

Closed Caption Log, Council Meeting, 06/22/06

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GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN, IT'S MY PRIVILEGE TO WELCOME PASTOR CLYDE POLDRACK FROM THE BETHEL ASSEMBLY OF GOD WHO WILL LEAD US IN OUR INVOCATION, PLEASE RISE.

MR. MAYOR, IT'S MY PRIVILEGE TO BE HERE, GREET YOU, BRING YOU GREETINGS FROM BETHEL ASSEMBLY OF GOD, ALL OF THE COUNCILMEMBERS, GOD BLESS YOU, ESPECIALLY SHERYL COLE AND MIKE MARTINEZ, I HAVE A SPECIAL PRAYER IN MY HEART TODAY FOR YOU, GOD BLESS YOU. WE ARE GOING TO HAVE A PRAYER OF THANKSGIVING. WE COULD ALL THANK GOD TOGETHER. MR. MAYOR, WHEN I CAME WITHIN THIS BUILDING, MY FIRST OPPORTUNITY TO BE HERE I'M SO IMPRESSED. -- GOD BLESS THE CITY OF AUSTIN. LORD, WE DO HAVE A LOT OF THINGS IN OUR HEART, SO MANY, MANY THINGS THAT YOU HAVE DONE FOR US. WE DO THANK YOU FOR THIS GREAT CITY, WE THANK THE LORD GOD FOR THIS CITY COUNCIL, FOR OUR MAYOR AND LORD GOD, WE THANK YOU, LORD, FOR THE INFRASTRUCTURE OF OUR CITY, NOT JUST THE PHYSICAL THINGS, BUT LORD GOD THE GOVERNMENT OF THIS CITY THAT LORD WE ARE JUST ENVIED THROUGHOUT THE STATE, LORD, AS NO OTHER CITY, WE JUST GIVE THANKS TO YOU, WITH PRAISE LORD GOD THAT WE CAN BE A PART, LORD, OF THIS CITY, WE WANT YOU TO BLESS EACH ONE. I DO PRAY NOW FOR OUR CITY COUNCIL, LORD, AS THEY DO BUSINESS FOR YOU, WE JUST ASK FOR IT AND FOR THE CITY OF AUSTIN, THAT YOU WOULD GUIDE THEM IN ALL THAT THEY DO AND ONCE AGAIN

THANK YOU, LORD GOD, FOR GOOD LEADERSHIP. AMEN!

MAYOR WYNN: AMEN.

THANK YOU, MR. MAYOR.

MAYOR WYNN: THANK YOU, PASTOR. IN BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, THURSDAY, JUNE 22ND, 2006, APPROXIMATELY 10:22 A.M., IN THE CITY COUNCIL CHAMBERS, CITY HALL BUILDING, 301 WEST SECOND STREET. FIRST OF COURSE I WANT TO WELCOME OUR NEW COLLEAGUES, PLACE 2 COUNCILMEMBER MIKE MARTINEZ, POLICE 6 COUNCILMEMBER SHERYL COLE, CONGRATULATIONS AGAIN, WELCOME TO YOUR FIRST COUNCIL MEETING. [APPLAUSE] HOPE YOU GOT PLENTY OF REST LAST NIGHT. WE HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. I WILL GO THROUGH THOSE QUICKLY. ITEM NO. 18, IT WAS POSTED NOTING THAT IT WAS TO BE REVIEWED BY THE ARTS COMMISSION PANEL AND WE WILL CHANGE THAT AND INSERT THE WORD RECOMMENDED BY THE ARTS COMMISSION PANEL. ITEM NO. 22, WE NEED TO INSERT THE PHRASE AND AMENDING CHAPTER 2 OF THE CITY CODE TO ADD A RESIDENTIAL DESIGN COMMISSION. ITEM NO. 22 RELATED TO THE THIRD READING OF WHAT IS KNOWN AS THE MCMANSION ORDINANCE, WE WILL HAVE A BRIEF DISCUSSION ABOUT THAT AND THIS SLIGHT ALTERATION IN A FEW MINUTES. ITEM NO. 68, WE NEED TO STRIKE THE PHRASE TO THE CITIZEN BOARD AND COMMISSIONS, AND INSERT THE PHRASE A RESOLUTION MAKING. SO ITEM NO. 68 WHICH TECHNICALLY WILL BE PULLED OFF THE CONSENT AGENDA FOR A FEW MINUTES TODAY, WE WILL NOW READ APPROVE A RESOLUTION MAKING APPOINTMENTS TO COUNCIL SUBCOMMITTEES AND OTHER INTRA GOVERNMENTAL BODIES AND REMOVAL OF OUR PLACEMENT OF MEMBERS.

ITEM NO. 69, WE SHOULD NOTE THAT COUNCILMEMBER MIKE MARTINEZ IS AN ADDITIONAL CO-SPONSOR. ON ITEM NO. 71, WE SHOULD STRIKE THE PHRASE "WAIVER OF CERTAIN FEES AND" AND WE SHOULD NOTE THAT COUNCILMEMBER KIM AND MYSELF ARE -- WILL JOIN COUNCILMEMBER

MCCRACKEN AS THE SPONSORS OF THIS ITEM. NOT COUNCILMEMBER DUNKERLY. AND ON -- MAYOR PRO TEM DUNKERLY, EXCUSE ME. [LAUGHTER] TAKING INTO ACCOUNT HOW MANY TIMES I WILL MISTAKE THAT. ITEM NO. 76 WE SHOULD AT COUNCILMEMBER MIKE MARTINEZ AS AN ADDITIONAL CO-SPONSOR. ON ITEM 77 WE SHOULD STRIKE THE VERB "DIRECT" AND INSERT THE PHRASE "APPROVE A RESOLUTION DIRECTING THE CITY MANAGER." WE SHOULD NOTE THAT COUNCILMEMBER SHERYL COLE IS AN ADDITIONAL CO-SPONSOR. ON ITEM NO. 79, WE SHOULD NOTE THAT COUNCILMEMBER MIKE MARTINEZ IS AN ADDITIONAL CO-SPONSOR. ITEMS NUMBER 86 AND 88 HAVE BEEN WITHDRAWN FROM THE AGENDA. AND THEN LATER IN THE AFTERNOON, FOR OUR ZONING CASES, ITEM NO. 96, THE PUBLIC HEARING OF THIS ZONING CASE, WE SHOULD STRIKE THE PHRASE "TO BE REVIEWED BY" BECAUSE IN FACT IT COMES TO US RECOMMENDED BY THE PLANNING COMMISSION. AT THEIR PREVIOUS MEETING. ON ITEM NO. 109, WE SHOULD STRIKE THE PHRASE "TO BE REVIEWED ON JUNE 13TH, 2006, BY THE PLANNING COMMISSION" AND NOTE THAT THE PLANNING COMMISSION'S RECOMMENDATION IS TO GRANT LIMITED OFFICE MIXED USE CONDITIONAL OVERLAY OR LO-MU-CO COMBINING DISTRICT ZONING. AND ON ITEM NO. 110, WE SHOULD ALSO STRIKE THE PHRASE TO BE REVIEWED ON JUNE 13TH, 2006 AND INSERT "PLANNING COMMISSION RECOMMENDATION TO GRANT LIMITED OFFICE MIXED USE CONDITIONAL OVERLAY OR LO-MU-CO COMBINING DISTRICT ZONING" ITEM NO. 110. OUR TIME CERTAINS FOR TODAY. AT NOON WE BREAK FOR OUR GENERAL CITIZENS COMMUNICATION. 4:00 ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS. AND AT 6:00, OR SOON THEREAFTER, WE START OUR PUBLIC HEARINGS AND POSSIBLE ACTIONS. WE WILL NOTE THAT THE PUBLIC HEARING NUMBER 123 STAFF IS REQUESTING A POSTPONEMENT TO AUGUST 9TH, 2006. AND SINCE THAT IS POSTED AS A POST 6:00 P.M. ITEM, WE CAN'T TECHNICALLY TAKE UP THE POSTPONEMENT OF THAT ITEM UNTIL THAT TIME. BUT WE ARE JUST NOTING FOR FOLKS WHO ARE LISTENING OR WATCHING NOW THAT STAFF RECOMMENDATION IS HIGHLY LIKELY THAT THE COUNCIL WILL POSTPONE ITEM 123 LATER THIS EVENING, POSTPONE

IT UNTIL AUGUST 9TH. HANDFUL OF ITEMS HAVE BEEN PULLED OFF THE CONSENT AGENDA. COUNCIL, ITEM NO. 18 HAS BEEN PULLED BY COUNCILMEMBER COLE AND MYSELF. ITEM NO. 22, I PULLED OFF THE CONSENT AGENDA SO WE CAN TAKE UP A BRIEF PRESENTATION AND -- AND CONVERSATION RIGHT AFTER THE CONSENT AGENDA. ITEM NO. 68, WHICH IS OUR SUBCOMMITTEE APPOINTMENTS, I PULLED WHILE OUR STAFF FINALIZING THE DRAFTING OF THAT RESOLUTION OR ORDINANCE. AND ITEM NO. 78 PULLED BY MAYOR PRO TEM DUNKERLY. THOSE ARE OUR CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. COUNCIL, ANY ADDITIONAL ITEMS TO BE PULLED OFF THE CONSENT AGENDA? BEFORE I READ IT INTO THE RECORD? HEARING NONE I WILL READ THE PROPOSED CONSENT AGENDA THIS MORNING NUMERICALLY. CONSENT AGENDA 7 WILL BE, ITEMS NUMBER 1, NOTE THAT COUNCILMEMBERS COLE AND MARTINEZ ARE ABSTAINING FROM VOTING, APPROVING THE MINUTES OF THE MEETING THAT THEY WEREN'T ATTENDING. CONSENT AGENDA WILL BE ITEMS NUMBER 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 61, 62 -- 60, 61, 62, 63, 64, 65, 66, 67, 69 PER CHANGES AND CORRECTION, 70, 71 PER CHANGES AND CORRECTION, 72, 73, 74, 75, 76 PER CHANGES AND CORRECTION, 76 PER CHANGES AND CORRECTION, 79 PER CHANGES AND CORRECTION. 80, 81, 82, 83, AND THAT SHOULD END OUR CONSENT AGENDA. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER KIM, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS?

COUNCILMEMBER MARTINEZ?

THANKS, TRYING TO FIGURE THIS OUT. ITEM NO. 70 I WOULD LIKE TO RECOGNIZE AND THANK THE FIREFIGHTERS FOR THE HARD WORK, THEY WILL BE BRINGING THE TEXAS FIREFIGHTER OLYMPICS TO AUSTIN WITH THOUSANDS OF FIREFIGHTERS AND THEIR FAMILIES SPENDING A WEEK HERE IN TOWN, I WANT TO THANK THE OTHER COUNCILMEMBERS FOR ASSISTING ON THIS ITEM AS WELL. AND SAY THANKS TO THE CHIEF AND TO MICKEY PIKE FROM LOCAL 975 WHO ARE COORDINATING THESE EFFORTS.

THANKS, MAYOR.

THANK YOU, COUNCILMEMBER. FURTHER COMMENTS ON THE CONSENT AGENDA? COUNCILMEMBER KIM?

KIM: MAYOR, I WOULD LIKE TO MAKE A COMMENT ON ITEM NO. 75 IT HAS TO DO WITH THE CREATION OF AFFORDABLE HOUSING TASK FORCE AND ALSO DIRECTING THE CITY MANAGER TO PROVIDE AN AFFORDABLE HOUSING CONSULTANT TO ASSIST IN THIS TASK FORCE. WE HAVE SEEN IN AUSTIN THAT WE ARE HAVING AN INADEQUATE SUPPLY OF AFFORDABLE HOUSING FOR MIDDLE CLASS FAMILIES WITH CHILDREN. WITH THE HIGH PRICE OF HOUSING THIS HAS IMPLICATIONS FOR ALL OF US, INCLUDING OUR EMPLOYERS. WHEN I WAS ON THE SOCIAL EQUITY COMMISSION IN 2001, WE LOOKED AT WAYS THAT WE COULD BRIDGE THE GROWING INCOME GAP IN -- IN AUSTIN. AND ONE OF THE -- ONE OF THE SUGGESTIONS WAS LOOKING AT WAYS TO INCLUDE AFFORDABLE HOUSING TO BE INCLUDED IN UNITS IN DOWNTOWN AND SURROUNDING AREAS TO MAKE SURE THAT WE HAD MIXED INCOME NEIGHBORHOODS FOR -- OR STABLE NEIGHBORHOODS AND SO ONE OF MY GOALS HAS BEEN TO FOLLOW-UP ON THAT REPORT. AND TO -- TO LOOK AT POLICIES THAT WOULD ENCOURAGE DEVELOPMENTS THAT INCLUDE AFFORDABLE HOUSING UNITS THROUGH DENSITY BONUSES, SOME OF THE OTHER CITIES THAT HAVE DONE THIS SUCCESSFUL INCLUDE CHICAGO, BOULDER, DENVER, ARLINGTON, SEATTLE AND JUST TO GIVE YOU AN EXAMPLE, IN CHICAGO RESIDENTIAL DEVELOPMENTS PURCHASED ARE DISCOUNTED LAND OR RECEIVE FINANCIAL ASSISTANCE FROM THE CITY, THAT ARE REQUIRED TO PROVIDE 15% AFFORDABILITY IN THEIR UNITS. AND SINCE 2003 THEY HAVE RESULTED IN OVER 100 AFFORDABLE UNITS ARE EXPECTED TO GENERATE 700 MORE AFFORDABLE UNITS IN THE NEXT THREE YEARS. IN BOULDER, COLORADO, WHICH HAS ONE OF THE MOST AMBITIOUS AFFORDABLE HOUSING PLANS IN THE COUNTRY, THE CITY ESTABLISHED A GOAL OF 10% AFFORDABILITY BY 2011, THAT'S IN FIVE YEARS, WHICH WOULD BE 4500 AFFORDABLE HOMES WHEN THEY ARE ALREADY WELL ON THEIR WAY, NEARBY IN DENVER, THROUGH VARIOUS AFFORDABLE HOUSING STRATEGIES GENERATED 3400 STUDENTS. SUCCESSFUL MATTER HOUSING PROBLEM --

SMART HOUSING POLICY, COMPRISED OF REAL ESTATE PROFESSIONALS, AFFORDABLE HOUSING ADVOCATES AND NEIGHBORHOOD ACT CATS AND ACT DEEM I CAN'T WILL REALLY COME FORWARD WITH GOOD SUGGESTIONS ON HOW WE CAN HAVE HOUSING FOR MORE THAN 60,000 FAMILIES IN AUSTIN WHICH ARE FORCED TO PAY MORE FOR HOUSING THAN THEY CAN AFFORD.

THANK YOU, COUNCILMEMBER. FURTHER COMMENTS ON THE CONSENT AGENDA? COUNCILMEMBER MCCRACKEN?

I JUST WANTED TO GET CLARIFICATION FOR ITEM NO. 6 THAT WE WOULD BE -- THE MAIN STREAM WOULD BE RECEIVING EXPEDITED PAYMENT ON BOTH PHASES INDEPENDENTLY OF EACH OTHER.

MAYOR WYNN: WELCOME, MR. LIPPE.

GOOD MORNING, MAYOR AND COUNCIL, ON THIS ITEM, THE -- THE CURRENT ORDINANCE FOR SERVICE EXTENSION REIMBURSEMENTS REQUIRES, IT HAS A SET DATE FOR REIMBURSEMENT, ONE YEAR AFTER THE PROJECT IS COMPLETED. AND SINCE THE -- THIS IS A -- THIS IS A PROJECT THAT BENEFITS THE CITY SO MUCH, WE BASICALLY ARE REQUESTING THIS OVERSIZING THAT WE -- THAT WE AGREED TO A -- TO A PAYMENT AND I'M -- I DON'T HAVE IT IN FRONT OF ME. IT'S ECONOMY DECIDED IS PROBABLY 90 STAYS AFTER THE COMPLETION. 90 DAYS, IT'S AN EXPEDITED PAYMENT FOR THAT REASON.

MCCRACKEN: BECAUSE THAT IS A -- MY UNDERSTANDING IS THAT WE HAVE, THE CITY REQUESTED BASICALLY OVERSIZING OF THE WATER LINES, TO HAVE MAIN STREET PROVIDE THE COSTS OF THAT, BE REIMBURSED. IT'S MY UNDERSTANDING ALSO THAT WE HAVE -- THIS PROJECT, THE EXPANSION OF THE WASTEWATER LINE, TWO PHASES OF IT. SO I JUST WANTED TO CONFIRM THAT EACH PHASE WILL GET EXPEDITED REIMBURSEMENT. THAT'S A -- THAT IS A -- THAT IS A LARGE AMOUNT OF MONEY FOR A -- FOR SOMEONE TO CARRY, ON BEHALF OF THE CITY.

AS I LOOK AT THIS, I REALIZE THIS IS ONE THAT DOES NOT -- THAT DOES GO BY THE STANDARD AND DOES NOT INCLUDE

THE LANGUAGE, BUT -- BUT WE CAN CERTAINLY DO THAT ON THE FIRST PHASE. WE -- WE -- ALTHOUGH THIS IS AN OVERSIZED PROJECT THAT BENEFITS THE CITY, THE FIRST PHASE, THE CITY REALLY DOESN'T SEE AS MUCH BENEFIT UNTIL THE ENTIRE PROJECT IS COMPLETED IS WHY WE -- WE CHOSE TO JUST STICK WITH THE STANDARD REIMBURSEMENT, BUT IT IS A HIGH COST FOR -- FOR A PROJECT THAT DOES BENEFIT THE CITY. AND IF THAT'S THE COUNCIL'S DESIRE, WE CAN CERTAINLY GO AHEAD AND DO THE EXPEDITED REIMBURSEMENT.

LIKE I SAID, IT ALL HAS -- IT WOULD BE OKAY FOR W A FRIENDLY AMENDMENT FOR NUMBER 6, JUST TO CONFIRM THIS, TO STATE THAT AS NUMBER 6 THAT MAIN STREET HOMES WILL RECEIVE EXPEDITED REPAYMENT ON BOTH PHASES OF -- OF THE -- INDEPENDENTLY. FRIENDLY AMENDMENT.

MAYOR WYNN: OUR FRIENDLY AMENDMENT OFFERED BY COUNCILMEMBER MCCRACKEN, SO COUNCILMEMBER KIM DO YOU CONSIDER THAT A FRIENDLY AMENDMENT?

MCCRACKEN: MR. LIPPE JUST STATED THAT THEY HAD NOT TECHNICALLY BUILT IN OVER SIZING OF THE WATER LINE TO MEET CITY'S INTERESTS AND THEY ARE HAVING THE DEVELOPER PAY UP FRONT THE COST OF THE OVERSIZING OF THE WATER LINE BEYOND THE NEEDS OF THEIR PROJECT. MR. LIPPE SAID THAT HE WAS OKAY WITH THE EXPEDITED REPAYMENTS. I JUST WANTED TO PUT THAT IN.

KIM: OKAY.

MAYOR WYNN: COUNCILMEMBER LEFFINGWELL? YES? OKAY. WE HAVE AN AMENDED CONSENT AGENDA. MOTION AND SECOND ON THE TABLE. FURTHER COMMENTS? WE HAVE A HANDFUL OF CITIZENS WHO HAVE SIGNED WISHING TO ADDRESS US ON A COUPLE OF ITEMS ALL ON THE CONSENT AGENDA. A LITTLE CONFIRMATION HERE, WELCOME.

PARDON ME, MAYOR AND COUNCIL, YOU MAY WANT TO BRING THIS ITEM BACK. BECAUSE THIS WOULD REQUIRE A VARIANCE OF THE CODE TO -- TO -- TO -- TO CHANGE THE

PAYMENT SCHEDULE. SOP --

FOR THE RECORD, WOULD YOU IDENTIFY YOURSELF AND THE POSITION THAT YOU HOLD WITH THE CITY.

I'M SORRY. ROSS [INDISCERNIBLE], LAW DEPARTMENT, REPRESENTING THE WATER UTILITY.

YOU ARE TALKING ABOUT ITEM 6?

YES, IT'S REFERRING TO ITEM 6. THE -- YEAH, THERE'S A CODE THAT SETS THE -- THAT SETS THE TIME FRAME WITHIN WHICH THE PAYMENT WOULD BE TYPICALLY MADE. SO WE WOULD BE MAKING A VARIANCE OF THAT CODE ITEM. SO -- SO THE -- SO THE -- PERHAPS THAT COULD BE AMENDED TO - - TO INCLUDE THAT VARIANCE.

WELL, I GUESS THE QUESTION FOR COUNCILMEMBER MCCracken, DO YOU INTEND IT TO BE, YOU KNOW, A TRUE VARIANCE OR JUST TRYING TO REITERATE THE -- YOU KNOW, TO EXPEDITE TO AT LEAST COMPLY WITH THE ORDINANCE.

MCCRACKEN: YEAH. MY UNDERSTANDING AND IS THAT -- EXPECTATION IS THAT OUR CODE DOES NOT PREVENT US FROM REPAYING PEOPLE WHO ARE ACTING AS OUR BANK SOONER, AS SOON AS POSSIBLE. ALL THAT I'M ASKING IS THAT WE ARE GIVEN DIRECTION AS PART OF THIS FRIENDLY AMENDMENT, SOMETHING THAT CHRIS SAID THAT HE WAS FINE WITH. THE CAUSE IN THIS CASE MAIN STREET IS ACTING FOR THE BANK FROM THE CITY BY PAYING FOR THE COST OF THE OVERSIZING. WE JUST SAID LET'S PAY HIM BACK FAST. I DON'T THINK THAT WOULD REQUIRE A CHANGE IN ORDINANCE. THAT'S A DIRECTION ON HOW FAST WE CUT THE CHECK.

WE ARE HAVING A LITTLE CONSULTING HERE. I THINK THE DILEMMA IS THAT THE REPAYMENT SCHEDULE IS ACTUALLY SET OUT AS A SEPARATE COUNCIL ORDINANCE AND SO THE QUESTION FOR ME WOULD BE CAN WE AMEND THE ITEM AS IT IS POSTED NOW TO INCLUDE A VARIANCE FROM THAT PAYMENT SCHEDULE.

MAYOR AND COUNCIL, LET ME ASK PERMISSION -- ASK YOU ALL TO TABLE THIS TEMPORARILY OFF THE DAIS PARALEGAL. LET US -- TABLE THIS TEMPORARILY OFF THE DAIS PARALEGAL. AN MY MOTION --

TEMPORARILY. TO SAY THAT ANY TIME YOU DO BUSINESS WITH FOLKS, YOU CAN GIVE SOME DIRECTION THAT WE WILL EXPEDITE REPAYMENT.

I UNDERSTAND THAT. I'M JUST -- I WANT TO MAKE SURE THAT WE ARE GIVING YOU THE RIGHT ANSWER. IF WE COULD JUST TABLE THIS FOR A FEW MOMENTS, LET US GET THE CORRECT ANSWER TO THIS, WE COME BACK AND ASSURE YOU AS TO WHETHER OR NOT THIS INDEED CAN BE DONE AS YOU WISH.

OKAY. THANKS.

THANK YOU.

THANK YOU, MS. TERRY, COUNCIL, WITHOUT OBJECTION, ACTUALLY MY PREFERENCE IS TO KEEP IT ON THE CONSENT AGENDA FOR THE TIME BEING BECAUSE I THINK THAT IT'S GOING TO TAKE US A FEW MINUTES TO EVEN GET THROUGH THE CONSENT AGENDA IF THE ANSWER IS -- IF STAFF IS NOT READY BY THE TIME THAT WE ARE ABOUT TO GO ON THE CONSENT AGENDA, WE WILL TABLE IT THEN AND REMOVE IT FROM THE CONSENT AGENDA.

THAT'S FINE WITH US. THANK YOU VERY MUCH, MAYOR AND COUNCIL.

MAYOR WYNN: THANK YOU, MS. TERRY, AGAIN, COUNCIL, A HANDFUL OF CITIZENS WHO WOULD LIKE TO ADDRESS US ON MISCELLANEOUS ITEMS ON THE CONSENT AGENDA. THE FIRST IS ON -- IS ON -- ON ITEM NO. 31, TERRY O'CONNELL WAS HERE ESSENTIALLY TO ANSWER QUESTIONS IF NEED BE, BUT WANTED TO POTENTIALLY SPEAK IN FAVOR. MS. O'CONNELL COULD DO THAT NOW IF SHE WOULD PREFER OTHERWISE -- THANK YOU. WE WILL NOTE HER SUPPORT FOR THE RECORD. MY COMPUTER IS SLOW THIS MORNING, ON ITEM NO. 71, DANETTE SIGNED UP IN FAVOR, I THINK SHE'S HERE PROBABLY TO ANSWER QUESTIONS. BUT

UNLESS DANETTE WOULD PREFER TO SPEAK, WE WILL NOTE
HERE SUPPORT FOR THE RECORD. COUNCILMEMBER COLE?
YES?

CONSENT AGENDA NUMBER 29, I NOTICED THAT IT DIDN'T
HAVE ANY M.B.E. OR W.B.E. PARTICIPATION. IS THERE
SOMEONE FROM STAFF THAT CAN ANSWER THAT
QUESTION?

WE ARE GOING TO LET SONDRRA CREIGHTON AND JEFF. JEFF
IS ON HIS WAY DOWN, COUNCILMEMBER.

THANK YOU.

I SHOULD HAVE BEEN A LITTLE CLOSER, JEFF TRAVILLION.
ON THIS PARTICULAR ITEM, THE -- THE COMPANY WAS
FOUND TO BE COMPLIANT BY MAKING A GOOD FAITH
EFFORT. WHAT THEY DID WAS CONTACTED EACH AND
EVERY FIRM WITHIN OUR SIGNIFICANT LOCAL BUSINESS
AREA. AND WE VERIFIED AND CONFIRMED THAT THEY HAD
CONTACTED EVERYONE. FIVE PEOPLE SHOWED AN
INTEREST. FIVE FIRMS SHOWED AN INTEREST MUCH THEY
WERE ALL CONTACTED AND NO ONE MADE A BID. SO -- SO
THEY DIDN'T HAVE A BID FROM A -- FROM AN M.B.E. OR A
W.B.E. TO -- TO DO THE JOB.

THANK YOU, JEFF.

YOU'RE WELCOME.

MAYOR?

COUNCILMEMBER MARTINEZ.

I WANTED TO ASK WHAT DO WE DEFINE CONTACT AS?

OKAY. THERE ARE VARIES PROGRESSIONS. THE FIRST THING
IS MAKE CONTACT BY LETTER OR FAX. IF INTEREST IS
SHOWN BY A FIRM, THE FIRM CALLS BACK AND SAYS I AM
INTERESTED. THEN WE EXPECT THEM TO MAKE CONTACT
WITH THEM TO -- TO SCHEDULE A MEETING. SOMETIMES
THAT MEETING IS IN PERSON, SOMETIMES THAT MEETING IS
OVER THE PHONE. BUT THIS THEY LAY OUT BASICALLY THE

SCOPES OF WORK THAT ARE AVAILABLE, GIVE THEM AN OPPORTUNITY TO MAKE A BID ON ANY OF THOSE SCOPES.

BY SENDING THEM A LETTER, BY SENDING THESE BEES A LETTER, THAT CONSTITUTES CONTACT AND THERE EVER A GOOD FAITH EFFORT WHETHER WE GET A RESPONSE FROM THEM?

THAT'S THE FIRST STEP. THE -- THE LETTER BASICALLY SAYS THAT -- THAT A PROJECT IS AVAILABLE AND WE WOULD LIKE YOU TO SHOW AN INTEREST. THEN IF AN INTEREST IS SHOWN, OUR EXPECTATION IS THAT THE SECOND CONTACT IS MADE IN THE FORM OF A MEETING, WHERE THEY ACTUALLY DISCUSS THE SCOPES OF WORK AND WHO WOULD BE DOING WHAT AND WHAT IT WOULD COST.

THANK YOU.

BUT I THINK COUNCILMEMBER THE QUESTION WAS YOUR ANSWER IS QUESTION. BY ORDINANCE THE CONTACT THAT'S DOCUMENTED BY SOME WRITTEN TRAIL, FAX OR LETTER, INITIALLY THAT CONSTITUTES CONTACT. WE DO OTHER THINGS TO DO OUTREACH ON PROJECTS AND PUBLICIZE PROJECT, BUT FOR THE CONTRACTOR, THAT -- THAT CONSTITUTES CONTACT.

THAT'S CORRECT.

THANKS. THANK YOU.

OKAY.

FURTHER COMMENTS, COUNCILMEMBER MCCRACKEN?

I DID WANT TO CONFIRM ON ITEM 73, THIS EXTENSION IS -- IS ON EMERGENCY BASIS. I GUESS THAT WOULD PROBABLY -- PROBABLY MARTY WOULD --

MS. TERRY, ITEM NO. 73 REGARDING OUR INTERIM REGS. I WANT TO MAKE SURE THAT THIS IS -- THIS IS TECHNICALLY WAS FILED AS -- AS AN EMERGENCY BASIS SO IT TAKES EFFECT IMMEDIATELY BECAUSE I THINK IT WAS SET TO

EXPIRE --

THAT'S CORRECT. IT IS ON FOR EMERGENCY PASSAGE.

MAYOR WYNN: ALL RIGHT. THANK YOU. FOR THE RECORD, COUNCIL, I WILL NOTE THAT -- THAT A HANDFUL OF CITIZENS SIGNED UP HERE AVAILABLE TO ANSWER QUESTIONS IF NEED BE, ALL IN SUPPORT OF THESE ITEMS, 70 -- I GUESS IT WOULD BE 2 THROUGH -- 2 THROUGH 74 OR 5, LAURA MORRISON, TERRY O'CONNELL, MIKE CINNATI AND [INDISCERNIBLE] ARE HERE SHOWING THEIR SUPPORT FOR THESE ITEMS KNOWING THEY ARE ABOUT TO PASS, HERE TO ANSWER QUESTIONS IF NEED BE. CONTINUING ON WITH A COUPLE OF OTHER CITIZENS SIGNED UP ON ITEMS. WE WILL NOTE A COUPLE OF PEOPLE IN SUPPORT OF ITEM NO. 77 THAT I WILL -- THAT I WILL REINTRODUCE HERE IN A SECOND. ALL RIGHT. MY SYSTEM IS SLOW. ITEM NO. 80. GREG POWELL SIGNED UP WISHING TO SPEAK IN FAVOR OF THIS ITEM. I THOUGHT THAT I SAW GREG EARLIER. GREG POWELL WOULD LIKE TO ADDRESS US IN SUPPORT OF ITEM NO. 80. AND APPARENTLY WE WILL NOTE MR. POWELLS SUPPORT FOR THE RECORD. COUNCIL, EARLIER I MENTIONED ITEM NO. 77, WHICH IS ON THE CONSENT AGENDA, THE ITEM COMING FROM COUNCILMEMBER LEFFINGWELL AND MYSELF IS REGARDING -- A SPECIFIC TARGET FOR WATER CONSERVATION, BUT ALSO TALKS -- TALKS MORE LARGELY ABOUT THE EFFORTS OF WATER CONSERVATION. I WOULD LIKE TO TAKE A QUICK PREROGATIVE HERE AND WE MET -- COUNCILMEMBER LEFFINGWELL AND I MET RECENTLY WITH THE TEXAS WATER DEVELOPMENT BOARD, WHO HAVE -- WHO HAVE PRODUCED PUBLIC OUTREACH OR EDUCATION PROGRAM, TV SPOTS AND RADIO COMMERCIALS THAT ARE BEING SUCCESSFULLY USED IN NORTH TEXAS WATER AND WASTEWATER CONSERVATION. THAT -- THAT INTERESTING ENOUGH THE LCRA HAS HIRED THE -- THE MEDIA CONSULTANT WHO PRODUCED THIS FOR THE -- FOR THE WATER DEVELOPMENT BOARD UP IN NORTH TEXAS. AND SO WITHOUT OBJECTION, I WOULD LIKE TO SEE IF OUR -- IF OUR A.V. TEAM WOULD RUN A COUPLE OF -- QUICK SHOTS OF THOSE -- OF THOSE PUBLIC EDUCATIONAL OUTREACH TV COMMERCIALS ABOUT THE CONCEPT OF WATER CONSERVATION. ROLL TAPE.

HIS HAIRLINE ISN'T THE ONLY THING WE SEE IN CENTRAL TEXAS. OUR NATURAL WATER SUPPLY IS LIMITED. USE JUST 5% LESS WATER AND MAKE IT LAST. THIS MEATLOAF ISN'T THE ONLY THING THAT'S DRY AND CRUSTY IN CENTRAL TEXAS. OUR NATURAL WATER SUPPLY IS LIMITED. USE JUST 5% LESS WATER AND MAKE IT LAST.

HIS JEANS AREN'T THE ONLY THING MUCH TOO LOW IN CENTRAL TEXAS. OUR NATURAL WATER SUPPLY IS LIMITED. USE JUST 5% LESS WATER AND MAKE IT LAST.

HAD HOT DOG ISN'T THE ONLY THING THAT'S PARCHED IN CENTRAL TEXAS. OUR NATURAL WATER SUPPLY IS LIMITED. USE JUST 5% LESS WATER AND MAKE IT LAST.

THANK YOU, AGAIN, THIS WAS -- THAT'S JUST AN EXAMPLE OF SOME TV SPOTS THAT WERE RUN RECENTLY IN NORTH TEXAS, BUT ACTUALLY THE LCRA HAS NOW TAKEN THEM ACTUALLY JUST SLIGHTLY EDITED THEM FOR POTENTIAL CENTRAL TEXAS USE AND ITEM NO. 77 IS COMING FORWARD FROM COUNCILMEMBER LEFFINGWELL AND MYSELF, IS REGARDING THE -- OF THE TARGET OF -- OF A ONE PERCENT REDUCTION, WATER CONSERVATION PER YEAR FOR 10 YEARS. IT ACTUALLY SOUNDS SMALL. IT'S A -- IT WOULD BE A LOT OF WORK TO ACHIEVE THAT. CLEARLY A COMPONENT OF THAT AS THE CITY MANAGER BRINGS FORWARD THE CONTINUATION OF GOOD CONSERVATION EFFORTS THAT WE HAVE, BUT A SIGNIFICANT PART OF THAT, OF COURSE, IS JUST PUBLIC EDUCATION AND AWARENESS. THERE'S A RECENT POLL DONE ALL ACROSS THE STATE, LESS THAN 20% OF TEXANS EVEN KNOW WHERE THEIR WATER, DRINKING WATER COMES FROM. THEIR WATER OR RAW WATER SUPPLY. I DOUBT THAT THAT'S MUCH DIFFERENT HERE IN THE CENTRAL TEXAS REGION AND SO WITH THE COMBINATION OF PUBLIC OUTREACH AND PUBLIC EDUCATION AND THEN VERY JUDICIOUS MUNICIPAL UTILITY PROGRAMS, THEN I THINK WE HAVE THE ABILITY TO ACHIEVE SOME OF THOSE VERY IMPORTANT GOALS. SO I APPRECIATE YOU ALL'S PATIENCE ON THAT. COUNCILMEMBER LEFFINGWELL? I JUST WANT TO REITERATE WHAT YOU JUST SAID. EDUCATION IS AN IMPORTANT COMPONENT OF ANY WATER CONSERVATION PROGRAM. WE CURRENTLY HAVE A VERY GOOD WATER CONSERVATION PROGRAM IN OUR

WATER UTILITY. IT IS BASED PRIMARILY ON VOLUNTARY MEASURES AND EDUCATION, IT'S A VERY IMPORTANT PART OF THE EFFORT TO -- TO FURTHER VOLUNTARY CONSERVATION OF WATER THAT -- THAT OBVIOUSLY THIS PARTICULAR ITEM ON THE AGENDA WILL GO BEYOND VOLUNTARY ITEMS, WE WILL STUDY OTHER MEASURES TO -- TO ACHIEVE OUR GOAL OF 1% PER YEAR FOR 10 YEARS, WHICH BY THE WAY, SHOULD RESULT IN A -- IN A WATER SAVINGS OVER THAT 10 YEAR PERIOD OF APPROXIMATELY TWO MILLION GALLONS PER DAY. THANK YOU.

MAYOR WYNN: THANK YOU, COUNCILMEMBER. SO AGAIN WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. NOTING THAT THE ITEMS PULLED OFF THE CONSENT AGENDA ARE ITEMS NUMBER 18, 22, 68 AND 78. WELCOME BACK, MS. TERRY.

MAYOR AND COUNCIL, MARTHA TERRY, ASSISTANT CITY ATTORNEY, WE BELIEVE THAT WE HAVE COME TO A SOLUTION AND RECOMMENDATION ON THAT ITEM INVOLVING -- THAT THAT SECTION OF THE CODE ON PAYMENT, THE REIMBURSEMENT PAYMENT. AND THAT IS OUR RECOMMENDATION IS -- IT IS A CODE PROVISION THAT - - THAT SETS OUT WE MUST DO THE PAYMENTS TWO YEARS AFTER THE CONCLUSION OF THE PROJECT. HOWEVER, AS ALL CODE -- WELL, THIS CODE PROVISION CAN BE WAIVED. AND IF IT IS COUNCIL'S DESIRE TO WAIVE IT, WE CAN BRING BACK AN ITEM ON JULY 27TH THAT ACCOMPLISHES THAT, STILL I BELIEVE MEETS THE DEVELOPERS TIME FRAME BECAUSE -- DEVELOPERS TIME FRAME, THE TIME FRAME THAT HE'S OPERATING UNDER, I UNDERSTAND REQUEST TO BE MADE, 90 DAYS AFTER THE COMPLETION DATE. IF THAT IS THE WILL OF THE COUNCIL, WE WILL BE HAPPY TO BRING THAT ITEM BACK TO YOU ON JULY THE 27TH. <p

I WOULD LIKE TO SUBSTITUTE MY FRIENDLY AMENDMENT.

ALL RIGHT. THANK YOU.

SO WITHOUT OBJECTION, COUNCIL, THE STAFF HAS -- HAS -- HAS DIRECTION TO COME BACK IN A MONTH WITH THAT POTENTIAL AMENDMENT.

YES, SIR.

THANK YOU.

AGAIN, WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA, FURTHER COMMENTS?

COUNCILMEMBER KIM?

ITEM NO. 80, THIS IS A -- IT WAS A WHISTLE BLOWER, A RESOLUTION TO PROTECT CITY EMPLOYEES. I JUST WANTED TO LET PEOPLE KNOW THAT ON MAY 30TH, 2006, THIS YEAR, APPROVE UNDERSTAND A 5-4 DECISION THAT GOVERNMENT WORKERS WOULD NO LONGER BE OFFERED FIRST AMENDMENT PROTECTION FROM RETALIATION AS THEY POINT OUT MISCONDUCT AS PARTS OF THEIR DUTIES. THE RESOLUTION THAT I WAS PROPOSING TO COUNCIL TODAY WITH CO-SPONSORS, COUNCILMEMBER LEE LEFFINGWELL WELL AND BREWSTER MCCRACKEN, [INDISCERNIBLE] TO FIRM THE CITY'S COMMITMENT TO PROTECTING [INDISCERNIBLE] ALONG WORKPLACE PURSUANT TO THE TEXAS WHISTLE BLOWER ACT AND A RESPONSIBLE CITY GIVES ITS EMPLOYEES THE ABILITY TO PERFORM THEIR DUTIES AS CITIZENS WITHOUT FEAR OF LOSING THEIR JOBS. THIS RESOLUTION WILL ENSURE THAT THE CITY IS PROMOTING OPEN GOVERNMENT AND FAIR TREATMENT OF EMPLOYEES. WILL HOLD OUR GOVERNMENT ACCOUNTABLE FOR ITS ACTIONS. THIS WHISTLE BLOWER PROTECTION IS A NECESSITY TO FOSTER, INFORM VIBRANT DIALOGUE IN DEMOCRATIC SOCIETIES. THEY WILL ASK ME FOR THEIR SUPPORT AND ENCOURAGE SUPPORT, PASSAGE OF THIS RESOLUTION.

MAYOR WYNN: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS?

MAYOR I HAD A --

MAYOR WYNN: COUNCILMEMBER COLE.

COLE: I BELIEVE I JOINED IN WITH YOU IN SPONSORSHIP ON NUMBER 77, I FULLY SUPPORT THAT. I THINK THAT IT'S GREAT. I WANTED TO POINT OUT ANOTHER REASON THAT I

SUPPORTED IT IS BECAUSE I THOUGHT THAT IT WOULD ENSURE THAT THE AUSTIN MCCRACKENS AND THE SAN ANTONIO MCCRACKENS [INDISCERNIBLE] I HADN'T HEARD ANY DISCUSSION ABOUT THAT. IN LIGHT OF MY PLACE ON THE DAIS.

MAYOR WYNN: BETTER LOOKING LAWN, CERTAINLY.

COAL: THANK YOU, MAYOR.

MCCRACKEN: THE DIRTIEST MCCRACKENS ARE CERTAINLY IN AUSTIN.

MAYOR WYNN: FURTHER COMMENTS ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

WYNN: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. I WILL LET THE ROOM CLEAR OUT. FOLKS IF YOU COULD TAKE YOUR CONVERSATIONS OUTSIDE.

COUNCIL, WE HAVE A HANDFUL OF DISCUSSION ITEMS WE CAN TAKE UP BEFORE OUR -- BEFORE OUR GENERAL CITIZENS COMMUNICATION BREAK AT NOON. LET'S SEE. I THINK SORT OF JUST GET THROUGH THESE SEQUENTIALLY. ITEM NO. 68 WAS OUR -- IS OUR SUBCOMMITTEE AND INTERGOVERNMENTAL BODY APPOINTMENTS. AND OUR STAFFS AND OURSELVES HAVE BEEN WORKING THROUGH THIS THE LAST FEW DAYS TO COME UP WITH THE -- WITH THE APPROPRIATE BALANCE. SO I THINK IN FRONT OF EVERYBODY, WE PROBABLY HAVE -- WE PROBABLY HAVE -- WHITE THREE PAGE RESOLUTION NUMBER 68. SO I GUESS WHAT I WILL DO IS READ THIS INTO THE RECORD. THESE ARE THE APPOINTMENTS OF OUR COUNCIL'S SUBCOMMITTEE. THIS WOULD HAVE BEEN ON THE CONSENT AGENDA. WE COULDN'T GET THIS ALL TYPED UP IN TIME. SO THE RESOLUTION APPOINTS TO THE -- TO THE FIRST OF THE COUNCIL SUBCOMMITTEES, TO THE COUNCIL AUDIT AND FINANCE SUBCOMMITTEE. MAYOR WYNN, MAYOR PRO TEM DUNKERLY AND COUNCILMEMBERS LEFFINGWELL AND

MCCRACKEN. TO THE JUDICIAL COMMITTEE, MAYOR WYNN, COUNCILMEMBERS COLE AND MARTINEZ. SO THE LAND USE AND TRANSPORTATION COMMITTEE, MAYOR PRO TEM DUNKERLY AND COUNCILMEMBERS COLE AND MCCRACKEN, TO THE LEGISLATIVE SUBCOMMITTEE, MAYOR WYNN AND MAYOR PRO TEM -- ACTUALLY, SCRATCH THAT. THE LEGISLATIVE COMMITTEE WILL REMAIN A COMMITTEE OF THE WHOLE SO THERE WON'T BE A LEGISLATIVE SUBCOMMITTEE. TO OUR MINORITY OWNED BUSINESS ENTERPRISE AND WOMEN OWNED BUSINESS ENTERPRISE SUBCOMMITTEE, COUNCILMEMBERS COLE, KIM, MARTINEZ. TO OUR PUBLIC HEALTH AND HUMAN SERVICES SUBCOMMITTEE, MAYOR PRO TEM DUNKERLY AND COUNCILMEMBERS LEFFINGWELL AND MARTINEZ. REGARDING OTHER INTERGOVERNMENTAL ENTITIES, TO THE -- TO THE AUSTIN-BERGSTROM INTERNATIONAL AIRPORT ABIA DEVELOPMENT CORPORATION, PRESIDENT WYNN, VICE-PRESIDENT DUNKERLY, BOARD MEMBERS COLE, KIM, LEFFINGWELL, MARTINEZ AND MCCRACKEN.

TO THE AUSTIN-SAN ANTONIO INTERDISCIPLINE COMMUTER RAIL DISTRICT. COUNCILMEMBER KIM. TO THE CAPITAL AREA COUNCIL OF GOVERNMENT'S, CAPCOG, GENERAL ASSEMBLY, COMMITMENT.

TO THE CAPITAL AREA CAMPO, TRANSPORTATION POLICY BOARD, MAYOR WYNN, MAYOR PRO TEM DUNKERLY, COUNCILMEMBERS KIM AND MCCRACKEN. TO THE CAPITAL METRO POLICY TAN TRANSPORTATION AUTHORITY, CMTA BOARD, OR -- CAPITAL METRO AS WE REFER TO THEM, COUNCILMEMBERS LEFFINGWELL AND MCCRACKEN. TO THE CITY OF AUSTIN, AUSTIN INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES, JOINT SUBCOMMITTEE, MAYOR WYNN, COUNCILMEMBERS COLE AND MARTINEZ. THE COMMUNITY ACTION NETWORK RESOURCE COUNCIL OR C.A.N., COUNCILMEMBERS.

KIM: AND LEFFINGWELL. TO THE MUELLER LOCAL GOVERNMENT CORPORATION, PRESIDENT WYNN, VICE-PRESIDENT DUNKERLY AND BOARD MEMBERS COLE, KIM, LEFFINGWELL, MARTINEZ, MCCRACKEN. TO OUR POLICE RETIREMENT BOARD, COUNCILMEMBER COLE. TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER 15,

THE BOARD WILL BE PRESIDENT WYNN, VICE-PRESIDENT DUNKERLY, BOARD MEMBERS COLE, LEFFINGWELL, MARTINEZ, MCCRACKEN. NUMBER 16 BOARD THE SAME. AND TO THE TEXAS COLORADO RIVER FLOODPLAIN COALITION, COUNCILMEMBER LEFFINGWELL AND AS AN ALTERNATE COUNCILMEMBER MCCRACKEN. SO -- SO COUNCIL THAT IS THE -- THAT IS THE PROPOSED SUBCOMMITTEE AND INTERGOVERNMENTAL ENTITY.

MAYOR?

MCCRACKEN: I SAW THE EMERGING TECHNOLOGY COMMITTEE WAS NOT ON HERE. MY UNDERSTANDING IT'S GOING TO REMAIN COMMITMENT AND COUNCILMEMBER LEFFINGWELL AND MYSELF.

MAYOR WYNN: YES FOR THE RECORD THE -- THE -- THE EMERGING TECHNOLOGIES COMMITTEE WILL REMAIN. COUNCILMEMBER KIM AND COUNCILMEMBER LEFFINGWELL.

MAYOR AND COUNCIL THERE'S SEVERAL SUBCOMMITTEES AND OTHER APPOINTMENTS THAT ARE NOT ON THIS LIST. IF THERE WERE NO CHANGES, IT DIDN'T REQUIRE ANY COUNCIL ACTION?

MAYOR WYNN: OKAY, THANK YOU.

SO -- SO ACTUALLY I GUESS I WOULD ENTERTAIN A MOTION ON THIS ITEM NO. 68, AS READ INTO THE RECORD. MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER LEFFINGWELL, FURTHER COMMENTS? AGAIN, YOU SEE WHAT THIS IS, IT'S A BALANCING ACT AND IN A MATRIX OF TRYING TO NOT ONLY HAVE, YOU KNOW, APPROPRIATE REPRESENTATION AND VERY OBVIOUSLY VERY GOOD REPRESENTATION, BUT ALSO TRY TO BALANCE OUT THE WORKLOAD, FRANKLY, BETWEEN THE SEVEN OF US. THERE'S A NUMBER OF ADDITIONAL ROLES THAT WE ALL PLAY, THIS IS OUR EFFORT TO DO THAT. FURTHER COMMENTS? ON THE MOTION AND THE SECOND TO APPROVE ITEM NO. 68 AS READ INTO THE RECORD. 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. I WILL NOTE IT MIGHT BE, AT
SOME POINT THIS MIGHT COME BACK, THERE COULD
ALWAYS BE ALTERATIONS OR DIFFERENT MAKEUP. OKAY. SO
-- SO COUNCIL, I THINK THAT -- I THINK THIS NEXT ITEM WE
PROBABLY GET THROUGH RELATIVELY QUICKLY,
COUNCILMEMBER COLE AND MYSELF PULLED ITEM NO. 18.
IT'S THE -- THE ART PIECE OF A CORRIDOR IMPROVEMENT
PROJECT. I WELCOME A BRIEF PRESENTATION OR
EXPLANATION FROM SUE EDWARDS.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, I'M SUE
EDWARDS, THE DIRECTOR FOR ECONOMIC GROWTH AND
REDEVELOPMENT SERVICES OFFICE. I WOULD LIKE TO ASK
MEGAN KRIEGER WHO IS THE ART IN PUBLIC PLACES
ADMINISTRATOR TO ADDRESS YOUR CONCERNS AND
QUESTIONS. SINCE SHE WAS DIRECTLY INVOLVED IN THE
PROCESS.

WELCOME.

MIGHT GO BEGAN KRIGER ADMINISTRATOR OF THE ART IN
PUBLIC PLACES PROGRAM. I CAN BRIEFLY EXPLAIN THAT
THE WALL PROJECT WAS A NEIGHBORHOOD INITIATED
PROJECT BY THE ORGANIZATION OF EAST AUSTIN
NEIGHBORHOOD ASSOCIATION, AS PARTS OF THEIR
NEIGHBORHOOD PLAN. THE CITY AGREED TO FACILITATE
THE PROCESS. THE -- MYSELF AND ANOTHER STAFF
MEMBER AND AN OSHA REPRESENTATIVE MET FROM THE
STAFF OF THE PRESIDENT'S OFFICE TO DEVELOP THE
ARTIST SELECTION PROCESS FOR THE PROJECT. AND
SUSAN IDENTIFIED THREE SELECTION PANELISTS ONE BEING
FROM HUSTON TILLOTSON STAFF MEMBER, HUSTON
TILLOTSON ALUMNI, ONE OCEAN REPRESENTATIVE. THEY
REVIEWED 11 ARTIST SUBMISSIONS, ONE WAS
RECOMMENDED AND -- AND THE ARTIST, SAMANTHA
RANDALL, MYSELF AND AN OCEAN REPRESENTATIVE MET
WITH AGAIN THE STAFF OF THE PRESIDENT'S OFFICE OF
HUSTON TILLOTSON TO -- TO BRIEF THE PROCESS AND MEET
THE ARTIST AND THEN SUBSEQUENTLY MET WITH THE
OCEAN NEIGHBORHOOD AND THE SELECTION WAS MET

WITH UNANIMOUS APPROVAL AND THEN FOLLOWED BY THE PANEL AND ARTS COMMISSION.

THANK YOU, QUESTION, COMMENTS? COUNCILMEMBER COLE?

FUTRELL: COULD I GET A CLARIFICATION, THOUGH, SHOULD THE COUNCIL HAVE A DESIRE TO JUST MAKE SURE IF THERE WAS SOME FOLKS LEFT OUT THERE THAT FELT LIKE THEY HAD A CONCERN, IS THERE AN ISSUE WITH POSTPONING THIS ITEM?

NOT AT ALL.

OKAY. THANK YOU.

COUNCILMEMBER COLE?

COLE: I APPRECIATE ALL OF YOUR HARD WORK, I DID HEAR FROM PEOPLE AT HUSTON TILLOTSON AND THAT -- THE CHAIRMAN OF THE BOARD, I THINK WE NEED TO POSTPONE AND SORT OF MAKE SURE THAT WE HAVE GOT HUSTON TILLOTSON ON BOARD WITH THE PROJECT.

CERTAINLY.

COLE: OKAY.

MAYOR WYNN: CAN YOU-- TO BUILD ON THAT, CAN YOU SPEAK BRIEFLY -- THIS IS THE ACTUAL SOME PEOPLE CALL IT THE WALL THERE ON THE -- ONE BLOCK OF 7TH STREET. JUST EAST -- WEST OF CHICON THAT FRONTS THE UNIVERSITY.

CORRECT. IT IS A -- THE WALL IS OWNED BY THE CITY. FRONTS HUSTON TILLOTSON, IT'S A 600-FOOT LONG WALL, QUITE SUBSTANTIAL ALONG THE NORTH SIDE OF 7TH STREET.

WELL, CAN YOU SPEAK TO JUST BRIEFLY SORT OF WHAT WAS THE OUTREACH? EVEN THOUGH IT'S -- YOU KNOW, IT'S OUR WALL, PART OF A MUCH LONGER AND EXPENSIVE SORT OF CORRIDOR IMPROVEMENT PROJECT THAT WE ARE ALL

WORKING ON, YOU KNOW, TRANSPORTATION AND ART, YOU KNOW, JUST SO DISPROPORTIONATELY THIS IS ASSOCIATED WITH HT SEEMS TO ME, JUST CURIOUS AS TO WHAT KIND OF COMMUNICATION THERE HAS BEEN WITH -- WITH THE UNIVERSITY AND WHAT ROLE THEY HAVE PLAYED TO DATE AND --

THEIR ROLE IN THE PROCESS WAS AGAIN MEETING WITH THE STAFF OF THE PRESIDENT'S OFFICE AND LINDA JACKSON WITH THE PR OFFICE AND DEVELOPING SORT OF AN ADVISORY ROLE TO TALK ABOUT ARTIST'S NOMINATION PROCESS, WHICH WE NOMINATED OR WE SOLICITED NOMINATIONS FROM A VARIETY OF ARTS ORGANIZATIONS, DIVERSE ARTS, PRO ARTS, THE CARVER LIBRARY, A NUMBER OF GROUPS. AND THEN THOSE ARTISTS WERE INVITED TO -- TO SUBMIT QUALIFICATIONS. ONCE THOSE ARTISTS SUBMITTED THEIR INFORMATION, THEN WE HAD THE TWO HUSTON TILLOTSON ALUMNI AND STAFF ACTUALLY VOTING ON THE ARTISTS. AND THEN AFTER THAT DOING A FOLLOW-UP PRESENTATION WITH -- WITH THEM. THEN I WANT TO SAY, TOO, THAT ONCE THE -- ONCE AN ARTIST IS ON BOARD, THEY WILL CONTINUE COMMUNICATION WITH HUSTON TILLOTSON, COLLECTING INFORMATION BECAUSE WE RECOGNIZE THAT WE WANT THIS WALL TO REFLECT THE CITY, THE NEIGHBORHOOD AS WELL AS BE SOMETHING PROUD FOR HUSTON TILLOTSON. SO THEY WILL CONTINUE TO BE INTEGRAL IN THE PROCESS OF COLLECTION OF INFORMATION FOR THE WALL.

VERY WELL. AGAIN, JOINING COUNCILMEMBER I DON'T DOUBT ALL OF THAT HAS INDEED OCCURRED BUT I THINK THERE'S STILL A LITTLE BIT OF MISCOMMUNICATION WITH HT AND SO -- SO -- SO HEARING THAT IT'S NOT A TECHNICAL PROBLEM OR A FUNDING PROBLEM FOR -- FOR THIS ONE MEETING DELAY.

I WOULD JUST MOVE TO POSTPONE, MAYOR.

SO MOTION MADE BY COUNCILMEMBER COLE THAT I WILL SECOND TO POSTPONE ITEM NO. 18 TO JULY 27TH, 2006 OUR NEXT COUNCIL MEETING AND GIVE STAFF TIME TO REITERATE AND THAT COMMUNICATION WITH HUSTON

TILLOTSON UNIVERSITY. FURTHER COMMENTS?

HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE., ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION TO POSTPONE PASSES ON A VOTE OF 7-0. THANK YOU ALL. I THINK WE CAN NOW TAKE UP ITEM NO. 22, THE THIRD READING OF OUR -- OF OUR DEVELOPMENT REGS, KNOWN AS THE MCMANSION ORDINANCE. TECHNICALLY I PULLED IT OFF THE CONSENT AGENDA JUST TO GIVE US A CHANCE TO HAVE SORT OF A BRIEF STATUS UPDATE. OF COURSE AS READ INTO THE CHANGES AND CORRECTIONS EARLIER, WE HAVE ALREADY CHANGED THE POSTING OF THIS TO REINSTATE THE RESIDENTIAL DESIGN COMMISSION, I THINK THERE MIGHT BE A COUPLE OF QUESTIONS ABOUT THAT FORMAT, WELCOME, A BRIEF PRESENTATION FROM MS. TERRY.

MAYOR AND COUNCIL, MARTHA TERRI, ASSISTANT ATTORNEY. I AM HERE TODAY WITH STAFF, LAURA HUFFMAN AND [INDISCERNIBLE] AND ACTUALLY SEVERAL MEMBERS OF THE TASK FORCE ARE HERE AS WELL TO BRIEF YOU CONCERNING SOME LANGUAGE MODIFICATIONS IN THE SINGLE FAMILY DEVELOPMENT ORDINANCE. STAFF HAS CONTINUED TO WORK WITH MEMBERS OF THE TASK FORCE TO MAKE SURE THAT WE CORRECTLY CAPTURED THEIR RECOMMENDATIONS TO YOU. IN ADDITION, WE HAVE ALSO WORKED WITH COUNCIL'S ACTIONS TAKEN ON FIRST AND SECOND READING TO MAKE SURE THAT WE CORRECTLY CAPTURED YOUR INTENT IN THAT REGARD AS WELL. I WANT TO BRIEFLY WALK YOU THROUGH THOSE MODIFICATIONS, I'M GOING TO BEG YOUR INDULGENCE, WHICH WE ARE REQUESTING THAT YOU MAKE TO THE ORDINANCE ON THIRD READING AND WHICH WE HAVE PASSED OUT TO YOU AND IS ON THE DAIS. FIRST OF ALL, WE UNDERSTAND THAT THERE IS A DESIRE TO INCLUDE THE RESIDENTIAL DESIGN COMMISSION AND SO WE RESTORED THAT LANGUAGE, CREATING THAT COMMISSION, TOGETHER WITH THE LANGUAGE CONCERNS ITS SUBJECT MATTER, SCOPE AND MAKEUP TO THE ORDINANCE AND BASICALLY REINSERTED THE LANGUAGE THAT WAS THERE THAT WE PRESENTED TO YOU ON FIRST READING. FIRST AND SECOND READING. WE HAVE ELIMINATED THE INCLUSION OF A FOOTNOTE TO THE SITE DEVELOPMENT REGULATIONS IN THE CHART IN ONE

PROVISION OF THE CODE BECAUSE IT'S NO LONGER NEEDED AND THE REASON FOR THAT IS BECAUSE OF THIS PARTICULAR -- ORDINANCE TOGETHER WITH THE CODE LANGUAGE TAKES CARE OF THE -- OF THE -- OF THE FOOTNOTE THAT WE HAD ORIGINALLY THOUGHT MIGHT BE NECESSARY. WE HAVE INCLUDED PROVISIONS THAT WERE RECOMMENDED BY THE TASK FORCE, BUT WERE INADVERTENTLY LEFT OUT OF THE ORIGINAL ORDINANCE. THE SPECIFIC LANGUAGE THAT WE INCLUDED, INCLUDED AN EXCEPTION THAT CARVES OUT LARGE WORKS OF SF 4 A LOTS FROM THESE REGULATIONS AND ONLY MAKES THESE REGULATIONS APPLY TO SF 4 A LOTS THAT ABUT SF 2 OR SF 3 ZONED LOTS. THOSE LOTS WILL BE SUBJECT TO THE REGULATIONS THAT ARE IN THE ORDINANCE, BUT IF THERE ARE LARGE PIECES OF SF 4 A NOT ABUTTING SF 2 OR [INDISCERNIBLE] LOTS THOSE 7 BE EXCEPTED FROM THIS PROVISION. THIS ASSISTS WITH AFFORDABLE HOUSING DEVELOPMENTS. THERE IS A DIFFERENT BUILDING ENVELOPE THAT IS SLIGHTLY MORE GENEROUS FOR SECOND STORY REMODELS IF THE ORIGINAL STRUCTURE WAS BUILT OR PERMITTED BEFORE OCTOBER 1, THAT YOU WILL FIND AT LINE -- LINE 22 ON PAGE 7. THIS WAS A PROVISION AGAIN THAT WE INADVERTENTLY LEFT OUT THAT WAS A RECOMMENDATION BY THE TASK FORCE. WE HAVE CLARIFIED CERTAIN LANGUAGE AND VARIOUS PARTS OF THE ORDINANCE TO ELIMINATE POTENTIALLY CONFUSING PROVISIONS. WE CLARIFIED WHICH -- ON SOME OF THE PROVISIONS, WHAT PROVISIONS CONTROL WHEN YOU APPLY EXISTING CODE PROVISIONS. THAT OCCURS AT LINE 21 ON PAGE 3. WE ALSO MADE CERTAIN TERMINOLOGY IN THIS ORDINANCE BE COMPATIBLE WITH -- WITH EXISTING CODE LANGUAGE. WE CHANGED PARKING FACILITIES TO PARKING AREA TO ACCOMPLISH THAT OBJECTIVE AND TO MAKE THE -- THE FIT SEAMLESS, IF YOU WILL. WE ALSO CLARIFIED THAT THERE ARE NO EXCEPTIONS TO EITHER THE HEIGHT OR THE BUILDING ENVELOPE FOR AN ENVIRONMENTAL FEATURE THAT IS CAPABLE OF BEING OCCUPIED. WE DID NOT WANT ENVIRONMENTAL FEATURES BEING CONSTRUCTED OR THE TASK FORCE TO DID NOT WANT ENVIRONMENTAL FEATURES BEING CONSTRUCTED ON HOMES THAT -- THAT THEN LATER CAN BE ENCLOSED AND MADE HABITABLE. ONE FINAL CLARIFICATION, LET ME

BACK UP. THERE IS A CLARIFICATION WHICH IS A CLASSIC EXAMPLE OF LAWYERS AND ARCHITECTS NOT SPEAKING THE SAME LANGUAGE AND THE LAWYERS FINALLY GOT THERE. THAT IS THE CALCULATION OF THE BUILDING ENVELOPE AS IT APPLIES TO EACH SEGMENT OF THE ENVELOPE. THAT'S ON PAGE 7 A, IT BASICALLY MADE THE CALCULATION OF THE ENVELOPE MAKE SENSE ALL THE WAY DOWN. AND WE ACTUALLY GOT LAWYER LANGUAGE WE THINK THAT -- THAT ACHIEVES THE ARCHITECT'S OBJECTIVES AND WE WERE ALL HAPPY AND SINGING KUMBAYA TOGETHER YESTERDAY. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

WE UNDERSTOOD ALSO THAT YOU REALLY WANT -- THAT YOUR DESIRE WAS TO MAKE THIS LANGUAGE BE COMPATIBLE WITH EXISTING CODE LANGUAGE. FOR EXAMPLE, WE DON'T USE THE TERM ROOF ASSEMBLY IN OUR CODE, WE USE THE TERM ROOF, SO WE CLARIFIED THAT AS WELL. SO WE BASICALLY KIND OF SHIFTED SOME MODIFIERS TO MAKE SURE -- MODIFIERS TO MAKE SURE THAT YOUR INTENT WAS CLEAR AND THOSE ARE CONTAINED IN YOUR ORDINANCE. OUR OTHER CHANGES ON FIRST READING, THE EXCLUSION OF RMMA AND THE EFFECTIVE DATE ARE INCLUDED IN THOSE MODIFICATIONS AS WELL. AND OUR RECOMMENDATION IS THAT YOU ADOPT THIS MODIFIED VERSION OF THE ORDINANCE WITH THE CHANGES I'VE OUTLINED ON THIRD READING. AND I AM AVAILABLE FOR QUESTIONS SHOULD YOU HAVE THEM.

MAYOR WYNN: THANK YOU, MS. TERRY. QUESTIONS OF STAFF, COUNCIL? THEN I WOULD --

COLE: QUESTION, MAYOR. CAN YOU GIVE US A BRIEF OVERVIEW OF THE OTHER TEXAS CITIES THAT HAVE THIS TYPE OF ORDINANCE.

YES, MA'AM, WE DID THAT TYPE OF INVESTIGATION WHILE WE WERE GOING THROUGH THIS PROCESS AND OUR INFORMATION AS OF THIS DATE IS THAT DALLAS HAS A MODIFIED VERSION OF WHAT IS BEFORE YOU. THEIR LIMITATIONS ARE ON HEIGHT, GARAGE PLACEMENT AND SIDE YARD SETBACKS, BUT IT IS PETITION INITIATED, AND THAT IS, IT IS REQUIRED -- IT REQUIRES AFFIRMATIVE

ACTION ON THE PART OF A NEIGHBORHOOD OR A PORTION OF AN AREA IN ORDER TO BRING THAT TO THEIR COUNCIL'S ATTENTION. ALAMO HEIGHTS AND TERRELL HEIGHTS, THE LATEST INFORMATION THAT WE HAVE IS THAT THEY'RE CONSIDERING DEVELOPING THIS KIND OF ORDINANCE. WE DO NOT KNOW AT THIS POINT WHERE IT IS IN THEIR PROCESS, BUT THIS IS A TOPIC OF CONVERSATION IN OTHER CITIES.

COLE: SO WE'RE KIND OF GETTING PREPARED WITH THE LEGISLATIVE GOVERNMENTAL AFFAIRS DEPARTMENT TO LOOK AT THE TEXAS CITIES AND PREPARE FOR OUR STRATEGY?

YES, MA'AM, WE ARE. AND I WOULD LIKE TO NOTE THAT LAURA HUFFMAN SERVES ON THE TML LEGISLATIVE COORDINATION COMMITTEE AND IS INTIMATELY FAMILIAR WITH WHAT WE'RE DOING IN THE LEGISLATIVE ARENA. AND I WOULD DEFER DETAILED QUESTIONS TO HER BECAUSE I THINK SHE COULD PROBABLY GIVE YOU A BETTER RESPONSE. I CAN TELL YOU THAT YES, INDEED, WE ARE LOOKING AT THAT AND LOOKING AT IT VERY CAREFULLY.

THANK YOU.

COUNCILMEMBER MCCRACKEN.

MCCRACKEN: IN THAT REGARD, COUNCILMEMBER, WE DISCOVERED THAT ACTUALLY WEST UNIVERSITY IN HOUSTON HAS AN ORDINANCE IN PLACE. THEY DID NOT SUCCEED IN GETTING IT IN PLACE IN TIME, BUT IT WAS IN RESPONSE TO WHAT HAPPENED IN WEST UNIVERSITY, WHICH IS A RESPONSE HERE AS WELL. AND ALSO MY UNDERSTANDING IS THAT ALAMO HEIGHTS IN PARTICULAR IS VERY FAR ALONG ON THEIR PROPOSAL. BUT FINALLY, THE PROPOSAL YOU HAVE BEFORE YOU IS DRAWN FROM IN PLACE ORDINANCES IN OTHER CITIES AROUND THE COUNTRY. PALO ALTO IS ONE EXAMPLE, DENVER, SALT LAKE CITY. THIS HAS BECOME A NECESSARY PROVISION IN A LOT OF CITIES BECAUSE -- FOR A VARIETY OF FACTORS BASED ON -- ONE OF THE BIG DRIVERS HAS BEEN A CHANGE IN FEDERAL TAX CODE HAS CREATED THESE SECTION 231 FUNDS THAT REQUIRES INVESTMENT AND REAL ESTATE

DEVELOPMENTS WITHIN 180 DAYS. THERE'S A LOT OF DESPERATE MONEY IN THE MARKET AND THESE INVESTMENT FUNDS PRIMARILY OUT OF CALIFORNIA ARE PAYING FOR PROPERTIES, SCRAPING THEM AND BUILDING AS MUCH AS POSSIBLE TO GET THE MOST SQUARE FOOTAGE TO MAKE THE MOST MONEY BACK. SO THERE'S A LOT OF ECONOMIC FACTORS AND THERE ARE A LOT OF ORDINANCES THAT HAVE BEEN PUT IN PLACE IN RESPONSE THAT WE WERE ABLE TO DRAW FROM.

COLE: GREAT. I'LL BE HAPPY TO WORK WITH YOU ON THAT, BOTH OF YOU.

MAYOR WYNN: COUNCILMEMBER LEFFINGWELL.

LEFFINGWELL: THE RESIDENTIAL DESIGN COMMISSION, WHICH I SUPPORT, BY THE WAY, I'VE JUST GOT A QUESTION ABOUT IT. COMPOSED OF NINE MEMBERS APPOINTED BY COUNCIL. ARE THESE GOING TO BE CONSENSUS MEMBERS OR HOW IS THAT GOING TO WORK?

I'M NOT -- THE ORDINANCE ITSELF DOES NOT SPEAK AS TO WHETHER ALL THE MEMBERS ARE MEMBERS OR NOT. THE ORDINANCE CREATED IT, MADE IT CONSIST OF NINE MEMBERS. THERE ARE FIVE DESIGN PROFESSIONALS AND FOUR CITIZENS AT LARGE. WE DID NOT SPECIFY WHETHER THEY WOULD BE CONSENSUS APPOINTMENTS OR WHETHER EACH IT WOULD BE ALL FOR CONSIDERATION BY COUNCIL. BECAUSE THERE ARE NINE MEMBERS YOU WOULD WANT TO FIGURE OUT WHAT YOU WOULD WANT IN THAT REGARD.

LEFFINGWELL: DO WE NEED TO SPECIFY THAT IN THIS ORDINANCE?

I DO NOT BELIEVE THAT YOU DO. I BELIEVE THAT YOU ALL CAN MAKE THE APPOINTMENTS YOU WISH TO MAKE? HOWEVER, IF IT IS YOUR DESIRE AT THIS POINT, THAT WOULD BE SUFFICIENT ENOUGH FOR ME TO DO SO.

LEFFINGWELL: TYPICALLY THE BOARDS THAT HAVE NINE MEMBERS HAVE SEVEN APPOINTEES THAT ARE BASED ON COUNCIL -- INDIVIDUAL COUNCILMEMBER APPOINTMENTS AND TWO CONSENSUS APPOINTMENTS. I'M WONDERING IF IT

IS THE STANDARD METHOD OF APPOINTING OR NOMINATING THE APPOINTMENTS. THE FIVE RESIDENTIAL DESIGN PROFESSIONALS REQUIRED, THEN COULD AN INDIVIDUAL COUNCILMEMBER BE CON STRAINED IN HIS OR HER APPOINTMENT TO DEPENDING UPON THE MAKEUP OF THE REST OF THE BOARD, COULD YOU BE CONSTRAINED AS TO WHO YOU COULD APPOINT. IT WOULD BE MANDATORY IN YOUR PARTICULAR CASE TO SELECT A DESIGN PROFESSIONAL.

THAT IS CORRECT. YOU DO HAVE THIS MAKEUP WHICH IS SPLIT FIVE-FOUR, AND THAT DOES PRESENT SOME VERY PRACTICAL AND PRAGMATIC PROBLEMS CONCERNING THE CONSENSUS VERSUS INDIVIDUAL SUGGESTIONS FROM THE OFFICES FOR APPOINTMENTS.

THAT IS A PRAGMATIC PROBLEM AS YOU SAY, BUT I KNOW WE'RE CONFRONTED WITH THIS ON OTHER PARTICULAR BOARDS AND COMMISSIONS AND HAVE MANAGED TO WORK OUR WAY THROUGH THAT. I WONDER IF I COULD ASK COUNCILMEMBER MCCRACKEN SINCE HE'S BEEN WORKING MOST CLOSELY WITH THIS TASKFORCE TO COMMENT ON THAT.

COUNCILMEMBER, THE DISCUSSIONS THAT HAVE TAKEN PLACE THIS WEEK HAVE -- MY EXPECTATION IS THAT WE WILL HAVE FROM THE TASKFORCE AND WORKING WITH THE COUNCIL PERHAPS A SLIGHTLY MODIFIED PROPOSAL ON THE MAKEUP OF THIS COMMISSION. WE HAVE THREE MONTHS UNTIL THIS GOES INTO EFFECT. WHAT HAPPENED THIS WEEK IS THAT A NUMBER OF HOME BUILDERS HAVE COME OUT IN SUPPORT OF WHAT IS BEFORE US TODAY, INCLUDING SEVERAL DUPLEX BUILDERS WHO SAID THIS IS AN APPROPRIATE ORDINANCE, THAT IT IS NOT OVERLY PREDESCRIPTIVE AND IS VERY WORKABLE. THERE HAVE BEEN DISCUSSIONS ALONG THOSE LINES OF -- I EXPECT IT WOULD NEED TO BE AS YOU HAVE IDENTIFIED, COUNCILMEMBER, SOME FORM OF CONSENSUS APPOINTMENT APPROACH BECAUSE OF THE MEMBERSHIP OR THE INDUSTRY REQUIREMENTS FROM WHICH MEMBERS WOULD COME. THE INTENTION IS IT WOULD BE SIMILAR TO WHAT WE DID ON THE TASKFORCE IN GENERAL.

I WAS JUST GOING TO SAY, FROM WHAT I'M UNDERSTANDING IS IT'S YOUR INTENTION TO COME FORWARD WITH A CLARIFICATION OF THIS AMENDMENT, AN AMENDMENT TO THE AMENDMENT SO TO SPEAK IN THE NEXT COUPLE NOT OF MONTHS? -- IN THE NEXT COUPLE OF MONTHS?

THAT'S RIGHT.

IF I COULD, MAYOR AND COUNCIL, STAFF DID CORRECTLY REMIND ME THAT WHERE WE HAVE OTHER BOARDS AND COMMISSIONS WHERE THERE IS A SPECIFIC REPRESENTATIVE FROM A PARTICULAR GROUP, IT IS NOT COMMON OR IT IS NOT UNUSUAL FOR THERE TO BE NO INDICATION IN YOUR ENACTING ORDINANCE, THE DIVISION BETWEEN THE FIVE AND THE FOUR CONSENSUS AND NON-CONSENSUS. OR THE CONSENSUS AND SUGGESTED APPOINTMENTS FROM THE VARIOUS MEMBERS. YOU CAN REMAIN SILENT ON THIS. IT IS -- I AM AT YOUR PLEASURE IN THIS REGARD.

MCCRACKEN: WE SHOULD JUMP ON THAT OPPORTUNITY. [LAUGHTER]

MAYOR WYNN: THERE ARE A COUPLE OF QUESTIONS.

THAT ONE WAS OVER MY (INDISCERNIBLE).

MAYOR WYNN: WELL, FOR INSTANCE, WHATEVER TIME THE COUNCIL DECIDES TO ACT -- TO ACT ON THE LOGISTICS OF THOSE APPOINTMENTS, THAT IS, WHICH ONE MIGHT BE CONSENSUS, IF ANY, AND IF, FOR EXAMPLE, THE DECISION WAS MADE TO REDUCE THE NUMBER TO SEVEN, SO THERE WOULD BE A SINGLE APPOINTEE PER COUNCIL OFFICE, FOR INSTANCE, IS IT MORE DIFFICULT TO GO BACK AND AMEND THESE DEVELOPMENT REGULATIONS ORDINANCES BECAUSE WE MIGHT DECIDE WHEN WE GO THROUGH THE LOGISTICS OF THE APPOINTMENT PROCESS AND WE HAVE THE RAW NUMBER, COULD THAT AMENDMENT OCCUR SIMULTANEOUSLY TO OUR DECISION AS TO HOW THESE INDIVIDUAL PLACES WILL BE APPOINTED?

YES, SIR. WE COULD BRING FORWARD A CODE AMENDMENT AT THE SAME COUNCIL MEETING THAT YOU ACTUALLY MAKE

YOUR APPOINTMENTS.

THERE'S NO REQUIREMENT FOR NOTICE OR SOME OTHER CHALLENGING ADMINISTRATIVE PROCESS?

NOT IN TERMS OF LAND DEVELOPMENT CODE BECAUSE THIS IS NOT AN AMENDMENT TO THE LAND DEVELOPMENT CODE. THIS IS AN AMENDMENT TO CHAPTER 2 OF THE CODE, WHICH IS IN THE OTHER PART OF THE CODE. SO YOU DON'T HAVE ALL OF THE LAND DEVELOPMENT CODE NOTICE REQUIREMENTS. THE ONLY THING THAT YOU HAVE TO BE AWARE OF AND BE COGNIZANT OF AND WE WOULD WORK TO MEET THE REQUIREMENTS IS THE REQUIREMENTS FOR CHANGING AMENDMENTS TO THAT PARTICULAR PORTION OF THE CODE.

GREAT, THANKS. AND ANOTHER QUESTION I HAD REGARDING THE RESIDENTIAL DESIGN COMMISSION THAT I TOO SUPPORT IN CONCEPT.

MAYOR WYNN: THERE'S BEEN TALK ABOUT ESSENTIALLY STRUCTURING IN SUCH A WAY THAT THOSE DECISIONS FRANKLY ARE NOT APPEALABLE TO THE CITY COUNCIL. THERE'S A COUPLE OF EXAMPLES OF, FOR INSTANCE, OUR BOARD OF ADJUSTMENT BOARD, THOSE DECISIONS ARE APPEALABLE TO A COURT, NOT CITY COUNCIL. TWO QUESTIONS. HOW IS IT LAID OUT IN THIS CURRENT ORDINANCE AND DO WE HAVE THE ABILITY AS A COUNCIL TO CREATE A COMMISSION, RESIDENTIAL DESIGN COMMISSION, AND SOMEHOW STRUCTURALLY MAKE IT TO WHERE THOSE DECISIONS AREN'T THEN APPEALABLE TO THE CITY COUNCIL?

THE CURRENT ORDINANCE PROVIDES THAT THE DECISIONS ARE APPEALABLE. THAT PROVISION CAN BE REMOVED. AND YES, YOU MAY CREATE A COMMISSION IN WHICH THAT COMMISSION'S DECISIONS ARE NOT APPEALABLE TO COUNCIL.

MAYOR WYNN: SOUNDS STRAIGHTFORWARD.
COUNCILMEMBER DUNKERLEY.

DUNKERLEY: ONE OTHER THING I WOULD LIKE TO ASK THE

CITY MANAGER IS AS WE BEGIN TO IMPLEMENT THIS ORDINANCE IN OCTOBER, EVEN THOUGH WE'VE WORKED HARD ON IT AND THE TASKFORCE HAS WORKED HARD ON IT, SOMETIMES UNINTENDED CONSEQUENCES OCCUR THAT WE MAY NOT BE AWARE OF. SO I WOULD LIKE TO ASK THE CITY MANAGER TO HAVE THE STAFF MONITOR THE IMPLEMENTATION OF THE ORDINANCE FOR THE NEXT 12 MONTHS AFTER IMPLEMENTATION AND THEN MAKE ANY RECOMMENDATIONS THAT THEY THINK WHERE WE HAVE MISSED SOMETHING AND WE NEED TO ADD IT OR THAT IT SIMPLY DOESN'T WORK. AND I'D LIKE TO ALSO ASK YOU, CITY MANAGER, IF YOU WOULD, REVIEW THIS AND IF YOU NEED ADDITIONAL RESOURCES, WOULD YOU GIVE US THAT INFORMATION DURING THE BUDGET PROCESS SO THAT WE CAN ADD WHATEVER RESOURCES YOU NEED TO DO THAT?

FUTRELL: AND WE WILL DO THAT. IN FACT, WE'VE ALREADY BEGUN THAT PROCESS. BUT WE WILL ADD TO IT THE IDEA OF SOME ADDITIONAL MONITORING OVER THE NEXT 12 MONTHS.

MAYOR WYNN: FURTHER COMMENTS? COUNCILMEMBER LEFFINGWELL.

LEFFINGWELL: YEAH. I WOULD LIKE TO ALSO ADD THAT WE REVISIT THIS ISSUE. AS I UNDERSTAND IT, THE APPOINTMENTS WHERE THEY'RE MADE UP OF A COMPOSITE OF COUNCIL NOMINATIONS AND CONSENSUS APPOINTMENTS, THAT REQUIREMENT IS NOT WRITTEN OUT ANYWHERE, AND I BELIEVE YOU JUST ALLUDED TO THAT, BUT IT IS TRADITIONALLY DONE IN THAT MANNER. SO BY STAYING SILENT ON THIS ISSUE, I ASSUME THAT THAT WOULD CALL FOR A NOMINATION AND CONFIRMATION BY EACH INDIVIDUAL COUNCILMEMBER, PLUS TWO ADDITIONAL CONSENSUS APPOINTEES. BUT I WILL LOOK FORWARD TO CONFIRMATION OF THAT IN THE MONTHS BEFORE THIS PROGRAM IS IMPLEMENTED. IS THAT CORRECT?

YES, SIR. AND WE WILL -- WE WILL PROVIDE THAT CONFIRMATION TO YOU SO THAT YOU UNDERSTAND WHAT THE PROCESS IS. WE'LL BE HAPPY TO DO THAT.

MAYOR WYNN: COUNCILMEMBER MCCRACKEN.

MCCRACKEN: I HAVE CHRIS ALLEN, ONE OF THE TASKFORCE MEMBERS HERE, AND A RESIDENTIAL ARCHITECT, TO GIVE US AN ANALYSIS. THERE HAS BEEN AN E-MAIL FLYING AROUND THIS WEEK ABOUT AN HISTORIC HOUSE IN GUIDE PARK WHICH DOES NOT COMPLY WITH THE TASKFORCE'S PROPOSAL. AND HE HAS DONE AN ANALYSIS OF THIS IN REGARDS TO THE SPECIFIC HOUSE AND ANALYSIS.

GOOD MORNING. MY NAME IS CHRIS ALLEN. I'M AN ARCHITECT AND RECOVERING TASKFORCE MEMBER. [LAUGHTER] IT'S A 12-STEP PROGRAM. I SAW THE E-MAIL THAT COUNCILMEMBER MCCRACKEN IS REFERRING TO AND I WAS INTRIGUED AND ACTUALLY MADE TWO DIFFERENT TRIPS TO SEE THE HOUSE YESTERDAY. I WAS UNABLE TO MEASURE IT, DIDN'T GET OUT A LASER AND HIT IT AND COMPUTER MODEL IT, BUT MY ESTIMATE IS THIS LOOKS MORE LIKE A HOUSE THAT SHOWS THE FLEXIBILITY OF THE SET BACK ENVELOPES AND PLANES RATHER THAN SHOWING THE INFLYNNFLEXIBILITY. PARTICULARLY GIVEN IT WAS A REMODEL AND OUR REMODELING EXCEPTIONS ARE FAIRLY GENEROUS. SO THE BACK OF THE HOUSE -- I DON'T KNOW IF YOU CAN SCROLL DOWN ON THAT WEB PAGE AS SEE ANOTHER IMAGE. THIS IS THE BACK OF THE HOUSE. THERE'S A TWO-STORY ADDITION ON IT. AND THE AREA OF CONCERN WOULD BE ON THE BACK OF THIS PHOTO. YOU CAN'T SEE IT ALONG THE NORTH PROPERTY LINE OF THE HOUSE. AND MY ASSUMPTION, MY UNDERSTANDING IS THAT WOULD PROBABLY COMPLY WITH THE REMODELING EXCEPTION. TO GIVE YOU A CLEARER IDEA I'VE BROUGHT A COUPLE OF OTHER GRAPHICS. I HAD A CLIENT, A BUILDER DEVELOPER CALL ME ABOUT A PROPERTY THAT HE HAD UNDER CONTRACT IN WEST AUSTIN. THIS IS A 7200 SQUARE FOOT LOT THAT HE WAS BUYING TO BUILD A NEW HOME ON. AND HE WANTED TO MAKE SURE THAT THE NEW ORDINANCE BANDERA COUNTY GOING TO UNREASONABLY RESTRICT DEVELOPMENT ON THE LOT SO THAT HE COULD BUILD ON THE LOT AND EVENTUALLY MAKE MONEY ON THE INVESTMENT. WE TOOK A LOOK AT IT AND MADE A QUICK MODEL OF A TWO AND A HALF STORY HOUSE THAT COULD POTENTIALLY HAVE AS MUCH AS 4200 SQUARE FEET OR A F.A.R. OF .4. AND YOU CAN SEE FROM THE IMAGE ON YOUR

SCREEN IT'S NOT TOUCHING THE SETBACKS ANYWHERE. THESE ARE 10-FOOT CEILINGS UPSTAIRS AND DOWNSTAIRS, FLOOR TRUSSES IN BETWEEN AND A PIER AND BEAM FOUNDATION. SO. I CAN'T DO THE SAME ELIMINATION WITH THE HOUSE IN HYDE PARK, BUT THIS HOUSE IS AWFULLY TALL, AWFULLY BIG AND FITS WITHIN THE SETBACK COMPLIANCE. THE BUILDER'S REACTION AFTER SEEING THIS IS HE WAS GOING TO GO AHEAD WITH HIS CONTRACT TO PURCHASE THE PROPERTY AND THAT THIS ALLOWED HIM PLENTY OF ROOM TO BUILD THE HOUSE HE WANTED TO BUILD. THANK YOU.

MAYOR WYNN: BEFORE YOU STEP AWAY, THANK YOU. THIS IS VERY HELPFUL, THE VISUALS ESPECIALLY. I THINK MY MATH FROM JUNIOR HIGH WOULD TELL ME THAT WOULD BE A 20-FOOT HEIGHT LIMITATION ON THE FIVE FOOT SIDE YARD. BUT EVEN WITH THAT, I GUESS THE CONCERN, THE GENERIC CONCERN I HAVE HEARD SEVERAL TIMES IS EVEN AT 20 FEET, IT COULD BE VERY CHALLENGING TO PUT A TWO STORY HOUSE AT 20 FEET IF IT'S ON PIER AND BEAM. ESSENTIALLY -- FOR THE MOST PART, THE MOST COMMON PRACTICE ARE TO BUILD NINE FOOT CEILINGS NOW. SO TWO NINE FOOT CEILINGS AND THEN PROBABLY A FOOT OF TRUSS SYSTEM BETWEEN THE TWO FLOORS WOULD BE 19 FEET, BUT THEN PRESUMING THAT PERHAPS THE HOME IS BUILT ON A PIER AND BEAM FOUNDATION RATHER THAN A SLAB, THERE IS -- THERE'S CONCERN THAT THAT MATH TECHNICALLY DOESN'T WORK. AND IT SEEMS TO ME THAT -- WHAT I LIKE ABOUT THE 15-FOOT AND THE 45-DEGREE ANGLE IS THAT MOST -- THE VAST MAJORITY OF FOLKS DON'T MIND HAVING A TWO-STORY HOUSE ON THE SETBACK ADJACENT TO THEM, WHAT THEY WOULD MIND WOULD BE A TWO-STORY HOUSE AND THEN A GABLED ROOF ON THAT SAME PLANE THAT ULTIMATELY WOULD HAVE THAT SIDING, THAT SAME MATERIAL, THAT SAME WALL GO UP 20 FEET, PLUS ANOTHER 12 OR 14 FEET BASED ON THE PITCH OF THAT GABLE. OBVIOUSLY BY HAVING THE ANGLED ROOF LANE OR ENVELOPE LINE COMING BACK, THAT KEEPS THAT FROM HAPPENING. YOU WOULD HAVE TO KEEP A HIP ROOF ON THAT 2-STORY HOUSE. BUT WITH TWO NINE-FOOT CEILINGS, YOU KNOW, THE TRUSS SPACE AND A PIER AND BEAM FOUNDATION, MANY OF MY ARCHITECT FRIENDS WHO

HAVE BUILT GLORIOUSLY APPROPRIATE HOMES THROUGHOUT CENTRAL AUSTIN ARE CONCERNED THEY CAN'T BUILD THAT PRODUCT.

RIGHT, IT DEFINITELY WILL BE CHALLENGING IN SOME CASES TO DO THAT. YOU CAN SEE THE ILLUSTRATIONS UP ON THE SCREEN RIGHT NOW SHOW TWO EXAMPLES, ONE AT THE MINIMUM SET BACK, ONE SIX INCHES FURTHER IN THAT SHOW BOTH OF THESE ARE SLAB FOUNDATIONS, NINE FOOT CEILINGS. THE ONE ON THE LOWER RIGHT HAS NINE FOOT CEILINGS UPSTAIRS AND DOWN AND IT DEMONSTRATES THAT YOU CAN DO TWO STORIES AT THE MINIMUM SET BACK.

ON A SLAB NO QUESTION ABOUT IT. BUT THE QUESTION IS ON A PIER AND BEAM.

YOU WILL NEED TO MOVE IN A LITTLE BIT FURTHER OR BE MORE CREATIVE ABOUT THAT SECOND FLOOR. YOU MAY BE LOOKING AT A SITUATION WHERE YOU'RE DOING A TREY CEILING ON THE SETBACK ENVELOPE AT THE SECOND FLOOR OR YOU MAY JUST PUSH IT IN A LITTLE MORE. THE EXAMPLE I JUST SHOWED YOU OF THE WEST AUSTIN LOT, WE PUSHED IT INTO AN EIGHT FOOT SET BACK OR SEVEN FOOT SET BACK AND HAD ROOM FOR 23 FEET OF WALL HEIGHT. SO WE'VE BEEN DEALING WITH CONSTRAINTS AND CHALLENGES IN THE CITY OF AUSTIN DEVELOPING URBAN HOMES FOR DECADES. IT'S NOTHING NEW. WE'RE A CREATIVE BUNCH. IT'S THE CITY OF IDEAS. AND I THINK WE CAN RISE TO THE OCCASION AS ARCHITECTS AND SOLVE THOSE PROBLEMS AND MAINTAIN A LEVEL OF COMPATIBILITY THAT THAT 20-FOOT HEIGHT AT THE MINIMUM SET BACK GUARANTEES. AND THAT'S THE INTENT IS THAT AT THAT MINIMUM SET BACK, MORE THAN 20 FEET TENDS TO LOOK OUT OF SCALE. THE OLDER HOMES THAT YOU SEE IN WEST AUSTIN NEIGHBORHOODS, PEMBERTON, BREAKER WOODS, THROUGHOUT THERE THAT HAVE TWO STORY HOUSES ON THE MINIMUM SET BACK, THEY MAY HAVE BEEN PIER AND BEAM, BUT THEY WERE BUILT DOWN LOW IN THE DIRT, THEY HAD EIGHT FOOT CEILINGS DOWNSTAIRS OR NINE FEET AND THEY WERE STICK FRAME SO THEY DIDN'T HAVE TRUSSES ON THE FLOOR. TODAY'S CONSTRUCTION TECHNOLOGIES, WHEN YOU COUPLE THEM

WITH PIER AND BEAM AND SOME PEOPLE'S DESIRE FOR A 10-FOOT CEILING CAN CREATE A WALL THAT'S OVERLY IMPOSING ON ITS NEIGHBORS. SO WE'RE TRYING TO BALANCE THOSE INTERESTS, AND THE SOLUTION TO PUSH IT IN FURTHER FOR GREATER HEIGHT.

MAYOR WYNN: UNDERSTOOD.

MCCRACKEN: IN LOOKING AT THE DIAGRAMS, MY UNDERSTANDING IS THAT, FOR INSTANCE, TO GET -- THE FIRST EXAMPLE IS EIGHT FOOT AND NINE FOOT CEILINGS. AND SO TO GET NINE AND NINE YOU MOVED IT IN SIX INCHES, IS THAT RIGHT?

THAT'S CORRECT.

WE'RE BASICALLY TALKING -- FOR INSTANCE, IF YOU WANT TO HAVE 10-FOOT CEILINGS UNDER THIS EXAMPLE, YOU WOULD HAVE SIDE SETBACKS OF SIX FEET AS OPPOSED TO FIVE FEET.

THAT'S RIGHT. TO DO 10 FEET DOWNSTAIRS.

AND I SAT IN ON THE A LOT OF THE TASKFORCE MEETINGS, INCLUDING THE SPECIFIC ONES WHERE THESE WERE PRESENTED TO THE TASKFORCE. AND MY RECOLLECTION, AND CHRIS, CORRECT ME, IS THAT THE 15-FOOT SET BACK PLANE PROPOSED BY THE TASKFORCE IS ACTUALLY ON THE HIGH END OF WHAT DEVELOPMENT HEIGHTS ARE NATIONALLY. IT'S HIGHER THAN THE OTHER CITIES THAT Y'ALL LOOKED AT.

THERE ARE SOME AS LOW AS 10 FEET THAT ARE LITERALLY TRYING TO ELIMINATE TWO STORY AT THE MINIMUM SET BACK. AND WE'RE TRYING TO ACCOMMODATE TWO STORY, BUT WE'RE AT A FUZZY LINE WHERE WE'RE MAKING PEOPLE WORK AT IT, WHICH SEEMS LIKE A GOOD SOLUTION TO ME.

MAYOR WYNN: UNDERSTOOD. FURTHER QUESTIONS, COMMENTS? COUNCILMEMBER MCCRACKEN.

MCCRACKEN: I'LL JUST SAY THAT WE'LL CONTINUE WORKING OVER THE NEXT THREE MONTHS ON SOME OF THESE -- THE

DETAIL ISSUES. FOR INSTANCE, WE'VE HAD SOME HOME BUILDERS, DUPLEX BUILDERS, SPECIFICALLY NATHAN STEVENS AND MATT RISINGER AND HERB YANK AYE HAVE COME OUT IN SUPPORT OF WHAT WE HAVE TODAY AND WE'RE GOING TO WORK WITH THEM ON DETAILS OF THE DUPLEX DEFINITION. TWO OF THOSE BUILDERS I JUST MENTIONED DO BUILD DUPLEXES FOR THEIR PRIMARY OCCUPATION AND SUPPORT THIS. AND THIS DOES -- AS PEOPLE BECOME MORE FAMILIAR WITH IT, IT WILL GET MORE HOME BUILDER SUPPORT BECAUSE IT IS ONLY A VERY NARROW SEGMENT WHO TRY TO MAX OUT LOTS AND GET AS MUCH SQUARE FEET AS POSSIBLE. IT'S AN ABERRATION AMONG OUR HOME BUILDERS AND ALSO AMONG THE DUPLEX BUILDERS. WE, FOR INSTANCE, SAW AS PEOPLE GET MORE UNDERSTANDING, THE E-MAIL GOING AROUND ABOUT THE HURT HOUSE WITH THE PROPOSALS BEFORE US TODAY, I THINK AS PEOPLE GET MORE FAMILIAR WITH IT, THEIR COMFORT LEVEL WILL GROW AS IT WILL FOR MANY HOME BUILDERS AND ARCHITECTS WHO AS THEY BECOME MORE FAMILIAR WITH THIS ARE NOW IN SUPPORT OF IT.

DUNKERLEY:.

I THANK EVERYONE FOR ALL THE HARD WORK. I CAN TELL FROM THE E-MAILS THAT WENT BACK AND FORTH THAT IT REPRESENTS MANY, MANY HOURS IN THIS ROOM AND OTHER ROOMS AND MANY HOURS AT HOME. SO THANK YOU VERY MUCH. THIS IS A REALLY I THINK A VERY GOOD STEP FORWARD FOR THIS COMMUNITY.

MAYOR WYNN: SO PERHAPS, COUNCILMEMBER MCCRACKEN, YOU COULD HELP ME JUST SORT OF SUMMARIZE THIS. WHAT WE'VE ACCOMPLISHED TODAY EARLIER IS WE HAVE EXTENDED THE INTERIM REGULATION RULES THAT WERE SET TO EXPIRE TODAY OR TOMORROW. WE'VE EXTENDED THOSE FOR -- HOW LONG, MS. TERRY?

THE ORDINANCE -- THIS ORDINANCE PROVIDES THAT WHEN IT GOES INTO EFFECT, THAT INTERIM ORDINANCE WILL BE REPEALED. THE ORDINANCE YOU PASSED EARLIER EXTENDED THAT -- THE LIFE OF THAT ORDINANCE OUT OF AN ABUNDANCE OF CAUTION UNTIL OCTOBER 16TH BECAUSE WE WERE VERY HOPEFUL THAT WE -- WE ARE VERY

HOPEFUL THAT YOU WILL PASS THIS TODAY. IF YOU DO PASS THIS TODAY, THEN IT DOES REPEAL THAT INTERIM ORDINANCE ON OCTOBER 1. SO THERE IS THE INTERIM ORDINANCE IN PLACE. WE DID PRESERVE THE WAIVER PROCESS IN PLACE, SO YOU WILL CONTINUE TO SEE THOSE WAIVERS COME FORWARD UNTIL AND IN FACT EVEN POSSIBLY AFTER THIS ORDINANCE GOES INTO EFFECT. AND THE REASON FOR THAT IS IF YOU ACCRUE A NEED TO HAVE A WAIVER DURING THE INTERIM, IT MAY NOT GET HEARD UNTIL AFTERWARDS. SO THAT'S WHAT THAT ORDINANCE DOES. YOU EXTENDED THE LIFE OF THE TASKFORCE AND DIRECTED THE STAFF TO WORK WITH MEMBERS OF THE TASKFORCE TO CONTINUE THE EFFORTS THAT STILL NEED TO BE ACCOMPLISHED, AND WE ARE GOING TO DO THAT. THOSE TWO ITEMS YOU'VE ALREADY PASSED. AND THIS ONE INCLUDES THE ENTIRE PACKAGE.

MAYOR WYNN: I WAS GOING TO POINT OUT THAT EVEN ON TODAY'S CONSENT AGENDA EARLIER WE APPROVE SEVERAL OF THE WAIVERS. AND SO FOLKS WHO FEEL THAT THEY WERE CAUGHT BY OUR INTERIM PROCESS ARE COMING FORWARD AND WHERE WE AS A COUNCIL AND WITH STAFF'S HELP BELIEVE THAT THE PROJECT IS ESSENTIALLY UNDERWAY IS APPROPRIATE, WITH ALL THINGS CONSIDERED, WE CONTINUE TO APPROVE THOSE WAIVERS. SO FOLKS WHO STILL HAVE HEART BURN ABOUT THE STATUS OF THEIR PROJECT BEFORE STILL HAVE THAT OPPORTUNITY TO COME FORWARD AND ASK FOR A WAIVER IN THIS INTERIM, THIS ONGOING INTERIM PERIOD.

THAT'S ABSOLUTELY CORRECT.

MCCRACKEN: MAYOR, TO FOLLOW UP REAL QUICK, MOST OF THE WAIVER REQUESTS THAT HAVE COME FORWARD HAVE RELATED TO WAIVERS FROM THE FRONT SET BACK RULE, WHICH WAS AN AVERAGING RULE. THE TASKFORCE RECOMMENDED THAT WE GO WITH THE TASKFORCE'S FINAL RECOMMENDATION ON THE FRONT SETBACKS, WHICH IS 25 FEET OR LESS IF THAT'S THE NEIGHBORHOOD AVERAGE. THAT WILL REMOVE THE VAST MAJORITY OF WAIVER REQUESTS. WHAT WE'VE ALREADY PASSED TODAY ON EXTENDING THE INTERIM RULES, THOSE WILL -- THOSE HAVE TAKEN OUT THE FRONT SET BACK RULE THAT IS BRINGING

SO MANY OF THESE CASES FORWARD. I PERCEIVE WE'LL SEE A SUBSTANTIAL REDUCTION IN WAIVER REQUESTS BECAUSE OF THE CHANGE IN TODAY'S EXTENSION.

THAT'S CORRECT.

MAYOR WYNN: AND ALSO WE CONTINUE THE LIFE OF THE TASKFORCE, AS COUNCILMEMBER MCCRACKEN POINTED OUT EARLIER, THERE'S GOING TO BE A COUPLE OF ADDITIONAL DETAILS LIKELY TO BE WORKED OUT, HOPEFULLY SOONER RATHER THAN LATER. SO THEN AS WE PUT THOSE INTO PLAY, PERHAPS EARLY AUGUST HOPEFULLY, THEN THERE'S STILL PLENTY OF TIME EVEN BEFORE -- EVEN AFTER THOSE GET FINALIZED BEFORE THE PERMANENT ORDINANCE TAKES EFFECT OCTOBER 1 AND WE CONTINUE TO MOVE FORWARD.

WE WILL BE BACK.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM 22.

MCCRACKEN: MAYOR, I'M GOING TO MOVE TO APPROVE ON THIRD READING ITEM NUMBER 22. I'M GOING TO INCLUDE ONE VERY MINOR CHANGE, AND THAT IS TO CALL THE COMMISSION THAT'S INCLUDED IN HERE, CALL IT THE RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION. SINCE THE OVERWHELMING ISSUE HAS BEEN ABOUT COMPATIBILITY. SO ITEM 22, I MOVE TO APPROVE ON THIRD READING WITH THE EXCEPTION OF ADDING THE NAME "AND COMPATIBILITY" TO THE COMMISSION. MOISTURE MAYOR MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE THIS SLIGHTLY AMENDED ITEM NUMBER 22. IT INCLUDES THE RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION ON THIRD READING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON THIRD READING ON A VOTE OF SEVEN TO ZERO. THANK YOU, MS. TERRY AND EVERYBODY. OKAY, COUNCIL. OUR ONLY OTHER DISCUSSION ITEM WE WILL BE TAKING UP AFTER AN EXECUTIVE SESSION DISCUSSION, SO... COUNCIL, THERE BEING ONLY 15 MINUTES BEFORE OUR GENERAL CITIZEN COMMUNICATION, WE DON'T HAVE TIME TO TAKE UP

AN ITEM IN CLOSED SESSION THAT WE COULD COMPLETE BEFORE NOON BEFORE WE COME BACK FOR OUR CITIZENS, SO WITHOUT OBJECTION, WE'RE ACTUALLY GOING TO RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL AT 1145. WE WILL RECONVENE IN 15 MINUTES, AT NOON, FOR OUR GENERAL CITIZEN COMMUNICATION. WE ARE NOW IN RECESS. THANK YOU.

MCCRACKEN: MAYOR, YOU DON'T THINK WE CAN KNOCK OUT THE WATER TREATMENT PLANT IN 15 MINUTES?

MAYOR WYNN: I DON'T THINK WE CAN.

DEPENDS ON HOW YOU'RE GOING TO VOTE.

MAYOR WYNN: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WE'VE BEEN IN RECESS FOR THE LAST 15 MINUTES. WE'LL NOW GO TO OUR GENERAL CITIZEN COMMUNICATION. OUR FIRST SPEAKER IS MR. JIMMY CASTRO. WELCOME.

THANK YOU. I DO HAVE SOME SLIDES TO SHOW YOU THIS AFTERNOON. I'M HERE TO SPEAK ON MY OWN BEHALF IN SUPPORT OF THE 2007 POLICY BUDGET PRESENTATION. THIS FIRST SLIDE SHOWS THE 2007 POLICY BUDGET PRESENTATION IS AN INVESTMENT IN TODAY'S SAFETY AND TOMORROW'S VISION. THE BASE BUDGET MAINTAINS FUNDING TO MEET CURRENT SERVICE LEVELS FOR E.M.S., PUBLIC HEALTH, SOCIAL SERVICES, PARK PROGRAMS AND LIBRARY SERVICES. THE TAX BILL ON A 175,000-DOLLAR HOME IS \$4,349. THE OVERLAPPING TAX RATE INCLUDES SCHOOL, 59.7%. COUNTY, 16.1%, CITY, 17.8%, COMMUNITY COLLEGE, 3.9%, HOSPITAL, 2.5%. THE MAJOR COST DRIVERS TOTAL 40 BY \$3 MILLION. COST DRIVERS INCLUDE MAINTAINING 2.0 POLICE OFFICERS PER 1,000 POPULATION, MAINTAIN FIRE ENHANCED TASKFORCE STAFFING, FUND PUBLIC SAFETY CONTRACTS. THE CONTINUATION OF THE EFFECTIVE PROPERTY TAX RATE, THE TOTAL AMOUNT OF THE TRANSFER RATE OF 21%, THE STRATEGIC ADD TOTAL AMOUNT IS \$7.2 MILLION. THE ADDS INCLUDE THE FOLLOWING, 29% OF FIRE OPERATION PERSONNEL, REMAINING BUNKER GEAR THAT IS OLDER THAN SEVEN

YEARS. 47% OF RECREATION CENTERS HAVE NO BUILDINGS AND GROUND POSITION. POLICE LATENT PRINTS TAKE 160 DAYS. CURRENTLY 53 E.M.S. PARAMEDIC POSITIONS REMAIN OPEN. AVERAGE ANNUAL E.M.S. VACANCIES INCREASE 30% FROM FISCAL YEAR '04 TO FISCAL YEAR '05. CURRENTLY THERE ARE NO DEDICATED STAFF ANIMAL SERVICES FOR PREVENTION SERVICES. LIBRARY EMPLOYEE TURNOVER WAS 15% COMPARED TO 7.8% CITYWIDE AVERAGE. FINALLY, IN EXAMINING THE POSSIBILITIES FOR THE 2007 BUDGET, IT IS CLEAR THAT MAINTAINING A BALANCE OF FISCAL RESPONSIBILITY, SERVICE LEVELS AND STAFFABILITY IS CRITICAL. ACTIONS TAKEN AND DECISIONS MADE DURING BOTH THE GOOD TIMES AND BAD TIMES SHOULD BE MADE WITH AN EYE TOWARDS FUTURE STABILITY. THANK YOU, MAYOR WYNN.

MAYOR WYNN: THANK YOU, MR. CASTRO. THE NEXT SPEAKER IS PAUL ROBBINS. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY CAROL ANNE ROSE KENNEDY.

\$22 MILLION, REALLY. COUNCIL, I'VE SPOKEN TO THE PAST COUNCILS SEVERAL TIMES ABOUT TEXAS GAS SERVICE AND THE UPCOMING FRANCHISE, AND WELCOME COUNCILMEMBER MARTINEZ. SHORTLY -- BEGINNING IN AUGUST YOU WILL GET TO VOTE ON THIS, THE FIRST READING OF THE FRANCHISE WILL BE UP. ONE OF THE THINGS THAT YOU NEED TO CONCERN YOURSELF WITH IS THE LOST FRANCHISE MONEY THAT HAS TAKEN PLACE. NOW, FROM PUBLIC RECORDS I HAVE BEEN ABLE TO ESTIMATE THAT OVER THE LAST 10 YEARS THE CITY OF AUSTIN HAS LOST \$22 MILLION IN GENERAL FUND REVENUE IN REAL, THAT IS, \$2,005. IT'S, OF COURSE, LESS IN NOMINAL DOLLARS, BUT WE'RE TALKING ABOUT REAL MONEY HERE. AND THE LOST REVENUE AMOUNTS TO ROUGHLY \$3.1 MILLION LAST YEAR, WHICH IS GETTING CLOSE TO HALF OF THE TAX INCREASE THAT IS BEING SOUGHT BY THE -- IN THE NEXT BUDGET. SO I'M URGING THAT YOU PAY ATTENTION TO THIS BECAUSE THIS IS ONE OF THE THINGS WE NEED TO GET BACK. IN THIS FRANCHISE NEGOTIATION. ANOTHER THING THAT YOU NEED TO CONCERN YOURSELF WITH IS THIS CHART UP HERE. I GUESS IT'S APPEARING ON YOUR MONSTERS. AND IT SHOWS THE COMPARATIVE COSTS

BETWEEN AUSTIN ENERGY'S NATURAL GAS PURCHASES AND TEXAS GAS SERVICE'S ANNUAL PURCHASES. AND YOU'LL NOTE THAT IN ALMOST ALL OF THE 28 MONTHS STUDIED, TEXAS GAS SERVICE IS HIGHER. THIS AMOUNTS TO A LOSS OF ABOUT SIX MILLION DOLLARS A YEAR TO TEXAS GAS SERVICE CUSTOMERS. THERE IS A TRAIN OF THOUGHT THAT THE CITY OF AUSTIN SHOULD COMBINE PURCHASES IN ORDER TO LOWER COSTS SINCE THEY SEEM TO HAVE A BETTER COMMAND OF THE MARKET. THAT'S ANOTHER THING YOU SHOULD CONSIDER. AND STILL ANOTHER IS THAT COMBINING ADMINISTRATIVE SERVICES WILL SAVE MONEY AS WELL. YOU ALL WERE SO TAXED AND BRAIN DEAD IN THE LAST COUNCIL MEETING AFTER THE BONDS THAT I DOUBT ANY OF YOU HEARD WHAT I HAD TO SAY. BUT I CALCULATED JUST SIMPLY BY COMBINING THE MAILING OF THE BILLS, YOU COULD SAVE 2 AND A HALF MILLION DOLLARS. SO IMAGINE WHAT YOU COULD SAVE IF YOU REALLY LOOKED. THAT AMOUNTS TO \$40 A CUSTOMER. AND IF ANY OF YOU DON'T WANT YOUR SHARE, SEND IT TO ME. I CAN USE IT. THANK YOU.

MAYOR WYNN: THANK YOU, MR. ROBBINS. NEXT SPEAKER IS CAROL ANNE ROSE CANDY. WELCOME. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY PAM THOMPSON, WHO WILL BE FOLLOWED BY ROBERT SINGLETON.

WELCOME NEW COUNCIL, AND I ONLY RECOGNIZE ONE NEW FACE. THANK YOU FOR SERVING. THE PRESIDENTIAL KENNEDY MEN GOT THEMSELVES KILLED BECAUSE OF WHAT THEY DID, NOT BECAUSE OF WHAT THEY SAID. THERE ARE NUMEROUS KENNEDY WOMEN, ESPECIALLY MY GENERATION AND MUCH OLDER WHO ARE STILL ALIVE AND KICKING. SEVERAL YEARS AGO, SINCE 9-11, TO BE EXACT, I BEGAN TO WONDER WHY. I BEGAN A DEEP AND THOROUGH INVESTIGATION. I AM SICK AND TIRED OF ACTING LIKE A LADY EVERY TIME I WALK OUT MY FRONT DOOR. SOMETIMES THE LADY IS A CHIMP. IF I GET MYSELF KILLED BECAUSE OF SOMETHING I SAY, LET THE RECORD SHOW THAT I WILL COME BACK TO HAUNT YOUR GREATEST GRANDSON. THE ENGLISH LANGUAGE IS AWESOME. NOBODY KNOWS IT BETTER THAN A WHITE PERSON. I WAS BORN WITH THE RIGHT TO USE MY WORDS ANYHOW, ANY WHERE, ANY TIME,

ANY WAY, AND WITH ANY HOO. I INTEND TO DIE WITH THAT RIGHT. THERE IS ONLY ONE MAN I HAVE TO ANSWER TO IF I HAPPEN TO FAIL TO USE A WORD CORRECTLY, AND SO FAR THE PUNISHMENT HAS FIT THE CRIME. TWO COUNCIL MEETINGS AGO MY ISSUE WAS REGARDING AUSTIN POLICE BRUTALITY. THE EXAMPLES I USED INVOLVED THE DEATH OF A TEENAGER AT THE HANDS OF AN AUSTIN COP AND THE BREAKING OF MY RIGHT ARM AT THE HANDS OF A TEXAS RANGER. I USE FIVE AND THREE LETTER WORDS TO ADDRESS THESE TWO UNRESOLVED CRIMES. Y'ALL'S BLATANT OBJECTION TO MY LANGUAGE SEEMS JUST A TAD OUT OF BALANCE WITH THE SERIOUS MATTERS OF THE LIVES AND DEATHS OF SOME MINDS AND SOULS AND BODIES. YOU PEOPLE HAVE REACHED AN AGE AND A PROFESSIONAL LEVEL TO KNOW BY NOW THAT IF YOU PRESENT A PROBLEM TO A PERSON, YOU SHOULD OFFER HER A POSSIBLE SOLUTION. Y'ALL NOT ONLY FAILED TO DO THAT, BUT YOU FAILED TO OFFER ME A CHANCE TO CORRECT MY INNOCENT MISTAKE. THE OLD CITY COUNCIL IS PITIFUL, FULPITI, ALL CAPS. HOWEVER, I DO HAVE A GLIMMER OF HOPE THAT THE NEW COUNCIL WILL GUIDE ME IN MY CONTRIBUTIONS TO AUSTIN, INSTEAD OF SPANKING MY BOTTOM AND TAKING BACK MY THREE MINUTES. BUT I DO HAVE A SHADOW BEYOND A REASONABLE DOUBT THAT IT WILL HAPPEN BECAUSE OUR LEADERSHIP HAS NOT CHANGED. YOUR HIGHNESS, MY (INDISCERNIBLE) ARE IN YOUR COURT.

THANK YOU.

MAYOR WYNN: THANK YOU, MS. KENNEDY. THE NEXT SPEAKER IS PAM THOMPSON. AND FOR THE RECORD, IT WAS ME WHO HAD AN OBJECTION OF MS. KENNEDY'S LANGUAGE LAST MEETING, NOT THE ENTIRE COUNCIL. WELCOME, MA'AM.

[INAUDIBLE - NO MIC].

MAYOR WYNN: YOUR TIME IS DONE, SO YOU ARE FOR TODAY. THANK YOU, MS. KENNEDY. WELCOME, PAM. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY ROBERT SINGLETON, WHO WILL BE FOLLOWED BY SUZANNE MASON.

WELCOME, EVERYBODY, NEW GUYS, GLAD TO SEE YOU.
OKAY. IF YOU WILL JUST RUN THAT. THIS IS A TAPE OF THE
TWO HILL TOPS ACROSS FROM THE LANTANA A.M.D. SITE. IT
WAS SHOT MARCH 29TH BEFORE THEY DID ANYTHING. AND
THIS IS WHAT I CALL A LEVEE OVER THE ROAD THERE. SO
THIS IS THE HOMES THAT ARE BUILT ACROSS THE STREET,
ACROSS WILLIAM CANNON FROM LANTANA. AND THIS IS THE
DRAINAGE AND FILTRATION. SO I JUST WANTED YOU TO SEE
THE GREAT 70'S THAT THEY'VE GONE TO. THIS IS FILTRATION
THAT TRICKLES DOWN THE HILL FROM THE POND THAT YOU
JUST SAW AT THE TOP OF IT, AND IT DRAINS THROUGH THE
NATURAL HILLSIDE THERE, ROCK LIKE AREA, AND IT GOES
INTO THIS POND. YOU CAN SEE THERE'S EXTENSIVE
DEVELOPMENT ON THOSE TWO HILLS. NOW, THIS IS THE
LEVEE. I HAVE NEVER SEE ANYTHING LIKE THIS AND I'M
FROM LOUISIANA. THIS THING DOESN'T EVEN HAVE CURBS,
BUT IT HAS A HANDRAIL TO HOLD ON TO SO YOU DON'T FALL.
THE WATER I GUESS WHEN IT GETS HIGH ENOUGH IS
SUPPOSED TO JUST RUSH OVER THAT, BUT IT WOULD GO
INTO -- THIS IS THE WATER. IT DOES NOT LOOK VERY TASTY.
THIS HAS COME FROM THE TWO HILL TOPS AND YOU WILL
SEE THERE IS DRAINAGE. WHAT THIS DRAINS IS THE
STREETS FROM THE DEVELOPMENT THERE ON THE TOP OF
THE HILL. AND I DON'T KNOW IF THE CITY IS DOING WATER
QUALITY TESTING, BUT I SURE WISH THAT YOU WOULD. THIS
IS THE STREET AND THIS IS WHAT I CALL THE LEVEE, THE
CEMENT BARRIER THAT YOU SEE THERE. AND IT HAS THESE
BIG HOLES THAT OPEN THAT YOU'LL SEE IN JUST A FEW
MINUTES. AT THE END OF THIS -- SEE, THEY'RE HUGE,
THEY'RE MASSIVE AND UNDERNEATH THE HILLTOP ALL OF
THE STREETS DRAIN INTO THE CULVERTS AT THE SIDES OF
THE STREETS AND COME OUT THESE THREE OPENINGS
HERE, AND IT BLOCKS THIS WATER FROM GOING DOWN TO
WILLIAMSON CREEK. AND I DON'T KNOW WHY THIS
OCCURRED BECAUSE WILLIAMSON CREEK IS ONE OF OUR
RECHARGE POINTS. SO I GUESS THIS WATER IS JUST
REALLY BAD OR MAYBE IT'S TO PREVENT FLOODING. I DON'T
KNOW. BUT THIS IS SOMETHING THAT COULD BE
RECHARGED IF IT WAS FILTERED PROPERLY AND GO INTO
OUR AQUIFER BECAUSE THIS IS WILLIAMSON CREEK. SO I'M
KIND OF WORRIED. THE LAST SCENE THAT YOU'LL SEE HERE
IS OF LANTANA ON MARCH 28TH BEFORE IT WAS LEVELED.

AND WE HAVE SOME SCENES OF THAT COMING UP. BUT THAT IS LANTANA ON THAT HILLTOP THERE ON THE SIDE OF RILATO. I'M CONCERNED WITH THE AMOUNT OF WATER THAT WE'RE USING IN THE CITY. I KNOW WE'RE NEEDING TO GO INTO CONSERVATION WITH THAT, AND I'M ALSO WORRIED ABOUT THE QUALITY OF WATER THAT WE COME OFF THE STREETS WITH AND HOW WE TREAT IT AND HOW WE CAN ADD THAT BACK TO OUR WATER SUPPLY BECAUSE I THINK IT'S PRETTY IMPORTANT THAT WE DO THAT AT THIS POINT. [BUZZER SOUNDS] THANK YOU. LANTANA. ROBERT SINGLETON, YOU WILL BE FOLLOWED BY SUZANNE MASON.

I ALSO WANT TO TALK ABOUT LANTANA AND I WANT TO TALK ABOUT THE OTHER BIG MEDIA STORY, THE OTHER STORY THAT THE MAINSTREAM MEDIA IS NOT COVERING THIS WEEK. THE FIRST THING THAT EVERYBODY -- AND I THINK ONE OF THE FUNCTIONS OF CITIZEN COMMUNICATIONS IS SO THAT WE KNOW THAT YOU KNOW THAT WE KNOW ABOUT CERTAIN ISSUES. AND THE FACT THAT THE BULLDOZERS ARE RUNNING AT LANTANA IS SOMETHING I WANT TO MAKE SURE YOU KNOW BECAUSE I WANT TO KNOW THAT EVERYTHING YOU COULD DO TO STOP THIS, YOU NEW MEMBERS, IT'S YOUR FAULT AND YOU SHOULD BE RESPONSIBLE FOR YOUR ACTIONS. IT LOOKS LIKE THEY'RE BUILDING A FREEWAY OUT THERE. THERE ARE HUGE AREAS OF CLEARED LAND THAT IS CLEAR DOWN TO BEAR DIRT, AND I'LL TALK MORE ABOUT THAT IN JUST A MINUTE. THERE ARE PILES OF RUBBLE 20 FEET HIGH. THERE IS A MACHINE THAT'S MULCHING OAK AND CEDAR TREES AND SPRAYING THEM INTO A PILE THAT WAS 20 FEET HIGH WHEN I WAS OUT THERE LAST WEEK, AND PROBABLY 50 FEET AT THE BASE. THERE ARE PILES OF RUBBLE AND MULCH ADJACENT TO THE WATER QUALITY PONDS. I HAVEN'T SEEN WHAT THE SITE LOOKS LIKE SINCE IT RAINED, BUT I CAN'T SEE ANY WAY THAT THE FILTER FENCES COULD HAVE STOPPED WHATEVER RUNOFF WAS GOING TO HAPPEN ON THE NORTHSIDE OF THAT PROPERTY. FILTER FENCES ARE A LOT LIKE -- ROBIN WILLIAMS ONCE TALKED ABOUT THE U.N. SAYING IT'S LIKE A TRAFFIC COP ON VALIUM AND I FEEL THE SAME WAY ABOUT THESE FILTER FENCES. AND ONE FINAL WORD ON LANTANA BEFORE I GO TO THE OTHER THING I WANTED TO TALK ABOUT. THIS HAS BILLED ITSELF AS A

GREEN PROJECT. THEIR WEBSITE SAYS IT'S A GREEN PROJECT. THE COUNCIL HAS BEEN CONVINCED IT'S GREENER THAN WHAT IT WOULD HAVE BEEN IF THEY HAD DONE IT ANOTHER WAY. LET ME ASK YOU, WHY IS IT THAT A GREEN PROJECT IS BULLDOZING AND MULCHING ON OZONE ACTION DAY? DO THE REQUIREMENTS OF OZONE ACTION DAYS HAVE ABSOLUTELY NO TEETH WHATSOEVER. I WAS OUT THERE ON AN OZONE ACTION DAY. THERE WAS A LAYER OF HAZE AND DUST FROM THE MACHINERY AND THE EXHAUST AND THE MULCH THAT WAS HANGING IN A CLOUD OVER THE SITE. THE ABSOLUTE MINIMUM THE CITY SHOULD REQUIRE, IF THIS IS GOING TO BILL ITSELF AS A GREEN PROJECT, IS STOP THEM ON OZONE ACTION DAYS, CONVINCE THEM TO STOP. USE YOUR BULLY PULPIT TO TELL THEM YOU'RE GOING TO HAVE TO NOT DO THIS ON OZONE ACTION DAYS. THAT'S THE LEAST YOU CAN DO. AND THE SECOND STORY THE MEDIA HASN'T COVERED THIS WEEK AND I WANT TO MAKE SURE THAT WE KNOW THAT YOU KNOW THAT WE KNOW, IS THE TWO NEW UNIT OF THE SOUTH TEXAS NUCLEAR PROJECT THAT ARE IN THE PROCESS -- NRG IS APPLYING FOR TWO NEW UNITS AT THE BAYTOWN PLANT. THE CITY OWNS 16% OF THAT PLANT. IT'S A WONDERFUL TIME FOR THE CITY TO EITHER TRY TO USE ITS SHARE OF OWNERSHIP TO EITHER TRY TO STOP THE NEW UNITS OR TO TRY TO CONVINCE SOMEONE CRAZY LIKE SAN ANTONIO TO BUY OUR SHARE OF IT BECAUSE IN ADDITION TO BEING A TERRIBLY UNSAFE PROJECT, IT IS ALSO A TERRIBLY FINANCIALLY UNSOUND PROJECT. AND I DON'T WANT TO SEE THE CITY OF AUSTIN GO DOWN WITH IT WHEN THE SOUTH TEXAS NUCLEAR PROJECT FINALLY IMPLODES. -- IMPLODES.

MAYOR WYNN: THANK YOU, MR. SINGLETON. SUZANNE MASON, WELCOME. AND YOU WILL BE FOLLOWED BY NAILAH SANKOFA.

GOOD AFTERNOON, HI. WELCOME, COUNCILMEMBER MARTINEZ AND COUNCILMEMBER COLE. I'M REALLY NERVOUS FOR SOME REASON. WHAT I'M SHOWING YOU IS VIDEO THAT I'VE BEEN SHOOTING OF THE A.M.D. SITE. WHAT WE'RE LOOKING AT RIGHT NOW IS SECTION N OF THE STRATUS PROPERTY SITE THAT IS JUST NORTH OF THE A.M.D. HILLTOP THAT WE ARE CALLING LANTANA. AND I'M

SHOWING IT BECAUSE IT'S BEAUTIFUL, PRISTINE, SOMEWHAT PRISTINE, THERE ARE SOME POWER LINES GOING THROUGH IT, BUT PRISTINE GROUND THAT GIVES YOU AN UNDERSTANDING OF WHAT LANTANA LOOKS LIKE. BUT ON THE DAY THAT I WENT OUT, THIS IS IT, THE FIRST DAY, WE COULD SEE THE SMOKE OR DUST RISING FROM THE HILLTOP AND I WAS ABLE TO GET THIS ONE SHOT OF A BULLDOZER. THINGS ARE POSITIONED IN SUCH A WAY THAT IT'S VERY HARD FOR US TO VIDEOTAPE WHAT THEY'RE DOING BECAUSE THERE ARE A LOT OF TREES ON THE PERIMETER THAT BLOCK OUR VIEW AND THE FENCE IS COVERED WITH, AS YOU CAN SEE, TARP, SO WE CAN'T SHOOT THROUGH IT. THAT IS WHAT ROBERT WAS TALKING ABOUT, THOSE PILES ARE MULCH, TREES THAT HAVE BEEN CHOPPED TO BITS, AND THAT'S A BULLDOZER ROLLING OVER SOME TREES. QUITE A LOT OF ACRES OF TREES HAVE ALREADY BEEN MOWED DOWN. AND I BRING THIS TO YOU BECAUSE I THINK THAT THERE'S JUST ONE POINT I WANT TO MAKE BECAUSE YOU'VE HEARD EVERYTHING AGAIN AND AGAIN, BUT ONE THING THAT REALLY IS SINKING IN FOR ME NOW IS UNDERSTANDING THAT THE BARTON SPRINGS/EDWARD'S AQUIFER -- AND WHAT I MEAN WHEN I SAY THAT IS THE PORTION OF THE EDWARD'S AQUIFER THAT FEEDS OUR BARTON SPRINGS IS A VERY SMALL PORTION OF A HUGE AQUIFER. WE DON'T HAVE THE SAME LEEWAY OR LUXURY THAT SAN MARCOS OR SAN ANTONIO HAS WITH REGARD TO THE DENSITY OF DEVELOPMENT THAT THE BARTON SPRINGS SECTION CAN ACCOMMODATE. AND MY FEAR IS THAT WE'RE CROSSING THAT THRESHOLD. AND IF WE DO NOT PUT INTO EFFECT THE PLANS THAT WE'VE WORKED SO HARD TO DEVELOP OVER DECADES NOW, WE ARE GOING TO LOSE IT. WE TALK ABOUT THE ALGAE BLOOMS RIGHT NOW, AND I THINK WE CAN COMFORT OURSELVES SAYING THAT, WELL, THE ALGAE IS BECAUSE OF THE DROUGHT, BUT I THINK WE ALL KNOW THAT'S NOT TRUE. IT'S ABOUT A LOT MORE THAN THE DROUGHT, AND IT'S ABOUT WHAT YOU'RE LOOKING AT ON THIS SCREEN RIGHT NOW. WE CAN'T CONTINUE TO STRIP THE HILLS AND CREATE HORRIBLE RUNOFF AND FLOOD CONDITIONS THAT ARE GOING TO SATURATE OUR AQUIFER WITH SILT AND SEDIMENT THAT WILL CHOKER THE WILDLIFE THAT WE'RE TRYING TO PROTECT, AND OUR PRECIOUS POOL THAT WE ALL WANT TO SWIM IN MANY YEARS FROM

NOW. THIS IS FIVE AND A HALF MINUTES. I BEG YOUR PARDON. I THOUGHT YOU MIGHT WANT TO INDULGE ME AND TAKE A LOOK AT THE LAST COUPLE OF MINUTES. IT'S NOT THAT -- IF NOT, THAT'S YOUR PREROGATIVE. THANK YOU.

MAYOR WYNN: THANK YOU, MS. MASON. COUNCIL, WITHOUT OBJECTION, WE CAN FINISH THIS VIDEO, I THINK.

I JUST SAY ONE COMMENT. THERE'S A POTHOLE THAT'S LARGER THAN MY CAR ON RIALTO. IF THE CITY IS TAKING THAT ROAD OVER FROM THE PRIVATE PEOPLE WHO BUILT IT, I THINK YOU SHOULD HAVE SOME SORT OF WARRANTY FROM THE FIRST YEAR. THERE'S THE POTHOLE. IT'S LUGE AND IT WENT ALL THE WAY THROUGH THE DIRT. SO JUST FYI.

THANK YOU, MS. THOMPSON.

MAYOR WYNN: WHILE THE VIDEO FINISHING, OUR NEXT SPEAKER, NAILAH SANKOFA CAN BE MAKING HER WAY TO THE PODIUM IF SHE IS HERE. SHE WANTED TO SPEAK TO US ABOUT FUNDING OF BLACK ARTS AND CULTURAL PROGRAMS AND THEN PROBLEMS ASSOCIATED WITH PROGRAMMING. AND OUR NEXT SPEAKER WILL BE KEVIN WEIR. [BUZZER SOUNDS] KEVIN WEIR WANTED TO ADDRESS US REGARDING AUSTIN ENERGY. WELCOME, SIR. THANK YOU, MARK.

THANK YOU VERY MUCH, MAYOR, CITY MANAGER, CITY COUNCIL. I APPRECIATE YOU LISTENING TO ME. I LIVE AT 8207 STILLWOOD LANE IN THE NORTHWOOD PART OF AUSTIN AND WE'RE REPRESENTED BY THE NORTH SHOAL CREEK NEIGHBORHOOD ASSOCIATION. AND I WANTED TO TALK TO YOU ABOUT GETTING THE CITY TO ADOPT THE TREE TASKFORCE POLICIES TO GET A CITYWIDE SANE POLICY, A COMPREHENSIVE POLICY ON TRIMMING AND CUTTING DOWN OF OUR TREES. MY WIFE, MARY JANE, CAME AND SPOKE TO YOU THREE MONTHS AGO, AND SINCE THAT TIME 182 TREES HAVE BEEN CUT DOWN ON MY CITY BLOCK. ON THE SCREEN YOU CAN SEE A LITTLE SIMPLIFIED REPRESENTATION OF MY BLOCK. THE C REPRESENTS COMMERCIAL PROPERTY, THE R REPRESENTS RESIDENTIAL PROPERTY. AND THAT REVERSE L IN THE MIDDLE WAS A BUFFER ZONE. A BUFFER ZONE OF TREES BETWEEN THE COMMERCIAL AND RESIDENTIAL. IN THAT LITTLE CORNER IS WHERE I LIVE, AND THERE'S A

HANDFUL, MAYBE FOUR OR FIVE TREES LEFT IN THAT CORNER BECAUSE WE'VE BEEN FIGHTING WITH ALL OUR MIGHT TO KEEP THOSE TREES FROM BEING CUT DOWN AND AN ADJACENT NEIGHBOR SAID HE DIDN'T WANT THEM CUT DOWN. ALL THE REST HAVE BASICALLY BEEN CLEAR-CUT. I'LL JUST SHOW YOU REAL QUICK, THIS IS A REPRESENTATION OF SOME OF THE TREES THAT HAVE BEEN CUT. THESE ARE NEITHER THE LARGEST NOR THE SMALLEST TREES THAT HAVE BEEN CUT DOWN. I WANTED TO SHOW YOU A VIEW TO THE LEFT AND RIGHT YOU CAN SEE TREES IN BETWEEN. THERE WERE TREES THAT HAD BEEN SEVERELY TRIMMED BACK AS LATE AS LAST AUGUST AND TRIMMED BEFORE THAT. THEY WERE CUT DOWN JUST THIS PAST MONTH. NOW AT 10:30 IN THE MORNING, THE OUTSIDE OF MY HOUSE IS 16 DEGREES HOTTER THAN IT WAS BEFORE THE TREES WERE CUT DOWN, WHICH MAKES MY AIR CONDITIONER KICK ON FIRST THING IN THE MORNING AND ONE ALL DAY. I'D LIKE TO ASK WHY IS THIS THAT THESE TREES ARE BEING CLEAR-CUT. THERE'S NO JUSTIFICATION. ANY ARGUMENT THAT'S GIVEN IS FOR TRIMMING OF THE TREES, NOT CUTTING THEM. ALL OF THESE TREES WERE NOT UNDER THE LINES, AND I'VE GOT SOME MORE PHOTOS TO SHOW YOU. MOST OF THEM WERE NOT UNDER THE LINES. I'D LIKE TO REQUEST THAT THE CITY PAY TO PLANT LARGE TREES TO REPLACE THIS BUFFER ZONE. THE CITY ADOPT A TREE TASKFORCE RECOMMENDATIONS AND THAT WE INVESTIGATE AUSTIN ENERGY'S UNSCRUPULOUS POLICIES WHICH I'M ABOUT TO DETAIL. SOME OF THE POLICIES, FIRST OF ALL I'D LIKE TO MENTION THAT MY PROPERTY VALUES HAVE NOW DECREASED AND I'LL BE PROTESTING WITH THE LATE PROVISION OF MY PROPERTY VALUE WITH THESE TREES BEING CUT DOWN. AS I MENTIONED, MY ENERGY BILLS HAVE GONE UP, THE TEMPERATURE IN MY HOUSE HAS GONE UP. THESE AUSTIN ENERGY PRACTICES CONTRIBUTE TO THE URBAN HEAT ISLAND EFFECT. HARMFUL GROUND LEVEL OZONE, POLLUTION, NOISE AND INCREASED ENERGY CONSUMPTION, ALL OF WHICH ARE ISSUES THAT THE CITY IS CONCERNED ABOUT. SOME OF THE UNSCRUPULOUS PRACTICES I'LL MENTION QUICKLY. IT ALL STARTED BECAUSE AUSTIN SAID ALL OUR TREES NEEDED TO BE CUT DOWN. THEY TOLD OUR NEIGHBORS THE SAME THING. THEY TOLD A LARGE TREE

THAT TWO PEOPLE HOLDING HANDS COULD NOT PUT THEIR HANDS AROUND NEEDED TO BE CUT DOWN BECAUSE IT WAS ROTTEN. AFTER MUCH PROTEST THAT SAID IT WASN'T ROTTEN, BUT THEY SAID IT NEEDS TO BE CUT DOWN ANYWAY. IT WILL DIE SOMEBODY AND YOU NEED TO GET STARTED ON A NEW TREE. I'VE GOT A LIST HERE I'LL E-MAIL TO Y'ALL, PROBABLY 15 SPECIFIC UNSCRUPULOUS PRACTICES THAT WE ALONE HAVE ENCOUNTERED IN THIS. MY WIFE AND I ARE WORKING WITH OTHER NEIGHBORHOODS, INCLUDING HYDE PARK NEIGHBORHOOD ASSOCIATION TO GET A RATIONAL POLICY, A CITYWIDE POLICY ON THIS. WE'RE EDUCATED ON OUR LEGAL OPTIONS, BUT WE DON'T WANT TO PURSUE THAT. WE WANT TO WORK IN PARTNERSHIP WITH THE CITY. WE KNOW THAT THIS IS NOT AN EITHER OR PROPOSITION. IT'S NOT ENERGY VERSUS TREES, WHICH THE TASKFORCE HAS SHOWN THERE ARE CREATIVE WAYS AROUND THIS. AUSTIN IS A CREATIVE CLASS CITY. I WOULD LIKE US TO KEEP THAT STANDING BY SHOWING WE CARE ABOUT ENVIRONMENT AND OUR URBAN FOREST. PLEASE DO RIGHT THING, I'M ASKING YOU TO REPLANT TREES ON THIS BUFFER ZONE AND TO ADOPT THE TREE TASKFORCE RECOMMENDATIONS AND TO INVESTIGATE THESE UNSCRUPULOUS POLICIES. I KNOW AUSTIN ENERGY, THE CITY MANAGER DOESN'T WANT, I KNOW THE CITY COUNCIL, THE MAYOR DOESN'T WANT AUSTIN TO GET A BLACK EYE WITH THOSE POLICIES CONTINUING. THESE PICTURES YOU CAN SEE, THE RADICAL CLEARANCE THAT THEY'RE GOING THROUGH TO CUT THESE TREES, THESE TREES ARE NOWHERE CLOSE TO THE LINES. THE ONES THAT WERE LEFT STANDING IN THAT LAST EXAMPLE IS WHAT OUR NEIGHBORS ARE NOW LOOKING AT AS RAZOR WIRE AND DUMPSTERS WHEN THEY DID SEE JUST A SOLID GREEN CANOPY. WE'VE ALSO HAD ONE NEIGHBOR HAD A STORAGE BUILDING BROKEN IN TWICE SINCE THE TREES HAVE BEEN CUT DOWN. SO IT'S A SECURITY ISSUE AS WELL. THANK YOU VERY MUCH FOR LISTENING.

MAYOR WYNN: THANK YOU, MR. WEIR. PERHAPS A RESPONSE FROM THE CITY MANAGER AND REMIND -- FRANKLY, REMIND US AND THE CITIZENS WHERE WE HAVE BEEN WITH BOTH THE TASKFORCE, THE ONGOING PROGRAM AND SOME OF THE DETAILS.

FUTRELL: WE HAVE JUAN GARZA FROM AUSTIN ENERGY HERE TO SPEAK TO YOU, BUT I WILL REMIND YOU, COUNCIL, THAT IN YOUR BACKUP THERE'S A MEMO FROM AUSTIN ENERGY DISCUSSING SPECIFICALLY THIS AREA AND WHAT THE MEASURES WERE AND WHAT THE PROCESS WAS TO MOVE FORWARD WITH THE TREE TRIMMING. BUT JUAN, IF YOU COULD ALSO JUST HELP ELABORATE.

MAYOR, MEMBERS OF THE COUNCIL, FOLLOWING THE REPORT OF THE TASKFORCE WE DID ADOPT THE RECOMMENDATIONS THAT THEY MADE TO THE SUBCOMMITTEE -- THE TRANSPORTATION COMMITTEE THAT WE HAD AGREED TO. THERE WERE SOME RECOMMENDATIONS THAT THE TASKFORCE MADE WHICH THE LAST TIME YOU MET YOU DIRECTED US TO FURTHER REVIEW AND THEN BRING BACK TO YOUR REPORT AT A TIME CERTAIN. I THINK IT'S 90 DAYS FROM THE DATE THAT YOU DIRECTED US TO DO THAT. IN THE MEANTIME, WE HAVE GONE BACK AND RESTARTED OUR TREE TRIMMING PROGRAM. WE HAVE NOT TRIMMED OR CUT ANY TREES WITHOUT THE OWNER'S IN FULL AGREEMENT WITH WHAT WE ARE DOING. IN EVERY CASE IN THIS NEIGHBORHOOD, WE HAVE SAT DOWN WITH EACH INDIVIDUAL PROPERTY OWNER AND WE HAVE COME TO AN AGREEMENT. SOME OF THE PROPERTY OWNERS HAVE BEEN REPRESENTED BY TREE EXPERTS ON THEIR SIDE AND WE HAVE ESSENTIALLY MADE A COMPROMISE AND MOVED FORWARD. THE COMMERCIAL PROPERTY BEHIND MR. WEIR'S PROPERTY HAD ACTUALLY ASKED THAT WE TRIM OR CUT MORE TREES THAN WE ACTUALLY WOUND UP DOING. WE LEFT SOME TREES AT THE REQUEST OF MR. WEIR. APPARENTLY A COMPROMISE REACHED BETWEEN MR. WEIR AND THE COMMERCIAL PROPERTY OWNER. WE HAVE A RESOURCE STATION PROGRAM WHERE WE OFFER TREES THAT ARE MORE FRIENDLY TO THE POWER LINES, THAT WILL NOT GROW AS RAPIDLY OR AS HIGH TO THE POWER LINES THAT CAN PROVIDE SCREENING THAT WE CAN OFFER. AND I CERTAINLY WOULD MAKE THAT OFFER IN THIS CASE. BUT IN EVERY ONLY INSTANCE WE HAVE WORKED AND GOTTEN COMPLETE AGREEMENT FROM EACH OF THE PROPERTY OWNERS. WHAT MR. WEIR IS REFERRING TO HERE IS NOT TREES SPECIFIC ON HIS PROPERTY, BUT TREES ELSEWHERE

IN THE NEIGHBORHOOD THAT WE ACTUALLY TRIMMED OR CUT.

FUTRELL: AND JUAN, TWO THINGS. YOU ALSO ATTENDED A NEIGHBORHOOD ASSOCIATION MEETING TO GO OVER ALL OF THESE ISSUES, IF I REMEMBER CORRECTLY. AND WASN'T THE WORK DONE IN THIS NEIGHBORHOOD ALSO INTERRUPTED BY THE MAJOR STORM THAT WE HAD WITH THE OUTAGES? AND YOU HAD TO COME BACK AFTER THAT STORM?

WE DID GO BACK. HOWEVER, WE DID HAVE A MEETING. THE MEETING WE HAD IN THE NEIGHBORHOOD THAT WAS MOST DIRECTLY AFFECTED, TARRYTOWN, WE ONLY HAD ONE RESIDENT SHOW UP AT OUR NEIGHBORHOOD MEETING. AND WE DEALT WITH THAT PERSON, BUT THERE WASN'T A LOT OF INTEREST ON OUR TREE TRIMMING PROGRAM IN THAT PART OF TOWN. WE HAVE DONE EVERYTHING TO GO BACK AND WORK WITH EACH INDIVIDUAL HOMEOWNER: AND AS I SAID, WE DO OFFER REPLACEMENT TREES. WE DON'T OFFER THE LARGE TREES THAT MR. WEIR IS REQUESTING BECAUSE WE NEED TO MAKE SURE THAT WHATEVER WE BRING BACK TO PROVIDE THE SCREENING ACTUALLY IS FRIENDLY TO THE POWER LINES IN THE FUTURE.

FUTRELL: JUAN, JUST ON A PERSONAL NOTE, WHY DON'T YOU AND I MAKE A COMMITMENT -- IT WOULD BE INTERESTING -- IT WOULD BE IMPORTANT FOR ME, I THINK, TO GO SEE AND UNDERSTAND EXACTLY WHAT OUR FINAL OUTCOME HAS LOOKED LIKE. LET'S MAKE A COMMITMENT TO GO WITH MR. WEIR AND GO THROUGH THE NEIGHBORHOOD SO THAT YOU CAN WALK ME THROUGH HOW WE'VE DONE THE TRIMMING AND WHAT THE OUTCOME WAS IN EACH PLACE, AND I'LL PERSONALLY GO OUT THERE AND TAKE A LOOK MYSELF.

YOU BET. I'LL BE OUT THERE WITH YOU TOBY.

MCCRACKEN: MAYOR? I DO THINK THAT AN IMPORTANT COROLLARY IN THIS IS SOMETHING THAT'S COME UP BEFORE, BUT THE REFOREST STATION PROGRAM, IT FOCUSES ON ORNAMENTAL TREES. AND I THINK WHAT MR. WEIR HAS POINTED OUT, AND A LOT OF US ON THE COUNCIL,

IS THE IMPORTANCE OF THE TREES IS SHADE, WHICH LOWERS THE AIR CONDITIONING BILLS, AND AN ORNAMENTAL TREE I THINK MISSES THE POINT OF -- THE VALUE OF THE TREE TO HOMEOWNERS AND TO THE UTILITY AS MORE SHADE EQUALS LOWER UTILITY BILLS, BUT ALSO LOWER DEMAND ON THE SYSTEM BECAUSE IT KEEPS HOUSES COOL. I RECOGNIZE THAT THIS MAY LIKELY -- WILL LIKELY INVOLVE MOVING THE TREES FURTHER FROM POWER LINES, BUT I DO THINK IT'S IMPORTANT THE UTILITY TAKE A FRESH LOOK AT THE FUNCTIONAL REASON FOR THE TREES. AND IT'S NOT AESTHETIC. THAT'S A COMPONENT. BUT ORNAMENTAL TREES DO NOT PROVIDE THE SHADE. THAT IS A FUNCTIONAL ISSUE AND I THINK WE NEED TO RETHINK THIS ON OUR TREE PROGRAM.

WE'LL BE LOOKING AT -- PARTICULARLY BECAUSE OF THE VALUE OF SHADE TO OUR HOMES. WE'RE LOOKING REAL SERIOUSLY AT A TREE CAPABLE THAT IS AN INCIDENCE SLATED CONDUCTOR WHICH PREVENTS AT LEAST THE ACCIDENTAL DISCHARGE OR SPARKING OF THE LINE INTO THE TREE. AND WE HAVE ACTUALLY USED THAT IN SOME NEIGHBORHOODS IN TOWN AS A WAY OF TRYING OUT. I WILL BE VISITING OTHER CITIES THAT MAY HAVE OTHER METHODS AND IDEAS THAT WE MAY NOT HAVE TRIED. I WILL TRY EVERYTHING WE CAN. WE DO CONSIDER OUR PROGRAM TO BE ONE OF THE BEST IN THE NATION, BUT WE WANT TO BE SURE IN CASE WE'RE MISSING SOMETHING, AS WAS SUGGESTED IN THE TASKFORCE'S REPORT. I'LL DO EVERYTHING I CAN. I REALLY MEAN THIS SINCERELY, I'M THE CLOSEST THING TO A TREE HUGGER THAT THEY'VE HAD RUNNING AUSTIN ENERGY EVER, AND SO I CERTAINLY WILL NOT LEAVE ANY IDEA UNEXAMINED TO RESOLVE THIS PROBLEM.

AND AT THE RISK OF PROBLEM SOLVING ON THE DAIS, I THINK AS WE LOOK AT THIS, WHETHER OR NOT WE CAN MOVE TREES TO ANOTHER LOCATION WHEN WE REPLANT SO WE'RE NOT CREATING THE SAME PROBLEM AGAIN, BUT GETTING THE BENEFIT, BUT ALSO TO SEE IF THERE ARE OTHER SPECIES OF TREES THAT PROVIDE MORE SHADE, BUT DON'T GET QUITE AS TALL. SO MAYBE THERE'S SOMETHING IN BETWEEN THE ORNAMENTAL TREES AND THE TREES WE'RE HAVING TO TRIM. WE'LL WORK ON THAT. BUT

FIRST WE'LL ACTUALLY GO DO A WALK THROUGH TOGETHER WITH MR. WEIR IN THIS NEIGHBORHOOD AS WE GO THROUGH THE PROCESS OF FINISH OUTING THE TREE TRIMMING TASKFORCE RECOMMENDATION.

MCCRACKEN: I WAS GOING TO SAY I THINK A GOOD EXAMPLE OF A SHADE TREE VERSUS AN ORNAMENTAL, IF YOU GO TO BARTON SPRINGS ROAD, THE PECAN TREES HAVE HAD TO BE TRIMMED AWAY FROM THE POWER LINES, BUT THE SHADE FROM THESE GIANT PECAN TREES IS SO EXTENSIVE, IT'S PROBABLY 10 TO 20 DEGREES COOLER ON BARTON SPRINGS BY THE LONG CENTER AND PALMER EVENTS CENTER. AND I THINK THAT SHOWS YOU THE VALUE OF THOSE BIG SHADE TREES. THEY'RE A CHALLENGE. I KNOW WE HAVE TO BE RESPONSIBLE TO MAINTAIN THE INTEGRITY OF THE SYSTEM SO THAT THERE'S THAT BALANCE.

MAYOR WYNN: THANK YOU, MR. GARZA AND MS. FUTRELL. MR. WEIR, BRIEFLY.

ONE QUICK POINT. I JUST WANTED TO MAKE A POINT THAT I'M AUTHORIZED BY FOUR PROPERTY OWNERS WHO REPRESENT THE BULK OF THESE TREES CUT DOWN TO MAKE A REQUEST FOR THE LARGER TREES.

MAYOR WYNN: THANK YOU. I SEE THAT MS. SANKOFA IS HERE. WELCOME. YOU WILL BE FOLLOWED BY PAT JOHNSON.

THANK YOU, MAYOR WYNN, FOR PASSING THOSE OUT FOR ME. GREETINGS EVERYONE, COUNCILMEMBERS. AND WELCOME NEW COUNCILMEMBERS, MS. COLE AND MR. MARTINEZ. I AM HERE -- I'VE PASSED OUT SOME THINGS THAT YOU ALL MAY HAVE RECEIVED ALREADY IN THE PAST. AND ONE OF YOU WILL HAVE TO SHARE. THERE ARE THREE THINGS AND I THINK MR. MARTINEZ YOU HAVE TWO. SO IF YOU COULD GRAB THE SECOND ONE. AND THE REASON I'M HANDING THESE OUT TO YOU AGAIN IS BECAUSE I WANT YOU TO LOOK -- ALL OF THESE EVENTS HAVE PASSED WITH THE EXCEPTION OF THE EVENT AT THE CARVER MUSEUM. THAT'S STILL UP UNTIL THE 26TH. BUT I WANTED YOU TO LOOK AT THE BACK SIDE OR THE BOTTOM OF EACH OF THOSE AND LOOK AT THE SPONSORS THAT ARE THERE. AND

THE REASON THAT I WANT YOU TO DO THAT IS BECAUSE IT TOOK A LOT OF WORK AND EFFORT TO PUT ON THESE EVENTS. AND BY THE WAY, I PUT THESE EVENTS ON. AND I'M AN INDIVIDUAL. I'M NOT AN ARTS ORGANIZATION. I DON'T HAVE AN EXTENSIVE AMOUNT OF FUNDING. I'M AN ARTIST WHO IS ALSO AN ADMINISTRATOR. AND I'M HERE BECAUSE I WANT YOU ALL TO BE AWARE OF THE FACT THAT THESE EVENTS ARE GOING ON, THESE ARTISTIC AND CULTURAL EVENTS ARE GOING ON. AND I'M ONE OF THE PEOPLE IN OUR COMMUNITY, IN THE BLACK COMMUNITY, WHO IS MAKING THESE THINGS HAPPEN. WITH VERY, VERY LITTLE LIMITED RESOURCES AND VERY LIMITED, IF AT SOMETIMES NO HELP WHATSOEVER AT ALL. AND I'M MAKING THIS POINT BECAUSE SOME OF THESE EVENTS YOU ALL ARE AWARE OF, THOSE OF YOU WHO HAVE TENURE HERE, THE NEW FOLKS, YOU'RE EXCUSED FROM THIS FOR NOW. BUT SOME OF YOU SAID THAT YOU WERE GOING TO ATTEND THESE EVENTS OR I HOPE THAT YOU WOULD ATTEND THESE EVENTS. AND I SAW NOT ONE OF YOU THERE. AND I WANT TO KNOW HOW YOU ALL EXPECT TO KEEP UP WITH YOUR COMMITMENT TO THE QUALITY OF LIFE FOR AFRICAN-AMERICANS, AND YOU'RE NOT COMING TO THANKS, AT LEAST MY THINGS. I'M NOT GOING TO SPEAK OR I'M NOT HERE TO SPEAK ABOUT OTHER EVENTS AND GROUPS AND SO ON. I'M CONCERNED ABOUT WHAT I'M DOING BECAUSE I SACRIFICE A LOT FOR THIS COMMUNITY TO BE ABLE TO DO THE THINGS THAT YOU ALL HAVE, PUT TOGETHER THE THINGS THAT YOU ALL HAVE IN YOUR HAND. IN ADDITION TO ALL THE OTHER THINGS THAT I'M DOING THAT YOU PROBABLY HAVE NO IDEA OF, AND I'M HERE BECAUSE I VOTE, AND ALL OF YOU, WELL, WITH THE EXCEPTION OF ONE, GOT MY VOTE TO BE UP ON THAT PLATFORM RIGHT NOW. AND I'M GOING TO STOP SUPPORTING YOU IN THAT WAY IF I DON'T SEE SOME TANGIBLE, REALISTIC, YOU KNOW, SUPPORT FROM YOU ALL. AND IF THAT MEANS COMING TO AN EVENT, CALLING AND SAYING, I CAN'T -- OR SEND AN E-MAIL, I CAN'T COME, BUT CONGRATULATIONS OR WHAT ELSE CAN I DO? [BUZZER SOUNDS] AND I'M SAYING THAT BECAUSE THAT'S JUST AN ISSUE THAT THERE ARE TOO MANY OF US IN THE COMMUNITY -- ACTUALLY, THERE'S NOT THAT MANY OF US IN THE COMMUNITY THAT ARE WORKING AT THE LEVEL I AM, HAROLD, LISA, DISAND HER STAFF AND SO ON. WE'RE NOT

BEING SUPPORTED BY YOU ALL. AND IF WE'RE NOT SUPPORTED BY YOU, GUESS WHAT, WE'RE NOT GOING TO BE SUPPORTED BY THE BLACK COMMUNITY BECAUSE TRUTHFULLY, THE BLACK COMMUNITY HERE FOR THE MOST PART DOESN'T SUPPORT THE ARTS AND CULTURE UNLESS OTHER PEOPLE, OTHER GROUPS OUTSIDE OF US SUPPORTS AND ENDORSES IT. THANK YOU.

MAYOR WYNN: THANK YOU. LAST SPEAKER IS PAT JOHNSON. WELCOME. YOU WILL HAVE THREE MINUTES.

GOOD MORNING, COUNCIL. I'M GOING TO START SITTING DOWN WITH THIS HERE BECAUSE I JUST DON'T HAVE THE ENERGY SOMETIMES AT THE PODIUM. TODAY IT'S \$193.95. THAT'S A FIGURE THAT ALL OF Y'ALL NEED TO KNOW BECAUSE AFTER THE LAST COUNCIL MEETING WHEN YOU GAVE THE TOWING INDUSTRY THAT RAISE TO \$150 FOR A VEHICLE UNDER 10,000 POUNDS, I'D SAY THAT'S THE MAJORITY OF THE VEHICLES IN OUR COMMUNITY. EIGHT OUT OF EVERY 10 VEHICLES THAT ARE TOWED FROM PRIVATE PROPERTY TODAY ARE WRONGFULLY TOWED WITHOUT A DOUBT. THERE IS NO INITIATIVE PHOTOING COMPANIES TO COMPLY AND THERE'S NO INITIATIVE FOR A PARKING FACILITY TO COMPLY BECAUSE YOU HAVE JOHN DOE TOWING TELLING THEM WE'RE DEREGULATING. THE MINORITY AND OUR COLLEGE STUDENTS ARE STILL BEING TARGETED. THIS AMOUNT WILL CREATE A FINANCIAL IMPACT ON OUR WORKING FAMILIES WITHOUT A DOUBT. WHEN I SAY OUR WORKING FAMILIES, I'M NOT TALKING ABOUT PEOPLE WHO MAKE 60, \$70,000 A YEAR. I'M TALKING ABOUT OUR FAMILIES THAT ARE WORKING IN THE SERVICE IS INDUSTRY. SOME WORKING FAMILIES LOSE THEIR VEHICLE BECAUSE OF NOT BEING ABLE TO COME UP WITH THE MONEY. YOU HAVE THIS AMOUNT LEFT AFTER PUTTING FOOD ON YOUR FAMILY'S TABLE. THE NEXT AMOUNT HERE IS \$264.95. IF THEY GO DOWN THERE AND GET THEIR VEHICLE AND THEY CAN'T GET IT OUT. SO IF THEY -- THEIR CAR GETS IMPOUNDED AT 6:00 P.M. AND THEY GO DOWN THERE AND PICK IT UP AT 6:01 P.M. THE NEXT DAY, THEY PAY FOR TWO DAYS. SO DO YOU THINK THIS IS A -- THIS IS FAIR FOR ANYONE, MUCH LESS THEIR FAMILIES? DUE TO THE MANPOWER SHORTAGE AND A.P.D.'S WRECKER ENFORCEMENT UNIT, VICTIMS HAVE TO WAIT MANY MONTHS

BEFORE THE SOLE DETECTIVE CAN CALL THEM. UNTIL WE HAVE ADEQUATE STAFFING IN THE WRECKER ENFORCEMENT UNIT, OUR MANY CITIZENS AND TOURISTS WILL SUFFER FINANCIALLY. THIS NEXT IS A COMMENT THAT'S ON ONE OF MY BLOG ARTICLES ON THE ESTATES MAN CALLED TOWING COMPANIES RAPING MOTORISTS. THIS ONE GENTLEMAN RESPONDED AND SAID MY VEHICLE WAS TOWED BY J AND J TOWING FROM UNDER THE FREEWAY A COUPLE OF WEEKS AGO. THE SIGN COMPLIED ACCORDING TO THE POLICE OFFICER WHO RESPONDED AFTER I REPORTED MY VEHICLE STOLEN. MY MISTAKE IS ONE THING, BUT FINDING A STEREO MISSING FROM MY VEHICLE IS ANOTHER STORY. THE GUY AT THE TOW LOT SAID MY DOOR WASN'T LOT. I DON'T THINK SO. MY DOORS LOCK AUTOMATICALLY WHEN I EXIT THE CAR AND THE WINDOWS ARE ROLLED UP. HE SAID HE FILED A COMPLAINT WITH TXDOT AND I'M STILL WAITING ON J AND J'S INSURANCE ADJUSTER. ONLY TO PAY 131. THAT WAS AT THE OLD RATE. AND SOME CHANGE, THE STEREO COST ME \$400. I THINK I WILL FIND ANOTHER CITY TO TAKE MY FAMILY TO INSTEAD OF AUSTIN AFTER THIS NIGHTMARE. WE DON'T NEED THIS TYPE OF REPUTATION. AND COUNCIL, YOU KNOW, FOR THE LAST TWO OR THREE YEARS I'VE TALKED TO YOU ALL ABOUT TOWING RELATED ISSUES BECAUSE I WORK UNDERSTAND THAT INDUSTRY AND I WAS AN INTEGRAL PART, INCLUDING MR. DOUGLAS, AND AT THE TIME WE HAD SERGEANT BUYERS FROM A.P.D. THAT PUT THIS LAW TOGETHER BECAUSE OF THE PROBLEMS WE WERE HAVING BACK IN THE EARLY '80'S. IT WAS DESIGNED HERE IN AUSTIN. Y'ALL GIVE US THE RULES AND REGULATIONS WE REQUESTED FROM STAFF. STAFF WAS TOLD -- [BUZZER SOUNDS] -- BY MYSELF THAT YOU COULD AFFECT THAT STORAGE RATE. TXDOT EVEN TOLD THEM, THE CITIES CAN REGULATE THE STORAGE FEES. IF WE DELAY THAT NOTIFICATION LETTER BY ONE DAY, IT'S NOT GOING TO BE -- IT WILL BE ABOUT 200, BUT THE \$195.95 IS REALLY GOING TO SIT IN OUR RESIDENTS' HEART. SO COUNCIL THE BALL IS IN YOUR COURT NOW. YOU'VE GOT TO BUDGET THE MONEY FOR MORE PEOPLE. BECAUSE WHEN THE DETECTIVES, TWO PEOPLE DOWN THERE ARE NOT THERE, HE HAS TO DO ALL THAT WORK. WE HIRE TEMPS FOR OTHER DEPARTMENTS IN THE CITY. WE HAVE GOT TO GET THE MANPOWER DOWN THERE IN THE WRECKER

ENFORCEMENT UNIT TO HELP OUR CITIZENS BECAUSE THIS OUT RIGHT STEALING IS JUST NOT RIGHT. YOU WILL AGREE, MAYOR. SO ANYWAY, ONE OF THE COMMENTS THIS LADY OVER IN RIGHT-OF-WAY MANAGEMENT, JOAN CALDWELL, SHE'S REALLY AN OUTSTANDING EMPLOYEE AND I THINK WE'RE VERY DEDICATED TO HAVE HER AND ALL THE REST OF THE FINE CITY EMPLOYEES WHO PROVIDE SERVICES TO OUR CITIZENS. THANK YOU, COUNCIL.

MAYOR WYNN: THANK YOU, MR. JOHNSON. COUNCIL, THAT CONCLUDES THIS GENERAL CITIZEN COMMUNICATION. WE HAVE NO MORE DISCUSSION ITEMS PRIOR TO OUR EXECUTIVE SESSION, SO WITHOUT DISCUSSION, WE WILL GO INTO EXECUTIVE SESSION TO TAKE UP POTENTIALLY AGENDA ITEMS 84, RELATED TO LEGAL ISSUES, 85, THE SAME, AND THEN ITEM NUMBER 87 POTENTIALLY, WHICH RELATES TO REAL ESTATE MATTERS REGARDING OUR AUSTIN WATER UTILITY. SO WE ARE NOW IN CLOSED SESSION. I ANTICIPATE US COMING BACK -- SPENDING A LENGTHY TIME IN CLOSED SESSION THIS EARLY AFTERNOON. WE DON'T HAVE ANY TIME CERTAINS, ANY POSTED ITEMS UNTIL OUR 4:00 O'CLOCK ZONING AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, SO IT COULD VERY WELL BE CLOSE TO 4:00 O'CLOCK BY THE TIME WE RETURN IN OPEN SESSION. WE ARE NOW IN CLOSED SESSION. THANK YOU.

MAYOR WYNN: WE ARE OBVIOUSLY OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP -- WE HAD POSTED ITEMS 85 AND 87, THEY'RE ACTUALLY THE SAME ISSUE. WE HAD POSTED IT AS BOTH A LEGAL ISSUE AND A REAL ESTATE ISSUE. WE TALKED ABOUT IT SOLELY AS A REAL ESTATE MATTER, DID NOT TAKE UP ANY LEGAL ISSUES. SO TECHNICALLY WE WON'T TAKE UP ITEM NUMBER 85. WE DID TAKE UP 87, NO DECISIONS WERE MADE. WE'RE BACK IN OPEN SESSION TO HAVE THE DISCUSSION AND ANALYSIS AND POTENTIAL ACTION, AND SO HE -- AND AGAIN, THIS IS BASED ON WATER FACILITY WATER TREATMENT FACILITY, HAS ESSENTIALLY BEEN RELATIVELY ACCURATELY REPORTED THE LAST FEW DAYS, THE DECISION ABOUT A NEW GREEN WATER TREATMENT PLANT AND/OR WHAT GENERALLY IS REFERRED TO AS WATER TREATMENT PLANT NUMBER 4, AND SO WITH THAT I GUESS I'D LIKE TO TURN IT

OVER TO THE CITY MANAGER OR OUR DEPARTMENT DIRECTORS.

I THINK WE'LL GO ON AND JUST GET STRAIGHT STARTED ON THE PRESENTATION. WHO IS GOING TO START? WILLIE, ARE YOU STARTING?

I'M GOING TO MOVE THIS UP TO WHERE IT NEEDS TO BE ON THE SLIDES. I'M GOING TO TALK TO YOU TODAY ABOUT AN ALTERNATE WATER TREATMENT PLANT FOR US. I'M SURE YOU REMEMBER ABOUT A YEAR AGO THE COUNCIL ASKED THE UTILITY TO LOOK AT ALTERNATE SITES FOR WATER TREATMENT PLANT 4 BECAUSE THERE WAS LITTLE SUPPORT FOR THE EXISTING SUPPORT BECAUSE OF ENVIRONMENTAL CONCERNS. SO I'M HERE TO REPORT TO YOU TODAY THAT WE'RE LOOKING AT AN ALTERNATE SITE ON A TRACT OF LAND WE CALL THE (INDISCERNIBLE) TRACT. IT'S A BCP TRACT. IT'S LAND THAT WAS BOUGHT IN 1993. IT INCLUDES HABITAT FOR GOLDEN CHEEKED WARBLERS. IF YOU WOULD LET ME STEP OVER TO THE OTHER MIC, I WOULD LIKE TO POINT OUT TO A MAP LOCATION OF EACH SITE.

WHAT I'D LIKE TO DO IS FIRST CALL YOUR ATTENTION TO THE ORIGINAL WATER TREATMENT PLANT 4 SITE IT WAS NORTHEAST OF THE INTERSECTION OF RANCH ROAD 2222 AND RANCH ROAD 620. THROUGH THE EVALUATION PROCESS OUR CONSULTANTS HAVE TOLD US THAT THE BEST EXISTING ALTERNATE SITE FOR WATER TREATMENT PLANT 4 IS ABOUT 40 ACRES ON THE NORTHWEST CORNER OF THE BCPCORTANA TRACT. THIS IS NEAR THE INTERSECTION OF 2222 AND 620. AS I SAID IT INCLUDES THE EXISTING HABITAT. IT'S ADJACENT TO THE WARBLER HABITAT. THE PLANT SITE ITSELF, THE PROPOSED PLANT SITE IS MOSTLY BLACK CAPPED VEERIO. JUST TO GO THROUGH A COMPARISON OF SOME OF THE ENVIRONMENTAL ISSUES THAT WE'VE CONSIDERED WITH THIS SITE, BASICALLY THE EXISTING SITE, THE 102-ACRE PARCEL IS NOT ACTUALLY BCP, BUT IT'S SURROUNDED BY BCP AND IT'S CONSIDERED AND PERMITTED IN OUR TEXAS 10 PERMIT FROM U.S. FISH AND WILDLIFE SERVICE. IT'S IN THE BULL CREEK MACRO SITE, AND IT'S SURROUNDED BY GOLDEN CHEEKED WARBLER HABITAT. IT'S ADJOINING THE HEAD WATERS OF BULL CREEK, AND BULL CREEK INCLUDES

CONCERNS ABOUT JOLLYVILLE PLATEAU SALAMANDERS. WITH RESPECT TO MITIGATION, THIS SITE IS ALREADY COMPLETELY MITIGATED FOR AND WOULD NOT REQUIRE FURTHER MITIGATION FROM U.S. FISH AND WILDLIFE SERVICE. FURTHER MORE, IT'S CONSIDERED A SPECIAL USE SITE UNDER OUR INFRASTRUCTURE MANAGEMENT PLAN THAT'S PART OF BCCP AND IT WOULD NOT REQUIRE ALTERATION OF THAT. TO LOOK AT THE ALTERNATE SITE, IT WOULD REQUIRE SOME CHANGES WITHIN OUR PERMIT FOR BCCP. BASICALLY WHAT WE'RE SAYING WE WOULD DO IS WE WOULD NOT WHEARNG THAT WE'RE DOING TO DO, JUST CHANGE THE WAY WE'RE GOING TO DO IT. THIS WOULD REQUIRE A CHANGE IN WHAT'S CALLED A MINOR AMENDMENT OR AN ADMINISTRATIVE PROCESS. THIS SITE CURRENTLY HAS A DEFICIT OF ABOUT 6700 ACRES THAT WE'VE NOT ACQUIRED FROM BCP. WHAT WE'VE BEEN DOING FOR MITIGATION FOR CHANGING PLANT SITES WOULD BASICALLY BE ADDING 102 ACRES TO THE BULL CREEK MACRO SITE FOR ADDITIONAL MITIGATION. THIS WOULD BE THE FORMER PLANT SITE. WE'VE ALSO PROPOSED ADDING 928 ACRES TO LITTLE BARTON CREEK MACRO SITE. THIS WOULD RESULT IN A MITIGATION OF BLACK CAP VIRIO HABITAT LOSS. WE WOULD BE ADDING MORE BLACK CAP VIRIO HABITAT, FIVE TIMES MORE THAN WHAT LOST ON THE CORTANIA SITE. ADDITIONALLY WE WOULD BE ADDING ANOTHER 600 ACRES OF GOLDEN CHEEKED WARBLER SITE LAND MANAGED BY THE CITY. ADDITIONALLY AN ENVIRONMENTAL BENEFIT, ONE OF THE THINGS WE WOULD BE CONTRIBUTING IS PROTECTION OF SENSITIVE HABITAT FOR THE VOCATIONALVILLE PLATEAU SALAMANDER. AS YOU MAY OR MAY NOT KNOW, THERE WAS A PETITION TO LIFT THE VOCATIONALVILLE SALAMANDER ABOUT A YEAR AGO AND THEY WERE MOVING ON THEIR ADMINISTRATIVE ACTION TO. FROM A PERMIT STANDPOINT, WE WOULD ALSO BE REQUIRED TO SWAP STRUCTURE DESIGNATION FROM THE ORIGINAL SITE TO THE NEW PROPOSED SITE; HOWEVER, THAT WOULD ALSO REDUCE THE INFRASTRUCTURE FOOTPRINT ON BCP FROM 102 ACRES TO 45 ACRES. THAT CONCLUDES MY PART OF THE PRESENTATION. I WOULD BE GLAD TO ANSWER ANY QUESTIONS FOR YOU.

MAYOR WYNN: ANY FURTHER QUESTIONS OF STAFF? WHY

THIS PRESENTATION CAME FURTHER IS IT BEGINS TO ANSWER THE QUESTION ABOUT THE FEASIBILITY OF A BETTER WATER TREATMENT PLANT NUMBER 4 SITE BEFORE WE THEN GO THROUGH THIS BIG ANALYSIS AS TO A NEW GREEN AND/OR WATER TREATMENT PLANT NUMBER 4.

YES, MAYOR.

MAYOR WYNN: THANK YOU, MR. CONRAD. COUNCILMEMBER DUNKERLEY.

DUNKERLEY: I WOULD JUST LIKE TO MAKE A COMMENT FROM THE PRESENTATION THAT WAS JUST MADE. I THINK YOU TOLD ME EARLIER THAT THERE WAS SOME 900 PLUS ACRES OF ADDITIONAL LAND THAT WILL BE ADDED TO THE HABITAT PRESERVATION OF THE ENDANGERED SPECIES HABITAT LAND.

YES, COUNCILMEMBER, THAT'S CORRECT.

DUNKERLEY: THAT'S THE NET INCREASE IF THE SWAP INCREASE?

YES, MA'AM. IT WOULD BE A NET INCREASE OF ABOUT 985 ACRES TO THE BCP PRESERVE SYSTEM.

DUNKERLEY: ALL RIGHT. THANK YOU.

LEFFINGWELL: JUST TO MAKE A POINT, YOU MAY HAVE SAID THIS, BUT I WANT TO EMPHASIZE, WOULD YOU COMMENT ON THE QUALITY OF HABITAT LAND THAT WE'RE SWAPPING? THE QUALITY OF HABITAT LAND ON THE NEW SITE, ON THE SO-CALLED ALTERNATE SITE VERSUS THE EXISTING SITE?

YES, SIR. WE'RE ADDING 400 ACRES OF BLACK CAPPED VIRIO HABITAT WITH THE UNDERSTANDING WE SHE'D NEISD TO DO RESTORATION WORK AS WE HAVE DOWN THE EXISTING SITE ALREADY. AND TO KEEP IN MIND THAT THE HABITAT REQUIREMENTS FOR THESE TWO SPECIFIC BIRDS ARE VERY DIFFERENT FROM EACH OTHER. THE GOLDEN CHEEKED WARBLER REQUIRES BASICALLY OLD GROWTH MATURE HABITAT WHERE THE BLACK CAPPED VIRIO REQUIRES BRUSH AND SHRUB LAND. EVEN WHEN YOU HAVE HIGH

QUALITY HABITAT, YOU HAVE TO INVEST TIME AND MONEY AND EFFORT KEEPING THAT IN THAT STATUS. SO BASICALLY WHAT WE'RE DOING IS WE'VE IDENTIFIED LAND THAT WOULD MAKE SUITABLE HABITAT AND WE'VE MADE THE COMMITMENT TO RESTORE THAT LAND INTO HIGHER QUALITY HABITAT AT A HIGHER RATIO THAN WHAT WE'VE PROVIDED ALREADY.

LEFFINGWELL: COULD I FOLLOW THAT UP? THE HEADQUARTERS OF BULL CREEK IS SITUATED IN AND AMONG THE NUMBER ONE MACRO SITE FOR ENDANGERED SPECIES IN THE COUNTY, IS THAT NOT CORRECT?

YES, SIR. IF YOU LOOK AT THE QUALITY OF THE HABITAT AND IF YOU LOOK AT THE HISTORIC DOCUMENTATION FOR BCP, HISTORICALLY THE BULL CREEK MACRO SITE HAS ALWAYS BEEN IDENTIFIED AS THE HIGHEST POTENTIAL QUALITY AND THE HIGHEST EXISTING QUALITY HABITAT FOR BLACK CAPPED VIRIOS -- GOLDEN CHEEKED WARBLERS REMAINING IN TRAVIS COUNTY. TODAY THAT'S EVEN MORE IMPORTANT.

LEFFINGWELL: SO WE'RE ADDING 102 ACRES TO THAT HIGHEST QUALITY MACRO SITE IN EXCHANGE FOR A POTENTIALLY -- USING 45 OR SO ACRES IN THE CORTANIA PRESERVE, IS THAT CORRECT?

THE CORTANIA IS HABITAT FOR VIRIOS BECAUSE WE'VE MADE IT THAT WAY. AND WITH THE EXPECTATION THAT BEFORE WE EVER BROKE GROUND ON A NEW WATER TREATMENT PLANT, WE'RE SEVERAL YEARS DOWN THE ROAD AND WE HAVE THE OPPORTUNITY TO BEGIN THE RESTORATION WORK ON OUR CONTRIBUTION AS MITIGATION FOR THIS ACTIVITY. WE'VE GOT THE OPPORTUNITY TO BEGIN THAT RESTORATION NOW SO THAT WE ACTUALLY HAVE THE NEW RESTORED HABITAT IN PLACE BEFORE WE EVER DISTURB HABITAT ON THE NEW ALTERNATE SITE.

LEFFINGWELL: THANK YOU.

FUTRELL: AND I THINK, WILLIE, ONE LAST THING. IN ADDITION TO 985 NET ACRE GAIN FOR THE BCP AND INCLUDED IN THAT ARE DUAL HABITATS FOR BOTH THE VIRIO AND THE GOLDEN CHEEKED WARBLER, AT THE 102-ACRE SITE IN THE BULL

CREEK MACRO SITE, WE ARE ALSO THEN PERMANENTLY PROTECTING A HEAD QUART TRACT OF BULL CREEK AND FURTHER ENHANCING THE JOLLYVILLE SALAMANDER PRESERVATION EFFORTS.

YES, MA'AM, THAT'S ABSOLUTELY CORRECT.

FUTRELL: THANKS.

COLE: EXCUSE ME, MAYOR, CAN I ASK A QUESTION?

MAYOR WYNN: COUNCILMEMBER COLE, GO AHEAD.

CAN YOU GIVE ME AN ESTIMATED FAIR MARKET VALUE OF THE NET INCREASE OF LAND WE ARE MAKING TO BCP?

NO, MA'AM, I DON'T HAVE THOSE NUMBERS. PERHAPS JENNY PLUMBER COULD HELP ME WITH THAT QUESTION.

FUTRELL: YOU'RE BEING CALLED UP, JENNY. SHE'S TRYING TO STAY SITTING THERE, WILLIE AND LEAVE YOU HANGING.

MAYOR WYNN: I'LL TRY TO SET THE STAGE. I SERVE AS CHAIRMAN OF THE BCCP THESE LAST HANDFUL OF YEARS. SO IN ROUND NUMBERS, THE BCCP IS A REQUIREMENT TO SET ASIDE 30,000 ACRES AND CHANGE, WE'RE AT ABOUT 28,000 ACRES NOW. WE'VE SPENT COLLECTIVELY ABOUT \$75 MILLION GETTING TO THE 28,000 ACRES. IT'S ESTIMATED THAT THE REMAINING 2,000 ACRES WILL CAUSE FAR MORE THAN THE \$75 MILLION THAT WE'VE SPENT TO DATE. SADLY WE PASSED THE CITY BONDS BACK IN 1992 --

AUGUST 8, 1992.

MAYOR WYNN: THAT'S RIGHT. THAT ALLOWED US TO MAKE SOME PURCHASES WHEN LAND WAS SELLING FOR A THOUSAND DOLLARS AN ACRE. THAT SAME LAND IS NOW \$50,000 AN ACRE. HAD THE OTHER BOND ELECTION NOT BEEN DEFEATED BY SOME DISINGENUOUS PEOPLE, THAT 30 MILLION, \$40 MILLION IN LAND VALUE THAT COULD HAVE BEEN PURCHASED ALSO IN 1992 TODAY WOULD HAVE BEEN WORTH ABOUT \$300 MILLION IN LAND THAT WE MISSED BY NOT PASSING THAT BOND ELECTION IN 1992, BY THE WAY.

BUT IT'S ESTIMATED THAT THE REMAINING 2,000 ACRES COULD EASILY COST -- I'LL TELL YOU IT'S ALREADY GOING TO COST MORE THAN THE \$75 MILLION WE SPENT OVER THE LAST 15 YEARS. PERHAPS -- THE VALUE OF THIS LAND, PARTICULARLY IN A PERMITTED SITE IN A PRIME MACRO SITE, EASILY WOULD BE THE HIGHEST VALUED LAND IN THAT AREA, AND THAT LAND IS ALL 40, \$50,000 AN ACRE, JENNY?

YOU'RE PROBABLY IN THAT 50 TO EIGHT MILLION DOLLARS RANGE IF YOU LOOKED AT A SITE LIKE THIS THAT'S CLEARED FROM BCP. AND IN THE BULL CREEK MACRO SITE WE'VE NOT DONE AN ACQUISITION. SO THAT'S AN ESTIMATE AND A GUESSTIMATE. I DON'T HAVE AN APPRAISAL TO GIVE YOU THAT AMOUNT. THAT'S 102 ACRES THAT'S TOTALLY CLEARED FROM THE BCP, SO ALL MITIGATION HAS BEEN MIGIGATED ON THAT PIECE.

AND YOU'RE BASING THAT ON SURROUNDING VALUES, THE 50 TO 80 MILLION?

THAT'S CORRECT. WHAT WE'RE WATCHING AT THE INTERSECTION OF 2222, 620, THE GROWTH IN THAT AREA.

COLE: I APPRECIATE THAT, JENNY.

YOU'RE WELCOME.

MAYOR WYNN: COUNCILMEMBER MARTINEZ?

MARTINEZ: THANKS, MAYOR. I'M NOT SURE WHO THIS QUESTION GOES TO. IT SOUNDS LIKE THE ALTERNATE SITE IS MORE SUITABLE THAN THE CURRENT SITE FOR WATER TREATMENT PLANT 4. MY QUESTION IS WHEN WE REALIZED THAT THERE WERE STRONG ENVIRONMENTAL CONCERNS WITH THE ORIGINAL SITE AND WE'VE OWNED THIS PIECE OF LAND SINCE 1993, WHY DIDN'T WE START LOOKING AT THIS SITE BACK IN 1996 OR WHENEVER WE PUT WATER TREATMENT PLANT 4 ON HOLD, AND WHY DID WE PAY A LOT OF MONEY FOR SITE ANALYSIS FOR ALTERNATIVE GREEN AND WE BID IT OUT WITH AN R.F.P.? IT JUST SEEMS LIKE IF THIS SITE IS SO MUCH BETTER, HOW COME IT'S JUST NOW COMING UP?

WELL, THERE ARE A NUMBER OF ISSUES THAT TIE IN. NOW WE'RE TALKING A LOT OF HISTORY HERE. OBVIOUSLY THE SITE WAS ORIGINALLY BOUGHT TO BE THE LAKE TRAVIS PLANT SITE IN THE LONG RANGE PLAN OF THE WATER UTILITY. AND CHRIS, I'M GOING TO HAVE YOU HELP ME AS I MOVE THROUGH THIS JUST TO BE SURE, OR WILLIE. SOME OF THE ISSUES THAT ARE A PROBLEM TODAY WERE NOT A PROBLEM WHEN WE BOUGHT THE PROPERTY. SO, FOR EXAMPLE, TAKE THE VOLLEYVILLE SALAMANDER WAS NOT AN ISSUE AT THAT TIME. SO THINGS HAVE CHANGED OVER TIME THAT HAVE CONTINUED TO ADD TO THIS TRACT BEING PROBLEMATIC. WHEN THE TRACT WAS BOUGHT, IT WAS FULLY MITIGATED. THE THOUGHT WAS IT COULD BE BUILT ON. THEY HAD DONE KARST FEATURE ANALYSIS OF IT. BUT AS MORE AND MORE THE PRESERVATION OF BULL CREEK AND OUR CONCERN ABOUT WATER QUALITY GREW, THIS SITE GOT MORE AND MORE PROBLEMATIC. THE VOLLEYVILLE SALAMANDER, SO TIME IT MOVING ALONG, MADE IT MORE AND MORE PROBLEMATIC. IN 2002 WHEN COUNCIL GAVE US THE AUTHORIZATION TO MOVE FORWARD ON THE LAKE TRAVIS PLANT ON THIS SITE, THE THOUGHT WAS THAT WE COULD MITIGATE FOR THOSE ISSUES, BUT THE DISPUTE CONTINUED TO GO THROUGH AND I THINK THE SUMMER OF LAST YEAR WE MADE A DECISION TO DO THREE THINGS. ONE -- AND ACTUALLY, WE USED CONSULTANTS TO HELP US WITH ALL THREE. ONE FOR AN INDEPENDENT VOICE IN THE ARGUMENT AS WELL AS THEIR EXPERTISE. DO ANOTHER ENVIRONMENTAL ASSESSMENT OF THE TRACT TO SEE WHAT KIND OF BEST PRACTICES COULD HAPPEN WITH CONSTRUCTION AROUND THOSE KATZ R. KARST FEATURES AND LOOK FOR ALTERNATIVE SITES. THAT'S WHEN THE DISCUSSION STARTED ON ALTERNATIVE SITES. WE WERE MOVING ALONG THE PATH OF AN ALTERNATIVE PATH ON A FAIRLY FAST TRACK WHEN THERE WAS A CHANGE IN DIRECTION FROM THE COUNCIL TO FLIP THE PLANTS AND LOOK AT NEW GREEN FIRST. SO WE SLOWED DOWN THE PROCESS, BUT THEY HAVE FINISHED THAT WORK. AND THAT'S THE WORK WE'RE PRESENTING TO YOU TODAY. IN ADDITION TO THAT, CORTANIA WAS BOUGHT, IF I'VE GOT THIS CORRECT, AFTER OUR WATER TREATMENT PLANT 4 SITE, SO IN THE BEGINNING IT WASN'T EVEN OURS TO

DISCUSS.

JUST TO GIVE YOU AN IDEA OF TIME, THE EXISTING SITE WAS BOUGHT IN 1984. WE ENTERED INTO THE -- THE BIRDS WERE LISTED IN MAY OF 90. WE HAD A BOND ELECTION IN AUGUST OF '92 AND OUR REGIONAL PERMIT WENT INTO EFFECT IN MAY OF 1996. SO THAT KIND OF HELPS YOU WITH A LITTLE BIT OF THE TIMING THERE.

AND TALK ABOUT THE PURCHASE OF CORTANIA?

THAT WAS PURCHASED IN 1993. THAT WAS OUR FIRST BIG PURCHASE FOR THE BALCONES CANYONLANDS AND AT THAT TIME WE CLOSED ON MORE THAN 500 ACRES AT THAT TIME FROM THE FDIC, AND WE PAID \$999 AN ACRE FOR 17 ACRES. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] SO WE SEE THE OCCASIONAL QUALITY DEGRADATIONS AT THOSE TIMES. IN TERMS OF PIPELINES AND EASEMENTS, THE INPUT WOULD STILL BE PROPOSED ON THE SHORES OF TOWN LAKE. BUT IT WOULD BE A SIMPLER INTAKE BECAUSE IT'S A CONSTANT LEVEL LAKE. THAT'S ONE OF THE BENEFITS OF THIS PROPOSAL. SO THIS NEW WATER SOURCE REPRESENTS AN INCREASE IN SUPPLY RELIABILITY AND THE SYSTEM FLEXIBILITY. IT IS A DIFFERENT MAJOR WATER RESERVOIR THAT AUSTIN WOULD BE PUTTING ITS FIRST PLANT UPSTREAM AUSTIN. IT PRESENTS US WITH SOME -- AN INCREASED RELIABILITY AND REDUCED RISK AS A CITY. IN TERMS OF THE WATER PIPELINES AND THE CONVEYANCE SYSTEM, THE DEEP WATER INTAKE THAT WOULD BE DESIGNED FOR THE TRAVIS WATER TREATMENT PLANT, IT'S A TOWER-TYPE INTAKE, AND WHAT THAT WOULD LET US DO WOULD BE TAKE WATER UNDER VARIOUS ELEVATIONS OF LAKE TRAVIS. WE KNOW THAT LAKE TRAVIS AS A LAKE RISES AND FALLS SO IT'S A VARIABLE LEVEL LAKE. AND THERE WOULD BE SEVERAL INTAKE POINTS ON THIS TOWER FROM WHICH TO TAKE WATER SO WE COULD TAKE WATER EVEN DURING THE DROUGHT TIMES. THESE INTAKES AT THE VARIOUS LEVELS WOULD ALSO ALLOW US TO OPTIMIZE THE WATER QUALITY THAT WE'RE PULLING FROM THE LAKE. AT DIFFERENT TIMES AND DIFFERENT SEASONS THE QUALITY WILL VARY FROM THE SHALLOW WATER TO THE DEEP WATER SO THAT LETS US CHOOSE THE BEST WATER QUALITY REALLY AT ANY

POINT OF THE YEAR. AN UNUSUAL ITEM IS THE CITY OWNS FIVE ACRES AT THE BOTTOM OF LAKE TRAVIS WHICH WOULD BE THE SITE OF THIS TOWER INTAKE STRUCTURE TAKEN WATER IS CONVEYED THROUGH A TUNNEL SYSTEM UNDERGROUND ACROSS THE LAKE OR FROM THE LAKE TO THE SHORE. AND THEN FROM THAT INTAKE POINT, WE WOULD DELIVER WATER TO THE PROPOSED PLANT, TO THE NEW ALTERNATE PLANT SITE. AND WE HAVE SEVERAL OPTIONS. ONE WOULD BE TO FOLLOW THE EXISTING EASEMENTS THAT WE ALREADY OWN AND THAT HAVE BEEN PART OF THE PLAN FOR YEARS. FOLLOW THOSE EASEMENTS UP TO THE POINT OF THE HIGHWAY 620 OR THERE'S AN ELECTRIC EASEMENT. AND AT THAT POINT THEN WE WOULD NEED SOME NEW EASEMENTS FOR FOLLOW THE RIGHT-OF-WAY TO THIS PROPOSED PLANT SITE. SO SOME ADDITIONAL EASEMENTS WOULD BE REQUIRED. ANOTHER ALTERNATIVE WOULD BE JUST GO STRAIGHT FROM -- GET AN ENTIRELY NEW EASEMENT. IT'S ONLY ABOUT ONE MILE FROM THE INTAKE TO THE PLANT SITE, AND SO WE WOULD JUST ACQUIRE NEW SUBSURFACE EASEMENTS. IN TERMS OF PLANT COSTS, IT'S REALLY NO SIGNIFICANT CHANGE OR AFFECT FROM ONE SITE -- FROM THE CURRENTLY OWNED SITE TO THIS PROPOSED SITE SO THERE WOULD BE NO ANTICIPATED EFFECT ON THE COST ESTIMATES. ONE OF THE ADVANTAGES OF THIS PLANT THAT WE'VE TALKED ABOUT A LOT IS THE FACT THAT IT TAKES WATER FROM THE HIGH ELEVATION, LAKE TRAVIS, AND IT IS THEN SET JUST IN THE BEST LOCATION TO DELIVER THAT WATER TO THE HIGHER PRESSURE ZONES OF AUSTIN. SO RATHER THAN REQUIRING ADDITIONAL PUMPING INTO THE FUTURE FROM SOME LOWER ELEVATION PLANTS, WHAT THIS PROPOSED PLANT WOULD ALLOW US TO DO WOULD BE ADDRESS SYSTEM LIMITATIONS, PROVIDING LARGE VOLUMES OF WATER TO THE NORTH AND NORTHWEST ZONES IN A VERY COST EFFECTIVE WAY. IN ORDER TO COMPARE COSTS, WE DEVELOPED TWO SCENARIOS. WE NEEDED TO DEVELOP SOME SCENARIOS OVER TIME BECAUSE WE'RE COMPARING DIFFERENT SIZED PLANTS AT DIFFERENT TIMES, AND SO WHAT WE WANTED TO DO WAS LOOK AT TWO SCENARIOS THAT BOTH, EITHER OF THEM, BOTH OF THEM WOULD DEVELOP 300 MILLION GALLONS A DAY OF CAPACITY FOR AUSTIN. SO THE FIRST OPTION WE'RE GOING TO TALK ABOUT

IS BUILDING GREEN TREATMENT PLANT FIRST AND THEN FOLLOWED BY WATER TREATMENT PLANT NUMBER 4. AND THAT WOULD BE 25 MGD OF GREEN IN THE YEAR 2011 FOLLOWED BY 50 MGD PLANT 4 BY 2017 AND INCREMENTS OF EXPANSIONS WOULD GO ALL THE WAY TO 2059 TO DEVELOP THAT ENTIRE 300 MILLION GALLONS PER DAY. IT'S NOTEWORTHY THAT 50 MGD BY 2017 REALLY ISN'T AFFECTED BY THE WATER CONSERVATION MEASURES THAT WERE DISCUSSED THIS MORNING BECAUSE THE DRIVER TORE THAT EXPANSION IS LESS WATER TREATMENT CAPACITY ON THE PLANT AND MORE THE NEED TO DELIVER THAT WATER THROUGH PUMP STATIONS AND TRANSMISSION MAINS. SO IN ORDER TO AVOID WHAT COULD BE AVOIDABLE PUMP STATIONS AND TRANSMISSION MAINS, WE NEED -- WOULD NEED GO AHEAD AND BUILD PLANT 4 AT LEAST BY 2017, OTHERWISE WE START SPENDING MONEY ON TRANSPORTATION. SO THIS GRAPH JUST ILLUSTRATES THESE EXPANSIONS AND AT THE VARIOUS YEARS THAT I MENTIONED. IT STARTS WITH GREEN AND THEN WATER TREATMENT PLANT 4 BY 2017. 2017, BY THE WAY; A COUPLE YEARS POSTPONED FROM WHAT WE HAD BEEN TALKING ABOUT SO THERE ARE SOME ADVANTAGES OF THE WATER CONSERVATION THAT BEGIN TO SHOW UP THAT EARLY. ON THIS GRAPH, WE DID HAVE THE 10% VARIATION. 10% SAVINGS IN WATER CONSERVATION, WHICH IS 10% REDUCTION IN PEAK DAY CAPACITY. SO THAT THEN BENEFITS NOT ONLY TREATMENT PLANT EXPANSIONS BUT ALSO THE TRIGGER FOR BEGINNING TO PAY AGAIN FOR WATER UNDER OUR CONTRACT FOR WATER FROM THE COLORADO RIVER, AS WELL AS THE ULTIMATE LONG-TERM 50-YEAR WATER PLAN, POSTPONING OR BEING ABLE TO EXPAND AND MAKE THE MOST OF THAT LONG-TERM WATER SUPPLY. THE NEXT SLIDE SHOWS THE NEXT ALTERNATIVE. WHAT WE CALL -- THE WATER TREATMENT PLANT 4 OPTION, WHICH IS STILL BOTH PLANTS, BUT IT'S WATER TREATMENT PLANT 4 FIRST AND THEN THE GREEN WATER TREATMENT PLANT IN LATER YEARS. AND THE TIMING IS DIFFERENT AND THE INITIAL PHASE IS DIFFERENT AND THAT'S, AGAIN, WHY WE NEEDED TO COMPARE -- FOR APPLES TO APPLES, WE NEEDED TO LOOK AT TWO MGD SCENARIOS. ON THIS OPTION IT WOULD BE DESIGN AND CONSTRUCT 50 MGD AT WATER PLANT 4 BY 2013, AND THEN THE REMAINDER WOULD

BE COMPLETED OVER TIME BY THE YEAR 2059. THEN FOLLOWED MUCH LATER BY A NEW GREEN WATER TREATMENT PLANT YEAR 2041. THAT 25 MGD INITIAL PHASE OF GREEN WOULD NOT BE REQUIRED UNTIL 2041. WE CAN DISCUSS THAT WHY -- WHY THAT IS IN JUST A MOMENT. ALSO INCLUDED IN THIS COST OPTION IS A LINK MAINTAINED TO THE BARTON SPRINGS AND TOWN LAKE FOR WATER SUPPLY TO EITHER DAVIS OR THE ULLRICH WATER TREATMENT PLANT. SO ASSUME JUST FOR -- AT THIS POINT ASSUME THE \$10 MILLION PROJECT THAT WOULD MAINTAIN A PIPELINE THAT FEEDS DAVIS OR ULLRICH COMING OUT OF TOWN LAKE. THE NEXT SLIDE ILLUSTRATES AGAIN THESE EXPANSIONS SO YOU SEE WATER TREATMENT PLANT 4, 50 MILLION GALLONS A DAY IN 2013. THAT TAKES US TO 2026 BEFORE THERE'S ANOTHER WATER TREATMENT PLANT 4 EXPANSION. AND WE'RE ABLE TO AT THIS POINT BECAUSE THE WATER IS NOW TAKEN AT A HIGH ELEVATION AND ABLE TO BE DELIVERED AT THE HIGHER PRESSURE ZONES, WE'RE ABLE TO MAKE FULL USE OF THAT WATER CONSERVATION SAVINGS AND SO WE GET AS MUCH AS THREE TO FOUR MORE YEARS OF A DELAY BEFORE THAT SECOND EXPANSION OF WATER TREATMENT PLANT 4. BECAUSE THE WATER CAN BE DELIVERED FROM 4 MOST EFFICIENTLY, THAT ALLOWS US TO POSTPONE A SECOND PLANT AND ALL THE COSTS ASSOCIATED WITH OPERATING A SECOND PLANT, THE NEW GREEN PLANT, UNTIL THE YEAR 2041. SO THAT'S WHAT'S SHOWN -- WHAT'S SHOWN HERE. 25 MGD AT 2041. NOW, THE COST COMPARISON, AGAIN, APPLIES TO APPLES WE SHOW BOTH NEW GREEN FIRST AND THE WATER TREATMENT PLANT FIRST. BOTH OF THESE -- ALL OF THIS INFORMATION IS BASED ON A SCENARIO FOR EITHER CASE THAT INCLUDES BOTH PLANTS; IT'S JUST A MATTER OF THE TIMING. FOR THE NEW GREEN FIRST MEANS NEW GREEN IN 2011 AND TREATMENT PLANT 4 IN 2017, AND THEN BOTH OF THESE ARE EXPANDED OVER TIME. WATER TREATMENT PLANT 4 COLUMN, SAME 300 MGD COMBINED BETWEEN THE TWO PLANTS, BUT ITS WATER TREATMENT PLANT 4 FIRST WITH AT LEAST ONE OTHER EXPANSION AND THEN GREEN IN THE FUTURE. SO BOTH OF THEM -- BOTH OF THEM -- BOTH PLANTS, JUST SEQUENCING THEM IN A DIFFERENT WAY. 300 MGD COMBINED. THE CAPITAL IS SLIGHTLY HIGHER FOR THE WATER TREATMENT PLANT 4 FIRST. AND THAT'S

ATTRIBUTABLE TO THE -- MAINTAINING A CONNECTION TO THE TOWN LAKE AND THE BARTON SPRINGS. THAT'S LESS THAN A \$10 MILLION COST ESTIMATE. THE DIFFERENCE SHOWS UP THOUGH WHEN YOU LOOK AT THE O AND M SAVINGS. OPERATING TWO PLANTS COSTS MORE THAN OPERATING ONE. YOU HAVE THE OPERATORS AND MECHANICS THAT ARE OPERATING THAT PLANT 24 HOURS A DAY SO THERE'S OPERATING COSTS AND SOME OTHER FIXED COSTS ASSOCIATED WITH RUNNING TWO PLANTS INSTEAD OF ONE FOR THOSE YEARS. INTEREST IS AT 5.5%. THAT'S SHOWN HERE. THEN THE TOTAL ESTIMATED COST SHOWS THAT WATER TREATMENT PLANT 4 FIRST OPTION IS \$80 MILLION LESS COSTLY IN TOTAL COST, BUT IN PRESENT VALUE SAVINGS IT'S \$101 MILLION IN PRESENT VALUE SAVINGSING TO WITH WATER TREATMENT PLANT 4 FIRST. THAT'S THE OUTCOME OF THIS COST ANALYSIS SHOWING THE TWO SCENARIOS OF BUILDING BOTH PLANTS BUT JUST SEQUENCING THEM IN DIFFERENT WAYS. AT THIS POINT, COUNCIL, WE'RE -- WE LOOK FOR YOUR DIRECTION ON WHETHEERING TO WITH THE GREEN OPTION, GREEN FIRST FOLLOWED BY PLANT 4 OR THE WATER TREATMENT PLANT 4 FIRST AND FOLLOWED IN LATER YEARS BY THE GREEN WATER TREATMENT PLANT. THAT CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU. QUESTIONS. COUNCILMEMBER KIM.

Kim: CAN WE AS A COUNCIL SINCE WE OWN THE BCCP SITE CAN WE DO THAT SWAP AT ANY TIME, SOCIAL SECURITY MANAGE SENATOR -- CITY MANAGER?

I'M NOT SURE THE CONTEXT OF THE QUESTION SO I WANT TO BE SURE I'M ANSWERING IT CORRECTLY.

Kim: WE'RE TALKING ABOUT MITIGATING FOR NUMBER 4 BY PUTTING AWAY THE LAND THAT WE ORIGINALLY HAD THE SITE FOR THE BCCP. CAN WE DO THAT AT ANY TIME REGARDLESS OF THE TIME OF THE CONSTRUCTION OF THE PLANT? CAN THE COUNCIL TAKE THAT ACTION?

I THINK YOU CAN IF IT'S IN THE CONTEXT OF SWAPPING FOR A WATER TREATMENT PLANT.

Kim: YES. MR. LIPPE, CAN YOU PLEASE GIVE ME THE COST COMPARISONS OF DESIGNING AND CONSTRUCTING THE NEW GREEN PLANT WITH NUMBER 4? I'M ESPECIALLY CURIOUS ABOUT THE COST OF A WATER INTAKE FOR BOTH AND THE TRANSMISSION LINES FOR BOTH AND THE DISTRIBUTION LINES.

YES. LET ME GET SOME OF THAT INFORMATION.

GIVE US JUST A SECOND, COUNCIL, AND WE'LL GET THE FOLKS HERE THAT CAN BREAK OUT THOSE COST COMPONENTS FOR YOU. M.G.D..

MAYOR, I MIGHT HAVE A SLIGHTLY EASIER QUESTION.

Mayor Wynn: COUNCILMEMBER MARTINEZ.

TO THE RESCUE.

Martinez: NO, NOT AT ALL. I WANTED TO ASK ABOUT, YOU MENTIONED TYING IN THE CURRENT GREEN INTAKE TO ULLRICH OR DAVIS. I WANTED TO ASK, IN SLIDE 11 IN YOUR O AND M COST, IS THAT REFLECTED AS -- WOULD IT BE REFLECTED AS COSTS FOR DAVIS AND ULLRICH OR IS IT IN THE WATER TREATMENT PLANT NUMBER 4 FIRST PROPOSAL UNDER O AND M?

IT'S -- IT WOULD BE -- IT'S UNDER -- IT SHOWS UP UNDER CAPITAL OF THE WATER TREATMENT PLANT FIRST.

Martinez: TO BUILD IT. BUT DOES IT SHOW UP UNDER O AND M AFTER IT'S BUILT?

I'M NOT SURE WE INCLUDED PUMPING COSTS FOR THAT IN THE O AND M OR NOT. WE CAN CHECK THAT.

Martinez: SO THE PROPOSAL IS TO RUN A PIPE FROM GREEN INTAKE TO ULLRICH OR DAVIS THAT CARRIES HOW MANY MILLIONS OF GALLONS A DAY?

IT'S JUST CONCEPTUAL AT THE POINT. WE'RE LOOKING AT 2 TO 5 MILLION DOLLARS. A 12 TO 24-INCH LINE SO ROUGHLY AT LEAST 2 MILLION GALLONS A DAY. APPROXIMATELY 5.

THIS WOULD BE FROM -- AGAIN, IT'S CONCEPTUAL SO ONE THOUGHT IS TO USE THE CURRENT GREEN TREATMENT PLANT INTAKE, BUT TO ACTUALLY TAKE WATER FROM FARTHER ACROSS THE LAKE WITH AN EXTENDED INTAKE PIPE. SO THAT'S JUST A CONCEPTUAL IDEA THAT NEEDS TO HAVE SOME DESIGN WORK DONE ON IT. ONE CONCEPT IS USING THE EXISTING GREEN INTAKE AND THAT WOULD BE OTHER WAYS THAT MAY REQUIRE BUILDING A NEW INTAKE AND DELIVERING IT TO EITHER DAVIS OR ULLRICH.

Martinez: BUT THE COST OF THAT DESIGN IS PART OF THE \$10 MILLION YOU MENTIONED?

RIGHT. IT'S JUST AN ESTIMATE.

Mayor Wynn: STILL WAITING FOR SOME STAFF?

I THINK WE'RE COMING UP NOW. DO YOU JUST WANT TO FIELD IT YOURSELF?

ESTIMATES OF COST FOR THE TREATMENT COSTS ARE A TOTAL OF BOTH OF THE SCENARIOS \$805 MILLION. AND THEN FOR THE TRANSMISSION \$187 MILLION FOR THOSE TWO COMPONENTS. AND FOR THE TREATMENT COSTS, WE DON'T HAVE THOSE CURRENTLY BROKEN DOWN BY THE INTAKE COST VERSUS THE REST OF THE TREATMENT COSTS. WE CAN GET THAT BREAKDOWN TO YOU.

SO WHAT'S IT COST FOR ALL WATER -- FOR THE STRUCTURE?

DOES ANYBODY ELSE HAVE THAT DETAIL HERE? FROM MEMORY, I RECALL ON THE ORDER OF \$13 MILLION FOR THE RAW WATER INTAKE STRUCTURE FOR THE WATER TREATMENT PLANT 4 PROJECT. FOR THAT COMPONENT.

THE RAW WATER INTAKE IS \$13 MILLION FOR NUMBER 4?

FOR THE TOWER.

I DON'T THINK THAT'S RIGHT.

FOR THE WATER TREATMENT PLANT 4 INTAKE, RAW WATER

TUNNEL AND THE PUMP STATION ALL COMBINED IS 100 -- IS -- THE COMBINED COSTS OF THOSE THREE WERE, LIKE, 111, \$122 MILLION, I BELIEVE. THEN THE REMAINDER WAS THE TREATMENT PLANT ITSELF. FOR A TOTAL OF \$250 MILLION. THAT INCLUDES ENGINEERING.

Kim: HOW MUCH WOULD THAT SAME SCOPE OF WORK COST FOR GREEN?

30 FOR THE RAW WATER SYSTEM AND 164 FOR THE TREATMENT PLANT. BUT THAT'S ONLY AT 25 M.G.D.

Kim: RIGHT.

THAT'S WHY THIS KIND OF POINTS OUT WHY WE TRIED TO GET IT ON A COMPARATIVE BASIS BY LOOKING AT THE TOTAL 300 M.G.D. SCENARIOS BECAUSE WE'RE LOOKING AT 25 M.G.D. PLANTS ON ONE HAND AND 50 ON THE OTHER.

Kim: GOT IT. HOW ABOUT THE COST OF THE TRANSMISSION LINES? IS THAT INCLUDED IN THERE OR CAN YOU COST THAT OUT SEPARATELY?

WELL, IN THE WATER TREATMENT PLANT 4, WE'VE BEEN ASSUMING A \$50 MILLION TRANSMISSION MAIN COSTS. AND WHAT DO WE HAVE FOR GREEN? FOR GREEN, WE -- BECAUSE IT'S CLOSER CONNECTED TO EXISTING LINES, IT'S \$27 MILLION COST ESTIMATE.

Kim: AND THE DISTRIBUTION LINES? DO YOU HAVE AN ESTIMATE FOR THAT? DISTRIBUTION LINES?

THAT'S REALLY WHAT THESE ARE. TRANSMISSION MAINS, THE DISTRIBUTION LINES WOULD BE SUBDIVISION LEVEL LINES. THOSE ARE NOT PART OF OUR CAPITAL IMPROVEMENT PROGRAM.

Kim: DID YOU SPLIT OUT THE RAW WATER INTAKE FROM THE TRANSMISSION, THAT'S FROM THE WATER INTAKE TO THE PLANT, THEN THE THIRD ITEM WOULD BE DISTRIBUTION LINES. THAT'S WHAT I ASKED FOR. THREE SETS OF NUMBERS FOR GREEN, THREE SETTINGS OF NUMBERS FOR NUMBER 4.

I THINK BY DISTRIBUTION MAINS YOU MEAN THE TRANSMISSION MAINS, GETTING THE TREATED WATER FROM THE PLANT OUT INTO THE SYSTEM?

DISTRIBUTION.

THAT'S \$50 MILLION FOR WATER TREATMENT PLANT 4 AND 27 FOR GREEN.

Kim: SO NUMBER 4 WILL HAVE SUBSTANTIALLY HIGHER INTAKE TRANSACTION DISTRIBUTION COSTS. THERE'S ALSO THE COST OF PUMPING TO A HIGHER ELEVATION AND CONSTRUCTION TRANSITION LINES THROUGHOUT THE CITY, BUT SEEMS LIKE THERE'S ALSO A COST TO PUMP FROM LAKE TRAVIS TO THE TREATMENT PLANT AND THERE'S AN ELEVATION OF 340 FEET THAT WE HAVE TO PUMP IT UP. SO WON'T THERE BE SIGNIFICANT DISTRIBUTION COSTS WITH TRANSPORTING WATER FROM LAKE TRAVIS TO WHERE WE NEED IT IN THE DESIRED DEVELOPMENT ZONE?

THE \$50 MILLION ESTIMATE GETS WATER FROM THE TREATMENT PLANT TO THE NORTHWEST PRESSURE ZONES. THE DESIRED -- WHICH INCLUDES THE DESIRED DEVELOPMENT ZONE. THE LOWER ELEVATION PRESSURE ZONES TO THE EAST, TO THE NORTHEAST AND SOUTH, LOWER PRESSURE ZONES, THOSE WILL BE -- CONTINUE TO BE SUPPLIED BY DAVIS AND ULLRICH. IN FACT, WATER TREATMENT PLANT 4 WOULD RELIEVE SOME OF THE CAPACITY FOR DAVIS AND ULLRICH TO SERVE THOSE LOWER AREAS MORE EFFICIENTLY.

Kim: FOR THE PAST SEVERAL MONTHS THE CITY STAFF HAS SAYING WE DON'T NEED ADDITIONAL CAPACITY UNTIL 2011. I SEEM TO UNDERSTAND THERE IS AN ARGUMENT BEING MADE IF WE INSTITUTE WATER CONSERVATION MEASURES WE CAN PUSH THAT OFF TO 2013. IN THEORY, THIS WOULD GIVE US TWO YEARS, RIGHT, BEFORE WE NEED A NEW PLANT. BUT CAN YOU PLEASE EXPLAIN HOW MUCH WATER SAVINGS CONSERVATION WE CAN ACTUALLY ACHIEVE?

AND WE HAVE OUR CONSULTANT HERE TO SPEAK TO WATER CONSERVATION AND COST SAVINGS. CHRIS, DO YOU WANT

TO DO A LEAD-IN THERE?

WHAT'S BEEN PROPOSED WITH THE 1% PER YEAR, THE 10% TOTAL REDUCTION GETS US ABOUT 2.5 MILLION GALLONS PER YEAR FOR A TOTAL OF 25 MILLION ULTIMATELY. BUT I'LL LET STEVE KIND OF DESCRIBE THAT TO YOU IN MORE DETAIL.

COUNCILMEMBER, MY NAME IS STEVE KUHN WITH ALAN PLUMMER ASSOCIATES. THE ANSWER TO YOUR QUESTION IS YOU HAVE ADOPTED A 1% PER YEAR REDUCTION IN PEAK DAY DEMAND. IN OUR OPINION, THAT IS GOING TO BE A STRETCHED GOAL. IN TERMS OF WHAT WE PRESENTED TO YOU TWO WEEKS AGO, WE OUTLINED NINE DIFFERENT WATER CONSERVATION PROGRAMS THAT THE CITY MIGHT CONSIDER ADOPTING AS WELL AS CONTINUATION OF THE WATER REUSE PROGRAM. TOTAL OF THOSE PROGRAMS ARE PROJECTED SAVINGS WAS UP TO 25 MILLION GALLONS PER DAY. IF THEY WERE ALL IMPLEMENTED AS WE CONCEIVED THEM AND THAT WE GOT BUY-IN FROM THE COMMUNITY IN TERMS OF COMPLIANCE WITH THE MANDATORY EFFORTS OR MANDATORY REQUIREMENT. IN OUR OPINION, YOU KNOW, LIKELIHOOD OF GETTING MANDATORY -- EVERYBODY COMPLYING WITH THOSE MANDATORY REGULATIONS IS NOT HIGH, SO IN OUR OPINION IN TERMS OF PROJECTING WHAT WE MIGHT BE ABLE TO ACHIEVE, WE'RE LOOKING AT MORE ON THE ORDER OF HALF A PERCENT PER YEAR REDUCTION, BUT CONTINUING IT OUT FURTHER SO THAT WE STILL GET THE 10% REDUCTION THAT YOU'VE ADOPTED AS A GOAL.

WHEN WILL WE KNOW FOR CERTAIN WHETHER OR NOT OUR CONSERVATION METHODS THAT WE IMPLEMENT ARE WORKING AND ARE GOING TO GIVE US THOSE TWO YEARS?

WATER CONSERVATION EFFORTS, GENERALLY SPEAKING, THE WATER CONSERVATION THAT THE CITY HAS DONE TO DATE HAVE BEEN STRUCTURAL IN NATURE. SWAPPING OUT HIGH-USING FIXTURES FOR LOW WATER-USING FIXTURES. THOSE WE CAN BE PRETTY CERTAIN WHEN THEY GO INTO SERVICE HOW MUCH WATER IS GOING TO BE SAVED. SO THE REBATE PROGRAMS AND THE ITEMS LIKE THAT. YOU PRETTY MUCH KNOW AS YOU ARE DOING THEM WHAT YOUR

CONSERVATION SAVINGS ARE GOING TO BE. SOME OF THE OTHER PROGRAMS THAT WE'RE LOOKING AT MOVING INTO ARE MORE LIFESTYLE CHANGES, MANDATORY REQUIREMENTS. AND IT'S GOING TO TAKE US PROBABLY ON THE ORDER OF THREE TO FIVE YEARS TO REALLY UNDERSTAND WHAT IMPACT WE'RE HAVING IN TERMS OF COMPLIANCE ON THOSE.

AND STEVE, YOU HAD -- AS WE WORKED THROUGH THE MORE AGGRESSIVE WATER CONSERVATION MEASURES, WHAT OUR FIRST REPORTING DATE I BELIEVE WAS 200 #-?

YES.

SO WE'LL BEGIN HAVING DATA UNDER OUR BELTS AND MONITORING AS WE MOVE FROM 2008 FORWARD.

YES, MA'AM.

Kim: WHAT CAN WE DO IF THESE CONSERVATION MEASURES AREN'T WORKING OR THEY AREN'T YIELDING DESIRED RESULTS? CAN WE RUSH NUMBER 4 IF WE PLANNING TO TO NUMBER 4, CAN WE RUSH THAT CONSTRUCTION SCHEDULE FROM WHAT WE'RE HAVING PRESENTED RIGHT NOW?

I THINK THERE'S TWO THINGS. ONE WOULD BE EXPEDITING WATER TREATMENT PLANT NUMBER 4. I MEAN I THINK WE CAN AIM FOR THE -- FOR BEFORE THE SUMMER OF 2012. WE KNOW THAT THERE ARE UNCERTAINTIES AND THAT THINGS HAPPEN ON MAJOR CONSTRUCTION PROJECTS, BUT WITH THE -- KNOWING THAT IT'S GOING TO BE GETTING TIGHT, EXPEDITING TREATMENT PLANT 4 WOULD BE ONE APPROACH. AND THEN SECONDLY, THERE SIMPLY IS THE RISK OF HITTING MANDATORY WATER CONSERVATION, THE FIVE-DAY MANDATORY SCHEDULE REALLY ANY YEAR WE HAVE THAT RISK AND IT JUST DEPENDS ON WEATHER. SO BY TAKING IT OUT THAT EXTRA YEAR OR TWO, THOSE ARE HIGHER RISK YEARS THAN THE 2011, BUT THE IMPACT WOULD BE REQUIRING FOR SOME TIME DURING THOSE -- THE DROUGHT OF THOSE SUMMERS IF THAT'S WHAT HAPPENED WOULD BE TRIGGERING MANDATORY WATER CONSERVATION.

Kim: IF WE STARTED WITH GREEN NOW, THEN WE WOULD DEFINITELY BE ABLE TO MEET THAT TIME OF 2013. RIGHT?

IF WE STARTED WITH GREEN NOW, OUR PROJECTION IS, YEAH, 2011.

Kim: FOR SURE. OKAY. INITIALLY WE WERE TOLD THAT IF WE STARTED PLANT NUMBER 4, THE ORIGINAL SCHEDULE, IT SHOWED IT WOULD TAKE UNTIL 2017. NOW IT APPEARS THAT UNDER THIS NEW COMPRESSED SCHEDULE THAT WE'RE GOING TO COMPLETE IT BY 2013. I JUST WANTED TO KNOW WHY THIS -- HOW WE'RE DOING THIS. IT LOOKS LIKE WE'RE CUTTING THE VALUATION AND INPUT STAGE FROM WELL OVER TWO YEARS TO JUST ONE YEAR, AND THE CONSTRUCTION PHASE IS REDUCED FROM FIVE YEARS TO THREE YEARS. SO WHAT IS THE LIKELIHOOD THAT WE WOULD BE ABLE TO CONSTRUCT NUMBER 4 ON SUCH A CONDENSED SCHEDULE, TAKEN INTO ACCOUNT IN OUR HISTORY WE'VE NEVER BEEN ABLE TO DO A WATER TREATMENT PLANT ON TIME.

WHEN WE TALK ABOUT WATER TREATMENT PLANT 4 IN 2017, WE'RE TALKING ABOUT IT AS THE SECOND PLANT AND WE REALLY DON'T START THAT -- WE REALLY DON'T START AGGRESSIVELY WORKING ON THAT. I THINK IT MAY HAVE BEEN SHOWN ON A GRAPH AS A CONTINUING PROCESS. WE HAVE A CONSULTANT ALREADY ON BOARD THAT'S DONE THE STUDIES. BUT MORE LIKELY THERE WOULD BE A GAP IN SOME OF THE ACTIVITIES BECAUSE IT'S NOT NEEDED UNTIL 2017 AND SO IT WOULD BE THE SECOND PROJECT. THE WAY THAT WE CAN GET 2013 IS -- ACTUALLY IT'S THE FIRST PLANT, IT'S THE FIRST PHASE AND SO WE WOULD START THAT IMMEDIATELY.

Kim: HAVE WE EVER HAD A WATER TREATMENT PLANT COMPLETED ON TIME? A WATER TREATMENT PLANT?

IT'S -- THERE'S ALWAYS CHALLENGES AND THE LARGER THE PROJECT, THERE ARE THOSE CHALLENGES THAT WE FACE. BUT THERE'S -- THERE'S SOME OF THAT CONTINGENCY BUILT IN. WHEN WE TALK ABOUT 2013, THERE'S THOSE FEW MONTHS OF ALLOWING FOR SOME CONTINGENCY.

Kim: CAN YOU NAME A PLANT YOU'VE DONE ON TIME?

THE SOUTH AUSTIN REGIONAL PLANT.

Kim: IT'S A WASTEWATER PLANT, RIGHT?

IT WAS A \$100 MILLION PROJECT. IT'S AN EXAMPLE OF A MAJOR PROJECT.

Kim: WE'LL BEEN COUNTING ON ULLRICH TO GET READY AND WE'VE HAD DELAYS. HOW FAR ALONG -- HOW LONG HAS THE DELAY BEEN ON ULLRICH?

THE DELAY ON ULLRICH HAS BEEN ALMOST A YEAR AT THIS POINT.

Kim: 15 MONTHS, RIGHT, IS WHAT YOU SAID LAST TIME?

YEAH, I WAS THINKING OF IT AS COMING ONLINE, BEING READY FOR LAST SUMMER AND NOW IT'S HERE. YEAH, THE GOAL IS TO FINISH THEM IN THE EARLY SPRING SO THAT WOULD BE EARLY SPRING '05 VERSUS NOW WHEN IT'S FINALLY READY TO -- THE STARTUP. AND SO YEAH. 15 MONTHS.

Kim: I'M CONCERNED ABOUT THE ENVIRONMENTAL ISSUES WITH THIS PROPOSED SITE AND ESPECIALLY WITH REGARDS TO CONSTRUCTION. AND CAN STAFF TELL US IF IT'S POSSIBLE THAT FEDERAL AND CITY PERMITTING ESPECIALLY WITH FEDERAL ENDANGERS SPECIES ISSUES WOULD HOLD UP THE PROJECT?

LET'S LET WILLIE COME UP AND SPEAK TO THAT. AND I WILL TELL YOU THAT -- I WILL QUOTE YOU, WILLIE, IN THAT AS WE WERE DIGGING THROUGH THIS, WILLIE'S STATEMENT TO US WAS THAT HE'S WALKED THIS PROPERTY REGULARLY FOR FOUR YEARS. HE KNOWS IT LIKE THE BACK OF HIS HAND. WE'VE HAD CONVERSATIONS WITH FISH AND WILDLIFE. AND WILLIE'S COMMENT TO US AND PROBABLY AS THE PERSON WHO KNOWS THIS TRACT THE BEST WAS THAT THERE WAS NOTHING HE THOUGHT WE COULD FIND THAT WE COULDN'T EITHER MITIGATE OR AVOID. MEANING WE COULD MOVE FORWARD ON THIS PROJECT. WE'VE HAD VERY POSITIVE

FEEDBACK FROM OUR DISCUSSIONS WITH FISH AND EXPECT A QUICK AND SMOOTH TRANSACTION. BUT WILLIE, YOU SPOKE TO THE DETAILS.

YES, MA'AM. LET ME SPEAK TOWARDS -- WE'VE BEEN ON THE PROPERTY. WE'VE CONSULTED WITH OUR PEERS IN THE WATERSHED DEVELOPMENT REVIEW DEVELOPMENT, AND THERE'S NOTHING WE'VE SEEN ON THE SITE THAT CREATES A MAJOR CONCERN FOR US FOR DELAYS. THERE'S ALWAYS A POSSIBILITY OF RUNNING INTO UNDERGROUND FEATURES AND THINGS LIKE THAT THAT AREN'T EXPRESSED AT THE SURFACE. AS WE LEARNED LOOKING AT THE ORIGINAL WATER TREATMENT PLANT 4 SITE, WITH THE ENGINEERS AND PLANNERS THAT WE HAVE ON BOARD, WE HAVE THE ABILITY TO WORK AROUND THOSE THINGS WITHOUT CREATING ENVIRONMENTAL CONCERNS. SO WHAT TOBY EXPRESSED IS CORRECT THAT THERE ARE NO ENVIRONMENTAL OBSTACLES WE DON'T THINK WE CAN MITIGATE. THE OTHER PART OF THE QUESTION REGARDING FEDERAL PERMITS, WE CURRENTLY HAVE A FEDERAL PERMIT UNDER SECTION 10 OF THE ENDANGERS SPECIES ACT. AND IN AN EFFORT TO TRY TO AVOID GETTING TIED UP IN REGULATORY JARGON, WHAT I WOULD LIKE TO SAY IS THAT WHAT WE'RE PROPOSING TO DO WITH THIS ALTERNATE SITE IS NOT CHANGE WHAT WE'RE GOING TO DO BUT CHANGE HOW WE'RE GOING TO APPROACH IT. AND FROM FISH AND WILDLIFE SERVICES STANDPOINT, THEY FEEL LIKE THAT WE WOULD ACCOMPLISH THAT WHAT WE CALL A MINOR AMENDMENT WHICH BASICALLY IS AN ADMINISTRATIVE PROCESS WHERE WE PROPOSE THE CHANGES WE'RE GOING THE MAKE AND HOW WE'RE GOING TO APPROACH MEETING OUR PERMIT RESPONSIBILITIES, AND THEY FEEL LIKE THEY CAN GIVE US A VERY RAPID TURN-AROUND IN THEIR RESPONSE TO OUR PROPOSAL.

Kim: WELL, WE'VE HAD SOME CONCERNS RAISED BY THE ENVIRONMENTAL BOARD THAT THEY'VE BEEN WANTING TO HAVE AN OPPORTUNITY TO EVALUATE THE SITE, LIKE THE CHAIR OF THE ENVIRONMENTAL BOARD IS IN OPPOSITION TO THIS -- PUTTING WATER TREATMENT PLANT NUMBER 4 IN THIS AREA. I'M WONDERING IS IT PRUDENT FOR US TO SHORTEN THE EVALUATION INPUT PROCESS TO MEET A

VERY AGGRESSIVE TIME LINE FOR THIS PLAN?

I'M SORRY, I DIDN'T HEAR ALL OF THAT.

Kim: A SHORTENED EVALUATION INPUT PROCESS.

I THINK, YOU KNOW, WITH YOUR APPROVAL OF THIS SITE, WE WOULD MOVE VERY RAPIDLY ON DOING THOSE EVALUATION BECAUSE, YOU KNOW, OUR COMMITMENT IS TO YOU AND TO FISH AND WILDLIFE SERVICE THAT WE WANT TO FULLY UNDERSTAND THE EFFECTS OF THIS ACTION WE'RE PROPOSING TO TAKE. SO WE WOULD MOVE VERY FAST TO BEGIN THOSE EVALUATIONS AND COMPLETE THEM SO WE WOULD HAVE THAT INFORMATION TO MOVE FORWARD WITH.

Kim: CAN YOU GIVE US AN IDEA OF SOME OF THE LITIGATION ISSUES THAT WE SHOULD BE CONSIDERING? IS THERE SOME CONCERNS THERE'S SOME ENVIRONMENTAL GROUPS WOULD SUE AND POSSIBLY FORCE AN INJUNCTION TO, YOU KNOW, STOP CONSTRUCTION OR DELAY CONSTRUCTION SINCE THERE ARE ENDANGERED SPECIES HABITAT INVOLVED?

AND I THINK MAYBE SINCE YOU ASKED A LEGAL QUESTION, WILLIE, YOU CAN CERTAINLY IF YOU FEEL COMFORTABLE, BUT ALLISON, WHERE ARE YOU? LET'S SPEAK TO THAT. WITH A MINOR ADJUSTMENT, WHICH IS ADMINISTRATIVE, THERE IS A DIFFERENT PROCESS, AND IT DOESN'T INVOLVE OR BRING IN AN OUTSIDE STAKEHOLDER IF FISH HAS DECIDED THAT WHAT WE ARE DOING DOES NOT CHANGE SUBSTANTIALLY OUR PERMIT GOALS. SO I THINK YOUR QUESTION MIGHT BE MORE RELATED TO WHAT COULD HAPPEN IF YOU WERE DOING SOMETHING WHERE THEY CONSIDERED IT A TAKING THAT WASN'T OFF SET. SO A MAJOR AMENDMENT TO THE PERMIT. WHICH DOES PUT YOU THROUGH A MUCH LARGER PROCESS AND TAKES IT OUT INTO KIND OF A PUBLIC HEARING, PUBLIC ARENA. ALLISON, I'LL LET YOU EXPAND IF YOU CAN.

ALLISON GALLOWAY WITH THE LAW DEPARTMENT. THE ADMINISTRATIVE NATURE OF THE PERMIT AMENDMENT WOULD NOT OPEN THE PROCESS FOR STAKEHOLDER INPUT. THEREFORE THAT SIGNIFICANTLY REDUCES ANY RISK THAT

MIGHT OCCUR OF A NEGATIVE IMPACT ON THE PERMIT GOING FORWARD.

I GUESS THE STRAIGHT ANSWER IS ANYBODY CAN SUE YOU FOR ANYTHING ON A CURRENT SITE OR A FUTURE SITE. BUT IF YOU HAVE THE ADMINISTRATOR OF THIS PROGRAM, FISH, HAPPY, FEELING LIKE IT IS MORE THAN OFFSETTING ANYTHING WE'RE DOING, IT'S DIFFICULT TO SEE HOW THAT COULD BE A FACTOR IN THE LONG RUN. WE'RE TALKING ABOUT ALMOST A 10 TO 1 MITIGATION HERE. THAT'S ALMOST UNHEARD OF. IN FACT, IT IS UNHEARD OF. I'M NOT AWARE OF US DOING EVER DOING ANYTHING MORE THAN 5 TO 1. WE'RE TALKING ABOUT PUTTING THE HEAD WATERS OF BULL CREEK INTO PERMANENT PRESERVATION INCLUDING THE PROTECTION OF THE JOLLYVILLE SALAMANDER.

Kim: THERE'S AN INTEREST FROM COUNCIL TO DO THAT AND WE THINK WE CAN DO THAT IMMEDIATELY IF WE WANTED TO DO. THAT BUT IF WE WANTED TO SIDE IT THERE. THERE'S SOME OTHER ISSUES THAT I THINK NEED TO BE ADDRESSED. CAN YOU ELABORATE ON THE ENDANGERED SPECIES FOR THIS, SIR, COMPARED TO THE NEW GREEN AS WELL AS AQUIFER LOCATIONS AND ANY CRITICAL ENVIRONMENTAL FEATURES, AND ALSO ARCHAEOLOGICAL RESOURCES FOR US, PLEASE?

I CAN GENERALLY ADDRESS YOUR QUESTION WITH RESPECT TO THE ALTERNATE WATER TREATMENT PLANT 4 SITE, OBVIOUSLY WE HAVE KNOWN ISSUES ABOUT GOLDEN CHEEKED WARBLERS. WE KNOW OF KNOW CAVES ON THE TREATMENT PLANT SITE. AND WHILE WE HAVEN'T SEEN ANYONE IN AN AREA WHERE THERE ARE FEATURES, AT THIS POINT WE DON'T EXPECT TO SEE ANY BUT WE DON'T KNOW THE ANSWER UNTIL THERE IS AN INVESTIGATION. IF IT IS DISCOVERED, THERE IS POTENTIAL THAT THIS AREA MIGHT BE OCCUPIED BY ONE OF THE SIX SPECIES THAT ARE LISTED IN OUR PERMIT. BUT WE HAVE NO INDICATION THAT THAT WOULD HAPPEN RIGHT NOW. WITH RESPECT TO THE -- THE

ARCHAEOLOGICAL, IS THERE ANYTHING YOU CAN ADD?

THE ARCHAEOLOGICAL, WE'VE LOOKED AT THE RECORDED

SITES KEPT BY THE TEXAS HISTORICAL COMMISSION ALL OVER TEXAS, THEY RECORD ARCHAEOLOGICAL SITES WHEN THEY ARE IDENTIFIED, AND THERE ARE NO RECORDED ARCHAEOLOGICAL SITES ON THE ALTERNATE GREEN WATER SITE. THAT BEING SAID, THAT DOESN'T GUARANTEE THAT THERE'S NOTHING THERE, SO WE AS PART OF THE SITE INVESTIGATION, WE WOULD HIRE A COMPETENT ARCHEOLOGIST TO INVESTIGATE THAT SITE AND ASSURE THAT WE DON'T ENCOUNTER AN ARCHAEOLOGICAL SITE. IF WE WERE TO ENCOUNTER ONE, IT'S REALLY A FAIRLY RAPID PROCESS TO UNDERSTAND WHETHER IT'S CONSIDERED A SIGNIFICANT SITE OR NOT. IF IT'S NOT CONTRACT SIGNIFICANT, USUALLY THE MITIGATION THAT'S REQUIRED FOR THAT KIND OF SITE IS AN INVENTORY OF THE SITE AND A RECORDING OF THE INFORMATION THAT IS DETERMINED IN THE INVENTORY.

Kim: SO THERE ARE MORE ENVIRONMENTAL CONCERNS WITH THIS PROPOSED SITE THAN WITH THE NEW GREEN SITE. THANK YOU. I WANTED TO ASK YOU -- I DON'T KNOW WHO WAS GOING -- PROS CHRIS, BUT ABOUT PROJECTED GROWTH IN THE DESIRED DEVELOPMENT ZONE SH 130 CORRIDOR. WAS THIS GROWTH IN SH 130 CORRIDOR INCLUDED IN YOUR PROJECTED DEMAND PREDICTIONS? I WASN'T SURE IF IT WAS OR NOT.

YES, IT WAS. WE HAVE DEMAND PROJECTIONS THAT COME FROM THE CITY'S PLANNING DEPARTMENT AND THEY INCLUDED ALL THE DEMAND PROJECTIONS IN THE VARIOUS ZONES AROUND THE CITY. SO YES.

Kim: HAVE YOU INCLUDED ADDITIONAL WATER USAGE FOR THE NEW SAMSUNG EXPANSION?

THE TYPES OF PROJECTIONS THAT WE DO YEAR BY YEAR AND OUT INTO THE DECADES FOR DEMAND CURVE DOES NOT GET DOWN TO SPECIFIC INSTANCE LIKE. THAT IT DOES INCLUDE INDUSTRIAL PROJECTIONS AND JUST, FOR EXAMPLE, WE'VE ACTUALLY SEEN A DROP IN OUR INDUSTRIAL USAGE IN THE LAST SEVERAL YEARS. AND SO THERE'S MORE THAN ADEQUATE CAPACITY IN THAT INDUSTRIAL CATEGORY FOR MAKEUP OF NEW INDUSTRIES, EVEN MAJOR INDUSTRIES LIKE SAMSUNG. AND SAMSUNG IS

INCLUDED.

Kim: WHEN I ASKED THE QUESTION -- WELL, I'LL GET TO THAT LATER. IT SAYS THAT YOU'VE GOT A LIST HERE, I ASKED FOR A LIST OF THE TOP INDUSTRIES, THE TOP COMPANIES, AND THERE WAS A NOTE THAT SAID THAT YOU COULD NOT -- YOU COULD NOT ESTIMATE ACCURATELY WHAT SAMSUNG WOULD NEED BECAUSE THEIR DESIGNS HAVE NOT BEEN FINALIZED YET OR SUBMITTED TO THE CITY.

BUT THAT IS TRUE JUST ON THE -- AROUND THE MARGIN. WE HAVE A VERY GOOD IDEA AND WE DID THAT AS PART OF OUR ECONOMIC DEVELOPMENT ASSESSMENT FOR THEIR PACKAGE ON BOTH THEIR UTILITY POWER CONSUMPTION AND WATER CONSUMPTION. THERESA, I BELIEVE YOU JUST CONFIRMED WE SPECIFICALLY DID INCLUDE THOSE PROJECTIONS IN THE WATER PROJECTIONS YOU HAVE IN FRONT OF YOU ALL.

Kim: HOW COME THIS NOTE HERE THAT IT'S HARD TO TELL -- I CAN PULL THE SPECIFIC NOTES AND THE RESPONSE HERE, OF THE NAMES OF THE COMPANIES LIKE FREE SCALE. THERE'S A SPECIFIC QUESTION ON SAMSUNG AND WE DID LOOK AT THEIR FIGURES AND PROJECT THAT INTO THE FUTURE AND THAT IS INCLUDED. IT'S REFERENCE TO ANOTHER QUESTION ON THE LIST.

Kim: SO AT THIS TIME IN THE ABOVE FIGURES THE UTILITY HAS NOT INCLUDED ADDITIONAL WATER USAGE BY SAMSUNG RESULTED FROM THE PLANT EXPANSIONS IN THE FUTURE. THE ADDITIONAL INFORMATION BECOMES KNOWN, THE PROJECTION WILL BE ADJUSTED.

THAT'S BEYOND THE ONES ALREADY FORESEEN AND INCLUDED. SO THERE ARE SOME FAB EXPANSIONS THAT ARE INCLUDED. I THINK THAT NOTE WAS JUST TO SAY THERE MAY BE FURTHER ONES WAY DOWN THE LINE AS THE FACILITY EXPANDS MORE AND MORE.

Kim: THAT ARE NOT INCLUDED. OKAY. HOW ABOUT NEW DATA CENTERS COMING TO THE AREA? THESE NEW LARGER DATA CENTERS ARE GOING TO REQUIRE ONE MILLION GALLONS PER DAY FOR CHILLING FACILITIES BECAUSE THEY

ARE FINDING IT NECESSARY AS THEY ARE GETTING LARGER TO HAVE ON-SITE CHILLING. IS THAT TAKEN INTO CONSIDERATION IN YOUR PROJECTED DEMAND?

IN GENERAL IT IS. AGAIN, WE HAVE INDUSTRIAL PROJECTIONS AND INDUSTRIAL CATEGORIES THAT'S A PORTION OF THE PROJECTION, AND THERE'S -- WHEN WE SEE THE OVERALL CONGLOMERATE DEMAND CURVE GROWING BY 5 MILLION GALLONS PER DAY PER YEAR, THERE'S -- THAT FACTORS IN THE GENERALIZED INDUSTRIAL GROWTH. YES, IF WE KNEW THAT A NEW INDUSTRY WAS COMING TO TOWN THAT WAS GOING TO USE 3, 6 OR 9 MILLION GALLONS A DAY LIKE WE'VE HAD SOME CHIP MANUFACTURERS IN THEIR PROPOSALS INDICATE THAT'S HOW MUCH THEY WOULD BE USING, WE LOOK AT THAT AND SEE -- YOU KNOW, MAKE SURE THERE'S NOT AN ISSUE. BUT JUST IN TERMS OF PROJECTING AND PLANNING FOR MEETING THAT DEMAND, THAT'S JUST PART OF THE OVERALL PROJECTION AND INCLUDES THE RESIDENTIAL, INDUSTRIAL AND COMMERCIALS.

Kim: ISN'T IT FAIR TO SAY A LOT OF COMPANIES THE CHAMBER IS COURTING NOW LIKE MICROSOFT CENTER, THESE THINGS DO NOT TAKE INTO CONSIDERATION AND EVEN IF THEY ARE, WE DON'T KNOW IF WE HAVE THE ROOM, THE MARGIN OF ERROR WHEN WE'RE TALKING ABOUT 2011, 2013, HOW LONG THE PLANT WILL BE BUILT AND HOW AGGRESSIVE SUCCESSFULLY WE CAN BE WITH WATER CONSERVATION. WE JUST HAVE A VERY SMALL MARGIN OF ERROR, RIGHT? ALONG THAT TIME LINE?

AGAIN, THERE'S TWO THINGS WE SEE HAPPENING AND ONE IS THROUGH CONSERVATION AND REUSE BY THE INDUSTRIES THEMSELVES AND JUST OTHER WATER CONSERVATION EFFICIENCIES, CUT BACK IN PRODUCTION FROM IN SOME CASES HAVE SHOWN A 4 MILLION-GALLON A DAY, I BELIEVE IT IS, REDUCTION IN THE DEMAND FOR INDUSTRIALS. AND SO THAT -- THAT PROVIDES ROOM FOR EVEN SOME UNUSUALLY LARGE NEW INDUSTRIES TO COME UP AND TAKE UP THAT CAPACITY. SO AGAIN, I THINK IN THE OVERALL CAPACITY OF 250, 260 MILLION GALLONS A DAY, THAT THERE'S CAPACITY IN THE PLANT FOR AUSTIN'S GROWTH OF OUR INDUSTRIES. IF YOU GET TO A CRITICAL

YEAR, INDUSTRIES ARE GOING TO BE PROTECTED.

Kim: BUT AT WHAT COST?

THERE'S TWO THINGS THAT ARE PROTECTED. IF WE HIT A CRITICAL TIME, A DROUGHT TIME AND WE WERE HITTING PEAK DAYS THAT WERE STRESSING OUR CAPACITY, AGAIN, IT WOULD PROBABLY TRIGGER MANDATORY WATER CONSERVATION, FIVE-DAY WATERING SCHEDULES. WHAT THAT DOES IS THEN IT -- HIGHEST PRIORITY IS PUBLIC HEALTH AND SAFETY SO YOU PROTECTING THE FIREFIGHTING ABILITIES, THE ABILITY TO KEEP VEST DIVORCE FULL, AND THEN -- RESERVOIRS FULL, AND SECONDLY IS ALL OF OUR CRITICAL SERVICES AND INDUSTRY. THE MAIN THING THAT'S CUT BACK IS IRRIGATION PRACTICES.

Kim: YOU TALKED ABOUT USING EXISTING GREEN INTAKE TO DELIVER WATER TO EITHER ULLRICH OR DAVIS. WHY WOULD WE WANT TO CHANGE THE INTAKE LOCATIONS FOR THESE PLANTS? AND IF WE DID IT, HOW MUCH WOULD IT COST US AND WHAT'S THE TIME FRAME TO DO THAT?

COULD YOU REPEAT THAT?

Kim: INTAKE LOCATION FOR ULLRICH AND DAVIS TO TAKE FROM THE EXISTING GREEN INTAKE SITE. HOW MUCH WOULD IT COST?

WE'VE ESTIMATED \$10 MILLION JUST BASED ON THE DISTANCE OF A 12 TO 24-INCH PIPELINE.

Kim: WHAT'S THE TIME FRAME FOR THAT?

A PROJECT LIKE THAT COULD BE DONE IN THE SAME TIME FRAME AS THE TREATMENT PLANTS WE'RE TALKING ABOUT.

Kim: CAN YOU EXPLAIN TO ME WHY IT WOULD BE MORE EFFICIENT TO PUT A WATER TREATMENT PLANT ON THE EDGE OF OUR CITY VERSUS ONE THAT'S MORE CENTRALIZED, WHICH IS WHERE WE'RE SEEING THE GROWTH? IT JUST SEEMS THAT OUR GROWTH IS REALLY MORE IN CENTRAL AUSTIN AND TO THE EAST. THAT'S WHERE

WE WANT IT TO BE.

THE LOCATION OF A TREATMENT PLANT IS LESS ABOUT THE SERVICE AREA THAN IT WOULD SEEM. THE IMPORTANT -- ONE OF THE MOST IMPORTANT FACTORS IN LOCATING A TREATMENT PLANT IS THAT IT'S EFFICIENTLY LOCATED BETWEEN THE SOURCE AND THE SERVICE AREA.

TREATMENT PLANT 4, FOR EXAMPLE, IS IDEALLY LOCATED. IT HAS TO BE SOMEWHERE -- IT TAKES WATER FROM THAT SOURCE AND SO YOU HAVE THE INTAKE STRUCTURE AND THE RAW WATER DELIVERY TO THE PLANT TO CONSIDER. THIS PROPOSED SITE IS ONLY ONE MILE FROM THE LAKE. SO THAT'S GOING TO KEEP THE COST OF DELIVERING WATER TO THE PLANT AT ABOUT AS LOW AS IT CAN GET. AND THEN IT'S IN THE -- YOU KNOW, FROM THAT PLANT IT DELIVERS BETWEEN THE SOURCE OF WATER AND THE CITY. YOU KNOW, IT JUST CONTINUES ON IN THE PROPER DIRECTION TOWARD THE CITY. SO -- AND THEN ESPECIALLY WITH THIS PLANT BEING AT THE HIGHER ELEVATION, IT'S A LOT OF VERY EFFICIENT SERVICE TO THOSE HIGHER ELEVATION PRESSURE ZONES AS WELL AS GRAVITY FLOW IF WE NEED IT DOWN TO THE LOWER AREAS.

Kim: IT JUST SEEMS VERY COUNTER INTUITIVE.

IT DOES.

Kim: THAT WOULD YIELD ANY KIND OF COST SAVINGS OR MEET THE SCHEDULE THAT WE NEED TO MAKE.

IT DOES, BUT THE KEY IS THAT THE PLANT ITSELF IS REALLY JUST DISTRIBUTING OUT INTO A DISTRIBUTION CENTER AND DISTRIBUTION SYSTEM, AND THE LOCATION OF THE PLANT REALLY DOESN'T NECESSARILY AFFECT WHERE -- IT DOESN'T AFFECT GROWTH, IT DOESN'T PROVIDE ANY PARTICULAR BENEFIT TO ONE AREA OR THE OTHER IN TERMS OF GROWTH. IT ALL DEPENDS ON WHAT KIND OF A DISTRIBUTION SYSTEM YOU HAVE.

Kim: I HAVE SOME MORE QUESTIONS ABOUT WATER CONSERVATION. ACTUALLY MR. LIPPE, WHILE YOU ARE HERE, YOU SAID THE GREEN O AND M COSTS WERE HIGHER FOR 4, NEW WATER TREATMENT PLANT 4. CAN YOU EXPLAIN

THE BREAKDOWN?

IT'S REALLY -- IT'S SIMPLY THAT IT COSTS MORE TO OPERATE TWO PLANTS THAN ONE.

Kim: BUT INDIVIDUALLY, LET'S SAY ONE WAS IN ANOTHER CITY AND THE OTHER WAS IN ANOTHER CITY.

THAT'S CORRECT. INDIVIDUALLY THE LARGER PLANT YOU WOULD -- OF COURSE, WOULD HAVE THE HIGHER COSTS. ALTHOUGH IT DOES GET MORE EFFICIENT, THE SAME STAFF CAN OPERATE A LARGER PLANT UP TO SOME POINT BEFORE YOU NEED TO START EXPANDING STAFF. BUT THERE'S A MINIMUM SIZE, THE FIXED COST IS ASSOCIATED WITH HAVING TO STAFF A PLANT, EVEN A SMALL PLANT, AND A SECOND. SO THAT THE SECOND PLANT IS THE COST THAT YOU ARE SEEING EARLIER. BUT INDIVIDUALLY THE SMALLER PLANT WOULD BE LESS TO OPERATE IN TERMS OF POWER, STAFFING AND CHEMICALS. THAN A LARGER PLANT.

Kim: SO THE GREEN WOULD BE MORE EFFICIENT TO OPERATE IN TERMS OF ONLY O AND M COSTS?

NOT ON A PER MILLION GALLON PER DAY BASIS. SMALLER IS WHY IT WOULD BE -- WHY IT WOULD COST LESS. BUT IN TERMS OF TWO SIMILARLY SIZED PLANTS, THEY ARE GOING TO BE SIMILAR OPERATING COSTS. SO ON A PERMITTING GALLON BASIS.

Kim: NEW GREEN COULD GO UP TO 50, 100 M.G.D.

THEN IT WOULD BE SIMILAR. IT WOULD BE SIMILAR T LARGER THE PLANT, THE MORE EFFICIENT THE COSTS GET.

Kim: I HAD SOME MORE QUESTIONS ABOUT WATER CONSERVATION. SINCE WE'RE BASING OUR PROJECTIONS ON HOW MUCH WATER TO CONSERVE, WHAT WOULD AN ECONOMIST OR A PLANNER SAY IS THE ULTIMATE AMOUNT OF WATER TO CONSERVE?

IN TERMS OF LOOKING OR DEFINING WHAT'S THE OPTIMUM AMOUNT OF WATER TO CONSERVE, WHERE WE ARE TODAY, WE HAVE RESIDENTS THAT HAVE A LIFESTYLE THAT THEY

ARE USED TO. AND IN ORDER TO CONSERVE MORE, WE'RE HAVING TO CHANGE BEHAVIOR AND CHANGE THE WAY THAT THEY USE WATER. THAT COSTS MONEY. IT REQUIRES THE CITY INVEST MONEY INTO WATER CONSERVATION, INVEST MONEY INTO WATER REUSE. THE PAY BACK ON THAT INVESTMENT TO THE CITY IS IN TERMS OF DELAYING FUTURE WATER TREATMENT PLANT CAPACITY EXPANSION REQUIREMENTS. AND THERE IS SOME PRESENT VALUE SAVINGS TO PUSHING THOSE INVESTMENTS OFF INTO THE FUTURE. SO IF YOU ASK ME WHAT IS THE OPTIMUM AMOUNT, I WOULD SAY THAT ANY WATER YOU CAN CONSERVE AT A CHEAPER RATE THAN THE VALUE OF THAT FUTURE INVESTMENT COULD BE CONSIDERED AN OPTIMAL AMOUNT. IN TERMS OF JUST AN INVESTMENT STRATEGY. THEN THERE'S THE COMMUNITY DESIRES. THE COMMUNITY MAY DECIDE THAT THEY WANT TO CONTINUOUSLY USING WATER AT THAT LEVEL EVEN THOUGH IT COSTS THEMSELVES MORE MONEY TO DO SO. SO IT'S A DIFFICULT QUESTION TO REALLY ANSWER.

Kim: WELL, OUR WATER CONSERVATION PROGRAM HAS ALREADY BEEN IN PLACE FOR 20 YEARS, IT'S A PRETTY AGGRESSIVE PROGRAM. THAT'S WHAT YOU STATED TWO WEEKS AGO. AND SO WE'VE KIND OF TAKEN CARE OF THE LOW-HANGING FRUIT NOW SO WE'RE GOING INTO THINGS THAT ARE REQUIRING CHANGES IN HUMAN BEHAVIOR, IT'S LESS CLEAR WHETHER OR NOT THOSE WILL BE EFFECTIVE WHEN, AS YOU SAID, WE WON'T KNOW UNTIL THREE AND FIVE YEARS INTO THE PROGRAM IF IT'S WORKING. BUT IS IT FEASIBLE TO SAY AT SOME POINT OUR CONSERVATION METHODS WILL SEE DIMINISHING RETURN? I THINK THERE WILL ALWAYS BE A ROLE FOR WATER CONSERVATION. THE METHODS WE'VE ADOPTED OVER THE LAST 20 YEARS HAVE DIMINISHING RETURNS AS THEY MATURE. IF YOU ADOPT THIS SET, THEY WILL HAVE BIG BANG FOR A WHILE, BUT HAVE DIMINISHING RETURNS. BUT TO SOME EXTENT THE EFFECTS THEY'VE HAD WILL BE LONG LASTING. YOU WILL JUST STOP SEEING A CHANGE IN THE EFFECT. AS THESE MATURE, I WOULD FULLY EXPECT THERE WOULD BE NEW TECHNOLOGIES OUT THERE THAT, YOU KNOW, POTENTIALLY WILL CONTINUE REDUCING THE AMOUNT OF WATER BEING USED.

Kim: BUT AT THE SAME TIME WE'RE HOPING AND PRAYING, KEEP OUR FINGERS CROSSED WE'RE GOING TO HAVE NEW TECHNOLOGY. THIS IS A BIG DEAL FOR OUR CITY TO MAKE SURE WE HAVE ENOUGH WATER FOR THE FUTURE.

WHEN I SAY NEW TECHNOLOGY, I'M SPEAKING 15, 20 YEARS OUT T PROGRAMS YOU ARE ADOPTING NOW ARE GOING TO HAVE IMPACTS FOR THE NEXT 10 TO 15 YEARS.

Kim: WELL, I DON'T UNDERSTAND WHY THE DEMAND CURVES THAT WE WERE SHOWN ON JUNE 8th INDICATING A 5% -- .5 CONSERVATION CHANGE BETWEEN THE BRIEFING THEN AND THE INFORMATION WE RECEIVED THIS WEEK, IT SEEMS THERE'S A DIFFERENCE BETWEEN THOSE TWO CURVES OF ABOUT 7 M.G.D. I WAS WONDERING IF STAFF CAN EXPLAIN THAT. IT HAS TO DO WITH PAGE 21 OF THE JUNE 8th REPORT. AND THE -- ENTITLED THE AUSTIN WATER UTILITY PEAK PROJECTIONS ON WATER TREATMENT PLANT 4 FOR YEAR THROUGH 2025. THE CURVES ARE DIFFERENT RIGHT NOW. 3

THE CURVES PRESENTED ON JUNE 8th WERE NO SPECIFIC COMBINATION OF MEASURES. THE COUNCIL HAD NOT GIVEN TO STAFF IN TERMS OF HOW AGGRESSIVE. IT WAS JUST ONE EXAMPLE OF WHAT THE IMPACT OF WATER CONSERVATION CAN BE. THE CURVES THAT YOU SEE TODAY FOLLOWING INPUT FROM COUNCIL ON A 1% PER YEAR GOAL REFLECT THE 1% PER YEAR GOAL AS WELL AS IN OUR OPINION, YOU KNOW, WHAT A PRUDENT PLANNING LINE MIGHT LOOK LIKE.

Kim: BUT THERE'S A DIFFERENCE BETWEEN THE 25% FROM JUNE 8th TO NOW, THE .5% LINE.

I DON'T RECALL THE JUNE 8th LINE HAVING A .5% TAG TO IT.

Kim: I THOUGHT THAT WAS A DASHED LINE. YOU WERE SAYING THAT WAS A FEASIBLE CONSERVATION GOAL, .5%.

I'D HAVING TO BACK AND LOOK AT THAT LINE. I DON'T SPECIFICALLY --

Kim: THAT'S WHAT IT SAYS, SO, OKAY. WELL, THANK YOU VERY MUCH.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? MR. LIPPE, HAVE YOU FINISHED YOUR ELEMENT OF THE PRESENTATION?

MAYOR, I DID HAVE A QUESTION OR TWO.

Mayor Wynn: YES, COUNCILMEMBER COLE.

Cole: I WANT TO MAKE SURE I'M CLEAR ON THE LOCATION OF THE PLANT DOES NOT AFFECT THOSE SERVICE AREAS AND THAT EAST AUSTIN ESPECIALLY ALONG THE 130 CORRIDOR IS NOT GOING TO EXPERIENCE A PROBLEM IN THE EVENT COUNCIL DECIDING TO WITH TREATMENT PLANT 4 BEFORE NEW GREEN.

I APPRECIATE THAT QUESTION. SERVICE TO THE -- THAT'S CONSIDERED THE CENTRAL ZONE, CENTRAL PERSON ZONE, AND IT IS PROBABLY THE STRONGEST ZONE THAT WE HAVE BECAUSE IT DOESN'T REQUIRE PUMPING UP TO HIGHER ELEVATIONS. SO WATER SERVICE -- WATER SERVICE FOR THAT AREA IS VERY STRONG. WE HAVE WHAT IS CALLED THE EAST AUSTIN PUMP STATION AND RESERVOIR AND THAT'S A MILE OR TWO WEST OF MANOR ON HIGHWAY 290. IT'S A LARGE RESERVOIR, A LARGE PUMP STATION AND THAT'S NEAR THE PROPOSED STATE HIGHWAY 130. ON THE SOUTH OF THE RIVER WE HAVE THE PILOT KNOB RESERVOIR AND IT'S ANOTHER VERY LARGE GROUND RESERVOIR. AND THEN THE LINES SERVING THAT AREA ARE ALSO VERY STRONG. SO GOING WITH THE PROPOSAL OF A TREATMENT PLANT NEAR LAKE TRAVIS, AGAIN, THAT WOULD ALLOW THE TREATED WATER FROM ULLRICH AND DAVIS WATER TREATMENT PLANTS, MORE OF THAT WATER TO SERVE THAT CENTRAL -- CENTRAL NORTH, EAST AND SOUTH AREA. AND ALL OF THE PROJECTIONS IN THE ENTIRE PLANT IS BUILT AROUND SATISFYING ALL THAT GROWTH AND ALL THE DEMANDS IN ALL AREAS OF THE CITY IN THE MOST EFFICIENT WAY. AND SO THAT'S WHAT WOULD HAPPEN UNTIL EVENTUALLY THEN THE MOST EFFICIENT THING TO DO IS BUILD A WATER TREATMENT PLANT, THE GREEN WATER TREATMENT PLANT, BUT IT CAN BE POSTPONED OUT TO ABOUT 2040.

Cole: AND YOUR COMMENT LEADS TO MY SECOND AND LAST

QUESTION WHICH IS WOULD YOU GIVE US AN OVERVIEW SO THAT WE CAN UNDERSTAND THIS IN TERMS OF THE TWO PLANTS AND TRYING TO SERVICE EXISTING AREAS IN THE DESIRED DEVELOPMENT ZONE IN THE AREAS THAT WE SAID WE WANT GROWTH?

FROM THE EXISTING PLANTS OR -- OR LOOKING FORWARD?

Cole: LET ME TRY TO REPHRASE THAT AND MAKE IT CLEARER. I UNDERSTOOD YOU EARLIER TO SAY THAT WATER TREATMENT PLANT 4 WAS GOING TO HELP WITH SOME WATER PRESSURE ISSUES IN NORTHWEST AUSTIN THAT WERE ALREADY BUILT OUT. SO THAT'S LIKE AN AREA THAT WE ALREADY SERVICE. AND I'M REAL CONCERNED THAT WE CONTINUE TO PROMOTE DEVELOPMENT IN THE DESIRED DEVELOPMENT ZONE AND TAKE CARE OF THE PEOPLE THAT ARE ALREADY WITHIN OUR SERVICE AREAS BEFORE WE PROMOTE EXISTING GROWTH. AND SO I WANTED TO UNDERSTAND THESE TWO PLANS IN THAT CONTEXT.

SOME OF THE EXISTING ISSUES ARE WE TALKED ABOUT A LITTLE BIT ARE MORE LOCALIZED PROBLEMS THAT ARE SOLVED BY REPLACING SMALL NEIGHBORHOOD -- SMALL OLDER PIPES OR DOING VERY LOCALIZED PRESSURE BOOSTING. SO A LOT OF TIMES WHEN YOU TALK ABOUT PRESSURE PROBLEMS IN LOW PRESSURE AREAS WE HAVE THOSE IDENTIFIED AND THOSE ARE GOING TO PROCEED REGARDLESS OF TREATMENT PLANTS REALLY. WHEN WE TALK ABOUT TREATMENT PLANTS AND GETTING ENOUGH WATER UP TO THE NORTH AND NORTHWEST AREAS, IT'S REALLY VOLUMES OF WATER. IT'S NOT SO MUCH RELATED TO PRESSURE, IT'S JUST GETTING ENOUGH WATER FOR AS AUSTIN GROWS. REALLY ANY CURRENT PRESSURE PROBLEMS BASICALLY PRACTICALLY NOT RELATED TO TREATMENT -- NEW TREATMENT PLANT CAPACITY. AND THE TREATMENT PLANT CAPACITY WE TALK ABOUT IS HOW DO WE GET ENOUGH WATER UP TO THOSE HIGHER ELEVATION, HOW DO WE GET WATER TO ALL AREAS OF THE CITY, BUT IN PARTICULAR SINCE IT REQUIRES PUMPING CURRENTLY, HOW DO WE GET -- WHAT'S THE MOST EFFICIENT WAY TO GET WATER UP TO THE HIGHER ELEVATION TO THE NORTH AND NORTHWEST. IS IT MORE PUMPING AND MORE PUMP

STATIONS AND PIPELINES OR IS IT A WATER TREATMENT PLANT LOCATED AT THAT HIGHER ELEVATION THAT CAN DO THAT INSTEAD.

CAN DO THAT THROUGH GRAVITY FEED, CORRECT?

DO THAT THROUGH GRAVITY FEED TO THOSE AREAS AND ESPECIALLY AS IT HEADS BACK TOWARD TOWN IN THE FUTURE UNTIL EVENTUALLY -- AGAIN, THE TRANSPORTATION ISSUE REQUIRES EVENTUALLY THAT IT'S THE MOST COST EFFECTIVE THING TO BUILD ANOTHER -- A GREEN WATER TREATMENT PLANT TO SERVE THE EASTERN AREA.

Cole: THANK YOU, MR. LIPPE.

Mayor Wynn: COUNCILMEMBER MARTINEZ.

Martinez: SORRY ABOUT THAT. I HAD A COUPLE MORE QUESTIONS. ONE OF THE PREVIOUS SLIDES IT SHOWS THE COST PROJECTIONS OVER THE NEXT -- IT SHOWS THE COST PROJECTION THAT GETS US TO 300 MILLION GALLONS PER DAY. YES, THAT ONE. THERE'S A COUPLE QUESTIONS TO THIS. ONE IS CAN WE GET THIS BROKEN DOWN BASED ON TIME LINE AND CONSTRUCTION DATES?

YES, I'M GOING TO NEED TO GET SOME HELP ON THAT, BUT YES, WE CAN BREAK THAT DOWN.

Martinez: IN ADDITION TO THAT, MY FOLLOW-UP QUESTION IS HOW DO WE PROJECT WHAT IT'S GOING TO COST TO BUILD A WATER TREATMENT PLANT 40 YEARS FROM NOW? ARE WE PROJECTING THAT IN TODAY'S DOLLARS OR FUTURE COSTS, FUTURE CONSTRUCTION COSTS?

THERE'S TWO WAYS TO DO THIS AND I'M GOING TO LET MY CHIEF FINANCIAL OFFICER CORRECT ME IF I AM WRONG, BUT WE CAN EITHER PROJECT THE INFLATED FUTURE COSTS FOR EACH PHASE SO FOR EACH OF THESE EXPANSIONS IT WOULD BE A DIFFERENT YEAR INFLATED DOLLARS. THEN FOR PRESENT VALUE COMPARISON, WE BRING IT ALL BACK TO PRESENT VALUE DOLLARS WITH ANOTHER FACTOR, A DISCOUNT RATE. WHAT WE'VE DONE THOUGH, THAT BASICALLY -- THE OTHER WAY TO DO IT IS USE PRESENT

VALUE DOLLARS AND THEN, AGAIN, DISCOUNT IT BACK WITH A DIFFERENT FACTOR TO THE PRESENT VALUE. THAT'S THE APPROACH WE TOOK.

Martinez: IF YOU COULD, I'D LIKE TO SEE THE BREAKDOWN IN TERMS OF COST ANALYSIS COMPARING THE TWO PROPOSALS BASED ON A TIME LINE FACTOR OF CONSTRUCTION DATES WHEN WE'RE GOING TO INCREASE OUR CAPACITY.

LET ME GET SOME OF THAT INFORMATION RIGHT HERE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

I'M TRYING TO FIND OUT IF ONE IS SIGNIFICANTLY HIGHER IN COST THAN THE OTHER INITIALLY BECAUSE WHEN YOU LOOK AT -- WHEN YOU ARE JUST PUTTING A 300 MILLION-GALLON A DAY CAPACITY, WE ARE LOOKING 50 YEARS DOWN THE ROAD. I THINK THAT WE HAVE TO PLAN FOR THE FUTURE, BUT I THINK WE ALSO NEED TO LOOK IN A MUCH SHORTER TIME FRAME IN THE NEXT 10, 15 YEARS AS WELL.

COUNCILMEMBER MARTINEZ, I THINK THE CAPITAL COSTS ARE PRETTY CLOSE TO EACH OTHER, HE WILL SEE THE SEQUENCING OF THOSE, WHERE YOU WILL SEE THE DIFFERENCE IS IN THE O AND M COST BETWEEN THE TWO OPTIONS. I WOULD LIKE TO WALK YOU THROUGH THE TWO OPTIONS BETWEEN CAPITAL AND OPERATING COSTS. THIS IS THE AGREEMENT FIRST AND THEN -- GREEN WATER TREATMENT PLANT FIRST AND THEN WE BUILD TREATMENT PLANT FOUR. AGREEMENT GREEN WATER TREATMENT PLANT. IN THIS OPTION GREEN IS TO COME ON LINE IN 2011. THE O AND M COST IS \$8.4 MILLION. AND -- IN 2011. TOTAL DEBT SERVICE, THIS IS FOR PRINCIPAL AND INTEREST ON THE CAPITAL SPENT, IS \$6.8 MILLION. IN OPTION TWO FOR THE SAME COMPARISON, WATER TREATMENT PLANT HAD COMES ON FIRST AND GREEN IS BUILT ON LATER. WATER TREATMENT PLANT. IN OPTION TWO WHERE WATER TREATMENT PLANT 4 IS EXPECTED TO BE ONLINE BY 2013, O AND M IS \$8.4 MILLION. DEBT SERVICE, PRINCIPAL AND INTEREST FOR DEBT ISSUED TO THAT POINT IS \$11.9 MILLION. SO THE COMBINED TOTAL UNDER OPTION 2, BETWEEN THOSE TWO ITEMS THAT I JUST GAVE YOU IS 19.1

MILLION.

WHAT'S THE CAPACITY OF WATER TREATMENT PLANT FOUR
IN 2 [INDISCERNIBLE]

50.

50 IN OPTION TWO, IN OPTION 1 GREEN IS 25 MGD.

WHY IS THE COST OF THE O AND M IDENTICAL IF THE
CAPACITY IS SIGNIFICANTLY DIFFERENT? COUNCILMEMBER
MARTINEZ.

IT'S 100% DIFFERENCE.

ON OPTION 1 IT WAS \$1.4 MILLION.

RIGHT.

OPTION 2 IT WAS -- IT WAS 8.37, \$8.4 MILLION.

UH-HUH.

BUT THE O AND M IS BASED ON -- ON THE AMOUNT OF
WATER BEING PUMPED OR TREATED AT THAT TIME. IN
THOSE YEARS BETWEEN THOSE TWO OPTIONS, THE -- THE
AMOUNT OF WATER BEING TREATED IS EXACTLY THE SAME.

SO EVEN THOUGH WE HAVE 50 MILLION-GALLONS A DAY
CAPACITY, WE ARE NOT GOING TO TREAT --

RIGHT. DEPENDING ON THE DEMAND CURVE IN THAT FISCAL
YEAR, IN THAT CALENDAR YEAR, THE AMOUNT OF WATER
BEING TREATED UNDER EACH OPTION IS ABOUT THE SAME.

SO OPTION TWO JUST IN THE FIRST PHASE OF THIS LONG 50
YEAR SCENARIO, OPTION 2 IS -- IS 19.1 MILLION IN THE YEAR
2011 OR 2013.

I THINK THE BEST WAY TO COMPARE THE TWO,
COUNCILMEMBER, WOULD BE TO LOOK AT APPLES TO
APPLES. AT THE END OF THE PLANNING HORIZON, WHERE
BOTH OPTIONS HAVE SIMILAR CAPACITY, WHAT DOES THE

CAPITAL COST, WHAT HE IS THE O AND M COST, AND WHAT IS THE PV VALUE, PRESENT VALUE IN TODAY'S DOLLARS. SO WHAT I COULD DO IS WALK YOU THROUGH OPTION 1, WHAT IS THE TOTAL O AND M, WHAT IS THE TOTAL CAPITAL AND WHAT IS THE TOTAL PRESENT VALUE IN TODAY'S DOLLARS BETWEEN THE TWO OPTIONS. IN SUMMARY, WE HAVE LOOKED AT IT SEVERAL DIFFERENT WAYS. AND BEING IN THE -- IN THE FINANCE AREA, I DON'T HAVE ANY -- ANY INTEREST WHICH -- WHICH IS BUILT FIRST OR SECOND. AND ANY DIFFERENT OPTIONS WE HAVE LOOKED AT, AND A NUMBER OF DIFFERENT WAYS. THE -- THE OPTION WHERE GREEN IS BUILT FIRST AND TREATMENT PLANT 4 IS BUILT LATER, COMPARED TO WHERE TREATMENT PLANT 4 IS BUILT FIRST, TREATMENT PLANT 4 WHEN IT'S BUILT FIRST AT LEAST BASED ON THE COST ESTIMATES WE HAVE, IS A BETTER OPTION FOR THE RATEPAYERS.

OKAY. THAT'S FINE. THANK YOU.

COUNCIL, WE ACTUALLY HAVE A HE-- A HANDFUL OF FOLKS WHO SIGNED UP WISHING TO ADDRESS US ON THIS ITEM. I BELIEVE MOST OF THEM ARE HERE WITH US, FIRST SPEAKER IS ROBERT SINGLETON. WELCOME, THREE MINUTES, FOLLOWED BY BRAD ROCKWELL.

IF I HAD ANOTHER 30 SECONDS OR SO I COULD HAVE TRACKED DOWN WHO SAID I HAVE SEEN THE FUTURE AND IT DOESN'T WORK. I AM CONSIDERING THROWING AWAY THE SPEECH THAT IS INTENDING TO MAKE AND TALKING TO YOU ABOUT WHETHER WE ARE PLANNING FOR GROWTH, MANAGING GROWTH ENCOURAGEING GROWTH. I HAVEN'T SEEN ANY REALLY COMPELLING ARGUMENTS SO THAT WE NEED THE EXTRA CAPACITY, UNLESS IT'S A GIVEN THAT WE ARE GOING TO GROW AT THE RATE THAT WE THINK WE ARE GOING TO GROW. IF THAT'S ALL RIGHT WITH US. I THINK THAT I WILL GO BACK TO THE PREPARED SPEECH AND ASK YOU THIS QUESTION. DO YOU BELIEVE THAT THE ITEM AS POSTED ON THE AGENDA TODAY IS ADEQUATE AND MEETS STATE LAW? AND I WOULD HAVE TO -- TO ADMIT THAT I LEFT MY COPY OF THE PUBLIC INFORMATION ACT AT HOME. BUT IT SAYS DIRECT THE CITY MANAGER TO MOVE FORWARD ON THE DESIGN, ENGINEERING AND CONSTRUCTION OF A NEW WATER TREATMENT PLANT. THAT POSTING IS SUFFICIENT TO

COVER A WATER TREATMENT PLANT WHETHER YOU ARE PUTTING IT OUT OFF OF 620, WHETHER YOU ARE PUTTING IT IN BUDA, WHETHER YOU ARE PUTTING IT ON THE MOON. I DON'T THINK IT'S SUFFICIENT FOR REASONABLY INFORMED PERSON TO KNOW WHAT YOU ARE TALKING ABOUT. IT'S CERTAINLY I DON'T THINK IN MOST PEOPLE'S MINDS MEANT THAT YOU WERE GOING TO TALK APPROXIMATE BOTH WATER TREATMENT PLANT 4 AND A REPLACEMENT FOR GREEN. THAT LEADS ME TO MY SECOND POSTING QUESTION. WHEN YOU WENT INTO EXECUTIVE SESSION, YOU WERE SUPPOSED TO BE TALKING ABOUT REAL ESTATE ACQUISITION. AND NOW MY QUESTION IS DID YOU DISCUSS WATER TREATMENT PLANT 4 AND IF SO HOW COULD YOU POSSIBLY DISCUSS THAT IN EXECUTIVE SESSION SINCE ALL THAT YOU WERE POSTED FOR WAS REAL ESTATE ACQUISITION, WE ALREADY OWN THE WATER TREATMENT PLANT 4 SITES. SO YOU COULDN'T HAVE BEEN TALKING ABOUT THAT. YOU HAD TO BE TALKING JUST ABOUT REAL ESTATE ACQUISITION. I'M ALSO A LITTLE CONFUSED. I DON'T KNOW WHAT -- WHAT THE CITY MANAGER IS BEING DIRECTED TO DO ON THIS ITEM. NO OFFENSE, I THINK IT'S JUST A QUESTION OF TIME AND TRAINING. CERTAINLY SOUND AS IF THE CITY MANAGER IS SUPPOSED TO DESIGN AND ENGINEER THE PLANT AND I DON'T THINK YOU HAVE THE TIME OR THE TRAINING TO DO THAT. AND WHEN YOU -- SINCE YOU DON'T KNOW WHERE IT'S GOING TO GO, I HAVE THE ASK THE QUESTION CAN ANYONE DESIGN A PLAN IF THEY DON'T KNOW WHERE IT'S GOING TO GO AND WHAT THE CONSTRAINTS ON IT ARE GOING TO BE. IT'S NOT LIKE YOU ARE GOING TO BUILD IT IN A VACANT LOT AND MOVE IT IN BY HELICOPTER. I THINK IT ALL COMES BACK TO POSTING. I WOULD LIKE TO ASK THE CITY ATTORNEY IF -- IF THIS IS AN ADEQUATE POSTING FOR BOTH THE EXECUTIVE SESSION ITEM AND FOR THE ITEM AS POSTED ON THE AGENDA.

MAYOR WYNN: MADAM ATTORNEY?

COUNCIL, POSTING IS ADVOCATE BOTH FOR THE EXECUTIVE SESSION AND FOR THE -- ADEQUATE FOR THE MATTERS ON THE AGENDA AND FOR THE MATTERS LISTED AS AGENDA 78.

FUTRELL: LET'S, I DON'T WANT TO LEAVE A MISPERCEPTION ON THE TABLE. LET'S COVER THAT A LITTLE DEEPER. IN

EXECUTIVE SESSION, THE COUNCIL WERE REVIEWING OPTIONS ON PROPERTY. ONE OF WHICH REQUIRES A PURCHASE OF A PRIVATE TRACT. IN ORDER TO -- ALLISON THIS IS WHERE YOU MIGHT HELP ON THIS ISSUE. IN ORDER TO MAKE AN INFORMED DECISION, ON THE PRIVATE REAL ESTATE PURCHASE OF A TRACT OF LAND, THEY HAVE TO KNOW WHAT THEIR OPTIONS ARE AND THE COST BENEFIT OF THOSE OPTIONS. THAT'S HOW IT'S POSTED UNDER REAL ESTATE. YOUR QUESTION ABOUT DO I PERSONALLY DESIGN, BUILD AND CONSTRUCT A WATER TREATMENT PLANT? I WOULD GRANT THAT NEITHER I NOR YOU WOULD BE ABLE TO DO THAT. BUT BY CHARTER, THE CITY COUNCIL DIRECTS STAFF THROUGH A DIRECTION TO ME. WHICH IS WHY YOU SEE THAT AS A VERY TYPICAL FRONT POSTING ON ALMOST EVERY ITEM THAT WE HAVE. AND THE THIRD ITEM WAS POSTING SUFFICIENCY ON THE ITEM THAT SPEAKS TO THE INSTRUCTION TO BEGIN TO MOVE FORWARD WITH THE PLANT. AND ALLISON I'M GOING TO LET YOU HANDLE THAT PIECE.

COUNCIL AND STAFF AND EVERYONE HERE, WHAT WE DO IN EXECUTIVE SESSION WHEN WE DISCUSS REAL ESTATE IS ADDRESS ALL OF THE AREAS THAT ARE RELATED TO MAKING A DECISION ABOUT WHICH REAL ESTATE SITE WE WISH TO CHOOSE. THAT NECESSARILY ENTAILS DISCUSSIONS OF CERTAIN THINGS THAT I CAN'T TALK ABOUT HERE. BUT THAT WE TALKED ABOUT THERE. AND EVERYTHING THAT WAS DISCUSSED WAS TO GIVE COUNCIL INFORMATION SO THAT THEY COULD MAKE A DECISION ON WHICH SITE AND WHICH PHASING BEST MET THE NEEDS OF COUNCIL IN THE RATE PAIRS AND THE CITIZENS. AND THE RATE PAYERS AND THE CITIZENS.

MAYOR WYNN: THANK YOU. OUR NEXT SPEAKER, COUNCIL, IS BRAD ROCKWELL, WELCOME, BRAD, THREE MINUTES, FOLLOWED BY PAM [INDISCERNIBLE]

GOOD AFTERNOON, MY NAME IS BRAD ROCKWELL. I'M HERE TODAY TO TALK TO YOU ABOUT YOUR DECISION THAT YOU ARE BEING ASKED TO MAKE. IT'S A \$4 BILLION DECISION. THESE ARE \$4 BILLION THAT WILL BE PAID BY RATEPAYERS HERE IN AUSTIN. I BELIEVE A \$4 BILLION DECISION LIKE THIS NEEDS LOTS OF SCRUTINY, LOTS OF PUBLIC END PUT

BEFORE RATEPAYERS SHOULD BE SADDLED WITH THIS TYPE OF ON -- TYPE OF OBLIGATION, IT APPEARS FROM WHAT'S BEING PROPOSED AND POSTED THAT COUNCIL IS BEING ASKED TO RUSH FORWARD WITH THIS DECISION. IT DOESN'T APPEAR THIS \$4 BILLION DECISION INVOLVING THE WASTEWATER PLANT AND SIGNIFICANT ENVIRONMENTAL ISSUES ARE BEING REVIEWED BY BOARDS AND COMMISSIONS BEFORE THEY COME UP BEFORE YOU. AND SEEMS LIKE THERE'S BEEN A RELATIVELY LITTLE INFORMATION VISIBLE TO RATEPAYERS BEFORE THIS MEETING, THERE WAS NO BACKUP INFORMATION AVAILABLE ONLINE THAT YOU I COULD SEE BEFORE THIS MEETING. THERE'S BEEN SOME VERY GOOD QUESTIONS DIRECTED TO CITY STAFF FROM THE COUNCIL TODAY. I THINK THERE'S A LOT OF QUESTIONS INVOLVING THIS \$4 BILLION AND I WOULD LIKE TO ADD -- MENTION SOME OF THOSE TODAY. FIRST QUESTION IS WHAT EXACTLY IS THE NEED FOR THIS WASTEWATER, THESE WASTEWATER FACILITIES BEING PROPOSED. THERE'S -- IT'S BEING ASSUMED THAT WE ARE GOING TO BE DISMANTLING AN EXISTING WASTEWATER PLANT AND ACTUALLY ABANDONING THE SITE. I HAVEN'T SEEN INFORMATION THAT WOULD CONVINCE ME THAT THIS IS A NECESSITY TO DO EITHER ONE OF THOSE, PERHAPS ONE OF THEM IS MORE LIKE, MORE NEEDFUL THAN THE OTHER. BUT WHAT ARE THE COMPARATIVE COSTS OF BUILDING SOME SORT OF WASTEWATER TREATMENT SITE, FACILITY, ON THE EXISTING GREEN PLANTSITE DOWNTOWN. AND THE OTHER MAJOR QUESTION IS WHAT'S CREATING THE NEED FOR THIS CAPACITY. WHAT WE ARE REALLY TALKING ABOUT IS PEAK CAPACITY. EVERYTHING THAT I HAVE SEEN ON PEAK CAPACITY WOULD REALLY TALKING ABOUT LAWN WATERING IN THE SUMMERTIME. THAT'S REALLY WHAT WE ARE TALKING ABOUT IS \$4 BILLION OR SOME SIGNIFICANT PORTION OF \$4 BILLION SO PEOPLE CAN WATER -- SO SOME PEOPLE AT LEAST CAN WATER THEIR LAWNS HEAVILY IN THE SUMMER, THIS IS COMMERCIAL AS WELL AS RESIDENTIAL LAWNS. IS IT FAIR TO ASK -- SADDLE EVERYBODY WITH \$4 BILLION SO SOME PEOPLE CAN WATER THEIR LAWNS? IN THE SUMMERTIME? IS IT -- DOES IT REALLY MAKE SENSE TO EXPAND THE SYSTEM THIS LARGE JUST TO MEET THAT SPECIFIC TYPE OF NEED? ANOTHER NEED THAT'S BEING SERVED APPARENTLY FROM -- BY THIS 4 BILLION-DOLLAR

CAPACITY IS SPRAWL AND SPECIFICALLY SOME OF THE S.H. 130 AREA. IS IT -- IS WHAT'S BEING PROPOSED TO BE SERVED BY THESE PLANTS AND MODELED LARGER THAN THE NECESSARY SERVICE AREA OF THE CITY? IS THIS ALL OF -- IS ALL OF THIS DEMAND THAT'S BEING PROPOSED TO BEING SERVED BY THIS DEMAND THAT'S ACTUALLY REQUIRED TO BE SERVED BY THE CITY OF AUSTIN? I THINK THERE'S A LOT OF CONSERVATION ALTERNATIVES NOT BEING CONSIDERED. THERE'S A LOT OF ENVIRONMENTAL ISSUES, I WOULD ASK YOU PHOTO RUSH FORWARD TO -- NOT TO RUSH FORWARD TODAY. TO HAVE FULL PUBLIC DISCLOSURE OF THE BACKGROUND INFORMATION. TO RUN DECISIONS LIKE THIS THROUGH THE BOARDS AND COMMISSIONS, HAVE A PUBLIC DIALOGUE BEFORE A \$4 BILLION DECISION LIKE THIS IS MADE.

MAYOR WYNN: THANK YOU, NEXT SPEAKER IS PAM THOMPSON, WELCOME, PAM.

FUTRELL: JUST REAL QUICK, I WOULD LIKE TO CORRECT WE ARE NOT TALKING ABOUT A WASTEWATER TREATMENT PLANT, WE ARE TALKING ABOUT A WATER TREATMENT PLANT THAT BEGAN THE DISCUSSION IN 2002.

MAYOR WYNN: THANK YOU, WELCOME, PAM, YOU WILL BE FOLLOWED BY MARY ARNOLD. WELCOME.

I -- I WOULD LIKE TO THANK YOU FOR DISCUSSING THIS SO THAT WE CAN HAVE SOME INPUT. THERE WAS A PARKS BOARD HEARING AND WE ASKED THEM TO PLEASE HAVE YOU GUYS ADDRESS IT. THAT LASTED FOR MANY HOURS, I HAVE A COPY OF IT IF ANY OF YOU WANT TO WATCH IT, YOU MIGHT LEARN A LOT ABOUT WHY PEOPLE DIDN'T WANT IT TO GO TO THE EAST SIDE. I DON'T THINK THAT PUMPING IS A GOOD IDEA. I THINK A MILE AWAY FROM THE WATER SOURCE IS A BAD IDEA. I THINK IN HABITAT IS A TERRIBLE IDEA. MR. MARTINEZ, I THINK YOU WERE CORRECT WHEN YOU ASKED THESE QUESTIONS, IF IT'S SUCH A GOOD IDEA, WHY WENT VERY ALREADY USED IT? WE BOUGHT IT FOR THAT. MS. KIM YOU SAID, THE PEOPLE ARE DOWN HERE, WHY PUT IT UP THERE? THE MONEY FOR PUMPING THIS IS GOING TO COST US A FORTUNE. WHATEVER PROFIT YOU THINK THAT YOU MY TAKE FROM GETTING RID OF GREEN, WE ARE GOING TO

HAVE -- IT'S GOING TO BE RIDICULOUS, I KNOW THE WATER IS CLEANER THERE, THAT'S GOOD. BUS ON THE EAST SIDE WE HAD THE PROBLEMS WITH THE HOLLY PLANT AND THE POLLUTION THAT'S THERE. AND THEN PUMPING UPSTREAM. BUT I JUST DON'T THINK THAT IT'S A GOOD IDEA. WE NEED TO PRESERVE THAT LAND FOR NUMBER 4 FOR HABITAT. BECAUSE -- WELL, THE REASONS THAT IT WAS A BAD IDEA TO USE BEFORE, THE ONES THAT I HOPE THAT YOU HAVE ALREADY REVIEWED, BUT -- BUT IF WE HAVE A BROWNOUT AND I MEAN ARE YOU GOING TO HAVE LIKE GENERATORS FOR PUMPING WATER? I MEAN, IT JUST SEEMS LIKE WE HAVE GREEN. WE HAVE GREEN, WE HAVE POPULATION INCREASE, IT'S SORT OF A NO BRAINER. I DON'T UNDERSTAND WHAT THE PROBLEM IS. IT DOESN'T REQUIRE ANYTHING EXCEPT REDOING IT. SO WHAT ARE YOU GOING TO DO? YOU ARE GOING TO DELAY AND PROCRASTINATE, THEN WE ARE GOING TO HAVE TO PAY A FORTUNE FOR WATER, WE ARE GOING TO HAVE TO BUY IT FROM SOMEWHERE BECAUSE WE DON'T HAVE ANYPLACE, WE HAVE SOME SORT OF INCREASE IN POPULATION? I JUST THINK THAT THIS IS -- THIS IS SORT OF RIDICULOUS. I KNOW THAT SOME OF YOU THINK MAYBE LOOKING DOWN FROM THE TALL BUILDINGS THAT A WATER TREATMENT PLANT IS MAYBE NOT SO GOOD FOR THE CITY. BUT I THINK THAT YOU HAVE GREEN AND THAT'S WHAT YOU HAVE. AND THE OTHER OPTIONS ARE JUST SO RIDICULOUS THAT IT'S SORT OF LIKE HELLO, ANYBODY HOME? I MEAN, JUST THINK ABOUT IT. YOU HAVE PEOPLE MOVING IN DOWN HERE AND YOU HAVE A WATER TREATMENT PLANT RIGHT THERE TO SERVE THEM. YOU HAVE THE WATER SUPPLY RIGHT ON IT. AND YOU DON'T HAVE TO PAY A FORTUNE FOR PUMPING IT, HERE, THERE AND THE OTHER PLACE AND YOU DON'T TAKE UP LAND THAT'S BEING USED TO THE BEST POSSIBLE USE, WHICH IS HABITAT, WHICH IS WHAT WE ACQUIRED IT FOR. SO I JUST HOPE THAT SOME OF YOU WILL JUST WAKE UP AND SMELL THE COFFEE.

MAYOR WYNN: THANK YOU, MS. THOMPSON, WELCOME, MARY, YOU WILL HAVE -- IS DEBBIE RUSSELL HERE. MARY, UP TO SIX MINUTES IF YOU NEED IT. FOLLOWED BY PAUL SALDANA.

THANK YOU, MAYOR WYNN, MEMBERS OF THE CITY

COUNCIL, MY NAME IS MARY ARNOLD, I HAVE BEEN FOLLOWING THIS WATER ISSUE FOR MANY YEARS. SINCE THE SITE WAS ACQUIRED FOR WATER TREATMENT PLANT 4 IN -- IN '84-'85. SEEMS TO ME THAT THERE ARE THREE ISSUES THAT YOU ARE DEALING WITH AND THEY ARE SOMEWHAT GETTING A LITTLE BIT MEASURED TOGETHER ON -- ON THIS PARTICULAR RESOLUTION. ONE IS THE CRY BY THE WATER UTILITY THAT OUR PEAK DAY IS SUCH THAT WE HAVE TO HAVE NEW CAPACITY AS SOON AS POSSIBLE TO MEET THAT PEAK DAY. THE SECOND ISSUE IS GROWTH. PLANT WILL SERVE NEW GROWTH. AND MY QUESTION IS WHERE IS IT GOING AND WHAT ARE OUR ANNEXATION PLANS IF THE GROWTH THAT WE ARE GOING TO SERVE IS OUTSIDE OF OUR CORNER CITY LIMITS OF 294 SQUARE MILES AND YET THE WATER UTILITY PLANNING AREA IS 454 SQUARE MILES, THE NEW PLANTS WOULD BE DESIGNED TO SERVE BOTH THE EXISTING CITY AND THAT ADDITIONAL 150 SQUARE MILE AREA, WHICH IS A VERY BIG AREA. SO HOW ARE WE COORDINATING THE PLANNING FOR -- FOR OUR GROWTH? NOTHING HAS BEEN SAID ABOUT WASTEWATER TREATMENT. IN THESE NEW AREAS THAT -- THE NEW WATER TREATMENT PLANT WOULD SERVE. AND THEN THE THIRD ISSUE, OF COURSE, IS -- IS GO WITH A NEW GREEN OR GO WITH A NEW WATER TREATMENT PLANT 4. SEEMS TO ME THE MOST IMPORTANT ONE IN TERMS OF TIME IS THE PEAK ISSUE. THERE ARE CHARTS PREPARED BY THE CITY WATER CONSERVATION PEOPLE THAT SHOW YOU VERY CLEARLY THAT THE PEAK USERS ARE LAWN WATERERS. WHY ISN'T THIS INFORMATION BEING SHARED WITH YOU ALL AND WITH THE CITIZENS, SO THAT WE ACTUALLY KNOW WHAT THOSE PEAK DAY USES ARE? AND IS THERE ANYTHING THAT ANYBODY WANTS TO DO ABOUT IT? SO LET'S TELL THE PEOPLE. THIS IS YOUR PLANNING AREA. AND THE YELLOW IS YOUR CITY LIMITS. THIS IS A MUCH BIGGER AREA, WHERE WITHIN THIS AREA CAN WE HAVE A LISTING OF WHAT THE CITY, THE WATER UTILITY'S COMMITMENTS ARE FOR SERVICE TO FUTURE USERS IN THOSE OUTLYING AREAS? AND CERTAINLY I'M PLEASED WITH THE NEW INFORMATION ABOUT A POSSIBLE ALTERNATE SITE FOR WATER TREATMENT PLANT 4. BUT WHY HASN'T THERE BE A LITTLE BIT MORE DISCUSSION OF A SITE FOR THE NEW GREEN? TO PUT GREEN OFF UNTIL 2041 JUST SEEMS VERY FOOLISH TO

ME. I REALLY WANT US TO MAINTAIN THAT BARTON SPRINGS CONNECTION. RIGHT NOW GREEN HAS THE CAPACITY OF TREATING 40 MILLION GALLONS A DAY. AND YET MR. LIPPE WAS SAYING THAT A LINE OUT OF TOWN LAKE WOULD TAKE MAYBE TWO MILLION GALLONS A DAY. THAT'S NOT MUCH. WE HAVE INFORMATION FROM THE CITY DEMOGRAPHER SAYING THAT WE HAVE GOING TO HAVE 748,000 PEOPLE IN THE CITY LIMITS IN 2010. BUT THE WATER UTILITY FIGURES SAY THAT IN THEIR PLANNING AREA THEY ARE GOING TO HAVE 826,000. WELL, I -- I WANT TO KNOW ARE THOSE PEOPLE GOING TO BE IN THE CITY OF AUSTIN? MR. LIPPE KEPT SAYING WE NEED THIS WATER PLANT FOR AUSTIN. BUT IF IT'S GOING TO SERVE OUTSIDE THE CITY, THAT IS GOING TO BE SPRAWL, IN MY MIND. UNLESS WE DO BETTER COORDINATED PLANNING. SO I HOPE THAT YOU ALL WILL TAKE MORE TIME ON THIS. AND PLEASE LET US DISCUSS IT MORE BEFORE YOU MAKE THE DECISION ON GREEN OR WATER TREATMENT PLANT 4. I THINK WE'VE GOT TIME, BY WORKING ON A PEAK LAWN WATERING ISSUE, THANK YOU VERY MUCH.

THANK YOU, MS. ARNOLD. PAUL SALDANA IS OUR NEXT SPEAKER.

COULD I VERIFY A COUPLE OF THINGS THAT I HAVE HEARD JUST TO MAKE SURE THAT -- CLARIFY. WE PLAN OUR WATER SYSTEM FOR THE CITY OF AUSTIN E.T.J. THAT'S THE DIFFERENCE BETWEEN THE CITY LIMITS AND THE ANNEXED AREA. OUR SERVICE AREA IS AUSTIN'S E.T.J. FOR THE MOST PART EXCEPT WHERE THERE'S OTHER COMPETING CCN'S, MOSTLY ON THE -- ON THE EASTERN SIDE OF TOWN. SO THAT'S THE MAIN DIFFERENCE THAT I THINK THAT WE ARE TALKING ABOUT. WE PLAN FOR THE E.T.J. ALSO HEARD TALK ABOUT ONE BILLION VERSUS FOUR BILLION DOLLARS. JUST TO MAKE IT CLEAR, OUR -- THE PRESENT VALUE OF THE COSTS THAT WE ARE TALKING ABOUT ARE ON THE ORDER OF \$1 BILLION. ONE OTHER THING THAT I HEAR, WAS JUST IN TERMS OF PUBLIC INFORMATION, THE MATERIAL THAT -- THAT WE HAVE BEEN PRESENTING OVER THE LAST SEVERAL WEEKS IS ON -- ON THE UTILITY -- ON THE CITY'S WEBSITE AT THE UTILITY CONNECTIONS, SO THAT -- THAT IS AVAILABLE TO THE PUBLIC AND WE HAVE HAD A COUPLE OF BOARD AND COMMISSION PRESENTATIONS ALREADY ON THIS SINCE THE LAST PRESENTATION. IF I COULD JUST GET STEVE TO MAKE

A COMMENT ABOUT THE PEAK DAY POINTS THAT WERE MADE. STEVE?

IN ADDITION TO OUR WORK LOOKING AT WATER CONSERVATION EFFORTS, ONE OF THE OTHER ITEMS THAT WE WERE ASKED TO DO WAS TO LOOK AT THE CITY'S PLANNING AND PROJECTION METHODOLOGY. AND WE DID THAT AND IN TERMS OF THE PEAK DAY DEMAND, WHEN WE ARE PLANNING OUT INTO THE FUTURE, WE LOOK BACK AT THE HISTORICAL PEAK DAY DEMAND THAT THE -- THAT THE UTILITY HAS EXPERIENCED OVER THE LAST 40 YEARS WORTH OF RECORD. WE SAW A CHANGE IN THAT CONDITION IN THE LAST 20 YEARS. SO WE MADE CHANGES TO THE UTILITY THAT THEY ADOPT A DIFFERENT TECHNOLOGY TO LOOK AT THAT PEAK DAY DEMAND. THERE'S QUITE A BIT OF VARIATION YEAR TO YEAR IN WHAT THE PEAK DAY DEMAND IS. LARGELY DUE TO CHANGING SUMMER PATTERNS OF HEAT AND RAINFALL SO THAT THE UTILITY NEEDS TO BE PREPARED TO MEET THAT VARIATION. WHEN WE TALK ABOUT DETERMINING PEAK FOR PEAK DAY DEMAND, THERE IS A SINGLE PEAK DAY DEMAND EACH YEAR, BUT THERE ARE MANY DAYS THAT ARE WITHIN A SMALL INCREMENT OF THAT PEAK DAY DEMAND. SO THAT WE ARE NOT JUST LOOKING AT A SINGLE POINT. THERE ARE OTHERS THAT ARE -- THAT ARE IN CLOSE MAGNITUDE TO THAT PEAK DAY ON EACH GIVEN YEAR.

MAYOR WYNN: THANK YOU, SIR. OUR NEXT SPEAKER IS PAUL SALDANA.

ACTUALLY, MAYOR, IF I CAN DONATE MY TIME TO BRIGID SHEA.

THANKS, MAYOR AND COUNCIL, I REALLY DEBATED WHETHER OR NOT I CAN SPEAK ON THIS ISSUE, I'M SURE THAT I WILL BE CRITICIZED SINCE I HAVE BEEN ASKED TO BE PART OF THREE DIFFERENT TEAMS THAT HAVE BID ON THE NEW GREEN. BUT I ALSO FEEL LIKE I CAN'T SIT SILENTLY BY. I REALLY DO FEEL LIKE I NEED TO SPEAK TO THIS ISSUE BECAUSE THERE'S A LOT THAT'S NOT BEING SAID. PART OF WHAT IS NOT BEING SAID IS THAT THERE IS SOME MAJOR POLITICAL INTERESTS AT WORK. I REALIZE THAT I AM SPEAKING TO FRIENDS, BUT I'M ALSO SPEAKING TO THESE

POLITICAL INTERESTS BECAUSE THEY HAVEN'T BEEN SPOKEN TO OR ADDRESSED PUBLICLY. ONE OF THEM IS THE PRIVATE INVESTOR GROUP THAT'S BEEN ASSEMBLED TO PROVIDE WATER TO THE EAST MUCH SUSTAINABLE WATER RESOURCES. THEY'VE HAD A LOBBYIST SITTING DOWN HERE AT CITY HALL FOR THE LAST WEEK WORKING VERY HARD TO KILL THE NEW GREEN PROPOSAL. A LOT HAS CHANGED IN THE LAST WEEK. PART OF IT IS BECAUSE THE PRIVATE INVESTORS WHO WANT TO SERVE WATER TO THAT NEW GROWTH ALONG 130 DON'T WANT THE CITY TO BE IN A POSITION TO COMPETE WITH THEM. SO IT SEEMS ODD TO ME THAT WE ARE ALSO HEARING THAT -- THAT LOCATING A PLANT TO THE EAST REALLY WOULDN'T HAVE ANY IMPACT ON SERVING THE NEW GROWTH FOR THE EAST. ALL OF THE INVESTORS INVOLVED IN SUSTAINABLE WATER RESOURCES DON'T BELIEVE THAT, WHICH IS WHY THEY HAVE PUT ENERGY AND EFFORT INTO TRYING TO STOP IT. NOW, AFTER SOME REALLY THOROUGH PUBLIC DISCUSSION WE MIGHT ARRIVE AT THE SAME CONCLUSION, BUT WE HAVEN'T HAD THAT KIND OF THOROUGH, OPEN PUBLIC DISCUSSION. I'VE BEEN WAITING TO HEAR MORE DISCUSSION ABOUT THIS AND I'VE HEARD VIRTUALLY NONE. SO THERE'S A DISCREPANCY SOMEWHERE BETWEEN THE VIEW OF THE PRIVATE INVESTORS WHO WANT TO MAKE MONEY OFF OF SERVING WATER, AND THE VIEW OF THE MUNICIPALITY THAT SHOULD RIGHTLY LOOK AT THAT QUESTION. I HAVE A CONCERN ABOUT PRIVATE INVESTMENTS ON INFRASTRUCTURE THAT I THINK SERVES THE PUBLIC GOOD. WHO ARE YOU GOING TO APPEAL TO IF YOU DON'T LIKE YOUR WATER RATES WHEN IT'S A PRIVATE INVESTOR SUPPLYING THE WATER? YOU CLEARLY HAVE AN OPPORTUNITY WITH A MUNICIPALITY. WE SHOULD DISCUSS THAT. DOES THE CITY WANT TO SERVE ALL OF THAT NEW GROWTH TO THE EAST? WOULD THE CITY INTENDS TO ANNEX SOME OF THOSE AREAS. MARY WAS RIGHT TO RAISE THE QUESTION ABOUT THE ENORMOUS DISCREPANCY BETWEEN THE CITY'S BOUNDARY SERVICE AREA MAP AND THE CURRENT CITY LIMITS. BUT THAT DISCUSSION REALLY HASN'T HAPPENED. I THINK IT NEEDS TO. THE OTHER MAJOR FORCE AT WORK IS THE ENGINEERING TEAM THAT'S INVESTED IN PLANT 4. THEY'VE HAD A VERITABLE ARMY OF PEOPLE WORKING THE MEDIA, WORKING ALL KINDS OF PEOPLE AND AGAIN AT THE END OF

THE DISCUSSION WE MIGHT CONCLUDE THAT THE PLANT 4 IS THE BEST SITE. BUT WE HAVEN'T HAD A FULL, OPEN DISCUSSION. AND WHAT CONCERNS ME IS WHEN PRIVATE FINANCIAL INTERESTS SEEM TO DRIVE THE PUBLIC POLICY DECISIONS. WITHOUT THE PUBLIC HAVING THE BENEFIT OF A TRUE OPEN DISCUSSION. SO -- SO THAT'S WHAT I NEEDED TO SAY. I MAY BE THE SKUNK AT THE PICNIC, BUT I FEEL LIKE IT HAD TO BE SAID. THANK YOU VERY MUCH FOR LISTENING.

THANK YOU, MS. SHEA. [APPLAUSE]

I'M GOING TO SAY IT LOOKS LIKE THERESA BEAR IS HERE TO ANSWER QUESTIONS IF NEED BE. AND MARY INGLE NOT WISHING TO SPEAK NEUTRAL. DAVID ANDERSON, KAREN ASCOTT NOT WISHING TO SPEAK AGAINST. MR. LIPPE A COUPLE OF QUESTIONS THAT I HAVE. MS. SHEA'S COMMENTS IMPLY THAT SO -- SO I GUESS BY BUILDING WATER TREATMENT PLANT 4 I GUESS VERSUS THE NEW GREEN, WE WOULD THEN HAVE TO GO TO SOME THIRD PARTY ENTITY TO SUPPLY WATER TO OUR CUSTOMERS. IS THAT --

THAT'S -- I DON'T THINK THAT'S TRUE AT ALL. AGAIN OUR SYSTEM IS VERY WELL INTERCONNECTED WITH LARGE TRANSMISSION MAINS AND SO THE -- AS I MENTIONED EARLIER, THE WATER TREATMENT PLANT OUT BY LAKE TRAVIS WOULD FREE UP WATER FROM ULRICH AND DAVIS AND THAT COULD GO NORTH, CENTRAL AND EAST AND NORTH, CENTRAL, EAST AND SOUTH. AND AGAIN WE JUST HAVE A STRONG SYSTEM AND IT'S A SYSTEM-WIDE PLANNING, SO THAT THE -- THE ACTUAL LOCATION OF A TREATMENT PLANT IS LESS IMPORTANT THAN THE TRANSPORTATION, THE TRANSMISSION MAINS.

SO CURRENTLY WE, OUR UTILITY, SERVES EVERYBODY IN OUR CCN.

THAT'S CORRECT, WE HAVE A CCN IN THE DESIRED DEVELOPMENT ZONE AND THEN IN THE WATER QUALITY DRINKING WATER PROTECTION ZONE, IT'S NOT A CCN, BUT WE SERVE EVERYTHING IN THE E.T.J.

WE HAVE NO INTENTION NOT TO SERVE ANYBODY AND ALL

NEWCOMERS INTO OUR CCN TERRITORY, CORRECT?

CORRECT.

SO IN THEORY I GUESS THE ONLY REASON WHY WE WOULD GO TO SOME THIRD PARTY, GO TO SOME OTHER SOURCE, GO TO SOME I GUESS IT'S CALLED PRIVATE INVESTORS WOULD BE IF WE DECIDED NOT TO BUILD A PLANT BECAUSE WHEN YOU LOOK AT THE DEMAND WATER DEMAND, OVER TIME, AS PEOPLE CONTINUE TO MOVE TO AUSTIN, THEN IF WE DON'T BUILD A PLANT THEN WE HAVE TO DO SOMETHING, IN THEORY GO TO SOME GROUP OF PRIVATE INVESTORS. BUT IF WE BUILD EITHER WATER TREATMENT PLANT NUMBER 4 OR THE NEW GREEN AS WE CALL IT, THEN THERE'S NO NEED WHATSOEVER FOR -- FOR US TO HAVE TO GO TO SOME PRIVATE GROUP TO BUY WATER OR TO HAVE THEM DELIVER WATER TO OUR CUSTOMERS?

THAT'S CORRECT. YOU KNOW, FOR THE PRIVATE WATER SUPPLY THAT WOULD -- I HI IF IT'S TREATED -- I THINK IF IT'S TREATED WATER THAT WOULD BE A SUBSTITUTE FOR ADDITIONAL TREATMENT CAPACITY. IF IT'S GROUND WATER WE HAVE TALKED ABOUT THE CONCERNS ABOUT WHETHER OR NOT IT MAY NEED SOME TREATMENT. SO EVEN THAT -- THAT GROUND WATER OPTION IS MORE OF AN -- A WATER SUPPLY TO SUBSTITUTE FOR THE COLORADO RIVER WATER. BUT -- BUT YOU ARE ABSOLUTELY RIGHT. WITH EITHER TREATMENT PLANT, WE DON'T NEED TO BE LOOKING TO PRIVATE SUPPLIERS OF EITHER TREATED OR GROUND WATER.

ALSO, JUST A COMMENTS OF -- QUESTION OF WHO WANTS TO MAKE MONEY. IF WE DON'T AND AREN'T GOING TO GO TO SOME PRIVATE THIRD PARTY TO DELIVER WATER TO OUR CUSTOMER, IF WE BUILD A SINGLE PLANT, PLANT NUMBER 4 OR THE NEW GREEN, THE ONLY WAY MORE PEOPLE MAKE MORE MONEY WOULD BE IF WE FOR SOME REASON DECIDE TO BUILD BOTH PLANTS. CORRECT? I MEAN THAT IS -- IN 2001 OR 2000 EVEN -- 2001 OR 2000 EVEN, COUNCIL MADE THE DECISION, I WASN'T ON THE WINNING END OR MAJORITY OF THAT VOTE, BUT BACK IN 2000 OR 2001 AFTER YEARS OF DISCUSSION, THE COUNCIL THEN DIRECTED THE CITY MANAGER TO GO BUILD PLANT NUMBER 4 ESSENTIALLY BY

CHOOSING AN ENGINEERING CONSORTIUM AND GO, YOU KNOW, SPEND THE MONEY A LOT OF MONEY THAT HAS TO BE SPENT WHEN ONE DESIGNS A PLANT. SO THE ONLY WAY -
- RIGHT NOW WE ARE PREPARING TO MAKE A DECISION SORT OF ONE OR THE OTHER. DO WE BUILD JUST ONE PLANT, WHICH ONE WOULD IT BE FIRST. DO -- ESSENTIALLY BUILD GREEN FIRST AND THEN HAVE TO -- RIGHT ON ITS HEELS BUILD WATER TREATMENT PLANT 4 OR DO WE JUST BUILD WATER TREATMENT PLANT 4? AND THEN NOT NEEDING GREEN FOR 25, 35 YEARS, THE NEW GREEN THAT IS. SEEMS LIKE THE WAY PEOPLE MAKE MORE MONEY, IS IF WE MAKE THE DECISION TO SIMPLY BUILD BOTH PLANTS, BUILD THE NEW GREEN NOW AND BUILD 4 WE HAVE ALREADY APPROPRIATED, PLANNED FOR, APPROVED FIVE YEARS AGO TO BUILD IT RIGHT ON ITS HEELS TO HAVE TWO, YOU KNOW, \$300 MILLION PLANTS BEING BUILT WITHIN A SPAN OF, YOU KNOW, FIVE TO EIGHT YEARS. SO THE ONLY WAY A LOT MORE PEOPLE MAKE A LOT MORE MONEY IS IN FACT IF WE CHOOSE THE OPTION TO -- TO BUILD THE NEW GREEN NOW AND TURN AROUND AND VIRTUALLY AS SOON AS WE FINISH IT AND BE DESIGNING AND BUILDING WATER TREATMENT PLANT 4. SO THE QUESTION IS REALLY HOW DO WE -- THE QUESTION IS HOW DO MORE ENGINEERS, MORE CONTRACTORS, MORE ATTORNEYS, MORE CONSULTANTS MAKE A LOT MORE MONEY AND THAT WOULD BE BY BUILDING BOTH PLANTS BECAUSE WE ARE NOT -- IF WE BUILD A SINGLE PLANT THERE'S NO NOTICED TO GO HIRE SOME THIRD PARTY, GO TO SOME PRIVATE INVESTORS TO HAVE THEM SUPPLY WATER TO OUR CUSTOMERS. WHICH WE HAVE NO INTENTION TO DO. WE ALWAYS INTENDED TO -- TO SUPPLY WATER TO EVERYBODY IN OUR CCN. EVERYBODY WHO MOVES HERE, EXPANDS HERE. DID I GET SOMETHING WRONG THERE OR --

NO, WE HAVE THE 50 YEAR WATER SUPPLY, WHICH -- WHICH THE -- WHICH THE ITEM YOU ALL PASSED THIS MORNING ON -
- STRENGTHENING WATER CONSERVATION IS GOING TO HELP US GET TO THAT FULL 50 YEARS AND MAKE THE MOST OF THAT WATER SUPPLY. WE HAVE OUR WATER SUPPLY COVERED. VERY FORTUNATE AS A CITY TO HAVE SUCH A LONG-TERM WATER SUPPLY. THEN I -- I THINK THAT YOU STATED IT VERY CORRECTLY THAT -- THAT THE -- THAT

WATER TREATMENT PLANT 4 WOULD POSTPONE THE NEED FOR ANOTHER PROJECT, EITHER ANOTHER TREATMENT PLANT OR ANY PARTICULAR NEED FOR A -- A SIGNIFICANT GROUND WATER PROJECT.

MAYOR WYNN: THE GRAPH WE SHOWED EARLIER, 2041 OR SOMETHING LIKE THAT, 25, 30 YEAR, CLEARLY BOTH PLANTS IF YOU LOOK AT LONG-TERM GROWTH AND AUSTIN CONTINUES TO DOUBLE IN POPULATION EVERY 20 YEARS, THEN, YOU KNOW, THAT'S WHY WE DID A GOOD JOB OF KEEPING SORT OF AN APPLES TO APPLES CORRELATION TO THE COST BECAUSE WE ARE ASSUMING OVER A SPAN OF 50 YEARS BOTH PLANTS GET BUILT. BUT ONE SCENARIO HAS ONE PLANT NOT BEING, YOU KNOW, DESIGNED AND BUILT FOR 25, 35, YEARS.

CORRECT.

OKAY.

SO FEWER PEOPLE MAKE A LOT MORE MONEY. IN THAT SCENARIO.

FUTRELL: CHRIS, WHAT IS THE SIZE OF THE EXPANSION WE JUST DID AT ULRICH.

67 MILLION GALLONS A DAY.

FUTRELL: THE POINT I WANT TO BE CRYSTAL CLEAR ON HERE BASED ON THE PRIOR DISCUSSION WE ARE NOT TALKING ABOUT THE WATER SUPPLY. WE ARE TALKING ABOUT TREATING THAT WATER SUPPLY. WE HAVE ALREADY DONE A -- AN EXPANSION AT ULRICH WHICH IS ABOUT TO COME ONLINE THAT IS LARGER THAN ANY OF THE FIRST PHASES WE ARE TALKING ABOUT ON THIS WATER TREATMENT PLANT AND THAT IS INTENDED TO SERVE EAST. WE ARE TALKING ABOUT -- A CHOICE BETWEEN TWO SITES LOOKING AT PHASING AND COSTS, BUT AT THE END OF THE DAY, WHICH IN WATER PLANNING IS 50 PLUS YEARS, BOTH PLANTS WILL BE BUILT. THEY ARE GOING TO BE NEEDED IN THE SYSTEM. WE ARE SIMPLY TALKING ABOUT WHICH ONE GOES FIRST, AND WHAT ADVANTAGES COST AND OTHERWISE GO WITH THAT. I WANT TO BE ALSO CRYSTAL

CLEAR ON THE DISCUSSION OF A PRIVATE VEST AND OTHER WATER SUPPLY. THE SITE HAS BEEN VERY CLEAR AND VERY PUBLIC THAT WE DO NOT SEE THAT AS ANY VIABLE ALTERNATIVE AT THIS POINT OR IN THE NEAR FUTURE. THAT ANY DISCUSSION ABOUT BLENDING GROUND WATER FROM ANOTHER SOURCE INTO OUR CURRENT SYSTEM, WHICH IS SURFACE WATER, IS TRICKY, HAS TO BE DONE VERY, VERY CAREFULLY, AND IT IS SOMETHING THAT TAKES VERY LONG-TERM PLANNING OR CAN HAVE VERY UNINTENDED CONSEQUENCES AND IS NOT AN ISSUE IN ANY OF OUR DISCUSSION. WE HAVE BEEN VERY PUBLIC ABOUT THAT.

ON THE DISCUSSION OF THE SERVICE AREA, IRONICALLY, THE BULK OF THE PROPERTY WE HAVE DONE EXTENSIVE PROJECTIONS ON S.H. 130, THE COST TO SERVE, WHICH IS PRIMARILY IN TRANSMITTING DISTRIBUTION LINES IN THE GROUNDS, NOT THE WATER TREATMENT PLANT NEEDS. THAT'S COVERED WITH THE ULRICH EXPANSION AND PULLING ANY LOAD OFF OF DAVIS AND ULRICH WITH ANOTHER PLANT. MOST OF THE S.H. 130 POPULATION DEVELOPMENT, WHICH WE HAVE DONE WITH A VERY DENSE ENVISION CENTRAL TEXAS SCENARIO IS BUILT INTO THESE PROJECTIONS AND MOST OF THOSE IRONICALLY RIGHT NOW, THAT GROWTH IS OUT OF THE CITY LIMITS. WHERE WE ARE TALKING ABOUT NORTHWEST, THAT WE NEED TO SERVE, ALTHOUGH SOME OF IT IS PLANNED AND FUTURE GROWTH, IT'S PRIMARILY DESIRED DEVELOPMENT ZONE AND IT IS INSIDE OUR CITY LIMITS.

MAYOR, CAN I ASK A QUESTION?

MAYOR WYNN: QUESTION, COUNCILMEMBER COLE.

COLE: I'M NOT SURE CHRIS IF THIS IS YOU OR THE CITY MANAGER, CAN YOU GIVE US A BRIEF OVERVIEW OF THE DECISION TREE THAT YOU GO THROUGH FOR ANNEXATION.

FUTRELL: YES, ANNEXATION IS DONE FOR ANY NUMBER OF DIFFERENT REASONS. YOU CAN DO IT BECAUSE OF PLANNING ISSUES. WITH ANNEXATION COMES THE ABILITY TO ZONE. WITH ANNEXATION COMES THE ABILITY TO INCREASE AND GROW YOUR TAX BASE. BUT ANNEXATION ALSO SERVES OTHER PURPOSES. THE ABILITY TO PLAN.

SYNERGIES AND EFFICIENCIES IN SERVICE. SO WHEN WE LOOK AT ANY ANNEXATION, THE STATE OF TEXAS, THE WAY TEXAS WORKS, FOR AN URBAN CORE CITY TO SURVIVE, IT HAS A -- IT DOESN'T GET ANY SHARED REVENUE COMING FROM SURROUNDING JURISDICTIONS, THERE'S NO REVENUE SHARING PLAN FROM THE STATE, SO UNLIKE OTHER STATES, IN TEXAS, TO GROW YOUR TAX BASE, TO NOT GO INTO DECLINE, YOU HAVE ANNEXATION. AND THE STATE GIVES YOU AN AREA CALLED AN E.T.J., EXTRA TERRITORIAL JURISDICTION FOR WHICH YOU PLAN AND HAVE SOME REGULATORY AUTHORITY FOR WHICH YOU PLAN IN THE FUTURE. WE LOOK AT THAT E.T.J., FOR US IT'S FIVE MILES, IT'S SMALLER FOR SMALLER CITIES. WE LOOK CAREFULLY AT THAT AREA. WE LOOK AT OUR ABILITY TO SERVE. WE LOOK AT IN OUR COMMUNITY WE LOOK AT WHETHER IT'S DESIRED DEVELOPMENT ZONE OR DRINKING WATER PROTECTION ZONE BECAUSE OUR PRIMARY FOCUS IS IN OUR DESIRED DEVELOPMENT ZONE WHERE WE WANT TO ENCOURAGE GROWTH AND BRING IN TAX BASE TO THE CITY. YOU LOOK AT YOUR ABILITY TO SERVE, YOU LOOK AT YOUR TAX BASE, PLANNING ISSUES, COMPATIBILITY ISSUES, EFFICIENCIES OF SERVICE. AND THAT'S ANALYZED BY A DEDICATED STAFF ON AN ANNUAL BASIS AND PUT INTO A THREE YEAR ANNEXATION PLAN.

THANK YOU.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER KIM?

KIM: WE ARE TALKING ABOUT BUSINESSES, COMPANIES, TWO PLANTS. I THINK THE MORE IMPORTANT ISSUE IS ARE WE AS -- FULFILLING TO OUR REGION, TO THE FAMILIES, HOUSEHOLDS, COMPANIES THAT ARE HERE AND WILL BE HERE IN THE NEXT FIVE YEARS. IT IS NOT AN EXACT SCIENCE OF WHETHER OR NOT WATER CONSERVATIONS WILL WORK. WE HAVE AMBITIOUS GOALS. I SUPPORT THOSE, WE ABSOLUTELY SHOULD PURSUE THEM. BUT IT IS NOT SURE TO ANY OF US IF WE ARE GOING TO BE ABLE TO PUSH OFF THE NEED FOR A PLANT BY TWO YEARS. STAFF HAS SAID REPEATEDLY WE ARE RUNNING OUT OF TIME. AND WE NEED A NEW PLANT ON LINE BY 2011. THAT HAS NOT CHANGED. WE WON'T KNOW UNTIL THREE OR FOUR YEARS OUT IF THE

WATER CONSERVATIONS THAT WE INTEND TO ADOPT AFTER A LENGTHY POLITICAL PROCESS, OF STAKEHOLDER INPUT AND BOARDS AND COMMISSIONS, IF THAT'S GOING TO WORK. AND SO -- SO WHY ARE WE PUTTING OURSELVES IN THE SITUATION? WHY ARE WE SUBJECTING OURSELVES TO THESE UNCERTAINTIES WHEN WE HAVE AN OBLIGATION AS A CITY OF AUSTIN TO PROVIDE WATER IN THE -- IN FIVE YEARS. WE HAVE PLANTS LIKE SAMSUNG WHO ARE PROJECTING THEY WILL NEED \$5.2 MILLION -- 5.2 MILLION GALLONS OF WATER A DAY ASSUMING THAT THEY HAVE NORMAL OPERATIONAL CONDITIONS. BUT WHAT IF WE HAVE TO TELL THEM YOU ARE DOING THIS IN 2009, CAN YOU HOLD OFF ON NEEDING MORE WATER UNTIL 2013 OR LONGER UNTIL WE KNOW FOR SURE THAT PLANT NUMBER 4 IS READY? ARE WE READY TO SAY THAT TO THEM? TO THE COMPANIES THAT ARE LOOKING TO AUSTIN, ARE WE GOING TO HAVE TO TELL THE CHAMBER THAT ANY INDUSTRY THAT REQUIRES ADDITIONAL WATER MIGHT AS WELL JUST NOT EVEN APPROACH THEM BECAUSE WE ARE GOING THROUGH MANDATORY RESTRICTIONS WHERE WE HAVE TO CHOOSE BETWEEN PUBLIC SAFETY AND WATERING AND KEEPING ALIVE OUR LAWNS AND OUR TREES. IS THAT THE KIND OF AUSTIN THAT WE WANT? I DON'T THINK SO. I THINK THE BEST AND PRUDENT DECISION IS TO HAVE A BACKUP AND GO FORWARD AS STAFF RECOMMENDED TO HAVE GREEN FIRST, READY BY 2011, PROCEED WITH DESIGN AND CONSTRUCTION FOR 2015 OR IF WE NEED TO PUSH IT OFF SOON TO PUSH IT OFF LATER FOR NUMBER 4. THERE IS A LOGICAL ARGUMENT FOR WHY WE NEED TWO PLANTS. I SUPPORT THAT. BUT IT'S NOT AT THE COST OF MANDATORY WATER RESTRICTIONS, LOSING JOBS, LOSING EMPLOYERS, AND -- IN FIVE YEARS OR SOONER. AS PEOPLE WILL KNOW VERY SOON WHETHER OR NOT WE ARE GOING TO BE ABLE TO PROVIDE WATER TO THIS REGION. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] [4:45 P.M.]

LEFFINGWELL: WITH THE CONSERVATION PROGRAM THAT WE STARTED IN MOTION TODAY, THE NEW PROJECTIONS DO NOT EVEN SHOW PENETRATING THE PEAK USAGE PLUS 10% LINE UNTIL WELL PAST 2013. NOW LET'S TALK A LITTLE BIT ABOUT AVERAGE DAILY USES. AVERAGE DAILY USE IN THE WINTERTIME IS -- THIS IS RIGHT NOW, 110 MILLION GALLONS

A DAY. AVERAGE DAILY USE IN THE SUMMERTIME IS 180 MILLION GALLONS A DAY. THE DIFFERENCE, OF COURSE, IS 70, AND THAT'S PRIMARILY OUTDOOR IRRIGATION. SO I BELIEVE PERSONALLY THAT WE CAN MAKE SIGNIFICANT CUTS IN THE AMOUNT OF WATER THAT WE USE FOR OUTDOOR IRRIGATION WITHOUT HARMING OUR ECONOMY, WITHOUT EVEN HARMING OUR GREEN LAWNS, JUST WITH BETTER MAINTENANCE OF IRRIGATION SYSTEMS AND MORE INTELLIGENT WATERING, NOT WATERING WHEN IT'S RAINING, NOT WATERING THE STREET, NOT WATERING DURING THE MIDDLE OF THE DAY. THAT'S WHAT WE'RE TALKING ABOUT HERE. SO I FEEL VERY COMFORTABLE THAT A PLANT ONLINE, WHICHEVER IT MAY BE, BY 2013 IS NOT A DETERRENT TO OUR ECONOMY AND WILL NOT FORCE OUR CITIZENS TO PUT ROCKS IN THEIR FRONT YARD.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? I'LL JUST SAY WHILE WE WERE IN EXECUTIVE SESSION, BECAUSE THERE IS REAL ESTATE MATTERS RELATED TO THIS, WE HAVE BEEN AND STAFF HAVE BEEN HELPING US CONSIDER SITES FOR WHAT WE STILL REFER TO AS THE NEW GREEN PLANT,, MY INSTINCT IS SEEING THAT THE PLANTS -- BOTH PLANTS ARE GOING TO BE NEEDED -- AND I GUESS WE CAN SAY HERE WITHOUT BREAKING ANY CONFIDENTIALITY OR HURTING ANYTHING IS THAT WE HAVE A SITE UNDER OPTION FOR US TO POTENTIALLY BUILD THE NEW GREEN PLANT. MY HOPE WOULD BE THAT WE CAN CONTINUE TO HAVE THAT OPTION OF THAT LAND ACQUISITION, AND I DON'T THINK IT WOULD BE PARTICULARLY IMPRUDENT -- MY GOAL HERE IS TO BUILD ONE PLANT, NOT TWO JUST BECAUSE OF THE FISCAL PRUDENCE THAT SHOWS AND KNOWING THAT OUR UTILITY IS UNDER REAL FINANCIAL STRAIN. IS THAT PRESERVING THE RIGHT TO PURCHASE A FUTURE SITE, MY INSTINCT IS THAT LAND VALUE IS ONLY GOING TO INCREASE, CERTAINLY IN THE LONG-TERM. SO AS WE COME TO THE ABILITY TO MAKE A DECISION HERE OR HAVE A MOTION, I HOPE IT WOULD INCLUDE THE DIRECTION OF THE CITY MANAGER TO CONTINUE IF NEED BE, EXTEND THAT OPTION, IN THEORY EVEN CONSIDER PURCHASING A SITE FOR THE NEW GREEN PLANT AT A PRACTICAL, PRUDENT TIME, I WOULD THINK SOONER RATHER THAN LATER WOULD BE MORE PRUDENT. BUT AFTER LISTENING TO THE COST

SAVINGS, THE DYNAMICS, I'M PREPARED TO MOVE FORWARD ON THE ALTERNATIVE AT 4, AND MY UNDERSTANDING IS THAT WE WILL HAVE SOME PRETTY, RELATIVELY FIRM GUIDANCE FROM FISH AND WILDLIFE SOONER RATHER THAN LATER. AND SO I'LL JUST SAY, COUNCIL, THAT AS WE CONTINUE THIS DISCUSSION AND/OR IF THERE'S A MOTION ON THE TABLE, I'M SUPPORTIVE OF BUILDING ONE PLANT, NOT TWO, IN THE NEXT 25 TO 30 YEARS, PARTICULARLY BASED ON THE FACT THAT THERE IS A REAL VIABLE AND AN ALTERNATIVE SITE FOR 4 THAT CLEARLY BENEFITS THE BCCP PLAN THAT I'M PROUD TO SHARE, AND -- BUT I LIKE THE IDEA OF TRYING TO PRESERVE FURTHER REAL ESTATE OPTION FOR A NEW GREEN FOR THE OBVIOUS LONG-TERM FUTURE THERE. COUNCILMEMBER DUNKERLEY.

DUNKERLEY: I TEND TO AGREE WITH YOU, MAYOR. I WOULD GO ONE STEP FURTHER. WE ARE GOING TO NEED BOTH PLANTS, AND IF WE DO THE OPTION OF 4 FIRST, WHICH I WOULD SUPPORT, THAT DOESN'T MEAN WE'RE NOT GOING TO DO GREEN. AND I WOULD SUGGEST THAT THE CITY MANAGER COME BACK TO THE COUNCIL AT THE END OF THIS OPTION PERIOD ON THAT REAL ESTATE WITH A PLAN TO ACQUIRE OUR LAND AND JUST LAND BANK IT UNTIL THE NEED FOR THE GREEN PLANT OCCURS. OKAY?

KIM: MAYOR? I WONDER IF WE CAN PROCEED WITH A PLANT THAT WE CAN HAVE SOONER RATHER THAN LATER BECAUSE MY INTEREST HERE IS MAKING SURE THAT WE HAVE ADEQUATE WATER TO MEET PEAK DEMANDS AND ALSO IN THE CASE OF A SEVERE DROUGHT WE JUST SAW, ON CNN.COM I JUST SAW WHERE THE EARTH IS THE HOTTEST IT'S EVER BEEN IN 400 YEARS. THIS IS A SERIOUS CONCERN. GLOBAL WARMING IS HAVING AN IMPACT ON OUR REGION. WE SEE SAN MARCOS GOING THROUGH MANDATORY WATER RESTRICTIONS AND A LOT OF IT HAS TO DO WITH OUR ATMOSPHERE AND OUR CLIMATE GETTING HOTTER. WHEN THAT DOES HAPPEN, PEOPLE USE MORE WATER. WE LOSE MORE WATER IN OUR WATER SYSTEM AS WELL THROUGH EVAPORATION. IT IS JUST A FACT OF LIFE. AND I DON'T KNOW IF I WANT TO BE WRINGING MY HANDS FOR THE NEXT TWO TO THREE YEARS OR FOUR YEARS HOPING AND PRAYING THAT OUR WATER CONSERVATION EFFORTS ARE WORKING. AND BY THAT TIME IT WILL BE TOO LATE. THAT IF WE

PROCEED WITH NUMBER 4 FIRST, THEN WE CAN'T ACCELERATE THAT SCHEDULE ANYMORE AND WE CAN'T GO BACK AND DO GREEN, IT WILL BE TOO LATE. AND THAT'S WHY I THINK THE PRUDENT THING TO DO IS TO GO FORWARD WITH THE NEW GREEN AND AT THE SAME TIME GO FORWARD WITH THE NUMBER 4 AS ORIGINALLY DISCUSSED BY STAFF, AND THAT IS MY MOTION.

MAYOR WYNN: SO WE HAVE A MOTION ON THE TABLE BY COUNCILMEMBER KIM. HELP ME MAKE SURE I STATE THIS CORRECT, COUNCILMEMBER, CORRECTLY. TO DIRECT THE CITY MANAGER TO IMMEDIATELY BEGIN WHAT WE CALL THE NEW GREEN WATER TREATMENT PLANT --

KIM: IT WAS A STAFF RECOMMENDATION ON JUNE 8TH, CORRECT.

MAYOR WYNN: WHICH WOULD BE TO PURCHASE A TRACT OF LAND AND HIRE THE ENGINEERING FIRM TO BEGIN THAT ENGINEERING, AND AT THE SAME TIME MOVING FORWARD IN SOME FORM OR FASHION ON WATER TREATMENT PLANT NUMBER 4:

KIM: YES. THAT WOULD ALLOW FOR US TO STILL DO THE BCCP LAND MITIGATION AS DISCUSSED, I THINK THAT'S A WONDERFUL OPPORTUNITY HERE TO GO FORWARD WITH THAT, AND ALSO TAKE OUR TIME WITH THE INSPECTIONS AND THE PERMITS AND ALL THE BORING THAT NEEDS TO HAPPEN WITH THE OTHER SITE THAT WE'RE CONSIDERING, MAKE SURE THERE'S ENOUGH OF A PUBLIC INPUT PROCESS. AS WE'VE HEARD TODAY, THE PUBLIC REALLY WANTS TO HAVE MORE INFORMATION, THEY WANT TO HAVE AN OPPORTUNITY TO GIVE US THEIR INPUT ON THAT. AND SO THAT WE'RE NOT CUTTING CORNERS ON CONSTRUCTION ON NUMBER 4, WE WANT TO DO IT RIGHT AND WE ABSOLUTELY NEED TO DO THIS ONE RIGHT BECAUSE OF WHERE IT IS LOCATED. AND THEN ESPECIALLY IN ENVIRONMENTALLY SENSITIVE AREAS AND POTENTIALLY ARCHAEOLOGICAL SITES. IT WOULD HELP PUMP WATER PRESSURE TO THE SOUTHWEST WHICH IS NEEDED AS WELL AND BE PART OF AGGRESSIVE WATER CONSERVATION AND REUSE. SO THAT IS MY MOTION.

MAYOR WYNN: MOTION BY COUNCILMEMBER KIM TO MOVE FORWARD ON THE DESIGN, ENGINEERING, CONSTRUCTION THE OF WHAT WE REFER TO AS THE NEW GREEN WATER TREATMENT PLANT AS WELL AS THE PLAN FOR WATER TREATMENT PLANT NUMBER 4. MOTION DIES FOR LACK OF A SECOND.

MARTINEZ: MAYOR, I WANTED TO SECOND THAT FOR PURPOSE OF DISCUSSION.

MAYOR WYNN: MOTION SECONDED BY COUNCILMEMBER MARTINEZ FOR PURPOSES OF DISCUSSION.

MARTINEZ: I'M GOING TO WITHDRAW MY SECOND, BUT I WANT TO SPEAK TO THE MOTION. YOU KNOW, SOME OF US ON THIS DAIS HAS BEEN HERE DEALING WITH THE WATER TREATMENT PLANT FOR OVER SIX YEARS, BUT THERE ARE TWO OF US ON THIS DAIS WHO HAVE HAD LESS THAN SIX HOURS OF BRIEFINGS TO MAKE THIS VERY DIFFICULT DECISION. AND I AM A LITTLE BIT DISMAYED TODAY MY FIRST DAY ON THE COUNCIL THAT I DO BELIEVE, AS ONE OF THE SPEAKERS SAID EARLIER, THAT THERE IS A LITTLE BIT OF POLITICS GOING ON HERE WITH THIS ISSUE. I AGREE THAT WE NEED MORE WATER. I AGREE THAT WE NEED TO PLAN FOR THE FUTURE. AND THAT WE NEED TO BUILD A WATER TREATMENT PLANT. BUT THIS IS AN EXTREMELY DIFFICULT DECISION FOR ME. I'M NOT SPEAKING FOR ANYONE ELSE, BUT FOR ME IT'S VERY DIFFICULT. I'M TRYING TO DO WHAT'S BEST FOR THE ENTIRE CITY, AND NOTHING ELSE. AND WHILE I UNDERSTAND COUNCILMEMBER KIM'S -- SOME OF HER POSITIONS AND HER PASSION ON THIS ISSUE, I ALSO SEE THE MERITS OF THE WATER TREATMENT PLANT FOR PROPOSAL. SO I JUST WANT TO VOICE I GUESS MY FRUSTRATION IN THAT I HOPE THAT THIS IS NOT THE WAY WE'RE GOING TO CONTINUE TO DO BUSINESS FOR MY ENTIRE THREE YEARS BECAUSE IT'S GOING TO BE PRETTY DIFFICULT. SO I'M GOING TO WITHDRAW MY SECOND.

MAYOR WYNN: THE SECOND HAS BEEN WITHDRAWN. COUNCILMEMBER DUNKERLEY.

DUNKERLEY: FIRST OF ALL, MY MOTION WILL BE FOR STAFF. I THINK THEY ARE FRUSTRATED TOO. BEFORE I GOT ON

COUNCIL, SINCE I'VE BEEN ON COUNCIL THERE HAS BEEN DISCUSSIONS AND RIGHTFULLY SO OF THE ENVIRONMENTAL SENSITIVITY OF THE ORIGINAL TRACT WE HAD PLANNED. AND SO AT THAT TIME, BECAUSE OF THAT ISSUE, WE ASKED THE STAFF TO GO LOOK AT SOME ALTERNATE SITES. AND THEN WE TURNED OUR EYES TOWARD GREEN. SO THEN THE CONSERVATION ISSUE CAME UP. SO I GUESS RIGHT NOW THE STAFF IS SORT OF LIKE A DEER IN THE HEADLIGHTS. THEY DON'T KNOW WHAT TO DO. SO I WOULD LIKE TO MAKE THIS A DIRECTION TO STAFF, AND I WOULD MOVE THAT THE CITY MANAGER MOVE FORWARD ON THE DESIGN, ENGINEERING AND CONSTRUCTION OF A NEW WATER TREATMENT PLANT WITH NUMBER 4 FIRST IN THAT SEQUENCE. AND THAT WE ALSO MOVE FORWARD SIMULTANEOUSLY TO LOCK UP A SITE FOR THE FUTURE OF A NEW GREEN WATER TREATMENT PLANT WHEN THAT -- WHEN THAT LAND -- THAT PLANT IS DESTINED TO COME ONLINE. SO THAT'S MY MOTION.

MAYOR WYNN: SO MOTION MADE BY COUNCILMEMBER DUNKERLEY TO DIRECT THE CITY MANAGER TO MOVE FORWARD ON THE DESIGN, ENGINEERING AND CONSTRUCTION OF THE WATER TREATMENT PLANT --

DUNKERLEY: EXCUSE ME, MAYOR. CAN I MAKE AN ADDITION THAT THIS IS FOR THE ALTERNATIVE 4 SITE, NOT THE OLD 4 SITE.

MAYOR WYNN: RIGHT. MOVE FORWARD ON THE DESIGN, ENGINEERING, CONSTRUCTION OF A NEW WATER TREATMENT PLANT. THE WATER TREATMENT PLANT NUMBER 4 ALTERNATIVE SITE AS PRESENTED BY STAFF, AND TO MOVE FORWARD ON -- MS. TERRY IS GETTING A LITTLE NERVOUS HERE.

MAYOR AND COUNCIL, YOU ARE NOT POSTED TO GIVE DIRECTION FOR THE ACQUISITION OF A SITE.

DUNKERLEY: I'LL WITHDRAW THAT PART OF MY MOTION AND THEN QUIETLY WHISPER THAT IN THE CITY MANAGER'S EARS. [LAUGHTER]

I'M SORRY, MAYOR, IF I CAN HELP. YOU CERTAINLY CAN

DIRECT US TO BRING IT BACK, AND WE CERTAINLY HAD ALL THOSE INTENTIONS OF BRINGING IT BACK.

DUNKERLEY: THAT'S GOOD.

FUTRELL: I THOUGHT SHE WAS GOING TO TELL YOU IT WAS ILLEGAL FOR YOU TO WHISPER IN MY EAR, BETTY.

MAYOR WYNN: THE MOTION BY MAYOR PRO TEM DUNKERLEY IS TO MOVE FORWARD ON THE DESIGN AND CONSTRUCTION OF NEW WATER TREATMENT PLANT NUMBER 4 ON THE ALTERNATIVE SITE, AND TO COME BACK TO COUNCIL WITH A PLAN TO LOCK UP A SITE FOR WHAT WE CALL THE NEW GREEN WATER TREATMENT FACILITY.

I HAVE ANOTHER QUESTION FOR STAFF.

MAYOR WYNN: LET'S SEE IF WE GET ANOTHER SECOND FIRST. I'LL SECOND THAT.

KIM: I WANTED TO ASK CHRIS LIPPE, WHAT THE ORIGINAL RFQ IN TERMS OF CAPACITY FOR NUMBER 4 AND ALSO FOR GREEN?

I DON'T RECALL WHAT IT WAS FOR NUMBER FOUR, BUT I KNOW THE LONG-TERM PLAN FOR NUMBER 4 WAS 600 GALLONS PER DAY. NOW, THE INITIAL PHASE OF THAT IS WHAT I CAN'T RECALL BACK IN 2001 WHAT THAT RFQ MIGHT HAVE BEEN. EITHER 50 OR 75 LIKELY.

KIM: WHAT ABOUT THE GREEN? WASN'T IT CLEAR THAT IT WOULD BE BUILT IN TWO PHASES WITH EITHER ALL OR AT ONCE BUT WITH 50 MGD FOR GREEN?

NO, WE DESCRIBED IT THAT WAY MANY TIMES, BUT I THINK WE LEFT IT VERY GENERAL IN THE RFQ. I DO NOT THINK WE PUT A VOLUME.

KIM: BUT IF IT'S 50 MGD FOR GREEN, WE WOULD BE ABLE TO PUT OFF HAVING A SECOND PLANT FOR QUITE SOME TIME.

WE WOULD NOT BE ABLE TO PUT OFF HAVING A WATER

TREATMENT PLANT 4 UNLESS --

KIM: FOR LESS CAPACITY EVEN WITH PEAK DEMAND.

EVEN WITH A LARGER FIRST PHASE FOR GREEN, IT'S THE TRANSPORTATION AND TRANSMISSION MAINS THAT WOULD DRIVE IT FOR 2015 TO 2017. SO EVEN WITH CAPACITY IT'S -- AGAIN, IT GETS BACK TO THE NEED FOR EITHER PLANT OR THE TRANSMISSION MAINS BY 2017.

MAYOR WYNN: COUNCILMEMBER KIM HAS THE FLOOR.

KIM: BUT WE COULD DO THE GREEN AT 50 MGD?

YES.

MAYOR WYNN: COUNCILMEMBER MCCRACKEN.

MCCRACKEN: I'M GOING TO SUPPORT THE MOTION FROM COUNCILMEMBER DUNKERLEY, MAYOR PRO TEM DUNKERLEY. WE HAVE TWO SCENARIOS. UNDER SCENARIO ONE, IF WE BUILD NEW GREEN FIRST AND BUILD WATER TREATMENT PLANT 4 SECOND, WE WOULD ACTUALLY HAVE FOR THE YEARS OF 2010, 2011, AND POSSIBLY 2012, WE WOULD HAVE TWO WATER PLANTS UNDER CONSTRUCTION AT THE SAME TIME. THAT IS A SCANDAL US WASTE OF TAXPAYER DOLLARS TO SPEND AN EXTRA \$100 MILLION AND I DON'T THINK IT'S SUPPORTABLE. I DON'T THINK IT WOULD BE PRUDENT FINANCIAL MANAGEMENT BY THE CITY COUNCIL TO BE SPENDING AN EXTRA \$100 MILLION AND BUILD TWO WATER TREATMENT PLANTS FOR A PERIOD OF TWO TO THREE YEARS AT THE SAME TIME WHEN WE HAVE ANOTHER OPTION, WHICH IS TO BUILD ONE WATER PLANT NOW AND ALSO TO IMPLEMENT AN AGGRESSIVE WATER CONSERVATION MEASURES AND SAVE THE TAXPAYERS \$101 MILLION. THAT'S REAL MONEY FOR TAXPAYERS. SO WE HAVE -- WE'VE HEARD RECENTLY AS LAST WEEK SOMETHING ABOUT CALLED DICK CHENEY'S ONE PERCENT RULE, WHICH IS SAYING NO MATTER WHAT THE RISK, YOU SPEND WHATEVER IT TAKES TO PREVENT SOME OUTCOME, AND EVERYBODY HAS BEEN SAYING RIGHTFULLY SO THAT THAT IS -- FROM A RISK MANAGEMENT STANDPOINT IT'S SOMETHING YOU WOULD NEVER DO, PARTICULARLY WHEN

IT'S SPENDING TAXPAYER DOLLARS IN INFRASTRUCTURE. WE SHOULD NOT BE IMPLEMENTING THE ONE PERCENT RULE SO THAT WE CAN HAVE TWO MASSIVELY EXPENSIVE TAXPAYER FUNDED WATER TREATMENT PLANTS BEING BUILT AT THE SAME TIME. THIS IS NOT A RUSH DECISION. THE WATER TREATMENT PLANT 4 WAS APPROVED FIVE YEARS AGO. AND I UNDERSTAND ONE OF MY NEW COLLEAGUES, THIS IS NEW TO HIM, BUT IT'S BEEN A CURRENT SOURCE OF PLANNING ON THIS COUNCIL THE ENTIRE THREE YEARS I'VE BEEN ON IT. THE -- SO BECAUSE UNDER SCENARIO TWO THE MOTION FOR MAYOR PRO TEM DUNKERLEY, WE CAN BASICALLY PUT ONE WATER TREATMENT PLANT NOW, WE WOULD NOT HAVE ON TO BUILD ANOTHER SECOND WATER TREATMENT PLANT FOR 31 YEARS. THAT WOULD SAVE A LOT OF MONEY FOR THE TAXPAYERS, SO THAT'S WHY I'M GOING TO BE EXPERTING THE MOTION. MOISTURE MAYOR THANK YOU. WE HAVE --

MAYOR WYNN: THANK YOU. WE HAVE A MOTION AND A SECOND ON THE TABLE. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER KIM.

KIM: MAYOR, THE WATER CONSERVATION MEASURES WE'RE TALKING ABOUT, WE DON'T KNOW IF THE PUBLIC WILL SUPPORT THEM BECAUSE WE HAVEN'T HAD A STAKEHOLDER PROCESS. BUT IF WE'RE GOING FORWARD, AND IT LOOKS LIKE WE'RE GOING FORWARD WITH 4, WE WILL HAVE TO ENFORCE MEASURES AND POSSIBLY SOME THAT THE PUBLIC DOESN'T SUPPORT. I DON'T THINK IT'S FAIR TO THE PUBLIC WHEN THEY HAVEN'T HAD A CHANCE TO SAY WHAT DO THEY WANT, GIVE THEM THE CHOICE. ARE THEY GOING TO PUT OFF WATERING THEIR LAWNS OR NOT HAVING CERTAIN THINGS HAPPEN IN THEIR COMMUNITY OR HAVE TO BUY POTTED WATER IF FOR SOME REASON THEY DON'T HAVE ENOUGH TREATED WATER IN THE SYSTEM. THERE'S ALL THESE QUESTIONS AND I THINK THE PUBLIC DESERVES TO HAVE ANSWERS TO. SO I'M VERY DISMAYED TODAY THAT EAR NOT DOING OUR DUE DILIGENCE FOR THE PUBLIC OR HAVING THEM -- GIVING THEM A CHANCE TO BE PART OF THIS IMPORTANT POLICY RIGHT NOW.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? WE HAVE A MOTION AND A SECOND ON THE TABLE TO MOVE

FORWARD WITH THE DESIGN, ENGINEER AND CONSTRUCTION OF A NEW WATER TREATMENT PLANT, WATER TREATMENT NUMBER 4 ON THE ALTERNATIVE SITE AS OUTLINED BY STAFF. AND THEN TO BRING BACK THE OPPORTUNITY FOR US TO THEN LOCK UP A SITE FOR THE NEW -- WHAT'S REFERRED TO AS THE NEW GREEN WATER TREATMENT PLANT. FURTHER COMMENTS? COUNCILMEMBER MARTINEZ?

MARTINEZ: YEAH, MAYOR. I JUST WANT TO CONTINUE TO ECHO THE SENTIMENTS I STARTED DURING THE LAST MOTION THAT THIS IS A REAL DIFFICULT DECISION. IT'S GOING TO IMPACT THE CITY FOR A LONG TIME. I DO SEE THE MERITS OF THIS PROPOSAL. I DO SEE THE MERITS OF THE MOTION, AND I FEEL LIKE MY RESPONSIBILITY IS TO MAKE DECISIONS UP HERE. SO I WILL BE VOTING IN FAVOR OF THIS MOTION BUT I JUST WANT TO ECHO MY STRONG CONCERNS ABOUT THE PROCESS OR LACK THEREOF OF HOW WE CAME TO THIS CONCLUSION AND THAT I DIDN'T HAVE ENOUGH TIME AS A COUNCILMEMBER TO REALLY GET INTO PUBLIC INPUT IN MAKING THIS DECISION. THANKS.

MAYOR WYNN: THANK YOU, COUNCILMEMBER.
COUNCILMEMBER KIM.

KIM: ONE MORE THING. BEFORE WE VOTE ON THIS, I WANT TO THANK THE STAFF FOR THEIR WORK. I KNOW IT WAS A LOT OF WORK AND I DO APPRECIATE YOU STAYING LATE AND WORKING ON PUTTING ALL THAT INFORMATION TOGETHER. I ESPECIALLY WANT TO THANK JOE CANALES FOR HIS LEADERSHIP OF THE WATER UTILITY AND I KNOW WE'RE HAVING A CEREMONY LATER FOR HIM. BUT I ALSO WANT TO ESPECIALLY THANK HIM AS WELL.

MAYOR WYNN: WELL SAID. THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: OPPOSED?

KIM: NO, MAYOR.

MAYOR WYNN: MOTION PASSES ON A VOTE OF SIX TO ONE WITH COUNCILMEMBER KIM VOTING NO. THANK YOU ALL VERY MUCH. THANK YOU ALL FOR YOUR PATIENCE OUT THERE. SO COUNCIL, THAT ATTACKS US OBVIOUSLY AN -- THAT TAKES US AN HOUR BEHIND TO THE ZONING ORDINANCE, RESTRICTIVE COVENANT COVENANTS.

GOOD EVENING, MAYOR AND COUNCIL. I'M JERRY RUST O'SVEN. I WILL START WITH THE ITEMS THAT WE HAVE ALREADY HAD PUBLIC HEARINGS AND THE PUBLIC HEARING HAS BEEN CLOSED. ITEM 89 IS CASE C-14-05-0115, VALLEY VISTA. THIS IS TO APPROVE ON THIRD READING AN ORDINANCE AMENDING A PROPERTY LOCATED AT 1804 FORT VIEW ROAD TO FAMILY RESIDENCE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING.

MAYOR WYNN: FOLKS, IF I COULD GET YOU TO TAKE YOUR CONVERSATION OUT IN THE FOYER, I WOULD APPRECIATE IT. WE HAVE A LOT OF BUSINESS TO STILL TAKE CARE OF. THANK YOU. JERRY, GO AHEAD.

ITEM 90, FAIRFIELD AND WOOD LAWN MARK LOCATED AT 3226 WEST SLAUGHTER LANE. THIS IS A POSTPONEMENT REQUEST TO JULY 27TH BY THE NEIGHBORHOOD ON THIS CASE AND THE APPLICANT IS IN AGREEMENT. NUMB 91 IS CASE C-14-05-0198, HIGHLAND CENTER. THIS IS TO APPROVE ON SECOND AND THIRD READING AN ORDINANCE REZONING THE PROPERTY ON WEST BEN WHITE BOULEVARD FROM MULTI-FAMILY MEDIUM DENSITY TO COMMUNITY COMMERCIAL CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. ITEM 92 IS CASE C 814-04-0187 SH, GOODNIGHT RANCH P.U.D. TO APPROVE ON SECOND READING, REZONING OF PROPERTY ON OLD LOCKHART HIGHWAY FROM INTERIM RURAL RESIDENTIAL ZONING TO P.U.D. DISTRICT ZONING WITH CONDITIONS. THE APPLICANT HAS REQUESTED THAT WE PUT THIS CASE ON FOR SECOND READING ONLY BECAUSE HE WOULD LIKE TO MAKE A CHANGE TO THE CONDITIONS THAT THE COUNCIL APPROVED ON FIRST READING. THOSE ARE THE ADDITION OF CAR WASHING AND LIQUOR SALES AS PERMITTED USES IN THE NEIGHBORHOOD MIXED USE AREA WITHIN THE P.U.D.

AND THE ADDITION OF A REQUIREMENT FOR SOME STREET TREES. THIS CASE WILL BE ON SECOND READING ONLY AND WE'LL BE BRINGING IT BACK TO YOU FOR THIRD READING WITH THE ORDINANCE. ITEM 93 IS CASE C-14-05-0176, SHROPSHIRE DESSAU RETAIL TRACT 1, LOCATED AT 11801 BLOCK OF DESSAU ROAD. I UNDERSTAND A COUNCILMEMBER WILL BE REQUESTING A POSTPONEMENT ON THIS CASE AS WELL AS ITEM 94, WHICH IS C-14-05-0177 IN THE 11,000 BLOCK OF DESSAU ROAD.

DUNKERLEY: MAYOR?

MAYOR WYNN: COUNCILMEMBER DUNKERLEY.

DUNKERLEY: PART OF OUR DISCUSSION WAS WITH STAFF AND IT WAS HEARD ON A PREVIOUS READING WAS TO TRY TO COME BACK WITH SOME REDUCED TRIPS FOR THE SITE. I HAD AN E-MAIL FROM THE AGENT YESTERDAY THAT SHE HAD THEY HAD REDUCED THE TRIPS BY 1200 BY ELIMINATING FAST FOOD. WHEN THIS DOES COME BACK, WOULD YOU MAKE SURE THAT YOU CONFIRM AND PRESENT THAT AT THAT TIME?

WILL DO. AND ALSO THE PUBLIC WORKS DEPARTMENT IS WORKING ON A MEMO ADDRESSING THE SPEED LIMIT ISSUE WHICH WAS BROUGHT UP LAST TIME AND WATERSHED PROTECTION IS WORKING ON THE MEDIUM BREAK ISSUE AS WELL.

DUNKERLEY: IF YOU WOULD BRING THAT ALL BACK, I WOULD APPRECIATE IT.

MAYOR WYNN: SO ITEMS 93 AND 94, WHICH ARE RELATED, OTHERWISE STAFF WAS PREPARING TO BRING THESE FORWARD FOR CONSENT APPROVAL, I GUESS, ON SECOND AND/OR THIRD READING, BUT WE HAVE A REQUEST FOR A POSTPONEMENT?

THAT'S CORRECT. I BELIEVE WE HAVE A REQUEST FROM A COUNCILMEMBER FOR POSTPONEMENT.

MARTINEZ: YES, MAYOR. I WAS CONTACTED BY A NEIGHBORHOOD REPRESENTATIVE AND THEY ASKED IF WE

COULD POSTPONE THIS TILL JULY 27TH OR THE AUGUST 9TH MEETING, WHICHEVER FITS BETTER INTO THE SCHEDULE.

I HAVE SPOKEN WITH THE APPLICANT. THEY'RE OKAY WITH JULY 27TH.

MAYOR WYNN: GREAT. THANK YOU.

OUR NEXT CASE ON CONSENT FOR SECOND AND THIRD READING IS CASE 95, C 814-98-0001.05, LIFETIME FITNESS. THIS IS TO APPROVE ON SECOND AND THIRD READING AN ORDINANCE REZONING A PROPERTY AT 7101 SOUTH MOPAC EXPRESSWAY NORTHBOUND FROM P.U.D. TO P.U.D. TO CHANGE THE CONDITIONS OF ZONING. THIS ITEM WILL MODIFY THE ORIGINAL CONDITIONS OF THE P.U.D. AND IT WILL ALSO MODIFY THE APPLICATION OF CHAPTER 25-8, ARTICLE 12, THE SAVE OUR SPRINGS INITIATIVE. THAT CONCLUDES THOSE ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED.

MAYOR WYNN: QUESTIONS OF STAFF, COUNCIL? IF NOT, I'LL WALK THROUGH WHAT I THINK WILL BE OUR CONSENT AGENDA ON THESE CASES WHERE WE'VE ALREADY HELD AND CLOSED THE PUBLIC HEARINGS. THAT WOULD BE ON CASE NUMBER 89 TO APPROVE ON THIRD READING. CASE NUMBER 90 TO POSTPONE TO JULY 27TH, 2006. TO APPROVE ON SECOND AND THIRD READING CASE 91. TO APPROVE ON SECOND READING ONLY CASE 92. TO POSTPONE CASES 93 AND 94 TO JULY 27TH, 2006. AND TO APPROVE CASE NUMBER 95 FOR SECOND AND THIRD READING. I'LL ENTERTAIN A MOTION. MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER LEFFINGWELL 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 FIVE TO ZERO WITH COUNCILMEMBERS KIM AND MCCracken TEMPORARILY OFF THE DAIS.

I WILL NOW GO INTO THE CASES THAT ARE PUBLIC HEARINGS. ITEM 96 IS A DISCUSSION ITEM AND WILL BE

HANDLED BY MR. MARK WALTERS. ITEM 97 MUST HAPPEN AFTER 96, SO WE'LL PULL IT FROM THE CONSENT AGENDA FOR NOW. ITEM 98 IS CASE C-14-05-0164, U.S. HIGHWAY 290 EAST, WHICH IS TO CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE REZONING A PROPERTY AT U.S. HIGHWAY 290 EAST, APPROXIMATELY 360 FEET FROM ITS INTERSECTION WITH SPRINGDALE ROAD. THIS IS A POSTPONEMENT REQUEST BY STAFF FOR THIS TO JULY 27TH. ITEM 99, FM 1826, CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE REZONING THE PROPERTY LOCATED AT 8515 FM 1826 TO LIMITED OFFICE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING FOR TRACT 1 AND SINGLE-FAMILY RESIDENCE STANDARD LOT CONDITIONAL OVERLAY COMBINING DISTRICT ZONING FOR TRACT 2. THE PLANNING COMMISSION'S RECOMMENDATION IS TO GRANT LO-CO FOR TRACT 1, SO GRANT SF-2-CO FOR TRACT 2 AND THIS CASE IS READY FOR ALL THREE READINGS. ITEM 100 HAS BEEN WITHDRAWN BY THE APPLICANT AND NO ACTION IS REQUIRED. ITEM 101 IS CASE C-14-06-0031, AUSTIN COMMONS. THIS ITEM IS TO CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE REZONING A PROPERTY LOCATED AT 2618 KRAMER LANE FROM COMMUNITY COMMERCIAL CONDITIONAL OVERLAY TO COMMUNITY COMMERCIAL DISTRICT ZONING. THE PLANNING COMMISSION IS TO GRANT COMMUNITY COMMERCIAL MIXED USE COMBINING DISTRICT ZONING WITH CONDITIONS, AND THIS CASE IS READY FOR ALL THREE READINGS.

ITEM 102 IS CASE C-14-06-0057, 4605 MANOR ROAD. THIS ITEM IS TO CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE REZONING A PROPERTY LOCATED AT 4605 MANOR ROAD FROM FAMILY RESIDENCE DISTRICT ZONING TO COMMUNITY COMMERCIAL MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN ZONING. THE PLANNING COMMISSION RECOMMENDATION IS TO GRANT GR-MU-CO-NP AND THIS CASE IS READY FOR ALL THREE READINGS. CASE 103, EUERS OFFICE BUILDING, LOCATED AT 135 SLAUGHTER LANE. WE HAVE A POSTPONEMENT REQUEST TO JULY 27TH BY THE APPLICANT. ITEM 1034 IS CASE C-14-06-0060, TO CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE TO REZONE FROM DEVELOPMENT RESERVE AND SINGLE-FAMILY RESIDENCE LARGE LOT TO SINGLE-FAMILY

RESIDENCE LARGE LOT CONDITIONAL OVERLAY. THE RECOMMENDATION IS TO GRANT SINGLE-FAMILY RESIDENCE LARGE LOT DISTRICT ZONING AND WE HAVE ADDED THE CONDITION THAT WAS REQUESTED WHEN THIS CASE WAS LAST BEFORE THE COUNCIL TO LIMIT THIS PROPERTY TO NO MORE THAN FOUR LOTS. THIS CASE IS READY FOR ALL THREE READINGS. ITEM 105 IS CASE C-14-06-61, THIS IS TO CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE REZONING A PROPERTY FROM GENERAL OFFICE, MIXED USE, CONDITIONAL OVERLAY OR GO-MU-CO COMBINING DISTRICT ZONING TO GENERAL OFFICE MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING TO CHANGE THE ZONING. THE RECOMMENDATION IS TO CHANGE THE CONDITION OF ZONING AND THIS CASE IS READY FOR FIRST READING. ITEM 106 IS CASE C-14-06-74 AT 200 CONGRESS AVENUE. 202 CONGRESS AVENUE, 208 CONGRESS AVENUE AND 100, 102, 104 WEST SECOND STREET. THE REQUEST IS FROM CBD DISTRICT ZONING TO CBD CURE ZONING AND ALSO ADDITIONAL HEIGHT FOR THIS PROPERTY. THE PLANNING COMMISSION IS TO GRANT CBD-CURE-CONDITIONAL OVERLAY ZONING AND THIS CASE IS READY FOR ALL THREE READINGS.

ITEM 107 IS CASE C-14-06-0075, RED RIVER REZONING. THIS IS TO CONDUCT A PUBLIC HEARING AND APPROVE A REZONING OF THE PROPERTY AT 344-3406 RED RIVER STREET FROM MULTI-FAMILY RESIDENCE HIGHEST DENSITY CONDITIONAL OVERLAY NEIGHBORHOOD PLAN TO SINGLE-FAMILY RESIDENCE STANDARD LOT CONDITIONAL OVERLAY NEIGHBORHOOD PLAN ZONING. THE PLANNING COMMISSION RECOMMENDATION IS TO GRANT SF-CO-NP AND THIS CASE IS READY FOR ALL THREE READINGS. ITEM 108 IS C-14-06-81. THIS IS TO CONDUCT A PUBLIC HEARING AND REZONE THE PROPERTY AT LAVACA STREET FROM DOWNTOWN MIXED USE TO MU ZONING AND CS, COMMERCIAL SERVICES DISTRICT ZONING TO DMU-CO DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION IS TO GRANT DMU-CO AND THIS CASE IS READY FOR ALL THREE READINGS. ITEM 109 IS CASE C-14-06-90 TO CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE REZONING THE PROPERTY LOCATED AT 5401 EAST RIVERSIDE DRIVE FROM LIMITED OFFICE OR LO DISTRICT ZONING TO LIMITED

OFFICE MIXED USE CONDITIONAL OVERLAY ZONING. THE PLANNING COMMISSION RECOMMENDATION IS TO GRANT LO-MU-CO AND THIS CASE IS READY FOR FIRST READING. ITEM 110 IS CASE C-14-0091. THE PLANNING COMMISSION RECOMMENDATION IS TO FRONT LO-MU-CO AND THIS CASE IS READY FOR FIRST READING. ITEM 111 ASK CASE C-14-06-103, THE MURPHY TRACT. THIS ITEM IS CONDUCT A PUBLIC HEARING AND REZONE A PROPERTY LOCATED AT 5029 SOUTHWEST PARKWAY FROM GENERAL OFFICE CONDITIONAL OVERLAY ZONING TO LIMITED OFFICE CONDITIONAL OVERLAY ZONING OR LO-CO TO GENERAL OFFICE CONDITIONAL OVERLAY ZONING. THE PLANNING COMMISSION RECOMMENDATION IS TO GRANT GENERAL OFFICE CONDITIONAL OVERLAY ZONING. AND THIS CASE IS READY FOR ALL THREE READINGS. ITEM 112 IS CASE C-14-86-137 RCT, PEACEFUL HILL, AKA, PARK RIDGE GARDENS. THIS ITEM IS TO CONDUCT A PUBLIC HEARING AND APPROVE A RESTRICTIVE COVENANT TERMINATION FOR THE PROPERTY ON 308 RALPH AN BLAH ANYWAY DOUGH AND 8319 PEACEFUL HILL LANE. ITEM 113 IS CASE C-14-06-0016. ITEM 114 IS CASE C-14-H-06-0017, THE EF AND CLARA DENNIS HOUSE. THIS IS TO CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE REZONING A PROPERTY LOCATED AT 1706 EAST 12TH STREET FROM GENERAL SERVICES NEIGHBORHOOD PLAN ZONING TO GENERAL SERVICES HISTORIC NEIGHBORHOOD PLAN ZONING. THE PLANNING COMMISSION RECOMMENDATION IS TO GRANT CS-H-NP AND THIS CASE IS READY FOR ALL THREE READINGS. ITEM 115 IS CASE C-14-R-82-006 RCT, AUSTIN AUTO PARK LOCATED AT 13553 RESEARCH BOULEVARD. THIS ITEM IS REQUESTED FOR POSTPONEMENT TO JULY 27TH BY THE STAFF. ITEM 116 IS C-14-06-0032, THIS IS TO CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE REZONING A PROPERTY LOCATED AT 2510 SOUTH FIRST STREET FROM FAMILY RESIDENCE OR SF-3 DISTRICT ZONING TO GENERAL COMMERCIAL SERVICES CONDITIONAL OVERLAY COMBINING DISTRICT ZONING, COMMUNITY COMMERCIAL CONDITIONAL OVERLAY COMBINING DISTRICT ZONING, LIMITED OFFICE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING AND GENERAL OFFICE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION IS TO GRANT THE REQUEST AND THIS CASE IS READY FOR

FIRST READING. ITEM 117 IS CASE C-14-05-0179, THE SPRING LAKE SUBDIVISION. THIS CASE IS LOCATED AT 9009 SPRING LAKE DRIVE. THIS CASE HAS SOME PRETTY SERIOUS ENVIRONMENTAL ISSUES REGARDING WETLANDS. THE CITY STAFF MEMBER WHO COULD ADDRESS THESE ISSUES IS NOT AVAILABLE TODAY, THEREFORE THE STAFF WOULD LIKE TO REQUEST A POSTPONEMENT TO JULY 27TH.

ITEM 119 IS CASE C-14-06-0013, THE PAVILION CONDOMINIUMS LOCATED AT 11819 PAVILION BOULEVARD. THIS CASE HAS BEEN WITHDRAWN BY THE APPLICANT. AND FINALLY, CASE 122, C 14 060065, 2923 AND 2933 PECAN SPRINGS ROAD IS A POSTPONEMENT REQUEST BY THE APPLICANT TO JULY 27TH. THAT CONCLUDES THE CONSENT ITEMS.

MAYOR WYNN: IF YOU COULD REPEAT THE LAST CONSENT PROPOSAL?

ITEM 122 IS CASE C-14-06-0065, 2923 AND 2933 PECAN SPRINGS ROAD. THE APPLICANT IS REQUESTING A POSTPONEMENT TO JULY 27TH.

MAYOR WYNN: OKAY. THANK YOU. QUESTIONS OF STAFF, COUNCIL, BEFORE I TRY TO WALK THROUGH THE CONSENT? COUNCILMEMBER MARTINEZ.

MARTINEZ: I MAY HAVE MISSED IT. I DIDN'T HEAR ITEM 118.

MAYOR WYNN: HE SKIPPED 118, 120 AND 121, PRESUMELY BECAUSE WE ARE DISCUSSION ITEMS.

MAYOR WYNN: COUNCIL, OUR CONSENT AGENDA, IF YOU CAN FOLLOW THROUGH WITH THIS AND CHECK ME, OUR CONSENT AGENDA ON THESE PUBLIC HEARINGS ZONING CASES WILL BE TO -- WHERE WE TAKE AN ACTION WILL BE TO CLOSE THE PUBLIC HEARING AND TAKE THAT ACTION ON PUBLIC HEARING NUMBER 98 TO POSTPONE TO JULY 27TH, 2006. TO APPROVE ITEM NUMBER 99 ON ALL THREE READINGS. NOTE THAT ITEM 100 HAS BEEN WITHDRAWN. TO APPROVE ON ALL THREE READINGS CASES 101 AND 102. TO POSTPONE TO JULY 27TH, 2006, CASE 103. TO APPROVE ON ALL THREE READINGS CASE 104. TO APPROVE ON FIRST

READING ONLY CASE 105. FOR THE TIME BEING I'M GOING TO LEAVE ON THE CONSENT AGENDA TO APPROVE ON ALL THREE READINGS CASE 106. I THINK WE HAVE ONE PERSON HERE SIGNED UP TO SPEAK AND WE'LL LET THAT ONE PERSON SPEAK AND SEE IF IT CHANGES THIS. TO APPROVE CASE 106 ON ALL THREE READINGS. TO APPROVE CASE 107 AND 108 ON ALL THREE READINGS. TO APPROVE CASE 109 AND 110, BOTH ON FIRST READING ONLY. TO APPROVE CASE 111 ON ALL THREE READINGS. CASE 112 TO APPROVE THE TERMINATION OF THE RESTRICTIVE COVENANT. TO APPROVE ON FIRST READING ONLY CASE 113. TO APPROVE ON ALL THREE READINGS CASE 114. TO POSTPONE CASE 115 TO JULY 27TH, 2006. TO APPROVE ON FIRST READING ONLY CASE 116. TO POSTPONE CASE 117 TO JULY 27TH, 2006. AND WE APOLOGIZE, THERE'S A HANDFUL OF FOLKS WANTING TO SPEAK, BUT AS WE HEARD, OUR CITY STAFF -- OUR KEY CITY STAFF PERSON IS UNAVAILABLE THIS EVENING. NOTE THAT CASE 119 HAS BEEN WITHDRAWN. AND TO POSTPONE CASE 122 TO JULY 27TH, 2006. I'LL ENTERTAIN A MOTION.

MOTION MADE TO APPROVE THE CONSENT AGENDA AS READ. THANK YOU, MAYOR PRO TEM. SECONDED BY COUNCILMEMBER MCCRACKEN. IF I CAN WITHOUT OBJECTION, COUNCIL, ON CASE 106, ALTHOUGH IT'S BEEN APPROVED FOR ALL THREE READINGS, WE HAD ONE PERSON SIGN UP. ROBERT SINGLETON. IS ROBERT STILL HERE? HE SIGNED UP TECHNICALLY IN OPPOSITION. PERHAPS WE'LL GIVE HIM A FEW MINUTES WHILE WE CONTINUE ON. ANY COMMENTS, THOUGHTS ON THE CONSENT AGENDA, COUNCIL? ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU VERY MUCH. COUNCIL, THAT TAKES US TO 5:25. WE HAVE A COUPLE OF DISCUSSION ITEMS, INCLUDING A NEIGHBORHOOD PLAN. UNFORTUNATELY WE'RE NOT GOING TO BE ABLE TO GET EVEN THE PUBLIC HEARING DONE ON EITHER OF THESE CASES PRIOR TO OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. SO WITHOUT OBJECTION, WE WILL NOW RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL. PLEASE STAY TUNED FOR LIVE MUSIC AND PROCLAMATIONS. OUR MUSICIAN TONIGHT IS MR. DANNY YOUNG. AND AS SOON AS WE FINISH THE PROCLAMATIONS WE'LL COME RIGHT BACK AND FINISH THESE ZONING PUBLIC

HEARING CASES. SO WE ARE NOW IN RECESS. I'M SORRY, COUNCIL, I WAS JUST INFORMED HERE, I SHOULD STATE THAT WHILE WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, IN CLOSED SESSION AND PURSUANT TO SECTION 551.071, THE COUNCIL MAY TAKE UP ITEM 84 RELATED TO LEGAL ISSUES REGARDING STATE LAW APPLICABLE TO DEVELOPMENT INCENTIVES. WE MAY TAKE THAT UP IN CLOSED SESSION DURING LIVE MUSIC AND PROCLAMATIONS. SO WE ARE NOW TECHNICALLY IN CLOSED SESSION BUT BREAKING FOR LIVE MUSIC AND PROCLAMATIONS. THANK YOU.

DUNKERLEY: FOLKS, IF EVERYBODY WILL KIND OF TAKE A SEAT, WE HAVE -- ALL RIGHT.

MAYOR WYNN: FOLKS, IF I COULD HAVE YOUR ATTENTION, THIS IS OUR WEEKLY LIVE MUSIC GIG AT THE AUSTIN CITY COUNCIL, BUT TO INTRODUCE OUR MUSIC TONIGHT I WOULD LIKE TO INTRODUCE TO YOU OUR BRAND NEW MAYOR PRO TEM, BETTY DUNKERLEY. [APPLAUSE]

DUNKERLEY: HEY, THANK YOU A WHOLE LOT. AND LISTEN, IT IS MY SPECIAL, SPECIAL PLEASURE TO INTRODUCE DANNY RAY YOUNG, AND THIS WILD GROUP OF MUSICIANS OVER HERE. WITH US TODAY IS THE WASH BOARD PLAYER, THE TEXACALLI OWNER AND THE UNOFFICIAL MAYOR OF SOUTH AUSTIN. [CHEERS AND APPLAUSE].

THANK YOU, MY PEOPLE.

DUNKERLEY: DANNY RAY YOUNG MOVED TO AUSTIN WITH HIS FAMILY OVER 30 YEARS AGO AND OPENED THE TEXACALLI GRILL IN 1981, WHICH HAS BEEN CALLED ONE OF THE MOST RECOGNIZABLE INTERSECTIONS OF FOOD AND MUSIC IN AUSTIN. WHEN NOT MANAGING THE RESTAURANT, DANNY PLAYS THE RUB BOARD WITH THE CORNELL HERD BAND AS WELL AS PONNY BONE AND THE SQUEEZE BONES. HE ALSO SPENDS COUNTLESS HOURS SUPPORTING MUSIC AND LOCAL MUSICIANS AND LIVE MUSIC VENUES AS WELL AS CONTRIBUTING TO AUSTIN BENEFITS AND FUND-RAISERS. PLEASE JOIN ME IN WELCOMING THE LORD OF THE BOARD, DANNY RAY YOUNG. CHEERS AND APPLAUSE].

MAYOR PRO TEM, THANK YOU KINDLY. I LOVE CALLING YOU THAT. AND YOU MAKE ME SOUND PRETTY DARN GOOD. LET ME INTRODUCE THESE FOLKS BEFORE WE GET STARTED. THIS IS MY BUDDY RIGHT HERE, CORNELL SKELETON FROM THE CORNELL HERD BAND. YOU BETTER BELIEVE IT. ONE OF THE 10 BEST GUITAR PLAYERS IN THE STATE OF TEXAS. THIS IS LISA CRATZ, THE QUEEN OF THE TRAP RIGHT HERE. THIS IS A DRUMMER LIKE FEW YOU WILL EVER SEE IN YOUR LIFE. ALSO WITH THE CORNELL HERD BAND, OTHER BANDS. NEXT TO HER IS FROM THE REALLY INCREDIBLE HANCOCK FAMILY, THE ONE THAT HAS TOMMY, CHARLENE AND TRACY LAMAR AND LA CONNIE HANCOCK. AND THE SUPERNATURAL FAMILY BAND. AND ON THE END MY BUD, PONZY, THE COOLEST GUY IN TEXAS AND THE COUNTRY. THE MAN WHO IS THE MAIN SQUEEZE MEISTER OF THE SQUEEZE TONES, THIS IS THE SOUTHSIDE ALL STARS. [APPLAUSE] [CHEERS AND APPLAUSE].

THANK YOU. THANK YOU, THANK YOU.

DUNKERLEY: LISTEN, THANKS. DANNY, CAN YOU TELL US WHERE WE CAN HEAR MORE OF THIS GOOD MUSIC? WHERE ARE YOU PLAYING.

LET HIM TALK ABOUT WHAT'S HAPPENING WITH HIM.

I JUST HAVE ONE GIG COMING UP THIS I REMEMBER, AND THAT'S NEXT FRIDAY NIGHT AT THE EVANGELINE CAFE.

OUT THERE WITH CURTIS. MS. LA CONNIE, HOW ABOUT YOU?

THE ONLY PUBLIC GIG THAT WE HAVE COMING UP IS WE'RE GOING TO BE AT THE ACCORDION FESTIVAL IN SAN ANTONIO.

WOO! ALL RIGHT. ACCORDION FESTIVAL. AND LISA AND PAUL, WOULD YOU TELL EXACTLY -- YOU CAN TAKE MY MICROPHONE AND TELL THEM ABOUT THE CORNELL HERD BAND AND WHERE WE'LL BE PLAYING.

PAUL AND I WILL BE BOTH WITH THE BAND TONIGHT AT JOVITA'S, THAT'S TONIGHT IN SOUTH AUSTIN. AND THEN I'LL

BE IN UNLAWFUL AND HOUSTON. HAYS CALL.COM.

HOW ABOUT YOU OUT AT STEVIE DEAN'S PLACE OUT THERE?
[INAUDIBLE - NO MIC].

WHAT'S THAT SWEETIE'S NAME?

HER NAME IS JESSE LEE MILLER.

GO SEE STEVIE DEAN AT HIS NEW PLACE OUT THERE. THAT'S
IT. THAT'S IT, MAYOR PRO TEM. THANK YOU KINDLY, MA'AM.

DUNKERLEY: STEP OVER, WE HAVE A LITTLE PROCLAMATION
FOR YOU.

WOO.

DUNKERLEY: GOLD SEAL ON IT. YOU CAN LISTEN. BE IT
KNOWN THAT WHEREAS DANNY YOUNG IS A MUSICIAN AND
RESTAURANTEUR WHO HAS AMASSED AN INCREDIBLE
COLLECTION OF AUSTIN MUSIC MEMORABILIA AT HIS
TEXICALLI GRILL, MAKING IT A GATHERING PLACE FOR
MEMBERS OF THE MUSIC COMMUNITY AND WHEREAS HIS
EFFORTS AS A WASH BOARD PLAYER HAVE EARNED HIM A
REPUTATION AS THE LORD OF THE BOARD. AND FURTHER
HELPED AUSTIN'S STATUS AS THE LIVE MUSIC CAPITOL OF
THE WORLD. WHEREAS DANNY YOUNG CONTRIBUTES FOOD,
TIME AND ENERGY IN SUPPORT OF MANY AUSTIN CAUSES,
ESPECIALLY THOSE INVOLVING MUSIC, MUSICIANS AND LIVE
MUSIC VENUES WHILE CONTINUING TO BE THE CON SUE
MATT FAMILY MAN. NOW THEREFORE I, WILL WYNN, MAYOR
OF THE CITY OF AUSTIN, DO HERE BY EXTEND BE LATED
CONGRATULATIONS FOR DANNY ON HIS 65TH BIRTHDAY AND
DO HERE BY PROCLAIM JUNE THE 22ND, 2006 AS DANNY ROY
YOUNG DAY HERE IN AUSTIN.

THANK YOU, THANK YOU, THANK YOU, SUGAR. MAYOR,
THANK YOU VERY MUCH, SIR. MOST APPRECIATED. CAN I
TAKE ONE MOMENT? GOOD, BECAUSE I'M GOING TO. LET ME
THANK FOLKS, THANK FOLKS, THANK FOLKS, BUT I'VE GOT
MY MOM OUT HERE, MY WIFE, MY SON, MY DAUGHTER,
WHOSE BERTH DAY IS TODAY. I'VE GOT MY
GRANDDAUGHTER, THE WHOLE FAMILY HANGING IN HERE

WITH ME. I'VE GOT TONS OF FRIENDS IN HERE, I'M GLAD TO SAY. I WANT TO REALLY THANK ROSE REYES AND RONNIE MACK AND NANCY KOPPEL AND THE GANG FOR GETTING ME ROLLING IN THIS GREAT WONDERFUL AWARD, BUT I REALLY WANT TO THANK MY SON SCOTT OVER HERE FOR STARTING THIS WHOLE PROCESS. GOT THE IDEA AND SAID HEY, HOW DO WE GET SOME DAY NAMED AFTER MY DAD IN THIS CITY? I THANK Y'ALL. BUT MOST OF ALL, I THANK THE FOLKS OF AUSTIN. I MOVED HERE 30 YEARS AGO TO STAY ONE YEAR. THE THIRD DAY I KNEW I WAS EXACTLY WHERE I BELONGED. I WAS HOME. THANK YOU FOLKS IN THE CITY OF AUSTIN, THE PEOPLE. I LOVE YOU GUYS, MY TRANSCRIBE EVEN MORE. -- MY TRIBE EVEN MORE. THANK YOU, THANK YOU, THANK YOU. [CHEERS AND APPLAUSE]. AND ALL OF MY PLAYERS UP HERE. [CHEERS AND APPLAUSE] AND MAYOR PRO TEM, I LOVE SAYING THAT, BOY, I'M GLAD TO SEE YOU UP HERE, DARLING. THAT'S WONDERFUL. THANK Y'ALL VERY, VERY MUCH. APPRECIATE IT. [CHEERS AND APPLAUSE]

MAYOR WYNN: OKAY, FOLKS. IF I COULD HAVE YOUR ATTENTION. WHILE DANNY BREAKS DOWN ON THAT SIDE OF THE ROOM, WE'RE GOING TO COME OVER HERE AND USE THIS PODIUM TO DO OUR WEEKLY PROCLAMATIONS. WE TAKE THIS TIME EACH WEEK TO SAY CONGRATULATIONS OR THANK YOU TO FOLKS. WE ALSO TRY TO RAISE PUBLIC AWARENESS ABOUT PROGRAMS GOING ON IN THE COMMUNITY. SO EVEN THOUGH WE'VE DECLARED THIS DANNY YOUNG DAY, WE'RE ALSO VERY PROUD TO BE HERE WITH DANNY GARRETT. AND I'D LIKE TO ASK CITY MANAGER TOBY FUTRELL TO SAY A FEW WORDS. TOBY?

FUTRELL: PRETTY SOON IT'S GOING TO BE DANNY MONTH, RIGHT? THIS IS AS A POINT OF PERSONAL PRIVILEGE I WANTED TO BE ABLE TO SAY A FEW WORDS ABOUT THIS PROCLAMATION THAT WE'RE ABOUT TO DO BECAUSE I'VE KNOWN DANNY FOR A LONG, LONG TIME, MANY, MANY DECADES, MORE THAN I'M GOING TO ACKNOWLEDGE TO ALL OF YOU. SO JUST A FEW WORDS ABOUT WHY THIS IS IMPORTANT TO ME AND I THINK TO AUSTIN. I THINK DANNY WOULD ACKNOWLEDGE THAT HE HAD A BC AND AN AD IN HIS LIFE. MAYBE IT WAS ACTUALLY BA AND AA, BEFORE AUSTIN AND AFTER AUSTIN. I THINK DANNY'S ARTWORK, HIS -- THE WHOLE PRODUCTION OF HIS ARTWORK BEGAN RIGHT

AROUND 1970 WHEN HE CAME TO AUSTIN. AND I THINK SOMETIMES YOU WOULD HEAR DANNY SAY MAYBE HIS LIFE BEGAN ONCE HE HIT AUSTIN BECAUSE AUSTIN'S GROWTH PARALLELED DANNY'S GROWTH OVER THE LAST COUPLE OF DECADES. DANNY DREW SOME OF THE WONDERFUL MUSIC PROMOTION POSTERS, SO THOSE OF YOU WHO HAVE BEEN HERE FOR AS LONG AS WE HAVE WILL REMEMBER SEEING THESE AT ARMADILLO WORLD HEAD QUARTERS, CASTLE CREEK, SOAP CREEK IS A ALONE, AUSTIN -- SALOON. SOME OF THESE POSTERS ARE ALMOST COLLECTOR'S ITEMS TODAY. YOU CAN BUY THEM, FOR EXAMPLE, AT THE ARMADILLO CHRISTMAS BAZAAR STILL. PROBABLY BEST KNOWN FOR HIS WORK BETWEEN ABOUT 1976 AND 2005 WORKING AT ANTONE'S. AND THAT HAS A SPECIAL MEANING RIGHT NOW HAVING JUST LOST CLIFFORD IN OUR COMMUNITY. DANNY HELPED WITH THE ARTWORK THAT PROMOTED SOME OF THE GREATS OF THE CHICAGO BLUES SCENES, WHETHER YOU'RE TALKING ABOUT MUDDY WATERS, BB KING, JOHN LEE HOOKER, BUDDY GUY, JUST TO NAME A FEW. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

WE'LL BE HOSTING A RETROSPECTIVE OF DANNY'S WORK WHILE HE'S ON BREAK OF TEACHING ART DESIGN AT AUKLAND UNIVERSITY AND TECHNOLOGY IN NEW ZEALAND. WE ARE PLEASED TO RECOGNIZE DANNY FOR HAVING PROMOTED AUSTIN, ITS MUSIC, PEOPLE, THEIR TALENTS TO MORE THAN 30 YEARS, JOINING THOSE GATHERING AT THREADGILL'S ON JULY 9TH IN HONORING HIM, I WILL WYNN, MAYOR OF THE GREAT CITY OF AUSTIN, TEXAS DO HEREBY PROCLAIM JULY 9, 2006 AT DANNY GARRETT DAY IN AUSTIN. AND CALL ON CITIZENS TO JOIN ME IN CONGRATULATING THIS GREAT TALENT. [APPLAUSE]

I WOULD LIKE TO SAY THANKS TO EVERYONE. YOU WILL HAVE AN EXCUSE IN A BIT, I HAVE A BIT OF A JET LAG AND HEAD COLD THAT I BROUGHT IN FROM AUKLAND, MIDDLE OF WINTER DOWN THERE. I WOULD LIKE TO SAY IT'S VERY, VERY GOOD TO BE HOME, I STILL CONSIDER AUSTIN MY HOME, IT'S AWFULLY NICE TO BE WHERE IT'S WARM AND DRY. SO I WANTED TO THANK THE -- THE CITY OF AUSTIN AND THE GOVERNMENT OF THE CITY OF AUSTIN FOR THIS INCREDIBLE HONOR. IT'S QUITE HUMBLING TO GET THIS

HONOR. AND IT'S GOOD ONCE AGAIN LIKE I SAID BEFORE IT'S GOOD TO BE BACK HOME. IT'S A LITTLE BITTER SWEET TO BE BACK HOME NOW HAVING LOST TWO OF MY BEST FRIENDS, CLIFFORD ANTONE AND JACK JACKSON WHO RECENTLY PASSED AWAY, I WOULD RESPECTFUL LIKE TO DEDICATE THE MUSIC ART PORTION OF MY SHOW AT THE SOUTH AUSTIN MUSEUM OF POPULATION CULTURE, I WOULD LIKE TO DEDICATE THAT TO CLIFFORD ANTONE AND THE REMAINDER OF MY SHOW I WOULD LIKE TO RESPECTFULLY DEDICATE TO ONE OF THE BEST HISTORIANS AND HISTORICAL ARTISTS IN THIS STATE, JACK JACKSON. AND CERTAINLY I WOULD LIKE TO INVITE EVERYONE TO COME OUT TO SEE THE SHOW AND TO SEE THE MUSIC ART THAT I PRODUCED AND ONCE AGAIN, THANKS TO EVERYONE FOR THIS GREAT HONOR AND THANKS TO -- TO ALSO DANNY YOUNG FOR BEING HERE ON THE DAY OF THE DANNIES. AND YES I'M REMINDED THAT WE HAVE SOME -- SOME PRINTS OF MY, POSTERS THAT I WOULD LIKE TO PRESENT TO --

OH, MY GOSH.

OH, MY GOSH, THANKS.

TO THE MAYOR WYNN AND TOBY AND THE REST OF THE CITY COUNCIL AND ONCE AGAIN THANKS TO EVERYBODY FOR THIS INCREDIBLE HONOR. THANK YOU. [APPLAUSE]

THANK YOU SO MUCH, I WILL TREASURE IT. I'M A BIG FAN. BREWSTER.

WHO HE IS RUNNING THE POOL.

EXACTLY RIGHT. .

MAYOR WYNN: OKAY, FOLKS, CONTINUING ON. WE HAVE TOO MANY DANNIES IN THE RUN TO CUT UP. OKAY, SO OUR NEXT PROCLAMATION IS ACTUALLY A CERTIFICATE OF CONGRATULATIONS, AND IT GOES TO OUR PARKS AND RECREATION DEPARTMENT. I'M JOINED BY WARREN STRUSS OUR PARKS AND RECREATION DEPARTMENT DIRECTOR, BUT ALSO ESSENTIALLY PROBABLY THE ENTIRE AQUATICS DIVISION OF THE DEPARTMENT. I WILL ACTUALLY READ THE CERTIFICATE OF CONGRATULATIONS AND HAVE WARREN

TALK TO YOU ABOUT WHAT IS A -- A STELLAR PART OF OUR PARKS AND REC DEPARTMENT. OKAY. SO THIS IS A CERTIFICATE OF CONGRATULATIONS THAT READS: FOR HAVING RECEIVED THE EXCELLENCE IN AQUATICS AWARD IN THE OVER 650,000 POPULATION CATEGORY, RECOGNIZING THIS PROGRAM AS THE NUMBER ONE MOST OUTSTANDING IN THE ENTIRE NATION, THE AUSTIN PARKS AND RECREATION DEPARTMENTS AQUATICS DIVISION IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION, THE AWARD GIVEN BY THE NATIONAL RECREATION AND PARKS ASSOCIATION, ACKNOWLEDGES EXCELLENCE IN THE FIELD OF AQUATIC PROGRAMMING AND MANAGEMENT. THIS HONOR IS NOT ONLY A TESTAMENT TO THE COMMITMENT AND DEDICATION OF THE EMPLOYEES, BUT ALSO TO THE VALUABLE SUPPORT OF THE CITY MANAGER, THE PARK BOARD MEMBERS, AND CITIZENS AND MAYOR AND COUNCIL AND THE ENTIRE COMMUNITY. MORE IMPORTANTLY, THIS AWARD REFLECTS THE VALUE AUSTINITES PLACE ON THEIR PARKS, THE RECREATIONAL FACILITIES AND ITS PROGRAMS. THE CERTIFICATE IS ISSUED IN ACKNOWLEDGMENT OF OUTSTANDING ACHIEVEMENT AND IS PRESENTED WITH OUR CONGRATULATIONS THIS 22ND DAY OF JUNE, THE YEAR 2006, SIGNED BY ME, MAYOR WYNN, BUT ACKNOWLEDGED BY THE ENTIRE CITY COUNCIL, THE CERTIFICATE OF CONGRATULATIONS FOR THE NUMBER ONE AQUATICS DEPARTMENT PROGRAM IN THE ENTIRE U.S.A., AUSTIN PARKS AND RECREATION DEPARTMENT. [APPLAUSE]

THANK YOU, MAYOR I APPRECIATE IT. YOU KNOW I WAS THINKING ABOUT WHEN WE WON THE AWARD, WHAT DO WE OWE IT TO? AND IT BECAME EASY FOR ME TO TRY TO DETERMINE THAT. YOU KNOW, YOUR ACT AQUATICS DIVISION IS NOT THE MOST PERFECT INFRASTRUCTURE OR FACILITIES. WE'VE GOT ISSUES, WE'VE GOT PROBLEMS. AND WE ARE GOING TO ADDRESS THOSE PROBLEMS IN THE UPCOMING BOND ELECTION. BUT WHAT THE GOLD MEDAL REPRESENTS AND I THOUGHT ABOUT THIS, I THINK THAT IT'S TRUE, WHAT THE GOLD MEDAL REPRESENTS, IT REPRESENTS THE DEDICATION, THE PASSION, THE WORK ETHIC OF A WHOLE BUNCH OF PROFESSIONALS BEHIND ME TO MAKE THE EXPERIENCE TO THE CITIZENS OF AUSTIN A SAFE AND WONDERFUL SWIM EXPERIENCE EVERY DAY OF

THE SUMMER AND OF THE YEAR. IT IS -- IT IS HUMBLING FOR ME TO BE ABLE TO WORK WITH EVERY DAY THESE PROFESSIONALS THAT YOU SEE BEHIND ME. THEY TAKE IT EXTREMELY SERIOUS EVERY DAY TO MAKE SURE THAT OUR VISITORS TO ALL OF OUR POOLS ARE SAFE AND WELL TAKEN CARE OF AS THEY ENJOY THEIR EXPERIENCE WITH THE PARKS AND RECREATION DEPARTMENT. I OWE A GREAT DEAL OF THANKS TO EACH AND EVERY ONE OF THEM EVERY DAY FOR MAKING THAT EXPERIENCE A SAFE ONE FOR ALL OF AUSTIN. THE PEOPLE THAT I WOULD LIKE TO THANK FOREMOST IS THE PERSON THAT SET THE BAR HIGH, A NUMBER OF YEARS, HE HAS BEEN A FRIEND AND A COLLEAGUE OF MINE FOR YEARS AND YEARS IN THE PARKS AND RECREATION DEPARTMENT. HE SET THE BAR. FARHAD, I OWE YOU A GREAT DEAL OF THANKS, SO DOES AUSTIN FOR ALL OF YOUR WORK. YOU SET THE BAR. NOW, FARHAD SET THE BAR A NUMBER OF YEARS AGO, WON UNDER HIS WATCH THE GOLD MEDAL. WE ARE THE ONLY OTHER CITY OTHER THAN PHOENIX TO HAVE WON THE AQUATICS GOLD MEDAL TWICE FOR LARGE CITIES. THAT'S AN INCREDIBLE ACCOMPLISHMENT. OUR MAJOR COMPETITOR RIGHT NOW IS PHOENIX, THEY ARE INDEED A GREAT DEPARTMENT. BUT WE ARE WORKING DILIGENTLY AND WE WANT TO BRING IT BACK AGAIN. THE BAR HAS BEEN SET FOR ANOTHER PROFESSIONAL AND HE'S WITH US TODAY I'M GOING TO TURN IT OVER TO HIM IN JUST A SECOND. TOM NELSON IS NOW OUR DIVISION DIRECTOR OVER AQUATICS, HE KNOWS THE BAR, ALSO HAS BEEN WITH US A LONG TIME AS WELL AS MANY OF THESE PROFESSIONALS. AND SO I SAY ON BEHALF OF THE PARKS AND RECREATION DEPARTMENT TO EACH AND EVERY ONE OF YOU, THANK YOU VERY, VERY MUCH FOR ALL OF THE WORK THAT YOU DO. TOM WOULD YOU LIKE TO SAY A FEW WORDS?

SURE. THAT'S GOING TO BE A HARD ACT TO FOLLOW. IT WAS A GREAT HONOR TO WIN THE EXCELLENCE IN AQUATICS AWARD IN 2006 AFTER HAVING WON IT IN 1999. IT WAS MADE POSSIBLE BY STAFF. LIKE WARREN SAID. FROM THE BOTTOM OF OUR HEARTS, I WOULD TRULY LIKE TO THANK ALL OF YOU ALL FOR WORKING SO HARD, MANY NIGHTS AND WEEKENDS MAKING SURE THAT THE POOLS ARE RUNNING SAFELY. BUT IT'S ALSO TRULY AN HONOR TO GET THIS

PROCLAMATION. TO BE HONORED BY THE CITY OF AUSTIN.
AND I WANT TO THANK YOU VERY MUCH. [APPLAUSE]

MAYOR WYNN: PROBABLY -- SQUEEZE IN.

MAYOR WYNN: OKAY, FOLKS, OUR NEXT PROCLAMATION REGARDS EMPLOYEE SAFETY MONTH, WHICH THIS IS, JUNE IS. AND SO AFTER I READ THIS PROCLAMATION, MARK MEDLEY IS GOING TO TALK ABOUT OUR EMPLOYEE SAFETY ASSOCIATION, FOLKS FROM DIFFERENT DEPARTMENTS, HOW WE WORK HARD TO KEEP OUR EMPLOYEES SAFE FIRST AND FOR MOIST, WHAT THAT -- FOR MOIST, WHAT THAT MEANS FOR US AS FAR AS TAXPAYERS, ADMINISTRATORS TO MAKE SURE THAT'S THE CASE. THE PROCLAMATION READS BE IT KNOWN WHEREAS THE CITY OF AUSTIN RECOGNIZES THE IMPORTANCE OF THE SAFETY AND HEALTH OF ITS EMPLOYEES AND ITS DUTY TO PROVIDE A SAFE AND HEALTHFUL WORK ENVIRONMENT, WHEREAS THE CITY ALSO RECOGNIZES THE CITY OF AUSTIN EMPLOYEE SAFETY ASSOCIATION AS A COMMITTEE OF DEDICATED EMPLOYEES AND WHEREAS AUSTIN WATER UTILITY, THE HUMAN RESOURCE DEPARTMENT, THE CITY OCCUPATIONAL SAFETY AND HEALTH NETWORK, AND THE EMPLOYEE SAFETY ASSOCIATION ARE HOSTING FOUR WEB CASTS FOCUSED ON EMPLOYEE SAFETY DURING THE NATIONAL SAFETY COUNCIL'S ANNUAL OBSERVANCE OF NATIONAL SAFETY MONTH. NOW THEREFORE I WILL WYNN MAYOR OF AUSTIN DO HEREBY PROCLAIM JUNE 2006 AS EMPLOYEE SAFETY MONTH HERE IN AUSTIN, CALL ON MARK MEDLEY TO SAY A FEW WORDS ABOUT HOW WE HAVE THIS COLLECTIVE EMPLOYEE EFFORT TO MAKE SURE THAT WE KEEP EVERYBODY SAFE.

THANK YOU, MAYOR WILL WYNN. MY -- MY APPRECIATION GOES OUT TO THE CITY OF AUSTIN, CITY OF AUSTIN GOVERNMENT, THE MAYOR, AND ESPECIALLY THE CITY MANAGER WHO HAS THE FORESIGHT TO SEE THAT -- THAT EMPLOYEE INVOLVEMENT IN MANAGEMENT DECISION MAKING IS IMPORTANT WITH OUR REPRESENTATION AS EMPLOYEE SAFETY ASSOCIATION WITH OUR REPRESENTATION ON THE EMPLOYEE WORKFORCE ISSUES COMMITTEE. WE ARE DEDICATED TO PROVIDING CITY EMPLOYEES THE SAFEST WORKPLACE POSSIBLE. WE WILL

DO THAT THROUGH OUR CONTINUED PARTICIPATION THROUGH THAT COMMITTEE EFFORT AND WE LOOK FORWARD TO MOVING FORWARD WITH OUR SAFETY PROGRAMS TO THE -- TO THE BEST OF OUR ABILITY. TO THE BEST MEET OUR CUSTOMER NEEDS. BECAUSE IF WE CAN'T TAKE CARE OF OUR OWN INTERNAL CUSTOMERS, WE CAN'T TAKE CARE OF THE PUBLIC SAFETY. SO ON BEHALF OF THE EMPLOYEE SAFETY ASSOCIATION, I WANT TO SAY THANK YOU VERY MUCH.

THANK YOU. [APPLAUSE]

THANK YOU.

MAYOR WYNN: SADLY WHAT WE USE THIS PORTION OF OUR WEEKLY MEETING FOR USUALLY IS TO SAY GOODBYE, BUT ALSO THANK YOU AND CONGRATULATIONS TO LONG SERVING CITY EMPLOYEES. THAT'S THE CASE HERE WITH DEE HATCH. AFTER I READ THE DISTINGUISHED SERVICE AWARD, I WOULD LIKE RICHARD HARRINGTON TO COME UP AND SEE A FEW WORDS ABOUT DEE. THE DISTINGUISHED SERVICE AWARD READS: FOR 25 YEARS OF DEDICATED SERVICE TO THE CITIZENS OF AUSTIN, FIRST AS A MEMBER OF THE AUSTIN EMERGENCY MEDICAL SERVICES, THEN THE AUSTIN TRAVIS COUNTY E.M.S. SYSTEM, DEE HATCH IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. HER E.M.S. CAREER HAS BEEN MARKED BY DEDICATION, COMMITMENT AND A DESIRE TO IN FACT PRESERVE LIFE, IMPROVE HEALTH, PROMOTE SAFETY, THE DEPARTMENTAL PLEDGE, HER LEADERSHIP HAS BEEN INSTRUMENTAL IN STRENGTHENING THE BONDS BETWEEN E.M.S. BILLING AND OUR COMMUNITY AND IN BRINGING ENHANCED CITIZENS PROFESSIONALISM TO MERGE MEDICAL SERVICES. THE CERTIFICATE IS PRESENTED WITH OUR ADMIRATION AND APPRECIATION OF HER EXEMPLARY SERVICE THIS 22ND DAY OF JUNE, 2006, SIGNED BY ME, MAYOR WYNN, BUT ACKNOWLEDGED BY THE ENTIRE AUSTIN CITY COUNCIL, DISTINGUISHED SERVICE AWARD, MS. DEE HATCH. DISTINGUISHED SERVICE AWARD.

THANK YOU, MAYOR. THIS IS ONE OF THOSE DAYS AS SOMEBODY THAT'S BEEN AROUND FOR A LONG TIME YOU HATE TO SEE A LONG-TERM MEMBER OF YOUR EXTENDED

FAMILY LEAVES. I CAN'T REMEMBER NOT KNOWING DEE. I HAVE BEEN WITH E.M.S. SINCE 1975. WE ARE GOING TO MISS HER. WE CERTAINLY APPRECIATE EVERYTHING THAT SHE'S DONE. OUR ORGANIZATION HAS GROWN GREATLY DURING HER 10 YEW. WE HAVE ONE OF THE MOST PROFICIENT E.M.S. COLLECTION AGENCIES IN THE ENTIRE COUNTRY. DEE OWNS A LOT OF THAT. DEE, WE ARE GOING TO MISS YOU, WE LOVE YOU AND WE HOPE THAT YOU COME BACK ON ALL OF THE OCCASIONS THAT WE NORMALLY WANT YOU TO COME BACK ON.

THANK YOU. [APPLAUSE]

I WANT TO SAY THANK YOU TO THE CITY OF AUSTIN, BACK WHEN I FIRST STARTED, GIVING ME A CHANCE, COMING FROM NEW YORK, I STARTED OUT FIRST IN THE CLAIMS DEPARTMENT, FROM THERE TO THE APPRAISAL DISTRICT, BEFORE THEY WENT TO THE COUNTY. AND CAME TO E.M.S. AND THAT'S WHERE, YOU KNOW, I HAVE REALLY ENJOYED WORKING FOR E.M.S. I'VE BEEN THERE FROM BEFORE THE SUN COMES UP TO BEFORE THE SUN COMES UP THE NEXT TIME AROUND, YOU KNOW, REALLY WORKING HARD AND I REALLY APPRECIATE RICHARD HARRINGTON UNDER THE DIRECTOR OF RICHARD HARRINGTON UNDER E.M.S., MY MANAGER JOHN RALSTON A HOST OF FAMILY AND FRIENDS THERE AT E.M.S. I REALLY HAVE ENJOYED. I'M GOING TO TRY NOT TO CRY. I CAN DO THIS. I KNOW THAT I CAN DO THIS. TO MY FAMILY, HUSBAND AND DAUGHTER, IT'S TIME TO SPEND SOME TIME WITH THEM. I THANK EVE AND EVERY ONE OF -- EACH AND EVERY ONE OF YOU. [APPLAUSE]

MAYOR WYNN: SO FOR OUR NEXT PROCLAMATION, I WOULD LIKE TO INTRODUCE CITY COUNCIL MEMBER JENNIFER KIM.

THIS PROCLAMATION IS FOR JEFF LIU, WHO HAS TWO RESTAURANTS, BISTRO 88 AND NOODLEISM, WE ARE VERY GOVERNMENT TO HAVE JEFF AND HIS FAMILY HERE. NOODLISM IS ON 5TH AND GUADALUPE, A VERY POPULAR RESTAURANT FOR A QUICK AND DELICIOUS MEAL. I WANTED TO SHARE WITH YOU A LITTLE BIT SOMETHING ABOUT JEFF. HE IS THE EXECUTIVE CHEF AND CO-OWNER OF BISTRO 88 IN AUSTIN, TEXAS, ORIGINALLY FROM TAIWAN. HE BEGAN AT THE EARLY AGE EXPOSED TO ASIAN CUISINE BY VARIOUS

RESTAURANTS OWNED BY HIS FAMILY. HE INCLUDES DIFFERENT ELEMENTS OF ASIAN AND WESTERN COOKING. HE HAS EXTENSIVE EXPERIENCE IN THE RESTAURANT INDUSTRY. HE HAS BEEN MANAGER, OWNER, EXECUTIVE CHEF IN TAIWAN, CHINA, MEXICO, THE UNITED STATES. IN ADDITION, HE HAS DESIGNED MANY OF THE INTERIORS AND UTILIZING A STRONG ARCHITECT STICK BACKGROUND. WHEN JEFF MOVED TO AUSTIN THREE YEARS AGO HE HAD A DREAM TO OPEN AN INTERNATIONAL NOODLE HOUSE. HE STARTED BISTRO 88 IN 1998. NEWEST VENTURE, NOODLISM OPENED IN JULY OF 2002 AND IT HAS BEEN AWARDED THE DISTINCTION OF BEING THE TOP -- ONE OF THE TOP 100 CHINESE RESTAURANTS IN AMERICA. WITH EACH NEW VENTURE HE SUCCESSFULLY INCORPORATES THE NEWEST TRENDS AND CONCEPTS FOR FOOD AND DECOR. HIS VISION IS TO BRING THE WORLD NOODLES AND PASTAS TO YOUR PLATE IN A FUN AND CASUAL SETTING. WITH THAT I WOULD LIKE TO HONOR JEFF WITH THIS CERTIFICATE OF CONGRATULATIONS. FOR HIS RESTAURANT NOODLISM, BEING NAMED AMONG THE TOP 100 CHINESE RESTAURANTS IN THE UNITED STATES, JEFF LIU IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. BREAKING FROM THE STANDARD CHINESE BUFFET STYLE EATERIES. IN ADDITION TO CHINESE DISHES, PATRONS CAN ENJOY NOODLES OF ATE TALE, KOREA, SINGAPORE ... IN ADDITION TO THE 16 HE'S RUN HERE IN AMERICA. HAS OBVIOUSLY PROVIDED HIM A RECIPE FOR SUCCESS. WE JOIN IN CONGRATULATING JEFF ON HIS INNOVATIVE AWARD WINNING ADDITION TO AUSTIN'S RESTAURANT SCENE. PRESENTED THIS 22 OF JUNE OF 2006. JEFF, CONGRATULATIONS.

THANK YOU. [APPLAUSE]

I THEY HAVE THOUGHT ABOUT COOKING NOODLES I WOULD HAVE A CHANCE TO COME OVER HERE. THAT'S NOT MY PLAN. TWO MORE DAYS I'M GOING TO TAIPEI, HONG KONG AND CHINA FOR MY 30 YEARS HIGH SCHOOL REUNION. IN THE MEANTIME I LINE UP PROBABLY 10 DIFFERENT GREAT RESTAURANTS AND CHEFS IN ASIA HOPEFULLY WHEN I COME BACK TWO MORE WEEKS AND I CAN HAVE MORE SURPRISES, MORE GOOD RECIPES FOR YOU GUYS. IF YOU GUYS COME TO MY RESTAURANT, MAKE SURE THAT YOU

SAY HI. I WAS IN THAT BEAUTIFUL ROOM OF CHANNEL 6.
OKAY. IF YOU MENTION THAT, I WILL GIVE YOU A BIG
DISCOUNT. ALL RIGHT, THANK YOU SO MUCH, GUYS.
[LAUGHTER]

THANK YOU. [APPLAUSE]

MAYOR WYNN: FOR OUR NEXT PROCLAMATION, I WOULD
LIKE TO INTRODUCE COUNCILMEMBER BREWSTER
MCCRACKEN.

EVERY OTHER MONTH, ALL OF US -- THIS IS THE TIME EVERY
OTHER MONTH WHERE ALL OF US ARE ABOUT TO FEEL
TOTALLY INADEQUATE ABOUT WHAT WE CONTINUE TO THE
COMMUNITY. WE HAVE THE VOLUNTEERS OF THE MONTH,
THIS IS THE UNITED WAY, MY GREAT FRIEND KAREN DICKS,
LEADERSHIP AUSTIN CLASSMATE, FROM A.M.D. OUR GREAT
LOCAL EMPLOYER IS HERE TO TELL US ABOUT THE
VOLUNTEER OF THE MONTH PROGRAM, UNITED WAY, ALSO
ABOUT OUR GREAT VOLUNTEERS. KAREN?

THANK YOU, BREWSTER. ON BEHALF OF A.M.D. AND HANDS
ON CENTRAL TEXAS, A PROGRAM OF THE UNITED WAY, WE
ARE DELIGHTED TO SUPPORT THE VOLUNTEER OF THE
MONTH AND THIS IS WHERE WE AS A COMMUNITY CAN
CELEBRATE THOSE INDIVIDUALS THAT GO THE EXTRA MILE.
AND TONIGHT WE HAVE TWO SPECIAL INDIVIDUALS WHO
WANT TO RECOGNIZE. AND THE FIRST IS WAYNE KAMIN. HE
HAS BEEN A DEDICATED VOLUNTEER WITH THE GREEN
CORN PROJECT. THE ORGANIC GARDENING COORDINATOR --
GARNER COORDINATOR. I BELIEVE, WOULD YOU LIKE TO SAY
A FEW WORDS ABOUT WHAT YOU DO?

OKAY. FIRST OF ALL, I WOULD LIKE TO THANK AMEND AND
THE -- A.M.D. AND THE UNITED WAY AND THE CITY FOR THIS
AWARD AND I WOULD LIKE TO ACCEPT IT ON BEHALF OF ALL
OF THE VOLUNTEERS AT THE GREEN CORN PROJECT. WHAT
GREEN CORN DOES, WE ARE AN 8-YEAR-OLD NON-PROFIT.
WE NUT IN FREE OF CHARGE A -- AN ORGANIC CHEMICAL
FREE VEGETABLE AND HERB GARDENS IN CONCERT WITH
THE RECIPIENTS OF THOSE GARDENS WHO ARE
UNDERSERVED ON THE BASIS OF EITHER AGE, DISABILITY,
OR INCOME. WE HAVE 52 ACTIVE GARDENS NOW. WE WILL

PUT 20 MORE IN THIS FALL. WE HAVE A MENTORING PROGRAM THAT WORKS WITH THE GARDENERS AND THEIR KIDS. WHETHER THEY ARE HOMEOWNERS, SCHOOLS LIKE BLACKSHEAR OR METZ, NON-PROFITS LIKE HEART HOUSE. SOME -- MANY OF OUR GARNERS ARE HABITAT FOR HUMANITY HOMEOWNERS. WE ARE PARTNERS WITH THEM. WE HELP THEM TO LEARN MORE ABOUT MAINTENANCE OF THE GARDENS AND NUTRITION. I'M HONORED TO WORK WITH THE VOLUNTEERS OF THE GREEN CORN PROJECT AND WITH THE GARDENERS. WWW.GREENCORNPROJECT.ORG. WE ARE ALWAYS GLAD TO HAVE OTHER VOLUNTEERS, GARDEN RECIPIENTS AND DONORS AND THANKS AGAIN TO A.M.D. THE CITY AND LOVE THE UNITED WAY. [APPLAUSE] WE ARE GOING TO WE ARE GOING TO READ THE CERTIFICATE OF CONGRATULATIONS. THIS IS A CERTIFICATE OF CONGRATULATIONS FOR HAVING BEEN SELECTED BY THE UNION UNITED WAY CAPITAL AREA OF THE MAY 2006 VOLUNTEER OF THE MONTH, WAYNE IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION, WAYNE USES HIS PROFESSIONAL EXPERTISE AS A LANDSCAPER TO EDUCATE AND ASSIST CENTRAL TEXANS GROWING ORGANIC FOOD GARDENS WITH THE GREEN CORN PROJECT, GCP'S GOAL IS TO EMPOWER WITH FOOD AND SECURITY TO GROW THEIR OWN VEGETABLES. WAYNE IS INDISPENSABLE, AS WELL AS PROVIDING NUTRITION TIPS AND RECIPES, WAYNE ALSO HELPS GCP ORGANIZE VOLUNTEER APPRECIATION EVENTS, GARDEN SOCIALS, FUNDRAISING THROUGHOUT THE YEAR. TIRELESS AND VALUABLE ASSISTANCE, FROM THE CITY COUNCIL OF AUSTIN, TEXAS, WILL WYNN MAYOR. CONGRATULATIONS, THANK YOU. [APPLAUSE]. WAYNE IS ABOUT TO BECOME THE MOST POPULAR GUY IN THIS BUILDING, EVERYBODY WILL BE HITTING YOU UP FOR ADVICE.

BRING IT ON.

OKAY. WAYNE. THANK YOU. ONE MORE PICTURE.

MCCRACKEN: OUR NEXT VOLUNTEER OF THE MONTH FOR JUNE 2006. I CAN ALSO NOT CHEW GUM OR WALK AT THE SAME TIME. IS FOR SUE MOORE WHO IS A VOLUNTEER OF THE CARING PLACE. AND SO I GUESS SUE IF YOU COULD TELL US ABOUT THE CARING POLICE AND ABOUT HOW YOU

BECAME A VOLUNTEER THERE AND WHAT YOU DO THERE.

I VOLUNTEER AT THE CARING PLACE. WHICH IS AN ORGANIZATION THAT SERVES THE GEORGETOWN COMMUNITY AND THE NORTHERN WILLIAMSON COUNTY. WE HAVE OUR CLIENTS WHO COME IN WHO HAVE A NEED, WE DO OUR VERY BEST TO SERVE THEM IN WHATEVER WAY WE CAN. I AM A DATA ENTRY PERSON. WE HAVE SEVERAL OTHER PEOPLE WHO WORK WITH ME. THERE ARE APPROXIMATELY 300 VOLUNTEERS AT THE CARING PLACE. AND HOW I GOT HERE I DO NOT KNOW. [LAUGHTER] BUT -- BUT THERE'S -- THEY ARE SOME OF THE FINEST PEOPLE THAT I HAVE EVER KNOWN. AND THEIR HEART IS IN THE RIGHT PLACE. SO -- SO I WANT TO THANK THE STAFF, OF CARING PLACE, AMANDA FOR WRITING SUCH A BEAUTIFUL BIO FOR ME. AND FOR YOU, THANK YOU. [APPLAUSE]

MCCRACKEN: WE HAVE A CERTIFICATE OF CONGRATULATIONS FOR HAVING BEEN SELECTED BY THE UNITED WAY CAPITAL AREA AS THE JUNE 2006 VOLUNTEER OF THE MONTH, SUE MOORE IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION, SUE HAS BEEN AN INCREDIBLE ASSET TO THE CARE CARING PLACE, HER ATTENTION TO DETAIL, FINE TRAINING SHE PROVIDES TO NEW VOLUNTEERS, HER POSITIVE ATTITUDE EVEN WHEN THE SYSTEM CRASHES MAKES SUE A STELLAR VOLUNTEER. HER WORK IS HIGHLY VALUED BY THE CASE WORKERS IN MAKING DECISIONS ABOUT HOW TO BEST ASSIST CLIENTS AND ALSO BY THE AGENCY IN ACCURATELY REPORTING THE AID THEY PROVIDE. WE CONGRATULATE SUE FOR TAKING ON THE TEDIOUS JOB WHICH OTHERS OFTEN AVOID AND FOR CARRYING IT OUT IN PRECISION AND GOOD HUMOR. THIS IS PRESENT UNDERSTAND RECOGNITION THEREOF, THIS 22ND DAY OF JUNE, 2006 FROM THE CITY COUNCIL OF AUSTIN, TEXAS, WILL WYNN, MAYOR, SUE THANK YOU VERY MUCH, CONGRATULATIONS. [APPLAUSE]

REAL QUICK, COULD YOU TELL FOLKS WATCHING HERE HOW TO SIGN ON AT THE VOLUNTEER CENTER, GET INVOLVED IN THE GREAT ACTIVITIES OF THE UNITED WAY OFFERS.

VERY SIMPLE, ALL YOU NEED TO DO IS GO TO VOLUNTEERCENTRAL TEXAS.ORG. THERE'S A WIDE VARIETY

WILL ACTIVITIES, ONE TIME, ONGOING, DO IT WITH YOUR FAMILY, DO IT AS AN INDIVIDUAL. I ENCOURAGE YOU TO FOLLOW IN THE FOOTSTEPS OF SUE AND WAYNE AND GET OUT AND MAKE A DIFFERENCE IN THE COMMUNITY. THANK YOU, BREWSTER.

THANKS, KAREN. [APPLAUSE]

MAYOR WYNN: OBVIOUSLY I'M JOINED BY NEW CITY COUNCIL MEMBER SHERYL COLE FOR THIS NEXT PROCLAMATION. I WAS APPROACHED BY THE GEORGE WASHINGTON CARVER AMBASSADORS, THEY REMINDED ME REALLY WHAT MANY OF US ALREADY KNEW, BUT ENCOURAGED US TO TAKE ADVANTAGE OF THIS OPPORTUNITY TO I'M VERY PROUD TO READ THIS PROCLAMATION. BE IT KNOWN WHEREAS ON MAY 13TH, 2006, SHERYL COLE WAS ELECTED AS COUNCILMEMBER PLACE 6 ON THE AUSTIN CITY COUNCIL. THERE BE BECOMING THE FIRST AFRICAN-AMERICAN WOMAN TO EVER SERVE ON THE CITY COUNCIL. AND WHEREAS SHERYL COLE'S BROAD BACKGROUND AS AN ACCOUNTANT AND LAWYER, SERVING ON SCHOOL BOND COMMITTEES, INVOLVEMENT WITH AUSTIN AREA URBAN LEAGUE, HER SERVICE TO HER NEIGHBORHOOD AISD SCHOOLS AND CHURCH CLEARLY QUALIFY HER WELL FOR SERVICE ON THE CITY COUNCIL. WHEREAS WE JOIN WITH THE GEORGE WASHINGTON CARVER AMBASSADORS IN ACKNOWLEDGING THIS HISTORIC EVENT FOR OUR CITY AND IN WISHING SHERYL COLE MUCH SUCCESS DURING HER TENURE IN OFFICE, THEREFORE I WILL WYNN HEREBY PROCLAIM THE ELECTION OF SHERYL COLE AS A MILESTONE IN AUSTIN'S HISTORY, PLEASE JOIN ME IN CONGRATULATING SHERYL COLE. [APPLAUSE]

COLE: THANK YOU. THANK YOU. EVEN I GET TIRED WHEN I READ THAT. [LAUGHTER] IN THE AFRICAN-AMERICAN COMMUNITY BECAUSE SLAVERY WAS AN INSTITUTION THAT LASTED 200 YEARS, UP UNTIL 1865, AND THEN 100 YEARS AFTER THAT, WE HAD JIM CROW, AND THEN ALL OF THAT TRANSLATING INTO TEXAS DIDN'T COME UNTIL THE LATE 1860S, 1870S, WE REALLY GET MOVED BY FIRSTS. AND SO THROUGHOUT THE CAMPAIGN, I THOUGHT THAT THAT WOULD BE SOMETHING THAT MAYBE WOULD RESONATE WITHIN OUR COMMUNITY, BUT I WAS NOT SURE THAT IT WAS

GOING TO RESONATE SO BROADLY IN THE GREATER COMMUNITY AND I AM VERY, VERY PLEASED AND BLESSED THAT IT DID. I THANK YOU FOR THIS HONOR, I HOPE THAT I AM WORTHY OF THE SEAT IN YOUR CONFIDENCE. THANK YOU.

MAYOR WYNN: WE SAVED THE MOST PAINFUL AS OPPOSED TO THE BEST OR THE WORST. WE OFTEN USE THIS TIME TO SAY GOODBYE TO LONG STANDING EMPLOYEES, THERE'S -- IT'S HARD TO REMEMBER ONE FRANKLY THAT -- THAT LEAVES AS BELOVED AS JOE CANALES WILL BE LEAVING US, THIS IS JOE'S LAST CITY COUNCIL MEETING. HE HASN'T BEEN ABLE TO WIPE THAT SMILE OFF HIS FACE ALL DAY LONG. I WILL START, WE WILL ALL SAY A FEW WORDS LIKELY ABOUT JOE. THE CITY OF AUSTIN DISTINGUISHED SERVICE AWARD THAT READS FOR 27 YEARS OF PUBLIC SERVICE WITH THE CITY OF AUSTIN, DURING WHICH TIME HE DEMONSTRATED COMMITMENT, DEDICATION, AND EXCELLENCE IN SERVICE TO THE COMMUNITIES, JOE CANALES IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. JOE HAS SERVED AS THE VOICE OF REASON AND WISDOM WHILE SERVING UNDER NINE CITY MANAGERS AND NINE MAYORS. HIS I AM PECULIARABLE STRATEGIC APPROACH TO CRITICAL ISSUES, SENSE OF CALM, DETERMINATION TO ALWAYS DO WHAT WAS IN THE BEST INTEREST OF THE ORGANIZATION AND THE COMMUNITY HAS PLACED JOE AT THE PINNACLE AS A CIVIL SERVANT AND FRIEND TO ALL OF US. JOE HAS MENTORED HUNDREDS LITERALLY, PROBABLY THOUSANDS, OF CITY EMPLOYEES DIRECTLY, PAST AND PRESENT, AS WELL AS CITY MANAGERS, COUNCILMEMBERS AND MAYORS. AND WE ARE ALL BETTER BECAUSE OF IT. THE CERTIFICATE IS PRESENTED WITH OUR ADMIRATION AND APPRECIATION ON THIS 22ND DAY OF JUNE, YEAR 2006, SIGNED -- SO HONORED TO SIGN THIS, ACKNOWLEDGED BY THE ENTIRE CITY COUNCIL, INCLUDING MAYOR PRO TEM DUNKERLY, COUNCILMEMBERS LEE LEFFINGWELL, MIKE MARTINEZ, JENNIFER KIM, BREWSTER MCCrackEN, SHERYL COLE AND IF I CAN I'M SURE ALL OF OUR FORMER COLLEAGUES, THIS DISTINGUISHED SERVICE AWARD PRESENTED TO JOE CANALES. [APPLAUSE]

THIS ONE WAS SO PAINFUL I COULDN'T PREPARE ANYTHING TO SAY FOR THIS ONE. JOE WAS SLATED TO RETIRE JUST

ABOUT A YEAR AFTER I WAS MADE CITY MANAGER. AND HE BEGAN TO HAND ME HIS RESIGNATION SLIP AND I SHREDDING IS, SHREDDING IT, SHREDDING IT, FINALLY AFTER THREE YEARS PAST WHEN HE WAS SUPPOSED TO RETIRE, I SIMPLY GOT A FOE FROM THE RETIREMENT BOARD. I THINK HE DECIDED HE HAD GIVEN ME PLENTY OF NOTICE AND IT WAS DONE. THE WORDS ON THE PROCLAMATION ARE SO TRUE. EVERY ONE OF THEM IS ABSOLUTELY ON TRACK. WHEN YOU TALK ABOUT A FRIEND OR EVEN THE WORD BELOVED IN AN ORGANIZATION. WISDOM OR CALM. THE FACT IS THAT HE DIDN'T JUST MENTOR EMPLOYEES. HE MENTORED NINE CITY MANAGERS, ALTHOUGH I'M CONVINCED THAT I'M HIS FAVORITE. [LAUGHTER] JOE IS GOING TO BE SO DEEPLY MISSED. THAT IS SUCH AN UNDERSTATEMENT THERE'S NO WAY TO REALLY EXPLAIN IT PAST THAT. WHEN YOU SAY UNFORGETTABLE AND IRREPLACEABLE, YOU ARE TALKING ABOUT JOE CANALES. BY THE WAY, WE HAD TO DRAG JOE HERE FOR THIS PROCLAMATION. HE ACTUALLY HAD A PARTY LATER WHERE WE HAVE BEEN TOLD TO MAKE THIS SHORT AND TAKE IT TO HIS PARTY AFTERWARDS. WE ARE GOING TO SIMPLY DO SIMPLE THINGS HERE TODAY JOE. TO GIVE YOU YOUR ACE AWARD, THIS IS WHAT WE GIVE EMPLOYEES FOR EXCELLENCE. IN PUBLIC SERVICE. IN WANTING AUSTIN TO BE THE MOST LIVABLE CITY IN THE COUNTRY, WITH VALUES OF BEING GUTSY, GREEN ON THE ENVIRONMENT, CREATIVE IN YOUR PROBLEM SOLVING, COMMITTED IN YOUR PUBLIC SERVICE, COLLABORATIVE IN NATURE, AND INCLUSIVE, SPIRITED AND ACCOUNTABLE, IRREPLACEABLE AND UNFORGETTABLE, JOE, THANK YOU FOR EVERYTHING THAT YOU HAVE DONE FOR ME AND FOR THIS ORGANIZATION. I -- I WONDER SOMETIMES HOW WE WILL MOVE FORWARD WITHOUT YOU, BESIDE US, ALTHOUGH I KNOW YOU THINK THAT WE WILL BE JUST FINE, LET'S GIVE A ROUND OF APPLAUSE FOR JOE CANALES.

THANK YOU, MAYOR. COUNCILMEMBERS. I HAVE TO SAY THIS CERTAINLY IS PROBABLY THE HAPPIEST TIME THAT I HAVE BEEN AT THIS PODIUM [LAUGHTER] I THINK THAT YOU WOULD HAVE A LOT TO SAY. BUT I CAN'T. I KNEW THIS WAS GOING TO HAPPEN. [LAUGHTER] YOU LOOK BACK ON 26 YEARS. I'VE BEEN BLESSED VERY MUCH. I THANK GOD EVERY DAY BECAUSE IT'S BEEN A WONDERFUL

ORGANIZATION AND GREAT PEOPLE HAVE COME INTO MY LIFE. YOU GIVE WHAT YOU CAN. AND IT'S WONDERFUL TO SEE THE RESULTS. AND -- AND I THINK THAT -- THAT THIS PLACE IS JUST GOING TO -- HAVE SO MUCH POTENTIAL AND THE PEOPLE HAVE SO MUCH ENERGY. THEY HAVE SO MUCH PASSION. AND IT'S DIFFICULT TO LET GO. BUT IT IS TIME TO MOVE ON. I THANK A LOT OF PEOPLE. I WISH THAT I COULD THANK EVERYONE. THANK MY WIFE, WHO IS HERE. THE PEOPLE WHO KIND OF KICKED OFF SOME MILESTONES IN MY CAREER, FROM LOU WHO HIRED ME AS AN ATTORNEY, KARL WHO HIRED -- HIRED ME AS AN EMPLOYEE. FIRST CAME OSCAR, THEN BARNEY NIGHT, FOR SOME REASON THOUGHT THAT I COULD BE THE DIRECTOR OF HUMAN RESOURCES, HE PROMOTED ME INTO THAT SITUATION. THEN HAS SINCE BROUGHT ME OVER TO CITY HALL IN 1997. I'M STILL TRYING TO FIGURE OUT HOW HE CAN CONVINCE ME TO STAY AS A DEPUTY FOR THE LAST FOUR YEARS [LAUGHTER] BUT THERE'S BEEN MANY MORE PEOPLE IN BETWEEN TO THANKS. TO EXPRESS MY APPRECIATION OF WHAT THEY HAVE DONE FOR ME. IT'S -- IT'S JUST THE TEAM AS A WHOLE, WHEN I SAY AS A WHOLE IT'S A WORKFORCE, IT'S THE EMPLOYEES. WHEN IT'S ALL SAID AND DONE, THE TIME IS REQUIRED, YOU REALLY -- YOU REALLY NEED TO COUNT ON THE FOLKS, THE EMPLOYEES ARE GOING TO STEP UP. AND -- AND THEY ARE GOING TO MEET THE CHALLENGE. THEY ARE GOING TO SERVE THE NEED. IT'S BEEN A PRIVILEGE TO SERVE WITH ALL OF THEM. THANK YOU ALL. [APPLAUSE]

DUNKERLY: JOE, I'M GOING TO MAKE -- I GRABBED THE MICROPHONE AS JOE IS WALKING BACK. I WORKED WITH JOE FOR 16 YEARS. AND HE IS THE WISEST MAN THAT I HAVE EVER KNOWN. I JUST WANT TO PERSONALLY THANK HIM FOR ALL OF THE TIME THAT HE'S USED THAT WISDOM TO GET ME OUT OF ALL OF THE JAMS THAT I MANAGED TO GET MYSELF INTO. SO -- SO FOR YOUR WISDOM AND YOUR COMPASSION, YOU HAVE MY APPRECIATION FOREVER. [APPLAUSE]

MCCRACKEN: FOR -- FOR -- FOR ANY OF YOU US WHO WATCH THE WEST WING, JOE IS THE LEO MCGARY OF THIS ORGANIZATION, EVERYBODY'S CONFIDENT, THEIR DAD, BEST FRIEND, I'M REALLY TRYING TO FIGURE OUT HOW THE WORLD WE ARE GOING TO GET BY WITHOUT YOU, THANKS A

LOT. [APPLAUSE]

I THINK YOU CAN TELL BY THE FACT THAT ALL SEVEN OF US OUT HERE TONIGHT, IT DOESN'T HAPPEN EVERY DAY. THE ESTEEM AND AFFECTION WITH WHICH WE HOLD JOE CANALES. ONCE A YEAR WE ALL MEET WITH THE CITY MANAGER TO DISCUSS WHAT'S HAPPENING NOW. WHENEVER TOBY IS OUT, JOE FILLS IN FOR HIM. THOSE MEETINGS ARE A LOT SHORTER. SO -- SO NO OFFENSE, TOBY, BUT I'M GOING TO MISS THAT, TOO. JOEL ALL MISS YOU. [APPLAUSE]

EVEN THOUGH THIS IS MY FIRST COUNCIL MEETING, I HAVE KNOWN JOE FOR A FEW YEARS. I WAS REALLY LOOKING FORWARD TO WORKING WITH HIM. LOOK AT SOMEONE EYE-TO-EYE IN THE CITY MANAGER'S OFFICE. AND I'M GOING TO HAVE TO GET A STEP STOOL. BUT REALLY, YOU KNOW, THE ONE THING THAT I WILL SAY ABOUT JOE IS THAT, YOU KNOW, I MET JOE ACROSS THE BARGAINING TABLE A COUPLE OF YEARS AGO. AND I WILL TELL YOU, HE'S REALLY GOOD AT HIS JOB. AND HIS CHARACTER AND HIS PROFESSIONALISM AND HIS COMMITMENT TO THIS CITY IS UNQUESTIONABLE. SO I CONGRATULATE YOU ON YOUR RETIREMENT. WE ARE GOING TO MISS YOU, BUT YOU HAVE SERVED US WELL, I'M GLAD TO HAVE GOTTEN TO KNOW YOU, JOE. THANKS. [APPLAUSE]

JOE, EVEN THOUGH I HAVEN'T HAD AN OPPORTUNITY TO WORK WITH YOU VERY LONG, YOUR REPUTATION PRECEDES YOU. AND I WAS TOLD BY -- BY THE FORMER MAYOR KIRK WATSON, WHATEVER YOU DO, MAKE SURE THAT YOU KEEP JOE ON YOUR SIDE. [LAUGHTER] SO I APPRECIATE THAT. [APPLAUSE]

KIM: JOE MEANS A LOT TO ME, HE'S DONE SO MUCH FOR THE ASIAN AMERICAN COMMUNITY. HELPING WITH THE NEW ASIAN AMERICAN RESOURCE CENTERS, HELPING THE ASIAN AMERICAN EMPLOYEES IN THE CITY WHO FELT LOST IN THE BUREAUCRACY, HELPING THEM FIND THEIR WAY TO BE PROMOTED AND TO MOVE UP IN THE ORGANIZATION. AND THAT'S A HARD THING TO DO, BUT WITH JOE'S EXPERTISE AND HIS CARING, HE'S HELPED A LOT OF PEOPLE IN THIS CITY AND -- AND I DON'T KNOW WHERE TO START. I MEAN

THIS IS -- I KNOW IT'S A NEW TIME FOR YOU, JOE, I'M REALLY EXCITED. I KNOW THAT YOU WILL HAVE A LOT OF THINGS AHEAD FOR YOU, BUT I WANT TO PRESENT THIS TO YOU ON BEHALF OF THE ASIAN AMERICAN COMMUNITY. I HAVE A PLAQUE HERE THAT SAYS JOE CANALES, DEPUTY CITY MANAGER, THANK YOU FOR YOUR FRIENDSHIP AND YOUR SUPPORT OF THE ASIAN AMERICAN COMMUNITY. [APPLAUSE]

THE COUNCIL MEETING WILL RESUME AFTER A SHORT BREAK. THANK YOU.

WE ARE OUT OF CLOSED SESSION.

MAYOR WYNN: WE HAVE FIVE ZONING DISCUSSION ITEMS. I BELIEVE STAFF WAS GOING TO PREPARE -- MR. WALTER IS GOING TO TAKE US THROUGH NUMBER 96 AND THEN 97.

GOOD EVENING, MY NAME IS MARK WALTERS WITH THE PLANNING AND ZONING DEPARTMENT. TONIGHT I'LL BE PRESENTING ITEM NUMBER 96, NPA-06-006.02, THAT WOULD BE THE ADOPTION OF THE DAWSON NEIGHBORHOOD PLANNING AREA FUTURE LAND USE MAP, FOR THE NEW MEMBERS, THE FUTURE LAND USE MAP IS ONE OF THE MOST IMPORTANT TOOLS IN A NEIGHBORHOOD PLAN AND PROVIDES DIRECTION AS TO HOW THE COMMUNITY WOULD LIKE TO SEE THEIR NEIGHBORHOOD MOVE INTO THE FUTURE. IN THE CASE WITH THE DAWSON NEIGHBORHOOD PLAN, THE NORTHERN BOUNDARY IS OLTORF, THE EASTERN BOUNDARY IS -- THE WESTERN BOUNDARY IS SOUTH FIRST STREET. BACK IN 1998, THE DAWSON NEIGHBORHOOD PLAN WAS THE FIRST PLAN ADOPTED BY THE CITY COUNCIL. AT THAT TIME WE -- THERE WAS NOT A FUTURE LAND USE MAP BECAUSE THE THINKING WAS WE DIDN'T KNOW HOW IMPORTANT IT WOULD BE IN RELATION TO -- THE PLANS WOULD BE IN LATER YEARS. NOW THAT THE FUTURE LAND USE MAP HAS BECOME A VERY INTEGRAL PART OF A NEIGHBORHOOD PLAN. IN 2001, DECEMBER, THERE WAS AN AREA WIDE REZONING TO IMPLEMENT THE INTENT OF THE NEIGHBORHOOD PLAN, AND THE MAP THAT YOU HAVE IN YOUR BACKUP LABELED A, B AND C ARE VERY REFLECTIVE OF THE ZONING CASE THAT OCCURRED AT THAT TIME. I'LL WALK YOU THROUGH REAL QUICKLY THE GENERAL LAND

USE CONCEPTS THAT ARE BEING ILLUSTRATED HERE IN THE MAP. ALONG CONGRESS AVENUE THE NEIGHBORHOOD DESIRED TO SEE MIXED USE DEVELOPMENT AS WOULD BE APPROPRIATE ALONG A MAJOR ARTERIAL SUCH AS SOUTH CONGRESS. BEN WHITE BOULEVARD WAS NOT ADDRESSED AT THE TIME DUE TO -- IT HAD TO DO WITH THE FACT THAT CERTAIN INFILL TOOLS HAD NOT BEEN ADOPTED YET. THE SOUTH FIRST STREET PRIMARY LAND USE IS AGAIN MIXED USE WITH A SMATTERING OF MULTI-FAMILY AND SEVERAL LARGE CIVIC USES, WHICH ARE THE BLUE COLOR, ONE BEING A CHURCH, DAWSON ELEMENTARY SCHOOL, AS WELL AS THE SOUTH AUSTIN NEIGHBORHOOD AND HEALTH CENTER CLOSE TO THE INTERSECTION OF OLTORF AND SOUTH FIRST STREET. THE INTERIOR OF THE NEIGHBORHOOD, THE YELLOW COLOR, IS PRIMARILY SINGLE-FAMILY AND THE NEIGHBORHOOD WANTED TO PRESERVE THE INTERIOR CORE OF THE NEIGHBORHOOD, HENCE ON THIS MAP IT'S ILLUSTRATED AS YELLOW. AND THROUGHOUT THE NEIGHBORHOOD THERE ARE SMATTERS OF ORANGE WHICH RESPECT MULTI-FAMILY AND THOSE REPRESENT EXISTING MULTI-FAMILY USES THAT ARE IN THE NEIGHBORHOOD. SO FOR THE SIX YEARS AFTER THE PLAN WAS ADOPTED, NO REAL HEAVY ZONING ACTIVITY OCCURRED THERE UNTIL QUITE RECENTLY. A ZONING CASE, THAT IS ITEM 97 ON TONIGHT'S AGENDA ON POST ROAD OCCURRED TO THE NECESSITY THAT WE NEED TO IMPLEMENT A LAND USE MAP HERE IN ORDER TO CREATE A VERY CLEAR DIRECTION. CURRENTLY THE TEXT OF THE MAP WAS ALL THAT WE HAD TO GUIDE AND THAT COULD BE INTERPRETED BY DIFFERENT PEOPLE IN DIFFERENT WAYS. SO HAVING A MORE CONCRETE ROAD MAP FOR FUTURE DEVELOPMENT, WE DECIDED TO IMPLEMENT THE FUTURE LAND USE MAP. THE MAP THAT YOU SEE IN FRONT OF YOU IS -- ON JUNE 13TH OF THIS YEAR THERE WAS A PLANNING COMMISSION MEETING WHERE THEY HEARD THIS CASE. AT THAT MEETING THE PLANNING COMMISSIONERS VOTED TO TAKE OUT TWO AREAS, AND THAT'S ILLUSTRATE ODD THIS MAP. THAT WOULD BE THE SINGLE-FAMILY PROPERTY LOCATED ALONG OLTORF STREET AS WELL AS THE VERY SOUTHERN BOUNDARY, THAT WHITE AREA THAT'S BASICALLY THE FRONTAGE ALONG BEN WHITE AND A LITTLE BIT TO THE SOUTHEAST QUADRANT OF THE PLANNING AREA.

THE NEIGHBORHOOD WAS IN OPPOSITION TO THIS, WISHING TO SEE THE MAP THAT WAS HERE BEFORE -- THAT REPRESENTS THE ZONING CASE IN 2001 TO GO FORWARD. IF YOU COULD SHOW ME -- IF YOU COULD SEE MAP B, WHICH LEAVES INTACT THE YELLOW, THE SINGLE-FAMILY THAT'S CURRENTLY ALONG OLTORF,, SOUTH END, AND DID NOT ADDRESS THE SINGLE-FAMILY LOTS THAT WERE FRONTING BEN WHITE BEFORE IT WAS TURNED INTO A MAJOR HIGHWAY. THE NEXT MAP, MAP B, WAS PROPOSED BY A REPRESENTATIVE OF A PROPERTY OWNER DOWN IN THAT -- MAP C WAS PROPOSED BY A PROPERTY OWNER DOWN THERE AND THE RECOMMENDATION THERE WOULD BE TO -- IN THE BOTTOM SOUTHEAST CORNER, OUTLINED IN RED, TO RECOMMEND MIXED USE DEVELOPMENT AT THAT SITE. SO THERE ARE THREE MEXICOS TONIGHT -- THAT CONCLUDES MY PRESENTATION. IF YOU HAVE ANY QUESTIONS, I'D BE HAPPY TO ANSWER THEM AT THIS TIME.

MAYOR WYNN: QUESTIONS OF MR. WALTERS, COUNCIL?

WELL, I GUESS THE MOTION WOULD COME AFTER THE PUBLIC HEARING. THERE ARE SEVERAL REPRESENTATIVES FROM THE NEIGHBORHOOD AS WELL AS PROPERTY OWNERS WHO REPRESENT LAND DOWN IN THE SOUTHEAST QUADRANT WHO WISH TO ADDRESS THE COUNCIL.

MAYOR WYNN: THANK YOU FOR REMINDING ME. OKAY. SO COUNCIL, WITHOUT OBJECTION THEN WE'LL GO TO OUR PUBLIC HEARING REGARDING ITEM NUMBER 96. THEN WE HAVE A NUMBER OF FOLKS, 14 FOLKS SIGNED UP WISHING TO SPEAK, ONE IN FAVOR AND MOST EVERYBODY ELSE -- I'M SORRY, ONE IN FAVOR, 14 AGAINST AND THREE NEUTRAL. SINCE IT'S NOT TECHNICALLY A ZONING CASE WE DON'T TAKE THEM IN SEQUENCE OF EVERYBODY FOR AND EVERYBODY AGAINST, WE'LL JUST GO THROUGH THESE IN ORDER OF WHO SIGNED UP AND THEY'RE WELCOME TO ADDRESS US. THE FIRST SPEAKER IS CYNTHIA MEDLYNN. AND IS GINGER MCGILLVRY HERE? SO YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT, WELCOME.

THANK YOU. I AM CYNTHIA MEDLYNN. I AM THE CURRENT CHAIR OF THE DAWSON NEIGHBORHOOD PLAN TEAM, AND I AM ALSO THE ORIGINAL CHAIR OF THE DAWSON

NEIGHBORHOOD PLAN TEAM, SO THE TIME LINE THAT YOU HAVE IN YOUR BACKUP PACKET THAT SHOWS THE NINE-YEAR HISTORY OF THIS PLAN INCLUDES NINE YEARS OUT OF MY LIFE. SO I CAN ANSWER A LOT OF QUESTIONS ABOUT THE DAWSON NEIGHBORHOOD PLAN. I WOULD LIKE TO WELCOME THE NEW COUNCILMEMBERS TO THE DAIS, AND IT'S A PLEASURE TO STAND BEFORE YOU TONIGHT. ALTHOUGH I WISH I WASN'T HERE. ONE OF THE THINGS THAT I WANT TO EMPHASIZE IS THAT THIS PARTICULAR NEIGHBORHOOD PLAN FLUM DISCUSSION IS VERY UNIQUE IN THAT WE ARE ONE OF ONLY FOUR NEIGHBORHOODS IN AUSTIN THAT WENT THROUGH THE PLANNING PROCESS AND EMERGED WITH NO FLUM OR FUTURE LAND USE MAP. AND AT THE TIME IT WASN'T CONSIDERED AN INTEGRAL PART OF THE PLANNING PROCESS. AND AS YOU'LL NOTICE, THERE ARE SEVERAL YEARS BETWEEN THE DEVELOPMENT OF OUR PLAN AND THE TIME WHEN THE REZONINGS OCCUR. WE DON'T ALLOW THAT TO HAPPEN ANYMORE. THE PLAN AND THE REZONINGS GO THROUGH THE PLANNING COMMISSION AND THE COUNCIL AT THE SAME TIME, AND INCLUDED IN THAT IS THE FUTURE LAND USE MAP. ONE OF THE THINGS THAT CONCERNS US IS THAT ALL OF US FOUR NEIGHBORHOODS WHO HAVE BEEN THROUGH THIS PROCESS AND DO NOT HAVE FLUM'S IS THAT THIS WAS SORT OF AN AFTER THE FACT THING THAT WAS IMPOSED UPON US. AND THIS HAS BEEN VERY PROBLEMATIC. YOU WILL ALSO NOTICE ON YOUR TIME LINE THAT IN 2003 WE ASKED AN ORDINANCE ALLOWING THE AMENDMENTS OF NEIGHBORHOOD PLANS. AND THERE WAS A LOT OF TIME AND ENERGY PUT INTO CRAFTING THAT DOCUMENT, WHICH IS AN ORDINANCE, AS IS OUR NEIGHBORHOOD PLAN, AS ARE OUR REZONINGS. THESE ARE ALL ORDINANCES. THE FLUM IS NOT. THE FLUM IS NOWHERE IN ORDINANCE LANGUAGE, IT'S JUST A HANDY TOOL THAT HAS BEEN IMPOSED ON THE PROCESS. AND WHEN TAKEN OUT OF CONTEXT CAN BECOME SOMETHING THAT IS MORE OF A BLUDGEON THAN A TOOL, AND I THINK THAT IS WHAT WE'RE IN DANGER OF UTILIZING THE FLUM IF WE DO NOT ACCOMMODATE THE FOUR PLANS THAT DID NOT HAVE ONE AND SAY, OKAY, THE MAP THAT YOU PRODUCED OUT OF THIS LENGTHY PROCESS SHOULD BE HONORED, AND WHETHER OR NOT THEY'RE YOUR ORIGINAL SUBDIVISION OR A REFLECTION OF OURS IS

OF THE VERY CONTENTIOUS REZONING HEARING THAT HAPPENED YEARS AFTER THE PLAN WAS PASSED, IF THAT'S WHERE WE WANT TO START AND WE WANT TO AMEND IT AND WE WANT TO BE RESPONSIBLE FOR IT, THEN I THINK WE HAVE -- THAT HAS TO BE HONORED. AND WE SHOULD NOT HAVE TO GO THROUGH THIS PROCESS OF GOING THROUGH PLANNING COMMISSION AND COUNCIL TO BLESS SOMETHING THAT IS SEPARATED BY YEARS FROM THE ORIGINAL PROCESS. WE ALL HAD MAPS. IT'S NOT THAT MUCH OF A STRETCH TO PRODUCE A MAP, PUT THE COLORS IN AND BLESS IT AND MOVE ON. AND THAT'S WHAT WE'RE ASKING. WE'RE ASKING FOR YOU TO SUPPORT PLAN B SO THAT WE CAN START FROM THIS DAY FORWARD AMENDING OUR PLAN AS WE WERE PROMISED IN 2003 THAT WE WOULD HAVE THE RIGHT TO DO. NOW, I SERVED FOUR YEARS OF THOSE NINE YEARS ON THE PLANNING COMMISSION. AND I HAVE TO ADMIT THAT IT ASTOUNDS ME WHEN THE PLANNING COMMISSION TAKES AREAS OUT OF A PROPOSED LAND USE MAP THAT IS BASED ON A PLAN THAT HAS ALREADY BEEN THROUGH PLANNING AND REZONING AND IS AN ORDINANCE AND DIRECTS STAFF TO HAVE MEETINGS TO REZONE THE CORRIDORS' MIXED USE. I DID HAVE A PROBLEM WITH THAT. I WAS A BIT ASTOUNDED THAT THAT WOULD COME FROM THE PLANNING COMMISSION. I DON'T REMEMBER THAT SORT OF THING HAPPENING. SO I WAS A LITTLE SURPRISED. AND I DO NEED TO REMIND YOU THAT WHEN YOU SAY MIXED USE, YOU'RE NOT JUST IMPOSING, OH, WOULDN'T IT BE NICE TO HAVE THIS ALONG THESE CORRIDORS, YOU'RE SAYING THAT WHEN SOMEONE REFERS TO THAT PLAN AND A DEVELOPER COMES IN AND SAYS, I WANT TO PUT A COMMERCIAL PROJECT THERE, THE BASE ZONING ON MIXED USE IS COMMERCIAL. IT IS NOT RESIDENTIAL. THIS IS NOT SOMETHING THAT YOU ENTER INTO LIGHTLY WITH NO DISCUSSION AND WITH NO INPUT FROM THE NEIGHBORHOOD INVOLVED. AND I THINK THAT GETS BACK TO THE QUESTION OF WHAT WE'RE USING THE FLUM FOR, AND WHAT'S THE DEFINITION OF THE FLUM. BECAUSE THE DEFINITION OF THE FLUM THAT WE HAVE IN THE -- THAT I PROVIDED TO YOU IS BENIGN. IT'S SIMPLY A COLORED MAP THAT SAYS WHAT THE DESIRES OF THE NEIGHBORHOOD ARE. BUT WHEN YOU START TALKING WITH STAFF ABOUT WHAT IS THE FLUM, IF YOU SAY -- YOU REFER BACK TO THE

ORIGINAL NEIGHBORHOOD PLAN, OUR VISION OF WHAT WE WANTED THE NEIGHBORHOOD TO BE IN 20 AND 30 YEARS WAS TOTALLY DIFFERENT THAN WHAT CAME OUT OF THE REZONING. BUT THE FLUM HAS TO REFLECT THE REZONINGS SO THAT THOSE PEOPLE'S PROPERTY RIGHTS ARE NOT INFRINGED UPON AS REFLECTED IN THE PLAN. [BUZZER SOUNDS] SO WE THINK THAT COUNCIL SHOULD FIND SOME WAY TO ADDRESS THAT ISSUE TO PRESERVE -- TO ASSIST THE OTHER NEIGHBORHOODS THAT DO NOT HAVE FLUM'S. THANK YOU FOR YOUR TIME.

MAYOR WYNN: THANK YOU FOR YOUR SERVICE TOO.
COUNCILMEMBER LEFFINGWELL.

LEFFINGWELL: MS. MEDLYNN. I'M ASSUMING THAT THE ONLY DIFFERENCE BETWEEN B AND C IS THIS MIXED USE AREA DOWN THAT FRONTS ON BEN WHITE?

NO. THE DIFFERENCE BETWEEN B AND C IS ALSO THE CORRIDOR ALONG OLTORF, WHICH IS SINGLE-FAMILY. AND IT INCLUDES BOTH -- OH, C I GUESS DOESN'T INCLUDE THE OLTORF -- I'M SORRY, I MISSPOKE. I'M NOT THAT FAMILIAR WITH C HERE. BUT YES, THAT WOULD BE TRUE.

LEFFINGWELL: OKAY. SO YOUR SPECIFIC OBJECTION, I TAKE IT, IS TO ZONING THIS SINGLE-FAMILY AREA THAT'S BOUNDED BY RAINA AND BEN WHITE AND IT DOESN'T GIVE THE NAME OF THAT OTHER STREET, BUT IT'S ZONED SINGLE-FAMILY AND FACES BEN WHITE AND C REALIZE THAT THAT BE MIXED USE? THAT IS YOUR BASIC --

NO. OUR OBJECTION IS TO THE PROCESS. WHAT WE WANT OUT OF -- WHAT WE THOUGHT WE WERE GETTING WAS THE RIGHT TO AMEND OUR PLAN, WHICH MEANS THE FOLLOWING: THAT IF SOMEONE HAS A PROJECT AND THEY WANT TO REDEVELOP THAT PROPERTY THAT THEY WOULD COME TO US AND DO A PRESENTATION AND SAY, THIS IS OUR PROJECT, THIS IS WHAT WE WANT TO DO. WE WANT TO AMEND THE PLAN. AND THEN WE WOULD GET WITH THOSE PEOPLE AND WE WOULD DISCUSS IT AND WE WOULD MAKE AGREEMENTS LIKE WE DID WITH MR. HOLT FOR THE PROPERTY THAT'S INCLUDED IN THE PART OF THE PLAN THAT WAS BLESSED BY A PLANNING COMMISSION. THAT

WAS AN AMENDMENT PROCESS AND IT IS TIED TO THAT PORTION OF THE PLAN PASSING. THE DIFFERENCE BETWEEN B AND C IS THAT C IS KIND OF AN END RUN AROUND THE AMENDMENT PROCESS. THEY'RE SAYING WE WANT YOU TO GO AHEAD AND PUT MIXED USE ON THIS AREA WITHOUT US KNOWING WHAT IT IS THEY WANT TO PUT THERE AND IMPOSING IT ON SINGLE-FAMILY HOMES, SINGLE-FAMILY HOMES THAT EXIST NOW AS SINGLE-FAMILY HOMES. SOME OF THOSE NEIGHBORS ARE HERE. THEY WANT TO HEAR YOUR PLAN BEFORE THEY SAY CHANGE THIS TO MIXED USE. C IS, WE'RE GOING TO CHANGE IT TO MIXED USE, AND THEN YOU'LL FIND OUT WHAT THE PLAN IS. THAT'S THE DIFFERENCE.

LEFFINGWELL: I UNDERSTAND THAT, BUT I TAKE IT FROM WHAT YOU'RE SAYING IS YOU DON'T NECESSARILY HAVE A PROBLEM WITH THE SUBSTANCE OF C, BUT YOU HAVE A PROBLEM WITH THE PROCESS BY WHICH YOU GOT THERE.

EXACTLY. THEY WANT TO CHANGE THE LAND USE MAP WITHOUT EVER PRESENTING ANYTHING REGARDING WHY IT SHOULD BE CHANGED.

MAYOR WYNN: THE NEXT SPEAKER IS JERRY GARVEY. WELCOME. I HAVEN'T GOT AN E-MAIL FROM YOU SINCE THE DAWSON PLAN IN 2002, COME TO THINK OF IT. YOU HAVE THREE MINUTES.

MAYOR WYNN, MAYOR PRO TEM DUNKERLEY, COUNCILMEMBERS, THANK YOU FOR YOUR TIME. I WAS WONDERING IF YOU HAD SUCCESSFULLY PUT SOME OF THAT VERY CONTENTIOUS THING OUT OF YOUR MIND, BUT I'M GLAD TO SEE YOU HAVEN'T BECAUSE THAT'S A VERY IMPORTANT PART OF OUR PROBLEM HERE. WHEN WE REALIZED WE NEEDED TO DO THE FLUM IN PART TO ACCOMMODATE ITEM NUMBER 97, WHICH WE'RE IN AGREEMENT WITH THE CHANGE OF THAT LAND USE, WE REALIZED WE NEEDED TO -- WHAT WE DIDN'T WANT TO DO WAS REOPEN ALL OF THOSE OLD WOUNDS FROM BACK THEN. AND THAT WAS AN EXTREMELY CONTENTIOUS PROCESS THAT WENT ON BEFORE COUNCIL EVEN FOR FOUR OR FIVE MONTHS BEFORE BEING RESOLVED IN DECEMBER OF 2001. AND WE ARE NOT A NEIGHBORHOOD THAT HAS

JUST -- I DON'T WANT YOU TO THINK OUR FLUM IS -- WE'RE JUST PUTTING OUR FEET IN THE SAND AND WE'RE NOT WILLING TO CHANGE. IT IS A -- IT IS A RECOGNITION OF A COMPROMISE AND ALL OF THE PEOPLE WHO HAD BEEN INVOLVED IN IT, MET BEGINNING BACK LAST AUGUST WITH MR. WALTERS. HE HAD A FORMAL NOTICE MEETING BY THE CITY IN MARCH OF THIS YEAR WHERE THE OVERWHELMING CONSENSUS WAS. FOR OUR FLUM, WHICH IS A RETROFIT FLUM, IT'S NOT REALLY PART OF THE VISIONING PROCESS OF THE PLANNING THING THAT GOES ON NOW, THE BEST PLACE TO START IS WITH THE COMPROMISE THAT THE COUNCIL WORKED OUT IN 2001. NONE OF US WALKED OUT OF THERE COMPLETELY HAPPY, BUT WE'VE LEARNED TO LIVE WITH IT, AND FROM THERE ON LET'S MOVE FORWARD AND ADDRESS WHATEVER SPECIFIC PROPOSALS COME UP THROUGH THE PLAN AMENDMENT PROCESS. THERE MAY BE A BEAUTIFUL PLAN IN MIND FOR THE BEN WHITE AREA; UNFORTUNATELY, IT WAS NOT SHARED IN ANY OF THAT PRELIMINARY PROCESS WITH US HERE. IT WAS FIRST MENTIONED AT THE PLANNING COMMISSION AT 1:30 A.M. LAST TUESDAY. AND THAT'S EXTREMELY PROBLEMATIC. IF YOU WANT AN OPEN AND PUBLICLY FUNCTIONING PROCESS, YOU NEED TO NOT REWARD PEOPLE THAT LIE BEHIND THE LOG AND COME UP AT THE LAST MINUTE. AND AGAIN, WHATEVER THAT PROJECT IS, IT CAN COME BEFORE US IN A FEW MONTHS AS A PLAN AMENDMENT AND WE'LL BE PERFECTLY HAPPY TO DEAL WITH THE SUBSTANCE OF IT. WE DON'T EXPECT TO WIN EVERY ZONING ARGUMENT THAT COMES UP, BUT WE DO WANT THAT PROCESS FOLLOWED, AND THAT'S WHY WE SUPPORT B. I WANT TO SPEAK BRIEFLY TO THE PART OF THE PLAN TAKEN OUT ON OLTORF. THE PEOPLE THAT LIVE ON OLTORF ARE PRIMARILY HOMEOWNERS. THEY HAVE RENOVATED THEIR HOMES. SEVERAL HAVE BEEN SOLD IN THE LAST YEAR AND RENOVATED. THEY WANT TO LIVE THERE. THEY LIVE IN THE WALKABLE CITY YOU SAY YOU WANT. THESE PEOPLE LIVE CLOSER TO THEIR NEIGHBORHOOD GROCERY STORE, THE H.E.B., THAN THE PEOPLE LIVE -- MOST OF THE PEOPLE DOWNTOWN LIVE TO WHOLE FOODS. [BUZZER SOUNDS] AND TO MOVE THEM OUT TO PUT IN COMMERCIAL SHOPS WHEN THE FLUM ACROSS THE STREET IN BOULDIN IS ALSO SINGLE-FAMILY IS JUST INAPPROPRIATE AND IT DESTROYS

THE CORE THAT RUNS ALL THE WAY FROM BEN WHITE TO TEXAS SCHOOL FOR THE DEAF. THANK YOU FOR YOUR ATTENTION TONIGHT.

MAYOR WYNN: THANK YOU, MR. GARVEY AND FOR ALL YOUR WORK. MIGHT RON SMITH SIGNED UP WISH TO GO SPEAK. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY DANIEL UPDIKE. SORRY IF I MISPRONOUNCED THAT. TO BE FOLLOWED BY REBECK SELLER.

I'M HERE TO SAY THAT I AM FOR PLAN B, THE MAP ON B, AND THE REASON FOR THAT IS BECAUSE THE FOLKS THAT HAVE COME AND CHANGED WITH -- WITH THE PLANNING COMMISSION COMING AND DECIDING BACK ON JUNE THE 13TH TO CHANGE AND AMEND THE FLUM THAT WE WERE ANTICIPATING BEING APPROVED OCCURRED WHEN THE HOMEOWNER AND A REPRESENTATIVE OF A DEVELOPER DECIDED THAT THEY WANTED TO HAVE THE AREA ON THE SOUTH PART OF BEN WHITE THERE COMMERCIAL. AND TO JUST -- AS YOUR QUESTION ABOUT THAT BEING THE FRONTAGE OF BEN WHITE, THE PROPERTY THERE ON THE SOUTHSIDE END OF BEN WHITE, THERE ARE OTHER PROPERTIES THERE. THERE'S DUNNLAP AND KREBBS LANE. NO ONE CAME TO US, WE KNEW NOTHING ABOUT THIS. WE WERE SIMPLY BLINDSIDED BY THESE FOLKS WHO ARE WANTING TO DEVELOP OR CHANGE -- AMEND OR FORUM THAT WE'RE TRYING TO EVEN GET THROUGH. AND IF YOU COULD -- IF YOU JUST WOULD LOOK AT THAT MAP YOU'LL SEE THAT THEY HAVE INCORPORATED A LOT OF SINGLE-FAMILY HOMES AND IT IS NOT BEN WHITE FRONTAGE. I WANT TO TO BE CLEAR. I THINK THERE'S SOME MISUNDERSTANDING ABOUT THAT BEING ON BEN WHITE WHEN IT'S NOT. THERE ARE SEVERAL STREETS THERE. THAT'S A PART OF THAT. AND THEN WITH THE OTHER -- I'VE GOT A QUESTION AND I'D JUST LIKE TO NOW THAT SINCE THE DAWSON NEIGHBORHOOD PLANNING TEAM APPROVED OF THE DRAFT FLUM THAT WAS PRESENTED BY CITY STAFF IN MARCH OF '06, WHAT AUTHORITY DID THE PLANNING COMMISSION HAVE TO MEND OUR FLUM ON JUNE THE 13TH, JUST LAST WEEK? I DON'T UNDERSTAND HOW THAT HAPPENS. AND IF THEY'RE SETTING SOME PRECEDENT TO DO THAT, DOES THAT MEAN THAT EVERY OTHER NEIGHBORHOOD WITH A FLUM WILL NOW HAVE TO GO BACK

WHERE THERE ARE CORRIDORS AND MODIFY THAT AND MAKE THAT ALL MIXED USE? I'VE NOT DONE THIS BEFORE, SO I DON'T KNOW IF YOU GUYS WILL ANSWER MY QUESTIONS OR IF I HAVE TO JUST WAIT FOR YOU ALL TO ASK ME QUESTIONS OR WHAT. I DON'T KNOW HOW IT WORKS.

MAYOR WYNN: GENERALLY IF YOU JUST POST A NUMBER OF QUESTIONS, AS WILL THE FOLLOWING SPEAKERS, YOU WILL PROBABLY HEAR THE DISCUSSION TRY TO COME UP WITH THOSE ANSWERS OR ASK STAFF TO HELP US RESPOND. THANK YOU.

MY LITTLE BUZZER HASN'T GONE OFF? ANOTHER QUESTION I'VE GOT IS WHAT GOOD ARE THE FLUM'S IF THE PLANNING COMMISSION CAN ARBITRARILY RECOMMEND CHANGES TO THEM BY ALLOWING PEOPLE TO CIRCUMVENT THE AMENDMENT PROCESS. AND I WOULD HOPE THAT I COULD HAVE SOME ANSWERS TO THOSE QUESTIONS AND IF YOU HAVE ANY QUESTIONS FOR ME, I WOULD GLADLY ANSWER THEM NOW.

MAYOR WYNN: QUESTIONS, COUNCIL? THANK YOU, MA'AM. DANIEL UPDIKE. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY REBECCA SELLER WHO WILL BE FOLLOWED BY RON THROWER. WELCOME, SIR.

GOOD EVENING, MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS. THANK YOU FOR GIVING ME THE OPPORTUNITY TO SPEAK THIS EVENING. MY NAME IS DAN UPDIKE AND I'M THE VICE-CHAIR OF THE DAWSON NEIGHBORHOOD PLANNING TEAM. I WANT TO TELL YOU A LITTLE BIT ABOUT MY QUALIFICATIONS FOR THIS POST. I MOVED TO DAWSON IN 2002, SO I HAVE NO FIRSTHAND KNOWLEDGE OF THE PLANNING PROCESS. AND I HAVE NO EDUCATION IN COMMUNITY PLANNING, NO TRAINING IN COMMUNITY PLANNING AND I'VE BEEN THE VICE-CHAIR FOR THREE MEETINGS. SO THAT'S WHERE I'M COMING FROM. BUT DESPITE MY IGNORANCE, I'M NOT COMPLETELY CLUELESS. I CAN TELL WHEN SOMETHING JUST DOESN'T SIT RIGHT. AND REOPENING THIS PLAN AT 1:30 IN THE MORNING JUST DOESN'T SIT RIGHT. VERY LITTLE EVIDENCE, MOST OF WHICH WE'VE ALREADY GONE OVER, BUT I'D JUST LIKE TO SHARE THE EVIDENCE I HAVE. DAWSON NEIGHBORHOOD

APPROVED THE PLAN IN 1998, THE FIRST NEIGHBORHOOD IN THE CITY. SHORTLY THEREAFTER, THE CITY COUNCIL APPROVED THE PLAN AND THE ZONING CHANGES. LATER ON THE CITY DECIDED THAT THE FLUM WOULD BE REQUIRED. AND SO THE DAWSON NEIGHBORHOOD ASSOCIATION APPROVED THE FLUM UNANIMOUSLY AT OUR MEETING THIS PAST APRIL, SO THIS IS THE WAY THE NEIGHBORHOOD ASSOCIATION PROCESS IS SUPPOSED TO WORK. AT OUR MEETING THIS PAST MONDAY ON JUNE 12TH, WE HAD MANY DISCUSSIONS ABOUT MANY DIFFERENT ISSUES. THE FLUM DID NOT COME UP. AT 1:30 IN THE MORNING ON JUNE THE 14TH AT THE PLANNING COMMISSION, WITH ACTIVE SUPPORT FROM THE DEVELOPERS' REPRESENTATIVE AND FROM A FEW NEIGHBORS, THE PLANNING COMMISSION DECIDED TO EFFECTIVELY REOPEN THE DAWSON PLANNING PROCESS IN MY VIEW. THE DEVELOPER REPRESENTATIVE AND THE NEIGHBORS WERE AT OUR MEETING NOT 30 HOURS PREVIOUS, AND THEY DIDN'T SAY ANYTHING. SO A LOT OF PEOPLE HAVE WORKED HARD ON THIS PLAN, AND I'M NOT REALLY ONE OF THEM. I'VE COME A LITTLE BIT LATE INTO THE GAME HERE, BUT A LOT OF PEOPLE HAVE PUT A LOT OF WORK INTO THIS, AND NOT EVERYONE'S 100% HAPPY, LIKE JEROME SAID. IN FACT, PROBABLY NOBODY IS 100% HAPPY. IT'S A COMPROMISE. THAT'S THE WAY THIS WORKS. BUT THE CITY COUNCIL AND THE CITY STAFF I THINK HAVE AN IMPORTANT ROLE HERE IN DEFENDING THE PROCESS AS WE SEE, AND THIS IS A QUESTION OF PROCESS AS I SEE IT. SO I WOULD ASK YOU TO SUPPORT MAP B, WHICH IS WHAT THE NEIGHBORHOOD HAS ALWAYS SUPPORTED, AND LET THESE CHANGES HAPPEN THROUGH THE AMENDMENT PROCESS. BUT TO CLOSE WITH JUST A COUPLE OF COMMENTS ON VOLUNTEERING. AS HAS BEEN MENTIONED, DAWSON HAD A VERY CONTENTIOUS PROCESS DEVELOPING THIS PLAN. [BUZZER SOUNDS] AS I'VE HEARD. AND THE THING ABOUT VOLUNTEERS IS THEY'RE REAL GOOD ABOUT FIGURING OUT WHEN THEY'RE WASTING THEIR TIME, AND NOBODY IS LISTENING TO THEM. SO I HOPE THAT YOU LISTEN TO THE NEIGHBORHOOD PROCESS. THANK YOU.

MAYOR WYNN: THANK YOU. LET'S SEE, OUR NEXT SPEAKER IS REBECCA SELLER. SHE SIGNED UP WISHING TO SPEAK AGAINST. WELCOME. YOU WILL HAVE THREE MINUTES AND

BE FOLLOWED BY RON THROWER.

GOOD EVENING, MY NAME IS REBECCA SELLER, I'M A PROPERTY OWNER IN THE DAWSON NEIGHBORHOOD. I'M A HOMEOWNER IN THE DAWSON NEIGHBORHOOD. IN FACT, I'M A HOMEOWNER IN THIS AREA OF BEN WHITE THAT'S BEEN COLORED BROWN IN MAP C. I'M PARTICULARLY CONCERNED ABOUT THIS RATHER RAPID TRANSITION THAT HAS OCCURRED IN THE PROCESS. I AM VERY APPRECIATIVE ABOUT THE DAWSON NEIGHBORHOOD ASSOCIATION AND THE GOOD GOVERNMENT THAT THEY HAVE BEEN CONDUCTING. I DON'T KNOW IF I MENTIONED I'VE LIVED THERE SINCE 1997. I WOULD LOVE TO PARTICIPATE MORE IN DAWSON NEIGHBORHOOD, BUT MY WORK SCHEDULE IS VERY INHIBITORY TOWARDS MAKING MEETINGS ON A REGULAR BASIS. BUT I FOLLOW THE DAWSON NEIGHBORHOOD AND THEIR GOOD GOVERNMENT QUITE CLOSELY. IT'S AN INCREDIBLE GROUP OF DIVERSE PEOPLE WHO HAVE BEEN WILLING TO SHARE LEADERSHIP VERY BROADLY, BOTH WITH HOMEOWNERS, WITH DIVERSE CONSTITUENTS IN THE NEIGHBORHOOD AND WITH BUSINESSES. AUTO ONE POINT THE PRESIDENT OF THE DAWSON NEIGHBORHOOD WAS IN FACT A BUSINESS OWNER. WE'RE NOT ANTI-DEVELOPMENT. THE GROUP IS VERY, VERY REASONABLE, VERY WILLING TO CONSIDER ALTERNATE PERSPECTIVES. BUT IT SEEMS ABSURD TO ME THAT THIS GROUP OF VOLUNTEERS, THIS NEIGHBORHOOD HAS WORKED FOR NINE YEARS TO TRY TO DO EXACTLY WHAT THE CITY SAID THEY WANTED. THEY WANTED A VOICE FROM THE PEOPLE. YOU'VE GOT A GREAT WORKING GROUP. THE GROUP HAS DISTRIBUTED WRITTEN PAMPHLETS, KNOCKED ON PEOPLE'S DOORS, INVITED THE ENTIRE NEIGHBORHOOD. THEY MAINTAIN A WEBSITE SO THAT IT'S VERY, VERY OPEN PROCESS. THEY DEVELOPED THIS FLUM OPENLY, AT LEAST OVER 10 TO 12 MONTHS. PEOPLE HAD MANY, MANY OPPORTUNITIES TO RESPOND AND GET INTO THE PROCESS AND VOICE THEIR OPINION. BUT INSTEAD WHAT HAPPENED IS WHEN THE FLUM WAS PUT FORTH TO THE PLANNING COMMISSION THERE WERE VERY FEW ENTITIES THAT WENT FORWARD TO REALLY CIRCUMVENT THIS NEIGHBORHOOD PROCESS. THEY HAD AN OPPORTUNITY TO SPEAK AT THE NEIGHBORHOOD MEETING THE NIGHT BEFORE. THEY HAD AN

OPPORTUNITY. THEY WERE THERE. THEY HAD AN OPPORTUNITY TO SPEAK TO THE NEIGHBORHOOD ABOUT THE DEVELOPMENT PLANS, CHOSE NOT TO, CHOSE TO GO TO THE PLANNING COMMISSION AND IT'S A MYSTERY TO ME WHY THE PLANNING COMMISSION WAS SWAYED BY THIS AND WHY THE PLANNING COMMISSION HAS GONE IN AND MADE A SWATH OF BROWN IN A LOVELY NEIGHBORHOOD, A PLACE THAT I ADORE LIVING. I JUST THINK THAT GOOD GOVERNMENT NEEDS TO BE OPEN, EVERYBODY NEEDS TO GET A CHANCE TO RESPOND, AND PARTICIPATE, AND AGAIN, I JUST FEEL LIKE THE DAWSON NEIGHBORHOOD ASSOCIATION HAS BEEN ABSOLUTELY INCREDIBLE. I VERY STRONGLY SUPPORT PLAN B. I VERY ADAMANTLY OPPOSE PLANS A AND C. IF DEVELOPMENT IS GOING TO GO ON IN MY CLOSE KNIT NEIGHBORHOOD -- [BUZZER SOUNDS] I WANT THAT TO GO THROUGH AN AMENDMENT PROCESS AND I WANT TO BE ABLE TO VOICE MY OPINION IN THAT AMENDMENT PROCESS. THANK YOU FOR YOUR TIME.

MAYOR WYNN: THANK YOU, MS. SELLER. RON THROWER, WELCOME. AND IS MIKE MCHONE HERE? HE WAS OFFERING TO DONATE TIME, BUT OUR RULES ARE HE HAS TO BE PRESENT TO DO SO. YOU WILL HAVE THREE MINUTES, WELCOME.

MAYOR, MAYOR PRO TEM, MEMBERS OF THE COUNCIL. RON THROWER. I DIDN'T REALIZE I WAS GOING TO START SUCH A SNOWBALL OF OPPOSITION TO SOMETHING THAT I SEE AS GOOD PLANNING PRINCIPLES. I WOULD ASK THE COUNCIL TO LOOK SPECIFICALLY AT WHAT IS THE DIFFERENCE BETWEEN PLAN B AND EXISTING ZONING TODAY. WHAT WE'RE DOING HERE IS ADOPTING A FUTURE LAND USE MAP. WE'RE NOT DOING ZONING. WHEN A DEVELOPMENT PLAN DOES COME FORWARD, WHICH BY THE WAY THERE WAS NOT A DEVELOPMENT PLAN FOR THIS AREA. I'M NOT REPRESENTING A DEVELOPER IN THIS ENDEAVOR. BUT WHEN A PLAN HAS COME FORWARD, WE'RE GOING TO HAVE TO FILE FOR REZONING ON THE PROPERTY. WE'RE GOING TO HAVE TO TALK TO THE NEIGHBORHOOD ABOUT THE REZONING, WE'LL HAVE TO TALK TO THE PLANNING COMMISSION, HAVE TO TALK TO THE COUNCIL. WE'RE TALKING ABOUT FUTURE LAND USE HERE. I WOULD LIKE TO WALK THROUGH A COUPLE OF EXHIBITS. HERE'S WHAT IS

KNOWN AS PLAN B FUTURE LAND USE MAP. THE AREA SPECIFICALLY WE'RE TALKING ABOUT IS THE AREA ALONG BEN WHITE, DONE LAP AND WATTFORD. LOOKING AT THE AREA IN A LITTLE MORE DETAIL AND AERIAL, YOU CAN SEE THERE IS SOME SINGLE-FAMILY IN THE AREA, BUT THERE'S ALSO A LOT OF COMMERCIAL, AND WE'RE GOING TO WALK THROUGH PRIMARILY THE SINGLE-FAMILY AREA WITH A LITTLE BIT MORE DETAIL. THIS IS ACROSS BEN WHITE LOOKING AT THAT SINGLE-FAMILY AREA. THIS IS WHAT EVERYBODY SEES WHEN THEY DRIVE DOWN BEN WHITE. THIS IS DAWSON AND THIS NEEDS TO BE CHANGED AND IT NEEDS TO BE CHANGED WITH THE FIRST STEP, WHICH IS WITH THE FLUM MAP. WE'RE DEALING WITH AREA THAT FOR ONE IS AN ILLEGAL COMMERCIAL DEVELOPMENT ON A SINGLE-FAMILY ZONED PROPERTY. WE'RE DEALING WITH A VACANT TRACT, WE'RE DEALING WITH A PROPERTY WITH A HOME VALUATION OF \$18,000, WHICH INCLUDES A TRAILER. ANOTHER HOME IN THE 15,000-DOLLAR RANGE, ANOTHER LOOK AT IT. A DOUBLE WIDE MOBILE HOME, WHICH IS THE BEST HOME IN THIS PARTICULAR BLOCK, PHENOMENALLY HAS A VALUE OF \$77,000. I DON'T KNOW HOW. ANOTHER HOME IN THE AREA THAT HAS A VALUE UNDER 20,000. ANOTHER HOME BACKING UP TO BEN WHITE THAT HAS A VALUE OF AROUND 18,000. AND THE SIDE VIEW OF THE OTHER -- OF THE BLOCK, THIS IS LOOKING ACROSS REYNA. THIS IS WHAT THE PROPERTY FRONTS ON, IT'S BEN WHITE BOULEVARD. WE'RE DEALING WITH TAGGING THAT OCCURS ON THE FENCE THERE. WE NEED TO INCENTIVIZE IT FOR REASONABLE DEVELOPMENT OF THE PROPERTY. THIS IS LOOKING WEST ON BEN WHITE. THIS IS THE VIEW FROM THE SINGLE-FAMILY LOTS THAT BACK UP TO BEN WHITE. THIS IS THE SHELL STATION ACROSS WHICH IS LOCATED AT CONGRESS AND BEN WHITE. SINCE THE DAWSON PLAN WAS ADOPTED IN 1998, WE'RE DEALING WITH ALMOST DOUBLE INCREASE IN TRAFFIC ON BEN WHITE BOULEVARD, DEALING WITH PROJECTED COUNTS. SOUTH CONGRESS WENT FROM 32 TO 43,000, BEN WHITE IS 134,000, SO WE'VE GOT APPROXIMATELY 140,000 VEHICLES A DAY IN CLOSE PROXIMITY TO THE PROPERTY. WHAT I'M LOOKING AT PRIMARILY IS AN AREA THAT IS IN TRANSITION, NEEDS TO BE IN TRANSITION, AND IT IS -- WE'RE DEALING WITH A FLUM, A FUTURE LAND USE MAP. THE AREA ALONG BEN WHITE

CERTAINLY DOES NOT NEED TO BE SINGLE-FAMILY, EVER. I THINK YOU WILL HEAR SOME DISCUSSION ABOUT THAT LATER ON, ABOUT HOW DEPLORABLE THE CONDITIONS ARE ALONG BEN WHITE. THE AREA DIRECTLY ACROSS NORTH OF DUNLAP I THINK IS ANOTHER KEY AREA THAT COULD BE A GREAT MIXED USE DEVELOPMENT IN ASSOCIATION WITH THE PROJECT ALONG THE BEN WHITE FRONTAGE. I'M AVAILABLE IF YOU HAVE ANY QUESTIONS.

MAYOR WYNN: THANK YOU. QUESTIONS OF MR. THROWER, COUNCIL? THANK YOU. OUR NEXT SPEAKER IS LAURA MORRISON. WELCOME, LAURA. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY JULIE ALEXANDER.

GOOD EVENING, COUNCIL. I'M THE PRESIDENT OF THE AUSTIN NEIGHBORHOODS COUNCIL TONIGHT. THIS CASE, THE DAWSON FOLKS CAME TO ME, THIS CASE RAISED SOME QUESTIONS AND CONCERNS AND CONFUSIONS, AND I WANTED TO URGE YOU TO SUPPORT PLAN B, WHICH IS THE NEIGHBORHOOD DIRECTED FLUM. I WANTED TO ADDRESS TWO POINTS. THE FIRST ONE IS THE PLANNING COMMISSION'S RECOMMENDATION, AS I UNDERSTAND IT, I WASN'T THERE AND I DON'T WANT TO SPEAK FOR THEM, BUT AS I UNDERSTAND IT, IT'S BASED ON THEIR UNDERSTANDING THAT THERE'S A POLICY IN PLACE THAT WE WILL MAKE ALL OUR CORRIDORS, REZONE ALL OUR CORRIDORS COMMERCIAL. THAT'S WHAT I THINK MIGHT BE -- MIGHT HAVE GOTTEN US INTO THIS MISUNDERSTANDING. I GUESS IT WAS ONLY MENTIONED THAT THAT WAS SOMETHING THAT AMC SUPPORTED AND I'M HERE TO TELL YOU THAT THAT'S NOT CORRECT. WE DON'T SUPPORT MAKING ALL OUR CORRIDORS COMMERCIAL. IN THE COMMERCIAL DESIGN STANDARDS WORK THAT WE'VE BEEN WORKING WITH COUNCILMEMBER MCCrackEN, THERE IS A LOT OF WORK GOING ON ABOUT DENSIFYING THE CORRIDORS, BUT IT'S BEING DONE IN A VERY BALANCED AND AND ENCOMPASSING WAY SO THAT EVERYBODY CAN HAVE A SAY IN HOW IT HAPPENS. AND MANY NEIGHBORHOOD ASSOCIATIONS DO SUPPORT DENSE PHING THE COMMERCIAL AREAS WHERE THE CORRIDORS ARE, BUT THEY ARE IN THE COMMERCIAL DESIGN STANDARDS AND IT SPECIFICALLY SAYS, AND WE APPRECIATE THAT IT SAYS THIS IN THE POLICY DOCUMENT, THAT IF -- THAT THE NEIGHBORHOOD PLANS WILL

SUPERSEDE THE COMMERCIAL DESIGN STANDARDS AND THE CORRIDOR STUFF TO THE EXTENT OF CONFLICT. SO IT WAS WELL UNDERSTOOD THAT IF THERE'S GOING TO BE -- IT ALSO SAYS IF THERE'S GOING TO BE ANY CHANGES TO WHAT THOSE CORRIDORS ARE AND WHERE WE'RE GOING TO DENSIFY, IT WOULD BE DONE BUT THE NEIGHBORHOOD PLANNING PROCESS. SO I JUST WANTED TO MAKE THAT CLEAR THAT WE NEEDED TO MAKE SURE THAT WE'RE ALL ON BOARD, THAT WE'RE ALL FOLLOWING THAT AGREEMENT, AND I THINK THAT WE'RE ALL GOING TO COME UP WITH SOME REALLY GOOD BALANCED SOLUTIONS THERE, NEIGHBORHOODS ARE ON BOARD WITH DENSIFYING CORRIDORS. I WANT TO HIGHLIGHT THAT THE NEIGHBORHOOD PLAN AMENDMENT ORDINANCE IS REALLY, REALLY IMPORTANT. CHANGING A NEIGHBORHOOD PLAN IS MUCH MORE THAN MAKING A ZONING CHANGE. IN FACT, THE NEIGHBORHOOD PLAN, IT'S RECOMMENDED THAT NEIGHBORHOOD PLANING REVIEWED THROUGH THE PROCESS EVERY FIVE YEARS, AND I THINK DAWSON IS PROBABLY WAY BEHIND ON THAT. THEY'VE NEVER HAD THAT AMENDMENT OR THAT FIVE-YEAR PLAN. MY NEIGHBORHOOD, IRONICALLY IS OLD WEST AUSTIN. IT'S ONE OF THE ONES WITHOUT A TECHNICAL FLUM BECAUSE WE WERE DONE BEFORE THEN. THIS IS MAKING ME REALLY NERVOUS THAT WE MIGHT BE GOING FORWARD AND LOSING ALL THAT. [BUZZER SOUNDS] I DO WANT TO SAY THAT IT WAS SUGGESTED THAT NO NEIGHBORHOOD PLAN AMENDMENT FORMALLY COULD HAPPEN WITH THE DAWSON PLAN UNTIL THEY HAD THEIR FLUM. WELL, WE WERE BEFORE YOU SUPPORTING A NEIGHBORHOOD PLAN AMENDMENT THAT WENT THROUGH FOR THE OLD WEST AUSTIN PLAN ON JUNE EIGHTH OF THIS MONTH, ON THE EIGHTH OF THIS MONTH, AND IN FACT THE AGENT WAS RON THROWER AND MARK WALTERS WAS THE NEIGHBORHOOD PLANNING STAFF. SO THERE SEEMS TO BE A LITTLE DISCONNECT ABOUT WHETHER YOU'RE ALLOWED TO DO THAT OR NOT. SO JUST TO FINISH UP, I WOULD URGE YOU TO KEEP THE NEIGHBORHOOD PLAN PROCESS GOING FORWARD AS IT SHOULD AND SUPPORT PLAN B, WHICH REFLECTS THE NEIGHBORHOOD PLAN AGREEMENTS. THANK YOU.

MAYOR WYNN: THANK YOU. THE IN CONNECTION SPEAKER IS

JULIE ALEXANDER. WELCOME. YOU WILL BE FOLLOWED BY JEFFREY ALEXANDER. YOU COULDN'T TALK JEFFREY INTO DONATING HIS TIME TO YOU? JUST KIDDING. WELCOME. YOU WILL HAVE THREE MINUTES.

THANK YOU. MY NAME IS JULIE ALEXANDER AND I'M A HOMEOWNER ON DUNLAP STREET. WE FEEL LIKE IF IT'S CHANGED CLOSER TO BEN WHITE, BETWEEN BEN WHITE AND DUNLAP, THAT OUR PROPERTIES THAT FACE DUNLAP SHOULD BE SOMETHING OTHER THAN SINGLE-FAMILY BECAUSE IF WE'RE GOING TO HAVE SOMETHING, HIGHER DENSITY ACROSS THE STREET FROM US ON BEN WHITE, WE DON'T NECESSARILY WANT TO HAVE A SINGLE-FAMILY AND WE ACTUALLY HAVE THREE RHO PROPERTIES ON DUNLAP. SO WE FEEL LIKE THE FUTURE LAND USE MAP SHOULD BE CHANGED, SOMETHING ELSE IN THE FUTURE. IT LOOKS EXACTLY LIKE THE CURRENT ZONING AND IT'S REALLY NOT THE FUTURE OF BEN WHITE. SO THAT'S WHY I THINK IT SHOULD BE CHANGED.

MAYOR WYNN: THANK YOU. JEFFREY ALEXANDER, WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY JEFF JACK, WHO WILL BE FOLLOWED BY SANDY MCMILLAN.

GOOD EVENING. MY WIFE AND I OWN A FEW PROPERTIES ON DUNLAP STREET. THE PART THAT'S BEING TALKED ABOUT THAT THE SHADING HAS CHANGED ON PLAN C. AND THERE'S QUITE A FEW THINGS I COULD TALK ABOUT. I COULD TALK TO ALMOST EVERY SINGLE POINT THAT MY OPPOSITION HAS TALKED ABOUT, AND GIVEN THE GOOD REBUTTAL ON WHAT THEY'RE TRYING TO SAY. BUT PRETTY MUCH WHAT IT WAS ALL ABOUT IS THEY WERE TRYING TO MAKE THE FLUM CONSISTENT WITH THE NEIGHBORHOOD PLAN, WHICH CALLED FOR HIGHER DENSITY MIXED USE TYPE PROJECTS ALONG THE CORRIDORS. SO WE WERE POINTING OUT THE INCONSISTENCY, AND ON TOP OF THAT, WE WERE SAYING THE FUTURE LAND USE OF BEN WHITE HAS CHANGED, THEN WE THINK THAT PROBABLY THE FUTURE LAND USE OF OUR PROPERTIES SHOULD CHANGE SINCE THE MIXED USE -- IF IT BECOMES A MIXED USE PROCESS. AND THAT'S ANOTHER THING, THERE IS NO PLAN. I DON'T UNDERSTAND WHAT THEY'RE TALKING ABOUT THAT THERE'S ANY PLANS. WE

WERE JUST TALKING ABOUT THE FUTURE LAND USE OF THIS AREA DOWN HERE. WHAT WILL BE IT LIKE IN 20 YEARS FROM NOW. AND IT PROBABLY WON'T BE FIVE TEARDOWN HOMES AND A DOUBLE WIDE TRAILER. IT WILL PROBABLY BE SOMETHING A LITTLE MORE THAN THAT. SO I HAVE HEARD -- IT'S MY UNDERSTANDING THAT THERE IS A PHILOSOPHY TO HAVE THESE MIXED USE BUILDINGS FRONT ON TO STREETS AND NOT ON TO HIGHWAYS, SO IF THEY DO FRONT ON TO INTERIOR STREETS, THEN I THINK IT WOULD BE INAPPROPRIATE TO HAVE FIVE SINGLE-FAMILY HOMES, THREE OF WHICH SHOULD BE TORN DOWN AND FACING A MIXED USE PROJECT. IF THAT MAKES ANY SENSE. THERE'S ONE THING THAT I HAVE A PROBLEM WITH IS THAT SOMEONE HAD MENTIONED THAT THESE PEOPLE ON OLTORF WERE GOING TO GET MOVED OUT. IT'S MY UNDERSTANDING THAT NO ONE IS GOING TO GET MOVED OUT, NO ONE'S IS GOING TO CHANGE, NO ONE'S PROPERTY TAXES ARE GOING TO BE AFFECTED. THIS IS JUST WHAT IT GIVES MORE OPTIONS TO THE HOMEOWNERS WHAT THEY CAN DO WITH THEIR PROPERTY IN FUTURE AND CAN MAKE IT MORE VALUABLE. AND ANOTHER THING IS THAT IT'S MY UNDERSTANDING ALSO THAT THIS ISN'T A PLAN AMENDMENT. IT'S JUST A FUTURE LAND USE MAP, NO PLAN AMENDMENT. AND I'D LIKE TO ALSO REITERATE WHAT MY WIFE SAID, THAT THIS WAS ORIGINALLY PROPOSED BY ONE OF THE COMMISSIONERS ON THE PLANNING COMMISSION LAST WEEK. SO THEY SAW THE INCONSISTENCY BEFORE ANY OF US POINTED IT OUT OR TALKED ABOUT IT. AND I HAVE TO ALSO SAY, THE MAIN PEOPLE THAT ARE UP HERE OPPOSING PLAN C, WHICH I THINK IS A GOOD PLAN, THEY DON'T LIVE ANYWHERE NEAR DUNLAP STREET. THERE'S ONLY TWO PEOPLE WHO CAME UP HERE AND SPOKE WHO ACTUALLY LIVE ON THE PART THAT HAS BEEN CHANGED AND THEY DIDN'T LIVE ON DUNLAP STREET EITHER. SO THE PEOPLE UP HERE THAT ARE FOR PLAN C ARE THE ONES THAT LIVE ON THAT STREET. AND I GUESS MY TIME THYME'S UP.

MAYOR WYNN: IT IS. THANK YOU. QUESTIONS FOR MR. ALEXANDER, COUNCIL? THANK YOU, SIR.

THANK YOU.

MAYOR WYNN: JEFF JACK, WELCOME. I SAW JEFF EARLIER.

LET'S SEE, IS LINDA LAND HERE? SHE WAS GOING TO DONATE TIME TO YOU, BUT SHE'S NOT HERE.

MAYOR, COUNCILMEMBERS, WELCOME TO OUR NEW COUNCILMEMBERS AND GOOD LUCK TO YOU. TONIGHT YOU HAVE A DIFFICULT ISSUE HERE IN FRONT OF YOU, BUT THE THREE POINTS I'D LIKE TO MAKE, ONE IS ABOUT PROCESS, ONE'S ABOUT THE FLUM AND ONE IS ABOUT MYTHOLOGY. IT'S TRUE THAT WE HAVE A FLUM NOW THAT'S PART OF NEIGHBORHOOD PLANNING, BUT I WAS PRESIDENT OF THE NEIGHBORHOOD ASSOCIATION IN '96 WHEN WE STARTED NEIGHBORHOOD PLANNING AND IN THE FIRST NEIGHBORHOOD PLANNING GUIDELINES THERE WAS NO SUCH FLUM. A FLUM IS A CREATION OF CITY STAFF. IN THE DAWSON SITUATION IT'S OBVIOUS THEY DIDN'T HAVE A FLUM. THEY'RE TRYING TO CREATE A FLUM THAT MATCHES THE ZONING THAT WAS APPROVED BY COUNCIL WHEN THE COUNCIL APPROVED THE ZONING THAT REFLECTED THE NEIGHBORHOOD PLAN. ALL THEY'RE ASKING IS THAT THAT PROCESS BE RESPECTED AND THAT IF THAT LAND USE IS GOING TO BE CHANGED, THAT IT BE CHANGED THROUGH THE AMENDMENT PROCESS, NOT THROUGH CHANGING THE FLUM. WITH REGARD TO THE FLUM, WE ALL TALK ABOUT IT AS FUTURE LAND USE, BUT THE REALITY IS THE DAY AFTER THAT IT'S IMPLEMENTED, IT'S NOW. WHAT WE ARE SEEING IS THAT THE MOMENT THAT IT'S IMPLEMENTED, THEN STAFF USES IT AS A BASIS FOR MAKING RECOMMENDATIONS. SO DON'T THINK ABOUT THE FLUM BEING 20 YEARS DOWN THE ROAD, THINK ABOUT IT BEING TOMORROW. BECAUSE THAT'S WHAT STAFF'S GOING TO DO WHEN THEY LOOK AT AN APPLICATION. THEY WILL LOOK AT THE FUTURE LAND USE, AND THEY'RE NOT THINKING 20 YEARS, THEY'RE THINKING TOMORROW. THE LAST POINT I WANT TO MAKE IT ABOUT MYTHOLOGY. SINCE '96 WHEN WE STARTED NEIGHBORHOOD PLANNING, WE HAVE BEEN DEALING WITH THE MYTHOLOGY OF DENSE PACKING OUR NEIGHBORHOODS. AND FOR ALMOST 10 YEARS WE WATCHED HOW THAT THEORY HAS GONE. WE HAVE A NEW THEORY IN PLAY. THE NEW WAY TO ACCOMMODATE GROWTH IS TO DENSE PACK THE CORRIDORS. AND I THINK WE SHOULD LEARN FROM THE LESSONS OF THE PAST 10 YEARS ABOUT OUR NEIGHBORHOODS. DENSE PACKING THE RESIDENTIAL

NEIGHBORHOODS IN SOME PLACES IS APPROPRIATE, BUT NOT IN ALL PLACES. AND IT SHOULD BE DONE WITH THE CONSENT OF THE NEIGHBORHOODS, WITH THE UNDERSTANDING THAT IT'S IN THE BETTERMENT AND THE SELF-INTEREST OF THE NEIGHBORHOODS AND ENHANCEMENT TO THE NEIGHBORHOODS. A LOT OF PEOPLE DIDN'T GET ALL THEY WANTED OUT OF THAT THEORY. AND SO NOW THEY'RE LOOKING AT THE THEORY OF DENSE PACKING THE CORRIDORS, ALL THE CORRIDORS, INSTEAD OF SAYING, WELL, SOME ARE APPROPRIATE AND SOME ARE NOT. IN THIS PARTICULAR CASE ARE WE LOOKING AT WHAT THE NEIGHBORHOOD REALLY WANTS AND JUST WIPING THAT ASIDE BECAUSE WE ARE ASSUMING THAT THE MYTHOLOGY, THAT THE DENSE PACKING OF THE CORRIDOR IS THE SAME EVERYWHERE? I THINK THAT'S THE WRONG HEADEDNESS I THINK WILL GET US IN THE SAME KIND OF SITUATION WE HAD WITH THE IDEA OF DENSE PACKING THE RESIDENTIAL AREAS. SO I WOULD SUGGEST TONIGHT THAT YOU RESPECT THE PROCESS, APPROVE THE FLUM THAT THEY HAVE THAT'S NUMBER B, SEND IT BACK THROUGH THE AMENDMENT PROCESS. [BUZZER SOUNDS] REMEMBER THAT THE FLUM IS GOOD THE DAY AFTER IT'S POSED, AND THEN LET'S THINK ABOUT MAKING SURE THAT THIS NEW IDEA OF DENSE PACKING THE ARTERIALS HAS SOME SENSITIVITY AND IS REALLY NEIGHBORHOOD FRIENDLY. THANK YOU.

MAYOR WYNN: THANK YOU, MR. JACK. SANDY MCMILLAN? WELCOME, SANDY. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY BRYAN SMITH, WHO WILL BE FOLLOWED BY JAMES LACEY.

GOOD EVENING, EVERYONE, I'M ALSO HERE TO SUPPORT MY NEIGHBORS AND ENCOURAGING YOU TO ADOPT MAP B. I AM THE SECRETARY OF BOTH THE DAWSON NEIGHBORHOOD ASSOCIATION AND THE DAWSON NEIGHBORHOOD PLANNING TEAM. I ALSO LIVE ON THE SOUTHEAST CORNER OF OLTORF AND EUCLID, TWO HOUSES WEST OF H.E.B. MY HUSBAND AND I CHOSE THIS PROPERTY PRIMARILY FOR ITS PROMINENCE ON A BUSY CORRIDOR, AND A LIVELY WALKABLE NEIGHBORHOOD. WE WERE NOT DETERRED AT ALL BY THE FACT THAT OLTORF IS A MAIN ARTERY THROUGH THE CITY. WE'RE FROM NEW ORLEANS, WE'RE USED TO

THAT. IT'S COMMON TO HAVE BEAUTIFUL BOULEVARDS THAT ARE ALSO RESIDENCES AND MAJOR THOROUGHFARES. WE HAVE SPENT THE LAST TWO AND A HALF YEARS, A LOT OF MONEY AND TIME, REHABILITATING A DERELICT PROPERTY MUCH LIKE THOSE THAT FACE BEN WHITE IN THE SOUTH. PLENTY OF PEOPLE HAVE CALLED OUR PROPERTY A TEAR DOWN, BUT AS MEMBERS OF THE GREEN BUILDING PROGRAM, WE'RE COMMITTED TO REUSING AND RECYCLING WHAT'S THERE. WE REHABBED THE EXISTING HOUSE AND THE LOT AND WE'VE ALSO ADDED A 600 SQUARE FOOT APARTMENT TO CREATE A 3 BEDROOM, THREE BATHROOM DUPLEX IN ORDER TO STAY WITH THE PRINCIPLES OF GREEN BUILDING, CREATE SOME DENSITY. WE REUSED A FOUNDATION THAT WAS ALREADY THERE TO BUILD OUR ADDITION. WE ALSO HAVE DONE 90% OF THE WORK OURSELVES, SO WE'RE CERTAINLY COMMITTED TO THE RESIDENTIAL NEIGHBORHOOD ALONG OLTORF. AND AS FAR AS I KNOW, NONE OF MY NEIGHBORS ALONG OLTORF HAVE REQUESTED THAT THE RESIDENCES BE CHANGED FROM SINGLE-FAMILY TO MIXED USE OR COMMERCIAL. AND I'D LIKE TO SAY ALSO THAT EACH TIME A PROPERTY IS -- A RESIDENCE IS UP ZONED FROM RESIDENTIAL TO COMMERCIAL, THAT'S YET ANOTHER PERSON OR FAMILY WHO IS PUSHED OUT OF THE CORE OF THE CITY INTO THE SURROUNDING SUBURBS OR INTO PERHAPS CONDOMINIUMS NEAR DOWNTOWN. AND I FRANKLY DON'T FIND EITHER OF THOSE CHOICES APPEALING TO ME. I PREFER TO STAY IN THE CITY WITH SOME GREEN SPACE UNDER MY FEET. AND AS A RESIDENCE ALONG OLTORF. AGAIN, I WOULD LIKE TO ENCOURAGE YOU TO ACCEPT OUR PLAN B AND THEN ANYTHING THAT IS CHANGED IN THE FUTURE WE'RE CERTAINLY WILLING TO LISTEN TO IT, GO THROUGH THE AMENDMENT PROCESS AS WE'VE BEEN PROMISED. THANK YOU.

MAYOR WYNN: THANK YOU, SANDY. BRYAN SMITH? HE SIGNED UP WISHING TO SPEAK, AS DID JAMES LACEY. EACH OF YOU WILL HAVE THREE MINUTES. WELCOME.

I DRIVE OLTORF AND BEN WHITE DAILY. AND PUTTING HIGH DENSITY DEVELOPMENT ALONG OLTORF OF ANY KIND AND PRESSURING THAT STREET THAT'S ALREADY SO NARROW THAT IF THERE WAS A DIESEL RIG IN EACH LANE THEY

WOULD GET JAMMED SOLID AND BE STUCK THERE. WHEN SHE SPOKE OF ARTERIALS, I COULDN'T EVEN IMAGINE OLTORF BEING AN ARTERIAL BECAUSE IT IS SO NARROW AND DANGEROUS. PUTTING DENSITY IN THESE CORRIDORS WITHOUT REALLY UNDERSTANDING THE TRAFFIC IN 2030 OR THE NEEDS IN 2030 IS GOING TO END UP CATCHING US. THE NEEDS FOR BIKE LANES AND MASS TRANSIT ALONG WITH THE CARS THAT ARE LEFT RUNNING AT FIVE DOLLARS A GALLON GAS IS GOING TO NEED MORE ROOM IN REALITY THAN WHAT IS AVAILABLE ON OLTORF. AND TO MY WAY OF THINKING, BEN WHITE BOULEVARD WAS UNDERDESIGNED WHEN IT WAS BUILT. IT'S GOING TO NEED TO BE WIDENED. WE KEEP BUILDING, AND I'VE SAID THIS AGAIN AND AGAIN, WE KEEP BUILDING FOR A CITY OF 500,000 WHEN WE'RE CLOSER TO A MILLION INSTEAD OF BUILDING FOR A CITY OF 5 MILLION. AND YOU LOOK AT PEOPLE COMING IN ALONG BEN WHITE FROM BASTROP, WHEN THAT DEVELOPMENT THAT GOES ON OUT THERE BEYOND THE AIRPORT REALLY GETS THERE AND THEY'RE GOING TO BE COMING ACROSS AND TRYING TO GET TO MOPAC. IS USING THE TRAFFIC -- USING THE TRAFFIC NUMBERS FOR BEN WHITE TO DEVELOP IT WOULD MEAN THAT EVERY HOUSE ALONG MOPAC SHOULD BE WORRIED BECAUSE SOME OF THOSE ROADS THAT LEAD TO ENTRANCE RAMPS ON MOPAC HAVE A VERY HIGH TRAFFIC COUNT. SO THEY SHOULD BE MIXED USE ALSO? THAT DOESN'T REALLY NECESSARILY MAKE SENSE. SO I REALLY THINK THE CORRIDOR STUDIES NEED TO BE ANALYZED BASED ON A MUCH LARGER PROJECTION OF TRAFFIC AND NEED FOR SAFE BIKE LANES AND SO FORTH SO THAT EVERYONE CAN GET DOWNTOWN BESIDES THE PEOPLE THAT ARE LIVING THERE IN CONDOS. THANK YOU.

MAYOR WYNN: THANK YOU. OUR LAST SPEAKER IS JAMES LACEY. WELCOME. YOU WILL HAVE THREE MINUTES.

GOOD EVENING, COUNCILMEMBERS. I'M RELOCATED FROM LAREDO, TEXAS. I AM JIM LACEY AND I WOULD LIKE TO START OFF BY THANKING YOU GUYS FOR THE UNBELIEVABLE JOB THAT YOU DO HERE IN AUSTIN, TEXAS. WERE TO WE HAVE CITY GOVERNMENT AS BEAUTIFULLY AS YOURS IS HERE. THAT'S WHY I'VE RELOCATED. I LIKE TO THINK I'M SPEAKING FOR EVERYBODY HERE TODAY WHEN I SAY THAT LAST THING ANYBODY WANTS IS FOR TRAFFIC TO

COME OFF THE BEN WHITE FREEWAY AND GO INTO OUR NEIGHBORHOODS, EIGHT AND 10 BLOCKS TO FIND GASOLINE STATIONS AND LODGING. WE DON'T NEED THAT SORT OF THING. AS A MATTER OF FACT, THE DECIBEL COUNT ALONG BEN WHITE SINCE I MOVED IN THERE HAS INCREASED FOURFOLD JUST SINCE THEY OPENED UP THE NEW I-35 UNDERPASS. SO THE LAST THING WE WANT TO DO IS TO BRING THAT KIND OF TRAFFIC INTO THE NEIGHBORHOOD. BUT IF YOU WILL LOOK REALLY CLOSELY, AND I WANT TO ALLUDE JUST VERY BRIEFLY TO MAP B. IF YOU WOULD JUST LOOK AT IT VERY QUICKLY ON CONGRESS, 100% OF THAT IS ALREADY MIXED. IF WE'LL LOOK OVER ON FIRST STREET, 100% OF THAT IS EITHER MIXED OR SOMETHING THAT IS NOT EXACTLY DESIRABLE. IT'S INDUSTRY AND OTHER THINGS. ON THE OLTORF SIDE, TWO-THIRDS OF IT IS MIXED. AND ON THE BEN WHITE SIDE, WHICH IS WHERE I HAPPEN TO LIVE, THE BEN WHITE SIDE IS ALL MIXED AND ONE COMMERCIAL PROPERTY. AS A MATTER OF FACT, THERE'S JUST A TINY LITTLE FOOTAGE IN THERE, 69 FEET ONLY OF THAT ENTIRE SIDE IS NOT ALREADY SINGLE-FAMILY OR COMMERCIAL. GOOD LAND USE PREVENTS THE KIND OF PROBLEMS THAT WE'RE TALKING ABOUT ON BOTH SIDES OVER HERE. IF WE DON'T -- IF WE'RE NOT GOING TO CONCENTRATE OUR COMMERCIAL PROPERTIES ON FREEWAYS, WHERE ELSE ARE WE GOING TO PUT THEM EXCEPT IN NEIGHBORHOODS? THAT'S THE VERY THING THAT WE'RE TRYING TO ELIMINATE HERE. WE CAN'T HAVE OUR CAKE AND EAT IT TOO. WE CAN'T HOPE TO MAINTAIN THE TRANQUILITY THAT WE ENJOY IN OUR AUSTIN NEIGHBORHOODS AND ALSO REFUSE TO GIVE COMMERCIAL ENTERPRISE AND HIGH DENSITY TRAFFIC THAT AUTOMATICALLY COMES WITH IT A PLACE TO TAKE ROOT. AND THE PLACE TO TAKE ROOT HAS GOT TO BE ALONG FREEWAYS AND FEEDERS THAT CAN MOVE HUGE QUANTITIES OF TRAFFIC QUICKLY. HOPEFULLY THE COUNCIL'S ACTION THIS EVENING WILL PRIMARILY CONSIDER THAT THE PROPERTY IN QUESTION HERE IS NOT INTERIOR, BUT THAT IT'S ON FRONTAGE. SPECIFICALLY FOR THE DAWSON NEIGHBORHOOD SOUTHERN MOST EDGE NEEDS THE BEN WHITE FREEWAY. MOREOVER, IN CLOSING I WOULD JUST LIKE TO ADD THAT THE CHIEF REASON I LOCATED TO AUSTIN, AS I SAID, WAS BECAUSE OF GOVERNMENT GREAT. I'M CONFIDENT THIS BODY WILL ACT

IN A WAY THAT SEEKS TO FAVOR -- NOT FAVOR DEVELOPMENT OVER NEIGHBORHOOD OR NEIGHBORHOOD OVER DEVELOPMENT, BUT RATHER WHICH BENEFITS BOTH ENTITIES EQUAL THROUGH WISE AND HEALTHY COMPROMISE THAT ALLOWS EVENTUAL, UNOBTRUSIVE EXPANSION ON THE PERIPHERY OF BEN WHITE WHILE PREVENTING THE INNER SANCTITY OF THE DAWSON NEIGHBORHOOD. I THANK YOU VERY MUCH FOR YOUR TIME.

MAYOR WYNN: THANK YOU. SO FOR THE RECORD, JEAN MATHER SIGNED UP NOT WISHING TO SPEAK, IN OPPOSITION. WELCOME. AND BARB FOX AND SAGE WHITE SIGNED UP NOT WISHING TO SPEAK, NEUTRAL. WELCOME BACK, MR. WALTERS.

MAYOR, COUNCIL, MAYOR PRO TEM. ON YOUR MOTION SHEET YOU HAVE BASICALLY THE THREE DIFFERENT MOTIONS THAT PEOPLE DISCUSSED, THREE ISSUES THAT PEOPLE DISCUSSED. IT GIVES YOU THREE POSSIBLE OPTIONS. OPTION A RELATING TO MAP A, WOULD BE ADOPT ON ALL THREE READINGS THE DAWSON FUTURE LAND USE MAP OR FLUM AS RECOMMENDED BY THE PLANNING COMMISSION. B, WHICH IS REFLECTED IN MAP B IS ADOPT ON ALL THREE READINGS THE DAWSON FUTURE LAND USE MAP AS RECOMMENDED BY THE DAWSON NEIGHBORHOOD PLANNING TEAM AND NEIGHBORHOOD PLANNING AND ZONING STAFF. AND C, WHICH IS RELATED TO MAP C, ADOPT ON ALL THREE READINGS THE DAWSON FUTURE LAND USE MAP AS RECOMMENDED BY THE DAWSON NEIGHBORHOOD PLANNING TEAM WITH THE EXCEPTION OF MIXED USE DESIGNATION IN THE AREA BOUNDED BY THESE STREETS.

MAYOR WYNN: THANK YOU. QUESTIONS OF STAFF? COUNCILMEMBER LEFFINGWELL.

LEFFINGWELL: THE CHANGE IN THE FLUM DOES NOT IN ANY WAY AFFECT THE ZONING, IS THAT CORRECT?

THAT'S CORRECT.

LEFFINGWELL: SO IF A PROPERTY IS CURRENTLY ZONED SF-3 AND THE FLUM REFLECTED IT WAS MIXED USE, IT WOULD REMAIN SF-3 UNTIL THE ZONING ORDINANCE WAS

CHANGED?

THAT IS CORRECT, EXCEPT IT WOULD REQUIRE ONE FEWER STEPS IN THE PROCESS. WOULDN'T HAVE TO GO AND AMEND THE PLAN. THEY COULD CHANGE THE ZONING.

SO NORMALLY YOU DO THE FLUM AND THE NEIGHBORHOOD PLANNING, BUT IT WASN'T DONE IN THIS CASE BECAUSE IT WASN'T A CONCEPT THAT WAS IN BEING AT THE TIME THIS NEIGHBORHOOD PLAN WAS DONE SO WE'RE COMING BACK AND CATCHING UP AND PUTTING THE PLAN IN.

YES. SO REFLECT THE AREA WIDE ZONING CASE THAT WOULD HAPPEN IN DECEMBER '01.

LEFFINGWELL: SO THEY WOULD HAVE TO COME IN AND THAT'S THE NORMAL PROCESS AS I'VE SEEN IT, GET A FLUM CHANGE AND A ZONING CHANGE AT THE SAME TIME. SO THE FACT THAT THE FLUM AND THE ZONING ARE DIFFERENT, THE FACT THAT SOMEBODY WANTS TO MAKE A ZONING CHANGE, THEY COULD DO BOTH AT THE SAME TIME. A FLUM CHANGE AND A ZONING CHANGE. RIGHT?

YES.

LEFFINGWELL: OKAY. THAT'S ALL I HAVE.

MAYOR WYNN: FURTHER QUESTIONS, COMMENTS?
COUNCILMEMBER MCCRACKEN.

MCCRACKEN: I'M SORRY, I'M A LITTLE BIT CONFUSED BY HOW WE GOT HERE. SO I KNOW WE'VE GONE THROUGH -- MARK, COULD YOU WALK US THROUGH HOW IT CAME THAT WE HAD THESE FLUM AMENDMENTS COME BEFORE US?

THE PLAN WAS ADOPTED BACK IN THE LATE '90'S? IN 2001 WE ADOPTED THE ZONING TO GET THERE. THERE HAD BEEN NO REZONING ACTIVITY. WHAT DONE THEN WORKED AND EVERYONE COULD OPERATE UNDER THAT. THERE WAS A FIRM THAT WANTED TO EXPAND, AN ENGINEERING FIRM WANTED TO EXPAND AND THEY WOULD REQUIRE A ZONING CHANGE, PLAN AMENDMENT, BUT -- SO IN ORDER TO MAKE IT CLEAR WHAT WE NEED TO AMEND IN THE FUTURE, WE

DECIDED WE SHOULD GO FORWARD WITH THIS FLUM ADOPTION, ADOPTING THIS FUTURE LAND USE MAP. AND -- THAT'S PRETTY MUCH HOW WE GOT HERE. AT THE LAST PLANNING COMMISSION MEETING, THERE WAS A MOTION TO TAKE OUT TWO AREAS, ONE ALONG OLTORF AND ONE ALONG BEN WHITE.

THAT'S WHERE I'M FOCUSING ON. WHAT HAPPENED AT THE LAST PLANNING COMMISSION MEETING THAT SUDDENLY BROUGHT THIS BEFORE US?

ABOUT 1:30 IN THE MORNING, WEDNESDAY MORNING --

MCCRACKEN: WHEN ALL THE MISCHIEF REALLY HAPPENS.

ONE OF THE PLANNING COMMISSIONERS MADE A MOTION TO TAKE THOSE TWO AREAS OUT --

MCCRACKEN: IN WHAT CONTEXT? WAS THERE A ZONING CASE BEFORE THEM?

NO.

MCCRACKEN: WAS IT POSTED TO DO A FLUM?

WE WERE POSTED TO ADOPT A -- TO AMEND THE DAWSON NEIGHBORHOOD PLAN BY ADOPTING A FUTURE LAND USE MAP.

MCCRACKEN: SO WHY HAD THAT -- WHAT PROMPTED US TO GET TO THAT MOMENT? WAS THERE JUST LIKE THROUGH THE NORMAL COURSE OF EVENTS A DETERMINATION THAT THERE WAS NOT A FUTURE LAND USE MAP FOR DAWSON?

JUST AS A WAY TO ADD MORE DIRECTION, MORE CLARITY TO THE PLAN.

MCCRACKEN: MARK, I'VE HEARD SOMETHING A LITTLE BIT DIFFERENT THAN WHAT YOU AND COUNCILMEMBER LEFFINGWELL DISCUSSED. SO MY UNDERSTANDING THEN IS IF THERE'S LIKE A REQUEST FOR A ZONING CHANGE THAT'S CONTRARY TO THE NEIGHBORHOOD PLAN THAT REQUIRES I

THINK SIX VOTES, RIGHT?

ONLY IF THERE'S A VALID PETITION THAT WOULD REQUIRE FOUR VOTES IF THERE WAS NO VALID PETITION.

MCCRACKEN: BUT WHAT ABOUT IF IT DOES NOT -- SO WHAT -
- WHAT IS THE EFFECT OF THE FLUM THEN? HOW DOES THAT CHANGE ANYTHING?

TO CLEAR UP ANY AMBIGUOUS LANGUAGE. IT GIVES MORE DIRECTION AND INTENT IN THE FUTURE OF WHAT PEOPLE WOULD LIKE TO SEE. WORDS CAN BE SOMEWHAT AMBIGUOUS AND CAN BE INTERPRETED BY DIFFERENT PEOPLE IN DIFFERENT WAYS, BUT WHEN YOU HAVE A METROPOLITAN WITH THESE DISTINCT -- WHEN YOU HAVE A MAP WITH THESE DISTINCT DIRECTION OZ IT, IT PROVIDES CLARITY TO BOTH PEOPLE INTERESTED TO DOING BUSINESS DEVELOPMENT IN THE NEIGHBORHOOD AND GIVES THE NEIGHBORHOOD A CLEAR VISION FOR WHAT THEY SAY WE WANT TO SEE OUR NEIGHBORHOOD DEVELOP.

MCCRACKEN: WHAT I'VE HEARD THIS EVENING IS WHAT MAY BE GOOD PLANNING PRINCIPLES, THE NEIGHBORHOOD IS OPPOSED TO THE CHANGES ON BEN WHITE AND ON OLTORF. IS THAT -- HAVE YOU HEARD A MIX OR -- TONIGHT WE SAW A FAIRLY -- NOT UNANIMOUS, BUT FAIRLY SOLID OPPOSITION TO CHANGING THE NEIGHBORHOOD PLAN. IS THAT REFLECT ACTIVE OF WHAT'S COME OUT OF THE NEIGHBORHOOD PLANNING TEAM FOR INSTANCE?

IT REFLECTS THE ZONING THAT OCCURRED BACK IN 2001. AND MY ZONING, YOU HEARD THE SAME TESTIMONY AS I, THEY WOULD LIKE -- NOT NECESSARILY OBJECTING TO ANYTHING OCCURRING, CHANGE OCCURRING ALONG BEN WHITE, BUT THEY WOULD LIKE TO SEE IT GO THROUGH A PROCESS AS OPPOSED TO BEING SPRUNG ON THEM VERY EARLY IN THE MORNING.

MAYOR WYNN: COUNCILMEMBER DUNKERLEY -- I'M SORRY, MAYOR PRO TEM DUNKERLEY. [LAUGHTER]

DUNKERLEY: MARK, I'M UNCLEAR HOW THIS GOT TO PLANNING COMMISSION IN THE FIRST PLACE. DID THE STAFF

JUST NOTICE THAT THERE WAS NO FLUM FOR THIS AREA AND YOU PUT IT ON THE PLANNING COMMISSION, AND IF YOU DID, I WOULD HAVE ASSUMED THAT YOU WOULD PUT ON PLAN B. IS THAT WHAT HAPPENED?

PLAN B REFLECTS THE STAFF RECOMMENDATION. THAT'S WHAT WE BROUGHT FORWARD FOR THEIR CONSIDERATION.

DUNKERLEY: AND WHEN THE PLANNING COMMISSION LOOKED AT THAT TIME, I ASSUME THEY SAW THIS AREA ALONG BEN WHITE FROM A FUTURE PLANNING PERSPECTIVE, PROBABLY IN THEIR OPINION SHOULD HAVE REFLECTED A MIXED USE KIND OF CATEGORY. SO THEY WERE GOING TO SAY-- DID THEY SUGGEST THAT AND THEN THEY PULLED IT OUT AND JUST LEFT IT BLANK AND ASKED THEM TO GO BACK TO THE NEIGHBORHOOD OR HOW DID THAT HAPPEN?

THEY WOULD TAKE UP THOSE AREAS AND THEN GO TO THE NEIGHBORHOOD AND NOTIFY THE NEIGHBORHOOD ASSOCIATIONS AND THOSE INDIVIDUALS OR PROPERTY OWNERS OR HOUSES OR SITES WITHIN 300 FEET OF THIS AREA AND INVITE THEM TO A PUBLIC MEETING TO DISCUSS THESE AREAS.

DUNKERLEY: RATHER THAN GOING BACK TO THE NEIGHBORHOOD TEAM.

YES. I ASSUME SO. THOUGH THE NEIGHBORHOOD PLANNING TEAM WOULD BE IN FACT INVITED TO ANY TYPE OF EVENT, WERE IT TO BE HELD.

DUNKERLEY: OKAY, THANKS.

MAYOR WYNN: FURTHER QUESTIONS, COMMENTS?
COUNCILMEMBER MCCRACKEN.

MCCRACKEN: OBVIOUSLY YOU'RE GUESSING THIS IS A VERY UNUSUAL SITUATION FOR THE COUNCIL TO DEAL WITH. AND WE'RE TRYING TO FIGURE OUT HOW IN THE WORLD THIS HAPPENED. IS THIS UNUSUAL THAT -- BECAUSE I HAVEN'T SEEN SOMETHING LIKE THIS HAPPEN BEFORE.

THERE ARE THREE CURRENT PLANS THAT DON'T HAVE THIS FUTURE LAND USE MAP WITHIN THEM. THIS WOULD BE DAWSON, HYDE PARK AND OLD WEST AUSTIN. AND RECENTLY THERE HAVE BEEN SEVERAL ZONING CASES SPECIFICALLY IN OLD WEST AUSTIN THAT POINTED TO THE NEED THAT WE MIGHT NEED TO CONSIDER GOING BACK AND EXAMINING THAT. THE SAME THING HAPPENED IN DAWSON. WE HAD A ZONING CASE MOVE FORWARD THAT HIGHLIGHTED THE NEED FOR MORE CLARITY IN SPECIFYING LAND USE DECISIONS. AND THAT'S THE REASON WE BROUGHT THIS MAP FORWARD.

COUNCILMEMBER, MR. WALTERS CAME TO THE LAW DEPARTMENT AND ASKED WHAT WE FELT THE BEST THING WOULD BE TO DO SINCE THEY DID NOT HAVE A FLUM, AND WE SENT IT BACK TO THE NEIGHBORHOOD AND SAID DO WHAT YOU THINK IS RIGHT. SO I DON'T KNOW WHAT HAPPENED AT THE PLANNING COMMISSION AT 1:30 IN THE MORNING, BUT THAT'S THE EXPLANATION IS IS THEY DIDN'T HAVE A FLUM AND THEY NEEDED ONE TO GO FORWARD.

MCCRACKEN: MY LAST QUESTION IS SO THEN THE STAFF RECOMMENDATION IS PLAN B?

THAT'S CORRECT.

MCCRACKEN: AND THAT'S ALSO SUPPORTED BY THE NEIGHBORHOOD PLANNING TEAM?

YES. AND AGAIN, PLAN B REFLECTS THE STAFF RECOMMENDATIONS AT THE ZONING CASE THAT OCCURRED BACK IN 2001.

MAYOR WYNN: I WILL CONSIDER THAT A MOTION.

MCCRACKEN: I WILL SAY THAT I THINK THAT THERE IS A GOOD PLANNING CASE TO BE MADE FOR -- PARTICULARLY TO THE BEN WHITE PROPERTIES THAT YOU WOULD HAVE A COMMERCIAL AS OPPOSED TO A SINGLE-FAMILY. THAT SAID, I DON'T LIKE THE PROCESS THAT GOT US HERE AND WE DO HAVE AN ESTABLISHED PROCESS FOR DOING AMENDMENTS TO NEIGHBORHOOD PLANS. SO WHAT I WILL DO IS MOVE TO APPROVE MAP B, STAFF RECOMMENDATIONS SUPPORTIVE

OF THE NEIGHBORHOOD PLANNING TEAM.

SECOND.

MAYOR WYNN: MOTION BY COUNCILMEMBER MCCrackEN, SECONDED BY COUNCILMEMBER COLE TO APPROVE -- CLOSE THE PUBLIC HEARING AND APPROVE MAP B, OPTION FOR THE FUTURE LAND USE MAP. FURTHER COMMENTS? COUNCILMEMBER LEFFINGWELL.

LEFFINGWELL: AS I SAID BEFORE, AND I JUST WANT TO REITERATE ONE TIME, THIS IS NOT -- THIS DOES NOT PRECLUDE THE ZONING CHANGES. AND ZONING CHANGES USUALLY GO HAND IN HAND WITH CHANGES TO THE FLUM. AND THAT COMES IN THE FUTURE. I AGREE THAT GOOD LAND USE PLANNING IN THE FUTURE MIGHT DICTATE THAT, BUT I THINK THE BEST COURSE OF ACTION FOR US RIGHT NOW IS TO LET THE FLUM CONFORM TO THE EXISTING ZONING AND WAIT FOR THE NEED TO ARISE TO MAKE CHANGES IN THAT. SO I'LL SUPPORT THE MOTION.

MAYOR WYNN: THANK YOU. FURTHER COMMENTS? I HAVE A MOTION AND A SECOND ON THE TABLE. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

SO THAT TAKES US TO CASE NUMBER 97?

YES, MAYOR. NOW THAT WE HAVE PASSED THE FLUM, I CAN GO AHEAD AND OFFER FOR CONSENT ON ALL THREE READINGS CASE NUMBER 97, WHICH IS C-14-05-0125, 515 POST ROAD, WHICH IS A CHANGE FROM FAMILY RESIDENCE NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING TO NEIGHBORHOOD OFFICE MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING.

WE HAVE A CONSENT APPROVAL OF CASE NUMBER 97. WE HAVE A COUPLE OF FOLKS SIGNED UP NOT WISHING TO SPEAK, IN FAVOR. CYNTHIA MEDLYNN SIGNED UP WISHING TO SPEAK, IN FAVOR. I DON'T KNOW IF SHE RECOGNIZES THIS IS ABOUT TO BE PASSED UNANIMOUSLY UNLESS SHE NEEDS TO SAY A FEW WORDS. WELCOME BACK. I COULDN'T

TALK YOU OUT OF IT, COULD I?

NOTHING BUT GOOD NEWS, I SWEAR. OKAY. WE SUPPORT THE ZONING CHANGE THAT IS CONTINGENT UPON OUR FUTURE LAND USE MAP BECOMING SANCTIFIED. AND WE APPRECIATE MR. HOLT AND THE PROPERTY OWNER, MR. LACKEY COMING TO US, PRESENTING A PLAN THAT PROTECTS THE SINGLE-FAMILY HOMES RIGHT NEXT TO THE OFFICE AND WE DEEPLY APPRECIATE HOW THEY UTILIZE THE PROCESS AND THE WAY IT SHOULD HAVE BEEN DONE. AND FULLY SUPPORT IT. AND WE HOPE YOU WILL PASS IT.

MAYOR WYNN: THANK YOU. COUNCIL, THAT'S OUR ONLY SPEAKERS FOR THIS HEARING. I'LL ENTERTAIN A MOTION. COUNCILMEMBER LEFFINGWELL.

LEFFINGWELL: I'LL MOVE TO CLOSE THE PUBLIC HEARING AND PASS THE PLANNING COMMISSION RECOMMENDATION ON ALL THREE READINGS.

MAYOR WYNN: MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER COLE TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM NUMBER 97 ON ALL THREE READINGS. 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 AND COUNCIL, OUR NEXT DISCUSSION ITEM IS ITEM NUMBER 118, WHICH IS CASE C-14-06-0082, KURACHI BODY AND PAINT. IT IS LOCATED AT 6605 REGIENE ROAD. THE CONDITIONAL OVERLAY WOULD LIMIT THE DAILY TRIPS TO NO MORE THAN 2,000 VEHICLES A DAY. THE EXISTING USE IS SINGLE-FAMILY, ALONG WITH SOME CAR WORK THAT IS BEING DONE AS WELL AS VEHICLE STORAGE ON THE PROPERTY. THE PROPERTY IS ABOUT A HALF ACRE. THE APPLICANT HAS BEEN RED TAGGED BY A.P.D. FOR THE STORAGE OF VEHICLES ON SINGLE-FAMILY ZONED PROPERTY. THE STAFF IS SUPPORTING THE ZONING REQUEST TO LI-CO-NP BECAUSE IT IS IN COMPLIANCE WITH

THE FUTURE LAND USE MAP OF THE EAST MLK, 183
NEIGHBORHOOD PLAN. THE PLANNING COMMISSION
RECOMMENDED DENIAL OF THE LI-CO-NP, AND I'M AVAILABLE
IF YOU HAVE ANY QUESTIONS.

MAYOR WYNN: THANK YOU. QUESTIONS OF STAFF,
COUNCIL? IF NOT, WE'LL CONDUCT THE PUBLIC HEARING. WE
WILL HEAR FIRST FROM THE APPLICANT OR AGENT AND
THEN FOLKS WHO SIGNED UP IN FAVOR OF THE ZONING
CASE AND THEN HEAR FROM FOLKS IN OPPOSITION AND WE
HAVE ONE PERSON HERE IN OPPOSITION. WITH THAT I'LL
WELCOME THE AGENT OR OWNER. I JUST ANNOUNCED,
OCCASIONALLY YOU WILL SEE A COUNCILMEMBER OR
MYSELF OR EVEN STAFF OCCASIONALLY LEAVE THE DAIS TO
GO BACKSTAGE IN THE BACK WE HAVE AUDIO AND VIDEO
AND WE HEAR AND SEE ALL TESTIMONY. [ONE MOMENT,
PLEASE, FOR CHANGE IN CAPTIONERS] LET ME ACQUAINT
YOU WITH THE PROPERTY INVOLVED. CAN WE ZOOM INTO
THE CENTER. ARE WE ABLE TO DO THAT? ZOOM IN EVEN
MORE. THE KURACHI PROPERTY IS OUTLINED IN BOLD. TO
THE SOUTH OF THE PROPERTY, IS -- IS A 15-ACRE TRACT
ZONED LI. TO THE LEFT OF THE PROPERTY, WHICH WILL BE
TO THE WEST, IS THE SINGLE FAMILY PROPERTY AND THAT'S
VACANT. TO THE NORTH OF THE PROPERTY, IS A -- IS ALSO
ZONED SINGLE FAMILY, THAT HAS A SMALL HOUSE ON IT.
THIS NEIGHBORHOOD INCIDENTALLY, MEMBERS, IS A VERY
SMALL AREA. IT IS MADE UP OF -- OF FIVE PROPERTIES THAT
ARE ZONED SINGLE FAMILY AND -- AND THREE PROPERTIES,
IF YOU INCLUDE THE MOTOROLA PROPERTY, THAT ARE
ZONED LI. IF YOU -- IF YOU DO THE COMPUTATION, DO A
COMPUTATION OF THE LAND AREA THAT IS ZONED SINGLE
FAMILY, THAT WOULD CALCULATE OUT TO ROUGHLY 4.2
ACRES. THE AMOUNT OF LAND NOT INCLUDED IN THE
MOTOROLA TRACT IS STILL 19-ACRES, WHICH INDICATES 82%
OF THIS AREA IS ALREADY ZONED LI AND 18% IS ZONED
RESIDENTIAL. NOW, YOU'LL NOTICE THE PROPERTY ACROSS
REGIENE ROAD. DOES THIS WORK? ACROSS REGIENE ROAD,
FROM MR. KURACHI'S PROPERTY, IS OWNED BY THE
PROPERTY THAT IS OPPOSING THIS ZONING CHANGE
REQUEST. THAT PROPERTY YOU WILL NOTICE IS STONED
LIMITED INDUSTRIAL. ZONED LIMITED INDUSTRIAL. REGIENE.
I THINK THAT IT'S WORTH TAKING A MOMENT TO SEE HOW

THAT PROPERTY IS ZONED LIMITED INDUSTRIAL, WHY WE ARE HERE TO DEAL WITH THIS CASE LIKE WE ARE. IF YOU WILL NOTICE THE -- THE REGIENE PROPERTY ON THE NORTH SIDE OF THAT, THE LARGER PART OF IT IS 3.17 ACRES. THAT PROPERTY WAS PURCHASED BY A MAN NAMED MITCHELL BACK IN ABOUT 1985. MITCHELL WAS MARRIED TO REGIENE'S SISTER. MITCHELL THEN SOLD THAT PROPERTY TO A MAN NAMED BIRD. BIRD PLANNED TO PUT IN A STORAGE FACILITY ON THIS PROPERTY. AS A RESULT OF THAT PLAN, HE WENT FORWARD WITH GETTING THE PROPERTY ZONED LI BACK IN 1985. AND YOU WILL NOTICE THAT THE -- THAT THE SOUTH PART OF THE REGIENE PROPERTY IS ALSO ZONED LI. THE REASON FOR THAT IS EVEN THOUGH THAT WAS OWNED BY MR. REGIENE, THE PARTIES THAT ARE HERE OPPOSING THIS TONIGHT, THEY AT THE TIME BACK IN 1985, THEY -- THE PLAN WAS THAT THE ENTIRE TRACT WOULD BE PURCHASED WE MR. BURR WOULD BE DEVELOPED FOR A STORAGE FACILITY. MR. BURR ENCOUNTERED FROM FINANCIAL TROUBLES. THERE WAS -- THOSE FINANCIAL TROUBLES LED TO HIM LOSING HIS PROPERTY AT A TAX SALE, IT WAS PURCHASED BY MR. REGIENE. SO THAT'S THE HISTORY REGARDING HOW -- HOW THE -- HOW THE MAIN PARTY THAT -- THE ONLY PARTY THAT IS OPPOSING THIS, HAVING THEIR PROPERTY ZONED LI, AND NOW -- NOW IF YOU WILL NOTICE, I'M ASSUMING THESE LETTERS HAVE BEEN PROVIDED TO YOU. MR. KURACHI HAS LETTERS FROM THREE OF HIS NEIGHBORS WHO SUPPORT HIS ZONING CHANGE REQUEST. HE HAS A LETTER FROM -- FROM A MR. HAROLD WHO OWNS THE PROPERTY THAT IS -- THAT IS AT THE TOP OF THE SKETCH. SMALL, I THINK IT'S A HALF ACRE TRACT AT THE TOP OF THE SKETCH, OWNED BY MR. HAROLD HAS A SMALL HOUSE ON IT. TO THE SOUTH OF THAT TRACT IS AN ACRE-SIZED TRACT, THAT'S OWNED BY MR. KURACHI'S SON. AND THEN ACROSS -- ACROSS THE ROAD, I'M TRYING TO REMEMBER WHETHER -- ACROSS HIBITS ROAD -- [BUZZER SOUNDING] IS THAT MY TIMER?

MAYOR WYNN: YES, IT IS MR. HOPKINS, IF YOU ARE PRESENTING THE CASE, IF YOU TAKE A LITTLE BIT TO CONCLUDE. I WILL SAY IS GEORGE KURACHI HERE?

HE'S HERE.

WELL, HE WAS GOING TO DONATE TIME TO SOMEBODY SPEAKING IN FAVOR. SO IF YOU NEED IT, YOU COULD TAKE THREE MORE MINUTES TO FINISH UP THE PRESENTATION.

OKAY.

IF YOU NEED THAT MUCH.

OKAY. NOW, IN -- OKAY. I MENTIONED THAT YOU HAVE THESE LETTERS. I'M ASSUMING THAT YOU HAVE THESE LETTERS IN FRONT OF YOU. I PROVIDED THEM -- OKAY YOU HAVE THE LETTERS. THE LETTERS SAY ESSENTIALLY THE SAME THING BY EACH OF THE THREE NEIGHBORS. TWO OF THOSE NEIGHBORS HAVE RESIDENTIAL PROPERTIES THAT -- AND THEN THEIR -- IN THEIR LETTERS THEY STATE IN THEIR MIND THE PROPERTY SHOULD BE ZONED INDUSTRIAL. THE THIRD LETTER IS FROM -- FROM MR. HIBITS WHO OPENS THE 15-ACRE TRACT AT THE BOTTOM END OF THIS AREA. MR. KURACHI PLANS TO PUT IN A PAINT AND BODY SHOP. THAT IS A USE THAT'S CONSISTENT WITH THE NEIGHBORHOOD PLAN. THE -- THERE IS A TRANSMISSION LINE WITH 120 -- THERE'S 125-FOOT TOWER THAT RUNS ACROSS THE BACK OF MR. KURACHI'S PROPERTY. THAT TRANSMISSION LINE CERTAINLY MAKES THE USE OF THIS PROPERTY FOR RESIDENTIAL PURPOSES AN UNSUITABLE USE. THE -- WHEN THE NEIGHBORHOOD PLAN WAS ADOPTED ONE OF THE THINGS THAT'S MENTIONED IN THE NEIGHBORHOOD PLAN IS THAT THEY TOOK INTO ACCOUNT THE TOPOGRAPHY OF THE AREA. THE TOPOGRAPHY OF THIS AREA. MAKES THIS AREA NOT CAPABLE OF BEING VIEWED FROM 183. WHICH MAKES THE ANTICIPATED USE A USE THAT'S CONSISTENT WITH THE NEIGHBORHOOD PLAN. AND THAT GUIDELINE THAT -- THAT -- THAT IS IN THE PLAN. WITH THAT I WILL STOP AND I WILL SAVE THE REMINDER OF MY REMARKS FOR THE REBUTTAL.

MAYOR WYNN: THANK YOU, MR. HOPKINS. QUESTIONS OF THE AGENT? COUNCIL? THANK YOU, SIR. NOW WE HEAR FROM FOLKS IN SUPPORT, THAT WOULD HAVE BEEN MR. KURACHI WHO DONATED HIS TIME TO MR. HOPKINS. WE ALSO HAVE NANCY COSTA SIGNED UP NOT WISHING TO SPEAK ALSO IN FAVOR, NOT HEAR FROM FOLKS IN OPPOSITION OF THE ZONING CASE. OUR FIRST AND ONLY SPEAKER IN OPPOSITION IS DOROTHY REGIENE? I'M SORRY?

I'M SORRY IF I'M MISPRONOUNCING THAT. WELCOME. YOU WILL HAVE THREE MINUTES.

GOOD EVENING TO ALL OF YOU. AND CONGRATULATIONS TO ALL OF THE NEW MEMBERS. AS WELL. I AM DOROTHY REGIENE I'M HERE TO SPEAK ON BEHALF OF THE REGIENE FAMILY AND OUR TENANTS. WE -- THE REGIENE FAMILY HAS OWNED THIS PROPERTY SINCE THE 1940S. SIX GENERATIONS OF REGIENES HAVE LIVED HERE. IRA REGIENE, SENIOR, DEDICATED THE ROAD TO TRAVIS COUNTY IN 1957 FOR A PUBLIC ACCESS TO THE HOMES HE BUILT THERE. THESE RESIDENCES ARE 6603, 6702, 6704 AND 6706. THERE IS ALSO A RESIDENCE AT 6705, BUT NOT OWNED BY US. THE HOMES ARE SURROUNDED BY UNDEVELOPED LAND WITH THE EXCEPTION OF MR. KURACHI'S AT 6605. 6603 AND 6704 ARE [INDISCERNIBLE], 6603 IS IMMEDIATELY ADJACENT TO 6605. MY HUSBAND AND I LIVE AT 6702 ACROSS THE STREET FROM 6605. WE HAVE LOST SEVERAL POTENTIALLY GOOD TENANTS BECAUSE OF THE METAL JUNK YARD FENCE NEXT TO 6603. AND THIS SITUATION IS -- IS IMPACTING OUR INCOME IN RETIREMENT. OUR PROPERTY HAS PROVIDED US WITH A SENSE OF COUNTRY LIVING WHILE HAVING CONVENIENT ACCESS TO SHOPPING, CHURCH, MEDICAL CARE. WE WANT THAT TO CONTINUE. THE CITY PLANNING COMMISSION HAS STATED THIS -- HAS SLATED THIS GENERAL AREA FOR LI ZONING. A QUOTE FROM ZONING CHANGE REVIEW SHEET USE THAT THE ZONING AND PLATTING COMMISSION MEETING ON MAY 9TH STATED, AT THE TIME OF THE NEIGHBORHOOD PLAN REZONINGS, THE SINGLE FAMILY HOMES WERE NOT REZONED TO MATCH THE FUTURE LAND USE MAP OVER CONCERNS ABOUT DISPLACING CURRENT RESIDENTS. WE BELIEVE IT IS TO REMAIN SO TODAY. THERE ARE CONCERNS ABOUT THE ENVIRONMENTAL ISSUES REGARDING THE SPECIFIC SITE, 6605. A PAINT AND BODY SHOP OR JUNK YARD SHOULD NOT BE LOADED IN THE -- IN THE IMMEDIATE VICINITY OF RESIDENCES. SINCE MR. KURACHI BOUGHT 6605, HE HAS USED IT PRIMARILY AS A JUNK YARD. AND YOU WILL REMEMBER IT IS ZONED SINGLE FAMILY. THIS HAS BROUGHT UNWANTED AND UNSAFE TRAFFIC AND MR. KURACHI HIMSELF HAS HAD ITEMS STOLEN FROM HIS PROPERTY [BUZZER SOUNDING] AS A PREVENTIVE MEASURE WE HAVE

HAD NEIGHBORHOOD SECURITY LIGHTS INSTALLED. ANOTHER ISSUE INVOLVED HERE IS THE FACT THAT MR. KURACHI HAS A LONG HISTORY OF NON-COMPLIANCE WITH THE ESTABLISHED CITY CODES ON HIBITS ROAD, 6605 REGIENE ROAD AND HIS RESIDENCE ON JUSTICE LANE. THE VIOLATIONS INCLUDE DUMPING TRASH, STORING INOPERABLE VEHICLES, OPERATING AN AUTO REPAIR BUSINESS AT HIS RESIDENCE AND DUMPING INOPERABLE VEHICLES ON PROPERTY THAT DOESN'T EVEN BELONG TO HIM. THIS OCCURRED ON REGIENE ON 6600 REGIENE ROAD AND PROPERTY BETWEEN 6605 AND HIGHWAY 183.

MS. REGIENE, YOUR TIME EXPIRED SO PLEASE CONCLUDE.

THAT INFORMATION CAME FROM OPEN RECORDS PROVIDED BY SOLID WASTE SERVICES. SO ON THE BASIS OF THIS INFORMATION -- ON THE INFORMATION THAT I HAVE PROVIDED THUS FAR, I RESPECTFULLY REQUEST THAT THE COUNCIL TO DENY THIS ZONING REQUEST. I THANK YOU FOR YOUR TIME AND CONSIDERATION, IF YOU HAVE QUESTIONS I WILL TRY TO ANSWER.

THANK YOU, MS. REGIENE. QUESTIONS, OF DOROTHY, COUNCIL? THANK YOU, MA'AM.

COUNCIL, THAT CONCLUDES THE FOLKS WHO WANT TO ADDRESS US IN OPPOSITION TO THE ZONING CASE, NOW OUR -- OUR AGENT OWNER APPLICANT HAS A THREE MINUTE REBUTTAL. WELCOME BACK, MR. HOPKINS.

MR. KURACHI REQUESTS THAT YOU GRANT HIS REQUEST. AND ALLOW THE ZONING CHANGE SO THAT HE CAN GO FORWARD WITH BUILDING A PAINT AND BODY SHOP. IT'S A USE THAT IS CONSISTENT WITH -- WITH THE NEIGHBORHOOD PLAN, THE CITY STAFF HAS -- HAS RECOMMENDED THE APPROVAL, MR. KURACHI'S REQUEST. I THINK WHEN YOU CONSIDER THE AMOUNT OF LAND THAT'S ALREADY DEVOTED TO -- NOT DEVOTED TO, BUT ZONED FOR LIMITED INDUSTRIAL USE, ALMOST ALL THAT IS ALREADY ZONED THAT WAY AND YOU HAVE LETTERS FROM -- FROM TWO PROPERTY OWNERS WHO -- WHO HAVE PROPERTY THAT -- THAT IN MY MIND FRONTS 183. THERE WAS A ROAD THAT INTERVENES THERE CALLED HIBITS ROAD, BUT THAT'S A --

AS A PRACTICAL MATTER THOSE PROPERTIES FRONT ON 183. BOTH OF THOSE PROPERTY OWNERS HAVE -- HAVE EXPRESSED THEIR POSITION OF -- OF LIMITED INDUSTRIAL IS APPROPRIATE FOR THIS PROPERTY. THEN I MENTIONED THE TOWER AND YET YOU HAVE TO BE UNDER THESE -- UNDER THAT ELECTRICAL TRANSMISSION LINE TO APPRECIATE THE -- THE IMPACT THAT IT HAS. I CAN'T IMAGINE ANYBODY LIVING ON THIS PROPERTY AS THEIR HOME. THAT ELECTRICAL TRANSMISSION LINE, THERE WAS A PICTURE OF IT IN THE PACKET. I COUNTED 14 LINES -- ON THE TOWER. THE -- THE ONE USE THAT MR. KURACHI UNDER THE PRESENT ZONING COULD MAKE OF HIS PROPERTY IS BED AND BREAKFAST. I CAN'T IMAGINE THAT. I WOULD CALL THE COUNCIL'S ATTENTION TO -- TO THE -- TO WHAT HAPPENED AT THE COMMISSION, THE PLANNING COMMISSION MEETING. WHILE THE VOTE WAS 7-0, AND -- AGAINST MR. KURACHI'S REQUEST, THERE WAS ONE COMMISSIONER THAT EXPRESSED MISGIVINGS ABOUT TAKING ACTION THAT WAS INCONSISTENT WITH THE NEIGHBORHOOD PLAN. AND HE ASKED MS. REGIENE WHAT SHE -- WHAT HER VISION WAS FOR THE NEIGHBORHOOD. AND THE RESPONSE TO THAT QUESTION, SHE SAID I DO NOT KNOW, DEVELOPERS AREN'T KNOCKING DOWN OUR DOOR. SO WHAT WE HAVE HERE IS A SITUATION WHERE THIS PROPERTY OWNER, THE PROPERTY OWNER THAT IS OPPOSING THIS REQUEST WOULD -- WOULD BE OKAY WITH LIMITED INDUSTRIAL IF IT WAS -- IN THEIR TIME FRAME. AND SUITED THEIR NEEDS. WELL, THAT'S NOW HOW WE MAKE ZONING DECISIONS. SO I WOULD ASK THAT THE -- THAT THE COUNCIL GRANT MR. KURACHI'S REQUEST. THANK YOU.

THANK YOU, MR. HOPKINS. QUESTIONS OF THE -- OF THE AGENT? OR ANYBODY ELSE? ANYONE ELSE?

MAYOR WYNN: WELL, IF -- IF THE COUNCILMEMBER NEEDS THAT, THEN YOU CAN, SO WHY DON'T YOU APPROACH THE PODIUM, I BET THERE WILL BE A QUESTION OR TWO OF YOU MRS. REGIENE. WELCOME.

THANK YOU FOR ALLOWING ME TO SPEAK AGAIN.

LEFFINGWELL: I WOULD ASK YOU THE QUESTION, WHAT WAS

THE MISTAKE THAT YOU WANTED TO CORRECT?

THANK YOU, COUNCILMEMBER.

I -- I DID NOT SAY THAT DEVELOPERS ARE NOT KNOCKING DOWN OUR DOOR. I SAID THEY ARE NOT KNOCKING DOWN OUR DOOR. THAT WAS IN RESPONSE TO SOMETHING WHEN COMMISSIONERS SAID. THAT SOME DAY THIS WOULD BE A VALUABLE PROPERTY TO A DEVELOPER. WELL, WE DON'T FEEL THAT WAY BECAUSE WE WANT TO LIVE THERE, WE WANT TO LIVE OUT OUR LIVES THERE. MY HUSBAND IS -- IS ILL WITH COPD. AND INCIDENTALLY HAVING A PAINT AND BODY SHOP NEXT DOOR IS ABOUT THE WORST THING THAT I CAN IMAGINE FOR HIM. OUR FAMILY HAS LIVED THERE A LONG TIME. WE -- WE INTEND TO LIVE OUT OUR LIFETIME THERE AND THE PROPERTY WILL FALL INTO THE HANDS OF OUR CHILDREN. AND WHAT HAPPENS THEN, WHICH WE HOPE IS A LONG TIME FROM NOW. IS UP TO THEM. BUT FOR THE TIME BEING, IT IS PRIMARILY A RESIDENTIAL AREA. AND I THINK THAT -- THAT THE WORST THING THAT COULD HAPPEN -- EVEN THOUGH THE -- THE PLANNING COMMISSION HAS ZONED THIS LIGHT INDUSTRIAL, THAT IS FOR DEVELOPMENT, I THINK THE WORST THING THAT COULD HAPPEN IS -- IS THAT YOU ALLOW SUCH A THING TO DISPLACE THE RESIDENTS. AND THIS IS WHAT -- WHAT THE -- WHAT THE COMMISSION FELT, I BELIEVE. THEY SAID THAT EVEN THOUGH THE -- THE LAND PLANNING USE ZONED IT LIGHT INDUSTRIAL, THAT DIDN'T MEAN THAT IT HAD TO HAPPEN IMMEDIATELY. AND ANOTHER POINT THAT I WOULD LIKE TO MAKE IS THAT WHEN THE MITCHELLS SOLD THE PROPERTY, THEY SOLD, WHEN ACTUALLY THE SALE SHOULD HAVE BEEN COMPLETE FOR ALL OF THOSE PROPERTIES. THEY HAD DECIDED AT THAT TIME THAT THEY -- THAT THEY WOULD JUST SIMPLY SELL OUT. BUT THE MITCHELLS WERE ABLE TO GET THE MONEY FOR THEIR PROPERTY AND NOTHING ELSE HAPPENED THEN ON THE PURCHASE OF THE REMAINING PROPERTIES AND THAT'S HOW THE REGIENE PROPERTY BECAME ZONED LIGHT INDUSTRIAL.

MAYOR WYNN: ALL RIGHT, THANK YOU, MS. REGIENE.
FURTHER QUESTIONS, COUNCIL? COMMENTS?

DUNKERLY: I HAVE ONE QUESTION. I WOULD OFFER A

MOTION. TO THE STAFF, JERRY, MR. RUSTHOVEN, SORT OF LIKE GETTING OUT MAYOR PRO TEM. [LAUGHTER] OKAY. THE STAFF RECOMMENDATION IS IN AGREEMENT WITH THE NEIGHBORHOOD PLAN?

YES, IT IS.

DUNKERLY: OKAY. I WOULD MOVE THAT WE CLOSE THE PUBLIC HEARING AND APPROVE THE STAFF RECOMMENDATION.

MAYOR WYNN: MOTION MADE BY -- BY MAYOR PRO TEM DUNKERLY TO CLOSE THE PUBLIC HEARING AND APPROVE STAFF RECOMMENDATION ON ITEM 118. SECONDED BY COUNCILMEMBER COLE. FURTHER COMMENTS? QUESTIONS? JUST CONFIRM MR. RUSTHOVEN, STAFF RECOMMENDATION WAS THAT LI-CO-NP.

CORRECT. THE STAFF RECOMMENDATION IS LIGHT INDUSTRIAL CONDITIONAL OVERLAY NEIGHBORHOOD PLAN.

TO BE COMPLIANT WITH THE NEIGHBORHOOD PLAN. UNLESS IT'S TOO LENGTHY, WHAT WERE THE MAIN COMPONENTS OF THE CONDITIONAL OVERLAY?

THE CONDITIONAL OVERLAY WAS JUST ONE CONDITION, THAT WAS TO NOT EXCEED 2,000 VEHICLE TRIPS PER DAY.

QUESTIONS? COUNCILMEMBER KIM.

BECAUSE THIS AREA IS LARGELY UNDEVELOPED, ALSO CONTAINS MOSTLY SINGLE FAMILY HOMES, EVEN THOUGH THE [INDISCERNIBLE] I WON'T BE SUPPORTING THE MOTION. I THINK THAT IT'S JUST LIKE THE PLANNING COMMISSION, I THINK THIS SHOULD REMAIN FOR SINGLE FAMILY HOMES.

COUNCILMEMBER MARTINEZ -- ALVAREZ -- MARTINEZ.

A LITTLE LESS HAIR THAN RAUL. [LAUGHTER]

DUNKERLY: WE ARE HAVING TROUBLE TONIGHT.

YOU KNOW, I NORMALLY WOULD ALSO BE SUPPORTIVE OF

MAINTAINING SINGLE FAMILY WHERE APPROPRIATE, BUT I AM REALLY FAMILIAR WITH THIS AREA HAVING WORKED IN THAT PART OF TOWN FOR THE LAST 13 YEARS AND I DO BELIEVE THAT THIS WOULD -- THIS IS MORE WHAT'S COMPATIBLE WITH THE SURROUNDING PROPERTIES. SO I WILL BE SUPPORTING THE MOTION.

MAYOR WYNN: THANK YOU COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? AGAIN A MOTION AND A SECOND ON THE TABLE TO APPROVE STAFF RECOMMENDATION, LI-CO-NP. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

WYNN: OPPOSED? MOTION PASSES ON A VOTE OF 6-1 WITH COMMITMENT VOTING NO. COUNCILMEMBER KIM VOTING NO.

OUR NEXT CASE IS ITEM 120, KVUE 060023, MARCH 4. THIS CASE IS AN APPROXIMATELY 4 AND A HALF ACRE UNDEVELOPED TRACT LOCATED AT 2301 EAST RIVERSIDE DRIVE. THE PROPERTY CURRENTLY ZONED FAMILY RESIDENCE SF 3 ZONING. THE REQUEST IS TO NEIGHBORHOOD COMMERCIAL MIXED USE, LR-MU-CO, THE STAFF RECOMMENDATION WAS FOR LR-MU-CO FOR THE PORTION OF THE TRACT NORTH OF WOODLAND, AVENUE, SF 6 CO FOR THE SOUTH OF WOODLAND, AVENUE. THE PLANNING COMMISSION RECOMMENDED LR-MU-CO FOR THE ENTIRE STATE WITH CONDITIONAL OVERLAY THAT PROHIBITED MULTI-FAMILY USE AS A PART OF THE MIXED USE DESIGNATION AND FOOD SALES. THE PLANNING COMMISSION ALSO PUT IN THE RECOMMENDATION A 50-FOOT SET BACK FROM THE WATER COURSE THAT PASSES THROUGH THE PROPERTY. THE WATER COURSE IS NOT LARGE ENOUGH TO BE CALLED A CREEK, BUT IT IS DEFINITELY A DRAINAGE WAY. THE APPLICATION IS IN AGREEMENT WITH THE -- WITH THE PLANNING COMMISSION RECOMMENDATION FOR LR-MU-CO, I DO BELIEVE THAT THE APPLICANT'S AGENT, MR. JIM BENNETT WOULD LIKE TO DISCUSS THE 50-FOOT SETBACK. I'M AVAILABLE IF YOU HAVE ANY QUESTIONS.

QUESTIONS, MR. RUSTHOVEN, COUNCIL?

IF NOT THEN WE WILL -- WE WILL HEAR FROM THE -- FROM THE APPLICANT AGENT.

MAYOR AND COUNCIL, I'M JIM BENNETT, HERE TONIGHT BEFORE YOU ON THIS REQUEST FOR A ZONING CHANGE TO LR, AT THE PLANNING COMMISSION WE DID SUBMIT TO THE PLANNING COMMISSION PETITION SIGNED BY APPROXIMATELY 150 PEOPLE IN SUPPORT OF THIS. I DON'T KNOW IF YOU HAVE THAT IN YOUR BACKUP. IF YOU DON'T, I HAVE ABOUT -- ABOUT 8 COPIES THAT I CAN CERTAINLY HAND TO YOU. BASICALLY THE LETTERS IN THE PETITION AND THE PETITION BASICALLY SAY THAT THEY SUPPORT LR ZONING FOR -- FOR USES THIS PETITION IS SIGNED BY PEOPLE WHO LIVE AND WORK IN THE NEIGHBORHOOD. THIS PROPERTY IS IF YOU LOOK AT THE MAP THAT'S BEFORE YOU, THE PROPERTIES ALONG RIVERSIDE DRIVE ARE ZONED GR FOR THE MOST PART, CS 1 ZONING PERIODICALLY. THIS PROPERTY IS A LONG, NARROW SHAPED PIECE OF PROPERTY THAT FRONTS RIVERSIDE AND GOES DOWN WILLOW SPRINGS AS YOU CAN SEE. ON THE -- ON THE NORTHWEST CORNER OF THIS INTERSECTION ACROSS FROM THIS PROPERTY IS A SHOPPING CENTER THAT'S ZONED GR. AND -- AND ALSO CONTAINS A CS 1, WHICH IS IN USE FOR A NIGHTCLUB. THE PROPERTY IMMEDIATELY TO THE SOUTH OF THAT IS A 24 HOUR CAR WASH. THAT HAS -- THAT HAS LIGHTS, QUITE WELL LIT AT NIGHT. THE REST OF THE PROPERTY, THE VACANT PROPERTY ACROSS THE STREET IS ZONED LR. ALL THE PROPERTY SOUTH OF MY CLIENT'S PROPERTY, ALL THE WAY TO OLTORF IS ZONED MF AND DEVELOPED WITH MULTI-FAMILY. THIS PROPERTY IS LOCATED ON A MAJOR ARTERIAL. RIVERSIDE DRIVE AND THE COLLECTOR STREET. AT THE PLANNING COMMISSION'S RECOMMENDATION THE BLACK LINE, THE HEAVY BLACK LINE THAT YOU SEE ACROSS THERE IS THE RECOMMENDED 50-FOOT SETBACK MORE OR LESS FROM THE CENTER LINE OF THAT -- OF THAT WATER COURSE. AT EARLIER MEETINGS IT WAS REFERRED TO AS A CREEK. HOWEVER IN CHECKING WITH THE WATERSHED PEOPLE IT'S NOT A CREEK. THE LINE THAT YOU SEE THAT RUNS DOWN WILLOW SPRINGS AND WHERE THAT BLACK LINE STARTS ON OUR PROPERTY IS THE CITY'S -- WASTEWATER -- I'M SORRY, THE SANITARY STORM

SEWER LINE. WHICH THEN ENTERS ENTER OUR PROPERTY IN AN OPEN DITCH AND GOES DOWN TOWARD RIVERSIDE DRIVE AND CROSSES RIVERSIDE DRIVE AND -- IN A CLOSED CULVERT. THIS -- THIS IS ACCORDING TO THE WATERSHED PEOPLE, THIS HE IS NOT A CREEK, SO WE STARTED CALLING IT A WATER COURSE. WE ARE IN AGREEMENT WITH THE PLANNING COMMISSION'S RECOMMENDATION, STILL TO -- TO PROVIDE THE 50-FOOT SETBACK AS THEY RECOMMENDED TO YOU AND -- AND THE CONDITIONAL OVERLAY TO PROHIBIT SERVICE STATIONS AS WELL AS PAWN SHOPS. AS INDICATED TO YOU, COUNCIL, WHEN YOU LOOK AT THE -- AT THE NEIGHBORHOOD PLAN MAP ACROSS THE STREET, THE RECOMMENDATION FOR THE NEIGHBORHOOD PLAN MAP FROM THE PLANNING COMMISSION STILL SHOWS A VACANT PROPERTY ACROSS THE STREET AS LR, GR USES UP ON RIVERSIDE DRIVE, THERE IS AN EXISTING BAR IN THAT FACILITY. AS YOU CAN SEE THERE'S APARTMENTS TO THE WEST, THERE'S APARTMENTS TO THE SOUTH, THE NEAREST RESIDENTIAL SINGLE FAMILY RESIDENTIAL UNIT IS ABOUT THREE BLOCKS TO THE WEST ON WOODLAND. THERE ARE NO HOUSES AROUND THIS PROPERTY, SINGLE FAMILY HOUSES. AT THE PLANNING COMMISSION HEARING, THE NEIGHBORHOOD ASSOCIATION REQUESTED THAT IT BE SF 3. AND THE STAFF WAS -- RECOMMENDATION WAS FOR THE BACK QUARTER OF IT, IF YOU WILL, TO BE SF 6. AT THOSE MEETINGS THE NEIGHBORHOOD INDICATED THAT THEY DID NOT WANT ANYMORE MULTI-FAMILY IN THEIR NEIGHBORHOOD. THEY CERTAINLY HAVE A LOT OF IT IN THEIR NEIGHBORHOOD. THE PLANNING COMMISSION I THINK REALIZING THAT THE SF 6 WOULD SERVE NO APPARENT PURPOSES TO BUFFER FROM THE LARGER AMOUNT OF MULTI-FAMILY PROPERTIES SURROUNDING THIS, WOULD SERVE NO PURPOSE. SO A MOTION WAS MADE FOR LR ON THE ENTIRE TRACT, WITH A CONDITIONAL OVERLAY OF THE SETBACK AND THE PROHIBITION OF USES. IT WAS SUGGESTED THAT PERHAPS THIS PROPERTY REMAIN VACANT UNTIL THE NEIGHBORHOOD PLAN, WHICH IS -- WHICH HAS BEEN GOING ON FOR THREE OR FOUR YEARS IS ADOPTED AND THAT PERHAPS A COUPLE OF YEARS LATER MY CLIENT WOULD BE ABLE TO SELL THE PROPERTY TO SOMEONE FOR DEVELOPMENT. ESSENTIALLY, COUNCIL, THIS IS NOT RESIDENTIAL PROPERTY. IT'S COMPLETELY SURROUNDED

BY THE MULTI-FAMILIES AND THE COMMERCIAL ZONINGS WITH THE TWO USES ACROSS THE STREET, WHICH ARE CERTAINLY DETRIMENTAL TO -- TO SINGLE FAMILY DEVELOPMENT. WE WERE DEALING WITH A BANK TO BE LOCATED ON THIS PROPERTY [BUZZER SOUNDING]

THAT THREE MINUTE MAYOR OR SIX?

MAYOR WYNN: THAT OF THE YOUR FIVE MINUTE -- THAT WAS YOUR FIVE MINUTE APPLICANT PRESENTATION.

WE WOULD RESPECTFUL REQUEST THAT COUNCIL CONSIDER THE LAND USES AROUND THIS PROPERTY AND THE TOPOGRAPHIC CONSTRAINTS OF THE PROPERTY AND APPROVE THE LR ZONING AS RECOMMENDED, LR-CO AS RECOMMENDED BY THE PLANNING COMMISSION. THANK YOU.

MAYOR WYNN: THANK YOU, MR. BENNETT. QUESTIONS OF THE AGENT, COUNCIL? I WILL ALSO NOTE PEGGY MARKS SIGNED UP IN FAVOR. MS. MARKS YOU ARE WELCOME TO ADDRESS US IF YOU WOULD PREFER.

MAYOR, I BELIEVE SHE WAS DONATING HER TIME TO ME, I THINK WE PRETTY WELL COVERED THE TRACT UNLESS YOU HAVE SOME QUESTIONS.

MAYOR WYNN: WE WILL PROBABLY COME BACK TO YOU DURING THE REBUTTAL QUESTIONS. THANK YOU, MR. BENNETT. NOW WE HEAR FROM FOLKS WHO WANT TO ADDRESS US IN OPPOSITION. WE WILL START WITH TONY HOUSE, WELCOME, TONY, THREE MINUTES FOLLOWED BY GENE MATHER. WHO WILL BE FOLLOWED BY GALE GOFF.

GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. MY NAME IS TONY HOUSE. I'VE LIVED IN THE EAST RIVERSIDE OLTORF COMBINED NEIGHBORHOOD PLANNING AREA OR EROC FOR SHORT FOR APPROXIMATELY 20 YEARS, I'M CO VICE-PRESIDENT OF SOUTH RIVER CITY NEIGHBORHOOD ASSOCIATION AND A MEMBER OF THE EROC INTERIM NEIGHBORHOOD PLANNING CONTACT TEAM. ONE OF THE PRIMARY GOALS IS TO INCREASE HOME OWNERSHIP. THIS PROPERTY IS SOME OF THE ONLY

UNDEVELOP THE SINGLE FAMILY PROPERTY LEFT IN THE RIVERSIDE PLANNING AREA. WHEN OUR NEIGHBORHOOD PLANNING PROCESS BEGAN, THE RIVERSIDE NPA HAD ONLY 7.3% SINGLE FAMILY HOMES LEFT, COMPARED TO 90.5% MULTI-FAMILY, TRIPLEX FOUR-PLEX AND RESIDENTIAL. WE LOST EVEN MORE SINGLE FAMILY ZONING. THE RIVERSIDE PLANNING AREA IS THE SMALLEST IN SIZE OF THE THREE PLANNING AREAS THAT COMPRISE THE EROC PLANNING AREA. OUR POPULATION IS THE DENSEST OF THE THREE. IN 2000 WE HAD 21.82 PEOPLE PER ACRE COMPARED TO THE URBAN CORE AVERAGE OF 7.04 PER ACRE. BECAUSE WE HAVE SO MANY PEOPLE, SO LITTLE OPEN GREEN SPACE, A PITIFUL 3%, WE HAVE TO RELY ON THE SINGLE FAMILY NEIGHBORHOODS TO PROVIDE GREEN SPACE AND WE SIMPLY CANNOT AFFORD TO LOSE ANYMORE. PART OF THE PROPERTY IS IN THE FLOODPLAIN. WILLOW CREEK RUNS THROUGH IT, IS AN ENVIRONMENTAL FEATURE THAT MAKES THIS PROPERTY IDEAL FOR SINGLE FAMILY RESIDENTIAL. THROUGHOUT THE NEIGHBORHOOD PLANNING PROCESS, STAFF SUPPORTED SF 6 ZONING FOR THIS PROPERTY. EVEN THE CITY'S PROPOSED FLUM FOR OUR NEIGHBORHOOD PLAN DESIGNATED THIS TRACT AS SF 6. THERE IS NO NEED FOR A ZONING CHANGE AT THIS TIME. THERE ARE NO SPECIFIC PLANS FOR DEVELOPMENT OF THIS TRACT. IT SHOULD BE INCLUDED IN A RIVERSIDE CORRIDOR STUDY. SINCE THE EROC NEIGHBORHOOD PLANNING PROCESS BEGAN IN NOVEMBER 2003 OUR AREA HAS BEEN INUNDATED WITH ZONING CHANGE APPLICATIONS THAT WILL ADD EVEN MORE DENSITY TO ONE OF THE MOST HEAVILY POPULATED AREAS IN THE CITY. YET NO STUDIES HAVE BEEN DONE ON HOW THIS DENSITY IS TO BE SUCCESSFULLY INTEGRATED INTO AN AREA THAT HAS INCREDIBLE CHALLENGES TO OVERCOME. PLEASE HELP STOP THIS FEEDING FRENZY AND PUT AN END TO PURELY SPECULATIVE SPOT REZONING. FOR THE HELP OF OUR COMMUNITY, IT IS IMPERATIVE THAT A RIVERSIDE CORRIDOR STUDY BE CONDUCTED PRIOR TO THE WHOLESALE GRANTING OF THESE APPLICATIONS. THANK YOU. [APPLAUSE]

COUNCIL, I WILL GET RIGHT TO IT. THIS IS NOT TECHNICALLY A CREEK BECAUSE OF THE -- BECAUSE OF THE -- OF THE WATER THAT -- THAT IT CARRIES. IT IS -- IT IS -- YOU WOULD

THINK IF YOU LOOKED AT IT THAT IT'S A CREEK. IT HAS TREES GROWING ALONG IT, OCCASIONALLY HAS WATER IN IT. AS DOES [INDISCERNIBLE] CREEK ONLY OCCASIONALLY HAVE WATER IN IT. THE POINT IS THAT IT WOULD BUFFER AN SF 6 DEVELOPMENT AND -- AND CHRIS RILEY, THE CHAIR OF THE PLANNING COMMISSION THOUGHT IT WOULD BE A VERY -- VERY FEASIBLE DEVELOPMENT TO HAVE -- TO HAVE THIS KIND OF -- KIND OF DEVELOPMENT BACKING UP TO THE -- TO THE MULTI-FAMILY ON THE EAST AND THAT IT MIGHT BE -- MIGHT CONDITION WHAT COULD HAPPEN ON THE VACANT PROPERTY TO THE WEST OF IT. THERE ARE TWO LARGE VACANT TRACTS THERE. SO I URGE YOU TO -- TO GO WITH THE ORIGINAL STAFF RECOMMENDATION -- PRESENTATION, WHICH WAS SF 6 AND -- AND IF -- AS A COMPROMISE, IF YOU WOULD PUT LR ON THE TOP PART, WE COULD LIVE WITH THAT, BUT I WANT TO POINT OUT THAT THE -- THAT THE -- THE PROPERTY DOES NOT ABUT RIVERSIDE. THERE'S A -- THERE'S A VERY LARGE RIGHT-OF-WAY THERE. I DON'T HAVE A MAP, BUT MAYBE SOMEONE ELSE WILL SHOW IT TO YOU. THEY RECENTLY CHANGED THEIR ADDRESS ON RIVERSIDE, THEY DO NOT ABUT RIVERSIDE. IF YOU COULD SEE WHERE THE TOP PART WHERE THE BLACK LINE IS THAT GOES UP TO RIVERSIDE, THAT'S CROSSING ABOUT -- ABOUT -- THEIR PROPERTY ENDS ABOUT WHERE THE CAR WASH IS. THAT -- THAT THE PROPERTY RIGHT ACROSS THE STREET THERE TO THE EAST. JUST A LITTLE BIT ABOVE THAT. WHERE THE STREET IS. AND THEY DO NOT ABUT RIVERSIDE. THANK YOU.

MAYOR WYNN: THANK YOU, MS. MATHER. GALLEY GOFF. SIGNED UP WISHING TO SPEAK. GAIL, IS LINDA LAND HERE. GAIL, UP TO SIX MINUTES IF YOU NEED IT. YOU WILL BE FOLLOWED BY LINDA [INDISCERNIBLE]

YES. I -- MAYOR, COUNCIL, I PROBABLY DON'T NEED THAT MUCH TIME, BUT MAYBE SOMEBODY ELSE NEEDS LINDA'S TIME. HI THERE, I'M GAIL GOFF, FOR 30 YEARS I'VE BEEN A RESIDENT OF HAD NEIGHBORHOOD, I'VE BEEN A MEMBER OF THE INTERIM NEIGHBORHOOD PLANNING TEAM. BOTH THE INITIAL SURVEY FOR THE PLANNING AREA AND THE FINAL SURVEY INDICATED THE NEED TO PRESERVE OR INCREASE THE SINGLE FAMILY PROPERTY IN OUR AREA. WE NEED MORE HOME OWNERSHIP. THIS TRACT IS PERFECT FOR HOMES OR CONDOS, BUFFERED BY THE WEST SIDE BY THE

CREEK AND TREES, IT'S NOT ON RIVERSIDE DRIVE. YOU LOOK AT THE MAP, YOU CAN SEE HOW GREAT THE CITY RIGHT-OF-WAY IS TO THE NORTH OF THE PROPERTY. AS GENE INDICATED, DIDN'T EVEN HAVE A RIVERSIDE ADDRESS UNTIL A COUPLE OF MONTHS AGO. I LIVE CLOSER TO RIVERSIDE IN MY RESIDENTIAL NEIGHBORHOOD THAN ANY OF THE HOMES ON THIS TRACT WOULD BE. IF WE APPLIED MR. BENNETT'S LOGIC TO PROPERTY APPROPRIATE FOR HOMES, I GUESS WE WOULDN'T BE BUILDING ANY RESIDENCES DOWNTOWN. THERE'S NO PLAN FOR THIS PROPERTY, WHICH WARRANTS THE ZONING CHANGE. WE ARE NOT OPPOSED TO ANY PROPERTY OWNER SELLING HIS OR HER PROPERTY. BUT WE DON'T BELIEVE THAT IT'S THE PURPOSE OF ZONING CHANGES TO INCREASE THE SALES PRICE. THE ZONING CHANGE AFFECTS THE OWNER, ADJACENT PROPERTY OWNERS AND THE CITY. WE WILL NOT SUPPORT CHANGES IN ZONING WITHOUT FIRST DEMONSTRATING THE BENEFITS OF THE CHANGES TO THE COMMUNITY. ALL ACCESS TO AND FROM THIS TRACT SHOULD BE LIMITED TO WILLOW CREEK AND A PORTION OF THE CREEK ON THIS TRACT THAT IS A CREEK SHOULD BE PROTECTED. PLEASE DO NOT SUPPORT THIS ZONING CHANGE REQUEST. THANK YOU.

MAYOR WYNN: THANK YOU, MS. GOFF. LINDA WATKINS. WELCOME, LINDA. YOU WILL HAVE THREE MINUTES, FOLLOWED BY MALCOLM YATES.

THANK YOU, MY NAME IS LINDA WATKINS, I HAVE OWNED MY HOME SINCE 1973, I'M A REPRESENTATIVE OF RIVERSIDE [INDISCERNIBLE] ROAD NEIGHBORHOOD ASSOCIATION, A MEMBER OF THE EAST RIVERSIDE OLTORF COMBINED PLANNING CONTACT TEAM, EROC FOR SHORT. OUR PRIMARY GOAL IS TO -- SOME PROPERTY IS SOME OF THE ONLY UNDEVELOPED SINGLE FAMILY PROPERTY LEFT. WHEN THE NEIGHBORHOOD PLANNING PROCESS BEGAN, THE RIVERSIDE NEIGHBORHOOD PLANNING AREA HAD ONLY 7.3% SINGLE FAMILY HOMES. LEFT. COMPARED TO 85.3% MULTI-FAMILY RESIDENTIAL. IN THE PROCESS WE HAVE LOST SOME. THESE ARE SOME PICTURES OF THE PROPERTY. THIS PICTURE TAKEN TO RIVERSIDE DRIVE, IT'S A DRIVE BY. THIS PROPERTY ISN'T ACTUALLY ON THE RIVERSIDE DRIVE. I DON'T THINK YOU CAN SEE IT. IT'S SET RIGHT BACK. THERE'S

A HUGE -- THE SIGN IS WHERE THE PROPERTY BEGINS. AND IN FACT IT STARTED OUT WITH A WILLOW CREEK ADDRESS, NOW IT HAS A RIVERSIDE DRIVE ADDRESS. THE MAP SHOWS THE -- THE RIGHT-OF-WAY THERE. WE HAVE BEEN ASKING FOR A CORRIDOR STUDY ON RIVERSIDE DRIVE TO -- TO HELP MAKE IT A REALLY ATTRACTIVE APPROACH TO OUR CITY. IT IS -- IT IS A -- THE APPROACH TO OUR CITY FROM THE AIRPORT, THE CORRIDOR STUDY SHOULD BE DONE BEFORE WE LOSE THE RIGHT-OF-WAY. THIS IS LOOKING EAST. THE BACK PORTION OF THE LAND, IF YOU CAN SEE HERE, IS A GREAT CITY VIEW. I THINK THAT IT WOULD MAKE FANTASTIC CONDOS OR TOWN HOMES. THE LOT IS HEAVILY WOODED AS YOU CAN TELL. HARD TO SEE FROM THE AERIAL MAP, BACK IN MARCH 6TH OF 2005, THERE WAS AN ILLEGAL CUTTING OF TREES ON A SUNDAY, BUT IT STILL HAS A LOT OF TREES LEFT. THE CREEK NEEDS PROTECTION, IT'S NOT A BIG CREEK, BUT IT IS AN IMPORTANT AMENITY TO THE PROPERTY. THE PROPERTY IS APPROPRIATE FOR SINGLE FAMILY DEVELOPMENT AND THERE'S NO PLAN FOR THE SITE. IT'S JUST GOT A FOR SALE SIGN ON IT. WE ASK THE COUNCIL TO APPROVE A RIVERSIDE CORRIDOR STUDY AND STOP THE SPOT REZONING UNTIL WE CAN ACTUALLY PLAN AN ATTRACTIVE BOULEVARD APPROACH TO OUR CITY. ONE OF GREEN SPACES, MEANDERING SIDEWALKS, PLANTS, TREE, FLOWERS, NOT MORE ASPHALT, TALL BUILDINGS, PARKING LOTS. PLUS WE NEED MORE HOME OWNERSHIP IN THE AREA. THANK YOU.

MALCOLM YATES, FOLLOWED BY JANICE LONG.

MY NAME IS MALCOLM YATES. I REPRESENT THE [INDISCERNIBLE] IN THE EROC PLANNING AREA. REZONING FAMILY PROPERTY IN THIS AREA IS CONTRARY TO THE STATED AUSTIN GOAL OF PROVIDING MORE AFFORDABLE HOUSING. THIS AREA HAS VERY LITTLE OWNER OPENED SINGLE FAMILY UNITS. BY REZONING THIS PROPERTY, THE AMOUNT OF AVAILABLE PROPERTIES FOR SINGLE FAMILY DEVELOPMENT IS REDUCED SIGNIFICANTLY. THIS INCREASES THE PRICE OF THE REMAINING SINGLE FAMILY PROPERTIES OUTS OF THE RANGE OF PEOPLE WHO ARE LOOKING FOR AFFORDABLE HOUSING. THAT WILL DRIVE PEOPLE OUT OF AUSTIN AND INCREASE URBAN SPRAWL. WE URGE YOU TO MAINTAIN THIS AS SINGLE FAMILY

DEVELOPMENT, POSSIBLY SF 6. THANK YOU.

THANK YOU. THANK YOU, MALCOLM. JANICE SMALL,
WELCOME. YOU WILL BE OUR FINAL SPEAKER IN
OPPOSITION, YOU HAVE THREE MINUTES.

GOOD EVENING. MY NAME IS JAN LONG, I AM THE CONTACT PERSON FOR THE SOUTHEAST AUSTIN NEIGHBORHOOD ALLIANCE. THE SOUTHEAST COALITION AND THE -- THE EAST RIVERSIDE OLTORF NEIGHBORHOOD PLANNING CONTACT TEAM. SINCE THE BEGINNING OF THE PROCESS IN OCTOBER OF 2003, FOR THE EAST RIVERSIDE OLTORF COMBINED PLAN, STAKEHOLDERS HAVE NEVER WAIVERED IN OUR DESIRE TO PROTECT AND ENHANCE THE CHARACTER OF OUR EXISTING SINGLE FAMILY NEIGHBORHOODS TO RETAIN UNDERLYING SINGLE FAMILY ZONING FOR PROPERTIES THAT HAVE BEEN DEVELOPED OTHERWISE AND TO MAINTAIN SINGLE FAMILY ZONING FOR TRACTS THAT TO DATE ARE UNDEVELOPED. EARLY ON IN THE PLANNING PROCESS, THIS TRACT WAS DISCUSSED. IN AN EFFORT TO ALLOW THE OWNER WHO PERSONALLY DID NOT COME FORWARD UNTIL TWO YEARS LATER TO BETTER ADDRESS THE PROBLEMS ASSOCIATED WITH THE FLOODPLAIN ON THE FRONT PORTION AND TO ALLOW MORE DEVELOPMENT OPTIONS OVERALL, SUCH AS AN OPPORTUNITY TO CLUSTER TOWN HOMES AND CONDOS. BOTH STAFF AND A MAJORITY OF THE STAKEHOLDERS SUPPORTED THE RECOMMENDATION OF SF 6. WHICH ALLOWS FOR DEVELOPMENT VERSUS STILT BUT RETAINS A SINGLE FAMILY USE. I HAVE READ THE BACKUP MATERIAL. WHILE I GREATLY RESPECT THE USE OF LETTERS AND PETITION DRIVES, I HAVE SOME CONCERNS. I SAW SEVERAL REQUESTS FOR A MOVIE THEATER ON THE SITE. A USE NOT EVEN ALLOWED UNDER LR ZONING. REQUESTS FOR A NO MORE CONDOS. THERE IS A SCARCITY OF OWNER OCCUPIED CONDOS IN THIS AREA, THAT'S ONE OF THE PROBLEMS. AND MILES AWAY ON [INDISCERNIBLE] HOGAN EACH, THOMPSON LANE, BEAR CLAW, EVEN SOUTH CONGRESS. MAKING ME ASK IF THEY HAD EVER EVEN USED THE SERVICES OFFERED ON THIS SITE. MAKES ME WONDER IF HE KNOWS WHAT IS POSSIBLE AND WHAT HE WANTS ON THIS TRACT. THEREIN LIES THE PROBLEM. SINCE WE ARE UNABLE TO SPEAK WITH THE POTENTIAL DEVELOPER, WE ARE VERY WARY OF GIVING BLANKET APPROVAL WITHOUT

KNOWING THE PROPERTY'S EVENTUAL USE AND DESIRE A CORRIDOR STUDY THAT WOULD INCLUDE THIS PROPERTY AND REQUEST THAT YOU DEN MY THIS PETITION. THANK YOU FOR YOUR ATTENTION. I DO HAVE A QUESTION CONCERNING WHAT IS INVOLVED IN THE CONDITIONAL OVERLAY. THE CONDITIONAL OVERLAY IS APPLIED TO MIXED USE, WOULD PROHIBIT MULTI-FAMILY RESIDENTIAL. BUT I HAVE HEARD, I BELIEVE THE PLANNING COMMISSION SAID THAT WHAT THEY -- WHAT THEY APPROVED WAS PROHIBITION OF GAS STATION AND CONVENIENCE STORES. TONIGHT I HEAR ABOUT PAWN SHOPS. SO I'M NOT REALLY SURE WHAT THE APPLICANT WANTS OR WHO APPROVED WHAT WHEN. THANK YOU.

THANK YOU MS. LONG. ACTUALLY I MISSPOKE, DAWN SIZMAR, WISHING TO SPEAK IN OPPOSITION. AS SHE APPROACHES, A NUMBER OF FOLKS NOT WISHING TO SPEAK IN OPPOSITION, JOSEPH [INDISCERNIBLE], DANETTE, CARROLL HATHY, WAYNE --

HELLO, I'M DAWN SIZMAR, I LIVE IN THIS AREA, I'M VERY FAMILIAR WITH THIS PROPERTY. I HAVE BEEN KEEPING AN EYE ON IT FOR MANY YEARS. IT'S A GOOD PLACE. THERE'S A -- THERE'S A -- A CREEK HERE, WILLOW CREEK AND IT'S -- IT'S -- CAN BE -- IDENTITY CAN BE ESTABLISHED BECAUSE THERE ARE SEVERAL -- THAT NOT ONLY THE NATURAL AREAS, BUT THERE ARE SEVERAL -- WILLOW CREEK ROAD AND THERE'S A HOUSING APARTMENT COMPLEX THAT'S CALLED WILLOW CREEK. IT'S THERE. WE NEED TO -- TO SPEND A LITTLE MORE TIME LOOKING AT THIS PROPERTY IN AREAS NEARBY. THIS IS YET ANOTHER ZONING CASE WHICH HAS COME UP AFTER THE NEIGHBORHOOD PROCESS. OUR NEIGHBORHOOD PLANNING PROCESS HAS BEEN POSTPONED AGAIN AND AGAIN AND AGAIN. AND YET THESE ZONING CASES COME FORWARD. THIS IS A ZONING CASE WHERE THE OWNER -- WELL, ACTUALLY THE AGENT AND THE OWNER WANT TO CHANGE IT TO SOMETHING COMPLETELY DIFFERENT FROM THE NEIGHBORHOOD PLANNING PROCESS. THEY DIDN'T PARTICIPATE IN THE NEIGHBORHOOD PLANNING PROCESS AFTER -- AFTER SOMEONE BROUGHT IT UP THAT THEY DIDN'T PARTICIPATE AT THE PLANNING COMMISSION, THEN SUDDENLY THEY SHOWED UP IN A MEETING AND WE TRIED TO TALK TO THEM. WE ARE VERY WILLING TO TALK TO ANY

OF THE PROPERTY OWNERS AND WE HAVE TALKED TO THIS PROPERTY OWNER AND WE UNDERSTAND THEY WANT TO SELL THEIR PROPERTY FOR A PROFIT. HOWEVER, IT'S A CRITICAL PROPERTY IN THE RIVERSIDE AREA. FIRST OF ALL, IT'S GREEN. IT'S A CREEK. IT'S RARE IN THIS AREA TO HAVE OPEN SPACE. LET'S NOT PUSH FOR RETAIL USE OF UNSPECIFIED CHARACTER. WE WOULD LIKE TO KNOW, WE ARE -- WE ARE WATCHING OVER THIS AREA. WE WOULD LIKE TO KNOW THAT SOMETHING IS GOING TO COME IN HERE THAT'S GOING TO BE GOOD. NOT JUST TURNED OVER AND WE HAVE SEEN THAT PROPERTY TURNED OVER AGAIN AND AGAIN FOR PROFIT. PLEASE, DENY THIS REQUEST, RESPECT THE NEIGHBORHOOD PLAN, AND WE NEED A RIVERSIDE CORRIDOR STUDY THAT'S COMPREHENSIVE AND REALLY WORKS AT GETTING REALLY GOOD RIVERSIDE. I HAVE NOTHING TO GAIN FROM THAT. BUT THE CITY OF AUSTIN REALLY DOES. WE REALLY, REALLY NEED TO HAVE A COMPREHENSIVE LOOK AT RIVERSIDE DRIVE. NOT JUST DO SPOT ZONING. THANK YOU VERY MUCH FOR YOUR ATTENTION.

THANK YOU, MS. SIZMAR. COUNCIL, THAT'S ALL OF THE FOLKS WHO HAVE SIGNED UP WISHING TO SPEAK IN OPPOSITION TO THE ZONING CASE. WE NOW HAVE A THREE MINUTE REBUTTAL FROM THE APPLICANT OWNER AGENT. WELCOME BACK, MR. BENNETT. IF I CAN GET MR. RUSTHOVEN TO PUT THE AERIAL BACK ON THE PROJECTOR THAT I PRESENTED TO YOU, PLEASE. COUNCIL, THERE ARE A COUPLE OF ISSUES THAT I NEED TO ADDRESS. ONE IS THIS PROPERTY DOES HAVE FRONTAGE ON RIVERSIDE DRIVE. AS YOU CAN SEE FROM THE DEVELOPMENT ADJACENT TO THE EAST, THE APARTMENT PROJECT, THEY HAVE A DRIVEWAY OFF OF RIVERSIDE DRIVE. WE WILL HAVE A DRIVE OFF OF RIVERSIDE DRIVE. PRESUMING THE CITY AND TXDOT CAN APPROVE THAT DRIVEWAY. THERE HE IS A LARGE CURB BASIS THAT BEING FROM THE CURB STREET TO THE PROPERTY LINE FOR THIS SECTION. BUT THAT -- WHAT THAT DOES IS ALLOW YOU TO -- TO GET MORE CARS OFF THE STREET QUICKER. HOWEVER, SEVERAL OF THE SPEAKERS AND YOU MIGHT WANT TO ASK STAFF, BUT SEVERAL OF THE SPEAKERS SAID THIS PROPERTY DOESN'T FRONT RIVERSIDE DRIVE. RESPECTFULLY, THOUGH, SPEAKERS, I -- I CONTEST

THAT STATEMENT AND IT SAYS THAT IT IS LOCATED ON RIVERSIDE DRIVE. THE PROPERTY ACROSS THE STREET THAT I MENTIONED TO YOU THAT WAS A BAR, IT IS ACROSS THE STREET. IT IS A BAR. IT IS A LATE HOURS BAR. THE CAR WASH ACROSS THE STREET IS A 24 HOUR CAR WASH. THE VACANT PROPERTY IS ZONED LR. ALL OF THE PROPERTY AROUND US IS MULTI-FAMILY. THE INTERSECTION IS A CONTROLLED ENTRY. IT HAS A CONTROLLED ACCESS. SIGNALIZATION THERE AT THE INTERSECTION. MOST OF THE EATS THAT YOU HAVE, THERE ARE A -- MOST OF THE PETITIONS THAT YOU HAVE, THERE ARE A FEW LETTERS IN THERE, THE PETITIONS SAY I SUPPORT THE REQUESTED ZONING CHANGE, THIS CASE, THIS ADDRESS, I UNDERSTAND THIS REQUEST IS FOR LR NEIGHBORHOOD COMMERCIAL ZONING WHICH WILL ALLOW NEIGHBORHOOD TYPE USES TO BE BUILT ON THE PROPERTY. AS YOU CAN SEE A LOT OF PEOPLE DO LIVE IN MULTI-FAMILY, A LOT OF PEOPLE HAVE MALE AROUND IT, THEY HAVE INDICATED TO YOU THAT THEY WOULD LIKE TO HAVE SOME NEIGHBORHOOD USES. I WOULD REFER YOU TO STAFF FOR THE EXACT RECOMMENDATION FROM THE PLANNING COMMISSION. PLANNING COMMISSION DID RECOMMEND THE 50-FOOT SETBACK FROM THE WATER, WHICH WE AGREED TO. THE PLANNING COMMISSION ALSO HAS H A PROHIBITION OF USES, I BELIEVE ONE WAS A CONVENIENCE STORE, I BELIEVE A SECOND USE WAS A PAWN SHOP, MR. RUSTHOVEN SHOULD BE ABLE TO TELL YOU THEIR EXACT RECOMMENDATION ON THAT AS FAR AS THE CONDITIONAL OVERLAY. IF YOU LOOK AND SAY THIS IS A FINE PLACE TO BUILD SINGLE FAMILY HOMES, THERE ARE NO SINGLE FAMILY HOMES. THIS PROPERTY IS IN THE MIDST OF ONE OF THE DENSEST MULTI-FAMILY PROPERTIES AND ADJACENT AND ACROSS THE STREETS FROM LOCAL RETAIL AND GENERAL RETAIL AND CS 1 ZONED PROPERTIES. SO IF YOU TRIED TO DEVELOP A RESIDENTIAL AND YOU TRIED TO SELL A HOUSE ACROSS THE STREET FROM A BAR IN THE 24 HOUR CAR WASH, THAT CERTAINLY HAMPERS YOUR ECONOMIC VIABILITY TO PEOPLE WHO WOULD WANT TO LIVE UNDER THOSE CONDITIONS. WE CERTAINLY THINK THAT LR IS APPROPRIATE [BUZZER SOUNDING] AND IN CLOSING THE RECOMMENDATION THAT'S GOING TO BE COMING FROM THE PLANNING COMMISSION TO THE CITY COUNCIL ON THE FLUM STILL SHOWS THE PROPERTY ACROSS THE STREET TO BE

COMMERCIAL AND SOME FORM OF COMMERCIAL LR, GR AND CS. SO THE FLUM MAP, THERE WERE SEVERAL FLUM MAPS, THE ONE ADOPTED BY THE COMMISSION, THE ZONING PRETTY MUCH STATES AS YOU SEE IT TODAY, LR, CS, GR. COUNCIL IN CLOSING, I DON'T KNOW WHO YOU COULD WALK UP TO AND SAY LOOK I HAVE GOT A NICE LOT HERE FOR YOU, RIGHT ACROSS FROM ALL OF THIS MULTI-FAMILY, RIGHT ACROSS FROM THIS BAR, RIGHT ACROSS FROM THIS CAR WASH AND RIGHT ACROSS FROM WHAT ELSE MAY BE BUILT ON THE LR ZONING. I WOULD LIKE FOR YOU TO GIVE ME 250 OR \$300,000 FOR THIS HOUSE. COUNCIL, WHEN YOU LOOK AT THAT ECONOMIC VIABILITY IT'S JUST NOT THERE FOR SINGLE FAMILY. THANK YOU.

THANK YOU, MR. BENNETT. QUESTIONS OF ANYBODY? COUNCIL? COUNCILMEMBER MARTINEZ?

MR. BENNETT? IS THE OWNER -- ARE YOU THE OWNER OF THE PROPERTY?

NO. EDDIE DEAN AND PEGGY MARKS IS THE OWNER OF THE PROPERTY, THEY ARE HERE TONIGHT, YES.

OKAY, COULD THEY GIVE US AN IDEA OF WHAT THEIR PLANS ARE FOR THE PROPERTY IF THE ZONING CHANGE IS GRANTED?

COUNCILMEMBER, WE ARE DEALING WITH THE BANK. RIGHT NOW, TO MY KNOWLEDGE, THE ONLY BANK ON RIVERSIDE, UNLESS I MISSED ONE, IS LOCATED AT CONGRESS AVENUE AND RIVERSIDE DRIVE. THEY WERE DEALING WITH THE BANK, THOSE NEGOTIATIONS HAVE COOLED DOWN BECAUSE OF WHAT WE ARE GOING THROUGH NOW. IT IS THEIR INTENT TO PUT THE PROPERTY ON THE MARKET FOR SALE, WITH LOCAL RETAIL, AS A PLANNING COMMISSION RECOMMENDED WITH THOSE PROHIBITIONS AND THEY HAVE NO USE FOR IT.

SO THERE'S NO DEVELOPMENT PLANS.

NO, SIR.

MARTINEZ: THANKS.

THE DEVELOPMENT PLANS, COUNCILMEMBER, YOU GET YOUR ZONING FIRST, BEFORE YOU DO YOUR SITE PLAN. THE ZONING DOESN'T GO THROUGH THEN -- THE SITE PLAN IS OUT THE WINDOW. SO ONCE WE GET IT ZONED, WE SELL IT, THOSE PEOPLE WOULD BE GOING TO THE SITE PLAN PROCESS TO DEVELOP THE PROPERTY.

MAYOR WYNN: FURTHER QUESTIONS, COMMENTS COUNCIL? COUNCILMEMBER LEFFINGWELL?

LEFFINGWELL: DO YOU HAVE A ZONING MAP THAT YOU CAN SHOW US? AND THAT ALSO SHOWS THE -- THE STAFF AND PLANNING COMMISSION RECOMMENDATIONS AS FAR AS SPLITTING THE PROPERTY.

THE STAFF RECOMMENDATION WAS TO ZONE THE PROPERTY LR-MU-CO NORTH OF WHERE WOODLAND AVENUE, STRAIGHT THAT T'S BOO IT FROM THE -- INTO IT FROM THE WEST. SF 6 CO. THE PLANNING COMMISSION RECOMMENDATION WAS TO ZONE THE ENTIRE TRACT LR-MU-CO BUT TO PROHIBIT MULTI-FAMILY RESIDENTIAL AS WELL AS -- AS FOOD SALES OR CONVENIENCE STORES.

ALL RIGHT.

LEFFINGWELL: PLANNING COMMISSION RECOMMENDATION WAS TO ZONE THE ENTIRE THING LR CO.

LR-MU-CO PROHIBITING IMAGINE RESIDENTIAL FOOD SALES AND THE 50-FOOT SETBACK FROM THE WATERWAY. I'M SORRY THERE'S A MISTAKE IN THE STAFF REPORT.

THAT'S INCORRECT.

THAT'S INCORRECT.

SO THE DIFFERENCE IS THAT THE PLANNING COMMISSION RECOMMEND THE ENTIRE TRACT AND THE STAFF RECOMMENDED EVERYTHING NORTH OF WOODLAND TO BE LR-CO AND EVERYTHING SOUTH TO BE SF 6 CO?

THAT'S CORRECT.

ALL RIGHT.

MAYOR WYNN: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER LEFFINGWELL?

LEFFINGWELL: I HAD A QUESTION OF MS. MATHER. I MAY BE INCORRECT, BUT I THOUGHT THAT I HEARD YOU SAY SOMETHING ABOUT AS A COMPROMISE, A MIX OF LR AND SF 6, DID YOU SAY THAT OR MISUNDERSTAND.

THAT WAS THE STAFF RECOMMENDATION. THAT WOULD BE A FALL-BACK COMPROMISE. IF -- IF YOU WENT ALL THE WAY DOWN TO WOODLAND, THOUGH, IT WOULD -- I THINK IT WOULD -- IT WOULD BE SACRIFICING THE -- THE WONDERFUL BUFFER OVER THE CREEK FOR -- FOR [INDISCERNIBLE] WHICH REALLY STARTS ABOUT WOODLAND AND GOES NORTH. SO I WOULD SAY THE TOP THIRD AT THE MOST SHOULD BE LR AND THE BOTTOM TWO-THIRDS WOULD BE SF --

SO THE WAY IT IS NOW, IT'S ABOUT -- ABOUT A LITTLE MORE THAN HALF? LR?

WHAT?

THE WAY THE -- THE STAFF RECOMMENDATION AS OF NOW IS AGENTS MORE THAN HALF -- A LITTLE MORE THAN HALF LR?

RIGHT. I THINK IT'S TOO LITTLE TOO MUCH.

LEFFINGWELL: A LITTLE TOO MUCH BUT OTHERWISE THE PRINCIPLE --

COMPROMISE.

LEFFINGWELL: YOU ARE A COMPROMISER I KNOW.

RIGHT.

LEFFINGWELL: ONE MORE QUESTION FROM STAFF. SORRY

TO HAVE YOU UP AND DOWN HERE. THERE SEEMS TO BE A LOT OF CONFUSION ABOUT THE CO. THE TRIP LIMIT --

THE CONDITION HAS A CO FOR A 2000 TRIP LIMIT. THE PLANNING COMMISSION RECOMMENDATION HAD A CO OF NO FOOD SALES, NO MULTI-FAMILY AND THE 2,000 TRIP LIMIT.

LEFFINGWELL: BOTH OF THEM HAD THE 2,000.

THAT'S CORRECT.

TRIP LIMIT. THANKS.

MAYOR WYNN: COUNCILMEMBER MCCRACKEN?

MCCRACKEN: I HAVE A QUESTION. I GUESS MAYBE -- MAYBE TONY OR -- OR GAIL OR SOMEONE, SOMEONE REPRESENTING THE NEIGHBORHOOD. I KIND OF LET YOU ALL DECIDE FOR YOURSELVES.

MAYOR WYNN: WELCOME BACK.

MCCRACKEN: I HAD A QUESTION IN SOME OF THE MEETINGS WITH ALL OF THE COUNCILMEMBERS, AN IDEA THAT I EXPECT THAT YOU ARE GOING TO SEE COUNCILMEMBER COLE AND I PROPOSE HERE SHORTLY WHICH IS TO DO A REALLOCATION OF THE CAPITAL METRO MONEY WE APPROVED EARLIER TODAY TO DO A CORRIDOR PLAN. WE THINK YOU ALL WOULD COME UP WITH A FANTASTIC IDEA, THIS WOULD MAKE A VERY POSITIVE IDEA ALONG RIVERSIDE. THE QUESTION THAT I HAVE IS -- SHOULD WE GO AHEAD AND DO A CORRIDOR PLAN. IF WE REQUIRED THIS INSTEAD OF BEING MU, TO BE VMU, WHICH WE NOW HAVE THE AUTHORITY OR INTERIM ZONING STANDARDS FOR VMU, THE REASON WHY I ASKED THAT IS I DO -- I DO SHARE YOUR RELUCTANCE TO DO KIND OF THE SPECULATIVE ZONING CHANGE ON THE PROPERTY. ALSO SYMPATHY WITH THE PROPERTY OWNERS THAT THEY -- THAT THEY -- IF WE ARE GOING TO HAVE A COMMERCIAL USE ON RIVERSIDE, THEY MIGHT BE ABLE TO SELL THEIR PROPERTY ALTHOUGH THERE WOULD BE A PERIOD UNCERTAINTY WHILE THE QUARTER PLAN WAS WORKED OUT. WITH YOU GIVE ME

YOUR THOUGHTS ON THAT.

WELL, YOU KNOW, I CERTAINLY RESPECT THE TIME FRAME. YOU KNOW I DON'T -- I DON'T REALLY KNOW. I MEAN, I WOULD LOOK TO WHAT HAPPENED IN THE DOWNTOWN AREA WHERE ALL OF THESE DESIGN STUDIES WERE -- WERE GOING ON TO CREATE THE OVERLAYS THAT WERE USED THERE. I DON'T KNOW HOW -- HOW THOSE PROPERTY OWNERS WERE DEALT WITH. I MEAN, ALL ALONG SECOND STREET, ALL OF THAT CHANGED THAT DRASTICALLY. WHICH IS OUR CONCERN. I MEAN, YOU KNOW, WE WANT TO LOOK AT -- AT NOT JUST ON THIS PROPERTY. THERE ARE HUGE EXPANSES OF RIGHTS OF WAY ALONG RIVERSIDE THAT COULD BE USED TO -- TO -- THAT'S CITY OWNED PROPERTY THAT -- THAT IN SOME CASES WAS SOLD OUT FROM UNDER US ACTUALLY DURING OUR NEIGHBORHOOD PLAN. WHICH -- WHICH WE DEFINITELY WOULD LIKE TO SEE STOPPED SO THAT WE COULD CONSIDER ALL OF THE RAMIFICATIONS OF IT. THIS TRACT IS -- IS UNIQUE BECAUSE OF THE CREEK. I'M SORRY, IT IS A CREEK. IN WET WEATHER IT FLOWS LIKE A CREEK. IT GOES UNDER THE WHOLE -- IT'S CULVERTIZED UNDER RIVERSIDE DRIVE AND COMES UP IN WHAT WILL COME TO YOU AS THE CYPRESS PROPERTY, YOU KNOW, PROPOSAL FOR THE FUTURE RIGHT THERE ON LAKE SHORE. IT IS A CREEK. I DON'T KNOW IF WE DO -- IF WE DID ANY KIND OF RETAIL THERE, YOU CAN'T -- YOU CAN'T MY UNDERSTANDING IS THAT -- THERE'S NO BRIDGE THAT CAN BE BUILT OVER IT. WHEN WE DEALT WITH THE PARKER LANE SENIORS PROJECT THEY HAD THEIR WHOLE SITE PLAN DONE WITH A BRIDGE OVER THE CREEK AND THEN HAD TO REDO IT BECAUSE THE CREEK WAS -- THAT WAS NOT ALLOWED OVER THE CREEK. SO -- I MEAN WE ARE TALKING ABOUT A LOT OF THINGS HERE THAT WE JUST DON'T KNOW ABOUT. I DON'T KNOW IF TXDOT WOULD GRANT -- GRANT AN ACCESS ON RIVERSIDE DRIVE THAT CLOSE TO A DEDICATED RIGHT TURN LANE THERE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] [10:30 P.M.]

THE PRECEDENT THIS ZONING WILL SET WILL HAVE A DOMINO EFFECT AND RESULT IN THE WALLING OFF OF THE SOUTH SHORE OF TOWN LAKE FROM THE COMMUNITY. IT'S VERY IMPORTANT THAT THE TOWN LAKE WATERFRONT OVERLAY BE EXTENDED EAST OF I-35. THIS LOCATION IS NOT

IN THE CENTRAL BUSINESS DISTRICT. IF THE CITY IS NOW CONSIDERING THE SOUTH SHORE EAST OF I-35 AS PART OF THE CENTRAL BUSINESS DISTRICT, WHY WAS IT EXCLUDED FROM THE DETAILED STUDIES THAT RESULTED IN THE DOWNTOWN AUSTIN DESIGN GUIDELINES. THE CITY SPENT A LOT OF MONEY ON THE GUIDELINES AND AS A PART OF IT DISTRICTS WERE IDENTIFIED IN DENSITY AND TRANSPORTATION ISSUES WERE STUDIED. THAT'S NOT THE CASE FOR RIVERSIDE DRIVE. AND I-35 CROSSING DISTRICT WAS ESTABLISHED TO ADDRESS DEVELOPMENT ALONG I-35 FROM TOWN LAKE NORTH TO MLK. ONE OF THE GUIDELINES FOR THE DISTRICT IS TO CREATE BUILDINGS WITH HUMAN SCALE. IT IS RECOMMENDED THAT CONSTRUCTION ASSOCIATED WITH THE I-35 CROSSING DISTRICT SHOULD EMPHASIZE THE HUMAN SCALE AND ATTEMPT TO OVERCOME THE INHUMANE QUALITY OF THE EXISTING FREEWAY. THAT'S A PRETTY INHUMANE FREEWAY. TO ME THIS IS NOT -- YOU MAY HAVE SEEN A LETTER THAT MENTIONED VANCOUVER. DO WE WANT TO LOOK LIKE THIS. AND THEN LAST BUT NOT LEAST, THIS IS WHAT WE'VE GOT TO HAVE IN THIS AREA.

MY NAME IS PAUL MCGULFY. I PLOTTED A MOVE TO AUSTIN STARTING ABOUT SEVEN OR EIGHT YEARS AGO BECAUSE OF TOWN LAKE. AND IT TOOK ME A LONG TIME. I FOUND ON THE EAST SIDE AND ON PARKER LANE THREE YEARS AGO A SMALL CONDOMINIUM WHICH I PURCHASED. SINCE THEN MY CHILDREN BOUGHT ANOTHER ONE NEIGHBORING ME AND ONE OF THEM LIVES THERE. AS THE AIRPORT WAS RELOCATED TO BERGSTROM, I WAS AROUND HERE IN THOSE DAYS, I HAD TO PARK MY MOTOR HOME SOMEWHERE SOUTH NEAR THERE AND DROVE IT IN TO PARK IT AT THE BY TOWN LAKE AT PECAN GROVE SO I COULD ENJOY LAKE WHEN I WAS TRYING TO MAKE MY MOVE TO AUSTIN. I KNOW THAT CORRIDOR ON RIVERSIDE, AND I LOVE THIS TOWN. I THINK OF IT AS A PLACE WHERE WE LET PLANNING AND THOUGHT GO AHEAD OF ANY OTHER SLOPPY PROCESS, WHICH IS WHAT IT LOOKS LIKE. THE TYPE OF ZONING GOING ON NOW IN THE EAST SIDE IS, FOR GOODNESS SAKE, IT'S ONLY GOOD SENSE TO DO PLANNING AHEAD OF A PROJECT LIKE THIS. THIS IS A PRECEDENT, A TERRIBLE ONE. ONCE YOU START IT, YOU'RE GOING TO HAVE A JUNGLE OF HI-

RISES FANNING OUT ON THE EAST ALONG RIVERSIDE. IT'S GOING TO LOOK WORSE THAN VANCOUVER, THAT PICTURE YOU SAW. IT'S GOING TO LOOK MORE LIKE WAIKIKI. BUILDINGS JUST WENT TO WATER. IS THIS WHAT YOU WANT FOR AUSTIN? YOUR THE COUNCIL THAT WILL SET THERE AND YOU WILL BE REMEMBERED FOR WHAT COMES. THIS IS A FINE COMPANY, THEY BUILD BEAUTIFUL BUILDINGS. THEY SHOULD BE BUILT IN AN APPROPRIATE LOCATION. THANK YOU.

MAYOR WYNN: THANK YOU. WELCOME.

MY NAME IS MALCOLM YATES. I REPRESENT THE SUN RIDGE NEIGHBORHOOD AND THE EROC PLANNING AREAMENT I'M HERE TODAY TO TALK ABOUT THE NEED FOR A COMPREHENSIVE TRAFFIC STUDY IN THAT AREA. THIS AREA ALREADY HAS THE HIGHEST POPULATION DENSITY OF ANY AREA IN THE CITY AND WHAT'S BEING DEVELOPED NOW WILL INCREASE THIS DENSITY SIGNIFICANTLY. ON THE NORTHEAST CORNER OF I-35 AND RIVERSIDE IS THE STAR RIVERSIDE PROJECT. WITH 250 UNITS PLANNED. EAST IS THE PROPOSED AMLI PROJECT WITH POSSIBLY 500 UNITS. ACROSS RIVERSIDE ON THE SCHUYLER TRACT IS A MAJOR RETAIL COMPLEX THAT IS PROPOSED. EAST ON LAKE SHORE IS THE CYPRESS PROJECT WITH OVER 2,500 UNITS PLANNED. THESE ARE NOT THE ONLY PROJECTS BEING PLANNED. FURTHER EAST ON RIVERSIDE MORE APARTMENT COMPLEXES ARE BEING PLANNED ON VACANT LAND. TRAFFIC IS CONSTANTLY INCREASING DUE TO THE NEW SUBDIVISIONS EAST OF BERGSTROM. ALL OF THE TRAFFIC FROM THESE NEW DEVELOPMENTS WILL FUNNEL DOWN RIVERSIDE TO I-35 WHERE AN IMPOSSIBLE TRAFFIC SITUATION ALREADY EXISTS. THE TRAFFIC ENTERING I-35 FROM RIVERSIDE IS SO INTENSE IT BACKS UP NORTHBOUND TRAFFIC ON I-35 ALMOST TO BEN WHITE EVERYDAY, WEEKENDS INCLUDED. THIS BACKUP HAS CAUSED NUMEROUS ACCIDENTS ON NORTHBOUND I-35 SOUTH OF THE RIVERSIDE BRIDGE WHEN TRUCKS TRY TO STOP SUDDENLY ON AN INCLINE ON A RAINY DAY. THIS INTERSECTION ALSO CREATES A GRIDLOCK THAT INCLUDES RIVERSIDE, I-35 AND 71, WHICH PRACTICALLY PARALYZES THE SOUTHEAST QUADRANT OF THE CITY. DRIVERS TRYING TO AVOID THIS INTERSECTION HAVE TURNED ADJACENT

RESIDENTIAL STREETS INTO MAJOR ARTERIALS WHICH DESTROYS THE RESIDENTIAL CHARACTER OF THESE NEIGHBORHOODS.

AMONG OTHER THINGS WE WOULD LIKE TO ADDRESS TRAFFIC PATTERNS, LANDSCAPING, PEDESTRIAN AND BICYCLE FACILITIES, CREATIVE PARKING DESIGNS, DESIGN FEATURES SUCH AS PLAZAS AND PUBLIC ART AND GUIDELINES FOR BOTH DEVELOPMENT AND REDEVELOPMENT. WE BELIEVE THAT THIS CORNER AT I-35 AND RIVERSIDE IS CRITICAL AND MUST BE CONSIDERED IN LIGHT OF DEVELOPMENT ALONG THE ENTIRE TWO-MILE CORRIDOR BETWEEN I-35 AND GROVE. IN FACT SINCE THE CREATION OF THE I-35 SERVICE ROAD AND THE WIDENING OF EAST RIVERSIDE YEARS AGO NO DEVELOPMENT ON THIS PARTICULAR CORNER HAS BEEN SUCCESSFUL, MAKING IT IMPERATIVE THAT IT BE INCLUDED IN SUCH A STUDY. THIS AREA OF OUR CITY IS NOT PART OF THE CENTRAL BUSINESS DISTRICT AND HEIGHTS ALLOWED IN THE CBD SHOULD NOT BE TOLERATED HERE, ALLOWING SUCH A HEIGHT WOULD SET A PRECEDENT THAT WOULD BE HARD TO OVERCOME. TRAFFIC IS NOT BEING ADDRESS ODD AN AREA WIDE SCALE. WE HAVE SEVERAL DEVELOPMENT PROPOSALS BEFORE US THAT IF COMPLETED WOULD INCREASE TRAFFIC CONGESTION. THE CORRIDOR STUDY IS NECESSARY IN PLANNING FOR THIS POTENTIAL GROWTH. OUR APPEAL FOR SUCH A STUDY IS GAINING MOMENTUM. UNTIL THAT STUDY IS COMPLETED AS REQUESTED IN OUR NEIGHBORHOOD PLAN, I ASK THAT REZONING OF THIS TRACT BE DENIED. THANK YOU.

MAYOR WYNN: DANIEL CLEMENTE WINS THE AWARD. SHE SIGNED UP THREE DIFFERENT TIMES. [LAUGHTER] IT'S NOT THAT LATE YET. OUR NEXT SPEAKER IS WAYNE GRONQUIST. YOU HAVE THREEMENTS AND WILL BE FOLLOWED BY DON SIZEMAR, AND WILL BE FOLLOWED BY BRYAN SMITH.

I BELIEVE CARL BRAHM GAVE ME HIS TIME, AS DID BARB FOX.

MAYOR WYNN: IS BARB STILL HERE? HOW ARE YOU? I DON'T HAVE THE OTHER NAME, BUT WHY DON'T YOU START WITH SIX MINUTES, WAYNE, AND SEE HOW YOU DO.

OKAY. MAYOR, CITY COUNCILMEMBERS, I'M HERE ON BEHALF OF EROC, SOMETIMES KNOWN AS RIVER PARK, BECAUSE THE PREDOMINANT FEATURE OF THIS PLANNING AREA IS THE EXTENDED GREENBELT, THE OPEN SPACE, THE WATERWAY THAT RUNS ALONG COUNTRY CLUB CREEK. IT BEGINS WITH -- AND I'M SHOWING YOU HERE THE FLUM OF OUR NEIGHBORHOOD PLANNING. IT BEGINS WITH THE HEAD WATERS, THE COUNTRY CLUB CREEK PRESERVE UP AT BEN WHITE BOULEVARD. IT GOES ALONG COUNTRY CLUB CREEK WHERE WE PROPOSE A HIKE AND BIKE TRAIL. IT GOES ALONGSIDE THE HISTORIC PERIMAXWELL HARVEY PENICK GOLF COURSE AND ALONG THE GUERRERO PARK. THIS COMBINED WITH THE OVERLAY THAT WE'RE PROPOSING FOR RIVERSIDE BOULEVARD, AND OF COURSE OLTORF, TOWN LAKE AND I-35 CONSTITUTES OUR PLAN. NOW, I'D LIKE TO TIE THIS INTO THE INSTANT CASE BY SHARING WITH YOU SOME OF THE OBSERVATION -- A COUPLE OF OBSERVATIONS I'VE MADE ALMOST OVER FOUR DECADES NOW OF BEING A NEIGHBORHOOD AND ENVIRONMENTAL ADVOCATE. I HAVE NOTICED THAT PREVIOUS COUNCILS HAVE MADE SOME MISTAKES, AND -- [LAUGHTER] AND I OFFER TWO OBSERVATIONS IN HOPES THAT WE CAN AVOID THAT IN THE FUTURE, AND I OFFER IT IN THE SPIRIT OF IMPROVING THE CITY FOR THE LONG RUN. THE FIRST AND ONE OF THE BIGGEST MISTAKES THAT HAS BEEN MADE IS OUR FAILURE TO SET BACK FROM OUR WATERWAYS, THE FAILURE TO CREATE PUBLIC WATER CORRIDORS. THINK ABOUT IT FOR A MINUTE. HAD WE DONE THAT WE WOULD HAVE SAVED OURSELVES FLOODING, EROSION AND POLLUTION PROBLEMS. FLOODING HAS COST US MILLIONS OF DOLLARS. AND LIVES. THE PRICE TAG OF THE EROSION MISTAKE WE HAVE MADE THROUGH THESE PAST DECADES THAT COMES TO MIND IS 875 MILLION. I DON'T KNOW HOW TO CALCULATE THE COST OF THE POLLUTION THAT WE'VE CREATED BY FAILING TO SET BACK FROM THESE WATERWAYS. NOW, I'M AWARE OF A HEAD WATER PROTECTION ORDINANCE THAT STAFF HAS BEEN PREPARING FOR YOU FOR SOME TIME. I'D LIKE TO ASK YOU TO SPEED THAT PROCESS UP. I'D LIKE YOU TO TELL STAFF THAT YOU'RE AWARE OF THE FACT THAT THE REGIONAL PLANNING PROCESS DECIDED THAT 32 ACRES OF DRAINAGE WAS SUFFICIENT TO TRIGGER SETBACKS. WE HAVE 64 AT BEST. THAT'S THE BARTON CREEK WATERSHED

AND IT'S THE URBAN MINOR WATERWAYS. 64 FEET. WE CAN DO BETTER THAN THAT. CERTAINLY IF THE REGIONAL PLANNING TEAM COULD COME TOGETHER AT 32 ACRES, WE CAN. I UNDERSTAND THAT THE NEIGHBORHOOD PLANNING PROCESS WILL ALLOW NEIGHBORS -- NEIGHBORHOODS TO ELECT THE SETBACK DRAINAGE AREA, AND WE CERTAINLY WOULD ELECT THAT 32 ACRES. NOW, RELATED MISTAKES THAT COUNCIL HAVE MADE IN PREVIOUS TIMES, BACK IN THE ZILKER PARK POSSE DAYS I DID INTERVIEW THE OWNER AND DEVELOPER OF LOST CREEK SUBDIVISION. AND HE TOLD ME THAT HE HAD OFFERED THAT LAND TO THE CITY OF AUSTIN FOR \$300 AN ACRE, BUT THE CITY SAID, WOW, IT'S OUTSIDE OF OUR JURISDICTION. IT'S TOO FAR UPSTREAM. OR WHATEVER. AND WHAT WE GOT INSTEAD WAS AN INAPPROPRIATE GOLF COURSE, AND YOU MAY KNOW I'M A GOLFER AND I FAVOR NATURAL GOLF COURSES LIKE THE RIVERSIDE GOLF COURSE. THE LOST CREEK COUNTRY CLUB IS AN EFFLUENT IRRIGATION FIELD. THE SUBDIVISION IS WAY TOO DENSE. IT CAUSES ALL KINDS OF POLLUTION AND THE PACKAGE TREATMENT THAT CAME ALONG WITH IT HAS BEEN A PROBLEM FROM THE BEGINNING. IT WAS AN EXTREMELY EXPENSIVE PROBLEM FOR THE CITY OF AUSTIN TO FACE OVER THE NEXT DECADE OR SO. ALL THAT COULD HAVE BEEN AVOIDED IF WE HAD SET BACK FROM OUR CREEKS AND HAD LARGE AREAS ALONG THOSE CREEKS, LIKE THE ONION CREEK PROPERTY -- I'M SORRY, THE LOST CREEK COUNTRY CLUB PROPERTY. IF WE HAD DONE THAT, WE WOULD HAVE CREATED A MUCH BETTER FUTURE FOR THIS CITY. IT WOULD HAVE SAVED OURSELVES MILLIONS AND MILLIONS OF DOLLARS. SO I ASK THAT YOU DO THE BEST YOU CAN FOR FUTURE GENERATIONS BY CREATING MUCH BETTER SETBACKS AND PUBLIC WATERWAYS. WHEN WE WERE A TOWN OF 60,000 PEOPLE, AS BRYAN SMITH HAS POINTED OUT -- AND THAT WASN'T TOO LONG BEFORE I GOT HERE IN '59. WE WEREN'T PLANNING FOR 600,000 PEOPLE. WE'RE NOT PLANNING FOR 6 MILLION, AND YET POSSIBLE CLIMATE CHANGES MAY FLOOD A LOT OF PEOPLE TO US FROM HOUSTON VERY SOON. WE MAY GET TO 6 MILLION SOON. AND THE BEST THING YOU CAN DO ARE THESE SETBACKS FOR US. NOW, THE SECOND MISTAKE I WANT TO POINT OUT TO YOU IS THE VERY ONE THAT EVERYONE HAS BEEN POINTING OUT TO YOU TONIGHT, AND THAT'S

PLANNING OR FAILING TO PLAN ONE PARCEL -- BY PLANNING ONE PARCEL AT THE TIME. THE INSTANT CASE IS EXACTLY THAT WAY. ONE EXAMPLE OF THIS IS THE DESTRUCTION OF AUSTIN'S ARCHITECTURE. THE STATE LEGISLATURE ALMOST SAVED US BYPASSING THE STATUTE THAT WOULD HAVE PREVENTED THE CONSTRUCTION OF BUILDINGS HIGHER THAN THE CAPITOL, BUT THE WESTGATE DEVELOPMENT, A SINGLE DEVELOPMENT ZONING CASE, PREVAILED IN THE LEGISLATURE. SOME OF OUR VISIONARIES, SINCLAIR BLACK, FOR EXAMPLE, ADVOCATED 120-FOOT HEIGHT RESTRICTION. [BUZZER SOUNDS] AND WE NOW RECOGNIZE HIM AS A VISIONARY. HE'S WON THE IMPACT AWARD. HE'S WON SEVERAL AWARDS FOR THE VISION THAT HE WASN'T ABLE TO CONVINCE PEOPLE TO ADOPT AT THAT TIME. NOW HE HAS TO DESIGN THESE TALL BUILDINGS HIMSELF. DON'T ALLOW THE FUTURE OF TOWN LAKE TO BE DECIDED ON A SINGLE PARCEL. DO AS EVERYONE ELSE IS ADVOCATING HERE. LET US HAVE THE COMPREHENSIVE OVERLAY OF TOWN LAKE AND THE RIVERSIDE BOULEVARD FIRST. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU. DON SIZEMAR. WELCOME BACK. YOU WILL BE FOLLOWED BY BRYAN SMITH.

GOOD EVENING. MY NAME IS DAWN SIZEMAR. I LIVE VERY NEAR HERE. I KNOW THIS PROPERTY VERY, VERY WELL. I MUST TRAVEL THIS WAY EVERYDAY BY CAR, BY FOOT, BY BUS. I KNOW THIS VERY, VERY WELL IN ALL THE AREAS. I AM THE AREA COORDINATOR FOR THIS AREA OF THE SOUTH RIVER CITY CITIZENS NEIGHBORHOOD ASSOCIATION. AND I HAVE ACTUALLY STUDIED THIS PROPERTY BECAUSE WE HAD A ZONING CASE A FEW YEARS AGO IN THE NEARBY PROPERTY WHICH SET A PRECEDENT WHICH ALLOWED THESE PEOPLE TO HAVE A HIGHER EXPECTATION OF HEIGHT, AND IT'S LIKE A DOMINO GOING DOWN. WE ARE OVERWHELMED WITH ZONING CASES THAT ARE DIFFICULT TO DETERMINE WHAT TO DO. THE SOUTH SHORE OF TOWN LAKE NEEDS TO BE PRESERVED, AND NOT ALLOWED TO JUST BE USED UP BY PEOPLE WHO DECIDE TO DO SOMETHING WITH IT. THE BEAUTY OF TOWN LAKE AND THE LEGACY OF LADY BIRD JOHNSON AND MANY OTHER CIVIC LEADERS RESULTED IN A SCENIC RIVER CORRIDOR THAT PROVIDES SIGNIFICANT RECREATIONAL ENTERTAINMENT

AND LEISURE OPPORTUNITIES IN CENTRAL AUSTIN. A BEAUTIFUL WATER AND GREEN LANDSCAPE IN THE HEART OF OUR CITY. WE ARE DENSIFYING DOWNTOWN AUSTIN. PEOPLE NEED AN ESCAPE FROM, THEY NEED SOME OPEN SPACE TO ALLOW THEM TO BREATHE FROM THIS DENSITY. THERE IS NO BETTER OPEN SPACE THAN TOWN LAKE. SOMETIMES YOU'LL THINK OF OPEN SPACE AS GREEN ON THE GROUND AND A LITTLE BIT OF SPACE. WHEN YOU COME TO TOWN LAKE FROM THE SOUTH, THE SKY, THE WATER, THE GREENNESS OF TOWN LAKE WHEN YOU APPROACH IT, THIS IS WHAT THE CAPITOL OF THE STATE OF TEXAS DESERVES. THIS WAS DESIGNATED AS SCENIC HIGHWAY BY THE STATE DEPARTMENT OF HIGHWAYS, AND WE NEED TO PRESERVE GREEN SPACE ALONG TOWN LAKE. THERE'S NOT ALL THAT MUCH LEFT OF WHAT ONCE A VERY NATURAL AREA. IF YOU HAVE TO BE STUCK IN TRAFFIC, AND YOU WILL IF YOU'RE GOING ANYWHERE ON I-35 OR THE ACCESS ROADS, THIS IS THE WORST INTERSECTION ON I-35 FROM MEXICO TO MINNESOTA. AND IF YOU'RE STUCK IN TRAFFIC, AT LEAST YOU'LL SEE GREEN SPACE AROUND YOU AND WATER, NOT JUST BUILDINGS. PLEASE UNDERSTAND, IT'S NOT JUST THIS ONE ZONING CASE. IF YOU GRANT THIS REQUEST, OTHERS WILL COME. [BUZZER SOUNDS] AND PLEASE, PLEASE UNDERSTAND THAT IT'S NOT RIGHT FOR SOME DEVELOPERS TO BREEZE INTO TOWN, GET PROPERTY ON BOTH SIDES OF THE RIVER AND WANT TO PUT UP SOMETHING WHICH IS CONTRARY TO THE NATURE OF AUSTIN. WE LOVE OUR TOWN LAKE, AND I KNOW THAT YOU KNOW THAT. DON'T LET THIS GO.

MAYOR WYNN: THANK YOU. BRYAN SMITH? WELCOME, BRYAN.

I ACTUALLY SIGNED UP NEUTRAL' THIS ONE BECAUSE REALLY WITHOUT --

MAYOR WYNN: THAT'S WHY YOU GET TO GO LAST ACTUALLY. [LAUGHTER]

NO, THAT HAD NOTHING TO DO WITH IT. I'M NOT TOO OPPOSED. I ACTUALLY THINK IF IT WAS PROPERLY ANALYZED AND WE UNDERSTOOD THINGS BETTER THAT I MIGHT ACCEPT HEIGHT ON THAT SITE NECESSARILY. THE

CYPRESS PROJECT, WHICH IS REPLACING 800 HOUSES OF PEOPLE WHO GENERALLY USE MASS TRANSIT AND HAVE ONE CAR IS GOING TO BE REPLACED WITH 2500 UNITS THERE. THEY WILL PROBABLY ALL HAVE FAMILIES THAT WILL HAVE TWO CARS AND ARE NOT GOING TO GET ON THE BUS WITH THOSE PEOPLE THAT WERE USING THE OTHER 800. SO THAT'S 5,000 CARS. THEY WILL ALL BE FUNNELLING ON THEIR WAY TO DOWNTOWN RIGHT THROUGH THIS INTERSECTION. I DO NOT THINK THAT WE SHOULD BE TRUNCATING THE RIGHT-OF-WAY FOR RIVERSIDE DRIVE BECAUSE AGAIN, WE REALLY NEED TO HAVE A COMPREHENSIVE STUDY TO SEE HOW MANY CARS ARE REALLY GOING TO BE PLANNED FOR THAT AREA, AND WHAT IS REALLY NEEDED WITH THAT INTERSECTION. I'M NOT SURE THAT ALL THE PROPERTIES BETWEEN RIVERSIDE DRIVE AND THE RIVER SHOULD NOT BE DEDICATED PARKLAND IN ADVANCE OF WIDENING RIVERSIDE DRIVE, PUT ALL THE BIGGER BUILDINGS ON THE OTHER SIDE OF RIVERSIDE DRIVE THAT IS HAVING TROUBLE REDEVELOPING IN REALITY ALL ALONG THERE. AND THEN THEY WOULD HAVE A VIEW ACROSS THAT PARK TO THE RIVER. THAT'S A CENTRAL PARK FOR A CITY OF SIX MILLION. THANK YOU.

MAYOR WYNN: THANK YOU, MR. SMITH. SO COUNCIL, THAT'S ALL THE FOLKS WHO HAVE SIGNED UP WISHING TO ADDRESS US. WHILE THE AGENT IS MAKING HIS WAY UP FOR A THREE-MINUTE REBUTTAL, I'LL READ INTO THE RECORD THE NAME OF FOLKS WHO DON'T WANT TO SPEAK, BUT ALSO IN OPPOSITION. CANDACE FULTZ, MARY HIGER, BETTY WEED, ELLEN WARD. CYNTHIA SHYVEL, CAROL ATHEY AND CARRY (INDISCERNIBLE). SO WELCOME BACK, MR. BIRDWELL. YOU HAVE THREE MINUTES.

THANK YOU, MR. MAYOR. WELL, WE'VE MET WITH THE NEIGHBORS SEVERAL TIMES AND WE UNDERSTAND THEIR CONCERNS AND WE AGREE WITH MANY OF THEIR CONCERNS. WE RECOGNIZE THAT TRAFFIC IS A CONCERN ALL OVER AUSTIN. WHEN WE FIRST STARTED THIS PROJECT, WE CONSULTED WITH A TRAFFIC ENGINEER, GOT HIM ON BOARD. ORIGINALLY WE WERE LOOKING AT ACQUIRING THE TRACT IMMEDIATELY TO THE EAST OF US AS WELL AND POSSIBLY PUTTING AS MANY AS 400 CONDOMINIUM UNITS, SO WE APPLIED FOR A TIA WAIVER WITH THE CITY BASED ON

400 CONDOMINIUM UNITS RELATIVE TO THE EXISTING HOTEL USE THAT'S THERE TODAY AND WE RECEIVED THAT TIA WAIVER. WE'VE SINCE BACKED THAT DOWN TO 275 UNITS AND THEN THROUGH DISCUSSIONS WITH THE NEIGHBORS REDUCED IT ANOTHER 10% AND GOT DOWN TO 250 UNITS. AND HAD OUR TRAFFIC ENGINEER TAKE A LOOK AT THAT AND IT GENERATES APPROXIMATELY ANOTHER 200 TRIPS PER DAY OVER WHAT THE EXISTING USE IS TODAY. ALTHOUGH THE CURRENT ZONING WOULD ALLOW US TO PUT ALL 250 UNITS OR MORE ON THAT EXISTING SITE WITHOUT CHANGING THE ZONING. THERE IS A TRAFFIC PROBLEM. WE DID ASK OUR ENGINEER TO IDENTIFY WHAT THAT WAS TO SEE WHAT WE COULD DO TO HELP. THERE'S ONLY A SINGLE LEFT-HAND TURN LANE. THERE NEEDS TO BE TWO. THERE NEEDS TO BE TWO SOUTHBOUND FRONTAGE LANES ON I-35 ONCE YOU GET ON THE WEST SIDE OF I-35, BUT THERE'S ONLY ONE. TXDOT HAS PLANS TO IMPROVE THAT. THAT'S PART OF 126-MILLION-DOLLAR PROJECT THAT'S A LITTLE LARGER THAN THE SCOPE THAT WE COULD TAKE ON. SO WE LOOKED AT WHAT ALTERNATIVES WE COULD COME UP WITH AND ASKED THE NEIGHBORHOOD IF THEY SUPPORTED IT, AND THEN WE WOULD EXPLORE THE OPTION OF CLOSING THE MEDIAN CUT AT MAN LOW. WE HAVE NOT REACHED A CONSENSUS WITH THE NEIGHBORHOOD ON THAT, BUT WE'RE LOOKING FOR. WE ALSO HAVE TO TAKE INTO CONSIDERATION NEIGHBORS AND CITY STAFF DESIRES. SO THAT'S SOMETHING WE'RE OPEN TO AND OPEN TO EXPLORING. THAT'S THE TRAFFIC ISSUE. AS FAR AS THE PRECEDENT AND SETTING HEIGHT, WE HAD TO TAKE A LOOK AT PLANNING EFFORTS TOO AND WE WENT AND HIRED -- WE HAD OUR INITIAL LAND PLANNERS, BUT WE WENT AND HIRED ANOTHER LAND PLANNER AND SAID TAKE ANOTHER LOOK AT THIS AND SEE IF WHAT WE'RE DOING MAKES SENSE. AND THEY CAME BACK AND SAID, DO YOU KNOW WHAT, THE CITY'S GOING TO GROW, THERE'S GOING TO BE DENSITY. WE'VE ALL RECOGNIZED THAT. ENVISION CENTRAL TEXAS WAS INITIATED BECAUSE OF THAT. AND WHERE DO WE PUT THIS DENSITY? WELL, WE NEED TO PUT IT IN PLACES THAT MINIMIZE THE IMPACT ON OUR INFRASTRUCTURE AND MINIMIZE THE IMPACT ON EXISTING SINGLE-FAMILY RESIDENTIAL NEIGHBORHOODS. [BUZZER SOUNDS] WELL, THIS LOCATION IS AT THE INTERSECTION OF

A MAD 6 AND THE INTERSTATE. THAT'S THE INFRASTRUCTURE THAT YOU WANT TO HANDLE YOUR DENSITY. AND IT'S MORE THAN 400 FEET AWAY FROM ANY SINGLE-FAMILY RESIDENTIAL PROPERTY, AND THAT IS ACROSS RIVERSIDE DRIVE AND ON THE OTHER SIDE OF COMMERCIAL PROPERTY OR ACROSS I-35. AND WE'VE POSITIONED IT TO MINIMIZE THE IMPACTS ON THE VIEWS TO THOSE SINGLE-FAMILY RESIDENTIAL COMMUNITIES.

MAYOR WYNN: THANK YOU, MR. BIRDWELL.

THANK YOU.

MAYOR WYNN: SO, COUNCIL, THAT'S OUR PUBLIC HEARING ON THIS ZONING CASE. QUESTIONS, COMMENTS? CONCERNS? COUNCILMEMBER KIM.

KIM: MR. BIRDWELL, CAN YOU TELL ME AGAIN WHAT -- WHAT IS THE CURRENT SET BACK FOR THE CURRENT BUILDING AND HOW FAR ARE YOU SETTING BACK THIS PROJECT?

YES, MA'AM. THE CURRENT WATERFRONT OVERLAY DICTATES A 100-FOOT SET BACK, BUT THE CURRENT BUILDING WAS THERE PRIOR TO THAT WATERFRONT OVERLAY BEING PUT IN PLACE, AND SO IT'S ONLY SET BACK ABOUT 70 FEET. WHEN WE DEMOLISHED THAT BUILDING WITH OUR PROPOSAL, WE WOULD PROPOSE TO BRING THE NEW BUILDINGS BACK TO RESPECT THAT 100-FOOT WATERFRONT OVERLAY SET BACK.

OKAY. AND HOW MANY MEETINGS DID YOU HAVE WITH THE NEIGHBORS TO DISCUSS THIS PROJECT AND WHAT ARE KIND OF SOME OF THOSE CONCESSIONS OR SOME OF THE THINGS THAT YOU'RE OFFERING THE NEIGHBORHOOD IN THE AREA TO MAKE IT I GUESS MORE COMPATIBLE AND TO ADDRESS SOME OF THEIR CONCERNS ABOUT TRAFFIC?

ABSOLUTELY. WITH THE NEIGHBORS WE HAD SEVEN FORMAL MEETINGS AND THEN WE HAD VARIOUS CONVERSATIONS, E-MAIL, CORRESPONDENCE, ETCETERA, WITH VARIOUS LEADERS OF THEIR PLANNING TEAM. THOSE WERE OVER ABOUT A THREE-MONTH PERIOD. WE'VE OFFERED TO MEET OVER THE LAST MONTH OR TWO, AND

WE HAD REALLY REACHED AGREEMENT ON ALL THE ITEMS EXCEPT FOR THE COUPLE THAT WE JUST AGREED TO DISAGREE ON. SO THEY DIDN'T FEEL THAT IT WAS NECESSARY TO MEET ANY FURTHER, AND WE WERE RESPECTFUL OF THAT. AS FAR AS WHAT WE'RE TRYING TO DO TO NOT ONLY ENHANCE THIS SITE, BUT TO ENHANCE THE COMMUNITY, FIRST AND FOREMOST IS THE HIKE AND BIKE TRAIL. WE RECOGNIZE THE IMPORTANCE OF THAT TO THE CITY OF AUSTIN, SO WE'RE PROPOSING TO NOT ONLY GRANT THE EASEMENTS FOR THE HIKE AND BIKE TRAIL, BUT TO CONSTRUCT THE HIKE AND BIKE TRAIL ON OUR SITE ALONG TOWN LAKE, A CONNECTION TO RIVERSIDE DRIVE AND WE'RE CURRENTLY WORKING WITH THE TOWN LAKE TRAIL FOUNDATION AND HAVE COMMITTED TO CONTRIBUTE \$250,000 TOWARDS GETTING A CONNECTION FROM OUR SITE UNDERNEATH I-35 TO CONNECT TO THE PARK ON THE WEST SIDE OF I-35 SO THAT WE CAN START GETTING PEOPLE ACROSS THAT BARRIER AND REALLY CONNECT THE EAST AND WEST SIDES OF AUSTIN ON THE SOUTH SIDE OF THE LAKE. IN ADDITION TO THAT, WE ARE CONTRIBUTING \$100,000 TOWARDS AFFORDABLE HOUSING, AS WE'VE DISCUSSED WITH MR. PAUL HILGERS. WE HAVE A LIST HERE OF THE CONTRIBUTIONS THAT WE'RE MAKING SO THAT YOU DON'T HAVE TO MEMORIZE WHAT I'M SAYING HERE. IN ADDITION TO THAT, THEY WERE CONCERNED ABOUT THE TRAFFIC. WE INITIALLY PROPOSED MORE OF A MULTI-USE PROJECT WITH MORE RETAIL SERVICES POTENTIALLY ON THE GROUND LEVEL, BUT BECAUSE OF THE TRAFFIC CONCERNS AND THE ADDITIONAL TRAFFIC THAT THAT WOULD GENERATE, WE'VE REDUCED THAT DOWN TO A MAXIMUM OF 2500 SQUARE FEET OF RETAIL WHICH WE ANTICIPATE WOULD BE A COFFEE SHOP IN THE BOTTOM OF ONE OF THE BUILDINGS, SO THAT WE MINIMIZE THE TRAFFIC IMPACTS. AGAIN, WE'VE OFFERED TO CLOSE THE MEDIAN IF THAT'S SOMETHING -- OR AT LEAST PURSUE THAT IF THAT'S SOMETHING THAT THEY'RE AMEANABLE TO. WE HAVE CREATED A PUBLIC OPEN SPACE THROUGHOUT OUR SITE SO THAT WE DO HAVE THE PLAZA AREAS THAT THEY REFERRED TO THAT THEY WOULD LIKE TO SEE ALONG RIVERSIDE AND PEOPLE CAN ACCESS THROUGH OUR SITE TO GET DOWN TO TOWN LAKE OR ENJOY THE PLAZA AREA THAT WE'RE GOING TO CREATE. WE'VE TRIED TO ADDRESS

THE CONCERNS THAT THEY HAVE. THIS SITE IS LOCATED LESS THAN 300 YARDS FROM A BUS STATION, SO THERE ARE OPPORTUNITIES TO TAKE MASS TRANSIT. WE WOULD FULLY SUPPORT A DILLO ON RIVERSIDE DRIVE. THERE'S ALSO OPPORTUNITIES AS WE CONTINUE THE TRAIL CONNECTIONS FOR PEOPLE TO HAVE ADDITIONAL MOBILITY OPTIONS WITHOUT GETTING IN THEIR CARS. SO WE'RE VERY COGNIZANT OF THEIR CONCERNS. WE'VE TRIED TO ADDRESS THOSE CONCERNS TO THE BEST OF OUR ABILITY. AND WE'RE REALLY NOT ASKING TO INCREASE THE DENSITY OVER WHAT'S ALLOWED TODAY, WE'RE ONLY ASKING FOR AN OPPORTUNITY TO PROVIDE A BETTER PLAN.

KIM: THANK YOU.

MAYOR WYNN: COUNCILMEMBER DUNKERLEY.

DUNKERLEY: WHEN YOU SPOKE OF THE HIKE AND BIKE TRAIL ACCESS, IS IT THE CONNECTION TO RIVERSIDE THAT ENSURES THE PUBLIC ACCESS TO THAT TRAILER ARE THERE OTHER SITES AS WELL?

THERE ARE OTHER OPPORTUNITIES AS WELL. NOT ONLY HAVE WE COMMITTED TO GRANTING THE EASEMENT AND CONSTRUCTING A TRAIL THAT WOULD CONNECT THE SIDEWALK ON RIVERSIDE DRIVE TO THE HIKE AND BIKE TRAIL ON TOWN LAKE, BUT ALSO IF YOU RECALL WHAT OUR SITE PLAN DID LOOK LIKE, THERE WERE FOUR BUILDINGS WITH A PLAZA AREA IN BETWEEN. WE'VE COMMITTED TO KEEPING THAT OPEN AS OPEN SPACE AND PEOPLE CAN GET THROUGH THAT AREA AND DOWN TO THE HIKE AND BIKE TRAIL THROUGH THE MIDDLE OF OUR SITE AS WELL. SO THERE'S VARIOUS OPPORTUNITIES FOR PEOPLE TO ACCESS THE HIKE AND BIKE TRAIL.

DUNKERLEY: I HAVE NOT SEEN ALL OF THE COMMUNITY CONTRIBUTIONS BEFORE, SO THERE WAS ONE ON HERE, CONTRIBUTIONS TOWARDS A PONTOON BRIDGE CONNECTION. AND THAT'S PROBABLY \$275,000. WHAT IS THAT?

WE FEEL THAT IT'S VERY IMPORTANT FOR THE OVERALL COMMUNITY AS WELL AS OUR SITE TO TRY TO GET SOME

CONNECTION FROM THE EAST SIDE OF I-35 TO THE WEST SIDE OF I-35 WITHOUT HAVING TO MANEUVER YOUR WAY ACROSS THIS FREE FLOWING RIGHT TURN LANE, WHICH DOESN'T HAVE TO STOP, ACROSS THE RIVERSIDE BRIDGE, AND THEN YOU HAVE TO MANEUVER ACROSS THE TRAFFIC ON THE WEST SIDE TO GET BACK ON TO A SIDEWALK ON RIVERSIDE DRIVE. WE DON'T FEEL THAT THAT'S AN IDEAL SITUATION. SO WE'RE WORKING WITH THE TOWN LAKE TRAIL FOUNDATION TO DESIGN A PONTOON -- OR A BOARDWALK SITUATION WHERE YOU WOULD GO OFF -- OUT INTO THE LAKE FROM OUR SITE ON A BOARDWALK, EXTEND UNDERNEATH I-35 AND COME BACK UP AT THE NORWOOD PROPERTY THAT THE CITY OWNS SO THAT WE HAVE THAT CONNECTION AND PEOPLE CAN MORE EASILY TRAVERSE EAST TO WEST OR VICE VERSA.

DUNKERLEY: I HAD NOT HEARD OF THAT BEFORE AND I WAS JUST CURIOUS. THE A.D.A. ACCESSIBLE PATH CONNECTING RIVERSIDE SIDEWALK, THAT'S THE ONE WE TALKED ABOUT BEFORE?

YES, MA'AM.

DUNKERLEY: OKAY. THANK YOU.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER MCCRACKEN.

MCCRACKEN: YEAH. WE'VE HEARD SOME COMMENTS ABOUT -- BEFORE TODAY AS WELL ON THE ROMA LAKEFRONT PLAN, WHICH I DISCOVERED I WAS TRYING TO FIND ON THE CITY'S WEBSITE AND IT'S NOT ON THE CITY WEBSITE THAT I COULD FIND OR ANYWHERE ELSE. AND I SAW THAT MR. JACK HAD A COPY OF IT, BUT I DON'T KNOW, MR. RUSTHOVEN, MAYBE YOU COULD FILL US IN ON WHAT CALLED FOR IN ROMA'S TOWN LAKE, LAKEFRONT PLAN.

COUNCILMEMBER, THE ROMA PLAN WAS DONE, LIKE JEFF SAID, AT THE TIME THAT THE GOTHAM PROJECT WAS GOING THROUGH, AND IT DID NOT COVER THE AREA THAT'S BEING DISCUSSED AS A PART OF THIS ZONING CASE. I MIGHT ALSO ADD THAT THAT PLAN WAS PAID FOR BY THE CITY, BUT IT

WAS NEVER ADOPTED BY THE CITY COUNCIL.

MCCRACKEN: AND WHAT WERE THE GENERAL PROVISIONS REGARDING HEIGHT AND SETBACKS FOR THE AREA OF THE LAKEFRONT THAT THE ROMA PLAN DID COVER?

IT BASICALLY PROVIDED AN INCENTIVE PROGRAM. IT HAD A STEP UP THAT YOU COULD GAIN HEIGHT AS YOU DID CERTAIN THINGS, SUCH AS PROVIDING AMENITIES, GREAT STREETS, THAT TYPE OF THING. SO IT WAS AN INCENTIVE-BASED APPROACH TO INCREASING HEIGHT.

BUT WHAT BASE HEIGHTS OR RANGE OF HEIGHTS DID IT PROVIDE FOR?

SPECIFICALLY IN THE AREA THAT I'M WORKING ON RIGHT NOW IN ANOTHER PROJECT. IT ALLOWED FOR UP TO 120 FEET OF HEIGHT WITH CERTAIN PROVISIONS, WITH INCENTIVES THAT WERE FULFILLED BY THE DEVELOPER.

MCCRACKEN: AND JEFF MAYBE HAS A COPY OF IT AND MAY KNOW TOO. IN FACT, I'M GOING TO GUESS IF HE COULD COME UP HERE ALSO, IT WOULD JUST BE HELPFUL TO KNOW WHAT PROFESSIONAL PLANNERS HAD CONCLUDED TO BE OUR APPROACH TO LAKEFRONT, PARTICULARLY SINCE THESE ARE THE FOLKS WHO DID THE MUELLER REDEVELOPMENT PLAN TOO. JEFF, YOU HAVE THE DOCUMENT WITH YOU. CAN YOU TELL US WHAT YOUR -- MAYBE THE DOCUMENT STATES IT.

I THINK THE ENTITLEMENTS WERE KEY TO ALL OF THE LANDOWNERS IN THE AREA WORKING TOGETHER TO COME UP WITH A COMPREHENSIVE PLAN, IN OTHER WORDS, THEY WEREN'T ENTITLEMENTS THAT WERE GIVEN ONE PROJECT AT A TIME. SO THAT WAS KEY. THIS DIAGRAM ALSO ILLUSTRATES SOME OF THE KEY ELEMENTS. I DON'T KNOW IF YOU CAN SEE IT FROM HERE, BUT THEY IDENTIFIED VIEW CORRIDORS FROM THE MAJOR ARTERIALS, THIS BEING CONGRESS, THIS BEING SOUTH FIRST, AND THIS ANGLE RIGHT HERE IS WHAT THEY IDENTIFY AS SOME PLACE THAT WE SHOULD KEEP OPEN SO WHEN TRAFFIC CROSSED THE RIVER THEY COULD SEE. THAT KIND OF PLANNING IS BEING VIOLATED BY THIS PROJECT BECAUSE YOU CAN IMAGINE

THAT WHEN YOU GET TO I-35 AT THE RIVER NOW WITH THIS PROPOSED BUILDING, INSTEAD OF HAVING IT OPEN UP TO THE RIVER, WHICH YOU'RE GOING TO HAVE IS A BUILDING ON YOUR SHOULDER. SO THE ROMA STUDY WAS VERY CLEAR THAT THOSE KINDS OF VIEWS WERE VERY IMPORTANT TO OUR ARTERIALS. THIS PROJECT DOESN'T ADDRESS THAT. IT ALSO TALKED ABOUT THE ACCESS TO THE LAKEFRONT, AND AGAIN GOING BACK TO THE INFORMATION THAT THE APPLICANT PROVIDED YOU AND LOOKING AT THOSE DIAGRAMS. I WASN'T BEING FACETIOUS. IF YOU'RE TRAVELLING BY FOOT LOOKING THROUGH -- BETWEEN THOSE TWO BUILDINGS, YOU MAY HAVE A VIEW OF THE LAKE FOR TWO SECONDS. IF YOU'RE TRAVELLING BY CAR LOOKING THROUGH THOSE BUILDINGS, YOU MAY HAVE A VIEW FOR A 10TH OF A SECOND.

MCCRACKEN: THANK YOU, JEFF. I JUST HAVE A QUESTION AND I DON'T KNOW IF IT'S FOR MR. RUSTHOVEN OR MR. BIRDWELL, BUT THERE WERE TWO DIFFERENT HEIGHT ALTERNATIVES THAT HAVE BEEN DISCUSSED. I GUESS IF Y'ALL COULD -- AND I KNOW YOU HAD A COUPLE OF MOCKUP MODELS THAT MIGHT BE HELPFUL FOR US AS WELL.

YES, SIR. IF YOU DON'T MIND, I'LL BRING THESE UP TO YOU.

MCCRACKEN: WHAT YOU MIGHT COULD DO IS SEE THE CAMERA AND --

WE'LL TRY. WE TRIED THAT AT THE PLANNING COMMISSION AND IT DIDN'T -- [INAUDIBLE]. THE DIFFERENCE BETWEEN THESE TWO MODELS, ONE IS THE PLAN THAT WE'RE PROPOSING, 190 FEET, 60 FEET AND 40-FOOT BUILDINGS ON THE LAKE. THE OTHER BEING 120 FEET, 90 FEET AND 60 FEET DOWN ON THE LAKE. WHERE WE POSITION THE 190-FOOT TOWER RIGHT AT THE INTERSECTION OF RIVERSIDE AND I-35, WE WENT UP INTO THE NEIGHBORHOOD TO THE SOUTH AND LOOKED AT HOW THE LARGE LIVE OAK TREES WERE POSITIONED, ETCETERA, AND FOUND THAT WHERE THAT WAS LOCATED WAS NOT VISIBLE AND WE FLOATED BALLOONS UP TO THAT ELEVATION. WAS NOT VISIBLE FROM THOSE RESIDENTS. BUT IF WE WENT MORE THAN 60 FEET, WHERE WE'VE PROPOSED THAT 60-FOOT BUILDING, THEN THAT STARTED BLOCKING THE VIEWS OF THOSE NEIGHBORS

BECAUSE THEY'RE 50 FEET ABOVE US IN ELEVATION, AND THEY LOOK STRAIGHT DOWN THROUGH A VIEW CORRIDOR AT THAT 60-FOOT BUILDING. SO THE DIFFERENCE BETWEEN THE TWO PLANS IS IF WE TAKE THE HEIGHT OUT OF THE AREAS WHERE WE COULD POTENTIALLY BLOCK THE VIEWS OF THE NEIGHBORS AND WE CONCENTRATE ALL OF THAT AS CLOSE AS WE CAN TO THE INTERSECTION OF RIVERSIDE AND I-35, WE END UP PRESERVING THE VIEWS OF THE NEIGHBORS. AND THAT WAS VERY IMPORTANT TO US. AND NOT ONLY WAS IT IMPORTANT TO US THAT WE PRESERVE THOSE VIEWS, BUT IT ALLOWS FOR US TO REALLY PROVIDE AN ICONIC BUILDING RIGHT THERE AT THAT INTERSECTION.

MCCRACKEN: THERE YOU GO, THAT'S THE VIEW. THAT HELPS US OUT. BUT IT'S DIFFERENT THAN THIS ONE, MY SCREEN. WE HAVE A DIFFERENT VIEW ON THIS SCREEN THAN WE DO ON THIS SCREEN. Y'ALL HAD A GREAT VIEW. LEAVE IT RIGHT WHERE IT IS. SOMEHOW WE'RE GETTING A DIFFERENT VIEW ON THAT SCREEN THAN WE ARE ON OUR SCREENS HERE AND HERE.

NOW, WHEN WE DEVELOPED THESE MODELS --

MCCRACKEN: I LIKE THE OTHER ONE BETTER. YOU COULD ACTUALLY SEE IT. I'M SORRY, BRYAN.

DUNKERLEY: I LIKED THE OTHER SIDE WHERE YOU COULD SEE IT. YOU TURN IT ON ITS -- TURN IT ON THE SIDE SO WE CAN SEE IT.

WHAT WAY DO YOU WANT IT? [LAUGHTER]

DUNKERLEY: I DON'T KNOW. [LAUGHTER]

OKAY, WHERE'S OUR 3-D VISUALIZATION SLIDE WHEN YOU NEED IT?

ONE THING ABOUT THESE MODELS, THEY WERE DEVELOPED FOR OUR SECOND HOMEOWNERS MEETING, AND WHEN WE DID THAT WE'VE SINCE SEPARATED THE BUILDINGS ALONG RIVERSIDE DRIVE MORE. THIS REPRESENTS ABOUT A 21-FOOT SEPARATION. WE'VE INCREASED THAT SEPARATION TO 70 FEET AT THE REQUEST OF THE NEIGHBORS SO THAT

THEY GET MORE OF A VIEW CORRIDOR DOWN THROUGH THERE. AND THAT'S WHEN WE REDUCED THE DENSITY BY 10% WAS SEPARATING THOSE BUILDINGS TO INCREASE THAT VIEW CORRIDOR THROUGH OUR DISCUSSIONS WITH THE NEIGHBORS. BUT THAT'S THE REAL DIFFERENCE BETWEEN THESE TWO IS WE'RE PROPOSING TO CONCENTRATE ALL THE HEIGHT IN AN AREA WHERE IT MINIMIZES THE IMPACT VERSUS SPREADING OUT THE HEIGHT WHICH CREATES A GREATER IMPACT, NOT ONLY TO THE NEIGHBORS TO THE SOUTH, BUT ALSO ULTIMATELY TO THE VIEW ON THE HIKE AND BIKE TRAIL FROM IMMEDIATELY THERE WHERE YOU WOULD HAVE 40 FEET BUILDINGS, WHICH IS CONSISTENT WITH WHAT'S THERE TODAY, VERSUS 60-FOOT BUILDINGS, WHICH THE CURRENT ZONING ALLOWS, BUT WE'RE WILLING TO RESTRICT DOWN TO 40.

MCCRACKEN: LET ME ASK YOU, WHO OWNS THE PROPERTIES? IS THERE AN OPTION TO PURCHASE NOW OR IS THERE AN ACTUAL OWNERSHIP?

THERE'S AN OPTION TO PURCHASE. WE'RE CURRENTLY IN AN OPTION PERIOD.

OKAY.

MCCRACKEN: AND THEN, MY REVIEW OF THE DOCUMENTATION REFLECTS THAT IT'S ABOUT 4.15 ROUGHLY ACRES, IS THAT RIGHT?

THAT'S CORRECT.

MCCRACKEN: THANK Y'ALL.

MAYOR WYNN: MAYOR PRO TEM.

DUNKERLEY: I DO LIKE CONCENTRATING THE HEIGHT OVER ON THAT CORNER, AND I UNDERSTAND NOW PROBABLY WHY I LIKE IT BECAUSE IT DOES PRESERVE A LOT OF THE VIEW FROM THE NEIGHBORHOOD, ETCETERA. BUT WHAT I ALSO LIKE ABOUT IT IS THE VARIATION IN THE HEIGHTS, AND I THINK BECAUSE OF THAT YOU GET LESS OF A CANYON EFFECT. YOU GET MORE VARIETY AND I THINK KEEPING IT AT 40 ALONG THE RIVER I THINK IS REALLY IMPORTANT, AND 40,

60 AND THEN THE TALL ONE WAY OVER ON THE CORNER I THINK ALSO GIVES YOU THE ABILITY TO DO A LITTLE BIT MORE -- SOME INTERESTING THINGS WITH THE DESIGN. SO I THINK THE VARIETY TENDS TO GIVE LESS OF A CANYON EFFECT THAN YOU WOULD HAVE WITH A MORE UNIFORM HEIGHT ALONG THERE.

WE CERTAINLY CONCUR.

MAYOR WYNN: COUNCILMEMBER MARTINEZ.

MARTINEZ: I DON'T KNOW IF YOU CAN ANSWER THIS. I WANTED TO KNOW, DO YOU HAPPEN TO KNOW WHAT THE HEIGHT OF THE RBJ TOWER IS ON THE NORTH SHORE OF TOWN LAKE EAST OF I-35?

NO, I'M NOT SURE. I DO KNOW THAT THE HYATT IS ABOUT THE SAME HEIGHT AS WHAT THEY'RE PROPOSING HERE, BUT I'M NOT SURE OF THE HEIGHT OF RBJ.

MCCRACKEN: 190 OR 120.

MAYOR WYNN: I'M SORRY?

THE HYATT IS 190 FEET OR 120.

190.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON CASE 121. COUNCILMEMBER KIM.

KIM: THERE ARE A LOT OF THINGS HERE IN THE COMMUNITY CONTRIBUTIONS LIST I GUESS I HAD HEARD OF AND NOW SEEING THEM ALL HERE, I THINK THERE ARE A LOT OF BENEFITS TO THE COMMUNITY. NOT JUST FOR THE PEOPLE WHO LIVE THERE, ALTHOUGH THAT IS IMPORTANT, BUT FOR PEOPLE WHO WANT TO ACCESS THE HIKE AND BIKE TRAIL, THOSE THAT HAVE A.D.A. ISSUES, AND THEN THE PONTOON UNDERNEATH THE BRIDGE. THIS IS A VERY DANGEROUS PLACE TO CROSS I-35. I'VE DONE IT, I'VE SEEN PEOPLE DO IT, AND PEOPLE ARE RIGHT, WHEN PEOPLE ARE TURNING RIGHT ON RIVERSIDE GOING NORTH ON TO THE FEEDER OR

TO GET ON TO I-35, THEY ARE NOT SLOWING DOWN. IT IS VERY DANGEROUS. SO THE FACT THAT THEY HAVE TAKEN THAT INTO CONSIDERATION, THEY WANT TO MAKE IT SAFER AND ALSO PROVIDE ACCESS TO THE LAKE WITH THEIR EASEMENT, THOSE ARE THINGS THAT MAKE IT VERY ATTRACTIVE TO ME. AS FAR AS THE TWO DIFFERENT SITE PLANS, I PREFER THE ONE WITH THE 190-FOOT. AND THE REASON IS WHY IT JUST SEEMS TO HAVE LESS MASS AND PROTECTS A LOT OF THE VIEWS, WHICH IS SOMETHING THAT THE NEIGHBOR SAID THEY WERE REALLY -- IT WAS REALLY IMPORTANT TO THE NEIGHBORS IN THEIR NUMEROUS MEETINGS WITH THE DEVELOPER. AND I THINK THIS IS GOING TO BE A REALLY GOOD PROJECT. I THINK IT'S GOING TO BE SOMETHING THAT WILL BE ATTRACTIVE, SOMETHING THAT WILL FIT INTO THE AREA, AND I THINK IT WILL BE DONE WELL. SO I'D LIKE TO MAKE A MOTION FOR ALL THREE READINGS ON THE PLANNING COMMISSION'S RECOMMENDATION FOR 190 FEET ON TRACT 1, AND WITH ALL THE CONTRIBUTIONS THAT ARE LISTED HERE FOR THE COMMUNITY.

DUNKERLEY: I SECOND THAT MOTION.

MAYOR WYNN: MOTION BY COUNCILMEMBER KIM, SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS PLANNING COMMISSION RECOMMENDATION FOR CASE 121.

MAYOR, IF I MAY ADD ALSO, THAT INCLUDES THE RESTRICTIVE COVENANT THAT PROVIDES THE EASEMENT ON TO THE LAKE FROM RIVERSIDE AS WELL AS THE 40-FOOT HEIGHT LIMITATION ON THE PROPERTY CLOSEST TO THE LAKE, IS THAT CORRECT?

YES.

MAYOR WYNN: THANK YOU, COUNCILMEMBER. MR. RUSTHOVEN, HELP ME IF YOU WILL AGAIN, THE LOGISTICS THEN OF THE ANNOUNCED BOARD OF ADJUSTMENT, CAN YOU SORT OF WALK ME THROUGH --

THE APPLICANT IS REQUESTING L ZONING ON ONE OF THE TRACTS, WHICH ALLOWS FOR 200 FEET OF HEIGHT. THEY

ARE VOLUNTARILY WILLING TO LIMIT THE HEIGHT UP TO 190 FEET, HOWEVER, BECAUSE OF THE COMPATIBILITY THIS IS WITHIN 540 FEET OF SOME EXISTING SINGLE-FAMILY RESIDENCES. THE HEIGHT WOULD BE LIMITED TO APPROXIMATELY 110 FEET. THEY HAVE TO GO TO THE BOARD OF ADJUSTMENT AND GET A VARIANCE FROM THE COMPATIBILITY LIMITATION ON THE HEIGHT. SO APPROVAL OF THE ZONING CASE DOES NOT GRANT THAT VARIANCE. IT ALLOWS THEM TO SEEK THAT VARIANCE, BUT THEY WOULD STILL HAVE TO GET THE VARIANCE FROM THE VOA.

MAYOR WYNN: I'LL JUST SAY I'M VERY RESPECTFUL AND I APPRECIATE THE SORT OF TIME, EFFORT AND DESIGN THAT THIS TEAM IS PUT IN ON THIS PROJECT, AND I LIKE A LOT OF THAT, BUT IT SEEMS TO ME MY VAGUE UNDERSTANDING OF THE BOARD OF ADJUSTMENT PROCESS IS FIRST AND FOREMOST I GUESS IT'S NOT APPEALABLE TO COUNCIL. AND I GUESS IT'S APPEALABLE TO DISTRICT COURT OR SOMEPLACE, BUT NOT US. BUT THAT THERE IS, LIKE WITH MANY OF OUR APPEAL PROCESSES, FINANCIAL HARDSHIP IS A -- ONE OF THE SIGNIFICANT ELEMENTS OR REQUIREMENTS OF THAT SORT OF STRUCTURED CONSTITUTED FORMAT. SO BY GRANTING THIS ZONING, WE HERE AS A COUNCIL WOULD BE ACKNOWLEDGING -- PERHAPS WE WOULD LIKE THE AESTHETICS OR THE FUNDAMENTAL PLAN ASSOCIATED HERE, BUT WE ARE ALSO ACKNOWLEDGING THAT WE HAVE OTHER PARAMETERS, COMPATIBILITY STANDARDS IN THIS CASE THAT SPECIFICALLY LIMIT IT. SO I JUST -- I GUESS I'M A LITTLE PUZZLED ABOUT HOW THAT -- HOW THAT INTERPRETS ITSELF INTO AN ECONOMIC HARDSHIP.

THE BOARD OF ADJUSTMENT WOULD HAVE TO PROVE -- AT THE BOARD OF ADJUSTMENT THE APPLICANT WOULD HAVE TO PROVE A HARDSHIP THAT IS UNIQUE TO THE SITE. ALSO THE BOARD OF ADJUSTMENT DOES NOT TYPICALLY CONSIDER ECONOMIC HARDSHIP AS ONE OF THEIR REQUIREMENTS.

ECONOMIC HARDSHIP CANNOT BE PART OF THE HARDSHIP TO CREATE A VARIANCE.

MAYOR WYNN: WHAT WOULD BE THE HARDSHIP

PARAMETERS?

I'M SURE THAT MR. BIRDWELL WILL TRY COME UP WITH SOMETHING, BUT IT CAN'T BE FINANCIAL HARDSHIP. [LAUGHTER]

MAYOR WYNN: THANK YOU. COUNCILMEMBER MCCRACKEN.

MCCRACKEN: MAYOR, I DO RESPECT THE PROPOSAL, AND I FIND THIS A CLOSER CALL THAN I EXPECTED. THAT SAID, I'M GOING TO PROPOSE A SUBSTITUTE MOTION FOR FIRST READING ONLY ON THE STAFF RECOMMENDATION, WHICH I STILL THINK MY CURRENT BELIEF IS THAT IS STILL HIGHER THAN I BELIEVE WE SHOULD BE GOING. BUT THAT SAID -- I'LL OFFER SOME FURTHER COMMENTS ON IT, BUT I WILL OFFER AS A SUBSTITUTE MOTION, FIRST READING ONLY ON STAFF RECOMMENDATION, WHICH WOULD BE THE 120, 90, 60 AND 60.

COLE: AND I'D LIKE TO MAKE A SECOND TO THAT MOTION AND COMMENT TO SAY THAT I'M VERY IMPRESSED WITH THE OWNER AND THE GIFTS TO THE HIKE AND BIKE TRAIL AND ESPECIALLY THE NOTES FOR THE EAST-WEST CORRIDORS OVER THE LAKE. I AM STILL JUST CONCERNED ABOUT THE 190 BEING A LITTLE HIGH, AND WOULD LIKE TO GO WITH THE ALTERNATIVE HEIGHT OF 120.

MAYOR WYNN: SO WE HAVE A SUBSTITUTE MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER COLE FOR STAFF RECOMMENDATION, FIRST READING ONLY. COUNCILMEMBER LEFFINGWELL.

LEFFINGWELL: WITH THE STAFF RECOMMENDATION, I ASSUME THAT THE AMENITIES PROPOSED BY THE APPLICANT THAT WERE FOR THE ORIGINAL DESIGN WITH THE 190-FOOT TOWER STILL APPLIES SUCH AS THE BOARDWALK AND THE FREE ACCESS -- THE ACCESS ON THE OTHER SIDE THERE?

WELL, ACTUALLY, COUNCILMEMBER, THE ONLY THING, WE HAVE NOT BEEN IN DISCUSSION WITH THE APPLICANT ABOUT A LOT OF THOSE THINGS THAT WERE MENTIONED THIS EVENING BY THEM. THE ONLY TWO ITEMS THAT WE HAVE DISCUSSED WITH THE APPLICANT ARE THE TWO ITEMS

THAT ARE UNDER THE RESTRICTIVE COVENANT THAT IS READY TO GO TONIGHT. AND THAT IS THE ACCESS FROM RIVERSIDE DOWN TO THE LAKE AS WELL AS THE LIMITATION OF THE 40 FEET FOR THE PROPERTY THAT'S CLOSEST TO THE LAKE WHICH IS NOT SUBJECT TO THE ZONING CASE WHICH WAS BEING CONSIDERED TONIGHT. HOWEVER, THE WAY THE RESTRICTIVE COVENANTS HAVE BEEN WORDED, THEY WOULD ONLY TAKE EFFECT IF THE APPLICANT WAS ABLE TO BUILD A BUILDING THAT WAS 190 FEET WITH REGARD TO THE HEIGHT LIMITATION ON TOWN LAKE. THE EASEMENT WOULD BE EITHER WAY, BUT THEY'VE ONLY AGREED TO LIMIT THE HEIGHT ON TOWN LAKE FROM 60 DOWN TO 40 IF THEY ARE GRANTED THE 190 FEET. RIGHT NOW THEY HAVE G.O. ZONING ALONG THE LAKE, WHICH WITH THE WATERFRONT OVERLAY ALLOWS THEM TO GO UP TO 60.

LEFFINGWELL: OKAY. LET ME JUST SAY THAT I AM ALSO UNCOMFORTABLE WITH THE 190-FOOT HEIGHT, SO I PLAN TO SUPPORT THE SUBSTITUTE MOTION ON FIRST READING, AND SEE WHERE IT GOES FROM THERE. I HAVE CONSISTENTLY SUPPORTED HEIGHT IN THE CENTRAL BUSINESS DISTRICT, BUT WE'RE STARTING TO GET OUT OF IT HERE AND I'M ALSO SOMEWHAT CONCERNED ABOUT SETTING THE PRECEDENT FOR AUTHORIZING THIS KIND OF HEIGHT OUTSIDE THE CENTRAL BUSINESS DISTRICT. [APPLAUSE] SO I PLAN TO SUPPORT THE SUBSTITUTE ON FIRST READING.

MAYOR WYNN: COUNCILMEMBER KIM.

KIM: CAN I ASK THE APPLICANT ABOUT THE TWO DIFFERENT SITES? THE WAY THAT THEY'RE STRUCTURED, JUST THE NUMBER OF FEET? IF IT'S LOWERED TO 120 FEET, WHAT DO YOU NEED ON THE OTHER STRUCTURES? WHAT IS THE WAY YOU HAVE THEM RIGHT NOW?

IF IT'S LOWERED TO 120 FEET, THE OTHER STRUCTURES NEED TO BE 90, 60 AND 60.

KIM: 90, 60 AND 60.

YES.

KIM: WOULD THE MAKER OF THE MOTION ACCEPT AN AMENDMENT TO MAKE IT 120 AND 90 AND 60 AND 60?

MCCRACKEN: I THINK THAT'S THE STAFF RECOMMENDATION, ISN'T IT?

YES. IF I COULD CLARIFY, THE 120 IS THE STAFF RECOMMENDATION FOR THE TALLER OF THE TOWER. THE BASIS OF THAT WAS THE COMPATIBILITY ISSUE. THE 90 FEET WOULD BE ALLOWED UNDER THE PROPOSED MF-6 ZONING. THE 60-FOOT BUILDING ALREADY HAS ZONING AND IS NOT UP FOR CONSIDERATION TONIGHT. THE ONLY WAY THAT THAT HAS FACTORED INTO THIS DISCUSSION IS THE APPLICANT'S OFFER TO LOWER THAT 20 FEET IF THEY WERE GRANTED THE 190 ON THE TALLER TOWER.

KIM: AND ALSO, THE -- DO YOU HAVE ANYTHING TO SAY ABOUT THE HEIGHT AS FAR AS THE 120? IS THAT RIGHT, THE 120, 90, 60, 60? OKAY. WHAT ABOUT THE CONTRIBUTIONS HERE, LIKE THE PONTOON BRIDGE? ARE THOSE STILL BEING OFFERED? ARE THEY STILL THINGS YOU CAN WORK INTO THE PROJECT FINANCIALLY?

FINANCIALLY WITH THE 120 WE STATED THAT WE WILL BUILD THE HIKE AND BIKE TRAIL ON OUR SITE. WE'RE GOING TO HAVE TO EVALUATE WHETHER OR NOT WE CAN DO THE PONTOON BRIDGE. OBVIOUSLY WITH THE MARKET CONDITIONS, THE VALUE OF THE 190-FOOT BUILDING IS MORE VALUABLE THAN 120-FOOT BUILDING, WHICH ALLOWS US GREATER OPPORTUNITIES TO MAKE DONATIONS. SO THAT'S SOMETHING THAT WE'LL HAVE TO EVALUATE, AND I CAN'T GIVE YOU AN ANSWER RIGHT NOW. ONE THING I WOULD REQUEST, THOUGH, AS COUNCIL STATED AT THE JUNE 8TH MEETING, WE WOULD LIKE TO GET ALL THREE READINGS COMPLETED TONIGHT IF POSSIBLE.

MAYOR WYNN: WELL, WE DON'T HAVE AN ORDINANCE.

WE HAVE TO DRAFT OUR ORDINANCE TO PC RECOMMENDATION, WHICH IS WHAT WE DID, SO WE DID NOT HAVE AN ORDINANCE.

OKAY. THANK YOU.

MAYOR WYNN: SO AGAIN, WE HAVE A MOTION -- A SUBSTITUTE MOTION AND A SECOND ON THE TABLE FOR STAFF RECOMMENDATION, FIRST READING ONLY. COUNCILMEMBER MARTINEZ?

MARTINEZ: DID COUNCILMEMBER KIM MAKE A STUB CONSTITUTE TO THE SUBSTITUTE?

MAYOR WYNN: SHE DIDN'T NEED TO. THE STAFF RECOMMENDATION WAS FOR THE 120-FOOT HEIGHT.

MARTINEZ: OKAY. I THINK THIS IS A GOOD PROJECT. I THINK IT'S FOR THAT PROPERTY, IT'S SOMETHING THAT I THINK COULD BRING ADDED VALUE TO THE DOWNTOWN AREA, TO THE NEIGHBORHOODS. BUT I DO HAVE A CONCERN ABOUT THE 190-FOOT HEIGHT. AND I CAN'T -- I CAN'T GET PAST THAT RIGHT NOW. SO I REALLY APPRECIATE THE EFFORTS OF THE DEVELOPERS. I HOPE THAT WE CAN PUT SOMETHING THERE THAT YOU KNOW IS GOOD FOR AUSTIN, BUT AT THE SAME TIME I THINK WE HAVE TO FIND A GOOD COMPROMISE AND I THINK THAT STAFF RECOMMENDATION MAY BE A GOOD COMPROMISE, IT MAY NOT. SO IF WE PASS THIS ON FIRST READING, WE CAN STILL CONTINUE TALKING ABOUT THIS AND HOPEFULLY GET TO WHERE WE FIND SOMETHING THAT IS MORE OF A WIN-WIN SITUATION. I'M NOT COMFORTABLE WITH THE 190 FEET ON THE SOUTH SHORES OF TOWN LAKE RIGHT NOW.

MAYOR WYNN: FURTHER COMMENTS ON THE SUBSTITUTE MOTION? COUNCILMEMBER MCCRACKEN.

MCCRACKEN: YEAH. I JUST WANT TO EXPLAIN MY REASONING FOR IT. ONE OF THEM FIRST IS IN PART IT'S JUST PERSONAL EXPERIENCE. I GREW UP IN CORPUS CHRISTI AND THE TEST TO KIND OF REALLY -- WHETHER YOU'RE FOR THE PUBLIC INTEREST IS IF YOU PROTECT THE BAY FRONT VIEW FOR THE AVERAGE FOLKS. AND SO THEY ALLOWED ONE TALL BUILDING TO GET BETWEEN OCEAN DRIVE AND THE BAY, AND IT WAS JUST CONSIDERED LIKE SOMETHING HAD BEEN TAKEN AWAY FROM US AS RESIDENTS OF THE CITY. AND THEY HAVEN'T DONE IT AGAIN SINCE THEN. BUT IT

REALLY -- IN AN IMPORTANT SENSE THESE LAKEFRONT VIEWS DO BELONG TO US, ALTHOUGH I DO RESPECT THAT THESE ARE PRIVATE PROPERTY OWNERS AND I WANT THEM TO SUCCEED IN DEVELOPMENTS. BUT I HAVE CONCERNS THAT WE ARE SEEING ACROSS THE CITY OUTSIDE OF THE CBD AT THE MOMENT WHAT I THINK IS -- I WOULD CHARACTERIZE AS ALMOST A SPECULATIVE FRENZY GOING ON WITH THE TALL BUILDINGS OUTSIDE OF DOWNTOWN. AND I'VE GOT TO SAY THIS COUNCIL IS SPLIT ON THIS PROPOSAL, BUT THIS COUNCIL HAS BEEN SEVEN-0 UNANIMOUS ABOUT DOING TALL BUILDINGS DOWNTOWN AND EVEN AT TIMES WHERE THAT WASN'T POPULAR WITH FOLKS IMMEDIATELY OUTSIDE OF DOWNTOWN, BUT WE HAVE CONSISTENTLY SUPPORTED TALL BUILDINGS DOWNTOWN, BUT I PERSONALLY AM GOING TO DRAW THE LINE ABSENT SOME PLANNING IN ADVANCE ON TALL BUILDINGS OUTSIDE OF DOWNTOWN. I DO BELIEVE THAT EVEN AT 120 FEET THIS IS TOO TALL. AND I'M NOT -- BUT THAT SAID, FOR THE PURPOSES OF MOVING FORWARD THIS EVENING, I'M PREPARED TO DO THAT, BUT THE -- I THINK THERE IS A FUNDAMENTAL MISUNDERSTANDING OF WHAT'S GOING ON RIGHT NOW IN THE COMMUNITY ABOUT WHETHER HEIGHT NECESSARILY EQUALS DENSITY, AND IT DOES NOT. SOME OF THE DENSEST -- I LIVED IN WASHINGTON, D.C., WHICH IS ONE OF THE DENSEST CITIES IN AMERICA, AND THE BUILDINGS WERE GENERALLY 40 TO 60 FEET TALL AND THERE ARE NO SKY SCRAPERS. THAT SAID, I AM A BIG SUPPORT AREA OF DOWNTOWN TALL BUILDINGS AND I HOPE THAT THE FOLKS WE'VE SEEN THIS EVENING, THE APPLICANTS, WILL CONSIDER BUILDING ALONG WALLER CREEK, WHICH WE APPROVED A BIG STEP FORWARD TODAY. THEY ARE BIG DEVELOPERS AND I AM VERY EXCITED ABOUT WHAT THEY OFFER, BUT AS ALL IN CONTEXT. TALL BUILDINGS ARE ALL IN CONTEXT. THIS NEIGHBORHOOD BEFORE US HAS SUPPORTED DENSITY FROM THE VERTICAL MIXED USE PROVISION. THEY AGREED TO WAIVE THE DENSITY CAPS ON SOUTH CONGRESS. THIS NEIGHBORHOOD IN PARTICULAR HAS SUPPORTED SIGNIFICANT DENSIFICATION OF CORRIDORS AND THE -- WHAT I THINK IS A FAIR TRADE-OFF IS SAY 60 FEET AND THAT'S OUTSIDE OF DOWNTOWN. ALSO, -- THE QUESTION IS WHAT DO WE WANT FROM OUR LAKEFRONT. AND WE AT THE MOMENT FROM CHOSEN AS A

GOVERNING VISION FOR OUR CITY A LAKEFRONT THAT IS NOT URBANIZED, THAT IS NATURAL. THAT IS A CHOICE. THERE'S NOT A CORRECT ANSWER LIKE SAY THE SKY IS BLUE OR GREEN. IT'S CLEARLY BLUE. BUT IT IS AN OPINION AS A COMMUNITY ABOUT WHERE WE WANT TO GO. DO WE WANT TO HAVE AN URBANIZED LAKEFRONT LIKE CHICAGO DOES, THAT'S ONE CHOICE, OR A MORE NATURAL LAKEFRONT LIKE WE HAVE CHOSEN TO DATE. AND I DO FEEL LIKE WE SHOULD RESPECT THE COMMUNITY'S WISHES IN OUR PLANNING TRADITIONS ABSENT PLANNING THAT LEADS US TO A DIFFERENT RESULT, WHICH WE DON'T HAVE AT THE MOMENT. WE ARE DOING AD HOC PLANNING WHEN WE APPROVE TALL BUILDINGS RANDOMLY IN DIFFERENT PLACES IN THE CITY. WE SAW IT TONIGHT UP IN NORTHWEST AUSTIN THAT GOT PULLED. WE ARE AWARE OF EFFORTS ALL OVER THE CITY TO PUT UP TALL BUILDINGS NEXT TO NEIGHBORHOODS AND IN PLACES THAT ARE NOT CONNECTED TO TRANSIT ORIENTED DEVELOPMENT ZONES OR TO DOWNTOWN. SO I THINK WE DO NEED TO TAKE A LITTLE BIT OF A STEP BACK FROM ALL OF THIS INTEREST IN TALL BUILDINGS IN PLACES THAT HAVE NOT BEEN PLANNED FOR OUTSIDE OF DOWNTOWN. AND I'LL NOTE THAT ONE OF THE FACTORS GOING ON IS THAT THIS IS AN OPTION TO PURCHASE. THE LAND PRICE IS LIKELY SET ON WHAT IS THE POTENTIAL ECONOMIC YIELD, IF IT'S 200 FEET OR 120 FEET, AND IF THE COUNCIL WERE TO SAY THAT LIMIT WAS 60 FEET IN HEIGHT OR 80 FEET IN HEIGHT, THE SALES PRICE WOULD COME DOWN. I RECOGNIZE AT SOME POINT THE YIELD MIGHT NOT BE HIGH ENOUGH TO PRODUCE INTEREST ON THAT AND THOSE ARE ISSUES THAT WE HAVE TO BALANCE TO BE AWARE OF. BUT THOSE ARE THE MOTIVATIONS AND ISSUES THAT BRING BEFORE US TONIGHT TO RELUCTANTLY SUPPORT THE STAFF PROPOSAL ON FIRST READING ONLY.

MAYOR WYNN: THANK YOU, COUNCILMEMBER. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] [12:30 A.M.]

THIS IS I BELIEVE THE LAST HEARING AND THEN THE ITEM IS TAKEN UP AGAIN FORMALLY ON THE 27TH BEFORE WE ACTUALLY SEND THE PROPOSAL IN TO H.U.D.

MAYOR WYNN: THANK YOU. QUESTIONS OF STAFF, COUNCIL? COMMENTS? IF NOT, THEN WE'LL CERTAINLY TAKE

HEED OF THE TESTIMONY. WE GREATLY APPRECIATE Y'ALL'S PATIENCE TO SIT THROUGH THE EVENING AND WE WANTED TO GET THROUGH THIS AGENDA. SO I CAN'T TELL BY POSTING, MS. TERRY, WHETHER WE NEED TO CLOSE THE PUBLIC HEARING OR WHETHER THIS IS AN ONGOING FORMAT OF OUR CITIZEN COMMENT PROCESS.

I BELIEVE THAT WHAT THE CHIEF AS INDICATED IS THAT THIS IS THE LAST OF YOUR HEARINGS, SO YOU CAN CLOSE THIS PUBLIC HEARING.

MAYOR WYNN: OKAY. SO COUNCIL, FURTHER COMMENTS? QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION, ITEM 127. COUNCILMEMBER MCCrackEN MOVES TO CLOSE THE PUBLIC HEARING ON ITEM NUMBER 127, SECONDED BY COUNCILMEMBER KIM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. MS. SPENCE, THERE BEING NO MORE BUSINESS BEFORE THE AUSTIN CITY COUNCIL, WE STAND ADJOURNED. IT IS 12:30 A.M. [END OF MEETING]

End of Council Session Closed Caption Log