

## Closed Caption Log, Council Meeting, 11/18/04

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WE CORDNALLY INVITE THE MEMBERS OF THE COUNCIL TO JOIN HIM THERE, ALL OF YOU TO CELEBRATE IN A TRUE INTERRELIGIOUS AND INTERFAITH WAY ALL OF THE THINGS THAT WE HAVE TO BE THANKFUL FOR THIS SUNDAY AFTERNOON AT 3:30 P.M. AT RIVER BEND CHURCH. WITH THAT ANNOUNCEMENT OUT OF THE WAY I ASK YOU TO JOIN ME IN PRAYER. GRACIOUS GOD, GIVER OF LIFE, GROUND OF BEING, GOD OF MANY NAMES AND GOD OF ALL PEOPLE, AS WE PRAY THIS MORNING TOWARD THE END OF A RAINY WEEK, WE ARE MINDFUL OF THE MANY PEOPLE WHOSE LIVES HAVE BEEN DISRUPTED BY FLOODS AND WATER AND SO WE PRAY FOR THOSE IN NEED. WE ALSO PRAY WITH THANKSGIVING FOR THE EMERGENCY PERSONNEL AND RELIEF WORKERS WHO HAVE MET THOSE NEEDS. BUT ALSO, AS WE PRAY TOWARD THE END OF THIS RAINY WEEK, WE LISTEN BEYOND THE IMMEDIATE NEEDS OF LIFE TO THE LEFT ARMOR LESSONS LEARNED -- LARGER LESSONS LEARNED FROM THE RAIN. AS WE HAVE HEARD THE PITTER PAT OF RAIN DROPS ON OUR ROOF TOPS, WE PRAY THAT WE HAVE REMINDED AGAIN OF THE PROPHETIC WORDS OF THE HEBREW SCRIPTURES,, MAY WE AS A CITY COUNCIL AND AS CITIZENS LIVE INTO THOSE WORDS, SO THAT THE WATERS OF JUSTICE AND RIGHTEOUSNESS INDEED WILL FLOW INTO THE DRY CORNERS OF OUR CITY, OUR SOCIETY, AND OUR SOULS. TOWARD THE END OF A RAINY WEEK, THIS IS OUR PRAYER. AMEN.

THANK YOU, PASTOR. LOOK FORWARD TO SEEING YOU

SUNDAY. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, IT IS THURSDAY, NOVEMBER 18th, 2004, APPROXIMATELY 8 MINUTES AFTER 10:00 IN THE MORNING, WE ARE IN THE BOARD ROOM OF THE LOWER COLORADO RIVER AUTHORITY, HANCOCK BUILDING, 3700 LAKE AUSTIN BOULEVARD. AT THIS TIME I WILL READ THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. ON ITEM NO. 38, WE SHOULD STRIKE THE WORDS STREET EVENT PERMIT, AND WILL JUST BE REIMBURSING CERTAIN FEES. ON ITEM NO. 61, WE WILL STRIKE THE WORDS "AND REVENUE OI" AND THERE EVER THIS BE REGARDING UNLIMITED TAX REFUNDING BONDS. ON ITEM 42, WE WILL STRIKE THE WORD CHAPTER IT IS AND REPLACE IT WITH THE WORD TITLES, SO THIS WILL BE REGARDING AMENDMENTS TO TITLES 25, 2 AND 11 OF THE CITY CODE. OUR I'M CERTAIN ITEMS -- OUR TIME CERTAIN ITEMS TODAY, AT NOON WE BREAK FOR THE GENERAL CITIZENS COMMUNICATIONS; AT 2:00 WE HAVE TWO POSTED BRIEFINGS, ITEM NO. 50 AND 51; AT 3:00 WE WILL HAVE A BOARD OF.

BRECHTEL:ORS MEETINGCTORS MEETING OF THE AUSTIN AUSTIN, AHFC 1 AND 2, AT 4:00 ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, THOSE SHOW AS ITEMS 52 THROUGH 55 AND ZONING CASES, PUBLIC HEARINGS, Z-1 THROUGH Z-7. I WILL ANNOUNCE NOW THAT THE STAFF WILL BE REQUESTING POSTPONING ITEMS Z-3 AND Z-4, THOSE ARE THE TWO AVERY RANCH ZONING CASES TO JANUARY 27th, 2005. TECHNICALLY THE COUNCIL CAN'T TAKE UP THE VOTE TO POSTPONE THOSE CASES UNTIL THE 4:00 TIME CERTAIN, BUT JUST AS A -- AS PER EARLY WARNING TO CITIZENS WHO MAY WANT TO COME DOWN FOR THOSE HEARINGS, I ANTICIPATE THEM BEING POSTPONED. 5:30 WE HAVE OUR LIVE MUSIC AND PROCLAMATIONS; AT 6:00 OUR PUBLIC HEARINGS AND POSSIBLE ACTIONS, THOSE SHOW AS ITEMS 56 THROUGH 60. I WILL ANNOUNCE NOW THAT ITEM 56, WHEN IS A -- WHICH IS A PUBLIC HEARING REGARDING SETTING THE RATE FOR THE DOWNTOWN P.I.D., PUBLIC IMPROVEMENT DISTRICT, DOWNTOWN AUSTIN ALLIANCES GEOGRAPHIC AREA, SINCE THAT RATE WILL NOT BE CHANGED, THERE'S NO NEED TO HAVE THAT PUBLIC HEARING OR VOTE, SO ITEM 56 WILL BE

WITHDRAWN, BUT TECHNICALLY AGAIN WE CAN'T DO THAT WITHDRAWAL UNTIL 6:00 P.M. TIME CERTAIN. ITEM 56 WILL BE WITHDRAWN AT 6:00 P.M. COUNCIL, A COUPLE OF ITEMS HAVE BEEN PULLED OFF THE CONSENT AGENDA. ITEM 35 WHICH IS REGARDING NEGOTIATING OF A LANDFILL CONTRACT HAS BEEN PULLED BY COUNCILMEMBER SLUSHER. AND ITEM 61, WHICH I THINK WAS ON AN AN DEN DUMB -- ADDENDUM REGARDING NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT NUMBER 1 ITEM HAS BEEN PULLED ALSO BY COUNCILMEMBER SLUSHER. ARE THERE OTHER ITEMS THAT INSTEAD TO BE PULLED OR PUT BACK ON THE CONSENT AGENDA? ALSO NOTE THAT ITEM NO. 43 IS AN ACTION ITEM RELATED TO A DISCUSSION THAT WE WILL HAVE LATER THIS MORNING IN CLOSED SESSION REGARDING A -- A -- EXCUSE ME, ACTION ITEM IS NUMBER 49 TO BE TAKEN OFF THE CONSENT AGENDA UNTIL WE HAVE THE CLOSED SESSION DISCUSSION, THIS IS REGARDING A SEWER LINE RELOCATION IN WATCHHILL ROAD. AGAIN ITEMS 39 --

McCracken: MAYOR, ON ITEM NO. 61, THIS IS AN ISSUE FOR REFINANCING OF BONDS. I HAD BEEN ASKED IF WE COULD AT LEAST POST THIS IN CASE THERE IS ABILITY TO ACT TODAY. MY UNDERSTANDING THAT THERE IS NOT. THAT THE -- BOTH SIDES ARE NOT READY TO ACT TODAY AND THAT THERE'S BEEN A REQUEST TO POSTPONE THAT UNTIL DECEMBER 2nd. SO THERE'S NO PROBLEM IN DISCUSSING IT TODAY, BUT IT WAS -- IT WAS POSTED IN CASE THERE WAS THE OPPORTUNITY TO -- TO HAVE AN AGREED REFINANCE, WHICH THERE IS NOT THAT AGREEMENT TODAY.

Mayor Wynn: THANK YOU, COUNCILMEMBER, PERHAPS WHEN I ENTERTAIN A MOTION ON THE CONSENT AGENDA, IT CAN INCLUDE POSTPONING ITEM NO. 61 TO DECEMBER 2nd, 2004, BUT WE WILL GET TO THAT. COUNCILMEMBER DUNKERLY?

Dunkerly: I'M SORRY, I DON'T KNOW IF YOU MENTIONED THIS. BUT ON ITEM 37, THIS RELATES TO AN ITEM THAT WILL -- THE TWO -- THE OCCUPANCY LIMITS FOR THE -- FOR THE STRUCTURE, IS THAT -- IS THAT A PUBLIC HEARING ITEM?

Mayor Wynn: COUNCILMEMBER, CORRECT. SO ITEM NO. 37 WILL BE PULLED OFF THE CONSENT AGENDA AND WON'T BE

TAKEN UP UNTIL AFTER ITEM 59, WHICH IS A 6:00 PUBLIC HEARING. MY UNDERSTANDING IS IF -- IF ACTION IS NOT TAKEN ON ITEM NO. 59, THAT IS A NEW ORDINANCE WRITTEN, THEN WE WILL GO BACK AND TAKE ACTION ON ITEM NO. 37, WHICH WOULD BE A EXTEND THE MORATORIUM.

Dunkerly: I ALSO BELIEVE THAT THE MORATORIUM EXPIRES I BELIEVE ON THE 20th, SO WE WOULD NEED TO APPROVE THE -- THAT OTHER ITEM ON AN EMERGENCY BASIS. AND IF NOT, THEN WE WOULD NEED TO EXTEND THE MORATORIUM. WE HAVE SEVERAL IF'S THERE.

Mayor Wynn: OKAY. THANK YOU, ITEM NO. 37 WILL ALSO BE REMOVED FROM THIS MORNING'S CONSENT AGENDA. COUNCIL, OTHER ITEMS TO BE PULLED? OR ADDED BACK? I DON'T -- MS. BROWN, I DON'T HAVE THE CARDS SIGN UP, I DON'T KNOW IF A NUMBER OF CITIZENS SIGNED UP ON ANY PARTICULAR ITEM WE GENERALLY PULL THOSE OFF THE CONSENT AGENDA AS WELL. WHILE WE ARE GETTING THOSE -- THOSE NOTE CARDS, BLESS YOU, [LAUGHTER], -- COUNCIL, WITHOUT OBJECTION, JUST A POINT OF PRIVILEGE HERE, I SEE A NUMBER OF FOLKS IN THE AUDIENCE WHO ARE WEARING A RIBBON, I'M CURIOUS IF THEY ARE -- MR. GOLDSTEIN, IS THERE AN ITEM ON THE AGENDA THAT --

WE ARE ON ITEM [INDISCERNIBLE] [INAUDIBLE - NO MIC]

Mayor Wynn: OKAY, THANK YOU. AND SO LOOKS LIKE MS. TERRY THERE'S NO ACTION ITEM RELATED TO 44, IT'S JUST GOING TO BE A DISCUSSION IN CLOSED SESSION?

THAT'S CORRECT. IT'S AN UPDATE.

OKAY. GREAT. THANK YOU, MR. OLDSTEIN. SO, COUNCIL, THEN HEARING NO MORE ADDITIONAL PULLED ITEMS, I WILL READ THE CONSENT AGENDA NUMERICALLY. THE CONSENT AGENDA THIS MORNING WILL BE: ITEMS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36 ARE OUR BOARD AND ECONOMICS APPOINTMENTS THAT I WILL -- COMMISSION APPOINTMENTS THAT I WILL NOW READ INTO THE RECORD. TO THE ANIMAL ADVISORY BOARD, BABETT ELLIS COUNCILMEMBER SLUSHER'S REAPPOINTMENT. TO THE ARTS COMMISSION,

BRUCE WILISNEK, COMMERCIAL'S REAPPOINTMENT. TO OUR COMMISSION FOR WOMEN, PERLA CAVEZOS IS COUNCILMEMBER SLUSHER'S REAPPOINTMENT AND VALERIE MALONE IS THE MAYOR PRO TEM'S REAPPOINTMENT. TO OUR COMMISSION ON IMMIGRANT AFFAIRS, STANLEY MAINE IS A CONSENSUS REAPPOINTMENT. TO OUR ETHICS REVIEW COMMISSION, MYNA BREEZE IS MAYOR PRO TEM'S APPOINTMENT. RONNIE JONES IS COUNCILMEMBER THOMAS' APPOINTMENT. AND KATHRYN KYLE, REPRESENTING THE AUSTIN BAR ASSOCIATION, IS A CONSENSUS NOMINATION. TO OUR HUMAN RIGHTS COMMISSION, SANDRA SERNA IS COUNCILMEMBER SLUSHER'S APPOINTMENT. TO OUR MEXICAN AMERICAN CULTURAL CENTER ADVISORY BOARD, DOMINGO VILLERREAL IS A CONSENSUS REAPPOINTMENT. TO OUR RESOURCE MANAGEMENT COMMISSION, GRACE HISCH, IS COUNCILMEMBER SLUSHER'S REAPPOINTMENT. TO OUR ZONING AND PLATTING COMMISSION, CLARK HAMMOND IS COUNCILMEMBER SLUSHER'S REAPPOINTMENT. THOSE ARE BOARD BOARD APPOINTMENTS ON -- BOARDS AND COMMISSIONS APPOINTMENTS ON ITEM NO. 36 ON THIS WEEK'S AGENDA. CONTINUING: ITEM 37, THANK YOU -- SO ITEM NO. 37 WILL NOT BE ON THE CONSENT AGENDA. ITEM 38, PER CHANGES AND CORRECTION, ITEM 39, 40, 41, AND ITEM 61 TO BE POSTPONED TO DECEMBER 2nd, 2004. I'LL ENTERTAIN A MOTION ON THE CONSENT AGENDA.

[INDISCERNIBLE]

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS?

Slusher: YEAH, MAYOR. WOULD YOU SHOW ME VOTING NO ON NUMBER 39 AND THEN ON NUMBER -- I WANTED TO ASK MS. CRAYTON, I IMAGINE WOULD BE THE ONE TO ANSWER THE QUESTION, IS IT 20 -- 23 AND 24? IS SHE HERE?

YES, COUNCILMEMBER ERICKSON?SONDRA CRAYTON.

SLUSHER: THIS IS THE ONE WHERE TEXDOT IS REQUIRING THE LOCALITIES, WHERE THE DEVELOPER IS REQUIRED TO BE THE FINANCIAL AGENT -- THE SAME AMOUNT THAT'S DEPOSITED BY THE LANDOWNER IS WHAT THEN THE CITY IS

PAYING, BUT I WANTED TO KNOW WHAT HAPPENS IN THE CASE OF AN OVERRUN? IS THE CITY PROTECTED AGAINST THAT?

IN THE CASE OF AN OVERRUN, IN THE AGREEMENT, IT STATES VERY CLEARLY THAT THE DEVELOPER WOULD PAY FOR THAT.

SO WE ARE NOT -- THIS IS NOT GOING TO COST THE CITY ANY MONEY. WE BASICALLY A PASS THROUGH UNDER STATE LAW IF.

THAT'S CORRECT.

OKAY. THANK YOU.

CERTAINLY.

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

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. WITH COUNCILMEMBER SLUSHER VOTING NO ON HIS STATED ITEM. THANK YOU ALL VERY MUCH. SO, COUNCIL, WITHOUT OBJECTION, I THINK ITEM 35 IS OUR FIRST PULLED ITEM, REGARDING AUTHORIZING THE CITY MANAGER TO NEGOTIATE A LANDFILL CONTRACT AND THAT I GUESS I'LL ENTERTAIN A BRIEF PRESENTATION FROM STAFF.

THANK YOU, MAYOR, I'M JOHN STEVENS CHIEF FINANCIAL OFFICER. THE -- PURSUANT TO A RECOMMENDATION THAT THE CITY HAD IN A CONSULTANT STUDY DONE ON THE SOLID WASTE SERVICES DEPARTMENT IN MAY OF 2003, WE SENT OUT AN R.F.P. FOR OPERATION OF THE CITY'S LANDFILL ON F.M. 812. WE SENT THAT R.F.P. TO 19 FIRMS, WE HAD A PREPROPOSAL MEETING AND WE GOT TWO RESPONSES BACK TO -- TO OUR R.F.P. WE PUT TOGETHER A TEAM WHO REVIEWED THE PROPOSALS AND EVALUATED THEM ON THE CRITERIA SET OUT IN THE R.F.P. WHICH WERE AS FOLLOWS: PROPOSED REVENUE, PRODUCTION/COST SAVINGS, FIRM

QUALIFICATIONS, SAFETY RECORD, ENVIRONMENTAL HISTORY, BUSINESS PLAN, AND TECHNICAL PROPOSAL. THE REVIEW TEAM RECOMMENDED MOVING FORWARD WITH NEGOTIATING WITH IESI, THAT'S THE ITEM THAT'S ON YOUR AGENDA TODAY, ITEM NO. 35, NOT TO EXECUTE BUT RATHER TO NEGOTIATE A CONTRACT WITH IESI THAT WE WOULD LATER BRING BACK TO COUNCIL. THE REVIEW TEAM RECOMMENDED MOVING FORWARD WITH NEGOTIATION ON IESI BECAUSE OF -- OF WHAT THEY OFFERED IN THEIR PROPOSAL. THE INCENTIVES THAT WILL HELP THE CITY REDUCE ITS COSTS IN OPERATING THAT LANDFILL. WE HAVE -- THIS ITEM WAS TAKEN TO THE SOLID WASTE ADVISORY COMMITTEE ON OCTOBER THE 13th AND DISCUSSED BRIEFLY WITH THEM. AS YOU KNOW, WE'RE NOT ABLE TO DISCUSS THE DETAILS OF ANY PROPOSALS UNTIL COUNCIL HAS ACTED ON THOSE. AND THEN THIS ITEM APPEARED EARLIER ON THE NOVEMBER 4th COUNCIL AGENDA. MENT.

Mayor Wynn: THANK YOU, MR. STEVENS, QUESTIONS, COUNCIL? A NUMBER OF FOLKS HAVE SIGNED CARDS. MAYOR PRO TEM?

Goodman: DO WE HAVE A COPY OF SOLID WASTE ADVISORY BOARD'S RESOLUTION?

I HAVE ONE COPY HERE WITH ME, I BELIEVE.

SORRY, I DON'T HAVE A COPY, WE ARE GETTING ONE.

Goodman: WELL THE GIST OF IT -- AH GOOD.

COUNCILMEMBER ALVAREZ?

Goodman: THE GIST OF IT IS THEY WOULD ASK US NOT TO TAKE ACTION REGARDING A CONTRACTUAL COMMITMENT UNTIL A THOROUGH AND COMPREHENSIVE STUDY BE COMMISSIONED, ANALYZE ALL OPTIONS CONCERNING THE CITY'S LANDFILL AND THE STUDY SHOULD BE CONDUCTED BY AN INDEPENDENT FIRM WHOSE OBJECTIVES WOULD BE, BUT NOT LIMITED TO, ENVIRONMENTAL AND FINANCIAL IMPACT OF HAVING SOLID WASTE SERVICES CONTINUE THE MANAGEMENT OF THE LANDFILL AND HAVING A THIRD PARTY -- HAVING A THIRD PARTY MANAGE THE LANDFILL OR A

COMPLETE CLOSURE AND REUSE OF THAT 342 ACRES. AND THEN WE SHOULD COMMISSION A TASK FORCE WHOSE OBJECTIVE WOULD BE TO DEVELOP A 20 YEAR SOLID WASTE MANAGEMENT PLAN. WOULD YOU HAVE A RESPONSE TO THAT? YES, MAYOR PRO TEM. AGAIN AS I MENTIONED IN MY INTRODUCTORY REMARKS, WE ISSUED THE R.F.P. IN RESPONSE TO A STUDY THAT WE DID HAVE DONE BY A CONSULTANT LOOKING AT A NUMBER OF ISSUES IN SOLID WASTE, INCLUDING THE -- THE OPERATION OF THE LANDFILL AND THE CONSULTANT'S RECOMMENDATION WAS THAT WE LOOK AT -- AT PRIVATIZING THE OPERATION WHILE THE LANDFILL -- REGARDING THE ENVIRONMENTAL ISSUES, I MAY HAVE MR. RHODES OF THE SOLID WASTE SERVICES DEPARTMENT ADDRESS THOSE ISSUES, REGARDING THE 20 YEAR SOLID WASTE MANAGEMENT PLAN I -- THE SOLID WASTE SERVICES DEPARTMENT AS YOU KNOW PUT IN SOME SIGNIFICANT CHANGES TO THEIR OPERATIONS THROUGH THEIR PAY AS YOU THROW PROGRAM BACK IN THE 1990'S, I BELIEVE THAT PROPOSAL, THOSE CHANGES, THAT PROGRAM THEY HAVE INITIATED HAS SERVED THE CITY VERY WELL IN TERMS OF OUR SOLID WASTE OPERATIONS. WE HAVE ACHIEVED THE HIGHEST DIVERSION RATE OF ANY CITY IN TEXAS, ABOUT 28%. WE DIVERT 28% OF THE MATERIAL THAT'S PICKED UP FROM OUR LANDFILL AND SO I - - I BELIEVE THAT WE HAVE A PLAN IN PLACE. WE ARE CONTINUING TO -- TO WORK ON BRINGING EFFICIENCIES AS WE CAN OUT OF OUR OPERATION, BUT I BELIEVE THAT WE HAVE -- THAT WE HAVE A GOOD PLAN IN PLACE AS EVIDENCED BY THE NUMEROUS AWARDS THAT THE DEPARTMENT HAS GOT AND BY THE HIGH DIVERSION RATE THAT WE HAVE.

Goodman: AND THE ADVISORY COMMISSION WAS PRIVY TO ALL OF THAT?

THEY -- THEY DID NOT SEE -- I DON'T BELIEVE THAT THEY SAW THE CONSULTANT STUDY. IS THAT --

Goodman: WELL, THAT PROBABLY WOULD HAVE MADE A BIG DIFFERENCE TO THE FACTS THAT THEY HAD TO CONSIDER. DOES THE -- DOES THE RECORD OF A FIRM IN PAST SITUATIONS HAVE ANY INFLUENCE ON WHETHER THEY ARE



CHOSEN OR NOT?

THE HISTORY OF THE FIRM? YES. FOR THIS PARTICULAR --  
FOR THIS PARTICULAR SOLICITATION.

FOR THIS JOB, YEAH.

YES THAT WAS PART OF THE EVALUATION MATRIX.

Goodman: SO YOU EVALUATED THE COMPLAINTS, ABOUT  
THEIR PRACTICES AND FOUND?

THEY HAVE NO HISTORY OF NON-COMPLIANCE. THEY HAVE,  
ACCORDING TO THE DOCUMENTATION THAT WE HAVE  
LOOKED AT FROM THEM, THEY HAVE -- THEY HAVE A  
HISTORY OF VERY GOOD COMPLIANCE HERE IN THE STATE.  
AND WE HAVE REPRESENTATIVES FROM IESI HERE WHO CAN  
PROVIDE YOU MORE DETAIL ON THAT.

Goodman: OKAY, BY THAT YOU MEAN IF THERE WERE  
PROBLEMS THEY WERE ADDRESSED?

YES, IF THERE WERE PROBLEMS, THEY HAVE BEEN  
ADDRESSED. I --

Goodman: OKAY, WELL, I'LL HAVE OTHER QUESTION, BUT I'LL  
ASK THEM AFTER WE HEAR TESTIMONY.

THANK YOU, MR. STEPHENS, MAYOR PRO TEM. WITHOUT  
OBJECTION, COUNCIL, WE WILL GO TO THE CITIZENS WHO  
SIGNED UP WISHING TO SPEAK ON THIS ITEM. OUR FIRST  
SPEAKER -- I CAN'T TELL IF ALBERT DENINGTON, WELCOME,  
SIR, I DIDN'T KNOW IF YOU WANTED TO DONATE TIME OR  
NOT, BUT WELCOME. ACTUALLY, SIR, EITHER -- EITHER  
PODIUM WILL WORK. JUST SAVE SOME TIME. MR.  
DENINGTON WILL BE FOLLOWED BY ROBERT CRIER.

YES, SIR, I WANTED TO SPEAK ON THIS. I'M A MEMBER OF  
THE AUSTIN AIRLINER -- AIRCRAFT OWNERS PILOT'S  
ASSOCIATION AND OF THE TEXAS AVIATION ASSOCIATION  
AND OF THE BERGSTROM PILOTS ASSOCIATION AND I WAS  
SIGNED UP TO DONATE MY TIME TO MR. JAY CARPENTER.  
BUT HE HAD HIS -- HAD A MEDICAL EMERGENCY, HAD TO GO

TO HOUSTON LAST NIGHT. AND HE IS ON HIS WAY BACK. HE'S IN NORTH AUSTIN RIGHT NOW. ABOUT PROBABLY 15 OR 20 MINUTES OUT. HE WOULD LIKE TO SPEAK TO THIS AS SOON AS HE CAN GET HERE ON THAT -- AFTER RETURNING FROM HOUSTON. BUT THE -- THE INFORMATION THAT I WOULD LIKE TO -- TO CONVEY TO THE CITY COUNCIL, HE WILL DO AT THAT LATER TIME IF THIS IS STILL IN -- IN A DISCUSSION ITEM IN 15 OR 20 MINUTES FROM NOW.

Mayor Wynn: FAIR ENOUGH. MR. DENINGTON, I SUSPECT WE WILL STILL HAVE TIME TO HEAR FROM HIM IF HE ARRIVES IN 15 OR 20 MINUTES.

> THANK YOU.

THANK YOU. NEXT SPEAKER, ROBERT KIEV? WORK ON YOUR PENMANSHIP, ROBERT. BEFORE YOU START, A NUMBER OF FOLKS WANTED TO OFFER TIME TO YOU. JIM GREGORY HERE? HELLO, JIM, HOW ARE YOU? GARY NEWTON, HELLO, GARY, KAY GREGORY. HI, KAY AND VICKI DENINGTON. VICKI, I ASKED BECAUSE OUR RULES ARE THAT CITIZENS WHO DONATE TIME NEED TO BE PRESENTS IN THE CHAMBER TO DO SO. SO MR. KEER YOU WILL HAVE UP TO 15 HINTS IF YOU NEED IT.

MINUTES IF YOU NEED IT.

THANK YOU, SIR, YOU ARE NOT THE FIRST TO COMMENT ABOUT MY PENMANSHIP, IT STARTED SOMEWHERE IN KINDERGARTEN AND DIDN'T CEASE, THANK GOD FOR COMMUTERS. MY NAME IS ROBERT KEIR, I HOLD BACHELOR'S, MASTER'S, Ph.D.'S IN GEOLOGY, SPECIALIZE IN THE FIELDS OF HYDRO GEOLOGY AND ENGINEERING GEOLOGY, HAVE ABOUT 30 YEARS BACKGROUND IN SOLID WASTE. THE CITY OF AUSTIN'S F.M. 812 LANDFILL, FILLING BEGAN THERE SOMETIME IN THE 1950S TO EARLY 1960S. THE INITIAL WASTE DISPOSAL WAS IN TWO WET WEATHER CREEKS, THAT DRAINED NORTHWARD INTO ONION CREEK JUST SOUTH OF BERGSTROM AIR BASE. TO MY KNOWLEDGE, NO LINERS WERE INSTALLED, THERE WERE NO INSPECTIONS OF THE BOTTOM OR SIDES WHERE THE WASTE WAS PLACED. EXCUSE ME. THERE WERE CLAY PLUGS PLACED AT THE DOWNSTREAM ENDS, BUT NOT TO ANY ENGINEERED

SPECIFICATIONS THAT I HAVE BEEN ABLE TO DISCERN. WITH THE ADVENT OF STATE-WIDE PERMITTING, THE CITY OF AUSTIN WAS ISSUED PERMIT NUMBER 360. THE LANDFILL AREA WAS THEN EXPANDED OR APPARENTLY EXPANDED IN 1979, IN 1983, AND THEN BROUGHT INTO COMPLIANCE WITH THE NEW FEDERAL SUBTITLE D REGULATIONS IN 1994. AT THAT TIME, THE CITY STAFF PROPOSED USING WHAT WAS CALLED A SUBTITLE D COMPOSITE LINER, WHICH CONSISTS OF A -- OF A FLEXIBLE MEMBRANE LINER, 30 TO 60 MILS THICK OVER TWO FEET OF COMPACTED CLAY, MEETING CERTAIN PERMABILITY SPECIFICATIONS, CERTAIN AREAS OF THE LANDFILL WERE DELETED FROM FILLING, PERHAPS COMPENSATE FOR THE OPENING OF THE AIRPORT, BUT ALSO TO, MORE IMPORTANTLY, COMPENSATE FOR THE FACT THAT THERE WAS OVERFILLING AND OVEREXCAVATION IN THE SECTOR B OF THE LANDFILL IN THE NORTHEAST CORNER AND YOU COULDN'T CHANGE CAPACITY AS PART OF THE COMPLIANCE WITH SUBTITLE D [INDISCERNIBLE] PROCESS. IN 1997, THE CITY REQUESTED TO USE AN ALTERNATE LINER. THAT IS TO SUBSTITUTE A MANUFACTURED CLAY PRODUCT FOR THE TWO FEET OF COMPACTED CLAY.

IT IS A SUBSTITUTE, HOWEVER IT IS NOT A COMPOSITE LINER UNDER THE REGULATIONS.

WHAT WE FANCILY CALL PUTRESCIBLE WASTE, CURRENTLY OPERATED AS A TYPE 4 LANDFILL, THAT IS A LANDFILL THAT IS TO RECEIVE ONLY BRUSH AND CONSTRUCTION AND DEMOLITION DEBRIS. HOWEVER, THE CITY, THIS IS VERY IMPORTANT, NEVER CHANGED THE PERMIT FROM A TYPE OF PERMIT THAT COULD PUTRESCIBLE WASTE TO A TYPE 4 PERMIT. THE FIRST CONTINUED POTENTIAL FOR EROSION AND STABILITY OF THE STEEP NORTH SLOPE, THE NORTH SLOPE FRONTING ONION CREEK HAS A STEEPNESS UP TO ONE TO ONE, OR 45 DEGREES, [INDISCERNIBLE] STABLE NATURALLY OCCUR. THIS SLOPE OR PORTIONS OF THE SLOPE FAILED IN MARCH OF 1991 AND SLID ACROSS ONION CREEK LEADING TO FLOODING OF RICHARD MOYA PARK. ACCORDING TO THE STUDY DONE BY ENVIRONMENTAL SCIENCE AFTER THAT -- AFTER THAT FAILURE, FLOOD LEVELS CAN REACH APPROXIMATELY 30 FEET UP THE SIDE OF THE LANDFILL. AND THE VELOCITIES ARE CLEARLY

EROSIVE, SOMEWHERE AROUND TO IN EXCESS OF 8.5 FEET PER SECOND. TO DATE, THERE ARE NO SUCCESSFUL REMEDIAL MEASURES TAKEN TO STABILIZE THAT SLOPE FOR CERTAIN. OR TO PREVENT EROSION. TO THIS DAY, THEY ARE STILL WORKING TO TRY TO STABILIZE THE SLOPE AND PREVENT EROSION. TO MY KNOWLEDGE, ALL OF THE PREVIOUS ATTEMPTS TO REMOVE LEACHATE, THAT IS FLUID IN THE LANDFILL FROM BEHIND THE CLAY PLUGS AND BEHIND THE LINER MATERIAL HAD EITHER FAILED OR NEVER BEEN OPERATED. AND IN JULY OF -- OF 2003, THE CITY WAS CITED FOR FAILING TO CONTROL LEACHATE DEPTHS, EVEN IN THE IMPORTANCE OF THE LANDFILL WHERE THEY HAVE A LEACHATE COLLECTION SYSTEM AND COULD, COULD MANAGE THE DEPTH OF LEACHATE IN ACCORDANCE WITH THE REGULATIONS. THE SECOND ISSUE IS GROUND WATER CONTAMINATION, THERE ARE 12 MONITORING WELLS AT THE F.M. 812 LANDFILL THAT WORK. SEVEN OF THOSE HAVE HAD THE ANALYSES OF SAMPLES FROM SEVEN OF THOSE WELLS HAVE INDICATED STATISTICALLY SIGNIFICANT CHANGES, THOSE MONITORING WELLS ARE IN A LEVEL OF MONITORING NOW CALLED ASSESSMENT MONITORING. THAT ASSESSMENT MONITORING IS A MUCH MORE RIGOROUS PROCESS. ONE OF THESE WELLS, MONITOR WELL 10 ON THE NORTH SIDE OF THE LANDFILL, IS TO MOVE INTO CORRECTIVE ACTION. AND THE HEARINGS HELD ON THAT JUST THIS PAST FALL. ALL OF THE MONITORING WELLS IN ASSESSMENT MONITORING ARE ON THE NORTH AND EAST SIDES OF THE LANDFILL, HYDRAULICALLY DOWNGRADENT FROM THE LANDFILL AND BETWEEN THE LANDFILL AND ONION CREEK. SOME OF THE CONSTITUENTS THAT HAVE BEEN FOUND THERE ARE WHAT WE CALL VOLATILE ORGANIC COMPOUNDS, BOTH CHLORINATED AND NON-CHLORINATED. THINGS LIKE CHLOROBENZENE, DI CHLOROIT THAT I KNOW, BENZENE, DETECTED IN A NUMBER OF OF THE MONITORING WELLS, A LITTLE DIFFICULT TO DISCERN THE EXACT NUMBER. IT APPEARED FROM A THERE -- THERE IS NOTHING TO PREVENT THIS FROM REACHING ONION CREEK. A THIRD MAJOR ENVIRONMENTAL ISSUE IS THE CONTINUED MIGRATION, OFF-SITE MIGRATION OF POTENTIAL EXPLOSIVE LANDFILL GAS. AS PUTRESCIBLE WASTE DEGRADES IT PRODUCES GASES, ONE COMPOUND OR ONE OF THE DOMINANT COMPOUNDS IS METHANE, NATURAL GAS. THE

MY GRIGGAS OF NATURAL -- MIGRATION OF NATURAL GAS AT THIS LANDFILL HAS LONG BEEN A PROBLEM. AT ONE POINT THE CITY PURCHASED RESIDENCES EAST OF THE LANDFILL ACROSS 973 FROM THE LANDFILL AFTER EXCURSIONS OF LANDFILL GAS. THEY HAVE MADE TWO ATTEMPTS AT CONTROLLING THE LANDFILL GAS, BUT NEVERTHELESS AS RECENT AS SEPTEMBER OF THIS YEAR STILL HAD A LEVEL OF LANDFILL GAS IN ONE OF THE MONITORING PROBES THAT EXCEEDS WHAT'S CALLED THE LEL OR LOWER EXPLOSIVE LIMIT OF METHANE IN AIR. OTHER MONITORING PROBES HAVE ALSO EXCEEDED THE LEO THROUGHOUT -- LEL THROUGHOUT 2004. ALSO THREE REGULATORY ISSUES INVOLVED IN THIS LANDFILL. A STANDARD PRACTICE OF THIS LANDFILL IS TO RECIRCULATE LEACHATE IN LANDFILL GAS CONDENSATE, THAT IS IF YOU PULL THE LANDFILL GAS OUT, YOU GET SOME CONDENSATE AND PERJURY WATERBURG WATER FROM GROUND -- PURGE WATER THAT IS NOT ALLOWING FROM THE REGULATIONS. THAT CAN ONLY BE DONE OVER A STANDARD SUBTITLE D COMPOSITE LINER, AS WAS PROPOSED IN 1994. BUT AS IS NOW INSTALLED THAT'S NOT ALLOWND THE REGULATIONS -- ALLOWED UNDER THE REGULATIONS, THAT IS NOT A COM COMPOSITE LINER. THIS IS A RATHER CRITICAL THING BECAUSE ALL OF THE EFFORTS, TO WHICH I'M AWARE, TO CONTROL LANDFILL GAS MIGRATION INVOLVE DISPOSAL OF THE CONDENSATE BACK INTO THE LANDFILL. THERE IS NO TREATMENT PLANT THERE TO TREAT IT FOR -- PRIOR TO DISPOSAL, NO PIPELINES TO TAKE IT TO ONE OF YOUR TREATMENT PLANTS. THE ONLY OTHER OPTION WOULD BE TO COLLECT IT AND TRUCK IT TO ONE OF THEIR -- I'M UNAWARE THAT THAT IS OCCURRING. THE SAME THING GOES WITH THE STABILIZATION OF THE NORTH SLOPE. IN ORDER TO DECREASE THE HYDROSTATIC PRESSURES BEHIND THAT NORTH SLOPE IT'S NECESSARY TO PUMP LEACHATE OUT FROM BEHIND THERE AND REDUCE THE HYDROSTATIC PRESSURE. AGAIN, THE ONLY DISPOSAL MECHANISM OF WHICH I'M AWARE IS TO DISPOSE OF IT WITHIN THE LANDFILL, WHICH IS IMPERMISSIBLE UNDER THE REGULATIONS. UNDER NO CIRCUMSTANCES IS IT PERMISSIBLE TO DISPOSE OF ANY OTHER BULK FLUIDS SUCH AS PURGED WATER FROM GROUND WATER MONITORING IN THE LANDFILL REGARDLESS OF LINER TYPE. ANOTHER REGULATORY ISSUE IS HOW MUCH OF THIS

LANDFILL IS CLOSED. OFFICIALLY CLOSED. IN 1994, WHEN THE CITY SOUGHT ITS SUBTITLE D MODIFICATION, IT SHOWED MAJOR PORTIONS OF THE LANDFILL HAVING CEASED RECEIVING WASTE AS OF OCTOBER 9th, 1991, THE DAY THAT THEY WOULD HAVE TO DO SO IN ORDER NOT TO HAVE TO COMPLY WITH THE SUBTITLE D REGULATIONS. YET NEVER COULD GET A CLEAR INDICATION OUT OF CITY STAFF OF WHETHER IT WAS CLOSED, THOSE SECTIONS WERE CLOSED OR NOT CLOSED, WHETHER THEY HAD FINAL COVER OR DIDN'T HAVE FINAL COVER. THIS IS RATHER CRITICAL. THE -- THE CLOSURE PLAN, THE LATEST CLOSURE PLAN THAT I WAS ABLE TO LOAN FOR THIS LANDFILL, INDICATES THAT AT NO TIME WILL MORE THAN 10 ACRES OF THIS LANDFILL BE OPEN AND NEED FINAL COVER AND BE CLOSED. YOUR FINANCIAL ASSURANCE CALCULATIONS ARE ALL BASED ON ONLY 10 ACRES. IF THE REST OF THE LANDFILL HAS NOT BEEN OFFICIALLY CLOSED, THEN THE CITY IS IN VIOLATION OF ITS PERMIT. IF THEY HAVE BEEN OFFICIALLY CLOSED, THEY HAVEN'T DOCUMENTED IT OR AT LEAST NOT MADE IT CLEAR. A THIRD, THIS IS ONE THAT I THINK IS THE MOST CRITICAL ONE, I MENTIONED IT EARLIER, AS THE LANDFILL IS OPERATED TODAY, IT IS OPERATED AS A TYPE 4 LANDFILL, A LANDFILL THAT CAN RECEIVE ONLY BRUSH AND CONSTRUCTION DEMOLITION DEBRIS. NOT PUTRESCIBLE WASTE, THINGS THAT MAY DEGRADE, ROCKS, BRICKS, THINGS LIKE THAT THAT DON'T TEND TO BE A BIRD HAZARD IF OPERATED PROPERLY. YET, IN THAT THIS LANDFILL HAS A TYPE 1 PERMIT, AND IN THAT THE LOCATION RESTRICTIONS RELATED TO SUBTITLE B WERE CORRECTLY DONE IN 1994 BEFORE THE AIR BASE BECAME A COMMERCIAL AIRPORT, THERE IS NOTHING OTHER THAN THIS CITY'S CONTROL THAT PREVENTS THAT LANDFILL FROM REVERTING TO RECEIVE PUTRESCIBLE WASTE, SHOULD IT BE PRIVATIZED AND NO RESTRICTIONS PLACED ON IT, THE OPERATOR IS FULLY CAPABLE OF TURNING IT BACK INTO A -- AN ORDINARY MUNICIPAL SOLID WASTE LANDFILL WITHOUT ANY PERMIT AMENDMENT WHATSOEVER. I IMAGINE THAT YOU WILL HEAR A LITTLE LATER FROM THE PILOT'S ASSOCIATION CONCERNING THAT. WHAT WE HAVE HERE IS, COUNCILMEMBERS AND MAYOR, IS A 50 PLUS-YEAR-OLD LANDFILL THAT WAS OPERATED IN -- IN ACCORDANCE WITH THE PRACTICE OF THE TIMES. WHEN IT WAS FIRST DONE.

IT'S NOT THE ONLY LANDFILL IN AUSTIN THAT'S BUILT IN WET WEATHER CREEKS, THERE ARE A NUMBER OF THEM. IT ISN'T CLEARLY NOT BEING OPERATED IN COMPLIANCE WITH THE REGULATIONS TODAY. THERE ARE ISSUES RELATED TO SLOPE STABILITY, EROSION, GROUND WATER CONTAMINATION AND LANDFILL GAS MIGRATIONS. THERE ARE REGULATORY ISSUES IN PERMISSIBLE -- IMPER MIGHT BIBLE CIRCULATION OF LEACHATE OR [INDISCERNIBLE] BACK IN THE LANDFILL, UNABLE TO DOCUMENT THE CLOSURE STATUS OF PORTIONS OF THE LANDFILL AND THAT IT IS PERMITTED AS -- THERE'S ONE TYPE OF LANDFILL BEING OPERATED AS ANOTHER. THAT IS A CRITICAL ONE. PERMANENTED AS ONE TYPE OF LANDFILL AND BEING OPERATED AS ANOTHER, THAT IS A CRITICAL ONE. I MUST ALSO TELL YOU THAT I DON'T WILLY NILLY GO OUT AND COLLECT THIS SORT OF INFORMATION. I PUT THIS INFORMATION TOGETHER AT THE BEHEST OF TEXAS DISPOSAL SYSTEMS, PARTICULARLY TEXAS LANDFILL MANAGEMENT, LLC, TO PROVIDE AN ENVIRONMENTAL BASIS FOR THEIR RESPONSE TO THE R.F.P. I BELIEVE MY INFORMATION IS INCOMPLETE. THERE MAY EVEN BE PLACES WHERE IT COULD BE IN ERROR, BUT I FOUND IN WRITING LETTERS OR SUBMITTING LETTERS TO THE TDS THAT THE SOLID WASTE SERVICES STAFF AND PURCHASING REFUSED TO ANSWER QUESTIONS THAT I PUT TO THEM WITHIN THE TIME PERIOD OR THAT WERE PUT TO THEM UNDER TDS' NAME. SO IT IMPAIRED TDS' ABILITY AND ANYBODY'S ABILITY TO EVALUATE THE FULL STATUS OF THIS LANDFILL. THANK YOU VERY MUCH FOR YOUR TIME AND ATTENTION.

Mayor Wynn: THANK YOU, DR. KEER. OUR NEXT SPEAKER IS BOB GREGORY. BOB, WELCOME. LET'S SEE, A FEW FOLKS WANTED TO GIVE TIME TO YOU. DAVID ARMBRUST. HAVEN'T SEEN HIM THIS MORNING. ANGIE DIETZ. HELLO. JESSICA, HELLO, JESSICA, DENNIS HOBBS. HELLO DENNIS, BOB, UP TO 12 MINUTES IF YOU NEED IT.

THANK YOU VERY MUCH. IS IT ALL RIGHT IF WE -- IF WE DO SOME HANDOUTS.

YES, SIR.

THANK YOU. I'M BOB GREGORY, PRESIDENT AND PRINCIPAL

OPENER OF TEXAS DISPOSAL SYSTEMS, OWNER, TEXAS DISPOSAL LANDFILL, TEXAS LANDFILL MANAGEMENT, THAT'S THE ENTITY THAT SUBMITTED A PROPOSAL RELATIVE TO THIS R.F.P. FOR YOUR CONSIDERATION. IS THE OPERATING ARM OF OUR LANDFILL TRANSFER STATIONS, GARDENVILLE COMPOST OPERATIONS AND ALL OF THE OPERATING THINGS THAT WE DO WITH -- WITH OUR SOLID WASTE FACILITIES. JUST FOR YOUR INFORMATION. WE ARE HANDING OUT, THANK YOU VERY MUCH FOR PASSING THOSE OUT, WE ARE HANDING OUT SOME PARTICULAR HANDOUTS THAT WILL BE APPROPRIATE, I THINK, AS I MAKE MY COMMENT. AND I THANK YOU ALL VERY MUCH FOR LETTING US COME AND SPEAK TO YOU TODAY. WE ARE -- WE ARE A LITTLE BIT CONCERNED ABOUT THIS. I WISH THAT WE DID NOT HAVE TO DO THIS. IT'S A CONCERN THAT I HAVE IN COMING BEFORE THE CITY TALKING ABOUT ISSUES THAT DEAL, THAT ARE PRESENT AT THE CITY OF AUSTIN LANDFILL, BUT WE FELT THAT WE HAD TO DO THAT BECAUSE WE WERE ASKED UNDER AN R.F.P. PROPOSAL THAT WE CHOSE TO RESPOND TO TO SPECIFICALLY GIVE THE CITY OUR RECOMMENDATION FOR HOW BEST TO OPERATE THE CITY LANDFILL IN A MANNER THAT THEY WOULD LIKE TO. OUR PARTICULAR PROPOSAL, SPECIFICALLY, DEALT WITH OPERATING THE LANDFILL UNDER THE CITY'S CONTROL AND DIRECTION AND NOT TAKING OVER THE LANDFILL AND NOT ASSUMING THE LIABILITY. ONE OF THE THINGS, 14 RESPONDENT'S PRESENT FOR THE MANDATORY PREBID CONFERENCE, ONLY TWO SUBMITTING PROPOSALS I THINK GIVES YOU AN INDICATION PERHAPS OF THE LEVEL OF CONCERN THAT -- THAT EXISTED WITH LANDFILL OPERATORS THAT CAME TO LOOK AT THIS R.F.P. AND LOOK AT THE CITY LANDFILL. I'M HERE TODAY TO ASK YOU NOT TO APPROVE THIS AGENDA ITEM BECAUSE OF A NUMBER OF REASONS THAT I WILL TALK ABOUT, THAT DR. KEER JUST TALKED ABOUT ON THE MORE TECHNICAL END. INSTEAD I URGE TO YOU DO TWO THINGS: FIRST TO SPEND THE R.F.P. RESPONSES TO THREE OF YOUR ADVISORY CITIZENS ADVISORY COMMISSIONS TO ALLOW THEM TO STUDY THE ISSUES RELATE TO THE CITY OF AUSTIN LANDFILL AND TO GIVE SPECIFIC RECOMMENDATIONS TO YOU FROM THEIR PERSPECTIVE. FIRST THE SOLID WASTE ADVISORY COMMISSION SHOULD BE GIVEN THE OPPORTUNITY TO ADVISE YOU ON ISSUES RELATED TO



SOLID WASTE, ENVIRONMENTAL RELIGHT, IMPACT UPON THE CITY'S SOLID WASTE AND RECYCLING PROGRAM AND HOW THE PRIVATIZATION OF THE CITY LANDFILL COULD IMPACT THE CITY'S COST OF SERVICES. SECONDLY THE ENVIRONMENTAL BOARD SHOULD BE GIVEN THE OPPORTUNITY TO ADVISE YOU ON ISSUES RELATED TO SERIOUS ENVIRONMENTAL PROBLEMS THAT CURRENTLY EXIST AT THE CITY'S LANDFILL AND HOW THESE PROBLEMS COULD BE GREATLY EXACERBATED BY THE EXPANSION OF THE CITY LANDFILL AND ITS NEED FOR -- FOR REMEDIATION. AS WELL, THE -- WHATEVER THE GROUPS ARE CALLED, THE AIRPORT ADVISORY AND SAFETY GROUPS, THE OPPORTUNITY TO ADVISE ON ISSUES RELATED TO BIRD STRIKE AND POTENTIAL FOR -- FOR REGULATION AT THE IESI LANDFILL. THE SECOND PART OF MY RECOMMENDATION TO YOU IS THAT YOU DIRECT THE CITY MANAGER TO ASSEMBLE AN INDEPENDENT TEAM OF EXPERTS TO EVALUATE THE LEGAL, ENVIRONMENTAL AND REGULATORY ISSUES TO ALLOWING ISI TO TAKE OVER THE OPERATION OF THE CITY LANDFILL AND EXPAND THE LANDFILL GIVEN THE HISTORY OF THE COMPANY AND THE VULERABILITY OF THE LANDFILL AND ITS PERMIT. I BELIEVE YOU SHOULD NOT WORK UNDER THE ASSUMPTION THAT IESI WOULD FOLLOW THE SOLID WASTE MANAGEMENT REGULATIONS AS THEY HAVE BEEN INTERPRETING THROUGH THE YEARS, NOR THAT THE TCEQ WILL ENFORCE THE REGULATIONS UPON IESI AS THEY HAVE AGAINST OTHERS. IESI HAS GAINED A REPUTATION FOR GAINING TCEQ EXECUTIVE STAFF RULE INTERPRETATIONS WHICH ALLOW TO IT DO THINGS THAT OTHERS FOUND TO NOT BE POSSIBLE OR DIDN'T HAVE THE REASON OR THE GALL TO EVEN REQUEST. THESE THINGS PRIMARILY RELATE TO REOPENING CLOSED LANDFILLS AND TAKING SOME LANDFILLS AND EXPANDING THEM INTO LARGE LANDFILLS WITHOUT GIVING THE PUBLIC AN OPPORTUNITY FOR A PUBLIC HEARING. IN FACT IF THE RECENT TCEQ LEGAL DEPARTMENT RULE INTERPRETATIONS ARE ALLOWED TO STAND REGARDING THE IESI LANDFILL IN WEATHERFORD, TEXAS, THEM IT APPEARS TO -- THEN IT APPEARS TO ME THAT THE CITY COUNCIL COULD BE GREATLY EXPANDED AND AREAS OF THE LANDFILL THAT ARE NOW NOT AUTHORIZED TO ACCEPT FOR WASTE DISPOSAL, BOTH Laterally IN AREAS WHERE THE LANDFILL CELLS WERE

REMOVED FROM THE LANDFILL PERMIT A DECADE AGO AND VERTICALLY, RISING HIGHER OVER OLD UNLINED LANDFILL CELLS AND ALL THIS COULD HAPPEN WITHOUT BEING SUBJECT TO THE OPPORTUNITY FOR A PUBLIC HEARING FOR A CRITICAL REVIEW OF THE REASONABLENESS OF THEIR DESIGN. WHICH MY RECOMMENDATION THAT YOU CLOSELY CONTROL AND THOROUGHLY UNDERSTAND THE RAMIFICATIONS OF ANY EXPANSION OF THE CITY LANDFILL AND THAT YOU NOT LOSE VETO CONTROL OVER ANY FUTURE OPERATION OVER DEVELOPMENT REVISIONS TO THE PERMIT. THIS IS IMPORTANT BECAUSE THE CITY CANNOT DO ANYTHING TO GET OUT OF THE LIABILITY THAT IT HAS FOR 50 YEARS OF OPERATION AND OWNERSHIP OF THIS LANDFILL. THE CONTRACT INVOLVES AIRPORT SAFETY ISSUES. YOU HAVE BEFORE YOU SOME PHOTOGRAPHS. THAT -- THAT SOME I TOOK, SOME PEOPLE THAT WORK FOR ME TOOK. IESI HAS BEEN OPERATING ITS CONSTRUCTION AND DEMOLITION LANDFILL OUT OF COMPLIANCE BY NOT COVERING ITS WASTE AS REQUIRED BY THE TCEQ PERMIT AND BY DISPOSING OF PUTRESCIBLE FOOD WASTE APPARENTLY THAT THE BIRDS THAT YOU SEE IN THOSE PHOTOGRAPHS ARE FEEDING UPON IESI TYPE 4 LANDFILL IS DIRECTLY TO THE SOUTH OF THE AUSTIN-BERGSTROM INTERNATIONAL AIRPORT AND IN LINE WITH THE MAIN AIRPORT RUNWAY. YOU HAVE AN AERIAL PHOTOGRAPH SHOWING THE CITY LANDFILL, THE IESI LANDFILL IN RELATION TO THE TWO RUNWAYS AT YOUR AIRPORT. THE CITY OF AUSTIN LANDFILL IS A TYPE 1 LANDFILL THAT CAN'T - - THAT CAN ACCEPT PUTRESCIBLE WASTE BUT HAVE VOLUNTEER NOT TO BECAUSE OF F.A.A. RESTRICTIONS. THIS IS A FAIRNESS ISSUE, WE BELIEVE THAT IESI IS IN AREARS ON ITS PAYMENT OR HAULER FEES THAT WOULD DISQUALIFY IT FOR FURTHER REVIEW AND CRRTION UNDER THIS -- CONSIDERATION UNDER THIS PERMIT. WE HAVE INFORMATION THAT'S NOT IN YOUR HANDOUT, BUT WE HAVE INFORMATION ON THAT AND WE HAVE BEEN ABLE TO SUBMIT THAT TO THE SOLID WASTE ADVISORY COMMISSION JUST BECAUSE THERE WAS A SEPARATE AGENDA ITEM THAT DIDN'T DEAL WITH THIS R.F.P. WE HAVE BEEN TALKING ABOUT THAT FOR A LONG TIME. WE ARE TALKING ABOUT THE LACK OF PAYMENTS AND LACK OF ENFORCEMENT BY THE CITY. TDS HAVE FAITHFULLY PAID THESE FEES, WHEN THE

TIME CAME, WE NEEDED TO PLACE A BID OR PROPOSAL WE WOULD QUALIFY. OTHER HAULERS IN THE CITY HAVE DONE THE SAME. I WOULD HOPE THAT THE CITY WOULD REQUIRE QUALIFICATION AND WOULD REQUIRE COMPLIANCE WITH THAT ORDINANCE BEFORE THEY WOULD AWARD SUCH A GIGANTIC CONTRACT SUCH AS THIS. IT'S ALSO A FAIRNESS ISSUE ON THE ANTI-LOBBYING RESTRICTIONS. WE ARE CONCERNED THAT PERHAPS THE -- THESE RESTRICTIONS HAVE BEEN BROKEN. AND IF -- IF -- IF IESI REPRESENTATIVES HAVE CONTACTED YOU AND YOUR AIDES TO TALK ABOUT -- ABOUT THEIR POSITION IN THIS TO LOBBY YOU, THEN I BELIEVE THEY HAVE -- THEY HAVE VIOLATED THOSE RESTRICTIONS. AND WOULD BE DISQUALIFIED IF THAT IS THE CASE. WE HAVE NOT BEEN ABLE TO PRESENT OUR R.F.P. RESPONSE TO SWAC OR THE ENVIRONMENTAL BOARD BECAUSE OF THE ANTI-LOBBY RESTRICTION. SEVEN YEARS AGO, I CAME BEFORE THE CITY COUNCIL ON A MAJOR SOLID WASTE ISSUE INVOLVING A 30 YEAR CONTRACT. WASTE MANAGEMENT HAD BEEN RECOMMENDED BY STAFF FOR 95% OF THE CONTRACT. CITY COUNCIL AT THAT TIME CHOSE TO PUT THIS CONTRACT OR PUT -- TO ACTUALLY APPOINT A GROUP TO DO A STUDY, AN INDEPENDENT STUDY ON THE LANDFILL OR ON ALL OF THE LANDFILLS. THE END RESULT WAS THE -- THE WASTE MANAGEMENT LANDFILL WAS DISQUALIFIED FROM FURTHER CONSIDERATION. WE THINK THE CITY -- THE CITY COUNCIL THEN MADE A GOOD CHOICE, WE HAVE NOT BEEN A BURDEN ON OUR NEIGHBORS. WE HAVE SERVICED THE CITY WELL IN OUR FACILITY AND -- AND THE OTHER LANDFILL HAS GONE ON TO RECEIVE THE LARGEST FINES IN THE HISTORY OF THE STATE SINCE THAT TIME. IT'S -- BASED ON OUR EXPERIENCE IN '97 AND '98, WE EXPECTED THE SOLID WASTE SERVICES STAFF TO NOT HAVE -- NOT BE OVERLY CONCERNED WITH ISSUES THAT DEALT WITH THE -- WITH THE REGULATIONS, OTHER THAN WHETHER THERE WAS ENFORCEMENT. ACTUALLY INVOLVED. AND AS -- AS IT'S TURNED OUT, IT SEEMS THAT IS THE LITMUS TEST. IF THERE IS NO ENFORCEMENT PENALTIES OR NOTICES OF VIOLATION FROM THE TCEQ, THEN EVERYTHING MUST BE OKAY. WE -- WE TOOK THAT AS - - WE WERE CONCERNED ABOUT THAT, WE TOOK THE OPPORTUNITY TO DO THE PHOTOGRAPHS YOU HAVE BEFORE YOU TO DOCUMENT THE VIOLATIONS. SO THAT YOU

COULD MAKE -- YOU COULD BE A JUDGE FOR YOURSELF. FIRST THING IN YOUR AGENDA ITEM -- FIRST THING IN THE HANDOUT THAT I PASSED OUT IS LAST OCTOBER 27th, THE SOLID WASTE ADVISORY COMMISSION AGENDA, WHERE IT SAYS AUTHORIZE NEGOTIATION AND EXECUTION OF A 65 YEAR CONTRACT WITH IESI TEXAS FOR THE OPERATION, MAINTENANCE AND CLOSURE OF THE CITY OF AUSTIN 812 LANDFILL FOR AN ESTIMATED VALUE TO THE CITY OF BLANK. THIS WAS ON THE AGENDA LAST YEAR AT THE SOUTHWEST ADVISORY COMMISSION, HEADED FOR THE AGENDA AT THE CITY COUNCIL, PERHAPS WAS ON IT, APPARENTLY WAS PULLED BY STAFF. SOLID WASTE. AT THAT TIME, WE EXPRESSED OUR CONCERN TO STAFF. THERE WAS NO ANTI-LOBBYING PROVISION THEN. ON WHAT THE ISSUES WERE AND WHAT WE WOULD DO TO DO A PROPOSAL. I AM CONCERNED ABOUT THE -- ABOUT THE AMOUNT OR THE WAY THAT THE EVALUATIONS HAVE BEEN DONE. I'M CONCERNED THAT PERHAPS THEY WERE DONE IN SUCH A WAY OF KNOWING THE WAY WE WERE GOING TO DO A PROPOSAL, WHICH WAS AN OPERATING AGREEMENT SO WE WOULD OPERATE FOR THE CITY AND NOT TAKE OVER THE OPERATION OF THE LANDFILL AND PAY THE CITY NECESSARILY A LOT OF MONEY FOR THE EXPANSION OF THE LANDFILL THAT PERHAPS THE SCORING SYSTEM WAS DONE IN SUCH A WAY THAT WE HAD NO CHANCE TO QUALIFY IN THE FIRST PLACE. THE SCORING SYSTEM THAT YOU HAVE IN YOUR PACKAGE FROM -- FROM STAFF AVAILABLE ON THE WEBSITE AS AN AGENDA ITEM, SHOWS THAT WE ARE -- WE ARE BELOW IN EVERY CATEGORY. WE THINK THIS IS NOT REASONABLE AND WE THINK THAT A REASONABLE ANALYSIS WOULD -- WOULD GIVE -- GIVE TDS A DIFFERENT SCORE. YOU WILL SEE IN THE -- IN THE HANDOUTS AS WELL, A -- A COPY OF -- OF A STREET. ACTUALLY PHOTOGRAPHS OF A STREET CLOSURE THAT'S ON THE EAST SIDE OF THE CITY OF AUSTIN LANDFILL. THIS IS -- THIS IS -- LET'S SEE. LINDA VISTA DRIVE. I'M NOT EXACTLY SURE, WE TRIED TO FIND OUT ABOUT THIS, WE ARE TOLD BY CITY STAFF THAT THEY BOUGHT THESE HOUSES, TORE THEM DOWN BECAUSE OF GAS MIGRATION. I DON'T KNOW THE EXTENT OF IT. WE HAVE NOT BEEN ABLE TO FIND OUT. ANY OPERATOR SHOULD KNOW IF THERE'S ENOUGH GAS MIGRATION GOING OFF-SITE THAT THE CITY IS BUYING A STREET OF HOUSES, YOU CAN

SEE IN THE PHOTOGRAPH THAT YOU HAVE -- OF THE AERIAL PHOTOGRAPH WHERE THIS STREET EXISTS, EXISTED IN THE HOUSE -- AND THE HOUSES THAT WERE ON IT THAT ARE NO LONGER THERE.

Mayor Wynn: PLEASE CONCLUDE, MR. GREGORY.

YOU ALSO HAVE ARTICLES ON THE CITY OF SEGUIN, HENDERSON, WEATHERFORD. MY BOTTOM LINE RECOMMENDATION IS THIS, THANK YOU VERY MUCH FOR LETTING ME HAVE THE TIME TO MAKE THAT RECOMMENDATION. I SPECIFICALLY MOVE THAT THE CITY COUNCIL NOT APPROVE AGENDA ITEM NO. 35 TO NEGOTIATE STAFF TO NEGOTIATE WITH IESI, ASK THE CITY MANAGER TO EXTEND THE R.F.P. RESPONSES FOR ANOTHER SIX MONTHS, WHICH TDS HAS ALREADY DONE BY THE WAY SO THAT THE ISSUE CAN BE CONSIDERED, DIRECT STAFF TO WORK WITH SWAC, ENVIRONMENTAL BOARD, GROUPS INTERESTED IN AIRPORT SAFETY TO ANALYZE THESE R.F.P. RESPONSES AND THE PROBLEMS ASSOCIATED WITH THE CITY OF AUSTIN LANDFILL AND THE OPERATING HISTORY OF IESI, ITS LANDS FILL AND DIRECT THE CITY MANAGER TO PUT TOGETHER A TEAM OF EXPERTS TO EVALUATE THE PROBLEMS THAT EXIST AT THE CITY LANDFILL AND TO PROVIDE THE CITY COUNCIL RECOMMENDATIONS REGARDING THE RISK AND BENEFITS OF AWARDED A CONTRACT TO -- OF EITHER THE - - TO EITHER OF THE CH RESPONDENTS OR WHETHER THE CITY COUNCIL SHOULD CONSIDER AN ALTERNATIVE COURSE OF ACTION WITH A LONG-TERM MANAGEMENT OF THE CITY LANDFILL, THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. GREGORY. NEXT SPEAKER IS MR. JOHN VAY, ACTUALLY SIGNED UP AVAILABLE TO ANSWER QUESTIONS. IN FAVOR. JEFF PECULIAR PECKHAM. FOLKS WANTING TO DONATE TIME TO YOU. FLETCHER KELLY. ROGER GRAY. HELLO, MR. GRAY, JEFF, YOU'LL HAVE UP TO NINE MINUTES IF YOU NEED IT.

THANK YOU VERY MUCH. [INDISCERNIBLE]

VICE-PRESIDENT FOR IESI, APPRECIATE THE OPPORTUNITY TO BE HERE TODAY, TO HAVE THE OPPORTUNITY TO SUBMIT

OUR PROPOSAL TO THE CITY MUCH AUSTIN.

Mayor Wynn: YOU ARE GOING TO HAVE TO SPEAK MORE DIRECTLY INTO THE MICROPHONE.

YES, SIR.

I'M JUST GOING TO GO THROUGH A FEW THINGS, GIVE YOU SOME HISTORY. ABOUT IESI. WE HAVE SUCCESSFUL DEVELOPED AND OPERATED THE ADJACENT TRAVIS COUNTY LANDFILL ON F.M. 812 SINCE 2000. OUR LANDFILL FACILITY HAS AN EXAM PLAYER TCEQ -- EXEMPLARY TCEQ COMPLIANCE HISTORY RATING. WE HAVE A ZERO, WHICH IS THE HIGHEST RATING. OUR LANDFILL FALL IS REGULARLY INSPECTED BY TCEQ AND HAS NEVER RECEIVED A NOTICE OF VIOLATION OR BEEN THE SUBJECT OF ANY ENFORCEMENT ACTION. WE HAVE ALSO BEEN INSPECTED BY CITY STAFF RECENTLY. AND -- IN OUR -- IN THE -- THE INSPECTION WAS CLEAN. THE ADJACENT CITY OF AUSTIN LANDFILL [INDISCERNIBLE] ALLOWS US TO PRESENT THIS UNIQUE PROPOSAL TO MERGE THE TWO TYPE 4 OPERATIONS. LET ME MAKE IT CLEAR. THIS SITE IS NOT GOING TO ACCEPT PUTRESCIBLE WASTE, OUR SITE DOES NOT ACCEPT PUTRESCIBLE WASTE. MERGING THE OPERATIONS WILL FURTHER ENHANCE ENVIRONMENTAL MONITORING AND MAINTENANCE ASIDE FROM ECONOMIC EFFICIENCIES. WE HAVE SUBSTANTIALLY IMPROVED OPERATIONS AND COMPLIANCE OF THE MUNICIPAL SOLID WASTE LANDFILLS IT HAS ACQUIRED IN TEXAS. THOSE LANDFILLS INCLUDE THE CITY OF HENDERSON, IOWA PARK WHERE WE ACQUIRED A LANDFILL, WEATHERFORD, AND OUR TWO -- OUR TWO C AND D SITES, ALSO HARDIN COUNTY. WE HAVE ENTERED INTO MUTUALLY BENEFICIAL AGREEMENTS IN STATES AND OTHER STATES REGARDING THE OPERATION OF FORMER CITY LANDFILLS. WE HAVE RECEIVED ACCOLADES AND LETTERS OF SUPPORT FROM PUBLIC ENTITIES AND OFFICIALS IN THOSE JURISDICTIONS WE OPERATE LANDFILLS. WE HAVE PRESENTED THE BEST PROPOSAL AND WE HAVE A PROVEN ENVIRONMENTAL FAVORABLE RECORD. WE BELIEVE IT PROVIDED A \$32 MILLION TO THE CITY OF AUSTIN, TAKING INTO CONSIDERATION THE INITIAL CASH PAYMENTS, ROYALTY PAYMENTS, ASSURED FREE DISPOSAL RIGHT, OPERATIONAL

COAST AVOIDANCE AND OTHER FEATURES PRESENTED IN THE PROPOSAL. WE BELIEVE THE CITY OF AUSTIN WILL SUBSTANTIALLY BENEFIT FROM OUR PROPOSAL AND SHOULD ENTER INTO CONTRACT NEGOTIATIONS WITH IESI. ANY POTENTIAL CONCERNS CAN BE ADDRESSED IN THE CONTRACT. AND THE CITY COUNCIL MUST STILL APPROVE ANY CONTRACT. IESI IS AWARE THAT SEVERAL INDIVIDUALS HAVE SUBMITTED WRITTEN COMMENTS CRITICIZING THE CITY'S CONCEPT OF PRIVATIZING THE EXISTING CITY OF AUSTIN LANDFILL. THESE INDIVIDUALS SEEM TO FAVOR IMMEDIATELY CLOSING THE FACILITY RATHER THAN ENTERING INTO A STAFF RECOMMENDED CONTRACT. THERE IS NO RATIONAL BASIS SUPPORTING THE IMMEDIATE CLOSURE OF THE FACILITY. CLOSING THE FACILITY IS NOT IN THE BEST INTERESTS OF THE CITY OF AUSTIN FOR THE FOLLOWING REASONS: THE LANDFILL IS AN EXISTING ASSET FOR WHICH THE CITY WOULD NOT RECEIVE ANY VALUE. THE CITY WOULD LOSE ITS ABILITY TO DISPOSE OF CONSTRUCTION AND DEMOLITION DEBRIS AND OTHER TYPE 4 WASTE IN A LOW COST AND ENVIRONMENTALLY PROTECTED MANNER. THE FULLY OPERATIONAL FACILITY WOULD ENSURE DAILY RATHER THAN PERIODIC MONITORING OF THE FACILITY THEREBY BY END HAIBLG A NEARLY. THE CITY WOULD NEED TO PURCHASE AND SHIP AT GREAT EXPENSE SOIL TO THE LANDFILL TO ESTABLISH THE FINAL GRADES TO ACHIEVE CLOSURE. THE CITY WOULD [INDISCERNIBLE] FULL LEGAL AND -- FOR THE LANDFILL. ENTERED INTO THE STAFF CONTRACT NEGOTIATIONS WITH IESI WILL PROVIDE SUBSTANTIAL VALUE AND REDUCED LIABILITY. AND CONTINUED ENVIRONMENTAL SECURITY. IESI AND CITY STAFF ARE SIMPLY REQUESTING THE OPPORTUNITY TO NEGOTIATE A PROPOSED CONTRACT THAT ENSURES THE FISCALLY AND ENVIRONMENTALLY SOUND OPERATION AND CLOSURE OF THE LANDFILL FACILITY. THE NEGOTIATED CONTRACT WOULD THEN COME BACK TO COUNCIL FOR FULL CONSIDERATION AND APPROVAL. AGAIN, I WANT TO EMPHASIZE A FEW THINGS ABOUT OUR COMPANY. WE HAVE A WELL ESTABLISHED RECORD OF IMPROVING OPERATIONS AT VARIOUS MUNICIPAL AND SOLID WASTE LANDFILLS. WE HAVE PROVIDED LETTERS OF RECOMMENDATION AND COMMENDATION FROM EACH OF THE MUNICIPALITIES IN

WHICH WE OPERATE A LANDFILL. IESI'S LANDFILL TYPE 4 LANDFILL ADJACENT TO THE CITY HAS NEVER BEEN THE SUBJECT OF ANY NOTICE OF VIOLATION, NOTICE OF ENFORCEMENT OR CONTROVERSY REGARDING IMPROPER WASTE ACCEPTANCE AND DISPOSAL. WE HAVE PROVIDED THE CITY A COPY OF OUR COMPLIANCE HISTORY. AND ENCLOSED, I HAVE A COACH THE CITY OF AUSTIN'S RECENT INSPECTION. I WANT TO RE-EMPHASIZE THAT OUR TYPE 4 FACILITY CANNOT AND WILL NOT ACCEPT PUTRESCIBLE HOUSEHOLD WASTE. WE INTERVIEW DRIVERS, INSPECT LOADS, TURN BACK NON-CONFORMING LOADS. THE LANDFILL HAS BEEN COVERED A MINIMUM OF ONCE WEEKLY IN ACCORDANCE WITH STATE REGULATIONS APPLICABLE TO TYPE 4 FACILITIES. IESI HAS NEVER BEEN NOTIFIED BY THE F.A.A. OR AUSTIN-BERGSTROM INTERNATIONAL AIRPORT OF ANY PROBLEM WHATSOEVER CONCERNING BIRDS, POTENTIALLY AFFECTING AIRCRAFT FLIGHT PATTERNS NOR IS ANYONE AWARE OF ANY BIRD PROBLEMS ASSOCIATED WITH THE CITY'S LANDFILL, EVEN DURING THE TIME IT PREVIOUSLY OPERATED AS A PUTRESCIBLE HOUSEHOLD WASTE. NO ONE WOULD BE MORE CONCERNED ABOUT BIRDS THAN THE F.A.A. IF THERE WAS A PROBLEM. YET THE ONLY REPORTS OF WHICH WE ARE AWARE RELATE TO BIRDS FEASTING ON ROAD KILL ALONG BURLESON ROAD. AS SUCH, THAT IS OUR -- OUR COMMENTS ON THAT ISSUE. WHICH IS A VERY IMPORTANT ISSUE AND I UNDERSTAND THAT. CITY STAFF HAS CONSIDERED ALL ISSUES, INCLUDING ALTERNATIVE CLOSING OF THE FACILITY. BASED ON THAT EVALUATION, THE CITY STAFF APPROPRIATELY DECIDED TO SOLICIT PROPOSALS FROM QUALIFIED COMPANIES FOR PRIVATIZING THE LANDFILL OPERATIONS. AFTER ANALYZING AND SCORING THE PROPOSALS, CITY STAFF STRONGLY RECOMMENDED ENTERING INTO A CONTRACT WITH IESI THE MOST QUALIFIED PROPOSER. IN MAKING ITS RECOMMENDATIONS, CITY STAFF HAS THOROUGHLY CONSIDERED THE COMPLIANCE AND ENVIRONMENTAL TRACK RECORD OF IESI, THE COMPANY THEY SELECTED WHAT'S A LONG-TERM PARTNER. IESI WILL CONTINUE TO WORK WITH CITY STAFF AND MEMBERS OF THE AUSTIN COMMUNITY, THIS INCLUDES SUPPORTING PROGRAMS THAT ENCOURAGE REUSE, RECYCLING AND ENVIRONMENTAL EDUCATION. WE HAVE ALREADY DONE SO ON A NUMBER OF



OCCASIONS, MET WITH OUR NEIGHBORS, AND CONCERNED PERSONS WHO HAVE VISITED THE LANDFILL. AND I HAVE NOT HEARD ONE BAD COMMENT ABOUT OUR LANDFILL. WE HAVE ALSO DONE -- DONE A -- TOURS WITH ELECTED OFFICIALS FROM THE COUNTY AND THE CITY. IN NEIGHBORHOOD AND ENVIRONMENTAL REPRESENTATIVES. I WOULD LIKE TO RESPOND TO A COUPLE OF COMMENTS EARLIER RELATED TO FEES. AT THE PRESENT TIME, AT THE TIME OF OUR PROPOSAL, WE WERE NOT AND WE ARE NOT IN AREARS WITH RESPECT TO THE CITY FEES, SIMILARLY AT THE PRESENT TIME AND AT THE TIME OF OUR PROPOSAL TO THE CITY WE WERE NOT AND ARE NOT IN ARREARS WITH RESPECT TO THE TCEQ FEES. THERE WAS A QUESTION BROUGHT OUT ABOUT LOBBYING. WE DID NOT LOBBY. DURING THE PRIOR COUNCIL MEETING QUESTIONS WERE RAISED ABOUT OUR LANDFILLS AND OPERATIONS IN TEXAS, OUR COMPANY'S COMPLIANCE AND REPUTATION. I BRIEFLY RESPONDED TO COMMENTS AND TO QUESTIONS POSED BY THE COUNCIL. AND INDICATED THAT WE WOULD PROVIDE ADDITIONAL RESPONSIVE INFORMATION TO THE COUNCIL. DURING -- DURING SUBSEQUENT BRIEFINGS, WHICH WERE SPONSORED BY THE CITY, ATTENDED BY THE CITY STAFF, WE PROVIDED ADDITIONAL INFORMATION ABOUT OUR COMPANY'S OPERATIONS AND RESPONDED TO COUNCIL INQUIRIES AND DID NOT DISCUSS THE DETAILS OF OUR PROPOSAL. OUR ACTIONS ARE PERMITTED UNDER THE CITY'S POLICIES. ANY QUESTIONS?

Mayor Wynn: QUESTIONS OF MR. PECKHAM, COUNCIL? THANK YOU, SIR.

THANK YOU.

Slusher: MAYOR? I WOULD LEAVE IT UP TO THE CITY ATTORNEY WHETHER IT'S APPROPRIATE TO ANSWER THIS QUESTION HERE OR IN EXEG. BUT I WOULD LIKE TO -- OR IN EXECUTIVE SESSION. I WOULD LIKE TO HEAR AN EXPLANATION OF HOW EXACTLY THE ANTI-LOBBYING RULES APPLY IN THIS CASE.

THAT WOULD BE APPROPRIATE FOR EXECUTIVE SESSION CONSIDERATION.

Slusher: I MIGHT WANT TO HAVE THAT AFTER THIS. AFTER THE SPEAKERS ARE DONE.

YES, SIR.

Mayor Wynn: OUR NEXT SPEAKER IS JAY CARPENTER. WELCOME, I BELIEVE EARLIER ALBERT DENINGTON WANTED TO DONATE TIME TO YOU. YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT, MR. CARPENTER.

THANK YOU VERY MUCH. COUNCILMEMBER THOMAS GOOD TO SEE YOU AGAIN, MR. SLUSHER. MAYOR WYNN AND THE REST OF THE COUNCIL. MY NAME IS JAY CARPENTER. I'M THE PRESIDENT OF THE TEXAS AVIATION ASSOCIATION. I'M ALSO A MEMBER OF THE BERGSTROM PILOTS ASSOCIATION, AIRCRAFT OWNERS AND PILOTS ASSOCIATION IN THE NATIONAL BUSINESS AVIATION ASSOCIATION. I'M SPEAKING AS AN INDIVIDUAL, I DON'T REALLY REPRESENT ANYBODY EXCEPT FOR OTHER CONCERNED PILOTS THAT USE AUSTIN-BERGSTROM INTERNATIONAL AIRPORT ON A DAILY BASIS. I HAVE A VERY SHORT POWERPOINT, IF WE COULD START THAT. THE FIRST THING THAT I WANTED TO MENTION IS WHAT HAPPENS WHEN A BIRD HITS AN AIRCRAFT. THIS FIRST PHOTO WAS -- WAS OF AN INCIDENT THAT OCCURRED JULY 8th, 2003, NEAR ADDISON, TEXAS. THE PILOT SAID MAY DAY, MAY DAY, MAY DAY, WE ARE GOING DOWN, THE CONTROLLER SAYS WHERE ARE YOU, HOW CAN WE HELP YOU. THE PILOT SAID SOMEBODY PICK US UP, I THINK WE ARE GOING TO BE FINE, WE HAVE STRUCK A BIRD, WE HAVE GOT TO GO DOWN, WE CAN'T KEEP IT STRAIGHT WITH THE POWER ON. THE PILOT PROVIDED BASIC LOCATION AND STATED HE WAS GOING TO DISCONNECT. THE AIRCRAFT CRASHED 1.7 MILES WEST OF ARROW COUNTY AIRPORT, FRISCO, TEXAS ON JULY 8th, 2003. THE PILOT WAS A CERTIFIED FLIGHT INSTRUCTOR. HE HAD A STUDENT ON BOARD. BOTH WERE KILLED. NEXT SLIDE, IF WE COULD. ANOTHER PICTURE OF THE SAME ACCIDENT. NOW THE BIRD DID NOT CAUSE ALL OF THIS DAMAGE. THE BIRD INCAPACITATED THE AIRPLANE TO MAKE AN OFF FIELD LANDING, THIS WAS THE RESULT. NEXT SLIDE. THERE'S A BIRD THAT HAPPENED TO GET LODGED INTO A WING, THIS FELLOW, FORTUNATELY, MADE IT BACK. NEXT SLIDE. ANOTHER PICTURE, AS YOU CAN SEE IT'S A BIG BIRD. A BIRD

HITTING YOUR WINDSHIELD GOING 30, 40 MILES AN HOUR DOWN THE ROAD LEAVES AN UGLY SPOT ON YOUR GLASS. BUT WHEN A BIRD OF ANY SIZE HITS AN AIRCRAFT GOING ANYWHERE FROM 150 TO 250 MILES PER HOUR, EINSTEIN WOULD TELL YOU THAT THE INNER SHOULD IS MULTIPLIED -- INERTIA IS MULTIPLIED EXPONENTIALLY. HERE'S A BIRD THAT HIT THE WINDSHIELD OF AN AIRCRAFT, AGAIN FLYING AT THE SPEEDS THAT AIRPLANES FLY AT IN AND OUT OF THE AIRPORT THIS IS WHAT CAN BE EXPECTED. FORTUNATELY THEY MADE IT BACK. NEXT SLIDE. EVEN THE BIG JETS, AS YOU CAN SEE, ARE NOT INVINCIBLE FOR BIRD STRIKES. THIS ONE HIT JUST BELOW THE WINDSHIELD BUT THE IMPACT WAS SO GREAT THAT IF LIEU AT THE NEXT SLIDE YOU CAN SEE HOW BADLY THE GLASS WAS -- THE GLASS WAS HELD INTACT, BUT AS YOU CAN SEE, IT'S -- IT'S BIRDS AND AIRPLANES DO NOT MIX. IT'S A VERY, VERY DANGEROUS SITUATION. THAT'S THE END OF THE POWERPOINT. NOW, I DON'T REALLY HAVE ANYTHING TO SAY ABOUT THE PEOPLE WANTING TO RUN THE LANDFILL. BUT I KNOW THAT THE TYPE 4 LANDFILL THAT WAS SORT OF GRANDFATHERED IN WHEN AUSTIN BERGSTROM OPENED UP, THE AUSTIN LANDFILL WAS CLOSED BUT THE TRAVIS COUNTY LANDFILL WAS ALLOWED TO STAY OPEN BECAUSE IT IS A TYPE 4 LANDFILL. THEY DON'T TAKE THE GARAGE OR ORGANIC MATTER THAT ROD DENTS AND BIRDS LIKE TO FEED ON. IF WE COULD GET READY WITH THE -- WITH THE VIDEO, WE WILL SHOW WE BELIEVE IT IS A TYPE 4 LANDFILL, PROBABLY FOR ALL I KNOW EVERYBODY IS IN COMPLIANCE, IF WE CAN CUE THE VIDEO, IF YOU WILL WATCH CAREFULLY, THIS IS FOUR CONSECUTIVE SUNDAYS IN OCTOBER OF THIS YEAR. AND -- AND THERE ARE YOUR BIRDS. THESE ARE TURKEY VULTURES, THEY ARE THE LARGEST. THERE ARE OTHER BIRDS THAT, YOU KNOW, ARE GATHERED AROUND. THIS IS -- THIS IS SHOT FROM THE ROADWAY, BUT IN THE LANDFILL ITSELF, YOU CAN SEE THE BIRDS -- HERE'S SOUTHWEST AIRLINES COMING IN, I THINK THAT'S SHAMU, MAYBE, A BIG BIRD. BUT WATCH VERY CAREFULLY. RIGHT ABOUT -- ABOUT HERE. YOU CAN SEE THE BIRDS ARE IN THE FLIGHT PATH OF THE LANDING ON THE GLIDE SLOPE OF 35 LEFT AND 35 RIGHT. PICTURES SPEAK FOR THEMSELVES. IF -- IF THIS IS TRULY A TYPE 4 LANDFILL, THEN THE TYPE 4 LANDFILLS ATTRACT BIRDS. WE DON'T KNOW WHAT'S IN THE LANDFILL. I

REALLY DON'T CARE. BUT HERE IS OCTOBER 17th, OF THIS YEAR. AGAIN, A SUNDAY. THERE IS THE -- THERE IS THE LANDFILL. AND IT'S AMATEUR PHOTOGRAPHY, I'M SORRY WE'RE NOT VIDEO JOURNALISTS. BUT EACH DAY YOU CAN SEE THAT -- THAT THERE ARE BIRDS. THERE'S A COUPLE THERE. THEY ARE IN THE ACTUAL LANDFILL ITSELF. AND BUZZARDS HAVE A HABIT OF CIRCLING AND THEY CAN FLY TO ALTITUDES, I HAVE SEEN THEM UP AS HIGH AS 10,000 FEET IN THE AIR. JUST DEPENDING ON THE CURRENTS OF THE DAY. BUT IF YOU WATCH CLOSELY, THERE'S A COUPLE THERE. BIRDS LIKE LANDFILL, WHETHER IT'S TYPE 1, TYPE 4 OR WHATEVER. THIS IS ON THE 24th. THE FOLLOWING SUNDAY AND AS YOU CAN SEE, THE -- THE STORY CONTINUES. [BUZZER SOUNDING]

Mayor Wynn: PLEASE CONCLUDE, MR. CARPENTER.

IS THAT IT?

WELL, YOU CAN MAKE A CONCLUSION -- CONCLUDING STATEMENT.

IN SUMMARY, THE TEXAS DEPARTMENT OF TRANSPORTATION HIRED WILBUR SMITH & ASSOCIATES TO DO A STUDY ON THE NEW CENTRAL TEXAS AIRPORT, WHICH HASN'T BEEN BUILT YET. WILBUR SMITH & ASSOCIATES HAS FORECASTED THAT OPERATIONS, THAT MEANS LANDINGS AND TAKEOFFS FROM AUSTIN-BERGSTROM INTERNATIONAL WILL INCREASE ANYWHERE FROM 200,000 TO 500,000 OPERATIONS PER YEAR IN THE NEXT 10 YEARS. SO IT'S BUSY NOW. BUT IT'S -- IT'S ABOUT TO GO TENFOLD. THE MORE LANDFILL YOU HAVE, THE MORE BIRDS THAT YOU HAVE, THE MORE AIRCRAFT TAKING OFF, IT'S BEGGING FOR A DISASTER. IT'S ONLY GOING TO TAKE ONE INCIDENT. HERE'S WHAT THE LANDFILL IS COMPLETELY COVERED OVER WITH DIRT. BUT THE BUS BUZZARDS PERSIST. I THANK YOU FOR YOUR TIME, WE DON'T WANT AN ACCIDENT. LANDFILLS AND BIRDS DON'T MIX, TYPE 4 OR TYPE 1, THANK YOU.

Mayor Wynn: THANK YOU, MR. CARPENTER. CONRADT [INDISCERNIBLE] WERKENTHIN. THANK YOU, SIR, YOU'LL HAVE THREE MINUTES.

I'M CONRADT WERK TEEN, ON THE -- WERK WERKENTHIN, I KEEP MY PLANE OUT AT BERGSTROM AIR FORCE BASE, AFTER THIS LANDFILL WAS SUPPOSEDLY FILLED, CLOSED, DIRT PUT OVER THE LANDFILL ON OCTOBER THE 31st, I WENT FLYING, STILL BIRDS AT THIS LANDFILL. PEOPLE WERE TALKING ABOUT -- WE'RE TALKING ABOUT LIVES, WE'RE TALKING ABOUT AIRPLANES, LUCKILY THESE BIRDS THAT YOU SAW PICTURES OF DID NOT GO INTO THE AIRPLANE'S ENGINES AND STOP THEM FROM FLYING AND KILL 250 PEOPLE TAKING OFF OR LANDING AT BERGSTROM. I AM NOT FOR OR AGAINST THIS LANDFILL ANYWHERE ELSE IN AUSTIN EXCEPT AT THE END OF 17 RIGHT AND THE BEGINNING AND THE LANDING OF 35 LEFT. IT IS A TERRIBLE ERROR TO HAVE A LANDFILL AT THIS LOCATION. IT IS A TERRIBLE ERROR TO HAVE A LANDFILL AT THE LOCATION THAT THE CITY HAS IN FRONT OF 17 RIGHT. AND THE OPERATION, IF IT IS TYPE 4, IT ATTRACTS BIRDS. THERE IS NO DOUBT ABOUT IT. IT IS DANGEROUS. AND YOU ARE GOING TO KILL PEOPLE IF YOU DON'T CLOSE THE LANDFILLS. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, SIR. COUNCIL, THAT'S ALL OF THE CITIZENS THAT HAVE SIGNED UP WISHING TO SPEAK ON THIS ITEM. QUESTIONS?

THE GENTLEMAN THAT JUST LEFT, CAN YOU GET BACK UP? YOU SAID SOMETHING -- SOME OF THOSE -- THOSE RIGHT, LEFT, WHATEVER. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

FROM AUGUST UNTIL OCTOBER, IT WAS OPEN AND THERE WERE BIRDS THERE AND IT WAS DANGEROUS.

THOMAS: THANK YOU.

Mayor Wynn: THANK YOU, MR. WE ARE WERKENTHIN.

[INAUDIBLE - NO MIC].

Mayor Wynn: YOU ARE WELCOME TO LEAVE THE REPORT, YES, SIR. FURTHER COMMENTS, QUESTIONS, COUNCIL? COUNCILMEMBER THOMAS.

Thomas: THERE'S JUST A COUPLE OF QUESTIONS,

ESPECIALLY ONE THAT -- I CAN'T REMEMBER WHAT GENTLEMAN SAID IT, BUT IT WAS QUESTIONS THAT STAFF NEVER ANSWERED. CAN STAFF ANSWER THAT? AND ON TOP OF SOME OF THE VIOLATIONS THAT WERE IN, CAN WE ANSWER TO THAT OR DO WE NEED TO GO INTO EXECUTIVE SESSION?

COUNCIL, WILLIE ROADS. FOR THIS I THINK WE NEED TO GO INTO EXECUTIVE SESSION. AS YOU CAN TELL, THIS INFORMATION VARIES BILINGUAL, SO EVERYONE HAS THIS INFORMATION. CONCERNING A COUPLE OF ISSUES, WE BELIEVE WE HAVE ANSWERED ALL THE QUESTIONS THAT WERE PUT TO US BY THE PROPOSERS AND GIVEN THE CORRECT RESPONSES AND GIVEN THEM ALL THE INFORMATION THEY NEEDED TO PREPARE A PROPOSAL ON THE R.F.P. CONCERNING THE VIOLATIONS, WE OPERATE AN ISSUE AND THERE ARE -- WE OPERATE AN LANDFILL AND THERE ARE ISSUES AS A LANDFILL. THERE WERE VIOLATIONS IN THE PAST. WE HAVE CURRENTLY ONE VIOLATION OPEN AT OUR LANDFILL. IT HAS BEEN RESOLVED AT THE LANDFILL, HOWEVER, TCEQ HAS NOT COME OUT TO INSPECT THE LANDFILL TO SAY THAT WE HAVE RESOLVED THAT ISSUE. ONE OF THE THINGS THAT WAS SAID IS CIRCULATING LEACHATE AT THE LANDFILL, WAS IT BEING DONE? YES, IT'S BEING DONE. WE HAVE THREE CELLS AT THE LANDFILL. CELL ONE IS NOT BEING USED AND THEREFORE IT'S NOT BEING DONE THERE. CELL 2 IS ACTIVE AND HAS A STANDARD COMPOSITE LINER AND IS ABLE TO ACCEPT LEACHATE. CELL 3 HAS A GEO SYNTHETIC LINER AND CANNOT BE USED FOR LEACHATE CIRCULATION AND IS NOT BEING DONE THERE. A LOT OF THIS INFORMATION I HAVE GIVEN TO YOU IN MEMOS AND E-MAILS TO COUNCIL ALREADY, SO I'M JUST REITERATING, NOT GOING OVER IT IN GREAT DETAIL. SINCE WE ARE IN ASSESSMENT WHICH WAS TRIGGERED BY -- WHEN ONE OR MORE OF THE WATER QUALITY PROBLEMS HAS BEEN DETECTED, WORKING WITH THE STATES ON THESE WELLS, ONLY ONE WELL IS ABOVE THE STATE AND FEDERAL LEVELS. WE NOTIFIED YOU EARLIER THIS YEAR. WE MET WITH THE COMMUNITY AROUND THIS. WE HAVE SINCE THEN SUBMITTED TO TCEQ FOR THEIR REVIEW A CORRECTED MEASURES ASSESSMENT. FOLLOWING APPROVAL OF THIS ASSESSMENT IS WHAT WE

CAN IMPLEMENT IN ACCORDANCE WITH STATE LAWS. WE HAVE DONE EVERYTHING -- EACH TIME THERE IS AN ISSUE AT THE LANDFILL, WE HAVE ADDRESSED IT OR ARE IN THE PROCESS OF ADDRESSING THE LANDFILL. CONCERNING THE SMOKE. THERE WAS SMOKE FAILURE IN 1991. IT WAS CAUSED BY A FLOW IN ONION CREEK. THERE WAS ALSO A FLOW FAILURE AT SAWYER PARK. WE REPAIRED IT IN 1991. SINCE THEN WE HAD DETERIORATION TO -- THAT WE SAW, THAT WE DID, AND WE HIRED A CONSULTANT TO ADDRESS THAT. THEY'RE IN THE PROCESS OF DESIGNING A FIX FOR THAT AREA. IN CONCLUSION, WE DO OPERATE A LANDFILL. AS ONE OF THE PILOTS SAYS, IT'S BEEN THERE FOR SOME TIME. IT IS OPERATING AS A TYPE 4 LANDFILL, EVEN THOUGH WE HAVE A TYPE 1 PERMIT. I JUST WANT TO STATE FOR THE RECORD THAT THE R.F.P. AND ANY COMMUNICATION THAT HAS BEEN DONE CONCERNING WHAT WOULD GO ON AND ACTIVITIES AT THIS LANDFILL IS TYPE 4 ACTIVITIES. WE WILL NOT ALLOW WASTE TO BE PUT IN THAT LANDFILL, AND AT NO TIME HAVE WE EVER SUGGESTED THAT IT COULD BE, TYPE 1 WASTE.

Thomas: ONE MORE QUESTION, MR. RHODES. THERE WAS SOMETHING THAT WE TALKED ABOUT, THE WATER WELLS, SEVEN WELLS --

THAT WAS CONCERNING THE NIGHNITRATE.

Thomas: YES, SIR. CAN YOU ANSWER WHAT HE WAS TALKING ABOUT? ARE WE IN COMPLIANCE?

WE ARE IN ASSESSMENT MODE AS DETERMINED BY THE STATE, BUT THEY ONLY HAVE ISSUE FOR THE INFORMATION FOR ONE WELL, AND THAT'S WELL M-10. AND THAT'S WHERE WE DID THE PUBLIC COMMENT TIME FRAME. AND WE INVESTIGATED THAT WELL, WE -- WE'VE DONE AN ASSESSMENT, GIVEN THAT INFORMATION TO THE STATE. IF THEY SUPPORT OUR ASSESSMENT, THEN WE'LL DETERMINE A WAY TO CORRECT THAT MEASURE AND MOVE FORWARD FROM THERE. RIGHT NOW THE STATE IS REVIEWING THE INFORMATION WE'VE GIVEN THEM AND WE HOPE TO HEAR FROM THEM SHORTLY.

Thomas: OKAY. I THINK THE REST OF THEM I'LL ASK IN

EXECUTIVE. THANK YOU VERY MUCH.

MAYOR, IF I COULD ADD ONE OTHER POINT OF CLARIFICATION ABOUT AN ITEM THAT WAS DISCUSSED EARLIER. THE HOUSES A LINDA VISTA DRIVE WERE NOT PURCHASED BECAUSE OF A MIGRATION OF LANDFILL GAS PROBLEMS, THEY WERE PURCHASED AS PART OF THE ONGOING NOISE MITIGATION PROGRAM THAT THE AIRPORT HAS IN EFFECT. YOU HAD ITEM NUMBER 19 ON YOUR AGENDA TODAY, AND IT'S A SIMILAR ITEM TO THAT. IT WAS PART OF THE AIRPORT MITIGATION PROGRAM. ONE OTHER COMMENT THAT I WANTED TO MAKE WAS THAT WE ARE OPERATING THAT LANDFILL AS A TYPE 4 LANDFILL UNDER APPROVAL FROM THE F.A.A. AND WE WILL CONTINUE UNDER ANY CIRCUMSTANCE -- UNDER ANY CIRCUMSTANCE WE WILL CONTINUE TO HAVE A CREW OUT THERE MONITORING THE LANDFILL. PART OF THE CONTRACTUAL REQUIREMENT THAT WE WOULD WRITE IN THE CONTRACT WOULD HAVE TO DO WITH EXPANSION OF ACTIVITY OUT THERE AT THE LANDFILL. SO WE WILL MAKE THAT A CONTRACTUAL REQUIREMENT AND WE WILL BE IN A POSITION TO MONITOR THAT THOSE TRT AL REQUIREMENTS ARE BEING MET BECAUSE WE'LL HAVE A PRESENCE OUT THERE. CONTRACTUAL REQUIREMENTS.

Mayor Wynn: THANK YOU. COUNCILMEMBER SLUSHER.

Slusher: YEAH. MY MAIN CONCERN IS, AND YOU HIT ON IT THERE AT THE END THERE, THE F.A.A. AND THE PICTURES WE SAW OF THE BIRDS THERE. I GUESS THE F.A.A. WOULD -- IT'S NOT CLEAR TO US, I GUESS, IF THEY WOULD BE CONCERNED ABOUT THAT OR PERHAPS THEY AREN'T AWARE OF IT, THEY JUST SAW THESE PICTURES LIKE US. I'M JUST CONCERNED -- FILL ME IN ON THAT.

COUNCILMEMBER, WHAT I CAN TELL YOU ABOUT THAT IS THAT THE AIRPORT HAS AN ONGOING PROGRAM OUT THERE. THEY HAVE A WILDLIFE COORDINATOR WHO COMPILES A LOT OF DATA ON BIRDS OUT THERE AT THE AIRPORT. AND SINCE ALL OF THIS HAS COME UP, THEY HAVE BEEN ALSO MONITORING THAT LANDFILL. I SENT OUT AN E-MAIL TO COUNCIL LAST NIGHT. I DON'T KNOW WHETHER --



SAW IT. IT SAYS THEY HAVEN'T BEEN HITTING BUZZARDS. THE STRIKES WE'VE HAD HAVEN'T BEEN THOSE, IS THAT CORRECT? THERE HAVE BEEN A NUMBER OF BIRD STRIKES?

THERE HAVE BEEN A NUMBER OF BIRD STRIKES. THIS IS AN E-MAIL FROM PATTY EDWARDS, ASSISTANT DIRECTOR FOR OPERATIONS OUT AT THE AIRPORT. SHE SAYS, I HAVE REVIEWED THE BIRD STRIKE WILDLIFE DATABASE THAT WE MAINTAIN INTERNALLY GOING BACK SIX MONTHS. THERE IS NO EVIDENCE OF INCREASED BIRD STRIKES OR VUL CHUR SIGHTINGS ON THE WEST RUNWAY SYSTEM. THIS WOULD INCLUDE THE AREA IN QUESTION. THERE HAVE BEEN NO LARGE BIRD STRIKES REPORTED IN THE LAST TWO YEARS. STARLINGS, BARN SEXUAL LOWS ARE BEING REPORTED, AND ONE DUCK BEING REPORTED ON THE 17 HILL.

SLUSHER: DID WE EXPECT TO SEE THAT MANY BUZZARDS AT THIS TYPE OF LANDFILL?

COUNCILMEMBER, I'M NOT A VULCHURE EXPERT. IESI, I'VE SEEN ARRESTS BUZZARDS GATHERED AROUND ROAD KILL.

Slusher: I GUESS I'M AS MUCH OF A EXPERT AS YOU ARE.

Mayor Wynn: (INDISCERNIBLE).

Slusher: BUT THERE IS NOT SUPPOSED TO BE ROAD KILL OR ANYTHING THAT THEY WOULD EAT IN THE DUMP THERE. I CAN UNDERSTAND THAT THERE MIGHT BE SOMETHING THAT MIGHT GET IN THERE ACCIDENT ALLY, SO I'M WONDERING IF THAT'S UNUSUAL IN A LANDFILL OF THAT TYPE?

I WILL DEFER TO IESI AND LET THEM ANSWER THAT QUESTION FOR YOU, IF THAT'S ALL RIGHT.

Slusher: SURE.

MY NAME IS FLETCHER KELLY WITH THE JFK GROUP AND I SIGNED UP ON BEHALF OF IESI. I'M THE ENGINEER ON BEHALF OF THE SITE THAT REVIEWS ALL THE PLANS AND SPECIFICATIONS, AND THAT QUESTION WAS THAT AN UNUSUAL AMOUNT OF BIRDS FOR A TYPE 4 LANDFILL? AS A

BIRD STUDY DONE BEFORE THIS LANDFILL WAS EVER BUILT, AND THAT WAS DONE FOR THE THEN TNRCC OR THE PREDECESSORS. AT THAT TIME THERE WAS AN AREA OF ACCUMULATION OF DIFFERENT BIRDS, AND THE STUDY SHOWED THAT BY REMOVING SOME OF THE TREES IT WOULD REDUCE THE AMOUNT OF BIRDS THAT WOULD AFFECT THE AIRPORT. THIS WAS STILL DURING THE DAYS OF THE BERGSTROM -- THE AIR FORCE. IT'S BEEN MY EXPERIENCE THAT WHEN THERE WERE BIRDS IN THE PAST, THERE WILL BE BIRDS THERE. YOU TRY TO REDUCE THEM. AND THE FACT THAT THEY WERE LIVING IN THE AREA PRIOR TO ANY DEVELOPMENT OF ANY KIND, THEY'LL STILL STAY IN THE AREA SOMEWHAT. AGAIN, I THINK IT'S A REDUCED AMOUNT, BUT TO HAVE BIRDS AT A LANDFILL IS AN ISSUE I THINK WITH EVERY LANDFILL, AND YOU TRY TO REDUCE IT ALL YOU CAN, BUT IT'S NOT UNUSUAL TO SEE THEM AT A TYPE 4 LANDFILL EVEN THOUGH THERE'S NOT PRINCIPAL MATTER THERE, THEY'RE THERE TO SEE IF THEY CAN STOP BY TO PICK UP A FREE LUNCH. THEY ROOST THERE. IT WOULDN'T BE SOMETHING THAT WOULD BE UNUSUAL AT ANY LANDFILL.

Slusher: OKAY. THE VIDEO WE SAW, THEY HAD SOME DATES AND THE LANDFILL APPEARED TO BE UNCOVERED. AND WHAT THEY WERE SAYING IS THAT PERHAPS IESI WENT OUT AND COVERED IT UP AFTER THE COUNCIL MEETING, BUT WASN'T KEEPING IT COVERED EVERY WEEK BEFORE THAT. WOULD YOU LIKE TO ADDRESS THAT?

A TYPE 4 LANDFILL DOESN'T HAVE TO BE COVERED DAILY.

Slusher: ONCE A WEEK, RIGHT?

YES, SIR. ANY PORTION OF IT MUST BE COVERED AT LEAST WEEKLY.

Slusher: OKAY. SO WAS THAT HAPPENING? THAT'S BEEN HAPPENING THROUGHOUT?

I'M NOT AWARE OF ANY TIME THAT THE LANDFILL WASN'T PARTIALLY COVERED AT LEAST WEEKLY IN MY INSPECTIONS AND THE COVER LOGS WHICH TCEQ ALSO REVIEWED. I'M NOT THERE EVERY DAY, BUT I DO REVIEW THEIR COVER

LOGS.

Slusher: DO YOU WANT TO ADDRESS THAT?

WE DO HAVE COVER LOGS THAT REFLECT THAT WE COVER THE LANDFILL WEEKLY AND THAT A PORTION IS COVERED DAILY SO THAT ALL THE AREAS OF THE LANDFILL WHICH WOULD RECEIVE WASTE FROM THE LAST SEVEN DAYS HAVE BEEN COVERED. THAT IS A REQUIREMENT.

Slusher: THAT'S ALL I HAVE.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER ALVAREZ.

Alvarez: THANKS, MAYOR.

Mayor Wynn: THERE WILL PROBABLY BE A QUESTION AGAIN FOR YOU, SIR. COUNCILMEMBER ALVAREZ.

Alvarez: YES. A COUPLE OF QUESTIONS. THEY'RE MORE SORT OF GENERIC IN NATURE, BUT JUST IN TERMS OF OUR LANDFILL OPERATION CURRENTLY, I KNOW THAT -- I DON'T THINK IT'S A SECRET THAT IT'S BEEN OPERATING AT A LOSS. BUT I WAS CURIOUS ABOUT THE COSTS VERSUS REVENUES THAT ARE GENERATED BECAUSE OBVIOUSLY THIS ACTION WAS INITIATED BECAUSE OF THE FINANCIAL BURDEN THAT THIS BURDEN PUTS ON THE CITY RESOURCES. COULD YOU TALK ABOUT THAT A LITTLE BIT, MR. RHODES?

YES. PRIOR TO THE CLOSING AS A TYPE 1 LANDFILL AND ACCEPTING PUTRESCIBLE WASTE, OUR COSTS EXCEEDED THE REVENUES AT THE LANDFILL. SINCE WE HAVE BEEN OPERATING AS A TYPE 4 LANDFILL, 1999, AND JUST FOR THE RECORD, WE CLOSED IT IN FEBRUARY 27TH OF 1999, WHICH WAS A SATURDAY. THE AIRPORT OPENED IN MAY, I BELIEVE, OF 1999.

Alvarez: CLOSED IT AS A TYPE 1?

TYPE 1. WE DID NOT BEGIN OPERATING AS A TYPE 4 UNTIL AFTER THE AIRPORT OPENED. WE DO HAVE A BIRD CONTROL PROGRAM IN PLACE AT OUR LANDFILL, EVEN THOUGH WE

TRY TO BE IN COMPLIANCE, WE USE -- (INDISCERNIBLE). CONCERNING THE REVENUE LOSS -- THE LOSS, SINCE WE OPENED AS A TYPE ONE, WE HAVE NOT RECEIVED REVENUE COVERING OUR EXPENSES FOR THE YEAR '03-'04, WHICH JUST CLOSED. WE LOST A LITTLE OVER \$300,000 AT THE LANDFILL, IN OUR LANDFILL BUDGET.

Alvarez: OKAY. SO THAT'S THE DIFFERENCE BETWEEN OUR REVENUES AND EXPENSES IS 300,000?

YES.

Alvarez: AND DO WE CURRENTLY. WE OBVIOUSLY MAKE USE OF OUR OWN LANDFILL. ARE WE CURRENTLY -- AND UNDER THIS NEW CONTRACT WOULD THERE BE FEES THAT WE PAY FOR DUMPING AND ARE THERE --

I'M NOT SURE I CAN ANSWER THAT PUBLICLY COUNCILMEMBER, BECAUSE IT WAS IN A PROPOSAL AND THIS IS SOMETHING -- WHAT WE DID ASK IN THE PROPOSAL, WHAT I CAN SAY, IS THAT FOR THEM TO GIVE US A FEE STRUCTURE FOR DISPOSAL OF CITY MATERIAL AND ALSO GIVE US A FEE FOR IF THERE'S A CATASTROPHIC EVENT IN AUSTIN SO WE CAN TAKE THAT MATERIAL TO THE LANDFILL.

Alvarez: AND IN TERMS OF -- I'LL ASK THIS QUESTION AT THE APPROPRIATE TIME, BUT DO WE KNOW THAT EVEN IF WE WERE TO SELECT ANY OPERATOR OR COMPANY TO MANAGE IT, IS THERE STILL GOING TO BE A NEED FOR US TO HAVE OUR STAFF AT SOLID WASTE SERVICES DEDICATED TO THIS LANDFILL, ON SITE, ETCETERA, OR IS THAT -- HOW ARE WE GOING TO -- I'M TRYING TO FIGURE OUT IF WE'RE TALKING ABOUT \$300,000 HERE, THEN WHAT ADDITIONAL COST IS THE CITY GOING TO HAVE IF WE ENTER INTO AN AGREEMENT SUCH AS THIS.

SOLID WASTE SERVICES ANTICIPATES IF WE ENTER INTO A CONTRACT THAT WE WILL HAVE APPROXIMATELY FOUR EMPLOYEES AT THE LANDFILL FROM NOW ON. WE HAVE THINGS WE HAVE TO CONTROL -- THAT ARE LEFT IN OUR CONTROLS. THE GAS RECOVERY SYSTEM, WHICH WE'RE WORKING WITH AUSTIN ENERGY FOR CONVERTING METHANE TO ENERGY. THE LEACHATE FOR THE LEACHATE

RECOVERY SYSTEM THAT WILL GO INTO OPERATION SHORTLY. SO THOSE TYPE ACTIVITY WILL BE ONGOING FOR SEVERAL YEARS, AND WE EXPECT TO HAVE THOSE EMPLOYERS THERE AT THE LANDFILL. SO IN YOUR BUDGET PROPOSAL YOU WILL SEE THAT WE ANTICIPATE SEEING A LANDFILL LINE ITEM BUDGET FOR THE LANDFILL.

Dunkerley: MAYOR?

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Alvarez: I HAVE FOLLOW-UP.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: A COUPLE MORE QUESTIONS. IN TERMS OF -- REGARDING THE TERMS OR THE LENGTH OF THE PROPOSED CONTRACT, IS THAT SOMETHING THAT'S SET IN THE R.F.P. OR IS THAT SOMETHING THAT EACH PROPOSAL -- EACH ENTITY PROVIDING IS PROPOSAL RECOMMENDED?

IN THAT R.F.P. WE REQUESTED THAT THEY PROVIDE US SOMETHING UNTIL THE LANDFILL CLOSES, THE PROPOSAL FOR WHEN THE LANDFILL CLOSES. SO I CANNOT GIVE YOU SPECIFIC ON THE YEARS.

Alvarez: SO EACH PROPOSAL THEORETICALLY COULD MAKE THEIR OWN ASSUMPTIONS ABOUT HOW LONG THE LANDFILL WOULD REMAIN OPEN?

CORRECT. ONE OF THE THINGS I WOULD LIKE TO SAY IS THAT CONCERNING SOME OF THE REQUIREMENTS THAT WE HAVE AT THE LANDFILL. BECAUSE THE AUSTIN-BERGSTROM INTERNATIONAL AIRPORT IS WITHIN 10,000 FEET OF OUR LANDFILL, WE ARE UNDER REQUIREMENTS FOR THE F.A.A. FOR THE HEIGHT ACTIVITY AT THE LANDFILL. MY LANDFILL AND IESI HAS A HEIGHT RESTRICTION. IT VARIES BASED ON THE FLIGHT PATTERN -- IT VARIES BASED ON THE WINDOW THAT THE F.A.A. HAS SET. SO WE HAVE SOME HEIGHT RESTRICTION AT THEIR LANDFILL. WE HAVE PERMITS THERE, AND ANY TYPE OF CHANGE TO THE PERMIT WOULD HAVE TO BE APPROVED BY CITY STAFF AND HAVE TO GO THROUGH THE STATE. SO PATROLS ARE -- CONTROLS ARE THERE AND

CONTROLS ARE BUILT IN.

Alvarez: AND REALLY OUR PERMIT TO OPERATE THE LANDFILL ONLY LASTS UNTIL WHAT TIME? IS IT FIVE YEARS, 10 YEARS, 20 YEARS?

WE HAVE A PERMIT FOR THE LANDFILL AS LONG AS WE'RE OPERATING IT IN COMPLIANCE, SO IT DOESN'T HAVE A TIME FRAME ON THE PERMIT.

Alvarez: WE DON'T HAVE TO APPLY FOR REISSUE WANS OR RENEWAL OF THE PERMIT?

NO, SIR.

Alvarez: AND THAT'S AS LONG AS WE JUST FOCUS ON THE CELLS THAT WE'RE PERMITTED TO OPERATE.

CORRECT.

Alvarez: AND ANOTHER RELATED QUESTION IS DO WE KNOW HOW MUCH MATERIALS ARE GOING TO BE BROUGHT TO THE LANDFILL CURRENTLY AS A WAY THE CITY IS OPERATING IT FOR THE BIRDS AND THE POTENTIAL IMPACT ON THE AIRPORT IS IS THERE GOING TO BE A LIMITATION ON HOW MUCH MATERIAL IS BROUGHT TO THE LANDFILL OR ARE WE GOING TO ALLOW THAT TO INCREASE, THEN IS THAT GOING TO POTENTIALLY AGGREGATE THE SITUATION WITH THE BIRDS?

LET ME ANSWER YOUR QUESTION THIS WAY: TO OPERATE THE LANDFILL AS A TYPE 4 ONE OF THE THINGS WE MUST DO IS ATTEMPT THE INSPECT THE LOADS, SO WE DO INSPECTION OF THE LOADS AT THE GATE. WE TRY TO REJECT ANY TYPE OF BAGGED MATERIAL THAT'S GOING TO BE THERE BECAUSE WE DON'T KNOW WHAT TYPE OF MATERIAL THAT IT IS. WE HAVE SOME INDIVIDUALS WHO BRING IN LOADS THAT THEY TRY TO HIDE THAT MATERIAL. ONCE THEY GET TO THE WORKING FACE AND GET READY TO DUMP IT, WE HAVE AN INSPECTOR THERE. THEY LOOK THROUGH THE LOADS AS IT'S BEING UNLOADED. AND IF WE SEE SOMETHING THERE, WE STOP THAT LOAD, WE REJECT THE LOAD, WE PICK UP ANY OF THE MATERIAL THAT CANNOT

BE THROWN INTO THE LANDFILL, AND TAKE IT TO A ROLLOFF THAT WE HAVE ON SITE FOR THAT DISPOSAL. AND IT'S HAULED OFF TO ANOTHER LANDFILL WHERE THEY TAKE THAT TYPE OF MATERIAL. SO INSPECTION TAKES PLACE IN TWO LOCATIONS, AT THE GATE AND AT THE WORKING FACE OF THE LANDFILL.

Alvarez: I WAS INTERESTED MORE IN TERMS OF THE TON -- HOW MANY TONS ARE BEING TAKEN TO THE LANDFILL AND THEN DO WE ANTICIPATE THAT'S GOING TO GO UP AND WHAT IS THE CAPACITY OF WHAT'S CURRENTLY PERMITTED AND DID THAT ALLOW POTENTIALLY FOR A LOT MORE WASTE TO BE DELIVERED TO THE LANDFILL?

THE CURRENT PERMIT, WE BELIEVE WE HAVE USE OF ABOUT 79% OF THE LANDFILL LIFE, SO WE HAVE THAT CAPACITY, ABOUT 21% AVAILABLE UNDER OUR CURRENT PERMIT.

Alvarez: SO HOW MANY TONS --

WE'RE LOOKING FOR THE INFORMATION. HOLD ON. COUNCIL, IN '03 WE RECEIVED TOTAL TONS AT THE LANDFILL, 23,365 TONS. OF THAT, 10,331 WAS BRUSH. 1,337 WAS BULKY MATERIAL. AND 17,000 WAS YARD TRIMMINGS. I DON'T KNOW IF THAT ADDS UP. THOSE ARE THE FIGURES WE HAVE FOR THE LANDFILL FOR THE TONNAGE.

Alvarez: AND THEN THAT 21% CAPACITY THAT REMAINS WOULD ADD UP TO HOW MUCH IN TONS? IS THAT SOMETHING WE CAN FIGURE OUT IN A FEW SECONDS?

WE HAVE A CAPACITY OF THE LANDFILL OF -- JUST A SECOND. I WOULD HAVE TO QUALIFY -- ANSWER THIS QUESTION WITH A QUALIFICATION. I BELIEVE WE HAVE 2 MILLION TONS AVAILABLE TO PUT THERE, BUT I WOULD BE CHECKING. IT'S IN MY NOTES HERE, BUT I CAN'T PUT MY HANDS ON IT RIGHT NOW.

Alvarez: SO A SIGNIFICANT AMOUNT.

2 MILLION CUBIC YARDS.

Alvarez: AND DO WE HAVE A CONVERSION FROM CUBIC

YARDS TO TONS?

THREW 3.3 IS WHAT -- USE 3.3 IS WHAT I ALWAYS USE.

Alvarez: SO 23,000 TIMES 3.3? AND THEN MY LAST QUESTION THEN, IT HAS TO DO WITH THE AMOUNT OF ACREAGE OUT THERE BECAUSE THAT'S BEEN DISCUSSED A LOT, WE HAVE 340 ACRES OR SO.

WE OWN 381 ACRES, OF WHICH APPROXIMATELY 310 I BELIEVE IS PERMITTED.

Alvarez: AND OF THE 310, HOW MANY -- WHAT PERCENTAGE OF THAT IS CURRENTLY PERMITTED? I GUESS IT'S PERMITTED FOR -- ALREADY PERMITTED FOR DISPOSAL OF SOLID WASTE?

SOME AREAS WE HAVE CARVED OUT, EVEN THOUGH IT'S IN THE PERMIT, IT'S BEEN CARVED OUT NOT TO ACCEPT WASTE. SO WHY I GAVE YOU THE 21% CAPACITY REMAINING, THAT'S WHAT -- THAT'S THE AREA WE'RE TALKING ABOUT THAT WE HAVE CFERBD OUT. WHATEVER HEIGHT EXTENSIONS WE HAVE DONE AT THE LANDFILLS FOR THE REMAINING CAPACITIES IS APPROXIMATELY 21%. UNDER THE CURRENT PERMIT.

Alvarez: A AND THEN SO IF THE -- SO HOW MANY ACRES ARE CURRENTLY -- HAVE ALREADY CURRENTLY BEEN USED UP AND GIVEN THE FACT THAT WE'VE SET ASIDE CERTAIN ACREAGE FOR -- TO REMAIN UNTOUCHED, HOW MANY ACRES REMAIN POTENTIALLY?

WE HAVE 381 ACRES AT THE LANDFILL, WITH 310 ACRES OF PERMITTED SPACE. WE HAVE USED 171.36 ACRES, AND APPROXIMATELY 9.7 MILLION CUBIC YARDS. THE PERMIT IS FOR APPROXIMATELY 12 MILLION CUBIC YARDS OF CAPACITY FOR THE LANDFILL.

Alvarez: AND THEN ACREAGE WISE, DO WE KNOW HOW MANY ACRES REMAIN POTENTIALLY TO BE DEVELOPED AND HOW MANY HAVE BEEN SET ASIDE FOR NON-DISPOSAL?

I DON'T HAVE THOSE -- THAT FIGURE BROKEN OUT THAT



WAY, COUNCILMEMBER. I CAN GET THAT TO YOU.

Alvarez: THAT'S ALL MY QUESTIONS, MAYOR. THANKS.

Mayor Wynn: THANK YOU. COUNCILMEMBER DUNKERLEY.

Dunkerley: YOU MENTIONED THE DARRYL COST OR -- THE ADDITIONAL COST OR RATHER THE ONGOING COST THAT THE SOLID WASTE DEPARTMENT WOULD BE FOR MONITORING THESE LANDFILLS. WHEN YOU DID THE COST BENEFIT ANALYSIS PROPOSALS, DID YOU INCLUDE THAT ONGOING COST IN YOUR COST ANALYSIS SO THAT THE LONG-TERM SAVINGS IS NET OF THAT AMOUNT? AND MAYBE MR. STE FENZ, I'M NOT SURE WHO DID THE ANALYSIS.

YES, WE DID.

Dunkerley: OKAY. SECONDLY, WHEN MR. GREGORY SPOKE ABOUT HIS PROPOSAL FOR HOW HE WOULD APPROACH THE OPERATION OF THE LANDFILL, I REALLY SAW TWO DISTINCT METHODS. IT APPEARED TO ME THAT HIS PROPOSAL WAS SIMPLY FOR MORE OR LESS ACTING IN LIEU OF OUR STAFF TO AS A SERVICE AGREEMENT TAKE CARE OF THE OPERATION. THE OTHER SEEMED A MORE DEFINITIVE OPERATION WHERE THEY TOOK OVER THE ACTUAL RESPONSIBILITY FOR THE LANDFILL FOR A LONGER TERM. DID YOU SPECIFY A PARTICULAR TYPE OF STRUCTURE, TYPE OF ARRANGEMENT IN THE WRCH WHEN IT WENT OUT? -- R.F.P. WHEN IT WENT OUT? THAT'S ASSUMING THAT THERE ARE BASIC DIFFERENCES IN THE APPROACHES.

YES, YOU'RE RIGHT ASSUMING THE BASIC DIFFERENCES IN THE APPROACHES. I DID NOT DISCUSS THAT PUBLICLY WITH COUNCIL. I CAN DO IT IN EXECUTIVE SESSION. IN THE R.F.P. THAT WE SENT OUT WE STRUCTURED WHAT WE WOULD LIKE PROPOSALS TO BE PROPOSED ON, OPERATION OF THE LANDFILL, PROVIDING THE CITY WITH CAPACITY FOR -- TO BRING THE MATERIAL TO THE LANDFILL, IN CASE OF A CATASTROPHIC EVENT, AND TO ENSURE THAT THEY WERE GOING TO TAKE THE CLOSURE FOR THE LANDFILL. AND A COUPLE OTHER POINTS THAT I CAN'T RECALL AT THE MOMENT. THAT WAS SPELLED OUT IN THE R.F.P. FOR EACH

PERSON TO PROPOSE ON.

Dunkerley: MAYBE MY QUESTION IS BEST ASKED IN EXECUTIVE SESSION AS TO WHETHER OR NOT BOTH PROPOSALS WERE EVEN RESPONSIVE TO OUR REQUEST. BECAUSE FREQUENTLY WHEN WE HAVE AN R.F.P. WE MAY BE ASKING FOR A RED CAR, AND SOMEBODY MAY SAY YOU REALLY WANT A BLUE CAR, AND THAT'S THE QUESTION I'M REALLY ASKING NOW IS -- AND PERHAPS YOU'RE RIGHT. IT MAY BE IN EXECUTIVE SESSION. I JUST HEARD REALLY TWO DIFFERENT APPROACHES, AND I REALLY WASN'T SURE WHAT THEY WERE ASKING FOR. AND THEN THE THIRD THING IS SOME GENTLEMAN THAT HAD A QUESTION OR AN ANSWER TO A QUESTION. I'M NOT SURE -- BOB, WAS IT ON YOUR ROW? OKAY. I DIDN'T MEAN TO YOU NOT BE ABLE TO RESPOND TO THAT PREVIOUS QUESTION.

YOU WILL HAVE TO FORGIVE ME, IT'S THE FIRST TIME I'VE ADDRESSED THE CITY COUNCIL AND I DIDN'T KNOW THE PROTOCOL. THERE WAS ONE ADDITIONAL, TALKING ABOUT REPORTED BIRD STRIKES. IN LAST TWO YEARS THERE HAVEN'T BEEN ANY LARGE BIRD STRIKES, BUT SINCE THE OPENING OF THE AIRPORT IN 1999, THE FEDERAL AVIATION ADMINISTRATION HAS ON THEIR WEBSITE REPORTED BIRD STRIKES OF ALL TYPES. THERE HAVE BEEN TURKEY VUL CHUR STRIKES. ONE WAS BY A BOEING 737 LIKE SOUTHWEST AIRLINES USED. AND UP TO 1989 WHERE MY REPORT ENDS, WHICH IS IN JULY OF THIS SUMMER, THERE'S 180. 180 BIRD STRIKES REPORTED. I PERSONALLY KNOW OF TWO OTHERS OF SMALLER AIRCRAFT THAT WERE HIT, TURKEY VULCHURES AND WERE A BLOODY MESS AND WE HAD TO CLEAN IT UP. THE SUMMARY OF WHAT WE'VE DONE I'D LIKE TO LEAVE WITH Y'ALL, AND COUNCILMEMBER SLUSHER AND MR. THOMAS HAVE A COPY OF THIS, BUT IT'S AVAILABLE FOR YOU. THE ONLY OTHER ISSUE THAT I FIND BEING MENTIONED IS THE REQUIREMENT FOR COVERING UP THE OPEN AREAS. NOW, ACCORDING TO THE PERMIT THAT I'VE READ, THEY ARE REQUIRED ONCE A WEEK TO CLOSE THE SITE. AND DURING THE CLOSURE IS WHEN SIX INCHES OF SOIL IS SUPPOSED TO BE COVERED OVER TO PREVENT RATS AND BIRDS FROM BEING ATTRACTED TO IT. AND THE DOCUMENTATION THAT WE HAVE HERE, THE LANDFILL IS ONLY CLOSED ON SUNDAYS. ALL OF OUR DOCUMENTATION

IS ONLY ON SUNDAYS. AND THERE HAS BEEN NO COVER OF SOIL EXCEPT THE 29TH OF OCTOBER JUST AFTER YOUR FIRST MEETING ABOUT THIS WHEN THE ENTIRE SITE WAS COVERED UP. SO IT'S JUST A MATTER OF RECORD THAT ON SUNDAYS WHEN THEY'RE CLOSED IT HADN'T BEEN COVERED UP. IT'S NOT REALLY MY ISSUE WITH IESI --

Dunkerley: CAN I ASK THE IESI PERSON TO RESPOND TO THAT? BECAUSE I HEARD SOMETHING -- MAYBE NOT TOTALLY DIFFERENT, BUT A LITTLE DIFFERENT FROM YOU.

OUR REQUIREMENT PER THE REGULATIONS IS TO REQUIRE -  
-

Mayor Wynn: IF YOU COULD SPEAK INTO THE MICROPHONE.

IS TO REQUIRE WEEKLY. THROUGH OUR PROCESS OF FILLING THE LANDFILL, WE'VE PERFORMED COVER OPERATIONS ALMOST EVERYDAY SO THAT WHATEVER WASTE IS RECEIVED ON A GIVEN DAY IS COVERED WITHIN A SEVEN-DAY PERIOD OF TIME, ONCE WEEKLY IS THE WAY THE PERMIT READS AND THAT'S THE REGULATIONS.

SO MAYBE NOT 20% A DAY, BUT SOME PERCENT YOU'RE COVERING EVERYDAY RATHER THAN LEAVING IT UNCOVERED THE WHOLE WEEK AND COVERING IT ALL AT ONE TIME ON SUNDAY.

THAT'S CORRECT.

Dunkerley: OKAY. THANK YOU.

Goodman: COULD I FOLLOW UP?

Mayor Wynn: MAYOR PRO TEM.

Goodman: WOULD THAT MEAN THAT AT NO DAY DURING THE WEEK IT'S COMPLETELY COVERED?

EXCUSE ME?

Goodman: DOES THAT MEAN THAT AT NO DAY -- ON NO DAY

DURING THE WEEK IT WOULD BE COMPLETELY COVERED?

NO, THAT'S THE MINIMUM REQUIREMENT.

Goodman: I DON'T UNDERSTAND YOUR ANSWER.

THAT DOESN'T MEAN THAT IT WON'T BE FULLY COVERED ON ANY GIVEN DAY DURING THE WEEK, IT JUST MEANS THAT THE MINIMUM REQUIREMENT IS THAT YOU COVER A PORTION OF THE LANDFILL EVERYDAY TO AT LEAST COVER THE MATERIAL THAT YOU RECEIVED WITHIN THAT SEVEN-DAY PERIOD OF TIME.

Goodman: OKAY. SO WHAT DAYS WOULD IT BE FULLY COVERED?

IT COULD DIFFER. SOME SATURDAYS IT IS FULLY COVERED. BUT IT COULD DIFFER. AND IT DOESN'T -- WELL, DIVIDE THE LANDFILL INTO SEVEN SECTIONS -- WE ACTUALLY RECEIVE WASTE SIX DAYS. SO WE HAVE TO MAKE SURE THAT WHAT'S COVERED ON MONDAY IS CLOSED WITHIN ONE WEEK'S TIME. TUESDAY WITHIN ONE WEEK'S TIME. WEDNESDAY, ETCETERA. SO ALL AREAS ARE COVERED WITHIN THE WEEK'S TIME. FOR THE PERMIT.

Goodman: WELL, THESE ARE A TIME FRAME FOR THE TIME WHEN FILL IS BROUGHT IN AND A TIME FOR --

EVERYDAY WE WILL COVER MATERIAL TO --

Goodman: LET ME FINISH MY QUESTION BEFORE YOU TRY TO ANSWER. DO YOU HAVE A TIME FRAME FOR COVERING FILL THAT'S BROUGHT IN AT A CERTAIN TIME, LIKE THIS DELIVERED TODAY, DUMPED TODAY, WILL BE COVERED WITHIN X NUMBER OF DAYS?

WE HAVE A COVER LOG WHICH IS USED, AND WE CAN -- THE STATE HAS INSPECTED THAT COVER LOG, AND THEY HAVE SAID THAT WE'RE IN COMPLIANCE WITH OUR PERMIT REQUIREMENTS. IT --

Goodman: I'M SORRY. I'M NOT ASKING THAT. I'M SAYING DO

YOU ALL HAVE A POLICY?

I'M SORRY, ONE MORE TIME.

Goodman: DO Y'ALL HAVE AN OPERATIONAL POLICY OF YOUR OWN THAT FILL THAT IS BROUGHT IN ON DAY X WILL NEED TO BE COVERED BY DAY X?

WE COMPLY WITH THE REGULATIONS. THE STATE AND FEDERAL REGULATIONS, WHICH REQUIRE WEEKLY.

Goodman: OKAY. THANK YOU.

THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?  
COUNCILMEMBER MCCRACKEN.

McCracken: FIRST I THINK IT'S IMPORTANT TO CLARIFY THAT THERE ARE THREE CHOICES HERE, AND IT SEEMS LIKE THERE'S A LOT OF INFORMATION THAT SOME OF IT APPLIES, THAT SOME DO NOT, BUT THE CHOICES I SEE OF THEM ARE WHETHER WE CLOSE THE LANDFILL. THE SECOND CHOICE IS WHETHER TO GO FORWARD WITH THIS PROCESS AND TO BEGIN NEGOTIATIONS EITHER WITH IESI OR SOMEONE ELSE. AND THEN THE THIRD CHOICE IS WHETHER THE CITY SHOULD CONTINUE TO OPERATE THE LANDFILL. I'LL SAY OFF THE BAT ON THE CHOICE ON IF THE CITY CONTINUED TO OPERATE THE LANDFILL, IF WE'RE LOSING \$300,000 A YEAR DOING THIS, THAT DOESN'T SOUND LIKE A REAL WINNER FOR THE TAXPAYERS. SO THE FIRST QUESTION I HAVE, THE FEW VIABLE OPTIONS OF CLOSING THE LANDFILL OR CONTINUING THIS PROCESS, DR. KERRY, YOU SAID THAT SOLID WASTE SERVICES REFUSED TO ANSWER YOUR QUESTIONS. COULD YOU ELABORATE AND LET US KNOW WHICH QUESTIONS THEY DID NOT ANSWER?

YES, SIR. I CAN'T REMEMBER ALL OF THEM OFF THE TOP OF MY HEAD, BUT SEVERAL THAT MR. RHODES MENTIONED. I ASKED SPECIFICALLY TO SEE THE LOGS AND THE CELL CERTIFICATIONS FOR THE PORTION OF THE LANDFILL THAT HAD BEEN FILLED SINCE SUBTITLE D BEGAN. THAT REQUEST WAS REFUSED TO ME. IF THERE IS ANY TRUE SUBTITLE D

COMPOSITE LINER THERE, IT'S NEWS TO ME BECAUSE I WAS NOT PERMITTED TO SEE THAT.

McCracken: AND WHAT WAS YOUR CONCERN ABOUT BEING ABLE TO SEE OR NOT SEE THE LOGS?

MY CONCERN WAS TO DETERMINE EXACTLY WHAT LINER WAS INSTALLED. IT WOULD NOT HAVE BEEN UNUSUAL FOR A LANDFILL TO APPLY FOR A COMPOSITE SUBTITLE D LINER AT THE TIME THAT SUBTITLE D CAME INTO EFFECT AND THEY WERE REQUIRED TO RESPOND OR CLOSE AND THEN CHANGED LATER TO AN ALTERNATE LINER.

McCracken: I GUESS I'M TRYING TO FIGURE OUT IS WHY WOULD YOU WANT TO SEE THE LOGS? WHAT WAS THE NEED, THE BUSINESS NECESSITY OR --

I WAS AWARE FROM DISCUSSIONS WITH THE STAFF THAT THEY WERE DISPOSING OF LEACHATE IN THE LANDFILL. THAT CAN BE DONE ONLY OVER WHAT IS LEGALLY DEFINED AS A SUBTITLE D COMPOSITE LINER. IF THEY DO NOT HAVE A SUBTITLE D COMPOSITE LINER, THEN ANY DISPOSAL OF LEACHATE COULD NOT BE DONE IN THAT LANDFILL. I WOULD ADD THAT YOU CAN ONLY DISPOSE OF LEACHATE PRODUCED FROM A SUBTITLE D COMPOSITE LINER CELL IN THE SUBTITLE D COMPOSITE LINER CELL UNDER FEDERAL REGULATION. YOU CAN'T TAKE IT FROM HERE AND PUT IT THERE.

McCracken: WHY DID YOU CARE? I MEAN, IT'S AN IMPORTANT ISSUE FOR US TO KNOW, BUT WAS IT BECAUSE WHETHER YOU THOUGHT THE LANDFILL SHOULD BE CLOSED OR WHETHER YOU THOUGHT THERE SHOULD BE -- THE REQUEST FOR PROPOSAL MODIFICATIONS OR WHAT WAS THE RATIONALE FOR NEEDING TO KNOW THAT INFORMATION.

NOW I UNDERSTAND YOUR QUESTION, OR AT LEAST I HOPE I DO. I CARE BECAUSE IT MAKES A DIFFERENCE ON THE COST OF OPERATIONS. IF LEACHATE CAN BE DISPOSED OF IN THE LANDFILL SAFELY AND SECURELY, AND IN ACCORDANCE WITH THE REGULATIONS, THAT'S ONE COST IN TERMS OF OPERATIONS. IF IT HAS TO BE TRUCKED AWAY FROM THE

FACILITY, THEN THAT'S ANOTHER COST AND THEN THERE'S TWO RANGES OF THAT. DOES IT GET TRUCKED TO ONE OF YOUR PUBLICLY OWNED TREATMENT WORKS, WHICH IS PERFECTLY ACCEPTABLE, PROVIDING IT MEETS THE INDUSTRIAL TREATMENT, OR DOES IT HAVE TO BE TRUCKED TO AN OTHER LICENSED DISPOSAL FACILITY? THOSE WERE THE MAIN THINGS. IT HAD TO DO WITH COST MORE THAN ANYTHING ELSE.

McCracken: ONE QUESTION WAS TO SEE THE LOGS. WAS THERE ANOTHER -- WHAT OTHER QUESTIONS WERE NOT ANSWERED?

THE OTHER QUESTION, WHICH WAS REFERRED TO TODAY, HEIGHT LIMITATIONS BY THE F.A.A. A SPECIFIC QUESTION THAT I ASKED IN THE PROCESS IN WHICH WE WERE ALLOWED TO ASK SUCH QUESTIONS, WHAT ARE THOSE HEIGHT LIMITATIONS? NEVER RECEIVED AN ANSWER. IN OTHER WORDS, IN THAT PACKET I GAVE TO YOU THE QUESTION IS IN THERE. IT MAY INCLUDE ALSO THE RESPONSE, AND I CAN'T REMEMBER OFF THE TOP OF MY HEAD, BUT IN WHICH THAT QUESTION WAS NOT ANSWERED. IT'S IMPORTANT TO KNOW BECAUSE AS YOU MENTIONED, YOU'RE LOOKING AT TWO DIFFERENT TYPE THINGS YOU'RE. YOU'RE LOOKING AT OPERATING THE LANDFILL AS IT SITS OR ARE YOU LOOKING AT AN EXPANDED OPERATION? COULD IT BE EXPANDED SUCH THAT IT COULD BRING REVENUE TO THE CITY, THEN THE HEIGHT IS AN IMPORTANT ASPECT OF THAT ISSUE, HOW MUCH YOU CAN EXPAND IT BEFORE YOU BEGIN TO ENCROACH INTO THOSE HEIGHT LIMITATIONS.

McCracken: IS THE HEIGHT LIMITATION -- THAT WOULD STRIKE ME AS SOMETHING IF THE F.A.A. IMPOSED IT, COULD BE PRETTY EASILY AVAILABLE PUBLICLY. IS THAT NOT THE CASE?

COUNCILMEMBER, PART OF THE PROCESS FOR THIS, WE HAVE MANDATORY PREBID MEETING AT THE LANDFILL. ALL DOCUMENTS WERE THERE TO BE EXAMINED. THE SITE OPERATING PLAN FOR SOLID WASTE SERVICES HAS THE HEIGHT RESTRICTIONS IN THERE AND IS THERE. THE OTHER DOCUMENTS THAT HE'S REFERRING TO, SOME DOCUMENTS

WERE THERE AT THE MEETING, ALL THE OTHER DOCUMENTS WERE SENT TO TES.

I WOULD LIKE TO DISPUTE THAT IF I MAY. AT THE PREPROPOSAL COMMENTS, NO DOCUMENTS WERE MADE AVAILABLE. WHEN WE WERE TO SIGN UP TO LOOK AT THE DOCUMENTS, WHEN WE ARRIVED TO LOOK AT DOCUMENTS, ONLY THOSE DOCUMENTS THAT HAD BEEN SPECIFICALLY REFERENCED IN ANY QUESTIONS WERE MADE AVAILABLE TO US. AND THEN RECEIVED A LETTER OF APOLOGY FROM PURCHASING SOMETIME LATER THAT THEY HAD INADVERTENTLY MISROUTED OUR QUESTIONS AND THEREFORE OUR QUESTIONS WERE NOT INCLUDED WHICH REFERENCE SPECIFIC DOCUMENTS AND THOSE WERE MADE AVAILABLE TO US AND WE WERE NOT TO BE AVOIDED ANOTHER OPPORTUNITY TO GO BACK AND LOOK AT THOSE DOCUMENTS BASED ON OUR QUESTIONS.

McCracken: AND THERE WAS AN APOLOGY FOR -- I GUESS IT WAS FOR SOME INADVERTENT FAILURE TO PROVIDE THE ANSWERS, BUT THEN THEY SAID WE'RE NOT GOING TO GIVE YOU ANOTHER CHANCE TO LOOK AT THEM. IS THAT WHAT HAPPENED?

THAT'S MY UNDERSTANDING.

McCracken: WERE YOU PART OF THE PREBID CONFERENCE? DID YOU ATTEND YOURSELF?

YES, SIR.

McCracken: DO WE HAVE SOME INFORMATION FROM PURCHASING ON THIS PART OF IT?

MY UNDERSTANDING IS THAT WAS CORRECT, WE DID NOT RECOGNIZE THOSE AS QUESTIONS. WHEN WE SUBSEQUENTLY DID, WE SENT THE HEIGHT LIMITATIONS TO TDS AND IN ADDITION WE EXTENDED THE PERIOD FOR PROPOSALS BY TWO WEEKS AT THAT POINT.

McCracken: WERE YOU AWARE THAT THE DOCUMENTS WERE SENT TO YOU OR TO TDS, I GUESS?



YES, SIR, SOME DOCUMENTS WERE SENT, BUT THERE WERE NO DOCUMENTS WITH RESPECT TO HEIGHT RESTRICTIONS SENT TO US OTHER THAN AN ACKNOWLEDGMENT THAT THE F.A.A. DID IMPOSE HEIGHT RESTRICTIONS, BUT THEY WOULD NOT -- THEY DID NOT PROVIDE THE SPECIFIC DOCUMENTATION OR HEIGHTS AS WE SPECIFICALLY REQUESTED.

McCracken: DID YOU HAVE ANY KIND OF -- TO MAKE SURE I UNDERSTAND IT, DID YOU SEND SOME TYPE OF FOLLOW-UP CORRESPONDENCE TO THE CITY SAYING -- OUTLINING CONCERNS ABOUT INFORMATION YOU HAD NOT RECEIVED IN THE FOLLOW-UP?

IT DID NOT GO OVER MY SIGNATURE, BUT YES, SIR, IT WENT OVER MR. HOBBS' SIGNATURE, WHO IS TEXAS DISPOSAL SYSTEMS EMPLOYEE. ALL THE COMMUNICATIONS WERE HANDLED THROUGH TDS RATHER THAN ME AS AN INDEPENDENT CONSULTANT.

COUNCILMEMBER, DIANA GRANGER, PURCHASING OFFICER. IF WE CAN TRY TO ANSWER THE QUESTION REGARDING THE DOCUMENTS OR THE INFORMATION THAT WAS NOT PROVIDED TO THIS GENTLEMAN. I HAVE STEVE ADAN, THE SENIOR SUPERVISOR WHO HANDLED THIS R.F.P. PROCESS AND I'D LIKE THEM TO EXPLAIN WHAT THE SITUATION WAS AND HOW WE HANDLED THIS REQUEST BECAUSE WE DID ATTEMPT TO PROVIDE THE INFORMATION AFTER THERE WAS A PROBLEM IN SOME OF THE INFORMATION THAT WE RECEIVED FROM THEM IN THE REQUEST.

YES. WHAT HAPPENED, SIR, WAS THE DAY THAT WE OPENED THE BIDS WE FOUND AN ADDITIONAL ENVELOPE THAT WAS FROM TDS, AND IT WAS DATED APRIL THE 18th, IF I RECALL CORRECTLY. IN THAT WE FOUND QUESTIONS, SO WHAT WE FELT IN THE PURCHASING SIDE OF THE HOUSE, WE FELT THAT THE ONLY FAIR THING TO DO WAS TO GET THE SOLID WASTE DEPARTMENT TO ANSWER THOSE QUESTIONS, TAKE THE ANSWERS AND DISTRIBUTE THEM BACK TO BOTH FIRMS WHO HAD SUBMITTED A A PROPOSAL AND GIVE THEM THE OPPORTUNITY TO ADJUST THEIR PROPOSAL IF THEY NEEDED TO BASED UPON THE INFORMATION THAT WAS

PROVIDED.

McCracken: AFTER YOU PROVIDED THAT INFORMATION, DID YOU RECEIVE ANY TYPE OF FOLLOW-UP CORRESPONDENCE FROM EITHER BIDDER?

YES, SIR, WE DID. WE RECEIVED A LETTER BACK FROM BOTH COMPANIES, AND THEY SAID THAT THEY WEREN'T GOING TO CHANGE THEIR PROPOSALS.

McCracken: DID ANYTHING IN THOSE LETTERS STATE THAT THEY CONSIDERED THE RESPONSE INADEQUATE?

I BELIEVE TDS DID SAY THAT, YES, SIR.

McCracken: CAN YOU DESCRIBE WHAT THEY SAID WHAT WOULD GIVE THE SENSE OF --

I WOULD HAVE TO GO BACK AND LOOK AT THE FILE COMPLETELY. I WOULD HATE TO SAY THIS IS WHAT IT WAS WITHOUT HAVING TO BE ABLE TO TELL YOU EXACTLY WHAT THEY SAID THERE.

McCracken: I'M TRYING TO FIGURE OUT IF THE INFORMATION WAS WITHHELD OR NOT OR IF THERE'S A DECISION OR IF THERE'S PROPRIETARY INFORMATION THAT WE DIDN'T PROVIDE.

NO, SIR. WE PROVIDED THEM EVERYTHING THAT WE COULD. ANY QUESTION THAT THEY ASKED, WE ANSWERED.

McCracken: SO I GUESS WHAT I'M GATHERING THEN IS THAT THERE'S SOME QUESTIONS THAT YOU DIDN'T KNOW THE ANSWER TO, DID NOT KNOW THE ANSWER TO?

I'D HAVE TO ASK MR. RHODES ON THAT, AND THERE WERE NO QUESTIONS AS FAR AS WE KNEW IN PURCHASING THAT COULDN'T BE ANSWERED.

COUNCILMEMBER, NO QUESTIONS WERE LEFT UNANSWERED.

COUNCILMEMBER? IF AT ANY TIME, AT ANYPLACE YOU

WOULD WISH TO COMPARE THE QUESTIONS QUESTION ASKED AND THE RESPONSES, I'D BE HAPPY TO DO IT.

McCracken: I THINK IT WOULD BE HELPFUL TO SEE THE FOLLOW-UP LETTER FROM TDS TO GET A SENSE OF WHAT' -- WHETHER THIS WAS A MATERIAL ISSUE OR NOT. CERTAINLY THERE COULD BE QUESTIONS THAT WERE IMPORTANT VERSUS SOME THAT WEREN'T MATERIAL, BUT I DON'T KNOW WHAT THE QUESTIONS ARE.

WE'RE PULLING THAT INFORMATION FROM THE FILE RIGHT NOW.

McCracken: DOCTOR, YOU CAME BEFORE US TODAY, I'M TRYING TO FIGURE OUT WHICH OF THESE THREE CHOICES THAT YOU'RE MAINLY SPEAKING TO -- ARE YOU SPEAKING -- ARE YOU EXPRESSING AN OPINION THAT THE LANDFILL SHOULD BE CLOSED OR ARE YOU EXPRESSING AN OPINION THAT THE LANDFILL SHOULD PROCEED WITH THE PROCESS OF HAVING SOMEONE OTHER THAN CITY OPERATOR OR ARE YOU EXPRESSING AN OPINION THAT THE CITY ITSELF SHOULD BE THE ONE THAT CONTINUES TO OPERATE THIS LANDFILL?

IN THOSE THREE CHOICES I DON'T THINK I'M EXPRESSING AN OPINION ON ANY OF THEM. MY ROLE HERE TODAY WAS TO ACQUAINT YOU WITH THE ISSUES RELATED TO THAT LANDFILL. BOTH THE ENVIRONMENTAL AND THE REGULATORY ISSUES. IT WAS NOT, PER SE, TO DIRECT YOU TOWARDS A PARTICULAR SOLUTION. IN TERMS OF ANY RECOMMENDATION I MIGHT HAVE, IT WOULD BE TO FOLLOW THE RECOMMENDATION OF SLACK'S RESOLUTION, THAT YOU NEED TO STUDY THIS TO MAKE SURE YOU KNOW WHAT YOU'RE GETTING INTO. I COULD ADD, AND YOU WILL FIND IN MY PAPER THERE, IN THE R.F.P. THERE'S AN ATTEMPT TO TRANSFER LIABLE FOR THE WASTE AND FOR THE PREVIOUS ACTIONS TO THE PRIVATE ENTITY THAT WOULD TAKE OVER MY UNDERSTANDING AND I PROVIDE YOU A, QUOTE, OUT OF THE FEDERAL REGULATIONS THAT YOU CANNOT DO THAT. YOU WERE STILL RESPONSIBLE FOR THAT WASTE. IT DOESN'T MATTER WHO YOU CONTRACT WITH OR WHETHER YOU CONTRACT, IT'S STILL YOURS.

McCracken: CAN SOMEONE FROM THE CITY ANSWER THAT ISSUE? IF A PRIVATE COMPANY WOULD TAKE OVER OUR LIABILITY, THAT WOULD BE A GREAT GIFT TO THE TAXPAYERS, BUT I DON'T --

MAYOR, I APOLOGIZE, THAT IS A QUESTION THAT WE'D FEEL A LOT MORE COMFORTABLE ANSWERING IN EXECUTIVE SESSION.

Slusher: MAYOR, IT SEEMS TO ME THAT THERE'S THREE OR FOUR THINGS NOW THAT HAVE BEEN RAISED THAT NEED TO GO INTO EXECUTIVE SESSION. I WOULD SUGGEST WE DO THAT FAIRLY SOON.

McCracken: I HAVE TWO QUICK QUESTIONS THAT WILL -- ONE WAS I THINK THERE'S A STATEMENT BY MR. GREGORY THAT - - ABOUT THE POSSIBILITY THAT IESI IS BEHIND ON PAYMENTS TO THE CITY. DO YOU KNOW WHETHER THAT'S TRUE OR NOT?

COUNCILMEMBER, IESI IS CURRENT IN PAYMENTS TO THE CITY.

McCracken: OKAY. AND THEN MY FINAL QUESTION IS THIS: IF THERE'S A PROBLEM WITH THE LANDFILL, WE TEND TO HEAR ABOUT IT. I'M AWARE THAT THERE ARE TWO LANDFILLS IN THIS AREA THAT -- ON THIS BASIC SIDE, AND ONE THE CITY'S LANDFILL FOR CONSTRUCTION MATERIALS AND BRUSH, AND THE ADJACENT LANDFILL IS IESI'S LANDFILL FOR CONSTRUCTION, MATERIALS AND BRUSH. CAN YOU TELL ME WHETHER THE LANDFILL THAT IESI OPERATES HAS BEEN THE SUBJECT OF ENFORCEMENT ACTIONS OR CONTROVERSY OR PROBLEMS, AND IF SO, COULD YOU DESCRIBE THOSE?

I'M NOT AWARE OF ANY CONTROVERSIAL PROBLEMS AT THE IESI LANDFILL.

McCracken: AND THAT LANDFILL IS ADJACENT TO THE ONE THE CITY OPERATES?

THAT'S CORRECT.

McCracken: ARE BOTH LANDFILLS TAKING THE SAME TYPES OF WASTE?

THEY ARE BOTH TAKING THE SAME TYPES OF WASTE.

McCracken: HAVE THERE BEEN ANY TYPES OF ENFORCEMENT ACTIONS OR CONCERNS BY THE F.A.A. ABOUT HAVING CONSTRUCTION MATERIALS AND BRUSH PLACED IN THE LANDFILL?

NO, COUNCILMEMBER. WE TRY TO KEEP IN CLOSE CONTACT WITH BERGSTROM BECAUSE -- (INDISCERNIBLE). WE HAVE NOT HEARD OF ANY COMPLAINTS ABOUT ANY OF THE ACTIVITY THAT WE'VE DONE AT THE LANDFILL.

McCracken: THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER QUESTIONS, COMMENTS? HE'LL REMIND COUNCIL THAT WE ESSENTIALLY HAD -- WE'RE PAST OUR NOONTIME CERTAIN CITIZEN COMMUNICATION, THERE CLEARLY SEEMS TO BE SOME WILL TO DISCUSS SOME OF THESE ELEMENTS IN CLOSED SESSION, SO WITHOUT OBJECTION, WE WILL GO TO OUR CITIZEN COMMUNICATION, PERHAPS STAFF MIGHT EVEN HAVE TIME TO ORGANIZE SOME OF THE ANSWERS TO WHAT WE'VE HEARD DISCUSSED HERE ON THE DAIS, AND WE WILL ADD THIS ITEM, NUMBER 35, TO OUR EXECUTIVE SESSION ROSTER. THANK YOU. SO AT THIS TIME WE WILL GO TO -- WE'LL TABLE ITEM 35. WE'LL GO TO OUR CITIZEN COMMUNICATION. GIVE THOSE FOLKS TIME TO COME IN IF THEY'RE OUT IN THE FOYER. OUR FIRST SPEAKER IS MICHELLE SEGOVIA. WELCOME. YOU WILL HAVE THREE MINUTES.

HI, THANK YOU. MY NAME IS MICHELLE SEGOVIA AND I'M WITH THE TEXAS ORGAN SHARING ALLIANCE AND I WANT TO TALK TO YOU TODAY ABOUT ORGAN DONATION AND THE IMPORTANCE OF IT. TOSA IS THE ORGAN ORGANIZATION FOR THIS AREA, CENTRAL AND SOUTH TEXAS. WE SERVE 56 COUNTIES AND OUR MISSION IS TO PLACE ORGANS TO PEOPLE IN NEED OF TRANSPLANTS AND TO COMFORT OF FAMILIES OF THOSE WHO HAVE DIED AND CONSENTED TO THE PROCESS OF ORGAN DONATION. THERE IS A CRITICAL

SHORTAGE. 8787,000 PEOPLE ARE ON THE LIST NATIONALLY. 2200 OF THOSE ARE IN OUR AREA. 17 PEOPLE DIE EVERYDAY BECAUSE THERE AREN'T ENOUGH ORGANS AVAILABLE. AND A NEW NAME IS ADDED TO THE LIST EVERY 15 MINUTES. THERE ARE SEVERAL ORGANS THAT YOU CAN DONATE. LUNGS, KIDNEYS, PANCREAS AND SMALL BOWEL. IT IS A MEDICAL AND LEGALLY VALID DECLARATION OF DEATH. THE REASON SOME PEOPLE GIVE FOR NOT WANTING TO BE ORGAN DONORS, THEY HEAR MYTHS, SO I WANT TO GO OVER SOME OF THOSE WITH YOU. SOME PEOPLE THINK IF EMERGENCY ROOM DOCTORS KNOW THEY'RE AN OR GONE DONOR THEY WOULD BE LESS LIKELY TO SAVE THAT PERSON'S LIFE. AND THE FACT IS THE NUMBER ONE PRIORITY IN THE ER IS TO SAVE THEIR LIFE. YOU'RE THEIR PATIENT. THAT'S THEIR PROPERTY. WHAT IF THEY TAKE MY ORGANS BEFORE I'M REALLY DEAD? THE FACT IS ORGAN DONATION IS ONLY ACCEPTED AFTER BRAIN DEATH IS A ANNOUNCED, AND IT IS AGAIN THE LEGAL AND VALID DECLARATION OF DEATH. MY BODY WILL BE MISTREATED DURING THE DONATION PROCESS. THE FACT IS IT IS VERY SIMILAR TO AN OPEN HEART SURGERY. THERE IS ONE MIDLINE INCISION. AND CLOSED AFTER ORGAN RECOVERY. AND THE FAMILY CAN STILL HAVE AN OPEN CASKET. IT WON'T INTERFERE WITH FUNERAL ARRANGEMENTS WHATSOEVER. MY RELIGION IS OPPOSED TO ORGAN DONATION. I HEAR THAT QUITE OFTEN AND THE FACT IS THERE IS NOT ONE MAINSTREAM RELIGION THESE DAYS THAT IS OPPOSED TO ORGAN DONATION. IN FACT, MOST OF THEM CALLED IT THE ULTIMATE ACT OF CHARITY AND THE GIFT OF LIFE. I'VE SIGNED A DONOR CARD AND IT IS IN MY WILL THAT I WANT TO BE A DONOR, SO I DON'T HAVE TO TELL MY FAMILY ABOUT MY WISHES. AND THE FACT IS EVEN THOUGH YOU CARRY A DONOR CARD OR PUT THE STICKER ON YOUR LICENSE, WE WILL ALWAYS ASK THE FAMILY FOR THEIR CONSENT IN ORDER TO PROCEED WITH THE ORGAN DONATION PROCESS. SO IN CLOSING, I JUST WANT TO TELL YOU PLEASE CONSIDER DONATING LIFE AND TALK TO YOUR FAMILY TODAY. THANK YOU.

Mayor Wynn: THANK YOU. YOU WILL BE FOLLOWED BY JIMMY CASTRO. WELCOME, SIR. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY BILL WIGMORE.

THANK YOU, WILL. GOOD AFTERNOON, MAYOR WYNN, COUNCILMEMBERS AND MS. FUTRELL. I'M HERE TO TELL YOU MY STORY BEING A KIDNEY TRANSPLANT RECIPIENT. WHEN I FIRST STARTED NOTICING SOMETHING WAS WRONG, THE NEPHROLOGIST SAID I WAS LOSING KIDNEY FUNCTION AND WOULD HAVE TO GO ON A DIALYSIS MACHINE. THIS WAS HARD TO BELIEVE SINCE I WAS IN GOOD SHAPE, I HAD NO OTHER MEDICAL PROBLEMS AND I WAS RUNNING THREE MILES A WEEK. I THOUGHT DIALYSIS WAS JUST ONCE A MONTH, BUT I SOON FOUND OUT THAT DIALYSIS TREATMENT IS EVERY OTHER DAY, FOUR TO FIVE HOURS A DAY. SINCE I WAS IN GOOD SHAPE, I WAS PLACED ON THE KIDNEY TRANSPLANT LIST RIGHT AWAY. BUT I SOON REALIZED THERE WERE SEVERAL OTHER PEOPLE WAITING FOR A KIDNEY TRANSPLANT. THEN AFTER A YEAR, ONE MORNING I GOT THE CALL FROM THE TRANSPLANT COORDINATOR AND SHE WAS YELLING, JIMMY, THIS IS IT. THEN I KNEW IT WAS TIME FOR A KIDNEY TRANSPLANT OPERATION. MY WIFE AND I WENT TO BRACKENRIDGE HOSPITAL. AFTER THE OPERATION I FELT LIKE SOMEONE JUST TOOK A KNIFE IN MY STOMACH, PULLED OVER ABOUT SIX INCHES AND PULLED IT OUT. I WAS SORE. I COULDN'T STAND UP WITHOUT PAIN. BUT MY WIFE SAID IT WAS SIMILAR TO WHAT A WOMAN GOES THROUGH AFTER A C-SECTION. IF THIS IS THE PAIN A WOMAN GOES THROUGH AFTER A C-SECTION, THANK GOODNESS MEN DON'T HAVE TO HAVE BABIES. OTHERWISE EVERY NIGHT YOU WOULD HEAR MEN SAY, NOT TONIGHT, HONEY, I'VE GOT A BIG HEADACHE. THE KIDNEY OPERATION WORKED AND I WAS ABLE TO GET OFF DIALYSIS MACHINE FOR A YEAR AND RETURN BACK TO A NORMAL LIFE. THIS IS THE GREATEST GIFT OF LIFE ONE HUMAN BEING CAN GIVE TO ANOTHER. NOW BEING A KIDNEY TRANSPLANT RECIPIENT FROM BRACKENRIDGE HOSPITAL SINCE MARCH 10th, 1990, ESPECIALLY WITH THE HELP FROM THE DOCTORS AND NURSES FROM BRACKENRIDGE HOSPITAL AND THE AUSTIN DIAGNOSTIC CLINIC, I ALONG WITH MY FAMILY KNOW THE TRUE MEANING OF THE GIFT OF LIFE. THANK YOU, MAYOR WYNN.

Mayor Wynn: THANK YOU, MR. CASTRO. AND BEST WISHES ON YOUR CONTINUED GOOD HEALTH. WE COULD GO WITHOUT SOME OF THE GRAPHIC DETAIL ON THIS, OKAY? [ LAUGHTER

] BILL WIGMORE, WELCOME. YOU HAVE THREE MINUTE AND YOU WILL BE FOLLOWED BY RACHEL DIKE.

MAYOR WYNN, COUNCILMEMBERS, GOOD AFTERNOON. I'M BIG WIGMORE, EXECUTIVE DIRECTOR AT AUSTIN RECOVERY. I THINK AS MANY OF YOU ARE AWARE, WE ARE A LARGE ALCOHOL AND DRUG TREATMENT CENTER IN THE COMMUNITY. WE PROVIDE SERVICES PRIMARILY FOR THE POOR AND MEDICALLY INDIGENT AND HAVE BEEN DOING SO SINCE 1967. WE RECEIVED STATE FUNDING, AND AS SOME OF YOU MAY ALSO BE AWARE, STATE FUNDING HAS REALLY BEEN DECLINING. AND WE WERE REDUCED IN OUR BUDGET, WHICH HAD BEEN ABOUT 2.7 MILLION DOWN TO \$2 MILLION. THERE WERE TWO ITEMS THAT WERE CUT OUT FROM OUR AT THE CAD DA FUNDING FOR HE ON -- DID HE CAD DA FUNDING FOR THIS YEAR THAT THE COUNCIL NEEDS TO BE AWARE OF BECAUSE THEY ARE CRITICAL ITEMS FOR THIS COMMUNITY. THE FIRST ONE WAS THE DETOX PROGRAM. WE PROVIDE MEDICAL DETOX FOR THE INDIGENT AND HAVE SPACE AVAILABLE FOR 22 PEOPLE. THIS IS WHERE PEOPLE COME AND ARE WITHDRAWN FROM ALCOHOL, FROM DRUGS. IF FOLKS DO NOT COME TO US FOR SERVICES, THEY ARE VERY LIKELY TO WIND UP AT BRACKENRIDGE HOSPITAL. THEY'RE VERY LIKELY TO WIND UP IN THE JAILS IN THE CITY AND IN THE COUNTY HERE. AND THAT FUNDING WAS TOTALLY ELIMINATED. IT WAS MOVED TO PRIEN COLLEGE STATION. -- BRYAN COLLEGE ADMINISTRATION. WHAT WE HAVE TO DO IS MOVE THE FUNDS THAT HAVE BEEN ALLOCATED THROUGH THE CITY AND COUNTY. YOU GUYS HAVE BEEN GENEROUS WHEN YOU COMPARE AUSTIN AND TRAVIS COUNTY AND THE REST OF THE STATE OF TEXAS, YOU HAVE DONE A GREAT SERVICE IN TERMS OF BRINGING HELP TO THE POOR, BUT THE SAFETY NET IN THIS COMMUNITY HAS REALLY BEEN GUTTED. AND I THINK WE'RE GOING TO HAVE TO TEP UP TO PLATE AND BE DOING MORE. SO WHEN PEOPLE ARE COMING TO YOU AND ASKING FOR MONIES FOR THE HOMELESS, MONIES FOR HEALTH CARE, MONIES FOR THESE THINGS, I HOPE Y'ALL WILL REMEMBER THAT TODAY THERE IS NO DETOX BED AVAILABLE. WE ARE PROPPING UP THOSE SERVICES THROUGH OTHER FUNDS. WE ARE GOING INTO OUR RESERVES TO KEEP THOSE SERVICES GOING BECAUSE THEY ARE SO NECESSARY TO



THE HEALTH AND SAFETY OF THIS COMMUNITY. THE OTHER PROGRAM THAT WAS NOT FUNDED THAT WE'RE ALSO CONTINUING TO KEEP GOING IS A VERY INNOVATIVE PROGRAM THAT WE HAVE DONE WITH THE MEN'S SALVATION ARMY PROGRAM OVER ON SOUTH CONGRESS. THAT IS A STATE-OF-THE-ART FACILITY THAT THOSE SALVATION ARMY HAS THERE, 118 MEN AND RESIDENTS. 90% OF THEM ARE ALCOHOLICS AND ADDICTS. AND WE WERE DELIVERING OUT PARENT SERVICES TO THOSE MEN WHEN THEY WOULD GO OUT AND WORK ON THE TRUCKS, THEY WOULD COME BACK AT THE END OF THE DAY, AND THEY WOULD COME OVER TO US FOUR NIGHTS A WEEK FOR ALCOHOL AND DRUG TREATMENT SERVICES. 77% OF OUR MEN FINISHED THAT PROGRAM. NEARLY 80 PERCENT OF THEM WERE SOBER 60 DAYS AFTER THAT. ONCE AGAIN, WE'VE TAKEN PEOPLE WHO ARE -- [ BUZZER SOUNDS ] -- SO VULNERABLE AND REDUCED SERVICES TO THEM. SO PLEASE BE AWARE OF THIS. THERE'S INFORMATION THERE AND I'D BE HAPPY TO GIVE YOU MORE INFORMATION IF YOU WOULD CARE TO HEAR IT. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU FOR ALL YOU'RE DOING. MAYOR PRO TEM?

Goodman: I THINK THIS IS SOMETHING WE NEED TO DISCUSS FOR OUR LEGISLATIVE AGENDA BECAUSE AS PREVENTION DOES HAVE SUCH BENEFICIAL EFFECTS IN 19 AREAS. THIS IS PERHAPS ONE THAT IF STATE FUNDING CONTINUES TO BE CUT BACK AND LOCAL GOVERNMENTS ARE ASKED TO PICK UP THE TAB, IT'S NOT JUST US, IT'S EVERYWHERE, AND SO PERHAPS WE HAVE SOME ALLIES OUT IN THE BUSINESS COMMUNITY THAT CAN GO WITH US ON THE LEGISLATURE AND FROM OTHER CITIES.

Mayor Wynn: AGREED. THANK YOU, MAYOR PRO TEM. LET'S SEE. RACHEL DIKE, WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY JENNIFER GALE.

GOOD MORNING, MY NAME IS RACHEL DIKE. I'M DONOR COORDINATOR FOR THE BLOOD AND TISSUE CENTER OF CENTRAL TEXAS AND I WANT TO TALK TO YOU ABOUT TISSUE DONATION TODAY. IF YOU LOOK DOWN THE STREET, THIS IS OUR BLOOD VAN THAT YOU MIGHT RECOGNIZE FROM

45TH AND LAMAR WHY OUR BLOOD CENTER IS. WE ARE THE SOLE PROVIDER OF BLOOD FOR THE 10 SURROUNDING COUNTIES AND THE FACILITIES THEY'RE IN. BUT OUR TISSUE CENTER HAS BEEN PROVIDING THAT SINCE 1985. YOU PROBABLY KNOW SOMEONE WHO HAS RECEIVED A HUMAN GRAPH TRANSPLANT. ABOUT 550 TO 700 BONE AND TENDON GRAPHS ARE NEEDED EACH MONTH IN THE CENTRAL TEXAS AREA. ABOUT AN AVERAGE OF FOUR TO SEVEN HEART VALVE TRANSPLANTS OCCUR EACH MONTH, TYPICALLY FOR PEDIATRIC PATIENTS WITH DEFECTIVE HEART VALVES AND THE SHRINER HOSPITAL DOWN IN GALVESTON NEEDS ABOUT 300 INDIVIDUAL SKIN GRAFTS EACH MONTH. WHAT SORT OF TISSUES ARE NEEDED? BONE GRAPHS ARE NEEDED FOR SPINAL FUSIONS, FOR BONE RECONSTRUCTIONS THROUGHOUT THE BODY. WHENEVER THERE'S CRUSHED OR DISEASED BONE. TENDON AND LIGAMENT SCRAPS ARE USED TO REPLACE A TENDON AND LIGAMENT ALMOST ANYWHERE IN THE BODY. THINGS LIKE AN ACL CAN ACTUALLY BE USED IN A SHOULDER. SKIN GRAFTS ARE NEEDED TO PROMOTE SKIN GROWTH FOR BURN PATIENTS, AND THOSE WHO HAVE HAD OTHER KIND OF SKIN INJURIES. AND ALSO THIS TIME IT PROTECTS THEM FROM INFECTION. HEART VALVES ARE NEEDED TO REPLACE DEFECTIVE HEART VALVES, TYPICALLY IN PEDIATRIC HEART PATIENTS. VEIN GRAFTS ARE NEEDED. AND CARTILAGE IS NEEDED FOR FACIAL DEFORMITIES AND AFTER SEVERE BURNS FOR RECONSTRUCTIONS. THE GRAFTS COME FROM THE BONES OF THE LOWER EXTREMITIES AND THE SPINAL COLUMN. BONES IN THE SPINAL COLUMN. THE TENDONS AND LIGAMENTS AT THE KNEES AND ANKLES CAN BE DONATED. THE HEART HAS THREE TRANSPLANTABLE VALVES. THE VEINS IN THE LEGS ARE USED IN SURGERIES. RIBS AND CARTILAGE, WHICH IS AT THE END OF EACH RIB, THOSE ARE USED FOR THE KIND OF RECONSTRUCTIONS I TALKED ABOUT BEFORE. AND ALSO A RIB CAN BE USED TO RECONSTRUCT A JAW WHEN SOMEONE HAS HAD CANCER OF THE JAW. PAPER THIN SKIN GRAFTS ARE DONATED FROM THE BACK AND THE LEGS. AND ABOUT FOUR GRAFTS CAN COME OUT OF ONE SQUARE FOOT OF SKIN GRAFTS THAT'S DONATED. SO QUITE A LOT MORE PEOPLE THAN YOU THINK ARE ABLE TO DONATE. ANYONE BETWEEN THE AGE OF 36 WEEKS GESTATION AND 80 80 YEARS OLD ARE USUALLY

ELIGIBLE. HOSPITAL PATIENTS AND PEOPLE WHO PASS AWAY OUTSIDE OF A HOSPITAL ARE ELIGIBLE. AND DIFFERENT TISSUES ARE ABLE TO BE DONATED DEPENDING ON THE AGE OF THE PATIENT. AFTER A FAMILY HAS GIVEN THEIR FULL CONSENT AND FULLY INFORMED CONSENT FOR DONATION, WE SEND OUT A SURGICAL TEAM WHO RECOVERS THE TISSUES AND THEN THE TISSUES ARE SHAPED INTO A GRAFT. THEN THE -- [ BUZZER SOUNDS ] SORRY. THEY CAN HELP ON AVERAGE 20 TO 75 PEOPLE. IT'S REALLY AN AMAZING THING. YOU NEED TO TELL YOUR FAMILY THAT YOU WOULD LIKE TO BE A DONOR. THEY'RE THE ONLY ONES WHO CAN MAKE THAT DECISION FOR YOU. AND THAT'S OUR QUILT. EVERY FAMILY OF A DONOR DONATED A SQUARE AND EMBROIDERED IT THEMSELVES. AND I ENCOURAGE YOU FOR THE HOLIDAY SEASON AND REMEMBER TO DONATE BLOOD IF YOU CAN. THANK YOU.

Mayor Wynn: THANK YOU, RACHEL. JENNIFER GALE? JENNIFER GALE? AKWASI EVANS. AND MR. PAT JOHNSON. WELCOME, MR. JOHNSON. YOU WILL HAVE THREE MINUTES.

GOOD AFTERNOON. I'VE HAD A WHOLE LOT OF PEOPLE IN THE PUBLIC TELL ME -- CAN YOU TURN OFF THAT LIGHT RIGHT THERE? I'VE HAD A LOT OF PEOPLE TELL ME IN E-MAILS THAT THEY CAN'T UNDERSTAND ME BECAUSE OF MY SPEECH DEFECT, SO I BOUGHT ME A POWERPOINT SOFTWARE SO I CAN DO POWERPOINT AT EACH ONE OF THE COUNCIL MEETINGS TO EXPLAIN AND BETTER DISPLAY ON WHAT I'M TALKING ABOUT. ALL RIGHT. THIS IS THE SUBJECT MATTER THAT WE WANT TO COVER. AND WHEN I'M SPEAKING TO COUNCIL, I'M NOT SPEAKING TO BENEFIT MYSELF, I'M SPEAKING TO BENEFIT THE PUBLIC. THERE ARE A LOT OF PEOPLE IN THE CITY THAT DON'T HAVE THE OPPORTUNITY TO COME UP HERE AND SPEAK TO THEIR COUNCIL ABOUT ISSUES THAT AFFECT THEM. ALL RIGHT. DOWNTOWN MOBILITY VERSUS PROFIT. NOW, I'VE TALKED TO Y'ALL SEVERAL TIMES IN THE PAST ABOUT THIS. I WANT TO SHOW YOU EXACTLY WHAT WE'RE TALKING ABOUT. I DON'T THINK IT'S RIGHT THAT A VENDOR ON THAT VALET PARKING COMPANIES WORKING FOR THE VALET SERVICES, THEY'RE JUST CREATING A MAJOR PROBLEM. AND THEN THE SIXTH STREET VISITORS SAFETY VERSUS PROFIT, AND THEN PATIENT PRIVACY AND CONFIDENTIALITY AT DAVID POWELL.

ALL RIGHT, THE FIRST SLIDE HERE, YOU KNOW YOU SEE THE VEHICLES OVER THERE PARKED IN THE VALET PARKING SPACES? THIS GOES ON EVERYWHERE IN THE DOWNTOWN THAT THEY HAVE VALET PARKING. THE VALET PARKING SPACES ARE SUPPOSED TO BE BY ORDINANCE TO DROP OFF AND MOVE THE CAR TO THE PARKING GARAGE. BUT WHAT THEY'RE DOING IS LEAVING THE CARS IN THE PARKING SPACES AND THEN PEOPLE FULL UP IN FRONT OF THOSE BUSINESSES AND THEN UNLOAD THEM IN THE STREET AND TRAFFIC HAS TO GO AROUND. I'VE CALLED THE POLICE ABOUT THAT 100 TIMES. ALL THEY DO IS GO OVER AND TELL THEM TO MOVE. WE SHOULDN'T BE HAVING THESE PROBLEMS IN THE DOWNTOWN AREA. ALL RIGHT. THIS NEXT ONE, THIS IS ABOUT BLOCKING THE HANDICAP RAMPS ON 35 OVER THERE BY CENTRAL PARKING. I TALKED TO DAVID ABOUT THIS TWICE AND HE SAID HE WENT OVER THERE AND TOLD THEM OVER AT CENTRAL PARKING TO QUIT DOING THAT, SO IT MAKES ONE BELIEVE ARE WE JEOPARDIZING PUBLIC SAFETY FOR THE SAKE OF PROFIT? HOW DO YOU THINK -- SEE WHERE THAT BUS IS? HOW DO YOU THINK SOMEBODY IN A WHEELCHAIR WILL GET DOWN THAT RAMP? ALL RIGHT. THIS IS THE ONE ACROSS THE STREET FROM THE POLICE STATION. THIS IS THE SAME PARKING LOT THAT ASSURED TOWING WAS TOWING A.P.D. EMPLOYEES WORKING IN THE POLICE STATION AT NIGHTTIME. HERE'S ANOTHER ONE. THIS IS OVER HERE ON THE EAST FRONTAGE ACROSS FROM THE CHEVRON. THIS IS THE SAME EXACT INTERSECTION THAT SEVERAL MONTHS AGO THAT TWO PEDESTRIANS AT 2:30 IN THE MORNING WERE RAN OVER BY A HIT AND RAN DRIVER, AND THAT POOR GIRL WAS DRUG UNDERNEATH THAT CAR FOR ABOUT 300 FEET. THIS IS UNACCEPTABLE. THIS HERE IS PATIENT CONFIDENTIALITY -- [ BUZZER SOUNDS ] THIS AFFECTS ME AND EVERYONE THAT GOES TO THIS CLINIC OVER HERE. I'M JUST ABOUT FINISHED, MAYOR. THAT SIGN IN FRONT OF THAT BUILDING THERE SAYS DAVID POWELL PUBLIC COMMUNITY HEALTH CENTER, IS ADVISE VISIBLE ALL THE WAY ACROSS THE FREEWAY. WE DON'T NEED -- WE ARE DUE -- WE SHOULD BE ABLE TO HAVE PRIVACY COMING AND GOING TO THAT CLINIC. IT DOES US NO GOOD WHEN THE NEWS MEDIA DOES STORY AFTER STORY AFTER STORY ABOUT THE CITY OF AUSTIN BEING SUED BECAUSE SOMEONE'S CONFIDENTIALITY WAS KNOWN.

HERE'S A NEW SIGN THEY PUT UP OVER HERE BY THE DRIVEWAYS. SO PLEASE TAKE THAT SIGN DOWN IN FRONT OF THAT BUILDING. ALL RIGHT. THIS IS BASICALLY MY FINISHING PART. AFTER SPEAKING TO MANY PATIENTS AND FAMILY MEMBERS, WE JUST WANT THAT SIGN REMOVED. BECAUSE ANYBODY CAN SEE THAT SIGN FROM THE OTHER SIDE OF THE HIGHWAY WHEN YOU'RE SITTING OUT THERE ON THE FREEWAY PATE WAITING ON TRAFFIC IN THE EVENINGS, YOU'VE GOT THE BIG OLD CITY OF AUSTIN SEAL, THEY GO ON THAT WEBSITE AND SEE WHAT THAT CLINIC IS. WE DESERVE PRIVACY. YOU DON'T SEE PLANNED PARENT PARENTHOOD WITH A BIG OLD SIGN ACROSS ONE OF THEIR BUILDINGS. SEVERAL CITIZENS WON'T RESPOND TO THESE ANSWERS, AND THEY DON'T WANT TO HAVE TO WAIT FOR A LETTER FROM THE MAIL FROM STAFF THREE WEEKS DOWN THE ROAD OR NOT EVEN AT ALL. AND OF COURSE, CITY EMPLOYEES, THE PUBLIC DOESN'T REALIZE THIS, BUT PEOPLE THAT WORK FOR THE CITY, I USED TO WORK FOR THE CITY, I KNOW WHAT HAPPENS. A CITY EMPLOYEE DON'T HAVE THE SAME RIGHTS AS A CITIZEN BECAUSE THEY CAN'T COME UP HERE AND SPEAK TO THIS COUNCIL EVEN BEING A TAXPAYER ABOUT THE PROBLEMS WITHIN THE CITY GOVERNMENT. BECAUSE THERE'S AN UNWRITTEN RULE OF MUNICIPALITY THAT IF YOU DO, YOU WILL BE FIRED. AND MAYOR WYNN, THIS COMMENT IS FOR YOU. YOU'RE IN A FINAL MEETING WITH THE COUNCIL DURING THE BUDGET READINGS, YOU FORGOT TO TELL THE PUBLIC THAT THE LARGE MAJORITY OF THE CITY EMPLOYEES WON'T SEE ANY EXTRA DOLLARS ON THEIR PAYCHECKS FROM THAT THREE AND A HALF CENT PAY RAISE BECAUSE THE CITY INSURANCE PREMIUMS GOT RAISED 10 PERCENT. AND YOU MAKE IT SOUND LIKE, HEY, WE'RE GIVING THE CITY EMPLOYEES A RAISE. WELL, UNFORTUNATELY, THE ONLY ONE THAT WILL SEE ANY EXTRA DOLLARS ON THEIR PAYCHECKS IS THE TOP 15%. I HEAR FROM ALL CITY DEPARTMENTS AND EMPLOYEES. AND THAT'S ABOUT IT. THIS IS MY FIRST POWERPOINT AND I'M SURE THEY'LL GET BETTER.

MAYOR WYNN: THANK YOU, MR. JOHNSON.

CAN WE GET A RESPONSE FROM STAFF IN REFERENCE TO THESE ISSUES? BECAUSE THEY WANT TO KNOW ABOUT THOSE ISSUES. I THINK THE PUBLIC IS DUE AN ANSWER

BECAUSE THEY CAN'T COME UP HERE AND RESPOND. ARE WE GOING TO GET THAT SIGN -- I SENT AN E-MAIL TO RUDY GARZA THIS WEEK AND ASKED THEM TO HAVE THE DEPARTMENT HEADS OVER THESE ISSUES TO RESPOND TO THE PUBLIC.

Mayor Wynn: CITY MANAGER?

YES. ALL OF YOUR QUESTIONS ARE ALWAYS RESPONDED TO. THESE WILL BE RESPONDED TO. I'M GOING TO RESPOND TO ONE IMMEDIATELY BECAUSE IT'S SUCH COMPLETE MISINFORMATION THAT I WANT IT MAKE SURE IT'S CORRECTED. ALL OF OUR CITY EMPLOYEES FROM THE LOWEST PAID TO HIGHEST PAID SAW AN INCREASE OF THREE AND A HALF%. WE RAN EVERY SCENARIO WITH ALL HEALTH INSURANCE SCENARIOS THAT COULD HAPPEN WITH THE BENEFIT INCREASE. EVEN OUR LOWEST PAID EXEEZ SAW -- EMPLOYEES SAW PERCENTS OF THEIR THREE AND A HALF INTO THEIR PAYCHECK WITH THE HEALTH INSURANCE INCREASE. NO EMPLOYEES SAW THEIR ENTIRE INCREASE TAKEN UP -- IN FACT, NO EMPLOYEE SAW THE MAJORITY OF THEIR INCREASE TAKEN UP BY HEALTH INSURANCE INCREASE. SO PAT, I'M NOT INTERESTED IN ARGUING WITH YOU ABOUT IT, WE WILL GIVE YOU THE DATA TO SHOW IT TO YOU. THAT IS PLAIN MISINFORMATION.

WELL, I AM JUST TELLING YOU WHAT EMPLOYEES E-MAILED ME.

I'M SURE YOU HAVE A VERY DIRECT CONDUIT.

Mayor Wynn: MR. JOHNSON, THANK YOU VERY MUCH. THE CITY MANAGER WILL BE RESPONDING. WELCOME, JENNIFER GALE.

THANK YOU, MAYOR WYNN. HI, AUSTIN. IT'S TIME TO TRAVEL HOME FOR THANKSGIVING TO ENJOY OUR FAMILIES, OUR CO-WORKERS, OUR FRIENDS. IN FACT, IT'S A GOOD TIME OF YEAR TO INVITE A NEIGHBOR OVER FOR ONE OF OUR THANKSGIVING MEALS. MAYOR WYNN, THANK YOU FOR LISTENING SO CLOSELY TO WHAT I HAVE TO SAY. THANK YOU, TOBY FUTRELL FOR MANAGING OUR CITY ON SUCH A MEAGER SALARY. THANK YOU TO THE AUSTIN CITY COUNCIL

MEMBERS FOR THE PEACE RESOLUTION AGAINST THE WAR AND THE PATRIOT ACT. TO OUR HARD WORKING CITY EMPLOYEES THAT ARE BEING ASKED TO GO ABOVE AND BEYOND THE CALL OF DUTY, THANK YOU VERY MUCH. THANK YOU TO JOE CLIFTON OF IN FACT NEWS.COM FOR BEING THE ONLY NEWS SOURCE IN AUSTIN NEXT TO THE DAILY TEXAN AND THE CHRONICLE TO COVER THE NEWS OF OUR CITY. I'M JENNIFER GALE AND I'M ASKING THE AUSTIN CITY COUNCIL TO SUPPORT MY PLATFORM. MY CAMPAIGN SLOGAN FOR OUR CITY, FOR EVERYBODY, IS LET'S KEEP AUSTIN-AUSTIN. I'M HERE TODAY TO REMIND THE "AUSTIN AMERICAN-STATESMAN" THAT I AM A CANDIDATE AND THAT IT'S NOT FAIR TO REPEATEDLY CAMPAIGN FOR MY OPPONENT SEVERAL TIMES A WEEK WITHOUT MENTIONING MY NAME. YOU'RE LYING BY OMISSION. AND HAVE DONE SO SINCE 1996 WHEN I FIRST WROTE YOU A LETTER. WHEN I STARTED RUNNING TO ACTUALLY REPRESENT THE PEOPLE OF AUSTIN WITH THEIR CONCERNS IN MIND, IT'S HEARTBREAKING TO THINK OF ALL THE PEOPLE YOU HURT BY PRETENDING TO BE THERE. THAT MESSAGE GOES 10 TIMES OVER FOR KLRU THAT REFUSES TO COVER CANDIDATES NOW FOR NEARLY HALF A DECADE. MY PLATFORM FOR OUR TOWN, THE CAPITAL OF TEXAS, OUR HOME, IS TO HAVE MEDICAL BENEFITS. I WANT EVERY PERSON TO BE ABLE TO PAY IN MONTHLY AND YOU'LL GET A GENERAL, A FULL PHYSICAL AND AN EYE EXAM EVERY YEAR SO YOU'RE NOT WORRYING ABOUT INSURANCE, SO YOU'RE NOT DYING TO SEE A DOCTOR THROUGH OUR CO-PAY OR YOUR DEDUCTIBLE, HOPING THAT YOU'RE GOING TO GET HEALTH CARE WHEN YOU'RE NOT EVENING COVERED. -- EVEN COVERED. THIS WILL MAKE SURE YOU ARE COVERED UNTIL YOU'RE 150 YEARS OLD. THAT A DOCTOR KEEPS AN EYE ON YOU THAT YOU WILL BE HAPPY AND HEALTHY THROUGHOUT YOUR ENTIRE LIFE. I WANT ACCOUNTABLE LAW ENFORCEMENT. I WANT TO MAKE SURE THAT THEY'RE FOLLOWING THE RULES AND THAT THEY'LL PAY A FINE IF THEY DON'T. THAT WE'LL GIVE THEM A VACATION EVERY SIX MONTHS TO KEEP THEM HAPPY AND HEALTHY. I'LL BE AVAILABLE ON A WEEKLY BASIS. THAT'S A LEADERSHIP I'LL PROVIDE. I WILL COME TO YOU. YOU WON'T HAVE TO COME TO ME. EVERY SINGLE WEEK. THANK YOU, AUSTIN. [ BUZZER

SOUNDS ].

Mayor Wynn: THANK YOU, MS. GALE. COUNCIL, THAT'S ALL THE CITIZENS WHO HAVE SIGNED UP FOR THE CITIZENS COMMUNICATION. AT THIS TIME WITHOUT OBJECTION AS WE RAISED A COUPLE OF ISSUES IN OUR PREVIOUS NOW TABLED DISCUSSION OF ITEM NUMBER 35, WE WILL GO INTO CLOSED SESSION, WHICH WE WOULD HAVE OTHERWISE ANYWAY, PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY AGENDA ITEM 35 RELATED TO OUR LANDFILL. ITEM 42 REGARDING TITLES 25, 2 AND 11 OF THE CITY CODE. 43, RELATED TO A WASTEWATER LINE IN WATCH HILL ROAD. 44 RELATED TO IRRIGATION ISSUES BETWEEN THE CITY OF AUSTIN AND NORTHWEST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 2. ITEM 45 REGARDING THE LONG CENTER. ITEM 46 REGARDING RYAN- O EXCAVATING INC. VERSUS THE CITY OF AUSTIN. WE MAY ALSO TAKE UP DISCUSSION PURSUANT TO SECTION 551.072 OF THE OPEN MEETINGS ACT, REAL ESTATE MATTERS, REGARDING THE OLD MUELLER AIRPORT SITE. WE ARE NOW IN CLOSED SESSION. I ANTICIPATE US COMING BACK SHORTLY AFTER 2:00 O'CLOCK TO EITHER REASSUME DISCUSSION ON ITEM 35 OR TAKE UP OUR 2:00 O'CLOCK BRIEFINGS. THANK YOU. □ .

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WE HAVE BEEN IN CLOSED SESSION PURSUANT TO SECTION 5501.071 OF THE OPEN MEETINGS ACT. WE DISCUSSED AGENDA ITEMS 43 AND 44 ONLY. NO DECISIONS WERE MADE. WE'RE BACK IN OPEN SESSION FOR OUR 2:00 O'CLOCK BRIEFINGS. OUR FIRST PRESENTATION IS REGARDING FIRST NIGHT AUSTIN 2005. THE SECOND PRESENTATION WILL BE REGARDING THE HISTORIC PRESERVATION TASKFORCE. AT THIS TIME IT IS MY DISTINCT PREF LEDGE TO WELCOME MY WIFE ELIZABETH. HI HONEY. [ LAUGHTER ]

ANNE WILL PLEASE BEGIN.

THANK YOU, MAYOR WYNN, MAYOR PRO TEM GOODMAN AND MEMBERS OF THE CITY COUNCIL, THANK YOU FOR THIS OPPORTUNITY TO PRESENT TO YOU TODAY THE CONCEPT



OF FIRST NIGHT AUSTIN. MY NAME IS ANNE GRAHAM. I'M A RESIDENT OF AUSTIN WHERE FOR THE PAST 10 YEARS I HAVE EMERSED MYSELF IN PROJECTS RELATED TO THE ARTS, OUR NEIGHBORHOODS, OUR SCHOOLS AND OUR CHILDREN. PRIOR TO AUSTIN I WAS CO-PRODUCER OF FIRST NIGHT IN BOSTON FOR NINE YEARS, THE HOME OF THE FIRST FIRST NIGHT AND A MODEL FOR OVER 120 CITIES ACROSS THE UNITED STATES, CANADA AND NOW NEW ZEALAND THAT PRODUCE THEIR OWN FIRST NIGHT EVENTS. I'M PART OF A TEAM THAT IS HOPING TO BRING THE CONCEPT TO AUSTIN NEXT DECEMBER 31st, NOT THIS YEAR, INCLUDING TINA FISHER ON MY FAR LEFT HERE, WHO IS A FORMER SPECIAL EVENTS COORDINATOR FOR ANY BABY CAN AND EBUSY LETH WYNN -- ELIZABETH WYNN. WHAT IS FIRST NIGHT? FOR THOSE OF YOU WHO READ THE STATESMAN THIS MORNING, YOU GOT A PREVIEW. THANK YOU TO THE STATESMAN. FIRST NIGHT IS A NEW YEAR'S EVE CELEBRATION OF THE ARTS. A FESTIVAL OF THE VISUAL AND PERFORMING ARTS, THE COMMUNITY WIDE GATHERING, THE CELEBRATION OF THE DIVERSITY OF OUR CITIZENS. IT'S AN ALTERNATIVE TO THE TRADITIONAL NEW YEAR'S EVE REFUSALRY. IT'S A REVIVAL OF THE ANCIENT TRADITION OF MARKING THE PASSAGE OF TIME WITH ART AND FESTIVITY. IT'S A HIGH QUALITY PROGRAM THAT PAYS ARTISTS TO PRESENT THEIR BESTS. ARTISTS WORKING AS INDIVIDUALS AND ARTISTS WORKING WITH THE COMMUNITY TO CREATE NEW WORKS TO BE ENJOYED BY ALL. A TIME OF PAGEANT TRY AND A TIME TO RENEW CIVIC PRIDE. A TIME TO INSPIRE AND ENRICH OUR LIVES. IT'S AN AFTERNOON FAMILY AND CHILDREN'S FESTIVAL AND AN EVENING FESTIVAL THAT PRESENTS PERFORMING ARTS IN INDOOR VENUE SUCH AS THEATER, CHURCHES, HOTEL BALLROOMS, MUSEUMS, ALONG WITH AN IMAGINATIVE TRANSFORMATION THROUGH TEMPORARY ARTWORK PRESENTED IN PLAZAS AND COURT YARDS, ALONG TOWN LAKE, ALONG AUDITORIUM SHORES, WITH PROJECTIONS ON BUILDINGS AND MORE. A PROCESSION THAT CAN FEATURE GIANT PICKUP PETS MADE BY ARTIST WORKING WITH SCHOOL CHILDREN OR COMMUNITY YOUTH GROUPS OR MEMBERS OF THE PUBLIC CARRYING BANNERS AND FLAGS. BANDS PLAYING MUSIC, DANCERS AND MORE. UNDERGROUND FINALE AT THE STROKE OF MIDNIGHT TO USHER IN THE NEW YEAR. IT'S AN

ALL AGES FRIENDLY EXPERIENCE THAT EMBRACES THE DIVERSITY OF AUSTIN. IT IS NOT A PARTY, IT IS NOT A BASH. IT IS A SAFE, ALTERNATIVE CELEBRATION THAT WELCOMES FAMILIES AND CHILDREN OF ALL AGES TO CREATE AND SUSTAIN INTO THE FUTURE FOR NEW YEAR'S EVE. THIS IS A LIST OF THE OTHER 120 FIRST NIGHT CITIES. I DON'T EXPECT YOU TO BE ABLE TO READ IT. I BELIEVE WE'VE GIVEN YOU A COPY OF IT. IF NOT, WE CAN GIVE YOU A COPY OF WHO ALL PRODUCES FIRST NIGHT. THIS IS A PROPOSED GEOGRAPHIC FOOTPRINT FOR FIRST NIGHT 2006. YOU ALWAYS USE THE YEAR THAT THE FIRST NIGHT EVENT IS COMING INTO. WE'RE LOOKING AT A SPINE OF CONGRESS AVENUE WORKING DOWN TOWN LAKE AND AUDITORIUM SHORES WITH A FOCUS ON THE BRAND NEW CITY HALL. THE IDEA IS TO HAVE A DOWNTOWN AREA THAT IS ACCESSIBLE ON FOOT SO THAT YOU CAN HAVE A DENSITY OF ARTWORK AND AN INTENSE EXPERIENCE WHERE YOU'RE NOT TOO SPREAD OUT. FIRST NIGHT IS SUPPORTED IN PART AND EARNED INCOME FROM A FIRST NIGHT BUTTON. I'M WEARING AN EXAMPLE OF IT. ANNE WILL TALK A LITTLE BIT ABOUT THE INCOME SIDE. THE EVENT IS ACTUALLY FREE TO ATTEND. THERE ARE NO BARRICADES, NO FENCES TO KEEP YOU IN OR OUT OF THE CITY, BUT A FIRST NIGHT BUTTON IS A TOKEN OF SUPPORT AND IS PART OF THE EARNED REVENUE FOR THE EVENT. I'M GOING TO SHARE SOME IMAGES. THE NEXT FEW SLIDES ARE IMAGES FROM FIRST NIGHT IN BOSTON YEARS AGO AND IT SETS THE TONE FOR WHAT WE CAN ACCOMPLISH HERE AS WELL. THESE ARE FROM A FAMILY AND CHILDREN'S FESTIVAL. THIS IS A MIME PERFORMING IN A CHURCH. INFLATABLE SCULPTURES ON THE STREET. WE HAVE OPPORTUNITIES FOR CHILDREN TO MAKE MASKS AND HATS THAT THEY CAN WEAR IN THE EVENT. WE HAVE A GRAND PROCESSION WITH MEMBERS OF THE COMMUNITY. WE HAVE WORKSHOPS THAT WOULD TAKE PLACE IN THE FALL AND ARTISTS WORKING IN COMMUNITY SETTINGS TO HELP MAKE GIANT PICKUP PETS OR MAKE CONTRIBUTIONS TO THE PROCESSION. THIS IS IN BOSTON. WE HAVE STORY TELLERS AND ANIMATORS ON THE STREETS AS WELL AS INDOOR PERFORMANCE VENUES. WE HAVE STOREFRONT WINDOW PERFORMANCES. THERE ARE SOME WONDERFUL STOREFRONTS ON CONGRESS AVENUE. THIS IS A THREE STORY WINDOW IN BOSTON WITH A THEATER COMPANY PERFORMING SIMULTANEOUSLY ON ALL

THREE WINDOWS. A DANCE COMPANY, DANCERS PERFORMING ON SCAFFOLDING. BOSTON PUBLIC LIBRARY, A REVERSE SLIDE SHOW ON EIGHT BY EIGHT FOOT GLASS WINDOWS WITH MUSIC OUTSIDE. MULTICULTURAL PERFORMANCES THAT HAVE BEEN CREATED FOR THEATERS. PROJECTIONS ON THE MONUMENT IN BOSTON COMMONS. A GIANT MAIZ, PROBABLY SOMETHING APPROPRIATE ON THE SCALE OF AUDITORIUM SHORES. THIS IS MADE BY MASSACHUSETTS COLLEGE OF ART STUDENTS. GIANT CHESS SET. THIS IS TREAT CROOETED BY THE ARCHITECTURAL COMMUNITY AND THE ACTUAL PIECES ARE MODELED ON BUILDINGS IN DOWNTOWN BOSTON. A GIANT BIRTHDAY CAKE. THIS WAS DRAWN BY A HORSE AND CARRIAGE IN THE PROCESSION ONE YEAR AND WE DISTRIBUTED 15,000 PIECES OF BIRTHDAY CAKE TO CELEBRATE OUR 15TH BIRTHDAY. A GIANT MAN FROM CITY HALL. A BILLBOARD THAT IS DONATED BY A BILLBOARD COMPANY. THE PUBLIC COULD ASK QUESTIONS FROM THE GIANT MAN FROM CITY HALL AND HE COULD RESPOND.

I THINK I LIKE THAT ONE.

THE MAN FROM CITY HALL WAS ON THE CITY COUNCILMEMBER WINDOWS AND ENDING WITH A GRAND FINALE AT MIDNIGHT. I WOULD LIKE TO NOW TURN THIS OVER TO ANNE ELIZABETH TO TELL YOU HOW THIS COULD BE ACCOMPLISHED.

COULD WE HAVE THE LIGHTS UP, PLEASE?

Mayor Wynn: LIGHTS, MR. CHAPA. THANK YOU.

MAYOR AND COUNCILMEMBERS, THANKS AGAIN FOR YOUR TIME. I'M SO PLEASED TO BE FOLLOWING ANNE GRAHAM. SHE'S A GREAT AND TALENTED CITIZEN AND ADVOCATE FOR THE ARTS IN AUSTIN FOR MANY YEARS. NINE YEARS AGO BRAND NEW TO TOWN AND PREGNANT WITH OUR FIRST CHILD I BEGAN ATTENDING DOWNTOWN AUSTIN ALLIANCE ARTS COMMITTEE MEETINGS SEARCHING ABOUT FOR HOW I MIGHT BE ABLE TO GET INVOLVED IN SUPPORTING THE ARTS IN OUR NEW HOMETOWN. AT ONE MEETING A WOMAN NAMED ANNE GRAHAM MADE A WONDERFUL PRESENTATION ABOUT THIS GREAT WAY FOR A COMMUNITY TO CELEBRATE

ITS ARTS AND ITS SELF, FIRST NIGHT. HAVING JUST MOVED FROM BOSTON WHERE FOR 10 YEARS SHE WAS THE CO-PRODUCER, SHE WAS SO INSPIRATIONAL AS SHE PROMOTED THE SAME THING HERE IN AUSTIN. I WAS HOOKED. I STILL AM. I ASKED FOR A TOTAL STRANGER TO LUNCH TO LEARN MORE AND MORE, BUT ALSO THEN AS THE YEARS PASSED I WAS LEARNING MORE AND MORE ABOUT THE ARTS SCENE IN AUSTIN IN GENERAL. I HAVE SEEN A FAIR BIT OF WHAT I WILL ALL UNHEALTHY COMPETITIVELY RATHER THAN COLLABORATION IN THE SPIRIT OF THE ARTS COMMUNITY IN AUSTIN. I HAVE SEEN THE GOOD INTENTIONS OF WILD ECONOMIC TIMES HIT SNAGS AND STUMBLE. I HAVE COME TO UNDERSTAND THAT THE VISUAL ARTISTS OF AUSTIN FEEL TO AN EXTENT AND DEFINITELY IN TERMS OF PUBLIC SUPPORT RATHER MORE INVISIBLE, RATHER LESS SUPPORTED THAN THEIR MUSICAL PERFORMING COUNTERPARTS, WHICH BRINGS ME TO WHY NOW I BELIEVE IS SUCH A WONDERFUL OPPORTUNITY AND TIME FOR AUSTIN TO LAUNCH SUCH AN ARTS CELEBRATION LIKE FIRST NIGHT. FIRST NIGHT AUSTIN IS DISTINCT FROM ALL THE OTHER FESTIVALS WE HAVE IN AUSTIN INsofar AS IT IS VERY SPECIFIC TO OUR COMMUNITY. WORKS ARE COMMISSIONED FROM COMMUNITY ARTISTS SPECIFIC TO THE TIME AND PLACE OF THIS CELEBRATION. WHILE I ABSOLUTELY ADORE, FOR EXAMPLE, THE AUSTIN CITY LIMITS MUSIC FESTIVAL, THE MUSIC YOU HEAR ON THAT STAGE YOU MIGHT EASILY HERE IN ANN ARBOR, MICHIGAN OR ANYWHERE ELSE IN THE NATION. IT DOESN'T DISPARAGE THE CONTRIBUTION OF THAT FESTIVAL, BUT THIS PARTICULAR FESTIVAL IS ABOUT LITERALLY INVESTING IN OUR OWN ARTISTS FOR OUR OWN COMMUNITY EXPRESSION. IT'S A PAN COMMUNAL CULTURAL CELEBRATION THROUGH THE ARTS. WE AS A CITY HAVE THE IDEAL CIVIC FOOTPRINT FOR THIS KIND OF CELEBRATION GIVEN OUR WONDERFUL CONGRESS AVENUE AND GIVEN THE CURRENT AND FUTURE INVESTMENTS THAT OUR CITY AND YOU HAVE MADE IN THE NEW CITY HALL, IN THE SECOND STREET GREAT STREETS PROGRAM, AND THE INCREASE IN DOWNTOWN RESIDENTIAL LIVING. ALL OF THAT MAKES FOR A PERFECT CIVIC HEART IN WHICH TO HAVE SUCH A GRAND CELEBRATION. I REALLY BELIEVE WE NEED THIS INVESTMENT IN OUR CULTURAL ARTS. IT'S ONE OF THE

ESTABLISHED GOALS OF THE CITY'S ECONOMIC DEVELOPMENT INITIATIVE, BUT AS I'VE ALSO SAID, THIS IS A PERFECT TIME GIVEN SOME OF THE DIFFICULTIES OF THE PAST YEARS WITH SUPPORTING THE ARTS IN AUSTIN TO PROVIDE A TRULY COLLABORATIVE, TRULY EMBRACING WAY TO INVEST IN OUR ARTISTS AND OUR FAITH IN OUR ARTS. WE HAVE MET WITH THE HOTEL AND LODGING ASSOCIATION. THEY'RE EXCITED ABOUT SOMETHING THAT COULD BRING SO MANY MORE PEOPLE INTO OUR HOTELS. ASIDE FROM THE SIXTH STREET AREA, WE'VE LEARNED THAT MOST OF THE OTHER HOTELS, THE HILTON FOR EXAMPLE, SAID THIS IS A VERY LOW PERIOD FOR THEM IN TERMS OF OCCUPANCY. THEY WOULD LOVE THE SORT OF OPPORTUNITY TO CREATE AN EVENT IN THEIR HOTEL. UP TO NOW EVEN JUST TRYING TO THROW PARTIES IN THE BALLROOM HASN'T WORKED, HASN'T ATTRACTED ENOUGH PEOPLE. WE'VE ALSO BEEN TO THE CHAMBER OF COMMERCE AND THE DOWNTOWN AUSTIN ALLIANCE, THIS VERY MUCH FITS THEIR MISSION. THEY'RE VERY EXCITED ABOUT IT. I DON'T BELIEVE THERE WILL BE WHAT I WOULD CALL ANY KIND OF COMPETITION OR CANALIZATION OF THIS EVENT VERSUS WHAT ALREADY WOULD HAPPEN IN A SIXTH STREET OR OTHER BAR VENUES. WE ARE WHAT I CONSIDER TO BE THE PERFECT COMPLIMENT TO THAT ACTIVITY. BECAUSE OF BEING ALCOHOL-FREE, BECAUSE OF PRESENTING OURSELVES EARLY IN THE DAY, ATTRACTING FAMILIES AND CHILDREN, PROVIDING A WAY FOR PEOPLE WHO ARE OFTEN EXCLUDED IN CIVIC CELEBRATIONS, NOT BY DESIGN, BUT BY EFFECT. GRANDMOTHERS DON'T OFTEN COME OUT TO LOUD MUSIC FESTIVALS, YOU KNOW, WHERE THEY'RE SERVING ALCOHOL, BUT THEY WOULD COME WITH THEIR GRANDKIDS. SINGLE PARENTS OFTEN TIMES DON'T GET TO SELL BREAST IN SUCH TIMES AND PLACES. THIS IS A CHANCE FOR THEM TO INNER ACT. WE HAVE APPROACHED AISD. WE'RE WORKING WITH ONE OF PAT FORGIONE'S LIEUTENANTS. THEY'RE VERY EXCITED WITH THE POSSIBILITY OF THE PROGRAMMING AND THE COMMISSIONS WE WOULD BE PUTTING OUT BEING LITERALLY COORDINATED WITH THE CRICK LA OF THE ARTS TEACHERS NEXT SPRING. WE COULD HAVE STUDENTS THROUGHOUT AISD MAKING THINGS THAT ARE COLLECTIVELY INSTALLED IN ART OF A SCALE THAT'S A LITTLE DIFFICULT TO EXPLAIN

AS WE SIT HERE AND PRESENT SLIDES TO YOU, BUT I WILL USE ONE EXAMPLE -- ONCE YOU START YOU CAN GIVE TOO MANY EXAMPLES. MONTERREY, CALIFORNIA HAS A FIRST NIGHT. IN TERMS OF THE UNIQUE EXPRESSION OF A CITY'S CULTURE, MONTERREY IS A FISHING TOWN. HAS CANNERY ROW, ITS SOUL WHERE IT CAME FROM. ONE OF THE MOST BEAUTIFUL INSTALLATIONS I'VE SEEN FOR A FIRST NIGHT WAS A PROJECTION ALONG THEIR CONGRESS AVENUE BUILDING FRONT OF WHALES SWIMMING DOWN THE STREET, THE ENTIRE STREET WAS FILLED WITH WHALES AND THE SONGS OF WHALES SINGING FILLED THE STREET AS PEOPLE PROBABLY ASSESSED. IT'S GORGEOUS. THOSE ARE THE THINGS WE WOULD LIKE TO COMMISSION FROM AUSTIN ARTISTS. WHAT'S OUR UNIQUE VOICE, WHAT'S OUR UNIQUE EXPRESSION? NOT THE ACQUISITION OF ART, BUT THE ACTUAL MAKING OF ART HERE IN OUR HOME. WE ALSO HAVE MET WITH THE AUSTIN COMMUNITY FOUNDATION AND THEY'VE AGREED TO BE AN UMBRELLA FOR US AS A SPECIAL FUND. IT WOULD BE THE FIRST NIGHT AUSTIN FUND OF THE AUSTIN COMMUNITY FOUNDATION. WE DO HAVE THE GOAL AND INTENTION OF BECOMING OUR OWN 501(C)(3) WITHIN TWO TO THREE YEARS, BUT THIS IS THE PERFECT WAY FOR US TO START UP IN THIS FIRST YEAR. OUR HOPE IS TO ESTABLISH A SUSTAINABLE EVENT, A NEW TRADITION IN AUSTIN. GIVEN THE 25 YEARS OF EXPERIENCE OF OTHER CITIES, THESE 120 CITIES AND THE DATA THAT THAT GAINS US, WE'RE ABLE TO BALLPARK I THINK EFFECTIVELY -- AND IT'S A STANDARD BALLPARK THAT 10 PERCENT OF YOUR POPULATION WOULD COME THE FIRST YEAR. SO THAT'S 60,000 PEOPLE THE VERY FIRST YEAR. AND I THINK ANNE IS RIGHT. HER ANALYSIS IS WE'RE A SAVVY COMMUNITY IN TERMS OF EVENTS AND CELEBRATIONS. AND GIVEN THE DISCUSSIONS WE'VE HAD WITH ONE OF THE REPRESENTATIVES FROM PARKS AND REC, INsofar AS HOW WE COULD COORDINATE AN ACTION OR AN ACTIVITY OR SOMETHING AT THE TRAIL OF LIGHTS, FOR EXAMPLE, WE MAY REALLY BE ABLE TO BUILD UPON THAT ATTENDANCE. 350,000 PEOPLE WALK THROUGH TRAIL OF LIGHTS AT LEAST ONE-THIRD ARE CHILDREN. IF THOSE 50,000 CHILDREN ALL MAKE, WHATEVER IT MIGHT BE, A SNOWFLAKE OR WHATEVER IT IS, THEY'RE GOING TO BE YANKING ON THEIR DAD'S JACKET, SAYING I WANT TO GO SEE WHERE MY PART

IS, MY PART IN THIS COMMUNITY. AND THAT'S REALLY WHAT THIS IS ALL ABOUT. WE REALLY HOPE YOU'LL SUPPORT THIS INITIATIVE. I CAN'T SPEAK MORE HIGHLY OF THE WOMEN I HAVE ON EITHER SIDE THAT WOULD BE THE STAFF. I WOULD BE THE VOLUNTEER FUND-RAISER, AND I'M VERY COMMITTED TO DOING THAT. I'M ALREADY ON THE CALENDAR OF SEVERAL LARGE CORPORATE INSTITUTIONS WITH A CORPORATE PRESENCE IN THE FOOTPRINT OF DOWNTOWN. AND I LOOK FORWARD TO WHEN I GO AND MAKE PITCHES TO THEM TELLING THEM ABOUT THE SUPPORT OF THE CITY AND HOW THERE WILL DEFINITELY BE A BEAUTIFUL MULTIPLIER TO THE INITIAL INVESTMENT IN OUR COMMUNITY. SO IT THANK YOU VERY MUCH. IF YOU HAVE ANY QUESTIONS, PLEASE DO LET US KNOW.

Mayor Wynn: THANK YOU. QUESTIONS? COUNCILMEMBER DUNKERLEY.

Dunkerley: I HAVE ONE. I WAS SPEAKING WITH SOME OF YOU VOLUNTEERS AND I'VE SORT OF FORGOTTEN WHO I ASKED THIS OF, BUT IT DEALT WITH THE BOSTON FIRST NIGHT. AND FROM WHAT I UNDERSTAND FROM ITS BEGINNING, IT IS NOW A HUGE CELEBRATION AND THAT REALLY THERE ARE NO HOTEL ROOMS IN THAT CITY OR ANYWHERE AROUND ON NEW YEAR'S EVE FOR FIRST NIGHT. I SUPPOSE SINCE YOU'VE DONE THAT CELEBRATION FOR, YOU COULD FILL THAT IN.

I JOINED THE FIRST NIGHT STAFF ON THEIR 10th ANNIVERSARY YEAR. AND EVEN BY THE 10th YEAR IT WAS PRETTY HARD TO GET A HOTEL ROOM ON NEW YEAR'S EVE. WE WORKED CLOSELY THROUGH A PUBLIC RELATIONS FIRM TO ESTABLISH WHAT WERE CALLED BUTTON PACKAGES AND YOU GOT A HOTEL ROOM, YOU GOT A BUTTON ON YOUR FILL PILLY OR BUTTONS ON YOUR FAMILY. THERE WERE DIFFERENT HOTELS ALL OVER THE CITY THAT OFFERED THESE, BUT YOU HAD TO MAKE YOUR BOOKINGS PRETTY EARLY TO GET A ROOM DOWNTOWN. AND THERE ARE LOTS OF HOTELS IN DOWNTOWN BOSTON. AND EVEN WHEN I ALSO MENTIONED IN OUR MEETING WAS THAT THERE ARE SOME FIRST NIGHT EVENTS THAT TAKE PLACE CLOSE TO DOWNTOWN, LIKE QUINCY HAS ONE AND THEY'RE ON THE SAME SUBWAY SYSTEM. WE FIRST THOUGHT, MY GOSH IF

SOMEONE HAD THAT SO CLOSE TO BOSTON WOULD THAT TAKE AWAY FROM OURS, AND IT DOESN'T AT ALL, IT MERELY EXPANDED THE NUMBER OF PEOPLE WHO PAR TOOK IN THE CELEBRATION. I'M SURE IT'S HARD TO GET A HOTEL ROOM IN BEGIN SI NOW, BUT IT REALLY BUILT UPON IT. I THINK BOSTON IS CELEBRATING ITS 28TH ANNIVERSARY THIS YEAR AND THERE ARE UPWARD OF 2 MILLION PEOPLE THAT COME TO THE FIRST NIGHT EVENT IN BOSTON.

Dunkerley: IS IT A PARTICIPATORY TYPE FESTIVAL, ALCOHOL-FREE AND REALLY ENCOURAGES THE WHOLE FAMILY, AND IF IT CAN BE THAT SUCCESSFUL, I'M SURE EVERY HOTEL IN THIS CITY IS GOING TO BE ENCOURAGING THIS. THEY WOULD LIKE TO HAVE A GREAT EVENT LIKE THAT EVERY MONTH.

I DON'T THINK WE'RE PREPARED TO DEAL WITH TWO MILLION PEOPLE IN THE FIRST YEAR, THOUGH. [ LAUGHTER ]

I DID FORGET ONE THING, IF YOU WILL EXCUSE ME. AS WE'VE SAID NOW, 120 CITIES IN THE NATION AND AROUND THE WORLD HAVE FIRST NIGHTS. NOT A SINGLE CITY IN TEXAS HAS A FIRST NIGHT. THIS IS AUSTIN'S OPPORTUNITY TO OWN THIS CONCEPT AND BE THE REGIONAL DRAW. THIS CAN BE OURS. SO JUST TO REITERATE, AS I BEGIN MY PRIVATE FUND APPRAISING, I WOULD REALLY LIKE TO BE ABLE TO TELL THEM THAT I HAVE AN INVESTMENT FROM THE CITY UPON WHICH I CAN LEVERAGE. AND I'M GOING TO LEVERAGE THEM VERY HARD. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS? RELATED TO THE HOTEL DISCUSSION, I'M -- I DON'T KNOW THIS, BUT MY INSTINCT IS AUSTIN ON NEW YEAR'S EVE OR PERHAPS EVEN THAT ENTIRE SORT OF HOLIDAY WEEK OR MORE ISN'T A PARTICULARLY BUSY TIME IN TOWN.

NO.

WE DON'T HAVE THE STATISTICS ACTUALLY.

WE'RE WAITING ON THOSE. THE INDICATION WAS THAT DEFINITELY THAT'S ONE OF THE LOWEST TIMES OF THE



YEAR ACTUALLY.

IT'S REALLY BUSINESS GENERATOR FOR DOWNTOWN. PEOPLE WHO COME TO THE EVENT WILL NEED TO GET LUNCH, DINNER. THEY WILL NEED TO USE RESOURCES THAT ARE DOWNTOWN. IT WOULD BE GOOD FOR RESTAURANTS DOWNTOWN AS WELL.

AS YOU KNOW WE'RE NOT POSTED FOR ACTION TODAY. THIS IS SIMPLY A BRIEFING, BUT MY INSTINCTS IS IT'S BEEN VERY WELL RECEIVED AND A COUNCILMEMBER OR TWO WILL LIKELY BE BRINGING FORWARD AN ITEM OR TALKING AMONGST OURSELVES AND THE CITY MANAGER TO TRY TO GET SUPPORT FOR THIS.

THANK YOU VERY MUCH.

THANK YOU FOR YOUR TIME. FEEL FREE TO ASK QUESTIONS IN THE MEANTIME.

Mayor Wynn: GREAT. THANK YOU, LADIES. [ APPLAUSE ]

Mayor Wynn: OUR NEXT BRIEFING SHOWS US ITEM NUMBER 51 ON TODAY'S AGENDA, WHICH IS THE PRESENTATION OF THE RECOMMENDATIONS OF THE HISTORIC PRESERVATION TASKFORCE. THIS HAS BEEN A REMARKABLE AMOUNT OF WORK BY A LOT OF PEOPLE. WE GREATLY APPRECIATE THE EFFORT PUT INTO THIS. IT'S AN IMPORTANT ISSUE TO US FINANCIALLY. ALSO VERY IMPORTANT TO THE FABRIC OF OUR CITY AND HOW WE ADDRESS AND TREAT VERY IMPORTANT HISTORIC PROPERTIES IN TOWN. SO WITH THAT, I GUESS WE WILL WELCOME STAFF MEMBER STEVE SADOWSKY AND THE CHAIR OF THE TASKFORCE, MS. BETTY BAKER.

THANK YOU. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] THAT THE COUNCIL SHOULD CONSIDER IN MAKING THEIR APPOINTMENTS TO THE LANDMARK COMMISSION TO ENSURE THAT OUR LANDMARK COMMISSION MAKES EFFECTIVE AND KNOWLEDGEABLE DECISIONS. THE SECOND AREA IS THE HISTORIC LANDMARK DESIGNATION CRITERIA. AND THIS IS AN AREA THAT REALLY IS OF GREAT CONCERN TO STAFF AND THE LANDMARK

COMMISSION. OUR CURRENT ORDINANCE SETS OUT 13 CRITERIA AND SOME OF THEM ARE VERY VAGUE AND DO POLICE TUESDAY. SO THE TASK FORCE CAME UP WITH A WAY TO TIGHTEN THOSE CRITERIA IN AN EFFORT TO MAKE LANDMARK DESIGNATIONS REALLY -- HAVE THEM APPLY TO REALLY SIGNIFICANT PROPERTIES SO WE DON'T HAVE QUESTIONS ABOUT, WELL, IS THIS A REALLY GOOD CANDIDATE FOR LANDMARK DESIGNATION. WITH TIGHTENING THESE CRITERIA AND MAKING THEM MORE SPECIFIC, THAT'S GOING TO ELIMINATE THAT QUESTION. SO TO BE A LANDMARK, ACCORDING TO THE TASK FORCE RECOMMENDATION, THE BUILDING WILL HAVE TO BE AT LEAST 50 YEARS OLD UNLESS IT'S OF EXTRAORDINARY SIGNIFICANCE AS DEFINED BY A NATIONAL PUBLICATION. AND IT HAS TO HAVE SUFFICIENT INTEGRITY OF MATERIALS AND DESIGN TO VON KAY ITS HISTORIC APPEARANCE AND IT CAN BE RECOGNIZED FOR ITS HISTORIC APPEARANCE EITHER BY A STATE OR FEDERAL DESIGNATION OR TWO OTHER CRITERIA THAT WOULD RELATE TO ITS ARCHITECTURAL MERIT, SUBSTANTIAL ASSOCIATION WITH PERSONS, ENTITIES, EVENTS OF HISTORICAL SIGNIFICANCE, ARCHAEOLOGICAL SIGNIFICANCE, COMMUNITY VALUE, OR SIGNIFICANCE AS A NATURAL OR DESIGNED LANDSCAPE. THE THIRD AREA IS FOR CERTIFICATES OF APPROPRIATENESS FOR HISTORIC LANDMARKS. RIGHT NOW THE CODE PROVIDES THAT EVERY CERTIFICATE OF APPROPRIATENESS BE REVIEWED BY THE COMMISSION AND THE TASK FORCE IS RECOMMENDING THAT PROJECTS WITH MINOR EFFECTS ON HISTORIC LANDMARKS CAN BE APPROVED ADMINISTRATIVELY. THAT'S AN EFFORT TO TRY TO MOVE THE PROCESS THROUGH QUICKLY. THE FOURTH AREA IS ELIGIBILITY FOR PROPERTY TAX EXEMPTION. CURRENT CODE STATES THAT ALL DESIGNATED LANDMARKS OR ELIGIBLE AND THE TASK FORCE HAD ORIGINALLY RECOMMENDED THAT ALL CURRENTLY DESIGNATED LANDMARKS WOULD QUALIFY, BUT ANY LANDMARKS DESIGNATED IN THE FUTURE WOULD NEED TO BE 75 YEARS OLD RATHER THAN THE 50 REQUIRED TO DESIGNATE THE PROPERTY AS A LANDMARK. AND THAT ANY CURRENTLY DESIGNATED LANDMARK THAT CHANGES HANDS, CHANGES OWNERSHIP, WOULD ALSO FALL UNDER THE NEW RULES SO IT WOULD HAVE TO BE 75 YEARS OLD. THE TASK FORCE

RECONVENED THIS YEAR AND DECIDED TO ELIMINATE THAT 75-YEAR RULE SO THAT ALL DESIGNATED LANDMARKS WILL QUALIFY FOR THE PROPERTY TAX EXEMPTION. DETERMINATION OF THE AMOUNT. RIGHT NOW OR OWNER-OCCUPIED RESIDENCES THAT ARE DESIGNATED LANDMARKS, THE CODE PROVIDES THAT THE CITY PROVIDE A PROPERTY TAX EXEMPTION 50% OF THE -- 50% OF THE VALUE OF THE LAND. THE TASK FORCE RECOMMENDED THAT ALL CURRENTLY DESIGNATED LANDMARKS BE GRANDFATHERED SO THAT THEY WOULD RETAIN THAT 100% OF VALUED OF CON CONSTRUCTION, 50% OF THE VALUE OF THE LAND. HOWEVER, IN THE EVENT THERE IS A LEGAL PROBLEM WITH THAT AND COUNCIL DECIDES NOT TO ADOPT THE GRANDFATHERING SCHEME, THEN THE OWNER-OCCUPIED RESIDENCES WILL BE ELIGIBLE FOR A PROPERTY TAX EXEMPTION OF 95% OF THE VALUE OF THE STRUCTURE IN THE FIRST YEAR, 90% OF THE VALUE OF THE STRUCTURE IN THE SECOND YEAR, AND 85% OF THE VALUE OF THE STRUCTURE IN THE THIRD YEAR WITH A MAXIMUM EXEMPTION OR CAP OF THE GREATER OF \$2,000 OR 50% OF THE CITY TAX LEVY. AND I BROUGHT A FLIP CHART. LET ME GO OVER TO THAT REAL QUICKLY SO I CAN ILLUSTRATE HOW THIS WOULD WORK FOR YOU. CAN YOU ALL SEE THIS ALL RIGHT? THIS WOULD BE A PROPERTY THAT WOULD NOT BE SUBJECT TO THE CAP. SO WE'VE GOT A LAND VALUE -- THIS IS JUST A HYPOTHETICAL PROPERTY. IT'S NOT ANYTHING SPECIFIC. THIS IS LAND VALUE OF \$175,000, STRUCTURE VALUE OF \$145,000. THE CITY TAX ON THIS PROPERTY WITHOUT AN EXEMPTION RIGHT NOW IS 1577. THE CURRENT EXEMPTION ON THIS PROPERTY WOULD BE \$1,146. THAT'S AT THE 100% OF THE VALUE OF THE STRUCTURE, 50% OF THE VALUE OF THE LAND. IN THE FIRST YEAR, INVOKING THE 95% ON THE VALUE OF THE STRUCTURE, THE EXEMPTION WOULD GO DOWN TO \$1,111. SO IT WOULD BE A REDUCTION OF \$35. IN THE SECOND YEAR, WHEN THE VALUE OF THE STRUCTURE EXEMPTION WOULD GO DOWN TO 90%, THE EXEMPTION WOULD GO DOWN TO 1074, A DIFFERENCE OF \$72 FROM THE EXEMPTION THAT PROPERTY WOULD GET RIGHT NOW. IN THE THIRD YEAR AT 85% OF THE VALUE OF THE STRUCTURE, THE EXEMPTION WOULD GO DOWN TO 1038. SO IT WOULD BE A TOTAL INCREASE OF \$108 IN CITY TAXES ON THIS PARTICULAR EXAMPLE. HERE WE GO WITH A

HIGHER VALUED STRUCTURE AND THIS ONE ILLUSTRATES THE CAP WOULD WORK BECAUSE THE CAP WOULD ALSO BE PHASED IN OVER A THREE-YEAR PERIOD TO AVOID ANY KIND OF MASSIVE JUMP IN A PERSON'S PROPERTY TAXES. HERE WE'VE GOT A LAND VALUE OF 350,000, A STRUCTURE VALUE OF 545,000, AND AGAIN, THIS IS NOT A PARTICULAR -- ANY PARTICULAR STRUCTURE. RIGHT NOW THE CURRENT CITY TAXES ON THIS PROPERTY WOULD BE \$4,411. THE CURRENT EXEMPTION WOULD BE 3549. IN THE FIRST YEAR, WITH 95% OF THE VALUE OF THE STRUCTURE, WITH THE CAP IMPOSED, IT WOULD BE 3,102 WOULD BE THE EXEMPTION, SO IT WOULD DROP FROM 3549 TO 4102. THE WAY THIS IS FIGURED IS THAT 95% OF THE VALUE OF THE STRUCTURE WOULD GIVE AN EXEMPTION OF 3414. HALF OF THE CITY TAX IS 2206. IF WE TAKE THE 3414 AND SUBTRACT OUT THE 2206, THAT GIVES US \$1,208. DIVIDE THAT BY THREE BECAUSE WE'RE GOING TO PHASE THIS IN OVER THREE YEARS, IT WOULD BE 402. SO THE 3414 OF THE 95% EXEMPTION MINUS THE 402 WOULD GIVE US THE 3,102. SO THEIR EXEMPTION WOULD DROP FROM 3549 TO 3102 IN THE FIRST YEAR. IN THE SECOND YEAR, WE'RE GOING DOWN TO 90% OF THE VALUE OF THE STRUCTURE STILL WITH THE CAP. SAME FORMULA APPLIES. THE 90% WOULD GIVE AN EXEMPTION OF 3280. CITY TAXES STILL 2206. WE'RE ASSUMING IT WOULD STILL BE 2206. THE 3280 MINUS THE 2206 WOULD BE 1074. DIVIDE THAT BY THREE, WE'VE GOT \$358. BUT THEN BECAUSE WE'RE PHASING THAT CAP IN, THIS WOULD BE TWO-THIRDS OF THE AMOUNT OF THE CAP. SO WE TAKE \$716 AS THE AMOUNT TO SUBTRACT OFF OF THE EXEMPTION. SO IT WOULD BE THE 3280 FOR THE EXEMPTION MINUS THE 716 WOULD GIVE US AN EXEMPTION OF 2564. SO THAT WOULD BE THE DROP FROM 3549. IN THE THIRD YEAR WE'RE GOING TO 85% OF THE VALUE OF THE STRUCTURE WITH THE CAP. WE WOULDN'T -- IT WOULD BE 3146 IS THE VALUE OF THE EXEMPTION. AND THE HALF OF THE CITY TAX IS 2206. SO THE CAP WOULD BE 2206 BECAUSE THAT WOULD BE THE GREATER OF \$2,000 OR 50% OF THE CITY TAX LEVY SO IT WOULD BE THE \$2,206. THAT TAX EXEMPTION SCHEME WOULD APPLY TO OWNER-OCCUPIED RESIDENCES, INCOME-PRODUCING PROPERTIES WOULD RETAIN THE SAME EXCEPTIONS THEY HAVE NOW. NO MAXIMUM EXEMPTION AND NO REDUCTION IN THE RATES. THAT WOULD BE 50% OF

THE VALUE OF THE STRUCTURE AND 25% OF THE VALUE OF THE LAND. THE NEXT AREA IS THE CREATION OF LOCAL HISTORIC DISTRICTS. AND THE CODE CURRENTLY PROVIDES FOR LOCAL HISTORIC DISTRICTS TO GO THROUGH THE SAME NOMINATION AS HISTORIC LANDMARKS AND AT LEAST 51% OF THE PRINCIPAL STRUCTURES WITHIN THE DISTRICT NEED TO BE CONTRIBUTING TO THE DISTRICT, THEY NEED TO CONTRIBUTE TO THE HISTORIC CHARACTER OF THE HISTORIC DISTRICT. THE TASK FORCE HAD ORIGINALLY RECOMMENDED THAT THE DISTRICT COULD BE INITIATED BY COUNCIL OR THE LANDMARK COMMISSION OR A PETITION ENDORSED BY AT LEAST 50% OF THE OWNERS IN THE PROPOSED DISTRICT OR CITY STAFF IF THE HISTORIC DISTRICT HAS RECOMMENDED AN ADON'T NEIGHBORHOOD PLAN. -- ADOPTED NEIGHBORHOOD PLAN. THEY AMENDED THEIR RECOMMENDATION TO ALLOW THE LOCAL HISTORIC DISTRICT CASE TO BECOME STARTED WITH THE PETITION ENDORSED BY 30% OF THE PROPERTY OWNERS WITHIN THE LOCAL HISTORIC DISTRICT. BUT THAT THE CASE COULD NOT PROCEED TO ANY BOARD OR COMMISSION UNTIL AT LEAST 50% OF THE PROPERTY OWNERS IN THE LOCAL HISTORIC DISTRICT HAD INDICATED THEIR SUPPORT FOR CREATION OF THE DISTRICT. STAFF HAS DISCUSSED THIS WITH THE LEGAL DEPARTMENT AND I THINK THEY WILL BRING THAT UP WITH YOU AT EXECUTIVE SESSION, BUT STAFF'S COMMENT IS THAT WE SHOULD ELIMINATE THE 30%. IT SHOULD BE JUST SOMETHING ACROSS THE BOARD. ONE FIGURE TO GET A LOCAL HISTORIC DISTRICT STARTED. THE NEXT AREA IS REDUCING THE BOUNDARIES OF AN HISTORIC DISTRICT. AND THE CURRENT CODE PROVIDES THAT AN HISTORIC DISTRICT CAN BE REDUCED EXCLUDING A STRUCTURAL OR AREA IF THAT AREA IS NECESSARY FOR A MAJOR NEW DEVELOPMENT WHICH SUPPORTS THE CHARACTER OR ECONOMIC VIABILITY OF THE DISTRICT. WHICH WAS THE ORIGINAL TASK FORCE RECOMMENDATION. THE TASK FORCE THEN AMENDED THEIR RECOMMENDATION TO DELETE THAT SUBSECTION BECAUSE EACH LOCAL HISTORIC DISTRICT IS GOING TO HAVE A DISTRICT PRESERVATION PLAN. AND EVERY MAJOR NEW DEVELOPMENT OR EVERY NEW CONSTRUCTION WITHIN AN HISTORIC DISTRICT SHOULD FOLLOW THE DISTRICT PRESERVATION PLAN. SO THE STAFF -- THE TASK FORCE AMENDED THEIR

RECOMMENDATION TO TAKE THAT PROVISION OUT OF THE CODE. THE NEXT SECTION IS THE PRESERVATION PLAN AND THERE'S BEEN NO CHANGE TO THE TASK FORCE RECOMMENDATION THERE. THE NEXT SECTION ADDRESSES DEMOLITION, REMOVAL OR BUILDING PERMIT APPLICATIONS IN LOCAL HISTORIC DISTRICTS. AND THERE'S BEEN NO CHANGE TO THE TASK FORCE RECOMMENDATION IN THAT AREA EITHER. WE GET TO PROPERTY TAX INCENTIVES FOR REHABILITATING BUILDINGS IN LOCAL HISTORIC DISTRICTS. THE FIRST SECTION OF THIS APPLIES TO LOCAL HISTORIC DISTRICTS ANYWHERE IN THE CITY. AND THE ORIGINAL TASK FORCE RECOMMENDATION WAS TO GRANT A PROPERTY TAX INCENTIVE TO REHAB ANY BUILDING WITHIN A LOCAL HISTORIC DISTRICT. AND THE TASK FORCE AMENDED RECOMMENDATION IS TO LIMIT THAT INCENTIVE ONLY TO CONTRIBUTING BUILDINGS OR TO NON-CONTRIBUTING BUILDINGS IF THE PROJECT WILL RESTORE THE HISTORIC APPEARANCE AND CHARACTER. OF THE BUILDING. SO THE BUILDING WOULD HAVE TO BE CONTRIBUTING AT SOME POINT IN ITS HISTORY. IT WOULD HAVE TO BE CONTRIBUTING, BUT WOULD BE CONSIDERED NON-CONTRIBUTING BECAUSE OF MAJOR ALTERATIONS TO IT SO THE HISTORIC APPEARANCE HAD BEEN DIMINISHED. IF THE PROJECT WERE GOING TO REVERSE THOSE ALTERATIONS, THEN THE TASK FORCE RECOMMENDS THAT PROPERTY SHOULD BE ELIGIBLE FOR IF PROPERTY TAX INCENTIVE. THAT'S THE WHOLE IDEA BEHIND DOING THIS. THE PROPERTY TAX EXEMPTION THAT THE TASK FORCE RECOMMENDS IS A SEVEN-YEAR FREEZE ON THE ADDED VALUE OF THE PROPERTY. IF 25% OF THE PRE-IMPROVEMENT VALUE OF THE STRUCTURE IS REINVESTED THE IN QUALIFIED REHABILITATION EXPENDITURES AND AT LEAST 5% OF THE PRE-IMPROVEMENT VALUE OF THE STRUCTURE IS REINVESTED IN QUALIFIED REHABILITATION EXPENDITURES TO THE EXTERIOR. THAT'S FOR OWNER-OCCUPIED RESIDENCES. FOR INCOME PRODUCING IT WOULD BE A TEN-YEAR ABATEMENT ON THE ADDED VALUE OF THE PROPERTY IF 40% OF THE PRE-IMPROVEMENT VALUE IS REINVESTED AND 5% OF THE PRE-IMPROVEMENT VALUE IS INVESTED IN THE EXTERIOR. ALL THIS REHABILITATION WORK WOULD HAVE TO FOLLOW THE DESIGN STANDARDS CONTAINED IN THE HISTORIC DISTRICT PRESERVATION PLAN

AND WOULD ALL HAVE TO BE APPROVED BY THE HISTORIC LANDMARK COMMISSION BEFORE A PROPERTY OWNER COULD GET THE INCENTIVE. THE TASK FORCE ALSO LOOKED AT REVITALIZING NEIGHBORHOODS AND CAME UP WITH A SEPARATE INCENTIVE TO ENCOURAGE REHABILITATION OF HISTORIC BUILDINGS IN THE AREA BOUNDED BY THE FREEWAY, I-35, U.S. 183, U.S. 290 AND HIGHWAY 71. HERE IT WOULD BE DESIGNATED LANDMARKS AND CONTRIBUTING BUILDINGS AND NON-CONTRIBUTING BUILDINGS IF THE PROJECT WOULD RESTORE THE HISTORIC APPEARANCE WOULD BE ELIGIBLE FOR THE INCENTIVE. AND FOR OWNER-OCCUPIED RESIDENTIAL PROPERTIES THIS WOULD BE A TEN-YEAR ABATEMENT AS OPPOSED TO HISTORIC DISTRICTS IN OTHER AREAS OF THE CITY WOULD BE SEVEN YEARS. SO THIS IS GRANTING AN EXTRA THREE YEARS FOR THE ABATEMENT ON THE ADDED VALUE OF THE PROJECT. THE THRESHOLD FOR REINVESTMENT IS A LITTLE BIT LOWER. IT WOULD BE 20% INSTEAD OF 25. AT LEAST 5% OF THE PRE-IMPROVEMENT VALUE WOULD STILL HAVE TO BE SPENT ON THE EXTERIOR. FOR INCOME-PRODUCING PROPERTIES, THE TASK FORCE RECOMMENDS A 10% -- I'M SORRY, A 10-YEAR ABATEMENT ON THE ADDED VALUE IN THE REI VITALIZING DISTRICTS SO THAT'S THE SAME TIME FRAME FOR THE 1234E7B9 I INCENTIVE. THE TASK FORCE RECOMMENDED 50% OF THE PRE-IMPROVEMENT VALUE WOULD NEED TO BE REINVESTED THE AND STAFF'S COMMENT IS THAT THAT SHOULD ALSO BE REDUCED. THAT SHOULD BE REDUCED TO 30% TO ENCOURAGE REHABILITATION IN THE REVITALIZING DISTRICT. IN HISTORIC DISTRICTS ACROSS THE CITY, FOR INCOME-PRODUCE PROTSdz, PROPERTIES, THE THRESHOLD IS 40% SO IT SEEMED LOGICAL FOR STAFF TO REDUCE THE THRESHOLD FOR REINVESTMENT DOWN TO 30% IN THE REVITALIZING DISTRICT TO MAKE THAT INCENTIVE MORE ATTRACTIVE. AGAIN, 5% OF THE PRE-IMPROVEMENT VALUE WOULD HAVE TO BE SPENT ON THE EXTERIOR. THE NEXT SECTION ADDRESSES BUILDING PERMITS IN NATIONAL REGISTER DISTRICTS. AND THE CURRENT CODE PROVIDES THAT THE LANDMARK COMMISSION WILL REVIEW BUILDING PERMITS IN ALL -- ALL BUILDING PER PERMITS IN NATIONAL REGISTER DISTRICTS. THE TASK FORCE ORIGINALLY RECOMMENDED THAT PROCESS SHOULD GO AWAY, THAT THE LANDMARK

COMMISSION SHOULD NOT REVIEW BUILDING PERMITS IN NATIONALLY REGISTERED DISTRICT, BUT THEN AMENDED THEIR RECOMMENDATION TO SAY LET'S GIVE IT A TWO-YEAR TKPWRAEUGS PERIOD TO SEE IF THESE NATIONAL REGISTERED DISTRICTS BECOME LOCAL HISTORIC DISTRICTS. STAFF'S COMMENT ON THIS IS THAT THERE ARE PROBABLY SOME NATIONAL REGISTERED DISTRICTS THAT MAY NEVER BECOME LOCAL HISTORIC DISTRICTS. AND NATIONAL REGISTERED DISTRICTS HAVE BEEN RECOGNIZED BY THE SECRETARY OF THE INTERIOR, NATIONAL PARKS SERVICE. THEY ARE A VERY IMPORTANT PART OF THE HISTORIC CHARACTER OF THE CITY AND STAFF WOULD LIKE TO SEE SOME MECHANISM TO CONTINUE AT LEAST A REVIEW BY STAFF OF BUILDING PERMIT APPLICATIONS. IF WE THINK OF SIXTH STREET OR CONGRESS AVENUE, WE DON'T KNOW IF ANY OF THEM WILL EVER BECOME A LOCAL HISTORIC DISTRICT, BUT SIXTH STREET IN PARTICULAR IS SUCH A VISIBLE NATIONAL REGISTERED DISTRICT THAT I THINK THE CITY HAS A VESTED STPW- IN INTEREST IN REVIEWING PERMITS WHETHER IT BE THROUGH THE LANDMARK COMMISSION OR THE HISTORIC PRESERVATION OFFICE. THE NEXT SECTION ADDRESSES OWNER OPPOSITION HISTORIC ZONING CASES. AND THE TASK FORCE RECOMMENDED TWO LANDMARK COMMISSION HEARINGS. THE FIRST BEING A CRITERIA HEARING TO DETERMINE IF THE PROPERTY MEETS THE CRITERIA FOR LANDMARK DESIGNATION, AND THEN A DISPOSITION HEARING TO MAKE RECOMMENDATIONS REGARDING HISTORIC ZONING. AND THERE'S BEEN NO CHANGE TO THE TASK FORCE RECOMMENDATION REGARDING THAT SETUP. STAFF'S ORIGINAL RECOMMENDATION ON THIS IS STILL A COMMENT WE WOULD LIKE TO MAKE. IN COMBINING THOSE TWO HEARINGS INTO ONE IN ORDER TO STREAMLINE THE PROCESS, BUT GIVING THE LANDMARK COMMISSION THE FLEXIBILITY TO ORDER A DEMOLITION DELAY IF THEY NEED MORE INFORMATION TO MAKE THEIR DECISION. SO THIS IS JUST A WAY THAT IF WE DON'T NEED TWO HEARINGS EVERY TIME, LET'S DO IT IN ONE AND IF WE DO NEED TWO, WE CAN HAVE TWO AND ALLOW THE LANDMARK COMMISSION THE FLEXIBILITY TO DO THAT. THE FINAL SECTION JUST APPLIES TO FEES AND THIS IS ALL PART OF THE CITY BUDGET INITIATIVE WHICH INSTITUTED FEES FOR REVIEW OF



DEMOLITION RELOCATION PERMITS, BUILDING PERMITS IN  
NATIONALLY REGISTERED DISTRICT AND CERTIFICATES OF  
APPROPRIATENESS. AND THE STAFF CONCURS WITH THAT. A  
FINAL ITEM THAT I'D LIKE TO PASS ALONG TO YOU, ONE  
THING THAT I THINK IS PRETTY IMPORTANT AS FAR AS NOT  
PART OF PERHAPS OUR ORDINANCE BUT PART OF A  
RECOMMENDATION THAT THE CITY CAN MAKE TO THE  
APPRAISAL DISTRICT IS THAT LANDMARKS FOR TAXING  
PURPOSES NEED TO BE GROUPED DEGREE GRAPHICALLY.  
RIGHT NOW THE APPRAISAL DISTRICT TAKES ALL OF THE  
LANDMARKS DESIGNATED BY THE CITY AND PUTS THEM  
INTO A VIRTUAL COMMUNITY FOR TAXING PURPOSES TO  
AVOID SURROUNDING PROPERTIES THAT MAY NOT BE  
RESTORED TO THE EXTENT THAT A LANDMARK IS OF HAVING  
THAT LANDMARK AS A COMPARISON PROPERTY FOR TAXING  
PURPOSES. WHAT HAS HAPPENED IS THAT WE'VE GOT  
LANDMARKS IN EAST AUSTIN THAT ARE WORTH, SAY,  
\$80,000, LANDMARKS THROUGHOUT THE CITY THAT ARE  
WORTH NOT NEARLY AS MUCH AS SOMETHING AS THE  
PEASE MANSION, AND THEY ARE ALL GROUPED TOGETHER  
IN ONE VIRTUAL COMMUNITY FOR TAXING PURPOSES. WE  
THINK IT WOULD BE MUCH MORE EQUITABLE IF THE  
LANDMARKS WERE GROUPED GEOGRAPHICALLY SO THE  
LANDMARKS IN EAST AUSTIN ARE COMPARED AGAINST EACH  
OTHER FOR TAXING PURPOSES. LANDMARKS IN WEST  
AUSTIN ARE COMPARED AGAINST EACH OTHER FOR TAXING  
PURPOSES. AND AGAIN, IT'S NOT SOMETHING THAT THE CITY  
HAS THE AUTHORITY TO DO BY ORDINANCE, BUT IT IS  
SOMETHING THAT THE CITY CAN DO AS A RECOMMENDATION  
TO THE APPRAISAL DISTRICT. THAT CONCLUDES MY  
PRESENTATION, IF YOU ALL HAVE ANY QUESTIONS.

Mayor Wynn: THANK YOU. QUESTIONS? COUNCILMEMBER  
DUNKERLEY? DUNG TK-PBG I FIRST WANT TO THANK THE --

Dunkerley: I FIRST WANT TO CHANGE THE CHAIR FOR CON  
CON RAOEPB SRAOEPBING THE TASK FORCE SINCE SOME  
OF THEIR RECOMMENDATIONS WERE IN DOUBT AFTER THE  
FIRST REPORT. I REALLY APPRECIATE. THAT I THINK YOU'VE  
DONE A REALLY GOOD JOB. AND FOR ONCE I'VE HAD A  
NUMBER OF E-MAILS OF SUPPORT FOR THE TASK FORCE  
RECOMMENDATIONS. IN FACT, I'VE HAD -- I HAD NO E-MAILS  
THAT HAD ANY FURTHER RECOMMENDATIONS THAN WHAT

YOU ALL DID SO I DON'T KNOW WHAT YOU DID, BUT THIS IS UNUSUAL TO GET 100% E-MAILS IN SUPPORT OF ANYTHING. SO THANK YOU VERY MUCH FOR YOUR WORK. AND IF YOU HAVE ANY COMMENTS, WE WOULD LOVE TO HEAR FROM YOU.

I'VE JUST BEEN REAL BUSY SENDING YOU E-MAILS.  
[LAUGHTER]

Mayor Wynn: AGAIN, A REMINDER, WE ARE POSTED -- WE APPRECIATE THIS PRESENTATION. WE ARE POSTED FOR A PUBLIC HEARING AFTER 6:00 P.M., ITEM NUMBER 58, WHICH WOULD BE WHERE WE WOULD POTENTIALLY TAKE ACTION ON THIS ITEM. WE ALSO HAVE POSTED THE ITEM FOR EXECUTIVE SESSION AS A PRECAUTION. WE MAY NOT NEED TO GO INTO CLOSED SESSION, BUT WE HAVE THAT OPTION. FURTHER COMMENTS, QUESTIONS, COUNCIL? I'M SURE WE'LL HAVE PLENTY OF DISCUSSION THIS EVENING AT THE PUBLIC HEARING.

THANK YOU.

Mayor Wynn: THANK YOU. COUNCIL, EARLIER IN EXECUTIVE SESSION WE DISCUSSED ITEM 43 WHICH WAS THE WASTEWATER LINE IN THE 1600 BLOCK OF WATCH HILL ROAD. WE HAD POSTED AN ITEM FOR POTENTIAL ACTION, ITEM NUMBER 49, AND PERHAPS A BRIEF PRESENTATION FROM STAFF, WE COULD TAKE THAT UP.

THANK YOU, MAYOR AND COUNCIL. MARTHA TERRY, ASSISTANT CITY ATTORNEY. WITH ME IS MR. CAN TOO. WE HAVE A RECOMMENDATION TO YOU ON AGENDA ITEM 49. WE ARE ASKING YOU TO APPROVE NEGOTIATION AND EXECUTION OF A SETTLEMENT REGARDING COST REIMBURSEMENT FOR THE CONSTRUCTION OF SEWER SERVICE LATERALS FOR THREE ADDRESSES ON WATCH HILL ROAD. 1606, 1610, AND 1612 HERE IN AUSTIN. IN AN AMOUNT NOT TO EXCEED \$151,145.

Mayor Wynn: THANK YOU, MS. TERRY. QUESTIONS OF STAFF, COUNCIL? I COMMEND STAFF. THIS HAS BEEN A DIFFICULT PROJECT FOR EVERYBODY. IT'S LASTED A LOT LONGER

THAN EVERYBODY INTENDED IT TO.

MR. K H.CANTU DESERVES THE THANKS. I'M JUST THE MOUTHPIECE.

Mayor Wynn: TRY TO KEEP AS MANY PEOPLE AS HAPPY AS POSSIBLE. APPRECIATE THE HARD WORK. SO COUNCIL, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 49.

I MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY. I'LL SECOND THAT TO APPROVE ITEM NUMBER 49 AS PRESENTED AND POSTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7 TO TKPWHROER. THANK YOU VERY MUCH.

THANK YOU VERY MUCH.

Mayor Wynn: COUNCIL, AT THIS TIME, WITHOUT OBJECTION, WE'LL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL AND CALL TO ORDER THIS MEETING OF THE BOARD OF DIRECTORS OF THE AUSTIN HOUSING FINANCE CORPORATION AND WELCOME MR. PAUL HILGERS.

THANK YOU, MR. PRESIDENT. I AM PAUL HILGERS AND I HAVE TWO VERY BRIEF ITEMS TO BRING BEFORE YOU TODAY. ITEM NUMBER 1 IS TO APPROVE THE MINUTES OF THE BOARD MEETING OF NOVEMBER 4th.

Mayor Wynn: I'LL ENTERTAIN A MOTION.

SO MOVED.

Mayor Wynn: MOTION MADE BY BOARD MEMBER MA CRACKEN, SECONDED BY BOARD MEMBER DUNKERLEY TO APPROVE THE MINUTES AS POSTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR SAY AYE. OPPOSED? MOTION PASSES 7-0.

ITEM NUMBER 2 IS A CONTRACT YOU'LL TRANSACTION THAT ARE BRINGING BEFORE YOU TODAY TO APPROVE THE

NEGOTIATION AND EXECUTION OF THREE ONE-YEAR PRICE AGREEMENTS, EACH WITH TWO-YEAR, ONE-YEAR EXTENSIONS WITH DIAMONDHEAD INTERNATIONAL SALES CORPORATION, CROSBY TEXAS, JETT BUILDERS OF SAN ANTONIO, TEXAS, AND OLMOS ABATEMENT IN MANOR, TEXAS TO, PROVIDE LEAD ABATEMENT AND SERVICES FOR THE HOMEOWNERSHIP REHABILITATION PROGRAM IN AN AMOUNT NOT TO EXCEED \$750,000 FOR THE INITIAL 12 MISSOURI PERIOD AND 750,000 FOR EACH TWO ONE-YEAR EXTENSION PERIODS. THIS IS CONSISTENT WITH THE CONSOLIDATED PLAN. IT ALLOWS FOR LEAD CONSTRUCTION WORK THAT WILL BE DONE AS PART OF THAT HOMEOWNER REHABILITATION LOAN PROGRAM. AND IF THERE ARE ANY QUESTIONS, I WOULD BE GLAD TO TRY TO ANSWER THEM, AND STAFF IS BRINGING THIS FORWARD WITH OUR RECOMMENDATIONS FOR APPROVAL.

Mayor Wynn: THANK YOU, MR. HILGERS. IS THIS SORT OF PROPORTIONATE TO WHAT WE'VE BEEN DOING HISTORICALLY? IS THERE A TREND WE'VE BEEN HAVING TO SPEND MORE OR LESS LATELY?

THE RAOEPB WE'RE BRINGING IT IN THIS FORM IS IT ALLOWS US TO STREAMLINE THE PROCUREMENT PROCESS AND ADDRESS THESE ISSUES ON A MORE EFFICIENT BASIS AND GET THOSE CONTRACTORS ON BOARD SO WE'LL BE ABLE TO DO MORE UNITS IN A MORE SYSTEMIC WAY. BUT THE FACT WE ARE HAVING TO SPEND THE ISSUES OF CONSTRUCTION COSTS GOING UP ARE THINGS THAT WE'RE ADDRESSING SO WE'RE LOOKING TO TRY TO FIND STREAMLINED WAYS AND APPROACHES TO DEAL WITH THOSE. BUT WHAT WE HAVE THE ASSESSMENT THAT OCCURS PRIOR TO THE -- OBVIOUSLY TO THE CONSTRUCTION, THAT'S FUNDED WITH A DIFFERENT SET OF DOLLARS AND A DIFFERENT SET OF CONTRACTORS. SO THIS IS A FAIRLY UNIQUE -- THIS IS A FAIRLY NEW APPROACH FOR US TO TRY TO ADDRESS IT IN A MORE STREAMLINED PROCUREMENT PURCHASING METHODOLOGY.

Mayor Wynn: IS THIS -- HOMEOWNERSHIP REHAB LOAN PROGRAM, SO WITH THIS -- PARTICULARLY WITH THE LEAD ABATEMENT ISSUE, IS THIS WHERE, YOU KNOW, A REHAB PROJECT HAS ALREADY BEGUN OR ONCE PEOPLE

INVESTIGATE THE SCOPE OF A PROJECT, THEN THEY FIND LEAD, THEN WE HAVE TO SCRAMBLE?

A COUPLE OF THINGS. THIS IS THE KIND OF -- THE HOMEOWNER SHIM REHABILITATION LOAN PROGRAM IS THE PROGRAM THAT WE'VE HAD SUBSCRIBED AS QUICKLY -- WE'VE CLOSED THIS PROGRAM FOR ALMOST AS QUICKLY AS WE OPEN IT BECAUSE THE DEMAND IS SO HIGH. WHEN WE DO THE ASSESSMENT, IF WE FIND THE LEAD, THIS IS SEPARATE FROM OUR LEAD ABATEMENT -- TO SOME DEGREE SEPARATE FROM THE LEAD ABATEMENT PROGRAM WHERE WE'RE WORKING WITH HEALTH AND HUMAN SERVICES DEPARTMENT WHERE WE'RE FINDING INCIDENTS OF LEAD AND GOING IN AND CORRECTING THAT ON JUST A BASIC LEAD ABATEMENT PROGRAM. THIS IS FOR THOSE INCIDENCES WHEN THE SUBSTANTIAL REPAIRS IN ADDITION TO THOSE REPAIRS WE'RE DOING WITH THE LEAD PROGRAM AS WELL. ALL OF THAT IS DETERMINED AS WE'RE ASSESSING THE REHABILITATION THAT OCCURS ON THE FRONT END OF OUR ASSESSMENT OF WHAT WE'RE DOING FOR THOSE HOMES.

Mayor Wynn: THANK YOU. COUPLE OF DAYS.

Dunkerley: WHAT IS THE MAXIMUM REHAB LOAN THAT WE DO?

WHAT HAPPENS IS WE DO A FEASIBILITY ANALYSIS TO DETERMINE WHETHER OR NOT THE HOUSE IS ABLE TO BE REPAIRED. AND IF THE COSTS ARE ABOVE 50 THOUGH DOLLARS -- \$50,000 OR THE LIMITS OF THIS AMOUNT ARE \$80,000 FOR HOME RECONSTRUCTION AND \$50,000 FOR A HOME REHABILITATION. SO IF IT'S ABOVE \$50,000, THEN WE TYPICALLY ARE NOT GOING TO REHAB A HOME. WHAT WE WOULD DO IS WORK WITH THE FAMILY TO RECONSTRUCT THE HOME. AND SO THEN WE WORK WITH A VARIETY OF DIFFERENT FUNDING MECHANISMS WITH THE FAMILY TO DETERMINE IF THEY WANT TO WAY TO PAY US BACK IN A LOW INTEREST LOAN SITUATION, DEPENDING ON THE ECONOMIC CONDITION OF THE FAMILY. BUT PWAEUFPL FOR BASICALLY FOR REHABILITATION THE MAXIMUM IS \$80,000.

Dunkerley: THE REASON I WAS POSING THAT QUESTION IN THE PRESENTATION WE HAD JUST A FEW MOMENTS AGO IN

THE HISTORIC DISTRICT, WE ARE THINKING ABOUT FOR THOSE DISTRICTS AND A C.B.D. ELIGIBLE LOAN.

CORRECT. WE WOULD ADD \$5,000 TO TO \$80,000.

Dunkerley: WELL, TO GIVE A TAX REBATE ON THE ENHANCED VALUE AND WE WERE TRYING TO DETERMINE WHAT PERCENT OF THE VALUE TO REQUIRE. AND I KNOW MANY OF THOSE FOLKS WOULD PROBABLY BE COMING TO THIS PROGRAM TO SECURE 'FUNDS TO DO THEIR REHAB. SO I WOULD LIKE YOU TO TAKE A LOOK AT THAT.

WE'LL BE GLAD TO DO THAT.

Dunkerley: RIGHT NOW WE HAVE IT -- I'M NOT SURE, MAYBE AT 20%, AND THAT MAY BE A BIT TOO HIGH.

MY UNDERSTANDING IS WE'RE WORKING ALSO WITH THEM WHERE THEY MIGHT B ELIGIBLE FOR MORE OF THE REPLACEMENT COST IF IT'S ACTUALLY HISTORIC HOME. I'LL GET THAW INFORMATION.

OKAY. THANKS.

Mayor Wynn: THANK YOU, MR. HILGERS. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER THOMAS.

Thomas: MR. HILGERS, THERE IS STILL A PROGRAM WITH -- REHAB PROGRAM THAT STARTED BACK I GUESS IT WAS THREE TO FOUR YEARS AGO THAT THERE WAS A BANK -- THE BANKS GOT INVOLVED. IS THAT PROGRAM STILL EXISTING?

NO, SIR. IT'S REALLY -- IT'S NOT. AND THAT WAS THE -- WHAT WE CALLED THEN THE CHALLENGE LOAN PROGRAM. AND IT BECAME A LITTLE GREATER OF A CHALLENGE THAN WE THOUGHT IT WAS GOING TO BE. THERE ARE NO NEW LOANS IN THAT PROGRAM SO THAT'S NO LONGER -- AND NOT PART OF THIS EITHER.

Thomas: OKAY. THANK YOU.

Mayor Wynn: TPUFRT FURTHER COMMENTS, QUESTIONS,

COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION TO APPROVE  
A.H.F.C. ITEM NUMBER 2.

Thomas: SO MOVED.

Mayor Wynn: MOTION MADE BY BOARD MEMBER THOMAS,  
SECONDED BY THE VICE PRESIDENT. FURTHER COMMENTS?  
HEARING NONE, ALL IN FAVOR PLEASE SAY AYE. OPPOSED?  
MOTION PASSES ON A VOTE OF 7 TO ZERO.

THAT'S ALL THE BUSINESS BEFORE THE FINANCE  
CORPORATION TODAY.

Mayor Wynn: WITHOUT OBJECTION, BOARD, WE NOW  
ADJOURN THIS MEETING OF THE BOARD OF DIRECTORS OF  
THE AUSTIN HOUSING FINANCE CORPORATION AND CALL  
BACK TO ORDER THIS MEETING OF THE AUSTIN CITY  
COUNCIL. COUNCIL, WE DON'T HAVE ANY ACTION ITEMS  
PRIOR TO OUR 4:00 ZONING CASES SO WITH THAT WE'LL GO  
BACK INTO CLOSED SESSION AND I THINK STAFF IS TRYING  
TO FIGURE OUT WHETHER THEY ARE GOING TO BE READY  
TO TAKE UP THE DISCUSSION OF OUR LANDFILL ITEM, SO AS  
A PRECAUTION I'LL GO AHEAD AND ANNOUNCE WE MAY TAKE  
UP ITEM 35 REGARDING A LANDFILL ISSUE, ITEM 42  
RECORDING OUR HISTORIC PRESERVATION TASK FORCE  
PRESENTATION, 45 REGARDING THE LONG CENTER, AND 46  
REGARDING RYAN-O EXCAVATING PURSUANT TO SECTION  
551 PORTION 071 OF THE OPEN MEETINGS ACT FOR PRIVATE  
CONSULTATION WITH OUR OWNERS. WE MAY ALSO TAKE UP  
REAL ESTATE MATTERS, ITEM 48, RELATED TO THE OLD  
MUELLER AIRPORT SITE PER SURPBT TO SECTION 551.072  
OF THE OPEN MEETINGS ACT. WE ARE NOW IN CLOSED  
SESSION. IN EXECUTIVE SESSION --

Mayor Wynn: LET'S, PURSUANT TO SECTION 551 551.072 WE  
TOOK UP REAL ESTATE MATTER NUMBER 48 RELATED TO  
THE MUELLER TRACT. NO DECISIONS WERE MADE. WE ALSO  
DISCUSSED ITEM NO. 35 RELATED TO A LANDFILL, POTENTIAL  
LANDFILL CONTRACT. NO DECISIONS WERE MADE. WE ARE  
NOW BACK INTO OPEN SESSION WITH A QUORUM PRESENT.  
AND BEFORE WE GO TO OUR ZONING CASES, COUNCIL, I  
WOULD LIKE TO CALL UP ITEM NO. 35, WHICH WAS OUR  
LANDFILL CONTRACT ISSUE THAT WE TABLED MUCH

EARLIER IN THE DAY. AND HAD STAFF ANSWER A NUMBER OF QUESTIONS THAT CAME UP LEGAL MATTERS IN CLOSED SESSION. AND WE WILL WELCOME MR. JOHN STEVENS TO GIVE A PRESENTATION.

THANK YOU, MAYOR. AGAIN THIS -- THIS CONTRACT OR THIS ITEM AS WE DISCUSSED EARLIER IS FOR THE CITY TO NEGOTIATE, NOT TO EXECUTE, BUT TO NEGOTIATE A COUNTY WITH IESI FOR THE OPERATION AND MANAGEMENT OF OUR F.M. 812 LANDFILL. THERE HAS BEEN A LOT OF DISCUSSION TODAY ABOUT ISSUES RELATED TO A NUMBER OF THINGS AND WE HAVE GONE OVER THOSE, SOME OF THOSE IN PUBLIC AND SOME OF THEM IN THE EXECUTIVE SESSION. AT THIS POINT WE'RE PREPARED TO ANSWER QUESTIONS THAT COUNCIL MAY HAVE OF US THAT WE CAN ANSWER HERE IN THE OPEN SESSION.

Mayor Wynn: THANK YOU, MR. STEPHENS, COMMENTS OR QUESTIONS? COUNCIL? AGAIN, AS -- AS MR. STEVENS INDICATED, OUR POSTED ITEM IS SIMPLY TO AUTHORIZE NEGOTIATION OF A LANDFILL CONTRACT. WITH -- WITH ISI [SIC] AND WE'VE HAD A NUMBER OF QUESTIONS ANSWERED. COMMENTS, COUNCIL? COUNCILMEMBER ALVAREZ?

YEAH, I JUST HAD A QUESTION THAT'S PROBABLY BETTER SUITED FOR PUBLIC DISCUSSION HERE. IN TERMS OF -- OF OUR LANDFILL AND I GUESS A LOT OF THIS MAY BE SUBJECT TO A NEGOTIATION IF IT COMES TO THAT. BUT IN TERMS OF SORT OF THE LONG-TERM NEEDS OF THE SOLID WASTE SERVICES DEPARTMENT, POTENTIALLY ENTERING INTO A CONTRACT WITH ANYBODY TO MANAGE THAT LANDFILL FOR AN EXTENDED PERIOD OF TIME MIGHT LIMIT OUR ABILITY TO DO SOME THINGS AT THAT LANDFILL THAT MIGHT HELP US WITH OTHER LONG-TERM NEEDS OF THE DEPARTMENT AND ONE OF THE -- ONE OF THE -- ONE OF THE ISSUES THAT I'VE - - THAT HAS BEEN RAISED TO US IN TERMS OF A LONG-TERM ISSUE THAT'S BEING DISCUSSED CURRENTLY IS THE -- THE SINGLE SOURCE, SINGLE STREAM MATERIALS RECOVERY FACILITY, POSSIBLY, AND WHETHER WE HAVE A LOCATION FOR A FACILITY SUCH AS THAT. OBVIOUSLY IF WE END UP DECIDING THAT'S ONE OF THE ELEMENTS OF OUR LONG-TERM SOLID WASTE SERVICES PLAN, IT WOULD JUST TIE OUR HANDS IN THE SENSE OF POTENTIALLY CLOSING OFF A



POTENTIAL SITE FOR SUCH A FACILITY, WHICH COULDN'T, FROM WHAT I UNDERSTAND, GO WHERE OUR CURRENT [INDISCERNIBLE] IS LOCATED. JUST IN TERMS OF THE LONG-TERM SOLID WASTE MANAGEMENT ISSUES, TYING UP, YOU KNOW, THIS PARTICULAR ASSET OF THE DEPARTMENT, AND HOW THAT -- HOW THAT AFFECTS, YOU KNOW, OUR ABILITY OR FLEXIBILITY GOING FORWARD.

COUNCILMEMBER, ONE, NO DECISION HAS BEEN MADE ON SINGLE SCREEN RECYCLING. AS COUNCIL IS AWARE, EARLIER THIS YEAR, WE -- WE BEGAN A PILOT IN FIVE DIFFERENT AREAS AROUND THE CITY FOR APPROXIMATELY 5,000 HOMES WHERE WE WERE DOING A PILOT FOR SIX MONTHS ON SINGLE STREAM RECYCLING THAT PILOT IS DUE TO END IN JANUARY OF 2005. AFTER THE PILOT IS -- WILL END, AT THAT TIME WE HOPE TO HAVE A REPORT CONCERNING THAT PILOT AND WE DON'T EXPECT TO GET THAT OUT FOR AT LEAST TWO TO THREE MONTHS AFTER THE PILOT HAS ENDED. THEREFORE NO DECISION HAS BEEN MADE ON SINGLE STREAM RECYCLING. HOWEVER, IF SINGLE STREAM RECYCLING IS POSITIVE, THE WAY WE WANT TO GO, THEN WE HAVE TO MOVE FORWARD WITH THE RECOMMENDATION FOR -- FOR A MATERIAL RECOVERY FACILITY TO PROCESS THE MATERIAL. IN -- ANY FACILITY THAT WE COULD LOOK AT FOR SINGLE STREAM RECYCLING FACILITY, WOULD HAVE TO INCLUDE THE POSSIBILITY FOR RAIL ACCESS. CURRENTLY NO RAIL ACCESS AT MY LANDFILL.

Alvarez: OKAY, OTHER THAN WE HAVE A GOOD AMOUNT OF ACREAGE THERE THAT'S NOT BEING UTILIZED AND WE MAY NOT UTILIZE IN THE NEAR FUTURE, BUT -- BUT JUST -- JUST WONDERING AGAIN IF THERE ARE OTHER, YOU KNOW, ISSUES, YOU KNOW, AGAIN IF WE BEGIN SOME KIND OF LONG-TERM SOLID WASTE MANAGEMENT PLANNING PROCESS, WHY WOULDN'T WE INCLUDE THE -- THE DISPOSITION OR THE MANAGEMENT OF THIS PARTICULAR FACILITY AS PART OF THAT DISCUSSION AS OPPOSED TO JUST LOCKING IT IN NOW.

A COUPLE OF THINGS FOR THE DEVELOPMENT ASPECT FOR THE LANDFILL FOR THE SPACE THAT COULD BE DEVELOPED. ONE, THERE IS NO -- THE UTILITIES THERE SERVICING THE LANDFILL WOULD NOT PROVIDE THE SERVICE FOR -- TO ANY

FUTURE USE, LIMITED FUTURE USE. ACCESS FOR THE LANDFILL IS ONLY AN 8-INCH WATER LINE, THERE IS NO WASTEWATER SYSTEM ON THE SITE, THEREFORE YOU ARE LOOKING AT SOME TYPE OF ON SITE SEWER SYSTEM IF YOU HAVE IT THERE. THOSE TYPE OF THINGS PRECLUDE WHAT TYPE OF DEVELOPMENT YOU CAN HAVE ON THE LAND THAT'S -- THAT COULD BE ACCESSIBLE AND AVAILABLE FOR THE DEVELOPMENT USE. BASED ON THOSE LIMITING FACTORS, WE DON'T SEE TOO MANY DEVELOPMENTS THAT COULD GO THERE. IF WE WANTED TO PUT THE MATERIAL RECOVERY FACILITY, I WOULD NOT ADVOCATE FOR IT TO BE THERE BECAUSE IT DOES NOT HAVE RAIL ACCESS AND I THINK ANYONE WHO NEEDS A MURF FOR THE FUTURE WOULD NEED A RAIL ACCESS TO MAKE IT VIABLE.

THANK YOU,.

Alvarez: THANKS, MAYOR. FURTHER COMMENTS, QUESTIONS?

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION ON ITEM NO. 35.

Dunkerly: THIS ITEM TO NEGOTIATE IS REALLY JUST THE BEGINNING OF A PROCESS I WILL MAKE A MOTION TO NEGOTIATE WITH THEM. ADDITIONAL SUGGESTIONS ARE REQUIREMENTS TO THAT PROCESS. I WOULD MOVE TO HAVE THE STAFF NEGOTIATE A CONTRACT FOR THE MANAGEMENT OUR TYPE 4 LANDFILL, INCLUDE IN THOSE NEGOTIATIONS, BRING BACK TO US FOR REVIEW, A DETAILED ENVIRONMENT TALL PLAN FOR THE AREA -- ENVIRONMENTAL PLAN FOR THE AREA, WILDLIFE CONSERVATION OR CONTROL PLAN. IN RESPONSE TO THE SOLID WASTE ADVISORY COMMITTEES RECOMMENDATION THAT WE CONSIDER A LONG-TERM PLAN FOR SOLID WASTE IN THIS AREA, THIS PARTICULAR CONTRACT DOESN'T PRECLUDE THAT. BUT I WOULD LIKE SOME LAPPING IN THE CONTRACT IF WE DO -- SOME LANGUAGE IN THE CONTRACT IF WE TOO COME UP WITH A LONG -- DO COME WITH UP A LONG RANGE PLAN REGARDING THE CLOSURE OF THIS FACILITY, THAT WE HAVE SOME [INDISCERNIBLE] THAT WE CAN ADDRESS BEFORE THE END OF A SPECIFIC LONG-TERM PERIOD. I'M LOOKING FOR THOSE THREE THINGS, PERHAPS OTHER MEMBERS MIGHT WANT TO

ADD OTHER AMENDMENTS TO THIS MOTION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY TO APPROVE -- TO AUTHORIZE NEGOTIATION ON ITEM NO. 35 WITH SEVERAL ADDITIONAL CAVEATS. I'LL SECOND THAT. AS I SECOND THAT, THE QUESTION FOR MR. STEPHENS, REALISTICALLY WHAT IS THE TIME FRAME TO COME BACK BEFORE COUNCIL TO APPROVE OR REJECT OR AMEND ANY SPECIFIC CONTRACT?

MAYOR, I'M GUESSING THAT IT'S, WITH THE HOLIDAYS COMING UP, SO ON, THAT PROBABLY THE EARLIEST WE COULD HAVE THE CONTRACT BACK TO YOU WOULD BE FEBRUARY AND IT MIGHT BE SOMETIME AFTER THAT.

Mayor Wynn: MAYOR PRO TEM?

Goodman: WELL, IN THE MEANTIME THEN, IF THIS IS A VOTE THAT PASSES, FOUR MONTHS IS A DIFFICULT TIME FRAME TO GET THE DATA TOGETHER THAT WE ALREADY HAVE AND SOME KIND OF BEGINNING OF A COMPREHENSIVE PLAN. BUT I WOULD LIKE TO ADD A DIRECTION TO CITY MANAGEMENT TO -- TO DO WHAT THE SOLID WASTE VARIOUS COMMISSION HAS ADVISE -- ADVISORY COMMISSION ADVISED, THAT IS TO SET UP A TASK FORCE WITH THAT EXPERTISE IN HAND AND START WORKING ON IT ON THE OFF CHANCE THAT IT CAN BE DONE IN FOUR MONTHS. AND THAT THE GOETION NEGOTIATORS KEEP IN MIND THAT THAT IS GOING ON AND THAT THE CONCERNS OR RECOMMENDATIONS THAT COME UP IN BETWEEN NOW AND THEN BE FOLDED INTO ANY NEGOTIATING AGREEMENT. NOW, I DON'T KNOW -- YOU MAY NOT WANT TO TAKE THIS AS AN AMENDMENT, BECAUSE I DON'T THINK I'M GOING TO BE ABLE TO VOTE FOR THIS ANYWAY. BUT I THINK THAT'S AN IMPERATIVE.

Mayor Wynn: WELL, ACTUALLY, SPEAKING AS THE SECOND AND LISTENING TO COUNCILMEMBER DUNKERLY'S MOTION, IT'S CERTAINLY THE SPIRIT OF THAT IS THAT IN ADDITION TO THE SPECIFICS WITH -- WITH WILDLIFE CONTROL, YOU KNOW, LARGER SORT OF A MICROAND A MACRO ENVIRONMENTAL POLICY FOR THAT IMMEDIATE AREA AND JUST LONG-TERM PLANS FOR SOLID WASTE AND THE LACK THEREOF HERE, SORT OF THE SPIRIT OF IT IS THERE. I DON'T

KNOW THAT WE NEED TO HAVE THE -- YOU KNOW, THE FORMAL TASK FORCE AS PART OF THIS. BUT I THINK THE DIRECTION -- I THINK STAFF UNDERSTOOD THE DIRECTION AND FLOODS, YOU -- AND UNDERSTANDS, YOU KNOW, THE SENSITIVE NATURE OF THE ISSUE.

Goodman: THE REASON THAT I SAID THAT IS THAT THIS IS A PARTICULAR PLACE AND THE RECOMMENDATION WAS FOR A COMPREHENSIVE PLAN FOR THE FUTURE, LIKE A 20 OR 30 YEAR FUTURE. AS WE ENTER INTO 20 YEAR AND 30 YEAR AGREEMENTS, IT SEEMS THAT IT WOULD MATCH TO HAVE SOME KIND OF COMPREHENSIVE PLAN THAT WE KNEW WE WERE ADHERING TO OR NOT. IN A OVERALL PLAN WOULD NOT NECESSARILY BE GENERATED BY THIS CASE WITH THAT TASK FORCE UNLESS WE GIVE DIRECTION.

Dunkerly: WELL, MY RECOMMENDATION FOR INCLUDING THAT OUT CLAUSE WAS IN RESPONSE TO WHAT I ASSUME TO BE THE NEED FOR A LONG-TERM PLAN.

Mayor Wynn: MOTION AND SECOND ON THE TABLE TO APPROVE AUTHORIZATION TO NEGOTIATE ITEM NO. 35 WITH SEVERAL ADDITIONAL INSTRUCTIONS. COUNCILMEMBER SLUSHER?

Slusher: YES, FIRST OF ALL, I WANTED TO ASK MR. STEPHENS SOMETHING. THE FINANCE ON THIS AS THE NUMBERS STATED EARLY IS TO HOW MUCH THIS PUTS THE CITY IN THE HOLE EVERY YEAR THAT MIGHT NOT HAVE BEEN ACCURATE. COULD YOU EXPLAIN THAT, HOW MUCH MONEY THE CITY IS LOSING ON THIS TO THE EXTENT THAT YOU CAN.

IT'S CURRENTLY COSTING US ABOUT A MILLION AND A HALF A YEAR, TO OPERATE THE LANDFILL, WE ARE OPERATING AT A LOSS OF ABOUT A MILLION AND A HALF A YEAR.

IF WE DIDN'T HAVE THAT LOSS AND WE GET THE FUNDS THAT ARE -- THAT COME IN AT -- AT THE TOP OR AT THE BEGINNING OF THIS CONTRACT, WHAT WOULD WE BE ABLE TO DO WITH THOSE FUNDS?

WELL, CERTAINLY ONE OF THE THINGS THAT WE WOULD BE ABLE TO DO IS -- IS TO FACTOR THAT INTO -- INTO THE NEED

FOR ANY FURTHER INCREASES OR ANY FUTURE INCREASES IN -- IN OUR SOLID WASTE SERVICES RATES AND I THINK IT WOULD GO -- YOU KNOW, IF WE WERE ABLE TO SUCCESSFULLY CONTRACT WITH THIS FIRM, IT WOULD HELP US DEFER ANY RATE INCREASES WE HAVE BECAUSE SOUTHWEST SOLID WASTE SERVICES ABSORBED THE CODE COMPLIANCE WHICH IT'S FUNDING AT LEAST PARTIALLY THIS YEAR. WE HAD TALKED WITH THE CITY MANAGER ABOUT THE POSSIBILITY THAT WE MIGHT NEED RATE INCREASES AS EARLY AS 2006. I BELIEVE IF WE WERE SUCCESSFUL IN NEGOTIATING A CONTRACT -- NEGOTIATING A CONTRACT WITH IESI THAT WE COULD DEFER THAT FOR SEVERAL YEARS.

Slusher: THANK YOU, MR. STEPHENS. SO I'VE BEEN CONVINCED FOR A WHILE THAT THIS WAS IN THE CITY'S FINANCIAL INTERESTS, BUT THERE WAS -- THERE WERE SOME ISSUES RAISED ABOUT SAFETY OF AIRPLANES COMING THROUGH HERE BECAUSE OF THE BIRDS, I WOULD LIKE FOR OUR REPRESENTATIVE FROM THE AIRPORT TO COME UP AND ADDRESS THAT ISSUE BECAUSE OBVIOUSLY IF -- IF THIS IS GOING TO ENDANGER FLIGHT SAFETY THEN IT WOULDN'T BE WORTH WHATEVER COST SAVINGS THAT WE ARE GETTING. SO COULD YOU ADDRESS -- I THINK THERE'S BEEN 178 BIRD STRIKES IN THE LAST FIVE YEARS.

178 SINCE OPENING DAY, YES, SIR. THAT ARE ON THE NATIONAL DATA BASE, MAINTAINED BY THE F.A.A. OF THOSE, 41 OF THEM OCCURRED ON 17 LEFT. AND 51 OF THEM OCCURRED --

Slusher: WHAT YOU ARE GOING -- WHAT YOU ARE GIVING IS THE NUMBERS OF THE RUNWAY.

OKAY. WHENEVER WE ARE ON SOUTH APPROACH, YOU ARE COMING IN FROM THE NORTH, WHICH MEANS THAT YOU ARE COMING IN FROM THE HIGHWAY 71 SIDE. THE 17 NUMBERS WILL SHOW COMING IN FROM THE 71 SIDE. THE NUMBER ON THAT ONE IS 41.

Slusher: I'M SORRY TO INTERRUPT YOU. THAT'S THE NORTH SIDE -- THE LANDFILL [MULTIPLE VOICES] SOUTH SIDE.

RIGHT. COMING IN FROM THE LANDFILL SIDE, THERE'S BEEN 10 THAT ACTUALLY CAME OVER THE TRAVIS COUNTY LANDFILL. AND THERE'S BEEN 16 COMING OVER THE CITY LANDFILL. TOTAL.

Slusher: OKAY. OUT OF THE 178.

OUT OF THE 178. THAT'S 26. THAT WERE REPORTED TO THE F.A.A. THAT ARE ON THE DATA BASE.

Slusher: THAT'S THE F.A.A. DATA BASE.

YES, SIR.

YOU CHECK THAT EVERY --

I MAINTAIN -- [MULTIPLE VOICES] REVIEW THAT MONTHLY AND MATCH THAT ACCORDING TO THE ONE THAT WE MAINTAIN ON THE PROPERTY INTERNALLY.

Slusher: SO THAT'S CONSISTENT WITH YOUR RECORDS?

YES, SIR.

Slusher: OKAY. SO THEN WOULD THOSE BE THE LOWEST INCIDENCES OF ANY OF THE RUNWAYS AND APPROACHES?

YES, SIR. THE ONES ON THE NORTH SIDE OF THE AIRPORT, WHICH COME ACROSS 71, WOULD BE 41 ON THE EAST SIDE AND 51 ON THE WEST SIDE.

Slusher: SO YOU DON'T THINK BY HAVING THIS LANDFILL OPEN AND THEN -- AND DOING THIS ARRANGEMENT HERE THAT WE ARE ABOUT TO HAVE ON THE TABLE HERE THAT THAT'S GOING TO ENDANGER FLIGHT SAFETY OR MAKE FLIGHTS MORE DANGEROUS?

NO, SIR. FROM THE AIRPORT STANDPOINT THE OPERATION DOESN'T CHANGE.

THE CITY HAS -- TELL US A LITTLE BIT ABOUT THE CITY'S PROGRAM IN THIS REGARD.

I HAVE A CONTRACT WITH USDA AND I HAVE ADVICE WILDLIFE -- AVIS WILDLIFE SERVICES, ON A QUARTERLY BASIS, THEY COME OUT AND ACCOMPANY MY STAFF, THEY SURVEY THE SURROUNDING PROPERTIES TO THE AIRPORT, WE LOOK AT THE PROPERTY, THE AIRPORT PROPER, TO DETERMINE IF WE DO HAVE ANY WILDLIFE OR BIRD ISSUES AND WE MAKE A LIST OF THEM AND THROUGHOUT THE YEAR WE ADDRESS THEM. WE HAVE AN INTERNAL WILDLIFE PROGRAM. WE HAVE GOT A GOOD NEIGHBOR POLICY WITH THE EXISTING LANDFILLS AND WITH OTHER COMPANIES AROUND THE AIRPORT.

Slusher: THE F.A.A. I WOULD ASSUME IS VIGILANT ABOUT THIS ISSUE WHERE IF THEY THOUGHT THAT AUSTIN'S AIRPORT WAS OUT OF LINE ON THIS ISSUE, THAT THEY WOULD LET US KNOW IMMEDIATELY --

YES, SIR.

Slusher: AND REQUIRE TO US DO SOMETHING ABOUT IT.

IF WE HAVE A MULTIPLE BIRD STRIKE, F.A.A. IS NOTIFIED IMMEDIATELY WHENEVER THE DATA BASE CENTER RECEIVES THAT WILDLIFE STRIKE. THEY WILL NOTIFY US AND ASK US TO -- TO PERFORM AN ASSESSMENT AND AT THAT TIME, AS I WOULD ADDITIONALLY CALL IN MY CONTRACTOR FROM WILDLIFE SERVICES TO ASSIST US AND -- IN ASSESSING THE PROBLEM, TO SEE IF THERE WAS A SITUATION THAT NEEDED IMMEDIATE ATTENTION.

Slusher: OKAY, THANK YOU VERY MUCH, APPRECIATE IT.

THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER MCCRACKEN?

McCracken:.

WE HAVE A DUTY TO TAXPAYERS TO KEEP OUR GARBAGE RATES AS LOW AS POSSIBLE. BY DOING THIS IT WILL HELP US ENFORCE [INDISCERNIBLE] GOOD DEAL FOR TAXPAYERS, I WILL BE VOTING FOR IT.

Mayor Wynn: COUNCILMEMBER THOMAS?

Thomas: THANK YOU, MAYOR. A COUPLE OF THINGS THAT I WANTED TO CLARIFY IS ABOUT THE ENVIRONMENTAL PLAN AND ALSO THE WILDLIFE ISSUES ABOUT THE BIRDS. I DON'T KNOW IF WE NEED TO BE VERY SPECIFIC ABOUT THAT, I'M LIKE THE MAYOR PRO TEM I THINK WE NEED TO ADDRESS THOSE ISSUES AND BE PREPARED WHEN WE COME BACK THAT WE DO NEGOTIATE A CONTRACT WITH THIS COMPANY. I'M GOING TO PUT THAT ON THE RECORD. THOSE ARE TWO THINGS THAT I'M VERY INTERESTED IN. ENVIRONMENTAL PLAN AND ALSO THE WILDLIFE ISSUES, DEALING WITH THE BIRDS. THANK YOU.

THANK YOU, COUNCILMEMBER THOMAS. AGAIN, THIS IS -- THIS IS US AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT, IT HAS TO COME BACK FOR FULL COUNCIL REVIEW. POTENTIAL APPROVAL OR REJECTION OR AMENDMENT AS WE HEARD LIKELY SEVERAL MONTHS DOWN THE ROAD.

COUNCILMEMBER ALVAREZ.

THAT'S, MAYOR. REALLY ON THIS MOTION I DON'T KNOW THAT I'M PREPARED TO PUT FORWARD HERE ON THE -- IN THE NEGOTIATION PHASE OF THIS, I THINK WHAT'S CLEAREST ABOUT THE -- ABOUT THE PROPOSAL IS THAT -- PROPOSALS THAT WE HAVE SEEN IS THE FINANCIAL BENEFITS, BUT THAT I STILL THINK THERE ARE A LOT OF LEGAL ISSUES AND RISKS THAT I THINK NEED TO BE EVALUATED. A LOT OF THAT WILL DEPEND ON -- ON THE -- WHAT'S NEGOTIATED AND SO -- BUT AT THIS POINT, NOT KNOWING HOW SOME ISSUES ARE GOING TO BE ADDRESSED, I DON'T FEEL COMFORTABLE VOTING FOR THIS. SO -- BUT I WANT TO THANK CERTAINLY ALL OF THE CITY STAFF WHO HAS ANSWERED A MULTITUDE OF QUESTIONS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.



Wynn: OPPOSED?

NO.

MOTION PASSES ON A VOTE OF 5-2 WITH MAYOR PRO TEM AND COUNCILMEMBER ALVAREZ VOTING NO. THANK YOU ALL VERY MUCH. MS. GLASGO, DO YOU THINK THAT WE COULD PERHAPS GET THROUGH JUST THE CONSENT AGENDA REAL QUICKLY TO GET SOME PEOPLE HOME BEFORE WE TAKE OUR BREAK OR --

I'LL CERTAINLY TRY. DEPENDS ON HOW MANY QUESTIONS THAT YOU HAVE. BUT -- BUT WE WILL -- WE WILL -- WE CAN GO RIGHT THROUGH THEM. THE CONSENT ITEMS UNDER THE 4:00 ZONING ORDINANCES FOR APPROVAL ARE AS FOLLOWS -- ITEM NO. 52, CASE C14-04-158, GUADALUPE FLATS, THIS CASE IS READY FOR ALL -- FOR APPROVAL OF SECOND AND THIRD READINGS OF AN ORDINANCE THAT AMENDS CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY LOCATED AT 4525 GUADALUPE STREET FROM MULTI-FAMILY 4 TO GR-MU-CO, THE NEIGHBORHOOD -- THE APPLICANT AND THE NEIGHBORHOOD HAVE AGREED TO REDUCE THE IMPERVIOUS COVER FROM 60% TO 55 AND IT'S READY FOR YOUR APPROVAL. ITEM NO. 53, CASE C14-04-123 IS READY FOR APPROVAL OF SECOND AND THIRD READINGS OF A ZONING ORDINANCE FOR PROPERTY LOCATED AT 5524 U.S. HIGHWAY 290 WEST, THE -- THE CHANGE IN ZONING IS FROM DEVELOPMENT RESERVE TO C.S.-CO, THIS IS READY FOR YOUR APPROVAL. ITEM NO. 54, C 14-02-102 HE IS EXCUSE PLACE IS READY FOR THIRD READING READING FOR PROPERTY LOCATED AT 3512 THROUGH 3610 SOUTH LAMAR BOULEVARD. I THINK COUNCILMEMBER SLUSHER WANTED TO ADD CONDITION TO THIS ONE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Slusher: THE IDEA BEHIND THIS IS SO THE APPLICANT WILL HAVE SOME FLEXIBILITY TO PROTECT THE VIEWS AND PRESERVE TREES AND STILL BE ABLE TO DO A SOUND DEVELOPMENT.

THAT'S CORRECT. ITEM NUMBER 55, CASE C-14-04-118. THIS CASE IS LOCATED AT 204-206 WEST STASSNEY LANE. THIS

CASE IS READY FOR SECOND AND THIRD READINGS OF THE ZONING ORDINANCE TO CHANGE THE ZONING FROM SINGLE-FAMILY 2 AND SINGLE-FAMILY 3 TO GR-MU-CO. MAYOR, THAT CONCLUDES THE ITEMS THAT HAVE PUBLIC HEARINGS CLOSED.

Mayor Wynn: THANK YOU, MS. GLASGO. SO THE CONSENT AGENDA WILL BE ITEM 52 ON SECOND AND THIRD READING WITH THE IMPERVIOUS COVER REDUCTION TO 55%. ITEM 53 APPROVED ON SECOND AND THIRD READINGS. ITEM 54 APPROVAL ON THIRD READING AS MODIFIED EARLIER. ITEM 55 APPROVED ON SECOND AND THIRD READING. I'LL ENTERTAIN A MOTION. MOTION BY COUNCILMEMBER ALVAREZ. SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? MAYOR PRO TEM.

Goodman: MAYOR, PLEASE SHOW ME VOTING NO ON 55.

Mayor Wynn: MS. BROWN, YOU GOT THAT? MAYOR PRO TEM, FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO WITH THE MAYOR PRO TEM VOTING NO ON NUMBER 55.

MAYOR, THAT TAKES US ON THE OTHER ITEMS, THE Z ITEMS FOR WHICH WE'RE HAVING THE FIRST PUBLIC HEARING. AND WE START OFF WITH ITEM NUMBER Z-1, C-14-04-127, THE WRIGHT SUBDIVISION. THIS CASE IS LOCATED AT 1624 EAST HOWARD LANE. THE CHANGE IN ZONING IS FROM GR-CO TO GR. THE PLANNING COMMISSION HAS -- THE ZONING AND PLATTING COMMISSION HAS RECOMMENDED GR ZONING WITH A CONDITIONAL OVERLAY. AND THIS CASE IS READY FOR ALL THREE READINGS. ITEM Z-2, CASE C-14-04-163, LOCATED AT 2207 THROUGH 2211 PASADENA DRIVE. THE EXISTING ZONING IS LR-MU-CO-NP. THE CHANGE IS IS TO MODIFY A CONDITION ON A SETBACK AND THE CASE IS READY ON FIRST READING FOR LR-MU-CO-NP. ITEM NUMBER SKI 3 AND Z-4 RELATED TO AVERY RANCH PLANNED UNIT DEVELOPMENT, THE STAFF IS REQUESTING A POSTPONEMENT TO JANUARY THE 7TH, 2005, TO ALLOW STAFF AND THE APPLICANT TO FINALIZE LEGAL DOCUMENTS.

ITEM NUMBER Z-5, THIS CASE IS LOCATED AT 639 WEST DITTMAR ROAD. THE EXISTING ZONING IS SINGLE-FAMILY 2. THE CHANGE IS TO SINGLE-FAMILY 3. THAT REQUEST HAS BEEN RECOMMENDED BY THE ZONING AND PLATTING COMMISSION, AND THIS CASE IS READY FOR ALL THREE READINGS. ITEMS NUMBER Z-6 AND 7 HAD BEEN DISCUSSION, SO THAT CONCLUDES THE CONSENT ITEMS UNDER THIS SEGMENT OF THE AGENDA.

Mayor Wynn: THANK YOU, MS. GLASGO. SO COUNCIL, OUR CONSENT AGENDA WILL BE TO CLOSE THE PUBLIC HEARINGS AND APPROVE ITEMS Z-1 ON ALL THREE READINGS. ITEM Z-2 ON FIRST READING ONLY. POSTPONE ITEM Z-3 AND 4 TO JANUARY 27TH, 2005. AND APPROVE ITEM Z-5 ON ALL THREE READINGS. MOTION BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU, MS. GLASGO. THANK YOU. THAT WILL GET A FEW PEOPLE HOME BEFORE WE NOW BREAK FOR OUR 5:30 LIVE MUSIC AND PROCLAMATIONS AND STAY TUNED FOR A PERFORMANCE FROM JELLY JAR. WE ARE NOW IN RECESS.

Mayor Wynn: FOLKS, IF I COULD HAVE YOUR ATTENTION, ONCE AGAIN IT'S TIME FOR OUR LIVE MUSIC GIG AT AUSTIN CITY COUNCIL. WE'RE HERE TO WELCOME JELLY JAR. JELLY JAR IS AN ECLECTIC BLEND OF BLUES, FOLK AND COUNTRY INFLUENCES. THEIR MUSIC IS BEST DESCRIBED AS A MIX OF TENNESSEE BACKWARDS, TEXAS BORDER AND AUSTIN POETRY. SO PLEASE JOIN ME IN WELCOMING JELLY JAR.

THANK YOU. WE'RE GOING TO DO A SONG FOR ALL THE RESIDENTS OF OUR FAIR CITY. IT'S CALLED MAN, THAT'S AUSTIN. [ (music) MUSIC PLAYING (music)(music) ] (music) TOOK A WALK DOWN CONGRESS AVENUE. MAN, IT WAS COLD. STOPPED AND HAD A COFFEE AT A PLACE CALLED JOE'S. (music) SAID OBJECTS MAY BE FALLING FROM THE SKY. MAY

BE SNOW, MAYBE JUST ANOTHER SPACE SHIP PASSING BY.  
(music) MAN, THAT'S AUSTIN. (music) MAN, THAT'S AUSTIN.  
(music) MAN, THAT'S AUSTIN. (music) RAN INTO A GIRL ON THE  
CAPITOL MALL. SHE WASN'T DRESSED FOR THE WEATHER,  
SHE WAS DRESSED FOR CARNIVAL. SAID IT DOESN'T MATTER  
WHERE YOU'RE GOING AND IT DOESN'T MATTER WHERE  
YOU'VE BEEN. I GOT LOST IN THE GLITTER SPREAD ON HER  
SKIN. (music) DOWN BY THE RIVER I SAW STEVIE RAY  
VAUGHN. WALKED UP TO HIM AND FELT THE BLUES COMING  
ON. (music) I WAS THINKING ABOUT THE GIRL, WHAT IN THE  
WORLD WENT WRONG. (music) PICKED MY GUITAR AND I  
WROTE THIS SONG. (music) MAN, THAT'S AUSTIN... (music)  
MAN, THAT'S AUSTIN. (music) MAN, THAT'S AUSTIN. [ (music)  
MUSIC PLAYING (music)(music) ] (music) NOW, TUESDAYS ARE  
THE BEST DAYS AT THE CONTINENTAL CLUB. THE AIR IS  
FILLED WITH MUSIC AND THE ROOM IS FILLED WITH LOVE.  
(music) I WAS THINKING ABOUT THE GIRL, HOW SHE FIT ME  
LIKE A GLOVE. (music) BATHED IN THE MOONLIGHT FROM THE  
TOWERS UP ABOVE. (music) SHE HAD A LOOK LIKE TEXAS ON  
THE RIGHT SIDE OF HER FACE. (music) AND I REALLY LIKE  
THIS PLACE. (music) LOOK AT THE MENU AND I WAS THINKING  
ABOUT THE GIRL. THERE'S NO PLACE LIKE AUSTIN IN THE  
WHOLE WIDE WORLD. (music) MAN, THAT'S AUSTIN... (music)  
MAN, THAT'S AUSTIN... (music) MAN, THAT'S AUSTIN, YEAH,  
YEAH(music)(music) [ APPLAUSE ]

THANK YOU SO MUCH.

THANK YOU.

MAYOR WYNN: JELLY JAR, LADIES AND GENTLEMEN. THANK  
Y'ALL. SO TELL US WHERE WE CAN HEAR YOU NEXT. DO YOU  
HAVE A WEBSITE.

YOU CAN CHECK IT OUT AT [WWW.JELLYJARMUSIC.COM](http://WWW.JELLYJARMUSIC.COM).  
WE'LL BE HERE IN AUSTIN AT GINO'S ITALIAN GRILL. AND  
SATURDAY NIGHT AT THE FOX AND HOUND WHICH IS AT  
FOURTH AND GUADALUPE. ON THE 28TH ON THANKSGIVING  
WEEKEND WE'LL BE AT THANKSGIVING WEEKEND IN  
NIEDERWALD TEXAS. PLEASE GO BY THE WEBSITE. WE HAVE  
A CD FOR SALE THERE CALLED JELLY JAR PRESERVED.

Mayor Wynn: ALL RIGHT. BEFORE YOU GET AWAY, WE HAVE

AN OFFICIAL PROCLAMATION THAT READS WHEREAS BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S AT THAT STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD, NOW THEREFORE I, WILL WYNN, MAYOR OF THE GREAT CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM TODAY AS JELLY JAR DAY IN AUSTIN AND CALL ON ALL CITIZENS IN RECOGNIZING THIS GREAT TALENT.

THANK YOU SO MUCH. [ APPLAUSE ] CONCONGRATULATIONS ON YOUR NEW BUILDING.

Mayor Wynn: OUR FIRST PROCLAMATION THIS WEEK IS REGARDING CHRONIC OBSTRUCTIVE PULMONARY AWARENESS WEEK. WE'RE HERE TO RACE THE AWARENESS OF COPD. THE PROCLAMATION READS: BE IT KNOWN THAT WHEREAS CHRONIC LUNG DISEASES SUCH AS EMPHYSEMA AND CHRONIC BRONCHITIS, KNOWN AS COPD, ARE THE FOURTH LEADING CAUSE OF DEATH IN THE U.S. AND WHEREAS 16 MILLION PEOPLE IN THE U.S. HAS BEEN DIAGNOSED WITH SOME FORM OF COPD AND THE SAME NUMBER LIKELY GO UNDIAGNOSED. THEREFORE THE GOAL OF THIS WEEK IS TO RACE AWARENESS OF COPD AND ITS SERIOUS EFFECTS AS WELL AS TO URGE CITIZENS TO SEEK EARLY TREATMENT IN ORDER TO PREVENT OR SLOW THE SPREAD OF LUNG DISEASE. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HERE BY PROCLAIM NOVEMBER 14TH THROUGH 20TH, THIS WEEK, 2004, AS CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS WEEK AND ASK CECIL AND LAURA -- HELP ME CONGRATULATE THEM FOR BRINGING THIS FORWARD. THIS IS ONE OF THE IMPORTANT THINGS WE TRY TO DO WITH PROCLAMATIONS IS RAISE AWARENESS, PARTICULARLY WHEN IT COMES TO PUBLIC HEALTH AND OUR CITIZENRY, BUT HELP ME CONGRATULATE THEM AND ASK THEM TO SAY A FEW WORDS ABOUT THE AWARENESS. [ APPLAUSE ]

MY NAME IS CECIL JONES AND I WANT TO THANK THE MAYOR FOR OUT LOUING US TO TRY AND -- ALLOWING US TO TRY AND INCREASE THE PUBLIC'S AWARENESS OF COPD. I AM A

PATIENT WHO LIVES WITH THAT DISEASE, A REGISTERED PHARMACIST AND THANKFULLY NOW RETIRED, BUT I WANTED TO SAY A COUPLE OF THINGS TO YOU FOLKS ABOUT THIS. THERE ARE A NUMBER OF HEALTH CARE ORGANIZATIONS IN THIS ARENA, THE TEXAS SOCIETY OF RESPIRATORY CARE, THE AMERICAN LUNG ASSOCIATION, HILL COUNTRY THERAPEUTICS, SETON HEALTH CARE AND THE SAN MARCOS WELLNESS CENTER AS WELL AS CERTAIN MANUFACTURERS. AS MR. WYNN HAS SAID, A NUMBER OF FOLKS ARE DIAGNOSED WITH THIS DISEASE EACH YEAR. ACTUALLY, ABOUT 10 MILLION. AND I WANT TO COME BACK TO THAT NUMBER IN JUST A MOMENT BECAUSE NUMBERS CAN BE NUMBING. BUT COPD IS OFTEN COMPOSED OF THREE COMPONENTS, BRONCHITIS, EMPHYSEMA AND ASTHMA. I HAPPEN TO BE SUFFERING FROM ALL OF THOSE, BUT THERE ARE CERTAIN DRUGS WHICH ARE HELPFUL TO ALLEVIATE THOSE SYMPTOMS. WE CANNOT REVERSE LOSS OF PULMONARY FUNCTION, BUT WITH EARLY DETECTION AND HOPEFULLY TREATMENT, WE CAN PREVENT SOME OF THAT, BUT ONCE THE LUNG FUNCTION HAS BEEN LOST, WE CAN'T RESTORE THAT. I MENTIONED A MOMENT AGO THESE 10 MILLION FOLKS THAT ARE DIAGNOSED WITH THIS EACH YEAR. THAT NUMBER CAN BE FRIGHTENINGLY NUMB. IF YOU STOP AND THINK ABOUT IT FOR A MOMENT, THAT REPRESENTS ABOUT 27,400 CASES PER DAY. NOW, I'M NOT A MATHEMATICIAN, SO YOU MIGHT WANT TO ME ME OUT ON THAT, BUT I WAS THINKING OF THE EVENTS THAT ARE OCCURRING OVER IN IRAQ RIGHT NOW. REGARDLESS OF HOW YOU FEEL ABOUT THAT, THERE HAVE BEEN NINE OR 10,000 OF THESE YOUNG MEN AND WOMEN WHO HAVE BEEN INJURED, NOT KILLED, BUT INJURED, THEY SUFFER FROM THE LOSS OF AN ARM, A LEG OR BOTH, THEY'RE BLIND, BURNED, PARALYZED. THINK OF THE AMOUNT OF PHYSICAL REHAB THAT THOSE FOLKS ARE GOING TO HAVE TO GO THROUGH FOR THE REST OF THEIR LIVES. THE SAME THING HAPPENS WITH PULMONARY -- COPD PATIENTS. ONCE YOU'VE LOST LUNG FUNCTION AND CAN'T BREATHE, THAT BECOMES A MODALITY YOU HAVE TO TREAT FOR THE REST OF YOUR LIFE. IN MY CASE IT HAPPENED WHEN I WAS 60 YEARS OLD, BUT I'M LOOKING AT BEING IN A PULMONARY MAINTENANCE PROGRAM FOR THE REST OF MY LIFE. I THINK IF WE CAN MAKE -- INCREASE PEOPLE'S AWARENESS OF

HOW DEVASTATING THIS DISEASE CAN BE, HOPEFULLY WE CAN PREVENT SOME OF THOSE FOLKS FROM CONTRACTING IT. MOST OFTEN THIS HAPPENS TO PEOPLE WHO ARE SMOKERS. I'M SUPPOSED TO BE A HEALTH CARE PROVIDER THAT KNOWS BETTER, BUT I THOUGHT IT MADE ME LOOK SMART IN COLLEGE WHEN I STARTED SMOKING A PIPE. WELL, NOT REAL SMART. SO PLEASE IF YOU HAVE ANYBODY THAT'S INVOLVED IN NICOTINE ABUSE, HELP THEM STOP IT. THANK YOU. [ APPLAUSE ]

HI, I'M LAURA CHAPMAN WITH THE AMERICAN LUNG ASSOCIATION HERE IN AUSTIN. AND I'D LIKE TO SAY BRIEFLY TWO THINGS. ONE, I'VE BECOME FRIENDS WITH THESE PEOPLE WHO HAVE COPD, AND THEY'RE MORE THAN PEOPLE WHO HAVE COPD. THEY HAVE FAMILIES, THEY HAVE DREAMS AND THEY HAVE GOALS TO HAVE A HIGH QUALITY OF LIFE. THOSE PEOPLE WHO DO HAVE COPD, IF YOU COULD DETECT IT EARLY, YOU CAN SLOW THE PROGRESSION OF THE DISEASE. SO I ENCOURAGE YOU IF YOU'RE HAVING SOME SYMPTOMS TO GO TO YOUR DOCTOR AND ASK FOR A SPIROMETRY TEST AND DO WHAT YOU CAN TO IMPROVE YOUR QUALITY OF LIFE. AND AS A MOM, MY SECOND THING IS I SEE IT IN THE SCHOOLS, I SEE KIDS WHO MIMIC PEOPLE THAT THEY LOVE, THEY MIMIC THE SMOKING. LET'S BE ROLE MODELS FOR THEM. AND ALMOST NO PARENT THAT I'VE EVER TALKED TO WHO SMOKES WANTS THEIR CHILDREN TO SMOKE. SO THERE'S A LOT OF WORK TO BE DONE, BUT I THINK WE'RE MAKING SOME HEADWAY. SO THANK YOU, MR. MAYOR.

Mayor Wynn: THANK YOU. [ APPLAUSE ] I'M JOINED BY LARRY SWAIN. WE'RE GOING TO TALK ABOUT OUR NEXT PUBLIC AWARENESS ISSUE, WHICH IS EPILEPSY AWARENESS MONTH. AND BEFORE LARRY SAYS SOMETHING ABOUT THAT PROGRAM, LET ME READ THE PROCLAMATION. BE IT KNOWN THAT WHEREAS EPILEPSY IS A COMMON DISORDER IN YOUNG CHILDREN AND TEENS WITH 181,000 NEW CASES OF SEIZURES AND EPILEPSY DIAGNOSED EACH YEAR. AND WHEREAS SURVEYS SHOW THAT HALF OF ADOLESCENTS THINK THAT EPILEPSY IS CONTAGIOUS OR HAVE NO KNOWLEDGE OF THE CONDITION AT ALL, LEADING TO FEELINGS OF ISOLATION AND INTIMIDATION AMONG PERSONS WITH EPILEPSY. WHEREAS WE JOIN WITH THE

CENTRAL AND SOUTH TEXAS EPILEPSY FOUNDATION IN ENCOURAGING PEOPLE TO FOCUS ATTENTION THIS MONTH ON EPILEPSY, ON BACKING MORE UNDERSTANDING OF THOSE WHO SUFFER FROM IT AND IN SUPPORTING EPILEPSY RESEARCH AND SERVICE PROGRAMS. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM NOVEMBER, 2004 AS EPILEPSY AWARENESS MONTH IN AUSTIN. AND AGAIN, PLEASE HELP ME THANK AND CONGRATULATE LARRY SWAIN FOR THIS EFFORT AND ASK LARRY TO SAY A FEW WORDS. LARRY, THANK YOU. [ APPLAUSE ]

HI. I'M LARRY SWAIN. AND I AM A VOLUNTEER WITH THE EPILEPSY FOUNDATION. AND I WANT TO ON BEHALF OF THE ESPECIALLY SI FOUNDATION, I WANT TO -- EPILEPSY FOUNDATION, I WANT TO THANK THE MAYOR, I WANT TO THANK THE CITY COUNCIL AND EVERYONE INVOLVED. EPILEPSY IS VERY IMPORTANT TO ME AND MY FAMILY. PARTITION WE LOST OUR SON, HE WAS 14 YEARS OLD, ABOUT A YEAR AGO, TO EPILEPSY. SO AS YOU SEE, THIS MONTH IS VERY IMPORTANT TO US. WE DO OUR BEST TO GET THE WORD OUT ABOUT EPILEPSY. EPILEPSY IS A NEUROLOGICAL DISORDER. IT'S NOT A DISEASE. SO IF I SAY DISEASE, PLEASE FORGIVE ME. ONCE AGAIN, IT IS A NEUROLOGICAL DISORDER. AND ALSO, IT IS NOT MENTAL RETARDATION, IT IS NOT MENTAL ILLNESS. AND LIKE THE MAYOR SAID, IT IS NOT CONTAGIOUS. OVER 2.3 TO 2.5 MILLION AMERICANS SUFFER FROM EPILEPSY. OVER 350,000 AFRICAN-AMERICANS SUFFER FROM EPILEPSY. THERE ARE 400,000 PEOPLE UNDER THE AGE OF 18 WHO SUFFER FROM EPILEPSY. 24,000 AFRICAN-AMERICANS ARE DIAGNOSED WITH EPILEPSY EACH YEAR. 181,000 AMERICANS ARE DIAGNOSED WITH EPILEPSY EACH YEAR. ONE OUT OF 10 TO 13 PEOPLE WILL SUFFER SOME TYPE OF SEIZURE DURING THEIR LIFETIME. ONE OUT OF 100 TEENAGERS SUFFER FROM EPILEPSY. SO AS YOU CAN SEE, EPILEPSY IS VERY PREVALENT. SO MY FAMILY AND THE EPILEPSY FOUNDATION ARE DOING WHAT WE CAN TO ADVANTAGE QUISH THIS -- VAN QUISH THIS DISEASE. IT AFFECTS EVERYONE, A LOT OF PEOPLE. THERE ARE A NUMBER OF WAYS THAT YOU CAN GET EPILEPSY. AND ONE WAY ADULTS DON'T REALIZE IS BY NOT DRIVING WITH A SEAT BELT. IF YOU DRIVE AND YOU DON'T HAVE YOUR SEAT



BELT ON, THEN YOU HAVE AN ACCIDENT AND YOU RECEIVE SOME TYPE OF HEAD TRAUMA, YOU CAN HAVE A SEIZURE AND THEN YOU CAN HAVE CONTINUAL SEIZURES. AND THEN YOU WILL BECOME OR CONSIDERED EPILEPTIC. SO AS YOU CAN SEE, WE NEED YOUR HELP TO VANQUISH THIS NEUROLOGICAL DISORDER. PLEASE GO TO [EPILEPSYFOUNDATION.ORG](http://EPILEPSYFOUNDATION.ORG), AND YOU CAN LEARN MORE ABOUT THE EPILEPSY FOUNDATION AND HOW YOU CAN SUPPORT THIS GREAT ORGANIZATION. THANK YOU VERY MUCH FOR YOUR SUPPORT AND YOUR TIME. THANK YOU. [ APPLAUSE ]

Mayor Wynn: OUR NEXT EVENT IS A DISTINGUISHED SERVICE AWARD FOR TOMMY EDEN. AND THIS IS CLASSIC. SO THE FIRST COUNCIL MEETING IN ABOUT A MONTH OR SO THAT I HAVEN'T RIDDEN BY BICYCLE TO, I HAD TO DRIVE TODAY, I'M GIVING THE DISTINGUISHED SERVICE AWARD -- TOMMY IS FAMOUS BIKE ADVOCATE HERE IN TOWN, AND I TRUST RODE YOUR BICYCLE TONIGHT?

ACTUALLY, I DIDN'T.

Mayor Wynn: I FEEL BETTER NOW. GOT A LITTLE COVER. [ LAUGHTER ] ALL RIGHT. I GOT SOME COVER FINALLY. BUT THIS DISTINGUISHED SERVICE AWARD READS: FOR HIS COMMITMENT, COLLABORATIVE EFFORTS AND VALUABLE MEMBER EFFORT AS A MEMBER OF THE URBAN TRANSPORTATION COMMISSION, THIS CERTIFICATE IS ISSUED IN ACKNOWLEDGMENT AND APPRECIATION OF HIS DEDICATED SERVICE FOR THE PAST FOUR YEARS ON THE COMMISSION. MR. EDEN HEADED THE BICYCLE AND PEDESTRIAN SUBCOMMITTEE OF THE UTC AND HAS BEEN AND WAS AND WILL ALWAYS BE A STAUNCH ADVOCATE FOR CITIZENS WHO USE ALTERNATIVE MODES OF TRANSPORTATION OTHER THAN CARS. WE JOIN HIS FELLOW COMMISSION MEMBERS IN HONORING HIM THIS 18th DAY OF NOVEMBER, 2004, SIGNED BY ME, BUT NAMED ALL CITY COUNCILMEMBERS, MAYOR PRO TEM GOODMAN AND MEMBERS, SLUSHER, ALVAREZ, DUNKERLEY, MCCracken AND DANNY THOMAS. PLEASE JOIN ME IN THANKING MR. TOMMY EDEN. [ APPLAUSE ]

THANK YOU, MAYOR WYNN. I APPRECIATE THIS. I'M VERY

HONORED BY THIS RECOGNITION. I WOULD LIKE TO SAY THAT I HAVE PUT IN A LOT OF TIME OVER THE LAST 10 YEARS MAKING SURE THAT THE CITY LIVES UP TO ITS REPUTATION FOR BEING A BICYCLE FRIENDLY CITY. AND WE STILL HAVE A GOOD WAYS TO GO, BUT WE'VE MADE A LOT OF STRIDES IN THE LAST FEW YEARS. I'M VERY PROUD OF ONE OF THE EFFORTS THAT I MADE TO ESTABLISH A POLICY BY WAY OF WHICH ALL ROADWAY IMPROVEMENT PROJECTS WILL HAVE SIDEWALKS AND BICYCLE FACILITIES FOR PEOPLE WHO NEED THEM. WE HAVE A LOT OF PEOPLE IN THIS CITY WHO DO NOT HAVE ACCESS TO AN AUTOMOBILE, AND IT'S IMPORTANT THAT WE PROVIDE THAT KIND OF FACILITY. I DID NOT RIDE MY BICYCLE TONIGHT BECAUSE I'M GOING TO BE CARRYING A PASSENGER THIS EVENING ON MY MOTORCYCLE. MY MOTHER IS HERE IN THE AUDIENCE. [ LAUGHTER ] MOM, DO YOU WANT TO STAND UP. [ APPLAUSE ] THIS IS MY MOTHER, ERIKA EDEN. BUT I DO LOOK FORWARD TO SEEING THE POLICY IMPLEMENTED. THE POLICY WAS PASSED WITH A STIPULATION THAT IT WILL APPLY TO ALL NEW ROADWAY BONDS STARTING WITH THE NEXT ONES THAT ARE PASSED. AND BECAUSE THE ROADWAY BONDS ARE STARTING TO RUN OUT, I HAVE LITTLE DOUBT THAT THERE WILL BE SOME SOME NEW TRANSPORTATION BONDS ISSUED IN 2005. AND THAT WHEN THOSE NEW BONDS ARE ISSUED, THEY'RE GOING TO FOLLOW THIS POLICY. AND HOPEFULLY I AND SOME OF THE OTHER CITIZENS OF AUSTIN WHO ARE VERY CONCERNED ABOUT THIS ISSUE WILL HELP THE CITY STAFF TO MAKE SURE THAT WE HAVE BICYCLE FACILITIES AND SIDEWALKS IN ALL ROADWAY PROJECTS AS THEY'RE BUILT. THANK YOU. [ APPLAUSE ]

Mayor Wynn: OKAY. WE'RE BACK ON THE DISEASE FRONT SADLY. THIS IS DIABETES AWARENESS MONTH AND I'M JOINED HERE BY CHRISTOSANANGNOS AND CHARLOTTE, THANK YOU, AND THIS IS ABOUT DIABETES AWARENESS DAY. AND I'LL JUST SAY WHEN I WAS GROWING UP, DIABETES JUST SEEMED TO NOT BE NEARLY AS PREVALENT AS IT IS TODAY. OF COURSE, THERE ARE SEVERAL FORMS OF DIABETES, AND WE'RE ACTIVELY TRYING TO DEAL WITH OUR TYPE 2 DIABETES EPIDEMIC, WHICH IS BROUGHT ON REALLY BYE-BYE OWE BESSTY AND OTHER -- BY OBESITY AND OTHER CHOICES. AS WE RAISE AWARENESS OF ANY

NUMBER OF DISEASES, WE HAVE TO REMEMBER THERE IS SO MUCH WE CAN DO ON THE PREVENTIVE SIDE, BEING MORE FIT AND ACTIVE AND WATCHING OUR DIET. THE PROCLAMATION ABOUT DIABETES AWARENESS DAY READS: THERE ARE TWO TYPES OF DIABETES, TYPE 1, WHICH IS A DISEASE THAT USUALLY STRIKES CHILDREN UNDER 18 AND LASTS A LIFETIME. AND TYPE 2, WHICH IS A METABOLIC DISORDER PRIMARILY SEEN IN ADULTS. AND WHEREAS DIABETES IS THE LEADING CAUSE OF KIDNEY FAILURE, ADULT BLINDNESS AND NON-TRAUMATIC AMPUTATIONS. AND THE LEADING CAUSE OF NERVE DAMAGE, STROKE AND HEART ATTACK. LIFE EXPECTANCY FOR PEOPLE WITH DIABETES IS SHORTENED BY AN AVERAGE OF 15 YEARS. WHEREAS DIABETES HAS NO CURE AND AS THE SINGLE MOST COSTLY DISEASE FACING OUR NATION TODAY, TYPE 2 IS BEING SEEN IN EPIDEMIC PORTIONS AMONG OUR YOUNG PEOPLE DUE TO INCREASED OBESITY. THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, HERE BY PROCLAIM NOVEMBER 18th, 2004, AS DIABETES AWARENESS DAY IN AUSTIN AND AGAIN, PLEASE JOIN ME IN THANKING THEM AND I'LL HAVE CHRISTOS SAY A FEW THINGS AGAIN ABOUT THE AWARENESS OF THIS DREADED DISEASE AND WHAT WE CAN DO AS CITIZENS TO DEAL WITH IT. THANK YOU FOR ALL YOU'RE DOING. [ APPLAUSE ]

MAYOR, THANK YOU. THE CITY OF AUSTIN AND THE CITY COUNCIL OF AUSTIN, THANK YOU FOR HAVING US HERE TONIGHT. IT'S AN HONOR TO BE RECOGNIZED IN THIS WAY. WHAT J. D. F DOES, AND I'M PRESIDENT OF THE AUSTIN CHAPTER, WHAT WE DO IN THAT SENSE IS RAISE FUNDS. AND THOSE FUNDS ARE USED TO CURE OR TO FIND A CURE BY DOING RESEARCH. RESEARCH TO DIABETES. AND THAT RESEARCH IS COSTLY, AS YOU KNOW. THERE'S OVER 18 MILLION PEOPLE IN THE UNITED STATES THAT HAVE DIABETES, ALMOST 200 MILLION WORLDWIDE. CHARLOTTE, BEAUTIFUL CHARLOTTE, CAME UP HERE WITH ME TODAY. SHE'S NOT MY CHILD, BUT SHE'S NOT UNLIKE ANY OTHER CHILD THAT YOU SEE ROMPING AROUND THE CITY OF AUSTIN AND AROUND THE COMMUNITY, EXCEPT FOR SHE HAS DIABETES, TYPE 1. YOU WOULDN'T TELL -- YOU CAN'T TELL IT RIGHT NOW, CAN YOU? BUT SHE HAS TO ON A DAILY BASIS WATCH HER SUGAR LEVELS, HER BLOOD SUGAR

LEVEL. ON A DAILY BASIS SHE HAS TO BE DEPENDENT ON INSULIN TO HELP HER LIVE. THERE'S 1 IN 500 CHILDREN THAT HAVE TO GO THROUGH THIS. THE NEAT THING AND PROBABLY THE BIGGEST REASON WHY I'M INVOLVED IN THIS ORGANIZATION IS THAT THIS CURE IS JUST AROUND THE CORNER. RESEARCH IS GOING TO CURE THIS. AND THE NICE THING ABOUT IT IS IT'S PROBABLY GOING TO HAPPEN WITHIN ALL OF OUR LIFE TIMES, NOT JUST CHARLOTTE'S. SOME OF US ARE GETTING UP THERE IN AGE, SO IT'S KIND OF EXCITING TO KNOW WE'RE JUST A HANDFUL OF YEARS AWAY FROM THIS CURE. BUT THAT'S WHY WE HAVE TO RAISE FUNDS, TO KEEP THOSE RESEARCHERS WORKING, TO PUT THE BEST PEOPLE IN PLACE TO FIND THE CURE TO DIABETES. ESPECIALLY THE TYPE 1 THAT IMPACTS THE YOUNGSTERS. PRIMARILY. BUT THANK YOU. THANK YOU FOR THE RECOGNITION. WE DO THREE MAJOR EVENTS A YEAR TO RAISE THESE FUNDS. WE HAVE A GOLF OUTING THAT IS MARCH 7TH OF 2005. WE HAVE A GALA THAT'S GOING TO BE HELD AT THE BRAND NEW HILTON DOWNTOWN ON MAY 7TH OF 2005. AND THEN OUR BIG WALK THAT MANY OF YOU PROBABLY HAVE HEARD OF, WE JUST GOT DONE WITH A VERY SUCCESSFUL WALK AND RAISING OVER \$600,000, THE MOST WE'VE EVER RAISED JUST FOR AUSTIN AT THAT WALK HELD AT THE DELL DIAMOND JUST TWO MONTHS AGO. OUR NEXT ONE IS OCTOBER 1st, 2005. WE WOULD LOVE TO HAVE YOU JOIN US AND PARTICIPATE. AND AGAIN, THANK YOU FOR HONORING US TODAY. [ APPLAUSE ]

Slusher: ALL RIGHT. I'M VERY HONORED TO PRESENT THIS NEXT DISTINGUISHED SERVICE AWARD TO MR. ROBERT CHAPA, SENIOR. MR. CHAPA, IT WOULD TAKE ME TOO LONG TO LIST ALL HIS ACCOMPLISHMENTS AND THINGS HE'S DONE FOR THIS COMMUNITY, SO I'LL JUST GO FOR A FEW THAT I'VE GOT ON THIS SHEET HERE. HE'S A RETIRED MAJOR IN THE UNITED STATES ARMY. WENT INTO THE ARMY IN 1942, WHICH OF COURSE WAS DURING WORLD WAR II. SO HE HELPED DEFEAT THE NAZIS, PART OF WHAT'S CALLED JUSTIFIABLY SO THE GREATEST GENERATION. I'M REALLY PROUD TO KNOW HIM AND CALL HIM MY FRIEND. FOR 27 YEARS HE WAS IN THE ARMY AND LIKE I SAID, RETIRED AS A MAJOR. MOVED HERE TO AUSTIN IN 1967. HE'S BEEN INVOLVED IN A WIDE ARRAY OF COMMUNITY SERVICE HERE. 13 YEARS HE'S BEEN

ON THE BOARD OF THE AUSTIN-TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION AGENCY. 10 YEARS OF THAT HE WAS THE -- HE WAS THE CHAIRMAN OF THE BOARD. HIS SERVICE IS GOING TO BE HONORED BY MHMR TOMORROW WITH DEDICATING A BUILDING IN HIS NAME. I THINK THAT'S AT 11:30.

CORRECT.

Slusher: AT 11, THANK YOU, ON -- WHAT IS THAT? 1430 COLLIER RIGHT IN THE HEART OF THE 78704 ZIP CODE WHERE MR. CHAPA HAS LIVED FOR MANY YEARS. SO HE'S DONE A LOT TO MAKE LIFE BETTER FOR HIS FOALELY HUMAN BEINGS. I WANT POSITIVE POINT OUT HE'S BEEN A TRUSTED INDIVIDUALER TO MANY -- ADVISORS TO MANY ELECTED OFFICIALS HERE IN AUSTIN. THAT INCLUDES MYSELF, GUS GARCIA, KIRK WATSON, LLOYD DOGGETT, A NUMBER OF OTHER PEOPLE. AND WE SEEK OUT MR. CHAPA'S ADVICE AND COUNSEL. AND SOMETIMES WE DON'T HAVE TO SEEK IT OUT EITHER, HE JUST CALLS AND OFFERS IT TO US. [ LAUGHTER ] SO ANYWAY, I'M VERY PROUD TO PRESENT THIS DISTINGUISHED SERVICE AWARD. FIRST I WANTED TO CALL UP DAVID EVANS, WHO IS THE DIRECTOR OF AUSTIN-TRAVIS COUNTY MHMR AND HAS WORKED WITH MR. CHAPA FOR THOSE 13 YEARS AND I WANTED HIM TO SAY A FEW WORD.

THANK YOU, COUNCILMEMBER AND MAYOR. IT'S A REAL HONOR TO SPEAK ON BEHALF OF THE DISTINGUISHED RECOGNITION THAT ROBERT CHAPA IS RECEIVING THIS EVENING. SIMPLY HE LOVES THE PEOPLE OF AUSTIN. NO ONE TOO SEVERELY DISABLED, NO ONE LIMITED OR IMPACTED BY MENTAL I WILL ONS OR CHEMICAL ACCIDENT SI WITH SOMEONE WHO WAS OUTSIDE HIS REALM OF INFLUENCE TOWARDS WANTING TO IMPROVE HER LIVES. HE'S GIVEN HIS TIME TIRELESSLY AND I WANT TO SAY THAT HE'S EXPECTED NO LESS THAN THAT FROM THE STAFF, FELLOW BOARD MEMBERS, ADVISORY COMMITTEE MEMBERS AND PEOPLE THAT HE'S INFLUENCED BY THE NUMBER OF PEOPLE THAT HAVE BEEN SERVED, NOT ONLY THROUGH THE CENTER, BUT AS COUNCILMEMBER SLUSHER RECOGNIZED, SO MANY OTHER AFFILIATED ORGANIZATIONS AND ACTIVITIES. FROM THE TIME THAT MR. CHAPA CAME ON THE BOARD UNTIL WHEN HE'S LEFT THIS PAST MONTH, ON

HIS WATCH AS CHAIRMAN OF THE BOARD, HE'S LEFT OUR COMMUNITY, MENTAL HEALTH, MENTAL RETARDATION IN BETTER SHAPE. THE BONDS THAT ARE RETIRED, DOLLARS TO THE CENTER NOW GO INTO DIRECT SERVICES. HE'S LEFT A STRONG BOARD AND HIGH EXPECTATIONS FOR STAFF. DURING THAT PERIOD OF TIME HE HAS SERVED AS MY BOSS. HE LEAVES NOW AS A LIFELONG FRIEND. I RESPECT YOU AND REALLY APPRECIATE WHAT YOU'VE GIVEN OUR COMMUNITY AND THE CITY OF AUSTIN. THANK YOU. [ APPLAUSE ]

Slusher: THANK YOU, VERY WELL SAID, DAVID. WITHOUT FURTHER ADIEU I WANT TO PRESENT THIS AWARD. I MENTIONED THAT MR. CHAPA, ALSO THERE ARE THREE GENERATIONS, MAYBE FOUR GENERATIONS OF CHAPA'S NOW IN AUSTIN. AND I KNOW THREE OF GENERATIONS THAT I CAN TELL YOU THAT THEY ARE ALL COMMITTED TO MAKING THIS A BETTER PLACE. THEY ALL LOVE THE CITY AND LOVE THEIR FELLOW HUMAN BEINGS, LIKE MR. EVANS DESCRIBED. SO MR. CHAPA, THANK YOU VERY MUCH FOR ALL YOUR YEARS OF SERVICE TO THIS COMMUNITY. [ APPLAUSE ]

THANK YOU, DARRYL. I LOVE THIS CITY, I LOVE THE PEOPLE, I LOVE WORKING TO HELP THOSE THAT NEED HELP. IT'S BEEN MY DREAM ALL THE TIME, AND I HAVE ENJOYED IT. AFTER SERVING 13 YEARS ON THIS BOARD, 10 OF WHICH AS THE CHAIR, I LOVE MY FELLOW BOARD MEMBERS, AND OF COURSE, THE BEST EXECUTIVE DIRECTOR IN THE WHOLE UNITED STATES IS RIGHT HERE WITH ME. WE WERE SO LUCKY TO GET DAVID TO COME AND WORK FOR US, YOU KNOW. THIS PAST YEAR, JUST TO GIVE YOU AN IDEA, OUR BUDGET RUNS OVER 30 MILLION A YEAR. WE GET SOME MONEY FROM THE CITY, GET SOME MONEY FROM THE COUNTY. MOST OF IT COMES FROM THE STATE, FROM THE FEDERAL GOVERNMENT, BUT AS YOU KNOW, THE PAST FEW YEARS HAVE BEEN VERY DIFFICULT FOR US BECAUSE WE'VE BEEN GETTING A LOT OF CUTS IN PROVIDING HEALTH CARE, PROVIDING SUBSTANCE ABUSE AND MENTAL RETARDATION. AND OUR KIDS THAT NEED SO MUCH HELP, YOU KNOW, OUR GREAT GOVERNOR YOU KNOW THIS PAST YEAR CUT, I DON'T KNOW HOW MANY NUMBERS OF KIDS FROM THE CHIP PROGRAM. THESE ARE THINGS THAT THEY HAVE DONE, BUT THEN WE JUST HAVE TO GO ON AND DO OUR JOBS AND HELP

THOSE THAT NEED TO BE HELPED. BUT I'M SO HAPPY TO BE HONORED WITH THIS PRESENTATION HERE. I LOVE WORKING WITH THE -- AS DARRYL MENTIONED, WITH THE ELECTED OFFICIALS. I LOVE POLITICS. DKZ. DEMOCRATS. [ APPLAUSE ] [ LAUGHTER ] I'M A YELLOW DOG DEMOCRAT. AS A MATTER OF FACT, THE OTHER NIGHT I GOT AN AWARD FOR THAT. [ LAUGHTER ] BUT I ENJOYED JUST WORKING FOR PEOPLE WHEREVER -- WHETHER THEY'RE REPUBLICANS OR DEMOCRATS, IT DOESN'T MATTER WITH ME, BUT I WANT TO HELP FELLOW PEOPLE THAT NEED HELP. AND IT'S BEEN A JOY THE LAST FEW YEARS. I'M NOT GOING TO FADE AWAY, DARRYL, AND THE REST OF YOU. [ LAUGHTER ] AND THE REST OF YOU COUNCILMEMBERS. I'LL BE AROUND AND I'LL BE CALLING YOU FOR HELP FOR AUSTIN-TRAVIS COUNTY MHMR AND TO HELP DAVID AND THE REST OF THE BOARD CARRY ON THE MISSION OF OUR BOARD. THANK YOU SO VERY MUCH AND I APPRECIATE IT. [ APPLAUSE ] [INAUDIBLE - NO MIC] [ APPLAUSE ]

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. I APPRECIATE EVERYBODY AGO PATIENCE. WE STILL HAVE TWO ZONING CASES TO TAKE UP, ZONING CASES 6 AND 7 WERE LEFT OFF THE CONSENT AGENDA. I'LL RECOGNIZE MR. GREG GUERNSEY.

GOOD EVENING, MAYOR AND COUNCIL. MY NAME IS GREG GUERNSEY WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. OUR NEXT CASE IS CASE C-14-04-0101 ON THE SOUTH LAMAR BOULEVARD EVERGREEN AND WEST MARY STREET REZONING CASE. THE PROPOSED ZONING CHANGE IS FROM SF-3, FAMILY RESIDENCE, CS-GENERAL COMMERCIAL SERVICES, CS-CO, GENERAL COMMERCIAL SERVICES CONDITIONAL OVERLAY, AND CS-MU-CO, WHICH IS THE GENERAL COMMERCIAL SERVICES MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDED CS-MU-CO ZONING ON THIS PROPERTY, WITH SOME CONDITIONS. AND THOSE CONDITIONS BEING THAT THE USES THAT STAFF OUTLINED WOULD BE PROHIBITED, AND THEIR RECOMMENDATION THESE USES WOULD INCLUDE AGRICULTURAL SALES AND SERVICE, COMMERCIAL BLOOD PLASMA CENTER, CAMPGROUND, CONSTRUCTION SALES

AND SERVICES, EQUIPMENT REPAIR SERVICES, EQUIPMENT SALES, EXTERMINATION SERVICES, FUNERAL SERVICES, KENNELS, LAUNDRY SERVICES EXCEEDING 5,000 SQUARE FEET. LIMITED WAREHOUSE DISTRIBUTION. MAINTENANCE AND SERVICE FACILITIES. MONUMENT SALES. VEHICLE STORAGE AND VETERINARIAN SERVICES. THESE CS USES WOULD BE PROHIBITED. OTHER CS USES WOULD BE MADE CONDITIONAL UNLESS THEY'RE ALLOWED IN A GR MORE RESTRICTIVE ZONING DISTRICT. WE DO HAVE A COUPLE OF PEOPLE HERE FROM THE NEIGHBORHOOD, AND MR. JIM BENNETT REPRESENTING ONE OF THE PROPERTY OWNERS THAT WOULD LIKE TO SPEAK TO THIS CASE THIS EVENING. THIS IS WITHIN A FUTURE NEIGHBORHOOD PLANNING AREA THAT WOULD BE THE ZILKER NEIGHBORHOOD THAT STAFF ANTICIPATES STARTING THIS SOMETIME IN THE FALL OF 2005. THE AREA IS APPROXIMATELY 3.9 ACRES OF LAND, AND THE MAJORITY OF THE PROPERTY IS ZONED CS WITH A SMALL PORTION CURRENTLY ZONED SF-3. THIS CASE IS A CITY-INITIATED CASE AND GREW OUT OF A DISCUSSION BEFORE THE ZONING AND PLATTING COMMISSION BY MR. BENNETT, BRINGING FORWARD TWO SMALL SF-3 PORTIONS OF THIS PROPERTY BE REZONED. AND FROM THAT THE ZONING AND PLATTING COMMISSION FELT IT WAS APPROPRIATE TO INITIATE A CASE OVER THIS ENTIRE AREA. IF YOU HAVE ANY QUESTIONS, I'LL BE MORE THAN HAPPY TO ANSWER THEM AT THIS TIME. AS I SAID BEFORE, THE CITY IS THE APPLICANT, AND I KNOW THAT THERE ARE REPRESENTATIVES FROM THE NEIGHBORHOOD HERE TO SPEAK AS WELL AS RESIDENTS AND AFFECTED PROPERTY OWNERS.

Mayor Wynn: SO MR. GUERNSEY, SO SINCE THE CITY TECHNICALLY IS THE APPLICANT, WHAT IS STAFF'S RECOMMENDATION?

THE STAFF'S RECOMMENDATION WAS TO GRANT CS-MU-CO, LISTING THOSE PROHIBITED USES.

Mayor Wynn: AND THAT WAS ALSO AGREED TO BY THE ZONING AND PLATTING COMMISSION?

THE ZONING AND PLATTING COMMISSION ALSO RECOMMENDED THAT, BUT IN ADDITION THEY MADE THE



OTHER CS USES THAT WOULD BE ALLOWED CONDITIONAL, AND THEN ALLOWED BASICALLY ALL GR USES ON THE REMAINING PORTION.

Mayor Wynn: THANK YOU. SO COUNCIL, WITHOUT OBJECTION, WE'LL CONSIDER THAT TO BE THE FIVE-MINUTE APPLICANT PRESENTATION SEEING THAT THE CITY OF AUSTIN TECHNICALLY IS THE APPLICANT. WE'LL NOW TAKE UP CARDS FOR THOSE FOLKS IN FAVOR OF THE ZONING CASES AND THOSE IN OPPOSITION, AND CITY STAFF WILL LIKELY MAYBE NOT REBUT, BUT ANSWER QUESTIONS FROM COUNCIL. SO WITH THAT HE'LL CALL ON MR. JIM BENNETT. MR. BENNETT, WELCOME, YOU WILL HAVE THREE MINUTES. AND YOU'LL BE FOLLOWED BY LORRAINE ATHERTON.

MAYOR AND COUNCIL, I'M JIM BENNETT AND I'M HERE TONIGHT ON BEHALF OF THE CITY-INITIATED ZONING CHANGE THAT'S BEFORE YOU TONIGHT. AS MR. GUERNSEY INDICATED TO YOU, I ORIGINALLY FILED A ZONING CHANGE BACK IN APRIL OF THIS YEAR, AND AFTER APPEARING IN THE ZONING AND PLATTING COMMISSION HEARINGS, THE ZONING AND PLATTING COMMISSION RECOMMENDED A CITY-INITIATED ZONING CHANGE FOR THIS AREA THAT WE'RE TALKING ABOUT. THE TWO PIECES OF PROPERTY THAT I FILED A ZONING CASE ON WAS A 1707 SOUTH LAMAR AND 1704 AND 6 EVERGREEN STREET, WHICH IS REMAINING SF-3 ZONED PROPERTY. IN THIS WHOLE TRIANGLE PORTION THAT IS UNDER REVIEW FOR YOUR CONSIDERATION TONIGHT. WE'RE IN SUPPORT OF THE STAFF'S POSITION TO REZONE THE PROPERTY. WE'D LIKE TO GO FORWARD WITH OUR ZONING CHANGE OR HAVE IT REZONED UNDER THIS CITY-INITIATED CASE AND ARE SUPPORTIVE IN EITHER CASE FOR THE TWO LOTS -- TWO ZONING CASES THAT I HAD ORIGINALLY FILED IN APRIL TO BE REZONED TONIGHT OR THE ADOPTION OF THE CITY'S RECOMMENDATION. I'LL BE AVAILABLE SHOULD YOU HAVE ANY QUESTIONS. THANK YOU.

Mayor Wynn: THANK YOU, MR. BENNETT. COUNCIL, MR. BENNETT WAS THE ONLY CITIZEN SIGNED UP IN FAVOR OF THE ZONING CASE. AND THE ONLY CITIZEN SIGNED UP IN OPPOSITION IS MS. LORRAINE ATHERTON WHO IS WITH US. WELCOME. YOU WILL HAVE THREE MINUTES.

I AM LORRAINE ATHERTON, NEW PRESIDENT OF THE ZILKER NEIGHBORHOOD ASSOCIATION. THE ASSOCIATION'S EXECUTIVE COMMITTEE HAS VOTED TO OPPOSE THE BLANKET REZONING OF THIS BLOCK. PRIMARILY WE ARE CONCERNED THAT THE CITY'S PROPOSAL TO REZONE THE ENTIRE BLOCK SEEMS TO PREEMPT THE NEIGHBORHOOD PLANNING PROCESS FOR OUR AREA A FEW MONTHS BEFORE IT IS SCHEDULED TO BEGIN. THIS BLOCK WE HOPE WILL SERVE AS ZILKER NEIGHBORHOOD'S GATEWAY TO THE NEW BRANCH LIBRARY FOR SOUTH AUSTIN AT MARY AND SOUTH FIFTH AND TO THE PARK, GREENBELT AND TRAILS BEING DEVELOPED ALONG BOULDIN CREEK. IF FREIGHT TRAFFIC IS MOVED FROM THE UNION PACIFIC TRACKS, THE AREA WILL ALSO BECOME MUCH MORE ATTRACTIVE TO RESIDENTIAL USES. WE WOULD HOPE THAT THOSE USES WOULD COMPLICATE THE EXISTING HOUSING AT THE BEAUTIFULLY PRESERVED HISTORIC MILL PROPERTY AT EVERGREEN AND MARY. THEREFORE WE CANNOT SUPPORT THE ATTEMPT TO REZONE THE ENTIRE BLOCK WITHOUT THE BENEFIT OF A COMPREHENSIVE NEIGHBORHOOD PLAN. IN THE PAST SNA HAS WORKED WITH INDIVIDUAL PROPERTY OWNERS TO ENCOURAGE ART STUDIO AND WORKSHOP USES HERE THAT WOULD ALSO BE COMPATIBLE WITH THE HISTORIC MILL AND THE EXISTING SMALL RETAIL USES. WE URGE COUNCIL TO PRESERVE THE EXISTING CONDITIONAL OVERLAYS ON THOSE PROPERTIES. WE FEAR THAT THE STAFF RECOMMENDATION OF CS FOR THE ENTIRE BLOCK WITH NO RESTRICTIONS ON UNDESIRABLE AUTOMOTIVE AND CONVENIENCE STORAGE USES WILL ENDANGER THE EXISTING MIX OF SMALL RETAIL AND OFFICE USES AND ELIMINATE ANY PROSPECT TO INCORPORATE RESIDENTIAL USES INTO THAT MIX. MERELY AFFIXING THE LABEL MU TO THE ZONING CATEGORY DOES NOT ENSURE MIXED USE. WE HOPE COUNCIL WILL DENY THIS REZONING AND ALLOW THE INDIVIDUAL PROPERTY OWNERS TO PURSUE THEIR OWN APPLICATIONS REGARDING THE TWO REMAINING SF-3 PROPERTIES ON THIS BLOCK. THANK YOU.

Mayor Wynn: THANK YOU, MS. ATHERTON. COUNCIL, THAT'S ALL THE CITIZENS SIGNED UP IN FAVOR OR IN OPPOSITION TO THIS CASE. WE WOULD TYPICALLY HAVE AN APPLICANT THREE-MINUTE REBUTTAL. MR. GUERNSEY?

IF YOU HAVE ANY QUESTIONS, I'LL BE MORE THAN HAPPY TO ANSWER. LET ME JUST POINT OUT THE TWO PROPERTIES IJ THAT MR. BENNETT WAS REFERRING TO. THEY'RE REALLY THE ONLY AREAS THAT ARE LEFT REMAINING OF SF-3 ON THIS ISLAND TRACT SURROUNDED BY STREET. THE PROPERTY LOCATION AGAIN IS BORDERED BY LAMAR ON THE KIND OF NORTH AND WESTERN SIDE. EVERGREEN WRAPPING THE EASTERN SIDE ON THE NORTHEAST. AND TO THE SOUTHEAST IS WEST MARY. AND THE TRACTS THAT MR. BENNETT IS REPRESENTING ARE SOME PORTIONS THAT ARE -- [ BUZZER SOUNDS ]. [ LAUGHTER ] I'LL FINISH UP VERY QUICKLY, MAYOR. IS ZONED SF-3 IN THE MIDDLE AND THESE OTHER TWO PARCELS THAT ACTUALLY FRONT ON EVERGREEN, BUT ARE ALSO GOING ALL THE WAY UP TO LAMAR BOULEVARD.

Mayor Wynn: MAYOR PRO TEM?

Goodman: GREG, IN PREVIOUS NEIGHBORHOOD PLANNING -- IS IT BOULDIN?

WELL, THIS IS ZILKER ACTUALLY.

Goodman: BUT DID BOULDIN SPEAK TO THIS IN THEIR PLAN?

I BELIEVE THE DIVIDING LINE BETWEEN BOULDIN AND ZILKER IS THE RAILROAD TRACK. SO THIS SIDE THAT'S NORTH OF OLTORF BUT ON THE EASTERN SIDE OF LAMAR IS ACTUALLY -- [INAUDIBLE - NO MIC].

Goodman: SO BOULDIN DIDN'T MENTION IT AT ALL?

THIS IS IN THE BOULDIN AREA.

I REALIZE THAT, BUT IT DOES ABUT THEM.

I THINK THERE WAS SOME DISCUSSION ABOUT THE AREA ADJUST SENT TO THE RAILROAD BECAUSE OF FLOODPLAIN ISSUES I'M NOT AWARE OF A PARTICULAR ISSUE OF THOSE USES RUNOGLAMAR. I DON'T KNOW IF LORRAINE HAD ANYTHING THAT SHE WAS AWARE OF THAT WAS COMMENTED WHEN THE BOULDIN CREEK PLAN CAME ON. THE RAILROAD IS A PRETTY FORMIDABLE DIVIDE IN THIS

AREA.

Goodman: I DON'T KNOW, IN SOME WAYS YES AND IN SOME WAYS NOT. OKAY.

Mayor Wynn: FURTHER COMMENTS? QUESTIONS OF STAFF, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION ON Z-6. AND I SHOULD HAVE ANNOUNCED, COUNCILMEMBER SLUSHER HAS BEEN CALLED OFF THE DAIS FOR PERHAPS AN HOUR OR SO, SO WE'LL ONLY HAVE SIX VOTES FOR A FEW MINUTES.

MAYOR, THIS WOULD ONLY BE READY FOR FIRST READING SHOULD YOU TAKE ANY ACTION TONIGHT.

Mayor Wynn: OKAY. THANK YOU. COUNCIL, COMMENTS, QUESTIONS? WE HAVE STAFF AND ZAP RECOMMENDATIONS, CS-MU-CO, WITH PROVISIONS AND RESTRICTIONS.

McCracken: MAYOR, I HAD -- I WANTED TO MAKE SURE OF MY NOTES. HAS ZAP APPROVED THE STAFF RECOMMENDATION OR WERE THERE SOME ADDITIONAL --

THE STAFF RECOMMENDATION I GUESS IS LESS RESTRICTIVE THAN THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION. STAFF RECOMMENDED CS-MU-CO, AND THEN PROHIBITED A LIST OF USES THAT I READ BEFORE.)( AND THEN THE ZONING AND PLATTING COMMISSION WENT ONE STEP FURTHER. THEY RECOMMENDED THAT IN ADDITION TO THOSE CS USES THAT ARE PROHIBITED, THEY WOULD ALLOW ALL THE GR USES, AND THOSE THAT ARE GR USES THAT ARE CONDITIONAL OR PERMITTED, THOSE WOULD STAND. BUT THOSE USES THAT ARE IN CS THAT WERE NOT LISTED AS PROHIBITED, ALL THOSE USES BE MADE CONDITIONAL.

McCracken: COULD YOU GIVE US SOME EXAMPLES THEN OF WHAT COULD BE ALLOWED AND WOULD BE CONDITIONAL UNDER THE ZAP RECOMMENDATION?

YES. IN THE LIST OF USES THAT COULD BE MADE CONDITIONAL, IF YOU LOOK AT IT, THERE WOULD BE MINI WEAR OUTSIDE OR CONVENIENT STORAGE IS ONE USE I'M AWARE OF THAT WASN'T LISTED AS A PROHIBITED USE BY

STAFF THAT'S ALLOWED IN CS, NOT PERMITTED IN GR, AND THAT WOULD BECOME A CONDITIONAL USE RATHER THAN BEING A PERMITTED USE. SO LIKE A MINI-WAREHOUSE TYPE OF USE. AND THERE PROBABLY ARE SOME OTHERS I WOULD HAVE TO GO THROUGH AND MATCH UP.

McCracken: THAT'S FINE. MAYOR, I WOULD MOVE APPROVAL ON FIRST READING OF THE ZAP RECOMMENDATION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN TO APPROVE ON ITEM Z-6 ON FIRST READING ONLY ZAP RECOMMENDATION.

Thomas: I'LL SECOND.

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

Alvarez: MR. GUERNSEY, THERE ARE SINGLE-FAMILY HOMES TO THE EAST OF THIS PROPERTY HERE?

TO THE EAST OF THE PROPERTY -- LET ME MAKE SURE I'M CLEAR. ACROSS EVERGREEN I BELIEVE THERE ARE SOME RESIDENCES, THAT'S CORRECT. AND THE MILL THAT WAS REFERRED TO IN THE ZILKER ASSOCIATION THAT YOU HAVE ON INDICT AS IS REFERRING TO THAT HISTORIC ZONED PROS. IT KIND OF ACROSS EVERGREEN AND NORTH OF WEST MARY, BETWEEN EVERGREEN AND THE RAILROAD TRKZ.

Alvarez: OKAY. AND A QUESTION FOR THE APPLICANT.

WE'RE THE APPLICANT. MR. BENNETT DOES REPRESENT TWO PROPERTY OWNERS IN THE AREA. THE NEIGHBORHOOD IS HERE BECAUSE IT'S WITHIN THE NEIGHBORHOOD PLANNING AREA.

Alvarez: OKAY. SO WE INITIATED THIS REZONING AS A RESULT OF --

AS A RESULT OF MR. BENNETT'S FILING OF TWO CASES FOR THE SF-3 PORTION WITHIN THIS ISLAND TRACT. THE ZONING AND PLATTING COMMISSION DIRECTED STAFF TO INITIATE

TO REZONE THIS ENTIRE AREA.

Alvarez: AND THEN IN TERMS OF THE CONDITIONS, IS THERE ANY SENSITIVITY SHOWN TO THE FACT THAT THERE WOULD BE SINGLE-FAMILY USES ACROSS EVERGREEN THERE?

WELL, THE BASIS FOR THE STAFF RECOMMENDATION WAS WHEN WE DID RECOGNIZE THAT THERE WERE MORE OBNOXIOUS USES IN CS, BUT FOR THE MOST PART THIS ENTIRE ISLAND OR THIS TRACT OF LAND IS ALL CS, WITH THE EXCEPTION OF THESE ISOLATED PIECES. THE NEIGHBORHOOD WOULD LIKE TO DEFER THE ISSUE UNTIL THE NEIGHBORHOOD PLANNING PROCESS. MR. BENNETT'S CLIENT I THINK WOULD LIKE THE STAFF RECOMMENDATION OR BE AT LEAST SIMILAR TO THE ADJACENT PROPERTY THERE ZONED AS CS. THEY WOULD BE SUBJECT TO COMPATIBILITY AT THE TIME OF REDEVELOPMENT, BUT AT THIS TIME THERE WAS NO SPECIFIC BUFFER PROVISION OR ACCESS LIMITATIONS THAT STAFF RECOMMENDED ALONG EVERGREEN.

Alvarez: AND I THINK MS. ATHERTON MENTIONED THAT THE NEIGHBORHOOD PLAN PROCESS IS BEGINNING OR HAS BEGUN. WHERE IS THAT?

I SPOKE WITH ALICE GLASGO SHORTLY BEFORE SHE LEFT AND SHE HAD A CONVERSATION WITH RYAN CARD DOUGH -- RICARDO SOLIS, AND BASED ON RESOURCES WE WOULD ANTICIPATE THIS PLAN NEXT YEAR, BUT IT WOULD PROBABLY BE IN THE FALL. SO IT WOULD BE ABOUT A YEAR FROM NOW.

Alvarez: JUST TO BEGIN. THEN IT TAKES A YEAR, YEAR AND A HALF TO GO THROUGH. AND WHAT WOULD HAPPEN IF THERE WOULD BE A REZONING CHANGE ON ALL THESE PROPERTIES THROUGH THE NEIGHBORHOOD PLANNING AND WE CAME BACK WITH CONDITIONAL OVERLAYS? TYPICALLY WITH THESE NEIGHBORHOOD PLANS, SPECIFIC COMMERCIAL CORRIDORS ARE GIVEN SPECIFIC CONDITIONAL OVERLAYS, SO I DON'T KNOW IF THAT'S WHAT SHE WAS REFERRING TO. SO HOW WOULD -- WE WOULD COME BACK AND CHANGE THE ZONING AGAIN ON ALL THESE

PROPERTIES?

THEY HAVE THE POTENTIAL AFTER GOING THROUGH THE NEIGHBORHOOD PLANNING PROCESS IT MAY BE RECOMMENDED BY STAFF AND THE NEIGHBORHOOD PLANNING TEAM THAT THESE PROPERTIES BE DOWN-ZONED OR THERE BE CONDITIONAL OVERLAYS PLACED. YOU RECALL DAWSON WE HAD CONDITIONAL OVERLAYS PLACED THAT LIMITED THE ABILITY TO HAVE DRIVE-THROUGH SERVICES AND LIMITED I THINK THE ABILITY TO DO SOME AUTOMOTIVE RELATED USES. SO IT'S NOT UNHEARD OF. IT COULD BE ZONED CURRENTLY AND THEN COME BACK TO THE NEIGHBORHOOD PLANNING PROCESS. AND AFTER DOING THE PLAN, RECOMMENDATION WOULD COME FORWARD AND COUNCIL COULD RECONSIDER THE ZONING AND CHANGING THE ZONING EITHER UP TO INCREASE ITS NECESSITY OR DECREASE ITS DENSITY AT THAT TIME.

Alvarez: OKAY. A QUESTION FOR MR. BENNETT. IS THERE A SPECIFIC USE PROPOSED FOR THE TRACTS THAT AT LEAST YOUR CLIENT OWNS AND INITIATED THE ZONING FOR?

NO, SIR, COUNCILMEMBER ALVAREZ. MY CLIENT, MARY RUTH PLESHETTE, ONZ THE PROPERTY AND SHE WAS AN ELDERLY LADY. WE STARTED THE PROCESS ABOUT EIGHT MONTHS AGO. DURING THAT TIME SHE'S SINCE PASSED AWAY. SHE WAS TRYING TO GET HER AFFAIRS IN ORDER. AND AS A RESULT OF THAT IS WHAT INITIATED THE ZONING CHANGE THAT WE REQUESTED INITIALLY, EIGHT MONTHS AGO. WE DO NOT HAVE A USE FOR IT. THE PROPERTY WILL BE PUT ON MARKET. IT CURRENTLY, AS MR. GUERNSEY SAID, IS THE REMAINING SF-3 REMNANT PIECES THAT ARE LEFT IN THIS WHOLE ISLAND.

Alvarez: THOSE ARE THE ONLY TWO LOTS THAT ARE ZONED SF-3?

YES, SIR. EVERYTHING AROUND IT IN THIS ISLAND IS ALREADY ZONED CS.

Alvarez: THANKS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER

COMMENTS, QUESTIONS? WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE ON FIRST READING ONLY THE ZAP RECOMMENDATION FOR ITEM Z-6. MOTION INCLUDES CLOSING THE PUBLIC HEARING. MAYOR PRO TEM.

Goodman: CAN I ASK ONE MORE QUESTION? WHAT WAS M U CONN TEMPLATED -- WHAT WAS MU CONTEMPLATED TO BE, WHAT FORM?

MU WOULD ALLOW FOR COMPLEXES OR TOWNHOUSES. STAFF DID NOT SPECIFY A PARTICULAR TYPE OF RESIDENTIAL, BUT IT WOULD ALLOW FOR ANY COMBINATION OF THOSE USES. I THINK THE IDEA WAS WE WERE TRYING TO ALLOW FOR MIXED USE IF REDEVELOPMENT WERE TO OCCUR ALONG LAMAR BOULEVARD.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR OF THE MOTION, SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASS OZ A VOTE OF FIVE TO ONE ON FIRST READING ONLY. THE MAYOR PRO TEM VOTING NO. COUNCILMEMBER SLUSHER TEMPORARILY OFF THE DAIS. THANK YOU, MR. GUERNSEY.

MAYOR AND COUNCIL, OUR NEXT ZONING CASE IS CASE C-14-04-0058, ITEM Z-7 ON THE AGENDA, THE SAHARA CLUB EXTENSION. THIS IS A REZONING APPLICATION AT 900 EAST BREAKER FROM GR, COMMUNITY COMMERCIAL DISTRICT ZONING, TO COMMERCIAL LIQUOR SALES, CS-1 ZONING. THE ZONING AND PLATTING COMMISSION AND STAFF BOTH RECOMMENDED DENIAL OF THE CS-1 REZONING REQUEST. THE PROPERTY OR AREA BEING REZONED IS APPROXIMATELY 5,683 SQUARE FEET. AND IT HAS BEEN BEFORE YOU PREVIOUSLY FOR OTHER REZONING CHANGES. THERE IS A PROPOSED EXPANSION OF AN EXISTING NIGHTCLUB USE THAT EXISTS CURRENTLY ON THE PROPERTY, AND BECAUSE OF SOME ALTERATIONS TO THE BUILDING THAT ALLOWED FOR THE USE TO EXPAND IN AN AREA THAT'S NOT PROPERLY ZONED, THIS APPLICATION IS BEING BROUGHT BEFORE YOU. THERE ARE MEMBERS FROM THE NEIGHBORHOOD ASSOCIATION THAT HAVE MET WITH



THE APPLICANT, AND THEY'VE REACHED AN IMPASSE WITH REGARD TO THE SUPPORT OF THE REZONING REQUEST. I THINK BOTH SIDES ARE HERE AND ARE PREPARED TO SPEAK TO THAT ISSUE. ON THE DAIS THERE'S A ONE-PAGE HANDOUT THAT YOU SHOULD HAVE THAT KIND OF SPEAKS FROM THE APPLICANT'S STANDPOINT OF HOW THE CLUB CURRENTLY OPERATES. AND THERE ARE ALSO LETTERS OF SUPPORT FROM INTERESTED CITIZENS IN FAVOR OF THE CLUB, AND I BELIEVE THERE ARE ALSO -- I BELIEVE THERE ALSO IS SOME INFORMATION FROM THE NEIGHBORHOOD RAISING SOME CONCERN ABOUT THE PROPERTY. I HAVE THE DETAILS THAT I CAN GO THROUGH OF THE SITE PLAN IF YOU WISH TO SEE THOSE. AT THIS TIME I'LL PAUSE AND IF YOU HAVE ANY QUESTIONS, I'LL ANSWER THEM AT THIS TIME AND ALLOW THE APPLICANT TO MAKE THEIR PRESENTATION.

Mayor Wynn: THANK YOU, MR. GUERNSEY. AT THIS TIME WE'LL HAVE A FIVE-MINUTE PRESENTATION FROM THE APPLICANT. IT WILL BE FOLLOWED BY FOLKS WHO WANT TO SPEAK IN FAVOR OF THE ZONING CASE, THOSE IN OPPOSITION AND THEN THE APPLICANT WILL HAVE A THREE-MINUTE REBUTTAL. AND MR. GUERNSEY WILL BE AVAILABLE FOR QUESTIONS.

GOOD EVENING, MAYOR, COUNCILMEMBERS. MY NAME IS EDDIE HURST, I'M THE AGENT FOR CLUB SAHARA. AND AS MR. GUERNSEY PROPERLY STATED, THERE WAS AN ATTEMPT AT A PERMIT TO DO AN EXPANSION FOR CLUB SAHARA, WHICH WAS ORIGINALLY 1300 SQUARE FEET. AS YOU'LL SEE HERE IN THE ORANGE, THE EXPANSION OF THE 5683 GOES TO HERE. AND IN PAYING FOR HIS BUILDING PERMIT, HAVING AN ASBESTOS SURVEY DONE AND GOING TO GET A LIQUOR LICENSE FOR THIS PROPERTY, IT WAS FOUND THAT IT WAS ZONED IMPROPERLY, AND THAT IS WHY WE ARE BEFORE YOU. IN THIS AREA THE CS-1 USES ARE, ONE, THE DOLLAR STORE HAS 8,000 SQUARE FEET OF CS-1 ZONING, WHICH IS NOT UTILIZED FOR ALCOHOL. AND THEN THERE IS A 1300 SQUARE FOOT PACKAGE LIQUOR STORE ALSO IN THE AREA. SO IN THIS NEIGHBORHOOD THERE WILL BE JUST CLUB SAHARA, WHICH HAS ON-SITE LIQUOR CONSUMPTION. DIRECTLY BEHIND CLUB SAHARA IS AN APARTMENT COMPLEX WHICH WE HAD SIGNATURES FROM ABOUT 80 OF THE RESIDENTS THERE DIRECTLY BEHIND IN

SUPPORT OF CLUB SAHARA AND SAYING THAT THERE WASN'T ANY NOISE, PROBLEMS, NOR TRAFFIC. WE HAVE RESPECTIVELY WORKED WITH THE NEIGHBORHOOD AND THEY ARE FINE PEOPLE. THEY ARE A QUARTER-MILE AWAY FROM THIS STRIP MALL, AND WE APPRECIATE THEIR CONCERN FOR NOT EXPANDING CS-1 ZONING IN THEIR NEIGHBORHOOD, BUT CULTURALLY FOR THE PEOPLE THAT CLUB SAHARA, THEIR CUSTOMERS, THE NEED FOR THIS KIND OF VENUE IS FOR AFRICAN-AMERICAN AND AFRICAN COMMUNITY. SO AT THIS TIME THE TRAFFIC DOESN'T GO THROUGH THE NEIGHBORHOOD. THE NOISE THAT WOULD COME FROM A DISCO OR A CLUB WOULD ONLY IMPACT THE APARTMENT COMPLEX. WE'VE SPOKEN TO THE PROPERTY OWNERS BEHIND THEM. THEY HAVE NO PROBLEMS WITH THE REZONING, NOR THE RESIDENTS DIRECTLY BEHIND. AND WE ALSO HAVE MARKED HERE THE PARKING REQUIRED FOR THE REQUESTED REZONING. AND I'M AVAILABLE FOR ANY QUESTIONS AND THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU, MR. HUR IS ST. QUESTIONS FOR THE APPLICANT, COUNCIL? IF NOT, WE'LL GO TO THE CITIZENS WHO HAVE SIGNED UP IN FAVOR OF THE ZONING CASE. LET'S SEE. JUDSON GREEN SIGNED UP NOT WISHING TO SPEAK, BUT IN FAVOR. EDDIE HURST WE JUST HEARD FROM SIGNED UP IN FAVOR. ROY HORN. I'M SORRY, RON. COME ON UP. YOU WILL HAVE THREE MINUTES. YOU'LL BE FOLLOWED BY SHEILA SHEVON.

OKAY. I'M GOING TO BE BRIEF BECAUSE I ACTUALLY HAVE A VIDEO TO SHOW. AND I KNOW THIS IS GOING TO SEEM KIND OF CONVOLUTED, BUT THE FACT OF THE MATTER IS THAT CLUB SAHARA PROVIDES A VENUE FOR NEAL SOUL POETRY LOUNGE, WHICH IS A POETRY READING EVERY WEDNESDAY. AND THE REASON WHY WE'RE IN SUPPORT OF THE APPLICANT FOR APPROVAL OF HIS REZONING CHANGE IS BECAUSE HE'S A BUSINESS OWNER THAT'S PROVIDING A VENUE FOR POETS TO COME OUT AND READ. IT'S AN INTELLECTUAL ENTERTAINMENT FOR ADULTS, BUT THE BY PRODUCT IS THAT MY ORGANIZATION, AND I HAVE VIDEOS THAT I CAN GIVE TO ALL OF YOU TO CHECK IT OUT, TAKES THE POETS THAT ARE DEVELOPED THROUGH NEO SOUL AND CLUB SAHARA AND WE TAKE THOSE POETS INTO THE NEIGHBORHOODS ALL ACROSS AUSTIN TO HELP SCHOOLS

TO GET KIDS INVOLVED IN SPOKEN WORD AND SLAM ON THEIR CAMPUS. WE TOOK A BUNCH OF KIDS OUT TO LA AND THEY DID A FANTASTIC JOB, AND MY POINT SIMPLY IS THAT -- WHEN YOU HAVE CUTS ON A REGULAR BASIS FOR WHAT'S GOING TO HAPPEN IN SCHOOLS, IT TAKES PEOPLE IN THE COMMUNITY LIKE MR. GREEN TO PROVIDE AN ALTERNATIVE THAT ALLOWS US TO TAKE POETS OUT TO THE SCHOOL AND PRESENT TO THE SCHOOLS IN THIS VERY NEIGHBORHOOD, TEACHING THE CHILDREN THAT LIVE IN THIS NEIGHBORHOOD. SO WITH THAT I'D LIKE TO, YOU KNOW, PASS MY TIME TO DR. SHEVON. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

THERE ARE CHILDREN IN THOSE SCHOOLS WHO WERE INSPIRED BY THE POETS WHO ARE BEING NURTURED AT CLUB SAHARA. THESE ARE POETS WHO LIVE AND WORK IN THIS AREA. NEIL HAS HAD SEVERAL HOMES OVER THE YEARS, BUT THE POETS HAVE TO TRAVEL THERE. AFTER WORK THEY WANT TO GO TO A PLACE TO RELAX AND SHARE THEIR WORDS AND THEY CAN SHARE THEIR ART FORM. I GET MORE POETS FROM MY PROGRAM FROM NEIL SOUL THAN ANY OTHER PROGRAM IN AUSTIN. SO I'M IN SUPPORT OF WHAT MR. GREEN IS DOING, PROVIDING THIS VENUE FOR POETS AND THEY ARE GIVING BACK TO THE COMMUNITY. I MEAN WE HAVE HAD AT LEAST 10 POETS FROM NEO SOUL GO OUT TO THE SCHOOLS AND INSPIRE THE CHILDREN.

YOU HAVE TWO AND A HALF MINUTES LEFT.

THESE ARE SOME OF THE POETS FROM THE NATIONAL YOUTH POET POETRY FESTIVAL, IF WE GET SOME SOUND YOU CAN HEAR THEM. THE AUSTIN TEAM COMPLETED IN LOS ANGELES LAST YEAR, CAME IN FIFTH IN THE NATION. AND WHAT WE'RE TRYING TO DO IS GIVE CHILDREN A CHANCE TO EXERCISE THEIR FREE SPEECH AND TO WORK ON THEIR WRITING SKILLS. I DON'T HEAR THE SOUND.

[INDISCERNIBLE]

THERE WE GO.

[INDISCERNIBLE] [INDISCERNIBLE] [INDISCERNIBLE]

[INAUDIBLE - NO MIC] [VIDEO PLAYING -- INDISCERNIBLE]

[INAUDIBLE - NO MIC]

YOU CAN CATCH THIS ON YOUR VIDEO PLAYER, WE HAVE COPIES TO GIVE YOU, THE BOTTOM LINE IS THAT THERE'S KIDS LIKE THIS IN EVERY SCHOOL. IT'S AN ECOSYSTEM. IF WE DON'T SUPPORT BUSINESS PEOPLE WHO ARE NOT SIMPLY OUT FOR PROFIT BUT TO ALSO HELP TO BETTER THE LIVES OF THE CHILDREN IN OUR COMMUNITY, WE ARE GOING TO SUFFER THE CONSEQUENCES. AND SO, YOU KNOW, WE WOULD STRONGLY ENCOURAGE THAT WE SUPPORT THE APPLICATION. THANK YOU.

THANK YOU, RON. COUPLE, THAT'S ALL OF THE FOLKS SIGNED UP IN FAVOR OF THE ZONING CASE, WE WILL NOW HEAR FROM CITIZENS SIGNED UP IN OPPOSITION, WE WILL FIRST HEAR FROM LESTER JOHNSON. WELCOME, YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY MICHAEL LEE.

MAYOR, COUNCILMEMBERS, MY NAME IS LASTER JOHNSON, I'M PRESIDENT OF THE NORTHEAST WALNUT CREEK NEIGHBORHOOD ASSOCIATION, WHICH IS DIRECTEDLY TO THE NORTH AND EAST OF THIS SHOPPING CENTER. WE ARE HERE TONIGHT TO CONSIDER ZONING ON APPROXIMATELY 5600 SQUARE FEET IN THE SHOPPING CENTER IN THE 900 BLOCK OF EAST BRAKER LANE FROM GR TO C.S. 1. THERE ARE ALREADY TWO OTHER PARCELS IN THIS SHOPPING CENTER THAT IS ZONED C.S. 1, A LIQUOR STORE, 1300 SQUARE FOOT CLUB SAHARA.

WE FEEL AS KNOW THERE'S ENOUGH C.S. ZONING IN HERE, STAFF RECOMMENDATION OR STAFF SAYING THIS IS BEING AN OVER SATURATION OF C.S. 1 ZONING IN THIS SHOPPING CENTER. ALSO NEXT TO THE SHOPPING CENTER THERE'S ABOUT 8, 9,000 SQUARE FOOT, WHERE DOLLAR GENERAL IS NOW, BUT THAT PIECE OF PROPERTY IS ZONED C.S. 1 WITH CO OVERLAY. MR. JUDSON GREEN IS OPERATING A NIGHTCLUB IN THE 1300 SQUARE FEET ADJACENT TO THE PROPOSED ZONING CHANGE, HE WISHES TO EXPAND INTO THIS 5600 SQUARE FEET, THERE BE CREATING A NIGHTCLUB OF APPROXIMATELY 7,000 SQUARE FEET. MIKE LEE AND I HAVE MET WITH JUDSON GREEN AND HIS REPRESENTATIVE ON SEVERAL OCCASIONS. AND IN JANUARY OF THIS YEAR,

AFTER WE FIRST FOUND OUT ABOUT IT. WE DID TAKE A VOTE OF OUR ASSOCIATION, AT THAT TIME THEY VOTED FOR US TO OPPOSE ANY ZONING CHANGES IN IT. BACK IN AUGUST, WE HAD A -- WE HAD A PICK THICK WHERE WE ASKED MR. GREEN TO COME BY AND DISCUSS WITH OUR MEMBERSHIP THE CLUB SAHARA WHICH HE DID. NOT BEING AN OFFICIAL MEETING WE DID NOT VOTE AT THAT TIME. ON OCTOBER THE 26th WE DID HOLD A SPECIAL MEETING AND ASKED MR. GREEN AGAIN AND HIS REPRESENTATIVES TO COME AUTOMATIC AND DISCUSS THE SARAH CLUB AT AN OFFICIAL MEETING. HE DID. AT THIS MEETING WE DID TAKE A VOTE ON IT, NOT ONLY FROM THE MEMBERSHIP, BUT FROM ALL PEOPLE THAT WERE PRESENT AT THE MEETING. AND THERE WAS ABOUT A FOUR TO ONE VOTE IN OPPOSITION TO THE ZONING CHANGE. WE HAVE DISCUSSED THIS CASE IN CS 1 ZONING IN THIS PARTICULAR SHOPPING CENTER IN MANY OCCASIONS, SINCE 1995, I BELIEVE IT WAS. ABOUT TWO YEARS AGO, THE -- THE SAME PIECE, PARCEL OF LAND CAME UP CHANGING TO CS 1 ZONING, IT WAS DENIED BY THE CITY COUNCIL AT THAT TIME. WE HAVE NOT HAD ANY MAJOR DISAGREEMENTS WITH MR. GREEN AND THE CLUB SAHARA IN THE 1300 SQUARE FEET THAT HE'S OPERATING IN PRESENTLY. [BUZZER SOUNDING]

Mayor Wynn: PLEASE CONCLUDE.

TO RESERVE TIME THAT WE WOULD LIKE FOR YOU TO -- TO GO WITH US AND DENY THE ZONING OF CS 1 ZONING ON THIS PIECE OF PROPERTY. AS THE -- AS THE ZONING STAYS WITH THE PROPERTY AND NOT WITH THE BUSINESS. THANK YOU.

THANK YOU, MR. JOHNSON. MR. MICHAEL LEE. WELCOME, MR. LEE. LET'S SEE, IS JAMES ROBINSON HERE? YES, SIR, WANT TO CONFIRM. OUR RULES ARE YOU HAVE TO BE PRESENT IN ORDER TO DONATE YOUR TIME.

[INDISCERNIBLE] [LAUGHTER]

Mayor Wynn: IT'S EARLY YET. MR. LEE, YOU'LL HAVE UP TO SIX MINUTES IF YOU NEED IT.

THANK YOU, MAYOR WYNN. MAYOR, MEMBERS OF THE

COUNCIL, MY NAME IS MICHAEL LEE FOR THE RECORD. AND YES, LESTER AND I HAVE BEEN DOWN HERE SEVERAL TIMES TO DISCUSS ZONING IN THE SHOPPING CENTER, THERE HAVE BEEN SEVERAL PREVIOUS OCCASIONS WHERE PARCELS IN THE SHOPPING CENTER HAVE BEEN PROPOSED FOR CS 1 ZONING AND THIS PARTICULAR SITE THAT IS BEFORE YOU TONIGHT WAS IN FACT BEFORE YOU A COUPLE OF YEARS AGO, IT WAS DENIED AT THAT TIME. DURING THE ENTIRE PROCESS OF -- OF WORKING THESE ZONING CASES WITH THE SHOPPING CENTER, OUR NEIGHBORHOOD ASSOCIATION HAS ALWAYS BEEN KEPT INFORMED OF WHAT IS BEING REQUESTED. WE'VE -- WE'VE ALWAYS BROUGHT IT TO THEM. TOLD THEM WHAT THEY WERE -- WHAT -- THEY HAD A CHOICE OF VOAGHTS FORVOTING FOR OR AGAINST, WE TOLD THEM THAT THE IMPORTANT THING FOR THEM TO KNOW IS THAT THE BUSINESS THAT WAS PROPOSED TO GO IN IS NOT NEARLY AS IMPORTANT IN THE LONG-TERM BENEFIT OR DETRIMENT OF THE NEIGHBORHOOD AS WAS THE ZONING ITSELF. WE STRESSED THAT TO THEM. IF YOU WANT TO TAKE A VOTE, THINK ABOUT THIS IS A ZONING CASE. DON'T THINK ABOUT IT AS WHO'S GOING TO BE IN THERE. LOOK AT WHAT THE USES PERMITTED IN THE ZONING WOULD ALLOW AND THINK ABOUT WHETHER OR NOT YOU, AS NEIGHBORHOOD RESIDENTS, WOULD LIKE TO HAVE OR WOULD OBJECT TO HAVE THAT KIND OF A USE ACTIVE AT THE GATEWAY TO YOUR NEIGHBORHOOD. THAT'S WHAT THE SHOPPING CENTER IS. IT'S ON THE CORNER, IT'S THE GATEWAY. THAT'S THE WAY THAT YOU GET INTO OUR NEIGHBORHOOD IN LARGE PART AND TO -- TO THAT EXTENT, IT'S -- IT'S PRETTY -- PRETTY MUCH SETS THE TONE OF THAT AREA. IT IS NOT AN AREA THAT HAS ON PREMISES CONSUMPTION OF ALCOHOL IN ANY SIGNIFICANT AMOUNT RIGHT NOW. THERE WAS A RESTAURANT RATING IN THIS PARTICULAR SITE FOR THIS YEARS THAT DID SERVE ALCOHOL. IT BASICALLY MORPHED ITSELF INTO A BAR AND LOST ITS CITY APPROVAL BECAUSE OF THAT, BUT IT DID NOT OPERATE AS A BAR LEGALLY. THERE HAVE BEEN VERY FEW DRINKING ESTABLISHMENTS IN THIS AREA. WE -- WE ALTHOUGH AT THE ZONING AS SOMETHING THAT IS GOING TO BE THERE, WE THINK, FOR A VERY LONG PERIOD OF TIME. IT STAYS WITH THE PROPERTY UNTIL THE PROPERTY OWNER CHANGES IT, WE ALL UNDERSTAND THAT. AND WE

ALSO FEEL OURSELVES THAT -- THAT HAVING CS 1 ZONING THERE IS PROBABLY GOING TO PRESENT A VERY COMMERCIALY VIABLE OPTION FOR THE PROPERTY OWNER FOR YEARS TO COME. IF YOU HAVE 7,000 SQUARE FEET ZONED CS 1, I WOULD THINK THAT IT'S GOING TO BE EASY TO FIND SOMEBODY FROM YEAR TO YEAR TO KEEP OCCUPYING THAT. ON THE ASSUMPTION THAT MR. GREEN ISN'T GOING TO BE THERE FOREVER, WE HAVE TO LOOK AT THE POSSIBILITY OF MANY YEARS FOR CS 1 ZONING THERE, OTHER OCCUPANTS, OTHER USES THAT WE CANNOT CONTROL AND THAT COULD BE FAR LESS PLEASANT THAN MR. GREEN'S OPERATION. WE HAVE TOLD JUDSON SEVERAL TIMES WHEN WE HAVE MET WITH HIM, I THINK HE UNDERSTANDS, WE DON'T OBJECT TO WHAT JUDSON IS DOING DOWN THERE. WE DON'T OBJECT TO JUDSON, JUDSON HAS NOT BEEN A BAD NEIGHBOR. WE DON'T KNOW WHAT MR. GREEN MIGHT DO IN THE FUTURE WITH 7,000 SQUARE FEET VERSUS 1300, BUT WE ARE NOT GOING TO PREJUDGE HIM. WHAT WE'RE CONCERNED ABOUT IS THAT JUDSON ISN'T GOING TO BE THERE FOREVER AND THE ZONING WILL UNTIL THE PROPERTY OWNER CHANGES IT AND IF HE HAS AN ECONOMIC INCENTIVE TO KEEP IT, HE'S NOT GOING TO CHANGE IT. SO WE ARE LOOKING AT CS 1 ZONING AS BEING PERMANENTMENT WE DON'T THINK CS 1 ZONING FOR ON PREMISES CONSUMPTION IS GOOD FOR OUR NEIGHBORHOOD ON THAT INTERSECTION. THAT'S -- THAT INTERSECTION IS -- HAS PLENTY OF PRESSURE ON IT ALREADY FROM OTHER PROBLEMATIC ISSUES THAT FACE LARGE CITIES LIKE AUSTIN. I'M FOR THE GOING TO POINT FINGERS, I DON'T WANT TO TRY TO DENIGRATE WHAT'S GOING ON IN AUSTIN OR IN THAT PARTICULAR AREA, BUT WE WOULD PREFER TO KEEP THAT A NEIGHBORHOOD-ORIENTED SHOPPING CENTER WITH BUSINESSES LIKE THE SUBWAY SANDWICH SHOP, THE DRY CLEANERS, PAINT STORE THAT ARE IN THERE NOW, HAVE THOSE KIND OF USES PREDOMINANT, NOT ALCOHOL SALES. I DON'T KNOW WHAT ELSE WE CAN SAY. TO -- TO TRY TO PRESENT OUR DESIRES AS BEING NOT AGAINST THE PROPOSED USE, BUT AGAINST WHAT THE ZONING ITSELF REPRESENTS. AND I HOPE THAT YOU FOLKS ON THE COUNCIL, ALL OF YOU, CAN LOOK AT IT AS A ZONING CASE, IRRESPECTIVE OF WHAT IS GOING ON THERE TODAY AND THINK ABOUT IMPACT OF

YOUR DECISION ON OUR NEIGHBORHOOD IN THE FUTURE AS YOU CONTEMPLATE IT. BECAUSE WHATEVER YOU DO IS PROBABLY GOING TO BE A LONG-TERM DECISION AND WE, THE NEIGHBORS, WILL HAVE TO LIVE WITH IT. I APPRECIATE YOUR LETTING ME HAVE THAT SIX MINUTES, MR. MAYOR, I'VE GOT A MINUTE LEFT. I WON'T BORE YOU WITH ANY FURTHER HARANGUE, I WILL ANSWER ANY QUESTIONS IF YOU HAVE THEM. IF NOT, THANK YOU.

Mayor Wynn: THANK YOU, MR. LEE. AND FOR THE DONATION OF A MINUTE BACK. COUNCIL, THAT'S ALL OF THE CITIZENS SIGNED UP IN OPPOSITION TO THE ZONING CASE, MR. HIRSCH YOU WILL HAVE A 3 MINUTE REBUTTAL.

MAYOR, AS -- AS WAS MENTIONED, THE CS 1 ZONING IS PRIMARILY THE ISSUE OF THE NEIGHBORHOOD. WHAT WE PROPOSED IS THAT WE HAVE A CONDITIONAL USE TYPE CS 1 ZONING JUST TEMPORARY, FORGIVE ME FOR THE VERBIAGE, BUT HAVE IT TIED TO THE OWNER. THE PROPERTY OWNER HAS AGREED TO SIGNING ANY LEGAL DOCUMENTS NECESSARY TO -- TO HAVE THE CS ONE TEMPORARY AND BE DOWN ZONED WITHIN FIVE DAYS IF MR. GREEN WERE NOT TO BE -- TO BE IN BUSINESS ANY LONGER. AND THE -- AND THE BUSINESS OWNER AND THE PROPERTY OWNER ARE -- ARE OPEN TO ANY OPTIONS THERE ARE TO JUST MAKING THIS USE TEMPORARY. IF THAT WOULD APPEASE THE NEIGHBORHOOD AND COUNCIL IN ORDER TO MEET IN THE MIDDLE ON THIS PROPERTY IN THIS ZONING. THANK YOU AND I'M AVAILABLE FOR ANY QUESTIONS.

THANK YOU, MR. HIRSCH. IF YOU CAN JUST HELP ME ORIENT MYSELF. ARE WE -- IS NORTH AT THE TOP OF YOUR BOARD?

TOP.

RIGHT.

[INAUDIBLE - NO MIC] HERE. NORTH IS AT THE TOP. I-35 IS -- IS HERE. HARLEY DAVIDSON SHOP IS HERE. THINGS THE DOLLAR STORE -- THIS IS THE DOLLAR STORE, ALONG THE FRONT HERE IS THE -- IS THE BRAKER AND THIS IS THE WENDY'S HAMBURGER SHOP HERE. SO THE BINGO PARLOR IS AT THE CORNER, THE ANCHOR ON THIS END OF THE



BUILDING. MR. GREEN IS NEXT TO THE BINGO PARLOR WHICH IS THE VACATED TROPICAL HEAT RESTAURANT AND TATTOO PARLOR. HE PRESENTLY IS OPERATING HERE AND IT IS PROHIBITED AND HE'S SEEKING TO OPERATE HIS BUSINESS LEGALLY WITHIN THE CITY OF AUSTIN. AND HE ATTEMPTED TO GET PERMANENTS AND HE HAS DONE THEM, ALTHOUGH HIS ZONING FOR THE USE WAS INCORRECT. I WOULD SAY THAT MR. GREEN DID NOT WILLINGLY GO AND MAKE A NON-COMPLIANT ESTABLISHMENT. BUT HE IS OPERATING IN A NON-COMPLIANT ESTABLISHMENT AND ACCORDING TO THE COUNCIL'S MEETING TODAY HE WILL CHANGE HIS OPERATION ACCORDINGLY. BUT RIGHT NOW WE ARE WORKING IN AN EFFORT TO APPEASE THE NEIGHBORHOOD AND WE OFFER TEMPORARY ZONING CHANGE. IN ORDER TO -- TO NOT HAVE PERMANENT CS ONE ZONING, WHICH IS WHAT THE NEIGHBORHOOD HAS STRESSED IS THEIR BIGGEST ISSUE.

Mayor Wynn: AGAINST, MR. HIRSCH, THE LARGE -- AGAIN, MR. HIRSCH, THE LARGEST CS 1 STRUCTURE AT THE EAST END OF THE CENTER -- WHAT IS THAT USE NOW?

THAT'S A DOLLAR STORE.

Mayor Wynn: I GUESS AT SOME POINT IN THE PAST --

IT WAS AN ECKERD'S AND THEY NEEDED TO HAVE THE CS 1 ZONING TO BE ABLE TO SELL WINE, BEER AND WINE.

Mayor Wynn: THANK YOU, MR. HIRSCH. QUESTIONS? OF THE APPLICANT OR STAFF? COUNCIL? COMMENTS?

Thomas: MAYOR?

Mayor Wynn: COUNCILMEMBER THOMAS?

Thomas: MR. GUERNSEY OR LEGAL. WHAT THEY ARE -- WHAT THEY ARE ASKING ON THE CONDITIONAL OVERLAY FOR TEMPORARY, IS THAT -- COME THAT OCCUR?

Guernsey: WE COULD NOT CREATE A CONDITIONAL OVERLAY TO DO THAT. WHAT WE COULD DO AND WHAT THE CITY HAS ACCEPTED IN THE PAST IS A RESTRICTIVE COVENANT

OFFERED BY THE PROPERTY OWNER THAT IF THE USE WOULD CEASE, IT WOULDN'T NECESSARILY TIE IT TO THE PARTICULAR OWNER OF THE ESTABLISHMENT, BUT IT WOULD BE TIED TO THE USE, AND SO IF A -- IF A -- IF SAY A COCKTAIL LOUNGE USE OR A LIQUOR STORE USE WERE TO CEASE ON THE PROPERTY THAT THE OWNER WOULD NOT OBJECT TO THE REZONING OF THE PROPERTY TO ANOTHER CATEGORY. IN THIS CASE IT COULD BE BACK TO GR. THE FIVE DAYS ISN'T SOMETHING THAT WE TYPICALLY HAVE SEEN. IT'S USUALLY 30 DAYS OR 90 DAYS THAT YOU WOULD SEE THAT. THERE WOULD BE A REQUIRED -- A CONDITIONAL USE PERMIT, I THINK THAT'S WHAT EDDIE WAS SPEAKING TO, THAT THIS WOULD BE ONE STEP WOULD BE TO OBTAIN CS 1 ZONING AND AS THE PROPERTY OWNER HAS DONE ON THE EXISTING BAR, THEY WOULD HAVE TO GO BACK BEFORE THE ZONING AND PLATTING COMMISSION AND SEEK A CONDITIONAL USE PERMIT, WHICH COULD BE APPEALED TO THE CITY COUNCIL IF INTERESTED PARTIES OBJECTED. SO THERE WOULD BE ACTUALLY TWO STEPS INVOLVED BEFORE THEY COULD OBTAIN A BUILDING PERMANENT AND OBTAIN A LIQUOR LICENSE TO OPERATE THE LOUNGE IN THIS AREA.

Thomas: THANK YOU.

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

FIRST READING. THIS WOULD ONLY BE READY FOR FIRST READING TODAY.

Slusher: I HAVE A COUPLE OF QUESTIONS. SO THE -- THIS WAS ZONED FOR 1300 FEET COCKTAIL LOUNGE AND THE OWNER KNOCKED OUT THE WALL AND EXPANDED IT WITHOUT PERMITS?

IT'S MY UNDERSTANDING THAT THE -- THAT THE EXPANSION WAS MADE WITHOUT THE BENEFIT OF HAVING THE -- THE PROPER CONDITIONAL USE PERMANENT AND THE PROPER CITY BUILDING PERMITS.

Slusher: OKAY, BUT WASN'T THERE -- REFRESH MY MEMORY ON THE CASES. WAS -- THAT THERE WAS A CASE THAT WAS

DENIED FOR CS 1?

ON THIS SAME PROPERTY, THERE'S A TROPICAL HEAT, SELLING MORE ALCOHOL THAN FOOD, AND WAS IN VIOLATION. THEY ATTEMPTED TO --

THEY CAME IN THEN AND TRIED TO GET CS 1. THAT WAS DENIED.

THERE WAS ALSO A REZONING REQUEST I BELIEVE ON THE BINGO HALL TO CONVERT THAT TO ALLOW ALCOHOL SALES WITH THE BINGO OPERATION AND THAT ALSO EITHER WAS WITHDRAWN OR DENIED. I WOULD HAVE TO GO BACK AND READ THAT.

Slusher: OKAY. SO -- SO THEN THE -- THE PROPERTY THAT IS NOW -- THAT'S BEING USED FOR A COCKTAIL LOUNGE IS IT IN OPERATION WHERE THEY KNOCKED OUT THE WALL IS THIS.

THEY HAVE NOT RECEIVED THE ALCOHOLIC BEVERAGE LICENSE TO EXPAND IN THAT AREA. THE WALL HAS BEEN ALTERED AS I UNDERSTAND IT.

BUT IT'S NOT -- THEY ARE NOT -- THEY ARE NOT SELLING DRINKS, OPERATING THE BUSINESS IN THERE, ARE THEY?

TO MY KNOWLEDGE, THEY ARE NOT SELLING DRINKS IN THAT AREA. BUT IN ORDER TO OBTAIN THE LICENSE THAT THEY NEED, IN ORDER TO UTILIZE THAT SPACE, THEY WOULD NEED CS ONE ZONING CONDITIONAL USE PERMIT. FOR THE LACK OF MAKING CHANGES TO THE BUILDING THAT WOULD ALLOW PEOPLE TO WALK FREELY FROM ONE SIDE TO ANOTHER, THAT'S PART OF THE REASON WHY THEY'RE HERE ALSO TO OBTAIN THE APPROVALS NECESSARY TO OBTAIN A LIQUOR LICENSE.

Slusher: OKAY, I WOULD LET THE OWNER OR THE REPRESENTATIVE IF THEY WANT TO COME UP AND ADDRESS THAT IF YOU WANT. BUT -- BECAUSE IT TROUBLES ME THAT THERE WAS A ZONING CASE ON WHETHER OR NOT TO -- TO ALLOW CS 1, THE NEIGHBORS CAME DOWN AND OPPOSED IT, THE COUNCIL SAID NO WE DON'T WANT TO ALLOW THAT, THEN JUST CAME BACK LATER AND KNOCKED OUT THE WALL

ANYWAY AND OPERATED AS A CS 1 AND NOW WE ARE BEING ASKED TO APPROVE THAT SORT OF AFTER THE FACT. IF YOU WANT TO ADDRESS THAT, I WOULD APPRECIATE IT.

THANK YOU FOR THE QUESTION, SIR.

GOOD EVENING.

THE AREA THAT -- THAT WE ARE PROPOSING TO EXPAND, WE DO THAT, SOUTH FROM THE BAR OVER ON THAT SIDE. THE 1300 SQUARE FOOT THAT WAS PROPERLY ZONED CS 1 [INDISCERNIBLE] YEARS AGO THAT'S WHERE THE BAR IS, THE PORTION OF THE -- THAT AREA EXCLUDING THE BAR IS USED FOR DANCING AND FOR POETRY READING WITH CHAIRS AND THINGS HERE. WE APPLIED FOR PERM, WE WERE REQUIRED TO DO A [INDISCERNIBLE] SURVEY, WE DID THAT, EVERYTHING, ALL OF A SUDDEN EVERYTHING GOT STALLED, THAT'S WHEN WE WENT TO THE PLANNING COMMISSION. WE TRIED TO RESOLVE THIS MATTER AND IT HAS BEEN GOING UNTIL NOW IS HERE. BUT WE ARE NOT SELLING ALCOHOL FROM THE SIDE. THAT IS NOT ZONED YET.

Slusher: BUT YOU HAVE THE WHOLE THING OPENED UP AS ONE CLUB. AND BUT THE BAR WHERE YOU SELL THE LIQUOR IS OVER HERE, BUT PEOPLE CAN GO OVER IN THAT AREA. I MEAN IT'S ALL ONE BIG PLACE, IT'S JUST THE BAR IS OVER ON ONE SIDE.

RIGHT AND THE OTHER BAR IS NOT BEING USED.

Slusher: OKAY. YOU SAY THEY GOT HUNG UP. THAT WHEN THE TABC WOULDN'T APPROVE THE PERMIT OR DID THEY COME IN AND SEE THE OPERATION AND THAT'S WHEN IT GOT HUNG UP OR WHAT THE?

NO. IT WAS WITH THE CITY OFFICE. WE PAID THE FEE FOR THE PERMANENT. WE WERE REQUIRED TO DO THAT. THE SURVEY, SUBMITTED THE REPORT, NEVER GOT THE PERMIT. AND WE WERE INFORMED THAT THEY COULDN'T DO IT BECAUSE IT'S ZONING HAD TO BE CHANGED.

Slusher: YOU WEREN'T AWARE OF THAT NEED FOR THE

ZONING BEFORE IF.

NO IN FACT THE CITY OFFICE WHEN WE SPOKE TO THEM, THEY ASSURED US IT SHOULDN'T BE ANY PROBLEM BECAUSE IT WAS THE SAME BUSINESS EXPANDING. IT WAS NOT LIKE A NEW BUSINESS COMING FOR CS ZONING. WE WERE NOT AWARE OF ANY PROBLEMS AT THE TIME.

Slusher: OKAY. LET ME ASK THE CITY STAFF ABOUT THAT, THANK YOU, SIR.

COULD SOMEONE ADDRESS THAT, PLEASE.

THERE IS A CONDITIONAL USE PERMIT FOR THE EXISTING LOUNGE USE THAT'S THERE. WHEN THERE WAS A VIOLATION I GUESS WE WERE NOTIFIED FOR -- REGARDING THE USE. AND STAFF SENT A ZONING ENFORCEMENT OFFICIAL OUT AND OBSERVED THAT THE WALL HAD BEEN OPENED, WHICH WOULD BE IN VIOLATION OF THE EXISTING CONDITIONAL USE PERMIT THAT HAD BEEN GRANTED.

THIS GENTLEMAN SAID THAT THE CITY SAID THAT WOULDN'T BE A PROBLEM TO KNOCK THAT OUT. THAT -- BECAUSE IT'S THE SAME BUSINESS.

I DON'T KNOW IF IT WAS THE CIRCUMSTANCES, ONLY SPEAKING TO ASBESTOS ABATEMENT OR THE PARTICULARS OF THE BUILDING PERMIT, THAT'S ONLY ONE PART OF A LARGER PROCESS IN ORDER TO OBTAIN AN ALCOHOLIC BEVERAGE PERMANENT, THAT WOULD REQUIRE CITY SIGNOFF OR TO REMODEL THE BUILDING, TO REMOVE A WALL, TO EXPAND A COCKTAIL LOUNGE USE, THAT WOULD REQUIRE A USE CHANGE AS WELL.

Slusher: UNDER OUR RULES IT WOULDN'T MATTER IF -- IF THE BAR WAS JUST ON ONE SIDE.

NO. IT WOULD NOT. IF THE WALL WERE TO BE RESTORED AND THEY WOULD WISH TO OPEN UP A RESTAURANT NEXT DOOR THAT SERVED MORE FOOD THAN ALCOHOL, HAD A FULL SERVICEMEN YEW IN THE KITCHEN -- FULL SERVICE MENU IN THE KITCHEN, THEY COULD HAVE THAT AS A RESTAURANT USE. BUT IF YOU CAN FREELY GO FROM ONE

SIDE TO THE OTHER EITHER VIA A DOORWAY OR OPENING IN THE WALL, THEN STAFF WOULD LOOK AT THAT AS BEING THE ENTIRE AREA BEING AS A COCKTAIL LOUNGE USE.

Slusher: SO THEY COULD HAVE A RESTAURANT WITH A 1300 FEET BEING THE BAR IN THE RESTAURANT --

AS A SEPARATE SUITE, TOTALLY ISOLATED FROM THE OTHER USE. IN OTHER WORDS YOU WOULD HAVE TO LEAVE THE 1300 SQUARE FOOT SPACE, WALK OUTSIDE THE BUILDING, WALK DOWN IN FRONT AND THEN WALK BACK INTO A DIFFERENT ENTRANCE AND THEN THEY COULD HAVE A GENERAL RESTAURANT AND HAVE POETRY READINGS AND SERVE ALCOHOL AS LONG AS THEY HAD A FULL SERVICE KITCHEN, SERVED MORE FOOD THAN ALCOHOL, HAD A MENU, AND OPERATE AS A GENERAL RESTAURANT.

YOU ARE NOT SURE WHAT HE'S REFERRING TO ABOUT THE CITY TOLD HIM TO --

NO. IF YOU WOULD LIKE WE CAN POSTPONE THIS ITEM, I I CAN INVESTIGATE THAT AND WORK WITH THE WATERSHED PROTECTION DEVELOPMENT REVIEW DEPARTMENT AND FIND OUT THE EXACT CIRCUMSTANCES THAT ADDRESSED THE ASBESTOS ISSUE AND BRING THAT BACK TO YOU IF YOU WOULD LIKE TO DO THAT. OR IF YOU WENT A FIRST READING THIS EVENING, COVER THAT BEFORE 2nd AND 3rd READING AND BRING BACK A REPORT --

Slusher: STAFF RECOMMENDED DENIAL.

Gurensey:: STAFF RECOMMENDED DENIAL, ZONING AND PLATTING COMMISSION ALSO RECOMMENDED DENIAL.

THAT WOULD ONLY TAKE ONE READING IF WE WERE TO FOLLOW THE STAFF AND STAFF RECOMMENDATION YOUR.

Guernsey: IF YOU WERE SIMPLY TO RECOMMEND DENIAL THAT WOULD BE THE END OF THIS APPLICATION.

Slusher: OKAY, THANK YOU, MR. GUERNSEY, I'LL YIELD THE FLOOR.

THANK YOU, COUNCILMEMBER, FURTHER COMMENTS,  
QUESTION? COUNCILMEMBER THOMAS?

Thomas: CAN I GET SOMEONE FROM THE NEIGHBORHOOD TO  
ASK THEM A QUESTION.

MR. LEE, CAN YOU COMMENT ON WHAT MR. HARRIS WAS  
SAYING ABOUT THE CONDITIONAL OVERLAY FOR THE  
CERTAIN AMOUNT OF PERIOD OF TIME, HOW DO YOU FEEL  
ABOUT THAT?

YES, SIR, I CAN. IF YOU WILL GIVE ME JUST A SECOND, I'LL  
GIVE YOU A LITTLE BIT OF PAST HISTORY ON THE EXISTING  
SITE, WHICH WAS SUBJECT AT ONE TIME TO A -- TO A  
ROLLBACK PROVISION IN THE ZONING THAT -- THAT -- FIRST  
PUT CS 1 ON THAT SITE. THAT WAS DONE IN 1995 AS PART  
OF THE ORDINANCE AT THAT TIME. THE -- THERE WAS A  
ROLLBACK PROVISION SUT IN, THE STANDARD ROLL BACK.  
AN AGREEMENT BASICALLY BETWEEN THE -- BETWEEN --  
WHERE THE PROPERTY OWNER AGREED AT THAT TIME TO  
NOT OPPOSE THE CITY INITIATED ROLLBACK SHOULD THE  
PROPOSED USE CEASE AT SOME FUTURE DATE. THAT'S THE  
WAY THOSE ROLLBACKS ARE GENERALLY CONSTRUCTED,  
TO THE BEST OF MY KNOWLEDGE. THAT IT'S NOT  
AUTOMATIC, IT'S AN ACTION TO BE INITIATED BY THE CITY AT  
THE CESSATION OF THE CURRENT USE AND IF THE  
PROPERTY OWNER AGREES THAT HE WILL NOT OPPOSE  
THAT CITY INITIATED ACTION IN THE FUTURE. THE CITY  
DIDN'T ROLL THAT ONE BACK BECAUSE -- AFTER THE USE  
CEASED, IN FACT THE USE NEVER REALLY COMMENCED  
AFTER 1995, BUT THE PROPERTY STAYED VACANT FOR  
SOME YEARS. THE CITY DIDN'T REALLY GET AROUND TO  
ROLLING IT BACK, THEY DON'T APPARENTLY TRACK THOSE  
THINGS. THEY WOULD LIKE SOMEONE TO HELP THEM BY  
REMEMBERING AND NUDGING THEM A LITTLE BIT. WE DIDN'T  
KNOW THAT WE SHOULD DO, WE DIDN'T NUDGE THEM, THE  
ROLLBACK WAS NEVER EFFECTED. OUR FEELING IS THAT  
THE ROLLBACK CONCEPT DOESN'T DO VERY MUCH FOR OUR  
NEIGHBORHOOD FOR A COUPLE OF REASONS. ONE, WE  
WOULD HAVE TO REMEMBER TO GO TO THE CITY AT SOME  
POINT IN THE FUTURE AND SAY, THE CONDITIONS UNDER  
WHICH THE ROLLBACK WAS PUT ON THE PROPERTY, PUT IN  
THE ZONING FOR THE PROPERTY, THOSE CONDITIONS HAVE

NOW BEEN MET AND WE WOULD HAVE TO COME ASK THE CITY TO INITIATE THE -- THE ROLLBACK. THE CITY COULD INITIATE IT, BUT IT'S AT THE CITY'S DISCRETION WHETHER THE ROLL BACK WOULD BE INITIATED AT THAT TIME, SO THERE'S NO GUARANTEE THAT THE CITY WOULD TAKE THE ACTION, IT WOULD BE UP TO I GUESS THE COUNCIL AT THAT TIME. TO MAKE THAT DECISION. OF COURSE THEN THE APPLICANT, AT IT TURNS OUT, UNDER THOSE CIRCUMSTANCES, ALTHOUGH HE HAD INITIALLY AGREED TO NOT OPPOSE IT, THE APPLICANT WOULD BE ALLOWED TO APPEAL THE COUNCIL'S DECISION TO INITIATE SUCH A ROLLBACK. SHOULD HE MAKE THAT APPEAL, MY UNDERSTANDING IS THAT THE CITY ATTORNEY'S RECOMMENDATION WOULD BE THAT THE COUNCIL ONLY REPEAL THE ZONING OR ROLL THE ZONING BACK ON A 6-1 VOTE. I'M NOT SPEAKING FOR THE CITY ATTORNEY'S OFFICE, THAT'S JUST MY UNDERSTANDING FROM HAVING TALKED TO THEM. FROM OUR STANDPOINT WE WOULD HAVE TO TALK THE CITY COUNCIL INTO INITIATING THE ROLL BACK AT SOME FUTURE DATE, THEN WE WOULD HAVE TO HOPE THE CITY COUNCIL WOULD FOLLOW THROUGH AND ACTUALLY DO THE ROLLBACK WITH THE 6-1 VOTE. AND WE DON'T THINK THAT GIVES US A WHOLE LOT OF COMFORT ABOUT THE FUTURE. IT'S NOT SAYING ANYTHING ABOUT THE COUNCIL. IT'S JUST THERE'S A LOT OF LITTLE STEPS THAT HAVE TO BE PUT IN PLACE THERE, A 6-1 VOTE IS SOMETIMES HARD TO COME BY. WE DID DISCUSS THIS BRIEFLY ON SEPTEMBER 30th WHEN WE WERE DOWN HERE BEFORE YOU AND THE CASE WAS POSTPONED SO THAT WE COULD GET TOGETHER AND TALK SOME MORE. WE TALKED BRIEFLY WITH JUDSON ABOUT THIS. ALSO DISCUSSED BRIEFLY THE POSSIBILITY WITH THE SHOPPING CENTER ON TOM CALHOUN OF HIM SIGNING A PRIVATE COVENANT WITH US TO THE EFFECT THAT HE WOULD CEASE USING PROPERTY FOR THIS KIND OF THING AT SOME POINT IN THE FUTURE SHOULD JUDSON EVER QUIT. WE JUST DON'T HAVE A WAY TO ENFORCE THOSE KIND OF AGREEMENTS. WE DON'T HAVE LAWYERS, WE DON'T HAVE MONEY FOR LAWYERS, AND SO WE DON'T REALLY THINK THAT THERE'S MUCH USE IN US SIGNING A PRIVATE AGREEMENT WITH THE PROPERTY OWNER WHEN WE HAVE NO WAY TO ENFORCE IT IN THE FUTURE AND WE FEEL LIKE THE ROLLBACK PROVISION, WHICH THE COUNCIL IF THEY



PUT IT INTO THE ZONING ORDINANCE WOULD BE A VERY DIFFICULT AND CUMBERSOME PROCESS FOR US TO TRY TO USE IN THE FUTURE, CERTAINLY HAS NO GUARANTEE. SO WE KIND OF JUST DON'T THINK IT OFFERS US MUCH, COUNCILMEMBER THOMAS, I CAN'T PUT IT ANY OTHER WAY. IT'S JUST NOT MUCH COMFORT.

Thomas: YES, SIR. BUT YOU SAID EARLIER THAT THE OTHER GENTLEMAN THAT YOU REALLY DIDN'T HAVE ANY PROBLEM, MR. GREEN, I UNDERSTAND WHAT YOU'RE SAYING. BUT I THINK THIS CASE HAS BEEN HERE AT LEAST TWO OR THREE TIMES SINCE I'VE BEEN ON THE COUNCIL, GOING BACK AND FORTH. SO -- SO YOU SAY HE'S A PRETTY GOOD NEIGHBORHOOD.

HE HAS NOT BEEN A BAD NEIGHBOR. HE HAS NOT CAUSED US ANY PROBLEMS. WE'VE HAD NO COMPLAINTS ABOUT HIS OPERATION IN HIS 1300 SQUARE FEET. WE'VE NEVER TRIED TO PAINT HIM AS ANYTHING OTHER THAN SOMEONE WHO IS JUST DOING HIS BUSINESS DOWN THERE.

Thomas: WELL, OKAY. THANK YOU. MR. GREEN, CAN I ASK YOU A QUESTION THEN. HOW LONG HAVE YOU BEEN AT THE EXISTING, AT THIS PLACE OF BUSINESS?

TWO YEARS AND THREE MONTHS.

Thomas: HOW LONG HAS MR. HIRSCH BEEN WORKING FOR YOU?

UM IN THE PAST SIX MONTHS. LET ME JUST EXPLAIN --

Thomas: LET ME ASK THE QUESTIONS.

OKAY.

Thomas: THE REASON I AM ASKING YOU THAT BECAUSE WHEN YOU TORE DOWN THE PARTITION OR THE WALL, I DON'T KNOW YOU SAID THE CITY GAVE YOU PERMISSION TO DO IT. BUT I DON'T KNOW IF YOU ARE AWARE, IF YOU ARE IN VIOLATION, IF ANYBODY GAVE YOU ANY LEGAL ADVICE BESIDES THE CITY. THAT'S WHY I'M ASKING YOU HOW LONG HAS MR. HIRSCH BEEN WORKING FOR YOU. COULD IT MAYBE

HAVE HELPED YOU -- IN OTHER WORDS WHAT I'M TRYING TO GET CLEAR IS THAT WE DON'T THINK THAT YOU JUST WENT AND TORE THE WALL DOWN BECAUSE YOU WANTED TO.

EXACTLY NOT. SIR. WE PAID THE FEE FOR THE PERMIT. WE WERE GIVEN THE INSTRUCTION THAT YOU NEEDED AN INVESTOR SURVEY TO TEST THE WALL BEFORE YOU COULD MOVE IT. WE GOT A COMPANY. THIS WAS ALL DONE IN A MATTER OF THREE TO FOUR DAYS. AFTER THAT WE WAITED TO GET THE PERMIT, THAT'S WHEN WE BEGAN TO RUN INTO THE PROBLEM.

Thomas: ALL RIGHT. THANK YOU. YES, SIR? MAYOR.

Mayor Wynn: YES, COUNCILMEMBER THOMAS.

Thomas: FIRST READING TO TRY TO WORK THROUGH THIS, I WOULD BE WILLING TO DO -- TO DO CS 1 WITH THE CONDITIONAL OVERLAY AND WORK ON THE PART OF TRYING TO WORK SOMETHING OUT ABOUT -- ABOUT IF MR. GREEN DECIDES TO DO -- TO LEAVE, I KNOW WE CAN DO THAT LEGALLY. THE CONDITION. THE CONDITIONAL OVERLAY TO LET -- TO PUT SOMETHING IN THE CLAUSE THAT IF HE LEAVES THAT IT WOULD -- THE ROLLBACK, I GUESS -- MR. GUERNSEY IS GOING TO HELP ME --

WE COULD NOT PUT IT INTO A CONDITIONAL OVERLAY. THE CITY COULD ACCEPT A RESTRICTIVE COVENANT OFFERED BY THE PROPERTY OWNER, NOT TO OPPOSE A ROLLBACK OF THE ZONING AT A FUTURE DATE. BUT WE COULD NOT TIE EITHER RESTRICTIVE COVENANT OR CONDITIONAL OVERLAY TO A PARTICULAR PROPERTY OWNER. IF THERE IS A MECHANISM FOR THE NEIGHBORHOOD TO ENTER INTO AN AGREEMENT, THERE WOULD BE A PRIVATE AGREEMENT THAT COULD TIE IT TO SAING GEL OWNER OF A SINGLE USE THAT COULD OPERATE THERE. IF THAT WERE TO CEASE, THEN THAT PRIVATE AGREEMENT COULD BE ENFORCED BY THE NEIGHBORHOOD ASSOCIATION. I THINK THAT YOU HAVE JUST HEARD THAT THEY DON'T HAVE THE WHEREWITHAL I GUESS TO MANAGE TO MAKE THAT WORK. WE COULD CERTAINLY PEAT WITH EDDIE, MEET WITH EDDIE, MR. LEE TO SEE IF THEY CAN MAKE SOME ARRANGEMENTS. WE'VE HAD CASES LIKE THIS BEFORE. IN THE LAW DEPARTMENT,

ZONING STAFF, PRESENTED YOU THE SAME SITUATION. WE HAVE HAD APPLICANTS ACTUALLY COME FORWARD AND PROVIDE A PERFORMANCE BOND OR SOME SORT OF A FINANCIAL MECHANISM THAT TWO PARTIES WOULD ENTER INTO AN ARRANGEMENT. ONE CASE ON AN APARTMENT PROJECT ON MANCHACA, WE HAD AN ARCHITECT THAT CAME BEFORE YOU, PUT UP A \$10,000 PERFORMANCE BOND WHICH COULD BE USED AGAINST THEMSELVES IF THEY DID NOT PERFORM IN A CERTAIN MANNER. BUT I'M NOT AN ATTORNEY, I'M NOT SPEAKING ON BEHALF OF THE APPLICANT OR THE NEIGHBORHOOD OR THE LAW DEPARTMENT. I'M JUST TELLING YOU THAT'S SOMETHING THAT'S ACTUALLY OCCURRED IN THE PAST, THAT THOSE TWO PARTIES COULD LOOK AT THAT AND -- AND SEEK LEGAL ADVICE AND COUNSEL ON EITHER SIDE, IF THAT'S A POSSIBILITY. THEY MIGHT BE ABLE TO WORK OUT THAT SITUATION BY THEMSELVES. THE CASE THAT'S BEFORE YOU TONIGHT IS ONLY THE ZONING APPLICATION. WE COULD NOT PUT THAT CONDITION IN. WE COULD ONLY ACCEPT A RESTRICTIVE COVENANT OFFERED BY THE PROPERTY OWNER THAT IF THE USE CEASED THAT THEY WOULD NOT OBJECT TO A ROLLBACK IN THE FUTURE.

Thomas: OKAY.

MAYBE YOU CAN TELL ME WHAT I NEED TO DO THEN FOR FIRST READING. WE COULD DO THAT AS ONE FIRST READING?

WHAT YOU WOULD DO FOR THE FIRST READING IS THAT YOU WOULD RECOMMEND CS 1 AND THAT THE -- THAT THE -- THE CONDITION, THE OWNER EXECUTING AND WE'RE TALKING ABOUT THE OWNER NOW, NOW THE LESSEE, BUT THE OWNER, EXECUTING A RESTRICTIVE COVENANT THAT WOULD PROVIDE FOR IN THE EVENT OF A ZONING -- IN THE EVENT THAT THE USE CEASES, THE CS 1 USE CEASES FOR A PERIOD OF TIME AND NORMALLY IT'S 90 DAYS, THAT THEY WOULD NOT OBJECT TO A ROLL BACK, A ZONING ROLLBACK.

I ACCEPT THAT MOTION, THAT'S WHAT I WOULD LIKE TO DO ON THE FIRST READING, MAYOR, IF YOU DON'T MIND. MAYBE THE SECOND OR THIRD IF WE CAN'T GET THE AGREEMENT

FROM THE OWNER THEN, WE'LL LOOK AT THAT.

Mayor Wynn: SO A MOTION BY COUNCILMEMBER THOMAS TO APPROVE ON FIRST READING ONLY CS 1, WITH INITIAL REQUIREMENTS ESSENTIALLY BEING THAT OF A ROCK AS OUTLINED BY THE CITY -- OF A RESTRICTIVE COVENANT AS OUTLINED BY THE CITY ATTORNEY. SECONDED BY COUNCILMEMBER MCCracken.

Goodman: MAYOR, CAN I ASK A QUESTION? WE ARE TALKING ABOUT A CONDITIONAL OVERLAY AS OPPOSED TO A CONDITIONAL USE PERMIT HERE, RIGHT?

Guernsey: WELL, ACTUALLY THERE'S NOT A CONDITIONAL USE PERMIT BEFORE YOU, YOU'RE RIGHT, MAYOR PRO TEM. THERE'S NOT A CONDITIONAL OVERLAY -- REALLY THE ROLLBACK PROVISION WOULD BE PUT IN THE RESTRICTIVE COVENANT, THAT'S WHAT THE CITY WOULD ACCEPT. USUALLY THE LAW DEPARTMENT WOULD DRAFT THE LANGUAGE, WE PRESENT THAT TO THE PROPERTY OWNER, THEY WOULD SIGN AND EXECUTE IT AND BRING THAT BACK. SO IT WOULD BE CS 1 ZONING, WITHOUT CONDITION WITH, A RESTRICTIVE COVENANT FOR A ROLLBACK BASED ON WHAT I'VE HEARD. THERE WOULD BE, IF THEY ARE SUCCESSFUL WITH THE ZONING CHANGE, REQUIREMENT TO GET A CONDITIONAL USE PERMIT THAT WOULD BE, WHICH IS A SITE PLAN REVIEWED BY THE ZONING AND PLATTING COMMISSION, AND THEY COULD APPROVE THAT SITE PLAN WITH ADDITIONAL CONDITIONS, THAT -- THAT WOULD SPEAK TO THE SITE AND THE OPERATION OF THE USE. AND THAT COULD BE APPEALED BACK TO THE COUNCIL, TAKES ONE WAY THAT YOU COULD ACTUALLY SEE A CONDITIONAL USE PERMIT IF THE PARTY APPEALED THAT DECISION, WHETHER IT WAS IN FAVOR OF THE APPLICANT OR AN INTERESTED PARTY THAT WAS OPPOSED TO IT. EITHER WAY IT COULD GO BACK TO THE CITY COUNCIL.

Goodman: IF IT WAS A CONDITIONAL USE PERMIT, COULD THE CITY AUTOMATICALLY BEGIN THE ROLLBACK?

IF THERE WAS A CONDITIONAL USE PERMIT AND THEY VIOLATE THE TERMS OF THE CONDITIONAL USE PERMIT, THAT -- THAT THE OWNER COULD I GUESS ALSO SPECIFY

THAT IN A ROCK THAT IF -- IN THE RESTRICTIVE COVENANT IF THERE'S A VIOLATION OR IF THERE'S A VIOLATION OF THE ZONING OR A CEASING OF THE ZONING -- EXCUSE ME [INDISCERNIBLE] THE ZONING TAKE COULD BE BROUGHT BACK, WE COULD TALK TO THE LAW DEPARTMENT BETWEEN NOW AND SECOND AND THIRD READING ABOUT HOW THAT WOULD WORK. I DON'T THINK THAT WE HAVE ACTUALLY CRAFTED ANY LANGUAGE LIKE THAT BEFORE.

Goodman: YEAH. WELL, THE PARTICULAR PERSON BEING PART OF THE DEAL THAT WOULD HAVE TO BE PRIVATE BETWEEN THE NEIGHBORHOOD AND THE OWNER, BUT THEN IF THE -- IF THE CONDITIONAL USE PERMANENT WAS BASED ON THE PERFORMANCE OF THE RESTRICTIVE COVENANT, THEN WE COULD STILL INSTITUTE A ROLLBACK.

I THINK -- I THINK THAT I WOULD LIKE THE ATTORNEY TO ADDRESS THAT.

MAYOR PRO TEM, I THINK THAT WE WOULD RATHER DO IT THE OTHER WAY BECAUSE THERE ARE CERTAIN BASES IN THE CODE FOR GRANTING A CONDITIONAL USE PERMIT, THAT'S DRIVEN WHETHER OR NOT IT'S APPROPRIATE TO GRANT A CONDITIONAL USE PERMIT IS DRIVEN BY THE SPECIFIC CODE REQUIREMENTS. THE BEST WAY WE KNOW HOW CRAFT ROLLBACK PROVISIONS IS TO DO IT BY VIRTUE OF A RESTRICTIVE COVENANT. WE CAN CONNECT IT WITH THE USE. WE NEED TO EXPLORE WHETHER WE COULD CONNECT IT TO THE VIOLATION OF THE CONDITIONAL USE PERMIT. I WOULD SUGGEST IF THERE IS A VIOLATION OF THE CONDITIONAL USE PERMIT, THEN THAT'S GROUNDS FOR JERKING THE CONDITIONAL USE PERMIT. AND TYING THE ROLL BACK TO THE TRADITIONAL RESTRICTIVE COVENANT MECHANISM ADDRESSES THAT ISSUE. THE CONDITIONAL USE PERMIT IS A SEPARATE ISSUE, SEPARATE AND APART FROM THE ROLLBACK.

Goodman: RIGHT, RIGHT. BUT WHAT I'M TRYING TO SEE IS IF WE CAN BE THE OFFICIAL ARBITERS OF THE ROLLBACK -- ARBITERS OF THE ROLL BACK BASED ON THE RESTRICTIVE COVENANT, QUOTE AND UNQUOTE, WITHOUT WORRYING ABOUT THE PROVISIONS OF THE RESTRICTIVE COVENANT WHICH ARE BASED ON THINGS OTHER THAN WHAT WE

NORMALLY DO.

WELL, IN THIS PARTICULAR INSTANCE IT WOULD BE A ROLLBACK RESTRICTIVE COVENANT, THAT'S WHAT WOULD GIVE US THE ABILITY TO GO ON AHEAD AND -- AND DO THE ZONING ROLLBACK. THE CONDITIONAL USE PERMIT IS -- WOULD HAVE TO BE FORMULATED BASED UPON PROVISIONS OF THE CODE. AND A VIOLATION OF THOSE PROVISIONS WOULD CAUSE THE REMOVAL OF THE CONDITIONAL USE PERMIT. THE WAY THAT WE WOULD ACCOMPLISH THE ROLLBACK IS THROUGH THE RESTRICTIVE COVENANT AND BRINGING THE CASE, IN THE USE CEASED.

Goodman: OKAY, LET ME ASK YOU TO CLARIFY THEN. IF THE RESTRICTIVE COVENANT HAS A PROVISION THAT IS BASED ON THE PARTICULAR USER, THE PERSON THAT EVERYBODY TRUSTS, AND THEN THE CONDITIONAL USE PERMIT WAS -- WAS TIED TO OR AT LEAST THE ROLLBACK OF THE CONDITIONAL USE PERMIT VIOLATION WAS TIED TO THE RESTRICTIVE COVENANT, WHICH -- WHICH -- THIS IS VERY DIFFICULT TO SAY.

Guernsey: IF I MAY, I COULD OFFER A SUGGESTION THAT MIGHT GIVE YOU SOME COMFORT, ALTHOUGH WE WOULD PROBABLY HAVE TO MAKE SURE THAT THE ZONING AND PLATTING COMMISSION IS AWARE. THE ZONING AND PLATTING COMMISSION COULD APPROVE A SITE PLAN, A CONDITIONAL USE PERMIT AND AS WE'VE DISCUSSED ON ONE THAT WAS BROUGHT TO YOU PREVIOUSLY, IT WAS DENIED, THOUGH, THERE WAS AN ABILITY OF THE COMMISSION TO LIMIT THE TIME PERIOD IN WHICH THE CONDITIONAL USE PERMIT APPROVAL EXISTS. SO THE ZONING AND PLATTING COMMISSION FOR INSTANCE COULD APPROVE A CONDITIONAL USE PERMIT BUT LIMIT THE TIME PERIOD OF THE PERMIT, THAT IT MAY ONLY BE AROUND FOR THREE YEARS, FIVE YEARS, SOMETHING ALONG THAT LINE. THEN AT THAT TIME THE PERMIT WOULD EXPIRE, THE USE WOULD HAVE TO CEASE, BUT IT WOULD ALLOW THE OWNER TO COME BACK AND FILE ANOTHER CONDITIONAL USE PERMIT TO EXTEND THAT TIME PERIOD OR MAKE IT A LONGER PERIOD THAN THE INITIAL PERIOD. SO IF -- IF THE CONCERN IS ONE WHERE THERE IS UNCERTAINTY OF THE USE CONTINUING IN THE FUTURE, THE ZONING AND

PLATTING COMMISSION WOULD THEN -- WITH THEN APPROVAL OF THE CONDITIONAL USE PERMIT COULD LIMIT THE TIME PERIOD OF THAT CONDITIONAL USE PERMIT AND NOT MAKE IT IN PERPETUITY. THAT WOULD NOW RESIDE WITH ANY PARTICULAR PERSON IF THE USE WERE TO CHANGE FROM ONE OWNER TO ANOTHER, AT THE TIME -- AT THE TIME THE CONDITIONAL USE PERMIT WOULD EXPIRE, THEN THAT COULD BE REVIEWED AGAIN, TRIGGER ANOTHER CONDITIONAL USE PERMIT.

Goodman: OKAY, IS IT POSSIBLE TO GRANT ZONING CONTINGENT ON THE CONDITIONAL USE PERMIT AND THOSE PROVISIONS?

Guernsey: NO.

NO, MA'AM, IT IS NOT. BECAUSE THE INITIAL DETERMINER OF WHETHER OR NOT A CONDITIONAL USE PERMIT SHOULD BE GRANTED IS WITHIN THE PURVIEW OF THE COMMISSION UNDER THE CODE. THERE IS AN APPEAL TO COUNCIL. IN THE CASE WHETHER OR NOT -- THERE ARE APPEAL PROVISIONS WHERE IT CAN COME TO COUNCIL, BUT THE INITIAL ENTITY THAT MAKES THE DECISION AS TO WHETHER OR NOT A CONDITIONAL USE PERMIT SHOULD BE GRANTED THAT YOU ALL HAVE PLACED WITH THE COMMISSION.

Goodman: OKAY. THEN THERE ARE NO GUARANTEES.

THE ONLY GUARANTEE THAT YOU HAVE IS TO USE THE RESTRICTIVE COVENANT WITH A ROLLBACK PROVISION, BUT TIED TO THE USE.

FURTHER COMMENTS, QUESTIONS, COUNCILMEMBER SLUSHER?

LET ME ASK COUNCILMEMBER THOMAS. IS -- THERE'S A STAFF RECOMMENDATION FOR DENIAL, A ZAP RECOMMENDATION FOR THAT. I, TOO, WOULD LIKE TO -- WOULD LIKE TO SEE SOMETHING WORKED OUT. BUT WHAT I WOULD LIKE TO DO IS HEAR THE -- MORE ABOUT THE SITUATION WHERE -- WHERE MR. GREEN CAME TO THE CITY. I WAS WONDERING IF YOU WOULD ENTERTAIN A TWO-WEEK POSTPONEMENT SO WE CAN LOOK AT THAT. OBVIOUSLY

THERE'S SOME FAIRLY INTRICATE TECHNICAL MATTERS THAT HAVE TO BE WORKED OUT IF WE ARE GOING TO DO THIS, I WAS WONDERING IF YOU WOULD RATHER THAN MOVE FORWARD ON THE FIRST READING, BRING IT BACK IN TWO WEEKS AND TRY TO WORK SOME OF THESE THINGS OUT. I KNOW THAT I WOULD BE MORE COMFORTABLE VOTING ON IT THAT WAY.

Thomas: I THOUGHT THAT WE COULD ACCOMPLISH THE SAME THING IF WE DID THE FIRST READING. IF THERE'S SOMETHING THAT IS NOT RIGHT OR SOME VIOLATION WAS DONE, PARTICULARLY -- PARTICULAR OWNER, THE RENTER, OWNER KNEW, WE COULD DEAL WITH IT ON THE SECOND READING, ALSO. THAT'S --

Slusher: [INDISCERNIBLE]

Thomas: GO AHEAD, I'M DONE.

Mayor Wynn: I WAS GOING TO SAY I APPRECIATE COUNCILMEMBER SLUSHER'S SUGGESTION. I -- YOU KNOW, I EMPATHIZE AND UNDERSTAND HOW EASY IT IS TO GET MISDIRECTED ON A PROJECT LIKE THIS. TO THE EXTENT THAT I HAD MORE INFORMATION ABOUT SORT OF WHAT WAS SAID, THE TECHNICALITIES ABOUT, YOU KNOW, THE REAL DYNAMICS OF HAVING TWO INDIVIDUAL SPACES LIKE THIS VERSUS ONE COMBINED, EVEN WITH TWO DIFFERENT USES IN A COMBINED SPACE, I WOULD BE MORE COMFORTABLE.

Thomas: MAYOR, YOU SAID THAT YOU WOULD BE COMOR COMFORTABLE? POSTPONEMENT?

Mayor Wynn: YES, TRYING TO GET INFORMATION ABOUT SORT OF THE DYNAMICS OF SORT OF WHAT WAS COMMUNICATED BY WHOM. WE HAVE -- THIS IS ONE OF THOSE CLASSIC SITUATIONS WHERE WE I THINK, I THINK THE NEIGHBORS SORT OF LIKE THIS BUSINESS PERSON, REALLY LIKE SOME OF THE SUPPORT THAT IS SHOWN BY THIS LOCAL BUSINESS, BUT STRUGGLE WITH THE CONCEPT OF, YOU KNOW, AS WE LEARNED SO MANY TIMES, THESE LAND USE DECISIONS ARE REALLY ABOUT THE -- ABOUT THE LAND, THE FOOTPRINT, NOT THE -- YOU KNOW, NOT THE INDIVIDUALS



INSIDE THE -- THE WALLS. FURTHER COMMENTS?

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: I THINK THAT I AGREE WITH A LOT OF WHAT'S BEEN SAID. I THINK THAT PROCEEDING ON FIRST READING ISN'T NECESSARILY -- AGAIN I DO THINK THAT IT GIVES US AN OPPORTUNITY TO PURSUE THESE IDEAS AND SO I REALLY WOULD LIKE TO SEE THE KIND OF RESTRICTIVE COVENANT ARRIVED AT. OTHERWISE I DON'T KNOW THAT I WOULD SUPPORT THE ZONING CHANGE. SO I'M GOING TO SUPPORT THE -- THE MOTION FOR FIRST READING. AND -- AND AGAIN I BELIEVE THAT WILL GIVE US AN OPPORTUNITY TO SEE IF WE CAN'T ARRIVE AT THE AGREEMENTS. I THINK THAT WE ALL, SEEMS LIKE THE MAJORITY OF US SEEM TO -- TO BE INTERESTED IN -- IN SECURING BEFORE MOVING FORWARD. MENT.

Mayor Wynn: WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE CS 1 ON FIRST READING ONLY WITH SOME REQUIREMENTS OF SOME TYPE OF A RESTRICTIVE COVENANT BEING WORKED OUT. WITH THE OWNER. FURTHER COMMENTS? LET'S BE CAUTIOUS HERE BECAUSE -- BECAUSE IF THE VOTE WERE TO FAIL, THEN THE CASE -- TECHNICALLY IF THIS DOESN'T PASS --

Guernsey: COUNCIL COULD MAKE ANOTHER MOTION FOR -- FOR -- RECONSIDER THEIR MOTION AND ENTERTAIN ANOTHER MOTION TO DO SOMETHING ELSE WITH THE CASE, WHETHER IT BE POSTPONEMENT -- IF THE CASE IS LET'S SAY A MOTION IS MADE, THE MOTION FAILS TO APPROVE ON FIRST READING, THERE COULD BE ANOTHER MOTION IF THERE WAS ANOTHER MOTION THAT COULD BE TO DENY I GUESS OR TO POSTPONE THE CASE.

Mayor Wynn: THE TECHNICAL QUESTION IS IF AN AFFIRMATIVE VOTE FAILS, IS THAT AN AFTER TIRM DENIAL? -- AFFIRMATIVE DENIAL?

NO, SIR, IT'S NOT, IT'S READY FOR ANOTHER MOTION TO DO

SOMETHING ELSE.

Mayor Wynn: ALL RIGHT, THANK YOU.

Dunkerly: COULD I ASK ONE QUESTION. RIGHT NOW THE DIRECTION IS TO HAVE THE LAW DEPARTMENT AND THE STAFF TO COME BACK WITH SOME WAY TO -- TO ACHIEVE THE RESTRICTIVE COVENANT TYPE OF -- OF ACTION THAT WE ARE -- THAT WE HAVE BEEN TRYING TO GET TO TONIGHT?

WHAT I UNDERSTAND THE MOTION IS MADE FOR CS 1 ZONING, THE STAFF WOULD WORK WITH THE PROPERTY OWNER TO CREATE A ROLLBACK RESTRICTIVE COVENANT, THAT IF THE USE CEASES IN 90 DAYS IT WOULD ROLL BACK TO ITS CURRENTS ZONING. WE COULD CERTAINLY TALK WITH EDDIE AND LEE ABOUT PURSUING A PRIVATE RESTRICTIVE COVENANT AND -- AND WE COULD SIT DOWN WITH BOTH PARTIES AND SEE IF THERE'S SOMETHING THAT COULD BE REACHED.

EXPLORING SOME MECHANISM WHERE THE NEIGHBORHOOD HAS THE WHEREWITHAL TO --

TO ENTER INTO A PRIVATE BRIEFT AGREEMENT.

Dunkerly: TO ENFORCE THE PRIVATE AGREEMENT.

RIGHT. CITY STAFF WOULD SIT WITH THEM AND DISCUSS THAT. PROBABLY NOT GIVE LEGAL ADVICE, BUT CERTAINLY SIT AND CHAT WITH THEM ABOUT THAT ISSUE.

Goodman: MAYOR?

Mayor Wynn: MAYOR PRO TEM?

Goodman: I THINK LEGAL ADVICE IS GOING TO BE REALLY CRITICAL HERE BECAUSE WHAT WE ARE ALSO TRYING TO DO IS MAKE SURE THAT IN THE EVENT THAT A NEW OWNER OR A NEW USER HAPPENS, THE NEIGHBORHOOD IS ABLE TO MOVE FORWARD WITH THE CITY'S ASSISTANCE TO ENFORCE THAT ROLLBACK PROVISION. SO -- SO THE MOTIVATION AND COMMITMENT OF CITY STAFF IS EASIEST TO PUT IN A TIME

FRAME WITH ONE READING AND IT'S WITHIN THE FRAMEWORK OF ACTION TAKEN OF SOME SORT. AND IN THAT CONTEXT I'LL VOTE FOR FIRST READING. BUT I WON'T VOTE FOR SUBSEQUENT READINGS IF THERE'S NOT THAT -- THAT ABILITY TO GUARANTEE THE KIND OF SAFEGUARD THAT THE NEIGHBORHOOD HAS WORKED FOR FOR MANY MANY YEARS AT THAT LOCATION. AND SO I'LL GO WITH THAT FIRST.

THANK YOU, FURTHER COMMENTS.

Thomas: IF I CAN CLOSE AND WE CAN VOTE.

Thomas: THAT IS THE PURPOSE OF WHY I WANTED TO DO THE FIRST READING. IT'S VERY OBVIOUS THIS PARTICULAR NEIGHBORHOOD GROUP HAS WORKED HARD. I CAN REMEMBER THEM COMING HERE BEFORE ONCE OR TWICE. I WANT TO MAKE SURE THAT THE NEIGHBORHOOD HAVE THEIR INPUT, MAKE SURE TO COM PROGRAM ON BOTH ENDS -- COMPROMISE ON BOTH ENDS BECAUSE THEY HAVE WORKED VERY HARD TO KEEP THE APPROPRIATE ZONING THEY WANT FOR THEIR NEIGHBORHOOD.

THANK YOU COUNCILMEMBER. A MOTION AND SECOND ON THE TABLE TO APPROVE CS 1 FIRST READING ONLY WITH THE REQUIREMENT FOR WORKING OUT SOME TYPE OF RESTRICTIVE COVENANT ARRANGEMENT PRIOR TO COMING BACK TO COUNCIL. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIRST READING ONLY, ON A VOTE OF 5-2 WITH THE MAYOR AND COUNCILMEMBER SLUSHER VOTING NO. THANK YOU ALL VERY MUCH. I'M SORRY THAT MOTION INCLUDED CLOSING THE PUBLIC HEARING. OKAY. COUNCIL, WE HAVE A NUMBER OF PUBLIC HEARINGS, REALLY ONLY ONE OF WHICH HAS A NUMBER OF SPEAKERS SIGNED UP. SO PERHAPS WE COULD SEND A NUMBER OF STAFF MEMBERS AND OTHER FOLKS HOME BY -- TECHNICALLY, I THINK WE ANNOUNCED EARLIER IN THE DAY THAT ITEM NO. 56 A PUBLIC HEARING RELATED TO THE ASSESSMENT RATE OF THE DOWNTOWN P.I.D. OR

PUBLIC IMPROVEMENT DISTRICT, SINCE THERE IS NO CHANGE IN THAT P.I.D. RATE, WE ARE BEING INFORMED BY STAFF THAT THERE'S NO REASON TO HAVE THE HEARING BECAUSE THE ORDINANCE, IN FACT, WON'T BE AMENDED.

THAT'S CORRECT, MAYOR.

Mayor Wynn: COUNCIL, I'LL ENTERTAIN A MOTION, WITHOUT OBJECTION, COUNCIL, ITEM NO. 56 WILL BE WITHDRAWN FROM THE AGENDA. THANK YOU. AND -- COUNCIL, LET'S SEE. WELL THAT TAKE US TO ITEM NO. 57 CONDUCT A PUBLIC HEARING TO CONSIDER AN ORDINANCE RELATED TO ADDITIONAL RESIDENTIAL USES IN A MIXED USE COMBINING DISTRICT. AND APPRECIATE A QUICK, BRIEF, STAFF PRESENTATION.

GOOD EVENING, MAYOR AND COUNCIL. STEVE BARNEY, DEPARTMENT OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT. THIS IS ITEM 57, IT'S A PUBLIC HEARING TO AMEND THE LAND DEVELOPMENT CODE. AND THIS IS A SET OF CODE AMENDMENTS THAT -- THAT ARE BEING REFERRED TO AS THE GENTRIFICATION CODE AMENDMENTS PHASE 1. THOSE CODE AMENDMENTS HAVE BEEN DEVELOPED JOINTLY BY THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT AND THE DEPARTMENT OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT. IMPORTANT TO NOTE THAT WHILE THE COUNCIL AGENDA LISTS [INDISCERNIBLE] AS THE LEAD DEPARTMENT, IN REALITY NPZD HAS PLAYED AN EQUAL ROLE IN DEVELOPING AND BRINGING THESE AMENDMENTS TO FRUITION, IN A MINUTE OR TWO ARE YOU GOING GUERNSEY WILL BE PRESENTING THE DETAILS OF THESE AMENDMENTS FROM NPZD. THE AMENDMENT ARE INTENDED TO FACILITATE THE CONSTRUCTION OF NEW HOUSING IN AUSTIN. BUILT ON THE STRATEGY IDENTIFIED IN THE STAFF TASK FORCE ON GET INDICATION IN EAST AUSTIN OR -- GENTRIFICATION IN EAST AUSTIN, A REPORT SUBMITTED TO THE AUSTIN CITY COUNCIL IN MARCH OF 2003. AND AS STAFF WILL ACKNOWLEDGE THE GENTRIFICATION IS A MULTIPLE FEE FACETED ISSUE AND -- MULTI FACETED ISSUE, ... THE AMENDMENTS WILL CONTRIBUTE TO AN INCREASE IN HOUSING SUPPLY, BUT NOT TO THE DEGREE NEEDED TO EXERT SIGNIFICANT

DOWNWARD PRESSURE ON HOUSING PRICES. BUT THEY ARE INTENDED TO BE A FIRST STEP IN A SERIES OF ACTIONS IN INCREASING HOUSING OPPORTUNITIES AND HOUSING CHOICE. THE AMENDMENTS THEMSELVES STEM FROM RECOMMENDATION IN THE 2003 GENTRIFICATION IN EAST AUSTIN, A REPORT I REFERRED TO, THAT RECOMMENDATION IS ENCOURAGE THE DEVELOPMENT OF SMART HOUSING ON NON-RESIDENTIALLY ZONED PROPERTY. THESE AMENDMENTS BY EXPANDING THE TYPES OF RESIDENTIAL USES AVAILABLE IN THE MIXED USE COMBINING DISTRICT, THE MU DISTRICT, THE AMENDMENT SHOULD CREATE A MODEST INCREASE IN THE SUPPLY OF HOUSING, THUS INCREASING HOUSING OPPORTUNITIES FOR FAMILIES WHO COMPLAINT AFFORD TO PURCHASE A HOME CURRENTLY AND ENABLING BUILDERS TO CREATE A BROADER MIX OF HOUSING TYPES IN NE DISTRICTS. IT'S ALSO IMPORTANT TO NOTE THAT THESE AMENDMENTS WOULD TIGHTEN STANDARDS FOR NEW SINGLE FAMILY HOMES BUILT IN MIXED USE OR MULTI-FAMILY DISTRICTS AND THIS WILL INCREASE THE LIKELIHOOD THAT NEW SINGLE FAMILY DEVELOPMENT WILL BE CONSISTENT WITH EXISTING NEIGHBORHOOD CHARACTER. THE AMENDMENTS HAVE BEEN THROUGH INTERDEPARTMENTAL REVIEW. WATERSHED PROTECTION DEVELOPMENT REVIEW DEPARTMENT DID HAVE SOME REQUESTED CHANGES. THESE HAVE BEEN INCORPORATED INTO THE ORDINANCE. AND STAFF PROVIDE ADD BRIEFING ON THE AMENDMENTS -- PROVIDED A BRIEFING ON THE AMENDMENTS TO THE AUSTIN NEIGHBORHOOD'S COUNCIL PRESIDENT AND MET SEVERAL TIMES WITH THE PRESIDENT AND SEVERAL ANC REPRESENTATIVES AND STAKEHOLDERS IN ATTENDANCE DID NOT REQUEST CHANGES TO THE PROPOSALS. STAFF ALSO RECEIVED CORRESPONDS FROM REAL ESTATE COUNCIL OF AUSTIN, SOME OF THEIR REPRESENTATIVES, WHO HAVE ALSO NOT EXPRESSED OBJECTIONS TO THE PROPOSALS. THE PLANNING COMMISSION REVIEWED THE AMENDMENTS ON OCTOBER 26th AND VOTED UNANIMOUSLY TO SUPPORT STAFF RECOMMENDATIONS ON NOVEMBER 9th AND NO NEIGHBORHOOD REPRESENTATIVES PROVIDED TESTIMONY AT EITHER MEETING. AT THIS POINT, I WOULD LIKE TO ASK IF GREG GUERNSEY WOULD LIKE TO COME UP. AND PRESENT THE DETAILS OF THE PROPOSALS. [ONE

MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

... IN A COMMERCIAL MIXED USE DISTRICT. RIGHT NOW TODAY, IF YOU HAD A COMMERCIAL MIXED USE DISTRICT WHETHER IT'S LIKE L.R., GRMU, THE MIXED USE COMBINING DISTRICTS ALREADY ALLOW FOR APARTMENTS. THEY ALREADY ALLOW FOR SINGLE-FAMILY HOMES. THEY ALREADY ALLOW FOR DUPLEXES. BUT THEY ONLY ALLOW A STANDARD SINGLE-FAMILY LOT, NOT A SMALL LOT. SO EVEN THOUGH YOU COULD BUILD AT A DENSITY THAT WOULD BE FAR GREATER THAN YOU COULD BUILD WITH A SINGLE-FAMILY SMALL LOT, YOU COULD NOT BUILD ONE, A SMALL LOT SINGLE-FAMILY USE IN AN M.U. DISTRICT. THIS IS PART OF THAT PROPOSAL. WE HAD ALSO PROPOSED THAT IT WOULD BE ALLOWED IN SF-5 OR SF-6 DISTRICT. THOSE DISTRICTS ALLOW TOWNHOUSE DEVELOPMENTS ON 3600 SQUARE FEET REQUIRED PER UNIT MINIMUM. AND THIS WOULD ALSO THEN ALLOW FOR SMALL LOT SINGLE-FAMILY RESIDENTIAL. SO IT BROADENS THE NUMBER OF DISTRICTS WHERE SMALL LOT SINGLE-FAMILY WOULD BE ALLOWED. THE SECOND AMENDMENT WOULD BE PERTAINING TO NEIGHBORHOOD PLANNING AREAS. AND WOULD ALLOW FOR AN URBAN HOME, A COTTAGE LOT OR SECONDARY APARTMENT IN A MIXED USE COMBINING DISTRICT. AS YOU KNOW, MANY OF OUR NEIGHBORHOOD PLANNING AREAS ADOPTED MIXED USE COMBINING DISTRICTS ALONG COMMERCIAL CORRIDORS WHICH PROVIDE FOR DEVELOPMENTS OF TOWNHOUSE DEVELOPMENT, HAD APARTMENT USES, OF DUPLEX USES, OF SINGLE FAMILY. BUT THEY WOULD NOT ALLOW, EVEN IF THE NEIGHBORHOOD CHOSE TO INCLUDE AS A SPECIAL USE, URBAN HOME, COTTAGE LOT, SECONDARY APARTMENTS. THOSE PARTICULAR USES WOULD NOT BE ALLOWED IN A COMMERCIAL MIXED USE DISTRICT 6789 AND SO WE'RE -- A NEIGHBORHOOD IS ALREADY SELECTED AND COUNCIL HAS APPROVED THOSE SPECIAL USES. IT WOULD ALSO ALLOW THEM IN THE M.U. COMBINING DISTRICTS. THE THIRD AMENDMENT WOULD ALLOW FOR TWO-FAMILY RESIDENTIAL USES AND SINGLE-FAMILY ATTACHED USES IN A MIXED USE COMBINING DISTRICT, AS WELL AS CONDOMINIUM USE IN A MIXED USE COMBINING DISTRICT. THE TWO-FAMILY RESIDENTIAL WHICH YOU WILL HEAR MORE LATER TONIGHT

BASICALLY IS A HOUSE IN FRONT OF A HOUSE. IT WOULD ALLOW FOR -- THAT THESE USES IN SINGLE-FAMILY ATTACHED, WHICH IF YOU CAN ENVISION A DUPLEX LOT SPLIT IN TWO DOWN THE MIDDLE AND HALF THE LOT, THE BUILDING LAND BEING SOLD TO ONE INDIVIDUAL, THE BUILDING LAND BEING SOLD TO ANOTHER INDIVIDUAL, THAT THIS USE AS WELL AS A CONDOMINIUM USE BE ALLOWED IN MIXED USE DISTRICT. WE ALLOW TODAY, AGAIN, APARTMENTS. WE ALLOW DUPLEXES IN A MIXED USE COMBINING DISTRICT. SO THIS WOULD ALLOW AN EXISTING DUPLEX TO BE -- THAT'S BEEN IN EXISTENCE SINCE LIKE THE EARLY '80s OR BEFORE TO BE SUBDIVIDED DOWN THE MIDDLE AND CONVEYED TO A HOMEOWNER. YOU COULD EACH OWN ONE SIDE OR ANOTHER SIDE OF A DUPLEX DEVELOPMENT. AND THE CONDOMINIUM WOULD ALLOW ALLOW FOR ACTUALLY OF OWNERSHIP OF A DWELLING WHERE OUR ORDINANCE PROVIDES FOR APARTMENTS, IT DID NOT ALLOW FOR CONDOMINIUMS. IT WOULD ALLOW OWNERSHIP OF A DIFFERENT TYPE OF A SMALLER UNIT WHERE THE LAND IS HELD IN COMMON. THE FOURTH AMENDMENT DEALS WITH PROVIDING -- AS STEVE MENTIONED, SF-3 STANDARDS OR SINGLE-FAMILY STANDARDS FOR DEVELOPMENT IN THE M.U., THE MIXED USE COMBINING DISTRICT AND THE M.F. DISTRICT. COUNCIL AFTER MUCH DISCUSSIONS APPROVED PROVISIONS TO THE DUPLEX ORDINANCE AND SPECIFIED WITH THE PASSAGE OF THE DUPLEX ORDINANCE I BELIEVE LAST YEAR THAT IF YOU ARE TO BUILD A DUPLEX IN A MULTI-FAMILY DISTRICT, THAT YOU WOULD HAVE TO FOLLOW SF-3 SITE DEVELOPMENT REGULATIONS. MAXIMUM IMPERVIOUS COVER 45%, MAXIMUM BUILDING COVERAGE 40%. THIS WOULD CARRY THAT FORWARD THE APPLY TO SINGLE-FAMILY USES AS WELL. MANY OF OUR NEIGHBORHOODS THAT WE HAVE IN AUSTIN HAVE POCKETS OF MULTI-FAMILY THAT WE HAVE NOT ADDRESSED IN THE NEIGHBORHOOD PLANNING PROCESS. AND THERE ARE SINGLE-FAMILY HOMES AND THEY ARE INTERMIXED AMONG SINGLE-FAMILY LOTS. SO THIS WOULD PRESERVE A LOT OF THE CHARACTER THAT YOU WOULD SEE IN A LOT OF THESE NEIGHBORHOODS BY DEVELOPING THE SAME STANDARDS ON THESE M.U. LOTS, MIXED USE COMBINING DISTRICT LOTS, OR MULTI-FAMILY LOTS WHERE YOU ARE BRINGING IN SINGLE-FAMILY

HOMES, THEY WOULD MEET THAT SAME SARPBD IN SF-3.  
THE EXCEPTION TO THAT --

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: THE COMMENT ON THAT ONE, ON THE FOURTH ONE  
DOWN ON THAT -- ON THE TABLE THAT SAYS THIS  
AMENDMENT DOES NOT AFFECT SMALL LOT SINGLE-FAMILY  
RESIDENTIAL USE, WHAT -- WHAT DOES THAT DO IF WHAT  
WE'RE DOING HERE IS SAYING YOU HAVE TO MEET SF-3 SITE  
DEVELOPMENT STANDARDS, AND THEN IN THE COMMENT  
YOU ARE SAYING IT DOESN'T AFFECT SMALL LOT SINGLE-  
FAMILY RESIDENTIAL USE, AND YOU REALLY DON'T HAVE TO  
MEET SF-3 STANDARDS.

THAT'S A GOOD QUESTION. AND BECAUSE OF THE SF-4 A  
USES OR THE SMALL LOT SINGLE-FAMILY THEY ALREADY  
HAVE SITE REGULATIONS. THAT -LTD CARRY THROUGH  
RECORD LESS IF THEY BE BUILT TPWH- A MULTI-FAMILY OR  
M.U. DISTRICT. BECAUSE THEY ARE A SMALL LOT, WE'VE  
ALREADY PROVIDED FOR A PROVISION IN THE CODE THEY  
HAVE A HIGHER IMPERVIOUS COVER BECAUSE OF THE  
SMALLER LOT SIZE. AND SF-3 LOT IS TYPICALLY 5750  
SQUARE FEET. A SMALL LOT SINGLE-FAMILY IS 3500 SQUARE  
FEET FOR AN INTERIOR LOT OR 4500 SQUARE FEET FOR  
CORNER LOT. THOSE PROVISIONS THAT ARE UNIQUE TO THE  
SINGLE-FAMILY SMALL LOT WHICH WOULD ALLOW  
IMPERVIOUS COVER UP TO 65% OR BUILDING COVERAGE UP  
TO 55% WOULD CARRY WHEREVER THAT USE GOES. SO THIS  
IS ONLY IF I WAS BUILDING A STANDARD SINGLE-FAMILY  
RESIDENCE IN A MULTI-FAMILY DISTRICT THAT I WOULD FILE  
THE SAME SF-3 REGULATIONS. THAT'S WHY IT WOULD NOT  
HAVE A AFFECT ON THE SMALL LOT SINGLE-FAMILY.  
ARIZONA

Alvarez: AND THAT'S THE OPTION WE'RE OPENING UP WITH  
THE AMENDMENTS?

WITH THE OTHER AMENDMENTS I SPOKE ABOUT EARLIER.

Alvarez: THANK YOU.

THE LAST ONE CLARIFIES THE STANDARDS FOR OTHER



RESIDENTIAL USES WITHIN THE M.U. DISTRICT. AND THE MIXED USE COMBINING DISTRICT DOES A GOOD JOB OF REGULATING DENSITY FOR CERTAIN USES, BUT WHEN YOU START BUILDING IN THE MIXED USE DISTRICT, THE SINGLE-FAMILY ATTACHED, THE SMALL LOT SINGLE-FAMILY RESIDENTIAL, TWO-FAMILY RESIDENTIAL, DUPLEX RESIDENTIAL, THE ORDINANCE DOESN'T REALLY SPEAK TO THE DENSITY OR SITE DEVELOPMENT REQUIREMENTS AS WELL. AND THAT REALLY IS MORE OF A CLEANUP PROVISION THAT IF YOU WERE TO BUILD THESE USES IN A MIXED USE COMBINING DISTRICT, THAT YOU WOULD MEET ADDITIONAL STANDARDS THAT WOULD NOT BE IN COMMON FOR THOSE USES. IN PARTICULAR FOR CONDOMINIUM RESIDENTIAL USE WHICH I MENTIONED EARLIER WOULD BE A PERMITTED USE IN MIXED USE DISTRICT, THEY WOULD BE SUBJECT TO SIMILAR DENSITY REQUIREMENTS AS AN APARTMENT BUILDING. IF YOU BUILT APARTMENTS OR A CONDOMINIUM, THE MAXIMUM LIMIT OF THE NUMBER OF UNITS YOU WOULD HAVE WOULD BE THE SAME. IT'S NOT ACHIEVING ANYTHING MORE THAN WHAT YOU COULDN'T ALREADY DO WITH AN APARTMENT EXCEPT THIS WOULD ALLOW FOR OWNERSHIP OF THE UNIT AS OPPOSED TO JUST RENTING AN APARTMENT. SO IN A SUMMARY, THAT'S THE FIVE AMENDMENTS. AS MR. BARNEY HAD SAID, THIS WAS PRESENTED TO THE PLANNING COMMISSION I BELIEVE ON A VOTE OF 8-0 THEY RECOMMENDED THESE CHANGES. THE TWO CHANGES THAT THEY NOTED THAT STAFF BROUGHT TO THEM AT THAT MEETING WERE TO ALLOW THE CONDOMINIUM USE TO BE A PERMITTED USE IN THE MIXED USE DISTRICT, AND WHERE I MENTIONED BEFORE IN THE SF-3 STANDARDS THAT SPEAK TO APPLYING THOSE STANDARDS FOR THE MIXED USE DISTRICT OR THE MULTI-FAMILY DISTRICT. THE ONE THING WE DID NOTE TO THE COMMISSION IS THAT THE FRONT SETBACKS PROBABLY SHOULD BE MODIFIED SO YOU WOULD HAVE SOME CONSISTENCY IN THE FRONT OF THOSE UNITS WHETHER IT'S A SINGLE-FAMILY BUILDING BUILT IN A MULTI-FAMILY DISTRICT OR A SINGLE-FAMILY BUILDING IN A MIXED USE DISTRICT, THAT THEY COULD HAVE THE SAME FRONT YARDS THAT WOULD BE ENJOYED BY THE OTHER USES IN THE MIXED USE OR MULTI-FAMILY DISTRICTS. SO IF AN APARTMENT COULD BE BUILT 15 FEET FROM THE STREET

LINE, THEN THAT SINGLE-FAMILY HOUSE THAT WOULD BE BUILT IN THE MULTI-FAMILY DISTRICT COULD BE BUILT ALSO 15 FEET BACK INSTEAD OF 25 FEET BACK WHICH IS PROVIDED FOR IN THE SF-3 DISTRICT REGULATIONS. WITH THAT I'LL PAUSE AND IF YOU HAVE ANY QUESTIONS OR STEVE OR MYSELF WILL BE MORE THAN HAPPY TO ANSWER. EARLIER THERE WERE NO CITIZENS SIGNED UP FOR THIS ITEM THAT WE WERE AWAIVER. AWAIVER -- AWARE OF. WE'RE NOT AWARE OF OPPOSITION TO THIS AMENDMENT.

Mayor Wynn: THANK YOU, MR. GUERNSEY. NO CITIZENS HAVE SIGNED UP. I APPRECIATE THE HARD WORK ON THIS ISSUE. IT SEEMS SORT OF MUNDANE TO MANY PEOPLE. THE FACT THAT NOBODY IS HERE TO SPEAK IN FAVOR OR OPPOSITION DOESN'T DIMINISH WHAT THIS REALLY MEANS IS THAT THIS WILL SAVE COUNTLESS HOURS ON THIS DAIS OVER THE NEXT FEW YEARS AS INDIVIDUAL NEIGHBORHOOD PLANS AND JUST ZONING CASES WON'T COME FORWARD NOW BECAUSE OF THE ABILITY FOR THE PLANS TO TAP INTO THESE AMENDMENTS AND DO WHAT I THINK THE VAST MAJORITY OF FOLKS WOULD SEE HAPPEN ON TRACTS OF LAND AROUND TOWN. COUNCILMEMBER ALVAREZ.

Alvarez: YEAH, I WAS USE CURIOUS ON THE SELECTION OF THE NAME OF THE CODE AMENDMENT, SKWREPBGT GENTRIFICATION CODE AMENDMENTS, I NOTICE IT SEEMS TO BUILD UPON SOME RECOMMENDATIONS OF THE -- ONE OF THE TASK FORCES, GENTRIFICATION TASK FORCES WE AT LEAST PUT TOGETHER. BUT THE OTHER THING IS IT DOESN'T NOTE THAT IT'S GENTRIFICATION CODE AMENDMENTS PHASE 1. AND SO WHAT OTHER ANTIGEN IF ANTI--GENTRIFICATION CODE AMENDMENTS ARE BEING CONSIDERED. I DIDN'T REALIZE UNTIL A MONTH AGO THIS WAS WORKING ITS WAY THROUGH THE PROCESS. IS THERE ANY INSIGHT INTO WHAT PHASE 2 OF THESE ANTI-GENTRIFICATION AMENDMENTS WOULD LOOK LIKE?

THE PHASE 1 IS REALLY AN ACKNOWLEDGEMENT THAT WHAT WE HAVE HERE IS AN UNFINISHED AGENDA. AND THERE IS MORE WORK TO DO AND WE'RE -- CONTINUE WORKING WITH NEIGHBORHOOD PLANNING AND SEASON ZONING, IF POSSIBLE MEMBERS OF THE PLANNING COMMISSION IS AND WHATEVER STAKEHOLDERS WE HAVE

WE CAN ASSEMBLE TO WORK WITH US ON DEVELOPING OTHER SUBSTANTIVE CODE AMENDMENTS TO MITIGATE GENTRIFICATION.

Alvarez: OKAY. I WAS JUST WONDERING. IT IT SAYS PHASE 1. I DIDN'T KNOW IF PHASE 2 WAS CONTEMPLATED. I WOULDN'T MIND BEING KEPT IN THE LOOP. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? MS. TERRY, I GUESS STAFF IS READY FOR ALL THREE READINGS BASED ON THE WORK THAT'S BEEN DONE.

THAT'S CORRECT, WE'RE READY TO GO.

Mayor Wynn: COUNCIL, HEARING NO QUESTIONS OR COMMENTS, I'LL ENTERTAIN A MOTION ON THE -- TO CLOSE THE PUBLIC HEARING AND CONSIDER THESE AMENDMENTS. ITEM NUMBER 57.

SO MOVED.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER McCRACKEN. SECONDED BY COUNCILMEMBER THOMAS TO CLOSE THE PUBLIC HEARING AND APPROVE THESE ORDINANCE AMENDMENTS ON ALL THREE READINGS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM TEMPORARY OFF THE DAIS. COUNCIL, WITHOUT OBJECTION, I THINK WE COULD KNOCK OUT ITEM NUMBER -- PUBLIC HEARING NUMBER 60, WHICH HAS A COUPLE OF CITIZENS HERE WANTING TO SPEAK. THIS IS REGARDING THE POTENTIAL WAIVER OF DEVELOPMENT REGULAR REGULATIONS AND I'LL ENTERTAIN A BRIEF STAFF PRESENTATION. ITEM 60.

THANK YOU, MAYOR. LUCY GALLAHAN WITH WATERSHED PROTECTION AND REVIEW. THE REQUEST IS TO WAIVE THE INTERIM DEVELOPMENT REGULATION OF ORDINANCE 040624-52. THIS ORDINANCE WHICH COUNCIL ADOPTED ON JUNE 24th, 2004, IS A MORATORIUM PROHIBITING ISSUANCE OF A BUILDING PERMIT TO CREATE A TWO-FAMILY RESIDENTIAL OR SECONDARY APARTMENT SPECIAL USE. THE INTERIM DEVELOPMENT REGULATIONS INCLUDED THIS

THE THIS ORDINANCE ALLOW CONSTRUCTION OF A SECONDARY APARTMENT SPECIAL USE IF DEVELOPMENT IS RESTRICTED TO A MAXIMUM OF 424 -- 425 SQUARE FEET ON THE GROUND FLOOR AND 425 SQUARE FEET ON THE SECOND FLOOR. THE LOT AT 2302 ARKDALE HAS AN EXISTING GARAGE APARTMENT WITH NO PRINCIPAL STRUCTURE ON THE LOT. THE EXISTING GARAGE APARTMENT CONSISTS OF 600 600 SQUARE FEET ON THE FIRST FLOOR AND 600 SQUARE FEET ON THE SECOND FLOOR. THE APPLICANT, MR. DOUGLAS JOHNSTON, IS REQUESTING WAIVER TO ALLOW THE ADDITION OF A SINGLE-FAMILY RESIDENCE TO THE LOT. THE SINGLE-FAMILY RESIDENCE WOULD CONSISTED OF A TOTAL OF 2400 SQUARE FEET OF GROSS FLOOR AREA. THE MORATORIUM ORDINANCE ALLOWS COUNCIL TO WAIVE DEVELOPMENT LIMIT IF THE COUNCIL DETERMINES THAT THE DEVELOPMENT LIMIT IMPOSEES UNDUE HARDSHIP ON THE APPLICANT AND THE DEVELOPMENT PROPOSED WILL NOT ADVERSERY EFFECT THE PUBLIC HEALTH, SAFETY AND WELFARE. I DO HAVE A LETTER FROM THE BARTON HILLS NEIGHBORHOOD ASSOCIATION IN WHICH THEY ARE IN SUPPORT OF THE WAIVER REQUEST AND STAFF ALSO IS IN SUPPORT OF THE WAIVER REQUEST. THANK YOU.

Mayor Wynn: THANK YOU. SO WE'RE JUST HAVING A PUBLIC HEARING. DON'T HAVE TO GO THROUGH THE ZONING OR APPEAL FOR NOT. WE HAVE TWO CITIZENS SIGNED UP FOR THIS ITEM. OUR FIRST SPEAKER IS AWED TREU AUDREY STRAUSS IN FAVOR. AND DOUG JOHNSTON SIGNED UP IF COUNCIL HAS QUESTIONS. ALSO IN FAVOR. SO COUNCIL, QUESTIONS OF STAFF, COMMENTS? COUNCILMEMBER ALVAREZ.

Alvarez: YES, WE CONSIDERED ONE OF THESE APPEALS A COUPLE WEEKS AGO.

YES, SIR.

Alvarez: AND WHAT IS THE SIZE OF THIS -- IS IT SECONDARY UFPBT, YOU WANT, A GARAGE APARTMENT?

IT'S AN EXISTING SECONDARY UNIT ALREADY THERE AND IT'S 600 SQUARE FEET ON THE FIRST FLOOR AND 600

SQUARE FEET ON THE SECOND FLOOR. THE LIVING SPACE OF THE UNIT IS 800 SQUARE FEET. SO IT IS --

Alvarez: WHY DO THEY NEED THE --

BECAUSE IT EXCEEDS THE MORATORIUM LIMITS.

Alvarez: YOU SAY IT'S EXISTING.

JUST -- YES, THE SECONDARY UNIT IS EXISTING, BUT THEY WANT TO ADD A SINGLE-FAMILY RESIDENCE TO THE LOT, AND IN ADDING THAT SINGLE-FAMILY RESIDENCE, IT WOULD CREATE A SECONDARY APARTMENT USE OR A TWO-FAMILY RESIDENTIAL USE WHICH THE MORATORIUM PROHIBITS BECAUSE OF THE SIZE OF THE EXISTING SECOND UNIT.

Alvarez: SO THE SECONDARY UNIT DOESN'T EXIST.

THE SECONDARY UNIT DOES EXIST, BUT ADDING THE PRINCIPAL USE WOULD CREATE A -- THE WHOLE LOT WOULD CREATE THIS TWO-FAMILY RESIDENTIAL USE BY ADDING PRINCIPAL USE.

Alvarez: AND THERE IS NO PRINCIPAL USE OR --

THERE IS NO PRINCIPAL USE. HE WANTS TO ADD A SINGLE-FAMILY RESIDENTS.

Alvarez: OKAY. THANKS.

Mayor Wynn: AGAIN, THE NEIGHBORHOOD ASSOCIATION --

YES, SIR, THE BARTON HILLS NEIGHBORHOOD ASSOCIATION HAS PROVIDED A LETTER IN SUPPORT OF THE REQUEST.

Mayor Wynn: AND STAFF ALSO RECOMMENDS WE APPROVE.

STAFF RECOMMENDS APPROVAL.

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS OF STAFF, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM 60.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER  
McCRACKEN. SECONDED BY COUNCILMEMBER DUNKERLEY  
TO CLOSE THE PUBLIC HEARING AND APPROVE THIS  
ORDINANCE. THREE READINGS?

YES.

Mayor Wynn: ON ALL THREE READINGS. FURTHER  
COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE  
SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0  
WITH THE MAYOR PRO TEM OFF THE DAIS.

THANK YOU.

Mayor Wynn: THANK YOU, MS. CALLAHAN. COUNCIL, MY HOPE  
IS WE CAN GET THROUGH 59 AND ELIMINATE THE NEED FOR  
ITEM 37 POTENTIALLY BEFORE WE TAKE UP OUR LENGTHIER  
PUBLIC HEARING ON HISTORIC ORDINANCES. MR.  
GUERNSEY, WELCOME.

HI, CRAIG GUERNSEY, NEIGHBORHOOD PLANNING AND  
ZONING. ITEM 59 IS CONDUCT A PUBLIC HEARING AND  
APPROVAL AN ORDINANCE AMENDING CERTAIN SECTIONS  
OF THE LAND DEVELOPMENT CODE RELATING TO DWELLING  
OCCUPANCY LIMITS FOR TWO-FAMILY USES AND  
SECONDARY APARTMENT SPECIAL USES. AND THE  
AMENDMENT IS BEING BROUGHT TO YOU AT THE REQUEST  
OF THE CITY COUNCIL. AND WAS IN RESPONSE TO SEVERAL  
NEIGHBORHOOD INDIVIDUALS AND NEIGHBORHOOD  
ASSOCIATIONS CLAMORING ABOUT LARGER TWO-FAMILY  
RESIDENTIAL USES. AND COUNCIL DEALT WITH AN ISSUE OF  
DUPLEXES BEING BUILT THAT WERE KNOWN AS SUPER  
DUPLEXES AND WITH THE SITE DESIGN STANDARDS BEING  
ALTERED FOR THOSE SUPER DUPLEX THAT LIMITED  
BUILDING HEIGHTS TO 30 FEET AND LIMITED OCCUPANCY  
FOR A DUPLEX USE TO MAXIMUM OF SIX TOTAL ON A LOT OR  
THREE PER SIDE. THE INCREASE IN THE NUMBER OF PERMIT  
REQUESTS AND THE NUMBER OF DWELLINGS GOING UP FOR  
TWO-FAMILY RESIDENTIAL AND SECONDARY APARTMENTS  
WENT UP QUITE A BIT. LET ME JUST TELL YOU AND EXPLAIN  
VERY QUICKLY WHAT A TWO-FAMILY RESIDENTIAL USE IS OR

SECONDARY APARTMENT USE IS. IT'S SIMPLY A HOUSE IN FRONT ON A LOT AND A SMALLER HOUSE IN THE BACK. THEY MIGHT BE REFERRED AS GRANNY FLATS, GARAGE APARTMENTS. THEY'VE BEEN KNOWN AS SUPER TWOS IN NEIGHBORHOODS WHERE THEY'VE SEEN SMALLER, 900 TO 1,000 SQUARE FOOT HOUSES TORN DOWN AND LARGER HOUSES BEING CONSTRUCTED IN THE FRONT THAT MAY HAVE AS MANY AS SIX BEDROOMS, SIX BATHS, AND THEN THE MAXIMUM SIZE OF THE GARAGE APARTMENT IN THE BACK BEING BUILT OUT AT 850 SQUARE FOOT AND FOUR GARAGES DOWN BELOW. NOW, THAT IS PROBABLY THE EXTREME. MOST OF THE DEVELOPMENT COMMUNITY ISN'T TRYING TO ACHIEVE CERTAINLY ANYTHING NEARLY THAT GREAT IN THE REST OF AUSTIN, BUT I THINK THAT IS THE REASON WHY IT'S BEING BROUGHT TO YOU TODAY. SO THE STAFF DRAFTED SOME ORDINANCE AMENDMENTS IN RESPONSE TO THIS REQUEST. AND SPOKE SPECIFICALLY TO TWO-FAMILY RESIDENTIAL USES AND SECONDARY APARTMENT USES. THESE USES ARE PRETTY MUCH THE SAME EXCEPT THE SECONDARY APARTMENT USE IS ONLY FOUND IN ADOPTED NEIGHBORHOOD PLANNING AREAS THAT HAVE NEIGHBORHOOD PLANNED COMBINING DISTRICT ZONING APPLIED TO THEM AND WHERE THEY HAVE ACTUALLY ELECTED TO HAVE THE SECONDARY USE AS ONE OF THE PERMITTED USES IN THESE NEIGHBORHOOD PLANNING AREAS. BUT THE TWO-FAMILY RESIDENTIAL USE IS ALLOWED PRETTY MUCH THROUGHOUT THE CITY WHERE YOU HAVE A SITUATION WHERE THE LOT IS A MINIMUM OF 7,000 SQUARE FEET AND HAS A MINIMUM SF-3 ZONING OR OTHER CATEGORIES. SO THE FIRST AMENDMENT THAT STAFF IS BRINGING TO YOU WOULD DEAL WITH THE NUMBER OF UNRELATED PEOPLE LIVING ON A TWO-FAMILY RESIDENTIAL LOT OR SECONDARY APARTMENT RESIDENTIAL LOT. AND AS SIMILAR TO THE DUPLEX, STAFF IS RECOMMENDING A SAME UNRELATED ADULT OCCUPANCY, THOSE THAT ARE 18 YEARS OR OLDER IN AGE NOT EXCEED SIX ON THE LOT AND THEY WOULD BE LIMITED TO FOUR UNRELATED INDIVIDUALS ADULTS IN THE FRONT UNIT, WHICH WOULD BE THE PRINCIPAL HOUSE, AND TWO UNRELATED INDIVIDUALS TO THE REAR. AND THAT ADDRESSES I THINK THE OCCUPANCY CONCERN THAT THERE ARE MANY PEOPLE OCCUPYING SIX IN THE FRONT,

SIX IN THE BACKS AND THEN THEIR ASSOCIATED GUESTS, MUTT PLYING THE NUMBER OF CARS PARKED AND THE NUMBER OF INDIVIDUALS AND THE USES OF THESE LOTS THERE MAY BE -- IT MAY BE OVERWHELMING SOME OF THESE NEIGHBORHOODS. THE SECOND AMENDMENT WOULD BE ADDRESSING SOME OF THE INEQUITY ADVERTISE AMONG SECONDARY APARTMENTS AND TWO FAMILY RESIDENTIAL USES. RIGHT NOW THE TWO-FAMILY RESIDENTIAL USE IS LIMITED TO A HEIGHT OF 30 FEET, BUT A SECONDARY APARTMENT RECOMMENDED 35. SO TO COMBINE EQUITY AMONG THESE -- OR BETWEEN THESE TWO USES AND FOR STAFF TO EASILY ADMINISTER CODE AND THE PUBLIC TO UNDERSTAND IT, WE'RE SUGGESTING THAT THAOEUT BE LIMITED TO -- HEIGHT BE LIMITED TO TWO STORIES AND 30 FEET IN HEIGHT FOR BOTH THE SECONDARY APARTMENT AND TWO-FAMILY RESIDENTIAL USE. THE THIRD AMENDMENT WOULD DEAL WITH THE TWO-FAMILY RESIDENTIAL USE AND THE SECONDARY APARTMENT USE. THE AMOUNT OF HEATED AND COOLED SPACE THAT YOU WOULD HAVE ON THE SECOND FLOOR OF THAT SECONDARY UNIT, SO THE REAR GARAGE APARTMENT USE ON THE SECOND FLOOR, STAFF IS RECOMMENDING 500 SQUARE FEET OF THE AREA, THAT WOULD BE THE MAXIMUM ON THE SECOND FLOOR OF A TWO-FAMILY RESIDENTIAL USE. STILL ACHIEVE 850 SQUARE FEET IF IT WAS A ONE-STORY BUILDING OR IF YOU HAD 500 ON THE SECOND FLOOR AND 350 ON THE FIRST FLOOR. SO YOU COULD STILL GET TO THE 850. WE'RE JUST SUGGESTING THAT THE MASSING OF THAT BUILDING WOULDN'T HAVE 850 SQUARE FEET ON THE SECOND FLOOR. THE PLANNING COMMISSION DID NOT RECOMMEND THE 500, THEY RECOMMENDED 550 SQUARE FEET TO BE THE NUMBER FOR THE SECOND FLOOR. SO YOU COULD STILL ACHIEVE 850 SQUARE FEET WITH ONE STORY OR YOU COULD STILL ACHIEVE 850 SQUARE FEET IF IT WAS A TWO-STORY, BUT THE SECOND FLOOR WOULD BE LIMITED TO 550 FEET. THAT'S THE PRINCIPAL DIFFERENCE BETWEEN THE STAFF RECOMMENDATION AND THE ZONING -- OR THE PLANNING COMMISSION RECOMMENDATION. AS WITH THE SINGLE-FAMILY THAT COUNCIL JUST APPROVED LIMITING THE IMPERVIOUS COVER AND BUILDING COVERAGE, WE WOULD ALSO SUGGEST THAT THE IMPERVIOUS COVER FOR A TWO-FAMILY RESIDENTIAL USE AND SECONDARY APARTMENT



USE BE LIMITED TO 45% FOR THE IMPERVIOUS COVER AMOUNT AND FOR 40% FOR THE BUILDING COVERAGE. AND THIS WOULD BE SIMILAR TO THE DUPLEX ORDINANCE THAT YOU PASSED LAST YEAR THAT SET THOSE LIMITS WHEREVER THEY ARE CONSTRUCTED, WHETHER IT'S A MULTI-FAMILY DISTRICT, MF-2, 3, OR SINGLE-FAMILY 3, THEY WOULD HAVE THOSE LIMITATIONS. AND WE ARE SUGGESTING THE SAME FOR THE TWO-FAMILY RESIDENTIAL USE AND THE SECONDARY APARTMENT USE. SO THOSE ARE THE AMENDMENTS THAT WE ARE BRINGING BEFORE YOU. AS I SAID BEFORE, THE PLANNING COMMISSION DID ADOPT THE STAFF RECOMMENDATION WITH THAT ONE CAVEAT THAT THE SECOND FLOOR OF THAT GARAGE APARTMENT USE BE 550 INSTEAD OF THE STAFF'S SUGGESTED 500. IF YOU HAVE ANY QUESTIONS, I'LL BE MORE THAN HAPPY TO ANSWER THEM. I BELIEVE THERE ARE A FEW INDIVIDUALS HERE THAT WOULD LIKE TO SPEAK TO THESE ITEMS THIS EVENING.

Mayor Wynn: THANK YOU, MR. GUERNSEY. MS. TERRY.

YES, GREG, IF I CAN, PLEASE, THE CURRENT INTERIM DEVELOPMENT ORDINANCE EXPIRES ON NOVEMBER THE 20th, 2004. AND IF COUNCIL -- THAT IS AGENDA ITEM 37. IF COUNCIL ELECTS NOT TO PASS THE EXTENSION ON THAT, IS IT NOT CORRECT THAT WE NEED TO ADOPT THIS ORDINANCE ON EMERGENCY PASSAGE TO COVER THE GAP IN TIME.

THAT IS CORRECT.

ALL RIGHT. COUNCIL, IF IT IS COUNCIL'S DESIRE TO ADOPT THIS ORDINANCE, STAFF WOULD REQUEST YOU ADOPT IT ON EMERGENCY PASSAGE SO IT BE EFFECTIVE IMMEDIATELY.

Mayor Wynn: WE HAVE THREE FOLKS SIGNED UP. ELIZABETH FLANNIGAN, NOT WISHING TO SPEAK, IN FAVOR. QUATRO GRUSE, SORRY IF I'M MISPRONOUNCING THAT. WOULD YOU LIKE TO SPEAK? YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY BAR PWRARARABRIDGES.

I'M A MEMBER OF THE NORTH FIELD NEIGHBORHOOD ASSOCIATION AND THE NORTH LOOP PLANNING TEAM HERE IN FAVOR. IF YOU HAVE QUESTIONS, I'LL ANSWER THEM, BUT

I'LL LEAVE IT AT THAT.

Mayor Wynn: THANK YOU. BARBARA BRIDGES. WELCOME.  
YOU WILL HAVE THREE MINUTES.

BARBARA BRIDGES WITH UNIVERSITY NEIGHBORHOOD ASSOCIATION. I HADN'T REALLY PLANNED ON SPEAKING, BUT SINCE THERE'S NO ONE ELSE HERE FROM OUR PLANNING AREA THAT'S GOING TO SPEAK, I FELT THAT I WOULD SIMPLY SAY THAT I ASSUME THAT WHEN THE DUPLEX ORDINANCE WAS PASSED THERE WAS A LOT OF THOUGHT PUT INTO WHY SIX PEOPLE SHOULD GO INTO A DUPLEX ON A SITE. I SEE NO DIFFERENCE IN WHAT TYPE OF BUILDING IS THERE. APPARENTLY THE PROBLEM IS WHEN YOU PUT 12 PEOPLE ON TO THE SAME SITE, IT MAGNIFIES THE PROBLEMS WITH NOISE, THE PROBLEMS WITH TRASH, AND PARTICULARLY THE PROBLEMS WITH TRAFFIC. MANY OF THESE ARE BEING PUT UP IN AREAS THAT THE INFRASTRUCTURE SIMPLY DOES NOT SUPPORT THIS. THEY ARE VERY NARROW STREETS. THERE'S NO PLACE TO PARK. AND I WOULD SAY THAT THE SAME REASON THAT YOU DECIDED THAT SIX PEOPLE -- ACTUALLY I WOULD LIKE IT TO FOUR PEOPLE IF WE COULD, BUT I'LL GO WITH SIX -- THAT SIX PEOPLE SHOULD LIVE IN A DUPLEX WOULD BE THE SAME REASON THAT YOU WOULD DO THIS FOR ANY KIND OF A SINGLE-FAMILY USE ON THE PROPERTY, THAT THERE SHOULD ONLY BE SIX PEOPLE THERE. TWO-FAMILY ATTACHED, GARAGE APARTMENTS, WHATEVER. AND I LIKE THE CONFIGURATION THAT'S BEEN PUT FORTH SO I DO LIKE WHAT'S COME THROUGH HERE. I THINK IT ADDRESSES EXCEPT FOR PERHAPS LEAVING OUT A COUPLE OF KINDS OF BUILDING THAT COULD HAVE BEEN PUT THERE AND I WOULD URGE YOU THAT YOU ALSO PASS IT TO COVER THOSE. IT ADDRESSES A LOT OF THE PROBLEMS THAT WE'RE SEEING COME UP. THANK YOU.

Mayor Wynn: THANK YOU, MS. BRIDGES. COUNCIL, THAT'S ALL THE CITIZENS THAT SIGNED UP ON ITEM NUMBER 59. QUESTIONS, COMMENTS, STAFF? COUNCILMEMBER DUNKERLEY.

Dunkerley: I WANT TO THANK STAFF FOR WORKING VERY DILIGENTLY ON GETTING THIS FORWARD. AGAIN, WE THOUGHT WE HAD THIS PROBLEM COVERED WHEN WE DID

THE SUPER DUPLEXES. AND IT SEEMS LIKE EVERY TIME WE COVER -- OR WE CLOSE ONE DOOR, ANOTHER DOOR SPRINGS OPEN. SO I APPRECIATE THAT. I'VE HAD SOME COMMUNICATION FROM BOTH THE PLANNING COMMISSION MEMBERS AND FROM SOME OF THE NEIGHBORHOOD MEMBERS, AND, YOU KNOW, MY RECOMMENDATION IS GOING TO BE TO GO WITH THE 550 SQUARE FEET ON THE OPTIONAL SECOND FLOOR. FROM THE COMMENTS I'VE GOTTEN FROM THEM, THEY FELT LIKE THIS WOULD BE MORE FLEXIBLE FOR THE BUILDER AND THEIR MAIN CONCERN WAS GETTING THE OCCUPANCY LIMITS. SO MY SUPPORT IS GOING TO BE FOR THE 550 ON THE TOP FLOOR OF THE GARAGE APARTMENT.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY TO CLOSE THE PUBLIC HEARING AND APPROVE ON THREE READINGS EMERGENCY PASSAGE ITEM NUMBER 59 WITH THE SQUARE FOOT LIMITATION OF 550 SQUARE FEET.

THAT WOULD BE THE PLANNING COMMISSION RECOMMENDATION.

Mayor Wynn: I'LL SECOND THAT. FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON ALL THREE READINGS. EMERGENCY PASSAGE VOTE 5-0 WITH COUNCILMEMBER ALVAREZ AND THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS. AND THAT ALLOWS US TO WITHDRAW ITEM NUMBER 37 OFF THE AGENDA.

THAT IS CORRECT.

Mayor Wynn: THANK YOU. OKAY. THANK EVERYBODY FOR YOUR PATIENCE. WE WANTED TO GET A LOT OF THINGS OFF THE PLATE BEFORE WE FOCUS NOW ON ITEM NUMBER 58, WHICH IS CONDUCT A PUBLIC HEARING REGARDING THE HISTORIC LANDMARK COMMISSION RECOMMENDATIONS THAT WE HEARD EARLIER TODAY. WE WILL K-PLWELCOME BACK, MR. SABOWSKI. AND MS. BETTY BAKER. COUNCIL, IF YOU RECALL, WE HAD A DETAILED PRESENTATION THIS AFTERNOON AROUND 3:00, SO PERHAPS WITHOUT HAVING TO REPEAT THAT, WE COULD GO STRAIGHT TO THE CARDS OF THE FOLKS WHO SIGNED UP. THEY'VE BEEN VERY

PATIENT TONIGHT. SO WITH THAT -- WE HAVE ABOUT 28 CITIZENS SIGNED UP WISHING TO SPEAK. WE'LL START WITH MS. TERRY O'CONNELL.

MAYOR, I THINK SHE LEFT, BUT MAY I MAKE JUST AN INTRODUCTORY MARK?

YOU MAY. SHERIFF'S PRIVILEGE.

MAYOR AND CITY COUNCILS, I'M BETTY BAKER AND I CHAIRED THE TASK FORCE FOR THE HISTORIC PRESERVATION STUDIES. I WOULD LIKE TO JUST POINT OUT MR. SABOWSKI GAVE YOU A BRIEFING EARLIER THIS EVENING. I STARTED TO SAY THIS MORNING. IT'S JUST BEEN A LONG DAY. AND I WOULD LIKE TO REITERATE THE ORIGINAL RECOMMENDATION, PART OF IT, OF THE TASK FORCE AND THAT WAS TKPWAPBD FATHERING FOR THE -- GRANDFATHERING FOR THE PROPERTIES CURRENTLY ZONED HISTORIC. CERTAINLY WE UNDERSTAND YOUR POSITION AND WE APPRECIATE THE LAW DEPARTMENT'S COMMENTS, BUT THAT WOULD BE THE STRONGER AND THE UNANIMOUS RECOMMENDATION OF THE TASK FORCE IS TO GO WITH THE GRANDFATHERING, IF AT ALL POSSIBLE. AND THANKS FOR THE OPPORTUNITY TO MAKE THOSE COMMENTS, MAYOR.

Mayor Wynn: YOU ARE WELCOME, MS. BAKER, AND THANK YOU FOR THE SERVICE. COMMENTS OR QUESTIONS ABOUT THE INITIAL PRESENTATION, COUNCIL? IF NOT, WE'LL GO TO OUR CITIZENS WHO SIGNED UP. TERRY O'CONNELL, WHO I SAW EARLIER. PERHAPS SHE HAD TO LEAVE. MS. O'CONNELL SIGNED UP IN FAVOR. SUSAN MOFFETT. YOU WILL BE FOLLOWED BY JAMES -- LOOKS LIKE STOCKBOWER.

GOOD EVENING, I'M SUSAN MOFFETT, A MEMBER OF PRESERVE AUSTIN AND I'M HERE TONIGHT TO TALK ABOUT THE CONNECTION BETWEEN LOCAL HISTORIC DISTRICTS AND AFFORDABLE HOUSING. RIGHT NOW THE CITY HAS CONFLICTING GOALS. WE'RE DESPERATE TO SHORE UP THE TAX BASE, AT THE SAME TIME WE HAVE A CRISIS IN AFFORDABLE HOUSING. PROPERTY TAXES ARE UP, BUT RENTS AND MORTGAGES ARE THROUGH THE ROOF. LONG-TIME RESIDENTS ARE BEING FORCED OUT OF

NEIGHBORHOODS, THAT THEY SIMPLY CAN'T AFFORD ANYWHERE. NOWHERE ARE THESE GOALS MORE IN CONFLICT THAN EAST AUSTIN. EAST AUSTIN IS ALREADY OCCUPIED BY PEOPLE WHO HAVE MADE THEIR HOMES THERE FOR GENERATIONS. FAMILIES WHO HAVE CONTRIBUTED HUGELY TO THE STRENGTH AND HISTORY OF OUR COMMUNITY. BUT IT'S ON THE BRINK OF A LAND RUSH AND THE CITY MUST MAKE A CHOICE. ARE WE GOING TO LET EAST AUSTIN GO TO THE HIGHEST BIDDER OR ARE WE GOING TO TAKE A STAND FOR THE FAMILIES AND INDIVIDUALS WHO HAVE HISTORICALLY CALLED IT HOME. EVERYONE WANTS TO SEE THEIR PROPERTY VALUES GROW OR AT LEAST REMAIN STABLE. AN ECONOMIST WILL TELL YOU THAT A GRADUAL INCREASE IS GOOD FOR MOST PEOPLE, BUT A SHARP CHANGE, ANY KIND OF UNPREDICTABLE HURTS, IT OPENS THE MARKET TO THE KIND OF SPECULATION WE'RE ALREADY SEEING EAST OF 35. LOCAL HISTORIC DISTRICT, WHICH WE HOPE SO SEE PUT INTO USEFUL FORM IN AUSTIN CODE, ARE ONE OF THE FEW LEGAL TOOLS IN TEXAS THAT CAN HELP MAINTAIN THIS CRUCIAL STABILITY AND PRESERVE HISTORICALLY MINORITY LOW-INCOME NEIGHBORHOODS. IF THE EAST SIDE NEIGHBORHOODS CAN BE AND CHOOSE TO BE PROTECTED WITH LOCAL HISTORIC DISTRICTS THAT REQUIRE THE TRADITIONAL LOOK AND SCALE TO BE MAINTAINED, DEVELOPERS THEN CAN'T COME IN FROM THE OUTSIDE, SCRAPE OFF A LITTLE COTTAGE AND REPLACE IT WITH A MANSION. IF RESIDENTS CAN HOLD THE LINE ON SCALE ALONE, IT WILL GO.

LONG WAY TO KEEPING THE MOST STKREBGT YOU HAVE SPECULATION AT BAY. THE COMMUNITY ACTION NETWORK HAS CALLED FOR IT AS A MEANS TO PRESERVE AFFORDABLE HOUSING. WE NEED TO GET THESE DISTRICTS ON THE GROUND YESTERDAY AND YES, THEY WILL NEED CITY ABATEMENTS TO HELP THEM WORK. ON OTHER FRONTS, THE TASK FORCE'S RECOMMENDATION FOR PROPOSED REVITALIZING NEIGHBORHOODS ORDINANCE IS A GREAT START ON ANOTHER TOOL AND I FULLY SUPPORT IT. TWO SUGGESTIONS. I WOULD LIKE TO SEE IT EXTEND TO DO RENTAL TKWELGSZ AND I WOULD LIKE YOU TO CONSIDER ALLOWING OVERLAYING ABATEMENTS FOR OWNER-

OCCUPIED RESIDENCES. FAMILIES DISPLACED BY GENERAL  
IF I INDICATION ON THE EAST -- GENTRIFICATION ARE NOT  
GOING TO DISAPPEAR. THEY WILL STILL NEED HOUSING AND  
THE CITY WILL HAVE TO PAY NOW OR LATER. I WOULD LIKE  
TO SEE OUR ENERGY AND OUR POLICIES NAMED AT  
KEEPING THIS IMPORTANT HISTORICAL COMMUNITY INTACT.  
WE NEED EVERY AVAILABLE TOOL, BUT MOST IMPORTANT  
WE NEED TO MAKE A CONSCIOUS CHOICE TO PRESERVE  
THE EAST SIDE AS AN AFFORDABLE NEIGHBORHOOD FOR  
THE CITIZENS WHO CALL IT HOME, NOT AS A ONE-TIME  
BONANZA FOR OUTSIDE DEVELOPERS. HISTORIC DISTRICTS  
AND TAX ABATE -PLTSDZ CANENTS CAN HELP AND I HOPE  
YOU WILL GIVE SUPPORT THIS THIS ITEM.

Mayor Wynn: THANK YOU. JAMES STOCKBOWER. YOU WILL  
HAVE THREE MINUTES AND WILL YOU BE FOLLOWED BY  
DENNIS McDANIEL.

SKWREUBG STOCKBOWER. MY WIFE AND I BOUGHT OUR  
FIRST HOUSE IN 1998 WHICH WAS UNDER A DEMOLITION  
ORDER. IT'S AT THE CORNER OF WEST MARY AND NEWTON.  
AND IT'S A STONE STRUCTURE. IT WAS BUILT BY ROBERT  
STANLEY IN THE 1890s. HE WAS A STONE MASON AND ALSO A  
GROCER. HE RAN A GROCERY STORE WHICH IS NOW THE  
HERB BAR ON MARY STREET. AND AT THE TIME WE DIDN'T  
HAVE MUCH MONEY SO WE WENT TO THE HERITAGE  
SOCIETY AND THEY LENT US MONEY TO BUY THE HOUSE  
BECAUSE IN SUCH NEED OF REPAIR AND WE HAVE SPENT  
THE LAST SIX YEARS REBUILDING THIS HOUSE AND WE'RE  
STILL WORKING ON IT TODAY. WE PUT A SIGNIFICANT OF  
MONEY INTO THE BUILDING AND HAVE LIVED THERE  
BASICALLY FOUR YEARS DOING WORK HERE AND THERE  
AND I'M ASKING YOU TO CONSIDER THAT A LOT OF PEOPLE  
THAT OWN HISTORIC HOUSES ARE NOT NECESSARILY RICH  
PEOPLE. THEY ARE DAY-TO-DAY PEOPLE THAT ARE TRYING  
TO CONTRIBUTE TO THE CITY. AND WE SPEND A LOT OF  
MONEY EVERY YEAR KEEPING OUR BUILDING UP TO CODE  
BECAUSE WE'RE UNDER INSPECTIONS EVERY YEAR, UNLIKE  
OTHER HOUSES ARE. WE HAVE TO KEEP ALL THE GROUNDS  
AND THE PAINT IN GOOD CONDITION, AND SO I WOULD JUST  
ASK THAW YOU CONSIDER THAT -- ASK YOU THAT YOU  
CONSIDER THAT YOU SHOULD CONTINUE THIS PROGRAM  
BECAUSE MY NEIGHBORHOOD IS CHANGING ALLOTTED.

WE'VE -- I'VE GOT FOUR BRAND NEW HOUSES ON MY STREET. THEIR TEARING DOWN OR MOVING KPWEUSING HISTORIC HOUSES AND IT'S BECOMING LIKE THE SUBURBS IN MY NEIGHBORHOOD AND I LIVE 11 BLOCKS SOUTH OF THE RIVER. I JUST THINK YOU NEED TO PRESERVE THE CHARACTER OF AUSTIN AND THIS IS ONE WAY OF HELPING FAMILIES IMPROVE OLD HISTORIC HOUSES AND RETAIN THE NATURE OF OUR AUSTIN NEIGHBORHOODS. AND NOT MAKE THEM LOOK LIKE THE SUBURBS. SO THAT'S BASICALLY WHAT I WANTED TO SAY TODAY. THANK YOU.

Mayor Wynn: THANK YOU, MR. STOCKBOWER. DENNIS McDENIAL. WELCOME. HUGH LOWE WANTED TO DONATE HIS TIME. DENNIS, SIX MINUTES IF YOU NEED IT.

I'VE ONLY GOT THREE MINUTES WORTH OF THINGS TO SAY. MR. MAYOR, CITY COUNCIL, THANK YOU FOR YOUR TIME. I'M ON THE -- DENNIS McDANIEL, BOARD OF DIRECTORS OF THE DOWNTOWN AUSTIN ALLIANCE AND THE HERITAGE SOCIETY OF AUSTIN AND BOTH ORGANIZATIONS HAVE ENDORSED THE TASK FORCE RECOMMENDATIONS. I PERSONALLY ATTENDED DOZENS, ALMOST EVERY ONE OF THE DOZENS OF MEETINGS HELD BY THE TASK FORCE AND RELATED CITY COMMISSION AND I WANT TO THANK EVERYBODY INVOLVED. A LOT OF TIME A FEW MISSED DINNERS, BUT I THINK THE EDUCATION PROCESS FOR US TO FULLY UNDERSTAND THE ECONOMIC BENEFITS OF HISTORIC PRESERVATION WAS WELL WORTH THE EFFORT. WE DIDN'T AGREE WITH EVERYTHING THE TASK FORCE DID OR, YOU KNOW, WE WOULDN'T BE IN AUSTIN. BUT WE APPLAUD AND APPRECIATE THE TIME AND EFFORT THEY PUT INTO IT. THE IRONY OF THE CITY'S INCENTIVES FOR HISTORIC PRESERVATION IS THAT IT'S INSIGNIFICANT AND IT'S VERY IMPORTANT. IT'S INSIGNIFICANT BECAUSE IF YOU TOTAL UP THE ECONOMIC INCENTIVES TO THE HUNDREDS OF PROPERTIES, COMMERCIAL AND RESIDENTIAL, THEY TOTAL ABOUT \$600,000, WHICH IS A FRACTION OF ONE PERCENT OF THE TOTAL OF ALL THE CITY'S TAX RECEIPTS, AND THEY ARE ALSO A TPRABG FRACTION OF ONE PERCENT OF WHAT WE THE CITY ROUTINELY GIVE AS INCENTIVE FOR THE DEVELOPMENT OF A NEW SHOPPING CENTER, YOU KNOW, IN SOME SUBURBAN LOCATION. THEY ARE INSIGNIFICANT. THEY ARE VERY IMPORTANT ECONOMICALLY. STUDY AFTER

STUDY, ECONOMIC AND ACADEMIC STUDY SHOWS THAT THE RETURN ON INVESTMENT TO THE CITY FOR THE ECONOMIC INCENTIVES THEY PROVIDE FOR HISTORIC PRESERVATION GENERATE ONE OF THE HIGHEST RETURNS ON INVESTMENT THAT ANYTHING THE CITY CAN DO IN TERMS OF JOB CREATION, SALES TAX REVENUE, TOURISM, ET CETERA, ET CETERA. HIGHEST RETURN OF ANYTHING THE CITY CAN DO. AND THAT'S REALLY JUST TALKING ABOUT THE ECONOMIC BENEFITS, NOT ABOUT QUALITY OF LIFE OR CIVIC PRIDE OR HOW IT MAKES US FEEL FROM FRIENDS FROM DALLAS OR HOUSTON COME AND WE WALK UP CONGRESS AVENUE AND THEY MARVEL AT THE TREASURES WE'VE SAVED, MAYBE WITH A LITTLE TINGE OF REGRET ABOUT THE TREASURES THEY'VE LOST. I WANT TO THANK THE TASK FORCE FOR DEALING WITH THE BIGGEST ISSUE THEY HAD WHICH WAS WHAT TO DO ABOUT THE FUTURE. AND INSTEAD OF PANICKING ABOUT WHAT IS GOING TO HAPPEN WHEN ALL THOSE 50-YEAR-OLD HOUSES WANT TO GET THESE HUGE TAX BREAKS, THEY DEALT WITH THE FUTURE BY LOOKING AT THE FUTURE. FIRST BY GRANDFATHERING THE CURRENT EXEMPTIONS AS THE ONLY WAY WAY TO TREAT PEOPLE THAT MADE FINANCIAL COMMITMENTS. THEY DEALT WITH THE FUTURE WITHOUT VIOLATING PRIOR AGREEMENTS AND BY SAYING WHAT'S REALLY IMPORTANT, WHAT THE CITY SHOULD CONTRIBUTED FOR ECONOMIC INCENTIVES TO GENERATE THIS GREAT RETURN ON INVESTMENT WAS TO FOCUS ON SIGNIFICANT STRUCTURES, NOT EVERY 50-YEAR-OLD HOUSE REALLY DESERVES THE CITY'S ECONOMIC INCENTIVE. SIGNIFICANT STRUCTURES DO, AND I THINK THAT'S WHAT THE TASK FORCE DEALT SO WELL WITH. THE OTHER THING I WOULD LIKE TO THANK THE TASK FORCE FOR ADDRESSING THAT WAS MAYBE A LITTLE OUTSIDE OF THEIR SCOPE, THINGS LIKE WAYS TO ENCOURAGE INCENTIVES FOR LOWER-INCOME PROPERTY OWNERS AND LOWER-INCOME NEIGHBORHOODS. THEY FOCUS ON WAYS TO SAVE NEIGHBORHOODS, AND THEY ALSO FOCUSED ON WAYS TO EQUALIZE THE PROPERTY TAX APPRAISAL PROCESS YOU A MONKS HISTORIC PROPERTIES. -- AMONGST. AS I SAID, WE DIDN'T AGREE ON EVERYTHING, BUT ALL IN ALL WE'RE VERY APPRECIATIVE IN ACKNOWLEDGING THE HARD WORK THE PRESERVATION TASK FORCE DID AND WE RECOMMEND ADOPTION OF THEIR



RECOMMENDATIONS. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. McDANIEL. COUNCILMEMBER SLUSHER.

Slusher: I DON'T WANT TO BE TOO PICKY, BUT IT WAS SAID COUNCIL ROUTINELY HANDS OUT TAX BREAKS TO SUBURBAN SHOPPING CENTERS. [LAUGHTER] PARAGRAPH I ONLY KNOW OF ONE THAT WOULD FALL INTO THAT CATEGORY. OF COURSE I DIDN'T VOTE FOR IT. [LAUGHTER] I JUST WANTED TO POINT OUT THAT'S NOT SOMETHING THE COUNCIL ROUTINELY DOES.

Mayor Wynn: THANK YOU, COUNCILMEMBER. MICHAEL METTOWER. AND YOU WILL BE FOLLOWED BY HAL MORRIS. MICHAEL, HANG ON, SOME FOLKS WANTED TO DONATE TIME TO YOU. JACKIE SHROUD. AND MARINE SIRHALL. MICHAEL, YOU HAVE UP TO NINE MINUTES.

I'LL TRY NOT TO USE IT.

Mayor Wynn: YOU SAW HIM BY DONATING THREE MINUTES BACK TO US.

I'LL TRY TO DO THE SAME. GOOD EVENING. MY NAME IS MICHAEL MATOWER. THAT RHYMES WITH LAWYER. I WOULD LIKE TO EXPRESS MY APPRECIATION FOR BE GIVEN THE OPPORTUNITY TO ADDRESS COUNCIL. I'M HERE TO EXPRESS SUPPORT FOR THE RECOMMENDATIONS OF THE HISTORIC PRESS PRESERVATION TASK FORCE AND IN PARTICULAR THEIR ORIGINAL RECOMMENDATION TO GRANDFATHER CURRENT OWNERS OF DESIGNATED HISTORIC PROPERTIES. I COMMEND THE TASK FORCE AND CITY STAFF ON ALL THEIR HARD WORK IN PUTTING TOGETHER THIS REPORT AND THEIR THOUGHTFULNESS AND RECOMMENDATIONS. I OWN AND RESIDE IN AN HISTORIC HOME LOCATED AT 602 HAR T-LS THAT, JUST WEST OF DOWNTOWN IN THE OLD NEIGHBORHOOD. BUILT IN 1876, IT'S ONE OF THE OLDEST STRUCTURES IN AUSTIN STILL USED AS A RESIDENCE. WHEN I PURCHASED THE HOUSE IN 1999, IT'S HISTORIC STATUS WITH THE CITY AND THE CORRESPONDING TAX ABATEMENTS WERE A KEY SELLING POINT AND MADE IT AFFORDABLE THE ME. IT WAS PROMOTED IN THE

MARKETING MATERIALS FOR THE HOUSE. THE HOUSE IS ALSO ON THE NATIONAL REGISTER AS ARE A NUMBER OF HOUSES IN AUSTIN, I'M NOT ELIGIBLE FOR FEDERAL TAX CREDITS BECAUSE IT IS A RESIDENCE. SPENT SEVERAL THOUSAND DOLLARS EACH YEAR MAINTAINING AND REHABILITATING THE RESIDENCE. I'VE SPENT OVER A YEAR AND INCURRED SIGNIFICANT ARCHITECT AND CONTRACTOR FEES IN PLANNING A MAJOR RESTORATION PROJECT. AGAIN, RELYING ON RECEIVING THESE TAX BENEFITS GOING FORWARD. JUST AS I HAVE RELIED ON THE CURRENT TAX STRUCTURE, MANY OTHER OWNERS IN AUSTIN, SOME OF WHOM YOU WILL HEAR FROM TONIGHT, HAVE SIMILARLY RELIED ON THE STRUCTURE IN PURCHASING THEIR HOMES, FINANCING THEIR HOMES, RESTORING THEIR HOMES, SEEKING HISTORIC DESIGNATIONS, AND/OR PLANNING FOR THEIR RETIREMENT IN VIEW OF THE HISTORIC PROPERTY OWNERS' RELIANCE ON THIS CURRENT SYSTEM AND THE SIGNIFICANT NEGATIVE IMPACT OF THE AMENDED TASK FORCE PROPOSAL, I BELIEVE BASIC NOTIONS OF FAIRNESS DICTATE THAT THE PROPERTY TAX RULES SHOULD NOT BE CHANGED IN MIDDLE OF THE GAME FOR THESE OWNERS. I UNDERSTAND THAT THE CITY ATTORNEY HAS RAISED SOME CONCERNS THAT GRANDFATHERING MIGHT VIOLATE THE TEXAS CONSTITUTION'S EQUAL AND UNIFORM REQUIREMENT FOR PROPERTY TAXES. WHILE I'M AN INTELLECTUAL PROPERTY ATTORNEY AND NOT A REAL ESTATE ATTORNEY, I'VE RESEARCHED THIS ISSUE AND I BELIEVE THE CITY ATTORNEY'S CONCERNS ARE MISPLACED. LIKEWISE I UNDERSTAND NEITHER OF THE ATTORNEYS SERVING ON THE TASK FORCE SHARED THESE CONCERNS. UNDER THE TEXAS COURTS' INTERPRETATION OF THE EQUAL AND UNIFORM REQUIREMENT, PROPERTY TAX LAWS MAY PROVIDE FOR DIFFERENT TREATMENT PROVIDED THERE IS A REASONABLE BASIS FOR MAKING THIS DISTINCTION. THIS IS ESSENTIALLY THE SAME TEST THAT COURTS APPLY IN ASSESSING THE EQUAL PROTECTION REQUIREMENT OF THE U.S. CONSTITUTION AND TEXAS COURTS HAVE LOOKED TO A NUMBER OF FEDERAL COURT DECISIONS FOR GUIDANCE IN APPLYING THE EQUAL AND UNIFORM REQUIREMENT. IN ONE CASE WHICH WAS CITED BY THE TEXAS SUPREME COURT, THE UNITED STATES SUPREME COURT ANALYZED THE LEGALITY OF A CALIFORNIA LAW

WHICH WAS GRANDFATHERING AS COMPARED TO NEW PURCHASERS. ESSENTIALLY THE SAME PRINCIPAL INVOLVED HERE. THERE THE SUPREME COURT FOUND AMPLE JUSTIFICATIONS FOR GRANDFATHERING, NAMELY, QUOTE, THE LEGITIMATE INTEREST IN LOCAL NEIGHBORHOOD PRESERVATION, CONTINUITY AND STABILITY AS WELL AS THE PROTECTION -- THIS IS A QUOTE, PROTECTION OF THE REASONABLE RELIANT INTEREST OF THE EXISTING PROPERTY OWNERS. A NEW OWNER HAS FULL INFORMATION ABOUT THE SCOPE OF FUTURE TAX LIABILITY BEFORE ACQUIRING THE PROPERTY, AND I'M SORRY, I'M STILL A QUOTE HERE. IF HE THINKS THE FUTURE TAX BURDEN IS TOO DEMANDING, HE CAN DECIDE NOT TO COMPLETE THE PURCHASE. AN EXISTING -- PURCHASE. TO MEET HIS TAX OBLIGATIONS, HE MIGHT HAVE -- MIGHT BE FORCED TO SELL HIS HOME. AND THE COURT GOES ON TO LIST OTHER CONSEQUENCES. THUS THE U.S. SUPREME COURT CASE SQUARELY ADDRESSES THE CITY ATTORNEY'S CONCERN THAT GRANDFATHERING HERE MIGHT BE ILLINOIS LEGAL BECAUSE IT -- ILLEGAL PERCAUSE IT TREATS HISTORIC OWNERS DIFFERENTLY. I ALSO LEARNED THERE MIGHT BE A CONCERN IDENTIFIED RELATED TO THE FACT THAT THE EXEMPTION WAS TIED TO THE OWNER VERSUS BEING TIED TO THE PROPERTY AND I BELIEVE WE ALREADY HAVE THOSE TYPES OF EXEMPTIONS OVER 65, DISABLED VETERANS. IN OUR SYSTEM, I BELIEVE ALREADY TREATS PEOPLE DIFFERENTLY DEPENDING WHEN THEY PURCHASE THE PROPERTY WITH THE 10% CAP. THAT'S ANOTHER EXAMPLE. FINALLY IN MY RESEARCH I IDENTIFIED A RECENT KHAEBURG IN THE TEXAS PROPERTY CODE WHERE THEY WERE DOING AWAY WITH A CERTAIN EXEMPTION FOR NO ONE PROFITS. AND IN THE STATUTE THE LEGISLATURE PROVIDED THAT IF YOU HAD BEEN QUALIFIED AS A NON-PROFIT IN 2003, THEN YOU COULD KEEP THAT GOING FORWARD IN 2004, WHEREAS NEW APPLICANTS WOULD NOT GET THE SAME EXCEPTION. IF, AND I -- THOUGH I HAVEN'T SPECIFICALLY RESEARCHED THE CITY CODE, I EXPECT THERE ARE NUMEROUS EXAMPLES OF GRANDFATHERING TO PROTECT THE INTERESTS OF PROPERTY OWNERS RELATING TO LOT SIZE, IMPERVIOUS COVER, SIGNAGE, ET CETERA. GIVEN THAT A NUMBER OF PEOPLE'S NEW TAXES WOULD BE MORE THAN -- MORE -- MANY, MANY MORE TIMES THAN THEY

ARE CURRENTLY, I BELIEVE MANY PEOPLE MAYING FACING A DIFFICULT SITUATION WITHOUT GRANDFATHERING. I'VE LOOKED AT THE NUMBERS AND SOME PEOPLE'S TAX WILL INCREASE BY 10 TIMES, 11 TIMES, 9 TIMES, 6 TIMES, 12 TIMES. SURE SOME OF THESE PEOPLE MAY BE ABLE TO AFFORD THE INCREASE, BUT SOME OF THEM WILL NOT BE ABLE TO. SOME OF THEM ARE RETIRED. ONE OF MY ELDERLY NEIGHBORS THAT LIVES DOWN THE STREET, SHE'S LIVED IN HER HOUSE ALMOST ALL HER LIFE. HER TAXES ARE A TEN-FOLD INCREASE. IF YOU FACTOR IN THE AISD TAXES, IT COULD BE SERIOUS. I THINK IT'S HIGHLY UNLIKELY A COURT WOULD FIND GRANDFATHERING TO BE ILLEGAL. I LOOKED AT EVERY TEXAS CASE -- [BUZZER SOUNDING]

Mayor Wynn: PLEASE CONCLUDE.

I'M SORRY?

Mayor Wynn: PLEASE CONCLUDE.

OKAY. I FOUND NO CASES FINDING GRANDFATHERING TO BE I ILLEGAL OR EVEN DEALING WITH GRANDFATHERING AND I DID FIND A U.S. SUPREME COURT CASE THAT WAS SQUARELY ON POINT FINDING TKPWRAUPBD FINDING GRANDFATHERING TO BE AM PHREU JUSTIFIED.

McCracken: I WANTED TO ASK A QUESTION. BASED ON THE CASE LAW HE CITED, THE CITY ATTORNEY COULD GIVE US, YOU KNOW, SOME I WILL LOOSE EDUCATION ON THEIR THINKING FOR THINKING THE GRANDFATHERING WOULD NOT BE [INAUDIBLE].

COUNCILMEMBER, WE CERTAINLY WOULD BE WILLING TO DO THAT, BUT MY ADVICE IS WE DISCUSS THAT IN CLOSED SESSION.

BOO!

McCracken: OKAY.

Mayor Wynn: WHICH WE'RE POSTED TO DO LATER. PERHAPS IF WE GO THROUGH THE CARDS --

REASON WHY IN CLOSED SESSION. THIS IS A QUESTION OF JUST LAW, THAT'S ALL. THERE'S NOTHING SECRET ABOUT IT. [APPLAUSE]

Mayor Wynn: THANK YOU, MR. LOWE. COUNCIL, I SUGGEST WE TRY AND GET THROUGH THE CARDS. WE'LL PROBABLY HAVE A NUMBER OF COMMENTS WE COULD ASK THE CITY ATTORNEY AND ANY NUMBER OF THOSE MAY OR MAY NOT BE APPROPRIATE FOR CLOSED SESSION. MR. HAL MORRIS. WELCOME. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY JOE PINELLI.

GOOD EVENING. I APPRECIATE THE OPPORTUNITY TO SPEAK. MY NAME IS HAL MORRIS. MY WIFE AND I LIVE IN THE HANCOCK NEIGHBORHOOD WHERE WE OWN ONE OF THE FEW HISTORIC HOMES. LIKE THE PREVIOUS SPEAKER, I AM AN ATTORNEY. I'VE PROUDLY BEEN EMPLOYED BY THE ATTORNEY GENERAL'S OFFICE FOR THE LAST 10 YEARS. AND AS YOU ALL CAN JUST SORT OF TAKE JUDICIAL NOTICE OF AS A STATE EMPLOYEE, I BY DEAF NATION DON'T HAVE A LOT OF MONEY. I WOULD LIKE TO TALK TO YOU ABOUT THE NOTION OF THE -- OF SUPPORT OF COURSE FOR THE CITY -- EXCUSE ME, FOR THE TASK FORCE RECOMMENDATION AND THE NOTION OF GRANDFATHERING. IN REVIEWING THE MEMBERS OF THE TASK FORCE, I MEAN IT JUST JUMPS OUT AT ME THAT THE TASK FORCE INCLUDES BOTH MR. HARRIS, A FORMER CITY ATTORNEY, AS WELL AS MR. DENISI, A RESPECTED ATTORNEY WITH THE BIGGERSTAFF LAW FIRM. I THINK IT'S CLEAR FROM THE PRESENTATIONS YOU'VE HEARD AND THE COUNTLESS HOURS THE TASK FORCE HAS SPENT PUTTING TOGETHER THEIR RECOMMENDATION THEY LOOKED AT ALL THE ISSUES AND LOOKING AT GRANDFATHERING, I'M CONFIDENT IN THEIR CONCLUSION THAT GRANDFATHERING WAS IN FACT LAWFUL. AND MY OWN RESEARCH CAN'T FIND ANYTHING THAT SAYS THAT IT IN FACT IS NOT LAWFUL. I WOULD LIKE TO REITERATE THE COMMENT MR. MANTOWER MADE AND THAT IS THAT LOOKING AT ALL THE CASES, AND I THINK THERE'S A SILENCE ON THIS ISSUE IN TEXAS LAW, THE CONSTITUTION WAS -- THIS GOES BACK TO 1876. I CAN'T FIND A SINGLE CASE, AND I WILL TELL YOU I'M AN EXPERT ON BANKRUPTCY LAW AND NOT A LAND USE LAW, BUT I CANNOT FIND A SINGLE CASE THAT SAYS THAT GRANDFATHERING IS

NOT PERMISSIBLE. WE HAVE TRIED UNSUCCESSFULLY AFTER ATTENDING A NUMBER OF TASK FORCE SESSIONS TO GET SOME GUIDANCE FROM THE CITY ATTORNEY'S OFFICE AS TO WHY THE CITY ATTORNEY BELIEVES THAT THIS IS NOT -- WHY THIS IS A PROBLEM. AGAIN, I SUBMIT AS DID SOMEONE FROM THE AUDIENCE, THIS IS A QUESTION OF LAW. IF THERE'S A CASE THAT YOU CAN'T DO THIS, A STATUTE, AN ORDINANCE, I REALLY THINK THAT THE CITIZENS DESERVE TO HAVE THAT BROUGHT TO THEIR ATTENTION. AND I'VE ASKED FOR AN OPPORTUNITY AND HAVE BEEN DENIED THE OPPORTUNITY TO SIT DOWN WITH A REPRESENTATIVE OF THE CITY ATTORNEY'S OFFICE AT AN INFORMAL DIALOGUE AND SEE IF WE CAN UNDERSTAND WHAT THE PROBLEM IS. I THINK THE TASK FORCE RECOMMENDATION IS VERY CLEAR. DESPITE THE RESERVATIONS OF THE CITY ATTORNEY THAT THIS IS A JUST AND APPROPRIATE PROCEDURE TO GO THROUGH, AND I WOULD URGE THAT THE COUNCIL ADOPT THE RECOMMENDATION OF MS. BAKER'S COMMITTEE AS ORIGINALLY SUBMITTED AND PERMIT THE GRANDFATHERING AS STATED. THANK YOU.

Mayor Wynn: THANK YOU, MR. MORRIS. JOE PINELLI. WELCOME, JOE. LET'S SEE. IS RANDY HANKHAMMER? HOW ABOUT KAY AND JOE HART, EITHER ONE. BOTH, AND/OR. JOE, YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT.

THANK YOU, MAYOR. MAYOR, COUNCILMEMBERS, STAFF, FRIENDS, CITIZENS, FELLOW HISTORIC PRESERVATIONISTS. I DON'T HAVE A SPEECH AS USUAL. I JUST HAVE SOME THOUGHTS I WANT TO SHARE. I MUST SAY THAT I SHARE THE THOUGHTS OF THE TWO PREVIOUS ATTORNEYS THAT SPOKE. I'M HERE REPRESENTING THE HERITAGE SOCIETY, I'M THE PRESIDENT OF THE HERITAGE SOCIETY. I DON'T UNDERSTAND THE GRANDFATHERING THING AND AS DRAMATIC AS THE IMPACT WILL BE, I CERTAINLY WOULD URGE ALL OF YOU TO AT LEAST HAVE AN INDEPENDENT SOURCE RECONFIRM THE CITY ATTORNEY'S OPINIONS. AND WE'RE NOT TRYING TO TALK THE CITY COUNCIL INTO GETTING THEMSELVES INTO TROUBLE, BUT I SPENT CONSIDERABLE ENERGY TALKING TO TAX ATTORNEYS AND I CAN'T FIND ANY OF THEM THAT THINK THIS IS AN ISSUE. BUT YET WE'VE BEEN LOCKED OUT OF ANY OPEN DIALOGUE AND

CLIENT RELATIONSHIP WITH THE CITY ATTORNEY. I'M MAKING THAT URGE. THE HERITAGE SOCIETY WHOLEHEARTEDLY SUPPORTS THE TASK FORCE AND WE WHOLEHEARTEDLY SUPPORT THE GRANDFATHERING. WHAT I HANDED THE MAYOR WAS A -- ABOUT 150 SUPPORT STATEMENTS FROM LANDMARK OWNERS SUPPORTING THE GRANDFATHERING. THEY'VE GOT SOME REALLY NICE -- A LOT OF THEM WROTE INDEPENDENT COMMENTS BELOW IT. WHICH ARE HEARTFELT AND INTERESTING. I GUESS ONE OF THE BIGGEST PROBLEMS I HAVE WITH NOT SUPPORTING THE GRANDFATHERING IS THE CITY OF AUSTIN AND THOSE BEFORE US REALLY TALKED THESE LANDOWNERS INTO A PROGRAM WITH THE SET OF INCENTIVES AND IT'S A BIT LIKE BAIT AND SWITCH. YOU'VE PULLED YOUR STRUCTURE INTO A LANDMARK SITUATION WHERE YOU HAVE TO CONDUCT A CERTAIN SET OF RULES AND THE INCENTIVES ARE NOT ENOUGH TO COVER WHAT IT COSTS TO MAINTAIN OLD HOUSES. AND THEN IN THE MIDDLE OF THAT YOU CHANGE THE RULES. A LOT OF PEOPLE, THERE'S A MISCONCEPTION THAT ALL THESE HOUSES ARE OWNED BY PEOPLE WITH A LOT OF MONEY. AND I WAS GOING NAME NAMES, JAMES SMOOT CAME TO ME THIS MORNING AT THE HISTORY CENTER PROGRAM AT THE DRISKILL AND SHE SAID PLEASE WOULD YOU SPEAK FOR ME BECAUSE, YOU KNOW, MY FAMILY HAS BEEN IN THIS HOUSE SINCE 1877 AND SHE SAID I DON'T THINK ANYONE REALLY UNDERSTANDS THE DRAMATIC IMPACT THAT GOING FROM \$200 A MONTH TO -- \$200 A YEAR TO 2,000 A YEAR WILL HAVE ON ME. AND IT'S JUST SO EASY TO PUSH A PENCIL AROUND AND NOT REALIZE THERE'S A TIER OF PEOPLE THAT ONE MIGHT MISS, THAT THIS IS EXTREMELY HARDSHIP ON. I'M DISAPPOINTED THAT NOT MORE PEOPLE DON'T UNDERSTAND THE HISTORIC WINDFALL, THE ECONOMIC WINDFALL OF HISTORIC PRESERVATION. 60% OF THE TOURISTS COME HERE BY THE CITY'S OWN -- BY THE STATISTICS OF THE TOURIST CENTER. COME HERE FOR HISTORY AND CULTURE. AUSTIN SIMPLY WOULDN'T BE WEIRD AND COOL WITHOUT THESE PROPERTIES. WE HAVE 400 PROPERTIES ON THE DESIGNATED HISTORIC LANDMARKS. MORE THAN THAT I THINK. THAT INVENTORY WOULD BE FAR LESS WITHOUT THIS PROGRAM. WELL, I HOPE YOU WILL GIVE SERIOUS CONSIDERATION TO HAVING THE REVIEW OF THE

GRANDFATHERING AND WE WANT TO THANK EVERYONE, PARTICULARLY THE PEOPLE ON THE TASK FORCE IN THE FIRST ONE. ALL THAT HARD WORK, EVERYBODY THAT CAME AND TALKED, I KNOW THIS IS A IS IS TIRING FOR YOU ALL AND YOU LOOK AT US LIKE WE'RE ALL CRAZY. WE'RE JUST HERE TRYING TO MAKE SURE THAT AUSTIN DOESN'T DETERIORATE. HEAR DETERIORATES INCREMENTALLY. IT DOESN'T DETERIORATE LIKE -- DOESN'T USUALLY EVAPORATE IN WHOLE SECTIONS. I DO WANT TO BRING ONE LAST ISSUE AND THIS IS NOT SOMETHING YOU CAN ADDRESS HERE, I DON'T THINK, BUT IT'S SOMETHING THAT'S REALLY IMPORTANT. WHAT'S HAPPENED IS IS THAT THE APPRAISAL DISTRICT IS NOW PUTTING HISTORIC STRUCTURES AGAINST EACH OTHER. THAT'S RAISED THE TAXES OF THE HISTORIC STRUCTURES BEYOND THIS INCENTIVE. THEY ARE NOT CLUMPING THEM GEOGRAPHICALLY. SO I HAVE SEVERAL PEOPLE THAT CAME TO ME AND SAID, MY GOSH, I'M BEING COMPED AGAINST THE PEASE MANSION AND I HAVE A 138 SQUARE FOOT HOUSE. THAT'S SOMETHING I THINK STAFF NEEDS TO WORK WITH THE APPRAISAL DISTRICT ON HOWEVER THIS COMES OUT. I DON'T THINK -- I WOULD HOPE YOU COULD DO IT BY ORDINANCE, BUT I'M ASSUMING THAT JUST NEEDS TO BE SOME KIND INSTRUCTION. BUT IT'S PARTICULARLY GOING TO BE HARD ON LOWER ECONOMIC HOUSING IF YOU ARE TRYING TO COMP HOUSING AGAINST OTHER HISTORIC HOUSING, YOU ARE NOT IN YOUR GEOGRAPHIC AREA. THANK YOU SO MUCH AND WE'RE PLUGGING FOR GRANDFATHERING OR HAVEN'T YOU HURD. [APPLAUSE]

Mayor Wynn: JEAN SHOCK. YES, SIR, THAT WILL BE FINE. THREE MINUTES AND YOU WILL BE FOLLOWED BY BILL KELLY.

MR. MAYOR AND MEMBERS OF THE COUNCIL, MY NAME IS EUGENE SHOCK, JR. I LIVE AT 2212 TPHAOU 2212 KNEW 2212 NEW SAY S.. THE HOUSE WAS BUILT BY MY GRANDFATHER IN 1886, THE SAME YEAR THAT THE CAPITOL WAS BUILT HER AND THE DRISKILL HOTEL. IT DATES PRETTY FAR BACK. JUST WHAT IS AN HISTORIC LANDMARK? I THINK AN HISTORIC LANDMARK IS A SYMBOL OF THE CONTRIBUTION THAT SOME PEOPLE OR AGENCIES HAVE MADE TO THE HISTORY OF A COMMUNITY. I THINK THESE SYMBOLS LIKE A PERSON WHO



GOES TO WASHINGTON, D.C., THEY SIGH THE CAPITOL, THE WHITE HOUSE, THE WASHINGTON AND LINCOLN MONUMENTS, THESE ARE SYMBOLS AND THEY ARE SYMBOLS OF THE CONTRIBUTION OF A FEW TO THE HISTORY OF OUR COUNTRY. I THINK THE CONTRIBUTIONS OF THE LOCAL PEOPLE HERE TO AUSTIN, TEXAS, SHOULD BE RECOGNIZED. IT HAS BEEN RECOGNIZED BY PREVIOUS COUNCILS. AND I THINK THIS EFFORT TO RECOGNIZE THEM AND GIVE THEM THE BENEFIT OF TAX ABATEMENT SHOULD BE CONTINUED TO SUPPORT THIS WHOLE EFFORT. THANK YOU.

Mayor Wynn: THANK YOU, MR. SHOCK. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

AND THOSE MORE MODEST, MORE STREET SCAPES AREAS OF OUR -- OF OUR WONDERFUL CITY THAT -- THAT ARE KIND OF GETTING EATEN AWAY, ONE AT A TIME, AT LEAST WE'LL HAVE A CHANCE IF WE HAVE AN OPPORTUNITY TO CREATE LOCAL HISTORIC DISTRICTS. CAN WATCH PRESERVATION PLANS AND BE ACTIVE IN SAVING THEM. I'M IN FAVOR OF THE TASK FORCE RECOMMENDATIONS AS THEY ARE WRITTEN. THERE IS ONE THING THAT I WOULD ASK, I KNOW THAT STEVE SADAMSDAD SADOWSKY MADE A RECOMMENDATION, HAVING JUST GONE THROUGH THE HISTORIC PRESERVATION PROCESS IN MY NEIGHBORHOOD, KNOWING HOW TIME CONSUMING, MY MAGICIAN'S MIND SAYS 30% TO INITIATE, 50% TO ACTUALLY COME IN FRONT OF THE HISTORIC LANDMARK COMMISSION SIMPLY STRIKES ME AS DOUBLE WORK. 50% TO SIGN ON, THAT'S A GOOD SIGN. DON'T EVEN GO THROUGH THAT 30% PART. THAT'S JUST, YOU KNOW, YOU CAN'T GET UP IN FRONT OF THIS STAGE, IN FRONT OF YOU GUYS AND NOT COMPLAIN A LITTLE BIT. THANK YOU FOR YOUR TIME.

THANK YOU, LINDA TEAM, LET'S SEE, CLAUDETTE STILL HERE. BARBARA SPOKE EARLIER, SO SHE WON'T BE ABLE TO DONATE TIME TO YOU, MS. TEAM. SHE'LL HAVE UP TO SIX MINUTES, WELCOME.

THANK YOU MR. MAYOR, COUNCIL, I'M LINDA TEAM, I CALL MYSELF THE OLD AUSTIN REALITY TALKER, NOT JUST BECAUSE I'M OLD BUT BECAUSE I SPECIALIZE IN OLD AUSTIN.

I SPECIALIZE IN LANDMARK PROPERTIES AND AM A MEMBER OF THE BOARD OF HERITAGE SOCIETY AND PRESERVE AUSTIN. IN MY CAPACITY WITH THE HERITAGE SOCIETY, I TEACH A CLASS FOR REALTORS IN MARKETING AND SELLING HISTORIC PROPERTIES. IT'S OUR ATTEMPT TO HELP THE REAL ESTATE INDUSTRY UNDERSTAND WHAT'S AT STAKE IN OUR LOCAL ORDINANCES AND NATIONAL PROGRAMS AND PRESERVATION IN GENERAL. MY PERSPECTIVE IS INFORMED BY MY WORK, ALTHOUGH IN THE INTEREST OF FULL DISCLOSURE, I WILL ADMIT THAT I'M AN OWNER OF A HOUSE THAT IS ALSO A LANDMARK. I WORK WITH PEOPLE WHO OWN PROPERTIES OF VARYING DEGREES OF HISTORIC IMPORTANCE AND PEOPLE WHO WANT TO BUY A PIECE OF HISTORY AND MAKE IT THEIR HOME. WHAT I HAVE SEEN SUGGESTS TO ME THAT THERE IS NOT AN ENDLESS LINE OF PEOPLE WANTING HISTORIC TAX BREAKS CONTRARY TO WHAT I KEEP HEARING. WHAT I HAVE SEEN SUGGESTS TO ME THAT A LOT OF PEOPLE HAVE THE TIME AND THE MONEY AND THE MEANS TO KEEP UP THEIR PROPERTIES AND THEY - - EVEN THOUGH IT MAY BE A VERY SIGNIFICANT HISTORIC STRUCTURE, THEY DON'T WANT TO GIVE OVER CONTROL OVER THEIR PROPERTY TO THE CITY OR ANYONE ELSE TO TELL THEM WHAT TO DO WITH IT. IF THEY CAN AFFORD TO KEEP IT UP, THEY ARE NOT LIKELY TO GIVE UP THE CONTROL. THEY OUGHT TO BE ABLE TO -- THEY WANT TO BE ABLE TO TEAR IT DOWN IF THEY FEEL LIKE IT, BUILD SOMETHING BIGGER. THE MORE LAND PRICES INCREASE IN THE CENTRAL AREA OF TOWN, THE MORE DEVELOPMENT PRESSURE WILL BE ON THESE AREAS AND -- AND NO MATTER WHAT THE PRICE LEVEL OF THE HOUSES ARE THAT ARE ON IT, YOU ARE SEEING PEOPLE BUY MILLION DOLLAR HOUSES AND TEAR THEM DOWN AND BUILD LARGER, SO I THINK WHAT -- THE CITY NEEDS TO DO IS THINK ABOUT WHAT IT IS THAT WE WANT TO PRESERVE. I WISH THAT THIS TASK FORCE WORK COULD HAVE HAPPENED IN A BETTER SYNCHRONIZATION WITH THE STUDY THAT WE ARE JUST UNDERTAKING WITH THE UNIVERSITY OF TEXAS UNDER THE CITY'S CONTRACT WITH THE ARCHITECTURAL PRESERVATION -- THE ARCHITECTURE SCHOOL PRESERVATION DEPARTMENT THAT HAS EMBARKED ON A LARGE, EXTENSIVE PROCESS TO RETHINK OUR HISTORIC PRESERVATION PROGRAM AND WE'VE JUST HAD SOME

HEARINGS THIS WEEK, MANY OF US WERE IN THOSE MEETINGS WHERE THE -- WHERE THEY ARE GOING TO DO LIKE GOOD PLANNERS DO WHEN YOU START WITH A BROAD GATHERING OF INPUT AND YOU CREATE A VISION. WHAT IS IT THAT WE WANT TO SAVE? AND WHAT WILL IT TAKE AFTER WE BUILD A CONSENSUS ABOUT WHAT WE WANT TO SAVE, WHAT WILL IT TAKE TO SAVE THOSE THINGS? WE CAN'T WAIT FOR THIS WHOLE, LONG PROCESS TO BE DONE THAT WILL GIVE US THE ANSWERS TO THOSE QUESTIONS BEFORE WE ACT ON WHAT'S BEFORE US TONIGHT. AND I THINK THE TASK FORCE WORK IS IMPORTANT AND DOES DESERVE TO BE ADOPTED, BUT WHAT I WOULD ENCOURAGE YOU TO THINK OF IS -- IS IN YOUR ACTION TONIGHT ON THIS TASK FORCE REPORT, IS TO THINK OF IT AS A PROVISIONAL DECISION OR AS A STEP IN THE RIGHT DIRECTION. BUT TO NOT SEE IT AS HAVING BEEN CARVED IN STONE. I -- OTHER PEOPLE HAVE SPOKEN ABOUT OTHER GOALS THAT YOU HAVE TO DEAL WITH, YOUR GOALS OF AFFORDABILITY, YOUR GOALS OF BUILDING THE TAX BASE, YOUR -- YOU ARE USED TO HAVING TO JUGGLE COMPETING GOALS, COMPETING GOODS. BUT I WOULD ENCOURAGE YOU TO -- TO WEIGH CAREFULLY AND KEEP INTENTION THE GOAL OF HAVING AFFORDABLE HOUSING, THE GOAL OF HAVING A CITY WITH CHARACTER. AND NOT WORRY AS MUCH ABOUT THE TAX BASE WHEN SOMETIMES THOSE GOALS ARE -- ARE IN THE BALANCE. IF ALL OF OUR PLANNING WERE DONE IN PURSUIT OF THE GOAL OF GROWING THE TAX BASE, WE WOULD END UP WITH A CHARACTERLESS CITY THAT ONLY THE RICH COULD AFFORD AND PUSH ALL THE NORMAL PEOPLE WITH REAL JOBS FURTHER AND FURTHER INTO THE SUBURBS. I'M TRYING TO SKIP OVER SOME OF THE THINGS BECAUSE THE POINTS HAVE ALREADY BEEN MADE. SO MY TESTIMONY IS A BIT CHOPPY. BUT I WOULD WANT TO SAY WHEN WE DO GET THE RESULTS OF THE U.T. PRESERVATION PROGRAM, THE RESULTS OF THEIR RECOMMENDATIONS FOR OUR PROGRAM, I THINK IT WILL GIVE US A BETTER BASIS ON WHICH TO BUILD THAN WE HAVE AT THIS POINT. OUR PRESERVATION PROGRAM IS 20 YEARS OLD. TECHNIQUES, PHILOSOPHIES OF THE PRACTICES WILL BE EVOLVED OVER TIME, I THINK IT WILL BE EXCITING TO SEE WHAT AUSTIN COMES UP FOR A NEW VISION OF WHAT WE WANT TO SAVE FROM OUR PAST. I WOULD JUST LIKE TO SAY THAT -- THAT IN

THE ABSENCE OF THE INFORMATION THAT'S GOING TO COME OUT OF THAT STUDY, IT FEELS TO ME A LITTLE BIT LIKE WE ARE TRYING TO DRAW A LINE IN A BUCKET OF WATER BECAUSE NOTHING HAS REFERENCE TO ANYTHING THAT'S REALLY SOLID. BUT WHEN WE GET THE INFORMATION THAT COMES FROM THIS STUDY ABOUT IMPACT IMPACTS -- ECONOMIC IMPACTS, CULTURAL RESOURCES, ABOUT THE WISHES OF OUR CITIZENS THEN WE WILL HAVE SOMETHING ON -- A SOLID BASE FOR WHICH WE CAN BUILD A PLAN THAT WOULD BE BRADLEY SUPPORTED BY PRESERVATION PROFESSIONALS, PLANNERS AND A WIDE DIVERSITY OF NEIGHBORHOODS ACROSS THE CITY. THANK YOU.

THANK YOU, MS. TEAM. COUNCIL, AS A POINT OF PRIVILEGE, A QUICK BREAK HERE, JOINING US TONIGHT WE HAVE EAGLE SCOTT BRAD GARNER, BRAD IS HERE WITH HIS TWO YOUNGER BROTHERS DAVID AND CLAY GARNER, IN BOY SCOUT TROOP 454, HERE TOWARDS THEIR CITIZENSHIP BADGE, WITNESSING GOOD GOVERNMENT HARD AT WORK. [LAUGHTER], PLEASE JOIN ME IN WELCOMING THEM. [APPLAUSE ]

Mayor Wynn: GOOD JOB, GENTLEMEN. OKAY. CONTINUING ON WITH OUR CARDS. DENNIS CARBOX. DENNIS CAR BOX, WELCOME, SIR, THREE MINUTES, FOLLOWED BY MIKE CLARK MADISON.

MR. MAYOR, MEMBERS OF THE COUNCIL, OTHER CITIZENS, THANK YOU FOR LETTING ME SPEAK TO YOU TONIGHT. I'M DENNIS CARBACH, I'M A RESIDENT ON CONGRESS AVENUE, 811 CONGRESS AVENUE BETWEEN THE SUBWAY AND THE ART MUSEUM. AS WELL AS BEING A MEMBER OF THE BOARD OF THE HERITAGE SOCIETY. I BOUGHT THIS BUILDING IN 2000. AND IF ANY OF YOU WERE EVER THERE YOU MIGHT HAVE BEEN TO THE ASIAN AMERICAN RESTAURANT ON CONGRESS AVENUE. WHEN I BOUGHT THAT BUILDING IT WAS ONE OF THE TRUE EYESORES ON CONGRESS AVENUE, FULL OF BATS, SMELLED LIKE PEANUT OIL AND BAT GUANO AS WELL AS BEING FULL OF ASBESTOS. I WENT THROUGH A MAJOR RENOVATION, RESTORATION PROJECT THAT JUST COMPLETED IN THIS CALENDAR YEAR. ACTUALLY IN JUNE. I MOVED IN, FOLLOWING ALL OF THE RULES, REGULATIONS, RECOMMENDATIONS OF CITY STAFF ON RESTORATION TO

RESTORE THE BUILDING FROM THE EYESORE THAT IT WAS AND FALLING DOWN, I MIGHT ADD, TO REALLY A TRULY BEAUTIFUL BUILDING ON MAIN STREET, TEXAS. ON CONGRESS AVENUE. HAVING SAID THAT, I WOULD ALSO AGREE WITH EVERYBODY IN THANKING THE TASK FORCE FOR THEIR HARD WORK AND CERTAINLY THE COUNCIL FOR LOOKING AT IT AND ACTUALLY ASKING THE TASK FORCE IN THE FIRST PLACE TO DO THIS SORT OF WORK. BUT I WOULD LIKE TO MAKE TWO POINTS: FIRST, WHEN THE CITY LED THE EFFORT DECADES AGO TO PROVIDE TAX RELIEF FOR PROPERTY OWNERS TO RESTORE HISTORIC STRUCTURES, THE CITY MADE A POWERFUL STATEMENT FOR THE STEWARDSHIP OF OUR HISTORIC FABRIC. AS A RESULT, AUSTIN PROBABLY HAS THE GREATEST INVENTORY OF HISTORIC STRUCTURES OF ANY CITY IN THE STATE. I USED TO LIVE IN HOUSTON. AND YOU HAVE TO LOOK HARD TO FIND AN HISTORIC STRUCTURE IN THAT CITY. NOW, UNFORTUNATELY, WE ARE FINDING OURSELVES EATING AWAY AT THAT INCENTIVE AND THE STEWARD SHIP THAT WE SAW TO ACTUALLY CONTINUE MAINTAINING THAT HISTORIC FABRIC. ALL THAT YOU HAVE TO DO IS LOOK AT CONGRESS AVENUE AND SIXTH STREET TO LOOK FOR THE NEED FOR PEOPLE TO RESTORE AND HELP THOSE BUILDINGS ALONG, I BELIEVE THOSE ARE TWO LISTED STREETS IN THE NATIONAL REGISTER. SECONDLY, ALTHOUGH A LOT OF THE POINTS THAT HAVE BEEN MADE AS I UNDERSTAND BY THE CITY COUNCIL AND STAFF IS THESE PARTICULAR REDUCTIONS IN THE EXEMPTIONS ARE GOING TO BE RATHER SLIGHT, BUT, YOU KNOW, IF -- IF GRANDFATHERING AND OTHER THINGS ARE NOT DONE, IF THE CITY PASSES ALL OF THESE ORDINANCES AND DOESN'T ACCEPT GRANDFATHERING, I WOULD BET A -- LOTS OF MONEY, EVERY DOLLAR THAT'S IN MY POCKET THAT AS SOON AS THE CITY, IF THEY DON'T ACCEPT GRANDFATHERING, ALL OF THE OTHER TAXING AUTHORITIES WILL FOLLOW SUIT AND CUT BACK ON THE EXEMPTIONS SO [BUZZER SOUNDING] THE KEY POINT IS IT WILL BE MUCH GREATER THAN WE THINK. PEOPLE LIKE ME AND EVERYBODY ELSE IN THE ROOM THAT HAVE HISTORIC STRUCTURES WILL HAVE QUITE A TAX BITE. IN CLOSING I WOULD STRONGLY AND REALL -- RESPECTFULLY REQUEST THAT THE COUNCIL FOLLOW THE RECOMMENDATIONS AND PASS THE ORDINANCE RECOMMENDED BY THE TASK FORCE,

THANK YOU.

THANK YOU, AND THANK YOU FOR THAT GREAT RESTORATION PROJECT. MIKE CLARK MADISON, WELCOME, CIRCUMSTANCE IS LINDA STILL HERE.

LINDA HAS TAKEN OFF, I WILL HAVE TO GIVE YOU THE HAIKU VERSION. I'M MIKE CLARK MADISON, PRESIDENT OF THE ORGANIZATION OF THE CENTRAL EAST AUSTIN NEIGHBORHOODS, CHAIR OF THE CENTRAL EAST AUSTIN NEIGHBORHOOD PLANNING TEAM, A RESIDENT AND HOMEOWNER FOR 10 YEARS PLUS IN EAST AUSTIN'S ONLY NATIONAL REGISTER DISTRICT AND THE VERY FIRST GOAL IN THE CENTRAL EAST AUSTIN NEIGHBORHOOD PLAN, WHICH YOU ADOPTED IN 2001 HAS TO DO WITH HISTORIC PRESERVATION, ONE OF THE ITEMS IN IT CALLS FOR THE CREATION OF SPECIFIC LOCAL HISTORIC DISTRICTS IDENTIFIED WITH BOUNDARIES BY NAME ALREADY BEEN SURVEYED READY TO GO IN THE PLAN. WE DID THAT BECAUSE WE FELT, STILL FEEL, THAT LOCAL HISTORIC DISTRICTS ARE A TOOL TO HELP AFFORD LOCAL RESIDENTIAL NEIGHBORHOODS IN EAST AUSTIN, OPEN THE DOOR FOR US TO DO A LOT OF OTHER THINGS. AS WE ARE GETTING CLOSE NOW TO ACTUALLY HAVING THE ORDINANCE TO HELP CREATE THOSE DISTRICTS WE ARE STARTING TO PANIC BECAUSE WE ARE SEEING THE GENTRIFICATION PRESSURE THAT'S COMING TO CENTRAL EAST AUSTIN. WE ARE AFRAID UNLESS WE TAKE AFFIRMATIVE ACTION AS WE ADOPT THIS ORDINANCE TO PROTECT SPECIFIC ANTI- GENTRIFICATION MEASURES TO PROTECT NEIGHBORHOODS SUCH AS THOSE IN CENTRAL EAST AUSTIN, THIS IS GOING TO BE A COUNTSER PRODUCTIVE EFFORT AND WE NEED TO CONSIDER WHETHER IN FACT WE DO WANT TO ENDORSE THIS SO STRONGLY IN OUR NEIGHBORHOOD PLAN. THAT'S WHAT BROUGHT US TO GETTING INVOLVED IN THE QUESTION BEFORE YOU, VIA THE WORK OF THE TASK FORCE RESOLUTION ADOPTED BY OCEAN THAT HAS BEEN WIDELY DISTRIBUTED AT THIS POINT. WE APPLAUD THE FACT THAT BOTH THE TASK FORCE AND STAFF HAVE CREATED THOSE SPECIAL PROVISIONS FOR REVITAL LOSING AREAS, LOW INCOME -- WE THINK THEY ARE A GOOD FIRST STEP. WE SUSPECT WE WILL BE THE GUINEA PIG TO FIND OUT AS

SOME OF OUR DISTRICTS COME ONLINE IF THEY ARE IN FACT ENOUGH OR IF THEY ARE IN FACT WORKING THE WAY WE WANT TO. I WOULD LIKE TO POINT OUT TO THE COUNCIL WE THINK IT IS ONE COMPONENT OF A MULTI-FACETED APPROACH. I THINK WE HAVE TALKED TO YOU INDIVIDUALLY AND AT TIMES IN VARIOUS CONTEXTS ABOUT HOW WE FEEL IT'S ESSENTIAL THAT THIS CITY LOOK IN ITS HOUSING FUNDS, HOUSING TRUST FUND, CDBG MONEY, OTHER SOURCES, TO AUGMENT THE AMOUNT OF MONEY THAT'S AVAILABLE FOR REHABILITATION FOR LOW INCOME PROPERTY OWNERS, OF HISTORIC PROPERTIES. IN ORDER TO PRESERVE THE HOUSING STOCK AND TO PRESERVE THE FABRIC OF THE DISTRICTS THAT WE ARE TRYING TO PRESERVE. WE ALSO THINK THAT AS PART OF HOUSING POLICY, WE NEED TO LOOK AT SOME OF THESE HISTORIC NEIGHBORHOODS AND WAYS TO ACQUIRE SOME OF THESE VULNERABLE PROPERTIES FOR THE PURPOSE OF CONVERTING THEM INTO AFFORDABLE HOUSING THROUGH CHODOS AND THUS CREATING THE OPPORTUNITY FOR AN ONGOING PRESENCE OF AFFORDABLE HOUSING IN NEIGHBORHOODS THAT ARE SO SUSCEPTIBLE TO GENTRIFICATION PRESSURE. I HAVE 11 SECOND LEFT. YOU CAN HAVE THEM BACK.

Mayor Wynn: THAT'S NOT ENOUGH TO COUNT MIKE, THANK YOU. JEFF AUTRY. WELCOME, YOU WILL BE FOLLOWED BY BILL BASHWAG GEL, IS PEOPLE AUTRY HERE. JEFF, YOU WILL HAVE UP TO SIX MINUTES.

THANK YOU, MR. MAYOR AND COUNCILMEMBERS. PAM AND I OWN THE MORRIS HOUSE AT 3126 DUVAL, WE BOUGHT IT IN 1993. WE -- WE ARE VERY PROUD OF OUR PROPERTY AND HAVE SPENT QUITE A BIT OF MONEY, BOUGHT IT IN THE PROCESS OF BEING FIXED UP AND SPENT QUITE A BIT OF MONEY RESTORING THAT HOUSE AND WE HAVE CONTINUED TO KEEP IT IN THE CONDITION THAT'S REQUIRED BY THE APPLICATION EACH YEAR FOR REDESIGNATION. WHEN WE BOUGHT THE HOUSE, IT WAS NOT DESIGNATED AS A HISTORIC STRUCTURE. SOME FRIENDS OF OURS IN THE NEIGHBORHOOD SUGGESTED THAT WE MIGHT WANT TO CONSIDER SEEKING THAT DESIGNATION. WE THOUGHT ABOUT THAT. WE THOUGHT WE ARE -- I'M NOT SURE WHY BUT WE LIKE LIVING IN OLD HOUSES, EVEN THOUGH THERE

ARE A LOT OF DRAWBACKS SO THAT AND NEIGHBORHOODS THAT ARE NOT COOKIE CUTTER NEIGHBORHOODS. SO THAT IS A VERY STRONG BENT OF BOTH PAM AND MYSELF. WE FOUND THIS HOUSE AND FOUND, YOU KNOW, THAT WAS THE BIG INCENTIVE FOR US. WHEN WE CONSIDERED HISTORIC ZONING, WE WEIGHED GIVING UP THE ABILITY -- WE HAVE APPROXIMATELY AN ACRE OF LAND, AT 32nd AND DUVAL STREET. IT'S SURROUNDED ON THREE SIDES BY MULTI--- WELL, BY CONDOMINIUMS AND APARTMENT HOUSES. IT IS BASICALLY AN ISLAND OF HISTORIC PRESERVATION IN THE MIDDLE OF OTHER PROPERTIES THAT HAVE NOT BEEN PRESERVED. AND WE ARE VERY GLAD THAT THAT'S THERE, BUT WE HAVE TO WONDER IF THE COMMITMENT WE THOUGHT WE WERE GETTING FROM THE CITY OF AUSTIN IS NOW, YOU KNOW, THE CONSIDERATION IS TO WITHDRAW THAT, THAT'S A VERY DISTURBING OWE ON NO, MA'AM FROM AN -- NOT ONLY FROM AN ECONOMIC STANDPOINT, BUT JUST FROM A MATTER OF PUBLIC TRUST. AND IS THAT THE KIND OF MESSAGE THAT THE COUNCIL WANTS TO SEND? I -- BELIEVE ME, HAVING BEEN INVOLVED IN GOVERNMENTAL AFFAIRS AS A LAWYER FOR THE PAST 30 YEARS IN AUSTIN, I KNOW THAT YOU HAVE A VERY TOUGH JOB. YOU ARE WEIGHING DIFFERENT INTERESTS. IT SEEMS LIKE MAYBE FAILING TO GRANDFATHER THE EXISTING STRUCTURES AND THE COST BENEFIT ANALYSIS OF THAT IS PRETTY MUCH OUT OF WHACK FROM WHAT I'VE HEARD. IT'S NOT GOING TO HAVE A BIG IMPACT. BUT IT IS GOING TO POTENTIALLY IN THE FUTURE SEND A MESSAGE TO PEOPLE THAT, YOU KNOW, IS IT WORTH DOING THIS WITH MY PROPERTY, IS IT WORTH TURNING OVER THAT KIND OF CONTROL. IF THE DEAL I MADE IS NOT GOING TO BE HONORED. SO -- SO I GUESS THAT -- THAT'S PRETTY MUCH WHAT I HAVE TO SAY. I THINK WE -- WE ALSO OWN PROPERTY IN -- NEAR FREDERICKSBURG, TEXAS AND WE GO THERE ON WEEKENDS. AND THERE ARE LITERALLY THOUSANDS OF PEOPLE WALKING THE STREETS IN FREDERICKSBURG. WHY IS THAT? WELL, THEY HAVE A LOT OF GOOD BAKERIES THERE. THE REAL REASON IS THAT THAT TOWN, THE ENTIRE TOWN, ALMOST WITHOUT EXCEPTION, IS A HISTORICALLY PRESERVED TOWN. THE MAIN STREET, ALL THE WAY BACK. SO THAT'S A LIVING EXAMPLE OF WHAT HAPPENS ECONOMICALLY WHEN A TOWN PRESERVES ITS HISTORIC



STRUCTURES. AND THAT IS THE SAME INCENTIVE. IF WE'RE TALKING DOLLARS, I THINK YOU'RE -- I THINK, YOU KNOW, THIS IS -- THIS IS BASICALLY A -- A MISGUIDED EFFORT IN THE LONG RUN IT'S GOING TO CAUSE MORE, BY FAR -- COST MORE, BY FAR, THAN WHAT YOU ARE GOING TO GAIN BY TAKING AWAY A FEW TAX BENEFITS, THANK YOU VERY MUCH FOR LISTENING. [ APPLAUSE ]

Mayor Wynn: THANK YOU. LOOKS LIKE BILLY BASHWAG GEL. FOLLOWED BY TERRY MYERS. YOU WILL HAVE THREE MIMENTS, SIR, WELCOME.

THANK YOU. I APPRECIATE YOU HAVING US HERE. AND I SHARED WITH THIS GENTLEMAN A LITTLE BIT EARLIER THAT MY FIRST HOUSE THAT I PURCHASED IN AUSTIN WAS ONLY 30 YEARS OLD. BUT WE DID SUBSTANTIAL WORK TO THAT HOUSE AND I THINK EVERYBODY WILL RELATE THAT WHEN I SOLD THAT FIVE YEARS LATER I MOVED TO A HOUSE THAT WAS ONLY 18 MONTHS OLD, IT WAS VERY NICE EVERYDAY TO COME HOME AND KNOW THAT EVERY FAUCET WORKED, THAT THE AIR CONDITIONER WORKED, THAT ALL OF THE THINGS WORKED IN THE HOUSE THAT SHOULD WORK. WITH HISTORIC PROPERTIES THAT DOESN'T ALWAYS HAPPEN. EVEN WITH PRIOR KNOWLEDGE IN 1997, I PURCHASED THE CASWELL HOUSE ON 15th STREET AT WEST. THAT'S MY OFFICE TODAY. THAT HAS BEEN A SIGNIFICANT INVESTMENT. AND IT HAS BEEN A SIGNIFICANT INVESTMENT FOR THE UPGRADES, FOR THE REPAIRS, FOR ALL OF THE THINGS THAT GO INTO A PROPERTY THAT IS 100 YEARS OLD. THAT SAID, WE ENJOY THE PROPERTY AND -- AND LOVE BEING THERE. AND FROM A COMMERCIAL STANDPOINT, BECAUSE MANY OF THE FOLKS HERE ARE HOMEOWNERS, DON'T LIVE THERE, MY WIFE SOMETIMES THINKS I DO BECAUSE IT IS MY OFFICE. HOWEVER, FROM A COMMERCIAL STANDPOINT, WHEN YOU LOOK AT HOW THE CITY OF AUSTIN PROFITS FROM THESE HISTORIC STRUCTURES, SEVERAL OF THE FOLKS HAVE MENTIONED TOURISM. EIGHT MONTHS, NINE MONTHS OUT OF THE YEAR, EVERY DAY, WE SEE THE DUCK TOUR COME DOWN 15th STREET AND THEY SLOW DOWN ALMOST TO A STOP IN FRONT OF OUR PROPERTY, WE SEE THEM TALKING AND EVERYBODY LOOKING AT OUR PROPERTY, THEY LOOK AT THE CASWELL HOUSE ACROSS THE STREET. THOSE ARE DOLLARS COMING TO THE CITY

AND THE CITY PROFITS FROM THOSE FOLKS COMING FOR THESE HISTORIC PROPERTIES. WE HAVE A BUSINESS THERE. I HAVE EMPLOYEES. THOSE EMPLOYEES WHO ARE EMPLOYED TODAY FILL UP THE APARTMENT HOUSES, THEY BUY HOUSES HERE, THE CITY OF AUSTIN PROFITS FROM THOSE HOUSES AND FROM THOSE APARTMENTS BEING FILLED. WE ALSO CONSIDER THAT THE CITY PROFITS WHENEVER SMALL BUSINESSES LIKE OURS ARE ACTUALLY IN BUSINESS. WE DON'T HAVE MONEY THAT IS JUST SITTING AROUND WAITING FOR SOMETHING ELSE TO COME AND GOBBLE IT UP. WE STRUGGLE EVERY DAY WITH HOW MANY EMPLOYEES WE CAN KEEP EMPLOYED WITH THE COST OF INSURANCE, EVEN THOUGH WE SELL INSURANCE, WE STRUGGLE WITH THAT JUST LIKE EVERY OTHER BUSINESS DOES, WITH ALL OF THE COST OF BUSINESS THE CITY DOES PROFIT WHEN SMALL BUSINESSES ARE THERE AND GROWING. AND THESE INCREASED COSTS THAT WE INCUR FROM THIS KIND OF A PROGRAM ARE UNEXPECTED. WHEN WE BOUGHT THE HOUSE IN 1997, I APPRECIATE YOUR TIME HERE [BUZZER SOUNDING] -- AND I FULLY SUPPORT THE -- THE RECOMMENDATIONS OF THE HISTORIC LANDMARK COMMISSION.

THANK YOU, MR. BUSHNAGLE. TERRY MYERS, YOU WILL HAVE THREE MINUTES FOLLOWED BY [INDISCERNIBLE] HAWKINS.

HI, MR. MAYOR, COUNCILMEMBERS, MY NAME IS TERRY MYERS. I'M A MEMBER OF PRESERVE AUSTIN AND I'M ALSO A HISTORIC PRESERVATION CONSULTANT. IN FACT, TODAY IS THE 20th ANNIVERSARY OF MY ENTERING THIS FIELD. AND IT IS A FIELD. PEOPLE SOMETIMES ASK ME, OH, PEOPLE PAY YOU TO DO THIS? YEAH, BUT NOT VERY MUCH. WHAT I DO IS I WRITE NATIONAL REGISTER NOMINATIONS AND LOCAL HISTORIC DISTRICT NOMINATIONS. UNFORTUNATELY I HAVEN'T WRITTEN ANY LOCAL HISTORIC DISTRICT NOMINATIONS IN AUSTIN BECAUSE WE DON'T HAVE THEM AND I'M -- WE DON'T HAVE THEM AND I'M HERE TODAY TO THANK THE TASK FORCE AND THE STAFF FOR THEIR VERY HARD WORK AND COMING UP WITH THE RECOMMENDATIONS THAT THEY HAVE. I'M PRIMARILY HERE TO SPEAK IN FAVOR OF LOCAL HISTORIC DISTRICTS. I DID A SURVEY FOR THE CITY FOUR YEARS AGO IN EAST AUSTIN

AND IDENTIFIED ABOUT 600 HISTORIC BUILDINGS AND RECOMMENDED DESIGNATION OF 7 HISTORIC DISTRICTS. NEW YORK AVENUE, SAM BERNARD, JUNIPER STREET, THE AREA BETWEEN 9th AND 10th ARE JUST SOME OF THE DISTRICTS THAT WE SAW AS BEING ELIGIBLE FOR NATIONAL REGISTER. AND I ALSO THINK THAT THEY WOULD BE ELIGIBLE FOR LOCAL DISTRICT STATUS. THE IMPORTANCE OF LOCAL DISTRICTS I THINK I MIGHT BE ABLE TO ILLUSTRATE THAT BY TALKING ABOUT RIO GRANDE CITY. A SMALL CITY ON THE BORDER THAT I NOW VOTE WITH AND I'VE WORKED WITH THEM ON THEIR LOCAL HISTORIC DISTRICTS OVER THE PAST COUPLECOUPLE OF YEARS. THREE YEARS AGO RIO GRANDE CITY WAS LISTED AS ONE OF THE 11 MOST ENDANGERED HISTORIC PROPERTIES IN THE CUP AS A CITY. NOW THEY HAVE LOCAL HISTORICS. THE AMOUNT OF RENOVATION, RESTORATION AND REBUILDING THAT'S GONE ON THERE IS PHENOMENAL, TRIEWRISM IS -- TOURISM IS UP, BUSINESSES MOVED BACK INTO HURRICANE INTO HISTORIC DISTRICTS. I WANT TO ENCOURAGE THE CITY TO ESTABLISH LOCAL HISTORIC DISTRICTS HERE WITH DESIGN REVIEW AND INCENTIVES TO HELP PEOPLE MAINTAIN WHO'S TRULY IMPORTANT AND SIGNIFICANT ABOUT AUSTIN HISTORY, THANK YOU.

ACTUALLY RIO GRANDE CITY WAS LISTED AS ENDANGERED WITH RAUL AL ALVAREZ LEFT. GLAD TO HEAR IT'S COMING BACK. LEE HAWKINS, WELCOME, FOLLOWED BY JACK EVANS.

I'M LIL HAWKINS, I LIVE AT 210 ACADEMY DRIVE. THIS HOUSE IS 100 YEARS -- 120 YEARS OLD. AND MY FAMILY HAS MAINTAINED IT FOR ALMOST 100 YEARS. IT WAS A SHOW PLACE OF CHARLES NEWMAN WHEN HE DEVELOPED FAIR VIEW PARK BACK IN 1885. SO IT HAS A LOT OF FEATURES THAT ARE NOT IN OTHER HOMES. IT HAS THE HINGES ON THE DOOR, THE SAME AS IN THE CAPITOL, THEY CAME OVER ON THE SAME BOAT IN 1885. I HAVE TRIED TO MAINTAIN THE HOUSE AS IT WAS ORIGINALLY BUILT. BEFORE 1954, THERE WERE 2.5 ACRES, BUT WHEN THE CITY PAVED THE THREE STREETS WHICH SURROUND MY HOUSE, MELISSA, LE GRAND AND HILLSIDE, MY FATHER GAVE THEM AN ACRE OF LAND SO HE WOULD NOT HAVE TO PAY FOR THE PAVING. THAT CUT IS DOWN TO 1.6-ACRES. THAT STILL HAS THE WHOLE BLOCK. I LIVE ON A FIXED INCOME. AND I DON'T THINK I'LL BE ABLE TO

MAINTAIN THIS HISTORIC HOME IF YOU UP MY TAXES. CURRENTLY MY TAXES ARE BELOW \$2,000 A YEAR. I HAVE JUST PUT ON A NEW ROOF AND THAT COST ME 8,000. I'M CURRENTLY PAINTING IT, THAT'S GOING TO COST ME 5,000. I NEED TO TRIM MY TREES, I HAVE 65 TREES. AND IF I TRIM THOSE, THAT'S GOING TO BE -- ANYWHERE FROM 6 TO 10,000. SO IF YOU UP MY TAXES, IT'S GOING TO BE AWFULLY HARD ON THIS LITTLE OLD LADY. I SURE HOPE YOU WILL TAKE SOME CONSIDERATION ON THE HOME THAT I PROMISED MY MOTHER THAT I WOULD KEEP IN THE FAMILY IF AT ALL POSSIBLE. THANK YOU VERY MUCH.

THANK YOU, MS. HAWKINS. [ APPLAUSE ]

[INDISCERNIBLE]

Mayor Wynn: THANK YOU, MA'AM, YOU ARE LOOKING WELL. JACK EVANS WILL BE FOLLOWED BY JIM BALLARD.

GOOD EVENING, MAYOR AND COUPLE. MY NAME IS JACK EVANS, MY WIFE AND I LIVE AT 4104 AVENUE F IN HYDE PARK, OUR HOUSE WAS BUILT IN 1892, WHICH MAKES IT ONE OF THE TWO OR THREE OLDEST RESIDENCES STILL IN EXISTENCE IN HYDE PARK. WE BOUGHT IT IN 1977, GOT IT ZONED HISTORIC I BELIEVE IN 1979. WE UNDERTOOK SEVERAL ROUND OF MODEST IMPROVEMENTS, IT'S BEEN PRETTY MUCH OUR ADULT LIFE'S WORK OUTSIDE OF EMPLOYMENT. ALL IN AN EFFORT TO MAINTAIN WHAT ESSENTIALLY REMAINED A ONE BEDROOM HOME. IN 2002 WE DECIDED THAT WE HAD TO EITHER MAKE MAJOR IMPROVEMENTS IN THE HOUSE OR MOVE. THE FOUNDATION NEEDED WORK, PLUMBING AND WIRING NEEDED TO BE UPGRADED TO CODE. WE THOUGHT THAT WE MIGHT EVEN ADD A SECOND BEDROOM, IMAGINE THAT, MODERNIZE OUR KITCHEN AND MAYBE BUMP THE SIZE OF THE HOUSE ALL THE WAY UP TO ABOUT A MASSIVE 2,000 SQUARE FEET. IT WAS A CHOICE, THOUGH, OUR DEDICATION TO OUR HOME, TO OUR NEIGHBORHOOD, WE HAD BEEN THERE A LONG TIME, I WAS THE PAST PRESIDENT OF THE NEIGHBORHOOD ASSOCIATION IN HYDE PARK. IT WAS A TOUGH CHOICE. PROBABLY WAS NOT NECESSARILY A GOOD ONE FROM AN ECONOMIC STANDPOINT FOR US GIVEN OUR CIRCUMSTANCES, BUT WE DID OPT TO STAY AND TO INVEST

UNDER THE PRESUMPTION OF ABATEMENTS CONTINUING. AS WE PROCEEDED WITH THE PROJECT, ASIDE FROM GIVING EMPLOYMENT TO SEVERAL DOZEN PEOPLE, UNDER CONTRACT, WE FOUND THAT THE HOUSE WAS IN LARGE PART STILL RESTING ON ITS ORIGINAL CEDAR STUMP PIERS. WE FOUND THAT TREE ROOTS HAD RUPTURED A WATER LINE, WATER WAS PUTTING UP TO US UNKNOWN TO US UNDER OUR HOUSE. I AM NOW AS I WAS THEN A STATE EMPLOYEE AS MR. MORRIS SUGGESTED THAT'S -- LEAVES US IN A CONDITION OF NEITHER BEING IMPOVERISHED NOR WEALTHY. TRUST ME, IF WE HAD KNOWN OTHERWISE REGARDING THE TIPATION OF THE ABATEMENTS, OUR CHOICE WOULD HAVE BEEN DIFFERENT. CHANGING THE RULES OF THE GAME NOW TO US SEEMS A GESTURE OF BAD FAITH. BUT EVEN OUTSIDE OF THE IMPLICATION TO US INDIVIDUALLY, WE ENCOURAGE THE COUNCIL TO CONSIDER THE EFFECTS OF A CHANGE OF THE GRANT -- REGARDING THE GRANDFATHERING ON THE STABILITY OF THE NEIGHBORHOOD WHAT THAT MIGHT DO TO CONTINUITY OF OWNERSHIP. IF WE HAD SOLD OUR HOUSE, THE PROBABLE OUTCOMES WOULD HAVE EITHER BEEN THAT SOMEBODY WITH A MUCH HIGHER INCOME WOULD HAVE BEEN THE ONLY ONE THAT COULD HAVE BOUGHT THE HOUSE OR THAT INSTEAD THE HOUSE MIGHT POSSIBLE FALL INTO NEGLECT IF NECESSARY REPAIRS DUE TO REDUCTION IN THE LONG TERM INCENTIVES OF TAX ABECAME. GIVEN WHAT WE KNOW NOW OF WHAT WAS UNDER THAT HOUSE, THE OVERALL FUTURE OF THE HOUSE WOULD HAVE BEEN JEOPARDIZED. TO ME AGAIN THE CHOICE FOR US WOULD HAVE BEEN A DECISION THAT WOULD HAVE ULTIMATELY LED TO THE FURTHER GENTRIFICATION OF HYDE PARK OR TO THE DECLINE OF BOTH THE STRUCTURE AND ITS IMMEDIATE END VIER RONS. CONSEQUENTLY I CONCLUDE BY ENCOURAGING THE COUNCIL TO CONSIDER FAVORABLY THE TASK FORCE'S RECOMMENDATIONS REGARDING GRANDFATHERING. WE HAVE NOT BEEN PRESENTED WITH -- [BUZZER SOUNDING] -- A RATIONALE FOR THE CITY ATTORNEY'S OPPOSITION. AND IF WE WERE FAVORED WITH SUCH, PERHAPS WE COULD ADDRESS THOSE POINTS AS WELL. THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU, MR. EVANS. OUR LAST SPEAKER IS

JIM BALLARD. YOU HAVE CHECKED IN FAVOR OF, THANK YOU, MR. BALLARD. COUNCIL -- YES, SIR?

WHAT ARE WE IN FAVOR OF OR AGAINST? IT'S CONFUSING WHETHER WE ARE IN FAVOR OF THE ORDINANCE OR THE RECOMMENDATION BY THE [INDISCERNIBLE]

Mayor Wynn: WELL, I WILL ASK MR. BALLARD, IN FAVOR OF THE TASK FORCE RECOMMENDATION?

YES.

I WANTED TO MAKE IT CLEAR I SAID AGAINST, I'M FOR THE TASK FORCE RECOMMENDATION.

THANK YOU.

Mayor Wynn: COUNCIL, THAT'S ALL OF THE CARDS ON THIS ITEM, ITEM NO. 58. I WILL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

SO MOVE.

MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER DUNKERLY TO CLOSE THE PUBLIC HEARING. I DO THAT BECAUSE I NOW WITH -- WITH THE RECOMMENDATION FROM THE CITY ATTORNEY, I WILL BE STEPPING OFF THE DAIS AND RECUSING MYSELF. IN FULL DISCLOSURE, I OWN INCOME PRODUCING HISTORIC LANDMARK DOWNTOWN THAT HAS BEEN RECEIVING TAX ABATEMENTS SINCE I RENOVATED IT IN 1997. SO WITH THAT, WHICH GETS DISCLOSED ALL OF THE TIME, BUT I WANTED TO DO THAT PUBLICLY. I WILL LEAVE THE DAIS, I WON'T PARTICIPATE IN THE DELIBERATION IFS NEED BE, IF IT DOES GO INTO CLOSED SESSION, I WON'T BE INVOLVED IN THOSE DELIBERATIONS, EITHER.

EXCUSE ME, MAYOR. ON THE RECOMMENDATION DOES NOT CHANGE THE COMMERCIAL.

Mayor Wynn: I'M BEING ADVISED BY THE ATTORNEY TO DO THIS.

I WANTED TO MAKE SURE -- IN FACT SOMEBODY IN THE AUDIENCE TALKED ABOUT A COMMERCIAL PROPERTY. I BELIEVE THE TASK FORCE RECOMMENDATION MAKES -- I DON'T BELIEVE IT MAKES ANY RECOMMENDATION FOR CHANGE TO COMMERCIAL PROPERTY.

Mayor Wynn: AGREED, BUT --

Dunkerly: I WASN'T SAYING THAT YOU WERE.

Mayor Wynn: WITH THAT I WILL PASS THE GAVEL TO THE MAYOR PRO TEM, THANK YOU ALL.

Goodman: ARE THERE AT THIS TIME FURTHER QUESTIONS OR COMMENTS BY COUNCILMEMBERS? COUNCILMEMBER MCCracken HAD A QUESTION. I GUESS WE WILL WAIT FOR HIM.

Alvarez: A QUESTION FOR STAPH ON THE DIFFERENCES BETWEEN THE ORIGINAL TASK FORCE RECOMMENDATION OR MAYBE THE CHAIR OF THE TASK FORCE. BUT -- BUT MY UNDERSTANDING, AT LEAST MY RECOLLECTION IS THAT -- IS THAT THE REDUCTION IN THE LEVEL OF THE EXEMPTION WOULD HAVE BEEN MORE -- MUCH MORE DRASTIC OR SEVERE UNDER THE PREVIOUS TASK FORCE RECOMMENDATION OR ORIGINAL TASK FORCE RECOMMENDATION, SO HOW DO THOSE COMPARE. THAT WAS OBVIOUSLY WHEN WE ASSUMED THAT GRANDFATHERING WOULD BE ALLOWED. BUT I DID REMEMBER THAT THERE WAS A CHANGE IN TERMS OF THE AMOUNT OF VALUE THAT COULD BE EXEMPTED.

COUNCILMEMBER, THE PERCENTAGES UNDER THE ORIGINAL RECOMMENDATION DID NOT CHANGE. BECAUSE THE TASK FORCE WAS WORKING UNDER THE ASSUMPTION OF THE GRANDFATHERING PROVISION. THEN WHEN WE LEARNED THAT GRANDFATHERING WAS NOT FAVORABLY CONSIDERED BY THE CITY ATTORNEY'S OFFICE, WE WERE ASKED TO RECONVENE AND RECONSIDER OUR OPTIONS, SO THAT WAS THE RESULT BASICALLY A 15% REDUCTION FOR THE RESIDENTIAL PROPERTIES OVER A THREE YEAR PERIOD. THEN WITH THE CAP.

Alvarez: BUT FOR THE NEW LANDMARKS, THEY WOULD HAVE HAD A REDUCED EXEMPTION --

YES, SIR.

Alvarez: WHAT WAS THAT.

WITH THE ORIGINAL RECOMMENDATION THE NEW LANDMARKS COMING IN ORIGINALLY WOULD HAVE BEEN A 75 YEAR REQUIREMENT FOR THE HISTORIC ZONING, THAT WAS CHANGED.

Alvarez: 75 YEAR REQUIREMENT.

YEAH. NOW IT'S JUST IF THE STRUCTURE IS ZONED HISTORIC.

Alvarez: IN TERMS OF THE AMOUNT OF PROPERTY TAX EXEMPTION THAT THOSE NEW STRUCTURES WOULD QUALIFY FOR, WAS IT THE SAME 7 SCHEME --

WOULD HAVE BEEN THE SAME SCHEME.

THAT WE HAVE IN THIS PROPOSAL?

YES.

ALL RIGHT. THANK YOU.

I'M SORRY, STAFF REMINDED ME THAT WE DID HAVE THE CAP. \$2,000 OR 50% OF THE CITY'S TAXES, WHICHEVER WAS GREATER. SO THE CAP WOULD HAVE APPLIED TO NEW ONES COMING IN. EVEN WITH THEIR ORIGINAL RECOMMENDATION.

IN THERE THERE IS NO CAP.

THERE IS A CAP. THAT IS THE CAP.

Alvarez: OKAY.

Dunkerly: MAYOR PRO TEM, I HAD ONE QUESTION. THE \$2,000 CAP, I ANY IT'S A MAXIMUM OF 2,000 OR 50% OF THE TAXES,



WHICHEVER IS HIGHER; IS THAT CORRECT?

THAT'S CORRECT.

THE \$2,000 WOULD COVER A TOTAL VALUE OF ABOUT WHAT, 450,000 OR --

A LITTLE BIT HIGHER THAN 450,000.

ABOUT 450,000. SO THERE WOULD BE NO TAX UNLESS THE VALUE OF THE HOUSE WAS ABOVE THAT?

THAT'S RIGHT. ACTUALLY THE TASK FORCE CAME UP WITH THE \$2,000 FIGURE BECAUSE THAT WAS THE MEDIAN.

Dunkerly: THAT WAS THE MEDIAN, IF YOUR HOUSE WAS 450,000 OR LESS, YOUR 2,000 CAP WOULD COVER THE TAXES THEN?

RIGHT, THE CAP IS JUST A MAXIMUM. ANYBODY WHO IS RECEIVING AN EXEMPTION UNDER 2,000 THE CAP WOULD NOT KICK IN.

Slusher: MAYOR PRO TEM? I JUST WANT TO MAKE SURE THAT I UNDERSTAND THAT. SO THE NO -- THE TAXES WOULDN'T CHANGE, THE TAX ABATEMENT WOULDN'T CHANGE ANYTHING BELOW \$450,000 IN VALUE, IS THAT WHAT I JUST HEARD, UNDER THE PROPOSAL IF.

WELL, ACTUALLY, COUNCILMEMBER IT'S KIND OF DIFFICULT TO CALCULATE. YOU HAVE TO ALMOST DO IT ON AN INDIVIDUAL BASIS BECAUSE THE TAX EXEMPTION IS BASED ON THE VALUE OF THE LAND AND THE VALUE OF THE STRUCTURE. SO IT REALLY DEPENDS ON THE RATIO. THAT EACH OF THOSE VALUES REPRESENTS. IN CASES WHERE THE STRUCTURE VALUE IS LOWER THAN THE VALUE OF THE LAND, THEN THE TOTAL PROPERTY IS GOING TO BE LOWER BECAUSE THE EXEMPTION IS BASED ON THE 100% VALUE OF THE STRUCTURE. SO --

Slusher: WELL, THAT DIDN'T HELP ME AT ALL, BUT --  
[LAUGHTER]

Dunkerly: I THINK WHAT HE'S SAYING IS SOMETIMES THE LAND IS MORE VALUABLE THAN THE STRUCTURE, SO IF YOU HAVE A 50% ABATEMENT ON THE LAND, YOU ARE GOING TO PAY 50% OF PROPERTY TAXES ON THE LAND REGARDLESS OF ANY ABATEMENT ON THE --

Slusher: I UNDERSTAND THAT YOU HAVE TO CALCULATE THEM BOTH. WHEN YOU SAID THE MEDIAN WAS 450,000, THAT'S THE MEDIAN OF ALL HISTORICALLY ZONED -- THAT'S THE MEDIAN OF WHAT?

THE ONLY MEDIAN THAT WE REALLY CALCULATED WAS THE \$2,000, THAT IS THE VALUE OF THE EXEMPTIONS THAT WERE AWARDED IN 2003.

Slusher: SO TWO THOUSAND DOLLARS WOULD BE TAXES ON, IF YOU PUT THE LAND AND THE HOUSE TOGETHER OR THE PROPERTY -- THE LAND AND IMPROVEMENTS TOGETHER, WHAT WOULD BE THE VALUE IF YOU ARE PAYING 2,000 IN TAXES?

WELL, AGAIN IT'S HARD TO CALCULATE. I'M SORRY NOT TO BE ABLE TO GIVE YOU A DIRECT ANSWER ON THAT.

Slusher: DO YOU SEE WHERE I'M DRIVING, I'M TRYING TO FIGURE OUT WHAT VALUE WE ARE TALKING ABOUT WHERE THIS IS GOING TO BEGIN TO HAVE AN IMPACT ON PEOPLE --

GENERALLY IN THE \$400,000 RANGE. I DON'T THINK THAT YOU WOULD HAVE TOO MUCH OF A DISPARITY BEFORE \$400,000 ONE WAY OR ANOTHER.

THAT'S LAND AND IMPROVEMENTS.

THAT'S LAND AND IMPROVEMENTS, YES, SIR.

Slusher: I WILL LEAVE IT AT THAT.

McCracken: ONE OF MY QUESTIONS APPARENTLY NEEDS TO TAKE PLACE BEHIND CLOSED DOORS, I NEED MY -- BEHIND CLOSED DOORS, I NEED MY LAWYER FRIENDS TO STAY WITH ME TO DISCUSS THIS AFTER THE SESSION. THE SECOND QUESTION THAT I HAVE IS -- IS THE EXEMPTION OF

CURRENTLY APPLY ONLY TO CITY PROPERTY TAXES? ARE THERE COUNTY AND SCHOOL DISTRICT HISTORIC EXEMPTIONS, DO THEY TIE IN AT ALL, DO WE KNOW THAT?

COUNCILMEMBER, THEY MIRROR OURS AS FAR AS THE PERCENTAGES. AND THEY ADOPTED THEM ACTUALLY AFTER THE CITY SET THE -- THE BAR IF YOU WILL. AND SUBSEQUENT TO THAT, THE ONLY CHANGE IN THEIR PERCENTAGES FOLLOWING THE CITY'S HAS BEEN THE AISD'S CUTTING THEIRS IN HALF. SO I THINK WHERE YOU ARE GOING, I MAY JUST STEP AHEAD OF YOU IF I MIGHT, MORE THAN LIKELY WHATEVER ACTION THE COUNCIL TAKES ON THIS, THE OTHER TAXING ENTITIES, AISD, A.C.C., AND THE COUNTY, WILL PROBABLY FOLLOW THAT SAME FORMULA AS THEY HAVE MAINTAINED OURS THROUGHOUT.

McCracken: YEAH, THAT'S PARTICULARLY IMPORTANT BECAUSE THE CITY PROPERTY TAX LOAD ON YOUR BILL IS ONLY 16% OF YOUR TOTAL PROPERTY TACK. WHATEVER WE DO WILL BE MAGNIFIED CONSIDERABLY IN THE WHOLE. BY SHAVING OFF A COUPLE OF PERCENTAGE POINTS, FOR INSTANCE, CAN YOU -- CAN YOU ALL SPEAK TO THE TASK FORCE'S THINKING ABOUT WHAT WAS TO BE GAINED FROM -- FROM GOING TO 95 AND THEN TO 90 TO 85%?

COUNCILMEMBER, I THINK OUR -- OUR THINKING WAS BASED ON SOME OF THE INFORMATION PROVIDED TO US BY OUR VERY CAPABLE STAFF AND THAT WAS THAT THE CITY MANAGER HAD REQUESTED ALL DEPARTMENTS TO COME IN WITH THE 15% REDUCTION AND IF I MISSTATE IT, PLEASE TELL ME, FOR THE BUDGET YEAR BECAUSE OF THE SHORTFALL OR THE FINANCIAL SITUATION OF THE CITY. WE FELT THAT THAT WAS ONLY FAIR THAT THE TASK FORCE HAD THAT -- HAVE THAT SAME GOAL, THAT'S WHY WE PRO RATED OUT THE 15% OVER THE THREE YEAR PERIOD.

McCracken: MY SENSE IS THAT -- THAT WE HAVE SET, I BELIEVE APPROPRIATELY HIGHER STANDARDS ON HOW YOU GET HISTORIC ZONING FOR EXEMPTIONS IN THE FUTURE. IS THAT CORRECT?

WE HAVE TIGHTENED THE CRITERIA, YES.

McCracken: WHICH WOULD ALSO HAVE THE EFFECT OF PRESUMABLY RESULTING IN FEWER HISTORIC EXEMPTIONS.

IT SHOULD, YES.

McCracken: DO WE HAVE ANY -- DO WE HAVE ANY SENSE OF -  
- OF A COUPLE OF NUMBERS. THE FIRST IS IF WE DON'T GRANDFATHER, HOW MUCH MONEY THE -- WHAT THAT MEANS IN THE TAX ROLLS? MY GUESS IS NOT A WHOLE LOT. BUT I DON'T KNOW. I WOULD LIKE TO KNOW THAT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

I'M GOING TO DEFER TO SUE. HOW MANY WOULD BE AFFECTED BY THE CAP.

McCracken: WHAT DOES THAT 15 REFER TO IS WHAT I'M TRYING TO FIGURE OUT?

WAS IT 50 OR 15?

15.

THERE ARE 15 PROPERTIES THAT WOULD BE AFFECTED BY THE 2,000-DOLLAR CAP. IF WE DID NOT GRANDFATHER, WE'VE GOT A LITTLE OVER 400 PROPERTIES THAT ARE CURRENTLY DESIGNATED THAT WOULD FALL UNDER THE NEW SCHEME THAT THE TASKFORCE HAS RECOMMENDED.

McCracken: I WANT TO MAKE SURE OF THE NUMBERS. WE CURRENTLY HAVE 400 400 OWNER OCCUPIED HOMES THAT HAVE HISTORIC ZONING?

NO, I'M SORRY, SIR, WE HAVE ABOUT 270 OWNER OCCUPIED. WE HAVE 400 TOTAL.

McCracken: 400 TOTAL HOMES.

400 TOTAL LANDMARKS.

McCracken: BUSINESS AND RESIDENTIAL?

BUSINESS AND RESIDENTIAL.

McCracken: SO WE'RE NOT CHANGING ANYTHING WITH BUSINESS, THOUGH, RIGHT?

CORRECT.

McCracken: WE'RE DOWN TO 270 HOMES CURRENTLY ZONED HISTORIC, AND THEN YOU SAID 15 -- THAT 270 WOULD BE AFFECTED BY THIS?

BY THE CAP, YES, SIR.

McCracken: WELL, EVERYBODY WOULD BE AFFECTED BY THE CAP OR WOULD BE AFFECTED BY THE CHANGE, BUT ONLY 15 AFFECTED BY THE 2,000-DOLLAR.

RIGHT.

McCracken: DO WE HAVE ANY IDEA IF ANY OF THESE ARE PARTICULARLY NOTEWORTHY HISTORICAL STRUCTURES? PRESUMEBLY THEY ALL ARE. LIKE THE GOVERNOR'S MANSION.

COUNCIL, UNFORTUNATELY, THE GOVERNOR'S MANSION IS EXEMPT, OR FORTUNATELY, WHICHEVER. I WOULD LIKE TO PERHAPS RESPOND AND ENLARGE A LITTLE ON MR. PINELLI'S REFERENCE. IT'S THE SMOOT HOUSE ON WEST SIXTH, BUILT IN 1877. IN FACT, IF YOU'VE NEVER BEEN THERE, YOU CAN ACTUALLY SEE THE FINGERPRINTS IN THE BRICKS OF THE WORKMEN BECAUSE THE BRICKS WEREN'T QUITE DRY WHEN THEY BUILT THE HOUSE. IT WAS THE SITE OF THE WEDDING OF O'HENRY. THE PARLOR WAS USED FOR THE -- THE LIBRARY FOR THE CREATION OF THE PRESBYTERIAN SEMINARY. IT'S HIGHLY SIGNIFICANT STRUCTURE. THAT STRUCTURE HAS BEEN IN THE SMOOT FAMILY SINCE 1877. CURRENTLY -- AND I BEG THE SMOOT'S FORGIVENESS IN ADVANCE. SHE WAS MY TEACHER, SO MAYBE SHE WILL FORGIVE ME. SHE TAUGHT ME WELL. CURRENTLY SHE'S PAYING PROBABLY LESS WITH THE EXEMPTION AROUND 200 IF I REMEMBER HIS COMMENT. HER TAXES WOULD BE OVER 2,000 WITH THE NEW PERCENTAGES. THAT'S QUITE A BIT FOR A RETIRED SCHOOL TEACHER. VERY SUBSTANTIAL. IT WOULD BE A LOT FOR ME.

McCracken: DO WE HAVE ANY SENSE OF WHAT THE -- LET ME ASK YOU THIS: WHY DOES THE TASKFORCE FAVOR GRANDFATHERING, ASSUMING WE DETERMINE WE'RE LEGALLY ABLE TO DO THAT? WHY ARE THEY IN FAVOR OF GRANDFATHERING?

THE TASKFORCE'S FEELING WAS -- PARTICULARLY THE ATTORNEYS ON THE TASKFORCE. AND I WANT TO COMMENT, IF HE'S STILL HERE, MR. HAMMOND IS HERE FROM THE ZAP COMMISSION. HE WASN'T ON THE TASKFORCE, BUT HE ATTENDED MOST ALL OF THE MEETINGS. EARLIER MR. BETTS WAS HERE AS WELL AS MS. O'CONNELL. THE TASKFORCE FELT VERY STRONGLY THAT A DEAL IS A DEAL, THAT PEOPLE CAME IN FOR THE HISTORIC ZONING. SOME PEOPLE -- FRANKLY, COUNCILMEMBER, I CONVINCED THEM TO ACCEPT HISTORIC ZONING, AND DON'T ANYBODY BACK THERE SAY ANYTHING. [ LAUGHTER ] A LOT OF THEM WE ZONE THEM WHEN -- WHEN THE PROGRAM FIRST STARTED IN 1974, WE TOOK THE EASY ONES FIRST. THEY WERE OWNED BY THE STATE OR THE CITY OR THE COUNTY OR THEY WERE NONPROFITS, HEY, DON'T YOU WANT HISTORIC ZONING? AND YES, THE PROGRAM LIMPED ALONG FOR ABOUT FOUR YEARS. OR A LITTLE LONGER THAN THAT BEFORE WE REALIZED WE HAD RUN OUT OF THE FREE BYS, IF YOU WILL. BUT THOSE WERE ALREADY TAX EXEMPT MOST OF THEM, 85% OF THEM THAT WE BROUGHT IN THAT WAY. THEN WE HAD TO CONVINCED THE OWNERS. AND IT WAS LATER WITH THIS TAX EXEMPTION THAT WE WERE ABLE TO EVEN HAVE PEOPLE TALK TO US ABOUT HISTORIC PRESERVATION. THEY WEREN'T INTERESTED BECAUSE THERE WAS NO ADVANTAGE TO IT, THERE WAS NO INCENTIVE. AND WE FELT VERY SINCERELY BECAUSE I WORKED THIS PROGRAM FOR OVER 20 YEARS THAT THAT INCENTIVE KEPT IT GOING. AND WITHOUT IT, YOU WOULD NOT HAVE OVER 400 STRUCTURES ZONED HISTORIC. I CURRENTLY WORK, AS YOU KNOW, FOR THE AUSTIN CONVENTION AND VISITORS BUREAU AND WORK IN THE HERITAGE MARKETING DEPARTMENT. AND IT IS A TREMENDOUS SALES POINT FOR TOURISTS TO COME TO THIS CITY. AND AS A TOURIST YOU'VE DONE THE SAME THING THAT I HAVE. WHEN I WENT TO LONDON I DIDN'T GO LOOK AT THEIR NEW BUILDINGS, I WENT AND LOOKED AT THEIR OLD ONES. AND ANY CITY I'VE GONE TO IT'S BEEN THE

SAME THING. SO YOU HAVE SUCH AN ECONOMIC INCENTIVE FOR THE CITY ITSELF, BUT THERE HAD TO BE SOME INCENTIVE TO GET THOSE OWNERS TO COME IN. AND WE JUST FELT THAT THE COMMITMENT THAT THE CITY MADE THROUGH THAT HISTORIC ZONING PROCESS SHOULD BE MAINTAINED. I DON'T REMEMBER THE SPEAKER WHO SPOKE SAYING IF THE RULES CHANGE A SUBSEQUENT PERSON COMING IN WOULD KNOW THAT, BUT DON'T CHANGE THE RULES ON THE PEOPLE WHO ARE ALREADY IN THE PROCESS. [ APPLAUSE ]

Dunkerley: I WANTED TO ASK A FOLLOW-UP ON TWO THINGS THAT MS. BAKER MENTIONED. AND I THINK YOU HIT ON IT RIGHT THERE. RIGHT THERE AT THE END. WHAT WE WERE TRYING TO DO IS TO BRING OUR PROGRAM MORE IN LINE WITH OTHER PROGRAMS THROUGHOUT THE STATE BECAUSE 100% OF ON THE STRUCTURE IS A LOT, BUT WE WERE TRYING TO DO IT IN SUCH A WAY THAT DOESN'T RENEGATIVE ON THE CONCEPT OF A DEAL IS A DEAL, AND I THINK THAT'S WHERE I'VE HEARD MANY OF YOU AGREE TONIGHT THAT YOU'RE IN FAVOR OF THIS PROPOSAL. I THINK MANY OF YOU HAVE ARTICULATED TO ME YOU'RE IN FAVOR OF BRINGING IT MORE IN LINE SO THAT IT'S SIMILAR OR COMP RANL TO OTHER CITIES -- COMPARABLE TO OTHER CITIES, BUT NOT DOING IT AT THE EXPENSE OF THOSE THAT WE'VE ALREADY MADE THAT COMMITMENT TO. BUT THE OTHER QUESTION OR COMMENT YOU MADE EARLIER I'D LIKE YOU TO CLARIFY WAS ABOUT WHAT AISD DID. YOU SAID THAT THEY HAVE ALREADY REDUCED THEIR ABATEMENTS IN HALF, IS THAT WHAT YOU SAID?

COUNCILMEMBER, THEY USE THE SAME PERCENTAGES, THE SAME FORMULA, AND THEY SEND THE TOTAL TAX BILL TO AISD'S 7\$7,000, THEN THEY JUST SLICE IT IN HALF. THEY HAVE DONE THAT PREVIOUSLY, YES.

Dunkerley: THEY HAVE DONE SOMETHING SIMILAR TO WHAT WE ARE PROPOSING IN THE NEW PROPOSAL WHERE YOU WOULD HAVE 2,000 OR 50%, WHICHEVER IS HIGHER.

THEY'VE ALREADY CUT THEM IN HALF, BUT MY POINT, COUNCILMEMBER, IS THEY WOULD PROBABLY REDUCE THOSE PERCENTAGES. WHERE WE HAVE 100% CURRENTLY

FOR OWNER OCCUPIED, THEY WOULD TAKE THAT FIVE PERCENT, FIVE PERCENT, FIVE PERCENT, REDUCE IT THAT WAY AND THEN SLICE IT IN HALF. ASSUMING THEY FOLLOW THE ROUTE THAT THEY'RE CURRENTLY ON. DID I NOT MAKE IT CLEAR?

Dunkerley: I DON'T THINK IT WOULD BE AS DRAMATIC BECAUSE I THINK YOU'VE SAID THEY'VE ALREADY CUT THEIR TOTAL TAX IN HALF.

A.C.C. HAS AND --

Dunkerley: I THINK THE IMPACT WOULD BE MORE ON A.C.C. AND THE COUNTY.

YES.

Dunkerley: OKAY. GREAT. THANK YOU.

Goodman: OKAY. ARE THERE ANY OTHER QUESTIONS THAT WE WANT TO ASK IN PUBLIC? OKAY. LET'S GO IN AND GET THE EXECUTIVE SESSION OVER WITH. WE'RE GOING INTO PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE LOCAL GOVERNMENT CODE TO DISCUSS LEGAL ISSUES REGARDING AMENDMENTS TO CHAPTERS 25, 2 AND 11 OF THE CITY CODE AND REPEAL OF CERTAIN PROVISIONS OF CHAPTER 2 OF THE CITY CODE RELATED TO THE HISTORIC LANDMARK COMMISSION, AD VALOREM TAX EXEMPTIONS AND ABATEMENTS, HISTORIC LANDMARKS, HISTORIC AREA COMBINING DISTRICTS AND HISTORIC SIGN DISTRICTS, AND BUILDING DEMOLITION AND RELOCATION PERMITS, AND THEN WE'LL RETURN TO OPEN SESSION.

Slusher: I'M GOING TO CALL THE MEETING BACK TO ORDER. IF WE'RE GOING TO STAY HERE, WE NEED A MOTION TO GO PAST 10:00 O'CLOCK.

SO MOVED.

Dunkerley: SECOND.

Slusher: MOTION BY COUNCILMEMBER ALVAREZ, SECONDED



BY COUNCILMEMBER DUNKERLEY. ALL IN FAVOR? ALL OPPOSED? MOTION PASSES FIVE TO ZERO WITH MAYOR WYNN AND MAYOR PRO TEM GOODMAN OFF THE DAIS. I THINK MAYOR WYNN IS OFF BECAUSE HE'S ABSTAINING ON THIS ITEM. OKAY. SO BACK TO THE HISTORIC LANDMARK ITEMS. IS THERE A MOTION, DISCUSSION? COUNCILMEMBER DUNKERLEY.

Dunkerley: I'D LIKE TO MAKE A MOTION AT THIS TIME. I THINK THAT THIS WILL BE ON FIRST READING ONLY, AND WE'LL GIVE STAFF DIRECTION TO COME BACK WITH SOME CHANGES IN THE ORDINANCE. THE MOTION WOULD BE TO APPROVE THE TASKFORCE RECOMMENDATIONS IN THIS DOCUMENT WITH THE FOLLOWING EXCEPTIONS: THAT WE GO BACK TO THE ORIGINAL TASKFORCE RECOMMENDATION OF GRANDFATHERING CURRENTLY DESIGNATED HISTORIC PROPERTIES. AND FOR NEW PROPERTIES THAT COME ON THE ROLL OR COME UNDER THE HISTORIC DESIGNATION OR WHEN PROPERTIES CHANGE HANDS THAT WE GO TO SECTION 11.1.22 AND DELETE SECTIONS B, C AND D, WHICH WOULD ACTUALLY LEAVE THE -- THE GIST OF THAT WOULD BE THAT THE PERCENTAGES WOULD REMAIN 100 PERCENT ON THE STRUCTURE, 50 PERCENT ON THE LAND, AND THEN THE CAP THAT'S DESCRIBED IN SECTION 2, AN EXEMPTION MAY NOT EXCEED THE GREATER OF \$2,000 OR 50% OF THE AD VALOREM TAX ON THE PROPERTY. SO IN ESSENCE WE'RE GOING BACK TO THE TASKFORCE'S ORIGINAL RECOMMENDATION ON THAT, AND THEN MAINTAINING THE REST OF THEIR RECOMMENDATIONS INCORPORATED INTO THIS DOCUMENT ON FIRST READING.

Goodman: THERE'S A MOTION AND A SECOND. IS THERE FURTHER DISCUSSION?

Slusher: SO WE'RE JUST DOING AWAY WITH THE TASKFORCE SECOND EFFORT?

Dunkerley: WE'RE GOING TO ELIMINATE THE ALTERNATIVE RECOMMENDATION AND GO BACK TO THE GRANDFATHERING, AND THEN WITH THE NEW PROPERTIES AS THEY COME ON OUR HISTORIC REGISTER AND WHEN PROPERTIES CHANGE HANDS, WE WILL GO WITH THE CAP.

Slusher: OKAY. THAT'S ALL I HAVE.

Goodman: OKAY. ANY FURTHER COMMENTS? THEN ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Goodman: OPPOSED? WITH THE MAYOR RECUSING HIMSELF. OKAY. FIRST READING ONLY. OKAY. OKAY. WE'RE GOING TO GO BACK INTO EXECUTIVE SESSION FOR ITEMS NUMBER 45 AND 46, AND THIS IS FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS AGENDA ITEMS, AND THEN WE'LL RETURN TO OPEN SESSION.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION, IN EXECUTIVE SESSION WE DISCUSSED ITEMS 45 AND 46, NO DECISIONS WERE MADE. WE DID NOT, WILL NO TAKE UP ITEM NO. 47. THERE BEING -- THERE BEING NO ITEMS TO COME BEFORE THE COUNCIL, I WILL ENTERTAIN A MOTION TO ADJOURN. MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER ALVAREZ TO ADJOURN. ALL THOSE IN FAVOR PLEASE SAY AYE. AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 7-0. WE ARE ADJOURNED, THANK YOU. 11:52.

**End of Council Session Closed Caption Log**