

Closed Caption Log, Council Meeting, 07/28/05

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Mayor Wynn: GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN, IT'S MY PRIVILEGE TO WELCOME REVEREND RANDY ADAMS, AN SOARKTD PASTOR WITH THE CONGRESS AVENUE BAPTIST -- AN ASSOCIATE PASTOR WITH THE CONGRESS AVENUE BAPTIST CHURCH WHO WILL LEAD US IN OUR INVOCATION. PASTOR. PLEASE RISE.

LET US PRAY, HEAVENLY FATHER WE THANK YOU FOR THE OPPORTUNITY TO GATHER HERE TODAY. WE THANK YOU FOR THE LIFE THAT YOU HAVE GIVEN US. WE ALSO THANK YOU THAT YOU HAVE TOLD US THAT IF WE LACK WISDOM, WE CAN ASK OF YOU, YOU WILL GIVE IT TO US, ANY ONE OF US, YOU WILL GIVE IT TO US LIBERALLY, GENEROUSLY. FATHER, SO WE ASK FOR GUIDANCE, WE ASK FOR WISDOM THIS MORNING UPON THIS COUNCIL. FATHER, SHOW THEM YOUR WAY. LEAVE THEM IN YOUR -- LEAD THEM IN YOUR PATH AND GUIDE THEM TO THE DECISIONS, LORD, THAT THEY NEED TO MAKE THIS MORNING. WE ASK ALL OF THESE THINGS IN YOUR SON'S MOST PRECIOUS NAME, JESUS CHRIST, AMEN.

THANK YOU, REVEREND ADAMS, THERE BEING A QUORUM PRESENT AT THIS TIME WE CALL THIS MEETING TO ORDER OF THE AUSTIN CITY COUNCIL, WE ARE IN THE COUNCIL CHAMBERS OF THE CITY HALL, 301 WEST SECOND STREET, APPROXIMATELY 8 MINUTES AFTER 10:00 IN THE MORNING. WE HAVE A NEW CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. I WILL READ THOSE NOW FOR THE

RECORD. ITEM NO. 39, IS TO BE POSTPONED TO AUGUST 18th, 2005. ON ITEMS 56 AND 57, MAYOR PRO TEM DANNY THOMAS WILL BE ADDED AS A CO-SPONSOR, ALONG WITH MYSELF AND COUNCILMEMBER ALVAREZ. ON ZONING CASE Z-8, WE NEED TO CORRECT THE -- THE POSTING ENUMERATION, SHOULD INCLUDE THE LETTER C, CASE C 14-050089, ITEM Z-8. ON ITEM NO. Z-17, THE LYMAN BAILEY ZONING HOUSE, IT SHOULD BE NOTED THAT A VALID PETITION HAS BEEN FILED IN OPPOSITION TO THE REZONING REQUEST. THOSE ARE OUR CHANGES AND CORRECTIONS. OUR TIME CERTAIN'S TODAY, THAT IS WE WON'T TAKE UP THESE ITEMS PRIOR TO THE -- THE TIME CERTAIN HOUR, AT NOON WE BREAK FOR OUR GENERAL CITIZEN COMMUNICATIONS; AT 2:00, WE WILL HAVE BRIEFINGS AND POSSIBLE ACTIONS, ITEMS 72 AND 73, NOTING THAT THIS WILL BE THE CITY MANAGER'S PRESENTATION FOR HER PROPOSED BUDGET FOR NEXT FISCAL YEAR; AT 3:00 P.M. WE HAVE OUR BOARD OF DIRECTORS MEETING OF THE AUSTIN HOUSING AND FINANCE CORPORATION, FOUR ITEMS POSTED ON THAT AHFC AGENDA. AT 4:00, WE TAKE UP OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, THOSE SHOW TODAY AS ITEMS 74 THROUGH 80, THOSE BEING CASES WHERE WE HAVE ALREADY HAD THE PUBLIC HEARING, LIKELY HAVE TAKEN SOME ACTION ON PERHAPS FIRST READING. THEN THE NEW ZONING CASES, CASES Z-1 THROUGH Z-26, THOSE ARE OUR PUBLIC HEARING ZONING CASES. WE WILL ANNOUNCE NOW THAT THERE'S A NUMBER OF POSTPONEMENT REQUESTS. AGAIN WE CAN'T TAKE UP THE ACTUAL POSTPONEMENT VOTE BEFORE 4:00 P.M., THIS GIVES FOLKS A HEADS UP, NOTICE THAT THESE FOLKS WILL UNLIKELY TO BE HEARD THIS EVENING. STAFF IS REQUESTING POSTPONEMENT TO ITEM 79, THE THOMPSON CARTER HOUSE, STAFF IS REQUESTING POSTPONEMENT TO AUGUST 18th, 2005. ZONING CASE Z-9, WHICH IS ON NORTH I-35 TO BE POSTPONED TO AUGUST 18th. ITEM Z-15, THE MANOR COMMERCIAL ZONING CASE, ALSO REQUESTED POSTPONEMENT TO AUGUST 18th, ITEM Z-16, OAK HILL CENTER, POSTPONEMENT REQUEST TO AUGUST 25th, AUGUST Z-20 ZONING CASE ON THE 11,000 BLOCK OF NORTH LAMAR, AGAIN REQUESTED POSTPONEMENT TO AUGUST 25th. CASE Z-23, WHICH IS THE H 20 CAR WASH, REQUESTED

POSTPONEMENT TO AUGUST 18th, THEN ZONING CASES Z-25 AND Z-26 KNOWN AS THE GABLES AT WESTLAKE, AGAIN A REQUESTED POSTPONEMENT TO AUGUST 18th, 2005. AGAIN, THOSE -- THOSE POSTPONEMENT REQUESTS WILL BE CONSIDERED AFTER 4:00 P.M. AT 5:30 WE BREAK FOR PUBLIC HEARINGS AND PROCLAMATIONS, AT 6:00 PUBLIC HEARINGS, TWO OF THOSE SHOWN AS ITEMS 81 AND 82. WE HAVE JUST A COUPLE OF ITEMS SO FAR THAT HAVE BEEN PULLED OFF THE CONSENT AGENDA BY A COUNCILMEMBER OR TWO. ITEM NO. 10, RELATED TO OUR ETHICS REVIEW COMMISSION ORDINANCE, COUNCILMEMBER ALVAREZ PULLED THAT OFF THE CONSENT AGENDA. ITEM NO. 12 REGARDING THE -- THE ANNUAL ACTION PLAN -- OF OUR CITY'S -- AMONG OTHER THINGS, OUR CITY'S HOUSING URBAN DEVELOPMENT NEIGHBORHOOD COMMERCIAL MANAGEMENT PROGRAMS, HAD BEEN PULLED OFF THE CONSENT AGENDA BY COUNCILMEMBER ALVAREZ. I'M TOLD, HOWEVER, THAT COUNCILMEMBER KIM WOULD BE REQUESTED A POSTPONEMENT TO AUGUST 12th, 2005. SO YOU, COUNCIL, WITHOUT OBJECTION, WE WILL -- UNLESS PERHAPS MAYBE COUNCILMEMBER ALVAREZ WOULD LIKE A PRESENTATION, BUT THE REQUEST IS TO POSTPONE ACTION. I'M TOLD THERE'S NOT A MEETING ON -- POSTPONE ACTION. I'M TOLD THERE'S NOT A MEETING ON AUGUST 12th. AUGUST 18th. OKAY. SO THE REQUEST IS, BY COUNCILMEMBER KIM TO POSTPONE ITEM NO. 12 TO AUGUST 4th, 2005. ANY OTHER ITEMS TO BE PULLED OFF THE CONSENT AGENDA? COUNCILMEMBER LEFFINGWELL?

IF 78 IS STILL ON, I WOULD LIKE TO PULL 78.

Mayor Wynn: ACTUALLY, 78 I BELIEVE WILL BE ONE OF OUR POST-4:00 P.M. CASES IF THAT'S CORRECT. YES, WE WILL TAKE UP ITEM NO. 78 AFTER 4:00 P.M. ANY ADDITIONAL ITEMS TO BE PULLED, COUNCIL? IF NOT, THEN I'LL READ THE CONSENT AGENDA NUMERICALLY. THE CONSENT AGENDA THIS MORNING WILL BE -- ITEMS 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12 TO BE POSTPONED TO AUGUST 4th, 2005, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 3738, 39 TO BE POSTPONED TO AUGUST 18th, 2005. 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 WHICH ARE OUR BOARD AND ECONOMICS APPOINTMENTS THAT I'LL -- COMMISSION APPOINTMENTS THAT I WILL READ INTO THE

RECORD NOW. TO OUR BOARD OF ADJUSTMENT, BRUCE NADIG IS AN ALTERNATE CONSENSUS APPOINTMENT AND DOROTHY RHICHTER, AN ALTERNATE CONSENSUS REAPPOINTMENT. TO OUR BUILDING AND FIRE CODE BOARD OF APPEALS, CELIA MALIN IS A CONSENSUS REAPPOINTMENT. TO OUR BUILDING AND STANDARDS COMMISSION, ETHYLN BEBE AND DAVID BROWN ARE CONSENSUS REAPPOINTMENTS. TO OUR ELECTRIC BOARD, ROBERT SCHMIDT IS COUNCILMEMBER ALVAREZ'S REAPPOINTMENT. TO OUR ENVIRONMENTAL BOARD, RODNEY AHART IS MAYOR PRO TEM THOMAS' REAPPOINTMENT AND KAREN ASSCOTT IS COUNCILMEMBER LEFFINGWELL'S REAPPOINTMENT. TO THE HISTORIC LANDMARK COMMISSION, PATTY HANSON AND GENE MATHER ARE CONSENSUS REAPPOINTMENTS. TO THE MECHANICAL PLUMBING AND SOLE BAR BOARD, PAUL HOVEY IS A CONSENSUS REAPPOINTMENT. TO THE PARKS AND RECREATION BOARD, JEB BOYT IS COUNCILMEMBER DUNKERLY'S REAPPOINTMENT. JEFF FRANCEL IS A CONSENSUS REAPPOINTMENT. AND LINDA GUERRERO IS COUNCILMEMBER ALVAREZ'S REAPPOINTMENT. TO THE PLANNING COMMISSION, JOHN MICHAEL CORTEZ IS COUNCILMEMBER ALVAREZ'S REAPPOINTMENT. AND MANDY DEALY IS A CONSENSUS APPOINTMENT. TO THE RESOURCE MANAGEMENT COMMISSION, GRACE SHEAY, SORRY IF I'M MISPRONOUNCING THAT, GRACE, IS COUNCILMEMBER LEFFINGWELL'S APPOINTMENT AND KAREN STRAD IS COUNCILMEMBER ALVAREZ'S REAPPOINTMENT. TO OUR SOLID WASTE ADVISORY COMMISSION, GERARD ACUNA IS COUNCILMEMBER ALVAREZ'S REAPPOINTMENT. AND TO THE WATER AND WASTEWATER COMMISSION, KAREN FREEZE IS COUNCILMEMBER MCCracken'S REAPPOINTMENT. AND TO OUR ZONING AND PLATTING COMMISSION, JOHN MICHAEL ANECIA, I THINK THAT I MISSPELLED JOHN'S LAST TIME IN, MAYOR PRO TEM THOMAS' REAPPOINTMENT, JOSEPH MARTINEZ AND JANICE SPINELLY CONSENSUS REAPPOINTMENT. THOSE ARE APPOINTMENTS TO ITEM NO. 53, BOARDS AND COMMISSIONS. CONTINUING ON WITH THE CONSENT AGENDA IT WILL INCLUDE ITEM 54, 55, 56, PER CHANGES AND CORRECTION, 57, PER CHANGES AND CORRECTION, 58, 59, 60, 61, 62, 63, IF I CAN, I WILL NOW GO BACK TO ITEM NO. 54, WHICH IS ON THE CONSENT AGENDA.

THESE WILL BE OUR APPOINTMENTS OF COUNCIL TTEES, COMMISSIONS AND TASK FORCES, I WILL TRY TO QUICKLY READ THESE INTO THE RECORD. THIS IS THE MAKEUP OF OUR INTERNAL AND SOME EXTERNAL COMMITTEE ASSIGNMENTS. TO THE COMMUNITY ACTION NETWORK, COUNCILMEMBER LEFFINGWELL WELL WILL JOIN COUNCILMEMBER ALVAREZ. TO OUR COUNCIL AUDIT AND FINANCE COMMITTEE, MAYOR PRO TEM THOMAS WILL JOIN MYSELF, COUNCILMEMBERS DUNKERLY AND MCCRACKEN. THE COUNCIL COMMITTEE ON TELECOMMUNICATIONS INFRASTRUCTURE, HAS A NEW NAME THAT WILL NOW BE CALLED THE COUNCIL COMMITTEE FOR EMERGING TECHNOLOGY AND TELECOMMUNICATION INFRASTRUCTURE. THE MAKEUP OF THAT COMMITTEE WILL BE COUNCILMEMBERS MCCRACKEN, KIM AND LEFFINGWELL. TO OUR JOINT CITY-COUNTY SUBCOMMITTEE, COUNCILMEMBER LEFFINGWELL WILL JOIN COUNCILMEMBER MCCRACKEN. TO OUR JUDICIAL COMMITTEE, MAYOR PRO TEM THOMAS AND COUNCILMEMBER ALVAREZ WILL JOIN ME. TO OUR LEGISLATIVE COMMITTEE, COUNCILMEMBER KIM AND MAYOR PRO TEM THOMAS WILL JOIN ME. TO OUR MINORITY OWNED BUSINESS ENTERPRISE AND WOMEN OWNED BUSINESS ENTERPRISE SUBCOMMITTEE, COUNCILMEMBER KIM WILL JOIN COUNCILMEMBERS ALVAREZ AND DUNKERLY. AND IF YOU REMEMBER, I BELIEVE AT OUR LAST MEETING, WE APPOINTED COUNCILMEMBER DUNKERLY TO THE AUSTIN-SAN ANTONIO INTERMUNICIPAL COMMUTER RAIL DISTRICT AND TO THE CAPITAL AREA PLANNING COUNCIL EXECUTIVE COMMITTEE. AND TO THE REGIONAL PLANNING COMMITTEE FOR THE BARTON SPRINGS SEGMENT OF THE EDWARD'S AQUIFER, COUNCILMEMBER LEFFINGWELL WILL REPRESENT US. I BELIEVE ALSO AT OUR LAST MEETING AS A TECHNICALITY, WE MADE SURE THAT COUNCILMEMBERS KIM AND LEFFINGWELL WERE APPOINTED TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE, NUMBER 15. JUST AS A CLARIFICATION, COUNCILMEMBERS -- COUNCILMEMBER DUNKERLY'S APPOINTMENT IS ALSO TO THE CAP COG'S GENERAL ASSEMBLY AS I MENTIONED EARLIER. THEN WE HAVE FORMED A NEW COUNCIL SUBCOMMITTEE, LAND USE AND TRANSPORTATION, THE MAKE UP OF THAT THREE-MEMBER SUBCOMMITTEE WILL BE COUNCILMEMBERS

DUNKERLY, MCCrackEN AND LEFFINGWELL. THOSE ARE OUR ITEM NO. 54 -- OUR COUNCIL SUBCOMMITTEE AND COUNCIL REPRESENTATION APPOINTMENTS.

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: ITEM 64, I THOUGHT YOU SAID 54. I WAS GOING TO ASK A QUESTION ABOUT THE NEW COMMITTEES, CHANGING THE NAME OF THE COMMITTEE, THEN ADDING, WE HAD CREATED THAT LAND USE AND TRANSPORTATION COMMITTEE. AND SO -- SO FOR -- BECAUSE IF YOU NOTICE ALL OF THE COMMITTEES WERE CREATED BY ORDINANCE AND SO -- SO ARE WE GOING TO COME BACK AND EITHER FORMALLY CHANGE THE NAME OF THE COMMITTEE AND THAT ONE -- IN THAT ONE CASE AND THEN ALSO HAVE AN ORDINANCE FOR THAT LAND USE TRANSPORTATION COMMITTEE?

Mayor Wynn: GOOD QUESTION, COUNCILMEMBER. PERHAPS A LITTLE BIT OF LIGHT FROM THE CITY MANAGER.

Futrell: DAVID, IF YOU WILL WALK US THROUGH THIS, BECAUSE WE WENT BACK TO RESEARCH, IT'S BEEN A WHILE SINCE WE CREATED NEW SUBCOMMITTEES. SO ... IT SOUNDS LIKE IT'S ON. YES, WE DID GO BACK AND DO SOME RESEARCH. WHAT WE FOUND FROM RECORDS IN THE CITY CLERK'S OFFICE, THAT -- THAT SOMETIMES THE SUBCOMMITTEES ARE CREATED WITH A RESOLUTION. SOMETHING IN WRITING FROM COUNCIL. I THINK APPROXIMATELY ONE THIRD, AS WE GO BACK LOOKING AT EXISTING SUBCOMMITTEES, ONE THIRD OF THE TIME THERE WAS NO WRITTEN RESOLUTION. TALKING ABOUT -- ABOUT EITHER FORMING THE SUBCOMMITTEE OR WHAT THE SCOPE OF THAT SUBCOMMITTEE WAS. THERE'S NO LEGAL ISSUE ABOUT COUNCIL'S ACTION ON CREATING SUBCOMMITTEES BY A VOTE FROM THE DAIS WHERE SOMEONE MAKES A MOTION AND THE MAJORITY OF COUNCIL APPROVES THAT MOTION. THERE'S NO LEGAL ISSUE. IT IS -- IT IS GOOD TO HAVE SOME KIND OF RECORD OF WHAT THE SCOPE OF A PARTICULAR SUBCOMMITTEE SHOULD BE. BUT AGAIN, IN ONE THIRD OF THE TIMES OF EXISTING SUBCOMMITTEES

THAT WAS NOT DONE. BY A WRITTEN RESOLUTION. WE ALSO DISCOVERED THAT EVEN WHERE THERE WAS A WRITTEN RESOLUTION, VERY OFTEN THERE WAS NOT -- NOT A DESCRIPTION IN THAT RESOLUTION OF WHAT THE SCOPE OF THE WORK OF THAT SUBCOMMITTEE WAS SUPPOSED TO BE. SO -- SO IT DOES NOT TAKE AN ORDINANCE, IT DOES NOT TAKE A WRITTEN RESOLUTION. THE BETTER ADVICE IS, YES, WHEN COUNCIL SETS UP AND GIVES DIRECTION FOR A SUBCOMMITTEE, IT WOULD BE GOOD TO HAVE A WRITTEN RESOLUTION.

Futrell: I THINK THE SHORT AND SWEET IS, THERE'S NO LEGAL REQUIREMENT TO DO IT, BUT AS A BEST PRACTICE I THINK IT'S ALWAYS A GOOD IDEA FOR YOU TO DOCUMENT FROM ONE ANOTHER THE CREATION OF THE SUBCOMMITTEE AND THE EXPECTED SCOPE OF WORK.

IF I COULD, I GUESS MY SUGGESTION, PERHAPS, COUNCILMEMBER, IS WE COULD REQUEST FROM THE NEW LAND USE AND TRANSPORTATION COMMITTEE AND THE RENAMED EMERGING TECHNOLOGY AND TELECOMMUNICATION INFRASTRUCTURE SUBCOMMITTEE TO ACTUALLY BRING BACK THEIR SUGGESTED, YOU KNOW, SCOPE OF WORK AND THEN LET US AS A COUNCIL APPROVE THAT, PERHAPS EVEN AT THE NEXT MEETING.

I THINK -- I THINK THAT WOULD BE GOOD TO HAVE ON THE RECORD. I MEAN, AT LEAST THE ONES THAT I SEE HERE THAT ARE THE STANDING SUBCOMMITTEES, THEY ALL HAVE A RESOLUTION, SO I DON'T KNOW WHERE THIS ONE THIRD COMES FROM. BUT FINANCE, TELECOMMUNICATIONS, JOINT CITY-COUNTY, M/W.B.E., LEGISLATIVE, JUDICIAL, CITY COUNTY COMMITTEE. HEALTH AND HUMAN SERVICES. SO FOR ME I LOOK AT THOSE AS THE COUNCIL SUBCOMMITTEES VERSUS WHEN WE GET APPOINTED SERVE ON SOME OTHER BOARD FOR SOME OTHER REASON. SO THAT'S WHY I THINK THAT IT'S FOR MAKE SURE THAT WE ARE CONSISTENT IN THE -- AND THEN OUTLINE THE COMMISSION OR THE SCOPE OF WORK OR -- OF THAT PARTICULAR COMMITTEE. TRY TO ENCOURAGE US TO MAKE SURE THAT WE FOLLOW THROUGH ON THAT, THE NEW COMMITTEE.

Mayor Wynn: AGREED, THANK YOU, GOOD SUGGESTION. SO

TECHNICALLY I GUESS THAT I HAVE NOW READ THE
CONSENT AGENDA INTO THE RECORD. I'LL ENTERTAIN A
MOTION. -- MOTION MADE BY COUNCILMEMBER MCCRACKEN,
SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE
THE CONSENT AGENDA AS READ.

Clerk Brown: ON 39 THE POSTPONEMENT DATE SHOULD BE
AUGUST 4th.

Mayor Wynn: OKAY, THANK YOU MS. BROWN, SO
COUNCILMEMBER MCCRACKEN AND LEFFINGWELL, ARE YOU
COMFORTABLE WITH CHANGING THE POSTPONEMENT OF
ITEM 39 TO AUGUST 4th, 2005?

Alvarez: MAYOR?

Mayor Wynn: YES, THANK YOU. COUNCILMEMBER ALVAREZ?

Alvarez: ON 57 I WANTED TO SHOW A COUPLE OF DRAWINGS,
HOW WE ARE GOING TO USE THOSE QUARTER CENT FUNDS
BECAUSE THERE HAVE BEEN QUESTIONS ABOUT THE
CONNECTIONS TO TRANSIT.

[INAUDIBLE - NO MIC]

YOU ARE NOT.

Alvarez: THERE WE GO. OKAY. ITEM 57, WE HAD ABOUT TWO
OR THREE YEARS AGO SET ASIDE SOME MONEY FROM THE
QUARTER CENT FUNDS AT CAPITAL METRO RETURNS OR
REIMBURSEMENTS TO ITS MEMBERS OR AGENCIES, AND WE
HAD ALLOCATED ABOUT 1.5 MILLION FOR EAST FIFTH
STREET, IMPROVEMENTS AND THOSE -- THOSE
IMPROVEMENTS HAVE BEEN ON HOLD UNTIL WE DETERMINE
THE LEGITIMATE OF THE BIKEWAY, LANCE ARMSTRONG
BIKEWAY AND THE COMMUTER RAIL. AS THAT PLANNING
CONTINUES, OBVIOUSLY ALREADY SOME ACTIVITY
HAPPENING ALONG THAT CORRIDOR, THESE SUGGESTIONS
ARE TO HOW WE MIGHT IMPROVE THE TRANSIT
FRIENDLINESS, BICYCLE AND PEDESTRIAN FRIENDLINESS OF
THAT CORRIDOR. HERE ONE OF THE PROJECTS WHICH I
CAN'T -- WHICH I CAN'T NECESSARILY SEE. HOW THAT IS
BEING -- THERE IT IS. BASICALLY, THIS IS A -- ONE OF THE

NEW LOFT PROJECTS THAT SALTILLO LOFT PROJECTS RIGHT ACROSS FROM PLAZA SALTILLO, WITH PLAZA SALTILLO BEING DOWN HERE IN THIS CORNER RIGHT HERE. AND SO WHAT YOU HAVE IS -- BASICALLY THE IMPROVEMENTS THAT WILL BE MADE BY THE DEVELOPER HERE, INCLUDING SOME GREAT STREET IMPROVEMENTS HERE THAT THE DEVELOPER WILL BE MAKING. BUT WHAT -- THERE IS NO PLANS FOR IS IMPROVING THIS -- THIS UNDEVELOPED STRIP OF RIGHT-OF-WAY THAT'S OWNED BY CAPITAL METRO AND SO WHAT ONE OF THE ITEMS WOULD DO IS ALLOW SOME FUNDS FROM THAT EAST 5th IMPROVEMENT ALLOCATION TO BE USED TO -- TO GIVE THAT PARTICULAR SECTION OF RIGHT-OF-WAY, AGAIN THAT'S OWNED BY CAPITAL METRO, TO GIVE IT THAT GREAT STREETS TREATMENT, JUST CREATE A BETTER AND -- AND MORE TRANSIT FRIENDLY AND PEDESTRIAN FRIENDLY ENVIRONMENT, WHICH I THINK WILL BE GOOD. YOU KNOW, AGAIN WHEN THE BIKEWAY AND THE RAIL COME TO FRUITION. THE OTHER PROJECT ALONG EAST FIFTH STREET, I'M USING ONE OF THE -- ONE OF THE T.O.D. MAPS, YOU MIGHT REMEMBER THIS MAP FROM OUR DISCUSSION, BUT BASICALLY YOU SEE THE TRANSIT ORIENTED DEVELOPMENT DISTRICT THAT WE DEFINED, IT WOULD RUN RIGHT ALONG HERE. ALONG THE EDGE, THE NORTHERN EDGE OF THE -- SO THERE IS A LITTLE PIECE OF RIGHT-OF-WAY HERE IN MEDINA STREET. SOUTH OF THE ALLEYWAY. THAT IS UNDEVELOPED, BECAUSE THERE'S SIGNIFICANT GRADE SEPARATION BETWEEN 5th STREET AND THE ALLEY. AND SO THAT -- THAT REALLY CAN'T BE DEVELOPED AS A STREET. AND AS THIS -- AS THIS CORRIDOR DEVELOPS OUT ALONG, YOU KNOW, THE COMMUTER RAIL AND BIKEWAY, THEN WE ARE GOING TO HAVE TO LOOK AT WHAT ARE WE GOING TO DO WITH THAT SPACE SO THAT IT FITS INTO OUR VISION, YOU KNOW, FOR THAT TRANSIT CORRIDOR. AND SO THAT'S WHY, YOU KNOW, WE FELT THIS WAS AN UNIMPORTANT PROJECT TO UNDERTAKE AND BEGIN PLANNING THIS PARTICULAR PART OR POCKET PARK, BEGIN THAT PROCESS WHILE ALL OF THE PLANNING FOR THE RAIL AND THE BIKEWAY ARE ONGOING. THEN FINALLY, THERE IS A -- YOU KNOW, A MUCH SMALLER AMOUNT OF MONEY SET ASIDE FOR IMPROVEMENTS TO WHAT WE ARE CALLING THE SABEDA MUSIC GARDEN, THAT'S ACTUALLY NOT ON FIFTH STREET. THAT'S ON 7th STREET. WE

HAVE PREVIOUSLY ALLOCATED QUARTER CENT FUNDS FOR THIS PARTICULAR PROJECT. BUT PREVIOUSLY THE MASTER PLAN FOR THE GARDEN, WHICH IS REALLY A COSTS BETWEEN 4 TO 500,000 TO BUILD OUT FULLY, THE MONEYS THAT WE ALLOCATED FROM THE EAST SEVENTH STREET IMPROVEMENT PROJECT AND EVENTUALLY FROM EAST FIFTH IMPROVEMENT DOLLARS IS REALLY TO -- TO REDEVELOP THIS PART, WHICH IS THE -- THE BUS STOP, THE TRANSIT STOP THERE, AND REALLY CREATING A -- A VERY NICE ATMOSPHERE FOR BOTH THE -- THE TRANSIT USERS AND ALSO FOR THE LIBRARY PATRONS. AND ALSO IT WILL BE, YOU KNOW, THE INITIAL PHASE FOR THE MUSIC GARDEN, WHICH IS INTENDED TO HONOR EAST AUSTIN MUSIC. THE CONTRIBUTION OF EAST AUSTIN MUSICIANS AND SO THAT'S THE TRANSIT LINK TO THIS PARTICULAR PROJECT AND SO THIS -- THIS DOESN'T NECESSARILY FUND THE -- THE MUSIC GARDEN. IT'S -- IT'S -- ENTIRELY, IT JUST FUNDS THIS CORNER THAT WOULD IMPROVE THE TRANSIT -- TO MAKE THE TRANSIT IMPROVEMENTS AND THE IMPROVEMENTS ALONG PLEASANT VALLEY AND THIS HERE WOULD BE 7th STREET. BUT THAT'S IT, MAYOR. THANK YOU, I THINK THAT WAS MORE THAN FIVE MINUTES. MY APOLOGIES. JUST WANTED TO GIVE PEOPLE AN IDEA OF WHAT WE WERE -- WHAT WE WERE CONSIDERING WITH THIS ITEM AND ALSO HOW IT TIES INTO THE TRANSIT AND TRANSPORTATION BECAUSE OBVIOUSLY THIS IS WHAT THE CAPITAL METRO IS GOING TO BE INTERESTED IN AND -- AND THANK YOU FOR -- FOR THE OPPORTUNITY TO -- TO RENT THIS, MAYOR. TO PRESENT THIS, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. ANY QUESTIONS OF THE COUNCILMEMBER? THANK YOU VERY MUCH. SO WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA. FURTHER COMMENTS ON THE CONSENT AGENDA ITEMS? I'LL NOTE THAT ON ITEM NO. 55, OSCAR RAMIREZ AND JOSHUA SANCHEZ SIGNING UP NOT WISHING TO SPEAK BUT IN FAVOR. HEARING NO FURTHER COMMENTS, ALL THOSE IN FAVOR OF THE CONSENT AGENDA AS READ, PLEASE SAY AYE.

AYE.

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

YOU ALL VERY MUCH. COUNCIL, WE HAVE THE ONE PULLED WE CAN TAKE UP BEFORE WE LIKELY GO INTO CLOSED SESSION. COUNCILMEMBER ALVAREZ PULLED ITEM NO. 10, WHICH WAS THE -- THE ORDINANCE AMENDING THE CITY CODE RELATED TO THE ETHICS REVIEW COMMISSION, CANDIDATE FORUMS AND THEIR ADVERTISING, I WILL RECOGNIZE COUNCILMEMBER ALVAREZ. FOLKS IF YOU COULD PLEASE TAKE YOUR CONVERSATIONS OUTS IN THE HALLWAY, WE WOULD APPRECIATE IT.

Alvarez: YES, THANK YOU, MAYOR. I JUST WAS WONDERING IF WE COULD HAVE SOMEONE EXPLAIN WHAT THE RECOMMENDATION IS AND SINCE IT INVOLVES -- IT INVOLVES A CHANGE TO HOW WE -- HOW WE -- THE PUBLIC MEETING ASPECTS OR REQUIREMENTS FOR CANDIDATES. SO WE CAN BE CLEAR ON WHAT'S GOING ON AND WHY. SINCE WE HAVE A PROSPECTUS, MAYBE WE COULD WEIGH IN, SHARE OUR THOUGHTS ON THE PROPOSAL. WE HAVE A GENTLEMAN HERE, WHO KINDLY WILL SPEAK TO THE ISSUE.

YES, IF I MAY, I'M THE CHAIRMAN OF THE ETHICS REVIEW COMMISSION, JIM REED. AND THIS IS SOMETHING THAT WE HAVE BEEN TALKING ABOUT, THE COMMISSION HAS, BACK AND FORTH FOR A WHILE. THE -- THE ORIGINAL ORDINANCE GOES THROUGH DIRECTLY THE -- THE ETHICS REVIEW COMMISSION SHOULD PRODUCE THREE FORUMS TO BE PLACED ON PUBLIC ACCESS TV AND WITH TODAY'S TECHNOLOGY, IT WOULD BE NICE IF WE HAD A LITTLE BIT MORE ROOM FOR GROWTH THERE. SO THE FRIENDLY AMENDMENT AND PROPOSAL, PARTICULARLY AT 2-2-35 SECTION B IS THE ETHICS REVIEW COMMISSION SHALL PRODUCE NO FEWER THAN THREE FORUMS, ONE MUST BE PRODUCED ON PUBLIC ACCESS, OTHERS MAY BE MADE AVAILABLE BY RADIO, BROADCAST, WHICH INCLUDE TV BROADCAST OR ANY OTHER BROADCAST THAT MIGHT COME UP IN THE FUTURE, PUBLICATION ON THE INTERNET OR ANY OTHER MEANS APPROVED BY THE COMMISSION. AND WHAT WE DID THIS LAST ELECTION WAS WE DID ONE FORUM FOR THE ORIGINAL ELECTION ON TV. WE HAD ALL OF THE CANDIDATES COME IN FOR FIVE MINUTES RECORDING FOR THEIR CAMPAIGN STATEMENT AND WE PLACED BOTH THE -- THE STATEMENT ON THE INTERNET AND ALSO THE LEAGUE OF WOMEN VOTERS' Q AND A ON THE INTERNET. AT THAT

TIME WE DEFINED THAT FORUM AS A Q AND A QUESTIONNAIRE TO BE A TYPE OF FORUM, BECAUSE IT'S AN EXCHANGE OF QUESTIONS AND ANSWER. WE HAD THE CAMPAIGN STATEMENT AS KIND OF A WAY OF REACHING THE PUBLIC AND THEN WE HAD OUR FULL FORUM WHICH WAS THE DYNAMIC FORUM THAT LEAGUE OF WOMEN VOTERS HELPED TO MODERATE. THEN WE LEFT IT OPEN IN CASE THERE WAS ANOTHER FORUM TO DO ANOTHER FORUM FOR THE RUNOFF. WE THINK THIS WAY WE HAVE A MORE BROADER APPROACH OF REACHING THE PUBLIC INSTEAD OF JUST PUBLIC ACCESS TV.

Alvarez: I THOUGHT I WORKED WELL MYSELF. I'M GLAD THAT THE LEAGUE OF WOMEN VOTERS INFORMATION IS ALSO I GUESS LINKED TO -- THERE'S A LINK TO THAT INFORMATION OR IS IT ACTUALLY ON OUR OWN WEBSITE?

NO, THEY HAVE THEIR OWN FULL VOTERS' GUIDE, THEN WE TAKE AN ABRIDGED VERSION OF THAT AND PLACE THAT ON THE INTERNET? IS THAT CORRECT, TOM? DIDN'T WE PLACE --

TAMARA KURTZ, ASSISTANT CITY ATTORNEY FOR THE LAW DEPARTMENT. YES, THAT'S CORRECT, IT WAS ON THE EXCERPTED PORTION OF THE QUESTIONS FOR JUST THE CITY COUNCIL CANDIDATES WAS POSTED ON THE CITY WEBSITE.

WE THINK THIS IS A PRETTY GOOD OPERATION RIGHT NOW. ALSO I WANT TO THANK THE CITY MANAGER'S OFFICE FOR WORKING WITH US. WE DO GET A SMALL LITTLE BLURB IN THE UTILITY BILL NEWSLETTER PROMOTING THE ETHICS REVIEW COMMISSION FORUMS AND I THINK THAT HELPS OUT A WHOLE LOT. AND DAVID MATUSIK WAS ALSO VERY HELPFUL IN PLACING ALL OF THAT STUFF, ERROL MORTLAND WAS A VALUABLE ASSET WORKING WITH HIM WITH CHANNEL 6. IT WILL GIVE THE ETHICS COMMISSION THE FLEXIBILITY THAT IT NEEDS TO PROMOTE AS MUCH DEMOCRATIC PARTICIPATION AS POSSIBLE.

DO THE PROPOSED CHANGES JUST CHANGE THE NUMBER OF ACTUAL FORUMS OR -- THAT THEY HAVE TO ATTEND? DOES IT ADD SOME OF THESE OTHER REQUIREMENTS JUST

TO KIND OF LAY OUT WHAT -- WHAT WE ARE GOING TO DO --

[INAUDIBLE - NO MIC] ALSO HAVING THE VIDEO UP ON BOTH THE INTERNET AND PUBLIC ACCESS, THE CAMPAIGN STATEMENT.

Alvarez: SO IS THAT SOMETHING THAT ALSO -- THAT PROGRAM, THE ETHICS REVIEW COMMISSION HAS APPROVED, YOU KNOW, IN TERMS OF SAYING WE ARE GOING TO DO THE FIVE MINUTE STATEMENT, THAT ALSO WILL BE AIRED AND WE ARE GOING TO -- THAT WE ARE GOING TO POST INFORMATION ON THE WEBSITE AS WELL.

THAT'S RIGHT. IT WAS APPROVED UNANIMOUSLY WITH THE COMMISSION. SO -- SO IT'S SOMETHING THAT WE HAVE NOW TESTED THIS FOR NOW TWO ELECTIONS. AND I THINK EVERYONE HERE HAS PARTICIPATED IN THAT, SO THE LAST TWO ELECTIONS, WE HAVE DONE THE CAMPAIGN STATEMENT, WE HAVE DONE THE Q AND A, THAT WAS PLACED ON THE INTERNET, THE CAMPAIGN STATEMENT THAT WAS PLACED ON THE INTERNET, THEN ALSO THE LIVE FORUMS. THEY WERE BROADCASTED. RIGHT NOW WE ARE JUST DOING ONE LIVE FORUM BROADCASTED. WHAT YOU ARE DOING -- WHICH YOU ARE DOING CLOSER TO THE ELECTION TIME, BECAUSE WE THINK THERE'S MORE FERVOR, MORE ACTIVITY, ONE LIVE FORUM LEFT TO BE DONE FOR RUNOFFS.

Alvarez: OKAY, THANK YOU FOR YOUR WORK ON THAT. DID YOU WANT TO ADD --

[INAUDIBLE - NO MIC] -- IF THE PUBLIC DESIRES TO HAVE, THERE'S NEED TO HAVE ADDITIONAL FORUMS, THAT CAN ALSO BE DONE. BUT THE AUTHORITY FOR THE ETHICS REVIEW COMMISSION TO SCHEDULE AND OVERSEE THESE FORUMS IS PURSUANT TO THE CITY ORDINANCE. WHICH IS SET FORTH IN 2-7. THEN THERE'S ALSO A PARALLEL PROVISION IN CHAPTER 22.

Alvarez: SO THIS IS NOT -- DOESN'T INVOLVE A CHANGE TO THE CHARTER, DOESN'T REQUIRE A CHANGE TO THE CHARTER?

NO, IT DOES NOT. THIS IS REALLY JUST AN ADMINISTRATIVE PROCEDURAL MATTER AND SO IT WOULD BE -- THE PROPER CHANGE WOULD BE THE EXISTING ORDINANCE, WHICH IS IN THE CHARTER.

Alvarez: GREAT. ALL RIGHT, THANK YOU, MAYOR, THAT'S ALL OF THE QUESTIONS -- I DON'T KNOW IF ANYONE ELSE WANTED TO --

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER QUESTIONS, COUNCIL? COMMENTS? THANK YOU ALL VERY MUCH AND FOR YOUR SERVICE, JIM.

I ALSO WANT TO THANK BETTY FOR HER CONTINUED SUPPORT WITH ME ON THE COMMISSION. THANK YOU, BETTY.

Mayor Wynn: SO ... I WILL ENTERTAIN A MOTION ON ITEM NO. 10.

Alvarez: I WILL MOVE APPROVAL OF THIS ITEM, MAYOR.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY THE MAYOR PRO TEM TO APPROVE ITEM NO. 10 AS POSTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. SO, COUNCIL, I BELIEVE THAT GETS US THROUGH OUR DISCUSSION ITEMS THIS MORNING, WITHOUT OBJECTION WE WILL NOW GO INTO CLOSED SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO TAKE UP POTENTIALLY AGENDA ITEMS 64 RELATED TO -- TO THE LEGISLATIVE SESSIONS; ITEM 65 RELATED TO THE COLLECTIVE BARGAINING WITH THE FIREFIGHTERS; 66 RELATED TO THE RIGHT-OF-WAY PROCUREMENT AGREEMENTS WITH TXDOT, ITEM 67 RELATED TO THE CITY OF AUSTIN VERSUS RYAN-O EXCAVATING, INC., 68 RELATED TO JOSIE CHAMPION ET AL VERSUS THE CITY OF AUSTIN AND 69 RELATED TO THE FRISENHAHN CONTRACT. I ANTICIPATE

US BEING IN CLOSED SESSION UNTIL THE NON-CITIZEN COMMUNICATION.

MY NAME IS STEVEN WRAY, PRODUCER AT AUSTIN COMMUNITY TELEVISION SPONSORED BY AUSTIN COMMUNITY ACCESS CENTER. I'M ALSO A MEMBER OF THE PRODUCERS ADVISORY COMMITTEE, AN ELECTED GROUP, A BODY THAT'S ELECTED FROM AMONG THE PRODUCERS, COMPARABLE TO OTHER TURNOUTS AT CITY ELECTIONS, A DULY ELECTED GROUP. I'M ALSO THE BOARD LIAISON ON THAT BODY. AND I JUST WANTED TO SAY A FEW COMMENTS ABOUT THE FRAUD INVESTIGATION AND THE EMBEZZLEMENT INVESTIGATION THAT'S ONGOING AT ACAC. WHEN WE HEARD ABOUT THIS FIRST, LAST YEAR, WE DIDN'T KNOW WHETHER IT WAS TRUE OR NOT. AND SO WE SUPPLIED THE CITY WITH INFORMATION ABOUT THIS. SINCE THAT TIME, WE'VE HEARD FROM BOARD TREASURERS AND OTHERS THAT THE ALLEGATIONS ABOUT MISSING FUNDS INDEED ARE TRUE. AS A RESULT OF THIS, WE AS THE PRODUCERS ADVISORY COMMITTEE AND OTHERS DECIDED TO SPEND MORE TIME SCRUTINIZING AND LOOKING CAREFULLY AT THE BOARD OF DIRECTORS. AND WE DISCOVERED THAT THE BOARD HAS BEEN VERY LAX AND HAD A LAX ATTITUDE WITH RESPECT TO THE BYLAWS AND THE RULES, AND ESSENTIALLY CREATED A SITUATION IN WHICH PEOPLE COULD GET BY WITH THINGS. IT CREATED A SITUATION WHERE THERE'S A LACK OF CHECKS AND BALANCES, WHERE THINGS WENT UNNOTICED. AS A CONSEQUENCE OF PAYING VERY CLOSE ATTENTION TO THE BOARD, GOING TO BOARD MEETINGS, IF NOT BEING ABLE TO ATTEND THE MEETINGS, LOOKING AT VIDEOTAPES OF THE MEETINGS, AND DISCUSSING THIS, THE PRODUCERS' ADVISORY COMMITTEE HAS COME UP WITH A RECOMMENDATION THAT WE DO NOT RECOMMEND THAT THE AUSTIN COMMUNITY ACCESS CENTER RECEIVE THE NEXT MANAGEMENT CONTRACT. YOU WILL BE VOTING IN A MONTH ON WHO THE NEW CONTRACT MANAGER WILL BE. THERE ARE THREE GROUPS THAT HAVE STEPPED FORWARD. WE THINK THAT ONE OF THEM SHOULD NOT BE ACAC. PAM THOMPSON WILL READ A STATEMENT FROM THE ADVISORY COMMITTEE ON THAT. IN ADDITION, DESPITE SOME OF OUR EFFORTS FOR ASKING FOR INCREASED TRANSPARENCY TO KNOW MORE ABOUT WHAT THE BOARD

IS DOING, THAT IS ACTUALLY DECREASED AND GONE DOWN. ONE EXAMPLE TODAY, WE HAVE RAN FRANK SCHEDULED TO SPEAK ABOUT AMN GOING ON THE INTERNET AS A TV CHANNEL. WELL, THIS SUBJECT WAS NEVER DISCUSSED IN ANY OF THE BOARD MEETINGS, NEVER BEEN ON THE BOARD AGENDA. IT'S A NEW THING THAT THE -- IF HE IS SPEAKING AS A BOARD MEMBER. SO I JUST WANT TO EMPHASIZE THAT THE PRODUCERS ADVISORY COMMITTEE IS A DULY ELECTED BODY, AND THAT THAT GROUP IS DEFINITELY NOT RECOMMENDING ACAC AS THE NEW CONTRACT MANAGER. THANK YOU. [BUZZER SOUNDS]

Mayor Wynn: THANK YOU, MR. WRAY. PAM THOMPSON. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY KEN ALTES.

THANK YOU FOR LETTING ME SPEAK. I'M ON THE PAC AS WELL. THE PAC IS THE PRODUCERS ADVISORY COMMITTEE. AND WE'VE ISSUED A STATEMENT CONCERNING THE R.F.P. SO THE PRODUCERS ADVISORY COMMITTEE OR THE PAC EXISTS OF NINE INDEPENDENT TV PRODUCERS AT THE CITY OF AUSTIN PUBLIC ACCESS TELEVISION FACILITY WHO ARE TO ADVISE THE BOARD OF DIRECTORS THAT THE CURRENT MANAGING NONPROFIT CORPORATION, AUSTIN COMMUNITY ACCESS CENTER, INCORPORATED, OR ACAC, THE FACILITIES EQUIPMENT AND OPERATIONS AT THE ACCESS CHANNEL. THE CITY HAS ISSUED A REQUEST FOR PROPOSALS BY THE R.F.P. TO MANAGE AND OPERATE THE PUBLIC ACCESS FACILITY FOR SIX YEARS STARTING OCTOBER 1st 2005. THE PAC HAS EXPERIENCED WITH THE CURRENT MANAGING NONPROFIT CORPORATION AND ITS BOARD, IT IS BASED ON THIS EXPERIENCE, PARTICULARLY SINCE THE SUMMER OF 2004, THAT THE PAC RECOMMENDS THAT THE CURRENT ACAC BOARD SHOULD NOT CONTINUE TO MANAGE AUSTIN'S PUBLIC ACCESS TV FACILITY. THE ACAC BOARD HAS NOT BEEN HELD ACCOUNTABLE FOR LONG-TERM FINANCIAL MISMANAGEMENT. THE BOARD HAS BEEN RETICENT TO IMPLEMENT ALL RECOMMENDATIONS OF AN AD HOC COMMITTEE CONSISTING OF SEVERAL MEMBERS. THE BOARD HAS IGNORED RECOMMENDATIONS AND RESOLUTIONS FROM THE PAC AND HAS NOT COMMUNICATED WELL WITH EITHER ACAC STAFF OR PRODUCERS. STAFF HAS HAD TO REPEATEDLY MITIGATE

THE BOARD'S FAILURE TO COMPLY WITH THE CORE VALUES OF THE INSTITUTION OF PUBLIC ACCESS TELEVISION IN AUSTIN AS PUT FORWARD IN THEIR ORIGINAL BID TO MANAGE THE FACILITY AND IN THEIR OWN BYLAWS. THE BOTTOM LINE IS THAT THE STATUS QUO IS NOT ACCEPTABLE. CITIZENS SERVED BY THE CITY'S PUBLIC ACCESS TV FACILITY DESERVE BETTER. WHAT'S NEED SHERIFF'S DEPARTMENT A NEW MANAGEMENT -- MANAGING NONPROFIT CORPORATION THAT WILL RESTORE THE PUBLIC'S TRUST AND CONFIDENCE, PRESERVE THE HISTORIC TRADITION AND VALUES OF NON-COMMERCIAL, FIRST COME, FIRST SERVE, FREE SPEECH PUBLIC ACCESS TELEVISION IN AUSTIN AND FACE THE CHALLENGES POSED BY THE 21st CENTURY MEDIA TECHNOLOGIES. THIS WAS APPROVED UNANIMOUSLY BY THE PRODUCERS ADVISORY COMMITTEE ON JUNE 5TH, 2005. AND I'M JUST -- I JUST WANT Y'ALL TO UNDERSTAND THAT WE REALLY DO NOT RECOMMEND THAT YOU GIVE THE CONTRACT BACK TO ACAC. I'D LIKE TO SAY STEVEN MENTIONED THAT RON FRANK IS COMING AND TO OUR KNOWLEDGE THERE ARE NO SEPARATE BYLAWS, RULES, POLICIES AND PROCEDURES FOR MANAGING OTHER STATIONS, FOR EXAMPLE, INTERNET STATIONS, SO ANY DECISIONS TO DO THAT WOULD HAVE TO BE MADE AT REGULAR BOARD MEETINGS. AND BECAUSE THE BOARD DOES NOT HAVE VERY MANY MEMBERS, WE NEVER KNOW WHAT A QUORUM IS. AND I -- WE CAN'T QUITE BELIEVE IT, BUT I KNOW YOU CAN BE AN EXECUTIVE COMMITTEE AND I KNOW Y'ALL UNDERSTAND ABOUT QUORUMS, BUT THEY SAID THEY HAD AN EXECUTIVE COMMITTEE, BUT AFTER REVIEWING THE CASE OF ALL THE MEETINGS, THEY MEANT TO SAY THEY HAD ONE, BUT THEY DIDN'T. [BUZZER SOUNDS] SO THEY'RE WAY OF DEALING WITH THAT WAS TO GO BACK AND CHANGE THE MINUTES OF THE DECEMBER MEETING TO SAY THAT THEY HAD. SO ALL THE DECISIONS THEY'VE MADE SINCE THEN REFLECT WHAT THEY SAID WAS THEIR INTENT, BUT I'M JUST NOT SURE THAT'S A GOOD SITUATION. I MEAN, WE WANT THINGS TO BE DONE PROPERLY AND WE WANT THINGS TO BE DONE BY THE BOOKS AND WE WANT SOMEBODY WHO PAYS ATTENTION TO BYLAWS WHO WILL LET US KNOW WHAT TO EXPECT, WHO WILL TELL US WHEN THE MEETINGS ARE AND WILL GO INTO CLOSED EXECUTIVE SESSION AND TELL US WHAT THAT IS SO WE CAN COMMENT

IF THEY WANT THEM TO CONSIDER SOMETHING WHEN THEY'RE TALKING ABOUT IT. NONE OF THESE THINGS HAVE OCCURRED. AND ANOTHER THING THAT'S REALLY EMBARRASSING TO US IS THAT THERE'S A GENTLEMAN WHO WORKS FOR AISD WHO WAS ASKED TO BE ON THE BOARD AND HE SENT FAXES TO STAFF, HE SENT THEM TO BOARD MEMBERS, E-MAILS AS WELL, AND YET THEY AFTER FOUR MONTHS OF TRYING TO GET THEM TO PAY ATTENTION, HE EVEN CALLED DURING A BOARD MEETING AND THEY REFUSED TO TAKE THE PHONE CALL, THEY STILL PRINT HIS NAME AT OUR AWARDS BENEFIT AT THE VICTORY GRILL IN JUNE AND USED HIM SO THAT THEY COULD HAVE MEETINGS AND NOT HAVE A QUORUM. NOW, THAT IS VERY BAD. STEVEN IS THE PRODUCER LIAISON, AND THEY SAY THAT THEY WON'T TELL HIM WHEN THE MEETINGS ARE BECAUSE THEY FEEL LIKE HE'S IN COMPETITION. WHEN OTHER PEOPLE BECAME AWARE THAT THERE WERE PROBLEMS AND DECIDED TO ANSWER THE R.F.P., THEY ASKED TO MEET WITH THE PRODUCERS ADVISORY, THEY ASKED US FOR INFORMATION CONCERNING THE PROBLEMS. SINCE YOU MAY CHOOSE ANY ONE OF THESE THREE, WE MET WITH THEM, NOT JUST ONE OR TWO PEOPLE, BUT WE ALL MET WITH THEM. WE TOLD THEM WHAT OUR PROBLEMS ARE, AND IF THEY WERE THINKING OF ANSWERING THE R.F.P., THEN WE WOULD LIKE FOR THEM TO ADDRESS SOME OF THESE ISSUES. THESE ARE PROBLEMS THAT PRODUCERS HAD.

Mayor Wynn: PLEASE CONCLUDE.

OKAY. BUT ANYWAY, BECAUSE WE DID THAT, THEN THEY SAID THAT WE WERE HELPING COMPETITORS, BUT WE DIDN'T SEE IT THAT WAY. OUR JOB IS TO WORK WITH THE BOARD, SO WE THOUGHT IF THERE'S GOING TO BE A NEW ONE, WE WOULD LIKE FOR THEM IN THEIR PROPOSALS SO MAKE SOME CHANGES TO WHERE THAT SITUATION DIDN'T RECUR. THANK YOU.

Mayor Wynn: THANK YOU. AND THE CITY'S ATTORNEY'S OFFICE HAS BEEN HELPFUL TO THE COUNCIL. WE'VE RECEIVED SEVERAL MEMOS RECENTLY ABOUT SOME OF THESE ISSUES. SO THANK YOU. MR. KEN ALTES, THANK YOU. YOU HAVE THREE MINUTES AND WILL BE FOLLOWED BY

PAUL ROBBINS.

MAYOR, COUNCIL, CITY MANAGER, THANK YOU VERY MUCH FOR LETTING ME ADDRESS YOU. I WANT TO FIRST CONGRATULATE MR. LEFFINGWELL FOR GETTING ON THE COUNCIL, AND I HOPE YOU ENJOY YOUR TENURE AND I EXPECT IT WILL BENEFIT ALL OF AUSTIN TO HAVE YOU HERE. I STARTED FRIENDS OF SEAHOLM IN 1989 SO THAT THIS OLD POWER PLANT COULD BE USED FOR CULTURAL USES FOR THE CITY OF AUSTIN. I'VE BEEN WORKING AT IT FOR ALL THIS TIME. FINALLY WE SEEM TO BE ON THE CUSP OF SUCCESS, BUT I'M AFRAID THAT THE CITY HAS KIND OF LOST ITS WAY. IT SEEMS TO BE WORKING AS A GENERAL POLICY, IF THERE IS ONE, TO COMMERCIALIZE THE TOWN LAKE AREA, THE OVERLAY DISTRICT. THE FIRST THING WHICH IS TO DEMONSTRATE THAT, ILLUSTRATE THAT, IS THAT THE CONTRACT THAT IS BEING NEGOTIATED NOW BY THE CITY FOR SEAHOLM, WHICH WAS NOT DONE IN A PUBLIC WAY, THE WHOLE PROCESS, CONTEMPLATES POSSIBLY SELLING SEAHOLM. NOW, THAT SEEMS TO BE UNTHINKABLE, BUT THAT IS A POSSIBILITY, AND I THINK THAT DEMONSTRATES THAT THE CITY IS NOT REALLY CONCENTRATING OR THINKING ABOUT THE VALUES OF TOWN LAKE AND HOW TO MAKE THE TOWN LAKE PARK EVEN BETTER. THE WORK IS NOT FINISHED THERE, THERE'S MORE WORK TO BE DONE. THE CONCEPT, WHICH WAS KIND OF BACKWARDS ADOPTED FOR THIS, SEAHOLM, INCLUDED AN 11 STORY RESIDENTIAL POWER RIGHT UP AGAINST SEAHOLM, TALLER THAN THE SMOKE STACKS, WHICH WOULD DIMINISH ITS SIGNIFICANCE, IT'S IRONIC SIGNIFICANCE, BUT ALSO VERY SERIOUSLY PERMANENTLY DAMAGE THE ABILITY TO PROGRAM IT BECAUSE YOU CANNOT HAVE A CULTURAL FACILITY THAT HAS A LOT OF PEOPLE RIGHT UP NEXT TO KIND OF A HIGH END RESIDENTIAL DEVELOPMENT. THERE WOULD BE CONFLICTS. WE CAN PREDICT THAT. THERE ARE GOING -- THEY'RE GOING TO BE PERSISTENT AND THEY'RE GOING TO BE SEVERE. I HAVE TO SAY THAT IN THIS PROCESS THE FRIENDS OF SEAHOLM AND THE PUBLIC HAS BEEN KEPT OUT OF THIS PROCESS. I'VE ASKED A NUMBER OF OPEN RECORDS REQUESTS IN ORDER TO BECOME MORE AWARE OF WHAT THE CITY WAS DOING. THE CITY HAS VIOLATED THE LAW SEVERAL TIMES, HAS NOT ANSWERED THE OPEN

RECORDS QUESTIONS, ALL OF THEM, AND SO I THINK THAT IS -- IS AN ILLUSTRATION OF HOW THE CITY HAS KIND OF LOST ITS WAY. IN FACT, I WAS ASKED -- I SAID I'M ON A STAKE -- I WANTED A STAKEHOLDERS LIST AND THE PERSON I WAS DEALING WITH, A PROFESSIONAL FROM THE CITY, ASKED ME TO EXPLAIN WHAT THAT MEANT. PROBABLY THE WORST THING BEYOND THAT IS THE WAY THE CITY SEEMS TO BE INCENTIVIZING GABLES, THIS INCOMPATIBLE, OVERLARGE DEVELOPMENT AT THE LUMBERMAN'S LAND NEXT ON TO SEAHOLM BY GIVING IT CITY LAND TO MAKE IT BIGGER, MORE AND MAYBE MAKING IT POSSIBLE. THE CITY -- PARKLAND WILL BE USED FOR PARKING, WILL BE USED FOR WATER QUALITY RETENTION POND, JUST FOR LUMBERMAN'S OR GABLES, ON PUBLIC LAND. STREETS WILL BE MOVED, NOT FOR SEAHOLM. THEY'LL SAY THAT, BUT THERE'S NO PROCESS, NO WAY TO -- FOR THEM TO REALLY BACK THAT UP. PUT A SIGNAL ON CESAR CHAVEZ, ALL KINDS OF PROBLEMS. I WOULD LIKE TO MAKE FOUR PROPOSALS. THAT THE CITY STEP BACK FROM THE SEAHOLM CONTRACT BEFORE IT GETS SIGNED. A BIG WONDERFUL, WORLD CLASS POTENTIAL WILL BE RUINED IF WE DON'T TAKE THIS SERIOUSLY. THE MOST FAMOUS, MOST POPULAR MUSEUM IN THE WORLD RIGHT NOW IS THE OLD POWER PLANT IN LONDON. [BUZZER SOUNDS] IF I COULD MAKE THE FOUR QUICK --

Mayor Wynn: PLEASE CONCLUDE, YES, SIR.

WE COULD HAVE LIKE THEY HAVE IN LONDON, A TRUE DESIGN COMPETITION I THINK WE WILL HAVE A LOT OF EXCITEMENT. THAT THERE'S A MORATORIUM ON DOWNTOWN DEVELOPMENT ON THE TOWN LAKE OVERLAY DISTRICT FOR 90 DAYS. THAT WE DEDICATE THE SEAHOLM LAND AS PARKLAND. AND I WOULD LIKE TO SUGGEST THAT ONE POSSIBLE WAY OUT OF THIS IS TO CONSIDER A LAND SWAP, THE LUMBERMAN'S LAND FOR THE CITY LAND THAT IS JUST NORTHEAST OF SEAHOLM, WHICH IS WHERE THE EMERGENCY CENTER IS FOR THE ELECTRIC DEPARTMENT. I THINK THE CITY INTENDS TO MOVE OUT OF THERE QUICKLY. IT'S ALREADY CONSIDERED AS A MIXED USE IN THE CITY'S IDEA, AND I THINK THAT MIGHT WORK. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. AND IF I CAN JUST POINT OUT, THE ACTION THAT THE COUNCIL TOOK SEVERAL MONTHS AGO, TECHNICALLY WE CHOSE A REDEVELOPMENT TEAM FROM THE SEAHOLM PROPERTY. WE DIDN'T CHOOSE THEIR CONCEPT. AND THE TEAM THAT WAS CHOSEN INCLUDES BY THE WAY THE ARCHITECT WHO DID THE TATE MUSEUM IN LONDON --

MAY I BECAUSE OF THAT MAKE A QUICK RESPONSE?

Mayor Wynn: NO, SIR. YOUR TIME IS UP. THANK YOU. PAUL ROBBINS. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY PAT JOHNSON.

MAYOR AND COUNCIL, MY NAME IS PAUL ROBBINS. I'M AN ENVIRONMENTAL AND CONSUMER ADVOCATE AND I'M HERE TODAY TO DISCUSS A NEW SOURCE OF REVENUE FOR THE UPCOMING CITY BUDGET. WELL, ACTUALLY, IT'S NOT NEW, IT'S HIDDEN. THIS IS THE FRANCHISE MONEY THE TEXAS GAS SERVICE, THE MAIN GAS UTILITY THAT SERVES AUSTIN, HAS AVOIDED PAYING UNDER ITS OBLIGATIONS. NOW, HISTORICALLY GAS FRANCHISE FEES ARE PAID TO MUNICIPALITIES AS A KIND OF A LICENSE TO USE STREETS AND RIGHT-OF-WAYS. SOUTHERN UNION GAS, WHICH TEXAS GAS SERVICE PURCHASED LAST YEAR, SIGNED A COMMITMENT IN 1986 TO PAY A FIVE PERCENT FRANCHISE FEE ON ITS GROSS INCOME. RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS ACTUALLY PAY THIS FEE, BUT IN THE MID 1980'S, GAS COMPANIES IN TEXAS BECAME COMMON CARRIERS FOR LARGE GAS CUSTOMERS, INCLUDING LARGE BUILDINGS, INDUSTRIES, AND INSTITUTIONS WHO BEGAN MAKING THEIR OWN PURCHASES, PAYING THE GAS COMPANY A SMALL FEE TO DELIVER IT THROUGH THEIR LINES. NOW, SINCE THE GAS COMPANY WAS NOT TECHNICALLY SELLING THE GAS TO THESE LARGE PURCHASERS, IT IS THEN OFF THE BOOKS. THE GAS COMPANY IS THEN ABLE TO AVOID PAYING FRANCHISE FEES ON THEIR FUEL COSTS. IT ONLY PAYS FRANCHISE FEES ON THEIR DISTRIBUTION CHARGES. WITH THE COST OF GAS BEING WHAT IT IS, THIS MEANS THAT LARGE CUSTOMERS PAY AN EFFECTIVE FRANCHISE FEE OF PROBABLY LESS THAN ONE PERCENT, WHILE THE POOREST RESIDENTIAL CUSTOMERS AND STRUGGLING SMALL BUSINESSES PAY

FIVE PERCENT. ALMOST HALF OF TEXAS GAS SERVICE AUSTIN FUEL SALES AVOID THE FRANCHISE FEE. IN ROUND NUMBERS, IT AMOUNTS TO ABOUT THREE MILLION DOLLARS IN 2003 THAT WAS NOT PAID TO THE CITY. I HAVE NO ESTIMATES YET ON HOW MUCH THE CITY OF AUSTIN HAS BEEN SHORTED ON FRANCHISE FEES SINCE 1986, BUT IT IS OBVIOUSLY MORE AND OBVIOUSLY SUBSTANTIAL. COUNCIL, TEXAS GAS SERVICE FRANCHISE EXPIRES IN NOVEMBER OF 2006. I THINK IT'S TIME TO BROACH THE SUBJECT OF WHY THE CITY IS NOT GETTING ITS FAIR SHARE OF REVENUES AND TO ASK IF THIS PROBLEM CAN BE FIXED IN THE NEXT BUDGET YEAR. SINCE THE CITY IS UNDER NO OBLIGATION TO RENEW THIS FRANCHISE, I WOULD SAY THE CITY IS IN A POSITION TO BARGAIN. I SUGGEST THAT THIS SUBJECT BE GIVEN A WORK SESSION -- [BUZZER SOUNDS] -- IN THE UPCOMING BUDGET PRESENTATION. YES, I AM CONCLUDING. IT WOULD GIVE AN OPPORTUNITY TO ASK THE GAS COMPANY FACE TO FACE WHAT THEY PLAN TO DO TO REMEDIATE THIS PROBLEM AND WHEN THEY PLAN TO DO IT. AND IF THREE MILLION DOLLARS SEEMS LIKE A SMALL AMOUNT RELATIVE TO THE CITY BUDGET, ASK THE SOCIAL SERVICE AGENCIES WHOSE BUDGETS YOU WANT TO RESTORE. I HAVE OTHER CRITICISMS OF THE COMPANY, OF TEXAS GAS SERVICE, AND I'LL PRESENT THEM AT A MEETING IN THE NEAR FUTURE. THANK YOU.

Mayor Wynn: THANK YOU, MR. ROBBINS.

MAYOR AND CITY MANAGER, I HAVE JUST SENT AN E-MAIL TO THE LAWYERS AT THE LAW DEPARTMENT WHO SPECIALIZE IN THIS PARTICULAR AREA TO ASK THEM TO LOOK AT MR. ROBBINS' CONCERNS.

Mayor Wynn: THANK YOU, □□ MR. SMITH. THE NEXT SPEAKER IS PAT JOHNSON. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY ROBERT THOMAS.

GOOD DAY, COUNCIL. I FEEL A LOT BETTER THAN I DID THE LAST TIME I WAS UP HERE. I'M GOING TO SHOW YOU A SHORT VIDEO IN CASE YOU MISSED IT ON THE NEWS A COUPLE OF WEEKS AGO. AND THIS IS THE REASON WE NEED TO MAKE SURE WE HAVE FUNDING IN THE WRECKER ENFORCEMENT UNIT TO EXPAND IT. A.P.D. HAS BEEN VERY

RESPONSIVE ON THIS ISSUE AND THIS VIDEO HERE WILL SHOW Y'ALL EXACTLY WHAT I'M TALKING ABOUT.

TOW TRUCK DRIVERS FIND SOMEONE, BUT THEY DON'T ALWAYS DO IT LEGALLY.

PLACING IT IN A HANDICAPPED LOCATION, PHOTOGRAPHING IT AND THEN TOWING THE CAR, WHICH ALL SHOW CONTEMPT THAT YOU'RE TRYING TO STEAL A CAR.

THIS SHOWS HOW ONE AUSTIN TOW TRUCK DRIVER MOVED A CAR OUT OF A LEGAL SPOT INTO A HANDICAPPED SPOT, TOOK A PICTURE AND THEN TOWED IT AWAY. THE OWNER OF THE CAR HAS SINCE RECEIVED A REFUND, BUT ACCORD TO GO THE SORGH, THERE'S ONLY ONE EXAMPLE OF HOW THE TOW TRUCK COMPANIES BREAK THE LAW.

A LOT OF THE ONES WE SEE ARE IN PROPER SIGNAGE OR WE'VE HAD SOME SITUATIONS EVEN WHERE THERE'S BEEN ILLEGAL TOWS WHERE INSTEAD OF THE TOWS BEING ON PRIVATE PROPERTY, THEY ARE ON THE PUBLIC ROADWAYS.

IT'S NOT THE ONLY KINDS OF VIOLATIONS. ACCORDING TO A.P.D. DOCUMENTS, THE DEPARTMENT REMOVED AUSTIN EXPRESS TOWING FROM THEIR ROTATION LIST AFTER A SERIES OF PROBLEMS, INCLUDING A PENDING CRIMINAL INVESTIGATION INVOLVING THE TOW TRUCK THAT LEFT THE SCENE OF A COLLISION, INVALID INSURANCE FILED WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AND ALSO IMPROPERLY NOTIFYING A.P.D. OF TOWING. THE.

IF THERE'S ANY PROBLEM WITH THE SIGNAGE, THEY'RE THEY'RE GOING TO GET A REFUND.

IN ORDER FOR A SIGN TO BE ILLEGAL, IT MUST SAY UNAUTHORIZED VEHICLES MUST BE TOWED AT OWNER'S OR OPERATOR'S EXPENSE, ACCORDING TO THE JUDGE. IF THOSE TWO WORDS ARE MISSING SHE SAYS THE SIGN VIOLATES STATE LAW. FOR EXAMPLE, THIS SIGN ON RIVERSIDE DRIVE IS MISSING THE WORDS WILL BE. AS A RESULT, ANYONE TOWED FROM THIS LOT COULD GET A REFUND. THE JUDGE HANDLES CASES LIKE THIS ALL THE TIME AND SAYS COUNTLESS PRIVATE PARKING LOTS DON'T

FOLLOW THE RULES.

AND IT'S NOT JUST PRIVATE PROPERTY OWNERS THAT MAKE MISTAKES. THE CITY OF AUSTIN'S PARKING LOT AT THE LIBRARY DIDN'T COMPLY WITH STATE LAW.

THIS SIGN HAS PROBLEMS. I SAID DO YOU KNOW WHAT? YOU HAVE TO GET THE SIGN RIGHT IF YOU'RE GOING TO BE TOWING PEOPLE FROM THE AUSTIN PUBLIC LIBRARY PARKING LOTS.

THE CITY HAS SINCE CORRECTED THE PROBLEM, BUT ANYONE WHO FEELS THEIR CAR HAS BEEN TOWED ILLEGALLY AND WANT AS REFUND FOR TOY CHARGES TO VISIT THEIR LOCAL JUSTICE OF THE PEACE.

THEY COME IN AND IT'S A 12-DOLLAR FEE TO FILE THE CASE, WHICH IS OF COURSE REFUNDABLE IF THEY WIN THE CASE.

THEY CAN ALSO ASK THE AUSTIN POLICE DEPARTMENT TO INVESTIGATE BY CALLING 311. KEEP IN MIND, THERE'S ONLY ONE DETECTIVE TO HANDLE THOSE CASES.

EVERYTHING THAT MUST BE DONE AS FAR AS WRECKERS IS DONE BY THAT ONE DETECTIVE AND HE HAS A PRETTY HEAVY WORK LOAD.

FOX 7 NEWS.

COUNCIL, YOU SEE THE PROBLEM, WHAT THE PROBLEM IS. WE'VE GOT TO MAKE SURE THAT WE HAVE FUNDING IN THAT UNIT TO EXPAND THAT UNIT. OUR ECONOMY IS IMPROVING. WE DON'T NEED TO RUN PEOPLE OUT OF TOWN BECAUSE THEY'VE GOT TO LEAVE HERE WITH A BAD TASTE IN THEIR MOUTH BECAUSE THEY'VE BEEN RIPPED OFF BY A TOWING COMPANY. A.P.D. HAS BEEN VERY RESPONSIVE IN THIS MATTER. THEY'VE TAKEN THE STEPS, BUT THEY'VE GOT TO HAVE THE FUNDING TO EXPAND THAT UNIT. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. JOHNSON. ROBERT THOMAS? WELCOME, MR. THOMAS. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY SUSANA ALMANZA, WHO

WILL BE FOLLOWED BY RON FRANK.

THANK YOU, MAYOR WYNN AND MAYOR PRO TEM THOMAS AND HONORABLE MEMBERS OF THE COUNCIL. I'M INDEED HONORED TO SPEAK WITH YOU TODAY CONCERNING THE ROSEWOOD PARK AND RECREATION REVITALIZATION PROJECT. I AM PART OF THE -- (INDISCERNIBLE) TEXAS AFL/CIO. I AM FORMERLY OF THE NATIONAL FOOTBALL LEAGUE, AMERICAN FOOTBALL LEAGUE AND THE AMERICAN ASSOCIATION. I'M THE ADVISORY COUNCIL FOR THE INTERNATIONAL FOR THE ROSEWOOD PARK. TODAY MY DISCUSSION WILL CONCERN LABOR AND INDUSTRIAL RELATIONS AND REDEVELOPMENT AT ROSEWOOD. FOR YEARS I'VE BEEN SPEAKING TO YOU AND CONCERNED ABOUT WORKING FOR THE ROSEWOOD PARK. I -- IN EARLY YEARS OF EMPLOYMENT AND IN NEGOTIATION FOR ATHLETES, WE HAD TO DEVELOP MUCH ENVIRONMENTAL PROTECTION FOR ROSEWOOD. WE HAD TO BUILD A CENTRAL UNIT THAT DECENTRALIZED AREAS OF THE (INDISCERNIBLE), THE MILLENNIUM YOUTH ENTERTAINMENT CENTER AND THE EAST SIDE FOOTBALL CLUB. NOW, I AT THIS TIME WOULD LIKE TO BE ABLE TO SPEAK ABOUT THIS. WE'VE HAD TOO MUCH TURMOIL WITHIN THE DECADE OF THE '90S. IT WOULD KEEP KIDS AWAY FROM CRIME. WE NEED TO LOOK INTO REDEVELOPMENT. I HAVE SPOKE TO CHIEF MIKE MCDONALD AND WARREN WAR STREUSS AND HE SAYS THAT WE NEED AT LEAST \$100,000 TO REDEVELOP ROSEWOOD. I KNOW AT THIS PARTICULAR TIME IT'S RUGGED TO SPEAK ABOUT REVISION AND WHAT MUST BE DONE IN ORDER TO DO THIS REDEVELOPMENT BECAUSE WE'RE STRUGGLING, BUT I KNOW THAT THE ECONOMY IS PICKING UP AND WE NEED A NEW SPECTRUM, A NEW WAY OF LIFE. AND ROSEWOOD WE HAVE TO REVISE OTHERWISE IT WON'T WORK. IT'S BEEN THERE ABOUT 20 YEARS AND IT NEEDS A PROGRAM IN THE COMMUNITY. I'D LIKE TO BRING MY NEEDS IN TO BRING OUT IN THE AREAS WHERE IT'S NEEDED. WE WOULD LIKE TO BE ABLE TO PUT IN POSITION AS PROGRAMMERS AND SUPERVISORS AND BUILDERS IN ORDER TO BRING FORTH THE TYPE OF RENOVATION THAT WOULD HELP THE GENERAL WELFARE OF EVERYBODY. WHAT I WOULD LIKE TO DO NOW IS TRY TO SEE IF I COULD MEET WITH MY BROTHER DANNY AND MR. WARREN

STREUSS AND MIKE MCDONALD AND SPEAK ABOUT HOW TO REVISE ROSEWOOD AND HOW TO MAKE SOMETHING HAPPEN THERE THAT WOULD HELP EVERYBODY INVOLVED IN IT. [BUZZER SOUNDS] THANK YOU.

Mayor Wynn: THANK YOU, MR. THOMAS. SUSANA ALMANZA, WELCOME. YOU WILL HAVE THREE MINUTES. TO BE FOLLOWED BY RON FRANK.

GOOD AFTERNOON, MAYOR, MAYOR PRO TEM THOMAS AND CITY COUNCILMEMBERS. I'M SUSANA ALMANZA WITH PODER. AND TODAY I'M REALLY APPALLED BY A LOT OF THE THINGS I'VE BEEN READING IN THE NEWSPAPER AND ON TELEVISION ABOUT THE ASSASSINATION OF THE CHARACTER OF DANIEL ROCHA, AN 18-YEAR-OLD TEENAGER WHO WAS SHOT IN THE BACK WHILE FACEDOWN AT POINT-BLANK RANGE. THAT EVIDENCE IS CLEAR THAT DANIEL ROCHA WAS UNARMED AND HE HAD NO DRUGS IN HIS POSSESSION. WHAT IS CLEAR IS THAT HE WAS ONLY A PASSENGER IN THE VEHICLE, AND THIS IS SOMETHING THAT I SEE OVER AND OVER. WHEN POLICE SEE YOUTH OF COLOR, THEY DON'T JUST ASK FOR DRIVER DRIVER'S LICENSE AND PROOF OF INSURANCE. THEY TAKE EVERYONE OUT OF THE CAR, SOMETIMES HANDCUFF THEM AND THEN LOOK FOR OUTSTANDING UNITS. YET I'VE SEEN A GROUP OF WHITE YOUTH STOPPED AND ALL THEY ASK FOR IS LICENSE AND REGISTRATION. NO ONE IS PULLED OUT OF THE VEHICLE AND THEY'RE ALLOWED TO CONTINUE. SO THERE IS A LOT OF RACIAL PROFILING GOING ON IN THIS CITY AND THERE IS A RACE ISSUE BECAUSE IT'S ONLY BEEN PEOPLE OF COLOR THAT HAVE BEEN KILLED BY POLICE, SO IT IS THE RACE CARD THAT'S HAPPENING HERE. AND THAT'S EVIDENTLY CLEAR AND WE NEED TO ADDRESS THAT ISSUE AS TO WHAT'S HAPPENING. WE ALSO THINK THERE'S A COVER UP GOING ON. WE WANT A COPY OF THOSE BLANK TAPES. WE ALSO KNOW THAT THE OFFICER WORKED FOR INTERNAL AFFAIRS, SO HE'S PRIVY TO A LOT OF THE INFORMATION THAT HAPPENS OUT THERE. TODAY WE WILL BE HAVING A PROTEST FROM 5 TO 7 IN FRONT OF CITY HALL AND ASK FOR JUSTICE FOR DANIEL ROCHA AND THE COMMUNITY, THE COMMUNITY AT LARGE. BECAUSE WHEN A TEENAGER IS MURDERED IT AFFECTS EVERYBODY, NOT JUST PEOPLE OF COLOR, BUT THE WHOLE COMMUNITY. AND SO I WANT TO MAKE SURE THAT SOMETHING IS DONE TO

SEEK JUSTICE FOR DANIEL AND THE COMMUNITY, DANIEL ROCHA AND THE COMMUNITY. AND NOW I WANT TO TALK ABOUT THE NEW URBANISM THAT'S HAPPENING IN EAST AUSTIN. AS WE SEE HERE, THIS WAS PARKLAND THAT WAS DONE BY LIZ MUELLER AND MICHAEL OWE LAND OF U.T. THAT LOOKED AT THE RAPID ESCALATION OF PROPERTIES IN THE EAST CESAR CHAVEZ NEIGHBORHOOD. AND YOU CAN SEE JUST SINCE THE TIME THE NEIGHBORHOOD PLAN HAS BEEN WORKED ON AND ADOPTED HOW THE INCREASE OF THESE PROPERTY VALUES FOR SINGLE-FAMILY OWNERS, 97%. AND JUST LOOK AT THE TOTAL PROPERTY VALUE, LOOKING DOWN AT SINGLE-FAMILY, ALL OTHERS WITHOUT EXTENSION. AND INCREASE OF LAND VALUE BY PERCENTAGE FOR SINGLE-FAMILY OWNERS IS 495%. THAT'S AN OUTRAGE OF WHAT'S HAPPENING AND PEOPLE ARE SAYING THAT GENTRIFICATION IS NOT HAPPENING IN OUR COMMUNITY. [BUZZER SOUNDS] I'LL WRAP UP WITH THIS LAST LINE THAT SAYS THAT A RAPID INCREASE IN PROPERTY TAX BURDENS ALSO IN THE EAST SAYS CESAR CHAVEZ AREA, AND YOU CAN SEE THE TAX BILLS FOR PROPERTY OWNERS WITH NO EXTENSION, 164% AND SINGLE-FAMILY EVEN WITH HOMESTEAD 128%. I SUGGEST THAT WE ALSO DO A MORATORIUM ON THE LOFTS AND THE HIGH END HOUSING THAT'S COMING INTO OUR COMMUNITY SO THAT WE CAN SEE HOW WE'RE GOING TO ADDRESS THIS ISSUE. WITH THE LAST SLIDE THAT HE TALKS ABOUT, HE TALKS ABOUT THE RISK TO THE FABRIC OF OUR CITY OF LESS ECONOMIC AND CULTURAL CITY. AND THAT THE CHARTER FOR LOW INCOME AND MODERATE INCOME PEOPLE TO LIVE IN MANY OF THE CITY NEIGHBORHOODS. AND SO I THINK THAT WE REALLY NEED TO LOOK AT THIS PARTICULAR ISSUE, GO BACK TO THE DRAWING BOARD, PUT UP THE MORATORIUMS, BECAUSE PEOPLE OF COLOR WILL BE RUN OUT OF THE URBAN CORE IF SOMETHING IS NOT DONE. AND AUSTIN WOULD NO LONGER BE WEIRD, IT WOULD BE RACIST. THANK YOU.

Mayor Wynn: THANK YOU, MS. ALMANZA. RON FRANK, WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY NAILAH SONKOFA.

THANK YOU, MAYOR WYNN AND I APPRECIATE THE OPPORTUNITY TO TALK WITH THE MEMBERS OF THE CITY

COUNCIL, THE OLD IN TERMS OF TENURE, NOT AGE, OF COURSE, AND THE NEW, AGAIN, IN TERMS OF TENURE AND NOT AGE. CONGRATULATIONS ON THOSE OF YOU WHO ARE SITTING HERE FOR THE FIRST TIME. I APPRECIATE -- FIRST OF ALL, I DON'T HAVE ANYTHING TO ASK FOR TODAY OR COMPLAIN ABOUT TODAY. SO MAYBE WE'LL GET ALONG FOR THE NEXT COUPLE OF MINUTES REAL WELL.

Mayor Wynn: HAD I KNOWN THAT WE WOULD HAVE LET YOU GO FIRST EARLIER.

MY PURPOSE IS NOT TO ADDRESS THE AMN INTERNET. THAT WAS SET UP WHEN IT WAS SET UP, THAT WAS PART OF WHAT THE PERSON WHO WAS SCHEDULED TO APPEAR. I'M GOING TO TALK IN CONTEXT OF THE STRATEGIC PLANNING, BUT I WANT TO GIVE YOU BACKGROUND ON WHAT WE HAVE HERE AND HOW OUR WORKING RELATIONSHIP HAS BEEN. I'M BEEN THE PRESIDENT OF THE AUSTIN COMMUNITY ACCESS BOARD FOR THE LAST COUPLE OF YEARS AND I MUST SAY I'VE DONE A LOT OF THINGS IN MY LIFE, I'VE BEEN A PROFESSIONAL ATHLETE AND I'VE ACTUALLY BEEN A REGISTERED PROFESSIONAL ENGINEER. I'VE WORKED FOR A U.S. SENATOR IN WASHINGTON, D.C., I'VE BEEN A PARTNER IN A LARGE CONSULTING FIRM, I'VE BEEN AN ENTREPRENEUR AND A BUSINESSMAN, BEEN LIVING IN AUSTIN FOR 15 YEARS AND I CAN TRUTHFULLY SAY THAT NONE OF THOSE THINGS THAT I'VE DONE IN THE PAST WERE AS CHALLENGING OR AT LEAST WERE NOT MORE CHALLENGING THAN BEING PRESIDENT OF AUSTIN COMMUNITY ACCESS. I WANT TO THANK YOU ALL FOR STANDING BESIDE US AND HELPING US, FOR THE STAFF, FOR YOU ALL. THE STAFF HAS BEEN TREMENDOUS IN HELPING US GET THROUGH SOME VERY DIFFICULT TIMES. WE'VE HAD SOME CHALLENGES TO DEAL WITH. WE'VE DEALT WITH THEM. WE HAVE HAD SOME PEOPLE ON OUR STAFF THAT HAVE STEPPED UP TO THE PLATE DURING A DIFFICULT TIME. WE'VE HAD PAT O'NEAL, WE'VE HAD LEWIS MEYER AND WE'VE HAD MARY ANNE NICKERSON ACTING AS A COMMITTEE DURING THIS TIME. THEY HAVE ABSORBED THE ROLE THAT WE'VE BEEN ASKED TO TAKE ON WP TO AMN. WE'VE KEPT THAT CHANNEL AS WE WERE REQUESTED TO DO AND WE ALWAYS DO WHAT WE TELL PEOPLE WE'RE GOING TO DO. WE'VE BEEN LIKE A FAMILY A LITTLE BIT,

ABSORBING ANOTHER FAMILY, MAYBE A MARRIAGE WITH TWO SETS OF KIDS. WE'VE HAD SOME DYSFUNCTIONAL RELATIONSHIPS GOING ON, I HAVE TO ADMIT, AS DO ALL ORGANIZATIONS, BUT WE HAVE COME OUT OF THIS I THINK WITH SOME REALLY GOOD THINGS. WITH EVERY CHALLENGE THERE'S OPPORTUNITY. WE HAVE AND AGAIN THANK MS. FUTRELL IN CLAIRE CLARIFYING ISSUES FOR US IN HELPING US MOVE FORWARD. I MUST SAY I APPRECIATE THE SUPPORT OF MY BOARD TOO. WE'VE HAD THREE MEMBERS OF THE BOARD WHO HAVE BEEN THROUGH ALL OF THIS FOR THE WHOLE TIME, SUE, WHO IS NOW THE PRESIDENT -- ACTUALLY THE EXECUTIVE DIRECTOR OF AN INTERNATIONAL ASSOCIATION, BROAD VIEW. WE HAVE ALSO HAD (INDISCERNIBLE), WHO HAS BEEN THE VICE-PRESIDENT AND TREASURER, HAS BEEN DEALING WITH LOTS OF FINANCIAL ISSUES AND WORKING WITH A LOT OF OUR MEMBERS. BILL ATWOOD, I WAS FORTUNATE TO BE ABLE TO HAVE PEOPLE COME ABOARD WHEN I NEEDED HIM. BILL WAS ACTUALLY THE PRESIDENT OF A LOCAL CHAPTER OF THE CERTIFIED FRAUD EXAMINERS. [BUZZER SOUNDS] AND WE ALSO HAVE A NEW BOARD MEMBER, FRANK, WHO HAS BEEN PRESIDENT OF AUSTIN COMMUNITY ACCESS IN A DIFFICULT TIME AND HE HELPED GIVE GUIDANCE TO US. WE JUST ELECT THREE NEW BOARD MEMBERS TO THE BOARD WHO HAVE SPECIAL EXPERTISE IN A LOT OF DIFFERENT AREAS. WE'RE TRYING TO GET DIVERSIFIED SKILLS ON THE BOARD SO WE CAN MOVE FORWARD ON OUR STRATEGIC PLANNING WITH RESPECT TO ASSURING THE COMMUNITY OF AUSTIN ACCESS TO THE PUBLIC MEANS THEY HAVE OF EXPRESSING THEIR FREEDOMS. IT'S A DIFFICULT SITUATION THAT WE HAVE WITH THE AMN CHANNEL COMING IN, BUT WE LOOK FORWARD TO WORKING WITH YOU ON IT AND BRING YOU ALL FOUR CHANNELS AS LONG AS WE ARE CHARGED WITH MANAGING THEM TO BE THE BEST THAT THEY CAN POSSIBLY BE FOR THE COMMUNITY. THANK YOU.

Mayor Wynn: THANK YOU, MR. FRANK. NAILAH SONKOFA. WELCOME. I THINK I'M PRONOUNCING THAT CORRECTLY. LAWRENCE CRANBERG WILL BE NEXT.

NAILAH.

Mayor Wynn: SORRY.

THAT IS A VERY TRADITIONAL WAY TO GREET PEOPLE IN A COMMUNITY, ESPECIALLY THOSE CONSIDERED TO BE YOUR ELDERS, NOT ELDERS AS IN AGE, BUT ELDERS AS IN POSITION. GREETINGS, MAYOR, COUNCILMEMBERS. I AM HERE TO MAKE YOU AWARE OF A CULTURAL AND ARTS PROGRAM I'M COORDINATING AS WELL AS TO ASK FOR YOUR SUPPORT OF THIS PROGRAM AND OTHERS ACTUALLY. IT'S ARTS AND CULTURAL RITE OF PASSAGE PROGRAM FOR TEENS IN EAST AUSTIN. IT'S BASED ON WEST AFRICAN TRADITIONS. I'VE GONE THROUGH A RITE OF PASSAGE PROGRAM MYSELF AND WILL BE DRAWING ON THAT EXPERIENCE AS WELL AS MY CURRENT CULTURAL PRACTICES AND STUDIES TO IMPLEMENT THIS PROGRAM. AND TO KEEP IT GOING. THE OTHERS ARE CALLS FOR BLACK ARTISTS TO CREATE ORIGINAL WORKS OF ART FOR TWO PROJECTS IN EAST AUSTIN. THE REASON THAT I'M ASKING THIS COUNCIL FOR ITS SUPPORT IS, AS YOU KNOW, IN THE WAKE OF THE FINDING FROM THE QUALITY OF LIFE FORUMS, THE CITY IS AT AN EXTREMELY CRITICAL STAGE AS FAR AS THE BLACK COMMUNITY'S WELL-BEING IS CONCERNED, ESPECIALLY FROM AN ARTS AND CULTURAL PERSPECTIVE. PEOPLE ARE ANTSY, DISCOURAGED, COMPLACENT, AMBIVALENT, YOUNG MEN AND WOMEN BOTH IN OUR COMMUNITY ARE BEING INCARCERATED AT AN EXTREMELY ALARMING RATE, AND THOSE THAT HAVE BARELY MANAGED TO ESCAPE THE LEGAL SYSTEM, DRUGS AND OTHER OPPRESSIVE CONDITIONS THAT ARE ACTUALLY A DIRECT REFLECTION OF THE CITY, ITS LEADERSHIP AND ITS PRIORITIES HAVE VERY FEW RESOURCES AND OPPORTUNITIES FOR CREATIVE ETHNIC, CULTURAL ALTERNATIVE OUTLOOK, DISCOVERIES AND RAPPORT. THE NAME OF THE CULTURAL ROOTS PASSAGE PROGRAM THAT I'M STARTED IS CALLED WARRIOR MOON DANCES. AND IT'S A PROGRAM THAT I AM IMPLEMENTING AND ALONG WITH OTHERS THAT I HAVE AND WILL CONTINUE TO CREATE FOR OUR COMMUNITY AS A WHOLE, NOT JUST EAST AUSTIN, ARE CRUCIAL AND NECESSARY. HOW DOES A SOCIETY NURTURE AND INSTILL SELF-CONFIDENCE AND A SENSE OF BELONGING AND SENSE. WHAT WE CALL GOOD AND BALANCED CHARACTER AND PURPOSE IN ONE OF THIS

CITY'S MOST VALUABLE RESOURCES, ITS YOUTH, WHEN THERE ISN'T ANYTHING AVAILABLE TO THEM THAT SHOWS THEM POSITIVE ALTERNATIVES. [BUZZER SOUNDS] SO I ASK THIS COUNCIL AND ESPECIALLY BROTHER THOMAS TO SUPPORT THIS -- MY EFFORTS AS WELL AS OTHERS WHO ARE DOING THINGS IN THIS COMMUNITY OR TRYING TO WITH VERY LIMITED RESOURCES AND VERY LIMITED SUPPORT, NOT ONLY FROM THE CITY AS A WHOLE, BUT ESPECIALLY FROM THE BLACK COMMUNITY. SO I ASK THE SUPPORT OF THE COUNCIL FROM THE BLACK COMMUNITY, WHETHER THEY'RE IN EAST AUSTIN OR NOT, AND THE CITY AS A WHOLE. THANK YOU.

Mayor Wynn: THANK YOU. LAWRENCE CRANBERG, WELCOME, DR. CRANBURG. YOU WILL HAVE THREE MINUTES.

THE TIME ON MY CLOCK IS THE LAST RITES OF THE ELDERLY. I THINK MAYOR WYNN KNOWS WHAT I'M TALKING ABOUT. THERE'S AN EXTRAORDINARY RATE OF SUICIDE IN THIS TOWN. BY THE LAST RITE OF THE ELDERLY, WHAT I'M SAYING IS SUICIDE IS THE LAST RIGHT OF THE ELDERLY. IT'S WHAT'S LEFT WHEN ALL THE RIGHTS TO WHICH THE ELDERLY ARE ENTITLED BY THE LAW HAVE BEEN RENDERED IRRELEVANT BY THE FAILURE OF THE POLICE TO ENFORCE. WHEN I APPEARED PREVIOUSLY, I HAD URGED THE COUNCIL TO GET A HANDLE ON THE CALLS INTO THE POLICE. I HAVE RESEARCHED THIS SUBJECT CAREFULLY. THERE ARE 400,000 POLICE IN THIS COUNTRY EMPLOYED BY 40,000 AGENCIES. WE HAVE 1100 POLICE. WHAT DOES ONE KNOW THE COST EFFECTIVENESS OF THE POLICE IS THE ONLY REFERENCE THAT I COULD FIND. THIS IS THE WORK OF JAMES Q. WILSON, A VERY DISTINGUISHED SOCIAL SCIENTIST. THE TITLE IS VARIETIES OF POLICE BEHAVIOR. IT'S A PART OF THE MIT HARVARD INSTITUTE ON URBAN STUDIES. WHAT'S WRONG WITH IT? IT'S 50 YEARS OLD. JAMES Q. WILSON DIDN'T RESPOND TO MY E-MAILS. I APPEALED TO MIT-HAR HARVARD TO RESEARCH THE FIELD AND TELL ME WHO IS THE MOST COMPETENT PERSON IN THE FIELD OF POLICE STUDIES. THE ANSWER CAME BACK, IT'S PETER MANNING, A PROFESSOR AT NORTHEASTERN UNIVERSITY. I HAVE CORRESPONDED WITH HIM EXTENSIVELY BY E-MAIL AND I HAVE ASKED THE CITY MANAGER TO DISTRIBUTE COPIES OF MY E-MAILS, AND I

HOPE YOU HAVE ALL RECEIVED COPIES OF THEM. PETER MANNING IS AN EXCEPTIONALLY WELL QUALIFIED INDIVIDUAL, PERHAPS THE MOST QUALIFIED INDIVIDUAL IN THE COUNTRY. AND HIS -- HE ESTIMATES THAT THE COST OF THE STUDY WOULD BE SEVERAL HUNDRED THOUSAND DOLLARS AND TAKE ABOUT SIX MONTHS. HE HAS VOLUNTEERED TO DO THIS THING FOR ABOUT 100,000 AND HE WOULD DO IT IN MUCH LESS THAN THREE MONTHS. I STRONGLY URGE THE CITY COUNCIL CONSIDER THIS EXTREMELY CAREFULLY. IT'S A GOLDEN OPPORTUNITY TO TAKE A POSITION OF LEADERSHIP AMONG THE LEADERS OF GOVERNMENT THROUGHOUT THE COUNTRY. I DIDN'T SAY VERY MUCH ABOUT MYSELF, ALTHOUGH LET ME SIMPLE ADD THAT I AM A MEMBER OF THE ELDER JUSTICE COALITION, WHICH IS LOBBYING FOR FEDERAL LEGISLATION ON THE SUBJECT. [BUZZER SOUNDS] AND I HAVE INITIATED AND CREATED THE ELDER JUSTICE COALITION OF JUSTICE, WHICH HAS A NUMBER OF MEMBERS. AND I ALSO WANT TO SUMMON YOU, MAYBE ALL OF YOU, IN THAT COALITION. THANK YOU. IF I HAVE ANY MORE TIME, AND MAYBE I DO, LET ME SIMPLY ADD THE FOLLOWING: ONE OF THE THINGS THAT HAS BEEN ABSOLUTELY ASTONISHING TO ME IN THE COURSE OF LOOKING AT ELDER PROBLEMS IS THE ROLE OF DEATH CERTIFICATES. YOU WOULD THINK THAT A DEATH CERTIFICATE WOULD TELL YOU THE CAUSE OF DEATH AND IT WOULD BE CREDIBLE AND YOU WOULD BE ABLE TO DECIDE FROM THE EVIDENCE OF A DEATH CERTIFICATE WHETHER A PERSON COMMITTED SUICIDE OR BEEN MURDERED OR DIED OF NATURAL CAUSES. WELL, LET ME TELL YOU A LITTLE ABOUT MY RESEARCH INTO THAT FIELD. THERE'S A JOURNAL CALLED THE AMERICAN JOURNAL OF FORENSIC MEDICINE AND PATHOLOGY. IN A VERY RECENT NUMBER OF THAT JOURNAL THERE'S A FOLLOWING STATEMENT: TO PRESUME CAUSE OF DEATH WAS COMPLETELY WRONG IN 28% OF THE CASES. COMPLETELY WRONG IN 28% OF THE CASES. I'M ADVOCATING TWO PHYSICIAN SIGNATURES ON EVERY DEATH CERTIFICATE, AND I'M HAVING A REAL UPHILL STRUGGLE. THE MEDICAL PROFESSION IS VERY STRONGLY OPPOSED. IT'S ESSENTIAL IF WE'RE GOING TO HAVE FAIRNESS AND ACCURACY ON ONE OF THE MOST FUNDAMENTAL POINTS IN ALL OUR LIVES.

Mayor Wynn: DR. CRANBERG, PLEASE CONCLUDE. YOUR TIME HAS EXPIRED.

I BEG YOUR PARDON?

Mayor Wynn: YOUR TIME HAS EXPIRED. PLEASE CONCLUDE.

THANK YOU.

Mayor Wynn: COUNCIL, THAT WAS ALL OTHER SPEAKERS SIGNED UP FOR GENERAL CITIZEN COMMUNICATION. THERE BEING NO MORE DISCUSSION ITEMS PRIOR TO AT LEAST OUR 2:00 O'CLOCK BRIEFINGS, WITHOUT OBJECTION WE'LL NOW GO BACK IN -- OKAY, CORRECT. COUNCIL, IF YOU REMEMBER EARLIER IN EXECUTIVE SESSION WE TOOK UP ITEM NUMBER 67, WHICH WAS THE CLOSED SESSION PRESENTATION OF THE CITY OF AUSTIN VERSUS RYAN-O EXCAVATING. WE HAVE A POSTED ACTION ITEM REGARDING THAT. THAT SETTLEMENT THAT WAS OUTLINED IN CLOSED SESSION AND WOULD WELCOME A BRIEF PRESENTATION ON THAT.

COUNCIL, DANA JOHNSON, ASSISTANT CITY ATTORNEY. THE ACTION ITEM NUMBER 70 SEEKS COUNCIL'S APPROVAL OF A SETTLEMENT AGREEMENT OF A LAWSUIT STYLED CITY OF AUSTIN VERSUS RYAN-O EXCAVATING, INC. AND CONCERNS THE BARTON SPRINGS ROAD UTILITY AND STREET EXCAVATION PROJECT. THE SETTLEMENT AGREEMENT IS FOR \$685,000, AND THE LAW DEPARTMENT RECOMMENDS APPROVAL OF THAT SETTLEMENT AGREEMENT TO DISPOSE OF ALL ISSUES IN THE CASE.

Mayor Wynn: THANK YOU. QUESTIONS, COMMENTS? AGAIN, OBVIOUSLY WE WERE BRIEFED IN DETAIL IN CLOSED SESSION AS PERMITTED BY LAW. HEARING NO COMMENTS OR QUESTIONS, I'LL ENTERTAIN A MOTION ON ACTION ITEM NUMBER 70. MOTION MADE BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE ITEM NUMBER 70 AS POSTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASS OR A PASSES ON A VOTE OF SEVEN TO ZERO. NOW COUNCIL I DON'T THINK WE HAVE ANY MORE POTENTIAL ACTION ITEMS OR DISCUSSION ITEMS PRIOR TO AT LEAST THE 2:00 O'CLOCK BUDGET BRIEFING, SO WITHOUT OBJECTION WE'LL GO BACK INTO CLOSED SESSION PURSUANT TO SECTION 551.071. WE WILL CONTINUE DISCUSSION ITEM NUMBER 64 RELATED TO THE LEGISLATURE AND ALSO WE'LL TAKE TO TAKE UP ITEM 65 RELATED TO COLLECTIVE BARGAINING WITH OUR FIREFIGHTERS AND 66 RELATED TO AMENDMENTS TO RIGHT-OF-WAY PROCUREMENT AGREEMENTS WITH TXDOT. WE ARE NOW IN CLOSED SESSION. THANK YOU.

ON ITEM NO. 64, RELATED TO THE LEGISLATION, ITEM, 66, 69, [INDISCERNIBLE] LATER IN THE DAY, NOW TIME FOR OUR 2:00 BRIEFING, POSTED ITEM NOS. 72 AND 73. 72 BEING THE PRESENTATION OF THE CITY MANAGER'S PROPOSED BUDGET FOR FISCAL YEAR 2005-2006 AND THEN ITEM 73 TECHNICALLY IS THE APPROVAL OF THE BUDGET SCHEDULE AND PUBLIC HEARING FOR THE PROPOSED BUDGET. SO WITH THAT I'LL RECOGNIZE THE CITY MANAGER TOBY FUTRELL.

Futrell: WELL, MAYOR, MAYOR PRO TEM, MEMBERS OF THE CITY COUNCIL TODAY I PRESENT TO YOU THE PROPOSED FISCAL YEAR 2006 BUDGET. THIS IS A FAIRLY LENGTHY BUDGET PRESENTATION, I'M GOING TO HAVE TO ASK YOU ALL TO SETTLE IN HERE FOR THE LONG HALL. ALTHOUGH THIS IS A SUMMARY AND A CHUNKED UP VERSION OF THE BUDGET, AS YOU CAN SEE FROM JUST THE SIZE OF THE EXECUTIVE SUMMARY IN FRONT OF YOU, THERE'S A LOT OF MATERIAL TO COVER. BEFORE I GET INTO THE DETAILS, I WANT TO PRESENT AN OUTLINE OF TODAY'S PROPOSED BUDGET PRESENTATION. SO IF WE CAN MOVE TO THE NEXT SLIDE. I WILL START WITH AN OVERVIEW OF THE PROPOSED BUDGET. AS PART OF THIS DISCUSSION I PLAN TO WALK YOU THROUGH HOW WE CLOSE THE 12.9 MILLION GAP THAT WE PRESENTED AT POLICY BUDGET, TALK ABOUT THE PROPOSED TAX RATE AND SUMMARIZE THE STRATEGIC REINVESTMENTS THAT I AM RECOMMENDING AND HOW THEY HAVE CHANGED SINCE THE POLICY BUDGET. AS

WE HAVE DONE EVERY YEAR FOR A NUMBER OF YEARS, I WILL PRESENT INFORMATION ON THE ANNUAL SURVEY OF CITIZEN SATISFACTION WITH CITY SERVICES AND PRIORITIES. THIS INFORMATION IS IMPORTANT TO US IN DECIDING WHERE TO FOCUS OUR ENERGIES AND OUR FUNDING IN THE BUDGET PROCESS. I WILL UPDATE YOU ON SEVERAL CUSTOMER DRIVEN CHANGES THAT WE ARE MAKING THE ORGANIZATION SUCH AS THE ONE-STOP DEVELOPMENT SHOP AND CODE COMPLIANCE CONSOLIDATION. TOUCHING ON WHAT WE HAVE DONE TO DATE, WHAT TO EXPECT IN FISCAL YEAR 2006. I ALSO ALSO INCLUDE INFORMATION ON SEVERAL NEW INITIATIVES, FUNDING FOR THE AFRICAN-AMERICAN QUALITY OF LIFE INITIATIVE, A NEW ☐ PROPOSED DEPARTMENT OF SAFETY AND SECURITY AND OUR EFFORTS TO REBUILD OUR WORKFORCE. AT THAT POINT I WILL TURN IT OVER TO JOHN STEPHENS OUR CHIEF FINANCIAL OFFICER, WHO WILL TALK ABOUT DETAILS OF THE TAX RATE AND HOW IT AFFECTS OUR CITIZENS. I WANT TO POINT OUT NOW, WILL DO SO AGAIN LATER IN THE PRESENTATION, IN A OUR PROPOSED BUDGET DOCUMENT HAD TO GO TO PRINT BEFORE WE RECEIVED OUR CERTIFIED TAX ROLL. WE NOW HAVE THAT CERTIFIED ROLL, AND THE ASSESSED VALUES EXCEEDED THOSE IN THE PROPOSED BUDGET. AS A RESULT, THE INFORMATION THAT IS PROVIDED TO YOU TODAY WILL BE SLIGHTLY DIFFERENT THAN THE BUDGET DOCUMENT. WE WILL HIGHLIGHT THOSE DIFFERENCES, AS WELL AS THE RESULTING IMPACT AS WE MOVE THROUGH THIS PRESENTATION. JOHN WILL ALSO TALK ABOUT TWO FINANCIAL POLICY ISSUES. ONE, REVISING OUR RESERVE POLICY, INCLUDING THE USE OF ONE-TIME FUNDS, A POLICY CHANGE THAT WE DISCUSSED DURING THE POLICY BUDGET PRESENTATION. AND, TWO, PUBLIC SAFETY COST DRIVERS AND THEIR IMPLICATIONS FOR THE CITY'S FUTURE. I WILL THEN PRESENT SOME OVERVIEW INFORMATION FOR THE GENERAL FUND, AS WELL AS DETAIL THE MAJOR RECOMMENDED ADD-BACKS AND COST DRIVERS IN EACH GENERAL FUND DEPARTMENT. REVENUE CHANGES WILL THEN BE PRESENTED, FOCUSING ON CHANGES TO THE RATES OF TWO OF OUR ENTERPRISE FUNDS. THE AUSTIN WATER UTILITY AND THE DRAINAGE UTILITY. FINALLY, DAVID SMITH WILL PROVIDE SOME INFORMATION ON CHANGES TO

THE TRUTH IN TAXATION LAW REQUIREMENTS, AS WELL AS A DISCUSSION OF HOW THEY IMPACT THE BUDGET ADOPTION PROCESS THIS YEAR. WHICH IS GOING TO BE DIFFERENT THAN PRIOR YEARS. AND I'LL END WITH THE PRESENTATION OF THE PROPOSED BUDGET SCHEDULE, WHICH IS POSTED AS AN ACTION ITEM TODAY. THE PROPOSED BUDGET FOR FISCAL YEAR 2006 IS ABOUT STRATEGIC REINVESTMENT. I AM PRESENTING A BUDGET THAT IS BOTH SOUND AND BALANCED, BUT MOST IMPORTANTLY, ONE THAT ALLOWS US TO FOCUS ON STRATEGIC REINVESTMENT. IN PREPARING THIS BUDGET, WE LOOK BACK. BACK TO THE YEARS OF DRAMATIC BUDGET REDUCTIONS, IN 2002 THROUGH 2004 WITH THE FOCUS ON FINDING STRUCTURAL BALANCE. LOOKING BACK, I CAN REMEMBER COMPARING BALANCING A BUDGET IN A DOWNTURN, TO TRYING TO GO TO HEAVEN. EVERYBODY WANTS TO DO IT, BUT NOBODY WANTS TO DO WHAT IT TAKES TO GET THERE. BUT YOU DID IT AS A COUNCIL. FROM DOING WHAT IT TOOK TO REACH STRUCTURAL BALANCE TO THE APPROVAL OF THE CURRENT YEAR BUDGET, COUNCIL STAYED THE COURSE, DESPITE CONTINUED REDUCTIONS. YOU SET THE STAGE FOR MOVING FORWARD IN A SUSTAINABLE BUDGET ENVIRONMENT. AND NOW WE CAN LOOK FORWARD, CAPITALIZING ON THE MODEST IMPROVEMENTS IN THE ECONOMY, TO ALLOW THE CITY IN 2006 TO SHIFT OUR DIRECTION AND BEGIN TO STRATEGICALLY REINVEST IN OUR ORGANIZATION AND MOST IMPORTANTLY IN THE SERVICES WE PROVIDE IN THE COMMUNITY. IN RECENT YEARS, WE HAVE FACED DOUBLE DIGIT DEFICITS AT THE BEGINNING OF OUR BUDGET PROCESS. THE LARGEST OF WHICH WAS 63 MILLION IN 2003. COUNCIL'S COMMITMENT WAS CRITICAL TO OUR SUCCESS IN WEATHERING THE ECONOMIC DOWNTURN. BY FOCUSING ON MULTI-YEAR BUDGET HORIZONS, BY USING ONE-TIME FUNDS JUDICIALOUSLY, BY ATTAINING STRUCTURAL BALANCE, NOT SPENDING MORE THAN WE COLLECT IN A GIVEN YEAR, BASICALLY LIVING WITHIN OUR MEANS, YOU KNOW THE STORY HERE BUT I BELIEVE IT'S WORTH REPEATING SINCE IT HELPS PUT THE CURRENT YEAR BUDGET PROPOSAL INTO PERSPECTIVE. WE OVERCAME THESE CHALLENGES TOGETHER. BY CUTTING MANAGEMENT, ADMINISTRATIVE COSTS, BEFORE WE CUT DIRECT SERVICES. BY STREAMLINING OUR SERVICE DELIVERY MODELS. BY

ELIMINATING OVER 700 GENERAL FUND POSITIONS. BY FOREGOING PAY FOR PERFORMANCE IN THE CIVILIAN WORKFORCE FOR TWO YEARS. BY DELAYING THE OPENING OF NEW FACILITIES AND BY REDUCING MANY OTHER NON-ESSENTIAL ITEMS SUCH AS TRAVEL, TRAINING AND OVERTIME AND ULTIMATELY BY EVEN REDUCING THE ESSENTIAL ITEMS. THOSE YEARS OF DEBILITATING BUDGET REDUCTIONS HAVE BEEN WITH CONSEQUENCE, CREATING VULNERABILITIES IN OUR SERVICE DELIVERABILITY AND MORALE ISSUES IN OUR WORKFORCE. THIS YEAR IN COMPARISON THE DEFICIT IF IN FUNDING OUR COST DRIVERS WAS ONLY 4.9 MILLION AT THE BEGINNING OF THIS PROCESS. THIS MODEST RECOVERY GIVES US AN OPPORTUNITY TO SHIFT FROM BUDGET REDUCTIONS TO STRATEGIC REINVESTMENT. CONSEQUENTLY, AS I PRESENTED TO YOU IN THE POLICY BUDGET AT THE END OF MAY, I BELIEVE THIS YEAR IS THE TIME TO CONSIDER STRATEGICALLY VERY INVESTING IN OUR WORKFORCE AND REBUILDING OUR CORE SERVICES. I HAVE INCLUDED IN THIS PROPOSED BUDGET A VARIETY OF TACTICAL ADDBACKS THAT I BELIEVE ARE NECESSARY TO ADDRESS ORGANIZATIONAL YOU WILL HAVEERABILITIES AS WELL AS TO ENABLE US TO DELIVER THE SERVICES WE NEED AND EXPECT. THIS ALSO INVESTS IN OUR MOST VALUABLE ASSET, OUR WORKFORCE. FURTHER, I AM PLEASED TO SAY THAT WE HAVE ACCOMPLISHED THIS WITHOUT HAVING TO CUT IN OTHER AREAS. WE HAVE ACHIEVED THIS THROUGH THE ADDITION OF SOME NEW REVENUE, AND THE -- BECAUSE OF SAVINGS REALIZED FROM THE SERIES OF PRIOR COST CONTAINMENT STRATEGIES, THROUGH REALLOCATING FUNDING. SO HOW DID WE GET THERE? BEFORE I TALK IN DETAIL ABOUT THE BUDGET AND THE STRATEGIC ADD BACKS, I WANTED TO TALK COUNCIL BACK TO THE POLICY BUDGET AND EXPLAIN HOW WE GOT FROM A 12.9 MILLION DOLLAR GAP WE PRESENTED IN MAY TO A BALANCED BUDGET THAT WE ARE AT TODAY AT THE END OF JULY. THIS NEXT CHART WALKS YOU THROUGH THE MAJOR CHANGES THAT IMPACTED BALANCING THE BUDGET. REMEMBER THAT THE FORECAST IN POLICY BUDGET DOCUMENTS ARE ONLY ESTIMATES. THEY ARE ESTIMATES THAT ARE MEANT TO BEGIN TO FRAME THE PROPOSED BUDGET AND THEY ARE NOT INTENDED TO BE THE DETAILED

PROPOSED BUDGET ITSELF. A GREAT DEAL OF REVIEW AND ANALYSIS IS DONE SUBSEQUENT TO THE FORECAST IN THE POLICY BUDGET AND WORK ALWAYS RESULTS IN CHANGES. FIRST WE HAD APPROXIMATELY 5.9 MILLION IN REVENUE INCREASES. IN ADDITION TO THE PROPERTY TAXES, WHICH WE WILL DISCUSS ON THE NEXT SLIDE, WE ANTICIPATE INCREASES IN FRANCHISE FEES, PARKING AND TRAFFIC FINES, AS WELL AS TRANSFERS IN FROM AUSTIN ENERGY. THESE HIGHER TRANSFER LEVELS ARE THE RESULT OF HIGHER GROSS REVENUES FOR THE UTILITY. THE TRANSFER RATE HAS REMAINED AS 9.1%, A RATE PREVIOUSLY AUTHORIZED BY COUNCIL RESOLUTION. IN ADDITION WE WERE ABLE TO REALLOCATE FUNDING BASED ON OUR ACTUAL EXPERIENCE IN SEVERAL AREAS. FIRST, DUE TO AN INCREASED FOCUS ON WORKER SAFETY, OVER THE LAST FOR YOU YEARS AND TO SOME -- LAST FEW YEARS AND CHANGES WE HAVE IMPLEMENTED IN THE WORKERS' COMPENSATION PROGRAM WE WILL NOT NEED THE LEVEL OF FUNDING REQUIRED IN THE PRIOR YEARS AND PROJECTED AT THE TIME OF THE POLICY BUDGET. THE REALLOCATION OF THIS FUNDING ALSO ALLOWED US TO FUND OTHER PRIORITIES IN THE GENERAL FUND. WHILE THE BENEFIT TO THE GENERAL FUND IS 3.9 MILLION, I WANT TO ADD ALL FUNDS PARTICIPATED IN THE FINANCIAL BENEFITS ASSOCIATED WITH THESE CHANGES. SIMILARLY, DUE TO CHANGES WE MADE IN OUR HEALTH INSURANCE PLAN IN CALENDAR YEAR 2004, WE ARE FINALLY SEEING BETTER COST EXPERIENCE IN THIS PROGRAM THAN ORIGINALLY PROJECTED. IN 2004, WE CHANGED FROM A CITY OPERATED, PREFERRED PROVIDER ORGANIZATION OR PPO, TO PARTICIPATION IN AN OUTSIDE PPO. THIS ALLOWED THE CITY TO TAKE ADVANTAGE OF THE BUYING POWER OF A LARGER PPO. OUR DISCOUNT PER BILLED CHARGES WENT FROM 47% TO 53% AND DISCOUNT FOR PRESCRIPTIONS FROM 17% TO 25%. HOWEVER THE FACT THAT OUR BENEFIT PLAN IS NOT IN SYNC WITH OUR FISCAL YEAR CAUSED A LAG IN OUR ABILITY TO FULLY EVALUATE THE IMPACT OF THESE CHANGES AT FORECAST TIME. CONSISTENT WITH OUR EXPERIENCE, A SIGNIFICANT EMPLOYEE COST INCREASES OVER THE LAST YEARS, WE HAD PRONGED CONTRIBUTION INCREASES -- PROJECTED CONTRIBUTION INCREASES OF 10% IN THE FORECAST. AFTER RECEIVING AND ANALYZING A

FULL YEAR OF DATA ON THE NEW PLAN, WE FOUND THAT WE WERE ABLE TO HOLD THE AMOUNTS CONTRIBUTED BY ALL FUNDS TO THE SAME LEVEL AS THE CURRENT FISCAL YEAR. AS YOU CAN SEE ON THIS CHART, THE HEALTH INSURANCE CHANGE CONTRIBUTED 3.1 MILLION TOWARDS CLOSING THE GENERAL FUND GAP. THIS REPRESENTS AN ONGOING CHANGE TO OUR COST DRIVERS THAT WILL BENEFIT US IN FUTURE YEARS. EQUALLY IMPORTANT, THERE ARE NO COST INCREASES TO OUR EMPLOYEES INCLUDED IN OUR 2006 BENEFITS PLAN. BY THE WAY, THE FIRST TIME I CAN REMEMBER THAT IN A LONG TIME. ANOTHER FACTOR THAT HELPED US CLOSE THE GAP IS THAT THE PROPOSED BUDGET INCLUDES APPROXIMATELY 3 MILLION LESS IN PUBLIC SAFETY COST DRIVERS AND ADD BACKS THAN WE REPORTED IN THE POLICY BUDGET. REDUCTIONS IN THIS AREA INCLUDED A \$1 MILLION REDUCTION TO THE POLICE DEPARTMENT STEP IN LONGEVITY BUDGET AFTER A DETAILED ANALYSIS OF THOSE ANTICIPATED COSTS. A.P.D.'S BUDGET WAS ALSO REDUCED BY 200,000, FOR THE PROPOSED ADDITION OF TEMPORARY STAFF. 250,000 FOR CONTRACTUAL AND COMMODITIES AND 100,000 FOR THREE NEWLY PROPOSED CIVILIAN STAFF. THE FIRE DEPARTMENT STRATEGIC ADD BACKS WERE REDUCED BY APPROXIMATELY 700,000 RELATED TO ENHANCED TASK FORCE STAFFING, 100,000 RELATED TO TRAINING ADS, AND 535,000 RELATED TO THE DELAY OF OUR CURRENT CADET CLASS AND SUBSEQUENTLY THE DELAY OF THE OPENING OF THE SPICEWOOD SPRINGS STATION UNTIL FALL 2006. ON THE OTHER SIDE OF THE LEDGER, COST INCREASED IN SEVERAL AREAS. THE JAIL INTERLOCAL INCREASED A MILLION DOLLARS, WHICH WE HAD NOT ANTICIPATED DURING THE POLICY BUDGET. FINALLY, TRANSFERS AND THEN MANY OTHER MISCELLANEOUS CHANGES TO DIFFERENT LINE ITEMS. SOME TO THE GOOD, SOME TO THE BAD, NET TO A TOTAL OF ABOUT 2 MILLION. MANY OF THE TRANSFERS OUT FROM THE GENERAL FUND ARE TO INTERNAL SERVICE FUNDS THAT PROVIDE SUPPORT SERVICES TO DEPARTMENTS WHO PROVIDE DIRECT SERVICES TO THE PUBLIC. DURING THE ECONOMIC DOWNTURN, THESE INTERNAL SERVICE FUNDS REDUCED COST AND STAFFING SIGNIFICANTLY, IN EFFECT MIRRORING WHAT WAS HAPPENING IN THE GENERAL FUND. HOWEVER,

AS WE BEGIN TO REINVEST IN OUR WORKFORCE, THE EMPLOYEES IN THESE FUNDS RECEIVE THE SAME BENEFITS AS OTHER CITY EMPLOYEES. BECAUSE THE INTERNAL SERVICE FUND COSTS ARE BORNE BY THE DEPARTMENTS THAT RECEIVE THOSE INTERNAL SERVICES, ALL FUNDS, INCLUDING THE GENERAL FUND, PARTICIPATE IN PAYING FOR THESE INCREASES. THE NET RESULT OF THESE CHANGES IS THE BALANCED BUDGET THAT I PRESENT TO YOU TODAY. AS I MENTIONED A FEW MINUTES AGO, A MAJOR COMPONENT OF OUR REVENUE INCREASE IS RELATED TO PROPERTY TAX REVENUE. DUE TO MORE NEW PROPERTY COMING ON TO THE TAX ROLL, AN INCREASE IN ASSESSED VALUES, A SLIGHTLY HIGHER COLLECTION RATE, WE CAN REDUCE OUR PROPERTY TAX RATE BELOW THE 2005 LEVEL AND STILL RECEIVE ADDITIONAL PROPERTY TAX REVENUE THAT WILL HELP FUND A STRATEGIC REINVESTMENT IN OUR SERVICES. AS A RESULT, I AM RECOMMENDING LOWERING OUR TAX RATE FROM 44.3 CENTS IN THE CURRENT YEAR TO 43.95 CENTS IN FISCAL YEAR 2006. THIS CHART SHOWS THE NOMINAL RATE OR THE SAME TAX RATE AS WE ADOPTED FOR 2005, A 44.3 CENTS, IT SHOWS THE PROPOSED RATE, OF 43.95 CENTS, AND THEN TWO DIFFERENT EFFECTIVE RATES. I'M GOING TO TALK ABOUT THOSE TO YOU. AS I MENTIONED EARLIER, SINCE THE BUDGET WENT TO PRINT, WE HAVE RECEIVED OUR CERTIFIED TAX ROLL. BASED ON PRELIMINARY ESTIMATES OF THE TAX ROLL, THE PROPOSED BUDGET DOCUMENT SHOWS THE EFFECTIVE TAX RATE TO BE 43.53 CENTS. HOWEVER, THE ACTUAL CERTIFIED ASSESSED VALUATION WAS HIGHER THAN ANTICIPATED. AND AS A RESULT THE CERTIFIED EFFECTIVE TAX RATE HAS DECREASED TO 43.19. THIS IS THE AMOUNT WE WILL BE REFERRING TO THROUGHOUT THE REST OF THIS PRESENTATION. AT POLICY, I DISCUSSED A PACKAGE OF PRIORITY REINVESTMENTS I WAS RECOMMENDING. AND ALTHOUGH I HAVE REDUCED THOSE ADD BACKS FROM 8.1 MILLION AT POLICY TO 6.5 MILLION IN THE PROPOSED BUDGET, I HAVE ALWAYS FUNDED 2.6 MILLION OF THESE ADD BACKS BY GOING ABOVE THE EFFECTIVE TAX RATE. WHAT IS NEW IS THAT AT THE PROPOSED RATE, WITH THE HIGHER ASSESSED VALUATION, THE CERTIFIED TAX ROLL ADDS AN ADDITIONAL 1.3 MILLION IN PROPERTY TAX REVENUE THAT WAS NOT INCLUDED IN THE PROPOSED DOCUMENT. I AM

RECOMMENDING THAT THIS 1.3 MILLION BE USED TO FUND AN ADDITIONAL PRIORITY PACKAGE OF RESOURCES. A NEIGHBORHOOD REINVESTMENT PROGRAM. I WILL PROVIDE THE DETAILS OF THAT PROPOSAL WHEN I PRESENT THE BUDGET HIGHLIGHTS SHORTLY. I BELIEVE THE PROPOSE WILL HELP ADDRESS SEVERAL GROWING NEIGHBORHOOD CONCERNS THAT YOU HAVE ALL EXPRESSED AN INTEREST IN. THE NEXT SLIDE SUMMARIZES FOR YOU THE CHANGES BETWEEN THE STRATEGIC ADD BACKS I RECOMMENDED IN POLICY BUDGET, 8.1, AND THE STRATEGIC ADD BACKS INCLUDED IN THE PROPOSED BUDGET, 6.5. AT POLICY BUDGET, ADD BACKS WERE DIVIDED INTO FIVE CATEGORIES, YOU CAN SEE THEM LISTED THERE. COMMUNITY SERVICES, INFRASTRUCTURE PLANNING, PUBLIC SAFETY, INVEST IN THE WORKFORCE AND THE SOCIAL SERVICE CONTRACTS. AS YOU CAN SEE FROM THIS CHART, THERE WERE NO CHANGES TO THREE OF THE CATEGORIES BETWEEN POLICY AND PROPOSED BUDGET. THOSE THREE ARE COMMUNITY SERVICES, INFRASTRUCTURE PLANNING AND SOCIAL SERVICE CONTRACTS. THAT PROPOSAL REMAINS THE SAME. IN THE PUBLIC SAFETY AREA, THAT WAS REDUCED BY APPROXIMATELY 800,000. THIS WAS IN RESPONSE TO THE DISCUSSION AT THE POLICY BUDGET THAT WHEN COUNCIL DISCUSSED ASKING US TO TRY TO REDUCE THE RATE OF GROWTH OF THE PUBLIC SAFETY COST DRIVERS. IN THE PROPOSED BUDGET, I CONTINUE THE COUNCIL'S POLICY OF TASK FORCE STAFFING AT FIRE. HOWEVER I NO LONGER HAVE INCLUDED FUNDING, A MOVE TO ENHANCED TASK FORCE STAFFING. A SAVINGS OF APPROXIMATELY 700,000. IN ADDITION, 100,000 FOR TRAINING HAVE BEEN INCLUDED IN ANTICIPATION OF A CHANGE IN THE STATE LAW THAT DID NOT MATERIALIZE IN THE LEGISLATIVE SESSION, AND THAT WAS ALSO REMOVED. THE AMOUNTS WE USED IN THE POLICY BUDGET FOR INVESTMENT IN THE WORKFORCE, ANOTHER CATEGORY, HAS ALSO BEEN REDUCED BY SLIGHTLY MORE THAN 800,000. THIS IS THE RESULT OF A REFINEMENT OF THE ESTIMATES AND SEGREGATION OF THE LIVING WAGE AND MARKET STUDY AMOUNTS BETWEEN THE GENERAL FUND AND THE SUPPORT SERVICES FUND. WHILE THIS APPEARS AS A DECREASE TO THE GENERAL FUND, IT RESULTS IN AN INCREASE IN THE TRANSFERS TO THE SUPPORT SERVICES FUND FROM THE GENERAL FUND,

WHICH I ALLUDED TO EARLIER. NOW WE MOVE TO AN OVERVIEW, TO THE CITIZENS SURVEY SECTION. ONE OF THE TOOLS WE USE IN HELPING US ANALYZE WHERE WE MAY WANT TO FOCUS ON A -- ON IMPROVING OR INVESTING STRATEGICALLY IS OUR ANNUAL CITIZENS SURVEY. EVERY YEAR WE ASK OUR CITIZENS TO COMPLETE AN EXTENSIVE SURVEY IN WHICH WE ATTEMPT TO IDENTIFY BOTH CITIZEN PRIORITIES AND CONCERNS AND GAUGE SATISFACTION WITH THE SERVICES WE PROVIDE. WE CAN THEN ANALYZE THE RESPONSES WE RECEIVE IN A NUMBER OF DIFFERENT WAYS. BY WHAT PART OF THE CITY THE RESPONDENTS LIVE IN, BY ETHNICITY, BY HOUSEHOLD INCOME. THIS YEAR WE WERE GLAD TO SEE THAT WE HAD A HIGHER LEVEL OF PARTICIPATION FROM RESIDENTS ON THE EAST SIDE OF THE CITY. WITH AN OVERALL RESPONSE AS A PERCENTAGE OF ALL RESPONDENTS FROM 16 TO 27%. THIS YEAR WHEN WE ASKED AUSTIN CITIZENS TO CITE THE MOST IMPORTANT ISSUES THAT AUSTIN FACES, WE GOT SLIGHTLY DIFFERENT RESPONSES FOR THE DIFFERENT PARTS OF THE CITY. HOWEVER, IN GENERAL, AUSTIN RESIDENTS RANKED THE SAME FOUR ISSUES IN THIS ORDER AS THEIR TOP CONCERNS, REGARDLESS OF WHETHER YOU LIVED NORTH, WEST, EAST OR SOUTH. MOBILITY ISSUES. THIS IS A CATEGORY THAT'S BASICALLY A LUMPED UP CATEGORY THAT IS A CATCH-ALL FOR A NUMBER OF ISSUES THAT INCLUDED PARKING, TRAFFIC CONGESTION AND ROAD CONSTRUCTION. QUALITY OF LIFE, WHICH INCLUDED A NUMBER OF NEIGHBORHOOD CONCERNS AND ISSUES. GROWTH MANAGEMENT AND COST OF LIVING. BEYOND THOSE CONCERNS, AUSTINITES ALSO RANKED OTHER ISSUES OF IMPORTANCE, AS YOU SEE HERE. THE FIFTH MOST EXPRESSED CONCERN WAS THAT OF TAX OR FEE-RELATED ISSUES, INCLUDED TAXES, RATES, FEES AND CHARGES. ROAD CONDITIONS AND THE NEED FOR NEW ROADS WAS THE 6th MOST FREQUENTLY CITED CONCERN WITH POLLUTION CONCERNS, MASS TRANSIT, POVERTY RELATED ISSUES AND PUBLIC EDUCATION ISSUES, CITED AS CONCERNS 7 THROUGH 10. WHEN WE ASKED OUR CITIZENS TO RANK THE PRIORITY OF SERVICES THEY RECEIVE FROM THE CITY, THEY RESPONDED IN THE ORDER THAT YOU SEE HERE. PUBLIC SAFETY SERVICES, LED BY POLICE, THEN

E.M.S. AND FIRE, CONTINUE TO BE AT THE TOP OF THE LIST OF PRIORITIES, AS THEY HAVE BEEN IN ALL OUR PAST YEARS. AUSTIN CITIZENS RANKED TRAFFIC FLOW AND SYNCHRONIZATION AS THEIR HIGHEST PRIORITY FOLLOWING PUBLIC SAFETY. A CONTINUING PRIORITY FOR OUR RESIDENTS IS ALSO ENVIRONMENTAL PROTECTION. THE QUALITY OF OUR DRINKING WATER AND THE PRESERVATION OF GREEN SPACE. FOLLOWING THOSE TOP FIVE PRIORITIES ARE IN ORDER, AFFORDABLE HOUSING, HEALTH CARE AND SOCIAL SERVICES TO LOW INCOME CITIZENS, PARKS, ECONOMIC DEVELOPMENT EFFORTS AND LIBRARIES. I HAVE OFTEN THOUGHT THAT BUDGETED IN A DOWNTURN WAS SOMETIMES AN EXERCISE REALLY IN THE EVEN DISTRIBUTION OF DISSATISFACTION. SO IT'S A TOUGH CALL WHEN YOU ARE SURVEYING SATISFACTION AFTER FOUR YEARS OF BUDGET CUTS. IN SURVEYING CITIZEN SATISFACTION WITH THE QUALITY OF SERVICES THEY RECEIVE FROM THE CITY, AUSTIN CITIZENS, OUR CITIZENS, VOICE SLIGHTLY LOWER DEGREES OF SATISFACTION WITH PUBLIC SAFETY SERVICES THAN IN PRIOR YEARS. ALTHOUGH STILL RELATIVELY HIGH IN MOST CATEGORIES. FIRE AND E.M.S. SERVICES WERE RATED HIGH IN TERMS OF SATISFACTION, WITH POLICE SOMEWHAT LOWER. IN PARTICULAR, MINORITY RESIDENTS EXPRESSED LESS SATISFACTION WITH PUBLIC SAFETY SERVICES THAN OTHER RESIDENTS. HOWEVER, MOST PEOPLE CONTINUE TO FEEL SAFE WALKING ALONE DURING THE DAY IN THEIR NEIGHBORHOODS OR IN DOWNTOWN. AND THIS YEAR, IN SPITE OF CUTS, WE HAVE MADE TO OUR PARKS AND LIBRARY DEPARTMENTS, THAT SHOULD HAVE BEEN DEBILITATING, SATISFACTION WITH THESE PROGRAMS IMPROVED OVER LAST YEAR. QUALITY OF LIFE WAS RANKED AS ONE OF AUSTIN'S TOP PRIORITIES IN 2005. THE LIVABILITY OF NEIGHBORHOODS, THE VITALITY OF DOWNTOWN, THE PEDESTRIAN FRIENDLY AREAS AND SO ON. AND SATISFACTION WITH THE CITY'S EFFORTS TO IMPROVE THE QUALITY OF LIFE IN AUSTIN IS HIGH. ESPECIALLY WHEN IT COMES TO NEIGHBORHOODS AND DOWNTOWN EFFORTS. SURVEY RESULTS ALSO CONTINUE TO SHOW THAT AUSTIN RESIDENTS ARE LIKEWISE SATISFIED WITH THE QUALITY OF OUR ENVIRONMENTAL PROGRAMS, INCLUDING CONSERVATION, CLEAN WATER, PRESERVATION OF GREEN

SPACE, WHILE LESS SATISFIED WITH THE PROVISION OF ALTERNATIVE TRANSPORTATION MODES. SATISFACTION WITH SERVICES THAT MAINTAIN AND REPAIR OUR INFRASTRUCTURE IS ALSO NOT AS HIGH AS IN OTHER AREAS. SATISFACTION WITH SOME OF THESE, SUCH AS -- SUCH AS TRAFFIC FLOW AND ROAD CONDITION SHOWS IMPROVEMENT, HOWEVER, OVER PRIOR YEARS. IN GENERAL, CITIZENS STILL REMAIN DISSATISFIED WITH ROAD CONDITIONS AND TRAFFIC FLOW. TIPPING THE CUSTOMER SERVICE THEME, TODAY I WOULD LIKE TO UPDATE YOU ON SEVERAL CUSTOMER DRIVEN CHANGES THAT WERE BEGUN DURING 2005 AND THAT TIP -- THAT CONTINUE INTO 2006. THE FIRST UPDATE IS THE DEVELOPMENT AREA WHERE IN RESPONSE TO OUR CUSTOMERS EXPRESSING HIGH LEVELS OF DISSATISFACTION WITH THE CITY'S DEVELOPMENT REVIEW AND PERMITTING PROCESS, WE CREATED A ONE-STOP SHOP FOR DEVELOPMENT SERVICES IN FISCAL YEAR 2005. THE REORGANIZATION REALIGNED DEVELOPMENT SERVICES TO CREATE A LINEAR PROGRESSION, PRESUBMITTAL PLANNING, FORMAL REVIEW, PERMING, INSPECTIONS. THE -- PERMITTING, INSPECTIONS. THE PROJECT WHICH WAS DESIGNED TO IMPROVE THE CUSTOMERS EXPERIENCE WITH THE DEVELOPMENT PROCESS COMBINED 13 DEPARTMENTS INTO ONE AND REDUCED THE NUMBER OF PERMIT PROCESSES BY OVER 60%. THE ONE STOP SHOP REORGANIZATION WAS COMPLETED IN FISCAL YEAR 2005 AND WILL BE FURTHER ENHANCED IN 2006 WITH THE IMPLEMENTATION OF PHASE 1 OF A NEW LAND DEVELOPMENT REVIEW AND PERMITTING SOFTWARE APPLICATION CALLED AMANDA. HOWEVER, THE 2005 CITIZEN SURVEY INDICATES THAT THESE EFFECTS, THESE EFFORTS HAVE YET TO PAY OFF IN TERMS OF IMPROVED SATISFACTION. WE ARE, HOWEVER, ALSO CONDUCTING FOCUS GROUPS WITH RECENT CUSTOMERS OF THE ONE STOP SHOP AND WE WILL BE ANALYZING AND PRESENTING THE RESULTS OF THIS WORK TO COUNCIL LATER IN AUGUST WHEN THE DEPARTMENT DOES ITS BUDGET PRESENTATION. ANOTHER HISTORICALLY UNDERFUNDED AREA, AN AREA WE ARE WORKING IN AS A CUSTOMER IMPROVEMENT INITIATIVE IS CODE ENFORCEMENT. OUR IT SHOWS CUSTOMER DISSATISFACTION ALSO TIPS AT HIGH LEVELS. AS PARTS OF

THE FISCAL YEAR 2005 BUDGET WE TOOK THE FIRST STEP TO IMPROVE THE RESPONSIVENESS AND QUALITY OF CODE ENFORCEMENT IN THE CITY BY CONSOLIDATING ALL OF THE CODE ENFORCEMENT ACTIVITIES INTO ONE DEPARTMENT, SOLID WASTE SERVICES. 8 NEW POSITIONS WERE ADDED, REPRESENTING A 22% INCREASE IN RESOURCES. THE PROPOSED BUDGET OF SOUTHWEST SERVICES FOR 2006 INCLUDES 7 ADDITIONAL POSITIONS. RECOMMENDED BY A STUDY THAT WE'RE GOING TO TALK ABOUT A LITTLE BIT LATER. PLUS FUNDING A NEW DEDICATED ATTORNEY IN THE LAW DEPARTMENT TO ENHANCE LEGAL ENFORCEMENT EFFORTS AND A NEW MOWING CREW LEADER IN MUNICIPAL COURT WHO WILL BE USED TO FACILITATE THE USE OF COMMUNITY RESTITUTION ORDERS, TO DEAL WITH CODE ENFORCEMENT ISSUES SUCH AS MOWING OF WEEDS AND TALL GRASS. THESE NINE ADDITIONS REPRESENT ANOTHER 42% IN RESOURCES TO CODE ENFORCEMENT. THESE -- BETWEEN THESE TWO YEARS, 2005 AND 2006, THESE ARE BY FAR THE MOST INVESTMENT MADE IN CODE ENFORCEMENT IN PROBABLY THE LAST TWO DECADES.

WITH THE 1.3 MILLION IN ADDITIONAL REVENUE, WE HAVE RECEIVED FROM THE TAX ROLL, I AM ALSO PROPOSING ADDITIONAL INSPECTORS AND IN ADDITION A JUDGE FOR A DEDICATED CODE ENFORCEMENT COURT AS PART OF THE NEIGHBORHOOD REINVESTMENT PACKAGE. I WILL REVIEW THIS AND OTHER ADD BACKS OF THAT PACKAGE SHORTLY. THE ADDITIONAL INSPECTORS AND JUDGE POSITION I AM RECOMMENDING WOULD RESULT IN A TOTAL OF A 54% INCREASE IN RESOURCES IN FISCAL YEAR 2006 IN THE CODE COMPLIANCE AREA. DURING 2005 WE PERFORMED AN EXTENSIVE BUSINESS ANALYSIS TO IDENTIFY HOW THIS NEW CONSOLIDATED UNIT SHOULD BE ORGANIZED. HOW THEY SHOULD OPERATE AND WHAT TECHNOLOGY WAS NEEDED TO SUPPORT THE OPERATIONS. THE ANALYSIS RECOMMENDS THAT CODE ENFORCEMENT BE ORGANIZED INTO FOUR GEOGRAPHIC AREAS. BASICALLY ALONG THE LINES OF CONSOLIDATED COMMUNITY POLICING DISTRICTS AND RECOMMENDS REDUCING CUSTOMER INTAKE PHONE NUMBERS FROM SEVEN TO ONE THROUGH THE USE OF THE 311 CALL CENTER. THIS WILL ALSO CONDENSE THE REQUESTS USE FOR CODE ENFORCEMENT COMPLAINTS

INTO A SINGLE SYSTEM. BASICALLY YOU CALL ONE NUMBER, THERE'S ONE WORK ORDER SYSTEM. THIS WILL BE GOING INTO EFFECT OCTOBER 2000 -- WELL, UPCOMING, THIS OCTOBER. CONSOLIDATION, THE REORGANIZATION, TECHNOLOGY IMPROVEMENTS, WILL ALL BE FULLY IMPLEMENTED IN THE UPCOMING FISCAL YEAR. THE NEXT INITIATIVE IS THE 24/7 CALL CENTER, IT IS DESIGNED TO PROVIDE ALSO A SINGLE POINT OF CONTACT FOR INFORMATION AND CITY SERVICES. THE SYSTEM IS CONFIGURED AROUND THE 311 PHONE NUMBER AND WILL MANAGE THE INTAKE, ROUTING AND RESOLUTION OF SERVICE REQUESTS ACROSS FUNCTIONS AND DEPARTMENTS. ADDITIONALLY, THE SYSTEM GENERATES PERFORMANCE, TREND AND MANAGEMENT INFORMATION ON THE PROVISION OF CITY SERVICES AND ON OUR PERFORMANCE AND COMPLETE -- AND COMPLAINT RESOLUTION. IN FEBRUARY OF 2004, THE PROJECT BEGAN EXPANDING THE 311 SYSTEM FROM ONLY PUBLIC SAFETY NON-EMERGENCY TO EVENTUALLY INCLUDE ALL CITY SERVICES. TO DATE, THE FOLLOWING FUNCTIONS ARE FULLY INTEGRATED. PUBLIC WORKS TRANSPORTATION DIVISION, PUBLIC WORKS STREET AND BRIDGE DIVISION, WATERSHED PROTECTION OPERATIONS, FLOOD, EROSION, DRAINAGE ISSUES PARKS AND RESTORATION, FORESTRY, PARK MAINTENANCE, HEALTH AND HUMAN SERVICES, ANIMALS SERVICES. THE NEXT DEPARTMENT TO BE ADDED WILL BE SOUTHWEST SERVICES AS WELL AS CODE COMPLIANCE IN THE FALL OF 2005. ADDITIONAL DEPARTMENTS WILL CONTINUE TO BE PHASED IN DURING FISCAL YEAR 2006. ANOTHER SIGNIFICANT CHANGE FOR 2006 IS THAT THE CALL CENTER WILL BEGIN TAKING ALL CURRENT 311 CALLS, INCLUDING PUBLIC SAFETY NON-EMERGENCY CALLS THAT ARE CURRENTLY GOING TO THE AUSTIN POLICE DEPARTMENT. THIS CHANGE SHOULD CONTINUE TO RELIEVE SOME OF THE GROWING WORKLOAD PRESSURE ON THE 911 OPERATION. THIS CONSOLIDATION, COUPLED WITH EXPECTED GROWTH IN FUTURE YEARS, WILL REQUIRE THE CENTER TO MOVE TO A LARGER FALL WITH MORE SEATS FOR CUSTOMER SERVICE REPS. THE CURRENT PLAN IS TO LOCATE IT IN THE NEW CAMERON ROAD CAMPUS FACILITY THAT THE CITY HAS OPTIONED AND IS PROPOSING TO ACQUIRE TO HIRE STAFF BEING DISPLACED FROM

NUMEROUS EXPIRING LEASES. NEXT I WOULD LIKE TO MOVE TO A NEWER INITIATIVE. IMPROVING THE QUALITY OF LIFE FOR AFRICAN-AMERICAN IN OUR COMMUNITY. THIS PAST YEAR THE CITY INITIATED A STUDY TO HELP DETERMINE WHETHER THE QUALITY OF LIFE IN AUSTIN FOR AFRICAN-AMERICANS IS DIFFERENT FROM THAT OF OTHER AUSTINITES AND TO LEARN WHETHER IT DIFFERS MARKETEDLY FROM THE QUALITY OF LIFE FOR AFRICAN-AMERICANS IN OTHER CITIES. THE AFRICAN-AMERICAN QUALITY OF LIFE SCORE CARD PRESENTED TO COUNCIL IN MARCH 2005 WAS BASED ON 10 KEY INDICATORS THAT ARE OFTEN USED TO EVALUATE QUALITY OF LIFE. THE SCORE CARD KICKED OFF A SERIES OF CONSULTANT FACILITATED COMMUNITY FORUMS. THOSE FORUMS WERE FOLLOWED BY A REPORT RECOMMENDING WHAT THE CITY COULD DO TO RETAIN AND ATTRACT AFRICAN-AMERICANS SO THAT AUSTIN MAINTAINS A DIVERSE ECONOMY AND CULTURE. WE ARE CURRENTLY WORKING WITH AFRICAN-AMERICAN COMMUNITY ORGANIZATIONS AND STAKEHOLDERS TO DEVELOP STRATEGIES TO ADDRESS THESE CONCERNS AS PART OF THE CITY'S OVERALL ECONOMIC DEVELOPMENT PROGRAM. IN MAY 2005, THE COUNCIL DIRECTED ME TO DEVELOP A FIRST-YEAR BUDGET TO BEGIN ADDRESSING THE FINDINGS. STRATEGY DEVELOPMENT IS BY NO MEANS COMPLETE. BUT FOUR POSITIONS AND OVER \$700,000 IS INCLUDED IN THE 2006 BUDGET PROPOSAL THAT CAN HELP US GET STARTED ON SOME OF THE SOLUTIONS AND ACTIONS IDENTIFIED DURING THE COMMUNITY DIALOGUE IN SIX CORE AREAS. STRUCTURED ALONG THE LINES OF THE SCORE CARD FINDINGS, THIS CHART REPRESENTS THE POSITIONS AND THE FUNDING INCLUDED IN THE PROPOSED 2006 BUDGET IN SUPPORT OF THIS INITIATIVE. IN THE AREA OF ARTS, CULTURE AND ENTERTAINMENT, A PROPOSED POSITION IN THE AUSTIN CONVENTION AND VISITORS BUREAU TO ENHANCE OVERALL MARKETING EFFORTS OF AUSTIN, INCLUDING AUSTIN'S AFRICAN-AMERICAN CULTURE, VENUE AND EVENTS. A NEW CULTURAL ARTS FUNDING OF 125,000 IS BEING PROPOSED TO DEVELOP EMERGING ARTISTS AND TO STRENGTHEN THE CAPACITY OF EXISTING, ETHNICALLY SPECIFIC, NON-PROFITS ARTS AND CULTURAL ORGANIZATIONS. A PROPOSED POSITION TO ACT AS AN ARTS EDUCATOR AT THE NEW GEORGE WASHINGTON

CARVER MUSEUM AND A NUMBER OF OTHER ISSUES AND -- AND INITIATIVES SUCH AS SUMMER MOVIES AND MUSIC IN THE PARKS, AT CARVER IS FUNDED. IN EMPLOYMENT AND EDUCATION, EARMARKING CITY INTERNSHIPS FOR HUSTON TILLOTSON UNIVERSITY STUDENTS. FUNDING \$50,000 FOR PROGRAMS IN AUSTIN ENERGY AND AUSTIN WATER UTILITY TO PARTNER WITH COMMUNITY ORGANIZATIONS TO SPONSOR VOCATIONAL PLUMBING AND ELECTRICAL, TRADE TRAINING. WEEKLY AND MONTHLY ADVERTISEMENT AND MINORITY PUBLICATIONS OF EMPLOYMENT OPPORTUNITIES IS IN THIS AREA. UNDER HEALTH, ASSEMBLING A TEAM TO FOCUS ON PREVENTIVE HEALTH CARE, USING EXISTING RESOURCES AS WELL AS A PROPOSED NEW POSITION TO FOCUS ON H.I.V., AIDS PREVENTION, OUTREACH PROGRAMS AND THE PURSUIT OF ADDITIONAL GRANT FUNDING. ADDITIONAL GRANT FUNDING OF \$100,000 IN THE HOME PROGRAM TO HELP ADDRESS THE GAP IN RESOURCES FOR COMMUNITY ORGANIZATIONS THAT PROVIDE EDUCATION ON HOME OWNERSHIP AND RETENTION, SUPPORTS THE NEIGHBORHOOD IN SUSTAINABILITY AREA. COUNSELOR IN SMALL AND MINORITY BUSINESS RESOURCES TO ASSIST IN POST AWARD MONITORING RELATED TO BUSINESS AND ECONOMIC DEVELOPMENT. FINALLY IN THE POLICE AND SAFETY ARENA, INVESTING AN ADDITIONAL \$50,000 IN DIVERSITY AND COMMUNITY SENSITIVITY TRAINING. MOVING ON TO THE SECOND NEW INITIATIVE, IN AUGUST 2005 I PLAN TO PRESENT A BUDGET AMENDMENT TO COUNCIL WHICH WILL EFFECTIVE COMBINE THE OFFICE OF EMERGENCY MANAGEMENT, PARK POLICE, AVIATION POLICE AND MUNICIPAL COURT MARTIAL FUNCTIONS INTO A SINGLE DEPARTMENT. THE DEPARTMENT OF SAFETY AND SECURITY. THE PROPOSED BUDGET REFLECTS THIS CHANGE, COMBINATION OF THESE FUNCTIONS WILL HELP US CREATE GREATER CONSISTENCY AND STANDARD OF OPERATION AND POLICY, EQUIPMENT, AND TRAINING. IN AN EFFORT TO KEEP THIS CONSOLIDATION AS TRANSPARENT TO THE END USERS OF THE SERVICES, THE OFFICERS ASSIGNED TO EACH FUNCTION WILL STILL BE HOUSED IN THEIR CORRESPONDING DEPARTMENTS AND THE HEAD OF THIS NEWLY CREATED DEPARTMENT WILL WORK CLOSELY WITH ALL AFFECTED DEPARTMENTS THROUGH PERFORMANCE SERVICE CONTRACTS TO ENSURE THEIR NEEDS ARE MET.

BEFORE LEAVING THE TOPICS FOR INITIATIVES, I WANT TO TALK ABOUT A KEY STRATEGIC ISSUE, REBUILDING OUR WORKFORCE. IN FISCAL YEAR 2005, WE BEGAN REINVESTING IN OUR WORKFORCE AND INCLUDED OUR FIRST PAY INCREASE SINCE 2002, FOR NON-CIVIL SERVICE EMPLOYEES WHO MET OR EXCEEDED THEIR PERFORMANCE EXPECTATIONS. THIS 2006 BUDGET FURTHER REINVESTS IN OUR WORKFORCE. THE BUDGET PROPOSAL INCLUDES A THREE AND A HALF PERCENT PAY FOR PERFORMANCE INCREASE FOR NON-CIVIL SERVICE EMPLOYEES. THE BUDGET CONTINUES, SERVICE INCENTIVE PAY, WHICH IS BASED ON TENURE. AND WE HAVE INTRODUCED A ONE-TIME, TWO PERCENT, LUMP SUM PAYMENT AS A SERVICE INCENTIVE PAY ENHANCEMENT. IN FISCAL YEAR 2006, WE WILL BE COMPLETING A TWO-YEAR PLAN TO MOVE OUR LOWEST PAID EMPLOYEES TO THE LIVING WAGE. FROM \$10, TO \$10.90, TO ALSO ADDRESS PAY COMPRESSION PROBLEMS ASSOCIATED WITH THIS ADJUSTMENT. THIS CHANGE INCLUDES A MARKET REVIEW AND WILL AFFECT OVER 2,000 EMPLOYEES AND APPROXIMATELY 100 TITLES TO AVOID PAY COMPRESSION. WE PLAN TO REVIEW MARKET CONDITIONS OVER THE NEXT TWO YEARS OR OUR -- FOR OUR ENTIRE NON-CIVIL SERVICE WORK SHORES, SHIFTING OUR -- WORKFORCE, SHIFTING OUR PHILOSOPHY TO HOW WE VALUE POSITIONS AT THE CITY. THIS IS PARTICULARLY CRITICAL FOR A LARGE NUMBER OF EMPLOYEES RETIRING OVER THE NEXT FEW YEARS AS WE WORK ON SUCCESSION PLANNING AND ON AGGRESSIVELY RECRUITING THE FUTURE LEADERSHIP OF THIS ORGANIZATION. ACCORDINGLY THE BUDGET INCLUDES FUNDING FOR A MARKET REVIEW OF 50% OF THE WORKFORCE AND FOR THE MARKET ADJUSTMENT'S ANTICIPATED RESULT FROM THAT STUDY. IN ADDITION TO THE LIVING WAGE MARKET GROUP, THE FIRST END MARKET GROUP WILL INCLUDE ANOTHER 100 TITLES AND APPROXIMATELY 1500 EMPLOYEES. OUR WORKFORCE IS OUR GREATEST ASSET AND THE SOURCE OF MANY CREATIVE AND INNOVATIVE IDEAS THAT HAVE HELPED US GET THROUGH THE LEAN YEARS. THE BUDGET ALSO CONTINUES THE CITY-WIDE REWARD AND RECOGNITION PROGRAM THAT WAS BEGUN IN 2005. AND CONTINUES FUNDING FOR INDIVIDUAL DEPARTMENTAL RECOGNITION AS WELL. INCLUDING CASH AWARDS AND DAYS OFF WITH PAY. I

AM CONTINUING MY ANNUAL TRADITION OF HAVING A DIRECT DIALOGUE WITH EMPLOYEES ABOUT THE BUDGET AND WORKPLACE ISSUES THROUGH A SERIES OF TOWN HALL MEETINGS. TODAY I HAVE MET WITH CLOSE TO 2,000 EMPLOYEES. NEW TO THE PROCESS THIS YEAR, I AM ALSO RECEIVING EMPLOYEE FEEDBACK THROUGHOUT THE YEAR THROUGH OUR NEWLY ELECTED EMPLOYEE COMMITTEE ON WORKFORCE ISSUES. NOW I'M GOING TO TURN THIS OVER TO JOHN STEPHENS, OUR CHIEF FINANCIAL OFFICER, WHO IS GOING TO PROVIDE YOU WITH SOME ADDITIONAL INFORMATION ON TAX RATES.

WELCOME, MR. STEPHENS,.

THANK YOU, MAYOR PRO TEM, COUNCIL. LET ME BEGIN BY REMINDING YOU THAT OTHER THAN THE NOMINAL RATE THE SAME AS THE CURRENT YEAR TAX RATE, THE PROPOSED RATE OF 43.95, THE INFORMATION THAT I AM PROVIDING TO YOU NOW IS DIFFERENT FROM WHAT'S IN THE PROPOSED BUDGET DUE TO CHANGES THAT WE HAD IN OUR CERTIFIED TAX ROLL. THE TAX RATE THE CITY MANAGER IS PROPOSING FOR 2006 IS 43.95. THIS CHART SHOWS THAT OF THAT RATE 28.06 CENTS SUPPORTS OPERATIONS AND MAINTENANCE COSTS IN THE GENERAL FUND AND 15.89 CENTS GOES TOWARD DEBT SERVICE. THE PROPOSAL IS .35 CENTS BELOW THE NOMINAL RATE OF 44.30, APPROXIMATELY THREE-QUARTERS OF ONE CENT ABOVE THE NEW EFFECTIVE RATE OF 43.19. OUR OVERALL INCREASE IN ASSESSED VALUE IS ESTIMATED TO BE 2.4 BILLION, REPRESENTING A 4.8% INCREASE OVER LAST YEAR. FOR THE ASSESSED EVALUATION OF 52.4 BILLION INCLUDES 1.2 BILLION IN NEW PROPERTY REVENUE. ONE OF THE HOPEFUL SIGNS OF RECOVERY THAT WE SEE IN THIS ASSESSED VALUATION IS THAT FOR THE FIRST TIME IN SEVERAL YEARS, COMMERCIAL PROPERTY VALUE IS ACTUALLY INCREASING FASTER THAN SINGLE FAMILY RESIDENTIAL VALUE AS YOU REMEMBER THE POLICY HAS NOT BEEN THE CASE FOR A NUMBER OF YEARS. THIS SLIDE NOW SHOWS YOU A COMPARISON OF AUSTIN'S PROPOSED TAX RATE FOR 2006, THE TAX RATES THAT YOU SEE FOR THE OTHER CITIES UP THERE FOR 2005, THAT'S THE MOST RECENT INFORMATION THAT WE HAVE ON THOSE. AND AS YOU CAN SEE, AUSTIN'S PROPOSED TAX RATE OF 43.95 IS THE LOWEST OF THE

MAJOR TEXAS CITIES BY FAR. FORT WORTH'S 2005 TAX RATE OF 86.5 CENTS IS ALMOST TWICE AS HIGH AS AUSTIN'S RATE. WITH THE OTHER MAJOR CITIES SOMEWHERE IN BETWEEN. HOWEVER, AS YOU KNOW, THE TAX BILL IS A FUNCTION OF BOTH THE TAX RATE AND THE VALUE. AND SO AUSTIN'S HIGHER AVERAGE HOME VALUE OF 191,217, MEANS THAT AUSTIN'S TAX BILL IS SLIGHTLY HIGHER THAN THAT OF FORT WORTH, DALLAS AND HOUSTON, WITH SAN ANTONIO HAVING THE LOWEST TAX RATE BY FAR. THE LOWEST TAX BILL BY FAR. HOWEVER, ONE OTHER WAY TO COMPARE TAX BILLS, AT LEAST IN TERMS OF AFFORDABILITY IS BY COMPARING THE MEDIAN INCOME IN EACH CITY THAT THE TAX BILL COMPRISES, USING THE MOST RECENT MEDIAN INCOME AND TAXABLE INFORMATION FOR THE MAJOR TEXAS CITIES, THIS COMPARISON SHOWS THAT AUSTIN'S TAX BILL AS A PERCENT OF MEDIAN INCOME IS LOWER THAN THAT OF HOUSTON AND SLIGHTLY LOWER, SLIGHTLY HIGHER, RATHER, THAN THAT OF DALLAS, SOMEWHAT HIGHER THAN SAN ANTONIO AND FORT WORTH. TURNING NOW FROM A DISCUSSION OF REVENUE, I WANT TO FOCUS AS TOBY POINTED OUT IN THE OVERVIEW, ON TWO OF OUR FINANCIAL POLICY ISSUES. FIRST, OUR USE OF ONE-TIME FUNDS AND THEN SECOND I'LL TALK ABOUT OUR CONTINUING INCREASES IN PUBLIC SAFETY COSTS. DURING THE DOWNTURN, COUNCIL AND MANAGEMENT FOCUSED ON STRUCTURAL BALANCE, ON MATCHING OUR ONGOING EXPENDITURES, ONLY WITH ONGOING REVENUES AND NOT GOING TO USING ONE-TIME FUNDS. OUR RESERVES OR OUR FUND BALANCE. THIS POLICY SERVED US WELL DURING THE DOWNTURN, IN FACT WE WERE ABLE TO INCREASE OUR RESERVES IN OUR FUND BALANCES, WHICH PUT US IN GOOD STEAD WITH OUR CREDITORS AND OUR RATING AGENCIES. HOWEVER, WE KNEW THAT AT SOME POINT WHEN OUR REVENUES BEGAN TO PICK UP, AND OUR STRUCTURAL GAPS WERE SMALLER, THAT WE WOULD USE SOME OF THIS ACCUMULATION TO FUND CAPITAL EQUIPMENT AND OTHER ONE-TIME COSTS THAT WE HAD DEFERRED IN THE DOWNTURN. AND IN FACT IN THE CURRENT YEAR WE FUNDED 7.8 MILLION FOR ONE-TIME EXPENDITURES AND WE ALSO FUNDED, AS YOU WILL RECALL, A \$7.7 MILLION PAYMENT TO THE HOSPITAL DISTRICT. IN FISCAL YEAR 2006, WE ARE PROPOSING TO CONSOLIDATE OUR RESERVES AND

OUR FUND BALANCES INTO THE THREE RESERVE CATEGORIES THAT WE HAVE NOW, BUT TO CHANGE THE AMOUNTS IN EACH OF THOSE CATEGORIES. SO WE WOULD FIRST INCREASE OUR EMERGENCY RESERVE FROM THE CURRENT \$15 MILLION AMOUNT THAT IT SAT AT TO 40 MILLION, AND WOULD SECONDLY CONTINUE WITH OUR CURRENT POLICY ON THE CONTINGENCY RESERVE. WE WOULD FUND THAT AT 1% OF DEPARTMENTAL EXPENDITURES, CURRENTLY ABOUT 4.3 MILLION. THESE TWO TOGETHER WOULD THEN COMPRISE WHAT I WOULD CALL OUR HARD RESERVES, THAT COULD ONLY BE APPROPRIATED BY COUNCIL DURING THE YEAR AND IF APPROPRIATED WOULD THEN HAVE TO BE REPLENISHED IN THE NEXT YEAR. TOGETHER, THE CONTINGENT AND THE EMERGENCY TOGETHER WOULD EQUAL ABOUT 10% OF OUR TOTAL GENERAL FUND BUDGET, WHICH IS A GUIDELINE THAT OUR RATING AGENCIES LOOK VERY FAVORABLY UPON. THEN ANY OTHER AMOUNTS, ANY UNBUDGETED REVENUES OR UNSPENT APPROPRIATIONS WOULD FALL INTO OUR BUDGET STABILIZATION RESERVE AND COULD NORMALLY BE APPROPRIATED UP TO ONE THIRD IN ANY ONE FISCAL YEAR, BUT ONLY FOR CAPITAL OR OTHER ONE-TIME EXPENDITURES. THIS SLIDE SHOWS YOU A TABULAR SUMMARY OF OUR CURRENT FUND BALANCES AND RESERVES AND OUR PROPOSED POLICY. AS WE SAID, THE CONTINGENCY RESERVE REMAINS IN PLACE AT ONE PERCENT, THE EMERGENCY RESERVE IS INCREASED BY -- BY ABOUT 20 -- BY 25 MILLION, GOING FROM 15 MILLION TO 40 MILLION, AND THOSE TWO TOGETHER, 44.3 MILLION WOULD COMPRISE AGAIN WHAT I WOULD CALL OUR HARD RESERVES. THE CONTINGENCY RESERVE, I'LL REMIND YOU, CAN BE APPROPRIATED DURING THE YEAR BY COUNCIL FOR UNFORESEEN OPERATING COSTS OR REVENUE LOSSES, BUT IT HAS TO BE REPLACED THE NEXT YEAR. THE EMERGENCY RESERVE CAN ONLY BE APPROPRIATED FOR USES UNDER CATASTROPHIC CONDITIONS. LIKE A FLOOD OR A NATURAL EMERGENCY, OR FOR EXAMPLE A PROLONGED STATE OF EMERGENCY. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

AND ANY UNSPENT APPROPRIATIONS IN FISCAL YEAR '06 WOULD THEN BE AVAILABLE FOR APPROPRIATION ON A ONE-

THIRD BASIS IN FISCAL YEAR '07. THE PROPOSED USES OF THE BUDGET STABILIZATION FUND THAT WE INCLUDED IN THE CITY MANAGER'S BUDGET TODAY ARE NOT DRAMATICALLY DIFFERENT FROM WHAT WE SHOWED YOU AT POLICY BUDGET. THE TOTAL AVAILABLE FOR APPROPRIATION HAS INCREASED FROM 16.2 TO 16.4 MILLION, BUT THE ONLY NEW CATEGORY TO ADD IS FACILITIES, MAINTENANCE AND RENOVATIONS, SO ALL THE OTHER CATEGORIES REMAIN AS WE PRESENTED TO YOU AT POLICY BUDGET. AS WE ALSO DISCUSSED WITH YOU IN OUR POLICY BUDGET PRESENTATION, OUR PUBLIC SAFETY COSTS HAVE RISEN DRAMATICALLY SINCE 1997 AND 1998. WHEN WE ENTERED INTO CONTRACT NEGOTIATIONS WITH OUR TWO PUBLIC SAFETY UNIONS. THIS BUDGET, THIS PROPOSED BUDGET, MAINTAINS OUR CURRENT POLICIES AND OUR CONTRACTS, OUR STAFFING OF A.P.D. AT 2.0 OFFICERS PER THOUSAND POPULATION, TASKFORCE STAFFING IN THE FIRE DEPARTMENT AND FUNDING OUR CURRENT POLICE AND OUR PROPOSED FIRE CONTRACT. WE DID ATTEMPT DURING THE BUDGET PROCESS TO PUT TOGETHER THE PROPOSED BUDGET. WE DID ATTEMPT TO CUT BACK ON PUBLIC SAFETY COSTS, AND WE REDUCED THEM BY ABOUT THREE MILLION DOLLARS FROM WHAT WE PRESENTED TO YOU FOR THE POLICY BUDGET. HOWEVER, WE'VE NOT MADE SIGNIFICANT PROGRESS THIS YEAR IN RESTRAINING THE GROWTH OF PUBLIC SAFETY COSTS BECAUSE THEY ARE MOSTLY SALARY RELATED. ASSUMING THE TRENDS THAT WE'VE SEEN IN OUR CONTRACTS CONTINUE AND ASSUMING STAYING AT THE EFFECTIVE TAX RATE IN FISCAL YEAR '07 AND BEYOND, OUR PUBLIC SAFETY COST DRIVERS ALONE WILL CONSUME MOST OF OUR NEW REVENUE IN THE NEXT TWO YEARS AND THEN WILL EXCEED OUR NEW REVENUE BEYOND THAT POINT. AS YOU SEE IN THIS GRAPH HERE, THE JAGGED LINE THAT REPRESENTS THE PERCENT OF OUR NEW REVENUE REQUIRED BY INCREASES IN PUBLIC SAFETY COSTS GOES ABOVE 100% AND INCREASES TO AS MUCH AS 134% OF OUR NEW REVENUE. THE NUMBERS THAT YOU SEE IN PARENTHESIS ABOVE THAT JAGGED LINE ARE THE DEFICIT IN THAT YEAR, IN OTHER WORDS, THE DIFFERENCE IN THAT YEAR BETWEEN WHAT WE HAVE AVAILABLE IN NEW REVENUE AND WHAT THE PROJECTED INCREASES ARE IN OUR PUBLIC SAFETY COSTS.

IN FISCAL YEAR 09, FOR EXAMPLE, WE WILL NEED MORE REVENUE THAN WE ARE PROJECTING WE WILL RECEIVE TO FUND OUR PUBLIC SAFETY COSTS, ASSUMING THE TRENDS THAT WE HAVE IN PLACE NOW CONTINUE. IN FISCAL YEAR 2012 WHERE THE JAGGED LINE PEAKS WE ESTIMATE WE WILL NEED AN ADDITIONAL 6.7 MILLION TO FUND OUR PUBLIC SAFETY COSTS UNDER THESE ASSUMPTIONS. NOW, THIS ANALYSIS FOCUSES ON NEW REVENUE VERSUS INCREASES IN PUBLIC SAFETY COSTS ONLY, BUT THERE WILL BE, OF COURSE, IN THESE YEARS, THERE WILL ALSO BE NON-PUBLIC SAFETY COST DRIVERS THAT WILL NEED TO BE FUNDED FROM NEW REVENUE TO PAY FOR PERFORMANCE FOR NON-CIVIL SERVICE EMPLOYEES, POTENTIAL INCREASES IN FUEL OR UTILITY COSTS AND SO ON. SO THE DEFICITS THAT WE'RE ESTIMATING IN THIS SLIDE, WHICH WILL AGAIN BE EXACERBATED BY NON-PUBLIC SAFETY COST DRIVER INCREASES, WILL HAVE TO BE MADE UP IN TWO WAYS, EITHER THROUGH A REVENUE SOLUTION, THAT IS, AN INCREASE TO THE TAX RATE, OR THROUGH AN EXPENDITURE REDUCTION SOLUTION BY CUTTING PUBLIC SAFETY OR OTHER GENERAL FUND EXPENDITURES. THE TREND I'VE BEEN DISCUSSING IS EVIDENT IN THIS GRAPH. FROM 1992 TO 2006, PUBLIC SAFETY COSTS, WHICH ARE THE TOP -- THE BLUE LINE THERE, TOTAL PUBLIC SAFETY COSTS HAVE INCREASED 195% CUMULATIVELY FROM 1992. MUCH HIGHER, FOR EXAMPLE, THAN THE GROWTH IN THE CONSUMER PRICE INDEX. THE GROWTH IN OTHER GENERAL FUND DEPARTMENTS COSTS, WHICH IS THE LOWER LINE OR THE RED LINE, HAS ALSO INCREASED IN TOTAL BY 34% SINCE 1992, AND THAT 34% INCREASE IS IN FACT SLIGHTLY LESS THAN THE CONSUMER PRICE INDEX INCREASE OVER THE SAME PERIOD, 37%. SINCE SALARIES AND BENEFITS COMPRISE 93% OF PUBLIC SAFETY COSTS, THEY HAVE ALSO INCREASED OBVIOUSLY AT A RAPID PACE. THE TOP LINE YOU SEE IN THIS GRAPH IS THE CUMULATIVE INCREASE IN PUBLIC SAFETY SALARIES. THE BOTTOM LINE IS THE CUMULATIVE INCREASE IN THE NUMBER OF PUBLIC SAFETY EMPLOYEES. AS YOU SEE THE NUMBER OF CIVIL SERVICE F.T.E.'S HAS INCREASED ONLY 37% FROM 1995 TO 2005, BUT CUMULATIVE SALARY INCREASES OVER THAT SAME TIME PERIOD ARE 122%. SINCE THE CITY BEGAN THE PROCESS OF MEET AND CONFER IN 1997 AND '98, THE INCREASE IN PUBLIC

SAFETY SALARIES HAS FAR OUT STRIPPED THE INCREASE IN THE NUMBER OF EMPLOYEES. PLAINLY PUT, THE STEEP INCREASE IN TOTAL PUBLIC SAFETY COSTS HAS BEEN DRIVEN BY PAY INCREASES FROM THE PUBLIC SAFETY CONTRACTS. AND AS WE SHOWED YOU AT POLICY BUDGET, OUR PUBLIC SAFETY SALARY COSTS ARE MUCH HIGHER THAN THOSE OF THE AVERAGE PUBLIC SAFETY EMPLOYEE. OUR PUBLIC SAFETY SALARIES ARE MUCH HIGHER THAN THOSE OF THE OTHER PUBLIC SAFETY EMPLOYEES IN OTHER TEXAS CITIES. POLICE SALARIES ARE BETWEEN 18 AND 23% HIGHER ON AVERAGE THAN THOSE OF THEIR COUNTERPARTS IN THE OTHER MAJOR TEXAS CITIES, DEPENDING ON THE LENGTH OF TENURE WITH THE DEPARTMENT, WHILE FIREFIGHTERS ARE BETWEEN SIX PERCENT AND 28% HIGHER ON AVERAGE THAN THEIR COUNTERPARTS IN THE SAME CITIES. THE CONCLUSION FROM THIS ANALYSIS, THAT PUBLIC SAFETY COSTS ARE RISING OUT OF PROPORTION TO ANY COMPARABLE INDEX SUCH AS THE CPI. THAT 93% OF THE PUBLIC SAFETY COSTS ARE SALARY RELATED, AND THAT OUR SALARIES ARE WELL OUT OF LINE WITH THE OTHER MAJOR TEXAS CITIES. THE CONCLUSION IS THAT ANY ATTEMPT TO STEM THE GROWTH IN PUBLIC SAFETY COSTS MUST DEAL WITH SALARIES OR IT WILL ONLY BE marginally successful. I'M GOING TO TURN IT BACK OVER TO THE CITY MANAGER AT THIS POINT.

Futrell: I'M GOING TO MOVE INTO THE BUDGET HIGHLIGHT SECTION OF THE PRESENTATION, AND I WANT TO BEGIN WITH THE HIGH LEVEL OVERVIEW OF SOURCES AND USES OF FUNDS. BOTH OUR GENERAL FUND REVENUES AND OUR REQUIREMENTS IN THE PROPOSED BUDGET TOTAL 479.7 MILLION. THESE CHARTS INCLUDE THE ADDITIONAL 1.3 MILLION GENERATED BY THE CHANGES TO THE TAX ROLL, SO THEY WILL NOT MATCH THE NUMBERS IN THE PROPOSED DOCUMENT. THAT NUMBER IS 478.4 MILLION. THESE PIE CHARTS GIVE YOU AN IDEA OF HOW THE REVENUE AND EXPENSES BREAK DOWN INTO MAJOR CATEGORIES. SO TAKE A LOOK ON THE REVENUE SIDE OF THE PICTURE. THINK ABOUT IT AS A BUY DIVIDED INTO FOUR SLICES, PROPERTY TAX, SALES TAX, UTILITY TRANSFERS, AND A CATEGORY WE'RE GOING TO CALL OTHER. OUR LARGEST FUNDING SOURCE IS PROPERTY TAXES AT 30% OF OUR

FUNDING SOURCES OR ABOUT 147 MILLION. THIS IS CLOSELY FOLLOWED BY SALES TAXES AT 27% OR 131 MILLION. UTILITY TRANSFERS FROM AUSTIN ENERGY AND AUSTIN WATER UTILITY ARE ANOTHER 21% OF THE TOTAL OR ABOUT 99 MILLION. AND THEN THE FINAL PIE, SLICE OF THE PIE, IS THE OTHER CATEGORY, THE OTHER SOURCES OF FUNDING. AND THAT'S MADE UP OF FEES, FINES, FRANCHISES, CHARGES FOR SERVICES AND SO FORTH, FOR ANOTHER 22% OR ABOUT 103 MILLION. NOW, LOOK ON THE REQUIREMENTS SIDE OR THE EXPENDITURE SIDE. PUBLIC SAFETY MAKES UP 65% OF THE GENERAL FUND REQUIREMENT AT 314 MILLION. AT THIS FUNDING LEVEL, THESE DEPARTMENTS, POLICE, FIRE AND EMERGENCY MEDICAL SERVICES, REPRESENT 75% OF TOTAL DEPARTMENTAL EXPENDITURES. OUR PARKS AND LIBRARIES MAKE UP 10% OF TOTAL REQUIREMENTS OR ABOUT 46 MILLION. HEALTH AND HUMAN SERVICES IS SIX PERCENT OR ABOUT 28 MILLION. NEIGHBORHOOD PLANNING AND ZONING AND WATERSHED PROTECTION AND DEVELOPMENT REVIEW MAKE UP ABOUT THREE PERCENT OR 17 MILLION. MUNICIPAL COURT IS TWO PERCENT OR ABOUT NINE MILLION, AND IS INCLUDED IN THE OTHER CATEGORY. THE REMAINDER IS TRANSFERS AND OTHER REQUIREMENTS, MAKING UP ABOUT 14%, OR ABOUT 65 MILLION. NOW, CONSISTENT WITH THE REINVESTMENT THEME IN OUR RESOURCES, I WANTED TO PROVIDE YOU WITH SOME INFORMATION ON PROPOSED INCREASES TO GENERAL FUND STAFFING LEVELS. AS I MENTIONED IN THE INTRODUCTION, DURING THE DOWNTURN WE CUT OR DECREASED GENERAL FUND POSITIONS BY OVER 700. AS WE CONTINUE TO ADDRESS COST DRIVERS AND BEGIN TO THINK ABOUT STRATEGIC REINVESTMENT, THE WORKFORCE IS ONCE AGAIN BEGINNING TO GROW IN 2006. IN THE PROPOSED BUDGET THERE ARE 160 NEW POSITIONS. ADDITIONS TO THE WORKFORCE ARE DRIVEN BY BOTH COST DRIVERS AND STRATEGIC ADD BACKS, WITH PUBLIC SAFETY ACCOUNTING FOR 50% OF THE TOTAL NEW PROPOSED POSITIONS. SO LET'S TRY TO BREAK IT UP INTO SOME CATEGORIES. PUBLIC SAFETY COST DRIVERS, PRIMARILY NEW FIRE AND E.M.S. STATIONS, MAKE UP 41 POSITIONS OR ABOUT 26% OF THE INCREASE. PUBLIC SAFETY ADD BACKS, STRATEGIC ADDITIONS, MAKE UP ANOTHER 39 POSITIONS OR ABOUT 24% OF THE INCREASE. NOW, BETWEEN THOSE

TWO CATEGORIES, THAT'S 50% OF THE NEW POSITIONS. WHEN YOU LOOK AT THE PUBLIC SAFETY ADD BACKS, THERE ARE TWO AREAS THAT ARE SIGNIFICANT TO NOTE, 24 ARE NEW PARAMEDICS TO SUPPORT A CHANGE IN SHIFT SCHEDULE THAT WE'RE GOING TO BE TALKING ABOUT A LITTLE BIT LATER, AND 11 ARE A.P.D. CIVILIAN POSITIONS THAT ARE BEING ADDED AS A RESULT OF A REALLOCATION OF NON-PERSONNEL RESOURCES WITHIN THE POLICE DEPARTMENT. NON-PUBLIC SAFETY COST DRIVERS ARE VERY SMALL PIECE OF THE PIE, ABOUT THREE PERCENT, AND THAT'S PRIMARILY IN PARKS, SO MAINTAINING AND OPENING PARK FACILITIES. NON-PUBLIC SAFETY ADD BACKS ARE THE FINAL CATEGORY. THEY MAKE UP 47%. AND THERE ARE TWO COMPONENTS OF THE ADD BACKS. 21% ARE ATTRIBUTED TO THE PROPOSAL TO RESTORE THE LIBRARY HOURS THAT WERE CUT DURING THE DOWRN TURN. THIS ACCOUNTS FOR 33 POSITIONS OR 21%. AND IN ALL REMAINING NON-PUBLIC SAFETY ADDS, IN HEALTH, IN DEVELOPMENT AND REVIEW, IN PLANNING, ACCOUNT FOR 26%. SPECIFICS ON ALL THESE ADDITIONS ARE DISCUSSED IN THE NEXT FEW PAGES. SO STARTING WITH PUBLIC SAFETY BUDGET HIGHLIGHTS, THE TOTAL PROPOSED BUDGET FOR POLICE IS 183 MILLION. IT MAINTAINS 2.0 OFFICERS PER THOUSAND RESIDENTS, 17 ADDITIONAL OFFICERS WILL BE FUNDED IN THE CURRENT YEAR THROUGH A COST IEWFER VERSE AL HIRING GRANT TO MAINTAIN THE 2.0 OFFICERS PER THOUSAND RESIDENTS RATIO. THESE F.T.E.'S ARE VACANT POSITION FOR ADDED AND PRIOR YEARS AND ARE BEING FUNDED FOR THE FIRST TIME THIS YEAR. AN ADDITIONAL \$500,000 IN OVER TIME IS IN THE BUDGET TO MAINTAIN CONSTANT LEVEL STAFFING IN PATROL SECTORS. FUNDING IS INCLUDED FOR THE THIRD YEAR OF THE APPROVED MEET AND CONFER CONTRACT PROVISIONS. ONE MILLION DOLLARS HAS BEEN INCLUDED FOR THE UNANTICIPATED 29% INCREASE IN THE JAIL INTERLOCAL CONTRACT WITH TRAVIS COUNTY. 11 NEW CIVILIAN POSITIONS, INCLUDING ONE ANIMAL CRUELTY INVESTIGATOR, TWO VICTIM WITNESS COUNSELORS, TWO CRIME REPORT TECHNICIANS AND SIX STAFF IN THE FORENSIC AREA ARE PROPOSED TO BE ADDED IN 2006. THESE POSITIONS ARE EXPECTED TO ENHANCE INVESTIGATIONS BY HELPING TO PROCESS EVIDENCE MORE

QUICKLY, IMPROVE STATISTIC REPORTING AND THE GATHERING AND REPORTING OF CRIME DATA AS WELL AS INVESTIGATORY INFORMATION. AND FINALLY, I AM RECOMMENDING THAT 500,000 OF THE ADDITIONAL 1.3 MILLION GENERATED DUE TO THE CHANGE IN THE CERTIFIED TAX ROLE BE USED TO FUND FIVE NEW MOTORCYCLE OFFICERS WHO WILL BE DEDICATED TO A ROTATING RESIDENTIAL TRAFFIC SAFETY PATROL OF NEIGHBORHOOD STREETS. THE FIRE DEPARTMENT PROPOSED BUDGET IS \$91.5 MILLION. THE PROPOSED BUDGET INCLUDES FUNDING TO OPERATE ALL 43 OF THE CITY'S FIRE STATIONS, INCLUDING FULL YEAR FUNDING FOR THE NEW CIRCLE C FIRE STATION AT TASKFORCE STAFFING LEVELS. 20 FIREFIGHTERS ARE BEING ADDED IN PREPARATION FOR THE FALL 2006 OPENING OF THE SPICEWOOD SPRINGS STATION. APPROXIMATELY 130,000 IN MATCHING FUNDS FOR FEDERAL GRANTS TO DESIGN AND IMPLEMENT A WELLNESS FITNESS CENTER ARE INCLUDED TO COMPLIMENT THE \$300,000 RECEIVED FROM THE GRANTING AGENCY. SYSTEMATIC REPLACEMENT OF CRITICAL EQUIPMENT WILL CONTINUE WITH FUNDING FOR THREE PUMPERS AND ONE LADDER IN THE UPCOMING YEAR. AND FINALLY, WE HAVE ADDED A PAYROLL SPECIALIST TO ASSIST WITH THE GROWING DEMAND FOR PERSONNEL AND PAYROLL PROCESSING. THE E.M.S. BUDGET IS PROPOSED AT 35.2 MILLION. THE MAJOR ADD BACKS BEING PROPOSED IS THE CONVERSION TO A 48 HOUR WORK WEEK FOR PARAMEDICS. TO MAINTAIN OPTIMAL PATIENT CARE AND TO PRESERVE PARAMEDIC'S SAFETY, THE BUDGET PROPOSES THE ADDITION OF 24 POSITIONS AND 1.3 MILLION TO CONVERT FROM 24 HOUR SHIFTS TO 12 HOUR SHIFTS FOR ALL E.M.S. STATIONS. THIS IS A VERY BIG ADDITION TO THE BUDGET. CURRENTLY 12 OF THE 28 UNITS OPERATE AT LEVELS THAT DO NOT ALLOW FOR SUFFICIENT DOWNTOWN AND CALL VOLUME IS CONTINUING TO GROW. THIS CHANGE SHOULD ALSO HELP US TO REDUCE TURNOVER AND ENHANCE RECRUITING. BEFORE IMPLEMENTING THIS CHANGE, WE SURVEYED EMPLOYEES. IN THE RECENT SURVEY ON THE 40 ADD ON HOUR WORK WEEK, 94% OF THE PARAMEDICS WHO WORKED, SUPPORTED THE CONVERSION. WE ARE ALSO ADDING ONE PARAMEDIC PROVISION TO STRENGTHEN OUR POSITIONS IN THE FACE OF A NATIONAL LACK OF PARAMEDICS. TWO

STATIONS, DEL VALLE AND CIRCLE C, WILL BE OPEN, REQUIRING THE ADDITION OF 20 NEW PARAMEDIC POSITIONS. AND FINALLY, TWO NEW SAFETY POSITIONS ARE PROPOSED TO BE ADDED, TO COMPLEMENT THE FIRE, WELLNESS AND PHYSICAL ASSESSMENT PROGRAM, WE ARE PARTICULARLY CONCERNED ABOUT INJURY PREVENTION IN E.M.S. WE NEED TO FIND A WAY TO REDUCE THE INJURY RATES AT E.M.S. THEY HAVE THE HIGHEST INJURY RATES AMONG ALL OF OUR DEPARTMENTS. THE PROPOSED 2006 BUDGET FOR MUNICIPAL COURT IS NINE MILLION DOLLARS. THE PRIMARY FOCUS OF THE ADD BACKS IN THIS DEPARTMENT IS IMPROVED CUSTOMER SERVICE. THE PROPOSED BUDGET ADDS FOUR POSITIONS TO REDUCE CUSTOMER WAIT TIME, WHICH HAS INCREASED TO 25 MINUTES, AND TO REDUCE THE NUMBER OF ABANDONED PHONE CALLS CURRENTLY AT 18% DUE TO EXTENDED HOLD TIMES. THE BUDGET ALSO ADDS TWO ADDITIONAL SUPERVISORS FROM MOWING CREWS TO ALLOW MORE PROBATIONERS TO FULFILL THEIR COMMUNITY SERVICES, BUT WE THEN REAP THE BENEFITS OF THAT ENHANCED ENFORCEMENT OF MOWING THROUGHOUT THE CITY OF OUR RIGHT-OF-WAYS. ONCE FUNDED BY THE GENERAL FUND WILL REDUCE THE MOWING CYCLE FROM 28 TO 21 DAYS IN THE SOUTHEAST PART OF TOWN. THE OTHER IS FUNDED BY SOLID WASTE FOR SUPERVISION OF CREWS WORKING ON CODE COMPLIANCE ISSUES. MOVING ON TO HEALTH AND HUMAN SERVICES, THE BUDGET IS 28.4 MILLION. FIRST THE PROPOSED BUDGET FULLY RESTORES \$573,000 IN PRIOR YEAR REDUCTIONS TO SOCIAL SERVICE CONTRACTS. FOUR SANITARY POSITIONS HAVE BEEN INCLUDED TO ENABLE THE DEPARTMENT TO INSPECT ALL FOOD ESTABLISHMENTS TWO TIMES A YEAR, A GOAL THAT IS NOT CURRENTLY BEING MET. AND FIVE POSITIONS ARE PROPOSED TO BE ADDED IN ORDER TO MAKE SURE THAT 90% OF ALL COMEOWN CABL DISEASE CLIENTS SEEKING TREATMENT MAY BE SEEN ON THE DAY THEY PRESENT. CURRENTLY ONLY 75% ARE ABLE TO MAKE THAT STANDARD. WHILE CLINIC VISITS ARE EXPECTED TO CONTINUE TO INCREASE AT 20%. THE PROPOSED BUDGET FOR THE PARKS AND RECREATION DEPARTMENT IS 27 MILLION. WE ARE RECOMMENDING ADD BACKS TO SEVERAL MAINTENANCE AREAS THAT WERE CUT DEEPLY IN PRIOR YEARS. THE PROPOSED BUDGET

INCLUDES THE ADDITION OF SIX POSITIONS AND THE FACILITY SERVICES AREA FOR A NEW CREW TO ADDRESS CITYWIDE MAINTENANCE NEEDS. ANOTHER PROPOSED STRATEGIC ADD IS TO THE FOREST FORETRY AREA WITH THE ADDITION OF A FIVE PERSON CREW TO RESPOND TO BLIND CORNER REQUESTS TO FIVE DAYS CITYWIDE. WITH THE EXPANSION OF THE GEORGE WASHINGTON CARVER MUSEUM, A COORDINATOR IS PROPOSED TO BE ADDED TO OFFER ADDITIONAL CULTURAL ARTS ACTIVITIES. IN ADDITION, A RECREATION SPECIALIST HAS BEEN ADDED AS A RESULT OF THE EXPANSION OF THE METZ REC CENTER. IT'S IMPORTANT TO NOTE THAT THIS BUDGET DOES PROPOSE THE CLOSURE OF THE BERGSTROM GOLF COURSE IN DECEMBER 2005 DUE TO ONGOING OPERATION DEFICITS AT THE COURSE AND THE INABILITY TO REINVEST TO THE COURSE DUE TO THE AIRPORT MASTER PLAN, THE WIDENING OF HIGHWAY CITY AND A DECLINE IN REVENUE, A 39% DECLINE IN REVENUE. THE GOLF ADVISORY BOARD CONCURS WITH THIS ACTION, VOTING UNANIMOUSLY ON FEBRUARY 28TH, 2005, TO DISCONTINUE OPERATIONS AT THE BERGSTROM GOLF COURSE. THE CLOSURE WILL ULTIMATELY NET THE GOLF ENTERPRISE FUND \$200,000 ANNUALLY. THERE ARE 28 MEMBERS ON THIS BOARD. THOSE 28 MEMBERS WILL BE ALLOWED TO TRANSITION THEIR MEMBERSHIP TO THE CITY GOLF COURSE OF THEIR CHOICE IN 2006. THE LIBRARIES 2006 PROPOSED BUDGET IS 19.3 MILLION. THE PRIMARY ADD BACK TO THE LIBRARIES IS THE INCLUSION OF FUNDING AND OVER 30 POSITIONS, ALMOST 31 POSITIONS, TO REOPEN ALL BRANCH LIBRARIES ONE ADDITIONAL DAY PER WEEK TO RESTORE THE REDUCTIONS IMPLEMENTED IN 2004. IT LIKewise RESTORES THE FUNDING AND 2.75 POSITIONS FOR THE HISTORY CENTER RESTORATION OF HOURS. IT PROPOSED THE ADDITION OF A MANAGING LIBRARIAN TO ELIMINATE THE NEED FOR SHARED SUPERVISION OF TWO LOCATIONS BY ONE LIBRARIAN. ANOTHER AREA THAT HAS SUFFERED FROM BUDGET REDUCTIONS IS LIBRARY SUPPORT OPERATIONS. YOU CAN SEE THIS IN A NUMBER OF WAYS WHEN YOU GO TO THE LIBRARY, BUT ONE WAY IS EVIDENCED BY THE GROWING NUMBER OF CARTS OF UNSHELVED BOOKS THAT YOU WILL FIND AT ANY LIBRARY THAT YOU VISIT. THE PROPOSED BUDGET ADDS 6.5 POSITIONS TO ADDRESS THIS KIND OF

CORE SUPPORT AS WELL AS POSITIONS TO BRANCH SERVICES AND LIBRARIES. THE PROPOSED BUDGET FOR NEIGHBORHOOD PLANNING AND ZONING IS 4.2 MILLION. WITH THE CITY'S INCREASED FOCUS ON PLANNING IN THE LAST YEAR, FOUR NEW POSITIONS ARE PROPOSED TO DEAL WITH A WHOLE HOST OF INITIATIVES IN THIS AREA. DOWNTOWN PLANNING AND DESIGN ISSUES, TRANSIT STATION AREA PLANNING, NEIGHBORHOOD PLANS, BOTH NEW PLANS AND THOSE EXISTING PLANS NOW ELIGIBLE FOR UPDATES. THE ZONING CODE REWRITE, IMPLEMENTING COMMERCIAL DESIGN STANDARDS, AND HANDLING THE SIGNIFICANT INCREASE IN HISTORIC ZONING AND PRESERVATION CASES. THE DEPARTMENT WILL ALSO CONTINUE TO COORDINATE THE CITY'S LAND USE PLANNING AND ANNEXATION INITIATIVE FOR STATE HIGHWAY 130. NO SPECIFIC FUNDING IS INCLUDED IN THE BUDGET IN EAPS ANTICIPATION OF THESE ANNEXATIONS. IT WOULD BE BROUGHT TO COUNCIL ALONG WITH THE ANNEXATION. WATERSHED PROTECTION AND DEVELOPMENT REVIEW HAS TWO PRIMARY FUNDING SOURCES, THE GENERAL FUND PORTION OF THIS DEPARTMENT PROVIDES FUNDING FOR THE CITY'S ONE STOP SHOP FOR DEVELOPMENT SERVICES, AND IS PROPOSED AT 12.5 MILLION. THE 2006 PROPOSED BUDGET INCLUDES TWO ADDITIONAL INSPECTORS AND ONE SUPPORT POSITION FOR THE BUILDING INSPECTIONS FUNCTION. CURRENT BUILDING INSPECTION STAFFING CANNOT COMPLETE INSPECTIONS WITHIN THE DESIRED 24 HOUR GOAL. THIS YEAR'S WORK LOAD ALONE HAS INCREASED 17%. THE CITIZENS SURVEY SUPPORTED THE NEED FOR ADDITIONAL RESOURCES IN THIS AREA, WITH LEVELS OF DISSATISFACTION INCREASING FROM 30% TO 38%. A DETAILED ANALYSIS OF THE PERMIT CENTER WORK LOAD DEMONSTRATED A NEED FOR TWO ADDITIONAL POSITIONS IN THE PERMIT CENTER TO MEET A 28% INCREASE IN WORK LOAD DEMAND. THE CITIZENS SURVEY ALSO SUPPORTED THE NEED FOR THESE ADDITIONAL RESOURCES WITH A 16% DROP IN SATISFACTION FROM 2004. THE PROPOSED BUDGET INCLUDES ONE POSITION TO HANDLE THE INCREASE IN RESIDENTIAL ZONING REVIEW APPLICATION IN AN AREA THAT WAS HARD HIT WITH STAFF ELIMINATIONS DURING THE ECONOMIC DOWNTURN. ONLY 77% OF RESIDENTIAL ZONING REVIEWS ARE NOW

COMPLETED WITHIN THE SEVEN DAYS MANDATED BY THE LAND DEVELOPMENT CODE. THE CITIZENS SURVEY ALSO SUPPORTED THE NEED FOR ADDITIONAL RESOURCES IN THIS AREA WITH A 27% DROP IN SATISFACTION FROM 2004. BEFORE I MOVE ON TO OTHER FUNDS, I WANT TO COVER TWO MORE ISSUES. FIRST I WANT TO PROVIDE A RECAP OF THE ORIGINAL 6.5 MILLION IN STRATEGIC ADD BACKS BY DEPARTMENT. THE PREVIOUS BUDGET HIGHLIGHT SLIDES INCLUDED BOTH THE STRATEGIC ADD BACKS AND COST DRIVERS. THE NEXT TWO SLIDES SEPARATE THE TOTAL ADD BACKS FOR EACH DEPARTMENT AND HIGHLIGHT THE PROPOSED USES OF THE ADDITIONAL FUNDING. I'M NOT GOING TO REITERATE ALL THIS INFORMATION FOR YOU, BUT I WANTED TO PROVIDE YOU A SINGLE LIST AS A RESOURCE. NOW, THIS SLIDE SUMMARIZES THE PROPOSAL FOR THE ADDITIONAL 1.3 MILLION IN TAX REVENUE THAT WE WOULD RECEIVE AT THE PROPOSED RATE OF \$43.95 BASED ON THE CERTIFIED TAX ROLE. I AM PROPOSING A PACKAGE TO ADDRESS THE QUALITY OF LIFE ISSUES IN OUR NEIGHBORHOODS, CODE ENFORCEMENT, TRAFFIC ENFORCEMENT ON NEIGHBORHOOD CREATES AND TRAFFIC CALMING. FIRST, I AM PROPOSING THE ADDITION OF \$400,000 FOR CODE ENFORCEMENT ISSUES. THE MONEY WOULD BE USED TO FUND FOUR ADDITIONAL INSPECTORS, ONE FOR EACH OF THE FOUR ZONES, AS WELL AS ONE ADDITIONAL MUNICIPAL COURT JUDGE DEDICATED TO HEARING CODE ENFORCEMENT CASES. BASICALLY TO CREATE A CODE ENFORCEMENT COURT. NEXT I AM PROPOSING THE ADDITION OF \$500,000 TO FUND FIVE ADDITIONAL SWORN OFFICERS, MOTORCYCLE OFFICERS, TO PROVIDE TRAFFIC ENFORCEMENT EXCLUSIVELY ON NEIGHBORHOOD STREETS. THESE OFFICERS WOULD ROTATE AMONG ALL NEIGHBORHOODS ON A PERIODIC BASIS TO HELP REDUCE SPEEDING AND CUT-THROUGH TRAFFIC IN OUR NEIGHBORHOODS. WITH THE REMAINING 400,000, I AM RECOMMENDING THAT WE FUND TRAFFIC CALMING IN SEVERAL ADDITIONAL NEIGHBORHOODS. NO NEW MONEY FOR THIS FREQUENTLY REQUESTED SERVICE IS INCLUDED IN THE BUDGET, AND CURRENTLY WOULD NOT BE AVAILABLE UNTIL A BOND ELECTION NEXT YEAR, IF COUNCIL CHOOSES TO INCLUDE IT IN THE BOND PACKAGE. THESE ENHANCEMENTS IN SUPPORT OF OUR NEIGHBORHOODS

ARE COMPLETELY IN LINE WITH OUR TREEM OF STRATEGIC -
- THEME OF STRATEGIC REINVESTMENT AND ADDRESSES
THE NEEDS OUR CITIZENS HAVE CONCERNS ABOUT. SO THE
BUDGET PROPOSAL IS FOR A TOTAL OF 7.8 MILLION IN
STRATEGIC REINVESTMENT IN OUR SERVICES AND OUR
WORKFORCE. 6.5 MILLION OF THIS INCLUDED IN THE
PROPOSED BUDGET DOCUMENT AND 1.3 IS NEW AND WAS
OUTLINED ON THE PREVIOUS SLIDE. I WANT TO MAKE A
POINT, THOUGH. IF THE COUNCIL CHOOSES TO GO BELOW
THE PROPOSED RATE AND ADOPT THE EFFECTIVE TAX RATE,
THIS CAN CLEARLY BE DONE WITH NO CUTS. AFTER FOUR
YEARS OF CUTTING DEPARTMENTS, I DO NOT RECOMMEND
FURTHER CUTS. I WOULD INSTEAD RELUCTANTLY
RECOMMEND SCALING BACK ON OUR PROPOSED
REINVESTMENTS OR ADD BACKS. IF THIS IS THE COUNCIL'S
DESIRE, I HAVE DEVELOPED A PRIORITIZED LIST OF
REDUCTIONS TO THE PROPOSED ADD BACKS THAT TOTAL
3.9 MILLION AND WOO TAKE THE PROPOSED TAX RATE BACK
TO THE EFFECTIVE TAX RATE. I WANT TO SPEND A FEW
MINUTES HIGHLIGHTING SEVERAL OTHER FUNDS IN WHICH
THE COUNCIL IS INTERESTED. FIRST, WHILE A PORTION OF
THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW
DEPARTMENT IS FUNDED BY THE GENERAL FUND, AND
WE'VE COVERED THAT, THE DRAINAGE FUND SUPPORTS THE
DEPARTMENT'S MISSION AS IT RELATES TO WATER QUALITY,
EROSION AND WATER CONTROL. THE PROPOSED BUDGET
FOR THAT FUND IS 52.2 MILLION. ADDITIONAL FUNDING FROM
THE PROPOSED INCREASE TO THE DRAINAGE FEE WILL
COVER INCREASED MAINTENANCE OPERATIONS AS WELL AS
INCREASES TO FUND CAPITAL BUDGETS. THE PROPOSED
BUDGET INCLUDES 10 POSITIONS TO SUPPORT ENHANCED
INFRASTRUCTURE AND WATERWAY MAINTENANCE. THIS
WILL ALLOW FOR AN ADDITIONAL EROSION REPAIR CREW, A
THIRD CONCRETE REPAIR CREW, COMPLETION OF TWO
EXISTING CREWS AND CORRESPONDING INCREASES IN
PERFORMANCE IN EACH OF THESE AREAS. FLOODING AND
EROSION CONTROL IS AN IMPORTANT ISSUE FACING THE
DEPARTMENT. FUNDING IS PROPOSED FOR SIX ADDITIONAL
STAFF TO MAINTAIN FLOODPLAIN MAPS, ASSESS CREEK
FLOOD AND EROSION PROBLEM AREAS, ASSESS POND DAMS
AND WORK WITH THE FLOOD EARLY WARNING SYSTEM.
WHILE REVENUE GENERATED BY THE DRAINAGE FEE IS NOT

NEARLY SUFFICIENT TO FUND THE 800 MILLION BACKLOG OF FLOOD, EROSION AND WATER QUALITY PROJECTS IDENTIFIED BY THE CITY'S DRAINAGE MASTER PLAN, THE DEPARTMENT CONTINUES TO SET ASIDE A SUBSTANTIAL PORTION OF THESE REVENUES FOR CAPITAL PROJECTS. THE PROPOSED BUDGET INCLUDES A 16.5 MILLION CAPITAL TRANSFER WHICH PRIMARILY PROVIDES 7.2 MILLION FOR MULTIOBJECTIVE PROJECTS, 3.7 MILLION FOR EROSION CONTROL, 2 MILLION FOR STORM SEWERS, AND 2.7 MILLION FOR FLOOD CONTROL PROJECTS. AS YOU WELL KNOW AND AS INDICATED IN OUR CITIZENS SURVEY, MOBILITY, ROADWAY MAINTENANCE, BICYCLE AND PEDESTRIAN ISSUES CONTINUE AS AREAS OF HIGH CONCERN FOR OUR CITIZENS. THIS SLIDE PRESENTS SOME HIGHLIGHTS RELATED TO ROADWAYS, SIDEWALKS AND TRANSPORTATION. THE PROPOSED TRANSPORTATION FUND OPERATIONS AND MAINTENANCE BUDGET IS 24.9 MILLION. THIS LEVEL OF FUNDING WILL ALLOW THE CITY TO PROVIDE PREVENTIVE MAINTENANCE ON 550 LANE MILES OF STREET OR EIGHT PERCENT OF THE ROAD INVENTORY. AS A RESULT OF THESE EFFORTS, WE EXPECT 73% OF THE ROADWAY NETWORK TO BE IN FAIR OR EXCELLENT POSITION, EXCEEDING OUR GOAL OF 70%. WE ALSO HAVE A 3.4 MILLION IN FUNDING AVAILABLE FOR THE AMERICANS WITH DISABILITY ACT PROJECT, 2.4 OF WHICH IS FOR CURB RAMPS AND SIDEWALKS AND THE REMAINING ONE MILLION FOR PARKS PROJECTS. WE HAVE FOUR MILLION IN BUILD CENTRAL TEXAS FUNDS FOR BUILDING AND MOBILITY. IN ADDITION TO THE A.D.A. FUNDING FOR SIDEWALKS, WE HAVE FOUR MILLION REMAINING FROM PREVIOUS YEARS AND ARE PROPOSING AN ADDITIONAL FIVE MILLION IN NEW 2000 BOND APPROPRIATIONS SO BASICALLY WHEN YOU'RE LOOKING AT YOUR SIDEWALK DOLLARS, TAKING OUT THE MILLION FOR THE PARKS PROJECT, YOU HAVE ABOUT 11.4 MILLION FOR SIDEWALKS. WHILE NOT ALL OF THIS WILL BE SPENT IN FISCAL YEAR 2006, WE CONTINUE TO MAKE PROJECT IN BUILDING AND REPAIRING OUR SIDEWALK INFRASTRUCTURE. I WOULD LIKE TO PAUSE AND HIGHLIGHT WHAT I BELIEVE IS A SIGNIFICANT IMPROVEMENT RESULTING IN THE COMBINATION OF ALL SIDEWALK PLANNING, DESIGN AND CONSTRUCTION SCHOOLCONSOLIDATION THAT WE DID WHEN WE POOLED THAT FUNCTION INTO PUBLIC WORKS IN

2005. IN FISCAL YEAR 2006, WE EXPECT TO CONSTRUCT 75,000 LINEAR FEET OF SIDEWALK AND 4,000 CURB RAMPS WITH ALL THE A.D.A. AND SIDEWALK FUNDING SOURCES. NOW, COMPARE THAT TO FISCAL YEAR 2004 WHERE WE ONLY CONSTRUCTED 13,400 LINEAR FEET OF SIDEWALKS AND 97 CURB RAMPS. BASICALLY A QUARTER OR 25% OF WHAT WE'RE GOING TO BE ABLE TO ACCOMPLISH IN '06. THE RESULTS OF THE CITIZENS SURVEY DEMONSTRATED RECOGNITION OF THIS IMPROVEMENT WITH THE SATISFACTION SCORES FOR PEDESTRIAN ACCESSIBILITY INCREASING BY APPROXIMATELY THREE PERCENT. THE NEXT SLIDE HIGHLIGHTS FUNDING FOR HOUSING RELATED PROGRAMS. AND AS YOU CAN SEE, THE PROPOSED 2006 BUDGET HAS A SUBSTANTIAL \$23.1 MILLION INVESTED IN THE LIST OF ACTIVITIES YOU SEE LISTED ON THE SLIDE. IN ADDITION, WE CONTINUE IN 2006 TO TRANSFER FUNDING INTO THE HOUSING TRUST FUND WITH A ONE-MILLION-DOLLAR TRANSFER FROM THE SUSTAINABILITY FUND. ON THE NEXT SLIDE YOU CAN SEE THAT THE CITY COUNCIL HAS PLACED A PRIORITY ON CREATING NEW JOBS BY ASSISTING WITH THE START-UP OF SMALL BUSINESSES. WE CONSIDER SMALL BUSINESS DEVELOPMENT TO BE A VITAL PART OF OUR OVERALL ECONOMIC DEVELOPMENT AND COMMUNITY DEVELOPMENT PROGRAMS. IN ADDITION TO THIS, OUR ORGANIZATION REMAINS COMMITTED TO WORKING WITH SMALL AND MINORITY OWNED BUSINESSES THROUGH OUR SMALL AND MINORITY BUSINESS DEPARTMENT. IN FISCAL YEAR 2006, THE PROPOSED BUDGET, THE CITY IS INVESTING A TOTAL OF 6.8 MILLION IN SMALL AND MINORITY BUSINESS PROGRAMS. THIS REPRESENTS AN INCREASE IN 22% OVER FISCAL YEAR 2005 AND IS FUNDED IN THREE PRIMARY AREAS. THE FIRST IS 1.4 MILLION IN ECONOMIC GROWTH AND REDEVELOPMENT SERVICES PROGRAM. IN E-GROW WE ASSIST SMALL BUSINESSES WITH INFORMATION AND REFERRAL ASSISTANCE THROUGH TRAINING CLASSES AND EVENTS AND A BUSINESS RESOURCE CENTER WHICH PROVIDES ACCESS TO TECHNOLOGY AND OTHER PERTINENT RESOURCES. THE SECOND IS 3.7 MILLION IN THE NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT WHICH SUPPORTS SMALL BUSINESSES THROUGH THE FOUR PROGRAMS THAT YOU SEE LISTED THERE. FLEXIBLE CAPITAL AND TECHNICAL ASSISTANCE,

FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE TO MICROENTERPRISES, A REVOLVING LOAN POOL FOR GAP FINANCING, AND SMALL MINORITY BUSINESS ASSISTANCE. AND FINALLY, IN THE SMALL AND MINORITY BUSINESS RESOURCES DEPARTMENT, THERE'S ANOTHER 1.7 MILLION TO RECRUIT AND SUPPORT MWBE FIRMS. THE BUDGET INCLUDES SEVERAL PROPOSED RATE AND FEE INCREASES. THE FIRST I WOULD LIKE TO HIGHLIGHT IS WATER AND WASTEWATER RATES. DURING THE POLICY BUDGET PRESENTATION WE DISCUSSED THE NEED FOR RATE INCREASES IN THE AUSTIN WATER UTILITY TO SUPPORT ITS COSTS. THE MAJOR COST DRIVER FOR THE UTILITY IS RELATED TO REQUIRED CAPITAL IMPROVEMENTS. NEW CAPITAL SPENDING OF ALMOST A BILLION DOLLARS OVER THE NEXT FIVE YEARS INCLUDES INVESTMENTS FOR REGULATORY COMPLIANCE, AGING INFRASTRUCTURE, SERVICE EXTENSION AND CAPACITY EXTENSION. GROWTH IN THE CUSTOMER BASE ALONE WILL NOT BE SUFFICIENT TO GENERATE THE NEEDED REVENUE TO MEET EXPENDITURE REQUIREMENTS. OTHER FACTORS INCLUDE AN INCREASE IN THE TREATMENT VOLUME FOR BOTH WATER AND WASTEWATER. THE UTILITY ELIMINATED 40 POSITIONS IN 2004 AS PART OF AN EFFICIENCY REVIEW AND DID NOT REQUEST NEW POSITIONS IN 2005. HOWEVER, THE 2006 BUDGET PROPOSAL INCLUDES 12 NEW POSITIONS TO ACCELERATE ONGOING INITIATIVES FOR WATER CONSERVATION, RECLAMATION AND REUSE, WATERSHED LAND MANAGEMENT AND WASTEWATER OVERFLOW ABATEMENT PROGRAMS. ALL OF THESE FACTORS DRIVE THE NEED FOR RATE INCREASES OVER THE NEXT FIVE YEARS. AT POLICY BUDGET WE PRESENTED TWO OPTIONS TO ADDRESS THIS NEED. THE FIRST WAS A PLAN IN WHICH LARGER RATE INCREASES WOULD BE PROPOSED EVERY OTHER YEAR AND THE SECOND WAS A FAIRLY EVEN RATE INCREASE IN EACH OF THE FIVE YEARS. THE BUDGET IS PROPOSED UNDER THE SECOND OPTION FOR A COMBINED RATE INCREASE OF 5.2%. THAT'S 3.6% FOR WATER AND 7% FOR WASTEWATER. YOU HAVE SEEN A SLIDE SIMILAR TO THIS IN THE PAST. IT COMPARES AUSTIN'S WATER UTILITY RATES TO OTHER CITIES IN THE STATE AND NATIONALLY. AS YOU CAN SEE, WE WOULD REMAIN IN THE UPPER HALF OF ALL RESPONDENTS WITH THE PROPOSED RATE INCREASE,

BUT WOULD CONTINUE TO BE LESS EXPENSIVE THAN MOST OF THE CENTRAL TEXAS CITIES INCLUDED IN THE SURVEY. THE PROPOSED BUDGET INCLUDES IMPLEMENTATION OF THE FINAL YEAR OF THE FIVE-YEAR DRAINAGE FEE UTILITY COST FOR SERVICE PLAN. UNTIL A BOND ELECTION PROVIDES ADDITIONAL DEBT FOR DRAINAGE INFRASTRUCTURE, THE DRAINAGE FEE WILL CONTINUE TO BE THE PRIMARY SOURCE OF FUNDING FOR CAPITAL IMPROVEMENT PROJECTS IDENTIFIED IN THE DRAINAGE UTILITY MASTER PLAN. THE RESIDENTIAL FEE IS PROPOSED TO INCREASE A 6.1% INCREASE FOR FISCAL YEAR 2005 AND THE COMMERCIAL FEE HAS A 19.4% INCREASE FROM FISCAL YEAR 2005. THIS CHART INCLUDES A FIVE-YEAR HISTORY OF THE MAJOR EXPENSE CATEGORIES FOR THE DRAINAGE UTILITY. WE NEED TO FLIP TO THE NEXT ONE IF WE'VE GOT IT. THERE WE GO. THERE WE GO. THIS IS A FIVE-YEAR HISTORY OF THE MAJOR EXPENSE CATEGORIES AS WELL AS FOR THE PROPOSED 2006 BUDGET. AND AS YOU CAN SEE, THE IMPLEMENTATION OF THE COST OF SERVICE STUDY TO FUND THE MASTER PLAN HAS DRAMATICALLY IMPACTED THE UTILITY'S ABILITY TO FUND CAPITAL IMPROVEMENT PROJECTS BY INCREASING THE TRANSFERS TO THE CAPITAL IMPROVEMENT PROJECTS FROM 2.4 MILLION IN 2001 TO 16.6 MILLION IN THE PROPOSED BUDGET. IN ADDITION, THE BUDGET FOR MAINTENANCE HAS INCREASED BY 50% AND RESOURCES AND WATER QUALITY HAVE INCREASED BY 35% OVER THE SAME TIME PERIOD. NOW, AN OVERALL REVENUE INITIATIVE WAS COMPLETED FOR FISCAL YEAR 2005, THIS YEAR, WHICH INCLUDED A FULL REVIEW OF ALL FEES. THAT REVIEW INCLUDED AN ANALYSIS OF WHETHER FEES HAD KEPT PACE WITH INFLATION AS WELL AS IDENTIFYING VIABLE NEW FEES. AS A RESULT, THE CITY'S FEE SCHEDULE IS SUBSTANTIALLY UP TO DATE AND MINIMAL CHANGES ARE PROPOSED IN FISCAL YEAR 2003. ONE RECOMMENDATION CONTAINED IN THE PROPOSED BUDGET DOES INCLUDE INCREASING THE OFF AIRPORT PARKING FEE BY ONE PERCENT OF GROSS REVENUE FROM FOUR TO FIVE PERCENT FOR EXISTING FACILITIES, WHICH IS EXPECTED TO GENERATE AN ADDITIONAL \$60,000. ANOTHER RECOMMENDATION INCLUDES INCREASES IN GOLF GREEN FEES RANGING FROM 25 TO 50 CENTS FOR THE GOLF SURCHARGE AND 25 CENTS TO ONE DOLLAR. THE

SURCHARGES AT ALL THE GOLF COURSES WILL HELP RESTORE FUNDS FOR TURF MAINTENANCE WHICH HAS BEEN SUSPENDED. THIS IS EXPECTED TO INCREASE GOLF REVENUE BY 63,000 IN THE NEXT YEAR. A A COMPREHENSIVE LISTING OF ALL FEES CAN BE FOUND IN THE PROPOSED BUDGET SUPPORTING DOCUMENT VOLUME FEE SCHEDULE. SO WE COME TO THE END. THE BUDGET STORY THIS YEAR IS ABOUT THE CITY'S MOVEMENT, FROM STRUCTURAL BALANCE, STAYING THE COURSE IN 2005, AND NOW TO STRATEGIC REINVESTMENT FOR FISCAL YEAR 2006. BALANCING THE BUDGET FOR THE FISCAL YEAR 2006 IS A FINAL STRETCH OF A LONG AND ARDUOUS FINANCIAL JOURNEY FOR THE CITY COUNCIL, FOR OUR ORGANIZATION AND FOR OUR COMMUNITY. HOWEVER, OUR COMBINED EFFORTS HAVE HAD A POLICY DIRECTION WHICH HAS RESULTED IN A STRUCTURALLY BALANCED BUDGET. THE YEARS OF CUT BACK REDUCED THE GROWTH OF OUR GENERAL FUND BY ALMOST 25%. IT WASN'T EASY, IT WASN'T POPULAR, AND IT CERTAINLY HASN'T BEEN WITHOUT SIGNIFICANT ORGANIZATIONAL IMPACT. BOTH OUR WORKFORCE AND THE PROVISION OF DIRECT SERVICES TO OUR CITIZENS HAVE BEEN DEEPLY AFFECTED BY THE REDUCTION. BALANCING A BUDGET IN AN ECONOMIC DOWNTURN IS A CHALLENGING JOB. HOW YOU APPROACH IT IS WHAT SEPARATES A GOOD ORGANIZATION FROM A GREAT ORGANIZATION, AND I BELIEVE WE ARE A GREAT ORGANIZATION. AUSTIN HAS BEEN WIDELY RECOGNIZED AS THE BEST PRACTICE CITY IN FINANCIAL MANAGEMENT BY THE INTERNATIONAL CITY-COUNTY MANAGEMENT ASSOCIATION, THE GOVERNMENT FINANCE OFFICERS ASSOCIATION AND THE MAJOR BOND RATING AGENCIES. THE COUNCIL HAS EARNED THAT REPUTATION BY STAYING TRUE TO OUR BUDGET PRINCIPLES IN APPROACHING THE 2005 BUDGET. FISCAL YEAR 2005 PROVED TO BE ALL ABOUT STAYING THE COURSE. WHILE STRUCTURALLY BALANCED, OUR GROWTH IN SPEND EXPENDITURES, OUR COST DRIVERS, STILL OUT PACED THE RENEWED GROWTH IN OUR PROJECTED REVENUE FOR THIS YEAR. SO WE FOCUSED ON FINDING STRUCTURAL OR ONGOING REDUCTIONS RATHER THAN RELYING ON THE EASY ALURE OF ONE-TIME SAVINGS. AND OUR ORGANIZATION TODAY IS MUCH LEANER AND OUR SERVICE LEVELS ARE MUCH REDUCED AND OUR CURRENT

BUDGET, WHILE STRUCTURALLY BALANCED, IS COMPRISED OF NEEDS, NOT WANTS. HOWEVER, WE ON ADOPTED THE 2005 BUDGET WITH OUR FINANCIAL PRINCIPLES FIRMLY IN PLACE, PRESERVING OUR STRUCTURAL BALANCE AND SETTING THE STAGE FOR MOVING FORWARD IN A SUSTAINABLE BUDGET ENVIRONMENT. BY TACKLING THE DAUNTING TASK OF COMPLETELY REALIGNING REVENUES AND EXPENDITURES IN THE DOWNTURN, WE POSITIONED OURSELVES TO STRATEGICALLY REBUILD OUR PROGRAMS AND OUR SERVICE LEVELS AS THE ECONOMY REBOUNDS IN THE UPCOMING YEARS. SO WE LAID THE GROUNDWORK FOR A TIME WHEN WE COULD BEGIN A STRATEGIC REINVESTMENT IN OUR ORGANIZATION. THE IMPACT OF FOUR YEARS OF COST CONTAINMENT AND EXPENDITURE REDUCTIONS ON OUR WORKFORCE AND OUR SERVICE LEVELS IS SIGNIFICANT. THAT HAS BEEN SHOWN THROUGH AN EXTENSIVE ASSESSMENT ON THAT CUMULATIVE IMPACT WHEN WE IDENTIFIED AND PRIORITIZED THE CRITICAL VULNERABILITIES ON THE DETERIORATED SERVICE LEVELS ACROSS OUR ORGANIZATION. BASED ON THAT ASSESSMENT, WE MADE A RECOMMENDATION ON SELECT STRATEGIC ADD BACKS OF 8.1 MILLION DURING THE POLICY BUDGET PRESENTATION IN MAY. HAVE FURTHER REFINED THAT RECOMMENDATION IN THE PROPOSED BUDGET TO 6.5 MILLION. AND NOW THE 7.8 MILLION WITH THE NEW CERTIFIED TAX ROLL INFORMATION. I BELIEVE THIS BUDGET BALANCES FISCAL RESPONSIBILITY TO OUR TAXPAYERS, PROVEN STEWARDSHIP OF THE PUBLIC SERVICES WE PROVIDE, AND OUR OBLIGATION AS A PUBLIC EMPLOYER. THE PROPOSED BUDGET IS STRUCTURALLY BALANCED, REDUCES THE CURRENT TAX RATE, WHILE STILL CAPTURING A MODEST GROWTH OF 3.9 MILLION FOR REINVEST IN RESTORING CRITICAL RESOURCES. SO FROM STRUCTURAL BALANCE TO STAYING THE COURSE TO STRATEGIC REINVESTMENT, AUSTIN IS KNOWN FOR EXCELLENCE, EXCELLENCE REQUIRES INVESTMENT. I BELIEVE THE TIME FOR REINVESTMENT IS NOW AND THAT'S WHAT THE 2006 PROPOSED BUDGET ACCOMPLISHES. DAVID SMITH IS GOING TO PROVIDE YOU WITH SOME BRIEF INFORMATION ON HOW THE TRUTH IN TAXATION LAWS HAVE CHANGED AND HOW THESE CHANGES IMPACT THE BUDGET PROCESS FOR AN ITEM THAT YOU'RE GOING TO HAVE TO ADDRESS WITH THE

SCHEDULE. AND THEN WE'RE GOING TO END WITH GOING OVER THE SCHEDULE WITH YOU.

MAYOR, MAYOR PRO TEM AND COUNCIL, AT THE LAST REGULAR LEGISLATIVE SESSION THE TEXAS LEGISLATURE PASSED A LAW THAT PLACED NEW REQUIREMENTS ON LOCAL GOVERNMENTS BEFORE LOCAL GOVERNMENT CAN MAKE A CHANGE IN THE PROPERTY TAX RATE. IT DID SEVERAL THINGS, ONE OF WHICH WAS LOWERING THE TRIGGER FOR THE NECESSITY OF HOLDING PUBLIC HEARINGS. THE NEW LAW STATES THAT ANY INCREASE ABOVE THE EFFECTIVE TAX RATE TRIGGERS THE NEED FOR PUBLIC HEARINGS. IT ALSO INCREASED THE NUMBER OF REQUIRED PUBLIC HEARINGS FROM ONE TO TWO. IT CHANGED THE LANGUAGE THAT HAS TO BE INCLUDED IN THE PUBLIC NOTICES, THE LANGUAGE THAT HAS TO BE INCLUDED IN THE MOTION THAT COUNSEL WILL MAKE AND THE LANGUAGE THAT HAS TO BE CONTAINED IN THE ORDINANCE THAT ENACTS ANY TAX RATE CHANGE. THE REAL IMPACT ON AUSTIN, BECAUSE AUSTIN HISTORICALLY HOLDS PUBLIC HEARINGS ON TAX RATES --

Mayor Wynn: TO MUCH FAN FARE, I SHOULD ADD.

-- WILL BE THAT COUNCIL IS FACED WITH A VERY COMPRESSED TIME FRAME IN WHICH TO SCHEDULE AND HOLD THE REQUIRED PUBLIC HEARINGS AND CONSIDER THE BUDGET THAT HAS BEEN PROPOSED AND TAKE A VOTE ON THE TAX RATE, WHATEVER THAT'S GOING TO BE. IF YOU START AT THE POINT WHERE COUNCIL HAS NOW SCHEDULED THE HEARINGS ON THE BUDGETS AND WE VOTE ON THE TAX RATE, WHICH IS MID SEPTEMBER, AND COUNT BACK TO COMPLY WITH THE NEW REQUIREMENTS ON GIVING THE NOTICES WHICH ARE SET UP WITH A FAIRLY STRICT TIME FRAME, COUNCIL IS FACED WITH VOTING AT ITS NEXT MEETING, THAT'S AUGUST 4TH, ON SETTING THE PUBLIC HEARINGS AND ANNOUNCING THE PROPOSED TAX RATE. LET ME STRESS, THOUGH, THAT SETTING THE HEARINGS AND FOR THAT MATTER SETTING THE DATE FOR VOTE AND ANNOUNCING A PROPOSED RATE DOES NOT SET THAT RATE, NOR DOES IT REQUIRE COUNCIL TO APPROVE THE RATE THAT'S ANNOUNCED. COUNCIL CAN CERTAINLY SET A LOWER TAX RATE THAN WHAT IS ANNOUNCED, BUT ON THE

OTHER HAND, COUNCIL CANNOT SET A RATE HIGHER THAN THE PROPOSED RATE THAT IS ANNOUNCED WITHOUT RESTARTING THE WHOLE PUBLIC HEARING AND NOTICE PROCESS. SO THE LAW DEPARTMENT'S ADVICE IS TO ANNOUNCE A MAXIMUM PROPOSED RATE, UNDERSTANDING THAT THAT'S TO COMPLY WITH STATE LAW, AND DOES NOT BIND THE COUNCIL TO GO TO THAT RATE. AS YOU CAN SEE FROM THE SLIDE IN THE PRESENTATION, COUNCILMEMBERS VOTE ON THE FOURTH TO SET THOSE HEARINGS IF IT'S AT ALL EXCEEDING THE EFFECTIVE TAX RATE. AT THAT VOTE COUNCIL MUST ANNOUNCE THE MAXIMUM PROPOSED TAX RATE THAT WILL BE CONSIDERED AT THOSE HEARINGS. AND AGAIN, YOU AS COUNCIL CAN ADOPT A RATE -- YOU CANNOT ADOPT A RATE THAT EXCEEDS THE ANNOUNCED RATE WITHOUT STARTING THE PROCESS OVER, BUT YOU CAN CERTAINLY SET A RATE LESS THAN THAT.

Futrell: ALL RIGHT. SO LET'S GO OVER THE SCHEDULE.

Mayor Wynn: COUNCIL, WE HAVE ITEM NUMBER 73, WHICH IS ACTUALLY AN ACTION ITEM, WHICH WOULD BE TO APPROVE THE SUGGESTED SCHEDULE.

Futrell: THE ITEM THAT DAVID JUST SPOKE TO YOU ABOUT WILL BE IN FRONT OF YOU ON AUGUST 4TH. THAT'S TO DISCUSS AND VOTE THE PROPOSED TAX RATE HEARING. YOU CAN SEE THAT YOU HAVE YOUR SERIES OF PUBLIC HEARINGS AS WELL AS YOUR MORE DETAILED BUDGET PRESENTATIONS THAT GO ALL THROUGH AUGUST AND TO THE FIRST MEETING IN SEPTEMBER. YOUR PUBLIC HEARINGS ON THE TAX RATE ARE PROPOSED FOR AUGUST 25TH AND SEPTEMBER FIRST. AND THEN WE HAVE AFTER SIX WEEKS OF DELIBERATION THE BUDGET READINGS, FIRST, SECOND AND THIRD, SET FOR SEPTEMBER 12TH, SEPTEMBER 13TH AND SEPTEMBER 14TH. SO THAT'S THE PROPOSED SCHEDULE IN FRONT OF YOU. AND WITH THAT, COUNCIL, QUESTIONS, COMMENTS, DISCUSSION? AND YOU DO HAVE YOUR SCHEDULE ACTION ITEM.

Mayor Wynn: THANK YOU, CITY MANAGER. SO COUNCIL, COMMENTS, QUESTIONS? AGAIN, THIS PROPOSED BUDGET SCHEDULE AND SETTING THESE PUBLIC HEARINGS FALLS IN LINE WITH OUR TRADITIONAL -- ESSENTIALLY TAKING THE

MONTH OF AUGUST AND HAVING THE PUBLIC PRESENTATIONS, FEEDBACK AND DEBATE ABOUT THE BUDGET. COUNCILMEMBER KIM.

Kim: CITY MANAGER, I'D LIKE TO ASK YOU ABOUT THE DIFFERENCE IN THE NOMINAL -- I GUESS THE PROPOSED BUDGET AND THE EFFECTIVE TAX RATE. YOU SAY IT WAS A DIFFERENCE OF 2.6 MILLION? >>

FUTRELL: THE DIFFERENCE BETWEEN -- WITH THE 1.3 NOW IT'S GOING TO BE A DIFFERENCE OF 3.9.

Kim: 3.9, OKAY, WITH THE AD BACKS THAT YOU PROPOSE AND GOING TO THE EFFECTIVE.

Futrell: YES.

Kim: OKAY. THANK YOU.

Futrell: JUMP IN, VICKY.

MAYOR, COUNCIL, I DID WANT TO CLARIFY ON THE MENTIONS AND PUBLIC HEARINGS, WHICH ONES WOULD BE OCCURRING WHICH WEEKS, WHICH DOES NOT SHOW UP ON THE SLIDE. ON AUGUST 4TH WE'LL BE TAKING OUR COMMUNITY SERVICE DEPARTMENTS, WHICH IS THE LIBRARY, PARKS AND HEALTH GROUP. ON THE 18th WE'LL BE DOING PUBLIC SAFETY. ON THE 25TH WE'LL BE DOING OUR GROWTH AND INFRASTRUCTURE DEPARTMENTS. AND THEN ON SEPTEMBER FIRST WE'LL BE DOING OUR ENTERPRISE FUND. SO I WANTED TO CLARIFY THAT.

Mayor Wynn: THANK YOU, MS. SLEW SCHUBERT.
COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU. I THINK WE WILL PROBABLY COVER THIS IN THE INDIVIDUAL DEPARTMENT PRESENTATIONS, BUT ON THE SOCIAL SERVICE ADD BACK, THE RESTORATION OF THE FUNDS TO THE LEVEL OF A COUPLE OF YEARS AGO, IF WE COULD JUST HAVE A LISTING OF THE CONTRACTS OR THE ENTITY THAT WOULD BE AFFECTED BECAUSE I REMEMBER WE HAD A DISCUSSION ABOUT WHICH ONES WERE A SOCIAL SERVICE VERSUS WORKFORCE DEPARTMENT. AND SO WE

COMPARE THE TWO LISTS FROM THE -- FROM WHEN WE DID THE 10% CUT, WHICH MAY END UP BEING A FIVE PERCENT CUT, AND WHICH WE'RE NOW RESTORING, WHICH IS VERY GOOD NEWS IN TERMS OF THIS PARTICULAR BUDGET PROCESS. AND ALSO, THE SAME THING WITH THE AFFORDABLE HOUSING IS WE HAVE KIND OF A GENERAL FUND PART OF THAT, AND SO WE COULD JUST HAVE AN ANALYSIS IN TERMS OF IF WE HAD 23 MILLION AND HOW MUCH IS FROM THE GENERAL FUND AND HOW MUCH IS COMING FROM OTHER SOURCES.

Futrell: WE'LL GET YOU THEN -- WE HAVE ACTUALLY A DETAILED BREAKOUT OF THE SOCIAL SERVICE CONTRACTS, AND LIKE YOU SAID, THEY DO FALL INTO DIFFERENT CATEGORIES AND WE'LL GET YOU THAT COMPLETE BREAKOUT AND WE'LL ALSO GET YOU A DETAILED BREAKOUT OF THE 23.1 MILLION AND THE DIFFERENT FUNDING SOURCES.

Alvarez: THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER MCCRACKEN.

McCracken: YEAH. I HAD A QUESTION ABOUT THE COMPARISON OF THE DOLLAR PROPOSAL FROM THE PROPOSED BUDGET COMPARED TO WHAT THIS YEAR'S BUDGET IS. AND FIRST THE PROPOSED BUDGET HAS FOR LIBRARIES A PROPOSED BUDGET OF \$19.3 MILLION. WHAT IS THIS YEAR'S CURRENT 2005 LIBRARY BUDGET. I'M GOING TO SEPARATE LIBRARY AND PARKS, POLICE AND FIRE.

COUNCILMEMBER, THE CURRENT BUDGET FOR LIBRARIES IS \$17.2 MILLION. AND YOU WERE ALSO ASKING ABOUT PARKS?

McCracken: YEAH. SO THE PROPOSED -- THE CURRENT YEAR BUDGET FOR LIBRARIES IS \$17.2 MILLION. THE PROPOSED LIBRARY BUDGET IS \$19.3 MILLION. WHAT IS THE CURRENT YEAR BUDGET FOR PARKS AND RECREATION?

IT'S \$28.2 MILLION GOING TO --

McCracken: 28.2 MILLION?

YES.

McCracken: NOW, WHAT WE HAVE IN OUR BUDGET SHEETS IS THAT THE PROPOSED PARKS AND RECREATION BUDGET IS \$27 MILLION. IS THAT RIGHT?

YES. THAT PARTICULAR DEPARTMENT IS IMPACTED BY THE PROPOSAL TO CREATE THE DEPARTMENT OF SAFETY AND SECURITY, SO SOME OF THE FUNDING ASSOCIATED WITH THE CREATION OF THAT DEPARTMENT WOULD IMPACT THOSE NUMBERS. BUT WE'LL GET YOU AN APPLES TO APPLES SO YOU CAN SEE WHAT AN INCREASE WOULD BE OR WOULDN'T BE.

McCracken: OKAY. IS THERE LIKE A LINE ITEM WE CAN LOOK AT TO SEE WHAT PART OF THAT IS PARKS POLICE? SO IT'S \$2.5 MILLION IN THE CURRENT BUDGET? SO IF YOU BACKED OUT 2.5, YOU'RE LOOKING AT \$25.7 MILLION ROUGHLY IN THE CURRENT PARKS BUDGET WITH A PROPOSED BUDGET OF ABOUT \$27 MILLION. WHAT IS THE CURRENT YEAR BUDGET FOR THE POLICE?

IT'S 172.1 MILLION.

McCracken: \$172 MILLION AND THE PROPOSED POLICE BUDGET IS \$183 MILLION. WHAT IS THE CURRENT YEAR FIRE BUDGET?

89.3 MILLION.

McCracken: AND THE PROPOSED POLICE -- PROPOSED FIRE BUDGET IS \$91.5 MILLION. I KNOW WE RECEIVED A BRIEFING THAT 76% OF THE CURRENT BUDGET IS PUBLIC SAFETY. WHAT IS THE PROPOSED PERCENTAGE OF THE BUDGET THAT WOULD BE PUBLIC SAFETY FOR 2006? 76% IS THE CURRENT YEAR.

PUBLIC SAFETY COMPRISES ABOUT 75% OF TOTAL DEPARTMENTAL EXPENDITURES IN 2006. IT COMPRISES ABOUT 65% OF THE TOTAL GENERAL FUND BUDGET WHEN YOU CONSIDER ALL OF THE OTHER THINGS THAT TOBY

TALKED ABOUT, TRANSFERS AND THINGS LIKE THAT.

McCracken: WHAT DO YOU MEAN BY TRANSFERS?

WELL, TRANSFERS TO OTHER FUNDS THAT ARE MADE FROM THE GENERAL FUND, YOU KNOW, FOR EXAMPLE, TO THE SUPPORT SERVICES FUND, TO THE COMMUNICATIONS AND TECHNOLOGY MANAGEMENT FUND AND SO ON. SO IT'S ABOUT 65% OF TOTAL GENERAL FUND REQUIREMENTS, BUT IF YOU ADD UP ALL OF THE GENERAL FUND DEPARTMENTS BUDGETS, IT'S ABOUT 75% OF THOSE TOTAL DEPARTMENTAL BUDGETS.

McCracken: SO IT'S 75% IN THE CURRENT BUDGET YEAR IN THE 2005 BUDGET?

YES, SIR.

2005 OR 2006?

2006.

McCracken: OKAY. SO IT WAS 70 -- PUBLIC SAFETY WAS 76% OF THE 2005 BUDGET, AND THEN THE PROPOSED BUDGET WOULD BE -- IT WOULD GO FROM 76% TO 75%?

YES.

McCracken: AND THEN AS I RECALL, THE PERCENTAGE ALLOCATION OF PUBLIC SAFETY IN THE 2007 BUDGET WAS 60%, IS THAT CORRECT?

I BELIEVE SO, YES.

McCracken: CAN WE PUT PAGE 27 UP ON THE SCREEN? THIS IS A CHART I WANT A LITTLE MORE -- I NEED A LITTLE MORE INFORMATION ON BECAUSE AS I UNDERSTAND IT, FOR INSTANCE, THIS YEAR HOW MUCH IN NEW FUNDS ARE WE CALCULATING WE WILL RECEIVE IN THE CURRENT BUDGET, IN PURE DOLLAR TOTALS, LIKE EIGHT MILLION DOLLARS WAS IT?

NO. WE HAD MORE NEW REVENUE THAN THAT. I BELIEVE IT'S

ABOUT 29 MILLION.

Futrell: 28 OR 29. REMEMBER YOU HAVE TO ADD ALL YOUR COST DRIVERS IN TO IT.

McCracken: SO \$59 MILLION IN THIS YEAR'S BUDGET FROM LAST YEAR'S?

YES, SIR.

McCracken: BASED ON THIS CHART, 75% OF THAT \$29 MILLION IS GOING TO PUBLIC SAFETY?

THAT'S CORRECT.

McCracken: THEN WHAT WE'LL SEE IS THAT ACCORDING TO YOUR CHART THEN IN 2007, 96% OF ANY NEW REVENUE WOULD BE DEDICATED TO -- IN OTHER WORDS, FOR NEXT YEAR WE WOULD BE LOOKING AT SPENDING 95% OF ANY NEW REVENUE FOR PUBLIC SAFETY?

THAT'S WHAT OUR PROJECTIONS SHOW, BUT THE ESTIMATED INCREASES IN PUBLIC SAFETY COSTS IN FISCAL YEAR '07, FOR EXAMPLE, WILL CONSUME 96% OF OUR ESTIMATED NEW REVENUE.

McCracken: AND THEN LET'S START LOOKING AT 2001 ONWARD, FOR INSTANCE, WHEN YOU'RE SAYING HERE THAT 900,000 -- THAT THERE WOULD BE A SHORTAGE OF \$900,000 BETWEEN THE NEW REVENUE AND THE COST JUST TO PAY FOR THE PUBLIC SAIT INCREASES, WHERE WOULD THAT \$900,000 COME FROM?

UNDER CURRENT TRENDS, YES. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] >>... WHICH WOULD REQUIRE A BUDGET CUT FOR SOME SORT OF NON-PUBLIC SAFETY BUDGET, RIGHT? OR TAX INCREASE.

[MULTIPLE VOICES]

IF YOU LOOK AT -- IN FISCAL YEAR, 2010 WHICH IT SHOWS, IT WOULD REQUIRE \$1.6 MILLION MORE JUST TO MEET THE PUBLIC SAFETY COST INCREASED ON TOP OF THE NEW

REVENUE, IS THAT COM POUNDED ON TOP OF THE PREVIOUS -
- COMPOUNDED ON TOP OF THE PREVIOUS YEARS 9 MILLION
-- HUNDRED THOUSAND DOLLARS?

FOR THE PREVIOUS YEAR ALONE. >

WE ARE LOOKING AT \$900,000 IN 2009, PLUS AN ADDITIONAL
\$1.6 MILLION, 2010?

FOR THAT TWO YEAR PERIOD, THAT'S CORRECT.

McCracken: I'M JUST, IF YOU GO OUT 10 YEARS THEN, JUST
TO BACK TO THE MATH, CALCULATIONS, 2.9 MILLION, 2.5, 4 --
5.2 -- 11-POINT -- 12 MILLION -- WELL, THE MATH ESCAPES ME.
WE'RE LOOKING AT MULTIPLE TENS OF MILLIONS OF
DOLLARS OF SHORTAGES THAT WILL REQUIRE BUDGET
CUTS IN PARKS AND LIBRARIES BASED ON CURRENT
BUDGET TRENDS IF WE DON'T SLOW THE GROWTH OF
PUBLIC SAFETY SPENDING?

OR A REVENUE SOLUTION, YES, SIR.

McCracken: BASICALLY YOU ARE SAYING THAT OUR CURRENT
PROJECTIONS, OUR CHOICES ARE -- ARE THREE. ONE IS TO
SLOW THE -- BY THE WAY, AS I UNDERSTAND IT, THIS IS
MAINLY SALARIES FROM THE SALARY CONTRACTS WITH THE
WITHIN HAD THE UNIONS; IS THAT CORRECT. >

93% OF OUR PUBLIC SAFETY COSTS ARE SALARY RELATED.

McCracken: THEN SO OUR CHOICES ARE EITHER TO SLOW
THE GROWTH -- RATE OF GROWTH OF THE SPENDING,
PUBLIC SAFETY, SECOND IS TO DO PRETTY SIGNIFICANT TAX
INCREASES OR OUR THIRD CHOICE IS THAT -- TO START
DOING BIG BUDGET CUTS TO THE PARKS AND LIBRARIES,
ROAD MAINTENANCE BUDGET, TREATMENT FOR
COMMUNICABLE DISEASES AND ITEMS OF THAT NATURE; IS
THAT RIGHT?

I THINK THAT'S RIGHT.

McCracken: UM ... WHAT IS THE -- WHAT IS THE ASSUMPTIONS

THAT ARE UNDERLYING THESE FIGURES?

ON THE REVENUE SIDE?

McCracken: WELL, BOTH SIDES. LIKE WHERE ARE WE GETTING THE ASSUMPTIONS? BECAUSE OBVIOUSLY WE DON'T HAVE A FIRE CONTRACT AT THE MOMENT. OUR POLICE CONTRACT ENDS IN I THINK FOUR YEARS, THREE YEARS.

RIGHT.

SO WHAT ARE KIND OF THE -- WHAT ARE THE BASELINE ASSUMPTIONS ABOUT THE RATE OF REVENUE GROWTH, ECONOMIC GROWTH, PROTECTION, ET CETERA.

THE RATE OF GROWTH ON THE EXPENDITURE SIDE IS THAT THE CURRENT POLICE CONTRACT THAT A SIMILAR VERSION TO THAT WOULD BE ENTERED INTO ONCE THE CURRENT CONTRACT EXPIRES. AND SIMILARLY FOR THE FIRE CONTRACT, BUT WE HAVE COSTED OUT WHAT'S ON THE TABLE FOR FIRE CURRENTLY, THE PROPOSAL THAT'S ON THE TABLE FOR THE FIRE PROPOSAL.

Futrell: WHAT'S ON THE CITY SIDE ON THE TABLE [LAUGHTER]

YES, THANK YOU, CITY MANAGER.

McCracken: SO THIS IS WHAT WE HAVE --

Futrell: DON'T SALIVATE MIKE, OUT THERE.

McCracken: WHAT ASSUMPTIONS ARE YOU MAKING ABOUT THE RATE OF GROWTH IN THE ECONOMY, RATE OF GROWTH OF PROPERTY TAX REVENUES AND SALES TAX REVENUES?

FOR OUR RATE OF GROWTH IN PROPERTY TAX, WE HAVE BEGIN ASSUMED THE EFFECTIVE TAX RATE FROM FISCAL YEAR '07 BEYOND, THEN OUR INCREASES IN SALES TAX, RICK, DO YOU HAVE HOSE?

YES, COUNCILMEMBER. FOR THE OUT YEARS SALES TAX GROWTH RATE OF ABOUT 4.5%, WHICH IS HISTORICALLY

OVER A 10 YEAR PERIOD WHAT THE CITY HAS SEEN ITS GROWTH RATE BE.

SO, MR. -- YOU ARE ASSUMING, I KNOW THAT YOU HAVE TO ASSUME SOMETHING. BUT YOU ARE ASSUMING THAT WE WILL HAVE ON AVERAGE 4.5% INCREASE IN SALES TAX REVENUES OVER -- PER YEAR OVER A 10 YEAR PERIOD?

CORRECT, INCLUDING THEN AS JOHN MENTIONED THE OTHER OBVIOUSLY BIG PIECE OF THE REVENUE PICTURE IS THE PROPERTY TAX. WE HAVE ASSUMED THE EFFECTIVE TAX RATE GOING OUT INTO THE FUTURE.

McCracken: LET'S TAKE THE FIVE PREVIOUS YEARS OF SALES TAX REVENUE. WHAT HAS BEEN OUR RATE OF GROWTH OR DECREASE IN SALES TAX REVENUE OVER THE PREVIOUS FIVE YEARS, WE CAN DO IT ROUGHLY BUT --

WELL, WE HAD BEGINNING IN FISCAL YEAR 2002, WHEN WE HAD THE DOWNTURN, WE HAD AN ACTUAL DECREASE IN OUR SALES TAX REVENUE, I DON'T REMEMBER THE PERCENT, BUT WE WENT FOR A PERIOD OF ALMOST TWO YEARS THERE WHERE WE HAD -- OKAY VICKI HAS THOSE NUMBERS. THANK YOU.

Futrell: YOU WERE DOING PRETTY GOOD THERE, THOUGH, JOHN.

JUST STARTING BACK IN 2001, WE HAD AN OVERALL INCREASE OF ONE PERCENT. IN 2002, WE HAD A DECREASE OF 6.3%. AND IN 2003 WE HAD A DECREASE OF 4.3%. IN TWOWCH WE HAD AN INCREASE OF -- IN 2004, WE HAD AN INCREASE OF 6.6%. SO OUT OF THE LAST FIVE -- WELL FOUR YEARS, TWO DECREASED YEARS, TWO INCREASED YEARS, OVERALL PROBABLY A SLIGHT DECREASE, IF YOU BUILD THIS YEAR IN, WE ARE PROBABLY GETTING POSITIVE AGAIN FOR THE FIVE YEAR PERIOD.

McCracken: WHERE ARE WE ROUGHLY SO FAR THIS YEAR?

WE BUDGETED FIVE PERCENT THIS YEAR AND WE'RE STILL HOPING THAT WE WILL MAKE THAT FIVE PERCENT. WE HAVE HAD SOME UNEXPECTED DECREASES IN OUR SALES TAX

DUE TO AUDIT ADJUSTMENTS. BUT THE UNDERLYING DATA, IN THE SALES TAX, SHOW THAT WE SHOULD BE ON LINE TO ACHIEVE FIVE PERCENT.

McCracken: OKAY, WHILE YOU'RE ASSUMING A 4.5% INCREASE OVER THE NEXT 10 YEARS PER YEAR ON AVERAGE, THE LAST FIVE YEARS HAVE SHOWN A ONE PERCENT INCREASE, NEGATIVE 6.3 PERCENT DECREASE, NEGATIVE 4.3% DECREASE, 6.6% INCREASE AND 5% INCREASE. I THINK ONE OF THE THINGS THAT SHOWS IS THAT THE DOWNTURNS HAPPEN AND SO WE -- LIKE I SAID, WE HAVE TO ASSUME SOMETHING, BUT THE PAST FIVE YEARS WOULD NOT HAVE PUT US ON TARGET EVEN TO MEET OUR REVENUE PROJECTIONS OF A 4.5% INCREASE.

Futrell: GREG, YOU USED A HISTORICAL 10 YEAR AVERAGE FOR THAT PROJECTION, RIGHT?

CORRECT, TOBY. WE LOOK BACK. AGAIN HAVING TO LOOK FORWARD WE WANTED TO MAKE SOME CONSERVATIVE ASSUMPTIONS ABOUT THE FUTURE. OBVIOUSLY THESE LAST FEW YEARS HAVE NOT BEEN THE TYPICAL YEARS. THAT'S WHY WE HAVE LOOKED AT A LONGER RANGE --

Futrell: BUT THE YEARS BEFORE THE THAT WERE THE TOP OF THE BOOM YEARS, SO ...

BOOM YEARS.

McCracken: LIKE I SAID, WE HAVE TO ASSUME SOME NUMBER. I'M VERY HOPEFUL THAT IT WILL BE AT LEAST 4.5% INCREASE IN REVENUE PER YEAR IN SALES TAX. BUT I THINK THAT WE DO HAVE REASON TO HAVE CAUTION ON THIS. THERE'S A BIGGER POINT, THAT IS THAT -- THAT I MEAN I GUESS IT'S A LITTLE BIT OF AN UNCOMFORTABLE POINT FOR ALL OF US UP HERE, BUT WE'VE GOT A VERY SERIOUS LOOMING BUDGET PROBLEM BASED UPON WHAT I'M READING IN THE STATISTICS THAT WE HAVE HERE. IN WHICH OUR CHOICES ARE TO, YOU KNOW, BASICALLY START DOING SIGNIFICANT CUTS IN ROAD MAINTENANCE, START CLOSING PARKS AND LIBRARIES PROBABLY, CUTTING TREATMENT TO COMMUNICABLE DISEASES, AFTER SCHOOL PROGRAMS FOR KIDS. ANOTHER CHOICE IS MAJOR TAX INCREASES OR A

THIRD CHOICE IS TO LIMIT THE RATE OF GROWTH IN THE PUBLIC SAFETY SALARIES. BY THE WAY, WE'RE NOT PAYING OUR PUBLIC SAFETY FOLKS ENOUGH AND WE CAN'T PAY THEM MORE THAN WE CAN AFFORD. I THINK THOSE ARE OUR -- THOSE ARE TWO RULES THAT WE NEED TO LIVE BY. BUT IF YOU HAVE A SITUATION, STARTING TO OUTSTRIP THE BUDGET, THERE'S SOME GOOD NEWS IN THIS BUDGET. WE STILL HAVE THE LOWEST TAX RATE OF ANY BIG CITY IN THE STATE. WE ALSO I THINK -- SOME EXCELLENT WORK, HAVE FOUND OUT THAT WE HAVE ONE OF THE LOWER AVERAGE TAX BILLS IN THIS METRO AREA. A LOWER AVERAGE TAX BILL THAN ROUND ROCK, OR LEANDER OR WEST LAKE HILLS OR -- BUT MANY OF OUR NEIGHBORING COMMUNITIES. WE HAVE -- WE HAVE USING NATIONAL BEST PRACTICES ON BUDGET RESERVES. WE HAVE SOME THINGS THAT WE NEED TO BE CONCERNED ABOUT. ALL OF US NEED TO PULL TOGETHER, THE ENTIRE WORKFORCE, TO DO THIS. SO THAT WE CAN MEET ALL OF OUR -- SO WE CAN HAVE A BALANCED APPROACH ON THIS, THAT WE ARE PAYING OUR FOLKS ENOUGH, IN PLACE, FIRE, E.M.S., WE ARE ALSO KEEPING OUR ROADS MAINTAINED AND WE ARE TAKING CARE OF KIDS IN AFTER SCHOOL PROGRAMS, STILL PROVIDING REC CENTERS FOR KIDS TO HAVE A PLACE TO GO TO AND JOB TRAINING FOR FOLKS WHO ARE OUT OF WORK. I MEAN, THERE'S A COMPLETE RANGE OF DUTIES THAT WE HAVE AS A CITY AND I'M CONCERNED WE ARE GOING TO NOT BE ABLE TO MEET A BIG CHUNK OF THAT RANGE OF DUTIES TO OUR CITIZENS. YOU KNOW, THERE'S OTHER THINGS THAT WE CAN DO SUCH AS WE ARE GOING TO REALLY VASTLY INCREASE THE LEVEL OF DEVELOPMENT HERE TO OUR WEST, TAKE THIS INDUSTRIAL SECTION AND TAKING IT OFF THE GOVERNMENT NO TAX ROLLS AND PUTTING IT ON PRIVATE TAX ROLLS TO -- REALLY GREAT PLACES THAT WILL PRODUCE A WHOLE LOT OF TAX REVENUE. ALSO, WE CAN AND NEED TO WORK SMARTER. AND BE MORE EFFICIENT. BUT -- BUT THOSE TWO THINGS ARE GOOD. BUT THEY -- THEY ARE ONLY GOING TO BE A SMALL PART OF THE SOLUTION, AND SO WE DO NEED TO LOOK AT CHANGING SOME OF THE WAYS THAT WE ARE DOING BUSINESS HERE OR WE ARE GOING TO REALLY RUN INTO A MESS HERE IN THE NEXT FEW YEARS.

MAYOR PRO TEM?

Thomas: I PROMISE YOU, MAY, I WON'T BE THAT LONG. SOME OF THE THINGS THAT WE TALKED ABOUT IN OUR PRESENTATION, THE CITY MANAGER, I APPRECIATE HER LONG PRESENTATION THAT WAS REAL PRODUCTIVE. TIME IS TO REINVEST. I APPRECIATE WHAT COUNCILMEMBER MCCracken HAS SAID. WE DO HAVE TO LOOK AT THE INCREASE IN PUBLIC SAFETY. BUT WE DO HAVE TO REALIZE IF WE DON'T PUT THINGS BACK OR REINVEST IN OUR OTHER STRUCTURE IN THE CITY AS FAR AS COMMUNITY SERVICE, INFRASTRUCTURE AND PLANNING AND ALSO PUBLIC SAFETY, WE KNOW PUBLIC SAFETY IS SOMETHING THAT WE ALWAYS LOOK AT ON THE SWORN SIDE AS FAR AS SALARY, BUT WE ARE NOT LOOKING ON THE MONDAY SWORN SIDE. WE NEED TO KEEP THAT IN MIND. ALSO WE HAVE TO KEEP IN MIND WHAT HAPPENS ON THE PHONE SWORN SIDE. AS CIVILIAN SIDE AS FAR AS INVESTIGATION, TOOLS THAT WE HAVE TO KEEP IN MIND THAT WE NEED TO KEEP THOSE THINGS FUNDED. BUT, ALSO, INVESTING IN OUR WORKFORCE IS VERY IMPORTANT. I THINK THAT OUR EMPLOYEES AT THE CITY OF AUSTIN HAVE SERVED US WELL. MY FIVE AND A HALF YEARS I KNOW THAT THEY HAVE SERVED US WELL. WE HAVE DEMANDED MORE AND LESS PAY. I THINK WE NEED TO KEEP THAT IN MIND AS FAR AS INCREASING COST OF LIVING AND EVEN THE MARKET STUDIES. SOCIAL SERVICES, WE KNOW, BECAUSE WE ARE COMMITTED, WE ARE REMANDED, WE ARE SUPPOSED TO DO THAT AS A CITY GOVERNMENT. BUT REALLY WHAT CONCERNS ME IS THE CUSTOMER SATISFACTION IN PUBLIC SAFETY. I DO WANT THE CITY MANAGER TO GIVE ME INFORMATION ON FIRE AND PROTECTION, E.M.S. AND ALSO WHERE I WAS 21 YEARS, 2.7 IS A LOW, IS A REAL BAD NUMBER. WE ARE ASKED WELL HOW IS THAT NUMBER SO LOW AS FAR AS CUSTOMER SATISFACTION? WELL, I WOULD LIKE TO KNOW THAT CITY MANAGER. I WOULD LIKE TO KNOW THAT IN DETAIL. I THINK WHEN WE SIGN THE CONTRACT WITH THE POLICE DEPARTMENT AND THE A.P.A., THERE WAS A REQUEST THAT CAME FROM ME THAT WHEN IT COMES TO THOSE AREAS OF SATISFACTION -- CUSTOMER SATISFACTION AND DIFFERENT AREAS OF WHERE CITIZENS ARE COMPLAINING, I REALLY WANTED THE ASSOCIATIONS

THAT ARE INVOLVED IN THE AUSTIN POLICE DEPARTMENT, A.P.A., TPOA, [INDISCERNIBLE], AND THE WOMEN'S AUXILIARY TO SIT DOWN AND FIND OUT WHAT IS REALLY GOING ON. TRULY, WE HAVE HAD SOME INCIDENTS, UNFORTUNATE INCIDENTS, BUT I STILL WANT TO KNOW WHAT IS REALLY GOING ON FOR OUR CUSTOMER SATISFACTION TO BE THAT LOW. IT IS GOOD, COUNCILMEMBER [REDACTED] MCCRACKEN SAID SOMETHING, THAT WE CAN'T PAY OUR LAW ENFORCEMENT ENOUGH BECAUSE THEY PUT THEIR LIFE ON THE LINE EVERY DAY. BUT WE REALLY NEED TO FIND OUT WHAT WE CAN DO. WE CAN'T POINT FINGERS AT THE CHIEF. WE HAVE TO POINT FINGERS AT THE WHOLE DEPARTMENT. WE HAVE TO POINT FINGERS AT WHAT WE NEED TO DO, AS THIS COUNCIL, COMMUNITY, AND THAT DEPARTMENT. IN THE FIRE DEPARTMENT, I'VE SAID THIS SINCE I'VE BEEN ON THIS DAIS, THERE ARE SOME CONCERNS WHEN IT COMES TO THE RECRUITMENT AND PROMOTION OF MINORITIES WITHIN THE POLICE -- FIRE DEPARTMENT. RECENTLY, I HAVE HAD A LOT OF COMPLAINTS, I HAVE A MEETING WHEN I COME BACK OUT OF TOWN NEXT WEEK DEALING WITH THE AFRICAN-AMERICAN FIREFIGHTERS. WE HAVE STILL GOT PROBLEMS. WHEN WE SIT AND NEGOTIATE WITH BOTH THE UNIONS, THAT IS PRIORITY FOR THIS MAYOR AND COUNCIL THAT WE MAKE SURE THAT THOSE DEPARTMENTS ARE RUNNING UP TO PAR AND REPRESENTING THE ETHNIC BREAKDOWN IN THIS CITY. I'M LIKE COUNCILMEMBER MCCRACKEN, I KNOW THAT WE NEED TO LOOK AT THINGS. BUT I'M ALSO BELIEVE THAT WHAT THE CITY MANAGER PRESENTED US TODAY IS SOMETHING THAT WE NEED TO LOOK AT AS FAR AS REINVESTMENT, WE ALWAYS SAY HOW BEAUTIFUL AND HOW GREAT THIS CITY IS. SO IT'S TIME TO REINVEST SOME THINGS THAT WE KNOW THAT WE HAVE TO TO REINVEST IN. BECAUSE INVESTING IN SOMETHING THAT IS GOOD YOU HAVE TO KEEP UP MAINTENANCE, YOU HAVE TO MAKE SURE YOUR WORKFORCE IS WORKING AND SATISFIED AND MORALE IS UP. SO I'M LOOKING FORWARD OVER THIS PROCESS, ESPECIALLY IN THE CUSTOMER SERVICE -- THEN I REALLY WANT TO KNOW ABOUT THE EMPLOYMENT SATISFACTION ALSO. SO THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER LEFFINGWELL?

JUST A CLARIFICATION, THE PROPOSED 6.5 \$6.5 MILLION IN ADD BACKS, IS THAT CORRECT, BASED ON THE 43.95 CREPT PROPOSED RATE?

Futrell: ACTUALLY, I KNOW IT WAS A LITTLE BIT CONFUSING. IT'S 6.5, PLUS THE 1.3, SO THERE IS A TOTAL IN THERE OF ADD BACKS OF 7.8. IT IS BASED ON THE PROPOSED TAX RATE OF 43.95.

SO AT 43.95, YOU ACTUALLY REALIZE 7.8.

Futrell: YES, OF TOTAL ADD BACKS.

LEFFINGWELL: OKAY, THAT'S ALL THAT I HAD.

Kim: CITY MANAGER, I WANTED TO KNOW IF YOU CAN PROVIDE FOR US LATER SOMETHING ABOUT THE CITIZEN SURVEY, YOU MENTIONED THE MINORITIES THEY WERE LESS SATISFIED WITH THE POLICE DEPARTMENT. DO YOU HAVE THAT BROKEN DOWN INTO ASIAN, AFRICAN-AMERICAN AND HISPANIC?

Futrell: IT IS BROKEN OUT BOTH BY ETHNICITY, BY REGION, BY INCOME. WE WILL GET YOU THE FULL SURVEY, WE CAN ALSO HIGHLIGHT THOSE SECTIONS FOR YOU.

Kim: OKAY. CAN YOU TELL ME ALSO WHAT THE SAMPLE SIZE IS AND IF THE -- IF THE NUMBER OF ASIANS ARE LOW IN TERMS OF THE SAMPLE SIZE, THERE MAY NEED TO BE SOME OVERSAMPLING TO GET SOME STATISTICAL FAIR REPRESENTATION OF THE COMMUNITY'S OPINION.

Futrell: I CAN ALMOST TELL YOU THAT MY GUESS WOULD BE THAT THE ASIAN RESPONSES ARE GOING TO BE PROBABLY TOO LOW TO BE STATISTICALLY SIGNIFICANT IN IT. WILL WE TOO A BETTER -- WE DO A BETTER JOB ON HISPANIC AND AFRICAN-AMERICAN, BETTER THIS YEAR THAN LAST YEAR OUR RESPONSE WAS NOT WHAT IT SHOULD BE. AND WE DID A LOT OF WORK TO DO OUTREACH THIS YEAR. TO GET A BETTER RESPONSE IN CERTAIN AREAS OF OUR TOWN. BUT I'LL GET YOU ALL OF THAT INFORMATION, WE WILL TAKE A LOOK AT IT, SEE WHAT WE CAN DO TO BE --

OKAY. THANK YOU.

YOU SEE ON THE SCREEN, THESE ARE THE PROPOSED KEY DATES THAT -- FOR THE PUBLIC BUDGET DEBATE, PUBLIC HEARINGS, AND EVEN THE TECHNICAL ISSUE OF US PROPOSING THE MAXIMUM TAX RATE AS EARLY AS NEXT YEAR. AND THEN NOTING ON WHAT OUR FINAL -- VOTING ON WHAT OUR FINAL TAX RATE WOULD BE SOMETIME SEPTEMBER 12th THROUGH THE 14th. CITY MANAGER I PRESUME THIS IS UP ON THE WEB OR IT WILL BE SHORTLY.

Futrell: IT WILL BE SHORTLY IF NOT ALREADY.

THE ENTIRE PRESENTATION AND ALL FOUR BUDGET DOCUMENTS ARE UP ON THE CITY'S WEBSITE.

Futrell: YOU ARE SO GOOD, GREG, IT'S ALREADY UP, MAYOR.

Mayor Wynn: THANK YOU ALL VERY MUCH. I THINK THE -- I THANK THE PRESS FOR BEING HERE AND COVERING THIS. A BIG PART OF THIS IS TO GET THIS INFORMATION OUT TO THE PUBLIC AS QUICKLY AS POSSIBLE, AS WE GET CITIZEN INPUT, AS COUNCILMEMBERS AND I CONTINUE TO ASK DETAILED QUESTIONS TO THE MAKEUP OF THE BUDGET, THEN WE WILL HAVE A BETTER DEBATE FOR THE PROCESS LATE IN AUGUST, VOTING IN EARLY SEPTEMBER. SO I DON'T - - MS. BROWN DID WE TAKE ACTION ON 73 YET? SO, COUNCIL, I WILL ENTERTAIN A MOTION ON ITEM 73, WHICH IS THE PROPOSED BUDGET SCHEDULE AND PUBLIC HEARINGS. AS POSTED.

Thomas: I MOVE FOR APPROVAL ON THE KEY DATES FOR THE BUDGET.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM THOMAS, SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE ITEM NO. 73, THE PROPOSED BUDGET SCHEDULE AND SERIES OF PUBLIC HEARINGS ON THE CITY OF AUSTIN PROPOSED BUDGET FOR FISCAL YEAR '05-'06. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. WE WILL NOW RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL, 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 HERE BEFORE YOU TODAY TO BRING FOUR ITEMS BEFORE YOU AS THE BOARD OF THE AUSTIN HOUSING FINANCE CORPORATION. AHFC ITEM NO. 1 IS TO APPROVE THE MINUTES OF THE JUNE 23rd, 2005 BOARD MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn: BOARD OUR FIRST ITEM IS APPROVAL OF THE MINUTES OF OUR LAST BOARD MEETING. I WILL ENTERTAIN A MOTION.

Thomas: MR. PRESIDENT, MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY BOARD MEMBER ALVAREZ, SECONDED BY THOMAS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

ACTUALLY, JUST AS A TECHNICAL ITEM, AHFC ITEM NO. 2 IS TO APPROVE THE APPOINTMENT OF MAYOR PRO TEM DANNY THOMAS AS THE VICE-PRESIDENT OF THE BOARD OF DIRECTORS FOR A TERM EXPIRING ON THE EARLIER OF THE DATE THE OFFICER IS NO LONGER AN OFFICER OF THE CITY OF AUSTIN OR JUNE 15th, 2006. SO THAT IS AHFC ITEM NO. 2.

Mayor Wynn: I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER -- BOARD MEMBER MCCracken, I WILL SECOND AS PRESIDENT. ALL IN FAVOR PLEASE SAY AYE?

AYE.

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

THANK YOU, AHFC ITEM NO. 3, IS TO APPROVE A RESOLUTION ADOPTING THE PROGRAM GUIDELINES FOR THE UNIVERSITY NEIGHBORHOOD OVERLAY HOUSING TRUST FUND PROGRAM. A LITTLE BACKGROUND, ON AUGUST 26th, 2004, THE CITY COUNCIL DIRECTED THE CITY MANAGER BY RESOLUTION TO DEVELOP THE INCOME ELIGIBILITY GUIDELINES FOR USE OF THE UNIVERSITY NEIGHBORHOOD OVERLAY HOUSING TRUST FUND. COUNCIL APPROVED THAT OVERLAY ON SEPTEMBER 2nd, 2004. AND CREATED THE UNO HOUSING TRUST FUND. THE GUIDELINES FOR THE UNO PROGRAM ACTIVITY ARE INCLUDED IN AND SET FORTH IN THE CITY'S RENTAL HOUSING DEVELOPMENT ASSISTANCE PROGRAM. WITH THE FOLLOWING MODIFICATIONS THAT WILL BE EARMARKED SPECIFICALLY FOR THESE FUNDS: THAT THE RENTAL HOUSING DEVELOPMENT IS LOCATED WITHIN THE UNIVERSITY NEIGHBORHOOD AREA AND THE UNIVERSITY NEIGHBORHOOD OVERLAY; THAT AT LEAST FOR PROJECTS USING THESE DOLLARS, AT LEAST 20% OF THE HOUSING UNITS SERVE HOUSEHOLDS AT OR BELOW 50% OF MEDIAN FAMILY INCOME, THAT THE ASSISTED UNITS WOULD REMAIN AFFORDABLE FOR A PERIOD OF AT LEAST 20 YEARS AND THAT THE INCOME IS TO BE VERIFIED ACCORDING TO SMART HOUSING GUIDELINES AND THE BOARD OF DIRECTORS OF THE AHFC WILL REVIEW AND APPROVE ANY APPLICANT REQUESTS UPON SUBMISSION OF THE APPLICATION THAT THE APPLICATION IS ELIGIBLE FOR FUNDING AS RECOMMENDED BY THE COMMUNITY DEVELOPMENT OFFICER. AND FINALLY THAT THE ACTIVITIES FUNDED WITH THIS HOUSING TRUST FUND, UNO HOUSING TRUST FUND WILL BE REPORTED IN OUR CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT. SO EVERYONE WILL KNOW EXACTLY WHAT ACTIVITIES HAVE BEEN FUNDED WITH THIS. ESSENTIALLY, AGAIN, THIS IS -- SHOULD BE CONSIDERED AN ENHANCEMENT TO THE SMART HOUSING PROGRAM. IT ALLOWS US TO BENEFIT FROM THE DENSITY BONUS, VOLUNTARILY DENSITY BONUS WE ESTABLISHED AS PARTS OF UNO, WHICH REQUIRES 10%, AT 80% AND 10% AT 65% BEING CONSTRUCTED IN THAT NEIGHBORHOOD. FOR THOSE WHO CHOOSE NOT TO DO THAT, THEY PUT MONEY INTO THIS FUND, WHO WILL THEN

WORK WITH NON-PROFITS TO DEVELOP AFFORDABLE HOUSING FOR PEOPLE AT LOWER INCOME LEVELS AND WE CAN USE THE UNO TRUST FUND TO DO THAT. WE BRING THAT TO YOU TODAY FOR YOUR APPROVAL.

Mayor Wynn: THANK YOU, MR. HILGERS. QUESTIONS FROM STAFF? COUNCILMEMBER ALVAREZ OR BOARD MEMBER ALVAREZ, THANK YOU.

Alvarez: I THINK MR. HILGERS YOU TOUCHED ON THE PART THAT I WAS GOING TO ASK ABOUT AT THE VERY END THERE WHICH BASICALLY JUST KIND OF REMINDS US THAT THROUGH THE DENSITY BONUS PART, YOU KNOW, OF THE -- OF WHAT WE APPROVED AS PART OF UNO, WE ARE ENCOURAGING THE DEVELOPMENT OF HOUSING AT 80% OF M.F.I. OR LESS. THOSE FOLKS WHO OPT OUT OF THE -- OF THE REQUIREMENT OR THE -- I GUESS THE VOLUNTARY.

OPPORTUNITY.

Alvarez: OPPORTUNITY. THE OPPORTUNITY TO PROVIDE HOUSING AT 65%.

YES, SIR.

Alvarez: THEY ARE ABLE TO OPT OUT AND PAY A FEE AND IN LIEU OF PROVIDING THOSE UNITS AT 60 -- 65% M.F.I. THOSE FUNDS ARE DEPOSITED INTO THE UNO TRUST FUND AND SO WHAT WE'RE SEEING HERE IS THAT THAT -- THOSE FUNDS WILL ACTUALLY HELP US TO LEVERAGE, YOU KNOW, ADDITIONAL HOUSING UNITS OR AFFORDABLE UNITS AT THE 50% OF M.F.I. LEVEL AND SO I GUESS FOLKS CAN KIND OF SEE THE RANGE OF OPPORTUNITIES THAT ARE -- THAT ARE GOING TO BE PROVIDED AS A RESULT OF THE PROGRAM THAT -- THAT WAS INITIATED.

BOARD MEMBER, IF I COULD JUST IT IS 50 CENTS A SQUARE FOOT IS WHAT THE COUNCIL ADOPTED AS THE FEE. I WOULD SUGGEST JUST ONE AGAIN AS A MATTER TO REMIND THE BOARD. THIS PARTICULAR OPPORTUNITY WITH THE UNO HOUSING TRUST FUND AND THE OVERLAY WORKING IN CONCERT WITH EACH OTHER, ALLOW US TO UTILIZE THE BENEFIT OF THE NEIGHBORHOOD PLANNING PROCESS, A

NEIGHBORHOOD OVERLAY PROCESS, THE DEVELOPMENT CODE, AND THE BENEFITS OF BEING ABLE TO DEVELOP ON PROPERTY THAT HAS NOT BEEN ABLE TO BE REDEVELOPED FOR SOME TIME AS A RESULT OF A VERY LONG PROCESS THAT THE NEIGHBORHOOD PLANNING PROCESS WENT THROUGH AND THEN WITH THIS ADDED ENHANCED DENSITY BONUS AND THE OPPORTUNITY THAT SAYS WE CAN ALSO FIND SOME ADDITIONAL FUNDS TO LERCHL, AS YOU'VE JUST -- TO LEVERAGE, AS YOU'VE JUST SAID TO INCREASE THE AFFORDABLE HOUSING AND TARGET IT SPECIFICALLY TO LOWER INCOME FAMILIES IT IS AN EXCITING OPPORTUNITY FOR US, WE ARE LOOKING FORWARD TO BE ABLE TO RECORD BACK SOME SUCCESSES OF HOUSING OPPORTUNITIES IN THIS VERY HIGH DEMAND AREA THAT ARE SERVING LOWER INCOME RESIDENTS. AND PRIMARILY STUDENTS IN THAT AREA.

Alvarez: I KNOW IN THE BUDGET THERE'S BEEN SOME FUND DEPOSITED OR SOON TO BE DEPOSITED IN THAT TRUST FUND. SO -- SO WE SEE THAT THERE'S ACTUALLY GOING TO BE AGAIN LIKE YOU SAID THE POTENTIAL FOR A VERY REAL SOURCE OF FUNDS IN THIS CASE TO ASSIST IN CONTINUED EFFORTS TO FIND CREATIVE WAYS OF PROVIDING HOUSING AT AFFORDABLE LEVELS.

I BELIEVE THAT WILL BE TRUE.

Alvarez: THANK YOU, MR. HILGERS.

THANK YOU VERY MUCH.

Mayor Wynn: FURTHER QUESTIONS, BOARD? IF NOT I'LL ENTERTAIN A MOTION ON AHFC 3.

Alvarez: MOVE APPROVAL, MAYOR.

Mayor Wynn: MOTION MADE BY BOARD MEMBER ALVAREZ, SECONDED BY THE VICE-PRESIDENT TO APPROVE AHFC 3. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THEN IN ANOTHER END OF THE SPECTRUM ON THE HOUSING CONTINUUM, I BRING TO YOU AHFC ITEM NO. 4. WHICH IS TO APPROVE A RESOLUTION AUTHORIZING APPLICATION TO THE TEXAS BOND REVIEW BOARD FOR ALLOCATION OF PRIVATE ACTIVITY BOND AUTHORITY WITH THE TEXAS BOND REVIEW BOARD IN AN AMOUNT UP TO \$25 MILLION, TO IMPLEMENT A NEW MORTGAGE REVENUE BOND OR MORTGAGE CREDIT CERTIFICATE PROGRAM TO ASSIST FIRST-TIME HOME BUYERS PURCHASE A NEW OR EXISTING HOME. THE AUSTIN HOUSING FINANCE CORPORATION'S MORTGAGE CREDIT CERTIFICATE PROGRAM ASSISTS FIRST-TIME HOME BUYERS BY PROVIDING A FEDERAL INCOME TAX CREDIT FOR A PORTION OF THE ANNUAL INTEREST PAID ON THE MORTGAGE. THE CREDIT IS LIMITED TO \$2,000 PER YEAR. THIS PROGRAM IS ONE THAT WORKS WITH MORTGAGE COMPANIES. WE HAD A PREVIOUS BOND ISSUANCE THAT -- WHERE WE HAD SOME DIFFICULTY FRANKLY MARKETING THIS IN THE EARLY YEARS. WE NOW HAVE THE SYSTEMS IN PLACE. WE HAVE HAD AN AWFUL LOT OF ACTIVITY UNDER THIS PARTICULAR BOND ISSUE AS OF -- AS OF NOW WE'VE HAD 109 FAMILIES SERVED WITH THIS. WE HAVE 52 REMAINING AVAILABLE SLOTS. SO THIS PARTICULAR BOND ISSUE THROUGH 2004 WILL SERVE 188 FAMILIES. WHAT WE ARE ASKING FOR TODAY IS TO POSITION THE AHFC TO RECEIVE THE PRIVATE ACTIVITY BOND AUTHORITY AND GET ON THE STATE'S WAITING LIST BY FILING A NEW APPLICATION WITH THE TEXAS BOND REVIEW BOARD FOR INCLUSION IN THE OCTOBER LOTTERY. UPON RECEIPT OF THE AUTHORITY THE BOARD WILL HAVE THE OPPORTUNITY TO LAUNCH A NEW SINGLE FAMILY MORTGAGE REVENUE BOND OR MCC PROGRAM. THIS ACTION SIMPLY AUTHORIZES THE AHFC TO WORK WITH THE BOND COUNCIL TO FILE AN APPLICATION, PAY THE REQUIRED FEE TO BE PLACED ON THE TEXAS BOND REVIEW BOARD WAITING LIST FOR THE NEXT AVAILABLE BONDING AUTHORITY. IT'S SIMPLY A MATTER OF TIMING, AS WE ARE CONTINUING TO PROCESS THE MORTGAGE CREDIT CERTIFICATE PROGRAMS, IF WE CAN FULFILL 95% OF THAT BONDING AUTHORITY, THEN WE ARE ELIGIBLE TO APPLY FOR THE BONDING AUTHORITY WHICH WILL COME UP AGAIN IN OCTOBER. SO WE BRING

THIS TO YOU FOR YOUR APPROVAL.

THANK YOU, MR. HILGERS. QUESTIONS OF STAFF? BOARD?
HEARING NONE, I'LL ENTERTAIN A MOTION ON ITEM NO. 4.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY BOARD MEMBER DUNKERLY,
SECONDED BY BOARD MEMBER LEFFINGWELL TO APPROVE
AHFC 4 AS PRESENTED. FURTHER COMMENTS? HEARING
NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU, MR. HILGERS.

THAT'S ALL THE BUSINESS TO BRING BEFORE THE BOARD.

THANK YOU. THERE BEING NO MORE BUSINESS AT THIS TIME
I WILL ADJOURN THIS MEETING OF THE AUSTIN HOUSING
FINANCE CORPORATION BOARD OF DIRECTORS, CALL BACK
THIS MEETING OF THE AUSTIN CITY COUNCIL. IT'S 4:30. WE
WILL NOW TAKE UP OUR ZONING HEARINGS AND APPROVAL
OF ORDINANCES AND RESTRICTIVE COVENANTS AND WE
WILL WELCOME MR. ALICE GLASGO. IT'S A BAD SIGN WHEN
GREG GUERNSEY PULLED IN WITH A DOLLY. GO AHEAD, MS.
GLASGO.

WE ALWAYS HAVE A DOLLY, MAYOR, EVERY THURSDAY.
GOOD AFTERNOON, MAYOR AND COUNCILMEMBERS. I'M
ALICE GLASGO, DIRECTOR OF THE NEIGHBORHOOD
PLANNING AND ZONING DEPARTMENT. OUR ZONING CASES
FOR TODAY ARE AS FOLLOWS I WILL START OFF BY
PRESENTING THOSE CASES WHERE YOU HAVE CLOSED THE
PUBLIC HEARING AND YOU ARE JUST APPROVING
ORDINANCES TO EFFECTUATE WHAT YOU HAVE ALREADY
APPROVED. 74, C14-05-009 LOCATED AT 11,410, YOU ARE
APPROVING THIRD READING OF AN ORDINANCE THAT ZONES
THE PROPERTY FROM INTERIM RURAL RESIDENTIAL TO GR-
CO WHICH STANDS FOR COMMUNITY COMMERCIAL
CONDITIONAL OVERLAY. THE ORDINANCE AND RESTRICTIVE

COVENANT INCORPORATE THOSE CONDITIONS THAT YOU IMPOSED ON 1 AND SECOND READINGS.

76, FOR YOU TO APPROVE 2 AND THIRD READINGS, TO ZONE THE PROPERTY FROM DEVELOPMENT RESERVE TO LIMITED INDUSTRIAL ZONING WITH A CONDITIONAL OVERLAY. ITEM NO. 76, C14-04-050036, PIONEER FARMS. THIS IS TO APPROVE SECOND AND THIRD READINGS OF AN ORDINANCE THAT ZONES PROPERTY LOCATED AT 11418 SPRINKLE CUTOFF ROAD, FROM DEVELOPMENT RESERVE TO -- AND -- DEVELOPMENT RESERVE HISTORIC TO P PUBLIC AND P HISTORIC. ITEM NO. 77, C 814-96-0003, PIONEER CROSSING, YOU ARE APPROVING SECOND AND THIRD READINGS OF AN ORDINANCE THAT ZONES PROPERTY THAT IS LOCATED AT 1800 FEET ALONG NORTH SIDE OF SAMSUNG BOULEVARD, AND APPROXIMATELY 1,000 FEET EAST FROM ITS INTERSECTION WITH SPRINKLE CUTOFF ROAD. CHANGED THE PLANNED UNIT DEVELOPMENT ZONING TO MODIFY THE LAND USE FOR THIS PARTICULAR PROPERTY. ITEM NO. 78, C14-04-0198, THIS CASE IS BEFORE YOU FOR APPROVAL OF SECOND AND THIRD READINGS. FOR PROPERTY LOCATED AT 801 WEST OLTORF STREET AND THE CHANGE IN ZONING IS FROM SF 3 WHICH STANDS FOR SINGLE FAMILY RESIDENCE TO NO-MU, WHICH STANDS FOR NEIGHBORHOOD OFFICE MIXED USE. THE APPLICANT IS OFFERING TO LIMIT TO -- THE BUILDING HEIGHT OF 18 FEET AND TO LIMIT THE BUILDING SIZE TO 1750 SQUARE FEET THAT REFLECTS THE EXISTING FOOTPRINT. ITEM NO. 79 --

Leffingwell: MAYOR, I WOULD LIKE TO PULL ITEM NO. 78 FOR DISCUSSION.

Mayor Wynn: YES. NOTE THAT WILL BE A DISCUSSION ITEM.

Glasgo: ITEM NO. 79, C 14 H 05006, THE THOMPSON CARTER HOUSE, STAFF IS REQUESTING A POSTPONEMENT TO AUGUST THE 18th IN ORDER TO REVIEW THE REPORT FROM AN INDEPENDENT CONTRACTOR ABOUT THE STRUCTURE AND ITS CONDITION. ITEM NO. 80, C14-05-0026 FOR APPROVAL OF SECOND AND THIRD READINGS OF AN ORDINANCE THAT ZONES PROPERTY AT 1805 FRONTIER VALLEY DRIVE FROM SINGLE FAMILY RESIDENCE, SF 2 NP TO MULTI-FAMILY 3 CO NP. MAYOR THAT CONCLUDES MY

PRESENTATION FOR THIS SEGMENT OF THE AGENDA.

Mayor Wynn: THANK YOU, MS. GLASGO. COUNCIL I WILL GO AHEAD AND SUGGEST THAT ITEM NO. 80 ALSO NOT BE ON THIS CONSENT AGENDA AS -- AS I DOUBT IT WILL BE A UNANIMOUS VOTE. COUNCIL WITH THAT THE CONSENT AGENDA FOR THESE CASES WHERE WE HAVE ALREADY CLOSED THE PUBLIC HEARING WILL BE ITEM NO. 74 TO APPROVE ON THIRD READING, ITEM 75, 76, AND 77 TO BE APPROVED ON SECOND AND THIRD READINGS AND TO POSTPONE ITEM 79 TO AUGUST 18th, 2005. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER KIM TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. MS. GLASGO, IT MIGHT BE HELPFUL ALSO JUST RECOGNIZING ON ITEM NO. 78, I GUESS WE SHOULD COME BACK AND DO THESE DISCUSSION ITEMS AFTER WE GET THROUGH THE CONSENT AGENDA ON OUR ZONING CASES. ON OUR PUBLIC HEARINGS.

Glasgo: YES.

Mayor Wynn: OKAY. WHY DON'T WE ROLL INTO THOSE.

Glasgo: OKAY. NOW WE PROCEED TO THE ITEMS WHERE WE ARE HEARING THE CASES FOR THE FIRST TIME, THOSE ARE THE ITEMS STARTING OFF WITH Z-1. Z-1 IS CASE C 14040114 LOCATED AT 10,900 THROUGH 10,915 BLOCK OF SOUTH I 35 SERVICE ROAD NORTHBOUND. THE EXISTING ZONING IS INTERIM RURAL RESIDENTIAL, THE APPLICANT IS REQUESTING A CHANGE TO -- ALSO HAS MF-2-CO, THE APPLICANT IS REQUESTING A CHANGE TO GR-MU-CO FOR TRACT 1 AND GENERAL COMMERCIAL SERVICES MIXED USE, CONDITIONAL OVERLAY FOR TRACT 2. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT THE APPLICANT'S REQUEST FOR GR-MU-CO FOR TRACT 1 AND C.S.-MU-CO FOR TRACT 2. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-2, C14-05-0077, THIS IS FOR

PROPERTY LOCATED AT 127 AND 129 EAST RIVERSIDE DRIVE. THE EXISTING ZONING IS L.I., WHICH STANDS FOR LIMITED INDUSTRIAL SERVICES, THE APPLICANT IS REQUESTING A CHANGE TO C.S.-CO, WHICH STANDS FOR COMMERCIAL SERVICES CONDITIONAL OVERLAY, THIS CASE IS READY FOR ALL THREE READINGS AS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. ITEM NO. Z-3, C14-05-68, PROPERTY LOCATED AT 8440 BURNET ROAD, NUMBER 142, EXISTING ZONING IS C.S., THE APPLICANT IS REQUESTING C.S.-1 WHICH STANDS FOR COMMERCIAL LIQUOR SALES, THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT THE APPLICANT'S REQUEST FOR C.S.-1. THE CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-4 CASE C14-05-0075 THE SHOPS AT RIVER PLACE, THIS IS FOR PROPERTY LOCATED AT 10601 F.M. 2222, THE EXISTING ZONING IS GR. WHICH STANDS FOR GENERAL COMMERCIAL. THE APPLICANT IS REQUESTING C.S. ZONING, THE ZONING AND PLATTING COMMISSION RECOMMENDS C.S.-CO, THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-5, C14-05-76 THE CAM UPONIAN FOR THE SHOPS AT RIVER PLACE, 10601 2222, THE CHANGE FROM GR TO C.S. 1 WHICH ALLOWS COMMERCIAL LIQUOR SALES, READY FOR ALL THREE READINGS AS REQUESTED BY THE APPLICANT AND RECOMMENDED BY THE COMMISSION TO ADD A CONDITIONAL OVERLAY TO C.S.-1. ITEM NO. Z-6, C14-05-73, THE PROPERTY LOCATED AT 9500 RESEARCH BOULEVARD, THE REQUEST IS FOR MULTI-FAMILY 3 TO G.O. WHICH STANDS FOR GENERAL OFFICE. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT G.O. AND THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-7, C14-05-79, THE PROPERTY IS AT 6625 BLUFF SPRINGS ROAD. THE CHANGE IN ZONING IS FROM LR, NEIGHBORHOOD COMMERCIAL, TO GR, WHICH STANDS FOR COMMUNITY COMMERCIAL, THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT GR-CO. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-8, C14-04-05009 FOR PROPERTY LOCATED AT 420 THOMPSON LANE. THE CHANGE IN ZONING IS FROM RURAL RESIDENCE AND SF 2. THE APPLICANT IS REQUESTING SINGLE FAMILY -- SF 3, WHICH STANDS FOR FAMILY RESIDENCE, AND THE ZONING AND PLATTING COMMISSION RECOMMENDS THE CHANGE TO SF 1-CO, THIS CASE IS READY FOR ALL THREE READINGS AS

RECOMMENDED BY THE COMMISSION. ITEM Z-9 C14-05-0044, FOR PROPERTY AT 10933 SOUTH I-35 SERVICE ROAD NORTHBOUND. STAFF RATHER THE APPLICANT IS REQUESTING A POSTPONEMENT TO AUGUST THE 18th. THIS IS THE APPLICANT'S FIRST REQUEST FOR POSTPONEMENT. ITEM NO. Z-10, C14-04-186 FOR PROPERTY LOCATED AT THE INTERSECTION OF ANDERSON MILL ROAD AND SWAN DRIVE, EXISTING ZONING IS SINGLE FAMILY 6 AND THE APPLICANT IS REQUESTING LR -- IT'S ALL ZONED I'M SORRY ZONED SF 6, LR, AND GR AND THE APPLICANT IS REQUESTING GR-CO, THAT REQUEST IS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-11, C14-04-164, THIS IS FOR PROPERTY LOCATED AT NORTH CREEK PARKWAY AND LAKELINE BOULEVARD. THE EXISTING ZONING IS GENERAL OFFICE, THE APPLICANT IS REQUESTING C.S., THE ZONING AND PLATTING COMMISSION REQUESTS C.S.-MU-CO, THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-12, C14-04-0165, THIS IS FOR PROPERTY LOCATED AT LAKELINE BOULEVARD AND LAKE CREEK PARKWAY. THE CHANGE IN ZONING IS FROM GR TO C.S. THE ZONING AND PLATTING COMMISSION RECOMMENDS C.S.-MU-CO, THIS CASE IS READY FOR ALL THREE READINGS. Z-13, C14-04-0166, FOR PROPERTY LOCATED AT LAKELINE BOULEVARD AND LAKE CREEK PARKWAY, THE CHANGE IN ZONING IS FROM G.O. TO C.S. THE ZONING AND PLATTING COMMISSION RECOMMENDS C.S.-CO, THE CASE IS READY FOR ALL THREE READINGS. Z-14, C14-05-0033 LOCATED AT 2529 SOUTH LAMAR BOULEVARD. THE APPLICANT IS REQUESTING A CHANGE FROM SINGLE FAMILY -- FROM SF 3 FAMILY RESIDENCE TO L.O.-MU-CO COMBINING DISTRICT. THE PLANNING COMMISSION HAS RECOMMENDED L.O.-MU-CO AND THE CASE IS READY FOR FIRST READING ONLY. ITEM NO. Z-15, C14-05-0084, STAFF IS REQUESTING A POSTPONEMENT TO AUGUST THE 18th BECAUSE THE COMMISSION HAS NOT HEARD THE CASE. THEY ARE SCHEDULED TO HEAR IT ON AUGUST THE 2nd. ITEM NO. Z-16, C14-05-0088, THIS IS FOR PROPERTY LOCATED AT 7212 STATE HIGHWAY 71 WEST. STAFF IS REQUESTING A POSTPONEMENT TO AUGUST 25th, BECAUSE THE COMMISSION WILL BE HOLDING ITS PUBLIC HEARING ON AUGUST THE 16th. ITEM NO. Z-17, THIS IS GOING

TO BE A DISCUSSION ITEM. 18 IS DISCUSS, 19 IS DISCUSSION.

Mayor Wynn: RATS, YOU WERE DOING SO WELL THERE FOR A WHILE.

Glasgo: WELL, STILL GOOD. SOME GOOD ONES COMING ALONG. ITEM NO. Z-20, C14-05-42, STAFF IS REQUESTING A POSTPONEMENT TO AUGUST THE 25th. TO CLARIFY THE NEED FOR RIGHT-OF-WAY DEDICATION. ITEM Z-21 C14-05-0040 FOR PROPERTY LOCATED AT 800 WEST SIXTH STREET, 602, 606 AND 700 WEST AVENUE, THE CHANGE IN ZONING IS FROM G.O., GENERAL OFFICE, AND DMU, THE APPLICANT IS REQUESTING CBD-CO-CURE WHICH STANDS FOR CENTRAL BUSINESS DISTRICT CONDITIONAL OVERLAY CENTER URBAN REDEVELOPMENT DISTRICT. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT DMU-CO-CURE, CURE LIMIT THE HEIGHT TO 125 FEET AND LIMITS THE TRAFFIC, VEHICULAR TRIPS TO 2,000. THAT'S WHAT THE CONDITIONAL OVERLAY DOES. THIS CASE IS READY FOR ALL THREE READINGS AS RECOMMENDED BY THE COMMISSION. ITEM NO. Z-22, CASE NUMBER C14-05-25, THE NEIGHBORHOOD IS REQUESTING A POSTPONEMENT TO AUGUST THE 25th TO ALLOW SOME OF THEIR SPEAKERS TO BE PRESENT THEN. THIS IS THE NEIGHBORHOOD'S FIRST REQUEST. ITEM NO. Z-23, C14-05-0074, THE APPLICANT IS REQUESTING A POSTPONEMENT TO AUGUST THE 25th, AND THIS IS THE APPLICANT'S FIRST REQUEST. ITEM 24 WILL BE A DISCUSSION. THEN Z-25 AND Z-26 ARE THE GABLES AT WESTLAKE CASES AND THE APPLICANT IS REQUESTING A POSTPONEMENT TO AUGUST THE 18th. NOW MAYOR THAT CONCLUDES MY PRESENTATION, IT WASN'T THAT BAD.

Mayor Wynn: WELL DONE, MS. GLASGO. COUNCIL THE PROPOSED CONSENT AGENDA ON THESE ZONING PUBLIC HEARINGS WILL BE ... TO CLOSE THE PUBLIC HEARINGS AND APPROVE ON ALL THREE READINGS, CASES Z-1, Z-2, Z-3, Z-4, Z-5, Z-6, Z-7, Z-8. TO POSTPONE Z-9 TO AUGUST 18th, 2005. TO APPROVE ON ALL THREE READINGS, AGAIN WITH CLOSING THE PUBLIC HEARINGS, CASES Z-10, Z-11, Z-12, Z-13. ON Z-14 CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY. POSTPONE Z-15 TO AUGUST 18th, 2005. TO POSTPONE ITEM Z-16th TO AUGUST 25th, 2005. TO POSTPONE Z-20 AGAIN TO AUGUST 25th, 2005. TO CLOSE THE PUBLIC

HEARING AND APPROVE ON ALL THREE READINGS CASE Z-21. TO POSTPONE TO AUGUST 25th 25th, 2005, CASES Z-22 AND Z-23. TO POSTPONE TO AUGUST 18th 18th, 2005, CASE Z-25 AND Z-26. I'LL ENTERTAIN A MOTION.

Dunkerly: MAYOR?

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: I'LL MAKE A MOTION, BUT BEFORE THAT WITH CONCURRENCE OF THE COUNCIL, THERE'S ONE SMALL CHANGE THAT I WOULD LIKE TO MAKE A Z-21. MOST OF THAT AREA IS -- IS AFFECTED BY THE CAPITOL VIEW CORRIDOR, SO THE LIMIT OF 125 FEET I WOULD LIKE TO CHANGE AND ADD 8 FEET TO THAT, TO 136 FEET. THAT WILL HELP THEM COMPENSATE ON THE ONE OR TWO LOTS WHERE THEY COULD USE THIS FOR THE EFFECT OF THE CAPITOL VIEW CORRIDOR ON THE MAJORITY OF THAT LOT. WITH THAT INCLUDED IN MY MOTION, I WOULD LIKE TO MOVE APPROVAL OF THE CONSENT AGENDA WITH THAT ONE CHANGE ON Z-21.

Thomas: I SECOND. SO WE HAVE A MOTION BY COUNCILMEMBER DUNKERLY, SECONDED BY COUNCILMEMBER MCCracken? OR MAYOR PRO TEM? OKAY. SOMEBODY DOWN THERE. [LAUGHTER] TO APPROVE THE CONSENT AGENDA AS PROPOSED. BUT INCLUDING ON Z-21 THE HEIGHT OF 136 FEET. DOES THAT MAKE SENSE, MS. GLASGO?

Glasgo: THAT MAKES SENSE, THANK YOU.

Mayor Wynn: A MOTION AND A SECOND. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. LET'S GO BACK IF WE CAN, TAKE UP ON ITEM NO. 78 JUST NOTE THAT THAT PUBLIC HEARING AND FIRST READING OCCURRED BEFORE TWO OF OUR COLLEAGUES JOINED THE DAIS. EVEN THOUGH WE HAVE CLOSED THE PUBLIC HEARING, I THINK IF STAFF IS READY, IT

WOULD BE NICE TO HAVE A SUMMARY PRESENTATION ON 78, WHICH IS 801 WEST OLTORF.

Glasgo: ITEM NO. 78 IS CASE NUMBER C 14-04-198 FOR PROPERTY LOCATED AT WEST OLTORF STREET. THE EXISTING ZONING IS SINGLE FAMILY 3, THE APPLICANT IS REQUESTING KNOW-MU-CO, THIS WOULD ACCOMMODATE AN OFFICE. THE APPLICANT'S PROPOSAL IS TO -- REMODEL AN EXISTING HOUSE TO BECOME AN OFFICE. AND BY ALLOWING THE MU, IT WOULD OBVIOUSLY ALLOW FOR THE OPPORTUNITY TO USE THE PROPERTY FOR RESIDENTIAL PURPOSES, ALSO, ALTHOUGH IT'S NOT MANDATORY TO USE THAT OPTION. THE CONDITIONAL OVERLAY HERE IS INCLUDED FOR -- IN CASE THERE ARE OTHER ITEMS THAT NEED TO BE ADDED TO IT, ALTHOUGH AT THE FIRST HEARING THE CITY COUNCIL DID NOT IMPOSE ANY CONDITIONS. BUT THE APPLICANT HAS OFFERED TWO THAT COULD BE INCLUDED IN THE CONDITIONAL OVERLAY. THE RECOMMENDATION FORWARDED TO YOU BY THE COMMISSION WAS TO DENY THE REQUEST AND THE COMMISSION -- THE STAFF RECOMMENDATION IS -- IS ALSO NOT TO RECOMMEND THE ZONING AND THAT WAS -- THAT WAS BASED ON THE FACT THAT THE -- THE PROPERTY IS IN AN AREA THAT IS ZONED FOR SINGLE FAMILY USE, IT'S ACROSS THE STREET FROM -- FROM A NEIGHBORHOOD AREA THAT HAS A PLAN AND WE WERE HOPING TO LOOK AT THE ENTIRE CORRIDOR, BUT WE ARE NOT SAYING THAT THE SINGLE FAMILY MIGHT BE THE APPROPRIATE ZONING, THE STAFF'S POSITION WAS THAT THE NEIGHBORHOOD PLAN WAS GOING TO BE COMMENCED IN ABOUT A MONTH OR TWO AND GIVE EVERYBODY A CHANCE TO LOOK AT THE ENTIRE CORRIDOR, COME UP WITH A PLAN THAT WOULD THEN BE CONSISTENT FOR EVERY PIECE OF PROPERTY ALONG THAT CORRIDOR. THAT WAS THE BASIS FOR THE -- FOR THE STAFF RECOMMENDATION. BUT THE CITY COUNCIL DID APPROVE THE REQUEST TO ZONING OFFICE AND THE APPLICANT IS NOW OFFERING AT THIRD READING TO ADD TWO CONDITIONS, WHICH WOULD LIMIT THE HEIGHT TO 18 FEET, WHICH IS JUST ONE STORY AND TO LIMIT THE BUILDING'S SQUARE FOOTAGE TO 1,750 SQUARE FEET, THAT IS THE EXISTING FOOTPRINT OF THE BUILDING. AND AT THIS POINT I WILL PAUSE AND LET THE APPLICANT GIVE PROBABLY A -- I

DON'T KNOW IF YOU WANT ME TO DO THAT. THAT'S THE STAFF PRESENTATION. I'M NOT SURE IF YOU WANTED THE OPPORTUNITY -- TO GIVE A BRIEF OVERVIEW OF WHAT THEY ARE PROPOSING BECAUSE HE HAD A PICTURE THAT SHOWED WHAT THE REMODELING WOULD ENTAIL.

Mayor Wynn: WITHOUT OBJECTION, COUNCIL, I THINK IT WOULD BE PROMOTE, PARTICULARLY SINCE TWO OF OUR COLLEAGUES WEREN'T HEARING. COUNCILMEMBER LEFFINGWELL?

WOULD IT ALSO BE ALLOWED FOR FIVE MINUTES TO THE OPPOSITION, ANY OBJECTION FOR THAT?

Mayor Wynn: NONE FOR ME, I'LL CHECK THAT.

Leffingwell: THE PUBLIC HEARING IS CLOSED --

Mayor Wynn: THEY MAY NOT HAVE EVEN BE AWARE, IF THERE ARE FOLKS WHO CAN SPEAK, WE WILL DO THAT. ACTUALLY, SO IF YOU ALL IN OPPOSITION COULD PUT YOUR HEADS TOGETHER AND SORT OF COME UP WITH WHETHER YOU WANT TO HAVE A SINGLE SPEAKER FOR FIVE MINUTES OR TWO OR THREE OF YOU AND YOU, THEN FAIR ENOUGH. MR. BENNETT, WELCOME.

THANK YOU, MAYOR AND COUNCIL, I'M JIM WITLIFF. COUNCILMEMBER LEFFINGWELL, IF I WILL CLARIFY ONE POINT BEFORE I START, AM I GOING TO HAVE AN OPPORTUNITY FOR ANY REBUTTAL OR MAKE ALL OF MY COMMENTS -- HOW MUCH TIME WOULD I BE OFFERED?

Mayor Wynn: WHY DON'T YOU JUST PRESENT SORT OF YOUR CASE IN A FEW MINUTES, MR. BENNETT, WITH YOUR ADDITIONAL OFFERS OF RESTRICTIONS AND WHEN WE HEAR FROM THE OPPOSITION, MY GUESS IS THERE WILL BE QUESTIONS OF YOU FROM COUNCIL.

MAYOR, BEFORE I START, WE'VE LAUNCHED AN INVESTIGATION OF WHY THE FRENCH JUDGES ONLY GAVE YOU A 7.5 ON THAT DIVE. I PERSONALLY THOUGHT IT WAS A 9.5 OR 10.

IT WAS AN OKLAHOMA JUDGE THAT DINGED ME, ACTUALLY
[LAUGHTER]

COUNCIL, I -- I HAVE SOME PICTURES HERE TO ORIENT THE NEW MEMBERS ON THIS PROPERTY. THANK YOU. THIS IS THE EXISTING RESIDENCE AT 17 -- I'M SORRY, 801 WEST OLTORF STREET. IT'S BEEN IN SOME STATE OF DISREPAIR. UP FRONT THERE'S ALMOST SOLID ASPHALT IN FRONT OF THIS PROPERTY. I ORIGINAL CALCULATED THE IMPERVIOUS COVER AT 87.5%. WE DISCOVERED THAT BEHIND THE PROPERTY UNDERNEATH SOME OF THE DIRT ON THE BACK SIDE OF THE HOUSE FROM THE PICTURE THAT YOU ARE LOOKING AT IS MORE CONCRETE. SO IT'S PROBABLY OVER 90%. ONE OF OUR OBJECTIVES HERE IS TO REMOVE IMPERVIOUS COVER AND BRING IT BACK TO 60% IMPERVIOUS COVER. SO THIS IS THE RARE OPPORTUNITY WHERE RESIDENTIAL, COMMERCIAL, CAN ACTUALLY IMPROVE WATER QUALITY. I'M REPRESENTING MY OFFICE MATES IN THE OFFICE NEXT DOOR TO ME, WHERE I'VE BEEN OFFICING FOR A NUMBER OF YEARS, WE'VE BECOME FRIENDS. IT'S BEEN THEIR OBJECTIVE, ONE OF THEM IS A FORMER CITY OF AUSTIN ATTORNEY. THE TWO OF THEM I FOUND OUT REPRESENT ABOUT 90% OF THEIR CUSTOMER BASE IS HISPANIC AND MOST OF THAT IS POOR, A LOT OF THEM DON'T EVEN HAVE TRANSPORTATION, SO THEY ARE ON SOUTH CONGRESS NOW. OLTORF WAS A GOOD POSSIBILITY FOR THEM. THEY PURCHASED THIS PROPERTY AND IT IS TRUE THAT WE TALKED BEFORE THEY PURCHASED IT, I MADE THEM CLEARLY UNDERSTAND THAT ZONING IS A DISCRETIONARY APPROVAL AND IT WAS SINGLE FAMILY AT THE TIME. THEY WENT HOUSE TO HOUSE, SAT DOWN IN PEOPLE'S LIVING ROOMS AND KITCHEN TABLES, INTRODUCED THEMSELVES TO ALL OF THE NEIGHBORHOODS AROUND THERE. I WILL SHOW YOU A MAP. AND THEY HAD OVERWHELMING SUPPORT FROM THE NEIGHBORS TO SUPPORT WHAT THEY PROPOSED TO DO. THEIR PROPERTY IS GREEN. THERE'S A TOTAL OF 52 PROPERTY OWNERS ON THIS MAP THAT SIGNED LETTERS OF SUPPORT FOR THIS REZONING. THE REASON THEY DID IT FRANKLY PEOPLE WERE TIRED, EVEN THOUGH IT WAS ZONED RESIDENTIAL PROPERTY, IT WAS NOT A RESIDENTIAL HOUSE MOST RECENTLY. IT'S BECOME RUN DOWN AND

THESE GUYS CAME IN, THEY WANT TO DO SOMETHING NICER WITH IT. WE HAVE IN ARCHITECTURAL PLANS AND SITE PLANS TO SHOW WHAT WE ARE PROPOSING TO DO WITH THE PROPERTY. HERE'S AN ARCHITECTURAL RENDERING. YOU SAW THE FIRST PICTURE. THEY HAVE ALREADY BEGUN SOME OF THE CONSTRUCTION, WE HAVE A VALID PERMIT FROM THE CITY. WE WENT DOWN THERE AND EXPLAINED TO THE FOLKS WHAT THEY WERE TRYING TO DO AND THEY GOT A PERMIT. THEY ARE PUTTING IN NEW WINDOWS. REDID THE EVE OF THE ROOF. PRETTY MUCH REDOING IT. ABOUT \$150,000 IN IMPROVEMENTS INTO IT. I DON'T BELIEVE ANYBODY WOULD HAVE BEEN WILLING TO PUT \$150,000 IN IMPROVEMENTS INTO THAT PROPERTY ON OLTORF BEFORE. I DON'T THINK ANYBODY HAS SHOWN ANY INCLINATION, NOT ONLY HERE, BUT UP AND DOWN THERE TO DO THAT. BUT THE SITE PLAN, IF YOU PUT THAT UP FOR ME, SHOWS WHAT WE ARE PROPOSING TO DO -- WE ARE NOT ADDING ANY IMPERVIOUS COVER. WE ARE CUTTING OUT EXISTING ASPHALT AND WE'LL END UP WITH ALL OF THE PARKING THAT'S REQUIRED ON THE PROPERTY. AND WE'LL BRING IT BACK, TAKE OUT ABOUT 50% -- I'M SORRY, ABOUT 33% OF THE EXISTING PAVEMENT ON THE PROPERTY AND BRING IT DOWN TO ABOUT 60% LANDSCAPE IT OUT. AND THE FOLKS AROUND THERE HAVE OVERWHELMINGLY SUPPORTED IT. WE HAVE VOLUNTARILY, WE WENT TO THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION, I PRESENTED TO THE EXECUTIVE ZONING COMMITTEE, I BELIEVE THAT WAS LAST FEBRUARY. I WENT AND MET WITH THE GALINDO ELEMENTARY NEIGHBORHOOD ASSOCIATION FIRST INFORMALLY, THEN THEY ASKED US TO POSTPONE OUR ZONING AND PLATTING COMMISSION HEARING SO WE COULD DO A FORMAL PRESENTATION TO THEM. WE DID SO. AT THEIR MEETING THEY -- I'VE GOT THE MINUTES FROM THAT MEETING, WE MADE OUR PRESENTATION, THEY ASKED US TO LEAVE WHILE THEY DELIBERATED. THE MINUTES STATE THAT THE MOTION WAS MADE TO -- FIRST TO DENY OUR -- TO DENY OUR REQUEST TO REZONE THE PROPERTY. THAT WAS SECONDED. BUT THE MOTION FAILED. THEY DID NOT GET A MAJORITY OF MEMBERS TO VOTE FOR IT. THEN THERE WAS A SECOND MOTION TO -- TO APPROVE THAT WITH THE CONDITION THAT WE NEGOTIATE THE TERMS WITH THEIR EXECUTIVE ZONING COMMITTEE SO THAT ALL THEY WOULD

HAVE WOULD BE NEIGHBORHOOD OFFICE. IT WOULDN'T TURN INTO A CONVENIENCE STORE OR BIGGER BUILDING OR SOMETHING LIKE THAT. AND THAT MOTION WAS SECONDED. AND IT PASSED. NOW THE NEIGHBORHOOD HAS SAID SINCE THEN THAT THEY'VE HAD ANOTHER VOTE UNANIMOUSLY VOTED AGAINST IT. I'M A PARLIAMENTARIAN ON A PTA COMMITTEE, BUT I'VE HAD TO LEARN ROBERTS RULES OF ORDER, IT'S MY UNDERSTANDING AND BELIEF THAT YOU CAN'T DO THAT. ONCE THAT VOTE WAS PUBLISHED THEY CAN'T CHANGE THE VOTE. IN THAT WAY. WE HAVE DISCUSSED IT WITH THEM AND PRETTY MUCH GOTTEN NOWHERE. WE HAVEN'T HAD A LOT OF LUCK IN NEGOTIATIONS, ALTHOUGH TODAY I DID HAVE A HALF HOUR CONVERSATION ON THE PHONE WITH THE GALINDO ELEMENTARY NEIGHBORHOOD ASSOCIATION PRESIDENT. I SAID WHEN THIS CASE IS DONE I WOULD LIKE TO DISCUSS WITH HIM GENERAL NEIGHBORHOOD ISSUES AND THE NEIGHBORHOOD PLANNING PROCESS. IN THE CITY CODE THE DEFINITION FOR NEIGHBORHOOD OFFICE IS ALMOST A TEXTBOOK REASON, IN MY OPINION, WHY THIS SHOULD BE APPROVED BECAUSE IT IS THE NON-RESIDENTIAL USE THAT IS CONSIDERED BY THE CITY CODE TO BE COMPATIBLE WITH ADJACENT SINGLE FAMILY RESIDENTIAL USES. IT'S THE MINIMUM DEPARTURE. WE ARE NOT CHANGING THE BUILDING. ALL THAT WE ARE DOING IS UPGRADING IT AND LANDSCAPING IT AND MAKING IT LOOK ATTRACTIVE. I'LL BE HAPPY TO ANSWER ANY QUESTIONS, BUT THE LAST THING THAT I WOULD LIKE TO SAY IS ON FIRST READING, FORMER MAYOR PRO TEM GOODMAN WAS THE LONE DISSENTING VOTE. COUNCIL VOTE ON FIRST READING WAS 5-1. I WOULD LIKE TO READ THREE OF COUNCILMEMBER GOODMAN'S COMMENTS BECAUSE I THINK THEY JUSTIFY WHY THIS IS A GOOD PROJECT. [BUZZER SOUNDING]

Mayor Wynn: PLEASE READ THE SHORTEST THREE.

THEY ARE VERY SHORT. COUNCILMEMBER ALVAREZ IS RIGHT, IT'S HARD ON THE SURFACE TO REALLY ANALYZE THIS BECAUSE OLTORF AND FIRST ARE NOT AT ALL PLACES SPOTS WHERE RESIDENTIAL IS GOING TO WORK. N.O. IS ABOUT THE LOWEST LEVEL OF TRAFFIC AND USE THAT A NON-RESIDENTIAL USE CAN HAVE, THE LAST SENTENCE, THIS IS A PRETTY LOW ONE AND I WOULD TEND TO THINK

THAT NO IS THE BEST USE THAT THE NEIGHBORHOOD CAN WISH FOR THERE, THANK YOU FOR YOUR CONSIDERATION.

Mayor Wynn: THANK YOU, MR. WITLIFF, HANG AROUND WE MIGHT HAVE QUESTIONS OF YOU.

OF COURSE I WOULD SIGN THAT TOO, BUT IF IT'S NOT PUT IN CON SEX OF THE OVERALL SITE AND COMPATIBILITY WITH NEIGHBORHOOD AND ALL THESE OTHER ISSUES, THAT A LOT OF PEOPLE IF YOU ARE INVOLVED WITH ZONING CASES, YOU DON'T REALLY KNOW THE IMPACT OF ALL THESE THINGS. THEN I KIND OF THINK THAT'S AN UNFAIR LEG TO STAND ON. ALSO THE MINUTES MAY MARCH SPECIFIED THAT THE NEIGHBORHOOD WOULD SUPPORT IT, ONLY IF IF THEY COULD NEGOTIATE OVERLAYS THAT WERE ACCEPTABLE. WE DECIDED THAT THE EXECUTIVE COMMITTEE ALONG WITH THE OTHER COMMITTEE DECIDED THAT THERE WERE THINGS THAT COULD ALEVE THE CONCERNS WHICH I WILL DESCRIBE IN A MINUTE. SO WE RE-PRESENTED INFORMATION TO THE NEIGHBORHOOD, TOOK A VOTE, AND IT WAS UNANIMOUSLY TO OPPOSE IT. SO LIKE I SAID, THESE ARE JUST KIND OF DISTRACTIONS FROM THE REAL ISSUES, WHICH I'LL COME BACK TO THE FACT THAT THIS IS AN INAPPROPRIATE SITE FOR ANY SORT OF COMMERCIAL DEVELOPMENT, BREAKING AWAY FROM SF-3 OR SF-6 HOUSING. NEIGHBORHOOD OFFICE SPECIFICALLY EMPHASIZES COMPATIBILITY WITH THE NEIGHBORHOOD, AND THERE IS A NEIGHBORHOOD PLAN IN PLACE RIGHT NOW, BOULDIN CREEK NEIGHBORHOOD PLAN, THAT SPECIFIES NOT TO CHANGE THE SINGLE-FAMILY HOUSING OR MAYBE ZONE FROM SF 53 TO SF-6. AND OUR PLAN, THE GLIN DOUGH PLAN, -- GALINDO PLAN, WILL PROBABLY MIMIC THIS. WE BELIEVE THAT'S A VERY GOOD WAY TO DEVELOP THIS AREA, SPECIFIC GUIDELINES IN PLACE THAT PEOPLE WORKED VERY LONG TIME ON AND SPENT A LOT OF ENERGY TRYING TO GET THIS DONE. AND REZONING THIS WOULD KIND OF PUSH ALL THAT ENERGY OFF TO THE SIDE AND, WELL, IT DOESN'T MATTER WHAT THE NEIGHBORHOOD HAS WORKED FOR, WE'LL REZONE IT. SO WE AREN'T OPPOSED TO NEIGHBORHOOD OFFICE, BUT AT THE SITE WE DON'T THINK IT'S APPROPRIATE. THE FACT OF THAT ARE THE PROPERTIES IS SURROUNDED BY SF-3 ZONING ON ALL SIDES OF OLTORF BETWEEN SOUTH FIRST AND SOUTH FIFTH.

THERE'S ONE PROPERTY THAT WAS IN QUESTION, IF THAT WAS COMMERCIAL OR NOT. ALL OF THE CITY MAPS THAT WE'VE BEEN GIVEN SAY IT'S SF-3. SO THERE IS SF-3 ALL THE WAY FROM THE SOUTH FIRST NEIGHBORHOOD TO THE SOUTH FIFTH NODE. AND THESE ARE TWO NODES THAT ARE DESIGNATED IN BOULDIN CREEK, AND THIS MIMICS ALSO THE DAWSON NEIGHBORHOOD PLAN, WHICH IS TO THE EAST OF US THAT ARE CURRENTLY IN PLACE THAT SPECIFY MAINTAINING RESIDENTIAL BETWEEN THE COMMERCIAL NODES OF SOUTH CONGRESS, SOUTH FIRST AND SOUTH FIFTH. AND FOR BOULDIN'S PLAN ALSO SOUTH LAMAR. THE GALINDO NEIGHBORHOOD WILL BEGIN OUR NEIGHBORHOOD PLANNING PROCESS IN ABOUT TWO MONTHS. WE'VE ALREADY DISTRIBUTED SOME SURVEYS AND TRIED TO GET INFORMATION FROM PEOPLE WHO HAVE BEEN ATTENDING THE MEETINGS, AND I KNOW THAT THEY'RE GOING TO SEND LETTERS OUT TO EVERYONE IN THE FUTURE, THE CITY WILL. SO THE PEOPLE STUDYING THESE ISSUES, SO FAR EVERYONE IS IN AGREEMENT TO SUPPORT THE BOULDIN IDEA AND THE DAWSON IDEA OF HOW TO MAINTAIN THIS STRETCH. AND MOST OF THE PEOPLE THAT LIVE ALONG OLTORF THAT I'VE SPOKEN WITH WANT TO MAINTAIN THIS AS A RESIDENTIAL AREA. THEY ACTUALLY LIKE LIVING THERE. WHEN I FIRST MOVED INTO THE AREA, I FIRST THOUGHT HOW COULD SOMEONE WANT TO LIVE ON OLTORF, IT'S TOO BUSY, BUT IT'S ACTUALLY A NICE PLACE TO LIVE. AND WE WANT TO MAINTAIN THAT. SO IF APPROVED, THIS REZONING WOULD SET A PRECEDENT THAT WOULD ALLOW FOR A DOMINO AFFECT THAT GOES DIRECTLY AGAINST THE ABOVE MENTIONED NEIGHBORHOOD PLANS. AND THIS IS A VERY IMPORTANT IDEA BECAUSE IF 10 OTHER PEOPLE FROM THIS AREA CAME TO YOU GUYS TODAY AND SAID YEAH, WE WANT TO DO THE SAME REZONING, WOULD YOU ALLOW IT? WOULD YOU SAY YEAH, EVERYONE HAS THE RIGHT TO DO THAT EVEN THOUGH THAT WOULD TOTALLY NEGATE THE NEIGHBORHOOD PLAN THAT'S BEEN ACCEPTED AND APPROVED BY THE CITY COUNCIL ALREADY? ALSO, THE EFFECTS OF THIS SORT OF DOMINO EFFECT, WITHOUT THE NECESSARY INFRASTRUCTURE, LIKE TURN LANES, LIGHTS, ENTRANCES, ALL OF THESE ENTRANCES ARE RELATIVELY CLOSE TOGETHER ON SMALL SF-3 STREETS. ALSO YOU WOULD HAVE PEOPLE TURNING INTO THESE STREETS -- [

BUZZER SOUNDS] I HAVE A COUPLE MORE THINGS. CAN I SAY THEM?

Mayor Wynn: YEAH, PLEASE CONCLUDE, THOUGH.

THE RESTRICTIVE COVENANT DOES NOT PROTECT AGAINST THE ABOVE MENTIONED DOMINO EFFECT. IT'S THE -- THE RESTRICTIVE COVENANT IS NOT GOING TO STOP OTHER PEOPLE FROM COMING AND GETTING THIS REZONING, A SIMILAR TYPE OF REZONING, WHICH WOULD MAKE DOWN ZONING IN THE FUTURE KIND OF A NULL POINT. AND ALSO FUTURE OWNERS, IF THEY BUY IT AND IT STOPS BEING USED AS A NEIGHBORHOOD OFFICE IN 90 DAYS COULD PROTEST THE DOWN ZONING AS WELL, SO THAT DOESN'T REALLY ASSURE US OF ANYTHING. AND RELATING TO CODE, THIS PROPERTY DOES NOT ACCOMMODATE THE REQUIRED PARKING SPACES AS WE UNDERSTOOD IT. I DON'T KNOW IF THEY HAVE FIVE PARKING SPACES OR NOT IN THERE. INCLUDING A HANDICAPPED SPACE. AND IF THEY COULD DO THAT FROM THE MEASUREMENTS THAT I THOUGHT THEY COULDN'T DO THAT AND REMAIN UNDER THE IMPERVIOUS COVER LIMIT OF 60%. THIS PROPERTY ALSO DOES NOT ACCOMMODATE THE COMPATIBILITY SETBACKS REQUIRED NEXT TO SF-3 PROPERTIES, WHICH IS AN INDICATOR THAT THIS PROPERTY IS NOT SUITABLE FOR THE REZONING. THERE ARE A LOT OF OTHER PROPERTIES NEAR THE LOCATION OF THIS BUSINESS, INCLUDING THE PROPERTY ON OLTORF WHICH HAS BEEN AVAILABLE FOR A WHILE WHICH IS A DESIGNATED NODE FOR COMMERCIAL DEVELOPMENT. ALSO TONS OF PROPERTIES ALONG SOUTH FIRST AND SOUTH LAMAR. THERE ARE ALSO SIMILAR BUSINESSES ALL ALONG SOUTH FIRST, SO IT'S NOT LIKE THEY'RE PROVIDING A BUSINESS THAT'S UNIQUE AND THAT WE ARE IN LACK OF IN THIS AREA. WHICH I THINK IS A GOOD THING. SO KEEPING THIS AREA RESIDENTIAL IS VERY IMPORTANT TO A LOT OF THE RESIDENTS IN THE AREA, AND PLEASE DON'T INVALIDATE THE MANY YEARS OF HARD WORK BY A LOT OF RESIDENTS FOR FORM AND IMPLEMENT THE VISION OF NEIGHBORHOOD PLANS. ZONING SHOULDN'T BE BASED ON HOW MUCH MONEY SOMEONE IS WILLING TO PUT INTO A PROJECT, IT SHOULD BE BASED ON THE LAND USE AND THE EXISTING CODE. SINCE STAFF, ZAP AND THE SURROUNDING ARE AGAINST THE ZONING, I RESPECTFULLY

ASK YOU TO ALSO VOTE AGAINST IT. IFTHANK YOU.

THANK YOU. SO COUNCIL, WE'VE HEARD --

Mayor Wynn: THANK YOU. SO COUNCIL, WE'VE HEARD A BRIEF PRESENTATION BY THE APPLICANT, THE AGENT AND NOW NEIGHBORING OPPOSITION. COMMENTS, QUESTIONS?

Kim: I HAVE A QUESTION FOR THE APPLICANT ABOUT JUST ANTICIPATED TRAFFIC IN AND OUT TO THE PROPERTY. YOU SAID IT'S A LAW OFFICE. CAN YOU TELL ME WHAT THE APPLICANTS ARE EXPECTING IN TERMS OF HOW MANY VISITORS A DAY WILL BE COMING OR GOING?

MY CLIENT JUST TOLD ME HE MIGHT GET THREE VISITORS IN A DAY. HAVING AN OFFICE NEXT TO THEM, I DON'T SEE A LOT OF PEOPLE COMING IN AND OUT. THEY SPEND A LOT OF THEIR TIME IN COURT OR, YOU KNOW, ON THE TELEPHONE, BUT NOT A LOT OF TRAFFIC. AND OUR DRIVEWAY IS NOT ON OLTORF, IT'S ON SOUTH THIRD, WHICH IS ONE OF THE GATEWAYS TO THE CHURCH, SO I DON'T THINK WE'LL BE ADVERSELY IMPACTING OLTORF TRAFFIC.

Kim: SO HOW MANY PARKING SPACES ARE THERE, FIVE OR SIX?

YES. I CAN ASSURE YOU THAT WE'RE GOING TO BE IN COMPLIANCE WITH CODE BECAUSE IF YOU APPROVE THIS, WE STILL HAVE TO GET EITHER A SITE PLAN EXEMPTION OR A SITE PLAN DONE. AND CITY STAFF IS NOT GOING TO DO IT IF WE DON'T PROVIDE THE REQUIRED PARKING OR IF WE EXCEED THE IMPERVIOUS COVER. I CAN ASSURE YOU THAT I'VE ANALYZED THIS TO A GNAT'S EYEBALL AND WE CAN GET UNDER 60% AND WE CAN HAVE A VAN ACCESSIBLE HANDICAPPED PARKING SPACE, HANDICAP COMPLIANCE AND A TOTAL OF FIVE SPACES.

Kim: HOW MANY PEOPLE DO YOU ANTICIPATE WORKING IN THIS SPACE TOTAL?

THERE'S TWO ATTORNEYS, THEY'VE GOT A LEGAL ASSISTANT, A SECRETARY. LET ME CHECK. THAT'S IT, FOUR.

Kim: A TOTAL OF FOUR PEOPLE AT ALL TIMES, WITH POSSIBLY FIVE OR SIX PARKING SPACES TOTAL, SO YOU WOULD NOT BE ABLE TO HAVE MORE THAN ONE OR TWO VISITORS WITH THE PARKING THAT YOU WOULD HAVE THEN. IN ADDITION TO THE -- ESPECIALLY IF EVERYONE IS TAKING THEIR OWN CARS.

AND ONE OF THE DRIVEWAYS THAT THEY HAVE, IT'S SIMILAR TO OTHER, I GUESS, OFFICE CONVERSIONS FROM RESIDENTIAL, IT'S THE OLD STRIP RESIDENTIAL DRIVEWAY IN THE BACK CORNER, AND WE'VE ALSO ANALYZED IT IN A PINCH THEY COULD PARK TWO OF THEIR EMPLOYEES HEAD TO TOE AND FREE UP AN ADDITIONAL SPACE ON THE SITE IF THEY NEEDED TO. SO I BELIEVE THEY WILL ALWAYS HAVE ADEQUATE PARKING ON THE SITE.

Kim: SO A MAXIMUM OF SIX SPOTS YOU'RE SAYING?

WELL, SIX. ACCORDING TO THE CODE THEY CAN'T TAKE THAT LAST SPACE, SO THERE'S FIVE. BUT YEAH, WE MEET THE CODE AND WE HAVE MORE PARKING ON SITE AVAILABLE.

Kim: ALL RIGHT. THANK YOU.

YOU'RE WELCOME.

Mayor Wynn:> MAYOR WYNN: COUNCILMEMBER LEFFINGWELL.

Leffingwell: YOU DIDN'T THINK THE STAFF ACTION RECOMMENDING THE DENIAL OF THIS WAS LEGAL. COULD YOU EXPLAIN THAT? AND MAYBE WE COULD GET SOMEBODY FROM STAFF TO COMMENT ON THAT TOO?

COUNCILMEMBER LEFFINGWELL, IF THAT'S WHAT I WAS UNDERSTOOD TO SAY, THEN I EITHER MISSPOKE OR WAS MISUNDERSTOOD BECAUSE ZAP'S RECOMMENDATION WAS LEGAL. THE NEIGHBORHOOD ASSOCIATION, WHAT I STATED EARLIER, WAS THE NEIGHBORHOOD ASSOCIATION AT A NEIGHBORHOOD ASSOCIATION MEETING TOOK A VOTE ON WHETHER TO SUPPORT OR RECOMMEND DENIAL, AND THEY RECOMMENDED SUPPORT, PUBLISHED THAT, AND MY

UNDERSTANDING OF ROBERT'S RULES OF ORDER, I ACTUALLY PULLED IT. I WOULD HAVE TO DIG IT OUT OF MY FILE, BUT IT SAYS THAT ONCE THAT RESULT IS PUBLISHED THAT IT CAN'T BE RESCINDED.

Leffingwell: OKAY. THANK YOU. I MISUNDERSTOOD YOU.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: I THINK THE REASON THAT I ACTUALLY RECOMMENDED APPROVAL OF THIS LAST TIME AT FIRST READING INSTEAD OF ALL THREE AT THAT TIME WAS BECAUSE WE HAD THIS SORT OF DUALING PETITIONS GOING, SO WE HAD THE APPLICANT WITH SOME FOLKS NOTED -- REGISTERING A LETTER OF SUPPORT AND THEN WE HAD THE NEIGHBORHOOD WITH THEIR PETITION IN OPPOSITION LISTING SOME OF THOSE SAME FOLKS. AND NOW IS THIS CURRENT NOW IN TERMS OF THE GRAPHIC THAT YOU'RE SHOWING HERE REGARDING THE PROPERTY OWNERS THAT ARE SUPPORTIVE OF THE REQUEST?

YES, COUNCILMEMBER, EVERYBODY SHOWN IN RED HAS SIGNED A WRITTEN LETTER OF SUPPORT, AND ALSO THE PETITION THAT WAS SUBMITTED JUST PRIOR TO FIRST READING OF COUNCIL, ALL OF THE PEOPLE THAT HAD SIGNED THAT PETITION HAD SIGNED LETTERS TO WITHDRAW THEIR NAMES FROM IT FOR VARIOUS REASONS THAT I'LL GET INTO IF YOU ASK ME TO, BUT I'D RATHER NOT.

Alvarez: BUT Y'ALL DID HAVE AN OPPORTUNITY TO GO AND VISIT WITH THE NEIGHBORS THAT WERE SENDING MIXED MESSAGES IN TERMS OF THEIR APPROVAL OR CONCERN?

YES. SOME OF THE NEIGHBORS INDICATED THAT THE REASONS THAT THEY SIGNED THE PETITION WERE BASED ON CERTAIN MISUNDERSTANDINGS OR EITHER THEIR MISUNDERSTANDINGS OR REPRESENTATIONS THAT WERE MADE BY THE FOLKS PRESENTING THE PETITION. AS I SAID, THERE WERE FIVE PEOPLE ON THE VALID PETITION, AND ONE OTHER NAME THAT WAS ON THE LIST, AND WE'VE GOT SIX LETTERS OF WITHDRAWAL OF PETITION IN YOUR BACKUP MATERIAL STATES THAT THE PETITION IS 0.0

PERCENT RIGHT NOW, OR MY UNDERSTANDING.

Alvarez: OKAY. I BELIEVE THAT ONE OF THE NEIGHBORHOOD REPS WANTS TO COMMENT, BUT THANK YOU.

I ACTUALLY WALKED THE NEIGHBORHOOD LAST NIGHT, AND THERE ARE AT LEAST TWO HOUSES THERE ON THE OTHER SIDE OF OLTORF, THE ONE DIRECTLY ACROSS FROM 801. I THINK 8900 AND THEN THE ONE THAT WAS 708 ON THE EITHER COUPLELER. ONE OF THE RESIDENTS ACTUALLY SIGNED A PETITION THAT WE HAD LAST NIGHT AND SAID THERE WAS NO WAY THEY WOULD EVER SUPPORT THAT REZONING AND THE PEOPLE IN THE HOUSE ACROSS THE STREET SAID THEY WOULDN'T SIGN ONE WAY OR THEY HAVE RERPING -- THEY WERE REFUSING TO SIGN ONE WAY OR THE OTHER. I WOULD LIKE TO SAY THAT AT TIMES WHEN WE'VE GONE OUT WITH OUR PETITION WE'VE BEEN TOLD THAT PEOPLE HAVE SIGNED IN SUPPORT BECAUSE THEY'VE BEEN TOLD THAT IF THIS REZONING DOES NOT GO THROUGH, THIS PROPERTY WILL BE TURNED INTO A HALFWAY HOUSE, AND THERE HAVE BEEN SOME SCARE TACTICS IN THE NEIGHBORHOOD IF WE DON'T GET THIS REZONING, IT'S GOING TO BE HORRIBLE AND TERRIBLE AND DRUG DEALERS WILL MOVE IN HERE. AND THAT'S SORT OF -- THAT'S THE TYPE OF THING THAT WE HEAR WHEN WE TALK TO NEIGHBORS.

Alvarez: DO YOU CARE TO SPEAK TO THE HALFWAY HOUSE ISSUE?

COUNCILMEMBERS, IT'S MY UNDERSTANDING THAT NOBODY HAS EVER USED A SCARE TACTIC WITH THOSE NEIGHBORS. THERE'S 52 PEOPLE THAT SIGNED UP. I WENT OUT WITH THESE GUYS. THESE PEOPLE COME UP TO THEM, THEY SHAKE THEIR HANDS IN THE STREET. A LOT OF THEM HAVE SAID IT'S GOING TO BE NICE, CAN YOU DO A WILL FOR US? WE LOOK FORWARD TO YOU BEING HERE. THESE GUYS ARE -- AND I TELL YOU WHEN I WENT OUT AND I WALKED THE NEIGHBORHOOD THE FIRST TIME AND TALKED TO PEOPLE I DIDN'T GET THAT KIND OF RESPONSE, BUT I'M NOT BRADLEY URRETIA OR MR. LOW LOPEZ. THESE GUYS ARE GENUINE NICE GUYS AND THEY JUST DEVELOPED A FRIENDLY RELATIONSHIP WITH THESE NEIGHBORS. I DON'T THINK THEY

REPRESENT ANYTHING LIKE THAT. WHAT I'VE SAID TO PEOPLE AT ZAP, AT STAFF LEVEL, AT COUNCIL AT FIRST READING IS THAT HOUSE IS VERY SUBSTANDARD, AND IF SOMEBODY'S GOING TO BE EXPECTED TO LIVE THERE, I'LL TELL YOU I WOULD NEVER RAISE MY FAMILY THERE. COUNCILMEMBER GOODMAN SAID THAT SHE DIDN'T THINK IT WAS APPROPRIATE FOR A RESIDENCE. IT'S ON OLTORF. IT'S NOT A STREET FOR RESIDENTIAL USE.

Alvarez: WHERE ARE WE ON THE RESTRICTIVE COVENANT APPROACH? I KNOW THAT HAD BEEN SOMETHING THAT Y'ALL HAD AGREED TO DOWN ZONE IF THE PROPERTY WAS SOLD.

WE RECORDED THAT COVENANT AND PROVIDED IT TO THE PRESIDENT OF THE NEIGHBORHOOD ASSOCIATION. IT'S RECORDED AT TRAVIS COUNTY. AL A AL AND THAT IS --

Alvarez: AND THAT IS A RESTRICTIVE COVENANT WITH WHOM?

IT'S WITH THE GALINDO NEIGHBORHOOD ASSOCIATION. IT STATES THAT THERE WAS A CONCERN THAT IF THESE GUYS DIDN'T HONOR THEIR ARGUMENT THAT EVEN IF IT ALL -- IT ALL CAME FROM A LETTER THAT I BELIEVE WAS DISCUSS UNDERSTAND VARIOUS E-MAILS THAT WERE TRADED AROUND, BUT SAID EVEN IF THE NEIGHBORHOOD WOULD TRY TO DOWN ZONE, THEY WOULD OPPOSE IT. SO WE SIGNED A LETTER THAT SAID IF WE FAIL TO USE IT FOR AN OFFICE OR IF WE VIOLATE ZONING ORDINANCES, THEN WE WILL AGREE NOT TO IMPOSE ANY EFFORTS BY THE CITY OF AUSTIN OR GALINDO OR THEIR SUCCESSORS TO DOWN ZONE THIS PROPERTY BACK TO SINGLE-FAMILY, THAT THEY WON'T OPPOSE IT. AND THAT'S PERPETUAL.

Alvarez: SO THAT WAS SIGNED AND IT'S RECORDED?

YEAH. I ACTUALLY HAVE THE ORIGINAL RECORDED HERE, THE FILE STAMPED COPY. AND I'VE PROVIDED THAT.

Alvarez: THE DOWN ZONING ISSUE, MY UNDERSTANDING IS THAT THROUGH THE NEIGHBORHOOD PLANNING PROCESS THE NEIGHBORHOOD PLANNING TEAM RECOMMENDED DOWN ZONING OF THE PROPERTY, THEN Y'ALL WOULD NOT

OPPOSE THE DOWN ZONING AND NOW YOU'VE QUALIFIED IT A LITTLE, IT SOUNDS LIKE.

WELL, THAT WAS NEVER MY UNDERSTANDING BECAUSE FOR THESE GUYS TO GO IN THERE AND MOVE THEIR PRACTICE THERE, AND SIX MONTHS LATER HAVE THE NEIGHBORHOOD SAY WE GET A SECOND SWING OF THE BAT AND YOU'RE OUT OF HERE, THAT WOULDN'T WORK. BUT WHAT WE ALWAYS AGREED TO IS WE'RE GOING TO DO WHAT WE SAY WE'RE GOING TO DO, AND IF WE DON'T, HERE'S SOMETHING THAT YOU CAN USE TO GET US OUT OF THERE. AND, OF COURSE, ONCE THE NEIGHBORHOOD PLAN IS IN PLACE, EVERY -- I DON'T REMEMBER IF IT'S EVERY SIX YEARS, THEY HAVE AN OPPORTUNITY TO REVISIT THAT PLAN AND MAKE ADJUSTMENTS TO IT. AND OF COURSE THE NEIGHBORHOOD OR THE CITY CAN ALSO DO PLAN AMENDMENT REQUESTS AT ANY TIME.

Alvarez: SO DOES THE RESTRICTIVE COVENANT ADDRESS IF THE PROPERTY IS SOLD?

YES.

Alvarez: AND THEN WHAT WOULD HAPPEN OR WHAT THE APPLICANTS WOULD DO IN THAT CASE?

IT APPLIES TO SUCCESSORS AND IT'S SIGNED ALSO, YES, SIR. I'D LIKE TO PRESENT IT TO YOU, IF YOU'D LIKE.

Alvarez: IF YOU COULD JUST SUMMARIZE WHAT IT SAYS IN TERMS OF THE PROPERTY BEING SOLD POTENTIALLY.

THIS AGREEMENT MAY BE MODIFIED, AMENDMENTED OR TERMINATED ONLY BY JOINT ACTION BY BOTH A MAJORITY OF THE MEMBERS OF THE GALINDO NEIGHBORHOOD ASSOCIATION OR SUCH BODY AS MAY SUCCEED GALINDO ELEMENTARY NEIGHBORHOOD ASSOCIATION, AND BY THE OWNERS OF THE ABOVE DESCRIBED PROPERTY AT THE TIME OF SUCH MODIFICATION, AMENDMENT OR TERMINATION. IT'S PERPETUAL.

Alvarez: SO IT DOESN'T SAY IF THE PROPERTY IS SOLD IT

GETS DOWN ZONED?

NO. IT SAYS IF -- IF AT ANY PARTICULAR TIME AFTER THE PROPERTY HAS BEEN REZONED FOR OFFICE USE AND A CERTIFICATE OF OCCUPANCY FOR OFFICE USAGE HAS BEEN ISSUED BY THE CITY OF AUSTIN, THE OWNERS FAIL TO UTILIZE THE PROPERTY FOR AN APPROPRIATE OFFICE USE FOR ANY PERIOD OF 90 CONSECUTIVE DAYS, THE OWNERS HERE BY AGREE TO NOT OPPOSE ANY APPLICATION FILED BY THE CITY OF AUSTIN, GALINDO NEIGHBORHOOD ASSOCIATION OR ANY SUCH BODY THAT MAY SUCCEED THEM TO ROLL BACK THE ZONING TO A RESIDENTIAL CLASSIFICATION.

Alvarez: OKAY. THANK YOU.

YOU'RE WELCOME.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: I HAVE ONE QUESTION FOR THE AGENT AND ONE FOR THE STAFF. DID I HEAR YOU SAY THAT YOU THOUGHT THAT YOU WOULD BE ABLE TO GET THE REQUIRED PARKING SPACES AT THE SITE AND REDUCE THE IMPERVIOUS COVER?

YES, MA'AM.

Dunkerley: AND THAT WILL BE DONE AT SITE PLAN?

WELL, I BELIEVE WE'RE GOING TO -- WE'LL BE ELIGIBLE FOR A SITE PLAN EXEMPTION, BUT THE REVIEW IS JUST AS STRICT. AS YOU PROBABLY KNOW, WE HAVE TO SHOW THAT WE ARE UNDER THE ZONING CATEGORY ALLOWABLE IMPERVIOUS COVER, WHICH IS 60% MAX, AND THAT WE PROVIDE THE PARKING.

Dunkerley: OKAY. I HAVE ONE QUESTION FOR STAFF. WHEN I CALLED YESTERDAY TO CHECK -- TO YOUR OFFICE TO CHECK ON SOME THINGS ABOUT THIS CASE, I SPECIFICALLY WANTED TO KNOW WHETHER OR NOT THERE WAS A VALID PETITION. AND AT THAT TIME THE STAFF WAS CHECKING ON IT, SO IS THERE NO VALID PETITION OR IS THERE A VALUE

PID AT THE LITON?

NO, THERE IS NO VALID PETITION.

Dunkerley: NO VALID PETITION?

CORRECT.

Dunkerley: OKAY. I HAVE NO FURTHER QUESTIONS.

Kim: MS. GLASGO, CAN YOU TELL ME ABOUT THIS AREA. I NO IT'S GOING TO START ITS NEIGHBORHOOD PLANNING PROCESS, BUT WHAT ARE THE KIND OF GENERAL RULES OF THUMB ON AN SF-3 PROPERTY AND KIND OF PHILOSOPHICALLY HAVING AN SF-3 PROPERTY ON SUCH A BUSY ROAD. I'VE NOTICED IN OTHER PLANS AND USUALLY THEY WILL BE UP UPGRADED ON MIXED USE BECAUSE IT'S JUST A NON-APPROPRIATE PLACE FOR MORE AND MORE, I GUESS, RESIDENTIAL USE OR AT LEAST TO ACCOMMODATE MIXED USE. I WANTED TO KNOW WHAT YOUR OPINION IS ON THIS. I KNOW YOU HAVE TO GO THROUGH THE PROCESS AND THE NEIGHBORHOOD HAS TO AGREE WITH IT.

TYPICALLY WE REALLY LOOK AT THE ORIENTATION OF THE HOMES AND PEOPLE STILL LIVE THERE, OBVIOUSLY. THEY'VE BEEN THERE FOR A WHILE, SO IT'S NOT SOMETHING THAT JUST HAPPENED YESTERDAY. THIS AREA WAS SUBDIVIDED. YOU CAN TELL THAT THE PROPERTY IS ORIGINALLY MORE SUBDIVIDED FOR SINGLE-FAMILY HOUSING. IT WAS UNSUBDIVIDED FOR COMMERCIAL DEVELOPMENT BECAUSE OF THE NATURE OF THE STREETS. AND ALSO, WHILE OVER TIME OBVIOUSLY TRAFFIC INCREASES, YOUR CAPACITY INCREASES OVER TIME, THAT'S OBVIOUSLY A TIME TO ASSESS THE ENTIRE CORRIDOR LIKE WE'VE HAD ON 2222, KOENIG LANE, IS AN EXAMPLE WHERE THE AREA WAS DESIGNED TO ACCOMMODATE SINGLE-FAMILY HOUSING, BUT OVER TIME BECAUSE OF THE VOLUME OF TRAFFIC OVER THE YEARS, IT JUST INCREASES AND CONSEQUENTLY IT BECOMES LESS AND LESS DESIRABLE FOR HOUSING, ALTHOUGH YOU STILL HAVE PEOPLE WHO RESIDE THERE, IT DOESN'T BECOME TOTALLY NONRESIDENTIAL. BUT THE POSITIVE PART OF PLANNING IS THAT IF YOU CAN SEE THE NORTH SIDE OF OLTORF, WHICH IS THE BOULDIN

NEIGHBORHOOD, THE ENTIRE NEIGHBORHOOD CHOSE TO UPGRADE THAT TO SINGLE-FAMILY 6, TO TOWNHOMES AND CONDOMINIUMS, SO THAT AS REDEVELOPMENT OCCURS, BECAUSE YOU HAVE SMALL LOTS, IT REALLY BECOMES DIFFICULT TO ACCOMMODATE COMMERCIAL DEVELOPMENT UNLESS YOU ACQUIRE MORE LAND. PARKING IS ALWAYS GOING TO BE DIFFICULT, SO FOR PROPERTY THAT WAS DESIGNED FOR SINGLE-FAMILY HOUSING AND YOU CONVERT IT INTO COMMERCIAL, THE PREPONDERANCE OVER TIME IS YOU DON'T HAVE ENOUGH ADEQUATE PARKING ON SITE BECAUSE IT WAS BUILT FOR A SINGLE-FAMILY HOUSE. COMMERCIAL PARKING YOU ALWAYS HAVE SPILLOVER, SO YOU HAVE SPILLOVER, SO IT GOES ON TO RESIDENTIAL STREETS. AND SO YOU NEED TO LOOK AT AN ENTIRE AREA AND PLAN IT COHESIVELY AT ONE TIME AND LOOK AT HOW IT OUGHT TO BE TREATED SO YOU DO NOT HAVE THE EFFECT THAT CREATES A LONG-TERM TRAFFIC CONGESTION FOR EVERYBODY. SO WE WERE HOPING TO WAIT AND PLAN IT ALL AT THE SAME TIME IN THE NEXT SEVERAL MONTHS, BUT AGAIN, IT'S A MATTER OF AFFORDABILITY FOR WHOEVER WANTS TO RESIDE THERE OR RESIDE ELSEWHERE, BUT WE DON'T BASE OUR RECOMMENDATION ON WHETHER IT'S -- ON SHOULD IT CEASE TO BE RESIDENTIAL, BUT OTHER THAN WHAT COULD -- OVER TIME WHAT IS THE TRAFFIC PATTERN GOING TO BE AND WHAT COULD BE ACCOMMODATED FROM A REUSE STANDPOINT, INFILL, FOR EXAMPLE, AS WE DID WITH BOULDIN TO THE NORTH, WE -- THE RESIDENTS AND STAFF LOOKED AT UPGRADING THE ZONING ALONG THAT STRETCH OF OLTORF TO SF-6 RECOGNIZING THAT IT MIGHT BE ABLE TO ACCOMMODATE TOWNHOMES AND CONDOMINIUMS AS OPPOSED TO DETACHED SINGLE-FAMILY.

Kim: OKAY. I WAS JUST LOOKING AT THE AERIAL PHOTO OF THIS. IT JUST SEEMS KIND OF BACKWARDS. THERE'S LO IN THE BACK AND THEN THERE'S SF-3 IN THE FRONT. AND OLTORF IS A VERY BUSY MAJOR ARTERIAL EAST-WEST ROAD, AND WE HAVE VERY FEW OF THOSE IN AUSTIN ALREADY, SO I WANTED TO ASK YOU DO YOU HAVE ANY PROVISIONS OR ANY SUGGESTIONS FOR CONDITIONS FOR LIMITING THE HEIGHT AND THE AREA TO THE EXISTING STRUCTURE RIGHT NOW IF WE WERE TO APPROVE THE APPLICANT'S REQUEST, ADD THOSE CONDITIONS?

YES, YOU CAN DO THAT. YOU CAN LIMIT THE BUILDING SIZE TO WHAT IS EXISTING THERE AND THE APPLICANT HAS OFFERED THAT, THAT THEY'RE WILLING TO LIMIT THE EIGHT TO 18 FEET, WHICH IS -- LIMIT THE HEIGHT TO 18 FEET, WHICH IS THE HEIGHT OF THE EXISTING HOUSE. ONE-STORY. AND SECONDLY YOU CAN LIMIT THE SIZE OF THE BUILDING TO WHAT IT IS NOW SO THEY WON'T BE ABLE TO EXPAND. THOSE ARE THE TWO LIMITATIONS YOU CAN ADD TODAY TO THE ZONING, AND WE CAN JUST INCLUDE THAT INTO THE ORDINANCE AND WE DON'T HAVE TO COME BACK. WITH CLEAR DIRECTION WE'LL JUST ADD THAT TO THE ORDINANCE BECAUSE WE ALREADY HAVE AN ORDINANCE REFLECTING WHAT COUNCIL APPROVED ON FIRST READING.

Kim: OKAY. THANK YOU.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: MS. GLASGO, I SEE THAT THE PROPERTY I GUESS IS POTENTIALLY COULD BE ORIENTED EITHER TO OLTORF OR TO SOUTH THIRD, IS THAT CORRECT?

CORRECT.

McCracken: AND IT'S CURRENTLY ORIENTED TO OLTORF?

OUR UNDERSTANDING FROM WHAT THE AGENT INDICATED IS THEIR DRIVEWAY -- OR MAYBE IT'S INTO THE FUTURE, IS ON TO THIRD STREET. CURRENTLY IT'S ACCESSED THROUGH THIRD STREET, NOT OLTORF.

McCracken: IS THE -- REPEAT THAT LAST STATEMENT, IT'S ORIENTED TO WHERE?

THIRD STREET. THERE'S OLTORF AND THIRD. DO YOU WANT ME TO POINT THERE?

McCracken: I'M TRYING TO FIGURE OUT IT'S CURRENTLY ORIENTED ON TO SOUTH THIRD?

THERE YOU GO. THIRD STREET RIGHT THERE. SO YOUR DRIVEWAY WOULD BE ON TO THIRD STREET, LIKE YOU SEE THE HOUSE NEXT DOOR, THE ORIENTATION IS ON TO THIRD

STREET, AND THIS ONE, THE DRIVEWAY, THE MAP COVERS IT, SO YOU CAN'T SEE THE DRIVEWAY LIKE YOU WOULD THE OTHER ONE, IT SHOULD BE ON TO THIRD AND NOT OLTORF.

McCracken: AND I GUESS THE FRONT DOOR, SO TO SPEAK, OF THE HOUSE CURRENTLY -- THE HOUSE CURRENTLY DOES THE FRONT DOOR OPEN ON TO THIRD STREET OR ON TO OLTORF?

I'M NOT SURE WHICH WAY THE HOUSE FACES. SOMETIMES ON CORNER LOTS YOU CAN HAVE THE HOUSE FAINGING THE ONE STREET, BUT YOUR DRIVEWAY IS ON TO THE ADJOINING STREET, WHICH IS A SAFER ROUTE. MOST CORNER LOTS HAVE THAT.

YES, SIR. THE BUSINESS DOOR, THE DOOR THAT'S USED ALL THE TIME, IS ON SOUTH THIRD STREET WHERE THE BIG PARKING IS. THERE'S ALSO MORE OR LESS A CEREMONIAL FRONT DOOR THAT FACES OLTORF, BUT THEIR INTENT IS FOR THE ENTRANCE TO BE OFF THIRD STREET WHERE THE PARKING IS.

McCracken: CAN Y'ALL SHOW US WHERE YOU'RE -- WHERE THE PROPOSAL IS TO WHERE THE CARS WOULD BE PARKED ON THAT MAP?

COUNCILMEMBER MCCRACKEN, THE DRIVEWAY WILL BE RIGHT IN THE MIDDLE OF THE PROPERTY HERE. THERE WILL BE A HANDICAP SPACE HERE. THERE'S A SECOND RESIDENTIAL DRIVEWAY HERE. ONE CAR WILL BE THERE. AND THEN THERE'S THREE PARKING SPACES HERE. AND I HAVE A SITE PLAN THAT WAS DRAWN UP BY THE ARCHITECT THAT CLEARLY SHOWS ALL THIS IF YOU WOULD LIKE TO SEE THAT.

McCracken: COULD YOU HOLD THAT UP? THAT'S A FANCY CAMERA WE HAVE, BUT IT'S HARD FOR US TO SEE. OKAY. SO -- THANK YOU.

YOU'RE WELCOME.

McCracken: SO THE PARKING LOT WOULD BE IN THE CORNER

OF SOUTH THIRD AND OLTORF.

YES. TO ORIENT IT TO THE CROWD, NORTH BEING THIS WAY.

McCracken: AND THEN AS FAR AS THE FOLKS PARKING ON THE STREET, HOW DO WE -- HOW DO WE KNOW THEY WON'T PARK ON THE STREET?

WE KILL THE FIRST ONE, LEAVE THEM IN THE CAR.

McCracken: THAT WILL DO IT.

WE'VE GOT ADEQUATE PARKING ON THE SITE AND OUR INTENTION IS NOT TO IRRITATE THE VERY NEIGHBORS THAT HAVE RECOMMENDED AND EMBRACED THIS AND GONE OUT OF THEIR WAY TO SUPPORT IT. SO IT'S OUR FULL INTENTION TO PARK THE PEOPLE ON THE SITE. AND WE THINK WE HAVE MORE THAN ADEQUATE PARKING TO DO THAT.

McCracken: AND ONE OF THE ARGUMENTS I'VE HEARD IS THAT SOUTH FIRST STREET, TWO STREETS AWAY, THERE'S A LOT OF OFFICE SPACE THERE. COULD YOU EXPLAIN TO ME WHAT THE -- WHY SOUTH THIRD AND NOT SOUTH FIRST?

COUNCILMEMBER MCCRACKEN, I GUESS OVER THE PREVIOUS TWO YEARS I LOOKED AT A NUMBER OF SITES WITH THESE GUYS. WE ACTUALLY LOOKED AT A COUPLE OF PLACES ON SOUTH FIRST STREET. WE LOOKED AT PLACES ON SOUTH LAMAR. WE LOOKED EVERYWHERE. WE LOOKED AT HI-RISE OFFICE BUILDINGS, NEW CONDOS ON SOUTH FIRST STREET. THEY DIDN'T FIND ANYTHING THAT WORKED FOR THEM OR ANYTHING THAT WAS AFFORDABLE OR ANYTHING THAT COULD BE DEVELOPED FEASIBLY. AND THIS SEEMED TO WORK FOR THEM. SO THAT'S THE ONLY REASON WHY WE'RE HERE. BELIEVE ME, IF WE HAD IT IT DO OVER AGAIN, I DON'T THINK WE WOULD BE HERE. THIS HAS BEEN WAY TOUGHER THAN ANYTHING I'VE EVER DEALT WITH.

McCracken: THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?
COUNCILMEMBER KIM.

Kim: I'VE BEEN NOTICING THAT THE APPLICANT DID DO QUITE A BIT OF REACHING OUT TO THE NEIGHBORHOOD. I KNOW YOU WENT TO BOULDIN AND SO I THINK THAT'S SOMETHING THAT OUR COUNCIL SHOULD CONSIDER THAT THE APPLICANT HAS REALLY MADE A GOOD FAITH EFFORT TO REACH OUT TO THE NEIGHBORHOOD AND WORK WITH THEM, AND SO I WOULD LIKE TO MAKE A MOTION FOR APPROVING THE APPLICANT'S REQUEST WITH CONDITIONS OF LIMITING THE HEIGHT AND THE SQUARE FOOTAGE TO THE EXISTING PROPERTY AND DIRECTING STAFF TO DRAFT THAT.

Mayor Wynn: MOTION BY COUNCILMEMBER KIM TO APPROVE ITEM 78, SECOND AND THIRD READING?

Kim: YES.

Mayor Wynn: SECOND AND THIRD READING, WITH THE ADDITIONAL RESTRICTIONS AS OUTLINED BY THE APPLICANT.

Alvarez: I'LL SECOND, MAYOR.

Mayor Wynn: SECONDED BY COUNCILMEMBER ALVAREZ.

Alvarez: I'LL SPEAK TO THAT.

Mayor Wynn: FURTHER COMMENTS?

Alvarez: I THINK THAT WE KIND OF TALKED THROUGH SOME OF THESE ISSUES LAST TIME, AND NOT EVERYONE ON THE DAIS WAS HERE AT THAT TIME. ACTUALLY, THREE OF THE COUNCILMEMBERS THAT ARE HERE TODAY WERE NOT PART OF THAT DISCUSSION, SO IT'S GOOD THAT WE'RE ABLE TO FLESH THOSE ISSUES OUT A LITTLE BIT. BUT WE WANTED TO JUST TALK ABOUT THIS CASE BECAUSE IT IS THE CASE WHERE YOU HAVE OFFICE ZONING OR COMMERCIAL ZONING PROPOSED IN AN AREA THAT'S PREDOMINANTLY RESIDENTIAL. AND WE'VE HEARD FOLKS TALK ABOUT THE DOMINO EFFECT THAT THIS COULD HAVE IN TERMS OF MAYBE COMMERCIALIZATION OF THE AREA, BUT I ALSO THINK THERE'S A POSSIBILITY FOR DOMINO EFFECT AND MAYBE A DOMINO EFFECT HAS ALREADY BEGUN IN TERMS OF THE DETERIORATION OF THE HOUSING STOCK ALLOWING

THAT CORRIDOR. AND SO IT'S SOMETHING THAT IF THE INVESTMENT DOESN'T HAPPEN IN THIS PARTICULAR PART OF THE NEIGHBORHOOD THAT THAT'S SOMETHING THAT WILL CONTINUE TO OCCUR, AND I THINK THAT'S SOMETHING THAT IS A REAL POSITIVE THING IN TERMS OF THIS PARTICULAR PROPOSAL IS THAT HOME IS GOING TO BE REHABILITATED AND IS GOING TO BE RETROFITTED IN A WAY THAT IT CAN ACTUALLY BE USED AS A RESIDENCE IN THE FUTURE, WHICH AGAIN I THINK IS ALSO A GOOD THING BECAUSE WE'VE HEARD FOLKS SAYING THEY WANT TO MAINTAIN THIS AS RESIDENTIAL, BUT REALLY IN THE STATE THAT THIS RESIDENCE OR STRUCTURE WAS IN, I THINK IF ANYBODY WERE TO PURCHASE THIS PROPERTY, I THINK WHAT THEY WOULD DO IS TEAR THE STRUCTURE DOWN AND BUILD, YOU KNOW, ONE OF THOSE VERY LARGE HOMES THAT NOBODY LIKES TO SEE IN THE SOUTH AUSTIN NEIGHBORHOODS THAT ARE SMALL AND QUAIN T LITTLE NEIGHBORHOODS, AND THAT I PERSONALLY THINK WOULD HAVE A MORE DETRIMENTAL IMPACT IN TERMS OF INCREASING PROPERTY VALUES FOR THE SURROUNDING NEIGHBORS. AND EVEN IF YOU ZONE IT SF-6 AS HAS BEEN TALKED ABOUT, I THINK YOU ALSO INCREASE THE POSSIBILITY THAT YOU COULD GET MULTIPLE UNITS AND NOT JUST ONE UNIT ON THE PARTICULAR TRACT. SO I THINK THAT THE OTHER POSITIVE THING IS THAT THE REDUCTION OF THE IMPERVIOUS COVER THAT OBVIOUSLY IS A LOT OR A SITE THAT WAS NOT DEVELOPED IN ACCORDANCE WITH SINGLE-FAMILY STANDARDS, AND THEY'RE ACTUALLY TRYING TO KIND OF PULL BACK AND REDUCE IMPERVIOUS COVER AND ACTUALLY AGREE AGAIN TO LIMIT THEIR HEIGHT, LIMIT THE SQUARE FOOTAGE SO THAT IT DOESN'T BECOME KIND OF A LARGER SORT OF OFFICE COMPLEX, AND IT REALLY MAINTAINS AND IS ABLE TO KEEP WITH THE CHARACTER OF THE EXISTING NEIGHBORHOOD. AND SO I THINK THAT FOR THOSE REASONS I THINK THAT IT'S SOMETHING I'M WILLING TO SUPPORT, AND I REALLY DO APPRECIATE THE APPLICANTS' WILLINGNESS TO REACH OUT TO THE NEIGHBORS MULTIPLE TIMES AND FOR THE NEIGHBORS TO REACH OUT AND BE INVOLVED TOO, BUT IT DOES SEEM THAT IN THIS PARTICULAR CASE THAT THERE'S SOME VALID REASONS FOR APPROVING THIS. THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. WE HAVE A MOTION AND A SECOND TO APPROVE ITEM NUMBER 78 ON SECOND AND THIRD READINGS --

Leffingwell: MAYOR? I PULLED THIS FROM THE CONSENT AGENDA BECAUSE AFTER READING THROUGH THE BACKUP MATERIAL, SEEING THAT IT WAS RECOMMENDED FOR DENIAL BY THE STAFF, ALSO RECOMMENDED FOR DENIAL BY THE ZONING AND PLATTING COMMISSION. WE'VE ALSO HEARD THAT THE NEIGHBORHOOD ASSOCIATION SURROUNDING IS OPPOSED TO IT, FOR ONE REASON BECAUSE THEY'RE ABOUT TO BEGIN THEIR NEIGHBORHOOD PLANNING PROCESS. WE ALSO KNOW THAT THE NEIGHBORHOOD ASSOCIATION PLAN JUST ACROSS THE STREET, WHICH HAS BEEN APPROVED, DESIGNATED THAT ENTIRE AREA, EXCEPT FOR THE NODES THEY DESCRIBED ON SOUTH FIRST STREET AND SOUTH FIFTH STREET, FOR SINGLE-FAMILY. I THINK THAT WE SHOULD GIVE THE NEIGHBORHOOD ASSOCIATION AND THE NEIGHBORHOOD PLAN, AS MS. GLASGO SAID, A CHANCE TO INTEGRATE ALL OF THIS PROPERTY INTO A PLAN. IF I'VE EVER -- I'M NEW TO THE ZONING BUSINESS, BUT IF I'VE EVER SEEN WHAT I WOULD DESCRIBE AS SPOT ZONING, THIS IS IT. IT'S IN A SINGLE-FAMILY. SO FOR ALL THOSE REASONS I WILL NOT BE ABLE TO SUPPORT THE MOTION.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: YEAH, I AGREE WITH COUNCILMEMBER LEFFINGWELL. I DO APPRECIATE THE APPLICANTS' GOOD FAITH EFFORT TO DO A NICE PROJECT, BUT YOU CAN DO A NICE PROJECT AND HAVE IT IN THE WRONG LOCATION, AND THAT'S WHAT THIS IS. THIS IS A SINGLE-FAMILY NEIGHBORHOOD. THE NEIGHBORS HAVE SAID THEY DON'T WANT IT TO BECOME A COMMERCIAL NEIGHBORHOOD. SO TO ME I GUESS IT DOESN'T REALLY MATTER HOW MANY CARS ARE GOING DOWN OLTORF. IF IT'S A RESIDENTIAL NEIGHBORHOOD AND THE NEIGHBORS DON'T WANT IT TO BECOME SOMETHING ELSE AND THEY'RE ABOUT TO START A NEIGHBORHOOD PLAN AND STAFF IS AGAINST IT AND ZAP IS AGAINST IT, I THINK THOSE ARE ALL PRETTY COMPELLING REASONS TO RESPECT THE WISHES OF THE FOLKS WHO LIVE IN THE NEIGHBORHOOD AND HONOR THAT. SO I'LL BE

VOTING NO.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE ON SECOND AND THIRD READING ITEM 78 WITH THESE ADDITIONAL RESTRICTIONS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO TWO -- FOUR-THREE WITH COUNCILMEMBERS LEFFINGWELL, DUNKERLEY AND MCCracken VOTING NO. THANK YOU ALL VERY MUCH. THAT TAKES US -- COUNCIL, IT'S JUST PAST OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS.

MAYOR, THAT WILL BE SECOND READING ONLY BECAUSE YOU HAD FOUR VOTES SO WE WILL HAVE TO BRING IT BACK FOR THIRD READING.

Mayor Wynn: SO TECHNICALLY THAT PASSED ON SECOND READING ONLY WITH THE FOUR VOTE MAJORITY.

Dunkerley: SORRY, I WASN'T ABLE TO HEAR THE MOTION, SO WHAT WAS -- I INTENDED TO VOTE FOR THE N.O. ZONING, AND I THOUGHT THAT WAS THE MOTION.

Mayor Wynn: WELL, THEN I'LL ENTERTAIN THE MOTION TO RECONSIDER.

Dunkerley: DID IT -- WHAT HAPPENED?

Mayor Wynn: THE N.O. ZONING PASSED ON A VOTE OF FOUR-THREE. THE MOTION WAS FOR SECOND AND THIRD READING, BUT SINCE THERE WAS ONLY FOUR AFFIRMATIVE VOTES, IT ONLY PASSED ON SECOND READING.

Dunkerley: WELL, I INTENDED TO VOTE -- I'M SORRY, I COULDN'T HEAR THE ORIGINAL MOTION FROM COUNCILMEMBER KIM, SO I GOT CONFUSED ON THAT.

Mayor Wynn: SO COUNCIL, WITHOUT OBJECTION, A CORRECTION TO THAT VOTE, MS. BROWN, WOULD BE THAT THE MOTION BY COUNCILMEMBER KIM, SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE ITEM 78 ON SECOND AND THIRD READING WITH THE TWO ADDITIONAL RESTRICTIONS PASSES ON A VOTE OF FIVE-TWO WITH COUNCILMEMBERS LEFFINGWELL AND MCCracken VOTING NO.

THANK YOU.

Mayor Wynn: COUNCIL, THAT TAKES US TO OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. WHILE WE ARE GOING THROUGH OUR LIVE MUSIC AND PROCLAMATIONS, THE COUNCIL MAY BE IN CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO TAKE UP POTENTIALLY AGENDA ITEMS 65 RELATED TO COLLECTIVE BARGAINING WITH OUR FIREFIGHTERS, 66 RELATED TO AMENDMENTS TO RIGHT-OF-WAY PROCUREMENT AGREEMENTS WITH TXDOT, AND 69 RELATED TO THE FREISENHAN TRACT. WE ARE NOW AT LIVE MUSIC AND PROCLAMATIONS. THANK YOU VERY MUCH.

Mayor Wynn: OKAY, FOLKS, AFTER A COUPLE OF MINUTES OF TECHNICAL DIFFICULTIES, WELCOME TO OUR WEEKLY LIVE MUSIC GIG AT THE AUSTIN CITY COUNCIL. THIS WEEK OUR FIRST MEETING AFTER A MONTH OR SO ARE WE ARE WELCOMING BRIAN KEANE, HE USES HIS VOICE TO CREATE MUSIC THAT BLEND FUNK, BLUES AND TWANG EFFORTLESSLY, I DON'T WRITE THIS STUFF. BRIAN MADE IT TO AUSTIN AS FAST AS HE COULD, NEW YORK'S FAMOUS CAFE Y IN HIS HOME SAY THE OF SOUTH CAROLINA. HIS DEBUT RELEASE I AIN'T EVEN LONELY IS ALREADY RECEIVING PRAISE REVIEW FOR PRESS AND PEERS, PLEASE JOIN ME IN WELCOMING BRIAN KEANE. [(music) MUSIC PLAYING (music)(music)] [(music) SINGING (music)(music)] [(music) MUSIC PLAYING (music)(music)] [(music) SINGING (music)(music)] [(music) SINGING (music)(music)]

Mayor Wynn: BRIAN, TELL US WHERE WE CAN HEAR YOU NEXT, DO YOU HAVE A CD, WEBSITE, HOW DO WE FOLLOW YOU?

A CD [INAUDIBLE - NO MIC] WE PLAY EVERY WEDNESDAY AT
[INDISCERNIBLE]

Mayor Wynn: GREAT, P.M., I PRESUME.

YES. [LAUGHTER]

Mayor Wynn: OKAY, BEFORE YOU GET AWAY, AN OFFICIAL
PROCLAMATION THAT READS: BE IT KNOWN WHEREAS THE
LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS
TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL,
ECONOMIC AND CULTURAL DIVERSITY, WHEREAS THE
DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S
STATUS AT THE LIVE MUSIC CAPITAL OF THE WORLD, I WILL
WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HEREBY
PROCLAIM TODAY, JULY 28th, 2005 AS BRIAN KEANE DAY IN
AUSTIN, CALL ON ALL CITIZENS TO JOIN ME IN WELCOMING
THIS GREAT TALENT. [APPLAUSE]

WHILE BRIAN BREAKS DOWN OVER HERE, WE WILL USE THIS
PODIUM TO CONTINUE OUR PROCLAMATIONS. I WILL BE
JOINED BY DAVID LURIE, WHO I THOUGHT I SAW EARLIER.
WELCOME, DAVID. DAVID IS OUR HEALTH DEPARTMENT
DIRECTOR, HIS TITLE IS LONGER THAN THAT, ACTUALLY, BUT
THAT'S HOW I KNOW HIM. OUR FIRST PROCLAMATION IS
REGARDING WALK TEXAS DAY, WHAT THIS IS IS ANOTHER
PIECE IN A PUZZLE THAT WE HAVE BEEN CREATING OVER
THE LAST TWO OR THREE YEARS HERE IN AUSTIN, TO MAKE
PEOPLE MORE AWAY, HELP PEOPLE WITH THEIR FITNESS
AND OVERALL HEALTH AND WELL-BEING. WE HAVE A
REMARKABLE PROGRAM CALLED STEPS TO A HEALTHIER
AUSTIN, WHERE WE ARE WORKING FOR THE CENTERS FOR
DISEASE CONTROL AND PREVENTION IN ATLANTA. WE HAVE
IDENTIFIED ABOUT 40% OF TRAVIS COUNTY AS AN
INTERVENTION AREA, WE REALLY HAVE A MULTI-PRONG
APPROACH TO ADDRESSING CHRONIC DISEASES LIKE
ASTHMA, DIABETES, OBESITY, THERE'S A MULTI-
INTERVENTION PROGRAM RELATED TO THE STEPS FOR A
HEALTHIER AUSTIN PROGRAM. I HAVE ALSO FORMED THE
MAYOR'S FITNESS COUNCIL TO TALK ABOUT THE -- FOR THE
PHYSICAL FITNESS ASPECT OF THIS, WE HAVE A VERY
ACTIVE FITNESS COUNCIL, OUR GOAL IS TO MAKE AUSTIN
THE FITTEST CITY IN THE COUNTRY. IN A FEW MINUTES WE

ARE GOING TO BE SAYING THANK TO YOU A BUNCH OF CITY EMPLOYEES WHO RAN IN A MARATHON RELAY ON JULY 4th, A WAY FOR US TO START THE BENCHMARK, FOR CORPORATE AUSTIN TO BECOME MORE ACTIVE. TODAY WE'RE HERE TO RECOGNIZE WALK TEXAS DAY. WHICH WILL BE THIS COMING SATURDAY. I WILL READ THE PROCLAMATION. BE IT KNOWN THAT WHEREAS THE AUSTIN TRAVIS COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT'S WALK TEXAS AUSTIN PROGRAM HAS HELPED AUSTINITES BECOME MORE PHYSICALLY ACTIVE AND LESS PRONE TO HEART DISEASE, STROKE, DIABETES, HYPERTENSION, DEPRESSION, CERTAIN TYPES OF CANCER AND OBESITY, WHEREAS THE PROGRAM PROMOTES INCREASING THE TIME PARTICIPANTS SPEND DOING PHYSICAL ACTIVITIES THEY ENJOY THE MOST, NOT JUST WALKING, AND THE PROGRAM PROVIDES A GUIDE BOOK TO LOCAL RESOURCES FOR PHYSICAL ACTIVITY, SUCH AS PARKS, TRAILS, PRESERVES, GARDENS AND MORE; WHEREAS AUSTINITES ARE INVITED TO PARQUE ZARAGOSA, BETWEEN 10:00 A.M. AND 1:00 P.M. JULY 30th TO ENJOY GAMES AND ACTIVITIES FOR THE WHOLE FAMILY, TO WIN PRIZES, TO FIND OUT MORE ABOUT THE WALK TEXAS PROGRAM. THEREFORE I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, DO HEREBY PROCLAIM SATURDAY AS WALK TEXAS DAY IN AUSTIN, CALL ON MR. DAVID LURIE OUR DEPARTMENT DIRECTOR TO TALK ABOUT THE PROGRAM AND SPECIFICALLY WHAT WE ARE ALSO TRYING TO DO TO PROMOTE FITNESS AND WELL-BEING IN THIS GREAT CITY. PLEASE JOIN ME IN WELCOMING AND CONGRATULATING MR. DAVID REVIEWERRY OF OUR HEALTH -- LURIE OF OUR HEALTH DEPARTMENT.

THANK YOU, MAYOR WYNN AND COUNCIL. WE REALLY APPRECIATE THIS RECOGNITION FOR THE HEALTH AND HUMAN SERVICES DEPARTMENT. THIS IS A PARTNERSHIP WITH MANY -- MANY LOCAL ENTITIES WITHIN OUR COMMUNITY, IN PARTICULARLY WITHIN THE CITY OF THE PARKS AND RECREATION DEPARTMENT. I WANT TO ACKNOWLEDGE THE STAFF FROM THE HEALTH AND HUMAN SERVICES DEPARTMENT THAT HAVE BEEN DIRECTLY AND BETHANY, YOU ON YOUNGEST STAFF MEMBER, REALLY PLEASED TO HAVE HER WITH US TODAY, WELCOME,

BETHANY. WE ARE REALLY I THINK THRILLED THAT WE'VE HAD OVER 4500 PEOPLE PARTICIPATE IN THIS PROGRAM, AS THE MAYOR SAID IT TIES IN WITH MANY OF OUR HEALTHY COMMUNITY INITIATIVES, TIES IN THE HEALTH COUNCIL, RECOGNIZES THE SPECIFIC IMPACT CHRONIC DISEASE IS HAVING WITHIN OUR COMMUNITY, FOR EXAMPLE IN TRAVIS COUNTY ABOUT 78,000 ADULTS HAVE ASTHMA, 44,000 HAVE DIABETES, APPROXIMATELY 355,000 ARE OVERWEIGHT, AND ABOUT 137,000 CURRENTLY ARE SMOKERS. AND MOST ALARMING WE'RE SEEING INCREASING CHOLESTEROL LEVELS, INCREASING INCIDENTS OF HYPERTENSION, AND DIABETES AMONG CHILDREN AND ADOLESCENTS. MUCH MORE SO THAN WE HAVE EXPERIENCED HISTORICALLY AND IT'S BEEN ESTIMATED THAT AMONG THE ADOLESCENTS AND -- POPULATION OF CHILDREN, THAT THE PERCENTAGE OF THOSE WHO ARE OVERWEIGHT HAS TRIPLED SINCE 1980. SO THIS IS VERY IMPORTANT PUBLIC HEALTH ISSUE. THE GOOD NEWS IS THAT THROUGH AN ACTIVE LIFESTYLE, THROUGH IMPROVED NUTRITION, WE CAN IN FACT PREVENT MANY OF THESE CHRONIC DISEASES AND OTHER INSTANCES CONTROL THEM IN WAYS THAT INDIVIDUALS DON'T SUFFER SOME OF THE COMPLICATIONS ASSOCIATED WITH THEM. SO AGAIN THANK YOU FOR THE OPERATION, I WANT TO THANK -- FOR THE PROCLAMATION, I WANT TO THANK THE STAFF SO ACTIVELY INVOLVED IN ALL OF THIS. I WOULD ENCOURAGE EVERYONE IN THE CITY OF AUSTIN TO BECOME MORE ACTIVE, PAY CLOSER ATTENTION TO YOUR NUTRITION AND GET INVOLVED IN MANY OF THESE WONDERFUL PROGRAMS THAT ARE OUT THERE, MANY OPPORTUNITIES FOR YOU TO BE ACTIVELY ENGAGED. THANK YOU VERY MUCH. [APPLAUSE] CONTINUING WITH OUR THEME OF ACTIVITY, WE ARE ALSO PROCLAIMING A.D.A. MONTH. I'M JOINED BY RON LUCEY WHO CHAIRS THE MAYOR'S COMMITTEE FOR PEOPLE WITH DIABETES, DOLORES AND OTHERS, AS I PRESENT THIS PROCLAMATION, I THINK RON AND MEMBERS OF THIS COMMITTEE ARE GOING TO PASS OUT AWRDZ TO BUSINESSES AROUND TOWN WHO HAVE WORKED OVER THE PAST YEAR TO MAKE THEIR BUSINESSES MORE ACCESSIBLE FOR OUR CITIZENS. THIS PROCLAMATION READS: BE IT KNOWN WHEREAS JULY 26th HAS A VERY SPECIAL MEANING FOR PEOPLE WITH DISABILITIES, BECAUSE IT MARKS THE 15th ANNIVERSARY OF THE ENACTMENT OF THE AMERICANS

WITH DISABILITIES ACT, A.D.A. WHEREAS WE RECOGNIZE THAT CITIZENS WITH DISABILITIES HAVE A RIGHT TO FULL PARTICIPATION IN THE SOCIAL, CULTURAL AND ECONOMIC ACTIVITIES OF OUR CITY, THESE INDIVIDUALS HAVE A GREAT DEAL TO OFFER IN RETURN. WHEREAS THE CITY OF AUSTIN HAS A STRONG COMMITMENT TO FULL IMPLEMENTATION OF THE A.D.A., THUS OFFERING MORE OPPORTUNITIES AND ENHANCED QUALITY OF LIFE FOR EVERYONE IN OUR COMMUNITY. NOW THEREFORE I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, AM PLEASED TO JOIN THE MAYOR'S COMMITTEE FOR PEOPLE WITH DIABETES -- DISABILITIES IN HONORING THOSE FOR THEIR COMMITMENT TO THE SPIRIT OF A.D.A., DO HEREBY PROCLAIM JULY 2005 AS A.D.A. COMMEMORATION MONTH IN AUSTIN. PLEASE JOIN ME IN THANKING, CONGRATULATING, MEMBERS OF THE MAYOR'S COMMITTEE, PARTICULARLY THE CHAIR RON LUCEY, RON IS GOING TO STEP FORWARD AND ACTUALLY PRESENT THE AWARDS TO THESE BUSINESSES. THANK YOU ALL VERY MUCH. [APPLAUSE]

MAYOR WYNN, IT'S A GREAT HONOR TO ACCEPT THIS PROSECUTION TO BEHALF OF -- THIS PROCLAMATION ON BEHALF OF CITIZENS WITH DISABILITIES HERE IN AUSTIN. TO ENSURE THAT ACCESSIBILITY FOR ALL CITIZENS IS OUR BENCHMARK FOR BEING THE MOST SUCCESSFUL AND LIVABLE CITY IN THE NATION. NOW I WOULD LIKE TO INTRODUCE TONYA WINTER, THE CHAIR OF OUR ACCESS SUBCOMMITTEE, WHO IS GOING TO PRESENT AUSTIN ACCESS AWARDS TO OUTSTANDING BUSINESSES HERE IN AUSTIN WHO EMBODY THE SPIRIT OF THE AMERICANS WITH DISABILITIES ACT. TONYA?

WELL, MAYOR WYNN, I WOULD LIKE TO THANK YOU AGAIN FOR THIS PROCLAMATION ON BEHALF OF THE COMMITTEE. I WOULD ALSO LIKE TO THANK YOU FOR YOUR SUPPORT FOR CITIZENS WITH DISABILITIES. IN COMMEMORATION OF THE 15th ANNIVERSARY OF THE A.D.A., THE CITY WISHES TO RECOGNIZE SEVERAL BUSINESSES HERE IN AUSTIN FOR THEIR WELCOMING AND INCLUSIVE ATTITUDE TOWARD CUSTOMERS WITH DISABILITIES. WE RECOGNIZE THESE BUSINESSES FOR THEIR LEADERSHIP, AND COMMITMENT IN UPHOLDING THE SPIRIT OF THE AMERICANS WITH DISABILITIES ACT WHICH WE OFTEN REGARD AS OUR

NATION'S SECOND INDEPENDENCE DAY. I WOULD LIKE TO ANNOUNCE THE NAMES NOW IF I COULD. OUR FIRST AWARDS TO H.E.B. OUR FIRST AWARD GOES TO H.E.B. OUR SECOND AWARD GOES TO JO ANNE FABRICS. [APPLAUSE] OUR NEXT AWARD GOES TO CHILI'S GRILL AND BAR. [APPLAUSE]

THE NEXT AWARD GOES TO GRAPEVINE MARKET. [APPLAUSE] OUR NEXT AWARD GOES TO RUPERT & ASSOCIATES. [APPLAUSE] THE NEXT AWARD GOES TO FUDRUCKER'S. [APPLAUSE] THE NEXT AWARD GOES TO TARGET.

THE NEXT AWARD GOES TO GREEN CAFE. [APPLAUSE] AND THE FINAL AWARD GOES TO CHEWY'S. [APPLAUSE]

WE REALLY ENCOURAGE ALL OF THE BUSINESSES THAT WEREN'T NOMINATED THIS YEAR TO GO AHEAD AND TRY TO BE NOMINATED NEXT YEAR. I ALSO WOULD LIKE TO INVITE EVERYONE, ALL THE BUSINESS WINNERS AND THEIR GUESTS, AS WELL AS THE MEDIA IF THEY WOULD LIKE TO COME OUT TO THE MAIN -- THE ATRIUM FOR A SMALL RECEPTION. THANK YOU. [APPLAUSE]

Mayor Wynn: OKAY, CONTINUING OUR THEME AGAIN OF FITNESS, WELLNESS, ACCESSIBILITY, WALKABILITY, RUN ABILITY IN THIS TOWN. WHEN WE FORMED THE MAYOR'S FITNESS COUNCIL A LITTLE OVER A YEAR AGO, WE BROKE OUT INTO SILOS OF INFLUENCE, WE THOUGHT HOW CAN WE APPRECIATE AND TRACK HOW WELL AUSTIN IS DOING AS A LARGER COMMUNITY WHEN IT COMES TO FITNESS AND ACTIVITY. WE ALREADY HAD SOME GREAT PROGRAMS LIKE MARATHON KIDS, A REMARKABLE PROMISES WHERE KIDS RUN A MAYOR MARATHON OVER THE COURSE OF THEIR SCHOOL YEAR. BUT WE DIDN'T HAVE A GOOD BENCHMARK FOR CORPORATE AUSTIN. WE WENT TO SILICON LABS AND THEY HELPED US FORM A YEAR IN ADVANCE THE SILICON LABS MARATHON RELAY HELD ON JULY 4th. WE PROMOTED IT ACROSS CORPORATE AUSTIN, I PROMOTED IT HEAVILY WITHIN THE CITY OF AUSTIN ORGANIZATION. WE HAD OVER 300 TEAMS SIGN UP IN THE FIRST YEAR, MAKING IT THE THIRD LARGEST MARATHON RELAY IN THE COUNTRY IN ONLY ITS FIRST YEAR. THE CITY OF AUSTIN HAD OVER 26

TEAMS REGISTERED. SO 130 CITY OF AUSTIN EMPLOYEES BANDED TOGETHER AND RAN A MARATHON AS A RELAY EARLY IN THE MORNING, HOT MORNING OF JULY 4th THIS YEAR. WE ARE HERE TO GIVE THE AWARD TO THE THREE TOP TEAMS IN THE CORPORATE MASTER'S DIVISION, IN THE LADIES AND MENS DIVISION. WE WILL START WITH THE CORPORATE MASTER'S DIVISION, THE WINNING CITY OF AUSTIN TEAM IS THE AUSTIN ENERGY'S A PLUS TEAM. SO IF I CAN GET THESE GENTLEMEN TO COME FORWARD. IS THAT SO WE HAVE 80% OF THE TEAM. THE CERTIFICATES ALL READ THE SAME, I WILL READ THIS, THEN READ THROUGH THE FIVE TEAM MEMBERS, THE CERTIFICATE OF CONGRATULATIONS FOR PLACING 2nd IN THE CORPORATE MASTER'S DIVISION OF THE 2005 SILICON LABS MARATHON RELAY AS A MEMBER OF AUSTIN ENERGY'S A PLUS TEAM, ERIC WILSON, KEN CHU, IS THAT OKAY? DAN SMITH, JERRY ORDANEZ, THE TYPE SET IS REAL HARD TO READ ON THIS AND REYZA AZKABAHN, DESERVING OF PUBLIC ACCLAIM AND RECOGNITION, WE EXTEND OUR CONGRATULATIONS ALONG WITH OUR ADMIRATION FOR YOUR PERSISTENCE, ENDURANCE AND GOOD HEALTH IN ACHIEVING THE FEAT OF COMPLETING A 2.6-MILE RELAY DESPITE THE HEAT AND PHYSICAL CHALLENGES. WE ARE PROUD OF YOU, YOU HAVE TAKEN THE MAYOR'S FITNESS CHALLENGE AND YOU HAVE CONTRIBUTED IF A BIG WAY TO MAKING AUSTIN THE FITTEST CITY IN THE NATION. PRESENTED THIS 28th DAY OF JULY, 2005, PLEASE JOIN ME IN CONGRATULATING AUSTIN ENERGY'S A PLUS CORPORATE MASTER'S TEAM. [APPLAUSE]

Mayor Wynn: BY THE WAY, THE MAYOR'S FITNESS COUNCIL DID HAVE A TEAM. I RAN THE OPENING LEG, THE LONGEST LEG, THE 12 K, WE GOT DUSTED BY A BUNCH OF OUR CITY TEAMS, WHICH IS OKAY. PART OF THE GOAL. NEXT WE ARE GOING TO HAVE THE CITY EMPLOYEE WOMEN'S DIVISION AND THE WINNING TEAM WAS THE AUSTIN POLICE DEPARTMENT'S FAST FEMMES TEAM. I SEE AT LEAST A COUPLE OF THE LADIES HERE. YOU ALL COME FORWARD. [APPLAUSE] CONGRATULATIONS. AGAIN, I'LL READ THE -- THE DIVISION AND THE TEAM MEMBERS' NAMES. AGAIN THIS CERTIFICATE OF CONGRATULATIONS IS FOR PLACING FIRST IN THE CITY EMPLOYEE WOMEN'S DIVISION OF THE 2005

SILICON LABS MARATHON RELAY, MICHELLE BARTON, ANNE ESPINOZA, DAWN LEONARD, KATHRYN FITZGERALD AND UKIE MENDEZ ARE DESERVING OF PUBLIC ACCLAIM AND RECOGNITION, AGAIN PLEASE JOIN ME IN WELCOMING THE FIRST PLACE CITY WOMEN'S -- CITY EMPLOYEES WOMEN'S DIVISION, A.P.D.'S FAST FEMMES. [APPLAUSE]

BY THE WAY, A.P.D. HAD EITHER 8 OR 10 TEAMS TOTAL IN THE RELAYS, SO THE POLICE DEPARTMENT REALLY TOOK IT SERIOUSLY AND THEY HAD SOME GREAT TEAMS. HOWEVER ... THE FIRE DEPARTMENT STEPPED UP WITH A PREMIER TEAM AND A PREMIER TEAM IT WAS. THE TIMES THAT THESE GENTLEMEN HAD INDIVIDUALLY, I REMEMBER THAT BOTH OF THE FIVE K TIMES WERE 19 MINUTES, ABOUT -- FLAT OR SO. THE 10 K TIMES WERE WELL SUB40 AND THE 12 K TIME WAS ABOUT A 46 I THOUGHT I SAW, 47 MAYBE? YEAH, IT WAS -- IT WAS -- DUSTED EVERYBODY ELSE, INCLUDING ALL 8 OF THE A.P.D. TEAMS, I THINK THERE'S GOING TO BE A NEW CHALLENGE MADE FOR NEXT MARATHON RELAY. SO THIS CERTIFICATE OF CONGRATULATIONS IS FOR PLACING FIRST IN THE CITY EMPLOYEE MEN'S DIVISION IN THE FIRST PUBLIC SAFETY DIVISION OF THE 2005 SILICON LABS MARATHON RELAY, THE AUSTIN FIRE DEPARTMENT'S PREMIER TEAM OF ERIC JANSEN, BROCK STEWART, NATHAN CHILDRESS, RUDY CORANADO AND JIM RYAN DESERVING OF GREAT PUBLIC ACCLAIM AND RECOGNITION. A REMARKABLE ACHIEVEMENT. A GREAT TIME. THE CAMARADERIE WAS EVIDENT, AGAIN I THINK THERE WILL BE A LOT OF CHALLENGES NOW MADE BETWEEN ALL OF OUR PUBLIC DEPARTMENTS, BUT HOPEFULLY THE REST OF THE CITY DEPARTMENTS STEPPING UP AND TRYING TO SOMEHOW MATCH A REMARKABLE TIME THAT A.P.D. -- AFD'S PREMIER TEAM CAME UP WITH. PLEASE JOIN ME IN CONGRATULATING THE AUSTIN FIRE DEPARTMENT'S PREMIER TEAM FOR THE MARATHON RELAY. [APPLAUSE]

Mayor Wynn: THANK YOU ALL, GREAT TIMES.

Mayor Wynn: WE'RE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ITEM NUMBER 65 RELATED TO COLLECTIVE BARGAINING WITH OUR FIREFIGHTERS. NO DECISIONS WERE MADE. WE ARE BACK IN OPEN SESSION. WE HAD GOTTEN THROUGH ONE OF OUR DISCUSSION ITEMS

ON OUR ZONING CASES, ITEM NUMBER 78. AND I BELIEVE WE STILL HAD ITEM NUMBER 80 STILL PULLED AS A DISCUSSION ITEM. MS. GLASGO?

MAYOR AND COUNCILMEMBERS, ALICE GLASGO WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. ITEM NUMBER 80 IS CASE NUMBER C-14-05-0026, NAMELY FRONTIER VALLEY DRIVE. THE ADDRESS FOR THIS PROPERTY IS 1805 FRONTIER VALLEY DRIVE. THE ITEM NF YOU IS TO APPROVE AN ORDINANCE FOR SECOND AND THIRD READING TO ZONE THE PROPERTY FROM SF-2-NP TO MULTI-FAMILY 3 WITH A CONDITIONAL OVERLAY NP. THE OARNS HAS BEEN -- ORDINANCE HAS BEEN DRAFTED. IT'S ATTACHED TO YOUR BACKUP AND IT INCORPORATES THE CONDITIONS YOU IMPOSED ON FIRST READING. AND UNLESS YOU HAVE QUESTIONS I'LL PAUSE HERE AND LISTEN TO THOSE QUESTIONS SO I CAN ATTEMPT TO RESPOND TO THEM.

Mayor Wynn: WELL, COUNCIL, IF I COULD, SINCE WE HAD A 4-3 VOTE ON FIRST READING AND I JUST ASSUME THAT COUNCILMEMBERS WHO MAY NOT BE SUPPORTIVE OF IT ON SECOND AND/OR THIRD READING MAY WANT TO MAKE SOME COMMENTS. COUNCILMEMBER ALVAREZ.

Alvarez: I WANTED TO PULL THAT, MAYOR, SORRY.

WHO PULLED IT? I DON'T KNOW.

Mayor Wynn: TECHNICALLY I TOOK IT OFF THE CONSENT AGENDA, KNOWING THAT THERE WAS GOING TO BE SOME OPPOSITION. I THOUGHT THERE MIGHT WANT TO BE SOME DISCUSSION BEFORE THE VOTE. ANY QUESTIONS OF STAFF ON ITEM NUMBER 80? WE RECEIVED -- MOST OF US HAVE RECEIVED SOME CORRESPONDENCE ELECTRONICALLY ON THE CASE RECENTLY. SO WE'RE GOING TO NEED A FULL COUNCIL.

MAYOR, COULD WE TABLE IT FOR A MINUTE UNTIL WE GET A FULL COUNCIL?

Mayor Wynn: I THINK WE WILL HAVE TO. TABLE ITEM NUMBER

80 AND, MS. GLASGO, WHAT WILL BE OUR --

OUR NEXT ITEM WILL BE Z-17 -- WELL...

Mayor Wynn: WE'RE ON ITEM NUMBER 80. MECHANIC, THIS IS THE FRONTIER VALLEY DRIVE. I HAD PULLED IT OFF THE CONSENT AGENDA KNOWING I BELIEVE THERE TO HAVE NOT BEEN UNANIMOUS SUPPORT FOR THIS ON SECOND OR THIRD READING. A BRIEF PRESENTATION BY CITY STAFF, BUT NO TRUE QUESTIONS OR COMMENTS BY COUNCIL, SO HEARING NONE, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 80, FRONTIER VALLEY DRIVE CASE.

McCracken: I'LL MOVE APPROVAL.

SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE ON SECOND AND THIRD READING, ITEM NUMBER 80, AS APPROVED ON FIRST READING. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: THANK YOU, MAYOR. I WAS GOING TO ASK IF STAFF HAD -- YOU DON'T HAVE THAT LAND USE MAP OF THE MONTOPOLIS PLAN? IS IT HERE? JUST SOMETHING THAT SHOWS A LARGER VIEW THAN --

IS THAT THE ONE YOU'RE LOOKING FOR?

Alvarez: YES. >>T'S KIND OF HARD TO POINTOUT SPECIFIC TRACTS, BUT REALLY I THINK WHAT I WAS GOING TO TRY TO -- SINCE THE LAST HEARING WHERE I BELIEVE WE APPROVED SF-3 AND WE HEARD THE APPLICANT WAS INTERESTED IN TRYING TO ACHIEVE 220 UNITS ON THIS 10-ACRE TRACT, AND I TALKED ABOUT WHEN THE PLANNED -- WHEN THE PLAN WAS ADOPTED ORIGINALLY, THERE WAS A CASE WHERE A TRACT THAT WAS PROPOSED FOR SINGLE-FAMILY WAS APPROVED FOR MULTI-FAMILY, SORT OF AGAINST THE RECOMMENDATIONS OF THE NEIGHBORHOOD PLANNING TEAM, BECAUSE IT WAS A SMART HOUSING PROJECT, TAX CREDIT PROJECT THAT PROVIDED

AFFORDABLE HOUSING TO PEOPLE. 100% OF THE UNITS WERE AFFORDABLE AT 50% OF MFI. AND SO THERE WAS -- SO THAT'S HAPPENED IN THIS PARTICULAR NEIGHBORHOOD PLANNING AREA IN THE PAST. WHAT I DID WAS I LOOKED AT THAT PARTICULAR CASE AND SAID, WELL, IF THAT'S A BAR OR STANDARD, SAY, FOR WHAT WE MIGHT CONSIDER, THAT PARTICULAR SITE THAT WAS DEVELOPED IS ABOUT 22 ACRES, FROM WHAT I'VE BEEN INFORMED, AND IT'S CLOSE TO 250 RESIDENTIAL UNITS. AND THAT WORKS OUT TO ABOUT 12 UNITS AN ACRE. AND SO WHAT WE'RE CONTEMPLATING HERE IS ALMOST THE SAME NUMBER OF UNITS ON 10 ACRES OF LAND, SO 250 UNITS ON 22 ACRES, WHICH IS, IS -- WHAT IS WHEN THE PREVIOUS AREA WAS FOR THIS. BUT NOW WE'RE ALMOST APPROVING DOUBLE THE DENSITY FOR THIS 10-ACRE TRACT OF LAND, SO I PERSONALLY THINK THAT IT'S A LITTLE TOO MUCH TO ASK FOR THIS PARTICULAR TRACT TO SUPPORT IN THIS NEIGHBORHOOD, TO SUPPORT. AND SO I WAS GOING TO SUGGEST THAT WE TRY TO LIMIT THE NUMBER OF UNIT PER ACRE TO BE COMPARABLE TO THAT PREVIOUS MULTI-FAMILY TRACT THAT THE COUNCIL APPROVED, AND SO I'M GOING TO OFFER AN AMENDMENT THAT WE LIMIT THE UNITS TO 12 UNITS OR 13 UNITS AN ACRE. I THINK THAT'S, WHAT, 250 AT -- 250 UNITS ON 22 ACRES WORKS OUT TO ABOUT 13 UNITS AN ACRE. SO I THINK THAT THAT'S -- THAT'S ACTUALLY PRETTY DENSE IF YOU ACTUALLY -- IF YOU ACTUALLY DRIVE OUT THERE AND LOOK AT THAT PARTICULAR PROJECT, IT ACTUALLY LOOKS PRETTY DENSE. AND SO HERE WE'RE TALKING DOUBLE THE DENSITY. AND I REALLY THINK THAT MAYBE WE SHOULD LOOK AT COMPARABLE DENSITY FOR THIS PROJECT. AND I'M GOING TO OFFER A FRIENDLY AMENDMENT TO INSTITUTE A 13 UNITS PER ACRE LIMIT. YOU KNOW, ASSUMING THAT IT'S GOING TO -- ASSUMING THAT IT'S MF-3. I GUESS THAT'S THE PROPOSAL ON THE TABLE. I WOULD OFFER THAT AS FRIENDLY.

McCracken: I'D LIKE TO HEAR FROM APPLICANT BEFORE I COULD SAY ANYTHING.

Mayor Wynn: WELCOME BACK MS. BEUDET? REMIND US HOW MANY UNITS PER ACRE ESSENTIALLY WAS APPROVED ON FIRST READING?

GOOD EVENING, COUNCILMEMBERS. MON UNIQUE BOW DAY ON BEHALF OF THE APPLICANT. ON FIRST READING, 225 UNITS WERE PROPOSED BY THE APPLICANT FOR A CONDITIONAL OVERLAY. IF YOU LOOK AT THE TRACT ON PAPER, SO TO SPEAK, IF YOU DO THE STRAIGHT MAP FOR THE GROSS CALCULATIONS, IT COMES OUT TO MF-3 IS 36 UNITS PER ACRE, SO WE HAVE ABOUT 10 ACRES. THE MAXIMUM PERMITTED WOULD BE 360 UNITS UNDER THE MF-3. BUT IN REALITY YOU HAVE TO LOOK AT NET SITE AREA, WHICH MEANS WHEN YOU LOOK AT OUR DEVELOPMENT REGS IN THE CODE FOR ALL ZONING CATEGORIES AND YOU LOOK AT ENVIRONMENTAL CONSTRAINTS AND EASEMENTS AND OTHER THINGS, REALLY STAFF DID THIS CALCULATION AND WE CONCURRED WITH IT, THAT WHAT YOU WOULD GET ON THE SITE IS ACTUALLY ABOUT 180 UNITS. THE OWNER LOOKED AT THE FEASIBILITY AND THE FIXED COSTS WITH THE INFRASTRUCTURE FOR THE SITE. THE BACK OF THE SITE, THE EAST PROPERTY LINE, THERE'S AN 80-FOOT DRAINAGE EASEMENT THERE THAT SEPARATES THIS TRACT FROM THE LARGER 65-ACRE TRACT ADJACENT TO IT. SO THERE ARE SOME MAJOR CONSTRAINTS. EVEN THOUGH IT LOOKS LIKE A FULL 10 ACRES, THERE'S CONSIDERABLE CONSTRAINTS. AND AT 225 UNITS WE FELT THAT WE COULD BRING THE NUMBER DOWN AND SPEAK TO THE CONCERNS OF THE DENSITY, BUT I HANDED OUT ON THE DAIS A RECENT RESOLUTION TO CREATE A BPRC, A COMMUNITY PRESERVATION AND REVITALIZATION ZONE. IF YOU LOOK AT THE TAB SECTION, ONE OF THE RECOMMENDATIONS WAS TO REQUIRE SMART HOUSING AT 65% MFI INSTEAD OF THE CURRENT 80%. AND IN SPEAKING TO THAT, SPEAKING TO THE AFFORDABILITY CONCERNS, WE LOOKED AT WHERE THE UNIT BREAK WAS IN ORDER TO EXCEED THIS EXPECTATION AND PROVIDE 40% OF THE UNITS AT 60%, AND 225 UNITS IS WHERE THE BREAK IS. AND WE REALLY WANT THIS PROJECT TO BE AFFORDABLE. AS MR. LIMON, ONE OF OUR SUPPORTERS WHO GREW UP IN EAST AUSTIN HAS SAID THAT HE FEELS A MIX OF HOUSING IS WHAT'S NEEDED TO KEEP EAST AUSTINITES IN EAST AUSTIN. SO TO SPEAK TO THE ISSUE, WHILE ON STRAIGHT PAPER YOU CAN DIVIDE OUT -- JUST AS YOU CAN GET THE 360 UNITS, I DON'T THINK THAT THE 12 UNITS PER ACRE IS GOING TO MEET THE GOALS OF WHAT WE ENVISION FOR THIS PROPERTY AND WHAT

WOULD MEET THE GOALS OF WHAT OUR SUPPORTERS WANT, WHICH IS AFFORDABLE HOUSING. SO I THINK THAT ANSWERS THAT QUESTION.

McCracken: BASED ON THAT, BECAUSE IT WOULD ACTUALLY MAKE IT MORE DIFFICULT TO PROVIDE AFFORDABLE HOUSING UNDER THOSE RATIOS, I WILL NOT CONSIDER THAT A FRIENDLY AMENDMENT.

Alvarez: MAYOR --

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: I'M VERY FAMILIAR WITH THE PROGRAM THAT SHE JUST REFERENCED BECAUSE COUNCILMEMBER THOMAS AND I INITIATED THAT PROGRAM AND THE COUNCIL APPROVED IT, BUT I THINK THAT WHAT WE NEED TO LOOK AT HERE IS, AGAIN, WHAT -- IN THIS OTHER INSTANCE WE HAD A PROJECT, CAME IN, BUILT 250 UNITS ON 22 ACRES, 100% OF THE UNITS AFFORDABLE, AND SO IN COMPARISON TO THAT, THEY AREN'T REALLY GIVING MUCH OF ANYTHING HERE. AND THEY'RE GOING THROUGH SMART HOUSING TO GET BENEFITS THROUGH THAT. I THINK THAT THAT'S GOOD, BUT JUST DOING 40% OF UNITS AFFORDABLE, THAT MEANS MORE THAN HALF OF THE UNITS MAY NOT BE AFFORDABLE TO PEOPLE WHO LIVE THERE. AND SO I THINK THAT -- I WOULD LIKE TO SEE THE NUMBERS, TO TELL YOU THE TRUTH, BECAUSE HOW YOU PURCHASED THE PROPERTY WITH AN SF-2 ZONING, WHICH ALLOWS YOU -- I CAN'T REMEMBER WHAT THE NUMBER WAS. YOU'RE PROBABLY LOOKING AT 25 TO 50 UNITS AT THE MOST. AND BOUGHT THE PROPERTY KNOWING THE ZONING THAT THE PROPERTY HAD. AND TO COME IN AND SAY WE CAN'T MAKE THIS WORK UNLESS WE GET FIVE TIMES THE DENSITY THAT THE -- THAT WAS ALLOWED ON THE PROPERTY WHEN WE PURCHASED IT I THINK IS KIND OF A LUDICROUS PROPOSITION. AND AGAIN, IT'S KIND OF THE USE THE NEIGHBORHOOD DOESN'T WANT TO SEE, AND WE'VE HEARD FROM A LOT MORE NEIGHBORS THAT DON'T WANT THIS THAN WE HAVE FROM NEIGHBORS WHO DO. AND IN ADDITION, IT'S A CASE THE CITY INITIATED, YOU KNOW, SUPPOSEDLY BECAUSE OF SOME DIRECTIVE FROM THE NEIGHBORHOOD PLANNING TEAM, BUT THE FOLKS WHO WERE INVOLVED WITH THE NEIGHBORHOOD

PLANNING TEAM HAVE COME FORWARD AND SAID WE DON'T WANT THIS. AND SO WE'RE THE ONES THAT INITIATED THIS PROCESS TO DO SOMETHING THAT THE NEIGHBORHOOD DOESN'T WANT. AND SO IF THEY WANT TO DO THIS, I WOULD SAY THAT THEY NEED TO COME FORWARD AND GO THROUGH THE PROCESS ON THEIR OWN. WE SHOULD TRY TO BE BALANCING THE INTERESTS OF THE APPLICANT WITH THE INTERESTS OF WHAT THE NEIGHBORHOOD IS. AND HERE WE'RE NOT DOING THAT. WE'RE GIVING THEM BASICALLY WHAT THEY WANT. AND THERE HAS BEEN NO COMPROMISE FROM MY POINT OF VIEW. AND SO I REALLY THINK WE'RE DOING A DISSERVICE TO THE MONTOPOLIS NEIGHBORHOOD WITH THIS ACTION THAT'S CONTEMPLATED BY THE CITY COUNCIL.

Mayor Wynn: MOTION AND A SECOND IS ON THE TABLE.
FURTHER COMMENTS? COUNCILMEMBER KIM.

Kim: I'D LIKE TO ASK MS. BEAUDET IF THE APPLICANTS WOULD BE INTERESTED IN LOOKING AT SF-6 ZONING WITHOUT ANY -- I GUESS THE MFI, THE AFFORDABLE ASPECT OF IT WAS THE APPLICANT'S IDEA, SO THAT TELLS ME THAT THERE'S SOME ROOM FINANCIALLY TO DO SOME SORT OF CONDOS OR TOWNHOMES THAT WOULD GET MORE DENSITY THAN THE CURRENT ZONING. IS THE APPLICANT WILLING TO ENTERTAIN A COMPROMISE IN THAT RESPECT?

AT THIS POINT THE 225 UNIT COUNT WAS STUDIED EXTENSIVELY FROM A LOT OF DIFFERENT ASPECTS, FROM A PLANNING PERSPECTIVE ON WHAT WE THINK IS THE HIGHEST AND BEST USE OF THIS PROPERTY. AND THE SF-6, WE DON'T FEEL WILL WORK AT THIS POINT. AND I DID PASS OUT ALSO CAPITAL METRO'S ADOPTED PLAN, WHICH SHOWS A RAPID BUS LINE DOWN RIVERSIDE, WHICH THEY'RE GOING TO NEED SOME ADDITIONAL DENSITY TO MAKE THAT WORK. AND SO WITH -- THERE'S A LOT OF PLANNING THOUGHT PUT INTO THE HIGHEST AND BEST USE OF THIS SITE, MAINLY THE LAND USES TO THE SOUTH, WHICH ARE MINI-WAREHOUSES AND THE MOBILE HOMES TO THE NORTH. AND ALL OF THOSE THINGS COMBINED IN ADDITION TO THE DENSITY MAKE THE MF-3 WITH WHAT WE'VE GIVEN WITH THE UNIT COUNT DOWN TO 225 IS WHAT'S GOING TO WORK AT THIS POINT.

Kim: MS. BEAUDET, I UNDERSTAND THE APPLICANT'S PROPOSITION THAT IT WOULD BE THE HIGHEST AND BEST USE IN MAXIMIZING PROFIT, BUT WE'RE NOT TALKING ABOUT MAXIMIZING PROFIT HERE, WE'RE TALKING ABOUT ALLOWING THE APPLICANT TO MAKE SOME PROFIT, YET STILL MAINTAIN THE HOME OWNERSHIP ASPECT OF THIS TRACT.

WITH THE FIXED COSTS OF THE INFRASTRUCTURE, WE DON'T EVEN THINK A MARKETABLE PROFIT COULD BE MADE WITH SINGLE-FAMILY BECAUSE OF THE SIZE OF THE TRACT. THE TRACT BESIDE IT, THE BIGGER BLUE TRACT, HAD A LOT MORE VOLUME TO WORK WITH WITH INFRASTRUCTURE AND HOW IT'S SITUATED. AND IT WORKED FOR THEM. ON THIS SMALL TRACT THE NUMBERS JUST DON'T WORK. AND THERE ARE PARTS OF THE COMMUNITY WHO I THINK E-MAILED COUNCILMEMBERS WHO DO SUPPORT THIS, AND THEY'RE HERE TONIGHT AS WELL. IT'S PROVIDING A MIX OF HOUSING. WE TRIED TO WORK WITH THE NEIGHBORHOOD. I CONTACTED MS. ALMANZA BACK IN JANUARY AND WE JUST -- SHE WOULDN'T MEET WITH ME, WOULDN'T TALK TO ME, AND UNFORTUNATELY WE'RE NOT AFFORDED THE DIALOGUE TO TRY AND COME TO A WIN-WIN SITUATION. WE DID OUR PLANNING HOMEWORK AND CAME UP WITH THIS PROPOSAL. WE WOULD HAVE BEEN GLAD TO ENTERTAIN ANY COMMENTS SHE HAD THROUGH THE PROCESS, BUT WE WERE NOT GIVEN THAT OPPORTUNITY. SO THE WORK THAT WE PUT INTO IT WAS FROM A PLANNING PERSPECTIVE AND WITH SUPPORT OF CERTAIN COMMUNITY MEMBERS. I UNDERSTAND THAT THERE'S NON-SUPPORT FOR THIS, BUT THERE'S ALSO SUPPORT. AND I APPRECIATE THE SF-6 SUGGESTION, BUT THE NUMBERS AT THIS POINT ARE NOT GOING TO WORK FOR THE PROJECT.

Kim: I ASKED MR. LIMON AND SOME OF THE PEOPLE FOR THOSE NUMBERS AND I HAVEN'T RECEIVED THEM TO SHOW ME THAT IT WOULDN'T WORK. AND I GUESS -- I DIDN'T GET THAT INFORMATION. I WOULD HAVE LIKED TO HAVE RECEIVED THAT. OKAY. THANK YOU.

YOU'RE WELCOME.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE ON

SECOND AND THIRD READING ITEM NUMBER 80, THE FRONTIER VALLEY DRIVE CASE. ALL IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON SECOND READING ONLY ON A VOTE OF 4-3 WITH THE MAYOR PRO TEM, COUNCILMEMBERS ALVAREZ AND KIM VOTING NO. THANK Y'ALL VERY MUCH. MS. GLASGO, THAT TAKES US -- REAL QUICKLY WE MIGHT CAN GO A BIT OUT OF ORDER AND GET SOME FOLKS HOME SOONER RATHER THAN LATER. WELL, NO, LET'S JUST TAKE THEM IN ORDER. THEY'RE EQUALLY DIVIDED. SO ITEM Z-17.

EEFERK, MAYOR, MEMBERS OF COUNCIL. THIS IS THE CASE OF THE LYMAN BAILEY HOUSE. THE CURRENT ZONING IS SF-3 NP. PROPOSED ZONING IS SF-H-NP. IT CAME TO US WITH AN APPLICATION FOR A DEMOLITION PERMIT. THE LANDMARK COMMISSION INITIATED THE HISTORIC ZONING CASE AND RECOMMENDED HISTORIC ZONING FOR THIS PROPERTY UNANIMOUSLY. THE PLANNING COMMISSION HAS ALSO RECOMMENDED HISTORIC ZONING FOR IT. THIS HOUSE WAS BUILT IN 1902. IT'S LOCATED ON SECOND STREET BETWEEN NAVASOTA AND COMAL. IT'S A VERY NICE EXAMPLE OF A VICTORIAN HOUSE WHICH WAS A CARPENTER BUILT HOUSE RATHER THAN AN ARCHITECT DESIGNED HOUSE. IT'S A VERY NICE WING AND GABLE HOUSE. THE ORIGINAL PART OF THE HOUSE IS IN VERY GOOD CONDITION; HOWEVER, THERE ARE SOME ADDITIONS ON THE HOUSE THAT WERE CONSTRUCTED IN THE 1930'S AND 1940'S THAT ARE IN VERY POOR CONDITION. AND THE PHOTOGRAPH THAT WE HAVE OF THE HOUSE SHOWS THE CURRENT CONDITION. IT REALLY DOESN'T LOOK LIKE MUCH. THE WINDOWS HAVE BEEN BOARDED UP, BUT REALLY THE POOREST PARTS OF THE HOUSE ARE THE ADDITIONS, AND THOSE ADDITIONS CAN BE REMOVED. THE HOUSE WAS BUILT IN 1902 FOR LYMAN AND CORE NEALIA BAILEY. MR. BAILEY STARTED OUT IN THE GENERAL LAND OFFICE AS THE

ASSISTANT CHIEF CLERK UNTIL 19 1915. AT THAT POINT HE BECAME THE PROBATION OFFICER FOR THE CITY OF AUSTIN AND TRAVIS COUNTY. THAT'S A POSITION THAT HE HELD UNTIL HIS DEATH IN 1935. HE ALSO STARTED THE YOUNG MAN'S CHRISTIAN ASSOCIATION HERE IN AUSTIN FOR TEENAGE BOYS, AND THEN ESTABLISHED THE FIRST BOY SCOUT TROOP IN AUSTIN AND THE STATE OF TEXAS IN 1911. HE CREATED THE AUSTIN COUNCIL OF BOY SCOUTS IN 1912. STAFF RECOMMENDS HISTORIC ZONING FOR THIS PROPERTY BECAUSE OF ITS ARCHITECTURE. AS I SAID, IT'S A VERY NICE EXAMPLE OF FAUX VICTOR 81, BUT ALSO FEW ALSO FOR LYMAN BAILEY. WE THINK WE SHOULD BE COMMEMORATING A LIFE SUCH AS HIS. HE WAS INSPIRATIONAL TO GENERATIONS OF YOUTH IN AUSTIN, BOTH IN HIS CAPACITY AS A PROBATION OFFICER AND ESTABLISHING THE FIRST BOY SCOUT TROOP IN AUSTIN AND IN TEXAS. SO STAFF BELIEVES THAT THIS HOUSE MEETS THE CRITERIA FOR HISTORIC LANDMARK DESIGNATION AND RECOMMENDS ITS DESIGNATION. THE OWNER HAS FILED A VALID PETITION AGAINST THE PROPOSED ZONING CHANGE, AND WE HAVE BEEN IN NEGOTIATIONS UP UNTIL YESTERDAY WITH A PARTY WHO WAS GOING TO TAKE THE HOUSE AND MOVE IT TO A SITE IN SWEET HILL. THOSE NEGOTIATIONS FELL APART YESTERDAY. WE'RE CURRENTLY IN NEGOTIATIONS WITH ANOTHER PARTY TO SEE IF THIS HOUSE CAN BE MOVED TO ANOTHER SITE IN SWEDE HILL AND PRESERVED. I'M AVAILABLE FOR ANY QUESTIONS. >>

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL, COMMENTS? THEN IF NOT, LET'S SEE. WE WILL -- I'M SORRY. TECHNICALLY THIS WAS A CITY OF AUSTIN APPLICATION, HISTORIC LANDMARK COMMISSION APPLICATION. WE WILL CONSIDER THAT TO BE THE APPLICANT'S PRESENTATION. AND HANG ON ONE SECOND. WE HAVE ONE SPEAKER WHO SIGNED UP AGAINST AND IS HERE TO ANSWER QUESTIONS. SERGIO LOZANO. I HAVEN'T SEEN SERGIO. HE SIGNED UP AGAINST. AND HE IS HERE TO ANSWER QUESTIONS. SO WE HAVE NO SPEAKERS OTHER THAN THAT ON THE CASE. WELL, LET ME TRY TO REFRESH THAT. HANG ON.

[INAUDIBLE].

Mayor Wynn: NO, BUT YOU'RE WELCOME TO COME AND

SPEAK YOUR MIND. PLEASE STATE YOUR NAME. YOU WILL HAVE THREE MINUTES.

MY NAME IS DAN DAY AND I'M THE OWNER OF THE PROPERTY. AND I BOUGHT THE PROPERTY IN JANUARY, AND I DID A LITTLE BIT OF RESEARCH BEFORE I BOUGHT THE PROPERTY. I KNEW THAT IT WAS NOT IN THE NATIONAL REGISTER DISTRICT AND SO I WASN'T TOO CONCERNED ABOUT HAVING A DEMOLITION PERMIT BECAUSE IT WAS IN PRETTY BAD SHAPE. YOU CAN SEE HOW -- I MEAN, IT'S AS BAD INSIDE IF YOU CAN SHOW THE INSIDE PICTURE. I WASN'T WORRIED ABOUT THE DEMOLITION PERMIT, HAVING TO GO TO LANDMARK COMMISSION BECAUSE IT WASN'T IN A REGISTERED DISTRICT. AND I ALSO CHECKED WITH THE NEIGHBORHOOD PLAN, AND WHEN THEY WENT THROUGH THEIR NEIGHBORHOOD PLAN, THEY DID NOT IDENTIFY THE STRUCTURE AS A CONTRIBUTING, I GUESS, RESOURCE TO THEIR NEIGHBORHOOD. RIGHT AFTER I BOUGHT THE PROPERTY, WITHIN WEEKS, I WAS ISSUED AN ORDER TO -- THAT THE PROPERTY WAS CODE CATEGORY DANGEROUS AND TO DEMOLISH THE STRUCTURE WITHIN 30 DAYS. AND THAT'S WHEN WE WENT DOWN AND GOT THE DEMOLITION PERMIT THAT IT WENT TO, I GUESS, STEVE SADOWSKY. NOW, I'M SURE THAT THIS MAN WAS A REALLY IMPORTANT FIGURE IN AUSTIN, BUT THE STRUCTURE ITSELF IS IN SUCH POOR CONDITION THAT IT WOULD COST A FORTUNE TO BRING IT BACK. AND I'D LIKE QUOTE SOMETHING THAT I FOUND IN THE LAND DEVELOPMENT CODE IN SECTION 25-2-352 OF THE LAND DEVELOPMENT CODE, AND I'LL PARAPHRASE A LITTLE BIT. THE COUNCIL MAY DESIGNATE A STRUCTURE OR SITE AS AN HISTORIC LANDMARK COMBINING DISTRICT IF THE PROPERTY RETAINED SUFFICIENT INTEGRITY AND MATERIALS. I DON'T BELIEVE -- LOOK AT THE PICTURES. I DON'T THINK WE'RE SEEING SUFFICIENT INTEGRITY OF MATERIALS, AND IT WOULD BE A HUGE FINANCIAL HARDSHIP TO HAVE TO RESTORE THE STRUCTURE. THERE WAS A GENTLEMAN WHO HAD TALKED TO ME FOR THREE MONTHS ABOUT WANTING TO BUY THE HOUSE AND IMMEDIATE IT TO SWEDE HILL. AS OF MONDAY I THOUGHT WE WERE STILL TALKING, BUT HE NEVER GAVE ME A FIRM COMMITMENT, AND SO THERE REALLY IS NOBODY TO TAKE THE HOUSE. THAT CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU, SIR. QUESTIONS OF THE OWNER? COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: COULD I GET MR. SADOWSKY TO ADDRESS THIS QUESTION OF IT BEING A DANGEROUS STRUCTURE, IF YOU KNOW ANYTHING ABOUT THAT?

COUNCILMEMBER, I DON'T KNOW ALL THE PARTICULARS OF IT. I HAVE BEEN INSIDE THE HOUSE AT MR. DAY'S INVITATION. WE WENT THROUGH THE HOUSE. THE ORIGINAL PART OF THE HOUSE SEEMS TO BE STRUCTURALLY SOUND. THE ADDITIONS THAT WERE PUT ON THE HOUSE IN THE LATE 30'S AND 1940'S ARE THE PARTS THAT'S FALLING DOWN. THERE'S A BATHROOM THAT WAS ADDED ON THE BACK THAT MR. DAY PROVIDED YOU A PICTURE OF WHERE THE ROOF IS CAVED IN, THAT'S AN ADDITION TO THE HOUSE THAT COULD BE REMOVED. IT'S OBVIOUSLY A PART OF THE HISTORIC HOUSE, BUT IT'S NOT THE ORIGINAL PART OF THE HOUSE, BUT AS FAR AS THE ORIGINAL STRUCTURE BEING IN A DANGEROUS CONDITION, IT APPEARS TO BE STRUCTURALLY SOUND.

Leffingwell: SO HISTORIC ZONING WOULD NOT AFFECT DEMOLITIONS TO THE HOUSE, JUST THE ORIGINAL?

IF THE COUNCIL APPROVES HISTORIC ZONING, DEMOLITION OF ANY PART OF IT WOULD HAVE BEEN REQUIRED FROM THE LANDMARK COMMISSION.

FROM YOUR DEPARTMENT?

I WOULD HAVE RECOMMENDED THE DEMOLITION BECAUSE THEY ARE IN POOR CONDITION AND DANGEROUS, THE ADDITIONS.

Leffingwell: COULD THAT BE DONE HERE AS A CONDITION OF APPROVAL?

I BELIEVE IT COULD, YES, SIR.

MAY I TALK ABOUT THE STRUCTURAL INTEGRITY OF THE HOUSE? I'M GOING TO HAVE TO DISAGREE WITH MR. SADOWSKY ABOUT THE ORIGINAL STRUCTURE BEING SOUND. IT'S BOARDED UP AND IT'S A LITTLE DARK AND I

DON'T HAVE ANY BETTER PICTURES OF THE -- I MEAN, THAT IS PART OF THE ORIGINAL STRUCTURE, BUT IT IS LEAKING AND CAVING IN THROUGHOUT THE HOUSE.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: YEAH. I GUESS THE FIRST QUESTION IS, WHAT ARE YOUR PLANS FOR THE PROPERTY TO REPLACE THIS HOUSE?

I SUBDIVIDED THE PROPERTY INTO THREE SF-3 LOTS AND I HAVE DONE NO DESIGN WHATSOEVER. AND KNOW THAT I CAN BUILD HOUSES WITH GARAGE APARTMENTS OR TWO UNITS ON EACH LOT, BUT I HAVE DONE NO DESIGN WORK BECAUSE I DON'T KNOW WHAT I CAN DO.

McCracken: HOW BIG IS THIS LOT? IT DOESN'T SAY IN FRONT OF ME RIGHT HERE.

EACH PARCEL IS 50 BY 140, SOMETHING LIKE THAT.

McCracken: DO WE HAVE ANY KIND OF ENGINEERING REPORTS ON THE STRUCTURE OF THE HOUSE? IT SOUNDS LIKE WE DON'T HAVE THE CITY'S PER PERSPECTIVE. WHAT I HAVE DOWN HERE IS IT SEEMS SOUND, WHICH TELLS ME THAT WE DON'T HAVE IT FROM THE CITY'S PERSPECTIVE. DO YOU HAVE ANY KIND OF ENGINEERING REPORTS?

NO, I HAVEN'T SPENT ANY MONEY ON ENGINEERING. IT'S PRETTY CLEAR THAT IF YOU WERE TO -- WHEN YOU GO IN TO THE DOOR THAT OPERATES, THE PEOPLE FROM WHOM I BOUGHT THE PROPERTY PLACED PLYWOOD OVER THE JOISTS TO CREATE BRIDGES TO GET THROUGH DIFFERENT PARTS OF THE HOUSE. IT IS IN THAT DLAP DID HE LAP DATE ADD SHAPE. I DIDN'T PLAN ON SPENDING ANY ON ENGINEERING. I DIDN'T THINK I WOULD GET THIS FAR.

McCracken: DO WE HAVE ANYONE FROM THE CITY WHO CAN TELL US ABOUT THE DEMOLITION ORDER?

I'VE GOT A COPY OF IT.

McCracken: CAN YOU BRING THAT UP?

I DON'T KNOW HOW HE GOT THAT. I KNOW THAT MR. MENDOZA NEXT DOOR CALLS ME AND WANTS TO KNOW WHAT'S GOING ON WITH THIS CASE. I'M NOT SAYING THAT -- I DON'T KNOW WHO CALLED. THERE ARE NEIGHBORS CALLING ME WANTING TO KNOW THE STATUS OF THIS CASE.

McCracken: OKAY. BUT YOU DIDN'T CALL YOURSELF?

NO.

McCracken: BECAUSE THIS IS FROM -- IT'S A NOTICE OF VIOLATION FROM SOLID WASTE SERVICES CODE ENFORCEMENT DIVISION, WHICH WE'RE INCREASING BY 54%, WHICH IS GOOD NEWS, AND THEY HAVE INSPECTED THIS RESIDENTIAL BUILDING AND DETERMINED IT DANGEROUS AND THEY HAVE ORDERED YOU TO DEMOLISH THIS RESIDENTIAL BUILDING WITHIN 30 DAYS.

AND I'M NOT IN COMPLIANCE.

McCracken: YEAH. YOU KNOW, THE GREAT CATCH-22 22 ABOUT NO MATTER WHAT YOU DO, YOU'RE STUCK. THIS LOOKS LIKE A CATCH-22. YOU'RE ORDERED TO DEMOLISH IT, YOU'RE PROHIBITED FROM DEMOLISHING IT. OKAY.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER LEFFINGWELL.

Leffingwell: WELL, IT SEEMS TO ME WE HAVE TWO DIFFERENT OPINIONS HERE. WE HAVE AN ORDER TO DEMOLISH, BUT -- AND WE'VE HAD THE STATEMENT MADE BY THE STAFF THAT THAT -- THAT IN HIS OPINION THAT WOULD ONLY APPLY TO PART OF THE HOUSE, THE ADDITIONS TO THE HOUSE. AND HE HAS STATED THAT THE ORIGINAL PART OF THE HOUSE, THE PART HE'S CONCERNED ABOUT, IS IN GOOD CONDITION. AND THEN WE HAVE THE STATEMENT FROM THE APPLICANT SAYING THAT THE WHOLE THING IS IN BAD SHAPE. I'M JUST WONDERING IF THERE'S ANY WAY WE CAN RESOLVE THIS ISSUE IS THE ORIGINAL PART OF THE HOUSE THE PART THAT IS SUPPOSED TO BE HISTORIC, CAN WE DETERMINE IF THAT IS STRUCTURALLY SOUND OR NOT APART FROM THE

ADDITIONS?

I DON'T KNOW HOW MUCH CONSTRUCTION EXPERIENCE MR. SADOWSKY HAS. I'VE BEEN A FRAMING CARPENTER FOR SEVEN YEARS. I'VE REMODELED HOUSES. THERE'S A HUGE EXTENT OF BAD LUMBER IN THE HOUSE. THAT'S FOR THE RECORD.

Leffingwell: THIS IS FOR MR. SADOWSKY, THIS DEMOLITION ORDER IS DATED FEBRUARY 28TH. WAS THIS INFORMATION AVAILABLE TO THE PLANNING COMMISSION AND THE HISTORIC LANDMARK COMMISSION WHEN THEY RECOMMENDED HISTORIC DESIGNATION?

NO, SIR, IT WAS NOT. ACTUALLY, I WASN'T AWARE OF THIS DEMOLITION ORDER AS WELL.

Leffingwell: OKAY. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER ALVAREZ.

Alvarez: CAN OUR TECH SUPPORT HERE PULL UP THE ZONING MAP THAT SHOWS WHERE THIS IS SITUATED? I THINK THE GENTLEMAN SAID IS IT ONE LOT THAT'S BEING RESUBDIVIDED INTO THREE OR HAS BEEN SUBDIVIDED INTO THREE. AND THIS IS JUST ON ONE?

STRADDLING ONE OF THE NEW PROPERTY LINES BY ABOUT FIVE FEET.

Alvarez: SO THAT'S THE LOT THAT'S SHOWN RIGHT THERE THAT YOU WERE ABLE TO SUBDIVIDE THAT INTO THREE INDIVIDUAL LOTS, IS THAT RIGHT?

I THINK THAT'S RIGHT. IT MAY BE WHERE IT'S STILL DARKENED AND MAYBE THE ADJACENT LOT ALSO. I'M NOT SURE, TO THE RIGHT. I DON'T HAVE A SCALE TO TELL YOU THAT.

Alvarez: SO IT COULD BE THAT THIS PARTICULAR ONE MAYBE CONSTITUTES TWO OF THE THREE LOTS?

NOT HAVING A SCALE ON THERE, I DON'T KNOW. THAT MAY BE ALL THREE LOTS.

Alvarez: YEAH, IT DOESN'T SHOW PROPERTY OWNERS ON THERE. AND YOU SAY IT STRADDLES. IT'S RIGHT IN THE MIDDLE OF THE --

IT MAY BE OVER ONE OF THE PROPERTY LINES BY ABOUT FIVE FEET. SO IT'S MOSTLY ON ONE, BUT FIVE FOOT OF IT MAY BE ON THE OTHER.

Alvarez: THANK YOU, SIR.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: MAYOR, I THINK IN LIGHT OF THE CIRCUMSTANCES HERE, OUR INSPECTION BY THE CODE ENFORCEMENT DIVISION AND AFTER THE INSPECTION THEY ORDERED IT DEMOLISHED, I'M GOING TO MOVE TO DENY HISTORIC ZONING.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN TO CLOSE THE PUBLIC HEARING ON Z-17 AND DENY HISTORIC ZONING. SECONDED BY MAYOR PRO TEM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION TO DENY PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU, MR. SADOWSKY. THAT TAKES US TO Z 18.

MAYOR, ITEM NUMBER Z-18 IS CASE NUMBER C-14-05-0043, THE PROPERTY IS LOCATED AT U.S. HIGHWAY 183 NORTH AT CALLED CALDWELL DRIVE. THE EXISTING ZONING IS SF-2 AND THE APPLICANT IS REQUESTING COMMUNITY COMMERCIAL ZONING FOR THIS PARTICULAR PROPERTY. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT THE APPLICANT'S OFFICE OF THE CONDITIONAL OVERLAY AND STAFF RECOMMENDS THE CHANGE ALSO. WE HAVE A LETTER FROM THE ACRES WEST HOMEOWNERS ASSOCIATION OPPOSING THE CASE.

THAT'S WHY WE'RE PROPOSING TO DISCUSS THIS ITEM, WHICH HAS SEVERAL CITIZENS SIGNED UP TO SPEAK. SO THE -- BOTH THE STAFF AND THE COMMISSION RECOMMEND THE ZONING TO COMMERCIAL. IT'S ALONG HIGHWAY 183, AS YOU CAN SEE ON YOUR MAP. THE AREA HAS A MIXTURE OF OFFICE ZONING TO THE NORTH AND SOME GR ZONING TO THE SOUTH, SO ALONG THIS CORRIDOR OF U.S. HIGHWAY 183, THE PREDOMINANT ZONING IS A LITTLE BIT OF OFFICE, A LITTLE BIT OF NEIGHBORHOOD COMMERCIAL, COMMUNITY COMMERCIAL, AND FOR THAT REASON STAFF RECOMMENDS THE ZONING CHANGE. I WILL PAUSE HERE AND LET THE APPLICANT MAKE HIS PRESENTATION AND THEN I'LL RESPOND TO QUESTIONS AS THEY MAY ARISE BEFORE EVERYBODY SPEAKS. THANK YOU, MAYOR. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] >>... ANDERSON MILL ROAD, 620 IS OFF THE PAGE. WHAT I'M SHOWING ON THIS MAP, WHAT YOU'RE SEEING IN ORANGE IS EVERYTHING THAT IS ZONED OR USED AS COMMERCIAL. EVERYTHING THAT IS BLUE IS USED AS COMMERCIAL, BUT IN THE COUNTY. OUR TRACT OF LAND IS THE ONLY SINGLE FAMILY VACANT PROPERTY ON 183 IN THIS STRETCH BETWEEN ANDERSON MILL AND THIS. IT IS 2 ACRES IN SIZE, FRONTAGE ON 183 AS WELL AS CALDWELL DRIVE, WHICH IS A SMALL PRIMARILY RESIDENTIAL STREET THAT SERVES ABOUT 30 HOMES IN THE ACREAGE WEST SUBDIVISION. THIS SUBDIVISION AT THE REAR DOES NOT HAVE ANY THROUGH ACCESS AT ALL. TWO DEAD END STREETS, THEY DON'T HAVE THE OPPORTUNITY TO TURN AROUND IN CUL DE SACS. OUR PARTICULAR TRACT, WE HAVE REQUESTED GRR GR ZONING, WE FEEL THAT IT IS APPROPRIATE FOR SEVERAL REASONS, ONE IS GR ZONING WILL PROVIDE FOR THE ABILITY TO DEVELOP THE PROPERTY IN A MANNER TO HAVE A 10-FOOT BUILDING SETBACK ALONG 183 AND HAVE THE BUILDING AS CLOSE TO 183 AS POSSIBLE WITH PARKING BEHIND. WHAT THIS DOES IS IT PROVIDES AN OPPORTUNITY TO HAVE A DRIVEWAY ON TO CALDWELL. I THINK THAT YOU ARE GOING TO FIND THAT THE NEIGHBORS HAVE A LOT OF OPPOSITION TO THIS DRIVEWAY. HOWEVER I FEEL THE DRIVEWAY IS IMPORTANT. IF THE PROPERTY IS DEVELOPED IN THIS MANNER, THEN WE HAVE THE OPPORTUNITY TO GET RESIDENTS OF THE NEIGHBORHOOD INTO A COMMERCIAL OPERATION. RIGHT NOW ALL THE RESIDENTS OF THE ACRES WEST

NEIGHBORHOOD ASSOCIATION HAVE TO ENTER INTO A HIGHWAY FACILITY FOR EVERY COMMERCIAL SERVICE THAT THEY NEED. IF THE PROPERTY IS DEVELOPED IN THIS MANNER, THEN WE CAN PROVIDE THEM SOME COMMERCIAL SERVICES WITHIN THEIR NEIGHBORHOOD. WE HAVE OFFERED A LIST OF 28 -- PROHIBITED USES TO GO ALONG WITH THE GR PLANNING COMMISSION, ZONING AND PLATTING COMMISSION ADDED ANOTHER SIX, FOR A TOTAL OF 34 PROHIBITED USES ON THE PROPERTY. LEAVING US, I BELIEVE, 20 -- 22 ALLOWABLE USES FOR THE PROPERTY. I'M AVAILABLE IF YOU HAVE ANY QUESTIONS.

Mayor Wynn: QUESTIONS OF THE APPLICANT? COUNCIL? THEN IF NOT, WE WILL GO TO THE -- TYPICALLY CITIZENS WHO SIGNED UP IN FAVOR OF THE ZONING CASE. THERE ARE NONE. WE HAVE A COUPLE OF FOLKS SIGNED UP IN OPPOSITION. WE WILL NOW HEAR FROM THEM. OUR FIRST SPEAKER IS CINDY BARON, WELCOME, THANK YOU FOR BEING SO PATIENT TONIGHT. LET'S SEE, IS CAROLYN PILLS HERE? IS CAROLYN HERE? HOW ABOUT KATHRYN McGRIFF? OUR RULES ARE THAT YOU HAVE TO PROVE TO ME THAT YOU ARE PRESENT IN THE CHAMBER, OTHERWISE YOUR TIME CANNOT BE DONATED. SO YOU ARE BOTH HERE, THANK YOU. CINDY YOU WILL HAVE NINE MINUTES IF YOU NEED IT.

WOW, OKAY. MY NAME IS CINDY BARON. I'M A HOME OWNER IN ACRES WEST AND HAVE LIVED THERE OVER 30 YEARS. ACRES WEST SUBDIVISION WAS ESTABLISHED IN 1970. AND IS MADE UP OF 34 LARGE RESIDENTIAL LOTS AND IS TOTALLY SURROUNDED BY COMMERCIAL AND UNDEVELOPED PROPERTY, MOST OF WHICH IS BOUND BY THE RESTRICTIVE COVENANTS OF THE ACRES WEST SUBDIVISION. THE ONLY RESTRICTION THAT APPLIES TO THESE PARTICULAR LOTS STATES NO NAUSEOUS OR OFFICE -- NOXOS OR OFFENSIVE ACTIVITY SHOULD BE CARRIED UPON THESE LOTS OR ANYTHING WHICH MAY BE AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD. THERE'S A LIST OF 20 OR MORE SO RESTRICTIONS THAT APPLY TO THE RESIDENTIAL AREAS, HOWEVER. OF THE 34 RESIDENTIAL LOTS, 26 HAVE BEEN DEVELOPED. THE MAJORITY OF THE HOMEOWNERS HAVE LIVED THERE OVER 30 YEARS AND MANY OF THE OCCUPANTS ARE RETIRED AND CONSIDER THEIR HOMES IN ACRES WEST AS THEIR

RETIREMENT HOME. THE COMMUNITY ALSO INCLUDES YOUNG FAMILIES WITH SMALL CHILDREN THAT FIND ACRES WEST TO BE THE INDIVIDUAL PLACE TO RAISE THEIR CHILDREN. IT OFFERS PRIVACY, SECURITY AND A COUNTRY-LIKE ATMOSPHERE. EVERYONE KNOWS EACH OTHER AND TAKES CARE TO WATCH AND PRESERVE THIS PEACEFUL COMMUNITY. THE STREETS ARE NARROW, UNCURVED AND DEAD ENDED. THERE ARE NO CUL DE SACS, SIDEWALKS, TURN AROUND SERVICE AREAS OR DRAINAGE SERVICES. THE SUBJECT LOTS ARE LOCATED, AS YOU CAN SEE, AT THE GATEWAY TO OUR UNIQUE COMMUNITY. THE NEIGHBORHOOD UNDERSTANDS AND RESPECTS THE LAND OWNER'S DESIRE TO DEVELOP THESE LOTS TO THE FULLEST EXTENT BUT WE HAVE MAJOR CONCERNS REGARDING ANY DEVELOPMENT THAT IS GOING TO IMPACT OUR DAILY LIVES. FIRST OFF, THE APPLICANT HAS REQUESTED AND RECEIVED SUPPORT FROM CITY STAFF AND THE PLANNING COMMISSION TO CHANGE THE ZONING FROM SF 2 TO GR-CO WITH CONDITIONS. TO US, THAT -- THAT SEEMS LIKE A VERY SIGNIFICANT CHANGE AND WE WANT TO TRY TO BETTER UNDERSTAND THE REASONING BEHIND THIS RECOMMENDATION. WHAT MR. THROWER HAS SHOWN ON HIS ORIGINAL SLIDE, THE ORANGE AREAS ALSO INCLUDE A LOT OF OFFICE DEVELOPMENT. AND USES. THE ONLY IDENTIFYING REASON WE CAN RELATE TO IS THAT THE PROPERTY FRONTS ON A MAJOR ARTERIAL ROADWAY. IT'S WORTH NOTING THAT THE PROPERTY IS ON A ONE-WAY FRONT STRATEGIC AND THAT CALDWELL DRIVE IS MERELY A SUBSTANDARD FEEDER STREET THAT SERVICES ONLY THE RESIDENCES OF ACRES WEST. THE ONLY TRAFFIC CONTROL AT THIS INTERSECTION IS A STOP SIGN AT THE APPROACH ON CALDWELL DRIVE TO U.S. 183 THAT MAY OR MAY NOT BE THERE. IT TENDS TO DISAPPEAR. THE PROPERTY ON THE OPPOSITE SIDE OF CALDWELL DRIVE IS CURRENTLY UNDEVELOPED BUT HAS BEEN ZONED L.O. THE NEIGHBORHOOD FEELS L.O.-CO WOULD BE MUCH MORE APPROPRIATE AND WE ENCOURAGE THE COUNCIL TO CONSIDER THIS AS AN ALTERNATIVE. THE NEIGHBORHOOD WOULD ALSO ENCOURAGE THE COUNCIL TO PROHIBIT THE FOLLOWING USES, IF L.O.-CO IS ADOPTED. THOSE USES BEING CONGREGANT LIVING, DAYCARE SERVICES, FAMILY HOME, GROUP HOME, GUIDANCE SERVICES, HOSPITAL

SERVICES, AND SAFETY SERVICES. THE APPLICANT HAS ALSO REQUESTED A DRIVEWAY CUT ON TO CALDWELL DRIVE AND CITY STAFF HAS IDENTIFIED THAT THE STREET WOULD HAVE TO BE WIDENED TO 30 FEET. IT IS WORTH NOTING HERE THAT THE PROPERTY IS ALREADY SERVICED BY THREE DRIVEWAY CUTS ON U.S. 183. AND I DON'T THINK EITHER OF HIS PICTURES SHOW THAT. [INAUDIBLE - NO MIC]

OKAY. THE PROPERTY IS ALREADY SERVICED BY THREE DRIVEWAYS, ONE OF WHICH CURRENTLY SERVICES A BODY SHOP AND WRECKING YARD THAT HAS SPROUTED UP ON THE PROPERTY THAT IS DIRECTLY ADJACENT TO SEVERAL RESIDENTIAL LOTS IN ACRES WEST, SEVERAL RESIDENTIAL LOTS OFF WOODLAND VILLAGE IN THE ANDERSON MILL M.U.D. CONTROL, I SEE. HERE'S ONE DRIVEWAY, HERE'S A SECOND DRIVEWAY AND HERE'S A THIRD DRIVEWAY. THIS IS THE DRIVEWAY THAT SERVICES THIS -- THIS BODY SHOP AND A WRECKING YARD THAT HAS SPROUTED BACK HERE. THE APPLICANT HAS ALSO ATTEMPTED TO IDENTIFY TO THE NEIGHBORHOOD SOME ADVANTAGES TO A DRIVEWAY CUT ON THE CALLED -- ON TO CALDWELL DRIVE. BUT THE NEIGHBORHOOD STANDS FIRM IN THEIR OBJECTION TO A DRIVEWAY CUT ON TO CALDWELL. THE APPLICANT ALSO PRESENTED TO THE NEIGHBORHOOD A CONCEPTUAL LAYOUT FOR DEVELOPMENT THAT PLACES THE BUILDING PORTION TOWARDS THE FRONT OF THE PROPERTY AND PARKING TO THE REAR. THAT'S THE ONE THAT WAS UP -- CAN YOU SHOW THAT OTHER ONE, THE CONCEPTUAL DESIGN? YES. OKAY. OKAY. IN THE GR-CO ENVIRONMENT, WE DON'T FEEL THIS MAKES MUCH SENSE. MOST PEOPLE WHO FREQUENT A BUSINESS EXPECT TO BE ABLE TO PULL UP IN FRONT TO PARK AND INTEREST FROM THE FRONT -- ENTER FROM THE FRONT. IN AN L.O.-CO ENVIRONMENT BUILDING LAYOUT COULD BETTER ACCOMMODATE THIS SCENARIO, HOWEVER THE NEIGHBORHOOD FEELS THAT A BUILDING IN FRONT WOULD BLOCK AND INHIBIT VIEWING FOR TRAFFIC CLEARING AT THIS INTERSECTION AND COULD BE HAZARDOUS. THE LOTS IN THIS CASE ARE EXTREMELY, HEAVILY WOODED. DEVELOPMENT WILL HAVE TO BE CAREFULLY PLANNED OUT, PLANNED OUT TO EFFECTIVELY PRESERVE THE MASSIVE LARGE OAKS AND ANY CLEARING ON THESE LOTS WILL NEGATIVELY AFFECT THE LEVEL OF

TRAFFIC NOISE THAT THE NEIGHBORHOOD CURRENTLY EXPERIENCED WITH A NEWLY EXPANDED AND ELEVATED U.S. 183. THERE ARE EIGHT ITEMS THAT WE IDENTIFIED TO THE APPLICANT BACK IN MAY THAT THE NEIGHBORHOOD STOOD TO DEMAND. ONE OF THOSE -- IS THAT MY NINE MINUTES?

Mayor Wynn: THAT'S IT. TAKE A MINUTE AND CONCLUDE, PLEASE.

OKAY. ASIDE FROM WORKING THROUGH THE LIST OF ALLOWED USES, WE REALLY HAVEN'T HAD MUCH DISCUSSION OF SETBACKS, BUILDING SITES, ET CETERA, SINCE THERE WAS NO CHANGEABLE SITE PLAN, WE ARE NOT DEVELOPING, LAND PLANNERS OR POLITICIANS, JUST CITIZENS IN A SMALL COMMUNITY THAT CANNOT EVEN VOTE FOR THE POLITICIANS THAT GOVERN OUR DOMAIN. THE DECISION THAT YOU MAKE TODAY WILL AFFECT OUR DAILY LIVES. THANK YOU.

THANK YOU, MS. BARON. KARL SNOW WAS THE NEXT SPEAKER. IS KARL SNOW HERE? WELCOME, SIR, YOU'LL HAVE THREE MINUTES AND YOU'LL BE FOLLOWED BY [INDISCERNIBLE] MORRIS.

SO I'M KARL SNOW AND I LIVE AT 13510 CALDWELL DRIVEWAY. AS WAS POINTED OUT BY CINDY BARON, THERE'S ONLY ONE ENTRANCE AND EXIT TO OUR NEIGHBORHOOD. OUR OPPOSITION TO THE CUT ON TO CALDWELL DRIVE, ONE OF THE THINGS THAT WE HAVE DISCUSSED AS A NEIGHBORHOOD, WE'VE ALSO POINTED THIS OUT TO THE APPLICANT IS THAT EMERGENCY VEHICLES, IF THEY ARE TRYING TO -- TO COME INTO OUR NEIGHBORHOOD FOR WHATEVER REASON, IF THERE'S A VEHICLE THAT'S PULLING INTO THE -- ON TO CALDWELL DRIVE FROM THAT ESTABLISHMENT, WE COULD HAVE A POTENTIAL PROBLEM. THERE'S ANOTHER REASON THAT WE'RE CONCERNED ABOUT THE WHOLE AREA IS AT TIMES THIS -- THIS CALDWELL DRIVE INTERSECTS THE FRONTAGE ROAD THERE, THERE HAS BEEN A STOP FOR SCHOOL BUSES TO TAKE CHILDREN ON OR OFF THE BUS. IT'S ALSO A STOP FOR CAPITAL METRO IF THERE'S A NEED. THOSE ARE SOME OF THE ISSUES THAT I HAVE, IF YOU HAVE ANY QUESTIONS, I'M GLAD TO HELP.

THANK YOU.

Mayor Wynn: THANK YOU, MR. SNOW. OUR LAST SPEAKER IS BLEAKER MORRIS.

WELCOME, SIR, YOU WILL HAVE THREE MINUTES.

THANK YOU, VERY MUCH, HONORABLE MAYOR AND MAYOR PRO TEM AND DISTINGUISHED COMMENT. YOU HAVE RECEIVED A FAX FROM ME AND SOME -- A FAX FROM ME AND SOME OF MY NEIGHBORS STATING OUR OBJECTIONS TO THIS ZONING GR REQUEST. I HOPE THAT YOU HAVE READ THEM. AS WE EXPLAINED WE HAVE A VERY UNIQUE AREA AND FEEL IT NEEDS YOUR PROTECTION. FOR 32 YEARS I HAVE LIVED IN ACRES WEST, HAVE SERVED IT AS PRESIDENT OF THE ACRES WEST HOMEOWNERS ASSOCIATION. MYSELF AND OTHERS FELT KEEPING -- KEENLY ABOUT THE SAFETY OF THE AREA. WE STARTED THE JOLLYVILLE VOLUNTEER FIRE DEPARTMENT WHICH IS OUR SAFETY TODAY. OUR AREA IS LIKE A FAMILY. AND WE HOPE TO KEEP IT THAT WAY. MOST OF US ARE ORIGINAL OWNERS AND LOOK AT IT AS OUR RETIREMENT HAVEN. WE RAISED OUR KIDS THERE, SOME OF US GRANDKIDS, AND MYSELF I HAVE THREE GREAT GRANDKIDS. THAT WOULD -- THAT WE WOULD LIKE TO KEEP SEEING AND ENJOY THE TRANQUILITY AND SAFETY OF THIS AREA. MR. GROOMS MADE A PROFIT FROM THIS LAND ALREADY AS I STATED IN MY FAX TO YOU. HE'S ENTITLED TO STILL GAIN ON IT, BUT I DO NOT FEEL HE SHOULD GAIN THE DIMINISHING OF OUR INVESTMENT. I LOOKED AT THIS ARRANGEMENT SORT OF LIKE EMINENT DOMAIN ACT THAT SAYS GOVERNMENT CAN CONDEMN LAND FOR COMMERCIAL GAIN BY INDIVIDUALS. I KNOW YOU ARE AGAINST THIS. AND KNOW THIS IS NOT ACTUALLY THE CASE. I KNOW THAT YOU CAN SEE THE COMPARISON. WE WOULD APPRECIATE IT IF YOU WOULD GRANT NO MORE THAN AN LO ZONING. BY THE WAY, AT THIS TIME THERE IS NO SITE PLAN FOR THIS PROPERTY THAT WE KNOW OF. I MIGHT ALSO POINT OUT THAT THE PLAT MAP OF THE SUBDIVISION THE ZONINGS COMMISSION IS USING IS NOT THE ACTUAL PLAT OF THE AREA. THIS HAS BEEN POINTED OUT TO THEM 10 YEARS AGO AND ALSO RECENTLY. I FEEL BECAUSE OF THIS YOU ARE NOT GETTING A TRUE PICTURE OF THE AREA. THANK YOU.

Mayor Wynn: THANK YOU, MR. MORRIS. QUESTIONS OF ANY OF THE SPEAKERS, COUNCIL? IF NOT, THEN MR. THROWER HAS A ONE -- ONE THREE-MINUTE REBUTTAL.

AGAIN, I WOULD LIKE TO POINT ON OUT THAT THE REASON FOR THE GR ZONING REQUEST IS NOT ONLY BECAUSE IT'S ON A MAJOR HIGHWAY, BUT ALSO FOR THIS 10-FOOT BUILDING LINE. WE HAVE A NARROW SITE WHICH GIVES US THE OPPORTUNITY WITH A COMMERCIAL BUILDING TO HAVE A REASONABLE BAY INTO THE BUILDING AND TO PUT IN A PARKING LOT. MY FEAR IS IF THE OPPORTUNITY OF GR ZONING IS NOT GRANTED FOR THIS SITE AND IT'S L.O. OR LR WITH A 25-FOOT BUILDING SETBACK, THAT THE POTENTIAL DEVELOPMENT OF THE PROPERTY IS GOING TO BE TO PUT THE BUILDING AT THE REAR, PUT THE PARKING AT THE FRONT, TAKE ADVANTAGE OF THE THREE DRIVEWAYS THAT ARE LOCATED ON THE PROPERTY BY TXDOT TODAY. IT'S MY UNDERSTANDING THAT THOSE DRIVEWAYS ARE IN PLACE, THE APRONS ARE IN PLACE TODAY AND THE PROPERTY HAS THE RIGHT FOR THOSE DRIVEWAYS. I BELIEVE WHAT WE ARE OFFERING FOR THE GR ZONING AND THE DRIVEWAY TO CALDWELL IS AN OPPORTUNITY FOR -- FOR AN URBAN DEVELOPMENT FOR A NEIGHBORHOOD CENTER TO BE CLOSE -- CLOSER TO THE NEIGHBORS WITH COMMERCIAL USES, ACCESSIBLE BY THE NEIGHBORS. I WOULD APPRECIATE YOUR CONSIDERATION FOR THIS REQUEST.

Mayor Wynn: THANK YOU, MR. THROWER. QUESTIONS, COUNCIL, ANYBODY, COMMENTS? COUNCILMEMBER DUNKERLY?

Dunkerly: I WOULD ASK THE AGENT IF HE COULD READ THE LIST OF THE USES THAT YOU'VE -- THAT YOU'RE WILLING TO PROHIBIT.

IT'S A RATHER LONG LIST, BUT I WILL START. IT'S AUTOMOTIVE RENTAL, AUTOMOTIVE SALES, DROP OFF, RECYCLING, COLLECTION, DAYCARE SERVICES, GENERAL AND COMMERCIAL, BUSINESS AND TRADE SCHOOL, COMMUNICATION SERVICES, FOOD SALES, HOTEL MOTEL, INDOOR SPORTS AND RECREATION, PAWN SHOP SERVICES, SERVICE STATION, COLLEGE AND UNIVERSITY FACILITIES, GUIDANCE SERVICES, PUBLIC AND PRIVATE PRIMARY

EDUCATION FACILITIES, RESIDENTIAL TREATMENT, AUTOMOTIVE REPAIR SERVICES, AUTOMOTIVE WASHING OF ANY KIND, EXTERMINATING SERVICES, DAYCARE SERVICES LIMITED, BAIL BOND SERVICES, COMMERCIAL OFF STREET PARKING, FINANCIAL SERVICES, FUNERAL SERVICES, INDOOR ENTERTAINMENT, OUTDOOR SPORTS AND RECREATION, RESTAURANT GENERAL, THEATER, COUNSELING SERVICES, HOSPITAL SERVICES LIMITED, PUBLIC AND PRIVATE SECONDARY EDUCATION FACILITIES AND URBAN FARM. ALL OF WHICH IN THIS NEIGHBORHOOD DON'T EVEN BELONG.

Dunkerly: OKAY. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON Z-18. COUNCILMEMBER MCCRACKEN?

McCracken: I WOULD JUST SAY THAT FROM AN URBAN PLANNING STANDPOINT, WHAT HAS BEEN PRESENTED TO US ADDRESSES ONE OF THE MAJOR FAILURES OF THE SUBURBAN DEVELOPMENT MODEL WHICH IS THAT YOU HAVE TO GET ON THE HIGHWAY TO DO EVEN THE MOST BASIC CHORES. SO I THINK THAT THE FACT THAT THIS -- WHAT'S BEEN PROPOSED WILL BE A REALLY A GREAT ASSET TO THE NEIGHBORHOOD, WHERE THEY DON'T HAVE TO GET ON THE HIGHWAY TO GO TO THE DRY CLEANERS OR GO GET A CUP OF COFFEE AND -- AND GENERALLY IT'S -- IT SHOULD BE A STEP FORWARD FROM THE WAY WE DO IT, PUTTING ABOUT 500 CURB CUTS PER MILE ON THE HIGHWAYS. FOR ALL OF THOSE REASONS I'M GOING TO MOVE APPROVAL.

Dunkerly: I SECOND.

Mayor Wynn: SO MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER DUNKERLY TO CLOSE THE PUBLIC HEARING AND APPROVE ON Z-18 THE ZONING AND PLATTING COMMISSION RECOMMENDATION OF GR-CO. DID I SAY THAT CORRECTLY, STAFF? THANK YOU, MS. GLASGO. COUNCILMEMBER ALVAREZ?

Alvarez: CAN STAFF LAY OUT THE CONDITIONS AGAIN FOR

THE STAFF RECOMMENDATION?

Glasgo: THE ZONING AND PLATTING COMMISSION RECOMMENDATIONS TO GRANT GR-CO WITH THE -- THE COMMISSION HAD 10 CONDITIONS, BUT THE APPLICANT THEN HAS REVISED IT SO YOU CAN INCLUDE ALL OF THE CONDITIONS TO PROHIBIT THE LIST OF USES THE APPLICANT JUST READ. SO THAT WOULD -- THAT WOULD BE THE INTENT OF THE COMMISSION'S RECOMMENDATION. GR-CO WITH THAT LIST OF USES THAT MR. THROWER JUST READ.

Alvarez: THAT'S BEYOND WHAT THE COMMISSION DID, IN ADDITION OR THAT'S -- INSTEAD OF?

Glasgo: THE APPLICANT OFFERED USES -- THAT HE OFFERED AT THE PLANNING COMMISSION. SO THAT WOULD INCLUDE ALL OF THOSE USES THAT HE JUST READ.

Alvarez: OKAY. HE'S AM MENABLE TO -- TO THE ZONING AND PLATTING COMMISSION CONDITIONS?

Glasgo: YES, WE HAVE A REVISED UPDATE TO THOSE CONDITIONS. AND ALL OF THE OTHER CONDITIONS THAT WE HAD IN THE BACKUP, THE COMMISSION REALLY SUPPORTED STAFF RECOMMENDATION. THE OTHER CONDITION HAS TO DO WITH LIMITED THE TRIPS TO 2,000 TRIPS PER DAY AND TO PROHIBIT ACCESS TO CALDWELL UNTIL THE [INDISCERNIBLE] 30 FEET AND OF COURSE LIMITING, PROHIBITING THOSE USES. THREE THINGS.

Alvarez: WHAT WAS THE CALDWELL --

Glasgo: TO PROHIBIT ACCESS UNTIL THE PAVEMENT OF THE WIDTH IS UPGRADED DID A MINIMUM OF 30 FEET. IF IT'S UPGRADED TO 30 FEET, THEN THEY WILL HAVE ACCESS TO IT.

THANK YOU.

Glasgo: YOU'RE WELCOME.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: JUST TO MAKE SURE THAT I UNDERSTOOD CORRECTLY, YOU ARE GOING TO HAVE TO WIDEN CALDWELL TO 30 FEET, IS THAT WHAT YOU SAID?

Glasgo: UNTIL UPGRADED TO 30 FEET AT A MINIMUM. FOR THEIR PORTION OF THE ROAD WHEN THEY DO THE DRIVEWAY THEY COULD ALSO DO THAT.

Leffingwell: ISN'T THAT A DEAD END STREET?

Glasgo: IT SEEMS TO CURVE AROUND, PLEASE PULL THE MAKE UP SO WE CAN SHOW THE COUNCILMEMBERS HOW CALDWELL, IT GOES INTO THE NEIGHBORHOOD AND GOES INTO A CUL DE SAC. THERE YOU GO. SEE THE MAP, CALDWELL DRIVE LOOPS ON TO THE NEIGHBORHOOD. I WILL GO TO THE MAP. CAN YOU HEAR ME? THERE WE GO. LET ME MOVE THIS OVER SO YOU CAN SEE A LITTLE BIT BETTER. SEE HOW CALDWELL IS -- CALDWELL DRIVE IS OVER HERE, DETERMINED IT'S RIGHT HERE. SO REALLY THAT'S ALL THE LENGTH OF IT. AND THE WIDENING OF CALDWELL WILL JUST BE FOR THE FRONTAGE OF THE PROPERTY, THAT'S ALL THEY WILL BE LIMITED TO UPGRADING. WE CANNOT REQUIRE THEM TO UPGRADE THE ENTIRE ROAD. IT'S JUST FOR THE PORTION TO WHICH THEY HAVE FRONTAGE.

BUT IT IS A DEAD END STREET?

YES. IT DOES NOT GO ANY FURTHER THAN WHAT YOU SEE.

Leffingwell: I WAS JUST THINKING ABOUT THE CONCERN THAT PEOPLE WOULD TURN OUT OF THAT PARKING LOT, DID A SHORTCUT -- TAKE A SHORTCUT, TRAVEL THROUGH THE NEIGHBORHOOD, WOULD THERE AUTOMATICALLY BE SIGNAGE INCLUDED AT THE OUTLET OF THAT PARKING LOT THAT THERE'S NO OUTLET IN THAT DIRECTION?

Glasgo: I'M ASSUMING THERE SHOULD BE A STREET SIGN USUALLY WHEN THERE IS NO OUTLET, MOST OF THE STREETS IN THE CITY DO INDICATE NO OUTLET. THERE SHOULD BE A SIGN FROM THE CITY OF AUSTIN. USUALLY AT THE STREETS THAT DON'T HAVE OUTLETS AT THE INTERSECTION IT SAYS THERE IS NO OUTLET.

Leffingwell: I MEAN AT THE OUTLET OF THE PARKING LOT.

Glasgo: I'M SURE THEY WOULD BE WILLING TO DO THAT.

Leffingwell: COULD YOU ADDRESS THAT?

I APOLOGIZE, I WAS TALKING TO MR. GUERNSEY ABOUT THE ORDINANCE. YOUR QUESTION AGAIN?

Leffingwell: GIVEN THAT CALDWELL IS -- IS A DEAD-END STREET, TALKING ABOUT PEOPLE TURNING IN YOUR PARKING LOT, MAKING A RIGHT TURN, CIRCULATING THROUGH THE NEIGHBORHOOD, WANDERING THROUGH THERE LOOKING FOR AN OUTLET.

WE HAVE DISCUSSED ADDING SIGNAGE TO THE STREET AND TO OUR DEVELOPMENT TO SAY THAT A RIGHT TURN IS A NO OUTLET, RIGHT TURN ENTERS A NEIGHBORHOOD, CHILDREN AT PLAY, WHATEVER IT TAKES TO ADDRESS THAT SITUATION.

Leffingwell: COULD THAT BE A CONDITION OF THE ZONING? WOULD THAT BE PROPER MS. GLASGO?

Glasgo: COULD YOU STATE WHAT IT IS --

Leffingwell: THE APPROPRIATE SIGNAGE STATING THERE'S NO OUTLET, CHILDREN AT PLAY, ET CETERA, WHATEVER IS REQUIRED TO KEEP PEOPLE FROM INADVERTENTLY --

Glasgo: WE WOULD HAVE TO PREVENT A RESTRICTIVE COVENANT THAT WOULD NOT BE A CONDITIONAL OVERLAY. WE WERE -- WE WERE OFFERING FOR ALL THREE READINGS, IT WOULD HAVE TO GO ON FIRST READING UNTIL WE PUT THAT CONDITION IN THE RESTRICTIVE COVENANT AND BRING IT BACK IN TWO WEEKS OR THREE WEEKS.

Leffingwell: WELL THE APPLICANT HAS INDICATED A WILLINGNESS TO DO THAT. SO I -- I THINK THAT WOULD BE SATISFACTORY AS FAR AS I'M CONCERNED. I JUST WANTED TO RAISE THE ISSUE.

IT WILL BE IN THE MINUTES. MR. ZAPALAC WHO WORKS FOR

WATERSHED DEVELOPMENT REVIEW WILL -- WILL MAKE SURE THAT THAT IS -- WHEN THEY COME IN WITH THE SITE PLAN REVIEW, WE WILL FLAG THAT TO THE FILE FOR ZONING.

Leffingwell: THAT WILL WORK FOR ME.

Mayor Wynn: MS. TERRY, BASED ON THAT, IF THE COUNCIL MAJORITY AGREES AND WANTED TO BE SUPPORTIVE, THIS COULD NOT BE PASSED ON ALL THREE READINGS TONIGHT, CORRECT?

THAT'S CORRECT, BECAUSE WE NEED TO BRING A SIGNED RESTRICTIVE COVENANT BACK.

Mayor Wynn: OKAY. MORE COMMENTS, QUESTIONS? SO CURRENTLY WE HAVE A MOTION AND A SECOND ON THE TABLE. TO APPROVE ZONING AND PLATTING COMMISSION RECOMMENDATION OF THE GR-CO. IF THE MAKER OF THE MOTION AND THE SECOND ARE IN AGREEMENT WITH THE IDEA THAT COUNCILMEMBER LEFFINGWELL BROUGHT FORWARD, THEN WE WOULD ONLY BE PASSING THIS ON FIRST READING. OKAY?

Glasgo: MAYOR, I THINK COUNCILMEMBER LEFFINGWELL INDICATED THAT HE -- IF I UNDERSTOOD CORRECTLY -- THAT HE DID NOT NEED THAT TO BE IN A COVENANT; IS THAT CORRECT, COUNCILMEMBER LEFFINGWELL?

Leffingwell: I UNDERSTOOD THAT YOU SAID THAT THAT COULD BE DONE AT THE SITE PLAN STAGE.

Glasgo: CORRECT. THAT WOULD BE ACCEPTING JUST TAKING HIS WORD FOR IT AS OPPOSED TO US PUTTING IT IN A COVENANT. IF YOU WOULD LIKE TO MAKE THIS AS A CONDITION OF THE ZONING AND IT'S PUT INTO A RESTRICTIVE COVENANT, WE WOULD THEN NEED TO COME BACK TO COUNCIL AGAIN WITH THE ACTUAL DOCUMENT. SO THE OPTION IS THAT YOU CAN APPROVE THE CONDITIONS AS RECOMMENDED BY THE CONDITION WITHOUT YOUR CONDITION BUT MAKING IT AN UNDERSTANDABLE SUGGESTION AND ACCEPTANCE FROM THE APPLICANT TO COMPLY AT THE TIME OF SITE PLAN OR APPROVE THE

ZONING ON FIRST READING AND THEN HAVE US COME BACK FOR SECOND AND THIRD WITH A RESTRICTIVE COVENANT AND AN ORDINANCE.

Leffingwell: WELL I'M SATISFACTORY, I'M OKAY WITH TAKING THE APPLICANT'S WORD FOR IT THAT IT WOULD BE INCLUDED IN THE SITE PLAN. BUT IF IT'S ALREADY BEEN ACCEPTED BY THE MAKER, SO I -- I THINK IT'S UP TO HIM AS TO WHETHER, WHICH WAY DO YOU WANT TO GO AT THIS POINT.

McCracken: I THINK BASED ON THAT WE COULD DO ALL THREE READINGS RIGHT NOW.

Mayor Wynn: A MOTION AND SECOND ON THE TABLE TO APPROVE ON ALL THREE READINGS Z-18 ZONING AND PLATTING RECOMMENDATION, GR-CO. ANY ADDITIONAL COMMENTS? FURTHER COMMENTS? HAERG HEARING.

AYE. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH.

Glasgo: MAYOR, ARE YOU READY -- WOULD YOU LIKE ME TO PROCEED TO ITEM Z-19, IT'S C14-05-49, THIS PROPERTY LOCATED AT 500 WEST 16th STREET. THE EXISTING ZONING IS G.O., WHICH STANDS FOR GENERAL OFFICE. THE APPLICANT IS REQUESTING A CHANGE TO DOWNTOWN MIXED USE. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO DENY THE ZONING CHANGE, WHEREAS THE STAFF RECOMMENDATION IS TO RECOMMEND THE ZONING CHANGE. THIS IS IN AN AREA WHERE HE CALL DOWNTOWN, COVERED BY WHERE WE CALL THE DMU ZONING, DOWNTOWN MIXED USE ZONING, WHICH RECOMMENDED THAT THE APPROPRIATE LOANS FOR THE DMU ZONING DISTRICT, DOWNTOWN MIXED USE WAS NORTH OF 15th STREET, THE EASTERN BOUNDARY WOULD BE EAST OF WEST AVENUE. AND OF COURSE THAT TAKES YOU ALL THE WAY TO I-35 AND THE NORTHERN BOUNDARY WOULD BE MLK BOULEVARD FOR THE DOWNTOWN MIXED USE

BOUNDARY THAT WOULD BE 19th STREET. SO THAT -- THAT IS BASICALLY THE RECOMMENDATION HERE, I DON'T THINK YOU HAVE ANY CITIZEN SIGNED UP TO SPEAK OTHER THAN THE AGENT, MR. RON THROWER. I WILL JUST PAUSE HERE, COUNCIL, LET THE APPLICANT MAKE HIS PRESENTATION, I WILL RESPOND TO QUESTIONS, IF ANY ARISE AFTER HE SPEAKS.

Mayor Wynn: THANK YOU, MS. GLASGO, WELCOME BACK, MR. THROWER. YOU WILL HAVE FIVE MINUTES.

MAYBE, MEMBERS OF THE COUNCIL, RON THROWER, REPRESENTING JEFF BLATT ON THE PROPERTY AT 16th AND SAN ANTONIO. AS YOU HAVE HEARD STAFF HAS MADE THEIR POSITIVE RECOMMENDATION TO SUPPORT THIS ZONING REQUEST FOR DMU-CO. IT'S LOCATED ON THE NORTHWEST CORNER OF 16th AND SAN ANTONIO. IN THE SHADOW OF THE 225-FOOT WELLS FARGO BANK BUILDING. RIGHT ACROSS THE STREET IS THE SOUTHWESTERN [INDISCERNIBLE] BUILDING, WHICH IS I BELIEVE 8 OR 9 STORIES TALL. RIGHT NOW MY CLIENT DOES HAVE A PROJECT IN MIND. WE DO BELIEVE WE CAN GET THIS TO WORK ON THE FOOTPRINT OF THE PROPERTY RIGHT NOW, A LITTLE LESS THAN 12,000 SQUARE FEET. WHAT WE WOULD LIKE TO DO IS A MIXED USE BUILDING. WHAT WE ARE LOOKING AT WITH DMU ZONING IS THERE AGAIN GETTING RID OF THE BUILDING LINE, GETTING THE ABILITY TO PUSH THE BUILDING TO THE PROPERTY, AND RIGHT-OF-WAY LINE OUT FRONT ON 16th AND SAN ANTONIO STREETS. PUTTING IN TWO LEVELS OF PARKING, TWO LEVELS OF OFFICE, AND TWO LEVELS OF RESIDENTIAL. RIGHT NOW THAT'S THE SCHEMATIC PLANS THAT ARE ON THE TABLE. WE BELIEVE THAT WE CAN ACCESS OFF OF THE ALLEY AND NOT HAVE A DRIVEWAY ON TO 16th STREET OR SAN ANTONIO STREET. WE ARE ONLY LOOKING FOR 75 FEET IN HEIGHT, WE ARE NOT LOOKING FOR THE TRUE 120 FEET THAT'S ALLOWED BY THE DMU ZONING DISTRICT. BECAUSE THIS AREA, IN MY OPINION, IS A TRANSITION AREA FOR ZONING HEIGHT, BECAUSE OF THE ADJACENT DEVELOPMENT AND ZONING, WHICH IS THE 225 FEET AND THE 9 OR 8 STORIES OF THE SOUTHWESTERN BELL BUILDINGS, WHY NOT HAVE SMALLER CHUNKS OF LAND BEFORE YOU GET INTO THE RESIDENTIAL CHARACTER OF WHAT IS NOW THE OFFICE AREA TO THE WEST. WHY NOT

HAVE SMALLER CHUNKS OF LAND THAT CAN DEVELOP IN SOME HEIGHT AS A TRANSITION AREA BETWEEN THE TWO INTENSE DEVELOPMENT TO THE EAST AND THE SMALLER CONVERTED HOMES TO THE WEST. I DID NOT POINT OUT AT THE PLANNING COMMISSION, ZONING AND PLATTING COMMISSION, EXCUSE ME, THAT -- THE REASON I DIDN'T IS BECAUSE I DON'T LIKE TO USE ZONING AS A PRECEDENCE. ADJACENT DEVELOPMENT TO ME HELPS SET THE CONDITIONS TO WARRANT A REQUEST FOR ZONING. BUT OTHER ZONINGS IN THE AREA ARE ALSO JUST -- HAVE THEIR OWN PARTICULAR REASONS WHY THEY ARE OCCURRING. THE ZONING AND PLATTING COMMISSION AS WELL AS THE CITY COUNCIL GRANTED DMU ZONING ONE BLOCK AWAY ON THE NORTHWEST CORNER OF 17th AND SAN ANTONIO. THIS ZONING CASE OCCURRED IN -- IN APRIL OF THIS YEAR. AND THIS PARTICULAR APPLICANT HAD ABSOLUTELY NO PLANS FOR ANY SORT OF DEVELOPMENT ON THE PROPERTY. THEY WERE TRYING TO JUST MAKE THEIR EXISTING CONDITIONS CONFORMING. THERE AGAIN WE HAVE GOT A PARTICULAR CASE WHERE WE HAVE A PROJECT IN MIND, MY CLIENT WANTS TO DO A MIXED USE DEVELOPMENT. WE HAVE AGREED WITH THE FIVE RIVERS NEIGHBORHOOD ASSOCIATION, FOR A RESTRICTIVE COVENANT, THAT IF WE GO OVER 60 FEET IN HEIGHT, THAT WE WILL IMPROVE SAN ANTONIO AND 16th STREET TO DO THE UNO 23rd STREET, STREET SCAPE IMPROVEMENTS. THAT RESTRICTIVE COVENANT IS SIGNED BY BOTH PARTIES AND WAITING FOR RECOMMENDATION. I WOULD ENTERTAIN ANY QUESTIONS THAT YOU ALL MAY HAVE.

Mayor Wynn: THANK YOU, MR. THROWER, QUESTIONS, COMMENTS? MS. GLASGO, ANOTHER CLARIFICATION ON -- ON STAFF'S POSITIVE RECOMMENDATION AND THAT OF Z.A.P.

YES, THE STAFF RECOMMENDATION IS TO GRANT THE APPLICANT'S REQUEST FOR DMU, WITH A CONDITIONAL OVERLAY THAT LIMITS THE VEHICLE TRIPS TO 2,000 AND THAT WAS OUR RECOMMENDATION. OF COURSE THE PLANNING COMMISSION WAS TO DENY THE REQUEST AND LEAVE THE ZONING AS IT IS CURRENTLY.

Mayor Wynn: THE ZONING AND PLATTING COMMISSION OR --

ZONING AND PLATTING COMMISSION, Z.A.P.

Mayor Wynn: CAN YOU PERHAPS SUMMARIZE THAT DISCUSSION DEBATE AT ALL?

Glasgo: THEY JUST SIMPLY IN A NUTSHELL FELT LIKE THERE WAS NO JUSTIFICATION FROM THE APPLICANT AS FAR AS THE USE GOES OR USE OF THE PROPERTY, THAT WAS THEIR FEELING. BUT AS FAR AS WHAT IS PROMOTE, I THINK WHAT SHOULD BE REALLY LOOKED AT IS WHETHER THE ZONING IS APPROPRIATE, NOT A MATTER OF -- OF CONVINCING WHETHER THE USE IS -- IS IMPLEMENT OR THAT -- IMMINENT OR THAT THERE IS JUSTIFICATION FOR IT OTHER THAN WHERE IS DMU ZONING APPROPRIATE WITHIN THE DOWNTOWN AREA AND THIS IS APPROPRIATE ZONING-WISE AS YOU CAN TELL FROM THE MAP. YOU CAN SEE DMU NORTH OF THIS TRACT ZONING, YOU CAN SEE IT PRETTY MUCH SURROUNDING THE AREA WHERE YOU HAVE A LOT OF THAT CBD AND DMB ZONING. SO THEY JUST FELT IT WAS NOT JUSTIFIED BY THE APPLICANT [BUZZER SOUNDING] GIVEN THEIR PRESENTATION.

Mayor Wynn: THANK YOU, MS. GLASGO. COUNCILMEMBER MCCRACKEN?

McCracken: MS. GLASGO, WHAT ARE -- MAYBE THERE THROWER CAN HANDLE THIS AS WELL. WHEN YOU HAVE PARKING ON THE FIRST TWO LEVELS, WOULD THERE BE SOME KIND OF [INDISCERNIBLE] STORE THERE OR SPACE FOR THE STREET BECAUSE YOU NORMALLY WANT TO AVOID THE PARKING GARAGE BEING WHAT'S THERE ON THESE KIND OF BUILDINGS IF YOU ARE TRYING TO INCREASE PEDESTRIAN ACTIVITY FOR INSTANCE.

CORRECT. WE TYPICALLY A PARKING GARAGE FOR THIS TYPE OF ZONING YOU NEED ON TO HAVE PEDESTRIAN, YOU KNOW, RETAIL, PEDESTRIAN ORIENTED USES AT THE BOTTOM FOR THE GARAGE AND THEN --

IS THAT A REQUIREMENT FOR DMU?

Glasgo: FOR THE DOWNTOWN, YES.

McCracken: WE DON'T HAVE TO WORRY ABOUT THAT, THAT WOULD HAVE TO BE DONE AS PART OF THE STRUCTURE ANYWAY?

Glasgo: RIGHT.

McCracken: OKAY, GOOD.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: I MOVE APPROVAL OF THE STAFF RECOMMENDATION.

SECOND.

MOTION BY COUNCILMEMBER LEFFINGWELL BEING SECONDED BY COUNCILMEMBER DUNKERLY TO CLOSE THE PUBLIC HEARING ON Z-19 AND APPROVE STAFF RECOMMENDATION.

DMU-CO.

Mayor Wynn: FIRST READING ONLY ACCORDING TO MS. TERRY, FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Glasgo: WELL, MAYOR, THAT TAKES US TO ITEM NO. Z-24, THE NORTH HYDE PARK NEIGHBORHOOD CONSERVATION COMBINING DISTRICT. MR. GREG GUERNSEY IS GOING TO PRESENT THIS CASE.

GOOD EVENING, I'M GREG GUERNSEY, THE ASSISTANT DIRECTOR WITH THE NEIGHBORHOOD ZONING AND PLANNING DEPARTMENT. I'M GOING TO WALK THROUGH THE HYDE PARK NEIGHBORHOOD PLANNING AREA AND THE PROPOSED NCCD. THIS IS ITEM NO. Z-24 ON YOUR AGENDA,

CASE NUMBER C14-04-196, THE HYDE PARK NCCD. THIS AREA GENERALLY BOUNDED BY 51st STREET ON THE NORTH, RED RIVER STREET TO THE EAST, GUADALUPE TO THE WEST AND 45th TO THE SOUTH. THIS IS A PROPOSED ZONING CHANGE THAT WILL CREATE A NEIGHBORHOOD CONSERVATION COMBINING DISTRICT AND A NEIGHBORHOOD COMBINING DISTRICT. UNDER THE PROPOSED NCCD THERE ARE MANY TRACTS OF LAND THAT ARE PROPOSED FOR DIFFERENT CHANGES AND I WILL WALK THROUGH THAT IN A SHEET THAT'S BEING HANDED OUT TO YOU. STEP BY STEP OF WHAT THE RECOMMENDATIONS ARE. THESE ARE VARIOUS ZONING CHANGES IN THE AREA TO SEVERAL DISTRICTS. IT WAS RECOMMENDED BY THE STAFF WITH SOME MINOR CHANGES AND ALSO BY THE PLANNING COMMISSION WITH SOME CHANGES. THE NCCD FOR THE HYDE PARK AREA STARTED ITS PROCESS BACK IN 1990 WITH THE ORIGINAL HYDE PARK BAPTIST CHURCH NCCD THAT WAS LIMITED TO A SMALL PORTION OF THE AREA SOUTH OF THE AREA WE'RE LOOKING AT TODAY. ON PROPERTY ONLY OWNED BY THE HYDE PARK BAPTIST CHURCH. STAKEHOLDERS BEGAN IN THE EARLY '90S TO LOOK AT THIS AREA FOR A POSSIBLE NEIGHBORHOOD CONSERVATION COMBINING DISTRICT. THE NEIGHBORHOOD WORKED VERY DILIGENTLY AND BEGAN A PILOT PROGRAM IN THE LATER 1990S, WHICH ACTUALLY BECAME PART OF OUR HYDE PARK NEIGHBORHOOD PLAN THAT STARTED IN '98. AND MOVED FORWARD. THE PLAN WAS EVENTUALLY ADOPTED BY COUNCIL IN APRIL OF 2000. IT INCLUDED THE HYDE PARK NEIGHBORHOOD PLANNING AREA, WHICH WAS SOUTH OF THIS, WHICH IS ALSO PART OF AN NCCD. THAT WAS ADOPTED BY COUNCIL IN JANUARY OF 2002. AND THEN THIS IS THE OTHER HALF OF THE HYDE PARK NEIGHBORHOOD THAT IS BEING BROUGHT BACK TO YOU NOW. THIS IS A STAFF INITIATED CASE, BUT IF I DIDN'T MENTION THAT THE NEIGHBORHOOD PARTICIPATED IN HOURS AND HOURS AND HOURS AND DAYS, YEARS OF TIME THAT THEY SPENT ON THIS, THERE HAVE BEEN MANY PROPERTY OWNERS, STAKEHOLDERS THAT HAVE HAD INPUT. MANY STAFF HOURS HAVE BEEN SPENT WORKING THROUGH THIS PROJECT AND MOVED THROUGH ZONING CASE BEING BROUGHT TO YOU TODAY. I WOULD BE AMISS. THE HYDE PARK NCCD DOESN'T MODIFY USE AND SITE DEVELOPMENT STANDARDS, INCLUDING FLOOR TO AREA

RATIOS, BUILDING HEIGHTS, [INDISCERNIBLE], DEVELOPMENTS, LOCATION OF OTHER STRUCTURES, GARAGES, ACCESSORY BUILDINGS, IMPERVIOUS COVER, AND BUILDING COVERAGE ALLOWANCES ARE AFFECTED, SETBACKS, DRIVEWAY PARKING AND THOSE ARE SOME OF THE THINGS THAT THIS PROPOSED ORDINANCE ACTUALLY ADDRESSES. THE MAP THAT YOU HAVE THAT'S BEFORE YOU AND IT'S ON THE SCREEN RIGHT NOW REPRESENTS FOUR SPECIFIC AREAS OF THE NCCD THAT ARE PROPOSED. AND THESE FOUR AREAS REPRESENT THE DIFFERENT STANDARDS AND USES THAT WOULD BE ALLOWED. THE FIRST AREA, THE AREA NUMBER ONE, WHICH COMPROMISES THE MAJORITY OF THE SITE THAT ARE MAINLY IN -- OFF YELLOWISH GREEN AND GREEN AREAS IS THE RESIDENTIAL DISTRICT AND PRETTY MUCH DOES ALLOW FOR SOME CIVIC USES, DOES ALLOW FOR THE MAJORITY OF THE RESIDENTIAL USES THAT YOU WOULD FIND SINGLE FAMILY DUPLEX, THAT TYPE OF A DEVELOPMENT. IT ALSO HAS TWO OTHER DISTRICTS THAT ARE NOT ON THE MAIN [INDISCERNIBLE] GUADALUPE, AVENUE A DISTRICT, WHICH IS FURTHER TO -- KIND OF THE WESTERN BOUNDARY OF THE PROPERTY, ITEM NO. 2. AND ALSO THE DUVAL DISTRICT, WHICH ARE KIND OF BRACKETED ON EITHER END TO THE NORTH, ALONG 51st STREET AND AGAIN AT 45th AT EITHER END OF DUVAL STREETS. THE LAST AREA IS THE GUADALUPE DISTRICT. THE GUADALUPE DISTRICT IS THE AREA THAT -- THAT IS ON THE WESTERN MOST BOUNDARY OF THIS. THIS TRACT IS SOUTHEAST OF THE TRIANGLE AREA THAT'S CURRENTLY UNDER DEVELOPMENT AND HAS NEIGHBORHOOD PLANS THAT HAVE ALREADY BEEN ADOPTED IN NORTH LOOP, WHICH IS ABOVE THIS AREA. AS I SAID BEFORE, THE HYDE PARK NEIGHBORHOOD PLAN TO THE SOUTH. UNDER THE CURRENT RESIDENTIAL DISTRICT, THE PROPOSED MODIFICATIONS TO THE DISTRICT. AND PROBABLY FIRST AND FOREMOST IS THE EFFECT ON HEIGHT. THE NCCD PROPOSES A HEIGHT LIMITATION OF 30 FEET. WHICH TYPICALLY WOULD BE 35 AND THE SF 2 AND SF 3 DISTRICT, THE HEIGHT IS LIMITED TO TWO AND A HALF STORIES OR 30 FEET IN HEIGHT FOR THIS PROPOSAL. THE MULTI-FAMILY DISTRICTS OF THE MF 3 AND MF 4 DISTRICTS ARE ALSO MODIFIED TO REDUCE THEIR FAR'S TO BE LESS, .5 TO 1 INSTEAD OF .75 FOR THE MF 3 AND THE MF 4 DISTRICT.

THE AMOUNT OF BUILDING COVERAGE WOULD BE REDUCED AS WELL FROM 55% IN MF 3 AND 60% IN MF 4 DOWN TO 50%. THE IMPERVIOUS COVER WOULD ALSO BE REDUCED DOWN TO 60%. AND THIS WOULD BE KEEPING MORE WITH THE -- WITH THE RESIDENTIAL CHARACTER AND INTENSITY OF DEVELOPMENT THAT YOU WOULD FIND THROUGHOUT MOST OF THE HYDE PARK AREA. THE BUILDING HEIGHTS WOULD ALSO BE REDUCED. IN GENERAL. IN THIS AREA OF THE RESIDENTIAL DISTRICT DOWN TO 30 FEET OR TWO AND A HALF STORIES. IN THE AVENUE A DISTRICT, HEIGHTS WOULD BE MODIFIED, AGAIN THIS IS AREA NUMBER TWO ON YOUR MAP, AND THE HEIGHTS WOULD BE DROPPING TO 30 AND A HALF FEET AND 35 FEET. AND THERE'S SOME CONDITIONS THAT I'LL KIND OF GO THROUGH THOSE IN A MINUTE. WHEN YOU GET TO THE MULTI-FAMILY DISTRICTS, THE MF 3 IS PROPOSED AT 35 AND THE MF 4 IS PROPOSED AT 40, WHICH ARE BOTH REDUCTIONS IN HEIGHT. THE AVENUE A DISTRICT WHERE THERE IS OTHER RETAIL ZONING AND G.O. AND GR, THOSE HEIGHTS ARE ALSO REDUCED TO -- TO 35 OR 40 FEET, DEPENDING ON THE CIRCUMSTANCE. NOW THE DUVAL DISTRICT AND THIS IS WHERE THERE'S -- THERE'S CURRENTLY SOME C.S. ZONING, WHICH IS A VERY INTENSIVE RETAIL DISTRICT, WOULD REDUCE THE AMOUNT OF IMPERVIOUS COVER FROM 95% TO 80%, THESE BUILDING HEIGHTS FROM 60 FEET TO 30 FEET OR TWO AND A HALF STORIES. PROVIDES FOR SOME SOME YARD AND REAR YARD SETBACKS AND WILL REDUCE THE FAR FROM -- DOWN TO .5 FROM WHAT IT IS RIGHT NOW THE TWO TO ONE. THE LAST DISTRICT, THE ASSIGNMENT DEVELOPMENT REGULATIONS HAVE BEEN MODIFIED, NOT A LOT, I SHOULD SAY IT'S REALLY ONLY THE HEIGHT WOULD BE FOR THE GR, GR ZONING ON THE GUADALUPE DISTRICT IN GENERAL. THAT WOULD BE BRINGING THE HEIGHTS DOWN FROM 60 FEET TO 50 FEET. SO THAT'S A SUMMARY OF GENERALLY THE SITE DEVELOPMENT REGULATIONS THAT ARE MODIFIED. THE GENERAL NCCD DOES HAVE SOME THINGS THAT -- THAT WOULD BE SPOKEN OF THROUGHOUT THE NCCD AND THOSE ARE PRETTY MUCH IN YOUR BACKUP. THEY DEAL WITH CIRCULAR DRIVEWAYS, DRIVEWAY RUNNERS, DEFINITIONS OF STORIES, PROVISIONS FOR TANDEM PARKING AND THOSE ARE FOUND THROUGH SOME OF THE DEFINITIONS THAT ARE IN YOUR BACKUP. THE STAFF RECOMMENDATION

FOR THIS WAS TO RECOMMEND THE NCCD, WHICH WAS LARGELY BASED ON THE DOCUMENT THAT WAS USED ON JUNE 3rd OF THIS YEAR. AND WITH THE CHANGE THAT STAFF NOTED THAT THERE ARE CERTAIN TRACTS, I'LL CHANGE THE MAP, -- THIS OTHER MAP -- THIS IS THE TRACT MAP. BLACK AND WHITE MAP. THERE WERE THREE TRACTS, TRACTS TWO, THREE, AND FOUR THAT STAFF WAS RECOMMENDING MIXED USE COMPONENT BE ADDED TO THE COMMERCIAL BASE ZONING. THE PLANNING COMMISSION ON JUNE 12th RECOMMENDED THE NCCD, RECOGNIZED STAFF WITH SOME EXCEPTIONS FOR A PARTICULAR ADDRESS. WHICH IS LOCATED AT 4505 DUVAL. THEY LOOK -- THEY RECOMMENDED LIMITING THIS PROPERTY TO THE EXISTING COMPATIBILITY STANDARDS, ALSO ADDITIONAL RESTRICTIONS AGREED UPON BY THE NEIGHBORHOOD AND THE APPLICANT ON THE 4500 DUVAL TO PROHIBIT AUTO WASHING, EXCEPT AS AN ACCESSORY USE, NOT TO EXCEED 20% OF THE SITE AREA AND TO LIMIT THE HEIGHT TO 30 FEET FROM THE WEST PROPERTY LINE TO 35 FEET FOR THE REMAINDER. THAT WAS RECOMMENDED TO YOU BY THE PLANNING COMMISSION ON A VOTE OF 7-1. WITH THAT I WOULD LIKE TO WALK THROUGH THE MOTION SHEET ITSELF. THIS IS THE LARGE HANDOUT THAT YOU HAVE. AND MAYOR WHAT I WOULD LIKE TO DO IS GIVE AN OVERVIEW, PERHAPS HEAR THE PUBLIC TESTIMONY BEFORE THE ACTUAL -- WE ACTUALLY GO THROUGH THE DIFFERENT VOTES. IT MAY BE BEST THAT I JUST KIND OF COVER THIS. THE STAFF WOULD GO THROUGH THE MOTIONS AS GENERALLY RECOMMENDING AND GOING THROUGH FOR FIRST READING ONLY TODAY THE APPROVAL OF HYDE PARK NORTH NEIGHBORHOOD CONSERVATION COMBINING DISTRICT, NP, THERE WOULD BE SOME GENERAL EXCEPTIONS, BUT THAT WOULD BE THE FIRST MOTION THAT WOULD BE MADE. THEN I WOULD BRING TO YOUR ATTENTION A SMALL LOT AMNESTY PROVISION THAT WAS NOT ENDORSED BY THE COMMISSION, BY THE STAFF OR BY THE MAJORITY OF THE NEIGHBORHOOD STAKEHOLDERS, ALTHOUGH THERE MAY BE ONE OR TWO THAT ACTUALLY HAVE A DESIRE FOR THAT. AND THEY MAY COME FORWARD THIS EVENING. THEN THERE ARE SPECIFIC TRACTS THAT ARE ON PAGE 2 THAT ARE LISTED AS SHOWN ON THE TRACT MAP THAT I HAVE SHOWN YOU EARLIER, THERE ARE DOWN ZONINGS OR REZONINGS

OF PROPERTY. THEN I CAN COVER THOSE AND IF THERE'S NO OBJECTION, BY THE COUNCIL, WE CAN TAKE THOSE AS ITEMS -- AS ONE ITEM AND THAT'S ITEM -- FOR TRACTS 1 THROUGH TRACT 12. THERE'S A NOTATION I JUST WANT TO MAKE ABOUT THE DUVAL DISTRICT, ABOUT 4505 AND THE NEIGHBORHOOD'S DESIRE ABOUT THAT PARTICULAR PROPERTY. THAT'S CONTINUING OVER ON PAGE 4. YOU GO TO PAGE 5, THERE'S A SLIGHTLY DIFFERENT PROPOSAL WITH RESPECT TO THE AVENUE A DISTRICT THAT THE COMMISSION DID NOT NECESSARILY ENDORSE, BUT THE STAFF IS, WOULD BE RECOMMENDING. THE PROPERTY OWNERS THAT WE UNDERSTAND WOULD BE AFFECTED WOULD BE IN FAVOR OF AND THE NEIGHBORHOOD WOULD ALSO BE AFFECTED OF [SIC], THAT'S ON PAGE 5. FINALLY FROM PAGE 6 AND GOING BACK, THERE ARE SOME PETITION PROPERTIES WHERE PROPERTY OWNERS HAVE FILED VALID PETITIONS AS THE SOLE OWNERS OF THESE PROPERTIES AND HAVE REQUESTED TO BE REMOVED FROM THE NCCD. AND THOSE ARE ALSO ATTACHED. AGAIN, THESE PETITIONS LIKE ANY ZONING PETITION ARE EFFECTIVE UPON THIRD READING, SO IT WOULD ONLY BE NECESSARY FOR FOUR AFFIRMATIVE VOTES TO MOVE FORWARD THIS EVENING. I UNDERSTAND THERE HAS BEEN SOME NEGOTIATION THAT HAS GONE ON WHILE YOUR HEARINGS HAVE BEEN PROGRESSING THIS EVENING ON ZONING CASES, SOME OF THESE ITEMS THAT HAVE PETITIONS, IF THE COUNCIL WOULD MOVE FORWARD WITH THE AGREEMENTS THAT I WILL PROBABLY READ IN LATER, BOTH THE NEIGHBORHOOD AND THE PROPERTY OWNERS ARE BOTH IN AGREEMENT AND THE PROPERTY OWNER WOULD NOT HAVE AN OBJECTION IF THE COUNCIL VOTES IN ACCORDANCE WITH THE PETITION OR VOTES IN ACCORDANCE WITH THEIR WISHES AND THEIR AGREEMENTS, THE PETITION WOULD NOT BE EFFECTIVE IN THE SENSE THAT IT WOULD REQUIRE A 6 OUT OF 7 VOTE. IT WOULD ONLY REQUIRE FOUR VOTES. WITH THAT I'LL PAUSE, IF YOU HAVE ANY QUESTIONS I WILL BE HAPPY TO ANSWER THEM. I HAVE SOME STAFF MEMBERS HERE THAT HAVE WORKED ON THE CASES, THE ORIGINAL HYDE PARK NEIGHBORHOOD PLAN REZONING CASE TO THE SOUTH AND SEVERAL STAFF MEMBERS THAT HAVE BEEN HERE, ATTENDED A LOT OF EVENING MEETINGS WITH SOME OF THE NEIGHBORHOOD STAKEHOLDERS. MAYOR THANK

YOU FOR ALL OF YOUR HARD WORK. ARE YOU SUGGESTING WE TAKE THE CITIZEN FEEDBACK NOW --

YES. THE CITY IS THE APPLICANT I GUESS IN THIS CASE, YOU COULD TAKE THOSE I GUESS IF FAVOR AND THOSE OPPOSED THEN WE COULD ADDRESS THE MOTION SHEET AT THAT TIME.

Mayor Wynn: FAIR ENOUGH, THANK YOU. THAT WILL BE CONSIDERED OUR APPLICANT PRESENTATION. NOW PEOPLE WISHING TO SPEAK IN FAVOR IN SOME FORM OR FASHION OF THE NCCD ZONING VOTE. AND THEN THOSE IN OPPOSITION. [INDISCERNIBLE] JERRARD, ARE YOU HERE? KAREN IS FURTHER DOWN. A BUNCH OF FOLKS ARE GIVING HER TIME. KAREN, WOULD YOU LIKE TO GO FIRST? ALL RIGHT, STEP ON UP. LET'S SEE, SO IT'S PAM WITTINGTON STILL HERE, HOW ABOUT CYNTHIA LION? HOW ABOUT MINI -- MIDDY MERR. KAREN UP TO NINE MINUTES IF YOU NEED THEM.

THANK YOU, MAYOR, I'M KAREN MCGRAW, CHAIRMAN OF THE HYDE PARK PLANNING TEAM. I'M REALLY HAPPY TO BE HERE TONIGHT TO FINISH THIS LONG, LONG PROJECT. THIS WILL COMPLETE THE NEIGHBORHOOD PLAN FOR HYDE PARK THAT WE ACTUALLY STARTED EVEN WAY BACK, 1985, 1990. IT WILL COMPLETE THE ZONING. WE ARE VERY EXCITED ABOUT THAT. AS GREG GUERNSEY SAID, MANY, MANY, MANY NEIGHBORS. I THINK THAT YOU CAN SEE WE HAVE A NUMBER OF NEIGHBORS HERE TONIGHT, BUT THE NUMBER OF NEIGHBORS WALKED BLOCK, COME TO MEETINGS, SENT E-MAILS, WORKED ON THIS IS REALLY TREMENDOUS, WE DO HAVE TREMENDOUS SUPPORT. I KNOW THAT YOU HAVE HEARD FROM A LOT OF THOSE FOLKS WHO WEREN'T ABLE TO BE HERE TONIGHT. ALTHOUGH OUR NEIGHBORHOOD HAS MANY, MANY TRADITIONAL HOMES, THE NCCD IS SUPPOSED TO RECOGNIZE SIGNIFICANT ARCHITECTURAL STYLES. WE HAVE MANY ARCHITECTURAL STYLES, BUT WHAT THEY ALL SHARE ARE THESE TRADITIONAL PATTERNS. WHAT WE ARE TRYING TO DO THROUGH THIS NCCD IS TO RECOGNIZE THOSE TRADITIONAL PATTERNS AND KEEP NEW DEVELOPMENT TO BE COMPATIBLE WITH THE TRADITIONAL DEVELOPMENT THAT WE HAVE. SO WHAT WE ARE LOOKING AT ARE THINGS LIKE FRONT LAWNS, FRONT DOORS, WE

DON'T HAVE BUILDINGS ON STILTS, WE DON'T HAVE BUILDINGS THAT ARE 35 FEET TALL. AND MOST OF OUR BUILDINGS HAVE PARKING TO THE REAR. SO THESE ARE THE PATTERNS THAT WE ARE TRYING TO REFLECT IN THIS NCCD TO BETTER CONSERVE THE CHARACTER OF OUR NEIGHBORHOOD. WHEN WE WENT TO THE PLANNING COMMISSION, THERE WERE THREE ISSUES THAT WERE BROUGHT UP. ONE WAS AFFORDABLE HOUSING WHICH IS PRETTY TOUGH IN A NEIGHBORHOOD WITH SUCH HIGH VALUES AS WE HAVE. BUT WE DID MEET WITH STEWART HIRSCH WITH NEIGHBORHOOD HOUSING. HE IDENTIFIED TWO PROGRAMS HE WANTED TO DO IN THIS NEIGHBORHOOD, WE AGREED WITH THOSE. SO THOSE ARE REFLECTED IN THE LAST COUPLE OF PAGES OF THE 63 DRAFT THAT YOU HAVE, SO WE FULLY SUPPORT THOSE TWO PROGRAMS AND WE'LL BE HAPPY TO ANSWER ANY QUESTIONS ABOUT 'EM, BUT I'M NOT GOING TO GO INTO ANY LENGTHY DESCRIPTIONS RIGHT NOW. THERE WAS ALSO A REQUEST FROM THE PLANNING COMMISSION TO ADMITTED USE TO SOME ADDITIONAL SITES. WE HAVE SOME MULTI-FAMILY SITES THAT WERE ZONED COMMERCIAL. WE INITIALLY THOUGHT THAT WE WOULD SIMPLY ZONE THEM TO MULTI-FAMILY BECAUSE THAT'S WHAT THEY WERE, BUT WE WENT BACK AND ADDED THE MIXED USE TO I THINK THREE SITES THAT WE HAD PREVIOUSLY SAID WOULD BE MULTI-FAMILY. THEY ALSO ASKED US TO LOOK AT WHAT'S CALLED THE RIDGETOP AREA, BUT IT'S NOT REALLY ALL RIDGETOP, EAST OF DUVAL. WE MET WITH SEVERAL PEOPLE WHO REALLY SAID THAT THOSE WERE DIFFERENT AREAS. WHILE THERE ARE SOME LATER DEVELOPMENTS IN THOSE AREAS, THERE ARE ALSO SOME VERY TRADITIONAL DEVELOPMENTS. BUT WE MADE CHANGES TO OUR DRAFT FOR SOME OF THOSE FOLKS. AND HAD VERY SPECIFIC MEETINGS. UNFORTUNATELY, WE ARE SEEING THOSE FOLKS FILE VALID PETITIONS AT THIS POINT EVEN THOUGH WE HAVE SPENT A TREMENDOUS AMOUNT OF TIME WITH THEM ANSWERING THEIR QUESTIONS AND REVISING THE DRAFT. THERE HAVE BEEN VARIOUS PROPERTY OWNERS THAT WE HAVE WORKED WITH. AS OF RIGHT NOW, WE HAVE AGREEMENT WITH THE AVENUE A DISTRICT OWNERS. WE HAVE AGREEMENT WITH 4500 DUVAL WITH THAT OPEN OWNER, THE ONLY OUTSTANDING ISSUE

THAT WE HAVE IS WITH 4505 WHICH IS A LARGE TRACT WITH MULTI-FAMILY, WE ARE WORKING WITH THAT OWNER. WE WOULD BE HAPPY TO TAKE SOME MORE TIME TO WORK WITH THAT OWNER. OUR INTEREST RIGHT NOW IS TO GET THE REST OF THIS NCCD NAILED DOWN BECAUSE MANY PERMITS ARE BEING PULLED TO GET AHEAD OF THIS. SO THAT'S OUR INTEREST RIGHT NOW. I WOULD BE HAPPY TO GO THROUGH THAT MOTION SHEET WITH YOU, TOO. I THINK WHAT OUR INTEREST IS IS TO BE SURE THAT WE REALLY GET THINGS DOWN RIGHT BECAUSE IT IS COMPLEX, BUT WE HAVE TRIED VERY HARD TO SAY ON ALMOST EVERY TRACT FOR THE MOST PART THE PLANNING COMMISSION, THE STAFF AND THE NEIGHBORHOOD AND IN MOST CASES THE PROPERTY OWNERS ARE ALTOGETHER. SO WE ARE TRYING TO MAKE THIS SIMPLE. YOU MAY HAVE A FEW QUESTIONS, BUT WE WOULD BE HAPPY TO TAKE THE TIME TO ANSWER ANY QUESTIONS TO MAKE SURE THAT WE GET THIS RIGHT. YOU HAVE HAD -- I KNOW THE PROPERTY OWNER FOR TRACT 1, CAME IN, SIGNED IN, SEVERAL OTHERS FOR SOME OF THE OTHER TRACTS, WE JUST URGE YOU TO ADOPT THIS TONIGHT IF YOU POSSIBLY CAN. POSSIBLY HOLDING 4500 FOR A WEEK OR SO BECAUSE WE HAVE A COVENANT THAT WE ARE DOING WITH GUY OLIVER AND I DON'T KNOW THE TRACT ON THAT, 4500 DUVAL, IT'S ALL DONE, WE ARE ALL IN AGREEMENT. THERE IS A COVENANT. BUT IT HASN'T BEEN SIGNED. ALL WE NEED TO DO IS GET THAT COVENANT SIGNED. AND THAT IS THE TRACT THAT IS AUTO REPAIR, OUR CONCERNS WITH THAT TRACT WERE SAFETY BECAUSE IT IS A COMPLETELY OPEN CURB, IT IS NOT A VERY GOOD SITUATION WITH AUTO USES AND A LOT OF PEDESTRIANS AT THAT SITE. FORTUNATELY, IN OUR ATTEMPTS TO GET THAT SOLVED, COUNCILMEMBER MCCRACKEN CAN FORWARD AND HELPED US GET THE SIDEWALK INTO THE 45th STREET RECONSTRUCTION PROJECT GOING ON AT THIS TIME, SO WE WERE ABLE TO PERMIT THE AUTO RELATED USES THERE BECAUSE WE KNOW THEY HAVE TO BE SOMEWHERE. WE HAVE COME TO AN AGREEMENT ABOUT THAT. BUT WE DO HAVE A FEW THINGS IN A COVENANT. THAT'S ALL THAT WE NEED TO DO IS GET THAT COVENANT SIGNED. WE HAVE A LOT OF NEIGHBORS HERE, I WOULD LIKE FOR ALL OF THEM TO STAND UP OR RAISE THEIR HANDS OR SOMETHING BECAUSE WE ARE NOT GOING TO ALL SPEAK. AND I'M NOT

GOING TO GO THROUGH THAT MOTION SHEET RIGHT NOW. BUT I'M GOING TO STAY RIGHT HERE, I'M GOING TO ANSWER ANY QUESTION THAT YOU HAVE, I'M GOING TO TRY TO HELP KEEP US ALL ON TRACK SO WE DO ALL OF THIS RIGHT. OKAY? SO ANYWAY THERE MAY BE A FEW OTHERS THAT WANT TO SAY SOMETHING BRIEFLY, BUT WE THANK YOU ALL VERY, VERY MUCH.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: YOU SAID THAT YOU HAD COME TO AN AGREEMENT ON EVERYTHING EXCEPT 4500 AND 4505 DUVAL.

4500 WE ARE IN AGREEMENT BUT WE HAVE A COVENANT TO SIGN. 4505 WE ARE STILL WILLING TO POSTPONE THAT IF WE NEED TO. BUT WHAT WE WOULD REALLY LIKE FOR YOU TO DO IS TO ADOPT ALL OF THE LANGUAGE THAT WE HAVE TO DATE IS IN THE NEIGHBORHOOD COLUMN ON YOUR MOTION SHEET. AND THAT LANGUAGE IS MORE LENIENT FOR THE PROPERTY OWNER THAN WHAT IS IN THE DRAFT. THAT REFLECTS WHERE WE HAVE COME IN OUR NEGOTIATIONS. SO WE WOULD BE HAPPY, IF YOU WOULD TAKE THAT LANGUAGE THAT'S MORE LENIENT TONIGHT AND LET US CONTINUE TO HAVE SOME MORE DISCUSSION ON 4505. AND THEY ARE HERE, TOO, THE OWNER IS HERE, TOO.

Leffingwell: WHAT ABOUT THESE OTHER TWO THAT HAVE VALID PETITIONS?

THE RESIDENTIAL ONES?

Leffingwell: ON PAGE 6. YEAH, RESIDENTIAL, 4912 AVENUE G, ET CETERA.

YES.

Leffingwell: AND THE OTHER ONE IS 46th STREET.

HERB JAKE AND HIS WIFE LYNN SERIN CAME TO A NUMBER OF MEETINGS. WE DID A LOT OF THINGS TO CHANGE THE DRAFT BOTH FOR THEIR HOME AT 4912 AVENUE G, A VERY SMALL LOT, WE CRAFTED LANGUAGE FOR THE REDEVELOPMENT OF LOTS LIKE THAT. WE ALSO MADE

CHANGES TO THE DRAFT FOR THE AREA EAST OF DUVAL, THEY OWN TWO DUPLEXES. AND THE LAST TWO WEEKS THEY HAVE PULLED PERMITS FOR TWO 4,000 SQUARE FOOT DUPLEXES ON THOSE LOTS. SO THEY HAVE ALSO FILED A VALID PETITION. SO I -- SEEMS TO ME THAT THEY HAVE PERMITS, I DON'T KNOW WHY THEY NEED TO BE LEFT OUT OF THIS NCCD. I WOULD HOPE THAT THEY WOULD BE INCLUDED. AS FAR AS I KNOW, FOR THE MOST PART, THOSE BUILDINGS MEET THE REGULATIONS IN THE NCCD FOR THE MOST PART. AND THE OTHER ONE THAT YOU HAVE, I BELIEVE IS DAN DAY, IS THAT THE ONE THAT YOU ARE LOOKING AT, IT'S GOT THREE LOTS. HE HAS IN THE LAST FEW WEEKS TAKEN PERMITS FOR THREE HOUSES. I KNOW AT LEAST A COUPLE OF THOSE ARE THREE STORY HOUSES, THEY DO HAVE PARKING ON THE FRONT. THEY ARE NOT NECESSARILY MEETING ALL OF THE THINGS WE HAVE, BUT HE HAS THOSE PERMITS. SO AGAIN -- HE NEVER CAME TO A MEETING OR WORKED WITH US AT ALL. SO WE WOULD LIKE THOSE TO BE INCLUDED IN THE NCCD JUST FOR ANY FUTURE WORK THEY MIGHT DO.

Leffingwell: OKAY, THANK YOU. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

ONE OF THE FIRST THINGS WE DID WAS GET A GROUP OF 25 NEIGHBORS AND WALK EVERY BLOCK IN THIS HUGE AREA AND DO A SURVEY OF ALL THE BUILDINGS, EVERYTHING THAT WAS ON THE GROUND AT THAT POINT. SOME OF THAT HAS OBVIOUSLY CHANGED IN THE LAST TWO AND A HALF YEARS SO WE WOULD HAVE A GOOD IDEA INSTEAD OF OUR OWN PERSONAL OPINIONS INSTEAD OF WHAT WAS REALLY GOING ON AND HOW WE REALLY LIVE IN THAT AREA. SO MOST OF WHAT WE CAME UP WITH WAS BASED ON THE DATA THAT CAME FROM THE SURVEY THAT WE UNDERTOOK. AT THE SAME TIME I WAS A MEMBER OF THE HYDE PARK NEIGHBORHOOD ASSOCIATION PRESERVATION COMMITTEE, AND AS A PARALLEL PROJECT, WE WERE LOOKING AT POSSIBLE NATIONAL HISTORIC AREAS IN NORTH HYDE PARK BECAUSE NOBODY HAD REALLY EVER CONSIDERED THIS PART OF HYDE PARK FOR A NATIONAL HISTORIC REGISTRY DISTRICT. AND THE NEIGHBORHOOD ASSOCIATION ALLOCATED SOME FUNDS, WE HIRED A PRESERVATIONIST TO DO A WINDSHIELD SURVEY TO IDENTIFY WHETHER

THERE WERE STILL AREAS THAT ARE NOT SO DIFFERENT AND HAVE NOT BEEN MODIFIED TO THE POINT THAT THEY WOULDN'T BE CONSIDERED FOR HISTORIC DISTRICT. AND TWO FAIRLY LARGE AREAS WERE IDENTIFIED, ONE WEST OF DUVAL AND ONE EAST OF DUVAL, WITH A LARGE NUMBER OF CONTRIBUTING PROPERTIES THAT HAVE BEEN BUILT ANYWHERE FROM 1890 UP TO THE PRESENT. SO THE FABRIC IN THIS AREA IS REALLY RICH AND I'M REALLY HERE TONIGHT TO SAY WE'VE WORKED VERY HARD AND I WOULD REALLY ENCOURAGE YOU TO ADOPT THIS NCCD. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, DID HE NICE. THE NEXT -- DENISE. THE NEXT SPEAKER IS BRUCE NADIG. HELLO. CONGRATULATIONS ON YOUR APPOINTMENT THIS MORNING.

I WANTED TO THANK ALL OF YOU FOR THAT. THANK YOU.

Mayor Wynn: AND IS R. RICHARDSON HERE? HELLO. AND LARRY CLAY. SO BRUCE, YOU WILL HAVE SIX MINUTE IF YOU NEED IT.

THANKS, COUNCILMEMBERS. FIRST I WOULD LIKE TO THANK KAREN MCGRAW FOR ALL THE HARD WORK SHE'S DONE ON THIS. SHE'S WORKED TIRELESSLY ON THIS AND WE COULDN'T HAVE DONE IT WITHOUT HER. THIS AFTERNOON HIEL I WAS PREPARING I DID GO THROUGH THE BACKUP THAT YOU RECEIVED AND I DID SEND IN ONE OF MY RESPONSE SHEETS SAYING I WAS IN FAVOR. THAT DID NOT MAKE IT INTO THE BACKUP NOR DID A COUPLE OF RESPONSE SHEETS THAT I FAXED IN FROM MY NEIGHBORS. SO I THINK THAT THE SUPPORT FOR THIS IN OUR LITTLE COMMUNITY IS MUCH MORE WIDESPREAD THAN IT MAY APPEAR. MY WIFE AND I OWN A HOUSE IN THE PEDDERSON SUBDIVISION WHICH IS PART OF THE NORTH HYDE PARK AREA AND YOU MAY HAVE NOTICED IN THE BACKUP MATERIAL WE HAVE WANTED SF 2 ZONING FOR JUST THE PATTERTON HEIGHTS AREA. WE HAVE A SERIES OF DEED RESTRICTIONS WHICH REDISTRICT I BELIEVE ALL BUT THREE OF THE PROPERTIES FROM HAVING A SINGLE DWELLING UNIT ON THEM. WE DECIDED WE WOULD LIKE TO GO AHEAD AND MAKE THESE REGULATIONS UNIFORM, AND COVER THE WHOLE PATTERTON HEIGHTS AREA WITH SF-2. RIGHT NOW

TONIGHT WHETHER YOU DECIDE TO APPROVE THE SF 2 OR NOT, WE HAVE THE SAME SITUATION IF COUNCIL APPROVES IT, THE CITY WON'T BE ISSUING BUILDING PERMITS TO PEOPLE WHO MIGHT WANT TO BUILD A DUPLEX, FOR EXAMPLE. IF YOU DON'T GO THE SF-2 ZONING TONIGHT, WHAT'S GOING TO HAPPEN IS WE'RE JUST GOING TO BE CONTINUING THE SAME SITUATION THAT WE CURRENTLY HAVE, AND MY NEIGHBORS AND I ON SEVERAL OCCASIONS HAVE BEEN FORCED TO HIRE ATTORNEYS TO ASSERT OUR DEED RESTRICTIONS UNDER THE LAW. WE'VE DONE THIS ON A COUPLE OF OCCASIONS, AND ALL THE DEED RESTRICTION DOCUMENTS HAVE BEEN REVIEWED BY ATTORNEYS AND FOLKS WITH BUILDING PERMITS HAVE REALIZED THAT THEY CAN'T DO WHAT THEY WANTED TO DO. THE CITY WOULD BE SAVING EVERYBODY A LOT OF TIME, TROUBLE AND MONEY IF THEY WOULD GO AHEAD AND APPROVE THE SF-2 ZONING FOR THIS NEIGHBORHOOD. I KNOW THERE ARE SEVERAL PEOPLE WHO HAVE VALID PETITIONS. WITH THE EXCEPTION OF 4500 DUVAL AND 4505 DUVAL, THEY BOTH HAVE REPRESENTATIVES HERE TONIGHT. THE OTHER FOLKS THAT HAVE FILED THEIR VALID PETITIONS HAVEN'T SEEN FIT TO COME AND ASSERT THEIR CLAIM TONIGHT. AND MR. DAY IN FACT WAS HERE EARLIER THIS EVENING AND HE'S LEFT. IT'S REALLY IMPORTANT TO US WITH ALL THE WORK THAT WE'VE DONE THAT WE ADOPT THE NCCD AS A WHOLE. A CONSIDERABLE AMOUNT OF WORK HAS BEEN DONE OVER THE PAST TWO AND A HALF YEARS, AND IT WOULD REALLY BE A SHAME IF WE END UP DOING IT PATCHWORK AND LEAVING CERTAIN PROPERTIES OUT RATHER THAN INCORPORATING ALL OF THEM. WE'VE HAD EXTENSIVE MEETINGS WITH EVERYONE EXCEPT MR. DAY, WHO DECIDED NOT TO PARTICIPATE IN OUR TALKS. AND WE'VE GONE OVER VERY, VERY CAREFULLY EVERYONE'S ISSUES AND WE'VE WORKED AND MADE A CONSIDERABLE NUMBER OF CHANGES IN THE NCCD. WE'VE DONE THAT FOR HERB AND LYNN AND DONE THAT FOR JERRY, AND IT'S REALLY A SHAME THAT THEY'VE CHOSEN TO THE TO BE HERE TONIGHT TO REPRESENT THEMSELVES AND SIMPLY OPT OPT OUT. WE'VE WORKED WITH THEM DILIGENTLY AS WE HAVE WITH ANYBODY WHO HAS CONCERNS. THAT'S ALL I HAVE FOR YOU TONIGHT. IF YOU HAVE ANY QUESTIONS, I WOULD

CERTAINLY BE HAPPY TO ANSWER THEM. THANK YOU.

Mayor Wynn: THANK YOU, MR. NADIG.

CAN I MAKE ONE MORE COMMENT? I'M SORRY.

Mayor Wynn: YOU BET.

WE WOULD BE TICKLED PINK IF YOU COULD PASS THIS ON THREE READINGS TONIGHT WITH THE EXCEPTION OF TWO ON DUVAL. IT REALLY IS IMPERATIVE HERE WITH THE LARGE NUMBER OF PERMITS THAT HAVE BEEN PULLED RECENTLY FOR THE BUILDINGS THAT FALL OUTSIDE THE GUIDELINES OF THE NCCD. THOSE THINGS ARE REALLY DISMANTLING OUR NEIGHBORHOOD. SO IF WE COULD GET THIS DONE AS QUICKLY AS POSSIBLE. THAT WOULD BE GREAT. AND IF WE HAVE THIS LITTLE BIT OF TIME, THE 4500 AND 4505, WE WOULD LIKE TO RESOLVE OUR DIFFERENCES. WE'RE WELL ON THE WAY TO DOING THAT.

Mayor Wynn: THANK YOU. I THINK MY COLLEAGUES AGREE WITH ME THAT WE WOULD LOVE TO GET THIS DONE AS QUICKLY AS POSSIBLE. THE NEXT SPEAKER IS NORMAN JOHNS. WELCOME, NORMAN. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY STANLEY KINSINSKI, WHO WILL BE FOLLOWED BY ANDREW HOMER. >

I'VE LIVED IN THE HYDE PARK NEIGHBORHOOD BOTH SOUTH OF 45TH STREET AND NOW NORTH OF 45TH STREET FOR ABOUT 15 YEARS SINCE I STARTED DOING MY GRADUATE WORK AT U.T. AND I REALLY, REALLY LOVE THE NEIGHBORHOOD. I DEVOTE A LOT OF TIME IN HELPING OUT ON OUR HOME TOUR AND SO ON. I'VE BEEN FORTUNATE ENOUGH TO BUY A HOME ALMOST IN THE E.P.A. CENTER OF THAT MAP YOU SHOW EARLIER IN THE PROPOSED NCCD A COUPLE OF YEARS AGO, AND I CAN TELL YOU I HAVEN'T SPENT NEARLY AS MUCH TIME AS MY NEIGHBORS HAVE ON THIS ISSUE, BUT I WOULD URGE YOU TO REALLY STRONGLY CONSIDER PASSING THIS BECAUSE THE PACE OF CHANGE IN THE NEIGHBORHOOD IS VERY SERIOUS AND THREATENS TO ACTUALLY UNDERMINE WHAT WE'VE BEEN WORKING ON FOR THE LAST TWO YEARS, ESPECIALLY SOME OF MY OTHER NEIGHBORS AND ALL THE TIME THEY'VE DEVOTED. I CAN SEE

THAT JUST WHEN I WALK AROUND THE NEIGHBORHOOD EVERY EVENING THAT EVERYDAY THERE'S ANOTHER BULLDOZER IN THE NEIGHBORHOOD BASICALLY. SO TIME IS OF THE ESSENCE AND NOTHING IS PERFECT. THERE'S A FEW ISSUES WE'RE GOING TO WORK OUT, AS YOU'VE HEARD. I THINK THOSE ARE MINOR COMPARED TO THE BENEFITS OF PASSING THIS NCCD. THAT'S IT. ANY QUESTIONS? THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, NORMAN. STANLEY, WELCOME. YOU WILL HAVE THREE MINUTES. FOLLOWED BY ANDREW HOMER.

MY NAME IS STANLEY. I LIVE AT 4604 AVENUE G IN THIS AREA UNDER QUESTION. I AM THE CHAIRMAN OF THE DEVELOPMENT REVIEW COMMITTEE FOR THE HYDE PARK NEIGHBORHOOD ASSOCIATION. AS SUCH I GET TWO OR THREE CALLS A WEEK FROM PEOPLE WHO ARE WANTING INFORMATION OR WANTING TO BUILD SOMETHING OR EXPAND SOMETHING IN HYDE PARK. THE NCCD IN THE SOUTHERN END HAS REALLY MADE A BIG DIFFERENCE IN THIS. WE HAVE THE PLAN THERE, IT ADDRESSES ALMOST EVERYTHING THAT -- IF PEOPLE NEED A VARIANCE FOR SET BACK, THEY HAVE QUESTIONS ABOUT DRIVEWAYS OR IMPERVIOUS COVER, IT'S RIGHT RIGHT THERE IN BLACK AND WHITE. I CAN LOOK IT UP AND GIVE THEM WHAT THEY NEED. WE HAVE I THINK HELPED OUT A WHOLE LOT MORE PEOPLE IN THIS WAY BY HAVING SOME OF THE THINGS RELAXED. YOU COULDN'T BUILD HYDE PARK RIGHT NOW WITH THE CURRENT CODES WE HAVE, AND I THINK IT WOULD ACTUALLY HELPED OUT MORE PEOPLE AS WE'VE HELD OTHER PEOPLE'S FEET TO THE FIRE TRYING TO BUILD SOMETHING INAPPROPRIATE. AND WHEN WE BRING OUT THE NCCD AND EXPLAIN WHY IT'S THERE, WE CAN CHANGE A LOT OF PEOPLE'S MINDS ON THAT TOO THAT THERE ARE DIFFERENT WAYS AND THINGS THEY THOUGHT ABOUT. THIS AREA HAS VALUE TO THE CITY. IT'S RECOGNIZED BY MORE THAN JUST US PEOPLE WHO LIVE THERE. WE'RE RECOGNIZED BY THE SECRETARY OF THE INTERIOR AS AN HISTORIC NEIGHBORHOOD. THE HERITAGE SOCIETY OF AUSTIN HAS GIVEN US AN AWARD FOR HISTORIC PRESERVATION. THE CHAMBER OF COMMERCE HAS A WALKING TOUR OF HYDE PARK. WE HAVE OUR ANNUAL

HOMES TOUR WHICH LITERALLY THOUSAND OF PEOPLE HAVE COME TO OVER THE LAST 30 YEARS. THE LAST SEVERAL YEARS I HAVE BEEN A TROLLEY GUIDE AND THEN A CARRIAGE GUIDE AND TELLING STORIES ABOUT THE NEIGHBORHOOD. NOT ONCE IN ALL THE HUNDREDS OF PEOPLE HAVE I MET HAVE THEY ASKED ME, WHERE ARE THESE SUPER DUPLEXES WITH THE -- CRAMMED FULL OF STUDENTS? THAT'S WHAT WE WANT TO SEE! NO, THEY WANT TO SEE OUR HISTORIC NEIGHBORHOOD, OUR PLEASANT STREETS THAT I THINK HAS VALUE TO THE CITY FAR BEYOND THE EXORBITANT PROPERTY TAXES WE PAY FOR IT, AND SO I WOULD ASK FOR YOUR HELP IN HELPING TO PRESERVE THIS. THANK YOU.

Mayor Wynn: THANK YOU, STANLEY. ANDREW HOMER, WELCOME, ANDREW. YOU WILL HAVE THREE MINUTES. AND GO GET 'EM.

MAYOR WYNN AND COUNCILMEMBERS, MY NAME IS ANDY HOMER AND CHRIS AND I LIVE ON DUVAL STREET. WE'VE LIVED THERE SINCE 1994. WE'VE REMODELED AND ADDED ON TO OUR HOUSE AND LIKE MOST OF THE HOMEOWNERS IN OUR NEIGHBORHOOD HAVE DONE THEIR INVESTING AND THEY DO IT BECAUSE WE LIKE WHERE WE LIVE AND IT'S A NICE NEIGHBORHOOD. I GOT INVOLVED IN THIS ABOUT TWO AND A HALF YEARS AGO WHEN WE SAW A STATE OF SUPER DUPLEXES BEING PERMITTED AROUND US. I DO LIVE, ALONG WITH BRUCE, IN THE PATTERSON HEIGHTS AREA AND WE WERE ABLE TO USE OUR DEED RESTRICTIONS TO BLOCK THOSE ON TWO OCCASIONS. WE HAD TO SPEND MONEY, HIRE ATTORNEYS, BUT THE REASONS WE WERE SO OPPOSED TO THOSE IS THEY'RE JUST INAPPROPRIATE. THEY WERE BASICALLY THREE STORIES HIGH, THEY WERE TRYING TO DO 12 BEDROOM DUPLEXES THAT WOULD BE ADJACENT TO, IN SOME CASES, 800 SQUARE FOOT COTTAGES. AND THANKS TO THE COUNCIL I THINK YOU PUT A STOP TO THAT. COUNCILMEMBER DUNKERLEY, I WANT TO PERSONALLY THANK YOU. I KNOW THAT YOU CAME OUT AND LOOKED AT A BUNCH OF THOSE AND WE DO APPRECIATE THE COUNCIL'S ACTIONS ON THIS. BUT THIS NCCD WILL HELP TO MAKE SURE THAT WE HAVE APPROPRIATE DEVELOPMENT IN THE HYDE PARK AREA. WE WOULD ENCOURAGE YOU TO ADOPT THIS AS QUICKLY AS POSSIBLE. THERE ARE, AS YOU'VE HEARD,

PEOPLE WHO ARE TEARING DOWN SOME HOUSES, PUTTING STRUCTURES UP, AND MOST OF THOSE ARE OUTSIDE THE BOUNDS OF WHAT WE'RE TRYING TO DO THERE. SO WE DO THINK THAT TIME IS OF THE ESSENCE. AND I APPRECIATE YOUR EFFORTS ON THIS, AND IF WE HAVE ANY QUESTIONS WE CAN ANSWER, KAREN HAS DONE SUCH GOOD WORK ON THIS, REALLY THOUSANDS OF HOURS BY OUR NEIGHBORHOOD ASSOCIATION ON THIS, AND WE WOULD APPRECIATE YOUR SUPPORT. THANK YOU.

Mayor Wynn: THANK YOU. THAT'S ALL THE FOLKS WHO ACTUALLY WANT TO SPEAK IN FAVOR OF THE PLAN MO UNIQUE BEAUDET SIGNED UP NEUTRAL, I'LL READ INTO THE RECORD FOLKS WHO DON'T WANT TO SPEAK, BUT ARE IN FAVOR OF THE NEIGHBORHOOD PLAN. THAT WOULD BE CLAIRE DEYOUNG, MOLLY -- SORRY MOLLY. PATRICIA RICHARDSON, ALLEN MARBURGER. WELCOME, MO UNIQUE. YOU WILL HAVE THREE MINUTE.

HELLO. WE REPRESENT THE PROPERTY OWNER AT 4500 DUVAL. AND I'M APPRECIATIVE TO THIS NEIGHBORHOOD. WE'VE WORKED LONG AND HARD, MANY NIGHT MEETINGS, TRYING TO WORK OUT A WIN-WIN SITUATION ON THIS TRACT, AND WE'VE GOTTEN THERE. SO WHAT YOU HAVE BEFORE YOU TONIGHT ON THE MOTION SHEET ON PAGE 7 IS THE FOURTH COLUMN FROM THE END IS A CS-NCCD-NP WITH A LIST OF CONDITIONS AND THESE ARE THE CONDITIONS WE WERE ABLE TO AGREE ON. THERE ARE CERTAIN ITEMS THAT ARE IN A PRIVATE RESTRICTIVE COVENANT BECAUSE THEY CAN'T BE INCORPORATED INTO THE CITY ORDINANCE, AND WE'VE DRAFTED THAT, IT'S JUST A MATTER OF FINE TUNING IT A BIT, AND WE WILL HAVE THAT DONE PRIOR TO THIS COMING BACK FOR THIRD READING. AND WE CAN HAVE THAT READY BY NEXT WEEK BECAUSE I DO KNOW THAT THE NEIGHBORHOOD IS ANXIOUS TO GET THIS DONE FOR THE VARIOUS REASONS THAT THEY'VE POINTED OUT, AND WE'RE WILLING TO WORK WITH THEM ON GETTING THAT PRIVATE COVENANT EXECUTE UNDERSTAND A TIMELY MANNER. I WILL QUICKLY READ THAT THE AGREEMENT IS TO ADD SOME PERMITTED USES TO THE PLANNING COMMISSION RECOMMENDATION, WHICH IS BED AND BREAKFAST TYPE ONE AND TWO, CONVENIENCE SERVICES, HOTEL-MOTEL, PRINTING AND PUBLISHING LIMITED TO 200 TRIPS PER DAY,

AUTO WASHING ONLY IN CONJUNCTION WITH ANOTHER USE AND LIMITED TO NO MORE THAN 20% OF THE SITE AREA, AUTO RENTAL, AUTO SALES, SERVICE STATION, AND PLANT NURSERY AS A CONDITIONAL USE. SO AGAIN I'D LIKE TO SAY THAT WE'RE VERY APPRECIATIVE WITH THIS NEIGHBORHOOD FOR COMING TO A WIN-WIN SOLUTION, AND I THINK THE 45TH STREET RECONSTRUCTION PROJECT ALSO CONTRIBUTED TO THIS BECOMING A SUCCESSFUL SITE WITH THE NCCD BECAUSE OF THE SIDEWALKS THAT THE CITY IS DOING WITH THAT PROJECT, NOT ONLY UP THROUGH THIS AREA, BUT ALONG 45TH STREET AS A WHOLE, WHICH WILL BE A BENEFIT TO THE CITY AS A WHOLE. SO WE'RE IN SUPPORT OF THIS AND AGAIN, WE THANK THE NEIGHBORHOOD FOR WORKING WITH US. THANK YOU.

Mayor Wynn: THANK YOU. WE'LL NOW HEAR FROM FOLKS WHO ARE IN OPPOSITION TO AT LEAST A PIECE OF THE PLAN. THE FIRST SPEAKER IS ZACH WOLF. WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY EDWARD BLAINE.

GOOD EVENING, MAYOR, COUNCILMEMBERS, I'M ZACH WOLF, I'M AN ATTORNEY FOR THE OWNER OF THE OAK PARK APARTMENTS AT 4505 DUVAL. I ALSO WANT TO THANK KAREN AND DENISE AND BRUCE FOR MEETING WITH US AND DISCUSSING THIS PROPOSED NCCD WITH US. WE'RE CONTINUING THOSE DISCUSSIONS EVEN TONIGHT, BUT AS IT STANDS WE HAVE SOME DIFFERENCES OF OPINION OVER THE PROPOSALS. ONE THING WE CAN AGREE ON IS THAT THIS PROPERTY PRESENTS SOME COMPLEX ISSUES. THIS IS THE LARGEST PROPERTY IN THIS PROPOSED DISTRICT, AND IT CURRENTLY HAS TWO ZONING CLASSIFICATIONS ON IT, A LARGE CORNER OF THE PROPERTY IS CURRENTLY ZONED GR, AND THERE'S A PORTION AROUND THE BACK THAT'S ZONED MF-3. JUST TO CLARIFY A LITTLE BIT THE PROCEDURAL HISTORY HERE, THE INITIAL PROPOSAL WAS TO TAKE THE GR PORTION OF THE PROPERTY AND SIGNIFICANTLY SHRINK IT DOWN SO THAT IT WOULD ONLY BE ABOUT 25,000 SQUARE FEET. STAFF DID NOT AGREE WITH ZAP'S PROPOSAL. THEY RECOMMENDED KEEPING THE GR ZONING AND ALSO ADDING MIXED USE TO THAT SO THAT YOU COULD HAVE MIXED RETAIL -- MIXED COMMERCIAL AND RESIDENTIAL IN THAT CORNER AREA. THE PLANNING

COMMISSION AGREED WITH ZAP. THAT WAS A SIGNIFICANT EXCEPTION TO THEIR OVERALL APPROVAL OF THE NCCD. AND JUST TO CLARIFY WHAT'S ON THE MOTION SHEET HERE, WE'RE ON THE LAST PAGE AND UNDER THE OWNER'S POSITION IT SAYS MAINTAIN EXISTING ZONING AND SITE DEVELOPMENT STANDARDS. THAT IS TRUE, BUT WE ARE IN FAVOR OF ADDING THE MIXED USE TO THAT PORTION OF THE PROPERTY. I THINK THE PLANNING COMMISSION RECOGNIZES THIS IS AN IDEAL LOCATION FOR MIXED USE. WE AGREE WITH THAT. THE MOST RECENT PROPOSAL FROM THE HYDE PARK PLANNING TEAM IS TO KEEP THAT GR AREA INTACT, BUT TO PUT RESTRICTIONS ON TWO PORTIONS THAT FACE RESIDENTIAL LOTS ACROSS THE STREET. THAT IS CERTAINLY AN IMPROVEMENT OVER WHAT WAS INITIALLY PROPOSED, BUT WE STILL THINK THAT IS A PROPOSAL THAT IS NOT GOING TO GIVE THE OWNER ENOUGH FLEXIBILITY TO DO SOMETHING POSITIVE WITH THIS PROPERTY IN THE FUTURE. I UNDERSTAND THERE'S A CONCERN ABOUT HAVING SOME KIND OF BUFFER BETWEEN COMMERCIAL USES AND THE NEARBY HOUSES, BUT HERE WE'RE ONLY TALKING ABOUT TWO HOUSES, ONE ON THE SOUTH SIDE ACROSS THE STREET, ONE ON THE WEST SIDE ACROSS THE STREET. THESE ARE ON BUSY STREETS ALREADY, AND YOU'VE GOT TALL TREES AROUND THE EDGE OF THIS PROPERTY. SO WE DON'T THINK THAT RESTRICTING THAT GR AREA, RESTRICTING A PORTION OF THAT TO RESIDENTIAL MAKES SENSE. [BUZZER SOUNDS] I'LL JUST CONCLUDE BY SAYING THAT WE HAVE MADE A COMPROMISE PROPOSAL TO KAREN MCGRAW AND HER TEAM, AND I'VE SHARED THAT WITH STAFF AS WELL, AND I'D BE HAPPY TO SHARE THAT WITH COUNCIL IF I COULD JUST HAND THAT OUT.

Mayor Wynn: FAIR ENOUGH. WE'LL PASS IT AROUND. THANK YOU, MR. WOLF. NEXT SPEAKER IS EDWARD BLAINE. ACTUALLY, OUR LAST SPEAKER IS EDWARD BLAINE. WELCOME, SIR. YOU WILL HAVE THREE MINUTES.

GOOD EVENING, MY NAME IS EDWARD BLAINE. I'M THE OWNER OF 4505 DUVAL. I ALSO OFFICE THERE, SO I FEEL LIKE I'M MUCH PART OF THE NEIGHBORHOOD EVEN THOUGH I DON'T LIVE THERE. I WANT TO APPLAUD ALL THE EFFORTS OF THE NORTH HYDE PARK PLANNING TEAM. I THINK

THEY'VE DONE A GREAT JOB AND I CONCUR IN THEIR DESIRE TO GET THIS THING MOVING ALONG AS QUICKLY AS POSSIBLE AND HOPE THAT IT WILL. HOWEVER, I DO OPPOSE ANY ZONING CHANGE THAT WOULD BE MORE RESTRICTIVE IN TERMS OF MY PARCEL AT 4505 DUVAL. THIS IS, AS ZACH SAID AND OTHER PEOPLE HAVE SAID, PROBABLY THE LARGEST PARCEL IN THE NEIGHBORHOOD. IT'S A 1970'S APARTMENT COMPLEX, 195 UNITS. IT'S NONCONFORMING NOW. AND IF THE OVERALL GOAL OF THE NEIGHBORHOOD PLAN IS TO PRESERVE THE HOUSING STOCK OR THE BUILDINGS, THE FABRIC OF A NEIGHBORHOOD, I HAVEN'T HEARD FROM ANYONE IN THE THREE MONTHS THAT I'VE BEEN INVOLVED IN THIS THAT ANYONE WANTS TO PRESERVE THIS PARTICULAR PARCEL. IN FACT, I'VE HEARD SENTIMENTS OF THE OPPOSITE. I DO BELIEVE THAT THIS PARCEL AT SOME TIME IN THE FUTURE REPRESENTS A TREMENDOUS OPPORTUNITY FOR THE NEIGHBORHOOD AS A REDEVELOPMENT PARCEL. IT CAN BRING IN SUCH CONCEPTS SUCH AS MIXED USE AS YOU ALREADY DISCUSSED, AFFORDABLE HOUSING, AND CAN REALLY CONTRIBUTE TO THE FABRIC OF A NEIGHBORHOOD. IT WOULD NEVER BE LIKE THE NICE HOUSES AND THE SMALLER SCALE OF THE EXISTING NEIGHBORHOOD, BUT IT CAN STILL CONTRIBUTE GREATLY, BUT HOWEVER, FOR THAT TO HAPPEN THERE HAS TO BE STRONG ZONING INCENTIVE IN PLACE OR THE THING WILL NEVER BE ECONOMICALLY VIABLE. AND ALL IT REMAINS IS WHAT IT IS, A SPRAWLING 1970'S APARTMENT BUILDING. AND WE'RE WORKING WITH KAREN, I'LL CONTINUE TO WORK WITH HER, AND I THINK WE CAN GET MUCH DONE, SO DO NOT HOLD THIS UP ON ACCOUNT OF THIS PARCEL IF YOU WANT TO -- IF YOU FEEL IT'S TIME TO TALK, THAT WOULD BE GREAT. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. BLAINE. COUNCIL, THAT CONCLUDES ALL THE FOLKS THAT WANTED TO TALK TO US ABOUT THE NEIGHBORHOOD PLAN. WELCOME BACK, MR. GURNSEY.

THANK YOU, MAYOR. THAT BRINGS US TO THE MOTION SHEET.

Mayor Wynn: I WAS AFRAID YOU WERE GOING TO SAY THAT.

OR ANY QUESTIONS THAT YOU MAY HAVE. I'D LIKE TO NOTE -
-

Mayor Wynn: HOLD ON, MR. GURNSEY. COUNCILMEMBERS?

Dunkerley: I WOULD LIKE TO ASK THE QUESTION OF THE CITY ATTORNEY, IS IT AT ALL POSSIBLE FOR US TO DO ALL OF THOSE THINGS THAT ARE AGREED ON ON ALL THREE READINGS BECAUSE OF THE NUMBER OF BUILDING PERMITS THAT ARE BEING PULLED RIGHT NOW?

COUNCILMEMBER, WE DO NOT HAVE AN ORDINANCE READY.

Dunkerley: OKAY.

WE DO NOT HAVE AN ORDINANCE READY.

Mayor Wynn: THAT WOULD BE A NO. MR. GURNSEY, WELCOME BACK.

THANK YOU. I DID WANT TO NOTE ONE CHANGE. I'LL WALK OVER HERE TO THE SCREEN AND EXPLAIN THAT. PREACHILY I HAD SHOWN YOU -- PREVIOUSLY I HAD SHOWN YOU THIS COLORED MAP AFTER DISCUSSING WITH KAREN AND AMONG STAFF. THERE'S A SLIGHT ERROR IN THE DUVAL DISTRICT. IT WASN'T AN ERROR THAT WAS SHOWN TO THE COMMISSION, IT'S MY UNDERSTANDING, OR IN THE NOTICE, BUT WE ALSO HAVE A PLAINER VERSION, A BLACK AND WHITE VERSION THAT SHOWS A MORE CORRECT BOUNDARY OF THE SOUTHERN DUVAL AREA. AND IT LEAVES OUT A TRACT ON THE NORTHERN PART THAT WAS SHOWN IN THE COLOR EXHIBIT. SO I'LL JUST NOTE THAT. I'LL GO BACK TO THE MOTION SHEET. AT THIS TIME I'LL WALK THROUGH THE MOTION SHEET. IT STARTS ON PAGE 1. AS I SAID, AND IT WAS JUST MENTIONED, THIS IS READY FOR FIRST READING RIGHT NOW, SO THE MINIMUM NUMBER OF AFFIRMATIVE VOTES TO CARRY ANY ONE OF THESE MOTION ITEMS IS FOUR AT THIS TIME. AT THIS TIME WE WOULD BRING THIS BACK FOR THIRD READING WHERE THERE IS A VALID PETITION IT WOULD REQUIRE A SUPER MAJORITY VOTE OR SIX AFFIRMATIVE VOTES TO OVERRIDE THE PROPERTY OWNER'S PE PETITION

FOR THEM TO BE INCLUDED IN THE NCCD AGAINST THEIR DESIRES. THE FIRST MOTION WOULD BE IN REGARDS TO APPROVE THE HYDE PARK NEIGHBORHOOD CONTRIBUTION COMBINING DISTRICT NEIGHBORHOOD PLAN ON FIRST READING WITH THE EXCEPTIONS OF THE PETITION TRACTS. AND THE PLANNING COMMISSION RECOMMENDATION WAS TO APPROVE THE HYDE PARK NCCD WITH THE RECOMMENDATION THAT THE 4505 DUVAL, THAT BE EXCEPTED OUT, AND HAD CONDITIONS THAT WOULD BE LIMITING THE PROPERTY TO THE EXISTING COMPATIBILITY STANDARDS. ALSO ADDITIONAL RESTRICTIONS AGREED UPON BY THE NEIGHBORHOOD AND THE OWNER REGARDING A 4500 DUVAL AND PERMIT ALL WASHING EXCEPT AS AN ACCESSORY USE AND NOT TO EXCEED 20% OF THE AREA AND LIMIT THE HEIGHT TO 30 FEET FROM THE WEST PROPERTY LINE AND 35 FEET FOR THE REMAINDER OF THE PROPERTY. AND SO WHAT I WOULD SUGGEST IS MOVING FORWARD WITH THIS ITEM, LESS 4505 DUVAL, AND WE'LL CLARIFY THAT LATER IN ANOTHER MOTION. SO THIS WOULD BE APPROVAL OF THE GENERAL NCCD AS IT APPLIES TO THE PROPERTY, NOT FOR THOSE TRACTS WHERE THERE IS A REZONING, A DOWN ZONING SF-3 TO SF-2, FOR INSTANCE, OR WHERE THERE'S A PETITION INVOLVED.

Mayor Wynn: REMIND ME, MR. GURNSEY, IF I READ THE MOTION SHEET CORRECTLY, TECHNICALLY THAT'S NOT THE STAFF RECOMMENDATION -- THAT IS THE STAFF RECOMMENDATION AND THE NEIGHBORHOOD RECOMMENDATION, BUT THEN THE PLANNING COMMISSION HAD THESE DIFFERENT ISSUES ON 4500 DUVAL, AND THEN YOUR SUGGESTION IS WE DON'T EVEN TAKE UP 4505 DUVAL.

AND I SHOULD ALSO SAY AND 4500 DUVAL BECAUSE OF THE PETITION THAT ARE NOTED LATER.

Mayor Wynn: SO YOU'RE SUGGESTING STAFF AND NEIGHBORHOOD RECOMMENDATION AND NOT PLANNING COMMISSION RECOMMENDATION ON FIRST READING.

WELL, IT WOULD BE THE PLANNING COMMISSION LESS THE TWO ITEMS. ACTUALLY, THE COMMISSION DID RECOMMEND THE MAJORITY OF THE NCCD WITH AN EXCEPTION. SO AS WE GET TO -- BECAUSE THERE ARE PETITIONS INVOLVED, WE

CAN JUST DISCUSS THOSE WHEN WE GET TOWARDS THE
END OF THE MOTION SHEET.

Mayor Wynn: OKAY. COUNCILMEMBER MCCRACKEN.

McCracken: MAYOR, I GUESS WHAT I'LL DO IS MOVE
APPROVAL OF THE PLANNING COMMISSION
RECOMMENDATION EXCEPT NOT TO CONSIDER 4505 DUVAL
OR 4500 DUVAL. MR. GURNSEY, IS THAT THE PROPER WAY
TO DO IT?

AND THE PETITIONERS --

McCracken: AND THE PETITIONERS' VALID PETITIONS.

THAT'S CORRECT.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN,
SECONDED BY THE MAYOR PRO TEM. THAT MOTION
INCLUDES CLOSING THE PUBLIC HEARING. QUESTIONS,
COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: I JUST WANT TO MAKE SURE I UNDERSTAND THE
MOTION. I THOUGHT WHILE HE WAS OUTLINING -- WHAT MR.
GURNSEY WAS OUTLINING WAS APPROVAL WITH THE
EXCEPTION OF 4505 AND 4500, BUT THEN YOU ADDED THE
TERMINOLOGY, ALL OF THE PETITION TRACTS, WHICH
WOULD INCLUDE SEVERAL MORE.

THAT'S CORRECT. AT THE END IT WOULD PROBABLY BE
APPROPRIATE TO VOTE ON THOSE, EACH ONE INDIVIDUALLY
WHEN WE ACTUALLY GET TO SECOND AND THIRD READING
IT HAS MORE READING BECAUSE OF THE SUPER MAJORITY
VOTE, BUT AS WE GO THROUGH EACH ONE OF THOSE, IT'S
CLEAR TO THE PROPERTY OWNER, TO THE PUBLIC AND FOR
THE RECORD OF WHAT THE COUNCIL'S VOTE WAS ON THOSE
PETITIONED TRACTS AT FIRST READING.

Leffingwell: COULD I ASK IF THAT WAS YOUR INTENT, MR.
MCCRACKEN?

McCracken: MY INTENT WAS TO APPROVE ON ALL THREE
READINGS TO THE MAXIMUM EXTENT POSSIBLE THE NCCD.

AND AS I UNDERSTAND IT, WE WILL GO THROUGH EACH OF THE VALID PETITION TRACTS SEPARATELY AFTER THIS INITIAL MOTION. IS THAT CORRECT?

THAT'S CORRECT; HOWEVER, THE ORDINANCE ISN'T PREPARED TODAY, SO WE COULD ONLY TAKE FIRST READING.

McCracken: SO JUST FIRST READING TODAY.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: AND IN TERMS OF 450 # 5 AND 4500, THOSE ARE NOT SEPARATE PETITION TRACTS, IT APPEARS?

WHEN WE GET TO THE REAR, ON PAGE 7, PAGE 7 DEALS WITH 4500 DUVAL, AND PAGE 8 DEALS WITH 4505 DUVAL.

Alvarez: AND THEY ARE PETITIONED TRACTS?

THEY ARE PETITIONED TRACTS AT THIS TIME.

Alvarez: THEY ARE.

THERE MAY BE SOME AGREEMENTS AMONG ALL THE PARTIES, BUT THEY'RE STILL PETITIONED.

Alvarez: THE REASON WE'RE DOING PLANNING COMMISSION AND NOT THE NEIGHBORHOOD IS BECAUSE IF THEY ALREADY ARE PART OF THE PETITION ONES, WHY DO THEY HAVE TO BE SINGLED OUT IN THE MOTION?

THE ONLY REASON WHY I NOTE THE PLANNING COMMISSION RECOMMENDATION IS BECAUSE THEY MADE AN EXCEPTION FOR 4505. AND IN ORDER TO GET AN INDIVIDUAL VOTE ON EACH OF THE PETITION ITEMS, THAT'S WHY STAFF IS SUGGESTING TO THE COUNCIL THAT THAT BE REMOVED AND LEFT FOR THE END AND THEN I CAN GO INTO MORE DETAIL OF WHAT THE AGREEMENTS ARE BETWEEN THE NEIGHBORHOOD AND THE PROPERTY OWNER AND THE COMMISSION'S RECOMMENDATION.

Alvarez: MY POINT IS IF THEY'RE PETITIONED, THEY'RE

ALREADY PULLED OUT ANYWAY, YOU CAN BRING THAT UP WHEN THEY COME UP LATER IN THE PROCESS. I JUST WANTED TO MAKE SURE THAT WE'LL TALK THROUGH THOSE ISSUES.

Mayor Wynn: THERE'S A MOTION AND A SECOND ON THE TABLE TO APPROVE THE PLAN AS OUTLINED BY STAFF. ON FIRST READING ONLY. FURTHER COMMENTS? HEARING NONE --

Leffingwell: ACTUALLY, I STILL --

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: OKAY. I'M HEARING STILL -- YOU KEEP REFERRING TO 4500 AND 4505, BUT NOT TO THE PETITIONED PROPERTIES ON PAGE 6. I JUST WANT TO MAKE SURE WHAT THE MOTION INCLUDES.

IT'S MY UNDERSTANDING THAT THE MOTION WOULD NOT INCLUDE THOSE TRACTS WHERE THERE'S BEEN A PETITION FILED, SO IT WOULD INCLUDE 4505 DUVAL, 4500 DUVAL AND THEN THOSE PROPERTIES THAT ARE ON PAGE 6 AS WELL.

Leffingwell: OKAY. I GUESS --

McCracken: COUNCILMEMBER, I'VE GOT A SUGGESTION. I'LL REWORD MY MOTION. I'LL MOVE TO APPROVE THE HYDE PARK NORTH CONSERVATION COMBINING DISTRICT ON FIRST READING, EXCEPTING THE PETITIONED TRACTS.

Mayor Wynn: WE HAVE AN AMENDED MOTION AND A SECOND ON THE TABLE BY ECONOMIC, SECONDED BY THE -- BY COUNCILMEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM TO APPROVE THE HYDE PARK NORTH NEIGHBORHOOD CONSERVATION COMBINING DISTRICT NEIGHBORHOOD PLAN ON FIRST READING EXCEPTING THOSE PETITION TRACTS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASS OZ A VOTE OF SIX TO

ZERO WITH COUNCILMEMBER KIM TEMPORARILY OFF INDICT AS.

THANK YOU. WE'LL MOVE ON TO THE SECOND ITEM. THIS IS ONLY IF THE COUNCIL SO DESIRES TO CONSIDER TO ADOPT THE SMALL LOT AMNESTY, WHICH DEALS WITH MINIMUM LOTS OF 2,500 SQUARE FEET, LOT WIDTHS OF 25. AND ON LOTS 4,000 SQUARE FEET OR LESS THERE'S A 65% ALLOWABLE IMPERVIOUS COVER. THIS WAS NOT SOMETHING THE COMMISSION RECOMMENDED. STAFF IS NOT RECOMMENDING, THE NEIGHBORHOOD'S NOT RECOMMENDING, BUT WE DID PUT IT IN THERE BECAUSE WE'VE BEEN ADDING THIS AS AN OPTION IN OTHER NEIGHBORHOOD PLANS. BUT NO ACTION IS REQUIRED OF THE COUNCIL FOR THAT. MOVING ON TO THE TRACTS -- I'LL REFER TO THE TRACT MAP THAT'S ON YOUR DISPLAY. THERE ARE 12 TRACTS, AND I'M GOING TO JUST READ THROUGH THESE THE PROPOSED ZONINGS, THE EXISTING ZONINGS, THE COMMISSION'S RECOMMENDATION AND ON THESE TRACTS WE ARE NOT AWARE OF VALID PETITIONS AT THIS TIME. AND I'LL READ THROUGH ALL 12, AND THEN YOU HAVE THE ABILITY, UNLESS YOU WANT TO PULL ONE OUT, WE CAN VOTE ON THEM CONCURRENTLY. TRACT 1, 48012 ROWENA, THIS IS SF-5 IS EXISTING ZONING. THE PROPOSED CHANGE IS TO SF-3-NCCD-NP, AND THAT IS THE COMMISSION'S RECOMMENDATION AND THE STAFF'S RECOMMENDATION AND THE NEIGHBORHOOD'S RECOMMENDATION. TRACT 2, 4510 DUVAL --

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: THESE ARE NOT PETITION TRACTS?

NOT THAT WE'RE AWARE OF AT THIS TIME.

Alvarez: SO THE REASON THEY'RE SEPARATED OUT IS BECAUSE THE ZONING IS DIFFERENT FROM -- THE COMMITTED ZONING IS DIFFERENT FROM THEIR EXISTING ZONING?

THE RECOMMENDED ZONING IS DIFFERENT FROM THE EXISTING ZONING AND THEY'RE DIFFERENT FROM TRACT TO TRACT. SO, FOR INSTANCE, ON TRACT 1 THAT WAS FROM SF-

5 TO SF-3. THE NEXT ONE IS TRACT 2 IS GOING FROM CS TO LO.

Alvarez: AND THERE ISN'T NECESSARILY OPPOSITION TO THE CHANGE?

WE'RE NOT AWARE OF ANY. THAT'S NOT TO SAY A PROPERTY OWNER COULDN'T COME IN AT THIRD READING BRIND US A PETITION, BUT WE'RE NOT AWARE OF ANY AT THIS TIME.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I THINK COUNCILMEMBER ALVAREZ HAS A GOOD POINT. IF WE PASS THE HYDE PARK NORTH NCCD EXCEPT FOR PETITION TRACTS AND THESE ARE NOT PETITION TRACTS, THEAN WE'VE ALREADY ADOPTED THESE TOO.

WHAT WE DID IS CREATED THE NKTD AND CREATED THE NP AND THESE ARE BASE ZONING DISTRICT CHANGES THAT YOU MIGHT FIND IN SOME OF THE OTHER NEIGHBORHOOD PLANS THAT WE HAVE DONE WHERE THE ACTUAL BASE ZONING THAT UNDERLIES THIS IS ACTUALLY CHANGING. SO INSTEAD OF BEING SF-3 TO SF 3 ON THE OTHER TRACTS THAT WE MAY HAVE BEEN TALKING ABOUT, THIS ACTUALLY HAS A CHANGE GOING FROM SF-5 TO SF-3 IN TRACT ONE. SO THERE IS A REZONING PORTION OF THAT, A BASE DISTRICT CHANGE.

Alvarez: IT STILL SEEMS LIKE IF THERE'S NO PETITIONS ON THESE, WOULDN'T THEY HAVE BEEN INCLUDED IN THE ORIGINAL? THE ORIGINAL MOTION DIDN'T SAY ANYTHING ABOUT EXCLUDING 1 THROUGH 12 OR HOWEVER MANY THERE ARE. I JUST WANT TO GO BACK AND CLARIFY THAT, IF THAT'S WHAT WE DID, BECAUSE MY ASSUMPTION WAS EVERYTHING AFTER PAGE 1 WAS THE PETITIONED PROPERTIES.

YES, I THINK YOU COULD DO THAT. IT WOULD BE HELPFUL FOR STAFF JUST TO CLARIFY THAT THAT INCLUDED THE BASE DISTRICT CHANGES. I THINK THAT COULD BE DONE.

McCracken: I'LL CLARIFY THAT THAT WAS MY INTENTION. [

LAUGHTER]

Mayor Wynn: CONSIDER IT CLARIFIED. THANK YOU.

THAT TAKES CARE OF TRACTS 1 THROUGH 12 AND I'LL JUST GO TO THE PETITIONED TRACTS. BEFORE I GET TO THE PETITIONED TRACTS I WILL NOTE ON PAGE 4, TRACT NUMBER 11, I'VE BEEN INFORMED THAT 609 FAIRFIELD WAS NOT ON A NOTICE THAT WAS SENT, AND SO THAT PARTICULAR TRACT STAFF WILL BRING BACK TO YOU ON ANOTHER DAY, THAT'S 609 FAIRFIELD THAT WAS ON PAGE 4 OF YOUR MOTION SHEET AS TRACT 11. THAT BRINGS US TO THE PETITIONED PROPERTIES ON PAGE 6. OF THE FIRST PROPERTIES INVOLVED, ARE LOCATED AT 4912 AVENUE G, 4700 RED RIVER, 812 EAST 47TH STREET, 816 EAST 47TH STREET. AND THE EXISTING ZONING IS SF-3. THE OWNER WOULD LIKE TO BE EXCLUDE FROM THE NCCD. IT IS RECOMMENDED BY THE COMMISSION AND THE STAFF AND THE NEIGHBORHOOD. SO YOUR VOTE WOULD BE TO INCLUDE THIS PROPERTY OR THESE PROPERTIES. THEY'RE OWNED BY HERB JANKE AND (INDISCERNIBLE) INTO THE NCCD ON FIRST READING.

Alvarez: SO MOVE, MAYOR.

Mayor Wynn: MOTION BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER LEFFINGWELL TO DO WHAT, MR. GURNSEY, TO INCLUDE --

TO INCLUDE FRIN 12 AVENUE G, 4700 RED RIVER, 812 EAST 47TH STREET, 816 EAST 47TH STREET INTO THE NCCD.

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

AYE.

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

THE NEXT MOTION DEALS WITH THE PROPERTY AT 808, 810 AND 812 EAST 81242nd STREET. THE OWNER IS MR. DAN DAY.

EXISTING ZONING IS SF-3 AND THIS MOTION WOULD BE TO ALSO INCLUDE THIS PROPERTY IN THE NCCD-NP.

Alvarez: GO AHEAD. >>

LEFFINGWELL: I MOVE TO INCLUDE 808, 810, 8912 EAST 42nd STREET ON FIRST READING ONLY IN THE NCCD.

THAT'S ON 46TH STREET.

Mayor Wynn: MOTION BY COUNCILMEMBER LEFFINGWELL AND I'LL SECOND TO INCLUDE 808, 810, 812 EAST 46TH STREET ON FIRST READING. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ.

Alvarez: THE SF-3 NCCD NP, IS THAT WHAT WE'RE DOING HERE?

THAT WOULD BE TO KEEP THE SF 3 AND IT BECOME SF-3-NCCD-NP, THAT IS CORRECT.

Alvarez: OKAY.

Mayor Wynn: FURTHER COMMENTS? ALL IN FAVOR PLEASE AAYE? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO ON FIRST READING.

THE NEXT PROPERTY IS IN THE DUVAL DISTRICT AT 4500 DUVAL. THIS PROPERTY IS CURRENTLY ZONED CS. THE PLANNING COMMISSION HAS ALLOWED AUTO WASHING AS AN ACCESSORY USE NOT TO EXCEED 20% OF THE AREA WITH A LIMITED HEIGHT OF 30 FEET FROM THE WEST PROPERTY LINE EXTENDING EAST FOR A DISTANCE OF 50 FEET AND FOR THE REST OF THE BUILDING IT WILL BE 35 FEET. IT'S MY UNDERSTANDING THAT THE PROPERTY OWNER AND THE NEIGHBORHOOD ARE GENERALLY IN AGREEMENT THROUGH WHAT THE NEIGHBORHOOD ACTUALLY RECOMMENDED, WHICH IS CS-NCCD-NP AND ADDING SOME ADDITIONAL USES THAT WOULD HAVE BEEN ALLOWED HERE TO INCLUDE BED AND BREAKFAST TYPE 1 AND 2, CONVENIENCE SERVICES, HOTEL-MOTEL, PRINTING AND PUBLISHING LIMITED TO 300 VEHICULAR TRIPS PER DAY, AUTO WASHING, BUT ONLY IN CONJUNCTION WITH ANOTHER

USE AND LIMITED TO NO MORE THAN 20% OF A SITE AREA, AUTO RENTALS, AUTO SALES, SERVICE STATION, PLANT NURSERY AS A CONDITIONAL USE. THEY ARE CURRENTLY WORKING THROUGH A COVENANT WITH A PROPERTY OWNER TO ADDRESS THESE CONDITIONS FOR THE AUTO RELATED USES AND THE OWNER IN CONJUNCTION WITH THE CITY FOR SIDEWALK INSTALLATION. THIS WOULD ALSO INCLUDE THE COMMISSION'S RECOMMENDATION WITH REGARDS TO HEIGHT OF THE BUILDINGS, BEING UNDER 30 FEET FROM THE WEST PROPERTY LINE EXTENDING WEST -- EXTENDING EAST 50 FEET AND THE REST OF THE SITE OF THE BUILDING WOULD BE LIMITED TO 35 FEET. AND WITH THAT SAID, THAT'S MY UNDERSTANDING OF WHAT THE OWNER OF THE PROPERTY AND THE NEIGHBORHOOD ARE IN AGREEMENT ON.

Mayor Wynn: I'LL ENTERTAIN THAT MOTION. COUNCILMEMBER MCCRACKEN?

McCracken: WAS 45 IN THE O. -- MOVE TO INCLUDE 4500 IN THE NCCD.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM TO INCLUDE 4500 DUVAL, FIRST READING IN THE NCCD AS OUTLINED WITH THE PARAMETERS AS OUTLINED BY MR. GURNSEY. FIRST READING. COUNCILMEMBER ALVAREZ.

Alvarez: LOOKING INTO THIS SHEET, WHAT YOU READ INTO THE RECORD, RECOMMENDED BY PLANNING COMMISSION 4500 DUVAL ON THE FRONT PAGE, I HEARD WHAT YOU SAID, BUT I DON'T SEE IT ON THIS HERE. THE PART THAT SAYS TO PROHIBIT AUTO WASHING, THAT'S RIGHT THERE. NOT TO EXCEED 20% OF THE SITE AREA. AND TO LIMIT THE HEIGHT FROM 30 FEET FROM THE WEST PROPERTY LINE AND 35 FEET FROM THE REMAINDER OF THE PROPERTY LINE. THAT'S THE PART I DIDN'T SEE.

THAT'S MY UNDERSTANDING IT'S PART OF IT AS WELL. IT'S MY UNDERSTANDING THAT IT IS PART OF THE RECOMMENDATION WITH THE HEIGHT RECOMMENDATION THAT I JUST READ EARLIER THAT WAS NOT ON PAGE 7.

WITH WHAT INFORMATION THAT WAS PROVIDED EARLIER?

THE HEIGHT OF THE BUILDINGS LIMITED TO 30 FEET FROM THE WEST PROPERTY LINE EXTENDING EAST FOR A DISTANCE OF 50 FEET AND FOR THE REST OF THE SITE THE BUILDING LINE WOULD BE 35 FEET. PLUS THE ADDITIONAL ITEMS THAT ARE LISTED IN THE COLUMN FROM THAT ABOUT THE ADDITIONAL PROHIBITED USES THAT WOULD BE IN ADDITION TO WHAT WAS ALREADY AGREED TO, INCLUDING THE BED AND BREAKFAST, THE CONVENIENCE SO FARSERVICES, THE HOTEL-MOTEL, THE PRINTING PUBLISHING, AUTO WASHING, AUTO RENTAL SALE, SERVICE STATION, NURSERY AS A CONDITIONAL USE. AND THAT WOULD BE IN ADDITION TO THE ZONINGS THAT THE COMMISSION RECOMMENDED.

Alvarez: MAYBE JUST TO BE SAFE CAN I ADD THAT AS A FRIENDLY AMENDMENT, THE PART ABOUT THE HEIGHT FROM THE WEST PROPERTY LINE, ETCETERA?

I THINK I NEED CLARIFICATION FROM THE OWNER'S REPRESENTATIVE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] >> PERMITTED USES, CONDITIONAL USES AND THE HEIGHT.

Alvarez: SO THEN THE MOTION THAT WAS MADE WAS THE PLANNING COMMISSION RECOMMENDATION. AS MODIFIED -- NEIGHBORHOOD RECOMMENDATIONS.

Guernsey: THAT'S CORRECT.

Alvarez: THAT'S THE PART I DIDN'T HEAR.

Gurensey:: PARDON ME THEN.

COUNCILMEMBERS, MICK MICHAEL MEADE, THERE'S ONE THING IN THE PLANNING COMMISSION RECOMMENDATION, CORRECT ME IF I STATE THIS INCORRECTLY, BUT THE PLANNING COMMISSION RECOMMENDATION CONCERNING AUTO WASHING, AS YOU SEE ON PAGE 7, THIRD COLUMN, WAS TO PROHIBIT AUTO WASHING EXCEPT AS ACCESSORY USE AND NOT TO EXCEED 20% OF THE SITE AREA. WE ACTUALLY DEFINED THAT SOMEWHAT AND SO THAT

PORTION OF THE PLANNING COMMISSION
RECOMMENDATION IS AMENDED BY WHAT YOU SEE IN THE
ONE, TWO, THREE, FOUR, FIVE, SIXTH COLUMN ON PAGE 7.
SEVEN ITEMS FROM THE TOP. SO I JUST WANT TO BE CLEAR
BECAUSE THOSE TWO THINGS WILL CONTRADICT ONE
ANOTHER IF WE DON'T CLARIFY THAT. WE AMENDED THAT IN
THE NEIGHBORHOOD PROPERTY OWNER AGREEMENT.

Alvarez: SO YOU MEAN THE PART ABOUT ONLY IN
CONJUNCTION WITH ANOTHER USE VERSUS EXCEPT AS AN
ACCESSORY USE?

EXACTLY, COUNCILMEMBER ALVAREZ.

Alvarez: I DIDN'T CATCH THAT.

Mayor Wynn: MOTION AND A SECOND ON THE TABLE. 4500
DUVAL AS OUTLINED. FURTHER COMMENTS, FIRST READING
ONLY. ALL THOSE IN FAVOR PLEASE SAY AYE. >>

AYE.

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

THAT BRINGS US TO THE LAST MOTION. AT 4505 DUVAL.
STAFF IS RECOMMENDING ... IN THE -- THIS TRACT, TRACT
NUMBER 3, AT 4505 DUVAL STREET, THE COMMISSION'S
RECOMMENDATION WAS FOR GR NCCD NP. AND MF 3 NCCD
NP. THE OWNER HAS INDICATED, AS YOU HEARD EARLIER BY
HIS AGENT, THAT THEY WOULD LIKE TO MAINTAIN EXISTING
SITE DEVELOPMENT STANDARDS. THEY INDICATED THAT
THEY HAD NO OBJECTION TO ADDING THE MIXED USE, BUT
THE NCCD ALREADY ALLOWS, I BELIEVE, FOR THE MIXED
USE RESIDENTIAL USES THAT THEY WOULD BE INTERESTED
IN ON THIS PROPERTY. THEY ARE WORKING WITH THE
NEIGHBORHOOD, WHICH HAS A MOTION THAT WOULD LIMIT
THE HEIGHT FOR THE MF 3 AND GR AREAS TO 30 FEET OR
TWO AND A HALF STORIES AND THE 50 FEET ADJACENT TO
SINGLE FAMILY USE AS REZONING OR FOR THE AREA
BETWEEN 50 AND 125 FEET OF THE SINGLE FAMILY USES OR
ZONING THE MAXIMUM HEIGHT OF 35 FEET. AND MAXIMUM
HEIGHT OF 40 FEET ON THE REMAINDER SITE. AT THE -- THAT
THE MF 3, THE BUILDING COVERAGE IMPERVIOUS COVER

PER THE CURRENT CODE, BY THE FAR BE POINT 75 TO 1, THE BUILDING COVERAGE BE 55%, IMPERVIOUS COVER BEING 65%. THE GR PORTION OF THE SITE HAVING FAR, WHICH IS THE FLOOR TO AIR YAISH, [INDISCERNIBLE] BY THE CURRENT CODE, FAR BEING ONE TO ONE, [INDISCERNIBLE] BEING 75% AND IMPERVIOUS COVER BEING 90% WHICH IS THE CURRENT CODE. THERE'S NO CHANGE IN THE GR AREA SIZE WITH THE CONDITION THAT ONLY RESIDENTIAL USES MAY FACE SINGLE FAMILY USES ACROSS THE STREET. SO THE PRINCIPAL DIFFERENCE APPEARS TO BE DEALING JUST WITH HEIGHT. THEY HAVE PRETTY MUCH -- I GUESS THE APPLICANT IS SHAKING HIS HEAD. THAT MAY BE, I GUESS, BECAUSE OF THE PROPOSAL THAT HAS BEEN GIVEN TONIGHT THAT'S ON THE TABLE THAT'S BEING DISCUSSED.

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: IN THIS CASE WE HAVE A PRETTY SIGNIFICANT DIFFERENCE BETWEEN WHAT THE PROPERTY OWNER IS REQUESTING WITH THE NEIGHBORHOOD AND THE NEIGHBORHOOD RECOMMENDATION.

Guernsey: THERE ARE DIFFERENCES BETWEEN THE TWO. IT MAY BE IF YOU WOULD LIKE TO LISTEN TO FURTHER OF THEIR DISCUSSIONS YOU COULD DEFER ACTION ON THIS PARTICULAR TRACT. I THINK THAT WAS SUGGESTED BY THE PARTIES. OR YOU COULD TAKE FIRST READING ON A MOTION THAT COULD BE THE COMMISSION'S RECOMMENDATION. MY UNDERSTANDING BOTH PARTIES ARE WORKING VERY CLOSELY TOGETHER, TO IRON OUT THE DIFFERENCES BETWEEN THEIR PROPOSALS. I DON'T SEE A HARM IN POSTPONING THIS PARTICULAR ONE AND BRINGING IT BACK.

McCracken: I'M GOING TO SUGGEST DEFERRING THIS ITEM AND LISTENING TO BOTH PRESENTATIONS. ONE OF THE THINGS I THINK IT CAUSES -- BECAUSE IT'S A VERY LARGE SITE, AS I RECALL, IT WOULD BE SUBJECT TO THE NEW MAXIMUM LOT SIZES WITH THE DESIGN STANDARDS WHICH WOULD HAVE A -- MIGHT AFFECT HOW THE DISTANCES ARE SET FOR THINGS LIKE HEIGHT AND ITEMS LIKE THAT. THERE MIGHT BE A DIFFERENT WAY TO APPROACH THIS. SOUNDS

LIKE THE PARTIES ARE MAKING GOOD PROGRESS, BUT IT APPEARS THAT THE WAY THIS HAS BEEN SET UP FOR THE DISTANCES, THAT THERE MAY NOT HAVE BEEN LOT SIZE ANALYSIS EMBEDDED IN THIS.

COUNCILMEMBER LEFFINGWELL? COUNCILMEMBER LEFFINGWELL JUST A QUESTION. IF WE DO DEFER ANY ACTION ON THIS TONIGHT, WOULD THAT SLOW DOWN THE PROCESS IN THE END, THE END RESULT? COULD WE CATCH UP?

Guernsey: WE CAN CATCH UP OR PROCEED WITH THE REMAINDER AND BRING IT BACK.

Leffingwell: IT WON'T RESULT IN ANY DELAY IN THE END.

Guernsey: NOT FOR THE REMAINING PROPERTIES.

Leffingwell: OKAY. YOU SAID NOT FOR THE REMAINING ROTS, PROPERTIES, HOW ABOUT FOR THIS PROPERTY?

Guernsey: BY POSTPONING THIS FOR A LATER DATE, WE CAN COME BACK AND TAKE ACTION ON THIS ONCE WE KNOW EXACTLY WHAT THE COUNCIL'S DESIRES ARE TO PERFECT THE ORDINANCE AND BRING THAT BACK AS QUICKLY AS WE POSSIBLY CAN. SO MY ANSWER TO YOU WOULD BE NO IT WOULD NOT DELAY AS SOON AS WE KNOW WHAT THE COUNCIL'S INTENT IS.

Leffingwell: OKAY. THANK YOU.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: AT THIS POINT WE CAN JUST SAY IT'S COMING BACK WITH ALL OF THE OTHER ITEMS? THAT WOULD BE WHEN WE WOULD ACTUALLY DID A VOTE, OUR FIRST VOTE?

Guernsey: IF WE COULD BE VERY CLEAR ON WHAT THE ACTUAL MOTIONS ARE, WE COULD HAVE A DRAFT OF AN ORDINANCE OF THE COMMISSION'S RECOMMENDATION CERTAINLY BEFORE YOU AND HAVE ITEMS TO ADD OR SUBTRACT TO THAT ONE. BUT WE NEED TO BE -- WE NEED BOTH PARTIES TO WORK WITH US TO BE VERY CLEAR ON

WHAT THOSE ITEMS ARE. SO WE CAN SPEAK WITH OUR LAW DEPARTMENT ABOUT THE LANGUAGE.

Alvarez: I WILL SECOND THE MOTION IF IT HASN'T BEEN SECONDED.

McCracken: MOTION TO POSTPONE.

Mayor Wynn: WOULD IT BE TO POSTPONE OR NOT TAKE ACTION --

Guernsey: YOU HAVE ALREADY CLOSED THE PUBLIC HEARING. TO POSTPONE THE ACTION THE QUESTION WOULD BE OF THE DATE. I THINK STAFF AFTER LOOKING AT THE DIFFERENT THINGS THAT WOULD NEED CHANGED TALKING TO LAW, WE WOULD SUGGEST IT TO COME BACK ON THE 18th.

Mayor Wynn: THAT WHEN WE ARE LIKELY GOING TO HAVE SECOND READING ON THE ENTIRE PLAN.

WE WOULD TRY TO BRING BACK SECOND AND THIRD READING TO YOU.

McCracken: I MOVE POSTPONE TO TIME CERTAIN ON AUGUST 18th.

Alvarez: SECOND. ONE COMMENT. THE REASON WE DON'T HAVE THE LAND USE, APPROVING THE LAND USE PLAN AND THEN DOING THE ZONING IS BECAUSE IT'S AN NCCD AND NOT A NEIGHBORHOOD PLAN I GUESS?

Guernsey: WE HAVE THE NEIGHBORHOOD PLAN SINCE IT WAS APPROVED MANY YEARS AGO. AND THIS IS ONE --

Alvarez: OH, I SEE.

Guernsey: CATCHING UP WITH THE OLD WEST -- [MULTIPLE VOICES]

Alvarez: BUT THERE IS A LAND USE ADOPTED OR APPROVED -
-

Guernsey: THERE IS AN ADOPTED NEIGHBORHOOD PLAN. AT THE TIME IT DIDN'T NECESSARILY HAVE A FUTURE LAND USE MAP LIKE WE MIGHT HAVE TODAY. BUT THERE WAS A NEIGHBORHOOD PLAN THAT WAS ADOPTED THAT GIVES INTENT, FOR WHAT CERTAIN ISSUES SHOULD BE IN CERTAIN AREAS OF --

Alvarez: THANK YOU.

Mayor Wynn: WE HAVE A MOTION ON THE TABLE BY COUNCILMEMBER MCCracken, SECONDED BY COUNCILMEMBER ALVAREZ TO POSTPONE ACTION ON TRACT 3, 4505 DUVAL AND INSTRUCTING FOR IT TO BE BROUGHT BACK ALONG WITH THE REST OF THE PLAN FOR SECOND AND THIRD READING ON AUGUST 18th. COUNCILMEMBER LEFFINGWELL?

Leffingwell: WELL, MY QUESTION WAS ABOUT THE REST OF THE PLAN. IS THAT GOING TO COME BACK NEXT WEEK? BECAUSE I HEARD SEVERAL TIMES THAT TIME IS OF THE ESSENCE.

Guernsey: STAFF IS SUGGESTING THAT WE BRING THAT BACK ALL ON THE 18th FOR SECOND AND THIRD READING.

Leffingwell: ENTIRE PLAN?

Guernsey: THE ENTIRE PLAN FOR SECOND AND THIRD READING. NOT EXACTLY THE PLAN BUT THE ZONING ORDINANCE TO IMPLEMENT THE PLAN.

Mayor Wynn: MOTION AND A SECOND ON THE TABLE. FOR POSTPONEMENT OF THIS TRACT. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION TO POSTPONE THIS TRACT PASSES ON A VOTE OF 7-0.

Guernsey:: MAYOR, THERE IS ONE MORE PART THAT WAS NOT INCLUDED WITH YOUR MOTION THAT I UNDERSTAND THAT -- THAT KAREN BROUGHT TO MY ATTENTION. IN THE -- ON

PAGE 5 OF THE -- WHICH SPEAKS TO THE AVENUE A DISTRICT, THERE ARE SOME SUGGESTED CHANGES THAT THE COMMISSION DID NOT NECESSARILY RECOMMEND. THE PROPERTY OWNERS IN THE NEIGHBORHOOD IS IN AGREEMENT AND STAFF IS IN AGREEMENT WOULD LIKE YOU TO CONSIDER. THOSE QUICKLY WOULD LIMIT THE MAXIMUM BUILDING COVERAGE AND IMPERVIOUS COVER FOR ALL OF THE MULTI-FAMILY DISTRICTS WITHIN THE AVENUE A DISTRICT. WHICH IS THE -- THE AREA ON THE WESTERN PORTION OF THE NEIGHBORHOOD. MARKED AS AREA 2. TO LIMIT THE IMPERVIOUS COVER AND BUILDING COVERAGE TO 70%. TO ESTABLISH A MINIMUM FRONT SETBACK OF 10 FEET AND A MAXIMUM FRONT SETBACK OF 20 FEET. AND THERE IS AGREEMENT AMONG THE PROPERTY OWNERS, THE NEIGHBORHOOD STAKEHOLDERS, STAFF AS WELL. FOR THAT PARTICULAR ITEM. WE WOULD LIKE TO SEE IF THE COUNCIL WOULD CONSIDER THAT AS WELL.

Mayor Wynn: SO THE MOTION WOULD BE?

Guernsey: THE MOTION WOULD BE TO RECOMMEND I GUESS IN THIS CASE THE STAFF RECOMMENDATION AS ENDORSED BY THE PROPERTY OWNERS AND THE NEIGHBORHOOD STAKEHOLDERS TO LIMIT THE MAXIMUM BUILDING COVERAGE TO 70% AND THEN IMPERVIOUS COVER TO 70% IN ALL OF THE MULTI-FAMILY DISTRICTS AND ESTABLISH A MINIMUM FRONT YARD SETBACK OF 10 FEET AND A MAXIMUM FRONT YARD SETBACK OF 20 FEET.

Mayor Wynn: FOR THE AVENUE A DISTRICT.

Gurensey:: ONLY FOR THE AVENUE A DISTRICT.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: I GUESS MY -- WHEN WE ADOPTED THE -- ALL OF THESE ITEMS WASN'T THE NEIGHBORHOOD RECOMMENDATION WHAT WE REFERENCED IN TERMS OF --

Guernsey: I UNDERSTAND THIS KIND OF CAME AFTERWARDS, AFTER IT WAS ALL GOING THROUGH. SO THAT'S WHY THE DESIRE IS TO BRING THIS AND HAVE IT VOTED ON

SEPARATELY. SO IT WOULD GET INCLUDED IN THE END.

Alvarez: WELL THEN WHAT ARE YOU SUGGESTING THAT WE PASS WHEN WE PASS THE MAIN MOTION THEN? IF NOT THIS? BECAUSE --

Guernsey: IT'S MY UNDERSTANDING THIS WAS NOT IN THE DRAFT LANGUAGE THAT YOU HAVE IN YOUR BACKUP. AND THAT THIS WOULD BE IN ADDITION TO THE LANGUAGE THAT YOU APPROVED EARLIER AND IT WOULD AMEND IT SLIGHTLY TO ADDRESS THE AVENUE A DISTRICT.

SEEMS LIKE WE WOULD HAVE TO AMEND THAT FIRST MOTION THAT WE PASSED IF WE ASSUME THAT ALL OF THESE WERE INCLUDED IN THAT FIRST MOTION, THEN -- WE VOTED ON THAT MOTION, IT WOULD SEEM LIKE WE WOULD HAVE TO RECONSIDER THAT MOTION AND AMEND THAT MOTION. THIS IS NOT ONE OF THE PETITIONS, THIS IS NOT THE --

THIS IS NOT A PETITION TRACT. IT AFFECTS ACTUALLY ONE OF THE DISTRICTS.

Mayor Wynn: MAYOR PRO TEM?

Thomas: WOULD YOU SHOW ME EXACTLY WHERE THE AVENUE -- AVENUE DISTRICT -- I KNOW IT'S AVENUE A, BUT YOU KNOW ON THAT -- OKAY. FOUR IS THE GUADALUPE DISTRICT, THIS IS GUADALUPE.

Thomas: I WAS JUST TRYING TO SEE WHERE THE TRACT WAS, THAT'S ALL. OKAY.

Mayor Wynn: MAYOR PRO TEM MOVES AND I SECOND THAT WE WAIVE THE COUNCIL RULES TO GO PAST 10:00 P.M., ALL IN FAVOR PLEASE SAY AYE? OPPOSED, MOTION PASSES ON A VOTE OF 7-0. THANK YOU. SO MS. TERRY, I THINK COUNCILMEMBER ALVAREZ --

I THINK THE APPROPRIATE THING TO DO AT THIS POINT WOULD BE TO -- YOU CAN DO THIS IN A JOINT COMBINED MOTION, MOVE TO RECONSIDER YOUR MAIN MOTION ADOPTING THE NCCD TO INCORPORATE THE SITE

DEVELOPMENT STANDARDS ON PAGE 5 AS OUTLINED BY MR. GUERNSEY. SO YOU WOULD BE -- IT'S A JOINT MOTION TO RECONSIDER AND AMEND TO REFLECT THOSE ADDITIONAL, IF THAT IS THE COUNCIL'S DESIRE. THAT WAY YOU DON'T HAVE TO DO TWO SEPARATE MOTIONS. YOU CAN DO IT ALL IN ONE. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY THE MAYOR PRO TEM AS OUTLINED BY THE CITY ATTORNEY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, MR. GUERNSEY. AND EVERYBODY.

COUNCIL, THANK YOU.

Mayor Wynn: COUNCIL, I THINK THAT ACTUALLY GETS US THROUGH OUR ZONING CASES TONIGHT. LEAVES US WITH TWO --

[INDISCERNIBLE]

Mayor Wynn: LEAVES US WITH TWO PUBLIC HEARINGS WITH NO CITIZENS SIGNED UP. BOTH RELATED TO PUBLIC WORKS, ITEM NO. 81, A PUBLIC HEARING AND APPROVE RESOLUTION,.

GOOD EVENING, I'M JUDY PLUMBER, I WORK FOR THE CITY OF AUSTIN IN THE REAL ESTATE SERVICES DIVISION. FOR ITEM NO. 81, THE LEGAL FACT FINDING IS THAT THERE IS NO OTHER FEASIBLE AND PRUDENT ALTERNATIVE TO THE TAKING OF THE DEDICATED PARKLAND OR PRESERVE AND THAT ALL PLANNING TO MINIMIZE HARM TO THE AREA HAS TAKEN PLACE.

Mayor Wynn: THANK YOU, MS. PLUMBER, QUESTIONS OF STAFF. ANY CITIZENS THAT WISH TO BE HEARD IN THIS PUBLIC HEARING, ITEM NO. 81? THEN HEARING NONE, I'LL

ENTERTAIN A MOTION.

SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY TO CLOSE THIS PUBLIC HEARING AND I'LL SECOND, AND APPROVE THE RESOLUTION AS PRESENTED. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU, MS. PLUMBER, ITEM NO. 82.

FOR ITEM NO. 82, THERE IS NO OTHER FEASIBLE AND PRUDENT ALTERNATIVE TO THE TAKING OF DEDICATED PARKLAND WHICH INCLUDES ALL PLANNING TO MINIMIZE HARM TO THE PARK.

Mayor Wynn: THANK YOU, MS. PLUMBER, QUESTIONS, COUNCIL? ARE THERE ANY CITIZENS THAT WISH TO BE HEARD IN THIS PUBLIC HEARING, ITEM NO. 82? HEARING NONE I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER DUNKERLY THAT I'LL SECOND TO CLOSE THIS PUBLIC HEARING AND APPROVE, ADOPT THE RESOLUTION AS OUTLINED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU.

Mayor Wynn: THANK YOU VERY MUCH. SO COUNCIL THAT'S ALL OF OUR DISCUSSION AND/OR ACTION ITEMS. AT THIS TIME WE SILL HAVE A COUPLE OF ITEMS FOR CLOSED SESSION. WE WILL GO -- WITHOUT OBJECTION, GO BACK INTO CLOSED SECTION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO TAKE UP ITEM 66 RELATED TO AMENDMENTS TO RIGHT-OF-WAY PROCUREMENT AGREEMENTS WITH TXDOT AND ITEM NO. 69 RELATED TO

THE FRESENHAN TRACT. MS. BROWN, EARLIER IN EXECUTIVE SESSION WE TOOK UP ITEM NO. 68. AND THERE WAS A RELATED ACTION ITEM. I DON'T HAVE THE NUMBER HERE IN FRONT OF ME, BUT WE WILL NOT BE TAKING ACTION ON THAT RELATED ITEM. WE ARE NOW IN CLOSED SESSION. WE WILL COME OUT OF CLOSED SESSION ONLY TO ADJOURN THE MEETING, HOPEFULLY BEFORE TOO LATE. THANK YOU VERY MUCH.

End of Council Session Closed Caption Log