

## Closed Caption Log, Council Meeting, 04/06/06

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I'M AUSTIN MAYOR WILL WYNN IT'S MY PLEASURE TO WELCOME PASTOR TOM FRAN. THE LORD IS MY SHEPHERD, THIS IS NOTHING I SHALL WANT. YOU ARE THE SALT OF THE EARTH, YOU ARE THE LIGHT OF THE WORLD. FATHER, FORGIVE THEM, THEY KNOW NOT WHAT THEY DO. [SPEAKING IN SPANISH] WHERE TWO OR THREE ARE GATHERED IN MY NAME, I AM THERE IN THE MIDST OF THEM. HOMELY FAMILIAR AND HELPFUL WORDS, FROM A GOOD BOOK THAT GUIDES SO MANY OF US, LORD WE ASK YOU TO ENCOURAGE AND EVEN INSPIRE ALL PARTICIPANTS IN THIS MEETING TODAY. WE ASK THAT THEY WOULD SEEK GOOD SOLUTIONS TO THE CURRENT NEEDS AND THE FUTURE REQUIREMENTS OF ALL OF OUR PEOPLE. THAT YOU WOULD ALSO HELP THEM KNOW THAT YOU, THE ALMIGHTY, ARE WITH THEM NO MATTER WHERE THEY ARE OR WHAT THEY ARE DOING. AND THAT THEY WOULD CARE TAKE AND GUIDE WELL THIS FINE AND LOVELY AND WEIRD AND WONDERFUL CITY OF OURS. [SPEAKING IN SPANISH] AS IT WAS IN THE BEGINNING, IS NOW AND WILL BE FOREVER, AMEN. WE WISH YOU A FRUITFUL MEETING AND A REAL GOOD DAY.

Mayor Wynn: THANK YOU, FATHER. THERE BEING A QUORUM PRESENT AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, APRIL 6th, 2006, WE ARE IN THE COUNCIL CHAMBERS OF THE CITY HALL BUILDING, 301 WEST SECOND STREET. IT'S APPROXIMATELY 18 MINUTES AFTER 10:00 IN THE MORNING. WE HAVE A -- A COUPLE OF CHANGES AND CORRECTIONS TO THIS WEEK'S

POSTED AGENDA. THEY ARE ON ITEM NO. 2, WE SHOULD STRIKE THE FACT THAT IT WAS GOING TO BE REVIEWED BY THE WATER AND WASTEWATER COMMISSION AND INSERT THE PHASE RECOMMENDED BY THE WATER AND WASTEWATER COMMISSION. ITEM NO. 37 WE SHOULD STRIKE THE WORDS AN ORIGINS AUTHORIZING REIMBURSEMENT, ALSO STRIKE AND WAIVER OF CERTAIN FEES AND REQUIREMENTS AND SIMPLY INSERT THE WORD A WAIVER AND SO THIS SUMMARY WILL BE APPROVE A WAIVER OF CERTAIN FEES FOR THE 2006 SPAMORAMA HE VENT, HELD THIS PAST SATURDAY, APRIL 1st, 2006. ITEM NO. 38, WE NEED TO STRIKE THE WORDS FOR AN ANTI-GANG PROGRAM AT MARTIN MIDDLE SCHOOL AND INSERT THE WORDS AND ALLOCATING FUNDS FOR GANG PREVENTION ACTIVITIES TO SPECIFICALLY SERVE THE FAMILIES AND YOUTH OF THE NEIGHBORHOODS SURROUNDING HOLLY STREET. THIS IS REGARDING ITEM NO. 8, USE OF THE HOLLY MITIGATION FUNDS, AN ITEM THAT COUNCIL SPONSORED BY COUNCILMEMBER ALVAREZ, LEFFINGWELL, MAYOR PRO TEM THOMAS. OUR TIME CERTAIN ITEMS TODAY AT NOON WILL BREAK FOR OUR GENERAL CITIZENS COMMUNICATION, AT 1:00 WE HAVE A COUPLE OF BRIEFINGS, INCLUDING MORE BRIEFINGS RELATED TO -- TO POTENTIAL BOND ELECTION, AT 3:00 WE WILL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL AND CALL TO ORDER A MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION BOARD OF DIRECTORS AND TAKE UP THAT AGENDA, AT 4:00 WE TAKE UP OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, WE WILL NOTE NOW THAT -- THAT ON ITEM NO. 53, STAFF WILL BE REQUESTING A POSTPONEMENT TO APRIL 20th, AND ITEM NO. -- THE PUBLIC HEARING ITEM NO. 59, STAFF WILL BE REQUESTING A POSTPONEMENT TO JUNE 8th, 2006. WE WILL ALSO NOTE A CHANGE AND CORRECTION FOR ITEM NO. 56, A PUBLIC HEARING ZONING CASE THIS AFTERNOON, IN ADDITION TO 616 NUECES STREET, WE SHOULD ALSO INCLUDE THE ADDRESSES 610 AND 612 NUECES. 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS. AT 6:00 P.M., WE HAVE OUR PUBLIC HEARINGS AND POSSIBLE ACTION. OF THOSE ITEMS, I WILL NOTE NOW THAT -- TAKE STAFF WILL BE REQUESTING THAT ITEM NO. 66 BE POSTPONED FOR A TIME AND DATE TO BE DETERMINED LATER. CURRENTLY, COUNCIL, WE HAVE

THREE ITEMS PULLED OFF THE CONSENT AGENDA. ITEM NO. 3 RELATED TO SOME PROFESSIONAL SERVICE AGREEMENT WITH CD AND M REGARDING OUR REUSE INITIATIVE, REUSE WATER INITIATIVE. ITEM NO. 9 REGARDING THE VERTICAL MIXED USE ORDINANCES AND ITEM NO. 67, AN ITEM FROM COUNCIL REGARDING RESIDENTIAL HOMESTEAD APPRAISAL CAPS. ITEMS, 3, 9, 67 ARE OFF THE CONSENT AGENDA. ANY ITEMS TO BE PULLED OR ADDED BACK, COUNCIL? COUNCILMEMBER ALVAREZ?

Alvarez: IS THERE A MOTION AND A SECOND, I'M SORRY?

Mayor Wynn: NOT YET.

Alvarez: I SEE WE ARE ASKING FOR ITEMS PULLED?

Mayor Wynn: CORRECT. WE HAVE ADDED THE CHANGE AND CORRECTION ON YOUR AGENDA ITEM NO. 38.

Alvarez: I JUST WANTED TO SPEAK TO THAT ITEM AT SOME POINT. IS THIS THE RIGHT TIME?

Mayor Wynn: SURE. NOT QUITE YET. WE WILL GET A MOTION [LAUGHTER] AGAIN, COUNCIL, ITEMS 3, 9, 67 OR PULLED. ANY ADDITIONAL ITEMS TO BE REMOVED FROM THE CONSENT AGENDA? HEARING NONE I WILL READ THE CONSENT AGENDA NUMERICALLY. BARE WITH ME, WE HAVE A NEW SYSTEM HERE. THIS MORNING'S CONSENT AGENDA WILL BE ... ITEMS 1, 2, 4, 5, 6, 7, 8, 10, S 1 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, ITEM NO. 35 ARE OUR APPOINTMENTS TO THE BOARDS AND COMMISSIONS. I WILL READ THOSE INTO THE RECORD NOW. TO OUR COMMISSION FOR WOMEN, KIMBERLY BUCK IS COUNCILMEMBER DUNKERLY'S APPOINTMENT. AND TO OUR URBAN FORESTRY BOARD, MARY LEHMANN IS MAYOR PRO TEM'S APPOINTMENT. ALSO REGARDING TASK FORCE APPOINTEES, TO THE RESIDENTIAL DEVELOPMENT REGULATION TASK FORCE, DOUG MASH WITH THE NATIONAL ASSOCIATION OF REMODELING INDUSTRY REPRESENTATIVE IS REPLACING DOLORES DAVIS A PREVIOUS REPRESENTATIVE FROM THE NATIONAL ASSOCIATION OF REMODELING INDUSTRY. THAT'S OUR RESIDENTIAL DEVELOPMENT REGULATION TASK FORCE APPOINTEE.

THAT'S ITEM NO. 35 ON THE CONSENT AGENDA. SO CONTINUING ON ... 36, 37, PER CHANGES AND CORRECTION, 38, PER CHANGES AND CORRECTION, 39, 40, 41, SO COUNCIL THAT CONCLUDES THE PROPOSED CONSENT AGENDA. I WILL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER KIM TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ? 7.

Alvarez: THANKS, MAYOR. I WANTED TO TALK A LITTLE BIT ABOUT ITEM 38, WHICH IS -- AN -- AN ACTION BY COUNCIL TO ALLOCATE SOME -- SOME OF THE HOLLY MITIGATION PROGRAM FUNDS FOR THIS FISCAL YEAR. THERE WAS 105,000 LEFT UNALLOCATED IN THE BUDGET PROCESS, WHICH MEANS ABOUT 900,000 WAS ALLOCATED AS PART OF THE BUDGET PROCESS. THERE'S A MILLION A YEAR THAT IS ALLOCATED FOR THE HOLLY NEIGHBORHOOD THROUGH THIS MITIGATION PROGRAM. SO -- SO I WANTED TO THANK THE CITY MANAGER AND AUSTIN ENERGY, JUAN GARZA, I SEE, THE CREW FROM AUSTIN ENERGY HERE WHO HAVE BEEN -- WHO HAVE SUPPORTED MANY, MANY WORTHWHILE PROJECTS FOR THE NEIGHBORHOOD AND ITS LONG, LONG LIST OF -- OF PROJECTS AND FACILITY IMPROVEMENTS AND EVEN -- EVEN SMALL PROGRAMS TO BENEFIT THE FOLKS WHO LIVE IN -- IN THIS NEIGHBORHOOD AND THE LAST THREE YEARS OR SO WE'VE HAD A HOUSING REHABILITATION PROGRAM THAT'S BEEN VERY SUCCESSFUL AS WELL. BUT THIS PARTICULAR ITEM, YOU KNOW, ALLOCATES THOSE 105,000 THAT AREN'T SPECIFIED FOR A -- WEREN'T SPECIFIED FOR A SPECIFIC PURPOSES FOR THREE DIFFERENT ACTIVITIES. THE BULK OF IT, \$80,000 GOES TO THE DESIGN AND CONSTRUCTION OF A STATUE TO HONOR CESAR CHAVEZ, AS YOU KNOW THERE'S A STREET NAMED IN HONOR OF CESAR CHAVEZ AND WE HAVE ONE OF OUR PUBLIC LIBRARIES THE TERRAZAZ LIBRARY LOCATED ON CESAR CHAVEZ AND WILL OPEN IN EARLY MAY WITH THE EXPANSION THAT HAS BEEN GOING ON FOR A YEAR AND A HALF OR SLIGHTLY MORE. RIGHT THERE AT THE CORNER OF SAN MARCOS STREET AND CESAR CHAVEZ, VERY CLOSE TO THE ENTRANCE TO THE NEIGHBORHOOD FROM I-35, IS -- IS A -- SEEMS LIKE A GOOD LOCATION TO HAVE A STATUE TO HONOR CESAR CHAVEZ AND KIND OF SERVE AS A GATEWAY

OF SORTS, YOU KNOW, TO THE NEIGHBORHOOD. AND I REMEMBER WHEN WE WERE WORKING ON THE -- ON THE NEIGHBORHOOD PLAN, 1996 AND '97 AND '98 AND FOR A COUPLE OF YEARS AFTER THAT, THAT WAS ONE OF THE -- ACTUALLY OF THE -- ONE OF THE ISSUES THAT WAS INCLUDED IN THE NEIGHBORHOOD PLAN WAS TO TRY TO CREATE SOME KIND OF A GATEWAY FOR THE EAST CESAR CHAVEZ NEIGHBORHOOD AND SO -- SO THIS WAS AS CLOSE AS WE COULD GET TO BEING ABLE TO PUT A STATUE HONORING CESAR CHAVEZ IN THE ENTRYWAY THERE. BUT I WANTED TO TALK A LITTLE BIT ABOUT -- ABOUT THE LIFE OF CESAR CHAVEZ. HE, AS YOU KNOW, YOU PROBABLY SAW IN THE MEDIA THIS WEEKEND, THERE WAS A MARCH, THE CESAR CHAVEZ ANNUAL MARCH, THIS WAS THE 5th YEAR THAT IT'S HAPPENED HERE IN AUSTIN. AND WE HAD OVER 3,000 PEOPLE THIS YEAR PARTICIPATE, ONE OF THE -- ONE OF THE HOT ISSUES THAT WAS DISCUSSED AND REFERENCED DURING MARCH WAS THE DISINTEGRATION REFORM AND THE DEBATE THAT'S GOING ON IN WASHINGTON AND ALL OVER THE COUNTRY. BUT -- BUT THIS IS THE PROGRAM FROM THAT -- FROM THAT FIFTH ANNUAL EVENT. I JUST WANTED TO READ A LITTLE OF THE BIOGRAPHY OF CESAR CHAVEZ, WHY IT'S IMPORTANT FOR THE COUNCIL TO TAKE THIS ACTION. IT CESAR CHAVEZ SAYS WAS A CIVIL RIGHTS LATINO, FARM WORKER AND LABOR LEADER. A SECOND GENERATION AMERICAN, CESAR WAS BORN ON MARCH 31st, 1927 NEAR HIS FAMILY'S FARM IN YUMA, ARIZONA, THEY BECAME MIGRANT FARM WORKERS AFTER LOSING THEIR FARM IN THE GREAT DEPRESSION. CESAR WITNESSED FAMILIES TRAVEL TOWN TO TOWN IN SEARCH OF WORK, WORKERS LIVING IN SQUALID SHACKS, FORCED TO PERFORM INHUMANE LABOR WITHOUT WATER OR SANITARY FACILITIES. IF THEY WERE INJURED ON THE JOB, THEY HAD NO WORKERS' COMPENSATION AND THEIR YOUNG CHILDREN HAD TO WORK JUST SO FAMILIES COULD EAT. HE TOOK ON SOME OF THE MOST POWERFUL CORPORATIONS IN THE COUNTRY EXPLOITING WORKERS. HE ORGANIZED HUNDREDS OF WORKERS TO STRIKE TO BRING NATIONAL ATTENTION TO LA COUSA, THE FARM WORKERS STRUGGLE FOR JUSTICE, HE LED WORKERS AND SUPPORTERS ON AN HISTORIC MARCH TO SACRAMENTO. THE MARCHERS WON THEIR FIRST UNION VICTORY OVER

THE SHANDLY CORPORATION. HE SUCCEEDED IN BRINGING BETTER WAGES AND LIVING CONDITIONS TO TENS OF THOUSANDS OF FARM WORKERS. HE IS MORE THAN A SYMBOL OF FARM WORKERS IN THE CHICANO-MEXICAN COMMUNITY, HE DEMONSTRATED THE NEED TO ALL WORKING PEOPLE TO STAND UP FOR THOSE OPPRESSED AND EXPLOITED, INCREASING DEMOCRATIC RIGHTS OF WORKING PEOPLE AND CHALLENGING THE POWERFUL IN DEFENSE OF THE POWERLESS. SO THAT'S -- THAT'S A LITTLE BIT ON THE LIFE OF CESAR CHAVEZ. MUCH HAS BEEN WRITTEN ABOUT -- ABOUT HIS MANY ACCOMPLISHMENTS. SO IN ADDITION TO APPROVING FUNDS TO -- TO -- TO CREATE A STATUTE, FOR CESAR CHAVEZ, STATUE, WE ARE ALSO PROPOSING TO ALLOCATE \$5,000 TO ACQUIRE LITERATURE AND VIDEOS AND OTHER -- OTHER TYPES OF INFORMATION ABOUT THE LIFE OF CESAR CHAVEZ AND HAVE THAT HOUSED AT TERRAZAS LIBRARY AGAIN. CESAR CHAVEZ IN A PUBLIC LIBRARY WHERE WE ARE LOOKING TO HONOR THIS GREAT LATINO LEADER, THERE WILL ALSO BE A CLEARINGHOUSE OF INFORMATION ABOUT CESAR CHAVEZ. FINALLY, THIS PARTICULAR ITEM ALSO ALLOCATES THE REMAINING FUND, \$20,000 TO FUND GANG PREVENTION ACTIVITIES TO SPECIFICALLY SERVES THE FAMILIES AND YOUTH OF THE NEIGHBORHOOD SURROUNDING HOLLY STREET AND YOU MAY HAVE READ IN THE PAPER RECENTLY THAT AT THE TRIAL OF THE -- OF RELATING TO THE SHOOTING THAT OCCURRED ON HOLLY STREET NEAR COMAL STREET, THAT IT'S PRESUMED TO BE GANG RELATED. OBVIOUSLY AFFECTED THAT NEIGHBORHOOD AND CONTINUES TO AFFECT THAT NEIGHBORHOOD AS THE TRIAL PROCEEDS AND THOSE FAMILIES AFFECTED HAVE TO ENDURE THAT PROCESS. BUT THE PROBLEM HASN'T GONE AWAY, WE HAVE A LOT OF -- THAT HAS HAPPENED THROUGH THE CITY AND THE -- AND THE AISD'S JOINT GANG TASK FORCE, BUT BECAUSE OF HOW THIS PARTICULAR NEIGHBORHOOD HAS BEEN DIRECTLY AFFECTED, IT SEEMED APPROPRIATE TO TRY TO -- TO DIRECT SPECIFIC RESOURCES TO SERVE, THE YOUTH AND FAMILIES OF THIS NEIGHBORHOOD AND TO ADDRESS WHATEVER GANG-RELATED CONCERNS AND ISSUES MAY HAVE ARISEN AND MAY STILL BE ISSUES THAT HAVE NOT BEEN ADDRESSED FOR THIS NEIGHBORHOOD AND SO -- SO, MAYOR, I WANT TO

AGAIN THANK THE MAYOR PRO TEM THOMAS AND COUNCILMEMBER LEFFINGWELL FOR SPONSORING, CERTAINLY ALL OF THE COUNCIL IN INDULGING ME, TAKING SO MUCH TIME HERE TO TALK ABOUT THIS PARTICULAR ITEM. BUT I THINK THEY ARE VERY RELEVANT ISSUES AND IMPORTANT ISSUES FOR OUR COMMUNITY AND I APPRECIATE YOUR SUPPORT AND I SEE LAURIE RENTARIA OUT THERE IN SUPPORT. BUT I WANT TO THANK HER, ALSO, FOR -- FOR HELPING IDENTIFY A LOT OF THESE ISSUES AND - - SO THAT THE CITY KNOWS WHAT IT NEEDS TO BE DOING TO IMPROVE THE QUALITY OF LIFE IN THIS PARTICULAR PART OF OUR COMMUNITY. THANKS, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. WE WILL NOTE THAT MS. RENTARIA SIGNED UP IN FAVOR WISHING TO SPEAK IF WE HAVE QUESTIONS FOR HER. WE GOT A NUMBER OF E-MAILS, LETTERS, CALLS OF SUPPORT FOR THIS ITEM. FURTHER COMMENTS ON THE CONSENT AGENDA? MAYOR PRO TEM? >>

Thomas: FIRST OF ALL I WANT TO THANK COUNCILMEMBER ALVAREZ FOR THE INITIATIVE, OTHERS WHO CO-SPONSORED. AS YOU KNOW ON THE NEWS TODAY AND YESTERDAY WE GOT A REPORT OF HOW THE CRIME IN AUSTIN HAS -- IS LOWER THAN ANY OTHER CITY IN THE STATE OF TEXAS. HOW WE NEED TO DO THAT, CONTINUE TO DO THAT IS IN THE HANDS OF PROGRAMS LIKE THIS. GANG ACTIVITY IN THE LAST FEW MONTHS HAVE STARTED RISING AGAIN, SO I THINK WE NEED TO BE AWARE OF THAT, JUST NOT IN THAT PARTICULAR AREA, BUT ALL PARTS OF THE CITY. THAT'S GOOD OUT TO THE CHIEF OF POLICE AND ALSO THE AUSTIN POLICE DEPARTMENT. BUT IT ALSO THIS ITEM 40 IS ALSO I APPRECIATE THE SPONSORS ON THAT, ALSO, BECAUSE IT LETS US KNOW THAT THIS PARTICULAR GROUP, THE -- THE EAST AUSTIN -- I MEAN THE KEY WEST IS A PROGRAM THAT'S ALSO GOING TO ENHANCE SOME OF THE ACTIVITIES OF OUR YOUTH IN THIS -- IN THE GENERAL AREA OF EAST AUSTIN AND AUSTIN. I JUST APPRECIATE THE INITIATIVE AND THE PUSH BY COUNCILMEMBER ALVAREZ. AND THANK THE REST OF THE COUNCIL FOR THEIR SUPPORT.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. I BELIEVE WE

HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? LET US NOTE ON ITEM NO. 33, WHICH IS OUR RESIDENTIAL WAIVER, ROBERT SIDENBERG SIGNED UP IN FAVOR, WILL SPEAK ONLY IF WE HAVE QUESTIONS, BUT IT REMAINS ON THE CONSENT AGENDA. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL, WE HAVE JUST A COUPLE OF -- OF PULLED ITEMS HERE TO DISCUSS BEFORE -- BEFORE CLOSED SESSION AND/OR LUNCH. OUR FIRST DISCUSSION ITEM WILL BE ITEM NO. 3. THIS IS REGARDING AN AMENDMENT TO ... PROFESSIONAL SERVICE AGREEMENT WITH CAMP DRESSER AND MCKEE, SPECIFICALLY REGARDING THE WATER RECLAMATION INITIATIVE. THE FIRST PHASE, INCLUDING AN ELEVATED STORAGE TANK. PERHAPS A BRIEF PRESENTATION FROM -- FROM STAFF, WE HAVE A HANDFUL OF CITIZENS WHO WOULD LIKE TO ADDRESS US. THEN WE WILL HAVE DISCUSSION. WELCOME MR. CHRIS LIPPE.

THANK YOU, MAYOR, GOOD MORNING, MAYOR, MAYOR PRO TEM AND COUNCIL. MY NAME IS CHRIS LIPPE, I'M DIRECTOR OF THE AUSTIN WATER UTILITY. AND TODAY'S AGENDA ITEM IS AN AMENDMENT TO AN -- AN ENGINEERING PROFESSIONAL SERVICES AGREEMENT TO CONTINUE THE DESIGN ON WHAT IS A VERY IMPORTANT AND POSITIVE NEW FACILITY FOR THE CITY OF AUSTIN'S WATER RECLAMATION INITIATIVE. IT'S A RECLAIMED WATER TANK THAT WOULD BE LOCATED IN THE RMMA AREA. AND -- AND IT'S A -- IT'S A VERY IMPORTANT FACILITY TO -- TO CONTINUE THE GROWTH OF THAT RECLAIMED WATER SYSTEM. BENEFITS OF -- OF THIS SYSTEM ARE THAT IT'S -- IT'S PART OF OUR WATER CONSERVATION AND REUSE, RECYCLING PROGRAM AND IT'S AN IMPORTANT PART OF THE -- OF THE YEAR 2050. THE 50 YEAR WATER USE PLAN FOR THE CITY OF AUSTIN. SO IT MAKES UP THAT LAST 10 YEAR SHORTFALL IN OUR WATER SUPPLY. WHICH THE PLAN FROM THE BEGINNING HAS BEEN TO TAKE THE CUMULATIVE EFFECTS AND BENEFITS OF WATER CONSERVATION TO GET THAT LAST 10 YEARS OUT

OF OUR 50 YEAR WATER PLAN. ANOTHER IMPORTANT MORE SHORT-TERM BENEFIT IS THAT IT HELPS US MANAGE AND PROLONG THE TRIGGER FOR WHEN WE BEGIN PAYING AGAIN FOR OUR WATER. AUSTIN HAS PREPAID FOR UP TO 200,000-ACRE FEET PER YEAR, WHICH WE THINK WILL TAKE US TO SOMEWHERE IN THE VICINITY OF THE YEAR 2020. BUT WE DO NEED TO -- TO CONSERVE TO BE ABLE TO GET TO THAT POINT AND BEYOND. MORE SPECIFICALLY, SOME IMMEDIATE BENEFITS WOULD BE IT BRINGS RECLAIMED WATER TO THE RMMA AREA, BRINGS RECLAIMED WATER TO BARTHOLOMEW PARK AND THE AUSTIN FILM SOCIETY. WE HAVE SOME PICTURES OF SOME OF OUR STANDARD ELEVATED TANKS. THE DISCUSSION THAT WE HAVE BEEN HAVING WITH THE NEIGHBORHOOD INVOLVEMENT COMMITTEE HAS BEEN THE LOOK OF THE TANK. AND SO WE NEED TO TALK ABOUT THAT NO JUST A MINUTE, THIS MORNING. WE HAVE GOT SOME SLIDES THAT SHOW SOME OF OUR STANDARD TANKS AROUND AUSTIN, THERE'S TWO TYPES. THERE'S WHAT'S CALLED A COMPOSITE TANK, WHICH HAS A CONCRETE COLUMN, A STEEL TOP. THEN THERE'S AN ALL STEEL VERSION. BUT WE HAVE LACROSSE, THOMAS SPRINGS, POND SPRINGS, THOSE ARE THREE. WE HAVE I THINK A PICTURE OF THREE OTHERS, ANDERSON MILL TANK, FOUR POINTS UP AT 2222 AND 620, A TANK AT OUR SOUTH AUSTIN REGIONAL, ACTUALLY THAT'S A RECLAIMED WATER TANK AS WELL. THAT LAST SLIGHT OR THE LAST PICTURE FOR THE SOUTH AUSTIN REGIONAL TANK. BUT THIS IS THE STANDARD SET OF STANDARD TANK DESIGNS. VERY PLEASED WITH THE NEIGHBORHOOD INVOLVEMENT AND THE INVOLVEMENT OF THIS COMMITTEE IN HELPING US LOOK AT SOME ALTERNATIVES, SOMETHING THAT MIGHT BE MORE ATTRACTIVE TO BE A LANDMARK FOR -- FOR THE RMMA AREA, AS WELL AS THE CITY'S RECLAIMED WATER PROGRAM SO -- SO I WANT TO THANK THAT COMMITTEE, IT HAS TAKEN A LOT OF WORK OVER THE LAST YEAR, WE HAVE HAD NINE MEETINGS OVER THOSE MONTHS, AT THEIR RECOMMENDATION WE HIRED AN ARCHITECT TO HELP US LOOK AT SOME ENHANCED FEATURES OF WHAT WOULD OTHERWISE BE A STANDARD WATER TANK. SO I'M PLEASED TO RECOMMEND AN ARCHITECTURALLY ENHANCED WATER TANK DESIGN THAT WILL BE AN ATTRACTIVE LANDMARK AS WELL AS REPRESENTATIVE AUSTIN'S RECLAIMED WATER

PROGRAM AS WELL. THIS COMMITTEE HAS COME UP WITH FOUR ALTERNATIVES. OUR BASIC TANK FOR COMPARISON, THEN THREE ALTERNATIVES THAT ARE THE TOP THREE, YOU SEE TO THE UPPER -- UPPER LEFT IS -- IS OUR \$2.3 MILLION BASIC COMPOSITE TANK WITH A CONCRETE COLUMN AND THE STEEL TANK, STEEL TOP. ALTERNATIVE TWO FOR AN ADDITIONAL HALF MILLION, YOU SEE THIS ENHANCED TYPE OF DESIGN AND A -- IT INCLUDES, STILL A CONCRETE CYLINDER, BUT IT'S A -- IT HAS A -- HAS A DIFFERENT FEATURES ON THE COLUMN AND THEN THE TOP IS -- IS -- AGAIN IT'S A UNIQUE DESIGN THAT WOULD BE UNIQUE TO AUSTIN. IT'S A BOWL-SHAPED WITH A DIAGONAL SECTION ACROSS IT AND IT WILL LOOK GREAT DURING THE DAY, IT LOOKS -- THERE'S A LIGHTING SCHEME AT NIGHT THAT WOULD ALSO LOOK -- MAKE IT LOOK VERY, VERY NICE. THIS IS SOMETHING THAT YOU WOULD BE ABLE TO SEE FROM SOME DISTANCE, SO I'M PLEASED TO RECOMMEND SPENDING SOME ADDITIONAL MONEY ON THIS TYPE OF A TANK BAUGH IT WILL BE AGAIN VISIBLE, IT WILL BE SOMEWHAT OF A LANDMARK, IT COULD REPRESENT OUR RECLAIMED WATER PROGRAM. OTHER ALTERNATIVES, THOUGH, FOR AN ADDITIONAL -- LOOKS LIKE AN ADDITIONAL \$400,000, UP TO 3.2 FOR -- THE ALTERNATIVE 3 FOACHS THERE IS JUST -- JUST A DIFFERENT DYE COLORS ON THE COLUMN. EVEN MORE OF A DRAMATIC COLUMN LOOK. THE FINAL ALTERNATIVE FOUR IS -- UNFORTUNATELY IT'S SIGNIFICANTLY MORE COST THAN THE -- THAN THE RECOMMENDED ALTERNATIVE 2. AND SO THAT'S THE -- THE CONCERN TODAY IS THAT THE COMMITTEE IS VERY INTERESTED IN RECOMMENDING ALTERNATIVE 4. OUR CONCERN COMES JUST FROM THE ADDITIONAL COST. ALL OF THESE ARE FUNCTIONALLY EQUIVALENT. THEY ALL STORE THE SAME AMOUNT OF WATER AND THE SAME AMOUNT OF PRESSURE. FOR THIS RECLAIMED WATER SYSTEM. THE DIFFERENCE IS IN THE LOOK AND THE COST SO -- SO AT THIS POINT WE ARE -- WE RECOMMEND MOVING FORWARD WITH THE DESIGN FOR -- FOR ALTERNATIVE TWO. THE \$2.8 MILLION VERSION. AND MOVING FORWARD WITH THIS IMPORTANT WATER RECLAMATION PROGRAM. AND THE BENEFITS -- THE NEED FOR THIS, I DO NEED TO MENTION THAT THIS TANK IS ONE OF THE -- IS ESSENTIAL FOR MOVING WATER WEST OF I-35. SO PART OF THIS PROGRAM AS WELL

IS 4,000 FEET OF PIPE AND SOME -- SOME PUMP STATION IMPROVEMENTS ALL THE WAY BACK TO THE WALNUT CREEK WASTEWATER TREATMENT PLANT WHERE THIS EFFLUENT IS TREATED. THIS GETS WATER TO THE WEST SIDE OF I-35, FROM THERE WE CAN IRRIGATE THE HANCOCK GOLF COURSE FOR EXAMPLE AND THE UNIVERSITY OF TEXAS CAMPUS IS AWAITING AND VERY INTERESTED IN GETTING RECLAIMED WATER FOR -- FOR NOT ONLY IRRIGATION, FOR CHILLERS, COOLING TOWERS AND OTHER USES. SO -- SO THIS IS -- THIS IS THE NEXT STEP IN MOVING THAT DIRECTION. HAPPY TO ANSWER ANY QUESTIONS.

Mayor Wnn: MR. LIPPE, A COUPLE OF QUESTIONS. WHAT'S THE APPROXIMATE DESIGN HEIGHT OF EITHER OF THESE SCENARIOS?

ALL OF THESE ARE 170 FEET TALL.

Mayor Wynn: REMIND ME, HOW DOES THAT COMPARE TO THE OLD AIRPORT TOWER, THE AVIATION TOWER?

100 FEET.

Mayor Wynn: EXISTING AVIATION TOWER IS ONLY 75 FEET TOWER? IT IS 100 FEET, SO THIS IS 75% TALLER THAN THAT? OKAY. THANKS. AND MR. LIPPE, ARE THE -- IS THE DESIGN LIFE OF ALL FOUR OF THESE TOWERS ALSO ESSENTIALLY THE SAME, THAT IS 75, 100 YEARS, WHATEVER THE DESIGN LIFE OF THE --

NOMINALLY 50 YEARS, BUT WE HAVE TANKS THAT ARE OLDER THAN THAT. UPWARDS TO 100, WE WOULD HOPE.

SO THERE'S NO DIFFERENCE IN THE -- IN THE LIKELY LIFETIME OF THESE.

RIGHT.

Mayor Wynn: NOT TO WORRY ABOUT --

THEY WILL BE DESIGNED FOR THAT LIFE.

Mayor Wynn: OKAY. QUESTIONS OF STAFF, COUNCIL? DO --

AGAIN, WE HAVE A HANDFUL OF CITIZENS. COUNCILMEMBER MCCRACKEN?

McCracken: WHAT ARE WE BEING ASKED -- ARE WE BEING ASKED TO APPROVE A CERTAIN DESIGN TODAY?

THE ACTUAL ITEM IS JUST TO MOVE FORWARD WITH THE ENGINEERING AND THE COST ESTIMATE THAT WE HAVE RIGHT NOW IS TO MOVE FORWARD WITH ONE DESIGN, SO -- SO THE -- THE PREFERENCE WOULD BE TO -- TO MOVE FORWARD WITH THE ALTERNATIVE TWO DESIGN.

SO YOU ALL ARE PRESENTING FOR US TODAY IS TO MOVE FORWARD WITH ONE DESIGN, THAT IS WHICH CONCEPT?

THE \$2.8 MILLION, ABOUT A HALF MILLION ADDITIONAL COST ABOVE AND BEYOND THE STANDARD TIME.

AND REMIND ME, HAS THERE BEEN AN ACTUAL R.F.P. ISSUED FOR THESE DESIGNS?

WOULD YOU ASK THAT AGAIN?

YOU PRESENTED FOUR DESIGNS. COULD -- COULD WE SHOW THE SCREEN REAL QUICK. YEAH, BACK, THERE. YOU HAVE FOUR DESIGNS, FOUR ALTERNATIVE DESIGNS. HAVE YOU ACTUALLY DONE AN R.F.P. ON -- A REQUEST FOR ROAM FOR BIDS ON WHAT -- A REQUEST FOR PROPOSAL ON BIDS FOR WHAT THE COST PROPOSAL WOULD BE.

CAMP DRESSER MCKEE HAS DONE THE PRELIMINARY ENGINEERING, WORKING WITH THIS COMMITTEE, WORKING WITH COTERA-REED ARCHITECTS HAVE COME UP WITH THESE DESIGNS AND WORKED WITH THE TWO MAINLY FIRMS, TWO MAJOR MANUFACTURING COMPANIES THAT MAKE THESE TYPES OF TANKS.

McCracken: YEAH.

IT WAS NOT A SEPARATE BID OR R.F.P. YET FOR THE --

McCracken: WE HAVE NOT REQUESTED.

MANUFACTURING --

McCracken: WE HAVE NOT REQUESTED PROPOSALS FOR HARD BIDS ON THESE DESIGNS.

THAT'S CORRECT. THESE ARE ESTIMATES BY THE FIRMS THAT ARE DOING THE DESIGN AND WORKING WITH CBI AND I BELIEVE IT'S LANDMARK ARE THE TWO MAJOR FIRMS THAT DESIGNED THIS.

McCracken: OKAY. BECAUSE I GUESS WE APPARENTLY HAVE HAD A MISCOMMUNICATION BECAUSE WHEN YOU CAME TO MY OFFICE, ABOUT -- ABOUT A MONTH AGO, YOU COMMITTED TO ME MY RECOLLECTION IS, IS THAT YOU WOULD ACTUALLY SUBMIT THE PROPOSALS FOR HARD BIDS ON THE DESIGNS, INCLUDING THE ONE THAT IS THE OVERWHELMING PREFERENCE, OF THE PROPERTY OWNERS IN THE AREA WHO WILL BE AFFECTED BY THE INFRASTRUCTURE DECISIONS TO BE MADE. SO NOW TODAY I AM VERY SURPRISED TO LEARN THAT CONTRARY TO WHAT YOU TOLD ME, THAT YOU ARE BRINGING FORWARD A -- ON CONSENT A STAFF RECOMMENDATION, THAT IS DIRECTLY AT ODDS, AT LEAST OF WHAT YOU TOLD ME THAT YOU WOULD DO. SO IF THERE WAS GOING TO BE A CHANGE IN WHAT YOU WERE GOING TO RECOMMEND, YOU SHOULD HAVE GIVEN ME THE COURTESY OF A HEADS UP ON IT, BECAUSE I TOLD THE NEIGHBORS, ALSO. AS WE KNOW THE -- WHEN YOU ARE PUTTING UP A PIECE OF INFRASTRUCTURE THAT LASTS FOR 100 YEARS RIGHT SMACK DOWN IN THE MIDDLE OF SOMEONE'S NEIGHBORHOOD IT AFFECTS THEIR PROPERTY VALUES. TWO WEEKS AGO THIS COUNCIL TOOK AN ACTION TO SAY WE WANT AUSTIN ENERGY TO RECONSIDER THE EFFECT, THE LOCATION OF THE MAJOR TRANSMISSION FACILITY THAT WAS GOING TO BE RIGHT NEXT TO THE RAIL STATION, BECAUSE INDUSTRIAL INFRASTRUCTURE LOCATED RIGHT NEXT TO WHERE PEOPLE LIVES AFFECTS QUALITY OF LIFE AND AFFECTS PROPERTY VALUES AND SO -- SO WE HAD THE SAME DISCUSSION HERE AND -- EXCEPT FOR THE LIFE OF ME I CANNOT FIGURE OUT WHY TODAY I'M GETTING SURPRISED TO SEE THAT -- THAT WE ARE NOT GETTING A HARD BID ON THE -- ON THE WATER TOWER DESIGN, THAT WILL PROTECT PROPERTY VALUES AND QUALITY OF LIFE THE BEST AND I WAS ASSURED THAT WOULD HAPPEN. I AT

MINIMUM EXPECT WE WILL GET A HARD BID ON THE HUNDRED YEAR PIECE OF INFRASTRUCTURE SMACK DOWN IN THE MIDDLE OF THESE FOLKS NEIGHBORHOODS TO KNOW WHAT IT REALLY COSTS.

Mayor Wynn: MAYOR PRO TEM, EXCUSE ME.

Thomas: WELL, I WAS GOING TO COMMEND MR. LIPPE FOR HIS HARD WORK. [LAUGHTER] I WOULD DO THAT ANYWAY, MR. LIPPE, BECAUSE I HAD AN OPPORTUNITY TO MEET WITH YOU AND YOUR STAFF WITH THE NEIGHBORS AND YOU HAVE DONE DUE DILIGENCE AND LISTENING TO WHAT THE NEIGHBORS ARE SAYING. I CONTINUE, ON THE ONE THAT YOU BRING UP, NUMBER TWO, EXAM WAS SAYING, THE BID -- COUNCILMEMBER MCCrackEN WAS SAYING, THE BIDDING PROCESS, THE GROUP, THE NEIGHBORHOOD WAS TALKING ABOUT 4, CORRECT?

THAT'S CORRECT.

Thomas: I JUST THOUGHT MAYBE, EXCUSE ME, THAT WE WOULD FIGURE OUT HOW IF THEY WANTED TO, MAYBE WE COULD DO DEFERENCE IN APPROACHING THAT, GETTING THAT FUNDED. IF YOU ARE GOING OUT ON BIDS ON NUMBER 2 -- THAT'S --

WE ARE JUST AT THE POINT OF BEGINNING THE DESIGN.

OKAY.

SO WE HAVEN'T -- WE ARE NOT PREPARED TO GO OUT FOR BIDS. IT WILL TAKE SOME TIME TO GET TO THAT POINT. NOW, I -- I KNOW THAT IT'S -- IT'S POSSIBLE TO FIRM UP THE ESTIMATES ON THESE, BUT I HAVE -- I HAVE FELT THAT ALTERNATIVE 2 WAS THE RECOMMENDED WAY TO GO FROM THE UTILITY POINT OF VIEW AND THAT IT'S APPROPRIATE THAT THE UTILITY PICK UP THE COSTS OF WHATEVER THIS PROJECT TURNS OUT TO BE. SO I KNOW WE HAVE TALKED ABOUT THE POSSIBILITY OF -- OF FIRING UP -- FIRING UP ESTIMATES, BUT I HAVE ALWAYS RECOMMENDED THAT THE ALTERNATIVE 2 IS THE UTILITY RECOMMENDATION.

Thomas: WELL, IT IS GOING TO BE IN THE NEIGHBORHOOD

AND -- IT DID BRING UP THE -- THE LEGITIMATE CONCERN, BUT I THINK MAYBE WE NEED TO -- HOPEFULLY WE CAN WORK THROUGH SOME OF THE THINGS THAT HE'S CONCERNED ABOUT. BUT I DO COMMEND YOU FOR YOUR HARD WORK AND THE NEIGHBORS THAT ARE INVOLVED. MY UNDERSTANDING THE MUELLER NEIGHBORHOOD GROUP, PROBABLY SOMEBODY WILL WANT TO SPEAK ON THAT, HAS SUPPORTED WHAT YOU ARE TRYING TO DO. I APPRECIATE YOUR TIME AND THE EFFORT OF YOU AND YOUR STAFF.

COUNCILMEMBER KIM AND THEN DUNKERLY.

CAN YOU TELL US AGAIN ABOUT -- YOU SAID THERE ARE ONLY TWO FIRMS THAT CAN DO ALTERNATIVE TWO, IS THAT WHAT YOU SAID, ONLY TWO FIRMS THAT ARE --

THERE'S TWO MAJOR FIRMS, LANDMARK AND CHICAGO BRIDGE AND IRON THAT DO THESE TYPES OF THINGS.

AND DO -- ARE WE AGAIN LIMITED TO ONLY LIKE TWO FIRMS FOR ALTERNATIVES 3 AND 4, THE SAME FIRMS.

SAME FOR ALTERNATIVE THREE. AT THIS POINT CHICAGO BRIDGE AND IRON IS THE ONLY ONE THAT SAID THEY WOULD BE ABLE TO DO ALTERNATIVE 4. LANDMARK WHO DOES THE COMPOSITE TANKS WITH THE CONCRETE CYLINDER HAS SAID THEY WOULD NOT.

SO --

THAT'S PRELIMINARY.

SURE. FROM ALL INDICATIONS THERE'S ONLY ONE FIRM THAT COULD DO NUMBER 4, SO WE WOULDN'T HAVE REALLY ANY KIND OF COST DIFFERENTIAL FROM -- FROM TWO FIRMS, WE ONLY HAVE ONE FIRM TO GO TO FOR NUMBER 4.

THAT'S CORRECT AT THIS POINT.

OKAY.

SO THE BUDGET IS -- THE UTILITY HAS IS \$2.8 MILLION FOR

THIS WATER TANK.

THAT'S CORRECT.

Kim: NORMAL COST IS 2.3?

THE STANDARD COMPOSITE TANK IS ESTIMATED AT 2.3.  
WITH THE ENHANCED FEATURES THAT ADDS THE HALF  
MILLION UP TO 2.8.

SO WE ARE TALKING AN ADDITIONAL HALF A MILLION FOR  
THIS ENHANCED DESIGN FOR ALTERNATIVE NUMBER TWO  
FOR THE NEIGHBORS.

THAT'S CORRECT.

THANK YOU.

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: I GUESS I EITHER DIDN'T HEAR CORRECTLY OR  
MAYBE I'M CONFUSED. THE STAFF IS RECOMMENDING  
WHICH OPTION?

IT'S CALLED ALTERNATIVE TWO, THE \$2.8 MILLION --

Dunkerly: \$2.8 MILLION AND THEN THE NEIGHBORHOOD  
WANTED NUMBER 4?

THAT'S CORRECT.

AT 4.75, SO YOU ARE ABOUT RIGHT UNDER \$2 MILLION  
APART. I HAD ASKED THE CITY MANAGER TO DOUBLE CHECK,  
I THINK THEY ARE DOING THIS, TO SEE IF THE 2% THAT WE  
NORMALLY PUT ASIDE FOR -- FOR ART IN PUBLIC PLACES, IF  
IT HAS NOT ALREADY BEEN ROLLED INTO OPTION NUMBER 2,  
IF WE COULD ROLL IT INTO THAT OPTION NUMBER 4 AND  
PERHAPS GET CLOSER TO ANOTHER GAP AND THEN HAVE  
YOU SPECIFICALLY -- HAVE YOUR ENGINEERS SPECIFICALLY  
TALKED TO THE POTENTIAL BUILDER, ET CETERA, TO -- TO  
DETERMINE IF YOUR COST ESTIMATES AND THEIR COST  
ESTIMATES ARE SIMILAR?

THESE COST ESTIMATES WERE DEVELOPED BY TALKING WITH THE MANUFACTURERS.

OKAY.

Dunkerly: THEY ARE GOING TO CHECK ON THE ARTS IN PUBLIC PLACES.

Futrell: CAN YOU GIVE YOUR UNDERSTANDING OF IT? MY UNDERSTANDING IS THAT YOU MAY HAVE THE LOWER OF THE TWO AMOUNTS IN THE INFRASTRUCTURE PROJECTS OF 2% FOR ART IN PUBLIC PLACES AND THAT WAS ROLLED INTO THIS AMOUNT THAT YOU HAVE IN YOUR BUDGET?

THAT'S TRUE. PART OF THE HALF MILLION DOLLAR ADDITIONAL FUNDING FOR THE \$2.8 MILLION TANK COMES FROM -- FROM ART IN PUBLIC PLACES.

SCROUNGING AROUND FOR MORE MONEY, THANKS.

Mayor Wynn: FURTHER QUESTIONS OF STAFF, COUNCIL? WE HAVE A HANDFUL OF CITIZENS, NEIGHBORS THAT WOULD LIKE TO ADDRESS US. SO WITHOUT -- THANK YOU, MR. LIPPE. DON'T GO TOO FAR AWAY. WE HAVE A HANDFUL OF FOLKS WHO WOULD LIKE TO ADDRESS US, STARTING WITH MR. JIM WALKER, WELCOME, JIM. YOU WILL BE FOLLOWED BY RUTH MARIE, YOU WILL BE FOLLOWED BY SANDY RIGG.

THANK YOU FOR THE TIME, COUNCILMEMBERS, I WILL TRY TO GO QUICK. BACK -- EVERYONE LOVES RECLAIMED WATER SYSTEMS, EXACTLY WHAT THE CITY SHOULD BE DOING. EXACTLY THE KIND OF THING THAT WE LIKE HAVING NEAR MUELLER. WE ALSO UNDERSTAND WHY THE LOCATION NEEDS TO BE MUELLER FOR A PARTICULAR TANK. I WANT TO NOTE THE VALUE OF HAVING A NEIGHBORHOOD GROUP NOT SAY MOVE IT SOMEWHERE ELSE. YOU ARE SAYING NEIGHBORHOOD GROUP IS SAYING IT'S OKAY TO HAVE HERE, BUT WE JUST WANT IT TO LOOK GOOD FOR FOUR GENERATIONS. THERE'S INEVITABLE GAP IN COSTS THERE'S THE INEVITABLE PRECEDENT OR PARADIGM SHIFT FOR A UTILITY. I WOULD ALSO NOTE THIS IS THE SAME PARADIGM SHIFT THAT THE AUSTIN ELECTRIC UTILITY NEEDS TO GO THROUGH WITH GIS SUBSTATIONS OR DISTRICT CHILLERS,

SEWAGE LIFT STATIONS AND POTABLE WATER TOWERS ARE ALSO GOING TO BE AN ISSUE AS WE THINK ABOUT MAJOR URBAN INFRASTRUCTURE. THERE'S FIVE WATER RECLAIM TOWERS OR TANKS AROUND THE CITY. THE NEXT ONE I THINK, IS GOING TO BE THE MONTOPOLIS AREA. CORRECT ME IF I'M WRONG. IF YOU THINK THAT YOU ARE HAVING SOME PROBLEMS WITH THIS ONE ON DESIGN AND LOCATION, THERE'S FIVE MORE. I DO WANT TO THANK THE UTILITY FOR ENGAGING IN THE COMMUNITY PROCESS THAT RESULTED IN A PREFERRED SOLUTION. I THINK THAT WAS A STEP IN AND OF ITSELF. THE -- THE SITUATION NOW IS HOW DO WE CLOSE THE DEAL ON IT. THERE'S A WIN-WIN IN FRONT OF YOU. IT'S ALTERNATIVE FOUR. THERE ARE MECHANISMS OUT THERE, WHERE THERE'S -- WHETHER IT'S RIGHT NEXT TO MUELLER, THERE SEEMS TO BE A WAY TO USE MUELLER IN A UNIQUE WAY, A ONE OFF WAY TO SOLVE THIS PARTICULAR TOWER. NOW WHETHER THE FUNDING MECHANISM NEEDS TO STILL STAY WITHIN THE UTILITY, I THINK THERE'S STILL TIME TO DO THAT, OR IT COMES FROM OUTSIDE, IF THERE'S NOT A MOVE IN THAT DIRECTION, THAT'S FINE. WHAT WE NEED YOU ALL TO DO IS TO ALLOW THERE TO BE A BETTER COST ESTIMATE ON ALTERNATIVE FOUR SO WE ACTUALLY KNOW WHAT THE REAL GAP IS. THESE AS CYST JUST REFERRED TO ARE -- AS CHRIS JUST REFERRED TO, PRELIMINARY COST ESTIMATES. THIS IS THE FIRST TIME I HAVE HEARD THE UTILITY RECOMMEND ONE OF THE ALTERNATIVES. IT WAS NOT RECOMMENDED THAT WAY TO THE WATER AND WASTEWATER COMMISSION WHEN THIS ITEM WENT FOR THEIR APPROVAL. THEY WERE ASKED DIRECTLY IF ONE OF THE DESIGN ALTERNATIVES HAD TO BE SELECTED THEY WERE TOLD NO. I'M SURPRISED AS WELL. BOTH I UNDERSTAND THAT THAT'S THE BUDGET. YOU ARE NOT DOING ANY NEIGHBOR ANY FAVOR BY SAYING \$500,000 MORE, HERE WE GO, BE HAPPY WITH IT. WHAT YOU NEED TO DO IS, I DON'T CARE WHICH PARTICULAR DESIGN IT IS. I SAW A COMMUNITY PROCESS THAT RESULTED IN A FUNCTIONAL COMMUNITY FOR DESIGN, WE NEED TO EXPLORE THAT, TO ITS -- TO ITS CONCLUSION. AND REALLY SEE WHAT IT IS. TO DO THAT, YOU ALL NEED TO ASK THE UTILITY TO NOT PRECLUDE UNDERSTANDING BETTER WHAT THE STEEL LATTICE DESIGN ACTUALLY COSTS. IF AT THE END OF THE DAY IT IS 8 MILLION BUCKS ALL RIGHT. 3 MILLION

THAT'S A DIFFERENT QUESTION. GIVE US THIS AMENDMENT TO PURSUE THIS LATTICE DESIGN TO A BETTER COST ESTIMATE. I WILL BE AVAILABLE FOR ANY OTHER QUESTIONS.

THANK YOU, MR. WALKER. COUNCILMEMBER LEFFINGWELL, HANG ON, JIM.

Leffingwell: YOU MENTIONED THERE WOULD BE MORE TOWERS, I THINK YOU SAID FIVE OR FOUR.

MY UNDERSTANDING, I WILL DEFER TO DAN AND CHRIS THAT THE RECLAIMED WATER SYSTEM IS MEANT TO SERVE MOST OF THE ENTIRE CITY. START FROM THE TREATMENT PLANTS, PUSH IT BACK UP. DOWN AT THE TREATMENT PLANT. THAT IS THE FIRST MAJOR KIND OF NEIGHBORHOOD INFILL TOWER OR TANK IN ORDER TO KEEP PUSHING IT. BUT THERE'S FIVE MORE, I DON'T THINK ANY OF THOSE LOCATIONS HAVE BEEN SET. OTHER THAN IN GENERAL CONCEPT BASED ON THAT TOPOGRAPHY OF AUSTIN. YOU KNOW, WHERE DO YOU NEED TO PUT THESE BASED ON THE TOPOGRAPHY OF AUSTIN TO SERVE DIFFERENT PLACES. SO SOME OF THE OTHER ONES MAY BE GROUND LEVEL TANKS, A MILLION GALLON GROUND LEVEL TANK, THAT'S A BIG THING STILL. YOU CAN'T JUST PLANT TREES AROUND THEM AND HOPE THE NEIGHBORHOOD DOESN'T NOTICE. YOU CAN'T JUST PAINT THEM LIGHT BLUE AND HOPE THE NEIGHBORHOOD DOESN'T NOTICE. SO IT'S A PRECEDENT. AND ONE OTHER THING, JUST TO THANK YOU FOR ASKING THE QUESTION, THE PRECEDENT THAT I KNOW YOU ALL DON'T WANT TO SET IS THAT EVERY NEIGHBORHOOD GOING FORWARD EXPECTS TO GET OVER MANY MILLIONS OF DOLLARS THAT THEY WANT. I AM FIRMLY CONVINCED THAT UP FRONT PLANNING HELPS YOU NOT ONLY GET TO A WIN-WIN SOLUTION, BUT HELPS TO REDUCE THE COST ON IT. I'M WILLING AS ARE MEMBERS OF THE DESIGN COMMISSION, THE WATER AND WASTEWATER COMMISSION, THE ELECTRIC UTILITY COMMISSION TO FORM A TASK FORCE, HE WILL GO AHEAD AND DO THIS -- WE'LL GO AHEAD AND DO THIS, THIS MONTH, TO FORM A JOINT SUBCOMMITTEE, A TASK FORCE TO TRY TO OWN THE PROBLEMS THAT THE UTILITY HAS, DON'T WANT TO INCREASE RATES, CAN'T DO THAT, DON'T WANT TO PUSH OFF THE SCHEDULES, BUT HOW DO WE GET AROUND THIS

MAJOR URBAN INFILL, INFRASTRUCTURE HAVING DESIGN TO IT. WE WILL OWN THE PRECEDENT GOING FORWARD SO THAT YOU ALL DON'T HAVE TO DO THIS IN A ONE OFF BASIS LIKE THIS.

THAT WAS MY CONCERN. I WAS GOING TO GET TO THAT, I'M GLAD THAT YOU BROUGHT IT UP. WHATEVER DESIGN IS SELECTED WOULD BE A PRECEDENT SETTING EVENT BECAUSE ALL OF THE OTHERS WOULD -- WOULD HAVE -- I THINK NECESSARILY BE SIMILARLY CONSTRUCTED, IT WOULD BE SORT OF A CITY-WIDE LANDMARK MAYBE MUCH LIKE THE MOON TOWERS OR -- >

MOON TOWERS ARE OFTEN CITED, I IMAGINE THEY WERE CONTROVERSIAL IN THEIR DAY, NOW THEY ARE LANDMARKS THAT WE TREASURE. THAT WOULD BE THE HOPE WITH THIS. I THINK ON THE ONE HAND THAT YOU WOULD EXPECT A NEIGHBORHOOD TO WANT HIGH DESIGN. DON'T TIE IT TO THE MONEY. YOU TIE IT TO THE PROCESS OF -- OF WHAT WE EXPECT FROM THE CITY AND WHEN WE DO MAJOR URBAN INFRASTRUCTURE TO ACHIEVE OTHER GOOD GOALS, RECLAIM WATER IS A GOOD GOAL, DISTRICT CHILLERS ARE GOOD GOALS. GIS SMALL SUBSTATIONS, THAT'S A GOOD GOAL. SHOULDN'T WE EXPECT SOME MORE DESIGN IN THAT? AND THERE'S NO BUDGET BEEN ASSOCIATED WITH THE OTHER ONES AS FAR AS I KNOW. SO -- SO THERE'S STILL SOME TIME ON THAT. BUT I UNDERSTAND THE PRECEDENT, I DON'T WANT TO WALK AWAY IF WE SAW THE MUELLER ONE, WALK AWAY, SAY YOU GUYS DEAL WITH IT. I'M WILLING TO DEAL WITH IT.

Leffingwell: THANK YOU FOR ONCE AGAIN VOLUNTEERING TO BE ON A TASK FORCE, I APPRECIATE THAT.

DON'T TELL MY WIFE I SAID THAT.

COUNCILMEMBER KIM?

Kim: CITY MANAGER, HOW COULD WE GET A FIRMER COST ESTIMATE. THERE'S OBVIOUS INTEREST IN NUMBER 4, BUT AT THE SAME TIME IF WE ARE GOING TO HAVE FIVE OTHERS OF THESE IN THE CITY, I DON'T WANT WE WANT TO SEE \$2 MILLION IN GUESS MULTIPLIED TIMES FIVE WHEN IT'S GOING

TO BE COMING FROM THE GENERAL REVENUE FUND WHICH IT WOULD HAVE TO FROM THIS PROJECT.

WE DON'T KNOW THAT YET BUT --

Futrell: OBVIOUSLY THE MONEY HAS TO COME FROM SOMEWHERE. THERE ARE REALLY ONLY TWO SOURCES OF FUNDS. IT'S EITHER GOING TO BE RATES ON YOUR UTILITIES OR IT'S GOING TO BE YOUR TAX RATE. THOSE ARE YOUR TWO SOURCES OF FUNDS. BUT THAT'S LESS THE POINT. LET ME AT LEAST SAY THIS, BECAUSE IT'S CLEAR THAT WE HAVE A MISUNDERSTANDING ON HOW WE MOVE FORWARD ON THE PROCESS AND FOR THAT I DO APOLOGIZE. IT APPEARS IN ORDER TO GET A MORE ACCURATE AND DEFINITIVE COST PROCESS, CHRIS CORRECT ME IF I'M WRONG, IT WOULD TAKE US ABOUT \$100,000 TO GET US TO MAYBE 30% DESIGN DOCUMENTS, COULD GET US A MORE DEFINITIVE CONSTRUCTION NUMBER ON THE FOURTH OPTION. SO I JUST WANT TO PUT THAT OUT THERE, THAT IF THAT IS AN INTEREST, IT WOULD TAKE US ABOUT \$100,000. CHRIS, HOW MUCH TIME? TWO TO THREE MONTH GOES. AND ABOUT \$100,000, THEN WE COULD COME BACK WITH A MORE DEFINITIVE OF THE COST DIFFERENTIAL ON OPTION 4.

AND YOU ALL GET TO DISIEPD WHAT YOU WANT TO DIRECT THE UTILITY TO DO, BUT WE'VE HAD OPTION 4 SINCE -- SINCE JANUARY OR FEBRUARY. AND WHAT WOULD KILL ME HERE IS IF THE TIME LINE NOW IS GOING TO PRECLUDE PURSUING THE WIN-WIN SOLUTION. THAT WOULD JUST BE TRAGIC.

Futrell: I'M NOT SURE IF THE TIME LINE DOES PRECLUDE IT. IS TWO MONTHS ANYTHING THAT'S GOING TO KILL YOUR TIME LINE. IT DOESN'T. I DID NOT MEAN TO IMPLY THAT, IT DOESN'T. I WANTED TO LEGALITY YOU KNOW THE TIMING AND THE DOLLARS TO GET TO A BETTER COST NUMBER WHICH WAS GOING SOMETHING THAT APPEARS THAT BOTH THE NEIGHBORHOOD THOUGHT WAS GOING TO HAPPEN, CERTAINLY AT LEAST ONE OF OUR COUNCILMEMBERS THOUGHT WAS GOING TO HAPPEN.

Mayor Wynn: COUNCIL, LET'S TRY TO GET THROUGH THE CITIZEN SPEAKERS, THAT MIGHT BRING UP MORE ISSUES, WE WILL HAVE MORE QUESTIONS OF STAFF AND NEIGHBORS

LIKELY. THE NEXT SPEAKER IS RUTH MARIE, MARY,  
WELCOME, YOU WILL HAVE THREE MINUTES, FOLLOWED BY  
SANDY RIGG.

THANK YOU. I THINK PART OF THE PROBLEM WITH THIS  
PARTICULAR TOWER IS LOCATION. AND SO WHAT I WOULD  
LIKE TO DO IS KIND OF GET THAT INTO YOUR MIND BECAUSE  
IT'S REALLY DIFFICULT TO TRY TO VISUALIZE THIS THING.  
THE LOCATION IS GOING TO BE FROM 51st STREET ABOUT  
THE SAME DISTANCE AS FROM HERE TO THE STREET RIGHT  
OUT THERE. THAT'S CLOSE. THE BASE, CONCRETE BASE,  
SOMETHING YOU CAN'T SEE THROUGH, I BROUGHT MY TAPE  
MEASURE, THAT'S 50 FEET. IT'S GOING TO BE AS TALL AT THE  
CSC -- CSC, CVC BUILDING NEXT DOOR, IF NOT TALLER, JUST  
FOR THE BASE. THAT MEANS THAT THE TEENAGER PARTLY  
BE EVEN WIDER. ALL RIGHT, YOU ARE DRIVING DOWN 51st  
STREET, CAN YOU IMAGINE COMING ACROSS SOMETHING  
LIKE THIS TO SEE, IT'S GOING TO BLOCK YOUR VISION  
EITHER WAY YOU GO AS FAR AS THE MUELLER  
DEVELOPMENT OR THE BARTHOLOMEW PARK IS  
CONCERNED. ALSO AUSTIN FILM STUDIOS HAPPENS TO BE  
COLLECTED RIGHT THERE. SO WHEN SOUTH-BY-  
SOUTHWEST COMES ALONG NEXT YEAR, IN THE FOLLOWING  
YEARS, THERE'S THAT TOWER. AND HOW WE WANT TO  
PRESENT OUR IMAGE ALSO I THINK HAS -- HAS TO DO WITH  
WHICH PARTICULAR DESIGN WE WANT TO SELECT. THIS IS  
GOING TO LAST FOR 100 YEARS. GRANTED WE ARE ASKING  
FOR SOMETHING THAT COSTS A LITTLE BIT MORE. THAT  
DOES NOT NECESSARILY MEAN THAT THE REST OF THE  
NEIGHBORHOODS ARE GOING TO HAVE -- BE IN THE SAME  
SITUATION. I DON'T KNOW WHERE THE LOCALES WHERE  
THEY HAVE BEEN CHOSEN. I THINK OVER THIS PARTICULAR  
ONE IT IS THE LOCATION THAT HAS MADE IT SO MUCH OF A  
PROBLEM.

THANK YOU, RUTH.

SANDY RIGG. WELCOME, SANDY. YOU WILL HAVE THREE  
MINUTES FOLLOWED BY RICK [INDISCERNIBLE]

DON'T START MY TIME UNTIL I START TALKING PLEASE. I  
HAVE A LOT TO SAY, I WILL READ REAL FAST. I AM SANDY  
RIGG, A RESIDENT OF THE WINDSOR PARK NEIGHBORHOOD

ASSOCIATION. I HAVE ATTENDED A LOT OF THE MEETINGS BETWEEN THE CITY AND THE RESIDENTS DISCUSSING THIS TOWER. THIS TOWER WILL BE VISIBLE FROM DOWNTOWN AND I-35, SO IT'S AN OPPORTUNITY TO PRESENT CITIZENS AND VISITORS WITH AN AUSTIN LANDMARK. IT'S THE CLOSEST TOWER LOCATION TO DOWNTOWN, THE CAPITOL, BOB BULLOCK MUSEUM AND UNIVERSITY OF TEXAS WHERE VISITORS COME AND GO. IT PRETTY MUCH LAY DORMANT FOR YEARS AS IT CRAWLED THROUGH CITY PROCESSES BUT WAS RENOUNCED TO THE NEIGHBORHOOD AFTER THE DESIGN WAS CHOSEN AND THE BUDGET WAS SET. PERSONALLY, I FEEL THE DESIGN WAS CHOSEN BASED ON THE LEAST EXPENSIVE ALTERNATIVE AND IT WAS SET BASED ON THIS COST WITH NO CONSIDERATION FOR ATMOSPHERE THEKTS. AT AUSTIN WATER UTILITY, CHOSEN A DESIGN WITH A DIFFERENT PRICE TAG, THAT AMOUNT WOULD HAVE BEEN THE BUDGET. HAD AUSTIN WATER UTILITY CHOSEN A DESIGN PREFERRED BY THE COMMUNITY, THERE WOULDN'T BE A BUDGET SHORTFALL. ORIGINALLY THIS TOWER WAS TO BE BUILT AT THE SOUTHEAST CORNER OF I-35 AND 51st. WE WERE TOLD IT WAS MOVED FROM THIS LOCATION FOR ENGINEERING REASONS. HERE'S THE ENGINEERING REASON. AS I FOUND IN THE BACKUP MATERIAL OF TODAY'S AGENDA. AND I QUOTE DUE TO THE LOCATION OF THE PRIME COMMERCIAL LAND THE LOCATION WAS MOVED. THAT DOESN'T SOUND ENGINEERING TO ME. IT WAS ALSO MOVED FROM THE SECOND LOCATION ON RMMA PROPERTY THAT HAD GREATER ALTITUDE, ELEVATION WAS IMPORTANT GIVEN THIS TOWER. AS THE THIRD LOCATION WAS CHOSEN, CONVENIENTLY OFF OF OUR RMMA PROPERTY AND ON THE CITY PROPERTY. MY NEIGHBORHOOD WAS NOT HAPPY ABOUT THE TOWER AND AUSTIN WATER UTILITY ATTEMPTED TO APPEASE US BY TELLING US THAT OUR NEIGHBORHOOD HAD A LOT OF MALLETTURE TREES. GIVEN THIS TIME IS IN EXCESS OF 150 FEET TALL, I KNOW ONLY OF THE CALIFORNIA RED WOODS THAT GROW TALL ENOUGH TO HIDE THIS BEAST, BUT THE RED WOODS CAN'T TOLERATE THE AUSTIN HEAT, NOR WOULD THEY GROW FAST ENOUGH, THAT'S JUST NOT AN OPTION MUCH. THE COUNCIL RECOGNIZED THE VALUE OF GOOD DESIGN IN OTHER CITY PROJECT, SUCH AS THIS BUILDING. ALSO RECOGNIZES THE NEED TO ADDRESS THE BUILDING OF McMANSIONS AMONG

THE EXISTING COTTAGE DWELLINGS. THE BOTTOM LINE IS ACCIDENTTURE MATTERS. AS SOON AS CONSTRUCTION IS COMPLETE, THE VISUAL STRUCTURE NOT THE PRICE TAG IS WHAT WILL BE THE DOMINATING FEATURE ON THE -- ON THE LANDSCAPE FOR THE NEXT 100 YEARS. THEY SHOWED YOU FOUR PHOTOS OF TOWER DESIGN. THE FIRST WAS THE ORIGINAL DESIGN COMMONLY SPOTTED IN SMALL TOWNS AND WHEN WE DRIVE BY WE THINK IS THAT ALL THEY COULD DO, HOW COME THAT DESIGN WASN'T BETTER? ALL OF THEM HAVE A LOCAL HIGH SCHOOL MASCOT ATOP OF TANK. IS THAT WHAT WE WANT FOR AUSTIN. THE SECOND AND THIRD DESIGNS ARE IDENTICAL THE VERY SAME IDEA. NOT TWO DIFFERENT DESIGNS, WE ARE CALLING IT A NEW DESIGN? THERE'S REALLY ONLY TWO ALTERNATIVES, THE LATTICE TOWER AND ANOTHER CONCRETE PILLAR. OUR NEIGHBORHOOD SUPPORTS THE STEEL LATTICE DESIGN TOWER THAT WILL ENHANCE NOT ONLY OUR NEIGHBORHOOD BUT OUR CITY FOR TODAY AND TOMORROW. THIS DESIGN REPRESENTS COOPERATION BETWEEN CITY OFFICIALS AND NEIGHBORS. THE DECISION YOU MAKE AS LEADERS OF OUR COMMUNITY HAS THE OPPORTUNITY TO LEAVE THE NEXT GENERATION OF AUSTINITES WITH A LANDMARK ACHIEVEMENT RATHER THAN SOMETHING THAT TREES CAN'T HIDE AND THE CITY CAN'T HIDE FROM. ANYBODY GOT ANY QUESTIONS?

Mayor Wynn: THANK YOU MS. RIGG.

I GUESS NOT. I SAID IT ALL. THANK YOU.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

YES, SIR.

CAN YOU DIRECT US WHERE IN THE BACKUP THERE WAS THE DISCUSSION ABOUT THE NEED TO NOT LOCATE THE WATER TOWER IN PRIME COMMERCIAL LAND PRESUMABLY BECAUSE IT WOULD HAVE HAD A NEGATIVE IMPACT ON THE VALUE OF THAT PRIME COMMERCIAL LAND?

OH, I'LL HAVE TO LET RICK POINT OUT THE EXACT PAGE NUMBERS.

I THINK IT'S ON PAGE 2. DUE TO THE LOCATION OF -- DUE TO THE LOCATION OF PRIME COMMERCIAL LAND THE LOCATION WAS MOVED SOUTH TO THE SOUTHEAST CORNER OF RMMA PROPERTY ALONG I-35, REEVALUATION OF THE HYDRAULIC CALCULATIONS FOR THIS SITE DETERMINED THAT THE TANK WOULD NEED TO BE ELEVATED AND CONSIDERING THE MINIMAL BUFFER BETWEEN THE TANK AND THE NEIGHBORHOOD THE UTILITY DECIDED TO MOVE THE ELEVATED TANK TO THE FIRE MAINTENANCE FACILITY ON EAST 51st STREET, WHICH IS CITY-OWNED PROPERTY. THIS SITE OFFERS A MINIMUM 780 FEET OF DISTANCE TO THE NEAREST RESIDENT.

McCracken: OKAY.

PAGE 2.

McCracken: THEY HAVE CHANGED OUR BACKUP SYSTEM NOW SO I CAN'T EVEN FIND ANY OF THIS STUFF.

DO YOU WANT MY COPY?

Mayor Wynn: THANK YOU.

McCracken: I CAN'T FIND THE BACKUP ANYMORE. IT'S ALL CHANGED NOW ON WHAT WE GET. LIKE IT WOULD BE IN STAFF REPORT MAYBE OR --

Mayor Wynn: IN FACT YOU ARE OUR NEXT SPEAKER, RICK, TAKE YOUR THREE MINUTES WHILE WE CHASE DOWN SOME BACKUP.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, CITY MANAGER, MY NAME IS RICK HERVONIAIC, I APPRECIATE THE TIME TO SPEAK HERE. I AM A RESIDENT OF WINDSOR MARK, NATALIE CHANDLER NORTH OF THE AIRPLANE. I'M ON THE RMMA IMPLEMENTATION ADVISORY COMMISSION. I WAS ALSO THE CHAIR OF THE 51st STREET WATER TOWER PROJECT ADVISORY COMMITTEE. WHICH WE CALL THE P.A.C. CREATED BY THE WATER UTILITY ABOUT SPECIFIC PROJECT. THE SPEAKERS BEFORE ME HAVE EXPRESSED I THINK A LOT OF WHAT I WAS GOING TO SAY. I WILL TELL YOU WHAT THE P.A.C. RECOMMENDATION, WHAT YOU I THINK I SENT A

LETTER TO YOU IN FEBRUARY ABOUT THE RECOMMENDATION, IT WAS -- IT WAS IT IS THE LATTICE, STEEL LATTICE DESIGN CHOSEN BY THE COMMUNITY. THE P.A.C. REPRESENTATIVES -- WERE THERE AND REPRESENTED NEIGHBORHOODS WINDSOR PARK NEIGHBORHOOD, THE PECAN SPRINGS, SPRING SPRINGDALE HILLS NEIGHBORHOOD, DELWOOD 2 NEIGHBORHOOD ASSOCIATION, CHERRYWOOD NEIGHBORHOOD ASSOCIATION, THE AUSTIN FILM SOCIETY AND CATELLUS. CATELLUS DID NOT VOTE ON THE PROPOSED CHOICES, I WILL SAY THAT, BUT THE REST OF -- THE NEIGHBORHOOD ASSOCIATIONS WERE ALL CONSULTED INDIVIDUALLY AND THE ASSOCIATIONS CAME BACK WITH THE RECOMMENDATION ON THE STEEL LATTICE DESIGN. DO YOU WANT TO POINT OUT THAT -- DO YOU WANT TO POINT OUT THAT THE SCALE OF THIS WATER TOWER IS WHAT'S CAUSING THE ISSUE HERE. AT 170 FEET TALL, THE TALLEST STRUCTURE IN NORTHEAST AUSTIN. CAN BE SEEN FROM INTERSTATE 35 NEAR OLTORF, AMONG OTHER PLACES IN AUSTIN. IF YOU HAVE -- IF YOU HAVE LOOKED TO SEE THE CRANES THAT ARE CONSTRUCTING THE CHILDREN'S HOSPITAL RIGHT NOW, YOU CAN SEE THEM FROM ALL OVER AUSTIN AND THEY ARE NOT AS TALL AS THIS TOWER WILL BE, NOR ARE THEY AS MASSIVE. CITIES USUALLY CONSIDER DESIGN AS AN IMPORTANT COMPONENT OF URBAN LIFE. AUSTIN DID WITH THE SEAHOLM POWER PLANT. THAT WAS AN AMAZING CITY COUNCIL THAT CHOSE TO BUILD THAT MID CENTURY DECCO STYLE WE ARE ALL CLOM CLAMORING TO REUSE NOW. AN IMPORTANT ISSUE FOR THE NEIGHBORHOOD. THE P.A.C. STRESSED THAT WE DON'T EXPECT WATER UTILITY RATES, RECLAIMED WATER RATES OR OTHER UTILITY RATES TO BE AFFECTED BY THIS NOR TO DELAY ANY OTHER PROJECTS FOR THIS. WE DO NEED TO FIND THE FUNDING SOMEWHERE ELSE. BUT THE REASON THAT HAPPENED THE WATER UTILITY DID NOT COME TO THE NEIGHBORHOOD OVER THE PAST FIVE YEARS AS THIS PROJECT WAS PROCEEDING. THEY WERE TALKING ABOUT IT IN 1999, I HAVE A DOCUMENT THAT WAS ABOUT THE RECLAIMED WATER INITIATIVE BACK THEN, DOESN'T EVEN MENTION TOWERS, IN 2000 THEY WERE TALKING TO US ABOUT THE -- ABOUT THE ON GROUND TANKS NEAR THE DELWOOD 2 NEIGHBORHOOD ON THE MILLER PROPERTY, IT

WENT AWAY, THEN THEY COME BACK WITH THE BIG UGLY TOWER [BUZZER SOUNDING] AND -- AND SO THIS -- THAT'S WHY THE -- WHY THE -- THE ISSUE HAS BECOME CONTROVERSIAL AND WE ARE JUST ASKING THAT YOU PROCEED WITH THE DESIGN TO LEARN WHAT THE -- WHAT THE STEEL LATTICE WOULD ACTUALLY COST AND IF WE CAN'T FIND SOME WAY TO AFFORD THAT. THANK YOU AND IF YOU HAVE ANY QUESTIONS, I WOULD BE GLAD TO ANSWER THEM.

Mayor Wynn: THANK YOU FOR YOUR SERVICE, QUESTIONS OF RICK? THANK YOU, RICK. NEXT SPEAKER IS MARK BOYD, BODE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

WE BROUGHT EVERYBODY IN THE COMMUNITY TOGETHER. WHAT I'M HERE TO ASK YOU TODAY IS THAT WE FINISHED THAT PROCESS, THAT WE FOLLOW THROUGH ON THAT AND THAT WE PURSUE ADDRESSING ALL THE DESIGNS, INCLUDING THE ONES THAT THE PAC CAME UP WITH. WE WORKED ON THIS FOR MONTHS. AND TO DISMISS THAT AT THIS POINT WOULD NOT BE PRUDENT. AS YOU'VE HEARD, WE'RE NOT SAYING WE DON'T WANT THIS IN OUR BACKYARD. THAT'S THE USUAL REACTION YOU GET FROM COMMUNITY, NIMBY. THAT'S NOT HAPPENING HERE. WHAT WE'RE SAYING IS WE WANT SOMETHING THAT LOOKS GOOD, THAT IS A CIVIC LANDMARK. THIS BUILDING IS AN EXAMPLE OF CIVIC LANDMARK. THIS COUNCIL AND PREVIOUS COUNCILS HAVE CERTAINLY LOOKED AT CIVIC DESIGN AROUND OUR CITY. I WOULD ASK THIS COUNCIL TO CONTINUE THAT AND TO LOOK AT THIS FURTHER. WE'VE TALKED ABOUT THE MOON LIT TOWERS AND AROUND THE CITY. AS YOU DRIVE AROUND THE CITY YOU CAN SEE THE NEW CONSTRUCTION TOWERS THAT WE'VE NOTED ARE NOT AS TALL. I HAVE A FRIEND WHO IS FIVE MILES PAST THE Y. FROM HIS HOUSE I CAN SEE THE CONSTRUCTION TOWERS. WE ARE GOING TO SEE THIS FROM ALL OVER THE CITY. NOW, THE AREA -- THERE WAS AN ISSUE PUT FORWARD TO THE PUC OF 100 FEET VERSUS 170 FEET. THE PAC SAID IF IT'S EASIER TO MAKE IT THAT WAY FROM AN ENGINEERING POINT, MAKE IT 200 FEET, BUT MAKE IT LOOK A LANDMARK WHVMENT WE LOOKED AT DESIGNS AROUND THE GLOBE, WE WENT ONLINE TO THE INTERNET WHERE EVERYBODY GOES THESE DAYS TO RESEARCH STUFF AND THERE ARE WATER TOWER SITES ALL OVER THIS

GLOBE THAT ARE REVEERED, OLD, DIFFERENT, UNUSUAL, NEW. THIS ONE COULD BE ONE OF THOSE THAT IS ALSO REVERED AS A CIVIC DESIGN PROJECT AROUND THE WORLD. IN THE END WHEN THIS THING IS PUT UP, WHEN WE PUT UP A PLAQUE THAT SAYS PUT UP BY THIS COUNCIL HERE, WHAT TYPE OF CIVIC DESIGN LANDMARK THAT'S SEEN ACROSS THE CITY WOULD YOU LIKE TO HAVE YOUR NAME ATTACHED TO. IT DOES COME DOWN TO COSTS AND THAT'S WHERE WE HAVE TO GET CREATIVE. AND I KNOW COUNCILS HAVE BEEN CREATIVE IN MANY WAYS FOR COSTS AROUND THE CITY FOR VARIOUS THINGS. [ BUZZER SOUNDS ] WE'VE COME UP WITH 37 \$37 MILLION TO SUPPORT THE DOMAIN. WE'VE COME UP WITH \$50 MILLION TO HELP SUPPORT SAMSUNG. I'M WILLING TO BET WE CAN BE VERY CREATIVE IN HOW WE CAN FINANCE THIS. AND I URGE THE COUNCIL TO LOOK AT NUMBER 4 AND FOLLOW JU ON THE CITIZEN PROCESS.

THANK YOU, MR. BOWDEN?

ANY QUESTIONS?

THANK YOU, SIR. WELCOME GERARD KINNEY. YOU WILL HAVE THREE MINUTES.

I'VE GERARD KINNEY. I'VE SERVED ON THE PAC AS A CHERRY WOOD ALTERNATE AND ALSO AS A TECHNICAL ADVISOR FROM THE DESIGN COMMISSION. I WANT TO ADDRESS SOME THINGS THAT HAVEN'T BEEN SAID, BUT I DO WANT TO COMPLIMENT ROSE MARIE. SHE MADE A REALLY ELOQUENT ARGUMENT FOR THE TRANSPARENCY OF WHAT HITS THE GROUND. I THINK SHE MADE A REALLY STRONG POINT, AND I HOPE YOU'LL THINK ABOUT THAT. IT'S A VERY DIFFERENT WAY TO THINK ABOUT IT. IT'S NOT LIKE THAT BUILDING OVER THERE THAT'S A LANTERN AT NIGHT. IT'S A SOLID OBJECT THAT'S 50 FEET ACROSS, SOLID CONCRETE, 170 FEET TALL. SO HOW IT MEETS THE GROUND IS VERY IMPORTANT. THE SECOND THING I WOULD LIKE TO SAY IS ONE OF THE PROBLEMS YOU HAVE HERE IS THAT UTILITY DEPARTMENTS BY THEIR NATURE ARE KIND OF ENGINEERING DRIVEN AND THEY THINK OF THIS AS, AND YOU'LL HAVE USED THE TERM DESIGN ENHANCEMENTS. THIS IS ARCHITECTURE, WHICH IS DESIGN FROM GROUND UP.

THIS IS NOT SOMETHING THAT YOU CODIFY. THIS IS A BASIC PARADIGM SHIFT IN THE WAY TO THINK ABOUT DESIGN OF THESE KINDS OF STRUCTURES. AUSTIN GETS TO BE THE FIRST AGAIN, WITH BUT WE NEED TO BE THE FIRST. THIS IS A PARADIGM SHIFT, THIS IS A TREND SETTING. OTHER CITIES AND OUR OWN CITY IN THE FUTURE WILL THANK US FROM GOING THROUGH THIS PROCESS BECAUSE THE COSTS WILL GO DOWN OVER TIME. WE'RE THE FIRST, SO IT'S MORE EXPENSIVE. BUT HAVING THAT -- GOING TO ALTER -- WHAT YOU'RE CALLING ALTERNATIVES TWO AND THREE, AND IT'S THE SAME THING, IT'S ALSO ALTERNATIVE NUMBER 3 AND THEY ASKED THEM TO GET IT DOWN A LITTLE BIT. SO IT'S JUST TWO CHOICES. THE CONCRETE BASE VERSUS THE STEEL BASE. BOTH OF THEM HAVE SIMILAR LOOKING TOPS. THEY'RE NOT EXACTLY ENGINEERED THE SAME BECAUSE THE CONCRETE ONE HAS A DOME ON TOP OF IT THAT YOU CAN'T SEE AND THAT'S WHY CHICAGO VISION AND IRON ARE THE ONES THAT CAN BUILD THE SECOND ONES BECAUSE IT'S THE TANK ON TOP. LOTS OF PEOPLE CAN BUILD THAT BASE. I DISAGREE WITH THE CONCLUSION THAT ONLY ONE PERSON CAN BUILD IT. PART OF THE PROCESS IN THE NEXT MONTH OR TWO NEEDS TO BE CREATIVELY GET OUT THERE AND FIND OUT WAYS THAT PEOPLE CAN TEAM UP AND GET MAYBE A LOCAL TEXAS COMPANY TO BUILD THAT BASE IN CONJUNCTION WITH SOMEONE THAT CAN BUILD THE TANK, AND I THINK THAT WE CAN SEE THAT PRICE GO DOWN. WE HAVE SOME INDICATIONS THAT THE PRICE DOES NOT HAVE TO BE AS HIGH AS WE THOUGHT IT WAS. I WANT TO THANK MY FELLOW PAC MEMBERS AND MEMBERS OF THE WATER UTILITY. THEY HAVE BEEN VERY HELPFUL AND ENCOURAGING AND WORKED WITH US. THIS IS A CHANCE WHERE FOR A PARADIGM SHIFT AND PLEASE DON'T THINK TF AS DESIGN ENHANCEMENTS. THIS IS A WAY OF THINKING ABOUT DESIGN. THANK YOU. YES, SIR?

MECHANIC.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I WANTED TO GET A CLARIFICATION. CHICAGO BRIDGE AND IRON, WHAT THEY ARE THE ONLY ONES THAT THEY CAN DO IS FOR THE TANK ITSELF, NOT FOR THE TEAL

STRUCTURE?

THAT'S WHAT WE WERE TOLD AT THE COMMITTEE LEVEL. AND WE DID SOME INDEPENDENT CHECKING AND CHECKED AROUND AND FOUND THAT THERE WERE SEVERAL COMPANIES THAT -- ACTUALLY, SEVERAL COMPANIES THAT ARE QUITE CAPABLE OF BUILDING THE STEEL SUPERSTRUCTURE. THE PROBLEM IS WHO SUBCONTRACTS TO WHOM? AND SO YOU HAVE A QUESTION OF YOU WOULDN'T WANT TWO PRIMES ON SOMETHING LIKE THIS, YOU WANT A PRIME TO DO THE WHOLE THING. BUT I BELIEVE THAT THERE ARE CREATIVE WAYS THAT THE COMMUNITY OUT THERE THAT BUILDS THESE THINGS KNOWS THAT THE CITY WOULD LIKE TO SEE IT GO IN A DIFFERENT DIRECTION. I BELIEVE A LOT OF PEOPLE WILL WANT TO GET IN ON THE ACTION, SO YOU WON'T HAVE TO BE STUCK WITH ONE BID, WHICH IS ONE CONCERN THAT I WAS HEARING ON THE COUNTRY.

McCracken: AND WE WOULD TRUST TO GO FORWARD AND GET FIRMER INFORMATION ON WHAT THE COSTS ARE OF THE COMPETING PROPOSALS. WE WILL SEEK OUT OTHER BIDS FOR THOSE WHO CAN DO THE STEEL SUPERSTRUCTURE BECAUSE I DON'T WANT THESE THINGS TO COME UP -- IF WE GET MULTIPLE BIDS FOR THE STEEL SUPERSTRUCTURE WITH THE STEEL ADDED WE WILL PROBABLY GET A MORE VARIETY OF PRICES.

Mayor Wynn: COUNCIL, THAT'S ALL OUR CITIZENS THAT WANTED TO ADDRESS US ABOUT THE ISSUE. QUESTIONS, COMMENTS? I HAVE A QUESTION FOR MR. LIPPE, I GUESS. ON THE ACTUAL LOCATION FOR THE TOWER, I'M VISUALIZING DRIVING DOWN EAST 51st STREET THERE. I PRESUME WE'RE ESSENTIALLY GOING DOWNHILL FROM I-35 HEADING EAST. AND SO I GET THE FURTHER EAST FROM THE INTERSTATE IS AS SIMPLE AS THE TOWER HAS TO BE TALLER BECAUSE OF THE TOPOGRAPHY?

THAT'S EXACTLY RIGHT.

SO BY CHOOSING A SITE FURTHER EAST, THE TOWER IS REQUIRED TO BE TALLER.

THAT'S CORRECT. ORIGINALLY THE SITE -- ACTUALLY, THERE WERE TWO DIFFERENT SITES UP ALONG I-35, AND THAT'S AT THE HIGH GROUND, SO THE TANK WOULD HAVE -- ACTUALLY, INITIALLY IT WAS BELIEVED THAT THE TANK COULD BE A GROUND TANK, MAYBE 40 FEET TALL, JUST A GROUND TANK. AND THEN LATER IT BECAME ELEVATED AND THERE WERE A COUPLE OF DIFFERENT REASONS WHY IT MOVED AROUND OVER THE LAST SIX YEARS. AND THERE WAS A LOT OF PUBLIC INVOLVEMENT. ONE HAD TO DO WITH THE COMMERCIAL VALUE AND TO MAKE RMMA WORK AS A DEVELOPMENT. BUT ALSO I THINK WHEN THE TANK BECAME ELEVATED, IT WAS RIGHT UP AGAINST THE FENCE OF A NEIGHBORHOOD AND SO THAT NEIGHBORHOOD INPUT LED TO THE RELOCATION AGAIN OF THE TANK. SO THIS IS REALLY THE -- THIS IS THE FINAL LOCATION, AND YOU'RE RIGHT, IT'S PROBABLY 50 FEET LOWER IN GROUND ELEVATION AND SO TO GET THAT SAME TOP ELEVATION, SEA LEVEL ELEVATION, IT REQUIRED THE TANK TO BE 50 FEET TALLER AS WELL. SO SFOORS VISIBILITY, -- SO AS FAR AS VISIBILITY, IT WILL BE VISIBLE FROM I-35. IT'S NOT 170 FEET TALL FROM I-35, SO IT MAY NOT BE AS VISIBLE FROM QUITE AS FAR AWAY AS THE CONSTRUCTION CRANE IS TODAY. BUT IT'S DEFINITELY A TALL STRUCTURE THAT'S GOING TO BE VISIBLE AND CAN BE A LANDMARK.

Mayor Wynn: I'LL JUST SAY BEFORE I OPEN IT TO UP TO OTHER COMMENTS IS I DO SEE THIS AS A PRECEDENT, BUT A PRECEDENT IN THE APPROPRIATE WAY. I THINK DESIGN DOES MATTER AND I APPRECIATE VERY MUCH THE WATER AND WASTEWATER STAFF HAVING THE TIME AND EFFORT AND WORKING WITH THE DESIGN COMMITTEE TO EVEN EXPLORE DIFFERENT OPTIONS, BUT THE OVERALL REUSE PROJECT IS SUCH AN IMPORTANT PROJECT AND WE SHOULD ALL BE SO PROUD OF THAT THAT I EVEN SEE THE NEED TO HIGHLIGHT THE FACT AND THE VALUE OF THIS -- OF OUR FUTURE PURPLE PIPE SYSTEM. AND THE ABILITY TO CREATE A DESIGN LEGACY WITH SOMETHING AS UTILITARIAN AS A WATER TOWER IS PERSONALLY IMPORTANT TO ME. I APPRECIATE THE CITY MANAGER'S SORT OF SUGGESTION HERE THAT IT'S ALL REAL MONEY AND WE DON'T DO THAT -- WE WANT TO DO THAT AS JUDICIOUSLY AS WE CAN, BUT WITH SPENDING A LITTLE BIT MORE MONEY, SEEMINGLY WE

CAN HAVE MUCH MORE FIRM NUMBERS AS TO THE POTENTIAL COST OF THE PREFERRED NORTH TOWER. AND I WILL BE SUPPORTIVE OF US TRYING TO DO THAT. AND ALSO KNOWING THAT APPARENTLY THIS DOESN'T PUT A BURDEN ON THE OVERALL TIME LINE OF THE PROJECT.

ALL RIGHT. SO CHRIS, LET'S TAKE -- I'M GETTING A SENSE THAT MIGHT BE WHERE WE'RE HEADED HERE. LET'S TAKE A LOOK AT OUR ITEM AND HOW IT'S POSTED. CAN YOU DO THAT WITHIN THIS CURRENT AMENDMENT THAT YOU HAVE ON THE ITEM?

I BELIEVE SO.

WITH SOME ADJUSTMENTS TO IT?

I WOULD SUGGEST ADDING THAT \$100,000 TO THE DOLLAR AMOUNT AND THAT THAT WILL JUST BE THE KNOWN EXPECTATION IS THAT -- IN THE CONTINUED ENGINEERING, WE CONTINUE FARTHER INTO THE DESIGN PROCESS LOOK AT FLESHING OUT THE DETAILS OF THE DESIGN FOR BOTH THE 2.8-MILLION-DOLLAR VERSION AND THE 4.7-MILLION-DOLLAR VERSION. AND WORK WITH CBI TO GET --

Futrell: LET ME REPEAT IT. SO WE TAKE THIS ITEM, ADD \$100,000 TO IT, WITH THE EXPECTATION THAT WE ADD GETTING TO THE DESIGN AND ENGINEERING COMPONENT THAT WOULD GET US A BETTER PROCESS ON 4 AND COMING BACK WITHIN 90 DAYS, HOPEFULLY 60, BUT WITHIN 90, TO COME BACK TO COUNCIL AND RE-PRESENT WHAT BETTER COST ESTIMATES AND THAT WOULD KIND OF GET US BACK ON TRACK.

Mayor Wynn: ONE ADDITIONAL REQUEST THEN, AND I'LL BE GLAD TO BE INVOLVED IN THESE ANALYSES AND DISCUSSIONS. IN ADDITION TO COMING BACK IN 90 DAYS OR SO WITH BETTER COST ESTIMATES, WE ALL RECOGNIZE THAT IF WE CHOOSE TO BUILD A TOWER VERY SIMILAR TO ALTERNATIVE NUMBER 4, IT IS GOING TO BE MORE EXPENSIVE, SO WE SHOULD ALSO COME BACK IN 90 DAYS WITH THE FINANCING SCHEME, FRANKLY, THAT IS HOW MUCH OF THAT ADDITIONAL COST SHOULD THE WATER AND WASTEWATER CARRY, IF NOT ALL OF IT, THEN WHAT OTHER

SOURCES WE LIKELY WOULD APPROVE AS A COUNCIL TO  
FUND THAT ALTERNATIVE. COUNCILMEMBER MCCRACKEN.

McCracken: I WOULD ALSO LIKE TO INCLUDE A REAL ESTATE  
APPRAISER IN THIS PROCESS FOR THE FOLLOWING REASON.  
WE SEE THAT OUR OWN INTERNAL STAFF ANALYSIS SAID IF  
YOU PUT SOMETHING BIG AND INDUSTRIAL IN THE UGLY ON  
PRIME COMMERCIAL LAND IT WILL HURT THE COMMERCIAL  
VALUE. AND YOU HAVE TO COMPOUND THAT BY 100 YEARS.  
SO I WOULD LIKE TO SEE A REAL ESTATE APPRAISER GIVE  
US AN ESTIMATE ON THE EFFECT OF PROPERTY VALUES  
AND THEREFORE TAX BASE OVER THE COURSE OF 100  
YEARS OF THE COMPETING DESIGNS BECAUSE IT APPEARS  
THAT INTERNALLY WE HAVE ALREADY ESTIMATED THAT AN  
ITEM -- SOMETHING ALONG THE LINES OF ITEM 2 WOULD  
REPRESS COMMERCIAL VALUATIONS, SO WE WOULDN'T  
WANT TO PUT IT THERE. WELL, THAT SUGGESTION IS NO  
ONE WANTS TO LIVE NEXT TO THAT THING, AND I SURE  
WOULDN'T WANT TO. AND I'D LIKE TO KNOW WHAT IS THE  
IMPACT ON THE TAX BASE OVER 100 YEAR PERIOD BETWEEN  
THE TWO COMPETING DESIGNS. >>

Futrell: WE'LL ADD A REAL ESTATE COMPONENT. I MAY BE  
WRONG, BUT I BELIEVE THE FIRST MOVE OFF OF  
COMMERCIAL PROPERTY WASN'T THE IMPACT OF  
COMMERCIAL PROPERTY, I BELIEVE IT WAS TO ALLOW IT TO  
BE COMMERCIALLY DEVELOPED.

I BELIEVE THAT'S CORRECT.

Futrell: BUT YOUR POINT IS STILL WELL TAKEN THAT  
SOMETHING UGLY IS GOING TO AFFECT VALUES AND SO I  
THINK WE CAN CERTAINLY ADD THAT. AND LET ME ADD  
SOMETHING, OBVIOUSLY WE'LL MAKE A COMMITMENT TO  
THE NEIGHBORHOOD THAT WE'LL KEEP THE DIALOGUE OPEN  
IN THE 60, 90 DAYS SO YOU STAY WITH US THROUGH THE  
PROCESS AND WE DON'T COME BACK AND YOU ARE  
SURPRISED AT THIS MEETING. SO WE'LL TRY TO AVOID OUR  
EARLY MISTAKES AND KEEP OUR PROCESS GOING AND  
DIALOGUE OPEN WITH YOU.

Mayor Wynn: THANK YOU, CITY MANAGER. FURTHER

COMMENTS, QUESTIONS? COUNCILMEMBER MCCRACKEN.

McCracken: I JUST WANT TO SAY, BECAUSE UTILITY HAS DONE A VERY GOOD, COMMENDABLE JOB OF PARTICIPATING IN THE PUBLIC PROCESS. AND THE IMPORTANT PART IS GETTING TO THE FINISH LINE. AND I WILL SAY I RECOGNIZE THE LEGITIMATE INTEREST AND CONCERN THAT -- ABOUT THE PREJUDICIAL VALUE OF THIS. WE DISCUSSED THIS WITH AUSTIN ENERGY TWO WEEKS AGO. THERE'S A DIFFERENCE BETWEEN INDUSTRIAL EQUIPMENT NEXT TO HOMES VERSUS INDUSTRIAL EQUIPMENT IN THE MIDDLE OF AN INDUSTRIAL PARK. SO, FOR INSTANCE, THAT'S WHY, FOR INSTANCE, AUSTIN ENERGY WAS TALKING ABOUT DOING THEIR BIG SPREAD OUT AT THE HUNTSMAN SITE AND ORIGINALLY THAT MADE SENSE BECAUSE IT WAS AN INDUSTRIAL PLACE SO IT DIDN'T REALLY MATTER. BUT WHEN IT SUDDENLY BECAME THE COMMUTER RAIL STATION AND YOU WERE TRYING TO MAKE IT A NICE PLACE TO LIVE, SUDDENLY IT BECAME UNACCEPTABLE FROM A QUALITY OF LIFE PERSPECTIVE AND FROM A TAX BASE PERSPECTIVE TO PUT A BIG, INDUSTRIAL SUBSTATION NEXT TO PEOPLE'S HOMES AND APARTMENTS AND THE TRAIN LINE. THE SAME SITUATION HERE. I DO NOT EXPECT -- I TRUST THAT NOT EVERY 175-FOOT TOWER WILL GO IN THE MIDDLE OF SOMEBODY'S NEIGHBORHOOD. IF IT DOES, WE NEED TO DO BETTER. BUT IF IT'S IN THE MIDDLE OF AN INDUSTRIAL AREA, THAT'S A DIFFERENT STANDARD THAN IF IT WAS IN THE MIDDLE OF A NEIGHBORHOOD. WE ARE GOING TO NEED TO MAKE AN IMPROVEMENT ON THE PROCESS AND THAT IS TO INCLUDE ARCHITECTS ON THE FROND END OF ALL OF THESE UTILITY INFRASTRUCTURE DECISIONS BECAUSE IT'S JUST SOMETHING WE'RE RUNNING INTO A CULTURE CLASH ON. I THINK WE'VE GOT -- WE'VE GOT -- OUR FOLKS ARE VERY GOOD AT WORKING IN THE COMMUNITY PROCESS, BUT I DO THINK THAT THERE'S AN EXPERTISE FROM ARCHITECTS WHO WOULD BE VERY VALUABLE. THE LAST POINT I'LL BRING UP IS WHEN WE WERE TALKING ABOUT THE BENEFIT OF BURYING UTILITY LINES IN THE UNIVERSITY NEIGHBORHOOD OVERLAY, WE HAD SOMEONE WHO WAS INVOLVED FROM THE REAL ESTATE DEVELOPMENT SIDE WHO SAID THAT THERE IS A SIGNIFICANT IMPROVEMENT TO PROPERTY VALUES WHEN YOU BURY UTILITY LINES AND HIS POINT WAS THAT UTILITY

INFRASTRUCTURE LOCATED NEXT TO PEOPLE'S HOMES AND BUSINESSES DEPRESSES PROPERTY VALUES, DEPRESSES REDEVELOPABILITY, AND WHEN YOU HAVE UTILITY INFRASTRUCTURE THAT CAN EITHER DEPRESS PROPERTY VALUES OR ENHANCE IT. SO WE'VE GOT TWO CORE VALUES AND SOMETHING THAT WILL DEPRESS PROPERTY VALUES AND QUALITY OF LIFE OR ENHANCE IT. I THINK IT'S IMPORTANT THAT ALL OF US, DEVELOPERS, RESIDENTS, NEIGHBORHOODS AND THE UTILITIES ALL BE ON THE SAME PAGE, PULLING THEIR WEIGHT TO MAKE MUELLER A SUCCESS AND TO ALL BE GOOD NEIGHBORS.

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

Alvarez: THANKS, MAYOR. I DID WANT TO THANK THE CITY MANAGER FOR COMING UP WITH AN OPTION HERE FOR LOOKING AT THIS ISSUE FURTHER BECAUSE AS MUCH AS I LIKE THE NEIGHBORHOOD PREFERRED ALTERNATIVE, THAT IS AN EXTRA \$2 MILLION, AND THERE'S DIFFERENT WAYS OF VALUING THAT BECAUSE OBVIOUSLY THIS IS GOING TO BE A STRUCTURE THAT'S THERE FOR A VERY LONG TIME. AND WHAT'S THAT AMOUNT OF MONEY OVER 100 YEARS. CERTAINLY THAT'S ONE WAY TO LOOK AT IT. BUT IN TERMS OF REAL DOLLARS, TODAY'S DOLLARS, THAT DOES REQUIRE THE ADDITIONAL -- THAT THE ADDITIONAL FUNDS BE IDENTIFIED, BUT ALSO -- I DON'T KNOW IF THE MAP WAS SHOWN EARLIER OF ALL THE FUTURE SITES FOR OTHER TOWERS, BUT I THINK ONE OF THE SPEAKERS MENTIONED THAT MONTOPOLIS MIGHT BE THE NEXT PLACE WHERE A TOWER GOES UP, BUT IF WE DO END UP SAYING, LET'S SPEND TWO MILLION DOLLARS OR TWO AND A HALF MILLION DOLLARS MORE THAN WE HAVE TO IN THE MUELLER AREA. YOU DON'T HAVE THE SAME AMOUNT OF ADDITIONAL FUNDING ALLOCATED. I THINK THIS COULD BE AN ISSUE IN HOW WE TREAT THIS PROJECT OR OTHER PROJECTS OR WHAT THE EXPECTATIONS FOR OTHER PROJECTS MIGHT BE. AND I THINK GETTING THEM A BETTER IDEA OF WHAT THE TRUE ESTIMATE IS OF THE VARIOUS ESTIMATES WOULD. WITH THE STAFF PREFERRED ALTERNATIVE, INVESTING AN ADDITIONAL HALF A MILLION DOLLARS, IF WE GO TO THE SORT OF PREFERRED NEIGHBORHOOD ALTERNATIVE, THERE'S A COUPLE MILLION DOLLARS MORE INVESTMENT

WITH THE CURRENT NUMBERS, WITH THE CURRENT ESTIMATE THAT WE HAVE. SO I THINK -- WE CAN LOOK AT THOSE ESTIMATES AND DETERMINE HOW ACCURATE THEY ARE. AND THEN IF WE CAN'T GET A BETTER IDEA WHAT THE TRUE COSTS ARE, IT CAN HELP US IN THIS REGARD, BUT ALSO IN THE FUTURE AS WE PLAN OTHER TOWERS. AND THAT'S JUST WITH THIS WATER REUSE PROGRAM ITSELF, WE SEE THAT THERE'S SEVERAL ADDITIONAL TOWERS THAT MUST BE BUILT TO ACCOMMODATE THE SYSTEM. I JUST WANTED TO RAISE THAT, BUT I THINK IT'S A PRUDENT WAY TO PROCEED. IF WE DON'T HAVE TO HAVE THE TOWER BUILT TOMORROW, IT DOES MAKE SENSE TO CONSIDER ALL OF THE DIFFERENT ALTERNATIVES, SO I WANT TO THANK THE CITY MANAGER FOR IDENTIFYING A WAY FOR US TO AT LEAST CONTINUE TO LOOK FOR OPTIONS SO THAT WE MIGHT BE ABLE TO SUPPORT OR AT LEAST LEAVE THE OPTION OF SUPPORTING THE NEIGHBORHOOD PREFERRED OPTION ON THE TABLE, BUT OBVIOUSLY IT'S A BIG GAB FINANCIALLY AND WE'LL HAVE TO SEE IF THERE ARE ANY OTHER CREATIVE IDEAS OUT THERE ABOUT HOW TO BRIDGE THAT GAP. I JUST WANTED TO MAKE THOSE COMMENTS. I THINK OUR MONTOPOLIS CONSTITUENTS MIGHT ALSO WANT TO SAY SOMETHING ABOUT HOW MUCH TO DEDICATE TOWARDS THEIR TOWER OR WHATEVER NEIGHBORHOOD IT HAPPENS TO BE THAT GETS A TOWER NEXT IS GOING TO LOOK TO THIS PROCESS AND SAY, WELL, WE WANT THE SAME PROCESS AND THE SAME COMMITMENT, BUT THAT'S ALL, MAYOR. I WANT TO THANK THE CITY MANAGER AGAIN AND MAYOR AND OTHER FOLKS WHO ARE STILL AT LEAST TRYING TO FIND A SOLUTION HERE THAT EVERYONE CAN BE COMFORTABLE WITH.

Mayor Wynn: THANK YOU, COUNCILMEMBER. SO I GUESS I'LL ENTERTAIN A MOTION THEN ON ITEM NUMBER 3, WHICH WOULD BE AN AMENDED MOTION. IF I HEARD CORRECTLY, WE WOULD BE ADDING \$100,000 TO THIS AMENDMENT OF THE PROFESSIONAL SERVICES AGREEMENT WITH CDM. COUNCILMEMBER MCCRACKEN?

McCracken: MAYOR, I'LL MOVE TO APPROVE ITEM NUMBER 3 WITH THE FOLLOWING ADDITIONS TO ADD \$100,000 TO PROVIDE A MORE EFFECTIVE COST ESTIMATE OF THE ALTERNATIVES NUMBER 2 AND 4 TO DIRECT THAT THE

WATER UTILITY COME BACK TO US IN 60 TO 90 DAYS WITH A COST ESTIMATE -- BETTER COST ESTIMATES FOR BOTH DESIGNS TO INCLUDE A REAL ESTATE APPRAISER IN THIS ANALYSIS TO GIVE US THE IMPACT TO THE TAX BASE AND THE NEIGHBORING PROPERTIES OVER WHUNT YEAR PERIOD -- OVER THE 100 YEAR PERIOD.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCracken, SECONDEDLY COUNCILMEMBER LEFFINGWELL.

Leffingwell: I WOULD LIKE TO OFFER A FRIENDLY AMENDMENT THAT A CITIZEN TASKFORCE BE APPROVED TO WORK AS THIS PROCESS GOES FORWARD AND TO BE INVOLVED WITH IT SO THEY CAN HAVE THEIR INPUT BEFORE IT COMES BACK TO COUNCIL.

McCracken: I'LL CONSIDER THAT FRIENDLY.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: I WANT TO THANK THE CITIZENS WHO HAVE BEEN WORKING ON THIS IN THE UTILITY FOR COMING UP WITH THE OPTIONS. ALTERNATIVE 2 I THINK IS A MUCH ENHANCED DESIGN. I PERSONALLY AM OKAY WITH IT VERSUS THE LATTICE DESIGN, AND -- AND THE TWO-MILLION-DOLLAR INCREMENT IS VERY TROUBLING TO ME, SO I'M HOPING THAT WITH THIS STUDY OR GETTING FROM OUR COST ESTIMATE WE CAN HOPEFULLY SEE IT GO DOWN. I'M GOING TO LEAVE MY JUDGMENT ON WHAT ALTERNATIVE WE GO WITH UNTIL WE SEE THAT COST ESTIMATE. I DON'T THINK THE WATER UTILITY SHOULD PAY FOR THE INCREMENT. THEY'RE ALREADY FUNDING A LOT OF THIS AND IT'S GOING TO HAVE TO COME FROM THE GENERAL FUND, AND \$10 MILLION IS A LOT IN TERMS OF SERVICES THAT OUR CITY NEEDS. I'LL WAIT AND SEE AND FIND OUT WHAT THE ESTIMATE IS AND I ENCOURAGE THE CITIZENS OF COURSE TO KEEP US INFORMED AND CONTINUE TO WORK WITH THE WATER UTILITY IN MAKING SURE THAT WE HAVE WHATEVER CREATIVE WAYS TO GET THAT COST ESTIMATE DOWN, EVEN THROUGHOUT THE ENGINEERING DESIGN PHASE.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: MAYOR, MAYBE MORE A POINT OF CLARIFICATION, BUT WAS THERE ALREADY A STAKEHOLDER GROUP THAT WAS ACTIVE ON THIS? MAYBE STAFF COULD SPEAK TO THAT.

WE HAVE THIS NEIGHBORHOOD ADVISORY COMMITTEE THAT IS ESTABLISHED AND WE FULLY CONTINUE TO KEEP INVOLVED NOT ONLY THROUGH THIS DECISION POINT ABOUT THE STYLE OF THE TANK, BUT ALL THE WAY THROUGH THE CONSTRUCTION BECAUSE THERE WILL BE SOME LANDSCAPING AND SOME OTHER DECISIONS THAT WE WOULD LIKE SOME INPUT AND INVOLVEMENT ON. SO THAT'S A SUGGESTION.

Alvarez: I MENTION IT, BUT WE WENT THROUGH A LENGTHY DISCUSSION SEVERAL YEARS BACK ABOUT WHAT THE TASKFORCE AND WHAT THIS AND WHAT THAT VERSUS A COMMITTEE OR SPECIAL ADVISORY BOARD. I THINK -- BY CREATING A TASKFORCE, MY ONLY POINT TO SAY IS TO WORK WITH THE EXISTING STAKEHOLDER GROUP SO THAT WE DON'T HAVE TO CREATE A NEW TASKFORCE BECAUSE THEY'RE ALREADY ENGAGED AND INVOLVED IN IT. I THINK THAT WAS THE INTENT BEHIND THE STATEMENT SO THAT OUR CITY CLERK DOESN'T GET INTO TASKFORCE CREATION. THANKS, MAYOR.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I WASN'T AROUND, BUT I THINK THE EXISTING STAKEHOLDER GROUP TO CONTINUE THEIR EFFORTS WOULD WORK JUST FINE. IF THAT CONSTITUTES A FRIENDLY AMENDMENT TO MY FRIENDLY AMENDMENT, I'M OKAY WITH IT.

Mayor Wynn: WE HAVE A MOTION AND A SECOND ON THE TABLE TO AMEND ITEM NUMBER 3 AND APPROVE FURTHER -- FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU VERY MUCH. COUNCIL, I THINK WE CAN PROBABLY GET THROUGH ITEM NUMBER 9 IN RELATIVELY SHORT ORDER. THIS IS AN ORDINANCE RELATED TO THE VERTICAL MIXED USE BUILDINGS WITHIN MIXED USE

COMBINING DISTRICT AND REGULATIONS. I'LL ENTERTAIN --  
I'LL ACKNOWLEDGE COUNCILMEMBER MCCRACKEN.

McCracken: WE DISCOVERED THERE HAD BEEN A LITTLE BIT  
OF A MISUNDERSTANDING IN HOW THE ORDINANCE WAS  
DRAFTED COMPARED TO THE UNDERSTANDING OF THE  
TASKFORCE, AND SO THIS IS JUST GOING TO SYNCHRONIZE  
THAT WITH ONE ADDITIONAL CHANGE. MS. TERRY CAN  
EXPLAIN THAT.

THAT'S CORRECT. WHERE WE ARE IS WE HAVE CORRECTED  
THIS SO THAT IN ESSENCE VERTICAL MIXED USE BUILDINGS  
DON'T GET TO TAKE ADVANTAGE OF IT UNTIL THE OPT OUT  
PROVISIONS ARE ACTUALLY SELECTED. SO WE'VE  
CORRECTED THAT. THE ADDITIONAL CHANGE WE'VE MADE IS  
THE ORIGINAL ORDINANCE WAS FOR NEIGHBORHOOD PLAN  
AREAS THAT WAS CREATED AS OF MARCH 13TH. WE'VE  
SINGED THAT UP WITH TODAY'S DATE BECAUSE WE'RE  
ASKING YOU TO PASS THIS ON EMERGENCY PASSAGE SO  
IT'S IN NEIGHBORHOOD PLAN AREAS THAT'S EFFECTIVE AS  
OF TODAY. THAT'S THE EFFECTIVE ORDINANCE HAVE YOU  
ON THE DAIS. THAT'S THE LAST LITTLE CHANGE. AND THEN I  
BELIEVE COUNCILMEMBER MCCRACKEN HAS AN ADDITIONAL  
CHANGE THAT HE WISHES TO MAKE THAT WE HAVE  
DISCUSSED. AND I THINK WE'RE GOING TO BE ABLE TO  
ACCOMMODATE IT.

McCracken: THE ADDITIONAL CHANGE WOULD BE THAT THE  
TASKFORCE HAS AGREED THAT THE PARKING REDUCTION  
CONTAINED FOR VERTICAL MIXED USE, THAT FOR BAR AND  
RESTAURANT USES, THE NEIGHBORHOODS WOULD ALSO BE  
ABLE TO CONSIDER THAT AND THE OPT OUT REQUEST  
PROVISIONS.

AND LET ME MAKE SURE THAT I UNDERSTAND COMPLETELY  
SO THAT WE CAN INDICATE TO YOU THAT WE CAN GO  
FORWARD AND DRAFT ACCORDINGLY IS WHAT YOUR DESIRE  
IS IS THAT THE 60% REDUCTION THAT IS PROVIDED FOR FOR  
BARS AND RESTAURANTS LITERALLY BECOMES AN OPT OUT  
PROVISION, THAT THEY'RE NOT ENTITLED TO THAT 60%  
REDUCTION, BUT WHAT WE NEED TO DO IS MAKE THAT AS  
AN OPT OUT PROVISION THAT THE NEIGHBORHOOD PLAN  
CONTACT TEAMS WOULD THEN RECOMMEND TO THE

PLANNING COMMISSION AND THEN GETS BROUGHT FORWARD TO COUNCIL.

McCracken: THAT'S CORRECT.

WE'VE GOT THAT. THAT'S SUFFICIENT DIRECTION. WE CAN HANDLE IT.

McCracken: MAYOR, THEN I'LL MAKE A MOTION TO APPROVE ITEM NUMBER 9 AS MS. TERRY PRESENTED WITH THE NEW INFORMATION CONCERNING NEIGHBORHOOD PLANS -- PLANNING TEAMS THAT ARE INCLUDED WITHIN THE EFFECTIVE DATE AND ALSO THE OPT OUT PROVISIONS FOR BARS AND RESTAURANT USES.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE AMENDED ITEM NUMBER 9. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASS OZ A VOTE OF SIX TO ZERO WITH COUNCILMEMBER LEFFINGWELL OFF THE DAIS. THANK YOU, MS. TERRY. SO COUNCIL, THAT LEAVES US WITH ITEM NUMBER 67 THAT WAS TAKEN OFF THE CONSENT AGENDA BY COUNCILMEMBER MCCRACKEN, ONE OF THE SPONSORS OF THE ADDENDUM ITEM. AGAIN, I'LL RECOGNIZE COUNCILMEMBER MCCRACKEN.

McCracken: THANK YOU, MAYOR. WHAT THE -- MYSELF AND COUNCILMEMBER DUNKERLEY AND COUNCILMEMBER LEFFINGWELL ARE BRINGING FORWARD IS THAT WE ARE REQUESTING THAT THE TEXAS LEGISLATURE GIVE THE CITY OF AUSTIN THE AUTHORITY TO REDUCE THE APPRAISAL CAP -- TO GIVE THE CITY OF AUSTIN LOCAL GOVERNMENT THE AUTHORITY TO REDUCE THE APPRAISAL CAPS ON HOMESTEAD PROPERTIES FROM 10% TO AS LOW AS FIVE PERCENT TO BECOME A LOCAL OPTION. AND WE'RE ASKING THE LEGISLATURE -- WE'RE ASKING THE -- THIS MOTION WOULD DIRECT THE CITY MANAGER TO PROVIDE SUPPORT FOR THIS OPTION AT THE TEXAS LEGISLATURE DURING THE

SPECIAL SESSION. THE APPROACH THAT PROVIDES LOCAL CONTROL AND ALSO PROVIDES PROTECTION AGAINST SPIRALLING TAX APPRAISALS IS THE BEST ONE I HAVE FOUND IS FROM SENATOR JANEK FROM HOUSTON, AND WE TALKED WITH HIM IN ADVANCE AND HE IS BOTH COMMITTED TO LOCAL CONTROL AND TO PROTECTING HOMEOWNERS FROM SPIRALLING TAX APPRAISALS. WHAT BROUGHT THIS ON IS THE FOLLOWING: I BELIEVE THAT REDUCING THE APPRAISAL CAP WILL RESULT IN A FAIRER SYSTEM BECAUSE AT 10%, WHICH IS THE CURRENT LEGAL MAXIMUM APPRAISAL INCREASE, IF YOU LIVE IN ONE OF THE NEIGHBORHOODS WHERE THAT'S HAPPENING YOUR HOME WILL DOUBLE IN TAX APPRAISALS EVERY SEVEN YEARS, WHICH MEANS YOUR TAXES WILL DOUBLE, BUT IN AUSTIN, LIKE IN A LOT OF OTHER PLACES IN TEXAS, MOST PEOPLE'S INCOMES DO NOT DOUBLE EVERY SEVEN YEARS. AND SO EFFECTIVE TO HAVING YOUR APPRAISAL DOUBLE EVERY SEVEN YEARS IS IF YOU HAVE A KID ENTERING ELEMENTARY SCHOOL, BY THE TIME THE CHILD IS LEAVING ELEMENTARY SCHOOL, YOU COULD FIND THAT YOU'RE PAYING TWICE AS MUCH IN PROPERTY TAXES, AND THAT IS IN PARTS OF OUR CITY REALLY REQUIRING FAMILIES TO MOVE OUT OF THEIR HOMES BECAUSE OF THE TAX APPRAISAL INCREASES, WHICH MEANS THE KIDS HAVE TO LEAVE SCHOOL, SCHOOL AND THEIR FRIENDS. THE QUESTION IS HOW CAN WE PAY FOR IT? THAT IS BECAUSE THE COUNCIL HAS I BELIEVE IN A VERY FORWARD THINKING WAY IMPLEMENTED THE ENVISION CENTRAL TEXAS RECOMMENDATIONS FOR MORE DENSITY INTO PLACES THAT WE ALL AGREE ON WHILE STILL PROTECTING SINGLE-FAMILY NEIGHBORHOODS. AND SPECIFICALLY WHAT THIS COUNTRY HAS DOWN IS WE'VE CHANGED THE RAINY STREET CODE TO ALLOW FOR NEW INFILL DEVELOPMENT AND WHAT YOU'VE SEEN IS THERE IS A LOT OF COMMERCIAL ACTIVITY IN THE RAINEY STREET DOWNTOWN. WE'VE ALSO GIVEN ZONING APPROVAL TO A NUMBER OF DOWNTOWN PROJECTS THAT RESULT IN A SUBSTANTIAL INCREASE IN TAX BASE. THE COUNCIL HAS APPROVED THE DESIGN STANDARDS VERTICAL MIXED USE OVERLAY. WE MADE SOME TWEAKS ON THAT RIGHT NOW AND WE'LL HAVE THE FINAL CODIFICATION COMING FORWARD. THE COUNCIL HAS ALSO APPROVED THE UNIVERSITY NEIGHBORHOOD OVERLAY, WHICH IS

RESULTING IN SUBSTANTIAL NEW CONSTRUCTION AND NEW TENSEDENSITY IN THE UNIVERSITY AREA. WE'VE APPROVED THE TRANSIT ORIENTED DEVELOPMENT AND THE COUNCIL IS ALSO IN AN EFFORT TO SELL OFF CITY OWNED LAND IN THE CITY OF AUSTIN. FOR EXAMPLE, BLOCK 21 WILL HAVE OVER \$100 MILLION OF TAX BASE IN THREE YEARS. AND WE'RE ALSO STILL SELLING OFF THE GREEN WATER TREATMENT PLANT DOWN THE STREET, WHICH IS FOUR DOWNTOWN BLOCKS OF TAX BASE. THESE CODE CHANGES THROUGH THE ENVISION CENTRAL TEXAS POLICIES WE'VE ENACTED HAVE RESULTED IN A BUILDING BOOM FROM THOSE CODE CHANGES. SOME SPECIFIC EXAMPLES, THE GUADALUPE 31 PROJECT ON GUADALUPE, WHICH IS A 3 STORY VERTICAL MIXED USE PROJECT. THE THREE PROPERTIES THAT WERE THERE BEFORE GUADALUPE 31 HAD AN APPRAISED VALUE OF \$1.13 MILLION. IT IS ESTIMATE THAT HAD WHEN IT'S FINISHED, THAT THAT VERTICAL MIXED USE PROJECT, THREE STORIES, WILL HAVE AN APPRAISED VALUE OF \$11 MILLION, WHICH WILL BE A ONE THOUSAND PERCENT TAX BASE INCREASE. DOWNTOWN BLOCKS OR SURFACE PARKING LOTS ARE APPRAISING AT ABOUT \$500,000. NEW BUILDINGS THAT ARE GOING ON THESE BLOCKS ARE COMING IN AROUND \$100 MILLION IN APPRAISED VALUE AFTERWARDS. THAT REPRESENTS A 20,000 PERCENT INCREASE TO THE TAX BASE FOR NEW DOWNTOWN DEVELOPMENT. LIKE I SAID, WE'RE ALSO SELLING OFF GOVERNMENT OWNED LAND THROUGH BLOCK 21, GREEN AND ALSO THROUGH THE FORTHCOMING DOWNTOWN PLAN, WHICHWHICH SPECIFICALLY INCLUDES A PLAN TO SELL OFF GOVERNMENT OWNED LAND DOWNTOWN. THE THING ABOUT THESE INFILL PROJECTS THAT ARE PROVIDING HUGE INCREASES TO THE TAX BASE IS WHEN YOU DO A NEW INFILL PROJECT YOU DON'T HAVE TO BUILD NEW STREETS, YOU DON'T HAVE TO BUILD NEW FIRE STATIONS, YOU DON'T HAVE TO BUILD NEW PARKS OR LIBRARIES BECAUSE THEY'RE ALREADY THERE. SO THIS IS RESULTING IN A FISCAL WINDFALL FOR THE TAXPAYERS OF AUSTIN AND THIS IS REALLY THE TAXPAYERS FIRST DENSITY BONUS THAT THEY ARE RECEIVING FROM ENVISION CENTRAL TEXAS. SO THE CONSEQUENCES OF DOING NOTHING AND LEAVING APPRAISAL CAPS WHERE THEY CURRENTLY ARE IS IF YOUR HOME IS INCREASING IN TAX APPRAISAL BY 10% A YEAR, IT

HITS FOLKS ON FIXED INCOME THE HARDEST, WHICH ARE SENIORS, FAMILIES WITH KIDS, FOLKS THAT WORK FOR, SAY, LIKE GOVERNMENTAL ORGANIZATIONS WHERE YOU CAN GET A COST OF LIVING ADJUSTMENT, TO MAYBE THREE PERCENT, BUT IF YOUR HOME INCREASES BY 10%, YOU'RE FALLING BEHIND GETTING APPRAISED OUT OF YOUR HOME. AND SO IF YOU'RE ON A FIXED INCOME AND YOUR TAXES DOUBLE EVERY SEVEN YEARS YOU DO THINGS LIKE DEFER CAR REPAIRS, PUT LESS MONEY TO YOUR CHILD'S COLLEGE FUND. YOU DEFER MEDICAL CARE, THINGS LIKE THAT. THE FINAL MESSAGE IS THAT IF WE'RE GIVEN THIS AUTHORITY IT WILL GIVE US THE OPPORTUNITY TO PROTECT THE HOMEOWNERS OF AUSTIN FROM RAISING TAX APPRAISALS AND STILL BE FISCALLY RESPONSIBLE BECAUSE ENVISION CENTRAL TEXAS IS PRODUCING A FISCAL WINDFALL FOR THE TAXPAYERS OF AUSTIN AND WE NOW ARE ASKING FOR THE OPPORTUNITY TO GIVE THAT WINDFALL TO THE TAXPAYERS.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: I TOO AM SPONSORING AND SUPPORTING THIS ITEM. THIS WOULD GIVE THE CITY THE LOCAL OPTION OR ANY LOCAL ENTITY THE LOCAL OPTION OF REDUCING THE CURRENT APPRAISAL CAPS OF 10% DOWN TO AS LOW AS FIVE PERCENT. I THINK THIS IS A GREAT TOOL FOR ALL OF OUR CITIZENS ACROSS THE CITY. IT'S NOT JUST FOR THOSE WHO HAVE VERY EXPENSIVE HOMES. IT'S ALSO FOR THOSE WHO FIND THEMSELVES IN AN AREA, MAYBE IN A MODEST HOME, BUT IN AN AREA WHERE THE APPRAISAL VALUES ARE RISING BECAUSE OF SALES AND OF NEW CONSTRUCTION GOING ON AROUND THEM. THIS WOULD BE IN EFFECT, I THINK, A WAY OF LEVELLIZING THOSE APPRAISALS AND GIVING YOU MORE CERTAINTY AS TO WHAT YOUR TAX APPRAISAL MIGHT BE FROM YEAR TO YEAR AND HELP YOU CONTROL YOUR ACTUAL TAX PAYMENT OVER TIME. I THINK IT'S ALSO -- IT ALSO COULD BE CONSIDERED A GENTRIFICATION TOOL, ONE MORE TOOL THAT HELPS CITIZENS STAY IN THEIR HOMES A LITTLE BIT LONGER. I THINK THAT BECAUSE COMMERCIAL AND RESIDENTIAL APPRAISALS ARE ESSENTIALLY DONE DIFFERENTLY THAT THIS IS A GOOD TOOL TO USE. FOR EXAMPLE, ON THE RESIDENTIAL APPRAISALS, THOSE ARE DONE BASED ON THE

SALES PRICE OF HOMES -- SIMILAR HOMES AROUND YOU. AND YOUR APPRAISAL GOES UP WHETHER OR NOT YOU HAVE THE ABILITY TO PAY THAT -- PAY ON THAT INCREASED APPRAISAL OR NOT. WHEN YOU ARE LOOKING AT COMMERCIAL VALUES, HOWEVER, MOST COMMERCIAL PROPERTIES ARE APPRAISED BASED ON THE FLOW OF REVENUE THAT COMES TO THEM. SO WHEN THE ECONOMY IS GOOD AND THE OFFICE BUILDINGS ARE ALL FULL, THEIR APPRAISALS GO UP. AND THEY HAVE MORE -- THEY HAVE A BETTER ABILITY TO PAY. WHEN THE ECONOMY GOES DOWN AND THEIR REVENUE GOES DOWN, THEIR APPRAISALS GO DOWN. SO UNLIKE THE HOMEOWNER WHERE THAT ABILITY TO PAY IS NOT WORKED INTO THAT FORMULA. I THINK THAT GIVES US SOME ABILITY TO HELP OUR RESIDENTS STAY IN THEIR HOMES LONGER AND TO ADJUST THEIR BUDGET SO THAT THEY CAN LIVE HERE IN AUSTIN. SO THAT'S WHY I'M SUPPORTING IT.

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

Leffingwell: I WOULD JUST LIKE TO EMPHASIZE AGAIN THAT THIS RESOLUTION MERELY SEEKS LEGISLATIVE SUPPORT OF THE ABILITY, THE FLEXIBILITY FOR A CITY TO MODIFY ITS PROPERTY TAX PROCESS. AND I CERTAINLY AM NOT LOOKING IN ANY FINAL FORM AT THIS PROCESS AT THIS POINT IN TIME, BUT I WILL PRETTY GENERALLY ALWAYS SUPPORT THINGS THAT GIVE THE CITY MORE FLEXIBILITY TO DESIGN ITS TAX PLAN AND I WILL BE SUPPORTING IT ALSO.

Mayor Wynn: THANK YOU, COUNCILMEMBER. COUNCILMEMBER KIM.

Kim: I'M SUPPORTING THIS MEASURE FOR A NUMBER OF REASONS. FIRST OF ALL, WHEN I WENT THROUGH THE BUDGET PROCESS I ASKED THE STAFF TO PROVIDE MAPS FOR WHERE WE HAD SEEN DRAMATIC TAX INCREASES FROM 2004 TO 2005. AND WE SAW THAT OVERWHELMINGLY THEY WERE IN FAR NORTH AUSTIN AND SO WE WILL SEE SOME RELIEF FOR THE HOMEOWNERS. HOME OWNERSHIP IS VERY EXPENSIVE IN AUSTIN AND WE'RE TRYING TO DO EVERYTHING WE CAN TO MAKE IT AS AFFORDABLE AS POSSIBLE BECAUSE HOME OWNERSHIP IS THE BEST WAY

FOR BUILDING WEALTH AND SAVINGS FOR A FAMILY. AND ANYTHING WE CAN DO TO MAKE THAT DREAM ACCESSIBLE AND KEEP IT AS AN OPTION FOR RENTERS TO CONSIDER IS DEFINITELY HELPING OUR CITY TO CREATE AND MAINTAIN VITAL NEIGHBORHOODS. IT'S ALSO GIVING HOMEOWNERS THE BENEFIT OF CONTINUING TO ACCESS THEIR EQUITY THROUGH HOME EQUITY LENDING. LEGISLATION WAS PASSED SEVERAL YEARS AGO SO PEOPLE WILL HAVE THE BENEFIT -- BE ABLE TO ACCESS THEIR EQUITY FOR UNEXPECTED MEDICAL EXPENSES, FOR STARTING A NEW BUSINESS OR FOR THEIR EDUCATION FOR THEIR CHILDREN. OTHER THINGS THAT THEY WOULD NEED WHILE THEY'RE STILL ABLE TO MAINTAIN A CAP ON WHAT THEY'RE PAYING ANNUALLY FOR THE PROPERTY TAXES FOR THE CITY. THIS IS DEFINITELY A BETTER ALTERNATIVE THAN A HOMESTEAD EXEMPTION BECAUSE OF THE SHIFT IN ALLOCATIONS FROM HOMEOWNERS TO RENTERS. IT WOULD BE MUCH MORE DRAMATIC AND THIS IS A MUCH EQUITABLE WAY TO ENSURE THAT PEOPLE HAVE A LITTLE BIT OF PREDICTABILITY AND RELIEF IN TERMS OF THEIR PROPERTY TAX BILL.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? I'LL JUST SAY, THE SORT OF LEGISLATIVE FORMAT THAT THE STATE LEGISLATURE BILLS TAKE ANY NUMBER OF TURNS AND ANY NUMBER OF AMENDMENTS. I THINK THIS IS CLEAR WHAT THE CITY WOULD LIKE TO SEE HAPPEN. IT'S QUITE POSSIBLE AND PROBABLY EVEN PREDICTABLE THAT THERE WILL BE ANY NUMBER OF COMPETING POSITIONS LEGISLATIVELY, ANY ADDITIONAL PARAMETERS EVEN INCLUDED ON SOMETHING AS SIMPLE AS WHAT WE ARE ASKING TO BE DONE. SO OBVIOUSLY WE RESERVE THE RIGHT TO NOT SUPPORT OTHER THINGS OUTSIDE OF WHAT IT IS WE'RE TRYING TO ACCOMPLISH HERE. MY INSTINCT IS THAT THERE WILL BE A NUMBER OF DIFFERENT PERSPECTIVES AT THE LEGISLATURE AND A NUMBER OF DIFFERENT COMPETING BILLS AND COMPETING AMENDMENTS TO A BILL THAT WOULD TRY TO ACCOMPLISH THIS. WE WON'T SEND THE CITY MANAGER AND OUR TEAM INTO THIS BLINDLY. I RECOGNIZE THE COMPLEXITIES OF THE FORMAT OF THE STREET, BUT WE WOULD LIKE TO ACCOMPLISH THE ABILITY FOR US TO HAVE THIS FLEXIBLE LOCAL CONTROL WHEN IT COMES TO APPRAISALS.

COUNCILMEMBER LEFFINGWELL.

Leffingwell: I DO WANT TO MENTION THAT I RECEIVED SOME COMMENT TO THE EFFECT THAT THE HOMESTEAD EXEMPTION WOULD BE PREFERABLE BECAUSE IT WOULD BE PROGRESSIVE IN NATURE. AND UNFORTUNATELY THAT'S NOT TRUE BECAUSE BY STATE LAW WE'RE PROHIBITED FROM DOING ANYTHING EXCEPT A PERCENTAGE HOMESTEAD EXEMPTION. THE COUNTY, FOR EXAMPLE, USES, I BELIEVE, 20% HOMESTEAD EXEMPTION. THE EFFECT OF THAT IS IF YOU HAVE A 2-MILLION-DOLLAR HOUSE YOU GET A 400,000-DOLLAR HOMESTEAD EXEMPTION. IF YOU HAVE A 100,000-DOLLAR HOUSE YOU GET A 20,000-DOLLAR HOMESTEAD EXEMPTION. SO THAT'S HARDLY PROGRESSIVE IN MY VIEW AND I JUST WANTED TO MAKE THAT CLEAR.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: IN FACT, THANKS TO SOME GOOD WORK THAT COUNCILMEMBER KIM DID IN THE LAST BUDGET SESSION, WE HAVE SOME HARD DATA ON WHOSE GETTING CREAMED BY RISING TAX APPRAISALS. FOR INSTANCE, 78702 IN EAST AUSTIN FROM 2000 ONWARD, FOLKS THERE HAVE SEEN A 199% INCREASE IN APPRAISED VALUES FOR SINGLE-FAMILY HOMES IN THE 78702 ZIP CODE SINCE 2000. AND 78704, THE FOLKS WHO LIVE IN NEIGHBORHOODS LIKE ZILKER AND BOULDIN AND BARTON HILLS AND TRAVIS HEIGHTS HAVE SEEN A 556% INCREASE IN TAX APPRAISED VALUES SINCE 2000. IF YOU LIVE IN 78757, WHICH IS THE ALLENDALE, CRESTVIEW AREA, THE FOLKS THERE HAVE SEEN A 331% INCREASE IN THE TAX APPRAISALS FOR SINGLE-FAMILY HOMES IN THAT ZIP CODE. 78748 IN FAR SOUTH AUSTIN HAVE SEEN AN INCREASE IN TAX APPRAISAL ASSESSMENTS, THE SOUTH CENTRAL, OF 549%. AND THEN IN 78751 IN THE HYDE PARK, NORTH UNIVERSITY AREA, SINGLE-FAMILY RESIDENTS THERE HAVE SEEN A 105 INCREASE SINCE 2000 IN SINGLE-FAMILY TAX APPRAISALS. SO AS YOU SEE, LIKE COUNCILMEMBER LEFFINGWELL POINTED OUT, THIS IS SOMETHING THAT'S AFFECTING EVERYBODY ALL OVER THE CITY, AND WE DO -- BECAUSE OF SOME THINGS WE'VE DONE WE HAVE THE OPPORTUNITY TO PROVIDE PROTECTIONS FOR AUSTIN HOMEOWNERS AND SO I AM VERY HOPEFUL AND OPTIMISTIC THE LEGISLATURE WILL GIVE US THAT

AUTHORITY. IN FACT, THE ONLY E-MAILS THAT WE HAVE RECEIVED TODAY ARE FROM EAST AUSTIN RESIDENTS ALL ASKING FOR US TO DO IT. I HAD ONE E-MAIL THAT SAID I AM A RESIDENT AND PRESIDENT OF THE BLACKSHEAR PROSPECT HILL NEIGHBORHOOD ASSOCIATION, I AM IN SUPPORT OF ITEM 67. AND ANOTHER RESIDENT FROM EAST AUSTIN SAID I WHOLEHEARTEDLY SUPPORT THE RESOLUTION. AS A RESIDENT OF EAST AUSTIN I DON'T WANT TO LOSE THE NEIGHBORS I CHERISH BECAUSE THEY MIGHT -- PROTECTIONS NEED TO BE IN PLACE FOR ALL HOMEOWNERS. I ENCOURAGE ALL COUNCILMEMBERS TO VOTE FOR THIS. AS YOU SEE, THIS IS AN OPPORTUNITY WE HAVE TO PROVIDE PROTECTION FOR FOLKS ALL OVER THE CITY, AND SO I THINK IT WOULD BE SOMETHING VERY POSITIVE WE COULD PROVIDE FOR OUR HOMEOWNERS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. COUNCIL, WE DO HAVE A COUPLE OF FOLKS WHO SIGNED UP ON THIS ITEM. OUR FIRST, MR. ROBERT SINGLETON. WELCOME, ROBERT. APPRECIATE YOUR PATIENCE. YOU WILL HAVE THREE MINUTES. AND THEN LORI RENTTER REI CAN'T WAS HERE AVAILABLE FOR QUESTIONS IF NEED BE.

COUNCILMEMBER, IF ALL YOU'RE GETTING IS POSITIVE E-MAIL ON THIS, YOU'RE PROBABLY NOT ON BRUCE ELPHANT'S E-MAIL LIST. INITIALLY TO ME IT SOUNDS LIKE A GOOD IDEA TOO, BUT I THINK THERE ARE SEVERAL THINGS WRONG WITH THIS IDEA AND THERE MAY BE A BETTER WAY TO ACCOMPLISH THE SAME GOAL. FIRST IT SHOULD BE NOTED, THIS IS A PRIME ITEM ON RICK PERRY'S AGENDA, SO YOU KNOW IT'S NOTIT'S GOING TO BE GOOD FOR POOR PEOPLE. TWO, THE ONLY OPPOSITION AT THE LAST SESSION OF THE LEGISLATURE KEPT THIS FROM PASSING, AND THAT OPPOSITION CAME FROM THE TEXAS MUNICIPAL LEAGUE AND FROM THE COUNTIES ACROSS TEXAS. THEY WERE OPPOSED TO THIS IDEA AND THEY'RE THE ONES WHO DEFEATED IT. AND FINALLY, THE THIRD POINT TO KEEP IN CONSIDERATION IN THIS IS REAL POLITICS. THIS ISN'T GOING TO PASS. I DON'T KNOW IF ANY OF YOU HAVE SEEN THE DAILY TEXAN FROM THIS MORNING, BUT HARVEY CRONBERG FROM THE QUORUM REPORT TALKS ABOUT THE POSSIBILITIES OF THIS PASSING AND HE'S NOT VERY OPTIMISTIC ABOUT IT. UNFORTUNATELY THERE ARE A

RANGE OF DIFFERENT EFFECTS THAT THIS PROPOSAL WOULD HAVE. AND FIRST IS FOR THE VERY EXPENSIVE HOUSES, AND MOST OF THE MEET ORIC RISE IN PROPERTY TAX APPRAISALS IS HAPPENING, AS COUNCILMEMBER KIM SAID, IN NORTHWEST AUSTIN. THERE ARE SOME OTHER ZIP CODES WHERE IT'S A PROBLEM TOO, BUT IT'S DEFINITELY A PROBLEM THERE. IF THE VALUATION ON YOUR MULTI-MILLION-DOLLAR HOME GOES UP 30% OR 50%, CURRENTLY THE CAP OF 10% SAVES YOU A BUNDLE AND THE CAP OF FIVE PERCENT IS ONLY GOING TO -- IS GOING TO SAVE YOU MORE. LET'S SAY YOU LIVE IN A MODEST HOME IN A NEIGHBORHOOD WHERE PROPERTY VALUES ARE NOT INCREASING, HOWEVER. THE FIVE PERCENT CAP DOESN'T SAVE YOU ANYTHING, THE 10 PERCENT CAP DOESN'T SAVE YOU ANYTHING, AND IF, SINCE PROPERTY VALUES -- PROPERTY TAXES ARE MADE UP OF TWO ASPECTS, ONE IS VALUATION AND THE OTHER IS THE TAX RATE, IF YOU LOSE SO MUCH MONEY IN REVENUE FROM THOSE HOMES IN THE DEFENDANT THAT ARE GOING TO GET THE TAX BREAK LOWERING FROM 10 PERCENT TO FIVE PERCENT AND HAVE YOU TO MAKE IT UP SOMEWHERE AND YOU HAVE TO RAISE TAX RATES, THIS IS THE NIGHTMARE SITUATION TO ME. IF I LIVED IN A TRIP HOME WHERE PROPERTY VALUES DIDN'T RAISE, BUT YOU RAISED THE TAX RATES AS A RESULT OF GIVING REBATES TO THE NORTHWEST, AND MY FINAL TAX BILL GOES UP, THEN I LOSE ALL THE WAY AROUND. I DON'T SEE IT AS A WIN-WIN SITUATION. ALTERNATIVE, SINCE YOU'RE GOING TO HAVE TO ASK THE LEGISLATURE FOR THINGS IN EITHER CASE, ASK THEM FOR THE AUTHORITY TO DO A VALUE HOMESTEAD EXEMPTION AND NOT A PROPORTIONAL HOMESTEAD EXEMPTION. IF YOU ASK FOR A 100,000-DOLLAR OR 50,000-DOLLAR -- THE FIRST 50 OR \$100,000 OF THE HOME DIDN'T COUNT TOWARD THE PROPERTY TAX BILL, THEN YOU COULD AFFORD TO RAISE THE CAP AND RECOVER THE REVENUE FROM THE NORTHWEST BECAUSE IT'S JUST A FACT OF LIFE THAT YOU'RE MORE LIKELY TO GET MONEY FROM PEOPLE WHO HAVE MONEY. AND I'LL GIVE YOU A COPY OF THE DAILY TEXAN THIS MORNING.

Mayor Wynn: THANK YOU. AND AGAIN, LORI RENTERIA WAS AVAILABLE FOR QUESTIONS IN FAVOR. COUNCIL, THOSE ARE

OUR CITIZEN INPUT ON ITEM NUMBER 67. IF THERE ARE NO FURTHER COMMENTS, I'LL ENTERTAIN A MOTION.

McCracken: MAYOR, I'LL MOVE APPROVAL FOR ITEM NUMBER 67. WE NEED TO MAKE ONE CHANGE TO THE RESOLVED PORTION, AND INSTEAD OF TAXES, IT SAYS TAX APPRAISAL CAPS. AND IT WOULD READ THAT THE CITY MANAGER IS DIRECTED TO PROVIDE SUPPORT FOR LEGISLATION PERMITTING LOCAL GOVERNMENTS TO REDUCE THE MAXIMUM ANNUAL INCREASE AND PROPERTY TAX APPRAISAL CAPS FOR HOMESTEADS AND BE IT FURTHER RESOLVED THAT THE AUSTIN CITY COUNCIL RESPECTFULLY REQUEST THAT THE TEXAS LEGISLATURE ADOPT LEGISLATION IN THE UPCOMING SPECIAL SESSION PERMITTING LOCAL GOVERNMENTS TO REDUCE PROPERTY TAX APPRAISAL CAPS FOR HOMESTEADS.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCracken, SECONDED BY COUNCILMEMBER DUNKERLEY, ITEM NUMBER 67. COUNCILMEMBER ALVAREZ.

Alvarez: THANKS, MAYOR. I'M GOING TO BE SUPPORTING THE MOTION, AND I THINK EVEN IF THIS SOLUTION WERE TO PASS, IT'S OBVIOUSLY SUBJECT TO THE CITY COUNCIL'S A APPROVAL OF ANY KIND OF IMPLEMENTATION OF THIS LOCALLY, SO I THINK THAT THERE CAN BE PUBLIC DEBATE ABOUT WHETHER THIS IS THE RIGHT THING FOR AUSTIN BECAUSE I DO KIND OF SEE THE PROS AND CONS, BUT THIS JUST GIVES THE AUTHORITY FOR THE COUNCIL TO CONSIDER IT AND I'LL BE SUPPORTIVE OF IT AND ALSO, AGAIN, LOOKING TO SEE WHAT OTHER OPTIONS COULD ALSO PROVIDE THE KIND OF RELIEF WE'RE TRYING TO GET FOR TAXPAYERS AS A WHOLE MYRIAD OF TAX REFORMS GET CONSIDERED IN THE NEXT MONTH OR SO. THANK YOU.

Mayor Wynn: THANK YOU. FURTHER COMMENTS ON ITEM NUMBER 67? 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 GENERAL CITIZEN COMMUNICATIONS. WE HAVE A HANDFUL OF FOLKS WHO WOULD LIKE TO ADDRESS US. A COUPLE HAVE CALLED AND CAN'T MAKE IT TODAY, BUT OUR FIRST SIGNED UP SPEAKER WAS LESSRY COCHRAN -- LESLIE COCHRAN. WELCOME. YOU WILL HAVE THREE MINUTES, WHO WILL BE FOLLOWED BY PAUL ROBBINS, WHO WILL BE FOLLOWED BY BETTY EDGEMOND.

GOOD MORNING. HOW YOU DOING? GOOD AFTERNOON. I'VE GOT TO TELL YOU, FRIENDS, NEIGHBORS, COUNTRY MEN, LEND ME YOUR EAR. I STOLE THAT ONE. ANYWAY, ONE SECOND -- ANYWAY, DURING SOUTH BY SO WHAT, I TOOK A BREAK BEHIND TATTOO FOR THE SOUL IN A PRIVATE PARKING AREA AND I WAS SITTING THERE WITH MY PHONE ON THE TABLE WHEN A BLACK GUY CAME UP AND GRABBED MY PHONE AND TOLD ME I HAVE TO LEAVE. I SAID NO, I DON'T. STEVE OWNS THIS PROPERTY AND I HAVE PERMISSION TO BE HERE. WELL, THE BLACK GUY WOULDN'T LET GO OF MY PHONE. HAVING BLUE TOOTH, I PUSHED THE BUTTON. WHILE HE WAS GOING THROUGH MY PURSES, I CALLED 911, TOLD THEM THAT THERE WAS A STRONG ARM ROBBERY GOING ON. I TOLD THEM THAT THE BLACK FWIE HAD MY PHONE, WOULDN'T GIVE IT BACK. AND WHILE I WAS TELLING THEM THE LOCATION AND EVERYTHING ELSEWHERE WE WERE AT, THE GUY STOLE MY PHONE AND MY PURSES, TOOK MY PHONE AND REALIZED THAT IT WAS TALKING AND SMASHED THE PHONE ON THE GROUND. NOW, WE HAD A STRONG ARM ROBBERY IN PROGRESS ON 911 CALL, AND THE PHONE WAS DISCONNECTED AND THEY COULDN'T RAISE US BACK. IT TOOK THE COPS STILL FOREVER TO GET THERE. AND WHEN THE COP GOT THERE, I TOLD HIM BASICALLY WHAT HAD HAPPENED AND THE BLACK GUY COULDN'T GET AWAY BECAUSE THE BACK OF THE PARKING LOT WAS LOCKED UP AND SEALED UP. SO THE POLICE OFFICER WEDNESDAY AND TALKED TO THE BLACK GUY AND HE STOLE MY PHONE AND MY PURSES AND STUFF, AND THEN THE COP TELLS ME THAT THE BLACK GUY TOLD HIM THAT HE WAS THE PARKING LOT ATTENDANT FOR SOUTH BY SOUTHWEST THERE. I SAID CAN'T BE, BECAUSE NUMBER ONE, STEVE IS THE OWNER AND HE HAS NO -- AND THE GUY DIDN'T EVEN KNOW THAT STEVE OWNED THE

PROPERTY. SO THE POLICE AT THAT POINT ORDERED ME OFF THE PROPERTY BECAUSE THE GUY THAT STOLE MY PHONE -- NOW, WE HAD A STRONG ARM ROBBERY IN PROGRESS AND REPORTED ON 911. THE COP REFUSED TO TAKE ANY INFORMATION ABOUT IT. HE WOULDN'T ALLOW ME TO PICK UP THE PIECES OF MY PHONE, WOULDN'T ALLOW ME TO RETRIEVE MY PURSES. HE ORDERED ME AWAY SO THE THIEF WHO STOLE MY PROPERTY WOULD HAVE FULL ACCESS TO EVERYTHING ELSE OF MINE. I LEFT AND THE COP -- THIS IS POLICE PROTECTION IN AUSTIN, TEXAS, WHEN YOU CALL 911. THIS IS THE TYPE OF RESPONSE YOU GET. THEY'LL BACK UP THE THIEF 100%. NOW, I WENT IN TO THE SHOP OF THE OWNER AND HE WASN'T THERE, BUT HIS EMPLOYEES TOOK ME OUT THERE. I RETRIEVED MY PHONE WHERE I GOT MY SIMMS CARD OUT OF IT. AND WHEN I DID THAT, MY PURSES WERE GONE, SO I WENT AND TALKED TO STEVE THE NEXT DAY. STEVE SAID NUMBER ONE, IT'S A PRIVATE PARKING LOT. HE DOESN'T HAVE A PARKING LOT ATTENDANT AND ALSO HE DOESN'T HAVE ANY BLACK GUYS AS HIS EMPLOYEES AT ALL. SO WHAT WE HAVE HERE IS WE HAVE THE POLICE DEPARTMENT OF AUSTIN, TEXAS AIDING AND ABETTING THE THEFT AND DESTRUCTION OF PEOPLE'S PROPERTY. NOW --

Mayor Wynn: PLEASE CONCLUDE. YOUR THREE MINUTES ARE UP. PLEASE CONCLUDE.

ANYWAY, THE TRUTH OF THE MATTER IS FOR THE PEOPLE OF AUSTIN, IF YOU HAVE A THIEF TAKING CARE OF YOUR PROPERTY -- STEALING YOUR PROPERTY, HEY, LIKE I SAY, CALL 911 IS THE RESULT OF WHAT THE CITY COUNCIL HERE HAS PUT INTO EFFECT. YOU CAN TAKE IT TO, WHAT DO YOU CALL IT, THE INTERNAL REVIEW, ALL THEY DO IS WHITEWASH IT. THEY SPEND A LOT OF TIME PUTTING IN A CIVIL REVIEW AWARD, BUT ALL THAT DOES IS IT ISN'T EFFECTIVE AND INSTEAD OF ONE WHITEWASH YOU GET TWO COATS OF WHITEWASH. WE NEED TO DO SOMETHING ABOUT OUR POLICE DEPARTMENT.

Mayor Wynn: THANK YOU, LESLIE. THE NEXT SPEAKER IS PAUL ROBBINS. WELCOME, PAUL. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY BETTY EDGEMOND.

CITIZENS OF AUSTIN, I'M PAUL ROBBINS. I'M A CONSUMER AND ENVIRONMENTAL ACTIVIST. I APPEARED HERE AT CITY COUNCIL ABOUT A MONTH AGO TO ASK WHY CITIZENS WERE BANNED FROM CITY HALL. UP UNTIL THE YEAR 2000 WHEN THE OLD CITY HALL WAS OPEN, IT WAS COMMON FOR CITIZENS TO USE IT FOR PRESS CONFERENCES AND SPEECHES RELATED TO GOVERNMENT. IN FACT, IT WAS CUSTOMARY FOR CITY COUNCIL CANDIDATES TO MAKE THEIR CAMPAIGN ANNOUNCEMENTS IN CITY HALL CHAMBERS. I HAVE A SMALL ENVIRONMENTAL PUBLICATION THAT IS ABOUT TO COME OUT AND I WANTED TO USE THE NEW CITY HALL CHAMBERS TO CONDUCT A PRESS CONFERENCE AND I FOUND OUT SUCH EVENTS ARE NOW BANNED. WHEN I COMPLAINED ABOUT THIS TO COUNCIL A MONTH AGO, BOTH THE MAYOR AND THE CITY MANAGER SAID IT WAS A MISTAKE AND WOULD BE CORRECTED. I HAVE SINCE BEEN INFORMED BY THE CITY MANAGER THAT ALL I CAN USE IN THIS BUILDING IS THE VERY TINY PRESS ROOM WHICH WILL HOLD LESS THAN 10 PEOPLE. NOW, IT'S BEEN EXPLAINED TO ME BY THE CITY MANAGER THAT THERE ARE SO MANY EVENTS IN THESE CHAMBERS THAT THERE'S ABSOLUTELY NO TIME AVAILABLE FOR CITIZENS TO USE THEM, BUT I CHECKED, AND THE MANAGER IS WRONG. USING THE OPEN RECORDS ACT I OBTAINED THE SCHEDULES OF THE USE OF CITY HALL AND THE BOARD AND COMMISSION ROOM FOR THE LAST THREE MONTHS. I CHECKED THE BOOKINGS FOR THE HOURS BETWEEN 8:00 AND 6:00, 8:00 A.M. AND 6:00 A.M. ON BUSINESS DAYS ONLY. IT TURNS OUT THE CITY HALL CHAMBERS WAS ONLY USED 35% OF THE TIME. THE BOARD AND COMMISSION ROOM WAS USED APPROXIMATELY 45% OF THE TIME. ANOTHER THING I LEARNED IS THAT ON MARCH 16TH THE GIRL SCOUTS RESERVE THESE CHAMBERS FOR 75 MINUTES FOR A BUILDING TOUR. CONSIDER, CITIZENS, I'VE BEEN AN ACTIVIST FOR ALMOST 30 YEARS. I'M WRITING PART OF AN ENERGY POLICY FOR AUSTIN DURING A PERIOD WHEN ENERGY PRICES ARE HIGH AND ENVIRONMENTAL DAMAGE LOOMS LARGE. I WANT TO DISTRIBUTE THIS FREE TO THE PUBLIC, AND I CANNOT GET THE SAME TIME AS THE GIRL SCOUTS' BUILDING TOUR. COUNCIL CANDIDATES CAN'T USE THESE CHAMBERS TO EXPLAIN THEIR STANDS ON TWO BILLION DOLLAR BUDGETS, BUT THERE'S TIME FOR THE GIRL

SCOUTS. GLAD WE HAVE PRIORITIES. AS I SAID A MONTH AGO IT APPEARS THAT SOME CITY STAFF THINK THAT AUSTIN'S CITY HALL IS TOO GOOD FOR ITS CITIZENS. NOW, I'M NOT ASKING TO PREEMPT CITY BUSINESS, I'M MERELY ASKING FOR THE OLD POLICY FOR THE USE OF CITY HALL CHAMBERS BE REINSTATED. IT'S SERVED US WELL. HOW ABOUT IT, COUNCIL? CAN I GET THE SAME PRIORITY AS THE GIRL SCOUTS?

Mayor Wynn: THANK YOU. I'LL ASK THE CITY MANAGER. I SAW A RESPONSE EARLIER FROM YOU. CAN YOU HELP US CLARIFY THIS? FIEWLT FUTURE

Futrell: HERE'S WHAT WE'RE GOING TO DO. YOU AND I TALKED ABOUT THIS AFTER PAUL'S REQUEST ON THIS. THE OLD CITY HALL DIDN'T HAVE A MEDIA ROOM. WE HAVE -- ACTUALLY, IT'S A MEDIA ROOM THAT HAS A SUBSTANTIAL NUMBER OF PEOPLE. WE'VE BEEN IN A MEDIA EVENT THERE THAT HAD AT LEAST TWO, MAYBE THREE TIMES THAT NUMBER OF PEOPLE IN THE ROOM. THE CURRENT COUNCIL CANDIDATES ARE USING THE MEDIA ROOM EXTENSIVELY NOW FOR THEIR EVENTS. WE'RE GOING TO PUT TOGETHER A BUILDING POLICY ON USE AND WE'RE GOING TO BRING IT BACK TO THE COUNCIL, AND WHAT WE ARE PROPOSING AT THIS POINT BECAUSE WE DO NOT RENT OR BOOK ANYTHING THAT IS NOT BASICALLY -- REMEMBER, YOU HAVE 300 PEOPLE WORKING IN THIS BUILDING, SO YOU HAVE IT AS A WORKING BUILDING. AND THEN YOU HAVE CITY SPONSORED EVENTS IN ALL OF THE INSIDES OF THE BUILDING. THESE FACILITIES ARE USED FOR TOURS, SO WE HAVE ENORMOUS NUMBER OF TOURS THAT ARE IN THE BUILDING ON ANY GIVEN DAY, SOMETIMES TWO AND THREE A DAY. SO THAT IS TRUE. YOU WILL SEE LARGE GROUPS THAT WILL COME THROUGH THE CHAMBERS THAT ARE ON TOURS. THE OUTSIDE, THE PUBLIC OUTSIDE LOBBIES, PLAZAS, PATIOS, ARE ALL OPEN IN PUBLIC AND RESERVED AND FREE FOR THE PUBLIC TO USE. WE HAVE A LARGE NUMBER OF MEDIA EVENTS OUT THERE, PUBLIC STATEMENTS AND EVENTS OUT THERE, GATHERINGS OUT THERE. AND ONE OF THE PROPOSALS ON THE BUILDING POLICY IS THAT WE OPEN THE MEDIA ROOM TO THE PUBLIC THE SAME WAY, THAT THEY CAN USE IT FOR ALL PUBLIC ANNOUNCEMENTS OF ANY GROUP, PRIVATE, NONPROFIT, BECAUSE THE OLD CITY HALL

DIDN'T HAVE SUCH A FACILITY OR USE. BUT IT WILL COME TO YOU TO LOOK AT AND DECIDE HOW YOU WANT TO HANDLE IT AND WE SHOULD HAVE IT TO YOU WITHIN THE NEXT 30 DAYS. IN THE INTERIM WE'RE LOOKING AT THE MEDIA ROOM AND WE'VE OPENED IT UP FOR ANYONE IN THE PUBLIC WHO WANTS TO USE IT AND IT'S BEING EXTENSIVELY USED NOW.

Mayor Wynn: THANK YOU, CITY MANAGER. THANK YOU, MR. ROBBINS.

JUST TO REITERATE, 35% IS THE USAGE IN THIS BUILDING. I DIDN'T BRING THE STATISTICS --

IN THIS BUILDING OR IN THIS ROOM? IN THIS BUILDING OR IN THIS ROOM?

I'M SORRY, IN THE CITY COUNCIL CHAMBERS THE USE BETWEEN THE HOURS OF 8:00 A.M. AND 6:00 P.M. ON BUSINESS DAYS, NOT HOLIDAYS OR WEEKENDS, IS 35%. THANK YOU, COUNCIL.

Mayor Wynn: THANK YOU, MR. ROBBINS. I TRUST THE MANAGER'S RESPONSE WILL INCLUDE AN ANALYSIS OF THOSE TIMES FOR US. WELCOME MS. EDGEMOND. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY CAROL ANNE ROSE KENNEDY.

I USUALLY FOLLOW JENNIFER. IT'S KIND OF NEAT TO FOLLOW PAUL BECAUSE HE'S SUCH A GOOD SPEAKER. YOU KNOW ME, I GET EMOWING NATIONAL. I HAVE NAPKINS, YOU SEE? ON MARCH 13TH, TWO PIT BULLS CAME INTO MY YARD AND PRESUMEBLY KILLED MY CAT. THE CAT ACTUALLY DID ESCAPE, BUT HIS LEGS WERE DAMAGED. I DON'T THINK HE LIVED. HE WENT UNDER ONE OF THE RAINWATER THINGS, THE SEWERS, AND WE COULDN'T GET HIM OUT. SO I THINK HE'S GONE. WE HAVEN'T SEEN HIM. BUT BROUGHT TO MY ATTENTION A LOT OF THINGS THAT HAVEN'T BEEN DONE IN THIS CITY AS WE HAVE GROWN. WE HAVE SUBSTATIONS ON THERE, YOU PUT A FIRE DEPARTMENT THERE, YOU'VE DONE A LOT OF WORK IN SOUTH AUSTIN GETTING THE CITY SERVICES UP WHERE THEY SHOULD BE, BUT YOU HAVEN'T DONE ANYTHING ABOUT ANIMAL CONTROL. AND WHEN PEOPLE COME, THEY BRING THEIR ANIMALS. NOW, THE

RESPONSIBILITY -- FIRST OF ALL, I WANTED THE POLICE OFFICER TO GO SHOOT THE OWNERS, TO GO FIND THEM AND SHOOT THEM BECAUSE YOU KNOW HOW I REACT TO EVERYTHING. BUT THEN I WOULD HAVE MUCH PREFERRED THAT THE OWNER WAS DRAWN AND QUARTERED. ANYWAY, THE RESPONSIBILITY WAS THE OWNERS. I DON'T THINK THERE'S ENOUGH STRESS PUT ON THERE. IF YOU'VE GOT DOGS AND ESPECIALLY HIGH RISK DOGS, A FOUR FOOT CHAIN-LINK FENCE IS NOT GOING TO KEEP THEM IN. AND IF YOU HAVE DOGS LIKE THAT, YOU NEED PADLOCKS, CHAINS AND THEY NEED TRAINING. I THEN FIND OUT FROM THE POLICE POLICE OFFICER OR THE ANIMAL CONTROL PERSON THAT I COULD HAVE FILED A DANGEROUS DOG REPORT. I DIDN'T FIND THAT OUT UNTIL I TALKED TO THE TOWN LAKE ANIMAL CENTER. AND I'M GOING TO FILE ONE. BECAUSE THEY WERE TWO DANGEROUS DOGS. TO ME ANYWAY. WE HAVE A LOT OF LOOSE DOGS RUNNING AROUND, ESPECIALLY AS THE SUMMER COMES ON. YOU NEED TO GIVE THEM SOME MORE MONEY, AND I'M NOT HERE TO PREACH ON THE BUDGET, BUT SOMETHING NEEDS TO BE DONE. WHY DON'T WE HAVE SUBSTATIONS FOR ANIMAL CONTROL? I MEAN, HE HAD TO COME FROM HEAVEN KNOWS WHERE, AND SHE SAID HE HAD A GREAT RESPONSE TIME, IT WAS 23 MINUTES. WELL, HIS WAS ABOUT THE SAME AS 911, BUT I'M GOING TO TAKE THAT ONE UP WITH CHIEF KNEE BECAUSE I THINK THE POLICE OFFICER COULD HAVE COME AND DONE IT A LITTLE BIT MORE, BUT HE SAID HE DIDN'T KNOW WHAT TO DO. FOR ONE THING, HE COULD HAVE CARRIED THOSE FORMS, I COULD HAVE FILLED IN A DANGEROUS DOG REPORT AND HAD IT DOWN AT TOWN LAKE ANIMAL CENTER RIGHT AWAY. I DIDN'T KNOW ABOUT IT. MAYBE THEY DON'T KNOW ABOUT IT. BUT SOMETHING NEEDS TO BE DONE. NOW, I KNOW YOU ALL LOVE DOGS BECAUSE YOU ALL SAID IT'S ALREADY FOR THEM TO COME AND EAT ON PATIOS. AND WE DO, I'M BRITISH, WHO LOVES DOGS MORE THAN THE BRITISH? WE LOVE THEM OVER CHILDREN, PEOPLE, THE QUEEN AND EVERYBODY ELSE. [ BUZZER SOUNDS ] I KNOW, I'M WINDING UP. BUT SOMETHING NEEDS TO BE DONE AS WE HAVE GROWN. LOOK HOW WE'RE GROWING. JUST THIS MORNING I DROVE DOWN TO BUDA. WE LINK WITH BUDA ANYMORE WITH ALL THE SHOPPING CENTERS AND WHAT HAVE YOU, AND THE HOUSES GOING IN.

LOOK HOW WE'VE GROWN ALL OVER THE CITY. HAVE YOU DONE ANYTHING ABOUT IT WHEN IT COMES TO ANIMAL CONTROL, WHICH IS ACCORDING TO THE POLICE OFFICER WHO CAME, THEY HAVE A GREAT NUMBER OF ATTACKS. MAYBE SOME PEOPLE DON'T GET AS MAD AS I DO, BUT YOU KNOW ME, I'M GOING TO SAY SOMETHING. I HAVE A MEDIUM DOG AND A LITTLE MINIATURE DOG, AND I KEEP THEM PADLOCK UNDERSTAND MY YARD. DO THEY RUN OUT THE FRONT DOOR? YES, THEY DO, ESPECIALLY THE LITTLE ONE. AND I KNOW COUNCILMEMBER KIM HAS A SMALL DOG. AND THEY CAN BE JUST AS IRRITATING SOMETIMES AS THE BIG ONES, BUT I THINK YOU NEED TO STRESS, I DON'T KNOW HOW YOU'RE GOING TO DO IT, BUT YOU NEED A LOT OF PUBLICITY, YOU NEED TO PUT A LOT MORE MONEY INTO THE FACT THAT WE HAVE AN EDGED CITY ALL THE WAY AROUND US, NOT JUST THIS LITTLE DOWNTOWN AUSTIN. I'M NOT THROUGH, BUT I AM THROUGH JUST FOR THE TIME BEING.

Mayor Wynn: THANK YOU. CAROL ANNE ROSE KENNEDY, TO BE FOLLOWED BY JENNIFER GALE.

GOOD MORNING, COUNCIL. PLEASE FORGIVE ME.

Professor:.. >> CAN YOU SHOW THE WHOLE THING? THAT'S GOOD. THANKS. I CHANGED MY SUBJECT. PLEASE FORGIVE ME ON THAT. MY TIMING IS STILL A LITTLE OFF. (SPEAKING SPANISH).

(music) PLEASE COME TO AUSTIN FOR THE SPRINGTIME. WE'RE STAYING HERE WITH THE SUN. WE'VE GOT LOTS OF ROOM. (music) Y'ALL CAN SELL YOUR GREEN CARDS ON THE SIDEWALK, SO YOU NEVER EVER HAVE TO WORK FOR ANY GOONSS. (music) PLEASE COME TO AUSTIN. YOU COME HOME TO ME. (music) LATINO BOYS, WHY DON'T YOU SETTLE DOWN. AUSTIN CAN BE YOUR KIND OF TOWN. (music) THERE AIN'T NO BOYS AND NO BODIES LIKE WE. (music) I'M THE NUMBER ONE FAN OF THE LAND OF THE FREE. THANK YOU.

Mayor Wynn: THANK YOU. WELCOME, JENNIFER GALE. YOU HAVE THREE MINUTES.

HI, GOOD AFTERNOON, AUSTIN. HI, AUSTIN. APRIL 12TH IS MY 46TH BIRTHDAY. APRIL 16TH IS EASTER SUNDAY. WE HAVE A

LOT TO CELEBRATE IN THE NEXT 10 DAYS. MAYOR WYNN, CITY MANAGER, CITY COUNCILMEMBERS, JENNIFER KIM, CITY COUNCILMEMBER BREWSTER MCCRACKEN, DANNY THOMAS. AND THANKS FOR BRINGING OUT -- BETTY DUNKERLEY FOR INTERVENING ON THE CAPITAL METRO STRIKE. THAT NEEDED TO BE DONE. ALTHOUGH WE DIDN'T GET THE BEST DEAL, OUR BUS OPERATORS ARE GETTING OUR CITIZENS TO WORK. IN THE GOOD LIFE THIS WEEK, THIS MONTH, IT TALKS ABOUT SOME OF THE CANDIDATES FOR OUR UPCOMING COUNCIL RACES WITH MAYOR WYNN, MAYOR THOMAS, MARK HOPKINS, COLIN COMEBACKER, BREWSTER MCCRACKEN. PLACE 6, CHERYL COAL, DWAYNE LOFTON, DARRELL PIERCE. PLACE 2, WES BENEDICT, ELIZA MAIN. WE'VE GOT A GOOD GROUP OF CANDIDATES. AND I DID SAY A BAD WORD IN THIS ARTICLE. IN MURCHISON MIDDLE SCHOOL I POINTED OUT THAT EIGHT OF THE 12 PICTURES ARE OWE OBITUARIES. WE NEED TO KEEP AFTER OUR HEALTH AND WELL-BEING. IT'S GOOD TO HAVE THE NO KILL PEOPLE UP AT THE CAP CITY COMEDY CLUB LAST WEEK. HOPEFULLY TOWN LAKE CENTER WILL STOP KILLING OUR PETS THAT WE LOSE. I DON'T WANT TO KEEP AUSTIN WEIRD, I WANT TO KEEP AUSTIN, AUSTIN. KEEP AUSTIN WEIRD IS A TOOL BY THE GREATER AUSTIN CHAMBER OF COMMERCE TO CHANGE AUSTIN IN ANY WAY IT SEES FIT. I WANT AUSTIN TO STAY A SMALL TOWN NO MATTER HOW LARGE IT GETS. THAT'S WHY I GOT INTO POLITICS BECAUSE WE CAN DO THAT. WE CAN ZONE FOR THAT. WE SHOULDN'T HAVE LOST LIBERTY LUNCH AND ALL OF THE BUSINESSES BECAUSE PEOPLE ARE RAISING THE RENTS AND LEASES. DIDN'T LOWER THEM 30%, WE LOST HOLE IN THE WALL, DISCOUNT RECORDS, AND A SUNDRY OF DOZENS OF OTHER BUSINESSES. CITY ATTORNEY, YOU SAID THAT THERE WAS A CONFLICT IN THE WORDING. DOES IN REALTIME MODIFY AS EXPEDITIOUSLY AS POSSIBLE? [ BUZZER SOUNDS ] CITY ATTORNEY, MY QUESTION WAS DOES IN REALTIME MODIFY AS EXPEDITIOUSLY AS POSSIBLE?

Mayor Wynn: THANK YOU, MS. GALE.

I'M SORRY, BUT I ASKED WITH PLENTY OF TIME LEFT.

I DON'T HAVE THAT LANGUAGE IN FRONT OF ME. SO I CAN'T

ANSWER YOUR QUESTION RIGHT NOW.

OKAY. AND I'M SUGGESTING THAT -- AS EXPEDITIOUSLY AS POSSIBLE DOESN'T MODIFY IN REALTIME, THEREFORE THERE IS NO CONFLICT IN THE WORDING. E-MAILS ARE NOT - - ARE IN A SEPARATE PART IN THE RIGHT TO PRIVACY. SO I'M ASKING YOU -- I'M ASKING YOU THIS COMING MONDAY, LET'S REWRITE THIS. THANK YOU.

Mayor Wynn: THANK YOU, MS. GALE. WELCOME, SIR. YOU WILL HAVE THREE MINUTES.

I HAVE COPIES FOR EVERYONE.

Mayor Wynn: WHY DON'T YOU HAND IT TO THE COUNCILMEMBER -- ACTUALLY, MS. GENTRY AND SHE'LL PASS THEM. THANK YOU.

THANK YOU. START WHENEVER? >>

Mayor Wynn: YES, PLEASE.

MY NAME IS FELIS BALDERAS. I COME TO YOU TODAY TO TALK ABOUT THE UNDEVELOPED PART OF HARVEY STREET. EACH ONE OF YOU HAS BEEN GIVEN A PACKET. IN THE PACKET IS A LETTER I SENT TO SENATOR LLOYD DOGGETT, WHICH WAS FORWARDED TO THE CITY MANAGER, CITY COUNCIL AND TO THE ZONING. I OWN 1180 TO 1188, FIVE LOTS ON HARVEY STREET, WHICH ARE NOT ACCESSIBLE DUE TO THE STREET NOT BEING THERE. THIS AREA WAS ANNEXED IN 1951 BY THE CITY, WHICH FROM MY UNDERSTANDING MEANS THAT THE CITY IS RESPONSIBLE FOR DRAINAGE AND STREET. ALTHOUGH THE DEVELOPER OF HOME WOOD HEIGHTS DID NOT PUT THE STREET, THE CITY SHOULD HAVE FOLLOWED THROUGH. NOW THE CITY WANTS ME TO DO THE DRAINAGE AND STREET BEFORE THEY GIVE ME PERMITS FOR WATER AND LIGHTING. ELM RIDGE APARTMENTS, WHICH ARE DIRECTLY ACROSS FROM MY LAND, RENEW LEASES ALL THE TIME AND THE CITY HAS NOT STOPPED PEOPLE FROM BUILDING OR REMODELING HOUSES WHICH HAVE DRAINAGE ISSUES IN THAT AREA. IN 1957 THERE WAS A HOUSE ON THESE LOTS WITH WATER, YET I KEEP BEING TOLD THAT I NEED TO BUILD THIS PUBLIC

STREET BECAUSE I'M GETTING -- BEFORE I GET PERMITS. I AM NOT A DEVELOPER, I AM A LANDOWNER, TAXPAYER, PROUD FATHER OF 10, AND 11 IN OCTOBER. I AM LOOKING OUT FOR THE FUTURE OF MY CHILDREN. IN 1998 I WAS A FLOOD VICTIM AND FEMA BOUGHT ME OUT. MY VISION FOR THE MONEY WAS TO BUY THIS LAND, PUT A HOUSE AND MY FAMILY ON IT. AS A RESULT OF THE STREET NOT BEING DEVELOPED, I LOST MY HOUSE, MY DREAM WAS OVERSHADOWED WITH WHAT I BELIEVE ARE CITY ISSUES. FOR SIX YEARS MY FAMILY AND I CONTINUED TO BE VICTIMS AND SUFFER LOSSES. MY QUESTION TO EVERY ONE OF YOU IS WHEN IS THIS ISSUE OF THIS PUBLIC STREET GOING TO BE RESOLVED? HOW MUCH LONGER DOES MY FAMILY AND I HAVE TO SUFFER FOR THE CITY'S NEGLIGENCE. I PRAY THAT YOU WILL LOOK AT THE PACKET THOROUGHLY TO GET A BETTER UNDERSTANDING OF MY COMPLAINT. I HAVE AN ADDRESS OF 1980 -- EXCUSE ME. I HAVE AN ACCESS OF 1180 TO 1188 HARVEY STREET, BUT PHYSICALLY HARVEY STREET IS NOT THERE. I THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU, MR. BALDERAS. I SPEAK FOR MY COLLEAGUES IN SAYING THAT THIS IS THE FIRST THAT I AND WE HAVE SEEN THIS AND WE DON'T KNOW THE DETAILS OF THIS CASE. WE WOULD ASK THE CITY MANAGER TO HELP US UNDERSTAND THAT.

Futrell: WITHOUT HAVING TAKEN A LOOK AT THIS, I CAN'T TELL YOU YET WHETHER OR NOT THIS PROPERTY IS SUBDIVIDED OR IT'S A SINGLE TRACT OR WHAT THE ISSUE IS. IT LOOKS LIKE WE'VE GOT SOME FOLKS FROM DEVELOPMENT RIGHT BEHIND YOU THAT CAN PROBABLY SIT DOWN AND WALK YOU THROUGH IT. I WILL TELL YOU THAT UPON ANNEXATION THAT DOES NOT COMMIT THE CITY TO BUILDING UNBUILT ROADS FOR AN UNSUBDIVIDED TRACT OF LAND, AS AN EXAMPLE, SO -- IN MANY CASES WHEN YOU TAKE A TRACT OF LAND AND WANT TO PUT FIVE LOTS ON IT, IT DOES UNFORTUNATELY PUT YOU IN THE POSITION OF BEING A DEVELOPER AND THE COMMITMENT IN THIS CITY IS THAT DEVELOPMENT DOES PAY FOR ITSELF, SO IT DOES PUT YOU IN A POSITION OF PUTTING IN THE DRAINAGE AND THE ROADS FOR THE PROPERTY. BUT I CAN'T TELL FROM LOOKING AT THIS WITHOUT LOOKING AT IT IN MORE DETAIL IS THAT THIS IS ALREADY SUBDIVIDED OR WHAT THE SUBDIVISION IS. I

WOULD LIKE TO YOU GIVE JOE OR THE FOLKS BEHIND YOU THE CHANCE TO SIT DOWN AND LOOK AT IT IN MORE DETAIL AND SEE WHAT WE CAN DO AND LOOK AT IT WITH YOU IN MORE DETAIL. SO JOE, WHO BEHIND YOU CAN TAKE A LOOK AT THIS?

[INAUDIBLE - NO MIC].

Futrell: PERFECT. SO LEON BARBER IS RIGHT BEHIND YOU. IF YOU HAVE A FEW MINUTES, I THINK IT WILL BE WORTH YOUR WHILE. YOU HAVE VERY TALENTED, TECHNICAL FOLKS BEHIND YOU TO SIT DOWN AND GO OVER WITH IT YOU.

I'VE BEEN WAITING SIX YEARS, SO A FEW MINUTES WOULD NOT BOTHER ME.

Futrell: SOUNDS LIKE A WINNING PLAN THEN.

Mayor Wynn: THANK YOU.

Thomas: MAYOR, IF YOU DON'T MIND, ALSO, MR. PANTALION, IF YOU COULD LOOK EAST OF THAT, THERE'S A STREET BACK THERE THAT THE CITY -- I DON'T KNOW IF THE CITY WAS SUPPOSED TO DO SOMETHING MANY, MANY YEARS AGO, ALMOST ADJACENT TO THE INFORMATION THAT THIS GENTLEMAN IS TALKING ABOUT. IT'S A STREET EAST OF RIDGE WAY. IT'S THE SAME SITUATION THIS IS IN. AND LET MY OFFICE KNOW ABOUT THAT IF YOU DON'T MIND.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. THANK YOU, MR. BALDERAS. OUR NEXT SPEAKER IS HONGYI PAN, WHO WILL BE FOLLOWED BY YIQIN CHEN.

THANK YOU FOR ALLOWING ME TO TALK IN THE COUNCIL MEETING. TODAY I AM GOING TO REPORT TO YOU A VERY HORRIBLE SITUATION IN CHINA AND I WOULD LIKE TO ASK YOU FOR YOUR SUPPORT. IT'S HAPPENING IN CHINA, BUT RELATED TO THE PEOPLE IN OUR CITY. ON MARCH 8TH, -- (INDISCERNIBLE) WHO WORKED AS AN INVESTIGATIVE JOURNALIST, CAME TO US AND DECLARED THAT (INDISCERNIBLE). IT HAD ABOUT 6,000 PRACTITIONERS. ACCORDING TO HIM NO ONE HAS COME OUT ALIVE. THERE WERE A LOT OF DOCTORS IN THE CAMP. THEY KILLED THOSE

PRACTITIONERS AND HARVESTED THEIR ORGANS TO SELL. AFTER THAT THEY BURNED THEIR BODIES. ABOUT A WEEK AFTER THIS -- (INDISCERNIBLE). THOSE PRACTITIONERS WERE HELD IN THE BACKYARD OF THE (INDISCERNIBLE) AS WELL AS UNDERGROUND TUNNELS WHERE NO ONE WAS ALLOWED TO FREELY VISIT. THIS LATEST (INDISCERNIBLE) WAS AMONG THE DOCTORS WHO TOOK ORGANS FROM THE FALUN GONG PRACTITIONERS. SHE SAID THEY TOOK THE ORGANS WHILE THEY WERE STILL ALIVE. HER EX-HUSBAND WAS ASSIGNED TO TAKE CORNEAS AND OTHER DOCTORS WERE TAKING OTHER ORGANS. AFTER THE ORGANS WERE TAKEN, THEY THREW THE FALUN GONG INTO (INDISCERNIBLE). (INDISCERNIBLE). THE OLD DOCTOR SAID THAT IN CHINA THERE ARE MORE THAN 36 SIMILAR CAMPS THAT HOLD A HUGE VOLUME OF FALUN GONG PRACTITIONERS. IT IS THE POLICY OF THE COMMUNIST PARTY -- (INDISCERNIBLE). DURING THE PAST YEARS MANY FALUN GONG PRACTITIONERS MP (INDISCERNIBLE). HISTORY IS REPEATING ITSELF AGAIN. HOWEVER, I HOPE THAT EVEN THOUGH (INDISCERNIBLE), PEOPLE WITH GOOD HEARTS SHOULD NOT KEEP SILENT AGAIN. OLD PEOPLE IN OUR CITY SHOULD STAND UP AND CONDEMN THE BRUTALITY FROM CONTINUING.

Mayor Wynn: PLEASE CONCLUDE. YOUR TIME IS UP. WE HAVE YOUR INFORMATION.

I RESPECTFULLY ASK FOR COUNCILMEMBERS TO ISSUE A RESOLUTION OR A LETTER TO PRESIDENT BUSH URGING HIM TO INVESTIGATE THIS VERY IMPORTANT AND URGENT SITUATION AND TO RAISE THIS ISSUE WITH THE CHINESE LEADER WHO WILL VISIT THE U.S. LATER THIS MONTH AND TOP THE EVIL CAMP. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. THANK YOU FOR THE INFORMATION WE HAVE HERE ON THE DAIS. YIQIN CHEN. SORRY IF I'M MISPRONOUNCING THAT. WELCOME. YOU TOO WILL HAVE THREE MINUTES.

COUNCILMEMBERS, THANK YOU, MY NAME IS YIQIN CHEN. I WANT TO TELL MY FELLOW CITIZENS IN AUSTIN DO NOT GO TO CHINA FOR ORGAN TRANSPLANTS. CHINA HAS ATTRACTED MANY INVESTORS TO PUT MONEY IN THERE.

THIS HAS HELPED CHINA TO BUILD UP ITS ECONOMY, BUT IN ANOTHER WAY IT ALSO HELPED COMMUNIST PARTY TO BUILD UP JAILS AND CONCENTRATION CAMPS TO PERCENT CUTE PEOPLE. MANY CRIMES ARE BEING COMMITTED INSIDE (INDISCERNIBLE). HERE I'D LIKE TO TALK ABOUT ORGAN TRANS PLANTATION. CHINA'S (INDISCERNIBLE). THE NUMBER OF TRANSPLANT SURGERY HAS BEEN INCREASING DRAMATICALLY. WITHIN A FEW YEARS CHINA HAS RATED SECOND TO THE U.S.A. (INDISCERNIBLE). THOUSANDS OF PEOPLE FROM OUTSIDE CHINA AND OTHER COUNTRIES WENT TO CHINA TO DO TRANSPLANTTATION. IT'S NOT EASY TO FIND A DONOR WHO HAS COMPATIBILITY SUCH AS BLOOD TYPE AND TISSUE TYPE. AND IT SEEMS THE ORGAN CANNOT BE SUSTAINED OUTSIDE A BODY FOR TOO LONG. THE KIDNEY, NO MORE THAN 48 HOURS. SO IF YOU ASK THE PATIENT HOW MANY YEARS YOU NEED TO WAIT FOR ORGANS TRANSPLANT, NORMALLY THE ANSWER IS SEVERAL YEARS. BUT IF YOU ASK PEOPLE WHO HAVE BEEN TO CHINA THE SAME QUESTION, THEY WILL TELL YOU THAT THEY ONLY NEED TO WAIT FOR A COUPLE OF WEEK OR JUST A FEW DAYS. WHAT'S MOST STRIKING IS THAT CHINA NOW HAS AN INTERNATIONAL TRANSPLANT CENTER WHICH IS DESIGNED TO ATTRACT PEOPLE AND THEY USE ORGANS FROM LIVE BODIES: (INDISCERNIBLE). SINCE CHINA DOES SO MANY TRANSPLANTS AND USE LIVE ORGANS FROM LIVE BODIES, IT IS REASONABLE TO SEE THAT IN CHINA THERE IS A HUGE LIVING ORGAN POOL TO BE USED, WHICH MEANS IT HAS A BIG RESERVOIR OF LIVING PEOPLE THAT ARE READY TO BE TAKING ORGANS FROM. THIS RESERVOIR ACTUALLY CONSISTS OF FALUN GONG PRACTITIONERS IN THE CONCENTRATION CAMPS MENTIONED EARLIER. ANOTHER THING I WANT TO MENTION IS THAT IN THE U.S.A. THERE ARE MANY CITIES HAVING (INDISCERNIBLE). FOR EXAMPLE, IN HOUSTON, NEW YORK, ATLANTA, THEY'RE DISPLAYING MANY BODIES FROM CHINA. IT IS BELIEVED THAT THEY ARE FALUN GONG BODIES (INDISCERNIBLE). DO NOT GO TO CHINA TO DO TRANSPLANTTATION BECAUSE IT IS KIND OF ASSISTING THE COMMUNIST PARTY TO PERCENT CUTE INNOCENT PEOPLE -- (INDISCERNIBLE). THANK YOU.

Mayor Wynn: THANK YOU, MS. CHEN. COUNCIL, THAT CONCLUDES OUR GENERAL CITIZEN COMMUNICATION

SPEAKERS THIS AFTERNOON. SO WITHOUT OBJECTION, WE WILL NOW GO INTO CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO TAKE UP POTENTIALLY TWO ITEMS, ITEM 44, JOSIE ELLEN CHAMPION VERSUS THE CITY OF AUSTIN. AND ITEM 68, SAVE OUR SPRINGS, INC. VERSUS THE CITY OF AUSTIN. WE MAY ALSO TAKE UP TWO REAL ESTATE MATTERS PURSUANT TO 551.072 OF THE OPEN MEETINGS ACT, ITEM 42 RELATES TO DISPOSITION OF AN EASEMENT INTEREST IN REAL PROPERTY LOCATED IN THE HAVEN'T OF STATE HIGHWAY 71 AND HAMILTON POOL ROAD. AND ITEM 43, DISCUSS ACQUISITION AND USE OF PROPERTY FOR THE AUSTIN WATER UTILITY WATER TREATMENT FACILITIES. WE ARE NOW IN CLOSED SESSION. I ANTICIPATE US COMING BACK WITHIN A COUPLE OF HOURS TO BEGIN OUR AFTERNOON SESSION. THANK YOU.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION, IN EXECUTIVE SESSION WE TOOK UP TWO LEGAL MATTERS AS FOWNSED EARLIER, ITEMS 44 RELATED TO JOSIE ALLEN CHAMPION ET AL VERSUS THE CITY OF AUSTIN, ITEM 68, SAVE OUR SPRINGS AL LINES INC., VERSUS THE CITY OF AUSTIN, NO DECISIONS WERE MADE. WE ALSO TOOK UP TWO REAL ESTATE MATTERS ALSO AS DISCUSSED, ANNOUNCED EARLIER, ITEM 42 RELATED TO -- TO EASEMENT AND -- IN THE VICINITY OF SH 75 AND HAMILTON POOL ROAD AND ITEM 43 RELATED TO ACQUISITION AND USE OF PROPERTY FOR THE AUSTIN WATER UTILITY. FOR DECISIONS WERE MADE. NOW BACK IN OPEN SESSION. A COUPLE OF HOURS LATE, GOING TO OUR 1:00 BRIEFINGS IT LOOKS LIKE. WE HAVE TWO POSTED A BOND PRESENTATION AND A PRESENTATION REGARDING FEMA FLOOD MAPPING PROJECTS, WHICHEVER DEPARTMENT GETS TO THE PODIUM FIRST CAN BEGIN. BONDS IT IS.

WE ARE NIMBLE IN THE BUDGET OFFICE, MAYOR. MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, I'M GREG CANALE THE BUDGET OFFICER. TODAY WE CONTINUE OUR PRESENTATIONS ON THE 2006 BOND PROGRAM. TODAY WE COMPLETE THE RECOMMENDATION ON THE INVESTING IN OUR INFRASTRUCTURE COMPONENTS OF THE BOND PACKAGE, FOCUSING TODAY ON FACILITY RENOVATIONS. BEFORE YOU IS THE NEEDS ASSESSMENT AND THE BOND

ELECTION ADVISORY COMMITTEE'S RECOMMENDATION. TWO WEEKS AGO WE WORKED ON -- [INDISCERNIBLE] -- WE NOW HAVE A DRAINAGE COMPONENT AT 95 MILLION, A TRANSPORTATION COMPONENT OF 103.1 MILLION, AND -- WE WILL ADD ANOTHER AMOUNT TODAY FOR INFRASTRUCTURE RENOVATIONS. AT THE APRIL 20th AND APRIL 27th COUNCIL MEETINGS, WE WILL BRING FORWARD THE INVESTING IN OUR FUTURE BONDS. JUST LIKE OUR STREET NETWORK, OUR DRAINAGE SYSTEM, OUR FACILITY AND INFRASTRUCTURE REQUIRES CAPITAL INVESTMENT TO EITHER ADDRESS THE FACILITY THAT IS BEYOND ITS USEFUL LIFE OR TO EXTEND ITS USEFUL LIFE. IN FACT PRIOR BOND ELECTIONS HAVE INCLUDED FUNDING FOR INVESTMENT IN OUR FACILITIES AND INFRASTRUCTURE. 15% OF THE 1992 BOND ELECTION WAS PROGRAMED FOR THIS TYPE OF WORK, INCLUDING FOR OUR PARK SYSTEM. THE 1998 BOND ELECTION WAS A NEW FACILITY-RICH PROGRAM, GIVEN THAT ONLY 2% OF THE BOND PROGRAM, INCLUDING THE CASH LIST PROJECTS FROM THAT YEAR, WERE FOR RENOVATIONS TO OUR FACILITY AND INFRASTRUCTURE. THE NEEDS ASSESSMENT THAT WAS PRESENTED LAST YEAR FOCUSED ON ADDRESSING OUR AGING FACILITY INFRASTRUCTURE. OUR RECOMMENDATION ON FACILITY RENOVATIONS IS FOR OUR PARKS SYSTEM. A SYSTEM THAT IS FACILITY AND INFRASTRUCTURE RICH; HOWEVER, IT IS A SYSTEM THAT IS AGING AND IT IS A SYSTEM THAT REQUIRES A CAPITAL INVESTMENT. TO WALK YOU THROUGH OUR RECOMMENDATION, OUR FACILITY RENOVATIONS FOR OUR PARK SYSTEM IS WARREN STRUSS, DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT.

THANK YOU, GREG, I APPRECIATE IT. MAYOR, MAYOR PRO TEM, COUNCIL, IT'S GOOD TO BE ABLE TO ADDRESS THE COUNCIL TODAY TO TALK ABOUT SOMETHING THAT WE HAVE BEEN EXCITED ABOUT FOR A LONG TIME. IF YOU WOULD, JUST TAKE A QUICK PICTURE, A LOOK AT THE ILLUSTRATION IN FRONT OF YOU ON YOUR -- ON YOUR SCREEN AND YOU WILL SEE WHY WE ARE EXCITED ABOUT THIS OPPORTUNITY TO BRING IT TO YOU TODAY. IT IS INDEED A GOLD MEDAL DEPARTMENT IN 2004 AND EVERY CHANCE THAT I GET IT'S IMPORTANT FOR US TO TALK ABOUT -- ABOUT THAT WE ARE INDEED A WORLD CLASS PARK SYSTEM. SO AS WE GO

THROUGH THIS TODAY, I WANT TO REMIND THE COUNCIL THAT WE ARE A WORLD CLASS PARK SYSTEM. YOU WILL SEE SOME PICTURES THAT ILLUSTRATE SOME DIFFICULTIES AND SOME CHALLENGES THAT WE HAVE. BUT I THINK MORE IMPORTANTLY, WE WANT TO CONTINUE TO BE A WORLD CLASS PARK SYSTEM AS WE MOVE FORWARD IN THE NEXT DECADE. SO I THINK THAT'S WHY IT'S IMPORTANT TODAY TO BE ABLE TO TALK ABOUT RENOVATIONS TO YOUR PARKS AND RECREATION DEPARTMENT AND ITS FACILITIES AND INFRASTRUCTURE. THE HARD WORK IS AHEAD OF US. IT IS TO CONTINUE TO BE -- TO BE NOTED AND RECOGNIZED AS A WORLD CLASS PARKS SYSTEM AND SO WITH THAT, LET ME TELL YOU ABOUT -- ABOUT A LITTLE BIT ABOUT YOUR PARK SYSTEM. AS GREG INDICATED IT IS A FACILITY RICH PARK SYSTEM. ONE THAT IS INCREDIBLY RICH WITH FACILITIES, PARK AMENITIES THINGS FOR OUR PUBLIC TO ENJOY, MANY OF THEM, FREE FOR THEIR USE ON A DAILY BASIS. THERE ARE 167 BUILDINGS IN OUR PARKS AND RECREATION DEPARTMENT, TOTALING OVER 1.2 MILLION SQUARE FEET OF PHYSICAL PROPERTY IN THE SYSTEM, WHICH INCLUDES SOME OF THE FOLLOWING, NOT LIMITED TO THAT, BUT SOME OF THE FOLLOWING. 26 MAJOR RECREATIONAL FACILITIES, THINGS SUCH AS OUR SENIOR ACTIVITY CENTERS, OUR MUSEUMS OUR RECREATIONAL FACILITY, THINGS SUCH AS OUR GARDEN CENTER, OUR GARDEN FACILITIES, OUR ENTERTAINMENT CENTER, MANY, MANY OTHERS. WE HAVE LITERALLY I BELIEVE RIGHT NOW WE HAVE 90 PUBLIC RESTROOMS, PAVILIONS, SO WE ARE VERY, VERY RICH IN FACILITIES. WE ALSO, AS ALL OF US KNOW, HAVE MORE POOLS PER CAPITA THAN ANY OTHER PARKS AND RECREATION DEPARTMENT IN THE COUNTRY, WE ARE VERY PROUD OF THAT. WE HAVE 48 COMMUNITY AND NEIGHBORHOOD POOLS. WE ALSO HAVE -- HAVE OVER 117 LINEAR MILES OF HIKE AND BIKE TRAILS. WE HAVE 155 PLAY SCAPES AND PLAY STRUCTURES, VERY, VERY SIMILAR TO AUSTIN INDEPENDENT SCHOOL DISTRICT WITH THEIR PLAYGROUNDS AND PLAY STRUCTURES AND WE HAVE 181 OUTDOOR PLAY COURTS. FACILITY RENOVATIONS. TALK TO YOU ABOUT BREAKING THIS DOWN. FIRST OF ALL LET'S TALK TO YOU ABOUT MAJOR RECREATIONAL FACILITIES. TALK TO YOU ABOUT POOLS AND THEN I'LL VISIT WITH YOU A LITTLE BIT ABOUT PARK INFRASTRUCTURE AND AMENITIES, TRAILS,

PLAY SCAPES, OUTDOOR PLAY COURTS. THE FIRST ACTION THAT WE TOOK WHEN WE STARTED WORKING ON THIS BOND PROPOSAL WAS HOW DO WE PRIORITY PRIORITIZE? HOW DO WE DETERMINE IN OUR NEEDS ASSESSMENT WHAT NEEDS TO BE DONE, HOW DO WE FIGURE THAT OUT AND WHAT DO WE USE TO MAKE THAT DETERMINATION? WELL, FIRST AND FOREMOST, HEALTH AND SAFETY. WOE MAKE SURE THAT WE HAVE TO DEAL WITH HEALTH AND SAFETY ISSUES AS WE DEAL WITH OUR NEEDS ASSESSMENT. THINGS SUCH AS FIRE EXITS, SUPPRESSION SYSTEMS, SPRINKLER SYSTEMS, LIGHTED FIRE EXITS AND EXISTING AND ALSO NEW FIRE ALARM SYSTEMS FOR OUR PUBLIC BUILDINGS. SECONDLY WE HAVE TO LOOK AT THIS FROM A STABBED STANDPOINT OF DO THEY COMPLY WITH FEDERAL, STATE, LOCAL REGULATIONS THAT WE NEED TO COMPLY WITH. REGULATIONS SUCH AS FROM THE TEXAS DEPARTMENT OF HEALTH, FOR FOOD, PREPARATION AREAS IN OUR KITCHENS, TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THAT APPLIES TO MANY OF OUR POOLS AND OUR POOL BACK WASH SYSTEMS, OUR CIRCULATION SYSTEMS. ALSO A.D.A. A.D.A. THAT APPLIES TO ALL OF THESE AREAS TO ENSURE PHYSICAL ACCESS TO ALL OF OUR FACILITIES, BUILDINGS, POOLS, PLAYGROUNDS AS WELL. MAKE SURE WE ARE IN COMPLIANCE WITH THE BUILDING CODES, ALSO WITH THE FEDERAL GUIDELINE FOR THE PLAYGROUNDS AND PLAY STRUCTURES. THAT IS -- THAT IS MONITORED BY THE CONSUMER PRODUCT SAFETY STANDARD THAT WE KNOW AS CPSC GUIDELINES. THE THIRD THING THAT WE LOOKED AT WHAT WE WERE ASSESSING PRIORITIES, OUR ASSESSMENT OF FACILITIES, IS FACILITY CONDITIONS. WE WANT TO ENSURE THAT ALL OF OUR FACILITIES AND OUR PARK AMENITIES ARE OPERATING AS THEY ARE INTENDED TO OPERATE. MAKE SURE THAT THEY ARE FUNCTIONAL AND OPERATIONAL. AND THEN THE LAST PART OF OUR PRIORITIZATION IN OUR ASSESSMENT WAS TO ENSURE GEOGRAPHICAL EQUITY. ALL OF OUR CITIZENS NEED TO BE SERVED THROUGH THESE RENOVATIONS AND IMPROVEMENTS. SO WE WANT TO ENSURE THAT THE FUNDING WOULD BE BROAD THROUGHOUT OUR PARKS SYSTEM. A LITTLE BIT ABOUT OUR MAJOR RECREATIONAL FACILITIES. GREG ALSO TOUCHED ON THIS. WE DO HAVE AN AGING PHYSICAL PLANT. PARD IS FACED WITH AGING

BUILDINGS AND FACILITIES THAT DO REQUIRE RENOVATIONS, A COUPLE OF BENCHMARKS OR PERFORMANCE STANDARDS THAT WE HAVE ARE FIRST FIRST OF ALL OUR COMMERCIAL ROOFS, WITH 1 POINT [INDISCERNIBLE] MILLION SQUARE FEET, WE HAVE A LOT OF ROOF RENOVATIONS REQUIRED. OUR EXPERIENCE AND OBSERVATION OVER THE YEARS AND OUR MAINTENANCE AND REPAIRS ARE SHOWING THAT THE MAINTENANCE LIFE OF A COMMERCIAL ROOF, PRIMARILY YOUR FLAT AND BUILT UP ROOFS IS APPROXIMATELY 15 YEARS. ALSO, MUCH OF OUR RENOVATION WILL BE HELD IN THE HEATING, VENTILATION, SYSTEMS WHICH OUR COMMERCIAL FACILITIES HAVE, THEY, TOO, WILL HAVE A LIFE SPAN OF APPROXIMATELY 15 YEARS. YOU CAN SEE ILLUSTRATED TO THE RIGHT YOU CAN SEE A GREAT DEAL OF CEILING DAMAGE INSIDE ONE OF OUR FACILITIES. MAJOR RECREATIONAL FACILITIES. RIGHT FOR YOU WE HAVE THAT WE ARE LOOKING TO RENOVATE APPROXIMATELY -- EXCUSE ME, 21 MAJOR RECREATIONAL FACILITIES OR RECOMMENDED IN THE BOND PACKAGE FOR RENOVATIONS. WE HAVE SHOWN FOR YOU AND ILLUSTRATED TO YOU THE AVERAGE AGE OF OUR FACILITIES OF THESE MAJOR RECREATIONAL FACILITIES. YOU CAN SEE THAT ONE WAS BUILT IN THE 40s, ONE BUILT IN THE 60s, NINE BUILT IN THE 70s, EIGHT BUILT IN THE 1980S, ONE BUILT IN THE '90S. THIS IS JUST AN ILLUSTRATION OF SOME OF THE ISSUES THAT WE CURRENTLY HAVE IN OUR PARK FACILITIES. CURRENTLY WE HAVE SOME ROOF ISSUE, ALL OF OUR ROOFS HAVE TO HAVE INTERNAL DRAINAGE THAT NEED TO OPERATE AND WORK EFFECTIVELY, OR YOU WILL SEE THE CONSEQUENCE SIMILAR TO WHAT YOU HAVE SEEN IN FRONT OF YOU. OUR RECOMMENDATION FOR FACILITIES IS \$25 MILLION. FOR BUILDINGS AND FACILITIES, TO ALLOW US TO BE ABLE TO REPLACE OUR ROOF AND OUR ROOF SYSTEMS, REPLACE OUR HEATING AND AIR CONDITIONING SYSTEMS, A.D.A. IMPROVEMENTS IN MANY OF THE AREAS THAT WE TALKED ABOUT. ELECTRICAL IMPROVEMENTS THROUGHOUT MANY OF OUR SYSTEMS AND FACILITY IMPROVEMENTS AND RECONSTRUCTION TO MANY OF OUR FACILITIES. NEXT? THE NEXT CATEGORY WE TALKED ABOUT FACILITIES AND BUILDINGS, OUR SECOND CATEGORY THAT WE TALKED ABOUT ARE OUR POOLS. OUR POOLS, I WOULD LIKE TO -- TO

CATEGORIZE FOR YOU FOR AN INVENTORY IN FRONT OF YOU ARE TWO WATERFRONT POOLS, 13 WADING POOLS AND 33 MUNICIPAL AND NEIGHBORHOOD POOLS. I WON'T GO DOWN THROUGH THE WHOLE LIST IN FRONT OF YOU, BUT YOU CAN TAKE A LOOK AT THAT AND SEE THAT THE AVERAGE AGE OF OUR POOLS IS BEGINNING TO CATCH UP WITH US FROM A RENOVATION STANDPOINT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

WHAT WE FOUND IN OUR COMPREHENSIVE ENGINEERING STUDY IS THAT ABOUT 80% OF OUR POOL INFRASTRUCTURE IN THE PARKS AND RECREATION DEPARTMENT HAS INDEED SURPASSED ITS LIFE EXPECTANCY BASED UPON THAT ENGINEERING ANALYSIS. AND THE ILLUSTRATION YOU SEE NEXT TO THIS IS OVER AT BARTHOLOMEW. THIS IS ACTUALLY IN OUR PUMP ROOM, OUR MECHANICS ROOM, AND THIS IS ACTUALLY UNDERNEATH THE BOTTOM OF THE POOL. AND YOU CAN SEE THAT WE HAVE A SERIOUS NEED OVER AT BARTHOLOMEW TO MAKE THIS REPAIR. THAT'S WATER THAT'S ACTUALLY COMING FROM THE BOTTOM OF THE POOL AND THROUGH THE WALLS OF THE POOL. A RECOMMENDATION ON POOLS, COUNCIL, IS \$20 MILLION. AND THIS IS BASED ON ENGINEERING ANALYSIS THAT WE HAVE PERFORMED AND HAVE IT AVAILABLE. SHELL REPLACEMENTS ARE RECOMMENDED ON SOME OF OUR POOLS, CIRCULATION AND BACKWASH SYSTEM, ELECTRICAL IMPROVEMENTS IN MANY OF OUR POOLS AND A.D.A. IMPROVEMENTS ON MANY OF OUR POOLS AS WELL. THE LAST CATEGORY OF RENOVATIONS THAT WE WANTED TO DISCUSS WITH YOU BRIEFLY ARE OUR TRAILS, PLAYSCAPES AND OUR PLAY COURTS. AS I INDICATED ORIGINALLY, THERE'S 117 LINEAR MILES OF TRAILS, 155 -- IT SHOWS ONE OF OUR TRAILS THAT IS IN SERIOUS NEED OF RENOVATION. AS MANY OF US KNOW, THE MOST POPPOPLAR ACTIVITY WE HAVE IN THE PARKS AND RECREATION DEPARTMENT AND HAS BEEN PROVEN TIME AND TIME AGAIN BY SURVEYS AND BY SIMPLY GOING OUT AND USING OUR TRAILS, THE NUMBER ONE ACTIVITY IS OUR TRAIL USAGE. PARKS MASTER PLAN AND A STAY LISTS TRAIL RELATED ACTIVITIES AS THE NUMBER ONE RECREATIONAL PAST TIME IN THE AUSTIN AREA. AGAIN, JOHNSTON CREEK AN EXAMPLE OF A FAILURE. I WANT TO ILLUSTRATE FOR YOU A COUPLE OTHER

FAILURES THAT WILL ILLUSTRATE THE NEED FOR RENOVATIONS ON OUR TRAIL. ON THE LEFT SIDE, THE RIGHT SIDE. ON THE RIGHT SIDE, MANY OF US THAT USE THE TRAIL ON A DAILY BASIS, THAT IS INDEED TOWN LAKE TRAIL ON BARTON CREEK JUST NEXT TO THE PEDESTRIAN BRIDGE. I WANT TO TALK TO YOU BRIEFLY ABOUT PARK INSTRUCT, OUR PLAY -- PARK INFRASTRUCTURE, OUR PLAYSCAPES. I WANT TO INDICATE TO THE COUNCIL THAT WE'RE DOING PRETTY GOOD IN THIS AREA. OUR PARK PLAYSCAPES ARE BEING RENOVATE UNDERSTAND A RELATIVELY TIMELY FASHION AND WE'RE IN PRETTY GOOD SHAPE. THE DILEMMA THAT WE'RE IN IS WE'RE AT THE END OF OUR FUNDING LEVEL AND WE DON'T HAVE THE ABILITY TO CONTINUE OUR ROTATION AND RENOVATION OF OUR PLAYSCAPES WITHOUT ADDITIONAL BOND FUNDING. PARD CURRENTLY HAS 155 PLAYSCAPES. WE LOOKED AT DESIGN, SAFETY, AND ACCESSIBILITY STANDARDS. AND WHAT I WANTED TO DO IS ILLUSTRATE ON THE RIGHT IS A PLAYSCAPE THAT WE JUST FINISHED NOT TOO LONG AGO. AND ON THE LEFT UNFORTUNATELY AS A RESULT OF VAN DAMMISM IS ONE OF OUR -- VANDALISM IS ONE OF THE PLAYSCAPES WE HAVE IN OUR PARKS CURRENTLY. THERE'S BEEN SOME QUESTIONS ABOUT PLAYSCAPES ARE RELATIVELY EXPENSIVE, COMMERCIAL, PUBLIC PLAYSCAPES ARE RELATIVELY EXPENSIVE. SOME OF THE REASONS ARE IS THAT WE DO HAVE TO COMPLY WITH CONSUMER PRODUCT SAFETY COMMISSIONS REQUIREMENTS ON PUBLIC PLAYSCAPES. AND OF COURSE ALSO A.D.A. REQUIREMENTS. THE CPSC DEVELOPS PLAYGROUND SAFETY STANDARDS FOR PUBLIC ENTITIES. PLAYGROUND EQUIPMENT AND ITS SURFACES MUST MEET VERY RIGID SAFETY STANDARDS NOW. A.D.A. REGULATIONS MUST BE MET IN AND AROUND ALL PUBLIC PLAYGROUNDS. AND OF COURSE, THE WAY TO DO THAT MOST EFFICIENTLY IS WITH OUR NEW RUBBERIZED SAFETY SURFACE THAT MANY OF YOU HAVE PROBABLY SEEN AT OUR PLAYGROUNDS THAT MEETS BOTH CPSC AND A.D.A. REQUIREMENTS. PARK INFRASTRUCTURE PLAYSCAPES, THE SURFACE FAILED, YOU CAN SEE THE ILLUSTRATION IN FRONT OF YOU. THIS HAS FAILED AND HAS MET ITS USEFUL LIFE EXPECTANCY AT ONE OF OUR PLAYSCAPES. NEXT. A RECOMMENDATION FOR THIS CATEGORY, COUNCIL, IS 10 MILLION FOR INFRASTRUCTURE RENOVATIONS, TRAIL

RENOVATIONS, PLAYScape RENOVATIONS AND PLAY COURT RENOVATIONS. THOSE ARE THREE, COUNCIL, THE THREE MAJOR RENOVATION AREAS THAT I WANTED TO BRING TO YOU AND BRIEF YOU ON TODAY, AND WE HAVE A SUMMARY FOR YOU THAT CAPS THIS UP. BUILDINGS AND FACILITIES WE'RE RECOMMENDING 25 MILLION. POOLS, 20 MILLION. AND INFRASTRUCTURE, 10 MILLION. FOR A TOTAL RENOVATION PACKAGE OF \$55 MILLION. I'D BE HAPPY AT THIS POINT TO ADDRESS ANY COMMENTS OR CONCERNS THAT YOU MAY HAVE.

Mayor Wynn: THANK YOU, MR. STRUSE. QUESTIONS OF OUR PARKS DIRECTOR, COUNCIL? THANK YOU, WARREN. >>

Futrell: THEN COUNCIL, JUST TO SUM UP ON OUR LAST REMAINING TWO SLIDES, JUST LOOK AT THE ROLLING SUMMARY NOW, REMEMBER WE WERE GOING TO BEGIN TO FILL THE BUCKET, SHOOTING FOR A GOAL OF AN OVERALL BOND PACKAGE OF SOMEWHERE BETWEEN 500 MILLION AND 530 MILLION. THE FIRST BUCKET, PART OF THE BUCKET WE TRIED TO FILL WAS DRAINAGE AT 95 MILLION AT OUR RECOMMENDATION. AND THEN WE MOVED TO TRANSPORTATION AT 103.1 MILLION. AND TODAY YOU'VE RECEIVED OUR RECOMMENDATION ON FACILITY RENOVATIONS AT 55 MILLION. THAT TAKES YOU TO A SUBTOTAL OF ABOUT 253.1 MILLION, SO ABOUT HALF OF THE BUCKET IS FULL. I'D LIKE TO GIVE YOU SOME CONTEXT FOR THAT RECOMMENDATION. IN 1992 YOU HEARD GREG SAY IN THE VERY BEGINNING THAT WE'VE USED EACH OF OUR BOND PACKAGES TO DO PORTIONS OF OUR RENOVATIONS. IN 1992 YOU DID ABOUT 15% OF YOUR BOND PACKAGE FOR RENOVATIONS, BUT IN 1998 YOU DID ONLY ABOUT TWO PERCENT OF YOUR BOND PACKAGE FOR RENOVATIONS. AND THERE WAS A HEAVY FOCUS ON NEW BRICK AND MORTAR, ON NEW FACILITIES, AND MUCH LESS OF A FOCUS ON TAKING CARE OF WHAT WE HAD. AND YOU'VE SEEN SOME OF THE PICTURES THAT WARREN PRESENTED TO YOU TODAY, AND SOME OF THAT IS AN OUTCOME OF NOT DOING A HEAVIER PERCENT OF THOSE RENOVATIONS IN 1998. WHAT WE PRESENT TO YOU TODAY IS ABOUT A 10 AND A HALF PERCENT PORTION OF THE PROPOSED BOND PACKAGE AT 55 MILLION, NOT AS MUCH AS WE DID IN 92, BUT SIGNIFICANTLY MORE THAN WE PUT IN IN 1998. AND

COUNCIL, THEN AGAIN ON APRIL 20TH, WE'LL BE COMING BACK WITH TWO REMAINING COMPONENTS OF THE BOND PROPOSAL, NEW FACILITIES, AND A LOOK AT THE CENTRAL LIBRARY PROPOSAL. AND THAT CONCLUDES OUR PRESENTATION AND WE'RE AVAILABLE FOR ANY REMAINING QUESTIONS.

Mayor Wynn: THANK YOU, CITY MANAGER. QUESTIONS, COUNCIL? COMMENTS? I THINK IT'S IMPORTANT THAT EACH WEEK OR EVERY CHANCE WE GET WE CONTINUE TO PLUG AHEAD AND KEEP US ON TRACK TO BE ABLE TO MAKE OUR FINAL DECISION WITH ALL THIS GOOD INPUT WE'VE HAD OVER THESE LAST SEVERAL MONTHS AS WE STILL ANTICIPATE A NOVEMBER ELECTION. THANK YOU ALL VERY MUCH. OKAY. OUR NEXT BRIEFING IS REGARDING THE NEW FEMA OR FEDERAL EMERGENCY MANAGEMENT AGENCY FLOODPLAIN MAPPING PROJECT. WELCOME MR. GEORGE OSWALD.

THANK YOU, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, GEORGE OSWALD, WATERSHED PROTECTION AND DEVELOPMENT REVIEW. THIS PRESENTATION IS A FOLLOW ON ON THE INTRODUCTORY PRESENTATION WE MADE ON DECEMBER 15TH ON THE FEMA MAP MODERNIZATION PROCESS FOR THE CITY AND TRAVIS COUNTY. WHAT I'M GOING TO HIGHLIGHT TODAY IS WE ACTUALLY HAVE THE MAPPING, THE PRELIMINARY MAPPING PRODUCTS IN HAND AND HOW WE'RE GOING TO SHARE THOSE WITH THE PUBLIC SOME OF THE CHANGES WE'RE SEEING IN THE MAPS AND THE ROLE THE CITY COUNCIL WILL PLAY OVER THE NEXT YEAR IN ADOPTING THOSE MAPS. OKAY. THE PURPOSE OF THIS PROJECT IS TO INCORPORATE NEW DETAILED STUDIES INTO THE FEMA MAPPING SYSTEM FOR 26 WATERSHEDS CITYWIDE. THROUGHOUT THE ENTIRE COUNTY AREA, THE ENTIRETY OF ALL OF THE FLOODPLAIN MODELS ARE BEING INCORPORATED INTO NEW DIGITAL MAPS. THIS WILL COVER A TOTAL OF 1150 STREAM MILES AND 51 WATERSHEDS. THE GRAPHIC IN THE UPPER RIGHT HERE SHOWS TRAVIS COUNTY, THE FEMA MAP GRID OVERLAY, THE SHADED AREAS OR THE AREAS WHERE NEW DETAILED STUDIES ARE BEING INCORPORATED IN THE MAPPING PROCESS. WHY DO WE NEED TO DO THIS? THE EXISTING FEMA MAPS ON AVERAGE ARE 19 YEARS OLD AND A LOT HAS CHANGED IN

AUSTIN OVER THE LAST 19 YEARS. THERE'S SIGNIFICANT CHANGES IN LAND USES. THE CITY HAS IMPLEMENTED MANY CIP PROJECTS TO REDUCE FLOOD HAZARD. MOST OF THE OLD MAPS ARE AVAILABLE ONLY IN A PAPER FORMAT, SO THEY'RE NOT PARTICULARLY USER FRIENDLY. THE NEW MAPS WILL BE IN A DIGITAL FORMAT AND WILL BE WEB ACCESSIBLE. THERE ARE TWO SETS OF FLOODPLAINS BEING DEVELOPED HERE. THE FEMA FLOODPLAIN, WHICH IS PRIMARILY USED FOR FLOOD INSURANCE AVAILABILITY AND RATING PURPOSES AND LOCATING CRITICAL INFRASTRUCTURE FACILITIES AND THEN THE CITY'S REGULATORY FLOODPLAIN WHICH IS USED TO GUIDE LAND DEVELOPMENT AND FLOOD HAZARD REDUCTION PLANNING ACTIVITIES. THE FEMA FLOODPLAIN IS BASED ON EXISTING LAND USE CONDITIONS. THAT'S A PROTOCOL WITHIN THE FEMA NATIONAL FLOOD INSURANCE PROGRAM. THE CITY'S FLOODPLAIN IS BASED ON PROJECTED FULL WATERSHED BUILDOUT CONDITIONS. WE HAVE TWO FLOODPLAINS OF INTEREST HERE IN THE CITY, THE 25 AND 100. THIS WILL BE THE FIRST TIME THAT INFORMATION HAS BEEN AVAILABLE IN A MAPPING FORMAT. HISTORICALLY WE HAVE MADE IT AVAILABLE TO LANDOWNERS IN THE DEVELOPMENT COMMUNITY AND BASICALLY JUST TABULAR, NUMERICAL FORMAT. THERE WILL BE A MUCH HIGHER DEGREE OF USEABILITY AND ACCESSIBILITY TO THE DEVELOPMENT COMMUNITY. WHAT ARE THE MAJOR FACTORS THAT ARE CHANGING FLOODPLAINS? ONE, WE HAVE BETTER DATA TODAY. WE'RE USING MUCH MORE ACCURATE LAND USE AND TOPOGRAPHIC DATA. THE LATEST MODELING METHODOLOGIES AND WE'RE INCORPORATING LAND USE CHANGES THAT HAVE HAPPENED OVER THE LAST 20 YEARS IN OUR NEW CAPITAL FACILITIES TO REDUCE FLOOD HAZARDS. WE'VE GONE THROUGH A VIGOROUS QA, QC PROCESS BECAUSE WE KNOW FLOODPLAINS HAVE SIGNIFICANT IMPACT ON THE VALUE OF INDIVIDUAL'S LAND AND ALSO HAVE A SIGNIFICANT VALUE IN ADDRESSING FLOOD HAZARDS WITHIN THE CITY. SO THE REQUIREMENTS WERE FOR ALL OF THE NEW MODELS THAT WERE DEVELOPED WE REQUIRED THE CONSULTANTS THAT WERE DOING THOSE TO CONDUCT INTERNAL QA, QC PROCEDURES. THE CITY CONTRACTED WITH THE THIRD PARTY ENGINEERING FIRM TO CONDUCT ANOTHER QAQC.

CITY STAFF CONDUCTED QAQC AND THEN FEMA'S CONTRACTOR WENT THROUGH A QAQC PROCESS. AND THAT IS STILL ONGOING. NOW THAT WE HAVE THE MAPS IN HAND WE'RE GOING THROUGH ADDITIONAL DETAILED REVIEW AND ANY AREAS THAT WE ARE QUESTIONING WE WILL CONTINUE THAT QAQC PROCESS WITH THE FEMA APPEALS AND PROTEST PERIOD. HERE'S A SCHEDULE FOR ROLLING OUT THE MAPS. WE WILL ADVERTISE -- WE'VE HAD A COUPLE OF ARTICLES OUT IN THE NEWSPAPERS ALREADY. THE STATESMAN HAD AN ARTICLE IN THE LAST TWO WEEKS, THE DAILY TEXAN HAS RUN AN ARTICLE, WE'VE HAD UTILITY BILL INSERTS IN THE FEBRUARY AND APRIL MAILOUTS, AND WE HAVE AN ESTABLISHED WEBSITE WHICH I'M GOING TO SHOW YOU AN EXAMPLE HERE IN A FEW MINUTES OF HOW THE PUBLIC CAN GET SPECIFIC INFORMATION ON THEIR INDIVIDUAL PROPERTY. WE'LL BE CONDUCTING THREE MEETINGS ON APRIL 18th AND 19TH. ONCE THOSE MEETINGS ARE CONDUCTED, THAT BEGINS THE 90-DAY FEMA APPEALS AND PROTEST PERIOD. I'LL SPEAK TO A LITTLE MORE DETAIL ON THAT LATER IN THE PRESENTATION. ONCE FEMA RESPONDS TO APPEALS AND PROTESTS, FEMA WILL INFORM THE CITY THAT THEY ARE FINALIZING THE MAPS. THE CITY WILL HAVE SIX MONTHS FROM THAT DATE TO FORMALLY ADOPT THOSE MAPS. AND WHY IS THAT IMPORTANT? BECAUSE THE ADOPTION OF THOSE MAPS WILL CONTINUE OUR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM. BASICALLY FEMA IS INVESTING THREE MILLION DOLLARS IN THE NEW MAPS. CONSTITUENT HAS PUT AN ADDITIONAL MILLION ON TOP OF THAT. THEY WANT TO BE SURE THAT'S A WISE INVESTMENT. SO THE CITY WILL BE REQUIRED TO ACT IN THE AFFIRMATIVE TO ADOPT THOSE MAPS SO THAT WE CAN CONTINUE OUR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM. WHAT I'D LIKE TO DO IS SHOW YOU SOME EXAMPLES OF THE NEW MAPS. AND WE HAVE AREAS WHERE THE FLOODPLAIN IS INCORPORATED MORE PROPERTY, SOME AREAS WHERE THE FLOODPLAIN IS NARROWED, AND LESS PROPERTIES ARE IN. AND I'LL JUST GIVE YOU A FEW EXAMPLES HERE. I'M GOING TO TRY TO USE THE CURSOR HERE, IF I CAN GET -- HOPEFULLY I'M BETTER THAN THE ARCHITECT THAT WAS UP HERE A FEW WEEKS AGO. ALL RIGHT. WHERE THE CURSOR IS, THAT IS -- THAT DISAPPEARED ON ME. OKAY. THE GREEN

LINE ON HERE IS THE BOUNDARY OF THE FLOODPLAIN AS INDICATED ON THE CURRENT FEMA MAPS. THE BLUE AREA IS THE FLOODPLAIN AS INDICATED ON THE NEW PRELIMINARY MAPS. AND THIS IS IN THE UPPER SHOAL CREEK WATERSHED. SO THIS IS AN EXAMPLE WHERE LESS STRUCTURES WILL BE INDICATED IN THE NEW FLOODPLAIN. HERE'S AN AREA ALONG WILLIAMSON COUNTY, SOUTH FIRST STREET -- LET ME TRY THIS AGAIN. RIGHT IN HERE, SOUTH FIRST STREET. AGAIN, THE GREEN LINE INDICATING THE BOUNDARY OF THE CURRENT FLOODPLAIN, THE BLUE, THE NEW PRELIMINARY FLOODPLAIN. IN THIS AREA WE ARE CONTINUING TO WORK WITH FEMA, WE'RE REVIEWING SOME OF THE ENGINEERING ASSUMPTIONS. WE BELIEVE WE'RE GOING TO REDUCE THE FLOODPLAIN HERE SUBSTANTIALLY DURING THE APPEALS PROCESS, AND THAT'S A GREAT OPPORTUNITY FOR US TO CONTINUE OUR WORKING WITH FEMA TO MAKE SURE THIS INFORMATION IS THE MOST ACCURATE -- AS ACCURATE AS IT CAN BE. THIS IS AN AREA IN UPPER FORT BRANCH WATERSHED SOUTH OF 290 WHERE THE NEW FLOODPLAIN STUDY EXTENDS INTO THE UPPER AREA OF THE WATERSHED, AND SO YOU SEE THE GREEN LINE ONLY GOES SO FAR UP THE WATERSHED AND YOU'VE GOT A BLUE AREA ABOVE THAT. THOSE PROPERTIES WERE ALWAYS IN THE FLOODPLAIN, THEY JUST WERE NOT MAPPED IN THE FLOODPLAIN AND FEMA WILL BE RESOLVING THAT WITH THE NEW MAPS. THIS IS AN EXAMPLE OF FLOODPLAIN REDUCTION THROUGH A MAJOR CAPITAL IMPROVEMENT PROJECT. THIS IS THE CRYSTAL BROOK AREA ALONG WALNUT CREEK, CREATED A MAJOR FLOOD HAZARD PROJECT THERE ABOUT A YEAR AGO. BUILT A FLOOD WALL AND LEVEE SYSTEM. THAT'S LOYOLA LANE. THE HATCHED AREA IS WHERE WE PUSHED THE FLOODPLAIN OUT OF THE AREA OFFERING FULL 100 YEAR PROTECTION FOR OVER 200 RESIDENCES. ANOTHER EXAMPLE HERE IS A SIMILAR PROJECT IN LOWER WILLIAMSON CREEK IN THE CREEK BEND AREA WHERE AGAIN WE USED LEVEES, FLOOD WALLS, BYPASS AREAS TO PUSH THE FLOODPLAIN OUT OF AN AREA TO OFFER FULL PROTECTION TO 168 RESIDENCES. HOW ARE THESE NEW MAPS GOING TO BE AVAILABLE? WE HAVE THEM AVAILABLE ON THE FIRST FLOOR OF ONE TEXAS CENTER. THEY'RE GOING TO BE AT TWO LIBRARIES. AND THE WEBSITE HERE ON THE SCREEN YOU CAN ACCESS THE MAPS VIA THE

INTERNET. HERE'S WHAT THE PUBLIC WILL SEE WHEN THEY GO TO THAT SITE. AND IF I CAN GET THE CURSOR BACK -- RIGHT HERE IS A BOX -- YOU CAN PUT YOUR STREET ADDRESS IN THERE AND WHAT IT DOES AT THAT POINT, TAKES YOU TO YOUR ADDRESS, PUTS A RED DOT ON YOUR PROPERTY -- YOU CAN DISPLAY EITHER THE FEMA FLOODPLAINS, THE CITY FLOODPLAINS AND IT WILL ALSO BRING UP FLOODPLAIN ELEVATIONS. AND ANYONE THAT DOESN'T HAVE ACCESS TO THE INTERNET IN THEIR HOME CAN GO TO A LIBRARY AND USE A COMPUTER THERE. WE'VE HAD MANY PEOPLE CALLING US IN AND HAVING -- USING THEIR HOME COMPUTERS TO WALK THEM THROUGH THIS PROCESS. SO WE SET UP AN INTERNAL INFORMATION OFFICE TO HELP THE PUBLIC IN ACCESSING THIS SYSTEM. OKAY. WHAT HAPPENS IF SOMEBODY IS CONCERNED ABOUT A CHANGE IN A FLOODPLAIN. ONE CAN FILE A PROTEST OR APPEAL. THEY DO REQUIRE THE SUBMISSION OF TECHNICAL DATA. ANOTHER OPPORTUNITY, IF YOUR PROPERTY WASN'T IN THE FLOODPLAIN PREVIOUSLY, AND NOW IS, DURING THE ONE-YEAR MAP FINALIZATION AND ADOPTION PROCESS, THOSE INDIVIDUALS CAN SECURE FLOOD INSURANCE AT A REDUCED RATE. WITH THAT I'D LIKE TO TAKE ANY QUESTIONS THAT YOU MAY HAVE.

THANK YOU, MR. OSWALD. QUESTIONS, COUNCIL?  
COMMENTS? COUNCILMEMBER KIM.

Kim: CAN YOU PULL UP THAT ONE ON WILLIAMSON CREEK, INCLUDING SOUTH CONGRESS? PULL UP THAT ONE AGAIN. YOU SAID THAT THE STRUCTURES WERE MOVED INTO THE FEMA FLOODPLAIN UNDER THE NEW MAP?

RIGHT. AND ARE WE APPEALING IT?

YES.

AND HOW WERE YOU GOING TO GO ABOUT APPEALING IT?

WHAT WE'RE DOING, WE ARE REVIEWING SOME OF THE ENGINEERING ASSUMPTIONS IN THE MODEL, WE ARE -- AN ENGINEER WE HAD UNDER CONTRACT IS GOING TO REVISE THE MODEL. WE HAVE ALREADY INFORMED FEMA THAT WE WERE QUESTIONING THE RESULTS IN THIS AREA. SO WE

WILL MOVE THROUGH THE APPEALS PROCESS JUST LIKE ANY PRIVATE LANDOWNER WOULD, BUT THAT'S ALREADY IN MOTION.

AND IF A PRIVATE LANDOWNER HAS AN ARGUMENT OR WANTS TO APPEAL BASED ON THEIR OWN RETENTION PONDS, WHICH IS NOT PART OF THE -- IT WASN'T PART OF THE PROJECT, IT'S MY UNDERSTANDING THAT THESE INDIVIDUAL RETENTION PONDS WERE NOT CONSIDERED -- WHAT CAN THEY DO?

WELL, WE'VE TESTED THE SMALLER ON-SITE DETENTION PONDS. THEY'RE VERY EFFECTIVE FOR A DISTANCE OF -- A SHORT DISTANCE, SAY A THOUSAND FEET FROM A LAND DEVELOPMENT. ON A WATERSHED BASIS, BECAUSE THERE'S AN INCREASE IN RUNOFF VOLUME, THEY'RE NOT EFFECTIVE. SO WE'RE FOLLOWING FEMA'S PROTOCOL FOR DEVELOPING THESE MODELS WHICH DOES NOT INCLUDE SMALL ON-SITE BASIS. EVEN IF YOU PUT THEM IN ON A TOTAL WATERSHED BASIS.

, THEY'RE NOT GOING TO SHOW A REDUCTION. LEAVING THEM OUT DOES REDUCE THE COMPUTATIONAL COMPLEXITY, BUT WE HAVE TESTED THAT PROCESS BEFORE WE MOVED FORWARD WITH THIS MAPPING ACTIVITY. NOW, SOMEBODY CAN STILL CHALLENGE THAT AND FEMA WILL RESPOND. WE WOULD DO A SCREENING AND ADVISE FEMA BECAUSE WE WANT FEMA TO BE EXPENDING THEIR TIME AND ENERGIES ON THE APPEAL PROCESS EFFECTIVELY, WHERE WE REALLY THINK THERE IS AN OPPORTUNITY FOR A SIGNIFICANT CHANGE.

Kim: EVEN THOUGH THIS ISN'T IN THE CITY OF AUSTIN, I HEARD THAT LAKE TRAVIS HAS ABOUT 650 STRUCTURES THAT ARE NOW IN THE FLOODPLAIN. I DON'T KNOW WHAT LEVEL IT IS.

RIGHT, THE 100 YEAR FLOODPLAIN IS GOING UP SIX FEET ON LAKE TRAVIS AND THAT WILL TAKE IN SEVERAL HUNDRED STRUCTURES. AND THAT'S BEING -- THAT IS OUT IN -- OF COURSE, A LITTLE BIT OF LAKE TRAVIS IS IN OUR JURISDICTION, BUT PRIMARILY THAT AFFECTS COUNTY

RESIDENTS, BUT IT'S A FACT. IT IS GOING UP OUT THERE. >>

Kim: AND I THINK I HEARD IT WAS LIKE 600 STRUCTURES, SOMETHING MORE THAN SEVERAL HUNDRED.

I DON'T HAVE THE -- IT'S IN THE HUNDREDS. IT'S DEFINITELY IN THE HUNDREDS.

Kim: DO YOU KNOW HOW MANY OF THOSE WOULD BE IN THE CITY OF AUSTIN? CAN YOU FIND OUT?

WE CAN FIND OUT.

Kim: OKAY. THANKS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? THANK YOU, MR. OSWALD. WELL, COUNCIL, THAT TAKES US NOW TO OUR POSTED 3:00 O'CLOCK HOUSING AND FINANCE CORPORATION BOARD MEETING, SO AT THIS TIME I'LL RECESS THE MEETING OF THE AUSTIN CITY COUNCIL, CALL TO ORDER THE AUSTIN HOUSING FINANCE CORPORATION AND RECOGNIZE MR. PAUL HILGERS.

I'M PAUL HILGERS AND HAVE TWO ITEMS. THE FIRST IS TO APPROVE THE MINUTES OF THE MARCH 23rd BOARD MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn: BOARD MEMBERS, IT HAS BEEN POSTED ON OUR BACKUP AND ATTACHED TO THE AGENDA. I'LL ENTERTAIN A MOTION. MOTION MADE BY BOARD MEMBER MCCracken, SECONDED BY BOARD MEMBER LEFFINGWELL TO APPROVE THE MINUTES AS POSTED, AHFC ITEM NUMBER 1. ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

THANK YOU. AHFC ITEM NUMBER 2 IS TO APPROVE A RESOLUTION AUTHORIZING THE USE OF \$25 MILLION IN PRIVATE ACTIVITY VOLUME CAP AUTHORITY RECEIVED FROM THE TEXAS BOND REVIEW BOARD TO IMPLEMENT A NEW MORTGAGE CREDIT CERTIFICATE PROGRAM TO ASSIST FIRST TIME HOME BUYERS. IN 2004 THE AUSTIN HOUSING FINANCE CORPORATION RECEIVED \$22 MILLION IN THIS AUTHORITY AND CREATED A MORTGAGE CREDIT

CERTIFICATE PROGRAM TO ASSIST FIRST TIME HOME BUYERS. THE PROGRAM HAS ACHIEVED THE STATE REQUIRED 95% ORIGATION THRESHOLD AND AHFC FILED A NEW APPLICATION WITH THE TEXAS BOND REVIEW BOARD FOR ADDITIONAL AUTHORITY. AND THAT ACTION WAS AUTHORIZED LAST AUGUST OF 2005 BY THE BOARD. AHFC HAS RECEIVED A 25-MILLION-DOLLAR PRIVATE ACTIVITY BOND AUTHORITY ALLOCATION THIS LAST MONTH, MARCH 2006, AND WHAT'S BEFORE THE BOARD TODAY ALLOWS US TO IMPLEMENT A 2006 MORTGAGE CREDIT CERTIFICATE PROGRAM AS DESCRIBED IN THE PROGRAM GUIDELINES THAT IS IN YOUR ATTACHMENT IN THE BACKUP. IT'S IN THE CONTRACT OF THE CURRENT MORTGAGE CREDIT CERTIFICATE ADMINISTRATOR -- SHE WILL ISSUE THE CERTIFICATES AND THE REQUIRED DOCUMENTATION AND REPORTING TO THE INTERNAL REVENUE SERVICE, SET THE APPLICATION FEE FOR THE PROGRAM AT \$50 AND ISSUANCE FEE . SET THE MORTGAGE CREDIT CERTIFICATE GRADUATED RATE AT 30% FOR LOANS UNDER \$115,000. 25% FOR LOANS BETWEEN 115 TO \$140,000. AND 20% FOR LOANS ABOVE \$140,000 UP TO THE MAXIMUM ALLOWED BY THE PROGRAM. PARTICIPATING LENDERS WILL PAY A THOUSAND DOLLARS TO PARTICIPATE IN THE PROGRAM. WE PROJECT THAT THE AVERAGE LOAN WILL BE \$115,000 AND THE PROGRAM WILL ASSIST 217 FAMILIES OVER THE NEXT THREE YEARS, WHICH INCLUDES 10 FAMILIES THAT ARE CURRENTLY IN -- WHO ARE HOLDING OUTSTANDING MCC COMMITMENTS. THIS IS A PROGRAM THAT OF COURSE USES NO CITY DOLLARS. IT ACTUALLY GENERATES FUNDS FOR THE AUSTIN HOUSING FINANCE CORPORATION, ALLOWS US TO USE THE BOND FINANCING CAPACITY OF THE FINANCE CORPORATION TO SERVE HOUSEHOLDS AT INCOMES -- A LITTLE BIT HIGHER INCOME THAN OUR FEDERAL PROGRAMS ARE, 80% UP TO 115 MAXIMUM PERCENT. LAST YEAR, AGAIN, WE SERVED APPROXIMATELY 200 FAMILIES, AND OF THOSE FAMILIES, 39 FAMILIES ACTUALLY WERE BELOW 40 PERCENT OF MEDIAN FAMILY INCOME. 73 WERE BETWEEN 40 AND 65% OF MEDIAN FAMILY INCOME. 26 OF THEM WERE BETWEEN 80 AND 15 PERCENT OF MEDIAN FAMILY INCOME. THIS IS A UNIQUE PROGRAM THAT ALLOWS PEOPLE TO USE TAX CREDITS AND TAX ADVANTAGES OF A MORTGAGE CREDIT CERTIFICATE THAT THEY APPLY TO THEIR TAXES. IT'S EQUIVALENT TO

ABOUT \$166 A MONTH ON THEIR MORTGAGE BILLS, SO IT'S BEEN A PROGRAM THAT'S BEEN VERY, VERY EFFECTIVE, SO WE RECOMMEND IT FOR YOUR APPROVAL TODAY.

Mayor Wynn: THANK YOU, MR. HILGERS. QUESTIONS OF STAFF, BOARD? AGAIN, JUST FOR MY EDUCATION AGAIN, THE COMPETITION, IF YOU WILL, FOR THE USE OF THESE FUNDS NOW THAT WE HAVE THIS CAPACITY, IT'S A CAPACITY --

IT'S A STATE VOLUME CAP THAT WE GET THE AUTHORITY TO APPLY FOR FROM THE STATE OF TEXAS. THEY GET A CERTAIN AMOUNT OF AUTHORITY UNDER THE PRIVATE ACTIVITY CAP FOR US TO BE ABLE TO APPLY FOR. WE HAVE TO USE THE PREVIOUS AUTHORITY UP TO A 95% THRESHOLD BEFORE WE CAN EVEN APPLY FOR ANYMORE. SO WE ACHIEVE THAT AND THAT'S WHAT ALLOWS US TO COME BACK TO THE STATE TO APPLY FOR MORE -- TO MORE VOLUME CAP.

Mayor Wynn: AND THE USE OF THIS CAPACITY, NOW THAT WE HOPEFULLY GET THIS -- HOW IS THAT COMPETITION?

WHAT HAPPENS IS THROUGH A LIST OF ABOUT 30 PREFERRED LENDERS WHO KNOW THIS PROGRAM, THEY USE THIS WITH OUR ADMINISTRATOR, SO THE HOMEOWNERS WHO ARE QUALIFIED FOR THIS CAN USE THIS TO HELP MAKE THEM QUALIFY FOR A HOME. SO THE INDIVIDUALS COMPETE FOR THAT CAPACITY. ONCE WE GET THE 25-MILLION-DOLLAR ALLOCATION, AND WE HAVE THREE YEARS TO BE ABLE TO AGAIN USE THAT 95% AND HOPEFULLY THAT CAP WILL BE THERE AND IT WILL BE AN ONGOING PROGRAM. WE HAVE AN OPPORTUNITY ABOUT ONCE EVERY THREE YEARS. WE HAVE THE OPPORTUNITY IF WE WANTED TO TO LOOK AT DOING MORTGAGE REVENUE BONDS WHICH WE BELIEVE ARE MORE RISKY, MORE SUBJECT TO THE MARKET, FRANKLY, LESS BENEFICIAL TO POTENTIALLY HOME BUYERS. AND SO THE WAY THE MARKET IS RIGHT NOW, OUR RECOMMENDATION IS THAT WE AGAIN CONTINUE WITH WHAT HAS BEEN A VERY SUCCESSFUL PROGRAM AND ONE THAT WE HAVE SOME EXPERIENCE IN ADMINISTERING.

Mayor Wynn: FURTHER QUESTIONS OF STAFF? COMMENTS, BOARD? IF NOT, I'LL ENTERTAIN A MOTION ON AHFC ITEM NUMBER 2.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER KIM, SECONDED BY THE VICE-PRESIDENT. FURTHER COMMENTS? ALL IN FAVOR PLEASE SAY AYE?

AYE.

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

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

Mayor Wynn: THANK YOU, MR. HILGERS. THAT BEING THE CASE WE NOW STAND ADJOURNED. AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, WHICH WILL NOW TAKE US TO OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, AND I'LL WELCOME MR. GREG GUERNSEY.

THANK YOU, MAYOR AND COUNCIL. LET ME GO THROUGH OUR ZONING ITEMS STARTING WITH ITEM NUMBER 49, THIS IS CASE C 814-05-0069. THIS IS THE WATERS EDGE PUD AND THIS HAS APPROVED SECOND AND THIRD READING FOR THIS PROPERTY OF APPROXIMATELY 417 ACRES LOCATED AT 3700 DR. SCOTT DROIF AT HIGHWAY 71 EAST. THIS IS A ZONING CHANGE FROM INTERIM RR, WHICH STANDS FOR INTERIM RURAL RESIDENTIAL ZONING DISTRICT, TO PUD OR PLANNED UNIT DEVELOPMENT DISTRICT. AND THIS IS READY FOR ALL THREE READINGS. OWE SOAKED AND THIRD READING. OUR NEXT ITEM IS ITEM NUMBER 50. THIS IS THE BOGGY CREEK NEIGHBORHOOD PLAN, CASE NUMBER NPA-05-0012.01. AND THIS IS TO APPROVE SECOND AND THIRD READINGS OF AN AMENDMENT TO THE AUSTIN TOMORROW COMPREHENSIVE PLAN FOR THE BOGGY CREEK NEIGHBORHOOD PLANNING AREA. THIS WOULD CREATE FIVE SUBDISTRICTS, THE BLACK LAND, ROGERS, WASHINGTON

HOLY CROSS, THE DELLWOOD ONE, WILSHIRE WOODS AND DELLWOOD TWO SUBDISTRICTS THAT WOULD IN -- IN GENERAL THIS WOULD TAKE THE ORIGINAL THREE SUBDISTRICTS THAT COUNCIL HAS PREVIOUSLY APPROVED, ELIMINATE TWO OF THEM, ADD FOUR OF THEM TO CREATE A TOTAL OF FIVE THAT RESPECT EXISTING SUBDIVISION BOUNDARIES AND EXISTING NEIGHBORHOOD ASSOCIATION BOUNDARIES. AND IT WOULD ADD NEW DESIGN TOOLS AVAILABLE IN THESE AREAS THAT WOULD REGULATE PARKING PLACEMENT FOR NEW SINGLE-FAMILY HOMES, GARAGE PLACEMENT FOR NEW SINGLE-FAMILY CONSTRUCTION IN THE BLACK LAND AND ROGERS, WASHINGTON, HOLY CROSS SUBDISTRICT AND THEN THE CHERRY WOOD SUBDISTRICT TO ALLOW RULES THAT WOULD REGULATE PARKING PLACEMENT FOR NEW SINGLE-FAMILY CONSTRUCTION, GARAGE PLACEMENT AND FRONT PORCH EXTENSIONS INTO THE FRONT YARD SET BACK. IN THE DELL WOOD SUBDISTRICT TO ALLOW PARKING PLACEMENT FOR SINGLE-FAMILY CONSTRUCTION AND TO EXTEND FRONT PORCH INTO THE FRONT SET BACK ZONING REGULATIONS IN THE DELL WOOD ONE WILLSHIRE SUBDISTRIBUTION THERE ARE NO NONE DEFINED. THIS IS READY FOR SECOND AND THIRD READING. ITEM NUMBER 51 IS THE ACTUAL ZONING CASE ASSOCIATED WITH THE CHANGES IN ITEM NUMBER 50. CASE C-14-05-0204, AND THE SAME AREA, SAME SUBDISTRICTS AND SAME CHANGES. THIS IS READY FOR SECOND AND THIRD READINGS. ITEM NUMBER 52 IS CASE C-14-05-0137 AT 1109 SOUTH LAMAR. THIS IS A ZONING CHANGE FROM CS OR GENERAL COMMERCIAL SERVICES ZONING DISTRICT TO CS-1-CO, WHICH STANDS FOR COMMERCIAL LIQUOR SALES CONDITIONAL OVERLAY GLEN '89ING DISTRICT ZONING. THIS IS READY FOR SECOND AND THIRD READING. ITEM NUMBER 53, C-14-05-0085, POWERS 20. THIS IS TO APPROVE SECOND READING. THE APPLICANT HAS REQUESTED A POSTPONEMENT OF THIS CASE TO APRIL 20TH. IT'S MY UNDERSTANDING THE NEIGHBORHOOD DOES NOT HAVE AN OBJECTION TO THIS POSTPONEMENT REQUEST. ITEM NUMBER 54, MAYOR AND COUNCIL, THIS IS A DISCUSSION POSTPONEMENT ITEM. THAT CONCLUDES THE ITEMS -- EXCUSE ME. ITEM NUMBER 69, MAYOR, ON AN ADDENDUM, THE PUBLIC HEARING IS ALSO CLOSED ON THAT ITEM. THIS IS ITEM NUMBER 69 ON YOUR

ADDENDUM, CASE C-14-05-0172. THIS IS TO APPROVE SECOND AND THIRD READING FOR THE PROPERTY LOCATED AT 9716 FM 2222 FROM LO OR LIMITED OFFICE DISTRICT ZONING AND GR COMMUNITY COMMERCIAL DISTRICT ZONING TO SF-6-CO OR TOWNHOUSE CONDOMINIUM RESIDENCE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. THAT IS ALSO READY FOR SECOND AND THIRD READINGS. I CAN OFFER THAT AS ANOTHER CONSENT ITEM. IN THESE PARTICULAR ITEMS, THE PUBLIC HEARINGS HAVE BEEN CLOSED.

Mayor Wynn: AND THE POSTPONEMENT DISCUSSION ON ITEM NUMBER 54, IS IT COMPLICATED?

WELL, MAYOR, IT'S MY UNDERSTANDING THE NEIGHBORHOOD HAS REQUESTED THE POSTPONEMENT OF THIS CASE BECAUSE IN THEIR NEIGHBORHOOD THEY HAD -- WITH THE RECENT RAIN EVENT THEY HAD SOME DRAINAGE CONCERNS IN THIS AREA. AND THERE ARE SOME NEIGHBORS THAT ACTUALLY WOULD LIKE TO SPEAK TO THE POSTPONEMENT AND SPEAK TO THOSE DRAINAGE CONCERNS. THE APPLICANT IS OPPOSED TO THE POSTPONEMENT REQUEST. I DON'T HAVE A SPECIFIC DATE OF WHEN THE POSTPONEMENT REQUEST WOULD BE TO, AND I WOULD ACTUALLY HAVE TO ASK PROBABLY ONE OF THE NEIGHBORHOOD REPRESENTATIVES TO COME FORWARD TO ADDRESS THAT, THE POSTPONEMENT DATE. THE NEIGHBORHOOD, IT'S MY UNDERSTANDING, HAS MADE THE REQUEST AND SAID THEY WOULD LIKE THE CITY TO STUDY THE PROGRAM, GET BACK TO THE NEIGHBORHOOD, AND WHEN THE CITY CAN COME BACK WITH THAT INFORMATION, THEN THEY WOULD CONSIDER THE CASE TO COME BACK BEFORE YOU FOR YOUR CONSIDERATION. RIGHT NOW STAFF DOES NOT HAVE A SPECIFIC DATE OF POSTPONEMENT ON THAT. IT MAY BE BETTER TO LISTEN TO THE NEIGHBORHOOD REPRESENTATIVE AND THE APPLICANT.

Mayor Wynn: IT SOUNDS LIKE IT MAY EVEN END UP BEING A LENGTHIER DISCUSSION ON THE POSTPONEMENT. SO COUNCIL, WITHOUT OBJECTION LET'S GO AHEAD AND GO THROUGH THE CONSENT ITEMS AND THEN WE CAN DETERMINE WHEN TO TAKE UP THAT POSTPONEMENT

DISCUSSION. SO THE PROPOSED CONSENT AGENDA ON THESE ZONING CASES WHERE WE'VE ALREADY HELD AND CLOSED THE PUBLIC HEARING WILL BE TO APPROVE ON SECOND AND THIRD READING CASES 49, 50, 51, 52, AND 69 AND TO POSTPONE ITEM 53 TO APRIL 20TH, 2006. I'LL ENTERTAIN A MOTION. COUNCILMEMBER KIM.

Kim: I'D LIKE TO MAKE A MOTION TO APPROVE AND I'D ALSO LIKE TO SPEAK ON ITEM 52. THAT IS THE CASE INVOLVING LARRY TELLFORD, WHO IS A SMALL BUSINESS OWNER. HE HAS A RECORDING STUDIO. AND HE CAME TO MY OFFICE REQUESTING SOME ASSISTANCE BECAUSE HE WAS CONCERNED THAT WITH THE CS-1 ZONING FOR THAT PROPERTY THEY WOULD THEN ALSO HAVE LIVE MUSIC AND THAT WOULD EFFECT HIS RECORDING BUSINESS. SO WITH THE HELP OF THE CITY MANAGER'S OFFICE AND FROM THE CHANNEL 6 AND A.P.D. AND THE APPLICANT, WE DID SOME SOUND TESTING OUT THERE AND WE SHOWED THAT THERE WOULD NOT BE A NEGATIVE IMPACT ON HIS BUSINESS, AND THAT HE WAS ABLE TO DO A RECORDING AT THE TIME AND NOT FIND ANY PROBLEMS WITH THAT. SO I'D LIKE TO THANK THE CITY MANAGER AND THANK IN PARTICULAR DEVIN MADRIGAL AND MR. CHAPA FROM CHANNEL 6, CA REAM HAJAR, THE REPRESENTATIVE FOR THE AGENT.

MOTION MADE BY COUNCILMEMBER KIM TO APPROVE THE CONSENT AGENDA AS READ. SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

MAYOR, LET ME CONTINUE ON TO THE OTHER PUBLIC -- CONDUCT THE PUBLIC HEARING ITEMS AND THESE ARE LISTED ON YOUR AGENDA STARTING AT 55. WE'VE CHANGED OUR AGENDA POSTING SLIGHTLY TO INDICATE WHICH ARE PUBLIC HEARING ITEMS AND THAT'S WHY THE ABBREVIATION PH FOLLOWS THE ITEMS THAT I'LL BE READING THROUGH. OUR FIRST CASE UNDER THESE ITEMS IS CASE C-14-05-0210, THIS IS THE TEXAS FAR WEST REZONING CASE AT 6835

AUSTIN CENTER BOULEVARD. THIS IS A REZONING REQUEST FROM LO OR LIMITED OFFICE DISTRICT ZONING TO GR, COMMUNITY COMMERCIAL DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDED THE GR ZONING WITH A CONDITIONAL OVERLAY, WHICH STANDS FOR COMMUNITY COMMERCIAL COMBINING DISTRICT ZONING AND THIS IS READY FOR CONSENT ON ALL THREE READINGS. THAT'S ITEM NUMBER 55. ITEM NUMBER 56 IS CASE C-14-06-0007 KNOWN AS THE RATTLE INN AT 610, 612 AND 616 NUECES STREET. AND THIS IS A REZONING REQUEST FROM CBD-CO, WHICH STANDS FOR GENERAL COMMERCIAL SERVICES OR CS DISTRICT ZONING TO CENTRAL BUSINESS DISTRICT CONDITIONAL OVERLAY COMBINING DISTRICT ZONING, WHICH STANDS FOR CBD-CO. THE PLANNING COMMISSION RECOMMENDED THE CBD-CO ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 57 IS CASE C-14-06-0009 AT 1213 NEWNING. THIS IS A REQUEST FROM MF-4 NCCD WHICH STANDS FOR MULTI-FAMILY RESIDENCE, NEIGHBORHOOD CONSERVATION COMBINING DISTRICT ZONING TO SF-3-NCCD WHICH STANDS FOR FAMILY RESIDENCE, NEIGHBORHOOD CONSERVATION COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON FIRST READING ONLY. ITEM NUMBER 58 IS CASE C-14-06-0011. THIS IS T-MOBILE WIRELESS FOR THE PROPERTY LOCATED AT 13208 DESSAU ROAD. THIS IS A REZONING REQUEST FROM DR, WHICH STANDS FOR DEVELOPMENT RESERVE DISTRICT ZONING TO TOWNHOUSE CONDOMINIUM RESIDENCE CONDITIONAL OVERLAY OR SF-6-CO DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDED THE SF-6-CO ZONING AND THIS IS RECOMMENDED FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 59, CASE C-14-06-0018 AT 620 #- R. 3 BERKMAN DRIVE. THE STAFF IS REQUESTING A POSTPONEMENT OF THIS ITEM TO JUNE EIGHTH SO THIS CAN WATCH UP WITH THE WINDSOR PARK NEIGHBORHOOD PLANNING ITEMS AND WILL BE CARD AS PART OF THE NEIGHBORHOOD PLANNING PROCESS. ITEM NUMBER 60, I UNDERSTAND THERE WILL BE A SHORT DISCUSSION ON THAT ITEM. ITEM NUMBER 61 IS CASE NPA-06-0011.01, RIDGE RIDGETOP OFFICES AT 51st STREET. THIS IS A REQUEST TO AMEND A NEIGHBORHOOD PLAN FOR THE NORTH LOOP NEIGHBORHOOD PLANNING AREA FOR THE

PROPERTY AT 910-912 EAST 51st STREET TO CHANGE FROM SINGLE-FAMILY USE TO MIXED USE. THIS WAS RECOMMENDED BY THE COMMISSION. ITEM NUMBER 62 IS THE RELATED ZONING ITEM, CASE C-14-06-0004, FOR THE SAME PROPERTY LOCATED AT 910 TO 912 EAST 51st STREET. THIS IS A REZONING REQUEST FROM SF-3-NP, WHICH STANDS FOR FAMILY RESIDENCE NEIGHBORHOOD PLANNING COMBINING DISTRICT ZONING TO GR-MU-NP, WHICH STANDS FOR COMMUNITY COMMERCIAL MIXING USE NEIGHBORHOOD PLANNING ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT NO-MU-NP, NEIGHBORHOOD OFFICE, MIXED USE, NEIGHBORHOOD PLAN COMBINING DISTRICT OWN SING. I UNDERSTAND THE APPLICANT AND THE NEIGHBORHOOD ARE IN AGREEMENT WITH THE PLANNING COMMISSION RELIGIOUS AND THIS ITEM MAY ALSO BE READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 63, CASE C-14-05-0190, THIS IS FOR THE PROPERTY AT 515 WEST 15TH STREET. MAYOR, DO YOU HAVE ANYONE SIGNED UP? WITH REGARDS TO THIS CASE?

Mayor Wynn: ITEM 63? NO, I DON'T.

THEN WE CAN OFFER THIS ITEM AS A CONSENT ITEM FOR ALL THREE READINGS. THIS IS FOR THE PROPERTY AT 515 WEST --

[INAUDIBLE - NO MIC].

Mayor Wynn: LATE BREAKING NEWS.

WE DO HAVE ONE INDIVIDUAL THAT IS SIGNED UP OPPOSED. ITEM 64 IS ALSO A DISCUSSION ITEM AS WELL AS ITEM NUMBER 65. ALTHOUGH I UNDERSTAND THAT ON ITEM NUMBER 65 WE MIGHT BE ABLE TO TAKE THIS ONE VERY QUICKLY. THE APPLICANT WOULD LIKE TO SPEAK TO COUNCIL DIRECTLY ON THIS ITEM. IT'S A REZONING REQUEST, CASE NUMBER C-14-06-0003 AT 13420 LYNDBURST STREET, WHICH IS A REQUEST FOR MF-3-CO ZONING TO COMMUNITY COMMERCIAL CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. MAYOR, I THINK THE APPLICANT'S AGENT WOULD LIKE TO COME UP AND SAY A COUPLE OF WORDS TO THE COUNCIL WHICH MAY RESOLVE

THIS CASE VERY QUICKLY.

Mayor Wynn: THANK YOU VERY MUCH. SO WITHOUT OBJECTION, COUNCIL, IN FACT, THE ONLY CITIZEN SIGNED UP ON ITEM 65 IS -- WELL, I TAKE THAT BACK. SOMEBODY HAS SIGNED UP IN OPPOSITION NOW. I SEE SOMEONE MOAN SHOEN AS OPPOSITION, BUT WANTING TO ADDRESS US ONLY IF WE HAVE QUESTIONS. LET'S SEE, IS THAT KATHY MANDELL? ARE YOU IN OPPOSITION OF THE CASE?

[INAUDIBLE - NO MIC].

Mayor Wynn: WHY DON'T YOU COME ADDRESS US. WELCOME.

MAYOR, MEMBERS OF THE COUNCIL, RON THROWER, REPRESENTING THE INTENDED PURCHASER OF THIS PROPERTY. WE HAD A SITUATION WHERE WE THOUGHT THAT WE COULD WORK AN AGREEMENT WITH THE NEIGHBORHOOD AND PERHAPS THE COMMISSION AND STAFF ON TRYING TO GET GR ZONING NOT ON AN ARTERIAL ROADWAY WITH THE INTENDED USE OF THE PROPERTY BEING A LOCALLY OWNED BUSINESS WHICH IS KNOWN AS CHEER STATION. UNFORTUNATELY, THAT IS DESCRIBED AS A PERSONAL IMPROVEMENT SERVICE, WHICH IS ONLY ALLOWED IN GR ZONING. WE HAVE NOT RECEIVED STAFF POSITIVE RECOMMENDATION. WE DID NOT RECEIVE POSITIVE RECOMMENDATION FROM COUNCIL -- EXCUSE ME, FROM COMMISSION. SINCE THEN THE NEIGHBORHOOD HAVE WITHDRAWN THEIR AGREEMENT TO ALLOW FOR THE GR TO OCCUR. SO I'M ASKING COUNCIL IF THEY COULD POSSIBLY LOOK INTO INSTRUCTING STAFF TO MAYBE LOOK AT A CODE AMENDMENT TO ALLOW FOR A SUBSET OF PERSONAL IMPROVEMENT SERVICES SUCH AS A DANCE STUDIO. CHEER STATION, WHICH CAN GO NEXT TO A HIGH SCHOOL OR A MIDDLE SCHOOL AND COULD GO INTERIOR TO A NEIGHBORHOOD TO MAYBE LOOK AT IT BEING INTO A LOWER CLASSIFICATION ZONING, PERHAPS LR. AND AS SUCH, SINCE WE ARE NOT GOING TO BE MOVING FORWARD WITH THIS CASE, WE'RE GOING TO WITHDRAW THIS CASE.

Mayor Wynn: THANK YOU, MR. THROWER. SO MR. GUERNSEY, WOULD YOU BE LOOKING FOR DIRECTION FROM COUNCIL OR COULD YOU ALL JUST LOOK INTO -- I GUESS AT SOME

POINT YOU ALL SORT OF CONSTANTLY IN THEORY ARE AWARE OF OUR ZONING CLASSIFICATIONS AND AS NEW PRODUCTS OR NEW SERVICES AVAIL THEMSELVES, IF THAT REQUIRES SOME TYPE OF AMENDMENT, IN THEORY YOU ALL WOULD BRING THAT TO US INDEPENDENTLY, CORRECT?

USUALLY WE'LL GO BEFORE THE PLANNING COMMISSION SUBCOMMITTEE. AND ACTUALLY, STAFF HAS DISCUSSED THIS PARTICULAR USE AS BEING ALLOWED IN MORE RESTRICTIVE ZONING DISTRICTS BECAUSE WE HAVE SO MANY SMALL DANCE SCHOOLS THAT ARE LOCATED IN AUSTIN AND THEY'RE NOT NECESSARILY EQUIVALENT TO THE LARGER PHYSICAL FITNESS FACILITIES THAT YOU MIGHT SEE THAT MAY BE AS LARGE AS OVER 100,000 SQUARE FEET THAT DOT THE CITY LIKE A GOLD'S GYM OR LIFETIME FITNESS. RIGHT NOW STAFF IS LOOKING AT SOME OF THOSE AMENDMENTS THAT WE WILL BE TAKING TO THE SUBCOMMITTEE. I'VE TALKED TO MR. THROWER AND WE ACTUALLY HAD MENTIONED BRIEFLY THIS TO HIM. IF THIS CASE IS WITHDRAWN, WE'LL GO TO THE SUBCOMMITTEE AND PROBABLY OFFER THIS WITH A COUPLE OF OTHER AMENDMENTS TO MAKE CHANGES TO THAT AND PROBABLY WITHIN THE NEXT MONTH OR TWO.

Mayor Wynn: THANK YOU. SO WITH THAT, COUNCIL, OUR PROPOSED CONSENT AGENDA ON THESE ZONING CASES WHERE WE'RE CONDUCTING PUBLIC HEARINGS WOULD BE TO CLOSE THE PUBLIC HEARINGS ON THOSE CASES WHERE WE'LL TAKE ACTUAL ACTION. AND THE CONSENT AGENDA WOULD BE ON ITEM 55 TO APPROVE ON ALL THREE READINGS, ITEM 56 APPROVE ON ALL THREE READINGS. ITEM 57 APPROVE ON FIRST READING ONLY. ITEM 58 APPROVE ON ALL THREE READINGS. TO POSTPONE ITEM 59 TO JUNE 8, 2006. TO APPROVE ON ALL THREE READINGS BOTH CASES 61 AND 62. APPEARED NOTE THAT ITEM 65 -- AND NOTE THAT ITEM 65 HAS BEEN WITHDRAWN. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER MCCracken 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. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] DIRECTLY FACE THE WINDOW, THAT THERE WOULD BE A VEGETATIVE BUFFER INSTALLED TO VISUALLY SCREEN THE WINDOW AND A SITE PLAN WOULD TRY TO INCORPORATE THE PROTECTED TREES. MY UNDERSTANDING THAT COUNCIL MAY BE IN A -- IN RECEIPT OF A LETTER WHERE THE APPLICANT HAS YEAHED TO SOME ADDITIONAL CONCESSIONS TO LIMIT THE DENSITY, NOT MORE THAN -- TO 10 DUPLEX TYPE OF STRUCTURES. IT WOULD BE DIFFICULT TO LIMIT ACCESS ONLY TO PARKER LANE, IF THEY WOULD STILL LIKE THE ACCESS TO THE WINDOW STREET. THE BUFFER, THEY WOULD BE AGREEABLE TO THE BUFFER, THERE'S A SUGGESTION THAT THEY WOULD NOT SEEK ANY VARIANCES OR COMPATIBILITY WAIVERS IN THE FUTURE, THEY WOULD ASK COUNCIL TO RECONSIDER THAT. IF A NEED SHOULD COME UP, THEY SHOULD BE ABLE TO GO TO THE COMMISSIONER OR THE BOARD OF ADJUSTMENT FOR THE APPROPRIATE WAIVER OR VARIANCE. THOSE ARE ITEMS THAT I BRING FORWARD TO YOU, THE ITEMS FROM STAFF, THE ITEMS THAT THE APPLICANT HAS OFFERED, THE NEIGHBORHOOD AS I MENTIONED BEFORE, ALTHOUGH I DON'T HAVE THE LETTER IN FRONT OF ME RIGHT NOW, REQUESTED A POSTPONEMENT TO LOOK AT THE DRAINAGE ISSUES OF THEIR NEIGHBORHOOD AND -- AND I BELIEVE THAT THERE'S A REPRESENTATIVE HERE THAT CAN PROBABLY SPEAK TO THE POSTPONEMENT ON TIME. BUT THEY REALLY ASKED STAFF TO COME BACK AND LOOK AT THE DRAINAGE ISSUES AND COME -- DRAINAGE ISSUES AND COME BACK BEFORE THEY COULD GIVE A SPECIFIC DATE. I DO HAVE WATERSHED STAFF HERE THIS EVENING THAT ACTUALLY HAVE BEEN OUT TO THE PROPERTY. THE NEIGHBORHOOD. AND LOOKED AT SOME OF THE DRAINAGE ISSUES, THEY CAN ALSO RESPOND OF WHAT THEIR FINDINGS WOULD BE. AND THE APPLICANT'S AGENT IS HERE ALSO TO SPEAK TO THIS. SO AT THIS TIME I CAN PAUSE AND LET THE NEIGHBORHOOD REPRESENTATIVE COME FORWARD.

COUNCILMEMBER LEFFINGWELL?

Leffingwell: JUST A QUESTION, ARE THERE MODIFICATIONS BY THE APPLICANT TO THE CO, YOU MENTIONED ACCESS TO WINDOW? IS THAT -- THAT'S ONE DRIVE ONLY, CORRECT?

THAT'S CORRECT.

LIMITED TO ONE DRIVE ONLY TO WINDOW?

THAT'S CORRECT.

AND I DIDN'T QUITE CATCH WHAT YOU SAID ABOUT THE CHANGE, THE VEGETATIVE BUFFER, A BUFFER ONLY AND NOT A STRUCTURAL, NO A SENTENCE?

WELL, THERE WAS A QUESTION POSED BY THE BACK YARD SPACE WINDOW, A MATURE BUFFER AND PRIVACY FENCE BE ESTABLISHED ON THE WINDOW, THEY DON'T HAVE A PROBLEM WITH THE VEG TIMOTHY MCVEIGH BUFFER WITHOUT A PRIVACY FENCE. WHAT THEY ARE TRYING TO DO BY THEIR LETTER IS -- SAYING THAT THEY ARE TRYING TO MAKE THE HOUSES OR THE RESIDENTS FEEL LIKE IT'S A PART OF THE NEIGHBORHOOD, NOT WALL THEMSELVES OFF.

Leffingwell: THAT'S A CHANGE TO THE PREVIOUSLY PASSED CO.

Guernsey: WELL, THERE WAS NO SPECIFIC CO APPROVED ON FIRST READING.

JUST DIRECTION?

THERE'S DIRECTION BY COUNCIL TO SAY WHAT ITEMS CAN BE INCORPORATED BY A CO AND DIRECTION TO THE APPLICANT, FOR WHAT ITEMS COULD -- COULD THEY AGREE TO THAT COULDN'T BE IN THE CO OR POSSIBLE IN A COVENANT. IT'S MY UNDERSTANDING THEY KIND OF RESPONDED BACK TO YOU SAYING THEY COULDN'T LIMIT ACCESS TO ONLY PARKER, BUT THEY WOULD ALLOW ACCESS TO -- LIMIT ACCESS TO PARKER AND GLEN OAK, AMENABLE TO A VEGETATIVE BUFFER BUT NOT NECESSARILY WITH A PRIVACY FENCE.

Leffingwell: OKAY. WHAT ABOUT THE PROTECTED TREES? WE

WOULD TRY TO STILL WORK THROUGH THE PROTECTED TREES AND -- AND THAT WOULD -- THAT WOULD PROBABLY HAVE TO BE ADDRESSED AT THE TIME OF SITE PLAN. BUT WE WOULD TRY TO WORK THROUGH THE CRITERIA MANUALLY TO PUT IN A CO OR RESTRICTIVE COVENANT TO TRY TO MAINTAIN THOSE TREES AS THEY EXIST TODAY. THE PROTECTED TREES.

DOES THAT MEAN THR GOING TO TRY THEIR BEST TO LEAVE ALL OF THOSE TREES.

Leffingwell: GOING TO TRY THEIR BEST?

THEY SAID THEY WILL LEAVE THEM.

Leffingwell: ALL OF THE -- ALL OF THE PROTECTED CLASS TREES WOULD REMAIN, THAT WOULD BE IN THE CO.

THAT WOULD EITHER BE A CO OR COVENANT, WE HAVEN'T FIGURED OUT WHICH ONE.

OKAY. THANKS. LET'S HEAR FROM THE NEIGHBORHOOD REPRESENTATIVES TO -- TALK ABOUT CHALLENGES, THE REQUEST TO ESSENTIALLY POSTPONE INDEFINITELY WHILE THE STAFF REVIEWS DRAINAGE. THEN WE WILL HEAR FROM WATERSHED. WELCOME.

MAYOR, COUNCILMEMBERS. MY NAME IS JIM LEE. I LIVE AT 2001 CIRCLE HAVEN. I'M IMMEDIATELY DOWNSTREAM FROM THE PROJECT THAT'S BEING PROPOSED. I HAVE A FRENCH DRAIN AROUND MY HOME, SOME OF MY NEIGHBORS ALSO HAVE FRENCH DRAINS AROUND MY HOME OR THEIR HOMES. AT THE LAST RAIN EVENT, WE HAD THE DRAINAGE TOWARD THE POND THAT IS OFF OF WIND OAK IT HAS DETERIORATED SO THAT WE HAVE WATER RUNNING DOWN. I HAVE SPOKEN WITH WATERSHED, WITH CITY WASTEWATER, THEY ARE TELLING ME THAT IT'S NOT -- IT'S NOT THEIR PROBLEM. I HAVE A MAJOR PROBLEM WITH THIS. WE ARE GOING TO BE FLOODED, NEXT MAJOR RAIN. I'VE SEEN IT HAPPEN ALREADY. THE DRAINAGE GOING TO THE POND IS APPARENTLY CLOGGED. WATERSHED PROTECTION CAME OUT AND USED THE VACUUM TRUCK TO TAKE CARE OF THINGS. WE STILL HAVE THE SAME PROBLEM. I'M VERY

CONCERNED FOR NEIGHBORS AS WELL AS MYSELF. BECAUSE IT'S NOT JUST -- JUST THE THREE NEIGHBORS THAT I HAVE IN MY NEIGHBORHOOD BUT ALSO OTHER PEOPLE THAT ARE INVOLVED WITH THIS. I WOULD ASK YOU TO -- TO PLEASE THINK ABOUT SOME OF THE 95 MILLION-DOLLAR WORTH OF DRAINAGE IS JUST SUGGESTED THAT WE COULD GET A LITTLE HELP OF THIS. IF -- IF YOU COULD POSSIBLY GIVE US TIME TO HAVE A CITY ENGINEER COME OUT, AND TAKE A LOOK AT OUR SITUATION, WE WOULD APPRECIATE IT.

THANK YOU. AND STAFF HAS BEEN KIND ENOUGH TO PUT UP A GRAPHIC, AERIAL PHOTOGRAPH ON THE SCREEN HERE. I'M NOT SURE THAT YOU CAN SEE IT. CAN YOU -- IT SAYS TO PERHAPS WHERE YOUR HOME IS, MR. LEE, I SEE THE DETENTION POND DOWNSTREAM OBVIOUSLY.

MINE IS ON SIXALLY HAVEN. IF YOU GO A LITTLE BIT.

Mayor Wynn: WE SEE CIRCLE HAVEN AT THE TOP OF THE SCREEN, RIGHT?

I AM RIGHT AT THE FIRST HALF ON THE RIGHT. WE HAVE -- WE HAVE A DRAIN BOX DOWN THERE ON THE CITY'S EASEMENT THAT GOES APPARENTLY DIRECTLY TO THE POND. [INDISCERNIBLE] I WATCH THE WATER LEVEL OVER THE LAST -- LAST THREE, FOUR MONTHS, RISE IN THAT DRAIN BOX TO THE POINT WHERE NOW IT'S GOING DOWN TOWARDS MY NEIGHBORS.

OKAY.

Mayor Wynn: THANK YOU, MR. LEE, QUESTIONS OF MR. LEE? COUNCIL? I SEE WE HAVE A NUMBER OF OTHER NEIGHBORS PRESENT. GEORGE OR SOMEBODY FROM WATERSHED CAN - - CAN SHED, NO PUN INTENDED, A LITTLE BIT OF LIGHT AS TO WHAT -- THE PRESUMED ANALYSES THAT YOU ALL DO AS CASES LIKE THIS COME FORWARD.

WE HAVE GONE OUT AND INVESTIGATED THE DRAINAGE SITUATION AND LET ME JUST BEFORE I START TALKING ABOUT POSSIBLE SOLUTIONS, LET ME GET EVERYBODY ORIENTED. THIS IS THE -- THIS IS THE AREA THAT I

UNDERSTAND THAT WE UNDERSTAND IS PROPOSED FOR REDEVELOPMENT. THERE IS AN EXISTING POND, THIS ISN'T A DETENTION POND. APPARENTLY IT WAS A RETENTION POND THAT -- THAT IS -- THAT WAS BUILT PRIVATELY. TO RETAIN WATER, MAYBE FOR LANDSCAPE IRRIGATION. BUT THERE IS A POND THERE. THERE IS A -- THERE IS A POTENTIALLY -- WE'VE MET WITH THE NEIGHBORHOOD, WE HAVE BEEN INFORMED THERE'S SOME TYPE OF FRENCH DRAIN SYSTEM UNDERGROUND HERE. IT DOES DAYLIGHT IN THIS CUL DE SAC. I WAS OUT THERE TODAY, THERE IS SOME WATER USING OUT OF THAT ON TO THE CUL DE SAC. WE HAVE PROPOSED THE CITY COMING IN AND CONNECTING THAT BOX AND IF THERE'S AN EXISTING STORM DRAIN RIGHT HERE, WE CAN PUT AN 18-INCH PIPE IN THERE AND SOLVE THAT LOCAL DRAINAGE, THAT WATER THAT'S JUST CONTINUALLY TRICKLING OUT THERE. MOST OF THE DRAINAGE COMING OFF THE SITE FLOWS STRAIGHT DOWNHILL INTO THIS POND. OBVIOUSLY ANY DEVELOPMENT HERE WOULD EITHER GO THROUGH THE SITE PERMITTING OR SUBDIVISION PROCESS AND WOULD -- IF THERE WAS AN INCREASE IN RUNOFF, WOULD HAVE TO IMPLEMENT A DETENTION POND. POSSIBLY THIS COULD BE MODIFIED TO SERVE THAT PURPOSE, BUT IT'S NOT DOING THAT RIGHT NOW.

Mayor Wynn: AGAIN AS PART OF THE SITE PLAN PROCESS, WHICH COMES WELL AFTER ZONING.

CORRECT.

Mayor Wynn: THE RULES ARE PRETTY STRAIGHTFORWARD THAT THE -- NO ADDITIONAL OFFSITE RUNOFF COULD BE CREATED BY ANY DEVELOPMENT. WHICH SOME OF IT IS DONE -- WHEN A DEVELOPMENT IS DONE WELL, EVEN TRIGGERS ON SITE DETENTION, THERE IS THE OPPORTUNITY IN THEORY TO -- TO EVEN IMPROVE EXISTING CONDITIONS, CORRECT?

THAT'S POSSIBLE. BUT THE CODE DOESN'T REQUIRE IT.

ALL RIGHT.

BUT IT IS POSSIBLE.

BUT IN A CASE LIKE THIS, WHERE IN THEORY THE CITY IS LOOKING AT SOME -- YOU KNOW, THE IMMEDIATE --

IMMEDIATE RELIEF TO PUT A LINE IN HERE TO CONNECT THAT FRENCH DRAIN SYSTEM DIRECTLY INTO AN OPERATING STORM DRAIN SYSTEM, SO WE WON'T HAVE WATER BUBBLING UP THERE AND OUT TO THE ROADWAY.

OKAY. COUNCILMEMBER DUNKERLY?

Dunkerly: DOES THE EXISTING FRENCH DRAIN SYSTEM LEAD INTO THE EXISTING POND?

IT DOES -- POSSIBLY THROUGH GROUND WATER IT COULD GET THERE. I DON'T --

BUT IT DOESN'T -- IT'S NOT TIME DIRECTLY.

WE HAVE NO EVIDENCE OF A PIPE CONNECTION TO THE POND.

THE GREEN LINES ON HERE ARE -- ARE NON-STORM DRAIN SYSTEMS, WE DO NOT SHOW ONE CONNECTING DIRECTLY OVER TO THAT POND. THEY WOULD HAVE TO ACTUALLY GO UPGRADENT TO GET OVER THIS.

THANK YOU, GEORGE. QUESTIONS FOR STAFF, COUNCIL? COUNCILMEMBER LEFFINGWELL?

Leffingwell: WELL, THIS CONDITION THAT YOU ARE TALKING ABOUT, FINDING A REMEDY FOR, OF THE DRAIN LINE CONNECTION FROM THE LEAKING FRENCH DRAIN ACROSS THE CUL DE SAC THERE, THAT REALLY HAS NOTHING TO DO WITH THIS SITE. AS I UNDERSTAND; IS THAT CORRECT?

THAT'S RIGHT.

THANK YOU.

FURTHER QUESTIONS, COMMENTS?

SECOND READING ONLY ON ITEM 54. JUST REMIND ME WHAT WAS THE -- WHY IS THAT THE CASE. WHY -- JUST SECOND READING.

THE REASON FOR THE SECOND READING ONLY WAS JUST TO CLARIFY THE CONDITIONS THAT THE APPLICANT INVESTIGATED AND STAFF INVESTIGATED, WHICH COULD BE INCORPORATED IN YOUR FINAL READING VERSION OF YOUR ORDINANCE. I CAN RUN THROUGH THOSE AGAIN. VERY QUICKLY. THE FOUR THAT STAFF IDENTIFIED WERE LIMITING THE DENSITY TO A TOTAL OF 20 UNITS, MAXIMUM OF 12 BUILDINGS. TO ALLOW ONE DRIVEWAY TO WIND OAK AND ALSO I WANTED TO -- PARKER LANE TO ALSO THE APPLICANT AGREED TO PUT IN A VEGETATIVE BUFFER ON WIND OAK, BUT DECLINED OR WOULD NOT INSTALL A PRIVACY FENCE ALONG WITH AGE DOUGH THAT THERE'S AN AGREEMENT TO PROTECT ALL OF THE PROTECTED TREES THAT WOULD BE EITHER DONE THROUGH A COVENANTS OR RESTRICTIVE CONDITIONAL OVERLAY RESTRICTIVE COVENANT, THAT THERE ALSO BE A DENSITY LIMIT TO -- TO 10 DUPLEX TYPE OF STRUCTURES ON THE PROPERTY.

AND THAT THERE'S NO LIMITATION THAT THEY COULD SEEK A VARIANCE IN THE FUTURE. ONE WAS -- IF ONE WAS ACTUALLY ANTICIPATED. IF THAT, WE COULD DRAW AN ORDINANCE UP AND/OR COVENANT TO ADDRESS THOSE ITEMS AND BRING THAT BACK TO YOU FOR THIRD READING FOR YOUR CONSIDERATION.

SO AGAIN, MR. GUERNSEY, THESE ARE ADDITIONAL RESTRICTIONS AND/OR CONDITIONS IN ADDITION TO WHAT WE APPROVED ON FIRST READING.

ON FIRST READING WE ONLY DID SF 6 ZONING WITHOUT A CONDITIONAL OVERLAY.

Mayor Wynn: BUT ANTICIPATING --

Guernsey: RIGHT. THESE WOULD BE ADD, AND CREATING A CO THAT DID NOT EXIST THAT FIRST READING. IF THERE ARE OTHERS THAT THE APPLICANT OR NEIGHBORHOOD COULD WORK OUT, WE CAN CERTAINLY BRING THOSE TO YOUR ATTENTION, HAVE THAT LANGUAGE READY AS WELL AT A

LATER DATE.

THANK YOU. PERHAPS BY THE TIME THAT COMES BACK FOR POTENTIAL THIRD READING, IS THERE ANY ADDITIONAL WATERSHED WORK TO BE DONE? IS THERE ADDITIONAL ANALYSES THAT MR. OSWALT'S STAFF CAN -- CAN, YOU KNOW, MORE APPROPRIATELY ANALYZE THAN EXISTING STREET STORM SEWER SYSTEM OR, YOU KNOW, OR INVESTIGATE SORT OF THE NATURE OF THAT, WHAT TENDS TO BE PRIVATE POPPED MORE THAN --

AS FAR AS CURRENT DRAINAGE CONDITIONS OUT THERE, WE CHECKED OUR CUSTOMER CALL IN DATA BASE. I'M NOT SAYING WE MAY NOT HAVE LOCALIZED FLOODING CONDITIONS, BUT WE DO NOT HAVE ANY REPORTS. THAT'S GENERALLY HOW WE RESPOND. THERE ARE NEW STORM DRAINS OUT THERE THAT STREET AND BRIDGE HAS PUT IN OVER THE YEARS. IF THERE IS EVIDENCE OF, YOU KNOW, FLOW GETTING OUT OF THE STREET AND GOING THROUGH PEOPLE'S PROPERTY AND INTO THEIR HOMES AND GARAGES, WE CERTAINLY WANT TO TAKE CARE OF THAT, BUT I THINK IT'S INDEPENDENT OF THIS DEVELOPMENT. THE RUNOFF FROM THIS SITE HAS TOPOGRAPHY, I DO HAVE A TOPOGRAPHIC MAP, IT GENERALLY HEAD TO THE WEST GENERALLY, DOWN THERE WHERE THAT POND IS, A NATURAL TRIBUTARY TO HARPER'S BRANCH. SOME CAN GET OUT IN THE STREET. THERE IS CURB AND GUTTER SYSTEM IN THAT STREET AND AS THE DEVELOPMENT GOES TO THE SUBDIVISION OR SITE PERMITTING PROCESS, TWO POINTS. THEY CANNOT INCREASE THE RATE OF RUNOFF AND THEY CANNOT CONCENTRATE FLOW WITHOUT CONSIDERING THE IMPACTS OF THAT CONCENTRATION. SO THAT WOULD BE MANAGED THROUGH THE LAND DEVELOPMENT REVIEW AND APPROVAL PROCESS.

THANK YOU, MR. OSWALT.

COUNCILMEMBER LEFFINGWELL.

Leffingwell: IT'S CURRENTLY ZONED SF 3, CORRECT?

THAT'S CORRECT.

SO ACTUALLY WHAT WE ARE TALKING ABOUT, THE SAME AMOUNT OF IMPERVIOUS COVER PERHAPS MORE COULD OCCUR WITH THE -- WITH THE CURRENT ZONING. SO THE -- THE SF 6 --

THE SF 6 DISTRICT DOES ALLOW MORE IMPERVIOUS COVER THAN AN SF 3 DISTRICT, BUT THEY WOULD BE REQUIRED AND TRIGGER WHAT'S CALLED A SITE PLAN, WE WOULD HAVE TO LOOK AT DETENTION AND WATER QUALITY ISSUE IT IS AND DESIGN.

Leffingwell: BUT ACTUALLY WE ARE LOOKING AT DENSITY CAPS ON THIS, WHAT I'M GETTING READY TO SAY. I'M GOING TO MOVE APPROVAL ON SECOND READING WITH THE -- TO SF 6 CO WITH THE CONDITIONAL OVERLAY ITEMS AS YOU PREVIOUSLY OUTLINED WITH THE MAXIMUM 10 BUILDINGS. AND ONE DRIVE ONLY ON WIND OAK, VEGETATIVE BUFFER ON WIND OAK AND PROTECTION FOR ALL PROTECTED CLASS TREES. I THINK THAT I GOT THEM AND YOU, DIDN'T I?

A -- LIMITED TO 20 UNITS TOTAL.

TWO BUILDINGS, 20 UNITS.

MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE ON SECOND READING ONLY. 54 WITH THE ADDITIONAL RESTRICTIONS AS OUTLINED EARLIER BY STAFF. FURTHER COMMENTS?

Dunkerly: HOLD ON JUST A MINUTE. IS THERE -- ARE WE SAYING SOMETHING WRONG BACK THERE? JUST A SECOND.

THE DENSITY -- LAURA TOUPES, THE DENSITY LIMITATION IS FINE, WE WANTED THE FLEXIBILITY TO DO A MAXIMUM OF 12 UNITS -- I MEAN 12 BUILDINGS IN CASE WE HAD TO SPLIT ONE OF THEM. RIGHT NOW IT'S 10 DUPLEXES. WHICH IS 20 UNITS. WHAT WE WOULD LIKE IS 20 UNIT MAX, WITH A MAXIMUM OF 12 BUILDINGS IN CASE WE HAD TO SPLIT ONE OF THE BUILDINGS. THAT WAS THE DIFFERENCE, IT WAS NOT FOR MORE UNITS, IT WAS JUST TO ACCOMMODATE ONCE YOU GET DOWN TO THE ACTUAL DESIGN IF POSSIBLE.

OKAY.

Leffingwell: THAT WAS MY UNDERSTANDING IN OUR DISCUSSION, BUT I WAS JUST GOING BY WHAT MR. GUERNSEY READ OUT. SO I DON'T KNOW WHAT TO CORRECT -- WHAT THE CORRECT PROCEDURE IS. I GUESS THAT I COULD MAKE A FRIENDLY AMENDMENT TO MY OWN MOTION TO -- TO LIMIT IT TO 12 BUILDINGS -- 12 BUILDINGS AND 20 UNITS.

YOU COULD RESTATE YOUR MOTION, COUNCILMEMBER.

Leffingwell: OKAY. I WILL RESTATE MY MOTION THAT WOULD BE AS PREVIOUS SECOND READING ONLY WITH THE MODIFICATION OF 12 BUILDINGS INSTEAD OF 10, BUT WITH -- WITH STILL THE RESTRICTION AT 20 UNITS.

RESTATED MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER DUNKERLY, SECOND READING ONLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0, SECOND READING ONLY.

THANK YOU ALL. QUURN GURN THANK YOU, MAYOR AND COUNCIL, THAT TAKES US TO ITEM NO. 60. C14-06-0017 PARKER LANE SENIORS AT 3435 PARKER LANE, THIS IS A REZONING REQUEST FROM MF 1 OR MULTI-FAMILY RESIDENCE TO GR-MU-CO COMMUNITY COMMERCIAL MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDED ON A 6-2 VOTE THE COMMUNITY COMMERCIAL MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. THIS IS A REZONING REQUEST THAT IS LOCATED AT PARKER LANE. NEAR WOODWARD STREET. KIND OF WRAPS A CORNER PROPERTY. AND IT IS A SMART HOUSING PROJECT. THE APPLICANT IS MR. JIM SHAW, THE AGENT MR. JIM WITLIFF. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT GR-MU-CO WHICH INCLUDED THE PROHIBITION OF NUMEROUS USES, AMERICAN READ THROUGH -- THIS

LAUNDRY LIST, BUT INCLUDES MOST OF THE OFFICE AND RETAIL USES AND -- AND WOULD STILL ALLOW AND NOT PROHIBIT CERTAIN USES SUCH AS MEDICAL OFFICES LESS THAN 5,000 SQUARE FEET, PROFESSIONAL OFFICES WOULD STILL BE PERMITTED, PERSONAL SERVICE, WHICH WOULD BE LIKE A BEAUTY SALON OR A HAIR SALON OR A DRY CLEANER PICK UP AND WOULD ALSO ALLOW FOOD SALES. AND I DON'T HAVE THE -- THE PLANNING COMMISSION MINUTES READY FOR YOU THIS EVENING, BUT A LOT OF THE DISCUSSION THAT WENT ON AT THE COMMISSION HAD TO DO WITH A PROHIBITION OF A CONVENIENCE STORE TYPE OF USE. IF YOU NOTICE IN THE LIST OF PROHIBITED USES, IT ALSO INCLUDES A PROHIBITION OF THE USE OF SERVICE STATION AND GENERAL RETAIL SALES, CONVENIENCE, BUT THAT WE WOULD CLASSIFY IN GENERAL A SMALL CONVENIENCE STORE WHERE -- WHERE GAS SALES DID NOT OCCUR TO BE A FOOD SALES TYPE OF USE. I THINK -- I THINK THE -- THE RESIDENTIAL USES, THERE ARE -- THERE ARE TWO PHASES PROPOSED OF RESIDENTIAL USES. THE FIRST TRACT OR PHASE WOULD INCLUDE A MAXIMUM OF 720 RESIDENTIAL UNITS. A MAXIMUM OF 2,000 SQUARE FEET OF THE NON-RESIDENTIAL USES. AND A MAXIMUM OF 50% IMPERVIOUS COVER. FOR THE SECOND PHASE OR TRACT 2, THE MAXIMUM RESIDENTIAL DENSITY IS 17 UNITS PER ACRE, AGAIN A MAXIMUM OF 2,000 SQUARE FEET OF NON-RESIDENTIAL USES, A MAXIMUM BUILDING HEIGHT OF 45 FEET. AND A MAXIMUM IMPERVIOUS COVER 55%. THEY HAD -- THEY HAD -- THE APPLICANT AND THE NEIGHBORHOOD AGREED TO PROVIDING A -- A PEDESTRIAN BRIDGE IN THE PHASE 1, MABEL DAVIS PARK FURTHER TO THE EAST, THAT THE POND ON THE SITE WOULD BE LANDSCAPED WITH EARTHEN BERMS OR STACKED ROCK, THAT A FIVE FOOT SIDEWALK WOULD BE INSTRUCTED ADJACENT TO THE RIGHTS OF WAY OF PARKER LANE AND WOODWARD STREET. IT'S MY UNDERSTANDING THAT THE APPLICANT IS AGREEABLE TO ALL OF THESE ITEMS, BUT WOULD PROBABLY LIKE TO SPEAK TO THE FOOD SALES USE. STAFF WOULD NOTE THAT -- THAT THE PROHIBITION ON THE GROUP HOME USE AS STATED IN BACKUP CANNOT BE PROHIBITED IF WE ARE HAVING RESIDENTIAL USES ALONG THE PROPERTY UNDER THE FAIR HOUSING ACT. AND WITH THAT I WILL PAUSE AND -- AND IF THERE ARE ANY

QUESTIONS I WILL BE HAPPY TO ANSWER THEM AT THIS TIME.

Mayor Wynn: THANK YOU, MR. GUERNSEY, QUESTIONS OF STAFF, COUNCIL. WE HAVE NO CITIZENS SIGNED UP FOR OR AGAINST OTHER THAN MR. WITLIFF WHO IS THE -- THE APPLICANT AGENT. WELCOME, MR. WITLIFF. THANK YOU, COUNCIL, MY NAME IS JIM WITLIFFMENT I'M HERE ON BEHALF OF PARKER LANE SENIORS HOUSING LLP. THIS PROJECT AS YOU CAN TELL IS SMART HOUSING, THE ORIGINAL INTENT WHEREAS SUBURBAN UNIT, 73 UNITS SPREAD OVER THE ENTIRE PROPERTY. WHAT HAPPENED IS IT WAS DETERMINED IN THE ARCHITECTURAL PLANNING STAGE, BECAUSE OF THE DRAINAGE CHANNEL THAT RUNS THROUGH THE MIDDLE OF THE PROPERTY, IT'S NOT REALLY APPARENT FOR THE EXHIBIT THAT YOU HAVE, BUT KIND OF WHERE THE BIG -- THE BIG BOTTOM OF THE REVERSED L IS, AT THE TOP OF THAT THERE'S A MAJOR DRAINAGE WAY THAT GOES THROUGH THERE AND THERE'S BEEN A CRITICAL ENVIRONMENTAL FEATURE THAT WAS ESTABLISHED WHEN THIS PROPERTY WAS PLATTED. THE ORIGINAL PLAN BY THE ARCHITECTS WAS TO BUILD A -- A ROADWAY OR PRIVATE DRIVEWAY ACROSS THAT DRAINAGE CHANNEL. THE CITY ENVIRONMENTAL STAFF INDICATED THAT THEY WOULD NOT BE ABLE TO SUPPORT THAT AND IN FACT WOULD STRONGLY OPPOSE THAT. SO -- SO WITHOUT INTERNAL ACCESS, THE PROJECT BEGAN TO GET CONSOLIDATED ON ONLY ONE SIDE OF THE PROPERTY. AND WHAT HAPPENED WAS THEY LOOKED AT IT AND SAID, GEE, WE ARE GOING TO HAVE MAJOR CUTS AND FILLS, WE ARE GOING TO COVER THIS SITE AND IT TURNED INTO A PROJECT THAT NEEDED A REZONING. WE ARE ASKING FOR GR, WHICH SEEMS PRETTIED FOR A SMART HOUSING, SENIOR HOUSING PROJECT. BUT THE REASON WE ASKED FOR THE GR IS BECAUSE FRANKLY THERE'S ONLY TWO ZONING CATEGORY THAT WOULD ALLOW THE 60-FOOT HEIGHT THAT WE ARE REQUESTING. THAT WOULD BE MF 4, GR WITH THE MU ON IT. SO WE REALLY -- THIS IS PRIMARY NOT A RETAIL SITE. THIS IS A -- A SENIORS HOUSING SITE. WHAT WE ARE ASKING FOR WITH THE GR, BESIDE THE 6 ON FOOT HEIGHT AND WHAT THAT DOES BY THE WAY IS ALLOWS US TO PARK THE MAJORITY OF THE CARS UNDERNEATH THE BUILDING, RAISE THE

BUILDING UP, MINIMIZE CUTS AND FILLS AND WE TALKED ABOUT IT. WE PUT MORE MONEY INTO A BETTER BUILDING FACADE, A BETTER STRUCTURE, LESS MONEY INTO RETAINING WALLS, THINGS THAT AREN'T REALLY BENEFICIAL TO ANYBODY. I'M HAPPY TO SAY THAT THE NEIGHBORHOOD, CITY STAFF, EVERYONE SEEMS TO BE VERY STRONGLY SUPPORTIVE OF THE SENIORS HOUSING PROJECT. THE RETAIL COMPONENTS THAT WE ARE TALKING ABOUT, AS YOU CAN SEE ON THE EXHIBIT HERE, WE ARE ADJACENT TO MABEL DAVIS PARK, THAT REALLY WILD SKATE PARK THAT'S THERE. UNTIL I SAW IT FOR MYSELF I COULDN'T BELIEVE HOW POPULAR THAT THING IS. IT'S JUST JAMMED WITH PEOPLE. WE STARTED THINKING IT MIGHT BE GOOD TO HAVE A RETAIL COMPONENT THERE, FOOD SALES, SANDWICH SHOP, ICE CREAM, A LITTLE DELI, SOMETHING LIKE THAT. I HADN'T REALLY CONSIDERED IT BECAUSE WHEN WE WERE AT PLANNING COMMISSION, THE NEIGHBORHOOD DID SAY THAT THEY HAD A VERY STRONG AVERSION TO A CONVENIENCE STORE THERE. AND I'M GOING TO SAY OUT OF RESPECT TO THE NEIGHBORHOOD I'VE WORKED WITH THESE PEOPLE, THEY ARE TOUGH. BUT I CONSIDER THEM TO BE FAIR. THIS WAS A BIG PROBLEM FOR THEM. PERSONALLY I THINK A CONVENIENCE STORE WITHOUT GAS SALES, COULD BE A HIT THERE, COULD BENEFIT THE NEIGHBORHOOD. IT'S NOT THE HILL THAT I'M WILLING TO DIE ON, NOR IS MY CLIENT. THEIR PROJECT IS A SMART HOUSING PROJECT AND -- AND WE ARE NOT GOING TO -- WE ARE NOT GOING TO QUARREL WITH THE NEIGHBORHOOD OVER ONE LAND USE. SO -- SO I WOULD HATE TO THROW OUT FOOD SALES, I DON'T KNOW IF YOU ARE ABLE TO SAY FOOD SALES MINUS A CONVENIENCE STORE USE, BUT IF YOU ARE WE WILL DO THAT. OTHERWISE WE WILL ADD IT TO A RESTRICTIVE COVENANT AND DO THAT WITH THE NEIGHBORHOOD. BUT I -- I WANT TO SAY THAT I DO SUPPORT THE NEIGHBORHOOD'S POSITION ON THIS ONE AND WHILE I'M NOT WILLING, NOT HOPEFUL THAT WE HAVE TO THROW OUT FOOD SALES, BECAUSE I THINK THAT'S A GOOD USE, I AM WILLING TO PROHIBIT A CONVENIENCE STORE IF THAT'S A CONCERN FOR THE NEIGHBORHOOD. THANK YOU. NO CITIZENS SIGNED UP AT LEAST FOR OR AGAINST. MR. GUERNSEY? WE HAVE THE RECOMMENDATION FROM THE PLANNING COMMISSION TO GRANT THE COMMUNITY

COMMERCIAL MIXED USE CONDITIONAL OVERLAY. IS THAT ALSO STAFF RECOMMENDATION?

THAT'S ALSO THE STAFF RECOMMENDATION, WITH THE DELETION OF THE GROUP HOME. BECAUSE THAT COULD NOT BE -- NOT PROHIBITED UNDER THE FAIR HOUSING ACT. THERE'S NOT A -- NOT AN EASY WAY TO -- TO PROHIBIT A FOOD SALES USE AND MODIFY IT TO ONLY PROHIBIT A CONVENIENCE STORE TYPE OF USE, BUT PERMIT A DELI OR - - OR A BAKERY OR SOMETHING ALONG THAT LINE. HOWEVER, THE -- THE ITEMS THAT I MENTIONED EARLIER, AS PART OF THAT RESTRICTIVE COVENANT, WITH THE NEIGHBORHOOD, THE -- THAT COULD BE NEGOTIATED WITH THE NEIGHBORHOOD AND THEN ADDED. THE PEDESTRIAN BRIDGE, THE LANDSCAPE EARTHEN BERMS OR DRY STACK ROCK ALONG THAT WOULD BE LANDSCAPING THE PONDS AND THE 5-FOOT SIDEWALKS, THOSE ARE PRIVATE RESTRICTED COVENANTS BETWEEN THE APPLICANT AND NEIGHBORHOOD AND THEY COULD -- THEY COULD CREATE AN ADDITIONAL ONE THAT -- THAT MIGHT BE MORE NARROW THAT COULD BE PUT IN A PRIVATE RESTRICTIVE COVENANT THAN A PUBLIC ONE. SO COUNCIL COULD STILL LEAVE FOOD SALES AS A PERMITTED USE, AND THEN THEY -- HE COULD -- MR. WITLIFF COULD WORK WITH THE NEIGHBORHOOD REPRESENTATIVE TO NARROW THAT TO PROHIBIT THE MORE CONVENIENT STORE-TYPE USE BUT STILL ALLOW MAYBE SOME OF THE OTHER USE THAT'S THE NEIGHBORHOOD MIGHT BE AGREEABLE TO.

Mayor Wynn: SO BASED ON THAT ARE YOU PROPOSING FIRST READING ONLY.

THIS IS ONLY READY FOR FIRST READING ONLY. YOU COULD GO FORWARD WITH THAT. YOU COULD WORK WITH MR. WITLIFF OH, MR. WITLIFF INDICATED IT'S WORKED OUT. THAT HE WOULD BE AGREEABLE TO A PRIVATE COVENANT.

A PRIVATE COVENANT.

PRIVATE COVENANT TO RESTRICT CONVENIENCE STORES. SO IT SOUNDS LIKE EVERYBODY IS IN AGREEMENT. SO IT WOULD BE THE COMMISSION'S RECOMMENDATION WITH THE EXCLUSION OF GROUP HOME AS BEING A PROHIBITED USE,

NOW MAKING IT A PERMITTED USE.

Mayor Wynn: RIGHT. COUNCIL, QUESTIONS? COMMENTS? IF NOT I'LL ENTERTAIN A MOTION. SOUND LIKE STAFF IS READY FOR FIRST READING ONLY THERE NOT BEING AN ORDINANCE BEFORE YOU.

McCracken: I WILL MOVE TO CLOSE THE PUBLIC HEARING, APPROVE ON FIRST READING THE -- THE GR-MU-CO WITH A -- WITH THE KVUE CONDITIONS OUTLINED BY MR. GUERNSEY AND -- AND ALSO WITH THE RESTRICTIVE COVENANT TO BE -- I GUESS THAT WOULD BE WRITTEN IN THE NEXT READING.

Gurensey:: THE RESTRICTIVE COVENANT WOULD BE A PRIVATE COVENANT BETWEEN THE NEIGHBORHOOD AND THE -- THE PROPERTY OWNER.

Mayor Wnn: OKAY, MOTION MADE BY COUNCILMEMBER MCCRACKEN THAT I WILL SECOND TO APPROVE ON FIRST READING ONLY, CASE 60, WHICH WAS THE PLANNING COMMISSION RECOMMENDATION OF GR-MU-CO WITH ADDITIONAL RESTRICTIONS AS OUTLINED BY STAFF. FIRST READING ONLY. 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 TAKES US TO ITEM NO. 63. C14-050190, 515 WEST 15th STREET, THE OPENER IS CAB BOTH-CHASE LIMITED, TWO ACRES -- .3 ACRES OF LAND TO CBD OR CENTRAL DISTRICT BUSINESS ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDED THIS -- THIS REZONING REQUEST WITH A CONDITIONAL OVERLAY. AND ASKED THE DEVELOPER TO PARTICIPATE IN A GREAT STREETS PROGRAM. BY ESCROWING FUNDS, FOR -- FOR A -- FOR THE GREAT STREETS PROJECT, ALSO PROHIBIT A DRIVE IN OR DRIVE THROUGH USES TO PROHIBIT AUTO REPAIR SERVICES, AUTO -- AUTO SALES, AUTO WASHING, BAIL BONDS SERVICES, COCKTAIL LOUNGE, COMMERCIAL WE OFF STREET PARKING, LIQUOR SALES, SERVICE STATION, RESIDENTIAL TREATMENT, TRANSITIONAL HOUSING, BLOOD

PLASMA CENTER, PAWN SHOP SERVICES. IT WAS RECOMMENDED TO YOU ON A 9-0 VOTE. MR. NASSOUR HAS GIVEN YOU A GREAT STREETS RESTRICTIVE COVENANT, AGREED THAT EITHER FISCAL WOULD BE POSTED OR GREAT STREETS WOULD BE PUT IN AT THE TIME OF SITE PLAN OR BUILDING PERMIT APPROVAL. THE PROPERTY ITSELF IS -- IS LOCATED AT -- 15th STREET. AT NUECES. AND CURRENTLY ABUTS CDBG ZONING TO THE WEST, AND GO ZONING TO THE NORTH. SOME CS AND CDBG ZONING TO THE EAST AND SOME ADDITIONAL GO AND CDBG ZONING TO THE SOUTH. I BELIEVE THERE'S ONE PERSON HERE TO SPEAK IN OPPOSITION.

Mayor Wynn: A FEW.

Guernsey:: THERE ARE A FEW, PARDON ME, MAYOR. THE APPLICANT'S AGENT IS HERE AND AT THIS TIME I WILL PAUSE. IF THERE ARE ANY QUESTIONS I WILL BE MORE THAN HAPPY TO ANSWER THEM.

Dunkerly: I HAVE ONE.

Mayor Wynn: COUNCILMEMBER DUNKERLY.

Dunkerly: GREG, WHAT DID YOU SAY THE STAFF RECOMMENDATION WAS?

THE STAFF RECOMMENDATION IS ALSO TO GRANT CDBG ZONING.

BOTH Z.A.P. AND STAFF RECOMMEND CDBG.

CDBG. THE Z.A.P. ADDED ADDITIONAL CONDITIONS TO PROHIBIT CERTAIN USE.

Dunkerly: WHAT WERE THOSE?

Guernsey: PROHIBIT DRIVE IN AND DRIVE THROUGH SERVICES THAT WOULD BE AN ACCESSORY TO SOME TYPE OF USE ON COMMERCIAL USE, PROHIBIT AUTO REPAIR, SALES, WASHING, TO PROHIBIT BAIL BONDS, COCKTAIL LOUNGE WHICH IS A BAR TYPE OF USE, COMMERCIAL OFF STREET, CONVENIENCE STORAGE, EQUIPMENT SALES ...

TRANSITIONAL HOUSING TO PROHIBIT BLOOD PLASMA CENTERS AND PAWN SHOPS.

Dunkerly: SOME OF THEM OVERLAPPED THE Z.A.P. RECOMMENDATION?

WELL, THESE ARE THE Z.A.P. RECOMMENDATIONS.

Dunkerly: OH, OKAY.

Gurensey:: THEY AGREED TO PROHIBIT THOSE TYPES OF THINGS. ALSO THE APPLICANT HAS PROVIDED STAFF A RESTRICTIVE COVENANT AGREEING TO COMPLY OR TO DO GREAT STREETS ADJACENT TO THEIR --

Dunkerly: THAT WOULD BE INCORPORATED AT THE SITE PLAN STAGE.

Guernsey: THAT WOULD HAPPEN AT THE SITE PLAN STAGE. WOULD NOT HAPPEN IMMEDIATELY.

Mayor Wynn: FURTHER QUESTIONS OF STAFF? IF NOT WE WILL HEAR FROM THE AGENT AND THEN TAKE UP THE CITIZEN COMMENTS.

MAYOR, MEMBERS OF THE COUNCIL, RON THROWER, REPRESENTING CABOT CHASE FOR THIS PROPERTY. MY CLIENT'S DESIRE IS TO DO A MIXED USE BUILDING. THEY ARE LOOKING AT ACCESS OFF OF THE ALLEY TO DO GROUND LEVEL RETAIL OFFICE AND RESIDENTIAL ABOVE. WE HAVE A - - WE HAVE A TRACT OF LAND THAT IS 8700 SQUARE FEET AND WE HAVE CDBG ZONING IN THE AREA. AS YOU CAN SEE ON THE MAP THAT I HAVE PROVIDED WE HAVE CDBG THAT'S DIRECTLY TO THE WEST OF THE PROPERTY. THOUGH IT'S NOT USED AS AND WE HAVE CDBG ZONING THAT IS TO THE EAST AND IT IS USED AS -- AS CDBG ZONING. AGAIN, WE ARE ON A MAJOR ARTERIAL. 15th STREET. WE HAVE A TRACT OF LAND WHERE WE FEEL LIKE WE CAN BRING A GOOD, MIXED USE BUILDING TO THE AREA. WE ARE NOT LOOKING TO -- TO HAVE A GREAT AMOUNT OF HEIGHT TO THE BUILDING. JUST DUE TO THE SITE AREA. BUT WE WOULD LIKE SOME FLEXIBILITY IN THE DESIGN OF WHICH CDBG DOES ALLOW ONE OF WHICH IF YOU WERE STURNS OUT THAT

COMPATIBILITY IS TRIGGERED FROM THE CHURCH, CATER-CORNERED ACROSS 15th AND NUECES. THE COMPATIBILITY STANDARDS ARE TRIGGERED NOT BY THE ZONING BUT BY THE USE OF THE PROPERTY. IF WE WERE ZONED DMU, WE WOULD BE LIMITED TO 42 FEET IN HEIGHT, I DON'T KNOW HOW MUCH THE MIXED USE BUILDING WE WOULD BE ABLE TO PROVIDE WITH THAT LIMITED AMOUNT OF HEIGHT. UNDER CDBG WE WOULD HAVE CAPABLE WAIVED, HAVE SOME FLEXIBILITY TO PROVIDE A GOOD MIXED USE BUILDING FOR THIS PROPERTY. I'M AVAILABLE IF YOU HAVE ANY QUESTIONS.

QUESTIONS, COUNCIL?

Dunkerly: I DO HAVE A QUESTION. THE CHURCH IS, 15th STREET IS A BOULEVARD TYPE OF STREET.

THAT'S CORRECT.

SO IT'S ALL THE WAY ACROSS THE STREET?

IT'S CATER-CORNERED ACROSS THE INTERSECTION, YES, MA'AM.

Dunkerly: OKAY.

THANK YOU, MR. THROWER, WE WILL GENERALLY HEAR FROM FOLKS IN SUPPORT. THERE ARE NONE. WE HEAR NOW FROM FOLKS IN OPPOSITION. OUR FIRST SPEAKER IS BELINDA MOORE. WELCOME, YOU WILL HAVE THREE MINUTES, YOU WILL BE FOLLOWED BY RICHARD HARDIN. GOOD MORNING, I'M REPRESENTING PARKER MOORE, THE OWNER OF PARKER LAW FIRM WHICH SITS ON THE SOUTHEAST CORNER OF 14th AND NUECES. ON MARCH THE 21st MR. PARKER ISSUED A LETTER TO ALL COUNCILMEMBERS INCLUDING THE MAYOR AND MAYOR PRO TEM, I'M GOING TO RECAP FOR HIM ON THIS LETTER. HE TELLS US, HE STATES IN HERE THAT THERE ARE TWO HOUSES THAT WERE WITHIN THIS DISTRICT, HISTORICAL PIECES. AND THAT THEY ARE MARKED WITH THE APPROPRIATE MARKERS. BOTH OF THESE BUILDINGS ARE OVER 50 YEARS OLD. HE IS CONCERNED ABOUT THE PROPOSED ZONING CHANGE THAT WOULD ATTRACT

BUSINESSES THAT WOULD DISRUPT THE NEIGHBORHOOD AND NOT KEEPING WITH THE NEIGHBORHOOD AND DETRACT FROM THE VALUE OF THE PROPERTY'S CURRENTLY ZONED FOR GENERAL OFFICE PURPOSES. PARKING RIGHT NOW IS ALREADY AT A PREMIUM. AS IS, MOST OF THE PLACES THAT ARE AROUND HAVE SIGNS THAT ARE POSTED THAT IF YOU PARK THERE, THEY WILL TOW. IT IS -- IT IS TERRIBLE TO FIND PARKING. WITHIN ABOUT TWO MILES IS THE A.C.C. RIO GRANDE CAMPUS. AND WE ARE IN CONSTANT COMPETITION JUST WITH OUR CLIENTS TO HAVE PARKING FOR THEM. OUR BUILDING ALONE ONLY SUPPORTS FIVE PARKING SPACES, WHICH THREE OF THEM ARE TAKEN BY STAFF MEMBERS. SO THAT WHEN WE HAVE PEOPLE COME BY TO SEE US FOR BUSINESS, WE HAVE A HARD TIME TRYING TO GET EVEN PARKING FOR THEM. WE ARE SINCERELY CONCERNED ABOUT THIS BECAUSE WE THINK THAT IT WILL HURT OUR BUSINESS, WE ARE STANDING IN OPPOSITION AND WE DO REALIZE THAT THE AGENT IS WANTING TO CHANGE THE BUILDING STRUCTURE AND IMPLEMENT SOME SORT OF RETAIL MAYBE IN THE BOTTOM OF HIS BUILDING THAT HE HAS. WE ARE IN OPPOSITION TO THAT. STRICTLY BECAUSE IT CHANGES THE FOUNDATION THAT THIS -- THIS PARTICULAR ZONING IS IN. IT WILL CHANGE -- IT WILL INCREASE PARKING ALREADY AND MOST OF THESE PLACES ARE ALREADY OFFICE BUILDINGS. THAT ARE ALREADY COMPATIBLE. SO WE DO STAND IN OPPOSITION.

Mayor Wynn: THANK YOU, MS. MOORE. NEXT SPEAKER IS RICHARD HARDEN. WELCOME, MARY ENGLE IS GOING TO DONATE TIME TO YOU. HELLO, MARY, HOW ARE YOU? FOLLOWED BY RICK IVERSON.

MAYOR, MEMBERS OF COUNCIL, I'M RICHARD HARDEN, IT'S A PRIVILEGE TO BE BEFORE YOU THIS EVENING. I WOULD LIKE TO THANK MARY ENGLE AND RICK IVERSON FOR HELPING ME PASS OUT OUR PRESENTATION, DONATING TIME TO ME. I'M NOT GOING TO TAKE THAT MUCH TIME. I'M HERE REPRESENTING ACTUALLY 10 NEIGHBORHOOD GROUPS. IF YOU WILL TURN TO TAB 4 IN THIS HASTILY BOUND DOCUMENT, WE ACTUALLY MAILED YOU A LETTER SOME TIME AGO, SENT A COPY TO YOUR STAFF. BUT THE NEIGHBORHOOD GROUPS ARE FIVE RIVERS, JUDGES HILL, DANA, DOWNTOWN NEIGHBORHOOD ASSOCIATION, UAP AND

THESE OTHER NEIGHBORHOOD GROUPS, ALL OF WHICH DO FORM A GROUP CALLED CANPAC, BASICALLY EVERYTHING SURROUNDING THIS PROPERTY. ALL THE WAY FROM TOWN LAKE TO 45th STREET AND I-35 TO LAMAR. WE ARE TRYING A NEW APPROACH TONIGHT, WE ARE NOT GOING TO WEAR YOU OUT WITH SPEAKERS AND WITH WARM BODIES AND WE WANT TO REALLY JUST KIND OF SPEAK TO THE POINTS HERE. YOU ALL MAY RECALL THE -- THE HIGHLY SUCCESSFUL NOW UNO, UNIVERSITY NEIGHBORHOOD OVERLAY, WHICH HAS BROUGHT AND IS BRINGING SO MUCH DENSITY TO OUR CITY. THESE GROUPS SUPPORTED THAT. SO DENSITY IS NOT THE ISSUE HERE. WE SUPPORT DENSITY. ESPECIALLY IN THIS AREA. WHAT WE DON'T WANT TO SEE IS A -- IS A SPOT ZONING OF CDBG AND BUILDINGS LIKE THE SPOT ZONING THAT HAPPEN WHEN RUBEN JOHNSON DID HIS UNITED BANK TOWERS, WHICH IS THE ONLY BLOCKS OF CDBG ZONING AROUND THIS. THERE'S FOUR OF THEM. AND IF YOU WILL DRIVE THROUGH THAT NEIGHBORHOOD, THOSE VERY FEW TALL BUILDINGS ARE BIG BOXES, VERTICAL. NO STREET SCAPES, NO SETBACK OF BUILDINGS, NO ARCHITECTURE. UNDER THE UNIVERSITY NEIGHBORHOOD OVERLAY, OF COURSE, YOU ALL HAVE -- HAVE DINED DESIGNED AND PASSED AN ORDINANCE THAT ALLOWS FOR THE DESIGN OF VERTICAL DENSITY THAT ACTUALLY STEPS BACK AND PROVIDES A STREET SCAPES. IT'S VERY LIVABLE. MR. THROWER HAS TOLD YOU THAT HIS -- HIS CLIENT WANTS TO BUILD A MIXED USE DEVELOPMENT ON AN 8700-FOOT LOT. WHAT HE DIDN'T TELL YOU THIS REALLY IS AN ASSEMBLAGE. HE DON'T JUST OWN THIS CORNER, BUT THE OTHER CORNER, YOU ARE LIKELY TO SEE THE BLOCK COME IN A PIECE AT A TIME. THIS IS THE CORNER THAT DOES FACE THE CHURCH THAT YOU HAVE HEARD. KEY CORNER. IT'S TWO BLOCKS THAT THE CHURCH OWNS, IF YOU WILL LOOK IN OUR -- MAP HERE. OF OUR FIRST TAB THERE'S A MAP. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

YOU CAN GO FROM A FIVE TO ONE FAR TO A EIGHT TO ONE FAR. YOU CAN CHANGE HEIGHTS. SO THE ONLY THING WE'RE TALKING ABOUT HERE IS COMPATIBILITY, WHICH I WOULD ARGUE WE NEED TO HAVE ON THIS CORNER TO HAVE ANY KIND OF ARCHITECTURE THAT YOU WILL BE SATISFIED WITH.

IT'S INTERESTING TO NOTE THAT THE APPLICANT ORIGINALLY ASKED FOR DMU-GR. THAT WAS THEIR ORIGINAL APPLICATION. THEY CHANGED. BEFORE THE ZONING AND PLATTING COMMISSION THEY INDICATED THEY WERE GOING TO BUILD A 60-FOOT HEIGHT AT BEST, SO THIS IS REALLY NOT ABOUT LIMITING THEIR DEVELOPMENT. THEY REALLY CAN'T BUILD ANYTHING ON THAT SITE NOW. IT'S LEASED LONG-TERM TO A HAIRDRESSER AND IT IS TOO SMALL TO GO VERTICALLY AND BUILD ANY KIND OF STRUCTURED PARKING. I BELIEVE THAT'S A RED HERRING AND I REALLY THINK THAT YOU OUGHT TO LOOK ON THIS PARTICULAR PROPERTY IN STAYING WITH A DMU CURE ZONING. THAT'S REALLY THE ONLY COMMENTS I'VE GOT. YOU CAN SEE IN THE PHOTOGRAPHS THE NEED THAT WE HAVE FOR THE GREAT STREETS SIDEWALK. I'M HAPPY TO HEAR THAT THE APPLICANT HAS FINALLY AGREED TO DO THAT. I HOPE YOU WILL REQUIRE THEM TO PUT FISCAL UP RIGHT AWAY TO MAKE THAT HAPPEN. AND THE HISTORIC BUILDINGS THAT ARE ON THE BACK SIDE OF THIS BLOCK ARE PICTURED HERE ON THESE FOLLOWING TWO PAGES UNDER TAB 3, AND THEY'RE REALLY QUITE WONDERFUL. THANK YOU.

Mayor Wynn: THANK YOU. ACTUALLY, A QUESTION, MR. HARDIN. THIS IS OBVIOUSLY A VERY IMPRESSIVE COALITION OF DIFFERENT NEIGHBORHOOD LEADERS, INCLUDING THE DOWNTOWN AUSTIN NEIGHBORHOOD ASSOCIATION. WAS THIS SUGGESTION, THIS OPPOSITION PRESENTED AT THE ZONING AND PLATTING COMMISSION?

NO, WE DIDN'T HAVE 10 NEIGHBORHOOD GROUPS TURN OUT THERE AND WE DIDN'T HAVE THIS LETTER OF PRESENTATION. THERE WERE SEVEN NEIGHBORHOOD PRESIDENTS, AND I DON'T RECALL IF ANY OF THEM SPOKE. I DON'T THINK THEY DID. I THINK I WAS THE ONLY SPEAKER.

Mayor Wynn: THANK YOU, MR. HARDIN.

THANK YOU.

Mayor Wynn: THE NEXT SPEAKER IS RICK IVERSON.

I TOOK HIS TIME. HE DOESN'T NEED TO SPEAK.

Mayor Wynn: THAT CONCLUDES OUR SPEAKERS IN OPPOSITION. NOW THE AGENT TYPICALLY GETS A THREE MINUTE REBUTTAL. MR. THROWER?

AS YOU ARE AWARE, WE HAVE A RESTRICTIVE COVENANT WHICH WE HAVE VOLUNTEERED AND AGREED TO EITHER INSTALL STREET SCAPE IMPROVEMENTS OR PUT UP FISCAL FOR IT TO OCCUR. AT THE PLANNING COMMISSION HEARING, ZAPCO HEARING, THE ONLY CONCERNS THAT WERE HEARD FROM THE OPPOSITION WERE THE COMPATIBILITY, THE STREETScape AND THEN THE LIMITATION OF USES. WE'VE AGREED TO THE STREET SCAPE AND THE LIMITATION OF USES AND AGREED TO THE ADDITIONAL USES PUT ON TO US BY THE ZONING AND PLATTING COMMISSION. THE COMPATIBILITY ISSUE WIFE HAD DISCUSSIONS WITH AS SENIOR PASTOR OF ST. MAARTEN'S LUTHERAN CHURCH, PASTOR GREG SUMMERS, HAD A CONVERSATION WITH HIM. HE DOES NOT SEE ANY OPPOSITION TO OUR ZONING AND PLATTING COMMISSION WHATSOEVER, NOR HAS HE HEARD INTERNAL OPPOSITION TO OUR REQUEST. ADDITIONALLY WE HAVE PROVIDED THE COUNCILMEMBERS WITH LETTERS OF SUPPORT OF THE NEXT-DOOR NEIGHBOR, MR. BOYFRIENDER, WHO IS A DIVIDENDIST AND HAS OWNED THE PROPERTY FOR QUITE SOME TIME WHO IS NOT INTERESTED IN ASEM BELLING HIS PROPERTY WITH OURS. ADDITIONALLY IN THE BACKUP LETTERMATERIAL IS A LETTER OF SUPPORT FROM THE PROPERTY BEHIND US IN THE ALLEY. SO WE HAVE THE MOST AFFECTED PROPERTIES IN SUPPORT OF OUR REQUEST. SO WE'RE DEALING WITH A POSITIVE STAFF RECOMMENDATION, A 9-0 VOTE AT ZONING AND PLATTING COMMISSION, AND WE ARE LOOKING FOR YOUR SUPPORT FOR OUR ENDEAVOR. I'M AVAILABLE IF YOU HAVE ANY QUESTIONS.

Mayor Wynn: THANK YOU, MR. THROWER. QUESTIONS OF THE AGENT, COUNCIL? I HAVE A QUESTION FOR STAFF, MR. GUERNSEY. I WILL SAY FIRST UP I AM VERY IMPRESSED WITH THE 9-0 VOTE FROM THE ZONING AND PLATTING COMMISSION WITH CONDITIONS AND VERY RESPECTFUL OF STAFF RECOMMENDATION; HOWEVER, THE MAKEUP OF THESE ADJOINING NEIGHBORHOOD ASSOCIATIONS IS VERY IMPRESSIVE AND ALSO BECAUSE WE KNOW HOW COMPETENT THEY ARE AT UNDERSTANDING THESE ISSUES,

AND WORKING WITH THEM WE HAVE DELIVERED A NUMBER OF SUBSTANTIAL IMPROVEMENTS IN THE URBAN CORE. AND THESE NEIGHBORHOOD LEADERS POINT OUT, AND STRONGLY SUGGEST THE DMU-CURE-CO INSTEAD OF THE CBD ISSUE. AND CAN YOU TALK A LITTLE BIT ABOUT THAT AND WHY STAFF DIDN'T CONSIDER THAT OR DOES STAFF AGREE WITH THEIR GENERAL STATEMENT THAT THERE'S STILL THE SAME INHERENT FLEXIBILITY THROUGH A DMU-CURE ZONING?

THE CBD ZONING EXISTS TO THE EAST AND TO THE WEST OF THIS TRACT, AND THE ISSUE OF THE -- IF YOU DID DMU-CURE, THERE WOULD BE COMPATIBILITY ISSUE THAT WOULD BE TRIGGERED. AS MR. THROWER INDICATED, HIS HEIGHT WOULD BE LIMITED ON THIS PARTICULAR PROPERTY AND IN ORDER TO SEEK A CHANGE TO THAT HEIGHT, HE WOULD BE GOING BEFORE THE BOARD OF ADJUSTMENT TO REQUEST A VARIANCE TO GO UP TO ADDITIONAL HEIGHT. GIVEN THE CDB ZONING IN THE AREA, STAFF THOUGHT THE HEIGHT AND INTENSITY OF ZONING WAS APPROPRIATE TO THIS LOCATION. I BELIEVE THE COMMISSION ALSO THOUGHT THAT AS WELL WITH SOME EXCEPTIONS OF CERTAIN USES THAT THEY THOUGHT WOULD NOT BE COMPATIBLE WITH THE ADJACENT LAND USES. SO INDEED THERE IS AN ISSUE OF COMPATIBILITY STANDARDS, AND WHAT HAPPENED IF THE DMU-CURE -- I'M NOT SURE WHAT THE CURE WOULD BE FOR. USUALLY WE MODIFY THE BASE DISTRICT ZONING WITH CURE TO DO SOMETHING, EITHER HEIGHTS OR F.A.R. IT DOESN'T SOUND LIKE THE BUILDING IS GOING TO EXCEED 120 FEET IN HEIGHT, DOESN'T LOOK LIKE IT'S GOING TO EXCEED THE FLOOR TO AREA RATIO. I'M NOT SURE WHAT THE CURE THAT MR. HARDIN WAS INDICATING WAS FOR, BUT THE DMU CERTAINLY IS SOMETHING THAT YOU COULD CONSIDER. IT IS LESS INTENSE, BUT STAFF, AS WELL AS THE COMMISSION, THOUGHT CDB WAS APPROPRIATE. THE BIGGEST DIFFERENCE BETWEEN THOSE TWO IS IT WOULD REQUIRE THE APPLICANT TO GO BEFORE THE BOARD OF ADJUSTMENT TO SEEK A VARIANCE FROM THE COMPATIBILITY STANDARD BECAUSE DMU IS SUBJECT TO COMPATIBILITY STANDARD AND CBD ZONING IS NOT.

Mayor Wynn: ON THE COMPATIBILITY STANDARD, DOES IT BOIL DOWN TO AS SIMPLE AN ISSUE OF HEIGHT OR DOES IT

TRIGGER CERTAIN SETBACKS FROM THE BACK PROPERTY LINE OR THE ALLEY?

IT'S MY UNDERSTANDING THAT THE PROPERTY THAT'S TRIGGERING IT IS THE CHURCH WHICH IS DYING DIAGONAL FROM THIS PROPERTY AND IT WOULD LIMIT THE HEIGHT OF THE BUILDING. THEY COULD STILL BUILD UP TO THEIR PROPERTY BOUNDARIES, BUT THEY WOULD NOT BE ABLE TO GO UP AS HIGH AS THEY DESIRE. THEY WOULD HAVE TO SCREEN MECHANICAL EQUIPMENT, ALTHOUGH CBD DOES HAVE SOME DESIGN STANDARDS THAT COUNCILMEMBER APPROVED NOT TOO LONG AGO. IT HAS SIMILAR REQUIREMENTS FOR SCREENING MECHANICAL EQUIPMENT.

Mayor Wynn: DO YOU KNOW WHAT THE HEIGHTS ARE, WHAT THE COMPATIBILITY HEIGHT LIMIT WOULD BE?

I HAVE NOT RUN A SPECIFIC CALCULATION. I THINK MR. THROWER HAD INDICATED IT WAS 42 FEET IS THE HEIGHT THAT HE WOULD BE LIMITED TO.

Mayor Wynn: SO A THREE-STORY BUILDING ESSENTIALLY.

THAT'S CORRECT.

Mayor Wynn: AND WITH CBD TECHNICALLY THEY COULD GO -- TECHNICALLY THERE'S NO HEIGHT LIMITATION TO CBD, IT'S JUST AN F.A.R. PARAMETER.

THAT'S CORRECT.

Mayor Wynn: AND TO THE EXTENT THAT IF IN FACT A SINGLE PROPERTY OWNER WERE TO OWN THAT ENTIRE HALF BLOCK TO THE NORTH OF THE ALLEY ALONG 15TH, DOES THAT CHANGE THE COMPATIBILITY IN ANY WAY? THE FACT THAT YOU HAVE SORT OF A LARGER TRACT OF LAND TO WORK WITH, DOES IT ALLOW YOU TO -- AS YOU GET MAYBE FURTHER AWAY FROM THE CHURCH YOU GET MORE HEIGHT OR WOULD IT SIMPLY BE THE SAME HEIGHT COMPATIBILITY ACROSS THAT ENTIRE HALF BLOCK IF IT WERE NOT ZONED CBD.

IF THE HALF BLOCK THAT ABUTS WEST 15TH STREET WAS

ALL ZONED DMU, THEY COULD SHIFT THE BUILDING LATER TO EAST AND KEEP MORE OF A DISTANCE TO THE CHURCH BUT IT WOULD STILL BE SUBJECT TO COMPATIBILITY. WHEREAS IF IT WAS ZONED CBD, THE HEIGHT WOULD NOT BE RESTRICTED. YES, IF THEY WERE PLANNING ONLY A SINGLE BUILDING, THEY COULD SHIFT IT ALL THE WAY TO THE EASTERN END OF THAT BLOCK, BUT IT WOULD STILL HAVE SOME HEIGHT LIMITATION SET BY THE CHURCH.

Mayor Wynn: IS IT SAFE TO ASSUME THAT THE FURTHER AWAY FROM WHATEVER THE TRIGGERING NON-COMPATIBLE USE IS, THE FURTHER AWAY FROM THAT THE HIGHER ONE COULD GO?

THAT'S CORRECT.

Mayor Wynn: IS IT PRACTICAL TO ASSUME THAT JUST IN THE WIDTH OF ONE BLOCK, 276 FEET OR WHATEVER IT MAYBE, THAT THAT COULD BE A SUBSTANTIAL DIFFERENCE? SAY IF YOU'RE LIMITED TO 42 FEET THERE ON THE WESTERN END OF THAT TRACT, BUT AS YOU GET TOWARDS THE EASTERN END IS IT CONCEIVABLE ONE COULD GO TO 90 FEET, 120 FEET?

YOU COULD GET A HEIGHT OF 60 FEET IF YOU WERE TO SET BACK 300 FEET AWAY. AND A CITY BLOCK IS APPROXIMATELY 270 SOME-ODD FEET AWAY IF YOU TOOK IN THE STREET RIGHT-OF-WAY. THEY MAY BE ABLE TO ATTAIN A HEIGHT OF 60 FEET ON THE EASTERN PORTION OF THAT NORTHERN BLOCK IF THEY WERE ABLE TO MAINTAIN THE ENTIRETY OF THE PROPERTY -- OBTAIN THE ENTIRE NORTHERN BLOCK AS PART OF THEIR SITE.

Mayor Wynn: AND WITHOUT -- IF COMPATIBILITY IS NOT TRIGGERED, WHAT IS THE HEIGHT LIMITATION IN DMU, IF ANY?

IT'S 120 FEET.

Mayor Wynn: OKAY. THANK YOU, MR. GUERNSEY. FURTHER QUESTIONS OF STAFF? COMMENTS? COUNCILMEMBER MCCracken.

McCracken: MAYOR, I SHARE YOUR CONCERNS ABOUT CBD. IT WOULD BE A PRETTY SIGNIFICANT CHANGE FOR THIS AREA WHICH IS -- MR. GUERNSEY, WHICH NEIGHBORHOOD IS THIS?

THE NEIGHBORHOODS THAT WE HAVE IN THIS GENERAL AREA WHICH CLAIM THIS PROPERTY WAS ADJACENT TO THEIR BOUNDARIES ARE OLD AUSTIN NEIGHBORHOOD, FIVE RIVERS, THE DOWNTOWN AUSTIN NEIGHBORHOOD ASSOCIATION, THE CENTRAL EAST AUSTIN COALITION AND THE WEST END AUSTIN ALLIANCE.

McCracken: WHICH NEIGHBORHOOD IS THIS PROPERTY SPECIFICALLY IN.

I COULD NOT TELL YOU EXACTLY. I BELIEVE IT IS IN DANA, THE DOWNTOWN AUSTIN NEIGHBORHOOD ASSOCIATION.

Mayor Wynn: I'LL BET IT'S DANA AND OLD WEST AUSTIN.

McCracken: JUDGE'S HILL, FIVE RIVERS? IT'S IN FIVE RIVERS? OKAY. IS THERE SOME WAY TO -- I THINK ONE OF THE CHALLENGES WE RUN INTO IS THAT WE HAVE NOW -- I BELIEVE NOW ISSUED THE RFQ FOR THE NEW DOWNTOWN PLAN, AND I THINK ONE OF THE PURPOSES OF THE DOWNTOWN PLAN IS TO IDENTIFY POTENTIAL CODE CHANGES AND WHERE WE WOULD WANT TO HAVE HEIGHT CHANGES. SO IF WE'RE LOOKING AT AN AREA THAT IS MAINLY THESE HISTORIC HOMES THAT IS ALSO IN DOWNTOWN, I KNOW IT'S A CHALLENGE, BUT I CERTAINLY DON'T BELIEVE BASED ON THE CHARACTER OF THAT AREA THAT A FULL BORE CBD ZONING IS APPROPRIATE THERE. I MEAN, I THINK WE'RE ALL PRETTY FAMILIAR WITH THAT AREA BECAUSE IT'S ABOUT A BLOCK AND A HALF AWAY FROM GUADALUPE, WHICH OBVIOUSLY IS A MAJOR CORRIDOR. GUADALUPE IS BUILT UP GOING NORTH-SOUTH AND THIS IS AN EAST-WEST CORRIDOR, SO THIS WOULD BE A RADICAL CHANGE IN THE CHARACTER OF IT. SO IF WE -- IF THERE'S SOME WAY WE COULD ADDRESS THE COMPATIBILITY STANDARDS TO GET TO MAYBE 60 FEET OR SOMETHING LIKE THAT, THAT MIGHT BE ONE WAY TO GO, BUT I THINK OPENING THE DOOR FOR CBD ZONING IN THAT AREA WOULD PRODUCE A VERY ODD RESULT AND CHARACTER FOR THAT

AREA.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: COULD I ASK THE OWNER OR AGENT A QUESTION?

Mayor Wynn: MR. THROWER.

Dunkerley: HOW MUCH HEIGHT WOULD YOU ACTUALLY NEED TO DO A GOOD MIXED USE BUILDING WITH ADEQUATE PARKING AT THAT LOCATION? WHAT'S THE MINIMUM HEIGHT YOU COULD USE?

WE WOULD LIKE SOME FLEXIBILITY IN OUR DESIGN TO MAYBE NOT EXCEED 75 FEET JUST BECAUSE THE CONSTRUCTION TECHNIQUES CHANGE SIGNIFICANTLY GOING ABOVE THAT. SO 60 TO 75 FEET WOULD BE ADEQUATE.

Dunkerley: OKAY.

McCracken: MAYOR, I HAVE A QUESTION.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I GUESS PERHAPS I GUESS ONE POSSIBILITY IS THAT IT WOULD BE POSSIBLE TO DO -- I GUESS IF WE WANTED TO DO DMU-CURE, YOU COULDN'T DO DMU-CURE AND DO A HEIGHT OF, SAY 60 OR 75 FEET, YOU WOULD HAVE TO GO TO CBD AND LIMIT IT TO HEIGHT OR IS THAT POSSIBLE?

WELL, THE DMU ALLOWS HEIGHTS UP TO 120 FEET. YOU COULD PLACE A CONDITIONAL OVERLAY EITHER ON CBD LIMITING IT TO 60 OR 75 FEET OR DMU LIMITED TO 60 OR 75 FEET.

McCracken: YOU HAVE SOME ISSUE WITH THE DMU-CURE?

THAT'S RIGHT. THEY WOULD HAVE TO GO BEFORE THE BOARD OF ADJUSTMENT AND SHOW A HARDSHIP THAT WOULD BE UNIQUE TO THIS PROPERTY IN ORDER FOR THEM

TO BE GRANTED A VARIANCE.

McCracken: I WOULD LIKE TO HEAR FROM ONE OF THE NEIGHBORHOOD REPRESENTATIVES, MAYBE MR. HARDIN, THE THOUGHTS ON DOING THE CDB APPROACH, LIMITING THE HEIGHT TO 60 OR 75 FEET WITH ALL THE OTHER REQUIRED COVENANTS.

COUNCILMEMBER MCCRACKEN, I THINK THAT WOULD BE A REASONABLE APPROACH. THIS IS THE LEADING EDGE OF THAT PARTICULAR HALF BLOCK. AND IF THERE WERE -- UNDER U UNO AND WHAT YOU SEE ON CONGRESS AVENUE ARE BUILDINGS THAT GO UP ABOUT 60 FEET AND BACK. I THINK THAT'S CRUCIAL. THE NEXT PARCEL TO THE EAST, CBD MAY BE APPROPRIATE, BUT THIS ONE IS REALLY A LITTLE DIFFERENT. SO 60-FOOT HEIGHT LIMITATION MAYMIGHT BE A WAY TO DEAL WITH IT.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'M READING YOUR BROCHURE HERE.

I JUST BOUGHT A COLOR PRINTER IN CASE YOU COULDN'T TELL.

Leffingwell: VERY NICE. [ LAUGHTER ] THE NEXT TO THE LAST PAGE IN THE PARAGRAPH HERE IS -- I'M NOT GOING TO READ THE WHOLE THING, BUT IT SAYS, FOR EXAMPLE, IT'S TALKING ABOUT SAME DEVELOPMENT DENSITIES CAN BE OBTAINED THROUGH DMU-CURE WITHOUT LOSING COMPATIBILITY STANDARDS. YOU SAY, FOR EXAMPLE, THE F.A.R. COULD BE MODIFIED TO MATCH CBD AT EIGHT TO ONE AND HEIGHT COULD BE RAISED FROM 120 FEET. IS THAT WHAT YOU MEANT FROM?

AS I UNDERSTAND CURE, AND STAFF IS HERE, THEY CAN EXPLAIN IT AS WELL AS ANYONE, YOU CAN TAKE DMU OR REALLY EVEN G.O., WHICH IS THE EXISTING BASE DISTRICT, AND APPEAR PENNED CURE TO IT AND TARGET SPECIFIC DEVELOPMENT CRITERIA THAT YOU WANT TO CHANGE, WHETHER IT BE SET BACK, HEIGHT OR F.A.R. THE REALISTICKING POINT HERE IS THE COMPATIBILITY. AND IF THE WILL OF THE COUNCIL IS TO GO TO D.M.U.-CURE AND

HAVE THE APPLICANT GO TO THE BOARD OF ADJUSTMENT, IF IN FACT THEY HAVE THE CHUMP'S CONSENT, -- CHURCH'S CONSENT, IT SHOULDN'T BE A TERRIBLY DIFFICULT PROCESS. BUT THE OTHER WAY TO GO IS TO DO CBD AND HAVE A WAY OF DEALING WITH HEIGHT WHICH DOES THE SAME THING AS COMPATIBILITY. >>

Leffingwell: WOULD YOU BE OPPOSED TO CBD WITH A HEIGHT LIMIT OF 60 FEET?

I WOULD NOT. I WOULD NOT OPPOSE THAT, NO.

Leffingwell: THANKS.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?  
COUNCILMEMBER MCCracken.

McCracken: UNLESS SOMEONE ELSE WANTS TO MAKE A COMMENT, I THINK WE'RE READY FOR A MOTION, AND IT WOULD BE TO -- I GUESS WE'RE ONLY READY ON FIRST READING?

IF THE COUNCIL DESIRES TO DO THE COMMISSION'S -- THE COMMISSION'S RECOMMENDATION AND IF IT WERE TO SPECIFY SPECIFIC HEIGHT LIMITATION FOR THE CBD ZONING, WE COULD INCORPORATE THAT NOW AND APPROVE IT ON ALL THREE READINGS. IF YOU WANT TO APPROVE IT FOR FIRST READING ONLY, WE COULD DO THAT AND THEN PREPARE THE ORDINANCE AND THEN BRING THAT BACK FOR YOUR CONSIDERATION.

McCracken: I'D RATHER DO THAT ON FIRST READING BECAUSE I MAY THROW IN SOMETHING A LITTLE BIT EXTRA HERE. I MOVE TO APPROVE ON FIRST READING CBD WITH A HEIGHT LIMIT OF 60 FEET WITH A REQUIREMENT OF GREAT STREETS, AND ALSO -- I DON'T KNOW HOW TO SPECIFY THIS, BUT WE HAVE REQUIREMENTS IN THE VERTICAL MIXED USE PROVISIONS WE'VE ADOPTED RELATED TO GROUND FLOOR TREATMENT THAT I THINK ARE ACTUALLY SOMETHING THAT I THINK WE PROBABLY NEED TO ADOPT IN CBD AS WELL. BUT IT WOULD HAVE THE GROUND FLOOR REQUIREMENTS FROM THE VMU MIXED USE REQUIREMENTS FOR THE UNO

REQUIREMENTS FOR GROUND FLOOR.

WE'LL TAKE A LOOK AT THAT.

McCracken: HAVE I GOTTEN EVERYTHING?

AND DID YOU ALSO WANT TO INCLUDE THE COMMISSION'S RECOMMENDATION THAT PROHIBITED USES, HAD A TRIP LIMITATION? >>

McCracken: YEAH, I DO. WE SHOULDN'T BE HAVING DRIVE-THROUGH PAD BUILDINGS IN DOWNTOWN ANYWHERE.

THAT WOULD INCLUDE THE GREAT STREETS RESTRICTIVE COVENANT THAT HE'S OFFERED, LIMITING THE HEIGHT TO 60 FEET, TO INCLUDE THE USES THAT WERE PROHIBITED BY THE ZONING AND PLATTING COMMISSION WITH THE 2000 TRIP LIMITATION, AND THEN ALSO TO INCORPORATE VERTICAL MIXED USE STANDARDS FOR THE PROPERTY AS BEING A CONDITION.

Dunkerley: MAYOR, I HAVE A FRIENDLY AMENDMENT.

Mayor Wynn: SO A MOTION MADE BY COUNCILMEMBER MCCRACKEN THAT I'LL SECOND. COUNCILMEMBER DUNKERLEY.

Dunkerley: I'D LIKE TO MAKE A FRIENDLY AMENDMENT ON THE HEIGHT. I THINK THE AGENT REALLY REQUESTED A LITTLE BIT MORE HEIGHT SO THAT HE COULD HAVE SOME FLEXIBILITY IN INCORPORATING SOME OF THE DESIGN STANDARDS, SO IF I COULD MAKE A FRIENDLY AMENDMENT OF 70 FEET, 65 FEET?

McCracken: WHAT WOULD YOU LIKE?

Dunkerley: 70 FEET ON FIRST READING.

McCracken: THAT'S FINE.

Mayor Wynn: WE HAVE AN AMENDED MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY THE MAYOR AS OUTLINED EARLIER BY STAFF NOW WITH THE HEIGHT

LIMITATION OF 70 FEET, FIRST READING ONLY. AND I WANT TO SAY I'LL LOOK AT THIS CLOSELY BEFORE IT COMES BACK FOR POTENTIAL FINAL READING. OTHER COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'VE JUST GOT ONE MORE QUESTION ABOUT THIS BROCHURE HERE.

Leffingwell: YOU'RE

Mayor Wynn: YOU'RE REALLY IMPRESSED WITH THE COLOR PRINTER, AREN'T YOU?

Leffingwell: THEY'VE GOT A LIST OF PROHIBITED USES, ARE ALL THESE CONTAINED IN THE ZAP RECOMMENDATION? YOU CAN ANSWER IT.

STAFF'S RECOMMENDATION WE SUPPORT.

Leffingwell: SO ALL THESE USES ARE COVERED IN THERE?

THEY ARE, YES, SIR. TO MY KNOWLEDGE THEY ARE.

Mayor Wynn: WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE ON FIRST READING ONLY AN AMENDED MOTION. FURTHER COMMENTS?

McCracken: ONE QUESTION I HAD ALSO, WE DID HAVE BUILT INTO THIS REQUIREMENT SCREENING AND MECHANICAL EQUIPMENT, RIGHT?

THAT'S PART OF THE CBD SIGN STANDARDS.

Mayor Wynn: FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON FIRST READING ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. COUNCIL, THAT TAKES US WELL PAST OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. AT THIS TIME WE WILL RECESS THE MEETING OF THE AUSTIN CITY COUNCIL. STAY TUNED FOR LIVE MUSIC AND PROCS.

Mayor Wynn: OKAY, FOLKS, WELCOME BACK TO OUR WEEKLY

LIVE MUSIC GIG AT THE AUSTIN CITY COUNCIL. RUNNING A FEW MINUTES LATE TONIGHT, BUT THE WAIT'S WELL WORTH IT BECAUSE JOINING US TODAY IS IAN MCLAGAN. SOME OF YOU WILL TUNE INTO KEVIN CONNOR'S RADIO SHOW THIS MORNING LIVE FROM THE WHOLE FOOD'S ROOF, WE HEARD MACK. KNOWN FOR HIS SONG WRITING AND DISTINCTLY PIE AN KNOW STYLE, HE IS A TRUE ICON. HE WAS AN ORIGINAL MEMBER OF SMALL FACES, WHICH LATER BECAME FACES. HE HAS TOURED AND RECORDED WITH SUCH GREATS AND THE ROLLING STONES, BOB DYLAN, BRUCE SPRINGSTEEN AND CURRENTLY LEADS HIS OWN BAND. HE HAS RELEASED FIVE ALBUMS, THE MOST RECENT ONE CALLED RISE AND SHINE, ALTHOUGH HE JUST NOW RELEASED SPIRITUAL BOY. APRIL FOOL'S DAY HE HAD HIS MOST RECENT RELEASE, A TRIBUTE TO SONGS OF RONNIE LANE. MACK WAS INDUCTED INTO THE TEXAS MUSIC HALL OF FAME IN 2004. PLEASE JOIN ME IN WELCOMING THE LEGENDARY MAC McLAGAN. [ APPLAUSE ] [ (music) MUSIC PLAYING (music)(music) ] [ (music) MUSIC PLAYING (music)(music) ]

Mayor Wynn: SO TELL US ABOUT YOUR GIG TONIGHT. YOU STARTED THIS MORNING AT KGSR, YOU'RE HERE NOW LIVE AT THE AUSTIN CITY COUNCIL CHAMBERS.

THIS IS ONLY MY SECOND GIG OF THE DAY. I'M GOING TO PLAY AT LUCKY LOUNGE ABOUT FIVE MINUTES AGO. [ LAUGHTER ] I'VE BEEN TOLD THAT IF I HAVE A PIECE OF PAPER IN MY HANDS FROM YOU, SIR, THEN I THINK I'LL BE OKAY.

Mayor Wynn: I HAVE IT RIGHT HERE. WE HAVE AN OFFICIAL PROCLAMATION THAT READS, BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, CULTURAL AND ECONOMIC DIVERSITY AND WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD, NOW THEREFORE I, WILL WYNN, MAYOR OF THE GREAT CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM TODAY, APRIL 6TH, 2006, AS IAN MCLAGAN DAY IN AUSTIN AND CALL ON ALL CITIZENS TO JOIN ME IN RECOGNIZING AND CONGRATULATING THIS GREAT TALENT. [ APPLAUSE ] I GUESS THIS WILL GET YOU INTO LUCKY LOUNGE A LITTLE

BIT LATE, BUT THIS ISN'T LIKE A GET OUT OF JAIL FREE CARD, SO BEHAVE YOURSELF TONIGHT. SO WHILE IAN BREAKS DOWN ON THAT SIDE OF THE ROOM, WE'LL USE THIS PODIUM TO START OUR PROCLAMATIONS. THE FIRST ONE A REGARDING DANCE MONTH. TIM HURST IS GOING TO JOIN ME, BUT I THINK WE ALSO HAVE SOME DANCERS. I'LL READ THE PROCLAMATION THAT PRO CLAIMS APRIL AS DANCE MONTH. WE'LL HEAR FROM TIM AND THEN I THINK WE'RE GOING TO SEE SOME GREAT DANCING. SO THIS PROCLAMATION READS: BE IT KNOWN WHEREAS DANCING AFFORDS HELPFUL RECREATION, HAS BECOME AN INTEGRAL PART OF AUSTIN'S LIFE FOR THOUSANDS OF OUR CITIZENS YOUNG AND OLD, INCLUDING MY SEVEN-YEAR-OLD. AMATEUR AND PROFESSIONALS PARTICIPATE IN THIS OUTLET FOR CREATIVITY AND SELF-EXPRESSION AND WHEREAS MOVING EASY SUPPORTS THE MAYOR'S FITNESS COUNCIL BY INTRODUCING DANCING AS A FUN WAY TO EXERCISE AND HELP OUR CITY ACHIEVE ITS GOAL OF BEING THE FITTEST CITY IN THE NATION. AND WHEREAS WE URGE ALL CITIZENS TO KNOW ABOUT THE WEALTH OF ACTIVITIES FOR THIS MONTH AND PARTICIPATE AS PERFORMERS AND SPECTATORS. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, DO HERE BY PROCLAIM APRIL 2006 AS DANCE MONTH IN AUSTIN AND CALL ON TIM HURST TO TALK ABOUT THE MONTH. I WANT TO THANK HIM FOR HELPING TO EXPAND THE CONCEPT OF FITNESS IN TOWN TO INCLUDE GREAT ACTIVITIES LIKE DANCE AND ULTIMATELY TO ROUSE INTROUS YOUR DANCERS -- ULTIMATELY TO INTRODUCE OUR DANCERS. TIM?

THANK YOU VERY MUCH FOR THAT PROCLAMATION. WE ARE MOVING EASY -- WE HAVE A PLACE THAT YOU CAN FIND OUT ABOUT ALL OF THE DIFFERENT DANCE THINGS FOR THE MONTH. AND OUR MAIN GOAL IS TO MAKE THAT EXERCISING FUN SO THAT WE CAN SUPPORT YOUR GOAL TO HAVE AUSTIN ONE OF THE FITTEST CITIES IN THE NATION. AND TODAY WE'RE VERY LUCKY TO HAVE WITH US TWO DANCERS FROM THE UNIVERSITY OF TEXAS. THEY'VE JUST WON THE HARVARD NATIONAL COLLEGE COMPETITIONS, AND THEY REPRESENT A GROWING TREND OF YOUNG PEOPLE FINDING BALLROOM DANCING AS THE ACTIVE SPORT. SO HERE TODAY ARE SHAUN BRUNO AND DEBBIE COLE FROM THE

BALLROOM DANCERS OF U.T. [ APPLAUSE ] [ (music) MUSIC  
PLAYING (music)(music) ] [ APPLAUSE ]

Mayor Wynn: IF YOU DON'T THINK DANCING CAN GET YOU FIT,  
LOOK AT THOSE TWO. GREAT JOB.

Mayor Wynn: FOR THE NEXT PROCLAMATION I'M JOINED BY  
SCOTT WILLRICH. THIS IS REGARDING INFORMATION AND  
MANAGEMENT RECORDS MONTH. WE'RE ALSO CELEBRATING  
IN ADDITION TO THE MONTH, WE'RE CELEBRATING SLED  
SHRED DAY IN AUSTIN. IT'S ABOUT RECORDS MANAGEMENT  
AND WHAT WE DO WITH THEM AFTERWARDS. THE  
PROCLAMATION READS: BE IT KNOWN THAT WHEREAS THE  
MANAGEMENT OF RECORDS AND INFORMATION IS CRITICAL  
TO EVERY BUSINESS, ORGANIZATION AND GOVERNMENT  
AGENCY BECAUSE TECHNOLOGY IS ALLOWING US TO STORE  
GROWING AMOUNTS OF INFORMATION AND RETAIN IT FOR  
MUCH LONGER PERIODS OF TIME. AND WHEREAS CONTROL  
OF RECORDS AND INFORMATION IS NECESSARY FOR  
REDUCTION OF RISK AND LIABILITY AS WELL AS FOR  
COMPLIANCE WITH GLOBAL STANDARDS, SO WE ARE  
PLEASED TO RECOGNIZE THE IMPORTANT SERVICES  
PERFORMED BY RECORDS AND INFORMATION  
PROFESSIONALS DURING THIS MONTH. WHEREAS TO HELP  
CITIZENS DESIRING TO DESTROY PRIVATE INFORMATION  
SAFELY, THE LOCAL CHAPTER OF THE ASSOCIATION OF  
RECORDS MANAGERS AND ADMINISTRATORS IS OFFERING  
FREE SHREDDING SERVICE ON APRIL 22nd AT AUSTIN HIGH  
SCHOOL. NOW THEREFORE I, WILL WYNN, MAYOR OF  
AUSTIN, DO HERE BY PROCLAIM ALSO APRIL 2006 AS  
RECORDS AND INFORMATION MANAGEMENT MONTH AND  
ASK MR. SCOTT WILLRICH TO TALK TO US NOT ONLY ABOUT  
SHRED DAY BUT JUST THE IMPORTANCE OF THE  
ORGANIZATION AND THE PROFESSIONALS HERE IN OUR  
COMMUNITY TO HELP US WITH RECORDS. [ APPLAUSE ]

I WANT TO THANK THE MAYOR FOR THIS PROCLAMATION  
AND RECOGNIZING THE IMPORTANCE OF RECORDS  
MANAGEMENT AND SHRED DAY, THE IMPORTANCE OF  
IDENTITY THEFT PREVENTION, THOSE SORTS OF ISSUES,  
AND ENCOURAGE EVERYBODY TO COME OUT APRIL 22nd TO  
AUSTIN HIGH FROM 8:00 A.M. TO 2:00 P.M. WE'LL SHRED UP  
TO TWO BOXES OF YOUR ABSOLUTELY CONFIDENTIAL

RECORDS. WE'LL HAVE THREE SHRED TRUCKS FROM LOCAL SHREDDING VENDORS ON SITE TO SHRED YOUR CONFIDENTIAL INFORMATION. AND PLEASE ENJOY OUR SERVICES. THANK YOU. [ APPLAUSE ]

Mayor Wynn: FOR OUR NEXT PROCLAMATION I'M JOINED BY A COUPLE OF FINE FIRE CHIEFS, INCLUDING THE RELATIVELY NEW CITY OF AUSTIN FIRE CHIEF AND OUR FORMER CHIEF AND NOW CHIEF AT WESTLAKE HILLS, GARY WARREN. APRIL ALSO HAPPENS TO BE FIREFIGHTER APPRECIATION MONTH, AND JUST EARLIER THIS WEEK WE KICKED OFF THE FILL THE BOOT CAMPAIGN. SO WE TALKED ABOUT THAT RIGHT NOW, BUT JUST REMIND THE FOLKS THAT THIS WEEKEND FIREFIGHTERS ACROSS THE STATE, AND CERTAINLY OUR FIRE DEPARTMENT, WESTLAKE HILLS AND OTHERS, ARE WORKING ON THE FILL THE BOOT CAMPAIGN FOR THE MUST FEW CAR DYSTROPHY ASSOCIATION. IF YOU SEE THE FIREFIGHTERS OUT IN OUR STREET INTERSECTIONS BEGINNING TODAY THROUGH SATURDAY, PLEASE DRIVE SAFELY AROUND THEM, BUT ALSO DIG DEEP AND HELP THE FIREFIGHTERS WITH THEIR ANNUAL MIEWS CAW LAR DYSTROPHY FILL THE BOOT DRIVE. IN ADDITION TO THE FIREFIGHTER APPRECIATION MONTH, WE'RE ALSO GOING TO BE CELEBRATING WILD FAIR AWARENESS WEEK. AND WE'LL HEAR FROM THE CHIEF IN A SECOND. OBVIOUSLY FIRES HAVE BEEN QUITE THE NEWS STORY EVEN HERE IN TEXAS JUST THE LAST FEW WEEKS AND SOME TRAGIC OCCURRENCES. SO THE PROCLAMATION READS, BE IT KNOWN THAT WHEREAS AUSTIN'S DIVERSE ECOLOGICAL ENVIRONMENTS ALLOW REZ RESIDENTS TO ENJOY FANTASTIC VIEWS OF THE HILLS AND LAKES FROM THEIR BUSINESSES, BUT THE PROXIMITY TO TREES AND BRUSH ALSO PRESENT IDEAL CONDITIONS FOR SEVERE WILDFIRE RISK. WHEREAS THE RECENT RAINS HAVE CAUSED GRASSES AND TREES TO GROW, ULTIMATING IN AN EVEN GREATER THREAT FOR THE CITY OF AUSTIN AND ALL OF TRAVIS COUNTY IN THE COMING WEEKS AND LIKELY DAY DRIES AHEAD. WHEREAS THE TEXAS FOREST SERVICE, TRAVIS COUNTY FIRE MARSHAL'S OFFICE AND HOME DIDDEPOT ARE WORKING WITH RESIDENTS IN AFFECTED AREAS THIS WEEK TO MITIGATE THE RISK TO LIVES, HOMES AND BUSINESSES. NOW THEREFORE I, WILL WYNN, MAYOR OF AUSTIN, DO

HERE BY PROCLAIM APRIL FIRST THROUGH EIGHTH, 2006,  
THIS WEEK, AS WILDFIRE AWARENESS WEEK AND CALL ON  
OUR NEW FIRE CHIEF TO TALK ABOUT OUR LOCAL EFFORTS  
TO KEEP EVERYBODY AS SAFE AS WE CAN. CHIEF? [  
APPLAUSE ]

THANK YOU, MAYOR. EVEN THOUGH WE'VE HAD SOME  
RECENT RAINS, IT'S BEEN -- WE'VE HAD A LOT OF DROUGHT,  
A LOT OF DRY SPELLS, AND THE OUTLOOK FOR THE REST OF  
THE YEAR IS AGAIN TO CONTINUE WITH HOT WEATHER,  
DROUGHT CONDITIONS IN MANY PARTS OF THE STATE. WE  
WANT TO TAKE THIS OPPORTUNITY TO EDUCATE OUR  
CITIZENS, TO MAKE OUR CITIZENS AWARE OF THE DANGERS  
OF WILDFIRE. JOIN ME HERE THIS AFTERNOON IS OUR  
FORMER FIRE CHIEF AND NOW THE CHIEF OF THE WESTLAKE  
HILLS FIRE DEPARTMENT, AND ALSO PRESIDENT OF THE  
TRAVIS COUNTY FIRE CHIEFS ASSOCIATION, GARY WARREN.  
SO BETWEEN THE BOTH OF US AND THE REST OF THE  
CHIEFS IN TRAVIS COUNTY, WE WANT TO MAKE SURE THAT  
FOLKS UNDERSTAND THE DANGERS OF WILDFIRE, THE  
DEVASTATION THAT HAS OCCURRED THROUGHOUT THE  
STATE, AND WE ALWAYS HAVE TO BE FINDFUL OF THOSE  
TYPE OF CONDITIONS AND THE ACTIONS THAT WE DO OUT  
THERE. USE YOUR ASH TRAYS IN YOUR VEHICLES. BE  
CAREFUL WITH ANYTHING THAT YOU'RE DOING OUTSIDE  
THAT CREATES A SPARK OR A FLAME. WE WANT OUR  
CITIZENS TO BE SAFE THE REST OF THE YEAR THANK YOU. [  
APPLAUSE ]

I WANTED TO TAKE JUST A MOMENT TO ASSURE YOU THAT  
THE CITIES OF ROLLING WOOD AND WESTLAKE HILLS ALSO  
JOIN YOU IN THE PROCLAMATION MOVEMENT TO BRING  
ATTENTION TO THE WILD LAND INTERFACE THREAT THAT WE  
HAVE IN TRAVIS COUNTY. AND WE HAVE JOINED ALSO WITH  
ALL OF THE ESD'S THROUGHOUT TRAVIS COUNTY. SO IT IS A  
PRETTY WELL COORDINATED EFFORT. AND WHAT WE  
MAINLY WANT TO DO IS MAKE SURE THAT OUR CITIZENS ARE  
SAFE AND TO BRING ATTENTION TO THE BEAUTIFUL  
COUNTRY WE HAVE TO THE WEST END OF THE COUNTY  
THAT BRINGS US THE MOST HAZARD AND MAKE SURE  
EVERYONE CONDUCTS THEIR ACTIVITIES AND MAINTAINS  
THEIR YARDS IN A WAY THAT WILL KEEP IT SAFE FOR

EVERYONE. THANK YOU. [ APPLAUSE ]

Mayor Wynn: PERHAPS APRIL IS PROVING TO BE OUR MOST DIVERSE MONTH OF THE YEAR. I GUESS WE GET TO ACCOMPLISH A LOT OF THINGS IN APRIL, INCLUDING FAIR HOUSING MONTH, WHICH IS THE SUBJECT OF THIS PROCLAMATION. AFTER I SAY A FEW WORDS, CHARLES GOREMAN WILL TALK TO US ABOUT OUR LOCAL EFFORTS AND EVEN SOME STATE AND NATIONAL EFFORTS AS WELL. JUST A FEW MINUTES AGO WE HAD A ZONING CASE WHERE ONE OF THE CASES WE GET REMINDED ABOUT STATE AND FEDERAL LAWS WHEN IT COMES TO FAIR HOUSING LAWS AND HOW WE HAVE TO BE CAREFUL WHEN WE ZONE PROPERTIES NOT TO LOSE SIGHT OF THAT. THIS PROCLAMATION FOR FAIR HOUSING MONTH READS, BE IT KNOWN WHEREAS SAFE AFFORDABLE HOUSING IS PART OF THE AMERICAN DREAM AND THE FAIR HOUSING ACT OF 1968 AND ITS AMENDMENT IN 1988 OPENED THAT POSSIBILITY TO EVERYONE REGARDLESS OF RACE, COLOR, SEX, NATIONAL ORIGIN, RELIGION, DISABILITY OR FAMILIAR STATUS. AND WHEREAS THE CITY OF AUSTIN IS LIKEWISE DEDICATED TO ENSURING THAT ALL CITIZENS RECEIVE EQUAL TREATMENT WHEN BUYING OR RENTING A HOME, AND WHEREAS WE ENCOURAGE EVERYONE TO RECOGNIZE THE IMPORTANCE OF FAIR HOUSING PRACTICES AND TO CONTINUE TO WORK TO CHANGE ATTITUDES AND REMOVE BARRIERS THAT LIMIT ACCESS AND CHOICE. SO NOW THEREFORE I, WILL WYNN, MAYOR OF AUSTIN, DO HERE BY PROCLAIM ALSO APRIL 2006 AS FAIR HOUSING MONTH IN OUR GREAT CITY AND ASK MR. CHARLES GORHAM TO SAY A FEW WORDS ABOUT OUR LOCAL EFFORTS AND ACTUALLY PLEASE JOIN ME IN THANKING HIM AND PROFESSIONALS ALL ACROSS THE CITY ORGANIZATION AND OTHER ORGANIZATIONS THAT HELP WITH THE -- OBVIOUSLY THE APPROPRIATE APPROACH FOR HAVING HOUSING AVAILABLE FOR ALL FOLKS. CHARLES, THANK YOU. [ APPLAUSE ]

I'D LIKE TO THANK THE MAYOR BECAUSE HE'S ALWAYS SUPPORTIVE OF OUR PROGRAMS AND ESPECIALLY THIS YEAR SINCE HE'S GOING TO BE ONE OF THE PRESENTERS TO INTRODUCE THE SECRETARY OF HOUSING, MS. KIM KENDRICK WHO WILL BE ATTENDING THIS YEAR THE SEM MAYOR THAT WE'RE PUTTING TOGETHER IN CONNECTION

WITH THE TEXAS WORKFORCE CIVIL RIGHTS DIVISION. IT'S IMPORTANT FOR US TO BE ABLE TO HAVE THIS INFORMATION FOR THE COMMUNITY. WE HAVE ATTORNEYS, WE HAVE EDUCATORS, DIFFERENT PEOPLE GOING TO ATTEND THIS CONFERENCE IN ORDER FOR THEM TO BECOME MORE FAMILIAR WITH THE FAIR HOUSING LAWS. AND SINCE THE MAYOR WILL BE THERE, WE'LL BE VERY HAPPY TO HAVE THEM THERE AND TO HAVE ANY OTHER ATTORNEYS, EDUCATORS THAT WOULD LIKE TO ATTEND THE CONFERENCE. OUR CONTACT INFORMATION WITH THE CITY OF AUSTIN EQUAL EMPLOYMENT FAIR HOUSING OFFICE IS 512-974-3259. THAT'S DIRECTLY INTO MY OFFICE AND I'LL MAKE SURE YOU GET ALL THE INFORMATION YOU NEED IN ORDER TO ATTEND THE CONFERENCE OR TO PARTICIPATE IN THE CONFERENCE. I WOULD ALSO LIKE TO INTRODUCE MAY ROBERT GOMEZ, THE EXECUTIVE DIRECTOR OF THE TEXAS WORKFORCE COMMISSION CIVIL RIGHTS COMMISSION WHO WOULD LIKE TO SAY A FEW WORDS ALSO. WE'RE CO-PARTNERING WITH THIS AGENCY THIS YEAR IN ORDER TO PUT THIS SEMINAR TOGETHER. ROBERT?

GOOD AFTERNOON. AS THE EXECUTIVE DIRECTOR FOR THE COMMISSION ON HUMAN RIGHTS CIVIL RIGHTS DIVISION, I WOULD LIKE ALL OF YOU TO ATTEND NEXT WEEK'S CONFERENCE. IT'S A TWO-DAY CONFERENCE. THE SECOND DAY WILL CONCENTRATE ON WHAT WE'RE HERE TO PROCLAIM TODAY, WHICH IS NATIONAL FAIR HOUSING MONTH. THE FIRST DAY WILL DEAL WITH EMPLOYMENT AND WE'RE VERY EXCITED IN PARTNERING WITH THE CITY OF AUSTIN AND ALSO BRINGING IN OUR FEDERAL PARTNERS IN PARTICIPATING IN THE CONFERENCE FOR NEXT WEEK, SO I ENCOURAGE YOU ALL TO COME OUT AND JOIN US NEXT WEEK ON THE 11th AND 12TH FOR THIS CONFERENCE. THANK YOU VERY MUCH. [ APPLAUSE ]

Mayor Wynn: FOR THIS I'M JOINED BY CITY MANAGER TOBY FUTRELL WHO WANTS TO SAY A FEW WORDS AS WELL AND FOLKS FROM THE TOWN LAKE TRAIL FOUNDATION. WE'RE NOT GOING TO NAME A TOWN LAKE TRAIL FOUNDATION MONTH, BUT WE ARE HERE GIVING A VERY IMPORTANT CERTIFICATE OF APPRECIATION TO A GREAT ORGANIZATION THAT'S HELPING US WITH REALLY JUST A PREMIER, REMERE COMMUNITY ASSET, THAT BEING TOWN LAKE AND TOWN

LAKE HIKE AND BIKE TRAIL. SO THIS IS A CERTIFICATE OF APPRECIATION. I'LL READ THIS AND ASK THE CITY MANAGER FUTRELL TO SAY A FEW WORDS AND WE'LL HEAR FROM THE FOUNDATION THEMSELVES. BUT THE CERTIFICATE OF APPRECIATION READS, FOR THE GENUINE CONCERN FOR AN INNOVATIVE TECHNIQUES TO MAINTAIN AND IMPROVE THE GARDENS ALONG THE TOWN LAKE HIKE AND BIKE TRAIL, THE TOWN LAKE TRAIL FOUNDATION IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. FOR THE PAST THREE YEARS THE FOUNDATION HAS AUCTIONED OFF TRAIL GARDEN TO GARDEN LOVERS WHO PAY TO DESIGN AND CARE FOR THE PLOTS THEY ADOPT. OTHER ORGANIZATIONS, CHILDREN, VOLUNTEERS AND ALL BENEFIT FROM THE LANDSCAPING EXPERIENCE, ALTHOUGH TO USE THE TRAIL, LIKE MYSELF DAILY, ENJOY IMPROVED VISTAS AND THE FOUNDATION OBTAINS FUNDS FOR IMPROVING THE TRAIL ITSELF. THIS CERTIFICATE IS ISSUED IN RECOGNITION OF THE WORK OF THE TOWN LAKE TRAIL FOUNDATION AND ITS VERY SUCCESSFUL ADOPT A GARDEN PROGRAM THIS SIXTH DAY OF APRIL THE YEAR 2006 SIGNED BY ME, BUT ACKNOWLEDGED BY THE ENTIRE AUSTIN CITY COUNCIL, THE CERTIFICATE OF APPRECIATION TO THE TOWN LAKE TRAIL FOUNDATION. [ APPLAUSE ]

Futrell: I I WANTED TO TAKE A MOMENT TO INTRODUCE THIS GROUP TO YOU BEFORE THEY HAVE A CHANCE TO SAY A FEW WORDS. YOU MAY NOT BE AWARE OF HOW MANY VOLUNTEERS BACK UP CITY GOVERNMENT, BUT IN AUSTIN THOUSANDS OF PEOPLE FILL OUR LIBRARIES AND OUR PARKS AND MANY OTHER AREAS OF CITY GOVERNMENT AND FILL THE HOLES AND FILL THE GAPS FOR US WITH MILLIONS OF HOURS OF WORK. BUT THIS GROUP IN PARTICULAR CAME FORWARD DURING THE DOWNTURN, DURING A TIME WE WERE HAVING TO CUT ALMOST A QUARTER OF OUR GENERAL FUND BUDGET, WHERE WE LOST 800, 900 POSITIONS OUT OF THE GENERAL FUND. AND THEY CAME FORWARD AND WITH TENDERNESS AND TENACITY, WITH ENERGY AND IMAGINATION, THEY CAME ASKING FOR NOTHING BUT TO FIND A WAY TO CARE FOR THE TRAILS, FOR THE HIKE AND BIKE TRAIL. AND THEY HAVE TAKEN IT PROJECT BY PROJECT, INCH BY INCH AND DONE SOME OF THE MOST CREATIVE AND IMAGINATIVE WORK, AND I

COULDN'T BE PROUDER OF THE WORK YOU'VE DONE. WE SHOULD ALL BE VERY GRATEFUL FOR THESE FOLKS AND WHAT THEY'VE DONE. LET'S GIVE THEM A ROUND OF APPLAUSE. [ APPLAUSE ]

I'M GRIFFIN DAVIS. I'M NOT SURE HOW TO FOLLOW AN INTRODUCTION LIKE THAT EXCEPT TO SAY WE REALLY ARE A WONDERFUL ORGANIZATION. I WOULD LIKE TO THANK, APPRECIATE THE CITY COUNCIL, THE MAYOR AND TOBY FUTRELL AND ESPECIALLY WARREN STRUSE AT THE PARKS AND RECREATION DEPARTMENT. THEY PROVIDE US A TREMENDOUS LEVEL OF SUPPORT FOR THE PROGRAMS WE'VE DONE TO PROTECT THE TOWN LAKE HIKE AND BIKE TRAIL. I'D LIKE TO BRING SARAH MOORE UP HERE, WHO IS THE PROGRAM DIRECTOR FOR THE ADOPT A GARDEN PROGRAM AND HAS PUT IN A TREMENDOUS AMOUNT OF WORK TO MAKE THIS PROGRAM A REALITY. AND THE ADOPT A GARDEN PROGRAM HAS BEEN REALLY BENEFICIAL FOR MAKING THE TOWN LAKE TRAIL AN EVEN MORE BEAUTIFUL PLACE THAN IT IS. AND IF YOU ARE INTERESTED IN GETTING INVOLVED WITH US AND HELPING OUT SOME OF THE OTHER THINGS THAT WE'RE DOING TO HELP THE TRAIL, PLEASE COME CHECK US OUT AT TOWN LAKETRAIL.ORG OR TALK TO MYSELF OR DAN GARRISON, OUR EXECUTIVE DIRECTOR AND WE'D BE HAPPY TO GET YOU INVOLVED. SARAH, WOULD YOU LIKE TO SAY A FEW WORDS?

WE HAVE AT PRESENT 23 GARDENS ADOPTED OUT TO FAMILIES, A FEW BUSINESSES, THREE SCHOOL CLASSROOMS AND A YOUTH GROUP AT THE YWCA. THE GARDENS THEY HAVE TAKEN ON LOOK SO WONDERFUL. I'M VERY PROUD OF WHAT THEY'VE DONE. AND IT'S A JOY AND A PRIVILEGE TO BE A KIND -- PRIVILEGE TO BE A KIND OF CONDUIT FOR PEOPLE TO EXPRESS THEIR APPRECIATION FOR TOWN LAKE TRAIL. I'M ALWAYS LOOKING FOR VOLUNTEERS AND ADOPTERS. WE WORK ON THE TOM SAWYER PRINCIPLE THAT YOU PAY US TO GO DOWN AND WORK ON THE TRAIL. AND YOU CAN FIND US AT TOWN LAKETRAIL DISARG.ORG AS GRIF JUST MENTIONED. THANK YOU VERY MUCH FOR THIS. [ APPLAUSE ]

Mayor Wynn: AND A FIRST HERE, LADIES AND GENTLEMEN. DAN GARRISON, WHO IS BRAINCHILD THE FOUNDATION WAS,

HAS DECIDED NOT TO SPEAK TO US TONIGHT. [ LAUGHTER ]  
BUT WE'RE VERY PROUD OF DAN GARRISON ALSO FOR  
THREE OR FOUR YEARS STEPPING FORWARD AND  
ORGANIZING THE FUNDAMENTAL CREW THAT GREW INTO  
THE TOWN LAKE TRAIL FOUNDATION. DAN, THANK YOU SO  
MUCH. [ APPLAUSE ]

Mayor Wynn: IN WHAT SEEMS TO BE A WEEKLY OCCURRENCE  
HERE, TURNED OUR PROCLAMATION HOUR OR SO, IS THAT  
WE SAY GOOD-BYE SADLY, BUT WITH GREAT GRATITUDE, TO  
A SENIOR, SENIOR CITY EMPLOYEE. TONIGHT WE'RE DOING  
IT TO CHIEF LIONEL BESS. AND I'M GOING TO READ THE  
PROCLAMATION AND I GUESS I'LL HAVE TOBY FUTRELL STEP  
UP NEXT AND THEN WE'LL HEAR FROM THE CHIEFS AS WE  
SAY THANK YOU TO LIONEL. I WILL BE PRESENTING THE  
DISTINGUISHED SERVICE AWARD. FOR MORE THAN 24 24  
YEARS OF DEDICATED SERVICE TO THE CITIZENS OF AUSTIN  
AS A MEMBER OF THE FIRE DEPARTMENT AND THE LAST  
EIGHT YEARS IN THE ROLE OF ACE SENT CHIEF. LIONEL  
BESS IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION.  
DURING HIS TENURE WITH CHIEF KNEE, HE WAS ASSIGNED  
TO UNITS IN COMBAT OPERATIONS, TRAINING AS A  
BATTALION CHIEF. HE WAS ALSO THE FIRST AFRICAN-  
AMERICAN APPOINTED TO THE RANK OF ACE SENT CHIEF. IN  
THAT ROLE HE MANAGED FLEET MAINTENANCE, FIRE  
COMMUNICATIONS, RECRUITING, MEDICAL OPERATIONS,  
SAFETY AND TRAINING. THIS CERTIFICATE IS PRESENTED  
WITH OUR ADMIRATION AND DEEP APPRECIATION FOR CHIEF  
BESS' OUTSTANDING SERVICE TO OUR COMMUNITY THIS  
SIXTH DAY OF APRIL OF THE YEAR 2006 PRESENTED BY ME,  
SIGNED BY ME, MAYOR WILL WYNN, BUT ACKNOWLEDGED BY  
THE ENTIRE AUSTIN CITY COUNCIL, MAYOR PRO TEM DANNY  
THOMAS, COUNCILMEMBERS LEFFINGWELL, ALVAREZ, KIM,  
DUNKERLEY AND MCCracken. THIS DISTINGUISHED  
SERVICE AWARD TO LIONEL BESS. [ APPLAUSE ]

THE MAYOR IS SO RIGHT. THIS IS BECOMING A SAD  
TRADITION. WE ARE LOSING SO MANY OF THE PEOPLE WHO  
HAVE DEDICATED A LIFETIME TO CITY GOVERNMENT AND  
MAKING THIS CITY THE VERY SPECIAL AND QUALITY CITY  
THAT IT IS. AND LIONEL BESS IS ONE OF THOSE PEOPLE. IN  
THE BACK OF THE ROOM YOU WILL SEE A WHOLE DOUBLE  
ROW OF FIREFIGHTERS AND FRIENDS AND FAMILY OF

LIONEL. LIONEL LEAVES US AFTER A LONG AND DISTINGUISHED CAREER, AND I WOULD LIKE TO PRESENT TO LIONEL OUR ACE AWARD, BASICALLY AN AWARD GIVEN TO OUTSTANDING CITY EMPLOYEES FOR SERVICE RECOGNITION, AND IT READS, DISTINGUISHED SERVICE AWARD TO LIONEL BESS, 19 1981 TO 2006, AUSTIN FIRE DEPARTMENT ASSISTANT CHIEF. YOUR PASSION FOR PUBLIC SERVICE NOT ONLY MADE A DIFFERENCE, BUT PROVIDES A BENCHMARK FOR HELPING MAKE AUSTIN THE MOST LIVEABLE CITY IN THE COUNTRY. THANK YOU, LIONEL. [ APPLAUSE ]

ONE OF THE FIRST THINGS I TRIED TO DO WHEN I FIRST CAME TO WORK HERE WAS TO TRY TO TALK LIONEL OUT OF RETIRING. I WAS NOT ABLE TO DO THAT. SO I GUESS THE NEXT BEST THING I CAN DO TO HIM IS TO THANK HIM FOR COMING OUR WAY. THANK HIM FOR MAKING THIS ORGANIZATION WHAT IT IS TODAY. THANK HIM FOR ADDING TO THE RICH TRADITION THAT WE HAVE IN THE AUSTIN FIRE DEPARTMENT. ALONG WITH THAT TRADITION, ALONG WITH BEING A GREAT ORGANIZATION THAT HAS A RICH HISTORY AND JOINING US ALSO HERE TODAY ARE SOME OF OUR RETIRED FIREFIGHTERS. AND I'D LIKE TO JUST INTRODUCE THEM REAL QUICK. STANLEY ROUTE, LIEUTENANT, RETIRED FROM THE AUSTIN FIRE DEPARTMENT. STANLEY, WHERE ARE YOU? [ APPLAUSE ] LIEUTENANT ALBERT WALKER. LIEUTENANT WALKER. HE MUST HAVE LEFT. MARVIN DOUGLAS, LIEUTENANT, RETIRED, AUSTIN FIRE DEPARTMENT. [ APPLAUSE ] RAY HENDRIX, RETIRED AUSTIN FIRE DEPARTMENT. AND CAPTAIN JAMES YANCY. [ APPLAUSE ] CARRYING ON IN THE FOOT STEP OF THE RICH AUSTIN TRADITION, JOINING US HERE TODAY WAS -- I HAD THE PLEASURE OF THE FIRST APPOINTMENT ASSISTANT CHIEF DARRELL KEYS BACK HERE. CHAP CLAP. I'D LIKE TO THANK ALL THE RETIRED FIREFIGHTERS, PAST FIREFIGHTERS AND CURRENT FIREFIGHTERS FOR BEING HERE WITH US THIS AFTERNOON TO HONOR LIEP KNELL AS HE LEAVES US AND -- LIONEL AS HE LEAVES US AND GOES ON TO HIS NEXT PHASE IN AIZ LIFE. THANK YOU. [ APPLAUSE ]

I HAD THE OPPORTUNITY TO WORK WITH CHIEF BESS FOR APPROXIMATELY TWO YEARS, AND CHIEF BESS, SUCH A QUIET LEADER, BUT IT WAS VERY CLEAR TO ME WHEN I

TALKED TO HIM EARLY ON, THE GUY KNOWS HIS STUFF AND HE DID A GREAT JOB FOR US. I WAS VERY HONORED TO BE ABLE TO WORK WITH HIM AND I'M GOING TO MISS HIM. BUT WAS IT WAS NO SURPRISE WHEN I WENT TO HIS CEREMONY ACROSS THE HALL, HE'S DEFINITELY THE HAPPIEST PERSON IN THE ROOM. [ LAUGHTER ] I'M VERY HAPPY FOR HIM. AND I JIT VOOIT INVITE YOU TO JOIN US ACROSS THE HALL WHEN THIS IS COMPLETED. [ LAUGHTER ]

ONE OF THE MOST DIFFICULT RESPONSIBILITIES A FIRE CHIEF HAS IS TO BE ABLE TO PICK SOMEONE THAT HE FEELS LIKE WILL JOIN HIS MANAGEMENT TEAM AND MOVE IT FORWARD WITH THE RIGHT BALANCE OF SKILLS AND TALENTS. AND I MADE MY FIRST TRY AT THAT, I PICKED LIONEL BEST. AND I THOUGHT, WELL, DID I DO RIGHT OR DID I DO WRONG? AND I THOUGHT, WELL, ONLY TIME WILL TELL. WELL, TIME IS UP, AND I THINK TIME DID TELL. LIONEL BEST WAS A -- LIONEL BESS WAS A LOYAL AND DEVOTED MEMBER OF OUR EMERGENCIMENT TEAM AND HE STAYED TRUE TO THE MISSION AND THE GOALS OF THE FIRE DEPARTMENT AND I'M REALLY PROUD OF THE DECISION I MADE AND I'M PROUD OF LIONEL. [ APPLAUSE ]

WELL, I AM HUMBLE. I WANT TO THANK GOD FOR LEADING ME TO THIS GREAT CAREER AND THANK ALL THE PEOPLE THAT SUPPORTED ME. MY PARENTS WERE KICKING ME IN THE BUTT WHEN I NEEDED IT, AND ALL THE FOLKS THAT SUPPORTED ME. I TOLD HIM EARLIER HE HAD A GREAT GUY FOR TALENT. HE RECOGNIZED IT EARLY ON. [ LAUGHTER ] AND RETIRED LIEUTENANT DOUGLAS BACK THERE, ONE OF MY MENTORS, AND WALKER, ALL THE FOLKS THAT HELP ME OUT. I SEE TYLER ANDERSON BACK THERE, HE WAS ONE OF THE GUYS THAT HELPED THE BUDGET. AND EVERY TIME HE'S SITTING IN MY OFFICE THINKING HOW I CAN LOOK OVER THE MONTHLY BUDGET STATEMENT THINKING ABOUT SOME OF THE PROJECTS, AND HE'D WALK BY AND SAY YOU'VE ALREADY SPENT THAT MONEY. [ LAUGHTER ] BUT ANYWAY, I HAVE BEEN ENJOYING THE TIME I'VE TAKEN OFF SO FAR. I WAS DISCUSSING MY RETIREMENT WITH SOME FRIENDS, AND THEY ASKED ME ABOUT CLOSE CALLS. AND I HAD SO MUCH FUN IN THIS CAREER. I REALLY DIDN'T THINK ABOUT IT. I SAID, WELL, I FELL THROUGH A ROOF ONCE AND I DON'T REMEMBER MUCH ABOUT THE TRIP, BUT I DIDN'T GET HURT

BAD. [ LAUGHTER ] I FELL THROUGH A FLOOR AND A BRICK WALL ALMOST FELL ON ME, AND I DIDN'T THINK IT WAS A BIG DEAL, BUT IT DOES TELL ME HOW BLESSED I AM TO BE LEAVING AFTER 24 YEARS AND LEAVING HEALTHY. AND A LOT OF HIGHLIGHTS. AND LAST YEAR WAS A REALLY GREAT HIGHLIGHT DURING THE HURRICANE EVACUATIONS. I REMEMBER GOING ON THE FLOOR OF THE CONVENTION CENTER LATE ON A FRIDAY EVENING AND SEEING ALL THE FOLKS FROM THE CITY MANAGER DOWN TO FOLKS THAT WORK IN THE CONVENTION CENTER. AND SPEAKING WITH THE FOLKS THAT EVACUATED JUST TALKING ABOUT HOW GREAT THEY WERE TREATED AND WHAT A GREAT CITY AUSTIN IS. AND IT IS, AND I'M PROUD TO HAVE BEEN A PART OF IT. THANK Y'ALL FOR SUPPORTING ME. [ APPLAUSE ]

Mayor Wynn: JUST A REMINDER, THERE ARE REFRESHMENTS ACROSS THE HALL NEXT DOOR FOR CHIEF BESS. FOR OUR LAST PROCLAMATION I'D LIKE TO TURN THE PODIUM OVER TO MAYOR PRO TEM DANNY THOMAS. >>

Thomas: THANK YOU, MAYOR. THAT'S THE MOST I'VE EVER HEARD CHIEF BESS TALK THAT LONG. [ LAUGHTER ] HE MUST BE REALLY EXCITED. THIS IS AN EXCITING TIME FOR ME ALSO, AND TO PRESENT THIS PROCLAMATION. IT LETS YOU KNOW THAT THE HARD WORK THAT THE AFRICAN-AMERICAN QUALITY OF LIFE GROUP PUT TOGETHER, THE HARD WORK THAT THEY BROUGHT BACK TO THE CITY COUNCIL IS PAYING OFF. YOU CAN SAY YOUR HARD WORK WAS NOT DONE IN VAIN. I WANT TO COMMEND CHIEF MCDONALD AND CORA WRIGHT AND SOME COMMUNITY LEADERS THAT BROUGHT FORWARD THIS INITIATIVE, WHAT WE'RE DOING TODAY. AND I'LL ALLOW THEM TO SPEAK ONCE I PRESENT THE PROCLAMATION. CHIEF MCDONALD AND MAYBE CORA WRIGHT COME UP AND I'LL PRESENT THE PROCLAMATION. AND THEN I'LL ALLOW YOU TO SPEAK. THE PROCLAMATION READS, IT SAYS, BE IT KNOWN THAT WHEREAS THE SOUND OF R AND B LEGEND CHAKI KHAN, SINGER MICHAEL HENDRIX AND HIS BRASS PLAYER BAND, ALONG WITH LOCAL AND REGIONAL TALENT, ALL YOU NEED AND OTHERS WILL FILL AUDITORIUM SHORES DURING TEXAS RELAY WEEKEND. AND WHEREAS THE FIRST URBAN MUSIC FEST FESTIVAL IS A FAMILY ORIENTED FESTIVAL OF MUSIC DESIGNED FOR THE LOCAL COMMUNITY AS WELL AS 40,000 YOUNG AFRICAN-

AMERICAN ATHLETES AND FAMILIES HERE FOR THE RELAYS. AND WHEREAS THE LIVE MUSIC CAPITOL OF THE WORLD, AUSTIN IS KNOWN FOR THE VARIETY AND DIVERSITY OF ITS MUSICAL TALENT AND IS PLEASED TO JOIN URBAN LIFE GROUP IN SHOWCASING AFRICAN-AMERICAN ARTISTS AS THE FESTIVAL AND FACILITATING AUSTIN QUALITY OF LIFE INITIATIVE. NOW THEREFORE WILL WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM APRIL 8TH, 2006, AS URBAN MUSIC FESTIVAL DAY. AND I PRESENT THIS TO CHIEF MCDONALD. LET ME SAY THIS BEFORE THEY COME UP TO SPEAK. THIS TIME LAST YEAR WASN'T A PLEASANT TIME FOR A LOT OF PEOPLE THAT HAD PARTICIPATED IN THE TEXAS RELAYS, BUT IT LETS US KNOW THAT HERE IN AUSTIN WE CAN CHANGE WHAT'S WRONG AND MOVE ON TO ANOTHER TIME. THIS TIME LAST YEAR IT WASN'T TOO PLEASANT FOR AFRICAN-AMERICANS THAT HAD CAME FOR THE TEXAS RELAYS, BUT WE THANK GOD FOR OUR STAFF AND THE COMMUNITY AND THE QUALITY OF LIFE AFRICAN-AMERICAN GROUP THAT PUT ON THE HARD WORK AND INITIATIVES AND WE THANK GOD THAT WE'RE CONTINUING TO CARRY ON THESE INITIATIVES AND MAKE SURE THAT THE QUALITY OF LIFE FOR EVERYBODY IS ENJOYED IN AUSTIN, TEXAS. [ APPLAUSE ]

THANK YOU, MAYOR PRO TEM, COUNCIL, AND AUSTIN, BECAUSE THIS WOULD NOT BE POSSIBLE IF WE HAD NOT PULLED TOGETHER AS A COMMUNITY. I'D LIKE TO ALSO START OFF BY THANKING THE CITY MANAGER, TOBY FUTRELL. AN UNDERTAKING LIKE THIS REQUIRES A LOT OF RESOURCES AND COMMITMENT, AND ON EACH OCCASION WHEN I SAT DOWN TO MEET WITH HER AND EXPLAIN WHAT WOULD BE REQUIRED TO MAKE THIS EVENT A SUCCESS, SHE STEPPED UP TO THE PLATE TO SUPPORT THE COMMUNITY IN THIS ENDEAVOR. AS YOU KNOW, THE AFRICAN-AMERICAN QUALITY OF LIFE INITIATIVE HAD SIX MAJOR COMPONENTS, BUT ONE OF THE MOST IMPORTANT COMPONENT, IN FACT, THE ANCHOR COMPONENT, WAS ENTERTAINMENT. TIME AND TIME AGAIN MEMBERS OF THE COMMUNITY EXPRESSED THE IMPORTANCE OF ENTERTAINMENT AND ARTS. ALTHOUGH WE HEAR IN AUSTIN ARE CERTAINLY ON OUR WAY IN THE BUSINESS COMMUNITY, OUR ECONOMY IS BOUNCING BACK, THERE ARE A LOT OF OPPORTUNITIES THAT ARE THERE,

AND OF COURSE ONE OF OUR COMPONENTS IS EMPLOYMENT IN EDUCATION IS CERTAINLY GOING TO WORK TO ENSURE THAT WE BENEFIT IN THAT AREA AS WELL. BUT LIFE IS NOT ALL ABOUT WORK. PLAY IS VERY IMPORTANT. AND WHAT WE'RE HOPING WITH THIS INITIATIVE IS THAT IT ENJOYS THE SUCCESS OF MANY OF OUR OTHER REKNOWNED INITIATIVES SUCH AS AUSTIN CITY LIMITS AND SOUTH BY SOUTHWEST BECAUSE IT'S NOT JUST ABOUT ENTERTAINMENT. THIS IS AN OPPORTUNITY TO SHOWCASE AUSTIN FOR WHAT WE ALL KNOW IT TO BE AS ONE OF THE BEST PLACES IN THIS COUNTRY TO LIVE. AND SO WITH THAT I'D LIKE TO HAVE HOMER HILL COME FORWARD TO TALK A LITTLE BIT ABOUT THE EVENT. [ APPLAUSE ]

ON BEHALF OF THE URBAN LIFE GROUP AND THE URBAN MUSIC FEST, WE FIRST WOULD LIKE TO THANK THE MAYOR, WILL WYNN, MAYOR PRO TEM DANNY THOMAS, CITY MANAGER TOBY FUTRELL, AND OF COURSE ASSISTANT CITY MANAGER MIKE MCDONALD. COMING ON THE HEELS OF THE QUALITY OF LIFE INITIATIVE, THE URBAN LIFE GROUP CAME UP WITH A CONCEPT CALLED THE URBAN MUSIC FEST. AND PART OF THE GOAL OF URBAN MUSIC FEST IS TO EXEMPLIFY WHAT THE AFRICAN-AMERICAN POPULATION CAN PRESENT TO THE TOTAL POPULATION HERE IN AUSTIN IN TERMS OF ENTERTAINMENT. MOST OF OUR LIVES WE LOOK FORWARD TO THE OPPORTUNITY FOR LEISURE AND ENTERTAINMENT. AND IN THIS CITY, AUSTIN, WE HAVEN'T HAD THE PERSPECTIVE OF THE AFROCENTRIC POINT OF VIEW. SO WE WANTED TO PROVIDE FOR PEOPLE INSIDE THE CITY AND OUTSIDE THE CITY TO COME AND FEEL A DIFFERENT PERSPECTIVE. WE'VE BEEN HELPED TREMENDOUSLY BY THE SUPPORT FROM THE AUSTIN PARKS DEPARTMENT, WARREN STRUSE, CORA WRIGHT, JAY STONE, JAY VALDEZ AND ALL THE PEOPLE. I WENT DOWN TO THE SHORES TODAY AND THEY WAS HARD AT WORK. EVERY TIME WE HAD MILLION QUESTIONS TO ASK, THIS IS A FIRST-TIME EVENT, THEY ANSWERED ALL OUR QUESTIONS. AND ONE THING I LEARNED A LONG TIME AGO, THAT A CONCEPT COMES INTO YOUR MIND, BUT THE DELIVERY OF A CONCEPT REQUIRES TREMENDOUS WORK. AND THERE ARE VOLUNTEERS RIGHT NOW AS I SPEAK ROAMING THE CITY THINKING ABOUT THE PROCESS, STILL NEGOTIATING DIFFERENT ASPECTS OF THIS

SHOW. WE HAVE LISA BIRD, LARRY YORK, CHRISTINE, TRACY, IT GOES ON AND ON AND ON. THERE ARE SO MANY VOLUNTEERS WE'RE NOT EVEN AWARE OF THAT ARE MOVING IN A PROGRESSIVE MANNER TO SHOW THAT URBAN MUSIC FEST IS SOMETHING THAT THE CITY IS TRULY DESERVING OF. AND WE APPRECIATE YOU GUYS' COOPERATION. WE'D LIKE TO SEE YOUR SUPPORT THIS SATURDAY, WHICH IS APRIL THE EIGHTH, THIS FESTIVAL WILL GO ON FROM 11:00 A.M. TO 10:00 P.M. AND THIS YEAR WE DECIDED TO TELL A STORY, AND THAT STORY IS ABOUT THE CORRELATION BETWEEN 70'S AND 80'S R AND B AND SOUL TO TODAY'S RIP HOP AND NEO SOUL. SO YOU COME OUT THERE, LET US TELL YOU A STORY, GET SOME GREAT FOOD, GET SOME GREAT DRINKS AND HAVE A GREAT TIME. THANK YOU VERY MUCH. [ APPLAUSE ]

EARLIER DURING OUR CHANGES AND CORRECTIONS THIS MORNING WE NOTED THAT SOMETIME AFTER 6:00 P.M. STAFF WOULD BE REQUESTING A POSTPONEMENT FOR OUR POSTED PUBLIC HEARING, ITEM NUMBER 66. AND I TRUST THAT'S STILL THE CASE. WELCOME MS. TERRY.

THERE IS ALSO AN EXECUTIVE SESSION ITEM THAT BE POSTPONED UNTIL APRIL THE 27TH. WE ARE REQUESTING THAT THE 6:00 O'CLOCK ITEM STILL BE HELD AT 6:00 O'CLOCK. IF YOU RECALL, YOU DID CLOSE YOUR PUBLIC HEARING, BUT THAT IS A MATTER THAT YOU POSTPONED AND IT WOULD BE APPROPRIATE TO POSTPONE IT TO A TIME CERTAIN OR 6:00 O'CLOCK, EVEN THOUGH THERE WILL NOT BE A PUBLIC HEARING TO GO WITH IT.

THANK YOU, MS. TERRY. COUNCIL, I'LL ENTERTAIN A MOTION TO POSTPONE BOTH THE ASSOCIATED EXECUTIVE SESSION ITEM AND ITEM NUMBER 66. MOTION MADE BY COUNCILMEMBER LEFFINGWELL THAT I'LL SECOND. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. MOTION TO POSTPONE PASSES ON A VOTE OF FOUR TO ZERO WITH THE MAYOR PRO TEM, COUNCILMEMBERS KIM AND ALVAREZ OFF THE DAIS.

THANK YOU, MARY.

Mayor Wynn: THAT TAKES US BACK TO OUR REMAINING

ZONING CASE, I BELIEVE JUST ITEM NUMBER 64 IS REMAINING, CORRECT, MR. GUERNSEY.

THAT'S CORRECT. CASE C-14-05-020200, THE ROCKING Y AT 7629, 7715 AND 7739 SH 71 WEST. THIS WOULD BE IN THE OAK HILL AREA. THIS IS FROM RURAL RESIDENCE DISTRICT ZONING TO NEIGHBORHOOD COMMERCIAL MIXED USE CONDITIONAL OVERLAY ZONING OR LR-MU-CO ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE LIMITED OFFICE MIXED USE CONDITIONAL OVERLAY ZONING FOR TRACT TWO. THE PROPERTY IS APPROXIMATELY 1.31 ACRES OF LAND AND IT'S OWNED BY ERIC (INDISCERNIBLE) AND MICHAEL WAYNE BOME AND CRYSTAL LEE BOMBER. THE PLANNING COMMISSION'S RECOMMENDATION, THEY APPROVED THE STAFF RECOMMENDATION WITH SOME MODIFICATIONS THAT THEY ADDED, WHICH WAS IN ADDITION TO THE ITEMS THAT STAFF HAD, WHICH ESTABLISHED A 55 -- A 50-FOOT WIDE BUFFER ALONG THE SOUTHEAST PROPERTY LINE, A 2000 TRIP LIMIT. THE COMMISSION ALSO ADDED A PROHIBITION ON DRIVE-THROUGH USES AS AN ACCESSORY USE AND ALSO TO LIMIT THE HEIGHT TO ONE-STORY FOR THE BUILDINGS THAT WERE WITHIN 150 FEET OF THE SF-1 PROPERTY THAT'S LOCATED TO THE SOUTH AND EAST. THE PROPERTY IS IN THE BARTON SPRINGS ZONE, THE WILLIAMSON CREEK, AND IS SUBJECT TO S.O.S. SO WHEN THEY COME IN THEY WILL HAVE TO REDEVELOP UNDER S.O.S. STANDARDS. THE PROPERTY WITH ITS FRONT ALONG 71 TO THE NORTH ACROSS THE STREET OR ACROSS 71 IS GR ZONING AND SF-1 ZONING WHICH CONSISTS OF SOME RESTAURANTS AND OTHER RETAIL USES. TO THE WEST GOING FURTHER DOWN 71 YOU HAVE LO-RR AND CS ZONING. TO THE EAST YOU HAVE RR AND SF-1 ZONING AND TO THE REAR, WHICH WOULD BE MORE TO THE SOUTH, YOU HAVE RR AND SF-1 ZONING. I UNDERSTAND YOU HAVE I BELIEVE FOUR PEOPLE SIGNED UP IN OPPOSITION TO THIS REZONING REQUEST. THE AGENT IS HERE. THEY HAVE MET, THE APPLICANT HAS MET WITH THE SENIOR BROOK NEIGHBORHOOD ASSOCIATION AND THE ITEM ACTUALLY WENT ON CONSENT AT THE PLANNING COMMISSION MEETING, BUT I UNDERSTAND THAT NOT ALL THE INDIVIDUALS MAY HAVE BEEN REPRESENTED BY SOME OF THE PEOPLE WHO NEGOTIATED WITH THE AGENT AT THE

TIME THAT IT WAS PRESENTED TO THE PLANNING COMMISSION. AT THIS TIME I'LL PAUSE. IF YOU HAVE ANY QUESTIONS, I'LL BE MORE THAN HAPPY TO ANSWER THEM. AND THE APPLICANT'S AGENT IS HERE AND THERE ARE INDIVIDUALS HERE IN OPPOSITION.

Mayor Wynn: THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL? IF NOT, WE'LL HEAR FROM THE AGENT, A FIVE-MINUTE PRESENTATION, AND WE'LL HEAR FROM FOLKS IN FAVOR AND THEN THOSE FOLKS IN OPPOSITION. WELCOME MR. WHITLIFF.

HELLO, MAYOR, COUNCIL. MY NAME IS JIM WITLIFF AND I'M GOING TO BE BRIEF RIGHT NOW. I MAY ADD SOME STUFF DURING REBUTTAL. I WANT TO SAY IT WAS MY PLEASURE TO MEET WITH THE FOLKS FROM THE SCENIC BROOK NEIGHBORHOOD ASSOCIATION AND ESPECIALLY TO MEET WITH THE ADJACENT PROPERTY OWNER, NANCY WAIMER, AND I BELIEVE THEY'RE BOTH GOING TO SPEAK. THE FIRST TIME I MET NANCY WAS AT THE PLANNING COMMISSION PUBLIC HEARING. I REMEMBER IT WAS ON VALENTINE'S NIGHT, AND SHE TOLD ME SHE WAS A RETIRED MIDDLE SCHOOL TEACHER, AND I SAID, GOOD LORD, I'M GOING TO DO EVERYTHING YOU NEED BECAUSE YOU'VE ALREADY PAID YOUR DUES IN LIFE. SO I HAVE TRIED VERY HARD AND THE PROPERTY OWNERS HAVE I THINK TRIED TO BE VERY ACCOMMODATING OF SOME OF HER WISHES AND NEEDS, AND WE VOLUNTARILY AGREED TO A 50-FOOT VEGETATIVE BUFFER FROM HER HOUSE, AGREED TO THE ONE-STORY LIMITATION. I'M SENSITIVE OF HER ISSUES OF PRIVACY AND THE TOPOGRAPHIC CHANGES ON THIS PROPERTY. I DO WANT TO JUST SAY BRIEFLY THIS IS A RATHER DEEP TRACT. ONE OF THE REASONS IT'S AS DEEP AS IT IS IS BECAUSE TXDOT IS PROPOSING A RIGHT-OF-WAY TAKE THAT WILL BE APPROXIMATELY 150 FEET DEEP ACCORDING TO THEIR CURRENT STRIP MAPS. AND WE'RE LOOKING TO BUILD WHAT WOULD ULTIMATELY BE APPROXIMATELY UP TO A 14,000 SQUARE FOOT RETAIL CENTER, NO RESTAURANTS, NO BARS. NEIGHBORHOOD SERVICE. I'VE DONE A LOT OF ZONING CASES AND I THOUGHT I HAD THIS COVERED EARLIER, BUT THE APPLICANT POINTED OUT TO ME THAT A SERVICE STATION WAS STILL ALLOWED, AND IT WAS NEVER OUR INTENT TO HAVE A SERVICE STATION ON THIS SITE, SO I

THINK SHE'S GOING TO MENTION THAT AND I'M GOING TO STATE UP FRONT THAT WE AGREE TO PROHIBIT A SERVICE STATION USE ON THAT PROPERTY. I THINK SHE LISTS HERE THAT SHE WANTS TO PROHIBIT DRUG REHAB. TO EXTENT OF MEETING HER WISHES, WE'LL ACCOMMODATE THAT AS WELL. I REALLY DON'T HAVE ANYTHING ELSE TO SAY. I'LL SPEAK AGAIN IF NECESSARY AFTER THE NEIGHBORHOOD FOLKS SPEAK. THANK YOU.

Mayor Wynn: THANK YOU. QUESTIONS FOR THE AGENT, COUNCIL? IF NOT, WE NORMALLY GO TO FOLKS IN FAVOR. WE DON'T HAVE ANYBODY SIGNED UP IN FAVOR OF THE ZONING CASE. WE HAVE A COUPLE OF FOLKS WHO WOULD LIKE TO SPEAK IN OPPOSITION. WE'LL START WITH LIBBY GIBBS.

[INAUDIBLE - NO MIC].

Mayor Wynn: FAIR ENOUGH. YOU CAN GO IN ANY ORDER YOU WANT TO. NANCY WAIMER OR LIBBY --

[INAUDIBLE - NO MIC].

Mayor Wynn: YOU DID DO IT TWICE. WELCOME. PLEASE STATE YOUR NAME FOR THE ROORND YOU WILL HAVE THREE MINUTES.

I'M NANCY WAIMER, I LIVE AT 7509, AND I'M REQUESTING SOME ADDITIONAL OVERRULE REQUIREMENTSOVERLAY REQUIREMENTS. AND THE FIRST ONE IS A SOLID FENCE. AND TO UNDERSTAND WHY I WOULD WANT THAT -- THANK YOU -- YOU MIGHT NEED TO UNDERSTAND ABOUT THE PROPERTY. EVEN LOOKING AT THE PICTURE OF IT, THERE'S A 12-FOOT CLIFF, AND SO IF YOU WERE LIKE STANDING UP ON THE CLIFF, YOU'RE LIKE LOOKING -- YOU WOULD BE LOOKING RIGHT AT MY ROOF. AND YOU LOOK DOWN FROM THIS PROPERTY AND YOU'RE LOOKING RIGHT INTO MY BEDROOM WINDOW. YOU MOVE DOWN, YOU'RE LOOKING IN THE BATHROOM. SO IT'S A DEFINITE PRIVACY THING. IT LOOKS LIKE IT'S SPREAD BACK, BUT YOU'RE, LIKE, FOUR, FIVE GIANT STEPS THAT WAY AND IT'S STRAIGHT UP. AND THEN IT SLOPES DOWN. AND AS YOU GO DOWN, THEN YOU WOULD BE AT THE POOL AND THE POOL IS -- IF YOU CAME UP OUT

OF THE POOL, YOU'RE FACE TO FACE WITH THE FENCE SO THAT, HELLO, MY CHILD IS IN HER BATHING SUIT AT THE FENCE LINE. THE SLOPE HAS COME DOWN AND THERE ARE PRIVACY ISSUES. WE'VE HAD VANDALISM AND SO FORTH THERE BEFORE WE HAD THE POOL FULL OF ROCKS. WE'VE HAD PEOPLE CAMPING. IT WOULD JUST HELP SO MUCH IF THERE WAS THAT FENCE THERE AND THEN THAT WOULD ELIMINATE THAT OPEN INVITATION TO OH, WHAT A NICE POOL AND SO FORTH. WHEN IT'S GOING TO BE LR, THAT'S A LITTLE BIT MORE OF A COMMERCIAL ZONING. BEING 400 FEET, THAT'S A FOOTBALL FIELD AND MORE ON A HIGHWAY. OURS IS NOT ON AN ARTERIAL THROUGH WAY. IT'S IN SCENIC BROOK, IN THE NEIGHBORHOOD, SO IT IS, HAS THAT DISTANCE THERE. IT DOES BRING THAT MORE INTENSE ZONING UP INTO THE NEIGHBORHOOD,, SO THAT'S WHY I'M FEELING THAT IT IS PRETTY INTENSE THERE AND IT WOULD JUST HELP A LOT IF WE HAD THAT FENCE. ALSO, THERE IS A 20-FOOT UTILITY EASEMENT THERE AND THE CITY PEOPLE ARE SO GOOD ABOUT COMING ALONG AND CLEARING THAT OUT. MY NEIGHBORS HAVE A NICE STACK OF FIREWOOD THERE FROM THE LAST TIME THEY CAME THROUGH, SO IT SEEMS LIKE IT'S VERY DENSE, BUT ACTUALLY THERE ARE TIMES WHEN THAT IS CLEARED OUT. IN AUGUST THE LEAVES ARE FALLING. IT'S NOT AS DENSE AS ONE WOULD THINK. AND ACTUALLY, 50 FEET IS 17 STEPS, SO IT'S NOT THAT FAR BACK, AND THE FENCE WOULD JUST -- IT WOULD START US ON A POSITIVE, BUT TO HAVE A POSITIVE WAY TO ENTER THIS NEW LR ZONING. AND HE DID SPEAK THAT THEY'RE WILLING TO PROHIBIT SERVICE STATION BEING IN THE BARTON CREEK CONTRIBUTING ZONE. [ BUZZER SOUNDS ] IS MY TIME UP?

Mayor Wynn: YES, MA'AM. TAKE A MINUTE AND CONCLUDE.

OKAY. WELL, I JUST FELT LIKE THAT OUR DUE PROCESS WASN'T REALLY OBSERVED. THE SIX-MONTH WAITING PERIOD DIDN'T HAPPEN. WE DIDN'T -- WE HAVE A NEIGHBORHOOD PLAN. THAT WASN'T CONSULTED WITH. WHAT'S ABOUT THE NEIGHBORHOOD PLAN? WE DIDN'T HAVE SUFFICIENT MEETINGS, WE DIDN'T HAVE TIMELY MEETINGS. OUR RESTRICTIVE COVENANT IS NOT AGREED UPON. HOPEFULLY YOU COULD CONSIDER OUR OVERLAY REQUEST. WE JUST PUT OUR FAITH IN YOUR GOOD

JUDGMENT AND THANK YOU SO MUCH.

Mayor Wynn: THANK YOU, MS. WAIMER. LIBBY GIBBS. WELCOME. LET'S SEE, SOME FOLKS ARE OFFERING TO DONATE TIME TO YOU. IS JULIE CAMPBELL STILL HERE? WELCOME. APPRECIATE YOUR PATIENCE. HOW ABOUT JASON HAGMAN. HELLO. SO YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT.

GREAT. GOOD AFTERNOON. MY NAME IS LIBBY GIBBS AND I AM PRESIDENT OF THE SCENIC BROOK NEIGHBORHOOD ASSOCIATION. AND I'M GOING TO READ BECAUSE THIS LETTER THAT I'M READING IS A COMPILATION FROM THE BOARD AND FROM MEMBERS IN OUR ASSOCIATION. I'M HERE TO REPRESENT OUR ASSOCIATION AND NEIGHBORHOOD TO EXPRESS OUR CONCERNS REGARDING THE ZONING BEING REQUESTED. HE IS REQUESTING TO REZONE HIS PROPERTY AND TO ENSURE AND PROTECT HIS INVESTMENTS WHICH ARE HIS LAND AS HIS HOME BECAUSE FOR WHEN TXDOT ACQUIRES THE POSSIBLE 150-FOOT SWATH OF LAND FRONTING HIGHWAY 71 WEST. AND THEY WERE REQUIRED AS A RIGHT-OF-WAY FOR PROPOSED FUTURE HIGHWAY IMPROVEMENTS. WE RESPECT AND WE UNDERSTAND HIS NEED TO ACCOMPLISH THIS. HE CAME, HE WAS VERY CORDIAL AND CAME TO OUR LAST MEETING IN APRIL FOR THE NEIGHBORHOOD TO CLARIFY THE GOALS THAT HE HAD FOR THE REZONING, AND WE APPRECIATED THAT TREMENDOUSLY. BUT ALL WE HAVE IS OUR VOICE TO PROTECT US FROM THIS AND FUTURE REZONING REQUESTS AND DEVELOPMENT. WE AS HOMEOWNERS IN THE NEIGHBORHOOD THAT ARE ADJACENT TO HIS PROPERTY EXPRESS OUR DESIRE THAT THIS REZONING AND FUTURE DWOIMENT HAVE A POSITIVE IMPACT ON OUR INVESTMENTS, WHICH ARE HOMES IN OUR NEIGHBORHOOD. WENDY WALSH, THE CASE MANAGER HANDLING THIS FILE, TOLD US THAT HE WANTS TO REZONE HIS LAND WITH THE INTENTION OF PLACING A COMMERCIAL STRIP CENTER ON THE TRACT 1, AS YOU CAN SEE IN THE OVERHEAD, FRONTING HIGHWAY 71. AND WITH PLANS TO BUILD CONDOS ON TRACT 2. SO HERE IS OUR REQUEST AS A NEIGHBORHOOD. ONCE AGAIN WE UNDERSTAND HIS NEED TO REZONE TRACT 1, TO RECOUP THE INVESTMENT THAT HE HAS IN THAT LAND. HOWEVER, WE'RE REQUESTING A -- SOME EXTRA CONDITIONAL

OVERLAYS TO PROHIBIT CERTAIN TYPES OF BUSINESSES. BUSINESSES THAT WE WOULD LIKE TO PROHIBIT INCLUDE SERVICE STATIONS THAT WE'VE ALREADY DISCUSSED, OFF-SITE ACCESSORY PARKING, FOOD SALES, RESIDENTIAL TREATMENT FACILITIES, GROUP HOMES AND CONVENIENCE STORES. ADDITIONALLY AS NANCY ALLUDED TO, WE WOULD LIKE A SOLID FENCE BETWEEN THE SCENIC BROOK HOMES AND THE PROPOSED DEVELOPMENT. OUR CONDITIONAL OVERLAY IS TO UNDERSCORE THE CITY OF AUSTIN ZONING PRINCIPLES, AND I QUOTE, WHICH ARE DESIGNED TO ENSURE THAT THE USE IS COMPATIBLE AND COMPLIMENTARY IN SCALE AND APPEARANCE WITH THE RESIDENTIAL ENVIRONMENT, AND THAT IS A QUOTE FROM THE LAND USE RECOMMENDATION ZONING PRINCIPLES. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] IS IS. USED TO PROTECT THE INTEGRITY OF OUR RESIDENTIAL NEIGHBORHOOD. THANK YOU VERY MUCH.

THANK YOU. THAT'S ALL OF THE FOLKS SIGNED UP IN OPPOSITION TO THE ZONING CASE. WE NOW GRANT A THREE-MINUTE REBUTTAL TO THE AGENT. ONE, SIR. >>S  
THANK YOU, MAYOR. I WANT TO JUST REITERATE A COUPLE OF THE POINTS THAT I THINK MS. GIBBS JUST MADE. THIS IS SOS. IT'S LIMITED TO 25% IMPERVIOUS COVER. SO ANY DEVELOPMENT THAT OCCURS IS NOT A SHOPPING CENTER ON THE STRIPED SIDE ON THE MAP. IT'S A SHOPPING CENTER ON 25% OF THAT AREA. WE'RE GOING TO DO EVERYTHING IN OUR POWER TO RESPECT THE NEIGHBORHOOD. NOW, THE PROPERTY AS IT'S SHOWN DOES BACK UP TO ONE AND A HALF OF THE RESIDENTIAL LOTS. AND AS MS. GIBBS STATED, THE PROPERTY BELOW IT ON YOUR MAP, IT KIND OF SHOWS SPLIT PARCEL AND THEN ANOTHER TRACT BELOW THAT. THAT'S OWNED BY MY CLIENT. HE MADE A DECISION EARLY IN THE PROCESS, I PROMPTED HIM A LITTLE BIT, BUT I SAID LET'S LEAVE THAT OUT OF THE DEAL, MAKE THAT PART OF THE NEIGHBORHOOD PLAN. AND LET'S PARTICIPATE IN THE DEMOCRATIC CROSS WITH THE NEIGHBORHOOD () DEMOCRATIC PROCESS IN THE NEIGHBORHOOD AND SEE WHAT'S APPROPRIATE UP THERE. WE DON'T THINK THAT'S COMMERCIAL PROPERTY. IT MIGHT BE SINGLE-FAMILY RESIDENTIAL, IT MIGHT BE MORE OF A CONDO, TOWNHOME

SITE. IT HAS AWESOME VIEWS OF THE DOWNTOWN SKYLINE UP THERE, IT'S A HILLTOP. SO HE AGREED TO DO THAT. AND I THOUGHT THAT WAS A FAIR AND REASONABLE THING. WE'RE DEALING WITH ONE ISSUE ONLY, WHICH IS THE HIGHWAY FRONTAGE. HE WANTS TO BUILD A, AS I SAID, UP TO 14,000 SQUARE FOOT RETAIL CENTER. HE OWNS THE PROPERTY BEHIND IT. HE'S GOING TO LIVE THERE. NOTIFY PROBLEM WITH LIMITING ACCESS () I HAVE NO PROBLEM WITH LIMITING ACCESS. WE WOULD NOT LEGALLY BE ABLE TO PUT A DRIVEWAY THROUGH THAT RURAL RESIDENTIAL PROPERTY BACK TO THE RESIDENTIAL STREET THAT MS. GIBBS TALKED ABOUT. AND LET'S BE CLEAR ABOUT T WE WON'T DO THAT. SO WE'RE FINE WITH THAT RESTRICTION. THE LIMITED LAND USES THAT SHE TALKED ABOUT, I WOULD RESPECTFULLY DISAGREE WITH SOME OF THAT. THE SERVICE STATION I HAVE NO PROBLEM WITH PROHIBITING. DRUG REHAB, AS THAT WAS DESCRIBED BY HER IN HER MEMO TO YOU, I WOULD ALSO AGREE WITH PROHIBITING. FRUIT SALES, I THINK IS APPROPRIATE. CONVENIENT STORES I THINK CAN BE APPROPRIATE. ALMOST ALL OF THE STRIPE STRIP RETAIL IN THIS AREA WILL BE WIPED OUT BY THE HIGHWAY EXPANSION. THIS WILL BE A SMALL NEIGHBORHOOD CENTER, AND I THINK THOSE ARE USES THAT WOULD SERVE NEIGHBORHOOD NEEDS. AND I THINK THE REASONABLE USES FOR THE PROPERTY. AND I DON'T HAVE ANYTHING ELSE. I'LL ANSWER QUESTIONS IF THERE ARE ANY. THANK YOU.

THANK YOU. QUESTIONS OF THE AGENT IN COUNCIL?  
COUNCIL MEMBER BUNKLY.

WHAT ABOUT THE -- DUNKERLEY.

WHAT ABOUT THE FENCE IN.

AS FAR AS THE FENCE GOES, WE'LL WE'RE HAPPY TO PUT A WOODEN PRIVACY FENCE IN. IT WAS MY PERSONAL HOPE THAT WE COULD DELAY THAT TO SITE PLAN BECAUSE ONE OF THE ISSUES IS THAT IN ALL PROBABILITY WE'RE NOT GOING TO BUILD A CENTER THAT BACKS UP OR EVEN GETS CLOSE TO HER PROPERTY. THERE'S TAUPE GRAPHIC ISSUES HERE TOPO GRAPHIC ISSUES HERE AND WHERE WE'RE HAMSTRUNG IS UNTIL WE SEE WHAT THE PLANS ARE, WHAT

ELEVATION THEY'LL BUILD THE FRONTAGE LOADS ROADS ON, WE CAN'T DO ANY MEANINGFUL PLANNING ON THIS SITE. SO IT WILL BE ONE DRIVEWAY OFF HIGHWAY 71, BUT YEAH, LET'S JUST AGREE TO DO THE WOOD PRIVACY FENCE AND I DON'T KNOW IF YOU CAN PUT THAT IN ZONING, BUT I CAN CERTAINLY PUT IT IN RESTRICTIVE COVENANT. I DO HAVE A RESTRICTIVE COVENANT ALREADY IN PLACE THAT WE'VE AGREED TO THAT DEALS WITH HOURS OR DUMPSTER SERVICING, LANDSCAPING, GRASS MOWING, BUSINESS HOURS , OUTDOOR LOUD SPEAKERS AND I THINK THE NEIGHBORHOOD , AND WE'RE IN AGREEMENT WITH THEM. BUT I CAN ADD THAT IN WITH THE RESTRICTIVE COVENANT IS PROBABLY THE MOST APPROPRIATE WAY. THANK YOU.

ANY FURTHER QUESTIONS, COMMENTS? NO, MA'AM -- WELL, THERE IS ANY COUNCIL MEMBER IS WELCOME TO ASK ANYBODY A QUESTION. AND SO IF THERE'S SOME ISSUES THAT WE NEED CLARIFICATION, STAND READY. SIR?

BASED ON SOME OF THIS, MY INSTINCT IS STAFF ISN'T PREPARED FOR THIRD READING, ANYWAY, CORRECT?

CORRECT, MAYOR. WE WOULD ONLY SUGGEST FIRST READING TODAY. THERE'S NUMEROUS CHANGES, IT SOUNDS LIKE THE APPLICANT NOT NECESSARILY IN AGREEMENT IN ALL OF THEM, IT SOUNDS LIKE BOTH SIDES WOULD BE AGREEABLE TO THE STAFF RECOMMENDATION, WHICH WAS MODIFIED BY THE PLANNING COMMISSION RECOMMENDATION, AND ADD TO THAT A PROHIBITION ON SERVICE STATION. WE WOULD CALL THE DRUG REHAB WOULD BE EQUATING TO RESIDENTIAL TREATMENT THAT WOULD BE A PROHIBITED USE. I SPOKE WITH MR. WITTLIFF AND INDICATED THE OFFSITE ACCESSORY PARKING, THEY WOULD ALSO AGREE TO THAT. AND THEN I UNDERSTAND THE -- HE WOULD AGREE TO PUTTING IN A SOLID FENCE. TO ALLOW AN 8-FOOT SOLID FENCE BETWEEN COMMERCIAL AND RESIDENTIAL. SO THAT CERTAINLY COULD BE MADE PART OF THIS MOTION. THERE SEEMS TO BE DISAGREEMENT ON THE FOOD SALES, WHICH WOULD BE STILL ALLOW A CONVENIENCE STORE TO HAVE A -- MAYBE WITHOUT GAS STATION PUMPS. STAFF WILL NOTE THAT IF RESIDENTIAL USES ARE ALLOWED ON THE PROPERTY, WHICH THEY WOULD BE WITH THE MIXED USE DISTRICT, BECAUSE OF THE

FAIR HOUSING ACT WE COULD NOT PROHIBIT A GROUP HOME USE ON THE PROPERTY. UNDER -- BY THE UNITED STATES SUPREME COURT, DEALING WITH FAIR HOUSING ACT. THAT WOULD BE THE ONLY PART THAT STAFF WOULD CAUTION YOU ON TO EXCLUDING THAT TYPE OF OF A USE. IF RESIDENTIAL USES ARE ALLOWED.

COUNCIL MEMBER KIM?

IF THERE WERE A CONVENIENT STORE, HOW MANY TRIPS WOULD THERE BE FOR A CONVENIENCE STORE?

I'M NOT SURE OFF THE TOP OF MY HEAD.

2000 IN.

IN GENERAL, A CONVENIENCE STORE THAT WAS ABOUT 2700 SQUARE FEET WOULD GENERATE 2000 TRIPS PER DAY.

SO THAT WOULD THEN MEET THE TRIP LIMIT AND WOULDN'T BE ABLE TO DO ANYTHING ELSE WITH THE PROPERTY?

THAT'S RIGHT. THAT -- I'M NOT SURE WHAT IT WOULD BE WITHOUT GAS PUMPS.

OH, I SEE. OKAY. SO IT WOULD BE LESS THAN THAT?

I WOULD PRESUME IT WOULD BE.

WITHOUT THE SERVICE STATION. AND THE APPLICANT HAS AGREED TO PROHIBIT SERVICE STATION AS A USE IN.

THAT IS CORRECT.

I WOULD LIKE TO MAKE A MOTION ON THE STAFF'S RECOMMENDATION, AND WHICH INCLUDES THE REQUEST FOR THE FIRE DEFENSE AND PROHIBITION ON SERVICE STATIONS AND DRUG REHAB.

THE COMMISSION'S RECOMMENDATION ADOPTED THE STAFF'S RECOMMENDS AND ADDED TO IS THE PLANNING COMMISSION'S RECOMMENDATION RECOMMENDATION -- IT

WAS -- (MULTIPLE SPEAKERS ).

WAS THE STAFF'S RECOMMENDATION WHICH HAD A 2000 TRIP LIMIT, HAD A 50- FOOT WIDE BUFFER. THE COMMISSION ADDED TO THAT THERE BE A PROHIBITION ON DRIVE-THROUGH SERVICE AND ALSO TO LIMIT THE HEIGHT OF BUILDINGS TO ONE STORY IN HEIGHT WITHIN 150 FEET OF THE RESIDENTIAL HOMES THAT ARE ZONED SF-1.

SO WAS THE VEGETATIVE BUFFER PART OF THE STAFF'S RECOMMENDS IN.

YES, IT WAS.

OKAY, OKAY, SO THE PLANNING RECOMMENDATION WOULD -  
- I'LL MOVE ON THE PLANNING RECOMMENDS WITH THE  
ADDITIONAL RESTRICTIONS AS AGREED TO BY THE PARTIES.

OKAY. MOTION MADE BY COUNCIL MEMBER KIM TO CLOSE  
THE PUBLIC HEARING AND APPROVE ON FIRST READING  
ONLY, PLANNING COMMISSION RECOMMENDATION WITH  
ADDITIONAL RESTRICTIONS. AS OUTLINED. I'LL IS SECOND  
THAT. I'LL SECOND THAT.

FURTHER COMMENTS?

MAYOR IN.

COUNCIL MEMBER KIM.

WE SUBMIT THAT THERE IS DEFINITELY A NEED FOR RETAIL  
IN OAK HILL AREA AT THE Y. AREA. I THINK THIS IS  
SOMETHING THAT WILL BE A GOOD PROJECT BECAUSE IT  
WILL BE MIXED USE WE WANT TO SEE MORE COMPACT  
DEVELOPMENT IN THAT AREA, INSTEAD OF SPRAWL AROUND  
THE AREA, AND GIVE THAN A LOT OF THE BUSINESSES,  
ESPECIALLY SMALL BUSINESSES, ARE GOING TO BE  
DISPLACED, THIS IS GOING TO ALLOW THEM TO REMAIN IN  
OAK HILL AND TO PROVIDE SERVICES TO THE RESIDENTS  
THERE, AND I'M GLAD THAT THE NEIGHBORS WERE ABLE TO  
WORK WITH THE APPLICANT, AND APPLICANT WAS ABLE TO  
GIVE THEM THE ITEMS THAT THEY REQUESTED, AND I THINK

THIS IS GOING TO BE A GOOD PROJECT FOR THE AREA.

AS A SECOND, I'LL JUST AGREE WITH ALL THAT AND SUGGEST THAT THERE'S OBVIOUS LY STILL TIME BETWEEN THIS AND POTENTIAL FINAL READING FOR THE NEIGHBORS TO REAL WORK WITH THE AGENTS, MAKE SURE THE PLAN IS REFINED, BUT I AGREE THAT A SOS-COMPLIANT DEVELOPMENT HERE THAT WILL HELP MITIGATE SOME OF THE LOSS BECAUSE OF THE ROAD EXPANSION, IS A GOOD THING. MOTION AND SECOND ON THE TABLE. FIRST READING ONLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE 7-0.

MAYOR, THAT CONCLUDES OUR ZONING ITEMS.

THANK YOU. I THINK I BELIEVE THAT CONCLUDES OUR AGENDA. THERE BEING NO FURTHER BUSINESS BEFORE THE COUNCIL, WE STAND ADJOURNED. IT IS 7:10:00 P.M.

**End of Council Session Closed Caption Log**