

## Statement from Mayor

“Today I am releasing several dozen personal emails that are responsive to recent public information requests. Even though I and the other members of the Austin City Council have made a personal decision to take this step, my decision should not be viewed as a reversal of the concerns I’ve previously expressed about the privacy rights of the City’s 11,000 employees, 400 citizen appointees, and their families, friends and constituents. If the personal emails of all employees and appointees were to become subject to future public information requests, it would clearly have broad-ranging consequences, including potentially enormous cost to taxpayers. While this issue continues to work its way through the process, I hope that my personal decision to release these emails today will help satisfy the public’s right to know.”



Lee Leffingwell [REDACTED]

---

**Fwd: SAFER Grant Draft**

2 messages

**Martinez, Mike [Council Member] <Mike.Martinez@ci.austin.tx.us>**

Sun, Jan 10, 2010 at 4:14 PM

To: Leffingwell Shelly &lt;lee.leff@[REDACTED]&gt;, Mark Nathan [REDACTED]

Making sure you have the language

Departe de iPhone

Begin forwarded message:

**From:** "Garza, Bobby" <Bobby.Garza@ci.austin.tx.us>  
**Date:** January 10, 2010 3:40:28 PM CST  
**To:** "Leffingwell, Lee" <Lee.Leffingwell@ci.austin.tx.us>, "Shade, Randi" <Randi.Shade@ci.austin.tx.us>  
**Cc:** "Nathan, Mark" <Mark.Nathan@ci.austin.tx.us>, "Bier, Marti" <Marti.Bier@ci.austin.tx.us>, "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us>  
**Subject:** SAFER Grant Draft

Mayor and Council Member Shade-

Mike just approved the draft language below. Please let me know if you have any questions or concerns as soon as possible. Apologies for the length of the draft, but felt like there was a lot of context that was critical for everyone to understand the history and issues surrounding Task Force Staffing.

My goal is to turn this into Myrna this afternoon or early evening and follow-up with a phone call to ensure it gets on the agenda as an addendum. As always, if there are specific concerns or questions, please feel free to call my mobile phone [REDACTED]

Hope everyone is having a great weekend.

-b

---

WHEREAS, National Fire Protection Association (NFPA) is an international organization whose mission includes developing and advocating for scientifically based consensus codes and standards thereby reducing the burden of fire and other hazards on quality of life; and

WHEREAS, in 2001, the NFPA established NFPA 1710 Standard that includes methods of fire protection and prevention to establish safeguards against loss of life and property due to fire; and

WHEREAS, a critical aspect of NFPA 1710 Standard is the minimum number of firefighters required per fire apparatus for safe, effective and efficient fire suppression; and

WHEREAS, in response to the establishment of this standard the Texas Legislature passed Senate Bill 382 (77th Regular Legislative Session, 2001) that referenced NFPA standards as guidelines for minimum personnel operating at emergency incidents; and

WHEREAS, Council Resolution 20010614-97 recognized a national standard of four firefighters per fire fighting apparatus and adopted Task Force Staffing to be implemented January 1, 2002;

and

WHEREAS, Task Force Staffing was defined as the following: each single engine company station staffed with four firefighters and each multiple company station (Engine and Ladder, Engine and Rescue Unit or Quint) staffed with six firefighters.

WHEREAS, budget considerations and constraints have pushed back achievement of full Task Force Staffing and the City of Austin still has not reached this standard nearly a decade after its passage; and

WHEREAS, the federal government created the SAFER (Staffing for Adequate Fire and Emergency Response) Grant to provide funding directly to fire departments and volunteer firefighter interest organizations in order to help them increase the number of trained, "front-line" firefighters available in their communities so that local governments can comply with staffing, response and operational standards established by NFPA and OSHA; and

WHEREAS, previous iterations of the SAFER Grant required a maintenance of authorized strength once SAFER Grants were awarded creating a budgetary liability for local governments in years subsequent to the award of the grant; and

WHEREAS, the 2009 SAFER Grant does not require a maintenance of authorized strength and allows local governments to adjust the number of firefighters in the out years of the SAFER Grant to address budget considerations; and

WHEREAS, the deadline has been extended for the 2009 SAFER Grant to January 15, 2010, and to date, the City of Austin has not applied for the grant; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager is hereby directed to take all necessary steps to complete and submit the 2009 SAFER Grant application by January 15, 2010, with the goal of securing the requisite funds to achieve full four person staffing once grant monies are accepted.

---

Lee Leffingwell <[REDACTED]>

Sun, Jan 10, 2010 at 4:19 PM

Reply-To: lee.leff@[REDACTED]

To: Mike Martinez <Mike.Martinez@ci.austin.tx.us>, Mark Nathan <[REDACTED]>

I suggest replacing the word "once" in the last sentence with "when and if".

This to convey that we are not obligated to accept the award if we decide not to for some reason.

LL

Sent via BlackBerry by AT&T

---

**From:** "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us>

**Date:** Sun, 10 Jan 2010 16:14:39 -0600

**To:** Leffingwell Shelly <[REDACTED]>; Mark Nathan <[REDACTED]>

**Subject:** Fwd: SAFER Grant Draft

[Quoted text hidden]



Lee Leffingwell & [REDACTED]

# Just wondering - Merry Christmas!

5 messages

**Martinez, Mike [Council Member] <Mike.Martinez@ci.austin.tx.us>**

**Mon, Jan 4, 2010 at 4:05 PM**

To: "Riley, Chris" <Chris.Riley@ci.austin.tx.us>, "Shade, Randi" <Randi.Shade@ci.austin.tx.us>, Lee Leffingwell <lee.leff@[REDACTED]>, "Morrison, Laura" <Laura.Morrison@ci.austin.tx.us>  
Cc: "Garza, Bobby" <Bobby.Garza@ci.austin.tx.us>, "Moore, Andrew" <Andrew.Moore@ci.austin.tx.us>, "Williamson, Laura" <Laura.Williamson@ci.austin.tx.us>, "Nathan, Mark" <Mark.Nathan@ci.austin.tx.us>, "Williams, Nancy" <Nancy.Williams@ci.austin.tx.us>, "Everhart, Amy" <Amy.Everhart@ci.austin.tx.us>, "Bier, Marti" <Marti.Bier@ci.austin.tx.us>

Did you all see this over the holiday and my response.

Did you get your wish?

;-)

-----Original Message-----

From: Martinez, Mike [Council Member]  
Sent: Tuesday, December 29, 2009 11:17 AM  
To: 'bbc Morse' <bbc Morse@[REDACTED]>, Leffingwell, Lee; Riley, Chris; Shade, Randi; Morrison, Laura; Spelman, William; Cole, Sheryl  
Cc: Garza, Bobby; Morrison, Laura; Williamson, Laura; Nathan, Mark; Williams, Nancy; Everhart, Amy; 'lee.leff@[REDACTED]> Bier, Marti  
Subject: RE: Submitted from City Council web site - Merry Christmas!

Wow...thanks for the Christmas wish...never had anyone wish that for me. Truly in the spirit of which you speak.

MPT Martinez

Mayor Pro Tem Mike Martinez  
310 W. 2nd Street  
Austin, Texas  
512.974.2264

-----Original Message-----

From: bbc Morse <bbc Morse@[REDACTED]>  
Sent: Thursday, December 24, 2009 11:55 AM  
To: Leffingwell, Lee; Martinez, Mike [Council Member]; Riley, Chris; Shade, Randi; Morrison, Laura; Spelman, William; Cole, Sheryl  
Subject: Submitted from City Council web site - Merry Christmas!

Date/Time Submitted: 1154 hours  
From: Cindy and Bill Morse  
E-mail address: [bbc Morse@\[REDACTED\]](mailto:bbc Morse@[REDACTED])  
Subject: Merry Christmas!

Categories:

Comments:

The near total lack of regard for the Christmas holiday and the lack of community during this season due to the Austin City Council's perception of the need for political correctness is appalling. Whether you like it or not, this is Christmas time, a celebration of Christ. It's printed on every calendar and has been celebrated for hundreds of years. It should not be a surprise to anyone. It should not be anything that needs to be disguised or changed into some generic "unoffensive holiday" celebration. People of other faiths are not asked to change the names or practices of their holidays and Christians should not be subject to this either. As Christians, we welcome and honor and respect everybody's right to practice their faith and celebrate their special holidays as they deem appropriate. We would like the same consideration in return.

On a separate note, we've noticed that the things that make Austin unique are apparently not worth the time or money to continue anymore. The Trail of Lights, which has in the past been a huge family/community/tourist event, has been reduced to a shadow of its former self--a joke that doesn't even run through Christmas week. And of course, there's no parking, as is always the case in Austin. Oh, and that "holiday tree" that's in Zilker Park....looks a lot like a Christmas tree to us.

Our Christmas wish is that each of you would grow a pair and start representing the ENTIRE city and community which is Austin and stop with your political manipulation of our holiday. Stop diluting the sanctity of Christmas.

Sincerely,  
Cindy and Bill Morse

---

**Nathan, Mark** <Mark.Nathan@ci.austin.tx.us>

Mon, Jan 4, 2010 at 4:35 PM

To: "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us>, "Riley, Chris" <Chris.Riley@ci.austin.tx.us>, "Shade, Randi" <Randi.Shade@ci.austin.tx.us>, Lee Leffingwell <lee.leff@██████████>, "Morrison, Laura" <Laura.Morrison@ci.austin.tx.us>  
Cc: "Garza, Bobby" <Bobby.Garza@ci.austin.tx.us>, "Moore, Andrew" <Andrew.Moore@ci.austin.tx.us>, "Williamson, Laura" <Laura.Williamson@ci.austin.tx.us>, "Williams, Nancy" <Nancy.Williams@ci.austin.tx.us>, "Everhart, Amy" <Amy.Everhart@ci.austin.tx.us>, "Bier, Marti" <Marti.Bier@ci.austin.tx.us>

I wasn't able to focus on this, I was too busy trying to find my lost earring.

-----Original Message-----

From: Martinez, Mike [Council Member]

[Quoted text hidden]

---

**Shade, Randi** <Randi.Shade@ci.austin.tx.us>

Mon, Jan 4, 2010 at 5:50 PM

To: "Nathan, Mark" <Mark.Nathan@ci.austin.tx.us>, "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us>  
Cc: "Garza, Bobby" <Bobby.Garza@ci.austin.tx.us>, "Moore, Andrew" <Andrew.Moore@ci.austin.tx.us>, "Williamson, Laura" <Laura.Williamson@ci.austin.tx.us>, "Williams, Nancy" <Nancy.Williams@ci.austin.tx.us>, "Everhart, Amy" <Amy.Everhart@ci.austin.tx.us>, "Bier, Marti" <Marti.Bier@ci.austin.tx.us>, Lee Leffingwell <lee.leff@██████████>

:-) I actually wrote back over the holidays, too, and then just today I looked up Cindy Morse and found out where she works. See attached.

And she thinks I need to "grow a pair" ? Bless her heart:-)

Happy New Year, everyone!!! It is good to be back.

xxoo  
Randi

-----  
Randi Shade  
Austin City Council  
Council Member Place 3  
[\(512\) 974-2255](tel:(512)974-2255) (phone)  
[\(512\) 974-1888](tel:(512)974-1888) (fax)  
<http://www.ci.austin.tx.us/council/shade.htm>

-----Original Message-----

From: Nathan, Mark  
Sent: Monday, January 04, 2010 4:36 PM  
To: Martinez, Mike [Council Member]; Riley, Chris; Shade, Randi; 'Lee Leffingwell'; Morrison, Laura  
Cc: Garza, Bobby; Moore, Andrew; Williamson, Laura; Williams, Nancy; Everhart, Amy; Bier, Marti

[Quoted text hidden]

----- Forwarded message -----

From: "Shade, Randi" <Randi.Shade@ci.austin.tx.us>  
To: [REDACTED]  
Date: Mon, 4 Jan 2010 14:23:13 -0600  
Subject: FW: Submitted from City Council web site - Merry Christmas!  
Just curious, but are you the same Cindy Morse who works for TEXAS MUNICIPAL RETIREMENT SYSTEM?

-----  
Randi Shade  
Austin City Council  
Council Member Place 3  
[\(512\) 974-2255](tel:(512)974-2255) (phone)  
[\(512\) 974-1888](tel:(512)974-1888) (fax)  
<http://www.ci.austin.tx.us/council/shade.htm>

-----Original Message-----

From: Shade, Randi  
Sent: Thursday, December 24, 2009 1:34 PM  
To: 'bcmorse@[REDACTED]'  
Subject: Re: Submitted from City Council web site - Merry Christmas!

Dear Cindy and Bill,

This is your idea of Christmas spirit? And you think some how my colleagues and I are diluting the sanctity of Christmas?

You write; "As Christians, we welcome and honor and respect everybody's right to practice their faith and celebrate their special holidays as they deem appropriate."

You sure could have fooled me.

I'd love to know what your minister would say if I shared your "Christmas wish" to me and my colleagues with your congregation. Is your note below really what your church teaches as appropriate behavior -- indicative of honor and respect?

My Christmas wish for you is that you have a Merry Christmas and that you gain a better perspective about what Austin City Council can and can't do to address the issues you raise.

"Do to others as you would have them do to you."

Jesus, Matthew 7:1

All the best -- seriously, you definitely seem in need of well wishes, sympathy and prayer, and from me, you'll get all three this Christmas.

-Randi

----- Original Message -----

From: [bbcmorse@\[REDACTED\]](mailto:bbcmorse@[REDACTED])  
To: Leffingwell, Lee; Martinez, Mike [Council Member]; Riley, Chris; Shade, Randi; Morrison, Laura; Spelman, William; Cole, Sheryl  
Sent: Thu Dec 24 11:54:54 2009  
Subject: Submitted from City Council web site - Merry Christmas!

Date/Time Submitted: 1154 hours

From: Cindy and Bill Morse

E-mail address: [bbcmorse@\[REDACTED\]](mailto:bbcmorse@[REDACTED])

Subject: Merry Christmas!

Categories:

Comments:

The near total lack of regard for the Christmas holiday and the lack of community during this season due to the Austin City Council's perception of the need for political correctness is appalling. Whether you like it or not, this is Christmas time, a celebration of Christ. It's printed on every calendar and has been celebrated for hundreds of years. It should not be a surprise to anyone. It should not be anything that needs to be disguised or changed into some generic "unoffensive holiday" celebration. People of other faiths are not asked to change the names or practices of their holidays and Christians should not be subject to this either. As Christians, we welcome and honor and respect everybody's right to practice their faith and celebrate their special holidays as they deem appropriate. We would like the same consideration in return.

On a separate note, we've noticed that the things that make Austin unique are apparently not worth the time or money to continue anymore. The Trail of Lights, which has in the past been a huge family/community/tourist event, has been reduced to a shadow of its former self--a joke that doesn't even run through Christmas week. And of course, there's no parking, as is always the case in Austin. Oh, and that "holiday tree" that's in Zilker Park...looks a lot like a Christmas tree to us.

Our Christmas wish is that each of you would grow a pair and start representing the ENTIRE city and community which is Austin and stop with your political manipulation of our holiday. Stop diluting the sanctity of Christmas.

Sincerely,  
Cindy and Bill Morse

---

**Lee Leffingwell** [REDACTED]  
Reply-To: lee.leff@[REDACTED]  
To: "Shade, Randi" <Randi.Shade@ci.austin.tx.us>

Mon, Jan 4, 2010 at 5:51 PM

If I grew a pair, I'd have 4. No thanks.  
LL

Sent via BlackBerry by AT&T  
[Quoted text hidden]

---

**Shade, Randi** <Randi.Shade@ci.austin.tx.us>  
To: lee.leff@[REDACTED]

Mon, Jan 4, 2010 at 6:03 PM

:-. Good point.  
[Quoted text hidden]



Lee Leffingwell [REDACTED]

---

## FW: City of Austin News Release RE: City begins original news programming with launch of 'CityView'

2 messages

---

Martinez, Mike [Council Member] <Mike.Martinez@ci.austin.tx.us>

Mon, Jan 11, 2010 at 2:38 PM

To: "Nathan, Mark" <Mark.Nathan@ci.austin.tx.us>, Lee Leffingwell <lee.leff@ [REDACTED]>

FYI

I have been asking for 2 years if Council Members can start hosting shows on topical issues....not a single response to date.

MM

**Mayor Pro Tem Mike Martinez**

310 W. 2nd Street  
Austin, Texas  
[512.974.2264](tel:512.974.2264)

---

**From:** From the Public Information Office

**Sent:** Monday, January 11, 2010 1:26 PM

**To:** Official Distribution

**Cc:** Telles, Reyne

**Subject:** City of Austin News Release RE: City begins original news programming with launch of 'CityView'

**For immediate release**

Jan. 11, 2010

Contact: Reyne Telles, Office of Communications and Public Information, (512) 974-2220

## City begins original news programming with launch of 'CityView'

Austinites have a new source for City news as City of Austin Channel 6 launches "CityView," an original news program dedicated to Austin events, programs and services.

Produced by Channel 6, "CityView" will provide updates on recent Council actions and recaps from City news conferences, as well as in-depth feature stories that offer a more comprehensive look into City programs and services.

"One of my priorities as we strive to make Austin the best-managed City in America has been to take the mystery out of local government," City Manager Marc Ott said. "This new programming will provide the public an easy, entertaining way to learn more about current City of Austin news and how the City operates."

"CityView" marks a major shift for Channel 6 into programming original productions to communicate with residents.

"I'm excited to be able to offer this new initiative, which we will be developing, producing and implementing entirely in house," Channel 6 Manager Keith Reeves said. "This program marks a major shift in how we provide information to our residents."

A new "CityView" episode will premiere the second and fourth Friday of every month at 5:30 p.m. and replay daily at 8 a.m., noon, 5:30 and 11 p.m. Initial "CityView" episodes will be approximately 10 minutes in length, with plans to extend programs to 30 minutes later in 2010 as the station continues to develop its capacity to produce new programming.

"CityView" episodes and other Channel 6-produced features will also be available on the City of Austin's official YouTube channel [www.youtube.com/austintexasgov](http://www.youtube.com/austintexasgov) or on demand at [www.cityofaustin.org/channel6](http://www.cityofaustin.org/channel6).

###

---

Lee Leffingwell

Mon, Jan 11, 2010 at 6:07 PM

To: "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us>

Cc: "Nathan, Mark" <Mark.Nathan@ci.austin.tx.us>

Daryl Slusher used to have a 30 min show on a regular basis - just him and Tina sitting and talking...

LL

[Quoted text hidden]

--

Lee Leffingwell

4516 Balcones Drive  
Austin, TX 78731





Lee Leffingwell [redacted]

# Fwd: Why I Won't Be Going to Lunch

3 messages

**Mark Littlefield** <[redacted]> **Thu, Jan 14, 2010 at 11:19 AM**  
To: Nathan Mark [redacted], Leffingwell Shelly <[redacted]>  
Cc: Martinez Mike [redacted], Curtis Matt [redacted]

What an a-hole.

Mark Littlefield

(512) 633-0791

**From:** Paul Robbins <[redacted]>  
**Date:** January 14, 2010 8:50:00 AM CST  
**To:** brandi@ [redacted], rwaley@ [redacted], Karin@ [redacted],  
brigid.shea@ [redacted], bill@ [redacted], fxcwa@ [redacted],  
robin@ [redacted], wdmarnold@ [redacted],  
maryanneelvy@ [redacted], jonbeall1@ [redacted], scottaj1@ [redacted],  
donna@ [redacted], harold@ [redacted], me@ [redacted],  
luke@ [redacted], ilan levin@ [redacted],  
jmarston@ [redacted], Lehmanck@ [redacted],  
george@ [redacted], rick@ [redacted],  
ian.davis@ [redacted], poder.austin@ [redacted], williambren1018@ [redacted],  
eva.hernandez@ [redacted], organicmel@ [redacted], smitty@ [redacted],  
mjohnson@ [redacted], robin@ [redacted], terry.moore@ [redacted],  
colin@ [redacted], carmen.llanes@ [redacted], jennifer.walker@ [redacted],  
, CMcCabe@ [redacted], andrea@ [redacted],  
robin@ [redacted], stewart@ [redacted], christopher searles  
<coremediamail@ [redacted]>  
**Subject:** Why I Won't Be Going to Lunch

Dear Friends and Allies,

Late last night I received an invitation to the Mayor's next brown bag lunch with environmentalists. I replied with a sarcastic note that I was underwhelmed with the opportunity. This prompted at least two of you to go offline and ask me why. Another felt compelled to distance himself from me by responding to the invitation with enthusiasm.

All of us are busy, and I rarely send out e-mails such as this to large numbers of people in an open-ended manner. But after thinking hard on this subject, I need to give a brief explanation for those who have not followed events closely.

I attended the first brown bag gala in September of 2009. I brought up the subject of Water Treatment Plant #4, and why the citizens of Austin could not vote on this as prescribed by the City Charter. The Mayor literally shouted me down. He said the City Attorney had determined that such a vote was illegal and he would not brook further discussion.

Actually, citizens of Austin voted on financing for water and electric plants throughout the 20<sup>th</sup> Century. A detailed explanation of the history of how we are being robbed of our right to vote is below. Some of you saw this explanation when I sent it in September, but there are enough new people unfamiliar with this issue that it is copied below for those interested.

Since the September incident, Leffingwell has taken several opportunities during Council meetings to attack me through his ability to control the meetings. The most recent was when I asked for permission to take time allotted to me at Citizens Communication and transfer it to a speech made later in the day. I asked permission in full public view, as I had done several times in the last few years when the Lee was in attendance. However, when I came to deliver my longer speech, Lee claimed I had "tricked" the Council into giving me extra time. I did not rise to the bait because it would have detracted from the speech I was about to make.

Lee has also manipulated at least two meetings on Water Treatment Plant #4 by limiting time for testimony, and in one meeting by keeping the item from coming up until late in the evening, which limited the exposure of the vote on the news cycle. I do not view these actions as an attack on me. But since the environmental community was virtually unanimous in wanting a postponement in WTP#4, it was an attack on our collective ability to impact the decision.

Folks, you are all consenting adults and I cannot tell you what to do with your time. If you think it is valuable to meet with Lee Leffingwell, then do it. However, it seems to me that he cares so little about what we think that he will not even allow a public vote on the biggest environmental issue in the last 10 years. It's your vote that is being stolen.

Sincerely,

Paul Robbins

=====

**Your Rights As An Austinite**

Dear Friends and Allies,

At the lunch-time meeting with environmentalists on September 4 held by Lee Leffingwell, I attempted to ask Lee why the citizens of Austin were not being allowed to vote on bonds to fund Water Treatment Plant #4, as specified in Austin's City Charter. An angry Mayor cut me off without answering the question. He also made several statements that were either not true or out of context.

As someone who has a background in the history of this issue, I am writing to clarify how the Charter is being violated, how we are being robbed of our right to vote, and how the opinions the Mayor gave to you are in error.

Austin's City Charter states that all revenue bonds should be approved by the voters.

[http://www.amlegal.com/austin\\_nxt/gateway.dll/Texas/austin/charter?f=templates\\$fn=default.htm\\$3.0&vid=amlegal:austin\\_tx](http://www.amlegal.com/austin_nxt/gateway.dll/Texas/austin/charter?f=templates$fn=default.htm$3.0&vid=amlegal:austin_tx)

**ARTICLE VII. FINANCE.**

§ 11. REVENUE BONDS.

The city shall have power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or facilities for any other self liquidating municipal function not now or hereafter prohibited by any general law of the state, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable solely from the properties, or interest therein, acquired and the income therefrom, and shall never be a debt of the city. **All revenue bonds issued by the city shall first be authorized by a majority of the qualified electors voting at an election held for such purpose.** The council shall have authority to provide for the terms and form of any purchase agreement, contract, mortgage, bond or document desired or necessary for the issuance of revenue bonds and the acquisition and operation of any such property or interest.

Bonds were authorized by voters for WTP#4 in 1984 for \$141 million. (See City of Austin Election History Web site at: <http://malford.ci.austin.tx.us/election/byrecord.cfm?eid=119> )

Proposition 04 - Ordinance #840802-U			
Yes	% Yes	No	% No
25528	61.00%	16016	39.00%
"THE ISSUANCE OF \$141,110,000 UTILITY SYSTEM REVENUE SUPPORTED BONDS FOR CONSTRUCTION OF A NEW WATER TREATMENT PLANT, A RESERVOIR, AND TRANSMISSION MAINS TO IMPROVE AND EXPAND WATER SERVICE"			

The Austin Water Utility has stated that \$123 million has already been spent on land purchases, engineering, and other costs. So very little of the original voter approved bonds is left.

The current *additional* cost of WTP#4 is estimated at \$508 million more than what has been spent to date.

**Lee stated that voters approved this plant in 1984 and another election is not needed.** I have provided you with Charter language. As you can see, the language does not approve projects. It approves money *for* projects. And these overruns have not been authorized by the voters.

**Lee stated that the amount of approved money, adjusted for inflation, is what the voters approved in 1984.** This is not correct. Your federal government provides the inflation calculator below.

[http://www.bls.gov/data/inflation\\_calculator.htm](http://www.bls.gov/data/inflation_calculator.htm)

From 1984 to 2009, inflation has risen 107%. This inflation factor (which again is not in the Charter) would not come close to reaching the current additional cost of Water Treatment Plant #4.

Incidentally, there are 2 other Charter provisions (Article 3, Section 8, and Article 7, Section 15) that specifically speak to inflation adjustments on other issues. So the intent on the Charter is nominal dollars, *not* inflation-adjusted dollars.

**Lee said that it was illegal for citizens to vote on revenue bonds.** This is not correct. Austin citizens voted on revenue bonds throughout most of the 20th Century. (Again, see Election History Web site: <http://malford.ci.austin.tx.us/election/search.cfm> )

**There is a grain of truth in what Lee said regarding state law.** State law supersedes City law. Since the state does not mandate a vote, nothing *requires* Council to do this. But nothing *prevents* it either, and through 1998, this was done routinely.

In 1984, the City Council passed bonds for the South Texas Nuclear Project without voter approval. The Council felt the citizens would not approve more bonds for a project they hated. They felt they could not pay for the Nuke in cash because it would raise electric bills onerously. In a no-win situation, the Council of that day issued bonds and were sued.

In May of that year, a court ruled that the Council had the right, but not the mandate, to pass revenue bonds without voters. This was not appealed to higher courts because the plaintiffs did not have money to post a \$2 million bond. (I have copies of the *Statesman* stories should anyone want to see them.)

Citizens were asked in a Charter election in 1985 to renounce their right to vote on revenue bonds, and this was soundly rejected by a 69 to 31 percentage. If my memory is correct, Mary Ann Neely played a part in this populist victory. (See election history Web site: <http://malford.ci.austin.tx.us/election/byrecord.cfm?eid=120> )

Proposition 08 - Ordinance #841213-K			
Yes	% Yes	No	% No
22869	31.00%	50902	69.00%
"SHALL the City Charter be amended to provide for the issuance of revenue bonds pursuant to a favorable vote of a majority of the qualified electors voting at the election or pursuant to a service area approved by a favorable vote of a majority of the qualified electors voting at an election?"			

The Nuke situation was so controversial that revenue bonds other than the Nuke continued to have voter authorization from 1984 to 1998. According to the City

Election History Web site, voters approved about \$1.7 billion in this time period. (See <http://malford.ci.austin.tx.us/election/search.cfm> ) I have created a detailed spreadsheet of this should anyone request it.

This included bonds for purchase of undeveloped land to protect Hill Country watersheds (see election history Web site: <http://malford.ci.austin.tx.us/election/byrecord.cfm?eid=141> ), which I believe both George Cofer and David Foster worked on. **George, David, according to Lee, this election was illegal.**

PROPOSITION 2 - Ordinance #980312-H			
Yes	% Yes	No	% No
22964	53.00%	20164	47.00%
THE ISSUANCE OF \$65,000,000, UTILITY SYSTEM REVENUE SUPPORTED BONDS FOR IMPROVEMENTS TO THE CITY'S WATER AND WASTEWATER SYSTEM, TO-WIT: ACQUISITION OF LAND INCLUDING FEE TITLE AND EASEMENTS IN THE BARTON SPRINGS CONTRIBUTING AND RECHARGE ZONE TO PROVIDE FOR THE CONSERVATION AND MAINTAIN THE SAFETY AND QUALITY OF A PART OF THE CITY'S WATER SUPPLY.			

So why have there been no revenue bond votes since 1998? Several reasons.

1. We had a lot of money already authorized.
2. There was a recession in 2001, so expenditures were limited for a time.
3. The electric utility was overcollecting to buy down debt, so it did not need to borrow a lot of money.
4. Some former Councilmembers and City Managers had contempt for voter approval. It is political suicide to say it publicly, but bureaucrats (as opposed to public servants) *hate* voters.

With all of Lee's points totally refuted or placed into proper context, consider this.

Issues of participatory democracy are as big as issues related to the environment. If we are not going to defend our rights, who will?

WTP#4 is not the only major expenditure or issue this City will ever see again. If we are not demanding our right to environmental and economic self determination, what will stand in the way of the next Nuke...or the next Water Nuke...being passed by a mere 4 members of Council?

Do 4 members of Austin's City Council know more than 447,000 registered Austin voters?

Sincerely,

Paul Robbins  
447-8712

Mike Martinez [REDACTED]

Thu, Jan 14, 2010 at 11:43 AM

To: Mark Littlefield [REDACTED]

Cc: Nathan Mark [REDACTED]

Leffingwell Shelly [REDACTED]

Curtis Matt

<matt.curtis [REDACTED]>

He is crazy!

Departe de iPhone

[Quoted text hidden]

---

**Lee Leffingwell** [REDACTED]

Thu, Jan 14, 2010 at 11:42 AM

Reply-To: lee.leff@ [REDACTED]

To: Mike Martinez [REDACTED]

Certifiable.

Sent via BlackBerry by AT&T

---

**From:** Mike Martinez [REDACTED]

**Date:** Thu, 14 Jan 2010 09:43:17 -0800 (PST)

**To:** Mark Littlefield < [REDACTED]>

**Cc:** Nathan Mark < [REDACTED]>; Leffingwell Shelly < [REDACTED]>; Curtis

Matt < [REDACTED]>

**Subject:** Re: Why I Won't Be Going to Lunch

[Quoted text hidden]



Lee Leffingwell [REDACTED]

---

**#26**

2 messages

---

**Lee Leffingwell** [REDACTED] **Wed, Feb 24, 2010 at 1:29 PM**  
To: Mike Martinez [REDACTED] Randi Shade <Randi@[REDACTED]>

I'm suspecting that Morrison/Riley may try to postpone the WTP4 item tomorrow. I strongly recommend that we do not do that.  
LL

--  
Lee Leffingwell  
4516 Balcones Drive  
Austin, TX 78731  
[REDACTED]

---

**Mike Martinez** [REDACTED] **Wed, Feb 24, 2010 at 1:39 PM**  
To: Lee Leffingwell [REDACTED]  
Cc: Randi Shade [REDACTED]

not even a consideration for me  
[Quoted text hidden]



Lee Leffingwell [REDACTED]

---

## this is your fault

2 messages

---

**Martinez, Mike [Council Member] <Mike.Martinez@ci.austin.tx.us>**  
To: "Morrison, Laura" <Laura.Morrison@ci.austin.tx.us>

**Thu, Mar 25, 2010 at 6:32 PM**

that we have to sit here for two hours on a 7-0 permit case. For a "BREAD AND BREAKFAST"!!

Thanks

---

**Lee Leffingwell <lee.leff@[REDACTED]>**  
To: "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us>

**Thu, Mar 25, 2010 at 7:58 PM**

How is it my fault?

Sent from my iPhone  
Lee Leffingwell

On Mar 25, 2010, at 6:32 PM, "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us> wrote:

that we have to sit here for two hours on a 7-0 permit case. For a "BREAD AND BREAKFAST"!!

Thanks

---



Lee Leffingwell [REDACTED]

## follow up from earlier today

5 messages

**Mike Martinez** <[REDACTED]>

Sat, May 8, 2010 at 3:42 PM

To: Mark Nathan &lt;[REDACTED]&gt;

Cc: Lee Leffingwell &lt;[REDACTED]&gt;, [REDACTED], Randi Shade &lt;[REDACTED]&gt;

just as a summary of all the conversations today.

Spoke to Lee a few times. Spoke to Randi. Left msg for Morrison.

Spoke to David Smith, he confirmed that council was not allowed to see and un-redacted version of the report. 3 people had the report. City Manager, Police Chief and Adam Lowey (Sanders family attorney). And of course, Key Point had the report.

David said that under Civil Service Law Chapter 143.089g - any information that the Chief did not find as fact or did not agree with can not be released under this section of the law. I asked David some questions and he was unable to answer them and said he would get back to me. The 2 questions I asked David were this 1) Who determines what information goes into the 143.089g file 2) what criteria or definition is used to make that determination. Said he would try to get back to me on Monday.

Mark and Lee, as we spoke - I am extremely familiar with this statute as it was something that I worked on in multiple legislative sessions trying to amend. The law does allow a police or fire chief to classify information as personnel, and to determine if it can/should go into "g" file status. What we were able to change in statute is what David stated, and that is - when a chief corroborates or agrees with, and then uses the info in the "g" file, that info must be made public. In this case, since the Chief disagreed that excessive force was used, and the grand jury did not indict Quintanna, those portions of the report can not be released.

Randi, you and I spoke and you mentioned you talked to Rose. She felt that launching an investigation to determine who leaked the story would not be something she recommended. I agree completely. The report is out and I hope we don't spend time and money trying to find out who released it. It really doesn't matter at this point unless it was someone at the city. That would then be a violation of 143.089g but not sure there are any penalties that would even come with a violation. You also said that Rose was quoted the same statute as to why the report could not be released to her in totality. And she agreed with that interpretation.

Not sure what, if anything, needs to be done on Monday or in preparation for Monday. But I did talk to TPlo and he is going to dig more and do follow up stories. I spoke with him completely off the record and will not be quoted in anything he writes. I told him I wanted to be able to talk to all of the council and make sure we all have some understanding before making any statements.

Feel free to add anything or follow up with any questions.

Happy Mothers Day to Randi, Kayla, Missy and Julie. Have a great night and day tomorrow.

Mike

On May 8, 2010, at 11:10 AM, Mark Nathan wrote:

Did Council have the legal right to see the unredacted report? Did anyone on Council ever see it? Were you ever briefed on it? Did the Manager see it?

Sent from my iPhone, please forgive typos!

On May 8, 2010, at 10:54 AM, Mike Martinez [REDACTED] wrote:

This could get really ugly. And it smells super fishy

Departe de iPhone

Begin forwarded message:

**From:** "Jim Harrington" [REDACTED]  
**Date:** May 8, 2010 10:07:45 AM CDT  
**To:** "Jim Harrington" [REDACTED]  
**Subject:** CORRECTED VERSION --- PRESS RELEASE: TCRP  
CONDEMNS COVER UP OVER REPORT IN SANDERS KILLING  
AND REPROACHES MAYOR, CITY MANAGER, AND CITY  
COUNCIL FOR "UTTER IRRESPONSIBILITY"

**TCRP CONDEMNS COVER UP OVER REPORT IN SANDERS  
KILLING**

**AND REPROACHES MAYOR, CITY MANAGER, AND CITY  
COUNCIL FOR "UTTER IRRESPONSIBILITY"**

-----

**CALLS ON DISTRICT ATTORNEY TO INVESTIGATE OFFICIALS  
FOR HIDING EVIDENCE**

The Texas Civil Rights Project today condemned city officials, from the police chief to the mayor, for covering up the KeyPoint report on the shooting of Nathaniel Sanders that they had commissioned for \$50,000 in taxpayer money in "the interest of transparency and accountability," said TCRP Director, Jim Harrington, who issued the following statement.

"We know now from the conclusions of the KeyPoint report, which was recently leaked to the press, that the professional investigators preparing the report determined that former police officer Leonardo Quintana used excessive force in killing the young man and that part of reason for doing so was the extremely poor training program by the police department.

“Because that report directly contradicted the official version put out by the City, the officials have suppressed the report, even after we filed a lawsuit under the Public Information Act to have it released.

“For Mayor Lee Leffingwell to say he has not seen the full report, but that its conclusions are ‘just one opinion, which is not supported by other opinions. Everybody has the right to have an opinion’ is utter irresponsibility.” How can someone form an opinion that exonerates the police in light of a report that condemns their action, which one doesn’t bother to read. The City Manager and entire Council share in this stunning irresponsibility and callousness toward the city’s minority community, which has long suffered from excessive force by the police. Never once has the Mayor, City Manager, or a council member looked at the report to see what its conclusions are, even after we brought suit. They simply relied upon the police chief to suppress it. The chief, of course, had every interest in suppressing the report; and the Mayor, City Manager, and City Council let him do it with impunity.

“We also call upon District Attorney Rosemary Lehmberg to investigate this cover up and whether in amounts to hiding evidence that would have presented the other evidence in a different light when she submitted it to the grand jury. If the police chief and city officials have acted as they have in this cover up, it raises serious questions about their truth and integrity and whether some of the evidence at the scene may have been altered or even planted.

“This is the problem: once city officials cover up something, citizens no longer trust them about anything. This is a sad day for the people of Austin.”

-- end --

For further information, please call Jim Harrington at 512-771-1759

James C. Harrington  
Director

Texas Civil Rights Project  
1405 Montopolis Drive  
Austin, TX 78741-3438  
[512-474-5073](tel:512-474-5073) (telephone)  
[512-474-0726](tel:512-474-0726) (fax)  
web: [TexasCivilRightsProject.org](http://TexasCivilRightsProject.org)

The Texas Civil Rights Project, a nonprofit foundation, promotes civil rights and economic and racial justice throughout Texas.

---

Mark Nathan [REDACTED] Sat, May 8, 2010 at 4:14 PM  
To: Mike Martinez [REDACTED], Lee Leffingwell [REDACTED], Randi Shade [REDACTED]

Thanks Mike. Steve Alberts from KVUE is calling Lee and me, wanting to do a story on this today and talk to the mayor. I don't want to say no comment but don't want to put LL on camera either. I'm thinking a short statement may be the best bet. Here's a draft, please let me know if you think ok or not:

Statement from Mayor Leffingwell:

**"The City Council was advised by the City Attorney several months ago that only the redacted version of the KeyPoint report was legally available to the Council for review. As such, I was unaware of the full details of the KeyPoint report until they were reported in the media. Like everyone, I'm troubled by the findings of the report, and intend to review the matter fully with the City Manager and Police Chief."**

On 5/8/10 3:42 PM, "Mike Martinez" [REDACTED] wrote:

just as a summary of all the conversations today.

Spoke to Lee a few times. Spoke to Randi. Left msg for Morrison.

Spoke to David Smith, he confirmed that council was not allowed to see and un-redacted version of the report. 3 people had the report. City Manager, Police Chief and Adam Lowey (Sanders family attorney). And of course, Key Point had the report. David said that under Civil Service Law Chapter 143.089g - any information that the Chief did not find as fact or did not agree with can not be released under this section of the law. I asked David some questions and he was unable to answer them and said he would get back to me. The 2 questions I asked David were this 1) Who determines what information goes into the 143.089g file 2) what criteria or definition is used to make that determination. Said he would try to get back to me on Monday.

Mark and Lee, as we spoke - I am extremely familiar with this statute as it was something that I worked on in multiple legislative sessions trying to amend. The law does allow a police or fire chief to classify information as personnel, and to determine if it can/should go into "g" file status. What we were able to change in statute is what David stated, and that is - when a chief corroborates or agrees with, and then uses the info in the "g" file, that info must be made public. In this case, since the Chief disagreed that excessive force was used, and the grand jury did not indict Quintanna, those portions of the report can not be released.

Randi, you and I spoke and you mentioned you talked to Rose. She felt that launching an investigation to determine who leaked the story would not be something she recommended.

I agree completely. The report is out and I hope we don't spend time and money trying to find out who released it. It really doesn't matter at this point unless it was someone at the city. That would then be a violation of 143.089g but not sure there are any penalties that would even come with a violation. You also said that Rose was quoted the same statute as to why the report could not be released to her in totality. And she agreed with that interpretation.

Not sure what, if anything, needs to be done on Monday or in preparation for Monday. But I did talk to TPlo and he is going to dig more and do follow up stories. I spoke with him completely off the record and will not be quoted in anything he writes. I told him I wanted to be able to talk to all of the council and make sure we all have some understanding before making any statements.

Feel free to add anything or follow up with any questions.

Happy Mothers Day to Randi, Kayla, Missy and Julie. Have a great night and day tomorrow.

Mike

On May 8, 2010, at 11:10 AM, Mark Nathan wrote:

Did Council have the legal right to see the unredacted report? Did anyone on Council ever see it? Were you ever briefed on it? Did the Manager see it?

Sent from my iPhone, please forgive typos!

On May 8, 2010, at 10:54 AM, Mike Martinez [REDACTED] wrote:

This could get really ugly. And it smells super fishy

Departe de iPhone

Begin forwarded message:

**From:** "Jim Harrington" <[REDACTED]>

**Date:** May 8, 2010 10:07:45 AM CDT

**To:** "Jim Harrington" <[REDACTED]>

**Subject: CORRECTED VERSION --- PRESS  
RELEASE: TCRP CONDEMNS COVER UP OVER  
REPORT IN SANDERS KILLING AND  
REPROACHES MAYOR, CITY MANAGER, AND  
CITY COUNCIL FOR "UTTER  
IRRESPONSIBILITY"**

**TCRP CONDEMNS COVER UP OVER REPORT IN  
SANDERS KILLING**

**AND REPROACHES MAYOR, CITY MANAGER, AND  
CITY COUNCIL FOR "UTTER  
IRRESPONSIBILITY"**

-----  
**CALLS ON DISTRICT ATTORNEY TO  
INVESTIGATE OFFICIALS FOR HIDING  
EVIDENCE**

The Texas Civil Rights Project today condemned city officials, from the police chief to the mayor, for covering up the KeyPoint report on the shooting of Nathaniel Sanders that they had commissioned for \$50,000 in taxpayer money in "the interest of transparency and accountability," said TCRP Director, Jim Harrington, who issued the following statement.

"We know now from the conclusions of the KeyPoint report, which was recently leaked to the press, that the professional investigators preparing the report determined that former police officer Leonardo Quintana used excessive force in killing the young man and that part of reason for doing so was the extremely poor training program by the police department.

"Because that report directly contradicted the official version put out by the City, the officials have suppressed the report, even after we filed a lawsuit under the Public Information Act to have it released.

"For Mayor Lee Leffingwell to say he has not seen the full report, but that its conclusions are 'just one opinion, which is not supported by other opinions. Everybody has the right to have an opinion' is utter irresponsibility." How can someone form an opinion that exonerates the police in light of a report that condemns their action, which one doesn't bother to read. The City Manager and entire Council share in this stunning irresponsibility and callousness toward the city's minority community, which has long suffered from excessive force by the police. Never once has the Mayor, City Manager, or a council member looked at the report to see what its conclusions are, even after we brought suit. They simply relied upon the police chief to suppress it. The chief, of course, had every interest in suppressing the report; and the Mayor, City Manager, and City Council let him do it with impunity.

"We also call upon District Attorney Rosemary Lehmborg to investigate this cover up and whether it amounts to hiding evidence that would have presented the other evidence in a different light when she submitted it to the grand jury. If the police chief and city officials have acted as they have in this cover up, it raises serious questions about their truth and integrity and whether some of the evidence at the

scene may have been altered or even planted.

"This is the problem: once city officials cover up something, citizens no longer trust them about anything. This is a sad day for the people of Austin."

-- end --

For further information, please call Jim Harrington at [512-771-1759](tel:512-771-1759)

James C. Harrington  
Director  
Texas Civil Rights Project  
1405 Montopolis Drive  
Austin, TX 78741-3438  
[512-474-5073](tel:512-474-5073) (telephone)  
[512-474-0726](tel:512-474-0726) (fax)  
web: [<http://TexasCivilRightsProject.org/>](http://TexasCivilRightsProject.org/)  
[<http://TexasCivilRightsProject.org/>](http://TexasCivilRightsProject.org/)  
TexasCivilRightsProject.org [<http://TexasCivilRightsProject.org/>](http://TexasCivilRightsProject.org/)

The Texas Civil Rights Project, a nonprofit foundation, promotes civil rights and economic and racial justice throughout Texas.

---

**Mike Martinez** [redacted] **Sat, May 8, 2010 at 4:18 PM**  
To: Mark Nathan [redacted]  
Cc: Lee Leffingwell <lee.leff@[redacted]> Randi Shade <randi@[redacted]>

"As such, the council remained unaware..."

They are hounding all the council today. Harrington is talking. I think this statement helps. May come up with my own after his goes out. If I do, I will run it by you before I send it out.

[Quoted text hidden]

---

**Randi Shade** [redacted] **Sat, May 8, 2010 at 4:42 PM**  
To: Mike Martinez [redacted]  
Cc: Mark Nathan [redacted] Lee Leffingwell [redacted]

Was it actually several months ago? That was the question I was going to ask when I lost phone signal.

Here LL M's email:

-----  
Randi Shade  
512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

[Quoted text hidden]

---

**Lee Leffingwell** <lee.leff@ [REDACTED]> **Sat, May 8, 2010 at 6:28 PM**  
To: Randi Shade [REDACTED]  
Cc: Mike Martinez [REDACTED] Mark Nathan [REDACTED]

I know Jim Harrington. Nice guy most of the time, but radical in the extreme. In fact he left the ACLU because it wasn't radical enough for him, and formed the Texas Civil Rights Project so he wouldn't be reined in by the "moderates" at ACLU.

I called Spelman and Morrison to update them and advise of the upcoming press statement. Talked with Sheryl twice earlier, so that's everyone except Riley, who is out of town.

LL

[Quoted text hidden]

--  
Lee Leffingwell  
4516 Balcones Drive  
Austin, TX 78731  
[REDACTED]



Lee Leffingwell [REDACTED]

---

## I assume you just got the brief.

1 message

---

Lee Leffingwell [REDACTED]

Thu, May 13, 2010 at 2:49 PM

To: Mike Martinez [REDACTED]

Sounds like APA agreed to City's request to "reinterpret" the contract to allow disclosure to the public of some consultant opinions - only when the conclusions were not based on an independent review of the evidence or any interviews. Only when the consultant takes the data furnished to them by APD and constructs an opinion.

--

Lee Leffingwell  
4516 Balcones Drive  
Austin, TX 78731  
[REDACTED]



Lee Leffingwell [REDACTED]

## Text from Cole

6 messages

**Martinez, Mike [Council Member] <Mike.Martinez@ci.austin.tx.us>** **Mon, May 31, 2010 at 9:02 AM**  
 To: lee.leff@[REDACTED] Nancy Williams <Nancy.Williams@ci.austin.tx.us>  
 Cc: Bobby Garza <Bobby.Garza@ci.austin.tx.us>, Mark Nathan <Mark.Nathan@ci.austin.tx.us>

Last night saying she would cosponsor resolution for city attorney being hired by council.

Departe de iPhone

**Garza, Bobby <Bobby.Garza@ci.austin.tx.us>** **Mon, May 31, 2010 at 9:05 AM**  
 To: "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us>, lee.leff@[REDACTED] "Williams, Nancy" <Nancy.Williams@ci.austin.tx.us>  
 Cc: "Nathan, Mark" <Mark.Nathan@ci.austin.tx.us>

i've started working on language. will have something to everyone tomorrow.

[Quoted text hidden]

**Nathan, Mark <Mark.Nathan@ci.austin.tx.us>** **Mon, May 31, 2010 at 9:15 AM**  
 To: "Garza, Bobby" <Bobby.Garza@ci.austin.tx.us>  
 Cc: "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us>, lee.leff@[REDACTED]

What would a resolution do?

Sent from my iPhone, please forgive typos!

[Quoted text hidden]

**Garza, Bobby <Bobby.Garza@ci.austin.tx.us>** **Mon, May 31, 2010 at 9:20 AM**  
 To: "Nathan, Mark" <Mark.Nathan@ci.austin.tx.us>  
 Cc: "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us>, lee.leff@[REDACTED]

i think that's technically what it is. last time we talked about this (near as i can remember), we decided that we'd have to direct city staff and the city clerk to actually put it on the ballot for a charter change.

[Quoted text hidden]

**Nathan, Mark <Mark.Nathan@ci.austin.tx.us>** **Mon, May 31, 2010 at 9:25 AM**  
 To: "Garza, Bobby" <Bobby.Garza@ci.austin.tx.us>  
 Cc: "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us>, lee.leff@[REDACTED]

We should discuss the utility of doing that 2 1/2 years before an election. It may make sense to strike while iron is hot, but it may also beg the question of the election timing. Remember if we want to pass SMD that nov. 2012 is our best shot.

Sent from my iPhone, please forgive typos!

[Quoted text hidden]

**Lee Leffingwell [REDACTED]** **Mon, May 31, 2010 at 5:36 PM**  
 To: "Nathan, Mark" <Mark.Nathan@ci.austin.tx.us>  
 Cc: "Garza, Bobby" <Bobby.Garza@ci.austin.tx.us>, "Martinez, Mike [Council Member]"

<Mike.Martinez@ci.austin.tx.us>

The proposal should mirror the language for the Auditor: The City Attorney should be appointed for a term of 5 years; removable during that term only by a super majority vote of Council (6 votes).

Right now I think we should strike while the iron is hot - not just because support could erode, but also as a response to the recent debacle in the law department.

LL

[Quoted text hidden]

--

Lee Leffingwell  
4516 Balcones Drive  
Austin, TX 78731





Lee Leffingwell [REDACTED]

**FW: Southwood McMansion**

2 messages

**Martinez, Mike [Council Member]** <Mike.Martinez@ci.austin.tx.us> Thu, Jun 24, 2010 at 8:42 AM  
To: "Nathan, Mark" <Mark.Nathan@ci.austin.tx.us>, lee.leff@[REDACTED] "Shade, Randi"  
<Randi.Shade@ci.austin.tx.us>

Missy's quote is what really bugs me about this whole issue. She literally is admitting to trying to sneak something past her own neighbors without them noticing the postcards that are "fancy and noticeable".

Mayor Pro Tem Mike Martinez  
310 W. 2nd Street  
Austin, Texas  
[512.974.2264](tel:512.974.2264)

-----Original Message-----

From: Missy Bledsoe [REDACTED]  
Sent: Thursday, June 24, 2010 7:05 AM  
To: Morrison, Laura; Shade, Randi; Martinez, Mike [Council Member];  
Leffingwell, Lee; Riley, Chris; Cole, Sheryl; Spelman, William  
Cc: Dawn Leach; Lupe Sosa; Josh Maxwell - 2nd VP; Joan Owens; Angie  
Castilleja; Julie Maxwell  
Subject: Southwood McMansion

Good morning,

Well, I'm a little disappointed to hear we may have to postpone the vote. I was looking forward to popping some champagne tonight in honor of Southwood's first Big Deal. I think the city staff dropped the ball, but I can't decide if it's because they sent the notices out at all or that they sent them so late. Why oh why did they feel they had to make those postcards so fancy and noticeable? Why couldn't they make it look like all the other junk mail we get like they usually do?

I understand your concern for your constituents and appreciate that y'all think it should be postponed. That's why you were elected - to make those kinds of decisions in our behalf.

Southwood NA feels we made a valiant effort to notify stakeholders and explain the ins and outs of the McMansion ordinance. Before the city staff got involved, we had already reached out to the Community Registry to make contact with everyone listed. We shared groovy power point presentations and visited other neighborhood meetings.

As you well know, most people will not say anything if they agree with whatever the issue is. They will only pipe up if they disagree. That is how it usually goes in the 'hood as I talk with my neighbors about various goings on. They rarely come to the meetings, but they read all the emails and if they have a question or comment or opinion, they sure

don't hesitate to share.

We want you to vote on this tonight and vote in favor of it.

I am including a letter we gave to most of you if we had the chance to meet in person. It simply states our position in a nutshell.

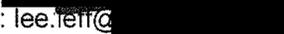
---

**2 attachments**

 **Letter to Council Members.doc**  
30K

 **ATT4630907.txt**  
1K

---

lee.leff@  
Reply-To: lee.leff@

Thu, Jun 24, 2010 at 8:46 AM

To: Mike Martinez <Mike.Martinez@ci.austin.tx.us>, "Nathan, Mark" <Mark.Nathan@ci.austin.tx.us>, "Shade, Randi" <Randi.Shade@ci.austin.tx.us>

Bad thing is that it will cause a bunch of items to be pp'd again.  
Sent via BlackBerry by AT&T

[Quoted text hidden]

---

Southwood Neighborhood Association  
P.O. Box 40205  
Austin, TX 78704

June 14, 2010  
The Honorable Firstname Lastname  
301 W. Second St.  
Austin, TX 78701

Dear Council Member Lastname:

We are writing to ask you to support Resolution No. 20091210-043. This resolution extends the boundaries of City Code Chapter 25-2, Subchapter F (Residential Design and Compatibility Standards) to include the area bounded by north of William Cannon, south of Ben White Boulevard, east of Manchaca Drive, and west of Interstate Highway 35. Per the resolution, "The intent of the ordinance is to minimize the impact of new construction, remodeling, and additions to existing buildings on surrounding properties in residential neighborhoods by defining acceptable buildable area for each lot within which new development may occur."

We are not opposed to development, but do want some control over what happens in our neighborhood. Our houses are small and our lots are big and this leaves our area vulnerable to developers building "McMansions." These types of houses are not within scale of the current homes and they diminish the overall character of the area. Also, larger houses do not increase density or infill. However, the expansion of this ordinance would increase the economic viability of secondary dwellings or granny flats on larger lots. Secondary dwellings promote density and give middle-income homeowners an economic tool to allow them to continue to live centrally. Furthermore, the adoption of this resolution would help keep our area more affordable for renters and home owners alike.

With 750,000 additional people expected to be in Austin by 2035, it is important to our neighborhood that we plan now for what the future will bring. We support growth in Austin and in our neighborhood. We just want to make sure we have the same protection that central city neighborhoods have as more and more people move south of Ben White. Thank you so much for your help and support.

Sincerely,

Southwood Neighborhood Association  
SouthwoodOfficers@gmail.com  
main.org/southwood

Thanks for all you do. And thank you for being willing to give us all a little piece of your day when we need it!

Sincerely,  
Missy Bledsoe  
President, Southwood NA  
Slow Down! Enjoy Southwood!  
Speed Limit 25-Even on Redd!



Lee Leffingwell [REDACTED]

---

**FW: Proposed Composition of Bond Package**

5 messages

Nathan, Mark &lt;Mark.Nathan@ci.austin.tx.us&gt;

Tue, Jun 15, 2010 at 4:31 PM

To: lee.leff@[REDACTED] mexmikeaustin@[REDACTED] randi@[REDACTED]

For discussion.

---

**From:** Tom Terkel [REDACTED]  
**Sent:** Tuesday, June 15, 2010 3:01 PM  
**To:** Nathan, Mark  
**Subject:** Proposed Composition of Bond Package

Mark – hope all is well with you. My daughter and I have managed to contract for 4 properties and are working on a fifth. We are having fun. Maybe someday we will actually make money.

I want to warn you that you will likely receive a firestorm of complaints about the projects in the Bond package as currently proposed. I know this is not your draft, nor is it final, but I am hearing reactions from anger to fury over the fact that there are so few dollars allocated to new road capacity. The Y and the extension of Rundberg account for approximately \$6,000,000 and the other \$78,000,000 goes to design, road reconstruction and alternative modes of movement (peds/bikes).

I predict you will find not only quiet apathy and an unwillingness to fund a campaign, but outright and vocal opposition to using scarce resources on amenities when we desperately need greater capacity. There was considerable ambivalence over the wisdom of taking on new debt now given the uncertain world economic situation even when people thought that most of the dollars would go to new capacity; you can imagine the reaction now that they understand it will not result in any material congestion relief save two places.

I don't offer this as an attempt to engage in a policy conversation (although I agree with what I am hearing), rather just to make sure you are not caught off guard. Others will carry the message for the business community whatever they decide it should be. I just wanted to warn you. I could turn out to be wrong, but I doubt it.

Meanwhile, next fall when it cools off, we will get you over to play some bocce and drink some wine.

Best regards - Tom

**Tom Terkel**

**FourT Realty**

4101 Medical Parkway, #205

Austin, Texas 78756

512.590.7738 (w)

512.680.1430 (c)

[tom.terkel@fourtrealty.com](mailto:tom.terkel@fourtrealty.com)

**Mike Martinez** [redacted] Tue, Jun 15, 2010 at 5:16 PM

To: "Nathan, Mark" <Mark.Nathan@ci.austin.tx.us>  
Cc: "<lee.leff@ [redacted] <lee.leff@ [redacted] "<randi@ [redacted] <randi@ [redacted]

Strayhorn and Levy.

Departe de iPhone

[Quoted text hidden]

**Lee Leffingwell** [redacted] Tue, Jun 15, 2010 at 5:49 PM

To: Mike Martinez [redacted]  
Cc: "Nathan, Mark" <Mark.Nathan@ci.austin.tx.us>, "<randi@ [redacted] <randi@ [redacted]

I thought this would happen. We are going to have to make some changes.

[Quoted text hidden]

--  
Lee Leffingwell  
4516 Balcones Drive  
Austin, TX 78731  
[redacted]

**Nathan, Mark** <Mark.Nathan@ci.austin.tx.us> Tue, Jun 15, 2010 at 7:21 PM

To: Lee Leffingwell [redacted]  
Cc: Mike Martinez [redacted], randi@ [redacted]

I can see some changes to put a little more emphasis on immediate congestion relief this year, but frankly I think this is a very strong, well balanced package overall, as is, for 2010. Important to remember and remind people that this is the first of a "two-packages-in-24-months" deal - its important to view all the design work in the current package not as somehow more meaningless Austin planning, but as actual implementation projects for 2012.

Sent from my iPhone, please forgive typos!

[Quoted text hidden]

**Lee Leffingwell** [redacted] Thu, Jun 17, 2010 at 8:15 AM

To: Michael Whellan [redacted]

He just wanted to warn us...

[Quoted text hidden]

[Quoted text hidden]

---



Lee Leffingwell [REDACTED]

## Nathaniel Sanders Case - after 7 attempts to write this...I am going to send this later this week. Thoughts?

2 messages

Mike Martinez [REDACTED] | Sun, Jul 18, 2010 at 6:54 PM  
To: Mark Nathan [REDACTED] Mark Littlefield [REDACTED] Lee Leffingwell [REDACTED]  
[REDACTED] bobby garza [REDACTED] Andy Moore [REDACTED] ara [REDACTED]  
Wendler [REDACTED]

>>>>>> The Austin City Council will consider a settlement of the the Nathaniel Sanders shooting case on July 28th. The decision is not one I take lightly. In fact, it is a decision we should all contemplate for some time. As I have thought about this incident and how it impacts our city, I have decided to share my thoughts for further debate and discussion prior to our potential vote that I believe is critical.

>>>>>>

>>>>>> What comes to mind follows:

>>>>>>

>>>>>> Is the decision to settle the case simply to put the "Sanders shooting" behind us and to rest? By settling this suit, are we saying our grand jury and citizens review panel have failed the community? If so, do we need to revisit our review process? Has this community altering incident been vetted enough and had the ultimate say by a jury of its peers? If we chose to reject the settlement and go to court, is it proper that the city attorney represent the City in this case?

>>>>>>

>>>>>> As a council member, the task of making tough decisions and facing criticism for those decisions are a daily occurrence. No matter what we decide, there is always someone who agrees with us and someone who does not. Simply because that is the case, it does not preclude us from taking the time necessary to make the decisions we feel are best for the citizens we represent.

>>>>>>

>>>>>> On a regular basis, this council hires consultants to help reach decisions on various projects, issues and subjects. Hundreds of thousands and possibly millions per year is what, you, the taxpayer, funds to help our staff and this council make decisions. Many of these expenditures are met with criticism and outright disagreement. We often hear feedback, such as, "why do you need a consultant to tell you what seems like common sense?" The fact of the matter is that many of our decisions aren't so simple. We have a tremendously diverse and engaged population that deserve representation to the best possible extent. But in the end, as a council, we must make a decision...and stand by that decision.

>>>>>>

>>>>>> In my opinion, there is no need for more consultation in this case. We have already spent taxpayer dollars on staff time, legal hours and an outside investigation (Key Point) surrounding this incident. The issue never came before our citizen lead Public Safety Commission, a point I don't understand. But the information and evidence, thus far, has been presented through the process available to us.

>>>>>>

>>>>>> There were mistakes made...on both sides of this issue. All of which are debatable and have been discussed and debated for over a year now.

>>>>>>

>>>>>> This incident happened in my neighborhood. Right around the corner from our home.

>>>>>>

>>>>>> While I wont pretend to believe I know what it was like to have been Nate Sanders or to be an Austin Police Department officer patrolling my neighborhood, I can say with certainty that I know the community and neighborhood that I live in, is a far cry from what so many in this town believe it is.

>>>

>>>>>> Yes, in East Austin we have families, go to church, walk our dogs, play with our kids in the streets,

etc. But there is something much more in East Austin (and all over Austin) that is rarely if ever mentioned, discussed or debated. And that is the lost and the voiceless in our community.

>>>>>>

>>>>>> East Austin has changed for the better over time, and so many people have worked in our community, tirelessly, to make that change happen. But incidents like this, in many ways, takes us right back to square one, making us feel there is little hope for change.

>>>>>>

>>>>>> We ask ourselves...Why attend neighborhood meetings? Why get involved in the schools? Why give extra effort by volunteering in my community? Why try to build a relationship with my neighborhood police officer? And maybe most of all....Why vote?

>>>

>>>>>> And the answer I hear the most is...It doesn't change anything!

>>>>>>

>>>>>> Each and every day our police officers do all they can to protect and defend our community. It is not a job I would want, but it is a job I truly respect. It is not easy to be a police officer in Austin, Texas. As was the case on the night in May 2009 when Nathaniel Sanders made his decision (to place himself in the position he did with a loaded fire arm) and officer Quintana made the decision he made (to use his fire arm). This case is not based on two simple decisions...nor will it rest on them. There is so much more to this case that is even beyond a council decision. We also have a community decision upon us, and, over a year later, we still have not discussed it as a whole community.

>>>>>>

>>>>>> It is time we recommit to truly teaching our community how to avoid such a tragic outcome. We must educate our citizens on the consequences of dangerous behavior. We must focus our policing on prevention and compliance as much as we do on enforcement.

>>>>>>

>>>>>> This council has made it clear we want everyone (immigrant, homeless, rich, poor, black, white and anyone else) to feel they are a part of our community and safe. We must demonstrate how we achieve this through example, commitment, and action.

>>>

>>>>>> While many parents already do this...as I do; it's much bigger than our individual families. It's about our community. If we don't act as a community, we will fail as a community.

>>>>>>

>>>>>> Settling a law suit for \$750,000 will not take one small step in that direction. Nor will it address the serious issues we face. such as, drop out rates, gang and drug violence, the East vs. West divide, etc.

>>>>>>

>>>>>> If the council does decide to reject the settlement, we should also require the hiring of outside legal counsel. To defend Austin citizens due to the inherent conflict of interest that our city attorney is hired by the staff recommending this settlement. I find it troubling to comprehend how our city attorney can represent the best interest of our citizens in this matter based on the recommendation. This conflict of interest is yet another example of why I feel our city charter needs to be changed to allow the Council, to hire the City Attorney.

>>>>>>

>>>>>> After much thought, it is my belief we should reject the settlement offer recommended by staff and defend, not Officer Quintana, Nathaniel Sanders, APD or APA....but the hundreds of thousands of other citizens and thousands of police officers who choose to make better decisions.

>>>>>>

---

Lee Leffingwell

To: Mike Martinez

Mon, Jul 19, 2010 at 6:21 AM

At this time, I can't justify the settlement either, and intend to vote against it. I'm not saying this publicly yet, because I don't think there is a need to, but I will do it soon.

LL

[Quoted text hidden]

Lee Leffingwell  
4516 Balcones Drive

Austin, TX 78731



---



Lee Leffingwell [REDACTED]

---

## Re: Statement from MPT Martinez re: Proposed Sanders Settlement

2 messages

Randi Shade [REDACTED]  
To: Mike Martinez [REDACTED]  
Cc: Lee Leffingwell [REDACTED]

Tue, Jul 20, 2010 at 8:35 AM

Lots of excellent points, but I'm not sure I understand the role of outside atty. Not sure if we can discuss publicly at this point, but hasn't the City been dismissed? Sounds like the outside atty the City hired for Quintana is ready and raring to go.

---

Randi Shade  
512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

On Jul 19, 2010, at 10:54 PM, "Garza, Bobby" <[Bobby.Garza@ci.austin.tx.us](mailto:Bobby.Garza@ci.austin.tx.us)> wrote:

All-  
Apologies for the late, mass email. The message below is a statement from Mayor Pro Tem Mike Martinez regarding the proposed settlement in the Sanders case. The statement was sent to members of the press this evening. MPT Martinez sends his apologies for not getting a chance to speak with everyone today as was his intention. Should you have any questions, please feel free to reply back or call me at (512) 974-3038 or [REDACTED]. Have a great evening.

Bobby Garza  
Chief of Staff  
Mayor Pro Tem Mike Martinez  
(512) 974-2264  
[bobby.garza@ci.austin.tx.us](mailto:bobby.garza@ci.austin.tx.us)

---

The Austin City Council will consider a settlement of the Nathaniel Sanders shooting case on July 29th, 2010. The decision -- whether or not to settle this case and pay the Sanders family \$750,000, is not one I take lightly. In fact, it is a decision we should all contemplate for some time. As I have thought about this incident and how it impacts our city, I have decided to share my thoughts for further debate and discuss prior to our potential vote that I believe is critical.

What comes to mind follows:

Is the decision to settle the case simply to put the Sanders shooting behind us? By settling this suit, are we saying our grand jury, office of the police monitor and the citizens review panel have failed the community? If so, do we need to revisit our review process? Has this community altering incident been vetted enough -- both in the courts and in the community at large? If we chose to reject the settlement and go to court, is it proper for the city attorney to represent the City in this case?

As a council member, the task of making tough decisions and facing criticism for those decisions is a daily occurrence. No matter what we decide next week, the decision is certain to have its supporters and its objectors, but that does not preclude us from taking the time

necessary to make decisions we feel are best for the citizens we represent.

On a regular basis, this council hires consultants to help reach decisions on various projects, issues and subjects. Hundreds of thousands and possibly millions of dollars a year is what, you, the taxpayer, fund to help our staff and this council make decisions. Many of these expenditures are met with criticism and outright disagreement. We often hear feedback, such as, "why do you need a consultant to tell you what seems like common sense?" The fact of the matter is that many of our decisions are not common sense by any stretch of the imagination. We have a tremendously diverse and engaged population that demands representation, but in the end, council must make a decision...and stand by that decision.

In my opinion, there is no need for more consultation in this case. We have already spent taxpayer dollars on staff time, legal hours and an outside review surrounding this incident. The information and evidence, thus far, has been presented through the process available to us.

Mistakes and poor decisions were made on every side of this issue -- all of which are debatable and have been discussed and debated for over a year now.

This incident happened in my neighborhood, right around the corner from our home.

While I will not pretend to believe I know what it was like to have been Nate Sanders or to be an Austin Police Department officer patrolling my neighborhood, I can say with certainty that I know the community and neighborhood that I live in, is a far cry from what so many in this town believe it is.

Yes, in East Austin we have families, go to church, walk our dogs, play with our kids in the streets, etc., but there is something more in East Austin (and all over Austin) that is rarely if ever mentioned, discussed or debated. And that is the lost and the voiceless in our community.

East Austin has changed for the better over time, and so many people have worked in our community, tirelessly, to make that change happen. But incidents like this, in many ways, takes us right back to square one, making us feel there is little hope for change.

We ask ourselves...Why attend neighborhood meetings? Why get involved in the schools? Why give extra effort by volunteering in my community? Why try to build a relationship with my neighborhood police officer? And maybe most of all...Why vote?

And the answer I hear the most is...It doesn't change anything!

Each and every day our police officers do all they can to protect and defend our community. It is not a job I would want, but it is a job I truly respect. It is not easy to be a police officer in Austin, Texas. There is so much more to this case that is even beyond a council decision. We also have a community decision upon us.

It is time we recommit to truly teaching our community how to avoid such a tragic outcome. We must educate our citizens on the consequences of dangerous behavior. We must focus our policing on prevention and compliance as much as we do on enforcement.

This council has made it clear we want everyone (immigrant, homeless, rich, poor, black, white and anyone else) to feel they are a part of our community and safe. We must demonstrate how we achieve this through example, commitment, and action.

While many parents already do this...as I do; it's much bigger than our individual families. It's about our community. If we don't act as a community, we will fail as a community.

Settling a law suit for \$750,000 will not take one small step in that direction. Nor will it address the serious issues we face, such as, drop out rates, gang and drug violence, the East vs. West divide, etc.

After much thought, it is my belief we should reject the settlement offer recommended by staff.

In our country one of the more public and honored means of settling these matters is a public trial. This would be a civil trial in a federal court. The civil trial uses legal standards of "preponderance of evidence" or "clear and convincing evidence" rather than the criminal trial's, "beyond a reasonable doubt". These rules of a civil trial permit a broader set of information being available for the court and the public. Such a trial would fully vet all of the information that bears on those events that culminated on May 11, 2009 as well as actions that followed.

The City should hire an outside lawyer not connected by previous actions of APD, its internal affairs department, the city administration, the Police Review Board, the Key Point review or the Travis County District Attorney's offices. Perhaps more money would be spent than the proposed settlement. That is not the question. The proposed settlement leaves too many questions unanswered. It serves to close off examination rather than promoting understanding.

The question is to get all of the facts in a proper forum and that is what a federal civil trial will do. I think that direction would move the community toward hearing all of the facts and advance the goal of understanding how to prevent future occurrences. I, for one, plan to take that information and engage our community so we can have the truly meaningful conversations that will lead to a place of healing. Settling this case does not get us any closer to that place, and I do not think it is prudent to debate the issue without addressing the larger issues at hand that are much more vital to this community.

###

---

Lee Leffingwell [REDACTED]

Tue, Jul 20, 2010 at 8:47 AM

To: Randi Shade [REDACTED]

Cc: Mike Martinez [REDACTED]

The simplest and most direct, credible way to answer any unanswered questions is to have the trial. I don't think we need to hire more consultants.

LL

[Quoted text hidden]

--

Lee Leffingwell  
4516 Balcones Drive  
Austin, TX 78731  
[REDACTED]



Lee Leffingwell [REDACTED]

## golf and Brack tract

4 messages

**Mike Martinez** [REDACTED] **Tue, Jul 27, 2010 at 9:44 AM**  
 To: Randi Shade [REDACTED] Lee Leffingwell [REDACTED]

we are on for Friday. 9ish. will get you the exact time once I have it.

also, just met with Ott. I suggested Casey Dobson as a potential "inside" man for us on brack tract

**lee.leff@** [REDACTED] **Tue, Jul 27, 2010 at 9:48 AM**  
 Reply-To: lee.leff@ [REDACTED]  
 To: Mike Martinez [REDACTED] Randi Shade [REDACTED]

Casey's good, but really a litigator. I recommended Cousar.

[Quoted text hidden]

Sent via BlackBerry by AT&T

**Mike Martinez** [REDACTED] **Tue, Jul 27, 2010 at 9:54 AM**  
 To: lee.leff@ [REDACTED]  
 Cc: Randi Shade [REDACTED]

I like Couser too

[Quoted text hidden]

**Randi Shade** [REDACTED] **Tue, Jul 27, 2010 at 10:19 AM**  
 To: Mike Martinez [REDACTED]  
 Cc: "lee.leff@ [REDACTED]"

Really looking forward to golf. Thanks.

As for the lawyers and our need to have a local insider, I totally agree we need someone. I like Cousar and Dobson. Another suggestion that I have is David Herndon and the other real estate partners at Graves Dougherty (ie Terry Bray and Whellan). I got to know David when we served together on UT Commission on 125. With him we also get Dealey Herndon as a secret weapon:-) The challenge is to find someone well-connected to the 'hood and to UT politics and whose firm won't have conflicts due to representing developers who will want to build on the Tract at some point (or who already represent Gables, Randall's, etc.).

Another lawyer I thought about was Shannon Ratliff, but I think as a former Chair of Regents, he would be too loyal to UT plus i think he was chair when current Agreement was put in place.

We need someone who will make UT nervous but whose loyalty is with the City, too. That is what would have made Suttle so good for us on this one. I am not convinced, however, he was willing to forgo future work re: development on site, and I am also not convinced he won't be helpful to us even in his role working for UT. We just need someone to keep him on his toes:-) and someone to help us really understand how best to use our points of leverage.

-----  
 Randi Shade  
 512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

[Quoted text hidden]



Lee Leffingwell [REDACTED]

# Re: "trial of the century ..." ?

6 messages

Randi Shade [REDACTED]

Sun, Aug 1, 2010 at 10:38 AM

To: Lee Leffingwell [REDACTED]

Cc: Mike Martinez [REDACTED]

Meant to send to Lee, too.

-----  
Randi Shade  
512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

On Aug 1, 2010, at 10:34 AM, "Shade, Randi" <[Randi.Shade@ci.austin.tx.us](mailto:Randi.Shade@ci.austin.tx.us)> wrote:

Harrington isn't kind to you and Lee, but you wouldn't expect him to be. Bottom line is that a settlement can make sense if done right, and Harrington is very directly caling on Lowey to change his course of action to get it done right.

-----  
Randi Shade  
512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

Begin forwarded message:

**From:** "Bob McNally" [REDACTED]  
**Date:** July 31, 2010 2:11:18 PM CDT  
**To:** <undisclosed recipients: ;>  
**Subject:** Fw: "trial of the century ..." ?

----- Forwarded Message -----

**From:** Jim Harrington [REDACTED]  
**To:** Adam Loewy [REDACTED]  
**Sent:** Sat, July 31, 2010 1:36:43 PM  
**Subject:** "trial of the century ..." ?

Adam -

I got your "trial of the century" e-blast sometime after the city council's regrettable decision not to approve the Sanders settlement.

I rarely criticize a colleague who has enough courage and willingness to undertake a civil rights case. But the events of recent days have breached that respect, as least from my view. I am particularly disturbed by how you've handled the case, some of your tactical decisions, and how you may have botched the settlement with your strange and harsh post-mediation comments. It's almost as disturbing as how poorly Leffingwell and Martinez have handled the matter - and how you all play off each other.

What you three seem to have lost sight of is the suffering of the family, and how all three of you have helped polarize the community, rather than trying to mend it.

Getting relief for the family is the paramount goal for an attorney in this tragic situation and in the particular context of this lawsuit.

I've been involved in enough police and "cause" litigation over the years to understand profoundly that the ultimate purpose of a civil rights lawsuit of this kind is to do justice, part of which entails healing the victims.

I'm reminded of the Asian saying, "When the elephants fight the grass gets trampled." I'm afraid that the hubris of the players is smothering and jeopardizing the best interests of the Sanders family.

This case will not be the "trial of the century" by any stretch of the imagination, and it likely won't even be the "trial of the year." But that doesn't matter. What matters is the Sanders family. To me, it's not about who's right and wrong, but it's about bringing peace and healing to the family.

I urge to take steps in a different direction in this matter for the sake of the family.

Cordially,  
Jim Harrington

James C. Harrington  
Director  
Texas Civil Rights Project  
1405 Montopolis Drive  
Austin, TX 78741  
512.474.5073 x.108

---

Lee Leffingwell

Sun, Aug 1, 2010 at 11:47 AM

To: Randi Shade

Cc: Mike Martinez

Mark Nathan

Harrington is a man I know and used to respect, but keep in mind that he left the ACLU after being with them for years because ACLU was too "soft" in pursuing civil rights goals.

I stand by my position that a trial would be a good thing, but that needs more explanation. The question has been about airing "all" of the information, and it should be more about focusing on "relevant" information. The judge's job is to disallow information that is really irrelevant but emotionally charged to influence an outcome, and ensure that the deciders of fact (the jury) focus exclusively on everything that is pertinent to reaching a fair and just decision. Certainly I think that Judge Sparks can do a better job of that than the AAS Editorial Board could do even without their known bias.

The second thing that a court decision would do is lend credibility to the verdict. Again, a federal judge and jury with authority and prestige, vs. the AAS Editorial Board with no prestige and almost no credibility.

All that being said, I would be interested in pursuing a "community-healing" exercise - a Task Force directed to make recommendations to reduce teen crime, gangs, and drug use in east Austin. It could be an effort

separate from the legal process, but parallel to it. I would visualize APD and APA being a big part of it, as well as leaders (excluding Linder) from the community side. I know it's a tall order, but the alternative of granting money to the Sanders family will do nothing to abate their real grief, and will do nothing to keep a similar incident from happening again in 6 months.

LL

[Quoted text hidden]

--

Lee Leffingwell  
4516 Balcones Drive  
Austin, TX 78731

---

**Randi Shade**

Sun, Aug 1, 2010 at 3:09 PM

To: Lee Leffingwell

Cc: Mike Martinez, Mark Nathan

A settlement could make sense if it is financially sound and not based on guilt. To get certainty of closure on the legal front is worth paying some amount above what our costs to litigate would be especially since we know there are risks on the Defendant's side of this case, too. To have the opportunity for all parties and the community to be able to move forward sooner than later is worth something, too. Until there is closure via settlement or trial this will remain an open wound -- making any healing process close to impossible.

Seems like there is going to be little we can do when it comes to public opinion about the facts of the case, what is relevant, etc. And nothing we, the judge and/or jury do is likely to change the biases of some folks who are too deeply entrenched in their viewpoints.

As for next steps - my suggestion is that we leave the ball in Loewy's court for a while. He knows the door is potentially open....we don't have to turn anything down until there's something to consider, and we don't need to create some new program until we get a clear sign that the Plaintiff has an interest in exploring an alternative.

We should remain open to possibilities, but let's see what happens. Sometimes laying low for a while gets good results especially during tough negotiations when there's a blow up like the one we had last week and especially when you're in the more favorable negotiating position -- and I definitely think the City is in the more favorable position.

Onward,  
Randi

Randi Shade  
[512-974-2255](tel:512-974-2255) (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

[Quoted text hidden]

---

**Mike Martinez**

Sun, Aug 1, 2010 at 3:48 PM

To: Randi Shade

Cc: Lee Leffingwell, Mark Nathan

My thoughts are this...If we consider another offer to settle it should contain the following:

- an apology from Nelson about his comments.
- an agreement from APA to settle and move forward with funding their outreach program
- an agreement from Lowey to not take any money from the settlement.
- a combination of two non profits (PAL and African American Men and boys conference) to head the Nelson/Wayne program moving forward.

The downside to waiting on Lowey is that he will wait to hear from McDonald and say that the city re approached him. He wont contact us unless someone convinces him to. Lara doesn't think Steve Mostin will call him and get involved.

But someone has to broker this deal. My instinct is that Ott and McDonald will try to do that this coming week.

Just thoughts.

Mike

[Quoted text hidden]

---

lee.leff@ [REDACTED] Sun, Aug 1, 2010 at 3:58 PM  
Reply-To: lee.lef [REDACTED]  
To: Mike Martinez [REDACTED], Randi Shade [REDACTED]  
Cc: Mark Nathan [REDACTED]

I think we should sit tight for at least a week and do and say nothing. Others can do the prelim manuevers, and will (not Ott, McD). I don't think Nelson can do enough to get back in this. APA/APD/me "well" is poisoned for him. Find someone else like Danny Thomas.

Sent via BlackBerry by AT&T

---

**From:** Mike Martinez [REDACTED]  
**Date:** Sun, 1 Aug 2010 15:48:22 -0500  
**To:** Randi Shade [REDACTED]  
**Cc:** Lee Leffingwell [REDACTED], Mark Nathan [REDACTED]  
**Subject:** Re: "trial of the century ..." ?

[Quoted text hidden]

---

**Randi Shade** [REDACTED] Sun, Aug 1, 2010 at 4:50 PM  
To: "lee.leff@ [REDACTED]"  
Cc: Mike Martinez [REDACTED], Mark Nathan [REDACTED]

Loewy will be hearing from tons of folks in the coming days/weeks. I am with Lee - doing nothing for a while is a good strategy. We can say we're hopeful for resolution, but we should remind folks that it is up to Loewy and his client what happens next. While it makes sense to think about what an alternative settlement should/could include, we shouldn't discuss deal points until Loewy shows signs of interest in an alternative agreement. Chris Riley asked Chris Coppola to let Loewy know the City remains open to further settlement discussion. That happened late Friday afternoon, so the ball's really in Loewy's court now. He needs to make the next move - not the City. My guess is that he will get plenty of community feedback without the City weighing in any further than we did last week. The more confidence the City demonstrates with respect to going to court, and the more Loewy hears from the community the better. It helps our negotiating position to have Loewy be the one to make the next move.

---

Randi Shade  
512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

[Quoted text hidden]



Lee Leffingwell [REDACTED]

---

**Fwd: TDS Contract**

4 messages

Randi Shade [REDACTED]

Tue, Aug 3, 2010 at 8:08 PM

To: Lee Leffingwell [REDACTED] Mike Martinez [REDACTED]

This seems like a strange provision for a contract --- what do y'all think?

I asked staff to tell me how long a disqualification stays on a vendor's record. Nobody seems to know. They are looking into it.

I understand Bob's concern but it is not good form to make us do this now and in this context ...sigh. Plus staff rejected the request. Bob signed terms and conditions on pending contract. Staff called Greenstar and told them about decision to go with TDS and then Bob comes to us with his request. Again - not great form. If it was going to be a condition for him on this contract why did he agree to terms and conditions?

If he has a 2nd disqualification before this first one goes away, he'd be out for three years. He best not have another disqualification any time soon regardless. I know he doesn't agree with anti-lobbying ordinance, but it seems like as long as it is on the books he needs to follow the same rules as other vendors.

---

Randi Shade  
512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

Begin forwarded message:

**From:** "Betty Dunkerley" [REDACTED]  
**Date:** August 3, 2010 1:53:09 PM CDT  
**To:** "David Armbrust" [REDACTED] "Shade, Randi"  
<[randi.shade@ci.austin.tx.us](mailto:randi.shade@ci.austin.tx.us)>  
**Subject:** RE: TDS Contract

David, thank you so much for the suggested language. bd

---

**From:** David Armbrust [REDACTED]  
**Sent:** Tuesday, August 03, 2010 1:37 PM  
**To:** [randi.shade@ci.austin.tx.us](mailto:randi.shade@ci.austin.tx.us)  
**Cc:** Dunkerley Betty  
**Subject:** TDS Contract

Randi

Betty Dunkerley said she talked to you about the possible addition of some proposed language to the TDS contract. Below is the suggested language. This will help put the parties back to square one and allow everyone to start with a clean slate. In addition, it will avoid a costly appeal to federal court for TDS and the City. Karen Kennard told me the staff will not recommend it but she is ok with it if the Council wants to add it. We would appreciate your support Thank you.

David

Proposed addition to Section 7.27: "The City hereby withdraws the previous City of Austin Purchasing Department disqualification issued to Contractor pursuant to Request for Proposal Number 1500-RDR0005."

David B. Armbrust

Armbrust & Brown, LLP

100 Congress Avenue Suite 1300

Austin, Texas 78701

512-435-2301

---

Lee Leffingwell  
To: Randi Shade

Wed, Aug 4, 2010 at 6:53 AM

Let's find out when the disqualification would be removed or would cease to have any effect. There should be a provision in the ordinance to wipe the slate clean. If there is no such provision, the ord should be revised, not the contract.

LL

[Quoted text hidden]

Lee Leffingwell  
4516 Balcones Drive  
Austin, TX 78731

---

**Randi Shade** [REDACTED]

Wed, Aug 4, 2010 at 9:42 AM

To: Lee Leffingwell [REDACTED]

Agree. Will get back to as soon as I hear back on this. Thanks.

-----  
Randi Shade  
512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

[Quoted text hidden]

---

**Randi Shade** [REDACTED]

Wed, Aug 4, 2010 at 12:42 PM

To: Lee Leffingwell [REDACTED]

The rule is that a vendor is debarred if the vendor has more than one violation in a three year period. City Code, §2-7-109.

-----  
Randi Shade  
512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

[Quoted text hidden]



Lee Leffingwell

## Follow up from today's discussion

6 messages

Randi Shade

Thu, Sep 30, 2010 at 6:53 PM

To: lee.leff@ [redacted] Chris Riley [redacted] "Mike Martinez [Council Member]"

Cc: Mark Nathan [redacted]

Guys --

The more I think about it, the more I think about how important it is that the Mayor and the rest of us, including the City Manager and Dan Richards -- if making any comments at all about the matter we discussed earlier in Exec Session -- really need to stick to the notion of "Lowey's position being an indication that he is interested in something other than helping the Sanders family and the community heal." Nothing more need be said, and frankly, talk of legal principles, responsibility to taxpayers, etc. seems counterproductive. It isn't that I am not as outraged as anyone re: Lowey's behavior, and it isn't as if I don't like a good fight when it is warranted as it is in this case. I just don't want us to do our community any kind of disservice by behaving even a little bit like him. The less any of us beat our chests, demonstrate anger, etc. the better...

That's my two cents.

Randi

---

### Randi Shade

1822 W. 10th St.

Austin, TX 78703

(512) 477-0994 (phone)

(512) 477-0995 (fax)



---

lee.leff@gmail.com <lee.leff@gmail.com>

Thu, Sep 30, 2010 at 7:50 PM

Reply-To: lee.leff@ [REDACTED]  
 To: Randi Shade [REDACTED], Chris Riley [REDACTED], Mike Martinez [Council Member]  
 Cc: Mark Nathan [REDACTED]

Thanks for the thoughts, and I basically agree. So long as Dan goes forward with the request for sanction along with his initial request for summary dismissal, I plan to be quiet.

Sent via BlackBerry by AT&T

---

**From:** "Randi Shade" [REDACTED]  
**Date:** Thu, 30 Sep 2010 18:53:35 -0500  
**To:** <lee.leff@ [REDACTED]>, "Chris Riley" [REDACTED], Mike Martinez [Council Member]  
**Cc:** Mark Nathan [REDACTED]  
**Subject:** Follow up from today's discussion  
 [Quoted text hidden]

---

**Randi Shade** [REDACTED] **Thu, Sep 30, 2010 at 10:26 PM**  
 To: "lee.leff@ [REDACTED]"  
 Cc: Chris Riley [REDACTED], "Mike Martinez [Council Member]" [REDACTED], Mark Nathan [REDACTED]

Yes -- Lowey hasn't earned a penny on this case, so an aggressive legal response that costs him time, money and aggravation is great. The more paper Dan forces upon Lowey the better.

I don't think we'll have the luxury of being silent, though, so was offering the suggestion that we focus on the high road stuff about family and community healing rather than legal and/or financial arguments. I realized in today's discussion that the Spelman/Morrison angle will make sense to folks once you add up the time and dollars spent fighting this lawsuit and the case in front of Sparks, plus the continuing community divisiveness, fodder for media coverage, etc.

The specifics are just too confusing for the average guy on the street to really follow. The notion of a money-grubbing lawyer who puts his needs above the needs of his client and the community, though -- that's something anyone can get.

Dan's job is to defend the City in the lawsuit, but our job is to call for and foster community healing to whatever extent we can. That's why I voted against the proposed settlement agreement in the first place. It caused further division not resolution.

-----  
 [Quoted text hidden]

---

**Lee Leffingwell** [REDACTED] **Fri, Oct 1, 2010 at 7:23 AM**  
 To: Randi Shade [REDACTED]  
 Cc: Chris Riley [REDACTED], Mike Martinez [Council Member]" [REDACTED], Mark Nathan [REDACTED]

First, I agree with "taking the high road". Second, my response to the argument that we're spending time and money on this lawsuit when we could have just settled is that: it's not true. I don't think we will be spending money on it because the probability that we will lose on either the breach of contract or the civil rights lawsuits is miniscule. And third, there is a principle involved. And let's not forget that the public is with us on this by 5 or 10 to 1.

But, to emphasize: the less said the better, and the more civil the better in responding to queries on the subjects.

LL

[Quoted text hidden]

--  
Lee Leffingwell  
4516 Balcones Drive  
Austin, TX 78731

---

**Mike Martine** [redacted] **Fri, Oct 1, 2010 at 8:08 AM**  
To: Lee Leffingwell [redacted] Randi Shade [redacted]  
Cc: Chris Riley [redacted] Mark Nathan [redacted]

You kids crack me up.

I agree with both of you and don't plan to make any comments at all unless absolutely necessary. And those comments will be very scripted and thought out by all of us.

The one thing that I did pull Dan aside and talk to him about is that even though this is a case against Adam and not the Sanders family...he needs to keep in mind that many black community leaders brought Lowey to the Sanders family. Up to and I suspect...McDonald even being involved. So that has to be kept in mind on this case. Once we seek sanctions, it will also be viewed as a slap to the black leaders who recommended Lowey. And they wont be able to remain silent because their credibility will also be on trial.

Just thoughts.

Happy Friday.

Mike

---

**From:** Lee Leffingwell [redacted]  
**To:** Randi Shade [redacted]  
**Cc:** Chris Riley [redacted] Mike Martinez [Council Member]  
[redacted] Mark Nathan [redacted]  
**Sent:** Fri, October 1, 2010 7:23:35 AM  
**Subject:** Re: Follow up from today's discussion

[Quoted text hidden]

---

**Randi Shade** [redacted] **Fri, Oct 1, 2010 at 9:19 AM**  
To: Mike Martinez [redacted]  
Cc: Lee Leffingwell [redacted] Chris Riley [redacted] Mark Nathan [redacted]

Happy Friday to all and thanks for the further vetting of this. Very helpful and not something we do often enough on these kinds of big things:-)

-----  
Randi Shade  
512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

[Quoted text hidden]



Lee Leffingwell [redacted]

# Mayor's Message within ABIA

4 messages

**Bergeron, Allen** <Allen.Bergeron@ci.austin.tx.us>

**Mon, Aug 2, 2010 at 4:02 PM**

To: "Curtis, Matt" <Matt.Curtis@ci.austin.tx.us>, "Nathan, Mark" <Mark.Nathan@ci.austin.tx.us>

Cc: "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us>, lee.leff@ [redacted]

Fyi / Follow-up:

ABIA have been discussing; and thought that a welcome / thank audio announcement from the Mayor throughout the terminal would not work since it would interfere with security messaging. They are suggesting a written message with the Mayor's picture and signature to be displayed on their Flight Information Display Screens that are located terminal wide.

Your thoughts?

*Allen Bergeron*



image002.jpg  
5K

Austin-Bergstrom  
International Airport

lee.leff@ [redacted]  
Reply-To: lee.leff@ [redacted]  
To: Allen Bergeron <Allen.Bergeron@ci.austin.tx.us>

**Mon, Aug 2, 2010 at 4:06 PM**

Sounds very good.

Sent via BlackBerry by AT&T

**From:** "Bergeron, Allen" <Allen.Bergeron@ci.austin.tx.us>

**Date:** Mon, 2 Aug 2010 16:02:05 -0500  
**To:** Curtis, Matt<[Matt.Curtis@ci.austin.tx.us](mailto:Matt.Curtis@ci.austin.tx.us)>; Nathan, Mark<[Mark.Nathan@ci.austin.tx.us](mailto:Mark.Nathan@ci.austin.tx.us)>  
**Cc:** Martinez, Mike [Council Member]<[Mike.Martinez@ci.austin.tx.us](mailto:Mike.Martinez@ci.austin.tx.us)>; <[lee.leff@](mailto:lee.leff@)>  
**Subject:** Mayor's Message within ABIA

[Quoted text hidden]

---

**Martinez, Mike [Council Member] <[Mike.Martinez@ci.austin.tx.us](mailto:Mike.Martinez@ci.austin.tx.us)>** **Mon, Aug 2, 2010 at 4:15 PM**  
To: "Bergeron, Allen" <[Allen.Bergeron@ci.austin.tx.us](mailto:Allen.Bergeron@ci.austin.tx.us)>, "Curtis, Matt" <[Matt.Curtis@ci.austin.tx.us](mailto:Matt.Curtis@ci.austin.tx.us)>, "Nathan, Mark" <[Mark.Nathan@ci.austin.tx.us](mailto:Mark.Nathan@ci.austin.tx.us)>  
Cc: lee.leff@

So what's the explanation for Phoenix being able to do it. I am sure they have the same issues and even a higher passenger rate.

Lee and I were in their airport when we heard the message. I think it's just an excuse for not wanting to do it.

But I'm not the Mayor so I will keep my mouth shut and agree with whatever Lee thinks is best.

Mike

-----Original Message-----

From: Bergeron, Allen  
Sent: Mon 8/2/2010 4:02 PM  
To: Curtis, Matt; Nathan, Mark  
Cc: Martinez, Mike [Council Member]; 'lee.leff@'  
Subject: Mayor's Message within ABIA

[Quoted text hidden]



image002.jpg  
5K

Austin-Bergstrom  
International Airport

---

**Bergeron, Allen <[Allen.Bergeron@ci.austin.tx.us](mailto:Allen.Bergeron@ci.austin.tx.us)>** **Mon, Aug 2, 2010 at 4:23 PM**  
To: "Martinez, Mike [Council Member]" <[Mike.Martinez@ci.austin.tx.us](mailto:Mike.Martinez@ci.austin.tx.us)>, "Curtis, Matt" <[Matt.Curtis@ci.austin.tx.us](mailto:Matt.Curtis@ci.austin.tx.us)>, "Nathan, Mark" <[Mark.Nathan@ci.austin.tx.us](mailto:Mark.Nathan@ci.austin.tx.us)>  
Cc: lee.leff@

I can apply more pressure if needed for the audio. Both the audio and visual would be nice; but that's what they came up with.

Allen

[Quoted text hidden]

---



Lee Leffingwell [REDACTED]

## Fwd: I just can't do it.

9 messages

Mike Blizzard [REDACTED] Tue, Aug 31, 2010 at 8:34 PM  
 To: Mark Nathan [REDACTED], Ted Siff [REDACTED], Joanna Wolaver [REDACTED],  
 [REDACTED], David CWA [REDACTED], Griffin Davis [REDACTED],  
 [REDACTED], Susan Rankin [REDACTED], Jeb Boyd [REDACTED],  
 [REDACTED], Robin Stallings [REDACTED], Glenn Gadbois [REDACTED],  
 David Butts [REDACTED], Bill Blome [REDACTED], George Cofer [REDACTED]

FYI. He was for it before he was against it.

Begin forwarded message:

From: Mike Blizzard [REDACTED]  
 Date: August 31, 2010 8:30:17 PM CDT  
 To: "Michael Levy" [REDACTED]  
 Subject: Re: I just can't do it.

Mike,  
 Not only am I disappointed but I think it's a mistake and I urge you to reconsider.

Rick Perry's pollster (partnering with Tom Delay's defense team) may tell you that this "bundling" accusation is a good wedge issue, and it very may well be, but that doesn't make it correct or right.

I, for one, believe that a whether a person is behind the wheel of a car, on foot, riding a bike, or in a wheelchair, they are TRANSPORTING themselves. Hence those infrastructure investments are appropriate as part of a TRANSPORTATION bond. It's that simple.

The only reason to believe that this should be split into two propositions is because you believe that there is something fundamentally different about these non-road projects. I completely disagree, as does the State of Texas and the federal government, which both put all of these types of projects under TRANSPORTATION funding.

BTW, Ed Wendler (who I enjoyed meeting) on Friday suggested to me that the only reason we opposed splitting the item into two was because "we were scared." I told him, and will tell you, that that is bullshit. I know for a fact that these items would likely both be approved if split into two props, and you may find this hard to believe, but you know me so hopefully not, but I support this being one item *on principle*.

I also want to say that opposing this bond has consequences for the community. The vast majority of these are shovel-ready projects, so putting them off will leave people stuck in traffic on 35, at the Y, and across the city, and mean not completing the Lady Bird Lake Hike & Bike Trail through East Austin for how many more years?

But anyway, if this is what you, Wendler, RECA and the Republican Party want to hang your hats on, I appreciate the heads up. However, I think it's terribly unfortunate. I know, and you know, that together we can make much positive change in this community. Let's do that, rather than spend the next 62 days wasting our time and money fighting over projects we all say we support.

Call me at your convenience.

Mike

P.S. What is all this talk about 70s bond elections? It seems all a bizarre effort for Wendler to cloak his self-admittedly pro-sprawl positions with some weird hippie cloaking device. No one's buying it. ;-)

On Aug 31, 2010, at 4:14 PM, Michael Levy wrote:

Dear Mike:

Maybe you saw my letter to the editor in the Statesman:

"In response to Ed Wendler's commentary in the August 14 Statesman on the Council's lumping a multitude of different projects into a single ballot item for the upcoming bond election, Austin's politicos proudly proclaim to the heavens they've made our government so very "transparent". The wording of the bond election ballot is not transparency. It's the ultimate in hypocrisy, and is not in the spirit of true democracy, of open and honest government. It treats us folks in Voter Land as children: "We'll give you the candy you want, but we won't tell you what else you'll get with the candy that you may not want or like." What's the harm in letting people vote on specific items, rather than generalities, unless the politicians are afraid the voters will hand back to them results they simply do not want? And so it goes with "democracy" in Austin. Let us pray."

As I wrote to you in the e-mail below, "I support most everything on the attached list." But after much thought, for the reasons I state in my letter to the Statesman I have decided that I simply cannot support passage of the bond package. I think it's bad government, no better than the kind of Austin politics that smelled so bad in the 70's. If a bunch of right wingers on the Council had done this, I know you'd be joining me on this. I think that "bundling" is ever so terribly wrong, and I am increasingly hearing that others do, too.

If this package goes down, and my hunch right now is that it will, a mighty fine signal will be sent to our elected officials.

Levy

---

**From:** Michael Levy  
**Sent:** Thursday, August 12, 2010 1:50 PM  
**To:** Mike Blizzard  
**Subject:** FYI re: Bonds....Actually, I....

Mike

Actually, I support most everything on the attached list, and will aggressively support passage.

I am definitely not a "road warrior". Austin must have alternative means of transportation, sooner rather than later. I just think there are much better ways of moving people in the inner city than capital intensive trolley cars, as proven in other cities with better usage of bus systems. The new bus designs are great. Combine those with bus lanes and signal preemption devices that green lights at congested intersections to EMS and Fire units responding to emergency calls. They can also be used by busses. (We discussed them at yesterday's Public Safety Commission meeting, and Spillar says his department is working on fixing the existing system and expanding it.)

I am just against "bundling" on principal for the reasons that are accurately quote below.

Mike

<image001.gif>

News: August 13, 2010

<http://www.austinchronicle.com/gyrobase/Issue/column?oid=1068611>

## **City Hall Hustle: Y Don't We Do It in the Road?**

*November bond proposal creates plenty of opportunity for grumbling*

By Wells Dunbar

Judging from previous rancor on the dais, you'd think City Council formally setting a \$90 million transportation bond election for November, as it did last week, would be the biggest hurdle to clear. Instead, the fun's just beginning.

The bond package – a foregone conclusion judging from the massive board and commission rounds the package made, as well as the mayor's unflagging enthusiasm – received a motion for approval from **Sheryl Cole**, who, as chair of council's Audit and Finance Committee, had taken the lead in scrutinizing it. "There was a point where **Mayor Leffingwell** and I were supposed to arm-wrestle," she said, but she noted she had finally grown "comfortable with the financial prudence of taking this action now." Cole later told the Hustle that the addressing of two issues earned her support: "First, being clear that the bond election does have long-term property tax impact, and second, being clear that just because we're doing the transportation bond now, we're still planning to do a more comprehensive package in 2012."

Leffingwell also spoke in support, obliquely referencing some of the package's more controversial aspects – the Lady Bird Boardwalk project, and other nonroad-related spending (sidewalks, bike lanes, trails, etc.). Saying it was "the most specific bond proposition that we've had, certainly, in my memory," he added, "because of that specificity there's been a lot of discussion. ... A lot of people like this item, don't like that item. I'm one of those people," he said, but argued, "it hits the important elements."

Other council members directly addressed the boardwalk: **Laura Morrison** took on the argument to defer completion of the boardwalk until it's funded in the 2012 bond, saying the "realities of fundraising" – namely, money being raised by the Trail Foundation – would make that impossible. **Bill Spelman** concurred, then pivoted back to the broader issues, calling the package a "model of transparency. ... You know exactly what you're gonna get. ... I don't agree with every one of those projects, but that's OK," he continued, saying the itemization of projects allowed him – and presumably voters – to make an informed choice on the overall package. Ultimately, the motion setting a vote for November passed unanimously.

Despite the council kumbaya, off the dais there were signs of discontent, namely among the pro-road crowd clamoring for a different-looking ballot, and the restless natives of Oak Hill.

Before the item passed, Leffingwell, "for the record," called on city staff to address a largely rhetorical issue. "It's been suggested we talk about breaking this proposal into two ballot items – one for roads, and one for alternative [means of transportation]," he said. Said suggestions seem to fall into two arguably overlapping camps: that transportation spending could be better used on roads (the \$14.4 million price tag of the boardwalk being an especially sore spot), and that a vote should be allowed on separate projects instead of the \$90 million whole. Council watcher **Mike Levy** decidedly falls in the latter camp, telling the Hustle that bundling the bonds "inherently violates the tenet that citizens have a right to go to the polls where they will have an opportunity to express their will as to separate priorities. It is simple to break items out into separate propositions. ... It's like treating the folks out in Voterland as children: 'We'll give you some of the candy you have been asking us for, but we're not telling you what else you're getting with the candy.'" There are rumors of a potential lawsuit asking the city to break up the bonds, but the legal department's response to Leffingwell's query about breaking up the proposal – a statement from the attorney general's office describing the ballot language as consistent with the city's previous mobility bond elections – might douse that flame.

Also of interest was a declaration from Cole prior to the vote: "I wanted to emphasize that we expect all the money that is currently allocated in the projects to be spent on those projects," she began. "I have received some special concerns about the Y at Oak Hill. There's no reason to expect that this council expects to do anything different at the Y," or in any other project, she said. Oak Hill Association of Neighborhoods President **Sandy Baldrige** is one of those concerned. She's worried about a study examining potential "continuous flow intersections" at the Y that won't be ready until after the bond election; if "the feasibility study comes back unfeasible," Baldrige says, she's nervous that traffic improvements at the Y might get scrapped. That prompted her to ask council members "that any money designated for Oak Hill would stay in Oak Hill." She says that, aside from Cole, council has "moved on to other things, like the budget – right now, it just is what it is, but I'm disappointed."

All this fun, and we're just getting started. I can't wait until 2012!

---

*Boardwalk your way to the Hustle's weekly recap at [austinchronicle.com/newsletters](http://austinchronicle.com/newsletters).*

Copyright © 2010 Austin Chronicle Corporation. All rights reserved.

<Draft\_2010\_Bond\_Package\_100709\_Project\_Location.pdf>

Mark Nathan <[redacted]>  
To: Lee Leffingwell <[redacted]>  
Cc: Matt Curtis <[redacted]>

Tue, Aug 31, 2010 at 8:45 PM

Levy flips.

----- Forwarded Message

**From:** Mike Blizzard <[bliz@flash.net](mailto:bliz@flash.net)>  
**Date:** Tue, 31 Aug 2010 20:34:55 -0500  
**To:** Mark Nathan <[redacted]>, Ted Siff <[redacted]>, Joanna Wolaver <[redacted]>, David CWA <[redacted]>, Griffin Davis <[redacted]>, Susan Rankin <[redacted]>, Jeb Boyd <[redacted]>, Robin Stallings <[redacted]>, Glenn Gadbois <[redacted]>, David Butts <[redacted]>, Bill Blome <[redacted]>, George Cofer <[redacted]>

**Subject:** Fwd: I just can't do it.

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

*Boardwalk your way to the Hustle's weekly recap at [austinchronicle.com/newsletters](http://austinchronicle.com/newsletters) <<http://austinchronicle.com/newsletters>> .*

Copyright © 2010 Austin Chronicle Corporation. All rights reserved.

<Draft\_2010\_Bond\_Package\_100709\_Project\_Location.pdf>

----- End of Forwarded Message

lee.leff@ [redacted]

Tue, Aug 31, 2010 at 9:04 PM

Reply-To: lee.leff@  
To: Mike Blizzard

Damage assessment?

Sent via BlackBerry by AT&T

**From:** Mike Blizzard  
**Date:** Tue, 31 Aug 2010 20:34:55 -0500  
**To:** Mark Nathan; Ted Siff; Joanna Wolaver; David CWA; Griffin Davis; Susan Rankin; Jeb Boyt; Robin Stallings; Glenn Gadbois; David Butts; Bill Blome; George Cofer  
**Subject:** Fwd: I just can't do it.

[Quoted text hidden]

**Mike Blizzard** Tue, Aug 31, 2010 at 9:17 PM  
To: lee.leff@

\$.

He is easy enough to handle otherwise, but if he is smart enough to fund some "broader" effort without totally mucking it up, it could be painful, though probably not fatal. I think it has to be framed as RECA, Republicans and Levy against the rest of Austin if he goes forward. Remember he's the guy who opposed water quality preserves, parks for East Austin and said Kirk Watson was the "worst Mayor Austin ever had."

I also think positioning their "vote no on principle" as not only absurd but harmful will help greatly.

[Quoted text hidden]

**Lee Leffingwell** Wed, Sep 1, 2010 at 6:16 AM  
To: Randi Shade

Levy becomes a "flip-flopper". What a disappointment.  
LL

----- Forwarded message -----

**From:** Mike Blizzard  
**Date:** Tue, Aug 31, 2010 at 8:34 PM  
**Subject:** Fwd: I just can't do it.  
**To:** Mark Nathan; Ted Siff; Joanna Wolaver; David CWA; Griffin Davis; Susan Rankin; Jeb Boyt; Robin Stallings; Glenn Gadbois; David Butts; Bill Blome; George Cofer

[Quoted text hidden]

Lee Leffingwell  
4516 Balcones Drive

Austin, TX 78731

Randi Shade <[redacted]>  
To: Lee Leffingwell <[redacted]>

Wed, Sep 1, 2010 at 6:50 AM

Sigh....and as Levy says "so it goes."

Blizzard's note is great. Wonder what Levy's response will be.

-----  
Randi Shade  
512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

[Quoted text hidden]

Mark Nathan <[redacted]>  
To: Lee Leffingwell <[redacted]>

Wed, Sep 1, 2010 at 9:11 AM

More.

----- Forwarded Message

**From:** Mike Blizzard <[redacted]>  
**Date:** Wed, 1 Sep 2010 06:20:48 -0700 (PDT)  
**To:** George Cofer <[redacted]>, Joanna Wolaver <[redacted]>  
Griffin Davis <[redacted]>, Susan Rankin <[redacted]>, David CWA <[redacted]>  
Jeb Boyd <[redacted]>, Ted Siff <[redacted]>, Mark Nathan <[redacted]>, Glenn Gadbois <[redacted]>  
**Subject:** Fwd: I just can't do it.

More.

Sent from my iPhone

Begin forwarded message:

**From:** Mike Blizzard <[redacted]>  
**Date:** September 1, 2010 8:13:38 AM CDT  
**To:** Michael Levy <[redacted]>  
**Cc:** "Ed Wendler Jr." <[redacted]>  
**Subject:** Re: I just can't do it.

Mike,  
The campaign put out a 5 page press release Monday that listed every single project as well as a map showing where each was located. It also listed a 36 person steering comm. and those people's affiliations, as well as the 20 orgs that have endorsed to date. So very detailed, and much more coming.

Also guys, I was in a foul mood when I sent that initial response so I apologize for the harsh tone. I do wish y'all could meet some of the people behind these projects, and see their passion and commitment that has gotten them to this point. Many of these are truly community driven initiatives that address real needs and the more I know them, the more passionate I am about seeing them approved.

I don't mind debating the process, and maybe finding ways to improve it for the future but I really think it would be terrible for y'all to go out there and urge a No vote and I really hope you can reconsider. I believe it is far better for the community that this bond passes.

Please don't hesitate to call me.  
Mike

Sent from my iPhone

On Sep 1, 2010, at 6:48 AM, "Michael Levy" <[REDACTED]> wrote:

"In response to Ed Wendler's commentary in the August 14 Statesman on the Council's lumping a multitude of different projects into a single ballot item for the upcoming bond election, Austin's politicos proudly proclaim to the heavens they've made our government so very "transparent". The wording of the bond election ballot is not transparency. It's the ultimate in hypocrisy, and is not in the spirit of true democracy, of open and honest government. It treats us folks in Voter Land as children: "We'll give you the candy you want, but we won't tell you what else you'll get with the candy that you may not want or like." What's the harm in letting people vote on specific items, rather than generalities, unless the politicians are afraid the voters will hand back to them results they simply do not want? And so it goes with "democracy" in Austin. Let us pray."

Mike, compare the ballot language to the list of items behind the language. A wide disparity.

Answer me this: Will your campaign give the detail that's behind the ballot language, or just keep it to a few words such as "mobility"?

**From:** Mike Blizzard <[REDACTED]>  
**Sent:** Tuesday, August 31, 2010 10:13 PM  
**To:** Michael Levy  
**Cc:** Ed Wendler Jr.  
**Subject:** Re: I just can't do it.

Ed told me he was pro-sprawl, it's not bundling, and compare me to Bill Bunch again and we got a real problem.

You simply cannot tell me why it should be split into two items. So I will ask you again. Why are investments in sidewalks, bikeways and trails not transportation? Again, it's that simple. Unless you're asking for a line-item bond vote? Maybe you don't see the problems with such an approach?

On Aug 31, 2010, at 9:55 PM, Michael Levy wrote:

Mike:

I expected a better response from you.

I really did.

Instead, you respond just like Bill Bunch would: I don't agree with you, and the pejoratives fly.

Try to understand this:

I am NOT a Republican

I am NOT a Democrat

I am NOT a Liberal

I am NOT a Conservative

I am NOT Left

I am NOT Right.

I most certainly am not a member of RECA, or any other business organization in Austin.

I do not care about "wedge" issues because, as I wrote in my August 12 e-mail to you, "I support most everything on the attached list."

I simply have an independent mind who calls 'em as he sees 'em.

And on pure, simple principle I think "bundling", for whatever reason, is wrong, and not in the spirit of democracy and most certainly transparency in government. Also, I am in favor of the election having more than just two elements. Compare the ballot language with what the long list of disparate items it actually represents. And since my letter ran in the Statesman, it's interesting how many people have said they agree with me: Libs and Conservatives, D' and R's.

And like Bunch, since Wendler doesn't agree with you on this you pull of the hat that he is "pro-sprawl", which has nothing to do with this issue. Mike, I know Ed. He's an old guard lib, just like his dad. And he is for affordable housing for the sake of the human condition, so that Austin is able to maintain some small degree of diversity, and he has the economics to show that the only way this can happen is by going outside the inner city.

Levy

**From:** Mike Blizzard [REDACTED]

**Sent:** Tuesday, August 31, 2010 8:30 PM

**To:** Michael Levy

[Quoted text hidden]

[Quoted text hidden]

<http://www.austinchronicle.com/gyrobase/Issue/column?oid=1068611>

<http://www.austinchronicle.com/gyrobase/Issue/column?oid=1068611>

<http://www.austinchronicle.com/gyrobase/Issue/column?oid=1068611>

## City Hall Hustle: Y Don't We Do It in the Road?

*November bond proposal creates plenty of opportunity for grumbling*

By Wells Dunbar

Judging from previous rancor on the dais, you'd think City Council formally setting a \$90 million transportation bond election for November, as it did last week, would be the biggest hurdle to clear. Instead, the fun's just beginning.

The bond package – a foregone conclusion judging from the massive board and commission rounds the package made, as well as the mayor's unflagging enthusiasm – received a motion for approval from **Sheryl Cole**, who, as chair of council's Audit and Finance Committee, had taken the lead in scrutinizing it. "There was a point where **Mayor Leffingwell** and I were supposed to arm-wrestle," she said, but she noted she had finally grown "comfortable with the financial prudence of taking this action now."

Cole later told the Hustle that the addressing of two issues earned her support: "First, being clear that the bond election does have long-term property tax impact, and second, being clear that just because we're doing the transportation bond now, we're still planning to do a more comprehensive package in 2012."

Leffingwell also spoke in support, obliquely referencing some of the package's more controversial aspects – the Lady Bird Boardwalk project, and other nonroad-related spending (sidewalks, bike lanes, trails, etc.). Saying it was "the most specific bond proposition that we've had, certainly, in my memory," he added, "because of that specificity there's been a lot of discussion. ... A lot of people like this item, don't like that item. I'm one of those people," he said, but argued, "it hits the important elements."

Other council members directly addressed the boardwalk: **Laura Morrison** took on the argument to defer completion of the boardwalk until it's funded in the 2012 bond, saying the "realities of fundraising" – namely, money being raised by the Trail Foundation – would make that impossible. **Bill Spelman** concurred, then pivoted back to the broader issues, calling the package a "model of transparency. ... You know exactly what you're gonna get. ... I don't agree with every one of those projects, but that's OK," he continued, saying the itemization of projects allowed him – and presumably voters – to make an informed choice on the overall package. Ultimately, the motion setting a vote for November passed unanimously.

Despite the council kumbaya, off the dais there were signs of discontent, namely among the pro-road crowd clamoring for a different-looking ballot, and the restless natives of Oak Hill.

Before the item passed, Leffingwell, "for the record," called on city staff to address a largely rhetorical issue. "It's been suggested we talk about breaking this proposal into two ballot items – one for roads, and one for alternative [means of transportation]," he said. Said suggestions seem to fall into two arguably overlapping camps: that transportation spending could be better used on roads (the \$14.4 million price tag of the boardwalk being an especially sore spot), and that a vote should be allowed on separate projects instead of the \$90 million whole. Council watcher **Mike Levy** decidedly falls in the latter camp, telling the Hustle that bundling the bonds "inherently violates the tenet that citizens have a right to go to the polls where they will have an opportunity to express their will as to separate priorities. It is simple to break items out into separate propositions. ... It's like treating the folks out in Voterland as children: 'We'll give you some of the candy you have been asking us for, but we're not telling you what else

you're getting with the candy.'" There are rumors of a potential lawsuit asking the city to break up the bonds, but the legal department's response to Leffingwell's query about breaking up the proposal – a statement from the attorney general's office describing the ballot language as consistent with the city's previous mobility bond elections – might douse that flame.

Also of interest was a declaration from Cole prior to the vote: "I wanted to emphasize that we expect all the money that is currently allocated in the projects to be spent on those projects," she began. "I have received some special concerns about the Y at Oak Hill. There's no reason to expect that this council expects to do anything different at the Y," or in any other project, she said. Oak Hill Association of Neighborhoods President **Sandy Baldrige** is one of those concerned. She's worried about a study examining potential "continuous flow intersections" at the Y that won't be ready until after the bond election; if "the feasibility study comes back unfeasible," Baldrige says, she's nervous that traffic improvements at the Y might get scrapped. That prompted her to ask council members "that any money designated for Oak Hill would stay in Oak Hill." She says that, aside from Cole, council has "moved on to other things, like the budget – right now, it just is what it is, but I'm disappointed."

All this fun, and we're just getting started. I can't wait until 2012!

---

*Boardwalk your way to the Hustle's weekly recap at*  
 [<http://austinchronicle.com/newsletters>](http://austinchronicle.com/newsletters)  [austinchronicle.com/newsletters](http://austinchronicle.com/newsletters)  [<http://austinchronicle.com/newsletters>](http://austinchronicle.com/newsletters)  
 [<http://austinchronicle.com/newsletters>](http://austinchronicle.com/newsletters) .

---

Copyright © 2010 Austin Chronicle Corporation. All rights reserved.

<Draft\_2010\_Bond\_Package\_100709\_Project\_Location.pdf>

----- End of Forwarded Message

---

Lee Leffingwell  
To: Mark Nathan

Wed, Sep 1, 2010 at 3:42 PM

I just can't do it. I just can't do it. As hard as I try, I can't do it. I have stretched my gizzard to the limit and I still can't do it.  
LL

[Quoted text hidden]

[Quoted text hidden]

**Mark Nathan** [Redacted]  
To: Lee Leffingwell [Redacted]

Wed, Sep 1, 2010 at 4:11 PM

Ha.

Here is my draft of your bond campaign stump speech (I just need to fill in one figure). You don't have a club appearance for almost two weeks. Obviously feel free to edit / shorten / re-arrange any of this to make it easier to remember.

I'll have my draft of your remarks for the keynote speech next week in your inbox by this evening.

I am going to the desert, will leave early tomorrow and be back in town on Monday. I'll be out of contact, so call me in the next six hours or so if there is anything you think we need to discuss. The Andy Mormon announcement is all set up for Friday. Matt knows everything.

Thanks for your support and kind words re: Max.

MN.

[Quoted text hidden]

---

*Boardwalk your way to the Hustle's weekly recap at <http://austinchronicle.com/newsletters>*  
**[austinchronicle.com/newsletters](http://austinchronicle.com/newsletters)**  
**<http://austinchronicle.com/newsletters>**  
**<http://austinchronicle.com/newsletters>**  
**<http://austinchronicle.com/newsletters>** .

---

Copyright © 2010 Austin Chronicle Corporation. All rights reserved.

<Draft\_2010\_Bond\_Package\_100709\_Project\_Location.pdf>

----- End of Forwarded Message



**BOND CAMPAIGN STUMP SPEECH.doc**  
49K

## BOND CAMPAIGN STUMP SPEECH

Thank you for having me here.

I'm here today to ask you to support Proposition 1 on the November ballot, which is the City of Austin's \$90 million transportation bond proposal.

The big picture is pretty simple.

The traffic in Austin stinks, and we all know it.

Every survey of Austin citizens that I have ever seen since I've been on the City Council ranks traffic as the number one concern.

Today – this (morning / afternoon), a whole lot of our neighbors – and perhaps some of you – sat in bumper-to-bumper traffic on I-35 or MOPAC or 290 or 183, or on a major arterial like Lamar or Airport Boulevard.

It doesn't just feel bad, it is quantifiably bad.

Right now, I-35 through central Austin is ranked as the #1 most congested road in Texas – and as the 4<sup>th</sup> most congested road in the entire nation.

At the same time, Austin's population keeps growing.

You may know that Austin has basically doubled in population about every twenty years for most of its 170-year history.

Just since I was born in Austin, the population has doubled in size not once, not twice, but three times.

Please do not attempt to guess my age.

Even in this economic recession, Austin is continuing to experience strong, steady population growth.

Our city demographer estimates that right now, Austin's population increases by roughly XXX people per month.

When you put these two basic facts side-by-side – #1, our transportation system is failing us *today*; and #2, the number of people using our transportation system is going to *double* in the lifetime of many of the people in this room – it becomes clear, at least to me, that doing nothing is not option.

So, when I ran for mayor – some of you may remember that, all the way back in 2009 – I promised that I *would* do something.

Specifically, I proposed holding a transportation-only city bond election, as soon as possible.

What I also said then was that I believed we needed to take a multi-modal approach to solving our traffic problems.

I said that we needed new and better roads – but also that we needed to make major new investments in mass transit, and in our bicycle and pedestrian infrastructure.

What we have today – after a 9-month-long, community-driven process – is a great first step in the right direction, Proposition 1.

\$90 million of new investments in roads, mass transit, sidewalks, bike lanes and trails, in every part of the city.

While I obviously believe these kinds of investments are a good idea in general, I want to quickly give you five good reasons that I believe this specific bond proposition deserves your support.

I figure if I give you five reasons, you may remember one of them, and hopefully that will be all that it will take.

#1, this bond is specific.

Actually, it sets a new standard for specificity.

Unlike Austin's previous transportation bond proposals – which basically devoted money to certain *types* of projects – every single project in this proposal is *specifically* identified.

I think that's a great precedent to set.

#2, this bond is immediate.

If the bond is approved in November, we will start construction on every project on the project list within the next 24 months.

Many of them will start in the next 12 months, or even sooner.

By contrast, our last transportation bond – \$103 million in 2006 – was planned to be spent over a 7-year period.

#3, this bond is a bargain.

Over the last 18 months, the cost of the city's public works projects have come in at 30% below original estimates, because of the economic recession.

That situation won't last forever, and frankly I think we would be foolish not to take advantage of it while we can.

#4, this bond looks ahead.

About 15% of this bond is dedicated to design and engineering.

Those funds will move a number of really important transportation projects to "shovel ready" status.

That, in turn, will put us in stronger position to secure more state and federal transportation funds over the next few years to actually build those projects.

And #5 – last but perhaps most important – this bond is fiscally prudent.

As I mentioned before, this bond will *not* require a tax increase — which I think is very important.

In fact, we're only proposing to bond *half* of the amount that we *could* without requiring a tax rate increase.

So, this is a fiscally responsible proposal that recognizes the challenging economic situation, and also preserves our bonding options moving forward.

So far, I'm proud to say that the bond proposal has earned the support of more than 20 local groups, including \_\_\_\_\_ and \_\_\_\_\_.

My hope is that you will vote to add \_\_\_\_\_ to that list here tonight.

More information about the bond proposal is available at [getaustinomoving.com](http://getaustinomoving.com), but I'll be glad to try to answer whatever

questions we have time for.

Thank you very much for having me.



Lee Leffingwell [REDACTED]

# FW: ANC Resolution: Oppose Homeless RV Park

3 messages

**Martinez, Mike [Council Member]** <Mike.Martinez@ci.austin.tx.us>  
To: "Morrison, Laura" <Laura.Morrison@ci.austin.tx.us>  
Cc: "Cole, Sheryl" <Sheryl.Cole@ci.austin.tx.us>

Mon, Sep 13, 2010 at 10:07 AM

Nice!

-----Original Message-----

From: Cory Walton [REDACTED]  
Sent: Monday, September 13, 2010 10:05 AM  
To: Cole, Sheryl; Leffingwell, Lee; Martinez, Mike [Council Member]; Morrison, Laura; Riley, Chris; Shade, Randi; Spelman, William  
Subject: ANC Resolution: Oppose Homeless RV Park

Mayor and Council Members,  
Please read the attached ANC resolution regarding the proposed RV park for homeless Austin residents.  
Thank you for your attention and consideration.  
Sincerely,  
Cory Walton, President  
Austin Neighborhoods Council

**Oppose Homeless RV\_100825.pdf**  
28K

lee.leff@ [REDACTED]  
Reply-To: lee.leff@ [REDACTED]  
To: Mike Martinez <Mike.Martinez@ci.austin.tx.us>

Mon, Sep 13, 2010 at 11:08 AM

They are racing toward irrelevance and obscurity. I expect ANC to oppose Trans Bond and F1 next.  
Sent via BlackBerry by AT&T  
[Quoted text hidden]

lee.leff@ [REDACTED]  
Reply-To: lee.leff@ [REDACTED]  
To: Mike Martinez <Mike.Martinez@ci.austin.tx.us>

Mon, Sep 13, 2010 at 11:11 AM

Scary. Looks like Spelman has El Concillio in his pocket.  
Sent via BlackBerry by AT&T

-----Original Message-----

From: "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us>  
Date: Mon, 13 Sep 2010 10:07:30  
To: Morrison, Laura <Laura.Morrison@ci.austin.tx.us>  
Cc: Cole, Sheryl <Sheryl.Cole@ci.austin.tx.us>

[Quoted text hidden]

# Austin Neighborhoods Council

---

Established 1973 • Strength Through Unity  
Post Office Box 176 • Austin, Texas 78767

13 September 2010

Dear Mayor Leffingwell, Mayor Pro Tem and Council Members,

The Austin Neighborhoods Council (ANC) is an umbrella organization currently representing 86 neighborhood associations across the city. The following resolution regarding the proposed RV park for homeless Austin residents was adopted by vote of ANC's general membership at its August 25 meeting.

## **Resolution Opposing Locating Homeless RV Park at FAA Airport Site**

**Whereas**, the Austin City Council has passed Resolution 20100624-083 to put a trailer park for homeless on the FAA Airport Site in Southeast Austin; and

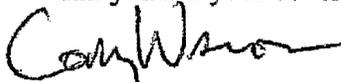
**Whereas**, there was no communication with neighborhoods in that area; and

**Whereas**, there is no public transportation, jobs, food stores, medical facilities or other support services in the area; and

**Whereas** "clustering" of homeless persons in large camps has proven counter-productive for other cities and such facilities should be small and dispersed;

**THEREFORE BE IT RESOLVED** that the Austin Neighborhoods Council opposes establishing such a camp at the FAA Site and urges the city to coordinate any similar proposals with neighborhood associations near any proposed camps that may be considered in the future.

Thank you for your consideration.



Cory Walton  
President, Austin Neighborhoods Council



Lee Leffingwell [redacted]

# the queen!!

5 messages

**Mike Martinez** [redacted] **Thu, Oct 28, 2010 at 7:43 AM**  
To: Randi Shade [redacted]  
Cc: Mark Nathan [redacted] Lee Leffingwell <lee.leff@[redacted]>



QueenShadyLady.jpg  
55K

**Randi Shade** [redacted] **Thu, Oct 28, 2010 at 8:03 AM**  
To: Mike Martinez [redacted]  
Cc: Mark Nathan [redacted] Lee Leffingwell <lee.leff@[redacted]>

-) I forgot about that shot! What is that rule about politicians not being photographed wearing costumes or weird hats?

Randi Shade  
512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

On Oct 28, 2010, at 7:43 AM, Mike Martinez [redacted] wrote:

<QueenShadyLady.jpg>

**lee.leff@[redacted]** **Thu, Oct 28, 2010 at 8:16 AM**  
Reply-To: lee.leff@[redacted]  
To: Randi Shade [redacted] Mike Martinez [redacted]  
Cc: Mark Nathan [redacted]

Can we all meet in my office or Jo's for about 15 before mtg?  
[Quoted text hidden]  
Sent via BlackBerry by AT&T

**Mike Martinez** [redacted] **Thu, Oct 28, 2010 at 8:19 AM**  
To: lee.leff@[redacted]  
Cc: Randi Shade [redacted] Mark Nathan [redacted]

let's meet in your office at 9:30 or so

[Quoted text hidden]

---

**Randi Shade**

**Thu, Oct 28, 2010 at 8:50 AM**

To: Mike Martinez

Cc: "lee.leff@ [REDACTED]" <lee.leff@ [REDACTED]> Mark Nathan [REDACTED]

See y'all then.

-----  
Randi Shade

512-974-2255 (o)

<http://www.ci.austin.tx.us/council/shade.htm>

[Quoted text hidden]

---



Lee Leffingwell [REDACTED]

---

## FW: City Manager Out of the Office

2 messages

---

Martinez, Mike [Council Member] <Mike.Martinez@ci.austin.tx.us>

Thu, Oct 28, 2010 at 8:56 AM

To: "Shade, Randi" <Randi.Shade@ci.austin.tx.us>, Lee Leffingwell [REDACTED]  
Cc: "Nathan, Mark" <Mark.Nathan@ci.austin.tx.us>

thats two meetings in a row

??

**Mayor Pro Tem Mike Martinez**

310 W. 2nd Street  
Austin, Texas  
[512.974.2264](tel:512.974.2264)

---

**From:** Martinez, Rose Marie

**Sent:** Thursday, October 28, 2010 8:55 AM

**To:** Directors/Exec. Secretaries; Cole, Sheryl; Leffingwell, Lee; Martinez, Mike [Council Member]; Morrison, Laura; Riley, Chris; Shade, Randi; Spelman, William

**Cc:** Spence, Yvonne

**Subject:** City Manager Out of the Office

All-

Please note that the City Manager will be out of the office on business from Thursday, October 28<sup>th</sup> – Friday, October 29<sup>th</sup>. Assistant City Manager Bert Lumbreras will perform his duties until he returns to the office on Friday. Assistant City Manager Lumbreras can be reached at the office at [512/974-2200](tel:512/974-2200) or by mobile phone at [REDACTED]

Thank you,

RoseMarie Martinez

Executive Secretary

City Manager Marc A. Ott

301 W. 2nd Street

Austin, Texas 78701

[512/974-2428](tel:512/974-2428) Direct Line

[512/974-2833](tel:512/974-2833) Fax

[rosemarie.martinez@ci.austin.tx.us](mailto:rosemarie.martinez@ci.austin.tx.us)

---

lee.leff@  
Reply-To: lee.leff@  
To: Mike Martinez <Mike.Martinez@ci.austin.tx.us>

Thu, Oct 28, 2010 at 8:59 AM

I'm in office. Come on down.

Sent via BlackBerry by AT&T

---

**From:** "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us>

**Date:** Thu, 28 Oct 2010 08:56:29 -0500

**To:** Shade, Randi <Randi.Shade@ci.austin.tx.us>; Lee Leffingwell

**Cc:** Nathan, Mark <Mark.Nathan@ci.austin.tx.us>

**Subject:** FW: City Manager Out of the Office

[Quoted text hidden]



Lee Leffingwell [REDACTED]

## Fwd: [MAYOR AND COUNCIL DISTRIBUTION: PARD MEMO Seaholm Intake Structure along Lady Bird Lake]

2 messages

Martinez, Mike [Council Member] <Mike.Martinez@ci.austin.tx.us>

Wed, Nov 3, 2010 at 1:09 PM

To: lee.leff [REDACTED] Mark Nathan [REDACTED]

So much for our plan to do an item from council.

MM

Departe de iPhone

Begin forwarded message:

**From:** "Moreno, Christina" <Christina.Moreno@ci.austin.tx.us>  
**To:** "Leffingwell, Lee" <Lee.Leffingwell@ci.austin.tx.us>, "Riley, Chris" <Chris.Riley@ci.austin.tx.us>, "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us>, "Shade, Randi" <Randi.Shade@ci.austin.tx.us>, "Morrison, Laura" <Laura.Morrison@ci.austin.tx.us>, "Spelman, William" <William.Spelman@ci.austin.tx.us>, "Cole, Sheryl" <Sheryl.Cole@ci.austin.tx.us>  
**Cc:** "Ott, Marc" <Marc.Ott@ci.austin.tx.us>, "Lumbreras, Bert" <Bert.Lumbreras@ci.austin.tx.us>, "Edwards, Sue" <Sue.Edwards@ci.austin.tx.us>  
**Subject:** [MAYOR AND COUNCIL DISTRIBUTION: PARD MEMO Seaholm Intake Structure along Lady Bird Lake]

FROM THE DESK OF PARD DIRECTOR, SARA HENSLEY:

Good Afternoon Honorable Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members,

Please find attached a memo regarding the (Seaholm Intake Structure along Lady Bird Lake).

Please feel free to contact our office at 974.6717 should you have any questions.

Thank you.

Christina Moreno  
Office of the Director  
Austin Parks and Recreation Department  
[512-974-6717](tel:512-974-6717) - direct  
[512-974-6703](tel:512-974-6703) fax



11.03.10 SIGNED Seaholm Intake Structure along Lady Bird Lake.pdf  
371K

Lee Leffingwell <lee.leff@ [REDACTED]>

Wed, Nov 3, 2010 at 2:50 PM

To: "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us>

Cc: Mark Nathan <[REDACTED]>

Let's discuss. Reading the attachment it is not clear to me that the restrictions we talked about (public project, no sale of property, etc.) are addressed.

[Quoted text hidden]

--

Lee Leffingwell  
4516 Balcones Drive  
Austin, TX 78731  
[REDACTED]

---



## MEMORANDUM

TO: Mayor and Council

FROM: Sara L. Hensley, CPRP, Director

DATE: November 3, 2010

SUBJECT: Seaholm Intake Structure along Lady Bird Lake

=====

In 1985, Council passed an ordinance, (No. 850502-U), that refers to certain tracts around the Seaholm Power Plant be converted into parkland upon termination or cessation of their existing use. The Intake Structure along Lady Bird Lake is one of those parcels identified in the ordinance. Austin Energy is in the process of transitioning the real estate to Parks and Recreation Department (PARC) through an inter-department memo from Larry Weis, AE General Manager, to Sara L. Hensley, Director of PARC.

In an October 28, 2010 meeting regarding the Inlet Structure, the Departments of Planning and Development Review, Economic Growth and Redevelopment Services, and PARC staff, developed a plan to move forward on the project. PARC plans to fund a consultant from the consultant rotation list to do a Feasibility Assessment of the building and site. The study will outline the constraints associated with the existing conditions of the building and site in order to have a starting point on creating realistic redevelopment scenarios. Planning and Development Review staff will also assist in the feasibility phase by providing information on zoning and site development regulations.

It was recommended that PARC be proactive and keep the Waterfront Planning Advisory Board and the Parks and Recreation Board updated on their efforts. We will be sharing information with each board respectively.

We know that there is strong interest in the future of the inlet facility. Our plan after the Feasibility Assessment is completed, is to have a dialogue with Mayor and City Council regarding what goals should be achieved if a Request for Qualification (RFQ) or Request for Proposal (RFP) is ultimately pursued for the redevelopment of the inlet facility.

If I can be of further assistance, please do not hesitate to contact me at 974-6717.

cc: Marc A. Ott, City Manager  
Bert Lumbreras, Assistant City Manager  
Sue Edwards, Assistant City Manager



Lee Leffingwell [REDACTED]

## Fwd: News Release by CPIO re: Austin voters approve mobility bond proposal

2 messages

Martinez, Mike [Council Member] &lt;Mike.Martinez@ci.austin.tx.us&gt;

Thu, Nov 4, 2010 at 6:50 AM

To: Mark Nathan [REDACTED], lee.leff@ [REDACTED]

Ott sends out a statement? Makes no sense at all.

Departe de iPhone

Begin forwarded message:

**From:** "From the Public Information Office" <PublicInformationOffice2@ci.austin.tx.us>  
**To:** "Official Distribution" <OfficialDistribution@ci.austin.tx.us>  
**Cc:** "Telles, Reyne" <Reyne.Telles@ci.austin.tx.us>  
**Subject:** News Release by CPIO re: Austin voters approve mobility bond proposal

For immediate release

Nov. 3, 2010

Contact: Communications and Public Information Office, (512) 974-2220

Austin voters approve mobility bond proposal

Austin full purpose residents have approved Proposition 1, a \$90 million bond package that includes both short-term and long-term investments that address City mobility issues.

Unofficial results from Tuesday's vote total 91,721 (56.31 percent) supporting the issue and 71,154 (43.69 percent) opposing the measure. The City's mobility priorities include investments in streets, sidewalks, bike paths, trails and transit infrastructure in all parts of Austin.

"I'm pleased with the outcome, and happy to know that voters have the confidence to move these important projects forward," City Manager Marc Ott said. "We are working now to ensure that we can move quickly on these priorities, and begin construction on some projects in early 2011.

"I think everyone realizes that our mobility success is directly linked to our regional partnerships," Ott said. "This bond gives us the opportunity to work with Travis County and the Texas Department of Transportation to get many of these projects under design or construction in the next 24 months."

Canvassing of the votes by the Austin City Council is set for 10 a.m. Nov. 15 in Council Chambers.

For more information about the types of projects that will be funded by the bonds, check [www.cityofaustin.org/news/mobility\\_bond.htm](http://www.cityofaustin.org/news/mobility_bond.htm).

###

---

 **Austin voters approve mobility bond proposal.doc**  
197K

---

lee.leff@ [REDACTED]  
Reply-To: lee.leff@ [REDACTED]  
To: Mike Martinez <Mike.Martinez@ci.austin.tx.us>

Thu, Nov 4, 2010 at 9:01 AM

For discussion. His staff is meeting with RECA boys about next bond pkg. I wasn't invited. The beat goes on.

Sent via BlackBerry by AT&T

[Quoted text hidden]



**For immediate release**

Nov. 3, 2010

Contact: Communications and Public Information Office, (512) 974-2220

## **Austin voters approve mobility bond proposal**

Austin full purpose residents have approved Proposition 1, a \$90 million bond package that includes both short-term and long-term investments that address City mobility issues.

Unofficial results from Tuesday's vote total 91,721 (56.31 percent) supporting the issue and 71,154 (43.69 percent) opposing the measure. The City's mobility priorities include investments in streets, sidewalks, bike paths, trails and transit infrastructure in all parts of Austin.

"I'm pleased with the outcome, and happy to know that voters have the confidence to move these important projects forward," City Manager Marc Ott said. "We are working now to ensure that we can move quickly on these priorities, and begin construction on some projects in early 2011.

"I think everyone realizes that our mobility success is directly linked to our regional partnerships," Ott said. "This bond gives us the opportunity to work with Travis County and the Texas Department of Transportation to get many of these projects under design or construction in the next 24 months."

Canvassing of the votes by the Austin City Council is set for 10 a.m. Nov. 15 in Council Chambers.

For more information about the types of projects that will be funded by the bonds, check [www.cityofaustin.org/news/mobility\\_bond.htm](http://www.cityofaustin.org/news/mobility_bond.htm).

###



Lee Leffingwell [redacted]

### Statesman editorial on WTP4

11 messages

**Mark Nathan** [redacted] Tue, Nov 16, 2010 at 7:21 PM  
To: Lee Leffingwell <lee.leff@ [redacted]> Mike Martinez [redacted] Randi Shade [redacted]

<http://www.statesman.com/opinion/city-council-should-put-austins-water-needs-first-1052762.html>

**Randi Shade** [redacted] Tue, Nov 16, 2010 at 7:43 PM  
To: Mark Nathan [redacted]  
Cc: Lee Leffingwell [redacted] Mike Martinez [redacted]

Excellent. Just sent link to Sheryl.

Randi Shade  
512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

[Quoted text hidden]

**Lee Leffingwell** [redacted] Tue, Nov 16, 2010 at 8:02 PM  
To: Randi Shade [redacted]  
Cc: Mark Nathan [redacted] Mike Martinez < [redacted]>

Sheryl leaning to support Spelman last ditch effort to postpone. I will not support that postponement. Ya Basta. But the editorial is great - couldn't be better.

LL  
[Quoted text hidden]

Lee Leffingwell  
4516 Balcones Drive  
Austin, TX 78731  
[redacted]

**Randi Shade** < [redacted]> Tue, Nov 16, 2010 at 8:46 PM  
To: Lee Leffingwell [redacted]  
Cc: Mark Nathan [redacted] Mike Martinez < [redacted]>

I won't support postponement either and we are all working on Sheryl.

Now is also the time to call Spelman on his line about poliical grandstanding and his promise to play the role of on-time and on-budget guy not SOS Fundraising Chmn.

Randi Shade  
512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

[Quoted text hidden]

**Lee Leffingwell** [redacted] Wed, Nov 17, 2010 at 6:14 AM  
To: Randi Shade [redacted]  
Cc: Mark Nathan [redacted] Mike Martinez [redacted]

I'm planning on pulling the \$200K Texas Facilities item off consent - for discussion later in the day.

LL  
[Quoted text hidden]

**Mike Martinez** [redacted] **Wed, Nov 17, 2010 at 7:02 AM**  
To: Lee Leffingwell [redacted]  
Cc: Randi Shade [redacted], Mark Nathan [redacted]

Tread lightly my fried. Cole is crazy enough to switch her WTP4 vote if she thinks you are messing with her.

The 200K deal is fine. Should have been handled better but I trust Randi and will not make an issue and vote for it unless she tells me otherwise.

MM

Departed de iPhone  
[Quoted text hidden]

**Randi Shade** [redacted] **Wed, Nov 17, 2010 at 7:27 AM**  
To: Mike Martinez [redacted]  
Cc: Lee Leffingwell [redacted], Mark Nathan [redacted]

I agree with Mike.

-----  
Randi Shade  
512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>  
[Quoted text hidden]

**lee.leff@** [redacted] **Wed, Nov 17, 2010 at 7:29 AM**  
Reply-To: lee.leff@ [redacted]  
To: Randi Shade [redacted], Mike Martinez [redacted]  
Cc: Mark Nathan [redacted]

Not doing anything until late today. For disc.

Sent via BlackBerry by AT&T

-----  
**From:** Randi Shade [redacted]  
**Date:** Wed, 17 Nov 2010 07:27:07 -0600  
**To:** Mike Martinez [redacted]  
**Cc:** Lee Leffingwell [redacted], Mark Nathan [redacted]  
**Subject:** Re: Statesman editorial on WTP4  
[Quoted text hidden]

**Randi Shade** [redacted] **Wed, Nov 17, 2010 at 7:34 AM**  
To: "lee.leff@ [redacted]"  
Cc: Mike Martinez [redacted], Mark Nathan [redacted]

;-). I am working on Riley at 9 AM. Will keep y'all posted.

-----  
Randi Shade  
512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>  
[Quoted text hidden]

**lee.leff@** [redacted] **Wed, Nov 17, 2010 at 7:35 AM**  
Reply-To: lee.leff@ [redacted]  
To: Randi Shade [redacted]  
Cc: Mike Martinez [redacted], Mark Nathan [redacted]

Bless you.

Sent via BlackBerry by AT&T

**From:** Randi Shade <[REDACTED]>  
**Date:** Wed, 17 Nov 2010 07:34:02 -0600  
**To:** lee.leff@ [REDACTED]  
**Cc:** Mike Martinez <[REDACTED]> Mark Nathan <[REDACTED]>

[Quoted text hidden]

**Mark Nathan** <[REDACTED]> **Wed, Nov 17, 2010 at 8:15 AM**  
**To:** Randi Shade <[REDACTED]> Lee Leffingwell <[REDACTED]>  
**Cc:** Mike Martinez <[REDACTED]>

He has nothing to lose politically and everything to gain. Even if there WAS going to be an a viable anti-WTP4 Council candidate (which there's not), they would run against you (Randi), not Chris. And the business community is VERY cool on Chris right now. I doubt very much that he will find any significant financial support there if Dom Chavez decides to run against him. But, that would probably change if he changed his vote on WTP4 tomorrow. AND, it's the right thing to do - we've already spent more than \$100 million on WTP4, it's time to start acting like an adult and finish what has been started in a responsible manner. (He would probably secure the Statesman endorsement, too, if he voted the right way tomorrow.)

On 11/17/10 7:34 AM, "Randi Shade" <[REDACTED]> wrote:

:-). I am working on Riley at 9 AM. Will keep y'all posted.

-----  
 Randi Shade  
 512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

On Nov 17, 2010, at 7:29 AM, lee.leff@ [REDACTED] wrote:

Not doing anything until late today. For disc.

Sent via BlackBerry by AT&T

**From:** Randi Shade <[REDACTED]>  
**Date:** Wed, 17 Nov 2010 07:27:07 -0600  
**To:** Mike Martinez <[REDACTED]>  
**Cc:** Lee Leffingwell <[REDACTED]> Mark Nathan <[REDACTED]>  
**Subject:** Re: Statesman editorial on WTP4

I agree with Mike.

-----  
 Randi Shade  
 512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm> <<http://www.ci.austin.tx.us/council/shade.htm>>

On Nov 17, 2010, at 7:02 AM, Mike Martinez <[REDACTED]>  
 <[REDACTED]> wrote:

Tread lightly my friend. Cole is crazy enough to switch her WTP4 vote if she thinks you are messing with her.

The 200K deal is fine. Should have been handled better but I trust Randi and will not make an issue and vote for it unless she tells me otherwise.

MM

Departed de iPhone

On Nov 17, 2010, at 6:14 AM, Lee Leffingwell <[REDACTED]>  
 <[REDACTED]> wrote:

I'm planning on pulling the \$200K Texas Facilities item off consent - for discussion later in the day.

LL

On Tue, Nov 16, 2010 at 8:46 PM, Randi Shade <

[Redacted] wrote:

I won't support postponement either and we are all working on Sheryl.

Now is also the time to call Spelman on his line about poliical grandstanding and his promise to play the role of on-time and on-budget guy not SOS Fundraising Chmn.

-----  
Randi Shade  
512-974-2255 (o)  
<<http://www.ci.austin.tx.us/council/shade.htm>>  
<<http://www.ci.austin.tx.us/council/shade.htm>>  
<http://www.ci.austin.tx.us/council/shade.htm>  
<<http://www.ci.austin.tx.us/council/shade.htm>>

On Nov 16, 2010, at 8:02 PM, Lee Leffingwell <[Redacted]> wrote:

Sheryl leaning to support Spelman last ditch effort to postpone. I will not support that postponement. Ya Basta.  
But the editorial is great - couldn't be better.

LL

On Tue, Nov 16, 2010 at 7:43 PM, Randi Shade <[Redacted]> wrote:

Excellent. Just sent link to Sheryl.

-----  
Randi Shade  
512-974-2255 (o)  
<<http://www.ci.austin.tx.us/council/shade.htm>>  
<<http://www.ci.austin.tx.us/council/shade.htm>>  
<<http://www.ci.austin.tx.us/council/shade.htm>>  
<http://www.ci.austin.tx.us/council/shade.htm>  
<<http://www.ci.austin.tx.us/council/shade.htm>>

On Nov 16, 2010, at 7:21 PM, Mark Nathan <[Redacted]> wrote:

<<http://www.statesman.com/opinion/city-council-should-put-austins-water-needs>> <<http://www.statesman.com/opinion/city-council-should-put-austins-water-needs>> <<http://www.statesman.com/opinion/city-council-should-put-austins-water-needs>>

austins-water-needs> <http://www.statesman.com/opinion/city-council-should-put-austins-water-needs>  
<<http://www.statesman.com/opinion/city-council-should-put-austins-water-needs>>  
-first-1052762.html

---



Lee Leffingwell

# FW: Is this guy serious?

3 messages

Whellan, Michael

Fri, Nov 19, 2010 at 9:07 PM

To: "lee.leff@" <lee.leff@>

Our paralegal sent it to me this morning; I just assumed you knew about it.

Looks frivolous and will, in all likelihood, be dismissed.

MJW.

**From:** Houston, Lisa P.  
**Sent:** Friday, November 19, 2010 9:17 AM  
**To:** Whellan, Michael  
**Subject:** Is this guy serious?

Michael L. Macgowan, Jr.  
v.  
Mayor Lee Leffingwell for the City of Austin; Mayor Julian Castro for the City of San Antonio; Mayor George W. Russell for the City of Marble Falls  
11/18/2010 1:10-cv-00882

Action seeking an order that the defendants grant variance permits to the plaintiff for desired billboard locations in Marble Falls, Austin and San Antonio. In the alternative to variance permits, the plaintiff seeks just compensation of \$21,000,000 and for the court to vacate the prohibitive ordinances in those cities.  
Paid download

Pro se

Lisa Houston

Litigation Paralegal

512.480.5664 (direct phone)

512.480.5864 (direct fax)



GRAVES DOUGHERTY HEARN & MOODY

401 Congress Avenue, Suite 2200

Austin, Texas 78701

Phone: [512.480.5600](tel:512.480.5600)

[www.cdhm.com](http://www.cdhm.com)

This electronic communication (including any attached document) may contain privileged and/or confidential information. If you are not an intended recipient of this communication, please be advised that any disclosure, dissemination, distribution, copying, or other use of this communication or any attached document is strictly prohibited. If you have received this communication in error, please notify the sender immediately by reply e-mail and promptly destroy all electronic and printed copies of this communication and any attached document.

**Lee Leffingwell** [redacted] **Sat, Nov 20, 2010 at 6:40 AM**  
To: Mark Nathan [redacted] Mike Martinez [redacted] Randi Shade

I'm not so sure it's frivolous. It is filed in federal court as a "civil rights" case. Probably he will argue free speech violation, and in my opinion as a non-lawyer, he may be able to make a good case. Private property, written words, etc...

The Council may have to make a policy decision on whether to grant the requested variances, or to fight it in court. Nasty political decision. Of course I'm looking at the worst case scenario, (only prudent). At any rate, when you're looking at a \$21 million downside risk, I think you should.

"Two kinds of Council Members: those who have been burned by billboards, and those who will be..."

LL

[Quoted text hidden]

Lee Leffingwell  
4516 Balcones Drive  
Austin, TX 78731

**Randi Shade** [redacted] **Sat, Nov 20, 2010 at 2:47 PM**  
To: Lee Leffingwell <[lee.leff@](mailto:lee.leff@)>  
Cc: Mark Nathan [redacted] Mike Martinez [redacted]

Funny thing is I was just thinking of that quote about billboards yesterday; I was seated with Billy Reagan at the SafePlace luncheon. He made a point to tell me "lesson learned" re: Billboard on S Lamar near Lady Bird Lake. We settled that case 11 months ago this week. I hadn't seen Billy since then.

As for this suit -- Macgowan looks like a flake who likes the legal system:

<http://www.emiracleworker.com/court/filings/petition%20to%20show%20cause%201273.doc>

<http://www.hfacts.com/company.htm>

<http://www.taxexemptworld.com/organization.asp?tn=1174600>

Randi Shade  
[512-974-2255](tel:512-974-2255) (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

<image001.gif>

401 Congress Avenue, Suite 2200

Austin, Texas 78701

Phone: [512.480.5600](tel:512.480.5600)

[www.gdhn.com](http://www.gdhn.com)

---

This electronic communication (including any attached document) may contain privileged and/or confidential information. If you are not an intended recipient of this communication, please be advised that any disclosure, dissemination, distribution, copying, or other use of this communication or any attached document is strictly prohibited. If you have received this communication in error, please notify the sender immediately by reply e-mail and promptly destroy all electronic and printed copies of this communication and any attached document.

--

Lee Leffingwell  
4516 Balcones Drive  
Austin, TX 78731





Lee Leffingwell [REDACTED]

## state of trans speech

6 messages

**Mike Martinez** [REDACTED] **Wed, Dec 22, 2010 at 6:54 AM**  
 To: Mark Nathan [REDACTED]  
 Cc: "lee.leff@ [REDACTED]" John Langmore [REDACTED]

Mark,

As we discussed, about the possibility of me giving a "state of trans" speech at the Chamber lunch right before Lee does his state of the city speech.

I think we should still try to do this but we haven't discussed it since then. If we can get the county and CTRMA squared by then, I think we could launch our partnership and vision that was discussed the other day.

Thoughts?

MM

**lee.leff@ [REDACTED]** **Wed, Dec 22, 2010 at 6:58 AM**  
 Reply-To: lee.leff@ [REDACTED]  
 To: Mike Martinez [REDACTED]  
 Cc: John Langmore [REDACTED]

First I've heard of this. Guess I wasn't at that meeting.

[Quoted text hidden]

Sent via BlackBerry by AT&T

**Mike Martinez** [REDACTED] **Wed, Dec 22, 2010 at 7:10 AM**  
 To: lee.leff@ [REDACTED]  
 Cc: Mark Nathan [REDACTED] John Langmore [REDACTED]

Mark just threw it out there one day when he and I were having coffee. We haven't discussed it sense but thought I would bring back out to see how you all thought about it now.

[Quoted text hidden]

**lee.leff@ [REDACTED]** **Wed, Dec 22, 2010 at 8:51 AM**  
 Reply-To: lee.leff@ [REDACTED]  
 To: Mike Martinez [REDACTED]  
 Cc: Mark Nathan [REDACTED] John Langmore [REDACTED]

I think the two should be done at two different events. Discuss.

Sent via BlackBerry by AT&T

[Quoted text hidden]

**John Langmore** [REDACTED] **Wed, Dec 22, 2010 at 11:46 AM**  
 To: lee.leff@ [REDACTED] Mike Martinez [REDACTED]  
 Cc: Mark Nathan [REDACTED]

Although it may not make sense to do it at the same event as the state of the city speech, I do think it's a good idea for Cap Metro to begin discussing its past and future agenda on its own terms (as opposed to simply relying on articles in the Statesman and Chronicle). Although there is a lot left to be done, there's also been quite a bit of progress. I also think demonstrating ongoing progress at Cap Metro over the course of 2011 will be imperative to the success of a 2012 bond package given that a major portion of the bonds will be dedicated to public transportation (i.e. urban rail). We need to set the stage for where we see things going and give the public confidence that Cap Metro has turned a corner and won't be an impediment to a more meaningful role for public transportation in Central Texas.

So, I think Mike talking about progress to date and a vision for the future of Cap Metro and public transportation would be a meaningful complement to Lee's state of the city speech. Hopefully we can find a suitable forum sometime shortly after Lee's speech - - if that's what everyone sees as making sense.

J

[Quoted text hidden]

---

**Mike Martinez**

To: John Langmore

Cc: lee.leff@

Mark Nathan

Thu, Dec 23, 2010 at 12:41 PM

Maybe we get APT to host a lunch

[Quoted text hidden]



Lee Leffingwell [REDACTED]

## FW: Mayor/Council memo from Solid Waste Services re: Plastic bag cost findings

5 messages

Martinez, Mike [Council Member] [REDACTED]

Fri, Jan 7, 2011 at 9:00 AM

To: lee.leff@ [REDACTED] "Shade, Randi" <Randi.Shade@ [REDACTED].tx.us>

Cc: "Nathan, Mark" <Mark.Nathan@ci.austin.tx.us>, "Moore, Andrew" <Andrew.Moore@ci.austin.tx.us>, "Garza, Bobby" <Bobby.Garza@ci.austin.tx.us>, "Williamson, Laura" <Laura.Williamson@ci.austin.tx.us>, "Everhart, Amy" <Amy.Everhart@ci.austin.tx.us>

I say we move forward on a ban before the other offices jump on this.

MM

### Mayor Pro Tem Mike Martinez

310 W. 2nd Street  
Austin, Texas  
[512.974.2264](tel:512.974.2264)

**From:** From the Public Information Office

**Sent:** Thursday, January 06, 2011 4:03 PM

**To:** Official Distribution

**Cc:** Golbabai, Justin

**Subject:** Mayor/Council memo from Solid Waste Services re: Plastic bag cost findings



**Memo to Mayor and Council from Solid Waste Services Regarding Plastic Bag Cost Findings.pdf**

61K

Everhart, Amy <Amy.Everhart@ci.austin.tx.us>

Fri, Jan 7, 2011 at 9:14 AM

To: "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us>, lee.leff@ [REDACTED] "Shade, Randi" <Randi.Shade@ci.austin.tx.us>

Cc: "Nathan, Mark" <Mark.Nathan@ci.austin.tx.us>, "Moore, Andrew" <Andrew.Moore@ci.austin.tx.us>, "Garza, Bobby" <Bobby.Garza@ci.austin.tx.us>, "Williamson, Laura" <Laura.Williamson@ci.austin.tx.us>

We need to talk about timing.

~~~

**Amy Everhart**

Policy Director

Office of Mayor Lee Leffingwell

[512-974-3369](tel:512-974-3369) (direct)

[512-699-2693](tel:512-699-2693) (mobile)

[www.mayorleffingwell.com](http://www.mayorleffingwell.com)

---

**From:** Martinez, Mike [Council Member]  
**Sent:** Friday, January 07, 2011 9:01 AM  
**To:** 'lee.leff@' Shade, Randi  
**Cc:** Nathan, Mark; Moore, Andrew; Garza, Bobby; Williamson, Laura; Everhart, Amy  
**Subject:** FW: Mayor/Council memo from Solid Waste Services re: Plastic bag cost findings

[Quoted text hidden]

---

lee.leff@ [REDACTED] Fri, Jan 7, 2011 at 9:19 AM  
Reply-To: lee.leff@ [REDACTED]  
To: "Everhart, Amy" <Amy.Everhart@ci.austin.tx.us>, Mike Martinez <Mike.Martinez@ci.austin.tx.us>, "Shade, Randi" <Randi.Shade@ci.austin.tx.us>  
Cc: Mark Nathan <mark.nathan@ci.austin.tx.us>, Andy Moore <Andrew.Moore@ci.austin.tx.us>, Bobby Garza <Bobby.Garza@ci.austin.tx.us>, "Williamson, Laura" <Laura.Williamson@ci.austin.tx.us>

Agreed.

Sent via BlackBerry by AT&T

---

**From:** "Everhart, Amy" <Amy.Everhart@ci.austin.tx.us>  
**Date:** Fri, 7 Jan 2011 09:14:14 -0600  
**To:** Martinez, Mike [Council Member] <Mike.Martinez@ci.austin.tx.us>; <lee.leff@ [REDACTED] Shade, Randi <Randi.Shade@ci.austin.tx.us>  
**Cc:** Nathan, Mark <Mark.Nathan@ci.austin.tx.us>; Moore, Andrew <Andrew.Moore@ci.austin.tx.us>; Garza, Bobby <Bobby.Garza@ci.austin.tx.us>; Williamson, Laura <Laura.Williamson@ci.austin.tx.us>  
**Subject:** RE: Mayor/Council memo from Solid Waste Services re: Plastic bag cost findings

[Quoted text hidden]

---

Shade, Randi <Randi.Shade@ci.austin.tx.us> Fri, Jan 7, 2011 at 9:50 AM  
To: lee.leff@ [REDACTED]  
Cc: "Everhart, Amy" <Amy.Everhart@ci.austin.tx.us>, Mike Martinez <Mike.Martinez@ci.austin.tx.us>, Mark Nathan <mark.nathan@ci.austin.tx.us>, Andy Moore <Andrew.Moore@ci.austin.tx.us>, Bobby Garza <Bobby.Garza@ci.austin.tx.us>, "Williamson, Laura" <Laura.Williamson@ci.austin.tx.us>, Glen Coleman <Glen.Coleman@ci.austin.tx.us>

I haven't read the memo yet -- the one sent yesterday was recalled due to errors.

I am not sure I am ready for full-blown ban especially since the voluntary approach is working well and still relatively new. Assuming we have new info re: cost savings we have a whole new opportunity for awareness campaign.

As Amy said earlier the timing is key -- by timing I mean how long until ban takes effect.

Remember all us Moms out there who use and re-use plastic bags for all kinds of stuff:-)

---

Randi Shade  
512-974-2255 (o)  
<http://www.ci.austin.tx.us/council/shade.htm>

[Quoted text hidden]

---

Nathan, Mark <Mark.Nathan@ci.austin.tx.us> Fri, Jan 7, 2011 at 10:08 AM

To: "Shade, Randi" <Randi.Shade@ci.austin.tx.us>, lee.leff@[REDACTED] "Martinez, Mike [Council Member]" <Mike.Martinez@ci.austin.tx.us>  
Cc: "Everhart, Amy" <Amy.Everhart@ci.austin.tx.us>, "Moore, Andrew" <Andrew.Moore@ci.austin.tx.us>, "Garza, Bobby" <Bobby.Garza@ci.austin.tx.us>, "Williamson, Laura" <Laura.Williamson@ci.austin.tx.us>, "Coleman, Glen" <Glen.Coleman@ci.austin.tx.us>

A plastic bag ban is NOT an issue that we should pursue, or even discuss publicly, while the Legislature is in session (unless our goal is state legislation that disallows a ban, because I believe that would be the likely result). It's true that the voluntary reduction effort that Lee spearheaded has had some impact, but even he would say that it's not been nearly enough (not enough participants, and unreliable reporting by those who have participated). So while I do believe that we should have the discussion (as many, many other cities across the country and around the world have been doing), my strong feeling is that we need to run silent on it at least until May. I'll suggest to Lee that he share this perspective with the other offices next week.

---

**From:** Shade, Randi  
**Sent:** Friday, January 07, 2011 9:51 AM  
**To:** lee.leff@[REDACTED]  
**Cc:** Everhart, Amy; Martinez, Mike [Council Member]; Nathan, Mark; Moore, Andrew; Garza, Bobby; Williamson, Laura; Coleman, Glen  
**Subject:** Re: Mayor/Council memo from Solid Waste Services re: Plastic bag cost findings

[Quoted text hidden]

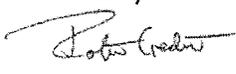
---



## MEMORANDUM

**TO:** Mayor and Council Members

**CC:** Marc A. Ott, City Manager  
Robert D. Goode, Assistant City Manager

**FROM:** Bob Gedert, Director   
Solid Waste Services Department

**DATE:** January 6, 2011

**SUBJECT:** Plastic Bag Cost Findings

---

The purpose of this memo is to provide staff's response to City Council Resolution No. 20100624-079 which directed the City Manager to provide the cost to taxpayers for processing plastic bags.

### Summary

Based on staff's research, including information gathered from a 2009 U.S. International Trade Commission's *Polyethylene Retail Carrier Bags from Indonesia, Taiwan, and Vietnam* May 2009 Report, Americans consume 102,105,637,000 plastic bags per year or 335 bags per person per year. Based on those projections, Austin residents consume approximately 263 million bags annually.<sup>1</sup>

According to the data accumulated, Staff estimates that the cost to manage plastic bags in Austin is approximately \$5.4 million annually or \$0.0203 cents per bag. Additionally, businesses are estimated to spend an additional \$0.0097 per bag to combat plastic bag litter found on private property.<sup>2</sup> Therefore, total estimated cost per bag is actually \$0.0300. However, this cost is **severely** underestimated since unmitigated environmental impacts cannot be quantified.

---

<sup>1</sup> Ryan Robinson. *City of Austin Demographics*. City of Austin. April 2010. <<http://www.ci.austin.tx.us/demographics/>>. Calculation based on April 2010 population data for Austin (full purpose and limited purpose which is estimated at 785,850. Total estimated bags used equated to 263,259,750.

<sup>2</sup> P. Wesley Schultz and Steven R. Stein, "Litter in America: 2009 National Litter Research Findings and Recommendations," *Keep America Beautiful*. <<http://www.kab.org/site/PageServer?pagename=LitterResearch2009>>

**Detailed Analysis**

For the purpose of this analysis, staff focused on plastic bags issued at the conclusion of a retail sale, also known as t-shirt bags or grocery bags. Staff identified four costs associated with processing plastic bags in Austin:

1. Costs to the City of Austin Solid Waste Services (SWS) Department to provide a curbside collection and processing option for residential customers;
2. Costs to the community at large to address plastic bags that enter the environment and our recycling and landfill systems;
3. Costs to the retail sector to provide plastic bag reduction and recycling programs; and
4. Unmitigated environmental impact.

The four costs are quantified in the chart below, however, Staff could not quantify the latter two costs.

| <b>CITY OF AUSTIN PLASTIC BAG COST ESTIMATES</b>                            |                                                  |
|-----------------------------------------------------------------------------|--------------------------------------------------|
| <b>Activity</b>                                                             | <b>Annual Amount to Manage Plastic Bag Waste</b> |
| COA Curbside Plastic Bag Recycling Collection Costs                         | \$4,508,528                                      |
| Cost to the community at large                                              | \$847,331                                        |
| ▪ <i>Garbage Collection and Disposal</i>                                    | \$537,600                                        |
| ▪ <i>Litter Cleanup and Street Sweeping</i>                                 | \$129,670                                        |
| ▪ <i>Landfill Litter Cleanup</i>                                            | \$3,885                                          |
| ▪ <i>Recycling Contamination, Machinery Costs and Revenue</i>               | \$176,176                                        |
| Retailers costs for collection, transporting and recycling                  | Cost Unknown                                     |
| Unmitigated environmental impact                                            | Cost Unknown                                     |
|                                                                             |                                                  |
| <b>Total Annual Cost</b>                                                    | <b>\$5,355,859</b>                               |
| Per Bag Cost based on 263 million bags used in Austin annually <sup>3</sup> | \$0.0203                                         |
| Additional cost to businesses for private property litter control           | \$0.0097                                         |
| <b>Total Estimated Cost Per Bag</b>                                         | <b>\$0.0300</b>                                  |

<sup>3</sup> U.S. International Trade Commission. *Polyethylene Retail Carrier Bags from Indonesia, Taiwan, and Vietnam*. May 2009. <[http://www.usitc.gov/publications/701\\_731/pub4160.pdf](http://www.usitc.gov/publications/701_731/pub4160.pdf)> The study determined that the U.S. consumption quantity in 2008 was 102,105,637,000 bags per year. Based on 2008 U.S. Census data that would equate to 335 bags per person per year.

## **ASSUMPTIONS**

Staff made two recurring assumptions throughout this study:

1. The volume and quantity of plastic bags in the Austin area could be quantified based on data from the US International Trade Commission's *Polyethylene Retail Carrier Bags from Indonesia, Taiwan, and Vietnam* May 2009 report; and
2. The volume of plastic bags in the Austin's litter stream is approximately 2.2% based on Keep America Beautiful (KAB) *Litter in America: 2009 National Litter Research Findings and Recommendations* and the volume of plastic bags in Austin's waste stream is 2.1% based on the U.S. Environmental Protection Agency's *Municipal Solid Waste Generation Recycling and Disposal in the United States* November 2009 report.

## **FINDINGS**

### **SWS Curbside Collection Program (\$4,508,528)**

From May 2008 to August 2008, the City of Austin's Solid Waste Services (SWS) Department implemented the *Recycle the Bag* pilot project to evaluate the feasibility of a curbside plastic bag recycling program. The pilot included 5,000 households, required a separate collection route with manual collection, and cost \$34,835. Based on lessons learned from the pilot, staff determined that implementing a citywide program would require a separate collection route and processing method to avoid contamination of the Single Stream Recycling program and material recovery facility (MRF) processing equipment.

Citywide expansion of the pilot would cost approximately \$4.5 million dollars for the capital investment in vehicles and containers plus the first year of operation and education costs to service 180,000 customers. Annual operation and maintenance costs to continue the program would cost \$1.2 million which includes hiring full time employees including benefits packages. Per household, the cost would be equivalent to an additional \$2.09 per household per month. Costs are itemized in Table 1.

From a climate protection perspective, implementing the program would require SWS Department to place an additional 20 collection vehicles in service and on the road 5 days a week for a total of 260 days per year. Those vehicles would add to existing traffic patterns and use approximately 26,000 gallons of fuel per year. The carbon footprint impact would increase 5,252 metric tones per year, equivalent to electricity use of 634 homes for one year or 954 passenger vehicle traveling the average 12,000 miles per year.<sup>4</sup>

---

<sup>4</sup> Based on calculations performed by Austin Energy Climate Protection Team (September 12, 2010).

**Table 1. Cost Estimate for citywide Plastic Bag Recycling Program**

|                                      |                          |
|--------------------------------------|--------------------------|
| <b>Capital Costs</b>                 |                          |
| Containers                           | \$720,000                |
| Container Delivery                   | \$1,260,000              |
| Trucks                               | \$750,000                |
| Promo/Educational                    | \$500,000                |
| <b>Total Startup Costs</b>           | <b>\$3,230,000</b>       |
| <b>Operational Costs</b>             |                          |
| Fuel                                 | \$81,120                 |
| Maintenance                          | \$54,475                 |
| Labor Cost                           | \$784,160                |
| Benefits                             | \$258,773                |
| Contractual – Other                  | \$70,000                 |
| Commodities – Other                  | \$30,000                 |
| <b>Total Annual Operational Cost</b> | <b>\$1,278,528</b>       |
| <b>Summary</b>                       |                          |
| Startup costs                        | \$3,230,000              |
| Annual operating costs               | \$1,278,528              |
| <b>Total first year costs</b>        | <b>\$4,508,528</b>       |
|                                      |                          |
| <b>Cost per household per month</b>  | <b>\$2.09</b>            |
| <b>Additional carbon footprint</b>   | <b>5,252 metric tons</b> |

**Community Costs (\$847,331)**

Staff identified four factors that contributed to the community's cost:

- **Collection of Garbage and Disposal in the City of Austin (\$537,600).** Citizens throw out a multitude of plastic t-shirt bags everyday. They also use plastic bags for other purposes such as lining small trash cans, dog waste bags, and as a method to transport wet items. Once the bag has exceeded its usefulness, it is eventually tossed into the trash. Garbage is collected from 306,808 residences and multi-family units in the Austin area annually. The amount to collect and dispose of waste yearly is \$25,600,029. Assuming plastic bag waste is estimated to be 2.1% of the waste stream, staff calculated the yearly cost to manage plastic bag disposal is \$537,600. This figure does not take into account any cost avoidance borne by citizens to purchase container liners or pet waste baggies in the event that plastic bags were no longer available.
- **Litter Costs by the City of Austin (\$129,670).** Austin is a beautiful place to live and work. One of the reasons this city is so attractive is because the City of Austin channels tremendous resources towards litter collection from right of

ways, parks, roadways, and waterways. The City currently spends \$5,894,074 to collect and dispose of litter from waterways and roadways yearly.<sup>5</sup> Assuming that 2.2% of the litter stream is composed of plastic bag waste, staff calculated the cost to manage plastic bags in our litter stream is approximately \$129,670.

- **Landfill Litter Costs (\$3,885).** The State of Texas mandates that landfill property owners must continually pick up litter and debris from the grounds and neighboring areas. Staff contact area landfill operators and inquired about their costs to keep their landfill and adjacent areas litter free. On average, area landfills are spending \$176,605 per year for litter cleanup. Assuming plastic bag waste composes 2.2% of litter collected from landfill litter cleanup efforts, staff calculated the cost to the community is \$3,885 annually.
- **Recycling Contamination, Machinery Costs and Revenue (\$176,176).** Processing recyclable materials efficiently and effectively is integral to a sustainable recycling program. Staff contacted material processing facilities in Texas to determine the costs of removing plastic bags from machinery as well as the maintenance costs for those activities. Operators confirmed that most facilities are capturing the bags at the pre-sort station and removing them to be recycled. A number of facilities contacted are installing air vacuum capture equipment to remove the bags quicker and more efficiently. However, there is a cost to remove plastic bags along with a myriad of other items that, if not eliminated at the onset of the process, ultimately becomes entangled in the machinery. The average labor costs for removing plastic bags from the machinery is \$176,176 per year. This estimate does include general daily maintenance of the equipment. However, one factor not considered in this cost estimate is the revenue received by each facility for the sale of the recycled plastic bags. The processors explained that they are finding ways to effectively recycle as many products in the stream as possible.

### **Cost to the Retailer (Unknown)**

Stores participating in the *City of Austin's Plastic Bag Initiative* were not required to gather or report the financial complexities in collecting, recycling, transporting, bailing and/or selling plastic bags. Additionally, retailers were not required to report any costs associated with advertising the recycling bag

---

<sup>5</sup> Includes Fiscal Year 2010 City of Austin monies dedicated to litter management in Solid Waste Services Litter Control and Street Cleaning, Keep Austin Beautiful contract, Watershed Protection, Parks and Recreation Department, and Public Works Department.

collection efforts or promotion of reusable bags. A survey was conducted by staff to determine the processes by which the retailers were collecting, storing, and shipping plastic bags for recycling. Staff found that some retailers are shipping plastic bags to their distribution centers to be commingled with plastic bags gathered from other cities and then ultimately sold to recyclers. Retailers reported these activities to be cost neutral.

### **Unmitigated Environmental Costs (Unknown)**

In its evaluation of litter in America, the Keep America Beautiful study found that since 1969, while metal, glass, and paper litter decreased by over 80% in each case, plastic litter increased by a staggering 165%.<sup>6</sup> The study also found that storm drains were among the most littered areas. This is an especially important concern for the City of Austin because we have numerous creeks that flow into Lake Austin, Lady Bird Lake, and the Colorado River, each of which not only draw tourists to the area, but also help us manage storm waters during major rains.

According to the City's Watershed Protection Department, litter impacts water quality by decreasing oxygen levels as it decays in water, adding pollutants, and destroying aquatic habitat and organisms.<sup>7</sup> Plastic bags pose a heightened threat to our water quality because of their physical attributes. Aquatic animals, like the turtles and ducks in Lady Bird Lake, mistake the floating plastic bags as food. If they ingest the bags, they end up suffocating, choking, or starving to death. Since plastic bags are made of petroleum, they slowly release toxins as they photo decay, negatively impacting our water quality. Due to their thin, light weight, durable quality, plastic bags float on the water's surface, blocking out sun light, decreasing oxygen levels, and negatively impacting natural food cycles. When Austin experiences storms, rainwater washes plastic bags and other forms of litter into our storm drains -- approximately 400 miles of pipes and channels which convey storm water to the creeks and lakes. When our storm drain systems are overwhelmed or clogged by litter and debris, surrounding properties are impacted by "localized flooding."<sup>8</sup> For the purpose of this study, staff could not quantify the financial impact to water quality, aquatic life, or wildlife habitat. Therefore, the cost of plastic bag management is considerably **underestimated**.

---

<sup>6</sup> P. Wesley Schultz and Steven R. Stein, "Litter in America: 2009 National Litter Research Findings and Recommendations," *Keep America Beautiful*. 8 September 2010. <<http://www.kab.org/site/PageServer?pagename=LitterResearch2009>>

<sup>7</sup> Watershed Protection, Clean Creeks, City of Austin, September 26, 2010, <[http://www.cityofaustin.org/watershed/cleancreek\\_main.htm](http://www.cityofaustin.org/watershed/cleancreek_main.htm)>

<sup>8</sup> Watershed Protection, *Localized Flooding*, City of Austin, September 26, 2010, <<http://www.ci.austin.tx.us/watershed/floodlocalized.htm>>

## **SUMMARY**

Based on the data gathered, staff estimates that the Austin community spends approximately \$5.4 million annually to manage plastic bags. Essentially, that means each time someone in Austin uses a plastic t-shirt bag, it costs the community, approximately \$0.0203 cents to manage that bag – either via recycling, through litter management, or disposal. Additionally, based on data from Keep America Beautiful's national litter study, businesses spend an added \$0.0097 per bag to manage plastic bag litter on private property. Therefore, the cost to the Austin community is approximately \$0.0300 per bag consumed.<sup>9</sup> This estimate is a low end estimate since it does not include (1) the cost to retailers for recycling programs and (2) the cost to wildlife habitat environmental damage and their animal inhabitants.

## **NEXT STEPS**

Staff is currently researching how other cities are handling plastic bags, including plastic bag reduction campaigns, distribution phase-out programs, and product bans. A second report summarizing Staff's findings is expected in summer 2011.

---

<sup>9</sup> P. Wesley Schultz and Steven R. Stein, "Litter in America: 2009 National Litter Research Findings and Recommendations," *Keep America Beautiful*. <<http://www.kab.org/site/PageServer?pagename=LitterResearch2009>>



Lee Leffingwell [redacted]

# FW: meeting on tuesday night

12 messages

**Mark Nathan** [redacted] **Tue, Jan 18, 2011 at 10:39 PM**

To: Lee Leffingwell [redacted] Mike Martinez [redacted]

Hmmm.

----- Forwarded Message

**From:** Colin Leyden [redacted]

**Date:** Tue, 18 Jan 2011 22:37:39 -0600

**To:** Mark Nathan [redacted]

**Subject:** Re: meeting on tuesday night

Mark,

Listening to the AISD board meeting online. The Sup just mentioned the city setting aside 10 million in tax dollars to save these inner city schools. Thought you'd want to know.

-Colin

**Mike Martinez** [redacted] **Wed, Jan 19, 2011 at 6:37 AM**

To: Mark Nathan [redacted]

Cc: Lee Leffingwell [redacted]

I think we need to figure out whats going on asap and maybe just issue a joint statement saying we are exploring all options including..... to save Austin inner city schools form closure.

That would out flank anything that is being discussed.

[Quoted text hidden]

**lee.leff@** [redacted] **Wed, Jan 19, 2011 at 6:43 AM**

Reply-To: lee.leff@ [redacted]

To: Mike Martinez [redacted] Mark Nathan [redacted]

Are we sure it - using City money - is even legal? And if the school gets "grant" money, is that subject to Robin Hood?

Sent via BlackBerry by AT&T

**From:** Mike Martinez [redacted]

**Date:** Wed, 19 Jan 2011 06:37:25 -0600

**To:** Mark Nathan [redacted]

**Cc:** Lee Leffingwell [redacted]

**Subject:** Re: meeting on tuesday night

I think we need to figure out whats going on asap and maybe just issue a joint statement saying we are exploring all options including..... to save Austin inner city schools form closure.

That would out flank anything that is being discussed.

On Jan 18, 2011, at 10:39 PM, Mark Nathan wrote:

Hmmm.

----- Forwarded Message

**From:** Colin Leyden [redacted]  
**Date:** Tue, 18 Jan 2011 22:37:39 -0600  
**To:** Mark Nathan [redacted]  
**Subject:** Re: meeting on tuesday night

Mark,

Listening to the AISD board meeting online. The Sup just mentioned the city setting aside 10 million in tax dollars to save these inner city schools. Thought you'd want to know.

-Colin

---

**Mike Martinez** [redacted]  
To: lee.leff@ [redacted]  
Cc: Mark Nathan [redacted]

Wed, Jan 19, 2011 at 6:51 AM

and maybe that's what we say...

"every legal and available option that is not affected by Robin Hood"

[Quoted text hidden]

---

**Mark Nathan** [redacted]  
To: Mike Martinez [redacted], Lee Leffingwell [redacted]

Wed, Jan 19, 2011 at 7:16 AM

Can you guys do a meeting with Carstarphen, Mark Williams and Mel Waxler Sunday at 6PM?

If so, perhaps we can announce the meeting.

I'm going to try to get with Watson's office today and get his input.

MN.

[Quoted text hidden]

[Quoted text hidden]

---

**Mike Martinez** [redacted]  
To: Mark Nathan [redacted]  
Cc: Lee Leffingwell [redacted]

Wed, Jan 19, 2011 at 7:23 AM

saturday morning is best. Sunday evening is really really bad.

[Quoted text hidden]

---

**lee.leff@** [redacted]  
Reply-To: lee.leff@ [redacted]  
To: Mike Martinez [redacted]

Wed, Jan 19, 2011 at 7:30 AM

Mark Nathan [redacted]

I'm OK either.

Sent via BlackBerry by AT&T

**From:** Mike Martinez [redacted]  
**Date:** Wed, 19 Jan 2011 07:23:47 -0600  
[Quoted text hidden]

**Mark Nathan** [redacted]  
**To:** Mike Martinez [redacted]  
**Cc:** Lee Leffingwell [redacted]

Wed, Jan 19, 2011 at 8:03 AM

Mark Williams is out of town until Sunday night. Do you want me to ask for other options after that? I think we probably need to invite Ott to this meeting, don't you?

[Quoted text hidden]

[Quoted text hidden]

**Mike Martinez** [redacted]  
**To:** Mark Nathan [redacted]  
**Cc:** Lee Leffingwell [redacted]

Wed, Jan 19, 2011 at 9:09 AM

I don't think we should invite Ott. He will just tell McDonald and then its out everywhere.

If I can't make it Sunday but you all can meet you should. Just keep me in the loop.

[Quoted text hidden]

**lee.leff@** [redacted]  
**Reply-To:** lee.leff@ [redacted]  
**To:** Mike Martinez [redacted]

Wed, Jan 19, 2011 at 9:34 AM

Mark Nathan [redacted]

How about taxing Austin citizens who live in RRISD, MISD, etc to benefit only AISD?

Sent via BlackBerry by AT&T

**From:** Mike Martinez [redacted]  
**Date:** Wed, 19 Jan 2011 09:09:20 -0600  
[Quoted text hidden]

**Mike Martinez** [redacted]  
**To:** lee.leff@ [redacted]  
**Cc:** Mark Nathan [redacted]

Wed, Jan 19, 2011 at 10:29 AM

Guys,

The other consideration is the Legislature that's looming for the next 6 months. We have no clue what they are going to impose on schools to close the budget. So we could very well see us doing this all for nothing and have to close schools anyway.

M

[Quoted text hidden]



## Forwarded conversation

Subject: **FW: meeting on tuesday night**

From: **Mark Nathan** [redacted]  
Date: Tue, Jan 18, 2011 at 10:39 PM  
To: Lee Leffingwell [redacted] Mike Martinez [redacted]

Hmmm.

----- Forwarded Message

**From:** Colin Leyden [redacted]  
**Date:** Tue, 18 Jan 2011 22:37:39 -0600  
**To:** Mark Nathan [redacted]  
**Subject:** Re: meeting on tuesday night

Mark,

Listening to the AISD board meeting online. The Sup just mentioned the city setting aside 10 million in tax dollars to save these inner city schools. Thought you'd want to know.

-Colin

-----  
From: **Mike Martinez** [redacted]  
Date: Wed, Jan 19, 2011 at 6:37 AM  
To: Mark Nathan <[redacted]>  
Cc: Lee Leffingwell [redacted]

I think we need to figure out whats going on asap and maybe just issue a joint statement saying we are exploring all options including..... to save Austin inner city schools form closure.

That would out flank anything that is being discussed.

-----  
From: <lee.leff@[redacted]>  
Date: Wed, Jan 19, 2011 at 6:43 AM  
To: Mike Martinez [redacted] Mark Nathan [redacted]

Are we sure it - using City money - is even legal? And if the school gets "grant" money, is that subject to Robin Hood?

Sent via BlackBerry by AT&T

-----  
From: Mike Martinez [redacted]  
Date: Wed, 19 Jan 2011 06:37:25 -0600  
Cc: Lee Leffingwell [redacted]

-----  
From: **Mike Martinez** [redacted]  
Date: Wed, Jan 19, 2011 at 6:51 AM

To: lee.leff@ [REDACTED]  
Cc: Mark Nathan [REDACTED]

and maybe that's what we say...

"every legal and available option that is not affected by Robin Hood"

-----  
From: **Mark Nathan** [REDACTED]  
Date: Wed, Jan 19, 2011 at 7:16 AM  
To: Mike Martinez [REDACTED], Lee Leffingwell [REDACTED]

Can you guys do a meeting with Carstarphen, Mark Williams and Mel Waxler Sunday at 6PM?

If so, perhaps we can announce the meeting.

I'm going to try to get with Watson's office today and get his input.

MN.

-----  
From: **Mike Martinez** [REDACTED]  
Date: Wed, Jan 19, 2011 at 7:23 AM  
To: Mark Nathan [REDACTED]  
Cc: Lee Leffingwell [REDACTED]

saturday morning is best. Sunday evening is really really bad.

-----  
From: <lee.leff@ [REDACTED]>  
Date: Wed, Jan 19, 2011 at 7:30 AM  
To: Mike Martinez [REDACTED], Mark Nathan [REDACTED]

I'm OK either.  
**Date:** Wed, 19 Jan 2011 07:23:47 -0600

-----  
From: **Mark Nathan** [REDACTED]  
Date: Wed, Jan 19, 2011 at 8:03 AM  
To: Mike Martinez [REDACTED]  
Cc: Lee Leffingwell [REDACTED]

Mark Williams is out of town until Sunday night. Do you want me to ask for other options after that? I think we probably need to invite Ott to this meeting, don't you?

-----  
From: **Mike Martinez** [REDACTED]  
Date: Wed, Jan 19, 2011 at 9:09 AM  
To: Mark Nathan < [REDACTED]>  
Cc: Lee Leffingwell [REDACTED]

I don't think we should invite Ott. He will just tell McDonald and then its out everywhere.

If I can't make it Sunday but you all can meet you should. Just keep me in the loop.

-----  
From: <lee.leff@ [REDACTED]>  
Date: Wed, Jan 19, 2011 at 9:34 AM  
To: Mike Martinez [REDACTED] Mark Nathan [REDACTED]

How about taxing Austin citizens who live in RRISD, MiSD, etc to benefit only AISD?  
**Date:** Wed, 19 Jan 2011 09:09:20 -0600

-----  
From: **Mike Martinez** [REDACTED]  
Date: Wed, Jan 19, 2011 at 10:29 AM  
To: [lee.leff@ \[REDACTED\]](mailto:lee.leff@ [REDACTED])  
Cc: Mark Nathan [REDACTED]

Guys,

The other consideration is the Legislature that's looming for the next 6 months. We have no clue what they are going to impose on schools to close the budget. So we could very well see us doing this all for nothing and have to close schools anyway.

M

--  
Lee Leffingwell

---

**Subject:** FW: Death Memorials

----- Forwarded message -----

**From:** **Martinez, Mike [Council Member]** <Mike.Martinez@ci.austin.tx.us>  
**Date:** Thu, Jan 27, 2011 at 4:17 PM  
**Subject:** FW: Death Memorials  
**To:** "Shade, Randi" <Randi.Shade@ci.austin.tx.us>, Mark Nathan  
[REDACTED], lee.leff@ [REDACTED]

Very curious that I get this email as a bcc and it was sent to Morrison.

I think he meant to BCC her and send it to me.

Oops

-----Original Message-----

**From:** Robert Jung [REDACTED]  
**Sent:** Thursday, January 27, 2011 12:38 PM  
**To:** Morrison, Laura  
**Subject:** Death Memorials

I'm writing to express my strong disagreement with the "gravestone" death memorials. The size is too large and too intrusive for residential and business areas. The spirit of the idea is to be applauded; the execution of it is wrong. A memorial park is a better idea.

This is a slippery slope. Why not firefighters? EMS workers? This is out of line.

Thank you for your time and consideration.

Sincerely,  
Robert Jung, life-long Austinite.  
512-762-7196  
robertdjung@ [REDACTED]

--

Lee Leffingwell

---

----- Forwarded message -----

From: **Randi Shade** [REDACTED]  
Date: Mon, Jan 24, 2011 at 11:48 AM  
Subject: RE: APD Memorial Markers  
To: Mike Martinez [REDACTED], Lee Leffingwell  
[REDACTED], Mark Nathan [REDACTED]

Sarah C has called me, too. I was wondering what up with this....now I get it. I will call Sarah, too. I asked Marti to remind me of details -- if you have handy, please send my way.

The whole Design Commission thing reminds me of that article Mark Nathan sent us a few weeks back where the author praised the W Hotel and pretty much nothing else.....sigh.

-----Original Message-----

From: Mike Martinez [REDACTED]  
Sent: Monday, January 24, 2011 11:45 AM  
To: Lee Leffingwell; Randi Shade; Mark Nathan  
Subject: APD Memorial Markers

Just did an interview with Sarah at the Statesman about the memorial marker in Travis Heights.

Richard Weiss is opposed because its across the street from his house. He has about 60 folks signed on to a petition.

I was not kind in my response. I think they are major shitbags for raising their opposition and getting her to do this story. But I wanted to be in the story.

--  
Lee Leffingwell