explain to the applicant very clearly that this was not a mistake. We were looking for really good design, and on this street I went and looked at jeff davis street and there are many, many large buildings, great big lots here, and while some of them have front parking, by and large they are not a front sea of cars and concrete. And what we saw here was not excellent design, and this is right when you pull into the street. We have a similar street in hyde park. You pull in, here's two duplexes, a sea of concrete. You're forever going to remember that as the gateway to the street. So we didn't feel like this -- this sort of tipped the scale in the negative side of the streetscape instead of the positive side, and I think with some better design he wouldn't have these garages on the front, and all he's trying to do is say, let me add 200 square feet of fir to my project so I can put a garage door on there. But it really goes a lot farther than that in that you could designed it differently. You could have pushed those garage to the back, but the reason people put garages on the front is to use much more of the lot for the house. They don't want to divert any of their impervious cover to pushing those garages to the back. So I think what we were really looking for was a better streetscape design and what it comes down to is, are you going to reward this kind of design that you feel is not really positive for the street. And so I know while it's been presented to you as this is about a garage door, it's not about a garage door. It's about the design of the project and how do you design a really good project that adds to the

street in order to be rewarded with a waiver for additional square footage. And that's really what this is about. I think there are apartment complexes and condos, but these are not on this block. They're by and large on houston street and on the block across houston. This street is large lots, houses, duplexes. That's fine. There's no issue with the duplex. We have no issue with this being a duplex. I hope I've cleared some of these things up. I'd be happy to try to answer any questions if i haven't. Questi questi ons, council member tovo?

>> Tovo: just a quick one. Thank you for being here to offer that additional detail about this case. What was the vote at your commission?

>> We had four members present that night. It was 4-0.

>> Tovo: okay. so it was a you unanimous decision?

>> Yes.

>> Thank you. thank you for being here. I have a question. Sometimes we hear the reason why a developer doesn't want to put the garage in back is because of the impervious cover that would be required by the driveway to get the car all the way back there. Have you heard that as well? Is that --

>> sure. I think -- yeah. just a question about that. Is that something that -- if we were able to use pervious pavers for driveways, would that help that haul? I know there have been concerns about whether pervious pavers are really pervious but would that be a potential way of addressing this?

>> It might be. You probably noticed the last ten years everybody uses runners now. There are no solid driveways in austin anymore. They're all runners, but that cuts your pervious cover in half for a driveway. I jack hammered up a lovely 90-foot driveway at my house one time. you haven't been seeing many people put the garage in back? Has that been a real issue?

>> Right. you've been seeing a lot of the garages placed in front because of the impervious cover?

>> Well, we see that some, and I think a lot on speculative more than anything else, more than a homeowner situation, and i think this street would be enhanced with a better design. So it was just not something we wanted to reward.

>> Riley: thanks.

>> Mayor leffingwell: okay. You have three minutes.

>> Thank you. Rebutt rebutt al time, from the appellant. appellant, are you still here? You have three minutes rebuttal time.

>> The -- so I guess the first question is that it was 4-0 at rdcc. I wish the other three had shown up, believe me. William burkhart seemed to be on the fence. Karen -- you know, karen wrote these things. Basically the lakers are the the -- the lawmakers are the enforcers and the people who come and speak against you at city council. So I never was going to get karen's -- she doesn't like duplexes. I don't think she believes in -- so it was unanimous. Unfortunately they weren't all there. The question about pavers, when pavers are under a driveway they're impervious, and so it's a real hardship to try to push the garages all the way to the back when we used to -- at the same TIME WHEN the McMansion ordinance passed, the duplex code was revised. You can't connect a duplex by garages anymore. Ideally we used to put the garages in the middle, connect the duplexes that way and then you got them off the street. And I used to build them that way. But we can't because you can't connect them by carports and breeze ways, one, two, the party wall rule. You have to have joint wall perpendicular to the street for 50% the depth of the property. So it's not possible to connect -- to put the garages in the middle anymore. It's either at the front or it's at the back. And the back poses impervious cover problems, and, you know, during the hearing karen said she didn't want to hear about impervious cover. She said this is about design. You can't ignore the parameters when you're designing. But the -- I don't think that allowing a single car garage per side of a duplex would be incentivizing duplexes. I think allowing one garage for a duplex is disincentivizing duplexes. The -- we have some pictures up, I guess we might as well stroll down the street a little bit. I lived in this neighborhood one street over. I know this area very well. So this was the property that was there on the site where I'm building. It has a driveway up each side. It was a duplex, but it was condemned and the code enforcement -- all the things that needed to be fixed were too much. It had to be demolished. I paid the fine for the previous owner. Go to the next picture. That's next door. Next picture. That's the apartment complex next door on the other side. Next picture. That's directly across the street is an older idea of a duplex. Next picture. And that's it. Before this hearing closes, the -- the -- I originally requested from rdcc in my application an additional 200-square-foot parking waiver per side. Somewhere along the way it got calculated incorrectly, and before this rounds up if we could get that straight. thank you.

>> Thank you. so so the motion is on the appeal of the residential design compatibility commission to deny the modification, so as was previously stated, you can grant the appeal, which would have the result of overturning the rdcc decision, or you can deny the appeal, which would uphold their decision and deny the request, or a modification would also be in order. So council members? Council member tovo? mayor, I move to deny the appeal and to uphold the decision of the residential design and compatibility commission.

>> Cole: I'll second. council memb moves to deny the appeal and a second is by the mayor pro tem. Further discussion? Council member riley. this is -- strikes me as just a matter of applying the terms of the McMANSION ORDINANCE, AND I wentworth has raised some concerns about the way that ordinance is written and those are legitimate concerns that could be considered by way of code amendment process, but I don't feel it would be appropriate to essentially amend the code by way of appeals in specific cases, which is -- and I'm afraid that's what we would essentially be doing if we started granting appeals routinely to terms. So I would encourage you to the extent you'd like to see revisions to the ordinance, to undertake -- to pursue that with -- with the planning commission, but i feel the ordinance seems pretty plain, especially as explained by mismcgraw. So I'm going to support the motion.

>> Flush. I'll just say that I'm sort of in the same boat. However, I think this is -- it's too bad that the ordinance reads this way and I think it ought to be changed because I think what the applicant has asked for is actually an improvement in the property that would benefit the appearance of it, the utility of it, all those factors. I just -- I don't understand if the code was deliberately written that way, to have only one carport, why they want they decided they wanted passersby to look in and see your oil cans and lawn mowers and your rakes, I don't know, but I would certainly like to revisit that aspect of the McMANSION ORDINANCE AT Some point. Council member morrison?

>> Morrison: thank you. I'm going to support the motion too and having been ON the McMansion task force, I do want to just wre mind folks that it was a carefully crafted compromise. It was about managing bulk and it wasn't about wanting to -- you know, wanting people to see inside your garage. And so if we're going to revisit that, we got to revisit everything. So I just want to caution us to be very careful about that. all in favor of the motion to deny say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-0, council member spelman off the dais. And so we have a similar request, 121 to follow. You can make your own decision about that. We won't be able to hear it until after our break, which we will start right now, basically for live music and proclamations. Without objection we're in recess. Test test test test test test.

>> test test test test.

>> Test test okay, folks, it's time for live music at the austin city council, a long-standing tradition in this the live music capital of the world, and we know that's the case because the council declared it to be so in 1991. Tonight we have a rare treat, a 17-year-old filledder, ruby jane -- fiddler, ruby jane.

[Cheers and applause] she plays -- she plays an americana mix of bluegrass, jazz and blues and she's the youngest ever to play on the grand ole opry.

[Applause] she's complete competed in dozens of prestigious music competition and performed with many grew grass greats, mardy stewart, rhonda grace, queen of blue grace, mike schneider, jim brock, james monroe, carl jackson and many others. She has toured with local greats, our own willie nelson, and asleep at the wheel, and she fronted her own band at lollapalooza at the austin city festival. Please welcome ruby jane.

[Applause]

[ 🎵 music playing 🎵 ]

[ 🎵 music playing 🎵 ] lollapalooza lollapalooza

[ ♪♪ music playing ♪♪ ]

[ ♪♪ music playing ♪♪ ]

[applause]

[applause]

[cheers and applause] not bad for a youngster, huh?

[Laughter] all right. So you get a chance to plug your music, plug your act, tell us a little bit about where folks can buy your music, where you're going to be performing, all of that stuff.

>> You can come -- thank you, guys, by the way, so much for coming out, and this is trevor on the guitar.

[Cheers and applause] well, I love austin, and this is my second ruby jane day. I think the first one came about three or four years ago, and we've been in austin about five years now, and since we've been here it's been an absolute amazing community and gotten to play with some extraordinary people, and started working on my music and my cd and I actually have a brand-new cd that just came out about a month and a half ago, and we have some for sale here if you all are interested. We did bring some cds. And it's also available on itunes, it's called celebrities, and it's also available at waterloo. So if you want to check that out. Please come see us soon at a show. Our next show is on the 19th at gruene hall out in new braunfels, it's an awesome band with drums and I sing and play guitar and write and all sorts of fun stuff. We also have a web site, org and facebook and twitter and all that. Thank you guys so much for coming, and for supporting me. Thank you. good marketing skills too.

[Applause] okay. I didn't know this was your second, but you get to keep it anyway. It's probably very similar to the first. Be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends to virtually every musical genre, and whereas our music scene thrives because austin audiences support good music produced by legends, local favorites and newcomers alike, and whereas we're pleased to showcase and support our local artists. Now, therefore, i, lee leffingwell, mayor of the live music capital of the world, do hereby proclaim august 2, 2012 as ruby jane day in austin, texas. So congratulations once again.

[Cheers and applause] so now we have a proclamation in honor of the 22nd birthday of the ada, and I think this is kind of a coincidence in that the person accepting the award, tanya winters, just got appointed to the -- reappointed to the commission today. And congratulations.

[Applause]

>> thank you. and i should have added that the nominee for her appointment was myself. So I'm very proud to have her in this organization. I've been proud to support the ada, actually the mayor's committee for people with disabilities ever since I've been here, and I'm especially proud because i remember a few years ago, right after I was mayor, we were going through the process

of realigning all of our boards and commissions, and we decided, well, it's not really the mayor's committee, it's the whole city's committee, and so we -- once that word got out -- I believe it was norm came to me himself and say, no, we don't want that. We want this to be the mayor's committee for people with disabilities, and so we said okay. And so it is today. The proclamation reads as follows. Be it known that whereas on July 26, 1990, the Americans with Disabilities Act was signed into law expanding civil rights protections for an estimated 57 million Americans with disabilities and creating a second Independence Day to celebrate equality of opportunity for all Americans, and whereas we recognize that citizens with disabilities have a right to full participation in the social, cultural and economic activities of our city, and that they in turn support our community and contribute to our economy, and whereas, accessibility -- accessibility for and inclusion of citizens with disabilities is a core value for all city programs and services, thus offering more opportunities and an enhanced quality of life for everyone in Austin. And whereas Austin is home to many outstanding business leaders whom we recognize today for opening their doors to customers with disabilities. Now, therefore, I, Lee Leffingwell, Mayor of the City of Austin, Texas, do call on all citizens to reaffirm our commitment to full implementation of the ADA and do hereby recognize the year 2012 as the ADA's 22nd anniversary in Austin, Texas. Congratulations to all of you, Tanya.

[Applause]

>> thank yo.

>> Mayor, Leffingwell, thank you for this proclamation on behalf of the Mayor's Committee for People with Disabilities, and for your continued dedication and support of Austinites with disabilities. I would also like to thank my ADA assessment team, Commissioner Norman Kikia and his crew of volunteers. Thank you so much for your hard work. The Austin Access --

[applause]

>> The Austin Access Award strives to recognize businesses that are working toward full compliance of Texas accessibility laws. In celebration of the ADA, the city wishes to award these business winners for their welcoming an inclusive attitude towards people with disabilities. We recognize the winners for their leadership and commitment to upholding the spirit of the Americans with Disabilities Act, which we often regard as our second -- as our nation's second Independence Day. At this time I would like to present the awards. First, some of our winners were not able to join us tonight. They are Casto on William Canon, Cafe Express, Lupe Tortilla, Firestone on North Mopac, and Fire House Subs on William Canon. Oh, you're here. Okay. Yea. Okay. So --

[applause] Let's congratulate our winners who are here today. When I call your name please come down to receive your commendations. And have your picture taken with Mayor Leffingwell. You are welcome to say a few words. Fire House Subs on William Canon, Vicki Enco.

[Applause] Congra congra tulations. Thank you.

>> I would just like to say on behalf of firehouse subs, I thank you, mayor -- and to the committee for folks with disabilities, this is such an honor, especially on the anniversary. We really appreciate this honor and I just want to say thank you to everyone. Thank you so much. We appreciate it.

[Applause]

>> hedgecokk dental, howie robinson.

[Applause]

>> hi.

>> I'm ellie from hedgecock dental. I'm a dental assistant and i wanted to say thank you so much to everybody on the committee for giving us this award. It's completely an honor, and we're so happy that we can serve our community in such a great way and thanks again.

[Applause]

>> university federal credit union on parmer lane, terry paige and tom artist.

[Applause]

>> on behalf of ufcu, I just want to say that we are very honored to receive this award. We make it a goal to provide easy access and superior service to all that we serve, including people with disabilities. Thank you very much.

[Applause]

>> thank you to all of our winners.

[Applause]

[one moment, please, for ] applause.

>> Mayor Leffingwell: Joseph bousquet, are you here, joseph? I think he's -- I think he is. How are you joseph? Absolutely, bring all of your friends. All kinds of people showing up here.

[Laughter] are we going to have a demonstration? I thank all of you for coming out tonight to honor joseph on the occasion of his celebration of 25 years of distinguished service. Bittersweet occasion for -- I'm sure it's sweet for joseph who gets to enjoy a qualified retirement at this point and it's a bitter occasion for the city of austin because we lose another fine employee who has given us many years of fine service. We want to recognize that service with this distinguished service award. For more than 25 years of dedicated service to the citizens of austin, first as a member of the austin emergency medical service and then the austin-travis county ems system joseph bousquet is deserving of public acclaim and his career has been marked by dedication and

they vision to be trusted by our community, employees and partners as a clinic provider of choice. Joseph's leadership has instrumental in strengthening the bonds within our community and bringing an enhanced sense of professionalism to emergency medical services. This certificate is presented with our admiration and appreciation of joseph's exemplary service to our community, the second day of august, the year 2012. By the city council of austin, texas, signed by myself, mayor lee leffingwell. Congratulations, joseph. And many happy returns.

[Applause]

>> I want to thank all of my friends for coming here today. And I want to say that the city of austin has -- is a great employer. It's -- I've enjoyed 25 years of stimulation, of fun, of doing good work. When I came to work for austin, the city of austin ems, it was called then, we had a budget of \$5 million a year and I see we're presenting a budget for this year of over \$50 million and so we've grown 10 fold in what we're providing to the citizens of travis county, better service than ever. When I first came to work with the city of austin ems, we had a handful of very dedicated and professional paramedics working for us. Only four paramedic stations and half a dozen basic life support stations and now we've got -- 30 or 40? I don't know, it varies day by day depending on what we need. The city has provided me lots of opportunities to serve in various ways, to do volunteer work with the public and my fellow workers and serve on committees to make our service better and make the city a better place to live and so you say, if it's so wonderful, why do you want to leave? People ask me that? Well, maybe it's just time to give someone else a chance to enjoy how great it is. I want to thank you and it's been a great trip and somebody else's turn now.

[Applause]

>> Mayor Leffingwell: I have to add, I remember one retirement ceremony like this, where had so many folks come out to honor the retiree and said so many nice things about him and he said, well, if I had known you liked me that much, I wouldn't have retired.

[Laughter]

>> that's the way it works.

[Applause]

>> Mayor Leffingwell: And you are dr. mary mcmain?

>> Yes.

>> Mayor Leffingwell: Thanks for coming. Once again it's my privilege here in the council chambers to honor local people who render a great service to our community. This proclamation is in honor of people who work with other people in our city who have developmental problems due to vision problems. I think -- if you want to correct me on that. Please, don't be embarrassed to do so. So I have a proclamation in your honor which reads as follows: Be it known that whereas, children are preparing for the start of another school year, but many, up to 25% will

begin their studies with undiagnosed and untreated vision problems. And whereas, traditional eye exams will not diagnose the problems experienced that children who have trouble with their reading vision, causing them to skip or reread lines, to have poor reading comprehension, to take a longer than -- take longer than siblings to do homework. To reverse letters when reading and writing, or to have a short attention span when reading or doing homework. And whereas, developmental optometrists can test vision problems, and families are encouraged to see their children's eyes and visual skills are checked so they can learn and achieve their full potential in school. Therefore, I mayor lee leffingwell, mayor of the city of city of austin, proclaim august 2012 as vision is for learning month in austin, texas. Congratulations and thank you again. And I noticed I was having a little problem reading this, maybe I need to stop by. So -

>> come on by.

>> Would you like to say a couple words?

[Applause]

>> on behalf of stars in your eyes and the children of austin, mayor, for proclaiming august as children's vision and learning month to help educate our city's parents and educators will about the link between vision and learning. Governor rick perry has also recently signed a proclamation raising the awareness throughout texas. There's a call to action by the college of optometrists and vision development, a nonprofit organization to all state representatives to join you in this effort to get this message out nationwide. Texas is as early as 1983 has recognized the important relationship between vision and the learning process and now mandating vision screening for all texas school aged children. However, while most schools and parents assumed they have ruled out vision problems if the children pass the screening currently, only detecting approximately 5% of the actual vision problems. 20/20 Eyesight is not enough. There are over 17 other visual skills required for success in the classroom. One out of four children struggle because of undiagnosed vision problems and in problem learners, this increases to three out of four. Children with vision-related learning problems can be misdiagnosed as dyslexic or add or other things. This impacts our community as it's been linked to juvenile delinquency and illiteracy. Children should receive comprehensive vision exams at six months, three years odd, before school begins and yearly thereafter. The diagnosis and treatment that interfere with reading and learning is best performed by developmental optometrists. There are several in austin, including stars in your eyes, that provide these services. Stars in your eyes has five doctors and three locations and we make it our mission to provide comprehensive vision care to all family members. Because of the importance of early detection, stars in your eyes wants you to know we're also part of the infant see approximate. That provides a comprehensive vision exam to any infant before they reach their first birthday. In recognition of vision is for learning, we're providing a functional during our open house august 17th and the training center and a back to school special on eyeglasses. You can visit our website at [starsinyoureyes.com](http://starsinyoureyes.com). mayor for the proclamation.

>> Mayor Leffingwell: Take a picture?

[Applause]

>> come on up. There are times when my dad would say, I'm so glad to see you because you're my favorite daughter. And I would say, "I'm your only "

[laughter] I will say today these are my favorite group of men, the lions club and hope known else is listens -- hope no one else is listening. Be it known, whereas the austin capital city lions club was chartered in 1967 with 56 community-minded men initiated into lionism and whereas the club members have made countless contribution to worthy causes through their projects and fundraising activities including providing eyeglasses for needy austin students, supporting youth sports leagues, providing health screening and awarding scholarships to name a few. And whereas, the capital city lions' members have served in many lion's organizations and district leadership roles and the club was one of the first to sponsor an affiliated lioness club. And we're pleased to recognize the capital city lions on their 45th anniversary and thank them for their continued support. I, mayor lee leffingwell, mayor of austin, do proclaim august 11th as austin capital city lion

[applause]

>> mayor pro tem sheryl cole, thank you very much and leffingwell and members of the city council and all those responsible for making it possible for us to receive this proclamation this evening. Thank you very much. I present now the president of the capital city lion club who will now make a few statements and give appreciation for the proclamation. Lion mcclure.

[Applause]

>> thank you, lion charles. The mayor and mayor pro tem cole and other council members, for this ordinance that we have this evening. It's indeed a pleasure to be here this evening in the midst of the city council. And especially to be honored with the presentation of the proclamation that you have for us. We look forward to coming before you each five years. The capital city lions club has been a busy club of since our inception in 1967, we're proud to live out the meaning of the motto, which is we serve and we do that by providing services to those in need in the community. I'd like to briefly introduce those persons who are with us. Lion charles akins, you've met. Lion charles and I are two of the remaining charter members of the club for the past 45 years since its inception.

[Applause] the very outstanding austinite and one who served as our president 10 different times since inception. And that is lion walker. And then we have another outstanding austin citizen, lion marvin douglas, who has also served as president of our club. And then we have a newcomer who's been with us for a few years, lion jerry williams.

[Applause] again, we thank you for this honor this evening. And aif it is god's will, I pray it is, that he will allow us to come before you again five years from now where you may be able to honor us again. Thank you very much.

[Applause]

>> Morrison: Hope, everyone. So we're here to recognize and celebrate breastfeeding awareness month and I'm always delighted to get to do this and I've done this before when there were 100 breastfeeding moms in the audience. Especially as our understanding and awareness how important health and eating is and, you know, the health impacts and the cost impacts and everything, that certainly breastfeeding, i think, can only be rising in importance and all the more awareness we can bring to it. Especially, I was thinking now with our -- sort of our eat local campaign, breastfeeding has even more meaning. Anyways, I'm very happy to be here today.

[Laughter] I love telling breastfeeding jokes on tv. Anyway --

[laughter] -- we have a proclamation I'm going to present to -- make sure I get your last name. Donna sundstrom. Be it known that breastfeeding has health benefits providing immunities and optimal nutrition to nursing infants and protects the mother and infant from a host of chronic and acute diseases and conditions leading to life long health benefits and breastfeeding moms rely on fingertip resources and the online community to decide whether to begin or -- and detective -- is that an i, wick has responded with com and the breast milk app for the iphone. And ways to support the breastfeeding mom and their babies by connecting, sharing and collaborating and partnering with breastfeeding supporters and I mayor lee leffingwell, mayor of the city of austin do hereby crow claim august 2012 as breastfeeding month in austin. Thank you very much for your work, donna.

[Applause]

>> thank you, council member laura morrison for joining us, and the community in celebrating world breastfeeding month. This year's theme is connecting communities and strengthening the support for breastfeeding moms which is so critical since breastfeeding is extremely important and the benefits that it provides for the mom and baby that lasts a lifetime. Yesterday the cdc published the 2012 breastfeeding report card and we're despited to announce that texas rates improved 80% and surpassed the national initiation rate and here in our wic program, our initiation rate is at 90%. We're extremely proud of those and there's still work to be done. The healthy people 2020 objectives for breastfeeding are 82% initiation, 61% breastfeeding at six months, and 34% at one year. Each of us in the community has an opportunity and a responsibility in supporting breastfeeding mothers and that includes the workplace. More than half of new mothers that return to work are unable to reach their breastfeeding goals so we encourage businesses to become designated as mother-friendly work sites. Businesses that have become breastfeeding supportive work sites has shown increased employee retention and lower absenteeism and lowers healthcare costs. It makes business sense. To find out more information about you can go to [texasmotherfriendly.org](http://texasmotherfriendly.org). And I encourage the entire austin community in supporting the mom, in the hospital, the home and workplace and in the public the other key websites you can find information is [breastmilkcounts.org](http://breastmilkcounts.org). We'd like to invite you to join some events and through our community partners and wic program. At wic, we have mom-to-mom at the african-american harvest 00 to and hosting fairs throughout the month of august so you can check out it out at for those locations and AUGUST 4th, AT MAMA SCENTS AT 10:30 A.M., AUGUST 8th, MILK Banking awareness concert at 38th and lamar. AUGUST 14th, MOTHER'S MILK Bank night, at the movie, AUGUST 15th, MOTHERS MILK BANK Breastfeeding support group, the breast connection. From 6:00 to 7:30. WEEK OF AUGUST

20th, HOSTING Daily milk ran cookies you so you can get a tour and august 28, shop for our cause. and a lot of community work is being done out there, I want to recognize the staff behind me, we have austin with the health and human services department, and works with the community transformation grant. And then we have --

[applause] -- angela the breastfeeding coordinator with the wic program here in austin.

[Applause] and we have gail fresh who works as a lactation consultant. So thank you all.

>> Next we have the sos to celebrate the 20th anniversary. I think some folks will be joining me up here. Big people and little people. And by little people, I was not referring to barb. Hi, guys. 20 Years ago, there was a watershed event that made a -- that's probably not the first time anyone has said that. A watershed event that really changed the face of this city and it is an example, a spectacular example of people standing up and working to make sure that we actually live our lives in this city according to the values that we have. So we're here to recognize that work and I have a proclamation that I'm going to be presenting to you be it known, that WHEREAS, ON AUGUST 8th, 1992, Austin voters overwhelmingly approved an ordinance written and petitioned for by the save our springs coalition. And whereas, over the past two decades. Progress has been made to protect barton springs and the aquifer but because 60% of it remains undeveloped and unprotected much work needs to be done to make sure that these water source sources are protected in the future. Whereas, the city is offering -- make note -- a free swim day at barton springs pool on AUGUST 8th, 2012. I mayor lee leffingwell do proclaim august 8, 2012 as save our springs day in austin. Thank you all for your work.

[Applause]

>> thank you. Thank you so much, council member morrison. It's truly heartening to see you so frequently down at the springs with your kick board and enjoying this incredible national treasure we have in the heart of the city. The springs that really gave birth to austin and continues to sustain us. It was an credible community effort 20 years ago. It was truly a citizen uprising with participation from everybody across the entire spectrum of the community. East, west, north and south. Rich, poor, in between. The number of volunteers and groups that participated are really too many to enumerate. But -- and so I won't.

[Laughter] but I do want to invite everybody out to the celebrations we're hosting at the springs next tuesday evening, on the south side on the robert e. lee side. From 5:30 to 10:00. We'll have live music with a minor mishap marching band. Eliza gilkinson and others and a documentary fee, "common ground" will be screened and some campaign footage also from the campaign itself. And as lara proclaimed, it's free swimming the next day, WEDNESDAY, THE 8th, AND WE'LL Have teaching sessions during the day on the back side, under the big pecan trees. So please come out and join us, learn about the springs and embrace the springs and bring your towel and swimsuit. It's really not that cold. Especially when it's this hot. So thank you again so much, council member morrison and thank you to the 46,246 voters who said "yes" to saving barton springs 20 years ago. We still have work to do. Thank you.

[Applause]

>> Morrison: Thank you, bill, i want to mention we're joined up here by roy wayly, barba and -- who have been around for 20 years or more and still working. Thanks, guys.

[Applause]

>> Morrison: We have one more item anthem then we'll be able to get moving. One more item and then we'll get moving. Bobbie, can you join me down here, please? And barb and -- we have some other folks, everyone is welcome to come, if they like.

[Applause] some of you know bobbie who is on my staff and I think a lot of you know that we're losing him. Tomorrow is his last day. He's going to law school at smu. And he didn't want us to do anything, but we have to. We have to recognize the -- everything he's brought to the city of austin in the seven years of service. At city hall. I think that a lot of people know him as a land use whiz and that's absolutely true. He's the go-to guy for many people in this community and many more people who don't know about him yet, say he would have been because as soon as people discover him, he certainly knows his way around city government and he has an extraordinary worketh thick and expertise and can craft a resolution at the drop of a hat. Propose a improvement to the code at the drop of a hat and has done that many times. I personally met bobbie many years ago when I was a advocate in the community and he was working for jennifer kim and i think I had the experience that many have, why he's such a popular guy around city hall. And that is that, you know, working with bobbie as a community person, I got to learn to actually trust some people in city government which is always a good thing and he helped me learn to get around and helped frankly to empower me, and he's really been on the ground empowering our community all along. As I mentioned, he was working here at city hall. Worked for jennifer kim for several years as her policy aide and worked with the zoning department and we've got some of his old bosses here and I've been very fortunate to have him on my staff for four years and i have to say personally for me, I've had a lot of working colleagues and working relationships in my life and working with bobbie has been one of the most delightful and productive working relationships I've had. He's brought so much to -- certainly, to my tenure as a council member, and I think everybody knows that bobbie is a very special person and for me, a very special friend. So we're going to miss him. And barb is here, and she won't talk -- because she'll cry -- but she's says, "i love my " and we have a distinguished service award for you, bobbie, and then a couple of other folks wants to speak. So here's the award. And you'll see that it's got very small font because we had to write a lot. But I can't read it so I have it in big font here. It says distinguished service award. This certificate is presented to bobbie in recognition of seven years of dedicated service to the city of austin and the residents of our community. Bobbie is brilliant, palings passionate the, committed, unassuming, kind hearted, funny, clever, tough, ethical, resourceful, remarkable, that gnashes, respected and has an -- tenacios. He started at the city at the youth age of 19 and quickly became an effort in land use zoning and affordable housing as well as a protector of people's quality of life, neighborhoods and families, the environment and human rights. With his passion and expertise, he has helped make systemic changes to the city of austin, for example, when two gay men were attacked near the city hall garage, bobbie helped to turn the disturbing incident into the em-- for the gay rights taskforce. He navigates to produce elegantly simple solutions and he's a fierce opponent but even fiercer ally. He's challenged people inside and outside of city hall do the right thing for the betterment of residents and our community. Although bobbie's move to smu law school is a loss for the city

and personally for team morrison, we know it will contribute to an even more amazing next chapter for bobbie and the causes he's champion:

[Applause] and we also have a medal that says -- is a distinguished service award that we had, that we couldn't think of anyone more appropriate. And now, we wanted to ask -- we have a couple of folks that were going to make a few comments. Including ann and jerry there he is. Do you want to come down? This is going to be a first. A lawyer saying hardly anything compared to all of that.

[Laughter]

>> those of us in the law department thought you were a lawyer. Bobbie has been great fun to work with. Very intelligent and done a lot of things that we've learned from. And even though we talk all the time about our city charter being the constitution and be careful for it. All the amendments you're putting on it. I wanted to give you a copy of the actual constitution, so when you go to law school, you'll know this is it. Don't start quoting ours. Congratulations.

[Laughter]

[applause]

>> Morrison: Now, manager of zoning who handles the cases and notifications.

>> Bobbie, you and I have known each other since you replaced me in jennifer kim's office. At that time, you were known as bobbie the intern. A name you were known by for many years after you held the job permanently. So --

[laughter] at that time, I was very impressed with your dedication to public service and ability to pick up the job quickly and do quite frankly, a very good job representing council member kim, both with the staff and neighborhoods and everyone else in the city. We got to know each other pretty well during that time and when you decided to move onward, i gladly took you on over in the planning department and you were an excellent case manager and showed the same skill set I saw in you as a council aide and your dedication to public service and you're established good relationship with our members of the community and quite frankly, you brought in a young person's perspective into a job that a lot of us get used to doing the same thing over and over and you brought in a fresh perspective and ideas we're still using today. When you decided to move on to work for council member morrison, it was our loss, but i felt we saw what a good job he did, so we knew you would do the same for her. However, I realized perhaps at that point, you were the man who knew too much. That it was no longer possible -- oh, no, we can't do that, or, oh, no, we don't do that. Or don't know what you're talking about. You were able to call us out on all of those. It's been a pleasure working with you over the years. I wish you nothing but the best of luck in law school. I know you'll succeed and hopefully return to austin when you're done. When it came time to -- what to give you for a going away present, I was at a loss but then thought about things that happened in the past week.

[Laughter] a lot of the people in this room are familiar with this story. If not, stick around, you'll hear it in about an hour. About three hours.

[Laughter] bobbie called over -- we have a rather contentious issue on short-term rentals. You may have heard. Bobbie called over to our office to see if the newspaper notice had been done. We looked into it and much to our dismay, could not find a copy of the newspaper notice to prove it been taken. This is a notice taken out in the classified section of the newspaper, required by state law. We could not find it, we realized we had a big mistake and we were going to have to basically start over and some actions that the council already took would have to be redone. We wrote a memo to the mayor and council, stating we made a mistake and had to start over again. To my dismay, and embarrassment, a few ourselves after that memo went out, we found the newspaper notice and for those of you that have heard about it, it's right here.

[Laughter] it's about a two-by-two inch piece of paper in an office which probably has -- paper on it. We begrudgingly wrote a second " we found a copy and the item can go forward and may or may not be heard later this evening. I thought what should bobbie have to go away with? And since I asked for it and since I've suffered oh, so greatly this past week, I have for you a copy of the newspaper notice.

[Laughter]

[applause] to take with you. This will look great on the wall of your new apartment.

[Laughter]

>> Morrison: Bobbie is not going to say a few words but we have cookies and a video and maybe a few performances for everybody to have a chance to say good-bye to bobbie. Over in the board and commissions room right now. Thanks, everyone.

[Applause] is we're out of recess. We have three items left on our agenda. First of all, I want to go back and pick up the last 30, which deals with the proposed charter amendment with regard to divestiture of austin energy -- or utility assets, and then we'll go to item 122, which is second/third readings of the ordinance and lastly we'll go to our public hearing on the bonds, which has currently about 80 folks signed up to speak. So with that -- well, what we chose to do was split, by 30 into two parts. The first part was an item to approve a proposition for lease of parkland, and now we have before us the proposed proposition to allow the utility to sell certain assets under certain conditions. There are several options available to us. So the public comment period has already closed on that. We had both at the same time. So I'll entertain a discussion or a motion on that item.

>> Cole: mayor. mayor pro tem. as we briefly discussed earlier, I think that this puts a critical issue to the voters about one of our major assets, our utility, and we have to recognize that austin voters want to have input on significant matters and that's what our charter dictates. At the same time we have pressure from the legislature and throughout the state and even country dealing with complex deregulation issues that may require us to act very quickly in some circumstances when this happens. So I think all of the options that staff put before us that we are considering

contemplates that we would be able to take action by a two-thirds vote of council, is one option, and then option 2 provides that we would be able to take a two-thirds -- I mean, option 3, a two-thirds vote of council or to have an election. I favor taking option 3, because I believe that it gives us the flexibility that we need to be able to act quickly if we find ourselves in a perilous financial state and are not able to go to the voters quickly, which we can only do twice a year. And this gives us the flexibility to do that or to put it to the voters, and I know I as a council member would always favor putting an item to the voters, assuming that that is a pragmatic choice to make. Can I have someone from law briefly explain the language about authorized to go to the qualified voters and let the public know how many times that actually means and what flexibility we would have?

>> Andy [inaudible] with the city law department. Could you rephrase the question, mayor pro tem? I want to make sure when we have the option 3, or the other options before us, that gives us the authority to sell or lease a substantial part of a utility upon going to the qualified voters, what does that mean?

>> I think if you're talking about the term "substantial," that sort of gets to the crux of the issue that we're facing and that back in 1953 when the charter amendment was adopted, that was probably an easier term to understand. As we -- as the utility has grown and the market has changed, that word has allowed -- it leaves room for different interpretations about what may or may not be substantial. And so what we've proposed here are two mechanisms by which -- about by which the matter would be settled if there was a question about whether or not the asset was substantial. So in this case the council could make a finding, if there was a question that the part might be substantial, that that part is no longer necessary for the utility to continue to provide adequate electric service to its customers, or that issue could be submitted to the voters to let the voters make the decision about whether or not the asset or the assets would be sold. So can you give us an example? Maybe using Fayette, for example, because there has been discussions publicly by the council and other council members of the community, that we need to consider selling or totally getting out of the Fayette plant. What would be the problem now if we don't put a charter amendment to the voters?

>> The difficulty with that would I think primarily be probably from the perspective of a buyer. I think that you could certainly make the proposition from a legal standpoint that Fayette does not fall within the meaning of substantial as that term is used in the charter language as it exists. You can make the argument that what that charter provision is really intended to do is to prevent the council from divesting the city, you know, of the entire utility system, and like I said, back in 1953 that was probably a fairly simple matter. You had very limited assets and probably selling off the -- the power plant would have essentially put you out of business. In today's market it's quite easy for the utility to proceed as usual with one asset being sold out, being replaced by power purchase agreements, victim another power plant replace it. So there's really no longer the problem of -- of one asset essentially impairing your ability to provide electric service. So the difficulty here would be that, you know, if you were entering into that transaction from the perspective of a buyer, a buyer might be troubled by that language, and want some -- some absolute level of assurance that the city has authority to sell Fayette, and the difficulty with that language is, is that it does leave some room for a potential, say, challenge to the sale that could possibly spook a buyer or diminish the price that a buyer would be willing to pay for that asset.

>> And let me also add, mayor pro tem, that there are also different definitions of what that term means, and so there are some concerns about how we would interpret that because when you look at the everyday -- when you look at the everyday common meaning of that word through the dictionary, it's not defined in our charter, so we just go to the regular dictionary, there are lots of different definitions for what that term could mean. And so there is no certainty, based upon the current language, that I think what these options are trying to give us a little more certainty related to that issue and what that term might mean. and what you are defining as certainty, I'm considering flexibility, to be able to act. Would that be a fair conclusion?

>> Yeah, I think that --

>> yeah, I think that's fair, but I think they're two different things. Certainty in a definition as opposed to flexibility in action I think are just two separate issues. I think they go together in analyzing this issue. but this would help us with both?

>> Correct.

>> Cole: okay. mayor, I will move approval of option 3. and motion by the mayor pro tem to approve option 3. Is there a second to that motion? I'll second for purposes of discussion. council member spelman seconds. Could I ask you to -- since we have option 3 on the table and it's kind of -- there are subtle differences, explain option 3 for us again and for the public.

>> Option 3 would -- it keeps in place the language that prohibits the council from selling all or any substantial part of the utility. However, the language is now inserted which states that that prohibition would not prohibit the sale of a particular part of the utility if two-thirds of the council determined that that part of the utility was no longer necessary for the utility to continue to provide effective utility service or the council could pose the question to the voters and the voters could decide whether to approve or not approve the sale. so the council would have to make a determination that any such sale was not a substantial part.

>> Correct. -- of the utility. Let me just say that I find that a very big hurdle. That does not give the utility, I think, the flexibility, even if it might want to make small changes in the way the utility conducts its business and selects its sources of power generation and not -- and be able to do that without the possibility of someone coming in and saying, you've just violated the city charter because this is a substantial change that you're making, and it doesn't -- it just doesn't give us the flexibility, I think, that the utility needs to be able to compete, to be able to maintain a competitive stance, I should say, in the marketplace in Texas today. Council member spelman, did you have comments? andy, at what point in the sales process or even considering the sales process, would it be possible for us to go to the voters? Could we, for example, go before the voters and say, we're going to put this up for bid, for auction, and we would like your approval in advance prior to our actually putting this thing up for bid? Would that be a possibility?

>> Yes, I believe that would be possible.

>> Spelman: it would be. Would there be any other way of selling, for example, fayette or any other substantial part of the utility other than putting it up through some sort of a bid process?

>> I think I would have to examine that. Currently state law exempts the sale of real property from a bidding process. I have not looked at the issue of whether that would encompass real property, houses a facility in addition to the real property. It may, but I think we'd need to look at that issue a little closer to find out whether the sale would, in fact, be exempt from a bidding or some other competitive process. at some other future date we may be talking about some other part of the utility. Why we're considering this right now is because of the potential of selling off fayette. It's my understanding that the lcra has a right of first refusal at fayette. If we decided we wanted to sell it off, they could make an offer for it. Is that accurate?

>> That's correct. what are the terms by which that sale would take place?

>> As I recall, the right of first refusal is that the lcra, I believe, would have six months to evaluate an offer that we would have on the table, and then they would have the opportunity to, in fact -- to buy the -- our interest on those same terms. if after six months they said, no, we're not willing to meet your price, and then we could put it up for bid and see if anybody was willing to meet our price?

>> I believe you would have to have the offer in place first, and so -- I'm assuming that -- I would have to go back and read the revisions, but I think that after you -- if you --

>> spelman: I see.

>> If you -- if they refused the right of -- if they refused the offer that you had, you would take that offer. If not, few tried to accept -- if you tried to accept another offer and go out for rebid, I think they would probably have the right to, you know -- to reevaluate the offer, but again --

>> spelman: you're series. In that case we'll buy it anyway for the new higher price or something. Either way, though, it would be at least conceivable, we could go before the voters and say, we're going to try and sell this thing. We would like your approval to be able to do so, and armed with that we would then be able to put it up for auction, the lcra would make us an offer we couldn't refuse, something like that.

>> Council member spelman, i want to make sure maybe we're talking about from election perspective, of course there are some rules about how you put items on the ballot. So I just want to make sure that you're not talking about something that wouldn't be binding. So you're talking about we would put something on the ballot that would be a straight-up yes or no proposition about a potential sale. help me with this. If it's potential sale, then how do we frame this in the yes or no form.

>> That's the fundamental principle of election law. The fundamental principle is that you can't have an either/or proposition. You have to have yes or no propositions on an election ballot. So so I wasn't sure the more I heard the conversation whether or not that was the context of your

example, and so if you're looking at an election item, it's going to have to be a yes -- straight-up yes or no.

>> Yes, no, for or against.

>> Sabinea, hang on, do we have to wait before we go before the voters and say yes, no, for or against this particular offer or can we do this in reverse order. We want to sell this thing, we want your approval before we accept offers, yes, no, for or against, can we do it?

>> Okay, and that -- I think that's okay. You're just reversing the order -- so you would have some certainty about if the voters say yes, we go forward. If the voters say no, we don't.

>> Spelman: exactly.

>> That's allowable. and then we would have the certainty for the bidder for the lcra, for whoever else wanted to buy this thing, but we would also be armed with the knowledge that we've actually gone before the entire body politic and they've given us the authority to do this in advance.

>> Yes, sir.

>> Spelman: okay. any other discussion? Council member spelman. in light of the ability, which I think now is fairly clear, that we can go before the voters in , myearlier concern that we needed to move fast in order to take advantage of offers is much less than it was before, and it seems to me that option 2 will do about as well as option 3 will, and, in fact, I can imagine a stronger version of option 2, which would take out that word "or," say, okay, council has found by a two-thirds majority vote this is not necessary -- be replaced with an and, and the sale or lease has been authorized by the qualified voters of the city. So both of those gates have to be shut before we go forward.

>> [Inaudible].

>> I'm not looking at that. I'm looking at something else.

>> [Inaudible] oh, it's yellow now.

>> Is the intent to insert the two-thirds majority requirement into the current option -- well, no, that's okay. I had it right. It says -- take out that "or " ever since bobby lavinski left, she's just not the same woman. It only took a few minutes, you know? Put an and instead of an or. That would basically be option 2 except we would require a two-thirds vote of the city council in addition to qualified voters. Would you accept that as a friendly amendment, ma'am? I think that is a different motion, but i would accept it as a friendly amendment, if the mayor says I can do that. i think that's a substitute motion. if you would like I'll happily make it as a substitute motion. Option 3b, and that would be option 3 with "or "struck and replaced with an and. and I'll second that motion there. motion by council member spelman with the modified option 2 -- modified option 3, and that's seconded by mayor pro tem cole. Let me say that I'm not going to support

the substitute motion because i do not believe that it provides the utility with flexibility it's going to need to survive as an mou in today's environment, and so given that, I don't see any advantage to making that change. Further discussion on that? Council member riley? and this is on first and second reading only? yes, first and second reading only.

>> Riley: okay. I will support the motion, but I would hope that there could be continued conversation between now and third reading, because I can see a real benefit, if we could get community buy-in to being -- giving the council the authority to sell a part of the utility with the two-thirds vote, if there were community support for that, and I can see the mayor's point, that it would be helpful. So I think that ought to remain on the table for discussion and we could consider that at third reading. But for now I'll support the motion as presented, requiring the election. council member morrison? I want to briefly note that for me i think it's really critical that we maintain the vote -- something so that it goes to the voters, and so I'd like to -- this suggestion here, and I do think that we just need to understand what a huge issue and how contentious and how people can disagree and really understand and have different perspectives on elements of our utility. So I think it's absolutely critical that it's something that goes to the voters. just before we take the vote, i want to explain once again that the reason I'm going to vote no, and I may be the only one, is because my motivation in all of this is to ensure that the city of austin continues to be a municipally owned utility and I don't think this gets us where we need to do -- we need to be to do that and that's why I won't support the motion. All those in favor say aye.

>> Aye. opposed say no. Passes on a first and second reading, 6-1 with yours truly voting no. 122, public hearing has been closed, and we have a motion that was passed on first reading. So this motion will be to consider this ordinance on second and third readings. Council member morrison. mayor, we had some discussion in work session that I'd like to follow up on, and that is that, you know, what's on the table is something that we didn't have any public hearing testimony on because it came after the public hearing was closed. So I wanted to suggest that we invite a speaker or group of speakers up for pro ordinance as it's proposed and then in opposition and limit their comments, the cumulative comments of each side to 30 minutes. Do I need to make a motion to make that happen? Council I, is there any objection to allowing public comment for 30 minutes on each side of this issue? If there's none we'll go ahead and do that. It's not reopening the public hearing. That requirement has already been satisfied, but I don't have a list of folks because this item was not posted for sign-up. Here we are back using a manual list. Let's see if I can do this. These are speakers in favor of the motion -- of the proposal that was passed on first reading. And the first speaker is sharon walker. Sharon walker, I've got you down for nine minutes, but in order to do that you have to have two people contributing their time. Would you come forward and give your names to the clerk that you're donating time to sharon walker?

>> Are they coming down? go ahead.

>> Okay. Thank you. He's pulling up a photo for me. Sorry. Is it okay if I wait? how long do we need to wait? A reasonable time, a minute or so.

>> I'm assuming it won't take long. There we go.

>> Mayor Leffingwell: okay.

>> Hi, council members. Thank you for having us here this evening. The structure of the home, this happens to be my personal home. My name is Sharon Walker, and I own a short-term rental in the front of Bouldin Creek. I was forced out of this home due to economic challenges and I feel so incredibly blessed to have found a temporary way to stay afloat while we recover without being forced to sell our dream home. My neighbors know and support me. This home was built with wood, metal, stucco, concrete plaster and paint. No matter how many different ways we might think to label it, as long as there are people inside it doing peopley things, like cooking, washing the dishes, watching TV or ordering that one last item from the home shopping network, as long as there are people doing those things, this is a home. The defining difference between this home and the one down the street is this home already has furniture in it and the one down the street doesn't. That's it. They both have plumbing and air-conditioning and hopefully in this heat good air-conditioning. They have bedrooms and living rooms and kitchens. This one has the furniture while the other one doesn't. Two rental houses, two different types of renters. People who want the furniture there may be remodeling their kitchen and don't want to uproot their children from their schools while they do so. They may be grandparents coming to visit grandchildren or past Austinites visiting family and friends. They may be the family of the autistic child we met at the last hearing in town for treatment to needs a safe quiet environment with a lot of -- without a lot of other people or hotel staff. They may be UT alums back in town for a reunion or a game. What unites them is they want a home completely furnished, with laundry and furniture. They don't want a hotel. They want comfort and security of knowing the property they've leased for however long is theirs alone to enjoy. CSTR is a nonsense nickname invented to scare people about something they may not understand. There's no such thing as a commercial residential rental and it does not exist. Court after court including the Travis County District Court has ruled that a single person or family occupying a complete residential unit is engaged in residential use and I'm going to say that one more time because I really want to make sure everyone hears. It is a single person or family occupying a complete unit is a residential use, period, whether for five days or five months. There is no such thing as a CSTR, there are just houses, neighborhoods full of houses. Some are furnished and some aren't but we have fellow citizens who presume to tear property rights away from some and not others based on furniture. Opponents are attempting to carve out only the politically convenient segment of property owners. At first they wanted to ban everyone which we all agree was widely unpopular. So they've settled on so-called commercial rental rentals. Those are now illegal, but for the basis of that statement this is a highly controversial ruling by Austin's Board of Judgment which made no distinction about occupancy or tax-exempt status, the BOA interpreted it to be anything less than ten days, which includes everyone. That means no more SXSW, no more F One and Bye-Bye ACL. Not a very popular platform. So now these folks are saying uncomfortably with a great deal of nuance, what they believe is really illegal is for everyone to rent their property for less than ten days. What they really wish would happen is if it was only illegal if the owner doesn't live there. I find that a curious position to defend. They've tried everything to defend it. There's crime, except that there isn't according to the city auditor. There's noise and trash, except that again there is less than with unfurnished rentals and owner occupied homes. They're driving up our home prices. Again, soundly disproven by data. Then it's about the schools, even though there's plenty of housing stock for families in all of these areas. Everything they've thrown out has fallen flat. Meanwhile the house is sitting there being a house, being engaged in residential use. Again

having been involved from the beginning I found this entire exercise and the expense of time energy and resources to be a little more than curious. The only attempt that no data can disprove is some people prefer to know their neighbors. Living next door to a home where there's already furniture there they assert, that's not possible, except it's not only possible, it's incredibly rewarding. My good friend teresa lives in travis heights and lives next door to short-term rental. She has a long-term rental on the other side of her which has been a source of tension for years. The furnished rental hosted friends that come back from austin, from canada, u.k. And guam. They longlasting friendships. Karen visits and stays in the short-term rental next to her. Their dogs play together, they sit on the porch and drink wine and recipes. How [inaudible] do you have to be to assert in public and I quote, renters of STRs WILL NEVER BE OUR Friends. We do not want them to be friends of our children. We do not want to have parties with them, and we do not want to celebrate holidays with them. That's from page 7 of the allandale neighborhood newsletter in april of 2011. Have we really become that place? Are we those people? Are we that kind of people? I have to have faith that we're not. And I have faith that awfully you will trust your instincts and support council member riley's proposal with just as much commitment today as you did the first time. Thank you for your time. thank you.

[Applause] bill rasmussen? Bill rasmussen? We have you for three minutes.

>> Short and sweet. Good evening, council members, mayor pro tem, honorable mayor, my name is joel rasmussen and on behalf of the honorable -- excuse me, on behalf of the austin rental alliance, I would like it thank you for your continued work on this topic. It's a subject that many austinites are clearly very passionate about, and we applaud the council's effort to cure all sides and forge a sensible ordinance. Initially it may not make everyone happy, but we fully expect that when we revisit in a year we'll find that austin continues to be the great city that we all love with strong neighborhoods as well as open arms for visitors of all kinds. I'm particularly proud of the austin rental alliance members, not only for participating in this process in a positive solutions oriented manner, but for actively taking action in the community and reigning in some of the handful of bad actors. Our members have directly intervened in four instances that we're aware of and you can count on the rental alliance to continue in that role. Again, we thank you for your continued efforts, and we look forward to passage of this important ordinance. Thank you. thank you. Randy guthrie.

[Applause] randy, you have three minutes.

>> Good evening, mayor, mayor pro tem, council members, my name is brandy guthrie. I serve as chair of the government affairs committee for the 8,000-plus member association of the austin board of realtors. We are also advocates for all homeowners. This is a complex issue, and I want to thank you for all of your thoughtful deliberation in creating reasonable short-term regulations that protect neighborhoods and homeowners' rights. The austin board of realtors supports council member riley's proposal for balanced and sensible str regulation. A board recently commissioned the public opinion survey of 500 austin residents, which shows that a majority of austinites also favor moderate regulation and oppose banning non-homesteaded STRs. In fact, residents in the 78704 zip code where the LARGEST NUMBER OF STRs ARE Found are more likely to oppose a ban and have more favorable opinions of moderate regulations. The austin board of realtors feel homeowners have a right to lease their property for any length of time.

REGISTERING ALL STRs WITH The city, limiting the number of non-homesteaded STRs PER ZIP CODE AND Providing tenants with the relevant city laws and code will ensure the continued tranquility of our communities -- tranquility while encouraging and welcoming visitors to our great city. It's been pointed out that in a paper on short-term rentals the national association of realtors NOTES THAT STRs WOULD Affect the cost on housing in the community if unregulated. With the 3% cap per zip code, the number of NON-HOMESTEADED STRs WOULD Be too minimal to have an impact that would affect housing affordable. The solution proposed by council member Riley as it was passed on first reading benefits both sides this issue, those who are concerned with the economic consequences of banning STRs AND THOSE WHO WISH TO Keep their neighborhoods intact. Realtors don't just sell homes, we sell communities. The Austin Board of Realtors believes that protecting the health, safety and civility of our neighborhoods as well as the rights of individual homeowners will reinforce the fabric of Austin communities and the well-being of individual and families. We thank you for your time.

[Applause] Thank you. You're signed up for five minutes. Make it work out at 30, if you can find a donor for a few minutes.

>> Jerry Harris is donating time.

>> Mayor Leffingwell: Great. All right. So you got five minutes.

>> Mayor and council members, thank you for your time tonight and your tireless service to our community as our home away from home. I'm Michael Meade and I'm here representing our firm's client home away but I'm also representing myself. As an Austinite for 24 years I applaud the council for putting so much work into this issue which maybe didn't even honestly warrant the amount of effort and work that it took. I applaud you and thank you for reaching a compromise that addresses concerns but does not go so far as to be unreasonable, unfair or unenforceable. Having lived in the city since I was about a mere teenager, and I won't say how old I am now, I have never, never witnessed behavior from Austinites as I've witnessed in connection with this short-term rental issue. For the first time in my life, and I don't think I've lived a sheltered life by any means, I've witnessed people personally attack their neighbors, personally attack you, our elected officials, and personally attack the public servants who serve on our city staff. I've witnessed people so infuriated and beside themselves that they've lost all self-control and have resorted to threats, slurs, lies and attempts at intimidation. I have witnessed people who have said, this issue is more important to them than any issue facing the city. How is that possible, people? How is that possible? This has been embarrassing, and I think it's not at all representative of Austin. Never did I think I would see a day in Austin when people would stage a full-on protest over an issue that doesn't do anything to put food in people's mouths, to right an injustice or to put shelter over people's heads. Again, what are we really thinking here? This is unreasonable. Finally, how dare these opponents put children on the streets to hold up signs that read "visitors go home" or stranger are not welcome here. Are we really trying to teach our children that anybody unlike them or different from them or that they don't personally know is unwelcome and unwanted? On behalf of home away, I would like to say that for you the opponent, to stage a protest in front of their building, their building that house -- more than --

houses more than 500 austinites who have job, is an outrage and I would like to ask those opponents, how many jobs have you create indeed austin lately, or ever?

[Cheers and applause] council -- council, I would like to personally thank you, not just on behalf of home away, but as I said, on my own behalf, for a proposal that doesn't make everybody happy. That's not your job. But that strikes a reasonable compromise on the issues. Thank you for your courage and diligent work in the face of melodramatic angst, threat and claims that the world is going to end when you take a vote on this issue. It's not going to end. Please move forward with the proposed ordinance tonight and let everybody get back to the business that really makes a big impact on our city. Thank you, council members. thank you.

[Cheers and applause] indepe indepe ndent the enthusiasm, but we kind -- i understand the enthusiasm but we kind of have a rule around here that demonstrations that allow yelling, vocal demonstrations, are not permitted in the chamber. So if you want to do that please go outside. Clapping is okay. I understand your enthusiasm over this issue, but please try to observe proper decorum. Next speaker is sharine fisher, designee. And you are signed up for four minutes.

>> First off I do want to also thank you, mayor, mayor pro tem and esteemed council members. I know this has been a difficult topic. It's gone on for a very long time and I want to thank you for adopting and considering reasonable regulation, that doesn't give everything to anyone but doesn't leave anyone behind either. I have participated in this discussion from the very beginning. I want to tell you a little bit about myself. I am sharine fisher. I moved here when I was in 4th grade, that was 33 years ago. I went to dos elementary, johnston high school and the university of texas. So I have experience all over austin. I'm heading into my 7th year as a neighborhood board member. I am a current amc rep. I volunteer over 200 hours per year to my son's elementary school, which is highland park elementary. I own a vacation home on lake lbj. I manage a few short-term rentals in austin, and i have a short-term rental on my street that I'm not involved with other than being a neighbor. I care deeply about protecting our austin neighborhoods. I was able -- I wanted to share just a few of my experiences over this past two years. I was able to visit privately with a fellow board member just two weeks ago, and who is passionately opposed to short-term RENTALS CSTRs. I asked her if she was certain a cstr would rent our neighborhood. She replied, I am 100% certain and I would move if there was a cstr in my neighborhood. I was able to inform her that two homes have separated her for the past five years from a full-time cstr, and she had no idea. These homes -- these owners, this use does blend within our neighborhood and can go unnoticed for five years. As an austin homeowner i also needed a local str. My home was flooded in february of 2011 during the freeze, and 2600 square feet of my home was ruined. We had to relocate for three weeks during a restoration. I tried to rent the str on my street because I thought that would be most convenient but the owner needed to stay there for two months and unoh it was unavailable. I rented a home in allandale not knowing all the commotion going on. The neighbors couldn't have been any nicer or more welcoming. My kids played that woir kids, my dogs played with their dogs. We visited as neighbors most evenings in the front yard. We had a wonderful experience as a short-term renter with our short-term neighbors in allandale. Would a long-term rental or an owner occupied home be able to provide us this three-week stay during our time of need? I also had the opportunity to help many of the bastrop fire evacuees. The first call came to me over my cell phone before i even knew there was a fire in bastrop. A father had found my ad on vrbo for one of the properties

I managed and he called in his time of need. His wife was out of town, he had to pack us his two kids, dog and a suitcase and get in his truck and start driving with no idea where to go. He called me and within two hours he was relocated into his home away from home with a complimentary stay approved by my owner, who was willing to allow the space to be used by his family. In combination with the other owners that I represent, we were able to accommodate 35 evacuees for over 85 nights over a two-month period all for free.

[Applause] and we were only one of many STR owners who were willing to do the same. Would a long-term renter have been able to help his father. Would an owner occupied homeowner have been able to get out within two hours to provide this home away from home. These are all needs valued by our Austinites and I thank you for all your hard work.

[Applause] Bob -- Bob Easter. Bob Easter is signed up for -- Easter is signed up for six minutes and I assume you'll get your three-minute donor to the city clerk.

>> Mayor and Mayor pro tem and city council members, first of all, thank you for serving all of Austin, and thank you for your tireless work in this matter. For over 43 years I have watched our city grow and change dramatically. My real estate firm since 1982 has sold thousands of homes to Austinites. I deeply love and care for this city. At the very first planning commission meeting in 2010 I listened carefully to the issues presented. Then I asked some simple questions: are these issues based on fears or facts? It wasn't long before I knew, on April the 20th, 2011, the Allandale reporter newsletter carried this: renters of short-term rentals will never be our friends and we will not want them to be friends with our children. That statement pierced my heart. As a child of the 1940s and 1950s, I saw terrible actions of some citizens to restrict certain people in their neighborhoods. I never agreed with those who separated us then and I do not agree with our opponents who have tried to separate us now. They want these strangers to either be banned or controlled, what and how they can lease. Another message was posted on a very vocal anti-STR group site this past week, which read, "expect rude signs going up in affected neighborhoods stating the desire for the visitors to " fears combined with control issues is driving and causing all sorts of imaginary problems. Many unfounded issues have been raised since 2010. Each issue has been examined with facts and found to be untrue. One of the last issues raised was about rising housing costs. Since the beginning when Austin was founded in 1839, this city has changed, evolved and has changed again, and it will continue to change. Change is good. But let's talk about rising housing costs. As a licensed Texas real estate broker for the past 30 years I have witnessed all sorts of cycles in real estate prices, from the Texas Savings and Loan scandal to the dot-com bust and interest rates as high as 18%, to the current low of 3 1/2%, Austin has a history of big swings in real estate prices. So I researched the neighborhood associations which have been complaining the longest and the loudest in their opposition. Here are the results of that research from the Austin Multiple Listing Service which I belong. For price per-square-foot for single-family homes since January the 1st to August the 1st, 2008, and January 1 to August the 1st, 77 per square foot in a four-year period. Hyde Park lost \$15.57. Rosedale increased the price per square foot by \$3.49. There is no evidence that STRs ARE CAUSING RISING Housing prices per square foot at this time. People live where they want to live. Today there are 1 # 3 homes -- 143 homes, townhomes or condos for sale in 78704. There are 68 rental properties for lease, not counting those listed on Craigslist, newspapers and for sale by owners. In July 2012, 44 founding members of the Austin Rental Alliance reported that 28 short-term rentals

either were sold, leased for long-term or the owner moved back in 78704. 16 Of those houses were in a zip -- the zip code 78704. If a person wants to live in 78704, housing is available. SCRs ARE NOT THE CAUSE OF Demographic changes in austin and they will not be in the future. While numbers are important to trends and as we gather facts, they are not the real issue here. Telling grandparents, families and business to go away is a message that has been sent by the people opposing short-term rentals. I think of the grandparents who come to visit, to enrich their grandchildren' lives, the families who come to visit, the mother who comes to help her daughter during an illness, and I wonder why these wonderful visitors have been cast as troublemakers. Our children are watching. What will their memories be? Will it be that austin welcomed all or will it -- will they learn that some are welcome, others have to stay away. thank you, sir.

>> Thank you.

[Applause] the other side would like to have one speaker for the entire 30 minutes, and you have donors signed up for -- to account for the other 27 --

>> there are nine people

[inaudible] i would also add that donating time by rules is limited to a total of 15 minutes.

>> I'm sorry. but if there is no objection we'll waive that rule for this -- waive that rule for this time only to allow 30 minutes of testimony with, let's see, 27 minutes of donated time at three minutes apiece.

>> Thank you. And we have a powerpoint that I guess -- while that's getting set up I'll introduce myself. I am susan moffett, the violent susan most of the as I was tickled to read in the texas [inaudible]. I'm actually a lifelong passivist from a good quaker family, but I was talking to richard suttel about this earlier in the elevator and I said, richard, if I were really violent do you think you would still be walking around? And he laughed. So it's a sad day when only suttel gets my jokes. But I appreciate you, richard. Anyway, are we close to getting started? We have a petition with over 1500 signatures for it and i would like everybody who is here tonight on this issue to please stand. Thank you. Thank you all. Okay. We're ready. I was happy to hear that we're talking about reasonable regulations, because that is what we are here to talk about tonight, and I just wanted to -- if i could have the next slide -- walk you through what we will be hearing, thank you. We'll be looking at what this isn't about, it's not about type 1. We'll be looking at what it is by, it's about type 2 commercial. We'll be looking at some of the major problems in the current draft ordinance and then the top five common sense measures that would mitigate some of the most harmful impacts of this current draft. Go to the next slide, please. What this is not about is owner occupied short-term rentals. We totally support this. Granny flats, garage apartments, the other side of your duplex, renting out your own house during south side or a/c. All that's wonderful and this actually does account for two-thirds of the current short-term rental market in austin according to the city auditor. So we do have many great current options for austin even if we were just to limit it to that. What this is about is the new draft throws out nearly two years of planning commission stakeholder process and a laboriously crafted compromise, and as you all know better than most, neither side was happy with that compromise but that's

what makes it a compromise. Unfortunately we now have a new ordinance that one side is really happy with and the other side isn't, which tells you it's actually not a compromise. The most harmful changes in this new draft deal with commercial short-term rentals as they are identified as type 2, and you know these are rentals that are owned by businesses, investors, or corporate investors who do not live on-site and these make up about a third of our current short-term rental market and that number is growing according to the auditor. Could I have the next slide, please? So I just wanted to walk you through the main problems in the ordinance, and I want to be clear up front that I do not for a minute think that these were intended problems, but they are problems nonetheless. It's what the ordinance allows, and I think they can be fixed, but we really need to talk about them. The first problem is the 3% cap on type 2 rentals, means a significant loss of housing for austin residents. According to the 2010 census austin has 345,241 total housing units. 9% are in multi-family structures so that leaves approximately 1 184,560 single homes. If you take 3% of that figure, that allows over 5,530 homes to be taken off the market, unavailable for austin families to buy or rent. That 3% cap in the aisd attendance zone alone would be over 3,800 homes. Now, the loss of single-family homes with a 3% cap is actually equivalent to losing an entire small town. In fact, it's more than twice as big as the town i grew up in, and it's because obviously you have more than one person living in each of those 5500 homes, you're really talking about 11,000 to 12,000 people who are displaced. Now, residents displaced, because these are popular in the central area, have to go somewhere else, obviously they're moving out to the suburbs. This is a hardship on the families, but it also contributes to sprawl, which is something we've really been trying to get our arms around as a city for a long time. The next issue is the ordinance does shrink our housing supply, and it does drive up housing costs city-wide. Now, I know staff had a piece of paper with a box checked saying no impact on affordable housing, but, in fact, the experts have found that it does have an impact on affordable housing. The national association of realtors 2011 white paper said, quote, when property owners elect to rent their homes on a short-term basis rather than renting on a longer term basis, they essentially squeeze the supply of housing, pushing up the demand and subsequently the cost of housing in the community. Similarly, the american planning association, which I believe the city is a member of, found a decade ago that a more insidious problem, and they mean more insidious, you know, the occasional bad actors, we have to deal with that, but a more insidious problem with short-term rentals they found is their impact on housing costs. Right now over 40% of oust residents are -- austin residents are dived as low income -- identified as low income according to the network dashboard. Over 60% of aisd students are identified as low income. At this point in time our city policies need to help our struggling families, not make life harder for them, and while austinites need affordable homes, allocation of thousands of housing units for tourists should be a secondary concern and our citizens really need to come first on this. The next issue, and this is really huge, is that the ordinance has no mechanism to prevent clustering, and this is hard on school enrollments, but it also can create a snowball effect. Again, the american planning association found that while long-term homeowners are strongly opposed to short-term rentals in a prospective neighborhood, investment buyers are less inclined to care if a neighboring property is a short-term rental. This can create a snowball effect that eventually replaces year-round neighborhood residents with vacationers, and as whole blocks start to domino, that can create dead zones within a neighborhood.

[One moment, please, for ]

>> the district 2010 demography report clearly says that they count points for elementary students per new homes. I guess these aren't new homes but nowhere in the report does it say a 50/50 split between secondary and elementary. 23 Students make up an elementary school class. That's the trigger for losing a teacher, if you lose 23. If all 50 of those are clustered, the existing ones, in the same elementary school, you lose two classes in a small elementary school is a grade level. So it would be nice if we knew for sure that luck of the draw, these would be spread out, but, in fact, there's nothing in the ordinance to guarantee it and i don't think we should be rolling the dice with our kids and the schools with this matter when it's simple to ensure we don't have clustering. The planning commission had in its compromise ordinance a 1,000-foot proximity limit and that's been dropped from the current draft and honore honestly, that's the only -- honestly, that's the only mechanism I can see that to make sure we're not gambling with our schools. And, in fact, tom knuckles of barton hills, looked at these numbers and calculated that city wide, the 3% cap would increase the number by a factor of 10 and allow the 3% cap in 78784, ALLOWING 100 MORE STRs ON THE Ground right now. That's huge. And I spend a lot of time in education issues and honestly, this makes me want to cry. But we'll move on. Multifamily, this is actually astonishing to me. We have a total housing crisis for apartments. I know you read the paper. 97% Occupancy, rents are soaring. Despite that absolutely no cap on the number of short-term rentals and multifamily building, if we have the 3% cap in multifamily that, would push of the occupancy rate to 100%. I mean, there won't be apartments left. Over 34,000 aisd students leave in multifamily housing, according to to the democratgrapher's report and most are low-income families. If they're displaced it will be hard for them to find a suitable substitute. Of it second problem with multifamily is the way the ordinance is currently drafted, it allows apartment buildings to operate as unregulated hotels.

>> Tomorrow, if you pass this, any apartment complex owner can say this is an unregulated hotel, no licensing or registration or fire or health and safety. When you check into the hotel and it has the chart on the door where you go when the building is burning down. None of that has to happen and i had the horrible thought before the apartments that had their walkways collapse. Which are going to be hard to rent to local residents because we know about it but coming in from out of town, you'll not have a clue. Of course, you'll sign on for I think we need to give more thought and care to the multifamily situation. Next slide. The ordinance -- this is personally just appalling to me. GIVES COMMERCIAL STRs A Complete pass on the americans with disabilities act. And I was here earlier when we celebrated the anniversary of the ada and I don't think we should celebrate it by giving it a pass. Commercial short-term rental compete in austin and all of those businesses have to comply with ada. But the ordinance does not set that requirement for commercial STRs. Austin, the city is already being sued for non-compliance. Why spark thousands more lawsuits which you'll definitely have especially if you vote on the record with your eyes wide open to say it's fine, we don't care if they comply. It's unfair to the competition, but worse, it's unfair and unkind to austin visitors with disabilities. I think austin is better than this. I know you all think austin is better than this. There's a reason as a society that we have the ada. And it's an important reason and I hope you'll do the right thing on the 22nd anniversary and address that issue in this ordinance.

[Applause] the ordinance disregards our own land use standards. The city of austin guide to land use standards may 2008 says specifically that the purpose of single-family homes is intended to preserve the land use pattern and future viability offing neighborhooded and protect

neighborhoods from incompatible businesses or industry and the loss of existing housing. The ordinance further disregards our own planning process for neighborhood plans established by the city and shockingly, are brand new -- our brand new imagine austin comprehensive plan. There are a lot of neighborhoods that would probably be fine with this if they could have it go through the established plan amendment process and place them appropriately in their neighborhoods but that's been circumvented. On the imagine austin plan, there are three key action steps relevant to this. Enact land use and other planning policies that enhance the quality of life for families with children and promote family-friendly neighborhoods and services. Partner with the austin area school districts to enhance policies and practices that support neighborhood-based schools and I would note that the education impact statement came out so late that the austin aisd board has not had a chance to review it as a body, nor have they had a chance to meet with council members and the joint subcommittee and review it jointly. And finally, on the comp plan, a key action item was to increase the variety of housing options to meet the needs of family and non-traditionally households including households with children. We just adopted this comp plan less than two months ago than reflected hundreds of thousands of hours of citizen volunteer time, staff time, planning commission, we can't even begin to count the time they spent on it, your time, and to less than six weeks later come and undercut key provisions really damages the public trust in the plan itself and the process we took to get there and I do hope you'll consider that because it means a lot to people who worked on it. Then I just want to quickly touch on the legal definition. COMMERCIAL STRs CLEARLY MEET The state and city definitions of hotel use as quote, a building in which members of the public obtain sleeping accommodations for the austin city code defines it with almost the exact same language of the austin city code further classifies the provision of temporary housing is a commercial use not allowed in residential zoning. The city does have a well-defined exception for b and b's but that comes with pages of restrictions and the two most salient ones, they must be owner-occupied and limit of limited to one per owner neither of which is applied to type two rent am in this ordinance. Type two commercial, are a commercial hotel use by legal definition at the state and city level and by pure common sense. I want to turn to the definition of residential, because this is what most of us bought our homes based on. The texas local government code defines residential as having the character of a detached one-family or two-family dwelling or multiple-family dwelling and does not have the character of a facility used for the accommodation of transient guests, unquote. Now, homeowners, many of us, have made the biggest investment of our entire lives in our homes and we made it in good faith relying on the residential zoning code and expecting it to be upheld and I've heard talk of property rights but I think as it's currently drafted it's a clear infringement of those who bought with the expectation they would be in a stable residential neighborhood because that's what state law --

[applause] that is what state law and our local city code have promised us. So to sum up, again, i absolutely do not believe that these consequences were intended but I do believe that the way it's currently drafted, there are going to be long-term impact, it's not the reasonable regulation we've heard people say we're going to have. So on the ground right now, what it allows is the removal of over 5,500 homes citywide, allows the removal of an completely unlimited number of apartments citywide, squeezes the housing markets, increasing sprawl and decreases viability of public schools and allows completely unregulated hotels and multifamily buildings, and let commercial accommodations avoid the americans with disabilities compliance, undermines trust in city zoning and erodes traditional bonds between neighborhoods and weakens our community.

So these are really serious problems and I honestly think the responsible action would be to postpone this and give the draft a -- the thoughtful attention --

[applause] the thoughtful attention and work it really deserves. But I also know there are five of you who are very anxious to pass this, at least based on comments at the work session. So I would suggest if you're still bent on doing that tonight. You consider the top 10 measures that would mitigate the very worst impacts of the proposed draft. First is require ada compliance for all commercial short-term rentals type two. This establishes a level playing field for hotels and motels and avoids the prospect of lawsuits for the city and most important, it ensures that all austin guests are welcome in commercial accommodations regardless of their ability and I don't know how many of you have family and friends with disabilities, but I'm sure many of you do because all of us do and I really hope on the ada anniversary you'll do the right thing with that provision. Second, reinstate the planning commission provision requiring 1,000-foot proximity barrier between commercial type two rentals. This is really the only mechanism you can adopt that will minimize impacts on school enrollments and prevents clustering of commercial uses in residential areas so you'll avoid a dead zone with the whole block going and I think it's hugely important, especially for schools. Three is to cap commercial STRs AT 1% OF THE TOTAL SINGLE Family homes for census tract. This would reuse the overall loss from more than 500 to 1,845. That's still a lot of homes and that still leaves almost 2,000 COMMERCIAL STRs FOR VISITORS Who choose to use them but it's a little less of a hit for the community and I think it's a sensible reasonable place to cut that. FOUR, PROHIBIT COMMERCIAL STRs In multifamily buildings, period. This ensures against unregulated hotels and preserves the very badly needed housing options for austin in our tight market with a 97% occupancy rate for apartments. And finally, this is an enforcement thing, if the property is advertised as an str type one or type two, it should be deemed to be operating as an str for enforcement purposes including tax collection and this is just to provide a practical waif saying, yes, you are one, no, you're not one. And I think we need a pretty clear practical definition of that for all of the enforcement provisions and for tax collection purposes and just a note on enforcement, I have understood from conversations that the city plans to devote a single full-time staff person to enforcement. But I would note if we're looking at 5500 homes and one person, plus an unlimited number of apartment, it may not be humanly feasible and so I would really like to see some hard figures on that, how it's going to break down with the workload and how we'll be paying for that person. So to sum up, the new draft does have some very serious, again, I believe totally unintended consequences but very real consequences. I really think it would be responsible to take a couple weeks and work this out. We don't have to do it tonight. But if for some reason we do have to do it tonight, I hope you'll consider those five common sense measures, I think that will go a long way to ameliorating the very worst impacts and be the reasonable regulations we've talked about tonight. I thank you for your time and patience on this. I apologize if the rhetoric has gotten heated. It certainly has on both sides and I hope we'll be able to move on as a community together where we welcome all of our visitors. Thank you.

[Applause]

[applause]

>> mayor. Mayor.

[Applause]

>> I had a quick question for you. I think it was --

>> Cole: I think it was -- should I say the frankenstein quoter. Your real name. You have -- one of your five, i think it might have been item five that talked about if you advertise as an str, treat you as an str for law enforcement and I don't know what you mean.

>> Just that the current ordinance doesn't actually have a clear definition of what an str is so if we're going to try to enforce or collect taxes we need to be able to identify them and I think the simplest way to do that is just to say if you are advertising as an str, then you are an str.

>> Cole: Ok.

>> Does that make sense?

>> Cole: Yes. Thanks.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: Thank you, mayor. I want to appreciate everyone's time and patience and taking the extra time it get this input. I think it's been very helpful. I think it's been -- I don't think it's a secret that I'm one of the council members that does oppose commercial short-term rentals. And I think that all of the arguments on both sides have been well articulated. It's been very hard for me to get to this point but working with some of the community members about is it time to be pragmatic and is there something that we could offer that if we offered it as a package, it's something we could get a majority vote on, then to mitigate as susan mentioned and make it much stronger ordinance. That's something that I would be willing, and this is what was hard it get to -- would be willing to vote for. Because I think it's important to address these extreme weaknesses that susan has so compellingly described. And so what I wanted to do is to make a motion to adopt the proposal -- our draft proposal right now, with five adjustments to it. Five adjustments to it that do reflect the items that the community has brought to us. And what you have -- what we're passing down now is a list of the five modifications that would actually enact, I believe, the first is a modification --

>> Mayor Leffingwell: Council member, before you go on, I'd like to raise a point of order, whether this motion is in order. I'd like to ask parliamentarian, we have a motion passed on first reading, perhaps your motion could be a substitute motion. I'd like an opinion on that.

>> I believe what you would be doing is trying to amend, unless it's in conflict with what was already adopted, so I don't have a copy of it, but I would ask chad and the staff to look and make sure there's nothing that would conflict, but the proper parliamentary amendment would be a -- would be a amendment to what was already passed unless there's something that looks in conflict with what was adopted previously.

>> I'm still glancing at it. Forgive me, just a second. Most of what I see, and correct me if I'm wrong, seems to be additions to -- to a lot of what we already have.

>> Morrison: Under modification four, there are seven words that are struck.

>> Ok.

>> Morrison: Otherwise --

>> I would agree with the city attorney, I think this would be appropriate as an amendment to what we already have.

>> Morrison: So the formal -- the appropriate.

>> Mayor Leffingwell: Do we need to reiterate the motion on second, third readings before accepting amendments?

>> Sure couldn't hurt, mayor.

>> Morrison: I guess I don't -- technically, you're offering amendments and nothing is on the table, to amend.

>> Morrison: What's on the table is the proposal with modifications.

>> So the draft ordinance provided in backup with the modifications outlined but other than these modifications we recognize the draft ordinance.

>> Morrison: Right.

>> Tovo: I'd like to second that motion.

>> Mayor -- I think what you're looking for is a main motion that then be amended by council member morrison did you make a motion to pass it on second and third readings?

>> Morrison: I'm making a motion to pass the ordinance with five modifications on second and third readings.

>> I see.

>> Mayor Leffingwell: That wasn't clear to me. The second --

>> Tovo: I seconded it.

>> Mayor Leffingwell: Council member tovo.

>> Morrison: If I could read through the modifications for clarity. Modification one addresses the ada compliance, ensuring that we are making austin a welcome place for all folks. And that is in addition to a constraint -- or to a criteria for the structure -- we're talking about certification and that the structure has a certification for a type -- excuse me -- for a type two short-term rental compliance with applicable requirements of the americans with disabilities, this goes under the certification part. So they will be having to certificate they are compliant to prevent clustering -- to prevent clustering, add language that a short-term rental used under this section may not be less than 1,000 feet as measured from property line to property line from an existing short-term rental type two use. Which means that the thousand feet is only going to be measured and a constraint from non-owner-occupied to non-owner-occupied. So if there are owner-occupied in between, they won't trigger that. And in terms of preventing the saturation, the recommendation is to change the 3% under modification three to 1% so we limit the commercial short-term rentals to 1800 at this point. Houses. Single-family houses in the city as opposed to over 5500. In terms of the issue for preservation of multifamily housing, under modification four, what we're going to do is strike of the reference -- well, this section applies to a short-term rental uses that rented for periods of less than 30 consecutive days. There was a comma, not part of a multifamily use, and etc. So this ensures that we're preserving the multifamily housing and not inadvertently creating hotels. And then also, adding c, not more than one short-term rental type two may be permitted per site. And lastly, the modification number five, this is something we actually talked about, as well as the ada thing, in work session a couple months ago and that was that evidence of a violation, it will be a new section, the advertising is adequate evidence and the language is advertising that offers the property as a short-term rental use shall constitute prima facie evidence of a short-term rental use in the manner consistent with the advertisement and a-- denied is in use as a short-term rental consistent with the advertisement must carry the burden of proof. So these are five modification that is the community has boiled down as being most necessary to mitigate and with this package, it's something that I would support.

>> Mayor Leffingwell: Council member riley.

>> Riley: I'd like to start off with a number of changes that staff has actually raised. Terry, would you be ready to talk through some changes you would suggest?

>> Certainly.

>> Riley: The motion would be to approve what we approved on first reading with -- with the changes that I'd like staff to outline.

>> Plaintiff on the review. guernsey is handing out suggested changes. From the first reading ordinance that's in your backup today. The first two are from the law department. To change 25 to 79a to read, this section applies to a licensed required under section 2527 -- and section 25-789, short-term rental type two that reads a license is required under this section for each property containing a short-term rental use. So --

>> Morrison: Other, I've got two yellow sheets.

>> I'm reading the law department changes, the ones on the -- that one, the brighter yellow.

>> Mayor Leffingwell: Before we totally lose all of our apartmentary correct procedures here, please ask for -- parliamentary correct procedure, please ask for permission to speak. Right now, let council member riley continue with his outlining of the substitute motion.

>> Riley: The second recommendation from the lawsuit department is the change 25-2-790c4b to read then determined by the building official not to pose a hazard based on the minimum life health safety inspection. It reading that the building -- that the current structure does not pose a hazard to life, health or safety. These changes were suggested by the law department. Just a better way to word it, not considered to be substantive the other changes coming from the planning development review staff. And those are this color yellow. The less bright yellow. And those are to delete b5, a tax identification number from items included in the application. This comes at the request of the city controller, they feel they can accomplish the tax collection without the need for a tax identification number for a lot of people, that would be their social security number and they would prefer since a lot of people may be filing open records request on the registration forms they feel it would be trouble to keep the information secret. They can handle it at the time of the tax collection. The next, delete a2, as a defined under state law and 25-2-[inaudible] a3 is rented for periods of less than 30 consecutive days for a annual total of no more than 90 days and would accomplish a simplification that the staff is requesting for enforcement purposes and other reasons to clarify that a type one short-term rental is an owner-occupied, a type two short-term rental is a non-owner-occupied structure. We would take out references to the homestead exemption and the proaccumulation if a type one owner-occupied is rented out for more than 90 days, it goes into type two. We feel type one, owner-occupied, type two, non-owner-occupied and leave it at that. Another recommendation is to add to 25-2 [inaudible] a. And add the 9a and it's not associated with a owner-occupied principle residential unit. This is to clarify if a person has an owner-occupied property and they want to rent out a secondary unit such as the other half of a duplex or garage apartment, it would not make the transition from a type one to a type two short-term rental. The next part is to delete 25-279a2. As defined under state law and to leave a3, rented for periods of less than 30 consecutive days. This is again, clarifying the type ones are own-occupd and type twos are non-owner occupied. We suggest an effective date of OCTOBER 1st, 2012. This will give the staff a couple months to establish the procedures and the administrative processes we need to, in fact, this ordinance and also -- enact the ordinance. And coincides with the start of the city's fiscal year and try to get the fee incorporated as part of the budget hearing and it will be cleaner as far as tax collection and finally, add c, the director shall mail notice of the contact notification within 100 feet of the short-term rental use. This was an item included in the planning commission recommendation and we believe it was inadvertently left out. The intention t was to let the neighbors know who to contact if there's a problem. And that concludes the changes to the first reading ask.

>> Mayor Leffingwell: Council member riley.

>> Riley: I would like to add touch additional amendments. First, as we've discussed, i would like to shift the focus from zip codes to census tracts. They're smaller geographic areas and do a better job of concentrating short-term rental in any area. And delete zip code in section 25-2-790c3 and replace it with census tract and then insert as an uncodified section. From the effective date through december 31st of this year, applications for short-term rental type two use may be submitted for a short-term rental type two that existed as of the date of the board of adjustment

ruling. In other words, during that registration period from october through the end of the year, we get word out and get everybody to register, we get everybody in and we would have a full database and then as of JANUARY 1st, THAT'S WHEN YOU Would open the door to -- to new registration. New properties. At that point, it may well be the case that some census tracts are already over the limit and in that case, you would not be able to open up a new short-term rental in that area. Over time, we would get down to the limits, through attrition and that -- my understanding is that would actually happen quickly because these properties tend to turn over quickly. So get down to the 3%. And, of course, there's a number -- I expect there's a number of census tracts where there's no short-term rentals at all. I suspect it will be a while before we get up to 5500, but we'll have better information as of the end of the year when get the information in. Secondly, would I add section 25-2-790f. And this is similar to something in council member morrison's suggestion, to her modification number five. It would state an advertisement promoting the availability of short-term rental property in violation of city code is may be grounds for revocation of a the idea is if you're advertising the property for something that's inconsistent with the rules governing a residential district, then that would be people aface a-- prima facie evidence. We would have a mechanism to shut down bad actors. Advertising for inappropriate there's a lot more i could say but that's the motion I would like to put on the table. The staff recommendations from both of law department and the planning review staff with the tough additional changes I've just outlined.

>> Mayor Leffingwell: Substitute motion by council member riley. Is there a second for that substitute motion.

>> Cole: I'll second it.

>> Mayor Leffingwell: Mayor pro tem sheryl cole seconds.

>> Cole: I have a question for council member riley. On the last you added similar to the modification that council member morrison was talking about, about automatic revocation of a license, I'm wonder iffing you or jerry have -- if you or jerry have given thought to how that plays out with hotel occupancy attaches that have not been collected because it's been a false advertisement. Or do we already have provisions for that in the ordinance?

>> The intention here I believe was to -- not with regard to specifically the taxes, but the activities that occur on the property. So.

>> Clerk: Do we have a two-pronged problem that we haven't yet addressed? If we've got the bad actor, isn't the bad actor also not paying attaches?

>> That's more than likely. But specifically what we're aiming for here is somebody advertising a use that would be in conflict with what our code allows. So if you make -- making something up here. If you took on a advertisement, short-term rental available for rent, and your advertisement said, available for bands who perform outdoor concerts in the yard, something like that, that would clearly violate the city code, the fact that you advertise that could be evidence used in the violation.

>> Riley: Mayor.

>> Mayor Leffingwell: Council member riley.

>> Riley: If I may respond. That paragraph is really strictly focused on advertisements. That's not the only problem we have with short-term rental properties. There may be other issues. What I foresee as part of the registration process, they're provided with a package of information that includes applicable rules, for instance, whatever ada accessibility requirements there are. And occupancy limits and other rules, and they're told that they're subject to the city code and informed that the most -- of the most important requirements and violations of the city code or rules would be grounds for revocation of that license, independent of advertising. That you could still, if there are violations going on, staff would have the authority to revoke a license based on those violations and that would be made clear at the time of registration.

>> Cole: If there are -- mayor.

>> Riley: Sorry, just to finish.

>> Cole: Ok.

>> Riley: And one of the requirements is pavement of -- pavement of hotel occupancy taxes if staff finds that short-term rentals have been going on and haven't been paying the taxes, that would be a violation of code and staff would, therefore, have the authority to revoke the license on that basis.

>> Cole: It's covered in another mechanism, correct? Ok.

>> Mayor Leffingwell: So substitute motion is on the table. That means we will vote on the substitute motion first. In the interim, discussion on either the substitute or the main motion is in order. Council member tovo.

>> Tovo: Thanks, mayor. So I didn't have an opportunity to speak to the first -- the main motion on the table so I'll speak to it by way of proposing some amendments to the substitute motion. This has been a tremendously difficult issue. Is it the most pressing issue facing our community, as one speaker asked? Probably not. I think we have some real critical issues we're going to talk about in the bond election discussion about basic needs, human rights issues that are challenges for the community. But this is certainly an issue that has a tremendous potential to impact, to negatively impact neighborhoods across our city and I think it's been worth the time we've spent as a community discussing it and thinking through what we want our community to look like. The provisions in the main motion I'm going to propose, become part of the substitute motion, I think are really critical to mitigate the most negative impacts of allowing commercial short-term rentals into our neighborhood. So let's see. The first I'd like to propose is lowering the percentage from 3% down to 1%. I think that gives us a baseline to start. We can always go back and review but I think it's important to be conservative about this. We've had a lot of discussion, heard testimony about the number of housing units that would potentially be converted to commercial

short-term rentals with 3% and I'd ask the maker of the motion to consider a 1% and you see that as a modification number three in council member morrison's main motion.

>> Mayor Leffingwell: Council member riley.

>> Riley: And I -- I'm open to revisiting this issue in the future but at this point, i don't feel that would be an appropriate change.

>> Mayor Leffingwell: Not accepted?

>> Riley: That's right.

>> Tovo: Ok.

>> Mayor Leffingwell: The point of order that's been raised, are amendments to the substitute motion is in order and since that question's been raised, I'd ask the city attorney to speak.

>> Mayor, I believe it's allowed. You had an amendment to main motion and then a substitute, so the substitute then becomes the main motion that you're considering and now we're asking that that substitute be amended so I do believe you can have a amendment to the substitute.

>> Mayor Leffingwell: I agree. The first has not been accepted as a friendly amendment.

>> Tovo: Ok. Let me ask this. If we vote on the substitute motion and it passes, there would be no opportunity to amend it later, correct.

>> Correct.

>> Tovo: If we want to propose amendments now is the time to do it. I'll make it clear because council member martinez brought this up in tuesday's discussion. For me, some of these are really critical to my consideration of whether or not to vote for this ordinance, so I make these amendments, but in truth, there are few that are really deal breakers and I can't -- I'm likely, if they can't get accepted as a group, I'm likely not to support your motion. Just to put that out there. The next is modification number two on council member morrison's motion. And that is to prevent clustering. That's the provision that the planning commission recommended after two years of shareholder meeting, in-- stakeholder meetings many of which include a geographic distance requirement. We've heard that clustering is a potential issue and we have a answer back to the q & a and I'll excerpt it. Currently unclear how this code amendment will deal with spatial clustering. Skipping to the end. If code were to establish a limit to the number of type two STRs ALLOWED PER ZIP CODE, IT Would ignore and consequently enable pockets of high str densities within the zip code. In this case, talking about census tracts but the point is the statement for instance, a limit might be set where only a 3% of the total number of housing units could be used as STRs AND JET THE VAST MAJORITY Could exist only if a few neighborhoods where the 3% ceiling would be significantly exceeded. We're talking about 3% and sun recess tracts -- census tracts. 43 Students in 78704, if those fall within one or two census tracts, you're looking at a significant challenge for a school. We have at least one school within

the 78704, that I believe is still under 250 students. If they fall within that attendance bourne, we could be look ago -- boundary, we could be looking at a significant problem for that school. So I would suggest we look at clustering.

>> Mayor Leffingwell: Council member riley judge the reason we shift -- this avoids the risk you described of all 43 homes within the 78704, that would be in violation, more than 3% within one census tract. That's the whole point of shifting to a census tract. It will necessarily have the effect of distributing them. We looked at having geographic separation. I watched planning commission hearing and did not see specific references to cities who did that. Question ran into resistance from staff about the concerns of difficulties of implementing that for a number of reasons and we looked at a number of the standpoint of continuity and possible separation requirements. It would be a difficult thing. I'm not saying it would be impossible and we may figure out a way to do it in the future. What brought me around to being amenable to just the -- using the census tract approach, for now, is that when we looked at the pattern we see of the homes out there, we do not see patterns of -- the kind of clustering we've had concerns about. We found a couple of instances in old west austin where there seemed to be more than one close to each other, but in general, didn't find whole swaths of the type described. And certainly if we started to see that type of practice, i think that would step up having a separation requirement and I'm open to doing that in the future. But for now, I think the census tract provide a good workable way of addressing that concentration problem. We want something that works. That don't create an overwhelming burden for staff and others, that staff can -- where we can get them registered and get the requirement enforced. So we want to minimize the difficulty of that first step and from that partnership, i think focusing on the census -- from that standpoint, I think focusing on the census tracts provides a revocation of a license advantage.

>> Tovo: That sounds like a no.

>> Mayor Leffingwell: Sounds like a no to me.

>> Tovo: If I had to give a wild guess. All right. Two last ones. I'll just say it's very unlikely I'm going to support your motion, but I offer these for your consideration regardless. The first is something I think we've talked about in passing. The ability to come back and look at how this ordinance has played out in our community with regard to some of very specific issues we've discussed. This 12-month review would allow for staff to come back, the city manager to come back, and report on the effectiveness of the program. Looking at some of the impacts, neighborhood school enrollment, conversion of long-term housing units to short-term. Has it increased and number of complaints made to code compliance and police and any other significant impacts that might come back and also provide an opportunity for council to evaluate whether it's appropriate to consider termination.

>> Riley: Mayor.

>> Mayor Leffingwell: Council member riley.

>> Riley: And that's absolutely agreeable and I realize that's not going to bring you on board.

>> Tovo: Probably not.

>> Riley: But I expected to provide that direction from the dais anyway. We've been talking about that and I think -- if possible, we may need a review even sooner than 12 months. We talked with staff, they're going to be watching for issues and we want any issues to be brought to our attention within a year if we see things coming up. And certainly no less than a year, we want some idea how it's going.

>> Mayor Leffingwell: Accepted by the maker. Mayor pro tem sheryl cole, do you accept that? That will be incorporated into council member riley's substitute motion.

>> Tovo: And then the second -- I think --

>> Riley: Sorry, if I may.

>> Mayor Leffingwell: Go ahead.

>> Riley: I noticed it contemplates where including that in the ordinance language as a part and that's -- in the past when we've done 12-month reviews I don't know if we set that out in the ordinance. Staff, do you see any issue with it being part of the ordinance itself?

>> Give me just a moment to look at it, if you don't mind. I don't think -- this is basically direction to staff. We usually do it in a more envelopal fashion. But I don't think there's a problem as long as staff thinks they can comply with that direction.

>> Yes, it's acceptable it staff.

>> Mayor Leffingwell: So since this is unusual, putting something like this in the ordinance, what happens if it doesn't get done? Go to jail.

[Laughter] staff is committed, we'll be --

>> staff is committed. We'll be here, or as council member riley implied. Sooner if we discover that the ordinance is drastically broken.

>> Mayor Leffingwell: There's nothing that happens at the end of 12 months, if the ordinance lapses or anything like that?

>> No, it does not. But I'm sure we'll be reminded.

>> [Inaudible] judge,.

>> Mayor Leffingwell: You have another?

>> Tovo: Probably, and lastly, for the movement anyway. Modification number two on the sheet I handed out. Neighborhood plan amendment. We heard discussion from people that they would

like, many neighborhoods might step up, or some might step up, this is what we want in our neighborhood. We want to provide that flexibility for homeowners. But others may feel it's inappropriate for whatever reason. So I propose it become a neighborhood infill option through our neighborhood plans rather than an outright grant of use available in every neighborhood.

[Applause]

>> Mayor Leffingwell: Council member riley.

>> Riley: And no, I don't consider that friendly.

[Applause]

>> Mayor Leffingwell: Ok. Not accepted.

[Applause]

>> Tovo: [Inaudible]

>> Riley: There has been an awful lot of conflict and strife over this issue and I don't think we'd be doing our neighborhoods any favor by introducing that into every neighborhood.

[Applause]

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Thanks, mayor. I hope this is friendly and hope this is the last one. In some cases, in a sale transaction of a home, sometimes the seller or the buyer for that matter, is looking for a quick close and so the seller ends up leasing the home back after the closing takes place and I want to make sure we have language that allows that to occur when a sale transaction is taking place, because I don't want the new owners and purchasers to have to come and register and pay a tax when all they're doing is renting their house, maybe less than 30 days to the previous owner who sold them the property. I believe 25-2-3 it would be one sentence added under -- it's part one, subsection b10, short-term rental, the one sentence would read, the use does not include a register between part parties to the sale of a residential dwelling unit. Maybe it should say of that unit. But not requiring folks to come and register as short-term rental. Is that friendly.

>> Mayor Leffingwell: Council member riley?

>> Riley: Yes.

>> Mayor Leffingwell: Staff and mayor pro tem? That's also incorporate flood the substitute motion. Council member morrison.

>> Morrison: I want to go back for the staff recommendation. I have some questions about that. Jerry, the recommendation to remove reference to homestead exemption throughout. It was my

assumption that was in there because that's the only thing that we can document that can suggest that something is owner-occupied. So if you take that or not -- if you take that out, what's the plan for figuring out whether or not you're dealing with a owner-occupied or not type of short-term rental?

>> Well, the first -- asking the person on the form whether it is or not. And if we had reason to believe they did not tell us the truth, I think we can investigate it just as we investigate any other code violation. The homestead is the easiest way. But we were concerned because we learned the provisions essentially allow you to maintain a homestead but still not occupy the structure for a certain period. I believe about two years and so we were concerned about people gaming the system, they don't live there and stuff like that. So we thought that the debate all along have been about owner-occupied versus NON-OWNER-OCCUPIED STRs AND WE Thought it would be easier to just stick with those two terms.

>> Morrison: I'm trying to follow the logic here. To me, this opens up the loophole that would allow folks to claim it's owner occupied, when it's not, because they done have a homestead exemption where is if you have owner-occupied and homestead exemption, at least you have that sort of nuts and bolts thing that you can go out there and take a look at. To me, it seems an important sort of piece of making it realistic at all. If there's some kind of suggestion maybe it's not owner occupied, and you go out and try -- well, they claim it was, I guess I can't really fathom how you would -- how the person -- the burden of proof is going to be on the city to prove it's not owner-occupied, how are we -- can we envision anything how we would actually prove that?

>> Um, other than being investigated by the code compliance, I don't know how they would prove or not prove it. The homestead does not prove whether something is owner occupied as well --

>> Morrison: We're relying on another thread of life as an owner-occupied place. I guess it opens up for me a can of worms in terms of enforcement. So --

>> we may also use the homestead exemption as evidence of owner occupation or non-owner occupation. Another thing brought up if people had homestead exemptions and registered as type twos, would that count against the cap? And we felt there were arguments in both directions and the cleanest thing to do was to simplify it to owner-occupied versus non-owner-occupied.

>> Morrison: I guess I'll just suggest an amendment to remove that. It does raise a lot of concerns for me and I just feel it's going to add a tremendous loophole. So I'd like to ask that we -- I'd like to ask that you consider that as a friendly amendment.

>> Mayor Leffingwell: The amendment is to reinstate the homestead terminology?

>> Morrison: Right, and I do want to equal this by -- qualify this by echoing what council member tovo said, and I'm asking you to consider it.

>> Mayor Leffingwell: Council member riley.

>> Riley: And my impression would be that staff is relying principally on toad whether a particular property is owner-occupied.

>> That's the simplest way.

>> Riley: You would rely on that and only unusual circumstances they need to look beyond that and -- I would want staff to -- of the language -- language that allows flexibility, allows them room to do that without requiring anything beyond toad and I take it staff and the law department are satisfied that the proposed language achieves that?

>> It does.

>> Morrison: So no?

>> Mayor Leffingwell: No.

>> Morrison: I appreciate the addition you made, council member riley, with regard to advertising. And I have a question -- so it says that advertising in violation of city code, does that mean if someone is advertising and they're not registered? Would that be in violation of city code? So that would fall under this? They're not registered as a short-term rental, but they're advertising as a short-term rental.

>> Riley: I'm going to defer to the law department on that.

>> The language prima facie, we rarely get to use latin anymore, so it's fun. It means if you're advertising something, that's the -- the burden is on you to show you weren't doing that. If you were to advertise an str, and it wasn't registered, you would go into any enforcement proceeding bearing the burden to show you weren't operating it. It establishes a legal presumption you're doing what you say in the advertisement.

>> Morrison: So then my question is, council member riley gave some -- some examples, like if you were advertising that you can have a band in your front yard at -- a concert in your front yard, that would fall under this. What about if you're advertising to rent out as a short-term rental and the city staff verifies that you don't actually -- you haven't registered as a short-term rental? Is that --

>> absolutely, it's a requirement to do a short-term rental use type one or type two, I have to have -- you have to be licensed and pay your taxes and everything. So you definitely would be -- if you're advertising you're doing an str use and there's an enforcement proceeding initiated for unregistered str use, absolutely this language would empower that enforcement proceeding.

>> Morrison: Glad to hear that. Then another question I have about this. Council member riley mentioned -- I believe I heard him mention as a way of example, like if you weren't compliant with ada, but, in fact, ada is not a city code. So -- so it wouldn't fall under this. So -- and we do have an opportunity to ask them to certificate that they are ada compliant if they -- certify that they are ada compliant. Which our legal folks told us that, yes, commercial -- type two

commercial short-term rental are required to be ada compliant because they're public accommodation. So I think it would be a good thing to consider to put teeth into ensure that folks that are required to be ada compliant are ada compliant and this don't cover it.

>> I don't know if the law department would have any additional thoughts on that, but that would be my expectation, that we would be -- I mean, we -- it's not just -- we can't -- we can't excuse anybody from complying with federal law but we certainly can educate them as to what that requires, and I just wanted to ask Brent if he sees any issue with that.

>> The ada, you know, has a lot of different classes and categories of requirements. We researched in depth the extent to which str uses would be subject to ada and based on that research we've determined that basically there's a fairly minimal reasonable accommodation requirement that would apply if a disabled person sought to rent -- rent an str and the owner of the str for certain structures, and I believe it's tied to the year that they were built, would be -- would have an obligation to make that str accessible. However, it is correct that that is not a requirement that the city has the authority to enforce. I think general language memorializing that requirement could be reflected in code, but definitely it is not a -- it's not a provision that the city under the ada would have authority to actively enforce.

>> Morrison: mayor? okay, council member Morrison. I don't think we have an answer. Go ahead. I did understand from our previous conversation in the work session a couple of months ago, I guess, that it was possible to, for instance, as a matter of registration or getting the license, I forget what we're calling it here -- to require that they certificate that they're ada compliant. Although I just wanted to point that out because while we can't -- we don't have the authority to enforce it, we do have the authority to ask them to certify --

>> if I could offer, perhaps they would help. There is a requirement in the ordinance 25-2-791 that I believe council member Riley was referring to notification requirements and these are things that we provide a packet of information to every person who was applying for a license and we could add -- and so right now we have things in there such as, you know, name, contact information, et cetera, et cetera, but we would provide parking restrictions, trash collection, information on burn bans, et cetera, water restrictions. 9 that would say -- or probably 8 9, but -- because that's the one that encompasses or other things, but we could add one that says information relating to the Americans with Disabilities Act.

>> Riley: sure. Absolutely, and that would certainly be acceptable.

>> Morrison: thank you. I appreciate that. So that friendly amendment is accepted by council member Riley to add information about the -- in the information packet to include information about the ada, and Mayor Pro Tem, do you accept that? Okay. So that will be incorporated also. And then lastly, you know, we've gotten? Correspondence from some folks in the community raising some issues about is there anything in this ordinance that would preclude me renting out my backyard as camp sites. Can you comment on that?

>> Do you have a really nice backyard?

>> Morrison: not really. Actually. And it really looks bad right now.

[Laughter]

>> this -- actually this ordinance by definition talks about dwelling units and buildings. It's about renting the property, the house, the yard, all together as a package. It doesn't allow the rental of individual rooms. I don't believe it would allow the rental of an individual yard.

>> Morrison: okay. We'll find out in 12 months perhaps.

[Laughter] and is there anything with regard to the -- this was another scenario that was discussed, and susan brought it up too. Is there anything that would preclude an apartment building to con 100% short-term rentals and basically being a hotel of studios?

>> Yes, I think just simply the definition in the land development code. If somebody provided a building and they were renting individual rooms for rent, then to me that would meet the definition of a hotel/motel and if they were zoned multi-family it would simply be a use violation. and what if they're individual apartments for rent, so you have studio apartments, say, one-room apartments and you decide to convert, an apartment building and studio --

>> I think it would still be a hotel.

>> Morrison: okay. And then last question -- i guess -- let me just bring up the one other thing that we had discussed, and that is to remove multi-family as an allowable was one of -- that was my modification 4 for remove multi-family to make sure that we avoid that kind of problem and don't exacerbate 98 or 97%. council member riley. we have really tried to build on the foundation set by the planning commission. We've been criticized for how far we departed from the planning commission's recommendations, and if we had gone off aiming towards multi-family, that really would have been a departure. The planning commission did not speak to multi-family uses. It was not a part of their ordinance, and it really is a whole different set of issues with an additional set of stakeholders who frankly have not been involved in this process. If we look at other cities that have banned short-term rentals typically the conversation has been about single-family homes. I know if you google short-term rentals in portland you find an awful lot of short-term rentals in condos and apartments. It hasn't been part of the conversation up there, nor has it been part of the conversation here. I'm open to visiting that in the future and engaging in a stakeholder process those who would be interested in that, but we just haven't undertaken that and I think that would just be too far a stretch from how far we've come so far, and I don't think we're ready to go there. okay, and very last question, I promise. Back to the owner occupied -- take that as a no, by the way. back to the owner occupied. How do we define owner occupied? Is that like more than nine months out of year or is that something that's in our code? How much time do you need to live in a place for it to be owner occupied.

>> It's not something in our code. I think it's something that we would determine how we would exactly define it. I was going through the -- determining the administrative process, but no, there's not a definition in the code. I think that there might be a lot of interest in that, and so can

you remind us when you're doing the rules who will be notified about what that -- what the staff drafts for, what the definition of owner occupied is?

>> There's a rule-making process that we're required to go through. As far as the notification goes, I know that they're put up on the board in the office building for 90 days, but there's some period like that, but I'm going to defer guernsey real quick. okay, because I'd like to make sure that we -- I think there's going to be a lot of interest in how this can be -- things can be defined, and that will lead to enforcement capabilities, I think that the communities that have concerns is going to be interested in being notified once those are drafted.

>> We could notify anyone who registered as an interested party of a rules change, of a rules posting. so does that mean in general or once it gets posted -- I mean, how do you -- how do you do that? Is that specifically for short-term rental rules?

>> No, that would be for any rule, that's part of the rule making process. People can register with us as an interested party.

>> Morrison: okay. Can they do that on-line?

>> I am not sure. I am not responsible for that office. Someone else does that. I think this is important information for people to have, so I'd like to get that.

>> Kathleen buchanan, assistant city attorney. Legally interested parties are interested parties to the stakeholder process for the rules, and the city code can register with the city clerk and pay a c and be notified of all issued relevant to this rules process.

>> Do you know what the fee is?

>> I don't.

>> Morrison: okay. So we should all -- so folks should contact the city clerk?

>> Potentially also folks who are already involved in the process that we have identified through the existing stakeholder process, through the planning commission, and through this ordinance discussion, all of those folks who we already have the contact information for who have indicated they would like to be notified, we can make sure they get notified and also put the information on speak up austin. that sounds terrific if we can get the word out in that sort of public way I think that would be great. Thank you.

>> Thank you. council member tovo. I have three quick questions for staff. rusthoven, I want to just verify a couple things that you said. So if there is a multi-family property in which there are, say, 30 efficiency units, could all 30 be converted to short-term rentals if it still fell within the 3% of the census tract or would that become a hotel?

>> I don't think it would count toward the 3% because the 3% only talks about single-family. But if you took an apartment building and [inaudible] that would become a hotel. at what point do you think it becomes a hotel.

>> Certainly if they're all rented out --

>> 100%.

>> 100% Would certainly be a hotel. Beyond that I think we've had have to think about it. and just so we're clear, any multi-family properties don't count toward the total cap so they could be in excess of 3% --

>> the only thing we've talked about since it was passed by the planning commission has been single-family houses. secondly, thrches a question I submitted to staff, and the answer was going to be returned to us -- actually I have another question for you and this is probably one for legal. My second question is just to get back to the notion of owner occupied. Is there any precedent by which owner occupied can be less than six months? I mean, what -- what I'm concerned about is that in losing the homestead exemption that was in the original provision, you might have somebody making a claim that it was owner occupied because they were there a day, a week.

>> Yes, and our first -- the first piece of evidence we'd use would be a homestead. We would look to see if they had a homestead exemption. If they had a homestead exemption then we would presume that they're owner occupied. If they did not we would pursue further evidence to determine whether it was owner occupied or not, using whatever evidence we had available. but you can assure under the circumstances that whatever that rule's process -- however that rule's process defines owner occupied it will be a common sense approach that doesn't allow someone to say it's an owner occupied --

>> greg guernsey, planning and development review. There's a certain challenge that we have saying it's really owner occupied. Like when we deal with a bed and breakfast, it was mentioned earlier, that those are owner occupied. If it is a homestead, it may make it easier, although we understand that if you actually have homestead, you might actually not live in that dwelling, perhaps, maybe for the entire year although it still may be a homestead exemption applied to that. And so what we're saying is that homestead exemption isn't necessarily evidence that you're actually living in the structure for that time period, even though it might be a year. So we would look at that as maybe, you know, addressing -- where the tax address would be, I think that would be helpful. You know, I think we would probably be looking at the majority of time that you would live in that structure. The issue really I think that would come up would be bed and breakfast but i think you would have to be living there more than that year than less than that year period. So it may be a six months break. It's is not something that has actually come up before either in bed and breakfast or even necessarily in the discussion that we've had with regards to this particular issue.

>> Tovo: all right. Thanks. And then my third and last question is a follow-up on one of the questions i submitted through the q and a process and that question was about historic landmark designations. If a property has a historic landmark designation and is an owner occupied -- let's

start with a type 2, would it be -- receive the tax -- would it be eligible for a tax exemption -- I assume it would only be eligible for a tax exemption under the income-producing exemption, right? Is that correct? Under type 2.

>> My two favorite topics brought together.

[Laughter] yes, it would be -- it would be -- if you had a short-term rental, i further looked at it after we answered the question a little bit more, and if you were renting out a historic structure whatsoever, be it long-term or short-term, it would fall under the second category and would be subject to the lower tax exemption that we commonly call commercial but would be half of what the person in a -- what we call residential structure would receive. and that's for a type 2?

>> Yes. how about for an owner occupied short-term. What category do they fall into?

>> Same thing would apply. They would fall into the so-called commercial category of the historic tax exemption because they were renting it out, even though it was owner occupied, they were renting it out for a period of time.

>> Tovo: thank you. Thanks for looking into that further.

>> Sure. all in favor of the substitute motion, which is to approve on second and third reading with the modifications prsed by staff, modifications proposed by council member riley and several friendly amendments. I assume that everyone understands this motion. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no.

>> No. passes on a vote of with council members tovo and morrison voting [inaudible].

[Cheers and applause] thank you. We'll go on to item 117, which is to conduct a public hearing regarding a proposed november 2012 bond election. And if you could hold the conversation down so that we could hear from other citizens who want to speak in this public hearing it would be very much appreciated. Rebecca campbell.

>> Mayor? council member martinez. mayor, before we start with our speakers I'm going to make as friendly as possible a plea to everyone, we've got four hours of testimony signed up on this one item, so if you can be brief, others would appreciate it and so would the council. So just keep that in mind. Thanks. if it goes four hours you may be ...

[Laughter] rebecca campbell has several folks donating time, but you have to be in the chamber to donate time. Eddie sapady. Please raise your hand if you're here. Eddie sapadi. I don't see eddie. Mark stevens? Is mark stevens here? Okay. Gotcha. Toby stoner?

>> Here. got you. Denise hardy. God you. So rebecca, you have up to 12 minutes.

>> Thank you, mayor. Good evening, council members, mayor pro tem. My name is rebecca campbell. I'm the executive director of the austin film society, and I'm honored to have the opportunity to speak to you tonight. I am here on behalf of austin's creative media community to ask you to make austin studios part of this fall's bond election. I'll be brief because I want to save some of my 12 minutes so you can hear from some other leader who are here with me who have also signed up to speak. I'd like to see if I can squeeze them into my 12 minutes to make it go faster for everybody, and that includes steve beltski, from iotsi local 484, randy federer, the line producer of the line game, and beth septko of casting. and everyone who speaks has to be signed up.

>> They're all signed in. Later this month the national guard will be vacating the old armory on 51st street. 73,000 More square feet of offices and hangars will become part of austin studio's 20-acre campus. We have 30 years remaining on our lease with the city, and we're going to turn this abandoned facility into a hub of creative activity. There will be flexible, affordable offices, and film production space for creative businesses and artists. It's been 12 years since the city interested us with this land. As of today, 35 businesses make their home at austin studios, making movies, paying people and keeping austin creative. With \$5 million in bond money in 2006 we remodeled two hangars and turned them into full-fledged sound stages. Since that time austin studios has generated \$300 million in economic impact, to that's \$5 million with a \$300 million roi. Given our track record we know we can make a success of the national guard building, but the building is 50 years old. It needs to be completely rehabbed, from the roof all the way to the plumbing. Furthermore, the rest of the austin studios campus still has infrastructure needs that exceeded our capacity in the 2006 bond funds. We're talking about basics here, like water and wastewater capacity, storm water management and electric power. Also, the miller development has now reached our doorstep, we need to implement the screening walls that are described in the miller design guidelines. All of our needs are summarized in the spreadsheet, which I've also distributed to council and which I have copies of that I can put in the record. So that means I don't have to go into all that detail. Because our message tonight is really simple. Bond funding for austin studios makes sense for the city. It's good for the economy, it's good for the community and based on what the studios have done for austin to date the expansion is clearly poised for success. It's good for the economy because it attracts thousands of jobs and hundreds of millions of dollars to austin. It's good for the community because it advances our ambitions as a city. Specifically those laid out with the imagine austin plan and the create austin cultural plan. And we include the community as at austin studios with 4,000 visitors every year, filmmaker programs. It's going to be successful because the austin film society is a responsible steward of the city property. We will leverage the funds you designate. We've already put 2 million into the property. We're shovel ready, as they say, ready to go the day after election day. Before the other leaders speak, I would like you to see that we have strong, broad community support for this request, so I'd like the folks who are here in support of austin studios to please stand when I call your name. They all were here at 6:00. They might not all be here now, but I would like it to be part of the record that we have the strong support. Jason whaling from arts and labor. Steve alberts and amanda garcia from the austin convention and visitors bureau. Louis black from the austin chronicle. Marcy hone from the austin creative alliance. Leslie properly from the austin hotel association, ann guess ton kelly from the school of film. Denise hardy from a casting place and network austin. Beth accept come from beth casting and

the tenants association, writer director brian poiser, production manager dustin daniels, alhenyo from -- phil hard j from the directors guild of america.

[Listing names]

[listing names]

>> now I'd like to ask steve bellski from iotsi local 484 to come up.

>> Mayor and council persons, it's been a long day. I'll go as quick as I can. I'm steve bellski. I represent over 900 film crew technicians that's lighting persons, hair, makeup, set designers, working on most of the large projects and a great many of the small projects here in austin, and 20 years ago when we started there were no studios, so I think the closest thing we had to a studio 20 years ago was a tilt wall, a bunch of tilt-wall warehouses that happened to be in between their rental agreements, and now 20 years later under the cautious stewardship of afs and director campbell's leadership, the austin studios has really legitimized texas filmmaking and austin filmmaking specifically. Not just in austin. Until somewhat recently the capital of filmmaking for several states across. I remember when mueller airport closed and that was something I regretted. I loved that airport, but we really loved what it became. It became a centerpiece in texas filmmaking, and the 900 people that I represent have at some time in the last few years all called that facility home. That is a phenomenal centerpiece, as I said, and although it was a challenge to bring a bunch of aircraft hangars up to the level of a studio, that was just the first step, and as you heard director campbell say, we've got some room to move still. The encroachment of the neighbors, the developments, the residential and retail communities making their way in give us an opportunity and a necessity to expand, and as you well know, the armory building is the target of our next move. My 900 members are in full support of this bond issue as it affects the ability of austin studios to expand into the armory and to do some much needed upkeep maintenance and general development of the property. We are in strong support of this, and I think thank you for all of your time and attention to this matter and have the greatest of hope that you'll see your way to continue supporting via the partnership with the city and austin studios again under the tutelage of afs. Thank you. I'd like to bring beth sepc casting, one of our casting agencies here in austin. you have about three minutes left.

>> I'll be shorter. I am what is known as a location casting director. My location is texas. I was born here in austin. I reside in austin and my business is located at austin studios. I have also worked there for a number of years and I am currently the head of the tenants association of austin studios. The tenants association members are from 29 different businesses on the studios, including sound check, which also has seven additional tenants and businesses. As the industry continues to grow in austin the studio lot businesses are all expanding. In fact, nps studios, where mark is from -- or represents, used to have one space in the red building and now has four. With these companies as well as the abc family tv series all working on the lot, austin studios is at capacity. Every building is full and our parking lot is quite full. Any new company or production wanting to bring more work to austin studios will have to be turned away. Our city has the manpower and the talent to crew additional productions, but we don't have the space ready for a move-in. The cnr austin film society can get the buildings ready, the sooner jobs will be creator. My job is to cast, which is to employ good actors, not bad actors, and texas talent. My contacts

and database is people interested in this kind of work is well over 12,000 texans, over 7,000 of which can be found as likes on my [inaudible] company's facebook page. On project filming here in austin I cast the roles and the extras with as many local austinites as possible. It is preferred by my producer, one standing behind me. In the last 12 months of filming, just for the line game, which shoots on the lot of austin studios, my company had almost 4,000 man days of work for texans. The majority of the people hired were indeed austinites. Any nonlocal principal actors were also housed by our production in local austin hotels. Earlier I believe there was a representative from the austin hotel and lodging association here today, who like those that I represent, is for item 117 and in favor of bond funding for austin film society. So I think that was within my time, and I thank you all for your time. thank you.

>> And let me also introduce randy sutor, who is our producer of the line game. you have one minute.

>> I want to say it's a pleasure to be here in austin. We're all thrilled and it's been very welcoming. It's great to see that you guys have a studio made out of an airport. It's actually kind of cool. We've been here a year. We're pumping quite a bit of money into the community. We'd like to stay here and just would support the bond to see that some improvements can be done at the studios. There's a great effort at this point, but there's a lot of things that still need some improving on, some leaking roofs, flooding, air-conditioning problems and stuff like that. And I hope this passes so that we can continue to stay here and bring other shows. And that's really what I'm here to say. could you give me your name again?

>> Randy sutter. randy sutter. Thanks.

>> Are we out of time? 15 seconds.

>> We went through the whole bond election advisory task force process and they recommended us for 5 million and a large package. So I hope that doesn't go unnoticed. Thank you. thank you, rebecca.

>> Cole: mayor? mayor pro tem. I have a question on this item for tremble, if he would come forth. Now, I know this is publicly owned land by the city, so help me understand how if we were to grant the citizens advisory committee's request for some funding for this organization, how that would work.

>> Well, excuse me, since it's on public land, we've already established that the public purpose for the use of the general obligation bond -- there was monies that were used by austin film studios, as rebecca mentioned, from the '06 bond election, so we've already kind of established that, and I think these would be to continue those types of improvements out at that site.

>> Cole: okay. So we don't have -- this is a different situation. We're not talking about giving bond money to an outside company. We're talking about -- or entity. It's bond money with a city facility.

>> We would -- yeah, we would establish an agreement with them for how those dollars are spent, and again, we'd keep track of the public purpose and making sure they were with the intent of the general obligation dollars. were you here, mr. trumble, in 2006?

>> I was not. we had a significant item, I believe, for cultural arts and those types. Do you remember how much that was?

>> I don't remember --

>> mayor leffingwell: I do. 5 Million.

>> Cole: 5 million.

[Laughter]

>> cole: are you sure? Had you sure?

>> Are you talking about the total proposition. the total -- I'm talking about just for the film studios.

>> The film studios was 5.

>> [Inaudible]

>> 32.5? Okay. We'll get back with my staff. it's my understanding from the shouts around the room that the amount for the cultural proposition is back in 2006 was \$32 million and approximately 5 million was related to the film industry.

>> Right.

>> Cole: okay. And this time, from what i have determined, there are no specific amounts for culture or arts or music or -- is that correct?

>> That's not exactly true. As rebecca mentioned, the austin film studios presented this project through the bond election advisory task force process, and so what we've been calling these projects are community-based projects that we've had community stakeholders bring these projects forward.

>> Cole: I'm sorry. I don't mean what rebecca said that the citizens bond advisory committee had granted. I mean that based on the 385 and the city manager's proposal we did not currently have this item in there. Is that right?

>> That's correct.

>> Cole: okay. Thank you, mayor. greg weaver? Donating time is brian dolozol. All right. You have up to six minutes.

>> Good evening, mayor, and council.

[Inaudible] my graim is greg weaver and I'm with catel development, before I go on my pitch I want to endorse austin film studios. They're a great part of the mueller development, and we love what they do and being a part of it so we highly endorse that. I'm here today to ask your support of another community-based project that is called the east 51st street vision plan that should have been handed out at the dais probably at 6:00. So it may be a little stale by now. We're here asking for your support. I recognize there's a lot on the -- a lot of requests out there today. I'm going to give you a brief overview, give you a little bit of the history of how we came about it, tell you what we've done to date, and then there's going to be other people here that will give more detail to the plan. So the history of it was last may I came before you and the city staff came before you asking for the right to sell a piece of land to the austin independent school district for the performing arts center that's going to be located at the corner of 51st and mueller boulevard. At that time council requested that we study and look at a plan for 51st street, really from i-35 to old manor road, and there were a number of considerations on what was happening at i-35 and 51st, was 51st a core transit corridor, and really, to look at 51st street to be an active pedestrian friendly multi-modal street that enhances the community and really bridges the windsor park neighborhood and the miller neighborhood on a go-forward basis. So we took that request seriously and have gone through an extensive process. We first put together a stakeholders group that included the city transportation department, txdot, cap metro, the mueller commission, windsor park neighborhood association, the mueller neighborhood association, many other neighborhoods and then we got key property stakeholders along 51st, specifically we got, the aisd the promised land church, ibc bank that's going to be locating out there, and the austin film studios to all come together to study this. And then back -- we started off and kicked off a planning process in august of last year with the help OF JIM ADAMS and McCann adams studios and gerard kenny of kenny architects to start our visioning process. In february of this year catelas and the stakeholders delivered the vision plan again at your desk today to the citizens bond advisory task force. Jim adams in a moment will walk in more detail of the plan for you. And then this plan received a full endorsement of all the stakeholders. We received many letters of support that we delivered to council and to the task force, specifically from windsor park neighborhood association, the mueller neighborhood association, the cherrywood neighborhood association, ridgetop neighborhood association, the mueller commission, the promised land church, ibc and a few other individual people. In april of this year the council approved a resolution endorsing the east 51st vision street plan and asked staff to bring forward possibilities to implement this plan. Lastly, we actually took it to the next step and went and got engineered budgets for the project, and there's 2 million to complete this project. Cantelas as a part of the mueller development has committed to fund \$730,000 of that. The ask and the need is \$3.5 million. So where are we today in the process? Coming out of the citizens task advisory group, we were actually -- they were in support of the project with partial funding for the project. However, the city manager's recommendation did not recommend the project. So why do we think it's important? Speaking for all the stakeholders that were involved oaf these many months -- over these many months, there are many reasons why we think this is important. The 51st street project plan is complete, ready to go, shovel ready. The 51st street project is in east austin - - an eaft austin initiative that supports and connects both the mueller and windsor park master plans and neighborhood. The 51st street project has buy in from all stakeholders, neighborhoods and property owners. There's no controversy and full buy-in. The 51st street project has private

match funding, committed by mueller and by the development. The 51st street project meets all of the tenants of imagine austin, the comprehensive plan. We're asking the city of austin to include the 5 million public investment in the next bond package to move this -- move this project forward. So I ask, let's finish the project that got started in these chambers last may. The legwork is done, the plan is done, the support is there, we're ready to go and we just ask to include the project in the upcoming bond package. Thank you very much. thank you. Betsy hilton?

>> We can save a little time between speakers. After betsy will be shiewls herch.

>> I think he might have had to leave. So I don't know who's after that. But --

>> mayor leffingwell: okay. We got somebody.

>> Okay.

[Laughter]

>> I'm sure you do. I'll try to be brief. My name is betsy hilton. I'm chair of the mueller neighborhood association, and I appreciate being here tonight. I wanted to speak to the 51st street vision process. It's been a wonderful collaborative process, as greg mentioned, between representatives from the various neighborhood associations and the adjacent property owners. 51st street is a very important corridor on the north side of the mueller development, and it connects us to windsor park neighborhood association, and both neighborhoods i think are very concerned about the safety of crossing 51st, and the 51st street vision would really provide important bicycle and pedestrian connections to join our two neighbors together and to help mueller residents get to bartholomew park, help windsor park residents get to the market district, aid performing arts center and other parts of the mueller development in a multi-modal fashion. The mueller -- the 51st street vision does leverage private investment, as greg mentioned, catellas is coming to the table with some of the funding for the project, and the 51st street vision also incorporates cycle tracks on 51st, which would be a great bicycle connection going east-west, and help mueller and windsor park residents get across i-35 and connect to the west part of our neighborhood. We ask that you would incorporate the 51st street vision and the funding for that project in the upcoming bond package, and I believe you all have letters of support from the mueller neighborhood association. I think we sent it a couple of times. So I hope you have that in your file. Thank you. thank you. So shiewls herch is not here. Next is jim adams. Donating time to jim is amanda bleez, absent, and dee desjarredin is here. You have up to six minutes.

>> Thank you. mayor, members of council, I'm ken adam of adams studio and kenny and associates, we served as the urban design consultants for the 51 street plan. It was initiated by catelas one years ago this week and completed in february. As greg pointed out it has resulted in a consensus vision that now can provide a guide for future public and private sector investment along the corridor. The plan focused both on the design of the street itself and how buildings will relate to the street. One of the fundamental tenets of the mueller development is that it should enhance the quality of life, not only for the 700-acre tract but for the surrounding neighborhoods themselves. We believe that the project has done a pretty good job of doing that, particularly

along the southern and western edges with the green ways and trails, but it's been more difficult along the 51st street frontage, which creates a five lane barrier between the mueller neighborhood and windsor park. In addition one of the principal reasons for the planning effort was the relevantization that the original -- realization that the 2,000 vision plan needed to be revisited. It called for a 60-foot urban reserve to be established along the southern edge of the street to allow for future rail and a trail. This section shows the existing condition. This one shows what the future would look like with rail. But what has become clear over the past few years and that was confirmed during our work sessions with cap metro than oh and the city transportation department is that urban rail will not use this alignment, at least for the foreseeable future, and that reserving 60 feet of right-of-way for a future rail may actually work against our goal of creating a great street with better connectivity to windsor park and to the other neighborhoods. So part of our work was in defining the transportation role of 51st street going forward. The working group was unanimous in its goal to create a calmer street that is less of a highway and more of a boulevard, tree lined sidewalks, high wallet bike facilities and safe ways for pedestrians to cross the street and move along it. The recommendations of the plan cover two distinct segments of the street, each with their own character. East of berkman drive and along bartholomew park where there are no bike lanes and limited sidewalks, as you can see in this photograph here, it's -- the working group recommended that the street be restriped within the existing curbs from a four-lane street to a three lane roadway with bike lanes and sidewalks along both sides of the street. This is similar to what the city has recently done on manor road and has made that stretch much safer for ol most. It was agreed that future development along berkman along the mueller frontages should be setback with lots of landscaping so that the park-like character of bartholomew park could be extended along the corridor. For the segment of berkman -- west of berkman drive to i-35, the group agreed that the street should be redesigned as an urban boulevard and that is really the subject of what we're requesting for the -- for this bond measure. Still with four lanes of traffic but with a landscape median that makes it easy for pedestrians to cross and one that could also serve as a bioswale for urban runoff. The group also called for separated cycle tracks and wide sidewalks, cycle tracks being a completely separated bikeway that provides a much safer way for bicycles to move up and down the street. Ultimate I I we would like -- ultimately we would like to see the overhead power lines along the north side of street and undergrounded and it was decided we should explore these first phase improvements. This is just a view of what the street would look like with the proposed improvements, the wider sidewalk, the cycle track along the edge, separated from the cars by on street parking, which was also a recommendation that could really support local businesses and retail uses. It was agreed that such uses should really be concentrated at the major intersections along east 51st street and catelas is honoring this rule already with the new mayor rot hotel that is under construction at lancaster drive and with the new aisd performing arts center that will include retail restaurant use at mueller boulevard and at 51st street. And I think as greg said, the estimated cost of the project, all of the roadway improvements, the widening, the street scape, the on street parking and cycle tracks is estimated at 2 million, and catelas has agreed to cover 17% of that cost. Our request is for 3.5 million. We believe that this project is one that helps to implement the policies of imagine austin as well as the goals of both the mueller and windsor park neighborhoods, and we hope that you can endorse this project just as the neighborhoods have done. Thank you so much for your consideration. At this late hour. thank you. Next is gerard kenny. Following gerard will be rick crevontiak. If you want to get ready, rick, on the opposite podium.

>> Mayor, members of the council, as you know, I'm an austin native and been involved actually in the mueller -- the whole mueller process since the early 1980s, so all the way back when -- with the care plan and the whole move to have have mueller become what it's becoming now. From the beginning the perimeters, the edges were a big part of the challenge, and one of the biggest challenges was 51st street and remains 51st street because it does divide -- it does divide mueller from the windsor park neighborhood and from the businesses on the north side. And early on there was a commitment made to windsor park to eventually work with them to develop a common vision for that street that serves both sides of the street, the neighborhoods, the businesses, but over the years those conversations did not really gel and did not really come together. I had the honor, as was mentioned by two other speakers, of being on the team that was asked to help -- to develop this division -- this vision, and my specific challenge was to try to bring the people together, to help, you know, facilitate that conversation, and I'm very proud of the fact that we were able to actually get what I think is unusual in austin, and that is consensus around this from neighborhood groups, developers, bankers, you know, church groups, businesses, and really all of the neighborhoods around it, and it's -- to me it's -- and I -- the other thing is I want also to add my thanks to the council for its resolution to make this happen. I hope this does make it -- make the cut to be in the bond program. I want to quickly say I'm also a big supporter of urban rail, as you know, and I hope that also makes it. The planning money that's being -- you'll hear from other people about, but my main thing is to do I'm here to support the 51st street vision and to answer any questions you might have about the negotiations and the support process that -- the very large and broad, diverse support that we were able to gather for it. Thank you. council member morrison may have a question for you., gerard, I have a brief question. How do you define consensus? Is there anybody stepping out that doesn't like this plan? Because usually consensus --

>> if so, I haven't heard from them. I really honestly haven't heard from them. We've gone out and done an awful lot of outreach on this.

>> Morrison: all right. Thank you. and i have one quick one for you. You may not know the answer to this and excuse my ignorance on t but this part of the transportation -- proposed transportation proposition or does it stand alone?

>> I didn't understand the question. is it a -- proposed in the staff recommendation or --

>> no, no, I think -- i think greg weaver said, it's not one that has made that -- it's not within the city manager's proposed -- or the task force.

>> Oh, no, it was. It was in the task force. is it part -- is it stand alone or is it part of the transportation proposition?

>> Someone else will have to answer that. I'm sorry.

>> Mayor, this project came through the electi task force s a ommunity-based proposal. It was not brought forward in the staff needs assessment. thank you. Rick, you're next and following rick will be ed McHORSE ON THE OPPOSITE Podium.

>> Mayor and council members, mayor pro tem., first of all, mayor leffingwell, I want to thank you again for granting me the privilege to serve in the robert mueller airport plan implementation advisory commission this morning. I -- what is that, 15 years or --

[laughter] getting close.

>> Mayor leffingwell: yeah.

>> So most of you know me through my involvement with the mueller redevelopment and with the windsor park neighborhood association, I'm past president of that group, and I've been advocating for improvements to 51st street for 15 years or longer. I've actually been involved in some way or another along with gerard for about 30 years now. And so I'm here to support the inclusion of the 51st street vision plan in the november bond election. I'd like to note that mueller is the city's largest public/private partnership and it's remained relatively noncontroversial in a city known for controversial development. And that's because the community initiated the concepts for the redeveloping of the former airport site, and the 51st street vision plan is an extension of those concepts. Mueller's park along airport boulevard, and manor road meet the goal of compatibility with the adjacent neighborhoods but along 51st street existing or planned streets and driveways into mueller outnumber those on the rest of the perimeter combined. So a growing number of traffic intensive uses impact both mueller and windsor park. The city as a partner in mueller redevelopment needs to recognize 51st street as an important link between the two neighborhoods and deserves special attention from the city to make it a safe environment and a pleasant environment and for pedestrians and cyclists. Cotalea has committed money, and while they gained area to development, and that is additional tax base it will bring buildings closer to the street in compliance with core transit design standards and something that windsor park sought out in its neighborhood plan and this will hopefully promote more compliant development along that corridor. I also want to thank all of the council for the unanimously passed resolution back in april 26 endorsing the east 51st street vision plan in principle and directing the city manager to bring forward a list of potential action items to implement its recommendations. I think it would be prudent for the council to hear from the city manager on the issue before a decision is made on the final bond package. We're all waiting to hear what he has to say on that. Thank you. thank you. FOLLOWING ed McHorse, tom wall on the opposite podium.

>> Good evening, I chair the echo board as you all know and I'm here as you are not surprised to know to advocate for as much as we can possibly get for affordable housing.

[Applause] and here's what I'm going to tell you tonight, is I've frequently gotten the question from some of you on the dais and others saying, why is it -- what is it the other cities are doing that austin isn't, when they're really able to succeed in miami or in phoenix or in other cities -- what is it that's different? And there's two key components to that. One is a dedicated funding source, and the other is permanent supportive housing, and both those tie in here today on a need for a big piece of the bond package to include affordable housing. Austin doesn't have a dedicated funding source. This is as close as we're going to come to it by having 85, 95, 110 million be a part of affordable housing package here. That will help us develop out our permanent supportive housing. For those of you who are in miami you saw it. They have a

successful program. They have 3,100 permanent supportive housing units there. What that does is that allows them to move people off the streets into transitional housing like we saw at chapman partnership, and on into other affordable housing, whether it be market-based, whether it be low income or in this case a lot of it is permanent supportive housing. So I'm here to tell you that when we in austin want to know what we need to do differently, we've got the ability to do it, it's really hard to come up with the funding pieces dedicated, but it dawns on me and it dawns on those in this room that this is our opportunity right here and so we'd encourage you to have a big part of this package be affordable housing. Thank you. thank you. Following tom wall will be jessica sullivan on the opposite podium.

>> Hi. Mayor, mayor pro tem, city council members, my name is tom wall. I'm the executive director of the league of bicycling voters now called bike austin. I want to thank you for your past support of bicycling and walking and I especially want to thank mayor leffingwell for your leadership and support of bicycling, walking in the 2010 mobility bond. Providing for bicycling and walking makes our city livelier, more attractive, safer and more sustainable. Results in healthier more active people and those who commute by bike are less likely to call in sick than those by car. The cost of ownership is so high and according to aaa personal car expenses average \$8,000 a year. Such that some people can afford either a car or an apartment but not both and they oftentimes have to choose the car because that's the only way they can get to their job still. Making our streets safer for bicycling and walking provides affordable transportation options and connections to transit. We're thankful for the existing bike pad items in the \$385 million package. For example, south mopac bridge over barton creek, the austin manor trail and family friendly bike ways and sidewalks throughout austin. We ask for the inclusion of two community-based projects not currently in the \$385 million package. These are the 51st street and the biocrown trail projects. 51st street is on the edge of the mueller redevelopment ostensibly a bike friendly development with near potential for dense development. Perimeter roads serve as barriers. The 51st street plan include cycle tracks which are physically protected bike lanes that will make this road accessible for people of all ages and abilities. The biocrown trail will become the [inaudible] in south austin that serves circle c and oak hill. It will provide the opportunity for city dwellers to connect with nature and to be able to go from a to b by walking or biking. I'm looking forward to voting yes this november on a bond election that moves transportation forward and i want to show a special appreciation, mayor pro tem sheryl cole went out with me to bike to work on bike to workday, and I know chris riley I'm sure bikes to work qies frequently, and i invite all of you to bike to city hall and if you what like me as an escort to help you out the first time you bike to city hall, I'd be happy to do it. Thank you. all right. Following jessica sullivan will be lucy white on the opposite podium. Is rudolph green in the chamber? Rudolph green? Not here, so you have three minutes.

>> Thank you, mayor and city council members. I'm jessica sullivan, and i work with the waller creek conservancy. I'm here tonight on behalf of melanie barns, rudy green, tom meredith, eva munoz martin, eddie safadi and melba watley. Members of the waller conservancy board of directors and jessica

[inaudible] representative of palm park parents for play group all of whom who have signed up but not wishing to speak in support of parks and open spaces, 13 million for waller creek. In every major city in america partnerships are designing, constructing, programming and

maintaining public parks. Waller creek needs this partnership. It is currently a largely ignored and underutilized area. There are no connected trails and palm and waterloo parks are almost always vacant.

[One moment, please, for ]

>> within the austin community. In may, as part of our international design competition. Waller creek conservancy hosted meet your designer event. Allowing the four final design teams to speak to community austinites excited about the possibilities for waller creek. We were excited to see this response, but this is consistent with austin's history. Our citizens support funding for parks. Austin what's a deep-rooted interest in sustainability and environmental stewardship of the winning design will support ecology, economy and equity. With the implementation of any of the final designs, we're certain that future waller creek will be reclaimed, restored and resilient and urban landscape that contributes to the provision of ecosystems that support a healthy community. Waller creek is vital for improved water quality, the return of native plant, and encouraging animal life and encouraging the well-being of our residents. We envision it connecting humans across generations to our natural environment. Please support our efforts to make a basic infrastructure a priority for the city. Thank you for your time and attention tonight.

>> Cole: Let me ask a question.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: How long have you been with the conservancy.

>> SINCE APRIL 23rd.

>> Cole: Were you aware that when this project first started, that it was done with -- on resolutions from a host of organizations?

>> No, I was for the -- I -- all I knew about waller creek was that it needed improving and it was something that had been toyed around with and looked at SINCE THE '70s.

>> Cole: So would you go with me and know that clean water actions supported this project, the austin rowing club supported thes project.

>> I'm aware of that now.

>> Cole: And the greater austin chamber. I'm sensing some confusion in the public about whether this is a private development that is going to be subsidized with a little bit of public money or whether it's a public development or revitalization that's going to get help from the private industry. Can you help us with that?

>> This will ultimately benefit the public. And it's my understanding that this partnership is to be -- i guess, met from both sides, and I can't say beyond that.

>> Cole: The only reason I ask that question is because right now, there's funds in the bonds for november, for waller creek.

>> Yes.

>> Cole: And we want to make sure we're clear to the public that it is a public project.

>> Yes.

>> Cole: Although we're doing it with a partnership with some private individuals well known in the community, they're not going to tell the tunnel out of the floodplain or clear the erosion of the banks. We still as a city are responsible for that, although they're well known. Is that fair?

>> Yes.

>> Cole: All right. Thank you.

>> Thank you.

>> Mayor Leffingwell: Lucy melba wattly here? --

>> my name is lucy white. Please join me in supporting waller creek by endorsing 5 million for parks and open space. 0 -- it's money that the city should not pass up investing in waller creek. Great parks make great cities, let's be clear we're talking about aye the creation of a signature park for austin. Great parks engage people and unite people and bridge barriers by socioeconomic and cultural difference and the interstate highway and a public gathering destination and stimulate economic development. On average, \$1 public sector investment returns \$6 to \$13 in the private sector. Considering this payoff, it's interesting that austin spends \$6,200 or waller creek. And creates the urban conditions that fosters creativity and community and this has been proven time and time again in the winning designs for waller creek. When the children's museum leaves downtown, there will no longer be a destination downtown. We will need outdoor year-round comfort and more green space and and the capitol to ladybird lake through a continuous trail system. Please add more money to waller creek and the trail trails to make it possible. We have four design teams creating a design started in the 1976 gift to the nation and the citizens' advisory committee and austin voters have consistent supported funding for parks and we are in separate need of the seed money to make it a reality. Without a strong commitment from the city to help fund the improvement, we risk losing the public-private partnership in place that will be the long-term steward of the area and focus on operations and maintenance for years to come. This is money that the parks department doesn't have and where bond dollars cannot be used. What we're asking for is not extravagant. Just the bare minimum to make it a viable possibility. This is necessary funding. We need a return on the investment in the flood control tunnel which is limited service level improvements and does not build a trail in the linear part along waller creek. It will look exactly the same as it does today unless we take this unique opportunity to invest in waller creek and invest in austin.

>> Mayor Leffingwell: Thank you. Melanie barns? Not here. Charles, not here. Pam power? All right. How about julie vitch. You have six minutes and next on the opposite podium will be sylvia.

>> Good evening, my name is pamela power, I chair the the daa is please that's several of the projects we've identified as priorities both downtown and throughout austin have made it through the bond election investigators taskforce and cuts. This evening, I'll concentrate on projects that either did not make the cut or deserve further public discussion. Specifically, I'm here to encourage support of the east sixth streetscapes improvement project. Waller creek and housing first permanent supportive housing. First, while east sixth street was not included in the city manager's \$385 million bond package, we asked for further consideration because it is included in the downtown austin plan, the city staff needs assessment and the bond taskforce \$575 million package recommendation. Based on extensive stakeholder input, the 2010 bond election, advancing sixth street redevelopment and follows the principles of using bond dollars to implement projects whose design and engineering work has already been funded. Second, waller creek is another important project I want you to consider tonight. We have a rare opportunity to transform the eastern edge of our downtown. And the public-private partnership the city council created with the waller creek conservancy puts us in a power position to re-implement a redevelopment position. bond funding to provide baseline improvement, the conservancy is committed to raise significant private investment to create a world class linear park. And last, the daa supports inclusion of affordable housing in the package. But I'm here tonight to talk specifically about the -- about a significant allocation for a low-barrier or housing first permanent supportive housing. What is critical and advantage wuss about this type of housing is that this includes robust case management and services for those who have the greatest the daa is a strong advocate for permanent housing and we employ individuals with significant barriers to employment, including those who are homeless and provide direct funding support for housing support by downtown community court with the goal of housing 20 of community court's most frequent clients. It is certain that the lack of affordable housing threatens austin's continued success as a vibrant healthy economically viable city, but more importantly, the critically short supply of affordable housing is literally a matter of life or death for citizens who are living and unfortunately -- citizens who are living and unfortunately dying on our streets. It has the greatest needs but the least served in our community. As you prepare the bond package you put before voter, we ask that you build on your earlier investments and take this opportunity to include \$18 million for the east sixth streetscape improvement propositions and 5 million each toward palm park and wall loo park improvements and that you support the waller creek trail with at least \$10 million recommended by the city manager and the bond election advisory taskforce and finally, we ask that you please consider policies and staff direction resulting in affordable housing that includes housing first units. Thank you and good evening.

>> Cole: Thank you, pam. Next, we have sylvia. There you are.

>> Good evening.

>> Cole: Three minutes.

>> Mayor and council members.

>> I'm sylvia, the founding director of the mexi-museum. I'm here representing our board of directors and members of the community. I'm here to ask your support to include the museum in the 2012 bond election. The museum has been recommended by the citizens' taskforce for funding in both of the two proposed bond packages going before the council. This demonstrates strong community support. I have been before you many times and over the past 30 years, we've become an austin tuition. Serving over 100,000 students throughout our 30-year history. 30, if you would like to go after the meeting, to the museum, we're --

[laughter] -- we're going to be recognizing our summer interns that come from all over the united states, including tallahassee, florida, and universities around this area from central texas as well as our summer interns who are learning how to do silk screening and make t-shirts and bags and other things. One accumulated through her program she'll make \$90 so she can buy a new wardrobe for her school year. There are only a handful of museums like ours throughout the you had, but we want to build the most beautifulal best in the united states and we want -- beautiful and best museum in the united states. The proposed building has been designed from a architect from mexico city and he'll work with a local artist. We have an opportunity to build a iconic museum building. If we're successful with the bond, we'll be able to secure federal grant from the economic administration, new funding sources, major private donations and we'll be able to secure an international partnership with academic institutions from mexico and other countries and universities here in austin. We engage community and culture, the past and present, and students in the -- and public in training and learning and we'll continue to bridge communities but what will be different is the impact that the new iconic museum building will have and you'll see what museums will could for or cities, like in other cities, like the guggenheim. Or the new museum that's brought over 300,000 visitors in the past three months. This will -- we even -- we can witness what has happened to museums here in austin with the building of. Blanton art museum. We want our city to be a great city. A welcoming city that places diversity before -- at our center of our city. Please support our museum in the next bond package.

>> Cole: Thank you, sylvia. George elderman. George? Ok. George is not in the chambers. Jill katherine quinn. And after katherine is park smith. You may line up on the other --

>> I'm jill katherine quinn, the executive director at cure of austin. We fanned out across the city on three consecutive early mornings with the intention of finding the most vulnerable people we used a survey tool to determine their volumenerrability to dying on the street. Without a doubt, the most delightful person I surveyed was a gentleman who called himself how long. He was a -- called himself hawk. He was an 74-year-old veteran of the vietnam war. He had been living on the streets of austin, since he returned from vietnam in 1968. Our community had allowed this man to live on the streets since 1968. Several days after the survey, a caseworker went back to hawk's spot on the drag to help him complete some paperwork that would have been his final stop before moving into -- his final step before moving into housing. Hawk was dead. Since 1998, we've provided housing for people in long-term homeless situations. We've seen first hand person's ability to become stable after years of street homelessness in permanent supportive housing. There have been many needs and wants expressed in this bond package, but housing is a basic need. And housing is a matter of life and death. Affordable housing in the bond package in general needs to be at least \$10 million. Specifically the bond package must include a minimum of \$15 million for permanent supportive housing. 5 Million to finish our first

permanent supportive housing goal of 350 units and another 5 million for the next 350 units. Fully implemented permanent supportive housing is austin's best strategy for reducing and eventually eliminating long-term homelessness. As well, it will mean that other "hawks" on our streets do not have to die there. Thank you.

>> Cole: Thank you, jill katherine. Park smith, you have three minutes.

>> All right. Thank you, mayor pro tem and members of council. Thank you for representing. I want to offer a slightly different perspective on this funding for affordable housing. The ceo of american youth works, we're an austin-based community nonprofit focused on reengaging at-risk youth in pursuit of their high school diploma, GEDs AND JOBS TRAINING THAT Will lead to a successful transition to careers. These create positive community contributors from previous dropouts, so I want to advocate for the highest bond package with at least \$75 million directed to affordable housing and home repairs. Here's the reason. It's a little bit different. This -- you know, our youth last year, 90 youth participated in both home repair projects and affordable housing efforts and so city dollars directed at improving the lack of affordable housing can be -- have a double benefit of providing jobs training and education access for unemployed and disengaged youth. The lack of affordable and stable housing is a significant factor to youth dropping out of high school and so I'm here to just -- just to advocate that you please fund cat housing for low-income residents at the highest possible level. And meals on wheels and affordable housing coalition and interfaith austin and central texas, together we'll use the dollars to provide jobs training to some of austin's most under-served and at-risk youth. Together with your help, we'll change lives and build better communities. So keep the bond up there for affordable housing. Thank you.

>> Mayor Leffingwell: Thank you. Ralph webster. Donating time to ralph is rich depalma. So you'll have -- well, ok. Use whatever you need, up to six minutes and following ralph webster will be bill bunch.

>> Mayor, council, my name is ralph member sister, the president of the board of directors of the austin parks foundation. We're here to to remind -- my colleagues want to remind you that as more and more people move into the city of austin, we're placing more and more stress on our existing parks facilities. Even more critical is the situation downtown as we encourage more folks to move. We need to be better prepared to offer them the amenities they must have to live downtown and let me remind you when you're done there, you have no front yard and no backyard. You need a place for the kids to play and a place to walk the dog. You need a place to sit on a bench outside, read a paper and drink a cup of coffee. I know these things seem like very s items but they're very important for everyday life. Our parks are getting hammered. To quote sarah hensly, from our parks department, our parks are getting loved to death. Funding needs to get stepped up. We can't rely on three c presents to take up the slack. You have the continued support of the austin parks foundation in the mission of making austin parks better. We urge you to keep intact, the city manager's recommendation of \$104 million for parks and open places. Open spaces. This is less than half of the parks' department \$240 million needs assessment and does not address any of the 3 billion in unmet maintenance needs. Thank you.

>> Mayor Leffingwell: Thank you.

[Applause] bill bunch. Not here. Pam thompson. Not here. Lee ingram. All right. And after lee will be spencer derand on the opposite podium. You have three minutes.

>> Good evening, mayor, and mayor pro tem. And the rest of council. Thank you for staying so late. I'm here today to support the recommended \$385 million tax-neutral bond package which includes 5 million allocated to parks and open space. I do this primarily because my own life has been greatly enriched by a parks system and because our open spaces protect our watershed and preserve a unique sense of place in the hill country. I do it also because I know first hand how much need there is for more investment in our parks through a nine-year volunteer program called the green gardens that I've been working with and seven years of service on the austin parks foundation board. These these engagements I've been deeply informed about the need for funding for our parks system and the importance of investing in land to protect our fragile watershed. I love the unique vital creative and growing cities we live in and I also believe as we digitize, densify and urbanize our cities that our parks and open spaces will be key to maintaining the overall health and well-being of our cities. It's a combination of create arts and music and our city within a park that tracts people in droves to relocate in austin. We must invest, nurture and tend these valuable assets. We know through previous bond elections that parks and open space items help in passing total bond packages and there are some especially appreciated icons such as the barton springs bathhouse and trails that could add more support for the whom package if it's added back into the recommendations. I appreciate the attention you're giving to this important bond package and support the full proposed funding for the parks and open space component. Thank you.

>> Mayor Leffingwell: Thank you.

[Applause] after spencer, will be steven sullivan on the opposite podium. You have three minutes.

>> I'm spencer durand with the austin roundtable. The round table, as well as individual housing development organizations have been deeply involved in crafting the taskforce's recommendation. I want to urge council to adopt the taskforce's \$400 million recommendation that 8 million for housing affordability. Obviously, the need to fund affordable housing is much greater than that, we initially would have liked to see \$110 million devoted for housing affordable that would have supported housing across the entire spectrum and include homeownership and rental, permanent supportive housing and all housing activities. It's clear cut market failure does exist when it comes to creating housing for households at or below 50% of the area median income. It's our job to step up and make sure that post-recession austin does not look completely dissimilar to the city we had in 2008. I would hate to emerge from, you know, all of these funding problems and cuts from the federal government and all that, with a much less diverse and interesting affordable and welcoming city. We must continue to invest in low-income residents especially in the face of receding federal dollars. The home allocation is going down 40% this year. We have to step up on the local level to fill that gap. Now is the time to show that housing affordability is a council priority. Our members stand ready to spend down the full \$110 million just as we did spend down the \$55 million. You know, whether you authorize the private nonprofit developers and our public partners, you know, whatever you guys gives us, we have a back log of projects and my phone rings every week for families facing eviction and

need, waiting lists are closed across the city. We have waiting lists to get on waiting lists. It's -- it's a terrible system. We're leaving a lot of people not only investing in affordable housing is good and the right thing to do, but in 2006, we referenced \$4 for every bond dollar spent. It's an economic me. And we stand ready to meet the challenge when putting the units on the ground. We just need to be funded adequately. Thank you for your time.

>> Mayor Leffingwell: Following steve on the opposite pud podium will be janet barkley booker. And you have three minutes.

>> Good evening, I'm president of the austin neighborhoods council. Thank you for your attention to this important issue of capital needs in the city. First of all, I want to start by thanking the capital planning office staff for their service to this process. I've watched it first hand, in terms of their many presentations to a and c as well as the body that came forward with the recommendations. They do an outstanding job and i wanted to take this time to acknowledge their work. Tonight I want to speak quickly to three quick items. One is neighborhood priorities in the city in terms of capital needs. A perspective on affordable housing to the extent that there is that need. How do we spend that money? And finally, the cost impact of the bond package itself. With regard to neighborhood priorities, I think it's important to recognize that everyone who comes before you tonight and otherwise speaks to you has a legitimate need they're bringing to your attention. What I would like to emphasize we not forget long-standing neighborhood needs in terms of capital improvements. Whether it's neighborhood parks, particularly sidewalks and the actived project, such as north lamar and north burnet. The 12th street infrastructure improvements. We have men neighborhood needs that have been unmet. And obviously, you've heard a lot about quality of life in neighborhoods. We need to pay attention to the infrastructure needs we have. Particularly sidewalks is the number one I hear that we're not funding in the city that needs to be included and fully funded in this bond package. With regard to the affordable housing aspect of this package, again, no dispute there's a need for affordable housing. From the neighborhood perspective, however, we would ask that there be some guidance that whatever amount you fund, that you see is legitimate, be -- that it's ensured it's equitably distributed across this city. As you may know at neighborhood housing, there is a working group about equitable siting of affordable housing funded by the city. So certainly we'll have that work product later on, but in terms of your consideration of this bond package we want to ensure these housing opportunities you'll be funding are spread across the city evenly and fairly for all neighborhoods to take on these projects. Finally, with regard to cost, one of the other big concern from our discussions about the bond package we've been covering throughout the year is the impact on us as taxpayers. Certainly we understand there are a lot of needs and we're concerned about the cumulative of the taxes we have to pay, particularly with regard to the possibility of a hospital district imposing new taxes on us, as well as the cost of this package. So we ask for your consideration about the affordability of austin in terms of the overall package. Thank you all so much.

>> Mayor Leffingwell: Thank you. After janet will be louis black on this podium. You have three minutes.

>> Thank you. I'm jeanette barkley booker and representing the southeast austin combined neighborhood plan contact team. And I won't list that acronym. The contact team has a number

one concern of are concerned about crime in the 787844, southeast of ben white and 35 and included in the contact team area. That the neighborhood plan is in. Excuse me. Could I have the next slide, please? Crime -- like I said, the number one concern is safety. Crime in the area increased 61% between 2000 and 2011 and many are violent crimes and the residents don't feel safe enough to venture out to use the parks and so on. Certain parks. And the reason is because of the gangs and the drugs. We're in -- definitely in favor of the bond proposal and we thank the - the bond taskforce for including in that, and the city staff for including in that bond taskforce recommendation, an expansion of the dove springs recreation center. Which is heavily overburdened and needs expanded. And we need positive activities for youth in that area, desperately and also got in that bond package as proposed improvement to several parks and included in a larger line item. We request also there be increased police attention in the 787844 area. We understand there's a community that -- a responsibilities of building a neighborhood watch effort and when the -- we're in the process of doing that, but frankly we need the city to step up and do its part to help the community get the crime under control. During the last 11 years, the population has increased 38% in that area. The mix has changed somewhat. There's a lot of destabiling efforts that have caused -- the crime to go up. We lost a police substation in early 2000 and we're requesting that the city council help us to get increased police attention in that area to work with the communities to reduce crime in that area. Just the basic services is what we're asking for and we definitely support the bond package. Thank you.

>> Mayor Leffingwell: Thank you louis black. Not here? Kahi ka -- following nahi will be tom spencer on the opposite podium. Welcome, you have three minutes.

>> Good evening, mayor, mayor pro tem, and council members. Thank you for having me here and giving me an opportunity to speak this evening. My name is nahid, and I'm the president of interfaith action of central texas. The agency that is responsible for hands on housing, housing repair programs that has repaired over 1400 homes in austin since 1989. I'm here today to ask for your support for the affordable housing bond package that is being proposed for the fall elections. I request you to please fund affordable housing at the highest dollar figure possible. The 2006 bond package was a huge success. Great programs were created and support for the underprivileged neighborhoods. The programs were effective and the funds were reasonably used, reasonably and responsibly used. However, the need has become greater this time. The two reasons are cut backs in federal and state funding for affordable housing, and the second one is the growing consolidators -- disparities that are forcing many working families out of our community. I personally know many who have moved nearly 30-miles out of the city in order to get affordable housing. We care about this issue and want to make austin both affordable as well as a welcoming community. I urge you to please consider the maximum level of funds for affordable housing. Thank you for your leadership role and for support for the many austinis who is depend on affordable housing services that we provide. Thank you and god bless.

>> Mayor Leffingwell: Thank you. After tom spencer will be tom bandenstat. Welcome.

>> I'm tom spencer, the ceo of interfaith action of central texas and also a member of the bond election investigators taskforce and appreciate the service and honor the serving there. I share with many of my other taskforce members, first, a grt experience of learning about the needs of

the city, but also, a very heavy conscience. We were presented 5 billion in need and asked to whittle it down to the package you have before you, 5 billion and had to whittle it down to \$385 million. I understand the funding pressures of homeowners and the weight of taxes on them and understand the difficult choices you face before you. But I'm here to talk more explicitly about the affordable housing piece of the bond election that's coming up and ask for your support at a maximum dollar level. Nahid referenced the individuals who made the tough decision to move out of our community. There are many more who face a housing crisis who have no choices whatsoever. We see it time in our program. Earlier this year, during one of the rare cold days in the beginning of the year, my housing director met an individual living in a house on the east side, on a gentrifying street. Who's never lived in any other house but that house. Living without running water, and without heat in the house. Her -- she'd been taken advantage of in the past by shady contractors and her home was literally falling down around her, she was afraid and ashamed. Ashamed of the condition she was living in, afraid to ask for help, not knowing where to turn and also afraid of her new neighbors who she thought were going to turn her in and her home condemned. Well, today, thanks to actions like happened in 2006 in support of the city, that woman has running water in her house and we've been able to repair it for her. It's a tremendous difference that this individual can live in dignity and safety in the neighborhood she's always known and never left. That's the kind of difference we're making with these affordable bond dollars. The city bond dollars, because of the federal and state cutbacks are the essential piece and I ask that you fund them at the highest dollar level possible. The community recommended \$110 million. I'd love to see it close to the \$100 million level but we appreciate every consideration you can make in this very important issue. Thank you for your time this evening.

>> Mayor Leffingwell: Thank you.

[Applause] after tom, will be will McCLOUD ON THE OPPOSITE SIDE.

>> Thank you, mayor. City council. I'm tom speaking on behalf of austin interfaith this evening. And austin interfaith as well strongly supports the affordable housing don't of the bond package and in particular, the permanent supportive housing. We're meeting the needs of homeless people in the central downtown district, in the university area, south austin, east austin, cesar chavez and the homeless population is dispersed all around the city. When the 2012 homelessness count was done, 2,244 with 869 unsheltered people. Many of us feel that number is probably actually higher than that. We also know that permanent supportive housing is one of the best and most get people of the street and help them out of the shelter, if there's not the housing, the shelters themselves become a dead end. So the housing is a absolutely essential component. Also, last year, 138 homeless people died on the streets in austin and in the last few weeks, we've grieved the deaths of several homeless women and men who died or were killed. So providing housing for the homeless is more than simply a quality of life issue. Unfortunately, for some, it's making the difference between life or death. So we urge you to fund affordable housing and permanent supportive housing at the highest level that you possibly can. Thank you.

>> Mayor Leffingwell: Will McCLOUD. Following will will be robert craving on the opposite side.

>> Cole: I want to ask --

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: A quick question of tom. You're with austin interfaith, correct? And I heard your comments about us funding -- giving bond funding for affordable housing. And I believe you have an event coming up soon. That's open to the public, so i wanted you to have an opportunity to say something about that.

>> Very good, thank you. An event coming up on SEPTEMBER 22nd, A SATURDAY. 00 until 12 noon at first united methodist church on yavaca and a number of service providers and homeless and housing advocates presenting on the many faces of homelessness and what we feel is the best strategies for dealing with homelessness is and a big focus will be on affordable housing, permanent supportive housing and we're also inviting the three council members serving on the taskforce to be there and respond as well.

>> Cole: That's right, my taskforce.

>> Your taskforce. Thank you.

>> Cole: All right. Thank you, tom.

[Laughter] I'm kidding. Thank you, mayor.

>> Mayor Leffingwell: Go ahead, you have three minutes.

>> Alrighty. If you would room the clip, please. This is a street that definitely needs to be redone. The sidewalks. Because wheelchairs cannot get to this apartment complex. Watch this shopping cart. As it goes into the -- tips into the street and rolls on its own. And according to ada standards of architectural design, this is not an ada client sidewalk. Compliant sidewalk. And it's a big slope going in and out of the apartment. Look at the cart, see how it's just going down there and we have a bridge down here that's also not ada compliant. It keeps going and going and going. We're talking about parks and stuff and sidewalks, I got to make decisions on how to be able to make it through the day. And not only tha from the accessible housing factors too. Why can't we be a fully accessible city? Why do we have the streets like this? That do this? Why do we have code compliance that looks the other way? This bond package, we're having some resources coming up. We need to spend the resources to level out this to where all persons can live in my apartment complex. And if I lost both my legs, i would have to move, and I'm on the first floor. That's not acceptable. When I get my bill every month from the city of austin, I get lied to, saying the city is complying with the americans with disabilities. This is not complying. I'm getting joint pains and arthritis and, you know, it's -- it's just not -- ok. You can stop it now, it's a new video. I'm getting joint pains and arthritis and it's just not right. No one should have to go through that, because it's the cheapest apartment to live in in the arboretum area. I have a job there. I cannot afford to go from south austin where it's cheaper, or was at one time, and live two hours -- take two and a half hours on a bus, take a transfer and wait an hour in 107-degree heat. Not in my medical condition. Now, we need to do something about the sidewalks and if you can't

do anything about that, then get a capital metro bus line out there. It doesn't matter which one. You have the money, these do. I want a \$300 rental credit just like everyone else. A lot of my friends are in wheelchairs and I'd love them to be my next door neighbor. But that dream -- that's a dream, not a reality. Thank you.

[Applause]

>> Mayor Leffingwell: Ok, donating time -- gary buyer is here. Emma cravey is here.

>> She had to leave.

>> Mayor Leffingwell: Mike conoddy. Not here. You have up to nine minutes.

>> Thank you, I'm robin, the former president and founder of the friends of barton springs pool. It's a pleasure to be with you to talk about the barton springs bathhouse and the renovations needed so -- do I point this here? I'm going to -- oh! It was dedicate in 1947, it was a grand building at the time. Still is but it's been neglected. Boy, I'm not making -- having very much luck with this. Oh, I see it. Now I get it. But it's been neglected, the entrance was moved in the 1960s AND -- AND STARTING WITH That, and since then, there's been nothing but band-aids and scabs and patches put on the building with the exception of the splash, which was added in the -- ok, which was added in THE 1990s. Ok. I'm -- finding my way here. So you can see the disrepair that's been in the bathhouse for a long time. I'd love to tell you the story about the petitioning of the council and the riding of the master plan, I'm going to skip over that, I think most of you know it, so I'll go straight into the renovations that are planned for the barton springs pool bathhouse. First one is to return the ticket sales to the central rotunda. You can -- and at the center rotunda, what you see is the multiple ticket windows could be used. The other thing would be -- I'm not getting -- to remove the lifeguard office and storage room -- oh, here you can see it. The lower left corner, that red siding, inside of the lady's dressing room, that's a little shed built there to house the lifeguard office and storage room in the women's dressing area. The plan would take that out. We would also combine the splash -- educational exhibit with a small investors' center in the central rotunda. And improve the floor plan in the women's dressing room. Right now it's closed, it would be opened up and give better sight lines, especially to the door. Add a unisex restroom on the men's side. You see that boxy thing there in the corner? And reclaim the -- reclaim this viewing gallery, writes the entrance is now, you can see this was at one time a very nice viewing gallery. When the entrance was moved, it was broken up with the ramp, that would be taken out and it would become a nice place for people to sit again. And there's also a plan to -- for infrastructure that would retrofit the building with rainwater collection and water reuse. I'd like it talk more about the rotunda, the return to the rotunda, can we go to the other set? That's me. Ok. There'the friends of barton springs pool. The stewards, you know who we are, positive and constructive and people who work hard and play by the rules and work alongside your city staff and parks and watershed staff, day in and to take care of the pool and we've worked alongside of you all in cleaning the pool and we appreciate the work you've all done down there. So -- I'm going to skip through this real quick. Not quite that fast. We're talking about the return to the rotunda, this is a grand entrance to the pool. It was a grand entrance for many years and should be the grand entrance again. If you look at the building, the plan for the building, that rotunda invites you there. Invites you to the center, that's where people want to go

when they approach the barton springs pool, whether they want to go and enter. And this would restore that main entrance. More lines means less waiting. If you're out at the pool on a saturday afternoon on a hot summer day, you see long, long lines of people waiting to get in through that little chute that have to enter through. There's room for up to five cashiers to take entry fees and plenty of -- so that will take the lines off -- diminish the lines and people's wait and also do something very important, which is to take foot traffic off the free court. As you know, we have a lot of very spectacular trees in the tree court area beside the bathhouse that have suffered from soil compaction. The -- moving the entrance away from that tree court will allow those trees again to have the roots protected. Part of the short-term projects is general grounds improvement, the renovation of this tree court was to be part of the bathhouse renovation but because of the urgency of getting that foot traffic off there, the renovation of the tree court was moved up into the general grounds improvements which jewel see in the upcoming year begin. It's urgent that we follow through on the renovation of the bathhouse so we can take that foot traffic off there completely and make the tree court a more natural place to linger and contemplate the pool. And protect the health of those trees. The friends of barton springs and the austin parks foundation has raised hundreds of thousands of dollars for improvements and as we go into the bond package, we fully intend and expect to continue that role of raising funds for the pool and let me get on down here. So the urgency of this package -- and let me just say the bathhouse was in the bond package when it was larger, it has been dropped out of the bond package and we're asking you to restore it to the bond package and this is -- this is a gateway to an enhanced entry to the pool, that will end the long period of embarrassing neglect that the bathhouse shows. It's in disrepair and remove major foot traffic from the tree court and meet the current heavy use. Consider that three-quarters of a million people a year visit barton springs pool. That's a huge amount of use for that little facility there. And this -- this bathhouse was BUILT IN THE '40s. It's old. It needs renovation. And we need to also plan for the next generation, because I don't think we're going to not have more people come. We're going to have more people come so we need to be planning for the next generation and get the bathhouse ready for another generation of use. Ok, I'll be happy to answer any questions.

>> Mayor Leffingwell: Good timing.

[Laughter] thank you, robert.

>> Thank you very much, council and mayor. City manager.

>> Mayor Leffingwell: Susan rankin. And following susan will be roy wayly and after roy, stewart hearst. Susan?

>> Thank you. Mayor and council members. I'm susan rankin, the executive director of the trail foundation. I'm here to express the foundation's support in funding the parks and open space bonds and at least the amount recommended thus far by the city manager. This funding includes trail enhancements and repairs throughout the butler trail and includes much-needed east side work that involves implementation of the holly festival beach master plan. To put it briefly, big picture, the trail found as well as austin voters will support the parks bonds because they're critical for water quality, health and wellness, attracting and retaining employees to austin company, as well as quality of life for austin people of all ethnicities and ages. Thank you.

>> Mayor Leffingwell: Thank you. Roy wayly. Not here? Stewarthurst. Following Stewart, and teach on the opposite side.

>> Thank you, mayor and members of council, I'm Stewart Harry Hearst and I rent, I want to briefly support the comments made by those who are proponents of affordable housing investment. I sit on the siting taskforce on geographic disperse of affordable housing and if we go to historical neighborhood that's we've excluded, it's going to cost more money and the bond package needs to reflect what that investment needs to be, and secondly, I'm here to support the Mexicarte museum. For the reasons articulated earlier. These are priorities not in the current bond package recommendation at the levels they need to be and I humbly ask you to remember these are our brothers and sisters and they need our support at the museum and we need support for affordable housing from homelessness to homeowners who can't afford to repair housing themselves and everywhere in between and this is our opportunity to go to the public and put our money proposed in the same place our mouth is in terms of what we say are our community values and I ask you to up the ante in both cases.

>> Mayor Leffingwell: Thank you, Stewart. Tony Wallace. Not here. Charles Cloutman. Welcome, you have three minutes.

>> Thank you, mayor, mayor pro tem and council. I'm Charles Cloutman with meals and wheels and more and the current chair of the Austin Repair Cocoa Illegal Immigration. We strongly support of the maximum amount of money that can be afforded to affordable housing. We've worked with affordable housing and permanent supportive housing and affordable homeownership and repair to work out what is doable, attainable, what are -- what is the amount of money we need that we can spend and that was \$110 million. Obviously, we're not there, we're at \$75 million, \$76 million, depending on where you end up. But I would suggest shortening the window of the bond so where we can do what needs to be done for your initiative of permanent supportive housing. For home repair, to just whittle away at it like we've done, now we're at full speed with the \$55 million. We've spent it, and we must continue this investment. Or we're wasting a huge opportunity to help people. Wasting a huge opportunity to make the city greater than it is, wasting a huge opportunity of the resources that's been built up and the momentum. We've leveraged funding, 4 million alone just on the \$300,000 that's been committed for home repair. We've leveraged that from the state and the architectural removal program and this money multiplies and that's beyond the affect in the economy. That's just us, times five and you see what the effect of this money is. It's huge. We ask for your indulgence, we ask for your concern and care on this and I said I would be brief. Thank you.

>> Mayor Leffingwell: Thank you.

>> Lamar middle school is right there at the intersection of Burnet road and Allandale, and as everybody knows there's been a lot of development along Burnet road. Two or three years ago there was a big multi-unit development apartment complex that went up at 5350 Burnet road. Just a block or two north they just finished razing courtyard shops to finish another development. There's more, my understanding further north on Burnet road, there will be another development unit going up where the Burnet road farmers market is, in that space, so all that means is that there will be more traffic coming on to Burnet road and we're going to need this funding, I think,

to make grossments, all along burnet road to make it more pedestrian and bike friendly and of course lamar middle school serves kids that are on both sides of burnet road, so improving the safety of that intersection at burnet road and allandale is going to be really important and even more so with all the traffic and the developments that's taken place along there. So simply I just want to advocate for the funding on the burnet road and north lamar project. Thank you. thank you. Erit humani and following eright will be lisa on the other side.

>> I think it's time to say good night rather than good evening.

[Laughter] so my name is erit smeas humane and director of trinity center which is a daytime center for homeless people, and I came before you this evening night with an apology and a request. The apology is about the fact that many people in organizations were already involved and put a lot of effort into the affordable housing bond, and yet I came to you with a request that is late. It's hopefully not too late. For the month of july following the murder of the homeless woman, valerie gordie, may she rest in peace, the homeless women themselves created a vigil and came out with an outcry organizing for more services to meet their specific need. Trinity center then initiated the creation of a task force within echo to look at and implement immediate and long-term solutions aimed specifically at the needs of dangerous life of the women among the homeless population. All service providers were at the table. Everybody came to that meeting. Well, we all agreed and still agree, that the long-term solution is permanent supportive housing, until such enough units are available there is an urgent need to have a shelter for women only, homeless women only. Trinity center is asking you to not judge this late coming into the discussion but rather initiate corrective action an aid to the bond a -- add to the bond specific line item for shelter for homeless women, with and without children, by adding \$2 million to the ballot of affordable housing or relocating what's in there to put a specific line item for shelter for women. We consider the homeless women to be the most vulnerable and the least among already underserved population. The predicament is a dangerous life and a threatening situation. It calls for an emergency as well as long-term solution. This task force is working diligently, coming with all kind of -- the immediate solutions we are calling on and meeting with different churches. We are going to follow the model of the cold weather, the freezing shelter nights. Churches are coming through to help us with this, so we are hoping to start a solution the short-term coming september. We ask you to look at the long-term solution. Thank you very much. thank you. Before we go to the next speaker, mayor pro tem cole wants to extend the meeting and i believe council member tovo seconds. Is there any discussion in all in favor say aye.

>> Aye. opposed say no. That passes on a vote of 4 -- excuse me, 7-0. So lisa henly. Is eleanor langedort and ann teach, are you also donating your time to -- okay, somebody else. So you have six minutes.

>> I'm lisa hinely. I'm the chair of the north neighborhood combined neighborhood team contact team. We're the neighborhood north of 13 on the east side of lamar. Eleanor is the president of the north austin civic association, who are neighbors on the west side of lamar. We're here to ask you to support funding for the lamar burnet crestview item. Hopefully back up at the levels that the task force had originally recommended. That's one of the largest line items in there now, but that kind of reflects the fact that a whole lot of projects were combined into that one. Those were projects that were over 100 million with the original cost estimates. There's two reasons to go for

a large chunk on one project rather than spreading it all around the city. One is that gives the transportation department leverage to get additional bits of funding. It says this is a project that we're serious about, and similarly it supports transferring control of our section of lamar from txdot to the city, which effectively the city is doing the maintenance now but it goes through a layer of txdot engineering and approval that just sort of makes things take longer. Even best case if these projects were fully funded they're telling us it would be five years before they were implemented. Lamar -- our part of lamar was originally, of course, a rural highway.

[Inaudible] pop in the middle, you're off to georgetown, and that was great. That was entirely sufficient transportation infrastructure for the time, but we've grown up there. It's a city street now. Our two neighbors are 40,000 people. There are more than 250 businesses just on our section of the corridor. It's one of the most heavily used bus routes. The express bus, the regular bus and the overnight route. That 40,000 people includes an awful lot of children. Our neighborhood is almost 30% under 18, which is amazing, but it creates some extra issues for traffic safety. They're small, they aren't quite coordinated. They get distracted. We also have a lot of folks with disabilities, so sidewalks as well as access to transit is very important for us. We also have a lot of affordable housing in that area. You all just didn't

[inaudible] bond in the palms on the west side of lamar. There's a variety of other situations where there's housing projects, there's subsidies of various sorts, and when we look at where the collisions are, the big collision blocks are between affordable housing and the bus stop on the other side of the street. So that's one of the things we especially want to take care of, but also there's folks north of us, they need to get home. The design improved safety for people who need to use the bus, who need to get around in wheelchairs but can also rework the intersection so there's a better traffic flow for folks that are in the cars. We really think it's an investment. We're already seeing our international district, we've already seen the has a major expansion. The other end is anchored by chinatown has just opened new moderately priced income apartment complex. I've got -- the contact team we've got folks coming to us looking for ways to redevelop, and this is kind of a chance to shape that instead of being an auto oriented to make it a dense or a neighborhood center, in places where people have very undeveloped land or empty land and are able to make a business, that's good for us, we have somewhere to shop, good for them, it's employers and taxes. So we really do feel like this is an investment. And I guess -- I guess I've been hanging out with the engineers too long because i haven't even been talking about consensus, but we've been talking about shovel ready. Our goal is to have our neighborhood shovel ready, to have all of those conversations ahead of time about the changes that are coming in. We've got some stuff with cap metro and the bre tomorrow. We've been -- the engineers have been great coming up and talking at community meetings. We're doing some work on the cross streets that will already have been -- have more flexible street scapes, so our plan is when the money is there we'll be ready to go. We've had a chance to talk about everything we need to talk b we're also working -- engineering is one piece of traffic safety. The other pieces are education and enforcement so we've been able to work with the city's child safety program and aides aide pulled some things together, get some more car seats out. We've also been able to work where apd is doing enhanced enforcement on crime but also have them aware of traffic issues at the same time. So we're doing what we can. We're looking for you all. It's just going to take a big chunk of money because there are a lot of things that need to be done. Thank you. thank you.

George cover? George has gone home. John paul moore. Not here. Mary rudig? And mary teach is donating time, so you have six minutes. Oh, you're not donating time? Okay.

>> Hello, my name is mary -- my name is mary rudeig, I'm the coalition of north austin neighborhoods. We're representing eight neighborhoods in 78758 and 78753, which you may or may not know is the second and fourth biggest zip codes in austin, and I'm here tonight to talk about north lamar and the truth is, guys, we have a problem and the best way for me to illustrate that problem is to talk about a guy named ricky perkins. He died on north lamar in march, and I want to take you back to 2006. In 2006 we passed a bond package. Even though we know that north lamar and burnet served 20% of the city including the second and fourth biggest zip code, we did nothing about north lamar and burnet. In 2009 campo did a study of north lamar. They determined it was the most dangerous stretch of road for pedestrians and the city agreed, and we did nothing about north lamar and burnet. In 2010, because of the studies with campo, the regional authorities decided to start developing the idea of the north corridor. The north corridor, which has north lamar and burnet in the middle of it is considered to be the biggest transportation issue facing central texas and it has six out of the ten roads that are the most congested in the state in the north corridor and yet we had a 2010 bond package and we did nothing about north lamar and burnet. In january of 2012 you guys completed a study on north lamar and burnet. City staff, who does transportation, said there was an average of 600 accidents a year on north lamar and burnet. Some of their recommendations were things like we need to bring streetlights up to city standards. We need to look at the crosswalks and bring them up to city standards. And nothing was done about north lamar and burnet. In february capital metro published its facts and said, hey, three out of the six routes with the highest ridership serve north lamar and burnet, and you guys did nothing about north lamar and burnet. Now we're sitting here in march of 2012 and ricky perkins made the mistake of being a bicyclist on a road that you guys don't care about and so he was killed. And what I'm saying to you guys tonight is it's great to say, oh, let's imagine austin, let's imagine a city that has great bicyclist lanes, let's imagine a city where we fix our transportation issues, and the truth is, guys, we need to talk reality. We need to talk about the fact that people like ricky perkins and a lot of other north austinites that I can mention have been killed, they've been maimed. We've had people from adapt numerous times up here talking about the bond package because they've been hit by cars because they cannot use the sidewalks or there is no sidewalk. So they're in the middle of one of the busiest intersections trying to get across using sidewalks and using crosswalks that don't even meet city standards. So what I'm asking you guys is it's nice that you're willing to put 15 million in the \$385 million package but we really need that 27 million and as lisa said earlier, part of that is so that we can go ahead and leverage that and get more moneys from other departments so we can go ahead and take care of north lamar and burnet. Thank you. one quick question.

>> Yes. is this area you're talking about, is it anywhere near burnet road?

>> Yes, I'm talk about north lamar and burnet. oh, burnet.

>> Both roads. Did you have any other questions for me?

>> Mayor leffingwell: no. Thanks. I just wanted to clarify that.

[Applause] allison young? Allison young? Les ice enman? Allison, you are here. You have three minutes.

>> Thank you, council members. My name is allison young and I'm with friends of shiep partnership. We advocate for progress and preservation at shiep park and pools, and as of the last year we advocate for all parks and pools. We came before you last year and requested that the eight pools that were scheduled for closure be removed from the budget proposal, and i want to thank council and the city manager for making that happen. That went a long way, especially this summer when we needed those pools open. But today I'm here to offer support for the bond requests that are being made by pard, mostly because our community does have a problem, and that is that our park system, which our crown jewels, are losing their luster. We -- you know, my -- in my situation, like most austinites, I am not a politician. I'm not an economist. I'm not an urban planner and like most austinites it's very difficult to understand the following, which is that our parks, our pools, our rec centers, many which wrp built in the '30s and have existed through wars, depression, recession, insulation, all matters of crisis and all the while they were maintained, during all that time, they were painted, their pumps were replaced, the buildings were repaired, there were basketball courts and tennis courts installed and maintained for 70 years. And yet on the heels of the largest expansion of our city and the greatest increase of tax revenue in probably our living memory, we suddenly cannot afford to keep our neighborhood pools open, our botanical gardens maintained, we cannot keep e newest rec centers open with active programs for children and we can't complete the renovation of the main museum, which is a shame. That's a jewel. Friends of shiep park like austin parks foundation and keep austin beautiful tried to build community ownership, and we do that through projects and events. We had a movie night. I saw council member spelman there and I appreciate that. We have had several parties and rallies, which laura tovo were in attendance and we've had festivals and recently we have just built a beautiful mosaic mural on the pump house wall of the pool, which I invite you all to come look at and take a dip. And projects like these translate into increased usership of the park, which translates into increased value to the community. And as I was driving here i happened to pass three parks and I noticed that shipe, because of its neighborhood pool and ramsey, which i also passed because of its neighborhood pool, were loaded with kids and people, and peace park had nobody in it. I'll close. I'm sorry, I just want you to consider to increase the amount of funding to the maximum level for pard and to create a working group to provide opportunities for permanent funding for pard as we so badly need. Thank you. thank you. Les icenman? David orfshellie? You're donating your time. Okay. Brent adare. Kathie korea. Steven zetner? And so donating to steven is cara carbonee. David orch lick is not here.

>> Yeah, he is.

>> Oh.

>> That's all the time i need.

>> Let me sign off john koehain and cynthia keo hain.

>> My name is steven seth ner, I'm here to speak also in support of bond funding for the north lamar and burnet road corridor improvements. I'm an advocate for a family friendly and walk

away vision for these corridors, and I'd like to share a little dark humor with you at this late hour. Could you run the video here. This is a one-minute video clip that describes a bicycle trip to the grocery store down burnet road. Road.

[Showing video]

>> over the last year I have been very impressed with the work of city staff, transportation department, were you also public works, planning, kat cap metro as well to come together to start to get a grip around the issues along these corridors. And can you just play the slides here? This is the probably -- you've probably seen this slide. This is from the burnet corridor recommendation that the transportation department released earlier this year. You can see some of the pictures that they're proposing for this one-mile segment of burnet from 2222 to anderson, sidewalks, dedicated bike lanes, immediateians above the curb, street trees, safety improvements for pedestrians at several places along the corridor. That is part of \$120 million in improvements that various city departments submitted as part of the bond process for six miles of corridor on north lamar and burnet, and as you can imagine, the bond task force struggled with large numbers like this and whittled it down eventually to the 16 million that was recommended for the \$385 million package. What I want to share with you tonight is the engagement of our community in stretching the value of those dollars. Any money that you choose to invest is -- in our corridors. How our community is engaged in leveraging those dollars, those public dollars, one of the things that we're doing is aggressively planting street trees on burnet and lamar. We've planted 50 trees in the last two years right through the drought. All but one of them has survived and is healthy. We're planting another 70 trees this coming autumn. We're also reaching out to businesses along the corridor. As part of our tree outreach efforts we discovered a developer near burnet and olen who is planl planning to remodel a strip center, so we're talking to that developer about including outdoor dining as part of their development, maybe working with the community to put in an art wall that would buffer the outdoor dining from the street, or certainly planting trees. It happens to be right next to where cap metro is planning a rapid bus station, so we can see a very pedestrian oriented district coming together at this part of burnet, and we already have existing multi-family all around this area within walking distance. At burnet and 2222, near the , we're in talks with to see if we can get a modest amount of their parking lot rededicated to pedestrian space that would support, again, bus rapid transit there, access to the h.e.b. As you can imagine, h.e.b. Is not wild about giving up their parking. They get a lot of utilization out of that location, but they are talking to us, and they've agreed to sponsor a survey of apartment residents on that part of burnet to better understand their transportation needs. Across the intersection at lamar milled school we're talking -- middle school, we're talking to the administration there about reinventing that corner of the intersection to make it much more pedestrian friendly. It's the only safe crossing of burnet within a half a mile. We have students now that jay walk across the intersection. There was one child that was hit a few months ago near this intersection, so making this intersection much more pedestrian friendly is a priority for our neighborhoods, and it also becomes an attractive base of our community. Finally you heard about the farmers market redeveloping. We're talking to that developer as well, trying to find open space in that district. They're receptive to that but we just have to try to work out the details. I don't know which of these projects will bear fruit, but our community is engaged. We're looking for those opportunities. Some of these will work, and I think, you know, it may be presumptuous to say few give us the tools we'll finish the job because there's an awful big job to be done here, but I

think we can say we'll help to accelerate the pace here and create a much family friendly and pedestrian environment on these corridors. Thank you. thank you. Bob nix, not here. He's here? Following bob will be margie garden, on the opposite side. You have three minutes.

>> Okay. Thank you, mayor, council members. Thank you for your time. My name is bob nix. I'm president of the austin firefighters association. The proposed 360 area fire station I believe as it stands today did not make the final bond recommendation list. My understanding that the recommendations from the bond election advisory task force made before the work of the public safety commission was finished with their task proposing recommendation to council on how to best address the

[inaudible] risk in austin. Public commission made several very common sense recommendations that were carefully designed to reduce the risk of fires in and around austin. Putting a 360 fire station back in the bond package for the november election was the first recommendation made by the public safety commission in their list of recommendations. I want to read a short excerpt from that recommendation. The most important recommendation of this commission, increasing afd's firefighting resources because ultimately it's all about available manpower. The loop 360 corridor has only two fire stations and afd must have a third station as soon as possible, with both an engine and a ladder company. The ideal location would be south of the colorado river. This will require the new station to be included in the november 2012 bond election. Massive areas of vegetation on either side of the highway require rapid response by firefighters in order to suppress any fire before it becomes uncontrollable, and to begin to provide lines of defense against wild land fires that are being blown across austin. That's end quote. The 360 area fire station would be placed in a perfect location to ensure firefighters will be able to readily respond to this very critical wild land area with the depth and personnel necessary to provide a chance of early control of the fire. Council, I'm requesting that we start addressing the clear and present wild land risk now in a meaningful way. Please put the 360 station into the bond package. Mayor, council members, mayor pro tem, thank you for your time. And are there any questions? thank you.

>> Thank you. margie gordon. John elford. Sara watkins. Jennifer macphail. Mike conatick. Joseph cangy. Those are all the speakers that I have signed up wishing to speak. Is there anyone else in the chamber who has signed up and whose name I haven't called? Okay. Council, I'll entertain a motion to close this public hearing.

>> Cole: so moved. mayor pro tem moves to close the public hearing. Second by council member martinez. All in favor of that motion say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. We will on august 14 take action, begin to take action on the bond package, even though the public hearing has been closed, at the council discretion, citizens can come and speak for a limited period of time, depending on what the council decides at that time. But the public hearing requirement is satisfied and the public hearing is closed. So that's all the items we have on our agenda. Without objection we stand adjourned at 11:32 p.m.