

City Council Regular Meeting Transcript – 12/12/2013

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[04:05:15]

[Gavel]

>> Mayor Leffingwell: Good morning. I'm austin mayor lee leffingwell. We'll begin today with the invocation from elder jack d. Gause from st. Peter's united methodist church. Please rise.

>> Good morning, mayor leffingwell, mayor pro tem, councilmembers. Just a moment of personal privilege to express sincere appreciation and gratitude for this opportunity to share with you in prayer on behalf of the faith community and also on behalf of the members and officers of st. Peter's united methodist church to thank you for offering us a proclamation naming november the 17th as we celebrated 150 years of ministry in the east austin community, st. Peter's united methodist church. Thank you very much. We be in an attitude of prayer. Gracious and eternal god we give you thanks for this day, we give you thanks for these leaders who have been elected to the great leadership of this city. Thank you for the teams that surround them, for the gifts and talents and for the business that is before them. We thank you god for the time spent in examining every detail to make the best decision possible for the great welfare of the community here in austin. We pray, oh, god, that you would guide them and lead them in their conversation and discussion and deliberations and we thank you, god, that through the power and the presence of your spirit that our differences will not divide us, but cause us to come together even more and see if we c find those things that draw us together to live as citizens in this community. We thank you for your peace being amongst us and we ask you would be with us as they dough vote this time to the work of this city. We ask it in the mighty and miraculous name of jesus christ. Amen.

>> Mayor Leffingwell: Thank you, pastor. Please be seated. A quorum is present so I'll call this meeting of the austin city council to order on thursday, december 12, 2013. The last meeting of this year, which some of us are happy about.

[04:07:32]

[Laughter] at 10:07 a.M. We're meeting in the council chambers, austin city hall, 301 west second street, austin, texas. We'll start with the changes and corrections to today's agenda. Item number 33, add the

phrase "approved by the parks and recreation board on a vote of 5-1 with board member able voting against and board member roth absent, and approved by the animal advisory commission on a vote of 7-0." Item number 34, add the phrase "approved by the parks and recreation board on a vote of 6-0 with board member roth absent." Note that item number 6 is postp JANUARY 23rd. Item number 72, add as a second co-sponsor councilmember william spelman. And item number 131, noting that at its 4:00 p.M. Time certain a postponement of this ITEM TO JANUARY 30th, 2014, Will be requested. On item 135, 136 and 137, noting that at that 4:00 p.M. Time certain for those items the postponement of these ITEMS TO JANUARY 23rd, 2014, Will be requested. Our time certain items for today at 10:30 we'll have a briefing of the social services request for application

-- for an application briefing. We also have scheduled a briefing of the project connect central corridor, the update on that. That will be taken up along with item 67, which will be later today. I'll get more specific on that in just a moment. At 12:00 p.M. We have our general citizens communications. At 2:00 p.M. We'll take up our zoning matters. At 3:00 we'll recess the meeting of the austin city council and convene a meeting of the austin housing finance corporation board. And then reconvene the meeting of the austin city council. At 4:00 p.M. We'll have our public hearings. At 5:30, live music and proclamations. The musicians

-- the musician for today is sixth street cowboy. So the consent agenda for today is items 1 through 83 plus items 139 and 140. Item number 69 will remain on consent. This is the item that

-- for board and commission nominations and waivers. I'll read this into the record but it will remain on consent. To the asian-american resource advisory commission, vince kobalis is councilmember morrison's nominee. To the austin airport advisory commission, kitty McDaniel is mayor tem cole's nominee. To the austin music commission, mark fort is mayor pro tem cole's nominee. To the asian

-- to the austin community technology and telecommunications commission, chelsea McCullough. To the building and fire code board of appeals, herman lamb is councilmember tovo's nominee. To the construction advisory committee, thomas dodd is mayor leffingwell's nominee. To the hispanic latino quality of life resource advisory commission, frank rodriguez is councilmember morrison's nominee. To the human rights commission, will krueger is councilmember riley's nominee. To the sustainable food policy board, martha cook ward is councilmember morrison's nominee. And to the water and wastewater commission, colin clark is councilmember morrison's nominee. And to the urban forestry board, keith brown is councilmember riley's nominee. Intergovernmental bodies, central health board of managers, lynn hudson is the council's nominee. There are no waivers scheduled for today. The following items have been pulled off the consent agenda. Item number 7 is pulled by councilmember morrison. Item number 19 pulled by councilmember cole. Item number 31 pulled by councilmember morrison. Item 32 is related to item 133 and will be held after 4:00 p.M. In conjunction with that public hearing. Item number 67, myself and councilmember spelman request this item to be set for a 4:00 p.M. Time certain and that is the time we'll also have our briefing on project connect, which is related. Item number 70, pulled by councilmember morrison. Item number 33 is pulled off the consent agenda for speakers. So that is our consent agenda as I have it so far. We have several speakers on the consent agenda. The first is bill bunch.

[04:13:31]

>> Good morning, mayor, members of council. I'm bill bunch with save our springs alliance and I'm speaking on item 28, which is the proposed acquisition of the jeremiah ventures tract. Buying this land for watershed protection is really the ideal outcome for this seven, eight-year struggle that we've been in over proposed development of it, up to 1200 or 1400 houses and a wastewater irrigation plan so we're very happy to see this on your agenda. We strongly support buying it at a fair price. I wish I could say that I knew your proposed acquisition was at a fair price, but we have not been given access to the appraisal the city has undertaken. We don't have our own appraisal. The posting says up to \$18 million. That is a lot of money. And it's up to you to do your due diligence as councilmembers to make sure that your staff and your consultants have looked at this carefully and that the numbers do, in fact, add up to a fair value. And there's a lot of technicalities that go into that, but given the location and some of those details, I wish I could be completely unequivocal in saying absolutely go for it, but we can't quite get there. Part of that has to do with the details around the water situation and reserving the water as we go forward, even if the city is not going to put that to use immediately or perhaps not on this exact tract. And again, that

-- that is up to you, and we need council to pay attention to those details and not let that just be left to fall through the cracks or to have some judgment exercised by somebody, you know, down through the chain of command. It's really important to this acquisition, it's important policy, and just urge you to look at that and make sure it's handled properly. But again, thank you so much for having this here. If this can go through, I think it will be a real value for the community in the long term especially. We need more preserve land, much more than we have budgeted for and we certainly hope there are more acquisitions to come after this one. Thank you.

[04:16:15]

>> Mayor Leffingwell: Councilmember spelman is there somebody from real estate who could address mr. Bunch's questions? Here comes judy. With a smile on her face. I bet she knows the answer to all of this stuff.

>> I do.

>> Spelman: All right. You heard mr. Bunches questions about the appraised value and the water rights. Wondering if you can address those.

>> Sure. We hired an independent third party appraiser, we brought in an independent third party land planner. We looked at this property at length. There were a number of questions and we worked with the jeremiah group to answer those questions. This is a tract that has a lot of entitlements and they worked a long time on those entitlements and it is a complicated transaction. In regards to the water, there is raw water and there's a wholesale water and at this time jeremiah continues to stay at the table with the city to help us address that cost. There's a 37,600 per year cost for the lcra raw water and they are escrowing the funds for the wholesale to give us time to really address what that wholesale means. But I think we've continued to look at it as a one year. It's a five-year commitment out of a 40-year commitment with lcra and we have one year and they've talked about another second year as part of that commitment to us.

>> Spelman: Will our purchase of this tract now have a material effect on the water rights we're able to get from the lcra?

>> No, sir, I don't believe so.

>> Spelman: Why not?

>> Well, in regards to these, the commitments for the water, we're going to

-- we're working with austin water utility to look at what those water reservations are equal to. BUT IT'S 500 LUEs CURRENTLY Thpart of the 37,600 per year.

[04:18:20]

>> Spelman: They had ground water rights as I understand it for a certain number of LUEs. Are those ground water rights going to belong to the city or could the aquifer district conceivably sell those rights to somebody else?

>> My understanding part of the acquisition that will come with the city's acquisition of the site if that is approved today.

>> Spelman: So we're not just moving the water around, we're taking it up and nobody else can get at it.

>> That's right. For a period of time, but with these entitlements continue to be expensive and we will look at what the rights 245 come from the acquisition from a financial standpoint.

>> Spelman: I understand you may be reluctant to tell us what the appraised value of the property was, but was

--

>> 18,3000. The purchase price today is 18 million with 60,000 for our partner for the texas nature conservancy.

>> Spelman: We're getting it for a little less than the appraised value.

>> Yes, sir.

>> Spelman: Very briefly, I think mr. Bunch said, most of the people are aware, but if you could just recite for us why is this tract particularly important for protection of the edwards aquifer?

>> Well, it's really important from an environmental standpoint and there are a number of caves. I don't have the number of caves memorized.

>> Spelman: I believe it was ten.

>> Ten. It is a tract that we've looked at for a long time to continue in the recharge zone as part of our borders that we've been looking to protect. It is 1,000 homes, if the tceq permit were in place and with the septic it is a serious question in regards to the open space team. We all did work very hards a team to look at this acquisition. It is a lot of money and we all sat down long and hard and went over those and what it meant to our whole program and it continues to rank one of the highest on our criteria and matrix that we've looked at.

>> Spelman: So from your point of view this is a good expenditure of \$18 million. The protection of the aquifer is worth money.

[04:20:23]

>> Absolutely.

>> Spelman: I agree.

>> Mayor Leffingwell: I have a quick question for you, judy. How long have you been doing this real

estate work for the city of austin?

>> In march of 2014, I complete 26 years with the city of austin at the same phone number my full career. [Laughter] [applause]

>> Mayor Leffingwell: And I would add that I personally know that you have a reputation for most of that 26 years as a ver bargainer. I just wanted to say that.

>> That was a long, hard part of my career when I joined the city, I was unemployed and had no idea I would ultimately negotiate over half a billion in acquisitions for the city.

>> Mayor Leffingwell: Half a million total that's your career total?

>> Yes, sir, a little bit over.

>> Mayor Leffingwell: Okay. A half billion dollars of the taxpayers' money. Uncilmember tovo.

>> Tovo: I just wanted to thank you and all of the staff who were involved in this deal. I think this is a tremendous benefit for the community and so

-- and I know it wasn't an easy transaction to arrange and it consisted of lots of delicate negotiations, so thank you for all of your hard work. I think this is a tremendous win and I appreciate it.

>> We're slated for closing a week from tomorrow.

>> Mayor Leffingwell: Great. Thank you. Councilmember riley.

>> Riley: Mr. Bunch, if I could ask you a question. You were interested in ensuring that we reserve the water rights on this tract and you heard staff say it got them covered one year. What would be your hope with respect to

--

>> well, my understanding was that the city had negotiated to lock it up for about four years. And it's really important that we're not spending a whole lot of money

-- I mean the water turns into sewage, and that's part of what y'all are seeing as the value to this acquisition, a huge part of it. And so it's a real problem if it just then pops up next door or nearby as an equal amount of sewage. So I would hope that the

-- the city would tie it up for longer than a year.

[04:22:48]

>> Riley: And in particular you think four years would be the right number?

>> Right. Yes.

>> Riley: Okay. Is there a representative of the current landowner here? Ms. Mead, you heard

-- I understand that the owner is still at the table with the city in discussions regarding the reservation of the water for this site. And I understand we're currently at one year, but there's some possibility of going beyond that. We heard mr. Bunch say he thinks four years would be a reasonable number. Is that something that the owner would be willing to cover?

>> Councilmember riley, michelle mead, we have actually committed to essentially cover three of the time and committed to continuing to talk about to the real estate staff about covering the final two years. And so I think that the staff presented that as of yesterday there was an agreement for us to cover

-- we've already paid one of those five years, to cover that an additional year, but we've committed as of this morning to cover a third year under our ements with the city and to continue to talk about the last

two.

>> Riley: And what would it take to get those last two to cover?

>> We really have just started those discussions. You know, it's all dollars on the table essentially and we are not 100% sure what the city wants in that regard but we're definitely willing to talk about it.

>> Riley: Well, maybe this is a question for June. Since you are the one representing the city in discussions with the owner, if the council were interested in ensuring we had the water rights tied up for a full five years, is that something that we could achieve today through direction to you?

>> I'm certainly willing to go back to the table with Jeremiah. Certainly willing to discuss how that would look and having that understanding of those five years, I think that Nichelle would also say we're willing to come to the table and see if we can address it. I just don't have a definitive answer at this point in time, but I think we are all committed to see this transaction be the best and that it can be and if five years is where we need to be, we will discuss that.

[04:25:20]

>> Councilmember Riley, the developer is here and they say they will go ahead and commit to the full five years.

>> Riley: Okay. Excellent. I would sure appreciate that.

>> Thank you.

>> Mayor Leffingwell: The next speaker is Erin de la Garza.

>> Thank you and I wanted to first thank the council, the mayor pro tem, mayor for the unanimous passage of this resolution and the reason why we're speaking is simply to recognize that this resolution is a process and not an end. It requires a process wherein that the city of Austin will communicate with CTMRA and TxDOT as options regarding Sound Wall 3 north of Bullard. In order to have that process work, there needs to be an understanding of the political will behind this. I think that there may be a misapprehension that this is the interest of a few in the neighborhood and certainly that could be taken from the fact that some of you have talked to the same folks a few times. But just to try to give more light on this, we actually went ahead and walked the petition that's currently displayed around the neighborhood, and that petition is in support of reconsideration of Sound Wall 3 north of Bullard. That was done in December of 2013. Thank you. And so there's an overview of those petitions. We had 167 people sign that petition. And that sounds like a pretty good number, but what needs to be considered is where those signatures came from. And if you look at the slide we presented, those signatures are adjacent to the red line there, which is the line of Sound Wall 3 north of Bullard. And I think that shows the overwhelming political support in the neighborhood for reconsideration of that wall, which is particularly important because this is the only wall on city of Austin property. This is something the city is going to own once the wall is constructed. And liability or, you know, taking it down or whatever is going to be the city's obligation. So I think that the recognition of this political will is necessary to make sure this process works because CTMRA and TxDOT are in a bit of a black box where they are coming back to the city and saying we don't think this fits the economic reasonability standard. We don't think this will work in terms of our train noise or what have you. I think the political will necessary to get beyond those objections and dig into whether or not those objections are correct, it's been our experience that a lot of the objections put forth by CTMRA are not

-- well, the ctrma has done things they said they can't do on this very project. So finally I think that as some of our supporters wanted to come out today and even though this is going to be on consent and show support for the resolution, show support for the process and I wanted to ask them to stand and please applaud to thank the council for the unanimous support of this resolution that is so important to our neighborhood.

[04:28:52]

[Applause]

>> Mayor Leffingwell: Next speaker is gus pena.

>> Good morning, mayor, councilmembers, city manager. Gus pena. I just have three items. Number 1 is the avis county for summer youth employment programming, right on target. We need to employ a lot of kids, keep them employed. Number 2, authorize and execute a one-year agreement with the salvation army for the safe sleep program for single women at a downtown

-- I've been at the salvation army advocating for veterans and other single men and women with children and it is very disturbing to me to see that we have to have this type of shelter when we could provide a home, apartment, whatever for the

-- the moms and the children. But nonetheless, this is a good safe place for them and continue to march on that. It's very well funding, very well spent. And my last item, number 23, the african-american men and boys harvest foundation. I know michael lofton for many years, you've done a very good job and others et cetera and continue to march on that. I wish we in the hispanic community had something for hispanic youth and family and something similar to what you did and a shout goes out to you, job well done. Mayor, I'll keep it short. Thank you very much. Funding well spent. Thank you.

>> Mayor Leffingwell: Thank you. David king.

>> Thank you, mayor, mayor pro tem and councilmembers. I'm here to speak on item 83, about the aggregate, use of aggregate for landscaping. I looked at the backup material and saw this at the last minute, looked at the backup material and didn't see any detail about what type of aggregate we're talking about. Is it natural organic aggregate or man made aggregate? And has there been research and study done on the possible impact on water quality and the tradeoffs in using that. So I think it need more information, the public needs more information about that so we can determine how this will impact the water quality and drainage issues in our city. Thank you very much.

[04:31:26]

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: David, I would just like to let you know that this item went through a full stakeholder process and I believe that it is natural materials and the water issues have been addressed.

>> Okay. Thank you.

>> Mayor Leffingwell: Urban and oxygen, hydrogen, all that. Mayor pro tem

-- I mean excuse me. Councilmember tovo.

>> Tovo: Yeah, I just wanted to say I'm prepared to support this resolution today, but I understand it went through a stakeholder process but I have heard concerns including some, you know, I do have

some concerns based on the city staff's memo and some other concerns I've heard including from people who participated in the stakeholder process. So I look forward to giving it more attention when it comes back to us as an ordinance. But I appreciate the work you've done on it.

>> Mayor Leffingwell: That's all the speakers I have on the consent agenda. I'll entertain a motion.

>> Move approval.

>> Mayor Leffingwell: Member spelman moves approval, mayor pro tem cole seconds. In favor say aye. Aye. Opposed say no. That passes on a vote of 7-0. [Gavel]

>> Mayor Leffingwell: Could I ask you to hold the conversation down as you exit the chambers? Just until you get outside the doors. Then you can talk all you want to. I'm going to call up item number 7. It shouldn't take too much time. We do have one speaker, now, councilmember morrison. Stacy gudrey. Maybe some of you didn't hear my request to hold the conversation down until you get outside the chamber. Thank you.

[04:33:36]

>> Morrison: Mayor, I would be happy to hear the speaker first.

>> Mayor Leffingwell: I already called him. I didn't see him. Stacy gudrey. Apparently he's not here, councilmember.

>> Morrison: We've been in touch with her and I'd be glad to go ahead and make my comments and hopefully she will show up. This is an interlocal we'll be entering into to work together with travis county in terms of promoting and implementing our zero waste plan. And so it's a great thing, it's a good step forward. One of the ideas that had come up

-- well, a couple ideas came up and one of them I want to make a motion. I'm going to suggest we implement today, and that is that there be an annual report back on progress made under the interlocal to the zero waste advisory committee. So the other thing that I think we might be able to work on in the future is the idea of perhaps having a ex-officio member from travis county on our zero waste advisory committee just to have a better and more ongoing integration, but that would take an ordinance change, as I understand it. So with that, mayor, I would like to

-- if stacy has not shown up yet, I would like to go ahead and make a motion that we approve number 7 with the amendment specifically amending section 1, common goals, to add a new subsection that states that the parties will provide annual reports to the city's zero waste advisory commission regarding progress made authorized achieving the goals of this agreement.

>> Spelman: Second.

>> Mayor Leffingwell: Motion by councilmember morrison to approve the execution of an interlocal and regarding zero waste with an amendment which we'll furnish to the clerk, seconded by councilmember spelman. Discussion? All in favor say aye. Aye. Opposed say no. That passes on a vote of 7-0. Okay. So let's go to our briefing for today. Which is a briefing on the social service contracts, I believe. Mr. Lumbreras.

[04:36:12]

>> Good morning, mayor and city council. Bert lumbreras, assistant city manager over community

services. What staff will do is present the social services investment framework that we've been developing with stakeholders and working very closely with the members of the public health and human services subcommittee. Over the course of the year, this past year staff has been working real hard to create a framework that will serve as a foundation for the upcoming request for applications. And as you will hear from staff this morning, other than some slight changes, this framework pretty well stays generally true to our current investment, and that was one of the goals going into it and I think we've been able to accomplish that with all of the good help from everyone. This process will be a two-step or two-phase process. What we're presenting today is a framework. We do intend to come back to council in January with the second phase which will be the overall framework of the rfa and then everything that goes into the qualification and the consideration for the applications. Once that happens, and the time line for that would be hopefully with release of rfa if council was comfortable moving forward in February, and then the applications being considered for allocation of funding sometime in the fall of next year. That's why we're trying to bring this forward at this time. So we would like to thank a lot of folks that have been involved in this. Of course, one voice, which is a strong collaboration of nonprofits, early childhood council, united way, many, many others that have been helpful in the development of this process, and then also thank the members of the public health and human services subcommittee as well as other members of council that have shown up to really provide some leadership with that. With that I'll turn it over to staff and I know they will walk you through the framework at this time.

[04:38:12]

>> Good morning. Carlos Rivera, director of hematology health.

>> Destiny Hayden, assistant director health and human services.

>> So our current framework is called the self-sufficient continuum for social services and consists of safety net services, transition out of poverty services, problem prevention, universal support services and enrichment. In order to create the current light continuum framework, including review of our core, help strategizing planning elements. We looked at the Imagine Austin plan, worked with C.A.N. and the school readiness. So a lot of consideration we want into this plan prior to it being developed. Real briefly, the strategic plan priorities for the department are to serve as exemplary model of sustainable public health practices, to work collaboratively with our partners, to foster a culture that promotes exceptional stewardship of resources, work with key partners and leaders and month moat and raise visibility of hub health locally and regionally and nationally. Imagine Austin focuses on ensuring Austin is livable, educated, Austin is prosperous and Austin values and respects its people. We had an extensive community input process, and again as Lumberras said, we would like to extend a thank you to these partners, the C.A.N. Issue area group, One Voice, Ready by 21, Travis County and United Way. This process began a year ago and they've been involved with us every step of the way. Just real quickly, what we talked to our partners about, the C.A.N.

-- With C.A.N. We talked about their dashboard and strategies and C.A.N. Focuses on empowering families to be advocates for relationships and community. We used the e3 blueprint which has four goals, school readiness, elimination of achievement gaps and high school and college success and community accountability. Ready by 21, a continuum of development with outcomes for child and youth

well-being for Travis County, and the school readiness action and overall strategy and the plan is built on the following framework, ready families, ready education, ready help systems and ready communities. And all these elements were important to us because we wanted to arrive to a strategy that would meet the needs of our population through each key area or key stage of their life. Early childhood, youth development, adults and family stability and seniors and people with disabilities. And there's also a component for planning and administration which is, again, planning dollars put aside to make sure that we support these projects on an ongoing basis. The next few slides will show you how we have combined the self-sufficiency with the life continuum stages. So safety net ensures no person is without basic necessities, basic needs. And the target population for those will be early childhood, youth development, adults and family stability, seniors and people with disabilities.

[04:41:48]

>> And the one thing that we wanted to show throughout these, throughout these next slides is that our current strategy for investment, the investments we've made to date will also be maintained. There's the possibility to maintain them through our current or the new -- the new framework.

>> Transition out of poverty was our second one. Problem prevention is the third area which addresses problem with education and prevention. Universal support, provide family and societal support system services and enrichment is the last area, to encourage personal development through cultural and educational programs. Our funding strategy, our self-sufficiency continuum in 2010 was a request for proposal and there were 31 agencies funded. A \$13 million investment. The current life continuum is also going to be a \$13 million investment as well.

>> I would just add that we're proposing that the current -- or the new framework be RFA and perhaps I wasn't as articulate as I could be. What the new framework does for us, the life continuum framework, it allows us to build on the progress we've made through our current investment strategy.

>> So the next slide the the social services time line and it just kind of walks you through the entire process. So we are anticipating to release the RFA February 25th of 2014. And basically have the contracts to be effective October 1st of 2015. That gives us a -- we're able to notify the agencies and give them a year notice so we would notify them October 1st of 2014. So the next steps, we're going to continue to work with the public health and human services and we will complete the draft scope of work. We're going to finalize the evaluation process, and in January and February of 2014 we will present the remaining part of this presentation and this process to our city manager and we will come back to council to do that presentation. Thank you very much. This completes the presentation. We can address any questions or concerns at this time.

[04:44:43]

>> Cole: Any questions? Councilmember Martinez. Martinez I just want to issue just a huge thank you. You know, going through this process. We've had several meetings and stakeholder meetings and in the end, council, we're never going to be able to fulfill outline of our social services needs but I think the

commitment we're continuing to make is a tremendous commitment to our community and the hard work that staff has put in to getting to this point to where we are finally comfortable with the proposal to move forward and bring it to council. There will still be some small issues that come up possibly, but we think that we have a recommendation for council that will allow us to capture the highest priorities and then allow for some wiggle room, if you will, of 20% or so that the council will have discretion to add into the final numbers. So the social services agency, knowing up front whatever they apply for, they may only receive up to 80%, I think is a much better format than what we did last time around where after they made their proposals, we came with an 80/20 split to try to add other agencies back in. They are full aware of this and are behind it and in support of it and I actually do look forward to going through the process and getting these agencies made whole again. Thank you all so much for everything you've done and thanks to the committee members, councilmember riley and morrison and councilmember tovo who shows up frequently at our committee meetings.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: Yeah, and I want to thank councilmember martinez and the staff for their work on this and all the other stakeholders who participated in this process. I have one question for staff and that's for the benefit of council. The last time we dealt with social services contracts there was an issue about the anti-lobbying rules. Could you just address that issue and clarify how they will apply this time around?

[04:46:52]

>> Currently the current anti-lobbying does not apply to social service contracts unless that is invoked. And so the public health and human services committee took action to vote that they would like to not invoke the anti-lobbying ordinance. So it will not be in effect during this process.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you, and yes, echo my thanks to staff and the community members who worked so well together to bring this forward. And I guess I just want to highlight two things that I think are really important for me and how we're moving forward. We really, you know, made some progress with changing the way we did things last time, but I think what we've -- time, but I think what we've done this time is do a deep dive to see how we could improve on that process and the two main things, number 1, we're going to be looking at things in terms of the life continuum so that we will make sure that things are balanced appropriately and I think as everyone knows one of the gaps that we ended up with last time was early childhood and this is going to allow us to avoid that kind of or at least be aware next time around if we decide that we want to have that gap, that it won't happen without our knowledge. So we'll be much better informed in terms of allocating our resources. And then the second thing to highlight is the technicality is that we're going to do anrfa as opposed to to rfp. Allows us to make adjustments based on our assessments, our analyses as opposed to just having to follow a strict scoring system. I think that's so important because when we have something as complex as trying to allocate social service dollars, while we can do a great job of scoring and staff is going to be bringing forward the details about how the evaluation will be done, there's always going to be things that we miss, that we can't capture with the scoring. So having the rfa process as opposed to to the rfp is going to allow us to go in and make those assessments anchors corrections if we need to. So really appreciate that. We are really moving the ball forward with this new approach.

Thank you staff.

[04:49:31]

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: A followup question. The problem where the rfp, once we scored the proposals we had to work from the top down as soon as we ran out of money. And the rfa, we can think of the matrix as being the first cut but we have a lot of flexibility to go down a couple of levels and take up another proposal. Is that accurate?

>> Morrison: Mayor, if I may, I wanted to have staff answer that, but I think the answer is yes. And in fact, part of what councilmember martinez highlighted we're going to tell folks we're going to be looking at sort of a 80% and saving out 20% so that will allow them to do better planning.

>> Spelman: I suspect everyone is going to be adding 25% to their proposals, but that's okay.

>> Councilmember spelman, to answer your question, yes. What's currently being considered by the subcommittee and they had an opportunity in a work session setting this week to see what staff's recommendations were was that to set up in motion a

-- a framework for the rfa. And in effect what it would do is instead of going through the numerical ranking like last time where we had 77 applicants vying for 31 spots, \$13 million, but yet we had 26, \$27 million worth of requests, which I suspect the amount of requests is not going to change. We're still going to have a tremendous need. One of the considerations that we made is that we would do a process where we do a pre-call if I indication and come up with a system what we call a check system that does have a numerical backing to it, but it gives flexibility to look at where the organizations lie in terms of meeting not only pre-qualification but then also things that we feel are essential to make for a good contract and good investment. The short and sweet of it is I think it does have that flexibility in it. And the whole idea behind the 80% goal was not to force everybody they could to come in with 80%, but allocate to each of the respective categories an 80% target, but have the flexibility to come back if you see a huge priority or gap like we saw last night in early childhood, then you have the ability to beef it up to 100% or you could go 120% based on where the needs are. I think what staff has come up with and the work and the subcommittee I think is going to address in addressing, councilmember morrison, many of the issues that we saw last time. Is it going to be perfect, I'm sure it's not, but at the same time I think it gives everybody a very well laid-out playing field in terms of where we're going to look at and, again, the key word in my mind is flexibility.

[04:52:31]

>> Spelman: Sounds to me like it was an admirable of squaring circles you have to get through.

>> Another important distinction between the rfp and the rfa, when we receive proposals under the rfp process, we're obligated to accept them as is. In the rfa process there's room for negotiation of the elements with the proposal itself.

>> Mayor Leffingwell: Could I make a comment here? About five years ago, more or less, when I was chair of the health and human services council committee, we started this process to try to amend the way

-- take basically the way we had been doing it in the past was everybody was on auto pilot. If you got it last year, you got it again this year plus a little bit. And we actually tried to emulate. The other problem with health and human services contracts, by the way, was that there's this constant dispute all the way through the process, all the way through the council process about we're n getting enough or we got left out, et cetera. So we tried to emulate what they do in the arts community. Whereas before it was sort of the same way, the squeakiest wheel gets the grease for arts grant and so forth. They revised that plan and had the staff do an evaluation, present those evaluations to the arts commission and arts commission made their recommendation. And lo and behold we didn't hear any squeaks to speak of anymore. So that's what we wanted to achieve on the health and human services contract. But something has gone wrong because we're still hearing a lot of squeaks. It still isn't the smooth working process that we envisioned at the beginning of this. So do you have any

-- can you speak a little bit to why you think it hasn't worked as well as it did for arts, that kind of process? That may be too general of a question for you.

[04:54:41]

>> Yes, mayor, I would hazard to say that I'm not familiar with the arts process so it would be hard for me to try to compare them and give you a good assessment that deserves a good answer for that. All I can say is that this process I think simply just gives us a better scan and a better read of where gaps and needs may be, and then with limited funding, because at the end of the day, mayor, quite honestly the issue here is you're not going to take away the tremendous need that is out there.

>> Mayor Leffingwell: Well, it's the same way in the arts community. You've got more people want these grants that are going to be able to get them.

>> Yes, sir.

>> Mayor Leffingwell: So you got to have some kind of a cold, blunt, statistical evaluation based on, first of all, we talked about this a lot, based on need for that service and based on how well this agency gives that service.

>> Yes, sir.

>> Mayor Leffingwell: And it just doesn't seem like we're there yet. We're still getting a lot of feedback at the council level that it hasn't worked well for them.

>> Mayor?

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: As the current chair and the chair for the last several years I think what you said is exactly the issue. The need has risen tremendously and so, but unli arts community, we're talking about real human problems out in our community and that's why you continue to hear. I don't think we're ever going to not hear from our community when they are in need. So I don't

-- it is not a failed process and I doubt we will ever have a process where you don't hear in the community. In fact, I wouldn't want that because I would want to know what's going on in my community. For me what I believe and understand is that those in our community with less has only increased in numbers. And those trying to help the members of our community with less are the ones we're hearing from the most because they are trying to do everything they possibly can with limited dollars that we have at the city of austin.

[04:56:48]

>> Mayor Leffingwell: Well, and I understand, but it's always been that way, councilmember. It's always the need has always been greater than our capacity to fulfill that need, so that has not changed. But the other thing that we did initially, and I guess from what I see the policy is totally changed or never really got fully implemented, was that we made the decision to give primary importance to basic needs. Primary importance to basic needs. Because other grantors in the community had opted out of that and we had to fill that gap. Travis county and the city of Austin had to fill that gap. But

-- and that meant that that was

-- that should have been given greater weight, basic needs should have been given greater weight. And maybe that's being done, but I don't see it. Councilmember Morrison.

>> Morrison: I want to mention a couple of things just specifically about basic needs. On the last go round we definitely prioritized basic needs. This go round is basically, if I understand it properly, is going to allocate the same amount of money, roughly, to basic needs but with flexibility to add more to it if we want to, if we think it needs to be more. So there will be that flexibility. I would like to also address the issue of comparing this to the arts process because, you know, that is a mechanical process and this is not a mechanical process. We moved very much toward a mechanical process last time and we identified some failures in that and we're trying to improve that. I would love it, believe me, with an engineering background, if we could completely systematically categorize and assess and evaluate each one of these based on some set of criteria, and then we put tonight a computer, we do an optimal resource allocation and we have the numbers that come out and it's the best way to spend our money. But human beings are too complex and that doesn't work. And so I think that

-- that what we've done is a course correction that really is building upon the

-- the goals that we have in the past and is not in any way discarding those goals. It's learning as we go. I want to mention one other thing, I heard councilmember Spelman bring up the issue, the comment maybe people would just pad their

-- potentially pad their proposal, their proposed costs with an expectation of

-- that they might be cut by 20%. And not that anyone is

-- I'm suggesting anything disparaging about any organization, but there is a potential for that inclination. And we talked about that at our committee meeting, and two of the evaluation criteria will be return on investment and cost effectiveness. So I think that it's going to be, you know, due diligence in looking at

-- evaluating those areas to ensure that we're not

-- things are just not unnecessarily being padded. So theoretically that's supposed to be how that's addressed.

[05:00:16]

>> Mayor Leffingwell: So councilmember Morrison and Martinez, I'm not in any way trying to criticize the individuals on the committee. And what I am saying, though, is there are plenty of statistical measures that can be presented to the committee for their evaluation. Certainly it shouldn't be a total

-- I've never suggested that it should be a totally mechanical process. But we should start with a basis. We should see how well these agencies are performing, and that could probably be done to a big extent with numbers. And then the fine tuning that takes into account the human factors would be done by your committee. That's the way I envision it. Councilmember morrison.

>> Morrison: I believe the scope of work is going to ask for some very specific criteria so that we will follow that. Mr. Lumbreras, could you speak do that?

>> Sure, and councilmember morrison is exactly right, mayor, is the process

--

>> Mayor Leffingwell: Was I totally wrong?

>> No, sir. You are exactly right. We're on the same page because there is

-- there is going to be two elements that we'll have. We'll have a pre-call if I indication process that in order for you to be considered as an applicant, you have to meet certain

-- you know, pieces of information and criteria that will be data driven and it will look at what your investment is. And we talked about the return on investment and it will be both in terms of, you know, what investment you are bringing to the need, but then also the societal

-- as councilmember martinez suggested. So there will be another element involved. So it will be based on data. As a matter of fact, when we get even to the issue of determining where we need to invest more, it would also be based on data, where the need is based on data or on plans. As staff presented in their information, a lot of this is gathered on plans that are already out there in the community that have been vetted out through stakeholders and critical needs and so forth. And so it is going to be based on data, but it does give that flexibility to make additional recommendations at the end based on where we see more needs over other needs in the process. So hopefully don't run into that same situation we ran into last year. Or last time.

[05:02:42]

>> Mayor Leffingwell: Very good. Thank you. Okay. So as I noted earlier, we're not going to hear the other briefing now, we'll hear it later on today in conjunction with the action item associated with that briefing. So we can go to item 19. There are no speakers on that item. That's pulled by mayor pro tem cole.

>> Cole: Thank you, mayor. I just wanted to point out that this has been an agreement long in the making between staff and the lone star professional staff and I want to thank them for all of their hard work. And also for my colleagues for having passed a resolution that got us this far. I want to be clear that lone star is a critical component of project connect and envisions that the rail will connect austin and san antonio. And by approving this item, we take a step forward in helping the project connect vision become reality. We are not finalizing any funding today and we will by approving the item show that we intend to include lone star into the more comprehensive financing vision of project connect. Lastly I want to point out that there are several stake cards in this agreement for the taxpayers of austin. First of all the funds derived from the transportation investment zone or tiz stay with the city of austin until measures of viability are set out

-- that are set out in the agreement are actually met and one of those is a contract with union pacific. And that contract with union pacific must occur by january 2016. Also, there will be no funds derived

from the transportation investment zone until there is capital fundin secured for construction and a financial plan and commitment from other participating entities. I believe that it's necessary that we move on this today because these safeguards are in place, but also we are setting the basis the january for january 1, 2013. The initial tax increment participation value is set at zero percent, and this value will be determined in connection with the project connect financing plan. This will help our regional mobility and make clear that we as a body are acting for

-- in connection with a comprehensive high capacity transit vision. So there are several other communities involved that are watching austin at this time and our actions today will have an impact on their actions. And finally, we have also heard from lone star that this helps them be able to go to the federal government and say that they have in place some preliminary mechanism for o&m funding. With that I would like to PROOF APPROVAL OF THE ITEM. Mayor Leffingwell: Mayor pro tem cole moves approval seconded by councilmember spelman. Discussion? All in favor say aye? Councilmember riley.

[05:05:48]

>> Riley: Staff has some concerns about this and I think it might behoove us to ask staff about those concerns before we proceed. Do we have some of those staff here who could speak to some of those concerns? In particular I'd like to know what is the problem with moving forward to this now and would there be down sides to postponing ax.

>> Robert good, assistant city manager. As part of project connect, churr going to hear another element this evening, lone star rail line is critical to the success of that program. Our concern initially was, as you all did a resolution a few months ago directing us to come back in april with the city's share of the project connect financing plan, how this fits into that will be dictated to that effort. So our only concern was just the timing of that. As do you this today

-- the compromise is better for staff, the zero percent because you canset that percentage based on the work you all will do in the next few months. That was our concern was the timing. If we're going to do a comprehensive look at how the city finances all of project connection in the next few months and this will be dictated today. With the zero percent it push that's decision how much to finance these tax increment financing zones into that process. That's why our initial concern. We feel better about the compromise, but we still would like it to be done at the same time. That was our concern was a timing issue.

>> Riley: Could you speak to potential impact on lone star rail if we postpone action today?

>> That perhaps might be a lone star rail question.

>> Riley: Do we have representatives of lone star rail here today? Mayor pro tem, is that something you could speak to?

[05:07:56]

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: Thank you, mayor. They really need to have the initial base value set for 2013 and that will be done no later than december 31 if we act today and if we do it next year that doesn't happen. By setting the amount at zero we haven't committed any fund and we can do that in the spring and in connection

with that comprehensive vision, but they have asked for that. And also the other jurisdictions that are looking to whether or not Austin is going to support Lone Star in its endeavors.

>> Mayor Leffingwell: Councilmember, I think what they would say is probably a major reason for this is the ability as they go out and other jurisdictions surrounding us that would also be participating in the Lone Star rail, that the city of Austin has made a commitment to be on board if and when, that kind of thing. And without that their ability to successfully negotiate with other jurisdictions, counties, cities is really damaged. That's the argument. I can't speak to the merit of it, but that's the argument.

>> Spelman: Lone Star is going to cities and counties up and down the line that they are talking about building out. And they are asking all of them the same thing. Right now we just want you to carve out the station area for TIZ so we can serve

-- one of those acronyms. The idea some level of tax increment involved. It is not critical to Lone Star that we set the amount of money if they don't need the cash right now, but they do want to get some positive movement that will help us get positive movement from the other cities and counties. And it's that combination of commitment not at a particular level but some commitment from the cities and counties up and down the line which is what they really need in order to get the outside funding to move the Union Pacific line off Mopac and further east to make this line a possibility. Did that answer your question?

[05:10:25]

>> Mayor Leffingwell: Go ahead, councilmember.

>> Riley: It does answer my question. I guess I have some question about the rationale. If the need to move

-- to move immediately is based on the need to capture the increases in tax base we're likely to see in the coming calendar year, then that raises a question in my mind as to whether the growth in the tax base that we're likely to see over the coming year is fairly attributable to the expectations that those locations may one day be served on Lone Star rail, by Lone Star rail. It seems from a conceptual standpoint it is fair to capture that incremental addition to the tax base to the extent that it is due to anticipation of rail, I wonder if that is realistically the case.

>> Mayor Leffingwell: By the way we have someone here from Lone Star now who is kind of the expert.

>> I think the best way to answer that is that it is a long-term type thing. What rail brings to a district like that is as the project becomes more real, and this is definitely one step at making the project more real is getting these local funding agreements in place. And councilmember Spelman is absolutely correct. Will of the cities in Austin are looking

-- cities in the corridor are looking to Austin for leadership. As rail brings not necessarily a

-- in all cases an increase in value on its own, it creates an environment to do more higher value uses. That without a rail station wouldn't happen. So it's hard to answer whether, you know, does it start now. We know from our studies on average in Austin and Travis County, from the studies we've done with capital market research that about 36% on average of the value around those stations would be attributable to transit oriented development. We haven't really looked at when does that start. You know, it's kind of been our point of view that, again, it's a long-term thing. But anything that makes a project more real and makes the project higher visibility is likely to induce at least some movement in

the development community. There might be a little speculation and things like that that could increase value. About 36% from our studies is attributable to that. It's hard to tell when it would kick in.

[05:13:11]

>> Riley: Just one more question, mayor. First let me say I understand the need to make clear that we are committed to lone star rail. I think this council has expressed seriousness about lone star rail in the past and I know campo has also not only expressed its commitment to lone star rail but devoted significant funding to lone star rail. So there's no question in my mind that this is a project that the city is committed to, it's just a question when do we lock in the financing. I appreciate you saying we can identify some percentage in the long term, it's a question that will begin. That lead me to my final question, at what point will that decision be made and by whom, to raise the percentage above zero. How will that work?

>> The we we understand, and we understand it concerns the city staff about the project connect and needing to get a much better idea and handle on that funding and financing plan. We did do a conceptual funding plan and called it an envelope of affordability. We looked at what was possible. Now we're getting to that more practical piece where we say, okay, what are the things that are doable. So we understand city staff's concerns with that. We had anticipated once the city has completed their assessment of the cost of central corridor, operating costs of central corridor, the cost of additional service perhaps on the red line, that that would be the time to discuss, you know, raising those percentages.

>> Mayor Leffingwell: Joe, state your name.

>> Joseph blackwell from lone star rail.

>> Mayor Leffinl: Nice hair cut.

>> In april and may when we bring back the package he would amend the ila so that's a council action that would be required.

[05:15:15]

>> Riley: If I may ask one last followup. In the meantime we're going to be looking at financing for project connect general. So if we determine for some reason that raising the percentage for lone star may in some cases be in conflict with our goals for financing of project connect in general, then we can still, even if we move forward today and set the percentage at zero, we would still be free to leave it at zero in the future, in which case it would avoid the conflict with project connect. Isn't that accurate?

>> That's correct.

>> Riley: So in that sense there really is no down side to moving forward today. Understanding that we are leaving open the question of what we will do in the future to raise that number above zero. Okay. Got it.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you. I appreciate the chance to have this discussion because this whole situation where I believe there is significant amount of commitment on part of this council, myself included for lone star and project connect in general just to have the conversation. And so I wonder if I could ask our

staff, our staff has been very clear in their memo that their recommendation is we not take action today. I'm glad that

-- what I have heard from lone star before was that we really needed to take action because of setting the base. But I guess that is no longer on the table as a reason to take action today. And as our staff put in their december 3rd memo, they didn't see that financially it made that much difference. But I wonder if I could ask our staff to speak to the issue of why in your mind does it make sense to defer this decision if there is no practical difference which is what I sort of heard from the last interchange.

>> Elaine hart, cfo with city of austin. One of the things that we tried to do was provide council a framework within which they could go ahead and adopt an interlocal agreement. It certainly has most of the protections in it that we would like to see. It's very different than the interlocal that we were working on back in october. It is our alternative offer that we've been discussing with lone star. Our preference is to come back with a full package. Certainly as councilmember riley said, if we keep this at zero and then study it and bring back a full recommendation on financing, the city's share of project connect, there is

-- there is really, you know, it certainly could move forward today. Our preference was to bring council a full package and we did have a resolution asking us to do that as well.

[05:18:16]

>> Morrison: One of the statements in the memo that jumped out that concern about moving forward today, it's not a financial situation, it's more about lone star wanting to

-- finding a benefit from the city's commitment being on the record today, this year, as opposed to four months from now, say. The concern I have

-- one of the main concerns raises from this statement under time line and recommendation, it says, we continue to to review and think through additional deal points considered necessary to protect the city's interests that reflect the long-term nature of this alternative offer. So what that says to me is there is a concern that really some other elements, besides just the zero percent or not, right really be in the best interest of the is in the ila that might not be there now because you are continuing to review and consider additional deal points. Is that

-- would you say that accurately reflects what you were trying to express?

>> Well, it does. I mean we

-- they are still in very much the planning stages, they have no commitment for capital planning or funding, they have to get a grant or loan from the federal government. So seeing an overall financial plan that brings both the o&m and the council together, there is some risk to the city. However, we've put in protections in this draft that until those things are done, we have a complete financial plan that includes all of that, no moneys will be paid under this draft ila. So we've tried, given we had some long-term concerns like that, we've tried to build in those protections. We did also add a section that calls -- looking long term, this is 56, potentially 56-year document will be in operation of a railroad at some point. We can't conceive of all of the things today to put in this ila. So one of the last changes that we made was to put in a section that says every five years we get a five-year forecast, a long-range forecast from lone star and we sit down and we go through this ila and see if it still meets our needs on both sides. We don't have anything in this ila that addresses service levels other than what they've described

in their project plan. So those kinds of things cause me concern in the long term. We have tried to put in protections in this draft for you to consider today, but there is a risk that we've missed one or more.

[05:21:13]

>> Morrison: And I guess one of the things, you've answered questions to us in writing, to actually discuss it. As I understand it, if this were a t.I.F., We would have a prescribed public process that we would have to go through. Can you talk about what that situation is here because we really haven't had a public process at all for this.

>> If you were doing a tax increment financing like we've done for mueller and waller, there is a specific process. The council would announce you are going forth on the effort, we would then as staff need to contact the other local government entities, make presentations to them of our plan. We would actually have to draft a financing and project plan. There would be public notices and public hearings required. All the property owners within the t.I.F. Would have to be notified and given an opportunity to speak in favor or against the proposed t.I.F. And then the council could take action on the -- on the t.I.F. And then they could go back to the other local governments and ask if they wanted to participate in and then they could take action. And then we would finalize the financing plan and project plan. In that case the council is typically the board for the t.I.F. The board of directors.

>> Morrison: And I guess especially in this case there would be a significant interest by the public because, if I understand properly, we don't really have

-- the city hasn't received much in the way of analysis for land valuations and the induced developments which really speaks to the finances and all, and it's our understanding now that the percent of the t.I.F. That's going to be requested is greater than the induced tax increment. Which means in effect if I'm right, it will impede

-- it will be impacting our tax rate. Can you speak to that? If we actually transfer over more than the induced amount.

[05:23:22]

>> That's correct. Based on preliminary studies that we've gotten from them that are a little bit dated, they are getting them updated, they are not supporting the 50% ask that we've gotten from lone star rail. In looking at the truth in taxation taxing calculations for the city, they address the T.I.F.s IN THE CALCULATION Of the effective tax rate, but they do not address a t.I.Z. Created under the transportation code. We've got calls into the state agencies to see if we need to get a clarification on that, but in fact what it would mean

-- our understanding currently is that the current tax rate would

-- a piece of that would be what's taken and dedicated to the t.I.Z. And you would

-- it would affect your 8% limit.

>> Morrison: And in the end it would affect the amount of taxes, the tax rate that we have to charge.

>> That's true.

>> Morrison: Because we would be

-- it's effectively a general fund transfer to that. Which I'm not saying is something we need to not do

the a you will. I guess the point being that's one of the reasons we would want to thoroughly vet it with the public and have that broader discussion. Let me see. And one of the questions that you answered that I'm a little unclear and maybe a lone star representative can help me with, interpret the framework, the conceptual framework of the financing plan. Can you tell me where you think cap metro sits in the financing concept, if it does at all, for lone star in.

>> Sure. Capital metro is a member of lone star rail district. They have a seat on their board of directors and they've been a member since, gosh, probably 2000 or beginning of the project. Under the project connect envelope of affordability analysis that we did as part of the system planning effort, it was anticipated that capital metro would support with sales tax some bonding capacity for the system. A piece of that was dedicated in that financing plan to lone star rail district. We have not carried that forward in our plan just yet because we don't think we have enough information just yet, and we have not made a formal request of capital metro because that was a conceptual sort of, you know, order of magnitude estimate of what the reason could support in terms of high capacity transit. That's one way that they could participate. But it's not

-- it has not been decided. You know, the local funding piece that we're asking for as part of these efforts is kind of the gateway, it's one of the major gateways that we have in getting that capital funding. Because we are kind of an unusual entity in the transportation world, we're a government agency but we don't have taxing authority, so we don't have a natural revenue stream what. The legislature gave us was that value capture tool. So we don't have the advantages of, say, a metropolitan transportation authority of going to the federal government and saying here's our revenue stream, we would like to get a loan, we would like to get into the new starts process, we would like to get a grant for this project that we're doing and here's how we're going to back it up. We're in this unusual position of having to at least get agreements in place, and very haven't asked for a dollar amount contribution but in order to go to the capital funders and the private sector, frankly, we need to have those agreements in place as soon possible. And again, understanding all the concerns of the city staff, we get that and we want to work with them. We want to continue to work with them to assuage those and give us an agreement we're both happy with.

[05:27:25]

>> Morrison: So yeah, you are an interesting entity, you are a government agency, but you -- but you're not a railroad, for instance. Is that what the feds look to to actually get funding? You need someone to partner with to go to the feds for a loan in the first place?

>> Well, we are a railroad in the sense that

-- of course, we don't own any trains, we don't own stations or have conductors or engineers, but we would be considered a railroad under the federal regulations. Once in operation. It's not necessarily what our classification is. Like I said, we're kind of an unusual beast, we're created by the legislature and we were not getting any

-- any kind of a natural revenue stream. As we thought through the process of how we had to do this, and actually we've gone and talked to those potential capital funders and the main point they make to us is you need to get local commitments for o&m in place, a reliable source of revenue in place for you. It doesn't necessarily have to be

-- like I said, a dollar amount right now, but there have to be some commitments for us to be able to even get in the door. They are willing to talk to us but not willing to get much beyond the initial discussion phase until we have that.

>> Morrison: So let me ask you this. Why does four months make a difference? Because our staff is telling us they see a real benefit to be able to think of it all together as opposed to stepping out. Why does four months make a difference to you?

>> There are two things. We've been, you know, playing around with this financial plan. It's hard to put together because everything is kind of orbiting around

-- there's nothing that's locked in right now so everything is orbiting around everything else. So we really can't move forward with that full project financial plan until we get those commitments. As I mention, Austin is seen as a leader in the corridor. Even the folks in San Antonio want to know what Austin is doing. So that four months could be

-- that's a four-month delay to our project and the idea has been around since 1995.

[05:29:30]

[One moment, please, for change in captioners]

>> there is some revenue impact, the second part, and for us every dollar counts because we don't -- again, we don't have a natural revenue stream so every dollar that are for us counts. We know we aren't going to get to our projected cost numbers, so we know that we are going to have to play with our service plan. We are going to have to be a very frugal railroad in that sense and do things a little bit differently. For us, that is the bottom line. Every dollar counts and the changing base from 2013-14 may not seem like a huge magnitude except for us, it could be the difference between being able to run, you know, an additional train every day, that people want.

>> Morrison: Well, I think what our staff wrote in a memo

-- and maybe you can speak to it

-- I see the timing of the money might be impacted but in the end, the TIF would be extended another year so you may actually get more money in the end than less? Well, let me just ask

-- of if I interpreted your answer correctly.

[05:31:38]

>> That's generally correct. The TIFs we have looked at in the past, a delay of one year doesn't have a significant impact of the 30 years of the TIF, so it would shift things about one year.

>> Morrison: And I appreciate the (indiscernible) to try to be very expeditious and moving along, but I don't find it compelling that in a project that has been going on for 18 years, four months is critical at this point, and I also think that the viability terms that are in the ILA, if we push it out four months, what that essentially gives you the benefit of four more months to demonstrate the viability of this. Mayor, with that, I would like to make a substitute motion that we postpone this item until staff brings it back to us which I assume would be in the spring with the whole financing plan.

>> Mayor Leffingwell: Do you have a certain date, or just postpone indefinitely?

>> Morrison: I would like is staff to maybe give us a date that they would recommend.

>> I think we project out

-- we understand we are approximately going to come back to council with the overall financing strategy for project connect.

>> Council has a resolution from october that asks us to bring it back by april 30th, and that is our targeted deadline.

>> Morrison: That would be my motion

--

>> Mayor Leffingwell: Postpone until april 30th. Is there a second for that? Council member tovo seconds. This is a close call for me. It's hard to

-- it's hard to try to figure out in this amazingly complex thing that we are working on which is regional high capacity transit. We are moving forward in many fronts. You talked about being first

-- not necessarily first. It's too late for that. You cannot be first. Now you can only be third because the mopac managed lanes. That's part of project connect, which facilitates express buses. We are next month beginning operation with the brt on routes downtown. In fact, I saw one yesterday, I believe, practicing driving down guadalupe, and it looked like they were doing a good job, too, by the way. So I think it's important for us, as we present project connect to the public, that we present it as a comprehensive, multimodal regional plan, so the more

-- you know, the more

-- the more linemen we have on this, the more parts we have actually moving gives me a level of comfort. I am sympathetic to your financial concerns. Frankly, I think we have those same concerns every time we do a tif. They have been done on past tifs, we always wonder if there is going to be enough to really, really do that. I am sensitive to that. I think in this case since you believe to the best of your knowledge, you put safeguards in place, there may be, as somebody said, there may be things that we don't know that we don't know, but I

-- you know, I think you have enough experience in this that I have confidence in your ability to have safeguarded to something I am comfortable with. So I am not going to support the postponement. Council member spelman.

[05:35:25]

>> Spelman: Elaine, a lot of the discussion that you and our finance office have been having is about safeguards from the city's point of view, in the event that the money doesn't show up or things don't happen according to plan. And part of this part that is concerned is there may be things that haven't been worked out yet that may still need to be done, in addition to setting the actual tax rate. Two questions for you. The first question is if ms. Hart or anybody else in the finance department or has an idea or wants additional safeguard from the city's point of view, is that off the table from your point of view or something you can negotiate?

>> No, we said this from the beginning we want to build in enough protections, sufficient protections for the city so it makes it a very easy choice for them. We want to hold ourselves to certain performance standards so if we don't get our capital planning done and a up

-- we have the up done but we need a more ironclad mou with one, we have one that allows us to work together. But we want it on the table. We want whatever we can do to ensure the city we can get the

project done and if we don't we want to be sure we aren't sitting on a pile of much. We stated that since we started this discussion.

>> Spelman: Absolutely. Council member morrison said there has been a lack of public process associated with this and although there has been very limited process up to this point, we still have some time if we were to pass the original resolution and not postpone action on this piece of it until april 30th, sometime between now and april 30th, to make sure that everybody gets proper notice before we actually set a tax rate. Do you have any objection to that? Is that something that gets your support?

>> No, we also want to be very transparent. We are about to enter into our environmental impact statement phase. We have a contractor just about under contract. It's going to be a very public process with a lot of public meetings and many of the subjects we are going to focus on are not only environmental concerns but how do you pay for the project. We will be doing that anyway, so no objection there.

[05:37:38]

>> Spelman: It is public of how transparent the process is going to be, what is involved in it?

>> It is a process by which the public gets to tell us what the project is, to define the project. Now, we have an idea of what the project will be. We have the union pacific right-of-way. We aren't going to go much outside of that right-of-way if we can avoid it for cost reasons and it is frankly where we need it to be. But perhaps they say you missed a station location. I know at least one neighborhood association that will come strongly and say we need a station here. They get to comment on things like how does this affect

-- how does the possible noise and vibration affect my home. It is my opinion that removing 40 freight train percent day from the up lane and replacing with light passenger lane will be of public benefit but it has to be vetted in a public way and we have to answer each comment satisfactorily or the federal government will deny us a right of decision so if there is a suggestion made or question about some sort of process, we may have to mitigate that concern or give a very darn good reason why we aren't going to mitigate it.

>> Spelman: To raise those concerns, numerous meetings and lots of notice given to people up and down this line. People who don't know anything about it will have an opportunity to learn something about it?

>> That's right. We have

-- at this point I think we scoped in the contract, 18 meetings scoped er three years. Those are the formal eis meetings. Meetings conducted by staff

-- if anybody knows what I do, I run up and down this corridor every day, I speak to people and grounds and elected

-- to groups an elected officials and we will continue doing that. We have 18 meetings scheduled

-- not scheduled but scoped in the contract that we are contemplating with the contractor.

>> How long will the process going to take?

[05:39:38]

>> We have a schedule that shows 36 month schedule for completion and that assumes some significant significant support from the government from whwa, this is an opportunity

-- federal government

-- we heard from the office of secretary, this is an opportunity to demonstrate how a large infrastructure project like this can be done for less money, more on time and not spent ten years looking at it. Of course, it has been around since 1995, so, but at the point we are now, they want to help us to expedite. So there are some methods for doing that and we are incorporating those into the schedule and the next step is to go to our federal partners and our state partners at txdot to vet them with them and out of that have the whole statement of work, the 36 month schedule.

>> Thank you.

>> Cole: Mayor.

>> Mayor.

>> Mayor Leffingwell: I am still blown away about the prospect of a 36 month study

-- eis study on an existing railroad line. That's bureaucracy. [Laughter] mayor pro tem.

>> Cole: I want to emphasize how important this project is to austin. Can you remind us of the actual stations that run through austin

-- the potential stations that are part of this transportation investment zone today?

>> Sure. I think the benefit to austin is

-- it's

-- it's multifaceted but the station locations we are looking at right now

-- there is a total of 7. There were five that were originally included on what at the time was referred to as locally preferred alternative when we did analysis study and the locations were determined through meetings with staff and other stakeholders to determine that. The stations as they stand now are mcneil junction. It is a logical place to put a station because that's where capital metro's red line crosses, so a great place for a transfer station. Station at parmer lane which could serve the apple campus and apple expressed for some support for that idea. They make very, very extensive use of the mass transit at their headquarters in the bay area. The next station would be braker lane, the domain. Of course that's -- that's a destination and it's also a place where people live, so the rail station there makes a lot of sense. Apder son lane is an alternate station location. Anderson lane. Thirty-fifth street, 35th and mopac. To serve that neighborhood there. Of course the downtown station, which will be located at -- in the vicinity of what is currently the amtrak station but generally in the seaholm area and hope to have connections there with the central corridor project and capital metro bus routes, amtrak and possibly greyhound. One thing we are working on is the possibility of multimodal transportation there at seaholm, and part that we planned is slaughter lane, south austin station. As I've mentioned, though, there is at least one neighborhood association that is going to come forward with another location and that would be at oltorf, they are talking.

[05:42:53]

>> Cole: Okay. Joe, I know because I sat on the board for lone star rail for a number of years that you have received public input from the various stations and the neighborhood around the stations. Can you

give us a feel for what they are telling you?

>> Yes, and obviously I am biased. I like my project but I am only being partially facetious when I say the only complaint I ever hear is let get it done quicker. The first thing they want to know is where the stations are located, where the train goes

-- they are enthousands I can't say tick about the prospect of a connection to san antonio, believe it or not, because many of them wouldn't choose to drive to san antonio to watch a spurs game but if they had a transportation alternative to 35, they would do that. I have literally heard nobody say this is a bad idea. Most people say this is a good idea

-- they roll their eyes and get nervous when I give them the cost numbers but then I remind them how much highways cost and things like that, for the most part it has been, you know a very good experience. I am lucky in that I have a great elevator speech project. What are you doing? We are going to build a transportation rail line between the san antonio region and the austin region. That is great, you would do that.

>> Cole: As chair of audit and finance, we definitely want to be prudent with our dollars and even when we are taking about a tif for transportation investmen zone, we may potentially be talking about increase in taxes and we are always balancing the two and we have a huge mobility need in austin, especially up and down the mopac corridor, so I just want to emphasize what council member spelman has already said, is that I think we need to do outreach efforts, especially along the neighborhoods that are impacted by the stations in connection with our proposed transportation investment zone and so I will not be supporting the substitute motion. Motion.

[05:45:00]

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Thank you. I want to say I am in full support of moving forward with original high capacity transit system. I think what you've described makes a lot of sense for our joan. I think the question -- for our joan and I think one is the question of timing and the staff comfort for the documents before us, so I wonder if I could ask ms. Hart or mr. Goode to speak to a few issues. We were able to have in depth conversation at audit and finance to some extent about the concerns that were also found their way into the december 3rd memo but we haven't had a chance to delve back into that as a council as we had s and I wonder if one of you could speak to

-- I understand the draft before us provides additional safeguards

-- pvides safeguards that aren't in the original document but I need to get a straight answer. Do you still have concerns about the document that is before us, if you feel comfortable answering that question, I think it would be helpful.

>> We think what we put forward with this rca is an acceptable framework if the council wants to move forward. We did add additional safeguards beyond the point which you were meeting us, not as finance committee and specifically to address the longer term concerns, it was the come back every five years and sit down with lone star and look at the interlocal and update it for change conditions, if you will. I mean, once we get into full operations or full construction of the rail line, there will be different concerns, and I just felt like for a long-term agreement, we just couldn't come up with all of those today, because we don't know what they are. Lone star doesn't know what they are. So this will be an

interlocal that is a living document, is how this frames it, such that it has to come back and be amended frequently or looked at frequently and the council has to make
-- has to take a vote on those amendments.

[05:47:07]

>> Tovo: Would you still recommend waiting until april?

>> I think that if you wait until april, it gives the council the full picture of what the total costs for project connect

-- of the total project connect first investment. Certainly if this is capped at 0 percent, there is no real financial implication, so there was concern that the percentage may change but I agree now with the zero percent, there is no

-- there is

-- there is a commitment for a mechanism, a funding mechanism but not an amount, and that amount will be set later after the council considers the full cost of the

-- of its investment in project connect by lone star rail is just a piece of it.

>> Tovo: And so just to get back to a point that was also raised earlier but I want to be clear about the dollar. The memo from december 3rd talks about what revenue would be foregone if there were to be a delay that does not allow for the capture of 2013 revenues, and I believe that is

-- that amount, as I understand the memo is 138,336?

>> I believe that number is correct, yes.

>> Tovo: So we would forego the

-- that is really the amount of the value captured is 138,000, it's not in the scheme of the project, and the scheme of the value capture that we anticipate, that

-- I guess that's a pretty small number?

>> It's a small number and that's calculated at a 50% tax increment. The other thing with

-- by april, we would hope to have more information about what cap metro is willing to do on its capital commitment or other commitments with respect to lone star rail.@

>> Tovo: Okay. Thank you very much. You know, I understand the arguments that have been made for moving forward today but I think the city has expressed a commitment to lone star rail in a variety of ways and I believe it is the most prudent decision to wait until those other pieces of information are available as, really, I think

-- as our

-- as the information we have gotten from the staff would suggest. So I will

-- I am fully supportive of the motion to postpone this discussion for several months.

[05:49:34]

>> Mayor Leffingwell: Council member riley.

>> Riley: Elaine, I have one more question for you. There are some limits on the city's ability to establish tax increment financing areas. Could you just address whether our moving forward today would put us at risk for bumping up against those limits as we move forward for consideration of any additional

districts in the future?

>> We

-- our policy calls for 5% of total assess valuation. I do not believe that jeopardizes that policy. We have plenty of room. Currently with the existing tifs, our presentation back in june, I think we said we were at 1% of the ap.

>> Riley: Okay. Great. That

-- mayor, that was the last thing I need to hear to make sure that there really is no significant down side to moving forward today and I think there is real value in lone star rail and anything we can do to keep it moving forward will be helpful so I will not be supporting the substitute motion. I will support the original motion.

>> Mayor Leffingwell: Those in favor of the substitute motion say aye. Opposed say no. That fames on a vote of 2-5, with council member riley, martinez, myself, council member spelman and mayor pro tem cole voting no. Brings us to the main motion. Which is for approval. Of the negotiation and execution. All those in favor, say aye. Aye. Opposed say no.

>> No.

>> Mayor Leffingwell: Passes on a vote of 6-1 with council member morrison voting no.

>> Mayor Leffingwell: We only have ten minutes. I am trying to see if there is something here that -- if there's

-- 70? 31.

>> Mayor Leffingwell:31 is quick. Okay. In order, no one signed up. 31 was pulled by council member morrison. No speakers.

[05:51:41]

>> Morrison: Thank you. Mayor. This is an alleyway

-- we had this postponed to do work for the applicant and first I want to say we appreciate the applicant's work on making sure the alley vacation really benefits the community. It is vacating the alley that is to the east of rainy street and so wife had an opportunity to have a lot of discussions about the different way that is the alley vacation could benefit the community and in doing so, I came up with a motion that hopefully the applicant is willing to say that they agree with, in terms of an amendment to just a straight alley vacation. So I am going to walk through the topics that are on the amendment and before I make the actual motion, to explain the different issues that we are dealing with and you will see it addresses affordable housing. It addresses paving of the rest of the alley, as well as alley activation and then some technicalities. Above all, I want to thank the applicant for really showing a keen interest in having this be to the benefit of everybody involved. So what I have passed out is my motion and I am going to just talk through the different points in it. You will see at the beginning, there is an amendment to the existing part 3 of the ordinance, and that is something of a technicality. What it says is that -- well, let me just say, the alley currently has a drainage easement and a public utility easement over it. And it is foreseen that those

-- and we are going to keep those easements until the utility is moved. It is foreseen that we will release the

-- those easements when we are

-- once the utilities have moved and so this language just clarifies that, that it will
-- based on a request to release, that we will certainly be looking at releasing those once the utilities have been replaced. So then you will see after that, there are some additional conditions that are
-- for the structure of the motion are all put into exhibit b, and what I have here in exhibit b is number one
-- or I should say a, that this says that there will be an easement dedicated to the city once the connecting replacement alley is built, because rather than having the alley go due north, the applicant is going to be making a connection directly to rainy street street. That's what a is. B addresses a couple of community benefits the applicant is investing in. Number one, it is about paving the remaining portion of that alley. That alley is not really in good shape. It goes all the way to the south at the end of the block. And so there is a commitment to provide funds to pave the alley which we expect based on the staff estimate to be \$248,000, and then there is expected to be an additional
-- this number here is 283. So it is expected to be an additional \$35,000 left that would be directed to seeing an effort to develop a downtown alley master plan, so basically b says here are some funds. The applicant is donating to pave the alley and help us get started on a downtown master plan for alleys. If you recall the
--

[05:55:46]

>> Mayor Leffingwell: Excuse me. Where are exhibits a and b?

>> Morrison: Exhibit b is actually right here, built into the first page, mayor.

>> Mayor Leffingwell: Okay. Okay.

>> Morrison: Sorry about that. And just to remind folks, we did have staff look at the possibility of doing a downtown alley master plan and they came back with a nice memo that talked about exactly what would be involved and they identified

-- estimated it would cost \$250,000 so we expect ought of this that there will probably be something like \$35,000 that may help us provide some seed funding. Under c, here in exhibit b, this says that there will be a restrictive covenants that placed on the property at the closing

-- that is placed on the property at the closing that addresses affordable housing and rainy, there is a requirement to provide 5% at 80% on site. The current code, which we are about to fix, only requires that to be preserved for one year. But ts affordable housing segment does is say that it actually will be provided on site for 40 years for rental and 99 years for ownership. My understanding it is planned to be rental, but the applicant was interested in bringing this in to alignment with where we are really headed so i appreciate that very much. Number 2, the second page of this motion, talks about issues that came up in the discussion of the design of the alley and the new access area, the new part of the alley, and for that, there are a couple of elements. One is that it's going to be made attractive to pedestrians and consider a public space. Under b, there is a reference here to exhibit c, you will see, and that is a contemplation that on the corner where that alley is, there will be a commercial space to help make it more inviting and useful for when we do alley activation. Part c talks about the plan to make the out you you the tilltarian elements, to make them a way that enhances the environment versus degrade them. D talks about potential of doing mural. And e talks about pedestrian friendly lighting in the access

easement, and then lastly applicant is interested in and willing to participate in helping to activate that alley and here we are talking about the possibility of having events in the access easement up to once every month. They are also

-- it talks about how the city and owner will collaborate to see if we can get other folks, by property owners to participate, and then, lastly, there is a donation the owner will make of \$9,600 to help produce events in the alley. So as you can see, there was quite a bit of discussion

-- a broad base of discussion here, and I want to reiterate my appreciation for the applicant coming in and really having a vision for long-term, where is rainy street going and trying to be apart of a very positive impact there. So with that I would like to make a motion to approve the ordinance as provided by this amendment.

[05:59:44]

>> Mayor Leffingwell: Motion by council member morrison to approve the ordinance as amended in the sheet she just passed out. Second by council member tovo. Council member riley.

>> Can I speak to my second briefly?

>> Mayor Leffingwell: Yes, go ahead.

>> Tovo: I want to add my thanks. I think we should look at alley vacation very carefully and I appreciate uncil member morrison's work with this and that of the applicant consultant and I know you worked hard to come up with provisions to make sure this alley does benefit the community so I really appreciate all of the work in the spirit of compromise.

>> Mayor Leffingwell: Council member riley.

>> Riley: This motion is to approve the item with the amendments offered by council member morrison? Okay. I have passed out what I hope will be considered a friendly amendment and that simply adds a new part to the ordinance that is aimed at ensuring that we will actually

-- we are doing everything we can to make sure we hang on to access through this alley as long as we can, and it comes out of the fact that we have had an issue with vacating alleys for projects that, for one reason or another, did not actually materialize and so the idea is, let's see what we can do to make sure that if the project doesn't materialize as expected, then we have still retained the access through that -- in that area even though we vacated the alley. The language says that we worked out with the law department, says as a condition of sayation compart one, closing of the property, austin rainy street may provide temporary access easement described in part one, until such time that the draining and easement utility is released and then when it is filed with public records with the county of which the tract is located. That's the best we could do to make sure that we retain access, even after the alley is vacated, until such time that the project actually proceeds.

[06:01:57]

>> Mayor Leffingwell: That is acceptable to the maker and the seconded. So that will be apart of the motion. Did you have something, mr. Spelman?

>> Spelman: Yes, I want reassurance from the developer that, in fact, they are okay with all of this.

>> Morrison: We spent a lot of time together.

>> Spelman: This is the first time I heard pedestrian friendly and alley in the same sentence.

>> Yes, thank you, council member. We are

-- we are in agreement with the motion that council member morrison and council member riley made.

Let me just point out, in addition to the alley activation, the alley paving, the affordable housing, and the other things we are doing, we've also worked extensively with the rainy street neighbors and the rainy street neighbors are in support of vacating the alley and the project we are doing here.

Appreciate everybody's hard work and we are ready to move forward on the project.

>> Spelman: Thank you, sir.

>> Mayor Leffingwell: All right. All in favor of the motion as amended. Aye. Passes on a vote of 7-0. And that brings us to citizens communication. The first speaker is al braden. The topic is analysis of the fayette power project.

>> Good afternoon, mayor, city council, mr. City manager. I am al braden and live in austin and volunteer with austin beyond call interfaith environmental network, climate buddies and others. This coal train is coming to austin, headed our coal planet a fayette. Tracked down, 120 cars over one mile long and chased it down to caldwell, watched it disappear down the track, down for giddings and lagrange, all out of site of austin, but down for austin our energy plant. Each car holds 180 tons of coal, almost 10,000 tons of coal all together. Still, that's less than one day's coal for fayette. Another will come in the the afternoon and another tomorrow and another. My film clip runs 4 minutes, longer than we speak today. But the co2, arsenic, sulphur, those amounts and we presented that information in many forms in great detail and I met many of you on this subject and appreciate your support ton this issue. Smitty and others are met with you and you are well informed on this issue, in fact, I think you are the best informed city council on this subject that are complex on energy and climate goals. Ewe do not need more evidence. It's time to call the question. We need a sense of urgency about fayette and its significant contributions to greenhouse gases. This train load will be burned in less than 18 hours, spewing another 35,000 tons of carbon dioxide into our air. Another will come and another. Please, please, urgent lin take all of your knowledge and act on it. Austin energy's december report that you insisted on should provide detailed options on retiring the plant. I ask that you put forth a resolution in the first quarter. Issue a warrant, really, to arrest these coal trains. Demand that our next austin energy generation plant has no more coal. No more coal in the plan, no more on the tracks, no more coal in our air. Join together, you've each said we need to move beyond coal. Make this happen for austin's climate goals, for one of the important achievements in your legacy in serving the citizens of austin. In the second remaining, please watch this coal train, it keeps rolling and rolling and rolling until you act. Thank you very much.

[06:06:14]

[Applause].

>> Cole: Suzanna almanza.

>> Good afternoon, mayor, city councils, I am suzanna almanza, and I want to recognize that today we are honoring the de la guadalupe who represents the mother earth and I want to come to you because we come before the food sustainable board and the county commissioners that we need to come together with a strategic plan regarding the urban farms. As the city continues to grow and expand we

need to strategically look at where urban farms are going to be created and established, just as we know that affordable housing, we need to diversify that throughout the city, we, too, need to diversify urban farms. They cannot all be in east austin. So I am asking that we begin to work with a strategic plan, along with sustainable food policy board, staff, and neighborhood contact teams to come up with a strategic plan that would create a balance in looking at the issue. The other thing is that the hispanic latino quality of life, I see that we have appointed for real and powerful women to that particular commission. There are still some outstanding seats. I hope we can get those done by next year, because it has been a very long wait and I also would like to recommend that you consider some males and consider dr. Amelia zamora or dr. Gilbert rivera for those positions and we do have a time lag because we haven't appointed those people and I would like to see latino quality of life program move forward and the initiatives that was put together and we can start implementing those particular implementations of those suggestions. Also, too, we need to look at putting achi together to look at the whole -- we need to put together a committee to look at the issue of flooding of dove creek. We looked at emergency but we need to look at how we need to look at erosion control and flooding. How we going to function that problem, begin to look at it, so we don't have flooding in the future. Yes, we need to look at all of the emergency issues and so forth but I think we need to look at how are we going to fix the problem so that we make sure that that water does run smoothly. I can remember boggy creek when it used to flood a long time ago and erosion control and measures were butt in. Four engineers came in, and guess what? Boggy creek has never flooded again. I think we need to look at the measures to make sure we protect the residents that are in harm's way. Thank you so much and happy new year, merry christmas, happy holidays. Bye-bye.

[06:09:36]

[Applause].

>> Mayor Leffingwell: Jerre locke.

>> Fist I want to

-- I am with the texas trial project and I want to thank you

-- I came to an austin energy meeting last thursday and a number of you, I think it was three or four, speak out about emissions and how important they are. The problem is that you are considering --

@there are city plans

-- I am not sure to what extent

-- but there are city plans to either convert fayette to natural gas and I guess there is an austin energy plan to add 800 new megawatts of natural gas. There is some interesting reports that have just come out and natural gas is as bad as coal, so it should be beyond coal and beyond natural gas. Fracking is not the answer, and that's a lot of the gas that you would get if you converted fayette or if you institute these 800 new megawatts. The sierra club, at one point received money

-- 26 million from frackers, chesapeake energy and when their new director came in, they turned away 30 million because of the fracking and the effect of natural gas and the methanes that are released have on our environment. This new research was done by 15 scientists from the berkeley national

-- national lab from no national oceanallic atmosphere irk administration and harvard and institutions such as those and I will give you handouts so you can do your own research. The artihat I am going to

direct you to is one by joe rob who is a payday physicist who used to work for the department of energy. Within his article, there are links to other research that fair up the findings of this new research. There is also a link to research, that I am sure oil and gas people will meet with you all and they will probably be touting a piece of research from the university of texas. As you probably remember, the last research in the university of texas on fracking was eventually withdrawn because conflicts of interest. This new research has the same conflicts of interest. 90 percent of it was funded by oil and gas companies. The lead author disclosed contacts that he worked some with exxonmobil. Another author didn't disclose the fact that she is a senior engineer for a petroleum company. I think you need to read that piece by joe rahm carefully.

[06:12:51]

[Buzzer alarming] is that my three minutes? It's over with. Okay. Thank you. [Applause]

>> Cole: Thank you. Naomi payette. Naomi payette. There you are.

>> Hello. Thank you for your time today. I am here to talk about a new type of businesses that growing in austin. Lice removal salons and lice removal centers are popping up all over town, lice removal salon is just what it sounds like where kids are having their hair shampooed and massaged and having -- and masses and willing them. Etch they are treating their children with highly infectious condition, they are completely unregulated. The state licensing board claims it is a health code issue. The health department claims it is issue for state board and they go back and forth on that. So far I have been able to find anyone who will take responsibility for the regulation of these centers and making sure that they actually are preserving the public health. Susan stanford a public information officer for the tbo verified these types of businesses are completely unregulated in the state at this time. Normal hair salons are subject to inspections, stylists, frequent license renewal and continuing education. I believe this clearly sets a precedent that any business involved in hair care should be held accountable to some sort of inspection and regulation. Lice removal salon have added risk of treating infectious clients. At least one of these facilities is currently operating in austin in a retail space that lacks running water or private bathrooms. The business is meant to proserve public -- preserve public health and stop spread of infectious condition and should be held to standards, at least of which is running water. Lack of oversight is danger to clients and neighbors and businesses. Austin is quickly growing city and we want to make sure we don't let new businessesvich up determine the radar, especially those that affect public health. Similar businesses in chicago and los angelas are monitored by city health departments and in connecticut, they are dealt with the state board and licensing regulation but here in austin, they economist beyond any requirements beyond a business license. I am the owner of a business for children by these salons, I have received complaints by over 40 parents regarding this issue, I am here representing them. I ask a city ordinance be passed to class these as cosmetology salons, therefore subject to regulation by the tbor or that they are subject to regulation and inspection of this. As a local business owner and I hope the council can see value in looking into this matter and setting a reasonable standard of practice for this type of business. According to the texas state code of occupations, section -- [buzzer alarming] is that all.

[06:16:17]

>> Cole: We may have some questions, council member morrison.

>> Morrison: Thanks for coming down and raising this issue. I wonder if we have anyone on staff that can comment on it or maybe

-- I am looking at that shaking of the head, if I could ask staff to get back to us to help us understand what the situation is in the city of austin.

>> I have checked the city code but I haven't been able to find anything.

>> Mayor Leffingwell: Anything.

>> Morrison: Right. That may be able to give us a recommendation

-- first of all, do we have regulatory that's right to address

-- regulatory authority to address it, I suspect we do, I hope we do. And maybe you can get in with mr. Rivera in the back and you can get that conversation started. Mr. Rivera.

>> Morrison: Walking towards you now. He is director of health and human services.

>> Tovo: Before she leaves the dais, could I ask a couple of quick questions of you?

>> Sure.

>> Tovo: You mentioned a couple of city that have regulations, which ones?

>> Chicago and los angelas and connecticut they do it on a state level there.

>> Tovo: And then one of your last points is that you operate a business close to one of the lice removal salons and you

-- you are here representing concerned parents that you are in contact with

-- that are customers of your business?

>> Yes, clients of mine that come to me

-- the one that brought this issue to light for me is located next door to me. They don't have any running water, so they use

-- we have a hallway with communal bathrooms that me and several other tenants share and they use that bathroom as their handwashing station. I know that would never be allowed in aair salon or a barbershop, but so far no one at the city or state level has been able to say, yes, this is under our jurisdiction or yes, we can do something about it. It has been a volleyball back and forth from the health department to tbor.

[06:18:24]

>> Sure, I am still wondering how they wash hair without running water?

>> I am honestly not sure. I seen the chairs come in and I see the children come in with dry hair and leave with wet braided hair. I have been at this space for a while and it empty several years and I confirmed with the property owner there is no running water there.

>> Tovo: Thank you very much.

>> Thank you for your time. Is there any other questions?

>> Cole: No. Thanks. Scott johnson.

>> Good afternoon, mayor pro tem and council. All fuels except for perhaps electric cars that get their electricity directly from solar panels have tradeoffs, negative aspects and the city does have a climate

protection plan. In that plan it doesn't specify which fuels that they should purchase but we've gone very deep into ethanol and this is not a nu topic for me. When the city first started to buy vehicles that could run on 85% ethanol and 50% gasoline, I came down and spoke and there is an article written in the austin chronicle about that. The challenges then were great and it is even greater now we know more and for the city to change course completely, I am not sure how that would work. The best situation relative to climate is to always find the vehicles that get the highest mpg and can still do the task at hand. I was advocating in 2007 they buy smaller vehicles that are v6. What we do know is the journal of scientist study, says plowing over conservation land releases so much greenhouse gas emissions, it takes 40 greers before the new plants can break even and produce carbon emissions. The rush to makette no to fill the needs of federal policy required us to look at land that before were set aside and soil untouched. When you touch soil, it releases carbon from it at a high rate that it is one of the challenges from. The study go journal of science saying farmers could not plow into the conservation land for the city policy to work. There have been

-- through the national renewable energy lab and other studies, that using ethanol has net benefit of 15% approximate greenhouse gas. There is no ozone benefit even for the vehicles designed to burn ethanol from the factory. Epa report to congress said that it is uncertain whether farmers would plant on farm land that has been set aside for conservation, meaning if they do, they tell the soil and there is an

-- they till the soil and there is an enormous challenge for doing that, so while we corporate to talking about climate plan and how to do better with the environment, this fuel, we know, is competing with food crops. When you plant corn and use it for fuel, then that's corn that can't be used to feed people or animals. It is clear that the science more and more is on the side that this has been a mistake. We should have gone with higher efficiency vehicles when we had the opportunity in the past. Now we've had three rounds of large purchases for apd police cruisers. And while there is definitely some benefit in having the operator use the vehicle better

-- [buzzer alarming]

-- no jacket rabbit stops, no excessive idling, we could do much better. Questions?

[06:22:13]

>> Cole: Thank you, mr. Johnson. Will mcleod. There you are.

>> Okay. Topic today is bag ordinance, number one, and number two, to be determined. For the record, the city of austin is not complying with the americans with disabilities act. Despite what austin energy thinks. If you would, please, play part one of the slide on the video, please. [Video plays]. (Indiscernible).

>> Good question. What about reusable bag? Reusable bags don't come in this size and then I got an email from one of your assistant city attorneys stating that practical suggestions, go on to amazon.Com and order the bags. If you would please show the clip 2.

>> Want to bring a hardship on anyone, really, but at the same time, we believe it is an issue that needs to be addressed.

>> Okay. And let's go ahead to the slide with the postal card and the handwritten notice for the postal carrier you have on your screen, everything but the wal-mart business card right now. Well, actually

-- I actually had a bcr shipped by usps. Apparently they can't deliver

-- that is the wrong one
-- they can't deliver to apartments, door to door, even though it says on the back of that card right there, leave item at my address. It doesn't specify, exception, apartments. So they want everything by my first born child to be able to deliver packages to my address which is not accessible and the post office is not accessible. It is on jollyville road and I believe that's in
-- I believe council member tovo had her campaign office over there. Hopefully you are pretty familiar with balcones station. You know how inaccessible it is and then there is this
-- the last slide, wal-mart. I went to wal-mart pharmacy and the person I talked to, william, and the pharmacy
-- in the pharmacy said he was not going to break the law. He would not give me a paper bag with handles. He insisted on charging me 10-cents. It is against the carry out ordinance for them to refuse to charge me a fee for a bag for medication, which is a violation of state law. Okay. And I am sorry, my time is about up but I want
-- I want this rectified. I want someone to contact me about this.

[06:25:22]

[Buzzer alarming] -- and if you have any questions, please feel free to ask.

>> Cole: Thank you, mr. Mcleod.

>> You are welcome.

>> Cole: Gus pena.

>> Good afternoon, mayor pro tem and council members. Gus pena, native east austinite and proud marine united states marine corps veteran and first and foremost I had informed mr. Rivera, health and human services that I do have evidence regarding discriminatory practices within the service provider, social service agency, that's why my topic is this as follows

-- discuss issues

-- it should have been about

-- with social service agencies. This is not the first, second, fifth year to address this. We go back to when bruce todd was mayor and I spoke to him cently at the could be think commissioners court for many, many years andly tell you this much, a more wiser and prudent legal advisor told me not to divulge this, but mr. Rivera, this is a folder showing the discriminatory practices and two of my favorite, meals and wheels, dan pruit and (indiscernible) and they are good agencies. They have having to do with housing issues and rental assistance and we will come to that on time. But I think the mayor's problem is right on target, there are issues we need to address and correct before there is legal action and I am not saying that because I want to talk about legal action. I am a former discriminations investor with two federal agencies and I spoke to mr. Rivera and that's what you need to do, do your investigative work and figure out how to remedy. Discuss issues with social services. Austin has a homeless population, the gap widens when haves and have nots, prepare earlier for the budget process. And that means do your homework and do it better. One of the things I would like to say, also, is this, is that we have a lot of problems with federal funding coming in to austin travis county and the city of austin. Those need to be addressed. I spoke with the chief of staff of veterans affairs, and the secretary of h.U.D. Regarding funding that is being used inappropriately. I will say to you, I had a program in 1995 and ran from city

council in at '96 but had tory tire from that. You know who I am, gus pena, I do my homework before making comments so I will reserve my comments about the health and human services social services practices or ila legal or inappropriate practices, but a society's worth is showing how they treat those of misfortune. I highly recommend you the your homework because this will come up in the political process. I say feliz navidad.

[06:28:24]

[Speaking spanish]. Merry christmas and happy new year. This has been a long drawn out process, they need help. Single moms and families and veterans. [Buzzer alarming] thank you very much.

>> Cole: Thank you. [Applause]. Carlos leon.

>> Thank you, mayor pro tem cole, I am carlos leon in austin, texas, december 12, 2013, to speak what is right, first and foremost I thank god for letting me speak today. Connected, the chem frail in spring continues not on thanksgiving but this morning with the giant white x in the sky cutting the blue sky. Why are you going to ban plastic bags but allow poison to be sprayed on the austin items and the soil where I have requested and wrote a chem trail banning ordinance you to enact. I have done my part. Do yours. Third, like the corrupt and criminal obama administration, cap metro welcomes compliments but recently started disappearing written complaints about evil confused control freak drivers who didn't understand they serve the public, not the other way around. Expect me to follow what council member martinez and council member riley on this matter, follow with them. Fourth, obama the hero said, quote, paraphrasing, the day that mandela was released from prison gives mess a sense of what men can do when they are guided by their hopes and not their fears. Slide one, please. Unfortunately, let's look from new york post how obama put his own words into action at mandela's funeral. There he is, obviously flirting with the danish prime minister who is married, and you can see, there is mrs. Obama over on the side, looking pretty angry as I can imagine. Next slide. The flirting continues, he is taking a self-phypicture with her and mrs. Obama nowhere around and then, the next one, looking, he is paying attention who what she is saying and not his wife. And then the fifth picture, finally obama was so righteously offended that she had to move to sit between her husband and that woman. How does obama explain that to his daughters? Is he going to be okay if a man treats his daughters that way? Ridiculous, but this isn't the first time we seen the nonpresidentialal flirtatious behavior before, except last 20123, it was with a man. Show the video before. This is from salon.Com, from the lifting obama higher video.

[06:31:13]

>> Lifted often the ground today by a pizzeria owner before

--

>> look at the touching. Just watch.

>> Campaign style, big old hug and then that bear hug right there. Lifting him right off the ground. The biggest pizza shop owner he said and then the 6-foot 3 owner showed him.

>> Look at his eyes and lean back in laughter. It is flirting, people, it is obvious. The point is how many more times will the public put up with him saying one thing and doing just the opposite. [Buzzer

alarming] right. I don't think he has been lying to Mrs. Obama.

>> Cole: Thank you.

>> But he has been lying to us, we the people, since day one of the administration. Thank you Mayor Pro Tem Cole.

>> Cole ROBBINS.

>> I am Paul Robbins and I haven't flirted with anyone today. [Laughter].

>> Cwe.

>> I am an environmentalist and advocate and activist. I am here to change the franchise fees paid by the outlying cities served by Austin Energy. I pointed out in my last presentation that Austin Energy's justification for doing this was deeply flawed. The Public Utility Commission of Texas does not regulate the Austin Energy service area in the Austin city limits. As such, the Public Utility Commission cannot order Austin to change

-- to require all of its customers to pay these franchise fees out of their pockets. What I didn't say in my speech last time is that I base this conclusion partially on the interviews with two attorneys who deal extensively with utility law in Texas. Another flaw in Austin Energy's justification is that even if I am right, the money saved will go into rate reduction, that it cannot go towards utility profits. And I find this reasoning hollow. Austin Energy overcollected revenues and avoided a rate increase for 19 years. To pretend all surplus revenues will be used to reduce rates is just not true. Maybe they should be, but they rarely have been in recent history here. Council, it should be apparent to you by now that I am not dropping this. You are giving electricity to customers at below the cost of production. I will leave you with a quick story. A friend of mine who lives in Westlake Hills uses low amounts of water, so he has relatively low costs due to our tiered rates. And he wondered if Austin was giving low water rates the same way they were giving utility rate reductions to Westlake for electric rates. He laughed out loud and said, they are scared of us. Are you?

[06:35:04]

[Applause]

>> Cole: Thank you, Mr. Robbins. Ronnie Reefersseed.

>> Yes. I am Ronnie Reefersseed (inhaling and blowing out) singing Hallelujah, people are finally waking up, so-called President, so-called Peace Prize are starting the ugly truth. All of the Washington DC criminals are not helping you or me. They are truly wanting to kill everyone with GMOs, toxic sludge water, chem trails and their evil destruction of the precious U.S. Constitution. The time now to grasp the ugly truth of satanic death. Now we must get up and yell, no, no, but yes to peace and love. Love is all you need. And there is still time to stop the horrific slide of death and destruction. It starts with our loving and forgiving God. Study ancient texts, read your Bible, Quran, Torah, above is the bottom line. We must stop the killing and it doesn't matter at all what color you are, gender, your football team or whatever. The time is now to say no to more killing. Yes to love and forgiveness. Nobody is perfect. We all need to love life and help keep it going, truly for the children. Children know best before their growing minds are polluted with dogma, drugs, hatred, kids need to be freed from the evil always shoved down their throats. Turn off your TV. Get outside to celebrate the many gifts from God. Realize we all have crucial roles to play here and now to help turn things around while we still can and we must,

nothing else matters at all. All kids including unborn, of course, are not to blame for any of our problems. It is up to you and me to get up here and elsewhere to educate each other about the love and joy is our best and only option. Yes, mr. Absentee mayor, and all you confused criminals, I love you. Tv, toxic sludge water and poise in our food

-- poison in our food makes it hard sometimes but we can't stop now. What a way to celebrate holy days to let us what counts. Love and forgiveness is at the core of any solutions we find. Nobody has all of the answers but all of us should know by now that it's time to think, think hard about whatever you can do to help stop the senseless evil extrapolating kill grid. We don't need to kill anybody. Thou shall not kill. Remember? Come on, can't we all agree on anything? That's the good place to start. Then start facing reality about the challenges ahead. Yes, we all make mistakes now and forever, but by golly, let's all at least try to turn things around and rejoice in the opportunities. We all have something we can do. Share, love, and peace with everyone you can, protect and defend our precious constitution. Here and now, all you need is love.

[06:38:21]

[Buzzer alarming] love. Love is all you need

>> Cole: Thank you, ronnie. [Applause].

>> Cole: The city council will now go into closed session to take up two items. Pursuant to section 551.071 of the government code, if city council will consult with legal council regarding the following items. Item 89, legal issues related to open government matters, item 91, legal issues related to the city council/city manager form of government. Without objection, we are now going into executive session. Mews, may, etches, 2012. 2012,,,, utilitarian. Utilitytarian. Utilitytarian. Tracker, track wayland. , Know wayland, noaa. I paul robins. Wayland.

[08:40:17]

>> Mayor Leffingwell: We are out of closed session. In closed session we took up and discussed legal issues related to items 89 and 90. Item 90 was withdrawn. We're going to go to our consent zoning cases. Next.

>> Thank you, mayor and council. Greg guernsey with the planning and development review department. I'll go through our 2:00 p.M. Zoning ordinance and restrictive covenants. These are the items where the hearings have been closed. The first item I'd like to offer for consent is item number 92, case c-14-2013-0048 for the property at 3715 westlake drive. This is to rezone the property to single-family resident single lot. On the dais you have a revised ordinance that addresses what staff believes the majority of the issues that came up at second reading staff would ask that one portion of the ordinance be stricken. That's on page 2 of 3 under part 3, paragraph h. This section that's under this ordinance has already been modified in the city code by the city council several weeks ago. So that's no longer necessary, but with that one change we could offer this item for consent. I understand there's a council office

-- council person that would like to speak to item number 93, 94 and 95

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>> Mayor Leffingwell: No.

>> I understand councilmember riley would like to have items 93, 94 and 95 discussed.

>> Mayor Leffingwell: We'll pull those off consent.

>> Moving on to the two p.M. Zoning and neighborhood plan amendments. First item is number 96, npa-2013-008.01 for the property at 2804 sol wilson avenue. The planning commission was to grant the mixed land use and this is ready for consent approval on all three readings. Item number 97 is case c-14-2013-0091 for the same property at 28084 sol wilson avenue. This is to zone the property general commercial services mixed use conditional overlay combining district zoning. The planning commission's recommendation was to grant the combined district zoning and this is ready for consent approval on all three readings. Item number 98 is case npa-2013-0010.01 for the property at 2416 east sixth street. This is a neighborhood plan amendment in the holly neighborhood area. Staff is requesting a postponement of this item to your february 13th agenda. Item number 99, case c-14-2013-0083 for the property located at 2416 east sixth street. Staff is recommending a postponement of this to your february 15th meeting. Item number npa-2013-0011-01 for a property located at 4914 bennett avenue in north loop neighborhood planning area. Staff is requesting a postponement to your january 23rd meeting and a related item, item 101, staff is requesting a postponement of this item to your january 23rd agenda. Item number 102 and 103 are related. These have to do with the perry estate. I understand we have a single speaker on this item.

[08:44:28]

>> Mayor Leffingwell: What we'll do is leave them on the consent agenda and treat them like we do on the consent agenda in the morning. We'll allow the speaker to speak on these items, but we'll leave it on consent.

>> Very good. Item number 104 is crown-2013-001 for the property at 710 east 41st street, a plan amendment item in the combined austin planning area to designate the use as mixed land use. The planning commission's recommendation was to grant the mixed land use. This is ready for consent approval on first reading only.

>> Mayor Leffingwell: A request to leave the public hearing open as I understand it.

>> Yes. The applicant and the stakeholders, neighborhood areas, stakeholders and staff would all be in agreement to allow the public hearings to remain open. Item number 103 for the property located at 710 east 41st street. This is to zone the property to community commercial mixed use conditional overlay neighborhood plan or gr-mu-np combined district zoning for tracts 1 and two and community commercial mixed use conditional overlay historic landmark neighborhood plan combined district zoning for tract 1 a. The planning commission's recommendation was to grant the gr-mu-co-np zoning for tracts 1 and 2 and the gr-mu-co-h-np zoning for tract 1 a. Item number 104 is case c-14-2013-0070 for the property located at 7805 and a half old manor road. This is to zone the property to family residence or sf 3 district zoning. The zoning and platting commission's recommendation was to grant single-family residence district zoning with conditions and this is ready for consent approval on all three readings. Item number 105, c-14--2013-0071, this is for the property at 7701 and a half old manor road. To zone the property general commercial services and multi-family residence medium density district zoning. The zoning and platting commission's recommendation was to grant the community commercial

gr district zoning and the multi-family residence low density overlay combining district zoning with conditions. And this is ready for consent approval on all three readings. Item number 106 is case c-14-2013-0087 for the property located at 1402 west avenue. This is to zone the property to downtown mixed use historic landmark combined districts zoning. The planning commission's representation was to grant downtown mixed use historic landmark conditional overlay combined district zoning. I understand that we could probably offer this item for consent and councilmember tovo I believe has some additional prohibited uses that she would like to offer that the property owner

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[08:47:49]

>> Mayor Leffingwell: Let's go ahead and take it off consent.

>> Tovo: Mayor, if I could, it's an agreed upon list. I think the applicant is in agreement and the neighborhood association is in agreement and perhaps the staff could read it in if that speeds it up.

>> Mayor Leffingwell: Why don't you read it?

>> I don't actually have the list.

>> Mayor Leffingwell: We can get it to you.

>> Very quickly, the additional list of prohibited uses would include cocktail lounge, liquor sales, bail bond services, pawn shop services, drive-through related services, auto rental, auto repair, auto sales, auto washing of any type, service station, outdoor entertainment, group residential and vehicle storage. And with that

-- those uses listed as additional prohibited uses I can offer that on consent for three readings. Item number 107 is case c-14-2013-0089 for the property located at 8001 and 8111 south i-35 to zone the property to multi-family residence medium density district zoning. The zoning and platting commission recommendation was to grant the mf 3 district zoning with conditions. This is ready for consent approval on all three readings. Item number 108 is case c-14-2013-0092 for the property located at 2915 and 3013 east cesar chavez. This is to

-- actually, this is a staff postponement of this item to your january 23rd agenda. Item number 109 is case c-14-2013-0105 for the property located at 8601 tuscan way. This is to zone the contract property to limited industrial services. The zoning and platting commission recommendation was to grant limited industrial services conditional overlay combined district zoning. This is ready for first reading only.

Mayor, I understand the applicant and the neighbors have agreed to prohibit one additional use and they would allow this also to stay on your consent agenda. That would be to prohibit food sales as the additional use and then we could leave this on for consent approval for first reading in item 109. Item number 110 is case c-14-2013-0106 for the property at 5016 and a half east ben white boulevard. This is to zone the property general commercial services conditional overlay neighborhood plan combined districts zoning for tract 1 and community commercial conditional overlay neighborhood plan combined district zoning for tract 2 with conditions. The planning commission's recommendation was to grant the zoning for tract 1 and gr-co-np combined district zoning tract tract 2 with conditions. Almost number 111 is case c-14-2013-0109 for the property located at 10819 fm 2222 to zone the property to community commercial or gr district zoning. The zoning and platting commission's recommendation was to grant community commercial conditional overlay or gr-co combined district zoning. And this is ready

for consent approval on all three readings. Item number 112 is case c-14-2013-0112 for the property located at 9513 and one half east parmer lane. This is a zoning change request to commercial highway services conditional overlay combined district zoning. The zoning and platting commission recommendation was to grant the ch-co combined district zoning. Mayor, I believe we have a single interested party that would like to speak to this item. I don't know if you want to consider

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[08:51:53]

>> Mayor Leffingwell: Same thing, we'll leave it on consent and call it up before we take a motion.

>> Very good. Item 113 is a zoning change request to general commercial services or cs district zoning.

The zoning and platting commission's recommendation was to grant general commercial services, conditional overlay combined district zoning and this is ready for consent approval on all three readings.

Item number 114 is case c-14--2013-0115 for the property at 2415 east highway 71. The zoning and platting commission's recommendation was to grant general commercial services conditional overlay combined district zoning and this is ready for consent approval on all three readings. Item number 115 is case c-14-2013-0122 for the property at 4622 south lamar boulevard southbound to zone the property to limited office conditional overlay combined district zoning as amended. The planning commission's representation was

-- was to have a lo-co combined district zoning and this is ready for consent approval on all 3d readings.

Item number 116 is case c-14--2013-0124 for the property located at 14400 the lakes boulevard to zone the property to general commercial services mixed use combined district zoning. The zoning and platting commission's recommendation was to grant the cs-mu combined district zoning and this is ready for all three readings. And item number 117, c-14--2013, 0125, I understand the applicant disagrees with the commission's recommendation. There's a citizen here to speak to this item. This might take a little while so might be discussion.

[08:54:00]

>> Mayor Leffingwell: Take it off.

>> Case 118 is c-14--2013-0127 for the property located at 3109 south lamar boulevard. This is to zone the property to commercial liquor sales combined district zoning. The planning commission's representation was to grant the cs-1-v combined district zoning and this is ready for consent approval on all three readings. Item number 119 is 2013-2013-0128 for the property at 10730 south i-35 service road southbound to general commercial services mixed use combined district zoning. The zoning and platting commission recommendation was to grant general serviced mixed use conditional overlay combined district zoning and this is ready for consent approval on all 3d readings. Item number 120 is case district attorney-2013-0130 for the property at 11824 burnet road to zone the property to major industrial planned development area combined district zoning to change the condition of zoning. The planning commission was to grant the zoning with the conditions and this is ready for consent approval on all three readings. Remember we have one individual to speak to that item.

>> Mayor Leffingwell: Same thing.

>> Item 121 for the property at 1701 red river street. This is to zone the property to p district zoning. The planning commission's recommendation was to grant the p district zoning and this is ready for all three readings. Item number 122 is case c 14-2013-0137 for the property at 5513 southwest parkway to zoning the property to community commercial mixed use conditional overlay combined district zoning. The planning commission recommendation was to grant the gr-mu-co combined district zoning and this is ready for consent approval on all three readings. Item number 123 is case c 814-88-001.10 for the property located at 800 north capital of texas highway. We have a neighborhood request for postponement to your january 23rd agenda. Item number 124 is case c 814-88-001-rca for the property at 800 north capital of texas highway. Again we have a neighborhood request for postponement of this case to your january 23rd agenda. Item number 125 is case c 1402-0183 rct for the property located at 1120 tillery street. Staff is requesting a postponement of this item to your january 23rd agenda. Item number 126 is case c 14 h-2013-0004 for the property located at 1501 wooldridge drive to zone the property to family science historic landmark neighborhood plan combined district zoning. The planning commission's recommendation was to grant and this is ready for consent approval on all three readings. Item number 127 is case c 14-4-2013-006 for the property located at 805 lydia street to zone the property to neighborhood residence historic landmark combined district zoning. The planning commission's recommendation was to grant the sf 3 h combined district zoning and this is ready for all three readings. Item number 128 is for the property located at 1911 cliff street to zone the property to multi-family residence low density historic landmark conditional overlay neighborhood plan or mf-2 h-co-mp combined district zoning. The pornographic was to grant the zoning -- the pornographic was to grant the zoning and this is ready for all three readings. I think you had one speaker who signed up in favor of this item.

[08:58:13]

>> Mayor Leffingwell: On 128?

>> Not wishing to speak.

>> Mayor Leffingwell: We have wishing to speak. Are you out there? Okay. So she does not wish to speak. Thank you.

>> Item number 129 is c 14 h-2013-008 for the property located at 1504 east 11th street to family residence historic landmark combining district zoning. The planning commission's recommendation was to grant the sf 3 hnp combined district zoning and this is ready for consent approval on all three readings.

>> Mayor Leffingwell: That's a lot. Are you out of breath yet?

>> Mayor, on item number 109, mr. Rusthoven indicated to me that actually we have an ordinance. I know the private restrictive covenant has been executed and that's the one with I added the additional condition of food sales which is clear enough. We can still offer that for all three readings today.

>> Mayor Leffingwell: All three?

>> All three on 109.

>> Mayor Leffingwell: With the additional prohibited use that you've named. All right. So I'll read this back to you a lot quicker. To approve item number 92 on third reading. To close the public hearing and approve on all three readings items 96, 97, 98. To postpone item 99 to february 13th. To postpone item

100 to JANUARY 23rd. And also postpone 101 until JANUARY 23rd. Did I misreading back 98 postponed?
>> I think you skipped 98.

>> Mayor Leffingwell: Postponed to february 13th also. And that puts me down on 101. And 102 to postpone

-- excuse me. 101 postpone until january 23rd and on items 102 and 103 to approve on first reading only noting that the public hearing will be kept open.

[09:00:30]

>> And we have that one speaker.

>> Mayor Leffingwell: We'll get to that in a minute. And so close the public hearing and approve on all three readings items 104, 105, 106 with the additional conditions that you read into the record, 107 and to postpone item 108 until february 13th. Excuse me, I'm reminded 108 is postponed until february 13th. Is that what you have in your record? JANUARY 23rd. Okay. To close the public hearing and approve on all three readings item 109 with the prohibitions

-- prohibited uses that you read into the record. Close the public hearing and approve item 110, 111, 112, 113, 114, 115, 116 on all three readings. To close the public hearing and approve on all three readings item 118, 119, 120, 121, 122, 123. To postpone items 123, 124 an JANUARY 23rd. To close the public hearing and approve on all three readings items 126, 127, 128, 129. And we have some speakers on that consent list which I'll call up now. First on item 12 and 103 allen cole.

>> Mr. Mayor and councilmembers, thank you. My name is allen cole. I live in the hancock neighborhood and I'm here on behalf of a group of my neighbors. This includes petitioners against the proposal to develop the perry estate and dozens of others who have significant concerns about the project in its present form. The good news is that for a couple of weeks now we have been in face to face negotiations with the developer's attorneys, discussions which have been moderated by councilmember morrison. We look forward to continuing this work toward an agreement that makes sense, not only for the developer, but also for the neighborhood. We are grateful to councilmembers morrison, tovo and martinez in particular for encouraging these conversations. Although we hope to find a solution that protects our residential community, let me stress that we are still in discussions. The neighborhood association, as you will recall, voted last spring against this proposed zoning change and against the project before you by a large margin. Over 80 percent rejected it. Moreover, most of the adjoining residents signed a petition against the proposed use as a hotel, an outdoor music and event venue. Even so let me say clearly that my neighbors and I are not against the development of the perry estate. We simply want this to occur in a manner that is compatible with the neighborhood's single-family homes and which has the appropriate scale and limits so that this development does not fundamentally change the hancock neighborhood. We are hopeful that conversations with the developer will continue to bear fruit. Indeed we are hopeful we will find a win-win solution. But more conversation, more flexibility, and more sensitivity to how this project will impact the neighborhood are needed. Thank you.

[09:04:25]

>> Mayor Leffingwell: To speak on item 112 and 120 is mr. McCloudy.

>> Well, this is a first. You're going to let me speak, but you're not going to pull it off the consent agenda.

>> Mayor Leffingwell: We haven't voted on it yet, mr. McCleod.

>> I don't know why I'm speaking just on two items.

>> Mayor Leffingwell: Your opportunity to persuade us to do otherwise.

>> Well, let me first talk about item number 112, 290 and parmer. I don't have a problem with the restrictions on here, but I think we need to go a bit further on the restrictions. And conditions. Upon approval. It says right here that butting streets don't have sidewalks and I'm assuming 290 and parmer does not have sidewalks. This prone they are wants the zoning change, install sidewalks. That's very important. But of course a bike route is available. So we're encouraging people to walk in the bike routes over on 290 and parmer. And that's a very busy intersection. Like I said, I have no problem with this on the condition that y'all make it accessible. You need to make your infrastructure accessible. And now I'll go ahead and I'll speak also on 120. 120, which is the domain. The domain, you want to jumble all the zoning all into one big glob. I don't know if

-- whatever towns do that. Usually it's by plat or by property. I'd rather see it one by one than just

-- and I'm pretty sure the neighborhood would feel the same way than to see it all okay, well, this is a big glob, it's mixed use. We don't know what's going to go in. I don't want an entertainment district. I'm pretty sure that my neighbors on metric don't want to see it either, so I am against 120. I don't think that's the proper way to deal with it. If it's downtown that's one thing. But you're dealing with multi-family, you're dealing with residents and I just feel like it's a bad idea. I don't want any more entertainment districts. We should be focusing on better things. Thank you.

[09:07:25]

>> Mayor Leffingwell: I'll entertain a motion on the consent agenda. Councilmember spelman moves approval. Mayor pro tem cole seconds. Councilmember tovo?

>> Tovo: Mayor, I would like my record to reflect my vote against 92 and my recusal on 107.

>> Mayor Leffingwell: That was recusal and against on 92?

>> Tovo: My vote against 92 and my recusal on 107.

>> Mayor Leffingwell: Okay.

>> Tovo: Thank you.

>> Mayor Leffingwell: All in favor? Opposed say no. Passes on a vote of seven to zero with councilmember tovo shown voting no and recused on 107. So council, now we can recess this meeting of the austin city council and call to order a meeting of the austin housing finance corporation.

>> We do only have one item for you and we offer it on consent.

>> Mayor Leffingwell: And that item would be item number 1?

>> Yes, sir.

>> Mayor Leffingwell: Councilmember spelman moves approval. Councilmember martinez seconds. Discussion in favor say aye. Aye? Opposed say no? It passes on a vote of seven to zero. That completes our agenda. So without objection the meeting of the austin housing finance corporation board of directors is adjourned and we'll call back to order the meeting of the austin city council. And it brings us

to item number 33. It was pulled for speakers and we'll go to those speakers now. The first being scott johnson. Next speaker is phil burns.

[09:09:40]

>> Council, my name is phil burns, a fifth generation austinite and a parks activist. I would like to thank you for the aquatics oversight and the restoring of funds to the aquatics department. First. And then I'd like to talk about this project. Project, which was deemed an emergency by parks director sarah hensley because of sod problems, yet she failed to mention that it was a one-million-dollar grant from texas parks department made in september 2011 that was about to run. This was the real emergency. The sod problem is a lack of maintenance, the loss of a-million-dollar grant. Was a managerial oversight and is inexcusable. You've been placed in a bad position by pard's ability to address auditorium shores in a timely manner. If construction is not completed within the time frame the grant awarded to the city is lost. Who wants to lose a-million-dollar grant, but also who wants a poor plan? C 3 has indicated it is willing to give more money, so why not use this money to offset the problem? This is the solution is to use the extra money by the c 3 is willing to give to fix this problem. While pard has come up with a solution that allows the dogs to use the water, it fails in the need to separate the dogs from the trail. The plan is no dedicated parking for dog area, making dogs pass over areas we don't want them in. This doesn't make sense, doesn't make -- separate the dogs from the trail when they come in. As a matter of fact, it requires the dogs, all dogs that are going to use the park to use the trail and that's the problem is that it makes the trail controversy worse. So that the plan doesn't really solve the problem, it costs \$1.1 million for the dog area. There were great ideas brought up during the general public -- by the general public during this process. Some like limiting dog access during certain hours of peak activity made sense, would not have cost money, allowing the use of the

[09:11:42]

[indiscernible]. Because of the process that pard has chosen to make, taking the public out of the decision-making process, taking the neighborhood out of the decision-making process, great ideas have been ignored. I'm a park activist. I paid attention, yet had a hard time finding out about the meetings. I looked for comments about the plan on the city side, but couldn't find it, but was appalled by the at study of park stuff. It is clear there needs to be a change of culture and parks staff are not just deceitful, but worse. Pard's culture needs to change. Right now you are about to vote on an idea, not a plan that's on paper, but a bunch of promises. The size of the dog area has changed and there will be no mulch in the floodplain to wash in the river, but what other changes are going to occur with these nebulous plans? Will the promises up to your expectations or the public's expectations. Had if the process so far is an indicator I don't think so. I believe you should delay the vote until the actual design is on paper.

[Buzzer sounds] 2500 petition members can't be wrong.

>> Mayor Leffingwell: Thank you. So you're saying the trail is going to the dogs, is that right?

>> Yes, sir, it is going to the dogs.

>> Mayor Leffingwell: All right. Daniel woodruff. Daniel woodruff? Colin wallace? Colin wallace? Eric

[indiscernible]? What is your name?

>> My name is colin wallace. Mr. Mayor, city council, thank you for your time today. My name is colin wallace. I'm the executive director of the austin parks foundation. On behalf of our board and staff, I want to issue our support for the plan. We have been improving parks in austin for 23 years. We've been involved in this process not since the beginning, but for quite a long time. And frankly, pard has done a great job of taking feedback from a lot of different groups. And as you all know, plans like these that affect so many people are complicated. Everybody has to compromise. And I think the plan that's before you shows compromise from a lot of groups. But from our perspective, we are here because it improves a park that is a disaster right now. It is desperately in need of improvement. And more importantly than that, it solves problem of safety, which is very real out there. The collision of dogs and cyclists and runners is something that happens on a daily basis. Something needs to be done about it. This plan, while not perfect, meets the needs of everybody in a really great way. So we're very much in support of it. So thank you for your time and I know you have a lot of speakers so I'll be brief. But just wanted to make sure we gave our support for the plan. Anks.

[09:14:40]

[One moment, please, for change in captioners]

>> this important metropolitan park is, in fact, an integral part of the butler trail t at lady bird lake. There are thousands of trail users using that trail after the vast majority are trail users. It's a metropolitan space. It's a citywide park that people come to from all over town. Since we do represent the thousands of daily trail users, we did give some ground in getting to this compromise plan. We compromised to allow the current lake front route to be shifted slightly away from the lake for a certain distance, a feature that is in fact key for the large number of trail users. We feel that this compromise will, in fact, work as it does not create opportunities for conflicts between users. I don't know how many of you guys know about this, but we have all heard of many incidents and, in fact, injuries in that area of the trail and the users in the city are, in fact, fortunate that there hasn't been even something worse that has happened. And I think that you have gotten some emails and letters that have detailed some of those firsthand. We also support the compromise plan because it addresses the needed improvements to the riparian areas. The staff can go into more detail on that. It does not express anything about the right geographic size for this or any off leash area. That's something that should be determined by the parks department in collaboration with the community. The compromise plan that was passed by the parks board is something that we support and it does include and reflect input from multiple stakeholder groups including the trail foundation and the parks foundation. Again, we support this plan because it will allow austinites to safely use this popular park for years to come. I would be glad to answer any questions.

[09:17:34]

>> Mayor Leffingwell: Thank you. Cindy colleen. Cindy colleen. All right. Theresa
-- theresa quay. You donated time to cindy, but you can speak on your own if you would like.
>> My name is treva quay and I've lived in austin

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>> Mayor Leffingwell: Why don't you pull this microphone down.

>> I'm sorry. My public speaking is

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>> Mayor Leffingwell: You're doing great.

>> I've been a realtor since 1984. I am against the proposed auditorium shores plan and I ask why such a rush. A gentleman earlier this morning spoke about striving for transparency in his issue. Another speaker stressed that the neighbors had been consulted and worked with up to the alley vacation in the rainy street neighborhood. What happened with the community involvement in this? I think I'm plugged in and I didn't hear anything about it. There has been no concern for public opinion, no vetting. On the contrary, there's been a back room treatment of this issue which I fear is setting a terrible trend. The lack of hard research as to the number of dogs downtown, how much room they need, dogs without access to any play area besides auditorium shores. Downtown dwellers have spent and continue to spend huge money to live downtown. Where is the information and where are the incident reports of all these terrible things that have happened downtown, all these terrible injuries that have happened that ms. Franken just mentioned. I keep hearing about the silent majority and I thought it was a joke at first. If they are silent, how does anybody know what they're saying? Who are they? Postpone this vote, please, for further study and find the answer to some of these questions, or do you not want to know what the answers really all. And that's all I have to say. Thank you.

[09:20:01]

>> Mayor Leffingwell: Suzanne stover.

>> Hi there, my name is suzanne stover and I live downtown. I'm an avid user of this park. Frequently down there every day, usually once or twice with my two dogs. Because I have this perspective, I don't share the sentiment that pard is telling you about all of the incidents, the dangers and the disasterous state of this park. Yes, there are conflicts on the trail, but it usual only happens at heavy use peak times. I was down there this morning and I was the only person down there at about 9:00 with my two dogs. This park is vital to my quality of life and I'm opposed to the plan to put fences up with my dog. Putting fences up where people have to walk through tiny gates given the amount of dogs that use this park is only going to increase the conflict and the congestion in the park. I'm also opposed to event lawn as they are calling it being called an event lawn and also banning dogs altogether. Thank you.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: I just want to provide a little additional information. There will be a barrier so that dogs can't just run over to the trail, but there's no gate. You know, the fencing is just to act as a barrier. There will be wide openings that don't have any gates on them at all. I don't know where that -- this is not going to be fenced off in an enclosed area, it's just going to have barriers. I don't know why you are shaking your head. I'm telling you what's in the proposal. And I'm saying that there are going to be fenced barriers but it's not going to be gated off and closed as you mentioned. You said narrow gates to go in and out of, that's not going to exist.

[09:22:10]

>> Mayor Leffingwell: Next speaker is cam McGore. M-a-g-o-r. Stephanie smith. You can hand it to councilmember riley.

>> Thank you so much.

>> Mayor Leffingwell: Or the clerk.

>> Mayor, council, I am so grateful to be able to speak in front of you. My name is stephanie smith. I am a multi use park user. My background is 30 years of experiences in executive coach specializing in highly effective strategic visioning and planning. My business is national. My clients here in austin include whole foods, texas trial lawyers association, the texas bankers association, texas special olympics, to name a few. I like facts, data and demographics. I have witnessed time after time how hidden agendas, suppression of information and ignoring the facts will ultimately lead to failure. Every time. That dynamic is deeply entwined in this proposal for auditorium shores. I urge you to review the packet just delivered to you. This is a page by page, point by point breakdown of pardon's will proposal, facts that are misleading or false information. This is a distillation of weeks of research, conversations with park departments in 13 different cities in our nation, national animal associations including the legal department of the national aspca. Across the board they were adamant that trying to fit 200 to 250 dogs into too small of an acreage was indicative of extremely poor planning. If we can do this research, why hasn't it been done? We are austinites. We are daily park users. Yes, we're concerned about renovations at auditorium shores. It needs it. We know the issues. We're there every day to witness them. We have seen conflict. We've seen actually had impact from cyclists and runners that they have more problems on the leash trails tangling up, run and get snagged in dogs' leashes and they actually feel relieved by the time they get to the leash-free area so they can circumvent the dogs easier. We love this iconic park named auditorium shores. We care about our parks, we support our parks, our park organizations. We have invested significant volunteer hours to support our parks in times of need. Yes, it needs help. Erosion control, trail repair, ground revitalization, fresh turf for dust control. These are crucial issues. But just because there are crucial issues pending doesn't mean we should jump the gun and green light the portion of this proposal that indeed has no appropriate or applicable research, no public surveys

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[09:25:47]

[buzzer sounding]

-- for impact viability. We implore you, delay or reject this proposal.

>> Mayor Leffingwell: Piper becker. And following piper is marion ell and you might want to resign up because you do need to have a last name.

>> I

--

>> Mayor Leffingwell: Wait until I call you. I don't know.

>> I don't know if I have time, if somebody else wants to donate to me.

>> Mayor Leffingwell: If she signed up.

>> She signed up and said that I could.

>> Mayor Leffingwell: Where is she? What's her name?

>> [Inaudible]

>> Mayor Leffingwell: Will you say her name on the microphone for me.

>> Pat.

>> Mayor Leffingwell: Oh, yeah, yes. So you have six minutes.

>> Thank you. Okay. Thank you, sir. So I would like to come and talk on two

-- two items. One, I want to come and talk for myself as piper becker. I'm a runner and avid park user.

First off I would like to start by saying that the safety is important to me and understanding what the safety factors are and how they play a role. The park department is misrepresenting the safety contributors and does not give an accurate assessment of the safety issues. I have 3,000 data points. I've been running at lady bird lake three or more times a week for over 20 years. I run past where the dogs play by the water as my regular route. I've had one collision. That equates to .03%. I have had seven times more incidents with cyclists and leashes on the trail in various bottleneck locations. The reasons why the park

-- the reason why they continue to just say it's the dogs are a problem, that's pard, without providing hard facts, where, why, what percentages is because the data is too small. The reality is the dogs tend to move out of your way unless they are converging in one spot. It does not require fencing and leashing for safety. However, leashed dogs should be allowed everywhere in the park. There should be no bans. Please get real safety statistics before jumping to conclusions this solves the real safety issues. Second, I would like to point out at the parks board meeting, there is no one in favor of the proposal that did not have a self-serving interest to benefit or was not affiliated with the project. No one. Everyone against the proposal was from the community. They keep saying that they have worked with the community, but they have

-- that they've worked with stakeholders for years, but the reality is the majority of the stakeholders were not community residents, not downtown dwellers, not real park users, nor are they surrounding neighborhoods. Third, it's essential that we maintain this beloved park for public use, not private for-profit purposes. Segregate and fencing the spaces under the pretense of improvement but the real purpose is for events period. Not long ago we had an advocate for the parkland. We even named the lake this her honor. To quote her, the environment is where we all meet. We all have a mutual interest. It is the one thing all of us share. It is not only a mirror of ourselves but a focusing lens on which we can become. Who among you will be our advocates for this park? Lucey baines johnson says there is no legacy my mother would have treasured more than to have people recognize the value in preserving and promoting our native land. I know decisions have been made, hands have been shaken, contracts have been signed, but sometimes the right thing to do is the hardest thing to do. It entails stopping the path we're on, I will loom name fencing and restrictions and evaluate what is important for the preservation of this park as for a park for all to use, people, dogs, families alike. Postpone the vote. We don't have enough research and public input. Do not segregate and sell it to the highest bidder. Keep it a treasure. Make it a beautiful park lady bird would be proud of. I also am speaking for cindy collins who is our bc and a president and I'd like to say a few words. Good afternoon. I'm speaking

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[09:30:27]

>> Mayor Leffingwell: You have a little over two minutes?

>> Huh?

>> Mayor Leffingwell: Is she donating time? Your time has ended and your name is what?

>> Good afternoon, mayor, mayor pro tem and councilmembers. My name is cindy colin. I live in the bolden creek neighborhood. We would love to see this park which lies within our neighborhood plan become the crown jewel of town lake metropolitan park. Bc and a does like portions

-- a lot of us like portions of the proposed design. We like that the shoreline water access for dogs has been moved to the west and we like the additional trails. We feel these two features will significantly reduce congestion and improve safety for all park users. However, the design does not address the significant shoreline erosion at the limestone steps. Boulden residents' concerns are the park shores will feature more private events very soon. The contract between c 3 part and acf refers to the park as a major event venue. The tour impact analysis also states the overall design of town lake metropolitan park must also reflect its status as an event center and include design considerations that allow events to operate safely and efficiently. So when you look at the design and the fenced-in dog park, I'm wondering whether the fences are there to segregate dogs and to reflect the long-term vision of the park becoming an event center. And since the friends of austin dogs park doesn't support the fenced-in area, it does seem that the fences are part of the public parkland becoming an event center. We oppose -- boulden residents oppose any feature of the design that incorporates the long-term vision of it becoming a events center before a robust community process studying the impact of events is conducted, documented and presented to council. We are aware our partners has contracted to do this, but to date their public outreach and feedback gathering is lackluster at best. C 3's donation to renovate the turf at zilker was a great success. The park is beautiful and has a balanced use. Neighbors did not object when they asked to add event days at zilker, but auditorium shores is different. While we desperately want new turf, boulden residents will object to adding event days. We want to ensure the design to auditorium shores a majestic parkland first and foremost and an event second. Thank you.

[09:33:27]

>> Mayor Leffingwell: Okay. Marilyn I. Did you

-- is that a mistake on your last name or is your last name I.? Okay. That's fine. That side is fine. You have three minutes. Would you put her name as marilyn I. King.

>> Thank you. Yes, my name is marion king. I am not totally against this project. I am in favor of the environmental and event venue improvement, but I'm speaking today for some stakeholders who can't talk and some who may not know what's coming toward them yet. You are familiar with the plat of the property. The feeding area where the dogs play, I call it the dog park of the dog fields down to the water. That's what they want to use as sort of an amphitheater space. At the far end is the 5.7 acres of marginally usable space that they want to put the dog park restricted. And it's the area in the middle that I think is my biggest disturbance. Currently the dogs will lose two-thirds of their play space. The configuration of that hike and bike trail determines how much freedom will be taken from the -- away from the dogs. Wherever that trail is will end their freedom and begin the on leash because they don't want the dogs running across the trail. So I think more can be done to reduce that loss. I believe the trail users are willing to have a different reroute if it means allowing the dogs continued enjoyment of

their freedom. Wherever the trail is placed the dogs' freedom necessarily ends there. This is a question I have for you. Can the configuration of the middle area vis-a-vis the hike and bike trail trail versus the dog freedom be adjusted after the adoption of this program, of this proposal. Is that set in stone beyond the stevie ray statue, can we do other things that we might determine later is a better idea?

[09:36:08]

>> Mayor Leffingwell: Nothing is ever set in stone, ma'am.

>> Well, I'm wondering about because I've understood that the city is fronting the 3.5 million and then c 3 partners basically have us on the leash to do what they want so that they'll pay us back the 300,000 a year.

>> Mayor Leffingwell: So to speak.

>> That's my one question. And I have a second question with a few comments ahead. Austin is an inclusive place. We say everybody gets to play. We try hard to accommodate everyone's pursuit of happiness. People have different interests and points of view and so our

-- [buzzer sounding]

-- this is my question. Please, pretty please table th vote until february. Put out clearer maps of the current iteration of the trail relocation and open up for public input of cautions and

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>> Mayor Leffingwell: Thank you, ma'am.

>> And I will volunteer my time to help you edit and read. I'm available to you 30 hours a week.

>> Mayor Leffingwell: We appreciate that. Edward gamar.

>> Thank you.

>> Mayor Leffingwell: Edward g-e-m-a-r. All right. Charles betts. Charles betts. Larry graham. Are you one of those names I just called, sir? Oh, you are just a cameraman. All right. Melissa barry. Okay.

>> Good afternoon, mayor and councilmembers. My name is melissa barry, the arts and parks director with the downtown austin alliance. And I'm here to voice the downtown austin alliance's support for this plan today. Of the metropolitan park auditorium shores serves out entire metro area and there are many different types of uses and needs for our community. There are people who need safe access to this unique waterfront green space that austin is so fortunate to have in its front yard. It's not easy trying to being a date all these needs and uses. It involves compromise and that's what we're seeing here today. In addition to the more than one million trail users, there's a growing number of city residents who need access to green space. We have a growing number of families with dogs. That's true. And we also

-- and these people need places to take their dogs to run. We also need places for families to take their children to run. Families need places for their kids to play. We need places to exercise, people like to have picnic lunches, relax and read a book. The plan supports all of these needs and so the downtown austin alliance supports this plan because it helps to create a safe, welcoming and useful park for all these different types of people. And lastly, auditorium shores, as everyone knows, is in bad condition and needs improvement. Thank you.

[09:39:26]

>> Mayor Leffingwell: Keith linton. All right. David king. And whoever is speaking that keith linton is donating to, when I call you up, remind me of that.

>> Thank you, mayor, mayor pro tem and councilmembers. My name is david king and I live in the zilker neighborhood. The proposed improvement plan for auditorium shores is a good start but it needs some significant changes to achieve a better balance of public uses. Open green spaces which are becoming scarce in the urban core need to be preserved. This is all we have. There's no more. And what we do with auditorium shores will be there forever. So we have to think hard and seriously about what we're doing and this is the first step in that direction. And what we do in that first step sets the pattern going forward. Other uses need to be considered. Right now we have

-- we have uses that are related to movement, bicycling, dogs run, jogging, walking. We don't have anything related to static uses such as picnicking or daydreaming or reading a book or painting or just sitting on a bench. There aren't any benches there. Where are the benches? What about those uses? Sufficient space is needed for dogs to run and play without creating safety issues for other users. But they need their space too. More bathrooms and recycling containers need to be provided. Existing trees need to be protected and more need to be planted to provide shaded areas so people will hang around there. The shoreline adjacent to the current dog waiting area need to be protected from erosion. Impervious cover should not be increased. As far as I can tell it's not except for a few more trails that are being proposed which concerns me, that's more impervious cover, but it should be reduced wherever possible. This feeds

-- the water runs right into lady bird lake here. Pollution and keeping the runoff to a minimum should be a priority. More native grasses need to be planted to protect against erosion and to reduce the runoff and pollution. The mouth of bouldin creek needs to be cleaned up and protected against.

[09:41:52]

>> Agency. A sustainable main plan seeds to be. That should be a part of this. Park rules regarding parking, off leash and leash and trash need to be enforced. The improvements should not be a wasted several given the long-term improvement for auditorium shores. It would be a same to spend \$3.5 million and dig everything up for the long-term plan to make it into an events center. The \$3.5 million in improvements should not set the stage to install infrastructure to support more and larger events at auditorium shores. Please preserve is remaining green space in auditorium shores and do not allow it to become a full-time events center. Thank you.

>> Mayor Leffingwell: Thank you. Kaitlin whittington. And you have three minutes.

>> Mayor Leffingwell, members of council, may name is catlynn when iting continue and I'm here as a citizen and a planner with sxsw festivals. I'm a native austinite who has been enjoying time at auditorium shores since my childhood. I'm here today to voice sxsw's support for the design as it stands. The way I see it this plan addresses two problems. As things are, there is an assumed dog run that isects the sportation corridor. However, the butler hike and bike trail is part of town lake metropolitan park, not auditorium shores. It is clearly separate as well when considering operations, maintenance, curfew and usage. No event producer assumes that the use of auditorium shores is a defacto use of a trail. Town lake park is not mentioned in the code which outlines off leash areas, neither is the butler hike

and bike trail. As such the trail itself is by default an on leash area and should remain that way. Regarding the design, I appreciate the hard work put forth by the planners, architects and the community as a whole. I provided my time, interest and input in this process for the last five years. This is input that has involved event planners, the community at large, organizations such as the long center, the opera, daugherty arts center. I've been in these meetings for five years. I've seen all members of the community involved in this discussion. I also want to thank the parks foundation for finding the funding for this public amenity. It's long overdue. This plan and design will help to ensure a sustainable future for auditorium shores. It takes into account aesthetic and environmental considerations. These plans should help to mitigate bacterial contamination and the ongoing erosion of lady bird lake. It's a cohesive plan without compromising its history. Sxsw looks forward to the timely completion of ave lightly ayased auditorium shores and the trail head project. At that I urge council to heed the recommendations of pard and the parks commission and improve the design as it stands. I thank you for your time.

[09:45:18]

>> Mayor Leffingwell: Brian reagan.

>> My name is brian reagan. I've been an austin resident for I guess eight years now going on nine. This is now the second time in austin that I have actually been a minority. The first time was as a cyclist. And I watch as cyclists and general public of the greater demographic would fight and I watched bicyclists jump off their bikes and beat cars with their bike locks and I've seen cars drive and hit cyclists. And the city's result for that was to build bike lanes and safer ways of passage for the dogs -- or for the bikes. Now we see the same conflict of interest and rather than us working as a community which is the main plan of the goal, it says in the plans over and over this is to you night and bring the community together. Albert einstein said you cannot simultaneously prevent and prepare for war. This isn't war, but this is going to create conflict. Rather than ago our community come together and share this, we're now separating. There's a large population -- for some reason the population of dog owners is seemed as aggressive pit bull owning fighting dogs. I own two weinie dogs myself. I'm also very involved as an advocate as a small business owner with the dog community. There's over 650 dog friendly listings in austin showing this community and the businesses are making money off that. My group alone raised tens of thousands of dollars for local austin businesses from restaurants, bars and those that accommodate to the dog owner community. The other thing that we've said that's a big issue is the waste and whatnot. Lots of people like myself have started big things like campaigns like art on poop where we're working with local austin artists in making -- it says beautify austin make the ordinary not. There are a lot of dog owners that is really responsible that doesn't want the face of dogs you guys presented to the general public out there. I'm okay with having my dog on leash, but when you create ban from a city and want to create community that could not be possible at the same time. Something I put here with art on poop, this is what we have for everything that goes out. I'm an austin dog owner. I'm committed to keeping both our parkland and our cities clean and safe for all to enjoy. I appreciate your support and furthering efforts. By purchasing this bag to keep poop in so you don't have to step on your poop, by purchase ing this bag, you have become something bigger than yourself. We as dog owners have a responsibility in and around the city. We are a

community and this bag is a fun way to create, start a movement, and my promise is you will never see a brand or logo or anything other than austin art. I wanted to be clear there's a huge sector of dog owners that don't want this to happen, that don't

-- do not want dog attacks happening. We're okay with our dogs on leashes, but when you ban them, a sect of people you are only going to cause more conflict between the two. Thank you.

[09:48:40]

>> Mayor Leffingwell: Bill Frasier.

>> Thank you, mayor, councilmembers. I am a long-time parks advocate, dog advocate, park advocate for Auditorium Shores. Chaired the off-leash area advisory committee for three years and now co-founder of the Friends of Austin Dog Park. This conversation for this location that we're moving the dogs to on the west end started in 2008 in a meeting between myself and park officials at that time. And it was to find a solution to fix the problem at the base of the event lawn and that's what we're talking about. And since that time through all of the community advocate meetings, through the off-leash area advisory committee time in play, we have supported this plan because we see the conflict that exists at the base of the event lawn and the need to improve safety there. Also what hasn't been mentioned as often is improve the shoreline erosion in that area. So this is a smart plan to pick up the dogs that are at the base of the event lawn and move them to the west end. But we also

-- we're looking at we have two type user groups who use this park. Or dog owners in the city, those that trek and those that gather together and that component is represented at Auditorium Shores. When we look at the base of the event lawn in that tight circle, that tight group of people, those are -- that's the community that gathers. What the community is in an uproar over is we're taking away this ability to be able to trek the park in free movement. This is a group that has never conflicted with the stakeholders. So what we're asking, what we've been asking and what we've been asking the parks department to do is make some concessions in this. We're supporting the idea of moving the dogs to the west end, but we would like to leave a greater portion of the park leash free. We're not eliminating the trail conflict. In fact, we're creating three times the problem with the three openings that will be in and out of the new location on the west end. What we would like to do is we would like to see the middle lawn, if there's going to be any come programs at all discussed, we would like to see up to the Stevie Ray Vaughn sidewalk left leash free. We don't agree with no dogs allowed on the event lawn. That's kind of like your mother's couch that was covered in plastic this the living room that you were never able to sit on. We don't want our parks like that. We want to experience it. Also for some in the community, we've heard from handicapped owners and handlers, Auditorium Shores is the most user friendly park for them to be able to access from the parking lot into the parkland. They are members of our community who use the park to trek. They don't participate in the gathering mode there at the base lawn. So if -- if there's discussion, again, we would like you to consider some loosening of the leash restrictions that you will consider here and for that, that's all I have.

[09:51:57]

>> Mayor Leffingwell: Elizabeth McGreevey. James Bixler here? James Bixler. Are you here

-- are you james? You are james bixler. You have up to six minutes.

>> I can talk slow. That's cool.

>> Mayor Leffingwell: Huh?

>> I can talk slow.

>> Mayor Leffingwell: No, you have up to six minutes. It's not a minimum.

>> Okay. Okay. Hello councilmembers and mayor. I appreciate your job and the patience that you sit here every month to listen to everyone. My name is elizabeth McGreevey, I have been an avid user of austin dog parks since moving here in 1995. I am also the mother of a 11-year-old son and we live off of brodie lane. I am

-- I am for the need to increase balance, safety and turf and shoreline restoration. However, I'm against the actual design that pard has put forth. Since moving here, I've worked with landscape architects on projects such as the lcra red bud center, the lady bird johnson wildflower center, the domain and upgrade of fort hood housing and trails. On the side I've given lectures throughout the hill country on sustainable landscaping for programs such as the austin green boot educational series. My first objection to the pard presentation is that they are calling this design sustainable. There is nothing sustainable about 16 acres of turf. What's worse is confining the large number of dogs that frequent auditorium shores into a fenced-in area will drastically increase the maintenance requirements of that space. According to the turf manager at zilker who I talked to, dogs are usually not the problem, it's congestion and lack of maintenance. And in fact after he says like after one night of people playing soccer, he can go out the next morning and see exactly where they played. So how many dogs are we talking about? Well, pard actually doesn't know. Neither does the city sensor data collector so we decided to take our own county. Peak use there could be as many as 200, 250 dogs. That is an extremely large number of dogs. As the aspca writes and other dog trainers will come, dog parks should be big enough for dogs to space themselves out. Crowding can lead to tension and fights can break out. To justify the drastic reduction in size, pard reports the trend for downtown dog parks is less than one acre. First, auditorium shores is not technically part of downtown, it's part of central austin. And since pard mentioned portland, oregon, I looked at a central or goon dog park. Of those five were less than one acre but 19 greater than one acre. Pard also mentioned boston, yet boston city council in february of this year voted to approve a five-acre off-leash, unfenced dog park in the middle of the boston common. And you don't get more downtown than that. In short, it doesn't appear pard has done very thorough research. Pard stresses the need for safety. We all degree with that. However, the pard design creates new safety issues as the dogs enter and exit the fenced in area. Yes, we know there are not fences, they are these large concrete barriers that are going to have to be moved around every time there's an event, but there will be openings. And in order to enter and exit with dogs coming and going on leashes and people with more than one dog, that creates congestion. Will you have that at least two points along the actual running trail. And let's see, also

-- okay, let's see. Okay. And

-- I lost my spot. So and the other congestion that also occurs, where it is currently we've mentioned this on the north side of the event lawn, but the design does not solve that problem. There's still going to be congestion because when you ban the dogs from the event lawn, you're still going to, you know, people are still going to be congested as they go through that same trail. I believe a better solution would be to connect the 10-foot granite trail shown along riverside to the running trail north of the parking lot. This

would give runners and cyclists the option of running through or around an off leash area. Also to further spread out and deacon gentlemen's dogs and owners entering the park to add a pathway through the middle of the event lawn to make the event lawn to be on leash. In fact, this was discussed as an option two nights ago, and to make the event lawn

-- leave the remaining park as off leash and unfenced. Such a design will support greater safety because it will for the most part get rid of all the bottleneck and congestion points that have proved a source of the conflict to date. So what do I want? I want more time for research. I would like to see an expert on dog park behavior brought into the process. Most of all I would like to see the general public, not just a few stakeholders, brought into the decision-making process. As you can see from the 2500 plus signatures that we have collected, their constituents are adamantly opposed to fencing. We ask you extend to JANUARY 30th. Thank you.

[09:58:04]

>> Mayor Leffingwell: Brad emmons.

>> Mayor, council people, thank you. I just recently moved earlier this year down to central. I was raised in and around austin but I just started living central and I love it. And I got a bike and I started riding around and I'm actually not a dog owner. But I'm opposed to the proposed plan as it stands. Whenever I ride through there, ivoried even through there dozens of times now, it's like a norman rockwell painting. There's not a lot of places, in fact, it may be the only one

-- people talk about safety on this matter. Safety I think has really been propped up as a straw man issue, and I think sans c-3 involvement, I've been through there dozens of time and don't really see the danger. I actually like it the way it is because the bike path is next to the off leash area. Whenever I go through there, I am watching the dogs chasing the tennis balls and stuff and I think that's really cool. I was here the other night with the pard meeting and I saw a man use a story, an anecdote about his daughter being hit by a dog and got a goose egg on her head or whatever. I think he was related to the parks department or whatever. And I think his example is really disingenuous because it really had nothing to do with the trail at all. I've heard similar arguments being used that seem really disingenuous and reminds me during the executive session I rode my back across the river and saw they are already digging up the west side. And then there's a sign with a map of the plan and it looks like it's already underway, it's already done. It reminded me, I was in the army and I went to germany and then I went to bosnia and we got there and were watching on the armed forces network on the only television, normal schwarzkopf telling everyone in future tense what the units would be in the first six months as expanded to 18 and he was talking about all these units as if they were future tens. Because the congress hasn't actually approved what was the

-- the expansion of the mission beyond six months. And our units were already there and he was naming first division, our unit and we were already there and nobody else in the states knew it. And we were all yelling at the t.v. We're already here. We thought it was funny at the time but in behind side it was disturbing. When he was here the other night and I saw them allow only 10 people to speak for three minutes and then promptly ignore all those people and proceed with a vote to approve it, it made me really feel like I did back in bosnia.

[10:01:13]

[Buzzer sounding] thank you.

>> Mayor Leffingwell: Michelle hazen.

>> Mayor, I'd like to [inaudible]

>> Mayor Leffingwell: Will you give michelle your name and she can call your name out when she gets on the microphone and we'll do that. Reason I want to do it that way is because you're not getting on the record when you just shout it out from the back.

>> Hi, my name is michelle hazen and I'm also going to take some time

--

>> Mayor Leffingwell: What's her name?

>> Cam megar.

>> Mayor Leffingwell: Are you on the list?

>> Yes.

>> Mayor Leffingwell: Okay.

>> Hi. My name is michelle and I'm a downtown resident, a dog owner, a daily user of the park and the trail. I jog on the trail. I go there every day and so does everybody in my family and I meet up with all my friends and it's definitely a big part of my life and I know it's a big part of a lot of people's lives. I would like to ask the city council to postpone voting on this agenda item so that the public gets more of a say in this process. We want pard and city officials to spend more time engaging with the public and then incorporating that feedback into a design that offers balanced use for all park users. Alternate plans so the public has a say in and approves of without putting the needs and wants of c-3, a private company, ahead of austin residents and taxpayers. The fight over auditorium shores is not only about dogs. It's about the public process being bypassed and about a private company donating money and then dictating policy on how public land is used all for their monetary benefit. Auditorium shores is a public park first and foremost, it's not an event seen yeah. Our public parks are intended to be used and enjoyed primarily by austin residents and that's what we do right now. People are acting like families aren't able to use auditorium shores right now, but that's not true. They are there every day enjoying the park with their dogs and even without their dogs. And if anybody has a problem with them, which there's a lot of space so everybody has room, they could go literally across the street right there and there are parks where dogs are only allowed on leashes and there are really very few places downtown, living in one of the highrises that people can take their dogs and let them run off the leash. And being a city that prides itself on being a no kill city and is targeting mainly the urban development to find homes for over 6,000 dogs a year just from austin pets alive alone, you know, there's not going to be a lot of ways for people to adopt these larger dogs and take them somewhere for them to run when so many people are moving into the urban center of the city. A grass roots effort has brought together a diverse group of austinites who are passionate about saving auditorium shores for many reasons but we all agree on one thing, the plan is not in the best interests of the people. As people have started to learn of the changes, they have overwhelmingly opposed the plan and momentum is only growing. Austin voters are shocked to find out about this rushed agenda being pushed through without an adequate user data or public input. And this is a rushed t line. Ter partners is a nationally acclaimed firm that is conducting a study of town lake metropolitan park and providing recommendations for enhanced even joy in our

town of waterfront parks. Extensive research and analysis and discussions with stakeholders the generating a long-term vision and they are presenting this final report to the city council april 2014. Why are policies being put in place and voted on before we receive the actual data from that report? Why is city council voting on policy based not on user data but on filmsy personal anecdotes from pard staff? Again, this issue is about way more than simply moving and shrinking a dog park to a tiny corner, which I do not agree with, but it has larger implications. The entire situation is a case study in public-private partnerships gone wrong. The normal public process has been bypassed. Public land has essentially been privatized and the austin people have been sold out without getting a say or vote in the matter. From the beginning the parks department has vehemently denied c-3 had any stipulations for this donation. After months of speculation and even statements from c-3 saying they had absolutely no say in the design process and no opinion on banning dogs from the event lawn, the following internal email surfaced via the freedom of information act and were published in the austin american states a man this past sunday, december 8. Jesse vargas, parks department assistant director wrote to colleagues on march 5. He said spoke to charlie, charlies joan from c-3. He's okay with one-year shutdown of the shores for renovations. But it took a little persuading. He's most concerned about dog traffic and asked that we move on this soon before food and wine fest. Pard official marty sum went on to warn colleagues in april 25th email the greater off leash community has not been fully apprised of this initiative. The development of an enhanced off leash area has been part of the master planning process and discussed openly in the stakeholder and public forums related to this project, however, there's never been a formal proposal nor agreement to reduce the off leash area auditorium shores. To my knowledge the former off leash advisory committee was never asked to endorse a reduced area. We need to be prepared to answer questions from the city council on this issue and plan for further public stakeholder outreach. Jesse vargas then responded saying doing a 30-day public comment period would show good faith and give us time to organize a meeting or two to firm up su
-- the first public meeting wasn't UNTIL JULY 10th. So they had not
-- they are not continuing, they started it months later.

[10:07:57]

[Buzzer sounding] is that the first one?

>> Mayor Leffingwell: No, that's your time. That's six minutes.

>> Okay. Can I wrap up?

>> Mayor Leffingwell: No, ma'am. Next

-- before I go to the last speaker, keith linton. You are still

-- nobody asked for your time. Do you

-- you want to donate your time to

-- she can have your three minutes. You got three minutes after all.

>> Okay. So, also a media relation staffer asked the city

-- at the city asked vargas in early june prior to a city council vote on the agenda plan if the communications office of the city could mention the plan in a press release. Vargas was against it. He said, we've done a pretty good job of controlling the message, he wrote. Highlighting the item ahead of city council vote was not part of the plan. So obviously pard officials are doing back door deals with c-3,

promising to change public policy for the benefit of a private company and purposely circumventing the public input process. Please do not let this happen. The losers here are the residents, taxpayers and voters of austin because we don't have a say. The parks and rec department and other city officials have been very careful in attempting to frame the issue as something else entirely blaming safety, making it all about dog owners. The real losers in this deal are indeed the people of austin. We should have a say in what happens in our public land and we have had almost no input at all. Despite over 100 voices to come to the meeting opposing the design for auditorium shores, austin park and rec board voted to advance the design to city council. 80 people signed up to speak in opposition of this. I myself signed up to speak but was not allowed. The room

-- the small room filled up quickly and when denied access to speaking at the proceedings, a huge gathering of people poured into the lobby of city hall to watch the proceedings on television. Only a limited few from the opposing side were allowed to speak and sit in the room. I was removed. I was standing but people who were there from the organizations were allowed to stand. None of the people who spoke in favor were concerned citizens. They were all people representing organizations who are already involved with the deal or who had a vested interest in the deal with c-3 going through. The public deserves input in this process and yet pard has carefully managed the situation from start to finish ensuring the public didn't ever have the chance to say no. They clearly think it's easier to ask for forgiveness than it is to ask for permission from the people. That is not how public policy should be shaped. Please postpone this matter. As a resident and a auditorium shores personal stakeholder, a daily user and an austin voter, I implore you to not let this pass.

[10:11:23]

>> Mayor Leffingwell: Thank you.

>> Thank you. [Applause]

>> I have a quick question.

>> Mayor Leffingwell: Mayor pro tem. Question for you, ma'am.

>> Cole: Michelle, I have a quick question for you and I'll state it as you are walking down. You said you were removed from the proceedings. Request you explain that?

>> They said the room was full but I was standing in there and the people who were there in favor of it were allowed to stand, standing room. And they came in and asked several people who were standing in there that were against it and who had signed up to speak but weren't going to be, you know, they told us that we had to leave the room.

>> Cole: So the they were people for it. It was a citizen

-- it wasn't anybody official in city capacity.

>> What's the question?

>> Cole: I'm just trying to make sure that

-- who told you.

>> Several people from the room, I don't know who

--

>> Mayor Leffingwell: This sounds like it's a fire march that will thing to me.

>> Well, the people who were standing there who were not signed up opposed to it were allowed to

stand there so it didn't make any sense. That was personally confusing for some of us but we all stood out in the lobby. Is that the only question?

>> Cole: Yes, I'm just trying to understand that.

>> Thank you.

>> Mayor Leffingwell: Katherine McLane.

>> Mayor, council, thank you so much for giving me a few minutes to speak. I'm honored to have the opportunity. I've heard the silent majority of austinites referred to and I appreciate the opportunity to break that silence a little bit. I fully support this plan because it is a safety and health issue. I'm a runner, a parent of a small child and I can tell you when I go down to auditorium shores I do worry and I do think that after 40 years it's time. I've heard objections about the lack of time that this plan has received public input, but it's also my understanding that for nearly 14 or 15 years this plan has been on deck and that the city has recognized that upgrades and basic improvements are absolutely vital for the safety and health of the human users of this beloved space as well as the canine space. I want to give you my voice in support of this plan. I understand that if we don't move swiftly to begin implementation that there could be a postponement or in fact the actual buildout could be in jeopardy entirely. I as a citizen, as a voter and someone who loves this town and this particular park space would hate to see another 40 years go by before this great urban area gets the badly needed safety and health upgrades that austinites expect. Thank you.

[10:14:23]

>> Mayor Leffingwell: Thank you. That's all the speakers that I have signed up wish to go speak.

-- Wishing to speak. Councilmember martinez.

>> Martinez: I wanted to ask staff some questions. But I'm going to make a motion to approve with some modifications. I presume there will be some amendments. But I want to make sure, the proposal that's before us, Sara, did it incorporate some of the changes that have been suggested by the parks board and others, such as on the lawn, that the dogs would still be allowed as long as they are on leash. Or is it still in the backup proposed as off leash

-- I mean no dogs on the lawn?

>> Sara Hensley, director of parks and recreation. We have made some suggestions, some improvements to the actual recommended outline based on input we received from citizens, and they have some very

-- they had very very valid points so we took that into consideration. One was how do you expect to traverse from the parking lot to an off leash area if we don't cross this and we said you are right. It would make sense you walk across that lawn that is called event lawn, but the lawn. To walk across that with a dog on leash. Then we heard that there was some issues related to people that may have special abilities meaning it's harmed to get across that area and another area and over to the off leash area. So we

-- it's not been approved, of course, because we have to work with the transportation department, but we believe we can put in parking there if it's approved and we will want to go back to the neighborhood as well because it's putting some parking along the riverside area. But for people to be able to get out of their car and go directly to an off leash area without having to go a long distance. We also heard, and

very valid point, that if you put the off leash area further to where the trash collects it's not the most desirable place to have your dog get into the water. Valid point. Staff went back with the designer and architect to look at how you could have entry points for dogs who have some special needs, hip dysplasia and others so they have a better way to get into the water. We moved those. We also heard it wasn't big enough. We get it. We're going from let's be realistic, 17 and a half, 18 acres down to what was 3.2 or so, and so staff went back to work to look at how could we improve it, increase it to give them more room. And that's when we went to the plan to try to increase that area and reroute the trail again because we heard

-- and we did hear from other people and we're still hearing from other people that it is a safety issue and they don't want a conflict. We went back and looked at that and that's sort of right where we are when it comes to some of the concessions we have made.

[10:17:41]

>> Martinez: Is that this plan?

>> Yes, sir.

>> Martinez: Can you give this to gary because there are multiple versions go around. When I go to the website, there's a completely different image. And so the lady that spoke about the fence may very well have seen an image with fences on it because there's three or four versions from our backup to what's online. I want to get crystal clear with this proposal.

>> Absolutely. In regards to fence, I'm going to ask jesse vargas to come up, but I asked the same question. We get it. Typically across larger cities across the country, we did do the homework and I'm glad about boston but traditionally in the urban core, urban area, dog off leash are primarily an acre and many are fenced and many are asking to permit their dog. In this case we didn't want to put up the fences, to look unsightly. We heard loud and clear, we don't want this to be a prison for our animals. I agree. So working with the architects and the planners and others, they tried to come up with a creative way of putting natural barriers, shrubbery or some kind of gated, small barrier with a rope kind of fencing but not the steal hurricane fences that you see normally in a park. Correct me if I am wrong, but I believe I'm correct. And we were trying to hide that or

-- not really hide it but maybe look more aesthetically pleasing by using shrub and brush and berm so we didn't fence our furry friends in to a point it looked like they were in prison. And so again, there is no gate, double gate. You got to go into one gate and another, which is the traditional off leash area for at love cities but we just didn't think that was very pretty.

>> Martinez: Okay. So the image that is up is the current proposal and so the off leash area is expanded.

>> Yes, sir.

>> Martinez: Farther to the east. Not all the way to stevie ray vaughn which is one of the requests but it is expanded. And there are, as you mention, no gates. Is there fencing?

[10:19:52]

>> Let me have him explain the type of

-- it's a cable. Post and cable with some

--

>> good afternoon, mayor, council. Pleasure to be with you tonight. So if you

-- direct your attention to the middle

--

>> name.

>> Jesse vargas, director of parks and recreation. If you direct your attention to the middle of the screen where the trail splits and rejoins itself, the lawn that's created the middle, that was added as one and a half acre meadow land for additional augmentation to the off leash area to increase the amount of space that the dog families would have to run and play. So you'll notice two dotted lines that run parallel to both sections of the trail. The

-- sorry, freaking out.

>> Martinez: Jesse, would you mind grabbing a cordless mic and waing over and pointing as you talk?

>> Sure.

>> It's right here on the side of the podium.

>> Here's the mic.

>> Martinez: You guys have done this before.

>> Okay. Here we go. Thank you. It says the two dotted lines that are running parallel to both sections here represent a movable barrier, one and the same by the way. So in other words, you would never see the movable barrier in both places at once. The intent here is that the majority of the year the movable barrier would reside in this area. When I say movable barrier, it's not yet been fully designed so I respect some of the landscape architects that have commented here today. I would respectfully submit th very schematic drawing and we expect as wee seek approval today and if we're granted approval to move forward, will you see more details in the next few weeks to come. The movable barrier would reside here the majority of the day. But at the time of the year when programming needs would dictate, we would move that movable barrier back to this location. And thereby reducing the off leash area to its originally intended 3.2-acre size. Now, it's important to note though the only event programmed to happen in this area is fun, fun, fun. It only happens once a year and including load in, load out and the event days, you are looking at this movable barrier residing in this more reduced location for roughly six to seven days a year. So the rest of the year, 300 and

-- correct my math, 358 days, the barrier would reside here giving the off leash community a full 4.7-acre area. Area.

[10:22:47]

>> Martinez: And in this proposal that's on our agenda, from that movable

-- removable barrier east going all the way east.

>> Yes.

>> Martinez: So all of that is being proposed as leash only?

>> So the area that's traditionally known as event lawn would be dog free in order to encourage general public use as you would see at other parks in town, picnics, pickup games, shore particular, restoring some access points to the general public, people that would otherwise not desire to want to be around a pet. This area here in the middle, traditionally known as the middle lawn, would become an on leash

area. Currently it's an off leash. As you mention, councilmember martinez, in this area would be off leash. Off leash.

>> Martinez: You just conflicted with sara. Folks getting out of their car at south first street bridge and understands they need to walk across the lawn with the dog on the leash. You just said they are pre chewed.

>> Thank you forgiving me the opportunity to clarify that. At park board, would it be impossible to allow people to simply transit across the lawn. We understand people --.

>> So what's listed as middle lawn and event lawn is allowed to have a dog as long as they are on leash.

>> Middle lawn on leash for year and we would encourage people to transit across the lawn and not loiter there. That would be the difference. People park here, we understand they are going to want to cross the lawn. We have no issue with that. Absolutely none. Once they reach here, we encourage them to, as mr. David king mentioned, stay a while. Let's move away from this transit mentality, play here, recreate here and oncer here you can let your dog off the leash.

[10:24:48]

>> Martinez: Thanks. I appreciate that. Sara, did you have something you wanted to add?

>> Not at this time. I'm sure I'll get more questions.

>> Martinez: One of the things that we are also having to work around

-- let me just say, there are 25 events that happen a year on auditorium shores. There is no proposal to change that number, to add that number in any way, shape or form.

>> No, sir. And as a matter of fact staff would not recommend it.

>> Martinez: Nor would I support it. But so we are working on very few events that have an annual occurrence in this temporary phase of construction that are going to be on some portion of the auditorium shores/butler park area.

>> Yes, sir. Right now, if you don't mind, I'll walk you through it if you would like me to do that.

>> Martinez: Please.

>> So everybody is on the same page. 1999, yes, there was a master plan for this area and it kind of died and went dormant because we didn't have funding. Renewed and reinvigorated in 2009. When we began in 2009, we began to notify event venue organizers that we

-- formally notified them we were going to have to make changes, fixes to auditorium shores. We had a wornout grassy area that was turnng into a dust bowl and organizers were saying you got to do something about this and users. It was turning into being a dust bowl. We began to notify the fferent event venues that we were going to be working on a plan. One was first a trail head, which one person mentioned earlier looks like we've already started doing south without having approval. We had approval. That's the trail head work that we received the matching grant for. That's separate but mething very important because it also helps with some of the issues related to users. Then we decided after that we started noticing

-- notifying all the groups every year formally in their contracts. In 2010 when we began to organize all these groups to use the area for their events, we notified them again, don't forget, don't forget, we're going to be having to shut this down in the next few years, not sure when, but we're going to be doing that so we can make improvements. In may of this year our sales and event managers met with the

groups as a whole. Sat down and walked with them through auditorium shores, talked about the changes, architect was there, some of the staff, here's what we're proposing, would you give us feedback which they did. We began the one on one meetings with the group. Instead of doing it as a big group, we started sitting down with these groups and the leaderships and saying there's a two-step process for you to find an alternative location because of your event being misplaced or moved over because of the work that we need to do. One of those is a citywide stakeholder group which is made up of the fire department, the transportation department, police, event management and that is a group that looks at it from an internal point of view so that we can make sure all the bells and whistles are taken care of before we go to the neighborhoods. The most important part there is to go out and let that venue group go and speak about their plan and what they would like to do and then get the support of the neighborhood. 16 events have been the ones that are going to be displaced and out of those 14 have completed their process, which means they've gone through step 1 and step 2. T fiesta and fun, fun have gone through and we're trying hard to make that happen. Five total events are requesting, and this is the process they go through, are requesting to be able to use a different venue including butler and one possibly a very small area of auditorium shores that may be open. And that's the process that we're working on now.

[10:28:47]

>> Martinez: So the two events that you haven't solidified an agreement are urban fiesta and fun, fun, fun. But southwest and reggae.

>> Have gone through with the city and have made contact with the neighborhood and are having discussions. We still have, I would say say this we don't have the sheet that says it's all been finalized. We were encouraged with urban fiesta and fun, fun, fun fiesta in that they just

-- we need to make sure they get the fully loaded drawings, that we get the fencing plan, where they want to put vendors, transportation, load in, load out, but we have to go through those two steps and we still have those two steps with those two groups. So when do we anticipate having a decision with those remaining two

-- or with all of them? Sounds like nothing is final.

>> For the last two we need to get the final drawings and get that solidified as to here's exactly what we're proposing and how we're proposing it. Once that happens we will expedite the city staff to pull together the city stakeholders, all the city departments, and then immediately after we are able to check that one off, we go directly to working to set up the meeting with the neighborhoods. [One moment, please, for change in captioners]

[10:30:56]

>> get the cab drawings, get those done and set up the meeting with the city internal team so we can get those things signed off, worked out or negotiated and the next step is to work with the group to get in front to have the neighborhood.

>> And one of the issues that both events are facing is, you know, they can't even book acts or promote their events until they have an understand of what they can or cannot do. So I can't stress the urgency

of at least figuring this out as quickly as we can so we can move forward. We're going from 25 to 5 events.

>> Down to five events, that's right.

>> The impact over the construction period I think will be extremely minimal to the neighbors. On those event tax, there may be issues but we're doing everything we can to work through. I want to move approval of your recommendation with the amendments to include the ability to traverse the lawn and to be in the area called the middle lawn with animals on leashes and then incorporate the additional leash-free space that you all have recommended. And with the additional rection

-- I don't know how much time you need but I want

--

>> we will expedite this.

>> Martinez: I want to give direction that you solidify the last two events so they can proceed with what they need to have a successful event. Time is of the essence. I know you know that.

>> We do. You have my assurance, and I've talked to staff, that as soon as we get the fully loaded cad drawing we'll set up a meeting with internal city staff to move that one and get done what we need to get done in the discussion to we can set up the meeting we need to have with the neighborhood.

[10:33:00]

>> Martinez: And I want to say that, you know, in some respects, you know, c-3 has been pointed to as the organization that's buying the city, and I just couldn't disagree with that notion more. They only have one event, it's wine and food fest. This is a reimbursement of a city project that staff is bringing to us that we all need and we as a community agreed we need to improve auditorium shores. So I understand folks have different feelings about different organizations, but I feel compelled to say this is not a c-3 issue, this is a parks and city issue.

>> May I say one thing about that, please?

>> Yes.

>> I have to say that as well. C-3 mas offered to assist with these improvements in a good-faith effort. When I came to austin they offered the same for the great lawn at zilker. To me, they made no conditions. It was a gift and we could do this and we own this plan. As the city of austin, we own the design. No one else owns it, we own it. Therefore, we can make the necessary changes needed and don't have to worry about someone saying I gave you money to do something. Finally, it's important to know they have been a really wonderful partner working with us in the city and they care about parks. They generally are good stewards of our parkland and they have always stressed how important it is for them to be able to use the parks but they want to make sure they show how much they appreciate the use and that is the reason and the only reason they wanted to help approve the area.

>> Martinez: I move approval. I recommend backup for the staff to work with fun fest, to work towards approval of this plan with the caveat we are in conversations with palmer event center that may be available that weekend. If so, fun fun fun fest has agreed to move a large portion of their event into palmer event center further mitigating the impact on the neighborhood to the south. So that is still in flux. That is not a final decision, but they are very open to that and willing to move indoors to met gait even more. Mitigate even more.

[10:35:24]

>> Mayor Leffingwell: Motion of council member martinez to make the amendment dogs on leashes be allowed to traverse the event lawn on their way to the unleashed or the off-leash area, and that the middle area depicted there

-- which I don't know what the acreage of that is

--

>> six, mr. Mayor, pending final design.

>> Mayor Leffingwell: So that makes a total

-- well, I'll talk about that later. I'll recap the motion first. Anyway, be allowed to trough verse the event lawn on the way to the dog areas and with additional direction to expedite and accommodate fun fun fun fest and other events.

>> And urban music fest.

>> Mayor Leffingwell: And urban music fest.

>> That happens quicker than fun fun fun. That happens in the spring.

>> Mayor Leffingwell: And to emphasize that point that you made that the reason for expediting is they have to book these events many weeks ahead of time and, you know, I want to also encourage you to make sure they are accommodated. Is there a second to

-- council member spelman seconds. So I want to say just a couple of things. First of all, looks to me like, in total, this design accommodates dogs between roughly 10 and 11 acres of this entire park with as much as 4.7 acres being off-lease area. These are the figures I have. 3.2 permanent and 1.5 variable. And just to talk about the philosophy of it a second. I have been saying for over a year, now, having gone through budget cycle after budget cycle where we don't have enough money for our parks, finally realizing that we cannot pay for a decent park system alone, by ourselves, that we have to seek out public-private partnerships to do a good job of it. Like cities all over this country are doing. If we want to have a first-class park system, that's what we're going to have and that's what we have

-- we have some of those going on right now. There's a conservancy on waller creek that's going to be funding those parks in a partnership with the city. Peace park I understand has formed a conservancy, there may be others. This is kind of similar with that, we're engaging with the private sector to help us out to help us fulfill our community values, and I think that's important. This park has

-- it's not something that the parks department

-- no offense to the parks department, it's phot something they got down and drew a few lines on a piece of paper. We brought in a first-class firm from chicago, mayor daley's old firm, and they came down maybe six months ago, maybe longer, came down to austin, conferred on the design of this, mayor daly brought in manny diaz, former mayor of miami, both have experience in designing major parks and they engaged in another former mayor to work on this. There was a lot of expertise that went into it and I'm confident that, at the end of the day, we're going to have a great downtown park. This is the jewel of the city of austin's park system. Council member riley.

[10:39:33]

>> Riley: Just a question that can be either for you or council member martinez. When we discussed this at the work session dues, I thought I heard from you that you expected we would postpone this so we would get some clarification on a number of questions. I fully agree with the concept of getting help from private sector partners to bring our parks up to the standard that we expect them to be and I'm hopeful we can achieve something great here. I want to make sure we're proceeding carefully especially with an asset as important as auditorium shores. I want to ask what changed since tuesday with respect to the need for a postponement.

>> I'm happy to answer that.

>> Riley: Okay. Go ahead. >It wasn't just since tuesday, but what we looked into further was the timeline on the construction and the growing phase as well as accommodating the favorite events we were referring to on a temporary basis. So delays into january, when work was supposed to start this month, it triggers a domino effect for all those events where we have specifically timed them within the construction phase and, quite frankly, would, you jeopardize the entire project altogether. It's trying to balance so many competing interests including the five events that it's important to stay on a time frame we have been able to build and accommodate everyone, and that's really what it is.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I have a hopefully friendly amendment to make and that is, on the plan that we're adopting, we rename the event lawn. I wish I had a really catchy name to suggest, so in the absence of a catchy name, I suggest to rename it the east lawn. Here's why. We've heard from many constituents

-- may seem like a small thing

-- but we have heard from lots of constituents that are very concerned we continue to regard public parks especially this one as a park and not an event venue.

[10:41:43]

[Applause] and several have spoken to some of the language in the contract which c-3 presents and particularly the phrase describing it as a major outdoor venue. I think it is extremely important that we continue to regard our park land for its primary purpose which is to serve the residents of austin who want to go there, whether to walk with their dog or have a picnic with their family or fly a kite, and I believe that small language change will make it clear that that's our priority.

[Applause]

>> Mayor Leffingwell: Well, I certainly agree with everything you said, but I don't think we're properly posted for a formal naming event. If we want to relabel it on your working charts as the east lawn, I think that's great.

>> Tovo: We can do that, absolutely. My language to be relabeling

--

>> Mayor Leffingwell: Because we want to later name it something else.

>> Tovo: That will be fine. If it says events lawn, I'll probably vote against it.

>> Mayor Leffingwell: And I probably will, too.

>> Tovo: All right, great. I do want to say I support this motion. I think

-- and I want to also say, you know, thanks to everyone who's provided input. We have certainly heard from many dog owners who use the park regularly, and I understand the concerns you've raised about

having the space limited, but I think, at the end of the day, this really does provide a balance that allows for significant areas for off leash and on leash and it also will provide more of an opportunity for people who don't want to be in an off-leash area. And though we haven't heard from hundreds of them, we have heard from some, and I think that this

-- that the plan we have before us really does balance the different uses and will encourage a broader variety of activities in that space, and that's our job at the end of the day is to look at our public assets and see how well we can serve all members of the community. I also just want to thank director hensley for saying that she would not recommend an adjustment of the 25-event day, and I want to clarify that's

[10:43:55]

--not events, but event days. So for events that are on multiple days

-- well, you get what I'm saying. Some events take place over three days, that's how that's allocated and I support my colleague who said he wouldn't support an adjustment either and that's important especially to the neighborhoods adjacent to the park and feel the impact. I had an opportunity to attend a neighborhood association this week and that was voiced as a concern especially those adjacent to auditorium shores, butler park, zilker park, we're call hearing they are really feeling the impact of larger festivals and increasing number of festivals and we want to make sure their quality of life is protected as well. Thank you to your commitment for keeping the restriction where it is.

>> One more question, sarah. I think we emphasized pretty strongly these events scheduled there will be come dated in the work schedule.

>> Yes, sir.

>> I was wondering, you've got this movable barrier type fence.

>> Yes, sir.

>> Either between 3.2 and the 1.5-acre or between the 4.7 and the 5 to 6 area. If it's moved over to the 3.2, then could that entire area, if it had to be, could that entire ar the 1.5 acres plus the current off-leash area, be used to accommodate an I vent that had to have that space to function?

>> The answer is yes, it can be. That's what that purposes was done to cam date if we had that.

Obviously, we would notify all the users this is what we were going to do and why and that was the whole reason so we didn't have to create a whole another situation where we were limiting the -- another event down the road.

[10:46:02]

>> Get those options in there. There's no question you will be able to accommodate that event?

>> No. We were talking, as we make the renovations, there's no question we'll be able to accommodate those that we have currently.

>> We're not talking about new events?

>> That's right, the same ones.

>> The existing events?

>> Same ones.

>> Mayor Leffingwell: Any more comments? Council member riley.

>> Riley: We have heard from an austinite who are concerned we are less dog friendly, by reducing the off-leash area. There have been issues with other off-leash areas in recent years. Do you see any need for continuing conversation or further project about that issue?

>> I do. Two things I want to say. Contrary to public opinion, we all love furry friends, too. Many of us own animals and have for a long time. So that's important to know, we're not dog haters. Second of all, you don't have to go but less than a mile down the road one of the largest off-leash areas in the country, the zilker great lawn. Third thing, we are actively working right now to buy another piece of property. I can't go into detail, but another off-leash area, and we are actively looking across the city to provide more off-leash areas. To be freely frank with you, we've had a little trouble, and I know council member morrison those this because we've had two sides identified and the public in the area came unglued.

>> Mayor Leffingwell: I did that, too.

>> You know!

[Laughter] we are working diligently, are in conversation with the neighborhood. It looks really good. But we're not giving up and not giving up on providing spaces for all our citizens, including our furry friends. It's a matter of balance for us. What we're proposing today is a matter of balance and the matter of all users who matter to us. We'll not give up, we'll continue to look for places. We need help from the public to help identify areas they might see we may not. To answer your question, we're absolutely committed to finding more places and spaces and working with other city departments to use lands that might otherwise not be used. I have to say, bill frazier

-- we want to continue to look at this. Our parks and recreation board feels the same they. They want to continue to look at it. They had to make a decision and recommendation that they felt was the right way to do it. We'll continue to work with them and continue to create hopefully stakeholder groups to help us identify more areas and spaces and make sure we have responsible pet ownership. We were working with animal services director abigail smith and others to help us look at those kinds of things. We want to be austin so we want to be a little different but don't want to create a situation to set ourselves up for failure and problems. So we'll look at this and continue to do the right thing.

[10:49:21]

>> We have heard concerns today about downtown residents and others in the central city who would like to encourage to adopt big d. They may not have room at their homes to provide off-leash areas. Do you see opportunities in the central city beyond those of interest today?

>> We're struggling. I'll be frank, we're struggling. If there's anybody out there watching this and they're a developer and have property they want to work with us on, they need to help because downtown property is expensive and when we get property for parks we usually get it from a donation or easement or a park donation where we get more lieu of. We bought a parcel small over a million 1/2 dollars. So it's very costly. We won't give up. We need help identifying property. It doesn't have to be 10, 20 acres. We can create a nice off-leash area. It won't be something they'll be able to run with. That's why we get it, they need lots of spaces, different types of spaces. But the struggle in the downtown core is the expensive property and lack of property.

>> Riley: Our biggest downtown park north of the river is waterloo park currently under renovation, has there been any consideration of waterloo park as possible site for off-leash airy?

>> We've not had that discussion. That would be something, once it's completed with the tunnel project, we would have discussion with the conservancy. But we're always looking at the other existing areas and trying to identify spaces and areas that we can have an off-leash area. We want to make good decisions. That's the thing.

>> Riley: Thanks for all your work on that.

>> Thank you.

>> I hope that will be a continuing conversation.

>> Morrison: Mayor.

[10:51:22]

>> Mayor Leffingwell: Council member morrison.

>> Morrison: Thank you, I appreciate the questions. Director hensley and I have had several discussions about off-leash areas because there have been some that have gone off the rails. But the most fruitful, productive follow-on from that is when the neighbors that got together

-- that opposed it

-- got together and said but we're for an off-leash in this area, let's talk about how we can do it. Which, to me, is a beautiful model, if we can figure out what areas are out there for off-leash parks and come up with options.

>> That's exactly what we did. After they said they weren't having one close to them, we started looking, and due to our great work of the neighbors who identified property, that's what we're working on.

>> Morrison: About the same cost. Buy it and develop it or cost to convert.

>> Exactly.

>> Morrison: I think it's an interesting question. You will be able to see online in the questions and answers or maybe even put it up right here, I asked for a map, and it's a little difficult to see the way it is, but with all of the off-leash dog parks. And I think we need to be thinking about this more and more, I asked for an overlay of our new council districts now that they have been established, and it's real interesting. Some of the districts have zero.

>> We have a lot of work too.

>> So we need to be thinking in those terms. And while the interesting thing about putting

-- overlaying the districts, if we have a sense that that's equal population.

>> Yes.

>> So if you want to serve 80,000 people in ten pieces, you can try and go through and make sure there's access to an off-leash dog park for each one of those. So I thinkle this offer us some guidance, too.

[10:53:29]

>> Absolutely in.

>> Moving forward and I do appreciate everyone's work on this and look forward to the outcome.

>> Thank you.

>> Mayor Leffingwell: Council member spelman. We're working our way. The mayor pro tem is next,

then council member martinez and council member riley and then live music and proclamations, looks like.

>> Spelman: Mine will be quick. I offered a segment to this motion in part because I was anticipating your answer, so I need to ask the question now. The two events that have yet to finalize deals on this park area, it's the urban music fest and the fun fun fun fest. Did I hear you correctly?

>> Yes, sir.

>> Spelman: If we vote yes on the item before us today, do you anticipate this will cause trouble for urban music fest or the fun fun fun fest.

>> From the plan we're proposing? The only way it won't and that's why we proposed it this way, because as you see it, you have the area that's able to be pushed back to enlarge it for those events because only a couple use that area. Otherwise, no, there should not be a problem.

>> Spelman: Okay. I think there's somebody from the fun fun fun fest up here. Actually, since he's here and I know him, I'll ask him, if you wouldnt mind.

>> Sure, I show him, too.

>> He's well kno

>> Spelman: If we say yes to the resolution, do you anticipate a problem with fun fun fun?

>> Likely.

>> Spelman: Really? Why?

>> We were supposed to start planning and selling a month ago for next year's festival. If there's not a resolution for us fast, I don't know what that does to our timeline or budget. The way that big international festivals book their acts, it usually happens more than a year out. We're losing a couple moments from our historical selling cycle. One is right now that we won't do is predictability for us which is the most important thing. If we can solidify that we're great. Now we have a plan that we have to go through with staff that's a six-week process and that puts us back in how we can plan for the festival.

[10:55:57]

>> Spelman: Looks to me that we're about to say yes to this proposal. And you say that is going to cause you problems? Sounds like once we solidify where we are, that will make it easier.

>> I guess we should say from the outset we're one of the biggest park users at auditorium shores and would love to see the park be better and love to stay in the park and contribute to that. Finding an interim solution for 2014 is important for us to be able to stay there. Also finding a permanent solution for us looking at the map proposed before while the bigger dog park gives us a little bit of area, if they move the fence line, we still use that entire area for our fests year around.

>> Do you have to move stuff around to make sure the 3.2 acres stays off-leash.

>> Right, so we're losing 25% of what we would normally have so that's a consideration for us. The thing that scares us is moving forward with the design plan and not having something for stakeholders that are affected by that solidified.

>> Spelman: Right.

>> So I don't know what that time line looks like and I appreciate everything council member martinez has done. I know other folks that have worked on this and I appreciate sarah hensley working on it in

the last 24 to 48 hours to find a solution. I think we're close. But I think that concerns me is we don't have anything solid yet. So when I talk to the people that I work with that do book the bands and create the cat naps and stuff, we didn't know we need add final cad map till 24 hours ago. Had we known that in september, we would have had it done beforehand. But now that we're here, it takes longer and harder to plan for the festival.

>> So you're going to make this fine young man wait six weeks?

>> I'm sure bobby will never leave my office.

[10:57:58]

[Laughter] what I thought you were alluding to was the future working with the groups, and I feel like, because we have that kind of movable table area and some flexibility, once that whole lawn work is done, we'll be able to accommodate them better than what we eh's talking about now which is a big unknown, I admit, it's up in the air. I think

-- I mean, I think we're close and can get there. We have to expedite our end and that's what we need to do and you've got our commitment to do it. We just need a final map one way or the other that says here's what we're doing, how we want to place it. And the palmer thing is a big deal, we've got to get it resolved. We can make the meeting happen quick when it comes to city and stakeholders and can request a meeting with the neighborhood fairly quick as well. We just need to get going and have a drawing to the final amendment to this is the final proposal and how we want to manage it and sit down as a staff and transportation and fire and everybody, and once that's done and everybody signs off on that, the next step is the neighborhood and then we're done.

>> So that doesn't sound like it needs to take six weeks.

>> It better not take six weeks. We all know we've got to get it done. That's the end of the story. And we're committed, bobby knows that. We are very committed to working with him. We've made the commitment. When we get the final map, we'll set the meeting with the city staff.

>> I'll send it to you tonight.

>> Music to my ears. Thank you very much.

>> Mayor Leffingwell: Mayor pro tem.

>> Sarah, I just want to ask the same line of questioning in connection with urban fest. That usually happens with texas relays which is in april which is on the shortest time line of events that do not have a place. What are your plans?

>> Jason, I'm going to have to allude to you. I'm not as well versed. I know urban has preliminarily turned in their information and preliminarily been approved. They are scaling back a bit and jason can tell you exactly what's going on.

[11:00:00]

>> Jason merrill, parks and recreation. Austin urban music festival started earlier when we made the announcement in may and brought the organizers in. Mr. Hill came in, scheduled a time on site. We have walked it, comfortable with his proposal now, we're just waiting on his map to come in and take him to the stakeholder pleading so he's already been doing a lot of preliminary work with us on site and

with the palmer event center so I'm in a comfortable position with wh he is.

>> You're just waiting on his map?

>> That's right.

>> Cole: I just wanted to follow up with a couple of questions about the dog situation. We know it's the metropolitan park and there for many users and we've heard a lot of testimony from the dog community and you said you're going to work into the future with them and I really appreciate the work that council member morrison did in actually looking at our other off-leash parks. Somehow they aren't in certain districts. But are you familiar with any type of resolutions that result in ordinances where residential buildings actually reserve locations or a park for a small dog park or especially for dog use?

>> I'm actually very familiar with some cities have had some very big success with developers who are very forward thinking who incorporated as part of their design off-leash areas for their tenants and, so, how that came about, I'm not familiar, whether through a council action. I do know that the parks and recreation board riviera proposed the council look at this as part of our land development code and that, in the corps, they would look for a dog run or off-leash area for the tenants of the facility. Not that that will suffice for all the animals, because I agree dogs need places to run and play and interaction with the owners, but this would be for emergency cases and other things and has worked quite well in other cities. That's my knowledge.

[11:02:16]

>> Cole: I agree with you in the testimony today which it has more to do with larger areas but made me think about the fact that we don't even have enough space for the smaller areas in people that live in residential buildings.

>> Honestly, this is an area we struggled with before I came to austin and an area we'll struggle with for years to come. We'll need help from public-private partnerships, the business entities to help us identify areas, if we can't pp them, to help us identify areas to serve as an off-leash area or other city departments willing to allow us to do that.

>> Okay. And I fully agree with some of the mayor's comments that we simply cannot have a world-class park system without having private donations and participation, but that doesn't mean that the private donors dictate what the public is going to be expected to experience.

>> No.

>> And we just have to have safeguards in place to make sure that doesn't happen. I think the waller creek conservancy has proven to be a good example and I think this will also have a good example of how we can continue to move our city forward with private donations as well as matching and leveraging those with public dollars.

>> Yes, ma'am, absolutely.

>> So I will be supporting the item there.

>> Council member martinez.

>> Thank you, mayor. I forgot one issue that we have been talking about this week that I would really like for us to consider. We have a request from some folks, and I know this is going to set councilman riley off but I have to bring it forward, additional potential parking, not just standard parking but handicap accessible parking that is lacking in that area. As you mentioned in the presentation, this is an

area where folks with accessibility issues feel more comfortable entering that area because of the parking lot at sou 1st street. But now we're moving the off-leash airy to the western edge of auditorium shores, can we look at at a minimum some successful parking but even if there's other opportunities for standard parking as well.

[11:04:28]

>> Yes, and we're committed to doing that. It makes perfect sense for people with special needs and abilities as well as their dogs with special needs and abilities.

>> And maybe even bike racks, too.

>> Oh, absolutely. Because people use the dogs with their

-- yeah.

>> I think we just lost the mayor.

>> Mayor Leffingwell: No, I was just going to say I seem to recall that

-- well, I remember back when we converted riverside drive there west of the circle, the rotary there from four lanes to two, that we never dug up that asphalt, we just covered it up with sod. So might be able to uncover it and find some asphalt there for parking spaces.

>> Preliminarily the transportation department said they would be happy to work with us on this to make that a reality.

>> Mayor Leffingwell: So you're already under that?

>> We have to find the fund, but they're willing to work with us. I don't want to get rob in trouble.

>> Mayor Leffingwell: Counl member riley.

>> Riley: Is this a primary setback.

>> Sorry?

>> Riley: The area where you would put the parking

--

>> we would have to do a setback off the

-- you know how there's grass and sidewalk and the road like the mayor talked about? You know how we put in parallel parking at the farther end up closer to where the current parking was, there's some parallel parking right there and if you go down further there's a crosswalk and parking a loss the street for the butler. It's directly across from that area and we're looking to try to maybe add in a few spaces for people with different abilities.

>> Are there any issues with putting new parking in place in terms of remaining complaint with the waterfront overlay?

>> Well, marty, come on up. I think we have a couple of issues, but I think

--

>> marty, city of austin parks and recreation department, yes, council member riley, riverside drive false within the primary setback to the overlay, I think it was back to barton springs road, so we would have to go through the process to add handicapped accessible parking. I think we need to follow the approval process.

[11:06:48]

>> There is a process to do that.

>> Right.

>> Riley: So that would not be something you could do administratively.

>> Not administratively but we have the support of the transportation to help us so that it doesn't sit there and be an ongoing process without some kind of answer.

>> Riley: And there will be need some public

--

>> yes, we have to have the public part of it.

>> Riley: To get a variance for the public part of it and have hearings.

>> Right, because some won't want us to do it, but we believe this makes some reasonable accommodation.

>> Riley: Okay, thanks.

>> Mayor Leffingwell: All in favor of the motion say aye, opposed, no. Passes on a vote of 7-0. So we can go back now to item 84. Item 84 is a subject of the state mandated eminent domain language. Could I ask you to hold it down as you exit, please? And, so, the language would be with respect to item 84 being a non-consent condemnation item, is there a motion to the effect that the city council of austin authorizes the use of the power of eminent domain to acquire the property set forth and described in the agenda for the current meeting for the public use described therein?

>> I'll move.

>> Mayor Leffingwell: So moved, mayor pro tem, secked by council member spelman. No speakers. All in favor say aye. Opposed say no. Passes on a vote of 7-0. Item 85. Did we forget 70? Okay.

[11:09:02]

>> I was going to suggest a couple postponements, if you would like.

>> Mayor Leffingwell: Well, we're just going to get suggestions all over the place here. Let's get item 70, and there's one speaker, gus pena. Is gus here? That's all the speak,. Council member morrison.

>> Morrison: We had a chance to discuss it at work session and we duesday the issue the mayor brought up. We were talking about two different things. Today we're talking about finalizing a list of 100 community connection sites and we have a recommendation of 99 of them and we have many, many applications not able to be put on the list. Secondly, we were, looking at what happens if one of the sites doesn't come to fruition, and we generalized the statement of the resolution. It says in the event that a recommended google fiber community connection site does not get implemented

-- so whatever we adopt today

-- the city manager will collect suggestions for a replacement site from city council members provide this so the technology council committee which recommends a replacement site and council makes a final decision. So I hope that addresses the potential future issues we have. Besides, for today, we have 99 on the list. We need 100. It's all open for whatever recommendations to discuss. Thank you, mayor.

>> Mayor Leffingwell: Council member morrison, does that preclude a council member from making a nomination without going through the committee?

>> Morrison: Absolutely not, mayor, because the council is going to make a final decision. The bottom

line is the tech committee will just have a recommendation. It doesn't mean it can't be changed.

[11:11:06]

>> Mayor Leffingwell: It doesn't mean you could make it directly to the council?

>> Morrison: Correct. We have sort of a very formal process we adopted with criteria and everything for this major push. I think the idea would be to try and make it informal in the event we have to do this again.

>> Mayor Leffingwell: Sounds like the preferred way. Council member tovo.

>> Tovo: Mayor, I have an organization I'd like to recommend adding to the list, and it is one that has been through this process and did receive committee review as well. I'll wait for a sponsor of the item to make a motion and then add it as an amendment.

>> Morrison: If I may.

>> Mayor Leffingwell: Yes.

>> Morrison: I make a motion we adopt the list of 99.

>> Mayor Leffingwell: So the motion is to approve item 70 which is a resolution adopting the public and nonprofit sites.

>> Morrison: That's correct.

>> Mayor Leffingwell: Second? Seconded by council member riley. Council member tovo.

>> Tovo: I'd like to recommend that the boys and girls club be added as the 100th applicant. They have two locations. Do I need to specify one of them? Okay. They recommend that the location at 303 west johanna be added. I just want to say I had an opportunity last night to serve as a judge for the youth of the year award for the boys and girls club and hear from five really impressive young people, and what was so interesting about their presentations, they talked about the impact the boys and girls club had on their academics, interactions with their teachers and family and it's clear the boys and girls club is doing tremendous work in our community and I think that having access to this technology would be a benefit to the many, many individuals they serve. So I recommend that for consideration.

>> Mayor Leffingwell: Council member morrison, friendly amendment?

>> Morrison: It would be friendly if there are other recommendations from other folks, it might be nice to hear what everybody's recommendation is first.

[11:13:12]

>> Mayor Leffingwell: All right.

>> Morrison: If there's a way to do that.

>> Mayor Leffingwell: Are there any other suggestions to add to the list? Council member spelman?

>> Spelman: I would be a lot more comfortable if any additional recommendations would go through the same process that the first 100 went through. They did? Well, I boys and girls club on johanna on the top of the remaining list?

>> If I may.

>> Mayor Leffingwell: Sure.

>> We don't have an ordered list. It was in the running. It wasn't reviewed as the very top. The

evaluations, clearly, I think it will be great to serve that group of folks. I think that there were other organizations that had more innovative application that they were suggesting, which may be why they didn't make it into the list the first time, but, certainly, it could be interesting if these folks are on the list to actually work with them directly to see if we could do that. I personally would be fully comfortable with these folks being on the list.

>> Cole: I have a question.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: The asian-american resource centers, weren't they on the list and how did they -- I'm asking this question of council member morrison, and how did their scoring process work out?

>> They did not submit an application, unfortunately. So although there was a serious interest in discussion among the sponsors about putting them on the list, in the end, we decided to stick with the process. There are some others that are not

-- that did not apply and I wish they would be. I hope that some places open up on this list, as I talk about later in case some of the sites don't get implemented, we would be able to add them. Certainly that would be a high priority for me.

[11:15:20]

>> It would be for me, also, but light of that, I think the process that you outlined seems fair and transparent. I would support that.

>> Morrison: Mayor, I guess I'll go ahead and accept that as a friendly amendment.

>> Mayor Leffingwell: And council member riley, you also accept? And I don't have any to offer. The other day I suggested the fusion center but google isn't able to provide the reliability they need for their operations so they will not be applying.

[Voting] passes on a vote of 7-0. So you had postponements mr. Guernsey? Before you start that, I want to recognize a special group of young people who joined us here. I saw them walk in. I believe troop 49 from the faith lutheran church in austin. Would you like to stand up and be recognized?

[Applause] I think this taller one looks like the troop leader. Must be adam haynes. Thank you for bringing your group down here, they are in the process of doing the work necessary to obtain their citizenship and the community merit badge. Good luck on that and in your scouting in the future. Thank you for being here.

[Applause]

>> thank you mayor and council. I have several postponements I can offer you this holiday vaccines.

[11:17:21]

>> Mayor Leffingwell: Are these zoning or into your 4:00?

>> Those are the 4:00.

>> Mayor Leffingwell: Go ahead.

>> The first postponement I offer you, I believe there is one speaker, but I do not see him present. Item 131 is conduct a public hearing considering an ordinance amending city code chapter 251 and 255 related to vested right under section 245 and section 43.002 local government code. Staff is requesting a

postponement as well as the real estate council of austin on this particular item to your january 30th agenda.

>> Mayor Leffingwell: Okay. Any others?

>> Item no.135 is to conduct a public hearing considering ordinance amending the city code title 25 to allow placement of american disabilities act compliant ramps in required yard setback areas. Staff requesting postponement of that item to the 23rd of january.

>> Mayor Leffingwell: That's 135, postponed till 1/23?

>> That's correct. And there may be a slight tweaking of the posting language particular item when we bring that back that might address more of a visibility access issue rather than the ada. Item 136 is consider a

-- an ordinance considering a aen agreement as cads utility district, a strategic partnership agreement between the city and the mud. Staff proposing postponement to the january 23rd meeting. The planning commission will be discussing this at the january 14th meeting. Item 137 conducting public hearing and consider ordinance amending code 125 to allow commercial signs temporarily projected on to building facades in downtown area in special events and staff is requesting a postponement to the january 23rd agenda. So those are the postponements I can offer. I could offer possibly 132 for action, if you'd like, mayor. There are no citizens signed up, and iblg read that into the record very quickly if you'd like me to do so.

[11:19:56]

>> Mayor Leffingwell: For consent action? Go ahead.

>> Conduct public hearing

--

[reading 132]

>> we would offer that to close the public hearing for consent approval of that item. No speakers signed up on that item.

>> Mayor Leffingwell: Let me read it back. So the consent agenda for a public hearing item is to postpone I amy 131 till january 30th of next year. All these will be next year, by the way. Postponed items 135, 136 and 137 UNTIL JANUARY 23rd. And to close the public hearing and approve the ordinance with necessary typos and nonsubstantive changes for item 132. Is that about correct?

>> Correct.

>> Mayor Leffingwell: Mayor pro tem moves approval, seconded by council member martinez.

[Voting] passes on a vote of 7-0.

>> Thank you.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: I have one item, I don't know if I'll get a second, but motion to reconsider an item. Very quick, if you don't mind. Move to reconsider item 71.

>> Mayor Leffingwell: I don't know even know what it is.

>> Martinez: Appointment of miewns cal court judge and associate judges.

>> Mayor Leffingwell: Council member martinez moves to reconsider item 71 seconded by council member morrison.

[Voting] passes vote 6-1 with me voting no. Council member martinez.

[11:22:00]

>> Martinez: I move approval with one amendment to part 4 of the ordinance posted in our backup to add the name of celeste villarreal to the appointment for substitute judge.

>> Cole: Second the motion.

>> Mayor Leffingwell: Council member martinez moves to add celeste villarreal to the list for substitute judge, seconded by the mayor pro tem.

>> Cole: I have a question.

>> Mayor Leffingwell: Go ahead.

>> Cole: If we add celeste villarreal

-- I don't know about the number of municipal judges we have and does that make us full or what impact?

>> Mayor Leffingwell: There's no hard and fast requirement for the number of substitute judges. However, the more you add, the more it cuts into the available work for those who are substitute judges. There's less work to go around .>> Cole: I HAVE RECEIVED SOME Concerns in my office about the diversity of the judges that we have selected and also that celeste villarreal was a qualified candidate so I'm going to go ahead and stick with my second of that motion.

>> Mayor Leffingwell: Council member spelman? Spelman?

>> Spelman: Council member martinez, let me ask why?

>> Martinez: She's been a substitute judge for some time. I realize that the judicial committee did not recommend her for reappointment. I did not support that motion at the committee level. It is now up to this body to appoint the rest of them. I believe she's deserving of the appointment as substitute judge.

>> The reason he is not on the list of appointment is because we conducted a survey of the entire courtroom work group including the defense bars, the police officers that frequent municipal court, the prosecutors, the municipal court clerks and the other judges and asked how are our judges performing. Two of the judges did not do nearly as well as the other judges, and when I made the motion in the judiciary committee to appoint some judges, I left out the two that are qualitatively different by ratings in the work group than the others. I know the need for diversity among the municipal court judges, that makes good sense to me. But if we're going to be asking for the opinions of the courtroom work group, I think we need to take the opinions very seriously and, in this case, those opinions were very, in my opinion, conclusive. So I will be voting against the motion, but I understand the spirit in which it's meant.

[11:24:52]

>> Mayor Leffingwell: Let me say as the other member of the judiciary committee who supported the list that we forwarded to the council that I'm going to support council member spelman's vote not to approve this reconsideration. We went through a very long process to try to get some kind of merit-based approach to appointing and reappointing these judges and, you know, there can be some subjectivity that would work its way into the numbers that we saw, but in this case, we had two judges that were clearly far, far outside what would be the normal for the resto the judges. I was almost like 90

days. So the original motion in the judicial committee was to approve all the substitute judges, omitting those two, and council member martinez made the move to include judge villarreal and lost to n a 2-1 vote. So that's how it got to this point now. We realize diversity is the goal but it also has to be accompanied by at least a decent score on the rating system. So I'm not going to support it.

>> Cole: Question.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: What is the status of judge beckett's complaints with the survey? I don't know that it's legal but she has made a formal

--

>> Mayor Leffingwell: Both judges in the same category, very bad scores on the rating system. Any other comments?

[Vote] passes on a vote of 5-2 with council member spelman and myself voting no.

[11:26:59]

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Mayor, when we considered item 70 in the previous meeting I recused myself on the creative action piece of the item 70. And though I filed the paperwork earlier this morning, I did neglect to say that before we voted an item 70, so I'd like to adjust my vote observe that to a ricesle on the creative action part.

>> Mayor Leffingwell: City clerk shows item 70, council member tovo recused.

>> Tovo: Apologize for not mentioning it earlier.

>> Mayor Leffingwell: We're in recess for live music and proclamations. Proclamations, without objection. Test test frye gill roy inaccurateo cop lynn tiech lamb he is lamb es canadians canadians canadians candies lams

[11:35:38]

>> hey, there, are you all ready for some music? I'm council member chris riley and it's my great pleasure to introduce our live music tonight. You're in for a real et treat. Sixth street cowboys sam alevo music. He performs music from the hard, a real live cowboy singing from true experiences. lewlt find him entertaining at the wit horse, continental club or joe's coffee house. He gives horse riding tours, and he donates time to the community helping children, the disabled and the elderly in need. Please join me in welcome being the sixth street cowboy.

>> Thank you. [Ause] this is a true story I'm going to sing to you all about.

[🎵 Music playing 🎵]

[music playing] olevo oliveo olivo olivo

[11:39:09]

[🎵 music playing 🎵] [applause]

>> thank you all so much. Thank you.

>> Riley: If somebody wants to buy some of your music where can they do that?

>> You can go to sixth street cowboy.Com and we'll

-- we're right now recording as we're speaking and we have one cd out that's called "maybe someday" and we'll instruct them where to go, and I want to say thank you to some people here. John and Iofrim and Carol Cody, my production managers. Thank you all so much. The White Horse, Dennis O'Donnell and Nature and Marshall. Sal Dano, they've been with me from the beginning. I have a list. And I've got Homer's Bar and Grill in Round Rock, Callahan, thank my animals

-- the capital has been great for me. I go by their regularly.

>> The web site is

--

>> the no.6

--

>> sixth street cowboy

--

>> or you can sixth street cowboy facebook.

[11:41:12]

>> When are you recording?

>> I have a proclamation to present on behalf of the mayor and the city council. I'm going to read it. It says be it known whereas the city of Austin, Texas is blessed with many creative musicians whose talent extends to every musical genre and our music scene thrives because we support music by legends and newcomers alike and we're pleased to showcase our local artists. I, Lee Leffingwell, Mayor of the Live Music Capital declare December 12, 2013 as Sixth Street Cowboy Day here in Austin, Texas. [Applause]

>> thank you all so much. I'm going to tell you who's playing behind me. Connor Foresight, plays with Brice, Will Webster, his wife and faithful server, Jacob, another songwriter, Joe Beckham, a faithful servant, Beckham, a faithful servant. [Applause]

>> all right. Thank you all so much. It means a lot to me. I'm honored. [Applause]

[11:43:22]

>> Mayor Leffingwell: We're here tonight to honor several folks who have played a big part in the success of Operation Blue Santa, which has been around Austin for some time now. It's a great program, a holiday program that benefits the people who enjoy Christmas the most, and that's our kids. That is they enjoy it the most if they get toys to play with and clothes on their back and so forth. So it is a big success because it has had the support of some very important people. Bob Cole of Koke Radio is a big supporter and did an entire radio show for Blue Santa to raise money for Blue Santa. When was it, last Friday, Bob? And I actually got to be on his radio show. We went out there on the day and there were plenty of kids that could listen because it was a snow day for our schools. It was a day that they didn't have to be at school till noon or something like that. So I sat there and watched and heard people call in and give back to their community and watched that

-- watched that count of money coming in go up and up and up while I was sitting there during the course of less than an hour, I saw it go from 40,000 to 110,000. I don't know what it is now. Maybe bob will tell us what it is in a few minutes when he gets up here and says a word or two. He's used to talking, by the way. So I'm not worried about that part of it. But I do have a proclamation that I want to read. There are actually three proclamations that are all alike, so I'm going to read each one of them in order -- no, I'm not. I'm just kidding. I'm going to read it one time and I'm to pass them out to everybody else, because they honor several people. Be it known that whereas operation blue santa started in 1972 with two officers providing toys for 20 families and is now community-based, nonprofit organized by the austin police department that will serve more than 3,800 families and 14,000 children during this holiday season. And whereas special thanks go to bob cole, who recently returned to the airways as koke fm for hosting the blue santa breakfast for more than 15 years and raising a generous amount of money for the program, and whereas apd credits the big hearts of austin citizens, like tim ohern, president of austin foam plastics for the success of blue santa. Tim provided more than 15,000 boxes enabling blue santa to deliver specially packaged holiday gifts to austin children for many years, and whereas, we extend best wishes for a wonderful holiday season to the sponsors, volunteers and beneficiaries of this year's operation blue santa. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim december 14, 2013 as operation blue santa day in austin. Congratulations, guys.

[11:46:46]

[Applause]

>> I'll say something. Well, I'll make it brief, mayor. I know you'll find that impossible to believe, that I'll be brief, but on a serious note a couple things. First, the city could not do it, the police department and the fire department and our partners couldn't do it without the support of the mayor and our council and city managers. Too often leaders find reasons to not let us do this type of thing. In this city we're very blessed to find the leadership that finds the way to always say yes, and to our -- to bob cole and everyone here we could not do it without you, without your hearts. Margie is there year in and year out. All of you, just thanks for what you do and thanks for spreading some real hope to children this holiday season. So thank you. [Applause]

>> I have the honor of serving as the president of the board of directors for our blue santa this year and I want to take a moment to say we couldn't do things like this without the citizens of austin, without the businesses in austin that are absolutely wonderful every year. It's fitting that today we are recognizing austin foam plastics. Tim ohern, the work he did for so many years supporting us. We're saddened by his untimely death. We'd like to recognize his wido stand up so we can recognize you, please. [Applause] but austin foam plastics does continue even after his passing, continues to be a great partner as are so many other businesses in austin. Thank you very much.

[11:48:47]

[Applause]

>> my name is agreeing peden, I'm with austin foam plastics and I can't tell you the sheer essence of tim

o'hern and how it comes through every day

-- excuse me. He is our blue santa, and his

-- the culture and the unique spirit of volunteer, the spirit of community and how we've been able to embrace the mission of operation blue santa and all the fine people that created this legacy that we are able to join has just been fantastic, and for a company that started in austin in 1978 and to celebrate 35 years and to join a mission like this, it's just a huge opportunity. We want to just continue to motivate people to embrace the kids, the christmas spirit, the sense of giving and one of tim's greatest characteristics is just being selfless and it's a great honor to be here. Thank you very much. [Applause]
lammes canadians canadians

[11:53:08]

>> mayor leffingwell: I'm privileged every now and then to at these events here at city hall to present a distinguished service award to one of our employees who is going on to bigger and better things, and that's especially true, again here tonight with judge evelyn mckee, who has

-- [cheers and applause] it's been my pleasure to work with her as mayor and a member of the chair of the council's judiciary committee over these several years, and it's certainly been my privilege to know her, and I want to thank her for her service. As I've said before, this is always a bittersweet occasion. I know that you feel that way because you're going on to enjoy the life of retirement and doing a lot of things that you want to do, but I know deep down you're going to miss us. [Laughter] way deep down. [Laughter] so I'm going to read this and present this distinguished service award to judge evelyn mckee. For her years of dedicated public service and commitment to our citizens in her position with the city of austin, evelyn mckee is deserving of public acclaim and recognition. Judge mckee has been a judge in municipal court for the past 24 years, first as a substitute judge, then as a full-time associate judge and for the last 13 years as the presiding judge of the municipal court, judge mckee has served our community and her profession through her involvement on the board of directors of the stay bar of texas, the police retirement board, the travis county lawyer referral service, texas municipal courts association, austin community radio, that's kizi, and the austin public library foundation, indicative of the caliber of her service. Judge mckee was named outstanding judge of the year 2002 by the texas municipal court association. This certificate is presented with our admiration and appreciation of her outstanding career this 12th day of december in the year 2013 by the city council of austin, texas. Judge, congratulations.

[11:55:43]

[Cheers and applause] before I yield the floor I just want to say two more quick things. One, judge, it has come to my attention recently that you're a prolific author, that you have written books, and so we -- I'm sure you look forward to expanding your career in that respect. And second of all, I want to make clear that judge mckee is not leaving us entirely. She's going to remain on as a substitute judge for the municipal court, and we're very happy she's agreed to do that. Thank you, judge. [Applause]

>> well, since this is the last time that I will probably stand before you at this podium, I am going to make a very long speech. [Laughter] I have been a judge with the city, I've been appointed by five

mayors starting with mayor cooksey.

>> Mayor leffingwell: That's almost all of them. [Laughter]

>> in 199. Then I served under mayor todd, mayor garcia, mayor wynn and the infamous mayor leffingwell.

>> And mayor watson.

>> Oh, yes. I knew there was another one. [Laughter] see, it's time for me to retire.

>> Mayor leffingwell: He'll be calling you tomorrow.

>> Yes, thank you for that. And too many council members to even try to name after that faux pas. So I brought some pictures and

-- had the it gurus to put them up and one is from the very first time that I was

-- that one

-- the very first time I was sworn in. I was a lot skinnier then and had a lot more hair, and then the other pictures show what happens to you after 24 years in municipal court.

[11:57:49]

[Laughter] but I would like to thank you for the support you have always given to municipal court. I'd like to thank my family for their sacrifice. There were many times in the middle of the night there were calls and so forth, and so I'd like to thank them for their sacrifice and support. The mission of municipal court has been to be the most efficient, effective and impartial municipal court in the state of texas. I believe that we have come very close to accomplishing that mission. There are many judges here today who serve on this court, and I'd like for them all to stand. Come on, guys. Thank you, thank you, thank you. [Applause] they have made me a better person. We did not always agree on the best method to achieve that goal, but we were all totally committed to the goal. I'd like to acknowledge rebecca stark, who is the chief clerk of the court. [Applause] there was a time that the judiciary and the clerk's office had a very fractious relationship, and that was not good for the court and did not lead us toward our goal. But rebecca was appointed as chief clerk not long after I was appointed as presiding judge, and I'd like to thank her for the partnership that we have had, and I hope that that spirit of team that we have developed over these years will be a guide for the next presiding judge and team. What can I say about my staff? Olga delgado, you've got to stand up, lynn, you've got to stand up. Lynn costoneck.

[12:00:12]

[Applause] and lena wynn. Chefs not able to be here, but those three ladies keep all those balls in the air. You cannot imagine the chaos that sometimes reigns at court, and they do it with aplumb and smooth. We had one of those days today, didn't we? But they are efficient to the nth degree. They help us to carry out our job and they make the court look good, and I thank you all for the years that we have been together. There are a hundred other

-- 160 other employees at court, and of course they couldn't all come over here. We have court until 10:00 at night. We're one of the few courts in the state that do that, for the convenience of the public.

They are some of the hardest working people. They get a lot

-- despite our mission, you know, we do traffic tickets, not everybody is excited about coming down to

court. But they handle all of that citizen contact in such a way that they get a tremendous amount of positive recognition from the public who didn't even want to be there. But they will take the time to fill out surveys. You know, most of the time when people fill out surveys it's to complain. We get very few of those. And so I would like to thank them for helping to make this 24-year journey a really good one. Not many people are as lucky as I have been. And I'd like to acknowledge judge sherry statman. She is going to be the

-- my successor. [Applause] I think you all made a good choice, mayor, and I'm going to support her in every way that I can when I'm down on the beach in my motor home I will be thinking about her.

[12:02:18]

[Laughter] thank you all. And thank you, mayor. [Cheers and applause] aplom aplumb

[12:05:32]

>> mayor leffingwell: Another opportunity for me to recognize two great austin employees who have served our city long and well and are now embarking on that great adventure called retirement. And it's like I said to judge mckee just a minute ago, I know you're going

-- you're looking forward to retirement and having a lot of free time to do what you want to, but at the same time I know you're going to miss us very much. I couldn't tell if that was serious or

-- [laughter] wait

-- you just wait and see, the time will come. But these two employees are

-- worked in the city's watershed protection department, which is kind of a special department to me, not that the others are not special

-- or not that they're not important, of course, but watershed is special to me because I started off in the city business as a member of the city's environmental board, which was a citizen advisory board, if you will, for the watershed protection department. And we worked so closely with these people, and I was just telling mary that I remember back in the days when we were worried that hydrilla was going to take us over like in one of these japanese movies where it just kind of moves in and takes over everything in the city. And fortunately with mary's expertise and others in the watershed protection department, steve, we rose to that occasion and have beaten it down to almost nothing at this point. So thank you for that. [Applause] so I'm going to read this distinguished service award, first for mary, for her high-quality service and commitment to our citizens during her 15-year tenure, as a dedicated employee of the city of austin, mary peno gilroy is deserving of public acclaim and recognition. Upon starting with the city in the spring of 1998, mary jumped into her care and monitoring of our creeks and reservoirs with passion and grit. Onion creek was her creek and hydrilla her nemesis. Mary gave everything when something was in her sights. Hydrilla never had a chance. And onion creek will meander through her dreams forever. Mary's knowledge and love of plants intertwined around her comfortably and ended up solving difficult problems, often before they became problems. This is her gift, to which the broad range of citizens, scientists and policy makers who work with her can attest. This certificate is issued in acknowledgment and appreciation of her fine career this 12th day of december in the year 2013 by the city council of austin, texas. Mary, congratulations.

[12:08:45]

[Applause] [cheers and applause] and likewise another privilege to present a distinguished service award to Steve Manning. His thing was kind of storm water and storm flood monitoring. That's another very exciting part of watershed protection's duties and responsibilities. For his -- for his untiring service and commitment to our citizens during his 20-year tenure as a dedicated employee of the city of Austin, Steve A. Manning is deserving of public acclaim and recognition. Steve started with the city in January 1992 and has worked tirelessly with the water quality monitoring section, collecting storm water and quantity data and assisting reports -- with reports based on that data, which are the basis of many of the city's storm water quality regulations. The work Steve performed often required working late at night and on weekends in inhospitable conditions but was essential to the city of Austin achieving its status as a national leader in the area of storm water quality evaluation and through his career Steve has also given back to the city through his church and other volunteer efforts. This certificate is issued in acknowledgment and appreciation thereof this 12th day of December, the year 2013, by the city council of Austin. Steve, congratulations. [Cheers and applause]

[12:10:45]

>> I'm going to be really brief. I just have one sentence, basically. Many of you know it's a really long drive from Driftwood to Austin, which is the drive I make every day to come here, and it's really the vision and the dedication and the amazing expertise and energy of my coworkers in the department that have made that drive worthwhile. Thank you. [Applause]

>> I want to make one little announcement first. Christmas in Clarksville this Saturday at 5:00 p.m. [Laughter] we'll be singing Christmas cards with St. Luke United Methodist Church along with Sweet Home Missionary Baptist Church. [Applause] these have been some wonderful years for me. I'm proud to have worked for the city of Austin. I've always considered myself a servant, and servants in this livable city has been very good to me. Part of the city's mission statement is diversity. I've been privileged to work with a wonderful group of people. In fact, a Cajun, so I thought, from Baton Rouge, a Mandarin from Beijing, a Palestinian, a Persian, the son of the mayor from the north and the country boy from Granger. [Laughter] and we all reported to an Aggie from the valley. [Laughter] [applause] my mother is here. I, like you, was taught to say thank you, thank you to the department, thank you to its managers, all of the coworkers I've met along the way. Thank you to the community of Austin, thank you to my wife, thank you to my family, thank you to my church members who are here tonight from Sweet Home Missionary Baptist Church. And most importantly, thank you to God. Thank you.

[12:13:17]

[Applause] [applause]

>> Cole: This next award is to Nick Naccarato. [Cheers and applause] now, I'm an Aggie but I understand not only are you

-- I'm not an aggie. I'm a longhorn, but I understand that you are an aggie and that you were in the corps.

>> That's right.

>> Cole: But you still want me to give you this award.

>> I do. [Laughter]

>> cole: Okay. I also learned that you drive a very, very old truck, and that you're going to explain that to the rest of your professional employees. Employees.

>> I'll do that.

>> Cole: You'll do that? All right. The main thing I learned about you is that you are a stickler for detail and that you work very, very hard and that you are collaborative and very much deserving of this distinguished service award, which I am going to now read to you. Okay? Distinguished service for his continuing service and commitment to our citizens during his 23-year tenure as a dedicated employee of the city of austin. Nick naccarato is deserving of public acclaim and recognition. Nick has developed a reputation as one of the most knowledgeable, conscientious and meticulous project managers in the city. He has managed many complex, high priority, invisible projects for public works and economic development department, including several recreation centers and pools. O henry house and museum restoration, city hall, austin studio, waller cream redevelopment and the recently completed zach theater. While we'll miss him at the office we'll see evident of him all over town. This certificate is issued in acknowledgment and appreciation of his positive impact on our city, this 12th day of december in the year 2013, the city council of austin, texas and mayor lee leffingwell. Congratulations, nick.

[12:16:24]

[Applause]

>> I guess I'll get the truck story out of the way first. [Laughter] it is

-- it's a 1972 gmc, for those who don't know what I've been driving for the last 40-some-odd years. It's a '72 gmc truck, that factory color name is medium red but everybody thinks it's burnt orange. [Laughter] yeah, my dad bought that in '72 and I got it from him in '78 when he bought a new one. Still driving it, and I keep telling people there's 492,000 miles on it, and I keep threatening when I hit a half a million I'm going to take it to the dealership and demand a new truck, but keep this one. 23ars, october 22, 1990. It just seems like yesterday. It has gone by so fast. In those years I've had the pleasure of working with some very talented professionals, private firms, contractors and dedicated, disciplined public servants. On projects that I consider once in a lifetime and once in the history of the city, it has been an honor to be a part of all of those and to work with all of you, some of whom I see in here tonight, and those who may be listening. It has been a wonderful trip. And I want to thank those who had the confidence in me to allow me to work on those projects. I look back and it's pretty humbling. A coach once told me that discipline is doing what you're supposed to do in the best possible manner when you're supposed to do it. And I see that in all of you. Keep up your good work and I will miss you. Thanks.

[12:19:08]

[Applause]

>> cole: I believe mr. Kevin Johns has a few words.

>> I wanted to say a couple things that all of us from the economic development department felt about Nick and also just a few thoughts. As director of the department and for all our employees I want to say, Nick, thank you. You've been really brilliant, and you heard a little bit about the projects he's worked on, but let me just say that working on the billion-dollar Mueller project, working on the \$33 million Zach Theater, working on this beautiful iconic City Hall and he may get a chance to do it over again because he didn't get it right the first time. But Nick has really been a brilliant renaissance man. What you might not know about Nick is that he's also an incredibly gifted photographer. He has got great style. We pretty much note that he is the best-dressed person in the city of Austin. He's very athletic, and a wonderful cook, and has a love of all things Italian. When I was in

-- at my son's wedding in Italy he gave me pointers how to get there, how to take the train first class, how to get around, because he's done it so many times visiting his family in Sicily. So Nick, from all of us we'd like to just wish you the very best and for all of you who are listening it's going to be highly likely that Nick will be spending some time perfecting his photography skills and also his kayak, fishing in Rockport, Texas, and Nick, we have a little

-- oh, this isn't for you. This is

-- on behalf of all of us, this is for the coolest guy we know. Thank you very much.

[12:21:16]

[Applause] [applause]

[12:23:22]

>> all right. We'll continue on. It's kind of a bittersweet day today. We're honoring some amazing folks but the reason we're honoring them is because they're moving on and retiring. So the next retiree that we want to honor is Nancy Coplin, and if you've been around Austin music for the last 25, 30 years, you know Nancy, because she has been at the forefront of our music business industry. So I'm going to recognize Nancy on behalf of the city council on her retirement for her long service here at the city of Austin. She's been a force behind the live music capital of the world and has spent the last 14 years at Abia booking musical acts and putting Austin's best face forward to those flying into and departing our city. Abia has five music live music venues with 15

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>> six live music

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>> with 23

--

>> see, she's still working. She just added. She not only books performers, but runs the sound board, and secures sponsorship for the Austin music program. When she first entered the music business she became a charter member of the women's chamber of commerce when she helped put on events to Austin music. She served on the Austin's various first music commission and elected chair and served in

that position four years and during her time as chair on the music commission she helped compl stevie ray vaughan normal as well as making -- giving austin the distinguished moniker of live music capital of the world. She's also booked musicians for the annual christmas bazaar for the last 25 years which will start up shortly. Thanks to her we'll have great music this year. We'd like to offer nancy this distinguished service award and an honorary retirement sign on behalf of the city of austin for her 14 years of service, and numerous contributions that have made the city flourish. So I'm going to read the distinguished service award and then present it to nancy and ask her to say a few words.

[12:25:24]

And it reads: For being the wizard behind the curtain in the live music capital of the world, and the dedicated city employee who has booked the many music performances each we're at abia for the past 14 years nancy coplin is deserving of public acclaim and recognition. Before becoming a city employee she served on the first music commission. At aviation nancy has not only booked performers but she runs everything as it relates to the music performances out at the airport. So we are here to recognize nancy and congratulate her and thank her for her distinguished service to the city of austin, and I want to present her with this certificate of appreciation. So thank you.

>> Thank you. [Applause]

>> martinez: And as she has done for the last 14 years we thought it would be appropriate to present her with the city of austin's street sign because she has always nancy's way.

>> That's right. Thank you. [Applause]

>> thank you. I certainly feel like I'm in good company today. I'd like to thank jim smith, our director and jim albert, my direct boss, if anybody could be the boss of me, for coming today, and thank the airport for the opportunity to book and produce over 7,000 shows in the time I've been there. We have put a face to austin's front door with music, and I've been proud to be able to bring austin's music to our visitors, the travelers that come to austin, and now I'm going to relax for a couple months from chasing musicians and then get back after it again with my own consulting business. So thank you. [Applause]

[12:28:07]

>> martinez: All right. The next honorees are some citizens that I feel are certainly worthy of recognition and acclaim. As most of you know, on halloween morning at approximately 6:30 a.M. Southeast austin and more specifically the dove springs neighborhood of austin, suffered one of the worst events that we've seen in the history of austin as it relates to flooding. Flood stage in onion creek is at 11 feet. Onion creek crested that morning at 41 feet, devastating over a thousand homes and families. There were many individuals who stepped up. Many. But there are a few in particular who really stepped up and have continued their efforts, as individuals as well as with their family members. So I am tonight going to recognize four individuals who really have worked tirelessly since that day, day and night, providing to their neighbors whatever it is they need, from heaters to blankets to mattresses, to food. You name it, they were there each and every night and have been there each and every night. So I think it is only appropriate that we honor ed reyes, who is the president of dove springs neighborhood association.

Ricardo Zavala, who is the founder of Dove Springs Proud and is also a city of Austin employee with our health and human services department, Ms. Mona Gonzalez, who is the executive director of River City Youth Foundation and Mr. George Morales III, who is president

-- Oh, they got two presidents of Dove Springs. I think we got that wrong

--

>> I'm with the advisory board.

>> Martinez: He's on the Dove Springs advisory board and also a deputy constable here with Travis County. So the recognitions all read the same. I'm just going to read one but we'll present all four. They read for their leadership during the Halloween flood event that's really impacted the Dove Springs neighbors

-- their Dove Springs neighbors, these folks are deserving of public acclaim and recognition. They don't all read the same. Sorry. Ms. Gonzalez joined other community leaders with hand-on help as well as organizing resources, communication efforts so that residents had their needs met. She truly went above and beyond working around the clock in the weeks immediately following the flood to serve as a source of comfort and stability when residents needed it most. Her relentlessly positive attitude helped everyone stay focused on the tasks at hand as recovery efforts continued. The certificate is presented in recognition of Ms. Gonzalez's inspirational leadership and neighborhood pride that will certainly help bring Dove Springs back stronger than ever, and it's presented on the 12th day of December, signed by Mayor Lee Leffingwell, and bears the seal of the City of Austin. Likewise, to Ricardo, George and Edward. Their recognitions read very similarly in that they provided just tireless efforts throughout this tireless ordeal and today they're still doing it. They have formed with me and representative Rodriguez an organization called the Austin Relief Alliance which is a new nonprofit. We formed this so we could step up and take care of our own community and we've raised over \$120,000. We will have our final fundraising event tomorrow night and we've already disbursed some of those funds into the community because the needs are great. But I can't thank these folks enough for what they've done. They took care of their own community when they needed it most so I'm here to recognize them and to thank them. So if you'll join me.

[12:32:02]

[Applause]

>> Martinez: As with most folks, you don't do it alone, and so they also brought their family members and I want to thank the spouses as well and the family members who have supported them each and every night and helped them as well. And I want to ask, George, if you'd say a few words.

>> Thank you. My name is George Morales, and I'm the president of the Dove Springs advisory board. Today we accept these awards, but, you know, it's great that we

-- we're being recognized for this, but we want

-- we also want to recognize our families, you know, through the time we were down there, we did 23 days straight, 18-hour days. So, you know, on behalf of our wives, our children, those that were affected by the flood, we accept this on their behalf. We still want everyone to understand that there's still a lot of work to be done down there. We're not going to stop. We're going to see it all the way through. A couple people I want to recognize really quick. Joe Ramirez, Isabel Lopez, Francis Kuhn, yeah, Cynthia

and dolores moreno, greg reyes, robert kinney, garza, gilbert rivera, jose very well last questions, andy brown, my wife maria morales, the zavalas family, thomas montavo with home depot, vince molina, city of parks and recreation, eddie rodriguez, of course mike martinez, margaret gomez, jaime mathias and gina hinojosa. We couldn't have done a lot of the stuff down there without your support and from the heart we thank you and we give you so much respect. Thank you so much. [Applause] okuhn yeah

[12:35:43]

>> morrison: So I think it's fair to say that

-- that every day in austin, texas is a good day to eat candy, and especially around the holidays it's a good day to eat candy, and we are so fortunate in this town to have a family-owned business, the oldest family-owned business in the city of austin that makes candy, and that is lammes candy and so we decided now would be a really great time to recognize their place in the city and what a treasure that they are. So I want to point out two

-- at least two historic points of interest. First, in 19

-- excuse me, 1885, william worth lammes officially opens lammes candies in the 1800 block of congress.

Other historic point of interest was in 1940 his son david lamm had the wisdom to hire a youngster named mildred wallston. After 73 years of working at lammes mildred is the matriarch. She's not going anywhere, she's here with us today and I would encourage you to stop by lammes and say hello to her. I want to provide a couple of fun facts about ms. What ms. Wallston provided by sam

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>>

--

>> who is the president of lammes candy. The grandfather, william lamm is her great great frf grandfather, so we're talking about a family business. Mildred is the longest tenured employee at an austin company. She worked at every job in lammes including production, sales, administrative, managed the mail-order departme and my personal favorite, she was a soda fountain car hop at the congress avenue location. She's probably the biggest fan and purchaser of lammes candies. When mildred and her late husband ernest traveled domestically and also internationally, they always carried a suitcase full of lammes texas pecan pray leans to give out and the most unique tidbit is that mildred has diapered most of the president of lammes candies including pam. We are so excited to learn about your place in the city of austin so we took the opportunity today to make a special proclamation from you, and I want to pull it right here. For you. And it says

-- come up here.

[12:38:29]

[Laughter]

>> aren't we tricky?

>> Yes. It says

-- this is a surprise

-- mildred thought this was

--

>> this was for you.

>> Thanks, but it was really

-- it was really a mildred thing to be able to recognize you. It says, whereas, be it known that whereas in 1940 mildred walston walked herself into a job at lammes candies but 73 years later there's no way she could talk herself out of it. And whereas at first mildred was afraid of the customers and opted for washing dishes at the soda fountain instead of waiting on people. Leonard lamm encouraged her to step out of her comfort zone, though, and mildred has been welcoming customers ever since, and whereas mildred is such a dedicated worker such that one icy day when streets were closed she walked 7 miles to get to work and in true austin ecological style she's been pulling paper clips from the discarded orders and whereas we are pleased to honor lammes as an iconic austin ness and mildred wallston to her coworkers, i, lee leffingwell, mayor of the city of austin, texas, do hereby p december 16, 2013, as mildred walston week in austin, texas. So congratulations and thank you so much for being a part of austin. [Applause]

>> you're nonprofit going to say anything, I know.

>> I brought notes. I brought notes.

>> You'd prefer not to speak?

>> No.

>> Morrison: Well, pam, before we go on I do want to do one more thing, and that is

-- so, really, we

-- my office, barbara in my office and pam worked to do this secret surprise to recognize mildred, but really, we also wanted to recognize lammes candy, and so before we go on, pam, if you don't mind, I did want to mention a little bit about lammes in general, and that is that it's now in its second century of candy-making in austin. Thank you so much for making all that great candy. I love candy. It was originally called red front candy factory and the store was located in the 800 block of congress, although as I understand it william lamm lost the business in a poker game in 1885 but his son, david turner lamm sr. Came to austin to repay the \$800 gambling debt, thank good indeed, and reclaimed the store. That was really an important day in history. So david is the one I mentioned, also had the wisdom to hire mildred. You will probably, as I mentioned

-- you all know about the texas chewy pecan pray lean. Praline first produced in 1892 and in the beginning they came from along the colorado river and they still come just from texas. In 1956 lammes moved to their airport boulevard store, which is where I first found out about mildred, because I have to tell you, council member tovo, who's right over here, and I had been at a meeting at acc and we were driving back to city hall and we thought, do we have a minute to be able to stop at lammes? Because we really want to buy some candy. So we stopped in, and of course started chatting with the wonderful folks that live there. That's where we learned about mildred. That's where we learned that our health & human services department won't let you do tours anymore.

[12:42:10]

[Laughter] right? Yes. Lots and lots of interesting things, and we bought lots of candy so we can work on that later. Anyway, it's such a wonderful example of what one family can do. Absolutely has changed the

-- changed the face of austin, and we're just so lucky to have you all here. So I wanted to do this second thing, a certificate of appreciation specifically for lammes candy, including mildred but for everybody. And I'll read this. It says a certificate of appreciation for putting austin on the map, and then -- and in the hearts of candy lovers worldwide. Lammes candies is deserving of public acclaim and recognition. Lammes candies officially opened on congress in 1885 and has been family-owned and operated ever since. This austin original made a name for itself with its world famous texas chewy pecan praline so loved by visit the others our city that the company started its mail-order business to accommodate them. Lammes had the first soda fountain in texas, wow, I didn't know that, and boasted the first neon sign in austin. The confirm is proud to c longest tenured employee at a single company in austin, mildred wallston, who excel as delivering excellence and mouth watering confections to its customers. We're proud to honor them and texas chuy's and longhorns that bring -- best wishes for continued success on this 12th day of december in the year 2013. It's signed by the mayor, lee leffingwell, and also from all of the council members. So again, thank you all so much.

>> Thank you so much.

>> It's a surprise.

>> It is a surprise,. [Applause]

>> it's for everybody.

>> It is.

>> Yes. So

--

>> well, thank you, and mildred, just come stand by me. I feel better when you stand by me. The first thing I do want to say is that myself, my sister lana, are missing our baby brother, big brother brian. He is up at a&m watching his daughter graduate. So he is

-- sends his love and thanks to the council for this award and his regrets that he could not be here for this momentous occasion. You covered a lot of what I had in my notes. This lady right here has taught me a lot about business, about life, about relationships, more about those than I have learned anywhere else. I came to work 37 years ago, so when these people up here are going, 23 years

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[12:45:07]

[laughter] seems like a long time. 73, okay? Top that one. [Applause] mildred has had me laugh, mildred has had me in tears, and most of all, mildred has had me think about how to treat people, how to treat customers. Her mantra has always been the customer is always right, and even though I argue with her sometimes that maybe they're not, she always wins. The customer is always right. So we

-- we try to live by that. Just a couple of little tidbits. You know, mildred actually went to school above the store at nixon clay college, for those of you old enough to remember that name. I even remember that name. And took some business classes and scarborough's down the street recruited mildred to come to work for them. And I think she quasi-accepted the position and then was in a tizzy about how was she going to tell papa lamm that she was living lammes candies. And she came into work one day that she wasn't scheduled to work, and paced about and papa lamme saw that she was pacing about and finally confronted her and she in tears told him that she thought she was going to take this job

down at scarborough's. And he said, you know? You don't look real sure about this decision. Why don't you take the panel truck

-- I had to ask what that was, it's the ice cream truck

-- out to your parents' house, and they lived out 183 area, and visit with them and, you know, make your decision from there. She took the panel truck out and talked to her parents, and they too saw the hesitation. So we are so grateful that papa lamme had the wisdom and her parents had the wisdom to guide her back to lammes candies, or she never really left lammes candies. She stayed and has been here ever since. Like I said, I've been with the business 37 years, and mildred has tried to retire several times on me. Particularly when we bring a new computer system in.

[12:47:30]

[Laughter] she's like, no, no, I'm going to retire. I said, no, mildred, if you go, I go. So she's still here. I'm still here. I did want to mention that in 1955 mildred married the love of her life, ernest, and when she married ernest, ernest was a widower with two small children, bill and martha. And so she had an instant family. And I want to thank martha and bill for so unselfishly allowing us mildred, because while everyone else was decorating their christmas tree or going to christmas parties, mildred was working. It is our season. That's why you only see a few of us up here. The rest of the elves are back at the candy shop. They're selling and making ceanld. Ceanld

-- candy. So thank you, martha, thank you, bill. I know what those sacrifices are like and we appreciate that. Lammes, its owners, employees, customers have had the honor of working alongside or being served by this wonderful woman. Mildred continues to work part-time at the candy store and we appreciate her dedication. We love mildred. Mildred is lammes candies. Thank you. [Applause] she said she has to keep working to pay for her candy. [Laughter]

>> the secret ingredient.

>> I know, right.

>> Morrison: Why don't we go over here in the center and we'll get a picture. Tiech praline pray leans p
12/12/13 12/12/13

[13:08:32]

>> mayor leffingwell: We're out of recess, mr. Gurnsy, are you in the chamber? We have one postponement to get out of the way and then we'll take up the briefing and action on project connect. Is it your postponement?

>> I have item 86 mayor. Second and third reading of an annexation of an ordinance. If we can get that out of the way real quick.

>> Mayor leffingwell: Ok. No speakers signed up. Any questions for staff? Entertain a motion on item number 86 to close the public hearing and approve second and third readings of the ordinance to annex ace auto salvage. Council member spelman moves approval, second. That passes on a vote of 7-0. We'll go to item 67 and start off with the very brief, briefing on project connect.

>> Good evening, mr. Mayor, council members. Pleasure to be here tonight. I will be providing a very brief overview of the project connect central corridor high capacity transit study. Many of you had an

opportunity to work with this over the past several weeks and months as we moved this forward. Let me provide a little context for our conversation tonight

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[13:10:43]

>> mayor leffingwell: Let me interrupt you before you get started. I want to give folks a heads up. Plan is to limit public comment to 30 minutes. That is 10 speakers at three minutes per side. So if you want to organize yourselves in some way, this will give you the opportunity to do that while we're getting the briefing. Go ahead.

>> Thank you. So real briefly, I will cover a little background on project connect, work plan, schedule and public involvement, recap. And I'll focus on our recommendation summary that is being brought forward to you tonight for your consideration. Very briefly, as you all know, project connect has been a significant effort over the last two years to be able to identify a transit system plan for the region, moving forward so that we can advance a high capacity transit development and alternatives to the motoring public that is out there. This represents a significant achievement, a missing link that we have had in the past as we tee up projects but without this context. The transit system is an important part for our region's vision in moving forward to meet the mobility needs for the community moving forward. Represents a four-county area with up to \$4 billion of investment. Our major focus is on the central corridor tonight. You see on the graphic here, there were nine project corridors, eight radial corridors on the central corridor. The central corridor is our focus, it was one of the high priority corridors in the study. Capital metro is taking a similar study. They're approaching the recommendation phase at this time. We're a little behind them as far as what the locally preferred corridor is. All the alignments, all of the corridors merge into the downtown area. We have to make it work effectively, moving forward. The work plan and schedule that we developed, about six months ago, was broken into two major parts. The first phase is where are we going to point this next involvement? What direction are we going to head in? That is the phase that we're going to be recommending a path today. The second phase that we'll move into is within that primary direction, what specific route are we going to take? How will we get there? We'll examine a more detailed examination of alignments and modes. Time line, six-month schedule that comes to a conclusion, essentially tonight, on phase one. This is where we would be able to make a decision regarding which direction we're going to point our next investment. Six months later, june next year, we anticipate being back here with a related decision, which is a specific project with an alignment and mode and essentially how we're going to move forward with this. This will allow us to be able to tee up a program and a possible bond referendum for november of '14. A little bit of discussion about our public involvement effort. This has been a big challenge for the team. It has been something that we have been advised on, as we started out, that we needed to be able to engage the public very effectively and in a robust fashion. We established three goals. We wanted to make sure that there was trust established in the process. That we had a meaningful opportunity for involvement and that we had diverse participation. We have gotten a lot of feedback in the last six months from the public participants in this process. We believe that in the next time we see you, we will be accomplishing our objectives. The diverse participation is still an ongoing process. As we move into the more detailed examination of alignments and modes. We get close to

people and properties and property interests, we will be able to enhance that diverse participation objective. Just a little bit

-- at the kickoff we invited people to participate with us in defining the work program and schedule. You will see some of the members we invited to be able to develop with us and craft a program, so the work plan we developed was informed by public comment as we move forward. As we've moved through our process and we defined our geographic study areas which we call subcorridors and as we developed our problem statements evaluation criteria, similarly, we provided opportunities for the public to review and to comment and to provide input to us, regarding those processes. We actually asked a lot of questions during that process. Questions that you see here

[13:15:31]

is: Do you understand the process? Is the evaluation criteria? Is it appropriate? The method to identify the subcorridors, is that appropriate? Have we identified all the subcorridors for evaluation? What you are seeing in the slides is there is a strong agreement we were moving in the right direction. We felt we were responding positively with the public input. Finally, as we moved into our evaluation process, we were asking key questions about is the process appropriate to be able to evaluate our subcorridors? And again, you see we had a strong support. Two key questions we asked for the public involvement when we had our televised community conversation here, the tuesday before thanksgiving. What you see here is a simple

-- is essentially a straw poll that we asked at all of our public meetings. We asked which subcorridor do you believe we should put the high capacity investment. It was without showing any data or information. It was essentially uninformed. What it showed was interest. You didn't show interest in just one subcorridor, but across the entire region. Our 10 subcorridors

-- you are looking at number of respondents on the scale. It is not 100%. It is number of respondents. You saw this is spread throughout the entire subcorridor. This is a finding we addressed in our results and I'll comment on that in just a minute. But we also asked the follow-up question. This is an important one for the community and an important one for the project team. We asked if your preferred subcorridor wasn't identified for the next investment, would you still support moving forward. The answer you see here is very strong, leaning toward yes, we will support whatever direction we move forward with. We responded to a number of comments from the public. We posted those online. WE HAVE FAQs ONLINE. A number of all of our documentations a very robust site at projectconnect.Com. A quick recap of the public involvement activities moving forward. The heart of tonight's discussion is on our recommendation. We were asked to accomplish six major objectives, as we conducted our analysis. First, we were asked from the very beginning, we want this to be data driven. We also want it open and transparent. We want to make sure that there is a strong opportunity for public involvement and public review of our information. People actually wanted to work with the same data that we were using. I think that's a really good thing. It helped us, it kept us honest as a team. As we heard comments and questions, we were able to respond back to that. We were also asked to take a comprehensive look at the central corridor. We wanted, at the end of the day, wanted to be able to

[13:18:24]

answer the question: Why are we moving in this direction? Why are we@ making an investment in this direction? That hasn't always been the case here. I believe that's what we accomplished. The last thing I will mention is a very deliberative decision-making process. We planned the work and worked the plan. So what we are bringing to you and what we showed you in our work plan is part of that deliberative process. I appreciate your time as you consider this and you deliberate on the information we present to you tonight. Quickly, just recap, very simply for us, our evaluation approach was to identify 10 subcorridors, surrounding the core. The core represents the downtown area. The capital complex, and the university of texas main campus. This, to many degrees, is the economic engine of the region. We're looking at the 10 subcorridors preparing the data around in each one of the geographic areas in order to understand which one of the subcorridors gives us the best potential to be able to have a successful high capacity transit investment moving forward. One to compete for federal funds and one supported by the general public. One key conclusion, there is not one single fact to look at that allows us to make a decision. We have to look at population, employment, density, economic development issues. All of those are important to us. This is the structure of how we actually conducted our analysis and compared across the 10 subcorridors. Very briefly, we could spend a lot of time. I will not do that mayor, there is a lot of different lenses we looked at. You'll see six different scoring weightings. You'll see the project team scoring on the left. You will see the central corridor advisory group, followed by the public. The public is a combined weighting of all the workshops and online surveys that the public has been able to work with. All of these six -- we included some equal weighting and looking at existing data and just looking at future data. So we evaluated each of these looking at six different weightings. And there were a lot of different things that emerged. Two major things that emerged for us.

[13:20:44]

The first one was: There is a separation between the top and the bottom. This isn't necessarily winners and losers as much as it is these are subcorridors floating to the top, based on the data we evaluated. You will see in the project team evaluation that we had essentially a separation between the top five and bottom five. As we looked at it we had a consistency at the top. In every one of the perspectives with different weightings east riverside corridor emerged at the top every time. Similarly, the highland corridor scored second in every one of the weightings, with one exception, that was when we only looked at the current data. And that slipped down to number five. What we were able to see is these were top performers for us and gave us a lot of confidence moving forward. So our recommendation is a little bit of a stretch. It wasn't just to identify the top corridor moving forward, but because of this consistency between east riverside and highland, we recommend that we advance both of the east riverside and highland corridors into phase two for a more detailed examination of a project that can emerge and be successful for federal funding as well as for local support. So the question I have asked the project team is: Building on the foundation of the core, how far can we go north, and how far can we go to the southeast, in those directions, so that we can identify a successful project moving forward? In addition and a little bit of a nuance, we believe we cannot focus only on these two corridors. We feel there is a significant opportunity and need to continue to do planning to work the system to work

toward the project connect vision established. We are recommending that we continue to do project definition on the middle tier of projects that were emerging. The lamar, miller, east austin subcorridors. One interesting thing happening in the funding arena is a focus on funding shovel-ready projects. Those are projects that have gone through the planning through the environmental clearance process. There is significant understanding of what the project is going to cost. So when those funds are available, we want to be able to jump on the project funding opportunities. To do that we need to advance the project development efforts on some of the subsequent corridors moving forward. We presented this to our central corridor advisory group on friday. We had a healthy discussion. At the end of the day, we had an endorsement from ctag as we call it. Essentially supported that recommendation to advance the highland and east riverside subcorridors into phase 2. In addition, we had a recommendation that the project team continue to do that critical central corridor system level planning for that next year of subcorridors including east austin, lamar and miller. Our next steps at this point in time, obviously we're here tonight to take public comment and be able to respond to any questions that you have as well. We look forward to your deliberation. Project team is already beginning to tee up some of our activities on project two

-- phase 2, which is to identify the project purpose in need and some of our criteria and really to start putting the lines on the map and evaluating the alignments moving forward. Mr. Mayor, that concludes my briefing. And we look forward to any conversations and questions you may have.

[13:24:29]

>> Mayor leffingwell: Any questions before we go to our speakers? I don't have a list yet from the pro. Oh, I just do. Now I do have a list. 30 minutes of time

-- council member riley.

>> Riley: I am hearing concerns about reducing the speaking time to a half hour per side, whether that is necessary. Whether we can allow a little more time on that, given the level of public interest on this and the importance of the issue? So I'm saying an hour or 45 minutes per side seems like it could

-- it might be warranted rather than a half hour per side.

>> Mayor leffingwell: I think the council had agreed on 30. If the council wants to amend that. I thought both sides agreed on 30. That is not my understanding.

>> Riley: I'm seeing shaking heads. I don't know if anyone signed up in opposition agreed to that. That could be corrected for those that do support it.

>> Mayor leffingwell: Council member spelman.

>> Spelman: I went to speak to those that signed up in opposition, it was their feeling they needed more time. A lot of pieces to the argument. A lot of different publics that they thought needed to be engaged. In view of the fact that this is the first time the recommendation has gone before a governmental body and in view of the fact that I want all of the people that think they're in opposition to eventually come to find something inside that proposal to be for when we go to a vote in november 2014, I think it would be a good idea to give everybody a chance to speak.

>> Mayor leffingwell: Ok. Fine. Is there anyone else who feels that way besides bill?

[13:26:29]

>> Tovo: I agree, mayor.

>> Mayor leffingwell: I got that. Mike?

>> I was hoping dobbs would say sure, 30 minutes is fine. He didn't say that. Mike, do you want to go unlimited.

>> I'm fine with limiting it. This has been run through the public process. It is the same folks with the same messages. So I don't have a concern with limiting it somewhat. We still have multiple agenda items and we have over two hours of testimony on each side.

>> Mayor leffingwell: That is a part of it, too. It is not just this. We have a long meeting tonight. We have a lot of other folks waiting to get their business before this council heard. In a way it is a little bit unfair to them, too. So let's see a show of hands if we're going to hold it to 30 minutes a side. In favor of that, raise your hand. 30 minutes.

>> Cole: Mayor?

>> Mayor leffingwell: I guess I'm the only one now. Mayor pro tem.

>> Cole: Council member riley put out 45 minutes per side. I think that is a good compromise. Malik hairston

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>> mayor leffingwell: We'll start on the list and each side has to add five more names. 45 minutes a side satisfactory now. John lanemoore vickie johnson we're starting with the pros?

>> Mayor leffingwell: Starting with the pros.

>> I'm here as a board member of capital metro. I would like to start out by thanking you, mayor on the leadership of the issues with the transit working group and the central corridor advisory group. Council member spellman for working with us and the colleagues on the capital metro board. Council member martinez and riley. I want to make two brief points. One is that, you know, I worked in the transportation industry for 11 years and I can say confidently that the process that we have gone through to get to this vote tonight has been one of the best I have ever seen. We started with the transit working group two years ago. Project connect came out of that. The mayor of round rock led the north corridor advisory group and mayor leffingwell led the central corridor advisory group. And with each of those studying what should be the next investment for high-capacity transit in central texas. And so I just want to give y'all the confidence that the process has really been beyond reproach. And I know some others will speak in more detail about that, that follow me. So I won't dwell on that. But I also want to talk about lamar. Because I think that is probably the single most contentious issue associated with what y'all are voting on tonight is whether or not that ought to be included in the next round of study, where we dig deeper in. There is no question that lamar is a great corridor for high-capacity transit. And that is exactly the reason that we, capital metro together with the federal transit authority, made a \$50 million investment into that corridor. We have got

-- we've over 40 stops are built. 20 buses are already in austin. We start service in less than a month.

And

-- everybody said, well, tell me that the fta would look unfavorably upon

-- basically prove that the fta would look unfavorably upon pulling the plug this late in the stage in the game. I can tell you all of the conversations at capital metro leading up to this point have been unequivocal from the fta they would look very unfavorably upon stopping that project at this point. It

started the work on brt, metro rapid started 10 years ago in 2004. You can imagine what they would think if the month before we pulled up that project. The same response is, I would challenge anyone to produce a letter from the fta saying that they would be fine with us pulling the plug on this. And that it wouldn't jeopardize future federal funding. This is an important milestone tonight, it is an early one. I look forward

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[13:31:17]

>> mayor leffingwell: Since we have additional time allotted, you can take more than your three minutes, and we will just keep track of it.

>> Thanks, I can wrap up in 30 seconds. Really all I want to do is say this is an important milestone, but it is an early one. All of the work is yet to come in terms of choosing limes, finding the money are -- choosing alignments, finding the money for this, and coming up with the management, organizational structure to operate the rail system. This is the one area that austin is not a world-class city: Transportation. Virtually every other area we are a world class city. That is where we fall down. I think if we move forward with this, continue with the process that's been great to date, we will get there on this last issue. I appreciate your time and attention. Thank you.

>> Mayor leffingwell: Thank you, john. Council member martinez, by the way, I charged you four minutes.

>> Martinez: I wanted to read a response from fta that capital metro received this afternoon in a meeting with them in fort worth. This is an fta official that his response to the question about the high-capacity transit that is already going in, the brt in the lamar corridor. His response was: Brt in the north lamar corridor is a priority transit project. The project was supported by the region through campo, capital metro and fta signed a contract to this affect. Fta sees their investment as permanent. It is important to consider that there are many demands for federal funds on new starts and small starts practicals and fta made a permanent investment in this cd4. If capital metro were to come back to fta and indicate there is a change in priorities or new need in this corridor, capital mote row, campo and the community would need to go through the entire planning process again to show that urban rail is the highest priority for this corridor. That to me is a pretty definitive statement from fta that it would be difficult, if not impossible to go back through the process and receive new start money in that corridor. They view the current investment as permanent.

[13:33:42]

>> Mayor leffingwell: Ok. Next speaker on the for list is ... Yeah, pam power. We'll start you off with three. Is that what you planned?

>> Yes, thank you. My name is pamela power. I'm board member for the downtown austin alliance and the alliance for public transportation. And on behalf of both boards the d.A.A. And a.P.T., I would like to express support of the central corridor advisory group's recommendation of highland and east riverside, in addition to the core as the priority subcorridors for further evaluation. The project connect planning team has arrived at this point through a deliberative process. With careful consideration of the

appropriate criteria to include current congestion levels employment density and growth. It is by serving these growth areas with high-capacity transit, we encourage those areas to build out at the highest density possible. The community has invested in high-capacity transit by providing metro rapid service to lamar subcorridor. Serving highland and east riverside will build on that investment. In east riverside corridor we will build by serving segments of the community that currently have no access to high-capacity transit. In the highland subcorridor, we will build on previous investments by connecting with other transit assets to include metro rail and metro rapid bus, increasing the utility and value of each service. By serving acc and mild mall campus, transit and subcorridor will connect directly with transit in the north corridor from a.C.C. Highland mall through round rock up to georgetown. With connections between high-capacity service in multiple corridors, we will begin to see a true high-capacity transit system that will give people viable transportation choices and will reduce growth in the congestion of our roadways. We urge you to vote in support of the subcorridors recommended by the central corridor advisory group. Thank you.

[13:36:09]

>> Mayor leffingwell: Thank you. Cathy sircalic.

>> Hi my name is cathy sircalic. I moved to live in a master plan community because of the rail and other transportation options. I speak for a lot of residents that couldn't be here tonight that were disappointed thatler wasn't selected for the next phase, but we remain supportive of the process of rail in general. Can you count on us for any support in this process. We are ready for rail at miller, ready for more businesses, more residents more visitors. Ready for high volumes, welcoming thousands who come from all over for charity runs, walks, from dale children's hospital and the thinkery and the ais performance arts center. We know more is coming to miller, we're confident in it and move forward knowing rail is coming. Let me add the thoughts, I get the points of the lamar guadalupe residents. I get their passion and drive. I too love to see rail, as rail advocates I hope they will join me in being supportive of the beginning steps. We have to be judicious in the planning, can't overlap high capacity transit. It is important to have high-capacity transit in a high capacity of austin. Including traditional underserved east of i-35. This is a big vision to include and connect texas, including dfw and san antonio, we have to start somewhere. This is to get better transportation options. I urge you to move forward by adopting ckag and moving forward options. This is to plans beyond highland and riverside so miller is in the queue for everything before everything is completely developed. I hope all austinites and advocates can come together to support rail.

[13:38:17]

>> Mayor leffingwell: Thank you. Dustin haresman.

>> Mayor, that is not the first time you said that phrase to me. Thank you for the privilege. My name is dusty haresman. I have participated in rail projects in austin for the last 10 or 15 years. I have seen in the commissions with stakeholder meetings to downtown austin plan, capital metro, project working group, project connect, central advisory group, called them streetcars, light rail and now call it urban rail. Like most rail supporters, I believe transit's value is the eventual system effect. It takes time to enjoy that

value and some respect laying that first line is a gift to future generations. That said, I have seen dallas develop its citywide rail line in 20 years. It is a matter of public will to design our growth around transit. In 2007, I jumped at the chance to live in austin's largest densest area in the miller neighborhood. I assumed by 2013, there would be rails in the road. I'm patient and can wait for rail at miller. Miller will be austin's densest neighborhood upon completion, even though this public driven development has offered the promise of transit through miller and northeast austin for decade. Bus transit serves miller and northeast austin poorly today. Even though, even though, even though, I can wait for rail at miller. I'm patient. I can envision the system. I know austin, we feel once bitten twice shy after our rail effort in 2000. We're new citizenry and a challenge us to envision the system. Throughout the project corridor process, I noticed some dubious data, but I also noticed a process that bent over backward for public input possibly to its own detriment. People, lot of people trying to do their best to create a balanced approach. The indexed approach used by project connect is a balanced approach. I support the outcome although I'm not personally served by it. I want what is best for austin the austin of 2050 as much as for the austin of 2015. What is important to me is we rail supporters stop throwing stones. When we publicly criticize the project connect process, we are cutting ourselves off at the ankles, if we pull support for urban rails if our prefers first route is selected we cut ourselves off at the employee. We give comfort to those that oppose rail in the concept. Before we release a flurry of fury on the concept with the first of a system of urban rail lines in austin let us consider proceeding with grace over the coming months in words and actions where one city, one family, let's act like it.

[13:41:31]

>> Mayor leffingwell: Thank you. Mateo barnstone.

>> Thank you, mayor, city council. My name is mateo barnstone. Austin needs to begin building out a high-capacity transit system. And you have the window to start one right now. I am here to ask you to seize the opportunity and not let it slip away by prolonging a debate over where we should build an initial line of rail in what will ultimately be a complete system of transit throughout austin. I would like to make three brief points in this regard. Like many people in the room tonight, I would gladly support rail in the lamar corridor. However, it seems that simply not feasible to pursue rail without the risk of losing fta support. It is not worth jeopardizing this relationship. For that reason, I support looking at other options right now, support a rail line and revisit the guadalupe lamar corridor when the time is right. I'mnot a transit expert or policy analyst with background in statistics. There are many in this room that are. I believe you should listen to what they have to say. I can offer perspective of someone that lived in central austin for the last four decades. It is unquestionable to me that the center of gravity in austin has been and will continue to shift to the east. For a long time, austin has directed its growth north and south. For environmental, geographical, political reasons the west side is pretty much unable to be significantly developed further. On the other hand, east of the capital has seen tremendous infield development and unquestionable energy seen in the residential development, shops, fes, stores, musical developments, the mueller, university park, elsewhere. This is where austin will be growing in the coming years. We need to plan accordingly. The development occurring in the erc is transformative, for that area. And likewise, our numerous projects up and down the highland corridor which will be equally transformative. They are planned, funded, they have entitlements in place and development

teams on the ground. I am certain that you will not be making a mistake by planning now for the future of this very dynamic corridor. The final point I would like to make tonight is a caveat. I support rail on the condition that the city make a commitment now to revise the land development code to allow for and encourage dense, mixed use, walkable urban development within the five minute walk along every route selected. Over time, this will create a series of active nodes along the lines consistent with imagine austin plan and ensure the best possibility

[13:44:48]

[beep] for success in the line in terms of ridership and interest and give the taxpayers maximum return on their substantial investment in transit. In short, please continue to work towards the most successful project that we can have now, given the reality of the constraints before you. Thank you.

>> Mayor leffingwell: Ok. So yours was four minutes instead of three. Actually, your side has six unallocated minutes, so you're ok.

>> Thank you.

>> Mayor leffingwell: Rick kromaniak.

>> Thank you mayor, council members, my name is rick kromaniak I'm the immediate past chair of the city's miller commission. I hand out this letter that I think you have already seen.

>> Mayor leffingwell: Pass that.

>> I, too, am disappointed that miller route

-- corridor was not chosen initially here, but I am, as in every other in favor of transit in this town. I would vote for this one. I would urge you to continue the planning process between now and next november when you vote on this, so the citizens of austin will have some idea what will happen beyond this first route that gets planned. So that there is some cohesion to the transit being planned for this city. They will know what to look for in the future. Um, so when that said, I will urge that miller be maybe the next one that we choose, because it is the city of austin is a partner, in the biggest -- public-private venture that the city has ever done at miller. Every day that goes by that miller does not have transit means less density is that is allowed there. Limited by the traffic impact analysis. A commitment to transit, doesn't have to be rail built would allow the density to be increased immediately. As soon as they can happen, that would be really good. Again, I will support this. The process was, I think, pretty good. And I appreciate all of your work on this, I look forward to there being transit at miller some day. Thank you.

[13:47:13]

>> Mayor leffingwell: Thank you, rick. He only used two minutes. Dave sullivan.

>> Thank you very much. My name is dave sullivan, I serve on the central corridor advisory group. I served for 16 years on the city planning commission. I have experience in public funding issues, whatnot. I wanted to explain a little bit about how we came to our decision, because a lot of people I think don't get that. They look at lamar, see all the employment and population. We never voted on individual corridors. We looked at congestion within the subcorridors, we looked at how much affordable housing in the subcorridors. We looked at the employment in the subcorridors. There were probably a couple

dozen different factors we looked at. The staff combined those into indexes and rated each subcorridor. We voted on the emphasis we put on each of the factors. That came up with a score. That is how east riverside rose to the top, highland rose to the top and most of the different combinations where staff did vary the different weights. Part of what I wanted to say was, there has been a lot of criticism about the data that we used. Most of the criticism is about the methods that we used. I, personally, level the challenge for anybody to uhow me bad data. We did make a few mistakes at the very beginning of our process, but those mistakes were cleared up later. So the data that we used, which combined several different sources, I do believe, was correct. Reasoning minds can disagree about whether or not we drew the lines for the subcorridors directly or not. We made those decisions early on and stuck with them throughout the process. That is how the processes should work. One other point to make, I said this at the last central advisory corridor meeting when we voted. I believe this argument boils down to, should we go with rail on lamar? If we start work on it now, it might open at 2023 and put at risk a large amount of money from the fta or should we watch how the 801 works for five years and put in a new application to fta and then start work on it and have it open in 2028? We're talking about is rail gonna open in 10 years or 15 years? In 10 years under great risk or 15 years under little risk? The only other thing I wanted to leave you with was the fact that I also serve on the board for the local chapter of the congress for new urbanism. They passed a resolution supporting whatever decision you make on this, so long as it supports rail. So without being specific to the alignment, your local cnu chapter believes [beep] that we must make an investment in mass transit for rail. They would support whatever decision you make. Thank you.

[13:50:38]

>> Mayor leffingwell: Thanks, dave. I have a quick question for you. Can you tell us what your credentials are. You talked a lot about the process, about the gathering of data. I believe you have some background. Can you talk about that for a second?

>> All right. So I bragged at one of the meetings.

>> Mayor leffingwell: You bragged about it at a meeting.

>> I have a doctorate in the sciences. I taught statistics. I am a professional data analyst at my day job. I pour over numbers all day. That is why I love activity like this, because I get to work with people, human beings as opposed to the numbers I work with all day. So um, I do have experience with the kinds of tools that were used to develop the recommendation. And I did examine

-- I was provided the excel spreadsheet that has in it all the formulas and numbers and I was able to compare it to what people complained about. I could not find problems with it.

>> Mayor leffingwell: Thank you. I appreciate that. Council member morrison?

>> Morrison: Thank you. I actually did some of that work with you, not only looking at data, but also looking at modeling and looking at evaluation methodologies. That all goes into it. I wanted to ask, I heard council member martinez's statement that they viewed the fta on lamar. You said it could bring rail five years later.

>> What I heard, the term about permanent investment. If you can show you need more mass transit on it, then you begin the application process again. My suggestion

-- this is just shooting from the hip is, in 2018 or 2019, after we have seen five years of operation of the

801, we find out that it is even running at 10-minute headway during rush hour, it is still overcrowded, standing room only, then we would be in a great position to go to fta and say look, we need more than just this excellent investment that we have operated for five years.

[13:53:08]

>> Morrison: It is your interpretation that means on top of the investment already made, as opposed to in place of?

>> That is not a decision to be made today.

>> Morrison: Sure.

>> It would open up the door in investigation after we had insurance to the 801. I'm watching a marvelous program. I'm watching an 803 route going in front of my workplace.

>> Morrison: Maybe should other time, dave.

>> If we have five years of experience with the 801 and it is busting at the seams, that is the leverage to go back to fta to say we need something to carry more people faster.

>> Morrison: We have to work on that scenario at that time?

>> Right.

>> Mayor leffingwell: Gerard kenny.

>> Mayor, council, good evening. I'm an austinite. Since the beginning we planned for miller to have rail. I hope that still happens. I, like others before me am disappointed that it wasn't specifically designated as the first system but I do support the process that has gotten us to this point. My belief is that there is a new term out there that I know many of you have heard. And we

-- I need to pause and say, too, publicly, sort of acknowledge the leadership of paul cruz. Who led, until his death a couple of weeks ago, led ard, austin area regional transit for over a decade. That organization

-- it was probably one of the first organizations that was really talking about the intrinsic connection between land use and transportation, particularly fixed route transportation, rail. We have worked tirelessly under his leadership to further the idea of development oriented transit. Which is kind of a reverse of the terms. And one of the things about the miller location and also all of the east side locations is that rail is probably the most powerful tool in determining land use patterns. And you have the entire east corridor, what used to be called

-- maybe still called the preferred growth corridor

-- that needs to be served by rail. My belief is that the central corridor and the miller corridor are actually all the same travel shed. And that as the team goes forward and studies the highland corridor, it will

-- I think it will become apparent that those two

-- that those two travel sheds can be combined and both be served by the same starter system. And that eventually, hopefully soon. An extension into miller and then beyond miller, serving the east and northeast direction will be a great opportunity to realize a true development oriented transit system.

Thank you.

[13:56:59]

>> Mayor Leffingwell: Thank you. Brian Kaminski.

>> I'm Brian Kaminski with Red Leaf Properties and I would like to read a brief statement we prepared for the subcorridors. We're ready for more rail in the highlands, we're working in conformance with the -- we're pleased to learn the Project Connect team and the Mayor's Central Corridor Advisory Group have overwhelmingly recommended the Highland subcorridor advance for further study to bring additional personal rail service to the Highland subcorridor along with East Riverside. Today, it is a significant milestone in the history of transit in Austin and we urge you to support their recommendation based on a number of factors, including approximately 6,000 students will take classes at ATCA first phase. Just the first phase of the Highland campus by 2017. Adding to an already well-traveled part of town thanks to Interstate 35, U.S. 290, U.S. 283 and 2222. Highland is a significant centrally located transportation hub, not only with the roads I mentioned but also with an established Metro Rail stop and several bus stops. A route to Highland would connect to the central rail line without any upcoming or planned high-capacity services. Highland is envisioned in the regional center in the Imagine Austin plan while many residents and neighborhood associations are embracing density spurred by the Airport Boulevard process. The Project Connect team estimates the area around Highland will grow around 12 to 20,000 people per square mile making it one of the densest activity centers outside of Austin's core. Connecting Highland to the core does not require crossing natural or man-made barriers for instance, Interstate 35 or bridge over the Colorado River. Our team is working with city staff to determine the best possible approach to update the infrastructure necessary to provide more benefits to the Highland redevelopment. Like you, we are eager to move rail forward and stand ready to continue the process. We move forward with the Austin Community College and look forward to working with City of Austin, Capital Metro and transit partners while making more high-capacity transit available for the entire time to reenergize the entire city.

[13:59:53]

>> Mayor Leffingwell: Thank you. Dee de-Jordan.

>> Thank you, I'm Dee de-Jordan, the master developer with Keller and charged with changing an airport into mixed use and transit corridor development. Grecian -- Greg Weaver asked me to share our statement as he cannot be here in person. We also would have preferred that the Project Connect team select the Northeast Austin or Miller subcorridor as the next priority for the high-capacity project. But we're pleased that Project Connect and CTAG have chosen the eastern alignment to connect to multiple activity centers including the future redevelopment of Highland Mall and Miller now well underway. We have confidence in the data-driven process that brought forward this information and inform the Project Connect team as this process continues. As Miller's master developer, determining when high-capacity transit might be available to Miller is important, so we can reach the project's full potential for the city through increased densities as envisioned by the master plan and consistent with Imagine Austin and the Campo 2035 plans. In the interim, opportunities like circulator services connecting the first phase of mass transit to Miller and other subcorridors might support the system. We support ongoing system planning to further study the corridors that rose to the top of the process. Including Miller and Lamar Guadalupe. To all act

effectively on opportunities and be ready to expand the system from this first investment. As you know, miller is an established activity center that upon completion will also be one much the most dense neighborhoods outside of the cor. Miller continues to grow rapidly. What you see at miller today is not yet 40% complete of what it will be. When the other 14,000 people live and work there it will be dense. Urban neighbors are supportive of urban rail. We hope all of those that believe in mass transit will look beyond the sequence of the phasing and support the system, so it becomes a reality sooner rather than later. We look forward to continuing our work with the project connect team. With the city's economic development and transportation departments and capital metro to keep rail on track. Thank you.

[14:02:44]

>> Mayor leffingwell: Thank you. Charlie bets. [One moment please for change in captioners]
>> fast-forward to today, we are excited at the downtown alliance about the bus rapid -- metrorapid system that will be operating very, very shortly. We think it will be much more successful than the estimates have been made. We think it will be very successful, and we think it's time to keep the process moving and move to the other two recommended subcorridors that have been recommended by a very excellent staff and wonderful people who are really doing a great job on the central corridor group as well as the transit working group. Thank you.

>> Mayor leffingwell: Thank you. You only used two minutes, so -- jeff boyd?

>> Good evening, mayor and council members. My name is jeff boyd, I'm with alliance transportation. Earlier I forwarded to you a resolution passed by our members in support of going into phase 2 and in support of the recommendation coming out of the central corridor work group. So I'm here to encourage you tonight to vote in favor of going into phase 2, and continuing the planning for the east riverside and highland corridor. Right now we do not know what the ultimate recommended project that's going to come out of this process, what that project is going to look like and what it will look like when it comes to you in june, in just six months. What we need to do now is to go forward and spend these next months in further planning, study and public review and public comment to develop a solid plan that we can take forward as the best recommendation for our next investment in high-capacity transit. I encourage you to take that step tonight by voting for this recommendation. Thank you.

[14:05:40]

>> Mayor leffingwell: Okay. I have one speaker remaining on the list and that's martha smiley. She will be entitled to up to 12 minutes, or someone else on your side can speak to fill out your allotment. You have up to 12.

>> I appreciate it. I won't take it. Mayor, mayor pro tem, council members, I'm martha smiley. I've been a member of the arrow transportation committee for the last two years and I've served as vice chair of the chamber's mobility and transportation committee. In those capacities I've had the privilege of serving on the transit working group. As part of the north corridor study commission and as a part of this central are corridor advisory group. It's been some of the most rewarding public service I've ever had. We are at such an important point in the city's development, and the business community is very

engaged in this process. They've watched it closely and they've been very supportive. The chamber passed the first resolution in support of the transit working group, transit vision for the region, and they called for at that time an open and transparent process that was data driven to lead us to the best next investments in transit. I'm here tonight in support of this recommendation because I spent a lot of time listening to our professional team and the project connect analysis, looking at the data. I don't have dave's credentials, but looking at the data, listening to people across austin talk about what they want, understanding the city's very engaged planning process. This community has spent so much time in planning and has so engaged the community in what it wants, in its neighborhoods, across this community. People have said where they want density. They've said where they want transit, and I think these recommendations that you're hearing tonight, listen to that. We're talking about not just a recommendation that's supported by numbers, which it certainly is, but you step back from the numbers and you look at what the recommendation is, and you've heard some of it tonight, but we're talking about starting in the north where our regional transportation systems are already converging, 290, 183, i-35. We're talking about starting where there's a redevelopment of a dense 80-acre tract. We're talking about where there's a work horse training facility in acc. We're talking about coming down through the university, coming down through the medical center, coming down through the innovation district, waller creek, crossing the river, and going to a very vibrant, eclectic growing, dense east riverside corridor. That makes sense. The greatest surprise to me in this process, frankly, was that the data supported a number of corridors for high-capacity transit. It isn't that we don't have lots of places where we should be thinking about high-capacity transit. We do, but this recommendation came out at the top. And what we really need to do as a community is take this recommendation, move forward, think systemically about where we go from here and keep the planning process going so we have an engine moving forward. The other thing that the chamber and business community is concerned about is how we pay for this. We have to have federal dollars to build what we need to build in austin. And so we must do things that make sure we're not jeopardizing our relationship with the fda and federal dollars. We appreciate your thoughtfulness and your time on this effort, and we look forward to participating in phase 2 and moving on with high-capacity transit in our community. Thank you.

[14:10:21]

>> Mayor leffingwell: Thank you, martha. So you have seven unused minutes. Is there anyone else on your side that would like to speak? Apparently they've made their case. Rest their case. We'll go to those against. Beginning with julio gonzales.

>> As you know, our supporters participate at all project connect workshops as well as the poll and we like the plurality of participants really like lamar. You know why we like lamar, because that's where the ridership is and the existing land use policy works for rail. Here's what we would like you to do. We'd like to have you to have a wtp4 style debate where you hear the details which you'll see are really important and we think you'll be concerned and decide to include lamar as a subquarter for study or at least a little study in phase 2. We have other ideas you should check out. Here's why we want it. Because highland is simply not supported by data. The only reason that highland advances is because of the gross index, but the methodology behind that is flawed. Specifically, the democratic allocation tool is not a predictive tool at all but rather it's a tool based on aspirations. Here's how it works. There's a set of parameters,

types of things that we like to see in parcels, and then growth that is anticipated if all through those parcels it isn't an empirical test and not a forecastable we can expect in the future. The problem is it leads to incredibly unrealistic assumptions. Over the next 20 years in perpetuity highland is supposed to grow at 3.6% per year in population. If you look at our own rates the last two years it's only been 2.7 and in the last ten years because we're obviously much larger it's only been 1.9%. It simply is too much, too fast to ask highland to move at that rate. Perhaps some of the work being championed by you in form-based codes will change that but then how would you check that? It turns out the demographicalcation tool has never been allocated. You're about to make a billion-dollar decision on a tool we know doesn't have predictive power. East lamar has real data we have today on population and employment densities that make them rail compatible. Highland doesn't have that today and it is unclear will have it in the future. Yes, there are questions about lamar and metrorapid. We should get them documented. The impressions of what fta will do aren't enough no matter how much we like and respect the source. We also might differ on what permanentance means as well as the planning we just alluded to. A little possibility on that phase 2 can get you a lot if you do triaging on how the work is done and mr. Cahy is brilliant so he can pull it off. We can get the critical answers we need to make sure we understand this decision better. This is the last chance for us to move forward together. Hear what I am saying. Little not an ultimatum on a specific direction -- it is not an ultimatum on a specific decision. There are many permutation os lamar and east riverside that can work. What can't work is highland in the initial sequence. It is a prime place where a real brt should be done. I'll take a few more seconds.

[14:14:15]

>> Okay.

>> An additional minute.

>> Our supporters strongly agree with this direction. We know because we've asked them. They like the compromise we're putting forward. What they don't like is permanently and consistently being excluded, citizen input that is being cut off and information being released in a haphazard way. Now certainly all of us are going to get a chance at making things work, but if our input is not heard, we will not be able to support the lpa that you are going to vote on next spring, and we will not be able to vote next november. One of the nice things about being immersed in the data is that you know all of the weak spots of rail in this community. Thank you.

>> Mayor leffingwell: Okay. So I have for four minutes. Jays deloni.

>> This is pretty hard for me so bear with me. I serve on the urban transportation center, the capital metro advisory committee as well as the aura executive committee. I've been an active participant in the corridor study as well as similar projects the past three years. I started at aura earlier this year because I saw an opportunity to let a data driven process break free from the tired old debates of whether to run rail at mueller or to lamar. I also understood if we're going to pass rail in austin anytime soon we would need new voices in the process. Many of those new voices are standing back there. In short I created ora because I thought there was a better way to build a culture and con at this time weans of rail in austin. The same time we were formed we visited austin on ways to make an urban rail vote successful. One of the most important things they said is a winning transit coalition in austin should

energize not only the mayor, the city council, the business community, ut, leadership at capital metro, but also neighborhood groups, environmental activists, students, musicians, artists, cultural leaders, the tech sector and transit advocacy organizations such as ora. Bringing these groups together may be difficult and require concessions on both sides but it's worth it. The resolution passed by ora is based on compromise. Please do the same by including lamar in phase 2 metrorapid, can and should stay. The lamar route which comprises the city's most productive transit market today and for the foreseeable future should be compared to other routes on the east riverside and highland. I am not a lamar only transit advocate. If you decide not to include lamar in phase 2 I encourage you to prioritize east riverside over highland. It's a winner compared to highland. We should be looking at providing the highland area with transit investment. I'm sure the highland doesn't have the support needed and destinations needed to make successful urban rail investment. As chris bradford pointed out they're not designated at corridors in the transit development code. I don't believe that the analysis has been conclusive enough to conclude this. It was rushed. I encourage you to take us seriously and take action towards this project a success. If you don't do these things I've outlined above I'm afraid many transit advocates will end up not supporting rail. Thank you.

[14:17:47]

>> Mayor leffingwell: Julie montgomery.

>> Good evening, mayor, mayor pro tem, council members. My name is julie montgomery and I'm also an executive committee member of austinites for urban rail action and I'm a representative on the central corridor advisory group. I ask you to please oppose the project connect technical team's recommendation of highland and east riverside alone tonight. I can understand why you'd be inclined to trust the staff recommendation, but I'd like to share with you my perspective as someone who's been living and breathing this whole process for the last several months and working as hard as possible to make the process successful, that is after all the mission of ora to induce our decision makers to ensure we have a transparent and data-driven and inclusive and ultimately successful rail development project and process. I came into the project connect process with an open mind and no dog in this fight. I live in central east austin and ride my bike to work at the lbj school. Wherever this goes it's probably not going to be affecting my day-to-day life. My only agenda is to see the first line be built, be as successful as possible so that more people will want to vote for future phases so that we can get rail all over the city. My experience as a member of the ccag is that it was a very rushed process. We would usually get the information for the meetings maybe the morning of the meeting with no time to process the information, and we had very little time to discuss amongst ourselves. So any -- any weighting or validity feedback from ccag should be taken with a grain of salt because we didn't have time to process it. Likewise, the public workshops, a ton of information was thrown at the public in a very short amount of time, very technical stuff, that is just hard to get through that quickly. This is just the byproduct of how extremely compressed the timeline has been. Everyone has been working their hardest to do this as well as possible but there's just -- there's just concrete barriers you run into when you try to go this fast. I would ask you to please include lamar in the phase 2 study. We need to get apples to apples comparisons of actual routes from east riverside to lamar and from east riverside to highland. Looking at fta criteria. The only way that we

are going to be able to keep lamar supporters on board is by demonstrating to them if the highland route is better, exactly why it is better. When I suggested including lamar in phase 2 at ccag, however, this fear of the fta regarding metrorapid was brought to the foreground and there has been a lot of public trust lost because of this. All along the public was told, look at these corridors, tell us which one you think is best, and people came to the meetings and people participated and said, we want lamar. They came and they said that they wanted lamar and then only at the very end in the last -- last week was the issue of metrorapid suddenly thrown down as the reason why we can't even study it further or get concrete answers from the fta. This is a breach of public trust and I'm very worried that if we do not continue to study lamar, that you're going to lose all of your core grassroots enthusiasm for a bond election, and there won't be anything that ora can do to help bring them along. Please give us a chance to do the right thing and keep the public on board. Thank you.

[14:21:36]

>> Mayor leffingwell: You were one minute over. So your side is now minus 2. John brown?

>> Good evening, council members. My name is john brown and I have the privilege of being an undergraduate student at the university of texas here in austin. In addition, I have the honor of serving as one of the college representatives in ut student government general assembly, and in addition to that I serve as chairman of the student government legislative affairs committee. Now, to get down to business, I'm here this evening as a representative of student government and also as a student representing my 52,000 fellow students to proclaim and express our support for the guadalupe lamar subcorridor as part of the austin urban rail investment. As testimony for the support of the ut students early in the year before september before any group approached us or lobbied for a position, the ut student government assembly unanimously adopted resolution ar-15 in support of the guadalupe/lamar subcorridor as phase 1 of the austin urban rail through project connect. As the official voice of students at ut, student government adopted this resolution due to the large student population that would benefit from the proposed guadalupe/lamar alignment. For example, the largest concentration of students living off west campus, of which I am a resident, is the third densest population district in the state with a density of over 25,000 people per square mile. The proposed route would benefit these 25,000 students and would be in their best interest. In addition to students, a vast majority of the central austin population lives along the proposed alignment, totaling over 54,000 people within a quarter mile of proposed stations who would be from the guadalupe lamar alignment. This route serves the largest amount of residents and not simply just students. Adamant student support for the guadalupe/lamar alignment exists among students. It has the official voice of students for the university of texas austin student government was proud to take this stance. Council members, I appreciate your time and I'll help you remember the remarks of the 52,000 students here at the university of texas. Thank you.

[14:24:10]

>> Mayor leffingwell: Okay, the next speaker will be john lawler. But before john

-- before you start, I want to ask a question of kyle key. I want to go ahead and answer this question

before it lingers too long because it came up at the central corridor advisory group also. Why can't we just take three subcorridors and go ahead? You know, explained that at the advisory group meeting, and I think it needs to be reiterated here because mr. Montgomery has brought it up again and evidently needs to be reemphasized.

>> Well, it's a good question. We

-- we developed our work plan that is

-- it was a very aggressive work plan. In order to accomplish our work plan we made a decision at this point in time so we can focus our injuries at this point in time on being able to identify the alignment and the modes in the project we're actually going to put on to a ballot. If we are taking three, and as it was suggested in east riverside and lamar or east riverside and highland, we're still doing comparisons of alternative projects, and so we're really not able to focus on the definition of a project. We're doing comparing and contrasting. So what we're doing is we're kicking the can down the road a little bit more and trying to make that decision when we should be focusing on the real critical decisions of the specific alignment in a specific subcorridor, is going to be a complicating factor. We don't have the time to be able to continue that effort if we're trying to stay on schedule to meet the november bond referendum.

>> Mayor leffingwell: Put another way, the process of selection of the subcorridor was really an internal process for the advisory group to enable us to narrow the focus a little bit more.

>> Yes, sir.

>> Mayor leffingwell: So that we would be able to look closely at specific alignments within the central corridor itself.

>> Yes, sir.

>> Mayor leffingwell: And the reason we came up with highland and erc, erc was top, of course, that would be our highest priority, was because they fit. They fit on either end. So nothing is really lost in the planning for the central core with either one or both of those subcorridors. So I wanted to make sure that we understood that, even though it looks like two subcorridors, it's really one for the purpose of narrowing our own focus.

[14:26:38]

>> From our perspective we are

-- we are not looking at these as two subcorridors. We're looking at this as one project moving forward, and so if we're still doing the comparing of highland versus lamar, we're just not focusing on a project. That's my concern from the technical teams.

>> Mayor leffingwell: In short, I don't want to put words in your mouth, but we couldn't make our timelines to be ready for an election

--

>> I don't believe we could.

>> Mayor leffingwell: Thank you.

>> Spelman: Mayor?

>> Julio suggested that the gross index was problematic. Obviously the growth index is a very important part of our decision, one of the reasons why highland came up ahead of guadalupe, lamar and the other subcorridors is in large part because of the growth we expect to take place there over the next 20 years.

Why is it you chose to do the growth index the way you did it?

>> Well, let's back up first. Let's take a look at why did we decide to look at future data as well as existing, and the challenge as we know is we looked back ten years ago. Today is not the same as it was ten years ago, and ten years from now it's going to be very different. So what we believe very strongly in as planners is being able to look to the future, taking a look at reasonable estimates that are being developed regionally here by campo and population and growth and where that's going to occur. Your imagine austin process identifies where you want to be will to see that growth -- be able to see that growth occur. So we identified those as key critical factors to take into account in building a system. We build these systems for centuries, for a hundred years, really. We're not building this for today, to meet today's needs. We're building them for the future's needs. So that's the first part of that question, is why are we taking into account future needs, because we need to be able to plan for this in the future. As we looked at the growth factors, the growth indexes we looked at, we looked at the population and the employment as well as the densities and where they were located. We did that because we needed to understand where to point -- the direction. We'll take a lot more detailed examination when we look at a project, we'll look at standard buffers of a quarter mile or a thousand feet off of that for that project, but right now we needed to understand in a geographic area where are we seeing more population, where are we seeing more employment growing in that area? So that's how we struck

[14:29:00]

--structured the growth index.

>> Spelman: There are a ways of structuring a growth you know better than I did and you picked a specific methodology. You have experience with fta. You have experience with what fta will believe when they see whatever proposal we put to them. Is fta going to believe the growth index we're going to put to them that you used with respect to some corridor decision-making process and why?

>> They are going to test us, and essentially one of the things that fta will ask is have you taken into account

-- are you using a regionally approved model. And so that regionally approved model campo maintains includes the employment projections and the identification where that growth will occur. That's why we haven't generated new estimates. We're using that reliability. These test us in that regard.

>> Julio was talking about the campo model. If we use anything other than that the logical question fta will ask, why are you using a new one, why aren't you using what you use for roads and we're simply doing what campo does in our every day decision-making process.

>> That is correct.

>> Spelman: Thank you, sir.

>> Mayor Ieffingwell: John lawler?

>> Thank you, mayor, and thank you, council, especially those that gave the extra time for those here today opposing project connect to come up here and speak. I'm a recent graduate of the university of texas at austin, but tonight I'm here from the university area partners, they're the neighborhood association that represents west campus, as john brown mentioned earlier, one of the most densely populated neighborhoods in the state of texas. The uniqueness of the university area partners is that it's

a neighborhood association that works very well with developers, student residents, churches, different business interests and I've been a member for several years. University area partners adopted a resolution that supported guadalupe lamar as the primary priority, I guess is the worth, pry ortd corridor for the project connect evaluation. They did that in line with student government because student government came, lobbied uat and made a fair presentation to the area partners general meeting. They also did that in accordance with campac, central austin planning contact team. Campac handicapped that a large part of the plan that went into place that built uno was urban rail. If you go and look into the campac documents that outline the growth and densities there's dozens of pages about the urban rail program that was supposed to occur in 2000. Unfortunately, it didn't, and that's nobody's fault. We can't sit around and point fingers. I as a student and relative newcomer to austin can't blame someone for that but I can recognize that's a problem. We're not only dealing with an issue in the city of future growth, we're dealing with past growth. We've allowed neighborhoods dominated by students and single-family homeowners to develop and have all these issues without providing the infrastructure support, and a lot of the crime issues we've been having in west campus and zoning and housing issues we've been having north of the university. I think these reasons are all related to the lack of infrastructure we've put into these corridors, and an urban rail alignment that prioritizes along guadalupe lamar would go a long way to solve those woes. I want to stress we did support guadalupe la are ma. I can't say but I think they would support phase 2 and I would like to say I'm proud that student government is here tonight because there's a lot of decisions that go on in this city that impact renters. They don't show up. Here's the specific instance, where those 52,000 students, that official voice, ut student government not only showed up but they talked about it six months ago. They did their research, they did their homework and then project connect didn't show up until after the decision had already been made. They put the resolution out there. They said, mayor, put us on the central corridor advisory group. Let students have a voice in there to express our concerns with the urban rail proposal. Unfortunately there was no student voice. There weren't even that many young austin renters on there. That's neither here nor there, I really want to refocus again that the university area partners supporting student renters and a lot of adult renters in the central austin area, supports guadalupe lamar and I would encourage you to follow the recommendations of smarter individuals that have come before me and included in phase 2 so we can have them side by side. Thank you all.

[14:33:45]

>> Mayor leffingwell: Neuron babalola. Babalola.

>> Hill o my name is neuron babalola, I live in travis I came to my first city council meeting to urge you to not going down a path that will lead us to putting the first rail line in the highland corridor. The fta is our government, it's your government, but seems like everyone is afraid of the fta. Why aren't we working with them to build a plan that will help us upgrade the buses on lamar to rail. I came back from a trip to north korea last month and I didn't think I would get home and see that everyone is afraid of our government here. I was afraid there. I shouldn't be here, though. The fta goes around the country promoting buses as a stopgap solution to cities who can't afford rail. They came here a decade ago and said, ah, it looks like you lost a rail election. We'll let you upgrade your buses here and upgrade it to rail later, and that's a sales pitch they make to cities around the country. I don't see any reason why the fta

wouldn't be on our side if we want to plot a path forward to upgrade the buses on lamar to rail. And no one is talking about scrapping metrorapid. We're talking about ten years from now when a rail line opens moving the buses that are there, which are the vast majority of investment, to a different place where they can serve people who need better transit today. Going down the path to rail on highland is our first investment

-- as our first investment, many people say we could just go with a lamar line next. If we start with the highland line I don't think it will be politically feasible for us to then say, another rail line to the north side of austin when there are people all around the city who want to see rail in their neighborhoods. If we put a rail line down highland we won't see rail on our most congested corridor where the most ridership is seen today. If there's

-- if the plan that we put on the ballot is rail to highland, I'm not going to be voting for it. I'm going to encourage my friends not to vote for it because I think it will be a poison pill for the future system that we want to have. We want a comprehensive system that serves the entire city and if we start to the rail line highland I don't think we'll end up with that. Thank you.

[14:36:22]

>> Mayor leffingwell: Cory stricklan.

>> Thank you, I only need two minutes.

>> Mayor leffingwell: Okay.

>> As a lifelong austin resident and transit supporter I want to take this opportunity to urge the council to vote against the resolution as it stands. I want to add my voice to the chorus that calls for lamar to be included in phase 2, along with east riverside and highland subcorridors. Highland represents an enormous investment that will cost hundreds of millions of dollars, an order of magnitude larger than the investment in metrorapid. It's our duty to the taxpayers of this city to ensure the money is spent as effectively as possible. We need to review all of our options carefully and we cannot afford to prematurely remove a strongly supported route from consideration. Connects existing methodology, ranked third behind east riverside and highland. It has consistently been the choice among austin advocates in surveys. By themselves I think these arguments conclude that leaving lamar in the phase 2 study would be a wise choice. Beyond that it seems to me the project connect methodology unduly advantages others at lamar's expense. Later it was lumped in with the core where its dense development aren't credited to any subcorridor. Giving west capacity back to lamar boosts lamar relevant to highland and makes a lot of sense. I live and work in west campus and use transit stearns I feel. Like many people working or living in west campus I rely on the buses up and down guadalupe. A rail line that goes down guadalupe will serve our needs much better than one further east and that should be reflected in project connect's analysis. Thank you.

>> Mayor leffingwell: Okay. That was two minutes. Corey brown.

[14:38:28]

>> Good evening, my name is corey brown and I'm a crestview resident. This is my first time in front of council. It's nice to see some of the proponents of the recommendation in the room because I agree

with mr. Langemoore, the corridor is a high corridor for high capacity transit. I agree with him that austin is a world-class city, just missing that transit piece. Just down the road houston next saturday is going to open their second line. They're opening their second line because the first line was a success. 12,000 to start, 32,000 just nine months later. They connect dense residential with dense employment in the straightest line possible. Real simple. Now, project connect has done a lot of calculations but they admit they haven't evaluated any actual routes. I took google maps to get here today, to take the 101 to decide which one will I go because I'm new to crestview. Google maps didn't tell me, I go through this neighborhood, this corridor, you don't get in the right area. They gave me a route, stops and that's how I got here. That's how people travel. Now, crestview, as I understand it, because I got here as fast as I could, was a big opponent of rail in 2000. I've been talking to my crestview neighbors. I helped pass a resolution from our neighborhood association supporting rail on the lamar corridor. There's a lot of talk about metrorapid and I can milwaukee to a metrorapid stop in four minutes. Unfortunately metrorapid is not bus rapid transit. Local service in our neighborhood will be cut by 50% while limited service will become 50% more expensive. Meanwhile metrorail rates are jumping to \$7 rorn trip to downtown. This makes the city lose more ground for affordability on the working class. We need a transit system that serves austinites who need it most. East riverside makes sense, so does lamar guadalupe. I encourage you to evaluate real routes on their merit including lamar. If we can't have three, scrap highland. If it develops as everyone says then it can be part of our growing transit system. Thank you.

[14:40:35]

>> Mayor leffingwell: Amy hartman?

>> Hi, thank you for hearing me speak. I'm a resident of zilker and I'm here because I want to see a good mass transit system in austin. I am here to speak against the highland subcorridor. I do support east riverside but my preferred subcorridor is lamar/guadalupe, like most people here. I want to make two points. The first is metrorapid, the enhanced bus system we're talking about, is not bus rapid transit because the buses will be in these very congested corridors with traffic. I believe the fta is investing \$38 million. I don't think that people would be very happy to hear that that precludes a later investment eight years down the road and \$500 million for rail that would have a deciding designated lanethat moves people faster. The second point is in every single session where project connect has asked citizens for their opinion the citizens said they want lamar guadalupe as their prevented subcorridor. Everyone that I talk to anecdotally has told me that makes sense to them. They're puzzled by highland. Just this morning a coworker of mine who was just elected vice president of the highland neighborhood association last week told me she was asked to be the point person on fighting for rail on lamar/guadalupe. I don't think the general public knows this is going on yet but I think you can see what subcorridor they're coalescing around supporting. I will not be voting in the bond election for the highland subcorridor and I will be encouraging other people not to as well, and I don't think I'll be the only one. Thank you for listening to me.

>> Mayor leffingwell: Mike gors? Back this way. Turn around and go back.

[14:43:04]

>> Thank you, council. My name is Mike Gors and I'm a resident of the Wooten neighborhood. I am speaking here because although I believe we all agree that we want what is best for the city as a whole, I believe that investing in Highland as a first choice and not considering Lamar would be a mistake. I say that because the case for Lamar is based primarily on future projections, which always have an element of uncertainty to them, and on the other hand Lamar has the one combined with the 101, which is by far the best route with the highest ridership which indicates that we would have people who would actually ride such a route, and as others have mentioned, we haven't seen actual routes and what's important, I believe, in determining how successful a transit route would be would be to have

- be within easy walking distance for people in terms of being able to get to the station from where they live and being able to get to destinations, whether it be where they work or anywhere else they go on a regular basis and Lamar fits that bill pretty well and the best ridership evidences that. The other argument people make involves the FTA. There are two separate arguments there. One of them is that we would perhaps need to reimburse the FTA for a current \$38 million grant, and I want to point out that that is a small investment compared to what rail would cost in totality, and also that there wouldn't be anything stopping us as far as I can see from being able to reapply for a grant to relocate the BRT somewhere else and be able to recover that money. And the other argument seems to be a subjective argument that the FTA wouldn't look kindly on such an investment and would not have funding, which seems like speculation and is something that we don't really know for sure, and it would also set a precedent for other cities that bus precludes light rail for decades, which is something that the FTA may not want to have be a precedent given that money is scarce and they would want to encourage cities to apply for bus
- for BRT while waiting for money to become available for light rail. So I
- in conclusion, I also
- if I felt that with any degree of certainty that we would have rail on Guadalupe and Lamar on 2028 then I might feel somewhat differently. However, there are a lot of conditions there as well. We would need to decide whether voters are willing to support another bond election after this bond election, and people may decide that it isn't
- that it doesn't make a lot of sense to have an urban rail

[14:46:00]

[inaudible] alignment so close to the

-- the Highland alignment but the Highland alignment would be too far away to actually benefit people. Thank you.

>> Mayor Leffingwell: Okay. Surrender Marwaha. Surrender?

>> Thank you, Mayor, and Council member. My name is Surrender Mawaha, and I was till recently, the last year, I was with Capital Metro leading all the major projects in the Austin area. I started when I came here. I managed the first project way back in

-- light rail, which we lost for less than 1% of the

-- we can go into that but I won't go into that. That's for some other time. The reason I'm here is because you have seen from many of these community advocates who have done a lot of their work and they have questioned the data and they have questioned the opacity of the whole system. Because

if your data is not accurate, if your data is not transparent, it is garbage in and garbage out. You can do -- you can manipulate the data any way you want to get a predetermined outcome, and that is a big no-no for the fta process, and I want to make it very clear because I have lived fta process for 20 years. I know those rules, you know, like the back of my hand. The second question is the question of, you know, which I think people have raised about the investment that the fta may look unfavorably for a light rail investment on north lamar and guadalupe corridor. Now, let me just, you know, give a couple of, you know, good instances. The \$38.1 million investment which they made in -- by the way, I also led that project. I led that project and we got that project approved in the shortest time in the fta's history. So that's a great project, but it is not going to waste because I think we need to look at it more holistically. That project would stay in place and nobody is saying that abandon metrorapid now because it's already in construction. It's going into service starting next month and there will be nobody happier than me to see it, because I had lived that project for the last nine years. As far as the fta's investment is concerned, in my opinion I think for the next 12 years, until 2025, the metrorapid project would have lived its useful life. The typically fta allows you only 12 years to basically amortize your -- 60% of that. The other investment, which is real estate and which is also maintenance facilities, and infrastructure, it will always be used. It is not being thrown. So anybody who's saying that, they don't understand what they are talking about. Okay. The other point I want to make, the -- in my opinion, which is back up -- the estimate, the guadalupe lamar corridor in 2025 if it opens, it will have a ridership somewhere in the range of 45,000 to 50,000 people per average weekday. That is ten times the ridership of metrorapid if it achieves that ridership which we had estimated. Can I get another few seconds, sir?

[14:49:42]

>> Mayor leffingwell: Set the clock for one minute.

>> Okay. So my

-- my only concern is that please give it due consideration because this is the most important project and most

-- this will impact the community for a hundred years to come. And don't take it lightly, and if the community has questioned the data, then I think it is your obligation as a representative, elected representative of this community to make sure that you drill down the data, you question everything and listen to these community folks and maybe spend a couple of hours going to those meetings and seeing what they are questioning. And my only, you know, suggestion is, my only request is that please consider this very carefully because we do not want that this action should take us back another 15 to 20 years. Thank you.

>> Mayor leffingwell: All right. You had four minutes. Next is lyndon henry.

>> Mayor and council, I'm lyndon henry representing texas association for public transportation. I'm a transportation planning consultant, former capital metro board member and a former capital metro data analyst and of course a colleague of surrendered. Along with many austinites I'm convinced the backbone, west campus, guadalupe, lamar corridor is the obvious choice for an urban rail starter line. I'm here tonight to urge you not to be rushed into taking action on project connect's proposal but to put

the project on hold thus allowing yourselves time to evaluate the problems with this project and to enable a more comprehensive and open community evaluation. For years the city of austin and more recently project connect has divided the community with their approach. Either accept our urban rail plans or get the hell out of our way. For months now all we've heard is we got to rush, rush, rush this study, rush this decision, rush to a vote next year. You and the austin public are being stampeded into making a decision without hearing all the facts, and you've been isolated from the vast avalanche of questions, alternative proposals, debate that's been surging against project connect and the proposals they're now presenting for approval. Let's just take two examples. Project connect's study eliminated student trips as a measure of travel demand for each sector to the core. How could they ignore student travel in a city whose core contains the largest university in the state? The future projections they've used especially for their prevented areas are exaggerated beyond credibility. When you plug their projections into their own transit orientation index model you get transit trip predictions that are simply off the scale. For east riverside, for example, their low end prediction of daily transit ridership for that single subarea is higher than the total daily system ridership of the entire city, like portland, denver, seattle and atlanta. Do you really expect the austin public to believe these kinds of results? Treating the community as if they were fools has been a slap in the face to central austin's core neighborhoods that have remained among urban rail's strongest support is, have been promised a rail line and spent many hours of time crafting neighborhood rail station plans. The community, especially the central austin community, needs to have its side on these critical issues heard and you need time to seriously focus on these emerging facts. We're asking you to put the project connect process on hold until you've had a chance to examine the information yourselves and hear the full story. Thank you.

[14:53:21]

>> Spelman: Mayor, I have a question. [Applause]

>> mayor leffingwell: Council member spelman?

>> Spelman: I have a question. Lyndon, I have a question for you. The last time I heard you talk about the ridership projections you were saying that the ridership projections were so exaggerated they were greater than the population of munich. Now you're saying they're just greater than the population of portland. It seems like there's a lot going on here. What happened there?

>> You weren't listening, mr. Spelman. I never used the munich example. I did say

-- you brought up the issue of the 2.9 million trips, which is on their high end, and that's what I quote the the last time. On the high end of their projections they come up for east riverside 2.9 million daily transit trips, which is equivalent to the total daily ridership in chicago and philadelphia together. Now, I didn't use that tonight. I thought it was more plausible to use the low end, the lower estimations, which give you ridership estimate, ridership predictions that for that one sector, east riverside, that are higher than seattle, portland.

>> I appreciate you give miffing me a number to work to.

>> For that sector of the city. Our current ridership is 120,000, 120,000. The low end ridership is just under 500,000. For that one sector of the city. That small sector of the ci that tells you something about the projections. It says the projections that you're plugging into this, there's something wrong with them. I brought that up to them. I said, you all would certainly question the plausibility of those

projections if they're giving you results like that.

>> Spelman: Thank you, Lyndon. I appreciate it. Kyle, could you help me with this? I've heard Lyndon's 2.9 million number. I guess that's close to the population of Munich. I've also heard half a million and we've heard Portland. What's going on here?

[14:55:29]

>> First, there's a lot of data we collected and we used this as what we called our transit oriented orientation index. It's an index that's been created by Portland, and it looks at what the characteristics are with respect to retail employment, with respect to

-- what are the other factors, Scott?

>> [Inaudible]

>> Thank you.

>> Spelman: That's it.

>> And what it does is it provides a relative ranking about which of these geographic areas are ranked and have the greatest potential for transit ridership. That's what we used. We did the math, we projected the 2.9 million and all the other factors. We didn't use that information. We provided that information out there for the public because you could have done the math. We simply did the math and put it in there. We used the relative ranking so we were able to rank which of these subcorridors actually had greater transit potential ridership and which ones

-- and relative cores, but we didn't use any of the data that Lyndon Henry is referring to.

>> Spelman: So nobody on your side is claiming 2.9 million

--

>> Absolutely not.

>>

-- Boardings per day or half a million boardings a day but if you find one subcorridor has a high scale on this rating and another subcorridor has a lower scale the reason is because you've got greater density of employment, retail employment and residents on that subcorridor than the lower ranking one.

>> That is correct.

>> Spelman: We should think of this as an ordinal scale and if the numbers come out at 2.9 million that's ridiculous but a more dense neighborhood will be a better neighborhood than a less dense neighborhood.

>> The problem you ended up with is the way Portland used it they actually took the top end of the scale, said on to infinity. So we capped it at 999, which still gave us a crazy number. But we ended up

-- we just said, let's show the public what the math would have done given what we gave, but all we were able to do is show the ordinal ranking.

>> Spelman: Looking

-- and either you or Scott, I'm pretty sure you have this number off the top of your head. Looking only at the ordinal ranking of the northern corridors we looked at, including Guadalupe and Lamar and including Highland and including several others, which ones showed up as having the highest ridership regardless what the number was, in 2020 and in 2030?

[14:57:50]

>> I'm looking real quick.

>> Spelman: Scott is digging it up for us.

>> [Inaudible]

>> spelman: Not surprising.

>> [Inaudible]

>> mayor leffingwell: Could you repeat what he says because

--

>> under current ridership, we had lamar is no.1 followed by east riverside.

>> Spelman: Makes sense because we have the number one bus on lamar. [Laughter]

>> has the highest ridership.

>> That's right.

>> Least retired

--

>> future was east riverside, followed by highland, then lamar.

>> So in a sense what we're doing is we're not looking at current

-- if we looked at current ridership, guadalupe/lamar would be the best place. If we're looking at future ridership, that's 2030, your approximate out to 2030, 2030 east riverside is the best corridor but of the northern corridors, highland is the best followed by guadalupe and lamar for 2030. And 2.9 million, it depends on allorts of craziness that we don't have to worry about.

>> We'll be doing a lot more ridership projections in phase 2.

>> Spelman: Again, let me be pedantic here. What we'll have, according to projections, more residential, retail and employment density on the highland corridor in 17 years than we will on the guadalupe lamar corridor in 17 years.

>> That's what that index would tell us, yes.

>> Spelman: Okay. Thank you.

>> Mayor leffingwell: Last speaker is scott morris, and you have seven minutes.

>> Thank you, mayor, mayor pro tem anno carrierringconnect 57600

[15:00:55]

>> it would do that by serving the region's commuters, tapping the north-south travel demand. The ideal combination of the. Leading to self-sufficiency and more aggressive schedule. Running census data within a half mile of the points. Jobs not counting

-- the city manager recommends route to route comparisons outside of the selected subcorridors. As volunteers, we have brought route specific data of guadalupe and north lamar to the public with no money. By using publicly verifiable data, half mile buffers are the bread and butter of any mta study leading to an lpa. We hope you will advance lamar corridor into phase two based on specific route selections. The employment rates along this corridor are high. About 20,000 jobs within the half mile of the INTERSECTION, 23rd OF THE Grandpa grandpa, 16,000 jobs at 49th and north lamar. They're not just jobs, they're drivers of cars on guadalupe and north lamar. Workers that need to get back home, people

that spend 1.6 million hours every year of their productive time lost in congestion between fifth street and 183. And they're voters. The guadalupe north lamar vision was adopted by prior council action in three large combined ordinances and the imagine austin plan. With the high-capacity corridor designation. Neither red river, duval or speedway received this determination. Terminating at 183 to provide through 00 car park and ride will engage 185, mopac and 183. To move across the service road, the transit center is your land for maintenance facility. All of the above engages the local bus for the northern half of the city. Getting under 183, pointed toward tech ridge and williamson. In 2009 the gallon of gas was \$2.15. We're beyond peak oil. Replacing, not expanding the fuel system with the system powered by the grid is an environmental and economic imperative. How are our future leaders going to respond as the electorate watching empty trains cycling up and down red river while stuck in traffic on 35. The anger will be palpable. Our communities are standing by to support this process through the november bond election and beyond. The good news is that the support is broad and it is moving out. Suburban austin has lost access to the downtown. They want their downtown back, they want to spend their money there. They want to have pride in the system. Please join us in letting them do that.

[15:04:44]

[Applause]

>> mayor leffingwell: Ok. That is all the speakers that we have on both sides. Council member spelman.

>> Spelman: I move a motion.

>> Mayor leffingwell: I will second. Council member riley.

>> Riley: I want to thank those that have been engaged in the process. The transit working group, all the individuals we heard from tonight and all the folks they've been working with in analyzing the options before us, making recommendations to us. I want to thank all the staff that have been working hard on this in the part of the city, capital metro and project connect. It has been a long and very serious effort. And on the part of many people, I want to express appreciation to everybody, especially those that are taking time to be with us tonight as we sift through the issues before us. I have a great attachment to guadalupe lamar corridor. I was a strong supporter of the 2000 proposal. I use buses on guadalupe all the time. I can see the great amount of appeal of providing rail service on the guadalupe and lamar corridor. I also recognize that it is no longer 2000. The times have changed. There is

-- it is appropriate, given the passage of time to step back and consider where we are today and where we will be in the future. And when we look at the numbers, as the corridor advisory group has done, there is impressive data. I realize there is disagreements about the data, but one thing is clear, east riverside rises to the top on every metric, no matter how you cut, slice, dice the data, east riverside is a strong favorite and good candidate for high-capacity service. So for that reason, I

-- for that reason alone, I'm ready to support this proposal because I think it will put us in position to provide that rail service that we so urgently need. We all know that we have a serious transportation problem in austin. Supporting this recommendation tonight, moving forward will, if done right will put us in position as a solid transportation network in the future. Now, that just serving east riverside or highland or any particular corridor would not fit the bill. It would not do what we need to do to meet our transportation challenges in austin. We really have to think holistically in terms of the whole system.

I understand as part of phase two, in addition to looking at the particular route and alignment, we will also be looking at connections to future corridors. I will pass out some language that I would offer to ensure that not only will we be looking at connections in phase 2, but that we will be in position to explore routes and alignments for other corridors as that system moves forward. So right now, we need to have all hands on deck, looking at the details of the route and alignment along with the proposed corridor. That means for now, the east riverside and highland, to see how that can work. The language that I would suggest

-- and I will do this

-- I have two suggestions I will offer them separately. First, I would suggest that we add one more whereas paragraph saying it has connected several corridors appropriate for high-capacity transit investment. And first, I would add one be it further resolved paragraph saying the city manager is directed to work with project connect to identify future funding needs and potential sources to prioritize and continue critical central corridor project definition and development activity it is in the remaining identified subcorridors including the lamar, miller and east austin subcorridors and report back to council by august 1, 2014. Those three corridors are the other three that rose to the top in the charts staff showed up that the central corridor advisory group was looking at. Five corridors that jumped out. The three that I mentioned are the two other than highland east riverside that appear to be very strong candidates for rail service. I think as soon as we get

-- we get our route and alignment figured out and in mode and all the other issues figured out for the two corridors that are prioritized in the staff recommendation, that we also figure out where we will get the funding to do the next level of analysis that we will need. Do the same assessment for the other corridors that have been identified. That does not mean we will be able to do that in this immediate phase 2. We have a short period of time between now and november. Between now and june, in particular, what we need to be focused on is how to make those

-- the recommended something work within the recommended corridor. I suspect that may well turn out to be east riverside, crossing the river. How far? I don't know. What we need to be sure to focus on is connections to future corridors and then be in position how to build out the other corridors. We need the funding in place to do that serious planning so we can move toward a comprehensive transportation network to serve all the corridors where high-capacity service is warranted. Let me stop there and offer that additional language to ensure we will have adequate funding to do that further analysis for the other corridors after we have done it on the two principal corridors.

[15:10:59]

>> Spelman: If I may, mayor, what you are getting at is we will identify what we need in order to prove out or do the background development for other corridors, and we have a plan for doing that by august 1, 2014?

>> Riley: Right.

>> Spelman: I have a quick question. This is extremely friendly. I like it very much. I want to make sure we have the right date. At what point

-- at what date do we need to set the ballot date for november 14? 60 days. 60 days out.

>> Mayor Ieffingwell: So roughly first part of september.

>> Spelman: So if we knew by the first of august we would need \$10 million, for example, to do the basic engineering behind lamar, we could build that into the ask for the bond issue. That is something I think tweet can pay for out of the bond, I'm sure we can do that. Bill that in the bond issue and that can go before the voters at the same time that the money for constructing something in highland east riverside can move forward. Is that accurate?

>> Mayor leffingwell: It would probably be more like two. 10. I don't want to -- that potential is there, but I think as far as council member riley is to identify potential sources of funding that might be one.

>> Spelman: Ok all I'm suggesting is that we have the information in time, we would have the opportunity to build that if it turned out to be the thing to do. If it came in too late we will have missed the opportunity and we would have to find the money that I would much prefer to have, and we have to find it someplace else. It sounds like a reasonable thing to do and I look forward to doing this.

>> Mayor leffingwell: City manager, did you want to make a comment, first?

>> I was going to ask a question of mr. Good. In our efforts to develop the city's financial participation and project connect would assume that would entail all aspects of our transit investments not just the next investment, but others, that strategy will encompass how we might fund all of those investments, correct.

[15:13:25]

>> Robert good, assistant city manager, yes, that's correct. The council gave a resolution to look at all the city's participation in project connect which includes more even in the urban rail debate.

>> Mayor leffingwell: Ok. So I don't have

-- none of us have the calendar for 2014 in front of us, but just glancing at this date, what that tells me is you're probably going to have to have in practical terms, do this in june because there probably won't be a meeting in july. I wonder if probably by september 1, might be a better date? That would ensure we have an opportunity to hear this report in a meeting in august?

>> I've got the dates.

>> Mayor leffingwell: I didn't even ask for them. But I got them. So we have a meeting on august 5. And we do generally call november elections in august. SO 5th, 19th, 26th IN AUGUST Are available dates. So I just wonder if we could negotiate that date a little bit? So we're not faced with the prospect of either not meeting the resolution or having to call a special meeting in july.

>> The date is a result of the discussion of staff to advice my office they need 75 days before the election. I want to use whatever date works. And if staff feels another date would work better, that is fine with me. I want to make sure that we are in a position to have an item

-- to include funding on the ballot in november, if that is the appropriate praise to get that funding.

>> Spelman: If we had a report back on august 1, we could consider it august 5, the first meeting after that, and make a decision by august 19, which I think would be 75 days before the november election. I think that is a reasonable timetable. Robert, do you think you can get this done before august 1?

[15:15:36]

>> I think that's a good date. I think we would have to provide you that information right around that time in order for you to make a decision.

>> Mayor leffingwell: So purposes of this resolution, it can be information provided, it wouldn't have to be at a council meeting, it can be in memorandum form.

>> Yeah.

>> Mayor leffingwell: Ok. With that, as the second, I accept that as friendly also.

>> Cole: I have a question for mr. Good.

>> Mayor leffingwell: Mayor, pro tem.

>> Cole: Robert, can you give us any kind of inclination of what type of funding you would be looking for, for the other subcorridors and how they would fit into the analysis?

>> Sure. I think the intent of the resolution is to evaluate whether or not we would include this part in the bond program. So part of our evaluation will be looking at, as well as in april as we come back to you in all of project connect and the city's share, we will be looking at funding alternatives for many parts of project connect that the city of austin would participate in. I would envision that this ask tonight is to include that work in there, obviously, in the next involvement, and then in the august time frame what does that look like as a viable alternative to include in the bond program you are contemplating in november.

>> Cole: You will bring to us a financing package in april or may.

>> Uh-huh.

>> Cole: That may not include this, but by august 1, you would include it?

>> Well, the april-may time frame is more conceptual for the view, project connect is a long process. We will come back to you in that time frame to tell you how the city of austin can participate in project connect, the transit vision for years and years and years. We will then get more specific on the projects that you're looking at. For example, lone star rail we talked about today. Urban rail. Now part of what you are adding is the second phase of urban rail. For example, more specifics on what to fund in the bond program of the june, july, august program.

[15:17:52]

>> Cole: That gives us the potential to put it on the bond if we decide to?

>> Correct.

>> Mayor leffingwell: I guess, as I tried to say, there are a lot of other likely sources that funding money. Because we had this discussion, for this phase prior to the last bond package, we thought about putting in round numbers, \$5 million. The response was: We have other sources for that money and we wound up not doing it. So there are lots of other
-- the point is to identify the source.

>> Ok.

>> Cole: Mayor I have one last question. Because we have had so much testimony from the student population and the density issues in west campus, I would like to give you direction to explore funding options from the university of texas in connection with this second recommendation that you make, no later than august 1.

>> We would be glad to include ut in the funding options.

>> Mayor leffingwell: We would be happy to, but the university of texas is not supportive of anything but an eastern alignment.

>> Cole: Oh.

>> Mayor leffingwell: Which, down the middle of their campus in their master plan. Ok.

>> [Indiscernible]

>> mayor leffingwell: That part is accepted, yes.

>> Riley: If I may continue?

>> Mayor leffingwell: Yes.

>> Riley: I offer another amendment related to the fta. There is a lot of discussion with exactly the establishment of the metrorapid service on lamar

-- limits our ability on lamar and guadalupe limits the ability to put additional high-capacity service on that corridor. We heard

-- the latest was that the fta viewed that investment as permanent. I don't think that means we will have metrorapid on the corridor forever. There will come a time we want to reassess that and figure out a way to have another service. We should have a working relationship with the fta, sooner, rather than later to see how metrorapid is working and consider whether some adjustment of that warranted. I

-- warranted. Another be it resolved paragraph. The city is working with capital metro, to develop a relationship with the fta officials to cooperatively prepare for the transit investments in the lamar subcorridor. To establish a working relationship with the fta so we will be able to adapt in the future and make any changes that we find warranted as we look and see how that service is working and what the needs are on that corridor in the future. I personally fully expect that that may well, one day, in the not too distant future include some kind of rail service. If we have this paragraph, then we will be ready to consider that possibility and hopefully before too long.

[15:21:10]

>> Very acceptable.

>> Mayor leffingwell: Ok.

>> Riley: With those amendments, I will be ready to support the motion.

>> Mayor leffingwell: All right. Council member morrison.

>> Morrison: I will support this, I appreciate everybody's work on this. It has been fascinating testimony. Most of you were not here earlier today. A similar conversation, talking about how to evaluate the collection of the social service contracts, it is another choice of waiting and prioritizing of each of the different components that go into the decision. And there is no

-- there is no one way to do that. It is a process that requires lots and lots of thought and human

-- it is data driven, but it is the higher level human thought process that really needs to go into it. This is the unique situation because you've actually provided to us all sorts of different ways to weight the different components. So it makes it even more complex. But it's a lot more information. And I appreciate that. Certainly, to me, the issue of being

-- having the success of it being put at risk on lamar with the fta and the unknowns there is very compelling to me. I do want to say that I especially appreciate council member riley's amendment, because I think as we are all

-- everybody is working so hard, you know, the community and the different committees, and the staff, and intensely looking at all of this information and decision-making. As it should be. But the bottom line is, we need to remember the future that we're really trying to build. That is a challenge to keep the whole future in mind. The big-picture future. That is exactly what project connect was meant to do. That is the key to success. I think with council member riley's amendment, that makes sure that we do keep -- we do keep moving. We aren't going to just use this one segment to get through and then rest and then figure out what to do next. It keeps the ball rolling. I think that it is absolutely a key component to us being successful. I appreciate your work.

[15:23:53]

>> Cole: Mayor?

>> Mayor leffingwell: Mayor pro tem?

>> Cole: I would like to say that as much time as I have spent listening to testimony about high-capacity rail transit, I know the many people in this room have spent a lot more, including mayor leffingwell and council member spelman and I respect the work that is done and it is a data-driven process. I understand that it is also quantitative and qualitative. I appreciate the people that have come out tonight and shared with us the strong enthusiasm for rail and that that has not been lost on me or any of my colleagues, that we definitely need and want you with us in the process of trying to solve the mobility problems in the city. And we know that y'all are key to that. So that's why I definitely am supporting council member riley's amendment so that you hopefully get some comfort, as we're trying to keep the needs in your particular area of the city in mind. Earlier today, before you were here, we talked a lot about lone star rail, which is the regional system and this is really just a part of the bigger project connect vision for high-capacity transit throughout our city. So we're going to have to have a lot of collaboration to actually make that vision a reality. But i, just like any other person, have questions. I appreciate the fact that you guys have had questions. I've had questions about how we're actually going to cross the river and how can east riverside rise to the level of need and priority, if we're not sure about that. I have questions about the financing and how that's going to ultimately work out. But because I have those questions that does not mean I'm not supporting this as we move forward at this stage. So from what I've heard tonight and heard thus far, I think we are make a finally prudent decision and a good decision, based on the data that we have thus far. I have heard good arguments. I will be in support of the motion.

[15:26:04]

>> Mayor leffingwell: Council member spelman.

>> Spelman: Like many, many of you, my first reaction walking into this thing was the best place to put a train is guadalupe and lamar. Many of you were kind enough not to mention that you were blaming anyone for the failure of the vote. Had you been blaming, I know david dobbs would have been kind enough not to point the finger at me. I have always for the last 13 years that I was kind of responsible for that, because for better words I was one of the two primary spokespersons for 2000. We lost by an eyelash and a half. I have taken that personally. When we first walked into this process last year, my

assumption was we would go ahead, do the same thing again. We will go up guadalupe and lamar and down south congress. I'm really happy, however, that we have taken the last couple of years and looked very carefully at what other options are available. For two reasons. One is because, well, we lost on guadalupe, lamar, south congress and not necessarily so that we would succeed the second time around. Also, the world has changed in the last 13 years. First, where the people are living and where the people are going is different than it was 13 years ago. More important, our future has changed. Where we could reasonably expect people to be in 2020, that was 20 years in the future in 2000, but forecasting 20 years in the future, it is a different world for 2030 than we were talking about 13 years ago. It seems to me that looking at the campo projections is the most reasonable way to go about forecasting that growth. Looking at the subcorridors basis is probably not the best way possible of identifying where the rate should go, if that is feasible, even the information available to us, it seems like a reasonable way to go about it. To figure out what do we do next? What is the next step after this, seems like the right way to go about it. I was surprised when the first results came back to suggest highland would be better than guadalupe and lamar. Being a data analyst, not quite as good as david sullivan, but I try, I decided I had to go back and do the same thing myself. I wasn't going to rely on the portland rating scheme. I was going to find my own portland rating scheme that wasn't saying anything about the munich population. It turns out if we build a train today, the best place to put it is guadalupe and lamar. No freaking kidding. That is where we have the number one buses a lot of boardings and a lot of people. In 2020, however, when the train starts operation, it is almost a coin flip between the highland subcorridor and the guadalupe and lamar subcorridor. In 2030, there is a clear distinction between how many boardings we can get out of the highland subcorridor and how many to get out of guadalupe and lamar. The growth will go someplace. There is more room for growth in the highland corridor than in the lamar corridor. What I think that means and there is a lot of wishy-washiness around the numbers. But there is two, maybe four -- but two really good corridors to look at. I think it would make sense to pick the one that is most obvious. The one that is top of the line, that people voted for or against in 2000 that everybody is thinking of as being a good corridor. We're not talking about it like slate, we're talking about fta having put a substantial investment in one of those corridors. They want us to try to make it work and they will make us to give the money back to do something different. It would be difficult to build a train on the same lanes the bus route the transit is relying on to make relatively rapid trips on guadalupe and lamar corridor. The inform fta, might support it. I don't want to risk having a train. I take it personally we haven't got a train, I think it is partly my fault we don't have a train. I do not want to risk failure again. So let me do a little bit of quick math. Today is 2013. Almost 2014. The earliest date I believe in a project connect meeting, the kyle told us the earliest possible date to get some train somewhere running is in 2020? Right? 2021. So eight years from now, we can have a train on the ground, someplace. Assuming everything goes tolerably well. We were told a few minutes ago, although fta is making a permanent commitment to ftr, they're giving us money for a bus life of 12 years. Eight years from now, that bus will have four years of life that seems a good idea to say that permanent commitment, it only has four years left in the commitment. It is about time to think about what happens after bus rapid transit in guadalupe, lamar, miller, east austin. We're talking about guadalupe and lamar. Only four years left on the bus. It seems to us, the next logical thing for you fta is give us money for the next logical step, now that we have proven it works we have 10, 15, 20,000 boardings a day on the corridor, we know it will be

a good rail corridor, give us money to do that next. The next single thing I heard in the ctag meeting and I heard it again from david sullivan. We're not talking about highland versus guadalupe and lamar. It is not yes or no. It is whether we build a train in guadalupe and lamar in 2023 or in 2028? It seems to me 2028 is extremely doable. 2021, 22, 23, is extremely uncertain given fta's permanent investment in that corridor for buses. So it seems to me this is the best

-- this is the best we can reasonably do. It is not half bad. In 2030, the highland corridor will be better than the lamar corridor. It is the best route to take now. Even if it is coin flipped it is the best route available to us now. I hope all of you that believe guadalupe and lamar is the better route, right now, you are right. In 2030, I think I can convince you otherwise. I want you to consider supporting a different route first. I think that is the best way for us to be sure we get a route someplace and the route you want as soon as possible. Thank you.

[15:33:13]

>> Mayor leffingwell: One of the first things that we talked about when we started this process with the transit working group is that our message is not about a downtown rail system or urban rail system. It is about a regional high-capacity transit system that had many parts to it. It is a long-term multigenerational plan, actually. So that is the way we got to think about this. As a part of a regional plan. One of the speakers said this is really about sequencing. This is not about which one we will do. It is about sequencing which one we will do first. The one with the greatest likelihood of success. Remember, it's been talked about over and over again, this serving and shaping. Serving the transit population and shaping the future growth of the area. Look at what we have with the potential eastern downtown alignment. We have an urban rail system that goes down the middle of the future university of texas campus and where the university of texas has stated publicly is the place that they want it to be and would not be supportive of another route through their campus. We're making a major investment in a new medical school, teaching hospital right there. At the southern southeastern edge of the campus right now. We're talking about an innovation district where we're gonna leverage the asset that is the medical school and teaching hospital into economic development, right in that area. And then there is the walker creek project, which is a multiyear project that the mayor pro tem and a lot of others have worked on for years. That is going to start to come to fruition, too. All of this is building an area of eastern downtown that is substantially underdeveloped right now. It will be a very significant, major shaping tool. I think this is absolutely the best choice for the first part. For the phase one of this sequence. But when we talk about it, we will continue to talk about it as a regional tool. The six-county tool. January, project connect will be presented to campo. As campo and both bill and I and chris and mayor pro tem are all members of campo. We will begin working on the 2040 plan. The objective is to get that entire plan, this little segment in the whole thing in the campo 2040 plan. That's our vision for the future of the austin region. Council member martinez.

[15:36:12]

>> Martinez: Thanks mayor. Council member spelman I agree with all your comments, they're well made. I will make a couple of comments it may sound similar to the last council meeting, because we're

in a similar situation where we had the last council meeting an environmental organization, neighborhood activists fighting against neighbors that have urban farms. Today, we have transit advocates fighting against transit system

-- for good reasons, in many cases. It's just the nature of what we do here at city hall. What I said at that meeting at the end of the deliberation, right before the vote is what I will say now. It's kind of what council member spelman already alluded to. We will make a decision tonight. Not everyone will be happy but we will all wake up tomorrow and been austinites and hopefully all still want to be moving forward with the multimodal transit system. Like council member spelman, I will ask all of you that are transit supporters to strongly, strongly consider getting behind the action that is taken here and by metro next month. We'll take it up at cat metro. I will continue to discuss it with you all, leading up to that decision. But it is time for us to move forward. It is time for us to really take austin next step into the future. I want to thank, though, before we go further, city major ott and linda watson. This truly is a partnership. It wasn't easy to forge, initially. We had struggles when we first started the conversations about who would lead, who would fund it, who is gonna operate it. Some of those questions are still out there. What we did is we put the long-term decisions aside and said do we want to form a partnership and get this to a point to where the community can get behind it? For the first time that I've seen in a long, long time, we have transit advocates and the business community and neighborhood folks all behind moving forward with, you know, an urban rail project that is our next phase of this 30-year visioning of a multimodal system. So I hope that we can all -- cooler heads can prevail when things are said and done and we all understand it is time for us to move forward and support this in 2014. We're 13 years after the last election. I dare say, if we aren't successful in 2014, it will be a lot longer than 13 years before we can get another phase put in place. So hoping that we can get everybody back on board and supporting the motion. I will be supporting the motion. Thank you.

[15:39:09]

>> Mayor leffingwell: All in favor of the motion as amended by council member riley aye. Opposed, no. It passes 7-0. We'll next go to item 85.

>> Good evening, council, mayor and council. My name is dan McNabb I'm the deputy building official for the city of austin and I'm here to present visitability for the second and third reading. And I have a short presentation. I guess I will just get started with that presentation. The goal of visitability, obviously, we have communicated that is to build a residential single-family and duplex structures that provide access for all. Brief history. I think you have the histories in the backup. On may 23, 2013, we had the first reading. There was conversation and we were informed or asked to go back and work with stakeholders on the exterior visitable route. We went back and worked with stakeholders on the exterior visitable route. I have a short diagram that shows three components of the visitable visibility. One being the bathroom which has been accessible

-- visitable since 2008 and the language from the 2006 international residential code. The second is the interior visitable route and the third is the exterior visitable route which is what we were asked to work with the stakeholders to try to gain consensus on we worked with those stakeholders and we're reporting back to council. The first element we communicated about with the visitable bathroom, I think

fairly the thing we were asked to come back on was the environmental controls and light switches. We did that. We accomplished that help had stakeholder input and buy-in on the second element. Interior visitable route, we provided clearer language in the visitable route. As far as 32-inch opening, accomplished that, provided language back. The third element, which I mentioned, was the exterior visitable route, and we, again, did not get consensus on that particular issue with all stakeholders. The council asked for exceptions of the exterior route be less stringent. We have made that -- what we provided back to council in this presentation is in this ordinance draft is an allowance for the requirements to be less stringent. The 10% or greater slope is included in

-- excuse me

-- included in the present association far as part of the requirement for one of the waiver processes, 3,600 square foot also is included in there. In that presentation. One of the things that we determined as we looked through the information was that in smart housing program, since the inception of the program, 6,800 units built in austin that are visitable with less than 10 required waivers. That is all three components of the elements that I have mentioned would be the interior visitable route, exterior visitable route and then the bathroom. I put the slope information in this presentation simply so in the international residential code, the language already exists in the code that you adopted back in may, 2012, existed in prior adoptions of the code for what a ramp is. And I won't labor this issue. I wanted to make sure that the key points were that less than 5% grade is not considered a ramp in warrants of the definition from the irc. Between 5 and 8.3% is a ramp. If you get over 8.3% and less than 12.5%, a ramp requires a railing. It becomes a key issue by its own merit, this particular component alone will provide access or visitable route for the exterior. This is the prescriptive methodology by which you could accomplish that or would accomplish that. And then I put there is this slide here, includes the ramp and slope or 5% or grade, either one, kind of just to give you a visual of what we're trying to accomplish as far as exterior visitable route. This particular slide, I wanted to provide. This particular structure was a recent structure that was built. The driveway there that you see, it is well 11% grade. But when you pull into the garage, here is an example of what a visitable entrance inside the garage would look like with the ramp. So it basically we're trying to show it is accomplishable in an extreme slope. This I kind of already went over this. This is the language for the ramp, where it resides in the international residential code. And the suggestions suggested by stakeholders not all stakeholders had consensus on the 3600 square foot or less. Lots of 10% or greater slopes, predevelopment, I believe it is fair to say we did have consensus on that. Of course, we added where switch backgrounds would not be required because the goal is not to change the characteristics of the neighborhood. At least, that was one goal that was set out by stakeholders in the beginning. This particular chart shows that we did

-- I ran the numbers for sf 3 and sf 4 lots only built if 2012 with 780 lots built, less than 2% fall into the 3600 square foot range and 54% follow over the 5,400 square foot range. This is key because there was a communication about 5,750 square feet being a possible piece of data for the lot size. Of course, you saw the 3,600 square foot. We have worked with stakeholders, I basically threw this in there right quick to show we have included

-- this is a method of compliance we came up with. I kept hearing throughout the process that one of the issues with the no step entry is when you have rain driven by wind, that water gets up underneath the door. We work with stakeholders in the miller development to provide an alternate method so there would be a difference of elevation of half inch between the exterior visitable route and the interior

visitable route. And it is working great. I just want to make sure that is included. As far as planning, it is very important to remember, always, that we certainly have to plan for these structures to obtain a visitable exterior visitable route. Up to the structure and the way that -- I point at which visibility can be obtained from the exterior visitable route is from the driveway, the garage, the sidewalk, street or alley. Those are the numerous ways to plan for the route. As visitability. This is just an example of some of the structures. One of these pictures is in miller. The bottom right-hand corner. And it is a visitable route. It starts in the garage in this particular structure. Alley is a way to obtain that. Driveway, of course the sidewalk or the street. Again, these are pictures of before and after in the forest here in austin. The driveways you're looking at there are 11% slope. The exterior visitable route begins in the garage. An individual would pull into the garage and access the structure in the interior visitable route through the garage. We did a sample will of 112 structures that had been built in austin. This was just a sampling that we took from all around austin and not necessarily in any year. Because we went in and picked those structures. In that sampling, we obtained the slopes and what was key here was as minus 10% slope and greater than 10% slope. Or 10% less than or greater than. 10% fall into that range. We have an average of 4% if you look at 10% waiver factor. This is just an example of successful planning in steep topo. This is a chart that we pulled out. We pulled out structures and we estimate by the year 2030, by planning for visitable structures that there could be an additional, outside of the smart housing. The blue, I think represents the smart housing and the green is 2,000 additional structures by the year 3030. Estimated, based on 470 new single-family structures per year. This estimate is probably on the low side. And also the key here is not only did we create visibility, but we allow seniors to stay in place. With that, I'll take any questions.

[15:51:39]

>> Mayor leffingwell: Did you talk about cost at all, in your

--

>> yes, sir, we did talk about cost. We had costs from 0

-- from some stakeholders to \$2,000.

>> Mayor leffingwell: 2,000 out of

-- is there some average price or whatever?

>> Well what I kept

--

>> mayor leffingwell: Would it be a flat. 200 near average price of exterior visitable route. I'm assuming that is what we are honing in on.

>> Mayor leffingwell: Ok.

>> Conference change is one thing where we looked at you had a 0 and \$2,000 cost. And hva in the home builder cost. And we heard a \$1,000 cost a year ago or so. I think with planning

--

>> mayor leffingwell: We're not talking about retrofits in this ordinance, are we?

>> No, sir, but there was a question from the last meeting about retrofits.

>> Mayor leffingwell: Wider interior end doors, \$10. I didn't think you could do anything for \$10. But that is what it costs for a wider interior?

>> Well, the \$10 was for concrete change. I believe the wider interior door is \$10. I believe if you plan and prepare for this from the beginning, that is where.

>> Mayor leffingwell: So the estimated cost of building a new cost, including these things is \$2,000.

>> From hva, yes, sir.

>> Mayor leffingwell: Any other questions from staff?

>> Spelman: Striking numbers. The whole point is if we don't do this, if someone comes into a house and has to retrofit, what will it cost? An enormous amount of money. There is value to do it up-front. The striking figure about the left-hand side of the table the hba estimate of the ramp for \$2,000 versus the concrete estimate of nothing. It seems to me they're thinking about very different kinds of access. I wonder if you could shed some light as to why there is such a big difference?

[15:54:13]

>> If I understand the question correctly, you're asking me why there is a difference between the \$10 or 0 price and the \$2,000 price as far as an estimate from hba.

>> Spelman: Actually more specific than that. Why does concrete change estimate no cost fo snow -- a no-step enter or a ramp or hba estimate the cost for the no-step entero ramp.

>> I can't say. But with the 0 to \$10 price with proper planning, I think the thought is that when you get a stock of design or say for instance, a subdivision, for instance, where you have multiple designs and you get a stock of designs that once you do the planning and once you get the architectural plans prepared that consistency and planning provides for a less cost. I can't say exactly what the \$2,000 cost on the other end was the for because I never received a breakdown for me to be able to provide that.

>> Spelman: Hang on. I know we closed the public hearing, but if there is someone that could shed light on this, I would like to hear it.

>> Mayor leffingwell: All right. Any representative from the home building association? I saw some earlier, but not now.

>> Spelman: Ok. I would hazard the guess is a cost of a ramp, with the switch backs in it. It may cost money for the architect to redesign the stock plant, once that was done once, it probably would not cost anything per unit to do it again and again, the construction cost

-- that's my wife wondering where the hell I am. The construction cost would be with the estimate of 0 once it is in place. Does that strike you as correct?

[15:56:30]

>> Yes, I believe that.

>> Mayor leffingwell: Council member tovo.

>> Tovo: Do you have an estimation of how many lots in the city of under 3,600 square feet?

>> I can tell you how many total lots would be under 3,600 square feet. I cannot provide an exact number for that. I do know that in 2012, 2%. 712 were on the slide.

>> Tovo:45 issue. Something like that.

>> I think if you go back, average that out, well, that would

-- I would leave it at that.

>> That tells how many were built in 2012 on lots that were that small but doesn't give us a sense of the potential. There may be small houses on them that at some point might be redeveloped and those would be excluded exempt from this.

>> They would. You know, the thing that comes to mind there for me is that there is a drive towards density. And I believe lots may possibly become smaller over time as far as we develop out. Maybe.

>> Tovo: So that would seem to suggest that we would be setting ourselves up in a position where many, many lots might be exempt?

>> That's a possibility.

>> Tovo: Thanks.

>> Mayor leffingwell: Council member morrison.

>> Morrison: I was thinking about that too, I know one of the issues that was raised was that the smaller lots may be where we're tending to have more affordable or less unaffordable, however you want to call it, housing, so there was a real focus on is that really the potentially growing population of lots? Of affordable lots. So there was a lot of concern about that. And here's the thing I don't really understand. Maybe you can help me. I looked in the backup. There was rationale on page 21, single-family zone lots of 3600 square feet or less. We don't need to go through it, but what doesn't make sense to me is -- I guess basically, why we need the 3,600 exemption on top of the other two exemptions we've already put in? Because if you have a really narrow lot which you might tend to with a 3600 lot, the only way to get the ramp in might be to do switch backs. But we're already taken care of there, so I didn't really understand why we needed to exempt all 3,600 lots, beyond the ones that are already going to be exempt? Can you add any insight into that?

[15:59:30]

>> I believe that the requirement that we put into the documentation for the ramp itself, which is why the focus was on the ramp there, with several slides would be the deciding factor of whether or not a lot would be

-- you would be able to accomplish an exterior visitable route on a lot, now 3600 square foot lot could provide some challenges in that you might not have the ability to have a side entry access because of impervious coverage and those types of issues. It could be a tree issue or something like that. [One moment please for change in captioners]

>> and you were accessing from the street or the driveway.

>> Morrison: I'm still not understanding why we need to add a special

--

>> mayor leffingwell: Could I interrupt you for an important announcement?

>> Morrison: I bet I know what it is

--

>> mayor leffingwell: Yes, so we'll put this on the table for a second, and is there any objection to waiving the rules and extending this meeting past 10:00? Hearing none, by unanimous consent we have waived the rules and we're going past 10:00.

[16:01:44]

>> Morrison: Thank you, mayor.

>> Mayor leffingwell: Go ahead.

>> Morrison: Let me move on. I've expressed my concern about that. And two things, one, I want to thank you for all your work. And staff

-- I forgot, when was the last time we saw this?

>> May 23.

>> Morrison: May. And I know you've worked very hard and a lot of folks have. Another issue that came up, I hope you can help me understand, this is for duplexes and single-family, and then we know that fourplexes and above I believe

--

>> three plexus and above.

>> Tell me about triplexes. What I was told, if you could just fill in the blanks for me

-- what I was told was that the

-- the fourplexes and above would be taken care of under fair housing and that might leave triplexes dangling out there without visibility requirement. Could you help me understand where it fits in?

>> Well, that would be full accessibility. The difference between visibility and accessibility is that accessibility, we're talking about architecturally more space, slower counters, those types of issues, all of the issues that are related to the code, the international building code, which regulates

-- we amended the

-- on may 23, we amended the 2012 international building code to effectively include three units and more. Where there was a gap between one and two-family dwellings and townhouses and fourplexes and above, four units or more, which are covered or regulated by the international building code, which has a chapter, chapter 11, as accessibility. So it regulates those standards, and yes, it is covered by the fair housing act.

>> Morrison: So triplexes triplexeshave to be visible, not just accessible.

[16:03:53]

>> Yes.

>> Thank you for that. Council council Iman martinez.

>> I want to ask about other provisions and requirements we put in for accessibility reasons but we only require it in restrooms. And so if we're talking about things like light switches and receptacles and other things, why would we only want people to be able to turn on a light in the bathroom and not anywhere else?

>> During the stakeholder process we met with the stakeholders and during that communication I think that we came to some decisions to accept certain suggestions, and that was a suggestion. And so I don't know that I can answer as to why. I can tell you how it happened.

>> Martinez: And similarly with

-- do we have a definition here of the entrance that is required.

>> For the visible entrance?

>> Martinez: Yes.

>> There's a three

-- you have to have 32-inch clear openings.

>> Martinez: I see it. Great. All right. Thank you.

>> Mayor Ieffingwell: Council member tovo?

>> Tovo: Mr. McNabb, I have another question. We have received some feedback from stakeholders who suggest that perhaps it would be more useful to have

-- or easier if there were two effective-- excuse me, one effective date, and I wanted to ask you about the January 1, 2016 date. How was that

-- how did you arrive on that or how was that

--

>> that was part of the stakeholder process, was to have communication with the stakeholders and that was, again, a suggestion, probably a year ago, that, you know, during the process of meeting with the stakeholders, and that's how we arrived at that date.

[16:06:00]

>> Tovo: Seems like a long time in the future. Can you explain what the rationale was for having

-- having the parts of this take effect a good long time from now? And that would be the exterior visitable route and the waiver

-- well, just that one.

>> Well, in 2018 we created

-- council passed language that created the visitable

-- the bathroom, accessed the door, 30-inch clear opening door. We

-- on May 23 we went back and we looked at the interior visitable route. I think council agreed that that was suitable, and then we were sent back to work on the

-- the exterior visitable route, and that conversation continued to be part of the stakeholder process.

And so that's

-- so we landed where we landed based on council's direction.

>> Tovo: I see.

>> And this is just a proposal.

>> Tovo: Okay. Thanks. Mayor, I'd like to

-- I'd like to move staff

-- I'd like to move that we adopt this ordinance, but I have two changes I'd like to make to it and incorporate as part of the motion. And the first one

-- the first one is to remove the waiver for single-family 3600 square feet or less, and that is in

320.6.1. And the second is to address the point that council member Martinez raised, which was why light switches, receptacles and other environmental controls must be higher than 48 inches only in the restroom

-- only in the bathroom. And I would like to make that apply throughout. And so the way to effect that change would be to make

-- we can do throughout the first floor. I think we've heard from some stakeholders who have adjusted their position a bit. So let's

-- let's make it throughout the first floor. And let's see. The way to effect that change would be to in
-- in the existing 320.3, to delete 4 and 5 and to incorporate those into a new 320.4 entitled "visitable
light switches, receptacles and virls controls, which would now read it's basically a combination of the
language from provision 4 and 5, and would read as follows, light switches and environmental controls
must be no higher than 48 inches above the interior floor level. Receptacles no higher than 15 inches
above the interior floor level. This section, and I'm going to need legal to advise me as to whether this
achieves the aims I wanted, because
-- the language I had worked out with legal is now no longer completely applicable, but this section
would sentence it applies to bathrooms and throughout the first floor. And so again, the intent there
-- okay.

[16:09:25]

>> I'm reminded that the receptacles need to be no lower than 15 inches, not no higher than 15 inches.
Electrical receptacles.
>> Mayor leffingwell: No higher than 15 inches?
>> No lower than 5 inches.
>> Mayor leffingwell: No lower than 15.
>> Tovo: Yes, I'm sorry, the language should read, receptacles shall be a minimum of 15 inches above
the interior floor level, thank you, mr. Hirsch, for catching that. So I think I'll stop there, but again that
would
-- it would be the ordinance before us, removing the waiver
-- the ability to have a waiver for single-family lots of 3600 square feet or less, and applying the existing
provisions for
-- existing in the ordinance for light switches, receptacles and other environmental controls throughout
the first floor and to bathrooms.
>> Mayor leffingwell: Motion by council member tovo to approve the staff recommendation with two
exceptions, to remove the waiver for lots less than 3600 and to have the light switch visitability
requirement throughout the first floor instead of just the bathroom. Seconded by council member
martinez. So I would like to
-- now we're changing the game a little bit, so what's the cost update for this in your best estimation, if
you can give one? I would also like to talk about unintended consequences, perhaps. Is this going to
discourage construction on small lots, discourage people from subdividing existing standard 7,000-foot
lots into two lots? Or is that just pure speculation?

[16:11:29]

>> I don't know that I can answer the second question. I can
-- let me just do one question at a time.
>> Mayor leffingwell: Okay.
>> I'll answer the first question. I don't think there's any additional cost to lower an out of the let or raise
an outlet, regardless of whether it's an environmental control or light switch or electrical outlet. It's still

going to be the same mechanics. It's just that they're going to be located in a different place, up and down. On the second question as far as whether it would discourage someone to subdivide a 7,000-square-foot lot

-- is that

-- is that the direction or

--

>> mayor leffingwell: Well, I guess. It seems kind of roundabout, but if someone were trying to build

-- we do have like an sf-4a zoning category

--

>> well, they would have to meet the visitable requirements for the 7,000-square-foot lot. If they subdivided

--

>> mayor leffingwell: They would have to meet it then but they wouldn't have to if they subdivided.

>> They'd still have to meet it, because we are

-- my understanding is we're eliminating the-square-footage exemption.

>> Mayor leffingwell: With this motion but not with your original.

>> With this motion, yes, sir.

>> Mayor leffingwell: Yeah. Well, that concerns me a little bit. Any further discussion? council member spelman?

>> Mr. McNabb, you may be the best person to answer this question. I'm sure Stewart can answer it but you should try it so we don't have to listen to Stewart. [Laughter] why is it that we have a 3600-square-foot waiver for smart housing?

>> We don't.

>> Spelman: Stewart

--

>> man, you lost your chance.

>> Don't just assume that I don't know off the top

-- I mean, I may not know exactly and I'm sure it wouldn't be exactly like he would say it. That's for sure. But, you know, the 3600-square-foot lot waiver was

-- and I originally said in the backup material that it was part of the smart housing requirement, and it truly is, but I think I said since the inception this morning, and I think that that might have been a little bit off. But the 3600-square-foot exemption was

-- there was two portions of that. One was the

-- the second portion was the 3695 or the

-- I'm sorry, let me find it.

[16:14:17]

>> Spelman: Stewart, I'm going to call you up here.

>> The sf-4a lots, about 3600 square feet and I think that's where that came from.

>> Spelman: Actually, I'm happy to have Stewart answer the question, Dan, if you are.

>> Well, he's going to give me the language that I had in here and he just pointed to it. The top of the

-- it's basically the waiver exterior accessibility regulations say [inaudible] may waive the requirements of section 511.41 for a light

-- a site or a lot as applicable if the applicant files a written waiver application that demonstrated the two following requirements: The topography of the site meets the test site, or the lot is located in a national historic

-- registered historic district or has an area of 3600-square-foot or less and has a 10% or greater slope from the public right-of-way to the entrance. So I don't know if that answered the question or not.

>> Spelman: I probably need to see it if I have my and's and or's in the right place. Sounds like what you're saying is it's going to be a small lot and steep slope or combination of a small lot and located in the historic district. For those small lots we'll grant a waiver.

>> That's correct. That is correct.

>> Spelman: Stewart is making

-- shaking of his head.

>> Why don't we have Stewart come up.

>> Spelman: Few don't mind, I would appreciate it. He's right behind you.

>> And I know Dan will correct me if I'm wrong. In the current smart housing visitability ordinance, there are three opportunities for waivers. One is the 10% slope opportunity.

>> Spelman: Same as what we're talking about here.

[16:16:18]

>> Talking about here. The second opportunity is 3600-square-foot lots in historic districts, which was designed for the 11th and 12th street corridor houses. That historic district, was written for that. And the third is 3960 square feet adjacent to alleys which was written for Mueller. So you could apply for a waiver under any of those three conditions, and when you ask to simple

-- asked to simplify this in May we as stakeholders came back and said let's not make it so complex because you obviously reacted to our suggestion to do that in May, and we simply said a thousand

-- 10% slope should be one, and there was a debate as to whether it should be just small lots, 3600 square feet or 5750 square feet. We landed in different places on that and the staff went one way and some of us went another way.

>> Spelman: Where did you go? 5750, because I

-- I reviewed all the waivers that have been granted over the first ten years of smart housing and they haven't been granting any since I left the staff. I guess everybody has complied. So

-- and all of those were generally 5750-square-foot lots, not 3600-square-foot lots because 3600-square-foot lots are almost always smart housing because they're in sf-4a subdivisions, which is the only place you can have a 36-square-foot lot. So I suggested at the last stakeholder meeting we go to 5750 because that's what our experience told us and there wouldn't be a very big universe because we only granted ten in ten years, one a year, didn't seem excessive.

>> You only granted one waiver per year but they were always

--

>> they were generally in lots, they were all in lots between 3600 and 5750.

>> Spelman: Gotcha. But I think what we're talking about here, the way this ordinance is currently

written as I'm reading it is that you will get a waiver. The requirements don't apply if you are less than 3600 square feet or 5750, depending on how we cut it.

[16:18:24]

>> And we -- I didn't support that.

>> Spelman: Yeah.

>> I said, it's got to be less than 5750 and 10% slope. That's what I supported.

>> Spelman: I see.

>> But that's not what all stakeholders supported.

>> Spelman: That is very different. And am I right in guessing that the stakeholders that were against your way of going about it are not here now? That's the home builders association?

>> I can't speak to who's in the room and how they feel, but I know the home builders

-- the one thing home builders and I agreed on is 5750 and not 3600. That may be the only thing we agreed on.

>> Spelman: Okay.

>> Mayor leffingwell: 5750 for what?

>> That if

-- if the lot is no greater than 5750 you're eligible for a waiver because if the lot is bigger than that you should be able to design a ramp even if you have 10% slope that meets the ordinance.

>> Spelman: Okay. So this is not

-- what you were recommending, you were recommending, it's got to be less than 5750 and one of these two things apply. Instead we've got a lower number or these two things apply.

>> Yes. Yes yes, sir, that's what I was recommending.

>> Spelman: Gotcha. I have an amendment, mayor.

>> Mayor leffingwell: Go ahead.

>> Spelman: And the simplest way of making the amendment is we do it Stewart's way. But I'll see if I can replicate what I just heard: That we

-- starting with our 320.6.1 in its current form rather than the way it was amended by council member Tovo, we would say the requirements of section 320.6 do not apply to, one, single-family lots of 5,550 square feet or less, if either the lots have 10% or greater slope prior to development or compliance cannot be achieved without the use of switchbacks. Is that clear? I'm not sure exactly how the words would work, but I think I'm fairly clear about what I'm trying to accomplish. That's what you were getting at, right?

[16:20:38]

>> Mayor leffingwell: Okay. So you're

-- your amendment is the waiver applies on lots of 5750 square feet or less if the slope is greater than 10%? Or

-- or you have to use switchbacks.

>> Spelman: Exactly.

>> Mayor leffingwell: Council member morrison?

>> Morrison: Does the switchback have to go with the 5750 or is it

-- if you have to use switchbacks no matter what size of the lot?

>> Spelman: Now that I think about it, maybe the 5750 is not necessary. I mean, the argument we just heard is there's going to be a way of doing without switchbacks if you got more than 5750 to work with. I'm prepared to believe there might be some strange lot someplace where you can't do it. So having talked my way through this and lengthened this meeting needlessly, and my apologies to all of you for that, I'm going to drop my amendment. I think it's fine to just eliminate that whole square footage requirement.

>> Cole: Mayor, I have a question

--

>> mayor leffingwell: I have a general question about the ramps.

>> Yes, sir.

>> Mayor leffingwell: Does that apply from street access or from somewhere outside the house?

>> The code

-- what we have proposed in the language is, is that it has to be from

-- in an area that's 36 by 36 or in that general scope that has a 1 to 50, or a 2%

-- not more than a 2% grade.

>> Mayor leffingwell: So if somebody, for example, has a very steep driveway and a steep lot, as long as there's a flat place on top, then they could start the ramp from the flat place on top.

>> That's correct.

>> Mayor leffingwell: It would be less than 10% even though the driveway itself was 30%.

[16:22:42]

>> Well, generally, in many cases you can design where you have a slope up for the driveway but then you level off it.

>> Mayor leffingwell: That's what I'm talking about.

>> Yes, sir.

>> Mayor leffingwell: As long as the level-off spot is

--

>> 2%, yes. And I want to

-- I want to add a little bit of hopefully ease to this, that the building official does have the ability to look at plans, the way we have this proposed

-- to look at plans within the scope of the

-- what it is that we're talking about as far as the provisions and make a determination. I mean, we're going to have to make a determination on each plan that's submitted. It's going to have to be reviewed, and there's going to have to be planning for this. This is not

-- obviously we do this, we do this over and over and over again in the city, and it can be done. It's going to have to be planned for, but there's going to be certain scenarios that we won't be able to catch. We won't be able to catch every scenario. We never are. So there will be

-- there is a provision in here for the building official to be able to make a determination on those ones

that fall into those small

-- what we expect small percentage of structures that fall into or sites that fall into that classification.

>> Mayor leffingwell: So the way the motion on the table reads right now is you're only eligible for a waiver if the required ramp would be greater than 10% or in order to be less than 10% you have to use switchbacks.

>> Well, it would actually be the lot

-- the preconstruction

-- the preconstructed lot, the dirt is 10% or more slope. That's the way the language reads now.

>> Mayor leffingwell: Okay. So the natural state has to provide that

--

[16:24:47]

>> sir?

>> Mayor leffingwell: The natural

-- the natural topography has to provide that level spot?

>> Right, and you have to provide documentation to show that. Theoretically if you were to come in and submit for a review, you would have to show that you weren't able to comply. That's the logic behind it. And yes, the 10% dirt would be what you'd have to be showing.

>> Mayor leffingwell: Okay.

>> Cole: Mayor, I have a question.

>> Mayor leffingwell: I know a lot of lots on my street that wouldn't be able to do that. Mayor pro tem cole?

>> Cole: I understood you earlier to say that the number of lots that are 3600 square feet or less is only about 2%. Is that correct?

>> That was in 2012 of 741 lots that were developed, permits that were issued on sf-3.

>> Cole: So now is there more than that?

>> No. I'm not sure I understand the question.

>> Cole: We have a motion on the table currently to remove in section 326.1 the single-family lot waiver of 3600 square feet, and I'm trying to figure out how prevalent 3600-square-foot lots are in the city.

>> I think that

-- well, it's 2%.

>> Cole: It is 2%.

>> Mayor leffingwell: That's 14 lots.

>> Yes, sir.

>> Cole: Out of a sample or

--

>> no, that was in 2012 for what was developed out of 741. But then there was discussion about the possibility of density, you know, driving lots toward being smaller in size, and so that number may not be

-- in the future there could be more than that.

[16:26:55]

>> Cole: So help me understand how staff kept this item in here. Was it from
-- was it a compromise position among the stakeholders to have these three items for waiver or not? I'm trying to understand the significance. Who's going to be

-- who are we going to hear from if we remove this exemption? Is he here? Oh.

>> Well, we did not have

-- we had

-- when I say stakeholders, we had adap was certainly one of the stakeholders and we did not have consensus on those three items from that route.

>> Cole: Okay. Jennifer, do you mind coming and...

>> Our consist content comment has been that the smaller size lot is typically what you see affordable housing providers develop. They have the smaller size lots available to them because they tend to be cheaper and less desirable. So we really felt like it's very important to us not to grant exemptions based on lot size typically, but a list of factors like the slope and like the necessity of a switchback.

>> Cole: So would you be opposed to us deleting this language in 320 point

--

>> no, we're not opposed to that. We're just opposed to the idea of automatically saying this particular size lot gets an automatic blanket exemption. That's a very dangerous situation you're getting in because loft sizes could be smaller and more dense in the future.

>> Cole: So you would rather it not be a factor at all, the lot size?

[16:28:57]

>> Right, because people -- when they see how easy it is to build on an average size lot and that it's not cost prohibitive, they might have more creative in the future when they realize it's a valid selling point, you can actually make more of a profit when you're telling an aging population this is something you can live in for the entirety of your life. That's a selling point that most people would think is very important. You can pass your house down for generations and no one has to worry about grandma getting sick and having to go into an institution because she fell. That's a potential selling point.

>> Cole: Okay.

>> Tovo: Mayor pro tem?

>> Cole: Yes, council member morrison first and then council member tovo.

>> Morrison: I want to be clear, it sounds like the single-family exemption of lots 3600 square feet or less is not a consensus item.

>> Correct.

>> Morrison: Okay. And then I also want to mention that the other two exemptions that are in here are more relaxed

-- will apply to more lots than the smart housing exemptions.

>> Exactly.

>> Morrison: And so they are looser, so there will be more people moving through here than with these exemptions

-- with these exemptions than we had in the smart housing, but the important point of the smart housing that you made, Mr. McNabb, is hardly anybody needs the exemptions in the smart housing. Everybody manages to do it. So

-- almost everybody.

>> They plan for. They change the architectural plans to plan for it, and we

-- I showed examples of lots that had 11% slope driveways that are able to accomplish

--

>> Morrison: So I guess my point is that I think we need to take the 3600 out and I'm even uncomfortable making the exemptions more

-- looser than the smart housing exemptions, because that means we're going to have more houses built without visitability in it, unnecessarily, because if we have strong exemptions

-- if we have really tight exemptions like in smart housing, people can still do it. They manage to do it. If they're not required to because there's an exemption, they're probably not going to do it. So it

-- so I'll just say I'll leave it at the 3600. I feel very strongly we need to take that out, and I'm not even that comfortable with the way it is here.

[16:31:34]

>> Well, we would agree with you if that makes you feel better.

>> Morrison: That always makes me feel better, Jennifer. [Laughter] Let's see. But I do want to also get back to the point that was raised about the two years until effective date for the

-- and that's just for the exterior

--

>> exterior visitable route.

>> Morrison: Exterior visitable route. And I have concerns about that too, and I wonder

-- like I completely understand that we don't want somebody that's in the midst of a project design, you know, pre-permit application submission, right? Because once you do that you're under those rules,

that's in the midst of a design. We don't want them to have to, you know, go through a bunch of upheaval and completely redo it with the external exterior route. And two years seems extremely

lenient on that. That means that somebody has a four-year design going on to be in the midst of it two years in, and so I wonder if there was discussion, and actually I don't know if that was a consensus date

or ssed either, about the possibility of making it just one effective

-- one year instead.

>> Well, there was not discussion about that. The logic behind that, I guess, thinking back when we first started communicating about that particular issue was before we came to council and

-- on May 23, the issue on that was is that the way the language was written is it was for planned subdivisions. And so the thought process on that was is that we're looking into the future for planned

subdivisions, but when we came back we were directed to

-- remember we changed the language to impact of construction, and I think that may have been where that took place. So

--

[16:33:36]

>> morrison: So I guess the question I have would be if we made it one year, do you have a sense

-- instead of two years, do you have a sense of the impact of that.

>> I think it can be accomplished.

>> Morrison: Okay. So I want to make

-- propose a motion to make it january 1, 2015.

>> Tovo: I'm fine with that.

>> Cole: Council member morrison has made a friendly amendment and that is acceptable by council member tovo and also council member martinez. Council member tovo, you had a question?

>> Tovo: No, I just have one last comment if we're moving toward a vote, and that is I did not go through all the required renumberings, and so I would ask that we allow staff to make the necessary renumberings and any slight language adjustments that are necessary.

>> Cole: That's fine. You can give that direction.

>> Tovo: That's my direction. Thank you.

>> Cole: Okay. Any further comments, questions? Council member spelman?

>> Spelman: Mayor pro tem, I feel very uncomfortable with where we are right now, in part because I just wrote down a note I was going to share with mayor pro tem cole. I do this every once in a while. I feel like you did in biology class and didn't study my weekly vocabulary words and failed the vocabulary test. I don't think I'm ready to make a decision on this because I don't know exactly where everybody stands and what the ramifications for all these things are. And this is my failing and not the failing of anybody else in this room, but I feel extremely uncomfortable with this because I don't know what -- because I don't know those ramifications. I'm afraid I'm going to have to vote no on the current motion just because of that. My apologies.

>> Cole: Let me ask council member tovo if she would like to make her motion and the two

-- I think you made two amendments

-- if you would like for us to vote on those, because I also am uncomfortable with removing the single-family lot 3600 square feet, but I am comfortable with the other portions of your motion.

[16:35:53]

>> Tovo: I appreciate that you might have concerns about that issue, but no, I'm going to leave my motion here as it is, and I appreciate ms. McBail speaking to her support for removing that 3600-square-foot. I'd like to go ahead and consider it as it is.

>> Cole: Well, the mayor is back, and I will just say that I did appreciate ms. McVeil speaking to that, and stewart's comments also and I realize all the stakeholders are not here, and when you're not here that generally means that there is some confusion and ambiguity about where you stand on an issue. So I will be supporting the motion.

>> Mayor leffingwell: Council member riley?

>> Riley: We're posted for second and third readings tonight and do we really need to get through third reading tonight? Is there some urgency to getting through third reading tonight?

>> I'm sorry, it's they could and third reading, so if this is the second reading we need a third reading

--

>> riley: I'm just trying to gauge whether this is a particularly time-sensitive matter or if there would be

-- or if we can just pass

-- since there is some uncertainty, if we could just approve this on second reading and get input on what we've agreed on.

>> Mayor leffingwell: It's on.

>> It's your will

--

>> no it's council's desire to do second. The amendment has just been going on for a long time.

>> If we're waiting to get consensus from the stakeholders, it's not going to happen. So

--

>> not going to happen.

>> I don't know if I can say that or not. [Laughter]

>> you just said it.

>> I said it.

>> Mayor leffingwell: Too late to ask that question. [Laughter]

>> morrison: Mayor?

[16:37:54]

>> Mayor leffingwell: Council member spelman.

>> Spelman: I understand we're never going to get consensus amongst the stakeholders on this issue, but I would like to know that I'm not flying blind and I know what the ramifications are of, for example, 15 versus 16 or requiring all the receptacles to be less than 48 inches and so on. And if we could do this on second reading, given that the effective date is going to be either January 1, 2015 or January 1, 2016, it seems to me that it doesn't really matter that we do it right now. And if I'd have a chance to discuss this with a couple other stakeholders I'd like an opportunity to know what I'm getting into. Can we do this on second reading?

>> Mayor leffingwell: Who made the motion? Council member tovo? Is that a friendly amendment for second reading only?

>> Tovo: It's not especially friendly.

>> Spelman: I'll vote for it if it's on second reading.

>> Mayor leffingwell: Yes or no?

>> Tovo: State an opinion, co-sponsor? Why don't you make that as an amendment.

>> Spelman: I make a motion we vote this on second reading only.

>> Cole: Second. Amendm amendm ent by council member spelman, second by the mayor pro tem to do a second reading only, and could I get a

-- could I get a quick recap on exactly

-- is it any different from when I left? [Laughter] huh? Just tell me. Just tell me, were there any changes to your original motion?

>> Tovo: Yes, I believe there were, council member morrison's amendment.

>> Mayor leffingwell: And it was

-- well, the only ones I had from you were to remove the waiver for less than 3600, and light switches throughout the first floor.

>> Morrison: Mayor? I had made a motion, and that was to change the date in part 2 to January 1, 2015, and that's

--

>> Mayor Leffingwell: That's the effective date?

[16:39:55]

>> Morrison: That's the effective date for two sections.

>> Mayor Leffingwell: Okay. Well, that already is sufficient for me to support the proposed amendment, because I think there are too many changes here that have to be

-- I think the staff needs to go and put these changes in, sequence them properly, number them, and let's take a look at the whole thing when it comes back for third reading. That would be my preference.

So you've made a motion and Mayor pro tem has seconded an amendment to do second reading only. Is there any further discussion on that? All in favor of Council member Spelman's amendment say aye.

>> Aye.

>> Mayor Leffingwell: Aye. Opposed say no.

>> No.

>> Mayor Leffingwell: You said aye?

>> Aye.

>> Mayor Leffingwell: So that amendment passes on a vote of 6-1 with Council member Tovo voting no. So what's before us now is what was before us before except it's second reading only. That is now the main motion. All in favor of that say aye.

>> Aye.

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

>> Thank you. Thank you very much.

>> Mayor Leffingwell: So we're back to some zoning cases now. Are these all related? 93, 94, 95, pulled by Council member Riley. Are they related to the point where we consider them all together?

>> Mayor, the public hearings have been closed on these items.

>> Mayor Leffingwell: Yeah.

>> I think staff can just await Council member Riley's

--

>> Mayor Leffingwell: All right. Well, Council member Riley, tell us

--

[16:41:59]

>> Riley: I just had one question about one provision in the conditional overlay that has

-- that came up at second reading, and I just don't understand the policy justification for it, and that is the provision that prohibits single-family attached. And I just was hoping that

-- if there are any representatives from the neighborhood here I'd like to hear from them what the basis

for that provision is.

>> My name is sandy causey. I am treasurer of the oak park subdivision association. And councilman tovo I think requested this at second reading and I believe it was on behalf of the other neighborhood that's opposed, and we

-- we actually favored it. We favor anything that will ensure that we have home ownership behind us or between us versus anything that's more prone to rental, council member riley. And that was the main reason.

>> Riley: Okay. I appreciate that. Mayor, this, as you know, is a fairly environmentally sensitive area. Single-family attached actually does have environmental implications, both in terms of impervious cover and energy efficiency, and

-- and obviously there are also some

-- some affordability implications to preserving options for renters, which are

-- I'm sorry mr. Hirsch left because I'm sure if he were here he would remind us that most austinites do rent. Now, this

-- the particular applicant in this case is not even proposing single-family attached, and so it's not really an issue with this development. So if this development turns out it will be a moot point. Concerned about the practice of inserting

-- of the council inserting

-- approving a conditional overlay that prohibits single-family attached, both for reasons of energy efficiency, environmental implications and as well as for considerations of affordability. I just don't think appropriate for this council to get in the practice of prohibiting single-family attached, especially in environmentally sensitive areas.

[16:44:52]

>> Mayor leffingwell: And you said the council put that restriction in?

>> Riley: That's right. It was inserted on second reading. At the request

-- apparently at the request of the

-- some of the residents who still remain opposed to the zoning. Obviously as we've heard others have come around to support it as well in order to keep out renters.

>> Tovo: Mayor?

>> Mayor leffingwell: Council member tovo.

>> Tovo: May I ask a question again of ms. Cavi? It was my understanding that both of the neighborhoods had requested this of the developer and that the developer was in agreement. I believe that was the intent behind

-- we had been given a list of kind of bullet points that were agreed upon by various parties and asked to make them part of the overlay.

>> You know, I wasn't privy to what happened between first and second reading. From first reading oak park has been in favor of the

-- the excluded uses from the beginning that were part of the contact team letter, and I think oak acres

-- they're not here. I'm sort of speaking for them, but I think that they felt that the addition of this

-- that this particular use added in would actually make them more comfortable with the project. I don't

think it ultimately obviously didn't sway them to completely support it, but I think that they -- they felt strongly about it, which I assumed was why it was brought forward. And we didn't object. In fact, we appreciated it. We felt it gave us also that added protection.

>> Tovo: And is this a provision in any other restrictive covenants? It is not?

>> No, it's not in our private covenant, no.

>> Tovo: Thank you.

>> Mayor leffingwell: Did you want to make a comment on that?

>> My name is ian dietrich. I'm with david weekly homes. The only comment I wanted to make was the reason we had

-- we have been in support of adding the prohibition of attached housing is we were guided by council to work with both neighborhoods, and oak acres, the neighborhood to our east, had said that that was one of the conditions under which they would support our project.

[16:47:14]

>> Mayor leffingwell: Okay, so you're

--

>> so we're fine with leaving it in, although I understand council member riley's reasoning.

>> Mayor leffingwell: You're okay either way?

>> Yes.

>> Cole: Mayor, I have a question.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: So you're okay either way. So does that mean you are comfortable with the planning commission recommendation? And with the taking out of the items that council member riley has brought up, the single-family attachment?

>> If I understand you correctly, you're asking if I'm okay with removing the prohibition of attached housing?

>> Cole: Right.

>> We would be fine with that.

>> Cole: Okay.

>> Although we need to support our two advocate neighborhoods, or at least the one neighborhood that's advocating a little harder for us, especially who's here in attendance tonight, who is requesting the prohibition of attached housing. So, you know, I would just like to support their wishes.

>> Cole: Okay. So why don't we hear from

-- is there a neighborhood representative that is in support of the attached housing? Oh, you were just

--

>> sandy cozi from oak park.

>> [Inaudible]

>> cole: Okay.

>> Spelman: Mayor, very quickly.

>> Mayor leffingwell: Council member spelman.

>> You're not proposing to construct any single-family attached housing, are you?

>> No.
>> Spelman: That's not part of your plan?
>> That's correct, no.
>> Spelman: So whether we take it out or leave it in doesn't matter one way or another.
>> Doesn't matter, but it does to the neighborhoods, yeah.
>> [Inaudible]
>> mayor leffingwell: Please, ma'am
-- please come to the microphone to speak.
>> [Inaudible]
>> mayor leffingwell: Yeah, I do.
>> Cole: We can't hear you.
>> If the weekly project does not make and you remove this use, then the neighborhood is vulnerable to that type of development, possibly.

[16:49:21]

>> Mayor leffingwell: That's a good point. Council member morrison.
>> Morrison: Ma'am, could you just clarify for me what is the
-- what is the concern about single-family attached?
>> We'd like something between our neighborhoods that is owned housing. Homeowners like us because we are neighborhoods, and as far as we can understand the attached, we think that attached housing to us is, you know, duplexes, which might be more prone to being rental types of properties versus property that's owned. I don't know
-- you know, that's just our simple
--
>> morrison: Owner occupied rather than
--
>> yes, other than occupied
-- owner occupied
-- homeowners like us would have the same agenda, concerns. Those all may be, you know, assumptions on my part that aren't true, but that's kind of how the neighborhoods see it. They see it that way.
>> Morrison: Okay, thank you. And I'm pretty sure duplexes are different, so you'll be getting
-- you will be able to get duplexes anyway, but that's an aside.
>> Mayor leffingwell: So I think what bothers me a little bit is this was put forward on first and second reading.
>> Second reading.
>> Mayor leffingwell: On second
-- on second reading this came into the discussion.
>> Yes.
>> Mayor leffingwell: And the public hearing was open that that?
>> Yes, it was over at that point.
>> Mayor leffingwell: Was over or open?

>> Over, it was closed.

>> Mayor leffingwell: It was closed after this. So that kind of bothers me a little bit that now the public hearing has been closed and there can't be rebuttal to that.

[16:51:34]

>> Right.

>> Mayor leffingwell: As you say they won't build any single-family homes anyway but as you astutely pointed out we're not zoning for david weekly homes. We're zoning a piece of dirt for anybody to do anything with.

>> Yes, sir. That's our point, I think.

>> Mayor leffingwell: All right.

>> Tovo: Mayor?

>> Mayor leffingwell: Council member tovo?

>> Tovo: I just want to say, council member riley, I appreciate your point. I wish you had raised in the second reading when we were discussing them because I agree that there may be environmental benefits to allowing for attached housing, and it may be in the

-- that that does provide a less costly alternative and encourages, you know, more diversity in housing type in an area where that is appealing. On the other hand, when we direct parties to go negotiate and they come back to us and say they have and here are some points that they've agreed on, we typically have a practice of respecting that. So, you know, I don't know where that leaves us this evening except that, you know, we don't have

-- you know, that's where we are this evening.

>> Mayor leffingwell: So we have a motion on the side, and this is item no.93.

>> Riley: Mayor, I'll be glad to move approval of this item with the deletion of the prohibition of single-family attached in the conditional overlay.

>> Cole: Second.

>> Mayor leffingwell: Motion by council member riley, second by mayor pro tem, and this is for third reading. I'll just say I'm not going to support it just because I feel like it's kind of bait and switch

-- it's bait and switchy to me, if we were starting this discussion from the get-go, I might

-- I might or might not have a different opinion. Council member morrison.

>> Morrison: I'm not going to support the motion, but for different reasons. Obviously that's a difficult issue, and I don't have to think about it because I'm not in favor of the zoning cases, particularly it is, as was mentioned

-- it is an environmentally sensitive area, and of course one of the best ways to protect the environment would be by reducing the number of units, and that wasn't able to be achieved, and the discussion

-- in the discussions, and it's unfortunate when we see these kinds of cases where the boundaries of the zoning cases are changed to

-- well, I guess I shouldn't offer intentions of people, but where the zoning boundaries are changed and then it invalidates a valid petition. And, you know, I guess that's just one of the games that can g played, but I wish the conversation had been able to get to a point of getting to a level of units to protect the environment. So I won't be supporting any of these items. Furthe r

-- council member tovo?

[16:54:29]

>> Tovo: Mayor, I'd like to invite the

--

>> my name is peter cisneros with graves, dougherty. I represent weekly homes, and I know that going through this process weekly homes has worked with the staff and received the staff recommendation, the planning commission vote, and in the first two hearings that city council has received a 6-1 vote and then a 5-1 vote. So weekly homes is committed to doing what's in the ordinance as written. We've worked

-- weekly homes has worked with oak park and also talked with oak acres and city staff in addressing the concerns that have come up during this process and have tried to meet the desires o the neighborhood, and that's where a lot of the provisions in the ordinance have come from. And so I think that with the support of the oak hill contact team that we also have worked with and the oak park neighborhood and kind of the recommendations from planning commission staff and then the first two hearings, we request approval of the ordinance as written and look forward to continuing to work and get this project under way. I'd be happy to answer any other questions or sandy or ian could answer questions as well.

>> Mayor leffingwell: So you request approval of the ordinance as written, which is not what's on the table right now.

>> Go ahead.

>> Well, we would like the weekly project. We understand it could go away. We worked very hard putting hours in since september to have a private covenant agreed to by the developer and the owner to work with you all to get a conditional overlay, which has many wonderful provisions to it. And not being able to consult with our neighborhood, but I would say they would say to me they would like your support this evening, even if it removes this particular condition. I can't speak for the other neighborhood, but I think for ours we would like to see this project go forward. We've put a lot of time and effort into it. We believe in it. We think it's our best chance to have something residential between these two single-family home neighborhoods. So whatever happens if this condition has to be removed for us to get support, I think that's what our neighborhood would want. Not being able to poll them but

--

[16:57:09]

>> mayor leffingwell: Okay. Any other comments? All in favor of the motion say aye.

>> Cole: Aye.

>> Mayor leffingwell: Opposed say no.

>> No.

>> Mayor leffingwell: That passes on a vote of 5-2 with council member morrison and spelman voting no.

>> And mayor

--

>> mayor leffingwell: Item 94.

>> Item 94 was also part of that. I wasn't sure if you brought up the items

-- item 94 is the zoning case where that would be applicable.

>> Mayor leffingwell: Well, why didn't you tell us that before?

>> Item 93 was the addressing the future land use map. It was ready for all three readings. Item 94 is a zoning case, which I think you just addressed the particular issue

--

>> mayor leffingwell: Council member riley, why did you try to put a condition on the flum? [Laughter] you put your condition on the wrong motion?

>> I think we were understanding that all three items were up and that you took action on the zoning and item 94, that you moved favorably for three readings on 94 and 93, and then the only one I'm not sure is that there's no ordinance to approve on 95, which is just a covenant, and that just took a simple majority

--

>> mayor leffingwell: Is there any objection to clarifying that that vote was on items 93 and 94? For the flum and the zoning? No objection to that?

>> Spelman: I vote in favor of the flum, mayor. [Laughter] so that would be a 6-1 for 93, a 5-2 for 94.

>> Mayor leffingwell: Let's just say

-- clarifying that that vote was on item 94. Is there any objection to that? All right.

[16:59:24]

>> Spelman: Do we need any more motions, mayor?

>> Mayor leffingwell: Now we'll deal with 93.

>> Move approval as written.

>> Mayor leffingwell: Council member spelman moves approval of item no.93. Is there a second for that?

>> Cole: Second.

>> Mayor leffingwell: Mayor pro tem cole. Do you want to discuss that too?

>> Riley: I'm a little confused about that. My materials indicated that the conditional overlay was on item 93. Is that not correct? [One moment, please, for change in captioners.]

>> Mayor Leffingwell:95 is to amend the restricted covenant to incorporate necessary conditions in a necessary rezoning case. A motion and a second on the table. Any discussion on that? All those in favor, say aye.? Opposed say no. Passes on a vote of 6-1. Council member morrison voting no.

>> Guernsey: Mayor and council, the last zoning item, 117 I can offer consent, approval of the recommendation of the on

-- it is now in agreement so if I may read that into the record?

>> Mayor Leffingwell: Is the pero is signed to speak against still wish to speak? Marisol claudio ahalt.

>> Guernsey: It is my understanding

--

>> Mayor Leffingwell: She is not in the claim water now.

[17:01:28]

>> Guernsey: It is my understanding she was acceptable to the

-- since

-- she remained until the applicant agreed with the commission's recommendations, and thereupon, she was okay and they all left.

>> Mayor Leffingwell: Ready for all three?

>> Guernsey: Yes, 117, quickly, case c14, 2013, 0125, property located at 4010 saw mill drive, this is to approve a zoning change request as recommended by the zoning and platting commission to sickle family residence, standard lot, conditional overlay, cf combine district zoning and it is ready for approval on all three readings.

>> Mayor Leffingwell: No speakers. I entertain a motion to approve all three readings. Council member moves and second by morrison. Discussion? All those in favor, say aye.? Opposed say no. And that passes 7-0.

>> Guernsey: And that concludes the zoning for 2013. Thank you.

>> Mayor Leffingwell: That brings us to item 133, which is coupled with item 32. Item 133 is a public hearing. Go ahead.

>> Mayor, council members, my name is ricardo solis for the parks an recreation department. Here t present 133 which is related to item 32 which is a public hearing on a change of use of park land known as butler shores ball fields located at 1540toomey road. The public hearing be conducted to come plain with 26.001 of the texas parks and wildlife cold. The legal finding

-- fact finding is there is no reasonable or prudent alternative to the use of dedicated park land which includes all reasonable planning to minimize harm to such lands. This concludes my presentation.

[17:03:38]

>> Mayor Leffingwell: Any questions? Did you ex

-- could you explain how you justify saying there is no reasonable alternative? It seems to me like a reasonable alternative would be not to do it. Is that unreasonable? [Laughter]

>> that is one option, mayor.

>> Mayor Leffingwell: So you don't think that's reasonable, not to

--

>> the fact that it is park land around most of toomey road that we are talking about, so, really, the

-- we are only talking about that piece of property, that park land where the ball fields are at and that is where we would like to change the use.

>> Mayor Leffingwell: Okay. Well, I have to think about that answer.

>> Mayor.

>> Mayor Leffingwell: Any other questions before we go to our speakers? Council member riley.

>> Riley: I would just point out, as the urban transportation did, that we are about to proceed with metering in the surrounding area and if we don't meter this area, what this means is this will always be filled with nonpark users. Meaning park users would have no access to the parking, so in that sense, if a goal of there park ban is to make sure it is available to park users, then the only reasonable alternative is

to have meters there so it is on par with the surrounding area so that you can get rid of the
-- you can avoid the problem of construction workers and so on parking all day. What you will find is
there is actually parking available for people who want to use the park. That strikes me as a reasonable
alternative. The only reasonable way we can ensure that there will be parking available, I feel it for a
dollar an hour, for park users who want to park there.

>> Mayor Leffingwell: Well, that makes sense. But

-- and I think I read that the parking fees only apply Monday through Friday, 8:00 to 4:00?

[17:05:43]

>> That's correct.

>> Mayor Leffingwell: So that really would not interfere with most athletic activities, because that's
usually at night or on the weekends, right?

>> Mayor, that's

-- that's one of the

-- when we met with the stakeholders, that was the compromise, that 4:00 o'clock was usually the time
that the ball fields are being used, Monday through Friday.

>> Mayor Leffingwell: Okay. Got you. Council member Tovo.

>> Tovo: Why wouldn't enforcing the regulations there be a reasonable alternative? And by that, I mean,
have somebody watch and see if the people who are parking there are going and using the fields?

>> Sure. That is one option. The idea there is that we would have to have staff on

-- on site monitoring that, asking people

-- or, you know, are you

-- are you

-- just asking them what

-- what their hour or two hour stay is on that property, whether they are going to have lunch and then
go on the trail or have lunch

-- or have dinner and wait, you know, wait for their children to finish playing a ballgame or

-- you know, it's that type of detail that we

-- that staff would have to get into with an observation, per se.

>> Tovo: But Chapter 26 as the mayor pointed out, requires us to have a finding that there is no feasible
and prudent alternative to the use of this land. I would think it is entirely feasible and prudent to have
somebody

-- to have a staff employee look and see where people are going or provide for some other means of
enforcing that. It doesn't

-- I mean, that

-- that standard doesn't say if it's

-- if it requires some steps, you know, that makes it not a prudent alternative. Anyway, I guess

-- I guess I feel like that is a very prudent alternative. But certainly we could consider, if we feel like
people are parking in there and not currently using the park.

[17:08:03]

>> Certainly, and that's -- that's before the council, to determine that finding.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council memberman.

>> Spelman: Do we have a cost estimate for that alternative?

>> I certainly don't have that tonight, council member, as what it would cost us to actually monitor and how we would actually do that.

>> Spelman: Do we typically have somebody on the park staff on site monday through friday between 9:00 and 4:00?

>> At this particular park?

>> Spelman: Yes.

>> No, council member.

>> Spelman: Since it is a ball field, nobody is on the park staff on a reliable basis on weekdays?

>> Other than our regular routine maintenance that would have to take place, but on a regular basis that we would have longer than an hour or two on that site, no.

>> Spelman: The maintenance people there doing maintenance stuff. They are mowing lawns, trimming shrubbery and stuff like that?

>> Exactly.

>> Spelman: So we would presumably need somebody to come to this site for purpose of monitoring people parking on this parking lot fairly frequently, to have come from some place else and cost us money to do that at whatever rates we are typically paying, at the most expensive case, park rangers and the least expensive, other parks personnel?

>> That would seem reasonable.

>> Spelman: That would seem

-- would that seem a reasonable cost for you?

>> I can just

-- just looking at it operationally, I can see that it does have some problems. Challenges, where people coul challenge us, that they were proving that they were not using the park land and that type of thing. So I think that would definitely cause us to have those

-- those issues. I plan to use

-- I plan to get on the trail, but not until a later time, you know.

[17:10:16]

>> Spelman: It just seems a dollar an hour during week

-- weekdays seems to me to be certainly a cheaper alternative that accomplishes the same thing. And it seems to me to be more prudent than having somebody go over periodically. I am not sure how periodically they would have to be there and how much they would have to spend on a weekly or daily basis to monitor behavior on a parking lot and it is not clear to me they would be able to accomplish the objective at mind is you are parking there and you are actually using the park. So I am fully supportive of the parking meters. I move approval of

-- are we done? Do we still have speakers?

>> Mayor Leffingwell: Yes, we have speakers.

>> Spelman: All right. I will shut up.

>> Mayor Leffingwell: David king. Donating time is cindy colleen. She is not here so you have 23 minutes.

>> My name is david king. Good evening, good evening mayor pro tem and council members and mayor.

It is almost like I can't believe what I just heard here, we are talking about park land for park users and we are going to help businesses use it. How does that help the park users? You had a pretty low bar for what is reasonable, in my opinion. According to the parks department, this

-- the parking meters will generate 15 now \$888 net revenue. It will take 7 years to pay back the cost of meters, during this time, businesses will be allowed to continue using the parking lots, with no real advantage to the fields. How much will that money fix, how many years will it will to have enough money to do something reasonable to those parking lots? In addition, the

-- the park users will

-- and softball users will have to pay the required fee, during 8 to 4, monday throughfully, if they park there. They will have to pay, too, and there is no doubt that the business users will displace the park and field users. Once they are in there, they will be there for 7 years and it will constrain the parks department to find other ways to increase use of that, why can't we find ways of increasing that by park users? Why hasn't that even been discussed once? Not even by the parks department. Why didn't you ask that question? Please ask that question. This is a risky plan. If it doesn't pan out, then the taxpayers are going to have to pay for those meters being in there. If the plan is to chase the business customers out by putting the meters in there, then what happens with the revenue? Are we going to end up actually charging park users? If that's what you are going to do say the meters are for park users only. Don't let the businesses use it for their own business gain. There are other reasonable uses. Right now auditorium shores parking lot is closed down. Where are those park users going to park? Why can't they use this temporarily? That is for park use, it is an easy one. Parking by town lake are congested, why can't they be redirected to that parking lot and use that and the trail heads there to get on the trail. That is simple and easy. Why isn't the ball fields in the long term master plan for town lake metropolitan park? It needs upgrades. Why isn't it in there? It should be in there.

[17:13:57]

[Applause]. No one supports this. Who is here from the public that supports this? No one. The austin neighborhood council doesn't support business use of our park parking lots. Stakeholders representing soft bag fields, zilker, zack theater around chuy's does not support it, either. [Buzzer alarming] please, don't make a bad decision here. Make parks a priority.

>> Mayor Leffingwell: Suzanna almanza. Is suzanna almanza here? Okay. Not here. So that's all of the speakers that we have wanting to speak. I entertain a motion to close the public hearing and consider the resolution regarding installation of meters at butler shores.

>> Spelman: Mr. King's passion did not sway me. I move to close the public hearing and approve the resolution on item 133.

>> Second.

>> Mayor Leffingwell: Council member spelman moves to close public hearing and approve the resolution. Second by council member lyle. Further discussion? Council member tovo?

>> Yes, I am not going to support this or its companion. We have had several proposals before us now that have looked at to consider parking for users in our area. If businesses don't have parking, they need to figure out another way to do that, even if they aren't in the code. It distresses me to take a parking lot that is available to park users and making them pay for that. All of them. Certainly we have charges at the park and we charge for parking at least one of them but we are taking currently what is an amenity paid for in the general fund which everybody pays for and supports through their taxes and adding additional costs for some users and though the ballplayers may not be playing between 8:00 and 4:00, there are certainly other people using the parks between them and I would like to see different kinds of using that particular park space. We are going to make that less likely if we are going to make it more complex for them to do so. I am distressed by the direction that we are going in a time we need to be making our parks more open and accessible to families, to all kinds of individuals. We should not be -- we shouldn't be charging for our park land -- for our parking at them. I also say of course there are costs associated with meters as well. The idea that the only -- that we have to pay a staff member to enforce the regulations as they currently exist but there wouldn't be any cost associated with enforcing our meters is just not correct. So that's my piece on this.

[17:16:53]

>> Mayor Leffingwell: Council member riley.

>> Riley: As the council member mentioned, they do currently and have for a long time charged for parking at barton springs on weekends and I haven't heard anybody say that deprives users of the park, although from what I heard, I am sure there would be opposition to imposing fees on barton springs. Bear in mind if this were not controlled parks in this parking lot, what this means is this would not be available to park users at all during the day, because those spaces would be full. As the urban transportation commission noted in the resolution they passed november 12, the stakeholders in the toomey road and lee barton road support the need for paid on street parking to provide turnover of the parking spaces and also the need to provide parking enforcement, especially during special events. If we proceed with the installation of meters, as staff is now doing, and then we do not control the parking there at butler fields, those spaces will not be available. I do not consider stationing a snapper there at the parking lot at all times to be a feasible option. That would be a drain on the parks department, at a time we are having trouble paying lifeguard and other staffs and meeting other basic needs of the parks department. Instead of having perpetual drain on the parks department, the option before us would make parking available to -- at a cost of a dollar an hour during the day, and I realize that some may be bothered by the idea of paying a dollar an hour for parking -- parking right there, but I would point out that this is right by the lake in the central city in the area covered by the waterfront overlay and the preservation of free on street parking -- or surface parking is hardly a goal that you will find identified in any of the planning we have done for -- for the waterfront area, as far back as the town lake corridor study, the existence of surface parking in this area was viewed as problematic. All of our planning has been geared towards trying to improve the character of the area and, in fact, much of the original planning back there

-- back at the time we did the town lake corridor study, was aimed at reducing or eliminating surface parking within the waterfront overlay, such as this. Obviously this doesn't
-- this doesn't eliminate it but at least it does manage it and I
-- so I just question whether the preservation of free surface parking in this location is consistent with the goals identified in the waterfront overlay.

[17:19:44]

>> Tovo: Mayor.

>> Mayor Leffingwell: I am glad you clarified

-- I thought you talked about permitting by eliminating it but it is managed today around eliminate tomorrow. I understand.

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I would like to respond to a couple of tin points and respond to a couple of points I made
-- you know, we do charge for parking at barton springs. I don't know of another instance in the city where we charge for parking at any of our other parks. Are there any?

>> Yes, council member. Emma long metropolitan park, also going into the day area and the camping area, there is a charge to enter the park.

>> Tovo: It seems to me the two examples are far out of scale what we are talking about here, the neighborhood parks that provide parking don't charge, small pocket parks don't charge if there is parking available there, this is a departure from our current practice. I don't think it is a good departure. This plan will not ensure the parking is available for park users. There is no way to ensure that. We know there is scarcity of parking for the commercial businesses in this area and those users are just as likely to park here in the spots as would be a park user. I want to say nobody suggested stationing an employee there around the clock to monitor this. If you look at some of the paid lots near the university and other places, many of them operate on an honor system where you put your money in and they have occasional enforcement and that occasional enforcement is enough for people to pay the fee even if there isn't an attendant in the parking lot when you thrive your car in so I think if we had some kind of occasional, sporadic, nonpredictable presence of an employee going through there and monitoring that -- and some signage that makes it really clear, this is going to happen and you will be subject to a fine on your part if you aren't using the park land, I think that would help. [Applause].

>> Mayor Leffingwell: All those in favor, say aye. Aye. Opposed say no.

[17:21:47]

>> No.

>> Mayor Leffingwell: Passes on a vote of 6-1 with council member tovo voting no.

>> Mayor Leffingwell: Item 134, I believe is next.

>> Spelman: Do we need to take a separate vote on item 32 or have we done that.

>> Mayor Leffingwell: Need a separate vote on 32.

>> Spelman: Move approval.

>> Mayor Leffingwell: Council member spelman moves approval of the installation of parking meters. Is there a second? Mayor pro tem cole. Discussion? All those in favor, say aye. Aye. Opposed say no. That passes on a vote of 7-0.

>> Tovo: I am voting no.

>> Mayor Leffingwell: Passes vote of 6-1 with council member tovo voting no. I should have guessed that. Okay. Next is 134. Are you making the presentation on there?

>> Yes. Good evening, council members, my name is chris young with the austin parks and recreation department. Before I begin the presentation, I would like to make three brief acknowledgments. The first acknowledgment I would like to make is my inability to be able to get an appropriate two week courtesy notification out to the stakeholders of this group. I experienced some technical difficulties with that so I appreciate and offer to you your consideration

-- for your consideration, not closing public hearing this evening and not holding the vote this evening but rather postponing those to january 30th. I believe it is appropriate in order to keep faith with the community as we

-- we really want to do that here tonight. The second

--

>> Mayor Leffingwell: Postpone the whole thing until january 30th?

>> Sorry?

>> Mayor Leffingwell: We could postpone the item until january 30th.

[17:23:48]

>> The reason we don't want to do that is because we scheduled to fly the consultant in from the boston area so they are here to provide you the presentation of the master plan.

>> Mayor Leffingwell: Got you.

>> The second acknowledgment I want to make is to the 2009 city council and specifically to council member mike martinez for their leadership in being able to provide the funding for this master plan because it sets a vision for yet another jewel of the city of austin. The final, third regin addition or acknowledgment I want to make is the name of the master plan and the park is holly shores edward rendon senior and mr. Rendon senior is here this evening aal listening with several members of his family. They waited this entire time to be able to hear this presentation, so their presence here is yet another testament to their commitment to the community and they have been engaged with us the whole step of the way.

>> so with that, I would like to go ahead and start, to give you a very brief background on the process. So in september 2009, city council passed a resolution that allocated funding from the holly good neighbor program to do a master plan in anticipation of the decommissioning of the holly power plant, so that's how we started, and then right around mid march, we were able to execute notice to proceed with a nationally renown firm, michaelvin vak, rburgh and associates and from there we had an advisory meeting in 2012 and we were able to take good feedback from the community and along with the parks office and the city corporate information office and our own consultants to develop a very robust, deliberate approach to public outreach and engagement. And so essentially

-- I have listed some of the things that we have done, like community workshops, focus group sessions,

meeting in the box exercise. We used speak up austin, so we used a number of avenues to try to get input from the public, and a very brief synopsis is essentially we had four community workshops, 8 really small focus group sessions that we targeted, a lot of the local leaders and seniors or elders of the area and a lot of the youth of the area as well and we attended about 6 outreach events to try to really promote the master plan and get the word out that we were conducting this process. The next slide -- it is not on your screen but you will see it on the handout where it says community outreach. This is a list of all of the organizations that participated in the engagement effort and then you will see two very small

-- I apologize for the size of the images but in the handout you will see the enlarged versions which speak to the amount of engagement that we participated in for the master planning process. Finally come to the public engagement, boards and commissions slide which shows that we went to the parks board, planning commission, environmental board, waterfront advisory board, design commission and arts commission and received nearly unanimous support for the master plan, and then here we are today, december 12, for your consideration. With that, I would like to go ahead and turn it over to chris matthews with michael van valkenburgh and associates and he will take you through the master plan itself.

[17:27:58]

>> Good evening, mr. Mayor, members of the city council. My name is chris matthews with michael van valkenburgh and associates, landscape architect from cambridge, massachusetts and as chris described, we have been in a process with the neighborhood on the holly shores edward rendon senior master plan since at least summer of last year. In fact, the outreach process was extremely well attended at all stages. And we made the effort to give the community an iterative process. Every meeting that we attended, we presented back what we heard at previous meetings and we were able to build a case, an argument for the master plan for the park based around what we had heard from the community. You are looking at the priorities that we distilled down from the four big public meetings and a number of smaller venues, where we

-- where we organized what we had heard and developed in turn a series of nine master plans with the overarching goals for the entire site. The first thing we heard loud and clear is there had been a plan in 1989, the town lake comprehensive plan and our recommendation should align with that. Many of the people that had been apart of that public process were also apart of our process. Of course the big change was the decommissioning of the holly plant. You are looking at an early concept sketch here but the holly plant is the white side, just the right of the center of the image. The big change is that the lakeside trails and the city streets could be reconnected in a way that they hadn't been when the holly plant was there, opening up that whole end of lady bird lake, down towards the longhorn dam. The third recommendation was to open up the festival beach lagoon which has poor water quality at the moment because of the way the water doesn't circulate through there and to increase and improve the recreational program in that area called festival beach. Park access and connection to the neighborhoods was very important, although the neighbors stressed that they didn't want to get overwhelmed by large new park uses, large events, large amounts of new parking, so the connectivity was important but within the concept of an approved neighborhood park, rather than a park that could

accommodate huge events. There are a number of existing buildings on the sites, some warehouse buildings, inside the austin energy site, the festival beach buildings, the gnash nash hernandez building owned by the city and while we recommended no new building should be built in the park. Those existing buildings should be reused for community uses. The overarching aim in terms of character was to make a neighborhood park to retain the character of a neighborhood park but make it a better version of what it is today, rather than a complete transformation. The preservation enhancement of wildlife habitat was very important. We had ecological consultants on the team. Most of those efforts were focused on the water's edge, improving and enriching the habitat, the water's edge. In concert with developing the trails of the water's edge. Celebrating local art and heritage, too, was an important component. We had a separate consultant working on that aspect of it and the promotion of sustainable food production, community access to community gardens, extremely successful community garden, the lbj center at the moment and furthering it into the park is an aspiration. So we developed this illustrative plan and the piece of land goes all the way from i90

-- i-35 to the west, to the longhorn dam to the east, approximately 85-acres, of which nine is brand new land around the decommissioned holly plant. And our proposal is really focused on three main areas. The east end of austin energy is going to retain some land. There is a substation but there is 9 new acres of park land in there. You can see in this illustration that we can connect holly street, river view street, pedernales as park driveways so it is no longer the back side of the power plant but it is a connected piece of p land. And improving the ball fields to add a lot of new shadetrees, picnic areas and make it an integrated part of the park. The center of festival beach, we recommend opening up the lagoon, as you can see, the blue arrows are new channels that bring water from lady bird lake flowing to the lagoon to improve water quality, bring people to the edge of the lagoon and add a range of water side activities. On the plan, you can see that we have retained the johnny pavilion which is popular but moved to it the lake level so the sound doesn't travel. Added new playgrounds and boat ramp and number of recreational facilities and the west end, it was really about keeping the existing beautiful character, more pastoral character of the park near i-35 and the martin pool. We developed a phasing plan. There are a number of different ways this could be phased but we recommend, obviously during the work around the austin energy site, first of all, because that's going to be brand new land. There is another park at the moment. That is a1 on this plan and then a series of park wide improvements, improving the rest rooms, improving shade structures, ada access, furniture, that kind of thing. Phase b recommends the central part of the park, lagoon area and festival beach c, west end of the park. Beyond those three larger projects, there are a series of smaller projects in the neighborhood parks, met, mar cooling pond and then lastly, three proposed pedestrian connections across the lake, h on this plan, the three hs. One at i-35, one at the longhorn dam, and one halfway between, and that really builds upon the ability now to have a complete loop around lady bird lake in this area and the ability for this park to be much better connected to the south side of the lake and other parts of the city. We did apply a budget estimate to each of these phases. I am not sure if it is clear to see on this plan or the next

-- on the next spreadsheet. But we have

-- we worked with wynn and chan and associates, our local engineers and there is a guide as the city looks to what will probably be a ten ye implementation process as it is phased, and you will see the phases range from somewhere between \$3 million to \$30 million for the biggest ones. We apply a 25% contingency. This is a master plan. It is concept at 25% contingency would allow eventual design

consultant flexibility in the way they develop the idea, so the total is shown at the bottom right of all of the ideas, all of the phases, around about 78 million without the contingency. 97 million with the contingency and that's for the whole close 90-acre park phased out over time.

[17:37:45]

>> Cole: Any questions? We have speakers.

>> Before we went into that, could I just get

-- there is one last slide that had the staff recommendations there. So very really, the parks board expressed an interest at the

-- at their presentation of the master plan to create a committee or a working group essentially that would discuss the prioritization of the implementation of improvements, discuss advocacy partnerships and fundraising, but some of the highlights of the things that we would like to tackle immediately if we could is obviously closing the gap that exists on butler trail at the holly power plant, improve the 9-acres that will be former holly power plant land and then doing general ada and bike-pedestrian trail improvements. And that concludes the presentation.

>> Cole: Any questions before we go to speakers, colleagues? Our fist speaker is suzanne rankin.

Suzanne is not here. Elizabeth walsh. She is not here. Eliza montoya.

>> (Indiscernible).

>> Cole: You are going to donate your time to bertha delgado. You will have a total of 6 minutes, bertha.

>> (Indiscernible). .

>> Cole: You are going to make me add that up. I think it is total of 15 minutes.

>> [Indiscernible - no mic].

>> Cole: You want to go home.

>> I am tired.

>> I understand. We appreciate you waiting. You have a total of 15 minutes.

>> Thank you, mayor, proteam mayor. Our mayor is not here and city council members. My name is bertha marie delgado and vice president of the east town lake neighborhood association. We are hom landowners is of this neighborhood. First of all, I advocate for the community, especially for the elderly, the youth and the unfortunate that are timid to come out and speak to you all. It is disturbing that the parks board did not publically announce it properly and I did hear mr. Chris' apologies and I did get his email two days ago. It was very disturbing to the community that public announcement was not made and we were upset as well as disturbed by it, because this is our community. How can we not have known that this was going to be presented today? We would have had more preparation, to gather more people here, as well as, you know, prepare ourselves with a speech. So I did a speech right as I got off of work today, when

-- when I was told that I

-- that we could public speak today. The community was notified two days ago and with are

-- we do accept the apology. I speak on behalf of the community that we are opposing against this new holly

-- holly shores edward rendon festival beach park master plan. As a community we have been in disagreement. So if abody is here who attend these meetings will see that we don't agree on a lot of

these

-- of this proposal. We don't. There is a lot of unsafety issues. There is a lot of

-- I mean, this is a big plan that's going to impact our community. We have lived there for three decades, decades. We were apart of the movement of closing holly power plant. After that, a dramatic change has overcome from that. And we still are impacted daily with parking, with noise ordinance, with people that come, renters that don't even live in the community that come and try to make choices and decisions that

-- that they think is best for our community and our park, and that is wrong. And it continues to happen today. So I also want to express that chicano park which is what we call it, the heart of chicano park, I had the honor to change the name and legacy of my grandfather, which he is here today, 87 years old, has been here since 5:30, to show the passion that he has for the heart of the community that we are opposing this. The elderly, the youth

-- we have so much need in our neighborhood, so much need, and it has not been addressed. I am upset at the city. I am upset at our community leaders that have not fought for the stuff that we need. We need renovation. We need more maintenance. We need our buildings, our

-- they are vacant. We don't have a lot of programs in our neighborhood for youth and elderly. There is a lot of things that are needing. So where is this money going to come from, I ask, one. The holly neighborhood money was not supposed to be allocated for this. Third is why is it that it has to happen to our park? This is not a tourist attraction. We do not want that. It is a community park which is green

-- a greenland park. It's green. We don't want any development. That water is dangerous. It is toxic.

People have committed suicide. People have died. People have drowned. They want to do a boardwalk going across. How safe is that? Who lives in those condos? Who is going to benefit from this, I ask,

myself and everybody asks. We are not benefiting anything from this. Who is going to get the revenue?

Where is the revenue going to go? They are asking for all of these things that we are not in agreement of and if I have to go door to door and do petition so we can oppose this, because we are not in agreement with the developers. We are not, and I really felt disrespected. I also feel disturbed that they submitted this proposal and this plan without all of us being on board, because we are not all on board. We are not, so I am asking to respect our community, asking to respect our park and leave it as is. If we have to make changes for our handicap, for our bikes, forth our youth and our pools and everything, let's work together and do that. But we don't need

-- look at the numbers. We can't afford that. Those are all taxpayer money and we live there. People coming to make these decisions, they don't even live in our community. I am here to oppose it. Like I said, I am working on generating a petition. I have 20 homeowners that are behind me on this, that live in the neighborhood that are not just speaking because they think what is best for us. No. I have that support and I will bring it upon y'all if I have to. And I want to leave with this one

-- this one quote from abraham lincoln. "Things may come to those who want and wait but only things are left by those who hustle." We struggled for that land. We struggled hard for that land. We preserved it and it is beautified because of our community because we fought and for developers like that and city officials and whoever else wants to come and tell us what is better for our community, let's really

-- let's really look at this and I hope and I pray that you all take in reconsideration and let this community get more involved with this. Thank you.

[17:46:21]

[Applause]

>> Cole: Thank you, bertha. For the record, I need to be clear on who donated time tober this, I didn't -- to bertha, I need to be clear here.

>> Mayor Leffingwell: Bertha, will you tell us who donated time to you?

>> Edward rendon senior, roland do, lisa motoya, lisa ybarra.

>> And that's I think carolyn rendon.

>> Cole: That's enough.

>> Mayor Leffingwell: Anybody else wishing to speak? Anybody else wishing to speak?

>> We had another colleague of ours but they've already gone. Like I said, it is a two day notice for a public hearing.

>> Mayor Leffingwell: Okay. Thank you. Let's go to item number 138.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: What I would like to do a make this item go away and I believe under roberts rules the proper way of doing that is postpone it indefinitely, so I would like to put that motion on the table.

>> Mayor Leffingwell: I am not sure

-- [multiple voices]

>> Spelman: It is a way to take no action on an item, mayor, that is my intent.

>> Cole:138?

>> Spelman: I thought we were on 138.

>> Mayor Leffingwell: No, we are on

-- we were getting ready to go to 138.

>> Spelman: My apologies.

>> Mayor Leffingwell: Okay. I thought you were talking about 135. [Laughter] 135, we are taking no action on because of the improper posting. 134.

>> Cole:134.

>> Mayor Leffingwell:134. Yes.

>> If I can make one small clarification that we did have proper notification for city council agenda. It was the

-- it was a courtesy two-week notification we committed to giving the community that we did not meet so I wanted to make that point of clarification and for the january 30th postponement, we do have a local consultant, janna mccann from mccann adam studio and myself, obviously who can go over if presentation again if need be.

[17:48:43]

>> Mayor Leffingwell: Well, I just have to say that this is not very good scheduling or planning. It is wasting a lot of the people's time and a lot of the council's time. Now, let's go to item

-- [multiple voices]

>> Tovo: I am going to make a motion to postpone action on this until

--

>> Mayor Leffingwell: Hold on. Hold on just a second. What are you trying to say? On item 134, we are doing nothing. We are doing nothing. [Applause]. That's what I am trying to say. We are doing nothing because according to the staff, the prior notification was not adequate. The item was not delayed by staff because the consultant was in town, so we held a public hearing and we are going to come back on January 30th.

>> Tovo: Mayor, with all due respect, I believe the staff said they did fulfill the required notification. They just asked us as a courtesy to postpone

-- or to postpone consideration of it

-- postpone consideration of it because they did not fulfill what they believe they have to the stakeholders to do, which is to notify them ahead of time but my understanding they complied the formal requirements in considering these factors in not taking action tonight.

>> Good evening, Cora rights for the parks department. We met all of the requirements for the posting for tonight's action. However, this was a commitment to communicate with the neighborhood and through an informal listserv and that was the step that didn't take place. In addition to that, we are recognizing that this is a holiday, that many of the members of the stakeholder process may be spending time observing that holiday, so as a courtesy, staff wanted to offer, if we could, extend the public hearing so that members of the community could join us the next go around and because we have a subconsultants who as knowledgeable, we would be relying on that subconsultant to walk through any element of the presentation so that there would be full benefit for a discussion and council could deliberate. So we did meet all of the requirements for tonight. We are recognizing it is a holiday and the informal notification did not take place.

[17:51:28]

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member Spelman.

>> Spelman: If we were to hold the remainder of the public hearing

-- we have had a very small public hearing now. Presumably there will be a much bigger one after the notifications happen. Would that be on the 23rd of January?

>> That would be the next available. The 30th.

>> Spelman: In this case, Mayor, I move to leave public hearing open and postpone action on this item until the 30th.

>> Mayor Leffingwell: Is there a second? Second by council member Morrison. All those in favor, say aye. Aye. Opposed say no. Passes 7-0.

>> Thank you. [Applause].

>> Mayor Leffingwell: 138.

>> Mayor and council, I am David Douglas with the law department. This matter is set for a public hearing because the city was notified by the Texas Department of Criminal Justice of its intention to construct and operate a parole office at 3928 Promontory Point Drive. Notice is required because the site is within 1,000 feet of a church. State law requires notice to the city and

-- but the state law says that local consent for the operation of that facility is granted, unless the city

council conducts a public hearing and makes a determination by resolution that operation at that location would not be in the city's best interest. Apd has done homework on this and has contacted the church and other businesses around there, and has not found anybody that opposes the parole office there. The existing parole office is a little over a mile away from -- from this new location. And they are losing their lease. That's why the parole division is needing to open a new office. This item was just set for public hearing in case there is any unexpected opposition to it, so you can hear it. I am not aware anyone has signed up to speak and so you only need to pass that resolution if you want to say to the department of criminal justice not to do this. If you take no action, then state law says that local consent is granted. So you could, if you choose, you could just close the hearing and take no action.

[17:54:15]

>> Mayor Leffingwell: There are no speakers signed up to speak. Is there any desire to take any action other than close the public hearing?

>> Spelman: A motion to simply close the public hearing is in order under our rules, then I will make that motion.

>> Mayor Leffingwell: Motion to close public hearing by council member spelman. Second by council member martinez. All those in favor, say aye. Opposed say no. Passes 7-0 and noted that we took no action. So ...

>> Mayor Leffingwell: Takes us to item 141.

>> Thank you, mr. Mayor, mayor pro tem council member, item 141 is the last item of the year. I am kevintioning and the director of watershed protection. And it is that the flood plain request at 058 speedway. Yes, you are familiar with this neighborhood. This is 45th street, there on the southern border, speedway running north-south. This property is on the west side of speedway. You can see that the actual channel of waller creek across the northeast corner of the property. 25 year flood plain in dark blue and the 100 year flood plain in the lighter blue color. There is a close-up of the property itself and there is an existing family home on the property, existing at 847 square feet. Again, the property on the 25 year flood plain. There is pictures of the existing house. Front of the house there on the left-hand side and then the rear portion of the house on the right. There is the outside deck on the rear portion of the lot. The applicant proposes to add 329 square feet to this 847 square foot house. The additional 329 square feet would be for a second bathroom. There is currently existing 2-1. It would be for a second bathroom and to enlarge the kitchen and dining area. They will build another deck on the new end of the home itself. In addition, they are prorating a shed, which is shown there in the yellow color which currently exists on the property

-- well, it doesn't have a permit so they are including that in this request as well. The proposed plan, existing house on the left, proposed on the right. You can see it bumps everything out to the rear. Second bathroom on the west portion of the house itself. Because the property obviously being in the flood plain, the owner is proposing to increase the conditioned area of the lot. We interpret that with the flood plain rules is being that they are increasing the nonconformity of the lot. The reason they don't conform is there is no safe access out of the flood plain. The actual finished floor elevation of the home is 2.1 feet above the 100 year flood plain and so is the proposed portion. So the house itself is elevated

above the flood plain. The portion they don't conform with is the safe access out of the flood plain and that's one of the variance requests they are asking. We talked about increasing nonconformity, as I said, nonconformity

-- by adding space, the nonconformity is the safe access itself. The last variance request here is actually somewhat new. We don't see this one a lot and it has to do with

-- it is called substantial improvement so if somebody has a house and they are asking improvement and that improvement is 50% of the value structure itself, that is considered substantial improvement. If you make substantial improvement to structure it needs to be brought into compliance with the code. It can't come in compliance with the code because it doesn't have safe access. Again, the floor

-- the requirement is one foot above the 100 year flood plain, it is more than two feet above the 100 year flood plain. We talked about safe access for the last three variances I have been here talking to you about. We talked about this picture. I think it tells the story of what safe access means. It is one thing to build a home above the flood plain. What safe access is trying to do is not have an island in the flood plain and this picture shows a gentleman looking down the steps and with what he would have to walk out on to

-- this is west bouldin creek and the water flowing from the property there and the point of the safe access rule is not to only get occupants of the building but also the first responders a safe way to get to the building in a time of flood.

[17:59:49]

[One moment, please, for change in captioners] is that risk that we consider is really our basis for consideration of denial for this floodplain variance. We understand that the area that they are actually adding the conditioned area isn't another bedroom, it's not actually creating necessarily living space, however, consistent with how we've applied that section of the code. Because it's conditioned space being added. It is one bathroom and it is a kitchen/dining area. Their engineer submitted information to us that indicates that the proposed development does not increase water surface elevations, does not increase flooding on other property. However, there's no safe access out of the property and they are adding additional occupancy, additional conditioned area within the floodplain. Like I said, the finished floor elevation is well above the 100 year floodplain, more than a foot over what's required. There is a draft ordinance in your packet, if you would like to consider the variance and the two conditions that are on that ordinance are a drainage easement, which is essentially for the entire lot, save and except the existing and proposed structure and the shed, we wouldn't put those in the drainage easement. Then the elevation certificate which is just a requirement for fema requires us to have those, just for confirmation that what they are building truly does satisfy the finished floor elevation that they are proposing. I would be happy to answer any questions, I do think that the applicant is here to speak as well.

[18:02:00]

>> Spelman: Mayor, I have one question.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: In this watershed, when there is a 100 year flood, that would be the highest it's likely to get over a 100 year period, how long would the flooding conditions last? Do we have

-- have we modeled that?

>> When we do floodplain models we do them with simulated rainfall, 24-hour rainfall event. It's hardly ever

-- does nature provide us with our hypothetical stimulated rainfall. The

-- simulated rainfall. The amount of flood depends on how long it rains, it's impossible to say.

>> Spelman: I understand that. But we do have a historical record that we could rely on for what would be the least abnormal thing which could create a 100 year flood.

>> Yeah, I don't know historically because waller has had devastating floods how long those floods occurred. But I guess I would say more on the time is the fact that you have, you know, when the flood comes, whether it's for five minutes or for an hour, the devastating effects of the force of the water coming down obviously if it lasts a short period of time, the safe access piece is a little less significant than when it's a long period of time.

>> Spelman: If it lasts for three days obviously access is important, if it lasts five minutes you wait for the water to go away before you head out the door.

>> In other urban watersheds, very flashy, they respond very quickly. For a small stream, urban stream like this, a three day type of flood, probably would not be typical. It would be quite a rainfall urban stream to flow that high for that long.

>> Spelman: Flashy how long are we talking.

>> Depend on the rainfall.

>> Spelman: Ask a silly question.

>> Mayor Leffingwell: I think the objective is accessible for emergency services. Not necessarily for delivering the milk or groceries, right?

[18:04:07]

>> Correct.

>> Mayor Leffingwell: Okay. Councilmember riley?

>> Riley: I understand that. But I don't understand how that is at stake with this particular bearing, this particular variance would allow the addition of 329 square feet, but it would not increase the -- the flooding on the adjacent properties. It would not create actually additional living space, all it would do is add a bathroom and a little more space for the kitchen and dining room. So we're -- dining room. So we're not talking about having additional people, more people live here. If there is a problem with access, that's going to be the case whether they do this little addition or not. I don't see how this addition is going to increase that problem at all. So I'm having a hard time seeing the policy rationale for denying this addition since it doesn't really speak to, doesn't really change the risk of first responders because they're going to have to respond whether there's a little more room in the kitchen or not. When we look at the addition of kitchen space, to some extent we look at the use of the space. We've have variance requests before that have been maybe expanding a bathroom, that's it, just the bathroom. That's a consideration when on one side we could see obviously that's not going to add more people. We've had other situations where it's an existing two-one and it's the two-one in the end, but

maybe it's two levels and entire living area and dining area and downstairs. You may be able to have more people in that type of house. This, I would say is somewhere in the middle. I mean it's one other bathroom and additional

-- and additional kitchen and dining space, so you're right it doesn't really lend itself there to be truly more people that could stay in the house; however, we consider it still, it's a

-- conditioned space, with the flood risk that did exist on the property, we took that into consideration for the recommendation.

>> Mayor Leffingwell: Isn't is an increase in habitable space? An increase in habitable space, isn't that what you look at?

[18:06:11]

>> Well, yes, we consider conditioned area. So, you know, the

-- not that someone is going to sleep in the kitchen, but

--

>> Mayor Leffingwell: Or the bathroom. But they could sleep in the living room.

>> True.

>> Mayor Leffingwell: But I think it's a good point that

-- that's not the plan. Excuse me? Councilmember Morrison?

>> Morrison: [Indiscernible].

>> Mayor Leffingwell: That's not the plan. It's also the case that there are hundreds of houses in this watershed that are in the same space. And we have granted a lot of variances in this same, along this same creek. You look at the plat that you showed, there's probably 50 or 100 houses on that plat alone.

>> Right. And they are not proposing to put a whole other level with five more bedrooms.

>> Mayor Leffingwell: Right. We do need to hear from the applicant and that may generate some more questions.

>> Good evening, mayor, mayor pro tem, councilmembers. My name is Matt Manning and this is my house. I moved there two years ago. And it's a tiny house. 800 some odd square feet. And so, you know, my wife and I are just asking for your support to allow us to add, you know, a few hundred more square feet to make the place a little more liveable. We're not going to have a whole lot of people living in here. It's just the two of us. We have a deck out back, so we are really only increasing the footprint of the house by 100 square feet or so and as has been explained, the house is, you know, it's high, it's up -- did you show the other there? This is looking underneath there. It's got these piers here that keep it nice and high. It's actually

-- think probably the highest building in that area. So, you know, when this catastrophic situation comes, as it must, I guess, we'll

-- we should be fine. And these

-- from my experience over the last couple of years, when the water comes and it's never come in the yard and if

-- there's never been a claim of any type of flooding for the property ever, but if the water did come, it's kind of flashy, you know, when it comes in that neighborhood. So I think we're talking about, you know, not a whole of time that would be involved where we would be in the house, safely in the house, unlike

a lot of our neighbors. And, you know, so I think, you know, this issue
-- we understand this issue. It's basically about, you know, first responder like us having a
-- my having a heart attack in the middle of a 100 year flood. First responders
--

[18:09:13]

>> Mayor Leffingwell: [Indiscernible]

>> excuse me.

>> Mayor Leffingwell: That's a bad day.

>> That's a really bad day [laughter]. You know, I worked with some date and I did some kind of cocktail napkin calculation and it's somewhere between 10,000 to one and a million plus to one or whatever but I mean, you know, these guys have got a job to do and I get it. I think it's highly unlikely. As the councilmember said, the fact is whether or not we do this, you know, this situation, the egress situation exists. There's no way to cure it. There's no zip lines that we can use to get to some other neighborhood or whatever, I mean, it's impossible for that. So the situation exists no matter what we do and what we're talking about doing in this plan is adding another 31 piers to this thing. Again, really tiny house. Those 31 piers, you know, this house is not going anywhere. And I think, you know, we would be paying to make this house safer for everybody in the neighborhood, everybody in the floodplain, everybody in the city, you know, if I were you guys I would let us do it, it's on our dime [laughter]. You know, so anyway. I don't want to be flip about this, I understand there are serious issues here meant to protect us and we respect that. But I just think that in this particular case we're asking for really minimal relief from this code and we would like to

-- we would like our elected representatives to represent our interests and please grant this variance.

>> Mayor Leffingwell: I'm inclined to support this. But not for the reasons you suggest. Because these rules are not just to protect you and your house, they are also to protect other people in the same watershed. Especially downstream or it could be upstream if you are basically damming up water in the floodplain.

[18:11:17]

>> I understand that.

>> To me it's more impressive that you have these piers because that won't dam up the water and cause even more

-- other people to flood. Of course, we're always concerned about what does this do to flood insurance for other people in the same watershed, too. So it's not just you. And your house that's affected. It's potentially a whole lot of other people.

>> No. I understand. I mean obviously

--

>> Mayor Leffingwell: We're willing to let you go and take your chances, so to speak, as you somewhat flippantly said. But there are other factors in play as well. Overall I'm kind of inclined, I'm klined to support it because

-- I am inclined to support it because of the piers and lack of impediment to the free flow of water, although technically there's an increase in habitable space, practically speaking there's not. So

--

>> Spelman: Is the chair entertaining a motion.

>> Mayor Leffingwell: Yes.

>> Spelman: I so move approval.

>> Mayor Leffingwell: Councilmember leffingwell moves to close the public hearing and approve the application for the variance. Let's see if we can get a second.

>> I'll second.

>> Mayor Leffingwell: Seconded by councilmember riley. Councilmember morrison.

>> Morrison: I have a question for staff. We have seen this neighborhood before. Can you remind me has it been like three variances that have come to us in the past couple of years in this area. 4515 speedway, 1458 45 [indiscernible] avenue

-- [indiscernible]

>> what did we do in those other cases, I know we can't grant all of those. 4515 speedway denied. 4515 avenue d approved. 4406 avenue f approved.

>> Morrison: I guess I'm not going to support the motion. Having

-- I mean I understand that it's not adding bedrooms or whatever. But I do believe there could be an induced increase in the number of people that may be comfortable living there. Which in the

-- the fact is that it's not just about someone having to come save you from a heart attack during a storm. It's about people's houses falling apart during a storm and having been down in dove springs and visited some of those houses and thinking about those people that were on their roofs, even if there is a

-- you know, a possibility of an induced increase in the number of people living there, I can't support that. So I'll be

-- I won't support the motion. I'll be sticking with staff recommendation.

[18:14:07]

>> Mayor Leffingwell: Any other comments? All in favor of the motion say aye.

>> Aye.

>> Opposed say no.

>> No.

>> Mayor Leffingwell: Passes on all three readings on a vote of 6-1.

>> Thank you.

>>

>> Mayor Leffingwell: Councilmember morrison voting no. Looks like that completes our agenda for the day.

>> For the year.

>> Mayor Leffingwell: For the year. So without objection we stand adjourned at 12:15 a.M.