

Closed Caption Log, Council Meeting, 7/29/04

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Mayor Wynn: GOOD MORNING, COUNCILMEMBERS, WELCOME BACK.

GOOD MORNING.

I'M AUSTIN MAYOR WILL WYNN, IT'S MY PRIVILEGE TO WELCOME MATT HARRIS THE ASSOCIATE PASTOR OF CELEBRATION CHURCH TO LEAD US IN OUR INVOCATION, PLEASE RISE.

FATHER GOD, WE COME TO YOU TO LIFT THE CITY UP TO YOU, LORD, DECLARING THAT IT'S YOURS. WE THANK FOR YOU THE SERVANTS IN THE ROOM, FATHER, WE THANK YOU FOR THE MANY DECISIONS, FATHER, THE WEIGHTY DECISIONS THAT ARE BEFORE YOU TODAY. WE ASK YOU TO GUIDE THE COUNCIL MEMBERS AS THEY DECIDE ON THESE ISSUES, GOD. WE ASK YOU TO DISPENSE YOUR WISDOM UPON US, FATHER, RELY ON YOUR WORD THAT YOU WILL DO SO, FATHER. I ASK AND I BELIEVE, WE STAND HERE TO DECLARE, FATHER, THAT THE PROSPERITY THAT WE BEGIN TO SEE COMING UPON THE CITY WILL CONTINUE AND THAT YOU WILL GUIDE IT, THAT YOUR HAND WILL BE UPON US FATHER, WE LIFT UP TO THE CITY TO YOU IN JESUS NAME, AMEN.

THANK YOU, PASTOR HARRIS. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MIGHTMEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, JULY 29th, 2004. 10:13 A.M. WE ARE IN THE LCRA

BOARD ROOM, 3700 LAKE AUSTIN BOULEVARD. AT THIS TIME, I WOULD LIKE TO READ THROUGH THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. WE HAVE SEVERAL OF THEM. SO A LENGTHY AGENDA. ITEM NO. 18, WE SHOULD STRIKE THE WORD SCHEDULED FOR REVIEW, AND THEN INSERT THE WORD "APPROVED" BY THE AUDIT AND FINANCE COUNCIL SUBCOMMITTEE ON JULY 27th. LIKewise, ITEM 19, STRIKE SCHEDULED FOR REVIEW AND INSERT THE WORD APPROVED BY THE AUDIT AND FINANCE COUNCIL SUBCOMMITTEE. SAME WITH ITEM NO. 20, STRIKE THE WORD SCHEDULED FOR REVIEW, INSERT THE WORD APPROVED. ITEM 25, WILL BE POSTPONED TO AUGUST 5th, 2004. ITEM 26 THE ORDINANCE NUMBER SHOULD BE AMENDED TO READ 030909-01. ITEM 36, YOU SHOULD STRIKE THE WORD DEDICATION AND INSERT THE WORD CONVEYANCE. AND SO IT WILL READ TO ALLOW THE SEMINARY FLEXIBILITY IN ITS MASTER PLAN IN ACCORDANCE -- IN CONSIDERATION OF CONVEYANCE OF A 25-FEET EASEMENT FOR FUTURE BICYCLE AND PEDESTRIAN TRAIL. ITEM NO. 79, STRIKE THE WORDS "AN ORDINANCE CHANGING THE CITY COUNCIL" AND SO THEREFORE THE SUMMARY OF THIS AGENDA ITEM WOULD READ: APPROVE A RESOLUTION DIRECTING THE CITY MANAGER TO BEGIN THE PROCESS AMENDING THE DESIGNATION OF THE CROSS DOWNTOWN RAIL CORRIDOR. ITEM NO. 82, WE SHOULD CORRECT THE TITLE OF THE INDEPENDENT AUDIT FIRM TO MAXWELL, LOCK AND RITTER, LLP, 501 CONGRESS AVENUE, AUSTIN, TEXAS. ITEM 92, HAS BEEN POSTPONED TO AUGUST 5th, 2004. ITEM 93, POSTPONED TO, I BELIEVE, SEPTEMBER 30th, 2004. THANK YOU YOU, MS. BROWN. AND A RELATED ITEM, ITEM 113, WHICH IS A PUBLIC HEARING, WHICH WE CAN'T TAKE UP UNTIL 6:00 P.M., THE -- THE PREFERENCE IS TO POSTPONE THAT PUBLIC HEARING TO SEPTEMBER 30th, 2004, BUT AGAIN WE CAN'T TAKE UP THAT ACTION OR POSTPONE IT UNTIL 6:00 P.M. MS. BROWN?

Clerk Brown: IF WE COULD MAKE ONE OTHER CORRECTION, MAYOR, ON NUMBER 36, YOU READ THAT, THERE IS ONE OTHER WORD THAT NEEDS TO BE DELETED, THAT'S THE WORD EASEMENT, SO IT'S WILL READ: QURTION OF A CONVEYANCE -- CONSIDERATION OF A CONVEYANCE OF 25 FEET FOR A FUTURE BICYCLE-PEDESTRIAN TRAIL.

Mayor Wynn: THANK YOU, MS. BROWN. ON ITEM Z-11, WE SHOULD STRIKE THE WORD TO BE CONSIDERED BY THE COMMISSION ON JULY 27th AND INSERT TO FORWARD THIS REQUEST TO COUNCIL WITHOUT A FORMAL RECOMMENDATION. THAT'S ZONING CASE Z-11. ITEM NO. 92, WHICH IS THE CORRESPONDING EXECUTIVE SESSION ITEM FOR 25, I BELIEVE, HAS BEEN POSTPONED ON THIS 5th -- AUGUST 5th, 2004. 25 AND 92 TO BE POSTPONED, 93, LATER THIS EVENING, ITEM 113 ALSO TO BE POSTPONED.

WE'VE ONE MORE POSTPONEMENT, I WAS GIVEN MAYOR, NUMBER 33 TO AUGUST 5th PER STAFF REQUEST.

THANK YOU.

Mayor Wynn: THANK YOU, ITEM 33 ALSO POSTPONED TO AUGUST 5th. OUR TIME CERTAINS TODAY ON THIS WEEK'S AGENDA, AFTER WE HAVE OUR -- OUR CONSENT AGENDA HERE IN A FEW MINUTES, WE WILL BREAK AND TAKE UP ITEM NO. 88 AT APPROXIMATELY 10:30. AT NOON, WE WILL BREAK FOR OUR GENERAL CITIZEN COMMUNICATIONS, AT 2:00, WE HAVE OUR BRIEFINGS AND POSSIBLE ACTIONS THAT SHOW ON THIS WEEK'S AGENDA AS ITEMS 97 AND 98. WE WILL BE HEARING THE PRESENTATION FROM THE CITY MANAGER OF HER PROPOSED BUDGET FOR THIS COMING FISCAL YEAR. AT 4:00 P.M. WE BREAK FOR THE ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RRKS. ON THIS -- AND RESTRICTIVE COVENANTS. ON THIS WEEK THAT'S 99 THROUGH 106 AND ZONING ITEMS Z-1 THROUGH Z-13. I WILL ANNOUNCE NOW THAT STAFF WILL BE REQUESTING POSTPONEMENT OF ITEM 103, THE NORTH UNIVERSITY PLAN, TO AUGUST 5th. AND ITEMS 105, A ZONING CASE RELATED TO THE PROPERTY ON NORTH I-35 TO SEPTEMBER 30th, 2004. AND ITEM Z-12, A BRODIE LANE ZONING CASE, TO AUGUST 26th, 2004. BUT AGAIN THOSE POSTPONEMENTS FORMALLY CAN'T BE TAKEN UP UNTIL OUR 4:00 TIME CERTAIN, THAT'S THE REQUEST FROM STAFF AND THEY GENERALLY ARE ACCEPTED. 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, AT 6:00 P.M. WE HAVE -- WE HAVE SEVERAL TIME CERTAIN ITEMS. AND PUBLIC HEARINGS AND POSSIBLE ACTIONS. THOSE SHOW AS ITEMS 107 THROUGH 113. AT THIS TIME I WILL READ ITEMS PULLED OFF THE CONSENT AGENDA. ITEM 15, PULLED BY COUNCILMEMBER

SLUSHER, ITEM 17, ALSO PULLED BY COUNCILMEMBER SLUSHER, 37, BY COUNCILMEMBER SLUSHER, I HAVE PULLED ITEM NO. 45,, ITEMS 76 AND 78 PULLED, I HAVE PULLED 79 ALONG WITH COUNCILMEMBER SLUSHER, ITEM NO. 80 HAS BEEN PULLED BY COUNCILMEMBER SLUSHER. COUNCIL, ANY OTHER ITEMS TO BE PULLED OR ADDED BACK TO THE CONSENT AGENDA?

Slusher: I JUST WANTED TO THANK YOU FOR PULLING THE ITEM. I WAS REALLY HOPING THAT SOMEBODY ELSE MIGHT PULL AN ITEM. [LAUGHTER] COUNCIL, FURTHER ITEMS? COUNCILMEMBER THOMAS?

Thomas: MAYOR, YOU DON'T MIND, I'M GOING TO PULL 51. I JUST WANT TO TALK TO STAFF BEFORE WE GET TO IT. ANSWER SOME OF MY QUESTIONS, IF THEY DO, I WILL PUT IT BACK ON.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER ITEMS TO BE PULLED, PLACED BACK ON THE CONSENT AGENDA. IF NOT, THEN I WILL READ THE CONSENT AGENDA OWE OWE.

Slusher: MAYOR, I WILL PUT SOME BACK ON IF WE CAN -- LET'S SEE, ON NUMBER 37, I WILL PUT THAT ONE BACK ON. MY QUESTIONS HAVE BEEN ANSWERED. ALSO THAT THE STAFF HAS CHANGED THE WAY WE CALCULATE THESE, BUT THIS ONE WAS ALREADY IN THE PIPELINE. SO -- I THINK THEY -- THIS IS A BETTER DEAL FOR THE CITY THAN THE ONE THAT WE HAD A FEW WEEKS AGO OF -- OF -- OF GRANTING, SELLING SOME -- SOME EASEMENT OR EXCESS LAND. SO I'LL -- I'LL PUT THAT ONE BACK ON. NUMBER 37. AND THEN 78, I WILL PUT THAT -- I THOUGHT -- I JUST WANTED TO HAVE A SHORT DISCUSSION ON THAT. I THOUGHT THE WORDING WAS A LITTLE BROADER THAN THE ITEM ACTUALLY IS. BUT I THINK THIS IS REALLY, REALLY GOOD, IMPORTANT ITEM, SPONSORED BY THE MAYOR, COUNCILMEMBER MCCrackEN AND COUNCILMEMBER THOMAS TO DIRECT THE CITY MANAGER AND MANAGER TO INVESTIGATE THE FUTURE PHILADELPHIA EAGLESIBILITY OF INTEGRATING -- FEASIBILITY OF INTEGRATING ELECTRIC UTILITY AND TRANSPORTATION SECTORS. PERHAPS WE CAN GET MR. DUNCAN TO COME UP AND EXPLAIN THIS OR ONE OF THE

SPONSORS TO TALK ABOUT WHAT THIS IS.

Mayor Wynn: THANK YOU, COUNCILMEMBER SLUSHER. IF YOU DON'T MIND I WILL BRIEFLY SAY THAT THIS ITEM IS DIRECTING THE CITY MANAGER TO HAVE OUR MUNICIPALLY OWNED UTILITY, AUSTIN ENERGY, BEGIN THE PROCESS TO ANTICIPATE THE LIKELY FUTURE CONSUMER DEMAND FOR ELECTRICITY. ONE OF THE OBVIOUS EXAMPLES THAT WE BELIEVE WILL BE COMING FORWARD IN THE NEAR FUTURE IS -- IS THE ABILITY FOR FOLKS WHO ARE DRIVING HYBRID, ELECTRIC OR PURE ELECTRIC CARS TO HAVE THE ABILITY TO PLUG THEIR CAR INTO THE WALL SOCKET AT NIGHT WITH THE IDEA BEING THAT LITERALLY USING WEST TEXAS WIND POWER, THAT BLOWS MORE FREQUENTLY AT NIGHT THAN DURING THE DAYTIME TO POWER VEHICLES RATHER THAN MIDDLE EASTERN GASOLINE. IN ADDITION TO THE OBVIOUS ELECTRICAL OPPORTUNITY WITH TRANSPORTATION, WE ALSO HAVE BEEN HEARING MORE ABOUT -- ABOUT THE -- PEOPLE -- WHAT PEOPLE CONSIDER THE FUTURE HYDROGEN ECONOMY, THAT IS THE ABILITY FOR INDIVIDUAL CARS TO BE FUELED BY HYDROGEN THAT LIKELY COULD BE PRODUCED BY OUR UTILITY AS WELL. SO IT'S A -- IT'S RELATIVELY BROAD IN ITS DIRECTION, BUT IT'S ENCOURAGING, SHOWING COUNCIL SUPPORT TO ENCOURAGE OUR MUNICIPALLY OWNED UTILITY TO BEGIN THE ANALYSIS OF -- OF PLAYING MORE OF A DIRECT CONSUMER ROLE WITH TRANSPORTATION THAN WE HAVE BEEN IN THE PAST.

MAYOR? MAYOR?

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: ADDING IN, ONE POTENTIAL EXTRA BENEFIT, THAT THE MAYOR HAS REALLY SAID IT WELL, THAT THERE IS A SECOND GENERATION OF HYBRID VEHICLES COMING IN, IT'S GOING TO BE A HYBRID VEHICLE THAT YOU PLUG INTO YOUR HOUSE AT NIGHT. AS THE MAYOR WAS SAYING, IF YOU ARE A GREEN CHOICE CUSTOMER, THEN YOUR CAR COULD BE POWERED BY WIND POWER AS OPPOSED TO GASOLINE. THE DAIMLER CHRYSLER IS ABOUT TO BRING OUT THE FIRST GENERATION OF THESE. BUT WHAT AUSTIN ENERGY, IN CONJUNCTION, IN LEADERSHIP ON THIS ISSUE, HAS

POTENTIAL TO CREATE A MARKET FOR THIS POTENTIALLY IN CONJUNCTION WITH OTHER MUNICIPALLY OWNED UTILITIES, SUCH AS IN LOS ANGELES AND SEATTLE, THIS WOULD BE A BIG BREAK THROUGH, IT'S A CHANCE FOR THE CITY OF AUSTIN TO BE ONCE AGAIN A CLEAN ENERGY LEADER NATIONALLY.

Slusher: MAYOR?

YEAH, I WOULD PUT THAT BACK ON THE CONSENT AGENDA AND SAY THAT CONGRATULATIONS TO THE MEMBERS ON THAT ONE AND THE UTILITY, BECAUSE I THINK THIS IS THE FUTURE AND ITS A WAY THAT, LIKE YOU SAID, THE UTILITY CAN MAKE SOME MONEY, STAY VIBRANT AND GET ON STILL ONE MORE WAVE OF THE FUTURE. BECAUSE I AGREE WITH -- WE HEAR AT CAMPO AND PEOPLE WARN US OF OUR -- OUR ENVIRONMENTAL FRIENDS WARN US ABOUT THE OIL IS DEPLETING, OIL SUPPLIES ARE DEPLETING, WE ARE AT THE END OF CHEAP OIL. I THINK THAT'S TRUE. I THINK BOTH OF THOSE THINGS ARE TRUE. IT'S PRETTY EVIDENT. BUT WHAT - - WHILE I DISAGREE WITH SOME, I DON'T THINK THAT MEANS THAT AMERICA IS GOING TO HAVE TO STOP DRIVING CARS. I JUST DON'T THINK THAT'S GOING TO HAPPEN. I THINK WHAT'S GOING TO HAPPEN IS TECHNOLOGY IS GOING TO DEVELOP NEW WAYS OF RUNNING AUTOMOBILES. FRANKLY, I HAVE BEEN ADVOCATING THAT FOR A LONG TIME. I THINK WHAT IT'S REALLY GOING TO TAKE THE END OF CHEAP OIL AND PROBABLY CORPORATE SECTOR MOVING MORE INTO THIS AREA FOR IT TO HAPPEN. I THINK THAT IS STARTING TO HAPPEN, THOUGH. AND I THINK THAT'S WHERE IT'S REALLY GOOD FOR OUR UTILITY TO BE ON THE FRONT END OF THAT.

Mayor Wynn: THANK YOU, COUNCILMEMBER?

Thomas: MAYOR, ALSO, THE REASON WHY I SUPPORTED THIS IS ALSO WE HAVE TO LOOK AT THE FUTURE. WE DO COMMEND AUSTIN ENERGY FOR MAKING THAT STEP. BUT AS YOU KNOW, A HYBRID IS ONE OF THE THINGS THAT EVERYBODY IS LOOKING AT. EVEN IN TRANSPORTATION. CAPITAL METRO IS LOOKING AT THE HYBRID. THIS IS A TOOL THAT WE ALSO NEED TO LOOK FOR IN THE FUTURE. SO WE CAN HELP. NOT CONTRIBUTE TO THE POLLUTION OF THE AIR WITH DIFFERENT TYPE OF VEHICLES. BECAUSE THAT IS THE

NEAR FUTURE, THAT WE TRY TO HAVE CLEAN AIR AS MUCH AS POSSIBLE. I COMMEND AUSTIN ENERGY IN MAKING A STEP TOWARD THAT EFFORT. THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. AGAIN, FURTHER ITEMS TO BE PULLED OR PLACED BACK ON THE CONSENT AGENDA. IF NOT, I WILL READ THE CONSENT AGENDA NUMERICALLY. CONSENT AGENDA WILL BE ITEMS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18 PER CHANGES AND CORRECTIONS, AS WELL AS 19 AND 20 PER CHANGES AND CORRECTIONS. 21, 22, 23, 24, 25 FOR POSTPONEMENT TO AUGUST 25th, 26 PER CHANGES AND CORRECTIONS, 27, 28, 29, 30, 31, 32, 33 TO BE POSTPONED TO AUGUST 5th, 34, 35, 36, PER CHANGES AND CORRECTION, 37, 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73,, 74, ITEM 75 ARE OUR BOARDS AND COMMISSION APPOINTMENTS AND AT THIS TIME I WILL READ THOSE INTO THE RECORD. TO OUR CHILD CARE COUNCIL, MARY ELLEN GALVIN IS MY REAPPOINTMENT. TO THE COMMUNITY DEVELOPMENT COMMISSION, PATRICIA GONZALEZ IS COUNCILMEMBER MCCracken'S APPOINTMENT. AND ALGE REE WILLIAMS A COLONY PARK REPRESENTATIVE IS A CONSENSUS APPOINTMENT. TO THE ELECTRIC UTILITY COMMISSION, SHUDY FATH IS COUNCILMEMBER SLUSHER'S REAPPOINTMENT. TO THE ETHICS REVIEW COMMISSION, FRANCES MCINTYRE REPRESENTING THE LEAGUE OF WOMEN VOTERS IS A CONSENSUS REAPPOINTMENT. TO OUR M.B.E.-W.B.E. ADVISORY COMMITTEE, DON CRANE TRADE ASSOCIATION REPRESENTATIVE IS A CONSENSUS REAPPOINTMENT. TO THE MECHANICAL, PLUMBING AND SOLAR BOARD, STEVEN COX IS A CONSENSUS REAPPOINTMENT. TO THE SOLID WASTE ADVISORY COMMISSION, ALEX ZUAREN IS A CONSENSUS REAPPOINTMENT. TO THE URBAN FORESTRY BOARD, JOYCE WASANI, MISSPELLED, MY REAPPOINTMENT. TO THE WATER AND WASTEWATER COMMISSION, ROGER CHAN IS COUNCILMEMBER THOMAS'S REAPPOINTMENT, LESLIE POOL IS COUNCILMEMBER DUNKERLY'S REAPPOINTMENT. TO OUR ZONING AND PLATting COMMISSION JAY GOHILL IS MY REAPPOINTMENT. AND, COUNCIL, WE ARE POSTED FOR THE APPOINTMENTS TO THE HOSPITAL DISTRICT BOARD OF

MANAGERS. AT THIS TIME, I WOULD BE HAPPY TO --
ACKNOWLEDGE COUNCILMEMBER DUNKERLY?

Dunkerly: MAYOR? I WOULD LIKE TO TAKE A MOMENT TO EXPRESS DEEP APPRECIATION TO THE 65 CANDIDATES WHO APPLIED FOR POSITIONS ON THE HOSPITAL DISTRICT BOARD. THE -- WE HAD AN INTERNAL COMMITTEE COMPOSED OF OUR HEALTH SUBCOMMITTEE AS WELL AS REPRESENTATIVES FROM THE ADVISORY COMMITTEE THAT WORKED SO HARD ON THE ELECTION AND THE STAFF. THE -- THE RECOMMENDATION THAT WE ARE PRESENTING TO THE COUNCIL TODAY WAS APPROVED BY THE HEALTH CARE SUBCOMMITTEE. 7 LET'S SEE. I WOULD LIKE TO READ THE RECOMMENDATION TO YOU. THE FIVE APPOINTMENTS THAT WE ARE RECOMMENDING TO YOU IS DR. THOMAS COOPWOOD, VICTORIA SUE, ROSE LANCASTER, ROSA MEN DOSE SAY, MENDOSA, KARL RICHIE, CONSENSUS APPOINTMENT WITH TRAVIS COUNTY, AND THEN HENRY NORVASE IS AN ALTERNATE IN CASE SOME OF THESE APPLICANTS ARE UNABILITIES TO SERVE IN THE NEAR FUTURE. WE THOUGHT THAT WE WOULD GO AHEAD AND APPOINT AN ALTERNATE RATHER THAN GO THROUGH A VERY LONG PROCESS. SO I WOULD LIKE TO, AGAIN, THANK ALL OF THE PEOPLE THAT TOOK THE OPPORTUNITY TO -- TO FILE AN APPLICATION, TO COME IN FOR INTERVIEWS. AND IN ACTUALITY, WE COULD NOT HAVE MADE A MISTAKE BECAUSE EVERYBODY WAS REALLY A SUPERB CANDIDATE. I WOULD LIKE TO ASK IF MAYOR PRO TEM WOULD LIKE TO ADD SOMETHING, SINCE SHE WAS --

Goodman: I WOULD LIKE TO LET EVERYBODY KNOW THAT IN FACT THERE WERE A GREAT MANY VERY QUALIFIED, VERY VALUABLE WOMEN CANDIDATES FOR THE SLOTS. AND AS THE CITY WORKING ON OUR APPOINTMENTS, WE WERE IN SOMEWHAT OF A VACUUM, MAKING OUR OWN CHOICES IN DISCUSSIONS. WHEN THE COUNTY MADE THEIR CHOICES THAT CHANGED OUR APPROACH A LITTLE BIT. AND WE DEFINITELY WANTED TO MAKE SURE THAT DIVERSITY WAS A PART OF THE ENTIRE BOARD MAKEUP. SO IT'S -- WITH GREAT PLEASURE THAT WE OFFER SOME WOMEN FOR THIS COUNCIL TO VOTE ON.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. I THINK THAT I

CAN SPEAK FOR THE REST OF YOUR COLLEAGUES THAT WE GREATLY APPRECIATE THE WORK OF THE -- OUR HEALTH CARE SUBCOMMITTEE. MAYOR PRO TEM GOODMAN, COUNCILMEMBER DUNKERLY, COUNCILMEMBERS ALVAREZ AND THOMAS PUT IN A LOT OF TIME ON THIS VERY IMPORTANT ISSUE. WE ARE PLEASED THAT THE TRAVIS COUNTY VOTERS AGREED TO THE FORMATION OF THIS HOSPITAL DISTRICT AND WE TOOK OUR APPOINTMENTS VERY SERIOUSLY AS DID OUR COUNTY COLLEAGUES AND WE LOOK FORWARD TO -- TO A SUCCESSFUL LAUNCH OF THE DISTRICT. WITH ITS VERY IMPORTANT WORK FOR THIS COMMUNITY.

Slusher: MAYOR, I FORGOT, I WAS GOING TO PUT BACK 80 ALSO TO DEAL WITH CESAR CHAVEZ, I CAN EITHER DO THAT OR I NEED TO ASK A COUPLE OF QUESTIONS OR WE CAN JUST BRING IT UP AT THE REGULAR TIME.

I WILL READ IT AND RECOGNIZE YOU BEFORE WE PASS IT'S. THAT WAS OUR BOARD AND COMMISSION APPOINTMENTS THAT SHOW AS ITEM NO. 75 ON THIS WEEK'S CONSENT AGENDA. CONTINUING ON, ITEM 77, 78, 80, 81, 82 PER CHANGES AND CORRECTIONS, 83, 84, 85, 86, 87, SO COUNCIL THAT CONCLUDES THE CONSENT AGENDA. I WILL ENTERTAIN A MOTION. MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE THE CONSENT AGENDA AS READ. COUNCILMEMBER SLUSHER?

Slusher: WELL, MAYOR, I JUST -- THIS ON CESAR CHAVEZ, IT'S -- CONVERT FIVE BLOCK -- DETERMINE THE BEST WAY TO CONVERT THE FIVE BLOCK LONG ONE WAY SEGMENT TO A TWO WAY SEGMENT AND DETERMINE THE CAUSE -- I THINK THAT PRETTY WELL SPEAKS FOR ITSELF. LET ME MAKE CLEAR THAT THE WAY I UNDERSTOOD IT, FOR INSTANCE, THERE ARE SOME PARKING GARAGES THAT EMPTY ON TO CESAR CHAVEZ THAT MAKE IT DIFFICULT TO -- TO CONVERT IT TO TWO-WAY. SO WHAT THIS WOULD DO IS GO TO INDIVIDUAL SITUATIONS LIKE THAT ONE AND OTHERS AND FIGURE OUT WHAT YOU WOULD NEED TO DO TO WHERE -- TO WHERE IT WOULD WORK. WHERE IT WOULD WORK TO TURN IT TO TWO-WAY AND DETERMINE HOW MUCH THAT WOULD COST. THAT'S WHAT THIS ITEM DOES.

Mayor Wynn: THAT'S CORRECT, COUNCILMEMBER SLUSHER. THIS DOES NOT -- UNILATERALLY MAKE THAT CONVERSION. THIS REALLY FOR THE FIRST TIME ASKS THE CITY MANAGER TO GO THROUGH THE PROCESS OF ANALYZING BOTH THE TRAFFIC FLOW AND WHAT POTENTIALLY MITIGATING PROJECTS WOULD HAVE TO BE CREATED TO -- TO YOU KNOW MITIGATE BOTH THE TRAFFIC FLOW ISSUE AS WELL AS THE ENTRANCE AND EXITS ON PRIVATE PROPERTY AND REPORT BACK TO US. BOTH WHAT WOULD BE A PLAN AND WHAT WOULD BE THE COST BEFORE COUNCIL WOULD CONSIDER TAKING THAT ACTION.

Slusher: WELL, THAT ANSWERS MY QUESTION. IF MS. CRAYTON WANTS TO ADD TO THAT, THAT WOULD BE FINE.

THE WAY THE MAYOR STATED IS EXACTLY HOW WE INTEND TO PROCEED ON IT. WE ARE GOING TO COME UP WITH THE BEST OPTIONS FOR MAKING THAT TWO-WAY CONVERSION AND THEN PROVIDE COST ESTIMATES. THEN WE WOULD COME BACK TO COUNCIL AND ASK WHICH OPTION YOU PREFER TO GO WITH.

OKAY. THANK YOU.

McCracken: I HAD A QUESTION FOR MS. CRAYTON, ALSO.

Mayor Wynn: MS. CRAYTON?

McCracken: THIS IS QUICK. ABOUT FIVE WEEKS OR SO AGO, WE HAD A BRIEFING FROM A NATIONAL SELECT PANEL OF ENGINEERS ON AUSTIN'S STOPLIGHT TIMING SYSTEM AND IT ALSO MENTIONED SOME OF THE THINGS THAT WE WERE DOING WELL, THINGS THAT WE WERE BEHIND THE CURVE ON. ONE OF THE THINGS THAT SAID THAT WE WERE KIND OF CURVE ON IS THAT THEY USE REVERSIBLE LANES DURING RUSH HOUR. SO I -- WHAT I WOULD LIKE TO DO, IF THAT'S GOING TO BE CONSIDERED, AUSTIN CURRENTLY DOESN'T DO THAT, WE ARE APPARENTLY BEHIND THE TREND NATIONALLY IN HELPING PEOPLE GET HOME AND TO WORK FASTER AS A RESULT.

WE WILL BE LOOKING AT ALL OPTIONS THAT WOULD MAXIMIZE THE CAPACITY AND ALSO ALLOW FOR THAT TWO-

WAY CONVERSION TO OCCUR. SO THE -- SO THE REVERSIBLE LANES WOULD ALSO BE CONSIDERED BY THE CONSULTING MAP.

Mayor Wynn: I WILL SAY THIS ITEM OBVIOUSLY HAS SOME RELATION TO 79 WHICH WE WILL TAKE UP LATER TODAY WHICH IS THE POTENTIAL DESIGNATION OF 3rd STREET BEING CROSS TOWN RAIL CORRIDOR, CHANGING THAT DESIGNATION FROM FOURTH STREET. IF THAT WERE TO OCCUR, HAVING THIRD STREET AS A CROSS DOWNTOWN RAIL CORRIDOR LIKELY HAS AN IMPACT ON WHAT CURRENTLY IS THE WESTBOUND TRAFFIC OF CESAR CHAVEZ, THESE ARE SOMEWHAT LINKED IN THAT WE WOULDN'T WANT TO TAKE UNILATERAL ACTION ON THIRD STREET, AS AN EXAMPLE, WITHOUT UNDERSTANDING AND HAVING PRICING FOR A POTENTIAL CONVERSION FOR CESAR CHAVEZ FOR THAT FIVE-BLOCK LONG STRETCH. WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA. COUNCILMEMBER MCCRACKEN?

McCracken: I WANTED TO HIGHLIGHT ONE OTHER ITEM. ACTUALLY A SERIES OF ITEMS THAT LAST YEAR THE AUSTIN ENERGY BROUGHT, THE COUNCIL PASSED, THE NATION'S REALLY MOST REVOLUTIONARY SOLAR ENERGY PROGRAM FOR ANY PUBLIC UTILITY PROGRAM IN THE COUNTRY. TODAY FOR THE FIRST TIME WE ARE SEEING THE IMMEDIATE PAYOFF, OUR HOSTS HERE AT THE LCRA ARE GOING SOLAR. AS IS GARDEN TERRACE HOUSING COMMUNITY AND THE VILLAGE GREEN COMMUNITIES AND THE WAREHOUSE. SO THIS IS THE START OF A GREAT THING, IT'S HAPPENING RIGHT AWAY, DIDN'T TAKE 10 YEARS LIKE A LOT OF PEOPLE THOUGHT IT MIGHT. IT SHOWS OUR SOLAR PROGRAM HAS BEEN A GREAT SUCCESS. CONGRATULATIONS YET AGAIN FOR MORE GOOD NEWS FROM AUSTIN ENERGY.

AGREED. THANK YOU, COUNCILMEMBER. FURTHER COMMENTS ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTED OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL, AT THIS TIME, I

WOULD LIKE TO TAKE UP OUR TIME CERTAIN ITEM NO. 88. IF I COULD ASK THE MAYOR PRO TEM TO TAKE THE GAVEL, I'M GOING TO MOVE TO THE PODIUM. THANK YOU.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. ITEM NO. 88 RELATES TO OUR FRIEND NEAL KOCUREK AND WE ARE VERY HONORED TO HAVE MANY MEMBERS OF NEAL'S FAMILY WHO I WILL INTRODUCE HERE IN A FEW MINUTES. ON MARCH 29th, THIS COMMUNITY SUFFER ADD BLOW WITH THE LOSS OF -- SUFFERED A BLOW WITH THE LOSS OF NEAL KOCUREK. SINCE THEN, OF COURSE, APPROPRIATELY, A LOT HAS BEEN REMEMBERED AND SAID ABOUT NEAL KOCUREK. WE HAVE HEARD ABOUT THE FACT THAT HE WAS BORN AND RAISED HERE IN AUSTIN, THAT HE STAYED HERE IN AUSTIN TO EARN HIS BACHELOR'S, MASTER'S AND DOCTORATE DEGREES AT THE UNIVERSITY OF TEXAS, THAT HE STAYED HERE ALONG WITH MARY RAISED A BEAUTIFUL FAMILY, THAT HE STAYED HERE AND HELPED CREATE A REMARKABLE AUSTIN COMPANY. BUT EVEN MORE IMPORTANT THAN -- AND IMPRESSIVE THAN THAT REMARKABLE RESIDENCY AND TENURE HERE IN AUSTIN, WAS NEAL'S RECORD OF SERVICE TO OUR COMMUNITY. WE ALSO REMEMBERED AND HEARD ABOUT NEAL'S COMMITMENT AND WORK REGARDING, AS WE MENTIONED EARLIER, OUR MUNICIPALLY OWNED ELECTRIC UTILITY. NEAL'S WORK AND EFFORT REGARDING TRANSPORTATION FOR THIS REGION. HIS WORK AND EFFORT REGARDING REGIONAL PLANNING. HIS WORK AND DEDICATION, PARTICULARLY LATE IN HIS LIFE, TO THE WELL-BEING OF THE COMMUNITY'S HEALTH CARE NETWORK. AND WE ALSO, OF COURSE, REMEMBERED, PARTICULARLY ON HIS -- ON HIS FINAL DAY WITH US, HIS REALLY LIFE-LONG AND PROBABLY INHERITED COMMITMENT TO THE WELFARE OF THE PUBLIC EDUCATION SECTOR IN OUR CITY. IT'S JUST AN ABSOLUTE REMARKABLE SERIES OF LIFE-LONG COMMITMENTS TO THIS COMMUNITY. SO MUCH SO, FRANKLY, THAT WE AS A CITY, MY COLLEAGUES AND I AND CITY STAFF, AS WE COMMITTED OURSELVES TO -- TO HONORING NEAL AND HIS MEMORY, FRANKLY, WE STRUGGLED A LITTLE BIT ABOUT HOW BEST TO DO THAT. RECOGNIZING THAT NEAL HAD HIS HANDS IN SO MANY POTS IN THIS COMMUNITY. WE HESITATED AND WE -- I'M GLAD THAT WE DID. WE TOOK OUR TIME. WE VISITED WITH

MEMBERS OF THE COMMUNITY, WE VISITED WITH MEMBERS OF NEAL'S FAMILY. WE TALKED TO MAYORS AND COUNCILMEMBERS, PAST AND PRESENT. AND I'M PROUD THAT TODAY WE ARE GOING TO TAKE ACTION FOR OUR FORMAL ONGOING REMEMBRANCE OF NEAL KOCUREK. SO ITEM NO. 88 ON THIS WEEK'S AGENDA IS AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTION 14-1-32 AND 14-1-33 OF THE CITY CODE REGARDING THE NAMING OF A FACILITY AND THE ACTUAL NAMING OF THE AUSTIN CONVENTION CENTER, THE NEAL KOCUREK MEMORIAL AUSTIN CONVENTION CENTER. AND INSTEAD OF JUST READING THE ORDINANCE, WE HAVE ACTUALLY CREATED A - - A REMEMBRANCE STATEMENT HERE FROM MY COLLEAGUES AND I, THE CITY STAFF. I WOULD LIKE TO READ THAT NOW. IT READS: IN REMEMBRANCE, THE NAME OF NEAL KOCUREK IS SYNONYMOUS WITH SOMEBODY PUBLIC SERVANT. HE DEDICATED HIMSELF TO SERVING OTHERS AND HIS COMMUNITY WITHOUT THOUGHT OF PERSONAL GLORY OR ACT CLIMB ACCLIMATION. WHEN HE SPOKE HE COMMANDED ATTENTION BECAUSE WHAT HE SAID WAS WELL THOUGHT OUT, MADE SENSE AND ULTIMATELY WOULD MAKE AS A BETTER PLACE. FROM EDUCATION TO HEALTH CARE, FROM TRANSPORTATION TO ECONOMIC DEVELOPMENT, NEAL KOCUREK VIEWED HIS ROLE AS A CATALYST FOR COMMUNITY COLLABORATION, FINDING WAYS, DIVERGENT AND DIVERSE GROUPS COULD RALLY TOGETHER FOR THE COMMON GOOD OF OUR CITY. THE AUSTIN CONVENTION CENTER SYMBOLIZES NEAL KOCUREK'S SUCCESSFUL STYLE AND CIVIC CONTRIBUTIONS. WITHOUT HIM, THE FACILITY MAY NEVER HAVE BEEN BUILT. WITHOUT HIM BRINGING PEOPLE TOGETHER, THIS PROJECT, LIKE OTHERS, WOULD NOT HAVE MOVED FORWARD. MAY THE NEAL KOCUREK MEMORIAL AUSTIN CONVENTION CENTER SERVE AS A REMINDER OF THIS MAN'S LEGACY, OF COMMUNITY SPIRIT, COMMUNITY INVOLVEMENT, AND COMMUNITY ACCOMPLISHMENTS. AND THE CERTIFICATE IS SIGNED BY THE ENTIRE CITY COUNCIL, DATED THIS 29th DAY OF JULY, 2004. AND WITH THAT, I WOULD LIKE TO RECOGNIZE MEMBERS OF NEAL'S FAMILY. WE HAVE HIS PARENTS, WILLIE AND MAURO RECENT KOCUREK WITH US, HIS WIFE MARY IS HERE. I SEE BOTH SONS, JEFF AND KELLY, AND I SEE HIS SISTER, INDICATE BELL IS WITH US, I'M SORRY IF I AM

LEAVING OUT OTHERS, BUT AT THIS TIME I WOULD -- IF SHE WOULDN'T MIND, I WOULD LIKE TO ASK MARY KOCUREK TO PLEASE COME FORWARD AND ACCEPT THIS GIFT OF GRATIFICATION FROM THE CITY ON BEHALF OF YOUR HUSBAND NEAL.

THE CONVENTION CENTER WAS VERY, VERY IMPORTANT TO NEAL. AND OUR FAMILY WISHED TO THANK THE CITY COUNCIL AND THE CITY OF AUSTIN FOR HONORING NEAL THIS WAY. IT'S VERY MEANINGFUL TO ME. AND VERY SPECIAL. AND I THANK YOU ALL VERY, VERY MUCH. [APPLAUSE]

Goodman: MAYOR, ARE WE TO CONSIDER THAT A MOTION?

Mayor Wynn: YES, THANK YOU, I WOULD LIKE TO MOVE APPROVAL OF ITEM NO. 88 THE ORDINANCE WAIVING THE REQUIREMENTS OF SECTION 14-1-32 AND 14-1-33 FOR THE NAMING OF THE AUSTIN CONVENTION CENTER THE NEAL KOCUREK MEMORIAL CONVENTION CENTER.

Slusher: SECOND.

Goodman: THERE'S A MOTION AND A SECOND. IS THERE A FURTHER DISCUSSION OR COMMENT BY THE COUNCILMEMBERS? COUNCILMEMBER DUNKERLY? NO? MCCracken?

McCracken: CERTAINLY BEFORE WORLD WAR II THERE WAS A OWETHERE WAS AN INCIDENT WHERE AN ARMY CONVOY WAS GOING DOWN A CANAL, THE ARMY SOLDIER'S HORSE SLID INTO THE CANAL. HE HAD SOME PACKS, SO THE ARMY WAS REQUIRED TO IDENTIFY WHAT THE HORSE HAD BEEN CARRYING. SO THE -- AT THE TIME, THE ARMY HAD REALLY STRICT RULES THAT YOU COULD NOT DISPOSE OF ANYTHING, IT WAS IMPOSSIBLE. SO WHEN THIS HORSE FELL IN THE CANAL, HIS ARMY DISCOVERED THE OPPORTUNITY, THEY -- THEY LISTED ON THE MANIFEST THIS HORSE HAD BEEN CARRYING ALL OF THE STUFF THAT THEY WANTED TO THROW AWAY DATING BACK TO THE CIVIL WAR. AND IT TURNED OUT THE MANIFEST INDICATED THAT THE HORSE HAD BEEN CARRYING SEVERAL TONS OF MATERIAL. AND ME -- OF COURSE HE HADN'T. BUT, YOU KNOW, NEAL NEAL WAS

THAT GUY. NEAL KOCUREK WAS THAT GUY, THE GUY THAT CARRIED EVERYTHING FOR THE CITY. TODAY WE ARE GOING TO SEE A BUDGET AND THE CITY OF AUSTIN TAXPAYERS CAN THANK NECESSARILY KNEEL FOR NEAL KOCUREK THAT WE HAVE THE LOWEST TAX RATE OF ANY CITY IN THE STATE BECAUSE OF HIS VISION ON THE ELECTRIC UTILITY. WE HAVE A CONVENTION CENTER, YOU THINK PASSENGER RAIL WAS TOUGH, THE CONVENTION CENTER, HOW MANY TIMES DID IT FAIL? BUT NEAL KOCUREK WAS THE GUY THAT MADE THAT HAPPEN. AUSTIN IS GETTING AHEAD OF THE CURVE IN TRANSPORTATION, IT WAS NEAL KOCUREK'S LEADERSHIP. WE JUST DID ENVISION CENTRAL TEXAS. ONE AGAIN IT WAS NEAL KOCUREK. HE WAS THE GUY THAT GOT STUFF DONE IN THIS COMMUNITY. ONE OF THE FIRST TIMES I EVER SPOKE WITH GARY VALDEZ, HE TOLD ME, IF YOU WANT TO KNOW HOW TO DO IT RIGHT, YOU HAVE GOT TO TALK TO NEAL KOCUREK, HE'S MY HERO. AND -- AND THOSE OF US WHO HAD THE PRIVILEGE OF KNOWING HIM, HE'S MY HERO, TOO. THERE'S A LINE FOR US, FOR THOSE OF US WHO ARE CHRISTIANS, WHAT WOULD JESUS DO. I THINK PETE SAID THAT IN CIVIC LEADERSHIP, THAT THE MOTTO WE ALL SHOULD LIVE BY IN LEADERSHIP IS WHAT WOULD NEAL KOCUREK DO? I'M REAL HONORED TO KNOW THE FAMILY AND MY FRIEND JULIE KOCUREK IS SUCH A GREAT FOLLOWER OF HER FATHER-IN-LAW'S EXAMPLE, SHE DIDN'T EVEN DRAW AN OPPONENT. HER FAMILY HAS BEEN A REAL SHRINING LIGHT IN OUR COMMUNITY, MAYOR, THANKS FOR TAKING THE LEAD ON THIS AND THANK YOU ALL FOR EVERYTHING THAT YOU HAVE DONE FOR OUR COMMUNITY.

Goodman: COUNCILMEMBER THOMAS?

Thomas: THANK YOU VERY MUCH, TO -- FIRST OF ALL I SAY TO MR. AND MRS. WILLIE KOCUREK, IF IT WASN'T FOR YOU, THERE WOULDN'T BE A NEAL KOCUREK. I HAVE KNOWN THE FAMILIES FOR YEARS, HOW I HAVE KNOWN THEM IS FROM MR. WILLIE KOCUREK WHEN HE HAD HIS BUSINESS, I HAD THE OPPORTUNITY TO ESTABLISH MY FIRST CREDIT THROUGH HIS BUSINESS. I SAY TO YOU AND THE FAMILY, NEAL WAS A LEGEND. HE WAS A LEGEND BACK HERE, LEFT IT FOR A LOT OF US TO LOOK AT, MOVE FORWARD, BELIEVE IN OUR DREAMS, OUR GOALS, SOME OF THE THINGS THAT HE WORKED VERY HARD AT. I HAD THE OPPORTUNITY TO

MEET HIM SEVERAL TIMES. EACH TIME I MET HIM HE WAS AT WORK. EACH TIME HE WOULD LISTEN. AND LISTEN TO WHAT PEOPLE SAY. AND JUST LIKE THE MAYOR SAID, ONCE HE LISTENED AND GET EVERYTHING TOGETHER, HE BROUGHT FORWARD WHAT NEEDS TO BE DONE. I SAY TO THE FAMILY, GOD BLESS YOU, GOD KEEP YOU. ALWAYS REMEMBER THE JOURNEY AND REMEMBER NEAL'S DREAMS AND THE THINGS THAT HE STILL WANTED TO ACCOMPLISH HERE IN THIS GREAT CITY OF AUSTIN ON THIS EARTH AND THE CITY OF AUSTIN. GOD BLESS YOU.

Goodman: COUNCILMEMBER DUNKERLY?

Dunkerly: I REALLY DON'T WANT TO -- TO REPEAT WHAT EVERYBODY ELSE HAS SAID ABOUT HIS CONTRIBUTIONS TO THE COMMUNITY. BUT I WOULD LIKE TO SAY ON A PERSONAL NOTE THAT I HAD THE GREAT PRIVILEGE OF MEETING WITH NEAL ON A MONTHLY BASIS FOR A LONG TIME, DEALING WITH HEALTH CARE. I LEARNED A LOT. THEY WERE VERY PRECIOUS MEETINGS FOR ME. AND SO ON THAT PERSONAL NOTE I JUST WANT TO SAY THANK YOU, HE WAS A WONDERFUL MAN. AND CERTAINLY MEANT A LOT TO ME PERSONALLY AND TO THIS COMMUNITY.

Goodman: COUNCILMEMBER ALVAREZ?

Alvarez: REALLY, JUST WANT TO REALLY JUST THANK THE FAMILY FOR SHARING NEAL WITH US. BECAUSE OF HIS DEDICATION TO THE COMMUNITY AND TO THE PUBLIC, ALL OF THE WONDERFUL ACCOMPLISHMENTS THAT HE WAS ABLE TO REALIZE FOR OUR COMMUNITY AND A LOT OF TIMES OBVIOUSLY THAT COMES TO GREAT SACRIFICE IN TERMS OF FAMILY AND FRIENDS. CERTAINLY WANT TO THANK YOU FOR THAT. ALSO FOR ALLOWING US TO TAKE THIS ACTION, BUT WHERE WILL REALLY I THINK IT'S A SMALL THING THAT WE CAN DO TO HONOR SOMEONE WHO EMBODIED THE SPIRIT OF AUSTIN IN TERMS OF HIS DEDICATION TO THE COMMUNITY, ALSO TO HIS ABILITY TO USE HIS CREATIVITY TO SOLVE VERY PRESSING AND VERY IMPORTANT COMMUNITY ISSUES AND REALLY THAT GIVES US A HOPE THAT WE WILL BE ABLE TO MAKE THIS A BETTER COMMUNITY, IF WE HAVE MORE PEOPLE LIKE NEAL KOCUREK, SO REALLY WANT TO THANK THE FAMILY FOR

SHARING HIM WITH US AND THANK YOU AGAIN FOR BEING HERE AND AGAIN -- IN SUPPORTING THIS ACTION BY THE COUNCIL.

Goodman: BEFORE COUNCILMEMBER SLUSHER IT JUST SAY MINE AS WELL. YES, THANK YOU FOR NEAL. BACK WHEN I WAS MUCH YOUNGER AND NEAL WAS YOUNGER, WE DISAGREED WITH EACH OTHER A LOT MORE THAN WE DID LATER IN LIFE. I HAVE NO IDEA WHAT TO ATTRIBUTE THAT TO. BUT -- BUT HE WAS A WONDERFUL PERSON AND THANK YOU FOR SHARING. COUNCILMEMBER SLUSHER?

Slusher: YEAH, I THINK NEAL REALLY DID PROVIDE A MODEL OF HOW PEOPLE CAN AGREE AND DISAGREE AND BRING PEOPLE TOGETHER THAT DO DISAGREE, A LOT OF TIME WHEN YOU DO THAT YOU FIND SOME COMMON GROUND. THAT'S SOMETHING THAT HE WAS ON JUST INCREDIBLY TALENTED AT DOING. I THINK THAT IT'S VERY FITTING THAT THE CONVENTION CENTER, EXCUSE ME, BE NAMED AFTER HIM. BUT THERE ARE MANY PEOPLE, AS HE WOULD BE THE FIRST TO SAY, A LOT OF PEOPLE ARE INVOLVED IN GETTING THAT APPROVED. BUT HE WAS -- HE WAS I THINK FOREMOST AMONG THEM, I'M NOT SURE WE WOULD BE THERE OR WOULD HAVE BEEN THERE AS SOON IF IT WASN'T FOR NEAL. WHEN I HEARD WHAT HAD HAPPENED I WAS ON A TRIP TO WASHINGTON D.C. WITH THE CHAMBER OF COMMERCE AND A WHOLE LOT OF LOCAL ELECTED OFFICIALS. WE WERE LOOKING AT PASSENGER RAIL FACILITIES AND WE HAD JUST GOTTEN OFF AT A COMMUTER RAIL STOP IN NORTHERN VIRGINIA THERE AND IT WAS ANNOUNCED TO US AND A LOT OF HIS REALLY CLOSE FRIENDS AND PEOPLE HE HAD WORKED WITH FOR MANY YEARS WERE THERE IN ONE PLACE AND IT WAS -- IT REALLY WAS STUNNING AND OBVIOUSLY VERY SAD, BUT ALSO TO HAVE BEEN THERE WITH THAT GROUP TO FIND OUT -- YOU REALLY GOT TO SEE HOW MUCH HE REALLY MEANT TO FOLKS. THAT WAS VERY MEANINGFUL TO ME. AND PEOPLE HAVE LISTED OFF A NUMBER OF THINGS HE WAS INVOLVED IN HERE, INCLUDING HEALTH CARE, BUT I WANTED TO JUST TALK BRIEFLY ABOUT THAT ONE IN PARTICULAR BECAUSE I THINK THIS WAS ONE OF THE -- THAT WAS SOMETHING THAT HE WAS WORKING ON VERY HARD. A BIG ACCOMPLISHMENT RIGHT BEFORE HE PASSED AWAY. THAT'S WHERE HE REALLY

SHOWED HOW MUCH HE CARED ABOUT FOLKS. NOT THAT WE DOUBTED IT ON HIS OTHER ISSUES. BUT HIS WORK ON HEALTH CARE AND BRINGING HEALTH CARE TO THE FOLKS THAT DON'T HAVE IT, THE NEEDIEST IN THE COMMUNITY, THAT WHERE HE REALLY SHOWED HIS HUMANITY I THINK AND THAT LEGACY ALONG WITH MANY OTHERS IS GOING TO LIVE ON HERE, PEOPLE ARE GOING TO BENEFIT FROM IT, EVEN THOUGH HE'S GONE. THANK YOU, TO THE FAMILY, FOR SHARING HIM WITH US, IN PARTICULARLY TO HIS MOM AND DAD FOR YOUR COMMITMENT IN INSTILLING THOSE VALUES IN HIM.

Mayor Wynn: I'M VERY HONORED FOR THIS COUNCIL TO HAVE TAKEN THIS ACTION, WE'VE HAD A LOT OF INPUT FROM PAST MEMBERS OF COUNCIL, A LOT OF INPUT FROM CITY STAFF AND FROM LOTS OF FOLKS IN THIS COMMUNITY. SO I'M -- I'M PROUD THAT WE TOOK A COUPLE OF MONTHS TO THINK THROUGH THIS, FIGURE OUT THE BEST WAY FOR US AS -- A MUNICIPALITY TO HONOR NEAL'S MEMORY.

Goodman: THERE'S A MOTION ON THE FLOOR MADE BY MAYOR WYNN, SECONDED BY COUNCILMEMBER SLUSHER. FURTHER DISCUSSION? GAVEALL IN FAVOR PLEASE SAY AYE? AYE.

OPPOSED? AN OBTAINING, IT'S UNANIMOUS. ABSTAINING? IT'S UNANIMOUS. [APPLAUSE]

Mayor Wynn: THANK YOU, MAYOR PRO TEM, COUNCIL, THAT CONCLUDES OUR 10:30 TIME CERTAIN ITEM NO. 88. WITHOUT OBJECTION BACK NOW TO OUR PULLED ITEMS, START WORKING OUR WAY THROUGH DISCUSSION ITEMS. SO -- WITHOUT OBJECTION, COUNCILMEMBER SLUSHER, THE FIRST ITEM IS ITEM NO. 15, RELATED TO THE FEE SCHEDULE ON THE BALCONES CANYON LAND CONSERVATION PLAN PULLED BY YOU. WOULD YOU LIKE TO INTRODUCE THE ISSUE.

SURE, MAYOR, ARE THERE SPEAKERS ON THAT? I WILL HEAR FROM THE SPEAKERS IF THERE ARE, FIRST.

Mayor Wynn: YOU'RE RIGHT, THANK YOU FOR REMINDING ME. ITEM NO. 15, FIVE SPEAKERS SIGNED UP. FIRST SPEAKER,

RICHARD VICTORIA, WELCOME, SIR. YOU CAN ADDRESS THE COUNCIL IF YOU WOULD LIKE. [INDISCERNIBLE]

Mayor Wynn: OKAY. DAVID DONOVAN, ARE YOU HERE? WELCOME, YOU ARE DONATE BEING YOUR TIME TO -- DONATING YOUR TIME TO RICHARD. LAVERNE ROSS, WELCOME, LAVERNE. JESSE ROSS? HELLO, SIR. AND DUDLEY SHWABB. YOU WILL HAVE UP TO 15 MINUTES IF YOU NEED IT.

[INDISCERNIBLE]

GOOD MORNING, MAYOR AND CITY COUNCIL, MY NAME IS RICHARD VICKTRIN, APPEARING BEFORE YOU TODAY TO ASK THAT YOU NOT APPROVE THE REDUCTION OF BALCONES CANYONLAND PRESERVES DEVELOPER PARTICIPATION FEES, ITEM 15 ON TODAY'S CONSENT AGENDA. FOR TWO YEARS I'VE BEEN INVOLVED IN BRINGING GREATER ACCESS TO THE NATURE PRESERVES AND ASKED REPEATEDLY TO MANAGERS TO PAY GREATER ATTENTION TO PUBLIC ACCESS ISSUES. ACCOMPANYING ME ARE LAVERNE AND JESSE ROSS, THE GRANDPARENTS OF CODY ROSS. HE WAS KILLED ON THE SECOND OF THIS MONTH IN A TRAGIC ACCIDENT THAT MIGHT HAVE BEEN PREVENTED HAD THE CITY HEED THE PUBLIC'S DESIRE TO HONOR THE GREENBELT. I'M ASKING YOU TO RECONSIDER THE ROLL BACK OF THE DEVELOPER PARTICIPATION FEES AND INSTEAD UTILIZE THOSE FEES TO BUILD A PARKING LOT WHERE CODY'S ACCESS OCCURRED AND MAKE OTHER ACCESS IMPROVEMENTS TO PRESERVED LAND. IN A MANNER THAT IS TRIVIAL WHEN COMPARED TO THE LOSS OF HUMAN LIFE, TWO YEARS AGO MY TRAIL RUNNING CLUB DISCOVERED THAT OUR GROUP RUNS AT FOREST RIDGE WERE IN VIOLATION OF PRESERVE RULES MERELY BECAUSE WE WERE RUNNING AS A GROUP. WE STOPPED RUNNING AT FOREST RIDGE, MOVED TO THE BARTON CREEK GREENBELT. NONETHELESS I PRESSED PRESERVE MANAGERS ABOUT THEIR MANAGEMENT PRACTICES AND THEIR APPARENT DISCRIMINATION AGAINST -- AGAINST TRAIL RUNNERS. THEY RESPONDED AND EXTENDED IT TO ALL PEDESTRIANS. TODAY A FAMILY OF FOUR CAN NO LONGER WALK AT FOREST RIDGE, PROHIBITED ALL YEAR LONG, EVEN SEVEN MONTHS THE WARBLER LIVES IN MEXICO. CONSTANTLY

OVER THE LAST FEW YEARS I HAVE TAKEN AN INTEREST IN BCP MANAGEMENT AND HAVE ATTENDED MOST OF THE BCP COORDINATING COMMITTEE HEARINGS. AS WELL AS THOSE OF THE NEW BCP ADVISORY, CITIZENS ADVISORY COMMITTEE. I HAVE READ THE BCP MANAGEMENT PLAN, SEVERAL SPECIE RECOVERY PLANS, STUDIED THE SCIENCE, WHAT I HAD FOUND CON FOUND ALL. I HAVE BEEN TOLD TRAIL RUNNERS STARTLE THE BIRDS, DESPITE THE FACT THAT TRAILS TAKE UP LESS THAN 1/10th OF 1% OF THE ENTIRE MACRO SITE. PRESERVE MANAGERS FIRST LINE OF DEFENSE IS THE OFT HEARD PHRASE THAT WE DO NOT KNOW THAT INCREASED PUBLIC ACCESS WILL NOT HARM THE SPECIES. TRICKY LOCUTION I FOUND TO BE WRONG AND INACCURATE. IF YOU GO SEARCHING FOR THE RECOVERY PLANS, ONE OF THE FIRST PLACES THAT YOU WILL FIND YOURSELF IS AT FT. HOOD THE SECOND MOST ACTIVE LIVE ART TILLERY RANGE IN THE NATION. THE DOMINANT LAND USE IS WAR GAMING, TANKS, GRENADES, ROCKET LAUNCHERS, TROUBLE TRACK VEHICLES AND HUMVEES ROAMING AT LARGE, ALSO A SUCCESSFUL SPECIES RECOVERY PROGRAM. THIS IS TRUE. I HAVE NOT ONCE HEARD BCP STAFF DISCUSS THE SUCCESSFUL SPECIES RECOVERY AT FORT HOOD. BUT INSTEAD THEY SEEM TO OFTEN [INDISCERNIBLE] THEIR EXPERIENCES HERE POSSIBLY TO JUSTIFY THEIR RESTRICTIONS ON PUBLIC ACCESS. IN LIGHT OF THE EXPERIENCES AT FORT HOOD, I WOULD QUESTION AND LOOK CLOSELY AT THOSE WHO WOULD ASSERT THAT ASIVE RECREATION, HIKING, BIKING, RUNNING, ENDANGERS THE GOLDEN CHEEKED WARBLER AND THEIR WE HAVE TO RESTRICT ACCESS AND NO RESERVE PARKING FOR THE TRAIL ACCESS ALONG 360. 3 YEARS AGO THE BCP WAS TRANSFERRED OUT OF PARKS AND RECREATION AND INTO THE WATER AND WASTEWATER UTILITY. I BELIEVE THIS WAS A MISTAKE. AS BOTH THE SON AND GRANDSON OF WATER UTILITY OWNERS, I KNOW HOW CLOSELY ALIGNED. ONE NEEDS LOOK NO FURTHER THAN WHAT YOU ARE VOTING ON TODAY TO SEE HOW THIS PLAYS OUT IN THE ARENA OF PUBLIC POLICY. IF THE BCP WAS STILL IN PARTS, WHY YOU MIGHT BE CONSIDERING THE DEVELOPER FEE REDUCTION, YOU WOULD ALSO LIKELY BE VOTING ON A CONTRACT TO PROVIDE PARKING AT THE TRAIL HEAD WHERE CODY LOST HIS LIFE. INSTEAD YOU ARE

VOTING ON A WATER UTILITY RESOLUTION JUST TO WAIVE DEVELOPER FEES. THE PARKS DEPARTMENT WAS MORE ATTENTIVE TO THE PUBLIC INTERESTS IN OUR NATURE PRESERVES AND TO TRAIL SAFETY. IT IS SIMPLY WRONG TO ATTEND TO THE INTERESTS OF DEVELOPERS, REDUCING THEIR FEES BEFORE YOU ADDRESS THE DANGEROUS SITUATION CAUSED BY NOT PROVIDING PARKING AT THE TRAIL ACCESS WHERE CODY HAD HIS ACCIDENT. CERTAINLY IF YOU CAN SHARE THE MONEY TO REDUCE THESE DEVELOPER FEES, LIKELY, WELL IN EXCESS OF ONE MILLION, POSSIBLY TWO, THE BCP HAS THE FUNDS TO BUILD A SIMPLE GRAVEL PARKING LOT. WITH MANY OF THESE HOMES SELLING FOR HALF A MILLION OR MORE, I ASK, IS THE HIGHER STANDARD FEE TOO MUCH TO ASK FROM HARVESTING AUSTIN'S NATIONAL AND SCENIC HERITAGE. IN THE DISCUSSION THAT YOU HOPE WILL FOLLOW, LIKELY TWO OBJECTIONS, FIRST A VIOLATION OF OUR FISH AND WILDLIFE PERMIT TO PUT A PARKING LOT OFF 360. SECOND, SOME WILL CLAIM THE DEVELOPERS WILL NOT PARTICIPATE IN THE BCP IF YOU DO NOT ROLL BACK THE FEE. I ASK YOU TO LOOK MORE CLOSELY. ALL THE BCP HAS TO DO TO PUT A PARKING LOT OFF 360 IS TO REPLACE THE LAND WITH FUTURE PRESERVE ACQUISITIONS, SIMILAR ACCOMMODATIONS HAVE BEEN MADE FOR DEVELOPER AND TRANSPORTATION INTERESTS. TENSE OF ACRES OF PRESERVED LAND WERE USED FOR A WATER TREATMENT PLANT AT BOHLS RANCH, A PIPELINE EASEMENT OFFERED TO DOUBLE J AND T, RECENTLY PRESERVE LANDS WERE GIVEN TO FACILITATE THE REROUTING THE LINE CREAM ROAD. ALL -- LINE CREEK ROAD. BY AGREEING TO MITIGATE AND REPLACE ACREAGE ELSEWHERE. THE ONLY CONSEQUENCE OF BUILDING A GRAVEL PARKING LOT OFF 360 IS THAT THE BCP IS ANOTHER ACRE AWAY FROM COMPLETING THE PRESERVE AND MUST REPLACE THE LAND ELSEWHERE. THE BCP CAN MAKE ACCOMMODATIONS FOR DEVELOPER AND TRANSPORTATION INTERESTS, IT CAN MAKE SIMILAR CONCESSIONS TO FACILITATE THE ACCESS TO THE GREENBELT. ESPECIALLY IN LIGHT OF CODY'S DEATH. THE SECOND OBJECTION THAT YOU WILL HEAR IS THE DEVELOPER'S WILL NOT PARTICIPATE IN THE BCP IF THEY HAVE TO PAY THE FULL PER ACRE FEE, \$5,500. SOME MEMBERS OF THE BCP CITIZENS ADVISORY COMMITTEE

ASKED THAT THE DETERMINATION OF THIS PRICING POINT BE REVISITED. \$5,500 WAS SET IN THE MID 1990'S BECAUSE THAT WAS THE COST TO PRESERVE LANDS AT THE TIME THAT THE BCP WAS FORMED. TODAY THE AVERAGE COST OF PRESERVED LAND IS CLOSER TO 21,500, 22,500, YET YOU ARE VOTING TO LOWER PARTICIPATION FEES TO \$3,000. I REALIZE THAT THE BCP CITIZENS ADVISORY COMMITTEE STUDIED THIS ISSUE IN THE LATE 1990'S AND DETERMINED 3,000 TO BE THE APPROPRIATE FEE LEVEL TO ENCOURAGE PLANNED PARTICIPATION. AS A CPA I HAVE TWO PRIMARY OBSERVATIONS TO MAKE THAT MAKE ME SUSPECT THAT 3,000 IS TOO LOW. FIRST IS THE IDEA THAT BCP MANAGERS MAY BE FOCUSING ALMOST EXCLUSIVELY ON COMPLETING THE TARGET PRESERVE ACRES OF 30,428, WHILE IGNORING APPROPRIATE REVENUE RETURNS. SOMETHING AKIN TO A FIRE SALE TO HURRY UP AND FINISH THE PRESERVE. ANYONE CAN SELL SOMETHING AT A ROCK BOTTOM PRICE, MAYBE WE NEED TO SLOW DOWN TO COLLECT THE PROPER FEE. SECOND, WITH ONLY \$1,500 OF THE PROPOSED 3,000 FEE GOING TO LAND ACQUISITION, IT NOW TAKES 15-ACRES OF DESTROYED HABITAT TO PURCHASE ONE ACRE OF PRESERVE. WITH 2,881-ACRES LEFT TO COMPLETE THE PRESERVE, IT WILL TAKE ALMOST 45,000 ACRES OF DEVELOPED LAND TO COMPLETE THE PRESERVE PURCHASES. IT SEEMS LIKE WE ARE SWIMMING AWFUL FAST TO GO NOWHERE. THERE'S ALSO CONSIDERABLE UNCERTAINTY ABOUT WHAT HAPPENS AFTER THE PRESERVE IS COMPLETED. I AGREE IT'S PERPLEXING AS TO WHY COMPLETION IS GOING SO SLOW. MAYBE THERE ARE DEVELOPERS WHO ARE WAITING US OUT, THINKING THE ENDANGERED SPECIES ACTINGS AWAY AT PLANNED COMPLETION. WITH A LAX ENFORCEMENT RECORD AT FISH, THAT'S NOT A COMPLETELY UNFAIR ASSUMPTION. IT WOULD BE QUITE IRONIC TO FIND THAT SOME DEVELOPERS ARE WAITING IN THE WINGS FOR OTHER DEVELOPERS TO FINISH THE PRESERVE THINKING THAT ONCE THE PLAN IS COMPLETED AND THE CITY AND THE COUNTY'S ROLE IS DIMINISHED, FISH WON'T BE LOOKING AND THEY CAN DO WHATEVER THEY WANT. MAYBE WE NEED MARKETING AND PUBLIC INFORMATION OUTREACH FOR SELECTED LANDOWNERS RATHER THAN FEE REDUCTIONS. IN ANY

EVENTS, I AM SUGGESTING THAT WE.

NEED TO PAUSE, WE STORE THE STANDARD FEE, FIGURE OUT WHAT IS GOING ON. IS IT PROPER TO COLLECT A -- IT IS PROPER TO COLLECT A HIGHER FEE MORE IN LINE WITH PRESERVE ACQUISITION COSTS. A HIGHER FEE WOULD ALSO INCREASE THE 50% THAT GOES TO THE CITY FOR OPERATIONS AND MAINTENANCE AND THEREFORE TO -- MORE TO SPEND ON TRAIL HEAD PARKING THAT MIGHT HAVE PREVENTED THE HAZARD ALONG LOOP 360. I ASK YOU TO REJECT THE RESOLUTION, AT LEAST POSTPONE IT UNTIL YOU'VE HAD A CHANCE TO DIGEST THE ISSUES I RAISED TODAY AND RECONSIDER THE PRICING POINT FOR PARTICIPATION FEES. THE LEVELS HAVE BEEN LOWERED FOR FIVE YEARS RUNNING, PLEASE CONSIDER IF LAND ACQUISITION COSTS AND PARTICIPATION FEES SHOULD ALWAYS BE MOVING IN THE OPPOSITE DIRECTION. OUR NATION IS SUFFERING AN EPIDEMIC OF OBESITY, A RECENT SURVEY FOUND TRAILS BY A WIDE MARGIN TO BE THE MOST DESIRED RECREATIONAL AMENITY, WE SHOULD NOT BE DISCOURAGING ACCESS TO THE GREENBELT IN OUR NATURE PRESERVES, HIGHER PARTICIPATION FEES COULD FUND BETTER TRAILS ACCESS. I CAME TO AUSTIN ALMOST 30 YEARS AGO, AT ABOUT CODY'S AGE, FLEEING HOUSTON AND SEEKING THE OPEN SPACES AND RECREATIONAL OPPORTUNITIES THAT AUSTIN AFFORDED. IN THIS REGARD THE LAST TWO WEEKS HAVE BEEN A PERFECT STORM FOR WHAT MATTERS MOST TO ME ABOUT THIS GREAT CITY AND ITS ESSENTIAL CHARACTER. THANKS TO CAMPO CENTRAL TEXAS WILL NOW BE SUBJECTED TO ONE OF THE WORST ASPECTS OF SPRAWLING, TOLL ROADS. 10 TIMES MORE MILES PER CAPITA THAN DALLAS OR HOUSTON. TODAY IS A RESOLUTION AFFECTING ACCESS TO PRESERVE LANDS WHICH INCLUDE THE GREENBELT. FOR FIVE YEARS RUNNING THE COUNCIL WAIVED THE FULL FEE AND FOR AT LEAST A COUPLE OF YEARS PRESERVED MANAGERS HAVE NEGLECTED THE PARKING AND ACCESS ISSUES OFF 360. THEY SEEK TO DISCOURAGE THE USE OF THE GREENBELT BECAUSE THEY FELT IT SHOULD BE TREATED MORE AS BCP THAN THE GRANDFATHERED PARKLAND THAT IT IS. I ASK YOU TO RECONSIDER THESE DEVELOPER CONCESSIONS. CONSIDER COLLECTING THE FEE IN FULL, USING INCREASED

RESOURCES FOR BETTER PUBLIC ACCESS, USE THESE RESOURCES TO PROVIDE PARKING WHERE CODY LOST HIS LIFE AND WHERE PEOPLE ARE STILL PLACING THEMSELVES AT DANGER BY CROSSING A FOUR LANE HIGHWAY. AS A FINAL MATTER, PERSONAL ASIDE, WHEN I WAS 20 YEARS OLD, I LOST A CLOSE FRIEND IN AN AUTOMOBILE ACCIDENT AND CIRCUMSTANCES SIMILAR TO THOSE THAT TOOK CODY ROSS'S LIFE. SAMMY'S VEHICLE FLIPPED OFF A BRIDGE THAT WAS DANGEROUS BECAUSE IT HAD NO GUARDRAILS. CODY ROSS LOST HIS LIFE AT A TRAIL HEAD THAT WAS DANGEROUS BECAUSE IT HAD NO PARKING. I DON'T THINK SAMMY'S MOTHER EVER RECOVERED IN HIS DEATH, BUT AS IF THAT WAS NOT ENOUGH, I WATCHED HER SPEND SIX TORTURED YEARS TRYING TO GET GOVERNMENTAL AUTHORITY TO PUT UP GUARDRAILS ON THE BRIDGE WHERE HE DIED. THE LAST BCP COORDINATING COMMITTEE HEARING NOT ONE THOUGHT WAS GIVEN TO THE TOPIC OF A PARKING LOT OFF 360. THE SOLUTIONS WERE LIMITED TO TICKETING AND TOWING. DON'T LEAVE THE DAIS WITHOUT CONSIDERING HOW THE PRICING STRUCTURE FOCUSED ON PRESERVE COMPLETION TO THE DETRIMENT OF PRESERVE MANAGEMENT. MAKE A COMMITMENT TO THE ROSS THAT THE CITY AND THE BCP WILL CONSTRUCT A PARKING LOT AND CURE THE TRAIL ACCESS ISSUES WHERE CODY'S ACCIDENT OCCURRED. DON'T ABANDON THEM TO THE COMPLICATED AND DEFEATING PROCESS I HAVE END DID YOU EVERED FOR THE PAST TWO YEARS AT FOREST RIDGE. REVERT BACK TO THE STANDARD PARTICIPATION FEE UNTIL THE CITIZENS ADVISORY COMMITTEE HAS HAD A CHANCE TO REVISIT THE ISSUE. HOPEFULLY WITH INCREASED PARTICIPATION FEES YOU WILL BE ABLE TO USE THE GENERATED REVENUES TO REMOVE THE PARKING HAZARDS AT THE GREENBELT AS LONGAS WELL AS THAT OTHER BCP NATURE PRESERVES. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] STKPWHR-F BEFORE WE ASK PERHAPS OUR LAND MANAGER TO COME ADDRESS SOME OF THESE ISSUES, I WOULD LIKE TO TALK ABOUT SEVERAL OF THEM. AND OF COURSE WE'RE ALL VERY SORRY ABOUT THE LOSS OF LIFE. THE B.C.P. PLAN IS COMPLICATED. IT'S FAR REACHING. AND IT'S STILL VERY MUCH A CHALLENGE. MR. VICKTRIN BROUGHT UP SEVERAL ISSUES AND UNDERSTANDABLY. AND ONE OF THEM WAS ESSENTIALLY IS

THE TIMING OF THE ACQUISITION. MY PERSONAL PERSPECTIVE IS THAT TIME IS OF THE ESSENCE OF TRYING TO ACQUIRE THESE REMAINING 2700 ACRES. THE MAP THAT MR. VICKTRIN BROUGHT US DEMONSTRATES OUR CHALLENGE. WE HAVE TO -- IN ORDER TO ABIDE BY THE PERMIT FROM U.S. FISH & WILDLIFE SERVICE ACQUIRE THE REQUIRED 30,428 ACRES WITHIN, YOU KNOW, SOMEWHAT ARBITRARILY DRAWN LINES ON A MAP. WE'VE ACQUIRED ABOUT -- IN OUR NUMBERS ABOUT 27,000 ACRES TO DATE AT A COST OF APPROXIMATELY \$70 MILLION. NOW, IN ORDER TO ACQUIRE THE REMAINING 3,000 ACRES, IF YOU DO SOME SIMPLE MATH AS TO LAND VALUES NOW IN NORTHWEST TRAVIS COUNTY, WE COULD EASILY -- WE THE CITY AND TRAVIS COUNTY COULD EASILY SPEND ANOTHER 70 MILLION SIMPLY ACQUIRING THE REMAINING 3,000 ACRES. SO THAT MAP FIRST IS TROUBLING. SECONDLY, LOOKING AT THE MAP, WHAT IS SHOWN IN SHADES OF GREEN ARE THE LANDS THAT WE HAVE NOW ACQUIRED OVER THE YEARS FOR THE B.C.C.P. IN ORDER TO BEGIN TO SATISFY THEIR REQUIREMENT. THANK YOU, MR. THORN. THE PROPERTIES SHOWN IN YELLOW ARE PROPERTIES THAT ARE WITHIN THE BOUNDARIES OF THE B.C.C.P. AND STILL AVAILABLE IN THEORY FOR ACQUISITION. THAT IS, THEY ARE RAW LAND THAT HASN'T BEEN DEVELOPED YET, PRIVATELY OWNED. WHAT'S SHOWN IN RED IS -- HAD BEEN AVAILABLE, BUT INSTEAD HAS BEEN DEVELOPED PRIVATELY BY THE LANDOWNER OR LANDOWNERS SELLING TO INDIVIDUALS WHO WOULD DEVELOP IT. SO THE RED IS LOST TO DEVELOPMENT. YELLOW IS STILL AVAILABLE. HOWEVER, THERE'S ONLY ABOUT 4,000 ACRES IN YELLOW. THAT IS, THERE'S ONLY ABOUT 4,000 ACRES POSSIBLE FOR US TO ACQUIRE, AND WE HAVE TO ACQUIRE 3,000 OF THOSE 4,000 BEFORE THE PRIVATE LANDOWNER PERHAPS DEVELOPS OR SELLS TO DEVELOPERS. SO THE NET OF THAT IS TIME IS OF THE ESSENCE AND WE'RE -- AND FUNDS ARE VERY SCARCE, OBVIOUSLY. AND SO IT'S A BIG CHALLENGE FOR US. THEN WE OVERLAY THE -- YOU KNOW, THE REAL CHALLENGE I THINK THAT MR. VICKTRIN HAS APPROPRIATELY BEEN CONCERNED WITH THESE YEARS AND THAT IS THE CONFLICT, IF YOU WILL, OF ENDANGERED SPECIES HABITAT AND PUBLIC ACCESS. AND IT'S A CHALLENGE THAT WE FOR YEARS NOW HAVE STRUGGLED WITH, FRANKLY. THE B.C.C.P.

IS NOT PARK LAND. HOWEVER, MANY OF US WOULD LIKE THAT PUBLIC LAND TO BE USED AS MUCH AS PRACTICAL AS MUCH AS APPROPRIATE. THE D.C.C.P. COORDINATING COMMITTEE THAT I CURRENTLY CHAIR THAT HAD BEEN CHAIRED BY THE MAYOR PRO TEM MADE UP OF COUNTY OFFICIALS AND CITY OFFICIALS OVER THE YEARS HAS SET UP TWO DISTINCT ADVISORY COMMITTEES. WE HAVE A SCIENTIFIC ADVISORY COMMITTEE, FOLKS THAT ARE VERY KNOWLEDGEABLE ABOUT THE ENDANGERED SPECIES THAT ARE INHABTD ON THIS PROPERTY AND WHICH IS THE WHOLE REASON WHY WE BEGAN THE PRESERVE COMPLEX TO BEGIN WITH, BUT WE ALSO HAVE A CITIZEN ADVISORY COMMITTEE THAT HELPS US AS A COORDINATING COMMITTEE TRY TO BALANCE THAT CHALLENGE OF ENDANGERED SPECIES, HABITAT PROTECTION AND ESSENTIALLY PUBLIC ACCESS TO THESE PUBLIC LANDS. AND MY WORKING WITH THOSE TWO DISTINCT ADVISORY COMMITTEES NOW FOR THREE YEARS OR MORE, I HAVE A LOT OF CONFIDENCE IN THEM. AND THEY RECOGNIZE THEIR TWO DISTINCT ROLES. AND THIS HAS BEEN A CHALLENGE FOR US COLLECTIVELY, ALL THE PARTNERS, THE CITY, THE COUNTY, THE FISH AND WILDLIFE SERVICE, LCRA, TRAVIS AUDUBON SOCIETY IN TRYING TO ULTIMATELY FINISH THE PLAN. AND MY PERSPECTIVE IS WE ARE NOT -- WE'RE NOT ERRING ON THE SIDE OF FINISHING THE PLAN EVEN THOUGH TIME IS OF THE ESSENCE AND WE'RE QUICKLY RUNNING OUT OF TIME TO SATISFY THAT PERMIT. WE SPEND A LOT OF TIME TRYING TO UNDERSTAND THE DYNAMICS OF PUBLIC ACCESS. THERE ARE SIGNIFICANT OPERATING AND MAINTENANCE ISSUES BECAUSE OF THE PUBLIC ACCESS, BOTH THE APPROPRIATE LEGAL PUBLIC ACCESS AND, FRANKLY, A LOT OF ILLEGAL ACCESS. WE AT THE CITY TRANSFER THE B.C.C.P. OVERSIGHT STAFF BEING FROM OUR PARKS DEPARTMENT INTO OUR WATER UTILITY FOR A COUPLE OF REASONS, BUT NOT THE LEAST OF WHICH WAS THE FACT THAT FROM A O AND M STANDPOINT, OUR PARKS DEPARTMENT WAS STRETCHED VERY, VERY THIN. AND SET THE B.C.C.P. PROPERTIES ASIDE, WE HAVE TENS OF THOUSANDS OF TRUE PARKLAND THAT MANY CITIZENS TELL US AREN'T APPROPRIATELY DEVELOPED AND WE HAVE THOUSANDS OF ACRES OF TRUE PARKLAND SET ASIDE AS TRUE PARKLAND THAT WE HAVEN'T BEEN ABLE TO DEVELOP

PROPERLY SPENDING THE FUNDS TO MAKE THEM MORE ACCESSIBLE TO THE PUBLIC WITH MORE DEVELOPED PARK FACILITIES. RECOGNIZING THE -- HOW THINLY STRETCHED THE O AND M DOLLARS WERE FROM OUR PARKS DEPARTMENT, WE SHIFTED THE OVERSIGHT INTO OUR WATER UTILITY. THEY HAVE A MUCH -- FRANKLY, A MUCH LARGER BUDGET, ABILITY TO ABSORB SOME OF THIS, AND THEY ALREADY WERE MAINTAINING SOME CRITICALLY IMPORTANT WATERSHED PROTECTION LANDS THAT THE VOTERS APPROVED IN 1998. SO FROM A -- FROM A MANAGERIAL STANDPOINT, FROM A FISCAL STANDPOINT, THIS COUNCIL -- OR PREVIOUS COUNCIL VOTED UNANIMOUSLY LIKELY TO SHIFT THAT OVERSIGHT FOR A NUMBER OF REASONS. AND WE -- THE WHOLE TIME RECOGNIZING THE CONFLICT OF, YOU KNOW, PUBLIC ACCESS VERSUS ENDANGERED SPECIES HABITAT. REGARDING THE FEE STRUCTURE, WE GET A LOT OF ADVICE ON THE SETTING OF THAT FEE. AND IT'S NOT UNLIKE ANY DYNAMIC IN A CAPITALISTIC FREE SOCIETY, IF YOU HAVE THE PRICE TOO HIGH, WE'RE CONCERNED THAT THE DEVELOPMENT COMMUNITY WON'T BUY INTO THE PARTICIPATION PLAN INSTEAD, WHICH MANY DO GO DIRECTLY TO THE U.S. FISH & WILDLIFE SERVICE AND GET THEIR INDEPENDENT 10-A PERMIT AND DON'T EVEN COME TO THE P. SO THE CHALLENGE -- B.C.C.P. THE CHALLENGE IS THE PRICING THAT WILL ENCOURAGE AS MANY OF THOSE PRIVATE DEVELOPERS TO COME INTO THE B.C.C.P. SYSTEM, PAY THOSE FEES AND GIVE US OTHERWISE SOME VERY SCARCE PUBLIC FUNDS AS WE TRY TO OPERATE AND MAINTAIN OBVIOUSLY A VERY GEEGEOGRAPHICALLY LARGE AREA AND CHALLENGE OF OPERATING AND MAINTAINING AND FINISHING THIS IMPORTANT PRESERVE SYSTEM. SO SORRY TO BE SO LONG-WINDED, BUT I'VE SPENT A LOT OF TIME ON THIS. IT'S A VERY IMPORTANT ISSUE FOR THE CITY. THE GOOD NEWS ABOUT THE B.C.C.P. SYSTEM IS THAT WE HAVE CURRENTLY A LOT OF ATTENTION FEDERALLY WITH THE U.S. FISH & WILDLIFE SERVICE. WE IN TRAVIS COUNTY HAVE RECEIVED A SIGNIFICANT AMOUNT OF FEDERAL FUNDS TO HELP US WITH ACQUISITION IN THE LAST TWO YEARS, IN ROUND NUMBERS THERE'S BEEN ABOUT \$50 MILLION SET ASIDE NATIONALLY FOR SECTION 6 LAND ACQUISITION AND THE CITY AND TRAVIS COUNTY HAVE BEEN

GARNERING ALMOST \$10 MILLION OF THAT ANNUALLY THE LAST COUPLE OF YEARS, SO 20% OF THE ENTIRE NATIONAL BUDGET FOR ENDANGERED SPECIES HABITAT ACQUISITION WE'VE BEEN FORTUNATE ENOUGH TO RECEIVE, YET WE'RE STILL 3,000 ACRES AND TENS AND TENS OF MILLIONS OF DOLLARS AWAY FROM SATISFYING THAT VERY STRUCTURED REQUIREMENT FROM THE FISH AND WILDLIFE SERVICE. NOW, THE ISSUE, OF COURSE, WITH MR. ROSS IS THE -- TECHNICALLY IS THAT PARKING AND ACCESS ON A VERY DANGEROUS STRETCH OF ROAD. AND LOOKING AT THE MAP, ONE CAN QUICKLY SEE THAT A NUMBER OF BCCP PROPERTIES ARE ADJACENT TO OUR URBAN HIGHWAY SYSTEMS. BOTH 360, 2222 AND OTHERS. AND THOSE ARE -- THOSE ARE DANGEROUS ROADS. AND WE CLEARLY HAVE TO DO A BETTER JOB AT PROTECTING THE PUBLIC AS THEY -- YOU KNOW, IN A LEGAL AND APPROPRIATE WAY ACCESS THAT PROPERTY AND FRANKLY PROPERTIES ALL AROUND THERE. SO I WILL SAY THAT I CONSIDER THAT TRAGEDY AND JUST ONGOING CHALLENGE WE HAVE ON PROTECTING THE PUBLIC ON HIGHWAY SYSTEMS PARAMOUNT AND WE CAN AND SHOULD DEAL WITH THAT. BUT I DON'T SEE THAT AS REQUIRING US TO CHANGE WHAT IS SOME GOOD MOMENTUM ON OUR BCCP BOTH PRICING THOSE FEE STRUCTURES IN A WAY THAT ENCOURAGES MORE DEVELOPERS TO COME INTO OUR PROGRAM, ENCOURAGE US TO SPEND A LOT OF TIME, EFFORT AND MONEY OFFENSING, ON SIGNAGE, ON TRAIL IMPROVEMENTS, ON HABITAT RESTORATION WITH WHEN FOLKS -- 90% OF IT INADVERTENTLY CONFLICTS WITH HABITAT LANDS. SO THAT THAT OVERSIGHT -- WITH THAT OVERSIGHT, I WOULD LIKE TO ASK MR. WILLIE CONRAD COME UP AND TALK TO COUNCIL AND THE PUBLIC THE SPECIFICS OF OUR PARTICIPATION FEE STRUCTURE AND WHY WE AS A COORDINATING COMMITTEE JUST LAST WEEK OR TWO TOOK THE ACTION THAT WE DID.

THANK YOU, MAYOR. MAYOR AND COUNCILMEMBERS, I'M WILLIE CONRAD, I'M THE DIVISION MANAGER FOR THE WILD LAND CONSERVATION PROGRAM FOR THE AUSTIN WATER UTILITY. MAYOR, I HAVE SEVERAL COMMENTS, BUT I WOULD LIKE TO BEGIN BY RESPONDING TO YOUR QUESTION ABOUT THE FEE STRUCTURE. CURRENTLY OUR FEE STRUCTURE IS SET UP TO PROVIDE AN ALTERNATE FORM FOR

DEVELOPERS AND LANDOWNERS TO MITIGATE LOSS OF HABITAT THROUGH THEIR ACTIONS IN COMPLIANCE WITH THE ENDANGERED SPECIES ACT. THE MITIGATION FEE ON -- IN THE BCCP PROGRAM IS SET UP WHERE DEVELOPERS CAN COME IN AND PAY A FEE THAT ALLOWS THEM TO USE MITIGATION CREDITS THAT HAVE BEEN EARNED BY THE CITY OF AUSTIN AND OTHER PARTNERS IN ORDER TO PROVIDE THE MITIGATION REQUIREMENTS FOR ACTIVITIES ON THEIR LANDS. AS YOU SAID EARLIER, PRIVATE PROPERTY OWNERS HAVE THE OPPORTUNITY TO APPROACH THIS IN SEVERAL MANNERS AND ONE OF THEM IS TO APPLY FOR A SEPARATE SECTION 10 PERMIT THROUGH U.S. FISH & WILDLIFE. I GUESS TO DEFINE A BIT THE DISTINCTIONS BETWEEN THE TWO PROGRAMS AND HOW THEY WORK, WITH THE BCCP MITIGATION, A PROPERTY OWNER COMES TO US AND WE ASSIGN HABITAT VALUES TO THAT ENTIRE PROPERTY BASED ON HABITAT ZONE MAPS THAT WERE DEVELOPED BY U.S. FISH & WILDLIFE SERVICE AND LOCAL ENDANGERED SPECIES SCIENTISTS SEVERAL YEARS AGO. BASICALLY WHAT HAPPENS IS WHEN SOMEBODY APPLIES FOR THAT PERMIT, THEY PAY FOR HABITAT ASSESSMENTS ON THEIR ENTIRE PROPERTY, HOWEVER LARGE IT MAY BE. WITH REGARDS TO A PRIVATE SECTION 10 PERMIT THAT THEY APPLY FOR THROUGH FISH AND WILDLIFE SERVICE, THEY HAVE THE RESPONSIBILITY OF MONITORING THEIR TRACT AND DOCUMENTING PRECISELY HOW MUCH ENDANGERED SPECIES HABITAT IS ON THAT PROPERTY. OFTENTIMES THROUGH THAT PROCESS THEY CONSIDERABLY REDUCE THE AMOUNT OF HABITAT THAT'S ASSESSED FOR THAT PROPERTY. SO WHERE WE FIND OURSELVES IS IN A POSITION WHERE WE'RE COMPETING WITH OTHER OPPORTUNITIES TO PROVIDE MITIGATION AND TO EARN FUNDS FOR THIS MITIGATION. HISTORICALLY BEFORE THE FEE STRUCTURE WAS REDUCED IN 1998, WE WERE SEEING ABOUT \$450,000 A YEAR IN PARTICIPATION FEE PURCHASES FROM THE BCCP. SINCE THAT TIME, BY REDUCING THE FEE BY ABOUT 45%, WE'VE SEEN PURCHASES RISE TO THE LEVEL OF ABOUT \$1.5 MILLION A YEAR. SO WE BASICALLY TRIPLED THE AMOUNT WE EARN. FOR THE LAST TWO YEARS, WE'VE ASKED THE WATER UTILITIES RATING FEE FOLKS TO TAKE A LOOK AT THE PARTICIPATION FEE STRUCTURE FOR US. BASICALLY LOOKING AT THE AMOUNT OF ACRES WE NEED

TO ACQUIRE, AVERAGE COST PER ACRE, THE AMOUNT OF MITIGATION WE HAVE AVAILABLE TO SELL. BASICALLY WHAT WE'VE LEARNED IS THAT THERE'S NO REAL STANDARD TO COMPARE APPLES TO APPLES IN SOMETHING LIKE THIS BECAUSE PROPERTY PRICES VARY SO MUCH. THIS LAST YEAR WE LOOKED AT A RANGE OF PROPERTY VALUES FROM \$13,000 AN ACRE TO \$28,000 AN ACRE. THE OTHER THING THAT WE HAVEN'T SPOKEN A LOT ABOUT IN THIS DISCUSSION TODAY IS THAT THROUGH THIS PRIVATE-PUBLIC PARTNERSHIP WE CALL BCCP, U.S. FISH AND WILDLIFE SERVICE ALSO PROVIDES US WITH SUBSTANTIAL GRANT ALLOCATIONS TO HELP US WITH THIS ACQUISITION. TYPICALLY THOSE ALLOCATIONS ARE IN THE NEIGHBORHOOD OF 75% OF THE ACQUISITION COSTS FOR THESE LANDS. WHEN YOU CONSIDER ALL THOSE FACTORS, OUR RATING FEE FOLKS TOLD US THAT PARTICIPATION FEES SHOULD RANGE ANYWHERE FROM \$700 AN ACRE FOR LAND THAT COSTS \$13,000 AN ACRE UP TO THE NEIGHBORHOOD OF \$5,400 AN ACRE. AGAIN, WITH A VERY COMPLEX ANALYSIS. THE \$3,000 AN ACRE THAT WE ARE DISCUSSING TODAY FOR ZONE 1 HABITAT IS IN THE MIDDLE OF THAT. JUST SOME OTHER COMMENTS IN RESPONSE TO MR. VICKTRIN'S COMMENTS. HE ASKED THAT PERHAPS WE COULD USE SOME OF THESE ADDITIONAL FUNDS THROUGH B.C.P. MITIGATION PERMITS TO HELP WITH PUBLIC ACCESS AND RECREATIONAL ACTIVITIES. ONE THING THAT WE HAVE TO KEEP IN MIND IS OUR RESPONSIBILITY TO OUR PERMIT. THE PERMIT AUTHORIZES US TO SELL THESE PARTICIPATION CERTIFICATES AS MITIGATION FOR LOST HABITAT. IT REQUIRES US TO PROVIDE MITIGATION FOR LOST HABITAT. CURRENTLY WE'RE AT ABOUT 2800 TO 3,000-ACRE DEFICIT OF WHAT WE TOLD FISH AND WILDLIFE SERVICE WE WOULD ACQUIRE. FOR US TO USE THOSE FUNDS FOR RECREATION ACTIVITIES BEFORE WE FINISH ACQUISITION MAY BE CONSIDERED A VIOLATION OF OUR PERMIT. FURTHERMORE, ONCE WE FINISH THE ACQUISITION, WE STILL HAVE TO DEAL WITH INFRASTRUCTURE NEEDS SUCH AS FENCING AND MANAGEMENT OF THE LANDS. AGAIN ACTION, AGAIN ACTION MANAGEMENT IS KEY TO ASSURE WE PROVIDE THAT AND USE THE RECREATION BEFORE WE DEALT WITH THE PROTECTION OF THE SPECIES MAY BE CONSIDERED A VIOLATION OF THE PERMIT. JUST A BRIEF NOTE ABOUT

SPECIES RESPONSE TO OUR MANAGEMENT. WE DO ANNUAL SPECIES MONITORING FOR GOLDEN CHEEK WARBLERS AND BATTALION CATS. THIS LAST YEAR WE SPENT ABOUT 1,000 STAFF HOURS DOING MONITORING. WHAT WE'VE SEEN ON SIX-YEAR PERIOD IS ON SITES WHERE WE HAVE EXTENSIVE PUBLIC ACCESS ON PARKLAND THAT B.C.P. MANAGES HABITAT FOR, WE SEE PRODUCTION OF JUVENILE GOLDEN CHEEKED WARBLERS IN ORDERS OF MAGNITUDE BELOW WHAT WE SEE ON NON-PUBLIC ACCESS LANDS. FURTHERMORE, WHEN YOU LOOK AT A TRACT LIKE FOREST RIDGE WHERE WE HAVE VERY -- VERY STRONG PUBLIC ACCESS LIMITATIONS, WE SEE THAT OUR PUBLIC ACCESS LIMITATIONS ARE ACHIEVING A LEVEL OF REPRODUCTION IN THE GOLDEN CHEEKED WARBLERS THAT APPROACHES THE REPRODUCTION THAT WE SEE ON AREAS WITHOUT PUBLIC ACCESS. SO WE FEEL LIKE THAT BASED ON OUR MONITORING AND THE SCIENCE BEHIND WHAT WE'RE DOING, THESE ACCESS LIMITATIONS ARE APPROPRIATE AND THEY ARE ASSURING THAT WE NEED THE RESPONSIBILITIES THAT WE ACCEPTED FROM FISH AND WILDLIFE SERVICE. THAT'S THE LAST OF MY COMMENTS AND I WOULD BE GLAD TO ANSWER ANY QUESTIONS. STKPWHR-F THANK. >

MAYOR WYNN: THANK YOU. GOOD MORNING THE ISSUE OF ACCESS HAS BEEN -- -- WE WERE GOING TO TRY TO DO STUDIES OF OUR OWN OR PIGGYBACK ON OTHER EXPERIMENTATION TO SEE WHAT IN FACT THE IMPACT WOULD BE FROM CERTAIN THINGS. SO RELATIVE TO THE DISCUSSION WE'VE HAD TO DATE, HAS ANY OF THAT HAPPENED YET?

YES, MA'AM. ACTUALLY WE HAVE ONGOING RESEARCH STUDIES WITH UNIVERSITY OF OKLAHOMA AS WELL AS TEXAS STATE UNIVERSITY ASSESSING THE IMPACTS OF RECREATION ON SPECIES PERFORMANCE AND PRODUCTION TERRITORIAL USE. WE ALSO ARE WORKING WITH OTHER RESEARCHERS TO TALK TO US ABOUT HOW URBANIZATION ON OUR BORDERS ARE IMPACTING THE SPECIES THAT WE'RE TRYING TO PROTECT.

THERE WERE ALSO ISSUES OF THE EDGE. HOW TO TREAT THE EDGE. AND IN FACT THE DATA WAS CONFLICTING IN SOME AREAS ABOUT WHAT IN FACT THE NEGATIVE OR

POSITIVE IMPACT WAS ON THE EDGES. SO IT'S BEEN A WHILE. WHEN DO YOU EXPECT COMPLETION OF THOSE SURVEYS AND RESEARCHING?

THE PRIMARY STUDY ON RECREATION IS BEING DONE BY THE FOLKS FROM OKLAHOMA AND WE'RE EXPECTING THIS REPORT THIS COMING YEAR. THE STUDIES ON EDGE EFFECT THAT WE'RE DOING ON CITY-OWNED B.C.P. PROPERTY JUST STARTED LAST YEAR AND WE THINK WE'RE PROBABLY TWO YEARS AWAY FROM THAT REPORT.

JUST STARTED LAST YEAR?

YES, MA'AM. THE ONE WITH TEXAS STATE UNIVERSITY.

OKAY. WELL, I KNOW WE HAVE TO BE VERY CAREFUL, BUT I THINK WE SHOULD HAVE STARTED BACK WHEN WE SAID WE WERE SO PEOPLE WOULD HAVE SOME ANSWERS. AND THAT MAY HAVE BEEN WHEN IT WAS STILL WITH PARD AND MAYBE DIDN'T TRANSFER OVER SO THE TWO KNEW -- ANYWAY, I'LL FIND OUT ABOUT THAT. BUT WE DO HAVE TO BE CAREFUL AND WE DO HAVE TO GO UNFORTUNATELY A LITTLE MORE SLOWLY THAN IT MIGHT SEEM AT THE OUTSET. BUT -- BUT WE'LL KNOW ABOUT WHAT KIND OF ACTIVITIES THAT HAVE TRADITIONALLY TAKEN PLACE THERE AND SEEM NOT TO HAVE IMPACTED THE SPECIES COULD CONCEIVABLY CONTINUE IN A VERY LIMITED AND A VERY SPECIFIC PLACE, AND I HOPE THAT YOU WILL LET US KNOW WHAT THE RESULTS OF THAT DATA IS WHEN YOU GET IT.

YES, MA'AM, WE WILL. AND JUST AS AN ASIDE TO THAT IS CORRECT THROUGH THE CITIZENS ADVISORY COMMITTEE AND THE SCIENTIFIC ADVISORY COMMITTEE, BASED ON DISCUSSIONS FROM MR. VICKTRIN AND DIRECTION FROM THE COORDINATING COMMITTEE, THOSE COMMITTEES ARE PREPARING TO INITIATE A PROCESS TO EVALUATE WHAT ARE THE PUBLIC'S NEED FOR ACCESS ON B.C.P. PROPERTIES. AND IN A COLLABORATIVE EFFORT BETWEEN THE SCIENCE GROUP AND THE CITIZENS GROUP, LOOK AT WHAT THOSE NEEDS ARE, HOW THOSE MAY IMPACT THE -- THE PROTECTED SPECIES AND SEE IF WE CAN'T FIND WAYS TO ACCOMMODATE MORE ACCESS. BUT IT'S A PROCESS OF ASSURING THAT WE MEET OUR PERMIT RESPONSIBILITIES

BY MAKING SURE THAT WE UNDERSTAND THE SCIENCE
BEHIND WHAT WE'RE ALLOWING.

YEAH. OF COURSE. THANK U YOU.

COUNCILMEMBER SLUSHER.

MOST OF MY QUESTIONS HAVE BEEN ANSWERED. LET ME
CLARIFY ONE THING, MR. CONRAD. ON THE BACKUP, IT SAYS
THIS ACTION CONTINUES THE FEE SCHEDULE IN PLACE FOR
THE PAST FIVE YEARS.

YES, SIR.

SO FROM THAT IT SOUNDS LIKE WE'RE NOT LOWERING THE
FEES, WE'RE CONTINUING THE FEE SCHEDULE FROM WHEN
THEY WERE LOWERED FIVE YEARS AGO.

YES, SIR, THAT'S CORRECT.

SO WE'RE NOT LOWERING ANY FEES TODAY.

NO, SIR.

OKAY. AND THEN THE -- AND YOU SAID THAT THE
PARTICIPATION, MEANING THE INCOMING FUNDS, HAVE
TRIPLED SINCE WE LOWERED THE FEES?

THAT'S BEEN OUR EXPERIENCE.

AND THAT FROM IT'S MORE LAND TO BE PERFORMED FOR
THE BCCP.

YES, SIR.

AND YOU'VE ADDRESSED THE ACCESS ISSUES, I THINK,
ALTHOUGH -- I MEAN I DO -- LET ME ASK ABOUT THE BARTON
CREEK GREENBELT. NOW, THAT AREA WAS NOT PURCHASED
FOR THE BCCP, THAT'S JUST COUNTED AS PART OF THE
BCCP. ISN'T THAT CORRECT?

YES, SIR. BASICALLY WHAT HAPPENED IS THAT LAND WAS
BOUGHT WITH BOND FUNDS ABOUT THE SAME TYPE THAT

THE BCCP PASSED, BUT THAT WAS BOUGHT WITH PARKS BOND FUNDS. THE BARTON CREEK WILDERNESS AREA IS CURRENTLY DEDICATED PARKLAND SHE BUT IT HAS ENDANGERED SPECIES HABITAT IN IT THAT WE ARE RESPONSIBLE FOR MANAGING. SO WITH REGARDS TO PUBLIC ACCESS ON BARTON CREEK WILDERNESS, ANY OF THE PARK ACTIVITIES THAT WERE ALLOWED ON THAT BEFORE IT WAS DEDICATED TO B.C.P. ARE STILL ALLOWED. WE SIMPLY MANAGE THE HABITAT AND WE ASSIST THE PARKS DEPARTMENT WHEN THEY CONSIDER CHANGES IN TRAILS OR OTHER FACILITIES, WE ASSIST THEM WITH GOING TO FISH AND WILDLIFE SERVICE TO MAKE SURE THAT THOSE ARE AUTHORIZED BY FISH BECAUSE THEY DO INCLUDE HABITAT.

AND THERE IS NO DANGER OF THAT EVER CHANGING? AS FAR AS PUBLIC ACCESS -- THAT'S WHAT THE CITIZENS PAID THE MONEY FOR, AS YOU JUST DESCRIBED, FOR PARKLAND.

YES, SIR. IT'S OUR UNDERSTANDING THAT THAT IS DEDICATED PARKLAND AND THAT THE PUBLIC ACCESS THAT'S ON THERE NOW IS SPECIFICALLY GRANDFATHERED IN THE PERMIT ISSUED TO US BY FISH AND WILDLIFE. AND SO WE HAVE NO INTENTION OR DESIRE TO GO AND REMOVE PUBLIC ACCESS FROM THAT SIDE.

WELL, THAT WOULD BE VERY CONTROVERSIAL, LET'S SAY.

I BELIEVE YOU ARE RIGHT.

AND THERE CERTAINLY IS PLENTY OF PUBLIC ACCESS ON THERE RIGHT NOW A AND FRANKLY I'VE BEEN WORKING WITH THE PARKS DEPARTMENT ON THIS BECAUSE SOME MEMBERS OF THE PUBLIC NEED TO TAKE A LOT BETTER CARE OF THAT AREA IN PARTICULAR WITH THE AMOUNT OF GLASS BOTTLES THAT ARE BEING TAKEN OUT THERE AND LEFT ON THE GROUND. THAT'S REALLY DANGEROUS TO THEIR FELLOW CITIZENS USING THAT. AND IT'S UNFORTUNATE THAT WE HAVE TO DEAL WITH THAT SORT OF THING. I WOULD SAY AND IT'S VERY TRAGIC WHAT HAPPENED ON 360 WITH THE LOSS OF LIFE, BUT PEOPLE NEED TO KNOW THAT THERE'S PLENTY OF -- A WHOLE LOT OF LEGAL PARKING ON -- UNDERNEATH OR AT THE -- WHERE

THE ROAD -- THE FEEDER ROAD GOES AROUND AND TURNS -
- THE U-TURN UNDER THE MOPAC BRIDGE THERE. I DON'T
KNOW THE NUMBER, BUT THERE ARE AN AWFUL LOT OF
PARKING SPACES THERE THAT ACCESS THE SAME POINTS
ON THE GREENBELT AS WHERE FOLKS WERE PARKING
ALONG 360 UNTIL THE ACCIDENT OCCURRED AND THE
COUNTY STARTED TELLING CARS -- TOWING CARS AWAY. SO
I WOULD REALLY, REALLY ENCOURAGE PEOPLE TO USE
THAT. THERE'S ALSO A PARKING LOT ON 360 A LITTLE BIT -- I
GUESS IT'S TO THE SOUTH OR EAST OF THERE BY THE TWO
OFFICE BUILDINGS THAT ARE BUILT DOWN THERE, AND
THERE'S A TRAILHEAD THERE AND A LOT OF PARKING THERE
AS WELL. SO I WOULD REALLY ENCOURAGE PEOPLE TO USE
THOSE ACCESS POINTS, THOSE ACCESS POINTS ARE SAFE.
OF COURSE, YOU NEED TO BE CAREFUL AT THE TURN-
AROUND, NOT GET IN THE STREET, BUT THE TRAILHEAD IS
OFF TO THE RIGHT AND REALLY NOT MUCH REASON TO BE
ON THE ROAD ITSELF SO I WOULD ENCOURAGE PEOPLE TO
USE THOSE SAFER ACCESS POEUFBLTSZ YOU MIGHT HAVE
TO WALK A LITTLE FURTHER, BUT IT'S A NICE WALK. AND I
THINK THAT CONCLUDES MY QUESTIONS, MAYOR, THANK
YOU.

THANK YOU, COUNCILMEMBER. FURTHER COMMENTS OR
QUESTIONS? I WILL SAY JUST GLOBALLY THE -- GENERALLY
SPEAKING, THE WHOLE CONCEPT OF THE BCCP WAS UNDER
FEDERAL OVERSIGHT IF THE CITY AND THE COUNTY SET
ASIDE THESE -- OR WAS ABLE TO ACQUIRE 30,420 ACRES
OUT OF THIS SPECIFICALLY DELINEATED SERIES OF TRACTS
IN NORTHWEST TRAVIS COUNTY, THEN ESSENTIALLY WHAT
THEY WERE SAYING IS THEY ARE THEN DONE
APPROPRIATELY THE REST OF THE COUNTY COULD BE
DEVELOPED AS LONG AS YOU HAD YOUR OTHER
STANDARDS AND WATER QUALITY AND OTHER ISSUES. THAT
THAT WOULD IN FACT SET ASIDE AND AS LONG AS WE
MAINTAIN THAT 10-A PERMIT WOULD ALLOW US AT
GOVERNMENT TO CONTINUE ALLOWING THE APPROPRIATE,
HOPEFULLY WELL DONE DEVELOPMENT IN THE REST OF THE
COUNTY. SO THE WHOLE IDEA OF DEVELOPER
PARTICIPATION WAS THE GENERAL CONCEPT BEHIND THE
BCCP. THAT IS, EVERYBODY WHO CREATED THE BCCP
ANTICIPATED TENS OF THOUSANDS OF OTHER ACRES BEING

DEVELOPED AS LONG AS WE FIN EURBLGD AND MAINTAINED
---FINISHED AND MAINTAINED AND SATISFIED THE
REQUIREMENTS OF THAT 10-A PERMIT. WE'RE NOT THERE
BECAUSE WE HAVEN'T GOTTEN TO THE RAW ACREAGE
REQUIRED. THEY ARE ALLOWING US TIME TO DO THAT AND
THE DEVELOPER PARTICIPATION FEES ARE ESSENTIALLY
FUNDAMENTAL TO THE HOLE CONCEPT OF WHY THE BCCP
WAS FORMED TO BEGIN WITH. BUT, YOU KNOW, HAVING SAID
THAT, IT SEEMS TO ME THE REAL ISSUE HERE AND THE
REASON WHY THE ROSSES ARE HERE ARE BECAUSE OF
SOME DANGEROUS SITUATIONS WITH WHERE WE HAVE
LEGAL PUBLIC ACCESS. MR. CONRAD, DO YOU KNOW OF ANY
PLANS TO HELP MITIGATE OR PERHAPS INCREASE PARKING
OR DOING SOMETHING THERE AT THAT 360 LOCATION?

MAYOR, I HAVEN'T BEEN INVOLVED IN ANY DISCUSSIONS
SINCE THE LOSS OF MR. ROSS' LIFE. HOUFRBGS WHEN B.C.P.
FIRST CAME OVER TO WATER UTILITY WE WERE INVOLVED IN
SOME DISCUSSIONS TWO YEARS AGO ABOUT THE
OPPORTUNITY FOR ANOTHER PARKING LOT IN THAT AREA
AND WAYS TO ACCOMMODATE ACCESS. THAT'S NOT BEEN
RESOLVED. ONE OF THE BIG ISSUES IS SIMPLY THE MATTER
OF TRAFFIC ON LOOP 360, WHETHER YOU HAVE A PARKING
LOT, INGRESS AND EGRESS INTO THE PARKING LOT AND
THOSE KIND OF ISSUES. SO WHILE IT'S BEEN DISCUSSED,
THERE'S BEEN NO ACTION, THAT I'M AWARE OF, IF.

THANK YOU. FURTHER QUESTIONS OR COMMENTS? ,
COUNCIL? IF NOT, I'LL ENTERTAINMENT A MOTION ON ITEM
15 REGARDING THE FEE SCHEDULE. MOTION MADE BY
MAYOR PRO TEM. I'LL SECOND THAT TO APPROVE THE FEE
SCHEDULE AS POSTED. FURTHER COMMENTS?

JUST NOTING THAT WE TAKE ALL THOSE THINGS INTO
CONSIDERATION AND THERE ARE A LOT OF LONG-TERM
EFFORTS GOING ON FOR SOME OF THE VERY THINGS THAT
YOU'VE BEEN TALKING ABOUT AND THAT'S NOT FORGOTTEN.

AND I APPRECIATE MR. VICKTRIN'S OBVIOUS COMMITMENT
AND WORK ON THE IMPORTANT COMPONENT OF PUBLIC
ACCESS TO THIS PUBLIC LAND AND OUR CONDOLENCES TO
THE ROSSES AND WE'RE SORRY THAT YOU HAD TO COME
DOWN HERE TO HELP US UNDERSTAND THE CHALLENGE OF

AND THE UNSAFE NATURE OF SOME OF OUR PUBLIC ACCESS. OUR CONDOLENCES. MOTION AND SECOND IS ON THE TABLE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-5. THANK YOU. -- 7-0. THANK YOU. COUNCIL THAT IS CORRECT TAKES US TO -- WE STAY SEQUENTIALLY OUT OF 17 WHICH IS REGARD TO A POTENTIAL NEGOTIATION AND EXECUTION OF A LEASE WITH IRON ROCK MOTOR SPORTS AT OUR BERGSTROM AIRPORT. WE HAVE ONE CITIZEN SIGNED UP WILLING TO SPEAK IF COUNCIL HAS QUESTIONS. MR. RICK FILL INS. OTHERWISE PERHAPS IF WE COULD ASK MR. SMITH TO GIVE US A BRIEF EXPLANATION OF THE POTENTIAL LEASE. IT WAS WELL DOCUMENTED IN THIS MORNING'S PAPER. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] >>... CURRENTLY ARE NOT SERVING ANY FUNCTION AND NOT EARNING THE AIRPORT ANY REVENUE. IN THIS PARTICULAR CASE THIS IS AN EMPTY, VACANT PARKING LOT NOT USED NINE MONTHS OUT OF THE YEAR, A BUILDING WHICH HAS BEEN ABANDONED ON THE EAST SIDE OF THE AIRPORT. WHEN THE AIRPORT HAS TO EXPAND, THE NEXT EXPANSION, WHEN WE HAVE TO EXPAND FIVE GATES, WHICH WILL BE SEVERAL YEARS OUT, THIS AREA WILL BE DEMOLISHED TO MAKE WAY FOR THE FIVE-GATE EXPANSION. THIS IS NOT AN AREA THAT WE CAN LEASE OUT ON A LONG-TERM BASIS TO GENERATE SOME REVENUE. THE ONLY HOPE THAT WE HAVE IS TO FIND SOMEBODY WHO IS WILLING TO TAKE THIS ON A SHORT-TERM BASIS AND PAY US SOME REVENUE. THAT'S VERY DIFFICULT TO DO TO FIND BUSINESSES WHO ARE WILLING TO COME IN AND PAY US SOMETHING WITHOUT HAVING A -- WITHOUT HAVING A LENGTHY LEASE TO AMORTIZE OUR INVESTMENT. IN THIS PARTICULAR CASE WE WERE APPROACHED BY IRON WORK FOR THEIR PARTICULAR USE. WE UNDERSTOOD THIS IS A TEMPORARY LOCATION, IT WILL BE DESTROYED WHEN THE AIRPORT HAS TO EXPAND, THEY WILL BE WILLING UNDER THOSE PARTICULAR TERMS TO MAKE IT AND MAKE THE INVESTMENT THEY NEEDED TO UTILIZE IT FOR THEIR PARTICULAR NEEDS AND ON THAT BASIS, PRODUCING REVENUE FOR THE AIRPORT IN THE SHORT-TERM, WE THOUGHT IT WAS COMPATIBLE. THIS IS OUTSIDE, OBVIOUSLY, AIRPORT SECURE PROPERTY. THIS IS A PORTION OF THE AIRPORT PROPERTY THAT HAS PUBLIC

ACCESS TODAY. ANYBODY CAN PULL OFF THE HIGHWAY AND DRIVE RIGHT UP TO THIS PARKING LOT. TODAY IT IS A PUBLIC ACCESS AREA TO THE AIRPORT. THIS IS A NON-SECURE SECTION OF THE AIRPORT. WITH THAT, WE MET WITH THE PEOPLE AND ARE RECOMMENDING USE ON AN INTERIM BASIS. IN THIS PARTICULAR CASE IT'S A FIVE-YEAR LEASE, CANCELABLE BY THE AIRPORT WHEN AND IF WE NEED THAT LAND PRIOR TO THE EXPIRATION OF FIVE YEARS.

Mayor Wynn: THANK YOU, MR. SMITH. QUESTIONS FOR STAFF? COUNCILMEMBER SLUSHER?

Slusher: SO IS IT ACCURATE WHAT IT SAID IN THE PAPER THESE WILL BE GOING 130 MILES PER HOUR.

I HAVE NEVER RIDDEN ONE. I ASKED PEOPLE, THEY HAD A DEMONSTRATION OF THIS IN THE HIGHLAND MALL AREA RECENTLY WITHIN THE LAST TWO MONTHS, THAT WHEN WE BECAME ANYWHERE I AWARE OF IT, NOBODY WAS GOING ANYWHERE CLOSE TO IT.

IT IS TRUE THAT THE BROKEN HIP THAT JIM HAS TONIGHT IS A RESULT OF A CRASH FROM A GO-KART. THAT IS A JOKE [LAUGHTER]

Slusher: PRETTY GOOD ONE, TOO. WELL, I HAD ASKED WHAT THE AGES OF THE RACERS WERE. THIS WASN'T A TRICK QUESTION. I FOUND OUT ABOUT THE SPEED LATER. BUT THE ANSWER CAME BACK IT'S PROPOSED AS A FAMILY ENTERTAINMENT BUSINESS AND THE AGES WILL RANGE FROM SIX TO 60. AND MY QUESTION WAS WHAT ARE THE AGES OF THESE RACERS. SO IF YOU GOT SIX-YEAR-OLDS OUT THERE, YOU HAVE CARS GOING THAT FAST, THAT SEEMS DANGEROUS, SEEMS DANGEROUS FOR A CAR TO BE GOING THAT FAST. BUT MAYBE WE COULD CLARIFY THAT. SOMEBODY FROM THE COMPANY?

MR. PHILLIPS, WELCOME. >>

THANK YOU, MAYOR AND COUNCIL. TO ADD THAT QUESTION SPECIFICALLY, THIS -- THIS IS A SPORT THAT'S BEEN AROUND FOR A NUMBER OF YEARS. VERY, VERY BIG IN EUROPE. AND HAS ALWAYS BEEN A FAMILY ORIENTED SPOT

JUST LIKE MOTOR CROSS TO SOME DEGREE AS IN THIS COUNTRY TODAY. AGES ARE CORRECT. 8 TO 80. I DO IT. MY SON DOES IT. BUT THERE ARE CLASSES OF CARTS. AND DIFFERENT KINDS OF EQUIPMENT. AND THIS IS A SPORT THAT'S DESIGNED TO PROGRESS UP THROUGH DIFFERENT LEVELS. YES, WHEREAS SOME CARTS AT THE VERY, VERY TOP END ARE CAPABLE OF SPEEDS UP TO 130 MILES PER HOUR, IT WOULD TAKE A VERY BIG PIECE OF REAL ESTATE TO ALLOW THAT TO HAPPEN. THIS WILL NOT BE THE CASE AT ALL WITH THE PARKING LOT THAT WE ARE TALKING ABOUT AT ABIA. OUR ESTIMATES ARE THAT PROBABLY THE MAXIMUM SPEED ATTAINABLE IN THAT PARKING LOT, WHICH IS ABOUT 8 ACRES, IS AROUND 70, 75 MILES PER HOUR. WITH REGARD TO AGES, YES, SIX-YEAR-OLDS DO THIS SPORT. BURR THEY ARE DRIVING KARTS THAT HAVE TWO HORSE POWER, 2.5 HORSE POWER PROBABLY GOING 30 MILES PER HOUR AT THE MAXIMUM. THE MORE HIGH PERFORMANCE KARTS HAVE AROUND 35 HORSE POWER, AS I SAID, WOULD PROBABLY BE IN THE RANGE OF 70 TO 72 MILES PER HOUR, IN THAT AREA.

Slusher: WHERE ARE THE SMALLER, LOWER POWERED CARTS DRIVING AS OPPOSED TO THE ONES THAT ARE GOING 70 MILES PER HOUR?

THE CARTS ALL UTILIZE THE SAME PIECE OF REAL ESTATE, THE SAME TRACK. BUT THEY NEVER RUN IN -- THEY ARE RUN IN GROUPS. THEY ARE RUN IN CLASSES. SO ALL THE SIX TO EIGHT-YEAR-OLDS RUN TOGETHER. THEY ARE REMOVED FROM THE TRACK. THE -- THE 10 TO 12-YEAR-OLD, 10 TO 13-YEAR-OLD, THE 13 TO 16-YEAR-OLDS RUN TOGETHER. SO THEY ARE RUNNING IN AGE BRACKETS AND ALSO BY BRACKETS THAT ARE CATEGORIZED BY THE CLASS OF CART, THE SIZE OF THE CART, THE HORSE POWER OF THE CART. YOU WILL NEVER HAVE A SIX-YEAR-OLD OUT THERE RUNNING WITH ME.

Slusher: OKAY. WHAT'S YOUR -- DO YOU HAVE ANY -- DID YOU HAVE ANY ACCIDENTS --

VERY RARELY. VERY RARELY. IN FACT I THINK A GOOD EXAMPLE OF THAT IS AT THE HIGHLAND MALL EVENT THAT SOME OF YOU MAY BE AWARE OF THAT WAS HELD HERE A

COUPLE OF MONTHS AGO, IT WAS A TEMPORARY COURSE. IN THEORY TEMPORARY IS THE MOST DANGEROUS COURSE THAT YOU CAN HAVE BECAUSE NO ONE IS FAMILIAR WITH IT. THE FULL INFRASTRUCTURE OF A PERMANENT COURSE CANNOT BE SET UP ON A TEMPORARY SITUATION. AT HIGHLAND MALL, NO ACCIDENTS, NO RED FLAGS THROWN, CAUTION FLAGS WERE THROWN, NO INJURY TO ANYBODY WHATSOEVER. BY CONTRAST ON THE SUBJECT OF SAFETY, THE INSURANCE RATES FOR MOTOR CROSS EVENTS, MOTORCYCLE EVENTS, DIRT BIKE EVENT, THE INSURANCE RATES FOR MOTOR CROSS ARE 13 TIMES HIGHER THAN THE INSURANCE RATES FOR SUPER CART RACING. TO ME THAT SAYS A LOT IN TERMS OF PUTTING INTEREST PERSPECTIVE HOW DANGEROUS IS A CART. IT'S AT LEAST 13 TIMES LESS DANGEROUS FROM THE INSURANCE COMPANY'S POINTS OF VIEW THAN A MOTOR CROSS BIKE.

Slusher: WHEN WE GET THE BACKUP MATERIAL ON FRIDAY AFTERNOON AND YOU CAN TELL FROM THE ARTICLE TODAY, COUNCIL MEMBERS AREN'T REAL FAMILIAR WITH IT AND THE BACKUP WAS PRETTY PER PERFUNCTORY. SO WE HAVE TO THINK THROUGH IT UP HERE.

I HAVE SOME VIDEOS. THE FIRST -- IN VISUALS. THEIVES OWE OFTEN I AM ASKED WHAT IS A SUPER CART.

I HAVE SOME PICTURES OF THOSE IF THAT'S MEANINGFUL TO YOU, I CAN DESCRIBE IT.

Slusher: I WOULD LIKE TO SEE ONE.

EXCUSE ME, JUST A MOMENT.

Slusher: ANYBODY ELSE HAS ANY QUESTIONS IN THE MEANTIME?

McCracken: I HAVE TO GIVE CREDIT WHERE IT'S DUE, [INDISCERNIBLE], WHO ASKED IF WE ARE GOING TO TOLL THE GO-CART TRACK. IF WE ARE GOING TO TOLL THE GO-CART TRACK. I'LL JUST -- I JUST WANTED TO SAY THAT AS A KID, I ASKED MY PARENTS FOR CHRISTMAS FOR ABOUT 8 STRAIGHT YEARS FOR A GO CART. I FIGURE WE WILL MAKE OURSELVES HEROES TO 90% OF THE BOYS UNDER THE AGE

OF 17 IN THIS COMMUNITY IF THEY DO THIS.

Slusher: DID THEY EVER GIVE YOU ONE?

McCracken: NO, THEY DIDN'T. I'M STILL TICKED OFF ABOUT IT.

Slusher: MAYBE YOU SHOULD BE GLAD.

AS YOU ARE LOOKING THROUGH THESE PICTURES, I CAN KIND OF VERBALLY DESCRIBE WHAT THIS EQUIPMENT IS. I, LIKE YOU, GREW UP, I GOT A GO CART. BUT -- BUT THESE ARE -- A LOT HAS CHANGED AND -- IN 100 YEARS. WHEN I FIRST SAW ONE OF THESE, I WAS DRIVING DOWN A STREET I LOOKED, I SAID, LOOKS LIKE A GO CART, BUT CERTAINLY SOPHISTICATED FOR A GO CART. PULLED IN, LOOKED AT THEM, THEY ARE TREMENDOUSLY SOPHISTICATED PIECES OF EQUIPMENT. FLOATING ROTOR DISC BRAKES ALL FOUR WHEELS, TWIN MASTER CYLINDERS, SAFETY EQUIPMENT, REDUNDANCY THAT YOU AND I NEVER SAW ON OUR KID CARTS. THE MOTORS ARE PURPOSE BUILT. KIND OF A TAKE-OFF OF A MOTORCYCLE TYPE OF MOTOR. THEY HAVE TRANSMISSIONS, THEY HAVE RADIATORS. THEY ACTUALLY HAVE ON BOARD COMPUTERS AND EQUIPMENT THAT -- THAT ALLOWS A DRIVER TO SELF ASSESS HIS SKILL LEVEL. AND SO THEY ARE VERY, VERY SOPHISTICATED. THIS -- THIS SUPER CART RACING HAS BEEN VERY, VERY POPULAR IN EUROPE, SOUTH AMERICA FOR A NUMBER OF YEARS. ALL EUROPEAN DRIVERS, RACE DRIVERS, FORMULA ONE DRIVERS GREW UP IN CARTS. NOT BEEN THE CASE IN THIS COUNTRY. RELATIVELY NEW MOTOR SPORT TO THIS COUNTRY, BUT INCREASINGLY POPULAR. THIS PROPOSED FACILITY WOULD SET US UP AS -- AS VERY LIKELY THE PREMIER CARTING FACILITY IN THE UNITED STATES TODAY. BUT EUROPEAN STANDARDS IT'S NOT MUCH TO WRITE HOME ABOUT. BY U.S. STANDARDS IT WILL BE VERY, VERY FIRST CLASS.

Mayor Wynn: I WILL SAY IT SEEMS TO ME OBVIOUSLY A PERFECTLY LEGAL BUSINESS, VERY POPULAR. THE ISSUE THAT -- THAT STRUCK SOME OF US IS JUST -- ITS PROXIMITY ON THE AIRPORT GROUNDS AND I DO RECOGNIZE AS MR. SMITH POINTED OUT THAT YOU KNOW A SIGNIFICANT PORTION OF THAT 4,000 ACRES IS PERFECTLY OPEN TO THE

PUBLIC TODAY. BUT VISUALLY YOU LOOK AT THIS THING, VIRTUALLY ADJACENT TO THE TERMINAL, FUTURE EXPANSION, IT -- IT JUST RAISES MORE ISSUES.

SURE, I APPRECIATE THAT CONCERN. THERE'S -- THERE'S THE SECURITY FENCING THAT'S AT THE AIRPORT IS PRETTY IMPRESSIVE. MILITARY STANDARD CYCLONE BARBED WIRE FENCING, QUITE A BIT OF REAL ESTATE BETWEEN WHERE WE ARE AND WHERE AIRLINERS ARE SITTING ON THE APRON. I THINK WHEN YOU LOOK AT THE OVERALL CAMPUS MAP, LOOK AT ALL 4,000 ACRES, IT LOOKS LIKE WE ARE REALLY CLOSE. IN REALITY, WHEN YOU STAND THERE, TO ME IT LOOKS LIKE WE ARE REALLY FAR AWAY.

Mayor Wynn: MR. SMITH, IF YOU COULD, NOT INSIGNIFICANT ASPECT AT LEAST OF THE NEWSPAPER ARTICLE THIS MORNING, ALSO REMINDED US YOU KNOW ABOUT, YOU KNOW, SHOULD A TRAGEDY OCCUR OR THE NEED FOR -- FOR EMERGENCY VEHICLES TO -- TO COME TO THAT FACILITY, WOULD IT -- HELP US THINK THROUGH. WOULD THIS BE SOME OF YOUR EMERGENCY RESPONDERS LIKELY HAVING TO -- LIKELY HAVING TO GO TO THIS FACILITY OR TO OTHER CITY FACILITIES OFF-SITE.

IT WOULD BE A STANDARD CITY RESPONSE. THIS IS ON THE PUBLIC SIDE OF THE AIRPORT. YOU WOULD HAVE YOUR NORMAL E.M.S. RESPONSE AND YOUR NORMAL FIRE DEPARTMENT RESPONSE. MORE THAN LIKELY BECAUSE IT'S ON OUR PROPERTY, AN AVIATION POLICE OFFICER WOULD RESPOND. BUT THE REST OF IT FROM FIRE AND E.M.S. WOULD BE NO DIFFERENT FROM ANY OTHER EMERGENCY CALL.

Mayor Wynn: ALL RIGHT. THANK YOU. FURTHER COMMENTS OR QUESTIONS? COUNCILMEMBER SLUSHER?

Slusher: I WOULD LIKE TO SEE SOME MORE INFORMATION ON -- ON ACCIDENT RATES AND THAT SORT OF THING. I -- I UNDERSTAND, I ACCEPT THAT -- THAT THERE'S A LOT OF PRECAUTIONS. BUT LIKE RIGHT NOW THERE'S A -- THERE'S A SHEET GOING AROUND THAT TOOK ME A WHILE TO READ, I WENT AHEAD, I DIDN'T EVEN INSPECT AS MUCH AS I WANTED TO ABOUT THE SAFETY PRECAUTIONS, I DIDN'T LOOK AT IT

AS MUCH AS I WOULD LIKE TO BEFORE I VOTE BECAUSE THERE WAS ONLY ONE COPY, I WANTED OTHER COUNCILMEMBERS TO BE ABLE TO SEE IT. JUST TO ME I THINK WE OUGHT TO PUT IT OFF FOR A WEEK. LOOK AT THE SAFETY ISSUES AND OTHER ISSUES BECAUSE IT -- I JUST DON'T FEEL RIGHT VOTING ON SOMETHING THAT DOES HAVE SOME SAFETY ISSUES TO IT WHEN I'M NOT TOTALLY COMFORTABLE WITH THE PROPOSAL. LOOKING AT THE ARTICLE THAT WAS IN THE STATESMAN THIS MORNING, THE - - THE -- SEE THE AIRPORT SECURITY DIRECTOR WAS UNDER THE IMPRESSION IT WAS GOING TO BE IN A DIFFERENT PLACE ON THE AIRPORT GROUNDS THAN IT IS ALREADY. SO IT SEEMS TO ME THAT IT'S GOING THROUGH A LITTLE QUICK. I'M SENSITIVE TO -- TO THE FINANCIAL ISSUES AT THE AIRPORT. AS A MATTER OF FACT THERE'S ONE COMING FORWARD THAT I HAVE ALREADY TALKED TO YOU ALL ABOUT, ABOUT THAT WE NEED TO -- THAT THEY CAN PROVIDE SOME MORE MONEY. BUT I WOULD MOVE TO PUT THIS OFF FOR A WEEK SO WE CAN LOOK AT THE SAFETY ISSUES A LITTLE MORE CLOSELY.

MOTION MADE BY COUNCILMEMBER SLUSHER TO POSTPONE ITEM 17 TO AUGUST 5th, 2004.

SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER ALVAREZ.
FURTHER COMMENTS, COUNCILMEMBER THOMAS?

Thomas: IF YOU CAN, MR. SMITH, ALSO I WOULD LIKE TO KNOW A LITTLE BIT MORE ABOUT THE COMPANY, HOW LONG THEY HAVE BEEN IN EXIST EXISTENCE AND ALSO WHAT OTHER KIND OF EQUIPMENT, DO YOU FURNISH EQUIPMENT, WHAT OTHER PROGRAMS DO YOU HAVE OUT, I WOULD SAY, LIKE AN AVERAGE PROGRAM IN THE COMMUNITY THAT GETS THE KIDS THAT WANT TO BE INVOLVED, THAT'S THE KIND OF INFORMATION THAT I WANT TO GET. I HAVE NOTHING AGAINST THE OVERALL PROGRAM, THOUGH.

OKAY.

THANK YOU.

MR. SMITH, COULD YOU JUST ADDRESS OR MR. PHILLIPS, ONE WEEK DELAY, IS THERE -- YOU KNOW, FINANCIAL LEASE IMPLICATION, IS THERE A PROBLEM WITH TAKING MORE TIME TO REVIEW THIS?

NOT FROM THE AIRPORT'S PERSPECTIVE.

OKAY.

Mayor Wynn: THANK YOU ALL. MOTION MADE AND SECONDED TO POSTPONE ITEM 17 FOR ONE WEEK. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL, WE HAVE A FEW MINUTES BEFORE OUR NOON CITIZENS COMMUNICATION, I THINK WE MIGHT COULD TAKE UP ITEM -- ACTUALLY, LET ME ASK COUNCILMEMBER THOMAS, ITEM 51 --

Thomas: I WAS GOING TO TRY TO STOP YOU. YOU CAN PUT IT BACK ON. I GOT MY ANSWERS, THE QUESTIONS ANSWERED FOR THAT.

Mayor Wynn: ACTUALLY, I WILL ACCEPT THAT AS A MOTION FROM COUNCILMEMBER THOMAS TO APPROVE ITEM NO. 51. I'LL SECOND THAT. ANY -- GIVE COUNCIL TIME TO FLIP OVER. COMMENTS OR QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. AND COUNCIL WE MIGHT COULD TAKE UP MY PULLED ITEM, NUMBER 45, IN RELATIVE SHORT ORDER. ITEM 45 RELATES TO A -- TO A -- TO A CONTRACT FOR GIS WORK REGARDING OUR DRAINAGE UTILITY, I BELIEVE. IF I CAN JUST HAVE MS. CRAYTON JUST INTRODUCE WHAT THE CONTRACT IS ABOUT. I HAVE HEARD SOME CONCERN ABOUTS THE TECHNICALITIES OF THE R.F.P. AND SOME OF THE STANDARDS THAT WERE TO BE MET THAT PERHAPS WERE

NOT MET BY THIS PROPOSED CONTRACT.

I'M SONDRA CRAYTON WITH THE PUBLIC WORKS DEPARTMENT. ACTUALLY I'M GOING TO TURN THIS OVER TO GEORGE OSWALD WITH THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT AND HE CAN PROVIDE YOU AN OVERVOI OF WHAT THIS PROJECT -- AN OVERVIEW OF WHAT THIS PROJECT IS ABOUT.

MAYOR, COUNCILMEMBERS, I'M GEORGES ONOSWALD, WATERSHED PROTECTION AND DEVELOPMENT REVIEW. THE NATURE OF THIS PROJECT IS THE ESTABLISHMENT OF A GIS FOR A DRAINAGE INFRASTRUCTURE. THIS WOULD BE A MAPPING AND DATA MANAGEMENT SYSTEM FOR OUR STORM DRAIN NETWORK. IT ALSO INCLUDES WORK ORDER MANAGEMENT FOR THE FIELD OPERATIONS GROUP AS WELL AS A SPILLS TRACKING FUNCTION. SO IF WE HAVE A -- A TOXIC DISCHARGE IN A CREEK, WE CAN TRACK IT BACK TO THE LIKELY SOURCE AREA. AND IT IS A LARGE UNDERTAKING TO DO THIS FOR THE ENTIRE CITY OUR CONSULTANT HAS ESTIMATED THAT IT WILL COST ABOUT \$10 MILLION. THIS WILL TAKE PLACE OVER SEVERAL YEARS. WE ARE BEGINNING IN THE CENTRAL BUSINESS AREA, THIS PARTICULAR AWARD, AND WE ARE LIMITING THE AMOUNT OF WORK TO THIS ORGANIZATION TO ONE MILLION. PENDING THEM CONTINUING TO MEET THE M AND W.B.E. GOALS ESTABLISHED FOR THE PROJECT, DOING GOOD WORK AND OF COURSE FUNDING BEING MADE AVAILABLE AND WE WOULD COME BACK TO COUNCIL FOR EACH ADDITIONAL AMENDMENT TO THE CONTRACT.

Mayor Wynn: THANK YOU, MR. OSWALD. QUESTIONS OF STAFF? COUNCILMEMBER MCCRACKEN?

McCracken: MY QUESTION -- I DON'T THINK MY QUESTION IS ABOUT THE PROJECT, BUT WHAT'S BEEN RAISED -- WHAT -- THE LETTER THAT WE HAVE IS -- STATES THAT THE RFQ OR R.F.P. STATED THAT THE PRIME FIRM SHALL PERFORM THE LARGEST SHARE OF THE ASSIGNMENT ON THE ESTIMATED PERCENTAGE OF TOTAL AGREEMENT BASIS, IT WAS R.F.Q. -- WE ARE BEING TOLD THAT THE RECOMMENDED PRIME IS ONLY DOING 20% AND SOME OUT OF STATE FIRMS ARE DOING THE LARGEST SHARE OF THE ASSIGNMENT. CAN YOU

COMMENTS ON THAT? COMMENT ON THAT?

I -- I DON'T HAVE ANY SPECIFIC INFORMATION ON THAT RIGHT NOW. BUT I COULD GO AND GET THAT INFORMATION. THAT SOUNDS SURPRISING TO ME THAT THAT WOULD BE THE CASE.

McCracken: I THINK WE PROBABLY BETTER GET THAT INFORMATION, MAKE SURE THAT WE ARE DOING RIGHT --

SURE. WE CAN GET THAT FOR YOU. DO WE UNITED TO POSTPONE -- NEED TO POSTPONE?

Mayor Wynn: ONE PERSON WISHING TO SPEAK MAY BE ABLE TO ADDRESS SOME OF THIS. RANDY PALLCHECK.

THANK YOU, SIR, I'LL KEEP THIS BRIEF, MAYOR, COUNCIL. MY NAME IS RANDY PALLICHECK, I WALK FOR PARSONS WATER AND INFRASTRUCTURE IN TOWN, I'M THE WATER RESOURCES MANAGER, PARSONS HAS ABOUT 70 PEOPLE LOCATED IN THE AUSTIN AREA AND WE WERE THE FIRM THAT DID THE PREVIOUS PILOT PROJECT, DEVELOPING THE SYSTEM LIKE MR. OSWALT SAID. THE WORK WAS ACTUALLY DONE. AFTER THE WORK WAS ACTUALLY DONE IN THE CENTRAL BUSINESS DOWNTOWN AREA, WHICH WILL BE PART OF THIS CONTRACT, AS YOU MENTIONED THAT -- AS COUNCILMEMBER MCCRACKEN MENTIONED THAT THE R.F.Q. EVALUATION CRITERIA REQUIRED AND I ATTACHED THAT TO THE LETTERS THAT I DELIVERED TO THE CITY COUNCIL AND TO THE CHIEF CLERK'S OFFICE YESTERDAY, THE ACTUAL EVALUATION CRITERIA, IT REQUIRED THAT THE FIRM PERFORM THE -- THE PRIME FIRM PERFORM THE LARGEST SHARE OF THE WORK. IN THIS CASE, BASED ON THE BACKUP MATERIAL THAT'S PRESENTED IN YOUR PACKET AND THAT WAS AVAILABLE ON THE WEB, WATERSHED CONCEPTS WOULD PERFORM ONLY 20% OF THE WORK. ACTUALLY OUT OF STATE FIRM FROM NORTH CAROLINA IS PERFORMING 40% OF THE WORK. AND THEY HAVE NO TEXAS OFFICES THAT I'M AWARE OF. IF YOU ASSUME THAT THE PRIME FIRMLY SPEND 10% OF THAT 20%, DOING PROJECT MANAGEMENT ACTIVITIES, SUBCONTRACTING, ET CETERA, THEN THE PRIME FIRM IS ONLY GOING TO PERFORM 10% OF THE REAL WORK ON THE PROJECT. WHICH DOES NOT SEEM

CONSISTENT WITH THE EVALUATION CRITERIA AND ALSO UNDERSTAND THAT THAT PARTICULAR SENTENCE WAS PLACE UNDERSTAND THE BOILERPLATE LANGUAGE OF THE EVALUATION CRITERIA BASED ON COUNCIL'S RECOMMENDATION BACK IN 2003. ANOTHER CONTRACTOR IS ALSO PERFORMING ABOUT 20% OF THE WORK, SO THIS MEANS THAT 60% OF THE WORK IS GOING TO BE DONE BY TWO SUBCONTRACTORS WHEN THE PRIME FIRM IS ONLY PERFORMING 20% OF THE WORK. THIS -- THIS ALLOCATION OF WORK SEEMS INCONSISTENT WITH THE PUBLISHED EVALUATION CRITERIA. FOR EXAMPLE, OUT OF THE INITIAL 100 POINTS ON THE EVALUATION CRITERIA, 50% OF THOSE POINTS ARE ALLOCATED TO THE PRIME FIRM'S EXPERIENCE AND PERSONNEL. WHEREAS ONLY 20% OF THE -- OF THE EVALUATION CRITERIA IS SUPPOSED TO BE BASED ON THE SUBCONTRACTORS WHO ARE ULTIMATELY GOING TO BE PERFORMING 80% OF THE WORK. IN ADDITION TO THIS, OUR SUBCONTRACTORS ON OUR TEAM ACTUALLY SCORED HIGHER THAN THE SUBCONTRACTORS ON THE RECOMMENDED FIRM'S TEAM. AND IF YOU -- IF YOU TAKE THIS TO BEING 40% OF THE WORKING PERFORMED OUT OF STATE, THAT MEANS THAT ULTIMATELY UP TO \$400,000 WORTH OF THIS WORK, IF THE CONTRACT IS TAKEN TO A MILLION, WOULD BE PERFORMED OUT OF STATE. PARSONS HAS A LONG HISTORY OF WORKING WITH THE CITY. WE HAVE BEEN IN TOWN SINCE 1968. LIKE I SAY [BUZZER SOUNDING] WE'VE GOT 70 PEOPLE HERE. OUR SCORE WAS ONE POINT LOWER THAN THE PRIME FIRM'S. WE WERE 105 VERSUS 106 POINTS, THEREFORE VERY CLOSE INDICATING BOTH FIRMS COULD CERTAINLY PERFORM THIS WORK.

Mayor Wynn: PLEASE CONCLUDE. THAT WAS ME? YOUR 3 MINUTES ARE UP. YOU CAN JUST CONCLUDE YOUR --

THANK YOU. I WOULD JUST LIKE TO CONCLUDE BY SAYING IN SUMMARY THAT OUR MANAGEMENT WANTS -- WE SPENT 10 OR \$15,000 PREPARING A PROPOSAL. IT LOOKS LIKE THE EVALUATION CRITERIA IS NOT BEING INVOLVED. WE HAVE A CONCERN ABOUT THAT. WE DON'T HAVE A CONCERN WITH THE STAFF OR THEIR -- YOU KNOW, THEIR EVALUATIONS. WE THINK VERY HIGHLY OF THE STAFF. BUT IT JUST APPEARED THAT THE MAIN PART OF THIS REQUIREMENT WAS NOT BEING FOLLOWED AND WE HAVE SERIOUS CONCERNS

ABOUT THAT. THANK YOU.

Mayor Wynn: THANK YOU, MR. PALLICHECK. PERHAPS IF -- IF STAFF COULD HELP US CONFIRM, YOU KNOW, WHETHER IN FACT AS PART OF THE R.F.P. THERE WAS THIS REQUIREMENT ON THE PRIME'S PART.

RIGHT. MY UNDERSTANDING FROM THE STAFF IS THAT THEY DID REVIEW THIS AND THAT IT'S NOT INCONSISTENT WITH THE R.F.Q. I DON'T HAVE THE EXACT LAPPING WITH ME RIGHT NOW. SO I'M TRYING TO GET THAT. SO THAT I CAN EXPLAIN THAT TO YOU. BUT, OF COURSE, YOU KNOW, IT'S NOT UNUSUAL AT ALL FOR US TO HIRE MANY SUBCONSULTANTS ON A PROJECT. IN FACT WE ENCOURAGE TO HAVE A WELL DIVERSIFIED TEAM ON ALL OF OUR PROJECTS. SO, AGAIN, I REALLY NEED TO HAVE, IN ORDER TO EXPLAIN IT TO YOU, I NEED TO HAVE THE R.F.Q. DATA AND THE R.F.Q. LANGUAGE SO THAT I CAN PRESENT THAT TO YOU.

SANDRA, LATER THIS AFTERNOON, HOLD THE ITEM AND BRING IT BACK.

EXCUSE ME, MAYOR. I PRESENTED THAT --

Mayor Wynn: MR. PALLICHECK.

I WOULD LIKE TO HOLD THE ITEM AND THEN COME BACK TO YOU LATER THIS AFTERNOON AND PROVIDE THAT INFORMATION TO YOU.

Mayor Wynn: THANK YOU. MR. PALLICHECK, YES, SIR?

SORRY. I PROVIDED COPIES WITH THE LETTERS THAT I DELIVERED TO YOUR OFFICES YESTERDAY, THE ATTACHMENT IS THE EXACT LANGUAGE FROM THE R.F.Q. FOR THE EVALUATION CRITERIA IF THEY MIGHT LIKE TO LOOK AT THAT.

Mayor Wynn: THAT'S -- WE APPRECIATE YOUR I YOUR INPUT AND OFFER, BUT WE WOULD LIKE FOR STAFF TO ALSO SORT OF CONFIRM THAT, BRING THAT BACK AND WE WILL HAVE THE DISCUSSION. THANK YOU. COUNCIL, WITHOUT

OBJECTION, I BELIEVE WE CAN TABLE ITEM 45 UNTIL LATER THIS -- THIS AFTERNOON. AND THAT WILL TAKE US TO OUR 12:00 NOON GENERAL CITIZEN COMMUNICATION. GIVE FOLKS A CHANCE TO COME IN FROM OUT IN THE FOYER. OUR FIRST SPEAKER IS MR. JOHN WEISS. I BELIEVE I'M PRONOUNCING THAT CORRECTLY. OUR NEXT SPEAKER DANIEL HANES. WELCOME, MR. HANES, YOU'LL HAVE THREE MINUTES.

THANK YOU, MAYOR. THAT'S YANES, SIR. I APPRECIATE BEING HERE, THANK YOU, COUNCILMEMBERS FOR THIS OPPORTUNITY. I'M HERE AS A REPRESENTATIVE OF THE PLANNING TEAM FOR THE GOVALLE/JOHNSTON TERRACE PLAN. OUR CHAIR IS JANIE RANGEL, OUR CO-CHAIR IS SYLVIA HERRERA. WE WERE THE SECOND PLANNING TEAM TO GO THROUGH THE SYSTEM. IN JANUARY WAS A YEAR SINCE OUR PLAN HAD BEEN ADOPTED AND COMPLETED. WE RECONVENED THE PLANNING COMMITTEE AT THAT TIME AND CREATED A REVIEW COMMITTEE BECAUSE NOW IS THE TIME WHEN AMENDMENTS TO THE PLAN ZONING CASES, SITE PLAN REVIEW, ET CETERA, IS NOW POSSIBLE TO HAPPEN. WE RECONVENED, I AM HERE JUST TO ENTER INTO THE RECORD, LET YOU KNOW, WE ARE IN PLACE, WORKING SINCE JANUARY, MEETING WITH VARIOUS INTERESTED PARTIES AND NEGOTIATING FOR CONSENSUS AGREEMENTS THAT WILL THEN GO TO THE PLANNING COMMISSION AND COME TO YOU. I WANT YOU TO KNOW THAT WE WORKED FOR ALMOST THREE YEARS TO -- TO ESTABLISH A REAL GOOD RAPPORT WITH ALL OF THE INTERESTED STAKEHOLDERS IN OUR PLANNING AREA. WE HAVE A VERY GOOD RELATIONSHIP WITH RESIDENTS, WITH NEIGHBORHOOD ASSOCIATIONS, WITH -- WITH -- WITH BUSINESS AND OUR PLANNING TEAM REFLECTS ALL OF THAT. AND THE REVIEW COMMITTEE IS NOW A -- A -- CONTINUING THIS WORK AND CONTINUING TO WORK. WE HAVE A VERY GOOD RELATIONSHIP WITH STAFF AS WELL. AND WE CONTINUE TO REFINE THE PROCESS AND HOPEFULLY AVOID CONFLICT AND -- AND JUST CREATE A GOOD SYSTEM AND A GOOD WAY FOR PEOPLE TO -- TO WORK AND INTEGRATE, COME IN AND OUT OF OUR PLAN. SO THIS WAS THE -- THIS WAS THE REASON FOR ME TO -- TO COME AND TALK TO YOU TODAY. LIKE I SAID, I'LL REPEAT ONCE MORE. OUR CHAIR IS JANIE RANGEL, CO-CHAIR SYLVIA

HERRERA, I COORDINATE THE REVIEW COMMITTEE MUCH WE HAVE SUBMITTED THESE CONTACT INFORMATION TO STAFF AND WE HOPE THAT -- I JUST WANT TO LET YOU KNOW LAST NIGHT WE WENT TO THE PLANNING COMMISSION AND WE HAD THREE CASES BEFORE THE PLANNING COMMISSION THAT WERE PART OF THE GOVALLE SLASH JOHNSTON TESH RAS PLANNING TEAM. ONE OF THOSE APPLICANTS CAME TO OUR COMMITTEE, WE WORKED EVERYTHING OUT, AGREED UPON SOME CONDITIONS FOR THEIR AMENDMENTS TO THE -- TO THE ZONING CASE. THAT TOOK LESS THAN FIVE MINUTES AT THE PLANNING COMMISSION. THE OTHER TWO GROUPS HAD NOT COME TO THE REVIEW COMMITTEE, THERE WERE A NUMBER OF NEIGHBOR THAT'S CAME IN OPPOSITION TO THEIR PLANS [BUZZER SOUNDING] PRIMARILY BECAUSE THEY HAD NOT HAD AN OPPORTUNITY TO DIALOGUE. AND SO I -- THAT WAS A REAL GOOD EXAMPLE AND TEST THAT OUR REVIEW COMMITTEE IS REALLY WORKING TO CREATE CONSENSUS AND TO ELIMINATE PROBLEMS. SO I JUST WANTED TO COME AND LET YOU ALL KNOW THAT I APPRECIATE YOUR TIME. IF YOU HAVE ANY QUESTIONS, I WOULD LOVE TO ANSWER THEM.

THANK YOU FOR ALL OF YOUR HARD WORK.

THANK YOU SO MUCH.

Thomas: CAN I ASK YOU ONE QUESTION ON THE JOHNSTON GOVALLE TERRACE.

YES, SIR.

IS THAT YOUR NEIGHBORHOOD PLANNING IS IT PART OF BOHM ROAD AND AIRPORT?

YES, SIR, ABSOLUTELY.

Thomas: OKAY. OKAY. I GUESS I NEED TO ASK YOU A QUESTION LATER ON ABOUT -- ABOUT SOMETHING WAS PASSED IN THE PLANNING AND ZONING THAT HAPPENED AT AIRPORT AND BOHM ROAD. COULD YOU TELL ME WHAT PART -- SOME KIND OF DEVELOPMENT HOUSING SUPPOSED TO GO

THERE.

ARE YOU TALKING ABOUT THE PERRY LANE, PERRY ROAD?

Thomas: OKAY.

YES. THAT WAS SOMETHING THAT CAME UP BEFORE THE PLANNING COMMISSION NIGHT BEFORE LAST. WELL, THERE AGAIN THAT DEVELOPER DID FOR THE COME BEFORE THE REVIEW COMMITTEE AND THEY JUST WENT TO THE PLANNING COMMISSION AND THEY WERE SURPRISED TO SEE THAT A LOT OF THE NEIGHBORS WERE FIRST OF ALL THEY HAD NOT HAD ADEQUATE NOTIFICATION AND WE ARE GOING TO BE WORKING WITH STAFF AND PLANNING COMMISSION ON CREATING A BETTER DESIGN FOR NOTIFICATION THAT IS MORE REGULAR FAUKFOLK FRIENDLY SO TO SPEAK. RIGHT NOW THEY ARE CRYPTIC AND SO HARD TO READ. PEOPLE DON'T REALLY KNOW WHEN THEY ARE GETTING A NOTICE. YES, SIR, THAT IS A BIG ISSUE IN OUR PLAN RIGHT NOW. WE WOULD LOVE TO TALK TO YOU AT ANY TIME BEFORE ABOUT THAT.

THOMAS: IF YOU COULD GET WITH MY STAFF, PLEASE.

ABSOLUTELY, THANK YOU SO MUCH.

THANK YOU. NEXT SPEAKER SUSANA ALMANZA, WELCOME, THREE MINUTES.

GOOD AFTERNOON, CITY COUNCIL MEMBERS, MAYOR. I WOULD LIKE TO START OFF CONGRATULATING RAUL ALVAREZ AND TERESE ON THEIR NEW BABY GIRL ON THE 29th. SOPHIA, CONGRATULATIONS, WE ARE REALLY HAPPY FOR YOU. FOLLOWING UP ON WHAT DANIEL WAS TALKING ON THE GOVALLE/JOHNSTON NEIGHBORHOOD PLAN. THERE WAS A VERY BIG DISCUSSION ON THE 100 HOMES TO BE BUILT ON 14.88-ACRES, ESPECIALLY UP TO BOGGY CREEK AND SOME FLOODPLAIN ZONEMENT THE COMMUNITY IS VERY CONCERNED. THE MAJORITY OF THE PEOPLE DIDN'T SPEAK ENGLISH AND THAT NOTICE THAT GOT SENT WAS ABSOLUTELY HORRIBLE. IT HAD A SQUARE ON THE BOX, A POINT OF WHERE THINGS ARE WERE GOING TO HAPPEN. WE WERE NOT ABLE TO POSTPONE THAT CASE, THEY WENT

AHEAD AND HAD THE HEARING FOR THAT PARTICULAR CASE. WE ARE VERY CONCERNED BECAUSE THEY ARE TALKING ABOUT BUILDING 100 SMART HOUSES. WE KNOW THE SMART HOUSES HAVEN'T BEEN FOR THE WORKING COMMUNITIES OF COLOR IN THE AREA. WE KNOW THAT THERE -- THEY HAVE BEEN SELLING AT 125,000, SORT OF LIKE THE AVERAGE PRICE AND WE KNOW THAT OUR MEDIAN FAMILY INCOME IS ANYWHERE FROM 17 TO 30,000. SO WE ARE NOT GOING TO QUALIFY FOR THOSE PARTICULAR 100 SMART HOUSES AND THEY ARE GOING TO BE JAMPACKED. THEN WE DON'T KNOW IF THEY ARE GOING TO BE ONE OR TWO STORIES HIGH. THE OTHER THING I WANTED TO TALK ABOUT REAL QUICKLY, WE WOULD LIKE TO HAVE THE NEIGHBORHOOD PLANNERS WORK WITH US BECAUSE AS WE SEE THE GENTRIFICATION AND DISPLACEMENT HAPPENING CURRENTLY IN THE CESAR CHAVEZ AND IN THE 11th STREET AREA, WE ALSO WANT TO MAKE SURE THAT WE BEGIN THE PROCESS TO LOOK AT THE JOHNSTON GOVALLE AREA WHERE WE COULD DO HEIGHT LIMITATIONS, LOOK AT AT LEAST STOPPING THE GENTRIFICATION FROM HAPPENING SO THAT WE DON'T HAVE THESE BIG HOUSES BEING BUILT THAT IS NOT GOING TO BE FOR THE COMMUNITY. A LOT OF PEOPLE HAVE SAID THE GENTRIFICATION DISPLACEMENT IS INEVITABLE. IT'S COMING. I SAY THE ONLY THING THAT IT'S INEVITABLE IS LIFE AND DEATH. THOSE ARE THE TWO THINGS THAT YOU CAN GUARANTEE. EVERYTHING ELSE YOU CAN WORK AN IMPACT ON IT. I THINK THIS HAS BEEN A VERY ENVIRONMENTALLY, YOU KNOW, HUMAN CONSCIOUSNESS CITY COUNCIL AND WE HAVE TO ENSURE THAT PEOPLE OF COLOR WORKING AND THE WORKING POOR AND THE POOR GET -- HAVE THE RIGHT TO STAY IN THAT URBAN RESERVATION THAT WE WERE PUT ON. AND NOW BECAUSE WE HAVE GROWN, PEOPLE WANT IT AND REGARDLESS OF PEOPLE -- I CONSTANTLY SEE HIGHLY PROFESSIONAL ANGLOS MOVING IN, DOING COSMETIC REPAIRS AND FLIPPING THAT PROPERTY. WHEN THEY WERE INTERVIEWED THEY SAID NO THEY WANTED TO SAY. I CAN GO DOWN THERE AND SHOW YOU THE PLACES, FLIPPING IT, RUNNING US OUT ON THE TAX BASE. WE NEED SOME RELIEF, WE NEED HELP. HOUSING FOR US IS THE NUMBER ONE ISSUE. THANK YOU.

Mayor Wynn: THANK YOU, MS. ALMANZA. NEXT SPEAKER

LOOKS LIKE DANNIE MILLER. WELCOME, YOU WILL HAVE THREE MINUTES.

THANK YOU. I COME WITH A HANDOUT HERE. I HOPE THAT YOU HAVE THE OPPORTUNITY TO OPEN THOSE UP. FIRST I WOULD LIKE TO THANK YOU FOR THIS FORUM AND ALLOWING ME TO ADDRESS YOU ALL. MY NAME IS DANNIE MILLER, I LIVE AT 1105 SOUTH SIXTH STREET. IT FRONTS WEST BOULDIN CREEK. I HAVE LIVED HERE FOR 28 YEARS. I'M FLOODING. WHEN I SAY I'M FLOODING. THREE FEET OF WATER OUTSIDE, A FOOT OF WATER INSIDE THE HOUSE. ACTIONS BY THIS CITY HAVE AND ARE CAUSING MY FLOODING PROBLEMS. IN 1995 A CONTRACTOR WORKING FOR THE CITY CAUSED A FLOOD BY CONSTRUCTION OF A LOW WATER CROSSING ACROSS WEST BOULDIN CREEK. PLEASE LOOK AT PAGE 4. CURRENTLY, AUSTIN PARKS AND RECREATION IS CONSTRUCTING A LOW WATER CROSSING IN THE SAME AREA THAT HE IS SURE TO CAUSE MORE FLOODING. ADDITIONALLY, MORE AND MORE IMPERVIOUS COVER IS BEING ALLOWED ON THE WEST BOULDIN CREEK WATERSHED. RUNOFF FROM THIS IMPERVIOUS COVER ENDS UP IN MY YARD AND IN MY HOUSES. I HAVE COMMUNICATED WITH THE PARKS AND RECREATION DEPARTMENT, WITH WATERSHED PROTECTION, AND WITH MY NEIGHBORHOOD ASSOCIATION, THE BOULDIN CREEK'S NEIGHBORHOOD ASSOCIATION. THE BOULDIN CREEK'S NEIGHBORHOOD ASSOCIATION PASSED A MOTION TO SEND THE FOUR CRITICAL POINTS THAT I'VE MADE TO THE CITY MANAGER'S OFFICE FOR REVIEW AND CONSIDERATION. NOW, IN THE HANDOUT, I WANT TO GO OVER IT BRIEFLY, THEN I'LL BE FINISHED. IN THE HANDOUT THE FIRST THREE PAGES OF THE HANDOUT INCLUDE COPIES OF LETTERS THAT I HAVE SENT TO CITY AGENCIES, THE NEIGHBORHOOD ASSOCIATION AND THE FOUR CRITICAL POINTS THAT I AM POINTING OUT. THE LAST SIX PAGES ARE PHOTOGRAPHS. AND THE 1995 FLOOD WAS CAUSED BY FELIX EQUITIES ON PAGE 4. THE MOST RECENT FLOOD WAS IN JUNE, 4 -- JUNE OF THIS YEAR, THAT'S ON PAGE 5. THE FLOOD AFTERMATH, THE FOOT OF WATER IN THE HOUSES, CAN BE SEEN ON PAGE 6. AND PAGES 8 AND 99 ARE OF DOWNED TREES ACROSS THE CREEK RIGHT NOW. PLEASE HELP ME. PLEASE STOP THE PARKS AND RECREATION LOW WATER CROSSING AND

CLEAN OUT THE CREEKS SO THAT WATER CAN GET TO TOWN LAKE WHERE IT WANTS TO GO WITHOUT FLOODING MY HOUSES. AND, FINALLY, PLEASE STOP ALLOWING IMPERVIOUS COVER TO BE CONTINUALLY PUT ON THE WEST BOULDIN CREEK WATERSHED. [APPLAUSE] THANK YOU.
[BUZZER SOUNDING]

Mayor Wynn: THANK YOU, MR. MILLER, THESE ARE VERY IMPACTFUL PHOTOS AND POINT. I SEE THE CITY MANAGER ALREADY TALKING TO OUR WATERSHED DRAINAGE STAFF AND WE WILL TRY TO COME UP WITH ANSWERS FOR YOU.

THANK YOU.

THANK YOU.

Futrell: JUST A QUICK RESPONSE. I NEED TO TAKE A LOOK AT THE REST OF YOUR POINTS. BUT YOUR LAST RESPONSE HAD TO DO WITH THE FALLEN TREES IN THE CREEK. MY UNDERSTANDING IS THAT WE ARE IN THE PROCESS OF CLEARING THOSE RIGHT NOW FOR YOU. BUT YOUR OTHER THREE I'M GOING TO NEED MORE TIME TO TAKE A LOOK AT. THEN I WILL FOLLOW UP WITH YOU.

Goodman: MAYOR PROMAYOR? FOR A LITTLE INSIGHT, THERE WAS SOMEONE ELSE ALSO BRINGING THIS TO OUR ATTENTION BACK A WHILE, I THINK MAYBE THE TRANSITION FROM JESUS TO WARREN CAME RIGHT ABOUT AT THAT TIME. SO I CAN UNDERSTAND WHY SOMETHING FELL THROUGH THE CRACKS, LITERALLY IN THIS CASE. BUT WE DO REMEMBER SOMEONE ELSE ASKING ABOUT IT, TOO. SO THIS IS A GOOD TIME TO FOLLOW-UP ON THAT.

Mayor Wynn: THANK YOU, NEXT SPEAKER IS JOSE QUINTERO, FOLLOWED BY PAUL HERNANDEZ.

THANK YOU, MAYOR. GOOD AFTERNOON, MEMBERS OF THE COUNCIL, CITIZENS OF EAST AUSTIN, MY NAME IS JOSE QUINTERO WITH THE GREATER EAST AUSTIN NEIGHBORHOOD ASSOCIATION. THE ISSUE THAT I'M ADDRESSING HERE IS REGARDING THE NEIGHBORHOOD PLANNING. SINCE WE HAD A LOT OF TROUBLES DURING THE CESAR CHAVEZ NEIGHBORHOOD PLAN AND TRYING TO PUT

THAT TOGETHER AND PEOPLE COMING IN, RECOGNIZING
REALIZED WHAT THE CITY WAS REALLY UP TO, AS FAR AS
THE NEIGHBORHOOD PLAN. COMING BEFORE A PLAN
WITHOUT NOT PROVIDING ANY PROTECTION FOR OUR
NEIGHBORHOOD, ALLOWING ZONING SUCH AS WHAT'S
HAPPENED ACROSS THE STREET FROM ME, THERE'S THE
BIG RED SUN BUILT A STAGE, A STAGE VENUE SO THEY CAN
HAVE MUSIC. SUPPOSEDLY THERE'S A BIG CONCERT GOING
TO COME ON, THERE'S NO PARKING. THE QUESTION THAT I
HAVE FOR TOBY FUTRELL OR THE CITY COUNCIL FOR THE
PLANNING, THEY NEED A PERMIT TO BUILD A STAGE?
BECAUSE I'M GOING TO CHALLENGE THAT. THEY ARE GOING
TO COME AND OPEN MUSIC NEXT DOOR TO MY HOUSE, I'M
GOING TO PUT MY SPANISH MUSIC LOUD. OKAY? THERE'S
GOING TO BE SOME CONTROVERSIES. THERE NEEDS TO BE
SOMETHING STRAIGHTENED OUT. IF I CAN'T LISTEN TO MY
SPANISH MUSIC LOUD, THEY CAN'T COME TO MY
NEIGHBORHOOD AND LISTEN TO THEIR MUSIC, I'M TIRED. I
JUST CAME FROM WORK. BUT ANYWAY, HERE WE HAVE A
LETTER FROM ZELDA, I GUESS FROM THE HOLLY
NEIGHBORHOOD PLAN, THESE PEOPLE COME HERE,
SLANDERING LONG-TIME NATIVES, SENDING E-MAILS TO
EVERY COUNCILMEMBER, POLICE DEPARTMENT, LIKE YOUR
LEADER FROM THE UNITED EAST AUSTIN, LAURA RENTARA
WHO SENT OUT E-MAILS THROUGHOUT THE WHOLE CITY
SAYING I WAS GOING TO BE AT A MEETING KICKING PEOPLE
OUT OF THE MEETINGS, I WAS ONLY GOING TO ALLOW
PEOPLE TO SPEAK. THIS IS YOUR FIRST POTENTIAL RACIST
PERSON. THAT'S WHY SHE HAD [INDISCERNIBLE]. SHE'S
VIOLATED EVERY BY LAW IN THE ROBERTS RULES OF
ORDERS, BECAUSE THERE WAS NO REPRESENTATION, I
LIVED THERE FOR THREE YEARS, UNTIL SOMEBODY CAME
HERE FROM FORT WORTH. NOW SHE REPRESENTS A LOT OF
MEXICANS IN THE AREA. THEY ARE TRYING TO SET UP THE
POWER STRUCTURE WITH THE HELP OF SOME CITY COUNCIL
MEMBERS WHO RESENT MEXICAN AMERICANS. THAT'S THE
BOTTOM LINE. YOU LOOK AT THE HISTORY OF THE MASTER
PLAN IN 1927, WELL, THIS HAPPENED TO US SEVEN YEARS
AGO. UFERBTLY YOUUNFORTUNATELY YOU HAVE TO BUY
OUT MINORITIES TO REPRESENT YOU ALL ON THE CITY
COUNCIL. THEY ARE UNITED WITH THE LONG-TIME ENEMIES
OF EAST AUSTIN. WHO PROMOTE GENTRIFICATION. HERE WE

HAVE A PERSON ON THE NORTH SIDE OF MY AREA, NAME OF MARK RODGERS, HE CAME OUT THERE AND TOLD SOME RESIDENTS, WE CAN BUY YOUR PROPERTY, THE CITY IS HELPING US, I GIVE YOU MY WORD WE WILL RENT THE PROPERTY TO YOU. NOW, THE QUESTION THAT I HAVE -- [BUZZER SOUNDING] DOES MARK RODGERS HAVE A REAL ESTATE LICENSE? IS THE CITY VIOLATING OR NOT, YOU KNOW, FOLLOWING THE, YOU KNOW, THE BYLAWS THEY SHOULD BE FOLLOWING? HE DOESN'T HAVE A REAL ESTATE LICENSE. THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, MR. QUINTANILLA. PAUL HERNANDEZ? -- THANK YOU, MR. QUINTERO. PAUL HERNANDEZ, FOLLOWED BY GAVINO FERNANDEZ. WELCOME, MR. FERNANDEZ, THREE MINUTES -- MR. HERNANDEZ, YOU WILL HAVE THREE MINUTES.

GOOD AFTERNOON, MAYOR, GAVINO FERNANDEZ WITH EL CONCILIO. I ALSO WANT TO SPEAK TO THE HOLLY PLANNING PROCESS ISSUE. TO EDUCATE THE COUNCIL AND THE COMMUNITY, WE NEED TO LEARN WHERE THE PREMISE OF THIS WHOLE SITUATION IS BORN. THIS IS FROM ZELDA, AN IMMIGRANT FROM SOUTH AFRICA. WE ALL KNOW THE HISTORY OF APARTHEID IN SOUTH AFRICA WHERE THE MINORITY IS USED TO RULING THE MAJORITY. WE IN EAST AUSTIN ARE NOT GOING TO ALLOW THAT TO HAPPEN IN OUR COMMUNITY. THE PLANNING TEAM FOR THE CITY OF AUSTIN ANNOUNCED THE ELECTIONS OF THE PLANNING TEAM DULY WITHIN TIME. THE ELECTIONS WERE CONDUCTED DULY TO A DEMOCRATIC PROCESS. THERE WAS A VOTE BY THE MEMBERS THAT SHOWED UP AT THE MEETING. AND BECAUSE THE RESULTS DID NOT COME OUT IN FAVOR OF ZELDA AND SOME OF THE NEW HOMEOWNERS IN EAST AUSTIN, NOW THEY ARE CHALLENGING THE WHOLE PROCESS. WANTED TO HAVE REELECTIONS. AND I THINK THAT THAT IS AN INSULT TO US AS HOMEOWNERS, PROPERTY OWNERS OF THE AREA. AND AS YOU WELL KNOW, WE ARE RELUCTANTLY PARTICIPATING IN THE PROCESS, BUT THAT SHOULD NOT BE A FACTOR TO DENY US OUR RIGHT TO PARTICIPATE AND EXERCISE OUR FREEDOM OF SPEECH AND EXERCISE OUR DUE PROCESS IN THIS WHOLE PROCESS. IT'S ONLY A COINCIDENCE THAT SHE TEACHES UP WITH LAURA RENTARELLA AFTER THE RESULTS

DID NOT GO IN HER FAVOR, THEY CAUCUSED, LAURIE ADVISES HER, EXERCISE THIS STRATEGY THAT I DID AT CESAR CHAVEZ. ACCUSE THEM OF DRUG DEALERS, ACCUSE THEM OF THIEVES, DISCREDIT THEIR CREDIBILITY, RAISE THE FACT THEY DON'T REPRESENT THE NEIGHBORHOOD AND CALL MAYOR PRO TEM GOODMAN AND SHE WILL PROVIDE ALL OF THE SUPPORT AND FEEL SYMPATHETIC TO YOUR CAUSE AND WILL CONVEY TO THE MAJORITY OF THE COUNCIL THAT WE NEED TO HELP YOU. AND IF YOU PROCEED AND STICK WITH THAT STRATEGY, THESE PEOPLE WILL GET TIRED LIKE THEY DID AT THE CESAR CHAVEZ PROCESS AND THEY WILL WALK AWAY FROM THE TABLE AND THEN YOU WILL BE PROVIDED WITH ALL OF THE SUPPORT AND ALL OF THE RESOURCES THAT THE CITY COUNCIL AND THE CITY STAFF WILL CONVEY TO YOU. WHAT I'M ASKING FROM THIS COUNCIL IS JUSTICE, WHAT I'M ASKING FROM THIS COUNCIL IS TO RESPECT THE MAJORITY VOTE THAT OCCURRED THROUGHOUT THIS PROCESS AND TO ALSO, MAYOR PRO TEM JACKIE GOODMAN, PROVIDE US THE SAME SUPPORT THAT YOU PROVIDED THE MAJORITY RESULTS IN THE CESAR CHAVEZ PLAN. I THINK THAT WE AS TAXPAYERS ARE DUE THAT. THIS WAS A -- THIS WAS A CLEAR DEMOCRATIC PROCESS. CITY STAFF WAS THERE AND THEY CONDUCTED AND THEY OBSERVED THE WHOLE PROCESS. SO I DON'T THINK THAT WE ARE ASKING FOR TOO MUCH. I HOPE THAT -- THAT MAYOR PRO TEM, THAT YOU WILL HONOR AND RESPECT THE RESULTS OF THE MAJORITY BECAUSE THE OTHER QUESTION THAT LIES IS THAT [BUZZER SOUNDING] -- IF I COULD JUST WRAP UP WITH THIS, MAYOR -- IS THAT IF THIS IS NOT -- IF THIS DOES NOT OCCUR, THE QUESTION LIES IS -- IS THE MAJORITY NOT GOING TO BE RECOGNIZED? AND NOW I UNDERSTAND THAT THE CITY DOESN'T WANT TO PURSUE THE PLANNING TEAM EFFORT BECAUSE THERE'S NO CONSENSUS, UNQUOTE. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. FERNANDEZ. FRANCES MARTINEZ, WELCOME, FOLLOWED BY LEON HERNANDEZ.

GOOD AFTERNOON, MY NAME IS FRANCES MARTINEZ, I'M CHAIRMAN OF BARRIO NEIGHBORHOOD ASSOCIATION, I WANT TO GRADUATE RAUL ON HIS DAUGHTER. CONGRATULATE RAUL ON HIS DAUGHTERS. ALSO I'M HERE

WITH A LOT OF CONCERNS. NUMBER ONE IS THE HOLLY PLANNING TEAM. THAT WE WERE THERE. WE HAD -- WE DID OUR HOME WORK, WE DID INVITE A LOT OF PEOPLE, YES, WE DID GIVE RIGHTS TO PEOPLE THAT COULD NOT COME. NOT THEY ARE CALLING US THAT THEY DIDN'T DUE PROCESS. WELL, JUST LIKE THE CESAR CHAVEZ PLAN WAS EMBRACED BY THE COUNCIL, I HOPE THAT THE SAME OCCURS HERE WITH US. THAT YOU ALL WILL RESPECT US, RESPECT THE MAJORITY AND HELP US ON THIS PROCESS. ALSO, NOW, I'M GOING TO TALK ABOUT THE UPWARD PROFESSIONALS THAT HAVE MOVED INTO OUR NEIGHBORHOOD. NOW THAT THEY HAVE STUDIOS FOR WHATEVER THAT IS THAT HAVE BLOCKED OUR SIDEWALKS WITH BIG ROCKS AND ALL KINDS OF GREENERY THAT THEY CALL, BUT WE CANNOT WALK ON THAT SIDEWALK ANYMORE. ALSO, THE RED SUN THAT PUT SIGNS ON THE SIDEWALK FOR US NOT TO PARK BECAUSE THEY ARE HAVING A CONCERT. WHETHER IT'S PERMITTED OR NOT, I DON'T KNOW. BUT, YES, A LOT OF US NEIGHBORHOODS HAVE A LOT OF CONCERN THAT'S MUSIC IS LOUD AND IT'S LATE WHEN THEY ARE HAVING IT. ALSO THEY HAVE POLICE PROTECTION THERE. ONE OF THE THINGS IS THAT WE ARE VERY CONCERNED AGAIN IS WITH OUR ELDERLIES AND WITH THE -- OF COURSE THE YOUNGER GENERATION THAT LIVES THERE. BUT THE NOISE AND IT IS PERMISSIBLE? WE REALLY NEED TO LOOK INTO THAT. YES, I HAVE CALLED SELENA, I WILL CONTINUE TO CALL HER TO TALK AND VISIT WITH HER ABOUT THIS SUBJECT. ALSO, I DO WANT TO TALK ABOUT THE M.A.P. PROGRAM, THE ELIGIBILITY PROGRAM. THE MEDICAL ASSISTANCE PROGRAM. TODAY I SPENT 12 MINUTES ON THE TELEPHONE TRYING TO GET THROUGH TO MAKE AN APPOINTMENT. APPARENTLY THERE'S ONLY ONE TELEPHONE NUMBER THAT YOU CAN CALL TO MAKE AN APPOINTMENT. FINALLY I CALLED BACK TO THE CITY TO THE -- TO THE OPERATOR AND THEY GAVE ME AGAIN THE SAME NUMBER. THEY TOLD ME, I SUGGEST THAT YOU CALL VERY EARLY IN THE MORNING OR LATE IN THE AFTERNOON. NOW, THESE EMPLOYEES WORK VERY HARD WITH THE MEDICAL ASSISTANCE PROGRAM. THEY ARE UNDERSTAFFED, YET, WHO GETS HURT? OUR PEOPLE, OUR ELDERLY THAT HAVE ALREADY PAID THEIR TAXES. THEY ARE SUFFERING. THAT -- THAT MEET THIS SERVICE. PUT IN IT THE BUDGET SOMEWHERE. IF WE NEED

MORE WORKERS IN THE ELIGIBILITY DEPARTMENT. ALSO, THE PHARMACY, YOU HAVE TO WAIT A LONG TIME BEFORE YOU CAN GET YOUR -- YOUR PRESCRIPTION. AND WHAT HAPPENS TO THE WORKING POOR LIKE THE -- LIKE THE PEOPLE THAT HAVE TO WORK AND THEY ONLY HAVE A 15 MINUTE BREAK AND MAYBE 30 MINUTE BREAK TO EAT. HOW CAN THEY CALL TO THESE OFFICES TO GET CARE FOR THEMSELVES AND THEIR CHILDREN? HAVE A HEART AND PLEASE DO SOMETHING ABOUT THE MEDICAL ASSISTANCE PROGRAM. THANK YOU.

Mayor Wynn: THANK YOU.

Goodman: MAYOR, CAN WE GET A COPY OF WHAT MS. MARTINEZ JUST SAID, BECAUSE I THINK WE NEED TO PASS IT ON TO THE FOLKS THAT WE JUST APPOINTED TO THE HOSPITAL DISTRICT SO THEY START GETTING A FEEL FOR THE SERVICES. NOW THAT MONTOPOLIS IS ABLE TO BE OPEN MAYBE A LITTLE OF THAT PRESSURE WILL BE TAKEN OFF. BUT WE SHOULD ALSO -- IF TRISH IS AROUND WE CAN ASK MS. YOUNG WHAT THE STATUS IS OF HAVING ANOTHER OPERATOR, OR ANOTHER NUMBER.

Mayor Wynn: GREAT. THANK YOU.

MAYOR PRO TEM, MY NAME IS FWLOAR I CAN'T MORE REASON -- GLORIA MORENO, SINCE PAUL HERNANDEZ HAD A DOCTOR'S APPOINTMENT. PAUL HERNANDEZ.

Mayor Wynn: YES, WELCOME.

SINCE HE'S NOT HERE. AGAIN, I DON'T MEAN TO BE REDUNDANT, BUT, ALSO, RAUL, CONGRATULATE ON YOUR DAUGHTER, I HEARD ABOUT IT, I WAS JUST ECSTATIC. MAYOR PRO TEM, COUNCILMEMBERS, MAYOR PRO TEM GOODMAN: I AM REPRESENTING NOT ONLY MY NEIGHBORHOOD ASSOCIATION, BUT HERNANDEZ' NEIGHBORHOOD ASSOCIATION, BUT ALSO THE NEUROCHAIR FOR THE HOLLY NEIGHBORHOOD PLAN CONTACT TEAM. WHEN I APPROACHED THE MEETING I WAS ASKED WILL YOU RUN FOR PRESIDENT, FOR CHAIR, I SAID CERTAINLY. I WAS ELECTED, I WAS ECSTATIC, HAPPY, I WAS GOING TO HAVE A NEW CHALLENGE, WHICH I ENJOY CHALLENGES, I THINK

THAT'S WONDERFUL THAT WE PARTICIPATE. WE ARE ALLOWED TO PARTICIPATE IN THE PROCESS. THAT'S ONE THING THAT I'M ALWAYS ADVOCATING FOR, PARTICIPATION. AND THEN RIGHT BEFORE THE FIRST MEETING, THERE WERE A LOT OF -- THIS -- WELL, THE SECRETARY THAT WAS ELECTED ON THE COMMITTEE SENT OUT AN E-MAIL, ZELDA, SEEMS LIKE A VERY NICE LADY, I WAS VERY HURT, VERY SURPRISED AT WHAT SHE WROTE. SHE COULD HAVE COME TO ME, SHE COULD HAD A MEETING, CLOSE THE, BEHIND THE DOOR GOES MEETING. INSTEAD SHE WENT PUBLIC NOT ONLY TO OUR CITY MANAGER, BUT -- BUT TO THE MAYOR, TO THE COUNCIL, AND THE AUSTIN STATESMAN. I -- I -- YOU KNOW, IT SEEMS TO ME THAT THESE ISSUES CAN BE TAKEN CARE OF. SHOWVMENT I WELCOME ADVERSITY. I WELCOME ADVERSITY ON THE TEAM, IN THE GROUP ITSELF. I DON'T SEE HOW ANYBODY CAN MAKE ANY SENSE OF THIS. THE COMMENT THAT WAS ON THAT E-MAIL WAS ALSO THAT WE ARE OLD TIMERS. OLD TIMER ASSOCIATIONS, YEAH, I'M 60 YEARS OLD, BY THE WAIT A MINUTE I AM A CLIENT WITH A M.A.P. PROGRAM, I CAN VERIFY AND CONFIRM EVERYTHING THAT MS. MARTINEZ SAID. IT IS HORRIBLE. WE ARE TREATED VERY -- NOT VERY NICE. WE HAVE TO GET AN APPOINTMENT JUST TO RENEW MY CLINIC CARD. BACK TO THE MAIN SUBJECT IS THAT I WAS VERY OFFENDED INSTEAD OF COMING TO ME AS A NEW CHAIR, SHE WENT SOMEWHERE ELSE. SHE DOESN'T KNOW ME THAT WELL. SHE DOESN'T KNOW MY BACKGROUND. SHE COULD HAVE COME TO ME AND ADDRESSED IT AND TALKED TO ME ABOUT THE CONCERNS INSTEAD SHE WENT ELSEWHERE. THEREFORE I'M HERE TODAY GOING PUBLIC WITH THIS AS WELL. I RESENT THE E-MAIL. I DON'T THINK SHE'S GIVEN US A CHANCE TO WORK TOGETHER. I HOPE THAT SOMETHING CAN BE SETTLED. WE WANT TO MEET AND TAKE CARE OF THESE ISSUES. IF YOU CAN HELP US THROUGH THE PROCESS, MAYOR PRO TEM GOODMAN, I DID CONTACT YOUR OFFICE RIGHT AFTER THAT HAPPENED. AND I ASKED YOUR ASSISTANT TO SEND ME A COPY OF THE EXACT RESPONSE THAT YOU SENT TO ME BOTA. AND HE SAID THAT HE WOULD CHECK WITH YOU AND THAT [BUZZER SOUNDING] HE WASN'T ALLOWED TO UNLESS HE HAD YOUR PERMISSION. THEN MS. BOTA SENT ME WHAT WAS SUPPOSED TO BE YOURS BUT IT DOESN'T HAVE YOUR

BOTTOM LIKE THE CITY E-MAILS FROM THE CITY. ALWAYS HAVE YOUR NAME AND EVERYTHING. SO TO ME WHERE SHE SAID THAT YOUR RESPONSE WAS A PERSONAL RESPONSE, THAT WAS JUST MAINLY BETWEEN YOU AND HER. I WANT TO SEE THAT. I WANT TO SEE THE COMMENTS. IF NOT I WILL HAVE TO GO TO OPEN RECORDS. I DON'T WANT TO DO THAT. I DIDN'T KNOW THAT I COULD UNTIL I WAS INFORMED I DON'T WANT TO DO THAT. TO EMBARRASS ANYBODY. I JUST WANT TO KNOW THE TRUTH.

Mayor Wynn: LEON HERNANDEZ. OKAY. COUNCIL, THAT CONCLUDES EVERYONE SIGNED UP FOR COMMUNICATION. MAYOR PRO TEM?

Goodman: OKAY, I'M GOING TO HAVE TO CLARIFY A FEW THINGS HERE. OF COURSE WHEN NEIGHBORHOOD PLANS COME, THEY COME TO US WITH WHAT WE ASSUME, WHAT THE PLANNERS SAY IS A CONSENSUS OF OVER TIME, THE STAKEHOLDERS WHO HAVE PARTICIPATE UNDERSTAND THAT PROCESS. PARTICIPATE UNDERSTAND THAT PROCESS. I THINK -- PARTICIPATED IN THE PROCESS, I THINK EVERY SINGLE NEIGHBORHOOD PLAN YOU HAVE SEEN ME BE SUPPORTIVE. IN FACT WE DID SEND YOU MY ANSWER TO ZELDA, WHAT SHE ASKED FOR WAS A MEDIATOR. MANY NEIGHBORHOOD ASSOCIATIONS FIRST MEETINGS PLANNING THEY ARE GETTING A LOT OF FOLKS TOGETHER WHO AREN'T NORMALLY TOGETHER. THERE ARE A LOT OF PERCEPTIONS, DIFFERENT INTERESTED PARTIES OFTEN. THEY DISTRUST EACH OTHER. SO A MEDIATOR WAS SUPPOSED TO ALWAYS BE PART OF THE NEIGHBORHOOD PLANNING. SO THAT THE NEIGHBORHOOD ASSOCIATION OR THE BUSINESS OWNER, WHATEVER, DIDN'T HAVE TO TRY TO TAKE IT ON TO THEMSELVES TO DO THAT. BUT COULD BE THERE AS A MARCHES PANT AND THE CITY WOULD -- PARTICIPANT AND THE CITY WOULD PROVIDE A MEDIATOR. WE DID SEND YOU A COPY. IT'S NOT PERSONAL, IT SAYS. >>CKIE GOODMAN AT THE TOP. I DON'T HAVE A LOT OF FLAGS AND FEIGN FAIR ON MY -- FANFARE ON MY COMPUTER, YES, IT WAS FROM ME. I WILL HAVE TO PULL IT UP. I DON'T REMEMBER EXACTLY, BUT IT WAS WHEN A LOT OF DIVERSE OPINIONS COME TOGETHER, THEY SOMETIMES NEED A LITTLE HELP FROM US, A MEDIATOR WAS TO BE PART OF THE NEIGHBORHOOD PLANNING IN THE FIRST PLACE, SO LET'S HELP THEM OUT. IT

WAS TO RICARDO SOLIS AND FORWARDED TO ZELDA BECAUSE SHE WAS THE ONE THAT MADE THE FORMAL REQUEST FOR A MEDIATOR.

Mayor Wynn: THANK YOU MAYOR PRO TEM. COUNCIL, WITHOUT OBJECTION --

EXCUSE ME, MAYOR, MAY I SHOW THIS TO MS. GOODMAN? THIS IS THE --

Mayor Wynn: SURE, BRING IT FORWARD.

Thomas: MAYOR, ONE THING BEFORE WE GO. MAYBE -- MR. HILGERS COULD ANSWER THE QUESTION. JOE BROUGHT UP A QUESTION ABOUT MR. RODGERS, CAN YOU EXPLAIN WHAT YOU JUST HEARD THE BOTTOM PART ARE YOU SAYING THAT HE --

YES, COUNCILMEMBER THOMAS, IT'S BEEN A COUPLE OF YEARS, EVEN I HAD A PROPERTY ON CANTEBERRY, 1500 CANTEBERRY, THE GUADALUPE NEIGHBORHOOD LETTER MARK RODGERS SAYING THAT THE CITY WAS HELPING POOR PEOPLE AFFORD, AFFORDABLE HOUSING, IF I WANTED TO SELL MY LOT TO HIM. IN THAT CASE, THE CITY HANDLES LOTS FOR 1,000, THEY TURN AROUND -- FOR 3,000, AS SOON AS THEY BUILD A HOUSE THE PROPERTY VALUE GOES UP TO 15. THAT WAS A PRACTICE THAT I RECOGNIZED THAT HERE YOU HAVE SOMEBODY GOING OUT IN THE NEIGHBORHOOD KNOCKING ON DOORS SAYING THE CITY OF AUSTIN IS HELPING PEOPLE DO AFFORDABLE HOUSING, WILL YOU SELL US YOUR HOUSE. I EVEN CALLED THE TEXAS REAL ESTATE COMMISSION ON THAT. TO LOOK INTO THE NEIGHBORHOOD PLANNING OF WHAT THEY ARE DOING AND ALL IT IS IS GET INDICATION -- GENTRIFICATION, BECAUSE THE HOUSES ON MINNESOTA AND THIRD IS \$110,000, I KNOW THE CITY GOT THAT LOT FOR \$1,000. -- FOR \$3,000.

Thomas: IS THAT THE PRACTICE? I HAVE NEVER --

I'M PAUL HILGERS, NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT. I'M NOT SURE EXACTLY HOW TO RESPOND, COUNCILMEMBER. WHAT I WOULD SUGGEST IS A COUPLE OF THINGS. ONE, MARK RODGERS IS THE

EXECUTIVE DIRECTOR OF GUADALUPE NEIGHBORHOOD DEVELOPMENT CORPORATION. THEY ARE A -- ONE OF THE LONG STANDING COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS THAT WE HAVE A PARTNERSHIP WITH. THEY HAVE RECEIVED DOLLARS FROM THE CITY TO -- AND HAVE BUILT AND OWN BOTH FOR SALE AND FOR RENT PROPERTY THAT -- THAT SERVES LOW -- LOW INCOME FAMILIES. I DON'T KNOW OF A SPECIFICS OF WHAT MR. QUINTERO IS TALKING ABOUT. I WOULD BE GLAD TO LOOK INTO THAT IN MORE DETAIL. I DON'T KNOW OF ANY LOTS THAT WE HAVE BOUGHT OR HAVE BEEN BOUGHT IN \$3,000 FOR THAT AREA FOR A LONG TIME. I WOULD LOVE TO FIND LOTS THAT WE CAN BUY FOR \$3,000, MOST LOTS ARE ABOUT 10 TIMES THAT NOW. SO BUT THE ISSUES AND THE CONCERNS OF GENTRIFICATION ARE ONES THAT ARE VERY REAL, ONES THAT WE CONTINUE TO FIND CREATIVE AND ALTERNATIVE SOLUTIONS FOR. I WOULD MAKE ONE OTHER POINT. JUST BECAUSE A HOUSE SELLS FOR \$110,000, THAT DOESN'T MEAN THAT'S WHAT THE FAMILY PAYS FOR IT. WITH THE WAYS THAT RESTRUCTURE OUR -- WE STRUCTURE OR TRANSACTIONS WHETHER THE MORTGAGE IS WRITTEN DOWN, DOWN PAYMENT ASSISTANCE IN IT IS -- IT IS ALL DONE IN AN INTENT TO PROVIDE SAFETY, DECENT AND QUALITY AFFORDABLE HOUSING TO LOW INCOME FAMILIES AND WE HAVE BEEN VERY SUCCESSFUL IN BEING ABLE TO DO THAT. I WILL BE GLAD TO LOOK AT THE SPECIFICS HE'S TALKING ABOUT.

IF YOU CAN DO THAT FOR ME, I APPRECIATE IT.

Mayor Wynn: THANK YOU, COUNCILMEMBER THOMAS? FURTHER COMMENTS, QUESTIONS? WITHOUT OBJECTION, WE WILL -- SORRY?

MAYOR, I WANTED TO MAKE A COMMENT. RICARDO SOLIS WITH NEIGHBORHOOD PLANNING AND ZONING, I WANT TO LET THE COUNCIL KNOW THAT WE ARE WORKING AS A MATTER OF FACT WE HAVE A MEETING NEXT WEEK WITH THE YOUNG LAWYERS ASSOCIATION OF AUSTIN TO CREATE A PARTNERSHIP WITH US TO -- AS A RESOURCE FOR MEDIATION SO WE ARE WORKING TOWARDS THAT. WE ARE GOING TO HAVE THAT AN AVAILABLE FOR HOLLY AND OTHER NEIGHBORHOOD AREAS THAT THEY ARE ALSO HAVING SOME

OF THE PROBLEMS, I DID WANT TO --

Alvarez: REALLY, MR. SOLIZ, OBVIOUSLY CERTAINLY TO EXPRESS TO THE HOLLY NEIGHBORHOOD AS WELL AS ANY NEIGHBORHOOD THAT THOSE RESOURCES ARE AVAILABLE. BUT IN TERMS OF THE PROCESS THAT -- THAT THEY HAVE EXPLAINED, CERTAINLY THAT WE RECEIVED THAT E-MAIL FROM ME BOTA ABOUT, IF YOU COULD EXPLAIN JUST I GUESS WE FOLLOWED THIS PROCESS FOR MANY DIFFERENT NEIGHBORHOOD, IF YOU COULD EXPLAIN HOW THAT HAS BEEN SIMILAR OR DISSIMILAR FROM OTHER NEIGHBORHOODS BECAUSE IT DOES SOUND LIKE THERE WAS AN ELECTION, FOLKS ELECTED TO CERTAIN POSITIONS, BUT IF YOU COULD JUST EXPLAIN TO US ESPECIALLY WITH THE CITY BEING INVOLVED, JUST HOW THAT PROCESS PLAYED OUT AND JUST SO THAT WE AGAIN I THINK THAT WE CAN -- AGAIN, IF THERE WAS A PROCESS AND IT WAS FOLD, THEN I THINK THERE IS I THINK A NEED TO RESPECT THE OUTCOME OF THAT PROCESS. I KNOW THIS NEIGHBORHOOD WHEN THE NEIGHBORHOOD PLAN WAS ADOPTED HAD A VERY DIVERSE NEIGHBORHOOD PLANNING TEAM. SO I CERTAINLY THINK THAT THEY ARE OPEN TO THAT. AND BUT CERTAINLY WANT TO MAKE SURE THAT WE CREATE AN ENVIRONMENT THAT ALLOW THAT'S TO OCCUR AND -- ALLOWS THAT TO OCCUR AND CERTAINLY WANT TO FACILITATE THAT IN ANY WAY THAT WE CAN. IF YOU COULD JUST -- WE HAVE HEARD JUST SECONDHAND JUST ABOUT THOSE RESULTS, BUT IF YOU CAN -- IF YOU CAN FROM YOUR PERSPECTIVE, AGAIN IF THE NEIGHBORHOODS WANT TO EXPLAIN TO THE COUNCIL AS WELL, JUST SORT OF WHAT THEIR PERSPECTIVE OF WHAT OCCURRED AS WELL, PERSONALLY THE ONLY THING THAT I HAVE SEEN IS WHAT MS. BOTA SENT THE COUNCIL.

BE HAPPY TO DO THAT. RIGHT NOW WE ARE IN THE PROCESS OF -- OF ASSISTING NEIGHBORHOODS TO DEVELOP A CONTACT TEAM AND IF YOU WILL RECALL BACK A YEAR AND A HALF AGO WHEN WE WERE DEALING WITH THE PLAN AMENDMENT PROCESS, THERE WAS A -- THERE AS MUCH AS A -- AN -- A SECTION IN THAT ORDINANCE THAT TALKED ABOUT CONTACT TEAMS THAT WOULD BE SOMEWHAT THE -- THE ENFORCEMENT MECHANISM OR THE SOUNDING BOARD FOR THAT PLANNING AREA. WHEN IT

CAME TO LAND USE AND ZONING ISSUES. RIGHT NOW WE ARE GOING INTO AREAS, CREATING THESE CONTACT TEAMS. THE CHALLENGE HAS BEEN THAT WE ARE REALLY WANTING THESE TEAMS TO BE REPRESENTATIVE OF THE AREA, THE BUSINESS SIDE, THE RESIDENTIAL SIDE, THE RENTERS SIDE, THE NON-PROFIT SIDE. WHERE HE DID THE SAME THING WITH HOLLY, SENT OUT MEETING NOTICE TO GET TOGETHER TO START LOOKING AT -- AT A REPRESENTATIVE TEAM. THE PROCESS ALSO LOOKS AT CREATING BYLAWS. SO IN THE PAST COUPLE OF MONTHS, WE HAVE BEEN DEALING WITH HOLLY, TRYING TO SET THIS UP. I THINK WE WERE SUCCESSFUL IN THE ELECTIONS, WE ELECTED 3 EXECUTIVE -- AN EXECUTIVE ECONOMY OF 3 TO START MOVING THIS PROCESS FORWARD AND LOOKING INTO BYLAWS.

Alvarez: SINCE THIS IS CITIZENS COMMUNICATION, OUR REQUEST IS MORE SO IF YOU COULD DETAIL THAT INFORMATION AND FORWARD IT TO COUNCIL, SO WE CAN GET SORT OF -- YOUR VIEW BASED ON WHAT WE ARE DOING CITY-WIDE, IF THE NEIGHBORS ALSO CAN SEND US SOME INFORMATION AND THEN WE CAN -- WE CAN GO FROM THERE SO THAT -- SINCE IT'S NOT REALLY AN ITEM ON THE AGENDA, I DON'T WANT -- I DON'T KNOW IF THERE'S ANY ACTION THAT WE CAN TAKE. BUT JUST TO HELP US BETTER UNDERSTAND THE SITUATION. IF THAT'S FINE WITH COUNCIL. IT COULD BE A VERY LENGTHY EXPLANATION WHICH POSSIBLY MAY RESULT IN SOME -- SOME CLARIFICATIONS FROM THE NEIGHBORS. [INDISCERNIBLE] FROM THE VARIOUS PARTIES.

OKAY. CERTAINLY.

THANK YOU, THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? IF NOT, WITHOUT OBJECTION, AT THIS TIME WE WILL BE INTO CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY AGENDA ITEMS 89 RELATED TO LEGAL ISSUES OF A LAWSUIT, 90 RELATED TO TRAVIS COUNTY HOSPITAL DISTRICT, 91 RELATED TO COLLECTIVE BARGAINING, 94 RELATED TO THE UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT. WE MAY ALSO TAKE UP ITEM 95 REGARDING THE SALE OF ROBERT MUELLER MUNICIPAL AIRPORT. WE ARE NOW IN CLOSED SESSION, SHOULD BE BACK AT

APPROXIMATELY 2:00 IN TIME FOR OUR BRIEFINGS.
PERFUNCTORY,

Mayor Wynn: IN EXECUTIVE SESSION WE TOOK UP UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT, ITEMS 90, RELATED TO THE TRAVIS COUNTY HOSPITAL DISTRICT, 94 RELATED TO THE UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT, NO DECISIONS WERE MADE. AND ALSO IN CLOSED SESSION, UNDER SECTION 551.072 WE TOOK UP REAL ESTATE MATTERS. ITEM NO. 95 RELATED TO THE POTENTIAL SALE OF THE ROBERT MUELLER MUNICIPAL AIRPORT, NO DECISIONS WERE MADE. WE DID NOT TAKE UP ITEM 89 OR 91, I ANXIOUS PATRIOT DOING THAT LATER THIS EVENING. THERE BEING A QUORUM PRESENT WE WILL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. GO TO OUR 2:00 BRIEFINGS AND POSSIBLE ACTION. I -- THE -- WE WILL FIRST GO TO THE PRESENTATION OF THE CITY OF AUSTIN PROPOSED BUDGET. I WOULD LIKE TO ROYSE CITY MANAGER TOBY FUTRELL.

WELL, COUNCIL, TODAY I PRESENT TO YOU THE PROPOSED FISCAL YEAR 2005 BUDGET. FISCAL YEAR 2005 IS ALL ABOUT STAYING THE COURSE. THIS BUDGET REFLECTS THE FINANCIAL PRINCIPLES THAT GUIDED US TO A STRUBT RALLY BALANCED BUDGET IN THIS CURRENT YEAR, DESPITE THE DRAMATIC REVENUE DECLINE OF THE PAST FEW YEARS. WE CONTINUE TO RELY ON THOSE SAME STRONG PRINCIPLES AS WE FACE FISCAL YEAR 2005. THE LAST YEAR THAT OUR FINANCIAL FORECAST SHOWS OUR GROWTH AND EXPENDITURES OR OUR COST DRIVERS, WE HAVE TALKED A GREAT DEAL ABOUT OUR COST DRIVERS, OUTPACING OUR REVENUE. I BELIEVE BASICALLY THAT THIS BUDGET SETS THE STAGE FOR MOVING US FORWARD IN A SUSTAINABLE BUDGET ENVIRONMENT. I WOULD LIKE TO START THE DISCUSSION OF THE BUDGET BY GOING STRAIGHT TO THE TAX RATE BECAUSE THERE HAVE BEEN SOME CHANGES THAT AFFECT THE TAX RATE. THERE HAVE BEEN TWO PRIMARY CHANGE. ONE AFFECTS THE CALCULATION FOR THE EFFECTIVE TAX RATE. AND ONE EFFECTS THE HOSPITAL DISTRICT TAX RATE IMPACT. SO LET'S START WITH THE EFFECTIVE TAX RATE. TO UNDERSTAND THE EFFECTIVE TAX RATE, LET'S TAKE A LOOK AT OUR CURRENT TAX RATE. CURRENT TAX RATE IS 49.28 CENTS. WHEN WE DID THE

POLICY BUDGET, THE ESTIMATED EFFECTIVE TAX RATE, THAT'S THE RATE THAT BRINGS IN THE SAME AMOUNT OF REVENUE AS THE YEAR BEFORE, WAS 50.13 CENTS. THE ACTUAL EFFECTIVE TAX RATE IS 50.65%. 50.65 -- 50.65 CENTS, A DIFFERENCE FROM ABOUT A HALF OF A CENT FROM WHAT WE ORIGINALLY ESTIMATED. LET'S TALK ABOUT THAT DIFFERENCE. THE ACTUAL EFFECTIVE RATE OF 50.65 CENTS OR ABOUT A HALF CENT MORE THAN THE ESTIMATED EFFECTIVE RATE OF 50.13 CENTS THAT WE USED IN THE POLICY BUDGET HAS CHANGED FOR TWO REASONS. ALTHOUGH THE OVERALL ASSESSED VALUE HAS INCREASED, SLIGHTLY, THIS IS DUE PRIMARILY TO NEW VALUE, NEW CONSTRUCTION AND ANNEXATION, THAT TAX BASE, THAT 2004 TAX BASE, ESPECIALLY IN COMMERCIAL AND MULTI-FAMILY PROPERTY HAS KLINEED SLIGHTLY MORE THAN -- DECLINED SLIGHTLY MORE THANNESANTICIPATED. THAT'S ONE REASON WHERE OUR EFFECTIVE RATE IS HIGHER THAN CURRENT RATE AND HIGHER THAN THE ORIGINAL ESTIMATE OF THE EFFECTIVE RATE. BUT THE MORE IMPORTANT FACTOR IS THE SECOND FACTOR. THE CURRENT YEAR TAX REVENUE WAS NEGATIVELY IMPACTED BY A DRAMATIC INCREASE IN PRIOR YEAR TAX REFUNDS. THESE TAX REFUNDS ARE BASED ON SETTLEMENTS OF PROPERTY VALUATION LITLITIGATION. SO WHEN YOU GET A PROPERTY VALVATION AND YOU ARE SAYING THIS IS NOT A CORRECT VALUATION OF MY HOME, YOU APPEAL IT, ULTIMATELY TAKE IT INTO LITIGATION. WHEN THAT LITIGATION IS SETTLED, THERE ARE IN SOME CASES REFUNDS. TWO YEARS AGO, AUSTIN HAD AN UNPRECEDENTED AMOUNT OF OUR PROPERTY TAX VALUATION, ALMOST \$4 BILLION OF PROPERTY VALUATION DATING BACK TO 1999, PENDING LITIGATION. AND WHAT HAPPENED WAS THAT TRAVIS COUNTY CLEARED ALMOST 50% OF THAT CASELOAD. AND IN CLEARING THAT CASELOAD, OVER THE LAST YEAR, IT RESULTED IN AN ABNORMALLY HIGH LEVEL OF TAX RETURNS OR TAX REFUNDS IN A SINGLE YEAR. WHICH IN TURN CHANGES, INCREASES THE CALCULATION OF THE EFFECTIVE TAX RATE. THOSE TAX RETURNS IN A SINGLE YEAR WERE SO UNUSUAL THEY WERE ACTUALLY OVER TWO AND A HALF TIMES MORE THAN WE COULD FIND IN ANY GIVEN YEAR OF RECORD. AND EVEN MORE IMPORTANTLY, 70% OF THOSE REFUNDS WERE DONE

IN JUST THE LAST FOUR MONTHS. SINCE FEBRUARY. SO A VERY UNUSUAL CLEARING OF AN UNPRECEDENTED AMOUNT OF LITIGATION, ALL OCCURRED IN THE LAST FOUR MONTHS. AND THAT JUMPED THE CALCULATION FOR THE EFFECTIVE TAX RATE. ALL RIGHT. NOW, LET'S MOVE TO THE SECOND COMPONENT. AND THIS HAS TO DO WITH THE HOSPITAL DISTRICT TAX RATE IMPACT. IF YOU REMEMBER, AT THE TIME WE HAD THE ELECTION FOR THE HOSPITAL DISTRICT HERE IN THIS COMMUNITY, AND AT THE TIME WE DID THE POLICY BUDGET, WE WERE ANTICIPATING REDUCING OUR TAX RATE 5.97 CENTS. THIS WAS BASED ON A -- ON AN OUTSIDE STUDY, THE NAVIGANT STUDY OF OUR BEST ESTIMATE AT THE TIME OF A REDUCTION OF OUR TAX RATE. THE ACTUAL TAX REDUCTION AT THIS TIME IS ACTUALLY A LARGER TAX REDUCTION THAN WE ANTICIPATED. IT'S ABOUT A QUARTER -- A LITTLE LESS THAN A QUARTER OF A CENT GREATER REDUCTION. SO WE NOW BELIEVE THAT THE TAX RATE IMPACT OF THE TRANSFER OF THE HOSPITAL DISTRICT IS GOING TO BE 6.18 CENTS. SO IN SUMMARY, OUR CURRENT RATE IS 49.28 CENTS. THE EFFECTIVE TAX RATE FOR THE UPCOMING YEAR IS 50.65 CENTS. SUBTRACT FROM THAT THE HOSPITAL DISTRICT, TRANSFER OF TAX RATE, OF 6.18 CENTS. AND YOU GET THE TAX RATE AT WHICH I AM PROPOSING THIS BUDGET. 44.47 CENTS. NOW, FOR THE AVERAGE HOMEOWNER, IN AUSTIN AND THE AVERAGE HOME RIGHT NOW IS 182,111, THAT EQUATES TO ABOUT \$2 A MONTH. INCREASE ON THE TAX BILL OR ABOUT \$25 A YEAR. AT THE POINT AT WHICH THE TRANSFER TO THE HOSPITAL DISTRICT IS MADE, 21.95 OF THAT \$25 WILL STAY WITH THE CITY, ABOUT \$3.05 A YEAR WILL GO TO THE HOSPITAL DISTRICT. FOR JUST A SHORT COMPARISON OF HOW THE CITY OF AUSTIN FALLS IN COMPARISON WITH THE OTHER MAJOR TEXAS CITIES, WE CAN TAKE A LOOK AT WHERE WE WERE IN '04. REMEMBER WE ARE NOT SURE WHERE THE OTHER JURISDICTIONS ARE GOING TO BE AT THE END OF THEIR BUDGET DELIBERATIONS FOR '05. BUT AFTER ADJUSTING FOR THE HOSPITAL DISTRICT, OUR ANALYSIS SHOWS THAT IN '04 THE CITY OF AUSTIN'S SHARE OF THE OVERLAPPING TAX BILL WAS 18%. SO WHEN YOU PAY YOUR TAX BILL IN AUSTIN, ABOUT 18% OF THAT BILL IS GOING TO GO TO THE CITY OF AUSTIN. THE REST OF IT WILL GO TO OTHER TAXING JURISDICTIONS. BY COMPARISON, THE

OTHER MAJOR TEXAS CITIES' TAX BILLS RANGE FROM 22.1% OF THE OVERLAPPING TAX BILL IN HOUSTON, TO 26.6% IN SAN ANTONIO. ANOTHER WAY TO LOOK AT THE TAX BILL, THAT ADJUSTS A LITTLE MORE FOR OUR PEEDIAN INCOME -- MEDIAN INCOME, HERE IN OUR AREA, IS TO TAKE A LOOK AS A TAX BILL AS A PERCENT OF THE MEDIAN INCOME IN YOUR AREA. AND IN THAT KIND OF AN ANALYSIS WE ARE IN THE UPPER END OF THAT RANGE. SO WHEN WE COMPARE OUR TAX BILL AS A PERCENT OF MEDIAN INCOME TO OTHER MAJOR TEXAS CITIES, AUSTIN'S BILL IS 1.13% AND THE OTHER MAJOR TEXAS CITIES RANGE FROM 1.01% IN FORT WORTH TO 1.13, THE SAME RATIO WE HAVE, IN DALLAS. I'M GOING TO GIVE YOU A QUICK OVERVIEW OF THE BUDGET. WE CLOSED THE \$19.4 MILLION GAP FORECASTED IN THE GENERAL FUND FOR FISCAL YEAR 2005 THROUGH A SERIES OF REVENUE INITIATIVES, IMPROVED REVENUE COLLECTION EXPERIENCE, AS WELL AS EXPENDITURE REDUCTIONS. APPROXIMATELY 45% OF THAT GAP WERE CLOSED THROUGH REVENUE COLLECTIONS. AND 55% OF THAT GAP WAS CLOSED BY EXPENDITURE REDUCTIONS. THERE ARE NO LAYOFFS IN THIS BUDGET. WE ELIMINATED 37 POSITIONS IN THE GENERAL FUND IN SUPPORT SERVICES AND OF THOSE 37 POSITIONS, 15 EMPLOYEES WERE IMPACTED. ALL 15 WERE OFFERED POSITIONS IN THE ORGANIZATION THIS MORNING. ALTHOUGH NO FACILITY IS RECOMMENDED FORECLOSURE, MANY -- FOR CLOSURE, MANY FACILITIES WILL CONTINUE TO HAVE SIGNIFICANTLY REDUCED HOURS AND PROGRAM LEVELS. BUT FOR THE FIRST TIME SINCE 2002, WE ARE RECOMMENDING THE JUDICIOUS USE OF OUR ONE-TIME FUND BALANCE TO FUND ABOUT \$8 MILLION OF CRITICAL EQUIPMENT AND CAPITAL. AND THE BUDGET INCLUDES, ALSO FOR THE FIRST TIME, SINCE FISCAL YEAR 2002, A PAY INCREASE FOR OUR CIVILIAN EMPLOYEES OF 3.5%. THERE'S A LOT OF MATERIAL TO COVER IN THE PROPOSED BUDGET. WE WILL BE DRILLING DOWN ON THE DETAILS IN THIS BUDGET OVER THE NEXT SIX WEEKS IN A SERIES OF PUBLIC HEARINGS AND BRIEFINGS. BUT TODAY I WOULD LIKE TO ORGANIZE THE OVERVIEW OF THE REMAINING INFORMATION IN 8 AREAS. A QUICK HISTORY, LOOKING BACK, HOW ARE WE DOING, TAKING A LOOK AT HOW WE SOLICIT AND USE CITIZEN AND EMPLOYEE FEEDBACK IN THE BUDGET PROCESS. TWO, SOME

EXAMPLES OF OUR KEY SERVICE DELIVERY MODEL CHANGES. FOUR, THE KIND OF SAFEGUARDS WE ARE IMPLEMENTING BECAUSE WE ARE WORKING IN SUCH A REDUCTION ENVIRONMENT. FIVE, AN OVERVIEW OF OUR REVENUE POLICIES. EVERYTHING FROM OUR UTILITY TRANSFER TO THE USE OF OUR ONE-TIME FUND BALANCE. SIX, AN OVERVIEW OF OUR INVESTMENT AND PHYSICAL INFRASTRUCTURE. SEVEN, I WOULD LIKE TO NOTE A SMALL BUT UNANTICIPATED SURPLUS THAT WE HAVE FOR 2005. AND FINALLY, EIGHT, REVIEW THE BUDGET CALENDAR. SO LET'S GET STARTED WITH TAKING A LOOK BACK AT WHERE WE'VE BEEN. I BELIEVE BALANCING THE FISCAL YEAR 2005 BUDGET REFLECTS THE CLOSING STAGES OF WHAT HAS BEEN FOR THE COMMUNITY AND I KNOW FOR OUR ORGANIZATION A LONG, FOUR-YEAR JOURNEY. YEAR ONE, IF YOU THINK ABOUT IT, OUR JOURNEY ACTUALLY BEGAN IN 2002. COUNCIL PASSED THE FISCAL YEAR 2002 BUDGET ON SEPTEMBER 11th, 2001. IT'S A DATE WE ALL KNOW. A DATE WHEN THE TERRORIST INCIDENT WOULD EVENTUALLY ALTER OR HELP ALTER THE ECONOMY OF OUR NATION. THE FACT IS WITHIN MONTHS OF PASSING THAT BUDGET, THE LAST OF THE BOOM YEAR BUDGETS, WE NEVER IMPLEMENTED THAT BUDGET BECAUSE REVENUE CRASHED. THE REVENUE NEVER GENERATED THAT WE ANTICIPATED FOR THAT BUDGET. SO WE BEGAN WHAT WAS TO BECOME A THREE-YEAR CYCLE OF COST CONTAINMENT, HIRING FREEZES, AND BUDGET REDUCTIONS IN 2002. FISCAL YEAR 2003 WAS THE SECOND YEAR OF THIS JOURNEY. IN FISCAL YEAR 2003, WE CLOSED A \$52 MILLION GAP, PRODUCING OVER \$31 MILLION IN GENERAL FUND BUDGET CUTS, OF WHICH 17 MILLION WERE MANAGEMENT AND ADMINISTRATIVE COSTS REDUCTIONS. DESPITE THE ELIMINATION OF 321 POSITIONS IN THE GENERAL FUND, AN EARLY HIRING FREEZE PREVENTED US FROM HAVING EMPLOYEE LAYOFFS. YEAR THREE. FISCAL YEAR 2004, OUR CURRENT YEAR, WAS THE THIRD YEAR OF THIS FINANCIAL ODYSSEY. WE ELIMINATED THREE -- \$38.2 MILLION THROUGH REDUCTIONS IN THE GENERAL FUND. WE REDUCED THE GENERAL FUND BY ANOTHER 344 POSITIONS. OF WHICH 200 WERE MANAGEMENT AND ADMINISTRATIVE JOBS. FOR THE FIRST TIME, 91 3E78 LOST THEIR JOB -- 91 PEOPLE LOST THEIR JOBS, WE HAD LAYOFFS, BECAUSE WE WERE UNABLE

TO PLACE ALL OF THE JOBS THAT HAD PEOPLE IN THEM. WE TOOK ACTION TO MITIGATE OUR COST DRIVERS, THE THINGS THAT DRIVE OUR BUDGET UP EVERY YEAR. WE COMPLETELY REDESIGNED OUR HEALTH INSURANCE PLAN, TO HELP REDUCE THE INCREASE IN HEALTH INSURANCE COSTS. WE PUT THE PUBLIC SAFETY PREMIUM ON THE TABLE AS A WAY TO CAP THE GROWING COST OF OUR LABOR CONTRACTS. AND WE DELAYED THE OPENING OF A NUMBER OF NEW FACILITIES BECAUSE WHILE WE WERE CUTTING THE HOURS AND PROGRAMMING OF EXISTING FACILITIES, IT DIDN'T MAKE SENSE TO CONTINUE TO BUILD NEW ONES. WE IMPLEMENTED A NUMBER OF -- OF BUSINESS SERVICE DELIVERY MODEL CHANGES AND FINALLY, MOST IMPORTANTLY, THIS THIRD YEAR, OUR CURRENT YEAR 2004, WE ACHIEVED STRUCTURAL BALANCE. OUR EXPENDITURES AND OUR REVENUES MATCHED UP. THE PAST THREE YEARS OF CUT BACKS HAVE REDUCED THE GROWTH OF OUR GENERAL FUND BY ALMOST A QUARTER, BY 25%. IT HADN'T BEEN EASY AND IT CERTAINLY HASN'T BEEN POPULAR. AND IT HASN'T BEEN WITHOUT SIGNIFICANT ORGANIZATIONAL IMPACTS. THE LOW-HANGING FRUIT IS GONE. THE MORE OBVIOUS AND LESS PAINFUL CUTS ARE LONG GONE. BOTH OUR WORKFORCE AND THE PROVISION OF OUR DIRECT SERVICES TO OUR CITIZENS HAVE BEEN DEEPLY AFFECTED BY OUR REDUCTIONS. SO TODAY, AS WE ARE LOOKING AHEAD TO 2005 AND THIS FOURTH YEAR AND HOPEFULLY THE LAST STRETCH OF THIS JOURNEY, TODAY YOUR GOVERNMENT IS MUCH LEANER. OUR SERVICE LEVELS ARE MUCH REDUCED. OUR CURRENT BUDGET, WHILE STRUCTURALLY BALANCED IS COMPRISED OF NEEDS, NOT WANTS. AND AS OUR GROWTH AND EXPENDITURES OR OUR COST DRIVERS WILL STILL OUTPACE THE RENEWED GROWTH IN OUR PROJECTED REVENUE FOR '05, WE FACE A FOURTH AND FINAL YEAR OF CUTS TO CLOSE A \$19.4 MILLION GAP. SO FISCAL YEAR 2005 IS ONCE AGAIN ALL ABOUT STAYING THE COURSE. IF WE ADOPT THIS BUDGET, WITH OUR FINANCIAL PRINCIPLES FIRMLY IN PLACE, THEN WE WILL HAVE ACHIEVED FINANCIAL STABILITY FOR THE COMMUNITY AND FOR THIS ORGANIZATION. AND WE WILL BE STRATEGICALLY AND WELL POSITIONED TO MOVE FORWARD AS OUR ECONOMY REBOUNDS AND IT'S CLEARLY REBOUNCING. ALL OF OUR INDICATORS ARE POSITIVE. AND

THEY ARE GETTING STRONGER. SO HOW ARE WE DOING? WHAT ARE OUR CUSTOMERS PRIORITIES? RESPONSIBLE, RESPONSIVE GOVERNMENT BEGINS WITH INVITING CITIZENS AND EMPLOYEES TO PARTICIPATE IN THE POLITICAL LIFE OF THEIR CITY. THE CITY OF AUSTIN DOES THIS IN A VARIETY OF WAYS. IT'S NEVER MORE IMPORTANT THAN DURING AN ECONOMIC DOWNTURN. BECAUSE ACTIVELY ENGAGING CITIZENS AND EMPLOYEES IN A DOWNTURN IS A WAY TO KNOW HOW TO ASSESS YOUR PROGRESS AND SERVICE DELIVERY, HOW TO KNOW THE IMPACT OF THE CUTS THAT HAVE BEEN MADE, AND IT SERVES AS A TOOL FOR RESOURCE ALLOCATION DECISIONS DURING BUDGET DELIBERATIONS. ADDITIONALLY, WE THINK DIFFERENTLY ABOUT SERVICE DELIVERY IN A TIME OF REDUCED RESOURCES. PUBLIC FEEDBACK ALLOWS OUR EFFORTS TO RESTRUCTURE SERVICE DELIVERY TO BE CUSTOMER DRIVEN AND CUSTOMER FOCUSED. FINALLY, PUBLIC FEEDBACK SIMPLY ALLOWS US TO ENHANCE ACCOUNTABILITY IN OUR GOVERNMENT. WE GET FEEDBACK FROM OUR EMPLOYEES IN A NUMBER OF WAYS. I'VE JUST FINISHED 21 TOWN HALL MEETINGS, HAVING SPOKEN TO PROBABLY 3,000 EMPLOYEES. WE -- WE SOLICIT BUDGET SUGGESTIONS AND WE SURVEY OUR EMPLOYEES EXTENSIVELY AND WE USE THIS FEEDBACK TO MAKE ADJUSTMENTS, BOTH IN OUR SERVICE DELIVERY MODELS AND IN OUR BUDGET DELIBERATIONS. BUT WE ALSO ANNUALLY ASK OUR CITIZENS TO COMPLETE AN EXTENSIVE SURVEY THAT EXPLORES CITIZEN PRIORITIES AND CONCERNS. THE SURVEY SEEKS TO DETERMINE THE LEVELS OF IMPORTANCE AND SATISFACTION THAT RESIDENTS ASSIGN TO GENERAL GOVERNMENT SERVICES, AS WELL AS UTILITY SERVICES OF THE CITY. THESE FINDINGS IN THE SURVEY COMPARE CURRENT YEAR TO PRIOR YEAR, AND THEY COMPARE ETHNIC AND SOCIO-ECONOMIC DIFFERENCES IN ATTITUDES. SO WE -- WE CUT IT A NUMBER OF DIFFERENT WAYS TO MAKE SURE THAT WE UNDERSTAND WHAT'S IMPORTANT TO OUR CITIZENS AND HOW OUR CITIZENS ARE FEELING ABOUT THE QUALITY AND LEVEL OF OUR SERVICES. SO LET'S TAKE -- JUST A QUICK LOOK BECAUSE IN THE UPCOMING PUBLIC HEARINGS, WE WILL BE GIVING YOU MORE DETAILED SURVEY DATA AND HOW IT TIES TO BUDGET DECISIONS WE HAVE MADE IN EACH OF OUR

DEPARTMENTAL AREAS. BUT I'M GOING TO GIVE YOU SOME OF THE BROAD FINDINGS AND HOW THEY HAVE PLAYED INTO OUR BUDGET. WHEN CITIZENS WERE ASKED TO FILL IN THE BLANKS, LISTING THE TOP FIVE ISSUES FACING AUSTIN, THESE ARE THE TOP FIVE THAT OCCURRED IN RANK ORDER. TRAFFIC. NO SURPRISE. CONGESTION, TRAFFIC FLOW, TRAFFIC PLANNING. TAX RELATED ISSUES WERE NUMBER 2. TOO MANY, TOO HIGH. GROWTH MANAGEMENT WAS NUMBER 3. ENVIRONMENT NUMBER 4. ENVIRONMENTAL PROTECTION, CONSERVATION AND BALANCE BETWEEN THE GROWTH AND ENVIRONMENT. AND, 5, ROADWAY DEVELOPMENT. THAT INCLUDED ROADWAY PLANNING, STREET MAINTENANCE AND THE INCONVENIENCE OF ROADWAY CONSTRUCTION. THESE WERE THE TOP FIVE. THE NEXT FIVE CONCERNS EMERGED AS A SECOND TIER AND THESE AREN'T UP AND LET ME RUN YOU THROUGH WHAT ENDED UP BEING A SECOND TIER LIST OF CONCERNS. NUMBER 6 WERE POLICE SERVICES. MOSTLY POLICE AVAILABILITY, POLICE RELATIONS AND THE QUALITY OF OUR POLICE SERVICES. SEVEN WAS HOUSING. AVAILABILITY AND AFFORDABILITY. 8 WERE EDUCATION SERVICES. 9 HEALTH CARE. AND 10, CRIME IN PUBLIC SAFETY. CORE AND GOVERNMENT SERVICES, WE GIVE 10, WE SAID TO CITIZENS, RANK THESE 10 BASED ON HOW YOU WOULD SPEND YOUR DOLLARS. IN OTHER WORDS, GIVEN SCARCE RESOURCES, WHERE WOULD YOU SPEND YOUR FIRST DOLLAR, SECOND DOLLAR, THIRD DOLLAR FOR THESE 10 SERVICES, THIS IS HOW THEY RANKED. THE MOST IMPORTANT THING THAT CAME FROM THIS PART OF THE SURVEY WAS THAT THE TOP THREE ON THIS LIST, PUBLIC SAFETY, FAR SURPASSED THE RESOURCE ALLOCATION PRIORITY OF 4 THROUGH 10. SO THE GAP BETWEEN 1, 2 AND 3 AND THE REMAINING FOUR AND 10 WAS SIGNIFICANT IN HOW CITIZENS RANK THEIR RESOURCE ALLOCATION. E.M.S., AMBULANCE SERVICES RANKED NUMBER ONE AS A CITIZEN RESOURCE ALLOCATION OUT OF THESE 10 SERVICES. POLICE TWO. FIRE 3. AND THEN IN DESCENDING ORDER, TRAFFIC FLOW AND SIGNALIZATION, HE FOUR, ENVIRONMENTAL PROTECTION FIVE, HEALTH CARE AND SOCIAL SERVICES SIX, AFFORDABLE HOUSING, PARKS, LIBRARIES AND ECONOMIC DEVELOPMENT. ASKING THE QUESTION, HOW ARE WE DOING? IT'S LAUDABLE THAT DESPITE YEARS OF DECLINING

RESOURCES AND SIGNIFICANT REDUCTION IN STAFFING WE HAVE RELATIVELY HIGH SATISFACTION LEVELS IN ALMOST ALL SERVICES. EXAMPLES OF THOSE ARE PARKS AND LIBRARIES. WITHIN WITH ENORMOUS CUTS. VERY LOW SCORES FOR SATISFACTION, WE LOOK TO SEE HAVE WE MADE IMPROVEMENT. AND IT'S A TESTIMONY TO OUR EMPLOYEES THAT IN ALL AREAS OF LOWEST SATISFACTION, WE GAINED GROUND DESPITE OUR CUTS BETWEEN 2003 AND 2004. AND I'M VERY PROUD OF THAT FACT. THAT'S VERY HARD TO DO. AND -- IN A BUDGET REDUCTION TIME. I'M GOING TO RUN THROUGH JUST A FEW OF THESE FOR YOU, BEFORE I GET BACK TO THE CUSTOMER SERVICE FOIL.

UNDER A.P.D., NEIGHBORHOOD POLICING, TRAFFIC CONTROL AND ENFORCEMENT, AND FEELING SAFE IN YOUR NEIGHBORHOODS AND IN THE DOWNTOWN AREA GOT LOW SATISFACTION SCORES. BUT ALL OF THOSE AREAS SHOWED MARKED IMPROVEMENT BETWEEN '03 AND '04. UNDER OUR QUALITY OF LIFE SERVICES, THE VITALITY OF DOWNTOWN, THE AVAILABILITY OF PEDESTRIAN FRIENDLY AREAS, AND NEIGHBORHOOD PLANNING AND ZONING EFFORTS GOT LOW SATISFACTION SCORES AND ALL THREE SHOWED MARKED IMPROVEMENTS FROM '03 TO '04. UNDER ENVIRONMENT, EFFORTS TO IMPROVE AIR QUALITY HAD A LOW SCORE, BUT BETWEEN '03 AND '04 SHOWED A MARKED IMPROVEMENT AND THEN THE FOLLOWING THREE SERVICES SHOWED ADDITIONAL IMPROVEMENT IN SATISFACTION, THE CITY ENERGY AND WATER CONSERVATION PROGRAMS, OUR PRESERVATION OF GREEN SPACE EFFORTS AND THE WATER QUALITY OF OUR LAKES AND STREAMS IMPROVED SIGNIFICANTLY FROM '03 AND '04 WITH CITIZEN SATISFACTION. AND FINALLY, IN INFRASTRUCTURE, ONCE AGAIN THIS WILL BE NO SURPRISE, LOW SATISFACTION BECAUSE OF ALL OF THE ROAD CONSTRUCTION, WITH MAINTENANCE AND REPAIR OF CITY STREETS, AS WELL AS WITH TRAFFIC SIGNAL TIMING. BUT THESE TWO AREAS HAD THE LARGEST IMPROVEMENT FROM '03 AND '04. NOW, ON CUSTOMER SATISFACTION, I'M ALSO VERY PROUD OF THESE RESULTS, BECAUSE WHEN YOU CUT A QUARTER OF YOUR STAFFING AND RESOURCES, AND YOU ARE IMPROVING IN CUSTOMER SATISFACTION AND EMPLOYEE COURTESY IN THE EFFICIENT PROVISION OF SERVICES, IN THE -- IN THE DIMENSIONS THAT YOU SEE ON THE FOIL, THAT'S QUITE AN

ACCOMPLISHMENT. THE ONE AREA, HOWEVER, THAT WE LOST GROUND AND TO ME THIS IS NO SURPRISE WHEN YOU HAVE SO MANY FEWER EMPLOYEES, CITIZENS ARE SAYING THAT -- THAT CITY EMPLOYEES ARE LESS ACCESSIBLE. AND OBVIOUSLY WITH MUCH FEWER EMPLOYEES, THEY ARE LESS ACCESSIBLE. WE LOST GROUND ON THAT DIMENSION. WE HAVE DONE A NUMBER OF SERVICE DELIVERY CHANGES. WE HAVE BEEN DOING THEM FOR SEVERAL YEARS. WITH SIGNIFICANTLY REDUCED RESOURCES, WE HAVE BEEN REQUIRED TO RETHINK OUR SERVICE DELIVERY MODELS AND TO RESTRUCTURE FOR EFFICIENCIES TO COMPENSATE FOR FEWER RESOURCES, I WOULD LIKE TO HIGHLIGHT FOUR SPECIFIC SERVICE DELIVERY MODEL CHANGES. BUT FIRST I WANT TO HIGHLIGHT THE THREE PRINCIPLES WE USE FOR ALL OF OUR SERVICE DELIVERY MODEL CHANGES. FIRST IS TO ORGANIZE FOUR FOR AND AROUND THE CUSTOMER. TWO IS TO STREAMLINE AND SIMPLIFY PROCESSES. AND THREE IS SIMPLY TO THINK DIFFERENTLY ABOUT SERVICE DELIVERY. HOW CAN WE DO IT DIFFERENTLY WITH FEWER RESOURCES. THE FOUR MAJOR AREAS THAT WE HAVE MADE CHANGES IN THIS BUDGET. WE WILL HAVE ONE FEWER GENERAL FUND DEPARTMENTS. WE ARE -- WE ARE ELIMINATING THE TRANSPORTATION PLANNING AND SUSTAINABILITY DEPARTMENT. WE ARE REALIGNING THE VERY DIVERSE FUNCTIONS IN THIS DEPARTMENT. INTO -- INTO CONSOLIDATED FUNCTIONALLY ALIKE DEPARTMENTS. SO, FOR EXAMPLE, ALL OF PLANNING WILL BE LOCATED IN A SINGLE PLANNING DEPARTMENT. AND THEN THERE'S A -- FOUR OR FIVE DIFFERENT AREAS THAT GET CONSOLIDATED HERE. THE ONE-STOP DEVELOPMENT SHOP IS IN ITS SECOND YEAR OF IMPLEMENTATION. OUR CUSTOMER SURVEY SHOWS A 65% DISSATISFACTION WITH THE CITY'S DEVELOPMENT REVIEW AND PERMITTING PROCESS. THESE SCORES CONSISTENTLY LOSE GROUND EACH YEAR. IN ADDITION TO STREAMLINING THIS PROCESS, WE ARE GOING TO BE LOCATING THE SERVICES ALIGNED EXACTLY AS THE CUSTOMER MOVES THROUGH THE PROCESS INTO A SINGLE BUILDING AND A SINGLE DEPARTMENT. SO WE ARE GOING TO ORGANIZE THE PROCESS AS THE CUSTOMER ACTUALLY MOVES THROUGH THE PROCESS. INTO A SINGLE PLACE. CONSOLIDATED CODE ENFORCEMENT, DISSATISFACTION LEVEL OF 60% FOR CODE ENFORCEMENT. ONCE AGAIN, NO

SURPRISE. HISTORICALLY, THIS IS A SIGNIFICANTLY UNDERFUNDED FUNCTION IN THE CITY OF AUSTIN. OUR INVESTMENT IN CODE ENFORCEMENT FOR DECADES HAS LAGGED BEHIND ALL OF OUR PEER CITIES IN INVESTMENT PER CAPITA. NOT HAVING THE RESOURCES TO ADD, IN CODE ENFORCEMENT NOW, ONE THING THAT WE ARE GOING TO DO IS CONSOLIDATE IT IN ONE PLACE WHERE THE INFRASTRUCTURE IS TO TRY TO GET THE BIGGEST BANG FOR THE BUCK OUT OF THE RESOURCES THAT WE DO HAVE. AND FINALLY, THE 24/7 CALL CENTER. IS DESIGNED SPECIFICALLY TO HELP WITH THE ACCESSIBILITY ISSUE. ACCESSIBILITY OF EMPLOYEES, SERVICES AND INFORMATION. THIS IS A 24 HOUR, SEVEN DAY A WEEK FUNCTION. DESIGNED TO PROVIDE A SINGLE POINT OF CITIZEN ACCESS FOR INFORMATION AND CITY SERVICES. THE CALL CENTER IS SCHEDULED TO GO LIVE THE FIRST QUARTER OF '05. THE -- AND FULLY PHASE IN THROUGHOUT THAT FISCAL YEAR. THIS SYSTEM IS CONFIGURED AROUND THE 311 PHONE NUMBER AND WILL MANAGE THE INTAKE, ROUTING AND RESOLUTION OF SERVICE REQUESTS. IT WILL DO A NUMBER OF THINGS. IT HAS A WORK FLOW MAPPING FUNCTION, IT'S CAPABLE OF COORDINATING MULTI-FUNCTION, MULTI-DEPARTMENT REQUESTS AND IT WILL PRODUCE AND GENERATE PERFORMANCE TREND AND MANAGEMENT REPORTS ON SERVICE DELIVERY AND RESOLUTION OF SERVICE COMPLAINTS. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

ALTHOUGH WE HAVE A IN YOUR OF INITIATIVES UNDER WAY TO MITIGATE THE VULNERABILITY, I'D LIKE TO HIGHLIGHT THE ESTABLISHMENT OF INTEGRITY OFFICE. WITH ALL OF THE CUTS OVER THE LAST YEARS, OUR MANAGEMENT, ADMINISTRATIVE, AND SUPPORT TO OPERATION TO RATE RATIO IS 4.5%, RESULTED IN DECREASE INTERNAL CONTROL SUCH AS FEWER CHECKS AND BALANCES AND IN SOME CASES LESS SEPARATIONS OF DUTIES. ADDITIONALLY, CITY EMPLOYEES ARE, EVERY DAY, CAST IN A WIDE RANGE OF REGULATORY FUNCTIONS THAT MAKE THEM MORE VULNERABLE TO ETHICS COMPLAINTS. AS PART OF THE CITY'S CONTINUING INTEGRITY INITIATIVE, WE'RE ESTABLISHING THIS OFFICE TO REINFORCE THE MANAGEMENT STRUCTURE AND TO HELP ENSURE THAT

THESE STRESSES DO NOT CONTRIBUTE TO INTEGRITY-RELATED PROBLEMS IN OUR ORGANIZATION. THE BOTTOM LINE IS THE GOAL IS TO CREATE A MUNICIPAL INTEGRITY PROGRAM THAT SETS A NATIONAL STANDARD FOR GOOD GOVERNMENT AND I THINK AUSTIN IS THE PLACE TO DO THAT. INVESTING IN THE WORKFORCE. WE DON'T HAVE ANY ASSET MORE IMPORTANT THAN OUR WORKFORCE. OUR RESOURCES ARE RESOURCEFUL AND RESILIENT, SACRIFICING IN UNTOLD WAYS NOT JUST TO KEEP THE ORGANIZATION RUNNING IN A DOWNTURN, BUT TO KEEP IT IMPROVING. BY FAR, OUR GREATEST RESOURCE AS AN ORGANIZATION IS OUR HUMAN CAPITAL, OUR WORKFORCE. AND IT'S TIME TO INVEST IN THAT ASSET. THIS BUDGET HAS A 3.5% PAY INCREASE FOR ALL EMPLOYEES WHO MEET OR EXCEED PERFORMANCE EXPECTATIONS. WE ARE SIMULTANEOUSLY MOVING OUR PAY RANGES BY 3.5% TO ADJUST FOR MARKET CONDITIONS. ADDITIONALLY, WE ARE REVAMPING BOTH HOW WE MEASURE AND THEN REWARD AND RECOGNIZE EXCELLENT PERFORMANCE ACROSS THE ORGANIZATION, AND THIS WILL BE AN EMPLOYEE-DRIVEN AND DESIGNED PROCESS. AND, FINALLY, WE ARE DEVELOPING A NUMBER OF INITIATIVES TO MITIGATE A LOOMING TALENT FLIGHT PRIMARILY DUE TO RETIREMENT TRENDS IN OUR ORGANIZATION. IN JUST TWO MONTHS, ONE-QUARTER OF THE CITY'S EXECUTIVE TEAM IS ELIGIBLE FOR RETIREMENT, AND THOSE TRENDS CASCADE ALL THROUGH THE ORGANIZATION AND, IN FACT, GROW. SO STRONG SUCCESSION PLANNING AND ORGANIZATIONAL DEVELOPMENT INITIATIVES ARE GOING TO BE REQUIRED IN 2000. -- IN 2005. THE NEXT SECTION COVERS THE REVENUE POLICIES AND THERE'S A HOST OF REVENUE POLICIES HERE. I'M GOING TO HIGHLIGHT A FEW. A COMPREHENSIVE REVENUE INITIATIVE WAS UNDERTAKEN TO TAKE A LOOK AT EXISTING FEES, COST OF SERVICES AND INFLATIONARY ANALYSIS AND LOOKED AT THE POTENTIAL FOR NEW FEES. THE PROPOSED BUDGET INCLUDES A RECOMMENDATION TO INCREASE SEVERAL FEES AS WELL AS THE IMPLEMENTATION OF SEVERAL NEW FEES. THE ANNUAL ESTIMATED IMPACT OF THIS INITIATIVE IS ABOUT \$650,000. THIS BUDGET MAINTAINS THE AUSTIN ENERGY TRANSFER RATE AT 9.1% AND THE WATER UTILITY TRANSFER RATE AT 8.2%, BOTH IN KEEPING WITH OUR FINANCIAL POLICIES AND

OUR COVENANTS TO THE BOND-RATING AGENCIES. THIS BUDGET IS PROPOSED AT THE EFFECTIVE TAX RATE MINUS THE TRANSFER TO THE HOSPITAL DISTRICT. THE EFFECTIVE TAX RATE IS THE ONE TOOL, THE SINGLE REVENUE TOOL TEXAS CITIES SHARE FOR ACHIEVING STRUCTURAL BALANCE. THE EFFECTIVE TAX RATE IS THE RATE THAT, DESPITE FLUCTUATING PROPERTY EVALUATIONS, DESPITE ROLLER COASTER ECONOMIES, BRINGS IN THE SAME AMOUNT OF REVENUE AS THE YEAR BEFORE. THE EFFECTIVE TAX RATE HOLDS THE COMMUNITY-WIDE TAX BURDEN CONSTANT,. WITHOUT A STABLE REVENUE STREAM, CITIES COULD BE SUBJECT TO GREAT VOLATILITY IN REVENUE AND WOULD BE UNABLE TO PLAN AND SUSTAIN FOR THE FUTURE. THE SALES TAX GROWTH IS PROJECTED AT 5% FOR '05. WE ARE SEEING FOR '04 A 5.8% INCREASE. AND WE ARE, FINALLY, SINCE 2002, RECOMMENDING TAPPING IN TO COME OF OUR ONE-TIME FUND BALANCE. NOW THAT WE ARE BEGINNING TO SEE SUSTAINED SIGNS OF AN ECONOMIC RECOVERY, I AM RECOMMENDING A CAUTIOUS USE OF THE ONE-TIME FUND BALANCE IN STRICT COMPLIANCE WITH THE COUNCIL'S ADOPTED FISCAL POLICY TO USE THE UNRESERVED FUND BALANCE TO FUND CAPITAL ITEMS. BASICALLY WHAT THIS POLICY SAYS IS ONE-TIME FUNDS TO BE SPENT ON ONE-TIME EXPENDITURES. THIS BUDGET IS 7.9 MILLION FROM THE ENDING BALANCE TO FUND CRITICAL EQUIPMENT THAT WE HAVEN'T BEEN ABLE TO REPLACE FOR SEVERAL YEARS BECAUSE OF BUDGET REDUCTIONS. ON THE ENTERPRISE SIZE SIDE OF THE REVENUE POLICIES THERE ARE TWO MAJOR INFRASTRUCTURE INVESTMENT AREAS THAT REQUIRE RATE INCREASES. THE FIRST IS IN WATER AND WASTEWATER. THE MAJOR COST DRIVER OF THE UTILITY IS RELATED TO REQUIRED CAPITAL IMPROVEMENTS. NEW CAPITAL SPENDING OF OVER \$800 MILLION OVER THE NEXT FIVE YEARS INCLUDES INVESTMENTS IN REGULATORY COMPLAINS, SERVICE EXTENSIONS, REPLACING AND REPAIRING AGING INFRASTRUCTURE AND SYSTEM GROWTH. TO MEET THE INCREASED DEMANDS ON OUR SYSTEM, THE PROPOSED BUDGET INCLUDES A COMBINED RATE INCREASE OF 11.8%. THE DRAINAGE RATE. THE PROPOSED BUDGET INCLUDES IMPLEMENTING THE FOURTH OF A FIVE-YEAR PLAN FOR THE DRAINAGE FEE UTILITY COST OF SERVICE

PLAN. THE DRAINAGE FEE IS THE PRIMARY SOURCE OF FUNDING FOR CAPITAL IMPROVEMENT PROJECTS, IDENTIFIED IN THE DRAINAGE MASTER PLAN. THE RESIDENTIAL FEE IS PROPOSED TO INCREASE BY 6.98%, AND THE COMMERCIAL FEE IS PROPOSED TO INCREASE AT 22.85% INCREASE. I'M GOING TO GIVE YOU BRIEF BUDGET HIGHLIGHTS. WE'LL START WITH POLICE. THE POLICE BUDGET TOTALS \$172 MILLION, WITH PROPOSED REDUCTIONS OF 1.8 MILLION, INCLUDING THE ELIMINATION OF FOUR VACANT CIVILIAN POSITIONS. THE BUDGET MAINTAINS 2.0 OFFICERS PER THOUSAND, INCLUDING THE REPLACEMENT OF CRITICAL EQUIPMENT INCLUDING 85 MARKED PATROL CARS, UNMARKED UNITS, MOTORCYCLES AND KEY TECHNOLOGY EQUIPMENT. IT ALSO INCLUDES THE SECOND YEAR OF CONTRACT FUNDING. THE BUDGET PRESENTATION FOR POLICE IS NEXT WEEK, THURSDAY, AUGUST 5th. THE FIRE DEPARTMENT. THE TOTAL BUDGET IS 89.3 MILLION WITH PROPOSED REDUCTIONS OF 1.5 MILLION, THE ELIMINATION OF FOUR VACANT CIVILIAN POSITIONS AND THE REDEPLOYMENT OF THREE VAI CAN SWORN STAFF -- VACANT SWORN STAFF POSITIONS. IT INCLUDES THE AUTHORIZATIONS OF 43 FIRE STATIONS MAINTAINING STAFFING. IT INCLUDES THREE PUMPERS AND ONE LADDER TRUCK AS WELL AS THE SECOND YEAR OF REPLACEMENT PURCHASES OF SELF-CONTAINED BREATHING APPARATUS AND AIR BOTTLES. IT ALSO INCLUDES SOME KEY EXECUTIVE MANAGEMENT REDUCTIONS, TWO ASSISTANT CHIEF POSITIONS. BOTH OF THESE REDUCTIONS ARE TWO STELLAR MANAGERS THAT WILL NOT BE ASSISTANT CHIEFS ANY LONGER BY THE END OF '05. ONE IS BUT DUE TO RETIREMENT AT MID YEAR AND THE SECOND IS A GENTLEMAN WHO HAS DONE A TREMENDOUS JOB FOR US AND HAS BEEN REQUESTING A RECLASSIFICATION BACK TO A BATTALION CHIEF SO HE CAN GO TO OPERATIONAL DUTY. THIS LEAVES US WITH THREE ASSISTANT CHIEFS DOWN FROM FIVE. THIS PRESENTATION IS THURSDAY AUGUST 5th. EMERGENCY MEDICAL SERVICES. TOTAL BUDGET \$29.5 MILLION WITH PROPOSED REDUCTIONS OF 1.3 MILLION AND THE ELIMINATION OF SIX VACANT PARAMEDIC POSITIONS. THE BUDGET INCLUDES MONEY FOR THE OPERATION OF ALL 28 E.M.S. STATIONS. IT DOES INCLUDE A KEY ENHANCEMENT SERVICE DELIVERY MODEL. WE HAVE

TWO STATIONS THAT HAVE AN INCREDIBLY HEAVY CALL VOLUME. REMEMBER, THERE ARE SCHEDULES OF 24 ON, 48 HOURS OFF. BUT THESE STATION HOUSES, THESE GUYS NEVER GET A CHANCE TO EVER GO BACK TO THE STATION. THEY RUN 24 STRAIGHT. WE WERE REALLY EXPERIENCING FATIGUE ISSUES AT THESE STATIONS. SO FOR THESE TWO STATIONS, THE MONEY IS IN THERE TO GO TO TWO ALTERNATIVE SHIFTS. IN OTHER WORDS, DROP BACK TO 12-HOUR SHIFTS AT THESE STATIONS. WE WERE APPROACHING WHAT I BELIEVE WAS GOING TO BE AN ISSUE AT THESE TWO STATIONS. THE BUDGET INCLUDES A NUMBER OF CRITICAL EQUIPMENT REPLACEMENTS. IT INCLUDES 50 NEW AUTOMATED EXTERNAL DEFIBRILLATORS. THE BUDGET PRESENTATION FOR E.M.S. IS NEXT THURSDAY, AUGUST 5th. HEALTH AND HUMAN SERVICES, THE TOTAL BUDGET IS \$16.4 MILLION WITH PROPOSED REDUCTIONS OF \$689,000, AND THE ELIMINATION OF TWO VACANT AND FIVE FILLED POSITIONS. THE BUDGET INCLUDES SHOTS FOR TOTS, APPROXIMATELY 44,000 IMMUNIZATIONS, AN INCREASED NUMBER OF FOOD ESTABLISHMENT INSPECTIONS. IT MAINTAINS LEVEL FUNDING FOR ALL SOCIAL SERVICES, AND IT PROVIDES BASIC SERVICE LEVELS FOR ANIMAL CARE AND CONTROL, INCLUDING SHELTER OPERATIONS. THIS BUDGET PRESENTATION IS TWO WEEKS OUT, THURSDAY, AUGUST 12th. PARKS AND RECREATION DEPARTMENT, THE TOTAL BUDGET IS \$28.1 MILLION, WITH PROPOSED REDUCTIONS OF 493000, AND THE ELIMINATION OF 3.5 VACANT POSITIONS. THE BUDGET INCLUDES, ALTHOUGH RESTRUCTURED COMMUNITY RECREATION PROGRAMS, IT DOES MAINTAIN THE CURRENT LEVEL OF YOUTH PARTICIPATION HOURS. IT INCLUDES MAINTAINING FUNDING LEVELS FOR PARK POLICE, PARK SAFETY SURFACED AS A MAJOR PRIORITY FOR THE CITIZEN SATISFACTION SURVEY. IT INCLUDES FACILITY MAINTENANCE AND IMPROVEMENT, INCLUDING THE ADDITION OF SOME OF THE ONE-TIME FUNDS FOR CRITICAL FACILITY REPAIRS AND IMPROVEMENT. IT ALSO INCLUDES THE OPENING OF CARVER MUSEUM AND CULTURAL CENTER FOR OCTOBER 2004. THIS BUDGET PRESENTATION IS TWO WEEKS OUT, AUGUST 12th. THE AUSTIN PUBLIC LIBRARY, TOTAL BUDGET IS \$17.2 MILLION, WITH PROPOSED REDUCTIONS OF 386,000, ELIMINATING -- THIS IS AN UNUSUAL NUMBER HERE -- IT'S ACTUALLY TWO POSITIONS,

ONE-QUARTER OF A POSITION IS VACANT, AND THE REMAINING IS FILLED. THIS BUDGET MAINTAINS CURRENT OPERATING HOURS IN ALL BRANCH LIBRARIES, THE CENTRAL LIBRARY, AND THE AUSTIN HISTORY CENTER. REMEMBER, HOWEVER, THESE ARE ALREADY REDUCED HOURS OF OPERATION. IT DOES RESTORE PARTIAL FUNDING OF THE BOOK MATERIAL BUDGET BY \$300,000. THE BOOK BUDGET OF THE AUSTIN PUBLIC LIBRARY HAS BEEN SEVERELY REDUCED OVER THE LAST FEW YEARS, BEING CUT BY ONE-THIRD IN JUST ONE YEAR. THAT LEFT IT AT A 1.71, SO \$1.71 PER CAPITA INVESTMENT IN BOOK MATERIALS, PUTTING IT AT ONE OF THE LOWEST EXPENDITURES PER CAPITA FOR A CITY OF OUR SIZE IN LIBRARY MATERIALS, AND WE ARE DOING A PARTIAL RESTORATION OF THAT BOOK BUDGET. IT INCLUDES MONEY FOR THE OPENING OF CARVER BRANCH LIBRARY, OCTOBER 2004, AND THE TERASAS BRANCH LIBRARY JUNE 2005. THE BUDGET PRESENTATION IS TWO WEEKS OUT, AUGUST 12. NOW WE'RE GOING TO TURN TO A SUMMARY OF OUR INVESTMENT AND INFRASTRUCTURE IN THE 2005 DIGIT. FOR IN FACILITIES, THE 2005 BUDGET MAINTAINS THE TWO-YEAR DELAY FOR THE OPENING OF MANY FACILITIES, BUT FIVE NEW FACILITIES AND ALL THE OPERATION AND MAINTENANCE MONEY ARE INCLUDED TO OPEN IN 2005. THESE INCLUDE THE CIRCLE C FIRE AND E.M.S. STATION, THE FIRE COMPONENT OF THE DALE VALLEY FIRE AND E.M.S. STATION. THE CARVER LIBRARY BRANCH EXPANSION. THE CARVER MUSEUM AND CULTURAL CENTER EXPANSION AND THE TERAZOS LIBRARY EXPANSION. THE PROPOSED BUDGET INCLUDES FUNDING FOR CONTINUED INVESTMENT IN ROADWAY MAINTENANCE, CONSTRUCTION OF CURB RAMPS AND SIDEWALKS AND A WIDE VARIETY OF OTHER TRANSPORTATION INFRASTRUCTURE. THE TRANSPORTATION BUDGET IS ENHANCED BY \$4 MILLION, A BUILD GREATER AUSTIN FUNDING FROM THE CAPITAL METRO TRANSPORTATION AUTHORITY WHICH WILL HELP US FUND VARIOUS TRANSPORTATION AND MOBILITY INITIATIVES. PREVENTATIVE MAINTENANCE WILL BE MAINTAINED AT 8% OF THE STREET INVENTORY. REMEMBER THAT THE NORMAL SHOULD BE 10%. THIS WILL INCLUDE KEEPING APPROXIMATELY 74% OF OUR LANE MILES IN FAIR TO EXCELLENT CONDITION. IT INCLUDES THE ADDITION OF A

NEW CONCRETE CREW TO HELP US GET MORE SIDEWALKS ON THE GROUND. WE HAVE A BACKLOG OF SIDEWALK AND RAMP PROJECTS. IT HAS \$4.3 MILLION AVAILABLE FOR A.D.A. PROJECTS SUCH AS CURB RAMPS, SIDEWALK, REST ROOM UPGRADES AND PARK FACILITY UPGRADES. IT INCLUDES THE CONSTRUCTION OF 100 CURB RAMPS AND 14,000 LINEAR FEET OF SIDEWALK. IT CONTINUES THE EXPANSION OF TRAFFIC SIGNAL SYSTEM, A LONG BUS ROUTE. THIS IS FUNDED BY THE LAST YEAR OF THE QUARTER SENT SALES TAX FUNDING FROM CAPITOL METRO AND INCREASED PROMOTION FOR BIKE WAY PROJECTS. THE 1998 BOND PROJECTS, AND WE ARE RAPIDLY COMING TO A CLOSE WITH THE LAST OF THE MONEY FROM THE 1998 BOND PROJECTS, WE HAVE A SERIES OF APPROPRIATIONS FROM TWO OF THOSE PROPOSITIONS FOR 2005, FROM PROPOSITION ONE, WHICH WAS THE TRANSPORTATION PROPOSITION, THERE'S 8.9 MILLION BEING APPROPRIATED FOR STREET RECONSTRUCTION, 784,000 FOR BIKE WAY IMPROVEMENTS, 1.3 MILLION FOR SIDEWALK IMPROVEMENTS, AND 735,000 FOR TRAFFIC SIGNALS. PROPOSITION TWO WAS THE PARKS PROPOSITION. WE'RE APPROPRIATING 2.2 MILLION FOR DESTINATION PARKS, 1.9 MILLION FOR THE SOUTH AUSTIN TENNIS CENTER, AND 200,000 FOR PLAY SKATE CITYWIDE. WE'VE HAD SOME LUCK IN PREPARING THE 2005 BUDGET. WE'VE HAD SOME STRONG AND INCREASING REVENUE COLLECTIONS. BETTER THAN EXPECTED SALES TAX REVENUE, AND THE REVISED CALCULATION OF OUR EFFECTIVE TAX RATE ALLOWED US TO EASE THE IMPACT OF REDUX TO OUR -- REDUCTIONS TO THE GENT FUND DEPARTMENT IN THE PREPARATION OF THE BUDGETS. INSTEAD OF 5% ACROSS-THE-BOARD CUTS, THE AVERAGE CUTS CAME IN AT ABOUT 2.5%, BUT IT LEFT US WITH AN UNANTICIPATED BUT SMALL SURPLUS OF ABOUT \$200,000, THIS IS ONGOING MONEY, NOT ONE-TIME FUNDS. AND WE HAVE HELD THIS SURPLUS ASIDE FOR THE COUNCIL TO USE FOR UNFORESEEN CHANGES THAT MAY OBSERVE CUR BETWEEN THE PROPOSED AND THE ADOPTED BUDGET. NOW, THE LAST FOIL THAT'S ON THE SCREEN GIVES YOU THE BUDGET CALENDAR, AND WHILE YOU'RE LOOKING AT THE BUDGET CALENDAR, I'D LIKE TO TALK JUST BRIEFLY ABOUT WHAT WE'VE ACCOMPLISHED. IN BALANCING A BUDGET IN AN ECONOMIC DOWNTURN IS NOT GLAMOROUS

WORK. IT SHIFTS. I HAVE FOCUS IN MANY WAYS. IT SHIFTS THE ADMINISTRATIVE AND POLICY DISCUSSIONS FROM WANTS TO NEEDS AND IT SHIFTS ATTENTION FROM EXTERNAL TO INTERNAL, REDUCING EXPENDITURES ARE GIVEN AND HOW YOU HANDLE THOSE REDUCTIONS IS WHAT SEPARATES A GOOD FROM A GREAT ORGANIZATION. OVER THE LAST FEW YEARS, LIKE ANY PRUDENT BUSINESS, WE FOCUSED ON THE ISSUES AT HAND. THIS INCLUDED THE DAUNTING TASK OF COMPLETELY REALIGNING REVENUES AND EXPENSES. THE BOOM OF THE 1990s ALLOWED US TO GROW SERVICES AGGRESSIVELY. THE BUST OF THE EARLY 2000 -- THE EARLY 2000 HELPED IT MAINTAIN CREATIVE LEVELS. THE PAST FOUR YEARS, WE'VE WORKED TOGETHER HAND IN HAND, CITIZENS, STAFF, MANAGEMENT, AND COUNCIL HAVE TURNED THE TIDE BY REDUCING EXPENDITURES, REORGANIZING SERVICE DELIVERY AND IDENTIFYING STRATEGIC REVENUE ENHANCEMENTS. OUR SUCCESS RESULTS FROM OUR MUTUAL COMMITMENT TO THE LONG-TERM FINANCIAL VIABILITY OF THIS COMMUNITY AND THIS ORGANIZATION. SUCH AN INWARD FOCUS ON THE STRUCTURE AND THE VIABILITY OF THE GOVERNMENT IS, IN AND OF ITSELF, SOMEWHAT UNUSUAL, BUT IT OFFERED US OPPORTUNITY AFTER OPPORTUNITY TO REDEFINE LOCAL GOVERNMENT. WE'RE A MUCH LEANER GOVERNMENT TODAY THAN WE WERE THREE YEARS AGO, BUT WE'RE ALSO A LOT STRONGER AND MORE EFFICIENT ORGANIZATION. WE CHALLENGED THE STATUS QUO, WE SCRUBBED THE BUDGET AND WE USED THE ECONOMIC DOWNTURN AS A CATALYST FOR CUSTOMER-DRIVEN CHANGE. WE COMPLETELY REPOSITIONED AUSTIN IN THREE YEARS FROM A CITY DEVASTATED BY THE .COM IMPLOSION TO A CITY THAT IS BACK ON THE MOVE. IT MAY NOT HAVE BEEN GLAMOROUS WORK, BUT THERE'S NO DOUBT IT'S PART OF WHAT MAKES AUSTIN A VERY SPECIAL CITY. PEOPLE ALL AROUND THE COUNTRY ARE TAKING NOTICE OF OUR ASSETS AND OUR POTENTIAL. AUSTIN IS TOPPING EVERY LIST IN THE NATION THAT ARE GIVEN TO LOCAL GOVERNMENTS. AUSTIN IS BEING LISTED AS ONE OF THE BEST PLACES TO LIVE, ONE OF THE BEST PLACES TO WORK, AND ONE OF THE BEST PLACES TO PLAY. WE'RE BEING LISTED AS ONE OF THE BEST PLACES TO START A CAREER OR TO RETIRE, TO ESTABLISH A BUSINESS, OR TO GROW A

BUSINESS, TO MAKE NO VILS OR TO ENJOY -- MAKE MOVIES OR ENJOY ARTISTIC PER SUITS, RIDE A BIKE, SWIM, OR RUN. WE'RE RARVEGD SECOND AMONG WE'RE RANKED SECOND AMONG THE OLDER WORLD'S TOP KNOWLEDGE-BASED REGIONS AND THE BEST PLACES TO DO IN THE COUNTRY. WE'VE BEEN DECLARED ONE OF THE TOP PLACES TO LIVE FOR A WIDE VARIETY OF REASONS AND ONE OF THOSE IS THE COMMITMENT TO TURNING AROUND THE FINANCIAL DOWNTURN AND TO CREATING FINANCIAL STABILITY IN THIS ORGANIZATION. SO OUR FOCUS AND OUR DILIGENCE PAYING OFF, AND I BELIEVE WE'VE LAID THE GROUNDWORK FOR THE UPTICK. WHAT YOU SEE ON THE FOIL COUNCIL IS YOUR BUDGET CALENDAR OVER THE NEXT SIX WEEKS WE HAVE FOUR PUBLIC HEARINGS AND THREE SCHEDULED BUDGET READINGS. THE STAFF AND I STAND READY TO HELP ANSWER ANY QUESTIONS AS YOU MOVE FORWARD IN YOUR POLICY DECISIONS ON THE BUDGET.

THANK YOU, CITY MANAGER. COMMENTS, COUNCIL? QUESTIONS? TECHNICALLY, WE'RE POSTED FOR ACTION TO APPROVE THE CITY MANAGER'S SUGGESTED BUDGET SCHEDULE, THAT IS PUBLIC HEARINGS AUGUST 5th, 12th, 26th, AND SEPTEMBER 2nd. ALL HERE IN THIS ROOM, 6:00 P.M. SO I'LL FIRST ENTERTAIN A MOTION ON THAT ITEM, NO. 98, OR WE'LL ENTERTAIN QUESTIONS FIRST. COUNCILMEMBER McCracken.

FIRST OFF, ON THAT COVERAGE, IS IT SUNRISE OR SUNSET?

SUNRISE.

THAT'S ENCOURAGING.

NO MORE PESSIMISTIC MESSAGES.

HOPE IS ON THE WAY?

YES. HOPE IS ON THE WAY.

THE -- THERE IS THE PAY INCREASE LISTED IN THE BUDGET, AND I THINK THAT'S A GOOD IDEA. I WAS WONDERING TO WHOM IT APPLIES. DOES IT APPLY DR. OR BUNLTD AT LEAST CURRENTLY TO INCLUDE THE CITY CLERK'S OFFICE AND THE

MUNICIPAL COURTS, THOSE UNDER COUNCIL MANAGEMENT AS WELL?

IT DOES. AND, COUNCIL, WHAT WE WILL DO FOR YOUR DIRECT REPORTS, WE WILL BE BRINGING SPECIFIC ACTION ITEMS FORWARD AS PART OF THE WHOLE BUDGET ACTION ITEMS. YOU WILL HAVE TO TAKE SPECIFIC ACTION ITEMS, BUT WE WILL HAVE THAT INCLUDED.

AND I THINK ONE OF THE THINGS THAT THAT MAY BE MOST EXCITING ON THIS BUDGET, AT LEAST MY PERSPECTIVE, IS THE MAJOR E. GOVERNMENT LAUNCH WE'RE GOING TO SEE. AND I WAS WONDERING WHEN DO YOU EXPECT THAT TO TAKE PLACE?

WE ARE LOOKING AT OCTOBER OR NOVEMBER, AND WE WILL BEGIN AN EARLY SORT OF MARKETING CAMPAIGN ABOUT 30 DAYS OUT SO THAT PEOPLE WILL KNOW. WE'RE WANT TO BE VERY CAREFUL. WHEN YOU BRING UP A CALL CENTER THAT'S 24-7, THERE'S AN ENORMOUS CALL VOLUME IN THE VERY BEGINNING, AND WHAT NORMALLY FAILS ON THESE SYSTEMS IS NOT BEING PREPARED FOR THAT CALL VOLUME, SO WE'RE CHECKING AND DOUBLE EK CHG AND CROSSING EVERY T. AND DOTTING EVERY I., BUT EARLY IN THE FIRST MONTH OR TWO IN THE BEGINNING OF THE FISCAL YEAR, OCTOBER OR NOVEMBER.

IN FACT, YONG I DON'T THINK YOU'RE GIVING YOURSELF ENOUGH CREDIT. IT'S WAY BEYOND A CALL CENTER. IT WILL TRANSFOR THE WAY GOVERNMENT IS ABLE TO MANAGE RESOURCES, FOLKS CAN CALL IN AND CHECK THE STATUS ON THE COMPUTER AND YOU WILL HAVE THE ABILITY TO MANAGE IT DIGITALLY. IT'S TRANSFORMED NEW YORK CITY'S GOVERNMENT AND I'M EXCITED TO WHAT IT WILL DO IN AUSTIN AS WELL. I THINK FOLKS WILL NOTES A BIG DIFFERENCE. I HAD A QUESTION ON THE PARK SIDE. ASIDE FROM THAT APPROPRIATED IN 9 #, DOES THAT INCLUDE TOWN PARK THIS YEAR? I'VE SEEN FROM NEWS REPORTS, IT MIGHT.

RUDY, IF YOU WILL HELP ME DRILL DOWN ON ANY OF THE SPECIFIC QUESTIONS AND I'LL TRY TO FIND MY SHEET FOR

THE SPECIFIC PIECES. THAT BEGINS IN WHAT YEAR, RUDY?

THAT WAS ONE OF THE DELAYED PROJECTS, AND IT BEGINS NEXT FISCAL YEAR.

2006.

AND IN LOOKING AT THE -- SOME OF THE NUMBERS, THERE'S -- WE MENTIONED ABOUT WHERE BASICALLY THE TACKS GO. IT WAS -- TAXES GO. IT WAS MENTIONED THAT 1.13% OF --

I'M SORRY, COUNCILMEMBER, HE'S RIGHT. IT IS '06.

I HAD SOME QUESTIONS ABOUT THE -- WHEN THEY'RE LOOKING AT WHAT THE TAX IMPACT IS ON FOLKS FOR LIVING IN AUSTIN VERSUS OTHER CITIES, AS I UNDERSTAND, IT CONTINUES TO BE AUSTIN HAS THE LOWEST TAX RATE OF ANY BIG CITY IN THE STATE OF TEXAS, IS THAT RIGHT?

THAT IS CORRECT. THE ONLY ISSUE THAT COMES UP, AND I THINK WE ALWAYS NEED TO ADDRESS IT, IS WE HAVE A HIGH TAX BILL.

YEAH.

IT IS THE LOWEST RATE BUT IT IS A HIGH TAX BILL, AND THAT'S WHAT WE ALWAYS TRY TO BE VERY CONSCIOUS OF.

I THINK ONE OF THE THINGS WE FOUND EARLIER THIS YEAR IS THE AVERAGE TAX BILL IN ALL OF THE COMMUNITIES IS HIGHER. ROUND ROCK HAS A HIGHER TAX BILL THAN AUSTIN AND SO DOES LEANDER, AND WEST LAKES HILLS AND THOSE COMMUNITIES. BUT YOU DID MENTION THAT THE PERCENTAGE OF MEDIAN INCOME THAT GOES TO TAXES IS 1.13%. FIRST, IS THAT FOR JUST THE CITY PORTS OF THE BILL?

YES.

AND DO YOU KNOW WHAT THE MEDIAN INCOME IS?

DO YOU HAVE THE DETAIL BEHIND THAT SHEET?

WE CAN GET THAT FOR YOU, COUNCILMEMBER, I DON'T HAVE THAT WITH ME.

IT'S A BACK OF THE NAPKIN DEAL, ASSUMING, YOU KNOW, PROBABLY LOW ON THE HIGH SIDE. THE MEDIAN INCOME IN AUSTIN WAS \$6,000, IF -- \$60,000, THE COST OF LIVING IN AUSTIN WOULD BE \$6 A MONTH. I THINK ONE OF THE THINGS YOU'VE SEEN IS AUSTIN, TEXAS IS A CITY THAT WE'RE NOT LOCATED NEXT TO A PORT OR RAW MATERIALS OR THE INTERSECTION OF TRAIN TRACKS. WE'RE A CITY THAT HAS GOTTEN TO BE THE NUMBER TWO OR ONE CITY, A PLACE TO LIVE IN THE NATION BECAUSE WE'RE A NICE PLACE TO LIVE AND TAKE CARE OF OUR FOLKS. \$6 A MONTH WHICH IS ACTUALLY PROBABLY IN THE RANGE OF 3 TO \$4, THAT SEEMED LIKE A REAL BARGAIN TO LIVE IN AUSTIN VERSUS HOUSTON OR DALLAS.

COUNCILMEMBER AFTERLY, I HAVE THE NUMBERS. ACCORDING TO THE HUD INFORMATION WE RECEIVED. THE ESTIMATES FOR 2004, AUSTIN'S MEDIAN FAMILY INCOME WAS \$6,900.

THAT'S CLOSE. \$6 A MONTH OR SO. THAT'S ALL I HAVE.

THE SUMMARIES ARE VERY WELL DONE PER DEPARTMENT. I'M CURIOUS, DO WE HAVE THE TOTAL PROPOSED GENERAL FUND BUDGET?

THE TOTAL GENERAL FUND BUDGET IS \$448 MILLION.

NOW, WHAT WAS IT LAST YEAR?

IT WAS GOING TO SAY, JUST TO MAKE SURE IT'S VERY CLEAR, LAST YEAR WAS 461 MILLION. HOWEVER, THE '05 PROPOSED BUDGET DOES INCLUDE THE REDUCTION OF OUR HOSPITAL-RELATED EXPENDITURES WHICH WERE APPROXIMATELY \$30 MILLION.

OKAY. SO IN ROUND NUMBERS, WE ARE GROWING THE BUDGET FROM, SAY, 430, 431 TO 448?

YEAH.

OR IF YOU COULD JUST GET THAT TO US. THAT WILL BE A SUMMARY.

YES, IT IS. AND IT'S THE BASELINE REDUCTION OF WHERE DISCUSSION OF WHERE THE COST DRIVERS, IF YOU DO A PAY INCREASE AROUND THE COST OF LIVING WITH THE PUBLIC SAFETY BUILD-IN COST DRIVERS AND THE AVERAGE HEALTH INSURANCE INCREASES, THEY HAVE BEEN AVERAGING 30 MILLION A YEAR. SO EVERY BUDGET ADDS 30 MILLION ON TOP OF IT AND THEN YOU BEGIN CUTTING FROM THERE, AND THEN THAT'S WHEN YOU MAKE DECISIONS ON PAY AND WHAT YOU'RE GOING TO DO ON INSURANCE, AND, OBVIOUSLY, EXPENDITURE CUTS AND SERVICES.

AGREED. AND HOW ABOUT ANOTHER SUMMARY THAT FOLKS LIKE TO LOOK AT IS THE TOTAL NUMBER OF EMPLOYEES IN THE GENERAL FUND?

YES.

I CAN GET THAT FOR YOU.

AND WE'RE GOING TO -- AND THERE'S SOME INTERESTING THINGS ON THIS ONE, BECAUSE FOR THE FIRST TIME IN THREE YEARS, WE HAVE ADDED SOME POSITIONS, AND WE'RE GOING TO TALK TO YOU ABOUT WHY. WE HAD TO ADD CUSTODIANS, AS AN EXAMPLE, FOR BUILDING MAINTENANCE BECAUSE WE'RE BRINGING ON FACILITIES WHICH WE HADN'T DONE IN SOME TIME. SO WE'LL WALK YOU THROUGH WHAT THAT LOOKS LIKE. WE'LL GIVE YOU A BREAKOUT OF WHAT THOSE ARE.

THE CODE OF GENERAL FUND EMPLOYEES ARE 4,813. OF THAT, THAT INCLUDES 1,033 SWORN FIREFIGHTER POSITIONS. AND 1,431 SWORN POLICE OFFICER POSITIONS.

GREAT, THANK YOU. AND COMPARED TO LAST YEAR, THAT IS -- DO WE HAVE THE LAST YEAR'S NUMBER?

LAST YEAR IS ACTUALLY 4,815. SO IT'S A NET DIFFERENCE OF ABOUT TWO POSITIONS LESS. AND, AGAIN, THERE'S JUST DIFFERENT THINGS THAT HAPPEN.

AND WE WILL DETAIL THAT FOR YOU. YOU HAVE YOUR INCREASES IN POLICE AND FIRE, FOR 2.0 IN TASK FORCE. THE BUILDING MAINTENANCE AND CUSTODIAN ADDITIONS WHICH WERE UNUSUAL, AND THEN YOU HAVE THINGS LIKE WHEN WE DID THE SMOKING ORDINANCE AND WE WANTED -- WE BUILT IN TWO PEOPLE TO ENFORCE THAT, SO THOSE WERE TWO NEW POSITIONS, AND, SO, WE'LL OUTLINE WHAT THOSE ARE. SO WE START WITH THOSE AND BEGIN TO CUT BACK FROM THERE.

WHAT WE'LL DO, MAYOR WILL WYNN, I'D LIKE TO DETAIL THAT FOR YOU, SOME OF THE CONSOLIDATED DEPARTMENTS WE HAVE DONE HAVE ADDED TO THAT. SOME HAVE COME IN AND GONE OUT OF THE GENERAL FUND SO WE CAN TRACK THAT FOR YOU.

AGREED. THANK YOU. THAT'S ALL MY QUESTIONS. ARE THERE QUESTIONS, COMMENTS, MAYOR PRO TEM?

CAN I ASK YOU, WHEN YOU SAID THE MUNICIPAL COURT CLERK AND CITY CLERK AND ALL THAT WERE GOING TO COME UP FOR A PRESENTATION? YOU SAID?

MUNICIPAL COURT WILL COME UP NEXT WEEK, WILL THEY NOT?

THEY'RE NOT CURRENTLY SCHEDULED FOR A PRESENTATION BUT WE COULD ADD THEM.

WHY DON'T WE ADD THEM.

SINCE THEY DID NOT HAVE ONE LAST YEAR, AND WE SAID THAT WAS --

WE'LL ADD THEM. WE SHOULD HAVE ADDED THEM. NORMALLY, THEY USED TO PAIR UP WITH PUBLIC SAFETY, SO WE'LL BRING THEM NEXT THURSDAY, THEN.

GREAT. THANKS.

RUDY, GO AHEAD.

I'D LIKE TO JUST -- A COUPLE OF HOUSECLEANING THINGS.

FIRST OF ALL, WE DELIVERED THE ACTUAL BUDGET DOCUMENTS TO YOUR OFFICES TODAY AND, SECONDLY, FOR THE PUBLIC, EVERY BRANCH LIBRARY WILL HAVE A SET OF THE PROPOSED BUDGET. THE ENTIRE BUDGET IS ALSO ON OUR WEBSITE. ONE THING THAT WE DID DIFFERENTLY THIS YEAR, WE'VE ACTUALLY ADDED A SECTION OF FREQUENTLY ASKED QUESTIONS BASED ON OUR EXPERIENCE OVER THE LAST SEVERAL YEARS, SO FOR THE COUNCIL OR THE PUBLIC, IF IT'S A QUESTION ABOUT FACILITIES, THE TAX RATE, JUST KIND OF YOUR FREQUENTLY ASKED QUESTIONS, HOPEFULLY YOU'LL FIND THEM THERE. BUT ALSO FOR THE PUBLIC, ALL QUESTIONS THAT DO GET ASKED WILL ALSO BE THE -- THE QUESTION AND RESPONSE WILL BE POSTED TO THE WEBSITE.

SO OVER THE NEXT SIX WEEKS YOUR FORMAL BUDGET QUESTION AND ANSWER PROCESS AS WELL AS QUESTIONS FROM CITIZENS, WE RESPOND AND PUT THEM UP ON THE WEBSITE AS WELL AS RESPOND IN WRITING TO YOUR OFFICES.

OTHER QUESTIONS?

YES.

YES MR. THOMAS.

TOIFTD COMMENT THE MANAGER FOR THE REPORT. I WAS TEASING THEM DO WE NEED ANY ALCOHOL FOR THE SHOCK HEE WAS GOING TO GIVE US. BUT ONE THING I DO NEED TO ASK -- ON ELIMINATING THE 321 POSITIONS, IN THE NEAR FUTURE, ARE WE GOING TO EVER BRING ANY OF THOSE POSITIONS BACK?

TO ME, THAT IS REALLY THE QUESTION OF THE DAY BECAUSE IT IS VERY CLEAR TO ME THAT, WHEN WE HIT '06, WE'RE GOING TO BE IN REBUILDING MODE, AND HOW THIS COUNCIL PRIORITIZES WHAT THEY WANT TO ADD BACK AND WHERE THEY WANT TO START WITH REBUILDING, THERE'S BEEN -- THERE IS SO MUCH PENT-UP DEMAND AFTER WE WILL HAVE BEEN THROUGH FOUR YEARS OF EAREDUCTIONS -- OF REDUCTIONS, NOT JUST NEW INITIATIVES THAT HAVEN'T BEEN ABLE TO OCCUR, BUT WILL WE ADD BACK A

DAY TO THE LIBRARIES? WILL WE -- THERE ARE SO MANY QUESTIONS TO ASK. TO ME, THE DIALOGUE FOR THIS YEAR, ONCE WE GET PAST THE BUDGET, IS TO START TALKING ABOUT WHAT THAT REBUILDING LOOKS LIKE STRATEGICALLY FOR THIS ORGANIZATION.

ON THE FACILITIES, ON THE DELAY OF OPENING UP THE FACILITIES, I KNOW SOME OF THEM HAVE BEEN SET BACK A YEAR OR TWO. WITHIN THIS BUDGET, AFTER WE GO THROUGH THAT ANTICIPATED SURPLUS, 200-SOME-THOUSAND REMAINING MONEY, WILL WE BE ABLE TO UTILIZE SOME OF THAT MONEY?

THE SURPLUS IS THERE. IT IS ONGOING MONEY. IT IS NOT ONE-TIME MONEY. IT --

JUST HAVE TO TAKE A STAB WITH THE REST --

IT'S ACTUALLY UP TO COUNCIL. YOU MAY FIND THAT THERE ARE CUTS THAT YOU DON'T AGREE WITH THIS THIS BUDGET. THERE ARE ALMOST \$11 MILLION WORTH OF CUTS IN THE BUDGET AND OBVIOUSLY SOME THAT ARE MORE PALATABLE THAN OTHERS, OR THERE MAY BE OTHER THINGS THAT YOU THINK ARE IMPORTANT TO PUT IN.

IT'S NOT GOING TO BE LIKE THE NFL DRAFT, WE HAVE TO PUT IN OUR TICKETS BEFORE? THANK YOU, MAYOR.

THANK YOU, COUNCILMEMBER. CITY MANAGER, WE EMPATHIZE WITH YOU ON THE FLUIDITY OF THE CERTIFIED TAX ROLLS. IS THERE STILL POTENTIAL MOVEMENT THERE?

NO, IT'S DONE. IT'S NOW CERTIFIED. THERE WAS -- THERE WERE BOTH ERRORS AND NEW INFORMATION, BUT, NO, IT IS A CERTIFIED ROLL AMOUNT.

OKAY. THANK YOU. FURTHER COMMENTS OR QUESTIONS? IF NOT, WE'RE POSTED FOR ACTION TO APPROVE THE BUDGET SCHEDULE, THE PUBLIC HEARINGS, AUGUST 5th, 12th, 26th, AND SEPTEMBER 2nd, 6:00 P.M. HERE IN THIS ROOM. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER SLUSHER SECONDED BY ALVAREZ TO APPROVE THE BUDGET SCHEDULE POSTED AS ITEM NO. 88. FURTHER

COMMENT? HEARING DMUN SAY AYE.

MOTION PASSES ON A VOTE OF 7-0. THANK YOU VERY MUCH. COUNCIL, WE STILL HAVE A COUPLE OF DISCUSSION ITEMS TO TAKE UP PRIOR TO THE 4:00 ZONING HEARINGS. IF YOU REMEMBER, EARLIER TODAY, WE HAD -- OR THIS MORNING, WE HAD TABLED ITEM NO. 45 RELATED TO A GIF CONTRACT. I'M NOT SURE IF STAFF IS PREPARED TO VISIT THAT. IF NOT, WE COULD GO TO TWO ITEMS FROM COUNCIL.

WHILE WE'RE STILL -- HERE'S SANDRA. SHE'S READY TO GO.

WELCOME.

IT'S OUR RECOMMENDATION THAT WE GO INTO EXECUTIVE SESSION TO DISCUSS THAT ITEM. I'M NOT SURE IF DAVID SMITH HAD GOTTEN THE WORD ON THAT.

OKAY. THANK YOU. SO AT SOME POINT WE WILL ADD THAT TO THE EXECUTIVE SESSION LIST. THANK YOU. SO COUNCIL THAT TAKES US A COUPLE OF ITEMS FROM COUNCIL. THE FIRST, ITEM NO. 76, RELATED TO DIRECTING THE CITY MANAGER TO BEGIN THE PROCESS FOR DEVELOPING A TRANSIT-ORIENTED DEVELOPMENT ORDINANCE, OR T.O.D. ORDINANCE, SPONDERED BY MYSELF, COUNCILMEMBERS THOMAS AND SLUSHER, AND I THINK COUNCILMEMBER SLUSHER PULLED THE ITEM PERHAPS JUST TO INTRODUCE THE TOPPING GENERALLY.

WHICH ONE?

THIS IS THE T.O.D. ORDINANCE, ITEM 76.

WELL, THERE'S PROBABLY GOING TO BE AN ELECTION ON THE COMMUTER RAIL DISTRICT THIS NOVEMBER. WE'LL KNOW THAT BY THE END OF THE MONTH, BUT THERE'S BEEN A LOT OF DISCUSSION IN THE COMMUNITY ABOUT HOW WE WOULD HANDLE TRANSIT-ORIENTED DEVELOPMENT, CAPITAL METRO WHERE COUNCILMEMBER THOMAS AND I SERVE ARE INTERESTED IN WHAT ANY ORDINANCE WOULD BE LIKE AND CERTAINLY WANT TO PARTICIPATE IN THE DEVELOPMENT OF ONE, BUT SO DOES THE REAL ESTATE COMMUNITY AND THE NEIGHBORHOOD ORGANIZATIONS. AS

WELL AS THE MANY CITIZENS OF AUSTIN. SO THERE'S A PROPOSAL FROM THE MAYOR, MYSELF AND COUNCILMEMBER THOMAS, COUNCILMEMBER AND I BEING THE TWO CAPITAL MEMBER BOARD MEMBERS TO BEGIN A PROCESS OF A TRANSIT DEVELOPMENT ORDINANCE SO THE IDEA IS FOR AS MANY PEOPLE AS POSSIBLE BE INCLUDED. THERE'S A TASK FORCE RECOMMENDED FOR HOW IT WOULD BE SET UP TO DEAL WITH -- OR TO TAKE THE INPUT AND TO BEGIN THE PROCESS. THAT SUMS IT UP, I THINK. AND, MAYOR, YOU WERE TALKING YESTERDAY, DO YOU WANT TO PUT A DATE ON THERE OR LET THEM REPORT BACK TO US ON WHEN THEY THINK THEY COULD GET DONE?

WELL, I DIDN'T THINK THAT WAS NECESSARY, FRANKLY. I MEAN, YOU KNOW, WE GENERALLY RECOGNIZE THAT WE WOULD LIKE TO GET THIS DONE AS SOON AS PRACTICAL, BUT WE ALSO RECOGNIZE WE WANT TO HAVE AS BROAD AMOUNT OF INPUT AS POSSIBLE. IT WOULD BE CONVENIENT IF WE COULD HAVE THE APPROPRIATE BOARDS AND COMMISSIONS, OBVIOUSLY THE PLANNING COMMISSION, ZONING AND PLATTING AND ENVIRONMENTAL BOARD AND MAYBE OTHERS, MAYBE TRANSPORTATION, FORM SUBCOMMITTEES AND ALMOST MEET CONCURRENTLY WITH DEVELOPMENT PROCESS, AND, SO, WITHIN, YOU KNOW, A FEW MONTHS OR HALF A YEAR THERE'S SOME SIGNIFICANT CROSS BOARDING COMMISSION REFERENCE OF THE CENTRAL ORDINANCE.

THAT SOUNDS FINE TO ME. I MOVE APPROVAL, THEN.

MOTION MADE BY SOWNLS MEB SLUSHER SECONDED BY SOWNLS MEB THOMAS TO APPROVE ITEM 76 DIRECTING THE CITY MANAGER TO BEGIN THE PUBLIC PROCESS FOR A TRANSIT-ORIENTED DEVELOPMENT ORDINANCE.
COUNCILMEMBER McCRACKEN.

YES, I WANTED TO COMMEND COUNCILMEMBER SLUSHER AND THOMAS ON THIS. SEVERAL OF US HAD A CHANCE DURING THE CONFERENCE IN LATE JUNE TO SEE THIS IN ACTION, AND WHAT THIS IS, IT MAKES IT POSSIBLE, FOR INSTANCE, YOU SHOW UP FOR TRANSIT, THERE'S A GROCERY STORE, CHILDCARE, BAKERY, SENIOR CITIZENS ARE ALL PLACED ON ROADS AND YET A LOT OF FOLKS CAN'T

DRIVE. SENIORS AND FOLKS WHO WALK EVERYWHERE, IT'S A REAL ENHANCEMENT TO THE QUALITY OF LIFE. SO SAY YOU'RE A MOM, YOU COULD GO TO THE TRAIN STATION IN THE MORNING, DROP YOUR CHILD OFF TO CHILDCARE, GET ON THE TRAIN, COME BACK IN THE EVENING, GO TO GROCERY STORE, PICK UP TAKEOUT FOOD, DRY-CLEANING, GETTING YOUR CAR AT THE PARKING GARAGE THERE. THIS OFFICE A GREAT OPPORTUNITY TO IMPROVE PEOPLES' LIVES AND ALSO IT HELPS START IMPLEMENTING ENVISION CENTRAL TEXAS WHICH IS WHAT THE PEOPLE OF THIS REGION WANT SO WHAT MY COLLEAGUES HAVE DONE IS A BIG FIRST START IN THAT AND I'M GLAD TO HEAR TODAY ON THAT.

THANK YOU COUNCILMEMBER. FURTHER COMENTS? ALL THOSE IN FAVOR OF ITEM 76 SAY AYE. MOTION PASS OPPOSED?

MOTION PASSES 7-0. NO. 79 IS ONE OF THE JOINT ITEMS FROM COUNCIL THAT I HAVE TECHNICALLY PULLED, THIS REGARDING THE DESIGNATION OF THE CROSS DOWNTOWN RAIL CORRIDOR, MOVING THAT DESIGNATION FROM 4th STREET TO 3rd STREET, AND SINCE WE'VE POSTED THIS I ITEM AND HAD SEVERAL DISCUSSIONS ABOUT IT, I BELIEVE THE ADVICE FROM CITY STAFF IS THAT THIS, TECHNICALLY, WOULD REQUIRE AN AMENDMENT OR A CHANGE TO THE A.E.M.A.P.P., ESSENTIALLY THE CITY'S TRANSPORTATION PLAN, AND I DON'T SEE ANY HEADS NODDING EITHER DIRECTION.

WHEN WE PASSED THE ORDINANCE, WE PASSED IT THE FIRST TIME, AND TO TAKE IT THROUGH THE PROCESS, THE RECOMMENDATION IS WE MOVE BACK THROUGH THE PROCESS TO CHANGE FROM 4th STREET TO 3rd STREET.

SO WITH THAT, COUNCIL, I'M NOT SURE IF I CAN AMEND MY OWN ITEM. COUNCILMEMBER McCRACKEN OR COUNCILMEMBER THOMAS, PERHAPS MAKE A MOTION TO AMEND ITEM NO. 79 TO DIRECT THE CITY MANAGER TO INSTIGATE THE PROCESS OF CHANGING THAT DESIGNATION.

I'LL MAKE THAT MOTION TO -- FOR THE CITY MANAGER TO INSTIGATE THE PROCESS OF CHANGING THE DESIGNATED

RAIL CORPS CORPS CORRIDOR FROM 4th STREET TO 3rd STREET.

I SECOND THE MOTION.

IT WILL GO TO THE PLANNING COMMISSION ON A RECOMMENDATION FROM THE PLANNING COMMISSION.

THAT'S CORRECT.

COUNCILMEMBER SLUSHER.

THAT WAS MY QUESTION TO COME BACK TO ASK FOR FINAL APPROVAL, BUT ALSO IF WE COULD LOOK, WERE THERE ANY DECISIONS MADE AFFECTING YOUR TILTS THAT -- UTILITIES THAT WOULD HAVE TO BE UNDONE OR CHANGED AT THIS TIME ON 4th STREET? HAS THAT BEEN THE DESIGNATED AREA?

WE'LL DO A UTILITY AND COST ANALYSIS AND BRING THAT FORWARD TO YOU.

OKAY.

THANK YOU. MAYOR PRO TEM.

WE HAVE AN URBAN TRANSPORTATION COMMISSION. WILL IT GO THERE AS WELL?

I DON'T BELIEVE IT DID WHEN IT CAME THROUGH THE FIRST TIME. I THINK IT JUST WASN'T TO THE PLANNING COMMISSION.

DOESN'T THAT SEEM ODD IF WE HAVE AN URBAN TRANSPORTATION COMMISSION, OUGHT WE TO ASK SOMETHING BY THEM THAT HAS TO DO WITH URBAN TRAFFIC ISSUES?

WE CAN CERTAINLY TAKE IT THROUGH BOTH, BOTH COMMISSIONS.

THANKS.

MAYOR, ONE MORE THING, IT GOES WITHOUT SAYING BUT I'LL SAY IT ANYWAY, WE'LL BE WORKING WITH CAPITAL METRO ON THIS, AND MISS HUFFMAN AND I HAD A MEETING WITH MR. GILLIAM YESTERDAY -- I'M SORRY, YOU WERE THERE, TOO.

OKAY.

SO YOU WOULD RECALL THAT.

THAT'S RIGHT, I WOULD.

SO, ANYWAY, WE TALKED ABOUT HAVING REGULAR MEETINGS, AND IT WAS ABOUT THE WHOLE WORKING RELATIONSHIP, SO THIS WILL BE PART OF THAT.

THANK YOU, SO WOULD THE MAKERS OF THE MOTION CONSIDER IT, ALSO, A FAIR AMENDMENT TO INCLUDE THE URBAN TRANSPORTATION COMMISSION AS PART OF THE INITIAL REVIEW?

YES.

THANK YOU.

COUNCIL WE HAVE A MOTION AND A SECOND ON THE TABLE TO AMEND ITEM NO. 79, DIRECTING THE CITY MANAGER TO BEGIN THE ANALYSIS AND THE FORMAL PROCESS FOR THE REDESIGNATION OF THE CROSS DOWNTOWN RAIL CORRIDOR. FURTHER COMMENTS? COUNCILMEMBER McCracken.

MAYOR, I KNOW ONE OF THE THINGS THAT'S ATTRACTED THE SPONSOR'S INTEREST ON 3rd STREET IS 3rd STREET IS A UNIQUE SITUATION IN THE CITY OF AUSTIN, IT HAS 11 VACANT LOTS ON IT. TWO OF THE FOUR LOTS ON CONGRESS AVENUE AND 3rd ARE VACANT LOTS. WE'RE SEEING AN OPPORTUNITY FOR EXPLOSION OF DOWNTOWN LIVING. IT GETS CARS OFF THE ROAD AND PEOPLE WANT TO LIVE DOWNTOWN. THIS IS AN OPPORTUNITY TO HELP IT GO WHERE THE PEOPLE OF AUSTIN WANT US TO GO AND TO IMPROVE PEOPLES' QUALITY OF LIFE. SO THIS IS A REALLY -- IT ALSO REALLY WOULD IMPROVE PROSPERITY. IF THOSE 11

BUILDINGS BECAME MIXED BUILDINGS OF APARTMENTS AND RETAIL AND OFFICE THERE, IT WOULD ADD A LOT TO LIFE IN OUR CITY.

I'D LIKE TO ADD EARLIER TODAY THE COUNCIL APPROVED ITEM NO. 80 WHICH HAS RELEVANCE TO THIS ITEM, THAT IS THE CITY MANAGER IS DIRECTED TO DETERMINE THE BEST WAY AND THE COST TO CONVERT THE FIVE-BLOCK-LONG ONE-WAY SEGMENT OF CAESAR CHAVEZ TO TWO-WAY IN PART SHOULD THIRD STREET BECOME A DOWNTOWN CROSS RAIL CORRIDOR IN THE FUTURE WE'D LYLE USE THE ABILITY TO USE 3rd STREET AS THE WESTBOUND PAIR FOR CAESAR CHAVEZ, SO THIS WOULD GO HAND IN HAND WITH ITEM NO. 80. FOR THE COMMENTS ON ITEM 79. TELLIN FAVOR PLEASE SAY AYE. OPPOSED. MOTION PASSES ON A VOTE OF 7-0. SO, COUNCIL, I BELIEVE THAT'S ALL OUR DISCUSSION ITEMS. WE HAVE A FEW MINUTES BEFORE THE 4:00 ZONING HEARINGS, SO WITH THAT WE'LL GO INTO EXECUTIVE SESSION UNDER THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY I EEMS 90 RELATED TO THE -- I'M SORRY, ITEM 89 RELATED TO A LAWSUIT, BAIER VERSUS FREDDY YRIAS AND THE CITY OF AUSTIN. ITEM 91 AND POTENTIALLY ITEM 45. WE ARE NOW IN CLOSED SESSION. TEST TEST TEST THIS IS A TEST,

Mayor Wynn: QUIET, PLEASE, I APPRECIATE YOUR PATIENCE MUCH WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ITEMS 91 AND 45 PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT. ITEM 45 IS NOW WITHDRAWN FROM THE AGENDA. IT WILL NOT BE TAKEN UP. WE DID NOT TAKE UP ITEM NO. 89. LIKELY WILL DO THAT LATER TONIGHT. WE WILL NOW GO TO THE 4:00 ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. I WILL WELCOME MS. ALICE GLASGO.

GOOD AFTERNOON, MAYOR AND COUNCILMEMBERS, ALICE GLASGO DIRECTOR OF NEIGHBORHOOD ZONING DEPOSIT. OUR ZONING CASES FOR TODAY ARE AS FOLLOWS. ALL OF THE CASES UNDER DISCUSSION OF ZONING ORDINANCES AND RESTRICTIVE COVENANTS, I WILL START OFF WITH ITEM 105 WHICH IS THE FIRST CASE THAT IS ON FOR CONSENT. ITEM NO. ON 105 C 14-03125 THE WAGNER TRACT. LOCATED

AT I-35, STAFF IS REQUESTING A POSTPONEMENT TO ALLOW THE APPLICANT TO EXECUTE A RESTRICTIVE COVENANT. MAYOR, THAT IS THE ONLY CONSENT ITEM UNDER THIS PART OF THE AGENDA.

COUNCIL, WE HAVE A STAFF SUGGESTED POSTPONEMENT OF ITEM NO. 105 TO SEPTEMBER 30th, 2004, I WILL ENTERTAIN A MOTION.

THOMAS: SO MOVED, MAYOR.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS, I WILL SECOND THAT TOO POSTPONE ITEM 105 TO SEPTEMBER 30th, 2004. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER ALVAREZ TEMPORARILY OFF THE DAIS.

THAT TAKES US TO OUR 4:00 PUBLIC HEARING ITEMS, STARTS OFF WITH THE ZE ITEMS. Z-1 AND 3 HAVE BEEN WITHDRAWN, THEY REQUIRE NOTICE ACTION TO YOU. Z-2 IS RELATED TO Z-4, STAFF IS REQUESTING A POSTPONEMENT TO AUGUST THE 5th IN ORDER TO ADD AN ADDRESS OF -- THAT WAS ERRONEOUSLY OMITTED. TO Z-2 WE WILL ADD AND EAST 51st STREET TO THE ADDRESS. WHAT WE HAVE POSTED HERE IS THAT THE PROPERTY IS LOCATED AT 100 THROUGH 104 EAST 51st STREET. WHAT WE WILL ADD NEXT WEEK IS AND ZERO EAST 51st STREET.

Mayor Wynn: I'M SORRY, Z-1 AND DISPOOE 3 ARE BEING -- Z-3 ARE BEING WITHDRAWN?

YES.

Mayor Wynn: AND Z-2 AND 4, Z-4 POSTPONING TO AUGUST THE 5th, REQUESTING A POSTPONEMENT.

THANK YOU.

Glasgo: I WILL REPEAT THAT.

Mayor Wynn: EARLIER I HAD READ AS PART OF THIS MORNING'S CHANGES AND CORRECTIONS THAT ITEM -- THAT YOU WOULD BE REQUESTING THAT ITEM 103 ALSO BE POSTPONED, NORTH UNIVERSITY PLAN TO AUGUST 5th. IS THAT NO LONGER THE CASE?

Glasgo: YES, THAT IS STILL THE CASE. I ADMITTED THAT. NORTH UNIVERSITY BEING POSTPONED TO AUGUST THE 5th.

Mayor Wynn: YOU WILL STILL REQUESTING, SUGGESTING 103 TO BE POSTPONED AUGUST 5th. WE HAVE ALREADY POSTPONED 105 TO AUGUST 5th. I'M SORRY, SEPTEMBER 30th. COUNCIL I WILL ENTERTAIN A MOTION TO POSTPONE ITEM 103 TO AUGUST 5th, 2004.

MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM, FURTHER COMMENTS. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. FOLKS, WHAT WE ARE TRYING TO DO IS THE ONES THAT WE KNOW THAT WE ARE GOING TO POSTPONE, WE WOULD LIKE TO GET THEM OUT OF THE WAY SO FOLKS CAN GO HOME EARLY BEFORE WE GO THROUGH ALL OF THE READINGS OF ALL OF THE CASES. THANK YOU, MS. GLASGO.

Glasgo: OKAY, MOVING ON. I DID INDICATE THAT Z-3 HAS BEEN WITHDRAWN. NOW MOVING THROUGH SEQUENTIALLY. Z-4, C14-04-15 ON 51st STREET WE ARE POSTPONING TO REPOST TO HAVE THE CORRECT ADDRESS NOTED TO MATCH Z-2. Z-5, CASE C14-04-41, SHHH, THIS CASE IS LOCATED AT 807 NORTH BLUFF -- OAK BLUFF -- NORTH BLUFF DRIVE, RURAL RESIDENTIAL, AND N.O., NEIGHBORHOOD OFFICE, G.R., THE APPLICANT IS SEEKING A CHANGE TO SINGLE FAMILY 4 A, THE PLANNING COMMISSION HAS RECOMMENDED THIS REQUEST. IT'S READY FOR ALL THREE READINGS. ITEM NO. Z-6, C 14 R 86, RKT, THIS IS A RESTRICTIVE COVENANT TERMINATION FOR 807 NORTH BLUFF DRIVE, THAT IS RECOMMENDED FOR YOUR

APPROVAL. ITEM Z-7, C14-04-65, COVENANT PRESBYTERIAN CHURCH, LOCATED AT 3003 NORTH LAND DRIVE. THE EXISTING ZONING IS G.O. WITH A CONDITIONAL OVERLAY. THE APPLICANT IS SEEKING TO MODIFY THE CONDITIONAL OVERLAY. THE -- THE ZONING AND PLATTING COMMISSION HAS RECOMMENDED THAT MODIFICATION AND THE CASE IS READY FOR ALL THREE READINGS WITH GOVMENT-C.O. -- GOVMENT-C.O. Z-8, C14-04-57, MERCY OF GOD PRAYER CENTER LOCATED AT 2405 EAST YAGER LANE, THE EXISTING ZONING IS INTERIM RURAL RESIDENTIAL. APPLICANT SEEKING A CHANGE TO G.R.-C.O. ZONING ZONINGS RECOMMENDS G.R.-C.O., THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-9, C14-04-67, THIS CASE IS LOCATED AT 5607, 5611 AND 5701 TRAVIS COOK ROAD, THE EXISTING ZONING IS RURAL RESIDENTIAL. THE REQUEST FOR SINGLE FAMILY 3, WHICH HAS BEEN RECOMMENDED BY THE COMMISSION AND IS READY FOR ALL THREE READINGS. ITEM NO. Z-9 WILL BE A DISCUSSION ITEM. WE HAVE ONE CITIZEN SIGNED UP TO SPEAK. Z-11 WILL BE A DISCUSSION. Z-12, C14-04-24, BRODIE 31, WE RECEIVED A LETTER FROM THE NEIGHBORHOOD ASSOCIATION REQUESTING A POSTPONEMENT TO AUGUST THE 26th. THIS IS THE NEIGHBORHOOD'S FIRST REQUEST, ALTHOUGH NOT TIMELY. BUT IT IS THEIR FIRST REQUEST. Z-13 IS A DISCUSSION ITEM. MAYOR, THAT CONCLUDES THE CONSENT UNDER THIS SEGMENT OF THE AGENDA.

Mayor Wynn: COUNCIL, JUST A QUICK NOD HERE. WE HEARD OF COURSE OUR TRADITION GENERALLY IS TO GRANT THE REQUEST, POSTPONEMENT REQUEST, THE FIRST REQUEST FOR POSTPONEMENT AND THAT IS THE CASE ON Z-12, ALTHOUGH IT WASN'T TIMELY. WITHOUT OBJECTION, COUNCIL IS PREPARED TO MAKE THAT POSTPONEMENT VOTE.

Slusher: FOR HOW LONG?

Mayor Wynn: THE REQUEST WAS TO AUGUST 26th, I BELIEVE.

THAT'S CORRECT.

WE WILL ROUTINELY POSTPONE A MONTH ON -- WE GRANT

THE REQUEST, BUT --

THE OWNER IS OPPOSED TO THE -- TO THE LENGTH OF TIME OF POSTPONEMENT. ON -- ALTHOUGH IT'S THE FIRST REQUEST.

Mayor Wynn: ITEM Z-12. CAN WE HEAR FROM THE APPLICANT OR OWNER?

YES, MAYOR, MY NAME IS PAUL LINEHAN, REPRESENTING THE APPLICANT. WE DID OUR PREAP P.U.D. TO THE CITY ON AUGUST 29th OF LAST YEAR. WE GOT STAFF -- STAFF SUPPORT ON THAT AND SUBMITTED ON FEBRUARY 11th11th, WE HAVE MET WITH THE NEIGHBORHOOD GROUP FIVE TIMES. WE DO NOT BELIEVE THAT ANY TIME FOR POSTPONING IS GOING TO CHANGE ANYTHING. AS FAR AS THEY ARE LOOKING TO -- TO TRY TO HAVE YOU DO A NEIGHBORHOOD COMPREHENSIVE PLANNING STUDY ON THIS AREA. AND IF YOU WOULD LOOK AT -- -- IF YOU WOULD LOOK AT THIS BOARD, THIS IS THE AREA FOR WHICH YOU DO THE COMPREHENSIVE PLANNING ON. THE COMPREHENSIVE PLAN HAS ALREADY BEEN DONE. WE BROUGHT THIS TRACT TO YOU TWO YEARS AGO. THIS IS A CITY, CHERRY CREEK NEIGHBORHOOD ASSOCIATION, THIS IS THE PRESERVE. NOT MUCH TO STUDY. AND -- AND THOSE FIVE MEETINGS, ONE OF THEM WAS WITH THE CITY'S STAFF AND THE TRAFFIC ENGINEERS AND WE ACTUALLY BELIEVE THAT WE ARE SOLVING SOME OF THE NEIGHBORHOOD'S PROBLEMS WITH THIS -- WITH THIS P.U.D. ZONING REQUEST. SO WE DO NOT BELIEVE THAT THERE'S GOING TO BE ANY FRUITFUL BENEFIT FROM -- FROM DOING A CHARETTE STUDY OR ANY TYPE OF POSTPONEMENT. WE ARE ASKING TO BE HEARD TONIGHT. READY FOR ALL THREE READINGS MUCH WE WE HAVE A SIGNED RESTRICTIVE COVENANT. UNANIMOUS RECOMMENDATION FROM THE ENVIRONMENTAL BOARD. NO VARIANCES. WE ARE S.O.S., 25% IMPERVIOUS COVER AND HAVE RECOMMENDATION BY THE PLANNING COMMISSION.

I UNDERSTAND MR. LINEHN, BUT THE LONG STANDING TRADITION IS TO GRANT FIRST REQUESTS FOR POSTPONEMENTS.

Slusher: MAYOR, CAN WE HEAR -- I GUESS WE SHOULD HEAR

FROM THE NEIGHBORHOOD WHY THEY WANT TO HAVE FOUR WEEKS. WHEN DID YOU SAY, AUGUST 26th?

THAT'S WHAT THEY ARE ASKING FOR, WE ARE TOTALLY AGAINST IT.

Slusher: THAT WOULD GIVE YOU A NICE ROUND YEAR
[LAUGHTER]

JUST KIDDING.

I GUESS IT WOULD. WORST CASE WE JUST -- WE WOULD JUST BE, YOU KNOW, TO KEEP UP YOUR TRADITION. BUT -- BUT WE JUST DIDN'T FEEL LIKE IT WAS NECESSARY.

GREETINGS, MAYOR, COUNCILMEMBERS, STAFF. THE REASON WE ARE ASKING FOR FOUR WEEKS, AS YOU KNOW, WE'VE BEEN ASKING FOR PLANNING, BUT I THINK THAT IT'S KIND OF MISCONSTRUED A LITTLE BIT OR MISREPRESENTED BY THE APPLICANT'S AGENT JUST NOW. WE ARE NOT ASKING FOR THE COMPREHENSIVE NEIGHBORHOOD PLANNING. WE KNOW THAT WE ARE NOT GOING TO GET THAT. WE ARE ASKING TO DO A PLANNING CHARETTE FOR THE FOUR CORNERS THAT'S GOING TO BE THE NEXUS OF DAVIS LANE AND BRODIE LANE. WE HAVE ALREADY REACHED OUT TO AN ARCHITECT WHO IS GOING TO FACILITATE THE PLANNING. OUR NEIGHBORHOODS ARE IN LINE. WE REALIZE THAT TIME IS OF THE ESSENCE. WE THINK THAT WE CAN GIVE YOU A PLAN THAT SHOWS SOME ALTERNATIVE USES OUT OF THE BOX IN THOUGHT THAT WILL ADDRESS THE DEVELOPER'S NEED TO GET A RETURN FOR HIS INVESTMENT IN THE LOCAL -- AND THE LOCAL COMMUNITY'S DESIRE TO HAVE A NON-BRANDED ENDURING QUALITY INFRASTRUCTURE THAT WILL -- THAT WILL, YOU KNOW, BENEFIT THE LOCAL COMMUNITY, LONG AFTER THE INDIVIDUAL TENANTS ROLL ON. IF WE WERE TO GO TONIGHT, WE WOULD SAY FLAT OUT NOTHING BUT LIGHT OFFICE, NEIGHBORHOOD SERVICES. THAT'S NOT GOING TO BENEFIT THE DEVELOPER AT ALL. FOR WHAT THEY WANT TO DO, THE TYPE OF RETURN THEY NEED TO GET. WE ARE WILLING TO THINK A LITTLE BIT DIFFERENTLY ABOUT THIS. AND THE LAST FOUR WEEKS WE HAVE WORKED HARD TO LINE EVERYONE OUT TO GET FUNDING. WE ARE A VOLUNTARY ASSOCIATION. WE DON'T HAVE DEEP POCKETS.

BUT WE HAVE COME UP WITH THE MONEY TO FUND THIS OURSELVES. IT'S REALLY CLOSE TO OUR HEARTS AND IT'S DEAR TO THE COMMUNITY. WE DON'T FEEL THAT FOUR WEEKS IS ASKING TOO MUCH TO COME FORWARD WITH A PLAN THAT MAYBE GIVES YOU JUST A LITTLE BIT DIFFERENT AND BETTER PERSPECTIVE ON THIS PROJECT.

COUNCILMEMBER ALVAREZ.

Alvarez: MAYOR, I THINK WE HEARD I GUESS AT OUR LAST MEETING A DISCUSSION, OR WE HAD A DISCUSSION ABOUT -- ABOUT HARRIS BRANCH PROPOSAL RIGHT ACROSS THE STREET FROM HERE. THERE IS A LOT OF ACTIVITY IN THIS PARTICULAR AREA. WITH THE HARRIS BRANCH PROJECT. DON'S GRASS WHO MOVED FROM WHERE THE NEW LOWE'S IN THE SUNSET VALLEY AREA DISPLACED DON'S GRASS TO THIS AREA HERE NEAR DAVIS LANE. THEN JUST ON THE OTHER SIDE OF DON'S GRASS IS A PRETTY LARGE APARTMENT COMPLEX THAT'S ALSO BEEN REDEVELOPED. ACROSS FROM THAT IS ANOTHER COMMERCIAL RETAIL CENTER THAT'S ALREADY BEEN APPROVED. AND SO I DO THINK THAT IT'S WORTH AT LEAST FROM MY POINT OF VIEW SORT OF LOOKING AT THE IMPACTS OF ALL OF THESE COMBINED TO SEE RETAIL-WISE WHAT ARE THE USES THAT ARE PROPOSED AND MAY BE DEVELOPED AND JUST HOW ALL OF THESE AFFECT -- AFFECT THAT AREA BECAUSE I THINK THERE IS GOING TO BE INCREDIBLE TRAFFIC IMPACT AND PROBABLY -- PROBABLY IF -- IF -- I THINK IT'S REASONABLE TO GIVE THE NEIGHBORHOOD MORE TIME TO TRY TO GRAPPLE WITH THIS. WE ARE NOT GOING TO HAVE OUR PLANNING FOLKS TO TRY TO GO OUT THERE AND FACILITATE SOME KIND OF PROCESS, THEN CERTAINLY GIVING THEM TIME TO WITH THEIR OWN RESOURCES AND HELP -- GET SOMEONE TO FACILITATE OR HELP THEM UNDERSTAND HOW ALL OF THESE THINGS ARE GOING TO AFFECT THE AREAS IN WHICH THEY LIVE. SO I WOULD SUPPORT THE FOUR -- FOUR WEEK POSTPONEMENT MYSELF.

Dunkerly: I WOULD LIKE TO ASK, HAVE YOU DONE A TRAFFIC ANALYSIS OF YOUR PROJECT, CAN YOU KIND OF --

MY NAME IS BILL WALTERS, THE OWNER OF THE TRACT, AS

WELL AS THREE OF THE OTHER FOUR CORNERS OF DAVIS AND BRODIE LANE. LET ME CLARIFY TWO THINGS PLEASE, MS. DUNKERLY BEFORE I ANSWER YOUR QUESTION. FIRST I WAS HERE ON JUNE 17th, IF YOU REMEMBER, COUNCILMEMBER SLUSHER, WHO HAD A DISCUSSION ABOUT MY WIFE'S RECOMMENDATION THAT I -- THAT -- NOT RECOMMENDATION, SOLE REQUIREMENT, THAT I WAS UNAVAILABLE ON THE 24th OF JUNE. I -- I THOUGHT THAT I WAS WORKING IN THE BEST INTERESTS OF THE NEIGHBORHOOD AS WELL AS THE -- THE PROJECT IN THE DISCUSSION THAT WE HAD ABOUT HARRIS BRANCH AND ITS POSTPONEMENT AND THIS 31 DEERFIELD CASE AND ITS POSTPONEMENT. SINCE JUNE 17th I HAVE NOT HEARD ONE WORD, ORAL, WRITTEN, E-MAIL OR OTHERWISE FROM THIS NEIGHBORHOOD UNTIL 4:30 YESTERDAY. THEY ARE, NUMBER ONE, I THINK THAT'S INCONSISTENT WITH ANY TYPE OF GOOD FAITH TO WORK WITH ME IN ANY REGARD. NUMBER 2, THEY MISSED THE DEADLINE PER MS. GLASGO ABOUT WHEN FORMAT MALL POSTPONEMENTS ARE AS I UNDERSTAND IT. 4:38 YESTERDAY AFTERNOON. TO FURTHER CLARIFY, THEY ARE ASKING FOR A GROUP MEETING CHARETTE DESIGN CENTER, WHATEVER YOU WANT TO CALL IT, ON PROPERTIES THAT ARE ZONED FINAL PLATTED, FULLY SERVED, AND HAVE BEEN SO OVER THE LAST 10 YEARS. OKAY? THEY ARE REOPENING AND ASKING FOR DESIGN WORK ON CASES THAT ARE NOT EVEN PENDING THAT ARE LONG DONE. OKAY? HIGHLY, HIGHLY, UNUSUAL AND SOMETHING -- SOMETHING YOU KNOW THAT I HAVE NEVER BEEN REQUESTED TO PARTICIPATE IN. I HAVE SET A STANDARD ON BRODIE LANE THAT -- THAT MANY PEOPLE, MOST PEOPLE IN THIS ROOM KNOW AND MANY CITIZENS THROUGHOUT THE CITY WITH MY SUNSET VALLEY VILLAGE PROJECT AND OTHERS. I THINK THAT I WILL LET MY REPRESENTATION AND -- REPUTATION AND HISTORY SPEAK FOR ITSELF, BUT FOR A NEIGHBORHOOD GROUP TO GO TO THESE LEVELS SINCE THE JUNE 17th MEETING, I JUST THINK THAT IT'S UNCONSCIONABLE. AND MS. DUNKERLY I'M HAPPY TO ANSWER YOUR QUESTION. WE DO HAVE A TRAFFIC IMPACT ANALYSIS, IT HAS BEEN DONE ON ALL FOUR TRACTS AND HAVE BEEN UPDATED REPEATEDLY INCLUDING THIS ONE. COUNCILMEMBER MCCracken?

McCracken: I HAD AN ADMINISTRATIVE QUESTION. IF -- LIKE IF WE DID POSTPONE A WEEK OR TWO, WOULD THAT BE FOR FIRST READING ONLY SO THAT IT WOULD BE POSSIBLE THAT EVERYBODY COULD ACHIEVE WHAT THEY APPARENTLY SEEK TO ACHIEVE, WHICH IS THREE READING PROCESS AND ALSO THE ONE-MONTH PERIOD THAT -- THAT -- OR WAS IT ANTICIPATED THAT IT WILL ALL BE DONE IN ONE READING?

WE ARE READY TONIGHT FOR ALL THREE READINGS, WE ARE READY TO GO.

WE HAVE A RESTRICTIVE COVENANT AND A P.U.D. WORKED OUT WITH THE CITY.

FURTHER COMMENTS OR QUESTIONS REGARDING A POSTPONEMENT ON Z-12?

Slusher: GO FOR TWO WEEKS. MAYBE WE CAN DO WHAT COUNCILMEMBER MCCRACKEN SAID COULD HAPPEN.

OKAY. SO COUNCIL THEN WITHOUT -- WITHOUT OBJECTION, I WOULD LIKE TO ROLL THAT INTO THE LARGER CONSENT AGENDA ON THE ZONING Z CASES, WHICH WILL BE ITEMS Z-1 AND 3 WITHDRAWN FROM THE AGENDA, ITEM Z-2 AND 4, POSTPONED TO AUGUST 5th, 2004. ITEM Z-5 APPROVAL ON ALL THREE READINGS. ITEM Z-6 APPROVAL OF THE RESTRICTIVE COVENANT TERMINATION. ITEM Z-7, Z-8, Z-8, APPROVED ON ALL THREE READINGS. ITEM Z-12 POSTPONED TO AUGUST 12th, 2004.

Slusher: MAYOR I HAVE A COUPLE OF QUESTIONS?

LET'S ENTERTAIN THE MOTION FIRST. MOVED BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE AGENDA ITEM AS READ. OKAY.
COUNCILMEMBER SLUSHER?

Slusher: OKAY. ON Z-7, MY UNDERSTANDING, OKAY, THEY ARE ASKING FOR WHAT'S THE HEIGHT LIMIT? THEY ARE ASKING TO CHANGE THE HEIGHT LIMIT; IS THAT RIGHT?

WHICH ITEM, COUNCIL?

Z-7, COVENANT PRESBYTERIAN.

TO ALLOW THE HEIGHT THAT IS ALLOWED UNDER G.O.
ZONING, WHICH IS 60 FEET.

Slusher: IT'S NOW AT 46. FOR SOME REASON IT'S RESTRICTED
TO 46. I'M THINKING THAT MUST HAVE BEEN THE PRODUCT
OF SOME SORT OF NEGOTIATION.

CORRECT. THIS TIME AROUND THEY -- THEY HAVE WORKED
WITH THE NEIGHBORHOOD, THEY HAVE EXPLAINED THE
NEED FOR -- FOR -- TO REMODEL THE -- THE CHURCH AND
ALSO TO HAVE OFFSITE PARKING, THEY NEED THE G.O.
ZONING IN ORDER TO BE ABLE TO HAVE OFFSITE PARKING
TO HAVE -- TO HAVE FOLKS PARK ELSEWHERE AND COME TO
THE SITE. SECONDLY, THEY ARE SUBJECT TO COMPATIBILITY
STANDARDS BECAUSE THEY ARE A CHURCH. THEY WOULD
HAVE TO -- THEY WOULD HAVE TO GO TO THE BOARD OF
ADJUSTMENT TO BE ABLE TO ACHIEVE HEIGHT BEYOND
WHAT COMPATIBILITY WOULD ALLOW.

Slusher: SO THEN BOTH PARTIES OR ALL PARTIES TO THE
NEGOTIATION LAST TIME THAT ENDED UP WITH THE
AGREEMENT OF 46 FEET ARE NOW IN AGREEMENT OF
CHANGING THAT?

Glasgo: THAT'S MY UNDERSTANDING. WENT TO THE
COMMISSION ON APPROVAL AND HERE TODAY WE DON'T
HAVE ANYBODY SIGNED UP TO SPEAK. AND AS FAR AS I
KNOW, THE ONLY CALLS I RECEIVED ARE FROM -- FROM --
FROM THE CHURCH PARTICIPANTS AND NOT FROM --

Slusher: IS SOMEONE FROM THE CHURCH HERE? CAN YOU
COME UP TO THE MIC, PLEASE.

GOOD EVENING, I'M BOBBIE JO CORNEALUS WITH SITE
SPECIFICS, I'M HERE REPRESENTING THE SPARKS TONIGHT.

THERE WAS SOME -- WITH THE NEIGHBORHOOD
ORGANIZATION, EARLIER THERE WAS A NEGOTIATION THAT
ENDED UP WITH THIS 46-FOOT RESTRICTION. DID THE
CHURCH GO BACK TO THE SAME FOLKS AND NOW

NEGOTIATE TO REMOVE THAT.

YES. WHEN WE SUBMITTED THE ZONING CASE, WE HAD LETTERS OF APPROVAL FROM THE NEIGHBORHOOD AT THAT TIME.

Slusher: OKAY. THANK YOU. THEN ON Z-9, I AM -- I WANT TO -- I KNEE TO PULL THAT ONE BECAUSE I DON'T UNDERSTAND WHY IT WOULD GO TO S.F. 3. YOU EVER GOT -- IT'S NEXT TO R.R. AND BACKS UP TO S.F. 2, I'M NOT SURE WHY WE WOULD GO TO S.F. 3 ON THIS ONE. I'M CONCERNED ABOUT THAT PRECEDENT. SO SORRY TO DRAG OUT THE MEETING.

Mayor Wynn: THAT'S FINE, MAYOR PRO TEM AS THE MAKER OF THE MOTION, WILL YOU CONSIDER PULLING Z-9 OFF THE AGENDA, FRIENDLY AMENDMENT. COUNCILMEMBER THOMAS? PULL Z-9 OFF THE CONSENT AGENDA PER COUNCILMEMBER SLUSHER'S REQUEST. OKAY. I HAVE ONE OTHER COMMENT. THERE MAY BE A POSTPONEMENT REQUEST ON ITEM NO. Z-10. MR. --

Z-10 IS, I HAVE IT DOWN AS A DISCUSSION ITEM. ONE CITIZEN SIGNED UP TO SPEAK AGAINST ON Z-13 ON WALLGREEN'S, I HAVE BEEN HANDED A NOTE THAT THE APPLICANT WOULD LIKE A POSTPONEMENT FOR TWO WEEKS TO AUGUST THE 12th. IS THAT --

Mayor Wynn: SORRY Z-13?

Glasgo: Z-13 WALLGREEN'S, THE APPLICANT'S FIRST REQUEST.

Mayor Wynn: FOR TWO WEEKS?

Glasgo: YES. JUST GOT THE REQUEST.

Mayor Wynn: BEFORE WE TAKE UP THAT, ON ITEM Z-10, MR. ZIMMERMAN?

YES, MAYOR, THERE ARE A FEW PEOPLE THAT WANTED TO SPEAK AGAINST THE REZONING WHO COULDN'T BE HERE THIS EVENING. THAT'S THE ONLY REASON THAT I WAS SUGGESTING THAT THAT BE DELAYED. THERE ARE SOME

PEOPLE OUT OF TOWN, TRAVELLING IN CALIFORNIA. SO THEY CAN'T BE HERE TO SPEAK IN PERSON.

Mayor Wynn: ESSENTIALLY, MR. ZIMMERMAN, YOU ARE SPEAKING FOR THE -- ESSENTIALLY THE NEIGHBORHOOD OPPOSITION ON Z-10.

THE NORTHWEST AUSTIN M.U.D. TO BE SPECIFIC, YEAH. I'M REPRESENTING THE M.U.D. AS THE PRESIDENT OF THE M.U.D. THE MUNICIPAL UTILITY DISTRICT IN CANYON CREEK.

Mayor Wynn: MS. GLASGO, CAN YOU CONFIRM, IS THIS A FIRST REQUEST, IS IT --

Glasgo: I THOUGHT HE SIGNED UP AGAINST TO SPEAK, I THOUGHT HE WANTED TO DISCUSS THE ITEM. THE AGENT INDICATED THAT THE REASON HE THOUGHT THAT HE WAS OPPOSED WAS TO ASK FOR -- TO BE INCLUDED IN THE M.U.D. AND MR. LINEHAN CAN CORRECT THAT. WE HAVE A RESTRICTIVE COVENANT SIGNED BETWEEN THE APPLICANT AND THE NEIGHBORHOOD ASSOCIATION IN THE AREA. THE SHOAL CREEK -- SORRY, THE -- THE CANYON CREEK NEIGHBORHOOD ASSOCIATION -- HOMEOWNERS ASSOCIATION, SO -- SO HE MUST BE SPEAKING ABOUT THE M.U.D.

THAT'S CORRECT. THE MUNICIPAL UTILITY DISTRICT. WE WEREN'T INCLUDED IN THOSE DISCUSSIONS. THEY CHOSE TO LEAVE THE M.U.D. OUT OF THOSE COVENANT RESTRICTION DISCUSSIONS.

OKAY.

Glasgo: MR. LINEHAN INDICATES THAT THE PROJECT IS NOT IN THE MUNICIPAL UTILITY DISTRICT, THAT'S WHY HE DID NOT INCLUDE THEM. BUT --

Mayor Wynn: ACTUALLY, COUNCILMEMBER ALVAREZ?

Alvarez: YEAH, WAS IT, MR. ZIMMERMAN I BELIEVE YOU ALL REQUESTED A POSTPONEMENT LAST TIME THAT WAS GRANTED?

WELL, ACTUALLY THE M.U.D. DIDN'T. THIS IS THE FIRST TIME THAT I'VE COME. I WAS HERE ABOUT A MONTH AGO THAT THIS WAS ON THE AGENDA, I DON'T KNOW WHO PUSHED IT BACK AT THAT POINT. MAYBE IT WAS THE HOA THAT PUSHED IT BACK. I WAS HERE IN PERSON, I DIDN'T HAVE ANYTHING TO DO WITH THAT POSTPONEMENT. I DON'T KNOW WHO POSTPONED IT BACK THEN. I WAS HERE READY ABOUT A MONTH AGO AND IT DIDN'T HAPPEN. AGAIN, I WOULD BE HAPPY TO GO FORWARD. IF WE ARE JUST MISSING A COUPLE OF KEY PEOPLE. THEY WILL BE HERE IN TWO WEEKS. WELL, WHENEVER THE NEXT MEETING IS THAT YOU COULD BRING IT UP, THEY COULD BE HERE.

MR. LINEHAN, PERHAPS YOU CAN SHED SOME LIGHT. REMIND US FRANKLY ABOUT THE TIMING AND FORMAL POSTPONEMENT.

WE HAD A POSTPONEMENT WITH THE CANYON CREEK NEIGHBORHOOD ASSOCIATION JUNE 17th AND POSTPONED IT. SINCE THAT TIME IT WORKED OUT FROM A LETTER AGREEMENT, A RESTRICTIVE COVENANT. THAT WE HAVE SIGNED WITH THE NEIGHBORHOOD. THIS IS -- THIS TRACT IS OUTSIDE THE CON I DON'T KNOW CREEK -- CANYON CREEK MUD. ALSO IN THE CITY OF AUSTIN SERVICE AREA SO THERE WAS NO REASON TO EVER -- IT WAS OUR UNDERSTANDING MR. ZIMMERMAN -- UNDERSTANDING FROM MR. ZIMMERMAN, THAT HE WANTED THIS TRACT IN THE CANYON CREEK M.U.D. AND THE CITY OF AUSTIN WASN'T ACCEPTABLE TO THAT, NEITHER WERE WE, THERE WAS NO REASON TO HAVE DISCUSSION ABOUT IT. THIS IS THE FIRST TIME THAT MR. ZIMMERMAN APPROACHED ME PERSONALLY OR ASKED ANY QUESTIONS ABOUT -- AGAINST THIS PROJECT. WE HAVE BEEN DEALING WITH THE NEIGHBORHOOD ASSOCIATION AND EVERYONE AROUND IT AND WE HAVE NOT DEALT WITH THE M.U.D. BECAUSE WE ARE OUTSIDE OF THE M.U.D. AND WE KNEW THAT WE HAD CITY OF AUSTIN SERVICE. SO WE DIDN'T FEEL LIKE IT WAS -- IT WAS APPROPRIATE.

Mayor Wynn: COUNCIL, THE FACT THAT WE ARE GOING TO HAVE IT AS A DISCUSSION ITEM ANYWAY, MR. ZIMMERMAN WILL HAVE THE CHANCE TO SPEAK, WE HAVE A SIGNED RESTRICTIVE COVENANT WITH THE NEIGHBORHOOD

ASSOCIATION AND A FORMER POSTPONEMENT, I WOULD RECOMMEND THAT WE KEEP IT ON THE -- IF WE CONTINUE TO HAVE JUST A DISCUSSION ITEM THIS EVENING ON Z-10.

Goodman: MAYOR?

Mayor Wynn: MAYOR PRO TEM?

Goodman: LET ME THROW A LITTLE DEVIL'S ADVOCACY IN HERE. ON OTHER OCCASIONS WHEN ONE PROPERTY OWNER AS OPPOSED TO MANY, AS MR. ZIMMERMAN IS TALKING ABOUT, WAS THE REASON THAT WE GAVE AN EXTRA POSTPONEMENT TO TRY TO MAKE SURE THAT ALL WERE INFORMED OF -- OF THE POTENTIAL PLAN. AND I DON'T WANT TO DO THIS EITHER, KIND OF A BLIND SIDE. I DO THINK IT'S APPROPRIATE, EVEN IF SOMEBODY IS NOT IN THE CITY, IF THERE ARE NEIGHBORS -- AND WANT TO -- SINCE MR. LINEHAN YOU HAVE TO COME BACK ON THE OTHER ONE, WHAT WOULD IT DO TO YOU TO ADD THIS ONE --

PERSONALLY, I'M GOING TO BE HERE IN TWO WEEKS ANYWAY, SO I DON'T THINK IT'S GOING TO MAKE THAT MUCH OF A DIFFERENCE. I WOULD LIKE FOR MR. ZIMMERMAN TO GET IN TOUCH WITH ME, DO WHATEVER I CAN TO ADDRESS HIS QUESTIONS.

I WOULD LOVE TO SPEAK TO THAT. I THINK THE WAY THAT COULD HAPPEN IS IF MR. EPRIGHT WOULD RETURN MY PHONE CALLS OR IF YOU WOULD, THAT WOULD WORK FINE. RETURN THE PHONE CALLS, WE CAN TALK.

HON RATIONAL MAYOR PRO TEM MAY I RESPOND. I'M HERE ON BEHALF OF THE NEIGHBORHOOD, IT WAS UPON THE NEIGHBORHOOD'S REQUEST FOR CONTINUANCE IN JUNE IT WAS POSTPONED. A MONTH PRIOR TO THAT IT WAS UPON REQUEST OF THE DEVELOP FOREA ONE MONTH PEOPLE. THIS HAS BEEN GOING ON FOR A VERY LONG TIME AND THE NEIGHBORHOOD ASSOCIATION, WHO ENTERED INTO A RESTRICTIVE COVENANT AFTER A LONG NEGOTIATIONS AND SEVERAL MEETINGS WITH WHICH THE M.U.D. DIRECTOR WAS INCLUDED THROUGHOUT, WE ARE READY TO MOVE ON. I AM WORKING PRO BONO AS A LAWYER IN THIS, IT IS TIME AND MONEY FROM ME, FOR A LOT OF THE NEIGHBORS WHO

CONTINUE TO BE INVOLVED. EVERYONE WAS NOTIFIED OF IT BY WRITTEN NOTICE AND ADDITIONALLY WE HAD ENTIRE WEBSITE. THOSE PEOPLE PARTICIPATED IN -- AND SELECTED TO GO FORWARD WITH THE RESTRICTIVE COVENANT. I WOULD ASK THAT IT NOT BE POSTPONED AND BE CONTINUED AND ACTUALLY GO FORWARD WITH ALL THREE READINGS.

Goodman: I UNDERSTAND. I THANK YOU FOR ALL OF THE EXTRA EFFORT THAT YOU HAVE GONE THROUGH. BUT AGAIN IF YOU WERE LISTENING WHEN I FIRST STARTED TALKING ABOUT THIS, IN OTHER TIMES, IN OTHER CASES, WE HAVE FOR OTHER SINGLE PROPERTY OWNERS, NOT REPRESENTING A LARGER BODY, WHEN THEY SEEM TO BE UNINFORMED, SOMETIMES I'M SURE THAT WAS LEGITIMATE, OTHER TIMES MAYBE NOT, BUT IT'S NOT POSSIBLE FOR US TO DECIDE THE LEGITIMACY, WE DO HAVE SOMEONE WHO WOULD -- WHO HAS NOT ASKED FOR POSTPONEMENT BEFORE, WHO IS A NEIGHBOR AND IS REPRESENTING A FEW PROPERTY OWNERS AT THE VERY LEAST. WE TRY TO EXTEND THE COURTESY JUST TO MAKE SURE. I UNDERSTAND YOUR HARDSHIP, BUT THERE ARE A LOT OF PEOPLE AROUND WHO FIND OUT ABOUT THINGS AT THE LAST MINUTE OR WHO WANT TO JUST -- JUST KIND OF GET SOME CLOSURE ON SOME ISSUES. ALWAYS HELPS US, TOO, BECAUSE THERE MAY BE OPPOSITION THAT'S UNNECESSARY, THEN IT DOESN'T COME UP AT THE NEXT TIME THAT WE TALK ABOUT IT, SO I'M ASKING FOR THIS COURTESY FOR THOSE -- FOR THOSE HOMEOWNERS WHO AREN'T IN YOUR ASSOCIATION.

OKAY. THANK YOU.

THANK YOU VERY MUCH.

Mayor Wynn: MAYOR PRO TEM, AS THE MAKER OF THE MOTION ON THE CONSENT AGENDA --

Goodman: AMENDING MY MOTION.

Mayor Wynn: SO YOU ARE INCLUDING ITEM Z-10 FOR A POSTPONEMENT TO -- TO AUGUST 12th, 2004?

Goodman: IS THAT THE SAME AS THE --

Mayor Wynn: YES. COUNCILMEMBER THOMAS DO YOU CONSIDER THAT A FRIENDLY AMENDMENT?

Thomas: YES, MAYOR.

Mayor Wynn: OKAY. SO, COUNCIL, THE CONSENT AGENDA WILL BE, AGAIN ITEMS Z-1 AND Z-3 WITHDRAWN FROM THE AGENDA, Z-2 AND 4 POSTPONED TO AUGUST 5th, 2004. Z-5 APPROVED ON ALL THREE READINGS. Z-6 APPROVAL OF THE RESTRICTIVE COVENANT TERMINATION. Z-7 AND Z-8 APPROVED ON ALL THREE READINGS. Z-10 -- ALL THREE READINGS. Z-10 POSTPONED TO AUGUST 12th 2004. Z-12 POSTPONED TO AUGUST 12th 2004. MOTION AND SECOND IS ON THE TABLE. FURTHER DISCUSSION?

McCracken: Z-13 POSTPONED ALSO.

Mayor Wynn: THANK YOU. NOW THE APPLICANT ON Z-13 HAS REQUESTED A POSTPONEMENT FOR HOW LONG?

TWO WEEKS, AUGUST 12th.

Mayor Wynn: AUGUST 12th. THAT'S THE FIRST REQUEST OF THE APPLICANT?

Glasgo: YES.

Mayor Wynn: OKAY. SO MAYOR PRO TEM YOU CONSIDER THAT A FRIENDLY AMENDMENT. I BET YOU DO. WE ALL DO. THANK YOU ALL VERY MUCH. COUNCILMEMBER THOMAS? OKAY. SO WE WILL INCLUDE A POSTPONEMENT OF Z-13 TO AUGUST 12th, 2004. FURTHER DISCUSSION ON CONSENT AGENDA?

MAYOR, I HAVE A QUICK --

[ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

ALL THOSE IN FAVOR SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7 TO 0. THANK YOU ALL VERY MUCH, MS.

GLASGOW.

THANK YOU.

EXCUSE ME, IF YOU COULD TAKE YOUR CONVERSATIONS OUT IN THE FOYER, WE APPRECIATE IT. WE'RE GOING TO KEEP MOVING ON WITH BUSINESS. THANK YOU VERY MUCH.

GOOD EVENING MAYOR, COUNCIL, I'M MARK WALTERS IN THE PLANNING AND ZONING DEPARTMENT. I'M HERE TO PRESENT ITEMS 102 AND 104 AND 99. IT'S THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN AND THE NEIGHBORHOOD PLAN COMBINING DISTRICTS TO IMPLEMENT ZONING FOR THE WEST UNIVERSITY AND HANCOCK NEIGHBORHOOD PLANNING AREAS. THIS EVENING, I'D LIKE TO VARY SLIGHTLY FROM THE MOTION SHEET THAT WE HANDED OUT. WE'D LIKE TO RECOMMEND THAT COUNCIL TAKE ACTION ON SECOND READING TO APPROVE THE PLAN AND TO APPROVE NO. 2 AND TO POSTPONE THE SECOND READING UNTIL AUGUST 5th. THAT WILL PROVIDE TIME FOR STAFF TO IDENTIFY -- FULLY IDENTIFY ALL THE CONTESTED CASES, AND WE'LL BRING THEM BACK ON AUGUST 5th, AND THEN TRY TO HAVE ALL THOSE CONTESTED CASES READY FOR THE FINAL AND THIRD READING ON AUGUST 12th.

SO...

FROM THE MOTION SHEET, IT WOULD BE MOTIONS 1 AND 2 AND THEN POSTPONED MOTION 4, WHICH WOULD BE ITEMS 102 AND 104. AND APPROVE ITEM 99 ON SECOND READING WITH THE ADDITION OF CHANGING TRACT 133 FROM SINGLE TO MULTI-FAMILY ON THE FUTURE LAND USE MAP. AND THAT CHANGE IS THE RESULT OF NEGOTIATIONS BETWEEN STAFF AND THE PROPERTY OWNER.

MAYOR?

YES, COUNCIL MEMBER SLUSHER.

I DIDN'T TOTALLY FOLLOW THAT AND IT'S PARTIALLY MY FAULT. SO WE'RE DOING -- ARE WE NOT DOING ANY OF THE CONTESTED CASES?

DISCONTINUED STILL TO COME IN AND WE DIDN'T HAVE THEM COMPILED FOR THE SECOND READING, ARE GOING TO PRESENT THEM FOR THE THIRD, BUT IT'S OUR UNDERSTANDING COUNCIL WOULD LIKE TO SEE THOSE AT SECOND READING, SO TO ACCOMMODATE WE'D LIKE TO BRING THAT BACK AUGUST 5th.

YOU'RE READY TO POSTPONE THE WHOLE THING?

JUST THE ZONING CASE.

OKAY. BECAUSE I THINK THAT'S APPROPRIATE BECAUSE IF Y'ALL RECALL WE HAD A REAL LONG PUBLIC HEARING, AND THEN WE DIDN'T GET TO GO THROUGH ALL THE CONTESTED CASES ON FIRST READING. WE JUST PASSED THEM AS RECOMMENDED BY THE PLAN AND, SO, IF WE DO THAT AGAIN TONIGHT, THEN WE'LL NEVER LOOK AT THEM UNTIL THE FINAL READING, AND THEN IF YOU WANT TO MAKE CHANGES, THEN THE POSTPONEMENT WOULD BE DIFFICULT, SO I THINK THIS IS A BETTER WAY TO PROCEED.

AND, LIKE, I SAID FOR TRACT 133, THAT WOULD WOULD CHANGE THE YELLOW TO ORANGE ON THE FUTURE LAND USE MAP, AND THAT IS EVERYONE IS IN AGREEMENT WITH THAT, SO WE COULD APPROVE THAT RIGHT NOW AND HAVE THAT AS WELL OR WE COULD POSTPONE THAT. IT WAS COUNCIL'S DISCRETION.

WE'RE NOT SURE IF THE ZONINGS ARE CONTESTED OR NOT.

I HAVE BEEN TOLD OF NUMEROUS PETITIONS THAT ARE ON THEIR WAY.

OKAY. THAT'S LOGICAL TO ME. THANK YOU. I WOULD MOVE, THEN, THE STAFF RECOMMENDATION, I THINK I'VE GOT IT NOW.

SO, COUNCIL MEMBER SLUSHER MOVES TO APPROVE STAFF RECOMMENDATION, WHICH ESSENTIALLY WOULD BE APPROVAL OF ITEM 99.

WITH THE CHANGE TO TRACK 133.

133. THIS IS THE SECOND READING ONLY?

CORRECT, MAYOR.

AND SECOND BY COUNCIL MEMBER DUNKERLY. FURTHER COMMENTS? HEARING NONE, THOSE IN FAVOR SAY AYE. OPPOSED, MOTION PASSES ON A VOTE OF 7-0. FOR THE RECORD, COUNCIL, A NUMBER OF FOLKS HAD SIGNED UP FOR A NUMBER OF THE CASES INCLUDING 99, BUT AS A REMIERPD, WE HAD THE PUBLIC HEARING AND CLOSED THAT AT THE PREVIOUS MEETING.

COUNCIL, NOW I'D LIKE TO PRESENT A GENERAL AT THAT I ITEM 100 FOR SECOND READ ONLY. THAT WOULD BE THE UNIVERSITY NEIGHBORHOOD OVERLAY CODE AMENDMENT, AND SINCE THE COMPLETION OF THE FIRST READING, STAFF HAS WORKED WITH STAKEHOLDERS AND OTHER STAFF TO REFINE THE RECOMMENDATIONS, AND IN THE SPREADSHEET THAT WAS CONTAINED IN YOUR BACKUP, THERE'S A LIST OF THE ITEMS, THE SECTION IN WHICH THE DRAFT YOU APPROVED FIRST WERE INCLUDED. WHAT YOU APPROVED ON FIRST READING, THEN THE PROPOSED CHANGES TO THAT AND THE COMMENTS THAT MIGHT EXPLAIN SOME OF THE RATIONALE BEHIND SOME OF THE PROPOSED CHANGES. THE MATRIX THAT WAS HANDED OUT TO YOU CONTAINS THAT INFORMATION, AND I COULD GO ON AN EACH-BY-EACH BASIS, OR IF COUNCIL HAS SPECIFIC QUESTIONS, I WOULD BE HAPPY TO ANSWER THOSE.

MAYOR PRO TEM.

I DO HAVE A QUESTION. I CAN'T FIND THE E-MAIL THAT I NEED REFERENCE FROM, BUT IS THIS WHERE ONE OF THE PLANNING COMMISSION'S RECOMMENDATIONS FOR SHARED CARS WOULD HAVE BEEN AND ISN'T?

THE -- YOU REFERENCE COMMISSIONER GALINDO'S RECOMMENDATION ON IT INCLUDING A SIGNIFICANT PARKING REDUCTION IF THE PERSON WAS TO BUILD A CAR-SHARE PROGRAM. IT WAS INCLUDED IN THE FIRST READING THAT COUNCIL APPROVED, BUT SINCE THEN, STAFF, WATER SHED PROTECTION, NEIGHBORHOOD PLANNING HAS DETERMINED THAT IT'S NOT AN ITEM THAT THEY CAN

NECESSARILY SUPPORT DUE TO A NUMBER OF DIFFERENT ADMINISTRATIVE AND TECHNICAL REASONS.

WELL, NONETHELESS, SOME TRADITIONS AND EXPECTATIONS ARE CHANGING IN CERTAIN STAFF PRESENTATIONS. WHAT WE GET IS WHATEVER THE COMMISSION'S RECOMMENDATION IS, EVEN IF IT DIFFERS FROM STAFF, AND THEN IN ANOTHER PIECE OF PAPER OR RECOMMENDATION, WE GET THE STAFF, BUT UNILATERALLY, WE DO NOT WE MOVE ANYTHING THAT WAS IN A FIRST READING OR A COMMISSION RECOMMENDATION. SO YOU'RE SAYING THAT TAF STAFF DID CARVE OUT BOTH THE PLANNING COMMISSION RECOMMENDATION AND SOMETHING COUNCIL PASSED ON FIRST READING?

NO, MA'AM, MAYOR MAYOR PRO TEM. COMMISSIONER GALINDO'S PROPOSAL IS STILL IN THE ORDINANCE.

OKAY. WHERE AM I? IT'S NOT ON THIS PIECE OF PAPER, THOUGH? OR I'M JUST NOT SEEING IT.

IT WOULD BE ON ITEM NO. 13. ON AGENDA ITEM, THE MATRIX.

OKAY. SO THAT WOULDN'T TRANSLATE INTO ACTUAL ORDINANCE LANGUAGE ON THIS SHEET FOR THE AFFORDABLE HOUSING? HOW WOULD IT BE CODY CODIFIED ULTIMATELY?

THE LANGUAGE YOU WERE LOOKING FOR, ACCORDING TO STAFF, HAS BEEN INCLUDED IN THE ORDINANCE UNDER SECTION 13 ON YOUR MATRIX. YOU WILL SEE THE PLANNING COMMISSION RECOMMENDATION. AND UNDER CHANGES, THE NOTATION IS THAT THE STAFF DOES NOT SUPPORT THIS PROVISION AND IS RECOMMENDING REMOVAL OF THE PROVISION, BUT IT IS IN YOUR ORDINANCE AT THIS TIME. THE SHEET THAT HAS BEEN HANDED OUT WHICH IS MARKED 100 WHICH IS YELLOW WITH THE AFFORDABLE HOUSING MATERIAL IS MATERIAL THAT WAS ADDRESSED IN EXECUTIVE SESSION, AND IF IT IS COUNCIL'S DESIRE TO HAVE THIS IN THE ORDINANCE, WE NEED TO BRING BACK THE ORDER ORDINANCE WHICH INCLUDES THESE PROVISIONS.

WELL, I'M JUST WONDERING HOW WE WOULD APPLY OR ENFORCE SUCH A THING IF WE DIDN'T HAVE IT IN THE ORDINANCE LANGUAGE, IN THE RULES OR AS AN ALTERNATIVE OR --

I'M GOING TO HAVE TO DEFER TO STAFF ON THAT. I KNOW THEY HAVE A PROPOSAL.

GOT IT.

MY UNDERSTANDING OF HOW SUCH A PROGRAM WOULD BE MONITORED AND ADMINISTERED WOULD BE ESTABLISHED THROUGH THE DEVELOPMENT OF THE RULES TO IMPLEMENT THIS UNIVERSITY NEIGHBORHOOD OVERLAY ORDINANCE CODE AMENDMENT.

OKAY. AND THAT WOULD HAPPEN STRAIGHT, NOT THROUGH PUBLIC REVIEW -- HAPPEN ADMINISTRATIVELY, NOT THROUGH PUBLIC REVIEW?

IBLS.

WOULD IT GO THROUGH THE PLANNING COMMISSION AT ALL TO MAKE SURE THE CONCEPT WAS ACCURATELY TRANSCRIBED INTO RULES?

MAYOR PRO TEM, WE HAVE THE RULES ADOPTION PROCESS THAT WOULD NORMALLY FOLLOW -- THAT DON'T TYPICALLY GO TO THE PLANNING COMMISSION. THEY ARE -- WE GET STAKEHOLDERS INVOLVED, BUT, IF WE NEED TO, WE CAN TAKE IT TO THE COMMISSION AND MAKE THEM AWARE OF HOW WE'RE POSTING THE RULE, AND IF THEY HAVE ANY CONCERNS, WE CAN -- THEY WILL BE PART OF THE STAKEHOLDER GROUP, SO THAT'S HOW WE'D HANDLE THAT.

WELL, WE USED TO HANDLE IT DIFFERENTLY. WE USED TO HAVE, LIKE, A SUBCOMMITTEE FROM THE PLANNING COMMISSION, EVEN IF IT WAS A SIGNIFICANT POLICY INCREASE OR DECREASE IN CONTENT. REMEMBER, WHEN WE DID THE FLOODPLAIN MODIFICATION GUIDELINES, THAT WENT INTO THE RULES.

RIGHT.

IT WAS A SUBCOMMITTEE, IN ESSENCE, BUT IT WAS SORT OF AN AD HOC TASK FORCE FROM THE COMPLAINING COMMISSION, AND I -- FROM THE PLANNING COMMISSION, AND I WOULD LIKE TO REQUEST -- LAURA, CAN I REQUEST THAT WE USE THAT PROCESS ON THIS ONE AS WELL, AND ANY OTHER ISSUES THAT COME OUT OF NEIGHBORHOOD PLANNING LIKE THIS THAT REQUIRE SOME SORT OF COD ANY CODIFICATION OUTSIDE ORDINANCE.

YES, WE WILL.

THANKS.

ANY OTHER QUESTIONS OR RECOMMENDATIONS ON HOW TO PROCEED FORWARD WITH THIS MATRIX?

... ON THE PARKING ISSUE THAT MAYOR PRO TEM IS DISCUSSING, IS THE CONCERNS FROM THE WATERSHED PROTECTION DEPARTMENT LAID OUT IN THE BACKUP SO WE CAN LOOK AT THAT BETWEEN NOW AND NEXT TIME?

SIT NOT IN YOUR BACKUP -- IT IS NOT IN YOUR BACKUP. I CAN PROVIDE IT PRIOR TO THE NEXT COUNCIL MEETING.

PLEASE, IF YOU COULD.

COUNCIL MEMBER SLUSHER.

ON THE PORTABLE HOUSING PARTS OF IT, MRS. TILGER, CAN I ASK YOU SOME QUESTIONS? CAN TACK IS ACTUALLY RECOMMENDING A LITTLE STRONGER EVEN THAN THE CITY STAFF PROPOSED. DO YOU HAVE ANY RESERVATIONS ABOUT ANYTHING THEY'RE PROPOSING?

NO, SIR. WE'VE LOOKED AT THEIR PROPOSAL AS WELL AND TALKED ABOUT IT WITH NEIGHBORHOOD PLANNING AND THINK THAT THAT'S A REASONABLE REQUEST AS WELL AS WE DON'T HAVE ANY PROBLEMS WITH THEIR RECOMMENDATIONS AT ALL.

OKAY. I LIKE IT, TOO, BECAUSE IT GUARANTEES SOME

AFFORDABLE HOUSING RATHER THAN JUST GIVEN THE OPTION FOR ANYTHING, ALL OF THEM TO GO INTO A FUND OR TO DONATE TO THE FUND RATHER THAN BUILD THE UNITS. SO IS THAT THE STAFF RECOMMENDATION, NOW, OR WHAT?

WELL --

WELL, LET ME JUST -- WHEN IT'S TIME TO MAKE A MOTION --

WE'D BE GLAD TO MAKE THE STAFF RECOMMENDATION.

OKAY.

THAT'S WHAT THE STAFF HANDED ME.

YOU WERE RELAYING THE INFORMATION FROM THE COMMUNITY.

OKAY. THANK YOU.

I HAVE A QUESTION.

COUNCIL MEMBER ALVAREZ.

WE'RE CONSIDERING SECOND AND THIRD MEETING ONLY?

COUNCIL MEMBER, IF I COULD -- WHAT WE WOULD REALLY PREFER TO DO IS BRING THIS BACK, MAKE SURE THAT WE HAVE ALL THE IS DOTTED AND THE TS CROSS CROSSED AND THE LANGUAGE REPRESENTS WHAT IT IS SO WE WOULD APPRECIATE WE COULD DO THIS ON SECOND READING.

I WANT TO ASK A QUESTION ABOUT THE, SORT OF, FEE IN LOU OF PROVIDING THE ACTUAL PHYSICAL HOUSING AND IT'S HARD TO TELL, BASED ON THE FORMULA DEVISED WHETHER -- EXACTLY HOW MUCH REVENUE WOULD GO INTO THE HOUSING TRUST FUND IF THEY'RE PAYING 15 OR 20 CENTS PER THOUSAND SQUARE FOOT, I THINK. IS THAT WHAT IT SAYS?

RIGHT.

I BELIEVE SQUARE FOOT OF GROSS AREA.

PAUL HE HELGERS HOUSING AND COMMUNITY DEVELOPMENT. IF WE WENT WITH THE REVISED STAFF RECOMMENDATION THAT WAS JUST MENTIONED BY COUNCIL MEMBER SLUSHER, WE ESTIMATED THAT IF IT WAS MAXIMUM BUILDOUT AND THE REVENUE FROM -- THE MAXIMUM AMOUNT OF REVENUE IS \$2.4 MILLION OVER TEN YEARS, SO THAT WOULD BE THE MAXIMUM NUMBER THAT WE THINK WE COULD GET OUT OF THIS PROPOSAL.

THAT'S ASSUMING EVERYONE BUILT TO THE MAXIMUM HEIGHT?

IS THAT CORRECT.

I THINK IT'S PROBABLY VERY LIKELY.

I RECOGNIZE THAT. THAT WOULD BE THE PARAMETERS. IF WE WENT WITH THE STAFF RECOMMENDATION, THE PREVIOUS STAFF RECOMMENDATION WOULD BE \$1.8 MILLION. AGAIN, BY MAKING THE SECOND AND THIRD READING GIVES US A CHANCE TO LOOK AT THOSE NUMBERS IN A LITTLE MORE DETAIL BEFORE WE COME BACK TO YOU AND SEE WHAT WE WOULD RECOMMEND AND IF WE CAN GET YOU MORE DEFINITIVE NUMBERS. ONE OTHER POINT I WOULD MAKE TO YOU IS THAT ANOTHER EXCITING OPPORTUNITY THAT WE THINK THAT WE HAVE IN THIS PARTICULAR NEIGHBORHOOD IS TO TAKE THE EXPERIENCE OF THE CO-OPS THAT HAVE BEEN SUCCESSFUL AND IN BUILDING A PRODUCT THAT'S MORE AFFORDABLE AND SEE THE IDEAS THEY HAVE OF THE NEIGHBORHOOD PLANNING PROCESS THAT MIGHT RESULT IN MORE AFFORDABILITY WITH LESS SUBSIDY. THAT'S SOMETHING ELSE WE WANT TO EXPLORE BETWEEN NOW AND THE TIME WE'D COME BACK TO YOU NEXT TIME.

AND MY POINT THAT I RAISED EARLIER WAS REALLY ABOUT -
- I MEAN, IF YOU HAVE THE FEE IN LIEU OF PROVIDING THE AFFORDABLE HOUSING, THEN IF IT'S TOO LOW, THEN EVERYBODY'S GOING TO PAY THE FEE AND WE'RE NOT GOING TO HAVE ENOUGH MONEY TO BUILD THE NUMBER OF UNITS WE'D LIKE TO HAVE OR COULD HAVE HAD IF IT WAS

REQUIRED THEY BUILD THE 10% AFFORDABLE UNITS. AND, SO, IF WE CAN -- BECAUSE I ASSUME WE KNOW -- IF WE'RE ASKING FOR A DEVELOPER TO PROVIDE A UNIT AT, SAY, THE 50% OF MEDIUM FAMILY INCOME, WHAT THAT FAMILY COULD AFFORD THE PAY FOR A UNIT VERSUS WHAT WOULD A FAMILY AT 100% AT MEDIAN FAMILY INCOME BE ABLE TO PAY FOR A UNIT AND THE DIFFERENCE IS WHAT WE NEED IN ORDER TO PROVIDE THE HOUSING SOMEWHERE ELSE.

RIGHT.

AND IF WE CAN LOOK AT THAT IN TERMS OF JUST THE ACTUAL FUNDING WE NEED TO PROVIDE A UNIT AT 50% OF MEDIAN FAMILY INCOME AND HOW THAT COMPARES WITH THIS FORMULA OF 20 CENTS PER SQUARE FOOT.

YES, SIR, AND WE CAN DO SOME BETTER ANALYSIS OF THAT BETWEEN NOW AND THE NEXT TIME. THANK YOU.

COUNCIL MEMBER DUNKERLEY.

I'M CERTAINLY IN AGREEMENT WITH THE OVERLAY, AND I, TOO, WANT TO HAVE A BETTER ANALYSIS DONE, OR A MORE COMPLETE ANALYSIS DONE ON THE HOUSING ISSUE. IN ADDITION TO THAT, I THINK YOU ALL KNOW I'M STILL A BIT CONCERNED ABOUT MOVING ONE OF THE LOTS OUT OF THE 90-FOOT LEVEL AND INTO THE 75-FOOT LEVEL, AND IF I COULD, IS JIM DUNCAN HERE? COULD I ASK YOU WHAT -- A QUESTION ABOUT WHY YOU THINK THAT WOULD BE APPROPRIATE? I HAVE AN E-MAIL FROM YOU HERE THAT SAYS YOU THINK THAT'S A GOOD ALTERNATE PLAN.

FIRST OF ALL, IT'S BEEN 17 YEARS SINCE I'VE BEEN BACK BEFORE THE COUNCIL. I HAD A STATEMENT PREPARED, BUT SINCE YOU'RE NOT HAVING A PUBLIC HEARING, I DON'T THINK IT WOULD BE PROPER FOR ME TO GIVE THAT WHOLE STATEMENT. FIRST OF ALL, IT WAS VERY BRIEFLY IN THREE POINTS. I WANT TO -- SOME OF YOU PROBABLY DON'T REALIZE BECAUSE I'M A DINOSAUR, BUT WE STARTED THE NEIGHBORHOOD PLANNING PROCESS, AND THE N.C.C.D., WHENEVER I WAS DIRECTOR OF LAND DEVELOPMENT SERVICES HERE IN THE EARLY '80s. SO I HAVE WATCHED IT VERY CAREFULLY OVER THE YEARS, AND I COMPLIMENT

YOU TREMENDOUSLY, I THINK IT IS ONE OF THE MOST SUCCESSFUL PROGRAMS. WHEN YOU GOT INTO THE UNIVERSITY AREA, I HAD EQUAL -- OR EVEN MORE INTEREST BECAUSE, AS A -- I ALMOST HATE TO SAY, AS A RESIDENT OF THE AREA IN THE LATE '50s, I HAVE FOLLOWED IT ALSO VERY CLOSELY, AND I HAVE BEEN WATCHING YOUR WEST CAMPUS STUDY IN PARTICULAR AND I HAD SEVERAL CONCERNS. THIS ACTUALLY AROSE WHEN A FRIEND OF MINE -- AND I'M NOT A PAID CONSULTANT, I'M A PLANNING CONSULTANT WHO WRITES ZONING CODES. WE FINISH CHICAGO AND ARE GETTING READY TO DO THE HOMETOWN OF CORPUS AND NEXT WEEK STARTING MEMPHIS. THEY HAVE A PROPERTY ON 24th STREET, AND THEY SHOWED ME THEIR PROPERTY, THEIR PLANS ABOUT SIX MONTHS AGO AND I WAS VERY IMPRESSED WITH THEM. TO ME IT REPRESENTED WHAT I WOULD TALL A PROTOTYPE PROJECTS WHICH, FROM WHAT I HAD BEEN READING, IS WHAT YOU WERE LOOKING FOR. THEN THINGS HAPPENED AND THEY CAME BACK WITH A REVISED PLAN WHICH WAS A WALL-TO-WALL WEDDING CAKE AND DIDN'T HAVE A LOT OF THE FEATURES AND I GOT MORE IN DETAIL. IN SUMMARY, COMMISSIONER, THERE ARE THREE THINGS I STILL HAVE QUESTIONS ABOUT. I THINK YOU'VE DONE A WONDERFUL PLAN. NUMBER ONE, I -- AND I WILL SAY THIS. I WAS FLYING BACK FROM TAMPA THIS MORNING, AND I DOWNLOADED YOUR MONTHLY ORDINANCE AND I THINK YOU MADE CHANGES IN THE LAST 24 HOURS, AND THE CHANGES ARE EXCELLENT. THEY'RE MOVING THE ORDINANCE TOWARD A MORE PERFECT DOCUMENT BECAUSE ONE OF MY GREAT CONCERNS WAS THE SIDEWALK ISSUE. THE ORIGINAL DOCUMENT THAT I HAD READ BASICALLY PROVIDED ONLY A FIVE-FOOT SIDEWALK. THAT'S NOT WHAT YOU'RE LOOKING FOR IN THIS COMMUNITY. YOU'RE LOOKING FOR LIVELY, PEDESTRIAN-FRIENDLY STREEP STREET SCAPES. IF YOU DON'T HAVE THAT TO COMBAD THE RESIDENTIAL COMMUNITY THAT PROVIDES STUDENT HOUSING YOU DON'T HAVE THE PICTURE. THEY'RE GETTING CLOSE TO THE WIDTH OF THE SIDEWALKS LIKE WE HAVE ON THE DRAGS AND THINGS LIKE THAT. THE SECOND CONCERN I HAD WHICH IS A GREAT CONCERN AND JUST A CONCERN OF MINE AS A PROFESSIONAL PLANNER AND HAS BEEN FOR 45 YEARS, AND THAT IS THE ISSUE OF VEGETATION AND TREE COVER

AND TREE PRESERVATION. THE WEST CAMPUS AREA TO ME, ONE OF THE THINGS THAT'S ALWAYS HAD THE NATURAL CHARACTER ARE THE TREES, THEY'RE MAGNIFICENT. WHEN YOU COME IN AND YOU PUT THE INTENSITIES IN WITHOUT THE PROTECTION OF THOSE TREES, YOU'RE GOING TO LOSE THEM. YOU'LL TURN THE WEST CAMPUS AREA FROM GREEN TO GRAY IN 20 YEARS, AND I DON'T THINK ANY OF US WANT THAT. THERE ARE WAYS YOU CAN PROTECT THAT BUT YOU HAVE TO STRENGTHEN THE TREE PRESERVATION AND LANDSCAPING PROVISIONS WHICH I THINK IN THIS ORDINANCE ARE RATHER VAGUE, NOT SPECIFIC ENOUGH. THE THIRD CONCERN I HAD, QUITE FRANKLY, WAS WITH THE APPLICATION OF THE HEIGHTS. WHEN I LOOKED AT THE MAP DISREGARDING FACTS THAT MY FRIENDS PROPERLY HAD BEEN AT A LOWER LEVEL THAN I THOUGHT IT SHOULD BE, THEY DIDN'T MAKE A LOGICAL PLANNING AND ZONING SENSE TO ME. WE JUST FINISHED THE CHICAGO CODE AND THE SAVANNA CODE AND WE APPLIED HEIGHT DISTRICTS. WHEN I LOOKED AND EXAMINED YOUR WEST CAMPUS PLAN THEY MEANDERED -- MEANDERED EVERYWHERE. I WOULDN'T HAVE MOVED THE 175 FEET IN THE WEST ROY GRAND AND SOUTH PARKS. IN THE NORTH PARK WHERE YOU DON'T HAVE SINGLE FAMILY HOMES YOU DON'T HAVE 175 FEET. THE 90 FEET YOU REFERRED TO WRAPS TO THE NORTH AROUND MY FRIEND'S PROPERTY, AND IT'S LESS ACCESSIBLE, LESS TRANSIT ORIENTED THAN THIS PROPERTY, AND YET HIS PROPERTY IS ON 24th STREET, WHICH IS THE MAIN TRANSIT CORRIDOR. SO A LOT OF QUESTIONS LIKE THAT THAT I HAD THAT WOULD CONCERN ME.

I APPRECIATE THAT. I HAD THE E-MAIL AND WANTED TO CLARIFY. MINE WAS NOT FROM A PROFESSIONAL STANDPOINT. MINE WAS A PERSONAL ISSUE THAT I GOT A PLAN THAT SHOWED THIS PARTICULAR PROPERTY AT 90 FEET, AND I SUPPORTED THE OWNER IN THAT ENDEAVOR, AND THEN IT CHANGED, AND I DIDN'T GET THE SECOND CHANGE BACK IN TIME TO WORK WITH IT. FROM WHAT I'M SAYING, IF I MADE A PROPOSAL, TO AT LEAST ATTEMPT TO INCLUDE THIS BACK INTO THE 90-FOOT AREA. DOESN'T SEEM TO ME THAT IT WOULD BE MESSING UP ANY GREAT PLANNING PRINCIPLES.

I THINK IT WOULD ENHANCE YOUR WEST CAMPUS PLAN.
THANK YOU VERY MUCH.

THANK YOU.

FURTHER COMMENTS OR QUESTIONS?

ARE WE GOING TO GO THROUGH THESE IN ORDER OR --

COUNCIL MEMBER McCracken, in order to include whatever item you'd like to include into the third reading, to be approved for third reading, you could choose between what was approved on the first reading and what was being offered as proposed changes, and we can go through that pretty quickly.

YOU'RE GOING TO GET TO THESE IN ORDER? OKAY.

AND I'LL START WITH NO. 1.

ACTUALLY, COUNCIL, WE'RE AT 5:30, WHICH IS TIME FOR OUR TYPICAL BREAK FOR LIVE MUSIC AND PROCLAMATIONS AND MIGHT ALLOW A COUPLE OF US TO VISIT ON THE SIDE WITH STAFF TO CONFIRM A COUPLECOUPLE OF THESE ISSUES WHICH WOULD ALLOW US TO WALK THROUGH THE ENTIRE SHEET MUCH QUICKER FOR THE AUDIENCE WHEN WE GET BACK FROM THE BREAK.

THE SECOND READING?

THE SECOND READING ONLY, YES, MA'AM. WITHOUT OBJECTION WE'RE IN RECESS FOR LIVE MUSIC AND PROCLAMATIONS. THANK YOU.

I APPRECIATE YOUR PATIENCE. IT'S TIME FOR THE WEEKLY BOUT OF LIVE MUSIC AT THE AUSTIN CITY COUNCIL MEETING. JOINING US TODAY IS SUSANNA VANTASSLE. SHE HOPED THE CRAFT PLAYING UP AND DOWN THE COAST OF HER HOME STATE OF CALIFORNIA BEFORE FINDING GOD AND SETTLING HERE IN AUSTIN, TEXAS. HER DEEP LOVE OF COUNTRY MUSIC IS EVIDENCE IN THE SONGS. THEY'RE HONEST, SINCERE AND TRANSIENT IN TIME AND PLACE, SO

PLEASE JOIN ME IN WELCOMING SUSANNA VANTASSLE.
(music) I HAD A FEELING I'D SEE YOU TONIGHT (music)(music)
(music) WHAT ARE THE ODDS I STAYED OUT OF SIGHT
(music)(music) (music) NOW I'M FACE TO FACE WITH WHAT I
LONG TO BE CONCEALING (music)(music) (music) OH, WELL
(music)(music) (music) I HAD A FEELING (music)(music) (music) I
HAD A FEELING FOR YOU (music)(music) (music) A FOUR-
LETTER WORD (music)(music) (music) AND A TOUCH OF YOUR
LIPS (music)(music) (music) THEN FLEW AWAY LIKE A BIRD
(music)(music) (music) AND I HAD A FEELING YOU'D BE DOING
OKAY (music)(music) (music) AT LEAST ON THE OUTSIDE YOU
ALWAYS PLAYED IT THAT WAY (music)(music) (music) AND I
HAD A FEELING I'D CRUMBLE INSIDE (music)(music) (music)
AND IT WOULD SHOW THROUGH... (music)(music) (music) THAT
I HAD A FEELIN' FOR YOU (music)(music) (music) I HAD A
FEELIN' FOR YOU (music)(music) (music) A FOUR-LETTER
WORD (music)(music) A TOUCH TO YOUR LIPS (music)(music)
(music) THEN FLEW AWAY LIKE A BIRD (music)(music) (music)
YOU HAD A FEELIN' (music)(music) (music) BUT NOW IT'S GONE
(music)(music) (music) A FOUR-LETTER WORD THAT TOUCHED
YOUR LIPS LIKE A SONG (music)(music) (music) THEN FLEW
AWAY LIKE A BIRD (music)(music) (music) OH, IT JUST FLEW
AWAY LIKE A BIRD (music)(music) (music) [APPLAUSE]

TELL US, WHERE CAN WE HEAR YOU NEXT OR A WEBSITE OR
HOW DO WE FIND YOUR MUSIC?

WELL, I DO HAVE A WEBSITE, www.susannavantassle.com, AND
I'LL INTRODUCE KAREN POSTER AND JIM STRINGER, WE'LL
BE SINGING AT THE CAROUSEL LOUNGE 7:00 TO 9:00, SO
AFTER THIS YOU CAN GO ON OVER THERE FOR HAPPY
HOUR, AND THEN THE NEXT NIGHT WHICH IS THE 6th, I'LL BE
AT THE TEXAS MUSIC CAFE ON SOUTH CONGRESS.

BEFORE WE GET AWAY WE HAVE AN OFFICIAL
PROCLAMATION THAT 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 ARTISTS AND THEIR EFFORTS
FURTHER AS US AS THE LIVE MUSIC CAPITOL CITY OF THE
WORLD, I PROCLAIM TODAY JULY 29th, 2000 4RBGS AS SUSAN
VANTASSLE DAY IN AUSTIN AND CALL ON US A AUSTINIANS

TO JOIN ME IN CONGRATULATING THIS FINE TALENT. [APPLAUSE]

WE HAVE A SOLE PROCLAMATION TODAY BECAUSE IT'S A BIG ONE AND IMPORTANT THAT WE HAVE A LOT OF FOLKS HERE THAT WE'LL HONOR. THE PROCLAMATION IS IN COMMEMORATION OF A.D.A. MONTH OR THE AMERICAN DISABILITIES -- AMERICANS WITH DISABILITIES ACT AND I'LL READ IT. JOINING ME IS RICK BALDWIN WHO WILL SAY A FEW WORDS AND READ A LIST OF THE RECIPIENTS AND THE AWARD WINNERS. THE PROCLAMATION READS. BE IT KNOWN WHEREAS JULY 26th HAS A VERY SPECIAL MEANING FOR ALL CITIZENS WITH DISABILITIES BECAUSE IT MARKS THE 14th ANNIVERSARY OF THE ENACTMENT TO HAVE THE AMERICAN WITH DISABILITIES ACTS OR A.D.A. WHEREAS WE RECOGNIZE CITIZENS WITH DISABILITIES HAVE A RIGHT TO FULL PARTICIPATION IN A SOCIAL, CULTURAL AND ECONOMIC ACTIVITIES OF OUR CITY AND THAT THESE INDIVIDUALS HAVE A GREAT DEAL TO OFFER IN RETURN AND WHEREAS THE CITY OF AUSTIN HAS A STRONG COMMITMENT TO FULL IMPLEMENTATION OF THE AMERICANS WITH DISABILITIES ACT THUS OFFERING MORE OPPORTUNITIES AND AN ENHANCED QUALITY OF LIFE FOR EVERYONE IN OUR COMMUNITY. NOW, THEREFORE, I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN TEXAS PROCLAIM JULY, 2004, AS AMERICANS WITH DISAMOUNTS OR A.D.A. COMMEMORATION MONTH IN AUSTIN AND WOULD LIKE TO CALL ON RICK TO SAY A FEW WORDZ NOT ONLY ABOUT OUR EFFORTS IN THE CITY BUT SPECIFICALLY TO HELP US RECOGNIZE A LOT OF ORGANIZATIONS AND COMPANIES GOING BEYOND THE CALL OF DUTY TO HELP AUSTIN AS A CITY BE FAR MORE ACCESSIBLE. RICK.

THANK YOU, MAYOR WYNN. ON BEHALF OF THE AUSTIN MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES, IT IS QUITE AN HONOR TO BE HERE TO RECOGNIZE THESE BUSINESSES THAT HAVE CHOSE ONTO EMBRACE THE A.D.A. THIS YEAR. NOW, IF Y'ALL WILL RECALL WHEN THE A.D.A. WAS FIRST PASSED AND SIGNED INTO LAW BY PRESIDENT BUSH, THERE WAS A LOT OF RELUCTANCE TO COMPLY WITH THE A.D.A. FOR FEAR OF COST AND A VARIETY OF OTHER REASONS THAT BUSINESSES WERE FACED WITH. BUT AFTER 14 YEARS, WE HAVE SEEN NOT ONLY A SUBSTANTIAL

COMPLIANCE WITH THE A.D.A., BUT WE HAVE SEEN BUSINESSES THROUGHOUT THE UNITED STATES THAT HAVE EMBRACED THE A.D.A. AND SAW THE BENEFITS TO THEIR BUSINESS BY NOT ONLY COMPLYING WITH THE A.D.A. GUIDELINES, BUT GOING ABOVE AND BEYOND WHAT IS REQUIRED BY LAW. AND I MIGHT ALSO POINT OUT THAT ONE OF THE RECIPIENTS OF THE FIRST ANNUAL ACCESS AWARD IN AUSTIN IS A CHURCH, AND CHURCHES HAVE BEEN EXEMPTED UNDER THE A.D.A. THEY WERE NOT COVERED BY THE A.D.A., SO THAT'S A VERY GOOD EXAMPLE THAT THE BUSINESSES THAT WE ARE RECOGNIZING TODAY ARE VERY WORTHY OF THESE AWARDS. SO WITHOUT FURTHER ADIEU, WE WOULD LIKE TO GO AHEAD AND MAKE THE PRESENTATIONS.

OKAY. MAYOR, IF YOU WOULD STEP FRONT AND CENTER.

FAIR ENOUGH.

NOW, NOT ALL 14 RECIPIENTS HAVE BEEN ABLE TO TO BE HERE WITH US. WE WILL RECOGNIZE THE ONES HERE WITH US TODAY THEN ANNOUNCE THE OTHER WINNERS THAT WERE UNABLE TO BE HERE. FIRST ON THE LIST, TO RECEIVE A FIRST ANNUAL AUSTIN ACCESS AWARDS IS THE AUSTIN CITY LIMITS MUSIC FESTIVAL, AND ACCEPTING THE AWARD IS JESSICA SLEWTSY AND TONY TREVINO. [APPLAUSE]

NEXT UP THE AUSTIN JAVA CAFE AND BAR, ACCEPTING THE AWARD IS PHILIP MYERS AND RICK INGLE, PARTNERS IN THE AUSTIN JAVA CAFE AND BAR. [APPLAUSE]

THE FRANCO WHEN CENTER, AND REPRESENTING THE FRANK OWEN CENTER IS JOHN GRAHAM. [APPLAUSE]

NEXT UP IS RANDALL'S FOOD AND PHARMACY. RECEIVING THE AWARD IS CONNIE YATES. [APPLAUSE]

NEXT UP IS ST. MATTHEWS EPISCOPAL CHURCH, ACCEPTING THE AWARD IS THE REVEREND MERRILL WADE AND KATE CANBY. [APPLAUSE]

NEXT UP IS VANTANA DELFO CULTURAL CENTER AND COFFEE HOUSE. ACCEPTING THE AWARD IS CLAIRE

FLEMING.

NEXT IS THE WHATABURGER LOCATED AT BARTON SPRINGS. THAT'S OUR FAVORITE WHATABURGER. ACCEPTING THE AWARD IS JASON BIDEAL. [APPLAUSE]

I WOULD LIKE TO ANNOUNCE THE OTHER RECIPIENTS NOT ABLE TO BE HERE. THEY ARE THE HARD ROCK CAFE. MAUDEY'S 2, THE SOUTH AUSTIN LOCATION. THE PARAPPOINT THEATER ON SOUTH CONGRESS. WEST GATE LANES. THIS CONCLUDES THE 14 AWARD RECIPIENT FOR THE FIRST ANNUAL AUSTIN ACCESS AWARDS. LET'S GIVE THEM ALL ANOTHER ROUND OF APPLAUSE. THANK YOU. @□@

COUNCIL WILL BE BACK AFTER A SHORT BREAK. THANK YOU VERY MUCH. >> >> >> >> >> >> >>

Mayor Wynn: THERE BEING A QUORUM PRESENT, I'LL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. APPRECIATE YOUR PATIENCE DURING THAT BREAK. IF YOU REMEMBER, COUNCIL, WE HAD TAKEN UP AGENDA ITEM 100 AND HAD A LITTLE BIT OF DISCUSSION ABOUT ELEMENTS OF THE PROPOSED SECOND READING OF THE UNIVERSITY NEIGHBORHOOD OVERLAY. I THINK STAFF IS PREPARED TO WALK US BRIEFLY THROUGH 14 ITEM ON OUR WHITE HANDOUT. AND THE 15TH ITEM WOULD BE THE AFFORDABLE HOUSING YELLOW SHEET. SO PERHAPS WITH STAFF'S ASSISTANCE WE CAN JUST WALK THROUGH THESE KNEW MAYORICLY AND SEE IF THERE'S COUNCIL SUPPORT FOR ESSENTIALLY ADOPTING ADDITIONAL PROPOSED CHANGES BY STAFF.

THAT IS CORRECT, MAYOR. I'D LIKE TO START WITH ITEM NUMBER 1 TO INCLUDE THIS LIST OF USES THAT WERE NOT INCLUDED IN FIRST READING. AND THESE WERE HEARD AFTER THE HOUSE OF TUTOR ZONING CASE WHEN IT WAS HEARD IN JUNE OF THIS YEAR. AND TO INCLUDE THESE USES THAT INCLUDE ART GALLERY, ARTWORK SHOP, BUSINESS AND TRADE SCHOOL, FINANCIAL SERVICES, FOOD PREPARATION, INDOOR SPORTS AND RECREATION AND PRINTING AND PUBLISHING SERVICES.

Mayor Wynn: WAS THERE A REASON WHY THEY WEREN'T

INCLUDED THE FIRST TIME AROUND?

SOME OF THE USES WERE ACTUALLY NEW USES THAT WERE ESTABLISHED BY COUNCIL QUITE RECENTLY AND WERE NOT AVAILABLE TO BE INCLUDED. AND THE OTHER ONE, PARTICULARLY BUSINESS AND TRADE SCHOOL AND FINANCIAL SERVICES, AFTER LOOKING AT THAT WE DECIDED THOSE WOULD BE APPROPRIATE USES TO BE INCLUDED. BASICALLY WOULD ALLOW FOR A TUTOR TYPE INSTITUTION AND A BANK.

Mayor Wynn: SO COUNCIL, THE QUESTION IS DO WE LIKE THE STAFF PROPOSED CHANGES TO SHOW AS THE FIRST ITEM OF AGENDA ITEM 100? AND IF WE LIKE THOSE CHANGES, STAFF WILL INCORPORATE THEM FOR THE ORDINANCE THAT WE'LL SEE ON THIRD READING.

THAT IS CORRECT, MAYOR.

Mayor Wynn: WHAT'S THE WILL OF THE COUNCIL?

DO WE NEED TO MAKE A SECOND -- A SEPARATE MOTION ON EACH ONE, MAYOR?

IF YOU WOULD PREFER THE STAFF COULD RUN THROUGH ALL OF THESE COLLECTIVELY AND THEN YOU COULD JUST SIMPLY LIST THE ONES THAT YOU WISH TO HAVE INCLUDED IN YOUR MOTION, IN A SINGLE MOTION. YOU DON'T HAVE TO DO IT MOTION BY MOTION BY MOTION.

THE SECOND ITEM WOULD BE TO REMOVE THE -- THIS PARKING SPACE MUST BE LEASED SEPARATELY FROM THE DWELLING UNIT, AND IT WAS THE CONSENSUS OF -- IT'S A PRIVATE CONTRACTUAL AGREEMENT BETWEEN A LANDLORD AND A TENANT AND WAS NOT AN APPROPRIATE MECHANISM FOR A ZONING ORDINANCE.

Mayor Wynn: BUT IT SEEMS TO ME THAT ONE OF THE ELEMENTS OF THIS WHOLE OVERLAY IS ESSENTIALLY IS PACKAGE OF INCENTIVES, THERE BY A PROPERTY OWNER OR DEVELOPER HAS THE ABILITY TO DO DIFFERENT THINGS IF THEY BUY INTO A SERIES OF DESIGN STANDARDS OR IDEAS. THE IDEA BEHIND THIS HAS BEEN THAT OVER TIME,

TO THE EXTENT THAT FOLKS WERE CHARGED SEPARATELY FOR PARKING THAN THEIR APARTMENT, AS AN EXAMPLE, THERE'S THE DIRECT FINANCIAL INCENTIVE TO HAVE FEWER PARKING SPACES IF YOU WANT TO REDUCE YOUR RENT. AND SO I'M -- AND I THINK THIS IS -- CAN PLAY A PART OVER TIME OF WHAT IT IS WE'RE TRYING TO ACCOMPLISH WITH APPROPRIATELY SCALED MIXED USE DENSITY IN OUR URBAN AREAS. AND IF YOU'RE TELLING ME THERE'S A LEGAL ISSUE --

THE OTHER ISSUE WAS HOW TO MONITOR THEY ARE THIS TYPE OF -- MONITOR THIS TYPE OF PROGRAM, HOW TO ENSURE FROM A CITY'S PERSPECTIVE, HOW CAN WE KNOW THAT THIS IS ACTUALLY BEING DONE THROUGH THE LEASE BETWEEN A LANDLORD AND A TENANT? IT BECOMES ALSO AN ADMINISTRATIVE ISSUE.

Mayor Wynn: BUT IF THE CONCEPT BEHIND THE OVERLAY GENERALLY IS AN INCENTIVE-BASED PROGRAM, IF I WERE A DEVELOPER OR ON LANDLORD, I WOULD BE RELUCTANT TO NOT BE IN COMPLIANCE WITH ANY ELEMENT OF AN OVERLAY THAT I BOUGHT INTO IN ORDER TO GET ADDITIONAL BENEFITS FROM THE MUNICIPAL APPROVAL PROCESS.

McCracken: MAYOR. I THINK IT'S ONE OF THE BEST PARTS TO THE WHOLE PLAN TOO. I THINK IT WOULD BE A LOSS IF IT WERE TAKEN OUT.

OKAY. NUMBER 3 --

Goodman: MAYOR, BEFORE WE LEAVE THAT.

Mayor Wynn: MAYOR PRO TEM.

Goodman: IF IT DOESN'T BELONG IN AN ORDINANCE, HOW COULD WE BE REASSURED THAT WE WOULD SEE IT AGAIN IN WHATEVER LEGAL MECHANISM IT SHOULD BE HERE IN?

I DON'T KNOW HOW TO ANSWER THAT QUESTION. I WOULD HAVE TO GET WITH WATERSHED PROTECTION AND COME UP WITH A -- AND MAYBE PPSD AND COME UP WITH SOME STRATEGIES TO HAVE THAT IMPLEMENTED.

THE ONLY OTHER ALTERNATIVE AVAILABLE IS A PRIVATE RESTRICTIVE COVENANT, IN WHICH CASE YOU WOULD BE -- YOU WOULD BE IMPOSING A PRIVATE RESTRICTIVE COVENANT ON EVERY PIECE OF PROPERTY THAT WOULD QUALIFY FOR A A LEASE SITUATION IN THIS AREA. AND THE DIFFICULTY WITH DOING THAT, OF COURSE, IS THAT THERE'S NO -- THERE'S PROBABLY NO PRACTICAL WAY TO GET THOSE PRIVATE RESTRICTIVE COVENANTS DONE BEFORE WE COME BACK, AND THERE'S NO -- NO PRACTICAL WAY TO GET THOSE PRIVATE RESTRICTIVE COVENANTS TO COME BEFORE WE COME BACK ON THIRD READING. AND IT WOULD BE -- BECAUSE OF SIMPLY THE MASSIVE VOLUME OF RESTRICTIVE COVENANTS THAT WE WOULD NEED TO SECURE. AND THAT IS PROBABLY THE FUNDAMENTAL PROBLEM WITH GOING WITH IT FROM A PRIVATE RESTRICTIVE COVENANT. IF IT IS A CONDITION THAT YOU WANT TO IMPOSE, THE ONLY OTHER THING YOU CAN DO, PRACTICALLY SPEAKING, IS THROUGH THE ORDINANCE, BUT IT DOES POSE AN ENFORCEMENT PROBLEM FOR US. FOR THIS TASK.

Goodman: WELL, I AGREE THAT IT'S NOT A ZONING ORDINANCE KIND OF THING, BUT COMING BACK ANY TIME SOON WITH ALL THOSE RESTRICTIVE COVENANTS, ESPECIALLY IF THE CITY'S NOT GOING TO BE ENFORCING THOSE RESTRICTIVE COVENANTS OR BEING A PARTY TO THEM IS NOT GOING TO BE VERY EFFECTIVE EITHER. SO I'M NOT PROPOSING THAT WE REMOVE THE LANGUAGE AT LEAST FROM THE ORDINANCE.

Mayor Wynn: OKAY. SO OBVIOUSLY THERE'S SOME HEART BURN ABOUT REMOVING THE SECOND ELEMENT, BUT LET'S MOVE ON.

ITEM NO. 3 WOULD MAKE THE MINIMUM LOT AREA REQUIRED TO TAKE ADVANTAGE OF THIS AS 2500 SQUARE FEET.

Mayor Wynn: AND CURRENTLY THERE'S JUST NO --

THERE WAS NONE. WE WANTED TO MAKE SURE THAT A LOT WOULD BE AT LEAST -- YOU COULD DO SOMETHING WITH IT. THIS WOULD BE A VERY SMALL PROJECT.

Mayor Wynn: OKAY. COUNCILMEMBER MCCRACKEN.

McCracken: I GUESS WHAT'S THE PURPOSE BEHIND IT?

JUST TO ESTABLISH A MINIMUM STANDARD WHERE A PROJECT COULD GO IN UNDER THIS OVERLAY.

McCracken: BUT WHY DO YOU NEED A MINIMUM STANDARD?

IT ACTUALLY WAS RECOMMENDED TO US BY ONE OF THE STAKEHOLDERS IN THE COMMUNITY.

McCracken: DOES SOMEONE HAVE SOME INSIGHT HERE ON WHY THEY WANTED TO DO THAT? I MEAN, IF NO ONE CAN TELL US WHY THEY WANTED TO DO IT, MAYBE WE SHOULDN'T DO IT.

OKAY. MIKE McHONE FROM THE UNIVERSITY AREA PARTNERS CAN SPEAK TO THAT.

COUNCIL, MIKE McHONE, UNIVERSITY AREA PARTNERS AND MEMBER OF THE STEERING COMMITTEE. WHAT WE WANTED TO DO WITH THE LOT SIZE IS THERE ARE SEVERAL PARCELS THAT ARE UNDERSIZED. WE WANT TO MAKE SURE THOSE ARE LEGAL AND BE ABLE TO BE REDEVELOPED RATHER THAN BE IN A SITUATION THAT THEY'RE CONSTANTLY UNDER THE NONCONFORMING PROVISIONS OF THE LAND DEVELOPMENT CODE AS IT EXISTS NOW, WHICH PRECLUDES ANY IMPROVEMENTS IN THAT PROPERTY. THIS WOULD SIMPLY GRANDFATHER ALL THOSE PROPERTIES AS LEGAL LOTS SO THAT THEY COULD BE REDEVELOPED AND UTILIZED.

McCracken: OH. SO I THINK MAYBE THEN LOOKING AT THE PERSPECTIVE, YOU'RE SAYING YOU WANTED TO MAKE IT WHERE SMALLER LOTS COULD TAKE ADVANTAGE OF IT RATHER THAN LARGER LOTS NOT BEING ABLE TO.

RIGHT.

Mayor Wynn: THANK YOU, MOVING ON.

THE FOURTH ONE WOULD BE TO JUST CLARIFY THE MINIMUM

SET BACK LANGUAGE THAT WAS FROM WHAT WAS ADOPTED AT FIRST LANGUAGE. AND THE PROPOSED LANGUAGES REFLECT DISCUSSIONS BETWEEN THE STAKEHOLDERS, STAFF, AND THIS IS WHAT WE'VE COME UP WITH AS A WAY TO -- WHERE THE BUILDINGS WOULD FALL AND AND -- BASED' THE STREET RIGHT-OF-WAYS. THERE WAS NO MINIMUM FRONT RIGHT OR STREET SIDE SETBACKS EXCEPT ALONG MARTIN LUTHER KING AT 10 FEET AND GRAHAM PLACE WITH 24 AND A HALF STREET. THEY WOULD BE TWO FEET TO REFLECT THE DIFFERENT VARYING WIDTHS OF THE RIGHT-OF-WAY. AND LETTER E, A BUILDING MUST BE AT LEAST 12 FEET FROM THE FACE OF THE CURB OF THE ADJACENT STREET WITH THE EXCEPTIONS OF ONE AND TWO, ONE BEING GUADALUPE STREET BETWEEN MLK AND 28TH STREET. AND ALONG 24TH BETWEEN GUADALUPE AND RIO GRANDE. AND THESE SETBACKS WERE ARRIVED AT AFTER A LENGTHY DISCUSSION WITH THE STAKEHOLDER GROUP. OKAY. NUMBER FIVE --

McCracken: I THINK A WIDE PORTION -- WHY PORTION WOULD BE GOOD TOO, WHY IT WAS DONE. THE SECOND PART OF IT ALSO IS I THINK WE HAVE MAXIMUM SETBACKS ALSO, RIGHT?

ALONG CERTAIN AREAS, YEAH, THERE ARE MAXIMUM SETBACKS. THERE IS THIS IS ALSO ALLOWED FOR TREES TO GROW SO THEY HAVE A CANOPY BETWEEN THE BUILDING AND THE -- SO THE TREES WOULD HAVE A PLACE TO GROW AS THEY MATURED.

IS THIS WHAT SHE WAS TALKING ABOUT EARLIER ABOUT HAVING 12-FOOT SIDEWALKS AS OPPOSED TO FIVE FOOT.

THIS WOULD CREATE THE SPACE FOR THE 12-FOOT SIDEWALKS, WITH THE EXCEPTION OF THOSE STREETS WITH THE VERY NARROW RIGHT-OF-WAYS WHERE THE SIDEWALKS WOULD BE MUCH NARROWER. NUMBER FIVE WOULD JUST MAKE THE BUILDING SETBACKS AT 60 FEET RATHER THAN 57 AND THIS REFLECTS CHANGES TO THE URBAN DESIGN GUIDELINES THAT WERE INSIDE THE CENTRAL AUSTIN NEIGHBORHOOD PLAN. AND THAT JUST REFLECTS CHANGES TO THAT. AGAIN, NUMBER 6 IS THE SAME THING. NUMBER 7 SPEAKS TO THE STREET SCAPE IMPROVEMENTS AND GOES AGAIN TO THE 12-FOOT

SIDEWALKS ON THE VAST MAJORITY OF THE STREETS, THE FIVE-FOOT SIDEWALKS ON THOSE THAT HAVE THE MINIMUM RIGHT-OF-WAYS. THEN IT SPEAKS TO TREE CARE AND HOW TREES MUST BE INSTALLED IN THE PUBLIC RIGHT-OF-WAY. OKAY. NUMBER 8, THIS ITEM WAS REMOVED AND WOULD BE INCLUDED IN THE RULES SECTION. A LIGHT MUST BE SHIELDED TO PREVENT FROM LIGHTING UPWARD AND THIS WOULD BE IN THE RULES OF THE ORDINANCE. I WAS INSTRUCTED THAT WOULD BE THE MORE APPROPRIATE PLACE TO LOCATE THIS TYPE OF WORDING. NUMBER 9, THIS IS JUST TO CLARIFY THE IMPERVIOUS COVER LIMITS AND TO GIVE GREATER FLEXIBILITY TO THE PROPERTY OWNER. IT'S AN EXPANSION OF WHAT WAS DONE ON THE FIRST READING, BUT IT'S NOT SUBSTANTIVELY DIFFERENT. IT JUST SAYS THAT WHATEVER THE IMPERVIOUS COVER IS, ONE NUMBER OR WHAT'S THE BASE ZONING DISTRICT, WHICHEVER IS GREATER. SO IF SOMEBODY HAD A HIGH IMPERVIOUS COVER THROUGH THEIR BASE ZONING, THEY COULD STILL TAKE ADVANTAGE OF IT. NUMBER 10, THIS IS JUST CLARIFYING A FEW THINGS. THIS SAYS ALSO AFTER DISCUSSIONS WITH THE STAKEHOLDERS. BASICALLY FOR A MULTI-FAMILY RESIDENTIAL USE, MINIMUM SITE AREA AND OPEN SPACE REQUIREMENTS OF THIS DO NOT APPLY. AND THAT IS TO -- AN OPEN SPACE IN THIS REGARD JUST ALLOWS OPEN SPACE ON THE SITE AND NOT OPEN SPACE LIKE PARKLAND. NUMBER 11 SPEAKS TO THE AFFORDABLE HOUSING. AND THE ORIGINAL STAFF RELIGIOUS HAS I GUESS SINCE CHANGED AND STAFF IS NOW ADOPTING WHAT WAS INITIALLY CALLED 15, WHICH WOULD BE THE LANGUAGE THAT WAS PROVIDED TO US BY THE CAM PACK GROUP, AND STAFF IS TAKING THAT AS NOW OUR STAFF RECOMMENDATION FOR THE AFFORDABLE HOUSING. THAT WOULD REPLACE THE TEXT IN 11. NUMBER 12, THE PLANNING COMMISSION AND WHAT WAS ORIGINALLY ADOPTED BY COUNCIL FOR PARKING FOR THE -- ALL PARKING FOR THE AREA WOULD BE 60% OF WHAT IS REQUIRED BY THE CODE. AND STAFF IS RECOMMENDING THAT THAT BE 80% OF WHAT IS REQUIRED BY CODE. AND THIS CAME ABOUT THROUGH SEVERAL INSTANCES. I MET ON SEVERAL OCCASIONS WITH THE UNIVERSITY OF TEXAS STUDENT GOVERNMENT. AND ONE OF THE THINGS THAT I HEARD OVER AND OVER AND OVER AGAIN IS THAT RIGHT

NOW THERE ISN'T ENOUGH PARKING FOR WEST CAMPUS AS IT IS. AND TO REDUCE IT -- TO REALLY REDUCE IT WOULD CREATE A LOT OF PARKING NIGHTMARE IS WHAT WAS BASICALLY DESCRIBED TO ME BY A LOT OF THE U.T. STUDENTS AND SEVERAL PEOPLE WHO WERE IN THE BUSINESS OVER THERE, THEY WERE CONCERNED THAT THAT WOULD REALLY CAUSE ISSUES. PARTICULARLY BUSINESSES THAT WEREN'T IN THE -- THAT WERE LIKE PRIVATE DORMITORIES THAT MIGHT CAUSE PROBLEMS. SO BASED ON THAT THE STAFF SAID THAT 80% THE SAME AS THE REST OF THE URBAN CORE SHOULD BE ALLOWED UNDER UNO.

McCracken: I DON'T LIKE THIS IDEA. THIS IS A COLLEGE CAMPUS. SUPPOSED TO BE A WALKABLE COMMUNITY. IT'S A DIFFERENT DYNAMIC. BECAUSE WE'RE SEPARATING OUT THE CONTRACTING OF PARKING SPACES WITH APARTMENTS, I THINK YOU WILL GET A MARKET TO DEVELOP THAT WOULD BE REALLY ONE OF THE MAIN GOALS HERE IS TO GET ALL OF THE U.T. STUDENTS BACK TO THE CAMPUS AREA AND WALKING LIKE ON MOST COLLEGE CAMPUSES. CAN YOU AGREE THAT WE CAN MAKE THAT MORE LIKELY, THAT THAT'S BETTER -- NOT TO MENTION WE'VE DISCOVERED THAT OUR PARKING MINIMUM IN AUSTIN IS ABOVE SAN ANTONIO'S PARKING MAXIMUM. WE CAN NEVER REALLY PARK IN THE CITY. I THINK IT DETERS FROM OUR GOALS.

ONE THING IF I MAY, COUNCILMEMBER. PART OF THE GUIDELINES OF THIS IS ALL PARKING GARAGES MUST BE DESIGNED TO CERTAIN STANDARDS BASICALLY WITH A CERTAIN PLATE HEIGHT AND NOT ON A SLOPE SO THAT THE SPACES CAN BE CONVERTED TO HABITABLE SPACE IN THE FUTURE SHOULD MARKET CHANGE, CULTURAL NORMS CHANGE AS IT RELATES TO AUTOMOBILE USE. SO THERE ARE PROVISIONS TO CONVERT THAT SPACE TO DIFFERENT USE AS THINGS CHANGE OVER TIME.

McCracken: I THINK THAT IS ANOTHER EXCELLENT PORTION OF THE WHOLE PLAN. ONE THING, FOR INSTANCE, IS THAT IT WOULD ADD COSTS FOR SOMETHING THAT WE'RE ACTUALLY TRYING TO DISCOURAGE ANYWAY IN THE CAMPUS AREA, SO I THINK IT WOULD BE BETTER OFF IF WE DIDN'T ADD ON

SOME COSTS FOR SOMETHING WE'RE TRYING TO PREVENT. OKAY. NUMBER 13 SPEAKS TO THE CAR SHARE PROGRAM AS I MENTIONED EARLIER BY MAYOR PRO TEM GOODMAN. AND STAFF COULD PRODUCE THE MEMO TO COUNCIL STATING THE SPECIFIC REASONS WHY STAFF DID NOT SUPPORT IT AT THIS TIME, BUT COUNCIL'S DECISION ON THIS ITEM.

Mayor Wynn: BUT IT WAS INCLUDED IN THE FIRST READING?

IT'S IN THE FIRST DRAFT. EVERYTHING IN THE FAR RIGHT COLUMN IS IN THE ORIGINAL DRAFT APPROVED BY COUNCIL AND PROPOSED BY THE PLANNING COMMISSION.

NEXT ITEM, NUMBER 14, SPEAKS TO PARKING REQUIREMENTS FOR COMMERCIAL USES. ORIGINALLY STAFF RECOMMENDED 3500 SQUARE FEET FOR IF YOU HAD A SITE SMALLER THAN THAT OR SMALLER, YOU COULD WAIVE REQUIRED PARKING REQUIREMENTS. IT WAS A COMMERCIAL SITE IN THE OUTER WEST CAMPUS WHICH IS THE PREDOMINANT AREA. AND WE -- FOR COMMERCIAL USES UNDER 6,000 SQUARE FEET OF GROSS AREA OF PARKING, YOU DON'T NEED TO PROVIDE PARKING. 6,000 SQUARE FEET OF AREA, YOU DON'T NEED TO PROVIDE PARKING. AND THIS HAS ALSO CHANGED BASED ON STAFF COMMENT THAT WE RECEIVED THIS MORNING. THE MINIMUM OFF STREET PARKING REQUIREMENT STAFF HAS -- FROM WATERSHED HAS RECOMMENDED 80% OF THAT FOR COMMERCIAL SITES LARGER THAN 6,000 SQUARE FEET THROUGHOUT THE ENTIRE AREA.

McCracken: MAYOR. FOR THE SAME REASON, I PERSONALLY HAVE A PROBLEM WITH THAT. ONCE AGAIN, WE'VE HEARD OUR COMMERCIAL PARKING STANDARDS. WE'VE REALLY OVERPARKED THIS CITY AND SO I THINK WE COULD REALLY ACHIEVE WHAT WE'RE TRYING TO ACCOMPLISH BETTER WITH A 60%.

OKAY. AND THAT COMPLETES IT, COUNCIL AND MAYOR.

Mayor Wynn: OKAY. SO COUNCIL, IF WE COULD QUICKLY GIVE STAFF OUR RECOMMENDATION ON -- OUR BHESING ON THEIR PROPOSED CHANGES TO THESE 14 LINE ITEMS. THE MOST HEART BURN THAT I HEARD OR FELT WAS ITEM

NUMBER 2, AND THE OTHER PARKING-RELATED ITEMS, 12 AND 14.

AND 13?

Mayor Wynn: IT SEEMS LIKE -- THAT'S RIGHT, 13 AS WELL. 13 RELATED TO THE CAR SHARING ITEM. AND CORRECT, THE ISSUE ON ITEM 14 IS JUST THE FIRST COMMENT, WHICH IS THE INCREASE OF THE MINIMUM REQUIREMENT. COUNCILMEMBER ALVAREZ.

Alvarez: I HAVE ONE MORE QUESTION ABOUT THE HOUSING PART. AND HOPEFULLY WE CAN GET THE STATISTICS WE TALKED ABOUT EARLIER BEFORE THE FINAL READING, BUT THE LETTER C THAT TALKS ABOUT USING THOSE FUNDS TO SUPPORT HOUSING DEVELOPMENT IN THE NEIGHBORHOOD OVERLAY DISTRICT THAT PROVIDES 10% OF ITS DWELLING UNITS TO PERSONS WHOSE INCOME IS LESS THAN 50% OF THE MEDIAN INCOME. THAT PART RIGHT THERE?

YES, SIR.

Alvarez: AND I GUESS THIS IS PART OF THE -- THAT KIND OF RELATES TO WHAT I WAS TALKING ABOUT EARLIER, BUT ARE WE ASSUMING HERE THAT THESE PROJECTS ARE NOT PROJECTS THAT ARE RECEIVING ANY OTHER BENEFITS UNDER THE UNIVERSITY OVERLAY?

NO, SIR. THOSE WOULD BE PROJECTS THAT WOULD BE PARTICIPATING IN THE ENTITLEMENTS OF THE OVERLAY. SO THEY WOULD HAVE TO BE RECEIVING THE ENTITLEMENTS OF THE OVERLAY, INCREASED DENSITY. AND THE ONLY OTHER REQUIREMENTS THAT WE'RE TALKING ABOUT TO BE ABLE TO PARTICIPATE IN THIS. AND TO ACCESS THIS, THESE DOLLARS WOULD BE SET ASIDE IN A SEPARATE ACCOUNT IN OUR HOUSING TRUST FUND AND THEN BROUGHT BACK TO THE AUSTIN HOUSING FINANCE CORPORATION WITH RULES SPECIFICALLY ON HOW THE DOLLARS WOULD BE USED. SO IF IN FACT THEY WERE NOT PROVIDING THE HOUSING ON SITE IN THE DEVELOPMENT ITSELF FOR THE COMPLIANCE OF THE HOUSING AFFORDABILITY REQUIREMENTS AND PAYING THE FEE IN LIEU OF, THEN THE FEES WOULD GO INTO A FUND FOR US TO USE. AND THE INTENT OF THIS PARAGRAPH

IS TO SAY THAT THOSE DOLLARS WOULD BE USED FOR NEW CONSTRUCTION FOR UNITS UNDER 50% SPECIFICALLY IN THIS GEOGRAPHIC AREA SO THAT THOSE DOLLARS WOULDN'T BE USED ACROSS THE CITY.

Alvarez: MY POINT IS IF THERE'S MONEY IN THIS FUND, IT'S BECAUSE SOMEONE OPTED NOT TO PROVIDE AFFORDABLE HOUSING IN THE PROJECT, AND SO THESE FUNDS SHOULD BE TO PROVIDE I THINK NEW AFFORDABLE HOUSING AND NOT SOMEONE ELSE WHO IS DEVELOPING SOMETHING UNDER UNO WHO SHOULD BE PROVIDING THE AFFORDABLE HOUSING ALREADY AND US GIVING THEM MONEY TO PROVIDE SOMETHING THAT THEY'RE ALREADY SUPPOSED TO BE PROVIDING BECAUSE THEY'RE GETTING ALL THESE OTHER BENEFITS. SO I WOULD THINK THAT THEY WOULD HAVE TO GO BEYOND THE 10% AT 80% OF MFI AND 10% OF 50% OF MFI IN ORDER TO GET ADDITIONAL ASSISTANCE IN TERMS OF ACTUALLY PROVIDING THAT BECAUSE THE OVERLAY HAS ALREADY GIVEN THEM THE INCENTIVE TO DO THOSE 20%.

AND I UNDERSTAND THAT AND I THINK WE CAN ADDRESS THAT AS THOSE RULES COME FORWARD. THE ONLY COMMENT THAT I WOULD MAKE IS THAT SOME OF THE BENEFITS OF THE OVERLAY MAY APPLY TO PROPERTIES THAT WOULD WELL EXCEED THE 10% LIMITATIONS THAT WOULD BE JUST PART OF THE INCENTIVE PACKAGE. SO THOSE ARE THINGS WE CAN WORK OUT AS WE COME FORWARD WITH THE RULES AND THE GUIDELINES FOR HOW THE DOLLARS WOULD BE USED. BUT I UNDERSTAND YOUR POINT.

Alvarez: YEAH. I JUST DON'T THINK WE SHOULD BE GIVING PEOPLE MONEY TO HELP THEM DO SOMETHING THEY'RE ALREADY REQUIRED TO DO.

RIGHT, I UNDERSTAND THAT.

Mayor Wynn: FURTHER COMMENTS? IF NOT --

Slusher: WAIT, I HAD ONE.

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: ON NUMBER 8 ABOUT THE LIGHT BEING SHIELDED FROM SHINING UPWARD, YOU SAID IT WILL BE REMOVED BECAUSE IT WILL BE INCLUDED IN THE RULES AND IMPLEMENTING THE ORDINANCE, NOT IN THE ORDINANCE ITSELF. IS THAT GUARANTEED OR IS THAT JUST BEING DISCUSSED AT THAT TIME?

NO, THAT'S GUARANTEED.

Slusher: IT GOES IN THERE INSTEAD OF IN HERE?

THAT'S BEEN A TENET OF THE DESIGN GUIDELINES ALMOST FROM THE VERY BEGINNING. AND THAT'S GOING TO BE INCLUDED IN THE RULES.

Slusher: OKAY. THANKS.

Mayor Wynn: MAYOR PRO TEM?

Goodman: I'M SORRY, COULD I ASK YOU TO READ THE WORDING ON 10 AGAIN, THE PROPOSED CHANGES?

OKAY. FOR 10 IT SAYS FOR A MULTI-FAMILY RESIDENTIAL USE, MINIMUM SITE AREA AND OPEN SPACE REQUIREMENTS OF THIS SUBCHAPTER DO NOT APPLY. AND PREVIOUSLY IN THE VERSION INITIALLY VOTED UPON BY COUNCIL, THERE WAS A MINIMUM OPEN SPACE REQUIREMENT FOR EACH DWELLING UNIT OF 100 SQUARE FEET. AND THAT WAS REMOVED AT THE SUGGESTION AND REQUEST OF THE STAKEHOLDER GROUP.

Goodman: DO YOU RECALL THE RATIONALE FOR THAT ONE?

IT WOULD PROVIDE FOR -- A LOT OF THE SITES IN WEST CAMPUS ARE VERY SMALL. AND TO MAXIMIZE THE AREA OF THE SITES THAT THIS WOULD -- THIS ACTION BE REMOVED. IN ADDITION, ONE OF THE PROVISIONS OF THE OVERLAY WOULD BE TO PROVIDE STREET TREES AND WIDER SIDEWALKS. AND INSTEAD OF CREATING PRIVATE OPEN SPACE PER EACH PROJECT, THE PUBLIC REALM OPEN SPACE WOULD BE IMPROVED, AND THAT WAS KIND OF THE

CONSIDERATION. IN ADDITION, THERE'S PEASE PARK AND THE SHOAL CREEK GREENBELT VERY CLOSE TO THIS AREA AS WELL AS HEMPHILL PARK AND THE OPEN SPACE AT THE TUMENT U.T. CAMPUS:

Mayor Wynn: SO COUNCIL, I GUESS -- I THINK IT WOULD TAKE A LOT OF TIME TO WALK THROUGH ALL THESE INDEPENDENTLY. MY INSTINCT IN LISTENING TO THE DIALOGUE HERE IS THAT AT LEAST SEVERAL OF US ARE NOT SUPPORTIVE OF REMOVING -- OF ACCEPTING THE PROPOSED CHANGE NUMBER 2, WHICH IS THE REMOVAL OF THAT REQUIREMENT. AND -- SO COUNCILMEMBER ALVAREZ, WERE YOU COMFORTABLE OR NOT WITH THE INSERTION OF THE LATEST LANGUAGE ON THE YELLOW SHEET THAT IS ITEM 11?

I THINK I'M SUPPORTIVE CONCEPTUALLY OF WHAT'S ON THERE, BUT YOU MAY WANT TO TWEAK THE LANGUAGE A LITTLE BIT OR THE PERCENTAGES. BUT I THINK THE IDEAS ARE THERE, IT'S JUST MORE SO GETTING A HANDLE ON THE NUMBERS.

Mayor Wynn: AND THEN ALSO, I BELIEVE, THERE WAS NOT SUPPORT -- AT LEAST NOT FULL SUPPORT CERTAINLY FOR ACCEPTING THE PROPOSED CHANGE NUMBER 12 OR THE FIRST OF THE TWO PROPOSED CHANGES ON NUMBER 14.

AND NUMBER 13.

Mayor Wynn: OR NUMBER 13.

Goodman: I COULD TRY A MOTION.

Mayor Wynn: I'M SORRY, MAYOR PRO TEM, IS THAT -- WOULD THAT REFLECT YOUR MOTION?

Goodman: I THINK THAT YOU SAID EVERYTHING.

Mayor Wynn: SECOND READING ONLY, BUT WE WANT TO GIVE STAFF AS MUCH FIRM DIRECTION AS WE CAN.

Goodman: THAT WOULD BE MY MOTION. AND I THINK I'M

AGREEING WITH THAT.

SECOND.

Mayor Wynn: MOTION BY MAYOR PRO TEM TO ADOPT ON SECOND READING THESE AMENDED CHANGES PER MY DESCRIPTION, SECONDED BY COUNCILMEMBER MCCracken. FURTHER COMMENTS? COUNCILMEMBER DUNKERLEY.

Dunkerley: MAYOR, WITH THIS ACTION ARE WE APPROVING THE UNO PLAN WITH THESE AMENDMENTS?

SECOND READING ONLY.

Dunkerley: I HAVE A SUBSTITUTE MOTION, NO, A FRIENDLY AMENDMENT HOPEFULLY. [LAUGHTER] WE'LL TRY THAT. MY FRIENDLY AMENDMENT WOULD BE IN ADDITION TO THESE CHANGES, WHICH I SUPPORT, WOULD BE TO ADD BACK 2400 PEARL STREET TO THE 90-FOOT AREA IN THE PLAN AS IT WAS IN THE ORIGINAL PLAN THAT WAS DISTRIBUTED.

IS THIS CASE 101? IS THIS 101? THIS IS AGENDA ITEM 100, AND THAT WOULD BE A PART OF CASE 101.

Dunkerley: NO, I'M TALKING ABOUT IN AGENDA ITEM 100 YOU HAVE A MAP THAT SHOWS -- THAT SHOWS THE 90-FOOT --

THAT SPEAKS TO THIS SITE MORE OR LESS RIGHT HERE. THAT WOULD BE THE NEXT CASE ON FOR THIS EVENING.

Dunkerley: BUT THAT'S A ZONING CASE. WHAT I WOULD LIKE TO DO HERE IS MAKE SURE THAT THAT GETS INCLUDED OR AT LEAST HAS AN OPPORTUNITY TO BE INCLUDED IN THE OVERLAY.

I'M GOING TO CHIME IN. COUNCILMEMBERS, COUNCILMEMBER DUNKERLEY IS CORRECT THAT THE ITEM NUMBER 101 IS JUST A ZONING CASE, AND THE ZONING CASE ITSELF HAS -- THE PROPOSAL FOR THE ZONING IS TO ALLOW YOU TO GO TO 90 FEET AND MF-6. HOWEVER, THERE'S A VALID PETITION IN THAT CASE AND THIRD READING REQUIRES SIX VOTES. WHAT COUNCILMEMBER DUNKERLEY

IS PROPOSING IS TO AMEND THE UNO ORDINANCE TO INCLUDE THIS PROPERTY IN THE HEIGHT OF 90 FEET, WHICH CAN ONLY BE HANDLED OBVIOUSLY THROUGH THAT. ANOTHER OPTION YOU WOULD HAVE IS NOT TO AMEND -- ACTUALLY, LET ME CHANGE THAT. IF YOU DID NOT AMEND UNO TO INCLUDE THIS TRACT UNDER THE 90 FEET HEIGHT, IF YOU WERE TO APPROVE THE ZONING ON ITEM NUMBER 101 WITH MF-OF, WHICH WOULD BE 90 FEET, UNO WOULD RESTRICT IT TO 75. THAT'S THE DIFFERENCE IN THE TWO CASES, THE UNO ORDINANCE VERSUS THE CASE UNDER 101. IS THAT CLEAR?

Dunkerley: I'M NOT SURE NOW. I WANTED TO INCLUDE THIS LOT BACK IN THE 90-FOOT OVERLAY AS IT WAS WHEN IT WAS ORIGINALLY PRESENTED BY THE NEIGHBORHOOD GROUP.

Mayor Wynn: I'M SORRY, COULD YOU POINT OUT AGAIN ON OUR OVERLAY MAP THE LOCATION OF THAT TRACT? SO WHAT THAT WOULD DO WOULD BE TO CHANGE THE COLOR TO THE DARKEST B OR TO THE YELLOW?

B. THAT WOULD BE OUTER WEST CAMPUS AREA CURRENTLY. IT'S AT 75 FEET. AND COUNCILMEMBER DUNKERLEY'S FRIENDLY AMENDMENT WOULD BUMP THAT UP TO 90 FEET.

Dunkerley: COULD I ASK ANOTHER QUESTION. THEN IF THEY CHOOSE TO ACHIEVE THAT HEIGHT, THEY WOULD HAVE TO COMPLY WITH ALL THE OTHER UNO -- WITH ALL THE UNO OVERLAY CONSIDERATIONS THAT WE'RE PASSING RIGHT NOW?

YES. THEY WOULD IN ORDER TO AVAIL THEMSELVES OF THE DENSITY BONUSES, THEY WOULD HAVE TO DO EVERYTHING REQUIRED IN THE UNO.

Dunkerley: ALL RIGHT. THAT'S WHAT I WANTED.

Goodman: AND MY MOTION WOULD KEEP IT AT 75 FEET, SO THAT WOULD NOT BE FRIENDLY.

Dunkerley: THEN DO I MAKE A SUBSTITUTE MOTION, MAYOR,

ON THAT?

Mayor Wynn: BEFORE THAT, COUNCILMEMBER DUNKERLEY. SO HELP ME THINK AHEAD THEN, ITEM 101, WHICH IS A DIFFERENT ZONING CASE THAT WE REFER TO AS THE HOUSE OF TUTOR, BY TAKING THE ACTION -- EVEN THOUGH THIS IS ONLY SECOND READING. BY TAKING THE ACTION NOW ON CASE 100 AND THE ACTUAL UNO PLAN ITSELF AND THE OVERLAYS, DOES THAT RESTRICT WHAT OTHERWISE WE VERY EASILY COULD BE DOING ON 101, OUR NEXT CASE?

NOT NECESSARILY, MAYOR. UNDER THE UNO OVERLAY, A PROPERTY STILL HAS ITS BASE ZONING RIGHT ENTITLEMENTS, AND THE CREATION OF THIS OVERLAY DOES NOT PRECLUDE SOMEBODY FOR REQUESTING A ZONING CHANGE. SO THEY ARE NOT NECESSARILY MUTUALLY EXCLUSIVE, NOR ARE THEY NECESSARILY TIED TOGETHER. THOUGH THE UNO WOULD PRESCRIBE CERTAIN DESIGN STANDARDS ABSENT UNDER THE BASE ZONING DISTRICT.

Mayor Wynn: AND I DON'T KNOW IF THIS IS GERMANE OR NOT, BUT TO JUMP AHEAD TO CASE NUMBER 101, WHAT WAS PASSED BY A MAJORITY OF COUNCIL ON FIRST READING, WOULD THAT REQUIRE ITS INCLUSION IN THE UNO OVERLAY?

ACTUALLY, NO, MAYOR. WHAT WAS PASSED ON FIRST READING WAS LITTLE MORE -- THE SETBACKS WERE GREATER THAN WHAT WOULD BE ALLOWED BY UN AND THE BUILDING DESIGN WOULD NOT BE THE SAME AS REQUIRED BY THE UNO OVERLAY OR THE DESIGN GUIDELINES AS THEY CURRENTLY STAND. IEW

Dunkerley: I THINK BY PUTTING IN THE OVERLAY WE CAN BE ASSURED THAT THEY WILL COMPLY WITH ALL THE OTHER UNO RESTRICTIONS AND DESIGN GUIDELINES IF IT GETS APPROVED THERE. AND I WANT -- IF WE WERE TO DECIDE TO PUT IT BACK TO THE 90-FOOT LIMIT, I THINK THAT GIVES US A LOT MORE ASSURANCE BECAUSE IT CAN'T GET THAT HEIGHT UNLESS IT COMPLIES WITH EVERYTHING.

Goodman: CAN I ASK A FOLLOW-UP? >>

MAYOR WYNN: MAYOR PRO TEM.

Goodman: WHAT'S THE HEIGHT PASS ODD FIRST READING ON 101?

ON 101 IT WAS 90 FEET PASSED ON A VOTE OF FOUR TO THREE.

Goodman: RIGHT. MY MOTION CONTINUES TO BE 75. SO THE SUBSTITUTE MOTION --

Mayor Wynn: SO WE HAVE A MOTION ON THE TABLE AND A SECOND, AND NOW WE HAVE A PROPOSED SUBSTITUTE MOTION.

Slusher: MAYOR, WOULD THAT BE A SUBSTITUTE MOTION OR A PROPOSED AMENDMENT?

IT WOULD BE AN AMENDMENT TO -- IT WOULD NOT BE A SUBSTITUTE MOTION BECAUSE IT'S NOT GOING TO ENTIRELY TAKE THE PLACE OF THIS. I BELIEVE THE COUNCILMEMBER WANTS TO AMEND THIS MOTION, SO YOU WOULD NEED TO VOTE ON THE AMENDMENT FIRST AND THEN ON THE MAIN MOTION.

Mayor Wynn: OKAY. SO WE HAVE A PROPOSED AMENDMENT THAT WASN'T ACCEPTED AS FRIENDLY, BUT WE HAVEN'T HAD A SECOND YET.

Slusher: I'LL SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER SLUSHER. FURTHER COMMENT?

Thomas: YEAH, MAYOR. THIS IS THE SECOND READING, RIGHT?

Mayor Wynn: CORRECT.

Thomas: THE THE FIRST READING I THOUGHT COUNCILMEMBER DUNKERLEY DID THE SAME THING.

Dunkerley: BUT NOT ON THIS ITEM.

Thomas: I UNDERSTAND 101, BUT I THOUGHT WE DISCUSSED THAT ON THE FIRST READING TOO ALSO. YOU SAID THAT, IF I RECALL, THAT YOU WANTED TO DO THE SAME THING THAT YOU'RE IS A SAYING RIGHT NOW.

Dunkerley: IF WE PUT IT IN THE OVERLAY, THEN I THINK WE HAVE MORE ASSURANCE THAT IT WILL GET DONE. THAT WAS MY INTENT.

Alvarez: MAYOR. I THINK WHAT -- IF THE VOTE GOES THE SAME WAY AS IT DID LAST TIME AND IT'S FOUR-THREE, YOU KNOW, AND IT MAY BE THAT SAME VOTE ON THIS, SO YOU MIGHT PUT A YELLOW COLOR ON THAT PARTICULAR PIECE OF PROPERTY, BUT IF THE VOTE CONTINUES TO BE FOUR TO THREE ON A VALID PETITION, THEN THEY WON'T BE ABLE TO DO THE 90 FEET, SO WHY WOULD WE HAVE AN UNO MAP THAT SHOWS THEM GOING TO 90 FEET IF THE ZONING DOESN'T GET APPROVED? BECAUSE YOU NEED A SUPER MAJORITY. SO IT'S ALMOST LIKE WE NEED TO SEE WHAT THE OUTCOME IS OF THAT ZONING CASE AND MAYBE ON THIRD READING ONCE WE SEE WHAT THAT IS, YOU CAN COME IN AND AMEND THE UNO OVERLAY MAP HERE.

Mayor Wynn: IN FACT, I WAS THINKING THROUGH THAT SAME LOGISTIC MYSELF. AS AN EXAMPLE, IF WE KNEW WHETHER CASE 101 WAS GOING TO BE PASSED ON SECOND OR SECOND AND THIRD READING TONIGHT, WE WOULD STILL THEN HAVE THE ABILITY TO GO BACK ON THIRD READING AND AMEND THE UNO PLAN. SO BASED ON THAT, I WON'T BE SUPPORTIVE OF THE PROPOSED AMENDMENT.

Dunkerley: LET'S GO AHEAD AND SEE IF WE CAN AMEND IT THIS TIME BECAUSE WE WOULD HAVE TO HAVE THEM DO SOME KIND OF AGREEMENT IN ORDER TO GET ALL OF THESE RESTRICTIONS IN THE ZONING CASE, WHEREAS IF WE HAVE IT HERE TOO, IT JUST MAKES IT A LITTLE TIGHTER. IF YOU DON'T MIND.

Mayor Wynn: MAYOR PRO TEM.

Goodman: OKAY. JUST SO I'M CLEAR. IF IT REALLY TAKES 101

AND A ZONING ORDINANCE THIRD READING WITH THE SUPER MAJORITY TO CHANGE THAT, DOES A FOUR-THREE ON 100 PRECLUDE THAT AS WELL? BECAUSE OF THE PETITION ON 101.

NO.

NO, MA'AM, IT DOES NOT. UNO IS --

Goodman: HOW CAN YOU DO IT IN ONE PLACE AND NOT THE ZONING?

UNO IS AN OVERLAY THAT APPLIES TO AN ENTIRE AREA. THAT VALID PETITION ONLY APPLIES TO THAT PIECE OF PROPERTY. AND IT IS THAT -- THE VALID PETITION -- THE VALID PETITION IS GOING TO CONTROL THE ACTUAL ZONING ON THAT PIECE OF PROPERTY. AND THE OVERLAY IS AN OVERLAY REGARDLESS OF WHAT THE ZONING IS.

AND IT WOULD REQUIRE FOUR VOTES OF COUNCIL TO CHANGE THE HEIGHT BASED ON FIRST READING, FROM WHAT IT WAS ON FIRST READING.

Goodman: SAY THAT ONE MORE TIME.

TO MOVE THE HEIGHT LIMIT AS REQUESTED BY COUNCILMEMBER DUNKERLEY WOULD REQUIRE FOUR VOTES.

Goodman: ON THE OVERLAY. SO IT WOULDN'T MATTER WHAT YOU DID THEN ON 101 BECAUSE YOU'VE ALREADY BEEN CO-OPED BY 100? THAT'S NOT VERY FAIR. [LAUGHTER]

Dunkerley: I HOPE THAT'S THE CASE.

Slusher: SAY THAT AGAIN.

Goodman: WELL, YOU'RE CO-OPED BECAUSE APPARENTLY IF YOU HAVE A MERE FIVE-VOTE MAJORITY ON 100, YOU'VE PREEMPTED THE ABILITY TO STOP THAT EVEN THOUGH YOU DON'T HAVE A SUPER MAJORITY ON 101.

THE LINES WERE ORIGINALLY MOVED DUE TO OPPOSITION

TO HEIGHT AND TALKED TO THE STAKEHOLDERS FROM THE THETA SORORITY, SPOKE WITH A REPRESENTATIVE, MS. ARNOLD, FROM THERE, AND SHE AND HER ORGANIZATION EXPRESSED A CONCERN WITH THE 90-FOOT HEIGHT IN THAT AREA.

Mayor Wynn: I BELIEVE THE ANSWER I HEARD IS IF ON A FOUR-THREE VOTE COUNCIL WERE TO AS PART OF CASE 100, THE UNO OVERLAY, CHANGE THE COLOR OF THE OVERLAY, THEN THAT TRUMPS AN OTHERWISE VALID PETITION ON TRACT 101.

IT VERY WELL COULD IF THE PERSON WHO HAS THE VALID PETITION CHANGED THEIR DESIGN TO GO TO THE UNO, BUT YES, IT COULD.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I THINK THAT THE OVERLAY IS A MUCH BETTER APPROACH THAN DOING IT THROUGH ZONING ANYWAY BECAUSE I SUSPECT THAT AS WE LEARN HOW UNO WORKS THAT THERE MAY BE SOME MINOR MODIFICATIONS FROM TIME TO TIME. MAYBE NOT. POSSIBLY, BUT THIS WOULD THEN BECOME AN OUT LIAR PROPERTY NOT SUBJECT TO THE EVOLVING VISION OF UNO. SO I THINK IT'S A LITTLE PROBLEMATIC TO REZONE THAT PROPERTY, BUT I THINK PARTICULARLY CONSIDERING IT'S ON 24TH STREET, WHICH IS -- 24TH, THAT'S PART OF GROUND ZERO OF WEST CAMPUS, AND IF ANYWHERE YOU SHOULD HAVE MORE DENSITY IT SHOULD BE ON 24TH STREET. SO I THINK IT'S BETTER TO PUT IT IN THE OVERLAY.

Alvarez: MAYOR.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: IT DOESN'T SEEM TO MAKE SENSE THAT THE FOUR VOTES COULD TRUMP THE VALID PETITION TO ME, BUT MY QUESTION THAT I HAD ASKED BEFORE I GUESS THIS IS GOING TO BE CALLED TO A VOTE IS WE HAVE THAT BLOCK, A COUPLE OF TRACKS THERE THAT ARE ZONED FOR 75 FEET, AND INDEED THERE'S ANOTHER -- THERE'S ANOTHER BLOCK OF 90 FEET AROUND THAT. SO I CAN SEE HOW ONE WOULD

SAY, WELL, WHY ARE THESE 90 FEET AND WHY ARE THESE 75. BUT FROM A PLANNING POINT OF VIEW, I DON'T SEE WHY YOU WOULD TAKE ONE TRACT OUT OF ALL THAT AREA THAT'S ZONED FOR 75 FEET AND MAKE IT 90 FEET AND LEAVE ALL THE OTHER 75 FEET THE WAY -- WITH THAT LIMITATION. SO THAT'S -- AGAIN, THE FOLKS WHO ARE PROPOSING THIS AMENDMENT, ARE SAYING THAT THAT WOULD MAKE MORE SENSE HERE IN TERMS OF HOW THIS OVERLAY WORKS. AND I THINK THERE'S SOME INCONSISTENCIES THERE IN TERMS OF -- IN TERM OF THE OTHER SURROUNDING TRACTS THAT WOULD HAVE A 75-FOOT RESTRICTION.

THAT CHANGE IN HEIGHT WAS DUE TO ONE OF THEM NEXT TO A VERY LARGE CONDOMINIUM WITH WELL OVER 100 UNITS WITH WELL OVER 80 DIFFERENT OWNERS. AND THE ONE THAT YELLOW THAT HOOKS IS ONE SINGLE CONDOMINIUM WITH THREE OWNERS WITH 19 OR 20 UNITS. AND IN AN ANALYSIS WE DETERMINED THAT WOULD BE MORE LIKELY TO BE REDEVELOPED THAN THE ONE WITH THE 100 DIFFERENT UNITS. IT'S EASIER TO GET THREE PEOPLE TO AGREE TO SOMETHING THAN 80. AND THAT WAS THE RATIONALE FOR INCLUDING THAT.

Mayor Wynn: WE'RE HAVING A HARD TIME GETTING FOUR UP HERE. [LAUGHTER] [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] AMENDMENT PASSES ON A VOTE OF 4-3.

I WANTED TO MAKE IT CLEAR, WHEN WE BRING BACK FOR THIRD READING IT WILL REPRESENT WHAT THE COUNCIL VOTED ON.

THE NAY VOTES ON THAT WERE COUNCILMEMBERS ALVAREZ, THE MAYOR PRO TEM AND MYSELF. AND SO THAT -
- THAT TAKES US TO THE MAIN --

Slusher: MAYOR, LET ME --ANCE TO HIS QUESTION. SHOW ME ON THE MAP HOW THAT WOULD LOOK NOW WITH WHAT JUST PASSED. IF YOU LOOK AT THIS ROUGH X I DREW HERE EARLIER, THAT WOULD MEAN THIS WOULD BE A YELLOW SQUARE, WITH THE AMENDMENT. JUST INCLUDE THIS ONE AREA RIGHT HERE, WHICH IS BASICALLY 2400 PEARL

STREET.

I THINK IT'S GOING TO LOOK LIKE THAT, STILL --

Dunkerly: IF YOU WANT TO IN A BROADER AMENDMENT, I WOULD SECOND THAT. I AGREE WITH YOU.

SO -- WHAT WAS THE THING, THE YELLOW IS 90,

THAT IS CORRECT.

AND THE -- THE OTHER ONE IS 60? 70? WHAT IT WAS BEFORE. THIS IS THIS RIGHT HERE, THIS BROWNISH COLOR, LIGHTER BROWN IS 75 FEET. I WOULD SAY THE -- MAKE THAT ALONG, THAT OTHER TRACT THERE BACK TO THE YELLOW 90 AS WELL. 2400 WHERE WE DON'T JUST DO ONE TRACT. I WOULD MAKE A MOTION TO THAT EFFECT.

I'LL SECOND.

AND WE CAN LOOK AT THAT ON -- I MEAN WE COULD TAKE COMMENTS ON THAT, I'M SURE THAT WE WOULD HEAR SOMETHING BETWEEN SECOND AND THIRD. TO ME THAT IS JUST MORE CONSISTENT THAN DOING THE ONE TRACK. HOW WOULD YOU --

HOW WOULD YOU DRAW THE LINES OUT, TO MAKE THE MAPS AGAIN, INCLUDE IT ALONG PEARL STREET TO 25, INCLUDE THIS AREA, THIS AREA RIGHT HERE?

Slusher: WITH THE 2400, IT ONLY GOES IN AS FAR AS --

RIGHT HERE.

Slusher: I THINK THAT I WOULD -- WHAT I WOULD PREFER TO DO IS GET THE STAFF TO MAKE THAT, TO COME BACK WITH A RECOMMENDATION ON MAKING THAT CONSISTENT.

Mayor Wynn: ON THIRD READING?

Slusher: YES.

Mayor Wynn: SOUNDS PRUDENT.

LIKE THAT?

Slusher: YES. BUT SITTING HERE AND LOOKING AT THAT I DON'T WANT TO ARBITRARILY DRAW THE LINE.

OKAY. I WILL ALTER THE MAP.

Slusher: YOU HAVE TO UNDERSTAND WHAT WE ARE TRYING TO DO THERE IS MORE OF A STAIR STEP.

OF COURSE.

Slusher: OKAY.

Mayor Wynn: BUT IF YOU COULD, GO AHEAD AND SHOW THE ACTION THAT WE HAVE TAKEN SO FAR TONIGHT AND THEN PROBABLY COME BACK WITH A SECOND AMOUNT ACTIVE THAT WOULD BE STAFF'S RECOMMENDATION -- SECOND ALTERNATIVE THAT WOULD BE STAFF'S RECOMMENDATION FOR THIRD READING.

SURE, YEAH.

THERE IS A MOTION AND A SECOND ON THE FLOOR. IS IT MY UNDERSTANDING THAT THAT MOTION AND SECOND ARE NOW WITHDRAWN? I UNDERSTAND THAT COUNCILMEMBERS -- >> > MAYOR WYNN: COUNCILMEMBER MCCRACKEN?

McCracken: IN FACT, BASED ON WHAT MR. DUNCAN HAD SAID ABOUT, ABOUT THE 24th BEING THE MAIN CORRIDOR FOR WEST CAMPUS, I -- WHAT IS THE BROWN HEIGHT?

THE DARK BROWN IS 175 THE LIGHTER BROWN IS 75.

OKAY.

Mayor Wynn: SO, COUNCIL, THAT TAKES US BACK TO THE MAIN MOTION ON AGENDA ITEM 100, MADE BY THE MAYOR PRO TEM, FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED?

NO.

Mayor Wynn: THIS IS YOUR MOTION.

Goodman: IT'S AMENDED.

Mayor Wynn: OKAY, GOOD POINT. WELL, SO --

Goodman: SHOULD I WITHDRAW --

NO, NO, NO.

Mayor Wynn: I'M SORRY, LET ME CALL THAT VOTE AGAIN. SO WE ARE BACK NOW TO MAYOR PRO TEM'S MAIN MOTION ON AGENDA ITEM NO. 100 THAT HAS BEEN AMENDED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED?

NO. YOU MESSED UP MY MOTION, SO I CAN'T VOTE FOR IT.

Mayor Wynn: SO ITEM NO. 100 AS AMENDED PASSES ON A VOTE OF 6-1 WITH THE MAYOR PRO TEM VOTING NO ON SECOND READING ONLY. COUNCILMEMBER MCCRACKEN?

McCracken: ROBERTS -- FOR ROBERTS RULES OF ORDER POINT, I GUESS FOR THE CITY ATTORNEY, WHERE ARE WE? [LAUGHTER]

I KNEW YOU WERE GOING TO ASK THAT QUESTION. I MUST CONFESS, I DO NOT KNOW THE ANSWER. WHEN YOU HAVE THE MOTION THAT HAS BEEN PROPOSED BY A PERSON AND WHO THEN VOTES AGAINST IT. MY RECOMMENDATION, SINCE YOU HAVE RAISED THE POINT, I WAS -- YOU KNOW, WHEN YOU DON'T RAISE POINTS OF ERROR TO ROBERTS, THEY GET WAIVED, I WAS REALLY HOPING THAT THAT ONE

WOULD GET WAIVED. BUT YOU RAISED IT. I THINK THAT THE BETTER COURSE WOULD BE THAT THE MOTION BE RECONSIDERED AND THAT SOMEONE ELSE MAKE THE MOTION IF THE MAYOR PRO TEM CAN NO LONGER MAKE THE MOTION. IT'S NOT THAT I NECESSARILY -- THAT IS JUST APPEAR ABUNDANCE OF CAUTION -- JUST AN ABUNDANCE OF CAUTION. MY RECOMMENDATION FIRST THERE WOULD BE A MOTION TO RESCIND. THAT WOULD BE ADOPTED BY THE COUNCIL AND THEN SOMEONE WOULD THEN MAKE THE MOTION INSTEAD OF THE MAYOR PRO TEM.

Mayor Wynn: COUNCIL, I WILL ENTERTAIN A MOTION TO RESCIND OUR PREVIOUS VOTE ON ITEM NO. 100, RECONSIDERATION.

McCracken: SO MOVE.

Mayor Wynn: I'LL SECOND THAT. ALL IN FAVOR PLEASE SAY AYE. AYE? OPPOSED?

NO. [LAUGHTER]

Goodman: MAYOR, WE ARE GETTING CAUGHT IN A PARLIAMENTARY BUREAUCRACY HERE. ANYWAY, IT IS POSSIBLE TO MAKE A -- A MOTION AND SECOND IT FOR DISCUSSION AND HAVE ONE OR MORE OF THE PEOPLE NOT VOTE FOR THE MOTION IN FACT.

IF THAT IS INDEED --

IF YOU LIKE IT BETTER --

IF THAT IS INDEED WHAT THE MAYOR PRO TEM IS WILLING TO DO TO MAKE THE MOTION FOR PURPOSES OF DISCUSSION, THEN YOU'RE ALL RIGHT. [MULTIPLE VOICES]

Mayor Wynn: WELL, WE JUST VOTED TO RESCIND IT.

McCracken: MR. MAYOR, I HAVE A MOTION, FOR SIMPLICITY'S SAKE, THAT IS TO ADOPT THE PROPOSED CHANGES AS AMENDED TO AGENDA ITEM 100, THAT INCLUDE REMOVING THE PROPOSED CHANGE TO ITEM 2, REMIEWFGHT PROPOSED CHANGE TO -- REMOVING THE PROPOSED

CHANGE TO ITEM 12, REMOVING THE PROPOSED CHANGE TO
ITEM 13, REMOVING THE FIRST PORTIONS, ONE, OF ITEM 14
AND INCLUDING 2400 PEARL STREET IN THE -- IN THE 90-
FOOT HEIGHT.

I THINK YOU WANT TO INSERT THE YELLOW STREET -- I WANT
TO INCLUDE THE YELLOW SHEET AS THE NEW ITEM 11.

MOTION BY COUNCILMEMBER MCCrackEN, I'LL SECOND
THAT.

MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: I DON'T RECALL THAT ITEMS 12 AND 13 HAD BEEN
REMOVED UNDER THE MAYOR PRO TEM'S MOTION. THEY
HAD? THE -- I JUST REMEMBER NUMBER 2 BEING REMOVED.

2, 12, 13, 14, SUBSECTION 1.

Goodman: WE DIDN'T REMOVE THEM.

Mayor Wynn: I DO.

I DON'T REMEMBER.

NUMBER 14 AS WELL.

THAT IS CORRECT. BUT [INDISCERNIBLE]

THAT'S CORRECT. WHAT THE MOTION YOU HAVE IN FRONT
OF YOU IS TO GO FOR ALL OF THE PROPOSED CHANGES
WITH THE EXCEPTION OF --

2 --

YOU HAVE A SUBSTITUTE FOR 11. WHICH IS THE -- WHICH IS
THE CAN PACK YELLOW SHEET. 12 WAS REMOVED, THE
PROPOSED CHANGE WAS NOT ACCEPTED. 13 THE
PROPOSED CHANGE WAS NOT ACCEPTED. AND 14, 1, THE
PROPOSED CHANGE WAS NOT ACCEPTED.

IT WAS JUST TO 60 FEET INSTEAD OF 80 FEET WAS
COUNCILMEMBER MCCRACKEN'S --

THAT'S -- EVERYTHING WAS LEFT AT 60 FEET.

DID WE GET THE AMENDMENT ABOUT THE HEIGHT? ON THAT
ONE TRACT?

YES, THAT ONE HAS BEEN VOTED ON AND APPROVED.

OKAY.

Mayor Wynn: SO WE HAVE A MOTION ON THE TABLE BY
COUNCILMEMBER MCCRACKEN THAT I HAVE SECONDED. IT'S
BEEN ITEMIZED BY THE CITY ATTORNEY. FURTHER
COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE
SAY AYE.

AYE.

Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF -- MAYOR PRO
TEM?

Goodman: NO, ALSO.

Mayor Wynn: MOTION PASSES ON A VOTE OF 5-2 WITH
COUNCILMEMBER ALVAREZ AND THE MAYOR PRO TEM
VOTING NO.

OKAY. NOW, FOR COUNCIL, FOR ITEM 101 THE HOUSE OF
TUTORS ZONING CASE. THAT WOULD BE FOR SECOND
READING ONLY. ZONING CASE C 14 - -- 03-049 49. WE ARE
OFFERING THAT FOR THIRD READING ONLY OR SECOND
READING ONLY.

COULD WE POSTPONE THIS ITEM?

Mayor Wynn: I WILL ENTERTAIN A MOTION. BUT --

Dunkerly: WOULD THAT BE WHAT WE SHOULD DO? I AM
LOOKING FOR SOME ADVICE.

BRING IT BACK?

COULD WE COME BACK WITH --

Dunkerly: I WOULD MAKE A MOTION TO POSTPONE THIS ITEM
FOR --

TO WHEN?

Dunkerly: ONE WEEK.

OKAY.

Mayor Wynn: WHEN WAS STAFF PROPOSING TO BRING BACK
ITEM 100 FOR THIRD READING.

NEXT THURSDAY, AUGUST 5th.

Dunkerly: BRING THEM BACK TOGETHER.

Mayor Wynn: WE HAVE A MOTION ON THE TAILTABLE AND A
SECOND TO POSTPONE ITEM 101 FOR ONE WEEK TO
AUGUST 5th 5th, 2004. COMMENT, QUESTIONS? MAYOR PRO
TEM?

Mayor Wynn: QUESTION. WHAT IS GAINED?

I'M SORRY?

Goodman: WHAT DO YOU GAIN BY POSTPONING IT, WHAT'S
THE PURPOSE FOR POSTPONING IT?

Dunkerly: WELL, I WOULD JUST LIKE TO WAIT AND SEE WHAT
THE ACTION IS ON THIRD READING. WHEN IT'S BROUGHT
BACK. I WOULD LIKE TO POSTPONE IT ONE WEEK.

Mayor Wynn: FRANKLY, I SEE THE RATIONALE IF WE HAVE
COUNCILMEMBER SLUSHER'S DISCUSSION ON THIRD
READING OF THE OVERLAY AND PERHAPS AMENDING SOME
OF THE BOUNDARIES OF THAT OVERLAY IT MIGHT HAVE AN

IMPACT ON HOW WE APPROACH THE ACTUAL ZONING CASE OF 101. MOTION AND SECOND ON THE TABLE TO POSTPONE ITEM 101 FOR ONE WEEK TO AUGUST 5th 5th, FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

Mayor Wynn: MR. GUERNSEY, WHERE ARE WE?

MAYOR AND COUNCIL, GREG GUERNSEY, NEIGHBORHOOD PLANNING AND ZONING. I WOULD LIKE TO OFFER A POSTPONEMENT OF AN ITEM THAT WE THOUGHT WAS PREVIOUSLY DISCUSSION. ON ITEM NO. 106, PART OF THE CRESTVIEW NEIGHBORHOOD, TRACT 123. I HAVE SPOKEN TO REPRESENTATIVES OF THE AFFECTED PROPERTY OWNER AND THE ADJOINING CONDOMINIUM ASSOCIATION REPRESENTATIVE. AND THE -- THE CONDOMINIUM FOLKS HAVE ASKED TO PURSUE SOME ADDITIONAL NEGOTIATIONS WITH THE PROPERTY OWNER, LIKE A FOUR-WEEK POSTPONEMENT. AND THAT WOULD ALLOW TIME FOR BOTH PARTIES TO GET TOGETHER. THE PROPERTY OWNER HAS AGREED TO THAT. THEY HAVE ASKED, ALSO, THAT STAFF PARTICIPATE IN SORT OF A MEDIATION AND I HAVE VOLUNTEERED TO ACT IN THAT ROLE BETWEEN THE TWO PARTIES. IN THE NEXT FOUR WEEKS. SO -- SO WE HAVE A REQUEST FROM THE ADJOINING PROPERTY OWNER TO POSTPONE ITEM 106 TO THE 26th OF AUGUST. AND THE PROPERTY OWNER AGREES AND STAFF IS AGREEABLE TO THAT.

Mayor Wynn: COUNCIL, I'LL ENTERTAIN A ITEM NO. 106, PROPOSED POSTPONEMENT TO AUGUST 26th.

SO MOVE.

SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCracken, SECONDED BY COUNCILMEMBER THOMAS TO POSTPONE ITEM 106 TO AUGUST 26th, 2004. FURTHER

COMMENT?

Thomas: YES.

Mayor Wynn: COUNCILMEMBER THOMAS?

Thomas: YOU SAID UNTIL AUGUST THE 26th.

THAT'S CORRECT.

Thomas: OKAY. WHEN WE COME BACK ON THE THIRD READING, WE ARE GOING TO BE TOGETHER, RIGHT? BECAUSE I THINK WE HAVE --

I THINK WE WILL HAVE SOME AGREEMENT ONE WAY OR THE OTHER.

Thomas: THANK YOU.

Mayor Wynn: ALL THOSE IN FAVOR OF THE POSTPONEMENT PLEASE SAY AYE? AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. NEXT ITEM IS ITEM Z-9. I THINK COUNCILMEMBER SLUSHER PULLED THAT, CASE ON TRACK COOK ROAD FROM RURAL RESIDENTIAL TO S.F. 3. I BELIEVE THE APPLICANT'S AGENT IS HERE, A PROPOSAL TO ALLOW S.F. 3 ZONING, DUPLEXES, TWO FAMILY RESIDENTIAL USES ALONG AN ARTERIAL ROADWAY. TRAVIS COOK. THE STAFF OR ZONING AND PLATTING COMMISSION RECOMMENDATION ON CONCEPT WAS FOR S.F. 3 ZONINGS AS WELL AS THE STAFF RECOMMENDATION. THERE WAS OPPOSITION FROM THE TRAVIS COUNTRY WEST NEIGHBORHOOD ASSOCIATION. THE APPLICANT HAS MET WITH THOSE NEIGHBORS FURTHER TO THE EAST. MOST OF THEIR PROPERTIES ARE BOUNDED BY A GREENBELT AS PART OF THE TRAVIS COUNTRY WEST SUBDIVISION, THEY HAVE WORKED OUT SOME SORT OF A RESOLUTION, I DON'T HAVE THE DETAILS ON THAT. BUT MR. JIM BENNETT IS HERE THIS EVENING AND CAN EXPLAIN THOSE DETAILS IF YOU SO DESIRE. IF YOU HAVE ANY OTHER QUESTIONS, I'LL BE HAPPY TO ANSWER THEM AT THIS TIME.

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL? IF NOT WE

WILL GO TO THE PUBLIC HEARING ON Z-9 AND WITH HIM MR. JIM BENNETT. NO CARDS SIGNED UP IN FAVOR OR OPPOSED. SO -- SO OTHER THAN COUNCILMEMBER SLUSHER. WITHOUT OBJECTION LET'S HAVE MR. BENNETT GIVE PERHAPS AS MUCH AS A FIVE MINUTE PRESENTATION.

PROBABLY SHORTER THAN THAT, MAYOR. I'M JIM BENNETT HERE TONIGHT ON BEHALF OF THIS ZONING CHANGE FOR A 3.730-ACRES TRACT OF GROUND LOCATED ON THE SOUTHEAST CORNER OF SOUTH SUNSET RIDGE AND TRAVIS COOK ROAD. AS MR. GUERNSEY INDICATED TO YOU, THERE WAS CONCERNS OF THE TRAVIS COUNTRY WEST ASSOCIATION. WE DID MEET WITH THAT ASSOCIATION. TALKED TO THEIR CONCERNS. THEY DID RELATE TO TRAFFIC. AND THE PARTICULAR ZONING AND OUR INTENDED USE OF THE SITE. THEY THEN CAME BACK AND I BELIEVE INFORMED STAFF THEY DIDN'T HAVE ANY PROBLEMS WITH THE PROPOSED ZONING CHANGES THAT WE ARE DOING. REPRESENTED TO THEM -- WE PRESENTED TO THEM A SUBDIVISION, REPORTED TO THEM THAT WOULD BE A TWO-LOT SUBDIVISION, THAT WOULD CONSIST OF CONSTRUCTING ONE DUPLEX ON THE VERY PROPOSED CORNER OF SUNSET AND TRAVIS COOK. THE STAFF'S REVIEW THE TRAVIS COOK ROAD IS PROPOSED TO BE A TOTAL OF 114-FOOT OF RIGHT-OF-WAY. IN THE FUTURE. WE FEEL THAT S.F. 3 ZONING ALONG THAT SIZE OF RIGHT-OF-WAY IS AN APPROPRIATE USE. WHICH WOULD PROVIDE A BUFFER BETWEEN THE MORE INTENSIVE MULTI-FAMILY PROPERTY TO THE WEST, WHICH IS UNDER CONSTRUCTION, AS WELL AS THE -- THE EXISTING COMMERCIAL ZONINGS, THE INDUSTRIAL ZONINGS, THE G.O. ZONINGS THAT ARE IN THE IMMEDIATE VICINITY. THE -- THE -- AS A RESULT OF THE SUBDIVISION PLAT BEING PROCESSED IN CONJUNCTION WITH THIS ZONING CHANGE, WE HAVE DEDICATED OUR PROPOSED OR ARE REQUIRED TO DEDICATE I BELIEVE IT'S 27 FEET RIGHT-OF-WAY FOR THE PROPOSED TRAVIS COOK EXPANSION, AN ADDITIONAL 3-FOOT OFF OF SUNSET RIDGE. OF COURSE THE TRAVIS COUNTRY EAST FOLKS WERE NOT LOOKING FOR ANY MORE TRAFFIC ALONG SUNSET RIDGE, WHICH IS A SECONDARY ENTRANCE INTO THEIR AREA OR THEIR NEIGHBORHOOD. THEY FELT WERE THERE -- WERE THOSE CONDITIONS AND -- AND THOSE PLAN THAT'S WE

PRESENTED TO THEM THAT THEY WERE UNOPPOSED. THE SUBJECT PROPERTY IS CURRENTLY DEVELOPED. THERE ARE THREE LOTS. THE LOT THAT WE ARE PROPOSING THE SUBDIVISION IS ON THE CORNER, CONSISTS OF 1 PONY 73 -- PRIOR TO THE DEDICATION OF RIGHT-OF-WAY. WHEN WE PROPOSED TO SPLIT THAT UP, THE VERY CORNER LOT WILL HAVE APPROXIMATELY 25,000 SQUARE FEET. AND THE -- THE LOT TO THE EAST OF THAT WHICH IS WHERE THE CURRENT STRUCTURE IS LOCATED WOULD BE ABOUT A ONE ACRE IN SIZE. WE FEEL THIS WOULD SERVE AS A TRANSITION OR BUFFER ZONE TO WHAT IS PROBABLY GOING TO HAPPEN TO SOME OF THE PROPERTIES TO THE WEST, WITH -- WOULD AFFORD A PROPER BUFFER, I WILL BE AVAILABLE SHOULD YOU HAVE ANY QUESTION GOES.

THANK YOU, MR. BENNETT. QUESTIONS OF THE APPLICANT? COUNCILMEMBER SLUSHER?

WELL, I MAY -- THIS IS A VERY SMALL -- SOMEWHAT INSIGNIFICANT AS FAR AS IN THE GRAND SCALE OF THINGS. BUT I'M CONCERNED ABOUT WHY WE ARE GOING TO S.F. 3 AND THAT THAT WOULD BE A PRECEDENT. MR. BENNETT, I'M LOOKING AT THE MAP HERE, WHICH IS -- WHICH IS ON THE COMPUTER, IT'S NOT THE GREATEST ONE THAT I'VE EVER SEEN, BUT YOU ARE TALKING ABOUT, WHEN YOU TALK ABOUT THE MULTI-FAMILY, WHAT STREET IS THAT ON THAT YOU ARE TALKING ABOUT? IS THAT THE ONE THAT FRONTS ON THE PARKWAY THERE? THERE'S A DR IN FRONT OF IT, THEN MF 1 LOOKS TO ME THE SOUTH OF THAT.

YES, YOU SEE WHERE TRAVIS HILLS DRIVE TERMINATES ON YOUR MAP.

YES, RIGHT THERE.

THAT PROPERTY WHERE THAT MF 1 C.O. IS A LARGE TRACT, CURRENTLY UNDER CONSTRUCTION WITH MULTI-FAMILY. IF YOU LOOK AT THE SIZE OF THE TRACTS FROM TRAVIS HILLS BACK TOWARDS THE SOUTHWEST PARKWAY, THOSE ARE SIZABLE TRACTS AND THEY ARE CURRENTLY DEVELOPED WITH CHURCHES AND SINGLE FAMILY RESIDENCES.

Slusher: I'M SORRY, FROM TRAVIS HILLS NORTH OF TRAVIS

HILLS YOU ARE TALKING ABOUT?

YES, SIR, UP TO SOUTHWEST PARKWAY.

IT SAYS RR ON MY MAP.

RURAL RESIDENTIAL, THAT'S CORRECT.

Slusher: I THOUGHT YOU SAID SOMETHING IS GETTING BUILT ON THERE.

NO. IN THE PLANNING STAGE IT LOOKS LIKE THOSE LOTS ARE NOT GOING TO STAY S.F. 36789 I'M SORRY, RR, PROBABLY THEY WILL BE REZONED TO SOME OTHER APPROPRIATE ZONING WITH THE M.F. ADJACENT TO IT, COMMERCIAL ADJACENT TO IT.

THAT'S THE ONE THAT YOU ARE TALKING ABOUT THAT YOU THINK THOSE ARE GOING TO CHANGE, SO YOU THINK THIS OUGHT TO GO TO S.F. 3. WOULD YOU THEN SAY IF WE MADE THIS S.F. 3, THEN YOU WOULD THINK THAT WOULD BE AN ARGUMENT FOR MAKING THIS OTHER ACROSS HERE S.F. 3.

PERHAPS SO OR EVEN MORE INTENSE, COUNCILMEMBER SLUSHER, WHEN YOU LOOK AT THE 114-FOOT OF RIGHT-OF-WAY FOR TRAVIS COOK IN THE FUTURE, WHEN YOU ARE ADJACENT TO THE C.S. TO THE SOUTH, MF TO THE WEST, SIZE OF THOSE LOTS. IT WOULD APPEAR ONE HOUSE ON THOSE SIZE LOTS ARE PROBABLY --

DOESN'T SEEM TO ME YOU ARE THINKING A WHOLE LOT ABOUT THIS BEING IN THE RECHARGE ZONE, SENSITIVE AND ENVIRONMENTAL AREA.

THE SIZE OF THE TRACTS THAT WE ARE PROPOSING TO YOU --

Slusher: I MEAN OVERALL, YOU ARE TALKING ABOUT YOU WANT TO UPZONE THIS, THAT, THIS ONE WILL BE A PRECEDENT FOR UPZONING THIS LARGER TRACT OVER HERE. DOESN'T SEEM TO BE A LOT OF ENVIRONMENTAL CONCERNS AT PLAY HERE. THAT'S WHAT I AM CONCERNED ABOUT. I DON'T THINK THERE WILL BE MUCH DAMAGE FROM -

- FROM S.F. 3 ON THIS SMALL AREA HERE, BUT I AM CONCERNED ABOUT THE PRECEDENT.

I GUESS, COUNCILMEMBER SLUSHER, THE ONLY THING THAT I COULD SAY ABOUT THAT, WHEN LIEU AT THE PLANNING ASPECTS OF IT, BEING ADJACENT TO MF AND C.S., KEEP IN MIND I DON'T HAVE ANYTHING TO DO WITH REDEVELOPING THE WEST SIDE OF TRAVIS COOK. IT JUST APPEARS THAT ZONING IS PROBABLY --

Slusher: I KNOW YOU DON'T. I DIDN'T KNOW, BUT I WASN'T ASSUMING THAT YOU DID. WELL, THAT'S MY MAIN CONCERN ON THIS IS THE PRECEDENT. I DON'T SEE ANY S.F. 3 AROUND HERE. THE NEIGHBORHOOD OF S.F. 2 HERE TO THE EAST OF WHERE WE ARE TALKING ABOUT. YOU HAVE GOT R.R. ON THE OTHER THREE SIDES. YOU HAVE C.S. BECAUSE IT'S AN EXISTING BUSINESS, THE NATURAL GARDNER, IS THAT RIGHT?

YES, SIR.

WE ALSO HAVE I.P. TO THE NORTH IF YOU SEE ON YOUR MAP, AS WELL AS G.O.-M.U., COUNCILMEMBER SLUSHER.

Slusher: RIGHT, BUT THAT FRONTS ALONG THE PARKWAY, SOUTHWEST PARKWAY.

AS WELL AS SUNSET RIDGE AS WELL, YES. >>

Slusher: WELL, THAT'S MY CONCERN.

THE SENSITIVITY IS DUE TO THE SIZE OF THE TRACTS THAT WE ARE TALKING ABOUT, MORE THAN A HALF ACRE ON ONE, MORE THAN AN ACRE AND A HALF, THAT'S THE ONLY PROPOSAL IS TO DO THE SUBDIVISION.

Slusher: THAT ONE LOT. WHY DO YOU INCLUDE THREE LOTS IF ONLY ONE LOT IS GOING TO DO SOMETHING.

MY CLIENT, MR. PAGEANT THE OWNER OF THE CORNER LOT, HIS NEIGHBOR SAYS IF YOU ARE GOING TO DO IT WHY DON'T WE JOIN WITH YOU, REZONE OUR LOT AS WELL AT ONE TIME. AND THAT'S THE REASON THAT -- THAT IT'S THERE. IT MAKES

IT REASONABLE, I PRESUME IT MAKES IT REASONABLE SENSE INASMUCH AS THAT ROADWAY IS GOING TO GO ALL THE WAY THROUGH. THERE ARE NO INTENTIONS TO DEVELOP THOSE TWO OTHER SITES AT THE CURRENT TIME.

Slusher: I STARTED -- IT'S INDIVIDUAL HOMEOWNERS, RIGHT?

YES, SIR. THE TWO LOTS TO THE SOUTH ARE INDIVIDUAL HOMEOWNERS.

Slusher: AND THE ONE TO THE -- THE OTHER ONE IS --

YEAH. THE ONE ON THE CORNER CURRENTLY HAS A DUPLEX, AS INDICATED ON YOUR MAP ON THE WESTERN PORTION OF THE LOT. THE SUBDIVISION WOULD -- WOULD PRETTY MUCH, WHERE THE KINK IN THE ROAD IS WHERE THE NEW SUBDIVISION LINE WOULD BE, CREATED ONE LOT ON TRAVIS COOK AND ONE LOT ON SUNSET.

Slusher: THAT'S ALL OF THE QUESTIONS THAT I HAVE, I'LL YIELD THE FLOOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS OF MR. BENNETT OR STAFF? COUNCILMEMBER ALVAREZ?

Alvarez: A QUESTION FOR MR. BENNETT. JUST ABOUT -- JUST I GUESS TO FOLLOW UP ON COUNCILMEMBER SLUSHER ABOUT -- ABOUT THE INTENT IS NOT TO REDEVELOP THESE THIS PARTICULAR LOSS --

WE HAVE SUBMITTED A SUBDIVISION PLAT FOR THE VERY CORNER LOT, COUNCILMEMBER ALVAREZ, MAKING THAT TWO LOTS.

TWO LOTS.

ONE CONTAINING APPROXIMATELY 25,000 SQUARE FEET AND THE OTHER ONE CONTAINING ABOUT AN ACRE. ON THAT CORNER LOT ONLY. THE OTHER TWO LOTS ARE CURRENTLY DEVELOPED WITH SINGLE FAMILY DWELLINGS.

OKAY. A QUESTION FOR MR. GUERNSEY. IF YOU HAVE THESE

SLOTS ZONED FOR S.F. 3 INSTEAD OF RURAL RESIDENTIAL, HOW MANY UNITS CAN BE DEVELOPED ON THESE LOTS IF THEY WERE SUBDIVIDED FURTHER?

WELL, THE TWO LOTS SO THE SOUTH HAVE A LIMITED AMOUNT OF FRONTAGE. SO WHERE YOU MAY BE ABLE TO SUBDIVIDE THE TWO LOTS TO THE SOUTH, YOU MIGHT BE ABLE TO GET ADDITIONAL UNITS AT LEAST, YOU KNOW, I GUESS IT WOULD BE TWO DUPLEXES ON EACH OF THOSE TO THE SOUTH. HOWEVER, THIS EXISTING SINGLE FAMILY HOMES ARE PRETTY MUCH CENTERED ON THE LOTS. SO GIVEN TWO LOTS TO THE SOUTH, THE ADDITIONAL DEVELOPMENT WOULD PROBABLY BE A TWO FAMILY RESIDENTIAL UNIT, ANOTHER SINGLE FAMILY HOME IN FRONT OF THE FIRST ONE. THE PROPERTY THAT'S FURTHER TO THE NORTH ON THE CORNER, THE REAR LOT, THE PROPOSED NEW REAR LOT, THAT WOULD JUST HAVE A SINGLE DUPLEX, WHICH EXISTS TODAY. AND SO THAT WOULD JUST ACTUALLY, S.F. 3 ZONING WOULD BRING THAT INTO CONFORMANCE. ON THE CORNER THERE'S ONLY ONE LOT THAT'S PROPOSED. BUT THAT COULD BE RESUBDIVIDED INTO SMALLER LOTS. I'M NOT SURE OF THE EXACT EARMG OF THAT. BUT THEY COULD GET A COUPLE MORE DUPLEXES ON THAT IF THEY WERE TO INCREASE THE NUMBER OF LOTS. SO THE ONLY LOT THAT COULD BE INCREASED IN DENSITY WOULD BE THE ONE AT THE CORNER OF SUN RIDGE ROAD AND TRAVIS COOK. THE OTHER LOTS, EITHER BECAUSE THEY ALREADY HAVE AN EXISTING DUPLEX, WOULD NOT BE ABLE TO EXPAND OR BECAUSE OF THE LIMITED FRONTAGE ALONG TRAVIS COOK ROAD AT MOST YOU MIGHT BE ABLE TO GET ONE ADDITIONAL UNIT ON THOSE TWO LOTS TO THE SOUTH.

Alvarez: SO WHAT IF THOSE WERE TO BE AGGREGATED AT SOME POINT?

IF THEY WERE TO BE AGGREGATED, THEY WERE REALLY TO DEVELOP, THEY WOULD NEED A NEW ROAD, IF THEY WANTED TO CREATE ADDITIONAL LOTS. I GUESS THEY COULD TEAR DOWN THE EXISTING FAMILY HOMES AND POSSIBLY CREATE MAYBE A THIRD DUPLEX LOT OR FOURTH DUPLEX LOT IN THERE IF THEY WERE TO REMOVE THOSE

HOMES.

COULD WE PUT LIKE A UNIT LIMITATION JUST TO MAKE SURE THAT THAT -- I KNOW -- I GUESS WHAT THEY ARE TRYING TO DO, BUT DOWN THE ROAD, SOMEHOW THESE ARE ABLE TO BE COMBINED INTO ONE BIGGER LOT, THAT COULD BE SUBDIVIDED.

YOU COULD LIMIT -- UNIT LIMITATION, EITHER THROUGH INCREASING THE MINIMUM LOT SIZE OR YOU COULD LIMIT THE TOTAL NUMBER OF UNITS PER ACRE, RIGHT NOW THAT HASN'T BEEN PROPOSED BY THE COMMISSION AND YOU COULD TAKE FIRST READING WITH SOMETHING LIKE THAT, WE COULD COME BACK AT A LATER DATE AND HAVE AN ORDINANCE PREPARED TO REFLECT THAT.

OKAY. BECAUSE UNDER S.F. 4, I MEAN SF-3, THEY COULD DO, WHAT, FOUR UNITS PER ACRE OR SOMETHING LIKE THAT?

UNDER THE S.F. 3 CLASSIFICATION, THE -- THE GENERAL DENSITY IS ABOUT 7 -- 67 UNITS PER ACRE. 6 TO 7 UNITS PER ACRE. AGAIN THIS IS THE BARTON SPRINGS ZONE, IF THEY COME BACK THEY WOULD HAVE TO BE SUBJECT TO THOSE NEW RULES AND REGULATIONS, THEY WOULD BE RESTRICTED FROM GETTING THAT MANY UNITS.

BY THE IMPERVIOUS COVER?

BY IMPERVIOUS COVER.

Alvarez: OKAY.

COUNCILMEMBER ALVAREZ, THE ORIGINAL PLAT WAS APPROVED IN 1982, THE AGE OF THOSE HOMES, CENTRALLY LOCATED IN THOSE TWO LOTS ON THE -- TO THE SOUTH DOESN'T INDICATE THAT THERE WOULD BE A NEED TO REMOVE THEM ANY TIME IN THE NEAR FUTURE. THEY ARE FAIRLY, FAIRLY NEW RESIDENCES. LET ME FOLLOW UP ON THAT. DID THEY DECIDE JUST TO GET IN ON THE ZONING CASE THEN? I'M NOT REALLY FOLLOWING THAT. IF THEY DON'T NEED ANY CHANGES, THEY ARE JUST GOING TO STAY THERE LIKE THEY ARE.

IN PART OF THIS PROCESS, GOING TO THE ZONING CHANGE, YOU GO TO YOUR NEIGHBORS, LOOK, I'M GOING TO BE DOING A PROPOSING ZONING CHANGE, SPLIT THIS LINE INTO TWO LOTS, IN THE DISCUSSION WITH MY CLIENTS, THE OTHER TWO OWNERS, THEY SAID WHY DON'T WE INCLUDE OURSELVES INTO YOUR ZONING. WE HAVE R.R. ZONING NOW WHICH IS THE RESULT OF ANNEXATION. WHY DON'T WE GET INCLUDED WITH YOURS. AND SO AS A RESULT OF THAT, THEY WERE INCLUDED INTO IT. THERE'S NO PROPOSAL TO DEVELOP THOSE TWO LOTS.

BUT THEY ARE CONSISTENT WITH WHAT THEY HAVE ON THERE IS CONFORMING WITH THE ZONING THEY HAVE, RIGHT?

NO, SIR, NOT THE MINIMUM LOT SIZE.

Slusher: I THOUGHT YOU SAID THEY WERE AN 8th OF A LOT.

I BELIEVE THE MINIMUM LOT SIZE IN THE R.R. IS -- I'M SORRY, IT IS ONE ACRE. GREG JUST TOLD ME THAT.

SO THEY WERE CONFORMING WITH, THEY CONFORM WITH THE CURRENT ZONING, THEY DON'T WANT TO CHANGE, BUT THEY DECIDED TO GET ON THE ZONING CASE?

WELL, COUNCILMEMBER, I THINK THE EXISTING DUPLEX RIGHT NOW THAT WOULD BE BROUGHT INTO CONFORMANCE, THE OTHER TWO PROPERTIES TO THE SOUTH WOULD NOT HAVE THE ABILITY TO ADD A SECOND UNIT, TO BE SIMILAR TO THE NEIGHBOR. THIS WOULD ALLOW THEM IN THE FUTURE IF THEY WANTED TO ADD A SECONDARY UNIT --

Slusher: BUT HE JUST SAID THEY DON'T WANT TO DO ANYTHING, JUST STAY LIKE THEY ARE, BUT THE NEIGHBOR CAME OVER AND SAID YOU WANT TO GET ON OUR ZONING CASE, WELL, OKAY. THAT'S WHAT I'M HAVING A HARD TIME FOLLOWING WHY ANYBODY WOULD DO THAT.

GETS THEM A BETTER ZONING CLASSIFICATION AND DOESN'T COST THEM ANYTHING. [LAUGHTER]

OKAY.

Slusher: I SIT AROUND THINKING I WISH I HAD A BETTER ZONING CLASSIFICATION FOR FREE.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? THEN I'LL ENTERTAIN A MOTION ON Z-9 THAT INCLUDES CLOSING THE PUBLIC HEARING. STAFF HAD SUGGESTED AND WAS READY FOR APPROVAL ON ALL THIRD READINGS EARLIER. THREE READINGS EARLIER.

Alvarez: MAYOR, LET ME ASK --

Mayor Wynn: YES, COUNCILMEMBER ALVAREZ?

Alvarez: I THINK MR. GUERNSEY SAID WE COULD SET UP A MINIMUM LOT SIZE AS A RESTRICTION OF ZONING. WOULD YOU BE AMENABLE TO A HALF ACRE LOT SIZE THAT WOULD ALLOW YOUR CLIENT TO DO WHAT HE'S TRYING TO DO AND -- AND ADDRESSING I GUESS SOME OF THESE ISSUES THAT -- THAT HAVE BEEN RAISED?

COUNCILMEMBER ALVAREZ, DUE TO THE EXISTING CONSTRUCTION ON THAT ONE CORNER LOT THAT'S GOING TO BE SUBDIVIDED, WHEN YOU DRAW THE BOUNDARIES, THAT LEAVES YOU WITH THE ONE ACRE FOR THE -- FOR THE EXISTING HOUSES SET TOWARD THE BACK. AND BY THE TIME WE DO THE DEDICATION THAT'S REQUIRED FOR -- FOR TRAVIS COOK, THAT LEAVES THAT FRONT LOT ABOUT 25,000 SQUARE FEET IN THE FRONT. IF YOU COULD LIMIT IT TO -- I'M SORRY, I DON'T HAVE THE EXACT FIGURE, BUT --

Alvarez: OKAY.

IF YOU WANTED TO LIMIT IT TO A TWO LOT SUBDIVISION THAT WILL DO IT.

Alvarez: TWO LOT SUBDIVISION, CAN WE DO THAT?

I THINK THE 25 IS ROUNDS NUMBERS, IT COULD BE LIKE 2385 OR 24 SOMETHING.

OKAY. IF YOU SAID A HALF ACRE, THAT'S APPROXIMATELY --

APPROXIMATELY 21,500 SQUARE FEET. SO THAT WOULD BE LESS THAN -- LESS THAN 25,000 SO IT SOUNDS LIKE IT WOULD ACTUALLY WORK IF YOU PUT A -- IF YOU PUT A HALF ACRE MINIMUM LOT SIZE, MINIMUM, WITH THE S.F. 3 ZONING AND IF YOU WERE TO MAKE THAT APPLICABLE TO EITHER SINGLE FAMILY, DUPLEX OR TWO FAMILY RESIDENTIAL, THEN THAT WOULD BE THE -- THAT WOULD BE THE MAXIMUM DENSITY THAT THEY COULD ACHIEVE. IT WOULD EITHER BE TWO TIEWPTSUNITSON A HALF ACRE LOT OR A SINGLE UNIT ON A HALF ACRE LOT IF YOU SET THAT AS A MINIMUM.

WE CAN PROBABLY LIVE WITH THAT. WE MAY HAVE TO ADJUST THE ORIGINAL LINE TO BE A WEIRD LOOKING LINE TO PICK UP THE ADDITIONAL SQUARE FOOTAGE THAT WE NEED.

Alvarez: I WILL JUST PROPOSE THAT WE GO WITH THE -- IS IT THE PLANNING COMMISSION RECOMMENDATION.

PLANNING COMMISSION RECOMMENDATION WAS S.F. 3 --

Alvarez: I WILL WORK WITH MR. BENEFIT KNELT BETWEEN NOW AND SECOND AND THIRD TO FIGURE OUT HOW TO DEAL WITH THE MINIMUM LOT SIZE OR THE -- THE NUMBER OF UNITS.

OKAY.

COUNCILMEMBER, WE CAN -- PARDON ME, GREG. WE CAN ACTUALLY AGREE TO I THINK GREG SAID HIS CALCULATION WAS 21,000?

WELL, IT'S A HALF ACRE. WE KNOW WHAT A HALF ACRE IS.

WE CAN DO THE HALF ACRE THAT YOU INDICATED. IT MAY REQUIRE AN ADJUST OF THE CURRENT LINE TO MAKE THAT FRONT LOT ON THE CORNER A HALF ACRE, BUT I THINK IT'S ACTUALLY RIGHT AT 25,000, SO I THINK WE'RE OKAY WITH THAT. YEAH, THAT'S RIGHT.

THE ACTUAL ACREAGE THEN AND MINIMUM LOT SIZE FOR A HALF ACRE WOULD BE 21,780 SQUARE FEET. SINGLE FAMILY HOME, MINIMUM LOT SIZE FOR A DUPLEX OR TWO FAMILY

RESIDENTIAL UNIT SOUNDS LIKE THAT -- THAT'S OKAY WITH THE APPLICANT.

OKAY. LET'S TRY THAT. SO PLANNING COMMISSION RECOMMENDATION WITH THE HALF ACRE LOT SIZE RESTRICTION ON -- ON SINGLE FAMILY RESIDENCES OR -- OR TWO FAMILY RESIDENTIAL OR --

OR DUPLEX.

Alvarez: OR A DUPLEX.

Slusher: IS THAT JUST FOR THE ONE TRACT OR THE OTHER TWO THAT DON'T REALLY NEED A ZONING CHANGE?

Alvarez: AT THIS POINT I THINK IT WOULD APPLY TO ALL THREE BECAUSE IT'S PART OF ONE ZONING CASE.

MOTION MADE BY COUNCILMEMBER ALVAREZ. FIRST READING ONLY, COUNCILMEMBER.

FIRST READING, WE CAN BRING BACK AN ORDINANCE THAT CLARIFY THAT'S LANGUAGE.

SO MOTION ON THE TABLE, FIRST READING ONLY, APPROVING PLANNING COMMISSION RECOMMENDATION ON Z-9 WITH RESTRICTIONS. SECONDED BY MAYOR PRO TEM, FIRST READING ONLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF 6-1 WITH COUNCILMEMBER SLUSHER VOTING NO, FIRST READING ONLY. MAYOR, THE NEXT CASE, SEVERAL SPEAKERS, THIS IS ITEM NO. Z-11. AND IN DEFERENCE TO MY COLLEAGUES, IN THE BACK, I THINK THERE WERE SOME PUBLIC HEARINGS ON AT 6:00 WHERE THERE ARE ABSOLUTELY NO SPEAKERS

SIGNED UP.

PROMISES, PROMISES. LET'S SEE.

Mayor Wynn: COUNCIL, WITHOUT OBJECTION, WE CAN GET A LOT OF BUSINESS DONE HERE VERY QUICKLY AND STILL GET TO ITEM Z-11 IN SHORT ORDER. WITH THAT, LET'S TAKE UP -- A SERIES OF PUBLIC HEARINGS, WE WILL START WITH -- WITH PUBLIC HEARING 109. WE WILL -- WE WILL WELCOME MS. JUDY PLUMBER.

GOOD EVENING, I'M JUNEIE PLUMBER, ON BEHALF OF THE AUSTIN CLEAN WATER PROGRAM FOR ITEM NO. 109, THERE IS NO OTHER FEASIBLE AND PRUDENT ALTERNATIVE TO THE TAKING OF THE DEDICATED PARKLAND, WHICH INCLUDES ALL PLANNING TO MINIMIZE HARM TO THE PARKS.

Mayor Wynn: FURTHER QUESTIONS OF STAFF? COMMENTS, COUNCIL?

Slusher: MAYOR, THIS IS THE --

Mayor Wynn: THIS IS THE BARTON CREEK LIFT STATION --

Slusher: I HAD SOME QUESTIONS BASED ON A LETTER THAT WE GOT ACTUALLY AFTER THE HEARING WAS SUPPOSED TO START, BUT STILL I WANTED TO -- TO RAISE THESE QUESTIONS. IT SAYS THAT -- THIS WILL PROBABLY BE FOR OUR WATERSHED STAFF.

THERE IS STAFF HERE TO ANSWER ANY QUESTIONS. THE FIRST ONE IS ABOUT -- SAYS IT APPEARS SOME SIGNIFICANT RISK THAT TUNNELING IN THE AREA NEAR THE SPRINGS COULD ENCOUNTER WATER FLOW PATHS AND FAULTING THAT COULD CAUSE DAMAGE TO THE SPRINGS. HAVE WE LOOKED AT THAT?

GOOD EVENING, MY NAME IS STAN EVANS, I'M A PROJECT MANAGER IN THE PUBLIC WORKS DEPARTMENT ASSIGNED TO THE AUSTIN CLEAN WATER PROGRAM. I'M HERE TONIGHT TO SPEAK TO THIS. YES. ALL OF THE ELEMENTS THAT ARE ADDRESSED IN THE LETTER THAT YOU HAVE RECEIVED HAVE BEEN REVIEWED IN GREAT DETAIL. NOT ONLY BY

AUSTIN CLEAN WATER PROGRAM, AUSTIN WATER UTILITY, BUT ALSO BY THE -- BY THE WATERSHED PROTECTION STAFF SOUTHBOUNDED ASSIGNED TO LOOK AT THIS AND A SUBCOMMITTEE OF THE ENVIRONMENTAL BOARD. AND AT THIS POINT, ALL FINDINGS OF FACT HAVE BEEN MET.

WHAT DID THE ENVIRONMENTAL BOARD DID ON THIS?

THE BOARD ITSELF WILL REVIEW THIS NEXT WEEK. THE SUBCOMMITTEE HAS TO WORK WITH US DURING THE SUMMER TO -- TO REVIEW ALL OF THE ELEMENTS OF THIS PROJECT AND AT THIS POINT WE BELIEVE THAT THEY ARE SATISFIED.

WHY WOULD THE -- OKAY. WHAT GOOD DOES IT DO, FOR THE ENVIRONMENTAL BOARD TO REVIEW IT AFTER WE HAVE ALREADY APPROVED IT, BECAUSE THEY ARE ADVISORY TO US. WE ARE TONIGHT ONLY LOOKING AT THE EASEMENTS THAT NEED -- ARE NEEDED FROM PARKLAND BUT TO MOVE THIS PROJECT FORWARD IN DESIGN. THIS PROJECT IS CURRENTLY IN DESIGN. IT IS UNDER A VERY RUSHED SCHEDULE. THE ENVIRONMENTAL BOARD WILL LOOK AT THE VARIANCE REQUESTS NEXT WEEK.

Slusher: OKAY. WHAT HAPPENS IF -- DOES IT COME BACK TO US AFTER THAT? IT DOESN'T, DOES IT?

AS I UNDERSTAND, SIR, IT WILL GO TO THE PLANNING COMMISSION AUGUST 17th, I BELIEVE THAT WILL BE THE END OF THE VARIANCES IFNER THEY ARE APPROVED.

Slusher: SO THEN THIS IS REALLY -- WE DO ON THIS ONE SOUNDS LIKE WE ARE DOING THE EASEMENTS --

THAT'S CORRECT.

Slusher: AND THEY ARE DOING -- THEY DECIDE WHETHER THIS ACTUALLY TAKES PLACE OR NOT, THE ENVIRONMENTAL BOARD AND THE PLANNING COMMISSION?

IN REGARD TO THE VARIANCES THAT ARE REQUESTED, THAT IS CORRECT.

Slusher: SO, STILL, IN AN ORDINARY PROCESS WE WOULD HAVE THE -- WE WOULD -- IT WOULD BE BETTER TO HAVE THE ENVIRONMENTAL BOARD I WOULD THINK -- I'M SORRY, LET ME ASK IT LIKE THIS. IF THEY APPROVE THE VARIANCES AND THEN IT CAME TO US, IT WOULD -- WE DIDN'T APPROVE OF THE EASEMENTS, THEN IT WOULDN'T HAPPEN?

IF THEY DID NOT APPROVE THE EASEMENTS IT WOULD BE BASICALLY IMPOSSIBLE BECAUSE THIS PROJECT HAS TO GO THROUGH PARKLAND AND THE STATE LAW REQUIRES THAT THESE EASEMENTS BE BROUGHT TO YOU.

Slusher: BUT THAT STILL SEEMS BACKWARDS. EVEN THOUGH THEY ARE NOT HEARING EXACTLY THE SAME THING. I KNOW THAT I HAVE TALKED WITH STAFF ABOUT THIS. I KNOW THEY HAVE PUT AN IMMENSE AMOUNT OF CARE INTO IT. IT'S A REALLY CRITICAL ISSUE AFFECTING A LOT OF OUR CITIZENS. I WANT THEM TO BE COMFORTABLE. WHEN IS THE ENVIRONMENTAL BOARD HEARING ON WEDNESDAY?

-- HEARING ON WED? AUGUST 4th.

MUST BE WEDNESDAY THEN. SOMEBODY GIVE ME THE ACTUAL DATE. IT'S WEDNESDAY? VARIOUS SECTORS ARE NODDING THEIR HEADS, I GUESS THAT NEEDS TO BE TRUE. IT'S ON A PRETTY STRICT TIME LINE. HUM, LET ME GOGO ON TO THE SECOND ONE WHILE I THINK ABOUT THIS. MAINTENANCE, MONITORING REPAIR, BACKUP POWER, TELL ME WHAT YOU ALL HAVE DONE WITH RESPECT TO PART OF THAT QUESTION OR THAT PART OF THE LETTER.

[INDISCERNIBLE]

GOOD EVENING, I'M CHRIS LIPPY, DIRECTOR OF THE AUSTIN WATER UTILITY. YOU ALL MAY RECALL THE -- THE -- SOME BACKGROUND ON THE CONDITION OF THIS STATION, IT'S IN VERY POOR CONDITION, IT'S A CRITICAL PROJECT THAT WE GET THIS STATION RELIEVED. WE'VE HAD A COUPLE OF MAJOR OVERFLOWS UNFORTUNATELY. WE LOOK AT THE CONDITION OF THE LIFT STATION ITSELF, WE FIND THAT THERE'S SUCH A LEVEL OF CORROSION, EVEN DOWN TO THE STEEL, THAT WE'VE HAD TO REMOVE THE PARKING FROM -- FROM ABOVE THIS STATION FOR FEAR OF COLLAPSE. SO IT'S

VERY CRITICAL THAT WE MOVE FORWARD ON THIS PROJECT. JUST WOULD REMIND COUNCIL THAT -- THAT YOU WILL HAVE -- THAT YOU WILL HAVE OTHER OPPORTUNITIES TO -- TO GET BRIEFED AND TO TAKE ACTIONS ON THIS PROJECT AS THE DESIGN COMES FORWARD OR AS THE BIDS FOR THE CONSTRUCTION COME FORWARD. AND I GUESS WHAT WE WOULD RECOMMEND WOULD BE APPROVING THE EASEMENTS SO WE CAN COMPLETE THE DESIGN, DO THE BIDS AND THERE WILL BE A BRIEFING AT THE ENVIRONMENTAL BOARD NEXT WEEK. WE COULD ALSO DO BRIEFINGS TO COUNCIL AT OR BEFORE THE TIME THAT THE CONSTRUCTION COMES FORWARD.

Slusher: OKAY. THEN SO THAT'S -- NEXT PART OF THIS LETTER ABOUT THE COST, WHEN YOU BRING IT FORWARD TO US FOR APPROVAL OF THAT CONTRACT. THE COST HAS BEEN EXTENSIVELY EXAMINED, THERE'S BEEN QUITE A FEW ALTERNATIVES LOOKED AT OVER THE YEARS FROM REBUILDING THE LIFT STATION TO BUILDING COMPLETELY NEW LIFT STATION, SEVERAL DIFFERENT ALTERNATIVE ROUTES OF GRAVITY, DIFFERENT APPROACHES -- APPROACHES TO CROSSING BARTON CREEK, SHALLOW, DEEP, IT'S BEEN STUDIED EXTENSIVELY AND AT THIS POINT THERE'S REALLY NOT A POSSIBILITY OF -- OF REHABILITATING THAT STATION. IT IS -- IT IS TOO FAR GONE.

Slusher: I WOULD CERTAINLY AGREE WITH THAT. IT DOES SEEM PERHAPS CONTRADICTORY, THIS LETTER SAYS WE ARE NOT SURE THAT YOU ARE DOING ENOUGH ON IT TO MAKE IT SAFE, THEN THINK YOU ARE SPENDING TOO MUCH MONEY ON IT. WE WILL GET TO LOOK AT THAT WHEN IT COMES BACK AGAIN. WITH THAT IN MIND I'M GOING TO MOVE APPROVAL.

THANK YOU COUNCILMEMBERS, MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER THOMAS TO CLOSE THE PUBLIC HEARING AND APPROVE THE RESOLUTION 109. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 5-0, 6-0

WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS. FOLKS, I APPEAR IMIEZ, WE WERE -- WE HAVE FOLKS WAITING HERE TO GO THROUGH ZONING CASES, BUT WE WERE INSTRUCTED, GIVEN POOR ADVICE THINKING THAT THESE COULD GO VERY QUICKLY, LET'S FORGET THAT AND GO BACK TO THE ZONING CASES, Z-11.

IT'S A ZONING CASE SO YOU SO YOU HAVE SO YOU HAVE 72 AT EAST PEDERNALES AND EAST SEVENTH STREET. INITIATED BY THE PLANNING COMMISSION FROM C.S.-1-M.U., C.O., N.P. EXISTING ZONING TO C.S.-N.P. THE -- THE REQUEST CAME FROM CITIZENS, I THINK YOU WERE APPROACHED AT YOUR CITIZENS COMMUNICATION AND ALSO THE PLANNING COMMISSION WAS ALSO APPROACHED AT THEIR CITIZENS COMMUNICATION REGARDING REZONING OF A PARTICULAR PROPERTY THAT -- THAT WAS PREVIOUSLY USED AS A BAR. THE BAR DOES HAVE AN OCCUPANCY PERMIT TO OPERATE, BUT CURRENTLY VACANT. THE PROPERTY OWNER IS OPPOSED TO THE REZONING REQUEST AND HAS FILED A VALID PETITION THAT WE RECEIVED TODAY AND ON THE DAIS IS A PACKET IN YELLOW THAT -- THAT HAS THE PLANNING COMMISSION MEETING MINUTES AND ALSO HAS A COPY OF THE VALID PETITION. THE PLANNING COMMISSION VERY EARLY TUESDAY MORNING OR I SHOULD SAY WEDNESDAY MORNING DID NOT OR WERE NOT ABLE TO REACH A VOTE EITHER TO -- TO RECOMMEND THE REZONING REQUEST OR DENY THE -- THEY FORWARDED THIS TO THE FULL COUNCIL WITHOUT A FORMAL RECOMMENDATION ON A VOTE OF 8- 0 TO FORWARD IT WITHOUT A RECOMMENDATION. THE STAFF RECOMMENDATION ON THIS APPLICATION WAS TO MAINTAIN THE EXISTING ZONING. THE PROPOSED USE AS A BAR WOULD NOT REQUIRE FURTHER PERMITS FROM THE CITY OF AUSTIN. HOWEVER THEY WOULD REQUIRE A LICENSE FROM THE TEXAS ALCOHOLIC BEVERAGE COMMISSION TO OPERATE. THE PROPERTY IS ADJACENT TO EXISTING WAREHOUSES, A LUMBER YARD, RECYCLING CENTER. TO THE NORTHEAST, THE CLOSEST RESIDENTS THAT ARE ON THE OTHER SIDE OF EAST SIXTH STREET ON A DIAGONAL KIND OF NORTHEAST OF THE PROPERTY. THERE ARE SEVERAL SPEAKERS HERE, I BELIEVE TO SPEAK IN FAVOR OF THE REQUEST. I BELIEVE THERE'S A REPRESENTATIVE, OR THE OWNER THEMSELVES

IS HERE TO SPEAK IN OPPOSITION, IF YOU HAVE ANY QUESTIONS I WOULD BE MORE THAN HAPPY TO ANSWER THEM. THERE'S AN EXHIBIT TO MY RIGHT THAT SHOWS THE GENERAL AREA FOR THE ZONING AND AN AERIAL ALSO.

Mayor Wynn: A COUPLE OF QUESTIONS BEFORE WE GO TO THE CARDS. FOLKS ARE SIGNED UP IN FAVOR AND OPPOSITION. A SUMMARY HERE SAYS THAT THE CITY OF AUSTIN IS THE APPLICANT. GREG

GURENSEY:: THAT'S CORRECT. THE COUNCIL -- BECAUSE OF SEVERAL CITIZENS COMING BEFORE THE PLANNING COMMISSION, THEY DID INITIATE THE REQUEST, EVEN THOUGH THEY DID NOT RECOMMEND IT TO YOU.

OKAY. STAFF IS IN -- DOES NOT RECOMMEND --

STAFF IS IN OPPOSITION TO THE REZONING REQUEST AND ASKS TO MAINTAIN THE EXISTING ZONING.

Mayor Wynn: THANK YOU. SO I GUESS WE WILL CONSIDER THAT TO BE THE APPLICANT'S PRESENTATION, COUNCIL. AND SO WE WILL NOW GO TO THE FOLKS WHO ARE IN FAVOR OF THE ZONING CASE. WE WILL START WITH MR. GAVINO FERNANDEZ. [INDISCERNIBLE]

Mayor Wynn: GLORIA, WOULD YOU LIKE TO GO FIRST? YOU WILL HAVE THREE MINUTES, FOLLOWED BY GAVINO FERNANDEZ.

THANK YOU VERY MUCH. I KIND OF CAME ON AHEAD ANYWAY. GOOD EVENING, LADIES AND GENTLEMEN OF THE - - OF OUR CITY COUNCIL. I AM PRESIDENT OF THE PEDERNALES NEIGHBORHOOD ASSOCIATION AND I'M ALSO CHAIR OF THE HOLLY NEIGHBORHOOD PLAN CONTACT TEAM. AND OUR NEIGHBORHOOD HAS BEEN SURROUNDED, WELL, NOT SURROUNDED, BUT WE'VE HAD THREE BARS FROM 30 PLUS YEARS AND NO ONE HAD EVER APPROACHED THEM UNTIL IT JUST BECAME INTOLERABLE. THE BIGGEST ONE WAS AT 2707, 2507, EXCUSE ME, 2507 DIAZ, WE ASKED THE POLICE TO CHECK ON THAT ONE, IT TOOK THEM A YEAR TO GET ALL OF THE INFORMATION THEY NEEDED, THEY CLOSED THEM DOWN. THAT BAR WAS ACTUALLY OPEN FOR

BUSINESS WHEN IT WAS CLOSED. BY TABC AND A.P.D. AND THE OTHER TWO BARS, THE ONE MENTIONED TONIGHT, AT 515 PEDERNALES, THE ONE AT 2600 EAST SIXTH STREET, LIKE ACROSS THE STREET FROM EACH OTHER, THEY WERE OPENED AND SO WE DIDN'T ENTIRE WITH THEIR BUSINESSES, THEY WEREN'T AS ROWDY ON THE ONES ON 7th STREET. THERE WAS A WINDOW OF OPPORTUNITY FOR ME TO STEP IN AND TRY TO ASK THAT THEY NOT PUT ANOTHER BAR THERE. AND WHEN I HEARD SOMEONE ELSE WAS GOING TO REPRESENT THE PROPERTY -- RENT THE PROPERTY. WHAT I DID, I PROCEEDED WITH TABC, WE WENT TO COURT. IN OCTOBER OF 2001, JUDGE BISCOE WENT WITH THE APPROACHED MANAGER THAT WAS GOING TO OPEN THE BAR. WE SAT BACK, ACTUALLY THEY WERE A GOOD TENANT, A GOOD NEIGHBOR, HE WAS ACTUALLY FROM THE NEIGHBORHOOD AS WELL. BUT THEN HE TOLD ME THAT THEY DID NOT LET HIM RENEGOTIATE FOR ANOTHER YEAR BECAUSE THEY WERE GOING TO RENT IT TO SOMEONE ELSE WHO CAN GIVE THEM MORE MONEY. SO I WENT AHEAD AND STARTED ASKING MYSELF FOR QUESTIONS, ON APRIL 13th, ZONING AND PLATTING COMMISSION, THEN TWO WEEKS LATER AT THE PLANNING COMMISSION. THAT'S WHERE WE'VE BEEN LEGALLY GOING THROUGH THE PROCESS. AT THE TIME TO THIS DATE THERE'S NO SIGN ON THE BUILDING EVEN THOUGH PEOPLE HAD TOLD ME, YES, SOMEONE IS WORKING IN THERE. I SAID, WELL, THEY MAY BE WORKING IN THERE, BUT THEY ARE NOT OPEN FOR BUSINESS. I DON'T UNDERSTAND. SOMEONE CAME AND TOLD ME THEY ARE THERE NOW, I GOT UP AND WENT. I APPROACHED THE LADY. THE LADY TOLD ME THAT THE PERSON THAT WAS GOING TO RUN THE BAR WAS CHRISTINA. THAT'S ALL I HAD, ONE NAME. SO -- [BUZZER SOUNDING] ANYWAY, I DO COME TO ASK YOU TO PLEASE -- PLEASE VOTE IN FAVOR OF THE DOWN ZONING, EVEN THOUGH WE DO HAVE COMPASSION FOR THE OWNER AND WE HAVE DISCUSSED IT AND WE HAVE COMMUNICATED AND HAD A DIALOGUE. WE REALLY WOULD LIKE FOR THE COUNCILMEN AND COUNCILWOMEN TO PLEASE HELP THE NEIGHBORHOOD. WE HAVING ABOUT A LONG -- BEEN A LONG TIME IN COMING TO HAVE SOME PEACE AND COMFORT. THANK YOU.

Mayor Wynn: THANK YOU. GAVINO FERNANDEZ WHO WILL BE

FOLLOWED BY FRANCES MARTINEZ.

GOOD EVENING, COUNCIL, MY NAME IS GAVINO FERNANDEZ, I JUST WANT TO READ FROM THE GOALS THAT WERE ADOPTED BY YOU AS A CITY COUNCIL IN THE HOLLY PLANNING TEAM WAS ADOPTED AND GOAL NUMBER TWO SAYS ENCOURAGE OPPORTUNITIES TO ADDRESS COMPATIBILITY BETWEEN DIFFERENT RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USES. UNDER ACTION ITEM 2.21, IT STATES PROHIBIT ADDITIONAL C.S. 1 ZONING THROUGHOUT NEIGHBORHOOD. ALL DISTRICTS AND CORRIDORS. AND WE ALSO HAVE BEEN -- HAVE BEEN VERY CONCERNED ABOUT BUSINESSES IN THE AREA AND THE FACT THAT -- THAT BECAUSE SOME OF THEM WERE GOING TO GO FROM L.I. TO C.S. 1 WE WANTED NOT ONLY TO HAVE THAT ZONING CHANGE BUT TO ALSO PROVIDE THEM WITH FINANCIAL ASSISTANCE IN THE TRANSITION TO OTHER USES, SO OBJECTIVE 2.4 STATES ENCOURAGE LOCALLY OWNED AND MANAGED BUSINESSES, ACTION ITEM 2.41 STATES PURSUE GRANTS AND LOANS FOR SMALL START-UP BUSINESSES, HOLLY NEIGHBORHOOD PLAN. THIS IS BASICALLY THE SPIRIT AND SOME OF THE PILLARS OF THE ADOPTED PLAN. THE REASONS THAT WE ARE ASKING FOR -- REQUESTING FOR THE DOWN ZONING IS BECAUSE OF THE DYNAMICS IN THE DEVELOPMENT IN THIS CORRIDOR HAS CHANGED. WE HAVE THE LOTS OF WEST OF THIS FACILITY. WE HAVE A U.T. CHARTER SCHOOL. LOFTS WEST OF THE FACILITY. U.T. CHARTER SCHOOL THAT IS UP AND RUNNING AT THIS TIME, WILL BE OPERATING. THAT FACILITY HAS MANY EVENING FUNCTIONS, PTA MEETINGS FUND RAISERS. WE ARE VERY CONCERNED ABOUT PATRONS LEAVING THIS FACILITY UNDER THE CONSUMPTION OF ALCOHOL AND THUS PROVIDING A RISK TO OUR CHILDREN AS THEY CROSSED AND RUN BACK AND FORTH ON SIXTH STREET. AND -- AND ALSO FACTOR AND CHANGE OF THIS NEIGHBORHOOD THAT IS THE MAJORITY OF THE POPULATION IN THE SMALL NEIGHBORHOODS ARE SENIOR CITIZENS. THESE ARE TWO DYNAMIC CHANGES THAT HAVE OCCURRED WITHIN THIS NEIGHBORHOOD THAT WE FEEL THIS IS APPROPRIATE TIME TO ADDRESS COMPATIBILITY. WE ALSO UNDERSTAND THAT - - THAT CHANGING THE ZONING WILL NO PROHIBIT THE OWNER FROM PURSUING A TABC LICENSE. WHAT WE WANT

IS THAT -- IS THAT TO FOLLOW THE SPIRIT OF THE ADOPTED PLAN AND WHEN -- WHEN THIS PARTICULAR -- OWNER CEASES OPERATION, THAT THEN WHENEVER THAT OCCURS, MAYBE ONE OR THREE YEARS, THAT THE NEIGHBORHOOD WILL HAVE ASSURANCE THAT THEN AT THIS POINT IN TIME -- AT THAT POINT IN TIME THAT IT WILL NOT BE ELIGIBLE TO BE RENTED OUT AS A BAR. WE ARE ADDRESSING THE POTENTIAL ECONOMIC HARDSHIP BECAUSE THE ECONOMIC HARDSHIP IN THIS PARTICULAR AREA, BECAUSE OF THE CHANGE OF THE DYNAMICS IN DEVELOPMENT, WE FEEL THAT THE POTENTIAL OF THESE -- OF THIS PROPERTY BEING USED IN ANOTHER FASHION, A BAKERY, A -- [BUZZER SOUNDING] -- A LIBRARY, A BOOK STORE, WOULD EVEN BRING MORE REVENUE FOR THE OWNER. SO AGAIN I ASK YOU TO PLEASE -- PLEASE VOTE WITH THE SPIRIT AND THE INTENT OF THE HOLLY PLANNING NEIGHBORHOOD TEAM. THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, MR. FERNANDEZ. FRANCES MARTINEZ. WELCOME, MA'AM, YOU WILL HAVE THREE MINUTES, YOU WILL BE FOLLOWED BY MARCUS DELEON. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

AND THEN WITH THIS TYPE OF ACTIVITY THERE, IT IS NOT APPROPRIATE, SO PLEASE, VOTE FOR DOWN ZONING OF THIS PROPERTY. THANK YOU.

Mayor Wynn: THANK YOU, MS. MARTINEZ. MARCUS DELEON. WELCOME, SIR.

GOOD EVENING. MY NAME IS MARCUS DELEON AND I AM NEWLY APPOINTED TO THE MANAGING BOARD AT THE U.T. CHARTER SCHOOL AS WELL. OUR CONCERN IS SUPPORTING GLORIA AND HER TEAM. AS YOU CAN SEE, SHE HAS FOLLOWED THE PROCESS. AS DECKTATED BY THE -- DICTATED BY THE POLICIES OF THE CITY OF AUSTIN. AND ALSO I'M HOPING, MAYOR, THAT BETTY ACTUALLY WENT TO THE AREA TO SEE WHAT WE'RE TALKING ABOUT. WHEN WE'RE TALKING ABOUT THE CHANGING OF THE COMMUNITY, IT IS CHANGING A LOT. NOT ONLY THAT, BUT FURTHER DOWN YOU HAVE THE CAMPBELL HOPE PROJECT WHICH THE CITY OF AUSTIN IS IN PARTNERSHIP WITH WHICH WE'RE TALKING ABOUT A LOT OF FAMILIES MOVING IN THERE. SO

THE WHOLE DYNAMICS IS CHANGING. I THINK GIVEN ADMIRATION FOR GLORIA TO HAVE THE FORESIGHT TO SEE HOW THINGS ARE CHANGING AND HOW THAT AREA CAN CHANGE. AND ALSO NOT FORGETTING THE OWNER AS WELL, BRINGING HIM IN AND TRY TO PARTICIPATE IN A WAY WHERE HE CAN BENEFIT WHAT'S GOING TO HAPPEN IN THE FUTURE. THAT TO ME TELLS ME THAT SHE'S A PERSON WHO IS FOLLOWING THE PROCESSES. THAT SHE IS WITHIN HER CITY. AND I THINK YOU HAVE TO GIVE HER AND THE NEIGHBORHOOD THAT ADMIRATION TO SEE WHY SHE'S ASKING FOR DOWN ZONING. AND I THINK THAT -- I THINK THAT HAS MERIT FOR GLORIA. AND I COMMEND HER AS WELL FOR BEING THE NEW CHAIR FOR THE HOLLY NEIGHBORHOOD PLANNING TEAM. WHICH I WAS THERE AS AN OBSERVER. IT WAS DEMOCRACY AT ITS BEST, INCREDIBLE. AND I KNOW THINGS ARE WRITTEN ABOUT ME ALL THE TIME. AND BEING A FORMER PUBLIC FIGURE, SOME OF THE THINGS I HAVE TO TAKE AND GET PAST ME, BUT I THINK THE CONTENT THE WAY THIS GROUP HAS HANDLED ITSELF AND GOING THROUGH THE PROCESS, THAT THIS CITY HAS PUT OUT, THAT YOU HAVE TO ADMIRE. AND SHE IS LOOKING TO THE FUTURE. SHE HAS FORESIGHT. AND THAT IS SOMETHING -- I KNOW IT TAKES A SIX TO ONE VOTE. YOU HAVE TO CONSIDER THAT, WHERE SHE'S COMING FROM AND HOW SHE SEES THE FUTURE IN HER NEIGHBORHOOD. AND MY OBLIGATION AS A NEWLY APPOINTED MEMBER OF THE MANAGING BOARD OF THE U.T. ELEMENTARY SCHOOL, I HAVE TO SAY I SUPPORT HER ADMIRABLY BECAUSE OF THE CHILDREN WE'RE ALL RESPONSIBLE FOR. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, COMMISSIONER. PAUL HERNANDEZ. WELCOME, PAUL. YOU DIDN'T SIGN UP EITHER FOR OR FWENS, BUT I'LL INCLUDE YOU WITH THE FORS. REMARKABLE CLAIRVOYANCE I HAVE, RIGHT?

GOOD EVENING, MAYOR, MEMBERS OF THE COUNCIL. MY NAME IS PAUL HERNANDEZ. I AM ALSO THE VICE-CHAIR OF THE HOLLY PLANNING AND CONTACT TEAM AND A MEMBER OF EAST TOWN LAKE CITIZENS AND HE WILLEL CONCILIO. I AM HERE TO ALSO SUPPORT -- AND YOU WERE RIGHT, MAYOR, I AM FOR THE ZONING CHANGE, SO THANK YOU FOR YOUR CLAIRVOYANCE. I AM HERE TO SUPPORT THE ZONING

CHANGE BECAUSE I THINK THE CITY HAS A GREAT OPPORTUNITY TO TAKE ADVANTAGE OF THE SITUATION, AND DOWN ZONE AND CREATE AN IMPETUS FOR BETTER DEVELOPMENT IN THIS NEIGHBORHOOD. IT ALSO HAS AN OPPORTUNITY TO ASSIST THE SMALL BUSINESSES OF THE AREA, AND IN PARTICULAR STARTING WITH THIS ONE. TO LOOK AT WHAT'S COMING DOWN THE PIKE AND TO BE ABLE TO HAVE THE RESOURCES NEEDED TO TAKE ADVANTAGE OF THAT NEW USE. I THINK A LOT OF BUSINESSES ARE GOING TO BE CAUGHT UP IN THE SITUATION. I'M SORRY I WASN'T HERE THIS AFTERNOON FOR CITIZENS' COMMUNICATION. I HAD A DUKETER'S APPOINTMENT -- DOCTOR'S APPOINTMENT AND I HAD FORGOTTEN ABOUT THAT. BUT THIS GOES TO THE POINT OF WHAT I WAS GOING TO SPEAK ON, AND THAT IS THAT THE SOVEREIGNTY OF EACH NEIGHBORHOOD ASSOCIATION HAS TO BE LOOKED AT AND ACCEPTED. I BELIEVE EVERY NEIGHBORHOOD ASSOCIATION SHOULD BE ABLE TO HAVE THAT SELF-DETERMINATION, THAT COMMUNITY DEVELOPMENT THAT GOES WITH IT SO THAT IT CAN DEVELOP AN ECONOMIC RESOURCE AND AS A QUALITY OF LIFE ELEMENT. YOU HAVE A GREAT OPPORTUNITY AND I WOULD HOPE YOU TAKE ADVANTAGE OF IT BY ON DOWN ZONING THIS PROPERTY TO CS. AND IT WON'T HURT THE OWNER IN HIS PRESENT SITUATION BECAUSE HE DOES HAVE THE OPPORTUNITY TO MAINTAIN, AND REPLACE THE BAR. BUT I THINK IT SENDS A MESSAGE. IT SENDS A MESSAGE TO THE ENTIRE COMMUNITY OF EAST AUSTIN THAT THERE IS A NEW ERA COMING WHERE THESE THINGS CAN BE DEVELOPED FOR US TO BE ABLE TO UTILIZE. THERE ARE MANY USES FOR THAT PARTICULAR SITE. AS I MENTIONED BEFORE, THE LOTS THAT ARE COMING IN AND -- THE LOFTS THAT ARE COMING IN AND OTHER PROJECTS THAT ARE COMING IN. WE NEED OTHER BUSINESSES BESIDES BARS AND RESTAURANTS. WE'RE INUNDATED BY BARS AND RESTAURANTS. I WANT TO THANK YOU VERY MUCH FOR YOUR TIME. THANK YOU.

Mayor Wynn: THANK YOU, MR. HERNANDEZ. COUNCIL, AT THIS TIME WE'LL HEAR FROM FOLKS WHO SIGNED UP AGAINST THE PROPOSED ZONING CASE. JOHNNIE LOPEZ SIGNED UP NOT WISHING TO SPEAK, AGAINST. MELINDA, I CAN'T READ THE LAST NAME, SIGNED UP NOT WISHING TO SPEAK,

AGAINST. AND TOMMY LOPEZ WISHING TO SPEAK IF COUNCIL HAS QUESTIONS, ALSO AGAINST. AND THAT'S ALL OF THE CARDS. SO WE TYPICALLY HAVE A REBUTTAL FROM THE APPLICANT. THIS IS SORT OF A STRANGE CASE, SO UNLESS MR. GUERNSEY HAS SOME ADDITIONAL INFORMATION.

I JUST WANTED TO SPEAK TO THAT THE PROPERTY DOES HAVE ALL THE PERMITS THAT ARE REQUIRED BY THE CITY OF AUSTIN TO OPERATE A BAR. THAT THERE IS A REQUIREMENT TO GET A TABC LICENSE BEFORE ALCOHOL IS SERVED. IT IS IN ACCORDANCE WITH THE EXISTING -- EXISTING FUTURE LAND USE MAP. THE HOLLY PLANT DID IDENTIFY TWO PROPERTIES TO ACTUALLY BE REZONED DURING THE COURSE OF THAT PLAN, AND THOSE TWO PROPERTIES WERE TO MY KNOWLEDGE REZONED. THE EXISTING RULES AND REGULATIONS FOR A NONCONFORMING USE, JUST SO COUNCIL KNOWS AND THE PUBLIC KNOWS, THAT IF THIS BAR WERE GRANTED AND THE ZONING WERE TO BE CHANGED, THAT PROPERTY OWNER COULD CONTINUE TO USE THIS AS A BAR. IT COULD ACTUALLY CHANGE HANDS AS LONG AS A CERTIFICATE OF OCCUPANCY REMAINS IN PLACE, UTILITIES, FIXTURES ARE IN PLACE. SO THE REZONING IN ITSELF, THE NEIGHBORHOOD WOULD BE CORRECT, WOULD NOT TAKE AWAY THE ABILITY OF THE OWNER TO MAINTAIN A BAR IF THE PERMITS GRANTED BY TABC AND CAN CONTINUE TO OPERATE EVEN WITH A DIFFERENT OWNER IN THE FUTURE. HOWEVER, THERE ARE MANY FINANCIAL INSTITUTIONS AND PROPERTY OWNERS THAT ARE HESITANT TO LEASE SPACE THAT DOES NOT HAVE THE PROPERTY PROPERLY ZONED, AND SO THERE'S A DILEMMA THAT THE OWNER WOULD FACE EVEN THOUGH HE MIGHT HAVE THE ABILITY TO HAVE A NEW TENANT MOVE IN, THERE ARE MANY FINANCIAL INSTITUTIONS AND LESSEES THAT WOULD BE HESITANT TO SIGN A LEASE WITHOUT HAVING THE PROPER ZONING. ALSO, IF THE PROPERTY WERE TOTALLY DESTROYED, THEY WOULD NOT BE ABLE TO REBUILD THE BAR USE IF IT WAS MORE THAN 90% DESTROYED. SO I JUST WANTED TO BRING THAT TO COUNCIL'S ATTENTION.

Mayor Wynn: MR. GUERNSEY, A TECHNICALITY. I THINK COUNCIL PROBABLY UNDERSTANDS THE DYNAMIC OF NONCONFORMING USES, BUT WITH LIQUOR LICENSE, I

GUESS THE QUESTION IS SO IF -- EVEN MY UNDERSTANDING OF LIQUOR LICENSE AND GOING THROUGH THE PROCESS OF THE TABC THAT I GUESS THERE'S TYPICALLY AN EXPIRATION DATE ON A LIQUOR LICENSE REGARDLESS OF HOW, YOU KNOW, WELL YOU'RE OPERATING YOUR BAR. AND SO THE QUESTION WOULD BE THAT, SAY, THE CURRENT BAR TENANT STAYS THERE AND/OR EVEN THEY SELL TO ANOTHER BAR USER, BUT IF THE LIQUOR LICENSE EXPIRES AND THE BAR OWNER GOES FOR A RENEWAL, I GUESS, WITH THE TABC, WOULD THE TABC GRANT A LIQUOR LICENSE TO A FACILITY THAT DOESN'T HAVE THE PROPER ZONING? I SEE A SCENARIO WHEREBY THEY'RE LEGAL, BUT MAYBE ONLY THROUGH THE SPIR EXPIRATION OF THEIR CURRENT LIQUOR LICENSE.

THE TABC WOULD LOOK AT THE ZONING, AS FAR AS THE ZONING IS CONCERNED, TO THE CITY OF AUSTIN. AND SINCE THIS IS -- THE BUILDING ALREADY HAS A CERTIFICATE OF OCCUPANCY TO LOCATE A LOUNGE, THE CITY OF AUSTIN WOULD SIGN OFF ON THAT LICENSE IF SOMEONE ELSE WERE TO COME IN AND MAKE AN APPLICATION. SO ZONING WOULD NOT BE A HINDRANCE TO THAT PROCESS. THE TENANT THAT'S THERE COULD LOSE THEIR LICENSE FOR OTHER REASONS. THAT LICENSE IS A SEPARATE PROCESS AND TRACKING PROCESS, BUT ZONING WOULD NOT BE AN IMPEDIMENT TO GETTING A CHANGE OF TENANT IN THE FUTURE TO OCCUPY THE SPACE SO LONG AS THE BAR USE DID NOT CEASE. IF THE BAR USE WERE TO CEASE. LET'S SAY THEY WERE TO TURN IT INTO A LIQUOR STORE OR IT INTO A HALLMARK CARD STORE OR A REGULAR RESTAURANT, THEY WOULD NOT BE ABLE TO GO BACK TO THAT USE AS A COCKTAIL LOUNGE OR BAR. THAT TYPE USE. IF THEY WERE ABLE TO ABANDON THE USE, REMOVE ALL THE FIXTURES AND TURN OFF THE UTILITIES AND ABANDON THE PROPERTY, BASICALLY WALK AWAY ENTIRELY, THEN THE STAFF COULD SAY THAT THAT USE HAS ALSO BEEN ABANDONED. BY MERELY VACATING THE PREMISE AND PUTTING A SIGN UP SAYING LOOKING FOR ANOTHER BAR TENANT AND 91 DAYS WOULD PASS, THE CITY WOULD NOT BE IN A POSITION TO CLOSE THAT USE DOWN SIMPLY BECAUSE IT'S FOR LEASE OR FOR RENT.

Mayor Wynn: OKAY. QUESTIONS. COUNCILMEMBER

MCCRACKEN. >>

ALVAREZ: SO IS IT PLANNING COMMISSION THAT INITIATED THIS OR WAS IT STAFF COMMUNICATION?

THE PLANNING COMMISSION INITIATED THE REZONING REQUEST AND BY DEFAULT STAFF HAS MADE -- IS MADE THE APPLICANT OR THE AGENT FOR THE APPLICANT, WHICH IN THIS CASE IS THE CITY OF AUSTIN.

Alvarez: SO THEN THERE WAS NO NECESSARILY A THRESHOLD CRITERIA THAT WAS MET OTHER THAN THE PLANNING COMMISSION FELT IT WOULD BE APPROPRIATE AND CONSISTENT WITH THE NEIGHBORHOOD PLANS. I KNOW WHEN THE EAST AUSTIN OVERLAY WAS IN EFFECT THERE WAS A USE THAT -- I THINK IT WAS A CS-1 OR LI USE THAT WASN'T OCCUPIED FOR 90 DAYS YOU COULD INITIATE THE REZONING, BUT I DON'T BELIEVE THAT THAT PROCESS IS IN EFFECT.

THAT PROCESS IS NOT IN EFFECT BECAUSE ALL THE NEIGHBORHOOD PLANS HAVE BEEN ADOPTED. AND THE COMMISSION FELT STRONG ENOUGH TO INITIATE THE CASE, BUT I GUESS THEY REACHED AN IMPASSE WHEN IT CAME TO POINT OF MAKING A RECOMMENDATION TO REZONE.

Alvarez: OKAY. AND WHEN YOU SAY THERE'S -- I THINK THE BACKUP THAT I READ STATES THAT THE USE IS NOT BEING OCCUPIED OR UTILIZED AS CS-1. AND HAS THAT CHANGED SINCE THE ZONING WAS INITIATED? HOW DOES THE CO RELATE TO WHAT'S HAPPENING NOW?

A CERTIFICATE OF OCCUPANCY ALLOWS AN OPERATION OF A CERTAIN TYPE OF ACTIVITY WITHIN A BUILDING. IN THIS PARTICULAR CASE THEY HAVE A CERTIFICATE OF OCCUPANCY FOR A COCKTAIL LOUNGE USE AND THAT'S THE CITY OF AUSTIN'S WAY OF SAYING A BAR USE IS PERMITTED. AND THAT IS EXISTING ON THIS PROPERTY. AND THEREFORE EARLIER IN THE YEAR, I BELIEVE IN MARCH, THE WATERSHED PROTECTION DEVELOPMENT REVIEW DEPARTMENT VERIFIED THE ZONING SIGNED OFF ON AN ALCOHOLIC BEVERAGE PERMIT THAT WAS REQUESTED BY THE PROPERTY OWNER OR THEIR AGENT. AND SO THAT

PROCESS HAS GONE FORWARD. SO FOR THE PURPOSES OF ZONING, IT COMPLIES. AND THE USE OF THE PROPERTY MAY BE A BAR. THE ALCOHOLIC BEVERAGE LICENSE I DON'T BELIEVE HAS BEEN ISSUED AT THIS POINT, BUT THAT DOES NOT HAVE TO DO WITH THE ZONING OR THE ACTIVITY OR USE OF THAT PROPERTY.

Alvarez: AND THAT WAS INFORMATION AVAILABLE TO THE PLANNING COMMISSION, WHEN THEY MADE THEIR RECOMMENDATION?

YEAH. THE COMMISSION DELIBERATED FOR SEVERAL MEETINGS ABOUT THIS AND ASKED QUESTIONS ABOUT THE PROXIMITY TO THE SCHOOL, OVER A THOUSAND FEET FROM THE SCHOOL, HAD SOME ADDITIONAL QUESTIONS I THINK ABOUT PROCEDURE, WANTED TO HEAR FROM THE OWNER. THE ONLY THINGS THAT REALLY CHANGED SINCE LAST TUESDAY EVENING IS THAT WE HAVE ACTUALLY GOT A PETITION FROM THE PROPERTY OWNER OBJECTING TO ANY REZONING OF THE PROPERTY.

Alvarez: THANK YOU. I'LL YIELD FURTHER QUESTIONS.

Mayor Wynn: FURTHER QUESTIONS OF STAFF? MR. GUERNSEY, TECHNICALLY WHEN THERE'S -- WHEN THERE'S A VALID PETITION AND THE PLANNING COMMISSION HEARS A CASE FIRST, DOES IT GET -- IS THERE A SUPER MAJORITY REQUIREMENT FROM THE PLANNING COMMISSION OR IS THAT ONLY APPLYING TO CITY COUNCIL?

NO, JUST AS YOU HAD THE NEIGHBORHOOD PLANNING REZONINGS THIS EVENING, A PETITION BY PROPERTY OWNER IN THIS CASE, EVEN THOUGH IT'S ISSUED BY THE COMMISSION RATHER THAN ISSUED BY THE COUNCIL, THAT PETITION TAKES EFFECT ONLY AT THIRD READING. THERE'S NOT AN ORDINANCE PREPARED FOR THE DOWN ZONING BECAUSE THE COMMISSION FAILED TO MAKE A MOTION TO CHANGE THE ZONING. SO THE PETITION -- THE VALID PETITION WOULD ONLY TAKE EFFECT IF COUNCIL MADE A MOTION THIS EVENING TO DOWN ZONE THE PROPERTY. THAT WOULD NOT REQUIRE SIX VOTES, IT WOULD REQUIRE A MINIMUM OF FOUR. STAFF WOULD REQUIRE AN ORDINANCE AND BRING IT BACK. AND ON THE THIRD

READING THERE WOULD NEED TO BE SIX VOTES TO OVERTURN THE PROPERTY OWNER'S PETITION AND DOWN ZONE THE PROPERTY FROM ITS CURRENT CS-1 DESIGNATION.

Mayor Wynn: THANK YOU. AND MY LAST QUESTION IS, IT'S POSTED AS CHANGING FROM CS-1-CO-MU-NP. SO WHEN THE NEIGHBORHOOD PLAN WAS PROPOSED AND PASSED, THE CS-1 WAS INCLUDED IN THE NEIGHBORHOOD PLAN?

THAT'S CORRECT. AND IT'S MY UNDERSTANDING BECAUSE THE BAR WAS IN OPERATION, IT WAS NOT ONE OF THE PROPERTIES THAT WAS DOWN ZONED FROM CS-1. DURING THE NEIGHBORHOOD PLAN PROCESS THERE WERE TRACTS THAT WERE DOWN ZONED. I BELIEVE IF THIS PROPERTY WERE VACANT, I THINK THE RESULT MAY HAVE BEEN DIFFERENT FROM THAT. PERHAPS THERE ARE SOME PEOPLE FROM THE NEIGHBORHOOD THAT COULD SPEAK FURTHER TO THAT, BUT I THINK THEY WERE LOOKING AT THE BUSINESSES THAT WERE NOT IN OPERATION FOR THE DOWN ZONING TO CS-1. THERE SEEMED TO BE TWO OF THOSE, AND THAT DID OCCUR.

Mayor Wynn: OKAY. THANK YOU. FURTHER QUESTIONS OF STAFF? COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. -- HEARING NONE, I'LL ENTERTAIN A MOTION ON Z-11 THAT WILL INCLUDE CLOSING THE PUBLIC HEARING. COUNCILMEMBER ALVAREZ.

Alvarez: I'LL HAVE ONE MORE QUESTION AND THEN I'LL MAKE A MOTION. LOOKING AT THE RECOMMENDATION THAT IS FROM CS-1, CO-MU-NP, BUT IT GOES DOWN TO CS-NP, WHICH MEANS A CONDITIONAL OVERLAY AND MIXED USE WOULDN'T APPLY ANY MORE? IS THAT SOMETHING WE COULD ADD ON TO MAKE SURE IT'S CONSISTENT WITH THE NEIGHBORHOOD PLAN?

YOU COULD CERTAINLY ADD THE CO AND NP AND WE COULD TAKE A LOOK AT WHAT ALL THOSE CONDITIONS ARE AND SEE HOW THEY APPLY.

Alvarez: SO WE'RE JUST DOING FIRST READING.

THIS IS ONLY READY FOR FIRST READING BECAUSE THE COMMISSION DID NOT MAKE A RECOMMENDATION ON THIS REZONING REQUEST.

Alvarez: EVEN THOUGH THEY INITIATED THE CASE?

YES. THEY THOUGHT IT WAS WORTHY OF INITIATING. I GUESS IN DEFENSE OF THE PLANNING COMMISSION, THEY HAD HAD A GREAT TURNOVER IN THE NUMBER OF MEMBERS AND ABSENCES AND THEY HAVE THE NOW GOT A FULL COMMISSION, SO THE PEOPLE THAT MAY HAVE BEEN ON THE COMMISSION AT THE TIME THE CASE WAS INITIATED MAY NOT NECESSARILY BE THE SAME MEMBERS THAT EXIST TODAY.

Alvarez: OKAY. THANK YOU, MR. GUERNSEY. WITH THAT WE'LL MAKE A MOTION, I THINK, TO SUPPORT THE DOWN ZONING. I BELIEVE IT IS SOMETHING THAT WOULD BE ADVANTAGEOUS IN THIS PARTICULAR PART OF THE NEIGHBORHOOD, AND THAT WOULD BE CONSISTENT WITH THE NEIGHBORHOOD PLAN. AND THAT IN THE LONG-TERM, AGAIN, NEIGHBORHOOD PLANS ARE NOT VEHICLES THAT TRANSFORM A COMMUNITY OVERNIGHT, BUT IN THE LONG-TERM CAN MAKE A BIG DIFFERENCE IN TERMS OF THE QUALITY OF LIFE. AND SO I THINK IN THIS PARTICULAR CASE EVEN THOUGH THEY HAVE THE PERMIT THEY NEED TO CONTINUE OPERATING IN THE BAR, AND I GUESS THAT IS AN ADVANTAGE TO THE OWNER AT THIS PARTICULAR POINT IS THAT THEY CAN CONTINUE OPERATING THAT FACILITY OR THAT BUSINESS AS A BAR, BUT THAT, AGAIN, IN THE LONG-TERM THERE MAY BE OTHER OPPORTUNITIES THAT COME UP FOR PROVIDING SERVICES OR BUSINESSES THAT SERVE THE COMMUNITY IN A DIFFERENT WAY BECAUSE THAT AREA IS CHANGING. WE HAVE THE LOFTS, THE PEDERNALES LOFTS, WE HAVE THE CAMPBELL HOPE PROJECT, WE HAVE THE DOCTOR'S OFFICE GOING UP ALSO ALREADY ACROSS FROM THE CAMPBELL HOPE PROPERTY, AND WE HAVE CERTAINLY THE ELEMENTARY AND THE UNIVERSITY OF TEXAS. AND SO I THINK THERE WILL BE A LOT OF OPPORTUNITIES FOR THE PROPERTY OWNERS TO HAVE OTHER OPTIONS IN TERMS OF WHAT KIND OF BUSINESS THEY HAVE THERE. SO I THINK THAT DOWN ZONING AT THIS PARTICULAR POINT WOULD BE ADVANTAGEOUS AND STILL

GIVE THE PROPERTY OWNER, AGAIN, SOME OPPORTUNITIES FOR TAKING ADVANTAGE OR GETTING A RETURN ON THEIR INVESTMENT IN THE PROPERTY. SO WHAT I WOULD SUGGEST IS THAT ON FIRST READING THAT WE DOWN ZONE THE PROPERTY IT TO SOMETHING DIFFERENT THAN WHAT WAS RECOMMENDED OR AT LEAST WHAT'S LISTED HERE ON THE BACKUP, BUT THAT WE DO DOWN ZONE FROM CS-1-CO-MU-NP TO CO-MU-NP, KEEPING THE SAME CONDITIONAL OVERLAY THAT WAS APPROVED THROUGH THE NEIGHBORHOOD PLAN PROCESS.

Slusher: SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER SLUSHER TO APPROVE ON FIRST READING THE DOWN ZONING TO CS-CO-MU-NP. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON FIRST READING ON A VOTE OF SEVEN TO ZERO.

THANK YOU, MAYOR. THAT CONCLUDES THE ZONING ITEMS THAT WE HAVE THIS EVENING.

Mayor Wynn: THANK YOU, MR. GUERNSEY. COUNCIL, THAT TAKES US TO ITEM 107, WHICH IS TO CONSIDER ACTION. WE'VE ALREADY HAD A PUBLIC HEARING ON THIS APPEAL BY MELTON WEST OF THE PLANNING COMMISSION'S DECISION TO DENY COMPATIBILITY.

MAYOR, GEORGE ZAPALAC. WE HAVE A REQUEST FROM AN ADJOINING PROPERTY OWNER TO POSTPONE THIS ITEM UNTIL SEPTEMBER THE SECOND. THE PROPERTY OWNER IS IN NEGOTIATIONS WITH THE WEST FAMILY, WHICH CURRENTLY OWNS THE SUBJECT PROPERTY AND IS ATTEMPTING TO RESOLVE THE SITUATION. THE WEST FAMILY IS IN AGREEMENT WITH THIS REQUEST AND MY UNDERSTANDING IS THAT THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION ALSO DOES NOT OBJECT.

Slusher: SO MOVE.

SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER THOMAS TO POSTPONE ITEM TO SEPTEMBER SECOND, 2004. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. ITEM 108, WELCOME.

MY IS TAMMY WILLIAMS AND I'M THE ASSISTANT DIRECTOR OF WATERSHED DEVELOPMENT AND REVIEW. I'M HERE FOR ITEM 108 TO CONSIDER AN APPEAL BY MIKE MCHONE OF THE PLANNING 'S DECISION TO DENY A CONDITIONAL USE PERMIT FOR TRANSITIONAL HOUSING AT 5117 NORTH LAMAR. THIS ITEM WILL COME BEFORE YOU ON THE 24TH OF JUNE. AFTER THAT MEETING THE STAFF WILL CONDUCT A MEETING WITH THE NEIGHBORHOOD REPRESENTATIVES AS WELL AS THE APPLICANT. WE HAD THE MEETING ON JULY 26TH, BUT WE WERE UNABLE TO COME TO ANY AGREEMENT ON THE TERMS AND CONDITIONS OF THE CONDITIONAL USE PERMIT.

Mayor Wynn: THANK YOU. AGAIN, COUNCIL, THIS IS A CASE WHERE WE CLOSED THE PUBLIC HEARING. NOW WE'RE CONSIDERING ACTION. COUNCILMEMBER DUNKERLEY.

Dunkerley: I KNOW THIS HAS BEEN A REALLY HARD ISSUE FOR ALL OF US. WE HAVE -- AT LEAST I HAVE A LOT OF OWE SYMPATHY AND UNDERSTANDING FROM THE NEIGHBORS AND CERTAINLY FROM A SOCIAL SERVICE BACKGROUND, I KNOW THE NEED OF THE WOMEN THAT WILL UTILIZE THIS FACILITY. YESTERDAY I RECEIVED A COPY OF A LETTER FROM ONE OF THE NEIGHBORS, AND IT RAISED SOME ISSUES THAT MAY WELL BE ADMINISTRATIVE IN NATURE, BUT AT THIS TIME I'VE NOT BEEN ABLE TO REALLY GET A FULL UNDERSTANDING OF THEM AND HAVE IT CHECKED OUT. SO IF THE AGENT AND THE APPLICANT ARE IN AGREEMENT, I WOULD PROPOSE THAT WE POSTPONE THIS TWO WEEKS AND GIVE US AN OPPORTUNITY TO DETERMINE THE NATURE

OF THESE ALLEGATIONS. IF THEY'RE MINOR, WE CAN DEAL WITH THAT. AND IF THEY'RE NOT, WE CERTAINLY NEED TO KNOW THAT. SO I THINK THIS WILL GIVE US AN OPPORTUNITY TO CHECK THIS OUT.

THANK YOU, COUNCILMEMBER DUNKERLEY. MY NAME IS MIKE MCHONE, I'M REPRESENTING THE CONER, COBALT PROPERTIES. AND ALSO SPEAKING ON BEHALF OF UP TO ME, I DID RECEIVE FROM YOU A COPY OF WHAT YOU'RE TALKING ABOUT. WE HAVE BEEN IN CONTACT WITH THE ATTORNEY FOR UP TO ME THAT IS TAKING CARE OF THIS. WE DO APPRECIATE THE OPPORTUNITY TO RESOLVE THESE ITEMS TO YOUR SATISFACTION. I BELIEVE YOU HAVE RECEIVED A RESTRICTIVE COVENANT THAT YOU DID ASK ME TO INITIATE, BUT THAT WOULD TALK ABOUT THE CONDITIONS THAT WE TALKED ABOUT IN JUNE. SO WITH THAT, WE WILL BE HAPPY TO DELAY THIS ITEM FOR ACTION FOR A COUPLE OF WEEKS WHILE WE RESOLVE THE ISSUES RAISED BY THAT LETTER THAT YOU RECEIVED DATED JULY 27TH. THANK YOU.

Mayor Wynn: MR. MCHONE, EXCUSE ME. IS IT PRACTICAL THAT THERE CAN BE SOME RESOLUTION IN TWO WEEKS' TIME? MY UNDERSTANDING IS THIS WILL BE A RATHER LENGTHY CASE THAT WILL NOW BE HEARD?

MY UNDERSTANDING IN TALKING -- I HAVE BEEN IN CONTACT WITH NOT ONLY THE ATTORNEY FOR UP TO ME, BUT I'VE ALSO BEEN IN CONTACT WITH THE ADMINISTRATIVE ATTORNEYS FOR THE TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE AND FOR THE ATTORNEY WHO IS NOT MENTIONED HERE WHO IS ACTUALLY WITH THE TEXAS DEPARTMENT OF HEALTH. THE BOARD MEMBER HAS JUST WHISPERED IN MY EAR THREE WEEKS, SO APPARENTLY THREE WEEKS, IF THAT WOULD WORK. THAT'S OKAY AS WELL. IN TALKING WITH THE -- THERE'S A LITTLE BIT OF A STATE BUREAUCRACY CHANGE THAT IS OCCURRING THAT IS PERHAPS LEADING TO SOME OF THIS CONFUSION. THE TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE WILL CEASE TO EXIST SEPTEMBER THE FIRST. ALL OF THEIR ACTIVITIES ARE BEING TRANSFERRED TO THE TEXAS DEPARTMENT OF HEALTH, WHICH I BELIEVE IS CHANGING NAMES. THE ATTORNEY, MR. MARK COLLINS, -- NO, CONNALLY, MR. MARK CONNALLY, IS HANDLING THIS AND WE

WILL BE GETTING INFORMATION FROM HIM. HE SAID THAT I SHOULD SAY THAT YOU SHOULD CALL HIM IF YOU WOULD LIKE, BUT HE SAID THAT HE WOULD BE LEAVING HIS OFFICE AT 5:30, SO WE'RE APPARENTLY SPENDING A LITTLE MORE TIME ON THIS THAN HE WAS WILLING. SO WE WILL BE ABLE TO GET THIS RESOLVED, MR. MAYOR, IN THREE WEEKS.

Slusher: MAYOR, WE DON'T HAVE A MEETING IN THREE WEEKS, SO IF COUNCILMEMBER DUNKERLEY WOULD ACCEPT TO POSTPONE IT TO AUGUST 26TH, I WOULD SECOND THAT MOTION.

OKAY. THANK YOU.

Mayor Wynn: COUNCILMEMBER, MY SCHEDULE -- OKAY. THANK YOU. I'M SORRY, COUNCILMEMBER, THAT WAS A MOTION?

Slusher: IT WAS A SECOND OF COUNCILMEMBER DUNKERLEY'S IF SHE WOULD SWITCH IT TO THE 26TH.

Mayor Wynn: SO MOTION AND A SECOND ON THE TABLE TO POSTPONE ITEM 108 TO AUGUST 26TH, 2004. FURTHER COMMENTS? I WANT TO APOLOGIZE FOR EVERYBODY. I KNOW TS IS DRAGGING ON AND MAKING FOLKS COME BACK HERE MANY TIMES, BUT THIS IS A CHALLENGING CASE FOR SEVERAL OF US. FURTHER COMMENTS?

Slusher: I THINK SOMEONE IN THE NEIGHBORHOOD HAS A QUESTION. SINCE WE HEARD FROM MR.

McCracken: CONE, IT MIGHT BE APPROPRIATE TO HEAR A SHORT COMMENT.

Mayor Wynn: YES, MA'AM. WELCOME.

Thomas: AS SHE COMES, CAN I SPEAK?

Mayor Wynn: SURE. COUNCILMEMBER THOMAS.

Thomas: YES, IN THE THREE WEEKS' TIME -- WHERE'S WATERSHED AT? YOU SAID IN THE MEDIATION THERE WAS

NO COMING TO ANY KIND OF CONCLUSION.

NO, SIR, THERE WAS NOT. WE HAD ONE ON THE 18th OF MAY AS WELL AS ONE ON THE 26TH OF JULY. WE WERE NOT ABLE TO COME TO ANY RESOLUTION.

Thomas: OKAY. SO IN THIS PERIOD OF TIME YOU'RE GOING TO ATTEMPT TO DO IT AGAIN?

WE WILL CERTAINLY TRY IF THAT'S THE COUNCIL'S WISH, YES.

Thomas: LET ME HEAR FROM THE NEIGHBOR.

THANK YOU. I JUST WANTED TO CORRECT THAT THE LETTER THAT YOU RECEIVED WAS ACTUALLY DATED APRIL 8TH FROM AT THE TCADA. THIS IS SOMETHING THAT'S BEEN GOING ON FOR TWO MONTHS. THIS IS NOT NEW INFORMATION. AND I ALSO FEEL THAT THE ALLEGATIONS AND THE REASONS THAT THE LICENSE WAS REVOKED ARE NOT GOING TO CHANGE IN TWO WEEKS TIME. THESE ARE SERIOUS VIOLATIONS THAT THE OPERATOR HAS COMMITTED -- VIOLATIONS, NOT ALLEGATIONS. AND I'M JUST UNCLEAR WHY WE WOULD POSTPONE THIS FOR TWO MORE WEEKS TO TRY TO INVESTIGATE THEM ANY MORE.

Slusher: MAYOR, LET ME TRY TO ADDRESS THAT. BECAUSE THE -- YOU'RE RIGHT. I THINK WHAT COUNCILMEMBER DUNKERLEY -- THE DATE SHE WAS REFERRING TO WAS THE COVER LETTER, AND YOU'RE RIGHT, THE LETTER FROM AT THE CAT DA WAS APRIL -- AT THEDA WAS APRIL 8TH. BUT WHEN WE GET ALLEGATIONS LIKE THAT, THE COUNCIL LIKES TO BE VERY SURE, AZURE AS WE CAN POSSIBLY BE ABOUT WHAT'S TAKING PLACE THERE. AND SINCE THOSE ONLY CAME TO US A COUPLE OF DAYS AGAIN, THEN WE SHOULD TAKE THE TIME TO HAVE OUR STAFF LOOK INTO THOSE ALLEGATIONS AND FIND OUT AS MUCH AS WE CAN ABOUT WHAT'S INVOLVED THERE. SO THAT'S THE REASON TO POSTPONE, SO WE CAN HAVE MORE TIME TO LOOK AT THIS ISSUE.

I TOTALLY UNDERSTAND THAT. AND MAYBE BECAUSE CITY COUNCILMEMBERS CAN GET MORE OF THAT INFORMATION

AT A HIGHER LEVEL, YOU MIGHT BE ABLE TO GET THOSE REPORTS, BUT FROM MY UNDERSTANDING THEY CANNOT DUE TO ONE OF THE ADMINISTRATION CODES IN HERE GIVE THAT KIND OF DETAIL. IT GOES INTO SAYING THAT ABUSE AND NEGLECT ARE THE REASONS THAT THIS IS HAPPENING, SO MAYBE YOU CAN GET THAT INFORMATION, THE SPECIFIC REASONS OF WHAT'S GOING ON, BUT I STILL THINK THAT IN ADDITION TO THIS, THERE'S A HISTORY OF VIOLATIONS, THERE'S A HISTORY OF A.P.D. REPORTS, THERE'S A HISTORY OF OTHER THINGS IN ADDITION TO THIS THAT IT'S JUST CONFUSING TO US WHY THIS WOULD GET POSTPONED ANY LONGER.

Slusher: I WOULD THINK THAT -- MY UNDERSTANDING IS THAT ALL THOSE THINGS ARE GOING TO BE LOOKED AT IN THE MEANTIME, DURING THAT TIME. AND IT SEEMS FAIRLY CLEAR THAT THE COUNCIL SHOULD LOOK AT THAT INFORMATION BEFORE WE WOULD TAKE A VOTE CONCERNING THAT.

OKAY. THAT MAKES SENSE. I JUST DIDN'T -- THIS STUFF HAD BEEN PROVIDED, I GUESS NOT ENOUGH TIME FOR YOU GUYS TO CHECK THAT ALL OUT.

Slusher: WE DID HAVE ABOUT 120 SOMETHING ITEMS THIS WEEK.

ALL RIGHT. I RESPECT THAT. THANK YOU.

Mayor Wynn: THANK YOU, MA'AM.

Thomas: MAYOR? ALSO, I THOUGHT -- TO THE NEIGHBOR. I CAN'T REMEMBER WHO SENT THAT TO US, BUT MY UNDERSTANDING, THE MEETING THAT Y'ALL WERE TOGETHER IN THE MEDIATION THAT YOU WOULD TRY TO COME TO A COMPROMISE ON THE LIST OF CONDITIONS.

YES, SIR.

Thomas: IF YOU HAVE ANY OTHER INFORMATION THAT WOULD HELP US IN THESE THREE WEEKS, BRING IT FORWARD NOT, LIKE COUNCILMEMBER SLUSHER SAID, TWO DAYS BEFORE. AND I THINK THAT IF WE'RE GOING TO BE -- LET'S TRY TO BRING IT ALL OUT AT LEAST TWO DAYS

BEFORE THE COUNCIL MEETING BECAUSE OF VIOLATIONS AND ALL THAT. BECAUSE THAT WASN'T WHAT WE SENT Y'ALL BACK TO DO. WE SENT YOU BACK TO NEGOTIATE THE LIST OF THINGS THAT WE WERE HAVING CONDITIONAL OVERLAYS. THOSE ARE THE THINGS THAT WE WERE SUPPOSED TO DO.

WE DID DO THAT. WE MET WITH THEM MONDAY OF THIS WEEK. SO SINCE JUNE 24TH WE HAVE NOT BEEN CONTACTED.

Thomas: BUT I DON'T REMEMBER THAT ON THE LIST OF TRYING TO FIND OUT VIOLATIONS AND ALL THAT.

IT WASN'T. AND I WASN'T ABLE TO BE HERE ON JUNE 24TH TO ATTEST TO ANY MAINTENANCES OF THE OPERATOR. TO BE HONEST WITH YOU, WE WERE NEVER HAVING TO HAVE THIS BE ABOUT THE OPERATOR. WE THOUGHT THERE WAS A LOT OF REASONS BEYOND THE OPERATOR. BUT AT THE END OF THE MEETING SINCE WE SAW BY A MOTION OF YOURSELF, COUNCILMEMBER, THAT THE OPERATOR AND THE TRACK RECORD THAT YOU HAD SPOKEN TO WAS ONE THAT YOU SAID WAS SUPERIOR AND ONE THAT YOU ADMIRER, SO AT POINT WE HAD DATA AND WE DIDN'T WANT TO HAVE TO GO THERE, TO BE HONEST WITH YOU. SINCE THAT HEARING WE'VE HAD TO PRESENT THIS INFORMATION TO YOU SO THAT WE'RE CLEAR THAT YOU GUYS KNOW ALL THE INFORMATION ABOUT THE POTENTIAL OPERATOR NOW SINCE THE RESTRICTIVE COVENANT IS GOING TO SPECIFY THIS TO BE THE ONLY OPERATOR.

Thomas: SURE. BUT WHAT TRACK RECORD, YOU'RE TALKING ABOUT A.P.D. AND ALL THAT.

SURE, I HAVE THAT.

Thomas: I HAD THAT ALREADY. EIGHT CALLS AT A FACILITY OF A TRANSITIONAL FACILITY IS NOT THAT HIGH. SO EIGHT CALLS A YEAR.

ON AVERAGE EVERY SIX WEEKS POLICE IS DISPATCHED TO UP TO ME AND A REPORT IS MADE. IN 2002 TWO DRUG OVERDOSES, TWO THEFTS, ONE PUBLIC INTOXICATION, ONE

ARREST, ONE OF THESE TO BE HAPPENING IN OUR NEIGHBORHOOD IS ONE TOO MANY. I MEAN, THE AVERAGE OF WHAT YOU'RE SAYING, EIGHT REPORTS IN ONE YEAR, 10 REPORTS IN ANOTHER, I MEAN, THAT MIGHT BE GOOD STATISTICALLY, BUT NOT FOR SOMEBODY THAT'S PAYING TO LIVE IN A NEIGHBORHOOD AND COULD POSSIBLY HAVE ONE OF THESE THINGS HAPPEN. AND IN ADDITION, IT'S NOT ONE -- IT'S NOT A ONE-TIME CIRCUMSTANCE THAT THIS IS HAPPENING. THERE'S A HISTORY OF THIS.

Thomas: WHAT DO YOU HAVE IN 2004?

WE WEREN'T ABLE TO GET THAT DATA. WE HAVE IT --

Thomas: WHAT DO YOU HAVE IN 2003?

EIGHT REPORTS. SIX REPORTS. FOUR OF THE SIX CASES WERE EMOTIONAL DISTURBANCES, INCLUDING ONE INVOLVING AN ASSAULT. THERE WAS ALSO ONE REPORT THAT WAS A REQUEST TO APPREHEND A TENANT AT 6222 NORTH LAMAR. AND ACTUALLY A MISCELLANEOUS ONE THAT WAS IN 2004, AN INDIVIDUAL WAS ARRESTED IN DOWNTOWN AUSTIN IN 2004 FOR POSSESSION OF A WEAPON. THE PERSON LISTED 6222 NORTH LAMAR AS HIS ADDRESS.

Thomas: OKAY.

WE CAN --

Thomas: MAYBE YOU NEED TO -- WE'LL LET THAT ALONE. MAYBE YOU NEED LAW ENFORCEMENT -- EIGHT CALLS A YEAR AT A FACILITY, WHAT I'VE JUST SAID, IS NOT REALLY HIGH. AND THE THING IS YOU HAVE TO LOOK AT THE ARRESTS, WHAT HAPPENED TO -- YOU HAVE TO FOLLOW THROUGH THE WHOLE CASE.

THESE WERE ALSO JUST REPORTS. REPORTS IS AN INCIDENT WAS WRITTEN UP AND POLICE TOOK ACTION TO BE WRITTEN UP OPPOSED TO AN INCIDENT, WHERE THEY WENT TO A LOCATION. SO THESE WERE ACTUAL REPORTS. WHO KNOWS HOW MANY 9-11 911 CALLS WERE MADE.

Thomas: YOU CAN GET THAT TOO.

WE DIDN'T KNOW, ACCORDING TO THE OFFICER, WE DID NOT KNOW WHETHER THEY WERE CALLS TO 6222 THAT WERE REPRESENTING IN THE POLICE REPORT DATA. AND FOR ME AND MY NEIGHBORHOOD, JUST SEEING JUST ONE OF THESE HAPPENING, A POTENTIAL OF AS MANY AS -- SO IN ADDITION TO THE MANY OTHER VIOLATIONS. VIOLATIONS WHERE YOU DON'T KNOW WHEN THEY'RE SIGNING IN AND OUT, WHERE THESE PEOPLE ARE, HOW CAN WE ASSURE THAT THEY'RE NOT GOING TO BE IN OUR NEIGHBORHOOD? THIS ISN'T WHAT YOU ATTESTED TO, I FEEL LIKE, MR. THOMAS. THIS IS --

Thomas: WHAT I ATTESTED TO, IF YOU REALIZE, AND WHAT I REMEMBER SAYING, THAT 21 YEARS OF LAW ENFORCEMENT THAT A FACILITY THAT HAS BEEN RAN LIKE THIS IN THAT PARTICULAR NEIGHBORHOOD AND THAT WE HAVEN'T RECEIVED SINCE I'VE BEEN ON COUNCIL SINCE 2000 FOR ANY REPORT FROM UP TO ME THAT WAS A HIGH NUMBER OF CALLS, A HIGH NUMBER OF COMPLAINTS IN THE NEIGHBORHOOD. WE CAN GO BACK AND GET DATA BACK AND FORTH, AND JUST LIKE I SAID, 2004 YOU DIDN'T HAVE DATA. 2003 YOU HAD SIX --

EIGHT.

Thomas: EIGHT. WE CAN GO ALL THE WAY BACK. BUT WHAT I'M SAYING IS WHAT WE NEED TO DO IS LOOK AT THE POSITIVE AND NEGATIVE AND WEIGH THEM. THAT'S THE ONLY THING I'M TELLING YOU TO DO.

I AGREE, I AGREE. AND I HAVE DONE THAT. WHEN I STARTED THIS OUT I DIDN'T KNOW WHERE I STOOD. I DID PROS AND CONS.

Thomas: CONTINUE TO WORK AT IT.

I BEG TO DIFFER. THANK YOU.

Mayor Wynn: THANK YOU, MA'AM. SO COUNCIL, WE HAVE A MOTION AND A SECOND ON THE TABLE TO POSTPONE ITEM -- CONSIDERATION OF ITEM 108 UNTIL AUGUST 26TH, 2004.

COUNCILMEMBER SLUSHER?

Slusher: ARE WE SENDING IT BACK TO MEDIATION? IF SO, I WANTED TO DISCUSS THAT A LITTLE BIT BECAUSE I'M NOT -- I JUST HAVE A FEELING THIS MAY BE ONE THAT WE JUST HAVE TO WORK OUT BECAUSE THEY'VE ALREADY BEEN TWICE. COUNCILMEMBER THOMAS, DID YOU ADD THAT?

Dunkerley: I DIDN'T ADD MEDIATION.

Thomas: NO, I JUST ASKED STAFF WHETHER THEY WERE GOING TO DO IT. I FEEL THAT THE NEIGHBORS FEEL THAT THEY'RE NOT COMFORTABLE GOING BACK, THEN I GUESS WE HAVE TO MAKE THE DECISION. BUT I THOUGHT THE NEIGHBORS AND UP TO ME WOULD -- BUT IF THEY FEEL THAT THEY CAN'T MAKE AN AGREEMENT, I GUESS NOT.

Slusher: BECAUSE I'M ALWAYS IN FAVOR OF MORE DIALOGUE. I ALWAYS THINK IT'S A GOOD THING IF YOU CAN HAVE PRODUCTIVE DIALOGUE, BUT IF THEY'VE ALREADY BEEN TWICE, I'M NOT SURE THAT'S A GOOD USE OF TIME OR MONEY. I MEAN, DID WE MAKE ANY -- WAS THERE ANY LIKE MOVEMENT FORWARD, PROGRESS DURING THE TWO MEDIATIONS?

WE DISCUSSED THE RESTRICTIVE COVENANT AND VARIOUS ITEMS AT LENGTH. THERE DID NOT SEEM TO BE ANY MOVEMENT ON EITHER SIDE. WE JUST WEREN'T ABLE TO REACH A COMPROMISE. WE WOULD CERTAINLY GO BACK IF YOU'D LIKE. I JUST DON'T KNOW HOW EFFECTIVE IT WILL BE.

Slusher: OKAY. AND WHY DON'T WE LEAVE IT AT IF DURING THAT TIME THAT IF FOLKS FEEL THE NEED TO SIT DOWN AND TALK, WE'RE CERTAINLY NOT PROHIBITING THAT AND WOULD FACILITATE IT IF THEY'RE WILLING TO DO SO. BUT I JUST DON'T SEE A NEED TO REQUIRE PEOPLE TO GO BACK TO THE TABLE ON THIS ONE, ESPECIALLY CONSIDERING WHAT MS. WILLIAMS HAS REPORTED TO US. I MEAN, I'M OPEN TO DISAGREEMENT, OF COURSE. MEDIATION.

Mayor Wynn: FURTHER COMMENTS? HEARINGHEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. COUNCIL, I BELIEVE THAT TAKES US TO ITEM 110. AGAIN, A SERIES OF PUBLIC HEARINGS.

Mayor Wynn: FOLKS, IF YOU DON'T MIND TAKING YOUR CONVERSATIONS OUT IN THE FOYER, WE'RE GOING TO CONTINUE SOME BUSINESS. WITH WELCOME, MR. LIEU KENS.

YES, SIR. THIS IS THE FIRST OF TWO PUBLIC HEARINGS IN THE ANNEXATION OF AVERY RANCH AREAS. THERE WILL BE ANOTHER PUBLIC HEARING ON AUGUST FIFTH AND AN ORDINANCE READING IS SCHEDULED FOR AUGUST 26TH. I HAVE THE SERVICE PLANS WITH ME AND WOULD BE GLAD TO DISTRIBUTE THEM. THE FIRST -- THIS IS AVERY RANCH IS FIVE TRACTS, TOTALING 115 ACRES. AS YOU CAN SEE BEHIND ME IT'S ROUGHLY IN THE AVERY RANCH BOULEVARD PARMER LANE AREA. THE SERVICE PLAN, THE CITY WOULD TAKE OVER FROM THE COUNTY FOR THE SERVICES THAT THEY PROVIDE AS WELL AS PROVIDING ADDITIONAL ENHANCED SERVICES NOT OTHERWISE AVAILABLE FROM THE COUNTY. THE CITY WILL PROVIDE SERVICES AT A LEVEL EQUIVALENT TO SIMILAR SITUATED AREAS IN THE BALANCE OF THE CITY. AND THAT CONCLUDES MY PRESENTATION ON THE AVERY RANCH AREAS.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? ARE THERE ANY CITIZENS WHO WOULD LIKE TO BE HEARD ON ITEM 110, A PUBLIC HEARING FOR FULL PURPOSE ANNEXATION OF AVERY RANCH AREAS? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

Dunkerley: SO MOVE.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER DUNKERLEY TO CLOSE THE PUBLIC HEARING. 110. ALL THESE IN FAVOR, PLEASE SAY AYE. AYE. MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

THE SECOND HEARING IS IF YOU RECALL PURPOSE ANNEXATION OF THE INTERPORT AREA. IT'S ONE ACRE OF INTERPORT ON STATE HIGHWAY 71 EAST OF 71 AND

FALLWELL LANE. IT'S THE FIRST OF TWO PUBLIC HEARINGS. THE SECOND ONE WILL BE ON AUGUST FIFTH AND THE ORDINANCE READING ON AUGUST 26TH. I HAVE THE SERVICE PLANS WITH ME. ESSENTIALLY THE CITY WOULD TAKE OVER FROM THE COUNTY FOR THE SERVICES THEY PROVIDE AS WELL AS PROVIDING ADDITIONAL ENHANCED SERVICES NOT OTHERWISE AVAILABLE. AND WE WILL BE PROVIDING SERVICES AT A LEVEL EQUIVALENT TO SIMILAR AREAS IN THE BALANCE OF THE CITY. THAT'S THE INTERPORT AREA WHICH IS A PART OF OUR INTERPORT PUD. AND THAT CONCLUDES THE PRESENTATION ON INTERPORT.

Mayor Wynn: THANK YOU. QUESTIONS, COUNCIL? ARE THERE ANY CITIZENS WHO WISH TO BE HEARD ON ITEM 110, THE PUBLIC HEARING REGARDING THE FULL PURPOSE ANNEXATION OF THE INTERPORT AREA? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING? MOTION MADE BY MAYOR PRO TEM. I'LL SECOND THAT. ALL IN FAVOR, PLEASE SAY AYE.

AYE.

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

YES, SIR. THIS IS THE -- THE THIRD PUBLIC HEARING IS FOR THE FULL PURPOSE ANNEXATION OF THE 290 SMART HOUSING AREA. IT'S APPROXIMATELY 23 ACRES IN TRAVIS COUNTY SOUTH OF U.S. HIGHWAY 290 EAST AND EAST OF THE ABANDONED MKT RAILROAD NORTH OF OLD MANOR ROAD. IT'S THE FIRST OF TWO PUBLIC HEARINGS. THE SECOND HEARING WILL BE ON AUGUST THE FIFTH. ORDINANCE READING IS SCHEDULED FOR AUGUST 26TH. I AGAIN HAVE THE SERVICE PLANS WITH ME. THE CITY WOULD TAKE OVER FROM THE COUNTY FOR THE SERVICES THAT THEY PROVIDE AS WELL AS PROVIDING ADDITIONAL ENHANCED SERVICES NOT OTHERWISE AVAILABLE. WE PROVIDE SERVICE AT A LEVEL EQUIVALENT TO SIMILAR SITUATED AREAS IN THE BALANCE OF THE CITY. THIS OF COURSE IS A SMART HOUSING PROJECT. THAT CONCLUDES MY PRESENTATION.

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL? ARE THERE

ANY CITIZENS THAT WISH TO BE HEARD ON ITEM 112, THE PUBLIC HEARING REGARDING THE FULL PURPOSE ANNEXATION OF THE 290 290 SMART HOUSING AREA? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING? MOTION MADE BY COUNCILMEMBER ALVAREZ. I'LL SECOND THAT. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

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

Mayor Wynn: COUNCIL, I BELIEVE THAT TAKES US TO OUR LAST ITEM, 113, WHICH IS TO CONDUCT A PUBLIC HEARING REGARDING OUR HISTORIC LANDMARK'S COMMISSION CITY CODE.

MAYOR, EARLIER TODAY THERE WAS A REQUEST TO POSTPONE THAT I BELIEVE BY COUNCILMEMBER DUNKERLEY TO SEPTEMBER 30TH.

Mayor Wynn: AND HAVE WE ACTUALLY TAKEN THAT ACTION?

YOU HAVE NOT.

Mayor Wynn: EXCUSE ME. I'M SORRY IF ANYBODY WAITED FOR THIS TOO. COUNCILMEMBER DUNKERLEY, IS YOUR REQUEST STILL VALID TO POSTPONE ITEM NUMBER 113? THIS IS ITEM 113, THE HISTORIC --

THE HISTORIC AMENDMENTS TO THE CODE.

Dunkerley: YES. I WOULD LIKE TO MAKE A MOTION TO POSTPONE THIS ITEM FOR 60 DAYS. AS WE WERE BRINGING THIS FORWARD WE DISCOVERED THAT ONE OF THE UNDERLYING ASSUMPTIONS OF THE CHANGES IN THIS ORDINANCE WE MAY NOT BE ABLE TO DO DEALING WITH GRANDFATHERING. SO WE WANT TO TAKE ANOTHER LOOK AT THAT AND REASSESS IT AND BRING IT BACK IN ABOUT 60 DAYS.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY

TO POSTPONE ITEM 113 TO SEPTEMBER 30TH, 2004. I'LL
SECOND THAT. FURTHER COMMENTS? HEARING NONE, ALL
THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THE EXECUTIVE SESSION ITEM 89 AND THEN 96.

Mayor Wynn: SO COUNCIL, THAT NOW LEAVES US ONLY WITH
THE EXECUTIVE SESSION ITEM PRIOR TO AN ACTION ITEM,
SO AT THIS TIME WE'LL GO INTO EXECUTIVE SESSION FOR
PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER
SECTION 551.071 OF THE OPEN MEETINGS ACT TO GET
PRIVATE CONSULTATION WITH OUR ATTORNEY FOR
SECTION -- FOR AGENDA ITEM 89 RELATED TO LEGAL ISSUES
IN THE ISLA VERSUS REYES AND THE CITY OF AUSTIN. WE
ARE NOW IN CLOSED SESSION.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION, IN
EXECUTIVE SESSION WE RECEIVED PRIVATE CONSULTATION
FROM OUR ATTORNEY UNDER SECTION 551.071. WE
DISCUSSED ITEM 89. NO DECISIONS WERE MADE. COUNCIL,
THAT BRINGS US TO OUR LAST REMAINING POTENTIAL
ACTION ITEM, ITEM NO. 96. PERHAPS THE CITY ATTORNEY
CAN INTRODUCE THIS ITEM, THEN WE WILL ENTERTAIN A
MOTION.

YES, MAYOR, I WILL CALL ON ROBIN SANDERS, THE LAWYER
FROM THE LAW DEPARTMENT HANDLING THE CASE. THANK
YOU, COUNCIL, MY NAME IS ROBIN SANDERS, I REPRESENT
THE CITY OF AUSTIN IN THE CASE CALLED ISISLA FLORES
BAYER VERSUS FREDDIE URIAS, SETTLEMENT IS
RECOMMENDED IN THE AMOUNT OF \$315,000.

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL? COMMENTS?
IF NOT I'LL ENTERTAIN A MOTION ON ITEM 96.

SO MOVE.

MOTION MADE BY COUNCILMEMBER MCCRACKEN,

SECONDED BY THE MAYOR PRO TEM. TO APPROVE THE SETTLEMENT IN ITEM NO. 96 AS OUTLINED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. MS. BROWN, THAT'S ALL OF OUR ITEMS? COUNCILMEMBER SLUSHER?

Slusher: MOVE -- [LAUGHTER]

Mayor Wynn: MOTION BY COUNCILMEMBER SLUSHER TO ADJOURN. SECONDED BY COUNCILMEMBER DUNKERLY. ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: WE ARE ADJOURNED, THANK YOU.

End of Council Session Closed Caption Log