

City Council Regular Meeting Transcript – 06/26/2014

Title: ATXN2

Channel: 6 - ATXN

Recorded On: 6/26/2014 6:00:00 AM

Original Air Date: 6/26/2014

Transcript Generated by SnapStream Enterprise TV Server

=====

[04:06:15]

>> Mayor Leffingwell: Good morning. I'm austin mayor lee leffingwell and we'll begin with the invocation are the reverend sid hall, trinity united methodist church. Please rise.

>> This is a favorite prayer. It doesn't come from the methodist book of prayer. Eternal and ever changing one who is found nowhere but appears everywhere, beyond and within all. Timeless circle of the seasons, a noble mystery known by all. Lord of the dance, mother of all life, be radiant within us, engulf us with your love, see with our eyes, hear with our ears, breathe with our nostrils, joyful of the single song of all that is, was or ever shall be. Amen.

>> Mayor Leffingwell: Amen. Please be seated. Before I call the meeting to order, I want to note that this will be the last city council meeting for this council in this chamber with this dais configuration. We will not meet, we will not meet in july, and beginning in july the city staff will utilize that time during the break to begin construction for the new 11-member councilmember

-- council and dais. The next council meeting WILL BE ON AUGUST 7th, AND That and a few subsequent meetings will be at the travis county commissioners court. That will continue until chamber renovation is complete. Note that this dais was dedicated along with the building along on novem 19, 2004 and this dais contains wood from the 500-year-old treaty oak found on baylor street. Stephen f. Austin signed the first treaty under this tree and the oaks there serve as a sacred meeting place for the camanche and conkua tribes. At some point today, just as a heads up, the city's communication and p.i.O. Will be taking a panoramic photo of this council working from the dais for placement in the austin history center. Just wanted to mention that. Be aware.

[04:09:13]

[Laughter] so a quorum is present so I'll call this meeting of the austin city council together on june 26, 2014, we're meeting in the council chambers, 301 west second street. The time is 10:12 a.M. We'll begin with the changes and corrections to today's agenda. Item number 12, delete the language related to items 28, 66 and 67. Item 13 should add the phrase "items 13, 28, 66 and 67 are all related." Item 16 is postponed indefinitely. Item 37 is postponed until AUGUST 7th, 2014. Item 71, add -- delete the second co-sponsor, councilmember kathie tovo. Item 76, add a second co-sponsor,

councilmember chris riley. Item 79, add a second co-sponsor, mayor pro tem sheryl cole. Item 98, add a second co-sponsor, councilmember chris riley. Item 102, add as a second co-sponsor mayor pro tem sheryl cole. Items 117 and 118, which are executive session items, will be withdrawn. Item 143 we will expect a proposal to withdraw that item at its 4:00 p.M. Time certain. Item 145, add the phrase "june 24, 2014, approved by the planning commission on a 5-0 vote with commerce norte, adams and stevens absent." Item 148, add the parks and recreation board entertained three recommendations none of which were accepted. Item 49, a postponement of this item to august 21, 2014, will be requested. Item 151, add as a second co-sponsor councilmember mike martinez. Item 183, without objection, will be postponed until august 28 by councilmember riley. Our time certain items for today, at -- there are no morning briefings. At 12:00 noon we'll have our general citizens communications. At 2:00 p.M., We'll take up our zoning matters. At 2:00 p.M., A briefing on the planned unit development assessments. At 4:00 p.M., We'll have our public hearings. At 5:30, live music and proclamations. The musician is chencho flores. The consent agenda will be items 1 through 112 plus items 150 and 151. The following items were pulled off the consent

[04:12:43]

agenda: Items 13, 28, 66, and 67, councilmembers martinez and morrison are requesting a time certain of 7:00 p.M. And my understanding is there's some request for a special order for this item.

>> Yes, mayor.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: There is, but as I have understood the advice from legal, if we're going to have a special order about a 4:00 time certain, that that would need to come first. Is that correct, city attorney?

>> I'm sorry, I didn't hear your question.

>> Morrison: If we want a special order for a 7:00 p.M. Time certain for an item and we expect a special order for a 4:00 time certain for another item, we should hear the 4:00 first.

>> Under roberts rules of order, if you set special orders, those items have to come up, it is a hard time certain. So at 4:00, if you set an item and it comes up and you are still going at 7:00, you will have to stop the 4:00 item and take up the 7:00 item.

>> Morrison: But I also noted if multiple items are set as special orders, they take precedence in the order council votes for them.

>> Correct.

>> Morrison: So we can go ahead and do the 7:00 and have a special order and have the 4:00 to come first.

>> Mayor Leffingwell: I would say if you don't want the items to be interrupted and even though they are special orders, we should take them in time order. So the first proposal is to have a 4:00 p.M. Special order time certain for item number 64. So that request is by councilmembers riley and testify some. Tovo. To set a special order requires a two-thirds majority, but if there's no objection, we can go ahead and approve that.

[04:15:01]

>> Spelman: Is that at 7:00 or 4:00 p.M.?

>> Mayor Leffingwell: This is 4:00. The next one that is requesting a special order true time certain is item 99 at 7:00. So that is by councilmembers morrison and martinez. So if there's no objection from anyone on the council, we will set a true time certain of 7:00 p.M. For item 99. So then for items 13, 28, 66 councilmember morrison and martinez are requesting a true time special order for 7:15 p.M. Is there any objection to that?

>> Cole: Mayor, I have a question.

>> Mayor Leffingwell: Mayor pro tem cole cole if we set item 64 at 4:00, then we are -- and we take our live music and proclamation break at 5:30, then we will come back at 7:00 and be required to take item 99. Is that correct?

>> Mayor Leffingwell: No, we will resume item 64 because it was the first in order. We'll finish that item first. And presumably we'll go in order with items 99 and then collectively 13, 28, 66 and 67. Immediately following. So we've covered that. Item number 24 is pulled by councilmember martinez. Item 68 is pulled by councilmember tovo. And item 102 is pulled by councilmember riley. The following items were pulled off consent due to speakers. Items 12, 13, 22, 23, 64, 71, 77, 99, and 100. There's still a few left on consent.

[04:17:07]

>> Morrison: Mayor, would you mind saying that list again?

>> Mayor Leffingwell: Okay. Do you want me to say it slower or faster.

>> Morrison: Maybe a little slower.

>> Mayor Leffingwell: 12, 13, 22, 23, 64, 71, 77

-- 99 is already off, so 100. After 77, item 100. So now we have several speakers who are signed up on the consent agenda. We'll go through those. First is stewart hirsch.

>> Mayor, members of the council, my name is stewart harry hirsch and I rent and I'm here in support of the item to pass a resolution to potentially consider an amendment to both the residential code and the building code concerning ramps for people with disabilities. We used to be able to do that through interpretation. That's not the current interpretation of staff, and so it's appropriate I think to have a community conversation about whether we would want to institutionalize that in the code so there would no longer be a question in the future whether ramps below a certain height and with certain slopes would be automatically exempt from building permits. Thank you very much for your attention.

>> Mayor Leffingwell: Thank you. Susana almanza signed up on several items, but you only have three minutes. Susana almanza.

>> Good afternoon, mayor and city councilmembers. I'm susana almanza with poder and there are several items here and one of the items I have a question on is the whole health agreement with houston-tillotson college, which is item number 23 and item number 77, and we're very concerned because we've had a lot of rumors out in the community this is first step to close the rosewood saragosa clinic. We need to find reasoning why we're doing this particular project there because it is an on-campus versus the community. I've gotten a lot of calls on this and that's probably why you have people that are here on it because we do have a central health and wellness center in montopolis that is coming up, and then all of a sudden we're now looking at this. We need to look at answers as to why this

particular thing is happening. Does that mean too, mayor, that all the consent items I need to speak on them right now or will they come back? Like item 99 or 100?

[04:20:11]

>> Mayor Leffingwell: I have you signed up on 73, 74, 103 and 111. But you only have three minutes, and you have 1:44 left. You can speak on any item on the consent agenda.

>> Okay, and the other thing I want to say is on the transition task force, that there is a great objection that if this task force is trying to set a date that for the new elected city councilmembers, not to be able to appoint anyone until June 2015, that is a great concern. There's different interpretation on those recommendations. I know that everyone on board commission had to sign whether they agree to extend their term to December 15, but we got another memo saying a suggestion the boards and commissioners stay on to June of 2015, so that's a big concern with the new elections coming up, mayor. Thank you very much.

>> Mayor Leffingwell: Thank you. Councilmember Martinez. Martinez thank you, mayor. Susan is a, I wanted to try to address your concerns on item 77. This is an item that I sponsored asking the city manager to bring forth a potential budget option for a one-time funding for the temporary wellness facility at Huston-Tillotson. None of the conversations that we've had as a sponsor and co-sponsors have anything to do with Rosewood Saragosa. Should that be something that comes forward, it will be a policy decision of this council at a later date, but this does not contemplate anything to do with Rosewood Saragosa that I'm aware of. Last year in the budget process we granted Huston-Tillotson \$250,000. They were not able to secure additional funding to open the temporary facility. If council approves through the budget process the additional \$850,000, it would only be for the establishment of that temporary facility. It would not come from health and human services dollars and it would only be a one-time grant and it would not be ongoing funding. In addition to that, the wellness center at Huston-Tillotson, while it is on the campus, it will be open to the entire community as well and provide mostly behavioral health services, but also depending on how they build their facility and expand it, it could provide others. Their commitment is to raise that \$35 million to build that facility privately. This is simply for the establishment of that temporary facility. I did respond to some of the community concerns that were raised yesterday. Miss Moncial called, Miss Maladez called us. We've heard the rumors as well, but I can't express enough this is not tied in any way to Rosewood Saragosa and whatever the future of that facility may contemplate. If so, it is unbeknownst to us.

[04:23:16]

>> Thank you for clarifying that.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: Rosewood Saragosa is a high needs area and so is the area Huston-Tillotson plans to provide so I would not be supporting any closing of Rosewood.

>> Thank you.

>> Mayor Leffingwell: Next speaker is Joseph Petak.

>> Good morning, councilmembers. My Joseph AmTex and I would urge you to adopt resolution 76 in

favor of legislation that would allow the use of medical marijuana in texas. We believe that jail should be for people who pose a threat to the community and that our law enforcement resources should be focused on people who do pose a threat to the community as well, and we're safer with more police on the street than jail guards. And this is an opportunity to allow for the recalibration of possession of marijuana offenses in texas, which is the adjusting to focus more on criminal activity rather than medicinal or other types of use. Many people will be able to document the benefits of medical marijuana. Even sanjay gupta, the cnn analyst, pointed to a guy on the anti-side, admitted that his anti-arguments were all based on false information he had received from the united states government. So we have a situation where the city of austin is going to be able to allow its residents expressed through the state that medical decisions should be between a doctor and their patient. And that law enforcement should be focused on putting bad people in jail. And the sooner we're able to do that, the safer our community will be. And just one other thing I wanted to mention, thank you for, is the site and summons policy the city of austin has implemented which has started a start crime approach that has been very successful in reducing the number of people who don't belong in jail, filling the jails up and keeping police on the street protecting all the citizens. Thank you very much.

[04:25:37]

>> Mayor Leffingwell: Clint barnett. Same topic. I want to remind you this item is on consent. So don't try to talk us out of it. [Laughter]

>> thank you mayor and city council. I'm here in support of legalizing marijuana. There's many people in our community suffering with pstd, anxiety, many other things. Autism for children. It has been proven that it helps in all of these categories. I think every texas citizen should have the right to seek comfort in their life and I would just like to say that I support and would like to see it passed.

>> Mayor Leffingwell: Thank you. David king.

>> Thank you, mayor, mayor pro tem and councilmembers. I'm speaking on item 74, 89 and 85. Item 74 is a general homestead exemption impact analysis and I appreciate councilmember tovo or bringing this forward and I hope you would approve this. Item number 89, the acc redevelopment of highland mall. I have two concerns about that. One, it's being done outside of the context of code next. How many more times are we going to do a run around around code next with these things need to be happening right now. Outside of the burnett corridor study. I hope you will not support item 89. Item number 84, I can't believe that you are going to consider a resolution to allow tree houses to be built on public right-of-ways and other structures. What are those? Is this our solution to MICRO UNITS AND ADUs? Tree houses are harmful to trees. I love tree houses, I've been in them as a kid, but they are harmful to trees. And that's going to take green space and open space away that we have for vegetation that's needed to help with heat island effect and cleanse our air and water. And why are we allowing private structures to be built on public property? That's wrong. Why are we wasting time on this resolution for a code amendment for this? What is the value? What is the benefit? We're going to spend over \$100,000 likely just to go through the code amendment process and for what end. I think you should tell the public what end this is for and why we're going to do this, and the opportunity cost for staff being redirected from things that they are working on right now to do this. No wonder we have staff that's overworked and overloaded and makes mistakes. But you have a responsibility to our taxpayers to look at the

opportunity costs. And I hope the city manager will implement a policy that says that you are going to take a look at the opportunity costs when you pass these directives and these resolutions and do right by the taxpayers. Thank you.

[04:28:51]

>> Mayor Leffingwell: Next speaker is Cynthia Valdez. Cynthia Valdez. Next speaker is Zola Vega. Zola Vega.

>> [Inaudible].

>> I'm Zola Vega. I'm speaking as a citizen on item 83, the new code city management policy. We ask that you please make clear that this resolution and the new policy will not cause the contract with the Texas Wildlife to be canceled. The current policy is working. It includes education so there's really no need to change it. The resolution also should include make that you are that it includes lethal methods considering lethal methods for incidents on animals and humans, not just on humans. That's not very clear on the text. And this is not only an animal issue, but it's important safety issue that affects the safety, the health and welfare of the citizens. Since there is a six-month review provision, if adjustments are needed, we ask the animal advisory working committee group

--

>> Mayor Leffingwell: Let me interrupt you. I'm sorry. Item number 3 has been postponed until August 28.

>> You said 183.

>> Mayor Leffingwell: If I said that, I misspoke. It's item 83. We don't have not quite 183 items.

>> That's what I thought. Okay. Thank you.

>> Mayor Leffingwell: Councilmember Martinez.

>> Martinez: The reason we postponed it is so it could go to the animal advisory committee and we welcome you after it comes back to council.

>> Mayor Leffingwell: The last speaker is Laura Presley. Next to last anyway.

[04:30:58]

>> Hello Mayor and Council. I'm Laura Presley and I want to speak on the homestead exemption. I've done a little calculation on the Travis County rolls for the homesteads that are in Austin. So I want to kind of go through this quickly. So I do support the study and I want to go through some analysis. There are about 400,000 properties in Travis County and that includes everything. There's 126,000 properties in Austin with homestead exemptions currently and that's under the Austin City taxing jurisdiction. And if you look at those homestead properties, it's about 38 billion in appraised value. If you do a 20% homestead exemption, that would reduce the city revenue by 36 million. And I think that's been a question in everybody's mind, if we do a 20% exemption which is allowed by state law what will that cost us. A 10% exemption would reduce the revenue by half of that, 18 million. If you look at the median value of homestead properties in the city, there are about 228,000 value and that's a 2014 number. So a 20% homestead exemption, which is allowed by state law, would give us \$220 savings per year for that median valued home. That's a big number. Okay, next slide. How can we pay for this? This is the big

question. I want to roll down a couple of items that this council has approved over the last couple of years and how could we pay for this homestead exemption. This council approved 30 million increase in the

-- which was an over budget with the new downtown library. 20 million is the estimate for the electric utility impact fees that we're going to start charging. There's a \$14 million surplus in the budget per year over the last two years. We have spent 9 million on a golf course, gave 8 million in incentives to apple, \$7 million the last couple of months in fee waivers to the u.T. Med school and teaching hospital and 4 million in fee waivers to marriott. What we want to do is make sure that this homestead exemption does not negatively impact city services and we don't want to negatively affect rental properties. But we need to prioritize it for austinites and encourage homeownership. We have the resources, we need to prioritize it. This council has prioritized other things. We need this prioritized. Next. Next slide, please. So here's a proposal. If we could implement a 10% homestead exemption in year one, we could phase in 5% per year until the 20% is reached in year 3. We could collaborate with other texas cities and lobby the legislature for a flat rate so that we would not have to deal with the regressive impact of the overall percent. And if you look at a 40,000 flat rate exemption, it would be a lot cheaper for the cities to do that. We would have

-- that would impact austin about 25 million.

[04:34:07]

[Buzzer sounding] and give a 200 savings per homestead. So please do the study. And here's some numbers.

>> Mayor Leffingwell: Thank you. Your time is expired.

>> Thank you.

>> Mayor Leffingwell: And we're getting a bunch more speakers. Gus pena.

>> Mayor, is this on item number 22 just so I won't have a little bit of discussion with you? Item 22? Am I correct?

>> Mayor Leffingwell: You are on 22. 22 is

-- yeah, it is pulled. It's off the consent agenda.

>> So I'm allowed to speak on it?

>> Mayor Leffingwell: No, not now. When it's pulled.

>> Let me know when it's appropriate.

>> Mayor Leffingwell: Roy whaley.

>> Howdy, y'all. My name is roy whaley. Conservation chair of the austin sierra club. Just double-checking an item

-- oh, I've got the wrong file I i apologize. So I'm going to wait to speak on the items that have been pulled by council and wish you all a good morning. Sorry about that. [Laughter] [applause]

>> Mayor Leffingwell: Okay. Scott johnson. Which item are you speaking on? Which item are you speaking on? 61.

>> Mayor Leffingwell: Okay. Go ahead.

>> Good morning, everyone. Regarding solutions and moveability and mobility programs, the city has invested time and energy in these programs since 1996 with our first one, often we are contracting with

other entities to provide these services. Getting people to move away from single occupant vehicle and carpool or take other options extremely challenging even with the right incentives and marketing, I'm not against item 61. I don't know how much in favor I am of it, but I do know the person that manages the moveability nonprofit. What I'd like to say is that in a broader context, the city and other partners should review strategically or evaluate both the air quality plan called ozone advance and the climate plan for harmonization, for sin soldier and integration and look at ways to improve the transportation components of those plans. Within the ozone advance plan there's a commute solutions program that campo manages and facilitates. That's something that's gone through some iterations over time. They tried something, it hasn't worked well, they revamped it, tried to improve it, bring in new technology. The city has a program that's had some ups and downs. They can do more to incentivize you and limit park and trying to leverage the communications through the city as to how important this is to reduce the vehicle miles traveled. That will reduce ozone levels potentially at least reduce from the source at the vehicles and will certainly reduce carbon emissions if they come to work by bus or train or carpool or car share, et cetera. This is an opportunity that's ripe with the austin climate protection program being updated. The ozone advance plan is in place. I would encourage through the council committee on planning and transportation or through a briefing or through audit and finance that you look at ways to spend money more effectively on commute solutions and mobility. I'm not talking about rail necessarily. That is a huge opportunity and I support that. Please consider these options as relate to ozone, climate, particulate matter and other issues for public health. Thank you. Questions?

[04:38:29]

>> Mayor Leffingwell: That's all the speakers that I have signed up to speak on the consent agenda. I want to add that item number 71 will not be pulled. It will remain on consent. Item number 71. Councilmember spelman moves approval of the consent agenda. Seconded by mayor pro tem cole. Councilmember tovo.

>> Tovo: I'm sorry, would you mind reminding us which items are on the consent agenda, through which one?

>> Mayor Leffingwell: 1 throw 112 plus 150 and 151.

>> Tovo: Thank you. Disbelief councilmember martinez.

>> Martinez: Show me recused on item number 96. Councilmember morrison.

>> Morrison: I wonder if I could ask the sponsors on item 71 if there was -- I'm mixed up. Never mind.

>> Mayor Leffingwell: Never mind on that. All in favor of the motion say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 7-0. I know this a happy occasion, but if I could ask to you hold your chatter down until you get outside the chambers. Please. Everyone. We'll go on to item number 12. Which was pulled for speakers. First speaker is cynthia valdez. Cynthia valdez. Jill ramirez. Jill ramirez. Robert winters. He's not wish to go speak. That's all the speakers that we have. I'll entertain a motion on item 12. Councilmember spelman moves approval. Councilmember morrison seconds. All in favor say aye. Aye.

>>

[04:41:07]

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 7-0. Item number 22. Has two speakers. Gus pena.

>> Mr. Mayor, councilmembers, mr. City manager, ms. City attorney, gus pena, good morning. Produced native east austinite. I'm here to speak on item number 22. It is having to do with funding for delivery of basic needs ... Low-income residents. Mayor, councilmembers, I want to let you know this is a very critical issue and in my opinion it's not enough funding. I will tell you why. There's several social services agencies out there and I'm going to name one, caritas, for example, has been given erroneous counseling to a lot of veterans. I just went to the clinic yesterday, and because the erroneous information was given to the veterans, they were precluded from finding or to be found eligible for case management. Continued case management at caritas. I have a great big problem. We were on eight times on television, fox 7 and then uni vision, carried nationwide on veterans issues. It's very critical right now not just for veterans but for everybody that if they need basic needs assistance, that these individuals be highly trained and highly capable of delivering these services and the appropriate departments to go to to receive these services. Otherwise it will be catastrophic issues that occur, health, lack of funding for rent, et cetera. This is very important. Stephanie hayden of health and human services, I want to thank her very much because I've known her for many years and I called her and said this is a great concern of ours. She did educate me on the wherewithals and ifs ands and buts and I think this is just not enough money. We should have a highly trained staff that does not deliver fractured services or fractured education. Also, mr. City manager, I wanted to let you know I also thank you for your interaction on these issues to highly educate our staff, our employees so they can be fully capable of delivering the services for the people out there. I would appreciate that very much. A lot of veterans send their hellos to you also. We had a big meeting at the clinic yesterday. We've been on nationwide television and this is a very important issue, item 22, and we hope that we continue to give appropriate, high training and education for our city employees and other employees to deliver basic needs. Thank you all very much.

[04:44:11]

>> Mayor Leffingwell: Robert jones. Robert jones. Robert signs up a lot but he is never here. So those are all the speakers that we have on that item. Councilmember morrison moves approval. Seconded by councilmember spelman. All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 7-0. Councilmember tovo off the dais. That pass by a vote of 6-0 with councilmember tovo off the dais. Number 23. Pulled for speakers. Cynthia valdez. Susana almanza.

>> [Inaudible]

>> Mayor Leffingwell: Okay, we'll count that. Those are all the speakers that we have that wish to speak. I'll entertain a motion on item 23. Councilmember martinez.

>> Martinez: Move approval but I have a comment.

>> Mayor Leffingwell: Councilmember martinez moves approval. Councilmember morrison seconds. Councilmember martinez.

>> Martinez: This is the 250,000 that this council unanimously adopted during last year's budget process and it's now the city manager asking for authorization to release those funds to houston-tillotson.

>> Mayor Leffingwell: Okay. All in favor of the motion say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 7-0. That brings us to item 24. We have several speakers. It's pulled by councilmember martinez. We have speakers. Kaitlin brown. And donating time is jack kerfman. So you have up to six minutes.

>> I'll be brief. Good morning, council. We just wanted to take an opportunity to ask you to consider adopting all of our amendments that we proposed to you at the last council meeting. I believe we provided a pretty thorough rationale for reasoning for considering these amendments. Most of them are rooted in current policy and procedure, and several of the items that we did submit, although they were submitted to the commission, many of them we do not spend a lot of time during our meetings debating them and some of them didn't come up in verbal discussion with the commission. I just wanted to clarify that as well as we had many items that we initially proposed that didn't go through that we did not bring to you today on amendments. The items we brought forward today we believe are of significance that they needed to be included this the rules, and I will be here if you have any questions on any of the individual amendments. We have been going through this process now for the better part of two years and we are looking forward to moving forward and getting the system in place for employees and I appreciate all of you for your support. Thank you.

[04:47:33]

>> Mayor Leffingwell: Tha you. Carol guthrie.

>> Good morning, mayor and council. This is a great day. It's taken a long time and a lot of work for us to finally get here and we're very excited about that. It's actually almost been three years, if you want to count getting with the charter commission, going through the election, having city management take one year to develop their rules, then give it to the commission, who did a great job. In I think about six months. We did

-- we were able to provide some testimony at those meetings. It's important to note that whenever we brought items up, we had to go under citizens communication. So we had three minutes to articulate our positions and to see if we could convince five people that this is the way to go. While city management did very long, extensive presentations. Of course, they had a lot more staff than we do, and they were able to provide exhaustive rebuttal to what we're proposing. I just want to say that our amendmentings and our work through this entire process has been on behalf of the employees. On the workers, the front line service providers who provide service to the city every day. This has truly turned out to be a battle against the employees and management why, I don't know, because this was an opportunity for all of us to come together and have the best rules to help protect your workers who work so hard for all of you. I encourage you all to accept our amendments. We have provided all of the relevant documentation. As kaitlin said, these are embedded in your current policies today or your current procedures today. So I don't know why you would want your employees to walk away with less.

So if you have any questions, we will be here and I hope that you will support our amendments. Thank you very much for your time, and again, thank you all for making this happen. I appreciate it very much.

[04:50:07]

>> Mayor Leffingwell: Thank you. I want to recognize the city manager for a response.

>> Thank you, mayor. We had some conversation about this, as you'll recall, on this past tuesday during your work session. We simply disagree with ms. Guthrie. You have received previously our recommendation which by and large is consistent with that that came from the commission. We do have serious concerns about the potential impact of the proposed amendments so I'm going to ask my staff, beginning with human resources director mark washington to come and outline those, those concerns that we have. Mark.

>> Good morning. Good morning, mayor and council. Just real briefly, there are some concerns about some of the proposed changes that will impact the organization's ability to operate and serve citizens. There are some references in the proposed language that removes the ability of us to conduct background checks on employees unless it's something that's authorized by city policy, ordinance, et cetera. And there is nothing in city policy or ordinance that would allow us to conduct background checks on persons that have financial responsibilities. So this ordinance, if this was approved, then those employees that are working in positions with financial responsibilities, accountants, financial managers, would not be subject to a review of their criminal history as it relates to their financial responsibilities. There's also some provisions that remove the ability of managers to discipline employees for acts that are unsafe but not intentional. So if, for instance, if there was a significant safety or hazardous issue that occurred, if

-- it would be incumbent upon management to prove the intent regardless of the impact. And there are occasions where it is appropriate to learn from incidents or accidents, but when there is significant damage or harm that occurs to property or lives and injury, there's a level of accountability that should occur that allows management to hold its workforce accountable. And there are also some provisions that refer to the removal of departmental work rules, and only reference what's in city policy. City policy does not give direction to each department on what time an employee should show up to work, how the uniform should be worn, how call-back should occur, who is essential, who is nonessential, so department work rules are essential. It's management administrative direction on how to manage the workforce. If you remove the ability for management to have those administrative prerogatives and manage the workforce, it would make it very difficult and impactful for services to continue. So those are serious concerns that I had opportunity to share with the city manager about the impact of some of the proposed changes.

[04:53:43]

>> Mayor Leffingwell: Thank you. Councilmember martinez.

>> Martinez: Thank you, mayor. Appreciate the concerns by mr. Washington, just respectfully would disagree that you can always have work rules in place. The amendment I will propose would simply require that there be a burden of proof, that if a work rule was intentionally violated by someone, that

would have to be shown in order for discipline and termination to occur. We can put any work rules in place that we want. I just don't

-- I don't necessarily believe that you should have

-- that management or department directors should have the automatic right to terminate someone for what they believe is a work rule violation. There should be a burden of proof to that. But it doesn't preclude us from having work rules.

>> As long

-- councilmember, as long as there is a provision that gives departments and management the prerogative to establish work rules, communicate training to the employees, that's not problematic. That's consistent how this organization runs today.

>> Martinez: Okay. Mayor, I just want to ask you procedurally, I have about 17 amendments, but they are all precisely lined out in the yellow version in front of you. Would you like for me to proceed one by one or just submit as one amendment and walk through each change?

>> Mayor Leffingwell: Well, I think first of all we need to get a motion on the table.

>> Riley: Move approval.

>> Mayor Leffingwell: Councilmember Martinez seconds. Briefly describe any item and I will ask if there's any objection to that and if there's no objection it would be adopted.

>> Martinez: The first amendment would be in part 2, which is on page 1 of five and removing the word in line 28, removal of the word "procedure."

[04:55:51]

>> Mayor Leffingwell: Is there any objection to that? Councilmember Spelman.

>> Spelman: I would like to ask Mr. Washington a question. I understand we have some city policies, the ban the box, I assume others with respect to criminal investigations. If we remove section from section 4.05, what practical effect will that have on your operation?

>> If you remove procedure, that would eliminate our ability to conduct background checks on employees that have financial responsibility. Because that procedure is outlined by the authorization that comes from my office. So it's a background procedure. So those employees that are accountants, cash handlers and have other financial responsibility will not be subject to a criminal background check.

>> Spelman: How about vulnerable population.

>> Reporter: There is a procedure for vulnerable population. There are state provisions that require certain jobs to have background checks, but the procedure goes beyond just the state provision and it requires any employee, not just those that are operating day cares, but any employee that interacts with the elderly or vulnerable population are subject to background checks, and so eliminating that version as well would cause some change in how operations are currently run.

>> Spelman: And we do not have a city policy, an adopted city council policy on

-- with respect to vulnerable populations or with respect to financial responsibility as far as CPIs ARE CONCERNED.

>> You have the ban the box resolution that directed staff to remove the question about criminal histories off the application, but there's no procedure that gives direction on how to

-- and who to review for backgrounds.

>> Councilmember Spelman, we also have city ordinances that adopting local standards of care for parks and recreation employees and volunteers who work with youth programs as governed by state law that also required background checks.

[04:58:03]

>> Spelman: Okay. So vulnerable populations would be covered by our ordinance, but financial responsibilities you would not be authorized by city policy or ordinance to conduct criminal background investigation.

>> It's only been departments that pertain to provision of those ordinances. So like the park and recs, it's not across the entire organization. I.

>> Spelman: Is this a concern for you?

>> Martinez: I believe it expands it beyond the necessary scope. I think removing that word allows us to move forward with criminal background checks where necessary in certain positions. I think adding the word procedure expands that and creates a lot of vagueness where it can be interpreted through the procedure someone who hasn't had to go through a criminal background investigation now does.

>> Spelman: I GRAY IT Adds a measure of vagueness and I would much rather these be policy rather than procedure. This is an important issue for people's rights. But if we don't currently have a policy which authorizes human resources to do criminal background investigations of people who are going to be handling cash, for example, it seems to me if they can't do them on people handling cash we're asking for trouble.

>> Could I add something to that?

>> Please.

>> The procedures if they are removed will also remove the ability to conduct background checks on vulnerable population that are not applicants. So the only thing the box did was remove the backs to ask them that. There's no other authorization once you remove the procedures for the human resources department to conduct continuing criminal background investigations. If,

[05:00:07]

>> Mayor Leffingwell: And you have to tell us who you are for the record.

>> I'm sorry, Beverly West with the law department.

>> Cole: Mayor, I have a question.

>> Mayor Leffingwell: Mayor pro tem Cole.

>> Cole: Mark, we had a few audits of departments that handle cash and there was -- well, it wasn't caught. And so I'm concerned with the eliminating of procedure that -- that would slip through again, but it slipped through regardless of this term or not. So if I remember correctly, we had an issue with e.M.S. And another department. Can you help me remember and why those weren't caught and why this particular language would have helped or hurt?

>> There were two audits most recently, one in 2010 and one in 2013 conducted by the auditor's office. In the 2010 audit was relating to a purchasing employee who had financial crimes that were committed outside the scope of their employment, but the auditor reviewed the matter and concluded that that

was a risk to the city to allow an employee that was responsible for procurement and had financial convictions on his record to continue to work. And the second audit was a followup from the first audit to review the procedures that were in place and to ensure that the background checks both for financial populations and vulnerable populations were occurring efficiently and the auditor conducted the review and noted some improvements in the process in which the background checks should have occurred sooner and more efficiently. But never in his audit did he recommend eliminating or stopping the process for the background investigation process for financial jobs or those that interact with vulnerable populations.

[05:02:16]

>> Cole: I don't read this language as stopping the process. I read it as narrowing the scope and I'll confer with councilmember martinez on that. I'm just wondering if eliminating this term opens us up to more potential liability.

>> If you eliminate the word "procedure" there will be nothing that allows us to continue the process to hold employees accountable as we conduct the investigations and find results that pose risk to those who have jobs with financial responsibilities. That's the impact of eliminating that one word.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: Mark, beverly, whoever, what is our

-- what is the current wording of our procedure with respect to criminal background investigations? Do you have a copy of it with you?

>> We do. I can get that. I don't have it readily in front of me.

>> Spelman: Let me ask a screening question. If this is relatively short and clear, it seems to me another way we could handle this is reword part 2-a so that we're incorporating that procedure into section 4.05 so that we would amend section 4.05 to specifically give you the authority to do criminal background investigations in those two cases, vulnerable populations and financial responsibilities. Then we would not have to use the word "procedure" which is open ended.

>> Right, and I think as I recall those procedures were attached in the document we submitted to council.

>> Spelman: I'm sure I could find them someplace. I thought you might be able to find them for us more quickly.

>> I do have those available.

>> Spelman: Could you read it to us?

>> The page is long, councilmember spelman, but it basically authorizes protocol for the city to establish background checks for those with adverse criminal histories and conduct a standard procedure for background investigations. And there's

-- it's very lengthy.

[05:04:26]

>> Spelman: Well, the procedure could be very lengthy and I have no problem with

-- you need to have a procedure to do criminal background investigations, I understand that. And

nothing in these rules would prohibit your having a procedure, I would encourage to you have a procedure, that way we know it's going to be done properly. But the authorization to invoke that procedure, it seems to me, could be very short because there is only two classes of cases where you would like to

-- where you currently have and want to keep the authority to do that. And seems to me there must be some magic words with respect to vulnerable populations and magic words with respect to financial responsibility which we could include in here.

>> The current procedures, using current and maybe referencing a date, there's a procedure for conducting criminal background investigations and there's a SEPTEMBER 9th, 2010, Procedure conducting background investigations for financial responsibilities.

>> Spelman: And the basis for

-- the basis for-"i'm looking at the vulnerable populations issue now, positions directly or indirectly working with

-- including children, the disabled and the elderlyly. That's the authorization you need is that line. Then you can invoke a procedure to actually do the criminal background investigation for people who fit this criteria.

>> That's correct. And the other for the financial responsibilities.

>> Spelman: And that would be an employee who collects payments for the city which may be in form of cash

-- I don't feel the need to verify it has to be cash, checks or credit cards, completes a deposit slip, an employee collects payments for the city ... Based on that in a relatively small group.

>> There are people have access to financial systems that not necessarily collects payments. So those with financial responsibilities is part of their job.

[05:06:30]

>> Spelman: Would it be possible for you or Beverly or someone else on your staffs to draw up like a two-line description which covers the shortness that we could put into section 4.05 so that we could remove procedure, but give you the authority to do exactly what you need to do?

>> Yes, sir.

>> Spelman: Okay. Mayor

--

>> Mayor Leffingwell: So you object.

>> Spelman: I do remember but I will remove my objection as soon as those words come back and I will at that point offer an amendment to councilmember Martinez's amendment which would keep his removal of the word "procedure" but add other language that human resources can do what it needs to do.

>> Mayor Leffingwell: Let's just table that.

>> I have a quick question. Is the concern there would be expansion of these procedures after this is passed?

>> Spelman: I believe the issue is exactly that.

>> Okay. What if we just put in there procedures currently in place at the time of the passage? Because

these are the only procedures in place on the cv's right now. Would that be sufficient?

>> Spelman: It would be for me, it may not be more councilmember martinez.

>> Mayor Leffingwell: Martinez.

>> Martinez: I would ask ms. Brown to come up. We've been working on these issues and welcome her as well. If you could just start out by walking the council through the conversation we had about why we want to remove the term "procedure" whether or not that fits.

>> Not a problem for conducting

-- at categories in general, but the current procedure we do have a problem with. Vulnerable populations has gone from being defined as employees who have direct contact with vulnerable populations and direct or indirect contact with programs that deal with vulnerable populations and that was defined as children and youth and the elderly, which we are okay with. And then it switched to direct or indirect contact or

-- sorry, excuse me, direct or indirect working or come into contact with vulnerable populations. With these changes and nuances in words, we have de 3 at austin energy, directed electricians who climb the poles and they are tagged as vulnerable populations because they are out in the public and they could contact with children or the elderly. That in our opinion is not the original intent of cv is for vulnerable populations, but because the wording has been changed over the year and the procedure and the departments are allowed to tag employees who they deem relevant for these categories, we now have over 1,000 employees at austin energy and that example where electricians who don't work in programs that deal with children or the elderly, but may come into contact with them when they are out in the field, those people are tagged. That is concerned for us. Whereas street and bridge employees who are out in the field all day, they don't tag their employees for vulnerable populations. So we don't have a problem with cbi for vulnerable populations and financial responsibilities. I want that to be clear. We want the city to be safe employees and those types of positions where it really fits into those categories, they should be having background checks done on them. And I wanted to give you a example for financial responsibility. The language you mentioned, councilmember spelman, we would be completely fine with. And it did go from in the beginning in 2007 or 8 when we had a procedure for financial responsibilities, cash handling and moves to pro carts and goes to grant oversight, access to databases. It kept going and going so you've got customer service reps at austin energy, they are tagged for financial responsibilities because they could potentially access the system which houses employees'

-- excuse me, individuals with austin energy their information at the city. So it has gone on and on and on and includes these levels of employees that in our position they don't need to be included. That's number 1. Number 2 is the statute of relevant offenses that are tied to each category and these procedures which are chosen by legal. So for a vulnerable population, if you get a d.W.I., if you are public intoxication, that is a crime that is deemed relevant by legal that you could now not perform your function. Certainly if there is assault, sexual assault, any crimes against a minor, those are the things that we should be focusing on. Those types of crimes, I personally don't see the relevance and that is our concern again when you've got this procedure and the scope keeps growing and the number of employees covered and the types of crimes that are looked at that we have

-- we're really harming individuals who aren't

-- their position and their background, it's not really a liability to the city. It's hard for us to make those correlation in those type of cases that I mentioned.

[05:12:16]

>> Cole: Mayor, I have a question.

>> Mayor Leffingwell: Mayor pro tem cole cole if mayor pro tem cole cole is there no standard definition of

-- the one is defined as position directly or indirectly working with or in contact with vulnerable populations which include children, the disabled and the elderly. So I know, I saw correspondence in 2010 when austin energy tagged all of these, it sent to h.R. And said we're concerned about the number of positions you tagged and they said we're taking a proactive response because these individuals could come into contact with this category. Anyone at the city, you know, we can come into contact with those types of categories of individuals. Just in your day to day duties. It's hard to say that anyone in their position with the city would not come into contact with someone that is a vulnerable population.

>> Cole: Mr. Washington, having understood or heard the concern that the language saying indirect contact and it's too broad, what could you do to address this concern?

>> Well, the criteria is having contact as part of your job responsibilities, at least two days within the 30-day period. So if you are someone who is a public worker, public employee working in construction crew and public works or some type of manual job incidentally coming in to citizens, that is not frequent interaction. But if you have responsibility being in a recreation center or going out into the community, particularly in up supervised areas, going into schools on more than two occasions, two occasions or more a month, those are considered the kind of interactions. Just nor clarification, for austin energy there's other criteria besides interact with vulnerable populations or financial responsibilities that departments have to comply with and there are many employees in austin energy that have criteria that have to meet because of the federal regulatory agencies, nerc and ferc requirements and homeland security. There's other criteria that have led to the increase in number of employees that have background checks beyond just the city's policy. I just wanted to clarify that.

[05:14:53]

>> Cole: So is there other language that you could propose to get at the issue that you raise which I think is a very good issue, that it's just

-- the language is too broad and covering employees that are not having direct contact with any of our vulnerable population, and that could be put in the rules and not necessarily

-- well, I think procedure is such a vague word, it doesn't really get at the source of your problem. Could you do that or

--

>> yeah, we could do that.

>> Cole: Okay. I want to turn it back over to councilmember spelman with his

-- well, you were talking about an amendment and I don't know if I could ask you to include in that, mayor, an amendment in that language clarity about what you just said you are trying to do, not necessarily cast such a wide net for public employees that are having very indirect contact with the public. Could you include that in your amendment?

>> We could certainly come up with language to clarify the kind of criteria that we have for interacting with vulnerable populations. We could offer some language for that. But I just wanted to be clear that as is, this changes how we assess the risk of employees interacting with the public and our employees if it were adopted as is. That was my intent.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: If there's no further discussion on this item, I would like to move we table this particular amendment until mr. Washington or ms. West or somebody else has had an opportunity

--

[05:16:57]

>> Mayor Leffingwell: Without objection

-- councilmember morrison.

>> Morrison: I just want to get clarity on the discrepancy I'm hearing about our employees and austin energy and I understand there could be some state or federal guidelines, but

-- that are requiring background checks, but I wonder, ms. Brown, if you could fill us in a little bit, is it possible that the employees you are talking about were tagged for cbi because of state and not the use issues?

>> The example I gave with THE DEs THAT TAGGED FOR Vulnerable populations, we don't have problems with nerc and ferc and they are going to be covered under the federal law so that wouldn't change that. But the example I gave with the d, they were tagged as a vulnerable population and on the customers service rep.

>> Morrison: And I guess I just wanted to get from mr. Washington, can you help us understand how -- what is it the de?

>> Distribution electricians.

>> Morrison: The distribution electricians would be tagged under vulnerable populations or you just have a different view of the facts and think that didn't happen?

>> I would need to go and look at the specific risk assessment for that job, but obviously have you the state and federal requirements

--

>> Morrison: Right, but this is a different question. The question is were they tagged for contact with youth?

>> I would need to go back and look and see if they were entering into homes and properties and see what the

--

>> Morrison: If they go into someone's backyard, are you considering

-- which a lot of them will eventually have to do, you would consider that

--

>> yes.

>> Morrison: Okay. But you said two times a month, and I mean probably most of them never run into a child in the backyard.

>> And I just want to clarify

--

[05:18:58]

>> backyard?

>> Morrison: Well, I guess that concerns

-- let me just say that concerns me.

>> And there is a title, for example meter service representative, meter service investigators, they regularly go into people's backyards, they are covered. That's not a title we would argue. That's an example of one that we would say, yes, you are regularly going in people's backyards, you are going to have that contact. It's the little

-- to me that's different in terms of that's your job on a day-to-day basis. You have to investigate meters and you are going and

-- a personal backyard. That's day to day and that's one that is tagged that we have no problem with. That would not be

-- it would be one that would fall under directly working or in contact, in my opinion.

>> Morrison: Okay. Thank you.

>> Uh-huh.

>> Mayor Leffingwell: So is there objection to tabling this item and going on with the rest of it until we come back with adequate language? Councilmember martinez.

>> Martinez: Before moving on, I mean I don't want to this from the dais, but we've been given no choice because both sides have worked to try to come to an agreement. So I just want you all to know that we're probably going to do every one of these amendments is going to turn out just like this where other language is going to be proposed, staff is going to say we think we can come up with something, but it should have been brought

-- they should have come up with something already. So I'll continue. In section

-- section 5.01, I will move to amend a reduction in force, and as you can see in the language it strikes all of the language and adds, starting at line 6, a reduction in force of employees may occur when it becomes necessary for the city to effect immediate reductions in the size of the city workforce. That's the amendment.

[05:21:02]

>> Mayor Leffingwell: Is there any objection to that?

>> We have some, do we not?

>> No, not on

-- don't object to that language. Just for clarification, these are the condition recommendation, not the staff. And so the commission put forth these recommendations to the council and they heard both sides. I just wanted to clarify that.

>> Section 5.02, to be eliminated completely. Is the next amendment.

>> Mayor Leffingwell: Is there objection to that?

>> Cole: I have a question based on professional staff's last comment. Councilmember martinez, are all

of these recommendations, they've been through the commission?

>> Martinez: These were discussed. I don't know if the commission took action on it. Some of them the commission left up to council to adopt. There was no agreement made and so they said we will forward it to council without a recommendation just as is, council will have the pursue of amending it if they like.

>> Cole: Will you let us know because it makes a difference if the commission has already heard these items.

>> Martinez: They've heard ought of these items. Unamended is what the commission recommended. There were two sides to the conversation asking the commission to consider amendments, there were some that the commission did not consider. They just said both sides can't come to an agreement so we're going to let it go to council.

>> Mayor Leffingwell: Staff?

>> Yes, our chair is here today also the testify to the process.

>> Mayor Leffingwell: Mr. Washington.

>> I see you have a chair that's going to speak, but my understanding was a little different. I thought that these issues had been discussed by the commission and by staff, but ultimately the commission offered recommendations that did not include what's before us today.

>> That's correct. And there is

-- of all the amendments, there was only one that did not come before the commission. Now, to the extent of the discussion deliberations as ms. Brown mentioned earlier that up to the discretion of the commission but the matters were brought before them.

[05:23:24]

>> Good morning, mayor and council. Just to clarify that

-- kim kovak, chair of the commission. There were differing viewpoints, but what we tried to do or did do as a commission and it took a long time, is every

-- all five of us reached a consensus that all five of us can live with on all of these issues. So as a commission, we are presenting those rules and we are in complete agreement on all of those. We did not adopt all of the proposal, likewise we did not adopt everything that staff put forward. In fact, we changed much of what staff put forward. In reaching that consensus, it was a very lengthy vetting process.

>> Cole: Mayor

--

>> Mayor Leffingwell: Let me ask councilmember martinez, as you go through this list, do you have information as to whether or not the commission recommended this?

>> Martinez: Every amendment that I'm making is not recommended by the commission, obviously.

>> Mayor Leffingwell: Okay. So we don't have to go one by one on those. All right. So we're still trying to determine if there is an objection to the third proposal, third proposed amendment by councilmember martinez.

>> Martinez: The elimination of section 5.02 as relates to reduction in force. The reason I'm making this amendment is that we believe it's not necessary to have this language because section 45, article 9 of the city charter states that rules should contain procedures for reduction in forces. And so no procedure

separate from the city charter should be contemplated in civil service rules. It's governed by the charter.

[05:25:28]

>> Mayor Leffingwell: Are there any other comments from the council before we decide if this is adopted or not? Is there objection? All right, the third proposal is adopted.

>> Martinez: 503 c is the addition and the restriction is the deletion. Do you want me to read that, mayor?

>> Mayor Leffingwell: Well, you can describe it.

>> Martinez: It refers to length of service with the city. All employees shall be separated based on length of service

-- this is as relates to reduction in forces. It's continuation of the reduction in force. Employees shall be separated based on length of service with the city at the first cry tearian pass work performances as the second cry tearian, the employee last hired without a break in service shall be separate first. If there is a time length of service, it shall be broken according to document for the previous 12 months. If the documented past performance is equal, the human resource director shall elect by lot the employee who will be separated. Again, it's just outlining the procedures for reduction in force.

>> Mayor Leffingwell: That's your proposed amendment?

>> Martinez: Yes, sir.

>> Mayor Leffingwell: Does staff have a comment on that?

>> We've shared our comments with the commission before, mayor. The charter amendment requires both consideration of performance and seniority. Based on the way this is worded, the layoffs would occur only by seniority and not give account of performance unless it was

--

>> Mayor Leffingwell: We understand that.

>> I think that's a little conflicting.

>> Mayor Leffingwell: Is there objection? Councilmember Spelman.

>> Spelman: I have a question for miss covak. I understand this is one of the amendments which the commission considered and I gather from your previous comment that the five of you reached a consensus in favor of the language before us and not in favor of the amendment. Is that accurate?

[05:27:38]

>> The language that is in the submitted rule, yes.

>> Spelman: Why did you find it that way?

>> I would have to go back and search. I can't even tell you my notes exactly, but I can tell you that it was debated and finding the best possible way of dealing with the affected employees.

>> Spelman: Help me see whether or not this came up in your discussion. The concern I would have about this rule is that it allows managers to play favorites and to adopt arbitrary and

-- make arbitrary and capricious decisions about I like this person, I don't like this person and say it's because of documented job performance. You could usually find documentation in job performance paperwork for almost anything if you really want to. Seems to me it's asking for a lot more, giving a lot

of discretion to managers in making a rift decision. Is that something you came up with in your conversation, do you remember that?

>> I do not remember that and I don't know if those

-- I know the discussion was in terms of the seniority and job performance, but the degree of discussion in terms of the potential, the possibility of playing favorites, I don't recall if that was discussed. I know the procedure as a whole was discussed quite a bit.

>> Spelman: If you have any comments on the procedure as a whole, I believe councilmember martinez has other amendments with respect to the rift policy. If you have anything in general to say about the policy, I would like to hear it.

>> Not personally again. As chair of the commission, I would put forward that we really did work hard from various perspectives to reach a consensus.

>> Spelman: I understand.

[05:29:39]

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: On this item it doesn't preclude con condemn plagues, it establishes the initial and if there's a tie it moves to performance evaluations. If all things remain equal, it allows the h.R. Directory make that final decision. It just adds a more objective criteria first and then subjective criteria second if there's a tie in length of service. [One moment, please, for change in captioners]

>> to determine was consideration given employee's length of service and past service was pulled straight from the city policy, and the procedure that we are recommending on using longevity and then performance as a tiebreaker comes straight from the city procedure. So the city procedures went into effect based on the policy

-- I don't see how this is any different. It's the same language to say now that it's not following it. That would be saying your current procedure you've had for years doesn't follow your policy. Thank you.

[05:31:53]

>> Martinez: Mayor?

>> Mayor leffingwell: Council member martinez.

>> Martinez: That is my proposed amendment.

>> Mayor leffingwell: All right. Is there any objection to this proposal? All right. That's adopted. Let's go to

--

>> martinez: Section 50 3d. Is just adding language to the end of the existing language that reads "upon recommendation of the director of human resources, the city manager may provide up to 12 weeks of severance pay to an employee who has been laid off. And it says "may provide."

>> Mayor leffingwell: All right, any comments from staff? Is there objection from anyone on the council? All right. That's adopted.

>> Martinez: Thank you, mayor. Moving along to section 504 c is the recall and employment of effected employees. I move to strike the word department and add "citywide" and then in line 7 strike the four

words "in the same department."

>> Mayor leffingwell: Any comment from staff?

>> The impact of this change would mean

-- this is a new benefit, the re-call provision where you automatically get placed back in the job, in the same department that you were laid off from. The impact is if you have a heavy equipment operator, for example, that was laid off in public works and they operated one type of equipment and there was another position not available in the department but in another city department, the job title may be the same, but the type of equipment may be different. And so they may be re-called to operate equipment that they are not trained in or skilled in but yet have the same job title. So that's the reason why the language was "re-call automatically" specifically to the department, and they'd have the ability to compete for positions without the department, but it's not automatic.

>> Mayor leffingwell: All right. Comments from council? Council member spelman?

>> Spelman: Mr. Washington, would it be permissible

-- I understand the issue, that you want to be sure people are going to be qualified for the jobs that they would be picked up for, and presumably they would be within the department but they would not be if you move from one department to the next. On the other hand, some of these departments are very small. If we're talking about a department with 40 or 50 employees in it, this is a bi 12,000 possibilities for employment and only 40 inside that department. It seems to me we need something broader. Would it be possible to amend 504 c 1 so we would say something like the re-call list should be used to fill a vacant position with the same classification, in the same department, from which the employee was laid off so long as the employee is qualified for the position? Or words to that effect.

[05:34:39]

>> I would have no objection to that.

>> Spelman: Council member martinez, would that be amenable to you?

>> Martinez: Can you restate that?

>> Spelman: The second sentence reads the re-call as

-- the re-call list shall be used to fill a position with the same classification from which the employee was laid off. I had, comma, so long as the employee is qualified for the position, or meets the qualifications for the position.

>> Martinez: Meets the minimum qualifications?

>> Spelman: Okay.

>> Martinez: I think that's fine. Ms. Brown? Okay.

>> Mayor leffingwell: All right. Revised language. Is there any objection to the revised language? I'm trying to keep track

-- I think this is the seventh that we're on right now. All right. If there's no objection that one is adopted.

>> Martinez: Under rule 6 is the disciplinary action amendment, 602b. That that

-- line 13, 14 and 15, under section 602 b in the yellow version be eliminated. But it will be subsequently amended to be included in the following section. I need to make that note.

>> Mayor leffingwell: Could you restate that?

>> Martinez: Yes, sir, section 602 b, I'm recommending its elimination of the language that starts with

the word "conduct," and ends with "or." But it will be subsequently added to the following. So maybe I should read both amendments at once?

>> Mayor leffingwell: That would be fine.

>> Martinez: So the next would be to include language in the ineligibility under 602 b, to add the language "including failure to pass a criminal background investigation due to a relevant conviction."

[05:36:50]

>> Mayor leffingwell: Is that it?

>> Martinez: Yes.

>> Mayor leffingwell: Okay. So that's one proposed amendment. Comments from staff?

>> As long as the relevance of the conviction relates to the procedures that are in place for background checks and that's not a problem. But if it

-- if it's not relevant to the procedures, then we have no relevancy to determine whether or not an employee should be disciplined. So given the language on one of the earlier amendments we didn't finalize, as long as the interpretation of relevant relates back to the procedure it should be fine.

>> Mayor leffingwell: Okay. Is there any objection from council? That amendment is adopted. Next?

>> Martinez: Section 602 b, which is the rules violation. Oh, yeah, under unsafe behavior, that we add the three words "intentional or repeated." So reading the full sentence, intentional or repeated failure to not follow workplace rules, procedures and guidelines.

>> Mayor leffingwell: Do you have any comment on that?

>> We're okay with the word repeated intentional. I'll give you an example earlier. It's difficult to improve someone's intent when the impact of the unsafe behavior is so egregious it property and life, et cetera. So it's hard to manage around someone's intent, whether or not they intended to make the workplace unsafe.

>> Mayor leffingwell: I understand that, but it's basically general to our entire system of punishment for an offense that there be intent. So is there

-- council member martin?

>> Martinez: I'll just add we did try to understand the concerns by adding "intentional or repeated." We thought by leaving it just as a failure to follow established workplace safety rules was extremely vague.

[05:38:59]

>> Mayor leffingwell: Is there any objection from the dais? All right. That's adopted. Next?

>> Martinez: Continuing under section 602 b, the policy violation

-- the rules violation, we would

-- I would move to amend that it state to be a policy violation and that we strike the words "applicable city work rules or department work rules" and that we're including, and then further in that sentence striking the words "procedures and administrative bulletins." Commen comen ts from staff?

>> Yes, mayor. With tracking department work rules and procedures would make it difficult to manage attendance, start time of work, customer service expectations that are all departmental standards, work rules. So we think the language that includes work rules and procedures on how to operate equipment

is very, very important, for example.

>> Cole: I have a question, mayor.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: Do the work rules not include

-- I mean, do the personnel policies not include those type of work rules?

>> They do not. The personnel policy prescribes general policy direction, but each department has to prescribe its specific expectations to the workforce on attendance, start time, workday, safety expectations, customer service expectations, and so those all are defined by department procedures and work rules. We can't have a uniform application if one department expects employees to show up at 8:00 and they can come in five minutes late, there may be crews out in operation departments where if you show up five minutes late, you miss the truck. So that's

--

[05:41:00]

>> cole: You define those as attendance, start time and other.

>> Those are just some examples. There are many other types of work rules that are needed, who's on call, emergency call-back. Basically how to set forth expectations to uniformly

-- uniformly to the entire department is done through work rules and procedures.

>> Mayor leffingwell: City manager.

>> The last strike

-- I know I signed a number of they hope. We have a whole host of them. Is it your interpretation that this would also exempt compliance by employees from all administrative

--

>> that's correct, I did not do that. I overlooked that. So travel policy, all of the other administrative bulletins that are signed by the city manager as well would be exempted.

>> But also include your gift policy, there's also an administrative bulletin about how to behave in an investigation. There's a whole host of administrative bulletins that would affect being able to discipline an employee, and we're not just talking about terminations. We're talking about a one-day suspension, so there's a lot

-- if you remove this you could, I guess, assess a written reprimand or counseling, but you couldn't assess a one-day suspension for violating a safety work rule. It goes all the way down.

>> Spelman: Mayor?

>> Mayor leffingwell: Council member spelman.

>> I'd like to ask council member martinez why it's necessary to remove everything other than city personnel policies.

>> Martinez: I think the belief

-- the position that afsme takes and that I agree with is, you know, that the language

-- that the city policies

-- the procedures that are currently in place that are adopted by the council are already established, and adding this language just creates a bigger burden on the employee, if you will, in terms of a responsibility and potentially being disciplined or terminated.

[05:43:12]

>> Spelman: I agree, it does create a bigger burden on the employee, but it seems to me it creates an even bigger burden on the manager if language like this is not available, because he'd have no opportunity to discipline your staff or reprimand your staff in the event

-- except for city personnel policies, and for the city personnel policies to drill down as deep as the managers would have to go in each of the departments we've got it seems to me would be excessive burden on human resources. So I don't believe I'm going to be able to support this one.

>> I completely understand. Ms. Brown

-- I mean, mayor, I'm sorry.

>> Go ahead.

>> Martinez: Ms. Brown?

>> Mayor Ieffingwell: Ms. Br ms. Br own.

>> I just wanted to clarify in the discussion the removal of this language does not prohibit a manager from giving discipline for time and attendance. So right now personnel policies have the time and attendance rule. It's included again as a rule here, documented failure to meet acceptable standards of the position for attendance tardy and absent. So when

-- right now if someone is written up for a violation, typically the department will cite the personnel policy, which is kind of the big umbrella that it falls under, and then if they have a specific work rule that ties to it. So eliminating that doesn't mean they can't discipline for them because these things are covered, time and attendance is covered here, unsafe behavior is covered here. That doesn't negate the more specific rules they have in terms of you're expected to be here at 8:00 to 5:00, three tardies you can be written up. Because that's tied to a larger personnel policy and now delineated here in the rules, those larger categories. So that would be perfectly acceptable. Our concern is procedures and bulletins that don't tie into those larger categories, and really, your procedures and bulletins, everything should be tied to your personnel policies. It does drill down, but eliminating that doesn't mean that you can't discipline. That certainly was not our intent. That's not how we see it, particularly when a lot of those categories mentioned by them are listed here in the rules. You're obviously not going to have every specific example there, but it's covered in the larger context that that would be a violation of that category. And I did want to reference on our concern with the administrative bulletins, employees don't often get those. I mean, when we did open records

-- because we don't have all of those, when we did open record, we found out that we didn't even get all of those from the city. There are a lot of bulletins, procedures the employees don't track, but if they're tied back to the policy and now in the rules

-- in the category, in the larger broad category, sure, they can be disciplined for them still.

[05:46:18]

>> Mayor Ieffingwell: City manager.

>> Just a point

-- this goes far beyond the extent to which we would

-- we'd discipline employees for whatever reasons. I can't imagine a municipal organization operating -- I've never been in one that doesn't substantially operate on the basis of administrative bulletins. They exist by way of administrative policy manuals. Some of them are used -- are created to carry out council policies. They exist for all kinds of reasons relative to the day-to-day operation of the city organization and the management of its personnel. We have more than -- I don't know the number of them that we have today, marc, but perhaps you do. But it's fundamental to the operation and the management of the employees and this suggests that we strike them and don't have them anymore, on no longer applicable. And I think that is a fundamental and serious problem.

>> And they are available on the

-- on the web site within the human resources depart in addition to whatever copies departments make available in their own areas. But, mayor and council, if the language

-- to the point earlier, the section that we're talking about, if it calls for disciplinary action and it's very clear that one of the calls is rule violation, and if the only rule violation is personnel policy, that creates a large gap of other expectations that are set forward to the workforce either by administrative bulletin or other procedures.

>> Mayor leffingwell: It seems to me that part of the problem is this discussion about administrative bulletins. How do you ensure that every employee is aware of the content of every administrative bulletin?

>> It's the s to some degree as the personnel policies. The personnel policies is a smaller hand book, but administrative bulletins are on-line, available, the personal policies. Whenever there's a new one, it's communicated through the department. Each director is expected to communicate directly to the workforce. Direct direct ly furnished with a hard copy?

[05:48:41]

>> There is not a hard copy distribution to all employees.

>> Mayor leffingwell: That seems to me like that might be a problem. You know, I would hate to be held responsible for everything that was sent to me as an attachment in email, personally.

>> Mayor?

>> Mayor leffingwell: Council member martinez.

>> Martinez: And that is exactly why part of this language was contemplated. It doesn't preclude administrative bulletins and it doesn't preclude the manager from disseminating work rules and other information, even council-adopted policies. It just doesn't allow the discipline to be contemplated if -- if it had come through in a communication of an administrative bulletin.

>> Mayor leffingwell: Well, I would just like to be assured in some way that there's provision to determine if an employee had received the administrative bulletin and understood it before any kind of discipline is administered. Is that part of your process?

>> That is. In many instances, mayor, I couldn't stand and assure you that every cincinnati instance that's the case. Listening to the question I see opportunities to improve and ensure the communication, those administrative bulletins, procedures, codified, disseminated

--

>> mayor leffingwell: Right. But let's say you tell an employee he violated rule x, and he says, well, I

didn't know about that. I didn't see that bulletin. Do you take that in consideration?

>> Yes, we do. We take into consideration what expectations were made to the employee, and if it was clearly made to an employee as part of their supervision or management and whether or not the employee was unaware, and there's some determination that would occur to figure out whether or not that was properly communicated by the department's management.

[05:50:43]

>> Mayor leffingwell: So council members, is there a way to account for that in your proposal?

>> Martinez: I'd be open to a suggestion, mayor.

>> Mayor leffingwell: Do we possibly want to put that one on the table along with the first one?

>> Martinez: Sure.

>> Mayor leffingwell: All right. Let's go to the next one.

>> Martinez: The next one is hopefully fairly straightforward. It's just in section 603 b, factors considered in administrative disciplinary hearing, that we eliminate the word department and add the word city. The reason for this is that it's becoming more and more difficult for employees as each department establishes different

-- different workplace rules, different procedures, and quite honestly, I think we'd need to have more uniformity across the city if you're a city employee, that you have a base level of understanding. So we just

-- I move to eliminate the word "department" and add the word "city." Commen comen ts from staff?

>> Just a minute, mayor. Would it be acceptable to the council to add not either one but add both [inaudible] conduct been addressed in the past by the department and city.

>> Mayor leffingwell: Council member?

>> Martinez: Could it be the department or the city? Because if you do and then it's going to be both. It would have no material effect on this. Is that what you're asking?

>> Right. In some instances there are work rules that are specific only to the department and unique to how that department operates. In other instances violence in the workplace, sexual harassment, those are more applicable across the organization. So each department handles

-- you know, they have different expectations, and so that's why I would ask

-- and the commission would determine, it's ultimately up to them whether or not it was relevant based on how the department handled it citywide.

[05:52:54]

>> Martinez: And I think that's part of the concern is that each department has begun to establish its own set of standards and procedures for disciplinary action, and what we're trying to achieve here is more uniformity citywide, and that's the only reason I understand this amendment to be requested. If there is something else, I would welcome the comments from ms. Brown.

>> Mayor leffingwell: You might as well just get a stool and put it up there. [Laughter]

>> so as council member martinez said, that's exactly our concern, and we have an issue that keeps reoccurring at water department for cdl drivers, commercial drivers. They are covered under federal

policy with drug and alcohol testing. They must be random tested. Every other department at the city and water up until the 2012, there's an administrative bulletin that ties to the federal policy that -- that's in personnel policies that says discipline, again, it's in the personnel policy, and the administrative bulletin just further outlines the discipline. It says for the first offense there's a two-week suspension, second offense, in three years you will be immediately terminated. Water -- the water department now has in the last two years changed their approach to first offense is it's an automatic termination, and so now they -- bringing these forward they say, well, the last eight people -- the last ten people we have done this this way. So now if that is their current practice. So they're giving that rationale and going forward, well, this is now our practice. If I was a cdl driver at austin energy, if I was a cdl driver at public works and I had a first offense, I would get a two weeks suspension or alternatively a six-month demotion. That's also an option, but almost all departments do two-week suspensions. But if I happen to be a cdl driver at water I'm going to be terminated on the first offense. And these are the kinds of issues is that we're talking about. If it's real specific to a department -- I can't think of one off the top of my head, but I think that would be an argument for the department as well, this is unique to us for whatever reason, and so there is no consideration from other departments so we're going to look just within our -- within our department.

[05:55:32]

>> Spelman: Mayor?

>> Mayor leffingwell: Council member spelman.

>> Spelman: It seems to me that the language in the amendment covers both situations quite well. If you've got a general rule such as the cdl driver rules, which cover all departments in the city, then a rule violation in water ought to be treated the same as a rule violation in public works. I think that makes good sense to me. But if you've got a rule which is very specific to public works, then saying the manner in which similar conduct has been addressed in the past by the city will only cover public works because it's a very specific rule and there won't be anyplace else in the city where similar conduct will have been addressed. So I think amending it to include city will cover both situations.

>> Mayor leffingwell: So would you state your

--

--

>> spelman: I think the amendment is fine exactly the way it is because it gives mr. Washington what he and his people need and gives ms. Brown what she believes the union needs. We'll get uniformity where we need uniformity.

>> Mayor leffingwell: Is there any objection from the dais? All right. That's adopted. And with that

-- without objection council will table this item and go to general citizens communication, so take this up after executive session. And we have two items that

-- two proposed amendments that have been tabled awaiting suggested language. First speaker is cindy.

>> Hi, everybody, thank you.

>> Mayor leffingwell: I'm just stating your topic.

>> My topic is property taxes.

>> Mayor Ieffingwell: Right.

>> Popular topic. Thank you for your time, thank you for listening. I bought a home in

-- a lot of people moving around here, but I bought a home in south central austin 15 years ago. I plan to retire here. And spend the rest of my time and life here. As you know, in the bluebonnet south lamar area, there's a lot of building going on. A half a block from my house they're building, where there used to be one building there's now 15. At a half block from my home where there were two buildings there's now going to be 40. There's seven other projects in the area. Should I keep talking?

[05:58:26]

>> Cole: Yes, we didn't have a quorum because mike martinez is off the dais but he's still in the room so you may continue.

>> Thank you. Property taxes are skyrocketing. My taxes went up last year \$600 and they went up this year \$600, so \$1,200 in one year. Based on that, it's become prohibitive for me. I don't know how I can keep absorbing that and live here. So when you buy a home for 200,000, you want your value to go up. But you're not expecting it to spike and be able to be at 400,000. My pay doesn't rise that quickly. So the irony is while I'm looking for a second job, while I'm looking for getting more hours where I work to be able to cover 1200 more dollars in two years, the irony is what I get for that money is a lot of noise, unbelievable noise from morning to night, of building. What I get is a lot of traffic. We've always had intermittent sidewalks but now it's become dangerous to walk the dog because there's so much more traffic. There's less trees. So there's huge sacrifice and growing pain while I'm paying more money. If I look at it, there's four other owners on the block, we don't think we can continue to live here if it keeps going up. I have been so proud of austin. I used to speak so well of it, and now I'm getting a little cynical. I know you do this job because you have a commitment to service, to supporting people, and this is now -- I'm asking that you bring some innovation and leadership to the property tax laws for the middle class and the lower class people that have been here for 20, 30 years that have helped build this city, that cannot take a spike, kind of like california, if you remember some of you who are a bit older, like I am. 20 or 30 years ago they had spikes in the property value and people could not

-- my time

--

[06:00:36]

>> cole: Yes, your time is up.

>> Okay. Thank you.

>> Cole: I appreciate your consideration.

>> Susana almanza.

>> Good afternoon council members. I'm susana almanza with poe dare people organized

-- poder, and also with the mon montopolis neighborhood association, and I'm here today because we are very concerned that our pool, the montopolis swimming pool is still closed and that we live in a high poverty area and a low income area and we have per capita lots of children in the area that really

depend on that montopolis pool. Now, I did speak on that weekend, the friday before the june 6, to councilman martinez and spoke with sara hensley. So one of the things we came up with was opening the civitan pool, which is adjacent to the elementary school. But there's a lot of issues in the transportation of taking the kids from the montopolis area to cross over montopolis drive to vargas. But we're real concerned that

-- I know that you have to order a part and then turns out you have to order another part, but we feel like this is poor planning. We know that that swimming pool is on the critical list that probably will be closed down in five years or less. We've had five swimming pools that were not open. Civvitan, and four others. We know people there cannot afford to go way across town and then pay a fee to use these other swimming pools. So it's really important that we keep our swimming pools open and that we plan adequately for these things. I understand we had a lack of lifeguards, but there again is the planning. Before they changed the rules just recently, in june, we were paying \$8 to \$10.25 to the lifeguard. We were not even paying a living wage to these youth, our college kids. And I think that that's something that needs to change immediately. I know you hiked it up to \$10.25 for everyone, about you if you're paying the living wage of \$11, that should be paid to all the youth. That is a great incentive to keep our lifeguards. The other issue is that we continued not to have swimming lessons for east austin. The only lessons is how not to drown, how to float, and then they say, well, we can't even find enough youth of color to be lifeguards, or to be able to swim adequately. Well, if you don't provide the lessons you will never get them. I think it's important that we start at the middle schools, start training, start providing swimming lessons for youth of color in east austin so that they too can become lifeguards, but more importantly, so they can learn all the swimming lessons that people with privilege or higher income are able to have. We really need to

-- I mean, we've come several years, even our youth have come to talk about these issues about the inadequacy in swimming and how that's not really happening. So I would like you to look at those issues. Thank you very much.

[06:03:56]

>> Cole: Thank you. Council member morrison has a question for you.

>> Morrison: I just want to make a comment. I appreciate all the points that you're making and really they fall into two categories. One is the short-term issues we have on the table, and other are much broader concerns that we need to deal with. So I want to call your call your attention to the aquatics planning effort and the master plan draft that should be coming out soon and we'll be able to work, you know, with the community, and I hope that you will stay alert to that and folks that you work with so that we can make sure those issues get dealt with appropriately.

>> Absolutely. Thank you so much.

>> Cole: Thank you. Nikela bryson? Nikela bryson?

>> Good afternoon. My name is nikelle a bryson, also known as pixie, and I'm a homeowner living in the brentwood neighborhood. I'm here to request your assistance and support in having crossfit fitness operations reclassified under zoning rules from improvement personal services to outdoor sports and recreation and to share the nuisance we have had to put up with on a daily basis. Last october loud music and percuss I have sounds emanated from beyond my back fence, starting as early as 5:00 a.M.

And continuing into the evening. My neighbors are in the business that moved in was bdn crossfit and this encourages dropping heavy barbell rates, banking on tires, screaming encouragement, grunting and loud music. This is all done either outside and/or in a metal building with garage doors wide open as well as using city streets. The sounds are clearly heard and felt six houses down, across the street and through our home foundations and closed windows throughout the day. Calling 311, trying to work with apd, even court ordered mediation has brought no relief. As the owners of bdm were unwilling to budge on the activities of crossfit, which create obnoxiously loud noise. There's another crossfit facility five blocks away, crossfit central. This facility operates in much the same way and the neighbors have experienced the same frustrations for the last four years. Crossfit facilities in our neighborhood are operating under an allowed zoning use of personal improvement services. In general, fitness studios, including indoor gyms are placed in this category. However, to anyone who has spent even a few minutes next to a crossfit operation, it is clear what they are doing should be classified as outdoor sports and recreation.

[06:06:29]

>> There was a gym that was shown shown before that, this is crossfit central, 5:30 a.M., But there should be some automat

-- audio. This is my backyard.

>> This is crossfit central using the city streets for their workout and crossfit central using

-- competitive event [inaudible]. [Cheering]. Under our current neighborhood zoning plan outdoor sports and recreation is a prohibited use. There is a reason for that. These businesses aren't compatible with businesses forms these businesses are allowed to violate noise ordinance in our neighborhood plan causing extreme mental anguish and property devaluation. Imagine living next to this. It doesn't fit the description of personal improvement services. They don't operate inside of four walls. They're a sport, not a gym and they say so themselves. When it comes time to rent a space they masquerade as a fitness studio. Help us protect our neighborhood and the citizens of austin from this nuisance by helping to have these crossfit operations reclassify what they truly are, outdoor sports and recreation. Thank you.

[Applause]

>> martinez: Thank you so much for coming down here. As you know, council member tovo and I have been working with you all and just for our colleagues' sake, we did go out to the neighborhood, we did go out during heavy workout hours. We agree, there's significant issues.

>> Yes, I appreciate it so much.

>> Martinez: We are going to

-- we have a meeting scheduled, my staff just handed me these notes. We have a meeting scheduled, council member tovo and i, with code compliance, and we're going to try to figure out how

-- how we address this concern because at 5:30 a.M. And then of course in the evenings at 6:00 and 7:00 p.M

--

[06:08:32]

>> yeah, it goes all day long.

>> It's a thundering boom. The first time we went out we didn't hear much.

>> Then it all started.

>> But then the second time it was very noticeable. So we will continue to work on a fix for this and I understand the concerns that it creates.

>> Thank you, and I so much appreciate you responding to my email. Really, it's been a huge help. So thank you very much. [Applause]

>> mayor leffingwell: Council member morrison.

>> Morrison: I wanted to add a comment to that. In our investigations of all of this, we've also gotten to the point where we were told, well, it is

-- it's an apd issue, not a code compliance issue. So I'd like to suggest to my colleagues that they might want to include apd in that unless you have already been through that. But that's where we were left when we were studying it.

>> Mayor leffingwell: So your topic is construction beginning too early in the morning?

>> Yes, it's a similar topic. Hi, everybody. Thank you for being here. My name is chandler. I was raised in austin all my life, you know, elementary school, middle school, high school. I live in the 78704 area code, and as you know, that place is like booming, a lot of construction and everything. The house

-- there used to be one house behind my house and a bunch of woods. Recently all the woods got torn down and there's construction starting at like 7:30 in the morning, sometimes a little earlier, and the house starts shaking, and you can just hear it all day long. There's like jackhammers and big machinery. We've been putting in those earplugs and putting on the gunshot headphones while we sleep. And it doesn't really work, so we keep

-- we keep getting woken up. My husband is starting to go crazy

-- not crazy, but he's starting to

-- he's getting

-- it's getting like to him a little. We try to go to bed earlier and earlier, but even then we wake up and we're making coffee and there's all this construction going on. And I know in houston they can't start until like 8:30 or 9:00 in the morning, and if there's any way to like work with that, an extra hour of sleep or undisturbed morning would make a huge difference in our lives. That's all I'm asking for. So thank you guys. Thank you for what you do.

[06:10:50]

>> Mayor leffingwell: Kimkevin mcdonald?

>> Riley: Thank you for being here and speaking up. What time are they starting up? 7:30, sometimes 7:20. I don't know.

>> Riley: We'll be glad to look at that.

>> Okay. Thank you guys.

>> Kevin mcdonnell, a layout filed by the austin firefighters union against the city.

>> With eight years experience as a firefighter followed by 17 years as the president of a travis county esd, nobody admires firefighters and understands and appreciates what they do more than I do. I also believe unions are essential to the workplace. The austin firefighters union lawsuit against the city

claims the city is in violation of the civil service act and the tech local government code and that the city is, quote, obligated to provide fire protection to all areas of the city by means of its civil service fire department, end of quote. And that the cost saving contracts that the city has entered into with other fire departments violate this law. And they imply those other firefighters are inferior. It pains me to speak against any firefighters, but this is nonsense. They misrepresent the requirements of the civil service act and the texas local government code. The self-serving lawsuit displays an arrogance, dishonesty and insult unbecoming of firefighters. Where does this arrogance come from? Thanks to the union, the city firefighters are the highest paid firefighters in texas. Their median pay is over \$82,000. That's nearly one and a half times the median pay of houston, dallas and san antonio firefighters. And more than double the median pay of el paso firefighters. In fact, it's more than the median pay of new york or beverly hills firefighters. Their bloated pension plan is unsustainable. Our austin firefighters are they one and a half times better, taller, busier, better certified, better trained, better equipped? No. Their response times, iso ratings could stand improvement. Are they one and a half times more arrogant, are they one and a half times more political? Are they one and a half times whiter and more male? This lawsuit and the recent department of justice settlement that you made are suggestive answers to those questions. Maybe the job they do is one and a half times more dangerous than what other firefighters do. No, it isn't. In fact, firefighters in large cities have lower mortality rates than rural firefighters. In 2012 there were a million 129,250 firefighters nationwide and 81 died on 81 died on duty. Of those only 22 died on an emergency scene and over half died on heart attacks in large part due to poor physical fitness. That's 7 per 100,000 and 2 per 100,000 on emergency scenes. The death rate for fishermen, truck drivers, taxi drivers and all range from 21 to 90 per 100,000. Who have rates equal to the on scene death rate for firefighters, government workers, retail hotel/motel and leisure hospitality. The firefighters union should focus on the health and safety of their members and the citizens they serve. You should [inaudible] the mistakes of the past that put us in this position today, creating problems with the department of justice, pushing the city toward financial crisis, and filing spurious lawsuits. If you

--

[06:14:19]

>> mayor leffingwell: Sir, your time is up.

>> [Inaudible] time to elect adult council members who [inaudible]

>> mayor leffingwell: Will macleod. Will macleod. Topic, city of austin to work with me to repeal the bag man project disconnect, time warner/comcast merger.

>> Good afternoon, mayor, council, this is will macleod. I haven't been here a while in city hall. Let me start by saying the classic bag ban, you all need to work with me regarding this issue, because texas human resources code title 8 chapter 121 makes it very clear that you cannot deprive a person of their civil liberties, and a person's civil liberties includes the right to shop, the right to buy pots and pans and have them bagged. This is a plastic bag. This is an extra large plastic bag. The city of austin says I don't have any standing. They argue that. If I can't put like pots and pans

-- this is an extra large plastic bag right here. This [inaudible] cover pots and pans, folks. This is the largest reusable bag from william sonoma. Notice the size difference? That's a lot of room right there. So

let's work with me, please. I hate to drag this through court but you all leave me no choice. I'm a reasonable person. All I'm asking is for my civil liberties to be restored, my rights to shop where I need to shop. I can't believe that you're dragging your feet on this. And also project disconnect, that's what I call capital metro's project connect and campo's project connect. You all want to spend \$1.4 billion on a rail line? Do you know how many sidewalks \$1.4 billion can buy? Several. Do you know how much buses they can buy? Several. Now, just

-- I don't get it. I mean, why do you want to spend money on a fancy train that doesn't benefit me, that benefits choice riders. Capital metro's passengers, we might as well

-- think of us as peasants. I don't get it. Now, to stop time warner/comcast merger. Time warner and comcast want to merge and that affects consumer choice. If you allow this

-- you need to pass resolutions to stop it and get in talks with the fcc and f

-- fcc and the government agencies to ftc and fcc to stop that nonsense. And the to be determined?

Well, do I need to take the city of austin is complying with

-- you need to take that complying with the americans with disabilities act off the bill. That's false. I had an encounter with one of your security guards, hildo garcia, said I couldn't bring a bag in because it had chips and water in it. Excuse me, but I have a cane, and I'm not going to crush my laptop or crush my back in order to comply with an illegal request. Thank you.

[06:17:43]

>> Mayor leffingwell: All right. Next speaker is gus pena. Number of topics pertaining to the city manager. Let's start working early on next year's budget affordable jobs, livable agents, civil service

--

>> good afternoon, I'm gus pena, I'm a proud united states marine corps veteran. I can read that for myself, mayor. I read in spanish too. Let me read again, not be redundant what our honorable mayor has read. Retain our city manager, marc ott. He's a good city manager, that we know of. We military veterans of all branches support him. Let's start working earlier on next year's budget. Affordable housing, jobs with good livable wages, economic development, travis county congestion issues, taxes, lower taxes, the city has gotten expensive, mr. Mayor, and it's going to get more expensive. I hope we get good leadership. Educating our children with top quality education, hold accountability all social service agencies. Seems like they're leaving a lot of poor people out that need help. Like I said, lack of poor case manage. We need more money to help the poor, needy, single women with children, veterans with children that are homeless. Housing, food and health care. Please help and support our military veterans. Now we get to the nitty-gritty of this. I'm a former federal discrimination complaints investigator for the department of treasury collateral justice. And I just want to say one thing, mr. Mayor. You know, you're a good guy. I guess I get a little overboard with you, but sometimes you give me kind of haro, angry in spanish. [Speaking in spanish] others into the '60s, city managers, but I consider mr. Mark ought a friend, a

-- ott a friend and a darn good city manager. I hope you allow me to say marc instead of city manager. They're smiling down on you because you surpassed him. He's a darn good friend, may he rest in peace, he was one of the best it not the best city manager in austin. So you nudged him up a little bit higher. You're there. I want to thank you also for helping out the people in need, people out there in the

community, when they call, you answer. You don't say, okay, talk to bert lumbreras, somebody else, talk to my clerk. You personally answer. That is what I call a good city manager. And I support you -- we support you, a lot of military veterans have stated as such, to retain you as our city manager, and hopefully, good lord willing, listen to us, the taxpayers finally. Council member mike martinez, even some of your friends, we have good friends that know each other. They've said also, you know, we need to retain him. I don't know why the divisive issues are coming up like that. This is a time we need consensus to make the city a better, more friendly city and less expensive and livable. So anyway, mr. Mayor, city council members, I would respectfully say this with as much as respect as I can, retain our city manager. He's done a good job. Thank you, sir.

[06:21:09]

[Applause]

>> mayor leffingwell: All right. Leonard gardner. Leonard gardner. Apparently not here. Christopher ringstaff. Topic is stop corporate subsidies.

>> Good afternoon, council. I had originally come to speak today about the growing frustration of austinites on corporate subsidies. I know there's a wide range of opinions with the council on that, but may I instead speak on a topic which I think we can all agree, and that's public safety. I've offered my time to represent my neighborhood at bauerle ranch in far south austin and discuss our collective public safety concerns. Again with the recent incident that occurred in my neighborhood early in month, if you'll bear with me. On the afternoon of june 12 at 6:30 in the evening I stepped outside when a protege came roaring down my residential street at 60-plus miles an hour. And when they found out that my neighborhood ends in the bauer rily ranch greenbelt they smashed through the gate and went into the city of austin park and went screaming into the park. Immediately I'm on the phone with 911. And I said, look, these guys are in the park. They're

-- you can get them, you know, come get them now. They smashed out the windshield, they smashed the front of the car. It had to have been a stolen car but that's just conjecture. It's amazing that as many bicyclists and children and pedestrians in my neighborhood that no one was killed. It's amazing. The officers arrived 40 minutes later. And when I asked them why the delay, and this is during [inaudible] weekend, they told me that dispatch did not consider it a priority. After south by southwest and the reckless driving fatality at barton hills drive that this is not a priority of the austin city police? So since that time my neighborhood has seen an unprecedented and alarming increase in crime, car burglaries, garage burglaries, home invasion, home burglaries. There is a palpable fear throughout my neighborhood that we are being terrorized, as what can only be described as systematic and organized crime. We are being targeted. There is no question. My family has had to alter our vacation plans because of the amount of crime in the houses immediately surrounding us. Now, perhaps my initial topic of corporate subsidies becomes a little more relevant when, you know, apple gets a tax break and I can't even take a vacation because, you know, the police chief doesn't have enough resources to keep my neighborhood safe. I'm asking you guys to please have the chief allocate some resources to the bauerle ranch neighborhood and get to the bottom of this. Look at the statistics. It's bad. I have never seen

-- I've been there for seven years now, and it is awful. Something is going on. I would suspect gang

activity. I don't know. But we've never seen crime like this. Please help us. Please.

[06:24:40]

>> Mayor leffingwell: Thank you. Greg smith? [Applause] city manager's performance, neighborhood sustainability.

>> Mayor, if I may ask if I could

-- I'm the chair of the [inaudible] resource, and if I could have nelson join me at the podium as well on my three minutes.

>> Mayor leffingwell: He can join you but the time is yours. Those are the council's rules unless the council chooses to waive the rules. Is that the intent in you're going to do all the speaking?

>> I would like for him to finish up part of my minutes.

>> Mayor leffingwell: Is there any objection on the council to waiving the rules and allowing mr. Linder to speak in part of the three minutes? Hearing none, you can go ahead and do that and reset the timer for three minutes.

>> Good afternoon, mayor and council. I am greg smith. I am the chairman of the african-american resource advisory commission. I am here today joined by the past chair nelson linder and other african-american leaders who represent the faith-based community, the civil rights, economic development business and neighborhood interests. We are also joined by concerned and engaged citizens from our community. Today, as you evaluate the performance of the city manager, you have a golden opportunity to do something we believe is long overdue. Give a salary increase to the city manager for his hard work on behalf of the city of austin. Because time does not permit me to list all of the achievements earned or the acclaim received by the city manager, we have put together an informal review modeled on four other focus areas of the african-american quality of life initiative. You should have received copies yesterday. The city of austin is economically healthy. Our neighborhoods and streets are safer. The arts and entertainment opportunities continue to grow and expand, and there are more and more employers eager to start companies in austin. And our city continues to draw an increasing number of domestic and international visitors each other, boosting our local economy. Austin is in a great place today, and austin didn't get there by chance. It was in due to large part to the leadership of the city manager, marc ott. Those of us who are here today, please stand. Those of us that are here today, please stand, and austin didn't give

-- we urge you to recognize the accomplishments by a 7-0 vote for a well deserved city manager. Marc ott.

[06:27:43]

[Applause]

>> thank you, chair, and thank you council for the opportunity oaf the seconds I've

-- for the seconds I've got here. I'll be brief. [Inaudible] austin city manager [inaudible] and I can say with utmost confidence that this city manager has exceeded that expectation with flying colors. Secondly, this begs the question, why is his performance an issue? I want to give you a quote by a previous city manager, very briefly. The name is toby futrell. Here's what she said. Bizarre contradictions [inaudible]

-- or what we actually do. Together [inaudible] the heart of the race issue that confronts us in austin today. A [inaudible] previous city council member, you know him very well, brewster McCrackin. Here's what he said as well. If the continued lack of respect [inaudible] history, these are things that [inaudible] because of the dna of this community. I understand much better than you do that austin does not make people feel welcome. [Inaudible] there's an item 80 today that was sponsored by council member tovo and morrison. I love animals. I love ringling brothers, but I'll ask you a question. You're telling folks to consider

--

>> mayor leffingwell: Your time is

--

>> please consider in addition also the ethical treatment of black people. Thank you very much.

[Applause]

>> mayor leffingwell: All right.

>> Council will now go into closed session to take up four items, pursuant to 551.074, the government code, the council will discuss the following items. Item 115, to evaluate the performance of and consider compensation benefits for the city manager. Item 116, evaluate performance and consider compensation benefits for the city auditor. Pursuant to section 551.071 of the government code, the council will consult with legal counsel regarding the

[06:29:50]

following: Item 117, legal issues related to the november 2014 elections and item 120, legal issues related to the ahmed bradley et al. And eric copeland et al., Cause number

-- and I won't read the number, in the u.S. District court for the western division. Noting that items 117, 118 have been withdrawn. So without objection the council will now go into executive session. You he test test duffyy car detain he is car dains giries gearies npa-2013- c814 c14-2014-

[10:01:33]

>> mayor leffingwell: We're out of recess

-- out of closed session, rather, in closed session we discussed personnel matters related to items 115 and 116. So just to give those of you out there a little idea of what's coming, we have this new device called a special order for a time certain, which means we have to stop whatever we're doing at that point and take up these particular items. So 4:00, we're going to take up the special time

-- true time certain item related to rail, and then the next item after that, that will probably carry us through break. Immediately after that we'll be taking up the

-- I believe it's the ice matter next, the ice item, and finally we'll be taking up the onion creek items, a set of four items. Only after that will we go back and begin to address our consent items for this morning, which we have not finished, our zoning items and the rest of the agenda. Also, I have to tell you that the council at 10:00, which would be our normal adjournment time, according to our rules, decision may be made to recess the meeting until tomorrow. We'll know more about that later. We may have a feel for it earlier than that. We'll let you know as soon as possible. Council member martinez?

>> Martinez: Mayor, I would either make a motion or make a suggestion that for
-- even with the time certain items, that we also consider limiting testimony to 30 minutes per side on the issue.

>> Mayor leffingwell: Is there any objection to limiting testimony to 30 minutes on all items on the agenda? I assume that's except those that require public hearing?

[10:03:33]

>> Martinez: That's correct, the zoning cases require public hearings.

>> Mayor leffingwell: And the 4:00 public hearing. Okay. So all other items

--

>> tovo: Mayor?

>> Mayor leffingwell: Council member tovo.

>> Tovo: I mate to do this because I know we're in for a long night and there are no good resolutions and it's not particularly confident for me to come back tomorrow

-- convenient for me to come back tomorrow. I really hate to limit public testimony. There are several issues that people here have specifically asked us to the to limit public testimony so I have to object to that.

>> Mayor leffingwell: This does not include zoning cases. Was that a motion, then, council member martinez? I will second. And is council member spelman here? I would suggest, council member, you might want to withdraw your motion and consider it with full council. So it's withdrawn. So let's go to our

-- I believe it's item 64. We have

-- we do have on this item a little over two hours total worth of testimony. And so is there any objection on this item to limiting testimony to 30 minutes per side?

>> Tovo: Mayor?

>> Mayor leffingwell: Yes.

>> Tovo: When I spoke a minute ago about there being items about which people had specifically asked that we not limit testimony, this was the one that I've heard concerns about, and there were several members of the community who said they waited a long time to really be able to provide comments to the city council. So again, I understand it's a really long night, and perhaps we can ask the speakers on all of our remaining items to keep that in mind when they come up to the podium and try to shorten their comments, but I will not be able to support a limitation of 30 minutes per side on this item.

>> Mayor leffingwell: Okay. Council member martinez, we have a full council now. Would you like to make your motion?

[10:05:34]

>> Martinez: I would, and I'll make a comment, mayor. Completely appreciate all the concerns, but, folks, you all know this more so than us. We just came out of a meeting two weeks ago that went till 3:32 a.M. We're simply trying to get all of these items heard, allowing public testimony and being able to make the decisions within a decent hour. And so I will make a motion to limit testimony to 30 minutes

per side on all remaining items.

>> Mayor leffingwell: Except for public hearing items. Is there a second to that motion?

>> Second.

>> Mayor leffingwell: Second by council member spelman. Any further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no.

>> No.

>> Mayor leffingwell: So that passes on a vote

-- there were no nos down here. That passes on a vote of 5-2 with council member riley and tovo voting no. So if you're signed up on an item you might want to start getting ready right now because we're going to limit the testimony on this item, 64, to 30 minutes for those for and 30 minutes for those against. Okay. First of all, before we go to the public hearing, are there any questions a council member might have for staff? Hearing none, we will go to those speakers signed up for first. And robin stallings, are you

-- we're just doing for and against. You're signed up neutral. Are you for?

>> No, I'm against. Against, okay. First speaker is kathie it. Kathie socolit. Kathie is not here. Gus pena? Gus pena is not here. Mariah whaley? Larry graham? Charles betz? Charles betz.

[10:08:11]

>> Thank you, mayor, members of the council, larry graham is our chair, and is on his way, so maybe at the

--

>> mayor leffingwell: We'll go back.

>> My comments will be very brief. Very enthusiastic support of the proposal before you. The downtown austin alliance believes that a combination of rail and roads is

-- can really do something about the congestion in our community. We have been a proponent of rail since the year 2000. If we would have made that and we came within an eyelash we would have a great system. Nevertheless, we are here. In 2014, this has been the most vetted and most discussed and most absolute open to the public transportation project that I can ever remember, and I've lived here my entire lifetime. It's time for our community to really do something in a positive way about traffic and congestion, and I believe the proposed solution is a very, very good one. Thank you.

>> Mayor leffingwell: Thank you. David needer? David needer. Matthew latillyai?

>> Letler, I'm here on behalf of atx safer streets. While this discussion is far more complex than our focus on late night transportation, we have decided based on the information provided by project connect and central corridor advisory group to support the new rail line. Page 9 of their april 11 presentation states that the rail will run into 2:00 a.M. On weekends and based on that aspect we endorse it. We do, however, strongly urge the council push for late night bus routes that connect with rail stops to promote encourage the people who

-- night life to choose public transport over impaired driving. We would also ask that all parties responsible consider extending those hours until 3:00 a.M. As many service workers could have the option of taking rail would not be able to do so under a 2:00 a.M. Deadline. There are many factors to

consider when considering this route we're pleased to see it's taken in the right direction to decrease our dwi epidemic and death toll. Please require late night implementation in any transportation discussion. Thank you.

[10:10:45]

>> Mayor leffingwell: Thank you. Mike clark madison?

>> Thank you, mayor, members of the council. I'm mark clark madison. I come to you here today as the vice president of the board of directors of the congress for the new urbanism central texas chapter. Back in december of 2013, the cnu central texas board passed a resolution endorsing the project connect process, moving forward with the corridors that are under discussion today. Our position has not changed regarding that recommendation. We support you moving forward with locally preferred alternative presented by project connect central connection corridor in the austin strategic ability plan. We do this for two reasons. One, we are guided by the charter for the new urbanism, which has guided our national organization over the last two decades as we have successfully changed the trajectory and discourse in urban areas around the country, moving them away from sprawl and other dependents and toward walkable urbanism. The charter makes specific reference to organizing the region and the cities within it and the metropolis with transportation alternatives and revitalizing our urban centers and corridors, and I bring that up because I want to point out that using transit to shape future development in the view of the charter for the new urbanism isn't a bug, it's a feature. The second point is that we came to this conclusion based on our wisdom as a board comprised of diverse civic leaders involved in all aspects of regional community building with decades, perhaps centuries, of collective experience in city shaping and place making in austin. We know that there is division within our ranks and within the ranks of urbanists in austin, whose energy and commitment on this issue we applaud about the alignment brought before you today. We've heard the case being made that will be made today by the other side. We've been hearing it for many years, and we respectfully don't agree. We feel that the positive outcomes of moving forward with this alternative at this time outweigh the potential negative outcomes, and I stress potential, negative outcomes and opportunity costs that we could identify as realistic and meaningful risks of not proceeding. We also feel that saying no today does not open any doors for austin but rather closes them. Right now austin has the opportunity to make the most of its prosperity and its momentum as we grow, and I doubt we will see those opportunities again. Now is the time to say yes and not now to ways in which we can respond to and harness austin's growth and austin's energy in ways that we create a nor resilient, sustainable and high-performing city for all of us. And so we recommend that you move forward today. Thank you.

[10:13:47]

>> Mayor leffingwell: Thank you. Matt whalen? Matt whalen. Neil diaz. Neil diaz? Matthew hall? Okay.

>> Thank you, mayor, city council. My name is matthew hall and I represent the brassos tech district. We're a coalition of downtown tech companies and what we do is we solve communal problems that our employees in our companies face downtown. The single biggest problem that I hear day-to-day from ceos and employees alike is parking. Parking is an issue because as our companies succeed and they

grow, they run out of spots and when you run out of spots you're forced to make a really tough decision to potentially leave downtown austin and that's the opposite of what we want at the brazos tech district. Parking is also an issue because even if it's not caused by, it's absolutely exacerbated by the lack of transportation for our employees. We're in support of more options. That's our firm stamp. To be honest, I doubt that this exact transit measure or any single measure represents the single bullet to fix austin transportation, but we do believe in more options and we believe it's a viable option for some of our commuters and because of that we support it. What we believe in is a future where austinites, anyone who works or plays downtown has a toolkit at their disposal of different trpg options, both private and public. If you can't walk, you bike, if you can't bike you take a bus, if you can't bus, take a train. And that's enabled through technology and interesting creative solutions you have at your fingertips at any time. So with that in mind, you know, we are in support, and today -- we're not trying to solve transportation for everybody. We're trying to create more solutions and more options for us all going forward. Thank you.

[10:16:04]

>> Mayor leffingwell: Thank you. Meredith powell? Meredith powell. Okay.

>> Thank you. Mayor leffingwell, council members and mayor pro tem cole, thank you so much for the opportunity to talk on this issue. I am the vice chair of dana but I'm also a 20-year resident of austin and I also have a small business downtown. And we came to you all as part of the input process and asked for extensive community engagement and extensive opportunity for the community to talk about this issue, which you did an amazing and incredible job. So I want to thank you for that. Second I just want to say that really for this city to be a world-class city transit is the biggest issue. After crime our city is only going to be held back if we don't deal with transit. You all know that. I was at the new city summit last week and the analogy was made that the car is the cigarette of the future. [Laughter] and it's totally legit. And I think for us to move forward as a city we need to understand the issues that are transforming our city in the future. We need to impact today. So with that I hope that you will consider moving this issue forward and putting the [inaudible] on the bond. I think it's time now we let this generation of citizens make a choice on the future of rail and the city that we want to become the leaders of of the future. Thank you.

>> Mayor? Council member martinez.

>> Martinez: If I drive a [inaudible] am I driving

-- [laughter]

>> what did you say?

>> I said if I drive a chevy volt am I driving the ecig of the future? [Laughter]

>> I think the key here is options.

[10:18:04]

>> Martinez: Council member morrison is going to ban me from driving the ecig. [Laughter]

>> mayor leffingwell: They're still banned in pflugerville.

>> Thank you. [Laughter]

>> mayor leffingwell: All right. Matt whalen?

>> Mayor, council members, thanks for the opportunity to talk. I apologize for missing my first call but I'm happy to say it's due to the incredible public participation. The parking garage is completely full. So it's robust participation. Participation. I'm matt whalen with red leaf partners. We're partners with community college to transform highland mall into a vibrant walkable sustained use

-- that features acc uses with places to live and shop. I want to take this opportunity to share with you what's happening at highland as we transform a dead mall into a vibrant district. Highland mall a year ago was

-- 80 acres, 1.2 million square feet of existing retail center, 100% auto dependent with 5500 parking spaces. When we're complete we will triple the density between the college and our private uses. It will have over 1200 residences. It will have over 75,000 square feet of retail and approximately 800,000 square feet of office space, and most importantly, acc is creating a modern educational space that will serve an estimated 20,000 students who will learn there when it's complete. In fact, the progress is well under way with the first phase of acc's facility opening in just two months with a capacity to serve 6,000 students, as they transformed the former jc penney into the accelerator, acc accelerator, which is a learning lab, which will open again in august. There's strong demand for residential, office and retail uses and we expect to make announcements for specific projects, exciting projects, in the weeks and months to come. There's currently about

-- you know, the surrounding area, obviously we're very focused on highland mall and the mall property, but the surrounding area within about a half mile of highland mall there's about 3 million square feet plus or minus of existing surface part low density commercial development that has in play zoning for in excess of 20 million square feet. The current zoning for that land is 3 million square feet of existing uses. It currently has zoning in place for over 22 million. Highland is the anchor and the catalyst for the redevelopment of the upper airport boulevard corridor. That has been the focus of tremendous citizen input, neighborhood planning and the city zoned airport boulevard initiative over the last several years. The public/private partnership between acc and red leaf and potentially the city of austin, and future developers will attract additional public and private investment and we're already starting to see that with investments into lincoln village and to the former sheplers expansions of some of the iconic restaurants in the area. So those things are starting to happen. In short, the

-- what is once a dead mall, a zombie mall, something that started out 40 years ago as a source of pride for our city and then decreased is now once again on its way to being hopefully another source of pride.

[10:21:35]

>> Mayor leffingwell: Thank you, matt.

>> So thank you.

>> Mayor leffingwell: Mateo barnstone?

>> Mayor, mayor pro tem, council members, my name is mateo barnstone. I'm more or less a lifelong austin resident. I drove here to come talk to you today. I hate that drive. It's aggravating to fight the congestion that I was part of. It's irk some to find parking. Someday soon I hope say mayor, mayor pro tem, council members, today I took the burnt orange line to come talk to you. I picked up at the hancock station, rode past neighborhoods of hancock and neighborhoods east of ut, along the law school in dean

keeton and the main parts of ut campus, south to the new med school and through the emerging innovation district, past the capitol complex and admired all the new development taking place along the former floodplain of the waller creek a couple blocks away. I come to speak to you about the need for expanding our urban rail system as soon as possible. I think a lot of us in this room today, perhaps the vast majority, pro and con, share a vision of a walkable urban austin and that we can and should achieve one day. We differ a little bit on how to get there. What I want to say is that this comes down to a debate of where to place the first line and what will be a complete system one day. We need to start somewhere and not just any line will do. A line that connects south austin to north austin, east austin to west austin, the cbd to the capitol, the innovation district to the med school and ut, and all those destinations up to st. David's, the denies residential -- dense residential neighborhoods in north central austin and the highlands redevelopment is what I would call a great start. I urge you today to take the next crucial step to get going on this long process of achieving the shared vision of that walkable urban austin. I would only add that in order for this line or any line, for that matter, to succeed, we must allow for the kinds of dense mixed use development within a five-minute bike shed of every stop. So yes, let's please get started on the rail today, and then let's make sure that the land development code allows for the kinds of tools and building types to curb -- that will support and benefit from the high quality, high capacity rail system. Thank you very much for your time.

[10:24:12]

>> Mayor leffingwell: Thank you. Jeb white?

>> Thank you, mayor and council members. You should have all received a resolution from the [inaudible] transportation that I forwarded to you earlier this week asking for your support for the lpa and vote in favor of it. But I'm here today speaking on my own behalf, and seeking your support for the lpa. This plan is part of the larger vision set forth by project connect, and that vision has four key components. The first is brt, which we have running today on north lamar and south congress and in six weeks it will be running on burnet and south lamar, and then our plan is to take it beyond that on into pflugerville and round rock. The second step is to managed lanes. We're building managed lanes on mopac today. We're extending them south mopac and will have them on i-35 supported by some of the projects that are proposed as part of the rail

-- of the road projects to go before the voters in november. The third component is urban rail, which is what we're here to talk about today and which we've spent many years talking about and working out, but now we're ready for it. And the fourth component and one of the most important of these is lone star rail. The rail going from georgetown to san antonio, along mopac is going to provide one of the most critical regional connections and we really need to start moving forward on that and ask the legislature and txdot for their support in going forward on that. So now is the time and lpa is the project for us for urban rail. I ask for you to support the lpa in your votes today. Thank you. Lap

>> mayor leffingwell: Thank you. Jeff howard?

[10:26:14]

>> Thank you, mayor, good afternoon council members. My name is jeff howard. I'm here today on my own behalf, not on behalf of any client or organization. And I want to say first of all how glad I am that you're taking up this item. I've lived here for nearly 30 years, and have seen our traffic problems grow from, frankly, poor planning, and that troubles me both personally and professionally. We need to address our traffic problems. So I think

-- I want to first commend you to taking this item up, and say how glad and appreciative I am that you're doing so. I think there's probably three things we can agree on about traffic. The first is that we can all agree that we're not going to all agree on the solutions, and we should not, I think, search for, you know, a universally approved solution because I don't think it exists. I think we can do the best we can, and I think you have done so with this proposal. The second thing I think we can all agree on is that our traffic problems don't just touch downtown, they touch all corners of our city, and so I'll let others speak more eloquently and more informed about transit. I want to talk about some of the roads in this plan. I think in this plan you have touched all corners of the city, and I want to make a special point of addressing the

-- the studies, the corridor development and preliminary engineering studies in the plan. As you all know, you cannot have a shovel ready project until you've done the proper analysis and the studies. We've got problems on 360, on 620 and on 2222 and we need to get improvements on those corridors to a shovel-ready position. We can't do that without aive do that without the studies first. So I want to commend that portion of the plan to you as well. That's critical and a necessary step to addressing those corridors. And the final thing that I think we can all agree on is that it's time to do something about traffic. We've spent a lot of time talking about it. I think the time has come to do something about it, and I think with this plan you have an opportunity to finally start doing something about our traffic problems. Thank you very much.

[10:28:34]

>> Mayor leffingwell: Thank you. Roy whaley? This will be the last speaker for those signed up for.

>> Howdy you all, my name is roy whaley, I'm the conservation chair for the austin regional group of the sierra club. I'd like to start out by saying 14 years, 14 years. Now, I

-- that could be how long it took me to try to find parking space in the garage today, where I eventually had to park at pado's because I did have to drive here and I had to park by pado's because there was no parking here. Additionally, I had to walk past pado's and the ginger man to get here and I did not stop at either place, which is harder for some of us to do than others. [Laughter] so I

-- the sierra club

-- the austin regional group met last night, and we did take this up, and we did take a position on it. And our position is not ideal, just like the plan itself is not ideal. But we did vote to support the plan because it's been 14 years, and if we don't go ahead and move forward with rail now, when will we be able to do that? We don't

-- we're not in support of the road portion of it. We're in support of the public transit portion of it. If we could integrate the system to have rail and bus lines that work together, then we could move about this city without having to worry about walking past the ginger man. We could take the train down here and take a bus and then walk straight over there. But that's what we have to do. We have to make the

system work, and it has to start somewhere. No, I personally do not think that the route chosen is the ideal route, for many reasons. I don't think

-- I'm glad we're not doing the tunnel because of the expense of going under the lake. I'm not happy about another bridge going over the lake, however, but that's what has to be done. And so we say move forward with it. Dick Calaman is our conservation chair. He could not be here today. He could speak on this better than I do. I'm not sure where he is this afternoon. He could be over at the gingerman, for all I know.

[10:31:00]

[Laughter] so, anyway, we

-- we did take the position and we do support, and thank you for your time. Thank you very much.

>> Mayor Leffingwell: Thank you. [One moment, please, for change in captioners.]

>> if we do a fact-based approach, had whether it's roads to do with this plan which we support, a fact-based system, not just who's got the most pressure or who's going to threaten the rail thing, and to get their way, we want to see the rail and we want to see the choices that were mentioned earlier. I don't think that if we do any of the work on any of those highways, is it going to bring one more high tech company to Austin, but if we have a high tech bicycle network we'll be talked about across the country. The modest investments we have made so far have already produced great windfalls, and I think we should continue with that. Thank you very much. I'm here as a resource if you have any questions.

>> Mayor Leffingwell: Thank you. Okay. Scott Morris.

>>

[10:33:06]

>> Mayor, Mayor pro tem and council members, I'm Scott Morris with the Auto Rail Political Action Committee. And I had prepared statement as dozens of people in this room have. They responded to us to come down here to talk to you, but they'll not be heard because of the limitation on the number of speakers. The community has patiently waited for two years to be able to address this community, and you have just silenced vast numbers of people in central Austin. This plan is opposed by groups that represent or serve over a hundred thousand Austin it's,

-- Austinites, and you're given us 30 minutes of time. We have patiently waited through numerous, scores of work sessions where the project has been given unfettered access to your attention. We've been through scores of briefings with no citizen communication, and now we're ready to say enough of this. We're fed up. This plan is

-- does not fly. We have presented neighborhood association meetings following Project Connect briefings and we have walked out with unanimous resolutions. This should tell you something, especially for the four of you who are seeking office. You need to listen to the citizens of Austin. This is a process you're engaged in right now that is a federal process that has prescribed public involvement, requirements, and this game that we're playing tonight is jeopardizing the federal match, and it's jeopardizing the future of mass transit in this city. Thank you.

>> Mayor Leffingwell: Brad Absolem.

[10:35:10]

[Applause]

>> thank you, makers mayor pro tem, and council members for allowing me to speak. My name is brad absolem. I'm a board member and strong supporter of rail. I would love to see austin shift to a more alternative transportation culture. However, I cannot support this plan. It is being built for the wrong reasons, it's being built to satisfy the interests of a few high profile stakeholders while improving mobility is at best a secondary concern. We've heard about the new medical school and innovation district. We've heard about ut and acc's needs, we've heard about the chamber of commerce's needs, we've heard about the mostly suburban i-35 commuters. What we haven't heard about is austinites who currently rely on transit service to get to work, school, or the store. These citizens need faster, more reliable service, not a shiny project that looks good on a brochure. I cannot support this plan because it does not represent a meaningful shift away from our current auto dominated transportation system. People, especially younger people, are looking for different solutions. We know that more highway capacity won't reduce highway congestion and we're looking for new alternatives other than long hardships to work or the store. We want to live in a city where you can legitimately live a car free lifestyle. The good news, the reforms that can help make this possible are much cheaper than this one billion-dollar road rail i-35 improvement project. We can continue reform of the land development codes, more supportive of pedestrians, cyclists and transit users. More public right of ways for cycle tracks and dedicated transit lines to improve performance of the current bus system. And we can properly price public parking throughout the city and stop pretending that the value of land is lower if it's used for parking. All of these changes are monetarily cheaper. I know they're not poetically cheap. We want to help this council and future ones, to help make these reforms. If we don't break from the solutions of the past you will not provide real solutions for austin's current or future residents. Thank you for your time.

[10:37:35]

[Applause]

>> Mayor Leffingwell: Kevin bobaloo.

>> Okay. Mayor, mayor pro tem, storage thanks for letting me speak. I'm a member of ora and have a deep desire for better public transit in austin. We're required to use the dollars we have. Rails in cities like houston have been used to save money and expand the system. Houston's line has saved money compared to buses since its second year in operation. But the highland line will be more expensive than improving buses on this that route. In any other city that would be a clear sign that this is a bad plan. Spending more per ride on rail means we have to take the extra money from other bus routes in the rest of the city. This rail line will improve transit in a small area but hurt transit in the rest of the city by sucking up too much of our funds. Hurting the transit system means putting more cars on the road and making traffic worse than it is today. I'll support my rail line that saves money. This line doesn't, so we should put better buses there instead. Thanks for your time. [Applause]

>> Mayor Leffingwell: Mik gorst.

>> Thank you, mayor, mayor pro tem, and council for giving me the chance to speak. My name is Mike Gorst. I'm a resident of the Wooten neighborhood and member of AURA. I'm on public transit and those who want to have a good transit system in Austin, which is the reason I'm speaking today. I wanted to mention a line in the Silicon Valley that the VTA built 25 years ago. That line goes through onion fields, which is an area where planners are expecting to have housing and businesses pop up along the road, so it was chosen for those reasons in contrast to rail in most cities where you had current existing density, and that line has not been particularly successful. Their trains cost 30% more than average to operate and they also carry 30% fewer people than average. And our strategy is somewhat similar to theirs, to a large extent we're relying on future protections before it looks even remotely competitive. We're assuming that some places will grow by 3.6% annually for the next 15 years. And I also want to -- along those lines, I want to make the point that there will likely be other cities that would be applying for FTA funding that will have plans that will be attractive without needing to assume such rapid growth, and that could be competing with us. And if this ends up passing, we need to consider what will happen if the bond passes but we end up not getting FTA funding. If we are opposing this because we need to have -- our first line should be a rail line that's successful and that we are fairly sure will be successful, and if we're building something that may or may not be successful, depending on whether future predictions are accurate, then we're risking making it much more difficult to expand the line in the future because obtaining the capital and the political will to do it will become more difficult. So for that reason, it's very important to pick a good first line. Thank you.

[10:41:26]

[Applause]

>> Mayor Leffingwell: Mike Herron.

>> Thank you, mayor, mayor pro tem, council. Most of you know that I'm a real advocate, but that I am opposed to this particular project. Let me say that I'm not pointing fingers at any of the consulting team. They've been more than professional and friendly, and I hope I've been the same. The problem is that the project that we've come up with is not a good one. It doesn't help solve our congestion problem. The numbers are \$1.4 billion for 8,000 daily riders, 16 years from now. The primary fact that should have driven our decision was the per rider. The consulting team that's agreed in theory that that's the primary question, and the problem is that when Mr. Spelman asked them that question a few days back at the joint meeting with CAT Metro, what's the cost per rider, they didn't know. Well, the number is about \$175,000 per daily rider. I'm using the consultants' numbers, not mine. That is twice as expensive as the red line, and when that number, those dollars per rider, are extrapolated to a typical subway line from Vancouver to New York, which is about 75,000 people per day, this project becomes very expensive. The numbers turn out to be \$1.5 billion per mile, for a total of 13.4 billion to do the miles. That's the second most expensive rail project per mile in the history of the world on 8,000 riders 16 years out is not going to make a dent in our congestion problem. I think the resulting towns are put under a lot of constraints, it is pretty typical with Austin processes. Like imagine Austin and a lot of other big issues that were submitted to a process. I don't think it's their fault. What you see on the map is \$1.4 billion worth of subway in central Austin that connects both southern corners of the campus, goes down both sides of

the state capital district, the downtown district, connects east and west between sea home and the defense center, then you see the dash lines where that central

-- okay

-- anyway, I urge you not to let this go further without

--

[10:44:58]

>> Mayor Leffingwell: I just want to remind you once again as I've done several times in the past that there's nothing in this proposal that rules out the tunneling option at this point. So thank you very much.

[Applause]

>> Mayor Leffingwell: Mike thomas.

>> Mayor, council members, my name I will say mike manies to. I served on the urban transportation commission for five years. I've been writing about transit ever since, and this was the speech I was going to give. You've chosen as my friend and colleague scott morris has said to eliminate all meaningful opportunity for input. We will make sure the fta is aware of this. Thank you. [Applause]

>> Mayor Leffingwell: Lyndon henry.

>> Mayor, while lyndon is coming forward I'd like to remind them that mr. Henry has had many chances to speak before project connect board. We've had lots of opportunities for publication, and I haven't seen mr. Morris or mr. Domas as those meetings.

>>

>> Mayor Leffingwell: Yeah. You can't speak from the gallery. As I've said a couple of times this week, this is probably the most open, transparent, and inclusive process there has been in the history of man. Lyndon henry, three minutes.

>> I did have prepared remarks which I also discarded. I came into this thing, this is going to be a fair process. Clearly it's not. How naive. This process, this meeting is a travesty. To cut off dozens of speakers on critical

-- any kind of critical issue like this is outrageous. For a \$1.4 billion urban rail project, a project of this magnitude, we need a public hearing. This issue cries out for a public hearing. Instead, you subvert the democratic process and proceed with the agenda of special interest. And by the way, simply coming to one of your meetings and speaking is not an example of a public hearing and an adequate opportunity for the austin community to come in and speak and be involved. You should be ashamed. This is a violation of federal transit administration requirements for public involvement, and we intend to protest to that agency. In november, we'll have a new council and hopefully a new process. Let's see what happens then.

[10:47:59]

[Applause]

>> Mayor Leffingwell: Sus fantell.

>> I also want to protest the process. This is the only opportunity for the public to speak in front of the entire council on this issue. It's a very important issue and a very important decision, and I think it's

outrageous that the public is not able to of a full public meeting. This is a historic decision that you're about to make, and I'm really disappointed that there is not substantive discussion on onthe dais about this issue. I've been following it in detail for the last five years. I'm a transit advocate and I support expanding transit. I support rail. I do not support this project, and I don't understand why this issue, which is very important, there's no substantive discussion on the dais. There's nobody saying, well, what about this revision or

-- you know, what about

-- we really need to

-- you know, need a sea home. Why are these substantive issues not being discussed? Why is it everyone is so quiet? And, yeah, little questions are being asked, but nobody is really raising, like with other issues. And that's why I'm so surprised because usually this council does have substantive discussion. Usually there are members of this council who raise issues and are willing to be a minority and willing to say no, you know, we need to make revisions, and that's not happening here. This is a very technical issue, and if you feel that you don't have the technical knowledge, then you should set up a taskforce similar to the generation plan taskforce or the water supply taskforce. Those taskforces have technical representatives, they represent the community as a whole, and they're evaluating in depth technical decisions. The sea cag was not that. It was a group of people that were selected entirely by the mayor, one member of the council. It was very much representative of business interests downtown. It does not represent the community as a whole, and in particular, does not represent bus riders and people who are struggling with affordability. The project connect has had many public hearings, a lot of public outreach, I've been to those. They're focused on education and telling the public what they want, and they have not been receiving input. They have not been listening to input. I've gone to those. And I was told that when I tried to raise issues, that I don't know what I'm talking about. So if i, who no, sir something knows something about this, am told I don't know what I'm talking about, I can't imagine how other members of the public were treated at those meetings.

[10:51:16]

[Applause]

>> Mayor Leffingwell: Next speaker is steven napp. Steven napp. Okay.

>> Mr. Mayor and council, thanks for giving us this opportunity. I, too, had three minutes or more ready to prepare, but again, I guess we find ourselves with only 30 minutes. And that's the hardest for me, as probably a new face, this is my first time to ever approach you guys. Not only me, but everyone here with transportation, here we are, we were here in december. We had over two hours of public comments ready to give, and we got squished down to 30 minutes. Here we are again at the very end of this process and we have 30 minutes. Thank you to council member riley and tovo for trying to step up for us. We want you to know as some of the most pro transit people you can find, we're against this and you don't have the opportunity to understand why. We have younger generations who are trying to get involved in this process, as you say, is the most open and transparent process. We've tried to get engaged, and here we come through the fall and into the winter, show up to council meetings, let council here you. We showed up in numbers and weren't allowed to speak. Here I am at the very end of it wanting to give more comment to go along with a lot of my friends who have the same ideas, like,

hey, we have opposition to this project, not because we're against transit, we want better transit. We won't be able to tell you why, I want to tell you so you understand, but we don't have that opportunity. So I'm just here to say when this fails in november, I wish you guys would have had the opportunity to hear from the public on record and have a she in depth conversation about this yes, we've been to the project connect meetings. I've been to the open houses. I was at one just two weeks ago in the middle of downtown on the road lines are going to be on. I was the number nine person to sign up at the end. That is how disengaged the public has become, just because we try over and over and over to show up and give feedback. And we don't know where it's going, so we

-- we're opposed, and we wish you guys

-- we wish we could have a longer conversation. So my recommendation, if you have it, do not approve this Ipa, or wait and let us figure out why. Maybe we can all come together and figure out something, but this is not what we want for austin. We do not want to be against a transportation solution, but we are. That's this one, at this crossroads, we're against it, and we don't want to be in that position. So thank you guys for continuing to stand up for us. It does mean a lot.

[10:53:53]

>> Excuse me, I have a question. Can you tell me three reasons you're against it?

>> Three reasons. Yes. A lot of people would say, well, I do live in central austin. I live near, you know, where this route would go. I even live closer to the lamar corridor, which I am a proponent of the lamar car door. This is not, ooh, I want what's best for me. Auto I was a year ago, starting to read blogs and see how did austin get to where it is now, what can help, and the data that says we need something that helps a lot of people and we can do it cheaply, so we can afford to expand it. We do not need another red line UNTIL TxDOT GIVES US MONEY. That's 1, 2, and 3, we need something we can afford.

>> Thank you.

>> Mayor Leffingwell: I'm going to get kyle keen up here to and you can a little bit about the cost figures, the numbers that were cited by frank herron, which I believe we can pretty much refute. Before he starts, I want to say something once again about the I corridor. Certainly it was considered in our process, which was, we decided at the very beginning it would be a totally data-driven process, and that data would be categorized according to fta guidelines because, ultimately, that's what we're going to have to deal with. Assuming voters approve this phase of urban rail, then we're going to have to get the fta matching funds or it won't be built, or in response to one of the speakers, the money won't even be borrowed in that case, if we don't receive those fta matching funds. So the categories again of the process, basically, designed by the fta, the two subcorridors that came to the top, first of all the absolute top was east riverside. The next in every category except one top was the highland/akc subcorridor. These two subcorridors naturally link. They have sort of a common geographic nexus when you connect through downtown. So we decided to serve the core, which was our main objective in the beginning, to serve the three dense population areas in central austin, which the university of texas, the capitol complex, and downtown austin, with both of these subcorridors. So I'm reminding you once again, by the data-driven process, by the fta process, these were the top subcorridors and that's why we chose this route. But in addition to that, I've heard a lot of talk about

-- I heard one or two speakers say something about you wouldn't get fta matching funds and you're

going to protest it to the fta. Fine. I welcome that, frankly. But, almost certainly the lamar/guadalupe routing would not get fta matching funds, as we've discussed many times, because that particular route has already been funded, this year, by the fta. A \$38 million grant from the fta, which is 80% of the cost of a bus transit line along the guadalupe

-- lamar/guadalupe corridor. They will not, almost a hundred percent likely hood, fund another transportation project in the same corridor. So that knocks us out of the ballpark right there. And I know this doesn't matter to a lot of people, but I know it does matter to a lot of other people. Another big problem with lamar/guadalupe, is that it would reduce lamar/guadalupe boulevard to a two-lane road, and I don't know of too many people in town that think that's a very feasible alternative. So that's on top of the data-driven process, the alaska fta matching funds, it's really not a practical option. It reduces the carrying capacity of one of the busiest road segments in the entire state of texas. And now, kyle, I'll turn it over to you to talk about the numbers, particularly the cost per mile stuff, and I know I've seen the numbers myself, I would like to go over it. It was mentioned that this was higher than other systems, and, in fact, it's right in there, right in line with other systems built around the state and around the country, and any other data you might want to add.

[10:58:34]

>> Thank you, mayor. Council. Appreciate the opportunity to address you today, and I'll be happy to respond to any additional questions you have. You gave me a lot of material to work with there, mayor. Specifically, a couple of thoughts that I would address. We are not in an fta process at this point in time. We are very mindful that we want to be executive for fta dollars. This is a local process. We are following the guidance of the fta. We're informed by their evaluation process that has a number of criteria, and 12 criteria, and so that has been one of our big factors, is that there's not one single factor that makes the decision. It can be land use, it can be economic development, it's ridership, it's congestion. All of those factors go into the mix to be able to inform us in making a recommendation. Our job, as we started a year ago, and we were informed by many of the speakers here today on both sides of the discussion, was to be open, transparent, and be data driven. We have, I believe, responded to that goal. We have provided countless opportunities for input. We provided it in person, we've provided it at seacag meetings, we've also provided it online. We've taken that into consideration. We've been informed by public input, about how to we design a project? Reliability. Reliability is important, and that means that we have to be able to identify a dedicated guide way that gives us the opportunity to stay on schedule, as opposed to being in mixed flow. That concept has guided our definition of the project, and that would include whether we are above ground, above grade, below grade in a subway kind of arrangement or not. Specifically regarding the subway cost, we did, in fact, consider subway elements. We did look at a long tunnel, a subway element, under lady bird lake and most of downtown. It came up to be quite expensive. It was about \$300 million more than our recommended cost to be able to cross on a bridge, we're at about 300 million a mile a subway segment versus the add-grade segment. So we considered that in evaluation as we moved forward. There were a number of other things that we were examining, too, that I want to make sure that is clear again. Our public involvement process has been extremely robust. It has been more robust than any project that I've worked on from coast to coast. And I've been

-- it still has its challenges, but the one thing that I will say is that the nature of the of conversation we've had has been a little bit different in one respect. Our job is to identify the best project within the context of a system that gives us the greatest opportunity to be successful and be competitive in attracting federal dollars from the federal transportation administration's new start program. The option that you've heard tonight anyway has really said there's only one corridor that is suitable, and that's the lamar corridor, which is already seized from fta investment. We believe there's more than one corridor. What we also believe, though, is that the recommendation you have from east riverside to highland is the best corridor, as you stated, mayor, that outscored lamar, miller, south congress, east austin, and the other subcorridors through our phase one evaluation that we concluded back in december. So what we've been doing since december is defining a project for that corridor, from east riverside up to highland. And so we've carefully considered that in presenting our recommendation to you. We believe that what we have presented to you is the project that gives austin the greatest opportunity to be successful in competing for those fta dollars from the federal transit administration. Are there any other -- I may have missed a couple of your points, if you'd like, I'll be happy to address --

[11:02:41]

>> Mayor Leffingwell: I want you to address the comparison, the allegation was made that this is a much more expensive system than comparable systems around the country. I believe from vancouver to new york, was the statement. My understanding is it's right in line with other systems.

>> Do we have the slides that we had up there? I'd like to borrow that. If I can get this to the right direction. With respect to the costs. Let me go to a couple of -- so the cost that we've presented to you is a total cost estimate of \$1.38 billion for the 9 and a half mile urban rail project. You see a break down of those costs. That is not just construction costs, that's the fully loaded costs including vehicles, waiver, professional design services, project management efforts, as well as a very healthy 30% contingency cost, being that we're very early in the project planning process. You'll see on the far right-hand side of this, our average cost is \$118 million per mile. We compared that to other projects around the country because we heard similar questions. I'll tell you right now, this is kind of like buying a car. These car prices aren't going to go down. Infrastructure prices aren't going to go down either. And so if you look at where other projects have been, we want to compare a little bit of where these other projects are in current dollars. There's 21 projects currently going on across the country, light rail transit projects, that are under construction this year. The average cost per mile of those projects is about \$236 million a mile, which is substantially more than ours. Now, what we noted when we did that is, some of those projects have subway or above-grade elements. So we threw those projects out and we looked at those 16 remaining projects that are mostly at grade projects, similar to what we're proposing now. You'll see the average proposed cost of those is 123 million a mile, very close to our 119 million a mile. Six projects are more expensive per mile than our proposed projects. Five have total projects much longer than ours and therefore more costly. I think it adds a little bit of perspective on what we need to not, is that we believe that our cost estimates being prepared by our years, who have been experienced in building these projects from dallas to houston and other places around the country are taking these costs into account, using the fta prescribed template

process. So I want to be able to give you our assurance that the costs that we're providing to you are in line with what fta sees on a national basis across the country.

[11:05:52]

>> Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I understand we can build the line for just about the same price as everybody else can build the line. We've got same engineers and methods. Our costs aren't going to difficult much so long as we stay at grade. But mr. Herron's concern is that the cost per rider would be higher than on other maniesist. I wonder if you could compare ridership.

>> One thing mr. Herron did, the numerator was the riders and denominator was the total cost so there's in annualization of that. That's just a one-time straight division project. What we'll do is look at the cost per rider on an operations and maintenance perspective. And let me see if I can find my information here real quick. I don't know that we have this in here. You'll see

-- here's some information, I'm not sure it's directly relevant, but this is

-- what you're looking at, we're looking at 22 million per year on the operating costs beginning in the year 2022. We wanted you to be able to see on the o and m side, using on the bottom there, urban rail, we're at 15.5 in current dollars. We compared that to other projects around the country that are seeing similar light rail projects, what their operating costs are. So you see that ranging from 51 in seattle all the way down to a low of looks like 12.7, hampton roads out in the virginia beach area. The o and m costs are going to be a function of how much service you put on the road. The division that frank herron was talking about, what's your ridership you're going to be carrying. This is where you'd apply this in a more equitable way, it's an annual cost as opposed to just a one-time capital investment cost. We can certainly do the numbers all day long, but the point really begins, are we providing a reasonable cost investment that's going to cost us a reasonable amount, given our other bus services, that's going to have a benefit? My suggestion is that you wouldn't want to do this on a capital side, as mr. Herron suggested. You'd want to annualize that over the lifetime of the investment, which would be 50 years in many of these cases. In that case that drops substantially.

[11:08:25]

>> And this is because the number of riders is going to be increasing substantially as the people get used to the train and we see more development along the train route.

>> You'd certainly see that but you'd see an amortization of the capital investment well. So you a.M. Ties over a 50-year life for many of those improvements, plus you add the ridership over the 50 years and your cost per rider on the capital side becomes a more reasonable number. I would still compare that to an o and m conversation.

>> I don't care so much what's in the numerator or denominator. We want to move people. If we're going to spend a billion dollars to move people, we'd like to move as many people as possible. I think the best argument that the lamar/guadalupe poop people have been making, we've seen lyndon many times making this argument, right now there are more jobs and people on the guadalupe radio route

than the highland route. That's what we found going through the data, right now that's absolutely true. I wonder if you could talk about whether that's going to be true 10, 15, 20 years into the future.

>> We do have great ridership on the lamar corridor and we see that it is a strong candidate for high capacity transit in the future, just not right now. What we do see, though, is that the ridership per acre, per unit in highland, as well as east riverside, east riverside in particular is gradually greater right now than what the lamar corridor is. So what we do see happening, though, is between now and the future, we do see a strong shift in what's happening and where that ridership is occurring. Lamar is a very developed corridor. East riverside is continuing to develop. We're seeing a greater increase in the ridership per capita and per area in those areas. So we're seeing a shift in ridership that's slightly moving to the east. We see as we looked at the existing service that you described, as well as the future service, that actually there's a separation where highland and east riverside become stronger corridors when we look at the future, as opposed to just being stuck at looking at existing riders. Other thing we looked at, fta is going to look at future ridership, not just existing ridership. One of the additional factors we need to take into account, when we look at the fta making an investment.

[11:10:59]

>> Part of being competitive is balancing future needs, solving the current problem with future needs solving the problem 20 to 30 years in the future and that's the kind of balance we were trying to strike when we were trying to decide among our corridors. I've got one last point, although the mayor made it, I want to make sure it's real clear to people. If we were to submit a proposal to go up guadalupe and lamar today, submit it to fta, what's the likely result of that going to be?

>> Well, first thing they'd look at is what is our local process to get to that point. Have you done a thoughtful investigation of those factors. If we were to submit a project, they'd look at how the project is defined, so this brings us back to that dedicated guide way. They would also look at what is your existing ridership and what is your projected ridership. So they'd look at a very strong corridor today and they would say how much can you increase ridership to support an investment that you would see. And so the idea that you'd want to show is a significant growth in that ridership. So the cost ridership becomes strong. So that becomes one of our big challenges is showing that we can actually put additional ridership into that investment, above and beyond which is already being carried today.

>> Spelman: So you'd look at the last bit of this then, would we be more successful submitting a proposal for guadalupe and lamar, holding

-- east riverside is a given. It is by far the best corridor we've got, the slew one corridor we must build. Holding that aside, if we had a choice between doing guadalupe and lamar and going highland, which of those two is most likely to receive a good rating from fta and speedy fta funding?

>> My belief based on our analysis is that the highland/east rivered corridor gives us the best opportunity, as opposed to lamar. Eats not to take anything away from lamar. Lamar I believe could be competitive. I think we have a number of challenges to be able

-- they would have to be overcome in that hypothetical, including basically the pay-back of the \$38 million of those funds. But I believe that if the highland east riverside corridor is the strongest opportunity based on all the factors that fta will evaluate.

[11:13:22]

>> Spelman: Thanks, kyle.

>> Mayor Leffingwell: And you kind of slid there. I wondered when you were going to get to it. It's the fact that that corridor has already been funded, and as I said earlier, it's extremely unlikely that the fta is going to approve another grant for the same corridor. Is that a fair statement or not?

>> It is a fair statement. Let me add this, essentially fta would say, make the case, and they would say show me that there's local support, show me that you've got a thoughtful process and show me that you're going to carry substantially more people than your current investment. My suggestion in my reading of their efforts is, they would take a look at our existing investment with the metro rapid service and they would say, why do you need a higher capacity investment when your existing higher investment capacity is not being fully met?

>> Mayor Leffingwell: We'd still likely have to refund or take into account the previous 38-million-dollar grant.

>> That is correct. That's not an atypical situation. If you basically take that money, it has an economic life to it, and if you don't fully exhaust that economic life, the federal transit administration expects to you turn the unused portion back.

>> Mayor Leffingwell: Thank you. So under consideration
-- council member martinez?

>> Martinez: Thanks, mayor. I just wanted to ask, kyle, the item for us today is to actually adopt and recommend the plan moving forward. What was before capital melt are the other day was actually a resolution of support, sand so I asked a bunch of questions that I'm not going to ask today, but it had to do with the extension to the airport, and wanted to ask

-- so we dotted the item at capital metro and added language about the next phase when we talk about the other subcorridors being the priority for the next phase that we added language that included abia. Where in the mobility plan, if I wanted to make that amendment today, would we insert that?

[11:15:30]

>> I'll ask rob spiller to address that. He's more familiar with that.

>> Thank you, councilmember. As part of the strategic mobility plan, as you know, council requested that we bring back roadway and transportation projects of regional significance. The airport is included in a PROJECT THAT TxDOT HAS BROUGHT To you about direct connections to abia that actually would improve the 71 and 183 interchange, but to do that, they need to remove the people who are driving to the airport out of that interchange. They came to us and asked if they could include the prebuild items for a potential future rail in that project, meaning that they already have to build water retention facilities, and so could they oversize those for future rail. We added additional monies in that proposed project to evaluate the potential for a rail connection and to lock down the alignment for future rail to the airport so that we could inform that design process. BECAUSE THEY

-- TxDOT HAS Indicated that that is a project that they would like to coordinate with the improvements to the 183 corridor, I would suggest that that would be an early study if we were going to do it, to accelerate that process. So the funds are embedded in that proposed roadway project of regional

significance.

>> Thank you.

>> Uh-huh. Councilmem councilmem ber tovo.

>> Tovo: I have a question. In the memo from last friday, you've answered some of the questions that have been raised about operations and maintenance and it refers us to a document on your website. I'm struggling to find it. I believe it's the same one that y excerpts of here but can you tell us where on the website where the more specific information is about operations and maintenance funding?

[11:17:38]

>> It should be provided on that link and if not, I will resend that right away. But we can check -- we'll check that right now and make sure it's available. It was posted prior to the meeting.

>> Tovo: So is it posted on the project connect

-- the memo that you sent us sends us to the project content/resources page where we should be able to find the document operating costs and revenue estimation. You've excerpted a lot of it, I assume, in this memo, but if we wanted to see the full document, maybe you could get back to us.

>> I'll make copies real quick, old style, but certainly I can make that available to you. I do have that.

>> Tovo: That would be great. Thank you.

>> Mayor?

>> Good afternoon. I'm with the stiff of austin transportation during the and project connect. What was provided last week and referenced last week is the breakdown of the o and m cost estimate so that's been published, and kyle had the slide up earlier. The actual o and m funding estimate, we have a more sketch level presentation of that, and with our materials, capital metro will be taking up their wrong range financial plan, which has the detail of that cautionary arrangement next month. So we don't have any more detail than that to present to you at this point.

>> Tovo: Okay. Thank you. I really look forward to seeing that additional level of detail. I think it's just very, very critical for the public to be able to determine what the operation

-- what the operations and maintenance costs are going to be like in very specific detail where that funding is going to come from, because it is likely going to come as we discussed, and as you've addressed in this memorandum, from city sources and capital metro sources, and I want to be very sure we're not going to be imposition additional burdens on the taxpayers, that we have a very clear funding strategy and we have a very good estimate for that operations and maintenance piece of it. So I hope you'll continue to communicate with us about that piece, pending in I action here any action here today. Thank you.

[11:19:47]

>> I just want to follow up on council member tovo's comments about the operation and maintenance costs. We have scheduled a special audit and finance committee meeting on july 1st to actually meet with the finance committee of capital metro, along with the audit and finance committee to just talk about the operations and maintenance costs because that is a real concern for both

-- for the city in terms of going forth with this proposal. I had a question for you. We are currently

considering a route that goes from highland to grove, and there's been some discussion about going to the airport, but that is currently not contemplated in this proposal. Is that correct?

>> That is correct. I would add, though, as councilmember martinez indicated during the discussion with the capital metro board members, they asked us to include the extension to aba, from grove to the airport, as one of those additional corridors that would be part of the system planning efforts that we already recommended to you. You'll recall that we'll be advancing this project into the preliminary engineering phase, beginning after the vote. We will also be doing the additional system planning effort for the second round of projects. That's what we identified as lamar, miller, and east austin. And it was added at the capital metro board to also add to that mix the extension to the airport.

>> Cole: Okay. But that would be late.

>> Yes, ma'am.

>> Cole: Because the route to the airport, actually, your numbers have shown, has a lower ridership.

>> That is correct. We have some ridership that would be about 2,000 riders for that portion, which is less than, say, for example, part of the conversation we were having was about 65 had you remember from dean keaton 7:00 to highland so that gives you an idea of what the relative trade-off on rider ship would be.

[11:21:56]

>> And that would involve another federal agency; correct?

>> Yes, ma'am. It would add coordination with the federal aviation administration, that will add time to be able to coordinate through their environmental process. They would become a co-lead agency with the federal transit administration, having just been aware of this effort in the dfw airport in the dallas area, that added about two to three years of time to get through that effort. So, therefore, that additional coordination and the possibility of being able to utilize some past facility charges for that airport, for that extension, would make it a very good locally funded project or a secondary project, as opposed to this primary first project.

>> Cole: Okay. And there was a lady earlier who made a comment during citizens communication about the need for discussion about a connection between

-- to sea home, which sea home would connect ultimately to lone star rail, which I sit on the board of and am very dedicated to that line. Could you talk a little bit about what you have considered about connecting to lone star?

>> I failed to mention that was an additional corridor, that western connection to sea home was one of those others that was

-- that I failed to mention. We learned throughout our process in phase one, as well as phase two, the vital need to be able to have that east-west connection, particularly from the convention center where the red line and urban rail would come together, across to sea home. We've added that as an additional corridor we would be studying as part of our system planning efforts. We've had some conversations with lone star, as well, as to what they can do to help advance that project, although those conversations are very early. So they have a very keen interest in making sure that that connection is planned for and advanced as quickly as possible.

>> Cole: And I see a number of items under regional safety and mobility corridor development

programs, and it includes sea home and miller and abia, so I guess all of those studies collectively are going to be done and funded with the proposal that is currently before us?

[11:24:16]

>> I'm robert miller with the city of austin. Yes, those corridors are listed as future multimodal corridor studies. So, again, as you know, this council recently passed a complete streets policy, so, yes, urban rail, as well as other high capacity transit, would be considered as part of those studies to reach sea home and the other locations. Some of those multimetal studies lend themselves better to transit, as opposed to other corridors, and so we would look at the appropriate modes for each corridor.

>> Cole: Explain the significance of having these studies done because we've got hard roads, we've got hard rail that people understand. Why is it important to do these studies?

>> Yes, councilmember. You know, starting in 2010, both the public works department and the transportation department proposed and received support from you for developing programs and projects in one bond cycle to be ready for the next bond cycle. And we saw, most important, on i-35 an initial investment by the council and the this city of a million dollars in i-35, with some additional funds in 2012 bond program. That initial investment by the city has paid off 17 to 1. We've seen something like an additional \$46 million invested BY TxDOT IN DEVELOPING I-35 TO Get project shuttle ready. I believe one of the speakers talked about getting projects to a shuttle ready, and then that generates a draw for other agencies to step in and help fund those projects.

>> Cole: It's almost a prerequisite for matching funds.

>> Exactly. What we've been told by other SISTER AGENCIES, BE THEY TxDOT Or the federal government, is that often now when funding becomes available, they are looking for projects that are ready or close to ready to turn dirt, if you will. And so it is a strategy that we put into place in 2010 to make sure that this region had projects ready to go. And it has continued to bear fruit, as funds at the state level and federal level have become available.

[11:26:36]

>> Cole: Okay. I think it's important that we make clear to the public when we lay this out that these are not just studies for the sake of studies, but

--

>> right.

>> Cole: We are trying to get project shuttle ready.

>> Right. And, councilmember, I would add that in those studies, especially in some of the corridors, we have included enough funding that as we find safety issues or traffic

-- interim traffic issues, that we can respond immediately, I believe we have funding in those

-- some of those projects, the 360, the 1826, and a number of the others, to make immediate

improvements, for instance if we need to do traffic signal improvements, short left turn lanes, or service improvement to transit, I believe that those funds will give us, in some cases, funds to do some of those early investments.

>> Cole: I think it's important also for you to make a comment about these items because they look to

be all over town.

>> Uh-huh.

>> Cole: And they included 620, 2222, 1826. So what made these particular items brought to the top?

>> Well, mayor pro tem, as many people have said here, you know, our congestion challenges are region wide. And these are projects of regional significance that we've been hearing about for a number of years and have been working with the public to try to identify solutions. You know, annually we do a survey at the city level and we know that our citizens are concerned about mobility and the lack of mobility because of congestion. At the transportation department, we've actually done follow-up surveys asking those same questions, but then went on to say which roadways we were concerned about. Out of the top ten roadways within the region, eight out of ten of those roadways turned out to be the major roadways like i-35 and 2222 and mopac. And so clearly those are the major traffic congestion problems that are shaping the opinions of a lot of people within this region. And so hopefully we've made an adequate case for the city stepping in and leading the way in terms of figuring out how to address that congestion and move forward. The 2222 and 620 corridors have not been touched in a long time. We have significant growth along those corridors. We also have significant environmental issues. Our hope is that we can identify solutions that are appropriate and in accordance with our imagine austin comprehensive plan and the environmental policies this council has set.

[11:29:21]

>> Cole: Thank you, rob. Thank you, mayor.

>> Mayor Leffingwell: I think it's very important that this line of discussion came in here at the very

-- hopefully the very end of the discussion. Because this is

-- what we're voting on today is the strategic mobility plan. It is a plan to

--

[lost audio] potent potentially for an election in november is an election on a small part of that project connect, which is the first phase of the urban rail system. But it's important to keep the big picture in mind because were if we don't do all of this it's not going to work so we have to do it a piece at a time making sure that each piece connects with the other. So it's very important that we approve

-- if we're going to go ahead with this in november, that we approve the total plan, the mobility plan.

This is not a vote to put anything on the ballot at this point. That will come in the month of august. But in order to properly prepare and go through the process of

-- the public process to get this thing passed in november, we need to pass the strategic mobility plan today. So I would entertain a motion on item no.64.

[11:31:35]

>> Cole: Mayor, would you like to make that motion?

>> Mayor leffingwell: Yes, I'll turn the chair over to you for the purposes of this motion. I move approval of item 64.

>> Second the motion.

>> Cole: A motion has been made by mayor lee leffingwell, and that has been seconded by council

member spelman.

>> Mayor?

>> Cole: Council member riley.

>> Riley: I have just a couple questions I'd like to ask. Well, first, I did want to ask rob

-- or kyle, rather, another question about the corridors that we're talking about. Kyle, you mentioned that while

-- the highland corridor may not have the ridership that we currently see on the lamar and guadalupe corridor that you would expect with the development potential there, that it will match or exceed that ridership at some point in the future. Can you give us any sense of what time frame that you have in mind when you would expect that development to

-- are we talking about the distant future or the near-term future?

>> Well, let me be clear. We already have strong ridership in the highland corridor as well as east riverside today. But lamar is also very strong today in that. So they're in that top three. What we see, though, as we look in the year 2030, which is what a lot of our demographic data

-- where it's based, we see that highland and east riverside actually grow much faster in terms of its ridership. Lamar stays strong but it drops in its ordinal ranking.

>> Riley: So at some period between now and 2030, it's uncertain exactly what pace we would see but you do expect that it would be far in excess of what we would see on the lamar corridor?

>> Yes, as we continue to see the growth occurring in our centers in accordance with imagine austin directing that growth, that's where we will see ridership increase, yes.

>> Riley: Okay. Just one more question. There has been a fair amount of discussion about these issues, the corridors and other aspects of the rail program, both here and at cap metro and at a number of other committees and boards and commission and in the community. But there has been less discussion about the road elements of this plan that described on pages 7 through 15 of the plan. And I wanted to ask to what extent we are committing ourselves to any ballot package at this point. If we were to choose -- let me put it that way. To what extent are we confining ourselves to any particular bond propose as a result of approving this package today?

[11:34:08]

>> Council member, I'm not sure I'm the one to answer that question. I think the city attorney might answer that. I would tell you that I think that you're adopting a plan today. As the mayor said, you will be coming back to set the ballot language sometime in the future. And so it's your prerogative, I think, to make changes between now and then.

>> Riley: Okay. I just want to clarify that. Maybe if we could get confirmation from the city attorney, if -- if we were

-- that no decision we make today would prevent us from modifying any element of the plan between now and august? We would still be free to

-- and I only ask that because there has been fairly limited public discussion about the various pieces of this proposal and I want to make sure that we still have ample time for continued discussion before we set any particular ballot language. [Applause]

>> mayor leffingwell: Before you answer, I want to just say this, council member riley. What we're

passing today, we're creating expectation of what that is going to be, and I don't think we can successfully mount a campaign if we don't proceed on the basis that this is basically what it's going to be, realizing that all along the way, not only leading up to the election

-- not leading up to the vote on the council and putting it on the ballot, but leading up to the election and throughout the preliminary engineering phase, there will be tweaks, potentially tweaks in this. And I think it would be a ligen yu with us, to this these are the projects we'll put on and change it later. That would put us back to square 1 and we would not be able to mount a campaign that would be successful in november.

>> Let me say, regarding the ballot language, that can be totally separate from this because there are specific guidelines that as you know, we've been working with the attorney general's public finance division on

-- related to what specific ballot language the city can use for this particular proposed election. We're going to come to you again on august 7 and talk to you again about the most recent conversations we've had with the attorney general about that. But the ballot language won't have specific road projects listed in it per se. There may be language that the attorney general might approve that will allow for some opportunity to do road projects from the bond proceeds, but there won't be specific projects listed in the ballot language. As you will recall from our previous conversations with you, there are kind of three elements related to calling election for bonds. You have the ballot, you have the proposition and you have the ordinance, and so the ballot is, of course, the instrument, the public views, the proper vision sets out all of the detailed information, and the ordinance is even more detailed than that. There may be some language in the ordinance about specific routes and things of that nature because the proposal that we've been made aware of includes a capital metro, and there are some state law provisions related to what capital metro will need in the proposition and in the ordinance and even in the ballot that may have to set out some specific types of route information. But that information won't be on the ballot language. But we're going to come back to you again on august 7 and lay out for you what we believe the most current interpretation the attorney general has given us for what that ballot language could look like.

[11:37:50]

>> Riley: Okay. I appreciate that. And I also appreciate the need for a campaign and a clear public understanding of our intention. And let me be clear. I fully respect and agree with the need for a multilevel approach and would

-- and am happy to support a combination of roads and rail, and would even commit to something along the lines of the 60/40 split that we see here, but I do think there would be some value to having some further public discussion about exactly what package of roads in particular that we're talking about, that we expect to be funded through this proposal.

>> Cole: Mayor leffingwell?

>> Mayor leffingwell: I'll just say

--

>> cole: Oh

--

>> mayor leffingwell: No question.

>> Cole: I'd just like to say that rail has always been a divisive issue in our community, but it doesn't have to be. I think what we're putting before the citizens of austin now is transportation options in a phased approach. I want to thank mayor leffingwell and council member spelman for the tremendous amount of time, effort and talent that they have put in in the transit working group and ccag to bring this proposal this far. So with that I will call the questions, all those in favor say aye.

>> Aye.

>> Aye. Any opposed? That passes unanimously on a vote of 7-0.

>> Mayor leffingwell: Very good. Thank you. [Applause] it's an important milestone. [Applause] so with that we're in recess for live music and proclamations. Approximately 7:00. Disingenuous ingen with us

[11:44:59]

>> mayor leffingwell: Okay, folks, if I believed have your attention, it's time for live music at austin city council. A special treat tonight, chencho flores, and I want to say before I introduce him that they brought out some

-- not only a lot of people, and it's unusual to see the chamber full at this time of day, but my wife traveled all the way downtown just to hear you guys play. And we also have senator gone zollo

-- former senator barrientos who also came down to hear you play. [Applause] senator, thank you for coming. So is it okay if I tell your age? They've got it written here in the script. 86-year-old chencho flores has been performing on sixth street in austin since 1947.

>> Woo!

>> That was before there was a sixth street. He is best known for his energetic accordion playing, singing and he's a composer of many songs. His compositions regarded with ben garza illos, gabinaso, and see lindo are featured in the mexican america music collection at the ucla for the past ten years. He's been performing with conjunto las pinkie's who perform a weekly sunday bardeada, afternoon dance at the white horse in austin, texas. He's a lifelong resident of east austin where he continues to make his music for old friends and make new friends along the way. Flores con pinkos are featured in the klru documentary paria da introduced context in arts. Please help me welcome chencho flores.

[11:47:06]

[Applause]

[🎵 music playing 🎵]

[11:50:14]

[music playing] [cheers and applause]

>> we're at the white horse every sunday from 5:00 to 8:00 p.M. For free afternoon dance for all ages. Come out and enjoy the music. Thank you for having us.

>> Mayor leffingwell: Great, guys. [Applause] these guys are worth a trip downtown, right? You want to say a couple of words?

>> [Inaudible] I wouldn't be sitting here, I wouldn't be playing. [Applause] I was

-- I was out of circulation for about, maybe

-- maybe five or seven, eight years and one time he says, come on, join the group. So I didn't really believe it to begin with, but then I decided to give it a try and got to know him real well, and we've been together ever since. Of course he's a very talented musician. He plays the bajo, he plays cajun music, he plays trumpet and he's an all-around musician so I couldn't be in better hands. He's a nice guy and for that I want you to give him a great hand. [Applause]

[11:52:14]

>> mayor leffingwell: Okay.

--

>> this is chencho's day. Chench o. [Cheers and applause]

>> mayor leffingwell: Okay. I have an official proclamation for you. Be it known that whereas the city of austin, texas is blessed with many creative musicians, whose talent extends to virtually every musical genre, and whereas our music scene thrives because austin audiences support good music produced by legends, our local favorites and newcomers alike, and whereas we're pleased to showcase and support our local artists. Now, therefore, i, lee leffingwell, mayor of the live music capital of the world, do hereby proclaim june 26, 2014 as chencho flores day in austin. Congratulations. [Cheers and applause]

>> I'll never forget it. Thank you very much. [Applause]

[11:54:26]

>> mayor leffingwell: We are here today first to honor the city of austin police officer, who lost his life earlier this year and we'll begin with the presentation of the colors. Present the colors. [Bagpipes]

>> mayor leffingwell: Please rise.

>> Mayor leffingwell: Please join me in the pledge of allegiance. [Saying pledge of allegiance]

>> mayor leffingwell: Retire the colors. Please be seated. Today the city of austin celebrates the life of clay douglas crabb and recognizes his invaluable service to the city of austin. Clay douglas crabb lost his life on december 16, 2013 in a fatal car crash while on duty. Today he will be inducted into the city of austin public service employee memorial. We're proud to say that I was out the day that he died in that car crash, I was visited with

-- visited with his wife and his family, and also attended his funeral service a few days later. The city of austin established the public service employee memorial in may 2011 to pay tribute to all employees who have lost their lives while serving with dedication in their capacity as city employees. I have a distinguished service award that I'm going to read. This certificate is presented in recognition of lieutenant clay douglas crabb, austin police department, for his dedicated service to the city of austin and its citizens, and above all, for having given his life in the performance of his duties on october 16, 2013. The city established its public service employee memorial in may 2011 to honor men and women who have lost their lives while serving faithfully in their capacity as city employees. To celebrate the life of lieutenant crabb and to honor his great personal sacrifice, on behalf of the citizens of austin, lieutenant clay crabb has been commemorated on this day in the city of austin public service memorial,

presented this 26th day of june, the year 2014. Signed by myself and city manager marc ott. Now I would like to invite deputy city manager michael mcdonnell to make a few remarks.

[11:59:30]

>> Good evening. On behalf of the city manager marc ott and the men and women of the city of austin, we'd like to thank the crabb family for being here and thank you for sharing lieutenant crabb with us and the service that he's given us will always be remembered. The city manager's office established this public service employee memorial to recognize and to honor the many dedicated individuals who lost their lives or were killed while serving in their capacity as city employees. Together we honor our friends, colleagues and family members through this memorial. The memorial is comprised of unique carvings by retired captain john vasquez from the austin police department. Captain vasquez was inspired to carve the spirit of the professions of individuals whose lives were taken too soon in their service to the city. The city of austin is dedicated to provide information about the lives of service of these individuals. I wish to especially extend a heart felt condolence to the crabb family, members, friends, and to express my heart felt appreciation for your personal sacrifices and for your contribution of time and information provided in this memorial. Thank you for sharing your memories and stories of his life and to his contribution and service so that they will never be forgotten. Finally, thank you to the departments and staff who worked hard so closely on this project. Your efforts are truly appreciated. At this time it is my great honor to ask to join me here chief acevedo and ann and the rest of the family, if you'll join me up here for a moment for the unveiling. As they come up I'll explain that for the first time publicly lieutenant crabb's figurine will be revealed. This likeness will be placed in the memorial along with a biography of lieutenant crabb so that generations to come may know and learn about his value -- his valued service and bravery and valor to the city of austin.

[12:02:16]

[Applause]

>> if you like you can remain, and at this time I would like to introduce to some, most know our chief, acevedo for comments.

>> Thanks. [Applause]

>> thank you, wow. Thanks. Mr. Mcdonnell, thanks, mayor, for the support of our apd family and for ann and ronin and megan and mayor son. Everybody, they know that they have a dad that they'll see again, but more importantly they know that they've got a bunch of pets still around that will always be there for them. But I just want to say that for us and the austin police department, that we miss clay crabb. He was a guy that was absolutely phenomenal. He was around -- that expression you saw back there was that expression that we talked about was always he knew a secret or something that he wasn't going to let you in. He was a little bit of a mischievous guy. But I want to tell you a little bit about him. He was an operations lieutenant with the austin police department, which means he's the man that works for commander, makes sure that the work gets done in keeping us safe, our neighborhoods and communities safe. He spent 15 years with the department. He began his career in law enforcement with the city of san angelo where he served for four years before we had the

honor, the privilege of stealing him from san angelo in july of 1998. He earned 16 commendations as a member of our department and awards, including the spro service citation -- superior service citation, the academic achievement, and again, a myriad of other awards. He was really remembered, like I said earlier, as a guy with a very unique sense of humor, a dry, rye sense oh -- wry sense of humor but a sense of humor that was sharp as a ninja's knife. I can tell you that because I got to spend time at special olympics this summer before he laid down his life for us. It was a true blessing. He was survived by this family, minus the big guy who's at camp, but I will tell you out of tragedy comes a great opportunity, the opportunity for me and members of our department is to get to meet and spend time and get to know the special crabb family. So the crabb family, could you also stand up so we can recognize extended family, dad, brother, sister? Yes, stand up. A fantastic family.

[12:05:11]

[Applause] thank you, guys. Thank you for sharing your son with us. And at this time I want to bring up a special friend of your son, and that is todd gauge, who is a long time colleague, todd gauge from the austin police department. Thank you thank you. [Applause]

>> I want to thank the mayor, city council members, assistant city manager, executive staff at apd for giving me the opportunity to say a few days today in honor of clay. I also want to thank captain john vasquez for sharing his talent with us today and thank ann for sharing her husband with us for so many years here at the police department. While spending his last father's day with my daughter, my mind drifted to clay and his family. As much as I miss clay the loss has to be felt even more so by his wife, children, parents and sibling he left behind. Father's day will never be the same again for them. I never want to forget the sacrifice that he made for us that day and the sacrifice his family will have to live with each and every day for the rest of their lives. Clay was my right-hand man serving as my operations lieutenant when he died last year. He was a man of integrity, striving to always do the right thing for others in the community and in the department that he loved. He was also my friend. One of the things that I loved about clay was that he was a list person. Almost every morning when we worked together he'd greet me at the office with a list in his hand, which included all the things he wanted to cover with me that day. Sometimes I would like to mess with him by not coming into the office right away, but that would not stop clay. He would track me down, call me, whatever he needed to do to get that list to me. There are many times when I'd catch myself thinking of that last day clay and I spent together before he died. We car pooled together to several meetings that day. During the we talked about the department, our families, our dreams and our future goals. We had a late community meeting at the substation and spent time in the break room after the meeting. Several corp. Rales, sergeants and lieutenants who are close to clay happened to be there. They had not seen each other in quite a while since clay had moved to day shift. None of us knew at that time that would be the last time we would actually talk to clay. I remember I was beating myself up on the immediate days that followed his death. I blamed myself for monopolizing his time that last time when he could have spent it with his family. A few days following the funeral one of the sergeants that had been in the break room that last night came up to me. He wanted to let me know that after clay had left the break room that night, the lieutenants and the sergeants kind of sat around together and said, that was really good that we actually got the chance to talk to clay. It's been a while. Been able to reminisce. It had been a long time since they had been able to

do that. I truly believe god allowed his closest friends at work that night to say one final last good-bye. Since clay's passing the outpouring of support from this community including city government officials and this community's help to get the crabb family through this past year. Heroes and the sacrifices they make are immortalized sometimes in statues, sometimes in plaques, in photos and even sometimes names on a wall. Heroes are able immortalized in our hearts and the hearts of those who know the hero the best. How we were the hero sacrifice defines us as a community and what we stand for. How we choose to live our lives honoring that sacrifice describes us individually and gives respect to the hero's family and the people he died for. Clay is a hero for us, he's a hero for this community and is a hero to me. Let us continue to remember and honor his sacrifice by choosing each and every day to live in such a way that shows a respect that we have for him, his family and the community that we serve and live in each and every day. Thank you.

[12:09:21]

[Applause]

>> mayor leffingwell: So I would like to formally present this proclamation to you. And I would like to invite family members who -- if you want to be in it, we're going to take a big family photo here in just a couple minutes if you want to start working your way up. Please take your opportunity to be in that photo. But I want to say once again, thank you for your ultimate sacrifice. The city of austin will always be indebted to you for your commitment and support of one of our finest employees. And thank you to all city employees who dedicate their lives to the service of the citizens of austin. Please join me up here for a photo.

[12:13:34]

>> Cole: Ms. Lou linn, would you like to come down? Oh, there you are. It is a rare day in austin that we get the opportunity to recognize someone who has dedicated so much of their life to making austin better. And we have a proclamation for ms. Emma lou linn. Be it known that whereas emma lou linn is a psychology professor at st. Edward's university who played a key role in establishing the sixth street historical district, and whereas dr. Lin was honored this year by the pecan street festival with the heritage role for award for her role in forming the pecan street association and founding the festival. She helped write the first historic ordinance in austin, served on our first historic landmark commission, bought, restored and lived in a building on sixth street and served as a city council member who worked on human rights and financial disclosure items. And whereas sixth street now enjoys a spot in the national register of historic places, dr. Linn has earned a distinguished teaching career award and the city of austin's direction and history have been changed for the better for her involvement in the community. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim june 27, 2014 as dr. Emma lou linn day. Thank you. [Cheers and applause]

>> thank you. Thank you very much. I would like to thank the city council members for taking the time to do this. I would like to thank my friends from sixth street and the pecan street association for making this possible, my family from st. Edward's, and my dear friends and relatives who are here. I really appreciate profound, profoundly honored by this and thank you all for your support. Thank you.

[12:15:58]

[Applause] [applause]

>> morrison: So I am honored to get to do this distinguished service award. It's for dr. Laurie dries who is retiring, already retired?

>> No.

>> Morrison: Not yet, okay. Hopefully she never goes away, but she's our salamander biologist, one of our salamander biologists that really has

-- when I think

-- I learned from laurie that we are the visitors to the salamander's home at barton springs, and it's because of the work that laurie and her crew do that we've been able to develop all the procedures and all that allow us to get a permit that allow us to swim in barton springs. And I am so grateful for that because I love to swing at barton springs, and I came across something that I thought we should share with laurie as a little going-away gift, and that is that we have a wonderful artist in town and her name is jennifer jenowith. And she did the coolest thing. She did a pain and pleasure map, topographic map of the city of austin. And there's a lot to it and all. But if you look at the map, if you think of it as a happiness topographic map, there's this huge peak right here and it's right over barton springs. So if you ever wonder if you made a difference of the lives of the people in the city of austin, all you have to do is remember that all that happiness comes about because of the great work that you did that allows us to swim in barton springs. So I wanted to give this to you and thank you very much, and before I go on any further I'm going to read the actual service award. It says for her dedicated service and commitment to protecting austin's endangered salamander during her 11 year tenure as an environmental scientist for the city of austin, laurie dries, ph.D., Is deserving public acclaim and recognition. Laurie has worked tirelessly since 2003 to protect the barton springs salamander and the austin blind salamander populations. She removed tons of debris, and I think that's probably literally

-- tons of debris and sediment from the springs to keep high-quality groundwater flowing through critical salamander habitat. Laurie spent countless hours underwater

-- how cool is that to get to scuba dive for your job in austin, texas

-- underwater conducting salamander population surveys to improve our knowledge of those species. Chefs an integral part of the major projects on the grounds of barton springs to ensure compliance with federal endangered species act requirements. Her achievements for the city and gift to the citizens of austin culminated with the publication of the revised barton springs habitat conservation plan in 2013 that resulted in the u.S. Fish and wildlife service issuing a new permit for the continued operation of barton springs through 2033. That's pretty cool. This certificate is presented in acknowledgment and appreciation of her public service this 26th day of june in the year 2014, and it's signed by mayor leffingwell were not all the council members. Laurie, thank you so much.

[12:20:20]

[Applause] [cheers and applause]

>> mayor leffingwell: I will keep this brief. My name is mike person. I'm assistant director in watershed

protection department over the part of the department that includes our salamander biology team. I was a little relieved to see you didn't show up in a wet suit because

-- [laughter] that's kind of your normal attire or even office attire, and you did wear shoes today. That's good. One thing I want to note real quickly, one of our colleagues, chris, pointed out that if you really study this closely, that in addition to this huge peak over barton springs, you'll see a big canyon about where the state capitol is. [Laughter] for whatever that's worth. I don't want to repeat too much of what council member morrison just said, but I do want to kind of amplify again that your tenure has come at a very critical time. Our previous permit that allows us to operate this amazing recreational resource as a pool in endangered species habitat is done under a federal permit. Our initial permit was for 15 years, expired in 2013. Corresponds to about ten years of her tenure issues tenure, during which time we not only were able to renew the permit for another 20 years but we learned more about the species itself and really importantly about how to manage the habitat in a manner that has actually benefited the populations in the wild. It's a tremendous accomplishment. At the same time we completed a major construction project without any serious mishaps, and in that sense you probably would have needed this at the time, but

-- [laughter] but actually anybody that knows laurie, she got a certain look on her face when she's marching down the deck, whether you're a full employee or a contractor, you know that she means business. But as is the tradition with watershed protection department we have an engraved staff to remember us by. This is from your friends and family at watershed protection.

[12:22:40]

>> Oh, thank you.

>> Thank you, laurie. [Cheers and applause]

>> it's really great to see the faces that are here. It's really very gratifying. Thank you. Thanks to everybody that I've worked with, and thanks to my

-- my dad. He's my policy adviser, he's my engineering adviser, he's my emotional adviser. He's my fashion adviser. And what's really good about that is that he was a council member in madison, wisconsin, when I was growing up, and this was during the time of a lot of riots and a lot of protests against the vietnam war. So he's kind of been through a war zone, which gave me the perspective that it's barton springs but it's not as bad as that. So it's going to be okay. So thanks, dad, for everything. And I want to thank my academic father, david hillis who pretty much taught my science and got me through to my first graduation with a ph.D. So that's really great. And my companion tom wilcox for always being there for me. And my musical partner, o.J. Leers for always reminding me, putting it in perspective, there's always music and barton springs is beautiful and all that. And thanks for all the support of the swimmers and council and board members and mayor for having the patience to trust that what I said was going to happen was going to happen, because I was just trying to translate nature to you and I really appreciate you having that patience. Thank you so much. [Applause]

>> morrison: And I think we have one more speaker.

>> Oh, my.

>> All right. Sorry to come in late. I'm michael fossom at the austin heritage tree foundation and we wanted to present laurie with an award. If you'll hold that. To help her remember the pool by. We want

to recognize her incredible work at barton springs pool, not only with the salamanders but also with the entire environment and the community. Laurie cares deeply for the pool and all the community and we'll miss you very much. Please stay in touch.

[12:24:59]

[Applause] thank you.

>> Thank you.

>> Morrison: Let's go over here and take pictures.

[12:27:11]

>> Morrison: Come on up, please. Everyone come on up. All right. So for our next proclamation I am honored to present this proclamation. I think I'm going to be joined by council member riley as well. This is our third annual pre-4th of july parade in the barrio, which will be happening this coming saturday morning, june the 28th. The organizers of this parade have dedicated their time and efforts to provide this unique opportunity for us to say thank you to those who have fought for our freedom before 4th of july. The grand marshal for this year's parade is pastor david v. Perez, who is a u.S. Army veteran of the vietnam war and he has also devoted his life to helping veterans and people facing addiction, and he'll be giving the keynote at saturday's service. So I want to thank the folks from the barrio preafd parade committee and lulac district 1 for their hard work in organizing this. I also want to thank our staff who also worked very hard in helping them figure out the right parade routes and being able to continue to host this event. The event will start saturday with a parade through the east side, and the program begins at 10:30 a.M. At fiesta gardens. So we hope you will join this opportunity to recognize some of our local heroes. And I'm going to read a proclamation. The proclamation reads, be it known whereas, veterans are precious

-- veterans are a precious resource in our country, and whereas lulac and east austin residents gather for the pre-4th of july veterans barrio parade to celebrate our country and veterans in a vibrant, colorful, one of a kind barrio parade, and whereas veterans from east austin barrios and our city, motorcycle clubs, lowriders and musicians will travel from pleasant valley and cesar chavez to fiesta gardens, edward rendone park for a military program and the parade having grown yearly since its inception takes place on saturday, june 28 at 9:00 a.M. With a military program at 11:00 11:00 a.M. And were join them in thank them for their service to our country. Therefore, i, lee leffingwell, mayor of the city of austin, texas, proclaim june 28, 2014 as pre-4th of july veterans barrio parade. Congratulations and thank you. Who wants to say a few words?

[12:30:08]

[Applause]

>> thank you. On behalf of lulac league of united latin american citizens, district 12, the concilio of east austin, cri catholic church and east austin communities we thank you.

>> All right. Thank you.

>> Martinez: All right. Our last proclamation of the day. Frank, will you join me, please? Hi, frank. So again, likewise with this proclamation, it's an honor to present this. For those of you who may not know frank phillips, you need to know this. He is an austin icon, he's an east austin icon, and he's a master of his craft. Frank has been a master shoe shiner for over 30 years here in austin, and he also has been depicted on a mural on the side of the east village apartments on rosewood next to carver museum. I also understand you're the subject of a forthcoming documentary. We'll ask you to say a few words about that. And he's just

-- he's a character, that I wanted to recognize him for his decades of service to the citizens of austin, for bei a fixture in east austin. He and I bump into each other at our favorite taco trailer, tacos delishios os. I have a proclamation I want to present to frank. Be it known that frank phillips is a local entrepreneur and icon having worked in the shoe shining business for 30 years in austin, and whereas he's a native of san antonio and resided briefly in taylor, texas, he has been a long time resident of austin, arriving here as fast as he could. And whereas mr. Phillips is legendary in the shoe shining business, having his portrait displayed on the east austin village apartments on rosewood avenue next to the carver museum and whereas mr. Phillips is an essential part of the history and diversity of austin. Now, therefore, i, lee leffingwell, mayor of the city of austin, do hereby proclaim june 29, 2014 as frank phillips day in austin, texas. Congratulations, frank.

[12:33:29]

[Applause]

>> I'd just like to say it's a privilege and an honor to receive this award, and I thank god and I thank michael martinez for making this possible for me. Thank you.

>> Thank you. Come on, let's take a picture. [Applause]

[13:06:32]

>> Mayor Leffingwell: We're going to begin with our 7:00 p.M. Time certain item, item number 99. So we

-- as earlier agreed, we're going to have 30 minutes worth of testimony for each side. I don't believe there's anyone signed up on the opposite side, so we'll just have 30 minutes of testimony, and I have a list here which I'll start calling speakers. Alejandro casares.

>> Mayor, as he's coming up, it might be appropriate to mention that just as there's nobody signed up to speak against, I think you might find that the sentiment on the dais mirrors sentiment in the audience, so we may not need a lot of persuasion here. [Cheers and applause]

>> okay. And I would mention that another way of putting the same thing across is that if you'll be very brief, that would certainly serve favor with the council members. Alejandro casares.

>> I'm up here. I'm glad to here that you don't need that much persuasion so I can make this quick. I'm the executive director of the austin immigrant rights coalition and I've brought a petition signed by 500 people from travis county, from the city of austin. I also have a group of people with me, if they can raise their hands or make some noise who are in support of this.

>> Mayor Leffingwell: Let me just

-- we don't allow noise. You can clap, but no yelling, please.

>> Okay. Sorry for the noise then.

>> Mayor Leffingwell: It's a courtesy we'd like for you to extend to us.

>> I want to thank the city council for taking up this resolution because I believe that it's time for the city of austin to stand up for its progressive values. It's time for the city of austin to stand up for its family values and secure communities, has damaged to your community enough, it's deported enough people from our community and it's devastated and created a crisis in our immigrant community. So I'm very thankful that you guys have taken this up. I'm very thankful that we are mirroring the encourage that the immigrant community has already shown in the last six months where we've gone to churches, we've gone to trailer parks, we've gone to people's homes and told them that this is something that needs to change, that we need to change this policy, and I want to thank you you all very much for doing this. I also want to say the folks that are coming up after me are going to take up a minute and a half or so because they will be having interpretation right after them. Thank you very much.

[13:09:17]

>> Mayor Leffingwell: Angela reyes. Angela reyes. Reset for three minutes, please.

>> (Speaking in spanish

>> hello. My name is angela reyes and we want a resolution. There is no compassion for our families here when our people are deattained, there's no lawyer, no judge for them, there is nothing. And so we want something with more compassion and more just. Thank you. [Applause]

>> Mayor Leffingwell: Enrique reyes. (Speaking in spanish.

[13:11:28]

>> Hello. My nam rick enrique reyes. For me as a member of the latino latino

-- it's ending the future for our children or at least reducing the quality of life for the future of our children. It is reducing the quality of life and ending the possibility for more businesses here in the city of austin and also it will reduce the quality of life, not just for the latino community but for the whole community and the city of austin.

>> Mayor Leffingwell: Margarita campos.

>> (Speaking in spanish.

[13:14:06]

>> Good evening. My name is margarita campos and two days ago I was deattained by the police for speeding. It was terrifying so suddenly find myself surrounded by four police cars and being treated as a criminal. All I could think about in that moment were my two daughters. Their father is already in depourtation proceedings because a year and a half ago he ran a red light. My daughters are in a summer program here at ut. They're students at cup. And secure communities make us feel insecure. We don't know where to turn to we're not safe calling the police, we're afraid to call the police. I couldn't sleep for many days thinking about myself as a criminal because of this. I know I was speeding. I

went 10 over and I know that was an error but secure communities with us separates families. If one parent is already in deportation proceedings, then I was detained. I didn't know what was going to happen and didn't know who to turn to for help. I felt like a little dog being attacked by a big talking. I was completely frozen, and so I think that secure communities just instills more fear in our community. [Applause]

>> Mayor Leffingwell: Nora del rosa.

>> My. My name is dora de la rosa. I sit on the board for the austin coalition. But I have the unfortunate experience in that I grew up as a daughter of immigrants, and so my mother came to the united states illegally, and she met my father and they came to give us a better life. And we lived

-- till I was ten years old. I worked in the field as a migrant worker. I remember every moment of those days, and I get emotional. I see the same fear that I had as a child in our communities. I remember my mom would be driving, she would be doing nothing else but taking us to school or to the grocery store, or to our dance class, and I remember that there would be a police officer, and she would look, always in her rear-view mirror, and that was years ago when I was a child. And it saddens me. And there was not a program like this at the time and now there is. I can only imagine, and I see the fear in our families and in our

-- and in their children, and it saddens me and I don't think that it's fair that I get to go home, or I leave my daughter at school every day and she doesn't have to live with the fear that I had to live with, and she doesn't have to live with the fear that a lot of our members' children have to live with, because whether or not we say it, we know that children absorb that, and I see that in our members and in our community. So I thank the city council for taking this issue up, and listening to our community and understanding that, as an adult, as I stand here, and I am documented, I was born in the united states, I was born in idaho, and still to this day, when I see a police officer, even though I've done nothing wrong, I feel that fear. And that is from those effects. And I know they're here to help us, but I know still it's that effect of being the daughter of an immigrant and understanding that there is that -- that that fear exists. Thank you.

[13:17:37]

[Applause]

>> Mayor Leffingwell: Diana carrera. Diana carrera.

>> Hi. My name is diana carrera and I'm a community organizer, as well as work with an immigration attorney. I'm from mexico. I moved to the united states eleven years ago, and I moved to austin after college four years ago. I chose austin because, as you see, it's a welcoming community, it's a welcome city, they welcome everyone. But as community organizer, I see how many families are tore apart because of secure communities. Secure communities not only goes against family values, as I said before I work with an immigration attorney and it's families every week that I work with that even

-- I mean those family, even the father gets detained by immigration or the mother, so it's very sad to see those kids growing up without their family and they don't know what the future will be for them. So I oppose secure communities. [Applause]

>> Mayor Leffingwell: Rojelo nataran.

>> Believe it or not, it happens more often than you might think. Thank you. Thank you very much. My

name is Rangela, and I teach the civil rights clinic at the University of Texas School of Law. I'm here on behalf of myself and to let you know that there were over a hundred lawyers who signed a letter to the Travis County Sheriff's Office in opposition to its continued participation in the Secure Communities program. I think that the resolution that you all are considering tonight is a very important one, but I want you to know that you're by no means the first in the country to consider doing something like this. There are over 112 jurisdictions around the country, including major counties, cities, and localities, that have adopted some kind of resolution, ordinance, or something else saying that they will not be participating in the Secure Communities program anymore. That includes Oregon, Portland, Oakland, California, and Cook County, Illinois, which of course includes Chicago. So you're a trail blazer, but at the same time, you're in very good company. I want you to know that. And the reason that these jurisdictions have all adopted this view is because there are some really serious constitutional problems with the way Secure Communities is run. There seem to be some major Fourth Amendment problems, and the courts in recent months have stated pretty clearly that counties and localities operating under SCOM could be liable for damages cases because of wrongful imprisonment, unreasonable seizures under the Fourth Amendment. And the reason is because, when you hold someone based on an ICE detainer, as you know, it's not a warrant based on probable cause. It's not even something that says here's why we couldn't get a warrant. There are sometimes exceptions to warrants, but this doesn't qualify because there's no finding made by ICE or by anyone else that there wasn't enough time to get a warrant, and that the person is reasonably believed to be violating immigration laws. So the findings are inadequate and it puts the county and anyone contracting with the county at great risk of Fourth Amendment liability. There are also due process problems because somebody who shouldn't be subject to the warrant, to the detainer but it is, there's no procedure to do to do that. In light of the legal liability, a lot of jurisdictions have adopted measures to say that continued participation in the Secure Communities program is not a good idea. And of course in addition to the legal problems, there are a whole host of community related costs and public safety related costs that I know you all know and understand very closely. Thank you very much, and I do hope that if you haven't already, you will review the letter that over a hundred attorneys have written, kind of outlining all the legal problems. Thank you.

[13:22:30]

[Applause]

>> Mayor Leffingwell: Allen Gonzalez. Allen Gonzalez?

>> My name is Ellen Gonzalez. I am 13 years old and I'm a U.S. Citizen. I'm a member of the Lady of Guadalupe Catholic Church. At church I am an altar server with my younger brother and lead the rosary with my mom. I go with my mom to help translate the gospel for the sick. During this past school year I was in 7th grade at Harmony School of Excellence at Austin. My mom, dad, and uncle and community have helped me achieve many things. This past year alone, I was given first place in an olympic which took place in Austin, and in the Marble Honor Society award. I enjoy Austin very much and thanks to your leadership during the summer, I am able to go with my younger brothers to the Southeast Branch Library and swim at the Big Stacey Pool. I also go with my family when possible to events to clean up Lady Bird Lake. Leaders of my church tell me that I represent the future of Austin.

Right now I'm concerned about my parish and community and about this city. I'm here to ask you to support resolution 99 and stop the city for paying for the deportation of immigrants. I'm asking this of you because my father was detained in 2011 when I was nine years old and he was locked up for three weeks. I remember when my mom had to tell me what had happened. She had said, your dad has been stopped by immigration. I could see the fear in her eyes and I felt scared and worried that I might not be able to see my dad again. People shouldn't be punished for driving me to school or to church on sundays. My family, my parish community, and other families deserve to live without the fear of deportation because of traffic mistakes. For the sake of my family and american-born children like me, please vote for resolution 99. And as martin luther king, jr.

[13:24:52]

Said: I have a dream that my four children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. Thank you. [Cheers and applause]

>> Mayor Leffingwell: Marena ellis. Marena. Are you marena?

>> I'm sarah ramirez.

>> Hello. I'm speaking on behalf of louis, the dean of social work at the university of texas of austin. He sent me with a script to read. We are here today to raise our voices for social justice. Although I could not be there in person, I am with you in spirit and in solidarity. Deportation as a policy is neither just or practical. When law abiding children are raising u.S. Children and their siblings are deported the result is injustice. It hurts parents and children. No one benefits from the aggressive deportation apologizes that the government is undertaking with such enthusiasm. When law abiding people are raising u.S. Citizens and their children are deported, the results hurt our country. It lessens our moral standing in the world add weakens the future of our economy. Who will be our future teachers if not many of the citizen children and their brothers and sisters? Who will be the engineers that will ensure our safety and environment if not citizen children? A system of immigration enforcement like secure communities do harm to our country in the long run. For over 100 years the principle of the best interest of the child has led the way to improvement in the lives of many children, from child labor laws to proper child welfare standards, to thoughtful family and juvenile court procedures. Mean spirited immigration enforcement goes against the very heart of the principle of the best interest of the child. We all know that change occurs in small increments. Today the city of austin can add to the change that we need in our country by calling for an end to secure communities in the place we call home. Thank you very much.

[13:27:04]

[Applause]

>> Mayor Leffingwell: Sarah, you're up next.

>> My name is sarah ramirez and I have the honor to serve as executive director for catholic charters charities of central tex. I'm here today as a partner for leadership of 10 different faith dominations who have come together to file a joint central texas interfaith statement regarding compassionate immigration reform. As people of faith, we call attention to the moral dimensions of public policy and recommend reform that upholds the god given dignity and rights of every person, each of whom are

made in the image of god. We believe fundamental human rights such as the right to migrate and the right to support families are critical. We are dedicated to immigration reform because we value family unity, equity, justice, compassion, love, and humane treatment of all persons. It is our collective prayer that our city council will enact just immigration reform based off these tenets. Thank you. [Applause]

>> Mayor Leffingwell: Okay. That's all the speakers that we have. Pardon me? That was the tenth speaker.

>> That's it?

>> Mayor Leffingwell: That's it.

>> But that second speaker was not with us. You called her name and interrupted the lineup. So this is our third speaker, sir.

>> Mayor Leffingwell: Third speaker. You mean from the beginning?

>> This is our third speaker for austin interfaith.

>> Mayor Leffingwell: Okay. I was just told that you had dropped off, but you are the 11th speaker, and our agreement was for 30 minutes or 10 speakers.

>> Can I have one minute?

>> Mayor Leffingwell: One minute. Go ahead. We'll waive the rules for one minute.

>> Okay. Thank you. Congregational church of austin. I just want to highlight one of the principles in the faith statement that the religious leaders from austin signed. And we are opposed to the use of local police acting as immigration officials in carrying out federal immigration policies. So we are opposed in principle to the secure communities program, and we believe that it does not make austin secure for all the reasons we've heard from other speakers. Thank you.

[13:29:34]

[Cheers and applause]

>> mayor.

>> Mayor Leffingwell: Council member martinez.

>> Morrison: Thank you. I want to thank all the speakers. That was extremely compelling testimony. I appreciate you coming down and I especially appreciate also the coalition of advocates that have been working over the past six months and certainly helped to educate me, and I know they helped to educate a whole lot of other people about this issue which is, as has been discussed, a social justice issue, a civil rights issue, it's an issue of impacting family and community health, it's a public safety issue, and it's a fiscally

-- it's a fiscal issue too, because it's taxpayer cost. So I thank you. I want to thank my co-sponsors councilmember martinez and mayor pro tem cole because I think it's extremely important that the city of austin speak up for our community because it's the right thing to do, and I hope that this will be one piece of advancing the conversation forward to get us where we need to go. So with that, I'd like to move approval of item 99.

>> Mayor Leffingwell: Motion to approve by council member martinez, seconded. Council member martinez.

>> I just want to make a few comments, likewise, it's actually

-- councilmember moyerson has worked on there the last six months with myself and many other

community members. Those of you know this has been going on for several years. This shortly surfaced after I was elected to council in 2006, and 2007 is when we started talking about this issue. This is about people. This is about our community, and as a grandson of an immigrant, you know, I'm a living example of what happens when people make that trek and take that risk to try to provide a better life for their family. We are a nation of immigrants. Yes, there were natives here, we don't deny that. Sometimes we lose sight of that. This item and the next item we're about to adopt are direct examples of how your local government affects people, and how your local government can take a position to affect federal issues and state issues, and so I'm proud of the work that we've done. This is not the end, and I know that you all will stick with us through the end. We have more work to do. But this is a tremendous step in the right direction, and so I want to thank you all for all of your efforts in helping us get to this point. Thank you.

[13:32:19]

[Applause]

>> Mayor Leffingwell: All in favor say aye. Opposed, say no. Passes 7-0. [Cheers and applause]

>> Mayor Leffingwell: We have items 13, 28 ... [Cheers and applause]

>> Mayor Leffingwell: That takes us to

-- we'll hear items 13, 28, 66 and 67 together. And, again, I don't have a special list of speakers so I'll just go down the list. 30 minutes for those signed up for and 30 minutes for those signed up against.

>> Mayor?

>> Mayor Leffingwell: Council member Martinez.

>> Martinez: I have a couple of questions for staff before we hear speakers, just because it may answer some questions that I think some speakers have relayed to us on this issue. Elaine, this may not be the most appropriate for you but I'll ask it and we'll see if Moppe can answer or if you can answer. We have received some questions, and we've relayed those to you all, and you all have responded but I wanted to get it on the record before we start taking public testimony because I do think some folks that are here this evening still have some concerns about specifically item number 13, which is the approval of a contract with an engineering firm that will assist us in moving forward with the floodplain buyout. The fiscal impact on the agenda item says that it's \$12 million, but as we've discussed, and as we've shared with some folks, it's up to 12 million, and we actually believe that it was an overestimate, if you will, in preparing. And we think it would be substantially less in terms of the contract with HDR. Can you add any more information to that.

[13:35:10]

>> Sure. I'm Moppe from watershed protection. Yes, the contract with HDR is up to a maximum of \$12 million, and it's up to more than the 140 properties that you are considering in the other item. That contract includes the real estate services, the asbestos testing, the property management, the operations fees, a lot of other services are included. So of the \$12 million, there is a portion that is the only one that it will be included. That's correct, we just wanted

--

>> Mayor Leffingwell: Could you hold it a second? Could I ask you to please hold your conversations down until we get out of the chamber? We can't hear the people speaking up here on an item that's important to them. So go ahead.

>> It's also in order to have a mechanism in the future just ready to go. If, for example, we have another need to have something worked out mean, we will have already the consultant in place, but it's only up to the maximum.

>> And currently we only have how many staff members that are fully trained and know how to conduct the entire process of a buyout with the regulatory environment of fema and the corps of engineers?

>> I'm going to say, lorraine can correct me if I'm wrong, but I think she has three staff members that are knowledgeable, and those are the only ones. And two of them are already helping hdr and working full-time in the office that we have in pleasant valley.

>> Martinez: So if we were just to stick with our current personnel at the current rate, it would take how long to move forward with the buyouts that are contemplated in these items?

>> I would say that in in the process we are doing with outside consultant, I'm going to have lorraine maybe add on that one.

>> Council members, with the current staff that I have that are trained and know the regulations that we need, we would be looking at a five- to seven-year program.

[13:37:14]

>> Martinez: And under the current contract with hdr, it specifically requires them to be able to conduct at least 200 buyouts per 12 months of this agreement.

>> Yes, sir.

>> Martinez: So

-- and that's a minimum. They could certainly do more at their firm. So even at the bare minimum, we're looking at a maximum of a year and a half to do all of these purchases.

>> Yes, sir.

>> Martinez: Okay. Thank you. Thank you, mayor.

>> Mayor Leffingwell: Okay. Well, we have several folks signed up to speak, and I do not have a preferred lis, both for and against, so I'll just go straight down in order and begin with those for. And it looks like with time donations, that's going to be only four speakers. So if you have any changes, please let me know as soon as possible. Stewart hirsch donating time, tom herrera. Is tom here? Tommies here so you have up to six minutes.

>> Thank you, mayor, members of the council. My name is stewart harry hirsch, and I'm here to support the proposed buyout of homes which have been blooded or are at risk of being flooded if you do not act. The people who live in southeast austin are my brothers and sisters, just as the people who live in shoal creek and other neighborhoods were impacting by flooding that took place on memorial day in 1981. It was my job in 1981 as the building and standards coordinator to tell people who came to our offices at 301 west second street, this very location, or asked us to drive to their home, one of three things. First, that the city intended to acquire their home to reduce flooding risks by expanding northwest park drainage improvements; or two, that their home was so damaged structurally that they'd have to demolish the home or the city would seek an order to demolish their home for them; or

three, they could repair their home, based on an inspection list supplied by a city inspector without elevating their house. We had a contentious internal discussion and litigation before we told people that they did not have to elevate. Any of us who have had water pour into our home or seen what that can do to others feel compassion for our fellow citizens just like we ever one of you do on the dais. Passing this resolution is the first step to show that we really care. More steps to come. Thank you very much.

[13:40:06]

[Applause]

>> Mayor Leffingwell: I'm only going to charge you three minutes because that's all you used. Erin foster. Erin foster. Donating time is a rare commodity. You have six minutes.

>> Good evening. My name is Erin Foster. I'm with the group TARR, which stands for Travis Austin Recovery Group. We're non-profit. We've been working with the flood survivors from the 2013 Halloween floods since last November. I had a speech all prepared, but I just have to tell you something that happened yesterday. I was

-- I am not one of the flood survivors. I'm a neighbor. And I think Austin is the kind of place, no matter how big we get, we still care about our neighbors. Neighbors help neighbors. That's why I got involved in this. I live less than two miles from this area. I have to drive through it quite often. And I saw the devastation, and I wanted to help my neighbors. Yesterday I took this map around the neighborhoods, and a grown man cried and said, wow, really? Because he had hope that he was going to be able to move his family out of the flood area, the 25-year immediate risk area. And he couldn't believe that the city of Austin was going to be able to help him do that. He was in tears. And that is the impact this is going to have on the people that have already been traumatized so much the past eight months. So I know you're going to do the right thing and approve this, and I thank you on behalf of all of our neighbors.

[13:42:10]

[Applause]

>> Mayor Leffingwell: Thank you. Annie Harton. Is Annie Harton here? Let's go to the next speaker. We'll come back to Annie. Cynthia Valdez

-- Valdez. Is Cynthia here? Are you Cynthia?

>> Yes.

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

>> With my hair in a ponytail. I'm donating my time.

>> Mayor Leffingwell: To who?

>> Maria Rios.

>> Mayor Leffingwell: Okay. Is she signed up?

>> Yes. Juanita ...

>> Isabel Rios.

>> Mayor Leffingwell: After her is Annie Harton. Okay.

>> Okay. My name is Isabel Rios. I stood here before you many times in regards to the flood. As you

know, I am just a concerned neighbor and citizen of.

>> Mayor Leffingwell: Excuse me just a second. I don't have your name on the

-- did you sign up?

>> Yes, but I'm a neutral, and the reason I signed up for neutral did see.

>> Mayor Leffingwell: Isabel rios. I have you signed up neutral and normally in a situation like this, we group those as against.

>> Okay.

>> Mayor Leffingwell: So if you would like to be now labeled for

--

>> I am for. I am for.

>> Mayor Leffingwell: Okay.

>> But I oppose one piece. And that will be the item number 13 that I have discussed with many of you sitting here. The reason that I am against number 13 is because I don't believe it's fair to hire a contractor for \$12 million. If we're claiming that there is not enough money for this buyout, \$12 million can go straight to our neighbors. The watershed department and real estate department should be able to conduct these buyouts. Now, you all are claiming that there is not enough people, not enough staff. I can understand that. But I also know that there's a pile of money sitting somewhere in the city because you haven't hired enough staff for different departments. So there's your money. You can get some of that money, hire people to conduct the buyouts.

[13:44:52]

[Applause] as we know, there has been other floods in the city. That's a constant problem. Memorial day flood happened on another side of the city. In 1928, the city map

-- made a map. And there was a clause there creating an addition. I-35 was the frontier. If you were a latino, you could not leave on i-35, you could leave only east. So that has forced our community to be allocated to one specific side of this city. That's a segregation law that this city had stated, back in the day. But if we look at it right now, there's a reason why we live in the area that we live. And if one looks at this flood, you could tell that there is a distinct group of citizens that live in that area, 60 to 70% of african-american and latino population. Majority of us, working class or below that, living in poverty. Up till now, since october, there's still people living in tents, home made tents, and trailers. Last time we were here, we were promised a meeting. We were promised more communication. The mayor asked the city manager more monies and more time to be dedicated to the residents to give us more information. Nothing of that has happened. We were promised a meeting. It never happened. What's going on? So, you know, one can tell that there's

-- I don't know, I'm just having so many questions right now. Why are we being treated like this? I want to ask questions. I want to ask, what's happening to the memorial day flood funding? Where did it come from? And I would like to request the city to find money, even under the stones, to conduct this buyout.

[13:47:05]

>> Mayor Leffingwell: Thank you. Next is

-- [applause]

>> Mayor Leffingwell:

-- Annie harton. And is peggy martin here?

>> I'm annie harton.

>> Where's peggy martin?

>> With the sign.

>> Mayor Leffingwell: All right. You have up to six minutes.

>> I'm annie harton and I'm with onion creek plantation neighborhood watch program, gava, austin interfaith. I'm a member of aabiding love lutheran church, and targ. Targ is the travis austin recovery group for the long-term recovery of onion creek halloween flood. I'm a resident of the affected area. I live on dixie drive. So I'm very concerned about the effects of this flood. Therefore, I'm in support of continuing with this initiative of buying out these dish 142 houses that are now in the 25-year floodplain. On behalf of austin interfaith and targ, we request that these upcoming buyouts be handled in the same manner as the current or previous ones have been, using the federal regulations. Thank you very much. [Applause]

>> Mayor Leffingwell: Delia garza. And marissa williams. Is marissa here? Okay. You have three minutes.

[13:49:05]

>> Hi. Good evening. My name is delia garza. I'm a former austin firefighter. I'm an attorney now. I'm also on the dove springs advisory board. I volunteered hours after the floods. I volunteer in the community as well. I'm asking you to please vote in favor of these buyouts. I'll be frank. I don't think we'd be here discussing helping this community if it was, say in a higher voter turnout area. This area has been neglected for far too long. Now we have the opportunity to remedy that neglect. I believe this is a safety issue. It's an immediate issue. Last time I came and spoke about this issue, I used this analogy. I'll use it again. As an austin firefighter, when a house is on fire, we went in and we put out the fire when it needed to be done immediately. If somebody was having chest pain or a cpa call, we did in and we did chest compressions. This is an opportunity, we need to go in immediately, do anything immediately to help these families. I also encourage you to remember the presentation last time we talked about this item, the presentation of the pictures of how horrible, the horrible conditions that these families are still living in. In regards to item 13, I appreciate the clarification from council member martinez. I just ask that you please be diligent with the funds that we use. When families see a 12-million-dollar price tag on something, and they're just living in horrible conditions, that isabel just spoke to, that's really hard for them to swallow. So please be diligent with the taxpayer mean you're using and please go in there and help these families. Thank you.

>> Mayor Leffingwell: Richard parani. Richard parani. Okay. Lisa

-- are you richard parani?

>> Thank you, mr. Mayor, mayor pro tem, and different

-- I mean council members. I ask that you please move forward and vote to support the buyout of these homes. There was a study in '97 that was commissioned and paid for by the city that recommended the purchase of 840 homes in this area. Up to this date, only 323 have been purchased. 116 more offered, with 99 of those accepted. We don't need to wait for another flood to start the process all over again.

These people, just like everybody else in the city of austin, they're asked to vote for bond issues and supports, other issues that comes in front of them, so I ask you today to vote to, and not only that, just move forward and buy the whole total of 401 homes that are left. Thank you.

[13:51:46]

[Applause]

>> Mayor Leffingwell: Lisa

--

>> just very quickly, thank you, city council for taking this action. I urge you all to support this money. I think that I'm with the travis austin recovery group. We're concerned about long-term recovery and this will shorten the time frame in which we can resolve the issues of this disaster. We immediate to know as soon as we start buying people out, they need to find a place to live so affordable housing has to be paramount. We want to keep the people in austin, they want to stay with their families and in the school districts. Thank you for your support to support item 13, 67, and all the rest of them. Thank you.

>> Mayor Leffingwell: Paul saldana. Paul saldana. Okay. Rosa villegas. Okay. Those are all the folks -- where is she?

>> My name is rosa villegas. I came to speak on behalf of myself. I am a resident in the onion creek flood affected area. I am currently still displaced from my house. It has taken a while to even start the rebuilding process. I just want to say thank you to city council members for proposing these updates to help out my neighbors in the area where this flood has happened and it's taken a really long time to recuperate from it. I've seen a lot of really good work out there. The city has gone out there and cleaned up a lot of the streets that had been

-- I guess the word, branches had fallen in these past couple of storms, and so that is really, really reassuring. Keep up the good work on that. And, again, thank you so much for proposing these updates to that area. We're really hoping to see more. It has taken a while to get up to this point, and again I thank you very much and I do hope that you approve these items. Thank you.

[13:54:02]

[Applause]

>> Mayor Leffingwell: Okay. Those signed up against.

>> I'm sorry, I did sign up to speak but you didn't call my name or maybe I missed it. Can I speak for the for?

>> Mayor Leffingwell: What is your name?

>> Katherine ames.

>> Mayor Leffingwell: Katherine ames. Okay. Go ahead.

>> Thank you. I would like to make two main points, and mainly I really want to make sure that we get a fair price in the buyout. My first point is, where there is a will, there's a way. Do we, as a community, have the will to pocket the safety of our members? Precedence that support a yes to this do exist, for example, laws about seat belts, speed limit, drinking while driving, pasturization of milk, et cetera. So if we assume that as a community on whatever level, city, state, or federal, we assume that the

government is there to protect our welfare as one of its purposes, then why should we be expected or even forced to make our homes in a known for ten years and proven hazardous place? So the common and historic will is there to get us out of harm's way. So saying that there is no way to accomplish what we are asking is not acceptable. And number two, I would like to say that a stitch in time saves nine. I've been told by multiple agencies that we knew it would flood there. By taking action before the situation becomes exponentially worse, the city above would have saved a whole lot of money and headache but there is still time to avoid even greater level of consequences for the city, the community and its members. It is obviously in the city's best interest to avoid class action lawsuits or other legal entanglements that that could very likely result from us being forced to stay somewhere. That has already proven deadly for some. Other expenses and problems that could be avoided by taking a proactive and responsible approach are all the cleanup costs, all the extra law enforcement and rescue workers needed, bad press, the resulting crime from so many people being forced to remain in a dissipate situation for so long because it was the holidays, there was a football game, there was lack of funds, et cetera. I don't like to live my life playing catch-up running to put out fires and that manner of doing business is not conducive to austin being a great city and maintaining a reputation for a high quality of living. The population here will be two million before we know it. We need our government to be on top of situations and proactively look for solutions using intelligence and creativity and a commitment to the why else of our community ideals of our community on a local level and up. Austin, your citizens do not wish to make their homes in a known hazard zone. Take action now before the problems become much greater. Thank you.

[13:56:59]

[Applause]

>> Mayor Leffingwell: I don't have any speakers signed up against. I have several signed up neutral. I'm going to call your name and

--

>> I made the staple mistake earlier. I signed up neutral and I should have been for.

>> Mayor Leffingwell: Okay. We have three minutes left for people who are for. What is your name?

>> My name is cynthia valadez mata.

>> Mayor Leffingwell: Okay. You have three minutes.

>> Thank you, sir. Good evening, mayor, council members. My name is cynthia valadez mata, jr. I am the immediate past district 7 director for will you lulachere in austin. Like you proved this evening by taking a stance, you can do a better job. First, there's no reason why these items should be grouped together. Second, the buyouts must occur within the shortest time possible. Third, there doesn't need to be a middleman to be hired as a contractor for \$12 million, whether it be a full \$12 million or anything less, that does not matter. I work at quicksilver and pleasant valley every day during this crisis. I have continued to volunteer in this neighborhood that used to be mine while I was attending college and had developed relationships with many of the residents that were negatively affected by the flood. I ask that you find the monies to buy out all of the homes impacted by these halloween floods. The residents affected can't afford to wait five to seven years. I know you wouldn't, and you wouldn't ask the same of your loved ones. Thank you. [Applause]

>> Mayor Leffingwell: Okay. Is angelica noyona here? Are you for or against, ma'am?

>> I signed up neutral because I am for a couple of items but number 13 I am not for.

>> Mayor Leffingwell: You're against some. Do you want to speak for three minutes? We'll show you signed up against. I know it's confusing. It's really kind of a bad Sunday.

>> There were just so many items lumped together. As I said, my name is angelica. I've been before you before. We fight for housing for individuals in Austin. I too volunteered in the flood zone under the tent from the first day we were able to get down there and offer help for individuals. I don't live in the area, I, but I thought as a citizen of Austin it was my duty to go down there and help my fellow citizens get the help they needed. And I am very, very disappointed that the city is not working faster to get something done. I remember the Memorial Day floods. I was a child. I remember watching the flood waters come up to my own home, hoping and praying that we were not going to get washed away. And at that same time, I saw all the people who were flooded on the other side of town in the Shoal Creek area, I saw how fast things were done for them. It makes no sense to me that we would go and hire a staff for \$12 million, and I keep hearing, well, it's a high estimate. Let's take half that. Six million dollars. How many homes in the buyout area could be bought for six million dollars? Why would we pay that to someone to come in and tell us how the city needs to do their job when we're already paying people to do that? I just saw a news report that said we had so much money in the budget allocated for positions that were not taken yet. Why not allocate that to higher individuals who are qualified to do this job at lower rate so we can get people out of harm's way. Just recently the Austin Business Journal published an article that stated the water creek tunnel was at \$149 million budget. How can we as a city -- how can we as council, as citizens, think that is okay to provide a tunnel with \$149 million, that that is our priority? That the people sitting out here in the audience, they are not priority? We need to make sure that we get priorities first. You made a good step with the SCOM. And sad to say, the majority of the people who live in that area, they are the same people we just got through fighting for just minutes ago. I implore you, do what's right for these individuals and I'll say the way it like many have before. If this had been on the other side of town, the wheels would have been moving a little faster and things would have been done.

[14:01:19]

[Applause] [one moment please for change in captioners] pay these people? I think 12 million is just a very high price. Are you talking about hiring 100,000 people because \$12 million, that's a lot of money to be paying anyone to be doing buy-outs when you have three people already on staff, when you can pay people overtime or bring in more people, you won't need

-- you really don't need \$12 million. Is there a consultant team already in place that's going to get this \$12 million? Is that somebody we know of that you already have earmarked to give 12 million or less? Even if it's 10 million, that's a lot of money. And we've been hearing lately about how the city is giving, you know, the city away to a lot of different people. And so I'm really concerned that we're about to appropriate up to \$12 million for someone to do the forms and the allocation. I know it takes people power, staff to do this, but does it really take 12 million? And where is the 1 million? I'm not sure where the 12 million is coming from. I hope it's not coming out of the home that's supposed to be appropriated for the buyout. I really and truly hope not. So if you can answer really and truly where that 12 million is

coming from. I would really, really appreciate it. Thank you.

[14:03:26]

[Applause]

>> mayor leffingwell: All right. Maria isabel rios. Okay. She's not checked off for some reason. Signed up twice. Okay. That's interesting. Anna perez? Anna perez? Are you -- are against this?

>> [Inaudible]

>> mayor leffingwell: All right. #Eu, my name is anna perez and I'm a halloween flood survivor. I am a mother of three children who are terrified every time it rains. My house is in the 100-year floodplain, which is austin's old [inaudible] to flood. It makes me furious that my neighbors and I have been pushed back, not only by insurance companies but by conflicting policies between city, county and fema. My house is unsafe, not just by the floodwaters but by the invasion of rats and snakes that have made it into our yards and homes. The lack of patrols in our neighborhood have made it worse. Just last saturday my son and coworkers were robbed at gunpoint. I am very lucky he is alive. Two days later he was attacked. Someone was trying to take his phone and had a knife to him -- to his neck. I am the same person that was here a couple weeks later talking about my son having had surgery. We are living in an area that is not safe. It's unhealthy, and a lot of my neighbors and I don't have a way out of there because we are not in the buyout, and we would like to be offered a fair buyout. My son is 10 years old, and every time it rains he has a routine, backpack shoes, favorite toy, change of clothing, and he puts it by the door and opens the door to check how high the waters have gotten and make sure that you're car wasn't washed away. I don't think anyone should be living in fear, not any children, not any adults. If health and safety are not on your top priority list, this is humans we're talking about. It shouldn't be a political issue and it shouldn't have to do, where do we get funds from? It should be how do we get these people out? Mayor and council members, health and safety should be first. Make it right and make it safe for our neighbors. On behalf of myself, my family and other flood survivors, please vote yes on the other resolutions but no on item 13.

[14:06:48]

[Applause] [cheers and applause] [inaud [inaud ible] reyes. [Inaudible] reyes. Is rosario reyes here? So you have up to six minutes.

>> Good afternoon, mayor, council. I'm here presenting, you know, the buyouts, everyone, and I want everybody

-- not leaving nobody there, even when the people want to stay there, but say the life is first, then the building that they live in, beautiful place and all that stuff, but life is first, for the young people, for the people can walk, people can hear. So I hope everybody votes on it, yes on those items, except for the item 13. You got enough people on the city to buy

-- to get a [inaudible] for everyone. All the stuff that's coming out, the special houses, the city to determine how much they're going to pay for it. That's going to be against the people or what's going to be

-- who is going to get less pay on that, and that's no fair. I mean, we can hire our own people to get the prices on their house and say to the city, here's the price of my house. You can buy somebody else -- build somebody else and say that's the right price for us. We don't ask for too much money on it. Even we got a lot of confusion on the 250,000, because \$250,000 is not for us. It's not the money you're going to give for us. It's gooding to be for the -- going to be for the demolition of the house, the people you hire to build that stuff. We're only going to get like 100,000, 130,000. That's not why you say everybody -- right you say everybody is going to get 250,000. That's not right. I mean, part of the money is going to the process on it, to buy out all of the people. And the \$12 million like everybody say, that's a lot of money for those people. I mean, you can use that money to buy some more houses on it also that are -- 25-year floodplain and the 100-year floodplain. If you talk to people who want -- protection, who has been over there, who the people from the city are walking in that area. We get a flood every 12, 13 years. It happened to me twice and now they say I'm I'm not going to fix everything. The first floor in 2001, I put a new door, everything nice and I said, we're going to fix our house very nice now. And they come again and everything [inaudible], furniture, cars, swept away. You've been hearing all that stuff. And then now we can't have a nice house because like everyone here, put a plant here, put the doors like everybody wants. We want to be like that, but we can't do that because we don't know what's going to happen the next time. We are not god to say, there's not going to be rain in a hundred years, not going to be rain in ten years. We are not god. And you say that water comes from the sky. That's somebody I don't believe it yet. I mean, the water comes two hours it stop raining, and it come quickly and go fast. And when it rains, it's coming slow, slow, and then little by little, it keeps raining, keeps -- all these two floods. I was thinking about the floods, two hours after the flood all the water come together and now again, two hours after, everything stop, all the water comes out. And we don't got any police to tell us, hey, the water is coming, something is coming. The fierce time we got the fire department to knock on the doors and everything. Today, all the fire department, police, they're waiting on the high points, waiting for everybody to come up. Why? Because they know that something is going to come down and they're just waiting for it. They don't want to risk their lives. They don't want to risk their cars, patrols and all that stuff. So I hope that you vote yes for everyone, like last time, vote yes, vote yes for all this stuff, and no for item 13. You got enough people on the city to get this -- we can do it ourselves. Find somebody who will doabt donate the time and do this job. Do it for the people and get a free job, you don't have to pay, you can get

[14:11:36]

[inaudible] by everybody from that area. Think about that. I mean, don't throw away that million dollars and be another five or six houses over there and later on you're going to get sued because it's going to rain again. The water is going higher. Somebody is going to die. The city will be sued. So think about all that stuff. It probably [inaudible] here but the city is going to get it. They're going to call you back and say, why you don't say yes on this? Why do you not deny item no. 13? So please, I hope you understand my point and say yes on 28, 66, 67 and not on 13, and probably all our neighborhood can find somebody who can donate their time for those \$13 million. I hope the city finds somebody else to help us like a

meals on wheels, all the people that have been help us for free. They say free but they get to pay for it too. I hope that you find

-- yes, on 66, 67, 28. Thank you. [Applause]

>> mayor leffingwell: That's all the speakers, and I think we should vote on all these separately. First we'll call up item 13. Council member martinez.

>> Martinez: Yeah, I just want to ask staff, map irk, I --mapy, I want to ask you a question I didn't ask you earlier, and I think you have an estimate. So item 13, I understand the concern that the community has, and, you know, I don't know how else to explain it to you all. I have to trust staff when they tell us, you know, this is extremely technical work. This is legal work. You have to comply with fema corps of engineer rules, and even if we hired folks internally to do it at the city, it would take time to train these folks to get the folks to be able to understand the program. But mapia, I wanted to ask, with the current proposal today, do you anticipate the contract going through the full \$12 million?

[14:13:52]

>> With the properties, if you only approve to buy the 25-year floodplain, which is approximate, with 140 plus properties, you won't need the \$12 million at this time.

>> What is your estimate it would be?

>> It would be between four and a half and \$5 million.

>> Martinez: And that's to complete all of the 25-year, and so the reason that you've asked for

-- and I'm going to make an sums here ums

-- sums here so correct me if it's not right. The reason you've asked for 1, let's say the council during the budget process moves forward with the proposal to increase the drainage charge so we can contemplate the 100-year floodplain buyout as well, that we would already have the team in place, already working on the buyout program so they could

-- as soon as they finished the 25-year, immediately begin on the 100-year should the council vote to approve that?

>> Yes, the \$12 million will include houses in the 100-year floodplain.

>> And likewise they would be in place and ready to help if another area of austin were impacted by floods and this body decided, or if fema granted us funds to buy out other homes in floodplains?

>> Yes, it is also for areas outside this too, to be in place.

>> Martinez: Okay. Thank you. So, mayor, you know, I just

-- I don't see how we can support, at least at this point I don't see how we can support 28, 67 and 66 without supporting 13 because we wouldn't be able to move forward, and if we did move forward with current resources, it would take five to seven years. So with the concerns that the community has brought forward, I understand that I don't believe we'll use the entire amount but I just don't see how we can't move forward without having the expertise helping us. So I'll move the approval of 1.

>> Mayor leffingwell: Item 13 moved by item, seconded by council member morrison. In favor say aye. Opposed say no. Passes on a vote of 7-0.

>> Mayor leffingwell: No.28.

[14:15:53]

>> Martinez: Move approval. Second second ed by council member morrison. In favor say aye.
>> Aye.
>> Mayor leffingwell: Opposed say no. Passes on a vote of 7-0. [Applause] item 66. Council member morrison moves approval, second by council member martinez
-- council member martinez moves approval, council member morrison seconds. All in favor say aye.
>> Aye.
>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. 67 is the ordinance. Council member martinez moves approval, council member morrison seconds. All in favor say aye.
>> Aye.
>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. [Applause] so that brings us back to the rest of the agenda, and council, if there's no objection I believe all of the zoning cases are either postponed or consent. Council member morrison?
>> I have one amendment to read in on consent on one, and I have questions about another.
>> Mayor leffingwell: Why don't you tell me what those are and we'll take them off.
>> Morrison: All right. No.123 is the one I have questions on. And the one
-- 130 I have airy click read into the amendment a few
--
>> mayor leffingwell: Why don't we leave that on kept kept
-- consent if you want to read it into the record. So mr. Guernsey? Just take us through the consent agenda and noting that one of these items, 123, is going to be a discussion item which will not be part of consent.
>> Guernsey: We can have discussion on them.

[14:17:54]

>> Mayor leffingwell:123. Just read the consent items.
>> Yes, mayor and council, greg guernsey planning and development. 2:00 zoning restricted covenant items and public hearings have been closed. First item I'd like to offer is item no.121. Sths case c14, c14-2014-for properties located
-- various properties on navasota street to zone to general commercial services, mixed use conditional overlay neighborhood, conservation combining district neighborhood plan. Or cs-mu
-- mccdmp. Change conditional zoning, ready for consent approval on second and third reading. On our 2:00 zoning plan amendments, these are public hearings are open. Ran po possible action, item 122 npa-2014-for the property located at 1001 east 50th street and 4915 harmon avenue. Staff is requesting a postponement of this item to your august 28 meeting, item 13, case c14-2014-0023 for the property located at 1826
-- cons ent
--
>> what?
-- Okay, sorry. Item no.124, case c14-2014-0049. Property located at 7805 cooper lane. This is zoning change request to multifamily residence limited density or mf-1 district zoning. Recommendation was to

grant multi-family conditional overlay, mf-1 co combining district zoning. This is ready for consent approval than all three readings, item 125, c14-2014-0052 for the property at 7405 and 7409 and 7415 cooper lane. This is the property townhouse and condominium residence, conditional overlay. Sf-6-co combining district zoning. The recommendation was to grant the sf-6-co combining district zoning with conditions and this is an applicant postponement to august 7. Item 126 is c14-2014-0053 for park crossing. To zone the property to multi-family residence, mf-2. The commission's recommendation was to grant the mf-2 district zoning with conditions and this is ready for consent approval on first reading only. Item no.127, this case c14-2014-0059 for the property located at 13497 u.S. Highway 183 north to zone the property to commercial liquor sales, conditional overlay, or cs-1-co combining district zoning. Zoning and platting commission recommendation was to grant the cs-1-co combining district zoning, and this is ready for consent approval on all three readings. Item no.128, is case c14-2014-0061, for the property located at 10313 lake creek parkway, to zone the property to community commercial or gr district zoning, zoning and platting commission's recommendation was to grant condition gr-co combining district zoning with conditions, and this is ready for consent approval on all three readings, item no.129 is case c14-2014-0062, for the property located at 3201 esperanza crossing, this is on major strlt plan or mipdda to change the zoning the recommendation was to grant it and to change to conditional zoning and that's ready for consent approval on all three readings, item no.130 is case c14-2014-0064. For the property located at 710 east 41st street this is to zone to mixed use conditional overlay, neighborhood plan or gr-mu-co-np combining district zoning for tracts 1 and 2 and community commercial-mixed use conditional overlay, historic landmark neighborhood plan or gr-mu-co-h-np. Combining district zoning for tract 1 a. And the planning commission's recommendation was to grant the gr-mu-co-np combining district zoning for tracts 1 and 2 and the gr-mu-h-np combining district zoning for tract 1a. I understand there might be one council member that may want to add additional conditions to this. And we could still offer it for consent approval on all three readings with a few additional conditions.

[14:22:40]

>> Mayor leffingwell: I'll recognize council member morrison for that.

>> Morrison: Thank you, mayor. It's my understanding that there were a few adjustments that needed to be made to actually implement the agreement that had been made on the perry estate, and so on page 3 under section b, it should read "only residential uses are permitted within 75 feet and 53 feet, that's new, of the north zoning line for those portions of tract 1. That's an addition, beginning -- and it says, "shown on exhibit e." And then on page 4 the following applies to tract 2. There's an a and it's to add a b, vehicular access from tract 2 to east 41st street is limited to residential uses except for pedestrian, bicycle and emergency ingress and egress, all nonresidential vehicular access to tract 2 shall be from other adjacent public streets or through other adjacent property, and then there's a replacement for

-- for exhibit e I think it is, that shows the 53 feet where it belongs.

>> That's it?

>> Morrison: Yeah.

>> Mayor leffingwell: So with those additions item 130 is ready for consent on all three. We'll go

through that real quickly. Item

--

>> well, mayor, I was going to finish with the rest of them.

>> Mayor leffingwell: Oh, there are more. Go ahead. [Laughter]

>> sorry, mayor, item no. 131 is case c14-2014-0067, the property located at 13219 research boulevard to zone property community commercial or gr district zoning, zoning and platting commission recommendation was to grant the gr district zoning. Item no.132 for the property located the e -- or case c14-2014-0071 for the property located at 8832 1/2 south ih-35 service road. Zoning change request to general commercial services or cs district zoning. Zoning and platting commission recommendation was to grant general commercial services conditional overlay or cs-co combining descri. Zoning. Item 133 is case c14-2014-0073, for the property located at 14000 owen tech boulevard to zone the property to general commercial services or cs district zoning. Zoning and platting commission wemtion was to grant conditional overlay or cs-co combining district zoning. This is ready for approval on all three readings.

[14:25:22]

>> Mayor leffingwell:131 you said was all three also? 131 was all three readings as well as 132.

>> Mayor leffingwell: Yeah, the others.

>> Item 134 is c14-2014-0074 for the property at 2410 cedar bend drive to zone to general office go-co the zoning and platting commission recommendation was to grant the go-co district zoning with a change to conditional zoning and that particular item is ready for consent approval on all three readings, item no.135 is case c814-97-0001.11 for the property known at north fm 620 road. To zone the property to planned unit development or pud district zoning. The planning recommendation grant the pud zoning. I'll note there was a revised ordinances that noted in part 6 the off-street parking reduction was allowed up to 6.1% and that's in your on-line ordinance. So that has already been provided. Item 1 c814-06-0106.02 for barton springs road. Taf is it is requesting a postponement of this item until your august 7 agenda. And finally item no.137, case c814-2012-0085.01, for the property located at 12814 east interstate highway 35 south and fm 1327. Staff is requesting an indefinite postponement of this item. Prior to bringing this item back we'll have to do public notification again.

>> So the consent agenda is to approve item 121 on second and third readings, postpone item 122 until august 28. To close the public hearing and approve on all three readings item no.124. Postpone item 125 until august 7, close the public hearing and approve on first reading 126, close the public hearing and approve on all three readings, 127, 128, 129, 130, 131, 132, 133, 134, 135. , To postpone item 136 until august 7, postpone item 137 indefinitely. Council member spelman moves approval. Second by mayor pro tem cole. Those in favor say aye.

[14:28:10]

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 6-0 with council member martinez off the dais.

>> Thank you, mayor and council. That that's all the consent items I can offer at this time.

>> Mayor leffingwell: We'll go back and I think we're ready to take off the table item 24. And we were in the process of going through a list of proposed amendments by council member martinez, who had the floor at that point. So go ahead.

>> Martinez: Thank you, mayor and council. We had an opportunity to take some of the feedback in consideration that we heard before and have proposed amendment language. I think you have that before you; is that correct? And we had an opportunity to discuss this language with representatives from afsme and believe that we have a workable solution before you. So with that, mayor, would you like me to review it or how should I proceed?

>> Mayor leffingwell: Well, we were about

-- through about 12 amendments, I believe, and there were two of them that were tabled. So if you can briefly outline what they are. I'll let council member martinez do it.

>> Martinez: If we want mr. Washington to walk through each one we can. I do have confirmation from the afsme representatives that are here that they are in complete agreement with the proposed language that the city clerk is putting before us now. If they would come up and confirm that I think we can just take a motion and vote on this. They've been here. All of our staff

-- I want to thank our staff so much. T went to work after the first round of amendments and I want to thank the afsme folks to sitting down and taking time to come up with this agreement.

[14:30:16]

>> Mayor leffingwell: Any objection to taking the entire list of agreed upon amendments and approving them? Okay. Just

--

>> martinez: I want to ask the afsme representation just

-- representative just for a confirmation.

>> We are in support of all of the amendments, totally.

>> Thank you. I'll move approval, mayor.

>> Mayor leffingwell: Motion to approve by council member martinez. Second by council member morrison. Any discussion? Those in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. [Applause] that brings us to item no., which are appointments to our boards and commissions, and so I'll read the the appointments into the record as we always do, to the downtown commission, maureen mtower is council member morrison nominee to the environmental board, red man is tovo's nom any, leslie gaibs is leffingwell's nominee, to the human rights commission, lauren gillbow is council member spelman's nominee, the parks and parks and recreation board. Is council member martinez's nominee. Approve a waiver of the filing deadline for the statement of financial information as described in sections 2125 and city code establishing a new deadline of friday july 25, 2014. And to approve a waiver of the requirements section 2121 h of the city code for the appointment of leslie bore gaze, the planning commission the waiver allows her simultaneous service on the asian american quality of life [inaudible] commission and the planning commission for july 2014. That is our item. Council member riley. Okay. Council member tovo.

[14:32:24]

>> Tovo: Thank you very much, mayor. In the interest of furthering
-- and really advancing the council's important policy expression
-- policy position that was expressed in resolution 2(014)051-5063, which was the resolution stating our strong opposition to the construction of sh 45, which was approved by a super majority of council, I did pull this item with the intent of adding another nomination to our yellow sheet before us, and I intend to nominate either council member morrison or council member spelman to the balcones canyonlands coordinating committee. So I will poll my colleagues to see whether that's of interest before I make my formal motion.

>> Mayor?

>> Mayor leffingwell: Council member riley?

>> Riley: Well, I guess I just wanted to ask a few questions about that. I understand that

-- my understanding is that currently

-- obviously the mayor has been our representative on that committee for some time now. My understanding is that that committee isn't actually expected to meet for some time. Is that right, mayor? Can you educate us about the meeting schedule

--

>> mayor leffingwell: The committee will not meet under any circumstances until august 14. That is their current schedule date. They will not meet before that date.

>> Riley: And is there anything you can tell us about the history of the way appointments to this committee have been handled? How have we done appointments in this committee? Has there been a regular term

-- a regular series of appointments?

>> Mayor leffingwell: I believe all of these appointments are one-year appointments but you're in place until

--

>> riley: Till some other appointment is made.

>> Mayor leffingwell: Yeah, and that goes for capcog and all the others.

>> Riley: And I understand the reasoning is that there are policy concerns about

-- about some differences of opinion. That's policy position on matters that may be coming before the committee, but I also understand that there's some disagreement about what issues are actually likely to come before the committee. And in particular what I've been

-- what I've been hearing is that there are real concerns about a particular cave, the flynn ridge cave, which may be under the purview of the committee, and, in fact, there is reason to expect that there may be a matter brought before the committee sometime before the end of the year that would relate to the protections in place for that cave. And there have been discussions along those lines in the past. And so, mayor, I guess I just wanted to ask you about that, as the long-standing member of that committee representative of council on the committee, about your expectation in terms of

-- well, you understand there are policy concerns about that, and I understand you would have some interest in continuing to serve on the committee? I guess that's really a threshold question, whether you

would like to continue serving.

[14:35:31]

>> Mayor leffingwell: Well, I served for eight years on the committee, been chair that entire time. There are two meetings that will remain in this year. Like I said, the next one would not come before august 14, but as to whether or not that item would be, as was previously stated in the work session, that I would not bring an item forward like that, and my understanding is that that opinion is based on an email that we received today that other members would not either. So there's no way to anticipate that it would ever come before the committee, but certainly would not come before the committee earlier than august 14.

>> Riley: I only ask because if

-- if you have no interest in continuing to serve, then it would be easy and we could just appoint someone else. If you would like to continue serving issues then it seems like it might be worth looking further into that, and if the committee is not going to meet before our next meeting, then we could take a little more time and take this up again at the next council meeting since there will be no other meeting of the committee before next council meeting. And so I guess the question is for you is whether you would like to continue serving or whether you would just as soon step aside.

>> Mayor leffingwell: I would, yes.

>> Riley: In that case I guess I would ask that the

-- council member tovo whether she would be willing to consider bringing this item back at our next meeting so that there could be some further inquiry into what we can

-- what would

-- into the likelihood of something actually coming before the committee and we can

-- we will have a little more time to figure that out.

>> Tovo: Well, I appreciate your question. I guess I would say this hasn't been the easiest conversation to have. I'm not sure why we would want to continue

-- I'm not sure what additional time would really yield. We have heard concerns from the public. I believe there may even be people who have signed up to speak on this issue here this evening, and we know, as is the case with all public meetings, that a special called meeting could be

-- could be made with 72 hours notice, which is part of why we're having this conversation.

[14:37:50]

>> Mayor leffingwell: I've assured you that that will not take place.

>> You can't assure that.

>> Tovo: I appreciate that, mayor.

>> [Inaudible] anytime on his own anytime he wants.

>> Mayor leffingwell: But there are only two members and it takes both members present to convene the meeting.

>> It says shall

--

>> mayor leffingwell: No, you can't talk from the dais

-- you can't talk from the

--

>> shall [inaudible]

>> tovo: So I did have the floor a few minutes ago and had posed a question to my colleagues, so this may be a good opportunity for me to return to that question and to ask council member spelman and council member morrison if they're interesting in serving on this committee.

>> Mayor?

>> Mayor leffingwell: Council member spelman.

>> I have plenty of meetings to go to and do not need to add another to the list. But since I do have the floor for just a moment, I would like to follow up on mr. Bunch's question from the audience. It's my understanding that any of the two members of the committee could call a meeting, but for the meeting to actually be held it requires a quorum, which means two out of two. So, mayor, as I

-- is that accurate information?

>> Mayor leffingwell: That's accurate.

>> Spelman: That means, then, that if we were to be

-- the way to reassure all of us that there would be no meeting before the next regularly called meeting of the august 14, and the way to reassure me, at least, that we could reasonably talk further about this between now and the 7th of august, where this issue may come up again, if we would like it to, is that if you will

-- first, that you will not call a meeting between now and august 14, and that if the other member of the committee calls a meeting between now and august 14, you will not show up. Can you give us that reassurance, sir?

>> Mayor leffingwell: That is correct.

>> Spelman: Okay. It seems to me that this may be a premature conversation. We might be able to have -- there may be something we can do over the next few weeks to talk about this. I am persuaded that flint ridge cave is very likely to come up on the bcp agenda sometime soon. I don't believe it's probably going to show up on august 14, but it's very likely to show up at the end of the environmental study done on sh 45 southwest. At that point I think it's almost certain it will be an issue before the bcp coordinating committee, at which point I think the issue that council member tovo raised is going to be something we're going to have to talk about. But I don't think we have to talk about it now in the interest of the fact it's quarter of 9:00 and we still have 30 items left to get through, I would prefer to kick this particular can down the road until the 14th of august where we can pick it up again and it might be an easier conversation.

[14:40:35]

>> Mayor leffingwell: 7th, 7th of august.

>> Spelman: I'm sorry, the 7th of august.

>> Mayor leffingwell: Council member morrison.

>> Morrison: Thank you. I just wanted to respond to my colleague's question and that is that I would be willing to serve, and I'd be very happy if council member spelman would serve. So I'm fine either way.

But he beat me to the punch.

>> Tovo: Mayor, I know we do have some individuals signed up, and I wonder if we could go ahead and hear from the speakers.

>> Mayor leffingwell: We can, we can hear from the speakers if that's the will.

>> Tovo: I think it makes sense. I believe several of them I believe have been here since this morning, so if they're interested in speaking I would say we should invite them up.

>> Mayor leffingwell: Greg na gregnagreg naser. Bill bunch, is aaron schultz here? You have three minutes.

>> Hello, austin city council. Mcl NAME IS DR. CRAIG Naser. I'm a member of the sierra club conservation committee and I am the part co-chair of the gracy woods neighborhood association. Our democracy is not solely based on a set of rules about how we conduct the business of government. As the lawyers on the dais certainly know, words never mean what they say. There is simply no possibly way of encoding good government into words alone. The actions of our elected officials are essential for making government work and these elected officials must be held accountable to the voters for those actions. The integrity of the individuals in charge of designing, approving, interpreting and implementing the words of government is paramount. As our elected officials, you have hopefully taken on this responsibility. [Inaudible] clearly tells us we're on the cusp of a major global species event. In response austinites have strongly supported the protection of endangered species. The looming threat of global warming is leaving the southwestern u.S. Facing a water crisis. In response austinites have strongly supported protecting clean abundant water, particularly in the barton springs watershed. They also consistently support intelligent transportation choices, the reduced greenhouse gas emissions and urban sprawl. All these issues come together on the proposed state highway 45 southwest project. In recent elections citizens have consistently supported candidates that oppose building this project unless the best science available clearly tells us that it can be done without negatively impacting our water and our wildlife. The austin city council has wisely voted overwhelmingly to support the will of the people on these issues, and I thank you for that. Unfortunately, some of our elected officials and their appointments, most of whom are not running for re-electio undermining the will of the people concerning state highway 45 southwest. This is being done by denying and ignoring the science that informs this decision and preventing the proper scientific studies that would help us make the best choices. This contorted process will also very likely cost the local taxpayer money, as federal tax dollars are being lost to avoid proper endangered species act oversight. In the environmental community we have a word for appearing to support environmental issues but then not taking the necessary action to see that our environment is protected. It's called green washing. It is a form of bad government. Austin deserves better than this. Please be certain that the will of the people and the knowledge imparted to us by science is reflected by the person chosen by the austin city council to represent the citizens of austin on the balcones canyonland coordinating committee. Thank you for your attention to this important issue.

[14:44:37]

>> Mayor leffingwell: Next speaker is bill bunch. [Applause] adam abrams here? Is adam abrams here? Tracy whitley? Susana almanza. So you have six minutes. All right, david king, so you have nine minutes.

>> Thank you, mayor, members of the council. I'm bill bunch of save our springs alliance. I will try not to use that full nine minutes. This is, as you all know, an extremely important issue to this council, because of the 6-1 vote, in part, but also, as you all probably recall, 45 southwest was one, if not the most contentious issue in the whole imagine comprehensive plan process. And we had repeated votes by the citizens advisory committee to keep that road project out of our plan, in part because of the endangered species issues, but also just because of

-- out of transportation. It's a terrible project for the citizens of austin. It will cause huge problems on mopac, and elsewhere. But especially on the mopac corridor. And I want to
-- there's been a lot of misinformation out there, and there's some complicated and unique circumstances. I'm going to try to just lay this out and be very factual. This is not personal. Obviously there's very strong disagreements in this room on this issue, but this is not a personal issue. This is policy, and what's being done here is in no way inappropriate. The interlocal agreement says very clearly that the coordinating committee member serves at the pleasure of the council. They also serve typically for one-year terms, until a successor is appointed. And it's my understanding that you all have not revisited your representative to this committee for several years. So just as a matter of course and what was contemplated by the agreement, you're way overdue to think about who's the right person to serve. It's also obviously extremely important given that mayor leffingwell repeatedly stated that 45 southwest is not in the purview of the committee. It's not going to come up, and that it hasn't come up. All of those three points are wrong. It has come up. He himself voted to say we need some coordinating committee representation on the scientific review for 45. That was at the may 2012 meeting. Then at the december 2012 meeting, though, he moved to block commissioner huber, who was the county representative at that time, her motion to bring in the science advisory committee to look specifically at what we need to do to protect flint ridge cave from this proposed 45 highway. So it had already been there, under the purview. The permit is crystal clear. It lists flint ridge cave as it has to be protected, and it also in the interlocal agreement makes very clear that the coordinating committee can make some crucial final decisions that don't come to you in any sort of way. And this is an incredibly unique committee where you just have one representative and the county has one representative. It's two people make the decisions. And, mayor, the

-- mayor leffingwell is entirely entitled to his opinion, and nobody is
-- to my knowledge is disputing that. But he has made it known to you, when you voted for the 6-1 resolution, that he's not going to follow that, that he sees this project, 45, as under the purview of hays county and travis county and campo. He said that point-blank. That's a quote, but it's not under the purview of the city or the coordinating committee. And that is not your policy. That's not the law, and that's not the permit. This project threatens the soul of our city, barton springs, in addition to the bcp and the cave. This is a map right here showing the cave going directly under the proposed highway. The drainage being cut off by the construction. So this issue, as council member spelman said, it's going to be on their agenda this fall. We all know, gerald dougherty is doing everything he can to shove this through before january. There's no dispute about that. Now, the way this came up, as I understand, on very short notice, was for this very reason that the mayor really doesn't have any power to stop setting a meeting, or having a meeting held, even though he's the chair. Section 2.5b, first

[14:50:20]

sentence, I'll read it: The coordinating committee shall, shall, that's affirmative demand -- command meet especially if called by the chair, or requested in writing by any coordinating committee member. If commissioner dougherty gives a written request for a meeting, the mayor is require, he shall call that meeting, or he's violating violatinginterlocal agreement. So that's why we have extremely grave concerns that even though the mayor is willing to give his affirmations about this, commissioner dougherty is not. He sent an email today saying he won't ask for support for the highway. Well, that's not the issue that will come before it. It's not support. The issue is going to be does it comply with our permit. Does is it interfere or conflict with our permit. And so I think there's some gamesmanship there in that assertion by the -- by commissioner daugherty is not really helpful in this instance. So we have this incredibly important policy. You have it in your full view to appoint a person who's in line with your policy, and we just hope that you really will do that. This is just too important. This is a legacy project for our city. Are we going to, you know, look asance and let a project that threatens barton springs and all that we've done out there -- and by the way, we've got millions of dollars of conservation land on both sides of the right-of-way. We need to protect that. That's our purview. We paid for it. So there's just a fundamental disagreement between the mayor's view on this project and all of the rest of yours. And you really should do what is fully in your prerogative and appoint council member morrison or council member spelman to take this position for this next six months, basically, and make sure that the science is judged with that perspective, and a little bit of background there. We already know, and they're going to release it tomorrow, the draft environmental statement, their scientists are going to say this protects everything. They've already been saying that. Your own scientists have already said no, it's not going to. In the jeremiah ventures wastewater irrigation fight we had, the technical fight was between their expert, which are the same txdot experts on 45, and your experts, nico howard in particular on city staff, and the scientific battle was over their competing studies at flint ridge cave and on the 45 southwest right-of-way, because that was a few miles away from where the irrigation was going to happen, the exact same geology and soils and what not. And so we already see that there's going to be a fight over is their science good science or is our scientists good science. And you need a representative looking at that that's aligned with your policy. So please go forward. You're way overdue for revisiting this, and you're simply under the interlocal agreement appointing a successor to this agency. And my last point -- well, I'll leave it at that. Thank you.

[14:54:13]

>> Here here! [Applause]

>> mayor leffingwell: Next speaker is roy whaley.

>> Howdy you all. My name is roy whaley. I am the conservation chair for the austin regional group of the sierra club, and this is a very unpleasant evening for me. I do not want to be here. I do not want to be making these comments, but I am a I amobliged to, I'm obligated to do this. Because I'm not going to rehash everything that mr. Bunch just said, but I do want to repeat that this is policy. This is not personal. This is policy, and that's all it is. I do want to touch on what former commissioner piren huber

said

-- karen huber said in her email, which is, I will quote now, the environmental is a txdot process, not federal, and this issue of standing in the environmental process should be reopened by the bccp coordinating committee, that it should be. She goes on to say, because the bccp coordinating committee should be making a strong effort to be a part of the environmental process because flint ridge cave is named in the 10a permit. Not dealing with it properly could trigger a major federal review of the entire permit. Her emphasis, "entire permit," which is what is the real risk. That's what's really at risk here. The city and the county have hundreds of millions of dollars tied up in the bccp. Lee, I mean no disrespect to you, and I hope you know that. I would like to ask you to make the move to say that you will step aside and save your colleagues from having to deal with this issue and let either bill or laura take your place. And I ask you that tonight on behalf of the sierra club and for myself also, because I don't want you to have to go through this. I don't want the other members to have to go through this. But I am and sierra club is dedicated to protecting the aquifer and barton springs, and I believe this is an important critical move to do so. Thank you.

[14:57:12]

[Cheers and applause]

>> mayor leffingwell: Next speaker is laura presley. Laura presley. Marianne mautok.

>> Good evening, I'm marianne malitot, and I'm glad we're finally getting to this item. Tonight I too have been thinking about this, and one of the main things I wanted to say right at the beginning was to ask you, mayor, to step down graciously from your position here. It seems very clear that we have a lot to gain in terms of the resolution we passed against 45, to have somebody who voted for that resolution on the bccp coordinating committee. So I would very much like to see laura morrison take that spot, because I feel assured that there will be strong advocacy for making sure that she does her utmost to see that 45 doesn't happen, if that's possible at all, whereas I think the opposite will be true if you continue in that position, mayor, because you've already stated very strongly on many occasions that you're in favor of 45 going forward. So I would like to see that we do replace you with laura, and I would like to see that you do it graciously on your own, actually. I feel that at this juncture in time, given our drought, that not only do we look to barton springs as our really important recreation, many of us love the springs and are intimately acquainted with it, but having followed much of the water task force that just finished yesterday, we may in the future, not too distant future, be wanting to use barton springs water for our drinking water as well. So I think at this juncture in time it's even more important than it's been in the past that we do everything we can to protect barton springs and the edwards aquifer. And I would like to feel secure myself to know that we have the best possible champion to do that, in a position as critical as the coordinating committee for the bccp. The other part of it is I don't want to see 45 built because I don't want to see another toll road built. I mean, I think that's insane to have more and more toll roads. But my main point is really to protect the aquifer and protect the springs and to save our springs for the potential that we may be needing it for our drought response. Thank you.

[15:00:49]

>> Mayor Leffingwell: Roger baker. [One moment, please, for change in captioners.]

>> they had a provision where the campo representatives were bound by the commissioners' statement, and biscoe followed that, I'm told, that mandate to faithfully represent the majority's opinion. As I understand it, mayor Leffingwell says he is not bound by y'all's opinion, and his campo votes reflect that. Now, we could say it's about sh 45, but in my mind, it's less about this road than protecting our hundred-million-dollar investment in the balconies plan. The terms of the bccp say you can't give a permit to clear habitat within a quarter mile of the flintridge cave entrance without meeting certain conditions. If this permit is granted, then we're on the hook. If we don't protect this cave, we're supposed to mitigate its loss by buying a replacement cave. Now, if we don't give them

--

[15:02:51]

(laughter.)

>> right. And then any cave might not be an aquifer or might not be as critical for recharge. If we don't give them a permit, I BELIEVE TxDOT WILL GO TO U.S. Fish and wildlife to try to get a permit of their own, and this is my personal opinion that there will eventually be this federal confrontation that gerald is busy trying to do but it will come after years of expensive litigation and time and money. I think the better way is not to try to bulldoze over it, beyond 20 million so we're in too deep, which is their plan, that is daughtery and his allies, instead, it's to go straightaway to the federal government and say what do we have to do to protect this cave? Can this road be built in this location and not take habitat? And then I ask to look at what are the alternatives to this? So I just don't think

-- I think we need someone who is bound to follow the council's directive on this, not give a bccp permit TO TxDOT, AND ASK THE FEDERAL Government to do the due diligence. Thank you. [Applause]

>> Mayor Leffingwell: Those are all the speakers that we have.

>> Mayor?

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I have an understanding about the need of council member riley to postpone so that we can have further discussions on that, and I am torn with the idea of supporting that, but I know that council member spelman has spent a considerable amount of time on campo, and I appreciate what campo tries to do in terms of regional transportation governing. So I would like to kind of throw it back to him again in terms of a willingness to potentially serve on the committee.

[15:05:10]

>> Mayor pro tem, my strong -- my belief is that so long as flintridge cave is not on the agenda, so long as the environmental study is not yet complete, that the best possible person to represent the city's interests on the becomeb coordinating committee is the mayor. He's been on that committee a long time, he understands the issues better than any person in this room and he'd be the best person to do this. If the environmental study is complete by the end of the year, which I think it will be, then I think it's going to be inevitable we're going to have a conversation about flintridge cave and that conversation will have to take place in the bcp coordinating committee. At that point I think we're going to have to have

another conversation about how we're going to handle it but I don't think we need to have that conversation between now and august 7th.

>> Cole: Okay. With the understanding then that the conversation is not yet right because it has not been posted, I think we do have a risk that it may be posted in a 72-hour period, but the mayor has said that he would not attend such a meeting.

>> Mayor Leffingwell: You have my word.

>> Cole: So I will support the postponement with the understanding that when the issue does get ripe, I will not support a continuation of the committee as currently constituted.

>> Mayor Leffingwell: All right. Actually, there are

-- this is all preliminary discussion. I think we need to get, and it's kind of difficult here because it's

-- the motion, the item really only concerns the items that I just read into the record, which are nominations and waivers. And we have understood preferentially, but it hasn't been done yet, that there would be an amendment to that, or perhaps there would be a way to split the two so that the nominees and waivers could be approved and deal with the other part separately.

[15:07:27]

>> I'm open to either option. It seems as if would be procedurally best if I would make a motion.

>> Mayor Leffingwell: Yes.

>> Is that what you would like me to do? In that case, I will

-- unless we had a motion on the floor

-- well, I guess we didn't. Yeah. I would like to nominate council member morrison to serve on the bccp. I appreciate the discussion that's gone on about timing. I am also, though, concerned, and I trust the mayor's word that he would not attend such a meeting. However, I think there's sufficient ambiguity in the language to suggest that even if he does not

-- I'm concerned about the language that mr. Bunch raised. I also feel that a delay is not necessarily going to get us to a different place here in august.

>> Mayor Leffingwell: So is your motion to approve this item with the amendment to appoint council member

-- to remove me and appoint council member morrison?

>> Tovo: My motion would be to appoint the boards an commissions nominations and waivers we have before us in 68, with the addition of council member morrison for the bccp coordinating committee.

>> Mayor Leffingwell: So I would suggest that we could divide the question and vote on the nominees and waivers first, and then vote on the amendment. I'm assuming that we can do that.

>> I think I need a second.

>> Mayor Leffingwell: So your motion is to approve the nominees and waivers. Is there a second to that? Second, council member spelman. Those in favor, say aye. Opposed, no. That passes on a vote of 7 to 0. Now your amendment which will be dealt with separately.

>> Tovo: My amendment would go to nominate council member morrison to serve on the bccp committee.

[15:09:35]

>> Mayor Leffingwell: Motion by council member tovo. Is there a second? Okay. That motion dies for lack of a second. So I think that completes action on this item. And we'll go to the next item, which is item 77. It was pulled for speakers and we'll go directly to those speakers. Cynthia valadez. You want to speak on this item 77?

>> Yes.

>> Mayor Leffingwell: Okay. Is angelica noyola here?

>> I want to know if I can donate

--

>> Mayor Leffingwell: Yes, you are donating time. You have up to six minutes. .>> [Indiscernible]

>> Mayor Leffingwell: No, ma'am. We will

-- okay. So suzanna almanza is donating three minutes to you so you'll have six minutes, and you'll be next with your three. But you don't have to come up yet. You can rest for another six minutes.

>> No, I'm going to let her go first.

>> Mayor Leffingwell: Just tell me what you're doing.

>> We keep moving, it keeps us awake.

>> Mayor Leffingwell: Are you speaking for three minutes?

>> I'm speaking for my three minutes. She's donated her time to cynthia.

>> Mayor Leffingwell: Okay.

>> Okay. I'm here to make sure that money is not allocated for this new ht health and wellness center. The reason I say that is because we have so many people in need right now in the rosewood area. We keep hearing rumors that rosewood zaragoza clinic is going to be closed when they open up a new center at ht. I see material on your agenda that shows ht sits in the middle of the highest poverty level. This study has been done over numerous years and the information is not correct anymore. The area is very genderrified. A lot of individuals are not in need of health and human services that are received at the clinics. The rosa zaragoza clinic is something very needed. The individuals who live around that area live in public housing, they live in low income housing for seniors and other adults. We need to make sure that stays open. I know council member martinez made a statement in a message I just viewed that states rosa zaragoza is not going to be closed. But I ask you this. Why would we take \$250,000 of our taxpayer dollars and allocate them to ht to create a building to provide services for their students and take that away from citizens in austin who have little or no income? Ht students when they go to the school, they have different money that's donated from different donors. They should be able to create their own school. If the students are in need of health care, they should just like any other person go to these health clinics and apply through the proper channels, going through the proper applications just as the rest of the citizens in our city do so. We need to make sure we are not taking from the most vulnerable people in our community. Rosewood zaragoza is in desperate need of repairs. They need a lot of services in that area. Why not allocate \$250,000 to make sure that that center is running properly for the people who have been using it for years and will continue to use it for years, creating a building like this at ht will not be convenient for the individuals who live across to rosa zaragoza. A lot of these individuals have no

-- they have no cars. They can barely afford the bus fare because capital metro bus fare is growing increasingly. We need to make sure that the citizens who are most vulnerable in our community, that

they get the money that is supposed to be budgeted to them, sent to them, and not to support a college who wants to enter into an endeavor in the health and wellness area. This he need to continue to teach and not try to heal. Thank you.

[15:13:43]

>> Mayor Leffingwell: Council member martinez.

>> Martinez: I just want to follow up. That wasn't a comment that I made. The comment that I made was that if anything happens to rosewood zaragoza, that is separate and distinct of this decision. This item doesn't allocate any funds to houston tillotson. Again, this is a decision that this council will make during budget. This asks the city manager to contemplate that during the budget, so I just want to be very clear about that.

>> [Indiscernible]

>> Mayor Leffingwell: Ma'am? Ma'am? If you want to respond, come up to the mic, please.

>> Martinez: I'm not asking a question, I'm trying to clarify a misstatement you made, that you attribute

--

>> well, you clarified

--

>> Mayor Leffingwell: Ma'am, let council member martinez speak, and if he wants to ask you a question, he'll ask it.

>> Martinez: You said something I never said and that's all I'm trying to clarify, that is that this item has nothing to do with rosewood zaragoza or any decision about closing that clinic. It's totally separate and distinct. This is simply asking the city manager to prepare an item during the budget process, should this body decide to invest in the health and wellness center for houston tillotson college. To answer your question about the previous year, yes, this council voted to allocate \$250,000, which was on today's agenda item, to the temporary health and wellness center. But that wellness center as well is completely open to the community and to the public. It is not for students. It is a community wellness center that's focused on behavioral health. So I just want to be very clear because there are things being intermixed here that, you know, with based on partial information and I'm just trying to get clarity out there.

>> Okay. I whoer what you just said but for the record it concerns me you just made a statement that [indiscernible]

>> Mayor Leffingwell: Cynthia valadez is the next speaker. And suzanna manza is donating you three minutes so you have six minutes.

[15:15:56]

>> Just for clarification, there was another text that I received from someone here that was

--

>> that was from me.

>> No, someone else, who had had a conversation with the vice president of ht.

>> Okay.

>> And it was with respect to the community meetings that had occurred eight years ago.

>> I'm not privy to that, so I appreciate that.

>> Yes. To all, the two items, one of the items you voted on today was item number 23. The second is item number 77, which would authorize an additional 850,000 for suspended planning and development of phase one of a wellness center over at the houston tillotson campus. Concerns. The city of austin appoints five to nine members to the central health district board of managers, the taxing jurisdiction that has been created to administer health care services in travis county. Central health is also responsible for spending our tax dollars to eliminate health disparities in the historically neglected minority communities that don't have access to medical services and wellness programs. Central health has the data that shows where the medical needs in our austin community are. Our tax dollars provide central health the money to fund and locate health and wellness centers in those communities where the medical needs are greatest, yet they have not done so in the two zip codes that are in the greatest needs, 78744 and 78753. So why is the city of austin spending our tax dollars to duplicate exactly what central health has been created to provide? The city of austin not conducted meetings with our latino community to discuss the development of plans that should be funded by central health and it's centers before spending the city of austin's tax dollars on this project? There has been no public engagement to see what our community wants and needs with respect to health, wellness, and medical programming. 7702 is the most genderrified community in the united states. What's the reason for putting another one on the private college that limits accessibility by those with the greatest needs? What is not being stated that there is

-- in addition to this discussion that we are having today, there is a move and a request by community care, which is funded by central health, to close the rosewood zaragoza clinic, and move these in the future to a center that will be created at houston tillotson. What about communicating with our east austin community, with our minority community, and with those with the most medical needs that are not being served right now to see what it is that they want, that they need, and place those centers and those services in that needed community that has been excluded from receiving those services. Why would there

-- why have there been no public meetings to discuss the negative impact of closing our community clinic to support the expansion of genderification, the development and continued elimination of access to medical services and affordable housing in the barrio, where is the data to support this decision? There have been no town hall meetings to engage our community in a culturally constant manner to look at the impact of all the city's, county's central melt development and plans to east austin neighborhoods to that a coordinated plan could be created and fueled based on community needs instead of forcing us to accept closed door, behind the scenes deals that excluded our input? Access to wellness centers and behavioral health programming should be needs-driven, based on documented data, not arbitrary wishes. This is not the first time that the strategy has been utilized. The northeast clinic was closed without any public meetings in the affected area. The majority of clients receiving services there were latino. The central health board actually moved them to the now underutilized taj mahal located at breaker lane, impeding their access to health care from the northeast quadrant of austin and travis county. Today's vote would force the latino community's access to health care services to again overcome barriers to access medical care. Mental and behavioral health has been an issue, historically ignored by health care providers when developing medical plans for our latino community.

More recently, it has been standard to cite statistical data for our population when also talking about eliminating health disparities by plans and programs that are not targeting us. This past census, and other data, prove that the increase in population is due to the increase of latinos in austin, in travis county, and in texas. Statistically speaking, latinos are almost 40% of the austin population, with most living in poverty, without access to appropriate medical services. When will our population benefit from monies, programming, implementation of targeted strategies, placement of centers, et cetera, in a culturally competent manner by culturally competent administrators and staff in our barrios. When will those staff members be reflective of the demographics in the city of austin. There are many, many other reasons for city council to look at pulling these resolutions and allowing the new city council members to develop appropriate community engagement meetings in their districts that would include all plans, developments, funding that would be available to them from the city of austin from travis county, from atcic, from central health, and other taxing jurisdictions, so that appropriate planning and project development could occur in the areas with the highest need. I add that you please do not support item 77 as it would allow an additional \$850,000 to go to this center that we do not need at this time.

[15:22:13]

>> Mayor Leffingwell: Those are all the speakers that I have signed up wishing to speak. Entertain a motion on item 77.

>> Move approval, mayor.

>> Mayor Leffingwell: Mayor pro tem moves approval.

>> Second.

>> Mayor Leffingwell: Second by council member morrison. All in favor, say i. Council member spelman.

>> Spelman: I'm going to vote in favor of this resolution, even though I'm not yet persuaded this is going to be the best use of \$850,000. All this does is authorize the manager, ask the manager to prepare a budget item for our consideration downstream. That will tea it up and put it on the list and we'll have a chance to talk about it. It'll be competing with a lot of other items, which my gut reaction is will be more valuable to the health and wellness of our citizenry than this one will, but I welcome to -- to consider it at the proper time.

>> Mayor Leffingwell: Exactly right. This will be one of many items that we'll have the difficult job of trying to prioritize. Council member martinez.

>> Martinez: Dr. Smothers has stayed here all morning since before 10 o'clock. If council has my questions specific about the operation or anything, but obviously there's much more to even be contemplated before we get to the operation, but I did want to acknowledge his presence here. I also want to say that, you know, this item came to us out of community members around houston tillotson college, and there's no reason why other community members can't come and bring issues to us about other health care needs in the community as well. We're open to that, and I'd be happy to hear those concerns and be happy to work on finding funding to increase those services as necessary. We know that the need is extremely high. I think that is exactly where houston tillotson has made the commitment to this 35-million-dollar facility that they plan to raise the money for and operate. So there's needs in all of our communities, and this was one way that we felt like we could establish a

partnership with ht to provide sorely needed behavior health services. But I want to thank dr. Smothers for hanging in there all day. I know you'll be here through the budget pose to answer questions as well.

[15:24:27]

>> Mayor Leffingwell: All in favor of the motion, say aye.

>> Aye.

>> Mayor Leffingwell: Proposed, no. Passes on a vote of 7 to 0. Item 100.

>> Mayor?

>> Mayor Leffingwell: Council member morrison.

>> I'd just like to ask

-- I just want to note when you think it's the appropriate time, I need to ask that we reconsider item number 94, and since we are sort of going in order

--

>> Mayor Leffingwell: I forgot about that we can take that up, item 94 right now.

>> Morrison: Thank you, mayor. There was a mix-up on some of the adjustments to the draft and we had changes that we intended to make that were suggested by central health so I wanted to make sure these got in there. So I would like to make a motion to reconsider and adopt the amended version.

>> Mayor Leffingwell: Motion by council member morrison to reconsider and adopt the amended motion. Seconded by council member spelman. Is there any discussion? All in favor say aye. Opposed, say no. Passes on a vote of 7 to zero. And now we'll take up item 100.

>> So item 100 was pulled for speakers, I believe. So we'll go to those speakers. Monica guzman. Monica guzman. Okay. Is carl webb here? All right. You have three minutes.

>> Okay. Thank you. I'm a little confused, first of all. I read some news, I believe it was yesterday, out of abj, that city staff, not council, but staff wants the property for a police substation. I also read the resolution, the item number, and I thought, okay, well, they want to convene community meetings. I also assume have seen how they can play out sometimes. That area has a definite digital divide. I even spoke to a council member staff person earlier today, here this morning, I asked them flat out, how are you going to communicate about these meetings assuming this passes? Is it going to be english only online? Even spanish online? I said, what about those who are offline? I hope this passes. It needs community engagement. But you need to make sure you communicate offline as well, not just a random posting on some utility pole somewhere but actually get out there, whether it's fliering, announcements passed out through public housing and apartments, but in the spirit of imagine austin, if I recall it's in chapter 5, one of the priorities that leadership is supposed to engage with the community at all levels from individuals to businesses, non-profits, everywhere in between. Passing this resolution and actually carrying out those meet meetings

-- excuse me

-- community meetings would be in the spirit of what it says there. To do anything less, it falls flat on its face. I certainly hope that you would follow what the spirit says in imagine austin. Too many times I have seen, whether city, school board, they say they're going to do one thing, and they end up falling somewhere else. East austin has suffered enough and they continue to suffer. That area does not need a substation. If it gets redeveloped, develop it for something that the community wants and needs, not a

substation. Find a place that's not near a school, or parks, or all that housing. Thank you.

[15:28:17]

>> Mayor Leffingwell: Suzanne almanza.

>>

>> good evening, mayor and city council means. I'm susanne almanza, and I would like to thank council member sheryl cole and tovo and riley for bringing this forward. As and you know, we've been working on this particular issue for over seven years because one of our recommendations, this property butts up to pure categories, and we looked and have been recommending for some time that this whole square block could be redeveloped for housing and a mixed use. And we think that this is a great opportunity to begin that, and hopefully in the future, that money could also be used to finally relocate pure casting because it is a polluting facility that emits toxic chemicals. And these are our children who have been there at zavalá and pre-k children. I know it's been a long battle for us to make people realize just how important it is to relocate pure casting. And we haven't gotten that. You know, we've been trying all kinds of ways to get them out of there. But I think that this is a good step. My recommendation is that we not sell the land, that it be a partnership, that it be a partnership with a non-profit who can do affordable housing because what I would hate to see is 10% affordable housing, then everything else be market rate. And especially if you want people to be using the transportation and the rail service there, you don't want choice riders, you want people who are -- who need to be using the alternative transportation, who are using that right now. And so my recommendation is to do a partnership and to retain ownership because once we get into private hands, we lose control and then the way the city has been doing it is that only allowing for 10% affordability. That's not enough, when we own the land, we should be able to do at least 60 to 80% affordable there, and make sure that we have it for families because zavalá is in a crisis right now. Zavalá elementary could be one of the facilities closed because we don't have enough children going there anymore, because the area has been genderrified and is more individual, professional people without children. And so we need to look at the educational impact on the people that are still remaining in that particular area and help build up that area. So thank you so much for bringing this resolution forward. Thank you.

[15:31:08]

>> Mayor Leffingwell: Angelica noyola. I heard one of the speakers earlier today say that cars were the new smoking. I hadn't heard that before, but the one I have heard is sitting is the new smoking, and I think we're all in trouble up here. Go ahead.

>> Uh-oh. I have nothing to do with that. I would just like to reiterate what susanne a said, that I think that we need to partner

-- keep the property and partner with a non-profit, someone such as gnbc, someone to provide us with affordable housing, right now because of rising property taxes. We have a lot of individuals in the holly area within fourth, third, fifth streets losing their homes because they can't afford their property taxes. A lot of them are going to rental places and they're having to search out, you know, a election out in del valle, in kyle, something they can afford so they can stay close to the family members who are still in

east austin. And if we partner with a non-profit that could do affordable housing, this would give them another option to be able to stay in the neighborhood where they've grown up, where they've raised their families, and they can rear many close to the people who still remain behind. I want to make sure I reiterate what monica said. It's very important that the community outreach is done if both english and spanish. I've been to numerous community outreach meetings. Numerous, over the last couple of months. I don't even want to mention them, but like the holly shores, for instance, where people did not get noticed because not everyone got online. Sure, you can go online if you have a computer, if you have that knowledge on how to use the computer and speak up austin. Not everyone knows how to use the computer. I'm teaching a class to teach people just how to basically log in and create an e-mail. The need is still out there for you to go door-to-door. Send flyers out, send them to the school. Liaisons need to go out there and talk to the pta individuals. Make sure people who live in the area are truly engaged in the process. Too many times we see things like this that come to public hearing, and one of one, two, maybe three people show up, and it's usually individuals like us who keep on we check the agenda, we see what's going on, because we know how to do that. A lot of the people in the community have an opinion, a very strong opinion about things, they just don't know the process because they have not had a chance to learn. No one's been able to do that for them or they don't have the computer access. I want to make sure we reach out to them. If you need help reaching out though them, reach out to the different neighborhood associations, be more than happy to get out there and help you do the foot work if that's what it takes to make sure that people are getting the education they need that's going to be able to help make the decisions that are needed for the entire city and not just for a developer who is just eyeballing the property to make it high dollar. Thank you.

[15:33:50]

>> Mayor Leffingwell: Cynthia valadez.

>> My name is cynthia valadez. And I'm here today to speak to item number 100. I thank you very much for understanding there is a great need to engage the community, but it should be done so in a culturally competent and linguistically competent manner. There are best practices that examine is that could be implemented by your staff. We could go to the process of having those town hall meetings in the various districts that are going to be created, that are going to be implemented after the november election of our 10-1 single member district, changing how the city charter operates. We also have been for decades, been complaining about the fact that there has been -- you've excluded a large segment of the population by not speaking to them or communicating with them in a language other than english. Here in austin, especially in east austin, or in austin that has high poverty rates, you have a large spanish speaking population. The parents themselves may not be english speaking, but their children are citizens. And they are going to our schools. And they're participating in all the activities. They're paying their taxes, but they can't fully participate in the political process because they have not been reached out to in a culturally competent manner. This is going to be your opportunity to implement those culturally competent linguistically competent ways, including and incorporating those best practice strategies, so that they can be brought to the table and tell you what their wants and desires are. They are just like yours and mine, exactly. They want their children to graduate from school, they want them to have a career, they want them to be safe and well in their

communities. You would be able to do that by bringing them to the table and allowing them to participate in the decision making process, but they have to be doing that in a meaningful manner. That means they have to understand what the discussion means. They have to understand what the process is for participating in the political arena. They have to understand that there are rules and regulations that exist, not only for their protection but for the running of government in an effective and efficient manner. You can do this by making sure that your means of communication and engaging the community are done so in a culturally competent way. And that all demographic segments of this community are included according to their statistical levels. It's very often that we see minorities coming to the table, coming here to speak to you, that we -- we can read and write. We understand the process. We've been participating in it for years. We have to reach out to those that are not here, and I would appreciate it if you would take that under consideration. Thank you.

[15:37:12]

>> Mayor Leffingwell: Lori marturia. Those are all the speakers on this item. Entertain a motion.

>> Mayor?

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: First, I think that this resolution is an excellent example of what can happen when we listen to the community, especially when we hear their concerns about long-term needs and problems such as peer casting. The staff will negotiate with potential developers, but before they do that, or any action, they will visit with the community members, and I wanted to let Cynthia know that there will be outreach in both English and Spanish. And I understand that the neighborhood has been concerned about this area for quite some time. And I do think that it is an excellent location for our potential affordable housing inventory. So with that, I move approval, Mayor.

>> Mayor Leffingwell: Mayor pro tem Cole to approve item 100. Is there a second? Could you have could you have seconds. All in favor, say eye. Opposed, no. Passes on a vote of 7 to 0. [Applause]

>> Mayor Leffingwell: Item 102. I'm showing one speaker. Council member Riley?

>> Riley: I'm happy to hear from the speaker first.

>> Mayor Leffingwell: Apparently not here? Go ahead.

>> Okay. I would like to speak to this, Mayor. Item 102 is posted as a resolution to clarify the council's intent in passing a resolution on May 15th related to transportation network companies, or tnc's. It's worth noting that none of the sponsors of this item were sponsors of that resolution back in May. And as the main sponsor of that item in May, I have a few concerns. My intent in bringing that item in May was to establish a stakeholder process to work through the issues related to tnc's and to help us develop a pilot program that would allow tnc's to operate legally in Austin. One of the main reasons for moving forward was the significant level of public interest we're hearing in this issue. We have heard if thousands of Austinites who supported that resolution because they want more safe and convenient transportation options in Austin. So the resolution called for a stakeholder working group to work on tnc issues. At the time there was

-- there was already a subcommittee of the urban transportation commission, working on tnc's. The resolution provided that the subcommittee of the urban transportation committee would have a seat at

the table within the stakeholder working group, but otherwise it didn't address the ongoing work of the subcommittee. Since that time, that urban transportation committee commission subcommittee has had one more meeting, that was last week on June 17th. I understand they were expecting to have one more meeting after in July, and then to meet further as needed. The resolution before us tonight does address that urban transportation commission subcommittee, specifically it directs the subcommittee to operate only as a part of the stakeholder group. In other words, it prohibits the subcommittee from meeting again until the stakeholder group has completed its mission. I understand that rationale, but I have to say I have

-- that really was not my intent in bringing that May 15th resolution. And, in fact, I can see several reasons why we would not want to prohibit the UTC committee from meeting over the next few months. As a committee of urban transportation commission, that the committee has public posted meetings, on which they receive input from the public. And there is, as I mentioned, very significant ongoing public interest in this. So that's one very important function that the committee could continue to serve. They could also discuss that input, if they were to meet as a committee, and consider what direction they would want to provide to their representative on the stakeholder working group. And then in the event the stakeholder working group provides any interim recommendations before it completes its work, then having that subcommittee in place would enable the committee and the public to have a conversation about those recommendations to consider what input they want to provide to council about those interim recommendations. So there is some value that I see in allowing that subcommittee to continue meeting as it sees fit. I don't see any compelling reason why we would prohibit the subcommittee from doing those things. At this time, they only have

-- as I mentioned, they only have one more meeting scheduled, so it's not like we're talking about a huge imposition on staff. Staff has already advised us that they were fully expecting and prepared to staff the committee as needed. The committee would play a complimentary role to the stakeholder working group, and I see some real downside in limiting public input on this very important issue. I was going to offer an amendment to the item before us tonight to clarify my intent in bringing that item on May 15th, but unfortunately, because of the way this item was posted, I was advised by legal that we could not -- we could not do that, and it's posted in such a way that we could

-- that the committee could only act as a part of the stakeholder working group so we couldn't act in a way that would reflect my intent in bringing that item. So I would respectfully ask the sponsor of the item tonight to consider pulling down the item, and I would move that we deny it.

[15:43:21]

>> Mayor Leffingwell: Council member Tovo, are you willing to consider withdrawing this item?

>> Tovo: I want to speak to my intent here because we had a pretty lengthy discussion about the issue when it was on our agenda, and there was lots of discussion, and I'm prepared to go through the transcripts with you all here tonight, because there was concern about the duplicative nature of having two stakeholder processes. So, you know, one of the things

-- we were asked a question about whether there would be double committees going on, and if you look at the resolution carefully, you'll see that this would happen

-- the merger would happen beginning in August after speaking with our UTC commissioner, we heard the

same concern. They wanted to have their last meeting that was scheduled for July, so beginning in August, until that group reports back as per the resolution that you sponsored, those groups would meet together. And there was a considerable amount of council discussion, and I'll

-- again, I'm going to talk about it in the transcript, but there was confusion afterward about what should happen next. And I'll take you through some e-mails. One of our staff members asked the chair the UTC, given the resolution, will we now take this discussion to a broader group, continued to hold the subcommittee meetings? Great question. We'll continue with our work plan until we receive further guidance. Then they spoke with one of your staff members. She said it's okay to continue. But there is an issue, I believe, with having two separate processes going on here. There are many

-- as you said, there are many people who want to participate in this, and by no means is the resolution before us designed to limit public input. We do hear concerns, though, when we have multiple processes going on about the same issue, that it's very difficult for people to make it to both sets of meetings. We have individuals who want to participate, who have concerns about it, who have jobs where they need to be out driving their taxicabs. They want to participate in the committee asking them, and they want to have meaningful input, asking them to follow two processes, as well as all the other folks who are interested in TNC's, potential drivers, the companies. It is in my opinion burdensome and it's burdensome to ask that of staff as well. So given that there was confusion after the resolution passed about whether or not there should be two separate TNC processes or one, it did seem useful to clarify. I did

-- my staff member did talk with the chair of the TNC
-- the chair of the UTC, and
-- who has also been leading the subcommittee, and he was not
-- in objection

[15:46:08]

-- not in objection to this solution. At one point, Mayor Leffingwell, you had actually suggested that perhaps

-- there was in discussion about whether the taxi stakeholder process could be combined with the TNC stakeholder process. And, Mayor, you were talking about

-- you introduced a motion, I believe, that talked about having equivalent provisions for the City of Austin taxi companies and the TNC's. Council member Riley, you responded, it's a difficult issue to work through. What we are talking about is having one stakeholder group figuring out taxis and one stakeholder group working on TNC's. Then Mayor Leffingwell, you spoke a little bit later, I don't want to argue, my intent is not to create two different stakeholder groups. A little later

-- let's see. Who is this speaking? Mayor Leffingwell, here you were talking you were talking about again about this idea of having taxicab and TNC stakeholder processes going on. Mayor Leffingwell, you said the last stakeholder group or working group that was established includes all these same people, UTC, TNC, subcommittees, TNC, potential drivers of TNC, taxi companies, voters, on and on I see it being very duplicative. What are we going to do if they come up with different recommendations. Then Council member Spelman, you asked staff whether there's anything

-- or you talked about the language of the resolution, whether there was any ability to fold the two

groups together. So, again, I think there

-- I think there's a lot of value of having just one tnc group, and I'm not sure that I see the value in having -- beginning in august, having two separate groups, one taking place at the utc, one taking place in the public, and many members of the public feeling like they need to participate in both to get that meaningful public input. And if

-- you know, again, our also conversation with our utc commissioner suggested that he was not opposed to this approach.

[15:48:35]

>> Mayor Leffingwell: So is that a "no"?

>> Tovo: Well, I would like to hear a response about whether there is really a compelling reason to have those two groups, and ask staff to staff two separate stakeholder processes.

>> Mayor Leffingwell: Council member riley.

>> Riley: And of course we had several conferrings with the same commissioner who said he would like to meet if that is the council's desire. It's not like we're commanding that the subcommittee to meet, and, in fact, as I mentioned, they have no plans to meet after july, but

-- but that leaves the question of why we would take the extraordinary step of commanding them not to meet because it seems to me there might well be circumstances when they

-- when a meeting could be very useful. For instance, I can see a real possibility that the stakeholder working group might provide interim recommendations before they complete their work. This is a very important issue related to urban transportation commission

-- urban transportation in austin, and I can well

-- I would expect that the urban transportation commission would want to provide input about the recommendations from the stakeholder working group. And so the question is, what would be the appropriate forum for discussing that input? And the stakeholder working

-- the utc subcommittee seems like a perfectly good forum for having that

-- for discussing that input. And so I don't see why we would prohibit them from meeting. And it does strike me that it is

-- that to prohibit them from meeting does limit public input. A stakeholder working group is not a public forum. Those will not be publicly posted meetings, whereas the subcommittee of the urban transportation commission would be publicly posted meetings and a very valuable place to discuss either

-- either additional guidance to the stakeholder working group or any recommendations that the stakeholder working group might provide to council.

[15:50:36]

>> Mayor?

>> Mayor Leffingwell: I'm sorry, I didn't hear your last statement. That's okay. Council member tovo.

>> Tovo: The utc meets as a body in a regularly posted meeting every month. They certainly have the ability to have it on their agenda if they feel they need to respond to something going on in the

stakeholder meeting. But we're talking about asking staff to staff two separate processes and a commission, and I just think it's burdensome and inefficient and at least once in the couple months they've been meeting, they were not able to make quorum. So I don't see a real value in continuing two separate processes. So with that, I'm going to move approval. I think again we're asking them to -- for the period after august, until they're done with their work, to meet in conjunction with this other stakeholder group, which I can is consistent with the discussion we had at our last meeting, and I think really uses the public's time sufficiently.

>> Mayor Leffingwell: Motion by council member

--

>> Tovo: And again provides public input. I have no interest in reducing public input. Again, they have the ability to come to the utc and participate in this, but don't have to keep up with two separate stakeholder processes.

>> Mayor Leffingwell: Motion by council member tovo. Is there a second? Second by council member morrison. Other comments? All in favor of the motion, say aye. Opposed, say no. No. I guess a show of hands on the no. One, two, three, four. That motion fails on a vote of three to four with council member riley, martinez, myself, and council member spelman voting no. So that motion does not pass. We go to the next, announce items 113 and 114, which are executive session items, are withdrawn. So we'll go to item 123.

[15:52:52]

>> Mayor --

>> Mayor Leffingwell: Excuse me, hold on just a minute. I stand corrected. 113 and 114 are not withdrawn. Okay. So we'll now take up item 113. The public hearing is closed. Entertain a motion.

>> Move approval.

>> Mayor Leffingwell: Mayor pro tem cole moves approval. Is there a second? Second by council member morrison. Any discussion?

>> Yes, mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: There has been considerable conversation about this item, and unfortunately, I do not have the text of the entire ordinance before me, but I do have my notes as to what it is that we might consider. And one of those is to remove section 25.2.1177c, which I could explain in much greater detail if I had a copy of the ordinance in front of me, but I don't. I now do. Okay. It is 25-2. Yes indeed. This is modifying the city licensing requirements for docks, marinas, and other lake front uses. And it states that the section does not waive or modify the property interest, as I'm given to understand, nothing the city does waives or modifies the property interest. And spelling out that this is not waiving or modifying our property interest with respect to requiring the immediate removal of a dock or requiring a license agreement, we always have the authority to do that. And we have never waived or modified, and I don't think we need to spell this out. So this would eliminate section

-- the entire section here. Chuck, I believe we've discussed this and you're okay with that?

[15:55:27]

>> Chuck, the environmental officer. Yes.

>> Spelman: Okay. I'd like to make that as a friendly amendment if that's okay with the makers of the motion.

>> Mayor Leffingwell: Well, I don't think we

-- you made the motion

-- you made the motion to approve?

>> Cole: Yeah.

>> Mayor Leffingwell: Your second? Is that acceptable, mayor pro tem?

>> I want to hear

-- I have a second question.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I guess if it doesn't make any difference, can you fill us in, or maybe we can ask why there's been a request to remove it.

>> To be honest, council member, it's not clear to me. The ordinance is very clear that the city is not going to require a license agreement for a dock. This just makes

-- also makes clear that if, in the future, we're not waiving any rights to property interests or easements. However, the law department informs me the ordinance would not waive that either way, that this was just some reassurance from some concerns that stakeholders had, but our law department tells us that it doesn't change our rights in property or easements. And so we're comfortable with removing it.

>> Morrison: Then I don't have an objection.

>> I couldn't hear that.

>> Why put up a red flag if we don't intend to catch a bull with it? I'm sure there's a metaphor there someplace.

>> Mayor Leffingwell: So was that a no on accepting it as friendly? Yes. So that's incorporated to the motion. Council member tovo.

>> Tovo: May I ask the maker of the amendment just to clarify what your amendment was?

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Under 412 of the ordinance, section a, b, and c, section c says this section does not waive or modify applicable requirements, that's fairly clear, as it is. It does not waive or modify the property interests in easements and lake beds, as I'm given to understand by mr.

-- I'm talking with mr. Lloyd, I haven't been talking with you, but I presume you're going to say the same thing.

[15:57:49]

>> Can I just clarify, is it number 4 on this?

>> Oh, I didn't realize this was out there.

>> I think I'm following you now. Thank you. I expected that you were going in sequential order, so I just needed a number. Thanks.

>> They will teach me to walk away from the dais. Things happen when you walk away.

>> Mayor Leffingwell: In favor of the motion to approve as amended by the friendly amendment, say

aye. Council member tovo.

>> Tovo: As I did with the first and second reading, I am recusing myself on all matters related to docks, boat docks, and bulkheads and given the city clerk a list of the specific passages that refer to either of those.

>> Mayor Leffingwell: Okay. City clerk will note that council member tovo is recused on certain parts of item 113. Assist I'll trying to pull up the actual ordinance. What did we just strike could you say cuss?

>> Spelman: Council member martinez, that would be 25.2.1177c. That's the third part of part 12. The city is not giving up any rights here. We don't need to say which rights we're not giving up.

>> I'd like to add a couple questions that came in from friends of lake austin. So as it's proposed now, staff is recommending that no trams be allowed to be permitted on lake austin?

>> That's correct, and that's the current policy.

>> Martinez: That's the current policy. Is there any kind of ada issue the city might face by not allowing folks to of access via trams?

>

[15:59:51]

>> my understanding, that doesn't pie to single family development. Maybe somebody from the law department can speak to that, but my understanding is, it doesn't apply to single family development.

>> And does code

-- you said that's the current practice, or is that in the code?

>> It's current code. The code currently says only pedestrian access is allowed. Staff is interpreted that to mean only non-mechanized pedestrian access. That's often a point of contention. We're simply clarifying what has been the current policy

-- current interpretation for quite some time, and if there were an issue that, say, someone was elderly, handicapped, that they could certainly get a board of adjustment variance to show hardship and would be able to do this if necessary. Tram would be allowable under a boa rule.

>> Yes.

>> So in some areas of the shoreline, they're pretty steep cliff edges, and if a private property owner wanted to create access to the water, we would actually require them to build some structure that would allow them to traverse all the way down the cliff side, as opposed to putting a tram in place.

>> That's been city code and how city code has been interpreted for quite some time, yes.

>> And do you believe that's a more environmentally superior system than putting

-- squirrel generally

-- generally yes, because you would do that either through metal stairs or something like that that would be attach to the face that would have limited disturbance, or constructed stairs with switch backs. It doesn't create a direct erosion. When you create down that block or cliff base, you create a direct route for water to run without being impeded as it goes down that slope, and causes channeling in that cliff face. It can be fixed through engineering, but it's difficult with that kind of

-- when it's so steep like that. And we would actually prefer something constructed in a switch-back method.

[16:02:13]

>> I'm just trying to picture this because I couldn't envision traversing switch backs via stairs if I'm carrying equipment or trying to get things up and down from the actual water level, you know, to the property level, if you will, if it's a 30-foot drop-off.

>> That's true. And certain properties, it may be difficult to have access to the shoreline, which has been the case for,

-- as I say, for a number of years.

>> Martinez: So the other question that came in was regarding grandfathering.

>> Yes.

>> Martinez: And the property owners having to prove that the dock was legally constructed, is it something referring to the inconsistencies of city records prior to 1984 as if. 1984?

>> If they come in and claim their dock was built prior to 1984, as the ordinance is currently constructed, they would be able to show through aerial photography, which we have aials that go back many decades, old surveys, plats, things like that, if it shows up, that would be acceptable. From 1984 on, they would need to show a valid permit. The planning and development department records staff tell us that from 1984 on, they're confident in their ability to find permits if those permits were obtained, and the lake austin taskforce actually recommended 1981 for a grandfathering date. And my understanding is friends of lake austin are requesting 1997, and we've never considered anything like that. We have had a problem for quite some time with illegal shoreline development, particularly with docks, and it continues to this day. And what we don't want to do is incentiize or keep that tradition going, as it were.

[16:04:30]

>> Martinez: So were there any contemplation, going back to the other issue, the tram issue, were there any contemplations of some type of alternative compliance, other than having to go to board of adjustment, that would be done administratively?

>> Staff hasn't talked about that and lake austin taskforce didn't discuss that. And lake austin taskforce did not recommend allowing trams. This was an issue that was discussed at length in the taskforce and they did not recommend that trams be allowed.

>> Martinez: Thank you, mayor.

>> Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Let me follow up on council member martinez's plea with grandfathering. I can imagine the following scenario, that I buy a house from somebody, they leave me the usual deeds, I have the usual trust, insurance work done and so on, but I don't have a record of a permit and I've got a dock. At some point I may need to provide the permit for the dock, and I have not got it, I can't find it. Can we always find it if there was a permit issued for the dock? Are our records so good we're going to be able we can find it in our own records?

>> I don't want to say it would be a hundred percent sure, but I also think that if they could make a reasonable case that they believed in good faith that this dock was built legally, they could always pursue a variance to that provision of the code. And so if

-- but what staff is telling us in the planning and development review department is they're confident in their ability to produce permits back to 1984.

>> Spelman: Okay. And before 1984, our basis for

-- remind us.

>> It would be we would accept aerials, old surveys, plats that showed the dock in that configuration. Because really, when you're talking about grandfathering, really for the most part, you're talking about the footprint of that dock. That's what most people are concerned about.

[16:06:36]

>> Spelman: Right.

>> And so we're comfortable with the 1984 date, both for permitting and prior to 1984 with being able to find something to prove that it existed in that form.

>> Spelman: And we have aerials, we have diagrams from 1984, which will sufficiently complete to cover the entire area.

>> We believe so, yes.

>> Spelman: Okay. How difficult

-- is this an administrative variance process or is this a board of adjustment variance process?

>> They would be board of adjustment. It's 25.2 so it would be board of adjustment. Yeah.

>> Spelman: Okay. What would the stance of the staff be in the event that you believe that there was a legal document, the guy just couldn't find his permit, you couldn't find the permits anywhere? Would you support if it went to the board of adjustment?

>> Generally board of adjustment variances, staff doesn't make a recommendation to the board of adjustment. The applicant makes their case and the board can ask questions if they need information from staff, but generally on board of adjustment variance, staff does not make recommendation.

>> Spelman: If I were on the board of adjustment, god help me that ever happens, but if I ever were on the board of adjustment, it seems to me

-- oh, I double dog dare you

-- that if I were in some alternative parallel universe that I hope never matches this one, on that board, the first question I'd ask is, okay, chuck, these guys say this is a legal document, but they can't find a permit, you can't either. What's with that?

>> We provide whatever information we have, and if asked our opinion, we would provide it.

>> Spelman: And what do you figure that might be?

>> It would be case-specific.

>> Spelman: Okay.

>> It would be very case specific. I can't speculate here.

>> Spelman: Okay. But there would be some circumstances at which you could say it's our opinion this is a legal dock, we just candidate find the permit someplace. That is at least conceivable to you.

[16:08:37]

>> Sure. If they can provide enough circumstantial evidence, you know, you might be able to get us

there.

>> Spelman: Okay. Thank you.

>> Mayor Leffingwell: Council member Riley. Go ahead.

>> Riley: We've also heard a number of concerns about licensing agreements, and there have been complaints that this is a major issue and it impacts different residents differently in a way -- and it's creating some difficulty. Can you speak to that in general terms and tell us how that was discussed within the working group?

>> The

-- with license agreements, we're making it clear

-- this has been a question that has been raised by stakeholders, about the ownership of the lake bed, and whether or not docks are being constructed on property that is actually owned by the city. And generally we believe that that is not occurring. We have not been requiring license agreements to construct docks, and we're making it clear in this ordinance that we will not require a license agreement to construct a dock.

>> Riley: Okay.

>> So I think from the perspective of shoreline owners, this is

-- this is a benefit. We're setting this issue to rest, without

-- without commenting, the ordinance or council commenting on whether or not the city actually owns that lake bed.

>> Riley: Okay. I have heard from a number of people about that issue, and I know we have some folks here tonight from the friends of lake Austin, so if there is anyone from that group who would like to speak to that, I just would like to invite them to come forward. I see Mr. Bowie in the back. And

-- because I'm proud to hear that it may not be an issue. I just wanted to make sure we're on the same page, and

-- yes. Please.

[16:10:44]

>> Council and Mayor, my name is Eric Moreland. I served on the taskforce and I'm a member of the friends of lake Austin. And licensing, we're pleased with the proposed edit to remove that code. I'd like to discuss a little bit of grandfathering, if we can. I served on the

-- is that okay?

>> Riley: Well, actually, I think we really already covered that. I don't think

-- I was just asking about that one issue. I'd just defer to my colleagues if they want to follow up on the grandfathering issue.

>> The staff failed to mention one point.

>> I would love to hear him finish his thought.

>> Okay. Thank you. I served on the boat dock in bulkhead subcommittee for over a year and a half. We went through every scenario and issue with staff. The goal of grandfathering was to

-- let me back up. There's a disincentive right now for homeowners to remodel the boat docks to environmentally correct status, meaning they want to patch together the boat docks as long as they can with the old posts and pipes and old decking so they don't have to go through the whole process, which

takes up to a year or more and is very arduous, especially with board of adjustment and everything else. The goal was with the grandfathering to create a one-time period where you would -- you know, if you register, if you're grandfathered in, you're incentivized to remodel the dock to the current environmental standards, meaningless piers, less waste in the water, just overall better arrangement. What staff did not mention in the proposed ordinance is that a boat dock built prior to '84 is only grandfathered if the owner -- the current owner can prove that it was not modified since its inception. Now, to me, that's really arduous for a homeowner that has bought a property and has to look back 302040 years, 50 years, and staff is only saying that boat dock is only grandfathered if it has not been modified at all, whether or not they can find the permit or not. Now, we've had issues with permit processes from docks built prior to 1997, but ...

[16:13:02]

>> Riley: Mayor, if I may.

>> Mayor Leffingwell: Go ahead.

>> Actually, I'd just like to follow up with chuck. I can see how it would be difficult for someone to show there's been no modification since 1984. Is that really what we're requiring?

>> They would have to show that there had been no legal

-- illegal modification since 1984. Any modifications

-- so if somebody came in and that their boat dock had been built in 1970, and we looked at a 1983 aerial and it was this big, and then we looked at a 1990 aerial, 2000 aerial, and it was half again as big, we would say

-- and it was

-- we would say, you need to show us the permit that you built, particularly if that footprint that they had added is now not

-- is now too large, we would say, did you have a permit to expand that dock? If they didn't, they would have to make that dock legal.

>> What if somebody makes some minor modifications, if they've replaced the ladder or any little parts of it that

--

>> no, not for maintenance. We're talking about

-- we're really talking about the horizontal and vertical footprint.

>> Okay. So just changing the footprint. So if you've

--

>> primarily.

>> If you've gone in and doubled the size of your dock since 1984, you can't claim you were grandfathered

--

>> or if they enclosed it, that's one thing that happens on the lake, people enclose it, you can't have an enclosed structure on a boat dock. That's been not legal since we've been permitting docks. And so -- or since the early '80s, and so they probably wouldn't be able to show a permit for that. They would

have to unenclose that structure. So just

-- they wouldn't lose their dock, they would lose the illegal portions, illegally constructed portions of their dock.

>> I see. Okay. Thanks.

[16:15:04]

>> Cole: Mayor?

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I don't think we made a motion to go past 10 o'clock.

>> Mayor Leffingwell: I'm just waiting for a gap to address that question.

>> Cole: Okay.

>> Mayor Leffingwell: Are we

-- we have the discussion completed on item 113 yet? Ready to vote? Those in favor, say aye. Opposed, say no. Passed on a vote of 7 to 0. With that, we entertain a motion to waive the rules and extend the meeting past 10 o'clock.

>> Cole: I move.

>> Mayor Leffingwell: Mayor pro tem so moves. Second by council member moyer morrison. Passed 7 to 0. We item 114. Motion by council member morrison to approve 114, second by council member spelman. Is there any discussion? All in favor say eye. Opposed, say no. Passes on a vote of 6 to 1 on third reading, with myself voting no. And noting that items 119 and 120 were withdrawn, those were the executive session tulles exec --tive session itemswere withdrawn, that takes us to item 123.

>> I'm jerry with the planning and review department. Item 123 is c (142)014-0023, known as 1826 oak hill med I.L.C., The property located 8515 fm, the requested zoning is for tract 1, and that's set for two clnp tract 2, I.L.C. In p. For tracts 1 and 2. The property is 3.44-acre tract. The proposed rezoning has two purposes. One is to reduce an area of single family to a 35-foot strip along the north property line and amend seven prohibited uses that were in the original zoning case from 2006. The staff recommendation is rather lengthy. I'm going to read it quickly. The staff recommendation is to approve llmu for tracts 1 and 2, conditional overlay for one 22000 electric I hope so a day, to limit vehicular access. The three, maximum height for building or structure would be 35 feet from ground level and the building may not exceed one level. 4, a 50-foot wide building set back along the north and south property lines, 5, prohibit the following uses. Arteriogramry, workshop, bed and before he was, residential group 1, group 2, club or lodge, college or university facilities, communication services facilities, communication services, community events, community recreation, private communication public, living, counseling services, cultural services, family home, group home, group home class two, hospital services limited public primary educational facilities, public secondary educational facilities, safety services, and especially use historic. The planning commission recommended approval of staff recommendation at a vote of 8 to 0, and lengthy prohibitive uses is because we're mostly carrying over those from the previous case, we're just taking seven out that were in the previous case. With that, I'm available for any questions.

[16:18:44]

>> Mayor Leffingwell: Is this ready for all three readings.

>> Yes, it is.

>> Mayor Leffingwell: We'll hear a presentation from the applicant. You have up to five minutes.

>> Mayor, I'm ben turner, actually, it was on consent. I'd happily ask any questions, it's late but I'll entertain questions.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: Thank you, I appreciate that and I know it was on consent, and I was

-- I have a question because we have

-- I know this is zoning, but I guess we were also provided a site plan for the

-- I think it's a day care that you're planning to put in.

>> It's a school, but yeah.

>> Morrison: A school.

>> Yes, ma'am.

>> Morrison: The question I have, I appreciate us just being able to get to that. The question I have is, it looks like you have a creek running through the property.

>> There's a dry creek there, yes, ma'am.

>> Morrison: So it's a dry creek area, so does it not need to be protected as a creek?

>> It has

-- in the environmental study, there were almost

-- there were

-- downstream there was some west characters characteristics, but upstream there were no wet land characteristics. Staff has approved it. I'll tell you, there is an existing approved site plan on the site as it exists now that's two medical buildings on either side of the creek. The owner has decided to he will it and go to a school. It will reduce it to a single billing on one side of the creek, but the existing site plan as approved had no variances. So it complied with the rules.

>> Morrison: So maybe the site plan that I got

-- it looks like

-- oh, it is the site plan for your school. It's got a parking lot on one, then you cross over the creek?

>> Yes, ma'am.

>> Morrison: Okay. Grit, and would you mind if I asked staff 20 talk just a little bit about dry creeks?

Because I see chuck is here and I was just concerned that we were setting up a zoning that was going to just be a contentious floodplain variance or something like that. And so I don't know if you're familiar with this case, but I'm just wondering, so apparently it's a, quote, dry creek, and I'm wondering what kind of setbacks are needed for that.

[16:20:51]

>> That's my understanding, and I saw a drawing earlier this morning, and that's my only familiarity with it. I do understand this is in the barton springs zone which will be a transition zone and critical zone. There is very little, if any, development allowed in the critical zone. There's a few more things allowed in the transition. But generally there's very little development allowed in both the transition and the

critical. If their site plan is current code, which I understand it is, that they'll have to honor those prohibitions. I don't know what the width of the critical and transition zones are on this particular creek, but

--

>> Morrison: Okay. So there are those protections that will be required? Assist yes. That would be handled during review.

>> Morrison: Okay. And, mr. Turner, you're aware of those protections that are required?

>> Yes, ma'am. We are, and we're totally prepared to comply.

>> Morrison: Great. Okay. Thank you. Mayor, I move approval on all three readings.

>> Mayor Leffingwell: Council member morrison moves to close public hearing and approve all three readings. Second by spelman. All in favor say aye. Opposed. No. Passed on a vote of 7 to 0. We have 138 and 139, which are for the pud worthiness discussions to go forward. First is 138 go ahead.

>> Item 138 is for case cv 20140010, this is a development assessment report for the proposed austin oaks planning and development which is located at the southeast corner of cypress springs road and mopac expressway within the shoal creek watershed. This is 31.37 mixed use project that is proposed for 610 townhouses and multiple family residential units, office space, and 100,000 square feet of retail. The existing zoning is lo, lr, gr, along with a small strip of sf 3, which was put in place prior the compatibility to protect single family

-- nearby single family residential. The competition properties in this neighborhood are not part of an active or past neighborhood planning effort. Surrounding uses are a mixture of commercial and residential uses, balconies west neighborhood, which is mostly sf 3, with office and commercial zoning. On the other side we have mopac and then we have density multifamily residential uses to the south. The property is within 540 feet of residential properties and will be subject to compatibility. The applicant is aware of that, the property is located within the neighborhood center of the imagine austin and was located very near a high density transit stop that is also identified in the imagine austin plan. The applicant proposes to treat over 30 acres of currently untreated area for water quality. It also propose to district 65% which is well below the 90% which is allowed in gr. The applicant is proposing to meet all tier 1 requirements and majority of tier 2 requirements. The applicant is proportion and is requesting the following modifications from the code to allow a maximum building height of 225 feet for selected areas around mopac, far of 1.2 to 1, to allow the pud to cross right of way boundaries, and to allow for alternative equivalent compliance with sidewalk standards established under subchapter e, known as commercial design standards. This is, as I said, just development assessment for it, for the purposes of establishing the baseline. The staff is recommending a baseline of gr zoning for the three main tracts, I guess two main tracts you see here on mopac boulevard, and we would recommend lomu for the baseline for the properties located to the west of wood hollow, and to the east of hart lane, where the staff is still working on the recommendation for the height along mopac, the applicant is proposing affordable housing as one of the tier 2 requirements. With that, I'm available for any questions. The applicant is also here. I don't know if they wish to speak but I do know they said they were here if you had any questions.

[16:25:31]

>> Mayor Leffingwell: Questions or discussion on item 138?

>> We also

-- as you can tell from the aerial, the property is currently built out with two-story office projects that date from the '70s and '80s.

>> Mayor?

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Jerry, you don't have these tracts labeled a through e, but I think it's a good map to keep up. E is the Ir tract in the dead center on the top side?

>> Actually, we can't see it because we're not on the document viewer.

>> Spelman: Which one is tract e?

>> Okay. What are the assumptions for that tract?

>> Council member spelman, office use is 170 feet of height.

>> Spelman: 170 feet of height. Do we have a standard policy for buildings along mopac?

>> No, we do not.

>> Spelman: Okay. How does one get to tract e? Is that off of mopac or is that off of executive center drive? Is there a direct curb cut off of mopac, or do you have to get in through the internal road?

>> I'm not sure at this time. I'd have to look at the aerial.

>> Council member, it would appear right now there's access by the frontage road as well as executive center drive.

>> Spelman: Okay. My concern is, with traffic being held up on mopac because there

-- traffic being held up because of the curb cut, and it would certainly be cleaner if there were only access through executive center drive and not off of a curb cut on mopac, particularly since you've got executive center drive coming into mopac. It looks like not far away from the line

-- the property line. Have we checked out the state warrants as to whether or not we have curb cuts too close to one another, or is it too soon for that?

[16:27:59]

>> It's too soon for that. At this stage they have submitted the development assessment. They'll submit the pud application and we'll be looking a traffic impact analysis and that will analyze proposed driveway locations.

>> Spelman: At what point is the traffic impact analysis going to be conducted or has it already been conducted?

>> What they've done is submitted a scope, a proposed study. They are not required to submit the tia until the actual pud comes in, which cannot occur until we finish this briefing.

>> Spelman: Okay. I certainly want them to get started so I'll stop talking very quickly. I see mr. Jurner over your shoulder. Perhaps I can ask him a question about the tia assumptions.

>> Yes, sir.

>> Spelman: Some of the people who live in this area have been concerned about the tia because they know that there has been considerable development on the jewish community center site and they say there will be an increase in traffic associated with that site right off of hart lane, which is the western boundary to your site. Wonder if you can tell me some assumptions you're going to be making in the tia,

or is it too soon to talk about that?

>> Not too soon to talk about it, but we just

-- I was just looking at a draft of the tia earlier this evening, literally came out today.

>> Spelman: Okay.

>> For us to take a look at. So they have had the scoping meeting, and we'll take under advisement the comments that you've made about access off of mopac. But I couldn't tell you right now, other than density assumptions what they assumed with regard to driveway cuts.

>> Spelman: Okay. I understand that. Tell me, if you could, since you've seen a draft of the tia, what assumptions are being made with respect to the amount of traffic at the j. I'm sorry, what amount of traffic is associated with the del jewish community center.

>> Within the background traffic, I know that it was a part of the background number, but I couldn't tell you specifically how they dealt with it.

[16:30:11]

>> Spelman: We'll have a chance, of course, to see this again. This is just

--

>> absolutely.

>> Spelman: But it seems to me since you've just taken a look at the draft and the draft is in process, if you could consider carefully the idea that there's a fairly high likelihood that the amount of traffic -- amount of background traffic coming out of the dell jewish community center is going to increase considerably over the next few months when construction is completed and that would probably be the best class of assumptions to be making for the tia.

>> Absolutely.

>> Spelman: I appreciate that.

>> You bet.

>> Mayor Leffingwell: Council member riley.

>> We have gotten a few concerns from the public and I just want to ask you to address a few of those. First, what's the maximum height we're talking about?

>> As you move from

-- on this map, and we've probably got a little better picture if we could show it to you, the

-- moving from west to east, the residential portion of the project would have a maximum zoning height of 60 feet, but it would be subject to compatibility. So we're limited below the 60-foot zoning level. And that actually occurs all the way across wood hollow drive. And then along the mopac frontage, I believe that are the tallest are at the hard corner of sighs spice wood springs, then the tract immediately to the south, and those are at 225 and 210.

>> Okay.

>> We also have a picture that would show you the elevation change, which I think would be helpful.

That shows you again from west to east, west on the left side for me, as you go across the site, you can see that the

-- you have a dip around the creek area, and then the buildings closest to mopac sit at a topographic level below what you would see for the multifamily. I would also mention that those buildings are, in

part, that height because all of the parking will be structured parking and all of the parking is below the office.

[16:32:44]

>> Riley: Okay. An e-mail we got asserts that sidewalks will not be provided on site. I see in the backup that the project complies with core transit corridor sidewalk requirements. Can you speak for that?

>> Yes. There will

-- we'll be enhancing the current sidewalk system that

-- I guess the question would be do we want sidewalks across the mopac frontage, which I'm not sure is a good idea, but definitely every other access area will be

-- will have sidewalks.

>> Riley: And could you discuss

-- speak to the

-- well, there's also the assertion that the project does not provide pedestrian oriented uses in all buildings. I see in the backup that you do expect to have pedestrian oriented uses on some of the buildings. Could you speak to that?

>> Again, we're dealing with those mopac buildings and wondering if that's something that we want to

--

>> not a lot of pedestrians strolling along mopac.

>> Right. The other buildings will definitely have pedestrian oriented uses on the ground floor.

>> Do you have something to show where you might expect to see some pedestrian activity?

>> Yes. The area along wood hollow, and you can see sort of where the creek crosses. All of that, we decided to focus the retail activity in that area, thinking that, to some degree, the creek could be used as an amenity, but also for the neighborhood, as well as the people who will be living and working in this project, that having that around the central core would be a good idea. The only place where we would be limiting pedestrian activity again would be on that mopac frontage.

[16:34:46]

>> Riley: Okay. And then lastly, how many residential units are we talking about here?

>> With townhome and multifamily, 610.

>> Riley: And how would you expect to address affordable housing?

>> It would be addressed. We would follow the pud ordinance, and as russ was explaining, a large part of that was the assumption that would be made as to the baseline in that area would be 40 feet, not 60 feet. So we would have a substantial affordability requirement.

>> Riley: Okay. Good. Thanks.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: , Mayor, I have a question for the applicant. On the land use

--

>> Mayor Leffingwell: This is a new action no action item, by the way.

>> Tovo: I understand. On the land use and trip generation table, there are a couple things that are a

little different from what you've

-- from the numbers you just listed. The number of apartments, as I read it on the table, are 575.

>> Table 575?

>> Tovo: 575 units.

>> In the tia? Right. Could he have seen but you're intending 610. Is that right?

>> Right. Usually on the tia, we gross the numbers up a little bit beyond what we think we're

-- is likely, just to have some comfort there.

>> Tovo: So the tia was not based on these numbers.

>> The tia is with enhanced numbers from

-- that are generally follow that

-- that scale, if you will.

>> Tovo: I see. But we received a question from a citizen about that. But that's why

-- that's why what you said here in terms of numbers is a little different from the numbers that you provided for the tia?

>> Yes, ma'am, that's correct.

[16:36:47]

>> Tovo: Maybe a little different. I think that probably clears up most of the questions I had, but I did want to ask about tract c. Is that intended to be a shopping center or a medical office?

>> No, no, that would be

-- tract c would be, as you can see, split with some retail on the front and office in the southern portion.

All of the retail is

-- we'd like to be able to do retail users that would, again, be something that would be an amenity for the neighborhood as well as the residents occupants here. It's an unproven retail market at this point, so we don't know exactly what we can attract, but at 112,000 feet, we're certainly planning on having a variety of eating opportunities, as well as other retail users. But certainly no big box at this location.

>> Tovo: So that schematic here again is a little different from the land use and trip generation table.

>> Yes, ma'am.

>> Tovo: But that's the more recent plan?

>> Right. This is

-- and again, the total retail number is about 112,000 feet testifies okay. And here it's listed as 51,000.

>> Oh, on c? On c, yes, the

--

>> Tovo: It looks like the high is 23,000.

>> Yes, ma'am. The retail

-- let me

-- the retail crosses a couple of different tract lines. So in tract b, as you can see, you've got retail in a two-story building of over 28,000, next to 12006, and next to it, 7,200. So in the portion that is across on wood hollow, you have 29,000 feet of retail, and then in c, that's a split building, so you've got about 23,000 feet in c. So the total retail is 112. The retail in that split building in c is 23. Does that make sense?

[16:39:11]

>> Tovo: Sort of. Again, I think the numbers

-- the numbers that you have on your drawing behind us just don't square with what's in our backup, but it sounds as if the project has maybe evolved a little bit?

>> Right. I think there was a hope and a belief that it's a better project if we give as much retail there as we could.

>> Tovo: Okay. Thank you. And then my last question is for staff, and that

-- thank you, mr. Drenner. I appreciate that information. And I don't know if this is for mr. Russ tovin, but this property in the backup it also talks about there being a creek that runs between some

-- let's see

--

>> shoal creek?

>> Tovo: Right. And that the property has several existing buildings, but there is some

-- I thought I read that some of it is in the floodplain. Is that accurate? Actually, I see the sign now. This means a, pro of the property is encumbered by critical water quality zone, as well as 25-year and 100-year fully developed floodplain.

>> That's correct.

>> Tovo: So could you talk about what the implications are going to be on the project? How much of this could be built, what we're talking about here, is it reliant on the development of the floodplain?

>> At this time, there's no proposed modification that I'm aware of to the

-- to the other critical zone or the floodplain, as a part of the pot.

>> Tovo: Has anyone assessed it based on the floodplain and what

--

>> no, that's something that we'll review the pud application when we get more into that.

>> Tovo: Okay. I ask because of course last week on our agenda we had

-- or last meeting on our agenda, we had a proposal that succeeded but it was to waive the floodplain variances or to provide a floodplain variance for something that had been through the pud process years earlier. So it would be helpful to get a sense as this goes forward, whether or not this project can be completed without a variance to the floodplain.

[16:41:22]

>> Mr. Drn er us said the blue is a floodplain. They're proposing to limit impervious cover 65% and treat 30 acres of existing untreated water with water quality. So

-- but right now at this time it's not anticipated asking for any floodplain or modifications as attar parani of the pud.

>> Tovo: Okay. Thank you.

>> Mayor Leffingwell: Councilman could you say.

>> Morrison: Thank you. Terry, could you help me understand, you all have to establish the base zoning and anything above that is the density and all of that. And I see something in here with the proposed

base zoning district of gr, does that mean that

-- or the base zoning in which you look at the increase in entitlement for calculating the affordable housing and all, is that going to be

--

>> I'd like to make a modification to that report. And that is that we

-- as I said in my presentation, that we would consider the baseline to be gr for the three tracts that are along mopac, and we would presume lr for tracts west of wood hollow and east of hart lane.

>> Morrison: Okay. I missed that. I apologize but why are

-- the tract on mopac e, why are you not using that

--

>> that would be one of those instances where we were making a presumption that, given that the tract is along mopac, where they come in with a zoning request from lr to gr, we would support that request. So this falls into that presumed baseline. If council tells us today that they disagree, then we would move forward from there.

>> Morrison: I disagree because I remember those discussions about what the base zoning was supposed to be, and it was

-- I thought there was an absolute assurance that it mediated to to needed to have

-- staff needed to have flexibility for strange situations where you might have some unzoned property or something like that, but it was going to be the existing zoning.

[16:43:40]

>> Uh-huh.

>> Morrison: And so the idea that you would support an upzoning, and then use the presumed, what you would support as the base zoning, really doesn't comport with that.

>> Okay. If I may, I misspoke earlier too. I looked at the map too quick, going back and forth between the podium and the map. The proposed height on that tract, that lr tract that's the southernmost one along mopac, is actually 70 feet. So we're talking about the difference between

-- if it were gr, it would be 60. If it were lr, it would be difference between 40 and 70. If we presume gr, it would be the difference between 60 and 70.

>> Morrison: Right. I guess it brings up a bigger issue for me because I think that there was a lot of discussion about that language in the pud ordinance, and there was concern that it wasn't just stated that the base zoning is the zoning, as long as there's no, you know, question about, you know, if it's unzoned or something. So I'm really surprised to hear that

-- I'm surprised to hear that it's

-- the base zoning could be considered just what you might recommend later on down the line. So that concerns me greatly. Then the other thing would be

-- so this idea of going to 200 or 225 at, I guess, an intersection at

-- on mopac, does that

-- are you comfortable with that?

>> At this time I cannot say I am. Like I said, this was proposed, in the development assessment stage.

>> Morrison: Right.

>> I am not at this point ready to recommend that amount of height at all. I think we need to sit down and have a serious discussion with them about what the superiority items are, the rational not request and we'll be coming back with a staff recommendation for the actual pud. But at this point I can't say we're comfortable with that amount of height.

[16:45:43]

>> Morrison: Because I'm wondering, you know, for me it's also a bigger picture, there's a lot of scenarios like this along mopac that might be neighborhood centers and near transits and so I feel like it's a big question of what we think is going to belong in those kinds of areas and doing a one off, you know, just thinking about it narrowly about one case, I feel like we could do a much better job as long as we're thinking more globally. And I guess that's what small area planning is and all that. We don't want to get into that, but it's a big deal. You probably remember the jollyville zoning case a while back.

>> Unfortunately, I do.

>> Morrison: Ah. And that was

-- was that 200 feet? Maybe not

--

>> I think it was 120 if I recall correctly.

>> Morrison: 120, and that was, I think, pretty strongly

-- was that

-- I don't even know if that was mr. Drenner. Okay. I think that didn't happen.

>> It did not.

>> Morrison: Right. Maybe we're farther on down the road and there's some reason that we can start thinking about doing some major height along mopac, but I do think that we need to think about this in context.

>> I agree. Coals any further questions? This is a no action item. Thank you, jerry.

>> Actually, mayor pro tem cole, council member tovo, just one last one. I want to be very clear about the tracts that you are proposing in the zoning of gr. What is the current zoning?

>> Current zoning on that one is lr. It's along mopac, south of executive center, identified as tract e on this map here. It's lr today. It's along mopac. I think if someone came in with a request from lr to gr, that the staff would recommend that request.

[16:47:46]

>> Tovo: And I guess -- I'm glad that council member morrison raised that question because I assumed in thing presentation and based on the backup that those already had gr zoning. Concur that the understanding that took place within the pud stakeholder group and during its passage, if it is a zoned tract, that's the base zoning. They don't get an upzoning before they begin through this for the purpose of figuring out the affordability provision. So I'm not sure that I understand the explanation you offered about why the base zoning wouldn't be

--

>> I will look at the pud ordinance again but my recommendation is that we did of a provision in. Unless

that provision was taken out, there was a provision in there that allowed for an assumption, and then if there was a disagreement by the council about what that assumption was, that this was the time for us to hear that.

>> Tovo: Why I thought any ambiguity is if the tract is unzoned, in which case you do need to look at the zoning around it and have a conversation with

-- you know, but if it's already zoned, I didn't think that was at all an ambiguous situation. Thank you for going back to that.

>> I'll follow up with both of you on that.

>> Cole: Thank you, Jerry. The next item we have is a presentation and discussion of the colony park's sustainability

-- sustainable community initiative.

>> Jerry again, 139 is cd 201-4005.Sa, this is a development assessment report for the colony park sustainable community initiative planned unit development. This is located on Loyola Lane between Wentworth Drive within the Walnut Creek Watershed, the HFC has submitted a proposed development of 288 acres known as the initiative, proposed plan is mixed use of commercial, mixed use, commercial, office, residential, parkland and other land uses. As I said, it's located long Loyola between Johnny Morris and Decker Lane by the Travis County Expo Center. The Capital Metro right of way, which is the proposed green line rail. Residential neighborhoods are to the west and east of the tract, which is currently undeveloped. Adjacent to the south

-- adjacent to the southwest portion of the property, already has the Overton Elementary School, which is located on a 50-acre piece of existing parkland owned by the stiff un. Un

-- City of Austin. Sf 2 and Sf 3, as well as mf 2. The area does not have a specific land use recommendation in the map of the Imagine Austin plan but it is adjacent to the high capacity corridor to the northwest, and activity corridor to the south, neighborhood center to the west, and a job center to the north of the I think that that's all the possibilities. The project has been

-- the planning for this project has been funded by U.S. Housing and Urban Development Sustainable Communities Challenge Grant. It is a three-year planning grant with substantial community involvement elements, the agents have coordinated with the design, and the design and planning process with the neighborhood association, Capitol Metro, AISD, Austin Travis County Health, Pecan Street I think, the Texas Sustainability Consortium, ACC and several City of Austin developments. They intend to comply with all tier 1 requirements, as well as several tier 2 requirements. The project is proposing 27.4% open space. The project also has connections with 93 acres of adjacent city parkland, has a smart housing project. The project commits to a lease, 17% of the residential units will be serving households and 80% mmi. In addition, they're proposing reduced impervious coverage by five percent and to provide superior storm water controls and innovative

-- innovative water quality controls and storm water controls. With that, I'll answer any questions. The consultants on this project are here also and are available for any questions.

[16:52:19]

>> Cole: And I have question of the consultants.

>> I'm with the urban design group and we're part of the urban design group for the projects.

>> Hi, Laura. This will be quick. I just remembered there was a lot of concern among the neighborhood about actually being consulted in the process and I wanted to know how those community meetings were going.

>> I think they've gone really well. We actually had our family fun fest, which was our open house for the master plan this last Monday. And we had an incredible turnout for that. So we actually have just passed the point in the process where we have these master plan. We are now working still with the community on the design guidelines which are a part of the master plan, as well as an implementation strategy which will continue the next several months, and will be timed with bringing the final PUD for your approval hopefully in October. The neighbors were here earlier, but due to the late hour, they left. But it's been an amazing process, and I don't want to speak for them, but but it's been quite a collaboration between the neighborhood and the city departments, as well as the design team, and the University of Texas which is doing our public engagement capacity building element of the project.

>> Cole: Thank you, Laura.

>> Okay.

>> Cole: Council member Morrison has a question.

>> Morrison: I don't know if you've seen the letter we received from the neighborhood association. I wonder if you could help us walk through some of the issues they raised there.

>> Sure.

>> One is about connectivity especially to the north, I think. What are your thoughts on that?

[16:54:24]

>> So that issue, as a part of our plan, we are looking at off-site improvements. Of course the PUD or the development assistance assessment is only the 208 acres, but there's really a need for east-west connectivity, as well as going up to the north. So as a part of our process, we will work with trying to get the roadway plan amended and regional roadway issues addressed. So in their e-mail to you, there was a specific request for that, because that's kind of outside the scope of PUD and the master plan, but it will be part of our recommendations in the implementation.

>> Okay. So that's helpful because it does seem that it needs that connectivity

--

>> we don't have complete control over but we're going to do everything we can to instill that in the overall regional plan.

>> Morrison: Okay. And then there's probably been a lot of talk about the other major projects that might go on there, and I believe there's a request to look at the economic impact of those other projects on this 208 acres. Is that part of any of the work that's being done?

>> We have a weekly meeting with the neighborhood and neighborhood housing community development and the design team, and the parks department, so there has been a presentation, probably a month and a half ago, when they were developing the RFQ, both for the golf course, and for the expo center, which is in coordination with Travis County. So that has

-- that dialogue is happening and there was input from the neighbors to say that the RFQ's should consider neighborhood and community impact, and they wanted a place at the table, and that was received, I think, rather well. I haven't looked at the RFQ. I believe it's out now for the golf course,

and the one for the expo center is not out yet. But that's being acknowledged by our work as well, but those are the efforts that have happened so far, as the coordination between park and colony park neighborhood association representatives.

[16:56:47]

>> Morrison: Did you say the same thing is going to happen with the expo center?

>> And that same dialogue happens

-- their input was received, we just haven't seen that rfq yet.

>> Morrison: All right. And then the next one is the one I have maybe the most

-- troubles me the most or raises the most concern, and that is a suggestion that the residential here in the pud, all the amenities it's suggested to be controlled bit hoa, as opposed to being open to participation.

>> What the issue there is, and we're not sure whether we're recommending an hoa for the new development, but definitely the parks

-- everything will be public. That comes around, what sort of maintenance structure will be in place, there will be some sort of a master developer in partnership with neighborhood housing or the housing finance corporation to develop the project. So there's been discussions around different vehicles to fund maintenance. The issue for the adjacent neighborhoods is, they would really like to see a mechanism to bring code compliance issues, things that are troublesome in their own neighborhoods, how to address that. We have talked with them that you can't create a homeowners association on an existing neighborhood because people have already bought their property. So what they're requesting, one, they're stating what they want is a way to have a positive effect on their existing neighborhoods, and some sort of control to bring the quality up. So that's what's being acknowledged in that question to you. What I believe in my interpretation of our past discussions, but we are fully commissioners court as well as our

-- committed, as well as our client, all the parks here are not just for this development, so how we maintain them will be some sort of taxing authority just on this 208 acres.

[16:58:53]

>> Morrison: So I guess one concern I have, and that I'm sure you've been looking at this carefully, is how is this integrated, as opposed to plopped down into the middle of a community where I know you don't have gates on it, but where it's not connected?

>> And we will be coming back to you to really discuss the master plan, but

-- and it's hard to see on this plan that's up there, but there's a series of neighborhood parks, so if you look on the west side, obviously, we're connecting the streets to make the connections. But there also are specifically placed neighborhood parks adjacent to the existing neighborhoods. So

-- and, of course, that's residential, that's close to them. So there are

-- in the plan, there is an effort to create amenities that are closer to those existing neighborhoods, as well as embedded in the new development. So ...

>> And did I hear jerry right that the 80

-- 20% of the housing was going to be affordable at 80% mfi?

>> What this

-- what the development assessment says is 17% right now. We have had ongoing discussions with the neighborhood about what type of affordable product will be offered here. We're going in July to their -- the cac, the community advisory committee, to have more discussion about the different types of affordability, for sale products, and some that are income restricted. The intention is have whole thing will be more affordable than other places if Austin, but the dialogue about the actual percentage of income restricted is still ongoing with them. Right now, in talking with our client, we're really trying to shoot towards a 25% on that, which

--

>> Morrison: At 80%?

>> And that definition is not decided yet.

>> Morrison: Okay. Because what would you say the median family income is in the surrounding area?

[17:00:57]

>> You know --

>> it's a high poverty level.

>> Morrison: That's my concern, and I know there's a balance you're looking for, but to have a stark -- you know, essentially, market rate.

>> Here's the bigger discussion. We are in an existing neighborhood that there are some that feel they have more than their fair share of income restricted housing. And there's some areas here that do need to be

-- to be elevated. There's a lot of section 8 housing close by. So that

-- we're trying to balance that so there's the desire to bring out the entire community, but we've had really positive conversations about

-- we also want people in this area to be able to buy homes in this new development. So I believe when we come back to you with the pud and with the master plan, those conversations will be more advanced and completed, and will have

-- will have the specifics.

>> It's a huge challenge, giving that right is a huge challenge, and

--

>> it is.

>> I'll look forward to that. I appreciate that you're paying attention to it, and part of what's related to that, that I assume will be in the master plan, comes to their last point about economic development funding and job creation in the area. So I assume that's all tied together.

>> It is. And we're having really great dialogue with all the city departments and economic development folks about this because, of course, the HUD grant, that was

-- and there's lots of things starting to happen out here, so I think it's a really great time as this is going to come online with the golf course, the possible upgrade to the expo center, that we need jobs and we -- we're having some positive conversations in a lot of different avenues, health care, education.

[17:03:00]

>> Morrison: Do you know, is this in one of the areas that we're looking at homestead preservation district?

>> What district?

>> Morrison: Homestead preservation district.

>> I don't think so.

>> Morrison: Because what we're looking at is some big exciting developments, and the idea of bringing everybody up, but that goes too far and you've got genderrification, and everybody gets pushed out, and so how do you put some brakes in there to hit the skids? So I'll look forward to all those solutions. But they do mention a tif, and I know that

-- or other funding mechanism, I assume that's all going to be discussed. Thank you very much.

>> Thanks.

>> Mayor?

>> Mayor Leffingwell: Council member martinez.

>> Martinez: You know, I've been out to some of the big community gatherings and meetups out there, and I can't tell you how overwhelmed I was with the level of excitement. There obviously are still specific concerns and council member morrison spread some of those issues of the delicate balance of those competing issues, but I dare say that your work and mr. Pharr's work has really shown in the product, when I here from melvin and ms. Scott and brandon reed and others in that community who frequently communicate with us, and when I hear such positive thoughts and really looking forward to continuing the work, it just speaks well of y'all's efforts to this point. So

--

>> thank you very much.

>> Mayor Leffingwell: Council member riley.

>> Riley: I want to second council member martinez's comments. This is an all store team. The engagement process has been amazing and this truly is one of the most exciting things going on in austin right now so I really appreciate all your work on it.

>> Thank you. We're really hopeful there's many positive things on the city side, too. There's lots of models as we move forward on this that I think will influence other master plans or the way we approach these type of projects, so thank you.

[17:05:08]

>> Mayor Leffingwell: Okay. We'll move on to item 140. Conduct a public hearing the ordinance considering center point energy's proposal to increase customer combat rates.

>> Good evening, mayor and council members, I'm rhonda hawkins, telecommunications and regulatory affairs officer. This item is regarding center point energy's south texas division's proposal to increase customer gas rates by applying and interim rate adjustment pursuant to the gas reliability infrastructure program of the texas utilities code. The grip statute allows agate utility to recover additional invested capital cost made during the interim period between formal rate case filings. Operations and maintenance costs are not recovered through grip. The grip filing notified cities of center point's intent

to increase its revenues by 1.8 million to recover increased net plant investments of 10.5 million, which were incurred between January 1st of 2013 and December 31st of 2013. This proposed rate adjustment will increase the average monthly fixed residential customer charge by one dollar, or by 4-57 percent, and a commercial customer monthly charge would increase by \$2.04 percent or 4.63 percent. In the Austin area there are approximately 440 residential customers and about 14 commercial customers. The city has completed its review of the proposal and has determined that it does meet the statutory requirements with the Texas Utilities Code everything. This concludes my presentation and staff does recommend approval of the proposed ordinance granting the rate adjustment by center point.

>> Mayor Leffingwell: Okay. We have one speaker for the public hearing. An gel take noyola.

>> [Indiscernible].

[17:07:09]

>> Mayor Leffingwell: We now have zero speakers for item 140. We'll entertain a motion. Council member Morrison wants to close the public hearing and approve the ordinance. Is there a second? Second by council member Riley. In favor, say aye. Opposed, say no. Passes on all three readings, vote 7 to 0. Item 141.

>> Thank you, Mr. Mayor, Mayor pro tem, and Council. Kevin Chunk, Water Protection Department, Floodplain Administrator. Item 141 is a floodplain variance request for 5505 Jim Hogg Avenue, which is the Hancock branch of the Solely Creek Watershed. This is not the first time we brought this item to you. It has been at three previous meetings, has been postponed for a variety of reasons. The first one, designed changes, then for some time for staff to review, so it comes to the item that we are looking at here today. Here is a picture of the area, the property there as outlined in the red polygon. The property is entirely in the 25 and hundred-year floodplains. There is an existing single family house on the lot that was built in 1945. It's almost 800 square feet for that single family house, two-bedroom, one bath. The finished floor elevation of the existing house is one foot above the hundred-year floodplain. There's a picture of the existing house. The applicant is proposing to demolish the existing single family house and build a new single family house a little bit more than 2100 square feet for the new house. It will be three-bedroom, two-bath, two levels, two stories. The proposed single family house will have a finished floor elevation that's two feet above the hundred-year floodplain, so one foot higher than the existing house itself. And they are also proposing a secondary dwelling unit to the rear of the primary residence, about 820 square feet for the secondary dwelling unit. It will be located above the carport in this drawing here, you can see the family in the front with the secondary dwelling unit in the back. The secondary dwelling unit is

-- the finished floor elevation is six feet above the hundred-year floodplain because it sits on top of the carport. The secondary dwelling unit is connected to the primary residence by a deck, and we have

-- I have a picture of that. As you can see from the lot being entirely in the floodplain, they do not meet the safe access requirement, which is one of the variance items that they're requesting. Here's a picture that just shows a profile of the single family residence on the left, secondary dwelling unit on the right, and you can see units above the carport, then there's the deck that connects the secondary dwelling unit to the

-- essentially to the finished floor, the deck that goes around the primary residence. The purpose of that

is to

-- so that during a time of flood, and that's the hundred-year floodplain elevation, you can see in blue there, during the time of flood the secondary dwelling unit occupants would not have to walk into as deep of water to get out of the floodplain. At the secondary dwelling unit, the hundred-year floodplain is almost three feet deep. At the primary residence at the front of the primary residence, the hundred-year floodplain is approximately one foot deep. And to walk from the primary residence out to jim hogg avenue to the north to get out of the floodplain is about a distance of 120 feet. And you can see here in this picture that the primary residence will be built on pier and beam foundation to compensate for the floodplain volume that would have taken place if they did slab-on-grade foundation. So because of the development being located in the floodplain and the entire lot being in the floodplain, they don't meet the safe access rule, and that's one of the veterans requests, is to variance for the safe access rule. In addition, there's a section in the code that talks about development can increase

-- cannot increase the non-conformity of a premises, and in this case, adding condition space, we consider that increasing the non-conformity. The drainage easement variance request is pretty typical from what what we see, and that's to dedicate drainage easement to a hundred-year floodplain, however, exclude the building footprints from that drainage easement. It worked this time. That's good. So on the safe access criteria itself, the goal for the safe access criteria is for occupants during a time of flood and first responders during a time of flood to get in and out of the house. What you're seeing here is a picture from the halloween flood, and this is

-- this is what floods look like. This is real. This is one of the owners of this house took this video and sent this to us. And this is water traveling probably five to six feet per second. It's probably

-- let's see, the depth there is about four to five feet in height. So this kind of shows why we think the safe access rule is important, and why we have it as part of our floodplain regulations. Just a summary of the findings that are included in the packet, again, the property

-- the development does not have safe access because they're not

-- you can't walk one foot above the floodplain to get to the right of way. The actual

-- well, let me go back to that. They are adding additional occupancy in the floodplain, and as I stated, the finished floor elevation of the primary residence will be two feet above the hundred-year floodplain, as opposed to a little bit

-- as opposed to one foot for the existing house. I have in there the hardship condition doesn't exist, and we

-- when staff looks at that part of the code and for writing our findings, since there is a single family residence that's in use now on the site, then not granting the variance wouldn't declare the developed the the property undeveloppable, it would just

-- you know, it has a use as it exists today. The question on this variance request examines 2001 to density in the floodplain. We've been talking about that actually for a recurring theme with some variances that have been coming up, but it all comes down to density in the flash floodplain, and it comes down to what is the minimum variance required to develop this lot. In staff's opinion, while density is obviously promoted in lots of the downtown core area, especially in this watershed, in imagine austin, in this area of town, we just feel that having density in the floodplain isn't necessarily a good idea. So that's staff's recommendation for denial. One thing that I wanted to mention, that is a condition on the variance, on the ordinance that you have in your backup packet, is that the occupants'

engineer had done some analysis to determine that the previous development that they had, it was kind of moved, but the previous one didn't cause an adverse impact and they requested at one of the previous council meetings to come to request a floodplain variance without having to go back to their engineer and if, in fact, council was to grant their variance, then part of the requirement to get this building permit, they would still have to provide no adverse impact. Now, the change that they made to the development, from what we saw previously, was not significant and that was part of the reason of the staff's request to postpone, we wanted a little more chance to look at the development. While I'm not here to say it's definitely not going to cause an adverse impact, it didn't change significantly, so I was comfortable bringing it to you without having that piece in place, which is usually a pretty major item that we like to be addressed prior to bringing it to you for consideration. So you do have a draft ordinance in your backup packet, which includes the conditions that are listed here for structural certification, and then adverse impact prior to building permit, and prior to the certificate of occupancy is the drainage easement and elevation certificate

[17:17:32]

>> we have more space, just in the single family unit itself, but having another family in the secondary dwelling unit, more chance for people to be on the property and then that's an increased risk if that density wasn't there.

>> Okay. Thank you. Thanks.

>> Mayor leffingwell: We'll hear from the applicant, I guess that's john rogers. Is beverly here? Richard mateo? Linda johnston? Linda?

>> Yes.

>> Mayor leffingwell: You have up to 12 minutes.

>> And I believe audrey straub meant to give her time as well.

>> Mayor leffingwell: 15 minutes. Is andrea here?

>> Thank you mr. Mayor, council. My wife and I own 5505 jim hogg. I grew up here in austin, graduated from reagan high school, university of texas. My wife and daughter both attended lamar middle school. Beverly's dad taught at McAllen. Beverly has a small cpa firm and I'm a commercial photographer. Off all seen my work on the budget. We are very fortunate that my wife and I live in allendale. We live less than a mile where we work. Audrey and her fiance live at the property and work within half a mile of their house and actually will, audrey's fiance works at my wife's practice. First I would like them to show photo number one. It's a 3:00 of

-- picture of the house. It was built in 1941. Basically you are looking at a quarter of a million dollar house there. Beverly and her deceased husband bought the house in 1996 with plans to expand or rebuild it. Daughter and fiance have lived there for three years. The current home is in disrepair. It was built over 70 years ago. It has old wiring and plumbing. We all love the location. It's walking distance to where they work and with the high cost of real estate in central austin and the large lot we came up with a plan to include a small garage apartment that can be leased to help supplement the mortgage payment. The current structure was built over 70 years ago. There's no flood proofing. The reality is if the flood waters actually got that high according to engineer's report that actually did the work with the city to design the flood plane they said the flood was destroy their existing home and the structure

would endanger audrey and possibly endanger those downstream as well. After listening to the concerns of council regarding safe access to the structure, we came up with drawings that would improve the occupants safety by providing a back to front exit that would be less than a foot of water in case of 100 year flood or shelter in place, way above six feet. Contrary to

-- I mean I hate to disagree with kevin, but I'll show you in a photo in a few minutes. If you were in a flood and had to leave the house, you would not walk out into the jim hogg street. Which would actually be deeper and leave to the right. You would walk next door into the neighbor's lot which is not in the flood plane. It's less than 50 feet. If I could see item number two. I'm going to skip past that. You have all seen that. Go to number four if you would. So at my last meeting here, my daughter and him

-- well back in october she took photos after the october flood. And I didn't bring it up at all because I thought that was in a completely different part of town they probably got a lot more rain. It's apples and oranges, has nothing to do with this. But I had some time between all these council meetings so I started doing research. And if I could see the next page, please. What you're looking at here is is

-- hopefully this doesn't count into my time. That's a graphic of the rainfall on the halloween flood. The previous graphic you might have noticed the photo, there was no flooding. The water did not even encroach in the yard. The top arrow is where the house is at 5505. It got between four and six inches of rain. The bottom area is the area you guys are familiar with that had all the flooding and got between four and six inches of rain. If I could see the next graphic. Obviously the difference is the size of the water shed that feeds those two areas. You folks having dealing with onion creek that has a 112-mile water shed. Also shoal creek has a 13 square mile water shed. They did not have flooding on memorial day. This sits on the hancock branch. It's not at the bottom of it so we'll say half of that so maybe less than a mile. All the rain would have to fall within a mile of that house to cause it to flood. Next graphic, please. I'd like to talk a little bit about I understand that the staff pretty much is forced to recommend a denial in these kind of cases. That's actually the house that I skipped one. You can see the 100-year and 50 year. If you walked out of the front of the house you walk over into the neighbor's house. Next graphic, please. So I ask kevin, I said, kevin, do you ever recommend a variance in a case where they don't meet all the qualifications? And staff had virtually never, but actually back in october we did. So he sent me an example of one and I started researching it and looked at it and I was surprised that I got it. This was from agenda number 94 on october 13th. It was regarding 4406 avenue f. I'll quickly summarize what it says. It was a lot that the owner acquired the property by paying the back taxes on it. There was a structure on the property that had been vacant for over 20 years. Nobody had lived in it. The average value in the neighborhood is virtually identical. And they both were in the 25 and 100 year floodplain. They both were asking for additional square footage. I would say that by approving this variance you would be decreasing the risk. Otherwise I wouldn't put my daughter in the house. Whereas on this other one they actually did not decrease it. I'm virtually quoting kevin. I have the transcript here but he literally said that the occupants of the house at 4406 would only have to walk about 50 feet in a foot and a half of water to get out of the 100-foot floodplain. We would have to walk about 50 feet in about four inches of water. So while the graphic was very

-- I mean the video that kevin showed is very moving, that's not what we're talking about. We're not talking about onion creek here. We're talking about that much water for 100 year floodplain. And a fire truck

-- mr. Martinez is not here but I believe what I'm going to say is accurate. A fire truck has no problem

getting access in a foot of water. So it doesn't really affect safe responders as well. The last item I have on there and you can skip to the next page. I'm not going to read the whole thing. We had the same consulting engineers that did the water shed revise plan go over and look at our plans and see what they thought. They basically said the full use of the property is currently restricted by the small size of the structure for interior renovation. Proposed pro proposed primary and secondary. It will result in a decreased danger or damage from materials. The proposed development will result in a decrease in danger due to flooding. The proposed development will result in a decreased and susceptibility for flood damage for current and future owners. The proposed development provides services to the community through a reduction of flood hazards and elevation above the regulatory. The adjoining area consists of undersized outdated structures from the development dating from THE '40s AND LARGER Replacement structures comparable to the proposed development. I won't keep you guys any longer but in all candor I think I have made my point. What we're talking about is building a structure that will be safer, that will be compatible with a neighborhood. It's not onion creek. In fact, if anything, this previous prevents the type of thing that happens in onion creek. I'm not asking for somebody to buy the property because it washed down the river. We're trying to build a safe structure. It technically is in a floodplain. If it was next door we wouldn't be having this meeting at all. Thank you very much, council. Any questions?

[17:29:15]

>> Mayor leffingwell: No questions I guess. Those are all the speakers that we have. Council member riley.

>> I think the applicants have presented a compelling case and that they have made very what they are proposing represents a significant safety improvement for this sight and their neighbors and I think it's a very reasonable request so I would move that we close the public hearing and approve the variances.

>> Second.

>> Mayor leffingwell: Motion by riley closed the request. Seconded by council member martinez. All in favor say aye. >>Aye. >>Opposed say no.

>> Passes on a vote of no. So

-- passes on a vote of 4-1.

>> I didn't vote no.

>> Passes on a vote. And that was council member tovo voting no. Item 142 conduct a public hearing. Citizen comment. First speaker stewart hirsch.

>> Mayor, my name is rebecca and we have a small presentation of the housing market analysis that we would love to present prior to

--

>> mayor leffingwell: Make it small, please.

>> It's maul. Small.

>> It is required every five years. It is essential in our receipt of federal funds, the entitlement grants. This is the second of two public hearings on a consolidated plan. One was earlier this week and a component of the consolidated plan is the housing analysis and recognizing brevity is a token this evening. We will be very brief. Heidi is our consultant with bbc research and consulting and she will

provide the highlights.

[17:31:39]

>> Thank you, rebecca. I'm going to go through this presentation quickly given the hour, late hour. And if you have questions I'm happy to take those at the end. We conducted the study a similar study back in 2008. Happy to be back in austin to compare how the housing market as changed since 2008. The new study does not replicate what was done in 2008 but takes a look at how things have changed, how the city has changed both demographically as well as how the housing market has changed. We used similar data sources for comparability. A question that arose when he initiated this study was how will this study support what's already been done under imagine austin and what's being done under code next and code diagnosis. This study provides good information with a lot of public input on housing needs and preferences as well as providing valid quantitatively based data on needs. We had significant public input in putting together the findings and recommendations and identifying the top needs. We did a number of focus groups with targeted populations. We had open public meetings. We interviewed numerous stakeholders. We did a resident and commuter survey where we received responses from residents, almost 1,000 from commuters. We had a survey that was distributed to targeted populations through social service providers. The combination of those survey efforts allowed us to do analyses of targeted populations throughout austin. What residents told us about their housing needs, vast majority of people said they value living in austin very much. They made economic sacrifices to live here. Many said that housing affordability is a pressing issue for them. Many double up to live with friends and family, have other occupants in their units to be able to afford their housing costs. Many sought additional employment to be able to pay for that housing costs. We heard a lot of concern from the focus groups as well as the survey about property taxes concerns that rising property taxes would force low income residents to need to leave. We also heard from people of disabilities that it's a challenge to find affordable and accessible housing and in a tight rental market, it's very challenging for anyone with a blemish. Over the last five years your renters earning more than \$75,000 a year have increased by 75%. You have gained about 15,000 renters in that income category. In contrast, your renters earning under \$25,000 a year basically stayed the same. There have been just very minor shifts? Your owner income distribution so we have really seen change in economic stability have been in your renter households. A quick point about vacancy rates. It's no surprise to report the rental vacancy rates are at a ten year low but those differ by property times. Your higher priced units have a higher vacancy rates. The vacancy rates and the price points are narrowing as renters compete more for those units. A quick visual on changes in home ownership affordability over the last five, six years. We do heat maps where we look at the density of affordability of different price points that shows the shift in density. The dark blue shows a higher level of density for renters who want to be owners learning less than 80% of your median family income. These individuals can own a house of about \$180,000 and less. You see a shift of affordability away from the central part of austin toward outlying areas. This shift is also replicated for renters earning between 81% and 91% of your median family income. We calculate and update a renter and home ownership gap analysis. This is a core part of the numerical findings of our study. We did this five years ago. We had a gap shortage of rental units for renters earning less than \$20,000 a year of about 37,000 units. In 2012, that gap has widened to 41,000 units. And because of your change in the

rental market so the increase in prices, now we see the gap for renters earning up to \$25,000 a year where prior it was just for renters earning less than 20,000. We haven't seen much of an economic shift in home ownership affordability primarily because interest rates dropped so much in the last five years. If we adjust the current home ownership market for the interest rates that existed in 2008, you see that it is slightly less affordable. We have also developed a zip code level housing affordability and demographic model. So in the study that we released yesterday that you can find online, you will see this model has been replicated for every zip code in austin. It shows not only overall renter and home ownership affordability, it gives an indicator of gentrification. That's a comparison of how much rental prices have increased relative to the city. We also take a look at key professions and asked could workers afford to rent or buy within this zip code. We recommended a number of strategies in 2008. Many of which have been addressed over the last five years. Our recommendations for this current study are to capitalize on what the city has in terms of opportunities to expand the efforts that's already been undertaken to increase housing affordability and preserve economic diversity within the city. And to that end, our solutions that we recommend are to initially adopt some of the early regulatory fixes to capture that opportunity to fix affordability now whether the wait until the market appreciates and those opportunities are missed. There's an opportunity to make better use of assets and that includes property that could be re-purposed for mixed income as well as mixed housing. Better use of land trusts. These are tools to preserve current neighborhoods and housing opportunities in current neighborhoods but create housing affordability in neighborhoods that don't have a lot of affordability. Pursue private and public partnerships. One of the more successful examples we have seen is partnerships with community development and financial institutions. It is important for nonprofit and private sector developers to get into the market to access land to move as quickly as investors can move, and that takes a quick turn around of financing which some types of CDFIs CAN OFFER. I'm a little unstable. I apologize. Our final goal -- let me see if I can get to the end, is to a final recommendation is to establish an affordability goal which many cities use successfully to guide their programming. Both boulder and flag staff use 10%. 10% affordability goal is in line with many of your existing programs and then manage to that goal. So in density, bonus approvals in looking at programming, existing programming that's funded by hud blocked grants, that 10% goal for rental affordability, you have a comparable goal would be what you manage towards. With that I'll go ahead and take questions.

[17:41:00]

>> Mayor leffingwell: Thank you. We'll go to our speaker stewart hirsch.

>> Thank you, mayor, members of the council, my name is stewart hirsch and like most in austin I want to say a couple of brief things. First I'm here tonight to praise the work product of the neighborhood housing and community development staff in working with the severe federal constraints for development of the proposed five year consolidated plan for strategic use of federal dollars. I provided this in writing so we don't need to talk about it much tonight. Is that for the first time this century is a consolidated plan we don't integrate our local investment the same way we plan for our federal investment. I have identified 13 geographical or policy areas where we should be setting goals and we're not. So that challenge will fall to us during budget deliberations. I'll return to you as part of that process

once we see the city manager's proposed budget. You obviously can read and this information is available to you. Thank you for your consideration so late.

>> Mayor leffingwell: Jennifer McFail. Iowa sulvitz? Angelica.

>> I'm going to make my statement brief since it's so late. I want to ask in the proposed budget it is asking \$2 million be allocated for the go repair program. I'm asking you allocate \$3 million. This program is very important to the community as it provides a way for people to stay in their homes by providing repairs that they desperately need that they cannot afford on their own. A lot of these individuals are below the poverty level or living on retirement, social security, and as we're trying to make sure that we keep stock that's affordable in austin, it's important that we make the repairs to these homes that are needed. Thank you.

[17:43:23]

>> Mayor leffingwell: Charles clotman. Entertain a motion to close the public hearing? Council member morrison so moves. Council member riley seconds. All in favor say aye. >>Aye. >>Opposed say no. Passes on a vote of 6-0 with council member spelman off the dais. Item 143. Withdrawn. 144. 143 has been withdrawn. 144 we have a postponement request.

>> And the property owner is in agreement.

>> I move.

>> Mayor leffingwell: Mayor pro tem moves to postpone until august 7th seconded by council member riley. All in favor say aye. >>Aye. >>Opposed say no. Passes on a vote of 6-0. Council member spelman off the dais.

>> The next item is 145. Conduct a public hearing. This is in response to a resolution passed by the council in november. Staff has been working on this ordinance. And the full planning commission we have an ordinance today along with one suggested amendment. Briefly I'll go over the parameters of the ordinance. This is to allow for the sale of goods and services within the following confines of general retail sales convenience. Personal services will be permitted in all commercial zoning districts except those zoned. A mobile retail establishment may not be less than 50 feet from property or which residential use and that's.

[17:45:44]

[Indiscernible] operations are permitted between 6:00 a.M. And 11:00 p.M. You must not use signage. Operations may not occupy or impede spaces otherwise required for another business and we have a bad actor provision which has been added by the planning commission. When the planning commission asked we add a bad actor provision they told us we should come up with an appeal process so that is on the sheet that has been handed out to you. Our recommendation would be that this be amended to the ordinance that's in your back up and that would change letter n bad actor to read the director may revoke. [Indiscernible] in determining whether to revoke application shall consider frequency of any violations. [Indiscernible]

>> operator may appeal the director's decision to revoke an application to the planning commission. Must file an appeal on the 20th day following the director's decision. And finally after notice and public

hearing. [Indiscernible] so in other words we have a rather simplified permitting process for this. What we intend is the people to come down to our department. They would basically I guess you could say sign a registry. Be handed a set of rules by us so they know what rules they have to comply with. There will be a small fee involved and they be off to do their own thing. There would not be an annual renewal requirement. And if they were found to be violating these sections that I have laid out here, our department could repeal their permission to do that. So with that I'm available for any questions.

[17:47:56]

>> Mayor leffingwell: Council member martinez.

>> Mayor leffingwell: I'll move approval.

>> Mayor leffingwell: We have two speakers.

>> I don't think they are here anymore.

>> Mayor leffingwell: We got to check. Sueky mayhon? Somebody just waiting to make a motion to approve.

>> I'm McMan. I would like to state my support for the amendment to city code title 25 to allow mobile retail sales as a new start up company here in austin our business model is based on mobile vending of 100,000 rare out of print collectible and used science fiction and fantasy books and magazines which we are proud to share with the community. I have received similar benefits that our food trucks have brought in terms of attracting visitors, generating significant tax revenue, offering unique shopping experiences, creating jobs and having our trucks showcased. All this while providing shops with a low cost. In essence the amendments to city code title 25 is reasonable and attainable. Sets forth an attainable mobile retailers and were easier to jump on board and show you the positive impact we can bring to the city. Thank you.

>> Mayor leffingwell: Thank you. Sarah lewis. Sarah lewis is not here. Council member -- those are all the speakers. Council member martinez.

>> I move approval with the recommended staff changes as an amendment added to it.

[17:50:02]

>> Mayor leffingwell: Motion by council member martinez closed to public hearing and approved with the staff amendments. Second by council member riley. Council member martinez.

>> I want to just very briefly want to thank jerry and all your team. In november when we passed this we told those mobile retailers that were put in limbo that on the fastest track we could do this was six months and here we are a little under seven months and we did it. For them it seemed like seven years but it really was done well. It was fast. It is not an easy item. As with mobile food vendors when they came through in 2007 and people wanted them shut down, we said let's take a different approach. I'm trying to create a microbusiness that works. So like wise when the mobile retailers came to us I felt like the approach that some were asking us to take in shutting them down they're going to overtake neighborhoods and be unfairly competitive. I just thought we had heard that argument before and we were able to make it work and really have successful businesses come out of these microbusinesses. I think similarly to the food trailers we will see those opportunities with mobile retail establishments as

well.

>> My apologies. It did take longer than we had hoped to take a few trips back to the planning commission subcommittee. They asked me to say they they remain concerned about any parkings consideration of mobile retail and ask that we as a staff be keeping an eye to make sure that there's no parking issues. If there are we will be addressing them in the future.

>> Mayor leffingwell: Make sure you do that.

>> Will do.

>> Mayor leffingwell: Council member spelman.

[17:52:03]

>> How are you going to keep an eye on that?

>> The biggest concern that you not have a place that has occurred once or twice with a food trailer where you have an existing retail store on rather popular streets, say south congress.

>> Pick one at random.

>> Exactly. And the trailer was placed upon parking that is required parking for that business. So that business might only have ten spaces, a trailer takes up three. The place is busy and people are parking on the streets. We specifically repeated that in the ordinance so it is clear you are not allowed to do that. I think that's the thing we will be looking for the most. This not lead to situations where you have more parking on a residential street. Given that they be required to give. [Indiscernible] probably be room for temporary parking there. But, you know, it hasn't been a huge issue for us with the food trailers thus far so we don't see it being a huge issue with this. We'll keep an eye on it and if there are amendments and we need to add parking, if that's what it is, maybe we'll look at that a little while down the road. Right now we don't see a need to require a parking space with mobile retail because they're not at one place for too long. We have limitation in the ordinance as to how long they stay in one place. The idea is they move all the time.

>> If you start getting complaints

--

>> we could always come back and recommend an amendment to this ordinance.

>> Thank you.

>> Mayor leffingwell: All in favor say aye. >>Aye. >>Opposed say no. Passes on a vote of 7-0. 146.

>> Mayor leffingwell: There are no speakers signed up to speak on the public hearing.

>> I'm a development department. 146 is to consider a resolution. The developer agreed to volunteer these requests. Under state law it requires properties to bid. Unless there are any questions, we are ready to conduct a public hearing.

[17:54:35]

>> Move approval.

>> Mayor leffingwell: Moves to approve the resolution. Seconded by council member spelman all in favor say aye. >>Aye. >>Opposed say no. Passes on a vote of 7-0. 147.

>> Thank you mr. Mayor. For 718 west fifth street in the shoal creek water shed. Here at shoal creek

there's the property with the red box between fifth and sixth west avenue and rio grande street. That property is entirely within the 100 year floodplain for shoal creek and almost entirely in the 25 year floodplain. That northeast corner is not in the 25 year floodplain. Here's a closer up view of the existing conditions. There's an existing building on the site that is in use. It is texas press association building about 7500 square feet. The finished floor elevation is three and a half feet below the existing floodplain so this building would be in it by 100 year flood. The applicant proposes to demolish the building and put on a mixed use residential tower, 45 levels, actually five sub grade parking with 40 stories aboveground. It will be primarily residential with the 156 residential units. The ground floor will have some commercial or retail space on it as well. So it makes it a mixed use building. The finished floor elevation of the first floor will be 2.2 feet above. And there are sub elevated areas that will just be for parking and storage and they're proposing one of those parking areas actually ramps up and so that part would not get flood water. The parking entrance on west avenue would be protected from flood waters through a flood gate which would prevent flood waters from getting into the parking garage area. As the last slide indicated since the entire lot is in the floodplain and even on the backside where the alley is in the floodplain it's not possible for this proposed development to meet the safe access requirement and so that's one of the variance requests that they're asking for tonight. In addition, as I said earlier, on the other item, this proposed development is increasing the nonconformity on the lot since it's adding space from what the existing building is to having the residential tower. And then the drainage requirement, this one is a little different than typical because they are asking to eliminate the drainage in its entirety. The reason is the building is a lot line and there's no room to have a drainage easement so removing the footprint removes the entire property from the easement requirement. We talked about safe access criteria. This is a picture from the halloween flood.

[17:58:24]

>> Mayor Leffingwell: We have seen it, thanks.

>> And the depth of water at this building at the entrance, the main entrance to the building which is on the southwest corner of the depth of the 100 year floodplain will be six feet deep. The depth at the alley exit. Within the design plans they put in a door exit on that northeast corner, the depth of the floodplain is about 1.7 feet so it's a significant difference in floodplain depths from the main exit from the alley building. And their design in talking with us we tried to work with them to come up with a design that would give some, the best access possible. Six feet is not obviously not a safe to be exiting the building. Both driveways would exit into flood waters. That northeast corner of the building was the best place to put an exit and so they incorporated that into the design and so the alley exit is there. Like I said the 100 year floodplain is 1.7 feet and there is no floodplain at that alley exit. [One moment please for change in captioners]

[18:03:17]

>> Mayor Leffingwell: All right. 148.

>> I'm with the parks & recreation department. Item 148 is to conduct a public hearing and consider an ordinance naming parkland located at 3000 del curto road. The parks board took this item up this past

tuesday at their meeting. There were three speakers, each one recommending a different name. One of the speakers was recommending del cuhto neighborhood park, another one was recommending another park, and alsoly, the other speaker was recommending tom lasser neighborhood park. As a result of the board made an at the same time to approve or recommend to this council when they were unable to do that, they made three motions. All three did not pass. So this council is left to make the final decision. And I believe there is a speaker here to talk about that. We can give more background information if you need it.

>> Mayor Leffingwell: They requested for background information?

>> If you want more background information, I can give you more history about the applications that were submitted. But it's a late hour, so

--

>> Mayor Leffingwell: So what option we might have would be to postpone it and provide the parks board with more background information.

>> I just wanted to mention that before we go to all our speakers. Go ahead, council member morrison.

>> Morrison: When we took this up last type, we did it with a request that we go back for the neighborhood to go back and revote, and I actually have received the information from the neighborhood and what came out of that, was that available at the parks board?

[18:05:21]

>> It was a gentleman that spoke there at the board, had mentioned that, and that the neighborhood had taken the new vote, and that information was shared at the board.

>> And I do have the letter from the neighborhood, and I'm not sure if everybody got it so I'm going to go ahead and pass it out, but we can go ahead with the speaker.

>> Mayor Leffingwell: All right. All the speakers are signed up against. I'm not sure what they're against, but first speaker is kerry lassiter. Okay. How about aaron gebbet? And benjamin gebbet? All right. Nine minutes. You have up to nine minutes with those donations.

>> Okay. My name is carrie lasseter. I thank you all for staying so late to hear us. I really appreciate it. Those who signed up to give me time voted no because we didn't understand what we were voting for.

>> Mayor Leffingwell: I don't either, so

--

>> we are for naming the park but only for naming it tom lasseter park. And first, I want you to know that my family members and speakers which I gathered for this council meeting left town this afternoon for a family funeral in tyler. I stayed behind to speak because the naming of this park after my dad is of utmost importance to me, and they encouraged me to do so. Now I just want to share a little bit of background about names that have been proposed for this park. The south austin neighborhood association wants to name the park after themselves, and it wasn't until june 19th that I was allowed to share my story with this association. It is a small association, and at their neighborhood meeting, there were 20-something

-- only 20-something attendees. And you can read in their minutes that nine members that were attending voted to include the name tom lasseter park as the third choice in their voting on a name. And

eleven members just wanted to vote between the name they first proposed of del curto park and another name they later proposed of south lamar neighborhood park. South lamar neighborhood park won with a vote of only 16 members. I'm told this association has been divided on a name for years. Since the june 12th council meeting, the association's spokesman that was here on june 12th, bruce evans, who presented the name del curto park to the council, he has realized that tom lasseter park is without question the best and right name for the park. You have an e-mail from him supporting this name. So now they have a new spokesman and a new name, and at this time we have before us only two desired names that are currently proposed. So given the circumstances, I'm asking you not to consider the name del curto park, since there is currently no individual or group now supporting it. And before I tell you why I'm asking you to name the park tom lasseter park, I would also like to share that I've gathered 73 signatures of residents in the immediate area of the park, all supporting the name of tom lasseter park. I'm sure that I could collect this many more in a day or two, as I collected this many in a few hours last saturday and sunday afternoon. Many neighbors over there remember my dad and would love to see the park named after him. I also want to make the point that after several years in existence, this small association only has 60-something members with 20-something attending most monthly meetings, with a boundary defined on their website that encompasses a few thousand residents. Therefore, they're not really representative of this neighborhood, my old neighborhood, as I have proved by gathering more signatures in two afternoons than they have members. I've attached to this

-- I've attached to the e-mail that I sent you all the 73 signatures, which are

-- I've got three pages of signatures here, and you all have

-- I sent those to you all. And I also sent many e-mails from respected leaders, such as the national director of the navy league of the united states, the president of the local navy league, a past executive director of the ymca, representatives of the kiwanis club, mitch lasseter, friends of tom lasseter, friends who live very close to the park, some who are members of the association, and some not, and others, all supporting his name. I believe that you have received e-mails in addition to these supporting his name. Please read these e-mails and see the list of signatures, because I feel they're important in making a decision. Now, even though you heard some of this two weeks ago, please let me share some facts about tom lasseter. Tom lasseter was a very well-known, recognized, and respected austin citizen and businessman from as early as the 1960.

[18:11:34]

>> Until his death at age 85 in 2011. He was always very involved in community affairs and volunteered much of his time most of his life. He was a world war ii and korean war veteran, an active member of the navel reserves and president of the great austin council. As a long time austin architect, he was involved in the design and construction of many austin commercial buildings, downtown restorations, and downtown revitalization projects, and was a member of the local chapter of the aia. He served on the board of directors with the austin jc's, served on the board of directors of the ymca from '76, he was chief of the indian guide program, he was general chairman of austin up turn, a two-day symposium in 1980 on the revitalization of downtown austin. He was the first charter member of the kiwanis club of greater south austin in 1974, and in 1994 he organized the shady hollow kiwanis club. He

contributed much to this community for over 60 years. And for a little history and background, this park is located on the exact parcel of land that tom lasseter purchased in the early 1960s. When he purchased the acreage, it was outside odds the city limits, in thick woods, barely walkable, in the middle of the land, a very low lying area, as a creek centered the land, he cleared the land, saving as many oaks and elm trees as possible. He then built a rock wall to channel the water, then he hauled in many loads of dirt to build up the entire center of the land on both outsides of the rock retaining wall. He literally built the land the current park sits on. He designed and built the bridge to drive across the creek, then as a licensed architect and contractor, tom lasseter designed and built a two-story rock home designed in the style of an old german farmhouse. It was constructed mostly from architectural salvage gathered from the demolition of historic buildings in downtown austin. This house remained on the present property until several years ago when it was demolished as part of an agreement between the city of austin parks department and a developer. Even though the home is gone, the history lives on, and I am asking that you preserve this history, preserve the meaning, the character, the soul of this property by naming it after a person, an individual who was directly involved with the property, and who contributed so much in the way of community service to austin. My dad, tom lasseter. Thank you, mayor, mayor pro tem, council members.

[18:14:29]

>> Mayor Leffingwell: And I recall from the last

-- your dad donated the property to the city for the park? Is that right? You said he owned the property.

>> Yes.

>> Mayor Leffingwell: So how did it get to be parkland?

>> How did it get to be a park?

>> Mayor Leffingwell: Yeah.

>> I heard several years ago that a california developer had purchased the land from

-- I think from the unity church, whoever the current owner was, and they were going to build condos

and tear down the house. And that's all I heard several years ago. Didn't know anything else until

january 31st when I found out it had been made into a park, at which time I contacted bruce evans and greg maltese.

>> Mayor Leffingwell: Okay. Thank you. What did your dad do in world war ii?

>> What did he do in world war ii? He was in the

-- he was in the pacific, and then he was also in the korean war.

>> Mayor Leffingwell: In the navy.

>> In the navy, yes. He was in the navy.

>> Mayor Leffingwell: Okay.

>> He was an officer in the navy. He was one of the youngest officers at age 19.

>> Mayor Leffingwell: On a ship?

>> Yes.

>> Mayor Leffingwell: Okay. Thanks. Council member riley.

>> Riley: Ms. Lasseter, we have an e-mail

-- can I ask you a question? An e-mail

-- I understand mr. Lasseter was an architect who was involved with the original round holiday inn at i-35 and town lake; is that right?

>> Yes, that's correct.

>> Riley: Did he exactly design that?

>> Yes. He was a commercial architect, and

-- and that was one of many buildings that he did. The round holiday inn. He also did the remodel on the sheraton just down the street.

>> Porter junior high?

>> Yes.

>> Riley: And this e-mail says he actually spearheaded the creation of the heights. What was his position with them?

[18:16:34]

>> Federation chief.

>> Riley: Over what time period, roughly?

>> He was with the indian guides and the y for many years, and you all have an e-mail from the past director of the ymca also. There's e-mails. I don't remember the exact years, but many years.

>> Riley: As a proud member of the tonkawa pride

--

>> he was apache. His name was with wise owl.

>> Riley: I was night owl.

>> Mayor Leffingwell: Okay. Thank you. So we have camille perry and we have sally merit? Do you want to speak?

>> I just wanted to clarify, mayor, that the parks department purchased one acre of what is now a two-acre park, and the other acre was acquired through parkland dedication. I just wanted to clarify that.

>> Mayor Leffingwell: Camille perry?

>> She had to leave.

>> Mayor Leffingwell: All right. Sally merit. Excuse me. How about anna gibbet? Right. You have up to six minutes.

>> I'm just going to

-- thank you for staying up late with the rest of us. I don't have to do this very often, so I can

-- I'm a little more sympathetic now that you guys do this on a regular basis. My name is sally merit. I

have been a resident in austin for 21 years, which on my block is actually considered rather new. So,

again, I'm representing the people who had the sense to go to bed a long time ago. I am supporting the

tom lasseter name as well as the 73 people who signed carrie's petition. I was going to read just quickly some highlights from some of the letters that were sent, specifically from

-- I'll just say quickly, mitch lasseter, who's the son, that he was commenting on what you said, mr. Riley, as far as the sheraton and the round holiday inn and the ramada inn were all listed. And one of the things

-- he's a member of the austin jc's and the aia's, as you mentioned. He sums it up by saying any old-timer in austin would recognize many of the things he designed, most of which have been replaced as austin

has grown. He lived, loved, and supported this community for a better part of 60 years. So hopefully, this is perhaps one small thing that we can preserve. His sister, who is retired adjunct professor at st. Edwards university, and brother-in-law is associate dean at saint edwards, wanted to add that the service in both the second world war and korean war would be one more way to honor veterans that we can't really honor enough for their sacrifice. So that's from the family. So going on, for the other people in the neighborhood, I mentioned that i, myself, am putting in the time here because one of the things in our association meeting, it was mentioned that we didn't want del curto because the road was already named del curto, so that seemed to be not taking advantage of all the distinctive personalities in austin. Well, the same thing is true of the association because that's just named after lamar, and in my observations, every city I've ever lived in in texas has had a lamar. So we were hoping for something a little more distinctive and representative of austin. Jane hume
-- this is what I mean about my not being that long-term a resident, because compared to jane, she's a fourth generation austinite.

[18:20:53]

Reading her worked: I was touched by tom's commitment to his land and the efforts he's made to better the austin community during his lifetime. And mentioning that he was of the old guard. And so that she has fond memories of people who were the very character who gave austin this distinctive personality. So now that she's a realtor and seeing the droves of people coming into austin, again, in her words: I think these new folks need to be told about our history, and what makes austin the special mecca that it is. It is by preserving that history we will maintain our individuality and our uniqueness. Otherwise, we'll just become another big city. So that was from jane. And jody matt wrote: I'm one of the few remaining original, I think mrs. Jay and I are the only ones left in the direct proximity of the park. I've been living on the lot at 3012 del curto for approximately 60 years. See, I am a youngster. I'd appreciate the park having a familiar name. Please strongly consider naming this. It's a gesture that you really do care about the residents of the city that you represent. And then, of course, as carrie mentioned, bruce evans wrote that he had a very impassioned plea at our meeting and he's completely changed his mind to back the tom lasseter park. In summary, he says he reached his influence, goes beyond who he was as a man, from his profession, influence in this community to this leadership in our youth organization, his reach touched this community. So that was the highlights of the neighborhood of people directly living just down the street. And then we have quite a bit of backing from people from the kiwanis. And for those who don't know, kiwanis is a unique service organization dedicated to serving the which I have not world and communities. Generally there's little networking of business interest. Tom, who was an architect, told me he never gained a customer through the kiwanis. It is a great testimony to a man who gave much to austin and his community for no selfish purpose. This is earnest rubeck. Following up is joe mathis, who has also worked with tom. I knew tom for many years as we were members of the shady hollow kiwanis club. Tom spent many hours working on local community projects, as well as a larger state project like the red cross, and international projects through the kiwanis international. I think tom deserves and has earned the honor of having the park named for him. And then the ymca came from jim crawly, and he was
-- came to austin as a physical director of the town ymca. That was, I think, the earlier question of the

time frame, and was the executive

--

[18:24:05]

>> Mayor Leffingwell: That's your time, ma'am. Thank you.

>> Thank you. That's before I could even mention the military people who wrote in support. Thank you very much.

>> Mayor Leffingwell: Brian king is the only one who's not against. He's neutral.

>> Thank you, mayor. Mayor pro tem and council, I'm having to say good morning so I'm going to make it brief. After the public hearing at the city council, have south lamar neighborhood association at our regular meeting on june 19th, responding to council's directive to have a runoff vote between the two, we pushed that notice out, the 275 people on our yahoo list, and the council member morrison motioned that the naming the park be postponed so we could have a runoff vote between the two finalist names we had previously voted on. South lamar meeting, we had a thorough discussion of the park naming. Lasted about half an hour. We gave the floor to ms. Lasseter for about ten minutes. She followed up with a q and a session afterwards. The association then voted whether or not to have a runoff between the two names or did we want to open it up to new names. We decided not to open it up to new names. We wanted to honor the process we had gone through for months prior and we did a runoff for those two finalist names. The motion to name the south lamar neighborhood park was voted and passed by a margin of three to one. You should have a letter in your backup referencing that. Therefore, the south lamar neighborhood association puts forth a single recommendation of the south lamar neighborhood park. In the motion, council member martinez asked us to send it back the parks board, and we did that last tuesday night. And parks board forwarded it with no recommendation. The neighborhood association had did you do previously and we offered, and I believe we would still support, naming the bridge that's leading into the park after tom lasseter. This is one of the last architectural features that's there pard as able to rehab that, use bulkheads and build a new one on top of that foundation. So, therefore, we ask that you maple the park after the south lamar neighborhood, and we remain open to naming the bridge after lasseter. Lasseter put a lot of energy into developing that property. His energy still shows on the foundation of that bridge. The south lamar neighborhood association put a lot of energy into developing the park. So we'd like to name the park after the south lamar neighborhood association and honor the bridge
-- before lasseter with the bridge. Thank you for your time. I did it in two minutes.

[18:26:40]

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Let me ask three seconds worth of question. I'm looking at this report that's got demario champion's name on it. It shows, I think it says a motion passed by a three to one margin.

>> There was 16 to 5, I think. We only had about 30 or 40 people show up for that meeting, and the registered voters, not even all of them voted, but it was about 16 to 5, as I recall on the main motion.

>> Mayor Leffingwell: Okay. So you had about 20 people there.

>> Not everybody was a.

>> Okay. Thanks.

>> Thank you.

>> Mayor Leffingwell: Those are all the speakers. I'll just say I respect the neighborhood association's recommendation. However, not very many people voted in that election, but I'm especially impressed with the background and the association with this parkland, what is now parkland of Tom Lasseter. It sounds like he was very prominent in the community and served his country in World War II and in the Korean War, and I think that's

-- he's worthy of this honor, so I think

-- and I also have to mention that he must have been a great man because his daughter is so dedicated in his support. [Applause] Council member Morrison.

>> Morrison: So I've certainly enjoyed learning about Mr. Lasseter, and seeing the enthusiasm for the need to honor and make a remembrance of him. I had the opportunity to work with the South Lamar Neighborhood Association when I was the president of the Austin Neighborhoods Council as they were struggling to be able to create a park for themselves, because they knew that that was needed, and there was this land, and the development, it was

-- I think it was

-- was it Cypress developers that were putting in the VMU along Lamar, and I remember being in lots of meetings and lots of dedication from the neighbors because they were dedicated to getting this park. And so I

-- what I would like to see is that we find an appropriate remembrance and honor for Mr. Lasseter, but this park is here because of the South Lamar Neighborhood Association, and so I'm not sure

-- it sounds like the idea of naming the bridge after Mr. Lasseter is not really something that sits well with the family, and so

-- and we're probably not even posted to do that today. We're talking about

-- I think we're posted just to do a park. So what I'd love to do would be able to see if there's some other did the it sound like Mr. Lasseter was all over the place with all sorts of involvement in the community, and there might be another very obvious place to be able to honor him, but that

-- but to go ahead and name this park the South Lamar Neighborhood Park. I saw the blood, sweat, and tears that went into creating this park that is going to be now available to the neighborhood for years to come. So with that, I'll make a motion to name it the South Lamar Neighborhood Park, and with direction to staff to help us figure out if there's a way to work with Ms. Lasseter to find a way to honor her father.

[18:30:43]

>> Mayor Leffingwell: Motion by Council member Morrison to close the public hearing and approve the ordinance naming it South Lamar Park with additional direction. Is there a second? Okay. South Lamar Neighborhood Park. Second by Mayor Pro Tem Cole. I'll just say that I'm not going to support this because I think it's much more appropriate

-- I'm impressed with the

-- I've said this all before I'm not going to be too repetitive, but with his long time association with the property and his contributions to our community. Council member Martinez.

>> Martinez: Yeah, likewise. I think it's a unique situation in that this is actually land that he owned and that he cleared and worked for many years, and that's a very different scene than many cases when we're honoring residents and naming things after him. It may be a piece of land they've never been associated with. Mr. Lasseter actually owned this property one time. That's why I struggle with, how do we appropriately honor this man when we just took the property that was his and named it after something else? You know, it wouldn't seem appropriate to name another park in some other location after him, or another structure in some other area. So

--

>> Mayor Leffingwell: Council member Riley.

>> Riley: Mayor, I agree with both you and council member Martinez. I'm very impressed with the history that we've learned about Mr. Lasseter. He was the federation chief of the Indian guides in 1968, and actually

-- and so did play an important part in an organization that was very important in my youth. But more significantly, he was part of the Greatest Generation, he was one of the youngest officers in the Navy during World War II, and then after World War II, after he went back to school and got his undergraduate and B.S. degrees, then he volunteered and served in Korea where he

-- he was rewarded 12 service medals with four battle stars. And then not to mention all of his contributions in architecture. I'm just very impressed. He is a great figure and I think he deserves this honor. I think I would be willing to make a substitute motion to name the park after Mr. Lasseter.

[18:33:14]

>> Mayor Leffingwell: Substitute by Council member Riley to name the park after Mr. Lasseter. I guess it would be Tom Lasseter Park, and that's to close the public hearing. Second by Council member Spelman. Mayor pro tem.

>> Cole: I did appreciate all the testimony about Mr. Lasseter and what he has done for the community and with the park, I just believe that naming the bridge or some other structure in the park after Mr. Lasseter accomplishes both goals of the neighborhood and the Lasseter family. So I will not be supporting the substitute motion.

>> Mayor Leffingwell: Council member Spelman.

>> Spelman: In addition to the I think very good arguments you've made, Council member Martinez and Riley have made, I can't help but mention if we name this South Lamar neighborhood park, it's not on South Lamar. And that's going to add some practical difficulties to people looking for it. Either we could name it Del Curto Park, people will know where that is right away, or name it something else and people have to look it up. But I'm concerned that people looking for South Lamar Park on South Lamar.

>> Mayor Leffingwell: Okay. So the vote is on the substitute motion. Those in favor say aye. Aye.

Opposed, say no. No from Mayor pro tem. Passes on first reading only on a vote of four to three, with Council member Tovo and Memos Memos and Mayor pro tem Cole voting no. So I guess we'll see this back on the 7th. And public hearing is closed. I was just going to say 149 was set to be postponed at 4:00 p.m., and we're just now getting around to it, so is there a motion to postpone

-- Council member Martinez moves to postpone item 149. Second by the Mayor pro tem. All in favor, say aye. Opposed, say no, passes on a vote of 7 to zero. Brings us to our last item, which is item 152.

[18:35:42]

>> Good morning, mayor and council, greg ginzi, planning and review department. The last item on your did he know item, identified as item 152, is to conduct a public hearing consider an ordinance approving a project consent agreement under the city code to allow the construction of a single family residential development at 5816 harper park drive in the east oak hill neighborhood planning area, and waiving strict compliance with 25.8 and sections 25.132, adopting a site specific amendment to safer springs initiative. It's located in the barton springs zone and comprises approximately 17 and a half acres, or a little over 17 and a half acres. On the june 12th agenda, council approved the vesting ordinance that provided a provision for project consent agreements. The project consent agreement is a voluntary item under the ordinance that would allow for a project that may be

-- or property that may be clearly vested or may be murky in it's grandfathering, this particular property, I would say if it was developed with a commercial use, and that would be defined under the barton creek ordinance, I would say it would be vested, and they could develop under the barton creek ordinance of 1982, not subject to the sos ordinance that would be applicable today. In drafting or in deciding to recommend the pca, I look at the degree of which the vested rights for the property had been established, the importance of the particular regulations in achieving the planning goals or policies in the area which the project is located, and can certainly consider the recommendation of the environmental officer regarding the environmental benefits that are proposed by this agreement. Typically, under the ordinance, we would send this to the environmental board and the planning commission council, when you approve this ordinance two weeks ago, you provided an exception for those applications that might be filed in this month. So far I've only had two. This is one of the two, that they would not have to go before the environmental board and planning commission. I think that was done for consideration of this project because there is a closing deadline which I think they'll probably speak to. This was rezoned last december to allow the property

-- the majority of the property to be rezoned to a mixed use designation. They agreed to prohibit certain issues like multifamily, duplex, single family attached, would still allow for condominium development on the property under zoning regulations and would retain the

-- under the ll designation to construct an office. There were additional conditions that were placed on the property that limited height to 35 feet and two stories. The property from its original application was actually shrunk in size, so it was

-- the area being rezoned to the mixed use was 75 feet from the eastern property boundary and 50 feet from the western boundary, so it's actually smaller in size where the mu is than the entire property. At the time when it came in, it's my belief the owner believed the property for this use, which is a single family detached condominium use, and these are detached structures, was vested. I disagreed on that point. That may be a matter of still contention, but I think I'm bringing before you today a recommendation by both the environmental officer and myself that given the residential project is more compatible with the surrounding land uses than what might be developed on the property from the standpoint of a commercial or civic uses, and that the amount of impervious cover being mitigated under water quality, the additional conditions that have been placed on the property through private covenant or through zoning would be more compatible, I'm recommending the project come forward

and that you approve the p cva. There's been a lot of discussions about this over the last several days. There are many of my staff, watershed staff, the property owner's representative, representative of weekley homes have been in discussion, and you have on the dais, I think it was just handed out, a version of the ordinance. It would achieve, based on what I understand and chuck is here and he can possibly go into a little more detail than i, but given a choice, if you went forward with a vested project, this would cut the pollution levels for this property by two-thirds of what could be built if it was built under the old barton creek ordinances. It would not achieve sos, but it would be two-thirds better than what would have been achieved if you built the office or church or school on this property. It would allow them to achieve the impervious cover of 6.21 acres. They've agreed to do mitigation, providing for \$150,000 in water quality mitigation funds. They've also

-- would do a reirrigation for an acre of land. That helps tremendously with the water quality on the property. There's also connectivity that I know that they have proposed and the use of a permeable -- permeable pavement to access the proposed hank and bike trail to the north through the property. And I think those are probably the major portions of it. There is a diversion feature that is on the eastern -- or western side of the property that actually diverts flow that comes from that adjoining subdivision, that what used to cross directly through the subdivision, that would be the oak park subdivision and would traverse the site and enter into the oak acres subdivision, and by having this diversion, would improve some of the flooding conditions that would be found locally on the oak acres subdivision on the eastern border of the property. They would also put in mitigation at the end of that drainage feature as it dumps into the tributary one, which is along the southern border to mitigate any kind of erosion threat that may occur from that. I guess I'd add one more thing, that there's also a provision for tree protection on the property, that they would guarantee to preserve minimum of 25% of the trees between 8 and 18 inches, 75% of the trees between 19 and 23, and 90% of those that would be considered heritage trees, the 24 inches and above, which is something that is above and beyond what would be required.

[18:44:45]

>> Mayor Leffingwell: Okay. Thank you.

>> And if you have any question, I'll be happy to answer them. As I said, chuck is here, the environmental office. We have some other staff here. I think we have quite a few neighbors and the applicant for the pca is also here represented by andy trick.

>> Mayor Leffingwell: You're the first speaker.

>> Good morning, mayor, members of council. I'm bill bunch, springs alliance. I sent an e-mail earlier today asking that you postpone this item to give further information and consideration. There was some confusion about it. And also just the shortness of it no and other things. So I'll confess there's some details here that are not clear to me, with the water taskforce crunch the last few days, and then the 45 issue, there's definitely some details that have escaped me. But some of this is very clear to me. It seems to me that this being the very first use of this new project consent provision in our new ordinance, that it ought to fit in the framework. And I would submit to you that it does not. This provision is for the circumstances where the project that you're looking at has some real claim to grandfathering. That's what the ordinance says. And this project does not. It's unquestionably, if you're going to build single

family or residential, it is not grandfathered, and it's subject to sos, and that's less than two acres of impervious cover. It has this very litigation history that involves one of our candidates for mayor, that, inc. I think people will be learning a lot more about this property in the very near future, both what you do with it tonight, and what has happened to it in recent years. But I don't see how the inquiry of something

-- some other project that might get built there is grandfathered relates to, well, maybe they have a grandfathering claim for this project, when they don't. And that was litigated, and it's absolutely crystal clear out of the litigation from this property that building residential is not grandfathered. Setting all that aside, is it a good they think? Well, you're back out, and the ordinance talks about 37% impervious cover, I believe. That is gross site. What we're talking about here net site is more like 60-something percent. Three times

-- more than three times the impervious cover than under sos, and virtually zero reduction from if they were building that other project that might be grandfathered. So you're not getting any environmental benefits her. I think you're going to hear from the neighbors about the flooding issues and access issues that seem very real to me. So please either postpone this for further information or vote no.

[18:48:44]

>> Mayor Leffingwell: Thank you. Mary lynn rogers regal.

>> Good morning, mayor leffingwell, mayor pro tem cole, and each and every council member. I am mary lynn rogers rebal, representing the oak park subdivision association, and I'm not nearly as nervous as previously, after so many times in front of you all. Again, I am before you asking why, after being approved last year, not just on one occasion, but four separate times, the david weekley project has been stopped again. I am asking, no, begging you to please let this project go forward. It has the blessings of the oak park subdivision and is much referred to an alternative office building and parking lots directly behind our homes, which has been mentioned will happen if it goes away and is not approved to go forward. Thank each of you for all of your time and efforts put forth in this matter. Please continue your vote of confidence for this project.

>> Mayor Leffingwell: Thank you.

>> Thank you.

>> Mayor Leffingwell: Sandy causey. Is edward metric here? Not here? So you have three minutes.

[18:50:49]

>> My name is sandy causey, and I also am representing the oak park subdivision. I don't have the knowledge and facts and figures that mr. Bunch does, and I know he's well respected, but our neighborhood for over a year has known about this project, worked on this project. We've had a chance to look into it, learn about it, learn about environment, and I just wonder why he hadn't, and wants it postponed. We're unwavering in our support of a residential development behind our homes. We don't want an office building with a landlord, decreased property values, an attractive nuisance during non-business hours, and more important, no input into the project. Caves, no caves, environmentally sensitive, not environmentally sensitive, dense, less dense, I know you must consider these issues. It's

your job and they're important. But an office building on this property, we'd be just as dense because density is profitable. If city regulations will allow for the same footprint, whether it's an office building or the residential weekley project. It seems to me that the weekley project, given the concessions made to the neighborhoods and the city by the developer is the best way to go for safeguarding the environment. Unless it's within your power to stop any development on this land, we ask that you not waiver in your support of the weekley project so we may have homes behind our homes. While not perfect, the weekley project is our neighborhood's best chance of having a development behind us that impacts the people and the environment the least. Thank you for your time.

[18:52:56]

>> Mayor Leffingwell: All right. Sage walker? We do have several. Christian bentley? All right. Paula cox. Erin foster. You can have up to 12 minutes.

>> Thank you. Recently, it was just mentioned the diversion, what comes in and goes down to the middle of the park, that sounds like a nice idea to divert it down to the creek, except for I've walked that property several times when it rained. Rain lately, just got an inch, or when it rained heavily, several inches. A lot of that water will flow through the middle of oak claire like they said but about 50 feet from the fence line, 50 to 100 feet from the fence line, it will spread out in fingers, and either the water will disappear in the ground or puddle up, and that puddle will then at some point stop while water is still flowing into it and the level wouldn't change. Those, from my experience, are recharge features. Now, I walked at one point through that property so ian could take pictures. We were with a geologist, his geologist. When he showed up, it was just him. He took pictures of all the spots of what I assume were recharge features. Two days later, I called him because he told me to call him and see what these geologist thinks about it. He was supposed to bring his geologist and show him the same spot. He said, oh, I showed him the pictures and he said there's nothing to worry about. If we uncover something, we'll take care of it then. Whatever that means. With that said

-- I had this whole speech planned out. I can't do it. I've got to get off my chest something that's been tearing me up, eating me alive. Last year when we dealt with the rezoning, during the second meeting, one

-- an associate of the whitfields, who I've never talked to before, my neighbor comes to me, says can we talk? Yeah. Sure. She leads me into this glass room and she pulls out a bunch of photos, aerial photos. They were maps, looked like someone flue over my neighbor's properties and she had several different properties. And she started pointing to each aerial property, making assumptions of what she sees in the property. And then she started to go into detail about how it would be a shame if city ordinance was to know about this, about how

-- at some point she was rambling on. I said, why are you telling me this? Because I know I wasn't one of the people on the list. Some of the people here were on the list. She pointed me out. So my heart starts to race, and her answer for why she pointed me out was simply, oh, because of the simple fact that if I was one of these neighbors, I wouldn't say anything. And if I was to say something, it would be something positive about the development. Son she starts rambling again, and I said, wait a minute. Why are you telling me this? I'm not even on the list. And her response is, well, you work for them, don't you? I live there, I own a house there. I have no idea what she was talking about. So I did what I could to

just get away from the conversation as soon as possible. I came back, I sat down at my neighbors and I told them all what just happened. And I said, I'm going to tell city council when I stand up there. They said, no, maybe you shouldn't do that because it will seem petty and off the subject. And I said, yeah, sure. I agree with you. You have a point. That night, I couldn't sleep. I went days, days, unable to eat a full meal. My guts were just

-- felt like they were just turned into knots. I didn't know why I felt this way. I don't know why it got to me so much. I've had worse things done to me. About a month later

-- of course, we didn't back down. We still fought. About a month later, city ordinance came to a bunch of neighbors who are on the list. The good news is, the majority of the complaints were taken care of within a day or two. Time went by, we thought it was all over, everything was okay. Yesterday I did an interview with kxan. Mr. It even airs, before it even aired, I got a call from marcus whitfield. I saw it, something told me don't answer it, so I didn't answer it. He left a voice message.

[18:58:34]

>> If you're planning on saying this stuff tomorrow night, there's probably going to be some repercussions.

>> That's not the whole thing. That's part of it. If I plan on saying this tonight, there's probably going to be some repercussion. I take that as the second threat from the whitfields, and people associated with the whitfields, intimidation. To me, that's bad behavior. That is not

-- you don't do business with thugs. What you do with thugs, you give them the wall. I say the best they think you can do is print out the current sos, hand it to them and say, follow it, word by word, ordinance by ordinance. I don't trust them because of their actions, nor can I trust anyone who does business with them. And just so you get an idea, I don't even know what else to say. I really don't. Because I'm

-- again, I haven't slept last night. I haven't eaten anything sense I received that call. My guts, again, are turned inside out. What am I to do? What are my neighbors to do? I have neighbors who didn't show up because of the fact they had city ordinance called on them last time. These are honest people, these are people

-- they're serving you honey, and putting vinegar in our faces. That's what they're doing. Don't bend the laws for them. Print out the current sos, hand it to them, tell them to follow it, word for word, ordinance by ordinance. Does anyone have any questions?

[19:00:47]

>> I have a question, mayor pro tem. I just want to be clear. You used the phrase city ordinance, but were you talking about code enforcement coming out? Is that what you were meaning, is that code enforcement

--

>> I know this is a 1704 committee, says this is under current sos. That's what I'm talking about. hang on a second. I'm talking about when you said that the city came out to visit you

--

>> code enforcement.

>> Code enforcement. So were there violations found on properties and issues cleared up?
>> The ones that were violations, they were minor that I know of. They were cleared up, like someone had to put up a fence, a wooden fence that was about five feet wide, you know, things that were taken care of within a couple days. But still

--

>> do you know how many of your neighbors had complaints filed against them?

>> Five or six.

>> May I speak to that?

>> Martinez: If you're signed up you can, but I'm going to ask him another question. Who was the message from, you said? The one you just played?

>> Marcus whitfield, the voicemail. And that's another thing. Bold enough to record yourself making a threat, on my phone. That's some audacity. That's legal. When you say repercussions, what's coming my way? I can't help but think of that. Served my country. I fell ill from my country. I went into multiple comas. I actually died once for my country. I'm losing the color of my skin for my country, and what did I get? I get threats. I get crapped on by thugs. He may not look like a thug, but to me, he's a thug. And you don't work with thugs. You hit them with a book. You hit them with the law, and you make them follow it, the straight and narrow. There's no, oh, we let you go on this, let you go on that. No. Follow the law. Because they're not buying it when they come to us.

[19:03:14]

>> Cole: Mr. Walker, looks like ms. Foster who donated time to you has a comment. Would you like her to comment?

>> I'm paula cox. May I make a quick comment, though? Because I want to get back to what council member martinez said. I lived in my house for 28 years. I've known

-- it's a small neighborhood. It's a circle, 30 houses, I mean at one point it was 23, is might now be 33. Never, ever, in the history of my living there, has any code enforcement occurred, until this happened. And it does feel like a threat. It does feel like we're sort of under attack. And I think there are a lot of inconsistencies in things that are said, but I just wanted to say that in addressing what you said. So -- and excuse me for taking your time.

>> Any more questions?

>> Cole: I don't know how much more time you have, but if there are no further questions, you can feel free. Council member spelman has a question for you. No. Thank you for your time.

>> Is there time left that I could speak?

>> Cole: I haven't heard the buzzer go off. Seems like it has

--

>> oh, I'm sorry. My name is paula cox.

>> Cole: There's a total of 12 minutes.

>> Okay. If there's any time left until the buzzer goes off, can I talk?

>> Cole: I didn't hear it.

>> I stopped it once equal started asking questions.

>> Okay. Thank you. Just please read the letters you've received if you can.

>> Cole: Okay. The time has expired. Thank you. Rodney baker. And rodney, you have time donated to you by sandy andrews. Sandy, are you here in okay. You have a total of six minutes.

>> Thank you for letting me speak. My neighborhood and I received the notice on this hearing a week ago today, so we have not had very much time to review the recent history or the plans. After watching the citizens communications from council meetings on may 1st and may 15th, we heard our neighbors to the west, the owners, the applicant, and their hired guns sta a lot of half truths. The most repeated misstatement was that on december 12th, the council approved this project. You all did not approve this project. You all just approved a zoning change. They also state all the examples in the staff report how you all

-- how staff recommended this project. However, they leave out the most important part of the staff

[19:05:56]

report, and I quote: City staff has not determined whether the project will be developed under presos 35% or current 15% impervious cover. Well, I remember talking to lee heckman asking him about this stance the staff had took. He said this decision would be made at site plan review. I asked who in their right mind would buy a piece of property not knowing how the city would rule. It just didn't make very good business sense to me. In our presentation to all the council members, we stated we strongly recommend these impervious cover issues be determined before changing the land use or the zoning. And if this would have been done or could have been done, I don't think we'd all be here tonight. David weekley states in the backup support that you all have a copy of that they have a letter from oak acres neighborhood association supporting this project. The owners claim that we supported the project and then backed out. The truth is, david weekley does not have a letter from oak acres neighborhood that supports this project. He has a letter from oak hill planning cabbing team, which I am a member of, that supporting the project. And, yes, we did support the project at first. However, the whitfields and the week leys reneged on their agreement with the oak hill neighborhood planning contact team and the neighborhoods that there was to be a 75-foot buffer with no development of any kind in that buffer. And we were also promised that this could be done with city enforced overlays. When they reneged on these, we withdrew our support. In reviewing the site plan, I noticed right off the bat that the weekleys are encroaching on the 75-foot building line on the east side of the project. Not only are they violating 75-foot setbacks, they agreed to, they are trying to build on land that is not zoned for mu. They only changed the zoning for the 14 acres, not the whole 17 and three-quarter acres. Because of a legal maneuver, their hired guns had to go around our legal petition. That's why only 14

-- only 14 acres were rezoned mu. I also heard a whole lot of talk about heritage oaks at those citizens meetings. If you would walk the property, you would discover there were a bunch of large oaks at one time. Most of them have died due to oak wilt. The surveyor, when he was surveying the property doing the topo locating all the trees, I asked him, why are you putting tags on all these dead trees? He said that's what the owner wants. And so they tagged a bunch of trees that were already dead, and then once y'all's arborist goes out there, they're going to say knock it down because they're pretty much all dead, the big ones especially. When we met with staff and all the council members or their staff back in the fall of 2013, we asked the same question to every one of them, ever he one every one of you, do you or the city support sos to the fullest extent of the law? Staff said it was the city policy to do that, and

every council member that we met with, mr. Riley, ms. Tovo, and mr. Spelman, said they'd do the same thing. The rest of you all, your aids told us you'd do the same thing, enforce sos to the fullest whenever you can. So with this pca you have the chance to do that. My fear is, if you do not exercise that right with the first chance to do so with the new grandfathering ordinance, you could be taking the city down a very slippery slope. I think all kinds of legal action could and will be used against the city concerning sos and grandfathering. I would hate to look back to this important decision you all have to make tonight and have it be known as the beginning of the end of austin. Let's save what the citizens of austin voted for in 1992 and support now the environmental sensitive recharge zone, barton creek, barton springs zone and sos, by voting no. Thank you very much.

[19:10:49]

>> Mayor Leffingwell: Ian dietrich. Gail rebal, is gail here? Is dan brown here? All right. You have six minutes.

>> I won't need more than three.

>> Mayor Leffingwell: Three? Okay.

>> My name is ian dietrich. I am land manager nor david weekley homes. I won't go on and on about the details of the project because we've been in front of you enough times. You guys know all about it. You voted on it in december of last year. We have since may 20th when mr. Gurnsey made the comment to a council work session that this would make an excellent candidate for the first project innocent agreement, we have worked ceaselessly with his staff with watershed protection to try to increase our water quality on the site in order that mr. Lezniak could recommend it. We were working up until just about an hour ago to do just that, and we've agreed to additional terms which I guess you guys have in front of you. We support that project innocent agreement as written, and you know I just want to reiterate that this is a better site than the office site, that the city agrees would be grandfathered, would be, because of the environmental enhancements and I'm here to answer any questions you have. Also, to respond to a comment before that rodney made about our site planning error whereby some of the building envelopes were over the 75-foot zoning buffer on the east side. That was, in fact, a site planning error and no residential structures will be in that 75-foot zoning set back. Are there any questions I could answer?

[19:12:56]

>> Mayor Leffingwell: Thank you. Marcus whitfield.

>> Good morning, council members. Thank equal for staying there late and listening to us. I think I first need to respond just briefly to some of the things that were said earlier. I believe they were taken out of context. The whitfield company consists of myself and my mother. My mother is 64 years old. I don't think we had anything to do with calling in any kind of complaints on anyone. The voice message that you all heard was taken out of context. I was referring to the fact that, you know, if this doesn't conclude with a positive vote, then we have no other choice but to build an office product, and repercussions would be just that. It would be a lesser quality development. I think you all have heard everything. You've heard from oak acres and oak park, and I think we're all pretty aware of the facts. I

again appreciate that you guys listen and have been working with us and chuck and greg gurnsey and everybody, I really appreciate everything. Thank you.

>> Mayor Leffingwell: Thank you. Roy wheling.

>> Howdy again. All right. As to the grandfathering claim, let's determine whether it is

-- tonight either reject it or postpone it. There are too many loose ends here. Let's clean it up and figure out what they are. He said it got hammered out about an hour ago and presented to you at this late hour, again, and that gives us very little time to digest, it gives you very little time to digest it and see what the real potential benefits are here. As to the grandfathering, they're trying to go under the old barton springs ordinance from 1982. We haven't learned anything in that time about how to better protect our aquifer. The sos ordinance does apply. That means you can reject it quite simply tonight, or postpone it and say come back and prove the benefit. I hear it, but I don't see the proof of it. So let's put this off, let's bring it back later, look at it, see if there are real benefit there, see if there are real environmental benefits, and if you can't do that, send it down the road and let them build what they say they can build there. If they could build

-- if that was what they

-- what was best for them to build there, that's what they would be building there, they wouldn't be here tonight. So thank you.

[19:16:00]

>> Mayor Leffingwell: Peter faserra.

>> Mayor, council members, good morning. My name is peter and I represent weekley homes. We have the

-- weekl arrayer homes has the property under property to develop the condominium project that you all have heard about over the months that we've been in front of you. We are here today as a result of working on the project consent agreement with city staff, mr. Guernsey, mr. Lezniak, their viewers. That's what the vote is here tonight. We still may not agree on the vested rights claims where no party is waiving any rights by participating in the project consent agreement, but in working with the city staff, we feel that we do have a good project that addresses a lot of city needs, and we ask that you approve tonight mr. Guernsey's recommendation, mr. Lezniak's recommendation, which would allow weekley homes to move forward in obtaining a site plan to build their condominium project at this site. Some of the important things with this project consent agreement are that if weekley homes is not able to get the site plan through city permitting, the project consent agreement expires in 90 days, and so it will not affect the property, and it will go away. The options here are, for me, it seems that we have this project consent agreement for the weekley homes condominium project that will preserve 90% of the heritage trees on site, provide \$150,000 for the mitigation bank at the city of austin to purchase sos property. We will also provide connectivity and urban infill housing. We received the support of oak park neighborhood. Oak hill contact team, city staff, planning commission, and then from city council when you all voted on it. We think this is a good project. We ask four approval of the project consent agreement, and we worked hard, despite our disagreements about the vested rights, we've worked hard with city staff to get to a project in an agreement that we think will benefit austin and will allow weekley homes to move forward with their condominium project at this site. I'm happy to answer any questions

about this first project consent agreement, and thank you for your service and thank you for all of your efforts on this project.

[19:18:52]

>> Mayor Leffingwell: Okay. Thank you. Dan brown, you did not donate time to ann dietrich. Correct in you wanted to speak on your own. Okay.

>> Good evening. My name is dan brown. I work as a civil engineer for the project. I'll be short and sweet. Mainly I'm here to answer any questions you may or may not have, but over the last few weeks actually we've been working quite a bit with staff in evaluating a good number of water quality enhancements and water quality options for the project. Mr. Lezniak had provided his recommendation yesterday afternoon, and so what we were doing tonight with staff was kind of further evaluating that. That's why we were working just until the last few hours on that, and came to an agreement on what is -- what provides more beneficial water quality for the project as determined by city staff and gave us the opportunity to run a few calculations on that. Like I said, I think I'll keep it short and sweet. There was some discussion on the drainage channel and the drainage that's being conveyed across the property. We've

-- months past, as well as the last few weeks, we've been again working with city staff and drainage because we're fully aware of flooding issues in this part of the city. And so we've taken that into account in our design and that was even one of the parts of just some fine tuning and some small tweaks made to some of the language that's in front of you for some things such as velocities and that kind of thing to make sure that we were

-- that the intention was so that we would be handling anything that wouldn't be a variance in the future. We're trying to do our best to make sure that we've handled all those issues with staff before bringing it to you. Any questions for me? Thank you.

[19:21:36]

>> Mayor Leffingwell: Thank you. Next speaker is monica guzman. She's not here.

>> Cole: Not wishing to speak.

>> Mayor Leffingwell: Okay. That's all the speakers that we have signed up to speak. So city clerk, on item 149, which we just

-- 149, which we just postponed, that date will be postponed to august 28th. Entertain a motion? Discussion? Council member morrison.

>> Morrison: I have a question for staff. It's a little hard to get my head around exactly what we're looking at, the details of it. I've got the 11:30 p.M. Version. And the easiest thing to understand is impervious cover limit, it's at 6.21 acres. This is

-- if it's not the individual project, then a new project sos, and it would be how many

-- what percent would they be looking at? 15? 25?

>> About 1.27 acres.

>> Morrison: Is that 15%?

>> That would come out to be the 15%.

>> Morrison: How does this relate then? I guess I could multiply it out myself. 15 times what? So 6.21 acres, what percent impervious cover are we talking about?

>> On a grandson site basis this is 35 percent. A net site basis, which is how we calculated under sos, would be about 74% impervious cover.

>> Morrison: That's quite a difference. Why is that?

>> There are deductions for the critical water quality zone and deductions that are taken out of the -- off the property because there's a lot of creek buffer on the property.

[19:23:47]

>> Morrison: A lot of what?

>> Creek buffer on the property.

>> Morrison: Okay. So a lot of environmental features.

>> Yes.

>> Morrison: So we're talking about 75% impervious cover rather than 15 percent?

>> Yes.

>> Morrison: So I think what I'm going to just come out and say is that I don't think I could support this. I think that the pca's are going to be a good tool if we can really come to some agreement where there's some improvement, but this is very close to the project they were looking at in the first place, and I don't see much improvement. And that's an extraordinary impervious cover relative to the actual requirement.

>> Mayor Leffingwell: And I have question for chuck, mr. Lezniak. You're recommending this. Correct?

>> Yes.

>> Mayor Leffingwell: And so you just mentioned the 75% outside area impervious cover. What would it be under their existing rights? We keep -- instead of referring back to sos, we're referring back to what they could build otherwise, a commercial project.

>> It's the same amount of acreage of impervious cover. The differences are, they reduce their pollutant discharge by about two-thirds over a vested project. They've agreed to comply with all of our tree regulations, including their heritage tree ordinance. They've agreed to remove any development out of the critical and transition zone from tributary one, which is the larger of the two tributaries, and to spread the flow that they're diverting, coming from the western side, to spread that transition zone and floodplain. And how they achieve that pollutant reduction is by irrigating storm water from the development across an acre of land on the property. Those are the primary differences. Impervious cover is the same, where the differences are is 60

-- almost 70% reduction in pollution and the tree protection.

[19:26:07]

>> Mayor Leffingwell: So impervious cover on that site basis is the same, with our without this consent agreement.

>> That's correct.

>> Mayor Leffingwell: And you mentioned 75%

-- 70% I don't. In water quality, including removal. Is that because of the grandfather rights with regard to required standards of water quality treatment are less?

>> Yes.

>> Mayor Leffingwell: Would you explain that a little bit?

>> Under a grandfathered project, the barton creek ordinance doesn't require water quality treatment, but they don't

-- they have to comply with the tceq regulations over the edwards aquifer, which do require water quality treatment, which would be sedimentation filtration, but it's a smaller volume and it's not close to an sos standard. And so with

-- if they did that, that would be about ten times the pollutant load under sos. What they're proposing would be about three times the pollutant load under sos. That's achieved primarily through increased capture volume using biofiltration for treatment plus irrigating approximately an acre of volume onto the site so it doesn't leave the site. So the efficiency of the water quality treatment goes way, way up when you start to keep storm water volume on site.

>> Mayor Leffingwell: So is it close to the sos non-degradation standard?

>> No, it's still three times, triple the loading of sos, which is a significant volume. But the vested project would be ten times the loading, the pollutant loading.

>> Mayor Leffingwell: Three times versus ten times.

>> Mayor Leffingwell: Very significant. Council member martinez.

>> Martinez: , Chuck, is there a traffic impact analysis on the grandfathered versus the

--

>> that wouldn't be affected, but the number of units that's proposed would not trigger a traffic impact analysis.

[19:28:21]

>> Mayor Leffingwell: Council member spelman.

>> Spelman: My bowlings for reploting the ground you've already plowed, mayor, but I want to be sure I get it straight. If zero is vacant land, just leave it raw land somehow, and one hundred is the grandfathered vested rights on this lot now, then what they're proposing is around 33. They've taken out about two-thirds of the pollutants of the water runoff, but if we could hold them to sos, they would be around 11, about one-third of what it is they're proposing. Is that about where we are?

>> If they

-- if we held them to sos, because sos

-- under sos, they're supposed to meet predevelopment loadings, no increase in pollutant load, so it would be at or near zero.

>> Spelman: At or near zero. Okay. So this is okay. So you know had, leave it vacant or put in sos, you're about the same position, and this is about 33.

>> Yes.

>> Spelman: Okay. In your opinion, would it be technically possible for somebody to build a grandfather -- a development under the vested rights? Maybe this is more of a question for greg. Either way.

>> I'll ask peter. I know he's going to say yes.

>> Technically, there's space on the property there, it's fairly flat, and so I think probably so. I don't see any reason why they wouldn't be able to.

>> Spelman: Greg, can you think of a reason why they would not be able to do that?

>> I think they probably designed the project to be

-- if everything was two stories and maybe structure is real small, they might be able to get more area for irrigation or something, but it's

-- I know they have certain constraints on their property. So there's probably ways they can get closer to it, but

--

>> Spelman: I'm actually asking a different question. As several of the speakers have said, it would be best if we could hold these guys to sos. But they do have some vested rights, and they could at least theoretically make use of them. The question I'm asking you is, from an economic point of view, could they make use of these rights?

[19:30:38]

>> Yes, they could develop an office project.

>> Spelman: They could develop an office project at a hundred percent of the loading rather than 33% of the loading.

>> That's correct.

>> Spelman: Using the same impervious cover, which they're talking about now, 6.2 acres, not saving any trees and not backing off of the streams nearly as much as theory.

>> That's correct.

>> Spelman: Okay. It seems to me we're gaining substantially

-- we're not obviously gaining over sos, but sos isn't on the table now. They are vested rights are on the table, and the game before us is, do we believe that they could actually make money off of a grandfathered project. Obviously, they're going to make more money off of this project than they would off of a grandfathered project. Otherwise they wouldn't be proposing it. I understand that. And in that sense, we're dealing at least to some extent with a win-win situation. They're making more money at the same time we're getting at least something back other than

-- better than a vested rights project. It's not as good as an sos project, but that's not on the table. We can't hold them to sos because of the vested rights they've already got. And seems to me this is at least conceive ply as good a deal as we're likely to be able to cut. I'd like to know whether or not you believe we could cut a better deal than this.

>> I think this is a pretty good deal, given the alternative. There are office projects that are being developed and basically in eyesight of this land. You've already looked at, I think, a school project that was proposed that was in the recharge zone. We've had other schools that have been proposed, whether it's a school or an office could be assembly use, all those different projects are viable under the zoning that they have. They're not prohibited. They would be allowed, and they would not have to follow current code, in my opinion. If they were to come in, given the case that

-- that's next-door to this property was the one that I and the law department argued it there court of

appeals up to the Texas Supreme Court, and if it was a commercial use, the courts basically told us within this subdivision that we would have to honor, because it was in the ETJ, that this would be under the Barton Creek ordinances not current code, and the only reason why we're here today is that the only two types of projects, in my opinion, that could be considered that would have to come to current code would be ones that they built only as single family detached structure or two family detached structure, and that's what's proposed. If they were proposing any other type of construction, it would be deemed to be commercial and in my opinion I would vest it, and it would be grandfathered from current regulations.

[19:33:40]

>> Spelman: And, as you said, commercial structures have been built in similarly located lots within eyesight of this particular lot.

>> In fact, the case I mentioned is right next-door, was the one where the hotel is going in.

>> Spelman: I understand, Mayor, Mr. Bunch is concerned this is not a good candidate for the first PCA because it doesn't quite fit the grandfathering bill. It's not the same use as the grandfathered use. On the other hand, as many of the neighbors have suggested to us, that's not necessarily a bug, it may be a feature. They much prefer residential use to a commercial use, and I see their point. So Mayor, let me move approval of this project as amended so well by our staff.

>> Mayor Leffingwell: So motion is to close the public hearing and approve the amended staff recommendation. Is that on three or

--

>> Spelman: I don't want to see this thing again. I've seen this thing so many times, I'm going to try for three readings and see how many votes we get. #-Z.

>> Mayor Leffingwell: Motion by Council member Spelman. Is there a second? I will second, but I will also say that it's going to require six votes to pass on all three readings. But you can go ahead and make -- all right. Council member Spelman amends his motion and I concur with that to first reading only. I think it was mentioned by those opposing that they hadn't had enough time to study it, and I think this will

-- I think an honest, straightforward appraisal of this will probably lead to more support. I hope so anyway.

>> Mayor?

>> Mayor Leffingwell: First reading only. Mayor pro tem Cole.

[19:35:41]

>> Cole: I have a quick question of Chuck. Chuck, how does this differ from the proposal that we considered before?

>> The

-- you mean in the zoning case?

>> Cole: Well, I know we have a problem because the neighbors are saying that they want residential property, I mean backing up to them, and that's what the developer is proposing. But we have a conflict

that we're hearing from the environmental community in not complying with sos.

>> Right.

>> Cole: And I guess I'm wanting to get at the exact differential

-- well, let me just start with what is the exact differential that we do not have with sos?

>> The difference is

-- from sos is, they've

-- under sos, they're only allowed about one and a quarter acres of impervious cover on this tract at 15% net site area. Under the barton creek ordinance, they're allowed 35 percent impervious cover on a gross site basis, which is approximately 6.2 acres. There's under barton creek ordinance, no water quality treatment is required, although tceq will require it, so that was our baseline for comparison, included in our baseline comparison. There's no tree protection requirements. They're able to encroach into the creek buffers. They do have to protect cef's under the tceq requirements, but not under the barton creek ordinance requirements. And

-- but under the vesting review that greg and the 245 committee did, under a single family structure residential development is not eligible for vesting, only a commercial development, which they are not proposing.

>> Cole: I don't want to make you go through that all again. It's just late. Okay. Thank you.

[19:37:46]

>> Mayor Leffingwell: I guess I would just emphasize the point that, you know, it's nice to think about what sos would be, but the fact is, it's never going to be developed to sos standards. We don't have the luxury, as far as I'm concerned, our responsibility is to do the best we can for water quality and for the aquifer and not pursue some idealistic notion that will never happen.

>> And, mayor, if I could add, under the pca, except as amended by the pca, the site plan will be reviewed under current code, except

-- so except for the pca, it would be current code. And I think greg mentioned it, but I don't think I did in the list of changes, is the \$150,000 that we would use to buy land in the barton springs, by developable land in the barton springs

--

>> Mayor Leffingwell: Which on that basis is even greater reduction in pollutant loading. That's going to capture the nutrient part that the conventional treatments don't do.

>> That's correct.

>> Mayor Leffingwell: All right. So motion is on the table. Those in favor, say aye. Opposed, no. So I just have

-- council member tovo and council member morrison voting no.

>> Cole: I voted no.

>> Mayor Leffingwell: Oh, excuse me. Let's have a hand raise.

>> Cole: For no?

>> Mayor Leffingwell: These are the nos? Two, three, four. Okay. So the motion fails on a vote of three to four with council member martinez, council member tovo, council member morrison, and mayor pro tem cole all voting no.

[19:39:53]

[Applause] according to my calculations, that completes our agenda. I look forward to seeing all of you on august 5th. Our meeting is

-- our meeting

-- well, we've got a work session on august 5th. We are adjourned at

-- without objection at 1:43 a.M.