

## Closed Caption Log, Council Meeting, 1/8/04

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THE REVEREND ROBBY VICKERY OF ST. MICHAEL'S  
EPISCOPAL CHURCH, WELCOME, REVEREND.

LET US PRAY, GRACIOUS GOD, FOR YOUR WISDOM ON ALL OF THOSE WHO TAKE PART IN THIS MEETING OF THE AUSTIN CITY COUNCIL, THAT DECISIONS MAY BE MADE TODAY WHICH WILL HELP AUSTIN BECOME MORE AND MORE A PLACE OF SOUND LEARNING, HONORABLE WORK, AND JOYFUL PLAY. BLESS SPECIALLY THE MEMBERS OF THIS COUNCIL WHEN THEY ARE RIGHT, CONFIRM THEM AND GIVE THEM THE GRACE TO ACCOMPLISH THEIR VISION. WHEN THEY ARE WRONG, GENTLY CORRECT THEM. AND WHEN THEY ARE WRONGLY CRITICIZED, HELP THEM TO BEAR IT IN THE KNOWLEDGE THAT TRUE SERVICE IS ITS OWN REWARD. FINALLY, THANK YOU FOR ALL THOSE WHOSE CARING SERVICE MAKES THE CITY OF AUSTIN A BETTER PLACE TO LIVE. AMEN.

**Alvarez:** THANK YOU, REVEREND, WE WILL GET THE MEETING STARTED IN JUST A FEW MINUTES.

I CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, IT'S THURSDAY, JANUARY 8th, 2004, 10:20 A.M., WE ARE IN THE BOARD ROOM OF THE LOWER COLORADO RIVERCOLORADO RIVER AUTHORITY, HANCOCK BUILDING, 3700 LAKE AUSTIN BOULEVARD. AT THIS TIME I WILL READ THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. ITEM NO. 4 WILL BE POSTPONED TO JANUARY 15th, 2004. ITEM NO. 11 WILL BE POSTPONED TO FEBRUARY 12th

FEBRUARY 12th, 2004. ITEM 19, POSTPONED TO JANUARY 15th, 2004. ITEM NO. 23 -- ON ITEM NO. 20, I WILL BE SHOWN AS AN ADDITIONAL SPONSOR, ALONG WITH COUNCILMEMBER MCCracken. ON ITEM NO. 23, THE PUBLIC HEARING WILL BE ON FEBRUARY 5th, 2004, NOT JANUARY 29th AS SHOWN ON THE AGENDA. ITEM NO. 31, UNDER THE DESCRIPTION, IT SHOULD ALSO READ CONCERNS THE CITY'S USE OF ECONOMIC DEVELOPMENT, SALES TAX INCENTIVES TO THE DEVELOPER OF THE DOMAIN, A MULTI-USE DEVELOPMENT LOCATED AT MOPAC BOULEVARD AND BRAKER LANE. AND SCRATCH THE WORDS ECONOMIC DEVELOPMENT AGREEMENT WITH ENDEAVOR REAL ESTATE. ITEM NO. 32 SHOULD BE SHOWN AS CONCERNING CONGRESSIONAL REDISTRICTING, NOT LEGISLATIVE REDISTRICTING. ITEM NO. Z-2, THE PLANNING COMMISSION DID HEAR THE CASE. AND THE RECOMMENDATION IS TO DENY MULTI-FAMILY RESIDENTIAL LAND USE DESIGNATION. I BELIEVE THAT IS ALL OF THE CHANGES AND CORRECTIONS TO THIS WEEK'S AGENDA, MS. BROWN. THANK YOU. OUR TIME CERTAINS TODAY, AS USUAL, AT NOON WE WILL BREAK FOR OUR GENERAL CITIZEN COMMUNICATION. AT 4:00 P.M., WE WILL HAVE OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. THOSE SHOW ON THIS WEEK'S AGENDA AS ITEMS Z-1 THROUGH Z-8. I WILL ANNOUNCE NOW THAT STAFF WILL REQUEST POSTPONEMENT FOR ITEM Z-1, THE CENTRAL EAST AUSTIN NEIGHBORHOOD PLAN, TO JANUARY 29th, 2004. AND POSTPONEMENT ON BEHALF OF THE APPLICANT FOR ITEM Z-2 AND Z-3, 2017 AND 2101 EAST 8th STREET TO FEBRUARY 12th, 2004. TECHNICALLY THOSE CASES WON'T BE VOTED ON POSTPONEMENT UNTIL 4:00 P.M., BUT IT'S RARE THAT WE DON'T GRANT THOSE POSTPONEMENT REQUESTS. SO NOTE THAT ITEM Z-1, 2, 3 SHOULD BE POSTPONED THIS EVENING WHEN WE VOTE. AND THOSE POSTPONEMENTS WILL BE TO JANUARY 29th AND FEBRUARY 12th. AT 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS. AT 6:00 P.M. WE HAVE PUBLIC HEARINGS, POSSIBLE ACTION. THAT ITEM ON THIS WEEK'S AGENDA IS ITEM NO. 35. AND IT APPEARS THAT ON THIS WEEK'S AGENDA, COUNCIL, NO CITIZENS HAVE SIGNED UP, CERTAINLY NO MORE THAN FIVE ON ANY AGENDA ITEM. SO ALL OF THOSE ITEMS WILL STAY ON THE CONSENT AGENDA. THE ITEMS PULLED FOR DISCUSSION BY -- FOR

COUNCIL DISCUSSION, ITEMS NUMBER 2, REGARDING AUSTIN ENERGY HAS BEEN PULLED BY COUNCILMEMBER McCRACKEN, ITEM NO. 20, RELATED TO THE -- TO THE CAMPO EXECUTIVE DIRECTOR HAS BEEN PULLED BY COUNCILMEMBER ALVAREZ. AT THIS TIME, I WILL ALSO READ ON ITEM NO. 18 WE HAVE OUR APPOINTMENTS TO BOARDS AND COMMISSIONS. I WILL READ THOSE NAMES AT THIS TIME. TO THE BALCONES CANYON LAND CONSERVATION PLAN CITIZEN ADVISORY COMMITTEE, MARY RUTH HOLDER, CONSENSUS APPOINTMENT, WHO WILL BE REPRESENTING THE CITY'S ENVIRONMENTAL BOARD. GLEN COLEMAN, A CONSENSUS APPOINTMENT, WHO WILL BE REPRESENTING THE WATER AND WASTEWATER COMMISSION, AND LINDA GUERRERO, A CONSENSUS APPOINTMENT WHO WILL BE REPRESENTING THE PARKS AND RECREATION DEPARTMENTS. BOARD. TO OUR COMMISSION ON IMMIGRANT AFFAIR, ED KNEE YANG -- EDNA YANG A CONSENSUS APPOINTMENT. TO DOWNTOWN COMMISSION, ROBERT KNIGHT A CONSENSUS APPOINTMENT REPRESENTING THE URBAN LAND INSTITUTE. AND JOAN TURNIS A CONSENSUS REAPPOINTMENT REPRESENTING THE HISPANIC CHAMBER OF COMMERCE. TO OUR FEDERALLY QUALIFIED HEALTH CENTER BOARD, WILLIAM KIRKENDALL IS A CONSENSUS REAPPOINTMENT. TO OUR HOUSING AUTHORITY OF THE CITY OF AUSTIN, CHARLES BAILEY IS MY REAPPOINTMENT. AND KARL RICHIE IS MY REAPPOINTMENT. TO OUR WATER AND WASTEWATER COMMISSION, LAURA RON IS MY APPOINTMENT. THAT'S ALL OF THE APPOINTMENTS TO OUR BOARDS AND COMMISSIONS THAT SHOW AS AGENDA ITEM NO. 18. COUNCIL, ANY OTHER ITEMS TO BE PULLED FROM THE CONSENT AGENDA OR TO BE PLACED BACK ON THE CONSENT AGENDA.

**Alvarez:** MAYOR, MY QUESTIONS WERE ANSWERED ON ITEM 20 SO WE CAN PUT THAT ON CONSENT AS WELL.

Mayor Wynn: THANK YOU, ITEM NO. 20 THAT BEEN PLACED BACK ON THE CONSENT AGENDA. ANY OTHER ITEMS TO BE PULLED FOR FURTHER DISCUSSION? LET ME MAKE SURE ONE MORE TIME THAT NO CITIZENS HAVE SIGNED UP. NO CITIZENS HAVE SIGNED UP, I'M SORRY, I SHOULD READ THE CONSENT AGENDA. EXCUSE ME, I WILL READ THE CONSENT AGENDA NUMERICALLY. ITEM NO. 1, ITEM NO. 3, ITEM NO. 4

TO BE POSTPONED TO JANUARY 15th, 2004, 5, 6, 7, 8, 9, 10, 11, FOR POSTPONEMENT TO JANUARY 12th, 2004, 12, 13, 14, 15, 16, 17, 18, THE APPOINTMENTS TO THE BOARDS AND COMMISSIONS AS READ, 19, POSTPONEMENT TO JANUARY 15th, 2004, 20, 21, 22, 23, PER CHANGES AND CORRECTIONS AND NOTE THAT THE PUBLIC HEARING WILL NOW BE FEBRUARY 5th, 2004, 24, AND 25.

ONE CHANGE, MAYOR. ON ITEM NO. 11.

Mayor Wynn: YES, MS. BROWN.

Clerk Brown: THAT POSTPONEMENT DATE IS ACTUALLY TO FEBRUARY 12th, 2004.

Mayor Wynn: THANK YOU, ITEM NO. 11 IS SET FOR POSTPONEMENT TO FEBRUARY 12th, 2004, THANK YOU. COUNCIL, THAT CONCLUDES THE READING OF THE CONSENT AGENDA, I WILL ENTERTAIN A MOTION. MOTION MADE TO APPROVE BY COUNCILMEMBER McCRACKEN, SECONDED BY COUNCILMEMBER ALVAREZ. FURTHER DISCUSSION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

**Mayor Wynn:** OPPOSED? MOTION PASSES ON A VOTE OF 6-0, THE MAYOR PRO TEM IS IN THE BUILDING AND JUST WAVED, SO COUNCILMEMBER THOMAS SHOWN AS OFF THE DAIS. THANK YOU VERY MUCH. STAFF, ITEM NO. 2 WAS PULLED BY COUNCILMEMBER McCRACKEN, BUT REMIND ME, DO WE NEED TO HAVE THE PUBLIC HEARING DISCUSSION BEFORE WE EVEN TAKE UP ITEM NO. 2 TO BEGIN WITH? OKAY, SO ITEM NO. 2 --

MAYOR, IT IS AN ADMINISTRATIVE ISSUE. WE HAVE A PUBLIC HEARING AT 6:00. THIS IS A RELATED ITEM.

OKAY.

THANK YOU. WELL, WITH THAT COUNCIL, THERE ESSENTIALLY ARE NO DISCUSSION ITEMS UNTIL AFTER THE PUBLIC HEARING. SO AT THIS TIME WE WILL GO INTO -- THE COUNCIL WILL GO INTO EXECUTIVE SESSION FOR PRIVATE

CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY AGENDA ITEMS 26, RELATED TO MEET AND CONFER CONTRACT WITH THE AUSTIN POLICE ASSOCIATION, 27, RELATING TO NOLAN LUHAN ET AL VERSUS THE CITY OF AUSTIN, 28 RELATING TO SUSAN M MURRAY ... 29 RELATED TO NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT NUMBER 1 ET AL VERSUS THE CITY OF AUSTIN, 30 RELATED TO ELI GARZA ET AL VERSUS THE CITY OF AUSTIN, 31 RELATING TO BRYAN RODGERS VERSUS CITY OF AUSTIN AND ENDEAVOR REAL ESTATE LLC, 32 RELATING TO WALTER SESSION ET AL VERSUS RICK PERRY ET AL. WITHOUT OBJECTION, COUNCIL, WE ARE NOW IN EXECUTIVE SESSION. THANK YOU.

WE ARE OUT OF EXECUTIVE SESSION. IN EXECUTIVE SESSION WE RECEIVED PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER THE OPEN MEETINGS ACT. WE DISCUSSED ITEMS NUMBER 27, 29 AND 31. NO DECISIONS WERE MADE. AT THIS TIME WE'LL TAKE UP OUR 12 NOON GENERAL CITIZENS COMMUNICATION. OUR FIRST SPECIAL SPEAKER, MORGAN LITTLE. WELCOME. MR. LITTLE. YOU WILL HAVE THREE MINUTES.

THANK YOU. THE POINT HERE IS TO THANK THE MAYOR AND THE COUNCIL FOR YOUR SUPPORT IN 2003 FOR THE VETERANS' DAY PROGRAM. THANKS TO THE PROFESSIONAL STAFF, LIEUTENANT BOYDSTON. JASON BOWER, MELISSA ALEXANDER ALL HELPED IT COME TOGETHER, MADE IT EASY, MADE IT WORK SMOOTHLY. WE HAD PROBABLY 25, 30% MORE PARTICIPATION THIS YEAR THAN WE HAD IN THE PAST, AND A LARGE PART OF THAT WAS BECAUSE AISD MADE VETERANS' DAY A HOLIDAY, WHICH WAS NEAT BECAUSE WE HAD LOTS OF SCOUTS AND BOYS AND GIRLS PARTICIPATING, AND THEY ENCOUNTER THESE GUYS, THE SONS OF THE AMERICAN REVOLUTION AND THE SONS OF CONFEDERATE VETERANS AND THEY'RE ALL THERE AND THEY'RE ALL PARTICIPATING AND IT'S A GOOD CHANCE FOR THE YOUNGSTERS TO GET TO SEE THAT AND THAT'S WHAT IT'S ALL ABOUT. THE COMMITTEE HAS VOTED ALREADY FOR 2004, AND WE'RE GOING TO BYPASS D DAY AND THE BATTLE OF THE BULGE, WHICH ARE GOING TO BE 60TH ANNIVERSARIES, AND WE'RE GOING TO CELEBRATE THE

40TH ANNIVERSARY OF THE TOMCAN GULF. AND WE'RE GOING TO TRY TO BRING VIETNAM VET VETERANS HOME 40 YEARS LATER. THEY'VE BEEN VILIFIED FOR 40 YEARS AND WE'RE ALL TIRED OF THAT. WE'VE GOT THE L.B.J. LIBRARY ON BOARD AND WE'RE TRYING TO GET THE MOVING WALL HERE IN TOWN. IF YOU HAVE ANY CLOUT WITH THOSE FOLKS, WELL, WE WOULD LIKE FOR YOU TO GIVE US A HAND. THEY'RE SENDING IT TO JOHNSON CITY IN APRIL AND WE'D LIKE TO HAVE IT COME TO AUSTIN IN NOVEMBER. BUT ANY TIME YOU SEE ONE OF THESE, SAY THANKS BECAUSE THESE ARE VIETNAM VETERANS. THEY WERE THERE. IT WAS THE LONGEST ENGAGEMENT THE UNITED STATES FOUGHT. WE WERE THERE FOR ABOUT 10 YEARS. IT WAS NOT THE FIRST LOSS THAT THE DEPARTMENT OF DEFENSE OR THE U.S. MILITARY LOST. REMEMBER, WE HAD CUFTER LOST ONE AND WE HAD A MESS UP THERE AT FEDERMAN'S ENCOUNTER UP IN MONTANA BACK IN THE 19TH CENTURY. IT'S TIME TO BRING VIETNAM VETERANS HOME. WE'D LIKE YOUR SUPPORT. WE'D LIKE YOUR CONTINUED SUPPORT AS YOU'VE DONE IN THE PAST, AND THAT'S IT. THANK YOU VERY MUCH. WE REALLY DO APPRECIATE ALL YOU DID THIS PAST YEAR. LOOK FORWARD TO HAVING ANOTHER BIG ONE IN 2004. THANK YOU, SIR.

THANK YOU, MR. LITTLE. AND THE VETERANS' DAY PARADE REALLY WAS A REMARKABLE EVENT. I DO APPLAUD AISD FOR HAVING THE DAY OFF. I TOOK MY KIDS DOWN TO THE PARADE. AISD ALSO SUPPLIED THE PARADE WITH THE ALL-STAR MARCHING BAND MADE UP OF HIGH SCHOOL STUDENTS FROM ALL OF OUR HIGH SCHOOLS AND IT WAS A GREAT TRIBUTE AND A GREAT EVENT.

IT WAS A VERY NEAT OPERATION. AND LIKE I SAID, AISD WAS A HUGE HELP AS WAS CITY COUNCIL AND PROFESSIONAL STAFF, AND AGAIN, THANK YOU VERY MUCH.

THANK YOU, MR. LITTLE. PLEASE KEEP UP YOUR GOOD WORK. MARY LEHMANN? WELCOME, MA'AM. YOU WILL HAVE THREE MINUTES, MARY. YOU WILL BE FOLLOWED BY ROBERT SINGLETON.

THANK YOU, MEMBERS OF THE CITY COUNCIL. HERE I AM AGAIN FROM KEEP THE LAND, WHICH HAS HAD A VERY

INTERESTING EXPERIENCE OF FINDING OUT WHAT SUE EDWARDS MEANT BY ASSURING US AT THE LAST MEETING THAT THE DEPARTMENT WAS GOING TO KEEP US IN TOUCH, MENTIONING ROBERT AND ME PERSONALLY. OKAY. WE WERE OVERJOYED, SO WE WROTE THEM REQUESTING THE INFORMATION SHE HAD CITED. NOTHING HAPPENED. WE THEN RESORTED TO THE TEXAS OPEN RECORDS ACT: SOMETHING HAPPENED. YESTERDAY OR THE DAY BEFORE WE GOT A COPY OF THEIR LETTER TO THE ATTORNEY GENERAL REQUESTING THAT HE FIND THE INFORMATION WE ASKED OFF LIMITS, OUT OF BOUNDS. WHAT WAS THIS INFORMATION THAT THE CITY STAFF APPARENTLY DOESN'T WANT US TO KNOW? IT WAS A DETERMINATION BY THE ECONOMIC AND PLANNING SYSTEMS COMPANY THAT SUE CITED DETERMINING THE RELATIVE MERITS OF LEASING AND SELLING MUELLER, THE VERY INFORMATION THAT WE HAVE BEEN ASKING FOR, TALKING ABOUT. AND THIS WAS MADE SOME FOUR OR FIVE YEARS AGO. OKAY. WE CHECKED THE CASE LAW THAT WAS CITED, AND IT TURNS OUT THAT THE ATTORNEY GENERAL DID SAY THAT IF THESE FACTS, THIS INFORMATION, MIGHT HAVE AN EFFECT ON POLICY YET TO BE SET, THE PUBLIC WAS NOT ENTITLED TO KNOW. THAT WAS HIS DECISION ON ANOTHER CASE. WE SEE THE POINT IN THAT. BUT THEN WE REMEMBER WHO IS IT THAT SETS POLICY. YOU GUYS. HAVE YOU, ANY OF YOU, RECEIVED THIS FINDING BY THE ECONOMIC AND PLANNING SYSTEMS THAT THE CITY PAID FOR SOME TIME AGO? MORE TO THE POINT, HAVE YOU RECEIVED ANY ASSURANCE FROM CITY STAFF THAT YOU WILL GET INFORMATION ON LEASING AS WELL AS SELLING MUELLER? CURRENTLY THEY HAVE THE -- CURRENTLY? THEY HAVE THE INFORMATION IN THE PAST. AND IF YOU HAVE NOT RECEIVED ANY ASSURANCE, WILL YOU ASK CITY STAFF TO GIVE YOU THIS INFORMATION? WHO CAN BE AGAINST GETTING INFORMATION IN ORDER TO MAKE AN INFORMED DECISION? WHO WOULD BE AGAINST THAT PLEASE ASK CITY COUNCIL TO GIVE YOU THE FULL PICTURE OF INFORMATION. THANK YOU VERY MUCH.

THANK YOU, MS. LEHMANN. I WOULD ASK THE CITY MANAGER TO RESPOND TO SOME OF THE CONCERNS.

SUE, IF YOU'LL -- WHY DON'T YOU STEP UP FOR A MOMENT AND LET'S JUST TALK ABOUT WHAT THIS PROCESS LOOKS

LIKE, WHAT INFORMATION WE CAN SHARE AND WHEN AND HOW THE NEGOTIATIONS WILL MOVE FORWARD AS WE HEAD TOWARDS A MAY, JUNE, JULY DATE OF TRYING TO HAVE THE CONTRACT IN FRONT OF COUNCIL.

FIRST AS A CLARIFICATION, I DID NOT RECEIVE A REQUEST FROM MARY LEHMANN OR FROM MR. SINGLETON FOR THAT INFORMATION. THE FIRST REQUEST WE DID RECEIVE WAS AN OPEN RECORDS REQUEST. SECONDLY, WE HAVE A MEMO THAT HAS BEEN DRAFTED BY EPS THAT DOES DISCUSS THE DIFFERENCES AND ALTERNATIVES BETWEEN LEASE VERSUS SALE. WE HAVE IN THE LAST FEW MONTHS BEEN GOING THROUGH, AS I MENTIONED PREVIOUSLY, LOOKING AT THE PLAN ITSELF. ONCE THAT PLAN HAD BEEN FINALIZED AND IT'S ALMOST IN THE PROCESS OF BEING FINALIZED, WE THEN BEGAN TO PUT TOGETHER WITH THE ENGINEERS THE COST FOR ALL OF THE INFRASTRUCTURE, THE ROADS, THE WATER AND WASTEWATER LINES, AUSTIN ENERGY AND ALSO ALL OF THE OTHER PARTS OF THE INFRASTRUCTURE THAT GO IN TO THE PROJECT. ONCE WE DID THAT WE ARE NOW HAVING AN OUTSIDE COMPANY LOOK AT AND VERIFY THOSE FIGURES. ONCE WE HAVE ALL OF THOSE FIGURES, WE WILL BEGIN THEN TO LOOK AT THE FINANCING POSSIBILITIES AND HOW WE WILL BEGIN TO FINANCE OUR HOW WE COULD FINANCE THIS PROJECT. IT IS A MANY MULTI-MILLION-DOLLAR PROJECT. WE HAVE OUTSIDE COUNSEL WLS EPS AND OTHER CONSULTANTS LOOKING AT ALTERNATIVE WAYS THAT WE MIGHT BE ABLE TO WITNESS THIS. THERE HAS NOT BEEN A DECISION MADE YET ABOUT THE BEST WAY TO FINANCE THIS. THERE HAS NOT BEEN A DECISION MADE YET ABOUT WHETHER THIS IS EITHER A LEASE OR A SALE OR A COMBINATION OF A LEASE AND SALE. AND WE WILL NOT KNOW UNTIL WE HAVE ALL OF THE FIGURES IN AND WE DO SOME LOOKING -- HARD LOOKING AT THE ACTUAL FIGURES TO DETERMINE WHAT THE BEST ALTERNATIVE IS GOING TO BE. WE ANTICIPATE THAT WE WILL BE BRINGING FORWARD TO YOU IN APRIL IN EXECUTIVE SESSION DIFFERENT ALTERNATIVES OF FUNDING FOR THE PROJECT WELL IN ADVANCE OF ASKING YOU TO APPROVE A MASTER DEVELOPMENT AGREEMENT. WE HAVE ALWAYS INTENDED THAT THE COUNCIL WOULD HAVE A FIRST LOOK AT THE ALTERNATIVES FOR FUNDING. ONCE WE HAVE ALL OF THE



FACTS AND ONCE WE KNOW WHERE WE ARE GOING WITH THE LEASE VERSUS SALE.

DAVID OR SUE, WHOEVER IT'S MORE APPROPRIATE, SPEAK TO THE REASON WHY THE NUMBERS WOULD BE APPROPRIATE FOR EXECUTIVE SESSION VERSUS IN THE PUBLIC.

DO YOU WANT TO DO THAT OR DO YOU WANT ME TO?

I WAS GOING TO DEFER TO YOU, SUE, BECAUSE I'M NOT PERSONALLY FAMILIAR WITH THIS OPENS RECORDS REQUEST. SO IF YOU KNOW, I'D APPRECIATE IT.

WE ARE IN -- RIGHT NOW IN A DISCUSSION ABOUT VALUES OF LAND, VALUES OF DIFFERENT PIECES OF THE LAND AND VALUES WHEN IT COMES TO SALE VERSUS LEASE. WE HAVE NOT LOOKED AT THAT YET. WE HAVE NOT EVEN BEGAN TO DISCUSS THAT. BUT IT IS THE ATTORNEY'S OPINION, JIM COWSER AND KNIGHT AND JAN GALLOWAY'S OPINION AT THE CITY LAW DEPARTMENT THAT IF THOSE FIGURES ARE RELEASED IT HAS AN IMPACT ON HOW WE CAN NEGOTIATE. ONE, IT HAS AN IMPACT ON HOW WE NEGOTIATE WITH ANY OF THE PURCHASERS THAT COULD TELL US WHAT THEY WOULD HAVE. AND IT ALSO DEALS WITH THE FINAL AGREEMENT THAT WE HAVE BETWEEN THE CITY AND CA TELLLOUS. SO IT WOULD HAVE A NEGATIVE IMPACT SHOULD WE HAVE TO RELEASE THOSE.

SO YOUR PLAN IS LONG BEFORE A FINAL RECOMMENDATION TO COUNCIL, INTERIM STEPS IN THE NEGOTIATION, YOU WILL BE IN EXECUTIVE SESSION SHARING THIS DATA AT BENCHMARK PERIODS WITH COUNCIL AS WE MOVE TO A FINAL COUNCIL ACTION TOWARDS LATE SUMMER.

THAT'S CORRECT.

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS FROM STAFF, COUNCIL? MAYOR PRO TEM.

**Goodman:** SOME TIME ALONG THE WAY I WOULD LIKE TO GET CLEAR THAT I THINK I HAVEN'T UNDERSTOOD FROM BEFORE IS AFTER THE CONTRACT IS IN PLACE WHAT PART, IF ANY,

COUNCIL AND THE SORT OF NEIGHBORHOOD ADVISORY BOARD OR WHATEVER WE ACTUALLY TITLE THAT, WHAT PART WE AND THEY WILL BE ABLE TO PLAY IN DECISION MAKING? BECAUSE YOU CAN'T HAVE ALL THE INFORMATION BEFORE YOU EVEN START GETTING PEOPLE IN, SO CASE BY CASE I WOULD THINK WOULD BE A DECISION-MAKING PROCESS FOR WHETHER TO LEASE OR SELL. AND IF THAT IS TOTALLY UP TO CATELLUS, THEN HOW DOES ANY INPUT HAPPEN IF INPUT DOES, AND WHAT -- I'M TRYING TO ARTICULATE. WHAT FORCE DOES THAT INPUT HAVE, WHAT POWER?

IN ORDER FOR US TO COME TO A FINANCIAL AGREEMENT WITH CATELLUS, WE WILL HAVE TO KNOW BEFOREHAND WHAT IS LEASE AND WHAT IS SALE. THE BOTTOM LINE OF THE PROCESS REALLY DEALS WITH THAT. SO IN EACH ONE OF THE CASES AND EACH ONE OF THE PIECES OF THE PLAN, WE WILL HAVE INDICATED WHETHER IT IS A LEASE OR A SALE BECAUSE OF THE BOTTOM LINE FINANCIAL IMPACT THAT THAT WOULD HAVE ON THE PROJECT AS A WHOLE.

**Goodman:** ARE YOU TALKING ABOUT TRACT BY TRACT OR USE BY USE?

NO, WE'RE TALKING ABOUT USE BY USE OR LARGE PIECES OF IT. AND WE ARE AUTO EVEN THERE YET. WE HAVE NOT GOTTEN TO THAT PART OF THE DISCUSSION.

**Goodman:** YOU WOULD BE TRYING TO LAY THAT OUT IN CONTRACT LANGUAGE BEFORE?

YES, WE WOULD.

**Goodman:** BEFORE ANY OPPORTUNITY AROSE?

YES, BECAUSE A DECISION TO LEASE OR SALE IS A FINANCIAL DECISION. AND THE BOTTOM LINE FINANCIALS THAT WE WILL HAVE AND THE WAY THAT WE FINANCE THOSE EITHER THROUGH A TIF OR THROUGH AN ECONOMIC DEVELOPMENT CORPORATION, THOSE DECISIONS NEED TO BE MADE PRIOR TO THE AGREEMENT BEING COMPLETED.

**Goodman:** WILL THERE BE A WAY TO AMEND OR MODIFY

THAT ONCE THE CONTRACT'S IN PLACE?

YOU CAN ALWAYS AMEND OR MODIFY A CONTRACT.

**Goodman:** OKAY. AND THERE WAS ONE OTHER THING I WAS GOING TO ASK YOU, BUT I'M BLANKING ON WHAT THAT WAS, SO I'LL ASK LATER.

Mayor Wynn: THANK YOU ALL. OUR NEXT SPEAKER IS MR. ROBERT SINGLETON, WHO WILL BE FOLLOWED BY PAT JOHNSON. WELCOME, MR. SINGLETON. YOU WILL HAVE THREE MINUTES.

I'M SORRY, THE WHOLE PROCESS IS BEING VIEWED AS ADVERSARIAL. AND MAYBE I CAN ASK A QUESTION THAT WILL PUT SOME OF OUR FEARS TO REST. AND THAT IS, I'M WONDERING IF A COUNCILMEMBER CAN ASK ON THE RECORD A MEMBER OF STAFF IF THE COUNCIL WILL GET TWO PLANS, ONE FOR THE SALE OF THE ENTIRE PROPERTY, THE OTHER FOR LEASE OF THE ENTIRE PROPERTY. IF WE GOT THAT ANSWER CLEARLY STATED TODAY, I THINK A LOT OF OUR CONCERNS ABOUT THE PROCESS WOULD BE PUT ASIDE. SO AFTER I SPEAK I REALLY WOULD BE INTERESTED IN ONE OF THE COUNCILMEMBERS ASKING THAT QUESTION DIRECTLY OF STAFF, WILL THERE BE TWO PLANS PRESENTED TO COUNCIL OR WILL COUNCIL SIMPLY GET THE RECOMMENDATION OF STAFF AS TO WHICH WAY TO GO? I THINK COUNCIL NEEDS TO SEE BOTH A LEASE OPTION AND A SALE OPTION AND PERHAPS A MIXED OPTION. ONE OF THE ADVANTAGES OF NOT BEING A LAWYER IS LAWYERS ARE USUALLY TOLD DON'T ASK A QUESTION UNLESS YOU KNOW WHAT THE ANSWER TO IT IS, BUT I'M NOT A LAWYER, SO I'M GOING TO ASK THIS ONE. WHAT THE HECK DOES THIS MEAN? THE CITY DOES NOT HAVE RESPONSIVE INFORMATION TO THE REQUEST FOR A CONTRACT BETWEEN THE CITY OF AUSTIN AND SETON FOR THE PURCHASE OF LAND AT THE FORMER AIRPORT SITE? I'M ASSUMING THIS MEANS THAT THE CONTRACT'S NOT ALREADY WRITTEN, BUT BECAUSE OF THE LEGAL LEASE, I WAS -- LEGALESE, I WAS A LITTLE UNSURE AS TO WHAT THAT SENTENCE MEANT. LET'S ASSUME THAT IS WHAT IT MEANT. IF THERE IS NO CONTRACT, DOESN'T THERE HAVE TO BE A CONTRACT BEFORE THE DEMOLITION OF STRUCTURES AND THE

RUNWAY BEGINS AT THE AIRPORT? AND IS THAT GOING TO HAPPEN IN THAT ORDER? AND ALSO PAIR REN THET TICKLY EVERY ONCE IN A WHILE I LIKE TO TALK TO YOU ABOUT GRAMMAR. I WOULD APPRECIATE IT VERY MUCH IF EVERYONE WOULD STOP USING THE WORD DECONSTRUCTION FOR TEARING UP THE RUN RUNWAYS. IT'S NOT WHAT DECONSTRUCTION MEANS. THEY SAY WHAT'S HAPPENING AND HE SAYS SH, I'M DECOMPOSING. DECOMPOSING DOESN'T MEAN THAT AND DECONSTRUCTION DOESN'T MEAN TEARING UP RUNWAYS. THE RATIONALE FOR NOT ALLOWING US THE SETON CONTRACT BECAUSE I WAS TOLD BY SUE EDWARDS WHEN THE CONTRACT IS WRITTEN WILL WE GET A CHANCE TO SEE IT? AND SHE SAID NO, BECAUSE IT'S PART OF A LARGER SEQUENCE, A LARGER PROCESS. MY QUESTION IS THIS: IF THE CONTRACT WITH SETON PROCEEDS WITH THE CITY MAKING A DECISION TO SELL OR LEASE ON A PIECE BY PIECE BASIS THE PROCESS AND IT GOING TO TAKE 1515 YEARS TO BUILD OUT THE PROJECT, THEN IS IT GOING TO BE 15 YEARS BEFORE WE SEE THE CONTRACT FOR THE HOSPITAL THAT WILL BY THEN WILL ALREADY HAVE BEEN BUILT AND UP AND RUNNING FOR YEARS? THAT'S THE INTERPRETATION I TOOK FROM WHAT I WAS TOLD AND I DON'T THINK THAT'S VERY GOOD PUBLIC POLICY. I THINK ONCE THE CONTRACT IS SIGNED AND PUBLIC MONEY IS EXPENDED, IT SHOULD BE A MATTER OF PUBLIC RECORD. AND THIS IDEA THAT IT'S PART OF ALARMER PROCESS GIVES THE CITY AN ENORMOUS OUT. ALL WE HAVE TO DO IS RESERVE ONE LITTLE PART OF THE PROPERTY THAT HAS NOT YET BEEN TOLD AND THEN THEY DON'T HAVE TO DO ANYTHING. IN CONCLUSION, THE INTENT OF THE PUBLIC INFORMATION ACT VERY CLEARLY IS THAT AS MUCH INFORMATION BE PUBLIC INFORMATION AS POSSIBLE. IF -- I WOULD APPRECIATE IT VERY MUCH IF THE CITY WOULD AS SOON AS FEASIBLY POSSIBLE LET US SEE THOSE COMPARISONS THAT EPS PREPARED. THEY CAN BE EXEMPTED, BUT THEY DON'T HAVE TO BE EXEMPTED. AND FINALLY I WANT TO STRESS AGAIN THAT I WOULD LIKE TO HAVE A COUNCILMEMBER ASK THE CITY MANAGER WILL THE CITY COUNCIL GET TWO PLANS, ONE FOR SALE AND ONE FOR LEASE OF THE ENTIRE SITE? THANKS.

Mayor Wynn: THANK YOU, MR. SINGLETON. MAYOR PRO TEM

PICKED UP HER MIC FIRST.

**Goodman:** CONSIDER THE QUESTION ASKED, BUT THREE, I THINK THE MIX IS KIND OF IMPERATIVE TO LOOK AT. AND DEFINITELY I THINK WE SHOULD LOOK AT IT BEFORE ANYTHING IS SELECTED.

ALL RIGHT, SUE, I WILL ASK YOU TO STEP BACK UP SO THAT I'M NOT GOING TO MISSTATE ANY OF THIS. YOU ARE GOING TO RUN NUMBERS FOR LEASING, FOR SALE AND A COMBINATION OF THE BOTH. YOU ARE GOING TO SHARE THOSE NUMBERS IN EXECUTIVE SESSION WITH THE COUNCIL AS YOU MOVE THROUGH NEGOTIATIONS. AT THE END OF THE NEGOTIATIONS, THERE WILL BE A RECOMMENDATION FROM STAFF THAT WILL INCLUDE WHAT YOU BELIEVE IS THE BEST MIX OR ONE OR THE OTHER OF THOSE TWO. IS THAT A CORRECT STATEMENT?

THAT'S A CORRECT STATEMENT.

OKAY. JUST A COUPLE OTHER THINGS, ROBERT. THE RUNWAY IS GOING TO BE TORN UP REGARDLESS OF CHILDREN'S HOSPITAL'S CONSTRUCTION OR WHATEVER OTHER CONSTRUCTION PROJECT HAPPENS FIRST OR SECOND OR THIRD ON MULE IRRELEVANT. IT'S ALWAYS BEEN INTENDED TO TAKE UP THE RUNWAY. THAT WORK, WHENEVER IT BEGINS, IS OVERDUE. AND ACTUALLY, THE SOONER WE TEAR IT UP, THE LESS CHANCE THERE IS THAT ANYONE EVER TALKS AGAIN ABOUT MAKING MUELLER AN AIRPORT AGAIN. SO THAT WORK IS BEGINNING AND SHOULD BEGIN. AND AS FAR AS THE CONTRACT STATUS ON THE CHILDREN'S HOSPITAL, I HAVE TO ADMIT THAT WAS A BIZARRE WORDING OF AN ANSWER TO YOU. IT'S A STRAIGHT UP ANSWER THAT THE CONTRACT IS JUST NOT SIGNED YET?

NO. THEY ASKED FOR A COPY OF THE CONTRACT BETWEEN THE CITY OF AUSTIN AND SETON. THE CITY OF AUSTIN HAS A CONTRACT WITH CATELLUS. CATELLUS HAS A CONTRACT WITH SETON.

OKAY. SO --

WE DO NOT HAVE A CONTRACT WITH SETON. THE CITY OF

AUSTIN DOES NOT HAVE A CONTRACT WITH SETON.

SO ROBERT, BRING THE QUESTION -- WE FRAMED THE QUESTION WITH THE WRONG WORD. I THINK WE COULD HAVE HELPED YOU A LITTLE BIT WITH THAT RESPONSE.

[INAUDIBLE - NO MIC].

I KNOW. AND RESIDENTS BEGGED THE QUESTION. I THINK WE CAN JUST TELL YOU AND GET YOU WHAT YOU NEED RATHER THAN MAKE SUBMIT ANOTHER OPEN RECORDS REQUEST. THANKS.

Mayor Wynn: THANK YOU ALL. OUR NEXT SPEAKER IS PAT JOHNSON. WELCOME, MR. JOHNSON. APPRECIATE YOUR PATIENCE. YOU WILL HAVE THREE MINUTES.

MAYOR AND COUNCIL, MY NAME IS PAT JOHNSON, AND I'M NOT SPEAKING ON BEHALF OF ANY TOWING COMPANY. I'M NOT SPEAKING ON BEHALF OF THE AUSTIN TOWING ASSOCIATION. I SPEAK ON BEHALF OF THE PUBLIC. I COME HERE TODAY TO SHARE SOME PROBLEMS THAT THE PUBLIC IS FACED WITH DEALING WITH TOWING COMPANIES, PER SE, THAT DO PRIVATE PROPERTY I AM POUNDS BECAUSE NOT ALL THE TOWING COMPANIES THAT ARE MEMBERS OF AUSTIN TOWING ASSOCIATION OR PICKUP ROTATIONS DO PRIVATE PROPERTY I AM POUNDS. THIS IS A VERY STICKY MATTER. BACK IN 1991 THERE WAS A SERIOUS PROBLEM WITH A CAR BEING TOWED AWAY BECAUSE THERE WASN'T A PROPER SIGNAGE. SO I WROTE THE ORIGINAL VERSION OF 684. USED TO BE 6701-G-1 OF THE TRANSPORTATION CODE THAT SET OUT SPECIFIC GUIDELINES FOR PROPERTY OWNERS AND TOWING COMPANIES TO FOLLOW. AND THEN IT WAS PICKED UP BY (INDISCERNIBLE) AND ANOTHER REPRESENTATIVE IN DALLAS. THEY AMENDED THAT PETITION. ALL THE ENTITIES, BOTH PUBLIC AND PRIVATE, WE ALL COME TO AN AGREEMENT THIS IS HOW WE WERE GOING TO ABIDE BY, THIS IS WHAT EVERYBODY WAS GOING TO GO THROUGH. TWO YEARS LATER TOWING COMPANIES SAY WE'RE NOT GOING TO DO THAT. SO THE PUBLIC WERE STILL GETTING TOWED AND THEY HAD NO RECOURSE. SO I WROTE 685, WHICH IS THE RIGHTS OF A VEHICLE OWNER THAT TELL THEM HOW TO CONTEST THE TOWING OF A VEHICLE. UP

UNTIL RECENTLY THE FEDERAL COURTS HAVE RULED THAT CHAPTER 684 AND 685 WAS PREEMPTIVE FROM STATE REGULATION. SO WHAT'S THE PUBLIC DO? PEOPLE GO TO JP COURT AND ALL THE JP'S HEARD EVIDENCE, BARBARA ESPECIALLY BRING, THE OTHER ONE, THE TOWING COMPANY SHOW UP AND SAY, WELL, WE MAKE A MOTION TO DISMISS AND THE JP'S STOP IT RIGHT THERE. THIS CONTINUES TO GO ON. THEN WE ASKED -- THEN I ASKED COLLIDE ALEXANDER, ASK JOHN CRO ANYONE, WHO HAS ENFORCEMENT RIGHTS OVER 684 AND HE ENTERED AN OPINION IN 2002 THAT CRIMINAL LIES AND SENT ANY VIOLATION OF 684 IS A CRIMINAL OFFENSE. THAT RULING CAME OUT ON THE 12TH. I HAD A CONVERSATION WITH THE A DETECTIVE WITH THE AUSTIN POLICE DEPARTMENT. I HAVE A LOT OF RESPECT FOR THE POLICE DEPARTMENT AND I BELIEVE THEY ARE CAPABLE OF ENFORCING THE LAW IF GIVEN THE RIGHT DIRECTION. AT 1:40 P.M. THIS DATE, SEPTEMBER 20TH, I SPOKE TO THE DETECTIVE REGARDING THE AG'S RULING REGARDING ENFORCEMENT OF CHAPTER 684. HE TOLD ME THAT A.P.D. WAS NOT GOING TO PROSECUTE ANYONE -- [ BUZZER SOUNDS ] MAY I CONTINUE, PLEASE?

Mayor Wynn: PLEASE CONCLUDE, MR. JOHNSON.

THE POINT IS I HAVE PLEADED AND PLEADED AND PLEADED FOR ENFORCEMENT OF THIS LAW. IT'S A CONSUMER PROTECTION ISSUE. I HAVE TRIED TO FILE COMPLAINTS AGAINST TOWING COMPANIES THAT VIOLATE THE CITY'S ORDINANCE OVER 200 TIMES, AND I CANNOT FILE BECAUSE I'M NOT A VICTIM. THEY WILL NOT TAKE ANY COMPLAINTS FROM ANYBODY UNLESS YOU'RE A VICTIM. AND THIS IS RIDICULOUS. TOWING COMPANIES THAT DO PRIVATE PROPERTY I AM POUNDS, NOT ALL OF THEM, A SELECT FEW, ARE GOING OUT THERE COMMERCIALLY BRIBING PROPERTY OWNERS, GIVING KICKBACKS, TOWING PEOPLE'S CARS. THERE WAS ONE INCIDENT A COUPLE OF WEEKS AGO WHERE A TOWING COMPANY TOWED A CAR OFF, THEY CALLED UP AND WHAT HAPPENED TO MY CAR? THE MANAGER SAID I DIDN'T GIVE THEM PERMISSION TO TOW THAT CAR. PEOPLE SHOW UP TO GET THEIR VEHICLE AND IT WAS STRIPPED. BUT THEN AGAIN, A.P.D. DON'T HAVE ANY JURISDICTION ON THEM BECAUSE THEY'RE LOCATED IN THE

COUNTY. IF YOU'RE GOING TO ALLOW PEOPLE -- TOWING COMPANIES TO TOW CARS OUT OF THE CITY OF AUSTIN, YOU HAVE TO HAVE SOME PROTECTION FOR THE CITIZENS. AND THE ISSUE IS HERE THE DETECTIVE TOLD ME STRAIGHT UP, HE SAID HIS COMMANDER TOLD HIM, AND I THINK AT THE TIME IT WAS RUDY GONZALES BEFORE HE QUIT, HE SAID, THEY'RE AWARE OF THE AG'S RULING AND UNTIL TOLD TO DO SO REGARDING CRIMINAL CHARGES BEING FILED, NOTHING WOULD HAPPEN. WELL, THERE'S A CASE THAT'S GOING TO TAKE PRECEDENCE TODAY IN SAN ANTONIO MUNICIPAL COURT WHERE THE SAN ANTONIO POLICE DEPARTMENT FILED CRIMINAL CHARGES AGAINST A OWE TOEING COMPANY IN SAN ANTONIO FOR VIOLATING PARTS OF 684 AND THE STATUTE.

Mayor Wynn: THANK YOU, MR. JOHNSON. I'LL PERSONALLY ASK THE CITY MANAGER TO GIVE US A MEMO AS TO WHAT OUR CURRENT PROCEDURES ARE, HOW IT RELATES TO THE AG'S RULING THAT YOU REFERENCE AND TO FOLLOW THE CASE IN SAN ANTONIO.

I JUST DON'T THINK IT'S RIGHT THAT PEOPLE HAVE THEIR CARS TAKEN AND THEIR HELD HAS TOJ FOR MONEY AND THEY HAVE NO RECOURSE.

I DON'T KNOW IF THIS WOULD HELP YOU. I'LL R. I'LL HAVE THE CHIEF TO SPEAK TO YOU TODAY AND WE WILL GET A MEMO OUT TO THE COUNCIL AS A WHOLE.

I'LL BE BACK NEXT WEEK.

Mayor Wynn: THANK YOU, MR. JOHNSON. THAT'S ALL THE CITIZENS SIGNED UP FOR GENERAL CITIZEN'S COMMUNICATION. COUNCIL, IF YOU WILL REMEMBER IN EXECUTIVE SESSION WE DISCUSSED ITEM 27 RELATED TO NOLAN LUHAN ET AL VERSUS THE CITY OF AUSTIN. I BELIEVE THE STAFF IS READY FOR A PRESENTATION ON ITEM NUMBER THROW, THE ACTION ITEM RELATED TO THAT CASE.

MAYOR, COUNCILMEMBERS, MY NAME IS LAURIE AGILO, I'M AN ASSISTANT CITY ATTORNEY. TODAY I'M REQUESTING CITY APPROVAL TO SETTLE NOLAN LUHAN AT ALL VERSUS THE CITY OF AUSTIN WHICH DEALS WITH OVERTIME PAY FOR



PARAMEDICS IN THE AMOUNT OF \$221,104.50 FROM THE LIABILITY RESERVE FUND. IN ADDITION TO THAT I'M REQUESTING COUNCIL APPROVAL TO SETTLE CLAIMS BY NON-SUPERVISORY PARAMEDICS WHO DID NOT JOIN INTO THE ACTION AND MAY STILL FILE CLAIMS AGAINST THE CITY IN THE AMOUNT OF \$301,237. ALSO FROM THE LIABILITY RESERVE FUND.

Mayor Wynn: COMMENTS OR QUESTIONS OF STAFF, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 33?

SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER THOMAS, SECOND BY COUNCILMEMBER THOMAS TO APPROVE THE ITEM NUMBER 33, THE SETTLEMENT AS OUTLINED. FURTHER COMMENTS OR QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU.

THANK YOU.

Mayor Wynn: COUNCIL, WITH THAT THERE'S NO MORE DISCUSSION ITEMS BEFORE US, SO WE WILL GO BACK -- COUNCIL WILL GO BACK INTO EXECUTIVE SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY AGENDA ITEMS NUMBER 26 RELATED TO MEET AND CONFER CONTRACT WITH THE APA, 28 RELATING TO SUZANNE M. MURRAY VERSUS THE CITY OF AUSTIN AND CHANNY SOEUR, 29 AND 32. WE ARE NOW IN EXECUTIVE SESSION. WE DISCUSSED ITEM NO. 26, ITEM NO. 28, 30 RELATED TO ELI GARZA ET AL VERSUS THE CITY OF AUSTIN, 32 RELATED TO WALTER SESSION ET AL VERSUS RICK PEROT ET AL. NO DECISIONS -- RICK PERRY ET AL, NO DECISIONS WERE MADE. AT THIS TIME, COUNCIL, I BELIEVE THAT WE COULD TAKE UP ONE OF THE ISSUES THAT WAS DISCUSSED IN EXECUTIVE SESSION, WHICH WOULD BE ITEM

NO. 34. A PROPOSED SETTLEMENT AGREEMENT, I WOULD WELCOME A BRIEF STAFF PRESENTATION ON THAT. MR. PLAYER, MAYOR PRO TEM AND CITY COUNCIL, MY NAME IS ROBIN SANDERS, I WORK FOR THE LAW DEPARTMENT. I AM RECOMMENDING SETTLEMENT OF THE LAWSUIT SUSAN M MURRAY VERSUS THE CITY OF AUSTIN AND CHANNY SOEUR, CAUSE NUMBER A-02-CA-784 SS, IN THE WESTERN DISTRICT OF AUSTIN, THE SETTLEMENT AMOUNT WOULD BE \$78,500.

Mayor Wynn: ANY QUESTIONS OF STAFF? COUNCIL? IF NOT I WILL ENTERTAIN A MOTION. MOTION MADE TO APPROVE BY COUNCILMEMBER DUNKERLY. I WILL SECOND THAT. FURTHER DISCUSSION? COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

**Mayor Wynn:** OPPOSED? MOTION PASSES ON A VOTE OF 6-0 THE MAYOR PRO TEM STEM PARALEGAL OFF THE DAIS -- TEMPORARILY OFF THE DAIS. COUNCIL, THAT BRINGS US TO OUR 4:00 ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. I WILL RECOGNIZE MS. ALICE GLASGO.

Glasgo: GOOD AFTERNOON --

Mayor Wynn: EXCUSE ME, I'M SORRY TO CUT YOU OFF. COUNCIL, WE HAVE MADE A MISTAKE ON THE CONSENT AGENDA WHEN WE PASSED ITEMS 4 AND 25 -- ITEMS 25 AND - 24 AND 25. WE SET PUBLIC HEARINGS RELATED TO NAKED PLANS FOR 6:00 P.M. AS WE KNOW WE TAKE UP NEIGHBORHOOD PLANS AT OUR 4:00 ZONING TIME CERTAINS. SO WITH THAT I WILL ENTERTAIN A MOTION TO RECONSIDER ITEMS 24 AND 25.

SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ, I WILL SECOND THAT. FURTHER DISCUSSION ON RECONSIDERING ITEMS 24 AND 25? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

**Mayor Wynn:** OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM OFF THE DAIS. MAKE THAT 5-0, COUNCILMEMBER DUNKERLY AS WELL. SO COUNCIL WE HAVE NOW RECONSIDERED ITEMS 24 AND 25. I WILL ENTERTAIN A MOTION TO CHANGE THE TIME OF THOSE POSTED PUBLIC HEARINGS TO 4:00 P.M. RESPECTIVELY, EACH OF THOSE TWO DAYS.

SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER, I WILL SECOND THAT TO SET THE PUBLIC HEARING ON ITEM NO. 24 FOR 4:00 P.M., MARCH 25th, 2004. AND ITEM NO. 25, TO 4:00 P.M. JANUARY 15th, 2004. FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

**Mayor Wynn:** OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU, MS. GLASGO AND COUNCIL.

WELL, GOOD AFTERNOON MAYOR AND COUNCILMEMBERS, A HAPPY NEW YEAR TO ALL OF YOU. ZONING CASES FOR TODAY ARE AS FOLLOWS: ITEM NO. Z-1, CASE -- THIS IS A PLAN AMENDMENT, STAFF IS REQUESTING A POSTPONEMENT TO JANUARY THE 29th. ON ITEM NO. Z-2, THE APPLICANT IS REQUESTING A POSTPONEMENT TO FEBRUARY THE 12th, THIS IS THE APPLICANT'S FIRST REQUEST. ON Z-3, C14-03-96, THE APPLICANT IS ALSO REQUESTING A POSTPONEMENT TO FEBRUARY THE 12th AND THIS CASE IS RELATED TO THE PREVIOUS ONE. ITEM NO. Z-4, C14-03-90. SH, THIS IS THE KB SHELDON 230 DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF THAXTON ROAD AT SALT SPRINGS DRIVE. THE PROPERTY IS CURRENTLY ZONED INTERIM SINGLE FAMILY 2 AND S.F. 3 AND THE APPLICANT IS REQUESTING A CHANGE TO SINGLE FAMILY 4 A. AND [INDISCERNIBLE] BY THE DISTRICTS. THE REQUESTED ZONING HAS BEEN RECOMMENDED BY THE ZONING AND PLATTING COMMISSION AND THE CASE IS READY FOR ALL THREE READINGS AS RECOMMENDED BY THE COMMISSION.

ITEM NO. Z-5, C14-03-151, ALLEN SAMUELS DODGE LOCATED AT 12301 INTERSTATE HIGHWAY 35 NORTH. THE APPLICANT IS SEEKING A CHANGE FROM L.O. TO G.O., I'M SORRY THE PROPERTY IS CURRENTLY ZONED L.O. AND G.O., THE CHANGE IN ZONING IS G.R.-C.O. THE CASE IS READY FOR ALL THREE READINGS BY THE APPLICANT -- BUT THE APPLICANT HAS ASKED THAT YOU ADD HOTEL AND MOTEL USE TO THE PROHIBITED LIST THAT YOU HAVE IN YOUR BACKUP. SO WE HAVE A LIST OF PROHIBITED USES, THEY ARE ASKING THAT YOU ADD HOTEL AND MOTEL AS A PROHIBITED USE, THAT CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-6, C 14-00-212. SH, A RESTRICTIVE COVENANT AMENDMENT FOR PROPERTY LOCATED ON IDA RIDGE DRIVE AND CENTURY PARK DRIVE. THE AMENDMENT REQUEST IS RECOMMENDED BY THE COMMISSION AND IT'S READY FOR APPROVAL. ITEM NO. Z-7, C14-03-159, THIS PROPERTY IS LOCATED AT 1603 CENTURY STREET AND THE CHANGE IN ZONING IS FROM SINGLE FAMILY 2 TO L.I. AND THE COMMISSION'S RECOMMENDATION IS TO GRANT L.I.-C.O., THIS CASE IS READY FOR ALL THREE READINGS. MAYOR, THAT CONCLUDES MY PRESENTATION ON THE CONSENT ITEMS.

THANK YOU, MS. GLASGO. SO COUNCIL CONSENT FOR ZONING CASES WILL BE Z-1 POSTPONED TO JANUARY 29th, 2004. Z-2 AND Z-3 POSTPONED TO FEBRUARY 12th, 2004. Z-4 AND Z-5 ON THREE READINGS. Z-6 APPROVE THE AMENDMENT. AND Z-7, MS. GLASGO?

Glasgo: THAT'S READY FOR ALL THREE READINGS, ALSO.

Mayor Wynn: THREE READINGS AS WELL?

Glasgo: YES. I WILL ENTERTAIN A MOTION ON THE CONSENT AGENDA?

**Thomas:** SO MOVE, MAYOR.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS.

**Goodman:** I WILL SECOND.

Mayor Wynn: SECONDED BY THE MAYOR PRO TEM. WE HAVE

A FEW --

**Goodman:** IF THE MOTION IS ALSO INCLUDING THAT PROHIBITED USE OF HOTEL/MOTEL ON Z-5.

**Thomas:** THAT'S TRUE.

Mayor Wynn: YES, CORRECT.

**Thomas:** YES.

Mayor Wynn: OKAY. WE HAVE A MOTION AND A SECOND ON THE TABLE. A FEW CARDS. WE HAVE WILLIE LEWIS IS SIGNED UP TO SPEAK ON Z-AND Z-2, HOWEVER, MR. LEWIS BOTH ARE SET FOR POSTPONEMENT. Z-1 TO JANUARY 29th AND Z-2 TO FEBRUARY 12th. SORRY IF YOU MISSED THAT EARLIER. WE WILL HOLD YOUR CARD FOR THOSE DATES, MR. LEWIS. Z-5 WE HAVE A NUMBER OF FOLKS SIGNED UP IN FAVOR. SIGNED UP ALONG WHERE THE APPLICANT. I RESUME THAT THEY WON'T NEED TO SPEAK. WITH THIS BEING ON THE CONSENT AGENDA. I'M CORRECT WITH THAT ASSUMPTION. THANK YOU. Z-6:00 WE HAVE MR. McHONE SIGNED UP WISHING TO SPEAK IF COUNCIL HAS QUESTIONS. BUT IF THE APPROVAL OF THAT RESTRICTIVE COVENANT AMENDMENT IS ON THE CONSENT AGENDA, SO MR. McHONE WILL WAIVE HIS SPEECH, THANK YOU, SIR. ITEM NO. Z-7, ERIC SOLMUNDSON WISHING TO SPEAK ONLY IF COUNCIL HAS QUESTIONS, AGAIN, SIR, Z-7 IS ON THE CONSENT AGENDA FOR APPROVAL. ANY FURTHER COMMENTS, QUESTIONS, COUNCIL? THERE'S A MOTION AND A SECOND ON THE TABLE TO APPROVE THE ZONING CONSENT AGENDA AS READ. ALL THOSE IF FAVOR PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 6 -- 7-0, ON THE CONSENT AGENDA AS READ. MS. GLASGO?

Glasgo: MAYOR, THAT TAKE US TO ITEM Z-8, WHICH IS A DISCUSSION ITEM. AS GREG IS HELPING SET UP, WE WILL PROCEED.

Glasgo: MAYOR AND COUNCILMEMBER, ITEM NO. Z-8 IS CASE

C14-03-141, THE PROPERTY IS LOCATED AT 1505 BOULDIN AVENUE. THIS CASE IS PART OF A PREVIOUSLY ADOPTED NEIGHBORHOOD PLAN, WHICH IS CALLED THE BOULDIN NEIGHBORHOOD PLAN. WE HAVE HANDED YOU A SMALL MAP THAT IS IN FRONT OF YOU, THAT'S THE FUTURE LAND USE MAP THAT SHOWS YOU THE LAND USES THAT WERE ADOPTED FOR THIS AREA. THE PROPERTY -- THE PROPERTY IS CURRENTLY ZONED SINGLE FAMILY 3 WITH THE NEIGHBORHOOD PLAN OVERLAY. THE APPLICANT IS SEEKING A CHANGE TO SINGLE FAMILY 4 ANP. THE PLANNING COMMISSION STAFF RECOMMENDED THE REQUEST, HOWEVER THERE IS OPPOSITION AND THERE IS A VALID PETITION AGAINST THE REZONING. I WILL JUST GIVE YOU A BRIEF OVERVIEW OF THE -- OF THE ISSUES PERTAINING TO THIS CASE FOR THEIR REASONS FOR REZONING. THE STAFF RECOMMENDATION IS BASED ON THE FOLLOWING REASONS. THE REQUESTED ZONING DISTRICT COMPLY WAS THE ADOPTED BOULDIN NEIGHBORHOOD PLAN WHICH DESIGNATES THE PROPERTY FOR SINGLE FAMILY RESIDENTIAL USE SHOWN ON YOUR MAP IN YELLOW. IN ADDITION THE PLAN SPEAKS TO MAINTAINING THE SINGLE FAMILY RESIDENTIAL CHARACTER OF THE INTERIOR, WHICH IS GOAL NUMBER ONE, OBJECTIVE 1.1 ON PAGE 14 OF THE ADOPTED NEIGHBORHOOD PLAN. THE REQUEST FOR SINGLE FAMILY S.F. 4 A ZONING DISTRICT COMPLIES WITH THE PLAN'S OBJECTIVE BY ALLOWING SINGLE FAMILY LOT DEVELOPMENT. THE SINGLE FAMILY RESIDENTS SMALL LOT DISTRICT IS THE DESIGNATION OF A MODERATE SINGLE FAMILY RESIDENTIAL USE ON A LOT THAT IS A MINIMUM OF 3600 SQUARE FEET. IN SINGLE FAMILY 4 IN DISTRICT USE, THE USE IS SUBJECT TO DEVELOPMENT STANDARDS THAT MAINTAIN SINGLE FAMILY NEIGHBORHOOD CHARACTERISTICS. THE SUBJECT TRACT IS DEVELOPED WITH TWO SINGLE FAMILY HOMES. WHICH IF SUBDIVIDED WOULD MEET THE 3600 SQUARE FOOT MINIMUM LOT SIZE FOR SINGLE FAMILY S.F. 4 A. THE PROPERTY IS LOCATED IN THE DESIRED DEVELOPMENT ZONE AND CLOSE TO THE CENTRAL BUSINESS DISTRICT, THEREFORE MAKING THE SINGLE FAMILY 4 A A MODERATE DENSE STAY SINGLE FAMILY DISTRICT REASONABLE AT THIS LOCATION. THERE ARE OR THERE IS A SMALL LOT SUBDIVISION THAT IS ON THE MAP AND I WILL POINT THAT OUT TO YOU BRIEFLY. AND WE

FEEL THAT WOULD BE CONSISTENT WITH THE LOT, TOO. THE REZONING REQUEST WILL ALLOW FOR REENL USE OF THE -- REASONABLE USE OF THE PROPERTY IN THAT THERE ALREADY EXISTS SINGLE FAMILY RESIDENCES ON THE PROPERTY AND THE REZONING WOULD ALLOW EACH TO SIT ON A LEGAL LOT. THIS IS WHAT YOU WILL DO, IF YOU ALLOW THE ZONING SINGLE FAMILY 4 A FOR INSTALLER LOTS, IT WILL ALLOW THE TWO SINGLE FAMILY HOMES THAT CURRENTLY EXIST TO BE SUBDIVIDED SO YOU CAN SELL OR CONVEY THE PROPERTY TO DIFFERENT PEOPLE, WHICH YOU CANNOT DO TODAY BECAUSE IT IS ON ONE LOT. THAT WOULD ALSO MAKE IT CONSISTENT WITH OTHER LOTS THAT ARE IN CLOSE PROXIMITY TO THIS PROPERTY. I WILL POINT THAT OUT ON THE MAP NOW.

FIRST OF ALL, I'LL START OFF WITH THIS IS THE ADOPTED NEIGHBORHOOD PLAN, IT SHOWS YOU WHERE ALL OF THE YELLOW IS AND THE TRACT THAT IS HIGHLIGHTED IN RED RIGHT THERE IS THE SUBJECT TRACT. I WILL NOW GO TO THE CLOSE UP ZONING MAP THAT GIVES YOU AN IDEA THERE. THIS IS THE SUBJECT TRACT IN YELLOW. AS YOU CAN SEE, WITHIN THIS BLOCK, YOU HAVE -- YOU HAVE THE LOTS HERE ARE ALL SUBDIVIDED, THEY ARE ALL SPLIT INTO TWO. YOU HAVE BOULDIN, AVENUES -- SO THE HOMES ALONG HERE FACE BOULDIN AVENUE. THE HOMES ON THE REAR FACE SOUTH THIRD STREET. ALL THEY WILL BE DOING IS THERE'S A HOUSE BACK THERE AND THERE. SUBDIVIDE THAT INTO TWO. AND THEN YOU HAVE THE SAME PATTERN AS YOU CURRENTLY HAVE ON THE ADJOINING LOTS TO THE SOUTH AND TO THE NORTH. IN 2000, THE CITY COUNCIL APPROVED SINGLE FAMILY 4 A ZONING FOR THE LOTS HIGHLIGHTED IN GREEN SO YOU ALREADY HAVE THAT PATTERN, THAT TYPE OF ZONING AND YOU HAVE THAT SUBDIVISION, WHICH HAS -- WHICH HAS ONE, TWO, THREE, ABOUT FOUR LOTS THAT ARE SMALL. IN THE SAME NATURE AS THE ONES THAT ARE BEING REQUESTED. SO WE FEEL THAT THE -- THAT THE CHANGE IN ZONING WOULD NOT CHANGE THE CHARACTER OF WHAT EXISTS THERE TODAY AND SHOULD THE REDEVELOPMENT OCCUR, THE REDEVELOPMENT WOULD -- WOULD OBVIOUSLY ALLOW FOR LOTS THAT COMPLY WITH THAT ZONING DISTRICT AND IT WOULD BE CONSISTENT WITH WHAT'S ALREADY THERE. SO --

SO THAT'S -- THAT'S OUR RECOMMENDATION TO YOU AND THAT RECOMMENDATION IS TO GRANT THE ZONING CHANGE. GREG GUERNSEY HAS ALSO DONE SOME ANALYSIS BECAUSE WE THOUGHT THIS MIGHT HELP YOU UNDERSTAND THE SIZE OF EACH OF THOSE LOTS THAT ARE SMALLER OR SAME SIZE AS THIS SUBJECT TRACT AND HE'S GOING TO WALK YOU VERY QUICKLY THROUGH THAT.

GUERNSEY: HELLO, COUNCIL. THE SUBJECT TRACT IS OUTLINED IN ORANGE, THIS IS SOUTH THIRD. JEWEL, MONROE TO THE SOUTH. THERE ARE NOT MANY LOTS, AS YOU LOOK FURTHER TO THE NORTH OR FURTHER TO THE SOUTH AS IF YOU LOOK AT YOUR EXHIBIT THAT YOU HAVE ON THE DAIS THAT HAVE -- THAT ARE CALLED THROUGH LOTS WHERE YOU HAVE A SINGLE LOT BUT TWO FRONTAGES. WHAT I DID IS TRY TO TAKE A LOOK AT THE TAX PARCEL MAPS, TRY TO ESTIMATE, TAKING IN DIMENSIONS AND CALCULATING THEM, THE AREA OF THE LOTS THAT ARE SURROUNDING THE SUBJECT TRACT. WITHIN THE SAME BLOCK, WITH THE EXCEPTION OF THE OTHER THROUGH LOT THAT FRONTS OR HAS -- FRONTS ON JEWEL AND BOULDIN AND SOUTH THIRD TO THE NORTH, EVERY ONE OF THE OTHER LOTS WOULD NOT MEET THE MINIMUM LOT STANDARDS OF S.F. 3. IN FACT IF YOU LOOK AT THE GENERAL AREA, JUST TO THE NORTH -- NORTHWEST, THESE LOTS FAIL TO MEET THE MINIMUM LOT SIZE FOR S.F. 3, THE FIRST THREE LOTS ADJACENT ON -- ACROSS THE STREET ON BOULDIN FAIL TO MEET S.F. 3. BUT THESE LOTS THAT ARE ON THE SAME BLOCK WITH THE EXCEPTION TO THE TWO TO THE NORTH AND THE THREE ON THE OPPOSITE SIDE OF THE STREET, WERE SUBDIVIDED IN A TIME WHEN IT ALLOWED FOR THOSE LOTS TO BE CORRECTED. I CAN'T SAY WHEN THE TWO LOTS TO THE NORTH THAT WERE SUBDIVIDED, WHEN THAT OCCURRED OR IF IT WAS A LEGAL SUBDIVISION OR NOT. NOR COULD I REALLY SPEAK TO THE OTHER THREE UP HERE. BUT IN GENERAL, ALL OF THESE LOTS, IF YOU WERE TO DIVIDE THEM IN TWO, THIS LOT ONE AND ALL OF THE LOTS THAT HAVE ALREADY BEEN DIVIDED FAIL TO MEET THE S.F. 3 STANDARDS BUT WOULD COMPLY WITH THE S.F. 4 A MINIMUM LOT STANDARD. LET ME JUST KIND OF WALK THROUGH THESE. THIS SUBJECT TRACT IS ABOUT 7,797 SQUARE FEET IF YOU WERE TO DIVIDE IT INTO IT WOULD



END UP WITH TWO LOTS APPROXIMATELY 3 ... THOUSAND SQUARE FEET. THIS IS IMMEDIATELY TO THE NORTH FROSTING ON BOULDIN. THE ONE IMMEDIATELY TO THE NORTH FRONTING ON SOUTH THIRD IS ABOUT 3526. IMMEDIATELY TO THE SOUTH FRONTING ON BOULDIN 6245. IMMEDIATELY TO THE SOUTH BUT FRONTING ON SOUTH THIRD IS 4258. ACROSS THE STREET, ON SOUTH THIRD, THESE TWO LOTS ARE APPROXIMATELY 7,600 SQUARE FEET. ON THE OPPOSITE SIDE OF -- ON ACROSS FROM THIS TRACT THESE LOTS RANGE FROM 4682 TO ABOUT 6055. THE LOT DIRECTLY ACROSS THE STREET IS ONLY 5,390 SQUARE FEET THERE. IS A VALID PETITION AS ALICE MENTIONED. THIS IS ONLY IF COUNCIL APPROVES IT TODAY, IT WOULD ONLY BE READY FOR FIRST READING.

THANK YOU, MR. GUERNSEY. AT THIS TIME, WE WILL HAVE A FIVE MINUTE PRESENTATION BY THE APPLICANT OR OWNER. FOLLOWED BY THOSE FOLKS IN FAVOR OF THE ZONING REQUEST, THOSE FOLKS AGAINST THE ZONING REQUEST AND A 3 MINUTE REBUTTAL BY THE APPLICANT. WELCOME, SIR, YOU WILL HAVE FIVE MINUTES.

THANK YOU, MY NAME IS VINCE HEBINGER, REPRESENTING THE OWNERS OF THE PROPERTY. AS ALICE AND GREG SAID, BASICALLY A LOT OF THINGS THEY JUST SAID I WON'T REPEAT. I WANT TO TELL YOU A LITTLE PERSONAL HISTORY ABOUT THE SITE, ABOUT HOW WE GOT TO THIS POSITION. MARK AND SHANNON HAVE -- HAVE INHERITED THIS PROPERTY FROM THEIR FATHER, WHO INHERITED IT FROM THEIR GRANDFATHER. THEY HAVE BEEN IN -- STAKEHOLDERS IN THIS NEIGHBORHOOD FOR OVER 60 YEARS. WE FOUND PERMITS ISSUED IN 1940 AND 49 FOR BOTH OF THE HOUSES PERMITTED BY THE CITY OF AUSTIN. AT THAT TIME THEY WERE LEGAL COMPLYING PROPERTIES. CURRENT ZONING CODES DON'T ALLOW THEM TO BE LEGAL AND COMPLYING WITH THE SETBACKS AND IMPERVIOUS COVER ISSUES THAT THEY HAVE TODAY. THE REASON WE ARE HERE IS MARK CALLED ME AT ONE POINT AND ASKED ABOUT IMPROVING THE SOUTH THIRD STREET PROPERTY. HE HAD TALKED TO HIS LENDSERS AND HIS INSURANCE AGENTS AND THEY REQUESTED THAT THAT PROPERTY BE SUBDIVIDED THROUGH THE CITY OF AUSTIN BE FEE SIMPLE LAND VERSUS TWO PROPERTIES ON ONE WOULD BE A LOT

MORE DIFFICULT TO FINANCE THE IMPROVEMENTS. SO BASICALLY ALL THAT THEY ARE TRYING TO DO IS IMPROVE THE THIRD STREET PROPERTY AND IMPROVE THEIR ASSET. OUR RESEARCH SHOWED THAT IN ORDER TO DO THE SUBDIVISION, IT WOULD HAVE TO COMPLY WITH S.F. 4 OR ACTUALLY REQUEST S.F. 4 A ZONING. WHICH WOULD ALLOW THEM TO APPROVE THE SUBDIVISION AND MAKE THE IMPROVEMENTS TO THE PROPERTY. WE HAVE AGREED TO POSTPONE THIS CASE AT THE NEIGHBORHOOD'S REQUEST AT PLANNING COMMISSION. WE MET WITH THEIR ZONING COMMITTEE THERE. WE ALSO WERE PRESENT LAST MONTH WHEN THEY REQUESTED POSTPONEMENT HERE. WE WERE GREETED WITH A PETITION WEEK. THIS FAMILY HAS BEEN STAKEHOLDERS IN THIS NEIGHBORHOOD FOR 60 YEARS. THEY ARE QUITE CONFUSED OVER THE OBJECTION FROM THE NEIGHBORHOOD TO MAKE IMPROVEMENTS TO THIS PROPERTY. THIS IS NOT LIKE A PURCHASE FOR REDEVELOPMENT. IT'S NOT A -- ALSO AS GREG POINTED OUT, SIX OUT OF EIGHT OF THESE LOTS IN THIS BLOCK ARE SMALLER, SMALLER THAN THEIRS, EVEN THE ONES THEY PROPOSE. THE NEIGHBORHOOD PLAN WE COMPLY WITH IT, I THINK THE MOST STRINGENT GOALS THEY TALKED ABOUT, ALICE TALKED ABOUT THE GOALS FOR THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD. ANOTHER OBJECTIVE WAS TO ENCOURAGE DEVELOPMENT AND INCORPORATE LOW INCOME HOUSING. POTENTIAL OF ONE OF THE LOTS BEING SOLD OFF INDIVIDUALLY WOULD EXIST. WE DON'T BELIEVE THIS PROPERTY WOULD OBVIOUSLY -- EXISTING HOUSES THERE DO NOT INCREASE TRAFFIC, UTILITIES, IMPERVIOUS COVER. DENSITY. THEY DON'T INTERFERE WITH ANYBODY'S WELL-BEING. WE DON'T BELIEVE THAT THERE SHOULD AN PRECEDENT AGAINST THIS SINCE ALL OF THE LOTS, MOST OF THE LOTS IN THE BLOCK ARE SMALL, AS SMALL, AND ALSO THERE'S SOME S.F. 4 A ACROSS THE -- ACROSS THE STREET FROM THIS. REGARDING THE PETITION, WE -- WE MILLION -- ORIGINAL NOTIFICATION THROUGH THE PLANNING COMMISSION, I THINK THAT WE HAD THREE PEOPLE CALL US THAT WERE NEIGHBORS, THEY THEY HAD NO OBJECTIONS TO THE PROPERTY AT ALL. TWO OF THE PEOPLE THAT DID SIGN THE PETITION, THEY HAVE LOTS AS SMALL THAN WHAT WE ARE PROPOSING HERE. I JUST FEEL THAT MARK AND SHANNON SHOULDN'T BE

DISCOURAGED FROM TRYING TO DO THIS. I THINK THEY SHOULD BE ENCOURAGED TO TRY TO CREATE MORE VALUE IN THEIR ASSETS AND ENCOURAGED TO PROMOTE THIS NEIGHBORHOOD. IF YOU HAVE ANY QUESTIONS, SHANNON IS HERE, I WOULD LIKE FOR HER TO SAY A FEW WORDS, IF YOU WOULD. I WOULD BE HAPPY TO ANSWER THEM. THANK YOU.

Mayor Wynn: THANK YOU. YOU SIGNED A CARD, SO OTHERWISE -- OTHERWISE YOU HAVE THREE MINUTES TO SPEAK HERE IF YOU WOULD PREFER TO DO THAT OR THERE'S A MINUTE LEFT IN THE APPLICANT'S TIME.

HOPEFULLY IT WON'T TAKE MORE THAN THREE MINUTES.

ALL RIGHT. GO AHEAD.

YOU ARE NOT MY USUAL AUDIENCE. I'M USED TO SPEAKING TO 28-YEAR-OLDS EVERY DAY. SO I'M KIND OF SHAKY. THIS HAS BEEN A REALLY BAFFLING EXPERIENCE FOR US. LIKE VINCE SAID, WE HAVE BEEN IN THAT NEIGHBORHOOD MY WHOLE LIFE. MY GRANDPARENTS BUILT BOTH OF THOSE HOUSES, BOTH MY GRANDFATHERS, ONE DID THE FIREPLACE, ONE BUILT THE HOUSES. THEY BUILT THREE OTHER HOUSES IN THE NEIGHBORHOOD. MY PARENTS BOTH WALKED TO BECKER AROUND THE CORNER. MY BROTHER AND I WERE BORN ON THE HOUSE IN SOUTH THIRD. AND SO WE SPENT EVERY SUNDAY IN THE HOUSE ON BOULDIN. WE ARE VERY CONCERNED THAT IF PEOPLE'S FEELINGS ARE THAT WE ARE OUT TO DO SOMETHING DIFFERENT THAN WHAT WE SAID WE WERE OUT TO DO, WE WOULD HAVE DONE THAT YEARS AGO WHEN THE HOUSING MARKET WAS SO HIGH. IF YOU TAKE A LOOK AT THE PICTURES OF BOULDIN AND SOUTH THIRD, THERE'S A VAST DIFFERENCE BETWEEN THE TWO. THE GENTLEMAN THAT LIVES IN THE SOUTH ON SOUTH THIRD TOOK CARE OF MY GRANDMOTHER. FIRST WHEN SHE HAD HER STROKE AND THEN WHEN SHE HAD CANCER TWICE. AND THEREFORE FOR 10 YEARS WE LET THEM LIVE THERE, RENT FREE. THE LAST FEW YEARS, THEY HAVE PAID, SO THAT IT CAN HELP US PAY PROPERTY TAXES, BUT WE HAVE LET THEM DO AT WILL WITH THE HOUSE. BUT WE ARE NOT HAPPY WITH THE WAY THAT'S LOOKING AND WE NEED MORE MONEY TO FIX UP SOUTH THIRD. SO ALL THAT WE ARE ASKING IS FOR BOULDIN TO

LOOK LIKE SOUTH THIRD. SO THAT OUT OF RESPECT FOR MY FATHER, OUT OF RESPECT FOR MY GRANDPARENTS, THAT THEY WOULDN'T BE DISAPPOINTED IN US ON WHAT WE HAVE LET HAPPEN TO SOUTH THIRD. LIKE I SAID, IF WE WANTED TO DO SOMETHING DIFFERENT WITH IT, WE WOULD HAVE DONE IT A LONG TIME AGO. THE THING THAT HAS HURT THE MOST IS JUST IF WE ARE TALKING ABOUT RESIDENTIAL CHARACTER, IS FOR MY FATHER WHO MY FATHER AND HUSBAND STILL LANDSCAPE THE TWO PLACES, THEY MOW EVERY WEEK, TO HAVE NEIGHBORS OF MY GRANDMOTHER COME OVER TO MY FATHER AND TELL THEM THAT THEY WERE ASKED TO SIGN A PETITION ON THINGS THAT WE DID NOT SAY, THINGS THAT I DON'T EVEN UNDERSTAND ALL OF THIS PROCESS. TALKING ABOUT GRANDFATHERING THINGS IN. I'VE NEVER EVEN HEARD OF THAT. NEVER SAID THAT WE WERE GOING TO GRANDFATHER ANYTHING. I DON'T EVEN KNOW WHAT THAT WOULD MEAN. AND TO SAY THAT THEY WERE GOING TO FINANCIALLY BREAK US. THEY HAVE. WE ARE DONE. I'VE USED MY SON'S COLLEGE EDUCATION TO TRY TO GET THIS DONE SO THAT THEY COULD HAVE THESE HOUSES LATER ON. I GIVE. WE ARE DONE. SO I APPRECIATE ANYTHING THAT YOU CAN DO TO HELP US. THANK YOU.

Mayor Wynn: THANK YOU, MS. MAYO. AT THIS TIME WE WILL HEAR FROM FOLKS WHO HAVE SIGNED UP IN FAVOR OF THIS ZONING -- WE HEARD FROM MR. HUGH PINGER, WE HAVE HEARD FROM SHANNON MAYO. THOSE ARE THE TWO FOLKS SIGNED UP IN FAVOR OF THIS ZONING REQUEST. AT THIS TIME WE WILL TAKE THE CARDS OF THOSE IN OPPOSITION. MR. COREY WALTON. COREY WALTON, WELCOME, YOU WILL HAVE THREE MINUTES, YOU CAN APPROACH EITHER PODIUM. FOLLOWED BY MATT CALDWELL, I BELIEVE.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, I'M COREY WALTON, PRESIDENT OF THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION. AND I GUESS I NEED TO BEGIN BY RESPONDING TO SOME OF THE APPLICANTS' CLAIMS. OUR CONCERN CERTAINLY IS NOTHING PERSONAL OR ANYTHING ELSE ABOUT -- ABOUT THIS SITE. IS OUR CONCERNS ABOUT THE PRECEDENT OF SUBDIVIDING S.F. 3 RESIDENTS INTO S.F. 4 A WHICH IS BASICALLY THE EQUIVALENT OF THE URBAN LOT IN-FILL OPTION THAT WAS PRESENTED DURING THE BOULDIN CREEK NEIGHBORHOOD

PLAN, PLANNING PROCESS, WHICH THE NEIGHBORHOOD RESOUNDINGLY REJECTED. FOR A NUMBER OF REASONS. FROM -- SORRY, I'M A NERVOUS AS THE OTHER SPEAKER. BUT AS RUNOFF, DEGRADATION OF OUR URBAN WATERSHEDS, AND I THINK THAT WHAT CLOUDS SOME OF THE ISSUES HERE IS THE FACT THAT ON THIS PARTICULAR LOT THERE ARE TWO PREEXISTING SINGLE FAMILY RESIDENCES. BOTH OF WHICH, BY THE WAY, UNDER THE SIZE OF THIS S.F. 3 LOT ARE PERFECTLY LEGAL. THEY ARE GRANDFATHERED. THEREFORE, THEY CAN BE IMPROVED UPON. ANY IMPROVEMENT TO THAT SOUTH THIRD STREET RESIDENCE IS PERFECTLY DOABLE UNDER S.F. 3. IF THE APPLICANT IS HAVING A PROBLEM FROM A BANKER OR INSURER, I SUGGEST THAT YOU TALK TO A DIFFERENT BANKER. BECAUSE WALKING INTO A BANK WITH A -- AN INHERITED PIECE OF PROPERTY, APPRAISED AT VALUE OF \$120,000 FREE AND CLEAR OF ANY LIENS, IF I WERE A BANKER, I THINK THAT I WOULD BE WONT TO PLACE A LOAN ON THE IMPROVEMENT OF ANY OR ALL OF THOSE RESIDENCES. EVEN IF THEY WERE ALL SCRAPPED. REGARDING THE -- THE ALLEGATIONS ABOUT THE PETITION, UM, THE -- WE FOUND THAT THE RESIDENTS -- [BUZZER SOUNDING] UH-OH, I'M BEEPED. DOES THAT MEAN THAT I'M DONE?

Mayor Wynn: PLEASE CONCLUDE, YES, SIR.

OKAY. I HOPE A COUPLE OF OTHER SPEAKERS CAN FILL IN WHERE I LEFT OFF, THANK YOU VERY MUCH.

Mayor Wynn: WELL LET'S SEE, MR. WALTON, LOOKS LIKE JEFF JACK IS WILLING TO DONATE HIS TIME TO YOU, SO YOU COULD HAVE THREE MORE MINUTES, IF YOU WOULD LIKE. JEFF JACK ALSO SIGNED UP IN OPPOSITION.

THANK YOU. OH, ANOTHER CONCERN ON ALL OF THE UNDERSIZED S.F. 3 RESIDENCES THAT WERE POINTED OUT BY MS. GLASGO AND OTHERS, THERE'S AN EXAMPLE IN YOUR BACKGROUND INFORMATION OF THE EFFECT ON THESE SMALL SIZED LOTS. IT'S A COUPLE OF UNDERSIZED S.F. 3 LOTS WHEREIN I THINK THERE ARE -- THEY ARE APPRAISED -- THEIR APPRAISED VALUES BEFORE IMPROVEMENT IS ABOUT \$100,000 APIECE. SO THE EFFECT

ON AFFORDABLE HOUSING, WHICH IS A GREAT CONCERN TO OUR NEIGHBORHOOD, WOULD BE THAT, OKAY, IF YOU TAKE AN S.F. 3 LOT, THIS ONE, WHICH IS PRESENTLY APPRAISED AT \$120,000, BEFORE IMPROVEMENTS AND YOU SUBDIVIDE IT AS SHOWN HERE, YOU WOULD NOT END UP WITH TWO LOTS WITH AN APPRAISED VALUE OF \$60,000. YOU WOULD RATHER, ACCORDING TO THE PRECEDENTS SET BY THESE OTHER NEIGHBORING SMALLER LOTS, YOU WOULD END UP WITH TWO LOTS AT APPRAISED VALUES OF AROUND \$100,000. THE EFFECT OF THAT ON OUR AFFORDABLE NEIGHBORHOOD, AFFORDABLE HOUSING STOCK, IS A DECREASE RATHER THAN AN INCREASE. AND THE EFFECT OF THAT BEING MOST DRAMATICALLY ON OUR ELDERLY AND OUR MINORITY RESIDENT POPULATIONS WHO OBVIOUSLY ARE -- HAVE LESS HISTORICALLY LOWER INCOME AND LESS FINANCIAL RESOURCES. I'M -- I CONTINUE TO BE ASTOUNDED THAT -- THAT THE RESPONSE TO THE PETITION BY THE NEIGHBORING RESIDENTS. WHO STRICTLY ARE JUST TRYING TO ADHERE THE TENANTS THAT WERE OUTLINED IN OUR NEIGHBORHOOD PLAN. TO KEEP THOSE VALUES OF IMPERVIOUS COVER AND PRESERVATION OF OUR URBAN WATERSHEDS AND THE PRESERVATION OF OUR -- OF OUR AFFORDABLE HOUSING STOCK. FINALLY, I'M VERY SYMPATHETIC TO THE APPLICANTS FOR THEIR HISTORY IN THE NEIGHBORHOOD. HOWEVER, THEY ARE BOTH ABSENTEE LANDLORDS. NEITHER OF THEM HAS LIVED IN THOSE HOUSES OR EVEN IN THE CITY OF AUSTIN FOR AT LEAST THE LAST FIVE YEARS, THAT I'M AWARE OF. NOR HAVE THEY PARTICIPATED IN ANY OF THE LAST TWO YEARS [BUZZER SOUNDING] OF PLANNING PROCESS. THANK YOU AGAIN, THANK YOU, MR. JACK FOR YOUR TIME.

Mayor Wynn: THANK YOU, MR. WALTON. MATT CALDWELL. WELCOME, WE WILL BE FOLLOWED BY BRYAN KING.

LADIES AND GENTLEMEN, I WOULD LIKE TO FIRST OF ALL POINT OUT THAT I'VE BEEN LIVING IN THE NEIGHBORHOOD SINCE 1976. I WAS ALSO ON THE PLANNING TEAM, NEIGHBORHOOD PLANNING TEAM. MY NAME IS CLEARLY ON THAT PLANNING TEAM DOCUMENT. ONE OF THE THINGS THAT I WOULD LIKE TO POINT OUT IS THAT EVEN THOUGH IT HAS BEEN STATED THAT THIS ZONING CHANGE IS IN ADHERENCE WITH THE PLAN, I MUST EMPHATICALLY SAY NO

IT IS NOT. WE TOOK A ZONING SURVEY, OUR SURVEY WAS OVERWHELMING TO KEEP THE LOT SIZE THE SAME. WE DO NOT WANT TO SEE A LUMPING TOGETHER OF SINGLE FAMILIES ON ALL OF THE SAME COLOR, ALL OF THE SAME LAND USE. THAT IS TO SAY GOING TO FROM S.F. 3 TO S.F. 4 A WAS SOMETHING THAT HE WANTED TO AVOID. WE WERE ADAMANT ABOUT THAT IN OUR DISCUSSIONS. WE WERE CLEAR ABOUT IT IN OUR SURVEY RESULTS. AND I BELIEVE IT IS ALWAYS THE MAIN IMPETUS FOR THE PETITION. MOST OF THE PEOPLE THAT SIGNED THE PETITION, THE LANDOWNERS AND PEOPLE THAT LIVE IN THAT AREA, WANT US TO ADHERE TO THE NEIGHBORHOOD PLAN AS THEY INTERPRET IT. SO WE DO HAVE AN ISSUE, I BELIEVE, BETWEEN THE SPIRIT OF THE PLAN, THAT WHICH WE HAD IN OUR DISCUSSIONS AND THE LETTER, THE INTENT AS YOU MAY SAY. I BELIEVE IT MAY BE BEING TWISTED AROUND A LITTLE BIT. FIRMLY AND EMPHATICALLY, WE DO NOT WANT TO SEE SOMETHING THAT WILL CAUSE AN AVALANCHE, I BELIEVE IT IS INCREASING IN ACT SELL RAGES BETWEEN S.F. 3 AND S.F. 4 A SUBDIVIDING LOTS DOWN. THE APPLICANTS DON'T REALLY NEED IT. THE NEIGHBORHOOD REALLY DOESN'T NEED IT. THAT IS THE CHANGE FROM S.F. 3 TO S.F. 4 A. WE DON'T NEED THE PRECEDENT NOR IS THERE ANY REAL ECONOMIC REASON FOR THEM TO HAVE IT. IN FACT ECONOMICS SHOULD NOT BE THE MAIN CONSIDERATION FOR A ZONING CHANGE. IT SHOULD BE NATURE AND CHARACTER AND LAND USE AS WELL AS COMING WITH A CONSENSUS FROM THE NEIGHBORS WHO EXPRESS THAT THROUGH THE NEIGHBORHOOD PLAN. NOW, IT'S ONLY MY SINGLE OBSERVATION. BUT THE DANGEROUS PRECEDENT THAT CAN BE SET WITH THIS, WE ARE ALREADY SEEING THAT THEY ARE POINTING TO SOMETHING WHICH OCCURRED BEFORE THE NEIGHBORHOOD PLAN CAME INTO EFFECT. THE SCOTT TURNER PROPERTIES WHICH WERE ZONED S.F. 4 A. WHICH ARE IMMEDIATELY ADJACENT. ONE OF THE REASONS WE WERE WHY WE ALL PARTICIPATED HAD SO MANY PEOPLE COMING TO OUR NEIGHBORHOOD PLAN TEAM MEETINGS IS BECAUSE OF THIS VERY ISSUE, DEGRADATION OCCURRED TO OUR STREAMS, OVERCROWDING AND DIFFICULTIES AND THE FACT THAT SOMETHING LIKE THIS CAN OCCUR ALMOST - - ALMOST BEHIND CLOSED DOORS, I DON'T MEAN -- MORE OF A BEHIND THE SCENES SORT OF THING WHERE WE NEED

NEIGHBORHOOD INPUT ACROSS THE BOARD FOR SOMETHING AS PIVOTAL AND SOMETHING AS ESSENTIAL AS THIS FOR SO MANY PEOPLE, ARE REINVESTING THEIR HOMES AND LIVES IN THE BOULDIN CREEK AREA. THAT IS WHY THEY HAVE SO MUCH TO WORK WITH THERE IN TERMS OF BEING ABLE TO DEVELOP THE PROPERTIES AS THEY ARE NOW WITH THE EXISTING STOCK [BUZZER SOUNDING] I ASK YOU TO PLEASE VOTE AGAINST THIS ZONING CHANGES, THANK YOU. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

I HOPE THAT YOU LOOK TO THE SPIRIT OF WHICH THE NEIGHBORHOOD PLAN INTENDED TO KEEP THE CHARACTER OF THEIR NEIGHBORHOOD, AND I THINK THIS IS AN INAPPROPRIATE ZONING CHANGE, AND I HOPE THAT YOU SUPPORT THE NEIGHBORHOOD PLAN, THE TEAM AND MAINTAIN THE CHARACTER OF THE NEIGHBORHOOD. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. KING. STEWART HAMPTON. WELCOME, SIR, YOU WILL HAVE THREE MINUTES.

[INAUDIBLE - NO MIC].

Mayor Wynn: PARTON?

DOES THAT BEGIN WHEN I BEGIN SPEAKING?

Mayor Wynn: IT WILL.

MAYOR WYNN, COUNCILMEMBERS, GOOD EVENING. MY NAME IS STEWART HAMPTON. I'VE BEEN A RESIDENT OF THE BOULDIN CREEK NEIGHBORHOOD FOR THE PAST 10 YEARS. I'M A MEMBER OF THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION AND I WAS A MEMBER OF THE NEIGHBORHOOD PLANNING TEAM THAT WERE DOING THE BOULDIN CREEK NEIGHBORHOOD PLAN. I'M HERE TO ASK YOU TO VOTE AGAINST THE PROPOSAL OF THE REQUESTED ZONING CHANGE AT 1505 BOULDIN AVENUE BECAUSE IT GOES AGAINST THE INTENT OF THE NEIGHBORHOOD PLAN. I PUT THE NEIGHBORHOOD PLAN BACK UP IN VISUAL PLAN JUST TO TOUCH ON. THE BOULDIN CREEK NEIGHBORHOOD PLAN RECOGNIZES THAT MORE INTENSIVE DEVELOPMENT IS



INEVITABLE IN A CENTRAL AUSTIN NEIGHBORHOOD. AND THAT IT ACCOMODATES THAT BY DESIGNATING AREAS WITHIN A SPECIFIC ELEMENT ALONG THE MAJOR ARTERIALS OF THE NEIGHBORHOOD. THE PLAN ACTUALLY HAS ZONED A NUMBER OF SF-3 LOTS ON SOUTH FIRST TO MULTI-FAMILY USE JUST AS AN EXAMPLE OF THAT PERSPECTIVE, BUT THE TRADE-OFF BUILT INTO THE PLAN OVER TWO YEARS IS THE PRESERVATION OF THE EXISTING SINGLE-FAMILY CHARACTER, AND MORE SPECIFICALLY THE SF-3 ZONING OF THE NEIGHBORHOOD INTERIOR. SO THAT'S THE PLAN. DEVELOPMENT ALONG THE ARTERIALS, SF-3 IN THE INTERIOR. IT'S VERY SIMPLE. PART OF THE NEIGHBORHOOD PLANNING PROCESS INVOLVED A SURVEY TO RESIDENTS WHICH GAVE CITIZENS A VOTE FOR OR AGAINST URBAN HOME DENSIFICATION. THE SURVEY RESULTS INDICATED AN OVERWHELMING REJECTION OF THAT OPTION. THE PROPOSED SF-4-A ZONING IN THE 1505 BOLDEN CASE IS THE EQUIVALENT TO THE SIZE, IMPERVIOUS COVER, SET BACK AND THEREFORE VIOLATES THE INTENT OF THE PLAN. IT IS WITH REGRET THAT THESE SURVEY RESULTS WERE NOT EXPLICITLY TRANSLATED INTO THE TEXT OF THE FINAL PLAN SO THAT THIS POSITION OF THE NEIGHBORHOOD COULD EVEN BE MORE CLEARLY STATED THAN IT IS. THAT CHANGE IS SOMETHING THAT WE WOULD LIKE TO SEE CHA MADE THROUGH THE PLAN AMENDMENT PROCESS LATER THIS YEAR. AND IN CLOSING HERE, IN A MEETING THREE DAYS AGO BETWEEN NEIGHBORHOOD REPRESENTATIVES AND CITY STAFF ABOUT THE NEIGHBORHOOD PLAN AMENDMENT PROCESS, STAFF MEMBERS HANDED OUT, AS THEY OFTEN DO A COLORFUL PAPER, WHICH IS VERY HELPFUL, SOME SHEETS OF HELPFUL INFORMATION. ONE OF THOSE PAGES IS LAND USE PLANNING PRINCIPLES. AND ITEM NUMBER 13 SAYS CLEARLY, AVOID CREATING UNDESIRABLE PRECEDENCE. IF THE COUNCIL GRANTS THE APPLICANT'S REQUEST TONIGHT, I BELIEVE YOU WILL BE SETTING THE UNDESIRABLE PRECEDENT OF IGNORING OR OVERRIDING THE INTENT OF THE PLAN AND THE HARD WORK OF OF THE MANY CITIZENS WHO WORKED FOR TWO YEARS CREATING IT. SO I ASK YOU TO SUPPORT THE NEIGHBORHOOD PLAN AND REJECT THE APPLICANT'S REQUESTED ZONING CHANGE. THANK YOU VERY MUCH. [ BUZZER SOUNDS ]

Mayor Wynn: THANK YOU, MR. HAMPTON. MARK COFFEE HAS SIGNED UP BOTH NOT WISHING TO SPEAK AND WISHING TO SPEAK AND NOT SIGNING UP EITHER FOR OR AGAINST. WELCOME, MR. COFFEE. YOU WILL HAVE THREE MINUTES REGARDLESS.

MY QUICK CONFUSION. I'M IN FAVOR OF THE NEIGHBORHOOD PLAN AND IN OPPOSITION TO THIS ZONING REQUEST. AND I THINK TWO GOOD URBAN PLANNING REASONS TO DENY THIS APPLICATION ARE THE IMPERVIOUS COVER AND THE AFFORDABILITY. THE CURRENT LOT IS APPRAISED THE \$120,000 AND USING THE LOTS NEARBY, TWO SUBDIVIDED LOTS AT 1505 WOULD BE TAXED AT \$15,000 APIECE FOR A TOTAL OF IS \$175,000. THESE LOT APPRAISALS ARE MAKING OUR NEIGHBORHOOD LESS AFFORDABLE. RIGHT NOW WE HAVE TWO RENTAL HOMES. RENTAL STOCK NOT ONLY PRO MOMENTS AFFORDABILITY, BUT ALSO DIVERSITY. DIVERSITY IS THE MAJOR TENET OF OUR PLAN. IF THE PROPERTY WERE SOLD AS A LOT AS IT IS, LIKELY ONE OF THE HOUSES WOULD REMAIN AS A RENTAL. ALTHOUGH ONE LOT WOULD BE MORE THAN THE TWO LOTS, THE BANKS I WORK WITH ALLOW THE RENTAL INCOME TO BE FACTORED INTO THE AFFORDABILITY. FROM AN INDIVIDUAL POINT OF VIEW AND SINCE THERE ARE TWO HOUSES ALREADY ON THIS LOT, I DON'T FIND THE APPLICANT'S REQUEST TO BE UNREASONABLE, BUT THERE ARE WAYS TO MITIGATE THE IMPACT TO THE COMMUNITY AND THE ENVIRONMENT. THE COUNCIL SAW FIT TO CREATE THE PLANNING PROCESS BY WHICH INDIVIDUAL NEIGHBORHOODS CAN FORMULATE A SET OF GUIDELINES RESULTING IN THE NEIGHBORHOOD PLAN. THE NEIGHBORHOOD WOULD LIKE TO WORK WITH THE APPLICANT TO ASSURE THAT SUB SUBDIVIDING THIS LOT DOES NOT UNDERMINE THE TENETS OF THAT PLAN. THERE IS A TREMENDOUS PRESSURE ON OUR NEIGHBORHOOD TO ASOSH MORE CONSTRUCTION. OUR PLAN DIRECTS THE DENSITY WE MUST ACCOMMODATE TO OUR CORRIDORS AND WE WANT TO MINIMIZE THE POTENTIAL FOR PRECEDENCE IN OUR INTERIOR. THE FEAR, OF COURSE, IS THAT TCAD WILL LOOK AT LOTS GREATER THAN 7200 SQUARE FEET AND SEE TWO POTENTIAL SF-4-A LOTS. SURPRISINGLY CITY STAFF REJECTED THIS CONCERN, SAYING THIS PROPERTY WOULD NEVER EVER BE A

PRECEDENT, EVEN AS THEY CITED THE OTHER SF-4-A LOTS IN THE VICINITY AS PRECEDENT FOR THEIR APPROVAL. IT WILL MOST CERTAINLY CONTRIBUTE TO PUSHING THE AFFORDABILITY CEILING UPWARDS. IF THIS APPLICATION IS APPROVED AS SUBMITTED, THE VERY REAL POSSIBILITY EXISTS THAT THE CURRENT STRUCTURES WILL BE SCRAPPED AND THE SF-4-A LOTS WILL BE BUILT OUT TO THE MAXIMUM OF THE PARAMETERS. WE'RE NOT STAUNCHLY OPPOSED TO THE SELLING OF TWO INDIVIDUAL LOTS, BUT THERE IS NO REASON, SAVE PROFIT, TO CREATE MORE OF A BURDEN ON OUR NEIGHBORS THAN ALREADY EXISTS. THIS CASE IS OURa4 .%X3aUi761 REZONING REQUEST SINCE THE UNANIMOUS ADOPTION OF OUR PLAN. IT SEEMS TO ME THAT YOUR VOTE IS A SIGNIFICANT MESSAGE TO ALL THOSE WHO SPENT EVERY OTHER WEEK FOR 18 MONTHS CRAFTING THESE GUIDELINES. LET YOUR VOTE NOW REFLECT YOUR RESPECT FOR THE PLAN JUST AS YOUR UNANIMOUS VOTE BROUGHT THIS PLAN TO LIFE. I ASK THE COUNCIL TO SUPPORT THE NEIGHBORHOOD PLANNING PROCESS BY INSISTING THIS APPLICANT WORK WITH OUR NEIGHBORHOOD TO FORGE AN EQUIPMENT THAT UP HOLDS THE PLAN'S INTEGRITY. [ BUZZER SOUNDS ] RIGHT ON THE BUTTON. THANK YOU.

Mayor Wynn: WELL DONE, MR. COFFEE. ARE THERE ANY OTHER CITIZENS WISHING TO SPEAK IN OPPOSITION OF THIS ZONING CASE? NO CARDS SIGNED UP THAT WAY, SO WITH THAT, MR. CEBINGGER, I'M SORRY, YOU NOW HAVE A THREE-MINUTE REBUTTAL.

THANK YOU, MR. MAYOR. I DON'T NEED THAT MUCH TIME. THE CONCERNS OF THE NEIGHBORHOOD, THESE ARE EXISTING HOMES. WE'RE NOT GOING TO INCREASE ANY MORE DENSITY. IT'S A DIFFERENT SITUATION IF THERE WERE ONE HOUSE HERE OR NO HOUSES HERE. THE CHARACTER DOES NOT CHANGE. I THOUGHT WE ANSWERED THAT BEFORE. THE CHARACTER WILL CHANGE FOR THIRD STREET IF YOU ALLOW THESE PEOPLE TO MAKE SOME IMPROVEMENTS TO IT. ABSENTEE OWNERS, FOLKS, COUNT UP THE AMOUNT OF YEARS THAT THEIR FAMILY LIVED THERE, ADD THEM ALL UP AND SEE IF THESE PEOPLE EQUAL THAT. 60 YEARS. ANY QUESTIONS?

Mayor Wynn: QUESTIONS FOR THE APPLICANT, COUNCIL?  
THANK YOU, SIR. HEARING NONE, I'LL ENTERTAIN A MOTION  
TO CLOSE THE PUBLIC HEARING.

SO MOVE.

Mayor Wynn: MOTION BY THE MAYOR PRO TEM, SECONDED  
BY COUNCILMEMBER DUNKERLEY. ALL THOSE IN FAVOR,  
PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? THE PUBLIC HEARING IS CLOSED ON  
A VOTE OF SEVEN TO ZERO. COMMENTS, QUESTIONS?  
COUNCIL? COUNCILMEMBER MCCrackEN.

**McCracken:** YEAH, I THINK THIS WOULD BE FOR MS. GLASGO.  
AS I UNDERSTAND IT FROM YOUR PRESENTATION, MS.  
GLASGO, THESE ARE TWO HOMES THAT ONE FACING  
BOULDIN, ONE FACING THIRD STREET THAT ARE ON A  
SINGLE LOT, IS THAT CORRECT?

THAT'S CORRECT.

**McCracken:** FROM A PASSERBY'S PERSPECTIVE, WOULD IT  
LOOK LIKE THESE WERE TWO LOTS ON DIFFERENT STREETS  
OR IS IT CLEAR THIS IS ONE LOT EVEN FROM A PASSERBY  
STANDPOINT?

I DROVE BY THERE SEVERAL TIMES JUST TO GET A GOOD  
PERSPECTIVE. IT LOOKS LIKE TWO DIFFERENT LOTS  
BECAUSE YOU HAVE DOUBLE FRONTAGE. YOU HAVE TO GO  
ON TWO SEPARATE STREETS TO SEE THE HOUSES.

**McCracken:** ARE THE EXISTING HOMES OUT OF CHARACTER  
WITH THE NEIGHBORHOOD? IS THERE ANYTHING TO  
DISTINGUISH THESE AS BEING SOME KIND OF UNUSUAL  
HOMES TO THIS NEIGHBORHOOD?

NO.

**McCracken:** UNDER THE CURRENT ZONING OF SF-3, WOULD  
THE OWNERS BE ABLE TO SELL ONE OF THE HOMES AND

KEEP ANOTHER OR WOULD THEY HAVE TO SELL THE ENTIRE LOT WITH BOTH HOMES?

UNDER THE EXISTING?

**McCracken:** YES.

UNDER THE EXISTING YOU CANNOT -- YOU CANNOT CONVEY A LOT -- YOU CANNOT SELL A PORTION OF IT WITHOUT SUBDIVIDING. AND THEN LEASE THE OTHER ONE. IT'S EITHER YOU KEEP ONE CONFIGURATION AS IT IS TODAY AND THEN YOU CAN RENT BOTH, BUT YOU CANNOT CONVEY IT TO DIFFERENT ENTITIES WITHOUT SUBDIVIDING. MR. GURNSEY WANTS TO ADD SOMETHING.

Mayor Wynn: SO DOES MS. TERRY.

THERE WAS A PROVISION THAT WAS ADDED BY THE VIK H STATE LEGISLATURE SEVERAL YEARS AGO THAT WOULD ALLOW ANY PROPERTY TO GO THROUGH A CONDOMINIUM REGIME. SO YOU COULD FILE A CONDOMINIUM REGIME REGARDLESS OF ANY MUNICIPAL ZONING REGULATION, SELL THE UNITS INDIVIDUALLY AS A CONDOMINIUM WITHOUT DOING THE LAND DIVISION PROCESS AND STILL BE ONE TRACT, AND THAT'S LEGAL UNDER STATE LAW REGARDLESS OF OUR MUNICIPAL ZONING REGULATIONS AND CAN BE DONE ON ANY TRACT IN THE CITY WHERE YOU HAVE TWO OR MORE UNITS EXISTING.

IT'S TYPICALLY NOT AS DESIRABLE AS CONVEYING THE LAND.

DID YOU HAVE SOMETHING ALSO?

THEY COVERED IT ALL.

**McCracken:** THAT'S ALL MY QUESTIONS.

I'D LIKE TO PROVIDE SOME FURTHER CLARIFICATION. I KNOW THE NEIGHBORHOOD EXPRESSED A CONCERN OF THE PRECEDENT SETTING NATURE. AND IT'S SIMILAR TO THIS. THIS PROPERTY HAS -- IT HAS DOUBLE FRONTAGE. AND WE WERE JUST GLANCING AT A MAP FOR THE

NEIGHBORHOOD AND YOU CAN PROBABLY TAKE A SIMILAR GLANCE, THAT THERE AREN'T MANY DOUBLE FRONTAGE LOTS IN THIS NEIGHBORHOOD SIMILAR TO THIS WHERE YOU HAVE TWO STREETS ON EITHER SIDE WITH A LOT THAT GOES THROUGH WHERE YOU'RE GOING TO BE ABLE TO SUBDIVIDE. EITHER THE LOTS ARE ALREADY -- THE PATTERN IS GOING TO BE DIFFERENT. LOOK AT GIBSON, LOOK AT ELIZABETH, JUST YOU CAN TAKE A LOOK AT THE LAND USE PATTERNS TO GIVE YOU A FEEL THAT YOU NEED TO HAVE LOTS -- AND WE DON'T SEE ANY. AND WE COULD BE WRONG, BUT YOU DON'T SEE A PATTERN WHERE YOU CAN CLEARLY SAY YES, YOU HAVE LOTS THAT HAVE DOUBLE FRONTAGE AND CAN THEREFORE COME BACK AND BE SUBDIVIDED. IN FACT, THE LOT TO THE NORTH OF THIS ONE IS -- THEY COULD NOT COME IN AND SUBDIVIDE IT INTO SF-4-A BECAUSE THEY DON'T HAVE THE LAND AREA TO DO THE TWO LOTS. YOU NEED 7200 SQUARE FEET OF A LOT TO BE ABLE TO SUBDIVIDE INTO TWO TO GIVE YOU A 3600 SQUARE FOOT LOT ON EACH SIDE. SO EVEN THE LOT TO THE NORTH, OF COURSE, UNLESS THEY GET VARIANCES, BUT WITHOUT ABSOLUTE GUARANTEE THAT THEY CAN DO IT AT THE MINIMUM IS 3600. SO THE LAND AREA, IT REQUIRES THAT YOU REALLY HAVE STREETS THAT IS THE SETUP WOULD BE SIMILAR TO THIS WHERE YOU HAVE LOTS THAT ARE NOT ALREADY SUBDIVIDED, BUT HAVE THE ABILITY TO HAVE TWO FRONTAGE ROADS THAT ALLOW FOR THAT. AND UNLESS SOMEONE TAKES A WHOLE BLOCK AND EVEN THEN YOU'RE LIMITED BY THE FACT THAT YOU PROBABLY ALREADY HAVE OTHER LOTS ALREADY THERE AND THE EXAMPLE THAT I SHOWED YOU EARLIER. LET ME GO TO THIS MICROPHONE. WHAT I'M HOPING HERE IS THAT YOU WOULD NOT HAVE A LOT OF THIS OCCURRING. HERE'S BOULDIN. YOU HAVE THE LOTS THAT ARE GOING THROUGH. THIS LOT RIGHT HERE DOES NOT HAVE THE -- THE LAND AREA NEEDED TO BE ABLE TO ACCOMMODATE TWO LOTS UNDER THE MINIMUM REQUIREMENT OF 3600 SQUARE FEET. SO THAT COULDN'T OCCUR ON THAT LOT. AND THEN YOU LOOK AT THE ENTIRE AREA ON THE MAP ITSELF THAT THE LAND PATTERN IS, YOU DON'T HAVE THROUGH STREETS LIKE THIS ONE, YOU ALLOW SOME SUBDIVISION. LIKE THE LOTS HERE, YOU COULD NOT SUBDIVIDE THEM. THEY'RE SMALL ALREADY. THEY CAN'T BE ANY SMALLER. IF YOU LOOK AT THE PATTERN OVERALL AND

TAKE A QUICK GLANCE, IT'S GOING TO BE DIFFICULT TO COME UP WITH A SIMILAR PATTERN OF CREATING FUTURE PRECEDENT OF SUCH CASES.

**McCracken:** MS. GLASGO, I HAVE A FOLLOW-UP QUESTION PROMPTED BY THIS. WHAT DOES THE NEIGHBORHOOD PLAN AND THE SF-3 ZONING PERMIT IN TERMS OF A SINGLE HOUSE ON A LOT THIS SIZE? IF THEY WERE TO TEAR DOWN THE TWO HOMES AND TO PUT UP ONE HOMESTEAD, WHAT LIMITATION WOULD THEY HAVE?

TODAY YOU CAN TEAR THEM ALL DOWN AND DEMOLISH AND BUILD A DUPLEX. YOU END UP HAVING TWO UNIT.

COULD YOU BUILD A SINGLE HOME THAT'S A FAIRLY LARGE HOME? WHAT ARE THE LIMITATIONS ON THAT?

YOU CAN HAVE A SINGLE-FAMILY -- ONE INDIVIDUAL HOUSE, A BIG LOT HOUSE. YOUR LIMITATION WILL BE YOUR HEIGHT AND IMPERVIOUS COVER, BUT YOU CAN STILL HAVE EITHER ONE BIG HOUSE, ONE UNIT, OR A DUPLEX, WHICH IS GOING TO GIVE YOU TWO UNITS. SO IT WOULD BE -- THE DIFFERENCE IS GOING TO BE THAT UNDER THE SF-4-A ZONING YOUR MINIMUM LOT SIZE PER LOT IS 3600 SQUARE FEET. TWICE THAT IS 7200. WHEREAS SF-3 FOR A DUPLEX, YOUR MINIMUM SITE AREA IS 7,000 SQUARE FEET. SO IF YOU LOOK AT OVERALL DENSITY, YOU'RE ACTUALLY REQUIRING LESS LAND AREA, BUT YOU HAVE TO HAVE MORE LAND TO ACHIEVE TWO LOTS IN SF-4-A COMPARED TO A COMPLEX.

CAN SOMEONE BUILD A FAIRLY LARGE HOME ON THIS LOT IF THEY WERE TO TEAR DOWN THE TWO EXISTING SMALL HOMES?

OH, YES. 7,000, THAT 72,000 SQUARE FOOT LOT. AND OUR REQUIREMENT IS 750 DETACHED HOUSE LIKE SF-2. YOU COULD HAVE A GOOD SIZE HOUSE ON 7200 SQUARE FEET. AND I DO ALSO WANT TO ACKNOWLEDGE THAT THE NEIGHBORHOOD PLAN THAT THAT'S AN ELEMENT THAT WE FOUND WHICH WAS BROUGHT ON OUR ATTENTION THAT APPARENTLY WHEN THE NEIGHBORHOOD PLANNING PROCESS WAS COMMENCED HERE, I WOULD LIKE TO ADD THAT IT'S AN EVOLVING PROCESS AND SOMETIMES WHILE

SOME THINGS THAT MAYBE COULD HAVE BEEN CLEARER OR CLARIFIED A LITTLE BIT BETTER WERE NOT, AND WE LEARN ALL IN FAVOR THAT AND I DO WANT TO ACKNOWLEDGE THAT THE SPIRIT OF THE PLAN, THE NEIGHBORHOOD DID NOT WANT SMALL LOT SUBDIVISIONS, HOWEVER, WHAT WE HAVE TECHNICALLY IN THE CODE IS YOU HAVE A LAND USE, A SINGLE-FAMILY DUPLEX, A SINGLE-FAMILY ATTACHED AND SINGLE-FAMILY 4-A ARE ALL CLASSIFIED AS SINGLE-FAMILY RESIDENTIAL. AND THE PLAN DID NOT SPECIFICALLY INDICATE THAT SF-4-A, PER SE, WAS NOT APPROPRIATE, BUT I DO WANT TO ACKNOWLEDGE THAT THEY DID INDICATE THROUGH THEIR SURVEY THAT THEY DID NOT WANT THE SMALL LOT INFILL OPTIONS THAT ARE PROVIDED FOR NEIGHBORHOOD PLANNING PROCESS, BUT DID NOT GO TO THE EXTENT THAT SAY, BY THE WAY, THAT ALSO MEANS NO SINGLE-FAMILY 4-A. AND THAT'S I THINK WHAT THEY INDICATED VERY ELOQUENTLY THAT THERE'S A SPIRIT VERSUS A TECHNICAL ASPECT. AND I DID WANT TO ACKNOWLEDGE THAT, THAT THAT INDEED IS THE CASE. SO THAT'S WHERE WE ARE TODAY.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

**Dunkerley:** DID I HEAR YOU OR GREG ONE SAY EARLIER THAT BOTH THE STAFF AND THE PLANNING COMMISSION RECOMMEND THIS ACTION?

YES, WE BOTH DO.

**Dunkerley:** AND YOU DON'T SEE A GREAT RUSH OF ADDITIONAL SUBDIVISION SIMPLY BECAUSE THEY'RE NOT THAT MANY LOTS IN THAT IMMEDIATE AREA THAT HAVE THE OPPORTUNITY TO SUBDIVIDE TO A TWO SMALL LOTS?

I WAS TAKING A GLANCE AT THE MAP THAT WE HAD AND I HOPE WE'RE NOT WRONG, BUT THE NEIGHBORHOOD HAS INDICATED THAT THEY WOULD LIKE TO COME IN AND DO A PLAN AMENDMENT TO CLARIFY IN THE TEXT WHAT THEIR INTENT WAS AS FAR AS THE SINGLE-FAMILY-4-A IS CONCERNED.

**Dunkerley:** THANK YOU.



Mayor Wynn: MAYOR PRO TEM.

**Goodman:** LET ME ASK YOU SOMETHING, ALICE, ABOUT THE INTENT OF THE NEIGHBORHOOD'S PLAN OR GOALS WITHIN THE THIS REALLY IS A DIFFICULT CASE. THE INTENT WAS TO PROTECT THE CHARACTER AND INTEGRITY OF THE NEIGHBORHOOD AS IT EXISTS RIGHT NOW, RIGHT?

CORRECT. AND THIS IS THE WAY IT READS IN THE SAME PARAGRAPH WE'RE ALL QUOTING. IT SAYS THAT THEY WOULD WANT TO MAINTAIN THE SINGLE-FAMILY RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD INTERIOR. SO THAT'S SPECIFICALLY WHAT IT STATES. AND THE QUESTION IS IS EXISTING PATTERN ALREADY HAS TWO HOMES ON IT, BUT TO BE ABLE TO CONVEY IN THE MANNER THEY WANT TO, YOU HAVE TO SUBDIVIDE IT TO GIVE IT A SPLIT AND IN THAT MANNER YOU NEED A DIFFERENT ZONING DISTRICT, AND THAT WAS NOT ARTICULATED IN THE PLAN AND CAUSES THE DIFFICULTY.

**Goodman:** OKAY. AND SINCE I'M HAVING A LITTLE DIFFICULTY WITH MY COMPUTER, WHAT ARE THE LOTS NEXT DOOR ZONED?

THEY'RE ALL ZONED SINGLE-FAMILY 3, SF-3 NP.

**Goodman:** IF IT WAS TODAY THEY COULDN'T QUALIFY EITHER? THEY WOULD HAVE TO HAVE SF-4 ALSO?

CORRECT, TO BE ABLE TO CONVEY THOSE, YES, THEY WOULD HAVE TO DO THE SAME THING, UNLESS THEY DO A CONDOMINIUM REGIME, WHICH SOME OF YOU HAVE COME ACROSS THAT AND IT'S BEEN A VERY POPULAR OPTION FOR PURCHASING. IT'S USED, IT'S RARE, BUT IT'S THERE WHERE YOU CAN CONVEY THE BUILDING, BUT NOT THE LAND TO BE ABLE TO AVOID DIVISION OF LAND.

**Goodman:** OKAY. THANKS, MAYOR.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

**Thomas:** MAYOR, LET ME ASK THE OWNER OR THE APPLICANT -- WHO IS REPRESENTING THE APPLICANT,

EITHER ONE. I HEARD SOME OF THE NEIGHBORS' CONCERN ABOUT TEARING THE HOUSES DOWN, BUT MY UNDERSTANDING IS YOU WERE JUST GOING TO DO SOME RENOVATION. YOU DID WANT TO ADD TO ONE OF THEM. EXPLAIN WHAT YOU REALLY WANT TO DO.

AS I UNDERSTAND IT, SHANNON AND MARK WANTED TO MAKE SOME IMPROVEMENTS WHICH ARE NEEDED TO THE THIRD STREET PROPERTY ROOF, NEW SIDING, JUST GENERAL FIX-UP. AND IT WASN'T A SMALL MONEY ITEM, IT WAS A SUBSTANTIAL AMOUNT. SO THIS WASN'T AN OUT OF POCKET SITUATION FOR THEM.

**Thomas:** THAT'S ON THE THIRD STREET?

YES, SIR.

**Thomas:** WHAT ABOUT BOULDIN ON THE OTHER SIDE?

BOULDIN WAS NOT SLATED FOR ANY IMPROVEMENTS AT THIS TIME. THAT'S THEIR GRANDMOTHER'S HOUSE AND THEY KEPT THAT UP VERY WELL.

**Thomas:** OKAY. IN THE IMPROVEMENTS ON THE THIRD STREET, CAN YOU GO INTO DETAIL ON WHAT YOU'RE REALLY GOING TO DO A LITTLE BIT MORE? MORE DETAILS?

WELL, ON BOULDIN, MY GRANDPARENTS LIVED THERE. MY GRANDMOTHER DIED 12 YEARS AGO. SO IT WAS EASY TO MAINTAIN. THE PEOPLE THAT LIVED -- LIVE STILL, HAVE LIVED THERE FOR OVER 20 YEAR. THEY HAVE, LIKE I SAID, DONE WHATEVER THEY WANT TO. I'LL BE REAL HONEST WITH YOU, I HAVE NOT EVEN -- WE LET THEM DO WHATEVER THEY WANT TO. I AM SURE IT NEEDS LOTS OF STUFF ON THE INSIDE. BECAUSE OF THE PROMISE WE MADE MY GRANDMOTHER, THAT IS BASICALLY THEIR HOUSE TO DO WITH WHAT THEY HAVE, BUT ON THE OTHER HAND, WE STARTED TO LOOK AT THIS AS IT WAS POSSIBLY A HAZARD. WE DON'T KNOW WHAT'S GOING ON. IT IS OUR PROPERTY AND WE WANTED TO FIX IT UP. IT DOESN'T FIT IN THE NEIGHBORHOOD ON THE WAY IT LOOKS ON THE EXTERIOR. IT A COUPLE OF DIFFERENT COLORS OF PAINT THAT DON'T MATCH AND THE WOOD IS ROTTED. WE JUST REPLACED MY

GRANDMOTHER'S TOTAL WOOD ON THE OUTSIDE. SO I'M SURE THAT ONE IS JUST TERRIBLE. SO IT BASICALLY WOULD BE EVERYTHING ON THE INTERIOR, EVERYTHING ON THE EXTERIOR.

**Dunkerley:** I HAVE ONE QUESTION.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

**Dunkerley:** IT SOUNDS LIKE THE RENOVATION IS EXTENSIVE ENOUGH THAT YOU'RE GOING TO BE SEEKING OUTSIDE FINANCING. AND YOU SAID SOMETHING ABOUT IF YOU HAD YOUR SLOT SUBDIVIDED THAT HELPS MAKE THAT PROCESS A LITTLE EASIER FOR YOU.

HERE'S WHAT'S HAPPENED. THE HOUSE ON BOULDIN, I THINK WE DID ABOUT DOLLARS' WORTH OF IMPROVEMENTS IN THE SPRING OF LAST YEAR. 9,000 DOLLARS' WORTH. THAT USED ALL THE NEST EGG MONEY THAT WE HAD FROM THOSE HOUSES. WHEN WE WENT TO GET -- WE COULD GET A LOAN TO FIX UP SOUTH THIRD WITHOUT SUBDIVIDING, BUT IT WOULD PUT IN PERIL BOULDIN. IF SOMETHING WENT WRONG ON SOUTH THIRD, THEN WE COULD LOSE BOULDIN. SO WE DECIDED THAT INSTEAD OF PUTTING A LIEN ON BOULDIN, WHICH IS PERFECTLY FINE, WE THOUGHT THAT WE WOULD SUBDIVIDE THESE PROPERTIES SO THAT IF WE LOST ANYTHING, IT WOULD JUST BE SOUTH THIRD, WE WOULDN'T LOSE BOTH PROPERTIES BECAUSE SOMETHING WENT WRONG.

**Dunkerley:** THAT MAKES SENSE.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?  
COUNCILMEMBER MCCrackEN.

**McCracken:** MY CONCERN ABOUT DENYING THIS APPLICATION IS IT SEEMS LIKE THE PURPOSE OF THE NEIGHBORHOOD PLAN IS TO PROTECT THE EXISTING INTEGRITY AND CHARACTER OF THIS NEIGHBORHOOD, WHICH INCLUDES THESE TWO HOMES ON THIS LOT. BUT IF WE WERE TO DENY THIS APPLICATION TO ALLOW THESE TWO LOTS TO BE SUBDIVIDED, WHICH WOULD HAPPEN IF WE WILL, I BELIEVE, INADVERTENTLY CREATE A SUBSTANTIAL

PRESSURE FOR THIS LOT TO BE SOLD AND THESE HOMES TO BE TORN DOWN IN KIND OF A McMANSION TO BE BUILT, WHICH I THINK BOULDIN IS ONE OF OUR GREAT CLASSIC NEIGHBORHOODS AND IT WOULD BE IS A SHAME TO HAVE A HOME BUILT IN SCALE AND APPEARANCE THAT WAS REALLY OUT OF CHARACTER OF THE NEIGHBORHOOD. SO MY CONCERN IS THAT WE WILL ACTUALLY INADVERTENTLY IF WE TURN DOWN THIS APPLICATION CREATE THE VERY OUTCOME WE'RE HOPING TO AVOID. WHEREAS IF WE DO ALLOW THESE LOTS TO BE DIVIDED, WE WILL PROTECT THE STATUS QUO OF HOMES THAT ARE MORE IN CHARACTER WITH THE NEIGHBORHOOD, AND I THINK WE'LL BE DOING SOMETHING BETTER FOR THE NEIGHBORHOOD AS A RESULT.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION.

I'LL MOVE TO APPROVE, FIRST READING ONLY.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN TO APPROVE ON FIRST READING ONLY STAFF AND PLANNING COMMISSION RECOMMENDATION?

**McCracken:** YES.

Mayor Wynn: ON Z-8. I'LL SECOND THAT. FURTHER COMMENTS, DISCUSSION? COUNCILMEMBER ALVAREZ.

**Alvarez:** A QUESTION. FOR THE APPLICANT. THE DRAWING OF THE LAYOUT OF THE LOT WHERE THE HOUSES ARE, I GUESS WHAT'S BEEN SUGGESTED HERE IS THAT YOU WOULD SUBDIVIDE THIS LOT AND YOU WOULD HAVE -- IF YOU WERE TO CHANGE THE ZONING TO SF-4-A YOU WOULD HAVE ENOUGH LAND TO CREATE TWO LEGAL LOTS. SO HOW WOULD YOU DO THAT? WOULD YOU HAVE TO -- WHERE WOULD YOU DRAW THE LINE THERE?

WELL, COUNCILMEMBER, THIS -- THAT IS THE GARAGE. BASICALLY IT WOULD LOOK LIKE -- [INAUDIBLE - NO MIC]. AND WE'VE ALREADY STARTED ON THAT. [INAUDIBLE - NO MIC]. AND THEY BOTH WOULD BE OVER THE MINIMUM SIZE.

**Alvarez:** AND THEN SO YOUR INTENTION THEN IS TO PRESERVE THE STRUCTURES THAT ARE THERE?

ABSOLUTELY.

**Alvarez:** OKAY. AND ONE QUESTION FOR MS. GLASGO. OR FOR THE APPLICANT, WHOEVER CAN BEST ANSWER IT. WHEN YOU RESUBDIVIDE, THEN WHAT ARE THE LIMITATIONS? BECAUSE I GUESS UNDER SF-4-A THE SETBACK REQUIREMENTS, ETCETERA, BUT WOULD YOU -- WOULD THEY BE GRANDFATHERED OR WHY -- IT SEEMS LIKE THEY'RE AWFULLY CLOSE TO EACH OTHER, SO HOW COULD YOU DO A RESUBDIVISION AND STILL PERMIT THE TWO -- AND HAVE TWO LEGAL LOTS WITH TWO LEGAL STRUCTURES THAT ARE GRANDFATHERED? OR THAT COULD BE IMPROVED?

WELL, HE SHOULD BE ABLE TO -- THE EXISTING BUILDINGS WOULD OBVIOUSLY BE GRANDFATHERED FROM THE -- UNDER THE BUILDING CODE FOR SETBACKS. BUT THE INTERIOR UNDER SF-4-A, AND I'M GOING TO LOOK VERY QUICKLY ON THE -- ON THE SETBACK REQUIREMENTS, THEY HAVE A STREET SIDE OF 15 FEET. THE INTERIOR SIDE OF FIVE FEET -- 25 FEET APART. THEY SHOULD BE ABLE TO MEET THAT REQUIREMENT.

**Alvarez:** AND OUT OF IT WHERE IT COULD BE TWO LOTS UNDER SF-4-A, WHICH HAS -- WHAT IS THE IMPERVIOUS COVER FOR SF-4-A?

THE IMPERVIOUS COVER FOR SF-4-A IS 55%.

**Alvarez:** AS OPPOSED TO 45?

CORRECT, AS OPPOSED TO 45 UNDER TODAY. AND THE HEIGHT LIMIT WOULD BE -- THE HEIGHT IS THE SAME, 35 FOR BOTH.

**Alvarez:** AND THE CURRENT IMPERVIOUS COVER FOR BOTH LOTS WOULD BE WHAT? THE IMPERVIOUS COVER FOR THE TWO LOTS.

I BELIEVE WE RAN THE EXISTING IMPERVIOUS COVER

AROUND 49, 50 PERCENT ON THE SITE AS IT CURRENTLY SITS RIGHT NOW. ON ONE LOT, YES. WILL.

**Alvarez:** SO -- WHAT WOULD HAPPEN I GUESS IF THEY SUBDIVIDE TO SF-4-A AND ONE OF THESE LOTS HAS HIGHER THAN 55% IMPERVIOUS COVER OR -- I GUESS HOW DOES THAT WORK? DEPENDING ON WHAT IMPERVIOUS COVER RESTRICTIONS THERE ARE, DOES IT GET GRANDFATHERED BECAUSE IT'S IT'S EXISTING?

YES, IT WOULD BE GRANDFATHERED IF IT'S EXISTING. IF YOU HAVE SOMETHING BRAND NEW, THAT'S A BRAND NEW DEVELOPMENT WE WOULD HAVE TO COMPLY WITH THE STANDARDS THEN.

**Alvarez:** OKAY.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? MOTION AND A SECOND ARE ON THE TABLE. ALL IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO ON FIRST READING. COUNCIL -- THAT TAKES US TO OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. WE ARE NOW RECESSED.

Mayor Wynn: AT THIS TIME WE TAKE OUR BREAK FROM CITY COUNCIL BUSINESS TO HAVE OUR LIVE MUSIC CONCERT FOR THE WEEK. AND I'M WELCOMING BYRD AND STREET, CATH STREET, TOMMY BYRD, DAN RABY ON FIDDLE HAD SEPARATE MUSIC CAREERS, I GUESS, AND THEN FORMED THIS COLLABORATIVE IN 2001 AND PLEASE JOIN ME IN WELCOMING BYRD AND STREET. [ APPLAUSE ] [ (music) MUSIC PLAYING (music)(music) ] [ APPLAUSE ]

> BEFORE YOU ALL GET AWAY, TELL US WHERE WE CAN HEAR BYRD AND STREET.

WE WILL BE AT MOZART'S TOMORROW NIGHT RIGHT DOWN THE STREET. AND SATURDAY NIGHT WE'LL BE AT -- WHERE ARE WE? AT MONICA'S, MONICA'S 701 IN -- IN GEORGETOWN,

NOT MAIN STREET -- ON MAIN STREET, YES. AND THEN ON THE 31st WE'LL BE AT LYNDON STREET IN FEB. SO COME JOIN US AND ALSO VISIT OUR WEBSITE IF YOU CAN, [WWW.BYRDANDSTREET.COM](http://WWW.BYRDANDSTREET.COM) AND WE'VE GOT OUR SCHEDULE UP THERE.

Mayor Wynn: GREAT. BEFORE YOU GET AWAY HERE'S A PROCLAMATION. IT READS: BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD, NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HERE BY PROCLAIM TODAY, JANUARY EIGHTH, 2004, AS BYRD AND STREET DAY IN AUSTIN AND PLEASE HELP ME CONGRATULATE THESE FINE MUSICIANS. [ APPLAUSE ] [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

A COUPLE OF WEEKS AGO WAS THE ANNUAL EMPLOYEE AWARDS RECOGNITION LUNCHEON, I WAS FORTUNATE ENOUGH AND HONORED TO HAND OUT SERVICE AWARDS TO FOLKS WHO HAVE BEEN FIVE, 10, 15, 20 CAREERS, JODY HAS ACTUALLY BEEN THERE 24 YEARS AND SEVERAL MONTHS. IT WAS JUST A MONTH OR TWO AWAY FROM GETTING A 25 YEAR PIN. BUT -- BUT SO I'M -- I REGRETTED NOT BEING ABLE TO GIVE HER THAT. BUT INSTEAD WE ARE GIVING HER THIS MUCH MORE APPROPRIATE DISTINGUISHED SERVICE AWARD. I WOULD LIKE TO READ IT FOR YOU TODAY. FOR MORE THAN YEARS OF EXTRAORDINARY SERVICE THE PEOPLE OF AUSTIN, AS A DEDICATED CITY EMPLOYEE, FOR BRINGING WISDOM, GRACE AND BROWNSVILLEENCE TO -- BRILLIANCE TO HER MANY POSITIONS WITH THE PARKS AND RECREATION DEPARTMENT, DRAINAGE UTILITY, WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENTS THROUGHOUT HER CAREER, FOR BEING COURAGEOUS, CALM AND POSITIVE REGARDLESS OF THE STORMS SWIRLING AROUND HER AND FOR BEING SUPPORTIVE, RESOURCEFUL AND UNDERSTANDING OF ALL THOSE WHOSE PATHS SHE CROSSED. JODY R. HAMILTON IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. THERE IS NO GREATER CALLING THAN PUBLIC SERVICE. IT IS AN HONOR TO

RECOGNIZE SOMEONE WHO HAS SO ABLY SERVED OUR CITIZENS IN OUR GREAT CITY OF AUSTIN. PRESENTED THIS 8th DAY OF JANUARY, 2004, BY THE ENTIRE CITY COUNCIL OF AUSTIN, MAYOR WYNN, MAYOR PRO TEM GOODMAN, COUNCILMEMBER SLUSHER, ALVAREZ, DUNKERLY, MCCrackEN AND THOMAS, PLEASE JOIN ME IN GRATING JODY HAMILTON. [ APPLAUSE ] CONGRATULATING JODY HAMILTON. [ APPLAUSE ]

THANK YOU. I'VE HAD A FABULOUS CAREER WITH THE CITY OF AUSTIN. I HAVE MET SOME OF THE MOST INTELLIGENT, DEDICATED, HARD WORKING PEOPLE WHO REALLY CARE ABOUT THE CITY OF AUSTIN. WHO CARE HOW IT IS AND HOW IT WILL BE IN THE FUTURE. AND IT'S BEEN MY PRIVILEGE TO - - TO HELP WITH A LITTLE OF THAT, HELPING REP FOR THE FUTURE AND MAKE SURE THAT AUSTIN IS A -- IS AS BEAUTIFUL OF A PLACE FOR -- FOR THE NEXT GENERATIONS AS IT HAS BEEN FOR ME TO LIVE HERE. AND I HAVE LOVED IT. AND I HAVE LOVED WORKING WITH EVERYBODY AND I'M REALLY GOING TO MISS ALL OF MY COLLEAGUES AT THE CITY OF AUSTIN. JUST A REALLY WONDERFUL GROUP OF PEOPLE. VERY CARING AND VERY HARD WORKING. THANK YOU SO MUCH. [ APPLAUSE ]

Mayor Wynn: AT THIS TIME I WOULD LIKE TO WELCOME COUNCILMEMBER McCrackEN.

**McCracken:** IT'S MY OPPORTUNITY TO DO A PROCLAMATION FOR A CAUSE NEAR AND DEAR TO THE HEARTS OF THE MCCrackEN HOUSEHOLD, INCLUDING BARNEY, HE WILL LIZE A AND -- IF ALL OF OUR SPAYED AND NEUTERED FRIENDS COULD COME UP HERE TO HELP CELEBRATE THE CAUSE. I WOULD SAY A LITTLE SOMETHING, BUT THE PROCLAMATION SPEAKS FOR ITSELF, WE WILL TAKE SOME COMMENTS HERE, ALSO. HERE'S THE PROCLAMATION: BE IT KNOWN THAT WHEREAS A SERIES OF EVENTS ARE SCHEDULED THIS MONTH TO RAISE AWARENESS OF THE PET OVERPOPULATION CRISIS IN OUR COMMUNITY AND TO INFORM THE PUBLIC ABOUT POSSIBLE SOLUTIONS AS WE ALSO DRAW ATTENTION TO THE THOUSANDS OF UNWANTED PETS WHO DIE IN OUR LOCAL SHELTERS. WHEREAS THE SPAY AUSTIN CAMPAIGN IS SPONSORING A TRAP, NEUTER RELEASE PROJECT, A MEMORIAL OF AUSTIN ELEMENTARY



SCHOOL STUDENTS, A PEST FESTIVAL TO CULMINATE THE PET CAMPAIGN. WHEREAS ANIMAL TRUSTEES OF AUSTIN, AUSTIN HUMANE SOCIETY, AUSTIN PETS ALIVE, TOWN LAKE ANIMAL SHELTER, SHADOW CATS, EMACIPET AND A NUMBER OF LOCAL VETERINARIANS AND CAMPAIGN SPONSORS, NOW THEREFORE I WILL WYNN MAYOR OF THE CITY OF AUSTIN, TEXAS, DO ARE HEREBY PROCLAIM JANUARY 2004 AS SPAY-NEUTER AWARENESS MONTH IN AUSTIN, TEXAS. [ APPLAUSE ]

THIS IS FOR EVERYBODY STANDING BEHIND ME, INCLUDING DORINDA SITTING OVER THERE. THIS IS REALLY EXCITING. I THINK THIS IS A UNIQUE GROUP THAT WE HAVE HERE IN THAT IT'S A COLLABORATION OF MANY DIFFERENT ANIMAL WELFARE GROUPS AND EVEN MORE SO REACHING OUT INTO THE COMMUNITY TO RAISE AWARENESS AND WE ARE KICKING OFF THIS CAMPAIGN BREWSTER, HE SAID EVERYTHING, WE HAVE GOT A -- A STRAY CAT SPAYING NEUTER PROJECT THAT'S BEGINNING THIS SUNDAY IN THE EAST AUSTIN COMMUNITY. SPECIFICALLY THE AREA IN THE EAST CESAR CHAVEZ NEIGHBORHOOD PLANNING TEAM. WE WILL BE WORKING WITH RESIDENTS AND WE WILL BE DOING THAT THIS SUNDAY FOR THE WHOLE WEEK. WE WILL BE HAVING A -- AN ACTIVITY AS MARTIN MIDDLE SCHOOL TO -- THEY WILL BE ASSEMBLING A CHAIN OF CALLERS TO SYMBOLIZE NOT ONLY THE NUMBER OF ANIMALS, UNWANTED ANIMALS THAT ARE PUT DOWN AT THE SHELTERS, BUT FOR ALL OF THOSE ANIMALS THAT CAN BE SAVED. SO IT'S AN EDUCATION EVENT TO RAISE PUBLIC AWARENESS WITH THE SCHOOL KIDS. AND FINALLY, THE PET FESTIVAL ON JANUARY THE 31st, I'VE INVITED THE ENTIRE CITY COUNCIL TO COME. I'M INVITING EVERYBODY HERE, EVERYBODY WHO IS WATCHING, ON JANUARY THE 31st FROM NOON TO 4:00, BRING YOUR PETS, FRIENDLY DOGS ON A LEASH [LAUGHTER], IT WILL BE GREAT FUN. WE WILL HAVE A PET LOOK ALIKE CONTEST. ANYWAY THANK YOU VERY, VERY MUCH.

THANKS A LOT.

THANK YOU, JACKIE. [ APPLAUSE ]

**McCracken:** I JUST WANT TO ADD A COMMENT FOR ANYONE

WHO IS WATCHING THIS EVENING WHO MAY BE A LITTLE RESISTANT TO GETTING THEIR COMPANION, THEIR PET SPAYED OR NEUTERED, IT DOES NOT AFFECT THEIR PERSONALITY NEGATIVELY AT ALL. IN SOME CASES FOR A LITTLE MORE AGGRESSIVE ANIMALS IT WILL ACTUALLY HELP CALM THEM DOWN WHICH IS A REAL POSITIVE THING. IF YOU HAVE BEEN RESISTING DOING IT, I KNOW FOR BARNEY, FOR INSTANCE, HE STILL GETS IN THE TRASH CANS, SAME BEAGLE THAT HE ALWAYS WAS. NOMAD OUR CAT IS STILL LORD OF THE SQUIRRELS. IT WON'T CHANGE EXCEPT FOR THE BETTER, IT'S ALSO HELPED TO PREVENT OVERPOPULATION WHICH IS GREAT THING FOR THE COMMUNITY, THANKS A LOT. [ APPLAUSE ]

... TAKING OUR 6:00 TIME CERTAIN AND POSSIBLE ACTION, ITEM NO. 35, CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING THE PROPOSED AMENDMENT TO EXHIBIT A OF ORDINANCE 03098-4 AFFECTING THE GREEN CHOICE ENERGY RIDER, RELATED ITEM NO. 2 ON THE AGENDA. WELCOME MR. GARZA. MAYOR, MEMBERS OF THE COUNCIL, WE ARE HERE TO SEEK APPROVAL FOR THE GREEN CHOICE RATE. THE APPROVAL OF THIS RATE IS NECESSARY FOR US TO CONTINUE SALES OF GREEN CHOICE SUBSCRIPTION, GREEN CHOICE HAS BEEN EXHAUSTED. THE IN OTHER WORDS DOESN'T TAKE EFFECT UNTIL 10 DAYS AFTERWARD, BUT WE WILL IMMEDIATELY BEGINNING MARKETING AT THIS RATE. WE ARE RECOMMENDING THIS RATE BY THE WAY WAS -- WAS PRESENTED TO THE RMC AND THE ELECTRIC UTILITY COMMISSION, BOTH OF WHICH PASSED IT UNANIMOUSLY. THE -- THE RESOURCE MANAGEMENT COMMISSION DID ASK US TO MONITOR AND COME BACK TO THEM IN ABOUT A YEAR JUST TO SORT OF LET THEM KNOW HOW IT'S GOING AND WE PROMISED THAT WE WOULD DO THAT. WE ARE RECOMMENDING A RATE OF 3.3 CENTS PER KILO WATT HOUR FOR THIS BATCH, WHICH IS AN INCREASE FROM THE 2.85 CENTS THAT WE WERE CHARGING FOR BATCH 2. THERE WERE SEVERAL REASONS FOR THIS INCREASE. THE PRIMARY REASON IS THE CONTRACT PRICE FOR BATCH 3 IS HIGHER THAN THE CONTRACT THAT WE WERE ABLE TO FOR BATCHES 1 AND 2. WE ARE NOT CERTAIN FOR ALL OF THE REASON THAT'S THE WIND BIDS INCREASED BUT WE KNOW

THAT WE ARE ABLE TO NEGOTIATE VERY FAVORABLE RATES FOR THE FIRST TWO BATCHES. OTHER FACTORS THAT -- THAT MAYBE PLAY INTO IT ARE THE INCLUSION OF COSTS THAT ARE NOT PRESENT AT THE TIME THAT THE BATCH FOR PRICE 2 WAS SET. CONGESTION COSTS WERE UNKNOWN FOR BATCH 2 BUT WE DO KNOW THEM NOW AND THEY ARE INCLUDED THIS BATCH 3. THE COSTS THAT MAKE UP THE PRICE FOR BATCH 3 COME ONLY FROM THE BATCH 3 COSTS. THERE ARE NO BATCH 2 COSTS INCLUDED ON THE BATCH 3 PRICE. OTHER COSTS INCLUDE ERCOT FEES, THE COST OF SERVICING NEW SUBSCRIPTIONS FROM SMART MARKET PURCHASES UNTIL THE NEW WIND COMES ON LINE AND MARKETING AND PROGRAM COSTS. ALL OF THESE NEW COSTS ADD UP TO 3.3 CENTS. IT'S A BREAK-EVEN ESTIMATE OF OUR COSTS THAT WE ARE PASSING THROUGH TO THE GREEN CHOICE SUBSCRIBERS. WE ARE VERY, VERY PROUD OF OUR PROGRAM. WE ARE STILL THE NUMBER ONE LEADER IN THE NATION IN THE GREEN CHOICE SALES, WE HAVE MET ALL OF THE CUSTOMER SUBSCRIPTION REQUESTS AND KEPT PACE WITH THE COUNCIL'S POLICY DIRECTIVES ON THIS MATTER. WE NEED THE APPROVAL OF THIS TARIFF TO CONTINUE TO SELL GREEN CHOICE TO OUR CUSTOMERS. WITH THAT, MAYOR, WE ARE FREE -- OPEN TO ANSWER ANY QUESTION.

COMMENTS OR QUESTIONS OF STAFF, COUNCIL? A COUPLE OF FOLKS SIGNED UP WISHING TO SPEAK, AT THIS TIME WE WILL GO TO THE CARDS. THE FIRST SPEAKER, AMANDA BIEWLER. SIGNED UP NEUTRAL. AMANDA WILL BE FOLLOWED BY MIKE SLOAN. WELCOME, MA'AM, YOU WILL HAVE THREE MINUTES.

GOOD EVENING MAYOR, COUNCIL. CITY MANAGER. MY NAME IS AMANDA BULER, I WORK FOR PUBLIC CITIZEN, A NON-PROFIT HERE IN TOWN. WE ARE A PART OF THE SOLAR AUSTIN COALITION, WHICH IS A GROUP OF NON-PROFITS, BUSINESSES AND CITIZENS WORKING TO PROMOTE RENEWABLE. FIRST OF ALL, WE ARE VERY EXCITED ABOUT THE DIRECTION THE CITY IS COMMITTING TO WITH THE NEW STRATEGIC PLAN AND RENEWABLE ENERGY PLANS CONTAINED THEREIN. WE ARE BIG SUPPORTERS OF GREEN CHOICE AND WE PROMOTE IT AT EVERY AVAILABLE OPPORTUNITY. IT'S BEEN A FANTASTIC WAY TO

INCORPORATE MORE RENEWABLES INTO THE PORTFOLIO. WHEN WE HEARD ABOUT THE BATCH 3 PRICE INCREASE CERTAINLY WE SOUGHT TO UNDERSTAND EXACTLY WHAT WAS GOING ON BEHIND THAT. THAT'S OUR ROLE IS TO PROVIDE INFORMATION AND UNDERSTAND EVERYTHING AS IT GOES. IN GENERAL WIND COSTS SEEM TO BE GOING DOWN, OF COURSE WE WERE SURPRISED THAT THE GREEN CHOICE PRICES GO UP. WE UNDERSTAND THE RESOURCE MANAGEMENT COMMISSION ASKS THAT THE AUSTIN ENERGY STAFFERS CHECK BACK IN AFTER A YEAR OR SO TO EVALUATE WHETHER SOME OF THOSE COST THAT'S HAVE NECESSITATED THE RATE INCREASE HAVE DISAPPEARED. LIKE THE CONGESTION COSTS, WHICH WE UNDERSTAND SHOULD BE FIXED BY THE END OF '05. SO HOPEFULLY WE WILL BE ABLE TO LOWER IT AT SOME POINT IN THE FUTURE. WE LOOK FORWARD TO -- TO KEEPING OUR EYES ON THAT. WE ARE ALSO CURIOUS TO UNDERSTAND HOW THE EXPIRE RAFTION THE TAX CREDIT WAS GOING TO AFFECT THIS. CERTAINLY SINCE OUR WIND FARMS ARE NOT YET IN PLACE, LOOKS LIKE WE WILL HAVE TO BE BUYING OFF THE SPOT MARKET. THAT MAY HAVE -- THAT MAY AFFECT BATCH 3. LOT ALL WE HOPE TO SEE THE WIND WARMS BUILT AS SOON AS THEIR PRODUCTION TAX CREDIT IS REINSTATED. WE WILL SUPPORT THE COUNCIL DECISION ON THIS MATTER, KEEP BEING IN MIND -- KEEPING IN MIND THAT A REVIEW MAY BE WARRANTED LATER ON DOWN THE ROAD. AGAIN WE ARE BIG SUPPORTERS OF GREEN CHOICE, WANT TO DO WHAT'S BEST FOR THE PROGRAM. THANK YOU VERY MUCH.

THANK YOU, MS. BULER, MIKE SLOAN. WELCOME, SIR.

THANK YOU. I'M MIKE SLOAN. I'M PRESIDENT OF EARTH'S ENERGY, A CONSULTING FIRM HERE IN AUSTIN. I USED TO WORK AT AUSTIN ENERGY BACK WHEN IT WAS THE ELECTRIC UTILITY DEPARTMENT BACK IN THE '80'S, SINCE THEN I'VE BEEN A RENEWABLE ENERGY CONSULTANT. FORTUNATE TO WORK WITH THE WIND ENERGY AS A MANAGING CONSULTANT FOR THE WIND COALITION, MADE UP OF MANY OF THE WIND INTEREST GROUPS HERE IN TEXAS. I ALSO WANT TO COMMEND AUSTIN ENERGY ON A GREAT JOB THAT THEY HAVE DONE WITH EFFICIENCY AND RENEWABLES IN THE PAST, IN PARTICULAR WITH THE GREEN CHOICE PROGRAM. IT REALLY HAS BEEN A TOP PERFORMER

IN THE NATION AND CERTAINLY HOPEFUL THAT THEY CAN CONTINUE ON THIS GREAT PROGRAM. I DO WANT TO BRING UP THREE THINGS, THOUGH. ONE IS WHEN THE OPPORTUNITY COMES BACK TO SECURE THESE WIND CONTRACTS WITH THE FEDERAL INCENTIVES IN PLACE, THAT PRODUCTION TAX CREDIT, AUSTIN ENERGY SHOULD ACT AGGRESSIVELY ON PROCURING WIND POWER. THERE'S TWO THINGS GOING ON IN TEXAS RIGHT NOW. ONE, WITH THE PRODUCTION TAX CREDIT IN PLACE, WIND IS VERY COMPETITIVELY PRICED. NUMBER 2, THERE'S TRANSMISSION LIMITATIONS IN THE STATE OF TEXAS. NOW, THERE'S AVAILABLE TRANSMISSION RIGHT NOW AND AUSTIN, BECAUSE IT'S LOOKING AT MUCH MORE CLEAN ENERGY IN THE FUTURE, REALLY NEEDS TO TRY TO LOCK IN ON THE OPPORTUNITY OF HAVING THE COMBINATION OF THE PRODUCTION TAX CREDIT AND AVAILABLE TRANSMISSION. NUMBER 2, PROBABLY DON'T NEED TO BRING THIS ONE UP BECAUSE EVERYBODY KNOWS IT, NATURAL GAS IS EXTREMELY EXPENSIVE RIGHT NOW. THERE'S NO REAL SIGN OF RELIEF IN SIGHT. WIND POWER IS ONE OF THE BEST WAYS TO REDUCE OUR PRICE WE PAY FOR NATURAL GAS. WE CAN LOWER OUR BILL HERE IN AUSTIN FOR WHAT WE ARE SPENDING ON GAS AND IN FACT IF MORE COMMUNITIES WILL AGGRESSIVELY GO INTO RENEWABLES AND ENERGY EFFICIENCY, WE CAN ACTUALLY REDUCE NATURAL GAS PRICES. I'VE GOT A LITTLE EXCERPT FROM A STUDY FROM -- EXCERPT FROM A STUDY FROM THE AMERICAN COUNCIL ON ENERGY EFFICIENT ECONOMY THAT I CAN SHARE WITH YOU AND IT COULD NUMBER IN THE BILLIONS OF DOLLARS OF COST SAVINGS TO AMERICANS IF WE DO MORE RENEWABLES AND ENERGY EFFICIENCY. AND THEN THIRDLY, I DO WANT TO SAY THAT IF -- IF THE GREEN CHOICE IS MARKETING AGGRESSIVELY, THAT'S PROBABLY THE VERY BEST WAY TO HELP LOWER OUR GAS PRICES. BECAUSE THE MORE WIND POWER WE SELL AND RENEWABLES WE SELL, THAT'S LESS GAS THAT WE HAVE TO BUY. WITH THAT I WILL JUST SAY AUSTIN ENERGY CONTINUE ON WITH THE GOOD WORK THERE, AND I LOOK FORWARD TO HAVING GREEN CHOICE AVAILABLE TO ALL CUSTOMERS IN AUSTIN. THANK YOU.

Mayor Wynn: THANK YOU, MR. SLOAN. THAT'S ALL OF THE

CARDS THAT I HAVE. ARE THERE ANY OTHER CITIZENS THAT WISH TO BE HEARD ON THIS PUBLIC HEARING? IF NOT, I WILL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY THE MAYOR PRO TEM. I WILL SECOND THAT. FURTHER DISCUSSION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

**Mayor Wynn:** OPPOSED? PUBLIC HEARING IS CLOSED. QUESTION, MR. GARZA, I HEARD THAT WE HAD A FEW QUESTIONS, PARTICULARLY FROM MS. BULER EARLIER ABOUT THE PERCEPTION IS OUT THERE THAT WIND COSTS ARE ACTUALLY GOING DOWN, WHAT IS YOUR ANSWER OR RESPONSE TO SOME OF HER COMMENTS MADE?

MAYOR, THE -- I CAN ONLY ADDRESS THE ACTUAL BIDS THAT CAME IN. THE BIDS ON THE CONTRACTS THAT WE BROUGHT TO YOU TODAY OR THE RATE THAT WE BROUGHT TO YOU TODAY ARE ACTUALLY HIGHER THAN WHAT WE HAD IN THE PREVIOUS TWO CONTRACTS. NOW, WE DIDN'T NEGOTIATE VERY AGGRESSIVELY THOSE PREVIOUS TWO CONTRACTS. WE HAVE DONE THE SAME THING HERE. BUT OUR SENSE IS THAT MORE IS KNOWN ABOUT WHAT MIGHT BE HAPPENING TO THE MARKET. THE MARKET DESIGN CHANGES THAT ARE BEING CONTEMPLATED. THE [INDISCERNIBLE] PROBLEMS THAT WE ARE HAVING WHICH WILL BE REPAIRED, THE ADDED ERCOT COSTS THAT ARE FACING. WE HAVE ALSO INCLUDED SOME OF THE DIRECT MARKETING AND SERVICING COSTS THAT WE INCUR. THE INTENT TOYS MAKE WIND ENERGY ESSENTIALLY SELF SUFFICIENT AND A BREAK EVEN PROPOSITION FOR THE UTILITY.

THANK YOU. FURTHER COMMENTS, QUESTIONS?  
COUNCILMEMBER ALVAREZ?

MR. GARZA, ON -- THE CHARGE THAT WE HAVE FOR GREEN CHOICE, HOW DOES THE CHARGE COMPARE WITH SORT OF THE FUEL CHARGE THAT IT REPLACES? I GUESS ISN'T THAT WHAT HAPPENS IF YOU ARE PART OF THE GREEN CHOICE PROGRAM, THEN YOU ARE NOT SUBJECT TO THE FUEL RATE THAT -- THAT FLUCTUATES BASED ON THE PRICE OF

NATURAL GAS.

THIS WIND -- THIS CONTRACT, THE 3.3 CENTS IS SLIGHTLY HIGHER THAN OUR CURRENT FUEL FACTOR.

**Alvarez:** WHICH HAS RECENTLY BEEN --

2.79 VERSUS 3.3.

**Alvarez:** VERSUS 3.3. THEN ARE THERE -- SO WHEN WE TALK ABOUT THIS PARTICULAR RATE, IT IS -- IT IS TIED TO THE CONTRACTS WE ARE ENTERING INTO AND IT'S NOT NECESSARILY -- I MEAN OTHER FACT -- ARE THERE FACTORS OUTSIDE LIKE, YOU KNOW, FEDERAL ACTIONS THAT COULD BE TAKEN OR STATE ACTIONS THAT COULD BE TAKEN THAT WILL -- THAT WOULD GIVE US THE FLEXIBILITY OF LOWERING THAT --

I WANT TO MAKE SURE THAT I MAKE CLEAR THAT THESE CONTRACTS ASSUME THAT THE PRODUCTION TAX CREDITS WOULD BE APPROVED. IF -- IT HAS TO.

OKAY. AND SO THEY WILL BE PRETTY FIXED SUCH THAT -- SUCH THAT,, YOU KNOW, WE AT A FUTURE DATE LOOK AT HOW THE MARKET IS OPERATING, THERE ISN'T MUCH OF A CHANCE THAT WE ARE GOING TO COME IN AND SAY WELL LET'S LOWER THAT PARTICULAR --

WELL, WE ARE GOING TO MONITOR THIS. WE CERTAINLY WANT TO CONTINUE THE SUCCESS OF THE PROGRAM. WE WANT TO MEET THE DIRECTIVE THAT YOU ALL GAVE US. SO WE WILL MONITOR IT. IF THIS THING ISN'T MOVING, WE MAY HAVE ANOTHER POLICY RECOMMENDATION FOR YOU ALL AT THAT TIME. WE CERTAINLY WILL MOVE REQUICKLY ON IT. I WILL NOT LET IT SIT FOR VERY LONG WITHOUT BRINGING AN ACTION TO THE COUNCIL TO TAKE CORRECTIVE ACTION IF IT'S NECESSARY.

**Alvarez:** NO, NO, WE APPRECIATE THE WORK THAT THE UTILITY HAS DONE. REALLY I JUST RECEIVED SOME QUESTIONS FROM CONSTITUENTS AND WANTED TO MAKE SURE THAT I WAS CONVEYING THE RIGHT MESSAGE. BUT HOW LONG ARE THESE CONTRACTS? THAT WOULD BE MY

LAST QUESTION.

THESE WOULD BE 10 YEARS.

10 YEARS.

OKAY. THANKS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?  
COUNCILMEMBER McCRACKEN?

**McCracken:** I DON'T HAVE ANY QUESTIONS. I'VE HAD THE CHANCE TO TALK WITH MR. GARZA AND MR. DUNCAN ON SOME OF THESE ISSUES THAT UNDERSTANDABLY HAVE TO REMAIN CONFIDENTIAL BECAUSE THEY INVOLVE AUSTIN ENERGY NEGOTIATING WITH VARIOUS WIND COMPANIES TO GET THE BEST DEAL WE CAN POSSIBLE. A LOT OF TIMES IT MEANS THAT WE CAN'T TELL FOLKS WHAT THESE COMPETING BIDS ARE BECAUSE THAT HELPS US GET A LOWER PRICE. BUT WITH THAT SAID, THE REASON WHY WE ARE HAVING TO DO A BATCH 3 OF CLEAN ENERGY IS BECAUSE THIS PROGRAM IS SUCH A SUCCESS. AND IT JUST SPEAKS TO THE FACT THAT SO MANY PEOPLE IN AUSTIN AND A LOT OF COMPANIES,, TOO, AND AISD ARE CHOOSING TO BECOME GREEN CHOICE CUSTOMERS, NOT ONLY GOOD FOR THE ENVIRONMENT BUT IT MAKES GOOD BUSINESS SENSE. IT'S A GREAT DEAL FOR RATEPAYERS, TOO. I THINK WHAT WE ARE DOING TONIGHT REFLECTS THE SUCCESS, NOT JUST HERE IN AUSTIN BUT STATE-WIDE WITH CLEAN ENERGY. FURTHER COMMENTS -- FURTHER COMMENTS OR QUESTIONS? IF NOT I GUESS AT THIS TIME I WOULD ENTERTAIN A MOTION ON ITEM NO. 2, WHICH IS THE ACTUAL AMENDMENT TO THE EXISTING ORDINANCE. MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE ITEM NO. 2 AS POSTED. FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

**Mayor Wynn:** OPPOSED? MOTION PASSES ON A VOTE OF 7-0. MS. BROWN, IS THAT -- THAT IS OUR AGENDA FOR TODAY? WOW. CALL THE PAPER. THERE BEING NO MORE ITEMS



BEFORE THE AUSTIN CITY COUNCIL ON THIS WEEK'S  
AGENDA, I WILL ENTERTAIN A MOTION TO ADJOURN. MOTION  
MADE BY COUNCILMEMBER SLUSHER, SECONDED BY  
COUNCILMEMBER ALVAREZ. ALL IN FAVOR.

AYE. WE ARE ADJOURNED. THANK YOU VERY MUCH.

**End of Council Session Closed Caption Log**