

Closed Caption Log, Council Meeting, 3/09/06

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Mayor Wynn: GOOD MORNING. I'M AUSTIN MAYOR WILL WYNN AND MY PRIVILEGE TO WELCOMETOR TONY JOHNSON FROM THE MINISTRY OF CHALLENGE WHO WILL LEAD US IN OUR INVOCATION, PASTOR, PLEASE RISE.

THANK YOU ALL FOR HAVING ME. HEAVENLY FATHER, FIRST OF ALL, WE COME BEFORE YOU HUMBLY, UNDERSTANDING THAT YOU'RE THE CREATETOR OF US ALL, WE JOIN FATHER GOD THIS MORNING WHAT YOU'VE ASKED OF US, TO PRAY FOR THE ONES THAT HAVE AUTHORITY OVER US. WE PRAY FOR THE CITY COUNCILMEN THEY WILL MAKE THE RIGHT DECISIONS OVER THIS CITY AND THAT YOU WILL HONOR WHAT THEY ARE TRYING TO DO FOR US, FATHER GOD, WE ASK THAT YOU BLESS THEM WITH WISDOM AND GUIDANCE AND MOST OF ALL UNITY, WE GIVE YOU ALL PRAISES AND GLORY IN JESUS'S NAME, AMEN.

THANK YOU.

THANK YOU, PASTOR, THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, IT'S THURSDAY MARCH 9th. 2006, WE'RE IN THE COUNCIL CHAMBERS OF THE CITY HALL BUILDING, 301 WEST 2ND STREET, APPROXIMATELY 10:20 10:20 A.M. WE HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. ITEM NUMBER 29 WHICH WAS A FEE WAIVER ITEM FROM COUNCIL HAS BEEN WITHDRAWN, FOR THOSE FELLOW IRISHMEN, NOT TO WORRY, WE'LL STILL CELEBRATE ST. PATRICK'S DAY. ITEM NUMBER 31. NEED TO

STRIKE THE WORD AND PHRASING "RAVER OF CERTAIN RENTAL AND FACILITY USE FEES FOR THE CARVER MUSEUM THEATER UNDER FISCAL YEAR 05-06 BUDGET AND INSERT WAIVING CERTAIN FEES AND NORZINGAUTHORIZING PAYMENT. AND ALSO NOTE THAT COUNCILMEMBER McCRACKEN IS AN ADDITIONAL COSPONSOR OF THIS ITEM, ITEM NUMBER 32 SHOULD NOTE THAT COUNCILMEMBER DUNKERLY IS INITIAL COSPONSOR AS HE IS ON ITEM NUMBER 33. ON ITEM NUMBER 58, WE SHOULD STRIKE THE WORDS "AND AMENDMENT TO" AND INSERT THE PHRASE "AN ORDINANCE SUPERSEDING CERTAIN PROVISIONS OF" AND THIS RELATES TO PUBLIC HEARING THAT WE WILL CONDUCT LATER THIS EVENING REGARDING WHAT WE REFER TO AS McMANSIONS. OUR TIME CERTAIN ITEMS TODAY AFTER WE GET THROUGH THE CONSENT AGENDA, WE WILL THEN TAKE UP ITEMS 2 THROUGH 7 REGARDING POTENTIAL CHARTER AMENDMENT ORDINANCES. AT NOON WE WILL HAVE OUR GENERAL CITIZEN COMMUNICATIONS. AT 2 O'CLOCK WE WILL HAVE A BRIEFING. ITEM NUMBER 44 REGARDING THE SINGLE STREAM RECYCLING PROGRAM. AT 4 O'CLOCK, WE GO TO OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, THOSE SHOW THIS WEEK AS ITEMS 45 THROUGH 52 AND ZONING PUBLIC HEARING CASES Z 1 THROUGH Z 10 ANNOUNCE NOW THAT STAFF WILL BE REQUESTING THAT WE POSTPONE ITEM NUMBER 51 WHICH IS KNOWN AS THE HARRIS BRANCH FLOOD TO MARCH 23RD, 2006. 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATION, OUR MUSICIAN TODAY IS THE ACCLAIMED SONNY THROKMORTON. 6 O'CLOCK WE HAVE PUBLIC HEARINGS THAT SHOW'S ITEMS 53 THROUGH 59. ANYTHING FROM ELECTRIC RATES SCHEDULE ISSUE FROM AUSTIN ENERGY TO ANNEXATION, WE HAVE OUR TRANSIT ORIENTED DEVELOPMENT ORDINANCE PUBLIC HEARING, ANOTHER HEARING OF ISSUE WE CALL McMANSIONS AND ALSO A PUBLIC HEARING FOR A SITE PLAN APPEAL. THOSE ARE OUR PUBLIC HEARING FOR LATER THIS EVENING. COUNCIL, AT THIS TIME, ITEM NUMBER 25, WHICH IS A WAIVER FOR THE McMANSION ORDINANCE IS THE ONLY ITEM THAT HAS BEEN PULLED OFF THE CONSENT AGENDA, SO I WOULD WELCOME ANY MORE COMMENTS. ANY ITEMS TO BE PULL OFFEND THE CONSENT AGENDA BY COUNCIL. MAYOR PRO TEM?

Thomas: IF YOU DON'T MIND, JUST 21, A COUPLE OF QUESTIONS PROBABLY ASK STAFF, PROBABLY WILL GO BACK ON CONSENT, BUT IF YOU COULD PULL THAT ONE.

Mayor Wynn: THANK YOU. THEN WHAT I MIGHT DO THEN, IF YOU DON'T MIND, COUNCILMEMBER, IS I'LL GET A MOTION AND A SECOND AND RECOGNIZE YOU FOR SOME QUESTIONS ON THAT ITEM AND SEE IF WE CAN JUST KEEP IT ON THE CONSENT AGENDA. ADDITIONAL ITEMS? SO -- SO HEARING NONE, THEN LET ME READ THROUGH THE CONSENT AGENDA NUMERICALLY. TODAY'S CONSENT AGENDA WILL BE: ITEMS 1, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28 IS OUR BOARD AND COMMISSION OP APPOINTMENT, THEY ARE TO OUR CHILD CARE COUNCIL, MAURINE BRITAIN IS COUNCILMEMBER McCRACKEN'S REAPPOINTMENT. TO OUR COMMISSION ON IMMIGRANT AFFAIRS, TERESA ATEJE IS A APPOINTMENT. TO OUR MUSIC COMMISSION, ZAPATA IS COUNCILMEMBER'S REAPPOINTMENT, TO OUR BOARD COMMISSION, TEMPLE, AND TO OUR URBAN TRANSPORTATION COMMISSION JOEY HARDEN, MAYOR PRO TEM THOMAS'S REAPPOINTMENT, AS ITEM NUMBER 28. AGAIN, ITEM NUMBER 29 HAS BEEN WITHDRAWN FOR CHANGES AND CORRECTION. ITEMS 31, FOR CHANGES AND CORRECTION. 32 FOR CRANKS AND 32 FOR CHANGES AND CORRECTION. 33 FOR ITEMS AND CORRECTION. AND ITEM NUMBER 34. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE THE CONSENT AGENDA AS READ, QUESTIONS WILL START WITH MAYOR PRO TEM. ITEM 21 ANYWAY.

Thomas: I NEED STAFF TO EXPLAIN, I KNOW THAT WE HAVE A CONTRACT WITH THIS SECURITY COMPANY, BUT I -- THEY EXPLAINED A LITTLE BIT IN DETAIL, I NEED TO KNOW WHAT IS THE COST SAVINGS OF CONTINUE TO HIRE OUTSIDE WHEN WE ALREADY HAVE SECURITY, AND THE REASON I ASK THAT, THERE'S AN OPPORTUNITY THAT WE CAN HIRE IN SOME MORE -- IS IT FEASIBLE TO HIRE THIS OUTSIDE FIRM, CONTINUE TO LET THEM DO THE SECURITY AS OPPOSED TO HIRING SOME OF OUR OWN SECURITY? I FEEL THAT OUR OWN SECURITY WILL PROTECT OUR INTERESTS A LITTLE BIT MORE THAN -- AND I HATE TO SAY THAT IN PUBLIC, BUT THAT'S WHAT I FEEL, JUST WATCHING THE SECURITY THAT

WE HAVE HERE ON STAFF AND CITY HALL, AND OTHER BUILDINGS.

OKAY. GOOD MORNING, MAYOR AND COUNCIL, MY NAME IS VICKI SHOE BERT, I'M WITH THE FINANCIAL SERVICES DEPARTMENT. I'M GOING TO TRY TO GIVE YOU A FEW ELEMENTS OF THE ANSWER, FIRST OF ALL, THE ACTION ITEM THAT IS BEFORE YOU TODAY IS JUST EXTENDING AN EXISTING CONTRACT WE HAVE FOR ABOUT ANOTHER MONTH UNTIL WE CAN BRING TO YOU ANOTHER CONTRACT FOR SECURITY SERVICES, SO AT THIS POINT, WE REALLY NEED TO GET THIS PARTICULAR ITEM APPROVED SO THAT WE CAN CONTINUE THE SECURITY SERVICES AT THIS -- AT THE EMMERSON CAMPUS. AND MOVE FORWARD. YOUR QUESTION ABOUT HIRING INTERNALLY VERSUS EXTERNALLY, OUR ESTIMATED SAVINGS IS ABOUT \$107,000 FROM HIRING AN OUTSIDE GROUP, AND THAT DOESN'T INCLUDE THE COST OF UNIFORMS OR PAGERS OR EQUIPMENT OR THINGS LIKE THAT. EXCUSE ME. ONE OF ISSUES OR PROBLEMS THAT WE FIND THAT WE HAVE WITH SECURITY IS THAT WE DON'T HAVE A VERY LARGE POOL OF SECURITY WORKERS OR SECURITY OFFICERS, AND IF IT'S VERY DIFFICULT ESPECIALLY WITH THE 24-7 OPERATION WHERE WE'RE TRYING TO PROVIDE CONTINUOUS COVERAGE TO DO THAT, BECAUSE IF THERE ARE SIX PEOPLE OR --, YOU KNOW, VACANCIES OR THINGS LIKE THAT, WE HAVE A LOT OF DIFFICULTY BECAUSE THE POOL OF PEOPLE WE'RE DRAWING FROM IS SMALLER, WHEREAS IF DO YOU TO A SECURITY COMPANY THEY HAVE A MUCH LARGER POOL OF PEOPLE THAT THEY CAN PULL FROM AND MAKE SURE THAT YOU HAVE CONTINUOUS STAFFING. I KNOW THAT YOU MAY HAVE NOTICED EVEN OUT HERE ON THURSDAYS WE FREQUENTLY HAVE PROJECT MANAGERS OR OTHER MANAGERS MANNING SECURITY POSTS BECAUSE WHEN WE HAVE TURNOVER WE DON'T HAVE THE DEPTH OF STAFF TO BE ABLE TO PULL SOMEBODY AND PUT THEM IN AND SO WE STRONGLY RECOMMEND STICKING WITH AN OUTSIDE FIRM FOR A CONTRACT THIS JIEZ F SIZE, ARE YOU SIZE.

ARE YOU SAYING THIS IS A MONTHLY EXTENSION WITH THE COMPANY THAT WE HAVE?

YES, SIR.

I DIDN'T SEE THAT.

YES, THIS CONTRACT IS ONE THAT WAS ASSIGNED TO US -- THAT WE -- THAT WE ACQUIRED WHEN WE ACQUIRED THE EMMERSON CAMPUS BACK IN THE LATE SUMMER, AND AS A PART OF THAT, WE WANTED TO KEEP KIND OF CONTINUOUS SECURITY AND SEVERAL OTHER CONTRACTS AND SO WE HAD THEM ASSIGN TO US THEIR CONTRACT. WE DID THAT EXPECTING THAT WE WOULD BE READY TO COME BACK TO YOU WITH RECOMMENDATIONS ON -- A PERMANENT CONTRACT IN MARCH, BUT THAT HAS NOT BEEN POSSIBLE SO WE ARE NOW LOOKING AT APRIL. BUT THAT -- THAT IS STILL -- YOU STILL HAVE THE ISSUE OF -- IN APRIL YOU WOULD STILL HAVE THE QUESTION ABOUT PERMANENT EMPLOYEES VERSUS CONTRACT, AND OUR RECOMMENDATION IS THAT CONTRACT PROVIDES BETTER COVERAGE FOR THE CITY. IF YOU WANTED TO GO WITH EMPLOYEES, WE WOULD ACTUALLY HAVE TO ADD SOME FTE'S TO THE BUDGET AND IT WOULD TAKE US A LITTLE WHILE TO STAFF UP. SO...

Thomas: BUT THE MONEY WE'RE SPENDING FOR THE OUTSIDE, FIRST OF ALL, WHEN YOU COME BACK, BEFORE YOU COME BACK, I WOULD LIKE TO SEE HOW MUCH IT ACTUALLY WOULD COST OPPOSED TO IF WE HAD OUR OWN. AND THEN I WOULD LIKE TO SEE A PROCESS OF HOW WE TRACKED SECURITY AND RECRUITING PEOPLE FOR SECURITY. YES, SIR.

Thomas: BECAUSE THERE COULD BE A REASON NOT KEEPING EMPLOYEE, I WOULD LIKE TO SEE THAT BEFORE IT COMES BACK FOR THE MAIN CONTRACT. BUT I'LL BE MEANINGFUL TO APPROVE IT FOR THIS --

WE'LL GET WITH YOUR OFFICE QUICKLY AND TRY TO GET ALL OF YOUR QUESTIONS AND MAKE SURE THAT WE CAN GET THEM ANSWERED.

Thomas: BECAUSE I STILL FEEL IF WE HAD OUR OWN SECURITY, THAT CITY EMPLOYEE, IT WOULD BE BETTER APPROACH TO ME. IT MIGHT COST A LITTLE BIT MORE, WE

MIGHT HAVE TO FIND MONEY TO DO IT, BUT I THINK IT -- IT ALSO GIVES A PERSON AN OPPORTUNITY FOR A JOB WITH THE CITY. OKAY? THANK YOU.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. FURTHER QUESTIONS, COMMENTS, ON ANY OF THE CONSENT AGENDA? I'LL JUST NOTE COUNCILMEMBER McCRACKEN HAS ASKED HE BE RECUESED ON THE VOTE ON ITEM NUMBER 10. AGAIN, FURTHER COMMENTS, QUESTIONS ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. THAT TAKES US RIGHT TO OUR 10:30 POSTED TIME CERTAIN FOR THE POTENTIAL CHARTER AMENDMENT ORDINANCES. CITY ATTORNEY DAVID SMITH HAS SUGGESTED, REQUESTED, THAT HE GIVE US BRIEF LEGAL ADVICE IN CLOSED SESSION PURSUANT TO SECTION 551.071 PRIOR TO OUR TAKING UP THESE ITEMS, SO WITHOUT OBJECTION, WE WILL NOW GO INTO CLOSED SESSION, PURSUANT TO SECTION 551.071 TO GET LEGAL ADD FROM OUR ATTORNEY REGARDING THESE ITEMS, POTENTIAL CHARTER AMENDMENT ORDINANCES 2, 3, 4, 5, 6 AND 7. WE HAVE POSTED FOR A NUMBER OF CLOSED SESSION ITEMS TODAY, HOWEVER, RESPECTFUL OF FOLKS WHO WANT US TO TAKE UP THIS DEBATE THIS MORNING, WE WILL SIMPLY HAVE THIS ONE BRIEF DISCUSSION IN CLOSED SESSION, THEN COME OUT HOPEFULLY VERY SHORTLY TO THEN TAKE UP THE PUBLIC DISCUSSION OF ITEMS 2 THROUGH, SO WITHOUT OBJECTION, WE ARE NOW IN CLOSED SESSION, THANK YOU VERY MUCH.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN CLOSED SESSION WE TOOK UP LEGAL DISCUSSION ABOUT ITEMS TWO THROUGH 7. NO DECISIONS WERE MADE AND IN FACT, COUNCIL ASKED LEGAL STAFF TO DO A LITTLE BIT MORE RESEARCH AND GET SOME -- AN ADDITIONAL OPINION BACK TO US. SO WE HAVE COME OUT OF CLOSE -- BACK INTO OPEN SESSION. COUNCIL, EARLIER WE HAD PULLED ITEM NUMBER 25, WHICH WAS ONE OF TWO POSTED WAIVERS OF WHAT WE KNOW AS THE McMANSION ORDINANCE, NUMBER 26 BEING PASSED ON THE CONSENT AGENDA. WITHOUT OBJECTION WE CAN TAKE UP ITEM NUMBER 25, WHICH IS TO APPROVE AN ORDINANCE WAIVING THE INTERIM DEVELOPMENT REGULATIONS TO ALLOW CONSTRUCTION OF

A SINGLE-FAMILY RESIDENCE AT 20052005 MATT THOOT IEW DRIVE. -- MATTHEW'S DRIVE. WE HAVE RECEIVED A NUMBER OF E-MAILS OVER THE WEEK ABOUT THIS PARTICULAR CASE AND A HANDFUL OF FOLKS HAVE SIGNED UP WISH TO GO ADDRESS US ON THIS AND I THINK THERE WERE SOME COUNCIL QUESTIONS ABOUT THIS PARTICULAR DEVELOPMENT. SO PERHAPS A BRIEF STAFF PRESENTATION.

SURE. MORNING, MAYOR AND COUNCIL, JOE PAN TALL ON. ITEM 25 RELATES TO A WAIVER REQUEST FROM THE INTERIM DEVELOPMENT REGULATIONS PASSED BY COUNCIL ON FEBRUARY 16TH. THIS WAIVER REQUEST IS LOCATED AT 2005 MATTHEWS DRIVE. THE APPLICANT PROPOSES TO CONSTRUCT A NEW 3,480 SQUARE FOOT SINGLE-FAMILY RESIDENCE AND THIS WOULD BE AFTER DEMOLISHING A 1058 SQUARE FOOT SINGLE-FAMILY RESIDENCE AND THEY DID INDEED FILE AN APPLICATION FOR DEMOLITION AT THIS TIME. SO THE -- THIS SITE IS LOCATED IN AN SF-4, SINGLE-FAMILY RESIDENTIAL ZONING CATEGORY, THAT LIES WITHIN THE WEST JUAN NEIGHBORHOOD GROUP AREA AND IT'S LOCATED JUST SOUTH OF WINDSOR AND TARRYTOWN. THE APPLICANT IS NEEDING THE WAIVER BECAUSE IT DOES NOT MEET ALL THREE OF THE LIMITATIONS SET FORTH IN THE ORDINANCE. THE PROPOSED F.A.R. IS .53, WHICH IS ABOVE THE .4 LIMITATION. IT EXCEEDS THE 2500 SQUARE FOOT LIMITATION BY ABOUT A THOUSAND FEET. AND THEN THE OTHER LIMITATION FOR A NEW STRUCTURE IS THAT IT DOES NOT EXCEED 20% OF THE EXISTING. AND OF COURSE, IT EXCEEDS THAT. AND AGAIN, THE TOTAL SQUARE FOOTAGE IS PROPOSED AT 3,480 SQUARE FEET ON A 6,500 SQUARE FOOT LOT. THE APPLICANT HAS REQUESTED THE WAIVER ON THE GROUNDS THAT THEY HAVE EXPERIENCED UNDUE HARDSHIP DUE TO THE SIGNIFICANT TIME AND FINANCIAL INVESTMENT MADE ON THE PROJECT, AND THEY CLAIM THAT THEIR APPROVAL OF THIS WAIVER WOULD NOT ADVERSELY AFFECT PUBLIC HEALTH, SAFETY OR WELFARE. NOW, STAFF HAS LOOKED THROUGH THE ENTIRE PACKET OF INFORMATION SUPPLIED. THEY DO HAVE LETTERS OF SUPPORT FROM SEVEN DIFFERENT NEIGHBORS. THEY DID PROVIDE SOME INFORMATION ON THE UNDUE HARDSHIP AND THEY HAVE ALSO DISCUSSED HOW THEY HAVE

SOMEWHAT MODIFIED THE SITE TO ADDRESS THE BULK AND MASS OF THE RESIDENCE IN TERMS OF SCALE BY USING A BASEMENT AND UNDERGROUND PARKING OFF THE ALLEY. AND IF THEY'RE HERE THEY CAN ELABORATE MORE ON THAT. AT THIS TIME STAFF WAS GOING TO RECOMMEND CONDITIONAL APPROVAL ON THIS SUBJECT TO GETTING AN ENGINEER'S LETTER SIMILAR TO WHAT WE HAD GOTTEN ON THE OTHER AGENDA ITEM THAT WAS ON COUNCIL TODAY. AS WE GO THROUGH AND LOOK AT SOME OF THE COMPATIBILITY ISSUES, AT THE PROPOSED 3,480 SQUARE FEET OF AREA ASSOCIATED WITH THIS RESIDENCE, WHEN YOU LOOK AT THE SAY JAY SENT LOTS AND THE ADJACENT STRUCTURES, THEY RANGE ANYWHERE FROM AROUND 1500 TO 3400, SO THIS PROPOSED RESIDENCE WOULD BE RIGHT AT THE TOP OF THAT RANGE. AND AGAIN, STAFF DID RECOMMEND CONDITIONAL APPROVAL SUBJECT TO GETTING SOME DOCUMENTATION ON THE NO ADVERSE IMPACT FACTOR THAT IS IN THE ORDINANCE. WITH THAT, I'LL BE HAPPY TO ANSWER ANY QUESTIONS OR WE CAN LISTEN TO CITIZENS.

Mayor Wynn: A QUICK QUESTION. SO Y'ALL DID AN ANALYSIS OF I GUESS THE ADJACENT HOMES. ARE THE ADJACENT LOTS ALSO ALL APPROXIMATELY 6500 SQUARE FEET OR PERHAPS IS THIS A SLIGHT ABERRATION BEING A SMALLER LOT THAN MIGHT BE ADJACENT?

THROUGH THIS NEIGHBORHOOD THE LOTS ARE NOT NECESSARILY UNIFORM. THIS IS A CORNER LOT, SO THIS MAY BE SLIGHTLY LARGER THAN SOME OF THE OTHER LOTS RIGHT IN THAT VICINITY. IF YOU DRIVE THROUGH THE NEIGHBORHOOD AS I DID THIS MORNING, YOU WILL SEE THAT THERE ARE LARGER LOTS WHERE MUCH LARGER HOMES ARE BUILT, BUT NOT NECESSARILY RIGHT IN THIS PARTICULAR AREA.

Mayor Wynn: OKAY. QUESTIONS OF STAFF, COUNCIL? COUNCILMEMBER LEFFINGWELL.

Leffingwell: YOU SAID YOU WERE RECOMMENDING CONDITIONAL APPROVAL. CONDITIONED UPON THERE BEING NO ADVERSE IMPACTS. COULD YOU EXPLAIN WHAT

ADVERSE IMPACTS YOU'RE TALKING ABOUT?

SURE. PER THE ORDINANCE THAT WAS PASSED BY COUNCIL, THE WAIVER OF PROVISIONS ADDRESS THE -- I GUESS REQUIRE DEMONSTRATION OF A HARDSHIP AND ALSO THE FACT THAT THERE IS NO ADVERSE IMPACT RATED TO PUBLIC HEALTH AND SAFETY, PRIMARILY TO DRAINAGE. IN THIS CASE THERE IS AN INCREASE IN IMPERVIOUS COVER, ALBEIT THE FINAL PROPOSED IMPERVIOUS COVER IS 38%, WHICH IS NOT NEAR THE 45% IMPERVIOUS COVER THAT WOULD BE LIMITED BY ZONING.

Leffingwell: OKAY. SO IF THE COUNCIL WERE TO PASS THE STAFF RECOMMENDATION, WHICH IS CONDITIONAL UPON SOME KIND OF CERTIFICATION OF THOSE TWO ASPECTS, HOW WOULD THAT WORK?

WELL, IT DEPENDS ON HOW THE ORDINANCE IS CURRENTLY WRITTEN. IF THE ORDINANCE IS WRITTEN SUCH THAT IT'S CONDITIONAL, THEN WE WOULD NOT ISSUE THE -- PROCEED WITH THE WAIVER UNTIL WE GOT THAT ENGINEER'S CERTIFICATION LETTER; HOWEVER, I MAY DEFER TO DAVID SMITH OR SOMEONE WHO HAS THE CURRENT VERSION OF THE ORDINANCE. IT MAY BE WRITTEN WITHOUT THAT CONDITION, SO I THINK IT'S UP TO COUNCIL'S DISCRETION AS TO WHETHER OR NOT THAT CONDITION IS INCLUDED IN THE ORDINANCE. >>

Leffingwell: BUT IF WE REFERENCE THE STAFF RECOMMENDATION, WHICH IS YOURS, WHICH IS CONDITIONAL OPINION SOME KIND OF CERTIFICATION OF THAT.

MAYOR AND COUNCIL, MARTHA TERRY, ASSISTANT CITY ATTORNEY. THE ORDINANCE AS CURRENTLY DRAFTED IS NOT CONDITIONED, HOWEVER IF THAT IS YOUR DESIRE YOUR INSTRUCTIONS ARE SUFFICIENT ENOUGH THAT WE CAN ADD THAT PROVISION IN AND WE CAN CONDITION THE GRANT UPON THE WAIVER -- THE GRANT OF THE WAIVER UPON RECEIPT OF THE ENGINEER'S CERTIFICATION.

Mayor Wynn: FURTHER QUESTIONS OF STAFF, COUNCIL? IF NOT, WE HAVE A FEW FOLKS SIGNED UP AND WE

ESSENTIALLY DO NOT HAVE A SPECIFIC FORMAT FOR THESE WAIVER ISSUES. IT LOOKS TO ME A HANDFUL OF FOLKS HAVE SIGNED UP WISHING TO SPEAK IN OPPOSITION. THE LAST PERSON SIGNED UP WISHING TO SPEAK IS IN FAVOR. PERHAPS THAT'S THE OWNER. SO WITHOUT OBJECTION, COUNCIL, IT MIGHT WORK WELL THAT WE HEAR FROM FOLKS IN OPPOSITION AND TAKE THESE IN ORDER. AND WHAT THAT WILL MEAN IS WE HEAR FROM FOLKS IN OPPOSITION AND SOMEBODY IN FAVOR WILL HAVE A CHANCE TO ADDRESS US. SO WITHOUT OBJECTION WE'LL GO TO THE CITIZEN'S SIGN UP AND OUR FIRST SPEAKER IS BLAKE (INDISCERNIBLE). WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY NOEL PAULETTE.

GOOD MORNING, MAYOR, MAYOR PRO TEM, MEMBERS OF THE COUNCIL. MY NAME IS BLAKE. I'M HERE ACTUALLY AS A NEIGHBOR AND NOT REPRESENTING THE WEST AUSTIN NEIGHBORHOOD GROUP THIS MORNING. MR. POWELL WAS HERE EARLIER, NOEL PAUL LETETTE WAS HERE. THEY ALL LEFT, THEY ALL HAD JOBS THEY HAD TO GO TO.

Mayor Wynn: AND WE'LL READ THEIR NAMES AS BEING IN OPPOSITION AS WELL.

THANK YOU. THE NEIGHBORHOOD ASSOCIATION MET LAST MONDAY. I WAS NOT THERE AT THE MEETING. THEY HAD ASKED THE DEVELOPER TO COME TALK TO US ABOUT HIS PLANS. HE DID NOT -- HE APPARENTLY DID NOT ATTEND THE MEETING. THE NEIGHBORHOOD ASSOCIATION DID NOT TAKE A POSITION ON THIS WAIVER BECAUSE WE DIDN'T KNOW EXACTLY WHAT GOING TO BE PROPOSED, BUT I DO KNOW ALL THESE NEIGHBORS AND THEY'VE ASKED ME TO SPEAK FOR THEM THIS MORNING. AGAIN, MR. DOD IS AGAINST IT. MS. STEPHANIE IS AGAINST IT. THESE ARE ALL DOWNSTREAM NEIGHBORS. SHE LIVES AT 3716 MEREDITH. JAMES POWELL AT 1906 MATTHEWS IS AGAINST THIS. AND NOEL PAULETTE AT 3715 STEPHENSON, WHO IS DIRECTLY NEXTNEXT DOOR. I NOTICED THE PETITION THAT THE APPLICANTS HAVE TURNED IN ARE MOSTLY PEOPLE ON STEPHENSON WHO ARE NOT DOWNSTREAM AND NOT PARTICULARLY AFFECTED BY THIS. WE'RE ASKING THE COUNCIL NOT TO GRANT THIS WAIVER. IT'S KIND OF UNUSUAL. THE DEVELOPER, MR. RISINGER, WHO I THINK IS

GOING TO TALK LATER, HE PUT THIS PROPERTY UNDER CONTRACT FEBRUARY 21st, WHICH WAS AFTER THE MORATORIUM WAS ENACTED. I WOULD ASSUME THAT HIS HARDSHIP -- WE DON'T SEE ANY HARDSHIP AT ALL HERE. THIS IS BASICALLY A FINANCIAL ARRANGEMENT. THE CURRENT PROPERTY OWNERS MAY HAVE HAD A HARDSHIP, BUT THEY'RE NOT THE ONES HERE ASKING FOR THE WAIVER, IT'S THE CURRENT PROPERTY OWNER. I HAVE A COUPLE OF LETTER HERE I'D LIKE TO READ, NOEL PAULETTE'S WITH THE TIME I HAVE LEFT. SHE SAID DEAR MAYOR AND COUNCILMEMBERS, I'M STRONGLY OPPOSED TO ANY WAIVER OR VARIANCE OF THE MORATORIUM. FIRST, TO MANY PEOPLE -- MANY PEOPLE'S HARD WORK, TIME AND EMOTION WENT INTO GETTING THE INTERIM DEVELOPMENT REGULATIONS PASSED. IT IS POINTLESS TO HAVE THE MORATORIUM IF ANYONE CAN GET A FEW SIGNATURES IN ORDER TO ALTER OR CHANGE IT. LIVING NEXT TO ONE ON THE SAME SLOPE I'M SURE THERE WILL BE DRAINAGE AND EROSION ISSUES. SHE GOES ON TO STATE THAT SHE'S NOT OPPOSED TO RESIDENTIAL CONSTRUCTION, SHE UNDERSTANDS THAT PEOPLE NEED LARGER HOUSES TO SUPPORT FAMILIES -- [BUZZER SOUNDS] I WISH SHE WOULD HAVE BEEN HERE AND SHE COULD HAVE GIVEN ME HER TIME. BUT THEY ARE NOT HERE. THEY ALL CAME THIS MORNING AT 10:00 AND THEY'RE ASKING Y'ALL TO NOT DO THIS. AND IT'S JUST UNNECESSARY.

Mayor Wynn: THANK YOU. AGAIN, AS HE MENTIONED EARLIER, NOEL PAULETTE SIGNED UP WISHING TO SPEAK IN OPPOSITION. DARIAN STEPHANIE SIGNED UP TO SPEAK IF WE HAVE QUESTIONS OF HIM, ALSO IN OPPOSITION. AND JAMES POWELL AND WILLIAM DODD SIGNED UP NOT WISHING TO SPEAK, BUT ALSO IN OPPOSITION. AND NEXT WE'LL HEAR FROM MATT RISINGER WHO SIGNED UP WISHING TO SPEAK IN FAVOR.

[INAUDIBLE - NO MIC].

COUNCIL, WITHOUT OBJECTION, IF YOU CAN, CAN YOU COME IN AND STATE YOUR NAME FOR THE RECORD AND I WOULD SUGGEST YOU TAKE THREE MINUTES AND THEN COUNCIL MIGHT HAVE SOME QUESTIONS OF YOU AND/OR TALK ABOUT

THE IDEA OF A POSTPONEMENT IF THAT'S WARRANTED.

I'M THE ARCHITECT FOR THE PROPERTY AT 2005 MATTHEWS, I ALSO LIVED THERE FOR FIVE YEARS. MY WIFE OWNS THE PROPERTY. WE'VE BEEN DESIGNING A HOME THERE FOR SEVERAL YEARS. IT WAS ORIGINALLY WHERE WE WERE GOING TO LIVE. WE DECIDED WE OUT GREW THE PROPERTY. AND THEN I STARTED DESIGNING A HOME. (INDISCERNIBLE). WE DESIGNED A HOME AS A WAY OF PROMOTING THE PROPERTY AND ALSO ENSURING THAT WHAT GOT BUILT THERE WAS CONTROLLED AND OF GOOD QUALITY AND WORKED WITH THE NEIGHBORHOOD. MATT RISINGER WAS ACTING AS OUR AGENT FOR THIS PROCESS. HE IS NOT -- MY WIFE OWNS THE PROPERTY AND I'M THE ARCHITECT, AND MATT IS SOMEONE WHO HAS A CONTRACT ON THE PROPERTY TO BUY IT. SO AS FAR AS HIS INTEREST, IT'S REALLY THE ULTIMATE BENEFACTOR OR THE WAIVER WOULD BE MY WIFE, THE PROPERTY OWNER, JUST GIVING YOU THE WHOLE PICTURE OF WHO ALL IS INVOLVED AND WHAT THEIR ROLES ARE. THE DESIGN THAT WE'VE DONE -- WHEN MATT SPEAKS LATER ON HE HAS AN ILLUSTRATION BOARD WHICH SHOWS THE MASSING AND THE ARCHITECTURAL CONTEXT AND THE MAPPING FEATURES, SO HE WILL BE MORE THE ARCHITECT I GUESS YOU COULD SAY IN PRESENTING, BUT THE 40% OF THE HOME IS TWO STORIES. 60% IS ONE STORY. THE GARAGE IS OFF OF THE ALLEY AS A BASEMENT LEVEL, SO YOU WON'T SEE IT AT ALL, WHICH ALLOWS THE SPACE ABOVE IT NOT TO BE TWO STORIES TALL. THE TWO STORY PORTION IS AT THE INTERSECTION AND ON THAT INTERSECTION THERE'S A NEW HOME BEING BUILT ACROSS THE STREET ON STEPHENSON, WHICH IS 6300 SOMETHING SQUARE FEET, SO THAT WILL BE THE CONTEXT. CATCATTY-CORNER ARE TWO GARDEN HOMES THAT HAVE BEEN BUILT. YOU'LL SEE ON THE SCREEN BEHIND US IT'S TWO STORY AND THEN A ONE STORY WITH THE LOW ROOF. SO WE'RE DOING EVERYTHING WE CAN TO TRY AND MAKE IT COMPATIBLE AND AS MASSING WITH THE NEIGHBORS'. MOST OF THE NEIGHBORS THAT I'VE SPOKEN TO HAVE BEEN IN FAVOR OF IT SAYING AS SUCH. WE'RE KEEPING THE TREES, HAVING THE ONE STORY PIECE NOT ONLY TO REDUCE THE MASS IN THE HOUSE BUT ALSO TO ALLOW THE TREE BRANCHES TO GO OVER THE ROOF.

ADDITIONAL COST, WE'RE HAVING THE GARAGE BE A BASEMENT LEVEL, WHICH IS VERY UNUSUAL, BUT IT'S TO NOT ONLY HIDE THE GARAGE DOOR, BUT TO REDUCE THE HEIGHT OF THE MASS ABOVE IT. SO WE'RE TAKING GREAT CARE, I THINK, AND ALSO ADDED EXPENSE TO MR. RISINGER AS A BUILDER TO ENSURE THAT IT'S MORE NEIGHBORHOOD FRIENDLY, ARTICULATING THE MASS, BREAKING DOWN THE SCALE, WORKING WITH SORT OF THE STYLE, THE CONTEXT OF THE NEIGHBORING HOMES. AND THE REQUIRED WAIVER IS I THINK TWO FOLD. THE IMPERVIOUS COVER IS 38% FOR THE ENTIRE THING. THE HOUSE IS I THINK 36. [BUZZER SOUNDS] SO WE'RE GOING THROUGH A LOT. AND THE REALITY IS TO BUILD A 2600 SQUARE FOOT HOME THERE WOULDN'T WORK IN TERMS OF ECONOMICS, BUT WE'VE STARTED THE PROCESS WELL BEFORE MATT GOT INVOLVED. WE SPENT A LOT OF TIME, YOU KNOW, ENERGY, MY WIFE DIDN'T PAY ME AS ARCHITECT, BUT WE SPENT A LOT OF TIME AND ENERGY DOING WORK WAY BEFORE THE RULES, THE INTERIM RESTRICTIONS WERE APPLIED, SO NOT ONLY DO WE FEEL IT'S FAIR BECAUSE WE STARTED SOMETHING UNDER ONE SET OF RULES, BUT ALSO WE WERE DOING A LOT IN TERMS OF THE ARCHITECTURE. AND WE WOULD BE HAPPY TO MODIFY IT AS NEEDED TO MEET THE NEIGHBORS' -- IF SHE HAS ANY DIRECT INPUT. SO THOSE ARE MY THOUGHTS.

Mayor Wynn: THANK YOU. COUNCIL, QUESTIONS OF THE ARCHITECT? COMMENTS? COUNCILMEMBER MCCRACKEN.

McCracken: COULD YOU TELL US WHAT THE SIDE SET BACKS -
- FROM A COMPATIBILITY STANDPOINT, AND WHAT THE FRONT SET BACK IS TOO?

THE SIDE FROM THE STREET IS 15-FOOT AND THEN IT GETS TO BE 20 FEET ALONG MATTHEWS. AND ALONG THE OTHER SIDE IT'S FIVE FOOT. WHICH WHAT SHE HAS -- WHAT WE'RE TRYING TO DO IS MIRROR -- HER HOME IS FIVE FEET FROM HER PROPERTY OWNER STRAIGHT BACK, SO WE FIGURED THE BEST, MOST COMPATIBILITY APPROACH IS TO DO WHAT'S EXISTING AS THE NEIGHBORHOOD PATTERN. AND SO THAT'S WHY WE CAME UP WITH THE SETBACK. WE COULD EASILY MOVE THINGS OVER AND CREATE LESS ARTICULATION ON THE MATTHEWS' SIDE, BUT OUR THOUGHT

WAS IT MADE MORE SENSE FOR THE PUBLIC SPACE TO HAVE THE GREEN SPACE OPEN TO MATTHEWS AND THEN JUST TO KIND OF FOLLOW THE EXISTING PATTERN OF WHAT ESTABLISHED BY HER HOUSE.

McCracken: SO Y'ALL ARE RESPECTING THE ESTABLISHED SET BACK PATTERNS OF THE NEIGHBORHOOD?

YES. IF YOU SEE THE PLOT PLAN THERE, NOEL'S HOUSE IS TO THE RIGHT AND IT'S FIVE FEET FROM THE DASHED LINE, THE PROPERTY LINE. AND SO WE FELT IT MADE SENSE JUST TO KIND OF NOT REINVENT THE WHEEL, BUT TO FOLLOW WHAT ALREADY THERE.

McCracken: AND AS I UNDERSTAND, YOUR TWO-STORY PORTION IS THE PORTION THAT'S ON THE CORNER SIDE AND THE ONE STORY IS NEXT TO THE NEIGHBOR, IS THAT RIGHT?

AGAIN. LOOKING AT THE HAND DRAWN SKETCH, THE TWO STORY PORTION IS KNOWN AS A HIP ROOF ON TOP OF THAT DRAWING, WHICH IS APPROXIMATELY 40% OF THE OVERALL FOOTPRINT OF THE HOME. IT'S AT THE INTERSECTION. THE INTERSECTION ON THIS SKETCH BEING THE UPPER LEFT-HAND CORNER. SO IT FOLLOWS -- HER HOUSE IS TWO STORY AND SHE HAS A ONE STORY GARAGE OFF THE ALLEY. SO WE'RE TRYING TO FOLLOW THE SORT OF PATTERN THAT IS HERE, OF KEEPING IT COMPATIBLE AND NEIGHBORHOOD FRIENDLY.

Mayor Wynn: QUESTIONS, COMMENTS? SO SEEMINGLY, THE SUMMARY HERE IS IT'S A RELATIVELY LOWER IMPERVIOUS COVER, BUT IT HAPPENS TO BE A RELATIVELY SMALL LOT, .5 F.A.R., BUT LESS THAN 40% IMPERVIOUS COVER, ONLY 40% OF THE STRUCTURE IS TWO STORY, 60% APPROXIMATELY IS ONE STORY. AND WE HAVE NEIGHBORS OF COURSE IN OPPOSITION AND SOME APPARENTLY WHO HAVE WRITTEN SOME TYPE OF LETTER OF SUPPORT.

WE HAVE I THINK 10 NEIGHBORS WHO HAVE SIGNED A WAIVER APPROVAL, I GUESS YOU COULD CALL IT.

Mayor Wynn: DOES CITY STAFF HAVE THAT EVIDENCE?

YES, THEY DID.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS, COMMENTS? JOE, CAN YOU HELP US TO CONFIRM SOME OF THIS AS FAR AS THE EVIDENCE OF SOME NEIGHBORS' SUPPORT, YOUR REVIEW OF THE -- THESE ARE SOMEWHAT SKETCHY, BUT REVIEW OF THE PLANS THAT ARE BEFORE YOU TO APPROXIMATE WHAT'S BEEN TESTIFIED TO?

SURE. WHEN YOU LOOK AT THE APPLICATION, THAT WAS SUBMITTED BY THE APPLICANT, THEY DID HAVE SIGNATURES FROM SEVEN INDIVIDUALS IN THE NEIGHBORHOOD. WHEN YOU LOOK AT THE SETBACKS, THEY MEET THE SF-3 SETBACKS AS ESTABLISHED IN OUR LAND DEVELOPMENT CODE. IN TERMS OF THE SCALE AND THE MASSING AND IF IT'S COMPATIBLE WITH OTHER PROPERTIES, JUST MY VISUAL INSPECTION, HAVING DRIVEN OUT THERE, IS WHILE THERE ARE HOMES THAT ARE MUCH SMALLER THAN THIS AND AS LOW AS MAYBE 1500 SQUARE FEET, SOME DO RANGE UP TO THE 3400 SQUARE FOOT, SO THERE'S A LOT OF DIVERSITY IN THIS NEIGHBORHOOD.

Mayor Wynn: IF COUNCIL HAS A QUESTION OF YOU, YOU CAN TESTIFY, THANK YOU. QUESTIONS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: DO YOU HAVE ANY PROBLEM COMPLYING WITH THE STAFF RECOMMENDATION THAT THE WAIVER BE CONDITIONAL UPON YOU SHOWING EVIDENCE, IN OTHER WORDS, AN ENGINEER'S LETTER OF NO ADVERSE IMPACT?

IMPACT IN TERMS OF DRAINAGE?

Leffingwell: YES. AND I WOULD ASK MR. PANTALION TO FLESH THAT OUT BECAUSE YOU SAID DRAINAGE AND OTHER THINGS.

SURE. WE ACTUALLY FOR THE OTHER WAIVER THAT PASSED ON CONSENT THIS MORNING HAD A LETTER FROM AN ENGINEER WHO HAD WALKED THE FLOW PATH AND HAD LOOKED AT THE CONVEYANCE BETWEEN THAT STRUCTURE AND THE NEAREST CREEK AND HAD A LETTER CERTIFICATION THAT THERE WOULD NOT BE AN ADVERSE

IMPACT THAT WAS SIGNED AND SEALED. I ASKED THIS GENTLEMAN, TYPICALLY WORST CASE SCENARIO, HOW MUCH SOMETHING LIKE THIS WOULD COST. IN THIS INSTANCE FOR THEIR CASE IT COST TWO TO THREE HUNDRED DOLLARS. HE SAID WORST CASE IT MAY COST UP TO 2,000, BUT HE SAID ESSENTIALLY THEY WERE ABLE TO PROVIDE THAT LETTER FOR THE OTHER PROPERTY.

YES, WE CAN PROVIDE THAT.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS, COMMENTS? I JUST SAY I SEE THIS AS SOMEWHAT OF A UNIQUE CASE IN THAT MY ORIGINAL THOUGHT BACK WHEN WE PASSED THE INTERIM RULES WAS THAT THEY DID COME FORWARD IN SUCH QUICK ORDER THAT I WOULD BE PREPARED TO CONSIDER WAIVERS WHERE FOLKS CLEARLY WEREN'T IN THE PROCESS OF HAVING TO FILE FOR A BUILDING PERMIT, BUT COULD SHOW EVIDENCE THAT THEYTHEY HAD SPENT WEEKS, EVEN MONTHS, I KNOW IN SOME CASES EVEN A COUPLE OF YEARS FOR PRELIMINARY PLANNING, LIKELY WORKING WITH AN ARCHITECT, HAVING SPENT FIVE FIGURES EVEN WITH AN ARCHITECT PREPARING FOR THAT PROJECT, BUT WEREN'T GOING TO BE ABLE TO SUBMIT A PERMIT IN THAT LIMITED TIME THAT WE GAVE SOME FOLKS. IN THIS CASE THE FACT THAT ESSENTIALLY THE SELLER, IF I UNDERSTAND THIS CORRECTLY, IS AN ARCHITECT AND SORT OF THE ARCHITECT --

THE SELLER'S SPOUSE IS THE ARCHITECT.

RIGHT. SO THE SPOUSE IS THE ARCHITECT. THAT HAD THAT NOT BEEN THE CASE, PERHAPS THE SELLER WOULD HAVE BEEN SPENDING MONTHS WORKING WITH AN ARCHITECT AND PERHAPS PAYING SOME FEES TO GET TO WHERE THIS CASE IS. SO MY INSTINCT IS TO TRY TO SHOW SOME CONCERN FOR FOLKS WHO HAVE BEEN SPENDING MONEY PREPARING FOR A PROJECT, EVEN THOUGH THEY MAY NOT HAVE BEEN PREPARED TO FILE FOR A BUILDING PERMIT. MS. TERRY, YOU SEEM ANXIOUS TO SAY SOMETHING.

NOT REALLY ANXIOUS. THERE IS ONE CHANGE TO THE ORDINANCE WE WOULD RECOMMEND. THE ORDINANCE RECOMMENDED THAT -- ESTABLISHED TOTAL SQUARE

FOOTAGE OF 3400 SQUARE FEET, SO IF IT IS COUNCIL'S DESIRE TO GRANT THE WAIVER, THAT NEEDS TO BE CHANGED TO 3,480 AND THAT'S JUST MERELY A TYPOGRAPHICAL CHANGE THAT WE CAN MAKE.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? I DON'T KNOW IF IT WAS FORMAL OR NOT, BUT THERE WAS -- THERE WASN'T A FORMAL REQUEST TO TABLE THIS ITEM, BUT IT WAS SAID THAT THERE MIGHT BE ADDITIONAL EVIDENCE LATER IN THE DAY, BUT THIS HAS HELPED ME JUST SEEING WHERE WE ARE SO FAR. FURTHER COMMENTS? IF NOT -- COUNCILMEMBER MCCRACKEN?

McCracken: I EXPECT THAT IT WILL EMERGE FROM THE TASKFORCE THAT THIS PROPOSAL WOULD BE RIGHT AT THE EDGE. THAT SAID, THE TASKFORCE IDENTIFIED A NUMBER OF CRITERIA THAT THEY ARE INTERESTED IN THAT WILL ALLOW FOR GREATER F.A.R. OR SQUARE FOOTAGE BECAUSE IT WILL ENCOURAGE COMPATIBILITY AND RESPECT NEIGHBORING PROPERTIES, AND THOSE ARE THINGS LIKE GARAGES AT THE REAR, MAKING SURE THAT YOU DON'T HAVE A SITUATION LIKE WE HAVE IN MANY NEIGHBORHOODS WHERE YOU HAVE THREE STORY, YOU KNOW, HOMES, RIGHT UP ON THE LOT LINE NEXT TO SOMEONE ELSE'S HOUSE. SO IN OTHER WORDS, EVERYTHING THAT'S BEFORE US HERE SITS VERY NEATLY INTO THE SPIRIT OF WHAT THE TASKFORCE IS SAYING WILL BE GROUNDS FOR MORE SQUARE FOOTAGE AND MORE F.A.R. SO FOR ALL THOSE GROUNDS, I BELIEVE THAT THIS -- IT'S CLOSE. I BELIEVE WHAT'S BEFORE US DOES MEET THE LIKELY OUTCOME OF WHAT WOULD BE SOMETHING PERMISSIBLE UNDER WHAT THE TASKFORCE IS DISCUSSING AS THEIR -- AS WHAT THEY'RE IN FAVOR OF, IT HAS SOME BASEMENT SQUARE FOOTAGE, THE GARAGE OVER HERE, THE SETBACKS. IT'S NOT THE -- IT'S NOT TWO STRUCTURES ON ONE LOT, WHICH IS A BIG DRIVING FORCE ON THAT. FOR ALL THOSE GROUNDS I'M GOING TO MOVE TO APPROVE THE ORDINANCE TO GRANT THE WAIVER AT 3480 SQUARE FEET WITH THE CONDITION OUTLINED BY STAFF FOR THE DRAINAGE LETTER CERTIFICATION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN. SECONDED BY COUNCILMEMBER

LEFFINGWELL. FURTHER COMMENTS? AND PERHAPS A QUESTION OF MR. TALLETT IF COUNCIL WISHES.

Thomas: ONE MORE QUESTION, MAYOR.

Mayor Wynn: MAYOR PRO TEM. >>

Thomas: WHAT'S THE SQUARE FOOTAGE OF THE HOUSE? FIRST YOU SAID IT WAS A THOUSAND SOMETHING AND THEN IT'S 25 -- THREE THOUSAND?

THE SQUARE FOOTAGE OF THE HOUSE PROPOSED WOULD BE 3,480. THE HOME TO BE DEMOLISHED WAS 1,058 SQUARE FEET.

THAT WILL BE REMOVED.

Thomas: ALSO, ANY OF THE HOUSES SURROUNDING -- I MISSED IT. IS THERE ANY OTHER HOUSES CLOSE TO THIS DEVELOPMENT THAT WE'RE PROPOSING TO WAIVE?

ARE THERE ANY OTHER WAIVERS IN PROCESS?

Thomas: NO, HOUSES AROUND IT.

THERE ARE OTHER HOMES AROUND IT. DO YOU WANT THOSE SQUARE FOOTAGES?

Thomas: RIGHT.

THE HOMES AROUND IT, THE HOUSE BEHIND THIS HOME IS 1,568 SQUARE FEET. BESIDE IT 2500 AND 29. AND THEN WHEN YOU GO OUT FROM THERE, THE HOMES RANGE FROM, AGAIN, 2500 TO 35 -- ACTUALLY, 3431 IS THE HIGHEST WE FOUND.

Thomas: YES, SIR. DID YOU HAVE A QUESTION?

Mayor Wynn: MR. TALLETT, WELCOME.

IF COUNCIL DOES DECIDE TO GRANT THIS WAIVER, I'M SURE THE NEIGHBORS WOULD WANT ME TO ASK THAT YOU LOCK THIS SITE PLAN INTO THE WAIVER SO THAT IT'S NOT A

BLANKET -- SO THAT HE HAS TO BUILD WHAT HE'S PROPOSED AS OPPOSED TO JUST HAVING A WAIVER TO BUILD A 3480 SQUARE FOOT HOUSE.

Mayor Wynn: THANK YOU, MR. TALLETTE.

McCracken: AND MAYOR, HE'S INDICATED THAT HE WOULD BE FINE WITH THAT AS WELL, SO I'LL INCORPORATE THAT CONDITION IN THE MOTION ALSO.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL? OKAY.

WE CAN DO THAT.

Mayor Wynn: THANK YOU, MS. TERRY. FURTHER COMMENTS, QUESTIONS? >>

McCracken: WE'LL HEAR MORE ABOUT THIS TONIGHT, BUT ONE OF THE THINGS WE'RE LEARNING THROUGH THIS PROCESS IS ONCE AGAIN THE DRIVING ISSUE AND THE PROBLEM THAT HAS NECESSITATED THE COUNCIL'S ACTION THAT'S BEING AMENDED TONIGHT IS A CONTINUED EXPLOITATION OF OUR SINGLE-FAMILY RULES BY CERTAIN -- NOT ALL, BUT BY CERTAIN DUPLEX DEVELOPERS, AND THAT IS WE'LL FIND IT AS THE OVERWHELMING SOURCE OF THE PROBLEM. IT DEPENDS NEIGHBORHOOD BY NEIGHBORHOOD. THAT SAID, THIS IS A DIFFERENT TYPE OF PROPOSAL BECAUSE IT'S A TRUE SINGLE-FAMILY RESIDENCE THAT IS COMPATIBLE WITH ITS NEIGHBORING PROPERTIES.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL AND THEN ALVAREZ.

Leffingwell: JUST BRIEFLY I WOULD LIKE TO REITERATE THAT I BELIEVE THAT THIS IS WHAT I ENVISION THE TASKFORCE IN THE END WILL COME OUT RECOMMENDING. IT'S A DEVELOPMENT THAT IS NOT WILDLY OUT OF LINE WITH THE SURROUNDING NEIGHBORHOOD. AS COUNCILMEMBER MCCRACKEN SAID, IT'S PERHAPS RIGHT ON THE EDGE, BUT AT LEAST I THINK IT IS WITHIN THE EXISTING STANDARDS OF THE NEIGHBORHOOD WITH REGARD TO COMPATIBILITY, AND I'M VERY GLAD TO SEE THAT WE'RE NOW MAKING SOME PROGRESS ON INSISTING THAT DRAINAGE AT LEAST BE

LOOKED AT.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: A COUPLE OF QUESTIONS FOR THE APPLICANT. THIS IS THE SECOND IN A SERIES OF WAIVERS WE'LL BE HEARING, BUT KIND OF GETTING BACK TO THE POINT MAYOR WYNN MADE ABOUT PROJECTS THAT HAVE BEEN IN THE WORKS AND WHERE THERE'S BEEN AN EXPENDITURE OF FUNDS, BUT COULD YOU KIND OF REMIND ME AGAIN SORT OF WHERE YOU ARE IN THE PROCESS IN TERMS OF A PLAN FOR PERMITS OR ACTUALLY PROCEEDING WITH THE ACTUAL DEVELOPMENT AND ALSO JUST KIND OF REITERATING THE INVESTMENT MADE THUS FAR IN TERMS OF THESE PARTICULAR PLANS?

WORKING BACKWARDS FROM NOW, WE HAVE APPLIED FOR A BUILDING PERMIT, THE SITE PLAN, AND IMPERVIOUS COVER'S CALCULATIONS AND WHATNOT. SO THAT'S BEEN APPLIED FOR. WORKING BACKWARDS FROM THAT, WE DID A DESIGN AS A WAY OF PROMOTING THE PROPERTY, AND THAT DESIGN WAS BASED ON A DESIGN THAT WE HAD DONE FOR OUR OWN HOUSE, SO I'VE EXPENDED OFFICE TIME IN TERMS OF WHERE I PAID MY EMPLOYEES TO DO THE RENDERINGS AND TO HELP DEVELOP IT. SO THERE HAS BEEN ACTUAL EXPENSE BEYOND JUST MY OWN PERSONAL TIME, AND THAT'S GOING BACK PROBABLY TWO AND A HALF YEARS IN TWO DIFFERENT PHASES OF WORK.

Alvarez: YOU'VE ACTUALLY APPLIED ALREADY FOR THE BUILDING PERMIT?

WE HAVE APPLIED FOR THE PERMIT.

Alvarez: I THINK THAT JUST DEMONSTRATES OR SETS A CERTAIN KIND OF STANDARD AS FOLKS COME FORWARD AND WHAT MAY BE MORE CONCEPTUAL THAN AN ACTUAL PROJECT. I APPRECIATE THAT, THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? I WANT TO PROPOSE ONE ADDITIONAL HOPEFULLY FRIENDLY AMENDMENT IF MS. TERRY IS COMFORTABLE WITH IT. SO NOT ONLY DO WE

WANT TO BE CAUTIOUS THAT WE'RE NOT GOING TO GIVE A BLANKET 3480 SQUARE FOOT VARIANCE, PART OF THE EVIDENCE EARLIER IS GOING TO BE BUILT TO THE SITE PLAN AS PRESENTED TO US. I'D LIKE TO PROPOSE, COUNCILMEMBER MCCRACKEN, THAT PART OF THE PRESENTATION THAT ACTUALLY STRIKES ME AS PRESENTED, THE MAJORITY OF THE LIVING SPACE OF THIS HOUSE IS STILL SINGLE-FAMILY AND SO THE FACT THAT ONLY 40% OF THE THE STRUCTURE OF THE LIVING SPACE IS EVEN TWO-STORY STRIKES ME AS COMPELLING REASON THAT THIS ISN'T WHAT WE HAVE BEEN TRYING TO STOP AROUND TOWN. SO I'D LIKE TO PROPOSE A FRIENDLY AMENDMENT, IF MS. TERRY IS COMFORTABLE WITH IT, THAT IN ADDITION TO THE SQUARE FOOTAGE WAIVER AND THE REQUIREMENT THAT IS BUILT TO THIS SITE PLAN, THAT ALSO THAT APPROXIMATE PERCENTAGE OF ONE TO TWO STORY LIVING SPACE NOT BE CHANGED.

WHAT I CAN DO IS PUT IN THE PERCENTAGE THAT 40% OF THE STRUCTURE HAS TO BE LIVING SPACE OR OCCUPIED SPACE.

Mayor Wynn: NO. IT'S OF THE LIVING SPACE AS PRESENTED TO US THAT ONLY 40% IS TWO-STORY, 60% IS ONE-STORY. THEN THERE'S SORT OF AN UNDERSPACE GARAGE THAT I WOULDN'T CONSIDER LIVING SPACE. SO I LIKE THE FACT THAT -- I'M COMPELLED BY THE FACT THAT TECHNICALLY AS PRESENTED, THE MAJORITY OF THE LIVING SPACE OF THIS HOUSE IS ACTUALLY A SINGLE STORY.

RIGHT, THAT'S THE 60%. SO I CAN CRAFT A PROVISION TO REFLECT THAT 40% IS TWO-STORY, 60% IS ONE-STORY. IS THAT WHAT YOU'RE AIMING AT. I CAN DO THAT. THAT WILL BE IN. AND WHAT WE WILL DO IS IN THE ORDINANCE WE WILL ATTACH THE ILLUSTRATIONS OF THE PLOT PLAN SO THAT THAT IS CLEAR WHAT THAT STRUCTURE IS GOING TO BE LOOKING LIKE.

Mayor Wynn: THANK YOU. COUNCILMEMBER MCCRACKEN, BEFORE YOU ACCEPT THAT, YOU MIGHT WANT TO ASK THE ARCHITECT --

THE GARAGE IS PART OF THE -- IT'S UNDERNEATH THE

MASTER BEDROOM, WHICH IS LIVING SPACE, BUT IF IT'S 45, 55 OR 42, YOU KNOW, THE MAJORITY OF THE STRUCTURE IS ONE-STORY. IF YOU LOOK AT THE SITE PLAN, THE ROOF PLAN, THERE'S MORE ONE STORY ROOF THAN THERE IS TWO STORY. I CAN DO SOME QUICK CALCULATIONS OR IF IT'S JUST STATED THAT IT'S THE MAJORITY, THEN WE'RE WELL WITHIN THAT. THE OTHER THING IS THAT WE'VE APPLIED FOR THE BUILDING PERMIT, SO WE'RE BUILDING WHAT THE DESIGN THAT WE'VE APPLIED FOR. AND SO THE RESTRICTION WERE TO BE OR THE ALLOWANCE WOULD BE THAT WE'VE APPLIED FOR THE BUILDING PERMIT, SITE PLAN AS WELL AS ARCHITECTURAL PLAN, THEN I THINK THAT WOULD BE EASILY ACCOMMODATED.

MAYOR AND COUNCIL, MR. PANTALION SHOWED ME THE PLAN, AND THE ELEVATION SHOWS A GREAT BALANCE BETWEEN THE ONE STORY, 55%, AND THE TWO STORY SECTION IS 45%. SO WITH PERMISSION, THOSE ARE THE PERCENTAGES THAT I WILL USE IF THAT MEETS YOUR OBJECTIVE.

Mayor Wynn: IT SOUNDS LIKE NOW, SINCE THE FACT THAT THE BUILDING PERMIT HAS BEEN FILED AND THAT IS PART OF THAT CASE RECORD NOW, I WOULD JUST -- PERHAPS I WOULD REQUEST THAT IT BE BUILT AS PERMITTED -- AS APPLIED.

AS APPLIED IN THE BUILDING PERMIT. I GOT YOU. AND I CAN DO THAT.

McCracken: I'LL OFFER THAT AS A FRIENDLY AMENDMENT.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL? ANY FURTHER COMMENTS, QUESTIONS? WE HAVE AN AMENDED MOTION ON THE TABLE TO APPROVE THIS VARIANCE WITH THE ORIGINAL CONDITIONS AS OUTLINED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. SO COUNCIL,

THAT TAKES US TO OUR NOON CITIZEN COMMUNICATION. OUR FIRST SPEAKER IS MR. JIMMY CASTRO. WELCOME. YOU WILL BE ON FOLLOWED BY SYLVIA BENINI.

GOOD AFTERNOON, MAYOR WYNN, COUNCILMEMBERS AND STAFF. I DO HAVE SOME SLIDES TO SHOW YOU THIS AFTERNOON. I'M HERE TO SPEAK ON MY OWN BEHALF. I'VE ALSO SEFBD AS A VOLUNTEER WITH THE GREATER AUSTIN CHAMBER OF COMMERCE. THIS FIRST SLIDE SHOWS I'M HERE TO INVITE EVERYONE TO THE 69TH CENTRAL TEXAS FAIR AND RODEO AT THE TRAVIS COUNTY EXPOSITION CENTER BETWEEN MARCH 11th THROUGH THE 25TH. THE STAR OF TEXAS FAIR AND RODEO SCHOLARSHIP PROGRAM IS OPEN TO STUDENTS FROM 120 COUNTIES IN TEXAS. THIS IS THE LARGEST YOUTH EDUCATION FUND RAISE FUND-RAISER IN CENTRAL TEXAS. EVERYONE IS INVITED TO THE COWBOY BREAKFAST AT AUDITORIUM SHORES FROM 6:00 TO 9:00 A.M. ON FRIDAY, MARCH THE 10th. CAPITAL METRO WILL BE PROVIDING RIDES TO THE TRAVIS COUNTY EXPOSITION CENTER. THE SUNRISE STAMPEDE 5 K AND THE KIDS RODEO RUMBLE 1 K WILL BE HELD ON MARCH 11th 11th. SOME OF THE FEATURED RODEO EVENTS WILL INCLUDE CALF SCRAMBLE, BULL RIDING, AND MUTTON BUSTING. THE CROWNING OF THIS ROADIO AUSTIN WILL ALSO TAKE PLACE. THE 2006 RODEO AUSTIN GALA WAS A HUGE SUCCESS. IF YOU'RE LOOKING FOR THE BEST TEXAS BARBECUE, THE BARBECUE COOK OFF IS SET FOR MARCH 17TH THROUGH THE 19TH. KIDS WILL ALSO ENJOY KIDS TOWN AND THE PETTING ZOO. NEARLY 10,000 TEXAS YOUTH WILL BRING LIVESTOCK PROJECTS THEY HAVE SPENT COUNTLESS HOURS WORKING WITH. OVER THE LAST 20 YEARS THE STAR OF TEXAS FAIR AND RODEO AWARDED \$18 MILLION TO 13,500 KIDS. THE PREPARATION FOR THE SHOW IS A YEAR-ROUND ENDEAVOR. THIS IS A CLIMAX OF A YEAR'S WORK BY THE 4 H CLUB MEMBERS. THESE SCHOLARSHIPS WILL HELP THOSE WHO MIGHT NOT OTHERWISE HAVE HAD THE GOLDEN OPPORTUNITY. THE YOUNG MEN AND WOMEN OF THE FUTURE FARMERS OF AMERICA WHO WEAR THOSE BLUE AND GOLD JACKETS WEAR THEM WITH PRIDE BECAUSE AGRICULTUREAGRIBUSINESS IN TEXAS IS GOOD BUSINESS. TODAY THE STAR OF TEXAS FAIR AND RODEO HAS MORE THAN 2,000 VOLUNTEERS WHO CONTRIBUTE THEIR TIME AND

TALENTS. FINALLY, THANKS TO THE GENEROUS SUPPORT OF ESTABLISHED BUYERS GROUPS, AREA BUSINESSES AND THOUSANDS OF VISITORS, THIS HAS MADE THE STAR OF TEXAS FAIR AND RODEO THE SUCCESS IT IS TODAY. THANK YOU, MAYOR WYNN.

Mayor Wynn: THANK YOU, MR. CASTRO. NEXT SPEAKER IS SYLVIA BENINI. WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY JENNIFER GALE, WHO WILL BE FOLLOWED BY PAUL ROBBINS.

GOOD MORNING, COUNCIL. FIRST I'D LIKE TO MAKE NOTE OF THE PASSING OF JESSE GITAR TAYLOR, ONE OF THE FINEST SONS TEXAS HAS EVER PRODUCED. GOOD AFTERNOON, THANK YOU FOR THIS RESERVED TIME. I HAVE E-MAILED EACH OF YOU A SHORT LETTER WITH LINKS INCLUDED TO PER REDUCE AT YOUR DISCRETION TO EXPLORE THE INFORMATION AVAILABLE ONLINE. I HAVE SERIOUS CONCERNS IN THE CITY THAT WE WANT FOR THE TREATY OAK ABOUT THE GLARING LACK OF PROTECTIONS FOR THIS SHARED NATURAL RESOURCE. I'VE BROUGHT SOME PHOTOS OF ONE SITE IN MY NEIGHBORHOOD FOR ILLUSTRATE TIF PURPOSES TODAY. I'VE SENT PHOTOS OF ANOTHER BELOVED TREE IN MY AREA TO EACH OF YOU. I'VE GOT SOME SERIOUS QUESTIONS. COULD YOU GET US SOME ANSWERS, PLEASE? FIRST I'D LIKE TO KNOW HOW MUCH MONEY IS SET ASIDE YEARLY FOR TREE REPLANTING OF PUBLIC TREES IN THE CITY OF AUSTIN? HOW MUCH MONEY IS SET ASIDE YEARLY FOR THE REPLANTING OF PRIVATELY OWNED TREES IN THE CITY OF AUSTIN. HOW MUCH MONEY IS IN THE ACCOUNT PAID INTO BY THE DEVELOPMENT COMMUNITY FOR PLANTING OF TREES IN AUSTIN TO REPLACE THOSE TAKEN WITH PERMITS CURRENTLY IN MARCH 2006. HOW MANY PUBLIC TREES HAVE BEEN PLANTED IN THE LAST THREE YEARS EACH YEAR? AT WHAT TOTAL COST EACH YEAR? HOW MANY PRIVATE REPLACEMENT TREES HAVE BEEN PLANTED IN THE LAST THREE YEARS, AND SPECIFICALLY WHERE WERE THOSE TREES REPLANTED AT, AT THE SITES OF THE REMOVAL, TWO BLOCKS AWAY, ACROSS TOWN? HOW MANY PERMITS HAVE BEEN ISSUED IN THE LAST THREE YEARS FOR REMOVAL OF PROTECTED SIZE TREES? WHAT IS THE TOTAL OF INCHES REMOVED OVER THE LAST THREE YEARS? HOW MANY

INCHES WERE PRIVATELY OWNED TREES? HOW MANY WERE INCHES OF PUBLICLY OWNED TREES? WHAT HAPPENS TO A MATURE TREE WHEN BULLDOZERS, ESPECIALLY LARGE ONES FOR DEMOLITION PURPOSES THAT WEIGH HUNDREDS OF THOUSANDS OF POUNDS, RUN OVER THE ZONES BENEATH THE TREE CANOPY? WHAT IS THE TOTAL AMOUNT OF FINES THAT HAVE BEEN ISSUED IN THE LAST THREE YEARS FOR UNPERMITTED REMOVALS OF PROTECTED SIZE PRIVATELY OWNED TREES. WHAT IS THE TOTAL AMOUNT OF COLLECTED FINES FOR IMPROPER AND/OR UNPERMITTED REMOVALS OVER THE LAST THREE YEARS BY YEAR? HAS THE CITY FINED THE FULL AMOUNT, \$1,000, FOR AN UNPERMITTED REMOVAL? IF SO, WHEN, IF SO, HOW OFTEN AND UNDER WHAT CIRCUMSTANCES? [BUZZER SOUNDS] WHAT IS THE AVERAGE FINE LEVIED FOR THE VIOLATION OF TREE PROTECTION AGREEMENTS BETWEEN THE CITY OF AUSTIN'S ARBORIST'S OFFICE AND A TICKETED OFFENDER? I KNOW I'VE RUN OUT OF TIME. YOU HAVE A COPY THAT CONTINUES MY REMARKS.

Mayor Wynn: THANK YOU. AND OBVIOUSLY SOME OF THESE ARE VERY DETAILED QUESTIONS AND WE WILL ASK STAFF TO LOOK AT THE PRACTICALITY OF GETTING THESE ANSWERS SOONER RATHER THAN LATER. THANK YOU. JENNIFER GALE, WELCOME. YOU HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY PAUL ROBBINS.

HI, AUSTIN. ON MARCH 8TH, I, JENNIFER GALE, AT NOON, BECAME AN OFFICIAL CANDIDATE FOR MAYOR OF THE CITY OF AUSTIN, JOINING MAYOR WYNN ON THE BALLOT OF THE CAPITOL CITY TO REPRESENT ALL THE PEOPLE OF AUSTIN. THIS WAS NOT COVERED BY THE "AUSTIN AMERICAN-STATESMAN" OR THE AUSTIN CHRONICLE. THEY COULDN'T WOULDN'T EVEN GIVE ME AN INTERVIEW. AND THE ONLY ONE THAT DID WAS IN FACT NEWS.COM. I HAVE A ARCHITECT THAT WAS DISMISSED THAT I'M CHARGING THE -- I A A TICKET THAT WAS DISMISS THAT HAD I'M CHARGING THE CITY COUNCIL \$10,000 FOR. AND I'LL BE LOOKING AT OTHER MEASURES TO TAKE FOR THIS COUNCIL. THERE'S A COWBOY BREAKFAST THIS FRIDAY MORNING AT 6:00. EVERYBODY IN THE CITY IS INVITED. I WISH YOU WOULD HAVE PUT UP VOTER CHOICE, PEOPLE WOULD HAVE HAD A CHANCE TO DECIDE WITH THE HELP OF THE SECRETARY OF STATE'S

LEGAL OPINION. YOU COULD HAVE PUT THAT ON THE BALLOT. MARCH 19TH IS THE RIVER CITY 10-MILE RUN. SOUNDS LIKE IT WILL BE A LOT OF FUN. CONGRATULATIONS ALL CANDIDATES RUNNING. MAYOR WYNN, CITY MANAGER TOBY FUTRELL, CITY COUNCIL, MY NAME IS JENNIFER GALE, I'M A CANDIDATE FOR GOVERNOR. OUR KITTIES, OUR PUPPIES HAVE SO MUCH LOVE TO SHARE WITH US. MANY OF THEM ARE OUR CHILDREN OR REPLACE OUR CHILDREN WHEN WE CAN'T HAVE LITTLE ONES. OUR PETS, SHOULD THEY FIND THE GREAT OUTDOORS AND LOSE THEIR BELOVED OWNER, ARE PLEADING WITH US FOR A NO KILL POLICY AND TO SPAY THE GIRLS AND NEUTER THE BOYS AND THEIR FREE LOVING FRIENDS. THEY CERTAINLY DON'T DESERVE THE CITY OF AUSTIN'S 50% DEATH PENALTY SHOULD THEY BECOME SEPARATED FROM THEIR OWNER, AFRAID AND ALONE IN THIS WORLD. LET'S TAKE GOOD CARE OF THEM. MULTIPLE FACILITIES AROUND OUR AREA, AUSTIN, SO PEOPLE RUNNING ALL OVER AUSTIN WILL BE ABLE TO FIND THEIR LOVED ONE STILL ALIVE. OR KILLED BY THE -- BY OUR CENTER BECAUSE IT'S EXPEDIENT. ALSO THIS MONTH THROUGH MARCH ON THURSDAY AND FRIDAY THEY'RE OFFERING FREE NO MONEY FOR EAST SIDE AND M.A.P. RESIDENTS THAT CAN'T AFFORD SHOTS, SPAY, NEUTER, FLEA DIPS AND REGISTRATION IS ALLOWED BY LAW. NATHAN WINEGUARD AT SPCA OF GREATER AUSTIN.ORG IS GOING TO MEET AT CAP CITY COMEDY CLUB ON THE 25TH AND 26TH TO DISCUSS THE NO-KILL POLICY THAT BRINGS VOLUNTEERS TOGETHER. SO EVERYBODY'S INVITED TO THIS 25 AND 26 AT THE COMEDY CLUB TO DISCUSS HOW WE CAN TAKE CARE OF FERAL CATS, SPAY AND NEUTER, REWARD LOCAL VETERINARIANS, ADOPTION EVENTS, FOSTER CARE, SO WE CAN REDUCE THIS. [BUZZER SOUNDS] IT'S FUNNY HOW WE'RE GOING TO ENJOY AFTER SO MANY HUNDREDS OF YEARS ST. PATRICK'S DAY THIS MARCH 17TH. IT SHOULD BE A LOT OF FUN. IT'S TIME FOR SHARING THE MUSIC AT SOUTH BY SOUTHWEST, MUSIC, FILM, INFORMATION TO PUT MORE CREATIVE LIFE AFFIRMING FUN INTO OUR LIVES BY SHARING OUR MUSICAL GIFTS THAT RUN DEEP WITHIN ALL OF US. GOOD LUCK MUSICIANS, THANK YOU.

Mayor Wynn: THANK YOU, JENNIFER. PAUL ROBBINS. WELCOME. YOU WILL HAVE THREE MINUTES AND BE

FOLLOWED BY CAROL ANNE ROSE KENNEDY, WHO WILL BE FOLLOWED BY PAT JOHNSON.

GOOD AFTERNOON, CITY COUNCIL. I'M PAUL ROBBINS. I'M AN ENVIRONMENTAL ACTIVIST AND CONSUMER ADVOCATE. AS MOST OF YOU KNOW I'M THE EDITOR OF AN ENVIRONMENTAL PUBLICATION. THE NEW EDITION IS DUE OUT SHORTLY. I WILL TAKE STEPS TO INVITE ALL OF YOU WHEN IT'S ANNOUNCED. I ASK PERMISSION TO MAKE THE PRESENTATION AT THESE CITY HALL CHAMBERS. I WANT TO GIVE YOU SOME HISTORICAL PERSPECTIVE IN THAT ALL MANNER OF PRESS CONFERENCES AND SPEECHES USED TO TAKE PLACE IN THESE CHAMBERS. ALMOST ALL CITY COUNCILMEMBERS MADE ANNOUNCEMENTS OF THEIR CANDIDACY HERE. PEOPLE SUPPORTING OR OPPOSING CITY POLICY USE CHAMBERS OR VARIOUS MEETING ROOMS REGULARLY. AND THIS CUSTOM WAS IN PLACE UNTIL THE VERY END OF THE OLD CITY HALL'S EXISTENCE, BUT NOW IT IS BANNED AND NO ONE CAN GIVE ME A GOOD REASON WHY. WHY I AM BANNED FROM USING A BUILDING THAT I PAID FOR. HAS AUSTIN CHANGED SO MUCH IN THE LAST FEW YEARS? NO. IS SECURITY AN OVERRIDING CONCERN? NO. WE HAVE GUARDS THERE. IS THERE ANY HUGE COST FOR THIS? NO. IN FACT, DURING THE DEPRESSION IN AUSTIN IN THE LATE 1980'S WHEN THE CITY BUDGET WAS HAMMERED, CITIZENS USED CITY HALL REGULARLY. MY OWN INFERNAL IS THAT -- INFERNAL IS THAT THERE IS AN ADD TIEWD BY SOME, NOT ALL, MEMBERS OF CITY STAFF THAT CITY HALL IS TOO GOOD FOR ITS CITIZENS. HAS AUSTIN GOTTEN SO LARGE THAT IT DOESN'T CARE WHAT PEOPLE THINK, WHAT ITS OWN PEOPLE THINK? I'M SURE THE MANAGER WILL HAVE A REPLY.

Mayor Wynn: ACTUALLY, I HAVE A QUESTION OF YOU. NAME ME ONE THING THAT HAS BEEN BANNED. I HAVE SEEN EVERYTHING FROM GIRL SCOUT MEETINGS IN THIS BUILDING TO KU KLUX KLAN PROTESTS IN THIS BUILDING. NAME ME ONE PUBLIC REQUEST --

MINE.

Mayor Wynn: WHAT THE REQUEST?

WELL, I'M SURE IF I WENT THROUGH, I MIGHT -- IN OPEN

RECORDS I MIGHT BE ABLE TO FIND A WHOLE LOT MORE,
SIR. AND I DIDN'T --

Mayor Wynn: WHAT DID YOU REQUEST TO USE THIS BUILDING
FOR THAT YOU WERE DENIED?

A PRESS CONFERENCE TO PRESENT THE FINDINGS OF THE
NEW ENVIRONMENTAL DIRECTORY. MAYOR, YOU WERE AT
THE LAST ONE.

Mayor Wynn: THAT DISTURBS ME THAT YOU WOULD BE
DENIED THAT. I WILL LOOK INTO THAT. BUT MY PER
PERCEPTION AND BEING HERE MOST DAYS IS AND WALKING
AROUND, PRESENTATIONS OR PRESS CONFERENCES OR
MEETINGS OR PROTESTS ARE HAPPENING IN THIS BUILDING.

WHAT I WAS TOLD, SIR, WAS THAT I WOULD BE GIVEN THE
PLAZA IF I SO CHOSE. AND TO THE WOMAN THAT TOLD THIS
TO ME, ACTUALLY, I'VE TALKED TO SEVERAL PEOPLE NOW,
I'VE BEEN TOLD THAT THE PLAZA IS THE, QUOTE, FREE
SPEECH AREA. AND I SAID, WELL, NOW, I DON'T WANT THE
PLAZA, I WANT CITY HALL CHAMBERS, WHICH IS -- WAS QUITE
CUSTOMARY UP UNTIL THE NEW CITY HALL OPENED.

Mayor Wynn: WELL, THANK YOU.

PAUL, I'LL ALSO FOLLOW UP WITH YOU AND LOOK INTO THIS.
I ACTUALLY, PAUL, I'M NOT SURE I COMPLETELY ARGUE WITH
YOU -- AND I --

DO YOU EVER?

NO, PAUL, WE DO AGREE ON SOME THINGS, NOT
EVERYTHING. BUT THE BUILDING IS ALSO A BUSINESS
BUILDING, SO WE WEREN'T RENTING OR -- I KNOW THAT
WE'VE HAD PRIVATE REQUESTS FOR RENTING FACILITIES
HERE, BUT WE HAVE HAD EVERY POSSIBLE KIND OF
ANNOUNCEMENT AND EVENT IN THE BUILDING, SO LET ME
GET WITH YOU AND FIND OUT EXACTLY SORT OF WHAT'S
HAPPENING. THE DAIS, THE COUNCIL CHAMBERS ARE
BOOKED FOR BOARD AND COMMISSION MEETINGS, FOR ALL
KINDS OF DIFFERENT EVENTS, SO I THINK I JUST NEED TO
GET WITH YOU AND TRY TO FIND OUT WHAT HAPPENED AND

WE'LL TRY TO RESOLVE IT AND SEE WHERE WE HEAD UP.
AND I'LL ALSO REPORT BACK TO THE COUNCIL SO THEY'RE
AWARE OF EXACTLY WHAT HAPPENED WITH YOUR REQUEST
AND SEE IF WE CAN GET IT RESOLVED.

THANK YOU.

Mayor Wynn: MR. ROBBINS, YOUR PUBLICATION IS A GREAT
PUBLICATION AND IT SERVES A GOOD PURPOSE AND WE'RE
LOOKING FORWARD TO SEEING ITS RELEASE SOON.

THANK YOU. AND I-- YOU KNOW, WHETHER IT TAKES PLACE
IN THESE CHAMBERS OR NOT, I'LL INVITE ALL OF YOU.
APPRECIATE IT.

Mayor Wynn: NEXT SPEAKER IS CAROL ANNE ROSE KENNEDY.
WELCOME. AND YOU WILL BE FOLLOWED BY PAT JOHNSON.

THE TIMER? THANK YOU. THANK Y'ALL FOR HAVING ME. IF I
COULD SING EVERYTHING I SAY, I'D BE A LOT MORE
RELAXED. IF YOU HAD THE OPPORTUNITY AS A REGULAR
PERSON FOR THE POPE TO WALK UP TO YOU AND LOOK YOU
IN THE EYES AND ASK YOU WHAT CAN I DO FOR YOU, WHAT
WOULD YOUR ANSWER BE? IF YOU HAD THE OPPORTUNITY
FOR YOUR PRESIDENT TO WALK UP TO YOU AND LOOK YOU
IN THE EYES AND ASK YOU WHAT CAN I DO FOR YOU, WHAT
WOULD YOUR ANSWER BE? ARE YOUR ANSWERS THE SAME,
DIFFERENT? I HAD THE OPPORTUNITY. HE WALKED UP TO
ME, LOOKED ME IN THE EYES AND I COULD READ HIS MIND.
HE WAS THINKING, KENNEDY. I KNOW THAT YOU KNOW THAT
I KNOW YOU'RE A A A NOBODY. AND THEN HE SAID, WHAT
CAN I DO FOR YOU? SO I SAID WHAT I SAID, AND THEN HE
REPLIED, WOMAN, HELP YOURSELF. SO I DID, AND I AM, AND I
WILL. BUT I'LL BE WATCHING Y'ALL. AND THANKS AGAIN FOR
SERVING.

Mayor Wynn: THANK YOU. AND OUR LAST SPEAKER IS MR. PAT
SCWON SON. JOHNSON.

GOOD MORNING, COUNCIL. I GOT MS. STRAYHORN'S SHIRT
ON THERE, ON THE RIGHT SIDE OF THE TEAM. TODAY'S
PRESENTATION, COUNCIL, CURRENT ISSUES IS TOWING
ISSUES. YOU KNOW, I'VE SAID THIS ONCE, I'VE SAID IT MANY

TIMES. YOU HEAR IT FROM THE PUBLIC OR YOU DON'T HEAR IT FROM THE PUBLIC, BUT WE'RE TIRED OF GETTING RIPPED OFF. ALL RIGHT, THERE SHOULD BE NO DOUBT ABOUT MY CREDENTIALS ON TALKING ABOUT THIS TOWING STATUTE, WHICH I WROTE THE PROPOSED LEGISLATION THAT THE LEGISLATURE PASSED BACK IN '92 AND '95. OF COURSE, SOME PEOPLE SAY WHAT RIGHT DO YOU HAVE TO ADVISE PEOPLE? I'M NOT AN ATTORNEY, BUT I WROTE THE STATUTE, THE ORIGINAL LEGISLATION AND DESIGNED FOR THE LEGISLATURE. ANY VIOLATION OF THE TOWING STATUTE IS SUBJECT TO A PERSON BEING ARRESTED NOW. INDIVIDUALS SUBJECT TO BEING ARRESTED IS THE PARKING FACILITY OWNER, THE AGENT, THE MANAGER OR AN EMPLOYEE OR SECURITY GUARD OR MAINTENANCE MAN THAT SAYS TOW THIS VEHICLE. OR A TOWING COMPANY, AN EMPLOYEE OR WRECKER DRIVER. MOST PARKING FACILITIES WILL HAVE AT LEAST FOUR VIOLATION WATER AND WASTEWATER A MINIMUM FINE OF \$2,000 PLUS COURT COSTS. DEPUTY CITY ATTORNEY AT THE LAST CITY COUNCIL MEETING SAYS THERE'S MANY TECHNICAL ISSUES IN THE STATUTE. THESE TECHNICAL STAFF ISSUES ARE REQUIREMENTS THAT ALL PARKING FACILITIES MUST COMPLY WITH IN ORDER TO HAVE A VEHICLE TOWED. THESE ISSUES THAT MR. DOUGLAS SPEAKS ABOUT HAVING IN EFFECT SINCE 1992. 13 YEARS LATER AND MANY PARKING FACILITIES STILL DO NOT COMPLY AND MANY CARS ARE TOWED ILLEGALLY DAILY. MR. DOUGLAS ALSO STATED AT THE LAST COUNCIL MEETING ABOUT THE RIGHTS GIVEN TO A VEHICLE OWNER AT THE STORAGE FACILITY WHEN THEY PICK UP THEIR VEHICLE. WE WROTE THESE WRITES. WE ANTICIPATE CONGRESS DEREGULATING THE TOWING INDUSTRY IN 1999 AND PREEMPTING THE TOWING COMPANIES HAVE HAVING TO COMPLY WITH STATUTE. SO WHENEVER A VICTIM GOES TO THE JP COURT AND FILES A REQUEST FOR A HEARING AND THE TOWING COMPANIES ARE NOTIFIED, THEY SUBMIT A REQUEST TO DISMISS BASED ON JURISDICTION. BECAUSE OF MR. DOUGLAS' ADVICE ABOUT THE TOWING STATUTE AND WHO IS RESPONSIBLE FOR IT OVER THE LAST 10 OR 12 YEARS, THAT IS THE REASON WE HAVE MORE CROOKED TOWING COMPANIES TODAY. ALL ALONG WE KNEW WHO WAS SUPPOSED TO ENFORCE THAT STATUTE, BUT TIME AND TIME AGAIN CITY LEGAL TOLD THE POLICE DEPARTMENT WE

HAVE NO JURISDICTION. IT'S A CIVIL ISSUE. AND THIS IS GETTING REALLY OLD. THE STATUTE FOR THE TOWING STATUTE IS A MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN \$500 OR MORE THAN \$1,500 PER VIOLATION. THE REASON THE FINE IS SET SO HIGH IS SO WE CAN GET THEIR ATTENTION. CITY MANAGER, -- ASSISTANT CITY MANAGER GARZA ON MORE THAN ONE OCCASION HAS CLAIMED THAT A.P.D. CANNOT BE EVERYWHERE. WE'RE TOTALLY AWARE OF THAT. THIS COUNCIL HAS INCREASED OUR CITY LIMITS SO MUCH WE DON'T HAVE ENOUGH POLICE OFFICERS NOW TO COVER THE TERRITORY WE DO HAVE. THEY HAVE MADE A TREMENDOUS IMPROVEMENT IN THE WRECKER ENFORCEMENT UNIT. FOR MANY THAT WAS CONSIDERED PUNISHMENT FOR OFFICERS. NOW WE HAVE OFFICERS THAT WANT TO BE ASSIGNED TO THAT UNIT. THIS IS AN AD RUNNING IN THE DAILY TEXAN. IF YOU'VE EVER BEEN TOWED, YOU CAN CONTACT THE TEXAS TOWING COMPLIANCE. AND THE DAMAGES AWARDED BY THE COURTS, THE CLIENTS THAT ARE REPRESENTED BY OUR ATTORNEYS, IS COLLECTED FROM THE PARKING FACILITY AND NOT THE TOWING COMPANY. THIS NEXT SLIDE IS ABOUT ASSISTANT CHIEF RUDY LANDERAS WHO RETIRES TOMORROW AFTER 24 YEARS OF SERVICE TO OUR CITIZENS. WE CAN'T THANK ANYBODY MORE FOR PROTECTING OUR CITIZENS. CHIEF LANDERAS WAS AWARDED TWO SERVICE MEDALS, COMMUNITY SERVICE AWARD AND OUTSTANDING EMPLOYEE OF 1990. WE ARE GRATEFUL BY THE CHIEF AND ALL OF OUR CITY EMPLOYEES FOR SERVING OUR CITIZENS WELL. THANK YOU, COUNCIL.

Mayor Wynn: THANK YOU, MR. JOHNSON. IN FACT, WE'RE GOING TO HAVE OFFICIAL PROCLAMATIONS TODAY FOR THE CHIEFS ON THEIR LAST WEEK HERE WITH US.

THEY'RE GOING TO HAVE A GO AWAY PARTY ON THE FIFTH FLOOR ON FRIDAY. OF COURSE, THAT'S ONLY FOR TOBY AND YOU ELECTED OFFICIALS UP THERE. Y'ALL GO UP THERE AND TELL THE FOLKS THAT GO BY, THAT WILL BE CHIEF DAHLSTROM AND CHIEF LANDERAS. I CAN'T GO BECAUSE IT'S FOR CITY EMPLOYEES.

COME BACK THIS AFTERNOON. WE'RE DOING A

PROCLAMATION THIS EVENING AS WELL.

THANK YOU, MAYOR. YOU'RE DOING A FINE JOB.

Mayor Wynn: SO COUNCIL, THAT CONCLUDES OUR GENERAL COMMUNICATION SECTION. WITHOUT OBJECTION, WE CAN NOW GO BACK INTO CLOSED SECTION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO CONTINUE OUR DISCUSSION IF NEED BE, GETTING LEGAL ADVICE ON PROPOSED CHARTER AMENDMENTS, BUT ALSO TAKE UP POTENTIALLY ITEM 35 RELATED TO APPLICATION OF KBDJ, LP, ITEM 36 AS WE DISCUSSED EARLIER, POTENTIAL CHARTER AMENDMENTS. 37 RELATED TO SAVE OUR SPRINGS ALLIANCE, INC. VERSUS CITY OF AUSTIN. 38 RELATED TO THE CITY OF AUSTIN'S MWBE ENTERPRISE PROGRAM. ITEM 40 REPORTED TO JOSIE ELLEN CHAMPION ET AL VERSUS THE CITY OF AUSTIN. ITEM 41 RELATED TO TITLE 4, SECTION 401 RELATED TO ADULT ORIENTED BUSINESSES. ITEM 59 RELATED TO A SITE PLAN APPEAL KNOWN AS TUMBLEWEED. IN CLOSED SESSION WE MAY ALSO TAKE UP REAL ESTATE MATTERS PURSUANT TO SECTION 551.072 OF THE OPEN MEETINGS ACT TO TAKE UP ITEM NUMBER 42 RELATED TO BLOCK 21 AND ITS POTENTIAL SALE, AND PURSUANT TO SECTION 551.074 WE MAY TAKE UP AGENDA ITEM 35 RELATED TO COMPENSATION BENEFITS, PERFORMANCE EVALUATION OF THE CITY AUDITOR. WE ARE NOW IN CLOSED SESSION. I ANTICIPATE US COMING OUT MID AFTERNOON -- EASILY IN TIME FOR US TO TAKE UP OUR ONE BRIEFING OF THE DAY, THE SINGLE STREAM RECYCLING PROGRAM PRIOR TO OUR 4:00 ZONING CASES. WE ARE NOW IN CLOSED SESSION. THANK YOU.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE FIRST TOOK UP REAL ESTATE MATTER ITEM 42 RELATED TO THE SALE OF BLOCK 21, NO DECISIONS WERE MADE. WE THEN TOOK UP PRIVATE CONSULTATION WITH OUR ATTORNEY AS ANNOUNCED IN OPEN SESSION EARLIER, WE TOOK UP ITEMS 36, 38 AND 59. NO DECISIONS WERE MADE. WE HAVE YET TO TAKE UP ITEMS 35, 37, 40, 41, NOR HAVE WE TAKEN UP THE EVALUATION OF OUR CITY AUDITOR, ITEM NUMBER 35. WE'RE NOW OBVIOUSLY RUNNING BEHIND, BUT OUT IN OPEN SESSION FOR OUR AFTERNOON BRIEFING. THIS ONE WILL BE

CONCERNING OUR SINGLE STREAM RECYCLING PROGRAM.
AND I'LL WELCOME ASSISTANT CITY MANAGER MICHAEL
MCDONALD.

GOOD AFTERNOON, MAYOR, MAYOR PRO TEM AND COUNCIL.
WE'RE PLEASED TO PRESENT TO YOU A BRIEFING ON SINGLE
STREAM RECYCLING. COUNCIL, LAST YEAR AT THE 3rd
COUNCIL MEETING, STAFF PRESENTED THE RESULTS OF
THE SINGLE STREAM RECYCLING PILOT PROJECT THAT WE
CONDUCTED OVER A SIX-MONTH PERIOD. THE RESULTS OF
THE PILOT WAS EXTREMELY FAVORABLE. COUNCIL
INSTRUCTED STAFF TO DEVELOP A STRATEGY AND TIME
LINE TO IMPLEMENT SINGLE STREAM RECYCLING CITY WIDE,
TO DETERMINE THE COST OF FULL IMPLEMENTATION, TO
BRING IT BACK TO COUNCIL BEFORE WE MOVE FORWARD.
WILLIE RHODES, THE DIRECTOR OF SOLID WASTE SERVICES
IS HERE TODAY TO GIVE A PRESENTATION ON
IMPLEMENTING SINGLE STREAM RECYCLING CITYWIDE.
PEAF.

MAYOR AND COUNCIL, WILLIE RHODES, DIRECTOR OF SOLID
WASTE SERVICES.

THIS TAKES CUSTOMERS FROM OUR CURRENT DUAL
STREAM COLLECTION SYSTEM TO A SINGLE STREAM
COLLECTION PROGRAM. CURRENTLY CUSTOMERS
SEPARATE THEIR RECYCLING INTO ONE BIN FOR PAPER AND
ANOTHER BIN FOR CONTAINERS SUCH AS ALUMINUM CANS,
TIN CANS, STEEL CANS, PLASTIC AND GLASS BOTTLES.
SINGLE STREAM RECYCLING MEANS OUR CUSTOMERS
WOULD BE ABLE TO PUT ALL THEIR RECYCLABLE MATERIAL
INTO ONE CONTAINER. THE DECISION TO MOVE FORWARD
WITH THIS TRANSITION CAME AFTER CONDUCTING A PILOT
PROGRAM WHICH INCLUDED 5,000 PAY AS YOU THROW
CUSTOMERS. THE RESULTS OF THIS PROGRAM SHOW
TREMENDOUS CUSTOMER SUPPORT FOR THE NEW SYSTEM
AS WELL AS INCREASE OPERATIONAL EFFICIENCIES WITH
SOLID WASTE SERVICES. I'D LIKE TO WALK YOU THROUGH A
HIGHLIGHT OF SOLID WASTE SERVICES THE HISTORY OF THE
RECYCLING PROGRAM. IN 1980 THE CITY OF AUSTIN BEGAN
ITS RECYCLING PROGRAMS. AS YOU KNOW, AT THE TIME WE
HAD ONE BIN FOR EVERY DIFFERENT MATERIAL, SO THE
CUSTOMERS HAD TO ACTUALLY SORT THE MATERIAL AND

PUT IT INTO A LITTLE BIN THAT WAS SITTING ON THE CURB. IN THE MID '90'S WE WENT TO A DUAL STREAM PROGRAM WHERE THE CUSTOMER STILL HAD TO SORT THEIR MATERIAL INTO A TWO-SORT MIX, CO-MINGLE MATERIAL IN ONE CONTAINER AND PAPER IN ANOTHER CONTAINER. IN 2000 WE'RE PROPOSING MOVING FORWARD TO AN ALL IN ONE PROGRAM WHERE IT'S A SINGLE STREAM. AS WE MOVE FORWARD WITH THE PILOT PROGRAM, WE ANNOUNCED THIS TO 5,000 HOMES WITH THE NEWS OF CHANGING THE PROGRAM, GOING FROM THE BINS, THE BAGS AND THE MATERIAL SITTING ON THE CURB TO A CART PROGRAM. THIS DECISION WAS A GOOD DECISION AND WE FELT IT WOULD MAKE IMPROVEMENT IN OUR RECYCLING PROGRAM. THE PILOT PROGRAM RESULTS, DURING THE PILOT PROGRAM WE ACHIEVED A 90% FAVORABLE RATING FROM OUR CUSTOMERS. WE ALSO SAW INCREASED PARTICIPATION FROM THE CUSTOMERS IN THE PILOT BY APPROXIMATELY EIGHT PERCENT. ONE OF THE THINGS THAT THE PILOT DID IS ELIMINATE THE CUSTOMER FROM SEPARATING THE RECYCLABLES INTO THE TWO SORT MIXES. IT INCREASED EFFICIENT SAY BECAUSE WE'RE ABLE TO BRING AUTOMATION TO OUR EMPLOYEES DURING THE COLLECTION WHICH ALSO REDUCED OUR EXPOSURE FOR INJURY TO THE COLLECTION CREWS FROM BROKEN BINS, GLASS AND SHARP OBJECTS. A SINGLE STREAM RECYCLING PROGRAM OBJECTIVES, I JUST WANT TO GO OVER THOSE RIGHT QUICK FOR YOU, IS TO COINCIDE WITH THE LONG RANGE SOLID WASTE GOALS THAT THE COUNCIL ADOPTED. WHEN WE BROUGHT THE GARBAGE COLLECTION CREWS FROM MANUAL COLLECTION TO AUTOMATED COLLECTION, WE SAW A 40% REDUCTION IN OUR INJURY CLAIMS. WE HOPE TO SEE THAT SAME TYPE OF REDUCTION IN OUR RECYCLING INJURY CLAIMS. WE ALSO WANT TO SEE AN INCREASE IN VOLUME MATERIAL RECYCLING. WE CURRENTLY ARE PROJECTING A 40% INCREASE IN VOLUME COLLECTED, AND BECAUSE WE'RE GOING TO ADD BOX BOARD TO THE MIX, THERE WILL BE MORE MATERIAL TO BE RECYCLED. WE'RE GOING TO HAVE A OPERATIONAL COST AVOIDANCE BY GOING TO THE SINGLE STREAM PROGRAM. IT WILL ALSO IMPROVE OUR CITYWIDE EFFECTIVENESS AND INCREASE CUSTOMER PARTICIPATION. THE BENEFITS FOR THIS PROGRAM. FOR THE CUSTOMER IN THE PILOT WE HAD ONE 60-GALLON

CONTAINER. WE'RE PROPOSING MOVING FORWARD WITH A 90-GALLON CART VERSUS HAVING TWO 14-GALLON BINS ON THE CURB. WE WILL ALSO HAVE BOX BOARD AT THIS TIME TO THE RECYCLING MIX. FOR THE DEPARTMENT IT WILL BRING AUTOMATED COLLECTION TO THE COLLECTION PROGRAM. AND COLLECTION WILL BE REDUCED TO EVERY OTHER WEEK. THE CHALLENGES FOR THE CUSTOMER. THEY WILL HAVE THE PERCEPTION OF REDUCED SERVICE BY GOING TO EVERY OTHER WEEK COLLECTION SERVICE AND ALSO HAVE ISSUES WITH RESIDENTIAL STORAGE SPACE WITH TWO LARGE CARTS. AS WE MOVE FORWARD WE ARE TAKING A LOOK AT HOW TO IMPLEMENT THIS AND MAKE A RECOMMENDATION TO COUNCIL CONCERNING THE FTE'S IN THIS PROGRAM, THE VEHICLES FOR THIS PROGRAM, THE CARTS AND THE OPERATION OF A MATERIAL RECOVERY FACILITY AND THE EQUIPMENT TO GO FORWARD WITH THAT. IN DOING THIS I WANT TO SAY THANK YOU TO COUNCIL FIRST BECAUSE LAST YEAR YOU SAID THAT SOLID WASTE SERVICES WAS NOT TO HIRE CONSULTANTS TO DO THIS STUDY, BUT TO DO IT INTERNALLY OURSELVES AND I WANT TO SAY THANK YOU FOR HAVING THE CONFIDENCE IN THE SOLID WASTE SERVICES AND OUR STAFF. AT THIS TIME I WOULD LIKE TO THANK THE STAFF WHO DID THIS WORK FOR SOLID WASTE SERVICES. ALIST IS MARTINEZ, BOB FERNANDEZ AND RICHARD MCCAUL AND DON BERKMAN ALL WORKED TOGETHER WITH OTHER STAFF FROM SOLID WASTE SERVICES IN BRINGING FORTH THIS RECOMMENDATION TO COUNCIL TODAY. DURING THIS TIME FRAME WE LOOKED AT CITIES WHO HAVE UNDERGONE SINGLE STREAM RECYCLING FOR THE STATE OF TEXAS, PLAN KNOW, FORT WORTH AND SAN ANTONIO. SO WE KNOW WHAT THEY HAVE BEEN DOING AND THE EFFECT IT HAD ON THEIR CUSTOMERS. WE ALSO RECEIVED UNSOLICITED PROPOSALS FROM CART MANUFACTURERS DURING THIS TIME FRAME. SO WE GATHERED ALL THE INFORMATION, PUT IT TOGETHER AND CAME UP WITH A RECOMMENDATION FOR YOU TODAY. AND SO AS WE MOVE FORWARD, THESE ARE THE RECOMMENDATIONS WE WANT TO DO. PERSONNEL. WE'RE RECOMMENDING GOING FORWARD WITH SINGLE STREAM AND DOING IT INTERNALLY OURSELVES. THIS SLIDE HERE PROJECTS IF WE DID PERSONNEL FOR THE NEXT THREE YEARS AND DUE TO THE GROWTH THAT WE'RE

SEEING IN OUR CUSTOMER BASE, WE WILL HAVE TO EMPLOY ADDITIONAL EMPLOYEES. IF WE WENT WITH SINGLE STREAM, AT THE END OF THE THREE-YEAR PERIOD WE WOULD NEED 22 LESS F.T.E.'S IN OUR RECYCLING AREAS. CONCERNING VEHICLES, OUR CURRENT VEHICLE COUNT IS 34 IF WE DID NOT GO WITH THE SINGLE STREAM PROGRAMMING WE WOULD NEED TO ADD 41. FOR SINGLE STREAM OVER THE THREE-YEAR PERIOD, WE WILL ACTUALLY BE REDUCING FROM OUR CURRENT 34 VEHICLES DOWN TO 30. SO FOR A NET RESULT IN FY 2009 WE'RE NOT NEEDING 11 VEHICLES. WE HAVE SOME ONE-TIME COSTS CONCERNING THE OPERATION OF THE MATERIAL RECOVERY FACILITY. WE'RE RECOMMENDING THAT THE CITY OF AUSTIN OPERATES A MATERIAL FACILITY AND WE MOVE FORWARD WITH SELECTING A LOCATION FOR THAT AND PURCHASE THE EQUIPMENT FOR THAT. THE FACILITY AND EQUIPMENT WE FEEL WOULD BE AROUND \$6.5 MILLION. THE PURCHASE OF THE CARTS WOULD BE AT AROUND NINE MILLION DOLLARS. AND WE'D NEED TO DEBT FINANCE THOSE ITEMS AS WE MOVE FORWARD. WHAT'S THE IMPACT? IMPACT IS FOR THE DEBT THAT WE'RE LOOKING AT FOR THIS PROGRAM IS \$2.2 MILLION A YEAR, BUT WE HAVE SOME COST AVOIDANCE. WE HAVE COST AVOIDANCE IN PERSONNEL, VEHICLES, TIPPING FEES. THE OTHER INCLUDES GASOLINE, TRUCK MAINTENANCE, EQUIPMENT FOR THE EMPLOYEES WHO ARE RIDING ON THE TRUCK. SO FOR THE NET COST FOR THIS AREA ARE \$292,000. CONCERNING THE F.T.E.'S THAT WE'RE TALKING ABOUT, THE 22 F.T.E.'S AND NOT HAVING TO UTILIZE IN THE RECYCLING AREA, WE HAVE OTHER GROWTH THAT WE SEE IN OUR OTHER PROGRAMS WHERE WE WILL BE ABLE TO TRANSITION THOSE F.T.E.'S INTO OTHER AREAS IN SOLID WASTE SERVICES SO THERE WOULD NOT BE ANY LOSS OF JOBS FOR THIS PROGRAM, BUT WE ALSO WOULD NOT HAVE TO ADD ADDITIONAL F.T.E.'S IN OTHER AREAS AS WE MOVE FORWARD WITH THIS SINGLE STREAM RECYCLING PROGRAM. WHAT WE'RE PROPOSING IS A COUNT DOWN TO IMPLEMENTATION. IN JULY 2007 WE HOPE TO HAVE THE NEW MATERIAL RECOVERY FACILITY UP AND RUNNING. BY SEPTEMBER OF 2007 WE PURCHASE THE RECYCLING CARTS. OCTOBER OF 2007 WE RECEIVE ALL OUR COLLECTION EQUIPMENT, THE TRAWKZ THAT DO THE WORK. AND JANUARY 2008 WE'LL BRING INTERNATIONAL STREAM

RECYCLING FOR ALL CITIZENS OF AUSTIN. IT DOESN'T MEAN EVERY SINGLE CITIZEN OF AUSTIN WILL HAVE A 90-GALLON CART, BUT WE'LL BE COLLECTING AS A SINGLE STREAM PROGRAM AND IT WILL TAKE US APPROXIMATELY EIGHT TO 12 WEEKS TO GET THE CARTS OUT TO ALL THE CUSTOMERS. DURING THIS TIME FRAME EVERYBODY WILL BE DOING IT AS A SINGLE STREAM CUSTOMER. CONCLUSION: WHY ARE WE DOING THIS? ONE OF THE THINGS THE COUNCIL WANTS IS TO TRY TO DIVERT MATERIALS FROM THE LANDFILLS IN AUSTIN. BY DOING THE SINGLE STREAM RECYCLING PROJECT, WE ARE PROJECTING TO TAKE 14,000 TONS OF MATERIALS GOING TO THE LANDFILL. WE HAVE AN EASIER RECYCLING PROGRAM FOR CUSTOMERS. THEY WILL BE ABLE TO PUT ALL THE MATERIAL INTO ONE CART. HAVE REDUCED EMPLOYEE INJURIES WITH SOLID WASTE SERVICES EMPLOYEES. WE'D HAVE FEWER VEHICLES ON THE ROAD AND FEWER TRIPS EACH DAY. AND WE'RE GOING TO ADD ADDITIONAL MATERIAL AT THIS TIME OF BOX BOARD. AND FOR THOSE WHO ARE ASKING WHAT IS BOX BOARD, BOX BOARDS ARE SHOE BOXES AND CEREAL BOXES, THAT TYPE OF MIX WILL BE ADDED. SO UNLESS COUNCIL HAS NO OBJECTION, WE'LL BE MOVING FORWARD WITH THIS PLAN AND WE THINK -- WE WANT TO THANK YOU ONCE AGAIN FOR YOUR HELP IN THIS PROGRAM. I ALSO WOULD LIKE TO SAY THANKS TO COUNCILMEMBER DUNKERLEY. SHE DID TOUR THE SINGLE STREAM FACILITY IN PLANO ONE DAY AND I WANT TO THANK YOU FOR COMING OUT AND DOING THAT WITH US. AT THIS TIME I'LL TAKE ANY QUESTIONS THAT COUNCIL HAS.

Mayor Wynn: THANK YOU, WILLIE. COUNCILMEMBER DUNKERLEY.

Dunkerley: THANK YOU VERY MUCH FOR BRINGING THIS RECOMMENDATION FORWARD AND FOR THE PILOT PROGRAM. IT WAS A REAL EXPERIENCE TO SEE ONE OF THESE PLANTS IN OPERATION THAT ACTUALLY SEPARATE THE PAPER FROM ALL TYPES OF PLASTIC AND GLASS CONTAINERS. IT SORT OF BLOW ELSE YOUR MIND WHEN YOU SEE IT. SO IF ANYBODY HAS AN OPPORTUNITY TO VISIT ONE, I WOULD ENCOURAGE IT. THE ONE I SAW WAS IN PLANO TEXAS AND AGAIN IT CAME ABOUT BECAUSE THEY HAD THE SEPARATED RECYCLING AND THEY HAD A DIVIDER IN THEIR BINS THAT KEPT BREAKING, SO THEY ENDED UP WITH BINS

THAT HAD MIXED REPSYCHABLES, SO FINALLY THEY GAVE UP AND JUST CAME TO ONE OF THE VENDORS AND SAID, CAN YOU FIGURE OUT A WAY TO SEPARATE ALL OF THIS? AND SO AT LEAST IN THAT AREA, THAT'S SORT OF HOW IT CAME ABOUT. I WOULD LIKE TO ASK -- AND YOU'VE TOLD US THIS BEFORE MAYBE A FEW MINUTES AGO, BUT TO GET YOU TO REPORT, IN YOUR PILOT PROGRAM WHAT PERCENT INCREASE DID YOU SEE IN THE AMOUNT OF RECYCLING PER HOUSEHOLD?

WE'RE SEEING RIGHT AROUND 43% INCREASE IN THE AMOUNT OF MATERIAL GOING IN THERE. WE PROJECTED FOR CONSERVATIVE NUMBERS FOR THIS PROPOSAL OF 40% INCREASE FOR CITYWIDE. WE EXPECT TO EXCEED THAT, BUT FOR PROJECTION PURPOSES WE USED 40% INCREASE.

Dunkerley: THAT'S A VERY SIGNIFICANT INCREASE AND I THINK FOR EVERYBODY THIS PARTICULAR PROCESS MAKES IT SO MUCH EASIER TO RECYCLE YOUR HOUSEHOLD WASTE THAT I THINK A 40% INCREASE IS REALLY A VERY REALISTIC NUMBER. AND AGAIN, THE CITY COUNCIL EARLIER THIS YEAR PASSED SOME GUIDELINES FOR THEIR SOLID WASTE SERVICE FUNCTION, AND ONE OF THOSE IN THE FUTURE WE WANT TO GET DOWN TO --

ZERO WASTE STREAM?

ZERO WASTE SYSTEM. AND I THINK THIS TYPE OF PROCESS WILL HELP MOVE US ALONG.

AGREED.

Dunkerley: THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? IF NOT, THANK YOU, MR. RHODES, CHIEF MCDONALD. OKAY. SO COUNCIL, LET'S SEE. SO EARLIER IN CLOSED SESSION WE GOT SOME LEGAL ADVICE ON BALLOT LANGUAGE AND OTHER ISSUES RELATED TO POTENTIAL CHARTER AMENDMENT ORDINANCES. AS YOU KNOW, WE HAVE POSTED ITEMS THAT WERE NOT SO -- IF I REMEMBER CORRECTLY, LAST COUNCIL MEETING WE PASSED TWO ESSENTIALLY COUNCIL-SPONSORED CHARTER

AMENDMENTS TO BE PLACED ON THE BALLOT. WE NOW HAVE POSTED ITEMS 2 THROUGH 6, WHICH ARE THREE ADDITIONAL COUNCIL-SPONSORED CHARTER AMENDMENTS AS WELL AS THE TWO CITIZEN INITIATIVES. AND THEN WE POSTED ADDITIONAL ITEM NUMBER 7, WHICH IS THE ACTUAL ORDERING OF THE ELECTION AND DETERMINING THE SEQUENCE ON THE BALLOT. SO PERHAPS A REMINDER BY STAFF OF OUR SUGGESTIONS.

COUNCIL, JENNY GILCHRIST WITH THE LAW DEPARTMENT. LAST WEEK COUNCIL ADOPTED AN ORDINANCE THAT SET THE ELECTION, SET THE POLLING PLACES AND THAT KIND OF THING. THAT ORDINANCE IS TYPICALLY AMENDED AS AS ADJUSTMENTS ARE REVIEWED. THAT ORDINANCE WILL NEED TO BE REVIEWED BECAUSE WE BELIEVE BASED ON LEGAL ANALYSIS THAT VOTERS IN THE E.T.J. ARE ENTITLED TO VOTE ON THE CITIZEN'S INITIATIVE RELATED TO THE BARTON SPRINGS ZONE BECAUSE IT APPLIES TO THEM. THAT IS ONLY ONE OF THE CHARTER AMENDMENTS THAT HAS BEEN PROPOSED BY COUNCIL OR CITIZEN INITIATIVE THAT WE BELIEVE NEEDS TO BE VOTED ON IN THE E.T.J. SO WE WILL BE BRINGING BACK TO YOU IN THE FUTURE A PROPOSED AMENDMENT TO THE ON ORDERING ORDINANCE THAT YOU ADOPTED LAST WEEK. ALSO LAST WEEK COUNCIL ADOPTED TWO AMENDMENTS, ONE ON REPEALING A SECTION OF THE CHARTER THAT LIMITED EMPLOYEE BENEFITS AND ANOTHER ON -- THAT WAS A CLEANUP PROPOSED BY THE LAW DEPARTMENT THAT SYNCHRONIZE THE CHARTER DATE FOR THE SWEARING IN DATE FOR NEWLY ELECTED COUNCILMEMBERS WITH SOME CHANGES IN STATE LAW. BEFORE YOU TODAY ARE THREE MORE COUNCIL INITIATED CHARTER AMENDMENTS AND ALSO THE TWO CITIZEN INITIATED -- CHARTER AMENDMENTS THAT WERE BROUGHT FORWARD BY THE S.O.S. ALLIANCE AND CERTIFIED BY MS. GENTRY AS HAVING SUFFICIENT SIGNATURES TO BE PUT ON THE BALLOT? SO THE FIRST ITEM BEFORE YOU, IF WE GO IN ORDER, WOULD BE ITEM NUMBER 2, WHICH IS A COUNCIL-INITIATED CHARTER AMENDMENT RELATING TO EXTENDING THE TERMS OF MUNICIPAL COURT JUDGES.

Mayor Wynn: ANY QUESTIONS, COUNCIL. LET'S TAKE THESE SEQUENTIALLY, SO WE CAN FORMULATE THE FORMAL BOARD FOR THE BALLOT. ITEM NO. 2, AGAIN, IS PROPOSED

CHARTER AMENDMENT REGARDING MUNICIPAL COURT JUDGE TERMS. I'D GLADLY RECOGNIZE COUNCILMEMBER MCCracken.

McCracken: ONE OF THE THINGS WE'VE DISCOVERED IN THE REAPPOINTMENT PROCESS FOR MUNICIPAL COURT JUDGES IS A LOT OF CITIES AROUND THE STATE HAVE OPERATED UNDER FOUR-YEAR TERMS. UNDER STATE LAW WE ARE PERMITTED TO OPERATE UNDER TWO OR FOUR YEAR TERMS. WE'VE ALSO DISCOVERED THAT THE CONSTANT CYCLE OF REAPPOINTMENTS MEANS AS A PRACTICAL MEASURE THAT FOR MOST OF A JUDGE'S TERM THEY ARE GOING THROUGH THE REAPPOINTMENT PROCESS AS OPPOSED TO HAVING THE OPPORTUNITY TO DO THEIR JOB. AND SO THIS IS AN OPPORTUNITY TO CREATE A BETTER WORKING ENVIRONMENT FOR OUR MUNICIPAL COURT JUDGES, WHICH WILL IMPROVE COURT EFFICIENCIES AND ALSO PROVIDE FOR BETTER FUNCTIONING JUDICIARY.

Mayor Wynn: THANK YOU, COUNCILMEMBER. QUESTIONS, COMMENTS? IT LOOKS AS THOUGH THE ORDINANCE BEFORE US IS PRETTY STRAIGHTFORWARD AND IT READS, SHALL THE CITY CHARTER BE AMENDED TO INCREASE THE TERM SERVED BY MUNICIPAL COURT JUDGE -- BY A MUNICIPAL COURT JUDGE FROM TWO TO FOUR YEARS. COUNCIL, WE HAVE A COUPLE OF CITIZENS WHO HAVE SIGNED UP WISHING TO SPEAK ON THIS ITEM. AND ALTHOUGH THIS ISN'T TECHNICALLY A PUBLIC HEARING, WITHOUT OBJECTION, I WOULD GLADLY RECOGNIZE THOSE CITIZENS. OUR FIRST SIGNED UP SPEAKER, GAVINO FERNANDEZ WISHES NOT TO SPEAK. PERHAPS CONFUSION ON THE SIGN-UP. CURT BECKER SIGNED UP WISHING TO ADDRESS US.

[INAUDIBLE - NO MIC].

Mayor Wynn: FAIR ENOUGH. SO WE HAVE NO CITIZENS WISHING TO ADDRESS US ON THIS COUNCIL AGENDA ITEM NUMBER 2 REGARDING THE MUNICIPAL COURT JUDGE TERM. FURTHER COMMENTS FROM COUNCIL? IF NOT, I'LL ENTERTAIN THE MOTION.

McCracken: I'LL MOVE TO APPROVE ON ALL THREE READINGS ITEM NUMBER 2 WITH THE LANGUAGE THAT YOU READ INTO

THE RECORD JUST NOW.

Thomas: SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCracken, SECONDED BY THE MAYOR PRO TEM TO APPROVE ON ALL THREE READINGS THIS ORDINANCE OUTLINED IN ITEM NUMBER 2 ON THE COUNCIL AGENDA RELATING TO PROPOSED CHARTER AMENDMENT REGARDING MUNICIPAL COURT JUDGE TERMS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. ITEM NUMBER 3, COUNCIL, TAKING THESE SEQUENTIALLY AGAIN. APPROVE AN ORDINANCE ORDERING A ELECTION FOR THE PURPOSE OF SUBMITTING AN APPROVED CHARTER ELECTION RELATING TO COUNCIL PROPOSED TERM LIMITS. THERE'S BEEN A LITTLE BIT OF DISCUSSION BACK AND FORTH AND EVEN SOME COMMENTS IN THE LOCAL MEDIA ABOUT THIS. WE HAVE THE ORDINANCE HERE IN FRONT OF US AS PRESENTED BY STAFF AND THE BALLOT SHOULD READ SHALL THE CITY CHARTER BE AMENDED TO ALLOW A COUNCIL ELECTED AFTER APRIL 30TH TO SERVE FOR THREE TERMS. AND THERE'S ACTUALLY SOME MORE DETAILED BACKUP TO THOSE DEFINITIONS. THAT WOULD BE THE PROPOSED BALLOT LANGUAGE. AND I WOULD RECOGNIZE ANY OF THE POTENTIAL SPONSORING COUNCILMEMBERS, INCLUDING COUNCILMEMBER ALVAREZ.

Alvarez: THANKS, MAYOR. THIS IS WHAT I CONSIDER A SLIGHT CHANGE TO THE CITY CHARTER REGARDING TERM LIMITS. THAT PROVISION HAS BEEN IN THE CHARTER FOR I GUESS OVER A DECADE NOW. AND REALLY THROUGHOUT THE TIME THAT I'VE SERVED ON THE COUNCIL, I'VE HEARD A LOT OF MEMBERS OF THE PUBLIC EXPRESS A LOT OF CONCERN OR DISDAIN TOWARDS THAT PARTICULAR PROVISION. AND THE WAY THIS IS STRUCTURED, WHAT IT WOULD DO IS IT WOULD INCREASE THE NUMBER OF TERMS THAT COULD BE SERVED FROM TWO TO THREE, BUT IT WOULD ONLY APPLY TO ELECTIONS THAT HAPPEN AFTER APRIL 30TH OR MAY FIRST, SO NO ONE ON THIS PARTICULAR COUNCIL WOULD BENEFIT

IN TERMS OF BEING ABLE TO SERVE ANY MORE TIME THAN WHAT THE VOTERS MIGHT HAVE THOUGHT WHEN VOTING US IN. SO THAT WAS DEFINITELY SOMETHING THAT I HEARD SORT OF CONSISTENTLY FROM MY COLLEAGUES HERE. BUT ONE OF THE THINGS, AGAIN, THAT WE HAVE READ IN THE MEDIA AND ACTUALLY HEARD FROM CONSTITUENTS IS WE SHOULD DO AN ALL OUT REPEAL. AND I PERSONALLY WOULD SUPPORT THAT MYSELF, BUT THIS IS NOT YOUR TYPICAL CHARTER AMENDMENT PROCESS. YOU USUALLY HAVE AN ADVISORY COMMITTEE AND YOU GET A LOT OF INPUT ON CHANGES ON THE CHARTER AND THROUGH THAT PROCESS GET INPUT ON A POSSIBLE REPEAL. I DIDN'T FEEL COMFORTABLE IN BRINGING THAT FORWARD AND COUNCILMEMBERS AS WELL. SO WITH THAT MINOR CHANGE, THAT REALLY LEAVES THE TERM LIMITS IN PLACE, WHICH INCREASES THEM FROM TWO TERMS TO THREE TERMS, WOULD ACTUALLY MAKE THE SITUATION A LITTLE BETTER THAN IT CURRENTLY IS, AND ACTUALLY IF YOU LOOK AT THE LAST 20 OR 30 YEARS, THERE AREN'T ACTUALLY THAT MANY COUNCILMEMBERS THAT HAVE CEFERBED MORE THAN -- COUNCILMEMBERS THAT HAVE SERVED MORE THAN TWO TERMS OR THREE TERMS. A FEW THAT HAVE SERVED THREE. I THINK WHEN WE TALK ABOUT THE CONTRIBUTION OF FOLKS LIKE GUS GARCIA AND JACKIE GOODMAN AND DARYL SLUSHER WHO DID SERVE THREE TERMS, I THINK, I THINK THAT WE FIND THAT WE DO LOSE A LOT WHEN WE LOSE INDIVIDUALS AND COUNCILMEMBERS SUCH AS THAT. BUT IT'S ALSO NOT THE NORM. IT'S NOT THAT MOST PEOPLE WANT TO SERVE THE WHOLE DECADE ON THE CITY COUNCIL, BUT IT JUST ALSO SEEMS LIKE IF FOLKS WANT TO CONTINUE SERVING THE COMMUNITY AND THE COMMUNITY IS SUPPORTIVE OF THE WORK THAT THEY HAVE DONE, THAT AT LEAST TO GIVE THEM THAT OPPORTUNITY TO SERVE ONE MORE TERM SEEMS LIKE IT WOULD BE A REASONABLE CHANGE TO THE CHARTER AT THIS TIME. SO WITH THAT, MAYOR, I'D JUST OPEN UP FURTHER COMMENTS OR POSSIBLE MOTION ON THIS ONE.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS FROM THE DAIS? WE HAVE A COUPLE OF FOLKS, AS MENTIONED EARLIER, THAT WOULD LIKE TO ADDRESS US ON THIS ISSUE. I WILL JUST SAY IN ADVANCE OF THAT

DISCUSSION AND PERHAPS IN ADVANCE OF A MOTION, THE PROPOSED BALLOT LANGUAGE HERE IN THIS ORDINANCE DRAFTED BY STAFF SAYS SHALL THE CITY SCHARTER BE AMENDED TO ALLOW A COUNCILMEMBER ELECTED AFTER APRIL 30TH, 2006 TO SERVE FOR THREE TERMS. THE BODY OF THE ORDINANCE AND THE INTENT UP HERE I I BELIEVE ALL OF US, ONE WORD SHOULD BE INSERTED AND IT SHOULD BE TO ALLOW A COUNCILMEMBER FIRST ELECTED AFTER APRIL 30TH, 2006, AS ARGUABLY A COUPLE UP HERE WILL BE ELECTED AFTER APRIL 30TH, BUT THE INTENT IS FOR THIS NOT TO APPLY TO ANYBODY WHO CURRENTLY SITS ON THIS DAIS. I THINK IT NEEDS TO BE FURTHER REFINED TO SAY A COUNCILMEMBER FIRST ELECTED AFTER APRIL 30TH. WE CAN TAKE THAT UP AS WE GET A MOTION AND GET THIS VOTED ON. COUNCIL, WE DO HAVE A COUPLE OF FOLKS WHO SIGNED UP WISHING TO SPEAK. GAVINO, FERNANDEZ, AND WHO WILL BE FOLLOWED BY CURT BECKER. YOU WILL EACH HAVE THREE MINUTES. ITEM NUMBER 3 RELATED TO COUNCIL TERM LIMITS. WELCOME.

GOOD AFTERNOON, COUNCIL, MY NAME IS GAVINO FERNANDEZ WITH EL CONCILIO. WE DISCUSSED THIS ISSUE AND THE OTHERS OVER THIS WEEKEND AS WE WERE WORKING SOME ELECTIONS AND AT SOME OF THE POLLS THIS WEEKEND. AND ONCE AGAIN WE WILL BE STRONGLY URGING VOTERS TO REJECT THIS CHANGE FROM GOING FROM TWO TERMS TO THREE TERMS. THE OPPORTUNITY TO SERVE AS A COUNCILMEMBER IS ONE THAT NOT SHOULD BE ONE THAT IS A PERMANENT FIX, IT'S ONE THAT SHOULD BE GIVEN OPPORTUNITIES. AND THE REASON THAT THE VOTERS VOTED FOR THIS 10, 12 YEARS AGO WAS BECAUSE OF A CONCERN THAT WE WOULD HAVE -- AT THAT TIME WE HAD WHAT WAS INTERPRETED AS A CONSERVATIVE COUNCIL, BOB LARSON, RONNIE REYNOLDS, BRUCE TODD. AND AT THAT TIME IT SEEMED LIKE WE WANT TO MAKE SURE THEY DON'T CONTINUE COUNCIL. NOW THAT THE POLITICS HAS CHANGED, WE WANT TO OPEN IT UP AGAIN, THE SAME FOLKS THAT OFFERED THE TERM LIRMENTS NOW WANT TO CHANGE -- LIMITS NOW WANT TO CHANGE IT BECAUSE THERE'S A DIFFERENT POLITICS ON THE DAIS. I THINK THAT GOES TOTALLY AGAINST THE INTEGRITY OF THE PURPOSE AND THE REASON IT WAS BASE PLAISED ON THE BALLOT

AND APPROVED BY THE VOTERS. ONCE AGAIN, WE WILL BE ENCOURAGING VOTERS IF YOU DO PUT THIS ON THE BALLOT TO REJECT IT BECAUSE IT'S A FAR CRY -- IT TOTALLY GOES CONTRARY TO WHAT THE VOTERS OF THIS COMMUNITY WANTED 10, 12 YEARS AGO. THANK YOU.

Mayor Wynn: THANK YOU. THE NEXT SPEAKER IS CURT BECKER. WELCOME. YOU WILL HAVE THREE MINUTES.

I WAS THINKING YOU WOULD TAKE ALL THESE TOGETHER AND THREE MINUTES FOR ALL, BUT THIS IS GOOD. WE HAVE SEEN AT THE LOCAL LEVEL NOT SO LONG AGO WE CAME DOWN WITH IT. PEOPLE ON THE COUNCIL ACTUALLY CARE ABOUT THE ISSUES THAT ARE IMPORTANT TO THEM. THEY MAY NOT ALWAYS CARE ABOUT MY ISSUES, BUT AT LEAST THEY CARE ABOUT THE ISSUES THAT ARE IMPORTANT TO THEM. THEY TAKE IT SERIOUSLY. I DON'T THINK THE CITY BENEFITS BY HAVING COUNCILMEMBERS WHO DON'T CARE WHETHER OR NOT THEY GET ELECTED. AND ONE ELECTION AFTER ONLY THREE YEARS DOESN'T SATISFY THAT CONCERN. THERE SHOULD ALSO BE THE GOAL OF MAKING YOUR SUCCESSIVE JOBS EASIER THAN YOUR PREDECESSOR'S JOBS AND I DON'T SEE HOW OVERLY TIGHT RESTRICTIONS AGAINST INCUMBENTS SEEKING REELECTION HELPS THAT GOAL OF TRYING TO MAKE YOUR SUCCESSIVE JOB EASIER. THERE'S A LOT OF CONCERN ABOUT PROFESSIONAL POLITICIANS AND REAL PROFESSIONAL POLITICIANS AND CONSULTANTS AND LOBBYISTS WHO DON'T CARE WHO WIN THE ELECTION FROM ONE TERM TO THE NEXT. THAT'S WHERE THE PROBLEM IS MORE THAN THE INDIVIDUAL CANDIDATES. AS FAR AS THE NEED FOR THIS, WE HAVEN'T HAD A THREE-TERM MAYOR IN A LONG TIME. USUALLY YOU END UP ANGERING ENOUGH VOTERS THAT YOU DON'T HAVE A CHANCE AT THAT. THE OTHER SIDE OF THAT IS COULD WE HANDLE 12 YEARS OF GEORGE W. BUSH. THERE'S ONE OTHER THING IF I CAN READ MY NOTES. AND THE OTHER THING IS I'M A LITTLE CONCERNED ABOUT WHY PUT IT AFTER APRIL 2006. EITHER THIS IS A GOOD IDEA OR IT ISN'T. IF IT'S A GOOD IDEA IT SHOULD APPLY TO PEOPLE LIKE YOU. IT MIGHT AS WELL APPLY FOR YOURSELVES. AND SO YOU JUST CHANGE IT TO THREE YEARS AND LEAVE YOURSELVES -- TRY AND GIVE CREDIT TO THE IDEA AND YOUR CONDUCT ON THE DAIS. AND THAT'S HOW I GOT

THROUGH THIS ONE FOR NOW. THANK YOU.

Mayor Wynn: THANK YOU, MR. BECKER. COUNCIL, THAT'S ALL THE FOLKS SIGNED UP ON ITEM NUMBER 3. FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION. COUNCILMEMBER ALVAREZ.

Alvarez: THANKS, MAYOR. IT MAY BE JUST A POINT OF CLARIFICATION. I THINK A COUPLE OF COUNCILMEMBERS ASKED ABOUT WHETHER THIS ELIMINATES THE ABILITY TO KIND OF JUMP FROM ONE SEAT TO ANOTHER? I KNOW THAT -
- I'M READING THROUGH IT, AND IT APPEARS THAT THE SECTION THAT ALLOWED THAT TO OCCUR HAS BEEN STRICKEN OR STRUCK, I GUESS WHATEVER THE RIGHT WORD IS.

YES. AT YOUR REQUEST THERE WAS A TECHNICAL LOOPHOLE THAT WOULD HAVE ALLOWED A COUNCILMEMBER ELECTED TO PLACE 2 AFTER TWO TERMS TO JUST RUN IN A DIFFERENT PLACE WITHOUT COLLECTING SIGNATURES. AND IN ORDER TO GIVE -- TO GIVE VALIDITY TO THAT PROVISION, IT WOULD REQUIRE FOR ANYONE RUNNING FOR MORE THAN THE NUMBER OF STATED TERMS TO BE REQUIRED TO GET A PETITION.

SO IT ALLOWS FOR AN ADDITIONAL TERM, BUT ELIMINATES THAT POSSIBILITY OF POTENTIALLY MOVING TO ANOTHER PLACE AND SERVING TWO ADDITIONAL TERMS POTENTIALLY?

WITHOUT GETTING A PETITION, YES.

Alvarez: AND FINALLY, I THINK WE HEARD FROM A COUPLE OF FOLKS AND SOME CONCERN OVER THIS PARTICULAR PROPOSED CHARTER AMENDMENT, BUT AGAIN THIS PARTICULAR CHANGE ACTUALLY MAINTAINS THE TERM LIMITS, WHICH IS WHAT APPROVED 10, 12 YEARS AGO, BUT IT JUST ADDS ONE ADDITIONAL TERM. SO THERE ARE STILL TERM LIMITS AND ANYONE WANTING TO SERVE BEYOND THREE TERMS, YOU KNOW, IF THIS WERE TO BE PASSED, WOULD STILL HAVE TO GO THROUGH THAT SAME PETITION PROCESS THAT IS IN PLACE. SO I DID WANT TO KIND OF REITERATE THAT, THAT THE TERM LIMITS ARE NOT BEING

ELIMINATED, IT'S JUST ADDING ONE ADDITIONAL TERM, BUT CLOSING THIS OTHER LOOPHOLE OF ALLOWING FOLKS TO JUMP FROM ONE SEAT TO ANOTHER. IF THERE'S NO MORE QUESTIONS OR COMMENTS, I'M GOING TO MOVE THAT WE ADOPT THE -- THIS PARTICULAR ITEM WITH A SLIGHT EDIT TO THE LANGUAGE IN PART 1 SO THAT IT READS -- SO THAT THE CHARTER LANGUAGE ITSELF WOULD READ, SHALL THE CITY CHARTER BE AMENDED TO ALLOW A COUNCILMEMBER OR MAYOR FIRST ELECTED AFTER APRIL 30TH, 2006 TO SERVE FOR THREE TERMS, AND THAT WOULD BE THE ONLY CHANGE TO WHAT'S BEEN DISTRIBUTED TO THE COUNCIL. I'LL OFFER THAT AS A MOTION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER MCCracken TO APPROVE ITEM NUMBER 3 WITH THE AMENDED PAL BALLOT LANGUAGE WHICH AGAIN SHALL READ SHALL THE CITY CHARTER BE AMENDED TO ALLOW A COUNCILMEMBER OR MAYOR FIRST ELECTED AFTER APRIL 30TH, 2006 TO SERVE FOR THREE TERMS.

AND THAT'S THE BALLOT LANGUAGE. I COULDN'T REMEMBER WHETHER I HEARD CHARTER LANGUAGE OR BALLOT LANGUAGE, BUT THAT'S THE BALLOT LANGUAGE YOU JUST READ.

Mayor Wynn: SO MOTION AND A SECOND ON THE TABLE. ACTUALLY, COUNCIL, I'M SORRY. JENNIFER GALE HAS JUST SIGNED UP WISHING TO SPEAK ON THIS ITEM. IS JENNIFER IN THE ROOM OR IN THE BUILDING? SOMEWHERE, I GUESS. WE'LL NOTE THAT JENNIFER SIGNED UP IN FAVOR OF THIS ITEM. FURTHER COMMENTS, QUESTIONS? ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU. SO COUNCIL, NOW ITEM NUMBER 4, APPROVE AN ORDINANCE -- AGENDA ITEM NUMBER 4, APPROVE AN ORDINANCE ORDERING AN ELECTION FOR THE PURPOSE OF SUBMITTING PROPOSED CHARTER AMENDMENT TO THE VOTERS RELATED TO CAMPAIGN FINANCE. AGAIN, WE HAVE THE ORDINANCE HERE IN FRONT OF US, AND I'LL QUICKLY READ THE PROPOSED BALLOT LANGUAGE AND THEN OFFER -- AS FOR SPONSOR -- ASK FOR SPONSORING COUNCILMEMBERS TO ADD TO THAT. SO THE PROPOSED BALLOT LANGUAGE OF THIS ORDINANCE WILL READ, SHALL

THE CITY CHARTER BE AMENDED TO LIMIT CONTRIBUTIONS FROM INDIVIDUALS OUTSIDE THE AUSTIN CITY LIMITS, INCREASE AND ADJUST FOR INFLATION, THE AGGREGATE CONTRIBUTION AMOUNT THAT A COUNCILMEMBER MAY COLLECT AND THE MAXIMUM INDIVIDUAL CONTRIBUTION TO A CANDIDATE FOR CITY COUNCIL, ALLOW A PERSON ELECTED TO CITY COUNCIL TO FUND AN ACCOUNT TO PAY OFFICE HOLDER EXPENSES, AND ALLOW FUND-RAISING BY UNSUCCESSFUL CANDIDATES AND RETIRED COUNCILMEMBERS TO RETIRE CAMPAIGN DEBT. I'LL RECOGNIZE SPONSORING COUNCILMEMBERS. COUNCILMEMBER DUNKERLEY.

Dunkerley: ON THIS PARTICULAR CHARTER AMENDMENT IS ONE THAT I THINK MANY PEOPLE RECOGNIZE THE NEED FOR. AS YOU KNOW, THIS WOULD INCREASE THE INDIVIDUAL CONTRIBUTIONS TO A CANDIDATE FROM \$100 TO \$300, AND THAT NUMBER WOULD BE INDEXED WITH THE COST OF LIVING. IN ADDITION, IT WOULD INCREASE THE OUTSIDE OF THE CITY CONTRIBUTION LIMITS FROM 15,000 TO 30,000 IN AN ELECTION AND FROM 10,000 TO 15,000 IN A RUNOFF ELECTION. IT WOULD CLARIFY AND MAKE ACCOUNTING FOR INSIDE THE CITY AND OUTSIDE THE CITY, MAKE CONTRIBUTIONS A LOT EASIER BY IDENTIFYING PARTICULAR ZIP CODES. AND IF ANY PORTION OF THE CITY LIMITS IS IN A ZIP CODE, THEN THAT NUMBER WOULD BE COUNTED IN THE INSIDE CITY LIMITS. SO THEREFORE IF YOU'VE GOT A CHECK THAT HAD AN AUSTIN ADDRESS ON IT, YOU COULD LOOK AT THE CITY ZIP CODE AND IMMEDIATELY KNOW WHETHER TO PUT IT IN ONE COLUMN OR THE OTHER COLUMN. THIS WOULD CREATE AN OFFICE HOLDER ACCOUNT OF UP TO \$20,000, AND THAT CANDIDATES, UNSUCCESSFUL CANDIDATES THAT HAVE A DEBT AFTER THE ELECTION COULD HAVE THE ABILITY TO COLLECT MONEY TO PAY OFF THAT DEBT AS WELL AS RETIRED COUNCILMEMBERS. SO I'M RECOMMENDING TO THE COUNCIL THAT WE APPROVE THIS AMENDMENT.

Mayor Wynn: THANK YOU, COUNCILMEMBER, FOR CLARIFICATION. AGAIN, WE HAVE A HANDFUL OF FOLKS SIGNED UP WISHING TO SPEAK REGARDING THIS ITEM NUMBER 4 RELATED TO CAMPAIGN FINANCE. I'LL RECOGNIZE JENNIFER GALE FIRST. WELCOME, JENNIFER. YOU WILL HAVE

THREE MINUTES. WE NOTED YOUR SUPPORT OF THE PREVIOUS ITEM FOR THE RECORD THAT WAS PASSED UNANIMOUSLY.

OKAY, THANK YOU. ON THE TERM LIMITS ON THAT PREVIOUS ONE, WAS THAT BROUGHT BEFORE THE VOTERS ON A PETITION? DOES ANYONE KNOW IF THAT WAS BROUGHT BEFORE THE VOTERS ON A PETITION?

WE HAVE BEEN TALKING THROUGH SEVERAL COUNCIL-INITIATED CHARTER AMENDMENTS. WE HAD TWO LAST WEEK AND THERE'S THREE THIS WEEK THAT WE'RE DISCUSSING.

ON THE TERM LIMITS --

IF THE QUESTION IS WAS THE ORIGINAL TERM LIMITS ADOPTED BY THE VOTERS? THE ANSWER IS YES, IT WAS A COUNCIL-INITIATED CHARTER AMENDMENT AND THE VOTERS DID ADOPT TO APPROVE IT AS WITH ALL OF THE THINGS IN THE CHARTER.

THANK YOU. ON THIS FINANCE ONE FOR THE \$300, THE ORIGINAL ONE WAS CREATED ON A CITIZEN-CREATED PETITION BY BRENT WHITE AND LINDA CURTIS. THEY WENT OUT AND ACTUALLY COLLECTED THE 20 OR SO THOUSAND SIGNATURES IT TOOK TO GET THIS ON THE BALLOT TO KEEP IT AT \$100. WHAT YOU DON'T WANT TO DO ON THE TERM LIMIT ONE, ITEM 3, THAT'S WHAT IT TOOK TO GET THE 100-DOLLAR LIMIT CREATED IN THE FIRST PLACE. THE CITIZENS WENT THROUGH AN AWFUL LOT TO MAKE SURE THAT THE 100-DOLLAR LIMIT WAS CREATED IN THE FIRST PLACE. I THINK BY DOING IT -- BY ALTERING THAT WE'RE GOING BACK ON SOMETHING THAT A LOT OF PEOPLE TOOK A LOT OF TIME, OVER SIX MONTHS TO CREATE ON THAT ORDINANCE TO LIMIT US TO \$100. YOU PUT UP TO \$300, IT'S GOING TO MAKE IT A WHOLE LOT EASIER FOR A WEALTHIER PERSON TO GET INVOLVED IN THIS, RATHER THAN IF YOU LEAVE IT AT \$100, IT MAKES IT MUCH HARDER. YOU HAVE TO TALK TO AN AWFUL LOT MORE PEOPLE. YOU HAVE TO INVOLVE A LOT MORE CITIZENS. SINCE THERE'S ONLY SEVEN PEOPLE ON OUR CITY COUNCIL, THAT MEANS YOU'LL BE SPEAKING WITH MORE PEOPLE. THERE ARE OVER 700,000 PEOPLE LIVING IN THE CITY OF AUSTIN, AND A LOT OF THEM DON'T KNOW

WHAT'S GOING ON. SO TO MAKE IT SO THAT YOU ONLY HAVE TO -- THAT YOU BRING IT UP TO \$300, YOU'RE THEN ALLOWING PEOPLE TO -- WHAT YOU'RE DOING IS MAINTAINING A CHAMBER OF COMMERCE OF CITY COUNCILS. WHY NOT BRING IT UP TO \$30,000. IF YOU'RE GOING TO BRING IT UP TO 300, YOU'RE ELIMINATING THE NEED TO SPEAK WITH THE PEOPLE AND GET THEM TO PROVIDE THE 100-DOLLAR CONTRIBUTION. RIGHT NOW OUR E.M.S., FIRE AND POLICE PUT IN -- LAST TIME IT WAS \$165,000. WE'VE CREATED -- ANOTHER THING WE COULD LOOK AT IS WE REDUCE THE AMOUNT OF TIME YOU CAN COLLECT MONEY TO SIX MONTHS. THAT MEANS FOR TWO AND A HALF YEARS A PERSON COULD BE COLLECTING MONEY AT \$100 A PERSON. YOU'RE INCREASING IT TO \$300 MEANS THAT-- I'M LOSING MY TRAIN OF THOUGHT HERE. IF YOU HAD THE TWO AND A HALF YEARS TO COLLECT THE \$100, YOU WOULDN'T HAVE TO WORRY ABOUT ASKING PEOPLE FOR \$300. YOU WOULD HAVE THE TIME TO COLLECT IT. RIGHT NOW THIS LIMITS FREEDOM OF SPEECH. I'M ASKING THE CITY COUNCIL NOT TO APPROVE THIS TO GO BEFORE THE VOTERS. IT'S ALREADY BEEN VOTED ON BY A PETITION. THANK YOU. [BUZZER SOUNDS]

Mayor Wynn: THANK YOU, JENNIFER. NEXT SPEAKER IS FRED LEWIS. FRED LEWIS SIGNED UP WISHING TO SPEAK, NEUTRAL. GAVINO FERNS. WELCOME BACK. YOU WILL BE FOLLOWED BY KIRK BECKER.

GAVINO FERNANDEZ ONCE AGAIN. COUNCIL, AGAIN, THIS IS -
- IN MY OPINION THIS IS ANOTHER EFFORT TO REMOVE -- TO FURTHER REMOVE DEMOCRACY FROM THE LOCAL FOLKS IN REGARDS TO THE INVOLVEMENT IN THE LOCAL POLITICS. THE CITY COUNCIL GOVERNMENT IS THE ONE THAT AFFECTS US MORE DIRECTLY ON A DAY-TO-DAY BASIS. THE 100-DOLLAR LIMIT ONCE AGAIN, LIKE I MENTIONED LAST WEEK, FORCES AN INDIVIDUAL TO HAVE TO GO OUT AND TALK TO PEOPLE IN THE COMMUNITY. BECAUSE OF THE \$100 YOU CAN HAVE FAMILIES, CORPORATIONS OR WHATEVER AND HAVE THEM SEND MONEY AND THEN HAVE THOSE COMPANIES REIMBURSE THE EMPLOYEES. NOW -- BEFORE YOU HAD TO SEND IN YOUR \$100 AND YOUR WIFE'S \$100. NOW YOU JUST HAVE TO SEND IN \$300 AND NOT HAVE TO WORRY ABOUT THE REST. IT ALSO GOES TOTALLY AGAINST

PUBLIC INVOLVEMENT BY LAY PEOPLE IN THE COMMUNITY. IT PUTS A PERSON THAT WANTS TO RUN FOR OFFICE IN A POSITION THAT HAS TO SELL THEMSELVES OUT TO A PARTICULAR AGENDA OR TO A PARTICULAR POLITICAL BASE IN THIS COMMUNITY. I THINK WHEN YOU HAVE THIS LIMIT AND HAVE THIS IN PLACE LIKE GALE MENTIONED, THERE WAS AN INITIATIVE BY A PETITION THAT I SIGNED WAY BACK WHEN, I THINK THE COMMUNITY HAS SPOKEN AND THIS IS THE WAY THAT WE WANT TO OPERATE THESE COUNCIL ELECTIONS. AND THAT IS BY MAKING SURE THAT IT IS ACCESSIBLE TO THE PEOPLE, THAT THE CONTROL PROCESS IS FAIR AND IT'S ACCESSIBLE. AND CHANGING THIS, ONCE AGAIN, YOU'RE REMOVING ACCESSIBILITY TO A LAYER OF CONSTITUENTS IN THIS COMMUNITY THAT COULD NOT COMPETE ECONOMICALLY WITH OTHER SECTORS OF THIS COMMUNITY. SO ONCE AGAIN, WE WILL BE ASKING THE VOTERS NOT TO APPROVE THIS CHANGE AND TO LEAVE IT AS IS. A LOT OF THINGS, THINGS ARE BETTER LEFT ALONE THAN CHANGED. THANK YOU VERY MUCH.

KIRK BECKER. WELCOME BACK, KIRK.

THIS CAMPAIGN FINANCE ISSUE HAS GOT TWO PROBLEMS HERE. ONE IS THAT SOME CANDIDATES HAVE TOO MUCH OF AN ADVANTAGE, THE OTHER PROBLEM IS THAT SOME CANDIDATES DON'T HAVE ENOUGH OF A CHANCE. AND THIS AMENDMENT ADDRESSES THE FIRST PROBLEM, BUT NOT THE SECOND. AND IF YOU COMPARE THIS TO MAYBE A POKER GAME, I'M NOT ASKING FOR A FREE ANTE, BUT I WOULD LIKE TO SEE AN OPEN ANTE. ONCE A CANDIDATE GETS FIVE OR 10,000, ENOUGH TO PROVIDE FOR AN OFFICE, THEN THE CANDIDATE COULD GO SHOW HIS CARDS AROUND AND SEE IF HE CAN GET MORE SUPPORT. I THINK GIVING SOMEBODY 10,000 BUCKS UNRESTRICTED ALL AT ONCE FROM YOUR PERSPECTIVE, I CAN SEE IT'S LIKE 30,100-DOLLAR -- 3,300-DOLLAR DONATIONS, THAT MIGHT TEND TO BE A LITTLE CORRUPTIVE AND I DIDN'T WANT TO BE IN FAVOR OF MORE CORRUPTION. STILL THE CANDIDATES GETTING A FAIR START IS A -- THEY COULD SHARE AN OFFICE WITH STAFF AND A TRUCK AND MAYBE SOMEBODY CAN WRITE A GRANT OR SOMETHING TO SOLVE THAT PROBLEM. EVEN IF IT'S NOT SOMETHING THAT CAN BE FIXED. I DON'T UNDERSTAND THIS ORDINANCE. I WOULD LIKE TO SEE THAT

ADDRESSED, A BETTER WAY TO GIVE PEOPLE A CHANCE TO GET STARTED. GO ON HERE TO MY OTHER NOTES. I DON'T LIKE IT TO BE INDEXED. IT SEEMS YOU CAN CHANGE IT EVERY NOW AND THEN IF IT NEEDS TO BE. I'M NOT A BIG FAN OF INDEXING ME. I'M A LITTLE CONCERNED THAT THE OFFICE HOLDER ACCOUNTS, I THINK IT'S A GOOD IDEA IN GENERAL, BUT IT'S HARD TO SEE YOU GO AROUND SOLICITING CONTRIBUTIONS FOR YOUR OFFICE HOLDER ACCOUNTS SO YOU DON'T HAVE TO BE BEHOLDEN TO LOBBYISTS. IT'S ALMOST THAT ALMOST WORKS. ONE WAY IS TO TALK ABOUT BUYING DINNER AND JUST HAVE THEM -- WHEN THEY BUY AWE DINNER, HAVE THAT GO INTO YOUR OFFICE HOLDER ACCOUNT AND THEN IF YOU'RE WITH LOBBYISTS THAT YOU GET ALONG WITH AND YOU TEND TO SUPPORT AND YOU HAVE THEM TAKE YOU TO GET BAGELS, CREAM CHEESE AND COFFEE, IF YOU HAVE SOMEBODY THAT YOU DON'T GET ALONG WITH WELL, YOU HAVE THEM TAKE TO YOU A NICE FANCY PLACE AND HAVE A NICE BOTTLE OF WINE AND IT FILLS UP THE 300-DOLLAR MINUTE. I WOULD LIKE A DIFFERENT SOURCE OF FUNDING FOR THE OFFICE HOLDER ACCOUNTS. BEYOND THAT, I DON'T KNOW IF 300 IS THE RIGHT AMOUNT OR NOT, BUT I CAN SEE -- I'M NOT SO KNOWLEDGEABLE ABOUT THAT, BUT I DO WANT YOU TO KEEP LOOKING AT A WAY TO GIVE OTHER PEOPLE A CHANCE TO PARTICIPATE TOO. THANK YOU.

Mayor Wynn: THANK YOU, MR. BECKER. COUNCIL, THAT'S ALL OF OUR PUBLIC COMMENTS ON ITEM NUMBER 4 REGARDING THE -- THE CHARTER AMENDMENT RELATED TO CAMPAIGN FINANCE. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'LL REPEAT WHAT I SAID LAST WEEK, THAT RAISING THE AMOUNT OF CONTRIBUTION FROM A PERSON TO A CANDIDATE FROM ONE TO THREE HUNDRED DOLLARS IS STILL IN MY OPINION NOT WHAT'S REALLY NEEDED TO MAKE IT VIABLE TO RUN A CITYWIDE CAMPAIGN, A CITY OF OVER 700,000 PEOPLE WHERE ALL OF US ARE RUNNING CITYWIDE IN TRYING TO REACH THAT NUMBER OF PEOPLE. YOU CAN IMAGINE WHAT A MAILING OR A MASS TELEPHONE CALL COSTS. SO IT JUST MAKES IT VERY DIFFICULT. \$300 IS REASONABLE AND I WAS PREPARED TO SAY THAT SO FAR I HAD NOT TALKED TO ANYONE WHO OPPOSED RAISING THE

LIMIT FROM 100 TO \$300 AND THEN ALL OF A SUDDEN A FEW MINUTES AGO I'VE HEARD THREE, SO I CAN'T SAY THAT ANYMORE. JUST A QUICK COMMENT ABOUT THE OFFICE HOLDER ACCOUNTS. THE TIME PERIOD DURING WHICH YOU CAN RAISE MONEY REMAINS UNCHANGED, SO IT'S A LITTLE BIT DIFFICULT FOR ME TO SEE HOW -- AFTER YOU'RE ELECTED, YOU CAN'T RAISE MONEY FOR YOUR OFFICE HOLDER ACCOUNT. IT'S DIFFICULT FOR ME TO SEE HOW MANY PEOPLE ARE GOING TO BE AFFECTED BY THIS. IN OTHER WORDS, YOU WOULD HAVE TO TAKE IN MORE MONEY AND CONTRIBUTIONS AND THEN YOU SPEND AND THEN WHAT IS LEFT OVER UP TO \$20,000 YOU COULD APPLY TO YOUR OFFICE HOLDER ACCOUNT. AND I DON'T KNOW TOO MANY PEOPLE WHO ARE IN THAT POSITION, BUT THERE MAY BE A FEW WHO HAVE BEEN OR ARE GOING TO BE. SO I JUST WANTED TO CLARIFY THAT BECAUSE IT WAS REMARKED UPON JUST A FEW MINUTES AGO.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? COUNCILMEMBER MCCrackEN.

McCracken: MAYOR, THERE ARE SOME SLIGHT CHANGES FROM LAST WEEK AFTER WE'VE HAD NEGOTIATIONS WITH PUBLIC CITIZENS AND TEXANS FOR JUSTICE. AND THOSE INCLUDE PROVISION FOR AN ENFORCEMENT ORDINANCE THAT WOULD HAVE TO BE ADOPTED FOR THESE CHANGES TO TAKE EFFECT. AND ALSO, WE WILL HAVE THE OPPORTUNITY TO HANDLE THE ISSUE OF POLITICAL ACTION COMMITTEES THROUGH A SEPARATE ORDINANCE, WHICH WE MAY TAKE UP AS NOON SOON AS THE NEXT TWO WEEKS FROM NOW. AND AFTER THE SUPREME COURT CASES THAT HAVE HELD UP THE AUTHORITY FOR A GOVERNMENT TO PLACE LIMITS ON PAC CONTRIBUTIONS, BUT OUR EXPECTATION IS THAT THAT LIMIT WOULD NOT INCLUDE A GEOGRAPHICAL LIMIT AND IT WOULD SIMPLY PROVIDE FOR THE ORDINANCE, THE PAC'S WOULD HAVE TO CREATE SEPARATE ACCOUNT FOR CITY ELECTIONS TO COLLECT \$300, BUT NOT BE LIMITED BY ZIP CODE. THAT IS THE SAME PROVISION THAT WE HEARD, THAT WE BROUGHT FORWARD LAST WEEK THAT WAS SUPPORTED BY REPRESENTATIVES FROM TEXANS FOR JUSTICE AND PUBLIC CITIZEN. AND I THINK THAT WITH THESE CHANGES WE'LL HAVE A GOOD GOING FORWARD MODEL THAT WILL ADJUST FOR THE

TIMES.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON THIS COUNCIL AGENDA ITEM NUMBER 4, PROPOSED CHARTER AMENDMENT RELATED TO CAMPAIGN FINANCE.

McCracken: MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE THIS AGENDA -- COUNCIL AGENDA ITEM NUMBER 4. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ.

Alvarez: THANKS, MAYOR. I'LL BE SUPPORTING THIS BALLOT LANGUAGE OR THIS PROPOSED CHARTER AMENDMENT OR TO PLACE IT BEFORE THE VOTERS. BUT I THINK IT'S A LONG TIME COMING AND IT'S A PRETTY SORT OF MODEST CHANGE AND AGAIN THROUGH HAVING BEEN IN AUSTIN FOR A FEW YEARS, I'VE HEARD MANY OF YOU ORIGINATORS OF ESTABLISHING THE 100-DOLLAR CONTRIBUTION LIMIT SAYING THAT IT WENT A LITTLE TOO FAR. AND WE ALSO, I BELIEVE, IN THE LAST CHARTER ELECTION, I THINK THE VOTERS VOTED DOWN I THINK A PROPOSAL TO ELIMINATE THE CONTRIBUTION LIMIT ALTOGETHER, SO THE VOTERS DO WANT SOME LIMITS ON CONTRIBUTIONS, BUT I THINK THERE IS A LOT OF SENTIMENT THAT'S BEEN EXPRESSED THAT 100 IS TOO STRINGENT. I THINK GOING UP TO 300 IS REASONABLE. AND REALLY BECAUSE OF THE MAGNITUDE OF THE AREA, THE GEOGRAPHICAL AREA YOU HAVE TO COVER, BECAUSE WE DON'T HAVE SINGLE MEMBER DISTRICTS, I BELIEVE WE MIGHT BE ABLE TO LIVE WITH THE 100-DOLLAR LIMIT IF COUNCILMEMBERS HAD A GEOGRAPHIC DISTRICT BECAUSE THEN YOU WOULDN'T HAVE TO RAISE, YOU KNOW, 70 TO \$100,000 TO RUN A VIABLE CAMPAIGN. AND I THINK THAT ACTUALLY WITHWHAT THE 100-DOLLAR LIMIT DOES IS TAKE THE CANDIDATES OUT OF THE NEIGHBORHOOD. I THINK ONE OF THE SPEAKERS COMMENTED THAT THE 100-DOLLAR LIMIT REQUIRES THE CANDIDATES TO GO INTO THE COMMUNITY, BUT IF ANYTHING, MY RECOLLECTION OF MY TWO CAMPAIGNS WAS BEING ON THE PHONE TRYING TO COLLECT 100-DOLLAR CONTRIBUTIONS AND SPENDING A LOT

MORE TIME DOING THAT AND NOT IN THE COMMUNITY, WHICH IS WHERE I WANTED TO BE, BUT BECAUSE YOU HAVE TO RAISE SO MUCH MONEY TO GET YOUR WORD OUT TO SUCH A LARGE GEOGRAPHIC AREA, IT'S JUST -- IT'S VERY PROHIBITIVE TO HAVE THIS 100-DOLLAR LIMIT. SO I THINK THAT INCREASING IT TO 300, AGAIN, IT WILL HELP -- IN THAT REGARD HELP GET THE MESSAGE FROM THESE CANDIDATES FOR THE VOTERS AND TO RAISE 50, \$60,000, YOU ONLY HAVE TO OBTAIN ONE-THIRD OF THE CONTRIBUTIONS YOU WOULD HAVE TO OTHERWISE. SO I THINK THAT ACTUALLY BECOMES MORE POSSIBLE OR FEASIBLE FOR CANDIDATES THAT MAY BE RUNNING FOR THE FIRST TIME. SO I THINK THAT IT'S STILL -- IT STILL KIND OF CREATES A LEVEL PLAYING FIELD. I THINK WHAT'S DISCOURAGING A LOT OF PEOPLE FROM RUNNING IS THE FACT THAT YOU HAVE TO RUN CITYWIDE AND HAVE TO RAISE A LOT OF MONEY IF YOU'RE GOING TO BE SUCCESSFUL IN GETTING YOUR MESSAGE OUT TO TENS OF THOUSANDS AND HUNDREDS OF THOUSANDS OF VOTERS. SO FOR THAT REASON I THINK IT WAS APPROPRIATE AND WE'LL BE SUPPORTING THIS ITEM. THANKS, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER.
COUNCILMEMBER LEFFINGWELL.

Leffingwell: MY COLLEAGUE MENTIONED A FEW MINUTES AGO, SAID A FEW WORDS ABOUT POLITICAL ACTION COMMITTEES, AND SO FAR IN ALL OF OUR DISCUSSIONS WITH REGARD TO THIS PARTICULAR CHARTER AMENDMENT, I HAVE NOT SEEN ANY KIND OF CONSENSUS IN THE LEGAL COMMUNITY AS TO WHETHER OR NOT GENERAL PURPOSE POLITICAL ACTION COMMITTEES WOULD CONSIDER TO BE CONSIDERED LEGAL BY THE COURTS. AND I FOR ONE WAS VERY RELUCTANT TO PUT SOMETHING THAT WAS DOUBTFUL IN THE CITY CHARTER. SO PERHAPS THERE WILL BE SOME VIEW TOWARDS LOOKING AT IT IN THE FORM OF AN ORDINANCE. WE'LL JUST HAVE TO SEE WHERE THAT LEADS US. BUT I WOULD LIKE TO COMMENT THAT IF YOU THINK THAT POLITICAL ACTION COMMITTEES HAVE TOO MUCH POWER, THE WAY TO REDUCE THE AMOUNT OF POWER THEY HAVE IS TO INCREASE THE INDIVIDUAL CONTRIBUTION LIMITS IN THIS CASE FROM 100 TO \$300. AND THAT ELIMINATES THE DISPROPORTIONALLY BETWEEN THE TWO SOURCES OF

CAMPAIGN FUNDS. AND DOESN'T ELIMINATE IT, JUST REDUCES IT.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER KIM.

Kim: I'M GOING TO BE SUPPORTING THE MOTION. IT'S VERY EXPENSIVE TO RUN CITYWIDE WITH COUNCILMEMBER LEFFINGWELL AND MYSELF HAVING JUST DONE THAT A YEAR AGO. AND MAIL HAS GONE UP, THE POSTAGE HAS GONE UP. AND SINCE WE HAVE TO RUN CITYWIDE, TV IS ALSO A WAY TO GET THE MESSAGE OUT FOR CANDIDATES AND IT'S BECOMING MORE AND MORE EXPENSIVE, SO I WILL BE SUPPORTING THE MOTION. THANK YOU.

Mayor Wynn: WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE COUNCIL AGENDA ITEM NUMBER 4, POTENTIAL CHARTER AMENDMENT RELATED TO CAMPAIGN FINANCE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. SO COUNCIL AGENDA ITEM NUMBER 5 AND 6 ACTUALLY BOTH ARE THE CITIZEN INITIATED POTENTIAL CHARTER AMENDMENTS. THE FIRST ONE, ITEM NUMBER 5 RELATES TO THE BARTON SPRINGS ZONE ITEM. SO WHAT WE HAVE -- FIRST OF ALL, WE HAVE A HANDFUL OF FOLKS WHO WOULD LIKE TO SPEAK TO US, COUNCIL, BUT WE HAVE -- ALSO HAVE SOME PROPOSED BALLOT LANGUAGE. OF COURSE, THE ORDINANCE ITSELF, PROPOSED ORDINANCE ITSELF AS WRITTEN, CHARTER AMENDMENT, SO WE HAVE PROPOSED BALLOT LANGUAGE HERE IN FRONT OF US, DON'T WE? ITEM NUMBER 5. I HAVE ONE I'LL GLADLY READ FROM. SO MS. GILCHRIST, THIS LANGUAGE, IF YOU CAN LOOK HERE, THIS LANGUAGE THAT SOME OF US HAVE SEEN EARLIER, IS THE SAME AS IS IN THIS FULL ORDINANCE HERE IN FRONT OF US. THAT WAY WE CAN ACTUALLY REFER BACK TO THE PROPOSED AMENDMENT ITSELF.

YES.

Mayor Wynn: SO AGAIN, COUNCIL, THIS IS CITY COUNCIL AGENDA ITEM NUMBER 5, THE CITIZEN INITIATED POTENTIAL CHARTER AMENDMENT. FOR LACK OF A BETTER TERM I'LL

REFER TO IT AS THE SPRINGS ZONE AMENDMENT. WHAT WE HAVE HERE BEFORE US IS PROPOSED BALLOT LANGUAGE THAT I'LL READ NOW. AND THEN PERHAPS HAVE A LITTLE BIT OF DISCUSSION AND/OR TAKE UPSET 17 COMMENTS. THIS LANGUAGE READS: SHALL THE CITY CHARTER BE AMENDED TO LIMIT INFRASTRUCTURE IMPROVEMENT IN THE BARTON SPRINGS ZONE, DISQUALIFY CERTAIN INDIVIDUALS FROM EXERCISING CERTAIN PROPERTY RIGHTS UNDER STATE LAW AND -- SUBJECT TO CITY COUNCIL APPROVAL AFTER A PUBLIC HEARING, LIMIT THE CITY'S APPROVAL FOR THE AGREEMENTS AND PROHIBIT THE CITY FROM PARTICIPATING IN OR SUPPORTING CERTAIN ROAD PROJECTS. SO UNLESS THERE ARE ANY SPECIFIC COMMENTS, I'M GOING TO HAVE SOME LATER, WE MIGHT SIMPLY GO TO SPEAKERS. WE HAVE A HANDFUL. WITHOUT OBJECTION, OUR FIRST SPEAKER IS MR. BILL BUNCH. WELCOME, BILL. AND IS JORDAN HATCHER HERE? HELLO. BILL, YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT AND BE FOLLOWED BY SARAH BAKER.

THANK YOU, MAYOR, MEMBERS OF COUNCIL. YOU SHOULD HAVE RECEIVED YESTERDAY OR THE DAY BEFORE PROPOSED BALLOT LANGUAGE THAT THE AMENDMENT SPONSORS PUT TOGETHER WHICH WE BELIEVE PROVIDES A FAIR AND ACCURATE REPRESENTATION OF THE PROPOSED BALLOT ITEMS. THE ONE ON THE TOP ON THE SHEET I JUST PASSED OUT, IN CASE YOU HADN'T SEEN IT SOONER, IS ADDRESSING THE SAVE OUR SPRINGS CHARTER AMENDMENT. I THINK THAT TO THE EXTENT WE'RE DISAGREEING ON THE MERITS OF THESE PROPOSALS, WE SHOULD ALL BE ABLE TO AGREE THAT WE WANT A FAIR AND HONEST AND LEGAL ELECTION. AND STARTING WITH THE LEGAL POINT, I BROUGHT TO THE ATTENTION OF THE CITY ATTORNEY AND THE CITY MANAGER LOCAL GOVERNMENT CODE SECTION 42.904, WHICH APPEARS TO REQUIRE THE CITY TO ALLOW FOLKS IN THE E.T.J., EXTRATERRITORIAL JURISDICTION OF THE CITY, TO VOTE ON THIS MATTER; HOWEVER, SINCE THAT LAW IS BRACKETED TO THE CITY OF AUSTIN AS BEST I CAN TELL, THERE'S A QUESTION AS TO ITS CONSTITUTIONALITY AND WHETHER IN FACT IT'S UNCONSTITUTIONAL LOCAL OR SPECIAL BILL. I BROUGHT THIS TO THE ATTENTION OF THE CITY MANAGER AND CITY ATTORNEY EARLY ON, FIRST BECAUSE OF THE LEGAL

QUESTIONS INVOLVED, BUT ALSO THAT THERE MIGHT BE SPECIAL MEASURES TAKEN TO ACCOMMODATE VOTERS IN THE E.T.J. IF IN FACT IT'S A LEGAL STATUTE. IT'S MY UNDERSTANDING FROM MR. SMITH AS OF LAST FRIDAY THAT IT IS THE CITY'S BELIEF THAT THE FOLKS IN THE E.T.J. GET TO VOTE ON THESE MATTERS. HOWEVER, YOU'RE CALLING OF THIS ELECTION, YOUR PUBLIC POSTINGS OF THIS MATTER, THE ACTUAL LANGUAGE THE ORDINANCE REFERS TO CALLING AN ELECTION IN THE CITY OF AUSTIN. THERE'S BEEN NO DISCUSSION, NO PUBLIC NOTICE, NO LANGUAGE DRAFTED THAT WOULD TRACK WHAT I WAS TOLD WAS YOUR LEGAL POSITION THAT IN FACT THE FOLKS IN THE E.T.J. DO GET TO VOTE ON THIS. SO I THINK THAT IT IS INCUMBENT UPON THE CITY RIGHT NOW TO TELL US HOW YOU'RE GOING TO HOLD THIS ELECTION AND HOW YOU'RE ASSURING THAT IN FACT IT WILL BE A LEGAL ELECTION SO THAT NO MATTER WHO WINS OR WHO LOSES, WE'VE HAD A LEGAL ELECTION. THE SECOND QUESTION IS THE BALLOT LANGUAGE. STATE LAW IS VERY CLEAR THAT THE BALLOT LANGUAGE SHOULD EXPLAIN IN STATEMENTS THAT TRACK THE ACTUAL MEASURE, WHAT IT DOES IN SUMMARY FORM IF IN FACT YOU DON'T POST THE ENTIRE THING. YOU ARE NOT ALLOWED TO ARGUE OR ELECTIONEER. THE LANGUAGE ON THE BALLOT, IF IT'S THE SAME AS LAST WEEK, IS ELECTIONEERING. IT'S ARGUING ABOUT THE CONSEQUENCES OR PROPOSED CONSEQUENCES OF THE CHARTER AMENDMENT. IT IS NOT TRACKING THE LANGUAGE OF THE CHARTER AMENDMENT ITSELF. JUST ONE SIMPLE EXAMPLE OF THAT, IF YOU READ FROM YOUR BALLOT LANGUAGE STRAIGHT DOWN TO THE VERY FIRST PROVISIONS OF THE CHARTER AMENDMENT ITSELF, THE FIRST SENTENCE READING, THIS AMENDMENT REAFFIRMS AND EXTENDS CITY OF AUSTIN POLICIES AND COMMITMENTS TO ASSURE THAT THE QUALITY AND QUANTITY OF SPRINGS, EDWARD'S AQUIFER FLOWS ARE PRESERVED AND SUSTAINED. THERE IS NOTHING EVEN REMOTELY HINTING THAT THIS CHARTER AMENDMENT IS ABOUT PROTECTING BARTON SPRINGS. IN FACT, YOU START WITH THE PHRASE, SHALL THE CITY CHARTER BE AMENDED TO LIMIT INFRASTRUCTURE IMPROVEMENT. THERE'S NOTHING IN THE CHARTER AMENDMENT THAT REFERS TO INFRASTRUCTURE IMPROVEMENTS. THERE ARE LIMITATIONS ON INFRASTRUCTURE EXPANSIONS AND EXTENSIONS

DESIGNED NOT TO SERVE EXISTING POPULATIONS, BUT TO SERVE SIGNIFICANT PROJECTED POPULATION EXPANSIONS. THE EXACT KIND OF POPULATIONS OVER THIS INCREDIBLY VULNERABLE WATERSHED THAT THE SCIENCE AND THE COMMUNITY AND OUR OWN LONG-STANDING POLICIES HAVE TOLD US WILL IN FACT RUIN THE SPRINGS FOR ENJOYMENT BY OURSELVES AND FUTURE GENERATIONS. THE NEXT PHRASE YOU HAVE HERE SAYS DISQUALIFY CERTAIN INDIVIDUALS FROM EXERCISING THEIR PROPERTY RIGHTS. THERE'S ABSOLUTELY NOTHING IN THIS PROPOSED MEASURE THAT DOES THAT. QUITE THE CONTRARY AND PRESUMEBLY THIS PHRASE IS ARGUING A LEGAL CONCLUSION THAT SOMEBODY BELIEVES IS TRUE BASED ON THE GRANDFATHERING PROVISIONS. STATE LAW IS VERY CLEAR THAT THE CITY HAS THE RIGHT TO NARROWLY DEFINE WHEN THERE'S A CHANGE IN A PROJECT SUCH THAT IT LOSES ITS GRANDFATHERING STATUS. YOU HAVE STEADFASTLY CHOSEN NOT TO ESTABLISH THOSE STANDARDS. THIS CHARTER AMENDMENT INSTEAD WOULD REQUIRE YOU TO MAKE A FINDING THAT IF THERE'S GRANDFATHERING CLAIMED BY A DEVELOPER TO GO BACK AND DEVELOP UNDER ORDINANCES THAT WERE WEAKER AND WHICH PRECEDE CURRENT STANDARDS, AND RIGHT NOW WE'VE HAD THE VOTER APPROVED SAVE OUR SPRINGS ORDINANCE IN PLACE FOR 13 YEARS, AND YET PEOPLE STILL FEEL LIKE -- OR ARE CLAIMING THAT IT'S SOMEHOW UNFAIR TO REQUIRE THEM TO MEET THOSE STANDARDS. BUT THE AMENDMENT ITSELF SAYS -- [BUZZER SOUNDS] -- CALLS FOR YOU TO -- IS THAT ALL OF MY TIME?

Mayor Wynn: THAT'S ALL OF YOUR TIME, MR. BUNCH. PLEASE CONCLUDE.

[INAUDIBLE - NO MIC].

Mayor Wynn: IF YOU CAN GO SIGN UP. YOU ALREADY HAVE. FAIR ENOUGH, MR. BUNCH. THANK YOU, KIRK.

THE CHARTER AMENDMENT SPECIFICALLY CALLS FOR YOU TO MAKE A FINDING THAT STATE LAW WOULD REQUIRE YOU TO RECOGNIZE THE GRANDFATHERING. SO IN FACT IT'S THE OPPOSITE OF WHAT YOU'RE SAYING. IT'S MAKING YOU MAKE THAT FINDING THAT YOU'RE PROTECTING PROPERTY

RIGHTS UNDER STATE LAW. WE CANNOT AND WE DO NOT TRY TO OVERRIDE STATE LAW, AND IN FACT WE WROTE THIS SPECIFICALLY TO FIT WITHIN AND IMPLEMENT STATE LAW. THERE'S A RANGE OF OTHER MISSTATINGS OUT THERE. WE TRY TO REACH OUT TO EACH OF YOU TO ANSWER YOUR QUESTIONS ABOUT THESE CHARTER AMENDMENTS, SO UNFORTUNATELY THERE'S ALMOST NO RESPONSE BACK, AND SO STATEMENTS ARE BEING MADE THAT ARE FALSE ABOUT WHAT THIS WOULD DO. THERE'S NO LIMITATION ON PROVIDING AFFORDABLE HOUSING, ON FILLING POTHOLES, ON A WHOLE RANGE OF THINGS. INSTEAD WHAT THIS IS IS A PROHIBITION ON SUBSIDIZING DEVELOPMENT THROUGH DEVELOPMENT AGREEMENTS, AND THAT IN FACT IS VERY CONSISTENT WITH LONG-STANDING COMMUNITY POLICY. WE HOPE THAT YOU WILL RECONSIDER THIS CHARTER LANGUAGE, THAT YOU'LL USE OUR CHARTER LANGUAGE THAT TRACKS THE SPECIFIC LANGUAGE AND THE ACTUAL PROVISIONS OF THE CHARTER MEASURE. IF YOU'RE NOT WILLING TO DO THAT, WORK WITH US TO HAVE CHARTER AMENDMENT LANGUAGE ON THE BALLOT THAT IS NOT ARGUING ABOUT CONSEQUENCES WHICH WE CAN DISAGREE ON, BUT RATHER AS A FAIR AND ACCURATE REPRESENTATION OF THE ACTUAL PROVISIONS ON THE PAGE. THAT'S WHAT THE LAW REQUIRES, THAT'S WHAT INTEGRITY REQUIRES AND THAT'S ALL THAT WE'RE ASKING. THANK YOU. [APPLAUSE]

Mayor Wynn: THANK YOU, MR. BUNCH. MY INSTINCT IS AFTER WE HEAR FROM ALL THESE SPEAKERS THERE WILL BE SEVERAL QUESTIONS THAT WE ASK OF STAFF, PARTICULARLY OUR LEGAL STAFF. SARAH BAKER, WELCOME. YOU WILL BE FOLLOWED BY JEFF JACK.

THANK YOU VERY MUCH MAYOR AND COUNCIL. I ALSO WANT TO ADDRESS THE BALLOT LANGUAGE THAT'S PROPOSED IN THAT STATE LAWMAN STATES THE PROCEDURES AND CITY COUNCIL HAS THE RESPONSIBILITY AND DISCRETION TO SET THE LANGUAGE THAT APPEARS ON THE BALLOT. I THINK SETTING THIS SPECIFIC LANGUAGE IS A DIFFICULT TASK WHEN PEOPLE HAVE ALREADY DECIDED THEIR OPPOSITION OR SUPPORT OF A PARTICULAR MEASURE, BUT WHAT THE LAW REQUIRES IS A FAIR PORTRAYAL OF THE MEASURE BEING VOTED ON. AND WHAT I'VE SEEN PROPOSED I DON'T

THINK IS FAIR AND I THINK IS AN ABUSE OF DISCRETION. THE PETITIONS THAT WERE CIRCULATED IN THE CHARTER AMENDMENT LANGUAGE HAVE A TITLE, IT'S THE SAVE OUR SPRINGS AMENDMENT. IT WOULD BE NICE IF THE LANGUAGE INTRODUCED THE MEASURE BY THE TITLE THAT HAS BEEN -- IT WAS PETITIONED AND IS IN THE TEXT. THE LANGUAGE WE PROPOSED, SHALL THE CITY CHARTER BE AMENDED TO ADD THE CITIZEN INITIATED SAVE OUR SPRINGS AMENDMENT. IF Y'ALL THINK BACK TO TUESDAY WHEN YOU MAY HAVE VOTED IN THE PRIMARIES OR LAST NOVEMBER WHEN WE VOTED ON AMENDMENTS TO THE TEXAS CONSTITUTION, IT'S KIND OF TRICKY. WE'RE IN THERE WITH THE COMPUTER, YOU HAVE TO SPIN THE WHEEL. THE LANGUAGE IS HARD TO UNDERSTAND IN THAT MOMENT, EVEN IF YOU'VE STUDIED AHEAD OF TIME. AND TO PRESENT THIS KIND OF LANGUAGE THAT DOESN'T TRACK THE AMENDMENT, THAT PROVIDES OPINIONS ON CONSEQUENCES RATHER THAN USING ANY OF THE LANGUAGE FROM THE ACTUAL AMENDMENT IS AGAIN AN ABUSE OF DISCRETION AND DISRESPECTFUL TO AUSTIN VOTERS. THEY'RE COMING OUT TO TRY AND MAKE GOOD DECISIONS FOR THEIR COMMUNITY AND THEY NEED TO BE PRESENTED WITH A FAIR PORTRAYAL OF THE LANGUAGE. SPECIFICALLY WITHIN THE LANGUAGE THAT'S BEEN PROPOSED BY COUNCIL, SHALL THE CITY CHARTER BE AMENDED TO LIMIT INFRASTRUCTURE IN THE BARTON SPRINGS ZONE. IT'S BEEN -- THIS IS CONFUSING FORMAT. IF I WERE TO READ THE CLAUSE, THERE'S NO WAY TO DETERMINE THAT THERE'S ONLY GRANDFATHERING DECISIONS GOVERNED BY THE SAVE OUR SPRINGS ORDINANCE. THIS IS NOT ACCURATE OR FAIR AS TO WHAT THE CHARTER AMENDMENT DOES. I HOPE YOU WILL CONSIDER THE LANGUAGE THAT WE'VE PROPOSED AND WE CAN REACH SOME SORT OF COMPROMISE THAT WILL BE FAIR TO THE CITY VOTERS. THANK YOU.

Mayor Wynn: THANK YOU, MS. BAKER. JEFF JACK, WELCOME. IS LORRAINE ATHERTON HERE? OKAY. SO JEFF, YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY COLIN CLARK, WHO WILL BE FOLLOWED BY GAVINO FERNANDEZ.

I'M JEFF JACK AND VICE-PRESIDENT OF THE AUSTIN NEIGHBORHOODS COUNCIL. THE AUSTIN NEIGHBORHOODS COUNCIL HASN'T TAKEN A POSITION ON THESE CHARTER

AMENDMENTS, BUT WE HAVE TAKEN A POSITION ON GETTING THEM ON THE BALLOT. AND TODAY WE'RE ASKING YOU TO MAKE SURE THAT THE BALLOT LANGUAGE REFLECTS WHAT IS IN THE AMENDMENT PROPOSED. IF YOU LOOK AT WHAT YOU'VE PROPOSED AND COMPARE IT TO WHAT S.O.S. HAS PROPOSED, IT'S LIKE YOU'RE READING TWO DIFFERENT DOCUMENTS. NOW, I'M NOT A PROCEED FIESHT SPEED READER, BUT WHEN YOU GO THROUGH BOTH OF THESE LANGUAGES, THERE'S A WORLD OF DIFFERENCE IN THE USE OF WORDS. THE PROPOSAL FROM THE CITY HAS THE WORDS THAT START OFF WITH LIMIT, DISQUALIFY AND SO FORTH. BILL BUNCH MENTIONED THAT THERE'S NOTHING IN IT THAT BEGINS TO TALK ABOUT WHAT THE INTENT IS TO PRESERVE THE ENVIRONMENTAL SENSITIVE FEATURE OF THE AQUIFER. NOT A WORD. WE LOOK AT S.O.S.'S PROPOSED LANGUAGE, IT TALKS ABOUT THE POSITIVE ASPECTS OF WHAT THEY'RE PROPOSING. WHY DO WE HAVE SUCH AN EXTREME POSITION? I THINK IT'S VERY CLEAR THAT MANY ON THE COUNCIL HAVE ALREADY DECIDED HOW THEY FEEL ABOUT THIS AMENDMENT. BUT I THINK STATE LAW REQUIRES YOU TO BE EQUITABLE AND FAIR TO HAVE LANGUAGE THAT REFLECTS WHAT OVER 20,000 PEOPLE SIGNED PETITIONS TO HAVE ON THE BALLOT. I'M ALSO PRESIDENT OF THE ZILKER NEIGHBORHOOD ASSOCIATION. THE ZILKER NEIGHBORHOOD ASSOCIATION HAS LOOKED AT THESE CHARTER AMENDMENTS AND OVERWHELMINGLY HAS VOTED TO SUPPORT THE AMENDMENTS, PER SE. WE DON'T SUPPORT THE LANGUAGE THAT YOU'RE PROPOSING. WE DON'T THINK IT REFLECTS THE AMENDMENTS THAT ARE BEING PROPOSED AND WE HOPE THAT YOU WILL TAKE OUR CONSIDERATIONS TO HEART, HOPE THAT YOU REASSESS THIS LANGUAGE AND YOU COME UP WITH LANGUAGE THAT IS MORE APPROPRIATE AND MORE REFLECTIVE OF WHAT THE AMENDMENTS ARE TRYING TO DO. THANK YOU.

Mayor Wynn: WELCOME, COLIN. YOU WILL BE FOLLOWED BY GAVINO FERNS. >>FERNANDEZ.

WELCOME.

GOOD AFTERNOON, COUNCIL, I'M COLIN CLARK ALSO WITH SAVE OUR SPRINGS ALLIANCE. WHEN YOUR NAMES APPEARED OR APPEAR ON THE BALLOT FOR VOTERS, IT

DOES NOT READ BRUCETER MCCracken, WHO IS AGAINST BIG BOXES OVER THE AQUIFER OR LEE LEFFINGWELL WHO WAS CHAIR OF THE ENVIRONMENTAL BOARD. IT'S JUST YOUR NAME. WE'RE NOT ASKING YOU TO PLACE BALLOT LANGUAGE FOR THE CITIZEN INITIATED CHARTER AMENDMENT THAT READS, SHALL THE CITY CHARTER BE AMENDED BECAUSE ONE MULTINATIONAL CORPORATION, CALLED ADVANCED MICRONESNESS DWOOLISES, WANTS TO POLLUTE THE BARTON SPRINGS WATERSHED SO THE EXECUTIVES HAVE A SHORTER COMMUTE. WE'RE NOT ASKING YOU TO PLACE LANGUAGE LIKE THAT ON THE BALLOT. SO WE ASK YOU TO BE FAIR, BE ACCURATE AND BE NEUTRAL. IN THE SELECTION OF BALLOT LANGUAGE FOR AN AMENDMENT THAT READS: THE CITY CHARTER FOR THE CITY OF AUSTIN IS AMENDED TO INCLUDE THE FOLLOWING SAVE OUR SPRINGS AMENDMENT FOR THE PURPOSE OF PROTECTING THE BARTON SPRINGS, EDWARD'S AQUIFER. WHETHER OR NOT YOU AGREE WITH THE POTENTIAL OUTCOME, IF THE VOTERS APPROVE THIS AMENDMENT, PLEASE DO NOT BETRAY THE STATED INTENT. AND AT THIS TIME WE WOULD LIKE TO SHOW YOU A RECENT PRODUCTION. THIS WILL BE ONLY THE SECOND SCREENING. PART OF THE IMPETUS FOR THIS CHARTER AMENDMENT -- THIS IS A ROUGH CUT. YOU'RE GETTING A SNEAK PREVIEW HERE, BUT WE WILL GET A FINAL VERSION OUT TO THE PUBLIC, BUT WE THOUGHT YOU MIGHT APPRECIATE SOME UNDERSTANDING OF WHERE THIS CAME FROM. I THINK YOU ARE MISSING A GOLDEN OPPORTUNITY TO PUT NIBD DISTRICTS ON THE BALLOT. BUT AS WE'RE TOLD, YOU WILL MAKE THE REQUEST, IF IT'S DENIED WE FOLLOW THE NEXT STEP. BECAUSE AUSTIN IS GROWING AND YOU ARE GOING TO ANNEX UP TO THE I-130 CORRIDOR. LAST STATEMENT, MAYOR, THE ISSUE OF THE FINANCE LIKE COUNCILMEMBER ALVAREZ, IF YOU WERE TO -- YOU WOULDN'T BE FACING THAT DISTRICT AND I THINK YOU ARE LOSING A GREAT OPPORTUNITY IN DELIVERING GOVERNMENT TO THIS COMMUNITY. THANK YOU.

Mayor Wynn: THANK I. BRAD ROCKWELL SIGNED UP WISHING TO SPEAK AGAINST. MARCELENE LESTER SIGNED UP WISHING TO DONATE TIME TO BRAD IN FAVOR. KIRK BECKER. WELCOME BACK, KIRK. YOU HAVE THREE MINUTES

FOLLOWED BY ROY WHALEY WHO WILL BE FOLLOWED BY JENNIFER GALE.

THIS IS GOING TO BE REAL QUICK. IF I CAN FIND THE NOTES HERE. I HEAR A LOT OF CONCERNS THAT PROBABLY THIS CONFLICTS WITH STATE LAW, IT NOT LEGAL. CONCERNS THAT PROVISIONS OF THIS AMENDMENT WILL BE THROWN OUT IN COURT AREN'T REALLY GOOD REASONS TO VOTE AGAINST IT, AS FAR AS I CAN TELL. IF YOU THINK IT'S GOING TO GET THROWN OUT OF COURT, WHAT'S THE POINT OF VOTING AGAINST IT. BEYOND THAT THERE'S BEEN A LOT OF DISCUSSION OVER THE BALLOT LANGUAGE AND I CAME UP WITH MY OWN SUGGESTION AND I CALL IT THE CHARTER AMENDMENT INTENDED TO MAINTAIN THE NATURAL SWIM YAKT OF BARTON SPRINGS POOL. THAT'S WHAT I SUGGEST AND JUST LEAVE IT AT THAT. [APPLAUSE]

Mayor Wynn: THANK YOU, MR. BECKER. ROY WHALEY. SIGNED UP WISHING TO SPEAK NEUTRAL. JENNIFER GALE. JENNIFER GALE SIGNED UP WISH TO GO SPEAK. FOLLOWED BY ROBERT SINGLETON.

HI AUSTIN. THANK YOU MAYOR, CITY COUNCIL. VERY BRIEFLY, I'D LIKE TO CONCUR WITH THE NEED FOR DISTRICTS FOR COMPLETE REPRESENTATION. ON THIS AMENDMENT THE AUTHOR, A CITIZEN, CREATED AN IDEA THAT MUST BE EXPRESSED IN THEIR LANGUAGE FOR A COMPLETE UNDERSTANDING OF THE PROPOSED CHARTER AMENDMENT BY THE VOTER. THAT IS TO BE DECIDED ON, VOTED ON BY MYSELF, THE PEOPLE OF AUSTIN, AUSTIN'S E.T.J. AS LONG AS IT DOESN'T CONFUSE, MISLEAD, [INDISCERNIBLE] THE PURPOSE OF THE PEOPLE INITIATED ENVIRONMENTAL AMENDMENT TO OUR AUSTIN CITY COUNCIL. CITY OF AUSTIN CONSTITUTION. THANK YOU.

Mayor Wynn: WELCOME. YOU WILL HAVE THREE MINUTES.

WE SEEM TO HAVE EMERGING CONSENSUS IN FAVOR OF THE SINGLE-MEMBER DISTRICTS. THE MAIN THING I WANT TO DO IS THERE ARE PROBABLY A LOT OF WATCHING TORE LISTENING, MAYBE NOT A LOT, WHO HAVE HEARD THE CITY'S LANGUAGE BUT HAVEN'T HEARD THE S.O.S. LANGUAGE SO I WANTED TO READ THE S.O.S. LANGUAGE FOR THE OPEN

GOVERNMENT. THE WORDING FOR THE SAVE OUR SPRINGS CHARTER AMENDMENT IS SHALL THE CITY CHARTER BE AMEND TO DO ADD THE CITIZEN INITIATED SAVE OUR SPRINGS AMENDMENT FOR THE PURPOSE OF PROTECTING THE BARTON SPRINGS EDWARDS AQUIFER INCLUDING PROVISIONS THAT REQUIRE THE CITY TO TAKE ACTIONS THAT ENCOURAGES NEW DEVELOPMENT AWAY FROM THE BARTON SPRINGS WATERSHED AND DISCOURAGE CERTAIN DEVELOPMENT INCLUDING MAJOR EMPLOYMENT CENTERS, MAJOR HIGHWAYS AND OTHER INFRASTRUCTURE EXPANSIONS AND DEVELOPMENT THAT DOES NOT MEET CURRENT WATER QUALITY STANDARDS. NOW EVERYBODY KNOWS WHAT YOU ARE PROPOSE PG AND WHAT SOFS SOFS S.O.S. IS PROPOSING. FOR THE PURPOSE OF ASSURING OPEN GOVERNMENT INCLUDING PROVISIONS THAT REQUIRE THE CITY TO USE ITS STATE LAW IN FAVOR OF PUBLIC ACCESS, CONDUCT SIGNIFICANT BUSINESS ONLINE AND ACCESSIBLE TO THE PUBLIC THROUGH THE INTERNET, PROVIDE INFORMATION AND CONDUCT NEGOTIATIONS ON ECONOMIC DEVELOPMENT AGREEMENTS IN PUBLIC, ARCHIVE E-MAIL CORRESPONDENCE WITH CITY OFFICIALS AND POST CALENDAR ENTRIES AND PHONE LOGS OF TOP CITY OFFICIALS RELATING TO CITY BUSINESS ONLINE WHILE PROTECTING INDIVIDUAL PRIVACY. JUST IN THE INTEREST OF MAKING THINGS MAKE SENSE, I'M LOOKING AT THE WORDING THE CITY IS CONSIDERING AND ON THE BARTON SPRINGS INITIATIVE, THE FIRST SENTENCE SAYS SHALL THE CITY CHARTER BE AMENDED TO LIMIT INFRASTRUCTURE 2 BARTON SPRINGS ZONE. IT GOES ON WITH A A LOT OF OTHER THINGS ABOUT PROPERTY RIGHTS BUT DOESN'T SPECIFICALLY SAY THOSE ARE IN THE BARTON SPRINGS ZONE SEASON IN. IF YOU HAVE SOMEONE READS BARTON SPRINGS ZONE, DISQUALIFIES CERTAIN INDIVIDUALS FROM EXERCISING PROPERTY RIGHTS UNDER STATE LAW, IT'S NOT CLEAR FROM THE WORDING YOU'VE GOT THAT APPLIES ONLY IN THE BARTON SPRINGS ZONE. SO I THINK THAT ON BALANCE, THE LANGUAGE THAT THE S.O.S. IS PROHIBITING IS CLEARER, MORE REPRESENTATIVE OF WHAT THEY WANT AND GIVES THE VOTERS A BETTER CHANCE TO VOTE FOR WHAT THEY ACTUALLY WANT. ONE FINAL CAVEAT, IF YOU INSIST ON THE BIASED AND ONE-SIDED PRESENTATION WITH THE CONCLUSIONS DRAWN IN THE LANGUAGE YOU ARE

LOOKING AT AND IT PASSES, THAT'S GOING TO BE A POWERFUL MESSAGE TO YOU GUYS THAT MAYBE YOUR CONSTITUENTS WANT SIGNIFICANTLY MORE PROTECTION THAN WHAT YOU HAVEN PROVIDING. THAT FEN YOU CAST IT IN THE WORST POSSIBLE LIGHT THEY STILL WANT IT. BUT I THINK IN KEEPING WITH STATE LAW YOU BETTER GO WITH SOMETHING THAT IS MORE NEW THRALL, MORE REFREKTIVE OF THE INTENT AND INITIATIVE AND YOUR BETTER HOPE IS THE S.O.S. LANGUAGE. [APPLAUSE]

Mayor Wynn: THANK YOU, MR. SINGLETON. COUNCIL, THAT'S OUR CITIZEN FEEDBACK. ON COUNCIL AGENDA ITEM NUMBER 5. FURTHER COMMENTS, QUESTIONS?

TO OFFER THE ORDINANCE THAT WAS IN THE BACKUP AND THAT IS BEFORE YOU DOES, AS I DISCUSSED EARLIER, EXPAND THE ELECTION ON THIS ITEM ONLY INTO THE EXTRATERRITORIAL JURISDICTION AND MS. GENTRY'S STAFF IS WORKING WITH THE APPROPRIATE ELECTION OFFICIALS TO BE SURE THIS ITEM IS BALLOTTED IN THE ENTIRE E.T.J.

Mayor Wynn: THANK YOU, MS. GILCHRIST. FURTHER QUESTIONS, COMMENTS? I HAVE A COUPLE. IN THE PROPOSED LANGUAGE HERE IN FRONT OF US, I HAD SEVERAL COMMENTS ABOUT THIS. DISQUALIFY CERTAIN INDIVIDUALS FROM EXERCISING THEIR PROPERTY RIGHTS UNDER STATE LAW. THAT DOES SEEM -- ONE, THEIR PROPERTY RIGHTS. YOU KNOW, THERE'S LOTS OF DIFFERENT PROPERTY RIGHTS. SEEMS TO BE TO CLARIFY WE SHOULD STRIKE THE WORD THERE AND PUT THE WORD CERTAIN. BECAUSE AS I HAVE READ THIS, THERE'S CLEARLY SOME ISSUES RELATED TO THE DISTINCTION BETWEEN WHAT'S STATE -- WHAT STATE LAW REQUIRES FOR GRANDFATHERING CASE, FOR INSTANCE, COME FORWARD AND WHAT THIS WOULD REQUIRE. BUT THEN THERE'S ALSO THE WHOLE VERY LARGE ISSUE RELATED TO BANKRUPTCY. AND SO I THINK JUST BY SAYING CERTAIN PROPERTY RIGHTS IT'S BETTER. THEN ALSO DOWN TOWARDS THE BOTTOM, THE SECOND TO LAST POINT IS LIMIT THE CITY'S ABILITY TO ENTER INTO ECONOMIC DEVELOPMENT AGREEMENTS. I THINK PEOPLE WOULD READ THIS THEY WOULD THINK THAT THAT MEANS IN THE BARTON SPRINGS ZONE SINCE EARLIER IN THE PROPOSED LANGUAGE AT

LEAST WE IDENTIFY ISSUE OF INFRASTRUCTURE IMPROVEMENT IN THE BARTON SPRINGS ZONE. BUT THE FACT IS THIS LIMITS THE CITY'S ABILITY TO ENTER INTO ECONOMIC DEVELOPMENT DEVELOPMENTS OVER THE ENTIRE CITY. FOR INSTANCE LAST CITY WITH OUR UNANIMOUS VOTE WITH HEWLETT PACKARD ON ED BLUESTEIN BEING CLOSE TO THAT, I BELIEVE STRONGLY THAT THERE IS NO WAY THAT HEWLETT PACKARD WOULD EVEN CONSIDER SIGNING THOSE AGREEMENTS OR REALLY EVEN NEGOTIATING WITH US IF THEY HAD TO, WHICH THEY WOULD IF IT'S IN THE CHARTER, ABIDE BY THIS LANGUAGE. SO I WOULD WANT TO MAKE TWO PROPOSED ADJUSTMENTS AND PERHAPS AT SOME POINT -- I'LL JUST GO AHEAD AND PUT THESE ON THE TAPE NOW AND SEE WHEN WE GET A MOTION THEY GET INCLUDED OR NOT. BUT IT WOULD BE SEVERELY LIMITED BECAUSE THE NET EFFECT, IN MY OPINION, IS IT WOULD ESSENTIALLY ELIMINATE ALL ECONOMIC DEVELOPMENT AGREEMENTS ANYWHERE IN THE CITY. IN FACT, THEN I WOULD ADD AT THE ETCHED OF THIS STATEMENT ANY ECONOMIC DEVELOPMENT DEVELOPMENTS ANYWHERE IN THE CITY, COMMA, BECAUSE EVERY ONE OF THE ECONOMIC DEVELOPMENT AGREEMENTS WE'VE DONE, WE'RE NOT GOING TO DO ONE IN THE BARTON SPRINGS ZONE, WE DO THEM IN THE DESIRED DEVELOPMENT ZONE, BUT WHETHER IT'S SAMSUNG OR HOME DEPOT'S I.T. DEPARTMENT OR HEWLETT PACKARD IN NORTHEAST OR EAST AUSTIN, ESSENTIALLY THESE CORPORATIONS WILL NOT SIGN AN AGREEMENT THAT THEY HAVE TO CARRY A CONTINGENT LIABILITY ON THEIR BALANCE SHEET PERPETUALLY INCLUDING POTENTIAL SPINOFFS PERPETUALLY. A COMPANY THAT HAS SPUN OFF FOR WHATEVER REASON, THEY HAVE NO OWNERSHIP, NO CONTROL WHATSOEVER AND IN PERPETUITY HAVE TO CARRY CONTINGENT LIABILITY T FACT IS HOME DEPOT, SAMSUNG, HOOLT HEWLETT PACKARD SIMPLY IN PRACTICAL TERMS CANNOT SIGN THESE AGREEMENTS. AND I RECOGNIZE CITY LEGAL PROBABLY WANTS US TO HAVE WORTS -- I WOULD STRONGLY SAY IT SAYS SEVERELY LIMITS THE CITY'S ABILITY TO ENTER INTO ECONOMIC DEVELOPMENT DEVELOPMENTS ANYWHERE IN THE CITY, COMMA. WELCOME FURTHER COMMENTS. [ONE MOMENT,

PLEASE, FOR CHANGE IN CAPTIONERS]

Dunkerley: BECAUSE OF THE LANGUAGE OVER HERE THAT SAYS WE CAN'T ENTER INTO AN AGREEMENT WITH ANYBODY THAT HAS THE EFFECT OF SUBSIDIZING PRIVATE DEVELOPMENT, WE COULDN'T THEN GO TRY TO ENCOURAGE THESE PEOPLE TO MAKE THEIR DEVELOPMENT BETTER BY PARTICIPATING IN DETENTION PONDS OR WATER HARVESTING OR WATER QUALITY CONTROLS OR ANYTHING LIKE THAT. I SEE THAT VERY BROAD LANGUAGE WHERE IT HAS THE EFFECT OF A SUBSIDY, REALLY BEING MUCH MORE IMPORTANT TO SOME OF THE THINGS THAT WE ACTUALLY DO WITHIN THE CITY. COULD THAT BE CONSTRUED, FOR EXAMPLE, IF SOMEBODY WENT TO COURT, GOT THEIR GRANDFATHER CLAIMS CONFIRMED, WE THEN COULDN'T IN FACT ENTER INTO ANY KIND OF AGREEMENT AND TRY TO SUBSIDIZE A BETTER AND CLEANER DEVELOPMENT?

WELL, COUNCILMEMBER, THAT PROVISION REGARDING --

Dunkerley: I CAN'T HEAR YOU.

MITZI COTTON WITH THE CITY LEGAL DEPARTMENT. THAT AGREEMENT WITH THE OTHER AGREEMENTS SUBSIDIZING PRIVATE DEVELOPMENT WITHIN THE BARTON SPRINGS WATERSHED IS NOT LIMITED TO PEOPLE WHO HAVE SOUGHT GRANDFATHERING PROTECTION. SO WITH OR WITHOUT A GRANDFATHERING CLAIM, WHETHER IT WAS GRANTED OR NOT, THE POINT YOU MAKE REGARDING ENERGY REBATES OR RAIN HARVESTING AND THE OTHER AGREEMENTS WOULD POTENTIALLY BE IMPACTED BY THIS SINCE IT IS AN AGREEMENT AND IT CERTAINLY MIGHT HAVE THE AFFECT OF SUBSIDIZING PRIVATE DEVELOPMENT WITHIN THE BARTON SPRINGS WATERSHED.

Dunkerley: I REALLY BELIEVE THAT, BUT IN ADDITION WHEN WE HAVE A DWEAMENT THAT ENDS UP THROUGH THE COURT BEING GRANDFATHERED, IT WOULD LIMIT US IN TRYING TO WORK WITH THEM THROUGH ANY OTHER INDIRECT TYPE OF AGREEMENT THAT WOULD BE A SUBSIDY. SO ANYWAY, THANK YOU FOR THAT EXPLANATION.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: THERE'S SOMETHING THAT I FOUND VERY MADDENING AND MISLEADING IN AMERICAN POLITICS TODAY, AND THE BEST EXAMPLE IS WHAT'S HAPPENED AT THE FEDERAL LEVEL WHEN YOU WILL HAVE THE GOVERNMENT GIVE SOMETHING A TITLE WHICH IS TOTALLY DIFFERENT THAN WHAT IT'S ABOUT. AND THE CLASSIC EXAMPLES ARE WHEN THE GOVERNMENT IN WASHINGTON CALLED EVERYTHING CLEAR SKIES, WHICH WAS DESIGNED TO MAKE IT EASIER FOR COAL PLANTS TO POLLUTE. AND THEY HAD ANOTHER MEASURE THAT THEY CALLED HEALTHY FORESTS, WHICH MADE IT POSSIBLE TO CLEAR-CUT OLD GROWTH OF TREES IN THE FOREST SYSTEM, AND THEY SAID THIS IS ALL OF IT, BUT THE TITLE IS IT'S GOING TO MAKE THE FOREST BETTER AND THE TITLE IS IT'S GOING TO MAKE THE SKIES CLEARER EVEN THOUGH ALL THE LANGUAGE IS TOTALLY THE OPPOSITE OF IT. AND THAT IS WHETHER INTENDED OR NOT, THE EFFECT OF WHAT WE HAVE HERE. AND SO IT WOULD BE IN FACT DEEPLY MISLEADING TO CALL THESE THINGS, THINGS THAT WILL HELP WATER QUALITY BECAUSE THEY WOULD ACTUALLY HAVE 180 DEGREES THE OPPOSITE EFFECT. BECAUSE WHEN YOU SAY WE'RE GOING TO HELP THE ENVIRONMENT, WE'RE GOING TO HELP CLEAN WATER BY MAKING IT IMPOSSIBLE TO DO ANY UTILITY IMPROVEMENTS OR INFRASTRUCTURE IMPROVEMENTS IN SOUTHWEST AUSTIN AND IN CENTRAL AUSTIN IN THE BARTON SPRINGS ZONE, WHAT YOU'RE SAYING IS -- FOR INSTANCE, LET'S TALK ABOUT THE NEIGHBORHOODS AFFECTED. THE NEIGHBORHOOD AFFECTED INCLUDE OAK HILL, BARTON HILLS, ZILKER AND SOUTH LAMAR. HERE ARE SOME OF THE TYPES OF INFRASTRUCTURE IMPROVEMENTS THAT THE CITY GOVERNMENT IS CURRENTLY PLANNING OR WORKING ON THAT WOULD EFFECTIVELY BE PROHIBITED UNDER THIS CHARTER ITEM. WE WOULD BE PROHIBITED FROM HAVING ANY TYPE OF AFFORDABLE HOUSING PROGRAMMING ON SOUTH LAMAR, ZILKER NEIGHBORHOODS, OAK HILL NEIGHBORHOODS. THAT IS A SUBSIDY FOR DEVELOPMENT IN THE PROHIBITED ZONE. WE WOULD BE EFFECTIVELY PROHIBITED FROM PROVIDING SOLAR REBATES IN THE PROHIBITED ZONE, INCLUDING WE WOULD HAVE TO CANCEL THE SOLAR REBATE PROGRAM

UNDER THE WAY THIS THING IS WRITTEN, WHICH IS WILDLY OVERBROAD. WE WOULD BE FORBID FROM OFFERING SOLAR REBATES IN BARTON HILLS, ZILKER, SOUTH LAMAR, CIRCLE C. WE WOULD UNDER THE WILDLY OVERBROAD LANGUAGE OF THIS ITEM BE PROHIBITED FROM PUTTING IN REGIONAL WATER QUALITY INFRASTRUCTURE, WHICH IS SOMETHING THAT ACTUALLY IS INFRASTRUCTURE THAT MAKES WATER QUALITY BETTER, THAT IS PROHIBITED UNDER THIS THING THAT THEY CALL SOMETHING FOR THE ENVIRONMENT, BUT WHICH HAS THE EFFECT OF ACTUALLY DAMAGING OUR EFFORTS TO IMPROVE WATER QUALITY. WE WOULD BE EFFECTIVELY PROHIBITED FROM OFFERING DRAINAGE INFRASTRUCTURE SO THAT IF YOU LIVE IN BARTON HILLS, ZILKER, SOUTH LAMAR, AND YOU FOUND THAT YOU ARE HAVING DRAINAGE ISSUES, WHETHER IT'S FROM THE LARGE, YOU KNOW, INVESTOR SPECULATIVE DUPLEX GROUP HOUSE THAT IS NEXT DOOR AND YOUR HOUSE IS FLOODING, WE CAN'T DO ANYTHING ABOUT IT UNDER THIS BECAUSE WE CAN'T ENTER INTO ANY AGREEMENTS THAT HAVE THE EFFECT OF EXTENDING INFRASTRUCTURE IN THIS REGION. WE HAVE TO PRIORITIZE OUR INFRASTRUCTURE ELSEWHERE. THE CITY SUBSIDIZES THINGS SUCH AS WATER CONSERVATION MEASURES AND CLEAN ENERGY MEASURES AND OTHER MEASURES LIKE THAT TO ADVANCE COMMUNITY GOALS OF BETTER WATER QUALITY, BETTER AIR QUALITY. WE OFFER FREE BUS RIDES, FOR INSTANCE -- I DON'T THINK THAT WOULD BE AFFECTED. WE DO A LOT OF THINGS TO ADVANCE COMMUNITY GOALS WE ALL SHARE THAT WOULD BE PROHIBITED UNDER THIS CHARTER ITEM WHICH HAS A MISLEADING AND INACCURATE TITLE FOR SOMETHING THAT IS VERY MISCHIEVOUS AND DIFFERENT IN EFFECT. SO HERE'S ANOTHER ONE. AS SOON AS YOU GET ACROSS THE RIVER ON THE RAIL TRACKS, WE'RE TRYING TO PROMOTE RAIL MASS TRANSIT AS PART OF A REGIONAL TRANSIT SOLUTION. AS WE ALL KNOW, ONE OF THE EFFECTS OF RAIL MASS TRANSIT, LIKE WITH ROADS, IS THAT IT SUBSIDIZES DEVELOPMENT, INCREASES DEVELOPMENT, PARTICULARLY AT THE NODES. SO THERE'S A REASON WHY WE DON'T LET SOMEONE GIVE SOMETHING A TITLE SUCH AS CLEAR SKIES OR HEALTHY FORESTS OR THE S.O.S. ADVANCEMENT OR WHATEVER -- WHAT IS THIS, THE AMENDMENTS TO THE S.O.S. AMENDMENT AND ALLOW

FOLKS TO GIVE A TITLE TO SOMETHING THAT HAS THE OPPOSITE EFFECT AND WHICH THE DETAILS ARE COMPLETELY AT ODDS WITH THE TITLE BECAUSE WE HAVE DUTIES TO THE VOTERS. WHAT -- WE ANTICIPATE WE'LL HAVE AN AMENDED ITEM HERE TO MORE CORRECTLY IDENTIFY IT, IS WE ARE GOING TO LAYOUT FOR THE VOTERS WHAT THE LANGUAGE SAYS, NOT WHAT THE MISLEADING TITLE SAYS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON COUNCIL AGENDA ITEM NUMBER 5, WHICH WAS THE ORDINANCE ORDERING THE ELECTION AND THE BALLOT LANGUAGE FOR THIS CITIZEN INITIATED. COUNCILMEMBER DUNKERLEY.

Dunkerley: I WOULD MOVE APPROVAL OF THE BALLOT LANGUAGE FOR THE AMENDMENT RELATING TO THE ENVIRONMENT. AND I WOULD PROPOSE THIS. WE MAY WANT TO SWITCH SOME OF THE A'S AND B'S AROUND TO MAKE THEM MORE CONSISTENT WITH HOW THE ACTUAL PROPOSAL IS WRITTEN. SHALL THE CITY CHARTER BE AMENDED TO, A, LIMIT INVESTMENTS IN ROADS, UTILITIES, WATER QUALITY, INFRASTRUCTURE, DRAINAGE INFRASTRUCTURE AND OTHER INFRASTRUCTURE EXPANSIONS AND CAPACITY EXPANSIONS IN THE BARTON SPRINGS ZONE, WHICH INCLUDES A LARGE PORTION OF SOUTHWEST AUSTIN AND TRAVIS COUNTY, INCLUDING NEIGHBORHOODS SUCH AS OAK HILL, BARTON HILLS, ZILKER, CIRCLE C, VILLAGE OF WESTERN OAKS AND CROSS CREEK. B, AND THIS ONE PROBABLY NEEDS TO BE MOVED DOWN. DISQUALIFY CERTAIN INDIVIDUALS FROM EXERCISING CERTAIN PROPERTY RIGHTS UNDER STATE LAW, AND THAT RELATES TO THE BANKRUPTCY PROVISION UNDER THE GRANDFATHERING SECTION. C, LIMIT THE CITY'S ABILITY TO INFLUENCE DEVELOPMENT AND PROPOSE SPECIAL DISTRICTS IN THE EXTRATERRITORIAL JURISDICTION. D, LIMIT THE CITY'S ABILITY TO ENTER INTO AGREEMENTS THAT MAY SUBSIDIZE PRIVATE DEVELOPMENT IN THE BARTON SPRINGS ZONES SUCH AS SOLAR ENERGY REBATES AND OTHER SUCH ISSUES. E, MAKE ALL GRANDFATHERING DECISIONS IN THE BARTON SPRINGS ZONE UNDER STATE LAW SUBJECT TO CITY COUNCIL APPROVAL. F, LIMIT THE ABILITY -- CITY'S ABILITY TO ENTER

INTO ECONOMIC DEVELOPMENT AGREEMENT CITYWIDE AND G, PROHIBIT THE CITY FROM PARTICIPATING IN OR PROMOTING CERTAIN ROAD PROJECTS.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER MCCrackEN. COMMENTS? THE FIRST ONE WILL BE A REQUESTED FRIENDLY AMENDMENT UNDER F REGARDING LIMITING ECONOMIC DEVELOPMENT AGREEMENT CITYWIDE. I WOULD LIKE TO INSERT THE WORD SEVERELY TO BEGIN THAT PHRASE, SEVERELY LIMIT THE CITY'S ABILITY TO ENTER INTO ECONOMIC DEVELOPMENT AGREEMENT CITYWIDE. IS THAT A FRIENDLY AMENDMENT? THANK YOU.

Dunkerley: ALSO,

Alvarez: I'LL OFFER THAT AS A FRIENDLY AMENDMENT.

McCracken: YOU WOULD CHANGE IT TO --

Mayor Wynn: A FRIENDLY AMENDMENT PROPOSED. COUNCILMEMBER DUNKERLEY?

Alvarez: THAT'S HOW IT READS IN THE ACTUAL.

Dunkerley: CAN YOU REPEAT THAT, MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ HAS REQUESTED A FRIENDLY AMENDMENT IF WE INSERT THE MORE SPECIFIC LANGUAGE FROM THE ACTUAL PROPOSED CHARTER AMENDMENT AND SO C WOULD THEN READ, LIMIT THE CITY'S ABILITY TO INFLUENCE DEVELOPMENT IN PROPOSED UTILITY AND SPECIAL DISTRICTS IN THE EXTRATERRITORIAL JURISDICTION. COUNCILMEMBER MCCrackEN?

McCracken: YES, FRIENDLY.

Alvarez: AND THEN A QUESTION FOR STAFF. I HEARD THE ANALYSIS PERTAINING TO WHETHER SOLAR ENERGY REBATES WOULD BE CONSTITUTED AS SUPPORTING DEVELOPMENT OR SUBSIDIZING DEVELOPMENT. IS IT ALSO STAFF'S OPINION AND MAYBE YOU OR OTHER FOLKS, THAT SMART HOUSING INCENTIVES WOULD ALSO BE CONSTRUED

AS SUBSIDIZING DEVELOPMENT OVER THE BARTON SPRINGS ZONE?

AS BROADLY WRITTEN AS IT IS, IT COULD ALSO BE CONSTRUED THAT OUR SMART HOUSING PROGRAM, THE INCENTIVES THAT WE GIVE TO MULTI-FAMILY DEVELOPERS TO INCLUDE AFFORDABLE HOUSING COULD BE CONSIDERED TO BE AN INCENTIVE.

Alvarez: SO THAT BEING SAID, MAYOR, I WOULD LIKE TO PROPOSE, AND I DON'T KNOW IF IT WILL BE FRIENDLY OR NOT, BUT THE SECTION THAT SAYS, SUCH AS SOLAR ENERGY REBATES, THAT WE ADD TO THE END OF THAT, AND SMART HOUSING INCENTIVES.

Dunkerley: THAT'S A FRIENDLY AMENDMENT.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: ME TOO.

Mayor Wynn: AND SMART HOUSING INCENTIVES.

Alvarez: AND AGAIN, SMART HOUSING ISN'T JUST AFFORDABLE HOUSING, IT INVOLVES GREEN BUILDING, ACCESSIBLE ISSUES, TRANSIT ACCESS, AND I THINK THAT IT'S IMPORTANT THAT -- WE'VE ACTUALLY ONLY HAD ONE OR TWO APPROVED SMART HOUSING PROJECTS OVER THE AQUIFER, AND THEN I GUESS WE WOULDN'T BE ABLE TO DO ANY ADDITIONAL SMART HOUSING PROJECTS WERE THIS AMENDMENT TO PASS. AND THAT'S ALL FOR NOW, MAYOR. I'LL HAVE MORE COMMENTS LATER.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: ON THAT PARTICULAR ONE, I WANT TO MAKE SURE THAT WE KEEP THAT SUCH AS BECAUSE IT IS NOT LIMITED TO THESE BECAUSE THERE WELL MAY BE AND ARE OTHER PROGRAMS THAT I THINK IN THAT DESIRED DEVELOPMENT ZONE -- I MEAN, IN THE BARTON SPRINGS ZONE WILL BE AFFECTED, BUT I JUST WANTED TO PUT SOME EXAMPLES IN THAT WE ARE POSITIVELY AFFECTED.

AND IF I COULD GET CLARIFICATION. AS YOU READ THAT, IT SAID LIMIT THE CITY'S ABILITY TO ENTER INTO AGREEMENTS THAT WOULD SUBSIDIZE DEVELOPMENT IN THE BARTON SPRINGS ZONE SUCH AS SOLAR ENERGY REBATES AND OTHER REBATES, AND THEN COUNCILMEMBERS' FRIENDLY AMENDMENT WAS AND SMART HOUSING INCENTIVE.

Dunkerley: WHY DON'T WE SAY THAT TO SAY SOLAR ENERGY REBATES, SMART HOUSING SUBSIDIES AND OTHER REBATES OR SUBSIDIES.

OKAY.

Mayor Wynn: FURTHER COMMENTS? QUESTIONS?
COUNCILMEMBER LEFFINGWELL.

Leffingwell: YEAH. I BELIEVE THE CHARTER AMENDMENT OR EVEN AN ORDINANCE COULD HAVE BEEN CRAFTED TO IMPROVE OR HELP PROTECT WATER QUALITY IN THE BARTON SPRINGS ZONE, BUT UNFORTUNATELY I'VE COME TO THE CONCLUSION THAT THIS AMENDMENT IS NOT IT. AND I DON'T THINK THAT THERE WAS ANY INTENT ON THE PART OF THE WRITERS TO WRITE AN AMENDMENT THAT WOULD HAVE ALL OF THESE EFFECTS THAT WE'VE JUST BEEN DISCUSSING UP HERE. I BELIEVE THEY CAME ABOUT AS A RESULT OF UNINTENDED UNINTENDED CONSEQUENCES. AND THAT I BELIEVE IS A FLAW INHERENT IN THE PROCESS BECAUSE ONCE THE CITIZEN INITIATIVE IS WRITTEN AND THE FIRST SIGNATURE IS ON THE PETITION, IT CAN'T BE CHANGED. AND I DON'T THINK GOOD LAW IS EVER WRITTEN IN THAT MANNER. SO I WOULD SUPPORT THE MOTION WITH THE BALLOT LANGUAGE AS STATED.

Mayor Wynn: THANK YOU. COUNCILMEMBER KIM?

Kim: LOOKING AT THE LANGUAGE THAT WAS PROPOSED BY S.O.S. THROUGH THE PETITION, IT IS VERY BROAD. I HAVE A LOT OF CONCERNS ABOUT IT. AND MEMBERS ON THIS COUNCIL, INCLUDING MYSELF, HAVE ATTEMPTED TO WORK WITH S.O.S., INCLUDING REQUESTING MEETINGS, AND I PERSONALLY HAVE NOT HEARD BACK FROM THEM WHEN I HAD REQUESTED A MEETING FROM S.O.S. SO IF YOU'RE MAKING THE ARGUMENT THAT WE WERE NOT WORKING

WITH YOU ON LANGUAGE, THEN I BEG TO DIFFER. AND AS SUCH WE ARE GOING FORWARD WITH THIS LANGUAGE BECAUSE WE BELIEVE THIS BEST REPRESENTS WHAT ARE THE CONSEQUENCES OF THIS LANGUAGE THAT YOU HAVE PUT TOGETHER, AND UNFORTUNATELY I THINK THERE ARE BETTER WAYS TO PROTECT THE AQUIFER. I THINK THE PLAN SUCH AS THE REGIONAL WATER QUALITY MANAGEMENT PLAN SO THAT WE ARE LOOKING COMPREHENSIVELY ON HOW WE CAN PROTECT BARTON SPRINGS AND OTHER MEASURES ARE BEST SUITED FOR OUR ATTENTION AND OUR RESOURCES AS A CITY, SO I'LL BE SUPPORTING THE MOTION AND I THANK MY COUNCILMEMBERS, MY COLLEAGUES FOR THEIR WORK ON THIS.

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

Alvarez: THANKS, MAYOR. I THINK THESE WERE A COUPLE OF VERY DIFFICULT ITEMS TO WORK THROUGH, THIS ONE AND OUR NEXT DISCUSSION WHICH WILL ALSO BE -- INVOLVES A LOT OF COMPLEXITY. IT'S NOT AS CLEAR-CUT AS THE LANGUAGE PROPOSED BY S.O.S. WOULD ARGUE. WE DID GET THE LANGUAGE I THINK YESTERDAY AND I REALLY WASN'T SURE HOW TO AMEND THAT LANGUAGE SO THAT IT COULD REFLECT WHAT I FEEL OR BELIEVE THAT THE PETITION OR THE PROPOSED CHANGE TO THE CHARTER ACTUALLY DOES, AND SO THAT'S WHY I WASN'T SURE HOW TO APPROACH THE FOLKS WITH THIS LANGUAGE BECAUSE PERSONALLY WHAT MY SENTIMENT IS, IT DOESN'T ACCURATELY REPRESENT WHAT THE TRUE IMPACT IS OF THE ORDINANCE. AND AGAIN, MAYBE IT'S JUST THAT WASN'T THE INTENT NECESSARILY AS COUNCILMEMBER LEFFINGWELL MENTIONED, BUT BECAUSE OF SOME OF THE LANGUAGE IN THE PROPOSED CHARTER AMENDMENT, THERE ARE THESE SPECIFIC IMPACTS THAT THE CITY -- THAT THE AMENDMENT WOULD HAVE ON THE CITY, AND SO I THINK THAT -- BUT THAT'S WHAT WE'VE TRIED TO DO WITH THE LANGUAGE IS NOT NECESSARILY JUST PUT IN THE BALLOT LANGUAGE WHAT THIS IS SUPPOSED TO DO, BUT ACTUALLY WHAT IT WILL DO BECAUSE I THINK THAT IF THIS WERE TO PASS AND THE CITY STARTED OPERATING IN A CERTAIN WAY THAT MAYBE RAISED CONCERNS OR CERTAIN CHALLENGES AND WE DIDN'T INCLUDE THIS TYPE OF

ANALYSIS IN THE CHARTER LANGUAGE OR THE BALLOT LANGUAGE AND PEOPLE WOULD BE ASKING, WELL, WHY DIDN'T THE CITY BETTER EXPLAIN WHAT THESE PARTICULAR BALLOT MEASURES WOULD ACTUALLY DO. AND THAT'S WHAT WE'VE STRUGGLED WITH IS SORT OF THE INTENT BEHIND OR THE STATED INTENT VERSUS, AGAIN, THE ACTUAL IMPACT OR WHAT IT WILL ACTUALLY DO. AND AGAIN, I HAVE SIGNIFICANT CONCERNS ABOUT NOT BEING ABLE TO TO MANAGE OUR PROGRAMS LIKE ENERGY CONSERVATION AND SMART HOUSING PROGRAMS IN THE BARTON SPRINGS ZONE. AND I THINK IT MAY HAVE UNINTENDED CONSEQUENCES, BUT I THINK AS A COUNCIL IF WE TRIEWL I BELIEVE WHAT THE IMPACT OF THIS COULD BE, THEN I THINK WE HAVE A RIGHT AND A RESPONSIBILITY TO TRY TO CONVEY THAT AND MAKE SURE THE VOTERS UNDERSTAND WHAT THE IMPACT WILL BE. IF IT GETS A I APPROVED, THEN FOLKS KNOW WHAT THEY'RE GETTING OR WHAT THE IMPACT WILL BE TO THE CITY, AND SO I THINK THAT THAT'S THE REASON THERE'S SUCH A BRING DIFFERENCE IS REALLY AGAIN TRYING TO GET -- TRYING TO READ THE TWO PAGES' WORTH OF CHANGES TO THE WAY THE CITY OPERATES AND ACCURATELY REFLECT WHAT THAT WILL DO VERSUS, YOU KNOW, JUST LISTING A COUPLE OF STATEMENTS ABOUT WHAT WE HOPE THIS DOES. AND AGAIN, WE HAVE THE RESPONSIBILITY TO CONVEY WHAT WE FEEL THAT THE TRUE IMPACT WILL BE ON THE CITY. AND THAT'S AGAIN THE REASON I'LL BE SUPPORTING THE LANGUAGE.

Mayor Wynn: THANK YOU, COUNCILMEMBER. COUNCIL, MY REQUEST AND SUGGESTION WOULD BE A COUPLE. THAT WE NOW -- WE HAVE A MOTION AND A SECOND ON THE TABLE WITH SOME AMENDED LANGUAGE. THAT WE TABLE ACTION WHILE THE LEGAL DEPARTMENT GOES AND TYPES UP ONE LAST TIME THE ACTUAL BALLOT LANGUAGE SO WE CAN SEE IT. AND THEN KNOWING THAT ITEM NUMBER 6, THE OPEN GOVERNMENT AMENDMENT, IS GOING TO HAVE AN EVEN LENGTHIER DISCUSSION, WE HAVE ABOUT 45 MINUTES WORTH OF TESTIMONY SIGNED UP AND I THINK FRANKLY IT'S EVEN MORE COMPLICATED THAN THIS ONE HAS BEEN. THAT WE CAN TABLE THIS MOTION WHILE STAFF TYPES UP THE CURRENT VERSION AS AMENDED HERE ON THE DAIS, WE CAN TAKE UP THE ZONING CASES THAT ARE VIRTUALLY ALL

CONSENT, AND GET THOSE OUT OF THE WAY AND FOLKS HOME. THAT WILL TAKE US TO OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. AND THEN WE'LL COME BACK AND TAKE UP ACTION ON THIS TABLED MOTION AND TAKE UP THE OPEN GOVERNMENT REQUEST AND I THINK IT WILL BE MUCH MORE EFFICIENT FOR EVERYBODY'S TIME THAT WAY. SO WITHOUT OBJECTION, WE WILL NOW TABLE -- WE HAVE A MOTION AND A SECOND ON THE TABLE, AMENDED BALLOT LANGUAGE ON COUNCIL AGENDA ITEM NO. 5. AND WHILE IT'S TABLED, CITY LEGAL WILL RETYPE IT AND WE WILL GO TO ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS.

WE HAVE ONE DISCUSSION ITEM, BUT LET ME RUN THROUGH THE DISCUSSION ITEMS. THIS IS THE ZONING ORDINANCES AND RESTRICTIVE COVENANTS. FIRST ITEM I'LL OFFER FOR CONSENT IS ITEM NUMBER 45, CASE C-14-05-0111.03, THE EAST RIVERSIDE OLTORF NEIGHBORHOOD PLAN AREA. TRACT 208, LOCATED AT 2800 TO 2904 METCALF ROAD. THIS IS A REZONING REQUEST FROM FAMILY RESIDENCE SF-3 DISTRICT ZONING TO PUBLIC OR P DISTRICT ZONING. AND THIS IS READY FOR SECOND AND THIRD READINGS. NEXT ITEM IS ITEM NUMBER 46, CASE C-14-05-0111.04, EAST RIVERSIDE OLTORF NEIGHBORHOOD PLAN, TRACT 213 AT 2101 WICKSHIRE. THIS IS A REZONING REQUEST FROM FAMILY RESIDENCE TO P PUBLIC DISTRICT ZONING AND THIS IS READY FOR SECOND AND THIRD READINGS. ITEM NUMBER 47 IS CASE C-14-05-0111.05, EAST RIVERSIDE, OLTORF NEIGHBORHOOD PLAN AREA, TRACT 224, FOR THE PROPERTY LOCATED AT 4705, 4707, 4709, 4801, 4803, 4805, 4807, 4809 AND 4811 EAST OLTORF STREET REZONING FROM MULTI-FAMILY RESIDENCE TO TOWNHOUSE CONDOMINIUM RESIDENCE DISTRICT ZONING. THIS IS READY FOR SECOND AND THIRD READING. ITEM 48, CASE C-14-05-0112.06, EAST RIVERSIDE OLTORF NEIGHBORHOOD PLAN, TRACT 57, 1840 BURTON DRIVE. THIS IS A REZONING REQUEST FROM NEIGHBORHOOD COMMERCIAL AND LR DISTRICT ZONING TO LR ZONING. THIS IS OFFERED TO YOU FOR SECOND AND THIRD READINGS ON CONSENT. ITEM NUMBER 49, CASE C-14-05-0113.01, THE EAST RIVERSIDE OLTORF NEIGHBORHOOD PLAN, TRACT 300 FOR PROPERTY AT 1005 ONE HALF SOUTH PLEASANT VALLEY ROAD. FROM MF-3 ZONING TO P DISTRICT

ZONING OR P DISTRICT ZONING. THIS IS READY FOR
CONSENT APPROVAL ON SECOND AND THIRD READINGS.
ITEM NUMBER 50, CASE C-14-05-0113.04, EAST RIVERSIDE
OLTORF NEIGHBORHOOD PLAN, TRACT 309 AT 2101
WICKERSHAM LANE. THIS IS A REQUEST FROM GR ZONING
TO GR-MU DISTRICT ZONING. THIS IS READY FOR SECOND
AND THIRD READINGS. THAT'S ITEM NUMBER IF 50. ITEM 51 IS
C 814-90-0003.13, HARRIS BRANCH PUD AMENDMENT 13,
LOCATED AT 1375 U.S. HIGHWAY 290 EAST. THE STAFF IS
RECOMMENDING A POSTPONEMENT OF THIS PARTICULAR
ITEM TO MARCH 23rd. ITEM NUMBER 42 IS CASE C-14-05-0110.
THIS IS A REZONING REQUEST FROM GENERAL COMMERCIAL
SERVICES DISTRICT ZONING TO FAMILY RESIDENCE
DISTRICT ZONING. THIS IS READY FOR SECOND AND THIRD
READINGS. THAT CONCLUDES THE FIRST HALF WITH THE
EXCEPTION OF ITEM NUMBER 51, ALL ARE OFFERED FOR
CONSENT APPROVAL ON SECOND AND THIRD READINGS.
ITEM 51 BEING A STAFF POSTPONEMENT TO THE 23rd.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: MAYOR, ON ITEM NUMBER 52, I DON'T WANT TO
PULL IT FROM CONSENT, BUT I DO WANT TO GET SOME
CLARIFICATION. THIS HAS BEEN A VERY COMPLIMENTED AND
CONTROVERSIAL FLOODPLAIN ISSUE, AND I'M ACTUALLY
GOING TO RESULT TO THE USE OF VISUAL AIDS IF I CAN. IF
WE HAVE A MAP THAT I CAN PUT UP, AND I'D LIKE TO HAVE
PERHAPS MR. OSWALD COME FORWARD TO HOLD FORTH
WITH THE EXPLANATION. DO YOU HAVE THAT MAP?

MAYOR AND COUNCILMEMBERS, GEORGE OSWALD,
WATERSHED PROTECTION, DEVELOPMENT AND REVIEW.
COUNCILMEMBER LEFFINGWELL, WE ARE BRINGING THAT
MAP UP FROM THE BULL PEN. I DO HAVE ANOTHER VERSION
THAT MAY SERVE THE PURPOSE. I'D LIKE TO GIVE THAT UP.

Leffingwell: GIVE IT A TRY. SO JUST TO KIND OF SET THIS UP,
THE CONTROVERSY WAS IN LARGE PART AROUND THE
REDESIGNATION OF THE FLOODPLAIN LINES, AND IN
PARTICULAR THE REMOVAL OF AN OLD DRAINAGE AREA
FROM THE RAILROAD TRESTLE INTO WEST BOULDIN CREEK.
THAT WAS REMOVED FROM THE FLOODPLAIN AND I GUESS
WE CAN -- YOU CAN SAY AS MUCH AS YOU WANT, BUT A

GOOD PLACE TO START WOULD BE EXPLAINING WHY THAT WAS DONE.

BASICALLY -- LET ME GET EVERYBODY ORIENTED HERE. I'LL ZOOM OUT JUST A LITTLE BIT. TO GET ORIENTED, THE SUBJECT TRACT IS IN THIS AREA. THIS IS EAST OF THE UNION PACIFIC TRACT, WHICH IS RIGHT HERE. THIS IS THE FLOODPLAIN OF WEST BOULDIN CREEK. BOULDIN CREEK IS FLOWING FROM SOUTH TO NORTH. THERE'S A MAJOR TRIBUTARY AT BOULDIN CREEK THAT COMES UNDER THE RAILROAD TRACKS AT THIS LOCATION. THERE'S ANOTHER TRIBUTARY THAT COMES UNDER THE TRACKS. AND AT THIS LOCATION GOING THROUGH THE PROPOSED SUBDIVISION. ONE OF THE QUESTIONS THAT HAS COME UP IS WHAT IS THE DRAINAGE AREA ASSOCIATED WITH THIS PARTICULAR TRIBUTARY, AND WE HAVE CALCULATED THAT USING GIS SYSTEM, AND IT'S 59 ACRES, WHICH IS A BIT LESS THAN REQUIRED TO ESTABLISH A CRITICAL WATER QUALITY ZONE ALONG THIS TRIB IN THE SUBDIVISION AREA. THAT HAS BEEN A SUBJECT THAT'S BEEN DEBATED OVER THE PAST FEW WEEKS. ALSO, THE FLOODPLAIN ITSELF, THIS IS THE FLOODPLAIN THAT IS SHOWN ON THIS DISPLAY IS THE NEW FLOODPLAIN THAT IS COMING OUT OF THE MOST RECENT WORK WITH FEMA. THE OLD FLOODPLAIN DELINEATION WAS IN ERROR IN TWO WAYS. THE OLD TOPOGRAPHY WAS IN ERROR AND THE WAY THE FLOODPLAIN WAS DELINEATED ON THE OLD MAPS WAS IN ERROR. SO THIS PARTICULAR AREA WAS SHOWN ON THE OLD MAPS TO NOT BE IN THE FLOODPLAIN, AND ONCE WE PLOTTED THE OLD FLOODPLAIN MODEL THE NEW TOPOGRAPHY AREA WAS IN AND THE NEW MODEL SHOWS TO BE IN. COUNCILMEMBER, AM I ANSWERING YOUR CONCERNS?

Leffingwell: YEAH. I THINK THE KEY POINT IS THE DRAINAGE AREA, THE 59.63 ACRES IS INSUFFICIENT TO MAKE THIS -- WHAT AN OLD TRIBUTARY INTO ONE THAT WAS ENTITLED PROTECTION UNDER THE CITY'S LAND DEVELOPMENT CODE.

RIGHT. ONE OF THE QUESTIONS -- LET ME BUILD ON THAT A BIT. THE RAILROAD IS A SIGNIFICANT IMPEDIMENT TO THE NATURAL FLOW OF WATER. DURING LARGE STORM EVENTS, WATER BACKS UP ON THE WEST SIDE OF THE RAILROAD AND FLOWS NORTHWARD TOWARD TOWN LAKE. ONE OF THE

QUESTIONS THAT'S COME UP, DOES THAT MAKE THE DRAINAGE AREA TO THIS POINT GREATER THAN 64 ACRES. TECHNICALLY FROM TOPOGRAPHY, IT DOES NOT. THERE ARE TWO POTENTIAL FLEE SPLITS. AS WATER COMES TO THIS LOCATION, SOME CAN FLOW TO THE NORTH AT THAT LOCATION. WHEN IT COMES TO THIS POINT, THERE'S AN ADDITIONAL SPLIT WITH ADDITIONAL WATER ABLE TO FLOW NORTH. AND WHAT REALLY LIMITS THE AMOUNT OF WATER THAT IS MOVING THROUGH THIS TRIBUTARY IS THE CULVERT SYSTEMS THAT ARE UNDER THE UNION PACIFIC RAILROAD. THAT IS THE ULTIMATE THROTTLE OF THE AMOUNT OF WATER THAT CAN GET UNDER THERE. SO UNDER EXTREME EVENTS YOU DO HAVE WATER FLOWING NORTH AND A BIT OF IT GOES THROUGH HERE, BUT WE'VE DONE SOME CALCULATIONS JUST LOOKING AT THIS DRAINAGE AREA, HOW MUCH WATER RUNOFF DOES THAT PRODUCE, AND HOW MUCH WATER CAN ACTUALLY GET THROUGH THOSE CULVERTS AND THE AMOUNTS ARE WITHIN ABOUT 10% OF EACH OTHER. SO I AM STANDING BY THE DRAINAGE AREA TO THAT POINT, STILL BEING LESS THAN 64 ACRES.

Leffingwell: WELL, AS I SAID, I DON'T WANT TO PULL THIS ITEM FROM CONSENT, I JUST WANTED A MORE FULL EXPLANATION, AND SO FAR THIS IS THE BEST ONE THAT I'VE HEARD OF EXACTLY WHY THIS FLOODPLAIN CHANGED IN THIS PARTICULAR AREA. AND I DO WANT TO -- YOU SAY THAT THE AMOUNT THAT HAS CONTRIBUTED FROM THIS OTHER TRIBUTARY TO WEST BOULDIN CREEK THAT FLOWS NORTHWARD AND THEN EVENTUALLY GOES UNDER THE TRESTLE AT THE PLACE WHERE THE OLD TRIBUTARY WAS, STILL IS, BUT IT'S NOT ANYMORE EXCEPT IN OUR MINDS. YOU SAY THAT IS NOT ENOUGH TO INFLUENCE UNDERSTANDING ON PAPER, BUT IN THEORY IT DOES CREATE A DRAINAGE AREA THAT MIGHT BE SIGNIFICANT. AND I JUST WANT TO FOR THE FUTURE PERHAPS TAKE A LOOK AND SEE IF SOME AMENDMENT TO THE LAND DEVELOPMENT CODE MIGHT BE NEEDED TO MORE ACCURATELY REFLECT THE SITUATION ON THE GROUND. AND I JUST WANTED TO POINT THIS OUT. YOU DID A GOOD JOB. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, COUNCILMEMBER. MR. OSWALD. COUNCIL, PROPOSED CONSENT AGENDA ON THESE ZONING CASES WHERE WE'VE ALREADY CLOSED THE PUBLIC

HEARING WILL BE TO APPROVE ON SECOND AND THIRD READINGS ITEMS 45, 46, 47, 48, 49 AND 50. TO POSTPONE ITEM 51 TO MARCH 23rd, 2006. AND TO APPROVE ON SECOND AND THIRD READING ITEM NUMBER 52. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU, MAYOR. LET ME CONTINUE ON TO THE ZONING, NEIGHBORHOOD PLAN AMENDMENT HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. THE FIRST CUM IS ITEM NUMBER Z-1, CASE C-14-00-2062. LOCATED AT 908 EAST 11th STREET. THIS IS A RESTRICTIVE COVENANT AMENDMENT AND THE PLANNING COMMISSION RECOMMENDED THIS AMENDMENT. IT IS ALSO RELATED TO ITEM Z-2 AND Z-3. ITEM Z-2 IS C-14--00-2062, RCA NUMBER THREE FOR PROPERTY LOCATED AT 811 EAST NINTH STREET AND 808 TO 818 EAST EIGHTH STREET. THIS IS A ZONING AND PLATTING COMMISSION AND PLANNING COMMISSION APPROVAL. ITEM NUMBER Z-3 FOR PROPERTY LOCATED AT 900 TO ONE THOUSAND SAN MARCOS. THIS IS ANOTHER RESTRICTIVE COVENANT AMENDMENT AND THE PLANNING COMMISSION RECOMMENDED IT. ITEM NUMBER Z-4 IS CASE C-14-05-0166, AND THIS IS A DISCUSSION ITEM. I BELIEVE THAT WE HAVE AT LEAST ONE SPEAKER THAT WOULD LEAK TO SPEAK TO THIS ITEM. ITEM NUMBER Z-5 IS CASE C-14-05-0212 IT WAS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION AND THIS IS READY FOR ALL THREE READINGS. ITEMS SKI 6, 7 AND 8 BE RELATED ITEMS, Z-67 IS C-14-05-0186 LOCATED AT 404STERZING. THIS IS A REQUEST FROM CS ZONING TO CS-CO. THE ZONING AND PLATTING COMMISSION RECOMMENDED THAT ZONING. ITEM NUMBER Z-7 IS CASE C-14-05-0188, 410STERSING FOR THE PROPERTY LOCATED AT 410STER DLEEVMENT ZING. THE ZONING AND PLATTING COMMISSION ALSO RECOMMENDED THIS REZONING REQUEST. CASE C-14-05-0189, 1900 BARTON SPRINGS ROAD, THIS IS A REZONING REQUEST FROM GENERAL COMMERCIAL

SERVICES CONDITIONAL OVERLAY OR CS-CO ZONING AND LIMITED OFFICE CONDITIONAL OVERLAY OR LO-CO ZONING TO GENERAL COMMERCIAL SERVICES ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDED THIS ITEM. REGARDING ITEM Z-1, Z-7 AND Z-8, THE APPLICANT AND A NEIGHBORHOOD REPRESENTATIVE WOULD LIKE TO MAKE A COUPLE OF BRIEF COMMENTS. IT'S MY UNDERSTANDING THAT BOTH PARTIES STILL AGREE THAT THIS COULD BE A CONSENT ITEM, BUT BOTH WANT TO JUST MAKE A VERY SHORT STATEMENT FOR THE RECORD. SO LET ME JUST READ THE REST OF THESE ITEMS AND THEN YOU CAN COME BACK AND LISTEN TO THOSE TWO SHORT STATEMENTS AND VOTE ON THE REMAINDER OF THE CONSENT AGENDA. ITEM Z-9 IS C-14--05-0214 LOCATED AT 4603 COMMERCIAL PARK DRIVE. THIS IS A REZONING REQUEST FROM SINGLE-FAMILY RESIDENCE STANDARD LOT DISTRICT ZONING TO LIMITED INDUSTRIAL SERVICES CONDITIONAL OVERLAY DISTRICT ZONING. AND THE ZONING AND PLATTING COMMISSION DID RECOMMEND LI-CO ZONING. ITEM NUMBER Z-10 IS CASE C-14-05-0216. THIS IS A REZONING REQUEST AT 4803, 4807, 4811 COMMERCIAL PARK DRIVE. THIS IS A REZONING REQUEST FROM INTERIM SINGLE-FAMILY RESIDENCE STANDARD LOT DISTRICT ZONING TO LIMITED INDUSTRIAL SERVICES CONDITIONAL OVERLAY. THE ZONING AND PLATTING COMMISSION DID RECOMMEND THE LI-CO ZONING. AND THIS IS READY FOR FIRST READING ONLY. SO ITEMS Z-9 AND 10 ARE READY FOR FIRST READING ONLY. I'LL PAUSE HERE AND IF WE CAN INVITE THE APPLICANT AND THE NEIGHBORHOOD REPRESENTATIVE TO SPEAK TO ITEM Z-6, Z-7 AND Z-8, I THINK WE CAN STILL OFFER THOSE AS CONSENT ITEMS.

Mayor Wynn: OFFER THEM AS CONSENT ON FIRST READING ONLY?

FIRST READING ONLY FOR THOSE THREE.

Mayor Wynn: I THINK MR. JEFF JACK IS REPRESENTING THE NEIGHBORHOOD. I DON'T KNOW ABOUT THE APPLICANT.

MR. JOHN WOOLLY IS REPRESENTING.

OKAY.

MAYOR AND COUNCILMEMBERS, I'M JEFF JACK, PRESIDENT OF THE ZILKER NEIGHBORHOOD ASSOCIATION. WE'VE BEEN WORKING WITH THE APPLICANT, JOHN WOOLLY, ON THIS PROJECT FOR SOME TIME. WE JUST WANTED TO COMMENT THAT THE NEGOTIATIONS WERE SUCCESSFUL WITH REGARD TO SUPPORTING HIS PROJECT AND THEN WE FOUND OUT THAT LAST WEEK HE PASSED THE VERTICAL MIXED USE ORDINANCE AND WE WERE CONCERNED WHETHER OR NOT THAT CHANGED THE AMOUNT OF BUILDABLE AREA THAT COULD POSSIBLY BE BUILT UNDER THIS PARTICULAR ZONING CASE. WE'VE TALKED TO MR. WOOLLY ABOUT IT, WE'VE TALKED TO CITY STAFF ABOUT IT. THERE IS ONE LITTLE DIFFERENCE WITH REGARD TO THE SETBACKS ON STERZING. THE APPLICANT HAS INDICATED THAT THAT'S NOT SOMETHING THAT THEY'RE GOING TO AVAIL THEMSELVES TO AND THEY'RE PROCEEDING WITH THE PROJECT BASED ON THE DESIGN THAT WE HAD ORIGINALLY DISCUSSED WITH THEM. UNDER THAT UNDERSTANDING WE SUPPORT THE PROJECT.

Mayor Wynn: THANK YOU, MR. JACK. WELCOME MR. WOOLLY.

JOHN WOOLLY FOR THE APPLICANT. JUST TO CONFIRM FOR THE RECORD THAT WE'RE IN AGREEMENT WITH THE NEIGHBORHOOD OF PROCEEDING WITH THE PROJECT UNDER THE REQUIREMENTS OF THE WATERFRONT OVERLAY AND NOT CHANGING THE SETBACKS AS MIGHT BE ALLOWED UNDER THE VERTICAL MIXED USE.

Mayor Wynn: FAIR ENOUGH. THANK YOU, JOHN. QUESTIONS OF THE APPLICANT OR NEIGHBORHOOD, COUNCIL? IF NOT THEN THE PROPOSED CONSENT AGENDA WILL BE TO CLOSE THE PUBLIC HEARING ON THESE CASES WHERE WE WILL TAKE ACTION. TO APPROVE AMENDING THE RESTRICTIVE COVENANTS FOR CASES Z-1, Z-2 AND Z-3. TO APPROVE ON ALL THREE READINGS CASE '62 '62 '62 5. TO APPROVE ON FIRST READING ONLY CASE Z-7, Z-8 AND Z-10. I'LL ENTERTAIN A MOTION. MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER MCCracken TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ.

Alvarez: JUST TO VERIFY ON ITEMS ONE, TWO AND THREE, I'M

NOT SURE IF ANYBODY IS HERE FROM THE APPLICANTS, BUT THIS IS A RESTRICTIVE COVENANT AMENDMENT WHERE -- THERE'S SEVERAL THINGS GOING ON WITH THAT, BUT ONE IS IT'S THE ROBERTSON HILL DEVELOPMENT AND THE AFFORDABLE PROVISION ESSENTIALLY THAT I THINK CURRENTLY ALLOWS OR REQUIRES FIVE PERCENT OFF SITE AFFORDABLE HOUSING UNITS AND FIVE PERCENT ON SITE. AND IT SPECIFIES SPECIFIC ZIP CODES WHERE THE HOUSING CAN BE PROVIDED. AND I THINK I JUST FOUND THE LANGUAGE, THE REGULAR BACKUP DIDN'T HAVE THE REVISED LANGUAGE, BUT IT WAS GOING TO EXPAND THE ZIP CODES WHEREAS AFFORDABLE HOUSING COULD BE PROVIDED OFF SITE. AND SO I DON'T KNOW IF YOU COULD JUST EXPLAIN THE DIFFERENCE BETWEEN WHAT THERE AND WHAT IS PROPOSED.

YOU'RE CORRECT, COUNCILMEMBER. AND THIS FOLLOWS A MEMO OF UNDERSTANDING I THINK THAT WAS APPROVED EARLIER TODAY AND INCLUDES THE ZIP CODE AREAS OF 78722, 78721, 78720, AND A PORTION OF 78723. AND THAT'S MORE SPECIFICALLY WHICH LIES SOUTH OF 51st STREET. AND IT DOES SPEAK TO THE REASONABLY PRICED HOUSING UNITS THAT WAS DISCUSSED. AND AS I MENTIONED BEFORE, THIS FOLLOWS VERY CLOSELY TO THE MEMO OF UNDERSTANDING THAT WAS APPROVED EARLIER TODAY. I THINK IT'S A CONSENT ITEM ITEM NUMBER 14, I BELIEVE ON YOUR AGENDA.

Alvarez: OKAY. I THINK THAT THE MAIN REASON TO ALLOW THESE IS JUST TO PROVIDE I GUESS A BETTER OPPORTUNITY TO -- LARGER AREA WHERE THESE UNIT MIGHT BE PROVIDED, AND THE REASON WE LIMITED IT TO THE AREA SOUTH OF 51st STREET IS SO THAT WE TRY TO HAVE IT -- AN IMPACT IN TERMS OF TRYING TO HAVE AFFORDABLE HOUSING IN THE CENTRAL EAST AUSTIN AREA WHERE WE'RE SEEING THE GENTRIFICATION OCCUR. AND THAT WAS PART OF THE REASON THAT REQUIREMENT WAS PUT IN THERE IN EXCHANGE FOR HAVING THESE HIGHER PRICED UNITS THAT THERE'S ALSO WITHIN THIS PART OF CENTRAL EAST AUSTIN ALSO SOME REASONABLY PRICED UNITS AS WELL, BUT WE DID TRY TO I GUESS LIMIT IT SO THAT THE AREA WHICH I THINK IS MOST AFFECTED, CENTRAL EAST AREA, IS WHERE THE UNITS WOULD

ACTUALLY BE DELIVERED. SO I JUST WANTED TO MAKE SURE THAT WAS STATED FOR THE RECORD. THANK YOU, MR. GUERNSEY.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS ON THE CONSENT AGENDA? WE HAVE A MOTION AND A SECOND ON THE TABLE. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TOMOTION PASSES ON A VOTE OFSIX TO ZERO WITH COUNCILMEMBER KIM TEMPORARILY OFF THE DAIS. THANK YOU. SO WE WILL TAKE UP THAT ZONING DISCUSSION ITEM AFTER WE COME BACK AND TAKE UP ITEM NUMBER 6. SO COUNCIL, THAT TAKES US TO OUR #K- 30:00 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. WHILE I'M HERE STILL DOING THAT, ALONG WITH PERHAPS SOME OTHERS, AND WHILE WE'RE AT BREAK, THE COUNCIL WILL BE IN CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO POTENTIALLY DISCUSS ITEM 37 RELATED TO SAVE OUR SPRINGS INC. VERSUS THE CITY OF AUSTIN, ITEM 40ED RELATED TO JOSIE ELLEN CHAMPION ET AL VERSUS THE CITY OF AUSTIN, AND ITEM 41 RELATED TO TITLE 4, CHAPTER 401 OF THE CITY CODE RELATED TO ADULT ORIENTED BUSINESSES. AND -- THOSE ARE ALL THE ITEMS THAT WILL BE TAKEN UP DURING THIS PORTION POTENTIALLY OF CLOSED SESSION, STAY TUNED FOR LIVE MUSIC AND PROCLAMATIONS. THANK YOU ALL VERY MUCH.

Mayor Wynn: OKAY, FOLKS. SPECIAL TREAT FOR US, WELCOME BACK TO THE WEEKLY LIVE MUSIC GIG AT THE AUSTIN CITY COUNCIL. THIS IS A SPECIAL TREAT BECAUSE WE'RE WELCOMING SONNY THROCKMORTON. SONNY IS ONE OF THE MOST PROCEED LIVE FIK CONGRESS WIRES IN HISTORY WITH MORE THAN A THOUSAND OF HIS SONGS BEING RECORDED BY NIEWMIOUS NUMEROUS ARTISTS. HE HAS BEEN NAMED BMI SONG WRITER OF THE YEAR, HAS WRITTEN 17 NUMBER ONE HITS, HAS WON THE NASHVILLE CONGRESS WRITER ASSOCIATION SONG WRITER OF THE YEAR AWARD FOUR TIMES AND IN 1997 WAS INDUCTED INTO THE NASHVILLE CONGRESS SONG WRISH ASSOCIATION HALL

OF FAME. THE TEXAS HERITAGE SONG WRITER ASSOCIATION IS INDUCTING SONNY THIS SUNDAY AT THE TEXAS HERITAGE SONG WRITER EVENT, A PLAQUE THAT WILL HONOR SONNY WILL BE PLACE UNDERSTAND DARL ROYAL'S PICKING ROM AT HILL'S CAFE. PLEASE JOIN ME IN WELCOMING TRUE SINGER SONG WRITING LEG JEND MR. SONNY THROCKMORTON.

THANK YOU SO MUCH. I'M GLAD TO BE IN AUSTIN WITH Y'ALL TODAY. AND I HOPE I GET TO DO IS A WHOLE LOT THE REST OF MY LIFE. I'M GOING TO DO YOU A SONG THAT GEORGE STRAIT DID FOR US. THIS IS ESPECIALLY FOR THE GREAT MAYOR OF AUSTIN. I KNOW HE LIKES THIS SONG. [(music) MUSIC PLAYING (music)(music)] TEST TEST TEST TEST (music)(music) THIS KICKS OFF SOUTH-BY-SOUTHWEST, SUNDAY IS THE INDUCTION AT HILL'S CAFE.

WITH KRIS KRISTOPHERSON.

IS IT OPEN TO THE PUBLIC.

WELL, IF THEY BOUGHT A TICKET. I THINK IT'S SOLDOUT NOW. WE HAVE ANOTHER ONE -- IF THEY KEEP BUYING IT OUT, WE WILL KEEP GOING.

ANY CHANCE THAT YOU ARE PLAYING AROUND TOWN DURING THE WEEK? ANY CHANCE THAT YOU --

GOING TO BE PLAYING AT THREADGILLS TUESDAY NIGHT. A BUNCH OF SONG WRITERS, IF ANYBODY ON THE COUNCIL NEEDS ANSWER TO ANY QUESTIONS THAT ARE PLAGUING THE CITY, I WILL BE WILLING TO GIVE YOU A FEW ANSWERS.

CAREFUL WHAT YOU OFFER, SONNY. BEFORE YOU GET AWAY. WE HAVE A SPECIAL 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, AND WHEREAS THE DEDICATE THE EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AS THE LIVE MUSIC CAPITOL OF OF THE WORLD, I DO HEREBY PROCLAIM TODAY MARCH 9th, 2006, AS SONNY THROCKMORTON AND CALL ON EVERYBODY

TO RECOGNIZE THIS SPECTACULAR, PROLIFIC LEGEND.

THANK YOU.

THANK YOU ALL VERY MUCH. [APPLAUSE] BRENNESSEL,. >>

Mayor Wynn: BEFORE ELVIS LEAVES THE BUILDING, I WANT TO ASK -- COME JOIN ME UP HERE, SPEAKING OF SINGER SONG WRITERS, THE IMPACT THAT IT'S HAVING, I TELL PEOPLE ONE OF OUR CHALLENGES IS WE NEED TO STOP TALKING ABOUT MAKING MUSIC IN AUSTIN, START TALKING ABOUT MAKING MONEY MAKING MUSIC IN AUSTIN, HERE AS WE KICKOFF SOUTH-BY-SOUTHWEST AS WE RECOGNIZE SONNY, WE CAN TALK ABOUT THE ECONOMIC IMPACTS, THE VALUE OF WHAT -- WHAT MANY FOLKS DON'T THINK OF WHEN YOU THINK ABOUT OUR MUSIC SCENE HERE, IS THE VALUE OF SONG WRITING.

YOU DON'T REALLY SELL IT, YOU KIND OF RENT IT.

WELL -- MAILBOX MONEY.

AMEN.

SO -- SO SONNY IS GOING TO JOIN US OVER HERE. WITH HIS FRIEND BRUCE ROBINSON, HE COULDN'T MAKE IT. WE ARE PRESENTING A CERTIFICATE OF CONGRATULATIONS TO MR. MORTGAGE TEE WAR AND TO PRODUCE. IT READS: AS THE CO-WRITER AS A SONG MADE FAMOUS BY GEORGE STRAIT, MONTY WARD IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. IN JANUARY IT EARNED ITS 1 MILLION AIR PLAY, THIS IS AN EXCEPTIONAL ACHIEVEMENT CONSIDERING MORE THAN THE 3 MILLION SONG IN THE BMI CATALOG, ONLY ABOUT 1500 HAVE EARNED MILLIONAIRE STATUS, MOST OF THEM ALONG WITH SONNY. ONLY A HANDLEFUL OF THOSE HAVE ACCOMPLISHED THE FEAT. WE ARE PROUD TO CONGRATULATE THEM AS WELL AS THE CO-PUBLISHER OF NEW KISS MUSIC AN AUSTIN COMPANY ON THE STELLAR ACHIEVEMENT. THE LIVE MUSIC CAPITOL OF THE WORLD IS PROUD OF, PRESENTED DID 9th DAY OF MARCH, 2006, ALONG WITH SONNY, THE CITY OF AUSTIN, THE CERTIFICATE OF CONGRATULATIONS.

THANK YOU, THAT'S AWESOME.

THANK YOU, MR. MAYOR, I DO A LOT BETTER WITH STUFF THAT RHYMES.

THIS IS GREAT, I'M PROUD TO BE IN AUSTIN. I'M 7th GENERATION TEXAS. MY BOYS ARE 8th GENERATION. THIS IS A BIG HONOR, THANK YOU FOR ALL FOR RECOGNIZING, WRITTEN HERE IN TOWN, PUBLISHED HERE IN TOWN. WE LICKED THE STAMP SEND IT UP TO GEORGE HERE IN UP TO. IT'S AWESOME. I WANT TO GRADUATE YOU, MR. MAYOR ON YOUR FIDDLE -- YOU MIGHT BE ABLE TO -- TO -- THE ONLY TIME OF KNOW OF WHERE YOU TAKE A DOG AND HEAR THE MAYOR SING. THIS IS AWESOME. YOU ALL HAVE A GREAT SOUTH-BY-SOUTHWEST, THANKS.

WE WILL. THANK YOU. [APPLAUSE] NOW WE HAVE SOME DISTINGUISHED SERVICE AWARDS, WE ARE GOING TO ASK THE OUTGOING OR RETIRING CITIZEN REVIEW PANEL MEMBERS TO COME FORWARD. I THINK UP WAS HERE EARLIER. JUAN WAS HERE EARLIER AND ROY BUTLER, CYLIA IN ABSTENTION OF STERLING LANDS. IF YOU COME FORWARD. FOLKS FROM THE OFFICE OF THE POLICE MONITOR, REAL BRIEFLY IF YOU REMEMBER IT HAS BEEN THREE -- THREE FULL OR FEWER YEARS, BUT THE CITY COUNCIL IN OUR LAST CONTRACT WITH THE AUSTIN POLICE ASSOCIATION, WE INSTITUTED THE OFFICE OF THE POLICE MONITOR. AND IT WAS A LOT OF WORK TO GET THERE. WE HAD LOTS OF REQUESTS OVER THE YEARS TO FORMULATE SOME FORM OF CIVILIAN OVERSIGHT OR CITIZENS REVIEW, OF INTERNAL POLICING AFFAIRS. INTERESTINGLY ENOUGH, BY STATE LAW AS THE MAYOR OF THE CITY OF AUSTIN, I CAN'T EVEN LOOK AT -- AT MOST OF INTERNAL POLICE FILES. IT'S JUST -- IT'S THE -- THE STRUCTURE OF STATE CIVIL SERVICE LAW. BUT MANY PEOPLE HAVE ASKED FOR THERE TO BE SOME TYPE OF CIVILIAN REVIEW. ALTHOUGH THE MAYOR AND COUNCILMEMBERS AREN'T ALLOWED ACCESS TO THAT, WE HAVE NEGOTIATED WITH THE POLICE UNION, TO FORM THAT OFFICE AND THAT REALLY IMPORTANT FUNCTION, THAT IS FOR CITIZENS TO KNOW THAT THERE ARE A HANDFUL OF CITIZENS THAT DO GET TO LOOK INTO THOSE FILES, GET TO SIT IN ON -- ON INTERVIEWS AND ESSENTIALLY IN SOME WAYS REPRESENT A CIVILIAN OR

CITIZEN PERSPECTIVE ON THE VERY IMPORTANT JOB, OF COURSE, OF POLICING A CITY. AND IT HASN'T BEEN AN EASY TIME FRANKLY TO BE A CITIZEN REVIEW PANELIST. WE'VE HAD A NUMBER OF CONTROVERSIAL ISSUES, THEY HAVE TAKEN THE JOB VERY SERIOUSLY, BEEN IN THIS ROOM LATE, LATE HOURS. REVIEWING SOME OF THOSE. AND WE ARE VERY PROUD OF THAT WORK. WE -- WHERE WE HAVE SPENT A LOT OF TIME, EFFORT, ARGUABLY MONEY COMING UP WITH THAT FORMAT, THAT PROCESS, SO THAT WE COULD HAVE THESE FINE CITIZENS REPRESENTING OUR CITY. SO I KNOW PROBABLY A NUMBER OF FOLKS WOULD LIKE TO SAY A FEW WORDS ABOUT THESE. THESE ARE THE FOLKS THAT ARE ROLLING OFF OF THE CITIZEN REVIEW PANEL. REPLACEMENTS WILL BE APPOINTED BY THE CITY MANAGER SHORTLY IF NOT ALREADY DONE. OKAY.

DONE.

OKAY. SO AGAIN WE HAVE JUAN FORMER MAYOR BUTLER, CELIA ISRAEL HERE WITH US. I'M SURE THESE READ THE SAME, I WILL READ THEM, CALL OUT EACH INDIVIDUAL TO COME UP AND RECEIVE IT, HOPEFULLY SAY A FEW WORDS ABOUT THEIR SERVICE THAT WE ARE VERY PROUD OF. DISTINGUISHED SERVICE AWARD READS: WE ARE PLEASED TO RECOGNIZE AND HONOR JUAN ACOLA, FORMER MAYOR ROY BUTLER, CELIA. WE APPRECIATE THE EFFORTS TO RESOLVE COMPLAINTS IN THE MANNER THAT RESTORES DIGNITY AND BUILD MUTUALLY RESPECTFUL RELATIONSHIPS. WE ALSO RECOGNIZE THEM FOR GUIDING THE OFFICE OF THE POLICE MONITOR IN THE WAY IT COMMUNICATES WITH THE DIFFERENT COMMUNITIES THROUGHOUT THE CITY. THE CERTIFICATE IS PRESENTED WITH OUR GRATITUDE FOR SERVICE, THIS 9th DAY OF MARCH, THE YEAR 2006, SIGNED BY ME, BUT ACKNOWLEDGED BY THE ENTIRE AUSTIN CITY COUNCIL. AGAIN DISTINGUISHED SERVICE AWARDS FIRST TO WELCOME AND CONGRATULATE MR. JUAN ACOLA. [APPLAUSE]

THANK YOU. I WILL BE VERY BRIEF, FIRST OF ALL I WANT TO THANK EVERYONE FOR THE OPPORTUNITY TO SERVE THIS COMMUNITY. IT'S A COMMUNITY THAT I -- THAT I CAME TO ABOUT 10 YEARS AGO AND I'M VERY PROUD OF IT AS WELL.

AGAIN, THANK YOU IT'S -- IT'S BEEN A VERY CHALLENGING POSITION. BUT I'VE ENJOYED IT. AGAIN THANK YOU. [APPLAUSE] TRADITIONAL GIFTS HERE, A DISTINGUISHED SERVICE AWARD FOR MS. CELIA ISRAEL. [APPLAUSE] THANK YOU MAYOR, TOBY, ALL OF THE CITY STAFF WHO WORK SO HARD TO KEEP THIS MECHANISM RUNNING, A VERY CRITICAL PART OF KEEPING OUR CITY, THE GREAT CITY THAT IT IS. WHEN THEN CITY MANAGER JESUS GARZA CALLED ME UP, ASKED ME IF I WOULD DO THIS, I THINK COUNCILMEMBER GARCIA NOMINATED ME. I DIDN'T KNOW QUITE WHAT I WAS SAYING YES TO. I KNOW IF JESUS TOOK THE TIME TO CALL ME I HAD BETTER SAY YES. IF THERE'S TEARS IN MY EYES, IT'S BECAUSE I HAVE A HEAD COLD, NOT BECAUSE I'M SAD ABOUT LEAVING. IT HAS BEEN DIFFICULT AND TOUGH, BUT I HOPED THAT WE HAVE ASKED QUESTIONS AND REPRESENTED THE COMMUNITY. THANK YOU ALL VERY MUCH. [APPLAUSE]

HE COULDN'T JOIN US, BUT REVEREND STERLING LANDS WILL BE GETTING HIS DISTINGUISHED SERVICE AWARD. ALSO PLEASE JOIN ME IN WELCOMING FORMER MAYOR ROY BUTLER.

THANK YOU, MAYOR.

I THINK ANY TIME THAT A CITIZEN OF AUSTIN CAN SERVE ON ANY COMMISSION IS -- IS AN HONOR. I COULD CERTAINLY CONSIDER IT THAT. IT WAS A PLEASURE TO SERVE. I THANK FOR YOU THIS AWARD. [APPLAUSE]

I CAN'T TELL YOU WHAT A TOUGH JOB THIS IS FOR THOSE FOLKS, IT'S A RARE THING IN THE COMMUNITY TO HAVE AN OVERSIGHT TO BE ABLE TO HAVE CITIZENS THAT REALLY GO BEHIND THE CURTAIN, BE ABLE TO LIFT THE VEIL, TAKE A LOOK AT THE WHOLE PROCESS THAT IS NOT NORMALLY PUBLIC. COME BACK OUT AND SAY TO THE REST OF COMMUNITY THAT THEY HAVE SEEN IT AND GIVE THEIR OPINION TO US ON THIS PROCESS. IT'S A VERY RARE THING, IT'S UNIQUE IN OUR COMMUNITY. I WOULD LIKE SUSAN, OUR ASSISTANT, ACTUALLY OUR ACTING POLICE MONITOR RIGHT NOW TO SHOW A LITTLE BIT, COME UP AND SHOW YOU THE GIFTS THAT SHE'S GIVING THESE OUTGOING MEMBERS WHO HAVE DONE A TREMENDOUS JOB FOR US AND A VERY, VERY

DIFFICULT JOB.

GOOD AFTERNOON. SUSAN HUDSON, THE ACTING POLICE MONITOR, I RUN THE OFFICE OF THE POLICE MONITOR. TODAY WE JUST HAVE TWO GIFTS FOR OUR DEPARTING PANEL MEMBERS, A CAP SO THEY DON'T FORGET US, THEN A PAPER WEIGHT THAT READS THANK YOU FOR YOUR SERVICE, FORTITUDE AND ETHICAL RESPONSIBILITY IN SERVING THE CITIZENS OF AUSTIN. YOUR COMMITMENT TO THE PROCESS OF OVERSIGHT, WHICH IS THE FIRST AND ONLY IN THE STATE OF TEXAS, IS RECOGNIZED. WE THANK YOU FOR YOUR SERVICE. JUST SOME GIFTS ON BEHALF OF OUR OFFICE. WE THANK THEM FOR THEIR SERVICE. [APPLAUSE] OKAY. FOR OUR NEXT OPERATION, WHICH IS THE -- PROCLAIMING RED CROSS MONTH, I WELCOME WAYNE BRENNESEL HERE. GOOD -- GOOD NEWS, BAD NEWS, I HAVEN'T SEEN WAYNE IN QUITE SOME TIME. WAIT AND I SPENT A LOT OF TIME TOGETHER, AS DID SO MANY EMPLOYEES, PARTICULARLY THE MONTH OF SEPTEMBER, WILL LONG BE REMEMBERED AS OUR DISASTER MONTH. WE PARTNERED SO WELL WITH THE AMERICAN RED CROSS. SO -- BUT TECHNICAL MARCH IS RED CROSS MONTH. ALTHOUGH OBVIOUSLY LOCALLY SEPTEMBER WAS RED CROSS MONTH HERE. THIS PROCLAMATION READS, I WILL READ IT, ASK WAYNE TO SAY A FEW WORDS ABOUT WHAT HAS BEEN A VERY CHALLENGING BUT ALSO VERY REWARDING YEAR FOR THE LOCAL AMERICAN RED CROSS. THE PROCLAMATION READS: BE IT KNOWN WHEREAS WE ARE PLEASED TO CONGRATULATE THE RED CROSS OF CENTRAL TEXAS AS IT CELEBRATES ITS 90th ANNIVERSARY TO ORGANIZE THE ORGANIZATION'S RESPONSE TO UNPRECEDENTED CHALLENGES DURING 2005 INCLUDING A TSUNAMI AND THREE DEVASTATING HURRICANES. WHEREAS WE ARE ESPECIALLY INDEBTED TO THE LOCAL VOLUNTEERS WHO RESPONDED TO 190 EMERGENCIES IN CENTRAL TEXAS, ASSISTED 2,231 MILITARY FAMILIES, AND TRAINED 13,970 PEOPLE IN FIRST AID AND CPR. WHEREAS RERECOGNIZE THE CENTRAL TEXANS WHO VOLUNTEER WITH THE RED CROSS AND ENCOURAGE OTHERS TO JOIN THEM AND TO GIVE GENEROUSLY TO AN ORGANIZATION WHICH HELPS MAKE OUR COMMUNITY STRONGER AND MORE REST SILENT. THEREFORE I WILL -- I, AUSTIN MAYOR WILL WYNN,

DO HEREBY DECLARE AS AMERICAN RED CROSS MONTH IN AUSTIN. BEFORE WAYNE COMES FORWARD, I WOULD LIKE TO REITERATE WE HERE IN AUSTIN HAD TWO SEEMINGLY SIMILAR BUT ACTUALLY VERY DIFFERENT EXERCISES WITH HURRICANE KATRINA WHICH WAS AN UNPRECEDENTED SHELTER PLAN WHICH WE HAD NEVER DONE BEFORE. THEN THREE WEEKS LATER, HURRICANE RITA, A MORE FORMAL STATE MANDATED EVACUATION PLAN, YOU KNOW, THE -- THE ENCOURAGEMENT THAT WE GOT FROM WAYNE AND KNOWING THAT -- THAT WAYNE AND THE REALLY SORT OF SKELETAL CREW OF THE LOCAL CHAPTER OF THE AMERICAN RED CROSS WAS THERE ON THAT THURSDAY, SEPTEMBER 1st, WE HAD ABOUT TWO DAYS TO GET READY TO HOUSE FIVE TO SIX THOUSAND PEOPLE AT THE CONVENTION CENTER, IT GAVE THE CITY MANAGER AND I AND MY COUNCIL COLLEAGUES AND REALLY THE ENTIRE CITY ORGANIZATION A LOT OF -- OF FAITH AND ENCOURAGEMENT BECAUSE WE KNEW THAT WE HAD THAT BIG STRUCTURE AND ORGANIZATION TO FALL BACK ON. AS WE PULL TOGETHER THE CITY PIECE OF THOSE CHALLENGES, REALLY FUNDAMENTALLY IT WAS THE LOCAL COMMUNITY FUNNELED MOSTLY THROUGH THE AMERICAN RED CROSS THAT ALLOWED US TO I THINK DELIVER STELLAR PERFORMANCE FOR AN UNPRECEDENTED CHALLENGE FOR SO MANY AMERICANS IN NEED. PLEASE JOIN ME IN CONGRATULATING MR. WAYNE WAYNE BRENNESESEL.

THANK YOU, MR. MAYOR, MEMBERS OF COUNCIL, CITY MANAGER TOBY. I DON'T KNOW IF YOU KNOW MY HISTORY, I MOVED HERE LAST JANUARY '05 AND DIDN'T KNOW MUCH ABOUT THE COMMUNITY. I CAME TO OTHER THAN AUSTIN AND EVERYTHING I HEARD ABOUT IT WAS GREAT. BUT YOU DON'T REALLY KNOW ABOUT THE HEART OF A COMMUNITY OR THE SPIRIT OF THE COMMUNITY UNTIL YOU GO THROUGH SOMETHING LIKE WE DID LAST SEPTEMBER. AND THE MAYOR IS RIGHT, THE RED CROSS IS A VERY SKELETAL CREW. WE HAVE 20 PAID STAFF AND PRIOR TO THE HURRICANE ABOUT 800 VOLUNTEERS, NOW I DON'T EVEN KNOW IF I CAN COUNT THE NUMBER ON THEM. BUT IT REALLY SPEAKS TO THIS COMMUNITY. NOT THE ORGANIZATION AND NOT NECESSARILY THE CITY, BUT CERTAINLY THE LEADERSHIP THE CITY PROVIDED, BUT THIS IS A COMMUNITY WITH A

HEART AND WITH A SPIRIT THAT -- THAT I HAVE NEVER SEEN ANYWHERE BEFORE. AND NOT TO TAKE ANYTHING AWAY FROM SONNY AND THE REST OF THE MUSICIANS HERE, BUT MAYBE AUSTIN IS REALLY THE HEART OF TEXAS AND NOT JUST THE MUSIC CAPITAL. SO ON BEHALF OF THE RED CROSS, THIS IS FOR THE CITY OF AUSTIN. I CAN'T THINK OF A BETTER PERSON TO PRESENT IT TO WHO WILL ACCEPT IT HOPEFULLY ON BEHALF OF THE CITY. THIS RECOGNITION, IN AUGUST HURRICANE KATRINA CUT A PATH OF DESTRUCTION ACROSS THE GULF COAST AND LEFT THE NATION FACING AN UNPRECEDENTED TRAGEDY SINCE THE BEGINNING OF 2005 HURRICANE SEASON, THE AMERICAN RED CROSS HAS BEEN THERE. THE GENEROUS SUPPORT OF DONORS LIKE YOU WILL ALLOW THE AMERICAN RED CROSS TO CONTINUE TO BE THERE UNTIL THE LAST VICTIM OF THE MONUMENTAL STORM SEASON IS HELD. THANK YOU ON BEHALF OF THOSE WE SERVE. THIS IS FOR THE CITY OF AUSTIN. THANK YOU VERY MUCH.

THANK YOU. THANK YOU VERY MUCH. [APPLAUSE] OKAY, ROBERT DAHLSTROM AND SOME FORMER COLLEAGUES, FRIENDS COME FORWARD. CHIEF? YOU REALLY ARE CHIEF NOW, RIGHT? IT SEEMS LIKE THERE'S HARDLY A WEEK THAT GOES BY THAT WE DON'T SAY THANK YOU, SADLY GOODBYE, TO SENIOR, SENIOR CITY STAFF AND DISPROPORTIONATELY SEEMS LIKE IT'S BEEN A.P.D. LATELY. WE WOULD ALSO HAVE BEEN SAYING THANK YOU, GOODBYE, AND GOOD LUCK TO ASSISTANT CHIEF RUDY LANDEROS TODAY, SADLY HE COULDN'T MAKE IT HERE AT THE LAST MINUTE. WE WON'T BE ABLE TO GIVE RUDY HIS DISTINGUISHED SERVICE AWARD, BUT LUCKILY ROBERT DAHLSTROM HAS JOINED US. I HAVE SAID THIS SEVERAL TIMES AND BORE PEOPLE WITH IT, MY FATHER WORKED FOR THE SAME LITTLE COMPANY IN EAST TEXAS FOR 55 YEARS, RETIRED THIS PAST SPRING AND SO ONE OF THE EARLY LESSONS THAT I HAD IN LIFE WAS THAT OF JUST LONGEVITY, COMMITMENT, GRATIFICATION OF A JOB WELL DONE. THIS CITY ORGANIZATION IS STACKED WITH -- WITH PEOPLE LIKE THAT. WITH PROFESSIONALS WHO -- WHO HAVE INVESTED THEIR ENTIRE CAREER WITH US AND FOR THE BETTERMENT OF THIS COMMUNITY. AND ROBERT DAHLSTROM EPITOMIZES THAT. I WILL TURN IT OVER TO TOBY AND CHIEF KNEE AND OTHERS PERHAPS. THE

DISTINGUISHED SERVICE AWARD READS FOR MORE THAN 28 YEARS OF DEDICATED SERVICE TO THE CITIZENS OF AUSTIN AS A MEMBER OF THE AUSTIN POLICE DEPARTMENT AND THE LAST THREE YEARS AS ASSISTANT CHIEF, ROBERT DAHLSTROM IS DESERVING OF PUBLIC ACCLAIM AND RESIDING. DURING HIS TENURE, ASSISTANT CHIEF ROBERT DAHLSTROM'S ASSIGNMENTS RAN THE GAMUT FROM PATROL, BURGLARY, TRAFFIC, WALKING BEAT, SPECIAL MISSIONS, ORGANIZED CRIME, TRAINING AND THE CHIEF'S OFFICE. THE MAJOR ACHIEVEMENT OF HIS CAREER WAS HIS LEADERSHIP OF THE CROWD MANAGEMENT TEAM AND ITS EXEMPLARY RESPONSE TO THE FORTUNE 500 EVENTS, PROBABLY THE -- THE MOST CHALLENGING OF SPECIAL PROTECTIVE SERVICES THAT WE'VE HAD YET. BACK IN 2000. HE RECEIVED THE DISTINGUISHED COMMANDER'S METAL FOR THAT EFFORT. THIS IS PRESENTED WITH OUR ADMIRATION, APPRECIATION FOR THE ASSISTANT CHIEF'S OUTSTANDING SERVICE TO THIS COMMUNITIES, THIS 9th DAY OF MARCH, 2006, SIGNED BY ME, MAYOR WYNN, ACKNOWLEDGED BY THE ENTIRE AUSTIN CITY COUNCIL, DISTINGUISHED SERVICE AWARD, MR. ROBERT DAHLSTROM. [APPLAUSE]

I'VE SAID IT BEFORE, THESE ARE BEGINNING TO FEEL LIKE EULOGIES. WE ARE LOSING SUCH INCREDIBLE TALENT AND DEDICATED FOLKS WHO WORK FOR THE CITY OF AUSTIN, ROBERT DAHLSTROM IS ONE OF THOSE FOLKS WHO ENPITOMIZEIZES THAT FOR THE STAY WITH US.

I -- FOR THE CITY OF AUSTIN.

TO REPLACE THE KIND OF TALENT AND TENURE THAT THESE FOLKS HAVE GIVEN OUR CITY IS GOING TO BE IMPOSSIBLE TO DO. THE GOOD NEWS IS THAT ROBERT IS ACTUALLY NOT GOING VERY FAR. HE IS GOING TO BE TAKING OVER THE POLICE SECTION OF THE UNIVERSITY OF TEXAS. AND THAT'S GOING TO GIVE US A VERY STRONG AND GOOD CONNECTION TO THE UNIVERSITY HERE. WE ARE LOOKING FORWARD TO THAT RELATIONSHIP. RUDY, DO YOU WANT TO MAYBE COME ON AND STEP UP, ASSISTANT CITY MANAGER RUDY GARZA HAS A FEW THINGS THAT WE ARE GOING TO GIVE TO -- TO CHIEF ROBERT DAHLSTROM, THIS HE IS ONE OF OUR TYPICAL GIFTS THAT WE GIVE. NOW, NORMALLY

THEY SAY SOMETHING LIKE DAHLSTROMS WAY, YOU CHOSE NOT TO DO THAT, YOU PUT DRIVE THERE.

BECAUSE WE ARE GETTING DEPRESSED BY ALL OF THAT. COME ON UP, RUDY.

IN IS -- THIS IS NEW, WE WERE SO STUNNED BY ALL OF THE RETIREMENTS IT TOOK US A WHILE TO REGROUP. WE ARE GIVING ROBERT THE VERY FIRST OF THE DISTINGUISHED SERVICE AWARDS FOR THE ACE AWARDS HERE, I WILL READ IT TO YOU. ROBERT DAHLSTROM 1978 TO 2006, AUSTIN POLICE CHIEF, AUSTIN POLICE DEPARTMENT ASSISTANT CHIEF, YOUR PASSION FOR PUBLIC SERVICE, NOT ONLY MADE A DIFFERENCE, PROVIDES A BENCHMARK FOR HELPING MAKE AUSTIN THE MOST LIVABLE CITY IN THE COUNTRY, THANKS, ROBERT.

THANK YOU VERY MUCH. [APPLAUSE]

THE CHIEF HAS BEEN GREAT TO WORK WITH. I KNOW THE MAYOR AND COUNCIL HATE WHEN THEY GET THAT WEEKEND CALL IF ME. KIND OF LIKE THEY HATE HEARING FROM ME, I HATE WHEN ROBERT CALLS ME ON A SATURDAY AFTERNOON. I CAN SAY THAT IT'S BEEN A PLEASURE WORKING WITH THE CHIEF. HE'S BEEN VERY RESPONSIVE, SERVED OUR CITY GREAT AND HAVING A DAUGHTER AT THE UNIVERSITY OF TEXAS, I'M REALLY EXCITED ABOUT HAVING A -- THE CHIEF GOING THERE. THANK YOU VERY MUCH, GOOD LUCK. [APPLAUSE]

I THINK THE FACT THAT ROBERT DAHLSTROM IS GOING OVER TO THE UNIVERSITY OF TEXAS IS PROOF THAT THERE IS NO CONFLICT, THERE IS NO PROBLEM THAT CANNOT BE SOLVED IF WE PUT OUR MINDS TO IT. FOR YOU SEE ROBERT DAHLSTROM IS A TEXAS A&M AGGIE. [LAUGHTER] MOVING TO THE UNIVERSITY OF TEXAS. WE WON'T TALK ANY FURTHER ABOUT THAT. ROBERT -- THANK YOU. ROBERT DAHLSTROM ROSE UP THROUGH THE RANKS TO POSITION THE ASSISTANT CHIEF, ACTUALLY CHIEF OF STAFF. HIGHEST RANK RIGHT BELOW THE CHIEF. A TREMENDOUS AMOUNT OF RESPONSIBILITY. BUT HE NEVER FORGOT WHERE HE CAME FROM. IN TALKING WITH PEOPLE, WHEN HE ANNOUNCED THAT HE WAS GOING OVER TO THE UNIVERSITY OF TEXAS

AS A CHIEF, PEOPLE DESCRIBED HIM AS A COP'S COP. I CAN TELL YOU THAT THAT IS TRUE. THERE IS MANY A MEETINGS WHERE ROBERT WOULD -- WOULD INTERRUPT THE DISCUSSION AND REMIND US OF THE DIFFICULTIES OF POLICING AT THE LINE LEVEL AND THAT THAT SHOULD BE A CONSIDERATION WHEN WE BEGAN TO TALK ABOUT THINGS THAT WOULD DIRECTLY AFFECT THEM. WE SHALL CERTAINLY MISS HIM, WE SHALL MISS HIS HUMOR WHICH WE SAW A LITTLE OF. HE DOES HAVE A SENSE OF HUMOR, HE WILL CERTAINLY MISS HIS ABILITIES TO HELP MANAGE AND LEAD THE DEPARTMENT. CONGRATULATIONS AND GOOD LUCK. [APPLAUSE]

WELL, I WILL BE BRIEF. I WANT TO THANK THE CITY, THANK THE POLICE DEPARTMENT FOR -- FOR A VERY GOOD 29 YEARS OF MY LIFE. WHICH IS MOST OF MY LIFE. I MEAN MY WHOLE LIFE HAS BEEN WITH THE AUSTIN POLICE DEPARTMENT, WITH THE CITY OF AUSTIN. IT HAS BEEN A VERY REWARDING CAREER. I'M VERY PROUD TO BE -- IT IS THE BEST MUNICIPAL POLICE DEPARTMENT IN THE UNITED STATES. BECAUSE I'M GOING TO THE -- TO THE BEST CAMPUS POLICE DEPARTMENT IN THE UNITED STATES. [LAUGHTER] SO I HAVE TO BE CAREFUL HOW I SAY THAT. BUT I AM VERY MUCH IN DEBT TO THE CITY OF AUSTIN AND TO THE POLICE DEPARTMENT FOR THE REST OF MY LIFE. FOR EVERYTHING THAT THEY HAVE DONE FOR ME AND FOR MY FAMILY. I APPRECIATE EVERYBODY'S SUPPORT. THANK YOU. [APPLAUSE]

Mayor Wynn: FOR OUR LAST PROCLAMATION, I WILL RECOGNIZE COUNCILMEMBER JENNIFER KIM.

THANK YOU, I WANT TO SAY HELLO TO THE WOMEN OF WYCA, IN PARTICULAR THEIR EXECUTIVE DIRECTOR. WE HAVE AMAZING WOMEN HERE IN THE COUNCIL CHAMBERS WHO RECEIVED THE 2005 WOMAN OF THE YEAR AWARD IN VARIOUS CATEGORIES. THE WYCA'S MISSION IS TO ELIMINATE RACISM AND EMPOWER WOMEN AND I WOULD LIKE TO HAVE MS. GORHAM TALK A LITTLE BIT ABOUT THE AWARDS.

THANK YOU, COUNCILMEMBER KIM. FOR 12 YEARS NOW, WE HAVE BEEN EXTENDING INVITATIONS TO GENERAL PUBLIC

TO SUBMIT NOMINATIONS FOR WOMEN THAT THEY
CONSIDER WORTHY OF THIS TYPE OF AWARD. WE -- EVERY
YEAR SINCE THEN HAVE BEEN RECEIVING NOMINATIONS
FROM PEOPLE. WHO HAVE FOUND OR WHO HAVE -- WHO
WANT TO INTRODUCE US TO THEIR MENTORS, THEIR
DAUGHTERS, THEIR WIVES, THEIR CO-WORKERS, THEIR
COLLEAGUES IN THE COMMUNITY, THEIR TEACHERS. AND
EVERY YEAR WE ARE ASTOUNDED BY THE CALIBER OF THE
NOMINATIONS THAT WE RECEIVE. WE WILL BE AGAIN
EXTENDING AN INVITATION TO THE PUBLIC TO THINK ABOUT
THE PEOPLE IN YOUR COMMUNITY, THE WOMEN IN YOUR
COMMUNITY THAT YOU THINK DESERVE THIS NOMINATION,
THIS RECOGNITION AND LAST YEAR AGAIN AMONG -- AMONG
A LARGE NUMBER OF NOMINATIONS, THE VOLUNTEERS ON
OUR BOARD OF DIRECTORS AS WELL AS OTHER
VOLUNTEERS WHO HELP ORGANIZE THIS BIG EVENT FOR US,
SELECTED THE FOLLOWING 8 WOMEN THAT
COUNCILMEMBER KIM WILL BE RECOGNIZING THIS
AFTERNOON.

I HAVE HERE FOR EACH OF THE WOMEN CERTIFICATES OF
CONGRATULATIONS, SO IF YOU COULD ALL STAND OVER
HERE. I THINK THE FIRST ONE IS FOR -- I DON'T KNOW IF
SHE'S HERE, MAYBE DEANNA CAN TAKE IT. FOR DR. ANA
MARIE MANOR, ACCOMPLISHED IN BOTH THE ARTS AND
SCIENCES A RESEARCHERS AT THE I.B.M. RESEARCH LAB,
PROGRAM DIRECTOR FOR THE CENTER FOR ADVANCED
STUDIES. GETTING THE AWARD IN THE AREA OF ARTS. SO --
SO DEANNA GORHAM WILL ACCEPT THAT ON HER BEHALF.
BERNADETTE TINA WING. THIS CERTIFICATE IS IN THE AREA
OF BUSINESS AND ENTERPRISE, A ROLE MODEL IN BOTH
HER PROFESSION AND VOLUNTEER. SHE HAS COMMITTED
HERSELF TO HELPING WOMEN PURSUE CAREERS IN
ENGINEERING AND MENTORS STRIVING TO ACHIEVE
EXECUTIVE LEVELS AT I.B.M. SHE PROVIDES LEADERSHIP
AND MENTORSHIP IN HER OFF HOURS WITH ANY BABY CAN,
THE AUSTIN WOMEN'S EXCHANGE AND UNITED WAY'S
YOUNG LEADER'S SOCIETY. CONGRATULATIONS. [APPLAUSE
]

RECEIVED THE RECOGNITION OF WOMAN OF THE YEAR IN
THE AREA OF COMMUNITY SERVICE. SHE HAS SPENT 10
YEARS VOLUNTEERING PRIMARILY WITH VICTIMS OF

DOMESTIC VIOLENCE AND FAMILY VIOLENCE. AND WITH AN ORGANIZATION THAT HELPS AND EMPOWERS ASIAN DOMESTIC ABUSE SURVIVORS. SHE COMMITS 20 TO 40 VOLUNTEER HOURS PER WEEK AS THE PROGRAM DIRECTOR. CONGRATULATIONS. [APPLAUSE]

CHARLENE JUSTICE RECEIVING THE AWARD FOR THE AREA OF EDUCATION, WOMAN OF THE YEAR. MS. JUSTICE FOCUSES ON PREPARING STUDENTS TO ACHIEVE IN SCHOOL AND COLLEGE AND IN THE WORKFORCE. AS THE AFTER SCHOOL ADMINISTRATION FOR AISD, SHE'S RAISED THE BAR BY INSTITUTING NATIONAL BEST PRACTICES FOR AFTER SCHOOL PROGRAMMING IN THE DISTRICT. SHE ADVOCATES FOR STUDENTS WITH LEGISLATORS AND SUPPORT ORGANIZATIONS AND SHE HELPED CREATE THE TRAVIS COUNTY AFTER SCHOOL NETWORK TO BETTER MEET CHILDREN'S NEEDS THROUGHOUT TRAVIS COUNTY. CONGRATULATIONS, MS. JUSTICE.

THANK YOU. [APPLAUSE]

PEGGY ROMBERG FOR WOMAN OF THE YEAR IN HEALTH AND HUMAN SERVICES. SHE HAS BEEN THE C.E.O. OF WOMEN HEALTH AND FAMILY PLANNING ASSOCIATION OF CENTRAL TEXAS FOR 25 YEARS, AS SUCH SHE WORKED FOR HEALTH CARE SERVICES, HEALTH CARE ACCESS FUNDING ESPECIALLY FOR BASIC HEALTH CARE SCREENING AND FAMILY PLANNING SERVICES FOR LOW INCOME WOMEN. SHE WAS A STRONG ADVOCATE FOR THE HOSPITAL WITHIN A HOSPITAL SOLUTION TO PROVIDE WOMEN PRODUCTIVE SERVICES AT BRACKENRIDGE HOSPITAL. CONGRATULATIONS. [APPLAUSE]

I BELIEVE JOYCE JAMES IS KNOTS HERE TODAY.

FOR GOVERNMENT SERVICE. CAN YOU TAKE THAT FOR HER. I HAVE -- I THINK INGRAM COULDN'T MAKE IT EITHER. RIGHT. INGRAM IS IN SCIENCE AND TECHNOLOGY. AND FINALLY WE HAVE ALEXA GONZALEZ WAGNER. HI. YOU ARE YOUNG. [LAUGHTER] BECAUSE IT'S THE YOUNG WOMAN OF ACHIEVEMENT AWARD. OF COURSE. ONLY 17 YEARS OLD, SHE IS AN ACHIEVER, SHE'S BEEN ON THE HONOR ROLL EVERY YEAR SINCE FOURTH GRADE AND CONTINUES TO BE

EVEN NOW THAT SHE'S TAKING ADVANCED PLACEMENT AND HONORS CLASSES. ACTIVE IN DRAMA, CHOIR, EDITS HER SCHOOL'S LITERARY MAGAZINE. I USED TO DO THAT, THAT'S FUN, ISN'T IT? ALSO A PEER LEADER WHO WOMENS NEW STUDENTS AND DOES TUTORING. MS. WAGNER LIKEWISE IS ACTIVE IN CHURCH AND COMMUNITY VOLUNTEER PROGRAMS. MS. WAGNER, CONGRATULATIONS. [APPLAUSE] WINTER OUT OF CLOSED SESSION, TECHNICALLY NO DISCUSSION WAS HEAD, NOW BACK IN OPEN SESSION, ONE MORE ZONING CASE TO TAKE UP. Z-4, WELCOME BACK MR. GUERNSEY.

THANK YOU MAYOR AND COUNCIL, Z-4, C14-05066, AT 6800 BURNET ROAD. THE OWNER IS ANDERSON BUFORD. THE ZONING AND PLATTING COMMISSION DID RECOMMEND THE CS 1 ZONING, POSTPONED FROM YOUR LAST HEARING. SINCE THAT TIME THE OWNER HAS AGREED AND -- TO THE RESTRICTIVE COVENANT TO ROLL BACK THE ZONING IF THE - - IF THE LIQUOR STORE USE WERE TO CEASE MORE THAN 180 DAYS. THEY HAVE ALSO AGREED TO A CONDITIONAL OVERLAY TO PROHIBIT A COCKTAIL LOUNGE OR BAR USE ON THE PROPERTY. THESE WERE SUGGESTIONS THAT WERE MADE BY THE NEIGHBORHOOD ASSOCIATION IN THE AREA. THE NEIGHBORHOOD ASSOCIATION STILL DOES NOT RECOMMEND THE REZONING REQUEST, BUT THE OWNER DID AGREE TO THOSE TWO CONDITIONS. THIS IS A PROPOSED FOOTPRINT FOR APPROXIMATELY A 1495 SQUARE FOOT REZONING CASE OF A PORTION OF A LARGER SHOPPING CENTER, THE CENTER IS UNDER CONSTRUCTION. AND THIS CENTER IS -- IS LOCATED ON THE CORNER OF AN INTERSECTION BACKS UP TO -- TO SOME RESIDENTIAL HOMES AND DID RECEIVE A WAIVER FROM COMPATIBILITY TO ALLOW PARKING TO ACTUALLY BE CLOSER TO THE RESIDENTIAL HOMES EARLIER BY THE -- THE ZONING AND PLATTING COMMISSION -- EXCUSE ME, BY THE BOARD OF ADJUSTMENT WITH THE REQUIREMENT OF PROVIDING A SCREEN FENCE. THE APPLICANT'S AGENT IS HERE, MR. JEFF HOWARD. MR. PAUL NAGY IS HERE I BELIEVE TO SPEAK IN OPPOSITION TO THE CASE. IF YOU HAVE ANY QUESTIONS I WOULD BE MORE THAN HAPPY TO ANSWER THEM FOR YOU AT THIS TIME. QUESTIONS OF STAFF, COUNCIL? IF NOT WE WILL TO GO THE PUBLIC HEARING, WE WILL WELCOME MR.

JEFF HOWARD. YOU WILL HAVE A FIVE MINUTE PRESENTATION. THEN WE WILL HEAR FROM PAUL NAGY.

GOOD EVENING, MAYOR, COUNCILMEMBERS, MY NAME IS JEFF HOWARD. HERE WE ARE ON BEHALF OF THE APPLICANT SAM BUFORD, THE PROPERTY IS LOCATED AT 6800 BURNET ROAD, WHICH IS SOUTH OF ANDERSON, NORTH OF KOENIG IN AN AREA THAT IS HEAVILY COMMERCIAL. THE PROPERTY IS CURRENTLY ZONED CS, COMMERCIAL SERVICES, THE AERIAL HERE THIS IS AN OLD AERIAL. IT SHOWS THE PRIOR BUILDING THAT HAS SINCE BEEN TORN DOWN AND CONSTRUCTION IS UNDERWAY FOR MR. BUFORD'S DEVELOPMENT. THE PROPERTY IS -- HAS BEEN USED AS ASTRONAUTS, AUTO REPAIR, AS YOU CAN SEE IN THE NEIGHBORHOOD THERE'S QUITE A BIT OF AUTO SALES IN THE AREA. TO ORIENT YOU FOR THOSE OF YOU FAMILIAR WITH THE AREA, THIS RIGHT HERE IS THE ROGER BEESLY DEALERSHIP THAT USED TO BE A SAFE WAY ON BURNET ROAD. MR. BUFORD HAS PROPOSED TO REDEVELOP THE SITE WITH A RETAIL SHOPPING CENTER. AND TAKE THAT BUILDING WHICH HAS ITS ORIENTATION AT THE BACK OF THE PROPERTY, THE PARKING OUT FRONT, AND CONSTRUCT A DEVELOPMENT THAT HAS ITS BUILDING ALONG BURNET ROAD AND HAVE THE PARKING IN BACK. THIS IS IN LINE WITH THE CITY'S OF -- POLICIES INITIATIVE FOR -- FOR COMMERCIAL DESIGN STANDARDS. IN ORDER TO DO THAT, THAT WAS DONE AT THE SUGGESTION OF CITY STAFF. MR. BUFORD HAD TO OBTAIN THE WAIVER THAT MR. GUERNSEY DESCRIBED. HE GOT THE SUPPORT OF HIS NEIGHBORS BEHIND HIM FOR THAT WAIVER. HE'S AGREED TO BUILD AN EIGHT FOOT MASONRY FENCE, 300 FEET LONG, COSTS IN EXCESS OF \$40,000. HE ALSO HAD TO COMPLETELY REENGINEER AND REDESIGN THE PROPERTY IN ORDER TO -- TO MAKE THAT CHANGE. AT A COST OF TENS OF THOUSANDS OF DOLLARS, ALSO. THE ZONING IS FOR A LIQUOR STORE. IT'S CS 1 ZONING. THE CASE WAS FILED BACK IN SEPTEMBER. MR. BUFORD HAD SEVERAL MEETINGS WITH THE NEIGHBORHOOD. HE WAS AT -- TOOK THREE FULL MONTHS TO GET THROUGH THE ZONING AND PLATTING COMMISSION. AND HE GOT A RECOMMENDATION FROM THE ZONING AND PLATTING COMMISSION, I THINK IT WAS 7-2, MAYBE 6-2, ALSO RECOMMENDED BY STAFF. PROJECT WAS

UNDER CONSTRUCTION AND BOTH MY CLIENT AND THE TENANTS NEED TO KNOW SOON WHETHER OR NOT THEY WILL BE DOING FINISHOUT FOR A LIQUOR STORE. IN ADDITION TO MEETING WITH THE NEIGHBORHOOD ASSOCIATION, MY CLIENT PERSONALLY SPENT MANY HOURS WALKING THE NEIGHBORHOOD, VISITING HIS NEIGHBORS, KNOCKING ON DOORS. HE KNOCKED ON 70 DOORS. HE HAD - - HE HAD 64 PEOPLE SIGN A PETITION. NOT IN OPPOSITION TO THIS PROJECT. I BELIEVE THAT PETITION AND THOSE SIGNATURES ARE IN YOUR BACKUP. WHAT I WILL SHOW ON THE SCREEN HERE MOMENTARILY IS THE -- IS THE 300 -- 200-FOOT PETITION AREA AND ALL OF THE -- THE SHADED LOTS THERE ARE PROPERTY OWNERS WHO HAVE -- HAVE INDICATED THEIR SUPPORT FOR THE PROJECT. AND SO THERE IS NO VALID PETITION, BUT IT IS IN FACT SUPPORTED BY A LARGE NUMBER OF NEIGHBORHOOD. NOW, MR. NAGY IS HERE. HE REPRESENTS THE ALLENDALE NEIGHBORHOOD ASSOCIATION. THEY VOTED 17-15 IN THEIR NEIGHBORHOOD ASSOCIATION MEETING TO NOT SUPPORT THIS PROJECT. THEY HAD SUGGESTED TWO CONDITIONS. MR. BUFORD HAS AGREED TO, THOSE BEING A CONDITIONAL OVERLAY LIMITING THE CS 1 USE ONLY TO A LIQUOR STORE. WE ARE IN AGREEMENT WITH THAT AND A ROLLBACK IN THE EVENT THAT IT EVER CEASES TO BE USED AS A LIQUOR STORE, WE HAVE AGREED TO THAT, TOO. I UNDERSTAND MR. NAGY WOULD STILL LIKE TO REGISTER HIS OPPOSITION. I UNDERSTAND THAT'S BASED PRIMARILY ON WHAT THE NEIGHBORHOOD ASSOCIATION FEELS IS A RELATIVE HIGH NUMBER OF LIQUOR OUTLETS. I HAD THE OPPORTUNITY TO DRIVE BURNET ROAD. STARTED AT ANDERSON HEADED SOUTH TO 45th STREET. I FOUND TWO LIQUOR STORES. IN THAT APPROXIMATELY THREE MILE STRETCH. THERE WERE MANY MORE PET STORES, JEWELRY, FURNITURE, SHOE STORES, AND I COULDN'T TELL YOU HOW MANY PARKING CAR -- CAR AUTO DEALERSHIPS THERE WERE OR HOW MANY RESTAURANTS THERE WERE. I DON'T THINK THIS IS A CASE OF WHERE THERE'S AN EXCESS OF LIQUOR STORES IN THE AREA. THAT JUST ISN'T ACCURATE. SO -- SO GIVEN THAT WE THINK THAT THIS IS A GOOD USE OF -- THAT WE WOULD ASK RESPECTFULLY THAT YOU GRANT THE ZONING AS RECOMMENDED BY STAFF AND THE ZONING AND PLATTING COMMISSION AND WE WILL BE HAPPY TO ANSWER ANY

QUESTIONS THAT YOU MAY HAVE. THANK YOU.

THANK YOU, MR. HOWARD. WE WILL NOW HEAR FROM FOLKS WHO SIGNED UP IN FAVOR. DIDN'T DECLARE WHERE SAM BUFORD WANTED TO SPEAK OR NOT. WOULD YOU LIKE TO ADDRESS US? FAIR ENOUGH. ALTHOUGH HE DIDN'T USE IT. SO WE WILL NOW GO TO -- TO FOLKS IN OPPOSITION, MR. PAUL NAGY, WELCOME, YOU WILL HAVE THREE MINUTES.

I'M PAUL NAGY TREASURER OF THE A ALLENDALE ASSOCIATION. WE WERE ALSO EXPECTING TO HAVE A NEIGHBOR IN THE IMMEDIATE AREA OF THE PROPOSED LIQUOR STORE BE HERE ALSO, BUT HE HAD A CONFLICT. I MAY SAY A COUPLE OF THINGS THAT HE WAS MAYBE PLANNING TO SAY, BUT STILL NOT TRYING TO PUT WORDS IN HIS MOUTH. WE APPRECIATE WHAT MR. BUFORD IS TRYING TO DO FOR REDEVELOPMENT ALONG BURNET ROAD. IT'S BEEN AN AREA THAT'S TRADITIONALLY LIKE CAR LOTS, BUT TO SEE AN ATTRACTIVE RETAIL CENTER GO IN IS VERY GOOD FOR REDEVELOPMENT OF THAT STRETCH OF BURNET ROAD. ALLENDALE NEIGHBORHOOD ASSOCIATION, THOUGH, IS CONCERNED ABOUT -- ABOUT NOT -- THE POTENTIAL JUST ONE BUT TWO MORE LIQUOR STORES COMING IN THAT IMMEDIATE AREA. WITHIN A MILE SOUTH AND WITHIN A MILE NORTH OF THIS PROPERTY ARE TWO LIQUOR STORES. BUT THEN JUST A QUARTER OF A MILE UP, GREEN LAWN AND PARKWAY INTERSECTS BURNET ROAD, THERE IS A VACANT SPACE THAT HAS CS 1 ZONING RIGHT NOW. SO THIS ZONING IS GRANTED, SOMEBODY COULD IMMEDIATELY OPEN UP A LIQUOR STORE WITHIN A QUARTER MILE, ALL OF A SUDDEN WE WOULD HAVE TWO. AND A PRIMARY CONCERN THAT WE HAVE IS THE PROXIMITY OF -- OF REALLY BOTH LOCATIONS TO -- TO NORTHWEST DISTRICT PARK, LAMAR MIDDLE SCHOOL, TO THE SOUTH, IN THE PARK TO THE WEST. BRENTWOOD PARK AND SCHOOL TO THE EAST AND THEN A COUPLE OF CHURCHES RIGHT THERE. WE FULLY UNDERSTAND THAT THERE -- THERE ARE A NUMBER OF OUTLETS THAT SELL BEER AND WINE, ALSO RESTAURANTS THAT SELL -- THAT SELL ALCOHOL, BUT WE THINK -- ADDITIONAL HARD LIQUOR SALES OR ADDITIONAL THRESHOLDS THAT WE WOULD RATHER NOT SEE -- COVERED BY THE ADDITIONAL -- THE ADDITION OF A LIQUOR

STORE IN OUR NEIGHBORHOOD. I'LL TAKE ANY QUESTIONS.

THANK YOU, MR. NAGY, QUESTIONS OF PAUL, COUNCIL? >>

MR. HOWARD, A ONE TIME THREE MINUTE REBUTTAL IF NEEDED.

THANK YOU, MAYOR, BRIEFLY. I UNDERSTAND FROM THE PROPOSED TENANT OF THIS SITE THAT THAT OTHER LOCATION WAS LOOKED AT, IT WAS -- DETERMINED NOT TO BE SUITABLE LOCATION FOR THIS PARTICULAR TENANT. SO I'M NOT SURE THAT YOU HAVE GOT A TENANT HERE IN THE MARKET FOR A LINK CORE STORE, DIDN'T LIKE THAT OTHER LOCATION, I'M NOT SURE THAT ANOTHER LIQUOR STORE WOULD. IN ANY EVENT THERE'S STILL NOT A WHOLE LOT OF LIQUOR STORES IN THE AREA. THERE WILL BE NO ON RIGHT CONSUMPTION, NO LATE HOUR PERMITS, WE THINK THAT IT'S A REASONABLE AND APPROPRIATE USE. ANY QUESTIONS YOU HAVE I WILL ANSWER THEM.

THANK YOU, MR. HOWARD. QUESTIONS? OF MR. HOWARD, COUNCIL? THANK YOU, SIR. COMMENTS, QUESTIONS? MR. GUERNSEY, SO AGAIN, THE ZONING AND PLATTING COMMISSION VOTED TO APPROVE THE CS 1 WITH CONDITIONAL OVERLAY. I PRESUME AS -- AS OFFERED BY THE APPLICANT.

THE STAFF RECOMMENDATION ALSO IN FAVOR?

THE STAFF RECOMMENDATION WAS TO RECOMMEND THE CS 1 AS WELL AS THE COMMISSION. WITH -- THERE WAS A LETTER THAT WAS DATED FEBRUARY 22nd FROM THE ALLENDALE NEIGHBORHOOD ASSOCIATION THAT SUGGEST THE LIMITATION FOR THE CONDITIONAL OVERLAY TO PROHIBIT COCKTAIL LOUNGES WHICH WOULD BE A BAR TYPE OF USE. AND TO HAVE THE ROLLBACK AND WE HAVE PREPARED THOSE DOCUMENTS, AGREEABLE TO THOSE TWO CONDITIONS. ONE BEING THE RESTRICTIVE COVENANT ROLL BACK THE OTHER BEING THE PROHIBITION OF COCKTAIL LOUNGES, READY FOR ALL THREE READINGS TODAY IF YOU SO DESIRE.

Mayor Wynn: REMIND ME FOR MY SAKE, PERHAPS IT'S STATE

LAW, NOT EVEN OUR CODE, THERE ARE CERTAIN RESTRICTIONS ON LIQUOR STORES, IF I UNDERSTAND IT, INCLUDING HOURS OF OPERATION OR DAYS OF OPERATION, WHATEVER IT MIGHT BE, REMIND ME WHAT THOSE ARE.

IN GENERAL YOU ARE REQUIRED TO BE AT LEAST 300 FEET FROM A PUBLIC SCHOOL. CHURCH OR A PUBLIC HOSPITAL. AUSTIN IS ELECTED NOT TO PROVIDE A DISTANCE REQUIREMENT FROM A PRIVATE SCHOOL. BUT NONE OF THOSE USES EXIST WITHIN 300 FEET OF THIS PARTICULAR PROPERTY. GRANTED 300 FEET IS ONLY ABOUT A CITY BLOCK AWAY. BURNET ROAD IS ABOUT HALF OF THAT DISTANCE. THE PARKS THAT ARE REPRESENTED NORTHWEST PARK AND THE SCHOOLS I THINK THAT ARE IN THE GENERAL AREA ARE MUCH FURTHER THAN 300 FEET AWAY FROM THIS SITE. THE -- THE IMMEDIATE USES ADJACENT TO THIS ARE SINGLE FAMILY, AUTO RELATED USES. NORTH AND SOUTH AND EAST.

BUT AREN'T THE RESTRICTIONS -- A COCKTAIL --

THERE ARE RESTRICTIONS ON LIQUOR STORES. THEY CAN OPERATE I DON'T KNOW THE CLOSING HOURS, THEY ARE NOT ALLOWED TO BE OPEN AFTER.

Mayor Wynn: QUESTIONS, COMMENTS? COUNCILMEMBER MCCracken.

McCracken: ONE OF THE THINGS THAT I THINK THE APPLICANT DEMONSTRATED YOU, BURNET ROAD IS AN AREA WHERE WE REALLY DO HOPE TO HAVE A REVITALIZATION BECAUSE IT'S -- IT'S THE -- THE PRIMARY COMMERCIAL CORRIDOR FOR SOME OF OUR GREAT NEIGHBORHOODS IN THE CITY. WHAT THE APPLICANT IS DOING, WE CANNOT FORGET THAT, DOING A REDEVELOPMENT ONE OF THOSE THINGS THAT WILL MOVE THE CORRIDOR IN THE RIGHT DIRECTION AND HELP CATALYZE IT. THIS IS ACTUALLY A LITTLE SHOPPING CENTER, APPARENTLY, AND SO -- SO I DON'T THINK -- IT NOT JUST LIQUOR STORE, IT'S A REVITALIZATION, I THINK IT WILL MAKE A POSITIVE IMPACT. WE ALL ARE IN FAVOR OF -- FOR THAT REASON I WILL MOVE TO CLOSE THE PUBLIC HEARING AND -- AND APPROVAL ON ALL THREE READINGS WITH THE -- WITH THE TWO

RESTRICTIONS THAT WERE ADDED BY AGREEMENT OF THE PARTIES.

MOTION MADE BY COUNCILMEMBER MCCRACKEN TO CLOSE THE PUBLIC HEARING AND APPROVE I GUESS IT WOULD BE ZONING AND PLATTING COMMISSION RECOMMENDATION, CS 1 WITH A CONDITIONAL OVERLAY, IS THAT CORRECT, MR. GUERNSEY?

YOU CAN SAY THE ZONING AND PLATTING COMMISSION RECOMMENDATION WITH THE ADDITIONAL CONDITION OF PROHIBITING A COCKTAIL LOUNGE USE AND THEN ACCEPTING A RESTRICTIVE COVENANT THAT PROVIDES FOR A ROLLBACK TO CS ZONING AFTER 180 DAYS IF THE LIQUOR STORE USE WOULD CEASE.

Mayor Wynn: THANK YOU, SECONDED BY COUNCILMEMBER LEFFINGWELL. FURTHER COMMENTS? COUNCILMEMBER LEFFINGWELL?

Leffingwell: DID YOU SAY THAT WAS ALL THREE READINGS?

Mayor Wynn: YES, WE DID. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: THANKS, MAYOR, I WILL BE SUPPORTING THE MOTION. JUST LOOKING AT THE LOCATION AND THE SURROUNDINGS IT APPEARS THAT -- THAT -- THAT THIS WOULD BE AN APPROPRIATE LOCATION AND -- AND -- SPEAKING ON THE ISSUE, AND -- AND I THINK THAT -- THAT WE HAVE A -- WE HAVE SEEN A LOT OF OTHER CASES -- REALLY GREAT CONCENTRATION OF CS 1, BUT IT DOESN'T APPEAR THAT WE HAVE THAT SAME SITUATION HERE, BUT OBVIOUSLY WE DO HAVE TO BE VIGILANT TO MAKE SURE THAT THOSE KINDS OF TRENDS REALLY DON'T BEGIN TO TRANSFORM A COMMUNITY BUT -- SO WE DO APPRECIATE THAT. THE NEIGHBOR'S ISSUES THAT THEY RAISE FOR THE CITY COUNCIL. THANKS, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. 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, THAT CONCLUDES THE ZONING ITEMS THIS EVENING.

Mayor Wynn: THANK YOU, MR. GUERNSEY. COUNCIL, IF YOU REMEMBER, WE ACTUALLY HAD A MOTION AND A SECOND ON THE TABLE REGARDING CITY COUNCIL AGENDA ITEM NO. 5 THAT WE HAD TABLED. IN FACT THERE WAS A -- THERE WAS A SIMPLE REQUEST FOR -- FOR ONE ADDITIONAL LEGAL POINT RELATED TO EITHER THAT ONE OR PERHAPS THE NEXT CHARTER AMENDMENT. SO -- SO WITHOUT OBJECTION, WE CAN GO BACK INTO CLOSED SESSION, PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT AND WHILE IN CLOSED SESSION POTENTIALLY TAKE UP AGENDA ITEM 35, RELATED TO THE MATTER OF THE APPLICATION OF K.B.D.J.LP, ITEM 36 RELATED TO THE POTENTIAL CHARTER AMENDMENTS FOR THE MAY '06 ELECTION BALLOT, AND ITEM 36 RELATED TO THE SAVE OUR SPRINGS ALLIANCE, INC., VERSUS CITY OF AUSTIN, ITEM 40 RELATED TO THE JOSIE ELLEN CHAMPION, ET AL VERSUS THE CITY OF AUSTIN, ITEM 41 REPRESENTED TO TITLE 4, CHAPTER 401 OF SECTION 25-801 RELATED TO ADULT ORIENTED BUSINESSES AND ALSO POTENTIALLY PURSUANT TO SECTION 551.0716 THE OPEN MEETINGS ACT, ITEM NO. 34 PERSONNEL MATTER RELATED TO THE EVALUATION OF THE CITY AUDITOR. ITEM 35. EXCUSE ME. WE ARE NOW IN CLOSED SESSION, THANK YOU.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. HE WITH TOOK UP NUMBER 40 PARTIALLY. NO DECISIONS WERE MADE. WE ALSO TOOK UP ITEM NUMBER 37. NO DECISIONS WERE MADE. COUNCIL, EARLIER WE HAD BOTH PUBLIC AND CLOSED DISCUSSIONS AND THEN HAD A MOTION AND HAD TABLED COUNCIL AGENDA ITEM NUMBER 5. HOPE THAT LEGAL COULD CREATE SOMETHING WE COULD ALL LOOK AT ON THE DAIS.

MAYOR, IF FOR CLARIFICATION I COULD RESTATE THE MOTION INTO THE RECORD.

Mayor Wynn: YES, PLEASE.

AS I HAVE IT NOTED, THE MOTION IS TO APPROVE THE ORDINANCE THAT WAS IN BACKUP, BUT SUBSTITUTING IN PART 1 FOR THE STAFF DRAFTED BALLOT LANGUAGE THE FOLLOWING LANGUAGE WHICH IS BEING PASSED OUT NOW. SHALL THE CITY CHARTER BE MENDED TO, A, LIMITED INVESTMENT, ROADS, WATER QUALITY, INFRASTRUCTURE, DRAINAGE INFRASTRUCTURE AND OTHER CAPACITY EXPANSIONS IN THE BARTON SPRINGS ZONE WHICH INCLUDES A LARGE PORTION OF SOUTHWEST AUSTIN IN A TRAVIS COUNTY INCLUDING NEIGHBORHOODS SUCH AS OAK HILL, BARTON HILL, ZILKER, CIRCLE C, TRAVIS COUNTRY, VILLAGE AT -- EXCUSE ME, VILLAGE AT WESTERN OAKS AND B, LIMIT CITY'S DEVELOPMENT IN PROPOSED UTILITY AND SPECIAL DISTRICTS IN EXTRATERRITORIAL JURISDICTION. C, LIMIT THE ABILITY TO ENTER INTO AGREEMENTS THAT MAY SUBSIDIZE PRIVATE DEVELOPMENT IN THE BARTON SPRINGS ZONE SUCH AS SOLAR ENERGY REBATES, SMART HOUSING REBATES AND OTHER SUBSIDIES, D, MAKE ALL GRANDFATHERING DECISIONS IF BARTON SPRINGS ZONE UNDER STATE LAW SUBJECT TO CITY COUNCIL APPROVAL. E, SEVERELY LIMIT THE CITY'S ABILITY TO ENTER INTO ECONOMIC DEVELOPMENT AGREEMENTS CITY-WIDE. F, DISQUALIFY CERTAIN INDIVIDUALS FROM EXERCISING CERTAIN PROPERTY RIGHTS IN THE BARTON SPRINGS ZONE. AND G, PROHIBIT THE CITY FROM PARTICIPATING IN OR SUPPORTING CERTAIN ROAD PROJECTS. [APPLAUSE]

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: ON THIS PARTICULAR DRAFT, I THINK WHEN WE WERE MOVING THINGS AROUND, THE NUMBER E AND NUMBER G ARE -- HAVE EFFECTS THAT ARE -- THAT MAY BE CITY-WIDE. AND NUMBER F IS RESTRICTED TO THE BARTON SPRINGS ZONE. I THINK YOU INTENDED TO MOVE IT PERHAPS RIGHT ABOVE THE E. SO IT NEEDS -- E AND F NEED TO BE SWITCHED IN THE FINAL DRAFT?

Dunkerley: I THOUGHT OUR INTENT WAS TO PUT THE ONE THAT ON THIS DRAFT IS LABELED F, TO MOVE IT UP RIGHT AFTER D.

OKAY.

Dunkerley: SINCE IT RELATES TO THE BARTON SPRINGS ZONE AND NOT TO THE CITY AS A WHOLE.

OKAY. SO I'M --

Dunkerley: I'M ASKING ISN'T THAT CORRECT?

Mayor Wynn: ACTUALLY, COUNCILMEMBER DUNKERLEY MADE THE MOTION AND COUNCILMEMBER McCRACKEN SECONDED. SO IF YOU ARE -- I WOULD CONSIDER THAT --

I WAS SEEKING CLARIFICATION THAT WE HAD PROPERLY PUT ALL OF YOUR RECOMMENDATIONS IN THE RIGHT ORDER. WHAT YOU'RE TELLING ME IS WE INADVERTENTLY NUMBERED WHAT YOU WOULD LIKE TO BE E AS F AND --
[MULTIPLE VOICES] >>

Dunkerley: THE LANGUAGE IS CORRECT, BUT I JUST THINK IT'S IN THE WRONG PLACE.

IN THE FINAL ORDINANCE WE WILL SWITCH THOSE TWO.

Dunkerley: THANK YOU.

I WANT TO CLARIFY THAT MOTION WAS APPROVED ON ALL THREE READINGS.

YES.

Mayor Wynn: COUNCIL, WE HAVE A MOTION BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER McCRACKEN TO APPROVE ON ALL THREE READINGS THE ORDINANCE THAT'S BACK UP FOR COUNCIL AGENDA ITEM 5 WITH THIS CORRECTED BALLOT LANGUAGE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES TO A VOTE OF 6-0 WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS. SO COUNCIL, THAT TAKES US TO COUNCIL AGENDA ITEM NUMBER 6, WHICH FOR LACK OF A BETTER TERM IS THE OPEN GOVERNMENT CITIZEN INITIATIVE, AND WE'LL WELCOME A BRIEF STAFF PRESENTATION. SO AGAIN, WE

HAVE THE DRAFT ORDINANCE BEFORE US THAT IS THE CITIZEN INITIATIVE CHARTER AMENDMENT ORDINANCE, AND THEN ABOVE THAT IN PART 1 WE HAVE DRAFT BALLOT LANGUAGE WHICH READS: SHALL THE CITY CHARTER BE AMENDED TO REQUIRE THAT THE CITY CREATE AND MAINTAIN AT CITY EXPENSE -- I'M NOT SURE IF THIS IS THE MOST RECENT ONE.

THE LANGUAGE IN THE ORDINANCE ITSELF IS THE STAFF DRAFTED LANGUAGE AS PROPOSED. AND THAT LANGUAGE IS SUBJECT TO ANY REVISIONS THAT COUNCIL MIGHT CHOOSE TO MAKE.

AND MAYOR --

Mayor Wynn: COUNCILMEMBER McCracken.

McCracken: I HAVE THE DIFFERENT BALLOT LANGUAGE TO PROPOSE WHICH I BELIEVE MORE ACCURATELY CONVEYS WHAT IS -- AND CHRONICLES WHAT IS IN THIS PROPOSAL. WE CAN READ IT NOW OR LATER.

Mayor Wynn: WELL, SINCE WE HAVE SOME CITIZENS WHO WANT TO ADDRESS US, I THINK PROCEDURELY IT MIGHT MAKE MORE SENSE IF WE WERE TO EITHER READ YOUR PROPOSED BALLOT LANGUAGE THAT MAY LATER BE A MOTION OR YOU COULD PUT IT IN MOTION FORM NOW SO FOLKS COULD HEAR IT. I WOULD RECOGNIZE YOU TO SIMPLY READ WHAT WILL BE THE BALLOT LANGUAGE YOU WILL PROPOSE AS A MOTION SO FOLKS CAN HAVE THAT ON THE TABLE ESSENTIALLY, AND THEN WE TAKE CITIZEN COMMENT.

McCracken: OFFERS THE MOTION SUBSEQUENTLY I'LL READ IT NOW AS FOLLOWS: SHALL THE CITY CHARTER BE AMEND WOULD, A, TO REQUIRE THAT ALL PRIVATE CITIZENS E-MAILS TO ANY PUBLIC OFFICIAL BE PLACED ON THE CITY WEBSITE IN, QUOTE, REALTIME, UNQUOTE. INCLUDING E-MAILS OR ELECTRONIC COMMUNICATIONS BETWEEN PRIVATE CITIZENS AND PUBLIC OFFICIALS IN ALL CITY DEPARTMENTS INCLUDING THE LIBRARY DEPARTMENT, POLICE DEPARTMENT, CITY HEALTH CLINICS AND CITY DEPARTMENTS HANDLING UTILITY BILLS AND CODE ENFORCEMENTS AND LIMIT THE ABILITY OF CITIZENS TO

KEEP PRIVATE THE DETAILS OF THESE COMMUNICATIONS. E, TO REQUIRE THE HEADS OF ALL CITY DEPARTMENTS INCLUDING THE POLICE DEPARTMENT, PARKS DEPARTMENT, LIBRARY DEPARTMENT, ALL CITY MANAGERS, STAFF AND CITY COUNCIL MEMBERS AND THEIR STAFF POST ONLINE IN REALTIME INFORMATION ABOUT ALL MEETINGS AND PHONE CALLS OF PRIVATE CITIZENS. C, TO PROHIBIT THE CITY FROM EXERCISING STATE LAW PROTECTION FOR INFORMATION THAT COULD EXPOSE THE CITY AND TAXPAYERS TO GREATER FINANCIAL AND LEGAL LIABILITY AND RISK. D, TO REREQUIRE THE CITY TO CREATE A TAXPAYER EXPENSE AN ONLINE ELECTRONIC DATA SYSTEM FOR MOST CITY COMMUNICATIONS AND DOCUMENTS WHICH FOR THE MOST PART ARE ALREADY AVAILABLE TO PUBLIC. D, INSTALL AND PERSONALLY INSTALL A SYSTEM AT AN ESTIMATED COST OF \$36 MILLION ADDITIONALLY AND 12 MILLION THEREAFTER IF FULLY IMPLEMENTED WHICH COULD REQUIRE 3 CENTS PER \$100 VALUATION FOR REDUCTION IN CITY SERVICES.

Mayor Wynn: COUNCILMEMBER COMMENTS? THOUGHTS BEFORE WE TAKE UP SOME CITIZEN COMMENTS? HEARING NONE, WITH NO OBJECTION WE'LL GO TO OUR SPEAKER SIGNUPS. FIRST SPEAKER IS MR. BILL BUNCH. BILL BUNCH SIGNED UP WISHING TO SPEAK -- SIGNED UP WISHING TO SPEAK AGAINST. SARA BAKER WILL BE FOLLOWED BY JORDAN HATCHER. WHO WILL BE FOLLOWED BY JEFF JACK.

THANK YOU, MAYOR AND COUNCIL. SARA BAKE BAKER FROM SAVE OUR SPRINGS ALLIANCE. IS THERE A WRITTEN COPY OF COUNCILMEMBER McCRACKEN'S PROPOSAL, BY ANY CHANCE? OKAY. THAT'S FINE. I'LL JUST SPEAK ABOUT WHAT WAS PROVIDED IN WRITING EARLIER. THAT COVERS A LOT OF STUFF. OKAY. THANKS VERY MUCH. SO I SPOKE ON THIS EARLIER T STATE LAW REQUIRES A FAIR PORE TRAILER OF THE BALLOT MEASURE TO BE VOTED ON. THE VOTERS OF AUSTIN ARE RELYING ON YOU AS COUNCIL TO USE YOUR DISCRETION TO PRESENT A FAIR PORTRAYAL OF THE MEASURE. ONCE AGAIN I THINK IT WOULD BE APPROPRIATE TO PUT THE TITLE OF THE CHARTER AMENDMENT, IF THIS IS -- PASSES, IT WILL BE CODIFIED AS ARTICLE 14, THE OPEN GOVERNMENT ONLINE AMENDMENT IN BOTH THE ORIGINAL PROPOSAL AND COUNCILMEMBER McCRACKEN'S I DON'T THINK ONLINE OR INTERNET APPEARS UNTIL ABOUT THE

THIRD LINE. IT'S KIND OF TAKES A WHILE TO FIGURE OUT WHAT YOU ARE TALKING ABOUT IF YOU HAVE TO READ THROUGH THE TEXT. A, REQUIRE ALL PRIVATE CITIZENS' E-MAILS TO ANY PUBLIC OFFICIAL BE POSTED ON THE WEBSITE IN REALTIME. I DO NOT THINK THAT THAT IS CONTAINED THIS CHARTER AMENDMENT AT ALL. I THINK THAT'S FACTUALLY INACCURATE. PERSONAL CORE SPEND HE KNOWS WITH PUBLIC -- CORRESPONDENCE WITH PUBLIC OFFICIALS IF IT PERTAINS TO CITY BUSINESS IS ALREADY PUBLIC INFORMATION AND WOULD REMAIN SO UNDER THE CHARTER AMENDMENT. THIS PROPOSAL THAT CORRESPONDENCE WITH PUBLIC OFFICIALS WOULD BE IN REALTIME ONLINE ELECTRONIC DATA SYSTEMS, THAT'S INACCURATE. THE LAST PHRASE OF THE ORIGINALLY PROPOSED LANGUAGE REQUIRED THAT COMPANIES SEEKING TO DO BUSINESS WITH THE CITY WAIVE THEIR RIGHT TO PROTECT PROPRIETARY BUSINESS INFORMATION. SUBMITTED TO THE CITY. THAT'S INACCURATE. THE CHARTER AMENDMENT CALLS FOR ECONOMIC DEVELOPMENT PROGRAMS. FOR THOSE CORPORATIONS TO WAIVE THEIR RIGHT TO THE BUSINESS INFORMATION. NOT ANYONE CONTRACTING WITH THE CITY. IT'S NOT UNDER AN ECONOMIC DEVELOPMENT PROGRAM. I THINK THAT TO INCLUDE A COST ESTIMATE THAT HAS YET TO BE BID ON OR CONTRACTED AND IS A DISPUTED FIGURE IS VERY FAR FROM A FAIR PORTRAYAL, WHICH IS WHAT YOU ARE SUPPOSED TO BE USING YOUR DISCRETION TO DO. THIS IS JUST RIDDLED WITH FACTUAL INACCURACIES AND PHRASES AND IT WOULD BE AN INJUSTICE FOR CITY OF AUSTIN TO PUT THIS ON OUR BALLOT.

Mayor Wynn: COUNCILMEMBER McCRACKEN.

McCracken: MS. BAKER, DO YOU AGREE IT WOULD BE A BAD THING TO HAVE A CHARTER AMENDMENT THAT REQUIRED PRIVATE CITIZENS' E-MAILS BE PLACED ONLINE IN REALTIME?

PRIVATE CITIZENS' E-MAILS TO CITY OF AUSTIN COUNCILMEMBERS AND PUBLIC OFFICIALS ARE PUBLIC INFORMATION NOW. THE CHARTER AMENDMENT DOESN'T CHANGE THAT. AND IT DOESN'T REQUIRE THAT THEY BE

PLACED ONLINE IN REALTIME.

McCracken: I ASKED YOU A DIFFERENT QUESTION. WE CAN GET INTO WHETHER THAT'S ACCURATE OR NOT IN A LITTLE BIT. BUT YOU BROUGHT UP THAT IT WAS INACCURATE. DO YOU AGREE THAT IT WOULD BE A BAD THING TO PUT IN THE CITY CHARTER THAT PRIVATE CITIZENS' E-MAILS TO ANY PUBLIC OFFICIAL BE PLACED ONLINE ON THE CITY WEBSITE FOR THE ENTIRE PUBLIC TO READ IN REALTIME? DO YOU AGREE THAT WOULD BE A BAD THING?

I'VE NEVER SEEN A CHARTER AMENDMENT THAT INCLUDES THAT.

McCracken: DO YOU AGREE THAT WOULD BE A BAD THING?

NOT IF THEY ARE PUBLIC INFORMATION.

McCracken: WHAT IF THEY ARE NOT PUBLIC INFORMATION, DO YOU THINK IT WOULD BE PRIVATE CITIZENS' E-MAILS -- SUCH AS AN E-MAIL TO THE HEALTH DEPARTMENT OR A WHISTLE BLOWER E-MAIL OR A CODE VIOLATION, DO YOU AGREE IT WOULD BE A BAD THING TO PUT THAT ONLINE IN REALTIME?

I THINK I WOULD HAVE TO SEE THE WRITTEN PROPOSAL.

McCracken: I'M NOT ASKING THAT. I'M ASKING DO YOU AGREE IT WOULD BE A BAD THING?

I DON'T THINK I CAN AGREE TO A HYPOTHETICAL RIGHT NOW. I WOULD HAVE TO SEE IT IN WRITING. THIS ISN'T WHAT WE'RE PROPOSING SO I DON'T KNOW WHY IT'S BEING DISCUSSED.

McCracken: WELL, IT IS. WE'LL GET TO THAT. YOU CAN'T GIVE ME ANSWER WHETHER YOU THINK IT WOULD BE A BAD THING OR NOT TO HAVE PRIVATE CITIZENS'S E-MAILS PLACED ONLINE FOR THE ENTIRE WORLD TO READ IN REALTIME?

I THINK THAT THE PUBLIC INFORMATION ACT MAKES CERTAIN PRIVATE COMMUNICATIONS PUBLIC INFORMATION. THEY ARE ACCESSIBLE AT THIS POINT UNLESS THEY ARE

DELETED.

McCracken: I'M ASKING A SIMPLE QUESTION. WOULD IT BE A BAD THING OR NOT A BAD THING TO PLACE PRIVATE CITIZENS' E-MAILS ONLINE IN REALTIME?

I CAN'T ANSWER THAT. THAT'S NOT WHAT WE'RE TALKING ABOUT. I'M HERE TO TALK ABOUT THE CITIZEN INITIATED CHARTER AMENDMENT 20,000 AUSTIN VOTERS SIGNED TO PUT THIS ON THE BALLOT AND WE'RE TALKING ABOUT BALLOT LANGUAGE ON THAT PROPOSAL.

McCracken: YOU CAN'T TELL US WHETHER YOU THINK IT WOULD BE A GOOD THING OR NOT?

I DON'T THINK IT'S RELEVANT. I DON'T NEED TO ANSWER A HYPOTHETICAL WHEN WE'RE TALKING ABOUT BLACK AND WHITE LANGUAGE.

Clerk: LET'S TRY THIS. THE PROPOSAL FROM THE ORGANIZATION SAYS THAT -- SAYS ALL PUBLIC INFORMATION WILL -- THE CITY MUST MAKE ALL PUBLIC INFORMATION AVAILABLE ONLINE IN REALTIME. THEN PUBLIC INFORMATION IS DEFINED IN SECTION 4 AND IN SUBSECTION E OF SECTION F IT SAYS E-MAIL OR OTHER WRITTEN ELECTRONIC COMMUNICATIONS TO OR FROM PUBLIC OFFICIAL CONCERNING CITY BUSINESS IS PUBLIC INFORMATION. SO IN OTHER WORDS, ALL PUBLIC INFORMATION HAS TO BE PUT I DON'T KNOW LINE IN REALTIME AND THEN THIS ITEM DEFINES PUBLIC INFORMATION AS ALL E-MAILS OR OTHER ELECTRONIC COMMUNICATIONS TO OR FROM A PUBLIC OFFICIAL WHICH MEANS THE PRIVATE CITIZENS SENDS OR SEES AN E-MAIL FROM A PUBLIC OFFICIAL, PAGE 1 SAYS THIS HAS TO BE PUT ON LINE IN REALTIME. THAT'S WHY WE'RE ACCURATELY PUTTING IN THERE. I'M ASKING YOU AGAIN DO YOU THINK IT'S A GOOD THING OR BAD THING THAT PRIVATE CITIZENS' E-MAILS, CITY HEALTH DEPARTMENT, LIBRARY DEPARTMENT, POLICE DEPARTMENT, YOU THINK IT'S A GOOD THING OR BAD THING TO PUT THOSE ON LINE IN REALTIME?

THE CITY OF AUSTIN CAN'T DO IT CHARTER TO CONTRADICT STATE LAW. THE DEFINITION YOU ARE REFERRING TO

PUBLIC INFORMATION APPLIES TO PUBLIC INFORMATION DEFINITIONS FROM THE GOVERNMENT CODE.

McCracken: ARE YOU STATING -- ARE YOU STATING THE CHARTER INFORMATION -- ITEM BEFORE US CONTAINS DEFINITIONS OF PUBLIC INFORMATION THAT VIOLATES STATE LAW?

NO, I'M NOT.

McCracken: YOU SAID THIS ACTION WOULD SCRIE LATE STATE LAW.

NO.

McCracken: OKAY. THANKS.

Mayor Wynn: IF SOMETHING IS ONLINE, THE WORLD, THE INTERNET GETS TO READ IT EVEN BEFORE I DO OR GET TO READ IT AS I'M READING IT IN REALTIME. BUT THE WAY MAY EXPERIENCE WITH, SAY, OPEN RECORDS REQUEST FOR PUBLIC INFORMATION IS WE GET A REQUEST AND THEN WE GET TO GO THROUGH ALL THE E-MAILS THAT WE'VE GOTTEN FROM DIFFERENT CITIZENS AND PULL OUT THINGS THAT CLEARLY ARE PRIVATE, THAT WE UNDER LAW HAVE THE ABILITY TO PROTECT THAT CITIZEN'S PRIVACY AND THEN NOT TURN IT OVER, BUT IF SOMETHING IS IN REALTIME, AN E-MAIL TO ME FROM SOMEBODY CONCERNING ABOUT HARASSMENT OR ANYTHING, THE INTERNET, THE WORLD SEES IT AT LEAST AS FAST AS I SEE IT AND I NEVER HAD THE CHANCE TO REVIEW AN INFORMATION REQUEST AND THEN PROTECT THAT INFORMATION UNDER STATE AND FEDERAL LAW BECAUSE, YOU KNOW, STATE AND FEDERAL LAW ALLOWS US TO HOLD BACK CERTAIN PRIVACY PIECES OF INFORMATION BEFORE THE WORLD SEES IT, BUT IF IT'S REALTIME THERE'S NOT THAT POTENTIAL CHANCE TO VEE REVIEW, GET AN OPINION, THAT INFORMATION IS KNOWN TO EVERYBODY.

MAYOR, I THINK YOU HAVE ACCURATELY DESCRIBED THE PROBLEM AND I WOULD JUST ADD TO YOUR DESCRIPTION IT APPLIES NOT JUST TO INFORMATION WHERE WE WOULD HAVE AN OPTION OF PROTECTING THE PRIVACY, BUT THE

ONLINE IN REALTIME WOULD EXPOSE THINGS WHERE WE HAVE NO OPTION, IT'S MADE PRIVATE BY LAW.

Mayor Wynn: BUT WE NEVER HAD A CHANCE TO EXERCISE THAT LAWFUL OPPORTUNITY BY THE LAW BECAUSE IN REALTIME IT'S OUT BEFORE -- AS WE'RE EVEN TRYING TO READ IT TO DETERMINE WHAT IT IS.

THAT'S CORRECT.

Mayor Wynn: OKAY. THANK YOU, MR. SMITH. THANK YOU, MS. BAKER. OUR NEXT SPEAKER IS JORDAN -- COUNCILMEMBER LEFFINGWELL.

Leffingwell: JUST A REAL QUICK QUESTION. COULD YOU GIVE ME YOUR DEFINITION OF REALTIME? WHAT DO YOU THINK THAT MEANS.

I THINK IT WOULD BE APPROPRIATE FOR THE COUNCIL TO PASS ORDINANCES DEFINING REALTIME AND THAT WOULD GIVE YOU AN OPPORTUNITY TO CREATE A PROCEDURE THAT WOULD TAG AN E-MAIL USING CERTAIN TERMS OR IDENTIFIERS AND HAVE IT BE REVIEWED AND RELEASED IN REALTIME AS THAT ALL OCCURS. OBVIOUSLY YOU HAVE TO REVIEW CERTAIN INFORMATION FOR VARIOUS PUBLIC INFORMATION EXEMPTION THAT AREN'T CHANGED BY THE STATUTE.

Leffingwell: THAT MAY BE, BUT IT'S THE KING'S ENGLISH. I JUST ASKED YOU WHAT IS YOUR OPINION, IN YOUR OPINION WHAT DOES THAT MEAN?

MY OPINION OF REALTIME WOULD BE A REASONABLE AMOUNT OF TIME THAT WOULD ALLOW E-MAILS TO BE REVIEWED, MAYBE THAT'S A PROGRAMMATIC, A COMPUTER PROGRAM THAT CAN DO THAT. THAT'S MY OPINION IT WOULD -- IT WOULD HAVE TO BE SOME TYPE OF REVIEW OBVIOUSLY OR THAT WOULD BE EXEMPTED UNDER THE PUBLIC INFORMATION ACT THAT YOU DON'T HAVE DISCRETION WHERE IT'S REQUIRED TO BE EXEMPTED AND THOSE WILL HAVE TO BE WITHHELD AND REALTIME WILL HAVE TO INCLUDE THAT PROCEDURE.

Leffingwell: SO A COUPLE OF DAYS OR A WEEK, WOULD THAT BE REALTIME?

I CAN'T SAY.

Leffingwell: OKAY. THANKS.

Mayor Wynn: MS. COLLINS, WOULD YOU MIND APPROACHING THE PODIUM, PLEASE?

ORDINANCE MEANS SOMETHING DIFFERENT FROM WHAT I THINK -- I THINK YOU ARE DESCRIBING, SO --

HELP ME WITH REALTIME TO ME MEANS WHILE IT'S HAPPENING. FOR INSTANCE, THERE MIGHT BE A DAY OR MORE, TWO DAYS FOR ME TO EVEN GO THROUGH MY E-MAIL, BUT IF INFORMATION IS BEING SHARED IN REALTIME, IT'S BEING SHARED AS IT IS HAPPENING, IS THAT JUST AN ACCEPTED DEFINITION OF REALTIME?

IN THE COMPUTER INDUSTRY REALTIME MEANS AS IT'S HAPPENING. AND ONE OF THE EXAMPLES OF AN APPLICATION THAT'S UTILIZED QUITE A BIT IS IN PUBLIC SAFETY, COMPUTER AID DISSMASH. SOME OF OUR STRUGGLES WAS BECAUSE HOW MUCH DEPENDENCY ON REALTIME INFORMATION THAT NEEDS TO GO OUT INSTANTANEOUSLY IN THE FIELD TO OFFERS, E.M.S. AND THE FIRE DEPARTMENT, SHERIFF'S DEPARTMENT. REALTIME MEANS REALTIME. REALTIME IS NOT TWO DAYS, 10 DAYS, 20 DAYS OR TWO OR THREE HOURS LATER. REALTIME IS HOW IT IS ACTUALLY OCCURRING. WE UNDERSTAND THAT THERE'S SOME KIND OF REVIEW PROCESS, BUT YOU JUST CAN'T -- THERE'S NOT SOMETHING IN THE WORLD TODAY THAT CAN READ AN E-MAIL THROUGH A COMPUTER PROGRAM AND COMPREHEND THE E-MAIL FOR CONTENT. SO YOU WON'T BE ABLE TO DO IT REALTIME. OR IF YOU DO IT REALTIME, YOU ARE GOING TO EXPOSE YOURSELF AS THE CITY ATTORNEY WAS INDICATING TO PRIVACY ISSUES BECAUSE YOU WILL BE DEALING WITH HIPPA REQUIREMENTS, MEDICAL PERSONNEL ISSUES OR WHATEVER MAY BE DEEMED PRIVACY UNDER THE OPEN RECORDS ACT.

DEFINE HIPPA.

WHAT IT IS IS IT'S THE UNITED STATES --

Mayor Wynn: HEALTH INFORMATION AND PRIVACY PROTECTION ACT.

YES. THE FEDERAL GOVERNMENT PASSED THAT FOR PRIVACY FOR CITIZENS OF THE UNITED STATES TO PROTECT THEIR MEDICAL HISTORY AND THEIR PRIVACY RIGHTS IN THAT AREA AND IT'S VERY STRICT.

LET'S JUST READ THE DICTIONARY DEAF DEFINITION OF REALTIME. IMMEDIACY OF DATA PROCESSING. COMPUTING THE TIME IN WHICH CERTAIN COMPUTER SYSTEMS PROCESS AND UPDATE DATA AS SOON AS IT IS RECEIVED FROM SOME EXTERNAL SOURCE. FOR EXAMPLE, AIR TRAFFIC CONTROL, ANTI-LOCK BRAKE SYSTEM, ACTUAL TIME OF OCCURRENCE, THE ACTUAL TIME DURING WHICH SOMETHING HAPPENS, REALTIME. THAT'S THE DEFINITION OF REALTIME. IF IREALTIME. >>

IF I MAY, IF REALTIME IS IN THE CHARTER AMENDMENT I THINK IT'S APPROPRIATE TO USE IT IN BALLOT LANGUAGE WHICH IS WHAT WE'RE DISCUSSING RIGHT NOW, NOT THE PROS AND CONS OF WHAT WHAT -- NO ONE CAN CHANGE IT NOW. ALL WE CAN TALK ABOUT IS THE BALLOT LANGUAGE.

Mayor Wynn: THAT'S THE PROBLEM.

McCracken: THAT'S THE PROBLEM.

Mayor Wynn: WE HAVE TO FAIR ACCURATE WAY DESCRIBE WHAT'S IN THE ORDINANCE AND THE ORDINANCE SAYS THIS INFORMATION HAS TO BE SHARED IN REALTIME TO THE UNIVERSE.

THAT'S FINE, IT DOES NEED --

Mayor Wynn: ACCURATE BALLOT LANGUAGE LET'S VOTERS KNOW THEIR INFORMATION WILL BE SHARED IN REALTIME BEFORE WE EVEN HAVE A CHANCE IN THEORY TO TRY TO

PROTECT SOME OF THAT INFORMATION.

IN THE CHARTER AMENDMENT USES THE PHRASE REALTIME. WHAT I DISAGREE WITH IS ALL PRIVATE CITIZENS' E-MAILS TO ANY PUBLIC OFFICIAL BE PLACED ON THE WEBSITE. IT'S NOT ALL PRIVATE COMMUNICATIONS, PRIVATE CITIZENS' E-MAIL. IF I E-MAIL ONE OF YOU ABOUT SOMETHING COMPLETING UNRELATED TO CITY BUSINESS, THAT'S NOT GOING TO GO ON THE WEBSITE. THAT'S NOT PUBLIC INFORMATION.

Mayor Wynn: OF COURSE IT WILL. I WON'T KNOW IT'S NOT ABOUT THE INFORMATION. IT GOES ON THE WEBSITE TO THE UNIVERSE AS IT IS RECEIVED. SO I DON'T HAVE A CHANCE TO PROTECT YOUR PERSONAL E-MAIL TO ME ABOUT SOME -- A WHISTLE BLOWER CONCEPT, AN ACCUSATION OF HARASSMENT BY A CITY EMPLOYEE, I CAN'T PROTECT THAT BECAUSE IN REALTIME IT IS ON THE WEBSITE TO THE UNIVERSE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

Kim: MR. COLLINS, WE DO THINGS IN REALTIME LIKE SPAM FILTERS, BUT WE SEE HOW THEY FAIL ALL THE TIME, WE GET SPAM. AND THIS IS GOING TO BE A PROBLEM FOR OUR CITIZENS IF THEY ARE GIVING US DATA THAT IS -- OR INFORMATION THAT IS CONFIDENTIAL, MEDICAL INFORMATION TO CITY EMPLOYEES SUCH AS -- THERE ARE FEDERAL PENALTIES FOR VIOLATING THE HIPPA ACT AND THE CITY WOULD BE VULNERABLE TO FINANCIAL AND LEGAL RISK. SO CAN YOU TELL ME MORE THINGS ABOUT THINGS WE HAVE IN REALTIME OR WHAT IS THE EXTENT OF HOW EFFECT THIF THEY ARE AND HOW THEY AREN'T? AND I JUST MENTIONED SPAM FILTERS AS AN EXAMPLE.

COUNCILMEMBER, VERY GOOD POINT. IT'S THE ONGOING MAINTENANCE THAT KEEP THESE SYSTEMS CURRENT, WHAT YOU'RE ACTUALLY TRYING TO PROTECT AGAINST, JUST LIKE THE SPAM SYSTEM OR A VIRUS SYSTEM, IT'S A MOVING TARGET. THERE'S A WHOLE TEAM DEADED TO PRESERVING THE CITY AS FAR AS WITH SECURITY PATCHES OR NEW VIRUS PATTERNS OR NEW SPAM TECHNIQUES FOR COMING INTO THE CITY. IT'S A MOVING TARGET. IT WILL TAKE STAFF TO MAINTAIN, JUST LIKE I'M DOING NOW AND SECURITY. I

WOULD HAVE TO HAVE A CONTENT MANAGEMENT TEAM THAT WOULD SOMEHOW MANAGE ALL THE E-MAIL. AND, FOR EXAMPLE, JUST FOR COUNCIL, THE MAYOR'S OFFICE, COUNCILMEMBERS, MAYOR PRO TEM AND CITY MANAGEMENT DOWN TO THE ASSISTANT DIRECTOR LEVEL, JUST TO THROW A LITTLE VOLUME OUT, JUST EXTERNAL E-MAIL AND INCOMING E-MAIL IS ABOUT 100,000 A MONTH. THAT DOESN'T COUNT INTERNAL E-MAIL GOING BACK AND FORTH MAYBE TO THE HEALTH DEPARTMENT OR MAYBE TO HUMAN RESOURCES, SO THAT NUMBER COULD GET A LOT HIGHER. AS FAR AS YOUR TELEPHONE LOGS, IT'S PROBABLY ABOUT 26 CALLS A MONTH ALONE THAT WOULD HAVE TO BE LOGGED AND NOTED. BUT AS FAR AS WITH THE REALTIME, THE OTHER APPLICATIONS, WE ACTUALLY HAVE, OUR COUNTER SYSTEM IS REALTIME. WHEN WE DO CERTAIN TASKS IN THAT, IT IS AVAILABLE FOR OTHER FOLKS TO SEE. BUT AGAIN, IT ALL DEPENDS ON OUR NETWORK, THE BANDWIDTH, HOW WELL OUR FIRE WALLS ARE WORKING IN SOME CASES, THE ROUTERS. IT'S A COMPLETE PACKAGE TO PROVIDE REALTIME. THE QUOTE HERE OR THE ESTIMATE -- AND IT IS AN ESTIMATE. WITHIN THAT ESTIMATE, WHAT DRIVES COST TREMENDOUSLY IS REALTIME. YOU PAY A PRICE FOR REALTIME. IT'S A PREMIUM. BUT ALSO IN THIS THAT THERE IS -- WE UNDERSTAND THAT THERE IS NO WAY TODAY THAT I COULD PROVIDE AN APPLICATION THAT CAN READ AN E-MAIL AND MAKE THAT JUDGMENT CALL THAT I'M NOT GOING TO VIOLATE ANYBODY'S PRIVACY. SO THAT'S THERE'S WHY THERE'S ALSO A STAFF FIGURE IN THE ESTIMATE TO FIGURE OUT WHO IS GOING TO DO THAT WORK TO START FILTERING CONTENT BEFORE OR SOMEHOW IS IN REALTIME GET TO THE WEB TO WHERE SOMEBODY CAN ACCESS IT. SO IT'S A VERY CHALLENGING PART TO DO. AND THE BIGGEST MISSING FACTOR FOR US IS THERE'S NO PROGRAM -- NO ARTIFICIAL INTELLIGENCE IS GOING TO COMPREHEND THAT.

PETER, ARE YOU AWARE OF A CITY ANYWHERE IN THE COUNTRY WHO IS ABLE TO DO WHAT'S DESCRIBED HERE?

NO. AND I LOOKED. I LOOKED EVEN OUTSIDE THE COUNTRY OF OUR SIZE. THERE'S NO ONE THAT'S UNDERTAKEN THIS. AND THIS IS WHAT WE'VE BEEN DOING FOR A NUMBER OF YEARS IS ORGANICALLY MOVING TO THINGS OF VALUE THAT

PEOPLE REQUEST QUITE A BIT. FOR EXAMPLE, CITY COURT RECORDS WILL BE IN A MONTH, SIX WEEKS, ONLINE, ALL THE RECORDS OF THE CITY COURT WILL BE ABLE TO BE SEARCHED BY KEY WORD AND BE ACCESSIBLE. VITAL RECORDS. WE HAVE OUR GIS'S UP ON THE WEB. WE HAVE MOVING IN THE DIRECTION WITH OUR 311 SYSTEM, OUR NEW PERMITTING SYSTEM AT THE LATTER PART OF THE YEAR. WE'RE LOOKING FOR THAT AND WE'VE BEEN REAPING THAT. THAT'S BEEN A DIRECTION FROM TOBY TO ME AND ALSO FROM COUNCIL TO EASE OF GOVERNMENT. SO THE REALTIME ISSUE DOES DRIVE COST. SCOPE DRIVES COST. SO I'VE BEEN KNOWN TO SAY RECENTLY IN THE LAST COUPLE OF YEARS IS THAT WE COULD DO REALLY ANYTHING TECHNOLOGY WISE AND IT'S NOT A TECHNICAL ISSUE, IT'S REALLY MORE OF A CULTURAL AND PEOPLE CHANGE. BUT IN THIS CASE THERE IS A TECHNICAL ISSUE TO OVERCOME AND IT IS A PEOPLE ISSUE BECAUSE IT WILL TAKE A LOT OF STAFF TO LOOK THROUGH CONTENT BECAUSE I CAN'T INTERPRET CONTENT. AND THAT DOESN'T EVEN FILL IN ALL THE MAIL THAT'S COMING IN. THAT HAS TO BE SCANNED, OCR, AND I DON'T WANT TO INSULT OCR, BUT IT MAKES MISTAKES, BUT SOMEBODY WILL HAVE TO LOOK AT THAT TO UNDERSTAND WHAT DOES IT MEAN, WHERE DOES IT GO AND MAKE THAT JUDGMENT CALL, AND WHERE IS THAT GOING TO BE DONE. SO THAT'S WHERE THERE'S A STAFFING COST IN HERE TOO.

Kim: I HAVE ONE OTHER QUESTION ABOUT THE SCOPE. THERE'S A LOT OF DATA THAT NOT JUST E-MAILS, BUT DOCUMENTS THAT WOULD HAVE TO BE AVAILABLE ONLINE. TELL ME ABOUT HOW MUCH STORAGE, HOW MUCH WOULD THAT COST TO HAVE THAT ACCESSIBLE 24/7 FOR CITIZENS, ESPECIALLY IF IT'S A DYNAMIC ENVIRONMENT, WE HAVE DIFFERENT COMPUTER APPLICATIONS HAVING TO COMMUNICATE WITH ONE ANOTHER THAT ARE NOT WEB-BASED RIGHT NOW, AND ABOUT INTEGRATING OF ALL OF THOSE APPLICATIONS TO HAVE THEM ONLINE IN REALTIME.

COUNCILMEMBER, IF I COULD JUST READ THE SUMMARY TO THE ESTIMATE BECAUSE THAT WAS THE METHODOLOGY WHEN I FIRST WAS READING, AND THE SCOPE WAS DEFINED -- IT VERY BROAD. I DID RECOGNIZE ATTEMPTS IN THE CHARTER AMENDMENT TO NARROW SCOPE, BUT THIN IT

JUST -- THE INTERPRETATION IS EVERYTHING I HAVE, EVERYTHING THAT'S IN THE CITY. WE HAVE A NUMBER OF DATABASE SYSTEMS, WHICH IS OKAY. IN THE DIFFERENT TYPES OF BUSINESS, WE'RE RUNNING A MAJOR COMPANY HERE WITH ALL TYPES OF DIFFERENT OPERATIONAL FUNCTIONS THAT GENERATES TONS OF DATA EVERYDAY. SO I WAS TRYING TO BREAK IT DOWN TO WHAT TYPES OF DATA SOURCES THAT I CAN REALLY IDENTIFY, AND IN OUR LAND DEVELOPMENT, OUR FINANCIAL SYSTEM, OUR 331 DOCUMENT MANAGEMENT, LICENSING FEES, CUSTOMIZATION, IT'S ABOUT 5.9 MILLION, IN THAT AREA. ALSO HARDWARE RUNS ABOUT 7. IT'S THE MASS VALUES, WE'RE TALKING TETRA BITES. AND IT'S ALSO BEING HELD ON TO FOR AT LEAST 10 YEARS IN SOME CASES TO WHERE SOME INFORMATION WOULD HAVE BEEN ARCHIVED OFF AND IT'S NOT GOING TO BE ONLINE. AND SOME OF IT IS IN PERPETUITY.

AND PETE, I THOUGHT THAT WAS IMPORTANT, THE CITY MUST PRESERVE IN PERPETUITY IN THIS ONE SECTION ALL REPORTINGS AND MINUTES OF CITY COUNCIL BOARD AND COMMISSION MEETINGS AND ALL THE DOCUMENTS REVIEWED AT THOSE MEETINGS AND THEY GO ON AND IT TALKS ABOUT VIDEO AND AUDIO, IN PERPETUITY.

YES. SO I LOOKED AT CONSULTANT SERVICES, SERVICE ORIENTED, ARCHITECTURE, DATA WAREHOUSING APPLICATION, AND THAT'S ROUGHLY A NINE-MILLION-DOLLAR FIGURE BECAUSE WE HAVE COMMERCIAL OFF THE SHELF APPLICATIONS WITH SOME MODIFICATIONS FOR THE WAY WE DO BUSINESS, BUT I'M GOING TO BE DEPENDENT ON VENDORS TO BE MAKING CHANGES TO THEIR APPLICATIONS THAT MAY HAVE NO INTEREST IN MAKING CHANGES FOR THEIR APPLICATION AND THEY'RE GOING TO CHARGE US TREMENDOUSLY FOR THAT FEE. AND I'M ON THEIR TIME LINE. REFERENCE THE TIME LINES IN THE CHARTER AMENDMENT, I CAN'T MEET THOSE. I'M JUST GOING TO TELL YOU TODAY, SIX MONTHS OR A YEAR WE HAVE TOO MANY RESOURCES DEPLOYING, MAJOR SYSTEMS THIS YEAR, AND IT WOULD BE QUITE DIFFICULT TO UNDERTAKE THIS. AS FAR AS THIS ESTIMATE, THE CHARTER AMENDMENT WERE TO PASS, THEN YOU WOULD BE AT LEAST A YEAR TO DEFINE THE REQUIREMENTS CLEARLY AND THEN GET AN RFP OUT

TO BID IT OUT AND SEE WHAT IT WOULD ACTUALLY COST THE CITY. I FEEL THAT WE'RE CLOSE TO IT. IT COULD BE HIGHER AND IT COULD BE LOWER, BUT IT NOT GOING TO BE SUBSTANTIAL. SO I FEEL GOOD ABOUT THE 36 MILLION.

Dunkerley: ONE MORE QUESTION. I'VE HAD SOME COMMENTS ABOUT THE NUMBER BEING WAY TOO HIGH AND I WENT AND LOOKED AT THE DETAIL BACKUP FOR BOTH THE HARDWARE AND SOFTWARE NUMBERS AND ALSO THE IMPLEMENTATION NUMBERS. I BELIEVE THAT YOU HAD AN OUTSIDE CONSULTANT, AT LEAST ONE IF NOT MORE, COME IN AND CHECK THOSE FIGURES, AND FROM THE REPORT THAT I GOT FROM THE CONSULTANT AS WELL AS FROM HUGHES, I'M REALLY SURE THE HARDWARE AND SOFTWARE NUMBERS, AT LEAST BRINGING THIS SYSTEM ONLINE, ARE PRETTY MUCH ON TARGET. AND I KNOW THAT I'VE WORKED AT THE CITY A LONG TIME AND I'VE BROUGHT UP LOTS OF DIFFERENT KINDS OF SYSTEMS. MY GUESS IS THAT YOUR IMPLEMENTATION NUMBERS ARE TOO LOW. IT ALWAYS TAKES A LOT LONGER AND IT ALWAYS COSTS A LOT MORE. AND -- BUT I'M NOT GOING TO QUESTION IT. IT'S BIG ENOUGH LIKE IT IS. I'M NOT GOING TO CHALLENGE THAT AT ALL. BUT YOU MIGHT WANT TO TALK ABOUT IT.

SOMETHING OF THIS IMPORTANCE, I DON'T CLAIM I KNOW EVERYTHING IN THE WORLD AND I'M SMART ENOUGH TO KNOW MY LIMITATIONS, BUT I'M ALSO SMART ENOUGH TO SEE HOW THIS WOULD IMPACT THE CITY OF AUSTIN FOR COST. DEVELOPING A METHODOLOGY TO GO AHEAD AND SAY HOW DO I ASSESS THIS CHARTER AMENDMENT WITH THE SCOPE AS EVERYTHING IN THE CITY'S PUBLIC INFORMATION, HOW AM I GOING TO PUT THAT ONLINE AND MAKE IT ACCESSIBLE REALTIME. I FOLLOWED A METHODOLOGY TO DEFINE OR TO DISCOVER EVERYTHING THAT WOULD BE BASICALLY TOUCHED, NETWORKING, THE SERVERS, STORAGE, APPLICATIONS, AND THEN WE WORKED THROUGH THAT TO DETERMINE COST, INCREASE IN LICENSES, AND THEN BE ABLE -- I'LL ADMIT IT. THE SOFTEST NUMBER, WHICH IS DIFFICULT, IS THE STAFFING. AND THE STAFFING WE CAME UP WITH A PROCESS TO LOOK AT STAFF AND IT'S ABOUT \$6 MILLION A YEAR FOR INCREASED STAFF. SO I TOOK THAT REPORT AND THEN I GOT A CONSULTANT AND BASICALLY I SAID HERE IS THE AMENDMENT, HERE IS

MY REPORT, TELL ME WHAT YOU THINK ABOUT IT. AND TELL ME AS I KNOW AS A CHECK FROM ME. IT CAME BACK AND FELT THAT IN SOME AREAS I WAS HIGH AND IN SOME AREAS I WAS LOW. NOT VERY MUCH SO, BUT I WAS DEFINITELY IN THE BALLPARK, AND THE METHODOLOGY THAT I USED TO ESTIMATE THIS WAS SOUND. I'LL BOW TO YOU, COUNCILMEMBER DUNKERLEY, THAT YOU FEEL THAT IT'S HIGHER, BUT YOU ARE DEFINITELY RIGHT. I WAS AT U.T. LAST NIGHT AT A GRAD CLASS TALKING TO THEM ABOUT CIO, AND THE CIO FROM U.T. WAS THERE. A 10 BILLION-DOLLAR PROJECT FOR HARVARD WHERE HE WAS BEFORE -- A COUPLE OF YEARS AGO TO PUT EVERYTHING OUT AND THEIR ACCOUNTING SYSTEM FOR REALTIME ENTRY TURNED FROM \$10 MILLION TO 65-MILLION-DOLLAR PROJECT IN ABOUT FOUR YEARS -- THREE YEARS, RIGHT BEFORE YTK. AND IT WAS NEVER COMPLETED 100%. AND YOU'RE RIGHT, COUNCILMEMBER DUNKERLEY, ALL SOFTWARE PROJECTS ARE HIGH RISK. TIME LINES MOVE OUT, COSTS YES, SIR. THEY'RE VERY, VERY DIFFICULT TO MANAGE AND DELIVER. SO --

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I HAVE A QUESTION FOR MS. BAKER. WE'VE HEARD FROM FROM OUR CHIEF TECHNOLOGY OFFICER AND ALSO THE INFORMATION STUDIES FROM TECHNOLOGY CONSULTING FIRMS. CAN YOU TELL US A LITTLE BIT ABOUT YOUR BACKGROUND IN INFORMATION TECHNOLOGY AND COMPUTER INDUSTRY?

IF I MAY, THERE'S OTHER SPEAKERS THAT HAVE DONE MORE RESEARCH ON THE COST ASPECT AND HAVE SPOKEN WITH CONSULTANTS, AND IF I MAY DEFER TO THEM.

McCracken: SO YOU PERSONALLY DON'T HAVE -- YOU CAME UP AND STATED THAT THE 36-MILLION-DOLLAR FIGURE WAS TOO HIGH, SO WHAT I'M GATHERING IS YOU HAVE NO PERSONAL INFORMATION OR PERSONAL BACKGROUND THAT WOULD ALLOW YOU TO SAY WHETHER THAT'S TRUE OR NOT?

I BELIEVE WHAT I STATED IS THAT THERE'S DIFFERING ESTIMATIONS AS TO HOW ACCURATE THAT NUMBER IS. AND I

WOULD LIKE TO DEFER TO PEOPLE WHO HAVE RESEARCHED THAT MORE THAN I. I PERSONALLY DO NOT HAVE EXPERIENCE IN THIS AREA.

McCracken: OKAY. THANK YOU.

Mayor Wynn: THANK YOU, MS. BAKER.

Mayor Wynn: THE NEXT SPEAKER IS JORDAN HATCHER. HE SIGNED UP WISHING TO SPEAK. TO BE FOLLOWED BY JEFF JACK, TO BE FOLLOWED BY COLIN CLARK. WELCOME, COLIN. FOR THE RECORD, JEFF JACK SIGNED UP WANTING TO SPEAK, AGAINST. LORRAINE ATHERTON SIGNED UP FOR, BOBBY RIG BY SIGNED UP FOR. JORDAN HATCHER SIGNED UP NEUTRAL. COLIN, WELCOME, YOU WILL BE FOLLOWED BY BRAD ROCKWELL.

GOOD EVENING. COLIN CLARK WITH SAVE OUR SPRINGS. WE'RE NOT ASKING YOU TO PLACE BALLOT LANGUAGE FOR THE CITIZEN INITIATED OPEN GOVERNMENT ONLINE CHARTER AMENDMENT THAT READS, SHALL THE VOTERS OF AUSTIN DECIDE TO AMEND OUR CHARTTORY REFORM OUR CITY GOVERNMENT TO END THE DISPROPORTIONATE INFLUENCE THAT HIGH PAID LOBBYISTS AND INSIDERS HAVE OVER OUR CITY. THAT MIGHT BE THE OPPOSITE EQUIVALENT OF WHAT YOU'RE PROPOSING. WE'RE NOT ASKING YOU TO DO THAT. WE'RE ASKING YOU TO BE FAIR. BE ACCURATE AND BE NEUTRAL. WHAT YOU APPROVE REGARDING THE BALLOT LANGUAGE FOR THE SAVE OUR SPRINGS CHARTER AMENDMENT WAS PRETTY DISGRACEFUL AND DISRESPECTFUL TO THE CITIZENS WHO SIGNED THAT PETITION TO PUT IT ON THE BALLOT, AND WHAT YOU HAVE BEFORE YOU I THINK IS ACTUALLY EVIDENCE OF WHY WE NEED THIS CHARTER AMENDMENT. YOU'RE GOING TO VOTE ON SOMETHING THAT I THINK EXACTLY ONE MEMBER OF THE PUBLIC HAS SEEN IN WRITING, MY COLLEAGUE WHO WAS UP HERE BEFORE YOU. IN TODAY'S ISSUE OF THE CHRONICLE ON PAGE 19 THERE'S A NOTICE OF A HAPPENING CALLED AUSTIN PUBLIC LIBRARY AND TEXAS FORUMS HAVE BEEN HOSTING PUBLIC (INDISCERNIBLE) ON DEMOCRACIES CHALLENGE, RECLAIMING THE PUBLIC'S ROLE, A DISCUSSION ON WHY CITIZENS INCREASINGLY PREFER TO BE SPECTATORS OF THE POLITICAL PROCESS RATHER THAN

GET INVOLVED. WHY CITIZENS INCREASINGLY PREFER TO BE SPECTATORS OF THE POLITICAL PROCESS RATHER THAN GET INVOLVED. AND I THINK TODAY IS A PERFECT EXAMPLE OF THAT. CITIZENS ARE SHUT OUT. SHUT OUT OF THE DECISION-MAKING PROCESS. WE COME DOWN HERE AND SPEAK FOR THREE MINUTES AND I HONESTLY FEEL AT TIMES LIKE I'M CHARLIE BROWN'S TEACHER AND THAT WHAT YOU'RE HEARING FROM ME IS WA, WA, WA, WA. IT FEELS MEANINGLESS TO SPEND A WHOLE DOWN HERE TO SPEAK WITH YOU FOR THREE MINUTES WHEN IT WILL HAVE USUALLY ZERO IMPACT. AND I SAY THAT FOR MYSELF, BUT I ALSO HEAR THAT FROM OTHER CITIZENS ON DIFFERENT ISSUES WHO DO TRY TO PARTICIPATE. SO AGAIN, WE ARE ASKING YOU TO JUST BE FAIR. REGARDING COSTS, I THINK THAT THIS BUILDING WAS \$25 MILLION OVER BUDGET, SO IF THIS BUILDING HAD BEEN BUILT ON BUDGET, OH, WOW, WE SURE COULD PAY TO PUT SOME INFORMATION ON THE INTERNET PRETTY EASILY. SO I THOUGHT THAT WAS KIND OF INTERESTING TO THINK. SO PLEASE BE FAIR, BE HONEST. THE LANGUAGE THAT'S PROPOSED IS NEITHER FAIR NOR HONEST. SO FOR WHATEVER THAT'S WORTH, MY TIME IS UP.

McCracken: MR. CLARK, YOU MENTIONED A MEETING IN THE LIBRARY, I THINK, IS THAT RIGHT?

AT THE YARBOROUGH BRANCH. MARCH 16TH. AND AT THE HOUSEN BRANCH MARCH 29TH.

McCracken: DID YOU KNOW THAT UNDER THE S.O.S. ONLINE GOVERNMENT PROVISION THAT IF THE HEAD OF THE LIBRARY DEPARTMENT ATTENDS SHE WOULD BE REQUIRED TO LIST THE NAME OF EVERY SINGLE PERSON WHO ATTENDED THAT MEETING AND POST IT ONLINE ON THE CITY WEBSITE AND POST THE SUBJECT MATTER OF THAT MEETING. DO YOU THINK THAT'S A GOOD THING?

I'M NOT AWARE THAT THAT IS THE CASE.

McCracken: I'LL READ TO YOU YOUR OWN PROVISION THAT YOU HAVE PUT BEFORE THE VOTERS TO REFRESH YOUR RECOLLECTION OF WHAT YOU'RE ASKING THE VOTERS TO APPROVE. IT SAYS THE FOLLOWING PEOPLE MUST MAINTAIN CALENDARS OF ALL MEETINGS AND MAINTAIN LOGS OF ALL

TELEPHONE CALLS. AND IT SAYS COUNCILMEMBERS AND STAFF, CITY MANAGER AND STAFF, ASSISTANT CITY MANAGER STAFF AND ALL DEPARTMENT HEADS, ONE OF WHOM IS THE HEAD OF THE LIBRARY DEPARTMENT. AND THEN IT SAYS THAT MEETINGS -- THESE LOGS MUST CONTAIN THE TIME, DATE, SUBJECT MATTER AND PERSONS INVOLVED IN ALL MEETINGS AND TELEPHONE CALLS INVOLVING CITY BUSINESS. AND THEN CALENDARS AND LOGS MUST BE POSTED ONLINE IN REALTIME AND MEETINGS INCLUDE ALL INFORMAL MEETINGS.

ABOUT CITY BUSINESS.

McCracken: SO WE HAVE A MEETING AT A PUBLIC LIBRARY TO DISCUSS WHY PEOPLE DON'T GET INVOLVED IN CIVIC AFFAIRS IN CITY GOVERNMENT, SO IT ALSO, TO YOUR OWN AMENDMENT, IT ALSO SAYS THAT THIS OPEN GOVERNMENT LAW MUST BE LIBERALLY CONSTRUED TO FAVOR OPENNESS. I GUESS THE QUESTION IS IS IT OPEN OR IS IT BIG PRO FOR THE GOVERNMENT TO HAVE THE DEPARTMENT HEADS DISCUSS THE MEETINGS AND WHO HAS ATTENDED. IS THAT THE KIND OF CITY YOU WANT TO LIVE IN?

I WOULD LIKE TO LIVE IN A CITY THAT HAS MORE OPEN GOVERNMENT. I DO NOT BELIEVE THAT I LIVE IN THAT CITY RIGHT NOW. I BELIEVE THAT I LIVE IN A CITY WHERE THERE'S A CULTURE OF SECRECY AND WHERE INSIDERS MAKE DEALS AT HAPPY HOUR WHERE THERE'S NO PUBLIC RECORD. I DO NOT THINK THIS IS BIG BROTHER IF THAT'S THE ANSWER TO YOUR QUESTION.

McCracken: DO YOU BELIEVE IT'S OPEN GOVERNMENT FOR THE HEAD OF THE LIBRARY TO BE REQUIRED TO REPORT ON ANY INFORMAL MEETING SHE HAS WITH FOLKS AT A LIBRARY AND THE SUBJECT MATTER OF WHAT THEY TALKED ABOUT?

IF IT'S ABOUT CITY BUSINESS.

McCracken: WHAT IF IT'S ABOUT WHAT BOOK THEY CHECKED OUT?

THAT'S NOT CITY BUSINESS.

McCracken: THAT'S HER BUSINESS AT THE CITY IS PEOPLE CHECKING OUT BOOKS AT THE LIBRARY.

I THINK YOU'RE ATTEMPTING TO CON TRUE THIS IN A BIG BROTHER WAY.

McCracken: I DON'T HAVE TO CONSTRUE IT.

YOU CAN DISAGREE ON THE AMENDMENT, THE MERITS OF IT. THIS ITEM BEFORE YOU IS TO SET THE BALLOT LANGUAGE. ALL WE'RE ASKING YOU IS TO BE FAIR, BE HONEST. YOU CAN CAMPAIGN AGAINST IT ALL YOU WANT, BUT THE BALLOT LANGUAGE IS NOT THE RIGHT PLACE TO CAMPAIGN AND TO SCARE VOTERS.

Mayor Wynn: THANK YOU, MR. CLARK. I SAW JEFF JACK ENTER THE ROOM. WE CALLED YOUR NAME EARLIER. YOU'RE WELCOME TO COME ADDRESS US. SIGNED UP WISHING TO SPEAK, AGAINST. LORRAINE ATHERTON, IS SHE STILL HERE OR BOBBY RIGBY HAD OFFERED TO GIVE YOU TIME. JEFF, YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED T YOU WILL BE FOLLOWED BY BRAD ROCKWELL, WHO WILL BE FOLLOWED BY SCOTT HENSON.

MAYOR, I'M JEFF JACK. I WANTED TO NOTE TO YOU THAT BILL BUNCH WAS WITH ME AND HE'S JUST COME INTO THE ROOM TOO. I THINK YOU'VE HEARD IS ALL BEFORE. BEFORE YOU TONIGHT IS AN ISSUE WITH REGARD TO CREATING BALLOT LANGUAGE THAT ACCURATELY REFLECTS THE CHARTER AMENDMENT THAT HAS BEEN PROPOSED BY SOME 20,000 FOLKS WHO HAVE SIGNED THE PETITIONS TO PUT IT ON THE BALLOT. AND THE QUESTION IS WHETHER OR NOT THE LANGUAGE THAT YOU HAVE PROPOSED IS IN FACT REPRESENTATIVE OF WHAT THE AMENDMENT SAYS OR DOES IT STEP BEYOND THE LINE AND BECOME ACTUALLY POLITICKING TO SUPPORT A NEGATIVE ASSESSMENT OF THE PROPOSAL. I HEARD EARLIER WHEN WE WERE TALKING ABOUT THE S.O.S. PART OF THIS ABOUT NAMING THINGS AND DOING JUST THE OPPOSITE. I THINK SOMETIMES WE ALSO PUT LABELS ON THINGS SO THAT WE AVOID ACKNOWLEDGING EXACTLY WHAT THEY ARE. THIS CHARTER AMENDMENT IS INTENDED TO GIVE THE PUBLIC AND THE CITIZENS OF AUSTIN ACCESS TO THE INFORMATION THEY

NEED TO BE ABLE TO PARTICIPATE IN OUR GOVERNMENTAL PROCESS. WE CAN TALK ABOUT ALL OF THE LITTLE PROBLEMS THAT YOU COULD POSSIBLY IMAGINE AS REASONS THAT THIS IS BAD. AND YOU CAN LIST THEM AND YOU CAN PUT A DOLLAR ITEM ON THEM AND IT WILL GO ON FOREVER. BUT WHY ARE WE HERE TODAY? BECAUSE WE HAVE A PROBLEM AND WE HAVEN'T HAD THE LEADERSHIP TO SOLVE THE PROBLEM. AND THE COMMUNITY HAS TAKEN THE INITIATIVE TO PUT SOMETHING FORWARD TO SOLVE THE PROBLEM. I THINK YOU OWE IT TO THOSE PEOPLE WHO HAVE INVESTED TIME AND ENERGY TO PUT A BALLOT LANGUAGE BEFORE THE VOTERS, THAT VOTERS THAT IS NEUTRAL AND FAIR, NOT ONE THAT IS DESIGNED TO WARD OFF A POSITIVE VOTE. AS I MENTIONED EARLIER, THE ZILKER NEIGHBORHOOD ASSOCIATION HAS REVIEWED THE CHARTER AMENDMENTS. WE UNDERSTAND THEY'RE NOT PERFECT. WE ALSO UNDERSTAND THAT THAT'S WHY YOU HAVE OTHER MECHANISMS THAT ANY LEGISLATION HAS WITH REGARD TO REFINING DETAILS, COMING UP WITH DEFINITIONS, DEALING WITH NOMENCLATURE AS A PROCESS INVOLVES. THAT IS NOT A REASON TO STICK ON TO THESE CHARTER AMENDMENTS LANGUAGE ON THE BALLOT. IT DOESN'T REPRESENT THE AMENDMENT AND GOES SO FAR AS TO TRY TO PERSUADE THE VOTERS TO VOTE AGAINST IT. SO I'M ASKING YOU, OUR NEIGHBORHOOD ASSOCIATION HAS VOTED TO SUPPORT THESE. AND YOU MAY DECIDE TO VOTE AGAINST THEM INDIVIDUALLY. BUT PLEASE VOTE TO HAVE AT LEAST A FAIR BALLOT LANGUAGE. THANK YOU.

Mayor Wynn: THANK YOU, MR. JACK. SO BILL BUNCH APPARENTLY GOT HERE. BILL, I CALLED YOUR NAME EARLIER. YOU'RE WELCOME TO COME APPROACH THE PODIUM. AND YOU WILL BE FOLLOWED BY BRAD ROCKWELL AND/OR SCOTT HENSON.

THANK YOU, MAYOR. SINCE I MISSED THE EARLIER DISCUSSION, I HOPE I'M NOT REPETITIVE. THE DRAFT LANGUAGE THAT YOU HAVE PUT OUT FOR CONSIDERATION AND ADOPTION IS FALSE AS TO WHAT THE AMENDMENT WOULD DO. IT SPECIFICALLY SAYS THAT YOU WOULD BE DISCLOSING PERSONAL CORRESPONDENCE. THROUGHOUT THE AMENDMENT IT IS CRYSTAL CLEAR THAT THIS ONLY DEALS WITH CITY BUSINESS. ABSOLUTELY NO PERSONAL

BUSINESS WHATSOEVER, INCLUDING CHECKING -- WHO'S CHECKING OUT WHAT BOOKS, WHO'S MEETING WITH WHOM IF IT HAS NOTHING TO DO WITH CITY BUSINESS. NONE OF THAT EVER GETS RECORDED ANYWHERE OR DISCLOSED. SO USING THAT WORD PERSONAL CORRESPONDENCE IS FALSE. THE LAST SENTENCE IS ALSO FALSE. YOU SAY IT REQUIRES THAT COMPANIES SEEKING TO DO BUSINESS WITH THE CITY WAIVE THEIR RIGHT TO PROTECT PROPRIETARY BUSINESS INFORMATION SUBMITTED TO THE CITY. THE ONLY REQUIREMENT FOR WAIVING ANY SORT OF CLAIMS OF SECRECY OR PROPRIETARY INFORMATION IS IF YOU'RE SEEKING BIG TAX ABATEMENTS. THE PUBLIC HAS A RIGHT TO SEE THE SAME INFORMATION THAT YOU SEE ON TAX GIVEAWAYS, BUT EVERYBODY ELSE YOU'RE DOING BUSINESS WITH HAS NO OBLIGATION WHATSOEVER AND YOU HAVE NO OBLIGATION WHATSOEVER TO DISCLOSE PROPRIETARY INFORMATION OTHER THAN IN THAT ONE NARROW CONTEXT WHERE YOU'RE GIVING AWAY MILLIONS AND TENS OF MILLIONS OF TAX DOLLARS OVER LONG PERIODS OF TIME. THE PUBLIC INFORMATION ACCESS TO E-MAIL, WE ARE REQUIRING THAT TO BE ARCHIVED. THAT'S WHAT THIS DOES. YOU KNOW A BUNCH OF YOU ARE HIDING CITY BUSINESS ON PRIVATE E-MAIL ACCOUNTS AND REFUSING TO DISCLOSE THAT EVEN THOUGH THAT IS PUBLIC INFORMATION. THAT'S ONE ELEMENT OF THE RAMPANT SECRECY AT CITY HALL THAT DISPARAGES PUBLIC PARTICIPATION, THAT TREATS EVERYBODY WHO'S NOT AN INSIDER LOBBYIST, AS SECOND CLASS CITIZENS, AND WE WANT TO FUNNEL THAT INFORMATION INTO A PUBLIC ARCHIVING SYSTEM SO THAT IT'S THERE TO BE DISCLOSED. IT DOES NOT HAVE TO GO UP ON THE INTERNET AS SOME HAVE CLAIMED. NOT IMMEDIATELY. THAT'S PART OF THE -- THE LONG-TERM GOAL DOES CALL FOR HAVING EVERYTHING BEING AVAILABLE ONLINE, BUT THAT IS NOT MANDATORY. IT'S VERY CRYSTAL CLEAR THAT THE OVERALL MANDATE IS TO THE GREATEST EXTENT PRACTICAL. PRACTICAL MEANS AFFORDABLE. THE VERY NEXT SENTENCE TALKS ABOUT EFFICIENCY. YOU KNOW THAT THE BUSINESS WORLD IS RACING TO PUT INFORMATION ON THE INTERNET TO DO THEIR BUSINESS ON THE INTERNET BECAUSE IT SAVES MILLIONS AND MILLIONS OF DOLLARS, AND IT WILL SAVE THIS CITY MILLIONS AND MILLIONS OF DOLLARS. AND TO BE

MISREPRESENTING THESE ENORMOUS COST FIGURES IS SIMPLY DISHONEST, AND I THINK THE PEOPLE IN THIS COMMUNITY ARE SMART ENOUGH TO KNOW, THEY DO ENOUGH BUSINESS ONLINE TO KNOW AND UNDERSTAND THAT WE'RE GOING TO SAVE THE CITY OBSCENE AMOUNTS OF MONEY AND WE'RE GOING TO GIVE THE PUBLIC A PASSWORD, AND THAT THAT COSTS NOTHING TO GIVE US A PASSWORD INSTEAD OF KEEPING ALL OF THAT ELECTRONIC INFORMATION LOCKED UP INSIDE CITY HALL.

Mayor Wynn: THANK YOU, MR. BUNCH. BRAD ROCKWELL, TO BE FOLLOWED BY SCOTT HENSON, TO BE FOLLOWED BY KIRK BECKER. WELCOME. YOU WILL HAVE THREE MINUTES.

[INAUDIBLE - NO MIC].

Mayor Wynn: QUESTIONS OF MR. BUNCH? THANK YOU, BILL. WELCOME, MR. HENSON. YOU WILL HAVE THREE MINUTES.

THANK YOU. MY NAME IS SCOTT HENSON, HERE ON BEHALF OF ACLU OF TEXAS. I WANT TO MENTION FIRST OF ALL THIS IS THE FIRST TIME I'VE EVER USED THE KIOSK TO REGISTER TO SPEAK HERE. I THINK IT'S A GREAT IDEA BECAUSE IT DECREASES THE AMOUNT OF PAPERWORK THAT WE HAVE AND IT SAVES MONEY AND REDUCES THE AMOUNT OF STAFF TIME AND I THINK THAT'S JUST THE KIND OF GOOD GOVERNMENT REFORM THAT WE NEED TO BE PURSUING HERE AND THAT'S EXACTLY WHAT THIS OPEN GOVERNMENT AMENDMENT WILL DO. THIS IS, FRANKLY, MR. MCCrackEN, JUST A DISINGENUOUS ATTACK. THIS IS THE EQUIVALENT OF THE -- OUR OPPONENT'S CAMPAIGN FLARE FLYER, AND I WOULD NOT EXPECT TO SEE THE CAMPAIGN OPPONENT'S FLYER ON THE BALLOT, BUT I THINK THAT'S WHAT YOU'RE GOING TO DO. I THINK IF YOU'RE GOING TO PUT THE AMENDMENT OR TO DESCRIBE THE AMENDMENT, YOU SHOULD DESCRIBE IT IN LANGUAGE THAT TRACKS WHAT IT ACTUALLY SAYS HERE. THE IDEA OF THE E-MAILS TO THE POLICE DEPARTMENT, THE CITY HEALTH CLINICS, THAT IS YOUR INTERPRETATION, BUT THAT ISN'T A DESCRIPTION OF WHAT'S ACTUALLY IN THE LANGUAGE. AND IT'S JUST DISINGENUOUS TO ASSUME THE BROADEST POSSIBLE INTERPRETATION THAT IGNORES THE PRACTICAL ELEMENTS IN THE LANGUAGE THAT SAYS WE'RE NOT GOING TO SAVE

EVERYTHING UNDER THE SUN, THE MOST OUTRAGEOUS EXAMPLE WE'RE GOING TO COME UP WITH, WE'RE GOING TO PUT IT OUT THERE AND SAY IT MANDATES THIS EVEN THOUGH IT ACTUALLY SAYS TO THE GREATEST EXTENT PRACTICAL AND PRACTICAL IS A LOOPHOLE THAT YOU CAN DRIVE A TRAIN THROUGH. THERE'S VERY SMALL NUMBER OF THINGS IN THE ORDINANCE THAT ARE REQUIRED TO BE DONE ON A TIME LINE. MOST OF THE THINGS ARE NOT ON A TIME LINE THAT SAYS YOU HAVE TO HAVE THIS DONE IN A YEAR. CERTAINLY NOT EVERY E-MAIL, ALL THAT. THAT'S JUST NOT THE CASE, AND IT'S DISINGENUOUS TO SAY SO. AGAIN, THE PERSONAL CORRESPONDENCE PIECES MENTIONED, THAT'S JUST SILLINESS. THAT'S NOT ACTUALLY THERE IN REALTIME TO THE GREATEST EXTENT PRACTICAL. SO TO THE EXTENT THAT THERE ARE -- THERE IS A NEED TO DEAL WITH THE PRIVACY CONCERNS, COMMON-LAW PRIVACY PROTECTIONS ARE BUILT INTO THE CHARTER AMENDMENT. AND SO THE IDEA THAT WE SAY DO THIS TO THE GREATEST EXTENT PRACTICAL BUT MEANS TO IGNORE THAT, IS AGAIN DISBE INGENERALIOUS ON YOUR PART. AND IT'S SIMPLY USING THE BALLOT LANGUAGE TO OPPOSE THE AMENDMENT. YOU KNOW, I -- I'M HERE ON BEHALF OF ACLU TO SUPPORT THIS, THE CENTRAL TEXAS CHAPTER OF THE ACLU. AND THE PIECES ABOUT THIS AMENDMENT THAT CONCERN US MOST HAVE TO DO WITH RECORDS SURROUNDING POLICE MISCONDUCT, ETCETERA, THAT ARE INCREDIBLY IMPORTANT, HAVE BEEN FOUGHT OVER FOR YEARS. [BUZZER SOUNDS] AND IT'S A SLAP IN THE FACE TO THE PEOPLE WHO CARE ABOUT WHOSE TOPICS TO USE THIS AS YOUR OWN PERSONAL ATTACK VEHICLE, AND IT'S SIMPLY INAPPROPRIATE. THE LAST TIME I REMEMBER THIS HAPPENING, QUITE FRANKLY, IS WHEN THE S.O.S. AMENDMENT PASSED AND THE COUNCIL TRIED TO PUT UP A SEPARATE AMENDMENT TO TRY TO CONFUSE THE OH VOTERS AND MISLEAD THEM, TELLING THEM THEY NEED TO DO THIS. AND HISTORY HAS NOT REMEMBERED THEM WELL. AND I BELIEVE THAT IF YOU MISUSE YOUR POSITION TO DO THIS THAT HISTORY WILL NOT REMEMBER YOUR CONTRIBUTION HERE VERY FONDLY EITHER.

Mayor Wynn: THANK YOU, MR. HENSON. KIRK BECKER TO BE FOLLOW LID ROY WHALEY TO BE FOLLOWED BY KIRK

MITCHELL.

ONE THING IS LAWSUITS NEED TO BE ON THE WEB. YOU CAN GO TO THE COUNTY COURTHOUSE, READ THEM. IF YOU WANT TO PRINT THEM OUT, THEY CHARGE YOU A DOLLAR A PAGE. THAT'S RIDICULOUS. IN THIS ISSUE IF YOU LOOK ON THE WEB THERE'S A LINK TO THE PDF BACKUP. THAT BACKUP HAS LESS INFORMATION THAN THE ORDINANCE ON THE AGENDA. YOU TALK ABOUT 36-MILLION-DOLLAR ESTIMATE OF WHAT THIS HAD COST. WHY ISN'T THAT \$36 MILLION AVAILABLE ON THE WEB AS PART OF THE BACKUPS? CLICK ON THE PDF LINK. YET IT DOES CONTEMPLATE A CHANGE IN THE WAY THE CITY DOES BUSINESS AND I'M FOR IT. WOULD IT BE A BAD THING IF YOU TELEADVISE THE CITY COUNCIL MEETINGS. ANYBODY WHO COMES DOWN HERE AND MAKES A FOOL OF THEMSELVES, PUT IT ON TV, REPEAT IT SEVERAL TIMES. IS THAT A GOOD THING? AND IT'S SOMETHING WE'VE GOT TO LIVE WITH. AND AS FAR AS THE E-MAILS TO Y'ALL, THERE'S THINGS I'D LIKE YOU TO BE SYMPATHETIC TO ME AND OTHER PEOPLE KNOW ABOUT, LIKE THE ADVOCATE, IT'S SOMETHING WE HAVE TO GET USED TO LIVING WITH. THERE WAS A THING ON -- NOT TOO LONG AGO ABOUT A COUPLE OF PEOPLE GOT BEATEN UP WITH BASEBALL BATS, AND THEY CAUGHT THOSE BECAUSE OF VIDEO CAMERAS. AND YOU TALK ABOUT BIG BROTHER. THERE'S GOOD AND BAD TO IT. I THINK WE'RE GOING TO HAVE TO START LEARNING TO LIVE WITH IT. SOMEBODY BROUGHT UP THE IDEA OF IF SOMEBODY TALKS TO THE HEAD LIBRARIAN ABOUT A BOOK. IF THEY WANT TO BAN MADONNA'S BOOK, WHICH HAS HAPPENED AT THE LIBRARY, YEAH, I WANT TO KNOW WHO IS TELLING THE DIRECTOR OF THE LIBRARY TO BAN THAT BOOK. AND I'VE GOT A RIGHT TO KNOW. THE E-MAIL IS -- AS FAR AS I READ IT, COMMUNICATION IS WHEN YOU RECEIVE IT. AND I DON'T THINK -- THE ONE THING THAT REALLY AMAZES ME IS WHEN YOU ASSERT THAT YOU ACTUALLY READ ALL THE E-MAIL YOU GET. I MEAN, I'M NOT SURE I EXPECTED THAT. YOU HAVE STAFF REVIEW IT, WHATEVER. I DIDN'T KNOW THAT EACH OF YOU ACTUALLY READS EVERYTHING THAT COMES INTO YOUR OFFICE. I'M NOT SURE HOW THEY DEFINE PUBLIC OFFICIAL. I WANT TO GET BACK ON SOMETHING HERE I HAD. YEAH, ON THE LAST AMENDMENT WE HEARD A LOT TO TALK

ABOUT PUTTING AFFORDABLE HOUSING AND SUBSIDIZED HOUSING OVER THE EDWARD'S AQUIFER. I'M SURE THE NEIGHBORHOOD ORGANIZATIONS WOULD LIKE TO KNOW ABOUT THAT. I THINK PUTTING MORE INFORMATION ON HERE WILL MAKE THE DEBATES MORE HONEST. LIKE I SAY, HAVE THE NEIGHBORHOOD ORGANIZATIONS HEARD ANYTHING ABOUT THIS AFFORDABLE HOUSING GOING OVER THE AQUIFER? AND YOU TELL THEM THE S.O.S. AMENDMENT WILL PREVENT AFFORDABLE HOUSING AND IN OAK HILL THEY WILL PROBABLY VOTE FOR IT. A LOT OF IT HAS DO WITH WHAT THEY CALL LIBERAL CONSTRUCTION AND I THINK WHEN YOU CONSTRUE THIS SO LIBERALLY THAT IT'S IMPOSSIBLE OR RIDICULOUS, THAT'S NOT A LIBERAL CONSTRUCTION, THAT'S IMPLAUSIBLE CONSTRUCTION, INVALID CONSTRUCTION. AND THIS IS DESIGNED TO MAKE SOME CHANGES, AS I MENTIONED WHEN I STARTED MY SPEECH, AND YEAH, WE WANT TO MOVE IN THAT DIRECTION. AND SOME OF IT IS BIG BROTHER AND IT'S A LITTLE SCARY, BUT WE'RE GOING TO HAVE TO GET USED TO -- YEAH, WE'VE GOT RIGHTS.

Mayor Wynn: THANK YOU, MR. BECKER. ROY WHALEY. KIRK BECKER, JENNIFER GALE. WELCOME. YOU WILL HAVE THREE MINUTES.

MAYOR, COUNCIL, MY NAME IS KIRK MITCHELL, ON THE EXECUTIVE DIRECTOR OF SAVE OUR SPRINGS ALLIANCE. I WOULD LIKE TO READ TO YOU FROM THE ACTUAL LANGUAGE OF THE PETITION LANGUAGE THAT WAS SIGNED BY 20,000 PLUS CITIZENS OF YOUR CITY. THE HEADLINE OF THIS SECTION, PRIVACY PROTECTED. IT'S ONE SECTION, PRETTY SIMPLE. NOTHING WITHIN THIS TEXAS SHOULD BE INTERPRETED THAT WOULD VIOLATE A PERSON'S COMMON-LAW RIGHT TO PRIVACY. ALREADY STATE AND FEDERAL LAW TO THE EXTENT THAT IT PROTECTS CERTAIN TYPE OF INFORMATION IS ALREADY APPLICABLE. THERE'S NOTHING IN THIS THAT SOMEHOW WOULD TRUMP A STATE OR FEDERAL LAW. SUPERIOR LAW WOULD -- IT'S DISINGENUOUS TO IMPLY THAT IS THE STATE OF OUR AMENDMENT LANGUAGE WHICH IS TO ESTABLISH BIG BROTHER. BIG BROTHER IS A SITUATION WHERE THE GOVERNMENT HOLDS ALL THE CARDS AND EVERYTHING ELSE JUST FOLLOWS ALONG, WHICH IS WHAT I THINK YOU WOULD RATHER WE HAVE IN

THIS CITY, BUT IT'S NOT GOING TO HAPPEN. TO UNDUE THE HARD WORK OF CITIZENS WHO AFTER ALL HAVE ONLY DONE THIS BECAUSE THE OFFICIAL CITY HAS FAILED TO ACT. WE HAVE SEEN THE LAME MISAPPLICATION, LIBERAL INTERPRETATION OF S.O.S. ORDINANCE FOR 13 YEARS AND IT HAS FAILED TO PROTECT THE SPRINGS AND OUR NATURAL ENVIRONMENT TO THE EXTENT THAT THE CITIZENS OF THIS COMMUNITY WANTED IT. AND I REMIND YOU THAT THAT HIJACKED ELECTION WAS ILLEGALLY PUT OFF UNTIL AUGUST INSTEAD OF THE MAY ELECTION DATE THAT WAS SUPPOSED TO HAPPEN, SHOULD HAVE HAPPENED. AND THEY TRIED TO PUT IT ON A DATE THAT NO ONE WAS IN TOWN AND IT WAS THE LARGEST ELECTION AT THE TIME IN AUSTIN. AND IT WON BY A MAJORITY AFTER A HALF-MILLION-DOLLAR CAMPAIGN TO SHOOT IT DOWN. THE CITIZENS GET IT. AND I WONDER IF YOU DO. I WONDER IF YOU'VE READ YOUR HISTORY ABOUT THAT RECENT, ONLY 15 YEARS AGO, TIME FRAME. AT LEAST BE NEUTRAL. LEAVE THE CAMPAIGN TO OTHERS. THIS IS NOT THE TIME. THE THE BALLOT LANGUAGE IS NOT WHERE TO DO THAT. IT JUST SEEMS TO ME THAT SOME OF YOU RUNNING FOR OFFICE RIGHT NOW NEED AN OPPONENT OR TWO. AND YOU MIGHT NOT BE AS HIGH AND HIGHTY WITH YOUR DISCRETION THAT YOU DO HAVE IN YOUR HANDS TO EITHER LISTEN TO THE WILL OF PEOPLE OR FURTHER UNDERMINE IT AS YOUR PREDECESSORS HAVE DONE.

Mayor Wynn: THANK YOU, MR. MITCHELL.

I'LL BE HAPPY TO TAKE QUESTIONS IF YOU'D LIKE.

Mayor Wynn: QUESTIONS OF MR. MITCHELL? THANK YOU. JENNIFER GALE, WELCOME, YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY KAREN HAYDEN, BOBBY RIGBY AND/OR ROBERT SINGLETON.

HI, AUSTIN, I'M JENNIFER GALE. MAYOR, COUNCIL, TOBY FUTRELL. ON THE PIECE OF PAPER THAT THE COUNCILMEMBER GAVE US, ON THAT YELLOW FORM SHOWS -- IT SHOWS WHERE IT'S UNDERLINED. WHERE IT STARTS AND LIMIT THE ABILITY OF CITIZENS TO KEEP PRIVATE DETAILS OF THESE COMMUNICATIONS. SO YOU'RE SAYING -- YOU'RE TELLING THE PEOPLE THAT THIS IS GOING TO LIMIT

THEIR ABILITY TO KEEP THEIR PRIVATE DETAILS. IF YOU LOOK AT THE ACTUAL LANGUAGE THAT YOU JUST DREW UP, IT SAYS SECTION 2, PRIVACY PROTECTED. NOTHING WITHIN THIS AMENDMENT SHOULD BE INTERPRETED IN ANY MANNER THAT WOULD VIOLATE AN INDIVIDUAL'S EXISTING CONSTITUTION OR COMMON-LAW RIGHTS TO PRIVACY. THEN SECTION 3, OPEN GOVERNMENT ONLINE. THE CITY MUST AS EXPEDITIOUSLY AS POSSIBLE -- THAT'S NOT SAYING RIGHT NOW. AND TO THE GREATEST EXTENT PRACTICAL MAKE ALL PUBLIC INFORMATION AVAILABLE ONLINE IN REALTIME AND ACCESSIBLE TO THE PUBLIC. THAT DOES NOT MEAN RIGHT NOW. THAT WAS AN ACADEMY AWARD WINNING CARTOON. OPEN GOVERNMENT DEMANDS SINGLE MEMBER DISTRICTS. I SUPPORT A CITIZEN'S NEED TO KNOW THAT WHAT'S GOING ON ON THEIR BEHALF FOR THEIR BENEFIT IN THEIR NAME WITH THEIR GOODWILL, FOR THEIR REPRESENTATION WITH INITIATIVES BY CITY STAFF AND CITY EMPLOYEES. IT PUTS US ALL ON THE SAME PAGE, ON THE SAME TEAM. WORKING TOGETHER. IT'S INCLUSIVE BY BEING INFORMATIVE. AND IT'S ILLUMINATING. IT'S A WAY TO KEEP AUSTIN THE WAY IT USED TO BE. AS AN ON THE BALLOT CANDIDATE FOR MAYOR I'M ON RECORD FOR SUPPORTING THIS OPEN GOVERNMENT INITIATIVE AND THE ENVIRONMENTAL INITIATIVE. THANK YOU, CITY COUNCIL.

Mayor Wynn: KAREN HAYDEN? SHE HAS SIGNED UP WISHING TO SPEAK, IN FAVOR. BOBBY RIGNY? WHO WAS HERE EARLIER, SIGNED UP WISHING TO SPEAK. ROBERT SINGLETON? WELCOME, SIR.

YOU WILL NOTICE I SIGNED UP TO SPEAK AGAINST THIS AND THAT'S PRIMARILY A BACKLASH BECAUSE OF WHAT HAPPENED EARLIER BECAUSE QUITE FRANKLY, WITH THIS COUNCIL ON FIRST BLUSH RIGHT NOW I DON'T WANT TO KNOW WHAT YOU'RE DOING. I'VE LISTENED TO YOU TODAY AND I'M NOT SURE I ENTIRELY WANT TO KNOW WHAT YOU'RE DOING. IT'S FOR THE SAME REASON THEY DON'T PUT WINDOWS IN GENTLEMAN'S CLUBS, BUT SERIOUSLY, WE'RE NOT HERE TO DEBATE THE MERITS OF THIS PROPOSAL, AND THAT MERITS SAYING AGAIN AND AGAIN AND AGAIN. YOUR JOB HERE IS NOT EDITORIALIZING. THAT'S MY JOB. YOUR JOB IS TO COME UP WITH THE SIMPLEST AND NEUTRALIST, IF THAT'S A WORD, MOST NEUTRAL VERSION OF A

DESCRIPTION OF THIS. HOW WOULD YOU LIKE IT IF I CHARACTERIZED YOUR EARLIER AMENDMENT TO CHANGE THE CAMPAIGN FINANCE RULES AS AN AMENDMENT TO MAKE IT EASIER TO RAISE \$200,000 LARGELY FROM YOUR SLEAZY LAWYER BUDDIES AND SEVERELY HAMPER POOR PEOPLE FROM GETTING EVEN A MODEST CHANCE OF GETTING TWO PERCENT OF THE VOTE. [APPLAUSE] ALL OF THOSE THINGS MIGHT BE TRUE, BUT THEY DON'T BELONG IN THE DESCRIPTION OF THE AMENDMENT. LET'S TALK ABOUT LAWSUITS FOR A MINUTE BECAUSE I THINK YOU'RE GOING TO GET ONE, AND ONE OF THE THINGS THAT THE COURT IS GOING TO LOOK AT IS GOING TO BE LEGISLATIVE INTENT. THEY'RE GOING TO LOOK AT WERE THE THINGS YOU PUT INTO THIS DESCRIPTION INTENDED TO CAMPAIGN AGAINST IT OR WERE THEY NESTLEMENTS IN DESCRIBING IT. I HAVE NEVER HEARD A PRICE TAG CONSIDERED TO BE PART OF THE DESCRIPTION OF AN AMENDMENT. EVEN WITH THE S.O.S. WHEN PEOPLE WERE SAYING IT'S GOING TO COST US FOUR TO \$12 BILLION, THEY HAD THE DECENCY TO SAY THOSE THINGS AFTER THE ITEM WENT ON THE BALLOT. AND I THINK ANY COURT THAT'S REASONABLE IS GOING TO LOOK AT WHAT YOU'VE DONE TONIGHT AND LOOK AT WHAT UF SAID ABOUT WHY THESE ARE GOING ON THERE AND SAY THEY WERE CAMPAIGNING AGAINST THE AMENDMENT. THERE'S A TIME AND PLACE FOR THAT. THAT'S AFTER YOU SET THE BALLOT LANGUAGE. I THINK WHEN CITIZENS SUCCEED WITH SET GETTING ENOUGH SIGNATURES TO PLACE AN AMENDMENT ON THE BALLOT, IT'S YOUR JOB TO BEND OVER BACKWARDS TO DESCRIBE THAT IN NEUTRAL TERMS. AND THEN FIRST THING TOMORROW MORNING YOU CAN START IMAGING AGAINST IT -- CAMPAIGNING AGAINST IT WITH ALL OF YOUR HEART. FINALLY I WANT TO SAY A COUPLE OF WORDS TO MR. MCCracken. WE KNOW EACH OTHER PRETTY WELL: I RAN AGAINST YOU WHEN YOU RAN THE FIRST TIME AND I ALWAYS FOUND YOU TO BE A NICE PERSON AND A GENEROUS HUMAN BEING. YOU DIDN'T EVEN GET UPSET WHEN I CHARACTERIZED YOU AS BREWSTER THE BUILDER AND I EXTEND OUT AN E-MAIL BECAUSE I THOUGHT YOU WERE DOING THE WORK THAT DEVELOPERS WANTED IN PLACE 5. BUT I DO JUST WANT TO SAY ONE THING DIRECTLY TO YOU TODAY AND I THINK THAT YOU WILL HAVE A NEW NICKNAME AFTER TODAY. IT'S NOT BREWSTER

THE BUILDER, IT'S GOING TO BE BREWSTER THE BULLY. I HAVE NEVER SINCE THE DAYS OF RONNIE REYNOLDS, SEEN ONE COUNCILMEMBER SO BADGER AND HARASS CITIZENS SPEAKING AS YOU HAVE TONIGHT. AND I JUST DON'T THINK THAT'S IN YOUR CHARACTER NORMALLY. I DON'T UNDERSTAND WHY ON THIS ISSUE YOU ARE BEING SO EXAT ACTIVE AT THIS -- COMBATIVE. LIKE I SAID, FIRST THING TOMORROW MORNING CAMPAIGN AGAINST IT ALL YOU WANT. BUT TONIGHT HEAR THE CITIZENS OUT AND DON'T TRY TO DEBATE THE MERITS OF THIS PROPOSAL.

Mayor Wynn: THANK YOU. LET'S SEE, LISETTE SMIDLY AND ED KING SIGNED UP NOT WISHING TO SPEAK, IN FAVOR. COUNCIL, THAT'S OUR CITIZEN INPUT REGARDING AGENDA ITEM NUMBER 6. OPEN GOVERNMENT -- SOMEBODY SIGNED UP? WHY DON'T YOU COME FORWARD, MR. BAKER. I DON'T HAVE YOU ON THE SCREEN, BUT I BELIEVE YOU. WELCOME. YOU HAVE THREE MINUTES.

WELL, I THINK THAT WE HAVE A PROBLEM WITH THE PUBLIC CITIZEN INPUT PROCESS, AND THAT'S WHY PEOPLE DON'T TRUST IT AND THEY SIGNED THIS THING AND THEY WANT TO OPEN UP GOVERNMENT MORE. LIKE, JUST FOR EXAMPLE, THIS WAS POSTED AS AN ITEM FOR 10:00 THIS MORNING, AND I'M HERE ABOUT HOW MANY HOURS, 11 HOURS LATER, AND YOU DIDN'T EVEN GET MY CITIZEN SIGN-UP THAT I DID OUT THERE IN THE LOBBY. SOMETHING'S WRONG WITH THE PROCESS, AND I DON'T THINK -- I THINK THE PUBLIC KNOWS THAT THAT'S A WHOLE BUNCH OF CORPORATE MONEY INFLUENCE AT ALL LEVELS OF GOVERNMENT LIKE THE 35,000 LOBBYISTS IN WASHINGTON. ON THE STATE LEVEL WE HAD A BUNCH OF PEOPLE LIKE TOM DELAY COMING THE DISTRICTS AND GET IT GERRYMANDERED FOR HIS BENEFIT. LOCALLY I THINK THE PUBLIC WANTS TO KNOW WHO THE COUNCIL IS MEETING WITH, WHERE THE MONEY IS COMING FROM, WHO IS EXERTING THE INFLUENCE. AND I THINK THAT'S THE REASON THAT SO MANY PEOPLE WANTED THIS PUT ON THE BALLOT SO THEY CAN HAVE MORE OPEN GOVERNMENT THAN THEY HAVE NOW. AND IF YOU READ THIS THING, I THINK THERE'S A BUNCH OF MISREPRESENTATION IN WHICH YOU WERE TRYING TO CRAFT THE BALLOT LANGUAGE TO KILL THE POSSIBILITY OF THIS PASSING, AND I THINK THAT IF YOU DO THAT KIND OF THING THE PUBLIC CAN ONLY

BECOME MORE CYNICAL ABOUT HOW THIS PROCESS WORKS, AND I THINK THAT THE FACTS THAT HAVE COME OUT. LIKE IT SAYS HERE, WOULD REQUIRE COMPANIES THAT DO BUSINESS WITH THE CITY TO WAIVE THEIR RIGHT TO PROTECT PROPRIETARY BUSINESS INFORMATION SUBMITTED TO THE CITY. WELL, IT TURNS OUT THAT WE'RE JUST TALKING ABOUT TAX ABATEMENT. I HAVE A GREAT BOOK THAT I'VE BEEN READING HERE, THE GREAT AMERICAN JOB SCAM, ABOUT HOW CORPORATE TAX DODGING AND THE MYTH OF JOB CREATION IS GOING ON. A BUNCH OF SPECIAL INTEREST MONEY AND CORPORATE MONEY IS INFLUENCING GOVERNMENT AND GETTING ALL THESE TAX BREAKS AND I THINK AMD MIGHT BE AN EXAMPLE OF THAT. OUR AQUIFER IS BEING THREATENED AND IT STANDS TO REASON THAT THE SAME GUYS WHO DON'T WANT THE CHARTER AMENDMENT TO PROTECT OUR AQUIFER FROM PASSING WOULD TRY TO CRAFT BALLOT LANGUAGE THAT WOULD KILL OPEN GOVERNMENT TO OPEN GOVERNMENT DISCLOSURE LIKE THIS CHARTER AMENDMENT IS TRYING TO GET. SO I THINK THAT THE PUBLIC NEEDS TO UNDERSTAND THE BIG PICTURE IN SAYING THAT THIS COUNCIL DOESN'T WANT OPEN GOVERNMENT ON PRINCIPLE BECAUSE IT WOULD HELP -- IT WOULD HELP EXPOSE WHAT'S REALLY GOING ON. SO I'M OPEN TO ANY QUESTIONS OR DISCUSSION. I'VE BEEN HERE ALL DAY AND I'M WILLING TO STAY LONGER.

Mayor Wynn: THANK YOU, MR. BAKER. [APPLAUSE] MAYOR PRO TEM.

Thomas: MR. BAKER, I'VE BEEN ON THE COUNCIL FIVE AND A HALF YEARS AND I'VE WATCHED YOU AT COUNCIL AND YOU'RE VERY THOROUGH AND YOU HAVE A LOT OF INFORMATION. WHAT DO YOU THINK IN YOUR DEEPEST MIND IS SOMETHING THAT IS BEING SECRET OR BEING HIDDEN BY THIS COUNCIL?

WELL, I THINK THAT THE -- THAT THE -- I WATCHED TOLL ROADS AND ROADWAY POLICY AND I SEE SPECIAL INTERESTS AND THE REAL ESTATE COUNCIL OF AUSTIN AND A LOT OF ROAD CONTRACTING INTERESTS INFLUENCING ROADWAY POLICY IN THIS AREA, TRYING TO MAKE EVERYTHING TOLL ROADS. SO I SEE GOVERNMENT

THROUGH THAT PRISM, BUT I KNOW THAT THE MORE OPEN GOVERNMENT THAT WE HAVE IN PRINCIPLE THE BETTER, AND I KNOW IT TOOK WATERGATE TO GET A LOT OF THE LAWS PASSED THAT MAKE GOVERNMENT AS OPEN AS WE CURRENTLY HAVE IT. SO I'M WILLING TO SUPPORT OPEN GOVERNMENT IN PRINCIPLE AS LONG AS IT PROTECTS PRIVACY, WHICH THIS THING DOES.

Thomas: BACK TO THE QUESTION. WHAT DO YOU THINK THIS COUNCIL IS HIDING BESIDES TOLL ROADS AND ANYTHING ELSE THAT YOU THINK WE MIGHT BE HIDING FROM THE PUBLIC? LET ME BACK THAT UP. LET ME SPEAK AS THE MAYOR PRO TEM. WHAT WOULD YOU THINK THAT THE MAYOR PRO TEM MIGHT BE HIDING FROM THE PUBLIC OR ANY INTEREST GROUP THAT MIGHT BE SWAYING? WHAT DO YOU THINK? BECAUSE I HEARD FROM MR. BUNCH AND I'M GOING TO ASK HIM ALSO BECAUSE HE HAS A RIGHT -- EVERYBODY HAS A RIGHT TO KNOW WHAT'S GOING ON IN THIS CITY. NOTHING WE DO HERE SHOULD BE A SECRET.

[INAUDIBLE - NO MIC].

I THINK IF THERE ARE PRIVATE E-MAIL ACCOUNTS AT WHICH THE CITY COUNCIL IS DISCUSSING BUSINESS THAT AREN'T CURRENTLY DISCLOSED, I THINK THOSE OUGHT TO BE DISCLOSED BECAUSE I THINK THERE'S A BUNCH OF SPECIAL INTEREST MONEY THAT'S INFLUENCING THE CITY COUNCIL. AS LONG AS I HAVE THAT SUSPICION, A LOT OF THE OTHER PUBLIC DOES, I DON'T THINK YOU'RE GOING TO GET THE TRUST OF THE PUBLIC.

Thomas: OKAY. YOU'VE GOT 20,000 PEOPLE, AND I RESPECT -- I RESPECT THE 20,000 PEOPLE. TAKE 20,000, YOU STILL HAVE 700 THOUSAND PEOPLE. WHEN WE MAKE THOSE TYPE OF ALLEGATIONS AND THESE TYPE OF COMPLAINTS, WHATEVER, SAYING THAT IT'S HAPPENING, I THINK WE NEED TO BE VERY, VERY CAREFUL. I BELIEVE IN OPEN GOVERNMENT. I'VE ALWAYS SAID THAT. BUT I ALSO BELIEVE IN LET'S BEING FAIR AND WORKING AT THE TABLE AT THE SAME TIME. I KNOW THERE'S A TIME LINE TO GET THE RIGHT WORD ON THE BALLOT, BUT I THINK WHAT WE NEED TO DO IS -- SNIPING AT EACH OTHER IS NOT GOING TO GET IT DONE. I'M NOT HERE TO POLICY TICK WHAT'S ON THE BALLOT, BUT

I WANT THE RIGHT THING SO THE CITIZENS WILL KNOW EVEN IF IT IS A COST FACTOR THAT THEY NEED TO KNOW TO A CERTAIN EXTENT. I BELIEVE IN OPEN GOVERNMENT, BUT I'VE BEEN HEARING THINGS AND I HEARD IT IN CAMPO AND I'M HEARING IT AGAIN, AND IT REALLY -- IT'S OFFENSIVE TO ME AND ANYBODY ELSE THAT SITS UP HERE BECAUSE I WOULD LIKE TO KNOW WHERE THOSE INTEREST GROUPS -- I DON'T THINK ANYBODY WITH THEIR RIGHT MIND WOULD DO SOMETHING TO BENEFIT THAT BECAUSE IT'S NOT BEING HONEST BECAUSE THE CITIZENS PUT US IN OFFICE.

THE CITIZENS PUT YOU IN OFFICE, BUT THE CITIZENS PUT YOU IN OFFICE TO HAVE AN OPEN PROCESS AND DEMOCRATIC AND, YOU KNOW, PUBLIC PROCESS THAT IS OPEN TO PEOPLE LIKE ME SO THEY WON'T HAVE TO STAY HERE ALL DAY TO COMMENT ON SUCH AN IMPORTANT THING AS THIS. IT'S NOT PLEASANT TO THE PUBLIC. YOU KNOW, I THINK THAT CREATES DOUBTS IN THE PUBLIC MIND, MY MIND AT LEAST, THAT THIS PROCESS WORKS VERY WELL, BUT I THINK YOU NEED TO OPEN IT UP AS MUCH AS YOU CAN AND SEE WHO IS TAKING YOU TO LUNCH AND WHO THEY'RE PAID BY AND SUCH THINGS AS THAT.

Mayor Wynn: THANK YOU, MR. BAKER.

Thomas: MR. BUNCH? THE QUESTION IS I KNOW THE MOTIVE WAS TO MAKE SURE WHEN YOU ALL GOT THE SIGNATURES FOR THIS PARTICULAR -- FOR THE WORDING ON THE BALLOT AND FOR THE OPEN RECORDS AND ALSO THE AMENDMENT ABOUT -- OVER THE AQUIFER. YOUR ULTIMATE GOAL IS TO REALLY MAKE SURE THE CITIZENS KNOW WHAT'S GOING ON IN THE GOVERNMENT AND CITY GOVERNMENT AND ETCETERA. WHAT OTHER WORDING DO YOU THINK BESIDE -- BECAUSE SOME OF THIS IS KIND OF BROAD. I DO THINK THAT WE DO HAVE TO BE A LITTLE BIT MORE OPEN AND MORE IN DETAIL TO CITIZENS AS FAR AS WHAT THEY'RE VOTING ON.

WELL, IF YOU'RE ASKING ABOUT THE BALLOT LANGUAGE, WE GAVE TO YOU EARLIER WHAT WE THOUGHT WAS A FAIR SUMMARY OF THE BALLOT LANGUAGE. IT WAS WITHIN ABOUT 80 WORDS WHICH MATCHED THE LENGTH THAT Y'ALL HAD FIRST CRAFTED, YOUR LAW DEPARTMENT HAD FIRST CRAFTED. SO IT SEEMED LIKE THE LENGTH THAT Y'ALL WERE

LOOKING FOR. SO WE WERE TRYING TO BE COOPERATIVE IN THAT RESPECT. BUT AS FAR AS OPENNESS, YOUR QUESTION WAS WHAT ARE WE BEING SECRETIVE ABOUT? YOU HAVE A SECRET -- CHAPTER 245 COMMITTEE THAT MAKES EVERY SINGLE CALL ABOUT WHAT DEVELOPMENT IS GRANDFATHERED AND WHAT DEVELOPMENT ISN'T COMPLETELY IN SECRET AND CLOSED DOORS. THAT'S MAKING A QUASI JUDICIAL DETERMINATION THAT'S COMPLETELY HIDDEN FROM THE COMMUNITY. AMD, MOST OF THE COUNCIL, THE MAYOR, MET WITH AMD FOUR MONTHS BEFORE ANYBODY KNEW, AND THAT WAS ALL KEPT SECRET DELIBERATELY FROM THE COMMUNITY. WE ASKED FOR YOUR CALENDARS TO GET THE INFORMATION. MAYOR WYNN GAVE US HIS CALENDAR AS HE'S REQUIRED UNDER THE OPEN MEETINGS ACT. HE BLACKED OUT EVERYTHING EXCEPT ONE DAY THAT SAID, MEET WITH HECTOR RUIZ. THREE MONTHS LATER WE ASKED FOR ALL OF HIS CALENDARS FOR THAT MONTH. HE DIDN'T BLACK OUT EVERYTHING AND LO AND BEHOLD THERE'S ANOTHER MEETING FOR THE LONE STAR PROJECT, WHICH WAS THE SECRET CODE NAME FOR AMD MOVING ON TO THE AQUIFER. THE GABLES PROJECT THAT YOU HEARD JUST A FEW MONTHS AGO, TWO DAYS BEFORE THE MEETING YOU COME OUT WITH A 300 PAGE MASTER DEVELOPMENT AGREEMENT THAT NOBODY HAS BEEN ABLE TO SEE, BUT IT WAS CLEAR THE STAFF AND THE DEVELOPER HAD BEEN WORKING ON IT FOR NINE MONTHS OR SO. CHAMPIONS, 2222. YEARS OF LITIGATION HISTORY INVOLVING THE NEIGHBORS. THE DEVELOPER COMES IN AND SUES, YOU SEND YOUR GUYS IN TO MEDIATION, NEVER NOTIFY THE NEIGHBORS. YOU GET A DEAL CUT IN THAT MEDIATION AND THEN FINALLY THE NEIGHBORS FIND OUT. AND NOW WE'RE IN THIS HUGE LONG, DRAN OUT LEGAL BATTLE NOW THAT THEY'RE IN ON THE GAME. DEVELOPMENT BATTLE AFTER DEVELOPMENT BATTLE AFTER DEVELOPMENT BATTLE IS WAY TOO CONTROVERSIAL, WAY TOO CONFLICT ORIENTED BECAUSE THE BASIC GAME IS THE DEVELOPER AND STAFF WORK MONTHS AND MONTHS TOGETHER, GET ALL LOCKED UP AND THEN THE NEIGHBORS FIND OUT. AND THEY COME TO THE PARTY AS SECOND CLASS CITIZENS, AS OUTSIDERS. EVEN IF THEY HAVE GOOD IDEAS THAT WOULD HAVE BEEN LISTENED TO BY BOTH THE DEVELOPER AND STAFF AT THE BEGINNING

IF THEY HAD BEEN INCLUDED AT THE FRONT END AND A COLLABORATIVE PROCESS WHERE THEY WERE TREATED AS REAL CITIZENS WITH REAL INTERESTS, WE WOULD HAVE MUCH BETTER DECISIONS. VIRTUALLY EVERY DEVELOPMENT LIKE THAT FOLLOWS THAT PATTERN WHERE YOU BY DEFAULT OR BY INTENTION THE DEVELOPER LINES HIS DEAL UP AS MUCH AS HE CAN AND LOCKS IT IN BEFORE NEIGHBORS, CONCERNED CITIZENS FIND OUT ABOUT IT. THAT IS HOW THE PROCESS IS DONE. THERE'S A LIST RIGHT THERE OF SECRECY. AND THIS WHOLE GRANDFATHERING ISSUE. PEOPLE GOING BACK TO STANDARDS THAT ARE NOT SCIENCE BASED, THAT ARE 30 YEARS, 40 YEARS OLD, AND ALL OF THAT DECISION MAKING IS BEING DONE IN A SECRET, CLOSED DOOR, CHAPTER 245 COMMITTEE. AND THAT'S HAVING ENORMOUS RAMIFICATIONS ON WHAT THE CITY LOOKS LIKE TODAY, FIVE YEARS FROM NOW, 10 YEARS FROM NOW. YOU LOOK AT YOUR OWN CALENDARS. TONS OF MEETINGS WHERE YOU'RE DOING CITY BUSINESS. YOU DON'T WRITE THAT DOWN. WE ASK FOR YOUR CALENDARS, WE LOOK IN THERE, THE OVERRIDING, PREVAILING CHARACTERISTIC IS THERE'S NOTHING THERE. A FEW MEETINGS WRITTEN DOWN. WELL, I KNOW YOU GUYS ARE WORKING HARD. YOU'RE DOING CITY BUSINESS ALL THE TIME. YOU'RE NOT TELLING US WHO YOU'RE DOING THAT WITH, WHEN YOU'RE DOING IT OR WHAT YOU'RE DOING. IF YOU HAVE TO DISCLOSE THAT AND SHOW THAT TO THE COMMUNITY, I THINK YOU'LL BE BETTER OFFICE HOLDERS. I THINK YOU'LL ACTUALLY CHANGE YOUR BEHAVIOR. YOU WILL SPEND MORE TIME WITH CITIZENS AND LESS TIME WITH LOBBYISTS. BECAUSE PEOPLE CAN LOOK RIGHT ON THE INTERNET AND SAY, HEY, COUNCILMEMBER X IS SPENDING TWO-THIRDS OF HIS TIME WITH DEVELOPER LOBBYISTS.

Mayor Wynn: THANK YOU, MR. BUNCH.

Thomas: YOU ANSWERED MY QUESTION.

OKAY. AND -- [APPLAUSE] THIS IS ANOTHER PERFECT EXAMPLE. THIS PROCESS IS CLOSED BECAUSE YOU WON'T ENGAGE THE COMMUNITY. YOU CUT US OFF RIGHT HERE. WE HAVE THREE MINUTES. YOU DON'T EVEN LAY THE BALLOT LANGUAGE OUT ON THE PREVIOUS ITEM, YOU DON'T EVEN SHOW ANYBODY UNTIL AFTER EVERYBODY HAS

TESTIFIED. THAT IS SLEAZY, COUNCILMEMBER DUNKERLEY.
THAT IS SECRECY PERSONFIDE.

Mayor Wynn: YOU'VE ANSWERED THE MAYOR PRO TEM'S
QUESTION. THANK YOU VERY MUCH. FURTHER COMMENTS,
QUESTIONS? COUNCILMEMBER DUNKERLEY.

Dunkerley: THERE HAVE BEEN SOME COMMENTS THIS
EVENING AND ON MY E-MAIL SYSTEM ABOUT THE E-
GOVMENT SYSTEMS AND THE SAVINGS THAT THEY WILL
GENERATE. I WILL TELL YOU THAT WE DO -- AND ARE
MOVING TOWARD AN E-GOVERNMENT SYSTEM. WE HAVE ON
OUR -- AS AN EXAMPLE, ON OUR WEBSITE WE HAVE ABOUT
30,000 PAGES OF INFORMATION THAT ATTRACT ABOUT FOUR
AND A HALF MILLION HITS EACH MONTH. AND WITHIN THAT
CONTEXT THERE ARE MANY, MANY WAYS THAT YOU CAN
ACCESS THE DEPARTMENTS TO DO THINGS. IN THE LIBRARY
YOU CAN RESERVE BOOKS AND YOU CAN EXTEND OVERDUE
BOOKS. AND EACH OF THE DEPARTMENTS HAVE HOPEFULLY
MORE IN FUTURE, BUT HAVE THINGS THAT YOU CAN
CONNECT AND GET INFORMATION. YOU CAN GET MANUALS,
YOU CAN GET ALL SORTS OF THINGS ON THE INTERNET. WE
HAVE SYSTEMS THAT WE'RE WORKING ON RIGHT NOW THAT
WILL BRING MORE ACCESSIBILITY TO THE SYSTEM. THE CITY
CLERK HAS A SYSTEM THAT WILL HOPEFULLY BE COMING
ONLINE THIS SUMMER THAT WILL HAVE THE HISTORY OF THE
ORDINANCES AND RESOLUTIONS FOR THE CITY IN PLACE SO
THAT PEOPLE CAN ACCESS THEM VIA THE WEB. AND ALL OF
THESE SYSTEMS DO BRING EFFICIENCIES, BUT THERE IS A
PROBLEM IN EQUATING SYSTEMS WITH ACTUAL CASH THAT
CAN BE RECAPTURED TO SPEND ON A SYSTEM. WE HAVE AN
11,000 EMPLOYEES CITYWIDE, AND THEIR JOBS WILL BE
EASIER TO SOME EXTENT AND THEY WILL BE MORE
EFFICIENT, BUT IT DOESN'T MEAN THAT WE HAVE ANY
SAVINGS ALL IN ONE SPOT THAT WE CAN CAPTURE AND USE
TO FUND THESE SYSTEMS. SO IT REALLY NORMALLY JUST
MEANS THAT THEY CAN DO MORE WORK RATHER THAN WITH
THE EFFICIENCIES THAT COME THROUGH THIS SYSTEM. THE
OTHER ISSUE SOMEBODY MENTIONED IS WHY ARE WE
PUTTING A COST FIGURE ON THESE AND NOT SOME OF THE
OTHERS. AND I THINK ONE OF THE REASONS WE DO THAT IS
THAT IT IS HARD TO COMPUTE WHAT THE COST IMPACT TO
THE COMMUNITY WOULD BE. FOR EXAMPLE, ON THE

ENVIRONMENTAL ORDINANCE, MANY PEOPLE THINK THERE WILL BE IMPACTS, THAT THERE MAY BE IMPACTS ON JOB DEVELOPMENT AND JOB GROWTH, THAT THERE WILL BE IMPACTS ON TAX BASED GROWTH AND THINGS LIKE THAT, BUT THOSE ARE VERY HARD TO QUANTIFY AND THEY'RE VERY -- THEY COME AT A LATER DATE AND MORE INDIRECTLY TO THE CITY AS FAR AS ACTUAL REVENUE ENHANCEMENTS. ALTHOUGH THEY'RE REAL, THEY'RE JUST HARD TO QUANTIFY. HOWEVER, WHEN YOU HAVE SOMETHING THAT REQUIRES A SYSTEM TO GO IN PLACE THAT ACTUALLY REQUIRES AN IMMEDIATE APPROPRIATION OF FUNDS, THEN I THINK THAT IS APPROPRIATE FOR THE CITIZENS TO KNOW. AND I THINK THEY NEED TO KNOW HOW THIS IS GOING TO IMPACT THEM AND WHETHER OR NOT THEY BELIEVE THE COST BENEFIT IS A GOOD ENOUGH COST BENEFIT THAT THEY'RE WILLING TO SUPPORT IT. SO I THINK THAT'S REALLY THE BASIC DIFFERENCE. AND WITHIN THE PROPOSAL ITSELF, THERE ARE A LOT OF INCONSISTENCIES. AND I REALLY THINK IF THE WRITERS OF THE PETITION HAD MORE NARROWLY FOCUSED THEIR LANGUAGE, WE WOULDN'T BE TALKING ABOUT THIS HUGE SYSTEM THAT WE'RE GOING TO BE ATTEMPTING TO PUT IN PLACE, BUT THERE ARE SOME DISCREPANCIES, AND THESE DISCREPANCIES I THINK THE ONE THAT'S BEEN MENTIONED MOST OFTEN IS ALL OF THIS WILL HAVE TO BE IN REALTIME. AND THE RECOMMEND TIME LANGUAGE -- AND THE REALTIME LANGUAGE PRECLUDES THE SCREENING OF E-MAILS AND THE SCREENING OF INFORMATION THAT LEADS TO THE PRIVACY ISSUE. SO I THINK IF THE AUTHORS HAD SPENT A LITTLE TIME AND TRIED TO FOCUS DOWN WHAT THEY'RE FOCUSING ON, THIS WOULD NOT BE AS DIFFICULT TO IMPLEMENT AS THIS IS. TO ME THAT'S THE REASON THAT ON ONE CASE YOU DON'T PUT A NUMBER IN BECAUSE IT IS NOT A DIRECT OUT OF POCKET EXPENSE IMMEDIATELY, BUT ON THE SECOND ONE I THINK IT IS APPROPRIATE, SO MAYOR, THOSE ARE MY COMMENTS.

[INAUDIBLE - NO MIC].

Dunkerley: I'M MAKING MY COMMENTS NOW. THANK YOU.

[INAUDIBLE - NO MIC].

Dunkerley: MAYOR, I HAVE A QUESTION FOR THE CITY MANAGER.

Dunkerley: I'M SORRY, YOU'RE NOT FAMILIAR WITH THE TYPES OF SYSTEMS THAT WE HAVE IN PLACE IN A CITY THIS SIZE. WE HAVE PROBABLY 30 OR MORE LINES OF BUSINESS, 11,000 EMPLOYEES, AND IT IS NOT THE SAME AS YOU WOULD USE ON OTHER MORE SIMPLE ORGANIZATIONS.

Mayor Wynn: MR. BUNCH, WE HAVE ASKED SPECIFICALLY WHAT WOULD BE THAT PROTOCOL. MR. COLLINS HAS BEEN WORKING THAT FOR DAYS TO FIGURE HOW HOW TECH NO LOGICALLY ONE WOULD CREATE THAT PROTOCOL IN REALTIME AND E-MAILS TO US WOULD BE DISSEMINATED TO US. COUNCILMEMBER MCCrackEN.

McCracken: I'M PRETTY SURE I KNOW THE ANSWER TO THIS BECAUSE WE HAVE A FORTHCOMING BOND ELECTION. WHEN WE POST ITEMS IN THE BOND ELECTION THAT CALL FOR THE PURCHASE CAP OF -- PURCHASE CAPITAL EQUIPMENT AND CONSTRUCTION OF ROADS, DO WE PLACE A PROJECTED PRICE TAG ON THE BOND ELECTION FOR EACH OF THOSE ITEMS?

THE WAY YOU DO IT IS THAT YOU PUT -- RIGHT NOW WE PACKAGE LIKE ITEMS TOGETHER AND WE PUT A TOTAL DOLLAR AMOUNT FOR THOSE LIKE ITEMS. AND THEN DEPENDING ON THE CATEGORY OF ITEMS, YOU MAY THEN BREAK IT OUT IN CHUNKS. SO, FOR EXAMPLE, IN A PRIOR DRAINAGE PACKAGE WHERE THERE WERE TWO LARGE PARTICULAR DRAINAGE PROJECTS, THOSE WERE ACTUALLY SPELLED OUT INDIVIDUALLY WITH TWO DOLLAR AMOUNTS. IN OTHER KINDS OF CATEGORIES, SOMETHING MORE LIKE ROAD RECONSTRUCTION WHERE THERE MAY BE HUNDREDS AND HUNDREDS OF ROAD PROJECTS, THEN IT'S ONE TOTAL DOLLAR AMOUNT AND A MORE GENERAL DESCRIPTION OF THE KINDS OF ROAD PROJECTS THAT WOULD HAPPEN UNDER IT. SO YES, DOLLAR AMOUNTS ARE LOADED IN BOND PACKAGES.

McCracken: AND THE REASON I ASK IS THAT WAS MY RECOLLECTION IN UNDERSTANDING HOW THIS WOULD WORK IS IN A BOND ELECTION WE'RE ASKING FOR THE

VOTERS TO APPROVE THE EXPENDITURE OF TAXPAYER DOLLARS ON INTENSE CAPITAL EQUIPMENT OR PURCHASE OF MAJOR ASSETS OF THE TAXPAYERS WE PLACE A DOLLAR FIGURE ON IT. IN THIS ONLINE GOVERNMENT PROVISION IS REAL UNUSUAL FOR A CHARTER ITEM DOES IT BECAUSE REQUIRE THE TAXPAYERS TO PURCHASE CAPITAL EQUIPMENT, SPECIFICALLY A SERVER SYSTEM THAT CAN HOLD TETRA BITES OF INFORMATION. SO I'M NOT AWARE OF OTHER CHARTER ITEMS THAT DO REQUIRE THE TAX TAXPAYERS TO PAY FOR THE PURCHASE OF MASSIVE CAPITAL EQUIPMENT. I THINK IT WOULD BE REAL UNUSUAL FOR US TO PLACE A CHARTER ITEM ON THAT HAS THE -- LET ME ASK YOU ANOTHER QUESTION ON THIS REGARD. WE HAVE AN ESTIMATE THAT IT WOULD REQUIRE \$36 MILLION TO PAY FOR THE CAPITAL EQUIPMENT ACQUISITION AND THE FIRST YEAR OPERATION AND THE 12 MILLION ANNUALLY THEREAFTER AND THAT THAT WOULD TRANSLATE INTO A TAX INCREASE EQUIVALENT OF THREE CENTS ON THE PROPERTY TAX ROLLS. WHAT WOULD BE THE IMPACT OF THE CITY'S ABILITY TO HOLD A BOND ELECTION IF THIS ITEM IS APPROVED AND WE WERE REQUIRED TO PURCHASE CAPITAL EQUIPMENT AT THIS PRICE TAG?

I KNOW YOU KNOW THAT IT'S A -- THAT'S A COMPLICATED QUESTION, BUT I'M GOING TO TRY TO SIMPLIFY IT. THE \$36 MILLION HAS A COMPONENT OF IT THAT IS AN ONGOING O AND M COST OR OPERATIONAL COST AS WELL AS A ONE TIME CAPITAL COST. THE 12 MILLION -- SO IT'S 12 MILLION OUT OF THE 36 MILLION IS ON ONGOING COST. NOT NECESSARILY CAPITAL COSTS. THAT'S WHY WE SAY IN SUBSEQUENT YEARS THERE'S AN ADDITIONAL 12 MILLION A YEAR BECAUSE THERE'S AN ONGOING OPERATION AND MAINTENANCE COST TO MAINTAIN THE SYSTEM IN OUR CURRENT ESTIMATE. BUT YOU ONLY HAVE THREE WAYS THAT YOU CAN PAY FOR SOMETHING. IT'S NOT ROCKET SCIENCE. YOU EITHER HAVE ENOUGH NEW REVENUE COMING IN THAT YOU'RE GOING TO USE THAT NEW REVENUE TO PAY FOR SOMETHING. THAT MEANS THEN THAT OTHER COST DRIVERS IN YOUR BUDGET FROM PUBLIC SAFETY TO HEALTH CARE TO WAGES -- WAGE INCREASES FOR EMPLOYEES DOESN'T GET COVERED OR YOU RAISE TAXES OR YOU CUT SERVICES. YOU DO ONE OF THOSE THREE

THINGS. AND SO DEPENDING ON WHAT COMBINATION OF THOSE THREE THINGS OCCUR, THAT'S HOW YOU WOULD PAY FOR SOMETHING. IF YOU DID IT ALL BY DEBT, IT IS THE EQUIVALENT OF ABOUT THREE CENTS. ON THE O AND M SIDE, YOU HAVE TO DO THAT BY ONE OF THOSE THREE ITEMS. BUT IT HAS TO BE IN A WAY THAT HAS AN ONGOING FUNDING SOURCE, SO IT HAS TO BE A PERMANENT REDUCTION IN SERVICES, PERMANENT INCREASE TO THE TAX RATE OR ONCE AGAIN NEW REVENUE THAT'S GOING TO COME IN ON AN ONGOING BASIS. IT CAN'T BE ONE TIME. ON THE DEBT SIDE WE ONLY HAVE SO MUCH DEBT CAPACITY THAT WE CAN DO PER YEAR. SO ANYTHING YOU PUT ON THE DEBT SIDE REDUCES WHAT YOU CAN DO FOR BONDS.

McCracken: I'M JUST TRYING TO FIGURE WHAT WOULD BE THE IMPACT ON THE CITY'S ABILITY TO HOLD A BOND ELECTION.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

McCracken: DO YOU KNOW THE ANSWER TO THAT?

Dunkerley: YEAH. I WAS GOING TO AGAIN SUMMARIZE THE FIRST QUESTION YOU ASKED. IN GENERAL IF YOU LOOK BACK AT THE PAST, OUR GENERAL REVENUE INCREASES IF WE HAVE A GOOD ECONOMIC YEAR LIKE WE'RE HAVING THIS YEAR, WILL GENERALLY COVER THE INCREASES IN PUBLIC SAFETY, EMPLOYEE RAISE OF THREE OR THREE AND A HALF PERCENT AND THE INCREASE IN HEALTH COSTS AND THAT'S ABOUT ALL.

IN FACT, ON AVERAGE THAT AMOUNT IS ABOUT \$30 MILLION A YEAR WHEN YOU'RE IN AN UPTICK. DUCK DUCK IF YOU LOOK AT THE --

Dunkerley: IF YOU LOOK AT THE TAX RATE THIS YEAR, THERE WAS ABOUT 1.6 CENTS DIFFERENCE BETWEEN THE EFFECTIVE TAX RATE AND THE ROLL BACK RATE. SO THAT WOULD MEAN THAT EVEN IF WE RAISED OUR TAX RATE AS HIGH AS WE COULD, WE PROBABLY COULDN'T COVER THE EQUIVALENT OF THIS THREE CENTS, SO WE WOULD BE ISSUING DEBT. AND ONE OF THE -- ONE OF THE FALLOUTS OF THIS AMENDMENT AND THE ECONOMIC CONSEQUENCES

OF I THINK WOULD BE A DELAY IN THE BOND ELECTION. IN FACT, THIS IS ONE OF THE REASONS THAT I SUGGESTED THAT WE NOT HAVE THE BOND ELECTION IN MAY AND THAT WE POSTPONE IT POSSIBLY UNTIL NOVEMBER TO SEE WHETHER OR NOT WE WOULD HAVE THIS IMPACT BECAUSE WE ONLY HAVE SO MUCH CAPACITY TO ISSUE DEBT AND TO TAKE ON NEW EXPENDITURES, AND IN FACT, IF THIS PASSES, I WOULD NOT EXPECT US TO HAVE A BOND ELECTION UNTIL WE'VE HAD TIME TO ABSORB THAT IN OUR BUDGET. AND I WOULD THINK THE EARLIEST TIME WOULD POSSIBLY BE THE FOLLOWING MAY. WE DON'T KNOW WHAT THE EFFECTIVE TAX RATE WOULD BE, BUT MY GUESS IS IT'S GOING -- THE DIFFERENCE BETWEEN THE ROLLBACK AND THE TAX RATE, I THINK IT WILL BE LESS THAN IT WAS LAST YEAR, SO IT WILL BE LESS THAN 1.6 CENTS. SO THIS IS A VERY SEVERE IMPACT MONETARILY ON THIS CITY, AND I THINK IT'S IMPORTANT THAT CITIZENS KNOW WHAT THIS WOULD OBLIGATE THEM TO.

McCracken: AND ALONG THOSE LINES, CITY MANAGER, COULD YOU TELL US -- AS I RECALL THE PROJECTION FOR THE BOND PACKAGE WOULD BE TO COVER A SIX-YEAR PERIOD, CORRECT?

THAT'S RIGHT. AND THAT'S A TYPICAL PERIOD OF TIME FOR LONG-TERM DEBT.

McCracken: SO WHEN VOTERS WILL VOTE IN THE BOND ELECTION IF WE'RE ABLE TO HOLD A BOND ELECTION, IT WILL STATE -- IT WILL STATE A DOLLAR FIGURE. THAT AMOUNT OF MONEY IS PROJECTED TO BE SPENT OVER THAT SIX-YEAR PERIOD, IS THAT CORRECT?

IT'S THAT AMOUNT OF MONEY IS PROJECTED TO BE ISSUED -
- TO BE SPENT OVER THAT PERIOD OF TIME. THE DEBT OBVIOUSLY STRETCHES OUT LONGER THAN THAT.

McCracken: AND THE REASON I SAID THAT IS IF YOU THEN LOOK AT THE COST OF THIS OVER A SIX-YEAR PERIOD, IT IS FIVE YEARS, 12-MILLION-DOLLAR ANNUAL COST, WHICH IS \$60 MILLION, PLUS AN INITIAL COST OF 96 MILLION, SO YOU'RE LOOKING AT IF YOU WERE REPORTING THIS IN THE SAME WAY THAT YOU REPORTED THE COST IN THE BOND

ELECTION, THE COST WOULD BE \$96 MILLION BECAUSE IT WOULD BE REPRESENTING A SIX-YEAR FIGURE. AND THIS S.O.S. ITEM HAS TWO COMPONENTS IN IT. IT HAS A REQUIREMENT THAT THE TAXPAYERS PAY FOR EXPENSIVE CAPITAL EQUIPMENT AND THEN IT HAS A BUNCH OF CHANGES IN THE WAY THAT ACTIVITIES IN GOVERNMENT HAPPEN. SO I DON'T THINK IT'S RESPONSIBLE FOR ALL OF US TO SAY IT REQUIRES US TO PUT A DOLLAR FIGURE FOR THE BOND ELECTION, WHICH IS THE PURCHASE OF HEAVY CAPITAL EQUIPMENT, BUT TO SAY ON THIS CHARTER ITEM, WHICH IS TO ALSO REQUIRE US TO PAY FOR EXPENSIVE CAPITAL EQUIPMENT THAT WE NOT PUT THE DOLLAR FIGURE. IF \$96 MILLION IN TAXPAYER DOLLARS IS BEING SPENT ON SOMETHING, I THINK THE TAXPAYERS HAVE THE RIGHT TO KNOW, AND THIS ITEM, JUST LIKE THEY KNOW IN A BOND ELECTION WHAT THEIR EXPECTED PRICE TAG IS AND HOW MUCH OF THEIR TAX DOLLARS WILL GO ON IT. BECAUSE THEN THE TAXPAYERS CAN DECIDE DO I WANT TO SPEND \$96 MILLION ON THIS COMPUTER SYSTEM THAT HOLDS TETRA BITES OF INFORMATION ABOUT CITY -- OBSCURE CITY DOCUMENTS ON, YOU KNOW, HOW MANY LIGHT BULBS WE PURCHASE AT CITY HALL FOR A 10 YEAR PERIOD AND MAINTAIN IN PERPETUITY? DO WE WANT TO SPEND \$96 MILLION ON THAT OR DO WE WANT TO SPEND \$96 MILLION ON AFFORDABLE HOUSING OR MAKING SURE KIDS HAVE A BETTER FUTURE? DO WE WANT TO SPEND \$96 MILLION ON DRAINAGE AND WATER QUALITY INFRASTRUCTURE. AND THIS IS ONE WAY TO BE HONEST TO TAXPAYERS AND LET THEM KNOW WHETHER THEY'RE GOING TO -- THEIR CAPITAL DOLLARS ON THIS BIG TETRA BITE COMPUTER SYSTEM FOR THIS ONLINE DEAL OR TO SPEND IT ON OTHER THINGS THAT HAVE OTHER COMMUNITY VALUES IN THEM. SO THAT'S WHY I WANT TO KNOW THAT INFORMATION.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: YEAH. WE CAN ARGUE A LOT ABOUT THE DETAILS OF WHAT THE BALLOT LANGUAGE SHOULD BE, HOW IT DESCRIBES THE PARTICULARS, THE EFFECTS OF THE PROPOSAL, BUT I THINK ONE THING THAT IS ABSOLUTELY ESSENTIAL THAT EVERY CITIZEN IN THIS CITY THAT VOTES THAT HAS AN ABSOLUTE TO RIGHT TO KNOW IS HOW MUCH

IT WOULD COST. I THINK IT WOULD BE AN AN
BROTHERGATION OF OUR RESPONSIBILITY TO NOT GIVE
THEM THAT INFORMATION TO THE BEST OF YOUR ABILITY.
WE TALKED ABOUT THREE CENTS, THE ACTUAL IMPACT
BEING THREE CENTS PER HUNDRED. AND ONE AND A HALF
CENTS OF THAT WAS ABOUT ALL WE COULD RAISE TAXES
UNDER STATE LAW WITHOUT A REFERENDUM ELECTION.
SUE THE GREATER LIKELIHOOD IS THAT OTHER ONE AND A
HALF CENTS WOULD RESULT IN CUTS TO ESSENTIAL CITY
SERVICES. HEALTH AND HUMAN SERVICES, PARKS,
LIBRARIES, THINGS LIKE THAT. THAT'S ABOUT THE ONLY
PLACE YOU CAN DO IT.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER
COMMENTS? QUESTIONS? SO -- COUNCILMEMBER KIM.

Kim: I'D LIKE TO SAY SOMETHING. WE HAVE A COLLEAGUE
HERE, COUNCILMEMBER LEFFINGWELL, TRIED TO WORK OUT
A BETTER LANGUAGE SO THAT IT WOULD REPRESENT THE
INTENT OF THE CHARTER AMENDMENT LANGUAGE THAT
YOU PROPOSED, AND WE DIDN'T WANT TO GO DOWN THIS
ROUTE, BUT WE FEEL THAT WE HAVE TO BECAUSE WE HAVE
TO BE ACCURATE IN REPRESENTING WHAT THIS WILL DO
SHOULD THIS PASS IN ITS ENTIRETY. AND FOR SOME
REASON YOU DO NOT WANT TO NEGOTIATE OR EVEN
DISCUSS SOME SORT OF REASONABLE SOLUTION THAT
WOULD GET TO THE INTENT THAT YOU DESIRE, AND THAT I
THINK WE ALL DESIRE. AND AS FAR AS THE COMMENTS
ABOUT INFLUENCE BY LOBBYISTS AND THAT THE CITIZENS
DON'T HAVE A VOICE, I SPENT A LOT OF TIMES IN MEETINGS
WITH CITIZENS AND I SPENT SEVERAL MEETINGS WITH YOU
AND REQUESTED A MEETING WITH YOU WHERE I DIDN'T GET
A RESPONSE. AND THERE ARE TIMES WHEN I WOULD
DEFINITELY PREFER TO BE SPEAKING WITH MORE CITIZENS
AND I DO NOT SPEND THAT MUCH TIME TALKING TO
LOBBYISTS. IN FACT, I PREFER TO GET MY INFORMATION
THROUGH MY AIDES, SO I DON'T SEE WHERE THAT'S COMING
FROM.

[INAUDIBLE - NO MIC]. UNLESS WE REACH TOTAL
AGREEMENT ON THE OTHER CHARTER MEASURE. AND THE
PROPOSAL HE HAD LEFT IT COMPLETELY GUTTED AS A FEEL
GOOD STATEMENT ABOUT PROTECTING BARTON SPRINGS.

SO IT WAS COUNCILMEMBER LEFFINGWELL WHO REFUSED TO EVEN TALK ABOUT IT, IT WAS NOT US.

Mayor Wynn: THANK YOU, MR. BUNCH.

Leffingwell: MAYOR, I'D RAISE -- FIRST OF ALL, THE WHOLE COMMENT WAS OUT OF ORDER. I WOULD JUST MAKE THAT POINT. AND I THINK THE ENTIRE STATEMENT WAS A COMPLETE MISREPRESENTATION. THE CONDITIONS OF THAT MEETING, THE PROTOCOL WAS SET BEFOREHAND AND MR. BUNCH KNEW IT. WE DISCUSSED THE FACT THAT WE CONSIDERED THE TWO CHARTER PROPOSALS TO BE LINKED AND WE WOULD NOT DISCUSS THE OPEN GOVERNMENT WITHOUT REACHING AGREEMENT ON THE S.O.S. BEFOREHAND.

Mayor Wynn: THANK YOU, COUNCILMEMBER. SO EARLIER COUNCILMEMBER MCCRACKEN READ PROPOSED BALLOT LANGUAGE THAT IS DIFFERENT THAN THE CITY STAFF CRAFTED, SO I GUESS PERHAPS IF WE COULD KEEP THE DEBATE MOVING, I'LL ENTERTAIN A MOTION. THEN WE CAN BEGIN DEBATING THE INTRA INTRICACIES OF IT.

McCracken: MAYOR, I WILL MOVE TO APPROVE ON ALL THREE READINGS AN ORDINANCE FOR THE -- I GUESS FOR ITEM NUMBER 6 WHICH DEALS WITH THE ACQUISITION OF ONLINE CAPITAL EQUIPMENT AND ALSO OF OPERATIONS IN CITY GOVERNMENT WITH THE FOLLOWING LANGUAGE: SHALL THE CITY CHARTER BE AMENDED, A, TO REQUIRE THAT ALL PRIVATE CITIZENS E-MAILS TO ANY PUBLIC OFFICIAL BE PLACED ON THE CITY WEBSITE IN REALTIME, INCLUDING E-MAILS OR ELECTRONIC COMMUNICATIONS BETWEEN PRIVATE CITIZENS AND PUBLIC OFFICIALS IN ALL CITY DEPARTMENTS, INCLUDING THE LIBRARY DEPARTMENT, POLICE DEPARTMENT, CITY HEALTH CLINICS AND CITY DEPARTMENTS HANDLING UTILITY BILLS AND CODE ENFORCEMENT AND LIMIT THE ABILITY OF CITIZENS TO KEEP PRIVATE THE DETAILS OF THESE COMMUNICATIONS. B, REQUIRE THE HEADS OF ALL CITY DEPARTMENT, INCLUDING THE POLICE DEPARTMENT, PARKS DEPARTMENT, LIBRARY DEPARTMENT, ALL CITY MANAGER STAFF AND ALL CITY COUNCILMEMBERS AND THEIR STAFF POST ONLINE IN REALTIME INFORMATION ABOUT ALL MEETINGS AND PHONE

CALLS WITH PRIVATE CITIZENS. C, TO PROHIBIT THE CITY FROM EXERCISING STAY LAW PROTECTION FOR INFORMATION THAT COULD EXPOSE THE CITY AND TAXPAYERS TO GREATER FINANCIAL AND LEGAL LIABILITY AND RISK. D, TO REQUIRE THE CITY TO CREATE A AT TAXPAYER EXPENSE AN ONLINE ELECTRONIC DATA SYSTEM FOR MOST CITY COMMUNICATIONS AND DOCUMENTS WHICH ARE ALREADY AVAILABLE TO THE PUBLIC AND E TO INSTALL AND PERMANENTLY OPERATE A SYSTEM AT AN ESTIMATED COST OF APPROXIMATELY \$36 MILLION INITIALLY AND \$12 MILLION ANNUALLY THEREAFTER IF FULLY IMPLEMENTED, WHICH COULD REQUIRE A TAX INCREASE EQUIVALENT TO THREE CENT PER \$100 OF VALUATION OR REDUCTION IN CITY SERVICES.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN. SECONDED BY COUNCILMEMBER LEFFINGWELL ON THE BALLOT LANGUAGE FOR COUNCIL AGENDA ITEM NUMBER 6.

McCracken: MAYOR, REAL QUICK, I HAVE SOME FURTHER COMMENTS AFTERWARD, BUT I DOPT TO GO THROUGH THIS BECAUSE WE HAVE EXAMINED IT CAREFULLY, NOW TAKEN INPUT FROM FOLKS, AND MY COLLEAGUES ON THE DAIS, AND SO I AM CONFIDENT THAT EVERY SINGLE ONE OF THESE THINGS IS EXACTLY, 100% ACCURATE AND CONTAINED IN THIS SO-CALLED ONLINE CAPITAL ACQUISITION AND OPERATIONS ITEM. THE FIRST IS THAT IT REQUIRE ALL PRIVATE CITIZENS E-MAILS TO ANY PUBLIC OFFICIAL TO BE PLACED ON THE CITY WEBSITE IN REALTIME, INCLUDING E-MAILS OR ELECTRONIC COMMUNICATIONS BETWEEN PRIVATE CITIZENS AND PUBLIC OFFICIALS AND ALL CITY DEPARTMENTS, INCLUDING THE LIBRARY DEPARTMENT, POLICE DEPARTMENT, CITY HEALTH CLINICS AND CITY DEPARTMENTS HANDLING UTILITY BILLS AND CODE ENFORCEMENT. AND WHERE THAT COMES FROM IS THAT SECTION 3 SAYS THAT THE CITY MUST MAKE ALL PUBLIC INFORMATION AVAILABLE ONLINE IN REALTIME AND ACCESSIBLE TO THE PUBLIC. AND THEN IT SAYS IN SECTION 4 WHERE THE ITEM DEFINES PUBLIC INFORMATION, ITEM D ACTUALLY SAYS PERSONNEL FILES, WHICH I THINK EVERY CITY EMPLOYEE SHOULD BE ALARMED ABOUT, BUT WE HAVE NOT PLACED THAT IN THE LANGUAGE. ITEM E DEFINES PUBLIC INFORMATION AS E-MAIL OR OTHER WRITTEN

ELECTRONIC COMMUNICATIONS TO OR FROM A PUBLIC OFFICIAL CONCERNING CITY BUSINESS AND INCLUDING COMMUNICATIONS TO OR FROM PRIVATELY OWNED E-MAIL ACCOUNTS OR COMPUTERS. SO IN OTHER WORDS, IF YOU'RE A PRIVATE CITIZEN AND YOU E-MAIL ANY PUBLIC OFFICIAL, ANY PUBLIC OFFICIAL, NOT JUST CITY COUNCILMEMBERS, BUT ANY PUBLIC OFFICIAL IN THE CITY ABOUT ANY CITY BUSINESS, THIS ITEM REQUIRES THAT THE CITY MUST MAKE THAT ITEM, THAT E-MAIL, ELECTRONIC COMMUNICATION, AVAILABLE ONLINE IN REALTIME AND ACCESSIBLE TO THE PUBLIC. AND THE NEXT IS THE PROPOSAL STATES THAT THIS LIMITS THE -- LIMIT THE ABILITY OF CITIZENS TO KEEP PRIVATE THE DETAILS OF THESE COMMUNICATIONS. AND THE REASON WHY THAT IS IS BECAUSE THE CITY IS REQUIRED PRIOR TO ANY SHOWING OF PRIVACY TO PLACE THIS ONLINE IN REALTIME WHICH DOES LIMIT THE ABILITY OF CITIZENS PROACTIVELY AND AHEAD OF TIME TO LIMIT -- TO PROTECT THE PRIVACY OF THESE ITEMS. THIS NEXT SECTION SAYS IT WILL REQUIRE THE HEADS OF ALL CITY DEPARTMENTS, INCLUDING THE POLICE DEPARTMENT, PARKS DEPARTMENT, ALL CITY MANAGER STAFF AND ALL CITY COUNCILMEMBERS AND THEIR STAFF TO POST ONLINE IN REALTIME INFORMATION, INFORMATION ABOUT ALL MEETINGS AND PHONE CALLS TO PRIVATE CITIZENS. AND THIS COMES FROM SECTION 3 B, WHICH SAYS THAT THE FOLLOWING PEOPLE MUST MAINTAIN CALENDARS OF ALL MEETINGS AND MAINTAIN LOGS OF ALL TELEPHONE CALLS. CITY COUNCILMEMBERS AND THEIR STAFF, CITY MANAGER AND HIS OR HER STAFF, ASSISTANT CITY MANAGERS AND THEIR STAFF AND ALL DEPARTMENT HEADS. SOME OF THE DEPARTMENTS IN THE CITY INCLUDE THE POLICE DEPARTMENT, THE PARKS DEPARTMENT AND THE LIBRARY DEPARTMENT. THOSE ARE ALL DEPARTMENTS IN THE CITY THAT WOULD BE -- FOR INSTANCE, THE CHIEF OF POLICE WOULD BE REQUIRED TO POST HIS CALENDAR ONLINE IN REALTIME AND ALSO POSTPONE CALLS, LOGS OF ALL PHONE CALLS AND ALL MEETINGS. SO WOULD THE HEAD OF THE LIBRARY DEPARTMENT. EVERYTHING THE LIBRARY DEPARTMENT HEAD DOES WOULD HAVE TO BE POSTED ONLINE IN REALTIME CHUG WHO SHE MEETS WITH AND THOSE MEETINGS. AND MEETINGS INCLUDE ALL INFORMAL MEETINGS. IT IS NOT DEFINED -- WE HAVEN'T ATTEMPTED TO

DEFINE IT, BUT I GUESS WE COULD ALL TRY TO DECIDE WHAT IS AN INFORMAL MEETING WITH A PUBLIC OFFICIAL OR IN THIS CASE THE HEAD OF THE LIBRARY DEPARTMENT THAT A CONVERSATION OR A MEETING IN THE GROCERY STORE? WE DON'T GET INTO THAT IN THIS LANGUAGE. SECTION C SAYS IT PROHIBITS THE CITY FROM EXERCISING STATE LAW INFORMATION THAT COULD EXPOSE THE TAXPAYERS TO GREATER LIABILITY AND RISK. AND THIS DEALS WITH SECTION D WHICH REQUIRES THAT THE STYLE DOCUMENT AND SHORT DESCRIPTION OF THE SUBJECT MATTER OF ANY LITIGATION WHICH THE CITY IS A PARTY, TOGETHER WITH ALL COURT PLEADINGS AND ANY LITIGATION IS A PARTY TO BE POSTED AS WELL AS ALL COMMUNICATION TO THE ATTORNEY GENERAL, INCLUDING PUBLIC INFORMATION REQUESTS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

Mayor Wynn: ... ON MY -- MY DRAFT, SO IN FACT THIS DOESN'T TALK ABOUT YOU KNOW PERSONAL CORRESPONDENCE, THERE'S QUESTIONS ABOUT HOW THAT IS IN THERE. THAT'S ARGUABLY THAT PORTION IN THE BODY OF THE DOCUMENT THAT THIS BALLOT LANGUAGE REMOVES THAT PERSONAL CORRESPONDENCE, CONCERNING THAT SOME PEOPLE HAD, DOESN'T EVEN MENTION THE FACT THAT COMPANIES, I WAS GOING TO SAY NEGOTIATING ECONOMIC DEVELOPMENT AGREEMENTS, NOT SEEKING TO DO BUSINESS WITH THE CITY, WAIVE THE RIGHT TO PROTECT PROPRIETARY BUSINESS INFORMATION. THAT'S ALSO NOT IN THIS BALLOT LANGUAGE. WE OBVIOUSLY SPENT A LOT OF TIME TRYING TO WORK THROUGH THIS SIX, SEVEN, EIGHT PAGE ORDINANCE, TRYING TO DISCERN WHAT ARE THE ELEMENTS THAT PEOPLE NEED TO BE AWARE OF. AGAIN THERE'S -- THERE SEEMS TO BE STRONG UNANIMOUS SUPPORT FOR -- FOR THE BROAD INTENT OF NOT ONLY THIS -- THIS CITIZEN INITIATIVE ORDINANCE BUT ALSO THE OTHER ONE. THAT IS CLEAN GOVERNMENT, CLEAN ENVIRONMENT. WHATEVER PROCESS WE WENT THROUGH TO COME UP WITH THIS, I GIVE THEM THE BENEFIT OF THE DOUBT THESE ARE UNINTENDED CONSEQUENCES OF WHAT THEY WOULD LIKE TO SEE -- TO SEE, YOU KNOW, GOVERNMENT BE ABLE TO DO AT SOME POINT. BUT OUR JOB AGAIN IS NOT TO -- NOT TO -- NOT TO INTERPRET THE INTENT, BECAUSE I THINK -- THIS

COUNCIL AND PREVIOUS COUNCILS HAVE -- HAVE DEMONSTRATED WITH -- WITH EXPENDITURES OF TENS OF MILLIONS OF DOLLARS OVER THE LAST DECADE OR SO AND OBVIOUS A MOVEMENT TOWARDS ONLINE GOVERNMENT AND MORE READILY ACCESSIBLE INFORMATION. THERE'S RARELY A MONTH OR SO GOES BY THAT ANOTHER CITY OR LOCAL GOVERNMENT IS NOT TOURING THIS BUILDING OR OUR OPERATIONS SOMEWHERE, WHETHER IT'S THE COMBINED EMERGENCY CENTER OR OTHER PLACES WITH MR. COLLINS, OFTENTIMES, TO UNDERSTAND HOW WELL WE ARE DOING WHEN IT COMES TO SHARING INFORMATION, HAVING PAPERLESS AGENDAS, THINGS LIKE THAT. WE -- WE MAY NOT BE ON THE ABSOLUTE CUTTING EDGE NATIONWIDE, BUT I PROMISE YOU WE BENCHMARK WELL, CERTAINLY IN SOME CATEGORIES I BET WE ARE ON THE CUTTING EDGE AND FREQUENTLY THERE ARE DELEGATIONS FROM OTHER CITIES IN THIS CHAMBER, OFTENTIMES DURING COUNCIL MEETINGS, WATCHING AND UNDERSTANDING HOW WE HAVE MADE MAJOR INVESTMENTS TO GET TOWARDS THAT OBVIOUS LONG-TERM GOAL OF MORE -- MORE INFORMATION AND MORE READILY AVAILABLE TO MORE PEOPLE. THE SAME THING COULD BE SAID FOR TENS OF MILLIONS OF DOLLARS OBVIOUSLY THAT WE CONTINUE TO INVEST TRYING TO PROTECT OUR ENVIRONMENT. SO IT'S -- OUR JOB HERE, THE CHARGE FOR THIS EXERCISE ON THE BALLOT LANGUAGE ISN'T ABOUT INTENT. IT'S ABOUT HAVING TO READ A DOCUMENT THAT WE CAN'T CHANGE AND NO PROCESS CAN CHANGE FOR A COUPLE OF YEARS AT A MINIMUM. AND -- AND MAKE SURE THAT -- THAT IN AN ACCURATE WAY, VOTERS CAN -- CAN UNDERSTAND WHAT WOULD BE THE CONSEQUENCES, GOOD AND BAD, AND INTENDED OR UNINTENDED OF THIS -- OF THIS FRANKLY PRETTY COMPLICATED ORDINANCE, THAT IS WHAT THIS EXERCISE HAS BEEN. YOU KNOW, IT'S FRUSTRATING FOR A LOT OF PEOPLE. I HAVE SEEN THE DIFFERENCE ON THIS EXERCISE, THE TRUE TIME, EFFORT AND MONEY EXPENDED -- COME UP WITH THAT ANALYSIS, HAVING TO THINK THIS BALLOT LANGUAGE PRESENTED IN THIS MOTION FRANKLY IS SUPERIOR TO WHAT WAS PRESENTED TO US EARLIER IN THE DRAFT ITEM ORDINANCE. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

THANKS, MAYOR. AGAIN I THINK THAT -- THAT -- OBVIOUSLY IT WAS A VERY COMPLEX ISSUE, I THINK -- I THINK ALL OF US AT ONE POINT OR ANOTHER RAISED VARIOUS CONCERNS, BECAUSE WHEN YOU READ THROUGH IT, THERE'S JUST -- IF YOU ACTUALLY READ THROUGH THE LANGUAGE THERE'S TWO PAGES OF PRINT THAT'S -- THAT'S PROBABLY 10 POINT FONT OR SMALLER, THAT'S SINGLE SPACED WITH VERY SMALL MARGINS, SO THERE'S ACTUALLY A LOT OF TEXT IN -- IN THESE PETITIONS THAT -- THAT WERE PRESENTED TO COUNCIL. FOR THIS AMENDMENT. AND THERE'S A LOT -- THERE'S A LOT EMBEDDED IN THAT. IT'S NOT AS -- AS NICE AND NEAT AS THE LANGUAGE THAT -- THAT WAS PROVIDED TO US BY THE FOLKS WHO -- WHO MANAGE THAT PETITION. AND AGAIN THERE'S BEEN A LOT OF ISSUES RAISED. ADMIT THAT THERE IS AT LEAST ONE ISSUE WITH THE IMPACT THAT THIS AMENDMENT WOULD HAVE ON THE CITY. ONE NEGATIVE IMPACT. WE HAVE IDENTIFIED, YOU KNOW, I GUESS A THROUGH E HERE, BUT -- BUT THERE'S -- THERE'S PROBABLY ANOTHER FIVE OR SIX THAT SHOULD BE IN HERE THAT ARE NOT IN HERE. AGAIN, SO -- SO FOR ME THAT -- THAT'S JUST VERY PROBLEMATIC, YOU KNOW, BECAUSE -- BECAUSE, YOU KNOW, WE HAVE I THINK, WHAT I THINK ARE VERY THOUGHTFUL FOLKS ON THE COUNCIL WHO LOOK AT ISSUES IN A VERY THOROUGH WAY TO IDENTIFY ISSUES, PROBLEMS AND TRY TO ADDRESS PROBLEMS BE VERY METHODOICAL AND COMPREHENSIVE IN TERMS OF HOW THEY LOOK AT THINGS. EVERY PERSON UP HERE HAS AN ISSUE OR TWO OR THREE OR FOUR OR FIVE WITH THIS -- NONE OF WHICH ARE ACKNOWLEDGED BY THE FOLKS WHO ARE SUPPORTING THESE AMENDMENTS. I THINK -- I HOPE THAT SHOWS AT LEAST THAT -- THAT -- THAT -- OR AT LEAST I HOPE FOLKS CONSIDER THAT WHEN THEY CONSIDER HOW THE VOTE MIGHT GO ON THIS. OBVIOUSLY HOW THE VOTE WENT ON THE PREVIOUS AMENDMENT BECAUSE I THINK -- I THINK, YOU KNOW, THAT'S HOW I APPROACH ALL OF THE ISSUES, AND IT'S -- BUT WE ARE -- YOU KNOW, WITH THIS PARTICULAR ISSUE, WE ARE BEING TOLD DON'T QUESTION THE LANGUAGE WE GIVE YOU. DON'T -- DON'T CONSIDER HYPOTHETICALS, DON'T DISCLOSE THE COSTS OF THIS MEASURE. AND FOR ME I THINK THAT SHOWS AGAIN, YOU KNOW, IN TERMS OF WHAT WE ARE BEING ACCUSED OF IS JUST CATERING TO A DEVELOPMENT INTEREST OR BIG

MONEY INTERESTS IS THAT ALL WE DO IS WHATEVER THEY TELL US. BUT WE HAVE THIS -- THIS INTEREST GROUP TELLING US DON'T QUESTION, DON'T THINK ABOUT IT, DON'T DISCLOSE INFORMATION AND TO ME IT SEEMS LIKE THAT'S JUST ANOTHER -- I MEAN FOR US TO DO THAT, NOT QUESTION, NOT TO CONSIDER, ISSUES AND -- AND BE THOUGHTFUL ABOUT WHAT WE ARE VOTING ON, I THINK IT WOULD BE JUST AS MUCH OF A DISSERVICE AS WHAT WE ARE BEING ACCUSED OF WHICH I THINK IS COMPLETELY INACCURATE. IF YOU LOOK AT THE PHONE LOGS, IF YOU LOOK AT THE MEDIA REQUESTS, AGAIN YOU KNOW I KNOW THAT I CAN SAY SAFELY THAT I PROBABLY MEET -- A LOT MORE WITH CONSTITUENTS THAN I DO WITH LOBBYISTS. AND -- AND SO I THINK THAT -- THAT -- THE OTHER ISSUE THAT IS VERY PROBLEMATIC, I THINK A LOT OF THAT INFORMATION IS ALREADY AVAILABLE TO THE PUBLIC THROUGH OPEN RECORDS -- AND MAYBE SOME OF THE REASONS THAT YOU DON'T SEE SO MANY MEETING REQUESTS ON OUR CALENDARS IS BECAUSE WE'RE -- WE'RE KIND OF DROWNING IN OPEN RECORDS REQUESTS. I KNOW THAT I HAVE TO GO THROUGH STACKS AND STACKS OF INFORMATION -- AGAIN THAT'S THE PROCESS, OPEN RECORDS, PEOPLE REQUEST THE INFORMATION, YOU HAVE A CERTAIN NUMBER OF DAYS TO PROVIDE, SO YOU HAVE PROVIDED IT. SO THE FACT THAT WE MIGHT HAVE SOMETHING HERE THAT HAS A GREAT FISCAL IMPACT TO THE CITY TO PROVIDE INFORMATION THAT TO A GREAT DEGREE IS ALREADY AVAILABLE, YOU KNOW, I THINK IS ALSO SOMETHING THAT DOESN'T SIT WELL WITH ME AND I THINK MR. -- MR. BUNCH AND SOME OF HIS COMMENTS DID RAISE A COUPLE OF LEGITIMATE ISSUES. IN TERMS OF PROCESS, HOW WE COULD HAVE PUBLIC INPUT, THIS BALLOT LANGUAGE, THIS PETITION LANGUAGE GOES FAR BEYOND THE KINDS OF ISSUES ANY OF THE SPEAKERS HAVE RAISED AND IF SOME OF THOSE ISSUES AGAIN -- THIS THING COULD HAVE BEEN TAILORED VERY NAIRLLY TO ADDRESS THE KIND OF ISSUES THAT WE'VE HEARD FROM -- FROM PROPONENTS OF OPEN GOVERNMENT AND -- AND ENVIRONMENTAL PROTECTION THEN AGAIN WE WOULDN'T HAVE THIS ISSUE. WE WOULDN'T HAVE AN ISSUE WHERE -- YOU KNOW, WHERE WE HAVE TO OURSELVES ANALYZE WHAT SOMEBODY ELSE PUT TOGETHER AND MAKE SURE THAT THE VOTERS

UNDERSTAND WHAT IT IS THAT THEY ARE VOTING ON AND AGAIN -- YOU KNOW, I THINK THAT'S ANOTHER REASON THERE'S A LOT OF HOLES IN THIS PARTICULAR PROPOSAL IS IT WASN'T DRAFTED WITH A LOT OF PUBLIC INPUT. MORE OF A PROBLEM PROCESS THAT WE COULD HAVE IDENTIFIED SOME OF THESE SHORTCOMINGS, MAYBE WHATEVER GETS PUT ON THE BALLOT IS ACTUALLY SOMETHING THAT'S MUCH STRONGER AND DOESN'T HAVE THE KIND OF IMPACTS, AGAIN, THAT WE HAVE IDENTIFIED IN THE LANGUAGE THAT WAS PUT TOGETHER. BUT YET AGAIN WE ARE THE ONES WHO ARE BEING ACCUSED OF DEVELOPING -- DEALS BEHIND CLOSED DOORS OR, THAT I THINK THAT THE SAME ARGUMENT HERE CAN BE MADE ABOUT WHO DRAFTED THIS, WHO WAS INVOLVED AND WHY WEREN'T SOME OF THESE ISSUES ADDRESSED AHEAD OF TIME BECAUSE I THINK IN THE END THAT'S REALLY WHY THIS HAS BECOME SUCH A BIG ISSUE, AS REQUIRED ALL OF THIS TIME AND ATTENTION IS BECAUSE -- BECAUSE WHEN THE LANGUAGE WAS DRAFTED, THERE WAS A LOT OF -- THERE WAS A LOT OF HOLES AND -- AND A LOT OF -- OF QUESTIONS THAT WERE -- THAT WERE LEFT UNANSWERED, AND THOSE ARE QUESTIONS THAT WE AS POLICY MAKERS HAVE TO CONSIDER -- WHEN WE HAVE TO -- WE HAVE TO WEIGH THE POSSIBILITY THAT THIS MIGHT ACTUALLY BECOME CITY POLICY AT SOME POINT, HOW WE ARE GOING TO IMPLEMENT IT, THE VOTERS ARE HAVE A RIGHT TO KNOW HOW WE ARE GOING TO IMPLEMENT THIS PARTICULAR -- THESE PARTICULAR AMENDMENTS IF THEY PASS. SO -- SO I GO BACK TO -- TO AGAIN THE ISSUE OF -- OF BALLOT LANGUAGE AND WHAT IT SHOULD SAY, NOT WHAT THE SPONSORS WANT -- SAY WE SHOULD PUT IN THERE. THE BALLOT LANGUAGE SHOULD NOT BE WHAT THE SPONSORS SAY THIS THING DOES, BUT WHAT IT ACTUALLY DOES. I REALLY THINK THAT -- THAT THE KINDS OF ISSUES THAT -- THAT ARE IN THE BALLOT LANGUAGE THAT ARE PROPOSED ARE MUCH -- MUCH MORE CLOSELY REFLECT THE TRUE IMPACT, YOU KNOW, OF THIS PARTICULAR MEASURE. THAN THE SPONSORS OF THE RESOLUTION, THEY ARE VERY WORTHY GOALS THAT WERE ASPIRED TO OR -- BUT I THINK THAT THE ACTUAL LANGUAGE THAT WAS DEVELOPED TO TRY TO ACHIEVE THOSE GOALS, MISSED THE MARK. WHAT WE NEED TO DO IS ADEQUATELY PORTRAY WHAT THE [INDISCERNIBLE] WOULD MEAN FOR THE CITY, THAT

INCLUDES THE FISCAL IMPACT AND I THINK THAT THERE IS A LOT OF BACKUP FOR THE NUMBERS THAT ARE INCLUDED IN THIS PARTICULAR LANGUAGE AND I DO WANT TO THANK COUNCILMEMBER MCCRACKEN, I KNOW HE HAS HASHED THROUGH A LOT OF ISSUES TO ARRIVE AT THIS -- AT THIS -- AND I REALLY FEEL THAT -- THAT AGAIN THIS IS INFORMATION THAT'S VITAL TO THE VOTING PUBLIC. AND AGAIN IF THE VOTERS CHOOSE TO VOTE THIS IN, AT LEAST THEY KNOW THAT -- THAT THESE ARE THE CONSEQUENCES AND IF WE WERE TO PUT LANGUAGE THAT WAS VERY VAGUE AND VERY GENERAL, AND -- AND THEN SOME OF THESE THINGS AGAIN THAT ARE OUT OF LINE IN THE -- IN THE ACTUAL BALLOT THAT THE COUNCIL IS PROPOSING, TURN OUT TO BE TRUE, THEN -- THEN THE VOTING PUBLIC IS GOING TO WONDER WELL, WHY WEREN'T WE TOLD THAT THESE WERE GOING TO BE THE IMPACTS WHEN THIS -- WHEN THIS -- WHEN THESE WERE PUT BEFORE THE VOTERS. SO I FEEL VERY STRONGLY ABOUT BOTH OF THESE ISSUES, CLEANER ENVIRONMENT, OPEN GOVERNMENT, AGAIN WE ALSO HAVE A -- A RESPONSIBILITY TO ACCURATELY PORTRAY THE TRUE IMPACTS OF THE PROPOSALS BEFORE US AND -- I WISH THERE WOULD HAVE BEEN AN OPPORTUNITY TO WORK THINGS OUT, BUT THERE JUST WASN'T MUCH TIME BECAUSE THE PETITIONS WERE JUST VALIDATED A WEEK OR SO AGO, SO ONCE THE LANGUAGE IS SET, THERE ISN'T MUCH TO NEGOTIATE. ONCE THE PETITION DRIVE STARTS, THERE ISN'T MUCH OPPORTUNITY TO NEGOTIATE ANYMORE. ONCE THE PETITIONS -- THE SIGNATURES HAVE BEEN DEVELOPED AND SO -- SO THERE REALLY WASN'T THAT OPPORTUNITY TO -- TO CRAFT SOMETHING THAT ACTUALLY WOULD -- WOULD BETTER PROTECT THE ENVIRONMENT AND LEAD TO MORE OPEN GOVERNMENT AND QUICKER ACCESS TO INFORMATION AND AGAIN I THINK THERE -- OBVIOUSLY THERE ARE WAYS THAT WE CAN DO THAT, BUT I -- YOU KNOW, AGAIN IN THIS ROLE THAT WE HAVE ABOUT SETTING THE CHARTER LANGUAGE OR THE BALLOT LANGUAGE, I THINK WE NEED TO BE TRUTHFUL AND HONEST ABOUT WHAT DO WE THINK THE IMPACT OF THESE ITEMS WILL BE AND THEN LET THE VOTERS DECIDE. BUT I DO FEEL -- THAT THE LANGUAGE HERE IS -- IS ACCURATE, HAS BEEN EXPLAINED BY VARIOUS

INDIVIDUALS, THANKS, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? AGAIN WE HAVE A MOTION AND A SECOND. ON THE TABLE TO -- TO APPROVE AGENDA ITEM NO. 6. BACKUP ORDINANCE OF COURSE DRAFTED BY OTHERS. THE MOTION INCLUDES A NEW PROPOSED BALLOT LANGUAGE.

MAYOR? >>

McCracken: BRIEF COMMENTS THAT ARE NOT ABOUT THE ACTUAL BALLOT LANGUAGE BUT FOLLOWING WITH COUNCILMEMBER ALVAREZ ON SOME OF THE ISSUES HERE. BUT THIS -- THIS ITEM WHICH REQUIRES THE ACQUISITION OF CAPITAL ASSETS AND CHANGES IN -- IN HOW -- HOW INFORMATION IS POSTED ON THE CITY WEBSITE, REQUIRED THAT -- THAT ALL E-MAILS ELECTRONIC COMMUNICATIONS TO OR FROM THE PUBLIC OFFICIAL, IN OTHER WORDS ALL E-MAILS, ELECTRONIC COMMUNICATIONS, FROM PRIVATE CITIZENS TO PUBLIC OFFICIALS BE POSTED ONLINE IN REAL TIME. SO THE QUESTION THEN IS WHAT IS THE PUBLIC OFFICIAL? AND IT IS NOT DEFINED IN THIS ITEM, BUT -- BUT PUBLIC OFFICIALS HAVE BEEN DEFINED BY THE ATTORNEY GENERAL OF THE STATE OF TEXAS TO INCLUDE, YOU KNOW, EVERY -- EVERY CITY EMPLOYEE WHO HAS DECISION MAKING AUTHORITY, AND THEN ALSO THERE ARE OTHER AREAS IN THE STATE LAW SUCH AS -- IN THE PENAL CODE FOR OFFICIAL MISCONDUCT AND FOR OFFICIAL OPPRESSION OF A PUBLIC OFFICIAL, DEFINED SO BROADLY THAT IT INCLUDES EVERY EMPLOYEE OF THE CITY GOVERNMENT. SO -- SO HOW THE COURTS INTERPRET THIS, IT IS UNKNOWN, IT IS A GREAT RISK FOR PEOPLE. BUT IT DEPENDS ON WHICH DEFINITION OF PUBLIC OFFICIAL THE COURTS WERE DO ADOPT. IF THEY ADOPTED THE DEFINITION OF PUBLIC OFFICIALS THAT IS FOUND IN THE OFFICIAL OPPRESSION AND IN THE OFFICIAL MISCONDUCT PENAL PROVISIONS, AND IT APPLIED TO EVERY CITY EMPLOYEE, HERE ARE SOME OF THE RAMIFICATION, THESE ARE THINGS THAT THE VOTERS NEED TO FACTOR IN AS THEY DECIDE WHETHER THIS IS THE KIND OF CITY WE WANT TO LIVE IN. IT WOULD REQUIRE THAT EVERY E-MAIL, ELECTRONIC COMMUNICATION TO THE POLICE DEPARTMENT WOULD HAVE TO BE PLACED ONLINE

IN REAL TIME. MY WIFE IS A PROSECUTOR AND SHE PUTS IN PRISON CHILD ABUSERS AND CHILD PORNOGRAPHER. AND SHE HAS DESCRIBED FOR ME THE WAY HER JOB WORKS. AND THAT IS FOR A LOT OF TIMES THERE ARE E-MAIL COMMUNICATIONS BETWEEN POLICE OFFICERS AND CHILDREN WHOSE NAMES ARE PROTECTED FROM IDENTITY BECAUSE THAT'S THE KIND OF SOCIETY WE WANT TO LIVE IN. UNDER THE S.O.S. AMENDMENT ON REQUIRING ALL COMMUNICATIONS WITH PUBLIC OFFICIALS TO BE PUT ONLINE IN REAL TIME, YOU COULD FIND A SITUATION BASED ON DEPENDING HOW THE COURT'S INTERPRET IT, YOU CAN FIND THAT CHILDREN AND CHILD ABUSE CASES WOULD LOSE THEIR PRIVACY PROTECTIONS UNDER THE EXPRESS LANGUAGE CITED. AND -- AND ALSO SHE IN HER EXPERIENCE, MINDY'S EXPERIENCE AS A CHILD ABUSE PROSECUTOR, IF IT'S CHILD PORNOGRAPHER AND PUTS THEM IN PRISON, IS THAT SHE TELLS ME IS THAT POLICE OFFICERS FREQUENTLY DO HAVE LOTS OF E-MAIL COMMUNICATION ABOUT ONGOING INVESTIGATIONS ASKING ADVICE ON HOW THEY CAN SET UP A STING OPERATION OR HOW TO ARREST SOMEONE OR HOW TO GATHER EVIDENCE ABOUT SOMEONE WHO IS SEXUALLY ABUSING CHILDREN. WHAT WE HAVE HERE RIGHT NOW IS SOMETHING THAT WOULD REQUIRE ALL OF THIS BE POSTED POTENTIALLY ONLINE IN REAL TIME. WE HAVE A LIBRARY DEPARTMENT. AS COUNCILMEMBER DUNKERLY SHOWS, WE HAVE A SUBSTANTIAL AMOUNT OF OUR ACTIVITIES IN THE LIBRARY DEPARTMENT CONDUCTED ONLINE THROUGH ELECTRONIC COMMUNICATIONS AND E-MAILS. IF -- IF THE COURTS INTERPRET THE TERM PUBLIC OFFICIAL UNDER THE TERMS IN THE PENAL CODE OF THE STATE OF TEXAS, THAT WOULD MEAN THAT EVERY COMMUNICATION AND EVERY ELECTRONIC COMMUNICATION THAT HAPPENS IN THE LIBRARY SYSTEM WOULD BE POSTED ONLINE AND IN REAL TIME. THIS IS THE KIND OF THING THAT PEOPLE SAID WHEN THE FEDERAL GOVERNMENT WAS LOOKING AT DOING SOMETHING A -- QUITE MORE MODEST THAN THAT, WHICH I DIDN'T AGREE WITH THAT EITHER, THEY WERE SAYING WE NEED TO POST WARNINGS IN LIBRARIES. NOW WE ARE TALKING ABOUT SOMETHING HERE IN THE CITY OF AUSTIN THAT POTENTIALLY WOULD HAVE MUCH MORE INTRUCIVE IMPACTS. THE QUESTION IS DO WE POST WARNINGS IN

LIBRARIES ABOUT THE S.O.S. ITEMS? WELL, THEN THE OTHER THINGS, WHISTLE BLOWERS, COMMUNICATIONS IN WHICH PEOPLE OF CONSCIENCE REVEAL TO THE PRESS OUR FREE PRESS THINGS THAT ARE -- THAT ARE WRONG DOING. UNDER OF THE TERMS OF THE SO-CALLED ONLINE PROVISION, THE ABILITY OF WHISTLE BLOWERS IN THE FREE PRESS TO EXPOS WRONG DOING WOULD BE CRUSHED POTENTIALLY UNDER THIS. IS THAT A GOOD THING? PROMOTE OPENNESS IN GOVERNMENT? SOMETHING THE VOTERS NEED TO CONSIDER. LET ME TELL YOU SOMETHING ALSO THAT MY EXPERIENCE AS A PROSECUTOR, MINDY'S EXPERIENCE AS A PROSECUTOR CURRENTLY STILL IS THAT IT WILL BE AN ACT OF MALPRACTICE FOR A CRIMINAL DEFENSE LAWYER NOT TO SUE THE CITY OF AUSTIN TO HAVE ALL POLICE COMMUNICATIONS AND POLICE DETECTIVES AND CHILD ABUSE DETECTIVES AND CHILD PORN GREAFER DETECTIVES AND MURDER DETECTIVES, MALPRACTICE FOR THE ACLU OR ANY CRIMINAL DEFENSE LAWYER NOT TO SUE THE CITY TO GET ALL POLICE COMMUNICATIONS POSTED ONLINE IN REAL TIME BECAUSE THAT'S ONE WAY TO PROVIDE A VIGOROUS DEFENSE FOR THEIR CLIENT. WE HAVE A 100% MURDER SOLVE -- CLOSURE SOLVING MURDER RATE IN THE CITY OF AUSTIN. BEST IN THE COUNTRY. DO WE WANT TO INHIBIT THE ABILITY OF POLICE INVESTIGATORS TO FIGHT CHILD PORN GREAFER AND ABUSE, RAPE VICTIMS, DO WE WANT TO EXPOSE RAPE VICTIMS THROUGH POSTING ALL ELECTRONIC COMMUNICATIONS ONLINE IN REAL TIME? POLICE REPORTS TYPICALLY HAVE SOME LEVEL OF PROTECTION FOR VICTIMS AND WITNESSES. THIS WOULD HAVE TO BE POSTED WHY LINE IN REAL TIME, TOO. THE ISSUE OF MEDICAL RECORDS, POTENTIALLY IF YOU POSTED ONLINE IN REAL TIME. THEN LET ME GIVE YOU ANOTHER EXAMPLE, THIS IS AN IMPORTANT ONE. IN THE LAST LEGISLATIVE SESSION THERE WAS AN EFFORT BY CERTAIN LEGISLATORS TO GET RID OF THE S.O.S. ORDINANCE. S.O.S. CHOORTER CHARTER ITEM THAT PROVIDED FOR PROTECTING WATER QUALITY IN BARTON SPRINGS ZONE. SOMETHING EVERY ONE OF US IN THIS COUNCIL SUPPORTS. THERE OF THE AN EFFORT BY THE LEGISLATURE TO KILL IT, TO REMOVE THE POWER OF THE CITY OF AUSTIN TO ENFORCE OUR OWN ENVIRONMENTAL LAWS. WE WORKED WITH A LOBBY TEAM

TO PROTECT OUR ENVIRONMENTAL WATER QUALITY ORDINANCES IN THIS CITY AND WE TURNED TO THE LEGISLATURES WHO WERE WILLING TO HELP US PRIVATELY BUT NOT PUBLICLY. WE ENGAGED IN ELECTRONIC COMMUNICATIONS AND PHONE CALLS AND LOBBYING TO SAVE THE S.O.S. ORDINANCE. WE WERE SUCCESSFUL, THANKFULLY, IT'S A GOOD THING, I THINK EVERYBODY IN THIS ROOM IS GLAD WE DID THAT. UNDER THIS AMENDMENT, EVEN THE MOST CONSERVATIVE READINGS, WHEN THE CITY MANAGER AND STAFF ALL COMMERCES, EVERY PHONE, WHO WE TALKED WITH. I TELL YOU WHAT, THE PEOPLE ARE TRYING TO KILL S.O.S. AT THE CAPITOL, THEY WOULD HAVE KILLED S.O.S. PARK UNDERSTAND FRONT OF THE CITY OF AUSTIN WEBSITE AND SEEN HOW WE WERE TRYING TO SAVE S.O.S. BEWARE OF THE UNINTENDED CONSEQUENCES OF POORLY THOUGHT OUT DEALS IN PRIVATE WHAT S.O.S. HAS DONE HERE. THEY HAVE REFUSED TO COMMUNICATE WITH US IN ADVANCE. HAVEN'T TOLD US WHO IS PAYING FOR THIS THING IN TERMS OF WHO PAID FOR THEIR CAMPAIGN, PAYING FOR THEM TO GATHER SIGNATURES. THE EFFORT TO CONCEAL THAT AND PREVENT TAXPAYERS FROM KNOWING WHAT IT WILL COST. ULTIMATELY IS THIS HOW YOU WANT TO SPEND YOUR TAX DOLLARS.

MAYBE THEY DO WANT TO SPEND \$96 MILLION IN A HUGE COMPUTER INFRASTRUCTURE SYSTEM THAT WOULD POTENTIALLY STRIP THEM OF THEIR PRIVACY RIGHTS. MAYBE THEY DON'T. THERE'S A CONSEQUENCE, IF YOU SPEND 96 MILLION ON THIS, THAT MEANS THAT YOU HAVE \$96 MILLION THAT YOU CAN'T SPEND ELSEWHERE. HE REQUESTS ARE YOU SATISFIED THAT KIDS ARE GOING TO BED WITH ENOUGH TO EAT, ENOUGH JOB OPPORTUNITIES IN THE CITY, ADDRESSED DRAINAGE, WATER QUALITY, ADDRESSED EQUALITY OF OPPORTUNITY, ARE YOU SATISFIED WITH ALL OF THAT SO THAT YOU WOULD RATHER SPEND \$96 MILLION ON THIS COMPUTER DEAL AS OPPOSED TO \$96 MILLION ON THESE OTHER THINGS THAT ADVANCE COMMUNITY VALUES. THAT WILL BE A CHOICE THAT THE VOTERS HAVE TO MAKE, BUT WE ARE STRIVING TO PROVIDE COMPLETE AND ACCURATE INFORMATION, TO NOT CONCEAL THE COST OF THIS.

COUNCILMEMBER LEFFINGWELL?

Leffingwell: ONE FINAL POINT. I WILL BE BRIEF.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL MOVES AND I WILL SECOND TO WAIVE COUNCIL RULES AND GO PAST 10:00. ALL IN FAVOR? AYE.

THANK YOU, SORRY.

Leffingwell: THAT'S WHAT I MEANT. WE HAVE TALKED ABOUT ALL OF THE PEOPLE THAT WOULD BE AFFECTED POTENTIALLY BY THIS CHARTER AMENDMENT. AND OBVIOUSLY CITY EMPLOYEES, US, HIGH RANKING CITY OFFICIALS. POLICE AND FIRE CHIEFS, ASSISTANT CHIEFS, BUT IT'S VERY LIKELY ACCORDING TO TEXAS LAW, UNPAID PUBLIC OFFICIALS WOULD BE AFFECTED, PLANNING COMMISSION, ZONING AND PLATTING COMMISSION, ETHICS REVIEW COMMISSION, BOARD OF ADJUSTMENT, CIVIL SERVICE, BUILDING AND FIRE CODE BOARD OF APPEALS, BUILDING STANDARDS COMMISSION, CABLE COMMISSION, ELECTRIC BOARD, HOUSING AUTHORITY, MECHANIC CAM AND PLUMBING BOARD, PARKS AND RECREATION BOARD, WATER AND WASTEWATER COMMISSION, HUMAN RIGHTS COMMISSION THERE MAY BE OTHERS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? A MOTION AND A SECOND ON THE TABLE THAT INCLUDES REVISED BALLOT LANGUAGE ON AGENDA ITEM 6 REGARDING THE OPEN GOVERNMENT CITIZEN INITIATIVE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Mayor Wynn: WE WILL TAKE UP ITEM NO. 7 I GUESS, ORDER KNOWLEDGE THE ELECTION -- ORDERING THE ELECTION, THEN DETERMINING THE ORDER ON WHICH THE PROPOSITIONS ARE TO APPEAR ON THE BALLOT.

THAT'S CORRECT, YOU ALL HAVE THE DISCRETION TO

ORDER THE CHARTER AMENDMENTS THAT YOU HAVE ADOPTED BOTH LAST WEEK AND THIS WEEK IN ANY ORDER THAT YOU CHOOSE. HOPEFULLY STAFF HAS HANDED OUT A WORKSHEET FOR YOU THAT JUST LISTS ALL OF THE ITEMS WITH -- WITH BALLOT LANGUAGE THAT WAS AVAILABLE WHEN THIS WAS PREPARED. THERE HAVE BEEN OBVIOUSLY CHANGES TO THE BALLOT LANGUAGE THAT'S BEFORE YOU. BUT THIS IS JUST A WORKSHEET. THE ORDER OF LAST WEEK, HOW IT WAS ADOPTED LAST WEEK, HOW IT'S ON THE AGENDA THIS WEEK. COUNCIL CAN REORDER THESE IN ANY ORDER, WE WILL PREPARE THEN AN ORDINANCE THAT SAYS THAT THE ACTUAL BALLOT ITSELF WILL CONTAIN THE PROPOSITION LANGUAGE AS FINALLY ADOPTED BY COUNCIL, NOT AS ON THIS WORKSHEET. IN THE ORDER THAT THEY ARE NUMBERED. THAT YOU TELL US TO NUMBER THEM.

Mayor Wynn: THANK YOU, MS. GILCHRIST. LET'S SEE, BEFORE I -- BEFORE I OPEN IT UP, I THINK WE PROBABLY HAVE A CITIZEN OR TWO PERHAPS. KIRK MITCHELL SIGNED UP WISHING TO SPEAK NEUTRAL. I'M NOT SURE HE'S STILL HERE. LET ME SAY BEFORE I OPEN IT UP FOR QUESTIONS OR COMMENTS, COUNCIL, JUST AS A REMINDER, WE HAD A SERIES -- AT LEAST ONE, MAYBE OTHERS, BUT THEN ALSO A SERIES OF CITIZEN INITIATED POTENTIAL CHARTER AMENDMENTS IN THE SPRING OF '02 AS WELL AS A HANDFUL OF COUNCIL SPONSORED POTENTIAL CHARTER AMENDMENTS. AT THAT TIME WE HAD I GUESS THE SIMILAR DEBATE AND -- I REMEMBER HAVING REAL GOOD -- GOOD DEBATE ON THE COUNCIL, ULTIMATELY HAVING THE STRONG CONSENSUS ABOUT THE CONCEPT OF -- OF CITIZENS INITIATED POTENTIAL CHARTER AMENDMENTS, ESSENTIALLY TAKING PRIORITY ON THE BALLOT. AND SO I JUST WANTED TO REFLECT THAT, THAT I WOULD BE VERY SUPPORTIVE OF HAVING THE TWO CITIZEN INITIATIVE CHARTER AMENDMENTS GO FIRST. BASED ON THIS DISCUSSION TODAY, IT SEEMS TO ME THAT THE OPEN GOVERNMENT INITIATIVE IS -- IS IN A SENSE FAR MORE COMPLICATED, FAR REACHING, MORE CONTENTIOUS IN THE WAYS OF TRYING TO GET TO THE BALLOT LANGUAGE EVEN. WE HAVE THE TWO CITIZEN CHARTER AMENDMENTS THEN WE -- OF THE -- OF THE FIVE REMAINING, COUNCIL SPONSORED POTENTIAL CHARTER AMENDMENTS, THREE OF THOSE FIVE RELATE IN

SOME WAYS TO ELECTION. ONE IS A SIMPLE SORT OF CORRECTION OF THE TERM -- OF OUR TERMS BASED ON THE CHANGE OF STATE LAW. ONE RELATES TO THE -- TO THE SLIGHT EXPANSION OF THE TERM LIMITS OR THE NUMBER OF TERMS AND THEN THE THIRD IS -- IS -- RELATES TO CAMPAIGN FINANCE, THEN WE HAVE TWO WHAT I CALL SORT OF OUTLYING ISSUES, ONE BEING EMPLOYEE BENEFITS AND ONE BEING A MUNICIPAL JUDGE. SO -- SO I WILL OPEN IT UP FOR COMMENTS, BUT I LIKE THE IDEA OF CITIZEN INITIATED AMENDMENTS COMING FIRST AND THEN THE FACT THAT WE HAVE THREE ELECTION RELATED, I LIKE THE IDEA OF US, YOU KNOW, LUMPING THOSE TOGETHER, NOT TECHNICALLY TOGETHER, BUT AT LEAST SEQUENTIALLY IN SOME FORM OR FASHION, COMMENTS ON THE PROPOSED SEQUENCE OF THE BALLOT INITIATIVE? COUNCILMEMBER MCCracken?

I AGREE WITH YOU. I THINK THAT IS A FAIRLY STRAIGHTFORWARD -- ITEM, SO I WILL MAKE A MOTION AND WE CAN -- BUT THAT -- THAT LAYS OUT AND FOLLOWS YOUR LEAD ON THIS, WHICH I THINK IS A GOOD WAY. SO I MOVE THAT THE -- THIS -- MS. GILCHRIST IS THIS ORDINANCES?

THEY ARE ALL ORDINANCES.

I WOULD MOVE TO APPROVE ON ALL THREE READINGS THE FOLLOWING ORDINANCE FOR SETTING THE ORDER FOR THE CITY CHARTER ELECTION. THE FIRST PROPOSITION NUMBER 1 WILL BE THE ITEM THAT IS CONTAINED IN THE SECOND PAGE, CONCERNING PURCHASE OF COMPUTER EQUIPMENT AND OPERATION OF ONLINE SYSTEMS, THAT'S THE CITIZEN ITEM FROM THE S.O.S. ORGANIZATION. PROPOSITION NUMBER 2 BE THE SECOND CITIZEN INITIATIVE, THE ONE SETTING LIMITS ON -- ON INFRASTRUCTURE AND OTHER ACTIVITIES. BOTH IN THE BARTON SPRINGS ZONES AND IN CERTAIN CASES CITY-WIDE. ITEM NO. 3, WILL BE THE -- THE CHARTER ITEM REGARDING CHALLENGING THE INITIAL DATE OF THE TERM SERVED BY THE MAYOR AND COUNCIL TO COMPLY WITH THE CHANGE IN THE STATE ELECTION LAW. PROPOSITION 4 BEING THE -- THE CHARTER ITEM CHANGING THE TERM LIMIT MAXIMUM FOR FUTURE COUNCILS FROM TWO TERMS TO THREE TERMS. ITEM NO. 5 WOULD BE THE -- THE ITEM TO -- TO PLACE SOME CHANGES IN THE CAMPAIGN FINANCE LIMITS OR IN THE CAMPAIGN FINANCE CHARTER

ITEM. ITEM NO. 6 WOULD BE THE -- THE ITEM RESTORING THE OPPORTUNITY FOR CITY EMPLOYEES TO PURCHASE ADDITIONAL BENEFIT COVERAGE BY REPEALING ARTICLE 4, SECTION 4. AND ITEM NO. 7 BEING THE CHARTER ITEM TO INCREASE THE TERMS SERVED BY MUNICIPAL COURT JUDGES FROM TWO YEARS TO FOUR YEARS.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCracken TO SORT OF FOLLOW MY SUGGESTION, I FEEL OBLIGATED TO SECOND THAT. MOTION, COUNCILMEMBER MCCracken, SECONDED BY ME THAT OUTLINED THE SEQUENCE OF THESE CHARTER AMENDMENT ORDINANCES, ONE THROUGH SEVEN. AGAIN FOR LACK OF BETTER TERMS, THE OPEN GOVERNMENT, ONLINE, CITIZEN INITIATIVE BEING ONE, CITIZEN INITIATED BARTON SPRINGS ZONE RELATED ISSUE BEING NUMBER TWO, THE THIRD BEING THE CORRECTION FOR THE TERMS, WITH THE MAYOR AND COUNCIL SERVE TO REFLECT THE NEW CHANGE IN STATE LAW, ITEM 4 RON POSITION 4 WOULD BE THE -- PROPOSITION 4 WOULD BE THE CHANGE IN NUMBER OF TERMS SERVED FROM TWO TO THREE, PROPOSITION FIVE RELATED TO THE CAMPAIGN FINANCE CHANGES. PROPOSITION 6 EMPLOYEE BENEFITS. PROPOSITION 7 MUNICIPAL COURT JUDGE LENGTHS OF TERM. COMMENTS? QUESTIONS? MS. GILCHRIST, OBVIOUSLY YOU WILL TAKE THE LANGUAGE NOW THAT WE HAVE WORKED OUR WAY THROUGH INCLUDING TWO FROM LAST WEEK, WITHIN THE FIVE I GUESS WE HAVE DONE TODAY, ALL RIGHT. SO THIS WAS JUST A SEQUENCE.

THIS IS JUST A SEQUENCE, THE ACTUAL LANGUAGE THAT WAS ADOPTED AND APPROVED WAS DIFFERENT FROM THIS WORKSHEET AND THAT WILL BE WHAT APPEARS IN THE ORDINANCE THAT WE PREPARE TOMORROW.

Mayor Wynn: ALL RIGHT. COMMENTS? QUESTIONS? MAYOR PRO TEM?

Thomas: PROPOSITION 6 -- NO ON PROPOSITION 6.

Mayor Wynn: TECHNICALLY, THIS IS JUST TO VOTE -- THE VOTE OF WHICH NUMBER -- I WOULDN'T CHARACTERIZE THIS MS. GILCHRIST, THIS ISN'T A -- A --

THIS VOTE ONLY DETERMINES THE ORDER IN WHICH THE ITEMS APPEAR ON THE ACTUAL BALLOT.

Mayor Wynn: RIGHT. MOTION AND SECOND FOR THIS BALLOT SEQUENCE, PROPOSITIONS 1 THROUGH 7. 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, MS. GILCHRIST ESPECIALLY. OKAY, COUNCIL, THAT TAKE US TO -- TO 6:00 PUBLIC HEARINGS. I APPRECIATE EVERYBODY'S PATIENCE, MAYBE YOU LEARNED A THING OR TWO. WE WILL TAKE THESE SEQUENTIALLY, WE WILL BLAST THROUGH THESE, VERY LIMITED SIGNUP AT ALL. 53 CONDUCT A PUBLIC HEARING AND APPROVE AMENDMENTS TO THE TIME OF USE THERMAL ENERGY STORAGE RIDER AND THE LOAD COOPERATIVE RIDER RELATED TO OBVIOUSLY OUR ELECTRIC UTILITY. WELCOME, MR. JUAN GARZA.

MAYOR, MEMBERS OF THE COUNCIL, THANK YOU, I WILL TRY TO BE AS BRIEF AS I CAN. THIS ESSENTIALLY IS A COUPLE OF AMENDMENTS TO OUR TARIFFS THAT ARE VERY MUCH THIS KEEPING WITH OUR STRATEGIC PLAN. TO ENCOURAGE A GREATER CONSERVATION AND SHIFTING OF LOAD FROM THE DAY PEAKING HOURS INTO THE EVENING HOURS. THE THERMAL ENERGY STORAGE RIDER WOULD ALLOW US TO SHIFT TO EXPAND THE NUMBER OF CUSTOMERS THAT CAN TAKE ADVANTAGE OF THAT PART OF THE TARIFF. BY EXPANDING THE REQUIREMENT TO -- THAT THEY SHIFT 20% OR -- OR 2500-KILOWATTS, WHICHEVER IS LOWER, WHEREAS RIGHT NOW IT'S JUST BASICALLY 20% OF THEIR LOAD. SO IT EXPANDS IT TO MORE OF OUR LARGE CUSTOMERS. THE -- THE SECOND ITEM DEALS, IT'S A LOAD COOPERATIVE, A DEMAND RESPONSE TYPE OF -- OF OPPORTUNITY. THAT AGAIN WOULD ALLOW MORE CUSTOMERS TO PARTICIPATE. THE CURRENT REFRESH MY MEMORY IS 200 KILOWATTS, WE ARE REDUCING THAT TO 100 KILOWATTS, LANGUAGE THAT THE CURTAILED LOAD WILL BE NO LESS THAN 15% OF THE CUSTOMER'S NORMAL ON PEAK. THAT'S BASICALLY IT. IT'S VERY STRAIGHTFORWARD. A COUPLE OF AMENDMENTS.

AND WE THINK THAT IT WILL EXPLAIN THESE OPPORTUNITIES TO MORE CUSTOMERS, THAT'S THE IDEA. ONE CITIZEN SIGNED UP EARLIER TO SPEAK. MR. FRANKENFIELD, WELCOME, APPRECIATE YOUR PATIENCE. SORRY IT'S BEEN SO LONG.

THIS HAS BEEN QUITE AN EDUCATION, THANK YOU. MAYOR, COUNCILMEMBERS, CITIZENS OF AUSTIN WHO ARE STILL HERE TONIGHT, MY NAME IS GUY FRANKENFIELD, I SUPPORT THE AMENDMENT TO -- FOR THE TIME OF USE RIDER. FOR THE THERMAL ENERGY STORAGE. I COME BEFORE YOU IN SUPPORT OF ENERGY CONSERVATION. A HALLMARK OF THE CITY OF AUSTIN. RECOGNIZED AS ONE OF THE GREENEST CITIES IN THE -- IN AMERICA. ENERGY CONSERVATION BENEFITS ALL OF THE CITIZENS OF AUSTIN, BECAUSE IT HELPS DEFER THE COSTS OF BUILDING NEW POWER GENERATION PLANTS. WHILE PROTECTING OUR NATURAL RESOURCES, AND SIGNIFICANTLY REDUCING AIR EMISSIONS IN THE AUSTIN AREA. VERY SIMPLY, ENERGY CONSERVATION SAVES COSTS FOR THE CITIZENS, MAKES AUSTIN'S BUSINESSES STRONGER AND PROTECTS OUR ENVIRONMENT. SINCE GRADUATING WITH AN ENGINEERING DEGREE 25 YEARS AGO, I HAVE BEEN WORKING IN THE PRIVATE AND PUBLIC SECTOR DESIGNING ENERGY CONSERVATION PROJECTS. I'M CURRENTLY WORKING FOR A COMPANY THAT SPECIALIZES IN THERMAL ENERGY STORED SYSTEMS WHICH IS ONE OF THE ENERGY CONSERVATION TECHNOLOGIES AS PROMOTED BY AUSTIN ENERGY'S ENERGY CONSERVATION PROGRAM. THERMAL ENERGY STORAGE IS A TECHNOLOGY THAT INVOLVES STORING ENERGY DURING ONE TIME OF DAY AND THEN DISTRIBUTING THAT ENERGY AT ANOTHER -- AT THE TIME WHEN IT IS MOST NEEDED. ONE EXAMPLE OF AN ENERGY STORAGE SYSTEM IS THE HUMAN BODY. EVERY DAY WE CONSUME FOOD AT SPECIFIC TIMES DURING THE DAY. WE STORE THAT ENERGY AND THEN WE USE THAT ENERGY DURING TIMES OF ACTIVITY. OTHER TYPES OF THERMAL ENERGY STORAGE SYSTEMS ARE THOSE PROMOTED BY AUSTIN'S ENERGY CONSERVATION PROGRAMS. THESE THERMAL ENERGY STORAGE SYSTEMS CAN BE UTILIZED IN LARGE BUILDINGS LIKE HOSPITALS, SCHOOLS, COLLEGE CAMPUSES, IN THERMAL ENERGY THAT SHOWS WATER IS STORED AND

GENERATED AT NIGHTTIME, WHEN THE UTILITY RATES ARE LOWER. THEN DURING THE PEAK COOLING PERIODS OF THE DAY, USUALLY THE AFTERNOON, THE CHILLERS ARE TURNED OFF, THE COLD STORED WATER IS DISTRIBUTED TO THE FACILITY. BY SHIFTING THE ELECTRIC LOAD ASSOCIATED WITH GENERATING THAT CHILL WATER FROM PEAK PERIODS TO OFF PEAK PERIODS, THE FOSSIL FUEL NECESSARY TO AGAIN RATE THE POWER IS SIGNIFICANTLY GENERATE THE POWER IS SIGNIFICANTLY REDUCED. IN THE ACTUAL CHILL WATER GENERATION IS MORE LIKELY TO TAKE PLACE DURING GREEN CHOICE POWER SUPPLY PERIODS. BY TAKING ADVANTAGE OF THERMAL ENERGY STORAGE, A TYPICAL CHILL WATER PLANT CAN SHIFT LARGE ELECTRIC LOADS FROM PEAK PERIODS TO OFF PEAK PERIODS, ON THE ORDER OF 500 KILOWATTS TO 5,000 KILOWATTS OF POWER. THE EMISSION REDUCTIONS ASSOCIATED WITH IMPLEMENTING ONE LARGE THERMAL ENERGY STORAGE SYSTEM IN AUSTIN SAVING FIVE THOUSAND KILOWATTS, WILL ELIMINATE 10,650,000 POUNDS OF POLLUTANTS EACH YEAR OR THE EQUIVALENT OF REMOVING OVER A THOUSAND AUTOMOBILES FROM THE STREETS OF AUSTIN. THERE ARE NUMEROUS CAMPUSES WITHIN THE AUSTIN AREA THAT HAVE WHICH I AM WATER PLANTS THAT COULD UTILIZE A THERMAL ENERGY STORAGE SYSTEM AND DO NOT. POSSIBLY BECAUSE THE REBATE PROGRAM DOES NOT PROVIDE ENOUGH INCENTIVE TO THE OWNERS THAT PUSH THEM OVER THE EDGE AND IMPLEMENT A SYSTEM LIKE THIS. THEY GO A LONG WAY TO PROVIDING FINANCIAL BENEFIT TO IMPLEMENT ENERGY CONSERVATION MEASURES. AS AN EXAMPLE IN 2005 THE CITY OF AUSTIN PAID OUT OVER A MILLION IN REBATES FOR LIGHTING RETRO FITS. THESE REBATES FOR LIGHTING RESULTED IN A TOTAL DEMAND REDUCTION OF 5,000 KILOWATTS. IN COMPARISON, IF THE OWNER OF A LARGE CHILL WATER SYSTEM WERE TO IMPLEMENT A THERMAL ENERGY STORAGE SYSTEM AT THEIR FACILITY, IT ALONE COULD REDUCE BY 5,000 KILOWATTS. UNFORTUNATELY THE POTENTIAL REBATE FOR THIS CUSTOMER WOULD ONLY BE \$100,000 AS COMPARED TO ONE MILLION THAT WAS PROVIDED FOR THE LIGHTING RETRO FITS. IN ADDITION, IF THIS OWNER IMPLEMENTED A THERMAL ENERGY STORAGE SYSTEM AND REACHED THE REBATE CAP OF \$100,000, BASED ON THE CURRENT

PROGRAM, IT WOULD -- THEY WOULD NOT BE ABLE TO RECEIVE ANY OTHER REBATES FOR ANY OTHER ENERGY CONSERVATION MEASURE THAT'S THEY WANTED TO IMPLEMENT THAT CALENDAR YEAR. I COME TO YOU TODAY TO RESPECTFULLY REQUEST THAT YOU CONSIDER MAKING MINOR CHANGES TO THE EXISTING ENERGY CONSERVATION PROGRAM THAT WILL PROVIDE GREATER INCENTIVE FOR AUSTIN CUSTOMERS TO IMPLEMENT THERMAL ENERGY STORAGE PROJECTS. RESULTING IN SIGNIFICANT BENEFITS FOR THE CITIZENS OF AUSTIN. [BUZZER SOUNDING] AND JUST AS I WAS ABOUT TO TELL YOU WHAT THOSE WERE, THE BEEPER WENT OFF, WHICH MEANS I'M OUT OF TIME.

Mayor Wynn: JUST CONCLUDE, YOU KNOW, YOU WAITED SO LONG, BE SUCCINCT AND CONCLUDE. WE ARE FANS OF THE PROCESS OURSELVES.

THANK YOU. PLEASE CONSIDER MAKING THE FOLLOWING CHANGE, SEPARATE THERMAL ENERGY STORAGE PROJECTS FROM THE OTHER ENERGY CONSERVATION PROJECTS LIKE LIGHTING AND HVAC EQUIPMENT. SIMILAR TO THE WAY THAT SOLAR PROJECTS ARE SEPARATE FROM THOSE OTHERS. REVISE THE REBATE STRUCTURE FOR THE THERMAL ENERGY STORAGE PROJECT, CURRENTLY THE REBATE POTENTIAL IS \$250 PER KW OF REDUCTION WITH A CAP OF 100,000. I RECOMMEND IMPLEMENTING A DECLINING BLOCK TYPE STRUCTURE, THE LARGER THE SYSTEM, THE LESS REBATE OFFERED. BUT THE CAP WOULD BE INCREASED TO \$150,000. SO FOR THE FIRST -- 200 KW, THE REBATE WOULD BE A TOTAL OF \$50,000. FOR THE NEXT 500 KW REDUCTION, THE REBATE WOULD BE \$100 PER KW AND FINALLY FOR THE NEXT 1,000 KW REDUCED, THE REBATE WOULD ONLY BE \$50 PER KW. SO THE TOTAL POSSIBLE REBATE POTENTIAL FOR ANY PROJECT WOULD BE \$150,000.

Mayor Wynn: PLEASE TRY TO SUMMARIZE THE REST OF YOUR CONCLUSIONS AND WE WILL BE SURE TO GIVE THEM TO MR. GARZA.

THANK YOU IN ADVANCE FOR CONSIDERING THIS REQUEST. I THINK IT WILL GREATLY BENEFIT THE CITIZENS OF AUSTIN.

Mayor Wynn: THANK YOU. TECHNICALLY YOU ARE IN FAVOR

OF THE RATE SCHEDULE AMENDMENT? THAT WE ARE PROPOSING? CORRECT. THANK YOU. BY THE WAY, JUST QUICK OBVIOUSLY SOME OF YOU MOST OF YOU ARE ALL AWARE, THIS BUILDING IS ON THE DOWNTOWN CHILLED WATER LOOP, WHICH IS OUR [INDISCERNIBLE] PRODUCT, WE ARE PROBABLY GETTING MORE PEOPLE INTERESTED AND CONNECTING TO BOTH THE -- THESE TWO NEW DOWNTOWN CHILLERS THAN ANY UTILITY THAT I CAN IMAGINE. IT'S A VERY SOUND PRACTICE AND APPROPRIATE THAT WE HAVE A RATE SCHEDULE THAT REFLECTS THOSE POTENTIAL SAVINGS. OUR ONLY CITIZEN SIGNED UP WISHING TO SPEAK REGARDING THIS PUBLIC HEARING. COUNCIL, ITEM NO. 53. QUESTIONS OF STAFF? COMMENTS? MR. GARZA, QUICK QUESTION. SOME OF THOSE ITEMS ARE TECHNICALLY SORT OF MORE OF A BUSINESS MODEL THAT YOU HAVE WITH THE ENTERPRISE, IS THAT CORRECT.

THAT'S CORRECT, MAYOR. LET ME SAY WE ARE TOTALLY SYMPATHETIC WITH THE PROPOSAL. IT'S A QUESTION OF HOW CAN WE REACH THE MOST CUSTOMERS THAT WE HAVE. I WILL CERTAINLY TAKE A LOOK. THIS IS SOMETHING THAT WE CAN ALWAYS REVISIT. BUT CERTAINLY ANYTHING THAT ENCOURAGES GREATER AND GREATER CONSERVATION ALLOWS US TO DEFER FURTHER DATE IN THE FUTURE. WE ARE VERY MUCH INTERESTED AND SYMPATHETIC.

Mayor Wynn: THANK YOU. STAFF, COUNCIL. IF NOT, I'LL -- I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING AND APPROVE THE AMENDMENTS AS OUTLINED BY STAFF. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER LEFFINGWELL TO -- TO CLOSE THIS PUBLIC HEARING AND APPROVE THE AMENDMENTS TO THIS TIME OF USE THERMAL ENERGY DRIVER. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE. POSSESSION POSSESS? MOTION PASSES ON A VOTE OF 5-0 WITH COUNCILMEMBER MCCracken AND COUNCILMEMBER KIM OFF THE DAIS, THANK YOU. ITEM NO. 54, MR. -- SORRY.

JERRY WITH NEIGHBORHOOD PLANNING AND ZONING, ITEM

54 IS THE SECOND OF TWO PUBLIC HEARINGS FOR THE PROPOSED WIN FIELD MUNICIPAL UTILITY DISTRICT NUMBER 2 LIMITED PURPOSE ANNEXATION AREA. ORDINANCE READINGS ARE SCHEDULED FOR APRIL 6 2006, THIS AREA INCLUDES APPROXIMATELY 575 ACRES, LOCATED IN THE TRAVIS COUNTY AND HAYS COUNTY APPROXIMATELY ONE AND A HALF MILES EAST OF I-35 AND SOUTH OF TURNERSVILLE ROAD, CURRENTLY UNDEVELOPED. THIS AREA IS PROPOSED FOR ... IN ACCORDANCE WITH THE TERMS OF STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE CITY OF AUSTIN AND WINFIELD NUMBER 2, APPROVED BY THE COUNCIL ON MAY 19th, 2005. COPIES ARE AVAILABLE THIS EVENING LOCATED TO THE TABLE BEHIND ME. THIS CONCLUDES MY PRESENTATION. [LAUGHTER]

THANK YOU, QUESTIONS OF STAFF, COUNCIL IS THIS WE HAD ONE PERSON SIGNED UP, BRET KILGORE SIGNED UP PREPARED TO SPEAK IF WE HAVE QUESTIONS. NO OTHER FOLKS SIGNED UP. ANY CITIZENS THAT WOULD LIKE TO BE HEARD IN THIS PUBLIC HEARING REGARDING ITEM NO. 54, THE LIMITED PURPOSE ANNEXATION, WINFIELD MUD AREA NUMBER 2, ITEM NO. 55 THE STRATEGIC PARTNER AGREEMENT BETWEEN THE CITY OF AUSTIN AND THAT M.U.D. FINAL POTENTIAL ORDINANCE IS IN APRIL.

CORRECT, APRIL 6th PROPOSING TO BRING IT BACK.

Mayor Wynn: ONE REQUEST OF STAFF, PROBABLY ALREADY DOING THIS. BUT OBVIOUSLY THAT'S VERY IMPORTANT TO THE AREA IS VERY IMPORTANT TO THE CITY OF BUDA AS WELL. WE HAVE ONGOING, YOU KNOW, FOR E.T.J., GOOD E.T.J. RELATIONS WITH THE CITY OF BUDA. SO MAKE SURE THAT OUR STAFF IS IN CONTACT WITH THE CITY OF BUDA TO -- TO JUST MAKE SURE THEY ARE AWARE OF WHAT THE TECHNICALITIES THIS ISSUE -- TXDOT THAT AREA IS PRIMED TO HAVE -- BE VERY NEAR THE STATE HIGHWAY, MAKE SURE EVERYBODY UNDERSTANDS THE CONSEQUENCES FOR BOTH CITIES INVOLVED.

THE PROPOSED E.T.J. TRANSFER WILL TAKE EFFECT APRIL 30th, 2006.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS OF STAFF,

COUNCIL? IF NOT I'LL ENTERTAIN A MOTION FOR IMIERCHED ITEMS 54 AND 55. COMBINED. MOTION MADE BY COUNCILMEMBER DUNKERLY, THAT I'LL SECOND TO CLOSE THIS PUBLIC HEARING. AND NO ACTION REQUIRED. ON ITEMS 54 AND 55. 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 OFF THE DAIS.

COUNCIL ITEM 55 IS THE SECOND OF TWO PUBLIC HEARINGS REGARDING THE PROPOSED STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE CITY OF AUSTIN --

ACTUALLY, I JUST CALLED THOSE UP JOINTLY. WE ACTUALLY JUST OPENED AND CLOSED THAT JOINT PUBLIC HEARING. SO --

OH, OKAY. [LAUGHTER] ITEM NO. 56 NOW.

SURE, 56 IS THE SECOND OF TWO PUBLIC HEARINGS FOR THE PROPOSED NORTHEAST MIDDLE SCHOOL ANNEXATION AREA. AGAIN THE ORDINANCE READINGS ARE PROPOSED FOR APRIL 62006. THIS AREA INCLUDES APPROXIMATELY 74 ACRES, LOCATED IN TRAVIS COUNTY WEST OF JOHNNY MORRIS ROAD AND THE INTERSECTION WITH BREEZY HILL ROAD. THIS AREA IS ADJACENT TO THE FULL PURPOSE CITY LIMITS ON THE NORTHWEST AND SOUTH SIDE, CURRENTLY UNDEVELOPED. THE AISD OWNS LAND WITHIN IN AREA, REQUESTED THE CITY OF AUSTIN ANNEX THEIR PROPERTY. COPIES OF THE SERVICE PLAN TO THIS AREA ARE AVAILABLE THIS EVENING, LOCATED ON THE TABLE BEHIND ME. THIS CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? ANY CITIZENS THAT WOULD LIKE TO ADDRESS US IN THIS PUBLIC HEARING REGARDING THE FULL PURPOSE ANNEXATION OF THE NORTHEAST MIDDLE SCHOOL AREA? HEARING NONE I WILL ENTERTAIN A MOTION TO CLOSE. MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER MCCracken TO CLOSE. 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 OFF THE DAIS.

THANK YOU, COUNCIL.

THANK YOU, MR. RUSTHOVEN, FOR BEING SO PATIENT TONIGHT. ITEM 57. CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE TO AMEND THE CITY CODE REGARDING TRANSIT ORIENTED DEVELOPMENT DISTRICTS. WELCOME A BRIEF STAFF PRESENTATION. GOOD EVENING, I'M SONIA [INDISCERNIBLE] WITH THE NEIGHBORHOOD ZONING AND PLAN DEPARTMENTS. TWO PROPOSED CODE DEVELOPMENTS RELATED TO TRANSIT ORIENTED DEVELOPMENT. THE FIRST IS A PROPOSED CODE AMENDMENT TO THE TRANSIT ORIENTED DEVELOPMENT DISTRICT ITSELF WHICH WAS ADOPTED IN MAY OF 2005. AND A PROPOSED LANGUAGE IS TO -- IS TO ESTABLISH A TOWN CENTER, TRANSIT ORIENTED DEVELOPMENT DEVELOPMENT WITHIN OAK HILL. THE PROPOSAL AT THIS TIME IS TO -- TO NOT PUT ANY BOUNDARY LANGUAGE WITHIN THE ORDINANCE BECAUSE WE DON'T KNOW WHERE -- WHERE THE CAPITAL METRO BUS ROUTE FOR TRANSIT STATION WILL BE AT THIS TIME. SO -- SO THE LANGUAGE RELATED TO BOUNDARIES WILL SIMPLY SAY THAT -- THAT -- DURING THE NEIGHBORHOOD PLANNING PROCESS, IT'S CURRENTLY GOING ON IN THE OAK HILL AREA, A -- A TRANSIT ORIENTED DEVELOPMENT DISTRICT WILL BE DETERMINED AFTER CAPITAL METRO HAS DETERMINED THE STATION LOCATION. THE SECOND PROPOSED CODE AMENDMENT IS RELATED TO TRANSIT ORIENTED DEVELOPMENT, SPEAKS TO AMENDING THE LANGUAGE IN THE CODE RELATED TO LAND USE COMMISSION, CURRENTLY TRANSIT ORIENTED DEVELOPMENT DISTRICT CASES WOULD BE HEARD BY TWO SEPARATE COMMISSIONERS BY ZONING AND PLATTING COMMISSION ABOUT HALF WOULD GO TO Z.A.P., AND ABOUT HALF WOULD GO TO THE PLANNING COMMISSION. SO THE PROPOSAL IS TO HAVE ALL CASES THAT RELATE TO TRANSIT ORIENTED DEVELOPMENT BE HEARD BY THE PLANNING

COMMISSION. AND THAT IS THE END OF MY PRESENTATION. IF YOU HAVE ANY QUESTIONS, I WILL BE HAPPY TO ANSWER THEM.

Mayor Wynn: THANK YOU, QUESTIONS OF STAFF, COUNCIL? BRIEFLY THIS WENT BEFORE THE PLANNING COMMISSION I PRESUME.

I'M SORRY?

THIS WENT BEFORE THE PLANNING COMMISSION, THESE --

YES AND ALSO THE SUBCOMMITTEE, CODES AND ORDINANCES, APPROVED UNANIMOUSLY BY THE PLANNING COMMISSION.

Mayor Wynn: CORRECT. OKAY. WE HAVE 57, LORRAINE ATTAR TON SIGNED UP EARLIER NOT WISHING TO SPEAK -- I'M SORRY, 57, THE T.O.D. OR TRANSIT DEVELOPMENTED DISTRICTS, ANYONE WISHING TO SPEAK? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. -- HEARING NONE I WILL ENTERTAIN A MOTION, QUESTIONS, COMMENTS.

McCracken: I MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE I GUESS ALL THREE READINGS.

Mayor Wynn: IT'S AN AMENDMENT. MS. TERRY?

YES.

Mayor Wynn: YES. SO.

McCracken: APPROVE ALL THREE READINGS ITEM NO. 57.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER KIM, I WILL SECOND TO CLOSE THE PUBLIC HEARING AND APPROVE THE AMENDMENT OF THIS ORDINANCE ON ALL THREE READINGS REGARDING T.O.D. DISTRICTS AS OUTLINED BY STAFF AND APPROVED BY PLANNING COMMISSION. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 5-0 WITH COUNCILMEMBERS KIM AND LEFFINGWELL OFF THE DAIS. ITEM NO. 57, SORRY, 58. CONDUCT A PUBLIC HEARING REGARDING THE SITE DEVELOPMENT REGULATIONS REGARDING SINGLE FAMILY RESIDENTIAL USES IN CERTAIN DISTRICT NOPE AS THE McIMAGINEMANSION ISSUE.

AM I ON? MAYOR AND COUNCIL, MARTHA TERRY, ASSISTANT CITY ATTORNEY. WHAT YOU HAVE BEFORE YOU TONIGHT, WHAT WE ARE HERE TO PRESENT TO YOU TONIGHT IS THE WORK OF THE TASK FORCE THAT YOU APPOINTED TO REVIEW THE INTERIM DEVELOPMENT REGULATIONS THAT YOU APPROVED ON FEBRUARY THE 16th. THAT TASK FORCE FIRST MET ON FEBRUARY 17th AND HAS BEEN MEETING EVERY TUESDAY AND FRIDAY SINCE THAT DATE. THE PLANNING COMMISSION ALSO CONSIDERED REGULATIONS CONCERNING THE INTERIM REGULATION DEVELOPMENTS ON FEBRUARY THE 28th. THEIR RECOMMENDATION WAS TO ADOPT AS THE INTERIM REGULATIONS EXACTLY WHAT WAS IN YOUR PREVIOUS ORDINANCE THAT YOU ADOPTED ON FEBRUARY 16th, EXCEPT TO DELETE DUPLEXES. THE TASK FORCE CONTINUED ITS WORK AS -- AS YOU HAD DIRECTED THEM TO, AND WHAT WE HAVE PRESENTED YOU WITH TONIGHT IS NOT THE PLANNING COMMISSION ORDINANCE, WHICH IS WHAT OUR NORMAL PRACTICE IS, BUT WHAT WE HAVE PRESENTED TO YOU TONIGHT IS THE WORK OF THAT TASK FORCE. AND I WOULD LIKE TO WALK YOU THROUGH IT. TWO ORDINANCES IN BACKUP, AN ADDITIONAL ORDINANCE THAT I HAVE PASSED OUT TO YOU ON THE DAIS, I WANT TO WALK YOU THROUGH THOSE ORDINANCES, I WANT TO TELL YOU WHAT THE WORK OF THE TASK FORCE WAS AND EXPLAIN THE DIFFERENCE BETWEEN THE ORDINANCES IN THE BACKUP AND THE ORDINANCE THAT I HAVE PASSED OUT ON THE DAIS. I WANT TO PAUSE AND EXPLAIN THAT YOU HAVE UNDERLINED VERSIONS BUT THOSE ARE NOT TRUE LEGISLATIVE FORMAT RED LINED UNDERLINE WHERE YOU HAVE STRIKEOUTS AND UNDERLYING. THE ROBE REASON FOR THAT IS BECAUSE THIS IS A BRAND NEW ORDINANCE. IT IS NOT AMENDING AN ORDINANCE. IT IS TAKING THE PLACE, BUT WHAT WE DID DO IS WE DID A MODIFIED LEGISLATIVE FORMAT TO SHOW YOU THE MATERIAL THAT THE TASK

FORCE ASKS TO BE OR RECOMMENDED THAT BE INCLUDED. WHAT I CAN EXPLAIN TO YOU IS THAT THERE WERE SOME THINGS THAT WERE REMOVED FROM THE FEBRUARY 16th ORDINANCE IN THE SENSE THAT YOU WON'T FIND THEM IN THE ORDINANCE THAT COMES BEFORE YOU. FOR EXAMPLE, IN THE FEBRUARY 16th, ORDINANCE YOU WILL RECALL BECAUSE THAT WAS INTERIM REGULATIONS AND THE STATE STATUTE REQUIRED CERTAIN FINDINGS, WE HAD A RATHER LONG SECTION WITH EXTENSIVE FINDINGS. THAT'S NO LONGER NECESSARY. BECAUSE WE ARE NOT OPERATING UNDER THE STATE STATUTE ANYMORE, THE REASON WHY WE ARE NOT IS BECAUSE THE PLANNING COMMISSION HAD AN OPPORTUNITY AND REVIEW AND MAKE ITS RECOMMENDATIONS CONCERNING THE ADOPTION OF THESE ORDINANCES AS REQUIRED BY OTHER SECTIONS OF THE LOCAL GOVERNMENT CODE. SO WE ARE OUT OF THE INTERIM REGULATION MODE, NO INTO THE MODIFICATION OF ZONING REGULATIONS, AS A RESULT OF THAT, WE DON'T NEED THOSE EXTENSIVE FINDINGS THAT REQUIRE BY THE STATE STATUTE FOR THE INTERIM REGULATIONS. WE HAVE ALSO ELIMINATED SOME OF THE WAIVER PROVISIONS THAT WERE REQUIRED BY STATE LAW IN THE FEBRUARY 16th VERSION. THE MATTERS THAT WE ELIMINATED ARE NO LONGER REQUIRED BECAUSE ONCE AGAIN WE ARE OPERATING UNDER A DIFFERENT LOCAL GOVERNMENT REQUIREMENTS. LOCAL GOVERNMENT CODE REQUIREMENTS. THE -- THE -- WHAT I SHOULD TELL YOU ABOUT THE WAIVER PROVISIONS THAT WE ELIMINATED, WE ELIMINATED THE CHAPTER 245 WAIVER PROVISION, THAT WAS REQUIRED BY STATE STATUTE BUT QUITE FRANKLY CHAPTER 245 OPERATES AS -- AS LAW AS LEGAL REQUIREMENTS AND DID NOT NEED TO BE IN THE WAIVER PROVISIONS OTHER THAN AS MANDATED BY STATE LAW. THE OTHER THING THAT WE DID IN TERMS OF -- OF REMOVING THE WAIVER PROVISIONS IS WE REMOVED THE WAIVER PROVISION ON THE -- ON PAYMENT FOR DRAINAGE FACILITIES. BECAUSE AGAIN THAT'S NOT THE FRAMEWORK THAT WE ARE OPERATING UNDER. SO -- SO WITH THAT, THAT'S A GENERAL DESCRIPTION TO YOU OF WHAT WAS REMOVED IN THE -- IN THE ORDINANCES BEFORE YOU. NOW I WANT TO GO THROUGH WHAT WAS ADDED BY THE WORK OF THE OF THE TASK FORCE. PAGE ONE, THE GROSS FLOOR

AREA EXPLANATION, THE MEANING SET FORTH THERE. WHAT WAS ADDED BY OR RECOMMENDED TO BE ADDING BY THE TASK FORCE WAS THAT GROSS FLOOR AREA BE MODIFIED TO INCLUDE SECOND AND THIRD READING STORY OPEN SPACES THAT ARE COVERED BY A ROOF. TO EXCLUDE BELOW GRADE IN CLOSED PLACES UNDER CERTAIN I DON'T WANT TO SAY LIMITATIONS, BUT UNDER CERTAIN CIRCUMSTANCES. THAT CHANGE HAS BEEN MADE TO THE GROSS FLOOR AREA. PAGE TWO OF THE ORDINANCE, YOU WILL FIND THAT THE TASK FORCE RECOMMENDED THAT THE ORDINANCE BE EXPANDED TO APPLY TO SECONDARY APARTMENTS, SINGLE FAMILY ATTACHED AND TWO FAMILY STRUCTURES. IN ADDITION TO DUPLEXES. IF YOU WILL RECALL, WHAT I INDICATED EARLY ON IS THAT THE -- THE PLANNING COMMISSION RECOMMENDATION THAT DUPLEX BE DELETED. AS FAR AS PART THREE IS CONCERNED IT REMAINED THE SAME. THE APPLICABILITY REMAINED THE SAME. PART 4 HAS BEEN MODIFIED TO REFLECT VACANT LOTS ARE INCLUDED WITHIN THE LIMITATIONS OF THE ORDINANCE. I WANT TO PAUSE HERE AND ADVISE YOU THAT THERE WAS NOT 100% CONSENSUS OF THE TASK FORCE IN THAT REGARD. TWO MEMBERS OF THE TASK FORCE DID NOT FAVOR THE INCLUSION OF THE DEVELOPMENT OF VACANT LOTS BEING WITHIN THE LIMITATIONS OF THE ORDINANCE. THE REST OF THE TASK FORCE, AS I UNDERSTOOD IT, ASKED THAT THAT BE INCLUDED AND THAT'S WHY THIS LANGUAGE IS HERE. PART 4 ALSO WAS CHANGED THAT THE LIMITATIONS APPLY TO THE COMBINED SQUARE FOOTAGES OF TWO FAMILY AND SECONDARY APARTMENT STRUCTURES, SO THE LIMITATIONS COMBINE TO -- TO -- APPLY TO BOTH OF THOSE STRUCTURES TOGETHER. A NEW PART 5 HAS BEEN ADDED, EXPANDING THE ORDINANCE TO APPLY TO SETBACK SITUATIONS. AND THIS I WANT TO TAKE JUST A LITTLE BIT OF TIME, IT'S A LITTLE BIT COMPLICATED TO EXPLAIN. BUT THE CONCEPT WAS THAT IF YOU HAVE A BLOCK IN WHICH YOU HAVE A LOT, A LOT OR LOTS THAT ARE UNDEVELOPED BUT OTHER LOTS THAT ARE DEVELOPED THAT HAVE VARYING SETBACKS, WHAT THE TASK FORCE CAME TO IN AN INTERIM SOLUTION LOTS THAT ULTIMATELY DID GET DEVELOPED WERE COMPATIBLE IN TERMS OF SETBACKS IS THAT YOU WOULD ELIMINATE THE SETBACK OF THE DEVELOPED LOT CLOSEST TO THE FRONT AND YOU

WOULD ELIMINATE THE -- THE DEVELOPED LOT FARTHEREST AWAY, THEN YOU WOULD TAKE THE SET BACKS OF THE REMAINING LOTS, AVERAGE THEM AND THEN SOMEONE WOULD BE ABLE TO DEVELOP THE UNDEVELOPED LOT WITH PLUS OR MINUS, PLUS OR MINUS 10% OF THOSE SETBACKS THAT GIVES YOU A RANGE. UNDER NO CIRCUMSTANCE COULD YOU PUT YOUR STRUCTURE CLOSER THAN THE ONE THAT WAS CLOSEST TO THE FRONT AND FURTHEST AWAY FROM THE ONE THAT WAS FURTHEST FROM THE BACK. HERE IS WHAT -- WHERE I WANT TO PAUSE AND EXPLAIN THE DIFFERENCE BETWEEN -- BETWEEN THE -- THE ORDINANCE THAT I PASSED OUT ON THE DAIS AND THE ORDINANCES THAT WERE IN YOUR BACKUP. AS WE WERE DRAFTING THIS ORDINANCE, THIS WAS AN INSTRUCTION THAT WE WERE GIVEN TUESDAY BEFORE -- OF THIS WEEK AND WE DID NOT, THE TASK FORCE DID NOT MEET AGAIN BEFORE THIS COUNCIL MEETING. AS WE WERE DRAFTING THESE CONCEPTS, ONE OF THE THINGS THAT THE STAFF DISCOVERED, WHILE WE HAD REALLY THOUGHT ABOUT THIS, CONTEMPLATING THINKING ABOUT A SITUATION WHERE YOU HAD MULTIPLE LOTS, THAT YOU WOULD BE AVERAGING IN THE MIDDLE WHAT WE DID NOT DISCUSS WITH THE TASK FORCE IS A SITUATION WHERE YOU HAD ONLY ONE DEVELOPED LOT ON THE BLOCK. HOW DO YOU APPLY AN AVERAGING CONCEPT IN THAT REGARD OR WHERE YOU HAD TWO DEVELOPED LOTS ON THE BLOCK, HOW DID YOU APPLY THE AVERAGING CONCEPT KICKING OUT THE FURTHEST AND THE CLOSEST. AND THE SAME THING IS TRUE WITH REGARD TO THREE. BECAUSE IF YOU KICK OUT THE FARTHERREST, THE CLOSEST, YOU WIND UP WITH ONLY ONE LOT IN THE MIDDLE SO YOU CAN'T AVERAGE. WHAT THE STAFF DID WAS WE REALIZED THAT THIS IS A CONCEPT THAT -- THAT WAS COMING FROM THE TASK FORCE, WE WANTED TO DO OUR BEST TO IMPLEMENT IT, AND TO CLOSE THOSE LOOPHOLES, I HATE TO CALL THEM THAT, BUT I CAN'T THINK OF ANOTHER TERM, THOSE LOOP HOLES AND THOSE THREE INSTANCES SO WE DRAFTED TO MEET THAT SITUATION. WE INCLUDED THAT IN THE ORDINANCES THAT ARE IN YOUR BACKUP. WHEN YOU LOOK AT THE ORDINANCES IN YOUR BACKUP, COMPARE THEM TO THE PART 5 IN THIS ORDINANCE, YOU WILL SEE THERE ARE SOME ADDITIONAL PROVISIONS THAT ADDRESS THE ONE LOTS, TWO LOT, THREE LOT SITUATION.

IT IS STAFF'S RECOMMENDATION THAT YOU CLOSE THOSE LOOP HOLES, WE THINK WE DID IT, WE THINK THAT WE DID IT WITHIN THE CONCEPT THAT THE -- THAT THE TASK FORCE WAS TRYING TO ACHIEVE. SO WE WOULD RECOMMEND THAT. I ALSO OUT OF AN ABUNDANCE OF CAUTION, REFLECTS ANOTHER ORDINANCE FOR YOU TODAY THAT ONLY REFLECT WHAT THE TASK FORCE TOLD US TO DO. OKAY. THAT'S PART 5. PART 6 THE -- AS I INDICATED THE WAIVER PROVISIONS HAVE BEEN CHANGED AS I INDICATED WE ELIMINATED THE STATUTORY REQUIRED PROVISION CONCERNING THE DEVELOPER PAYMENT FOR DRAINAGE AND THE CHAPTER 245 PROVISIONS. WE DID, THIS TASK FORCE DID WANT TO CHANGE THE EXISTING FINDING CONCERNING PUBLIC HEALTH AND SAFETY. THE FEELING WAS THAT THE FIRST PORTION OF THAT -- OF THAT PROVISION THAT WAS IN YOUR FEBRUARY 16th ORDINANCE REALLY ADDRESSES DRAINAGE. SO PUBLIC HEALTH AND SAFETY WAS TAKEN CARE OF. BUT AT THE SAME TIME THEY ALSO WANTED -- THEY ALSO RECOMMENDED THAT YOU CONSIDER ADDING THE ADDITIONAL REQUIREMENT THAT WAIVING THE REGULATIONS WOULD NOT HAVE A SUBSTANTIALLY ADVERSE IMPACT ON NEIGHBORING PROPERTIES. SO YOU WILL FIND THAT PROVISION IN YOUR PART 6 WAIVER PROVISIONS. WHEN WE -- ONE OF THE RECOMMENDATIONS THAT STAFF MADE TO THE TASK FORCE AND THE TASK FORCE SUGGESTED THAT WE INCLUDE IT, AT THE SAME TIME THAT SOMEONE IS ASKING FOR A WAIVER, THEY ALSO BE REQUIRED TO FILE THE APPROPRIATE PERMIT THAT IS CONTEMPLATED BY PART 4. THIS WILL GIVE US THE INFORMATION -- THIS WILL GIVE STAFF THE INFORMATION THEY NEED TO PRESENT TO YOU FOR WAIVER. SO THAT GIVES YOU THE UNDERLYING BACKGROUND INFORMATION THAT GIVES STAFF THE UNDERLYING BACKGROUND INFORMATION WHICH WILL ALLOW STAFF TO MAKE A RECOMMENDATION THAT -- THAT SATISFIES ALL OF THE FACTUAL INFORMATION THAT THE STAFF WOULD LIKE TO ADDRESS. LET ME SEE, WE DID, BECAUSE WE ADDED IN THE SETBACK NO VISIONS THE WAIVER APPLIES TO NOT ONLY 4, BUT THE SETBACK PROVISIONS AS WELL. FINALLY UNDER THE NOTICE PROVISIONS THE TASK -- WE TALKED TO THE TASK FORCE, IF YOU WILL RECALL THE ORIGINAL FEBRUARY 16th

PROVISIONS REALLY DIDN'T HAVE MUCH IN THE WAY OF NOTICE. AND SO WE DISCUSSED THAT WITH THE TASK FORCE AND WHAT YOU SEE IN PART 6 ABOUT NOTICE IS THE TASK FORCE RECOMMENDATION TO YOU. THE IDEA WAS A COMPROMISE BETWEEN GETTING THESE WAIVER REQUESTS TO YOU PROMPTLY, BUT AT THE SAME TIME PROVIDING A MODICUM AMOUNT OF NOTICE THAT WAS POSSIBLE WITHIN THE APPROPRIATE TIME FRAMES. SO YOU WILL NOTICE THAT THERE ARE SIGNAGE TO BE POSTED, THERE IS NOTICE TO BE PROVIDED TO THE APPLICABLE NEIGHBORHOOD ORGANIZATIONS, AND THEN NOTICE ALSO TO THE MEMBERS OF THE TASK FORCE BECAUSE -- BECAUSE THEY HAVE -- THEY ALL HAVE THEIR CONSTITUENCY AND THEIR REPRESENTATIVES AND CAN GET THE WORD OUT. THE OTHER THING THAT WE DID, AS YOU WILL RECALL, THAT UNDER STATE LAW, YOU HAVE TO MAKE A DECISION IN 10 DAYS. WHAT WE DID, TO -- TO GIVE YOU LEEWAY FOR THE TIMES WHEN YOU ARE ON -- FOR EXAMPLE YOU ARE ON SPRING BREAK AND YOU COMPLAINT MAKE THE 10 DAY DEADLINE, WE DID PROVIDE SOME LENIENCY IN THAT YOU ARE DIRECTED TO CONSIDER A WAIVER APPLICATION NOT EARLIER THAN THE 10th DATE AFTER THE DATE THAT THE NOTICE IS ACTUALLY MAILED. SO THAT GIVES YOU FLEXIBILITY TO FIT THAT WITHIN YOUR COUNCIL SCHEDULE. THERE IS -- THERE IS AN EXPIRATION DATE BECAUSE AGAIN THE TASK FORCE IS GOING TO CONTINUE ITS WORK TO COME UP WITH PERMANENT CHANGES. THE ORDINANCE EXPIRES ON JUNE THE 6th AT 11:59. BUT THIS PROVISION ALSO PROVIDES FOR AN EXTENSION BY COUNCIL. SO COUNCIL CAN EXTEND THIS IF THE TASK FORCE IS KEEPING ON KEEPING ON, BUT ALSO HAVE TO WORK IN ANOTHER P.C. PLANNING COMMISSION MEETING FOR THEM TO CONSIDER PERMIT CHANGES AS WELL. THEN YOU ALL CAN -- CAN CUT THEM SOME SLACK. THERE IS A PROVISION IN HERE, OF COURSE FOR REPEALING THE FEBRUARY 16th ORDINANCE. BUT PRESERVING ANY WAIVERS THAT ARE APPLIED FOR UNDER THAT ORDINANCE UNTIL THIS ORDINANCE TAKES EFFECT. FINALLY, WE DID INCLUDE AN EMERGENCY PROVISION THAT -- THIS EMERGENCY PROVISION ADDRESSES THIS ORDINANCE. IT IS NOT LIKE THE EMERGENCY PROVISION IN THE FEBRUARY 16th ORDINANCE. IF YOU ALL PASS THIS, WITH THE APPROPRIATE NUMBERS

THEN WITH A THAT MEANS -- WHAT THAT MEANS IS THIS WILL GO INTO EFFECT IMMEDIATELY, THIS WILL REPLACE THE INTERIM ORDINANCE IMMEDIATELY. NOW THERE IS ONE FINAL EXPLANATION, I DO WANT TO GIVE YOU. THAT IS IT WAS A TOPIC OF CONVERSATION THAT WE -- THAT WE DISCUSSED WITH THE TASK FORCE EARLY ON. THIS IS NOT A CODE AMENDMENT. IT IS A STAND ALONE ORDINANCE. HOWEVER, IT DOES MODIFY ZONING REGULATIONS TO THE EXTENT THAT IT SUPERCEDES THEM. SO IT STILL FALLS WITHIN THE LOCAL GOVERNMENT CODE PROVISIONS REQUIRING THIS TO BE CONSIDERED BY PLANNING COMMISSION. THE REASON WHY WE CHOSE TO -- SUGGESTED THIS BE A STAND ALONE AMENDMENT. BECAUSE WITH THE SHORT TIME FRAME THAT THE TASK FORCE HAD TO OPERATE WITHIN. IN HAVING TO WORK WITH CODE AND AMENDING ALL OF THE VARIOUS PROVISIONS OF THE CODE, WE DID NOT BELIEVE THAT WE COULD COME BACK WITH -- WITH GOOD AMENDMENTS THAT WOULD REFLECT WHAT THE -- WHAT THE TASK FORCE WAS TRYING TO GET ACCOMPLISHED IN THE SHORT TIME IT WAS GETTING ACCOMPLISH -- IT HAD TO GET ITS TASK DONE. SO AS A RESULT OF THAT WE RECOMMENDED THAT IT BE A STAND ALONE ORDINANCE AND THE TASK FORCE VERY GRACIOUSLY ALLOWED THAT TO BE THE CASE. WITH THAT I'M GOING TO TURN IT OVER TO, IF THERE ARE TASK FORCE MEMBERS HERE, WHOMEVER, STAFF, IF YOU HAVE QUESTIONS OF STAFF ON MAPS AND DIAGRAMS AND WHATEVER. SO -- I'LL BE HAPPY TO ANSWER YOUR QUESTIONS.

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL? WE DO HAVE A NUMBER OF FOLKS SIGNED UP WISHING TO SPEAK. I THINK A HANDFUL OF THEM WAITED US OUT.

McCracken: I WANTED TO SAY REAL QUIBLG, I REALLY WANT TO THANK THE GREAT JOB THAT MARTY TERRY HAS DONE, TINA BOUIE, LAURA HUFFMAN, THEY HAVE BEEN COMING TO 730 MEETINGS, ON FRIDAY, GETTING INFORMATION PUT TOGETHER. YEOMAN'S EFFORTS, MARTY WAS AT CITY HALL 7:00 A.M. ON HER 39th BIRTHDAY TO BE THERE FOR THE TASK FORCE MEETING. SO I JUST -- IT'S REALLY BEEN IMPRESSIVE, GREAT WORK AND DEDICATED WORK, JUST WANTED TO

MAKE SURE THAT EVERYBODY KNEW THAT. [APPLAUSE]

Mayor Wynn: WELL SPOKEN, THANK YOU, COUNCILMEMBER.
COUNCILMEMBER DUNKERLY?

Dunkerly: THANKS TO ALL OF THE TASK FORCE MEMBERS.
WHO ARE THERE EVERY DAY. WE APPRECIATE ALL OF YOUR
HELP AND INPUT. THANK YOU, MARTY.

Mayor Wynn: WELL, SPEAKING OF TASK FORCE MEMBERS, A
HANDFUL OF THEM ARE HERE. APPARENTLY WANT TO
SPEAK.

RAISE YOUR HAND IF YOU ARE ON THE TASK FORCE AND
YOU ARE HERE. THANK YOU.

Mayor Wynn: WITHOUT OBJECTION, LET'S GO THROUGH THE
CITIZEN SPEAKERS. FIRST SPEAKER SIGNED UP MR. MATT
RISINGER. HELLO, MATT. BEEN A LONG DAY FOR YOU, TOO.
SCOTT TURNER, SCOTT STILL HERE? SCOTT WAS GOING TO
DONATE TIME TO YOU, MATT, YOU WILL HAVE OCCUPY OWE
HELLO, SCOTT HOW ARE YOU, MATT, SIX MINUTES IF YOU
NEED IT, FOLLOWED BY DAVID WHIT WORTH, FOLLOWED BY
TONY HOUSE, WELCOME. [ONE MOMENT PLEASE FOR
CHANGE IN CAPTIONERS]

NOTICE THE EAVES HEIGHT ON THIS DRAWING. I DREW THIS
QUARTER SCALE SO IT HAS A 20-FOOT HEIGHT WITH THE
PEAK OF THE ROOF BEING 28, 29 FEET. THE NEXT DRAWING
I'VE GOT IS A PICTURE OF TYPICALLY AN OLDER HOUSE
BUILT PRE1980, BUILT IN SOME OF THE NEIGHBORHOODS
THAT I WORK IN, A LOT OF THE HOUSES IN THE 40'S AND 50'S,
BUILT WITH RAFTER TYPE CONSTRUCTION WHERE YOU'VE
GOT MAYBE A 2 BY 6 OR A 2 BY 10 RAFTER AND THEN YOU'VE
GOT SOME ATTIC SPACE UP THERE. AND YOU CAN'T ALWAYS
TELL THAT THAT ATTIC SPACE IS FINISHED FROM THE
STREET, MUCH LIKE BASEMENTS. AGAIN, THE EVE HEIGHT IS
THE SAME ON THIS ONE. IF YOU'RE STANDING ON THE
SHEET, UNLESS THE HOUSE OF A DORMER, YOU WOULDN'T
KNOW THAT THAT ATTIC WAS FINISHED, MAYBE USED JUST
FOR STORAGE, MAYBE THERE'S A BEDROOM UP THERE. YOU
NEVER KNOW. I BROUGHT A COUPLE OF -- JUST TO PROVE
THAT I'VE BEEN AROUND FOR AWHILE, THIS IS SOME

CATALOG HOUSES I FOUND FROM THE 20'S AND 30'S, TYPICALLY PREWORLD WAR I UP UNTIL -- I THINK THEY STOPPED MAKING THEM ABOUT 1940 OR SO. IF YOU COULD FLIP TO THE NEXT ONE, YOU'LL NOTICE ON BOTH THESE HOUSES, VERY GREAT USE OF DORMERS. AND I REALLY BROUGHT THESE AS EXAMPLES OF SOME HOUSES THAT FIT WELL WITHIN THE CHARACTER OF THE NEIGHBORHOOD. AS I GO ON I'M GOING TO SHOW YOU HOUSES BUILT RECENTLY THAT HAVE THE VERY SAME FLARE OF THESE 1920 AND 30 SEARS & ROEBUCK HOUSES. THE NEXT PICTURE IS ACTUALLY MY FORMER HOUSE THAT I LIVED IN IN PORTLAND, OREGON. THIS IS A 1927 SEARS & ROEBUCK HOUSE. IT WAS ABOUT ONE THOUSAND SQUARE FEET ON THE FIRST FLOOR AND THE ONLY WAY YOU COULD TELL IT HAD ATTIC SPACE IS THAT DORMER ON THE LEFT THERE THAT LET LIGHT INTO THE MASTER BEDROOM. THIS HOUSE ALSO A THOUSAND SQUARE FEET IN THE BASEMENT. SO WE'RE ABOUT 2600 SQUARE FEET, BUT FROM THE STREET IT LOOKS LIKE A 1920 SEARS & ROEBUCK CRAFTSMAN BUNGALOW MUCH LIKE YOU WOULD SEE IN ANY OLDER NEIGHBORHOOD HERE IN AUSTIN AS WELL. AND THIS IS THE SIDE VIEW OF THE HOUSE SHOWING THE GABLE END WHERE WE DID HAVE WINDOWS ON BOTH GABLE END THAT LET THE LIGHT IN. AGAIN, YOU COULD SEE THOSE FROM THE STREET, YOU COULD ONLY TELL THOSE FROM THE SIDE. AND THEN A COUPLE OF PICTURES OF SOME HOUSES AROUND TOWN THAT I THINK ARE PRETTY COOL. THIS IS A HOUSE THAT WAS BUILT IN THE LAST COUPLE OF YEARS. THE SAME DESIGN, BRAND NEW HOUSE, LOW EAVE HEIGHT, DORMER OUT THE FRONT, AND MY GUESS IS PROBABLY SOMEWHERE AROUND A THOUSAND TO MAYBE 1200 SQUARE FEET IN THIS PERSON'S UPSTAIRS ATTIC, BUT THE HOUSE LOOKS LIKE IT FITS WELL WITHIN AN OLDER NEIGHBORHOOD. THE NEXT ONE AGAIN IS KIND OF CRAFTSMAN LOOKING HOUSE, BUILT WITHIN THE LAST FEW YEARS, AND IF IT DIDN'T HAVE THAT DORMER OUT FRONT, YOU WOULDN'T KNOW THAT IT HAD SOME ATTIC SPACE BEING USED ON IT. VERY LOW. I DOUBT THIS HOUSE IS PROBABLY MORE THAN 27, 28 FEET TALL, MUCH LOWER THAN THE 35-FOOT RESTRICTION. AND I THINK FITS VERY WELL WITHIN THE NEIGHBORHOOD, EVEN THOUGH IT'S A BRAND NEW HOUSE. AND THIS IS LASTLY A HOUSE THAT I'M DESIGNING. THIS IS A HOUSE THAT WE'LL

HOPEFULLY HAVE UNDER CONSTRUCTION VERY SOON. THIS ONE DOES HAVE SOME BASEMENT SPACE, WHICH IF YOU PASS ON IT WILL BE GREAT, I'LL GET TO BUILD THAT, BUT I WANTED TO USE THIS AS QUICK EXAMPLE TOO OF ATTIC SPACE THAT IF IT'S DESIGNED WELL CAN FIT VERY WELL WITHIN THE NEIGHBORHOOD. AND I THINK SHOULD BE EXCLUDE IN SOME WAY, SHAPE OR FORM, EVEN IF IT'S NOT A ONE TO ONE EXCLUDES. I THINK IF YOU'RE BUILDING A HOUSE LIKE THIS WHERE YOU'VE GOT A LOW EVE HEIGHT AND ATTIC SPACE ABOVE THE EVE, THAT THERE SHOULD AT LEAST BE A CREDIT TOWARDS THE F.A.R. SO YOU CAN ENCOURAGE BUILDERS TO BUILD LIKE THEY'VE BEEN BUILT FOR THE LAST 75 YEARS AND FIT WITHIN THE SCALE OF THE NEIGHBORHOOD. IT BRINGS THE SCALE OF THE HOUSE DOWN, DOESN'T ADD BULK OR MASS AND I THINK IT'S A GREAT CONSTRUCTION TECHNIQUE. SO THANKS FOR YOUR TIME.

Mayor Wynn: THANK YOU. BY THE WAY, YESTERDAY, MEN'S JOURNAL MAGAZINE RANKED THE BEST PLACES TO LIVE IN NORTH AMERICA, AUSTIN, TEXAS RANKED NUMBER TWO BEHIND ONLY PORTLAND. I'M ALREADY WRITING A LETTER OF PROTEST.

I'M IN AUSTIN NOW, SO OBVIOUSLY THAT WAS DONE PREWHEN I LIVED IN PORTLAND. I'M SURE THAT WILL CHANGE NEXT YEAR. [LAUGHTER]

YOU CAN ENDORSE MY LETTER. THE NEXT SPEAKER IS DAVID WHITWORTH. HE SIGNED UP WISHING TO SPEAK, AGAINST. TONY HOUSE? I SAW TONY EARLIER. SIGNED UP WISHING TO SPEAK, IN FAVOR. MIKE MCHONE WISHING TO SPEAK IN OPPOSITION. I'M GOING TO READ NAMES AND YOU STEP UP IF YOU HEAR YOUR NAME. ELLEN WARD SIGNED UP WISHING TO SPEAK, IN FAVOR. CLAUDEETTE LOW IN FAVOR. JEAN MATHER IN FAVOR. WELCOME.

THANK YOU. TONY HOUSE, CO-VICE-PRESIDENT OF SOUTH RIVER CITY CITIZENS. THANK YOU ALL FOR VERY YOUR HARD WORK ON THIS AND THE TASKFORCE ESPECIALLY. THESE ARE IMPORTANT AMENDMENTS AND I HOPE THAT THEY'RE ABLE TO GO THROUGH WITH YOUR SUPPORT.

THANK YOU.

Mayor Wynn: THANK YOU. CONTINUING ON WITH FOLKS WHO SIGNED UP WISHING TO SPEAK. THESE ALL WILL BE IN FAVOR. CLAUDEETTEETTE LOW, JEAN MATHER, NANCY SHOWERS, LINDA BLAKESLY, KAREN MCGRAW, WHO I SEE, WELCOME KAREN. IS McINGLE STILL WITH US? WANTED TO DONATE TIME FOR YOU. YOU WILL HAVE THREE MINUTES IF YOU NEED IT.

MAYOR, COUNCILMEMBERS, I'M KAREN MCGRAW. WE DID HAVE BOTH OF OUR CO-CHAIRMEN HERE EARLIER, AND I THINK LAURA MORRISON HAD TO LEAVE AND SENT YOU A MESSAGE. BUT I WANTED TO READ THE ONE STATEMENT SHE HAD HERE THAT SAYS THAT THE DRAFT ORDINANCE YOU HAVE BEFORE YOU REFLECTS THE RECOMMENDATION AND CONSENSUS OF THE TASKFORCE WHERE ALL ITEMS IN IT, EXCEPT FOR PART 4-B, THE INCLUSION OF VACANT LOTS, IS SUPPORTED BY ALL MEMBERS OF THE TASKFORCE. AND REGARDING VACANT LOTS, TWO MEMBERS OPPOSED INCLUSION IN THE RECOMMENDATION AND ALL OTHERS SUPPORT IT. I JUST WANT TO MAKE A COUPLE OF PERSONAL COMMENTS. I AM VERY, VERY HAPPY TO SEE THAT THE TASKFORCE INCLUDED ALL OF THE SINGLE-FAMILY USES THIS TIME. AND VACANT LOTS. BECAUSE IN THE SF-3 DISTRICT YOU CAN HAVE ALL OF THOSE USES ON ONE BLOCK SIDE BY SIDE. SO I THINK IT'S VERY IMPORTANT THAT WE LOOK AT ALL OF THOSE USES AND INCLUDE THEM IN THIS ORDINANCE AND THEN LOOK AT THEM IN OUR RECOMMENDATIONS. SO I'M VERY HAPPY ABOUT THAT. AND I THINK THE ONLY OTHER THING I WANTED TO SAY, I HATE IT BRING IT UP KIND OF, BUT WHEN WE WERE TRYING TO DEAL WITH SUPER DUPLEXES, WE DEALT WITH JUST SUPER DUPLEXES AND THEN PEOPLE FOUND ANOTHER USE THAT WAS A LOOPHOLE AND WE CAME BACK AND HAD TO DO THE PROCESS AGAIN FOR TWO-FAMILY. SO I'M VERY HAPPY TO SEE THIS ALL HERE AND I FEEL LIKE WITH ALL OF THE USES AND THE VACANT LOTS HERE THAT WE'RE GOING TO BE ABLE TO MAKE SOME GOOD PROGRESS. SO I HOPE YOU WILL GO AHEAD AND PASS THIS AND DO IT ON AN EMERGENCY BASIS. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. NATHAN STEVENS. SIGNED UP

WISHING TO SPEAK. WELCOME, MR. STEVENS. YOU WILL HAVE THREE MINUTES. I'LL KEEP READING NAMES. LAURA MORRISON SIGNED UP WISHING TO SPEAK IN FAVOR. NATHAN, YOU WILL BE FOLLOWED BY DANIEL TURNER OR SAGE WHITE. WELCOME.

MAYOR, COUNCIL, THANK YOU FOR YOUR TIME. I THOUGHT THIS WAS A MONSTER. EARLIER WAS A MONSTER, THIS IS A PUSSYCAT, SO IT'S A LOT BETTER. I'M HERE REPRESENTING THE DUPLEX COUNCIL OF AUSTIN AND ALSO THE GREATER AUSTIN BUILDERS ASSOCIATION TALKING ABOUT PRIMARILY DUPLEXES. WE ARE AGAINST SOME OF THIS I THINK IN THE FORM IT'S AT, BUT WE WANT TO WORK WITH THE FOLKS TO FIND GOOD ANSWERS SO WE CAN KEEP BUILDING HERE. BUT SPECIFICALLY DUPLEXES. I THINK YOU GUYS REALLY FOUGHT AND THERE WAS A HUGE FIGHT A COUPLE OF YEARS AGO AND CAME OUT WITH SOME REALLY GOOD PROCESS ON DUPLEXES. I THINK IT WAS A GOOD PROCESS, GOT SOME GOOD RESULTS. I THINK THE PLANNING COMMISSION SPOKE TO THAT I GUESS LAST WEEK WHEN THEY DECIDED THAT DUPLEXES SHOULDN'T BE INCLUDED IN THAT AT THIS POINT. I KNOW THERE WAS A POINT FROM THE TASKFORCE OF LOOPHOLES, PEOPLE RUNNING TO DUPLEXES IF IT WEREN'T INCLUDED, BUT I THINK THE LIMITATION OF A 7,000 SQUARE FOOT LOT, THOSE ARE IN A GOOD PLACE AND I DON'T THINK THERE'S A WHOLE LOT AS I LOOK THAT ARE OPEN TO THAT AS SINGLE-FAMILIES ARE. SO I THINK YOU ARE LIMITED. I DON'T THINK THE LOOPHOLE WOULD BE THERE. WE MAY EAT OURSELVES UP FOR DUPLEXES TO COMPETE WITH THE FEW LOTS. BUT I THINK WE'RE PROTECTED THAT WAY. WE HAVE TO MAKE SURE WE ENFORCE WELL TO MAKE SURE THAT HAPPENS. THE OTHER THING I'LL SPEAK TO ALSO WITH DUPLEXES IT BRINGS AFFORDABILITY TO EVERYTHING ACROSS THE PAGE. NOT JUST AFFORDABILITY IN THE LOWER INCOME AREA, BUT ANY STRATA OR AREA YOU HAVE YOU HAVE AFFORDABILITY IN THE AREA. I THINK THE POINT IN CASE IS THE WINDSORS DEAL. YOU CAN'T BUY SOMETHING, THREE-BEDROOM, THREE BATH OF THAT TYPE. IT REALLY OPENS UP A SOFT DENSITY IN AREAS IF IT'S DONE RIGHT. SO WE'RE JUST HERE TO SPEAK UP FOR THAT. I THINK THE TRAIN'S ALREADY LEFT THE STATION, SO WE'RE PROBABLY HERE FOR THE LONG

HAUL ON THE DISCUSSION WITH THE TASKFORCE, BUT THAT'S YOUR RECOMMENDATION IS DID NOT PUT DUPLEXES IN WITH THIS ORDINANCE. THANK YOU.

THANK YOU.

Mayor Wynn: SAGE WHITE SIGNED UP WISHING TO SPEAK. SORRY. NATHAN STEVENS, THANK YOU. DO STAY WITH US FOR THE LONG HAUL. DANIEL TURNER FOLLOWED BY SAGE WHITE, FOLLOWED BY TERRY FRANZ AND CHRIS ALLEN. THANK YOU.

GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCIL. AGAIN, THANK YOU FOR STAYING UP LATE WITH US TONIGHT. ALSO WITH THE DUPLEX COUNCIL OF AUSTIN BEFORE YOU TONIGHT AS ONE OF THE DESIGNERS REQUESTING THAT YOU PULL DUPLEXES FROM THIS AS WELL. BASICALLY I WANT TO REITERATE THAT THE PLANNING COMMISSION AGREED ON FEBRUARY 28TH THAT DUPLEXES SHOULD NOT BE CONSIDERED. THE GUIDELINES AS THEY'RE WRITTEN ARE EQUAL FOR DUPLEXES AS THEY ARE FOR SINGLE-FAMILY AND I THINK THAT'S NEGATING THE FACT THAT WE CAN NOW INCREASE DENSITY AND HAVE TWO FAMILIES WHERE THERE ONCE WAS ONE. AND THAT IS ALSO IN KEEPING WITH YOUR ENVISION CENTRAL TEXAS GOALS. ONE OTHER THING THAT WAS DISCUSSED AT THE TASKFORCE, I THINK IT WAS THE FEBRUARY 21st MEETING, WAS TO ALLOW FOR A 10 MINUTE PERIOD OF STAKEHOLDER INPUT. AND I THANK COUNCILMEMBER DUNKERLEY FOR INCLUDING ME AS A STAKEHOLDER, IDENTIFYING ME AS ONE, BUT I HAVEN'T HAD MY 10 MINUTES YET. SINCE THAT DISCUSSION TOOK PLACE, IT HASN'T BEEN IMPOSED AND WE WOULD CERTAINLY LIKE FOR THAT TO BE IN PLACE SO WE CAN AS STAKEHOLDERS NOT JUST CONSTITUENT SIT THERE, BUT WE COULD MAYBE PARTICIPATE IN THE DISCUSSION. THINGS VERY QUICKLY, I MADE NOTES, THAT WE'RE TRYING TO FORMALIZE, BUT SOME OF THE THINGS THAT WE WOULD LIKE TO PERHAPS SEE THAT WOULD BE MORE APPROPRIATE IN THE LONG HAUL WOULD BE TAKING A LOOK AT GRADUATED SETBACKS FOR DUPLEXES AND SINGLE-FAMILY THAT COULD OCCUR AND THE PLANNING DIRECTION AND ALSO IN THE ELEVATION DIRECTION. ONE OTHER RECOMMENDATION THAT TO ME JUST SEEMS LIKE COMMON SENSE IS A HEIGHT

RESTRICTION AS OPPOSED TO A NUMBER OF STORY RESTRICTIONS. RIGHT NOW OR IN THE PREVIOUS SORT OF MORATORIUM DUPLEXES RECEIVED A MORE STRENUOUS STORY RESTRICTION AND HEIGHT RESTRICTION THAN SINGLE-FAMILY HOUSING, AND I KIND OF THINK THAT IT WOULD ENCOURAGE CREATIVITY IF YOU BASICALLY LIMIT IT TO HEIGHT, BUT WE COULD SOMEHOW WORK WITHIN AND THIS WOULD ALLOW, ESPECIALLY AS MATT WAS MENTIONING, THE INCORPORATION OF ATTIC BASES AND BASEMENT SPACES. THE CITY OF CONCORDE, CALIFORNIA IN THEIR 2030 GENERAL PLAN HAS WRITTEN TO SOME OF THESE CONCEPTS AND I DON'T KNOW IF I HAVE TIME, BUT JUST VERY QUICKLY, TALKING ABOUT NEW DUPLEXES IN EXISTING NEIGHBORHOODS. ENCOURAGE DUPLEXES IN SINGLE-FAMILY RESIDENTIAL ZONES ON LOTS THAT ARE SIGNIFICANTLY LARGER THAN THE MINIMUM LOT SIZE REQUIRED BY THE ZONING DISTRICT. ALSO THEY'RE SPEAKING TO MIXING UP OF UNIT TYPES IN SUBDIVISIONS. AND ONE OF THEM THAT THEY IDENTIFY OBVIOUSLY IS DUPLEXES, TOWNHOMES, SMALL APARTMENT BUILDINGS. SO AGAIN, THAT'S SORT OF SPEAKING TO THE CONCEPT OF THE DUPLEX NOT BEING HELD TO SUCH A RESTRICTED ACTIVE STANDARD AS SAY A SINGLE-FAMILY HOUSE. ONE LAST POINT THAT THEY RAISED WAS TO PROVIDE MARKET RATE AFFORDABLE HOUSING NEAR DOWNTOWN AND THAT ENCOURAGES HOME OWNERSHIP FOR THE TARGET MARKET THAT -- [BUZZER SOUNDS] THE CITY OF AUSTIN NOW LOOKS AT INCOMES OF 80% OF THE MEAN AVERAGE INCOME AND SO THIS WOULD KIND OF AFFECT THAT NEXT GROUP ABOVE. THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU. AGAIN, SAGE WHITE, TERRY FRANZ, CHRIS ALLEN, DANETTE CLEMENTE. STEP ON FORWARD.

GEORCH, I'M CHRIS ALLEN, A MEMBER OF THE TASKFORCE. I'M HERE TODAY TO ENDORSE THE ORDINANCE THAT'S BEFORE YOU, PARTICULARLY THE ADDED ITEMS THAT ARE INCLUDING DUPLEXES AND VACANT LOT COVERAGE THAT ARE INTENDED TO CLOSE LOOPHOLES THAT WERE INADVERTENTLY ADOPTED BY THE INTERIM STANDARDS. I WANT TO THANK YOU ALSO FOR GIVING ME THE OPPORTUNITY TO WORK WITH THE EXTRAORDINARY GROUP OF TASKFORCE MEMBERS AND CITY STAFF THAT ARE

PARTICIPATING IN THIS PROCESS. IT'S AN EXCEPTIONAL BUNCH OF PEOPLE WORKING ON THIS ON ALL SIDES. WE HAVE A LOT OF WORK AHEAD OF US, BUT I THINK WE'RE UP TO THE TASK AND WE'RE GOING TO GET SOMETHING DONE THAT WE CAN ALL APPRECIATE AND LIVE WITH. I WANT TO ASSURE THE BUILDERS AND DEVELOPERS HERE TONIGHT THAT HAVE BEEN TALKING ABOUT THIS THAT WE ARE LISTENING AND THAT WE DO HAVE ON OUR AGENDA FOR TOMORROW CITIZENS INPUT AND WE ARE MONITORING THE BULLETIN BOARDS AND READING MESSAGES MANY HOURS A DAY. SO WE'RE LISTENING AND I THINK THAT THE EXTRAORDINARY THING THAT I HEAR FROM LISTENING TO THESE FOLKS AND SEEING THEIR E-MAILS IS THE GAP BETWEEN THE SIDES, IF YOU WILL, ON THIS ISSUE IS ABOUT THAT FAR. THERE'S NOT THAT MUCH GROUND TO COVER BETWEEN US. SO THANK YOU VERY MUCH AND I APPRECIATE YOUR GOOD WORK ON THIS.

GOOD EVENING, MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS. MY NAME IS DANETTE CAMENTE AND I AM ALSO A MEMBER OF THE TASKFORCE. I WANT TO THANK YOU GUYS FOR GIVING US THE OPPORTUNITY TO GET TOGETHER AND ADDRESS THIS ISSUE AND I WANT TO ECHO WHAT COUNCILMEMBER MCCRACKEN SAID EARLIER IN THANKING THE CITY STAFF AND ESPECIALLY MARTY TERRY FOR EVERYTHING SHE'S PUT INTO THIS ON A VERY SHORT TIME LINE. I AM IN FAVOR OF THE ORDINANCE, ALL PARTS OF IT THAT YOU HAVE BEFORE YOU. I THINK THAT THE -- THERE ARE SEVERAL THINGS IN THERE THAT NEED TO BE INCLUDED. PORCHES DEFINITELY ADD TO THE MASS AND SCALE OF THE STRUCTURE, BASEMENTS DON'T, SO I THINK THOSE ARE GOOD ADDITIONS. AND TO SPEAK TO WHAT MATT RISINGER SAID ABOUT ATTICS, WE DID TALK ABOUT ATTICS AND I DO THINK THEY'LL MAKE IT TO THE FINAL ORDINANCE. WE DECIDED IT WAS A LITTLE BIT TOO COMPLEX OF AN ISSUE TO TAKE UP FOR THE INTERIM BECAUSE I THINK WHEN YOU START TALKING ABOUT ATTICS, THEN YOU START THINKING ABOUT HEIGHTS, AND IS THAT GOING TO ENCOURAGE EVEN TALLER STRUCTURES, ETCETERA, ETCETERA. SO I THINK IT NEEDS TO BE TAKEN UP IN CONTEXT OF A FEW OTHER THINGS AND THAT WAS A DISCUSSION AT THE TASKFORCE, BUT I DEFINITELY THINK

THAT THERE ARE MANY OF US WHO LIKE THE DESIGNS THAT WE'VE SEEN FROM MATT AND WE AGREE WITH HIM THAT WE WANT TO ENCOURAGE THAT. I ALSO WANT TO SAY THAT THE DUPLEX ISSUE, YES, THE PLANNING COMMISSION DID RETRACT THEIR EARLIER VOTE. COMMISSIONER RILEY WAS IN FAVOR OF LEAVING DUPLEXES IN THE ORDINANCE. STEWART HERSH SPOKE TO THE AFFORDABILITY ISSUE AT THE PLANNING COMMISSION HEARING AND DETERMINED THAT THERE WAS NO SMART HOUSING ON HIS AGENDA OR THAT HE KNEW ABOUT THAT WOULD BE AFFECTED BY THIS. I THINK ESSENTIALLY WHEN YOU TALK ABOUT AFFORDABILITY YOU'RE REALLY NOT TALKING ABOUT GREATER THAN .4 F.A.R. FOR DUPLEXES. IT IS AN ISSUE IN THE NEIGHBORHOODS, IT IS SOMETHING THAT IF WE DON'T CLOSE THAT LOOPHOLE, THEN BUILDERS WILL DO THAT IN SOME OF THE NEIGHBORHOODS -- IN SOME OF THE NEIGHBORHOODS THEY ARE BUILDING DUPLEXES, ESSENTIALLY SELLING THEM AS TWO CONDOS ON MINIMAL 7,000 SQUARE FOOT LOT, BARELY 7,000 SQUARE FOOT LOTS, VERY HIGH PRICED. THEY'RE TEARING DOWN EXISTING DUPLEXES THAT ARE MORE AFFORDABLE AND THEN BUILDING THESE, AND IF YOU SEE THEM, THEY TAKE SO MUCH SPACE ON THE LOT THEY REALLY ARE OUT OF WHACK. I THINK THAT WE NEED TO CAREFULLY CONSIDER DUPLEXES BECAUSE WE SURE DON'T WANT TO AFFECT DENSITY OR THINGS LIKE THAT. [BUZZER SOUNDS] BUT THAT'S AGAIN SOMETHING THAT WE SHOULD CONSIDER IN THE PERMIT ORDINANCE. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. THAT MAY BE ALL THE FOLKS WHO HAVE SIGNED UP WISH TO GO SPEAK. A NUMBER OF FOLKS ZONED UP NOT WISHING TO SPEAK IN FAVOR. IF YOU DID WISH TO SPEAK, COME FORWARD, BUT I'LL READ THE NAMES OF FOLKS NOT WISHING TO SPEAK AND WHAT THEIR POSITION WAS. SANDRA KIRK IN FAVOR. LINDA DISDID DISIN FAVOR. LAURA HOUSTON IN FAVOR, SCOTT MORRIS IN FAVOR. KENNETH HILLBIG IN FAVOR, BO McCARVER IN FAVOR. BETTY EDMOND IN FAVOR, MARY GREGY IN FAVOR. ELIZABETH BROOKS IN FAVOR. PETER SAWYER IN FAVOR AND ROBERT WAGNER IN OPPOSITION. ARE THERE ANY MORE FOLKS WHO WOULD LIKE TO ADDRESS US ON THIS PUBLIC HEARING ITEM 58 REGARDING THE SITE

DEVELOPMENT REGULATIONS FOR SINGLE-FAMILY RESIDENTIAL USES -- DUPLEXES AND OTHER RESIDENTIAL USES. THANK YOU ALL VERY MUCH. COMMENTS, QUESTIONS, COUNCIL? COUNCILMEMBER ALVAREZ.

Alvarez: YEAH, I HAVE A QUESTION OR ASKING FOR MORE BACKGROUND ON THE APPLICABILITY OF THESE INTERIM STANDARD LOTS BECAUSE THAT WAS SOMETHING CLEARLY THAT WAS LEFT -- VACANT LOTS WERE SOMETHING THAT WERE LEFT UNAFFECTED BY THE INTERIM REGULATIONS WE'VE ALREADY ADOPTED. AND I KNOW I'VE SENT A FEW E-MAILS TO FOLKS TELLING THEM, IF YOU HAVE A VACANT LOT, YOU'RE NOT AFFECTED BY THE INTERIM REGULATIONS, AND SO I PERSONALLY HAVE A LITTLE BIT OF AN ISSUE A COUPLE OF WEEKS LATER COMING BACK AND SAYING, DO YOU KNOW WHAT, NOW YOU ACTUALLY ARE GOING TO BE AFFECTED BY THE INTERIM REGULATIONS, AND SO I JUST WANT TO -- AGAIN, I DON'T FEEL COMFORTABLE NECESSARILY REPRESENTING SOMETHING TO CERTAIN CONSTITUENTS AND THEN HAVING TO COME BACK LATER AND HAVE TO EXPLAIN OR BE PROVEN WRONG, SO TO SPEAK. SO I JUST WANT TO GET MORE INFORMATION ABOUT THAT AND MAYBE -- AND MAYBE COUNCILMEMBER MCCRACKEN AND -- I UNDERSTAND THIS WAS THE ONLY ISSUE THAT WAS NOT NECESSARILY COMPLETE, WHERE THERE WAS COMPLETE AGREEMENT, SO I THINK THAT -- AGAIN, THAT'S ANOTHER REASON I HAVE PAUSE OVER THIS PARTICULAR ASPECT OF THE NEW INTERIM REGULATIONS.

McCracken: COUNCILMEMBER, THE TASKFORCE, THE DOCUMENT YOU HAVE IN FRONT OF YOU REPRESENTS THAT 100% CONSENSUS AMONG ALL 16 TASKFORCE MEMBERS EXCEPT FOR ONE ITEM. AND SO THAT ITEM THE TASKFORCE SUPPORTED 14-2 WHICH YOU HAVE BEFORE YOU, AND IT WAS ON WHETHER OR NOT TO INCLUDE VACANT LOTS IN NEIGHBORHOODS IN WHICH THERE ALREADY ARE HOME. AND AS WE KNOW, THERE ARE ABOUT NINE OR 10 DIFFERENT FACTORS ROUGHLY THAT ARE DRIVING WHY WE'RE HERE. AND PROBABLY THE BIGGEST ONE IS THAT YOU HAVE EITHER NEW OR TEAR-DOWN REPLACEMENT STRUCTURES THAT ARE WILDLY INCOMPATIBLE WITH THE EXISTING CHARACTER OF THE NEIGHBORHOOD, AND IT REALLY CHANGES THE NEIGHBORHOOD OVERNIGHT. IT'S

TYPICALLY DONE FOR INVESTMENT PURPOSES, WHICH -- IT'S NOT BAD OR GOOD-BYE ITSELF, BUT THAT'S WHY YOU NEED STANDARDS. AS THE COACH HERE, DAVID R. SCOTT, WHO IS THE HOME BUILDERS REPRESENTATIVE, HE SUPPORTED INCLUDING THE VACANT LOTS IN THERE AND HE SAID BECAUSE IT MADE NO SENSE TO PROVIDE A DIFFERENT TREATMENT FOR VACANT LOTS THAN IT DID FOR HOMES WHERE THEY WERE TORN DOWN BECAUSE A VACANT LOT IN THE MIDDLE OF A NEIGHBORHOOD STILL WHATEVER GETS BUILT THERE STILL AFFECTS EVERYBODY IN THE NEIGHBORHOOD. SO YOU DID HAVE 14 -- IT WAS 14-2 IN FAVOR OF INCLUDING VACANT LOTS. I BELIEVE IT WOULD BE AN ENORMOUS LOOPHOLE TO TAKE THEM OUT AND IT WOULD ALSO DEPRIVE HOMEOWNERS IN NEIGHBORHOODS OF THE VACANT LOTS WITH THE SAME PROTECTION THEY WERE PROVIDING TO HOMEOWNERS IN NEIGHBORHOODS WITHOUT VACANT LOTS. THAT'S WHAT I'M THINKING.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'LL JUST SAY I'M VERY UNCOMFORTABLE WITH THIS TOO, ONLY BECAUSE HERE WE ARE, AS COUNCILMEMBER ALVAREZ JUST SAID, WE'VE BEEN TELLING PEOPLE, IF YOU'VE GOT A VACANT LOT IT'S NEVER BEEN BUILT ON, YOU DON'T HAVE A PROBLEM. AND NOW WE'RE CHANGING THE RULES AGAIN IN TWO WEEKS. THAT BEING SAID, VACANT LOTS SHOULD HAVE BEEN INCLUDED IN THE FIRST PLACE. I GUESS IT WAS JUST AN OVERSIGHT, A LOOPHOLE THAT WE'RE CLOSING. AND I REALIZE, OF COURSE, THAT IT DOESN'T REALLY MAKE MUCH DIFFERENCE AS FAR AS NEIGHBORHOOD COMPATIBILITY WHETHER THERE WAS A HOUSE THERE OR NOT BEFORE, SO THE ISSUE REMAINS, AND DESPITE MY DISCOMFORT I'M GOING TO SUPPORT THE MOTION AS IT STANDS AS SUBMITTED.

McCracken: MAYOR?

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I DO WANT TO SAY THAT I'M VERY PROUD OF THE TASKFORCE BECAUSE THESE ARE FOLKS WHO HAVE COME TOGETHER WHO HAD -- EVERYONE IN THE TASKFORCE HAD

THEIR OWN PROFESSIONAL OBLIGATION AND SUDDENLY THEY'RE SHOWING UP FROM ONE TO THREE ON FRIDAY AFTERNOONS AND 7:30 IN THE MORNING ON TIEW TOOZS. AND THIS IS A VERY TALENTED AND COMMUNITY MINDED GROUP OF FOLKS ALL THE WAY AROUND. THEY'VE HAD A VERY GOOD WORKING DYNAMIC, WORKED VERY WELL TOGETHER. THEY'VE COME UP WITH A VERY THOUGHTFUL APPROACH. THEY WERE GIVEN A CHOICE TO REALLY START FROM GROUND ZERO ON REPLACING INTERIM STANDARDS OR TO BUILD OFF OF WHAT THE COUNCIL ADOPTED ON FEBRUARY 9TH AND 16TH. THE TASKFORCE UNANIMOUSLY DECIDED TO BUILD OFF OF WHAT THE COUNCIL ADOPTED AND SO THAT IS WHAT YOU SEE IS A MODIFICATION FROM THE COUNCIL ACTION AS OPPOSED TO A WHOLESALE REPLACEMENT. THAT WAS THE UNANIMOUS DECISION BY THE TASKFORCE TO TAKE THAT APPROACH. I THINK THAT MATT RISINGER, ONE OF OUR NEW URBAN PLANNING STARS, HAS A GREAT IDEA ON THE IDEA OF INCLUDING ATTICS AND SOME KIND OF EXCEPTION FROM F.A.R. AND I BELIEVE AN APPROPRIATE INCLUSION IN THE FINAL STANDARDS IN A COUPLE OF MONTHS. TO SHOW YOU THE CONSENSUS IN THIS GROUP, IT WAS MATT RISINGER WHO FIRST SUGGESTED THAT WE EXCLUDE BELOW GRADE SPACE BASEMENTS AND IT WAS BROUGHT TO THE TASKFORCE. SO WHEN SHE SAW AN EXAMPLE WHERE NEIGHBORHOODS AND HOME BUILDERS HAD A COMMON VISION OF WORKING TOGETHER AND PRODUCING SOMETHING THAT HAS PRODUCE ADD VERY GOOD RESULT TONIGHT. AND THEN I WANT TO CONGRATULATE THAI THAN SEVENS -- NATHAN STEVENS AND THE REPRESENTATIVES OF THE DUPLEX BUILDERS BECAUSE THEY'VE BEEN VERY HELPFUL TO US BECAUSE WHAT WE DISCOVERED IS THAT THERE ARE A SMALL HANDFUL OF DUPLEX BUILDERS THAT ARE STILL A BIG DRIVING FORCE IN THE PROBLEM WE HAVE HERE, AND THE GOOD DUPLEX BUILDERS LIKE NATHAN ARE GIVING US THE GUIDANCE ON HOW WE CAN DO THIS TO -- BECAUSE DUPLEXES ARE A GREAT DEAL. WHEN MY WIFE AND I WERE - - HAD BEEN MARRIED A YEAR, WE LIVED IN A DUPLEX WHEN WE LIVED IN HOUSTON. IT WAS GREAT BECAUSE WE GOT TO LIVE SOMEWHERE CLOSE AND IT WAS A GREAT NEIGHBORHOOD AND SOMEWHERE WE COULD AFFORD TO LIVE. IT WAS GREAT. WHAT WE'VE SEEN IS THE FOLKS WHO

ARE CREATING PROBLEMS IN DUPLEXES ARE THEY'RE ACTUALLY BUILDING TWO HOMES, STICKING A PIECE OF WOOD BETWEEN THEM AND CALLING IT A DUPLEX. WE HEARD FROM A RESIDENT IN NORTH LOOP NEIGHBORHOOD WHO TOLD US ABOUT A SITUATION WHERE THERE WAS ABOUT A 1500 SQUARE FOOT HOME, I BELIEVE, AND IT'S BEING REPLACED WITH 10,000 SQUARE FEET ON THAT LOT IN NORTH LOOP AND IT'S -- I GUESS IT'S A TWO-FAMILY STRUCTURE OR THE DUPLEX WITH A BOARD STUCK BETWEEN THEM. SO WE'VE HEARD A SUGGESTION FROM OUR VERY EXCELLENT DUPLEX BUILDERS TO STOP THAT ABUSIVE PRACTICE BY SOME. AND THE IDEA THAT DANIEL TURNER HAD ABOUT GRADUATED SETBACKS, I THINK THAT'S A GREAT IDEA TOO AND ONE THAT'S BEEN PICKING UP A LOT OF SUPPORT FROM THE TASKFORCE THAT I'VE HEARD. THE FINAL THING I'LL TELL YOU IS THAT EVERYONE ON THE TASKFORCE, ALL 16 MEMBERS, AGREED THERE'S A PROBLEM. AND ALL 16 MEMBERS OF THE TASKFORCE AGREED THIS IS A PROBLEM WE NEED TO SOLVE NOW. AND THERE'S BEEN A GREAT STARTING POINT BECAUSE THAT FWIFZ US A LOT OF COMMON GROUND TO WORK TOGETHER. ANYWAY, I'M VERY GRATEFUL FOR WHAT ALL OF YOU ARE DOING. WE ARE OFF ON THE RIGHT FOOT ON THIS AND I'M VERY CONFIDENT THAT THE SUCCESS WE HAVE TONIGHT IS GOING TO BE BUILT ON WITH A GREAT FINAL ORDINANCE THAT WILL BE A NATIONAL MODEL AND ONE WE'RE PROUD OF.

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

Alvarez: I HAD A QUESTION ON THE SETBACK SECTION. I'M TRYING TO FIGURE OUT WHAT IT APPLIES TO. I THINK IT'S UNDER PART 5-B. AND SO THIS DOES NOT APPLY TO VACANT LOTS OR IT DOES APPLY TO VACANT LOTS?

AM I ON? YES. IT WOULD. THE WAY THIS IS STRUCTURED, THE WAY THIS IS STRUCTURED, IT APPLIES TO LOTS ON A BLOCK FACE, WHETHER THEY ARE VACANT OR WHETHER THEY ARE LOTS THAT HAVE HAD DEMOLISHED STRUCTURES OR WHATEVER. IT'S WHEREVER THE CONSTRUCTION IS GOING TO BE TO DEVELOP THAT -- TO REDEVELOP THAT

LOT.

McCracken: I THINK THE COUNCILMEMBER IS ASKING YOU A LITTLE BIT DIFFERENT QUESTION. ON THE AVERAGING SITUATION OBVIOUSLY IF THERE'S NOT A STRUCTURE ON A LOT, YOU DON'T ADD THAT IN THE AVERAGING EQUATION?

THAT IS CORRECT, IT IS NOT IN THE AVERAGING EQUATION, BUT IT IS THROUGH THE AVERAGING PROCESS THAT YOU ARRIVE AT THE SET BACK THAT WILL BE APPLIED ON THAT LOT.

McCracken: ABSOLUTELY. THAT'S RIGHT.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

McCracken: MAYOR, I HAVE A QUESTION. ACTUALLY, WE DID HAVE THE ONE ADDITIONAL ITEM, MS. TERRY, ABOUT THE -- I NEED YOUR GUIDANCE ON HOW TO INCORPORATE THIS, WHETHER YOU HAVE ONLY -- WHERE YOU HAVE ONLY THREE LOTS OR HOME ON A BLOCK.

THAT IS COVERED IN THE ORDINANCE IN THE BACKUP. THAT'S THE ONE LOT, TWO LOT AND THREE LOT SCENARIO. SO WHAT COUNCIL NEEDS TO DO IS DECIDE WHETHER IT'S GOING TO DO THE ORDINANCE IN THE BACKUP OR THE ORDINANCE THAT I'VE HANDED OUT ON THE DAIS WHICH DOES NOT REFLECT THE CLOSING OF THOSE LOOPHOLES.

McCracken: SO WHAT I'LL DO IS I'M GOING TO MOVE TO CLOSE THE HEARING AND APPROVE ON ALL THREE READINGS THE ORDINANCE INCLUDED IN THE BACKUP THAT INCLUDES THE CLOSURE OF THAT FINAL LOOPHOLE ON MULTIPLE VACANT LOTS.

ALL RIGHT. AND THAT ORDINANCE ALSO OF COURSE INCLUDES EMERGENCY PASSAGE AS WELL.

SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN AS FURTHER OUTLINED, SECONDED BY COUNCILMEMBER DUNKERLEY. FURTHER COMMENTS?

COUNCILMEMBER ALVAREZ.

Alvarez: I HAD ONE QUESTION. NOW, IF VACANT LOTS WOULD NOT BE SUBJECT TO THESE INTERIM -- AT LEAST THE INTERIM REGULATIONS RELATING TO FLOOR TO AREA RATIO AND SQUARE FOOTAGE, I'M NOT SURE THERE'S SUPPORT TO TAKE THAT OUT, BUT IF THAT WERE TO BE TAKEN OUT, WOULD THE SETBACKS STILL APPLY TO THE VACANT LOTS?

THAT'S CORRECT, THEY WOULD. THE INCLUSION WAS SPECIFIC TO PART 4 AND THE SIZE LIMITATIONS. THE SETBACK PROVISIONS ARE A SEPARATE PART AND THEY APPLY TO ALL OF THE LOTS ON A BLOCK.

Alvarez: I WOULD OFFER THAT AS A FRIENDLY AMENDMENT TO SEE IF WE COULDN'T REMOVE VACANT LOTS FROM THE SQUARE FOOTAGE AND F.A.R. REQUIREMENTS, WITH THE UNDERSTANDING THAT THE SETBACKS THAT ARE OUTLINED HERE WOULD ALSO APPLY TO ANY STRUCTURES DEVELOPED ON THOSE VACANT LOTS. AND SO TO A CERTAIN DEGREE YOU'RE APPLYING PART OF WHAT THE -- PART OF THE REGULATIONS OR LIMITATIONS OUTLINED IN THE INTERIM REGULATIONS, BUT NOT ALL OF THEM PER SE. BUT AGAIN, JUST FOR ME, I'M STILL TRYING TO GRAPPLE WITH THE ISSUE OF WHY -- HOW TO JUSTIFY THIS CHANGE WHEN FROM THE VERY BEGINNING THESE PARTICULAR LOTS WERE EXEMPTED FROM THE INTERIM REGULATIONS.

McCracken: COUNCILMEMBER, IT WAS THE OVERWHELMING OPINION OF THE TASKFORCE, THE OVERWHELMING OPINION OF THE BUILDERS ON THE TASKFORCE THIS WOULD CREATE A SERIOUS LOOPHOLE IF WE WERE TO EXCLUDE VACANT LOTS AND THAT IT WOULD STRIP NEIGHBORHOODS AND PROPERTY OWNERS IN NEIGHBORHOODS WITH A VACANT LOT OF THE SAME PROTECTIONS THAT WE'RE PROVIDING IN THIS INTERIM PERIOD TO NEIGHBORHOODS THAT DON'T HAVE A VACANT LOT. AND THE REASON IS PRETTY STRAIGHTFORWARD AND IT MAKES SENSE HERE LIKE THE COACH HAD POINTED OUT, THE HOME BUILDERS' REPRESENTATIVE ON THE TASKFORCE. AND THE REASON WHY YOU INCLUDE VACANT LOTS IS IF THERE'S A STREET AND THERE'S 10 HOMES ON THE STREET AND ONE VACANT LOT VERSUS A STREET WITH 11 HOMES ON IT AND THERE'S A

TEAR DOWN AND A NEW STRUCTURE BUILT, WELL, THOSE NEIGHBORS ARE JUST AS AFFECTED BY WHAT GOES UP ON THE VACANT LOT AS THEY ARE IN A TEAR DOWN REPLACEMENT SITUATION. SO WHAT YOU'RE CREATING IS A NEW SPECULATIVE LAND USE INTO VACANT LOTS WHERE PEOPLE ON STREETS OF VACANT LOTS SUDDENLY FIND THEMSELVES THE TARGET OF WILDLY INCOMPATIBLE STRUCTURES. AND SO THE OVERWHELMING OPINION OF THE TASKFORCE IS THIS WOULD NOT BE FAIR TO NEIGHBORHOODS AND HOMEOWNERS LIVING ON A STREET WITH A VACANT LOT. I CANNOT ACCEPT THAT AS A FRIENDLY AMENDMENT. I DO WANT TO RESPECT THE OVERWHELMING CONSENSUS OF THE TASKFORCE AND MY OWN OPINION.

Mayor Wynn: THANK YOU, COUNCILMEMBER.
COUNCILMEMBER ALVAREZ.

AGAIN, OBVIOUSLY, I HAVE SOME CONCERNS ABOUT INCLUDING THIS IN THERE. IT SOUNDS LIKE THERE'S SUPPORT FOR KEEPING IT IN, BUT AGAIN, I JUST THINK IT'S PROBLEMATIC WHEN WE REPRESENT ONE THING TO OUR CONSTITUENTS AND THEN CHANGE THE RULES AFTER WE'VE ALREADY CONVEYED TO THEM THAT THEY WOULD NOT BE AFFECTED BY THIS. AND IT APPEARS THAT WE'RE NOT REALLY SURE WHAT WE'RE TRYING TO DO WITH THIS AND I'VE HAD AN ISSUE OF BRINGING FLEXES IN AT THE LAST MINUTE AND SO NOW -- SO FROM ONE WEEK TO NEXT, BRINGING IN A DUPLEX AT THE LAST MINUTE AND THEN TWO WEEKS LATER BRINGING IN VACANT LOTS, EVEN THOUGH OUR REPRESENTATIONS WERE THAT IN THOSE PARTICULAR USES WOULD NOT BE AFFECTED. AND SO THAT'S PART OF WHY I HAVE DIFFICULTY WITH THIS BECAUSE I THINK IT COULD BE ONE OF THOSE ISSUES THAT MAYBE YOU CAN GET SOME SUGGESTIONS FROM THE TASKFORCE BEFORE JUNE ON THAT PARTICULAR ISSUE, BUT REALLY BECAUSE, AGAIN, THERE'S FOLKS OUT THERE RIGHT NOW WHO THREE WEEKS AGO WE'RE TOLD YOU'RE NOT AFFECTED BY THIS, AND MAYBE CONTINUING WITH THEIR PLANS TO DO SOMETHING THAT NOW THEY WON'T BE ABLE TO DO TILL JUNE POTENTIALLY. SO I'D RATHER -- AGAIN, IF IT WASN'T FOR THREE OR FOUR MONTHS, THEN MAYBE I COULD LIVE WITH THIS OR BE MORE COMFORTABLE WITH IT, BUT I THINK THAT THAT'S -- AGAIN, I THINK IT BEGS THE QUESTION, YOU

KNOW, ARE WE GOING TO HAVE SOMETHING THAT COMES UP IN ANOTHER TWO WEEKS OR A MONTH AND SAY THERE'S ANOTHER LOOPHOLE, SO WE WANT TO ALSO HAVE THIS PARTICULAR SITUATION INCLUDED. AND THAT'S -- ANYWAY, SO THAT'S JUST MY VIEWS ON IT. BUT I DON'T KNOW IF MR. GUERNSEY WANTED TO SHARE SOMETHING ABOUT MAYBE SOME BACKGROUND ON WHY THE FIRST ORDINANCE WAS DEVELOPED OR STRUCTURED THE WAY IT WAS.

THANK YOU, MAYOR. GREG GUERNSEY, NEIGHBORHOOD PLANNING AND ZONING. I WANTED TO POINT OUT WHEN WE SPEAK OF THE VACANT LOTS, WE'RE SPEAKING OF VACANT LOTS THAT WERE CREATED BEFORE THAT MARCH 7TH DATE, 1974. SO THEY'RE NOT VACANT LOTS THAT HAVE BEEN CREATED RECENTLY. AND I THINK THE ISSUE THAT THE TASKFORCE WRESTLED WITH AND SOME OF THE STAKEHOLDERS WERE WRESTLING WITH IS THE SUBDIVISIONS LIKE HYDE PARK OR PARTS OF TRAVIS HEIGHTS WHERE THEY WERE DEVELOPED WITH 25-FOOT LOTS AND YOU MAY HAVE HAD A HOUSE THAT WAS BUILT ON TWO OF THE LOTS AND THE THIRD LOT THAT WAS ONLY 25 FEET WIDE WAS LEFT VACANT. SO THE CONCERN WAS THAT THE INDIVIDUAL MAY SELL OFF THE 25-FOOT LOT AND THEN COME IN AND DEVELOP A LARGER HOUSE THAT MIGHT BE OUT OF SCALE WITH THE NEIGHBORS. I THINK THAT'S THE REASON WHY YOU SEE THIS ISSUE BEING BROUGHT TO YOU NOW BECAUSE OF THAT PARTICULAR TOO. I WANTED TO MAKE SURE IT WAS UNDERSTOOD BY EVERYONE THAT THESE WERE LOTS THAT ONLY WERE THERE PRIOR TO MARCH 7TH OF '74. THESE AREN'T LOTS BEING CREATED TODAY.

McCracken: I WANT TO MAKE SURE WE'RE BEING ACCURATE ON THIS. THESE ARE LOTS CONTAINED IN NEIGHBORHOODS THAT WERE PLATTED BEFORE 1974. ONE OF THE -- IN FACT, IT DID REMIND ME ONE OF THE ISSUES THAT DROVE THIS WAS THAT WE LEARNED OF WHAT A POTENTIAL AND IN FACT HAD BEEN APPARENTLY A DISGUST LOOPHOLE IN OUR ACTION. IT WAS THIS, IT WAS TO TAKE A LOT, SUBDIVIDE IT INTO TWO LOTS AND THEN TECHNICALLY ONE OF THOSE LOTS IS A VACANT LOT, MAYBE BOTH. AND SUDDENLY YOU WOULD BE OFF TO THE RACES. SO THE VACANT LOT EXCEPTION WAS THAT WE GOT WORD THAT THE TALK WAS

THAT WOULD BECOME THE NEW LOOPHOLE TO GET AROUND EVERYTHING WE WERE TRYING TO ACCOMPLISH. AND IT WAS ONE OF THE THINGS THAT AS A SENSE OF FAIRNESS TO PEOPLE WHO LIVE IN NEIGHBORHOODS WITH A VACANT LOT, BUT ALSO A SENSE OF FAIRNESS TO PEOPLE THAT WE HAVE TO CLOSE THE LOOPHOLES AND ONE OF THE LOOPHOLES WE LEARNED ABOUT WAS APPARENTLY AN IDEA TO TEAR DOWN A HOME, SUBDIVIDE A LOT AND CALL ONE OR BOTH OF THEM VACANT LOTS AND THEY WOULD BE FREE FROM THE RULES. WELL, THEY WOULD QUICKLY MEAN THAT EVERYTHING WE DID WAS FOR NAUGHT. SO I WANT TO EMPHASIZE THE VACANT LOT EXCEPTION APPLIES TO NEIGHBORHOODS PLATTED BEFORE 1974.

THAT'S MY UNDERSTANDING AS WELL. IF YOU WERE TO ATTACK A LOT IN HYDE PARK THAT WAS PLATTED IN THE 1800S AND WERE TO RESUBDIVIDE TO AVOID THIS, IT STILL GOES BACK TO THE ORIGINAL LANGUAGE THAT SAYS THE ORIGINAL FINAL PLAT IS APPROVED BEFORE THAT DATE.

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

Alvarez: THANKS, MAYOR. I MEAN, I AGREE THIS WAS AN OVERSIGHT OR A LOOPHOLE, BUT WHEN I READ THE INITIAL ORDINANCE, I NOTICED WE WERE LEAVING OUT VACANT LOTS, AS DID EVERYBODY ELSE ON THE COUNCIL, SO MY UNDERSTANDING OF WHY THAT WAS IN THERE IS OUT OF SENSE OF FAIRNESS IN TRYING TO ACCOMMODATE FOLKS OUT THERE WHO MAY BE PLANNING TO DEVELOP LOTS AND THAT IT WAS THIS OTHER ISSUE ABOUT DEMOLITIONS AND REMODELS THAT WAS BEING ADDRESSED. AND OBVIOUSLY I DO SEE THE PARALLEL AND I WILL SUPPORT THIS, BUT I REALLY THINK THAT WE NEED TO BE CAREFUL ABOUT THESE SORTS OF THINGS AND ALSO THAT OBVIOUSLY WE'RE BRINGING MORE AND MORE STUFF IN, VACANT LOTS, DUPLEXES, AND THAT REALLY POINT TO THE NEED FOR US TO GET SOMETHING IN PLACE QUICKLY AND NOT LEAVE THIS HANGING OUT THERE LONGER THAN IT NEEDS TO BE, PARTICULARLY BECAUSE WE KEEP BRINGING MO MORE AND MORE TYPES OF DEVELOPMENT OR LIMITING MORE AND MORE TYPES OF DEVELOPMENT. I DO WANT TO THANK, YOU KNOW, COUNCILMEMBER AND THE TASKFORCE AND

OBVIOUSLY THIS IS JUST ONE ISSUE OUT OF WHAT IT LOOKS LIKE DOZENS OF ISSUES THAT WERE DISCUSSED AND HAMMERED OUT, SO WE DO WANT TO RESPECT THE WORK OF THE COMMITTEE AS WELL BECAUSE IT'S AN IMPORTANT ISSUE AND SOMETHING THAT IS VERY COMPLICATED. AND I APPRECIATE EVERYBODY TAKING THE TIME TO INVEST IN TRYING TO ARRIVE AT A REASONABLE SOLUTION TO THIS SITUATION. THANKS, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? AGAIN, WE HAVE A MOTION AND A SECOND ON THE TABLE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER KIM OFF THE DAIS. THANK YOU ALL VERY MUCH. OKAY, COUNCIL, THAT TAKES US TO ITEM NUMBER 59. CONDUCT A PUBLIC HEARING ON THE APPEAL BY APPLICANT TUMBLEWEED INVESTMENT JOINT VENTURE OF THE ZONING AND PLATTING COMMISSION'S DENIAL OF THEIR EXTENSION REQUESTS OF A SITE PLAN. WELCOME THE STAFF PRESENTATION. MR. GEORGE ZAPALAC.

THERE ARE ON THE DAIS BEFORE YOU TWO HANDOUTS RELATED TO THIS CASE. ONE IS AN EXCERPT FROM THE CITY CODE WHICH HAS CRITERIA FOR THE CONDUCT OF AN APPEAL AND ALSO THE CRITERIA TO CONSIDER FOR AN EXTENSION OF A SITE PLAN AND THE OTHER IS A PACKET OF COMMENTS THAT WE'VE RECEIVED FROM THE PUBLIC IN THE LAST FEW DAYS. THIS TRACT IS LOCATED ON RANCH ROAD 2222 BETWEEN 360 AND 620. IT'S THE FORMER SITE OF THE TEXAS TUMBLEWEED RESTAURANT LOCATED AT THE TOP OF THE LONG HILL ON 2222. AND IT'S A LONG NARROW TRACT ON 9.74 ACRES. THIS PIECE YOU SEE OVER HERE ACTUALLY FITS ON THE END OF THIS HERE. IT VARIES IN WIDTH FROM ABOUT 100 FEET AT THE WEST END TO 350 FEET AT THE EAST END, AND IT'S APPROXIMATELY 2,000 FEET LONG. THE SITE IS LOCATED WITHIN THE WEST BULL CREEK WATERSHED AND IS PROPOSING THE CONSTRUCTION OF 89 89 CONDOMINIUM UNITS. 54 OF THOSE UNITS ARE TO BE

LOCATED IN INDIVIDUAL STRUCTURES AND THE REMAINING 35 ARE SHOWN IN A HI-RISE STRUCTURE WHICH THE PLAN INDICATES COULD BE A MAXIMUM HEIGHT OF 150 FEET. THE SITE PLAN WAS ORIGINALLY APPROVED ON FEBRUARY THE 14TH, 2002, AND AT THAT TIME THE SITE WAS LOCATED WITHIN THE CITY STE'S TWO-MILE E.T.J. AT THE TIME OF APPROVAL THE PLAN COMPLIED WITH ALL APPLICABLE SUBDIVISION REGULATIONS, BUT IT WAS NOT REQUIRED TO CONFORM WITH ZONING REGULATIONS OR THE HILL COUNTRY ROADWAY ORDINANCE. ABOUT SEVEN MONTHS AFTER THE SITE PLAN WAS APPROVED IN SEPTEMBER 26TH, 2002, THE SITE WAS ANNEXED INTO THE CITY LIMITS AS A FULL PURPOSE JURISDICTION AND IT WAS GIVEN THE ZONING DESIGNATION OF IRR, INTERIM RURAL RESIDENTIAL. BECAUSE THE SITE PLAN WAS APPROVED BEFORE ANNEXATION, UNDER STATE LAW THE OWNER IS ALLOWED TO BUILD ACCORDING TO THE APPROVED PLAN AS LONG AS THAT PLAN IS STILL IN EFFECT. HOWEVER, IF THAT SITE PLAN EXPIRES, THEN THE CITY MAY REQUIRE COMPLIANCE WITH APPLICABLE REGULATIONS, INCLUDING ZONING AND HILL COUNTRY ROADWAY. THE OWNER BEGAN CONSTRUCTION ON THE SITE LF ANNEXATION AND HAS COMPLETED THE MAIN DRIVEWAY, UTILITIES AND THE WATER QUALITY POND. HE ALSO STARTED CONSTRUCTION OF TWO OF THE CONDOMINIUM UNITS, BUT THEY WERE NEVER COMPLETED AND ARE PRESENTLY VACANT. CONSTRUCTION ACTIVITY WAS SUSPENDED IN JUNE 2004. THE SITE PLAN HAD AN EXPIRATION DATE OF FEBRUARY THE 14TH, 2005, AND PRIOR TO THAT DATE THE APPLICANT REQUESTED A ONE-YEAR ADMINISTRATIVE EXTENSION, WHICH WOULD HAVE TAKEN THE EXPIRATION DATE UNTIL FEBRUARY THE 14TH OF 2006. THE APPLICANT ALSO REQUESTED A FURTHER THREE-YEAR EXTENSION FROM THE ZONING AND PLATTING COMMISSION, WHICH WOULD EXTEND THE LIFE UNTIL FEBRUARY 14TH, 20 09D. THE CRITERIA FOR THE EXTENSION ARE CONTAINED IN CHAPTER 25-562, WHICH IS ON THE DAIS IN FRONT OF YOU. AND AN EXTENSION ACCORDING TO THE CODE IS DISCRETIONARY. THERE ARE FIVE BASIC CRITERIA THAT MUST ADDRESSED. THE FIRST IS THAT THERE MUST BE GOOD CAUSE FOR THE EXTENSION. AND STAFF FELT THAT THE APPLICANT DID NOT SUFFICIENTLY MAKE THE CASE FOR AN EXTENSION OR THAT

THERE WERE EXTENUATING CIRCUMSTANCES THAT PREVENTED COMPLETION OF THE PROJECT. IF YOU DETERMINE THERE IS GOOD CAUSE FOR THE EXTENSION, THEN YOU MUST ADDRESS -- DETERMINE THAT THE APPLICANT MEETS AT LEAST ONE OF THE FOUR ADDITIONAL CRITERIA. THE FIRST OF THOSE IS THAT THE PLAN SUBSTANTIALLY COMPLIES WITH REQUIREMENTS THAT WOULD APPLY TO A NEW APPLICATION. THE PLAN DOES NOT COMPLY WITH EXISTING IRR ZONING AND IT WOULD NOT COMPLY WITH THE HILL COUNTRY ROADWAY ORDINANCE DUE TO CONSTRUCTION ON SLOPES, THE ROADWAY VEGETATIVE BUFFER, THE NATURAL AREA PRESERVATION AND BUILDING HEIGHT. SO STAFF DID NOT FEEL THAT THIS CRITERION COULD NOT MET. SECOND IS THAT THE APPLICANT FILED THE PERMIT WITH THE EXPECTATION THAT THE PLAN WOULD BE CONSTRUCTED. THIRDLY, AT LEAST ONE STRUCTURE WOULD HAVE TO BE COMPLETED AND SUITABLE FOR PERMANENT OCCUPANCY. ALTHOUGH TWO STRUCTURES WERE INITIATED, THEY WERE NEVER COMPLETED AND HAVE NOT BEEN OCCUPIED. AND THE LAST CRITERIA IS THAT THE APPLICANT MUST HAVE CONSTRUCTED A SIGNIFICANT PORTION OF THE INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE SITE. AND STAFF CONCURS THAT THIS CRITERION HAS ALSO BEEN MET. BUT BECAUSE STAFF FELT THAT THE DEVELOPER HAD NOT MET THE FUNDAMENTAL TEST OF SHOWING GOOD CAUSE FOR THE EXTENSION, WE DID NOT RECOMMEND IT AND THE ZONING AND PLATTING COMMISSION UPHELD STAFF'S RECOMMENDATION ON OCTOBER 18th OF 2005. MYBY A VOTE OF 9-0. THE OPTIONS BEFORE YOU THIS EVENING, THERE ARE BASICALLY THREE. FIRST YOU CAN APPROVE THE APPEAL AND EXTEND THE EXISTING SITE PLAN UNTIL FEBRUARY OF 2009. SHOULD YOU APPROVE THE APPEAL, ZONING WOULD NOT BE REQUIRED AND THE HILL COUNTRY ROADWAY ORDINANCE WOULD NOT APPLY. AND THIS WOULD MEAN THAT THE HI-RISE COULD BE BUILT TO THE HEIGHT, 150-FOOT HEIGHT SHOWN ON THE PLAN. THERE WOULD BE NO REQUIREMENT FOR A VEGETATIVE BUFFER ALONG 2222, A SMALLER NATURAL AREA THAN THE CODE WOULD CURRENTLY REQUIRE AND THERE WOULD BE NO TREE PROTECTION REQUIREMENTS. THE SECOND OPTION WOULD BE TO DENY THE APPEAL, AND

IN THIS INSTANCE IF YOU DENY THE APPEAL, THEN THE APPLICANT -- IF THE APPLICANT CHOOSES TO PURSUE THE CONDOMINIUM PROJECT, THE PROPERTY WOULD HAVE TO BE REZONED TO AT LEAST SF-6, AND A NEW STOCK PLAN WOULD BE REQUIRED. THE HILL COUNTRY ROADWAY ORDINANCE REQUIREMENTS WOULD APPLY, INCREASED SETBACKS FROM THE ROADWAY WOULD BE NECESSARY. THE HEIGHT WOULD BE LIMITED TO 28 FEET WITHIN 200 FEET OF 2222. A NATURAL AREA EQUAL TO 40% OF THE SITE, AN UNDISTURBED AREA WOULD BE REQUIRED AND THE TREE PROTECTION ORDINANCE WOULD APPLY. YOUR THIRD OPTION IS TO APPROVE THE APPEAL WITH CERTAIN CONDITIONS, AND THIS WOULD ALLOW THE OWNER TO BUILD A PLAN, BUT WITH SOME MODIFICATIONS. THE APPLICANT HAS RECENTLY PROPOSED SOME MODIFICATIONS TO THE APPROVED PLAN WHICH INCLUDE FIRST OF ALL PRESERVATION OF A 25-FOOT VEGETATIVE BUFFER ALONG THE 22222222 FRONTAGE. MAINTAINING A NATURAL AREA OF ABOUT 26% OF THE SITE INSTEAD OF THE 40% THAT WOULD BE REQUIRED UNDER CURRENT CODE. LIMITING ALL BUILDINGS TO A HEIGHT OF 40 FEET. AND CREATING A REAR SET BACK OF 10 FEET. SO THOSE ARE THE THREE OPTIONS BEFORE YOU AND SOME OF THE CONSEQUENCES OF THOSE ACTIONS. THAT CONCLUDES MY PRESENTATION IF YOU WOULD LIKE ME TO ANSWER ANY QUESTIONS.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? WE HAVE A HANDFUL OF FOLKS WHO HAVE STUCK IT OUT WITH US. WITHOUT OBJECTION, WE GO TO -- I'M SORRY, WE HAVE TO CONDUCT THE FORMALIZED APPEAL PROCESS PUBLIC HEARING, WHICH INCLUDES A FIVE-MINUTE APPLICANT PRESENTATION. THEN WE HEAR FROM FOLKS WHO ARE SUPPORTIVE OF THE APPEAL, AND THEN FOLKS WHO ARE IN OPPOSITION AND THEN THE APPLICANT HAS A ONE-TIME REBUTTAL. SO WE'LL WELCOME A FIVE-MINUTE PRESENTATION FROM MR. SERGIO LOZANO. WELCOME. DO YOU GET PAID BY THE HOUR?

REGRETFULLY NOT. MAYOR WILL WYNN, MAYOR PRO TEM DANNY THOMAS, MEMBERS OF COUNCIL, FOR THE RECORD MY NAME IS SERGIO LOZANO AND I'M A LICENSED ENGINEER IN THE STATE OF TEXAS. I'M ALSO THE PRINCIPAL AND

PARTNER OF LLC CONSULTANTS, THE FIRM THAT HAS BEEN WORKING ON THIS PROPERTY FROM 2001 TO RIGHT NOW. I THINK MR. ZAPALAC DID AN EXCELLENT PRESENTATION OF WHAT IS BEFORE YOU TONIGHT. WITH WITH ONE DISAGREEMENT, AND THAT IS THE EXTENUATING CIRCUMSTANCES THAT HAVE US BE HERE BEFORE YOU TONIGHT. THE PROPERTY WAS MOVING ALONG WITH AN APPROVED SITE PLAN, BUT DUE TO SOME LITIGATION BETWEEN THE TWO PARTNERS, IT GOT STUCK IN THE LEGAL SYSTEM FOR OVER TWO YEARS PERIOD. THERE WAS FINALLY A DETERMINATION IN DISTRICT COURT ON DECEMBER THE FIFTH OF LAST YEAR ON WHICH ONE OF THE PARTNERS WAS RIGHT AND JUDGMENTS WERE ISSUED AGAINST IT. WE HAVE INVESTED OVER \$2.6 MILLION ON THIS PROJECT. ALL THE INFRASTRUCTURE IS COMPLETED AND HAS BEEN ACCEPTED. WHAT WE ARE HERE FOR IS JUST TO BE ABLE TO REENACT THE BUILDING PERMITS THAT WE APPLIED WITH THE CITY OF AUSTIN WHEN THE SITE PLAN WAS -- WHEN THE PLAN WAS MOVING ALONG. AND BASICALLY WE HAVE MET WITH THE STAFF, WHICH I LIKE TO COMPLIMENT THEIR DILIGENCE IN WORKING TOWARDS REACHING A COMPROMISE HERE WITH US, BUT IF WE HAVE THIS SITE, AS YOU CAN SEE IT ON THE EXHIBIT THAT WE PREPARE HERE, IT'S VERY, VERY NARROW. 200 FEET, IF I MAY SHOW YOU ON THE SITE PLAN.

Mayor Wynn: I THINK IF YOU LEAVE IT WHERE IT WAS, YOU COULD USE THE AUDIO VIDEO EQUIPMENT. WITH STAFF'S HELP. IF YOU LOOK AT THE WITDZ WE HAVE ON THE WEST SIDE OF OUR PROPERTY, IT IS LESS THAN TWO HUNDRED FEET. SO 200 FEET OF THE HILL COUNTRY COMPLETELY PASSES OUR PROPERTY. 200 FEET WILL BE APPROXIMATELY WHERE THIS IS LOCATED, AND LOOK AT HOW MUCH LAND WE HAD LEFT. WE WILL HAVE LESS THAN 20% OF THE AVAILABLE LAND DEVELOPED, UNDERSTANDING THAT THE WATER QUALITY POND IS IN PLACE, THE ROADWAYS AND UTILITIES ARE IN PLACE. SO COMPLYING WITH THE SETBACK THAT MR. ZAPALAC WAS MENTIONING WILL BE NOT ONLY DIFFICULT, BUT IMPOSSIBLE TO ACHIEVE WHAT WE WANT HERE. THE COMPROMISES THAT WE HAVE ACCEPTED STAND FOR MAINTAINING A BUFFER AND REVEGETATING SOME OF THE AREAS THAT ARE IN THE SETBACK THAT WE WILL

CONFORM WITH, RESPECT THE CRITICAL ENVIRONMENTAL FEATURE SET BACK THAT WE HAVE, WHICH IS OVER 100 FEET FROM THE RIGHT-OF-WAY OF 2222 TOWARDS THE BACK OF THE PROPERTY. AND LIMIT OUR HEIGHT TO FOUR STORIES. AGAIN, HAD WE NOT BEEN IN LITIGATION, WE WOULD HAVE BEEN DONE WITH THIS PROJECT EXCEPT FOR THE HI-RISE. THE HI-RISE WAS SOMETHING THAT THE PREVIOUS OWNER WANTED TO INCLUDE IN THERE JUST TO BE ABLE TO MAXIMIZE HIS DENSITY, BUT THAT HI-RISE WILL BE IMPOSSIBLE TO BUILD BECAUSE OF PARKING. WE BASICALLY FEEL THAT, FIRST OF ALL, WE EXCEEDED THE REQUIREMENTS, AS MR. ZAPALAC MENTIONED, THIS SITE WAS THE FORMER TEXAS TUMBLEWEED AND IT HAD 47% OF EXISTING IMPERVIOUS COVER COVER. WE HAVE 39.9% PROPOSED, INCLUDING FULL SEDIMENTATION AND FILLTATION FACILITIES ON THE SITE, WHICH HAS BEEN BUILT FOR THAT 40% IMPERVIOUS COVER. THE REVEGETATION THAT OCCUR WHILE WE BROUGHT A 16-INCH LINE FROM MCNEIL ROAD ALONG 2222 ALL THE WAY TO THE SITE HAS BEEN REVEGETATED AND WE WILL CONFORM WITH THE HILL COUNTRY REQUIREMENTS OF REVEGETATING THAT WITH NATIVE TREES AND NATIVE GRASSES. AND WE'RE WILLING TO INCREASE OUR BUFFER ZONE FROM 20% TO 26% AND TRY TO ADHERE WITH THE COMPLIANCE OF THE HILL COUNTRY. BUT GOING TO 200 FEET, IT WILL BE JUST IMPOSSIBLE FOR US TO ACCOMPLISH BECAUSE OF THE CONFIGURATION OF THE SITE. I ALSO WOULD LIKE TO MENTION THAT, WE HAVE WORKED WITH TXDOT, THE CONSTRUCTION OF A CHICKEN LANE IN THE MIDDLE OF 2222 2222 BECAUSE OF TRAFFIC CONCERNS AND THE ACCESS TO OUR SITE. I KNOW SOME OF YOU HAVE GOTTEN E-MAILS FROM THE LONG CANYON HOMEOWNERS ASSOCIATION, THEY MENTIONED THE PROPERTY ADJACENT TO US. I THINK THAT IN MY OPINION, THE E-MAIL THAT YOU HAVE GOT IS MISLEADING SINCE THE SALE OF THIS DEVELOPMENT IT ONLY HAS 50-FOOT OF FRONTAGE INTO 2222. YOU CANNOT BUILD ANYTHING WITHIN 50 FEET OF FRONTAGE. SO THEREFORE I THINK THAT IN MY OPINION IT'S MISLEADING. WE ARE READY TO MOVE FORWARD, LIKE I SAID, THIS LITIGATION THAT TOOK US ALL THE WAY TO FEDERAL COURT IN DALLAS IS OVER, THE APPEAL PROCESS HAS EXPIRED FOR ONE OF THE TWO PARTNERS. AND WE JUST WANT YOU

TO CONSIDER THAT THE COMPROMISES THAT WE HAVE MADE AND THAT MR. ZAPALAC PRESENTED TO YOU TONIGHT IS SOMETHING THAT I BELIEVE ADHERES TO ABOUT 90% OF THE REQUIREMENTS OF AN SF-6 ZONING DISTRICT, AND IT PROBABLY COMPLIES WITH ABOUT 40% OF THE REQUIREMENTS OF THE HILL COUNTRY ROADWAY ORDINANCE. I'M HERE TO ANSWER ANY QUESTIONS. WE THANK YOU FOR STAYING WITH US THURSDAY AND FRIDAY OF MARCH NINTH AND 10th OF THIS YEAR. THANK YOU.

Mayor Wynn: THANK YOU, MR. LOZANO. QUESTIONS OF THE APPLICANT, COUNCIL? IF NOT, WE'LL GO TO FOLKS WHO HAVE SIGNED UP IN FAVOR OF THE APPEAL. THERE ARE NONE. THERE'S A COUPLE OF FOLKS WHO HAVE SIGNED UP WISHING TO SPEAK IN OPPOSITION. A NUMBER OF FOLKS WERE WANTING TO DONATE TIME TO THEM. OUR RULES ARE THAT FOLKS NEED TO BE PRESENT IN THE CHAMBER IN ORDER TO DO THAT. OUR FIRST SPEAKER IN OPPOSITION IS MARCELIN LASSITER. SORRY IF I MISS MISPRONOUNCED THAT. OKAY. THEY SIGNED UP NOT WISHING TO SPEAK, BUT IN OPPOSITION. HOW ABOUT DALE OR PAT BULA? ALSO SIGNED UP AGAINST. LISETTE SMIDLY --

[INAUDIBLE - NO MIC]. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

THIS IS A FAIRLY COMPLEX PRESENTATION, WE ARE LOOKING AT THE THREE ALTERNATIVES THAT MR. ZAPALAC PRESENTED. NUMBER ONE APPROVE THE APPEAL, WHICH WE ARE OPPOSED TO. NUMBER TWO DENY, NUMBER THREE TO APPROVE WITH MODIFICATIONS, THIS AFTERNOON WE DISCOVERED THAT THERE WAS SOME SIGNIFICANT MODIFICATIONS TO THE PROJECT THAT WERE PROPOSED AS A COMPROMISE. I WILL TRY TO SPEAK TO THE ISSUE OF DENYING THE ORIGINAL APPEAL, ALSO SOMEWHAT GIVEN THE LIMIT OF -- OF SOME COMMENTS ABOUT -- ABOUT ADDRESSING BASICALLY A SIGNIFICANTLY DIFFERENT DEVELOPMENT, WHICH WE HAVE BECOME AWARE OF, ONLY IN THE VERY RECENT HOURS. MY NAME IS PETER, I'M REPRESENTING 2:00ING 222, WE REPRESENT RIVER PLACE, LONG CANYON, JESTER, LONG LAKE, CITY PARK ROAD, CAT MOUNTAIN. PARTICULARLY RIVER PLACE, LONG CANYON AND JESTER ARE THE LONGEST NEIGHBORHOODS

CLOSEST TO THIS SUBJECT PROPERTY. WE ARE NOT GOING TO HAVE A SUCCESSION OF SPEAKERS TONIGHT ALL SAYING THE SAME THING, JUST A FEW SPEAKERS THAT I THINK MIGHT BE ONE, WE WILL TRY TO SUCCESS SIGHTLY ARTICULATE OUR POSITION ON THIS SITUATION. OUR UNDERSTANDING OF THIS DEVELOPMENT, AS GEORGE ZAPALAC HAD SPOKEN WAS ALLOWED IN 2002 BECAUSE THE PROPERTY WAS REALLY IN THE E.T.J. AT THE TIME. BUT SOON AFTER THAT -- THE PROPERTY PROPOSAL WAS ACCEPTED, THE PROPERTY WAS IN THE CITY OF AUSTIN AND -- AND WE SUBMIT THIS CREATED A WINDOW OF OPPORTUNITY, WHICH WAS VERY CLEAR TO THE DEVELOPER THAT IT WAS MUCH IN HIS INTERESTS TO DEVELOP THIS PROPERTY BEFORE THE SITE PLAN EXPIRED BECAUSE IT WAS VERY LIKELY THAT AFTER THAT POINT THAT THE RULES WOULD BE CHANGED. OR THE RULES WOULD HAVE CHANGED AND IT WOULD COME UNDER NEW RULES. WELL, THIS TIME HAS ARRIVED. AND NOT VERY MUCH PROGRESS HAS BEEN MADE ON THE DEVELOPMENT. IF THE DEVIATIONS FROM THE CURRENT RULES WERE FAIRLY MINOR, I DON'T THINK THIS WOULD BE A CONTROVERSIAL TO EXTEND THE SITE PLAN, BUT THE DEVIATIONS FROM THE CURRENT RULES ARE NOT MINOR, THEY ARE DRAMATIC. AND I SUBMIT THAT THAT'S WHY WE ARE OPPOSING THIS APPEAL, WHY THE PROPERTY SHOULD GO BACK INTO THE REVIEW PROCESS UNDER THE CURRENT REGULATIONS AS DEFINED. THIS PROPERTY SHOULD BE BROUGHT INTO CONFORMANCE WITH THE CURRENT REGULATIONS LIKE OTHER PROPERTIES AROUND IT. IN PARTICULAR WE USE THE [INDISCERNIBLE] DEVELOPMENT AS AN EXAMPLE. THE APPLICANT HAS SUGGESTED THAT -- THAT THIS IS DISINAGAINOUS TO DO THAT. BUT I WOULD LIKE TO PUT UP ON THE VIEW SCREEN THE -- THE PLAT THAT SHOWS HOW THE TWO PROPERTIES INTERACT. THE SHADED AREA IS THE RANCHO LA VALENCIA PROPERTY. THE SQUARE AREA WITH THE DOG HOUSE STICKING OUT JUST TO THE WEST OF THAT IS THE BUENA VISTA PROPERTY. THERE'S ONLY A SMART PAUL OF THE [INDISCERNIBLE] VISTA PROPERTY THAT ACTUALLY TOUCHES THE 2222 ROADWAY, THE REST OF IT IS ACTUALLY TOUCHING THE RANCHO LA VALENCIA PROPERTY. THE WAY THE DEVELOPMENT ON ADVICE TAKE IS LAID OUT, HOWEVER -- MY UNDERSTANDING IS THAT MOST OF THE

DEVELOPMENT OF THE PROPERTY ON THE -- THIS THIS PROPERTY IS IN THE BACK OF THE PROPERTY AND I BELIEVE THAT PROBABLY IF WE -- IF WE HAD THE PROPER CHARTS, WE COULD MEASURE, THERE'S A SIGNIFICANT SETBACK FROM THIS PROPERTY LINE THAT IS WITH THE L.A. VALENCIA PROPERTY. THE DEVELOPMENTS ON THE OTHER PROPERTY ARE FAR BACK TO THE BACK OF THE PROPERTY. I THINK IT'S IMPROPER TO SUGGEST THAT A [INDISCERNIBLE] PIECE OF PROPERTY RIGHT HERE. THE FAX IS THAT THE OTHER DEVELOPMENT DID FOLLOW ALL OF THE NORMAL DEVELOPMENT GUIDELINES AND WAS IN FACT A SIGNIFICANT DOWNGRADE FROM A MUCH MORE EXTENSIVE DEVELOPMENT THAT WE PLANNED FOR. IF THIS PROPERTY IS CONTEND NICED IT DOESN'T MEAN THE APPLICANT CAN'T DEVELOP HIS PROPERTY. IT MEANS HE WILL HAVE TO FOLLOW MORE CLOSELY THE RULES ESTABLISHED TODAY. WE ACKNOWLEDGE THE PROPERTY DEVELOPER HAS INVESTED SOME INVESTMENT INTO THIS PROPERTY. BUT MOST OF THAT IS INFRASTRUCTURE, DRIVEWAYS, WATER RETENTION FACILITIES AND UTILITY INSTALLATIONS, MOST OF THOSE CAN BE RECOVERED IN ANY DEVELOPMENT THAT GOES INTO THIS PLACE. I -- I DON'T BELIEVE THERE'S A HUGE LOSS OF INVESTMENT FOR THE -- FOR THE WORK THAT WAS DONE SO FAR. OUR UNDERSTANDING TO SUPPORT THAT IS THAT THE TAX ROLLS, WE UNDERSTAND, THE TAX ZERO VALUE TO ALL OF THOSE IMPROVEMENTS ON THE PROPERTY SO FAR. OBVIOUSLY THE TAX ROLL PEOPLE AND THE DEVELOPER DO NOT AT LEAST FOR TAX PURPOSES BELIEVE THAT THOSE IMPROVEMENTS HAVE BEEN OF A HUGE -- HAVE ADDED HUGE VALUE TO THAT PROPERTY. THE HILL COUNTRY ROADWAY ORDINANCE AND OTHER ORDINANCES WERE PASSED TO PROTECT THE HILL COUNTRY FROM DEVELOPMENTS LIKE THIS. PLEASE HELP US PROTECTING IT IN DENYING THIS. THAT'S A DISCUSSION ON -- ON ITEM NO. 1, ALTERNATIVE 1 OR 2 RATHER WHICH IS TO DENY APPROVAL OF THE PROJECT. IF WE LOOK AT THE MODIFICATIONS WHICH WERE PROPOSED, FOR THE PROJECT TODAY, AT LEAST WE -- WE UNDERSTOOD WHAT THEY WERE BEING PROPOSED AS TODAY, WE WOULD PROPOSE THAT -- THAT WE HAVE HAD REALLY AN INSUFFICIENT OPPORTUNITY TO FULLY EVALUATE THESE, I SUSPECT THE CITY STAFF HAS ALSO HAD AN INSUFFICIENT

OPPORTUNITY TO FULLY EVALUATE THESE. WE WOULD REQUEST THAT YOU NOT TAKE ANY ACTION ON THIS ITEM TONIGHT SO THAT WE CAN HAVE A PROPER VIEW OF THOSE THINGS. OUR POSITION IS IN GENERAL WITH ALL OF THESE PROPERTIES THAT THEY SHOULD CONFORM TO THE HILL COUNTRY ROADWAY ORDINANCE AND OTHER SUBJECT ORDINANCES. IF THEY WOULD DO THAT, WE WOULD BE VERY HAPPY. AS MR. ZAPALAC HAD PROPOSED, THE ITEMS, THEY WOULD COME UNDER THE -- THE AGREEMENT WOULD BE HAVING -- INCREASED SETBACK FROM WHAT THEY ARE HAVING NOW. 28-FOOT HEIGHT BUILDINGS, NATURAL AREA OF 40% AND A TREE PROTECTION ORDINANCE. MY UNDERSTANDING IS THAT I THINK THAT THE TREE PROTECTION ORDINANCE IS KIND OF OUT THE WINDOW NOW BECAUSE MOST OF THE TREES ON THE PROPERTY HAVE BEEN REMOVED. THERE IS A HUGE OPEN SPACE WITH NO VEGETATION WHATSOEVER ON THE PROPERTY. I BELIEVE DR. ACCOMMODATIONS THAT THE APPLICANT -- SOME ACCOMMODATIONS THAT THE APPLICANT COULD ACHIEVE BY GOING THROUGH THE DEVELOPMENT PROCESS BECAUSE THE DEVELOPMENT PROCESS IS NOT COMPLETELY IMPERVIOUS TO LOCAL SITUATIONS WITH A PIECE OF PROPERTY. I BELIEVE IT SHOULD BE GONE THROUGH AND CONSIDERED IN A CONTRACT WAY AND NOT WITH A BUNCH OF PROPOSALS THAT ARE FIRST PUT TO PUBLIC VIEW IN A PUBLIC HEARING OF THIS NATURE. FOR EXAMPLE, I THINK THAT -- THAT THE WATER RETENTION PONDS AND THOSE INFRASTRUCTURE ELEMENTS ARE DEFINITELY USED FOR ANY KIND OF DEVELOPMENT THAT WOULD GO IN THERE. THE HIGH RISE BUILDING HAS BEEN PROPOSED AS A TRADEOFF TO -- TO ACHIEVE SOME COMPROMISE. I WOULD SUGGEST THAT A CONCESSION TO GIVE UP 150-FOOT BUILDING AT THIS LOCATION DOESN'T SEEM TO ME TO HAVE VERY MUCH VALUE. THE FACT IS THAT THAT BUILDING WAS NOT FEASIBLE IN THE FIRST PLACE. IT -- BECAUSE OF CONSTRUCTION COSTS, VERY TALL BUILDINGS IN THIS KIND OF ENVIRONMENT AND THE FACT THAT THERE WAS A LACK OF ANY KIND OF PARKING, PLANNING, TO ME INDICATES THAT THIS BUILDING REALLY WASN'T FEASIBLE, BUT MAYBE WAS A TRADING OFF CARD FOR SOMETHING ELSE LATER ON. I THINK THAT THE FACT THAT THERE WAS 150-FOOT BUILDING IN THE BEGINNING, DEVELOPMENT IS

REALLY NOT A VERY MUCH VALUE IN TERMS OF TRADING OFF AND MAKING A COMPROMISE FOR THAT VERSUS SOME OTHER THINGS. WE WOULD SUGGEST THAT IF -- IF NOT -- IF NOT POSSIBLE TO POSTPONE CONSIDERATION FOR TAKING ACTION ON THIS NEW PROPOSAL, THAT WE WOULD CONSIDER TO BE BASICALLY A NEW PROPOSAL BECAUSE THE CHANGES ARE PRETTY SIGNIFICANT. THAT THIS BE DENIED, TOO, BECAUSE IT STILL DOES FOR THE CONFORM TO THE HILL COUNTRY ROADWAY ORDINANCE, ASY CAN'T DEVIATION NOW UNLESS THERE'S SOME SERIOUS DISCUSSION ABOUT HOW THEY MIGHT BE MITIGATED WE SUBMIT THAT THEY SHOULD NOT BE APPROVED AT THIS TIME. THANK YOU.

Mayor Wynn: THANK YOU, MR. PILGRIMSON.

THAT'S VERY GOOD.

APPRECIATE YOUR PATIENCE. QUESTIONS, COUNCIL? WE HAVE A COUPLE OF OTHER FOLKS SIGNED UP ALSO IN OPPOSITION, NOT WISHING TO SPEAK. AT LEAST WHEN THEY SIGNED UP 12 HOURS AGO. JOHN PECULIARART, CAROL LEE AND PETER SAWYER ALL SIGNED UP IN OPPOSITION. ANY OTHER FOLKS THAT WOULD LIKE TO BE HEARD ON THIS PUBLIC HEARING OF AN APPEAL OF A SITE PLAN EXTENSION DENIAL? IF NOT THEN MR. LAZONO YOU HAVE A ONE-TIME THREE MINUTE REBUTTAL.

GOOD EVENING AGAIN. IS IT POSSIBLE FOR ME TO GET THE [INDISCERNIBLE] THAT YOU HAVE IN YOUR PACKAGE THAT SHOWS THE ADJACENT DEVELOPMENT THAT -- THAT THE GENTLEMAN SHOWED BEFORE US? WHAT I WOULD JUST LIKE TO POINT OUT TO YOU, UNLESS THE CITY RECENTLY SOLD THAT TO THE DEVELOPER, TO THE GROUP WHICH WE MET WITH RECENTLY, I THINK THE STATEMENT WAS RIGHT BEHIND -- THOSE RECOMMENDATIONS WAS NOT ACCURATE. WILL CONRADT A MEMBER OF YOUR STAFF HAS MANY PHOTOGRAPHS OF THIS SITE THAT PERCEIVE THE -- THE INFRASTRUCTURE THAT WE CREATED WITH THESE. REMEMBER THIS WAS A VERY LARGE PARKING LOT THAT WAS SERVING THE OLD -- THEREFORE THE NUMBER OF PAVED AREAS. WE HAVE REMOVED ONE PROTECTED TREE DURING THE CONSTRUCTION OF THIS AND NOTHING ELSE.

TO ATTEST TO THAT WE HAVE AN ENVIRONMENTAL REPORT FOR US. AGAIN, OUR PROPERTY HAS LESS THAN 90 FEET ON THE -- ON THE WEST SIDE. AND APPROXIMATELY 226 FEET -- 400 FEET ON ONE SIDE. IF YOU TAKE OUT 200 FEET, IT REALLY LEAVE US VERY LITTLE TO BE ABLE TO DEVELOP. THE COMPROMISES THAT WE REACH WITH MEMBERS OF YOUR STAFF I THINK ARE SIGNIFICANT. AGAIN, HOW CAN WE COMPLY WITH 40% OF THE SITE WHEN PREVIOUSLY THIS SITE WAS DEVELOPED WITH 40% OF IMPERVIOUS COVER? TOTAL SITE AREA WHICH IS WHY WE CANNOT REACH THE 40%. I URGE YOU TO -- TO MAKE THE RIGHT DECISION. A DECISION THAT IS TO ALLOW US TO PROCEED WITH OUR DEVELOPMENT. AND I BELIEVE THIS IS A DEVELOPMENT THAT COMPLY WAS THE ENVIRONMENTAL REGULATIONS. I ALSO WOULD LIKE TO POINT OUT SOMETHING THAT I THINK IS IMPORTANT. SOME OF YOU HAVE BEEN ON THIS SITE OR NOT. WE HAVE MORE THAN 40 FEET OF HEIGHT DIFFERENTIAL IN ABOUT ONE THIRD OF THE SITE. FROM 2222. SO OUR SITE ON THIS AREA RIGHT HERE IS OVER 40 FEET HIGHER THAN 222. ELEVATION. THANK YOU.

Mayor Wynn: THANK YOU, COUNCIL, THAT TECHNICALLY CONCLUDES THE PUBLIC HEARING STRUCTURE OF THIS APPEAL PROCESS. QUESTIONS? COUNCILMEMBER ALVAREZ.
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Alvarez: I HAD A COUPLE OF QUESTIONS FOR MR. LOZANO FIRST, IF YOU COULD EXPLAIN, YOU MENTIONED THE LITIGATION THAT OCCURRED AFTER THE SITE PLAN WAS FILED. AND -- AND OBVIOUSLY THERE WAS -- THERE WAS TWO OF THE PARTNERS, IS IT ONLY TWO PARTNERS IN THIS? MORE THAN TWO PARTNERS?

VERY BRIEFLY, COUNCILMEMBER ALVAREZ, INITIALLY THERE WAS ONE PARTNER, CHARLES R. TURNER OUT OF DALLAS, TEXAS. HE HAD STARTED THIS PROJECT BACK IN 1995 WHEN HE PURCHASED THE PROPERTY FROM THE RTC. IF -- HE FINISHED HIS DIVISION IN 1999, AND WE STARTED THE -- THE CYCLING PROCESS TWO YEARS AFTER ATTEMPTED TO GET THIS SITE PLAN. MR. TURNER HIRED A CONTRACTOR WHO WAS FROM OUT OF TOWN AND -- BASICALLY DID NOT MOVE FAST WITH A DEVELOPMENT AND IN APRIL OF THE YEAR 2003 A NEW INVESTOR CAME AND BOUGHT 51%, A LOCAL -- A

LOCAL DEVELOPER MR. EDDIE JONES. HE CARRIED AWAY, FINISHED THE INFRASTRUCTURE ROADS AND SO FORTH. WE APPLIED FOR BUILDING PERMITS FOR SIX UNITS. MR. TURNER -- I MEAN MR. JONES MADE A CASH CALL TO THE PARTNERSHIP. FROM THE FIRST SIX CONDOMINIUM UNITS. MR. TURNER DID NOT HAVE THE MONEY AND -- MR. -- MR. JONES AND -- AND WE WENT ALL THE WAY TO FEDERAL COURT, THAT WAS -- THAT WAS DISTRICT COURT, HERE IN AUSTIN. THEN MR. TURNER FILED FOR BANKRUPTCY. THAT MOVED THE HEARING TO DALLAS. THE FEDERAL JUDGE IN DALLAS DENIED THE FINDING OF THE BANKRUPTCY CASE, BACK TO DISTRICT COURT. THAT WHOLE PROCESS TOOK US OR TOOK MR. JONES OVER TWO YEARS AND TWO MONTHS TO GET THAT COMPLETED. DURING THAT TIME MR. JONES WAS NOT ABLE TO MOVE FORWARD BECAUSE OF THE PENDING LITIGATION PROCESS, WE JUST COULD NOT MOVE FORWARD WITH DOING ANYTHING. BUT WE WERE READY TO COMMENCE THE CONSTRUCTION ON THE FIRST [INDISCERNIBLE]

Alvarez: WAS THERE A LEGAL IMPEDIMENT TO MOVING FORWARD? OR JUST -- JUST KNOW THAT VEIL OF UNCERTAINTY BECAUSE OF THE LITIGATION --

THERE WAS A FUNCTION THAT WAS SET BY MR. TURNER, SO THE PARTNERSHIP COULD NOT PROCEED WITH ANY OF THE MATTERS UNRESOLVED.

SO THEN -- FINALLY, IF YOU COULD REFER TO THAT DIAGRAM. IT'S PREDOMINANTLY A RESIDENTIAL PROJECT AND -- CAN -- CAN YOU EXPLAIN THE HISTORY, A LITTLE BIT ABOUT THIS, WAY BACK BEFORE IT WAS SUBDIVIDED, IT WAS ORIGINAL INTENDED TO BE A COMMERCIAL PROJECT. WHEN IT ACTUALLY CAME TIME TO MOVE FORWARD WITH THE SUBDIVISION, IT WAS -- IT WAS AS A RESIDENTIAL PROJECT.

I WAS NOT INVOLVED DURING THE PLANNING PROCESS, AS I UNDERSTAND DURING A SUBDIVISION PROCESS YOU MUST PROVIDE PARKLAND SPACE IF YOU HAVE A RESIDENTIAL DEVELOPMENT. IF YOU ARE NOT DOING A RESIDENTIAL DEVELOPMENT, THEN THE PARK FEES ARE NOT REQUIRED TO BE PAID. MR. TURNER WHO -- WHO [INDISCERNIBLE] TEXAS TUMBLE WEED WAS HERE, IT WAS A COMMERCIAL, HE

DECIDED TO BUILD THE CONDOMINIUMS FROM THE INCEPTION OF THE SUBDIVISION. HE IMMEDIATELY TAKE APART THE FEES, ONE AT A TIME, THE SITE PLAN WAS FILED. WE NEVER REPRESENT THAT SITE PLAN --

Alvarez: THERE ARE A COUPLE OR MAYBE AT LEAST ONE ON THAT -- ON THAT PARTICULAR --

DIAGRAM OR SITE PLAN THAT YOU ARE -- THAT YOU ARE SHOWING THERE. A COUPLE OF STRUCTURES, AT LEAST ONE THAT IS SIGNIFICANTLY TALLER THAN WHAT YOU MIGHT FIND IN THAT PARTICULAR AREA. YOU COULD POINT THAT OUT, KIND OF TALK ABOUT WHAT THAT IS.

BASICALLY --

Alvarez: WHY IT SAYS TALL, WHY IT WAS PROPOSED AS TALL AS IT WAS.

OKAY. THAT PARTICULAR SHADED AREA RIGHT HERE, REPRESENTED A -- A 10 STORY BUILDING THAT WAS GOING TO HAVE TWO STORIES OF PARKING. OBVIOUSLY THE INTENT OF THAT HIGH-RISE BUILDING WAS TO BE ABLE TO INCREASE DENSITY. THAT WAS SHOWN ON THE SITE PLAN. SINCE THERE WERE NO SORT OF REGULATIONS AT THAT POINT, WITHIN THIS TRACT, HEIGHT WAS NOT NECESSARILY AN ISSUE. FORBES WHAT WE KNOW IT'S IMPRACTICAL BASED ON THE SITE CONFIGURATION. THE CONDITIONS THAT WE HAVE WITHIN THE SITE. TO BE ABLE TO BUILD A FIVE OR 10 STORIES BUILDING HERE. SO ON THE PLAN THAT YOU HAVE BEFORE YOU WE HAVE A MAXIMUM HEIGHT OF 40 FEET, WHICH WOULD REPRESENT ONE MORE OF PARKING, TWO STORIES OF [INDISCERNIBLE]

Alvarez: THE 40 FEET HEIGHT LIMIT WOULD -- WOULD APPLY TO THAT PARTICULAR STRUCTURE, TO THE WHOLE DEVELOPMENT.

THE STRUCTURE THAT WAS -- THAT WAS I GUESS AT SOME POINT INTENDED TO BE SIGNIFICANTLY HIGHER THAN THAT.

YES.

BUT THAT BUILDING WOULD BE DEVELOPED JUST AT A LOWER --

THAT'S CORRECT.

THAT WOULD STILL CONTINUE TO BE RESIDENTIAL?

THAT IS CORRECT.

ALL RESIDENTIAL.

UNITS.

YES.

DEVELOPED?

YES.

Alvarez: THAT'S IT. I WANTED TO GET A LITTLE BIT OF THE HISTORY OF I GUESS THE LAWSUIT AND OBVIOUSLY THE REASON THAT WE ARE PUSHING THESE DEADLINES, YOU KNOW, FOR A -- FOR THE SITE PLAN AND -- AND REQUESTING EXTENSIONS AND ALSO -- ALSO A LITTLE BIT OF -- OF CLARIFICATION, YOU KNOW, ON THE HEIGHT ISSUE ON THAT ONE PARTICULAR STRUCTURE THAT'S PART OF THE SITE PLAN.

COUNCILMEMBER? FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER DUNKERLY?

Dunkerly: I THINK THIS IS A TROUBLING ISSUE BECAUSE OF THE LONG LITIGATION, BECAUSE OF THE INVESTMENT THAT'S BEEN MADE IN THAT PROPERTY AND NOW A NEW COMPROMISE. I DO RECOGNIZE THAT THE NEIGHBORHOOD HAS SAID THAT THEY HAVE NOT HAD TIME TO REALLY EXAMINE IT. PERHAPS THE BEST THING TO DO WOULD BE TO POSTPONE THIS, LET THE NEIGHBORHOOD PERHAPS GET WITH THE AGENT AND -- AND GO OVER THE PROJECT I LIKE THE IDEA OF RESTRICTING THAT HEIGHT, THAT 150-FOOT BUILDING BACK TO A MORE REASONABLE HEIGHT. PERHAPS IF YOU COULD MEET WITH THE NEIGHBORHOOD ASSOCIATIONS, IF THEY UNDERSTAND IN MORE DETAIL THE

PROPOSAL, MAYBE SOME TYPE OF COMPROMISE THAT WOULD BE AVAILABLE THERE. MY IDEA TO BE -- WOULD BE TO POSTPONE IT FOR -- UNTIL THE NEXT COUNCIL MEETING AND HAVE EVERYBODY HAVE A CHANCE TO GET TOGETHER AND LOOK AT IT. GO AHEAD.

MS. DUNKERLY, I BELIEVE YOUR OFFER IS ACCEPTABLE TO US. THE ONLY PROBLEM THAT I HAVE PERSONALLY IS THAT MY CLIENT IS NOT IN AUSTIN. I WILL BE LEAVING AUSTIN TOMORROW BECAUSE OF THE SPRING BREAK. I BELIEVE THE NEXT MEETING WILL BE TWO WEEKS FROM TODAY. I DO NOT KNOW IF -- I'M SURE AFTER THE FOLLOWING MONDAY MY CLIENT TONIGHT WILL BE AVAILABLE TO MEET WITH THE NEIGHBORHOOD, BUT I DO NOT KNOW IF THAT WILL BE THEM -- GIVE THEM ENOUGH TIME TO BRING THIS MATTER TO THE -
-

Dunkerly: IF NOT, WE COULD MAKE IT THE FOLLOWING WEEK. WHATEVER IS CONVENIENT FOR YOU AND THE NEIGHBORS.

I JUST NOT SPEAKING TO THEM RIGHT NOW ABOUT THEIR AVAILABILITY, SINCE WE ARE GONE NEXT WEEK, IT MIGHT BE THIS VERY SHORT FUSE TO BE ABLE TO REACH THE COMPROMISE. SO IF YOU COULD POSTPONE IT ONE ADDITIONAL WEEK.

Dunkerly: THAT WOULD BE WONDERFUL.

THAT I THINK GIVE US ENOUGH TIME.

IS THAT ALL RIGHT WITH THE NEIGHBORHOOD?

Mayor Wynn: APRIL 6th IS OUR NEXT SCHEDULED MEETING. THURSDAY, APRIL 6th. TWO WEEKS FROM NOW WE DON'T MEET AGAIN. I'M SORRY, A WEEK FROM TONIGHT WE DON'T MEET BECAUSE OF SPRING BREAK. THEN WE MEET THAT FOLLOWING THURSDAY, THE 23rd. ALTHOUGH MR. LADONO THINKS THAT MIGHT BE TIGHT. THEN DON'T MEET ON THURSDAY THE 30th, BUT MEET AGAIN ON THURSDAY, APRIL 6th. SO IT'S EITHER TWO WEEKS FROM TONIGHT OR FOUR WEEKS FROM TONIGHT. MOTION MADE BY COUNCILMEMBER DUNKERLY TO CLOSE THE PUBLIC HEARING, POSTPONE ACTION TO THURSDAY, APRIL 6th, 2006. I'LL SECOND THAT.

FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0, TO CLOSE THE HEARING, POSTPONE THE ACTION, WITH CIM OFF THE OFFICE, OFF THE DAIS. MS. GENTRY FOR THE RECORD FOR EXECUTIVE SESSION ITEMS WE DID NOT AND WILL NOT TAKE UP ITEM NO. 35, NOR DID WE NOR WILL WE TAKE UP ITEM NO. 41. WE COMPLETED OUR DISCUSSION ON ITEM 36, RELATED TO CHARTER AMENDMENTS. AND ON ITEM 37 RELATED TO THE LAWSUIT. AND WE ALSO COMPLETED DISCUSSION ITEM NO. 40 REGARDING THE LAWSUIT. COUNCIL I THINK FROM A FORMALITY STANDPOINT WE HAD POSTED BOTH AN EXECUTIVE SESSION AND POTENTIAL ITEM NO. 30, THE -- THE FOUR MONTH EVALUATION OF THE CITY AUDITOR. WE SENT HOME STEVE HOME MANY HOURS AGO KNOWING WE COULDN'T GET TO HIM TONIGHT. I WILL ENTERTAIN A MOTION TO POSTPONE ACTION ON THE CITY AUDIT PERFORMANCE EVALUATION UNTIL A FUTURE COUNCIL MEETING OF YOUR DESIRE.

SO MOVE.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER MCCRACKEN TO POSTPONE ITEM 30 AND RELATED EXECUTIVE SESSION 35 FOR TWO WEEKS TO MARCH 23rd, 2006. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0, WITH THE COUNCILMEMBER KIM OFF THE DAIS. I BELIEVE THAT'S EVERYTHING. THERE BEING NO MORE ACTION ITEMS BEFORE THE COUNCIL, WE STAND ADJOURNED. IT IS 12:26 A.M. FRIDAY.

End of Council Session Closed Caption Log