

Closed Caption Log, Council Meeting, 08/31/06

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Mayor Wynn: IT'S MY PRIVILEGE TO WELCOME PASTOR DAVID BOYD OF SAINT DAVID'S EPISCOPAL CHURCH TO LEAD US IN OUR ENVOY OCCASION, PLEASE RISE.

THANK YOU, MAYOR. IT'S A PRIVILEGE TO BE WITH YOU ALL. I WOULD LIKE TO OFFER AN INVOCATION FOR THIS MEETING AND THEN IN LIGHT OF THE UPCOMING HOLIDAY WEEKEND A PRAYER FOR LABOR DAY. LET US PRAY. GRACIOUS AND EVERLIVING CREATOR, WE MAY KNOW YOU BY DIFFERENT NAMES BUT WE ARE ALL UNITED AS WE CALL UPON YOU SEEKING YOUR BLESSINGS. GRANT US GRACEFUL HEART -- GRATEFUL HEARTS FOR ALL BLESSINGS RECEIVED AND MAKE US MINDFUL OF THE PRIVILEGE OF LIVING IN THIS TIME AND PLACE AND IN THIS CITY. BLESS NOW THE DELIBERATIONS OF THIS COUNCIL, OF ITS MEMBERS AND THOSE WHO SERVE THEM. SHOWER UPON THEM THE GIFTS OF WISDOM AND DISCERNMENT THAT THEIR ACTIONS MIGHT BE IN ORDINANCE WITH YOUR WILL TO THE GLORY OF YOUR NAME AND TO THE CARE AND COMFORT OF ALL OF YOUR PEOPLE. AMEN.

THIS PRAYER IS FROM THE EPISCOPAL BOOK OF COMMON PRAYER FOR THE FEAST OF LABOR DAY. ALMIGHTY GOD, YOU HAVE SO LINKED OUR LIVES ONE WITH ANOTHER THAT ALL WE DO AFFECTS FOR

GOOD OR ILL ALL OTHER LIVES, SO GUIDE US IN THE WORK WE DO THAT WE MAY DO IT NOT FOR SELF ALONE, BUT FOR THE COMMON GOOD. AND AS WE SEEK A PROPER RETURN FOR OUR OWN LABOR, MAKE US MINDFUL OF THE RIGHTFUL ASPIRATIONS OF OTHERS AND AROUSE OUR CONCERN FOR THOSE WHO ARE OUT OF WORK. AMEN.

THANK YOU, PASTOR BOYD. THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL TO MEETING THE ING THE AUSTIN COUNCIL. IT'S APPROXIMATELY 0 MINUTES AFTER 10 O'CLOCK IN THE MORNING, WE ARE IN THE CITY COUNCIL CHAMBERS, CITY HALL, 301 WEST SECOND STREET. WE HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THEY ARE ON ITEM NUMBER 10 WE SHOULD STRIKE THE INITIALS SWB AND OF COURSE THAT IS SBC TEXAS, ON ITEM NUMBER 25, WE SHOULD CORRECT THAT THIS AMENDMENT NUMBER 5 NOT AMENDMENT NUMBER 4 TO THIS CONTRACT. ON ITEM NUMBER 33 WE SHOULD KNOW THAT COUNCILMEMBER McCRACKEN IS AN ADDITIONAL COSPONSOR. ON ITEM 63, WE NEED TO STRIKE THE PHRASE AMENDING TITLE 25 OF... ALSO STRIKE TO ESTABLISH REGULATIONS... AS WELL AS STRIKE THE PHRASE THE DISTANCE SEPARATING A... AND ALSO STRIKE FROM A RESIDENTIAL USE, THIS NEW CORRECTED SUMMARY OF ITEM NUMBER 63 WILL READ, CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE ADDING SECTION 25-2,-8.812 TO THE CITY CODE AND AMENDING SECTION 25-2-1406 OF THE CITY CODE RELATING TO MOBILE FOOD ESTABLISHMENTS AND REPEALING ORDINANCE NUMBER 20060608-120. THAT IS ITEM NUMBER 63. OUR TIME CERTAINS FOR TODAY, AT 11 O'CLOCK, WE WILL HAVE OUR MORNING BUDGET BRIEFING ON THE PROPOSED '06-'07 FISCAL YEAR BUDGET. AT 12 O'CLOCK WE GO TO GENERAL CITIZEN COMMUNICATIONS. AT 2 O'CLOCK WE HAVE OUR BOND SALES. AT 2:30, WE'LL HAVE AN AFTERNOON BRIEFING. AT 4 O'CLOCK WE TAKE UP OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, AT 6 O'CLOCK WE TAKE UP PUBLIC HEARINGS WITH POSSIBLE ACTION.

AND SO FAR, COUNCIL, WE HAVE ONLY TWO ITEMS PULLED OFF THE CONSENT AGENDA. I HAVE PULLED BOTH OF THEM, ITEM NUMBER 26 IS REGARDING POTENTIAL FRANCHISE AGREEMENT WITH TAX GAS SERVICE. WE'LL HAVE A BRIEF PRESENTATION AT SOME POINT FOLLOWING THE CONSENT AGENDA. THEN ITEM NUMBER 28 IS ONE OF THE McMANSION WAIVERS, WE HAVE A NUMBER OF FOLKS WHO HAVE SIGNED UP WISHING TO ADDRESS US ON THAT ITEM, SO NUMBER 26 AND 28 WILL NOT BE A PART OF THE CONSENT AGENDA. FURTHER ITEMS TO BE PULLED? HEARING NONE, THEN I WILL READ INTO THE RECORD THE CONSENT AGENDA NUMERICALLY. TODAY'S CONSENT AGENDA WILL BE TO APPROVE ITEMS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 FOR CHANGES AND CORRECTIONS. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 FOR CHANGES AND CORRECTIONS, 27, 29, ITEM 30 ARE OUR BOARD AND COMMISSION APPOINTMENTS, AND I'LL READ THOSE INTO THE RECORD. TO OUR COMMISSION FOR WOMEN, JODI PARK IS MY REAPPOINTMENT, AND TO THE ETHIC REVIEW COMMISSION, TIM SULAK IS MY CONFIRMATION. TO OUR LIBRARY COMMISSION, DUSTIN LANIER AS COUNCILMEMBER McCRACKEN'S APPOINTMENT AND GUY MANISTER IS MY REAPPOINTMENT. TO THE MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES, THESE ARE ALL MY REAPPOINTMENTS, PHILLIP BALLARD, JOE GRACI, CHIP HOWE, CATHERINE -- SORRY FOR MISPRONOUNCING THESE -- AND DENISE SONLEITNER.

AND JAY GOHILL IS MY REAPPOINTMENT. LAST WEEK WE PASSED AN AMENDMENT TO AN ORDINANCE REGARDING THE CITY COUNCIL'S COMMITTEE FINANCE COMMITTEE, I AM STEPPING DOWN AND KNOWING THAT MAYOR PRO TEM BETTY DUNKERLY SERVICED ON THAT COMMITTEE, I'M COMFORTABLE DOING THAT, I SUSPECT SHE WILL TAKE UP MY CHAIR OF THE AUDIT SERVICE COMMITTEE, SO THIS WEEK WE'RE APPOINTING COUNCILMEMBER SHERRILL KOHL TO TAKE THAT SPOT PER THE RESOLUTION NUMBER 230 06-38-030. COUNCILMEMBER KOHL'S APPOINTMENT, THOSE ARE OUR APPOINTMENTS FOR ITEM NUMBER 30 ON THE CONSENT AGENDA. ITEM -- CONTINUE ON: ITEM

31, 32, 33 FOR CHANGES AND CORRECTIONS, 34, 35, 36, 37, 38, 39, 40, 41, AND AN ADDENDUM ITEM NUMBER 70. THAT WILL BE OUR CONSENT AGENDA THIS MORNING. I'LL ENTERTAIN A MOTION. MOTION MADE BY MAYOR PRO TEM. SECONDED BY COUNCILMEMBER KOHL TO APPROVE THE CONSENT AGENDA AS READ. COUNCILMEMBER KIM?

Kim: IS NUMBER 70 ON THE CONSENT AGENDA.

Mayor Wynn: YES, IT IS.

THIS IS TO CREATE A STUDENT SAFETY COALITION FOR APPROVING STUDENTS AT THE UNIVERSITY OF TEXAS, THIS IS REALLY A STARTING POINT FOR IMPROVING SAFETY FOR ALL OF OUR COLLEGE STUDENTS IN AUSTIN. IN 2005 IT WAS A PRETTY VIOLENT YEAR FOR STUDENTS HERE IN OUR CITY. AND ITS WEST CAMPUS PARTICULAR HAS SEEN SOME VERY DISTURBING EVENTS, PARTICULARLY JENNIFER CADE 21 DISCOVERED DEAD AND MUTILATED IN WEST CAMPUS, IN SEPTEMBER, DANIEL ERIK JOHNSON, 31 YEARS OLD, ALLEGEDLY BROKE INTO A WOMAN'S WEST 21ST STREET HOME TO WATCH HER SLEEP. TEN CARS WERE PARKED IN THE WEST CAMPUS AREA, WERE VICTIMS OF SLASHED TIRES AND BROKEN WINDOWS IN OCTOBER. AND OUR HALLOWEEN UT STUDENT WILLIAM TREY EHRHARDT THE 3RD, 22 YEARS OLD, SUFFERED A GUNSHOT WOUND WHILE IN HIS KITCHEN AND DIED LATER THAT MORNING IN BRACKENRIDGE HIGH SCHOOL. UT FRESHMAN SANTA JACK'S DEATH RESULTED FROM AN ALCOHOL OVERDOSE ON DECEMBER 10th ON WEST CAMPUS. THERE HAVE BEEN OVER 5,000 CRIMES IN THE 78705 AREA CODE. FOUR DEATHS, 18 REPORTED RAPES, OVER 3,000 THEFTS AND BURGLARIES. THIS STUDENT SAFETY TASK FORCE IS MADE UP OF STUDENTS AS WELL AS THE OFFICIALS AT THE UNIVERSITY OF TEXAS INCLUDING UT POLICE, AUSTIN POLICE DEPARTMENT AS WELL AS SERVICE ORGANIZATIONS ON CAMPUS INCLUDING THE FRATERNITY, SORORITIES AND DIFFERENT MULTIETHNIC GROUPS AND I HOPE THEY WILL LEARN WHAT IS GOING ON AT CAMPUS FROM THE RESOURCES HERE AT OUR CITY AND COME UP WITH

SOME IDEAS THAT EITHER THE CITY COUNCIL CAN PASS OR UT CAN PASS SO THAT WE CAN MAKE AUSTIN SAFE FOR ALL OF THEM. THE OFFICE OF THE POLICE MONITOR WILL BE INVOLVED BECAUSE THEY HAVE RAISED THEIR CONCERNS ABOUT STUDENTS GETTING IN TROUBLE WITH THE LAW IN OUR DOWNTOWN AREA, ALONG 6th STREET IN PARTICULAR, SO WE WILL BE FOCUSING ON THAT AREA AS WELL. STUDENTS LIVE ALL ACROSS OUR CITY FROM, EAST RIVERSIDE TO WEST CAMPUS AND THEY ARE IN MANY PARTS OF OUR CITY, SO WE HAVE A RESPONSIBILITY TO MAKE SURE TO THEIR PARENTS AS WELL AS ENSURING THEY HAVE A GOOD FUTURE IN FRONT OF THEM, THAT THEY ARE SAFE AND THEY KNOW HOW TO STAY OUT OF TROUBLE AND TO -- WHAT TO DO WHEN THEY ARE IN TROUBLE TO NOT MAKE THE SITUATION EVEN WORSE.

THANK YOU, COUNCILMEMBER. COUNCILMEMBER LEFFINGWELL?

Leffingwell: I JUST WANT TO SAY A QUICK WORD ABOUT ITEM NUMBER 32 WHICH IS A PROPOSED BAN ON TRUCK ENGINE BRAKING THROUGHOUT THE CITY, YOU MAY REMEMBER ABOUT A MONTH OR TWO AGO WE PASSED AN ORDINANCE TO BAN SO CALLED JAKE BRAKES ON THE STRETCH OF AIRPORT BOULEVARD BETWEEN EAST 38th AND A HALF AND IH-35. THE RESPONSE TO THAT WAS FROM OTHER PEOPLE, WE WOULD LIKE TO HAVE THAT TOO. THIS PRACTICE, THE PRACTICE OF BANNING THE USE OF JAKE BRAKES IN CITIES AND OTHER POPULATED AREAS IS BECOMING MORE AND MORE COMMON THROUGHOUT THE COUNTRY. IF YOU DRIVE ACROSS COUNTRY, YOU'LL SEE IT IN NUMEROUS CITIES. I HAVE. THERE IS AN EXEMPTION PROVIDED FOR EMERGENCY -- FOR FIRE TRUCKS IN PARTICULAR, EMERGENCY VEHICLES, THEY WILL NOT BE SUBJECT TO THE ORDINANCE OF COURSE. SO JUST WANTED TO TRY TO EXPLAIN WHAT THAT IS. IF I MIGHT, I MIGHT GO ON TO ITEM NUMBER 33, AND I WOULD LIKE STAFF TO EXPLAIN THE PROCESS HERE FOR EVERYONE SINCE THE ITEM IS ON CONSENT. THIS HAS TO DO WITH THE APSO

PETITION.

GOOD MORNING, MAYOR AND COUNCIL, I'M ANITA STEPHENSON, THE ASSISTANT CITY ATTORNEY. UNDER THE MEET AND CONFER LAW THAT APPLIES NOW TO THE PEACE OFFICERS IN YOUR PUBLIC SAFETY AND EMERGENCY MANAGEMENT DEPARTMENT, IF THEY PRESENT A PETITION TO YOU, DESIGNATING A BARGAINING AGENT AND A MAJORITY OF THE OFFICERS SIGN THOSE PETITIONS, WHICH THEY HAVE DONE AND PRESENTED TO YOU ALREADY, THEN THE COUNCIL THEN HAS A 30 DAY WINDOW DURING WHICH THEY HAVE TO TAKE ONE OF THREE ACTIONS. YOU HAVE CHOSEN TO TAKE THE FIRST OF THOSE OPTIONS WHICH IS TO RECOGNIZE THE ASSOCIATION THAT HAS BEEN CHOSEN BY A VERY LARGE MAJORITY OF THE OFFICERS IN THAT DEPARTMENT AND THEN BASICALLY ENABLE THE CITY TO OPERATE UNDER THE NEW MEET AND CONFER STATUTE THAT APPLIES TO THEM. IT DOES NOT OBLIGATE THE CITY TO ENGAGE IN BARGAINING WITH THEM AND WE DON'T REALLY HAVE A REQUEST TO DO THAT AT THIS TIME. BUT WHAT THIS DOES IS ENABLE THE CITY TO MOVE FORWARD IF THOSE OFFICERS REQUEST BARGAINING AND RECOGNIZE THEIR BARGAINING AGENT.

MAYOR?

Mayor Wynn: YES, COUNCILMEN KOHL?

I HAD A COMMENT ABOUT ITEM NUMBER 34 THAT IS ALSO GOING ON CONSENT. I UNDERSTAND THAT WE MEASURE OUR TIME FROM THE MOMENT THAT A CALL IS MADE AND MANY OTHER CITIES MEASURE IT FROM THE TIME WHEN THAT INFORMATION IS TRANSFERRED TO ANOTHER OFFICER. WHILE WE'RE DOING AUDIT, I THINK IT WILL BE VERY, VERY IMPORTANT THAT WE GET CITIES THAT HAVE APPLES AND APPLES COMPARISON AND IF WE ARE UNABLE TO HAVE APPLES AND APPLES COMPARISON THAT THAT FACT IS DUALY NOTED IN THE AUDIT AND THAT THE CONSULTANTS ARE VERY, VERY AWARE OF THAT. AND I WOULD ALSO LIKE TO SAY A WORD ABOUT ITEM NUMBER 70

WHICH I'M COSPONSORING WITH CITY COUNCIL MEMBER KIM, THAT WE HOPE THAT THE LESSONS THAT WE LEARN ABOUT CRIME CAN BE USED IN OTHER UNIVERSITIES ACROSS THE CITY AND THAT WE FULLY RECOGNIZE THAT THOSE UNIVERSITIES EXIST. THANK YOU.

Mayor Wynn: MAYOR PRO TEM?

Dunkerly: IF I COULD ADD ONE ADDITIONAL THING DEALING WITH THE AUDIT AND RESPONSE TIME, I THINK ANOTHER FACTOR THAT IS IMPORTANT FOR US TO REALIZE IS THAT THE CITY OF AUSTIN INCLUDES MANY MORE TYPES OF CRIME IN THE CLASS I INCIDENTS THAN ANY OTHER CITIES DO, SO THAT IS ANOTHER DIFFERENCE, SO AS YOU'RE LOOKING AT THIS, LET'S MAKE SURE THAT THAT IS INCLUDED AS WELL. SO WE NOT ONLY COUNT THE TIME DIFFERENTLY, BUT WE HAVE MORE THINGS THAT WE COUNT.

Mayor Wynn: COUNCILMEMBER McCRACKEN?

McCracken: I HAD A QUESTION ABOUT ITEM 41. A PUBLIC HEARING ON THE TOD ORDINANCE. I'LL BE HAPPY IF SOMEBODY CAN ANSWER --

Mayor Wynn: MR. GUERNSEY, THANK YOU.

I'M GLAD WE'RE ADDING TO THE INTERIM TOD ORDINANCE TO ADDRESS THAT THERE'S A CAPITAL METRO STAFF IS RECOMMENDING TO THE BOARD, THE BOARD IS NOT ACTIVE ON THIS, BUT THEY'RE RECOMMENDING TO THE BOARD TO ADD A NEW STATION ACROSS THE STREET FROM HIGHLAND MALL, THAT THERE'S A COUPLE OF QUESTIONS I HAD ON THIS. IT'S ABOUT A SOUTH IH-35 TOD DISTRICT AND I DIDN'T KNOW ANYTHING ABOUT THAT, BUT ALSO WHAT IN -- AND THE SECOND QUESTION IS WHAT DOES IT MEAN TO AUTHORIZE THE ADMINISTRATIVE WAIVER OF CERTAIN INTERIM DEVELOPMENT STANDARDS?

THE SOUTH IH-35 STATION IS ONE THAT WAS ACTUALLY AN ORIGINAL BALLOT, AND IT WAS IDENTIFIED, THE SPECIFIC LOCATION WASN'T

DETERMINED AND IT'S BETWEEN CONGRESS AVENUE AND IH-35, IT'S DOWN NEARLY PRETTY CLOSE TO A LOT OF THE AUTO SALVAGE YARDS THAT ARE FURTHER DOWN SOUTH 35 NEAR THE SLAUGHTER, JUST NORTH OF SLAUGHTER EXIT, AND IT'S ON THE WESTERN SIDE, THEY'RE IN THE PROCESS RIGHT NOW OF GOING THROUGH A ZONING CHANGE, SO TO REZONE A PORTION OF THE PROPERTY, I THINK THEY HAVE AN OPTION ON THE REST OF IT. IT'S VERY CLOSE TO THE FOOD BANK. KIND OF WRAPS A LITTLE BIT BEHIND THAT PROPERTY AND THEN GOES NORTHWARD AND THE OPTION PIECE I THINK THAT THEY HAVE TO EXERCISE IS RIGHT BEHIND THE FOOD BANK AND THE PIECE THAT IS NORTHERN OF THAT IS THE LOCATION OF THE STATION.

AND THIS IS A RAPID TRANSIT BUS.

IT'S A RAPID BUS STATION, NOT A RAIL STATION. THIS WOULD BE THE SOUTHERN HUB THAT WOULD LINK ALL THE WAY UP NORTH TO THE HOWARD STATION.

UH-HUH.

AND THEN --

AND THEN THE SECOND QUESTION IS WHAT IS MEANT BY TO AUTHORIZE ADMINISTRATIVE WAIVER CERTAIN DEVELOPMENT STANDARDS?

I WILL HAVE TO GET BACK WITH YOU ON THIS SPECIFIC POINTS, COUNCILMEMBER, AND I'LL GET BACK WITH YOU LATER TODAY.

McCracken: GREAT. I KNOW IT'S ABOUT PUBLIC HEARING, I WANT TO MAKE SURE WE HAVE SOMETHING THAT SUGGEST IT TO GO BEFORE WE HAVE THE HEARING ON IT. OKAY.

Mayor Wynn: OKAY, THANK YOU, COUNCILMEMBER. FURTHER COMMENTS ON THE CONSENT AGENDA?

I HAVE QUESTIONS ON ITEM NUMBER, I'M OKAY LEAVING IT ON CONSENT AS LONG AS WE CAN GET

SOME QUESTIONS ANSWERED FROM STAFF. ITEM 9 IS THE HOLLYGOOD NEIGHBOR PROGRAM, IT'S MY UNDERSTANDING THAT WE'LL BE DOING CONSTRUCTION OF THREE HOMES ON THIS AGENDA ITEM. ONE OF THE HOMES IN QUESTION HAS JUST CAUSED CONCERN FROM SOME RESIDENTS AND I WANTED TO ASK SOME QUESTIONS IF I COULD. MR. HILGERS, THANK YOU.

PAUL HILGERS.

THANKS, IT'S MY UNDERSTANDING THAT ONE OF THE HOMES IS ACTUALLY ON THE STREET THAT I LIVE ON, THEY ALL CAMENO CARRIERRINGCONNECT 57600

WE'VE -- SPECIFICALLY WE'VE PROVIDED A LOT OF SERVICES IN THIS COMMUNITY TO ABOUT 93 HOUSEHOLDS AND THIS WAS ONE OF THOSE HOUSES THAT WE WERE IN THE PROCESS OF DETERMINING WHAT THE NEEDS WERE. WE HAD DETERMINED THAT THIS HOUSE NEEDED TO BE RECONSTRUCTED. IN THAT PROCESS MR. FERNANDEZ SR. DID PASS AWAY, WHICH TERMINATES THE APPLICATION. HOWEVER, THE NEXT RESIDENT CAN PROBABLY APPLY THE HOUSE RECONSTRUCTED AN APPLY FOR THE SAME SERVICES THAT THE HOUSE IS ELIGIBLE FOR, HE JUST SIMPLY HAS TO PROVE THAT THIS IS HIS PRINCIPAL RESIDENCE AND THAT -- AND SO AN APPLICATION WAS FILED, A SURVEY WAS DONE AND RECOMPLETED SO THAT IN FACT ALL THE QUALIFICATIONS FOR THE PROGRAM WERE MET, AND THE RESTRICTIONS OF THE PROGRAM ARE THAT IT MUST BE HIS PRINCIPAL RESIDENCE, HE MUST LIVE THERE FOR FIFTEEN YEARS AND IT HAS TO BE IN THE NEIGHBORHOOD. AND SO THOSE CRITERIA WERE MET AND THAT IS WHY WE ARE BRINGING THIS FORWARD TO ASK FOR COUNCIL APPROVAL TO GO FORWARD WITH THIS PROCESS.

IS THE CRITERIA -- DOES THE CRITERIA PRECLUDE THEM FROM HAVING ANY OTHER HOMESTEAD WITHIN THE CITY?

NO, SIR, IT DOES NOT AT THIS POINT. AGAIN, THE

SITUATION IS -- AND ONE OF THE ISSUES IN DESIGNING THIS PROGRAM IS THAT THE ELIGIBILITY CRITERIA, THIS DOES NOT INCLUDE -- THIS IS NOT TYPICAL WHERE WE HAVE FEDERAL DOLLARS IN THIS, AND SO IT WAS VERY IMPORTANT TO THE COMMUNITY WHEN THIS BEGAN THAT IT NOT HAVE FEDERAL ELIGIBILITY REQUIREMENTS, THAT YOU NOT HAVE TO PROVE YOUR INCOME, THAT THE ELIGIBILITY FOR THIS PROGRAM IS SIMPLY THAT YOU LIVE IN CLOSE PROXIMITY AND IT IS YOUR PRINCIPAL RESIDENCE OF THE HOLLY POWERPLANT, THAT IS THE INTENT AND THE GENERAL SUCCESS OF THE PROGRAM. IF YOU HAVE OWN TWO HOMES AND ONE OF THEM IS IN THE HOLLY NEIGHBORHOOD, IT'S REALLY THE APPLICATION, THE ELIGIBILITY GOES MORE TO THE LOCATION OF THE HOUSE FRANKLY THAN THE CHI TIER I CAN'T OF A -- CRITERIA OF A FAMILY WHICH IS WHAT OUR NORMAL PROGRAMS FOCUS ON.

DO WE LOOK AT INCOME LEVELS OR ABILITY TO REHABILITATE YOUR OWN HOME BEFORE WE, YOU KNOW --

AT THIS POINT, NO, SIR, WE DO NOT LOOK AT THOSE ISSUES IN THIS PROGRAM.

DO WE LOOK AT CRIMINAL HISTORY OR ANYTHING LIKE THAT?

NO, SIR.

DO WE HAVE ANY PROVISIONS THAT LET'S SAY WE REHABILITATE A HOME OR BUILD A HOME FOR SOMEONE AND THEY DO ENGAGE IN CRIMINAL ACTIVITY, DOES THAT DEFAULT THAT LOAN IN ANY WAY?

I DON'T KNOW THE ANSWER TO THE -- I WILL CHECK INTO THAT AND GIVE YOU AN ANSWER TO THAT QUESTION. I DON'T KNOW WHAT THE PROVISIONS ARE THAT WE HAVE THAT SPECIFICALLY IN THE GUIDELINES OF THE PROGRAM AT THIS POINT. SO I CAN'T ANSWER THAT QUESTION FOR YOU.

I THINK, YOU KNOW, I DON'T WANT TO TAKE AWAY

FROM THE PROGRAM BECAUSE I THINK IT'S GREAT AND WE'VE DONE SOME GREAT STUFF WITH, YOU KNOW, IN THAT AREA, I JUST THINK THERE'S SOME ALL OF A SUDDEN WITH THIS ONE PARTICULAR CASE, THERE'S BEEN SOME QUESTIONS THAT HAVE BEEN, YOU KNOW, ASKED OF US THAT I DON'T HAVE THE ANSWERS FOR, AND I'M NOT SURE THAT -- I DON'T KNOW IF WE WANT TO PUT THOSE PROVISIONS IN PLACE, BUT I THINK IT'S CERTAINLY SOMETHING WE NEED TO LOOK AT, YOU KNOW, BECAUSE WE'RE IN THE SITUATION WHERE I THINK THIS IS THE FIRST TIME WHERE AN APPLICANT THAT APPLIED FOR A SYSTEMS DIED AND NOW THE SUBSEQUENT RESIDENT OF THAT DWELLING HAS RESUBMITTED THAT APPLICATION, SO THERE'S QUESTIONS ABOUT WHETHER OR NOT WE HAVE ENOUGH PROVISIONS IN PLACE TO MAKE SURE THAT THE PROGRAM IS DOING WHAT WE'RE -- I THINK IT IS BUT --

WELL, COUNCILMEMBER, I WOULD AGREE THAT WE WOULD BE MORE THAN HAPPY TO LOOK AT ALL OF THOSE PROVISIONS, ALL OF THOSE ISSUES, AND THAT FUNDAMENTALLY WE AGREE THAT THIS IS AN OUTSTANDING PROGRAM AND IT'S HAD A LOT OF BENEFITS FOR THE RESIDENTS OF THAT AREA, BUT WE ALSO AGREE THAT WE CAN LOOK WITH LAW AND WITH AUSTIN ENERGY AND WITH COUNCIL AND MAKE SURE THAT WE ARE ADDRESSING THE ISSUES THAT YOU BROUGHT UP TODAY.

OKAY.

CHIEF?

YES. COUNCILMEMBER, I WANTED TO RESPOND AGAIN TO THE QUESTION YOU ASKED ABOUT MULTIPLE HOMESTEADS. AND CLARIFY THAT WE DID ESTABLISH THAT THIS WAS GAVINO JR.'S HOMESTEAD. YOU CAN BE A MULTIPLE PROPERTY OWNER, BUT IT HAS TO BE THE HOMESTEAD, WE DID ESTABLISH THAT IT WAS HIS HOMESTEAD.

WHAT HAPPENS LIKE IN THIS CASE WE'RE GOING TO REBUILD THE ENTIRE HOUSE, DOES THAT PERSON

RECEIVE ASSISTANCE FOR TEMPORARY HOUSING IF THEY HAVE TO MOVE -- I MEAN I WOULD ASSUME THEY HAVE TO MOVE OUT IF WE'RE GOING TEAR THEIR HOUSE DOWN AND REBUILD IT.

I THINK WE DID -- WHERE IS KELLY? NO, WE DO NOT PROVIDE ASSISTANCE FOR TEMPORARY HOUSING IN THAT CASE SO -- AGAIN, THIS IS I THINK OUR SIXth RECONSTRUCT AND I'M ASSUMING THAT WE JUST WORK THAT OUT. IT'S NOT LIKE A REGULAR FEDERAL PROGRAM WHERE WE -- IN CASES WE WOULD PROVIDE RELOCATION ASSISTANCE WHILE THE HOUSE IS BEING DONE. I CAN GET YOU MORE SPECIFIC DETAILS ON HOW THAT HAS HAPPENED BEFORE.

THIS IS A FIFTEEN YEAR FORGIVABLE LOAN.

YES, SIR.

WHAT HAPPENS IF THE PERSON MOVES OUT WITHIN FIFTEEN YEARS.

THEY WOULD HAVE TO PAY BACK ACCORDING TO PROVISIONS OF THE CONTRACT THAT THEY SIGNED, THAT'S CORRECT.

WHICH STIPULATE IMMEDIATE REPAYMENT OR...

COME ON UP.

MR. KELLY WEISS WHO RUNS THE CORPORATION, SHE KNOWS BETTER THAN I DO.

KELLY, YOU CAN'T AVOID THE PODIUM, WE'RE GOING TO BRING YOU RIGHT ON UP.

THANK YOU. IT IS A DEFERRED FORGIVABLE LOAN, THERE'S A FIFTEEN YEAR LOAN TERM, IT'S FORGIVABLE AT ONE FIFTEENth FOR FIFTEEN YEARS, SO WHAT IS DUE AND PAYABLE AT THE TIME YOU SELL IS THAT PORTION THAT IS DUE.

ARE THEY ALLOWED TO SELL THEIR HOME AT ANY TIME IN THOSE FIFTEEN YEARS AND REPAY THAT

PORTION STILL OWED?

CORRECT. CORRECT.

THAT'S A CONCERN OF MINE, I WANT TO MAKE SURE THAT WE LOOK INTO THAT. ONE OF THE THINGS WE'RE TRYING TO DO IS MAINTAIN AFFORDABLE HOUSING AND STEM THE TIDE OF GENTIFICATION, SO IF SOMEHOW WE CAN INCORPORATE THIS INTO OUR AFFORDABLE HOUSING PROGRAM, IF THE TAXPAYERS ARE PAYING FOR THIS TO REBUILD THIS HOUSE, MAYBE SOME DAY IF THE OWNER DECIDES TO SELL, THAT WE TRY TO MAINTAIN THAT INTO OUR AFFORDABLE HOUSING PROGRAM, BECAUSE AN \$86,000 RECONSTRUCTION RIGHT NOW IN HOLLY NEIGHBORHOOD COULD POTENTIALLY SELL FOR HALF A MILLION DOLLARS IN FIFTEEN YEARS. AND THAT OWNER IS GOING TO RECEIVE THE BENEFIT OF THAT WHICH I THINK IS IN SOME RESPECTS IS AN OKAY THING, BUT WHAT WE'RE TRYING TO DO, I THINK IN THIS PROGRAM IS MAINTAIN AFFORDABLE HOUSING, MAINTAIN THE DIVERSITY AND CULTURE OF THE NEIGHBORHOOD, AND I THINK THIS IS A CONSEQUENCE.

THERE ARE A NUMBER OF OPTIONS THAT STAFF CAN BRING FORWARD INCLUDING LONGER TERM AFFORDABLE PERIOD AND EQUITY THAT MIGHT BE SUITABLE TO THIS TYPE OF PROGRAM GIVEN THE NEIGHBORHOOD SITUATION.

COUNCILMEMBER, ONE THING I THINK WE COULD DO FOR YOU IS DETAIL OUT FOR YOU EACH OF THE REQUIREMENTS FOR THE LOANS AND CONDITIONS AND GIVE A STAFF RECOMMENDATION OR LEGAL RECOMMENDATION ON EACH ONE OF THE AREAS THAT WE THINK COULD BE TWEAK AND LET YOU -- AND LET YOU ALL LOOK AT IT, GIVE US A SENSE OF WHERE YOU WOULD LIKE TO MAKE SOME CHANGES.

Mayor Wynn: COUNCILMEMBER KIM?

Kim: I'M GLAD THAT COUNCILMEMBER MARTINEZ BROUGHT THIS UP, I'M WONDERING IS THERE A WAY LEGALLY IF WE WERE TO FINANCE THE

IMPROVEMENTS OF A HOME GIVEN THE VALUATION OF THE HOME PRE--- I GUESS PRE-REPAIR AND THEN POST REPAIR THAT THE CITY WOULD HAVE AN EQUITY INVESTMENT ON THAT HOME PROPORTIONATELY.

THAT IS WHAT KELLY WAS TALKING ABOUT WITH REGARD TO SHARED EQUITY. I WANT TO BE CLEAR TO EVERYBODY I'M NOT ANSWERING THE LEGAL PART OF YOUR QUESTION, I DON'T WANT TO SCARE THE LAWYER, BUT, YES, THE ANSWER, BECAUSE DAVID IS ALREADY NERVOUS THERE, BUT THE FACT IS THAT OUR PROGRAMS ACTUALLY DO ALLOW AND WE HAVE SOME MODELS SPECIFICALLY I THINK TO GET TO THIS, THIS APPROACH THAT YOU'RE TALKING ABOUT WHERE IT IS A SHARED EQUITY, IT'S -- IT'S WHATEVER THE PORTION OF OUR INVESTMENT IS RELATIVE TO THE VALUE OF THE HOME ESSENTIALLY CARRIES FORWARD, AS YOU'RE SPEAKING TOWARD, SO THE QUESTIONS WE HAVE TO LOOK AT IS I THINK WHETHER A THAT -- WE CAN DO THAT IN A WAY THAT HAS SOME THRESHOLDS THAT SERVE THOSE MOST IN NEED, THAT, YOU KNOW, WE MAY NEED TO LOOK AT ALL THE DIFFERENT IMPLICATIONS OF THAT, BUT AS TOBY SAID, WE CAN DO THAT AND GIVE A THOROUGH ANALYSIS OF THAT AND LET YOU -- LET YOU HAVE A CHANCE TO LOOK AT THOSE AS WE REVISE THE PROGRAM GUIDELINES TO ACCOMMODATE SOME OF THE ISSUES YOU'RE TALKING ABOUT TODAY.

GREAT. THAT WOULD MAKE SENSE, IF THE CITY COULD INVEST IN AN ASSET APPRECIATES WITH TIME, THERE'S A LOT WE COULD DO WITH THAT APPRECIATING ASSET TO HELP OTHER HOMEOWNERS OR THE FAMILY GOING TO GO TO THAT HOME NEXT.

I CAN'T RESIST SAYING THAT IS A MODEL THAT WE ARE EMPLOYING PART OF THE COMMUNITY LAND TRUST CERTAINLY TAKES THAT KIND OF TO ITS FURTHEREST CONCLUSION BUT WE DO HAVE MODELS WITH SHARED EQUITY IN THEM AND SO WE ARE LOOKING AT THAT AND DOING THAT IN OTHER PLACES WHICH IS WHY I CAN RESPOND TO THAT.

RIGHT. I DON'T THINK THERE WILL BE A PROBLEM WITH THAT BECAUSE IT WOULD BE CONTRACTUAL ARRANGEMENT OR RELATIONSHIP BETWEEN THE CITY AND THE HOMEOWNER. SO IF PARTICIPATING IN THE PROGRAM IS VOLUNTARY IN.

THAT'S CORRECT.

THANK YOU.

THANK YOU VERY MUCH.

ONE LAST POINT. I WANT TO EMPHASIZE THAT WE DON'T HAVE PROVISIONS IN PLACE THAT DEFAULT THE LOAN IF CRIMINAL ACTIVITY TAKES PLACE AFTER WE'VE MADE THIS LOAN. I THINK THAT IS SOMETHING THAT WE NEED TO CONSIDER. I FIRMLY BELIEVE THAT ONCE YOU PAY YOUR DEBT TO SOCIETY, YOU SHOULD BE GIVEN THE SAME OPPORTUNITY AS EVERYONE ELSE.

RIGHT.

AND THAT APPEARS TO BE WHAT IS HAPPENING IN THIS CASE IN REGARDS TO CRIMINAL ACTIVITY. THERE WERE SOME PRIOR ISSUES AND THEY APPEAR TO BE ADDRESSED. BUT IF WE DON'T HAVE PROVISIONS IN PLACE FOR IF SOMETHING WERE TO TAKE PLACE IN THE FUTURE UNDER THE TERMS OF THIS LOAN, THEN I WOULD LIKE TO SEE US ADDRESS THAT AS WELL.

I APPRECIATE THAT CONCERN AND WE'LL BE GLAD TO RESPOND TO IT, SIR, THANK YOU.

THANK YOU ALL. COUNCILMEMBER, FURTHER COMMENTS ON THE CONSENT AGENDA? WE HAVE A MOTION AND A SECOND ON THE TABLE. I'LL JUST SAY ITEM NUMBER 11 IS A APPROVAL OF INTERLOCAL BETWEEN THE CITY AND GALVESTON COUNTY, YOU KNOW, COINCIDENTALLY, THIS WEEKEND MARKS THE ANNIVERSARY OF WHEN THE CITY OF AUSTIN AND THEN THE LARGER COMMUNITY OF COURSE CAME THROUGH IN A STELLAR WAY WHEN IT CAME TO THE EMERGENCY SHELTERING OF FOLKS WHO WERE EVACUATED VIA

AIRPLANES FROM THE NEW ORLEANS AIRPORT AT BERGSTROM. WE HAD LOTS OF LESSONS LEARNED THROUGH THAT EXPERIENCE. IT WAS A VERY POSITIVE EXPERIENCE, BUT LOTS OF LESSONS LEARNED AND THE STAFF DID A VERY GOOD JOB OVER THE PAST FEW MONTHS CHRONICLING THE LESSONS LEARNED AND IN FACT BECAUSE OF THE SUCCESS OF THAT EXERCISE, BOTH THE EMERGENCY EVACUATION EXERCISE THAT OCCURRED OVER THE WEEKEND AND THEN ALSO THE ONGOING SHELTER OPERATIONS WHERE THE RESOURCE MANAGEMENT CHALLENGE THAT WE HAD, WE WERE APPROACHED BY GALVESTON COUNTY, BECAUSE GALVESTON COUNTY HAS, YOU KNOW, THE MOST POTENTIALLY THE MOST DRAMATIC AND EXTREME CHALLENGE WHEN IT COMES TO EMERGENCY EVACUATIONS IN THE EVENT OF MOST LIKELY A HURRICANE. THERE'S A DISPROPORTIONATELY LARGE MEDICAL INFRASTRUCTURE ON THAT ISLAND, AND SO OVER THE COURSE OF MONTHS, CITY STAFF EMERGENCY PERSONNEL AND MEDICAL PERSONNEL NEGOTIATED VERY CAREFULLY INTERLOCAL AGREEMENT SO THAT WE COULD ALREADY HAVE THIS IN PLACE SO IN THE EVENT THAT GALVESTON COUNTY HAS TO HAVE A MASS EVACUATION SPECIFICALLY THE ISLAND OF COURSE, THE CITY OF AUSTIN IS GOING TO PLAY A DISPROPORTIONATE ROLE IN THAT PROCEDURE. JUST, AGAIN, JUST ONE MORE CHANCE TO GIVE KUDOS TO THE CITY STAFF BOTH FOR LAST YEAR'S REMARKABLE EFFORT, BUT ALSO NOT TAKING THEIR EYE OFF THE BALL AS WE SPENT THIS YEAR ANALYZING WHAT SHOULD BE FUTURE -- FUTURE CHALLENGES FOR US AND OTHER EFFECTS, SO WE'RE PROUD OF CITY STAFF FOR ITEM NUMBER 11. SO MOTION AND SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. SO COUNCIL, WE HAVE A COUPLE OF DISCUSSION ITEMS PRIOR TO LUNCH BREAK. FIRST ITEM I PULLED ITEM NUMBER 26 WHICH IS THE POTENTIAL APPROVAL ON FIRST READING OF AN ORDINANCE GRANTING A FRANCHISE AGREEMENT TO TEXAS GAS SERVICE. I THINK THIS DESERVES,

YOU KNOW, A STAFF PRESENTATION TO SEE ISSUES.
SO MR. STEPHENS, SUMMARY PRESENTATION OF
THE PROPOSED ORDINANCE.

AND THE KEY WORD THERE WAS SUMMARY.

THANK YOU, I'M GOING TO HAND THE
PRESENTATION OVER TO GWYNN WEB, WHO OUR
OUTSIDE ATTORNEYS WHO HAVE BEEN HELPING US
NEGOTIATE THIS FRANCHISE AGREEMENT AND
GWYNN WILL GIVE YOU A PRESENTATION ON THE
STATUS AND BACKGROUND FROM WHERE WE ARE.
WE HAVE REPRESENTATIVES FROM GAS SERVICE
HERE TODAY AND THEY HAVE INDICATED THEIR
APPROVAL OF COUNCIL PASSING THIS ITEM ON
FIRST READING ONLY TODAY.

THANK YOU. GOOD MORNING, MAYOR AND
COUNCIL MEMBERS. I WILL MAKE THIS SHORT, I
KNOW SOME OF YOU HAVE SEEN THIS
PRESENTATION PREVIOUSLY. I DO WANT TO STRESS
THAT THE FRANCHISE AGREEMENT ORDINANCE
WHICH WE ARE ASKING YOU TO PASS TODAY ON
FIRST READING IS A -- IT'S A CONTRACT BETWEEN
THE CITY OF AUSTIN AND -- MEANING A RIGHT OF
USE TO THE CITY'S PUBLIC RIGHT OF WAY. WE'LL BE
ADOPTING IT BY ORDINANCE AND WE HAVE BEEN
NEGOTIATING THIS PROCESS. WE HAVE BEEN
NEGOTIATING THIS CONTRACT OVER THE COURSE
OF THIS YEAR. THE CONTRACT NEGOTIATIONS ARE
BASED IN PART ON THE -- ON ARTICLE 11 OF THE
CHARTER, AND I KNOW YOU'VE BEEN PROVIDING
COPIES OF THAT, WHICH ADDRESS FRANCHISES AND
PUBLIC UTILITIES, THE MAIN THING TO STRESS IS
THAT THE CITY CANNOT ACCEPT BY OVERT ACT
AND BY CONTRACT ALIENATE THE PUBLIC RIGHT
OF WAY AND ALSO THAT THESE -- THE REGULATION
OF THE FRANCHISE UNDER THE CONTRACT HAS TO
IMPOSE REASONABLE REGULATIONS TO ENSURE
SAFE, EFFICIENT AND CONTINUOUS GAS UTILITY
SERVICE TO THE PUBLIC, SO WE'RE NOT LOOKING
AT JUST THE FRANCHISE FEE, BUT WE ARE ALSO
LOOKING AT THE FRANCHISE IN TERMS OF THE
UTILITY PROVIDING PUBLIC SERVICE. FRANCHISE
FEES HAVE TO BE REASONABLY RELATED TO THE
RIGHTS GRANTED IN THE FRANCHISE, THE RIGHT OF

USE, THE AMOUNTS OF THE FRANCHISE FEE, HAS TO BE REASONABLY CONNECTED TO THAT. TRADITIONALLY IT'S A PERCENT DAMAGE OF GROSS REVENUES, OVER THE LAST 20 YEARS IT WAS 5% AND WE ARE GOING WITH THAT AGAIN. FRANCHISE FEE REVENUES, AS YOU CAN SEE, THEY GENERALLY HAVE BEEN INCREASING, BUT NOT ALWAYS. WE STARTED IN FISCAL YEAR 2001 WITH 5.75 MILLION AND NOW WE'RE EXPECTING 5.89 MILLION, AND THESE ARE FISCAL YEAR REVENUES. THOSE ARE THE ORDINANCES THAT AFFECT THIS AND AGAIN IT WAS TO SOUTHERN UNION GAS BACK IN 1986, HOWEVER, THAT WAS PURCHASED BY TEXAS GAS SERVICE, A DIVISION OF ONEOK. THERE ARE OTHER ITEMS THAT WILL BE SUBJECT TO COUNCIL APPROVAL INCLUDING THE TARIFF WHICH ESTABLISHES THE RATES AND CHARGES. WE HAVE A PROCESS OF FOUR RATE REGULATIONS THAT IS INCLUDED IN THE -- IN THE FRANCHISE AGREEMENT ORDINANCE, BUT WE ARE -- THE RATE PROCEEDINGS ARE SEPARATE. OTHER CITY COUNCIL ACTION COULD BE THAT WHICH MIGHT NOT BE IN CONFLICT -- CONFLICT WITH THE AGREEMENT ORDINANCE, BUT WHICH WOULD ADDRESS SUCH THINGS AS THE CONVERSATION PROGRAM COMPONENTS. THERE'S BEEN A LOT OF INTEREST IN THAT. THERE MIGHT BE OTHER ADMINISTRATIVE ACTIONS AFFECTING THE PROGRAM. THIS YEAR WE'VE DONE THE THREE REVIEWS IN ADDITION TO THESE CONTRACT NEGOTIATIONS. THE FRANCHISE FEE REVIEW, THE MANAGEMENT AUDIT, AND WE ARE IN THE PROCESS OF COMPLETING THE CONSERVATION PROGRAM REVIEW. THESE WERE DONE BY INDEPENDENT CONSULTANTS. THE OUTSTANDING POLICY ISSUES IS WHAT I REALLY WANTED TO FOCUS ON AND THEY ARE THE ISSUES THAT HAVE ARISEN AMONG THE MEMBERS OF THE GROUP. STREET CUT FEES FOR PUBLIC WORKS. THIS IS AN ISSUE, OFTEN THE FRANCHISE FEE IS IN TOTAL COMPENSATION FOR THE USE OF THE PUBLIC RIGHT OF WAY AND THERE IS NO FURTHER FEES, CHARGES OR ASSESSMENTS FOR THAT USE, BUT THAT IS AN ISSUE WHETHER WE WOULD LIKE TO -- WHETHER WE WOULD LIKE TO CHARGE SOME -- SOME FEE FOR THE -- SOME OF THE SAME PERMIT FEES THAT OTHERS WOULD HAVE TO

PAY. THE CITY PURCHASE OF THE GAS UTILITY ASSETS. THE CITY PURCHASE OF THE DISTRIBUTION SYSTEM HAS BEEN AN ISSUE AS YOU KNOW, THE CHARTER REQUIRES THAT ALL FRANCHISES MUST CONTAIN AN OPPORTUNITY TO PURCHASE. THE ISSUE HERE IS THE TIMING, WHEN THAT WOULD BE - - WHEN THAT WOULD BE ALLOWED. WHAT IS THE WINDOW WHICH THE CITY WOULD ACCEPT FOR THE STUDENT TO PURCHASE. SOME MEMBERS OF THE PUBLIC REQUEST AN EXTREMELY SHORT TIME LINE AND WE HAVE -- WE ARE LOOKING FOR GUIDANCE FROM THE COUNCIL ON WHAT THEY THINK WOULD BE REASONABLE. THE COMPANY SALE OF THE DISTRIBUTION IS ANOTHER ISSUE BECAUSE WE CERTAINLY WANT TO KEEP THE DISTRIBUTION SYSTEM AND THE ASSET, THE FACILITIES, AND THE FRANCHISE TOGETHER, AND WE WOULD NOT LIKE TO SEE, I THINK IT WOULD IMPINGE ON OUR ABILITY TO REGULATE THIS FOR THE SAFETY AND GOOD ORDER OF THE CITY IF THERE WERE A SALE OF THE DISTRIBUTION SYSTEM SEPARATE AND APART FROM THE FRANCHISE, SO THAT IS AN ISSUE WE ARE STILL STRUGGLING WITH. AN AUTOMATIC FEE REDUCTION TO MEET COMPETITORS OFFERS. THIS IS SOMETHING THAT TEXAS GAS SERVICE HAS REQUESTED, AND IT HASN'T BEEN SOMETHING THAT HAS BEEN PRESENT BEFORE, AND WE ARE NOT SURE ABOUT ANYTHING THAT WOULD BE AN AUTOMATIC FEE REDUCTION. THE MAJOR ISSUE BEFORE US IN THESE NEGOTIATIONS IS THE COLLECTION OF A FRANCHISE FEE ON THE VALUE OF TRANSPORTED GAS. AND I WILL SAY THAT THE 1986 ORDINANCE DOES NOT HAVE THAT FEE. BUT IT INCREASINGLY COMMUNITIES IN TEXAS AND OKLAHOMA AND THROUGHOUT THE COUNTRY, IN FACT, ARE ADOPTING THAT PORTION OF THE FRANCHISE FEE. IN TERMS OF ANALYSIS OF WHAT THE FISCAL IMPACT WOULD BE, THE CURRENT FISCAL YEAR ESTIMATE IS THAT IF WE COLLECTED THE FRANCHISE FEE ON THE VALUE OF TRANSPORTED GAS, WE COULD COLLECT AN ADDITIONAL 2.61 MILLION. PUBLIC AUTHORITY CUSTOMERS AND PUBLIC ENTITIES, WE WOULD COLLECT 1.69 MILLION FROM THEM, AND OTHER LARGE ACCOUNTS ACCOUNT FOR .65 MILLION. THE REASON THIS HAS BEEN SUCH AN ISSUE IS BECAUSE, NUMBER ONE,

IT'S A CHANGE IN POLICY. NUMBER 2, THE TEXAS GAS SERVICE REPRESENTATIVES TELL US THAT THEY HAVE BEEN NEGOTIATING AND THEY DON'T LIKE THE FEELING OF NEGOTIATING WITH OTHERS MONEY. AT THE SAME TIME THE REASON THAT OTHER COMMUNITIES HAVE ADOPTED THIS FEE IS THAT THE TRANSPORT -- THE TRANSPORTED GAS HAS THE SAME BURDEN ON THE PUBLIC RIGHT OF WAY AS THE GAS FOR THE RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS, AND ALLOWING THE GAS COMPANY TO USE ITS FACILITIES TO TRANSPORT GAS WITHOUT -- WITHOUT COLLECTING ON THAT GAS IN SOME WAYS OPERATES AS A DISINCENTIVE FOR SYSTEM SALES IN THAT IT GIVES AN ADVANTAGE TO THOSE CUSTOMERS WHO OPERATE THEIR OWN UTILITY. THIS IS A -- THIS IS AN ISSUE THAT IS REALLY SOMETHING THAT WE'RE GOING TO NEED SOME GUIDANCE FROM, BUT I WOULD SAY THAT THERE ARE A NUMBER OF WAYS THAT WE COULD ADDRESS THIS ISSUE NOT -- IT NOT HAVING TO BE AN ALL OR NOTHING APPROACH. WE COULD FACE -- WE WOULD HAVE THE OPPORTUNITY TO PHASE IT IN TO OFFER SOME EXEMPTIONS AS OTHERS HAVE, OTHER COMMUNITIES HAVE, OR TO - - OR TO STUDY THIS FURTHER BEFORE IMPOSING IT. OTHER CONCERNS HAVE BEEN RAISED BY THE PARTICULARLY THE RESOURCE MANAGEMENT COMMISSION AND THE NATURAL GAS SUB COMMITTEE. DECOUPLING WOULD PROVIDE A DIFFERENT RATE STRUCTURE WHICH THE THEORY THERE IS THAT BY TYING THE FEES AND THE RATES TO THE CONSUMPTION OF NATURAL GAS, YOU -- YOU HAVE A -- YOU MAY BE ENCOURAGING THAT CONSUMPTION OR AT LEAST THE COMPANY MAY HAVE A DISINCENTIVE TO ENCOURAGE CONSERVATION. SO THEY WERE THINKING THAT MAYBE A PER CONNECTION FEE WHICH WOULD ALLOW A REASONABLE RATE OF RETURN AND THEN A SEPARATE VOLUME CHARGE WOULD PERHAPS ENCOURAGE CONSERVATION. THE TEXAS GAS SERVICE IS INTERESTED IN LOOKING AT THAT. WE -- I THINK THAT IS AN ITEM FOR FURTHER STUDY, ACCORDING TO WHAT WE'VE BEEN WORKING ON SO FAR. CONSERVATION PROGRAM COMPONENTS, THERE HAVE BEEN A NUMBER OF IDEAS ABOUT WHAT TO PUT IN THE CONSERVATION PROGRAM

AND HOW IT SHOULD BE ADMINISTERED. THEY'RE STILL WORKING ON THAT, FINANCIAL TOOLS AND HEDGING, JOINT PURCHASING WITH AUSTIN ENERGY ARE THINGS THAT THE -- THAT TEXAS GAS SERVICE HAS AGREED TO LOOK AT AND THE NEXT DRAFT OF THE ORDINANCE WILL INCLUDE AN AGREEMENT -- WILL INCLUDE THEIR AGREEMENT TO WORK AND STUDY THIS ISSUE. TRANSPORT CUSTOMER CONTRIBUTIONS TO THE CONSERVATION PROGRAM, WE INTEND TO ADDRESS THE CONSERVATION PROGRAM FULLY, PERHAPS BY SEPARATE ORDINANCE, AND -- AND THAT WILL BE AN ISSUE THAT IS ADDRESSED THERE, AND AGAIN THE TEXAS GAS SERVICE HAS ALSO STATED REPEATEDLY ITS WILLINGNESS TO LOOK 0 INTO BILLING AND METER READING AND OTHER JOINT ACTION WITH THE CITY OF AUSTIN. OUR NEXT STEPS ARE WE'RE ASKING YOU TO ADOPT THIS ON FIRST READING TODAY. WE'LL HAVE OUR SECOND READING SEPTEMBER 28th. THIRD READING NOVEMBER -- I'M SORRY, OCTOBER 5th, AND THEN THE -- ALTHOUGH THE FRANCHISE DOES EXPIRE NOVEMBER 17th, AS OF THE EFFECTIVE DATE OF THE NEW FRANCHISE, WE -- WE WILL MAKE THAT EFFECTIVE AS OF THE DATE OF EXPIRATION. THIS IS AT LEAST TYPICAL. ALL PARTIES ARE IN AGREEMENT AT LEAST THAT WE ARE LIKELY TO, WITH YOUR GUIDANCE, RESOLVE THE ISSUES THAT ARE OUTSTANDING WITHIN THE TIME PERIOD AND WE WOULD LIKE YOU TO PASS THIS ON FIRST READING. WE WOULD HAVE OTHER OPPORTUNITIES FOR COUNCIL ACTION AFFECTING TEXAS GAS SERVICE.

Mayor Wynn: ANY QUESTION, COUNCIL? MAYOR PRO TEM?

Dunkerly: ON THE -- IN THE AREA OF STREET CUT, THE -- HAS THE STAFF RESEARCHED THAT TO SEE WHAT OTHER CITIES DO WITH THEIR GAS FRANCHISEES?

IN THE FRANCHISES THAT I HAVE READ, I HAVE NOT SEEN A RECOVERY FOR STREET CUT FEES. MOST OF THEM INCLUDE THE LANGUAGE THAT THIS IS IN

LIEU OF EVERY FEE ASSESSMENT.

OKAY.

ET CETERA.

AND JUST A COMMENT ON THE -- ON THE -- I GUESS THE TIME WHERE WE CAN INITIATE BUYING THE ASSETS OF THE UTILITY, FROM A BUSINESS PERSPECTIVE, TO ME I THINK IT WOULD BE BETTER TO SAY THE LAST THREE YEAR, THE LAST FIVE YEARS, BECAUSE I THINK HAVING THAT OVER YOUR HEAD IT MAY PREVENT YOU FROM MAKING THE NECESSARY INVESTMENTS. YOU KNOW, YOU HOPE TO RECOVER IT THROUGH THE VALUE OF THAT ASSET WHEN IF IT IS PURCHASED, BUT I THINK IT IS VERY DIFFICULT TO -- FOR A COMPANY IF THERE'S ANY THOUGHT OF US BUYING THOSE ASSETS TO BE ABLE TO CONTINUE TO MAKE THE INVESTMENTS THEY NEED TO DO TO KEEP IT, YOU KNOW, STRONG. THOSE ARE JUST MY COMMENTS.

I THINK ONE OF THE RECOMMENDATIONS FROM THE MANAGEMENT AUDIT WAS TO SHORTEN THE TERM OF THE FRANCHISE AND WHERE IT HAD BEEN 20, WE OPTED FOR A 10 AND 10 STRUCTURE, SO THAT IS A STEP IN THAT DIRECTION, BUT THERE IS SOME CONCERN, AS YOU SAY, WHILE SHORT -- SHORT-TERM MAY SEEM TO FAVOR THE CITY, TO THE EXTENT THAT THEY DISCOURAGE INVESTMENT BY THE COMPANY, YOU COULD ARGUE THAT THEY REALLY DO NOT.

I HAVE A QUESTION.

COUNCILMEMBER KOHL.

FIRST RELATED TO THE STREET CUT, I KNOW THAT OUR FRANCHISE AUTHORITY FOCUSES PRIMARILY ON OUR RIGHT TO USE AND I AM CONCERNED ABOUT LIKE YOUR OPINION ON WHETHER OR NOT WE HAVE THE AUTHORITY UNDER THAT STATUTE TO EVEN ASSESS FEES ESPECIALLY IN VIEW OF THE FACT THAT SO FEW OTHER CITIES IN TEXAS HAVE DONE THAT.

WELL, AS I SAID, OFTEN THE FEE IS IN LIEU OF ALL OTHER -- ALL OTHER FEES AND ASSESSMENTS AND I SHARE YOUR CONCERN ABOUT THAT, THAT, YOU KNOW, WHERE WE'RE ASSESS AGO FRANCHISE FEE IT MIGHT BE CONSIDERED DOUBLE DIPPING, AND AT 5% TO CHARGE THE STREET CUT FEE ALSO.

OKAY. AND I ALSO HAVE A COUPLE OTHER QUESTIONS. I AM ALSO CONCERNED AS COUNCILMEMBER DUNKERLY POINTED OUT ABOUT US NOT GIVING CERTAINTY TO THE COMPANY ABOUT WHEN WE WOULD ACQUIRE THOSE ASSETS, AND ESPECIALLY I'M NOT AWARE OF ANY STEPS THAT WE'VE TAKEN TO OPERATE A GAS UTILITY AND WE ALREADY OPERATE AN AIRPORT OR WATER UTILITY AND ELECTRIC UTILITY. DO YOU HAVE ANY COMMENTS ABOUT ON THAT?

WELL, WE DIDN'T -- THE CONCERN THAT YOU HAVE EXPRESSED IS A CONCERN THAT WE HAVE EXPRESSED. AS I SAID, AS IT IS THE RECOMMENDED TERM IS TEN YEARS AND THEN ANOTHER TEN YEARS AND WE HAD CONSIDERED GIVING THE FIRST NOT -- GIVING A WINDOW OF TEN YEARS FOR THE CITY TO PURCHASE THE -- FOR THE COMPANY TO BE ASSURED THAT THE CITY WOULDN'T PURCHASE THE FRANCHISE.

IN THE LAST TEN YEAR TERM THERE WOULD BE FIVE YEARS FROM THE END OF THE FRANCHISE SO THAT WOULD BE EFFECTIVELY FIFTEEN YEARS WHERE THEY COULD BE SURE THAT THE -- THAT THE CITY WOULD NOT PURCHASE THE FRANCHISE. I -- I WOULD LIKE TO MAKE ONE COMMENT TOO, THAT THE FLIP SIDE OF THAT ISSUE IS, AS FAR AS THE CITY PURCHASING, IS THE -- IS THE COMPANY SALE OF THE ASSET, AND WE'RE TRYING TO TIE THAT DOWN TOO, SO THOSE ISSUES ARE -- ARE RELATED, AND WE DEFINITELY WANT TO DO WHAT IS NECESSARY FOR THE COMPANY TO HAVE THE APPROPRIATE INVESTMENT IN THE CITY OF AUSTIN.

OKAY, AND FINALLY, I HAVE A QUESTION ABOUT THE TRANSPORTATION FEE, AND THE CUSTOMERS THAT IT WOULD AFFECT. MANY OF THOSE CUSTOMERS WE HAVE HAD EXTENSIVE

RELATIONSHIPS IN TERMS OF THE ECONOMIC DEVELOPMENT. HAVE YOU -- HAVE WE APPRISED ANY OF THOSE CUSTOMERS IN AN OFFICIAL WAY THAT WE'RE CONTEMPLATING THIS THAT YOU'RE AWARE OF? WELL, I AM AWARE OF NO OFFICIAL WAY BESIDES THE NOTICE AND THE DISCUSSIONS THAT WE'VE HAD WITH COUNCIL OVER THE LAST FEW WEEKS. ACTUALLY, I DO KNOW THAT THEY HAVE BEEN NOTIFIED. I DO KNOW THAT THERE HAVE BEEN SOME CONCERNS. THEY HAVE BEEN NOTIFIED, AS I SAID, BY THE -- BY TEXAS GAS SERVICE WHO HAS SAID THAT THEY DON'T WANT TO BE IN THE POSITION OF NEGOTIATING SOMEBODY ELSE'S CONCERNS. SOME OF THEM HAVE CONTACTED OUR CITY STAFF AND EXPRESSED THEIR CONCERNS AND THAT IS WHY WE WANTED TO -- WE WOULD BE PREPARED TO OFFER OPTIONS IN TERMS OF PHASING IN DISCUSSIONS AND -- AND THAT KIND OF THING.

IS THERE A WAY, ASSUMING THAT WE DO DECIDE TO ASSESS THIS FEE THAT TEXAS GAS WOULD NOT HAVE TO BE IN THE MIDDLE OF THAT TRANSACTION OR HOW WOULD THAT WORK?

RESEARCH SHOWS THAT IT DOES WORK MOST EFFECTIVELY WITH THE -- WITH THE TRANSPORTER PROVIDING THE INFORMATION, AND THEN -- AND THEN ASSESSING THE FEE ADMINISTRATIVELY, SO ALTHOUGH IT HAS BEEN DONE OTHER WAYS, THEY HAVE NOT BEEN AS SUCCESSFUL.

OKAY, SO COULD THERE BE A SEPARATE TRANSPORTATION FEE ORDINANCE TO ADDRESS THE ISSUE WITH THE THIRD PARTY MEMBERS AND PERHAPS STILL GETTING THE INFORMATION FROM TEXAS GAS?

IT'S BEEN ALLEGED THAT WE COULD SET ASIDE THIS ISSUE FOR ANOTHER ORDINANCE. WHAT CONCERNS ME, HOWEVER, IS THAT WHEN WE DO THIS ORDINANCE ADOPTING A FRANCHISE FEE, THEN TO WHAT EXTENT -- AND TO BE HONEST, PEOPLE HAVE AMENDED THEIR FRANCHISE FEE ORDINANCE TO ADOPT A FEE ON THE VALUE OF TRANSPORTED GAS, BUT I DO HAVE SOME

CONCERNS THAT NOT ADDRESSING THIS FULLY NOW COULD BE PROBLEMATIC.

EXCUSE ME. COUNCILMEMBER KOHL, STEPHEN WEBB OVER HERE. IN FURTHER RESPONSE TO THAT PARTICULAR CONCERN, CURRENTLY IN THE ORDINANCE, THE PROPOSED SECTION, 11 .7 (B) ACTUALLY PLACES SOME RESPONSIBILITY ON THE PART OF THE CUSTOMER, OF THE COMPANY, TO MAKE SURE THAT THAT FEE ON THE VALUE OF TRANSPORTED GAS DOES NOT GO UNCOLLECTED AND IMPOSES SOME OBLIGATION OF THE COMPANY NOT TO CONTINUE TO PROVIDE TRANSPORTATION SERVICES TO THAT CUSTOMER WHO HAS NOT PAID THE FRANCHISE FEE. IF YOU SEPARATE THE RESPONSIBILITY OF THE TRANSPORTATION FROM THE RESPONSIBILITY OF THE CUSTOMER CUSTOMERS WHO PAY THE FEE, YOU LOSE SOME OF YOUR LEVERAGE IN GETTING THAT FEE PAID.

I UNDERSTAND. I HAVE ONE LAST QUESTION. A NUMBER OF THE LARGE USERS OF THE TRANSPORTATION FEE ARE GOVERNMENTAL ENTITIES. IT DOES INCLUDE MY ALMA MATER BUT I'M NOT ASKING THAT QUESTION BECAUSE OF THE ALMA MATER, UNIVERSITY OF TEXAS IS ONE OF THE LARGEST USERS AND I WOULD LIKE TO KNOW IF IT WOULD REALLY BE POSSIBLE FOR SOME CONCERNS THAT YOU MIGHT HAVE ABOUT EXEMPTING THE GOVERNMENTAL ENTITIES?

I'M WONDERING ABOUT OUR AUTHORITY TO DO THAT.

OH.

DISTINGUISH BETWEEN AISD, THE UNIVERSITY OF TEXAS, OTHER GOVERNMENTAL ENTITIES FROM --

THAT IS A -- THIS IS A CONCERN, YOU KNOW, THE REQUIREMENT IS THAT YOU NOT UNREASONABLY DISCRIMINATE AND THERE HAVE -- I WILL JUST SAY THAT THERE HAVE BEEN FRANCHISE FEE ORDINANCES THAT DID EXCLUDE STATE AGENCIES IN CARROLLTON, FOR EXAMPLE, PUBLIC SCHOOLS IN THE SAN ANTONIO AREA, SO IT'S POSSIBLE -- I

DON'T THINK IT'S A MATTER THAT HAS BEEN FIRMLY DECIDED. IT IS AN ISSUE THAT -- IT IS AN ISSUE THAT I RAISED BUT I WAS NOT ABLE TO FIND ANYTHING THAT SUGGESTED THAT THE KIND OF PUBLIC AUTHORITY EXEMPTION THAT WE WERE TALKING ABOUT IN THE LAST COUPLE OF WEEKS WOULD BE DETERMINED TO BE UNREASONABLY DISCRIMINATORY, BUT THAT, YOU KNOW, IT'S STILL OUT THERE AND THAT IS AN ISSUE. I WILL SAY THAT OF THE -- OF THE FRANCHISE FEE ORDINANCES THAT WE REVIEWED AND LOOKED AT OF OTHER MUNICIPAL . MUNICIPALITIES, THAT THOSE THAT OFFER ANY KIND OF EXEMPTION AT ALL WERE IN THE -- IN THE MINORITY, BUT THEY DID TEND TO OFFER EXEMPTIONS FOR ECONOMIC DEVELOPMENT AND GOVERNMENT REASONS.

ONE LAST FINAL QUESTION. I AM TRYING TO FIGURE OUT IF THERE -- OR UNDERSTAND WHAT WAS EXPRESSED AS SOME CONCERN ABOUT TREATING THE THIRD PARTY PROVIDERS DIFFERENTLY FROM THE -- I MEAN PEOPLE THAT BUY THEIR GAS DIRECTLY FROM TEXAS GAS AND I'M WONDERING WHETHER THERE'S BEEN ANY TYPE OF MEASUREMENT TO SUGGEST THAT WE LOSE PEOPLE BUYING FROM TEXAS GAS BECAUSE IF THE CONCERN IS A DECREASE IN THE AMOUNT OF CUSTOMERS, HAVE WE MEASURED THAT IN ANY WAY FOR THE TRANSPORTATION FEE ISSUE?

WE HAVEN'T -- WE HAVE NOT RAISED -- WE HAVE NOT STUDIED THE IMPACT IN THE AUSTIN AREA, BUT THE REASON THIS ISSUE HAS COME UP IS BECAUSE OF THE VOLATILITY OF THAT MARKET AND THE POTENTIAL FOR SWITCHING FROM SYSTEM SALES TO THIRD PARTY SALES AND THAT MARKET HAS BEEN QUITE VOLATILE IN THE LAST -- IN THE LAST DECADE, I'LL SAY IT THAT WAY AND WHERE THERE'S NOTHING TO PREVENT SWITCHING, THEN THE IDEA THAT IT COULD BE A DISINCENTIVE TO REMAIN ON THE SYSTEM, IF YOU ARE ABLE TO PROVIDE YOUR OWN SERVICE, I THINK IS LEGITIMATE. THE -- WHERE I FIRST LOOKED AT THIS WAS IN THE AIR OF OKLAHOMA CITY, WHERE THEY - - AND THIS IS A CITY WHERE AT THE BEGINNING OF THE FRANCHISE THERE WERE 30 TRANSPORT

CUSTOMERS, APPROXIMATELY 15 YEARS IN. THERE WERE 400. SO PROTECTING THE REVENUE STREAM REALLY HAS BEEN THE GOAL -- OUR GOAL IN BOTH RECOMMENDING THIS APPROACH THAT HAS BEEN EMBRACED BY OTHER CITIES, BUT ALSO WE HAVE NO WAY TO REALLY CONTROL THAT MARKET. AND THAT IS SWITCHING.

THANK YOU VERY MUCH.

THANK YOU.

FURTHER COMMENTS, QUESTIONS, FOR MISS WEBB? COUNCILMEMBER MARTINEZ?

YEAH, MAYOR, I HAVE A COUPLE OF QUESTIONS ON THE CURRENT NEGOTIATING...S WITH THE FRANCHISE AGREEMENT. DO YOU HAVE TO HAVE -- DO YOU HAVE TO PURCHASE -- IS THERE SOMETHING IN THE CURRENT AGREEMENT THAT SAYS THAT YOU HAVE TO PURCHASE A CERTAIN AMOUNT OF VOLUME BEFORE YOU CAN SEEK COMPETING COMPANY, SO TO SPEAK, TO PURCHASE YOUR GAS FROM?

COUNCILMEMBER, RIGHT NOW, NO, THERE IS NO SUCH A REQUIREMENT, BUT THAT IS JUST ONE OF THE WAYS THAT WE CAN TAILOR THIS AGREEMENT WITH THE PLEASURE OF THE COUNCIL OF COURSE TO HAVE A LESSER IMPACT, YOU CAN PHASE IN THE IMPACT OF THE FEES OVER -- OVER A PERIOD OF TIME, SO THAT'S NOT THE IMMEDIATE EFFECT OF -- OF A NEW FEE, YOU COULD IMPOSE A CERTAIN VOLUME LEVEL REQUIREMENT INTO THE DEFINITION OF WHAT IS A TRANSPORT CUSTOMER. IN OTHER WORDS, A TRANSPORT CUSTOMER FOR THE PURPOSES OF THE FEE IS A CUSTOMER THAT ONLY HAS A CERTAIN LEVEL OF VOLUME AND NO LOWER. IT'S REALLY PRETTY MUCH A POLICY MATTER FOR THE COUNCIL TO DECIDE.

OKAY. DO WE HAVE ANYTHING IN THE CURRENT AGREEMENT THAT ADDRESSED THE STREET CUTS? DOES IT STATE THAT IT WOULD BE THE RESPONSIBILITY OF THE CITY OR REPAIRING OR

RECONSTRUCTING OF THE STREETS?

THE CITY -- THE CURRENT -- THE CURRENT DRAFT REFLECTS THE CURRENT PRACTICE. IT IS THE RESPONSIBILITY OF TEXAS GAS SERVICE. AND IN COORDINATION WITH APPROVALS FROM THE DIRECTOR OF PUBLIC WORKS.

SO TEXAS GAS, I GUESS, SEEKS THE APPROPRIATE PERMIT WHEN THEY DO CONSTRUCTION, BUT THE CITY BEARS THE RESPONSIBILITY OF REPAIRING THOSE STREETS.

NO. I BELIEVE THAT -- I BELIEVE THAT THE TEXAS -- THE FRANCHISE AGREEMENT PROVIDES THAT TEXAS GAS SERVICE MUST BEAR THE RESPONSIBILITY FOR THE STREET CUTS AND PERFORM THE WORK NEW.... IN ACCORDANCE WITH THE PERMITS THEY GET FROM THE CITY.

CAN YOU EXPLAIN TO ME WHAT THE CURRENT PROPOSAL THAT IS BEING TALKED ABOUT NOW IN REGARDS TO STREET CUTS, WHAT THAT PROPOSAL IS?

IT -- THE ONLY CHANGE THAT THERE WOULD BE IS THAT THE PROCESSING OF THOSE PERMITS AND THE ISSUANCE OF THOSE PERMITS WOULD CARRY THE REGULAR CHARGE FOR THAT PUBLIC WORKS, THAT IS THE ONLY --

AND DO WE KNOW WHAT TYPE OF REVENUE WE'RE TALKING ABOUT ON AN ANNUAL BASIS?

I DO NOT KNOW. IT'S BEEN SAID THAT THERE ARE MANY, MANY PERMITS ISSUED, AND THAT THE PERMITTING ASPECT IS THE WORK OF ONE INDIVIDUAL WORKING WITH THE CITY, A FULL-TIME JOB IN OTHER WORDS..... WORDS.

ON -- I WANTED TO ASK A COUPLE OF QUESTIONS ABOUT THE CONSERVATION PORTION OF THE AGREEMENT. WHAT ON AN ANNUAL BASIS DO WE ALLOCATE FOR CONSERVATION OUTREACH AND EDUCATION?

THAT -- THAT I CAN'T TELL YOU. WE -- I DON'T HAVE THE SPECIFIC NUMBERS NOW, BUT I WILL SAY THAT THE CONSERVATION PROGRAM IS NOT SPECIFIED IN THIS ORDINANCE. IT SAYS THAT WE'LL HAVE ONE AND THE DETAILS OF THAT ARE -- ARE SUBJECT TO THE CITY'S ADMINISTRATION OF THE CONSERVATION PROGRAM.

SO YOU'RE SAYING THAT THERE'S NOT ONE IN THE CURRENT AGREEMENT OR NOT ONE BEING DISCUSSED IN THE PROPOSAL THAT IS BEFORE US?

NO, WHAT I'M SAYING IS THAT WE ARE DISCUSSING THE CONSERVATION PROGRAM. THAT IS -- THAT HAS BEEN AN ITEM OF PARTICULAR INTEREST FOR THE RESOURCE MANAGEMENT COMMISSION THE WAY WE ARE TREATING -- BECAUSE IT HAS BEEN SUCH AN ITEM OF INTEREST, AND IT HASN'T BEEN SPECIFIED EXCEPT THAT WE MUST HAVE ONE, AND THAT IS CARRIED OVER FROM THE PREVIOUS ORDINANCE, OTHER THAN THAT, WE WERE ASSUMING THAT WE WOULD WORK WITH THE -- WORK WITH THE STAFF AND SPECIFY THE TERMS AND CONDITIONS OF THE CONSERVATION PROGRAM BY SEPARATE ORDINANCE, RIGHT NOW IT'S JUST AN ADMINISTRATIVE ACTION. AND THAT WAS WHEN I SAID THAT THERE WERE FURTHER ACTIONS OF THE COUNCIL, WE THOUGHT THAT WE WOULD LEAVE -- WE WOULD LEAVE THAT FLEXIBLE IN THE FRANCHISE AGREEMENT ORDINANCE AND THEN COME BACK TO THE SPECIFICS OF IT OVER TIME.

AND THIS REALLY IS MY LAST QUESTION: WHEN REGARDS TO CHARGING THE TRANSPORTATION FEE, WHEN WE LOOK AT OTHER CITIES, DID WE FIND THAT IN OTHER CITIES THEY ALSO PROVIDE EXEMPTIONS TO GOVERNMENTAL ENTITIES AND OTHER NONPROFITS?

NOT -- NOT NONPROFITS. WE FOUND SOME EXEMPTIONS FOR GOVERNMENTAL ENTITIES, WE FOUND SOME EXEMPTIONS FOR ECONOMIC DEVELOPMENT PROGRAMS. I SAW ONE THAT SAID WON'T BE CHARGED FOR MARTIN MARIETTA. BUT BY AND LARGE, THERE WERE MANY THAT OFFERED

NO EXEMPTIONS AT ALL.

GREAT. THANKS FOR ALL OF YOUR WORK.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: SO TRYING TO WADE THROUGH THIS DRAFT PROPOSAL HERE, BUT I'M NOT QUICK ENOUGH. WHAT IS THE CURRENT -- WHAT IS IN THE CURRENT DRAFT PROPOSAL WITH REGARD TO THIRD PARTY SALES AND COLLECTING A FEE ONLY ON THE -- OR NOT -- ON THE TRANSPORT FEE?

THE CURRENT DRAFT PROPOSES THAT WE WILL COLLECT THE FEE ON THE VALUE OF TRANSPORTED GAS, NO EXCEPTIONS.

NO EXCEPTIONS. OKAY. BACK TO THE NAPKIN MATH HERE, THAT WILL RESULT IN APPROXIMATELY 50% INCREASE IN REVENUE TO THE CITY IN FRANCHISE FEES, DOES THAT SOUND ABOUT RIGHT?

WELL, COUNCILMEMBER, IT -- IT'S NOT A PRECISE FIGURE BECAUSE -- WELL, THE VALUE OF TRANSPORTED GAS IS SOMETHING THAT IS SUBJECT OF NEGOTIATIONS OF THE PARTICULAR TRANSPORT CUSTOMER, IT IS THE DRAFT HAS A PROVISION IN IT THAT IF WE DON'T GET THE ACTUAL PRICE, THAT THAT TRANSPORT CUSTOMER HAS NEGOTIATED THEN WE WOULD USE 110% OF THE HOUSTON SHIP CHANNEL PRICE. IT'S -- THE -- THE DRAFT, HOWEVER, DOES NOT REQUIRE US TO USE 110% OF THE SHIP CHANNEL PRICE, ONLY AS AN ALTERNATIVE, SO IT DEPENDS, QUITE FRANKLY, ON WHAT THE ACTUAL PRICE THAT TRANSPORT CUSTOMER HAS NEGOTIATED AND HOW MUCH REVENUE THAT GENERATES.

YEAH, I UNDERSTAND THE DIFFICULTY IN GETTING TO THE -- I WAS TRYING TO GO BY YOUR -- THE NUMBERS THAT YOU GAVE, SOMEWHERE BETWEEN FOUR AND FIVE MILLION DOLLARS ANNUAL FRANCHISE FEE REVENUES AND THE 2.61 MILLION THAT YOU WOULD INCREASE IF YOU IMPOSE THE FEE ON PEOPLE WHO BOUGHT THEIR GAS FROM THIRD

PARTIES. TO ME THAT SOUNDS LIKE ABOUT 50%.

COUNCILMEMBER, THERE IS SOME UNCERTAINTY IN WHAT THE ACTUAL GAS PRICES WOULD BE, BUT BACK OF THE ENVELOPE CALCULATION, AS YOU SAY, I THINK WOULD BE BETWEEN 40 AND 50%.

OKAY, THAT INCREASE, IF PUBLIC ENTITIES WERE INCLUDED, EXEMPTED, EXCUSE ME, THAT -- THE INCREASE WOULD INCREASE BY ABOUT 75%, SO YOU WOULD ONLY REALIZE ABOUT A 15% INCREASE.

THAT'S CORRECT.

FURTHER QUESTIONS, COMMENTS? WE HAVE A HANDFUL OF CITIZENS THAT WOULD LIKE TO ADDRESS THIS AS WELL. THANK YOU, MS. WEBB. SO ACTUALLY PERHAPS WHAT MIGHT BE APPROPRIATE, I SAW A COUPLE OF REPRESENTATIVES FROM TEXAS GAS SERVICE, MR. PHILLIPS, WHO IS NOT APPROACHING, AND IF YOU COULD SORT OF SUMMARIZE, MY UNDERSTANDING IS, JUST INEVITABLY, TEXAS GAS SERVICE PROBABLY IS NOT IN AGREEMENT WITH EVERYTHING THAT IS BEFORE US, SO IF YOU COULD PRESENT YOUR SUMMARY CASE. (ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS...) 175 OR SO, THEREABOUTS, IS OUR OVERHEAD AND EXPENSES FOR THE PROGRAM.

>....

SO ON AN ANNUAL BASIS DO WE EXPEND THE ANNUAL AMOUNT ALLOTTED FOR CONSERVATION?

I THINK THAT'S AN ACCURATE STATEMENT. LARRY?

I THINK IT VARIES FROM YEAR TO YEAR. THERE ARE SOME YEARS WE DON'T SPEND ALL THE MONEY BUDGETED FOR REBATES. THERE ARE SOME FLUCTUATIONS. ONE OF THE MOST POPULAR REBATE PROGRAMS HAS TO DO WITH NEW APARTMENT CONSTRUCTION. THAT VARIES FROM YEAR TO YEAR. THERE ARE SOME FLUCTUATIONS. IF YOU LOOKED AT ONE YEAR YOU COULD SAY WE DIDN'T

SPEND ALL THE MONEY. IF YOU LOOK AT THE COURSE OF FIVE YEARS I THINK WE'VE DONE PRETTY WELL.

Martinez: DOES THAT MONEY STAY IN A CONSERVATION MODE FROM YEAR TO YEAR? DOES IT ROLL DISBLOAFER.

YES, IT DOES, ABSOLUTELY.

Martinez: SO WHAT YOU'RE SAYING IS \$900,000 WAS ALLOTTED THIS YEAR FOR CONSERVATION F WE ONLY SPENT 400,000, THEN THE FOLLOWING FISCAL YEAR WE HAVE 900,000, PLUS THE REMAINING 500,000?

ACTUALLY, WHAT WOULD PROBABLY HAPPEN IS THAT THE RATE THAT WE USE TO FUND THE PROGRAM WOULD THEN DECREASE SO THAT WE WOULD NOT GENERATE 9 HUB THOUSAND DOLLARS THE FOLLOWING YEAR. WE WORK WITH WANDELLA HAWKINS AND HER DEPARTMENT WHEN WE SET THE RATE EVERY YEAR. WE WOULDN'T NECESSARILY KEEP THE RATE THE SAME. WE WORK CLOSELY WITH HER OFFICE ON THAT.

SO IT'S JUST \$900,000 EVERY YEAR?

THAT'S HISTORICALLY BEEN ABOUT WHAT IT'S BEEN. AND THAT NUMBER IS WHAT IT WAS WHEN THE CITY ADMINISTERED THE PROGRAMS. THE CITY ADMINISTERED THE PROGRAMS FROM THE MID '80'S UNTIL 1999 AND WE HAVEN'T MADE ANY SIGNIFICANT CHANGES. ONE OF THE THING WE'RE HOPING THAT WILL COME AS A RESULT OF THIS WHOLE FRANCHISE, YOU KNOW, REVIEW AND THE NEW FRANCHISE AND THE AUDIT THAT THE CITY HAS DONE IS TO HAVE A LITTLE MORE DIRECTION FROM THE CITY TO US ON WHAT THE CITY WOULD LIKE US TO DO WITH THE CONSERVATION PROGRAMS.

OKAY, THANKS.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I DON'T QUITE UNDERSTAND THIS. IT SEEMS TO ME THAT UNDER THE CURRENT FRANCHISE AGREEMENT THERE IS AN INCENTIVE FOR LARGE USERS OF NATURAL GAS TO BUY THEIR GAS FROM SOMEBODY OTHER THAN YOU. BECAUSE THEY DON'T HAVE TO PAY THE FRANCHISE FEE ON THAT. SO IT SEEMS TO ME THAT IT WOULD BE AN ADVANTAGE TO YOU TO BE ABLE TO CHARGE THE FRANCHISE FEE TO EVERYONE BECAUSE THERE WOULD NO LONGER BE THAT INCENTIVE FOR LARGE USERS TO NOT BUY IT FROM YOU, BUT TO BUY IT FROM SOMEBODY ELSE.

KEEP IN MIND THAT THERE ARE GENERALLY TWO COMPONENTS TO A GAS BILL: THE COST OF THE ENERGY AND THE COST OF THE SERVICE. WE ARE STILL CHARGING COST OF SERVICE RATES TO THOSE TRANSPORT CUSTOMERS, SO TEXAS GAS HASN'T SUFFERED ANY FINANCIAL HARM IF YOU WILL BY CUSTOMERS WHOSE CHOOSING TO BUY GAS FROM A THIRD PARTY. MANY OF THESE CUSTOMERS DO THIS IN ORDER TO TAKE ADVANTAGE OF SPECIALIZED HEDGING PROGRAMS OR IN SOME CASES FLAT OUT DISCOUNTS THAT MIGHT BE AVAILABLE TO THEM BECAUSE THEY'RE STATE AGENCIES. SO, FOR INSTANCE, UNIVERSITY OF TEXAS I BELIEVE IS CURRENTLY BUYING THEIR GAS FROM THE GENERAL LAND OFFICE AND AS ACCESS TO POOLS OF GAS THAT OTHER CUSTOMERS MIGHT NOT NORMALLY HAVE. DOES THAT ANSWER YOUR QUESTION?

Leffingwell: WOULDN'T YOU MAKE MORE MONEY IF YOU SOLD THEM THE GAS YOURSELF DIRECTLY?

NO, SIR, NOT A DIME.

Leffingwell: YOU DON'T MAKE A PROFIT ON YOUR GAS?

WE HAVE A COST OF SERVICE SIDE OF THE GAS BILL, WHICH IS RECOUPING OUR COSTS OF OPERATION. AND THEN THE COST OF GAS ON THE CUSTOMERS' BILLS IS BASICALLY A STRAIGHT PASS THROUGH. SO FACT THAT THEY'RE BUYING THAT GAS FROM A THIRD PARTY HAS NO DIRECT IMPACT

ON OUR REVENUE STREAM.

Mayor Wynn: COUNCILMEMBER COLE.

Cole: WITH RESPECT TO THE TRANSPORTATION FEE, CAN YOU GIVE US AN IDEA OF HOW MANY OTHER CITIES HAVE ASSESSED THE FEE AND TO WHAT EXTENT THAT IS SIMILAR TO WHAT WE ARE PROPOSE NG OUR CURRENT ORDINANCE?

WELL, IN OUR SERVICE TEAR TERRITORIES IN TEXAS, I BELIEVE THERE ARE THREE CITIES OF THE 93 THAT WE SERVE THAT ACTUALLY ASSESS SOME TYPE OF A FEE ON TRANSPORTATION CUSTOMERS.

...

Cole: AND WHAT CITIES ARE THOSE?

HARLINGEN AND -- CAN YOU HELP ME?

KYLE. IN THE RIO GRANDE VALLEY.

A THIRD CITY APPARENTLY IN THE RIEIO GRAND VALLEY.

Cole: AND HOW MANY CITIES DO YOU ACTUALLY SERVICE IN TEXAS?

93 COMMUNITIES.

Cole: AND HOW MANY OF THOSE 93 ACTUALLY ASSESS A STREET CUT FEE?

NONE OF THOSE CITIES CURRENTLY ASSESS ANY TYPE OF STREET CUT FEE.

Cole: THANK YOU.

Mayor Wynn: FURTHER QUESTIONS FOR TEXAS GAS SERVICE? THANK YOU, GENTLEMEN. SO COUNCIL, WE HAVE A HANDFUL OF FOLKS WHO SIGNED UP WISHING TO ADDRESS US ON THIS ISSUE. I THINK IT'S APPROPRIATE TO GET THEIR TEST OUR FIRST SPEAKER IS PAUL ROBBINS. I SAW PAUL EARLIER. WELCOME. YOU WILL HAVE THREE MINUTES AND

BE FOLLOWED BY CHIP WOLFE.

MAYOR, I AM SIGNED UP FOR CITIZENS COMMUNICATION AT NOON. MAY I WAIVE THAT AND USE THE THREE MINUTES HERE?

Mayor Wynn: WITHOUT OBJECTION, COUNCIL. AGREED, MR. ROBBINS.

MAYOR, COUNCIL, CITIZENS OF AUSTIN, I AM PAUL ROBBINS. I'M AN ENVIRONMENTAL ACTIVIST AND CONSUMER ADVOCATE. I HAVE -- I WAS THE FIRST PERSON TO BRING THE TRANSPORT GAS ISSUE TO THIS COUNCIL. I BELIEVE IT WAS WELL OVER A YEAR AGO AND I'M VERY PLEASED THAT THEY'VE CHOSEN TO GO DOWN THE ROAD THEY HAVE AND FINALLY START GETTING MONEY THE CITY HAS LONG DESERVED. WE HAVE BEEN IN MY OPINION CHEATED OUT OF \$22 MILLION THAT I COULD DOCUMENT BETWEEN 1996 AND 2005. WE PROBABLY WERE CHEATED OUT OF MORE THAN \$30 MILLION, BUT RECORDS BEFORE 1995 FROM THE RAILROAD COMMISSION DO NOT ALLOW ME TO ESTIMATE CLEARLY. CAN YOU ALL PULL UP -- CAN THE STAFF TECH PULL UP THE SLIDES THAT I E-MAILED? I'M ASKING FOR TWO THINGS FROM THE COUNCIL THAT DIFFER FROM STAFF'S RECOMMENDATION. ONE, I'M ASKING FOR A FIVE-YEAR FRANCHISE, NOT A 10-YEAR FRANCHISE. AND THE OTHER, WHICH IS NOT ON YOUR AGENDA ITEM TODAY, IS THAT THERE BE A SIX-MONTH TIME PERIOD FOR AUSTIN ENERGY AND TEXAS GAS SERVICE TO STUDY SYNERGIES THAT WOULD LOWER RATES FOR BOTH UTILITIES SUCH AS COMBINED BILLING AND COMBINED PURCHASE OF GAS. I REALIZE THIS CANNOT BE DONE OVERNIGHT, BUT SIX MONTHS IT SEEMS TO ME A LEGITIMATE REQUEST AND EASILY ACCOMMODATED. I HOPE YOU COULD BRING THIS UP AT THE NEXT READING OF THIS ITEM. OKAY. I WANTED TO POINT OUT THIS CHART THAT YOU'RE SEEING HERE IS AUSTIN ENERGY'S COSTS OF GAS COMPARED TO TEXAS GAS SERVICE. S. OVER A 28-MONTH PERIOD FROM NOVEMBER OF '03 THROUGH FEBRUARY OF 2006. AND YOU CAN SEE THAT THERE ARE ONLY A FEW MONTHS IN WHICH TEXAS GAS SERVICE WAS BELOW OUR UTILITY. NEXT SLIDE.

AND THIS COMPARES TEXAS GAS SERVICE TO OTHER GAS UTILITIES IN TEXAS FOR 2004. IT IS VERY SIMILAR FOR THE FIRST TWO MONTHS OF 2005. THE STUDY DRAINED THE TEXAS RAILROAD COMMISSION AND IT'S THE MOST CURRENT STUDY THAT THEY HAVE. YOU'LL NOTE THAT TEXAS GAS IS SEVENTH HIGHEST OF THE 25 LARGEST CITIES IN TEXAS. I ALSO WANT TO POINT OUT THAT THEIR CONSERVATION IS REALLY PRETTY SMALL. THEY DON'T EVEN SERVE THE LARGE CUSTOMERS THAT ARE ON TRANSPORT GAS RIGHT NOW. THERE ARE SEVERAL KEY REBATE PROGRAMS THAT THEY ARE MISSING, AND MY INFORMATION FROM LAST YEAR IS THAT OF THE 734 MILLION THAT WAS BUDGET, ONLY 55% OF IT WAS ACTUALLY SPENT. I'M NOT SURE WHAT ELSE I CAN ADD TO THIS EXCEPT THAT AGAIN I URGE A FIVE-YEAR FRANCHISE AND A SIX-MONTH STUDY PERIOD TO FIND WAYS THAT THE TWO UTILITIES CAN WORK TOGETHER TO BRING DOWN THE COSTS. TEXAS GAS SERVICE IS DEFINED IN LAW AS A NATURAL MONOPOLY, AND THEY REALLY HAVE VERY LITTLE ACCOUNTABILITY EXCEPT IN RATE CASES. FRANKLY, GIVEN THEIR RECORD, THEY DESERVE 10 YEARS. I THINK FIVE YEARS IS A PROBATION PERIOD. AND IF THEY PROVE THEMSELVES, THEN MAYBE THEY SHOULD GET A LONGER FRANCHISE. AND IF THEY DON'T, MAYBE THE CITY SHOULD CONSIDER BUYING THEM. THANK YOU.

Mayor Wynn: THANK YOU. QUESTIONS OF MR. ROBBINS, COUNCIL? COUNCILMEMBER KIM.

Kim: I WANTED TO THANK MR. ROBBINS FOR BRINGING THESE ISSUES TO OUR ATTENTION AND BEING VIGILANT AND TRYING TO LOOK FOR YOU THE CIEWRM AND THE TAXPAYER. CONSUMER AND THE TAXPAYER.

Mayor Wynn: OUR NEXT SPEAKER IS CHIP HOWE, WHO I SAW EARLIER. I THOUGHT I SAW HIM EARLIER. AND FOLLOWING CHIP WOULD BE ANDREW DONAHUE. WELCOME. YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR WYNN, MY NAME IS ANDREW

DONAHUE. I AM A COMMISSION OTHER THE NATURAL RESOURCE COMMISSION APPOINTED BY COMMISSIONER COLE. FIRST OF ALL I'D LIKE TO APOLOGIZE FOR THE COMMISSION, WE HAD TO CANCEL OUR MEETING LAST NIGHT TO GET A RESOLUTION TO YOU ABOUT OUR POSITION. WE HAD TO CANCEL THAT BECAUSE STUDIES WERE NOT FINISHED, SO WE APOLOGIZE NOT BEING ABLE TO GET THAT INFORMATION OR AT LEAST OUR FORMAL OPINION TO YOU ON WHAT THE CONSERVATION PROGRAM SHOULD BE. I CAN, I THINK, SPEAK FOR THE COMMISSION AND SAY THAT WE ARE A BIT PUT OUT THAT WE DO NOT HAVE ANY LANGUAGE IN THIS AGREEMENT CURRENTLY ABOUT THE CONSERVATION PROGRAM AT THIS FIRST READING. THIS IS KIND OF -- LET ME SAY IT'S A LARGE OVERSIGHT CONSIDERING THE RESOURCE MANAGEMENT COMMISSION HAS BEEN LOOKING INTO THIS ISSUE FOR THE LAST SIX MONTHS. FACT THAT THIS IS THE ONE PUBLIC DISCUSSION ITEM AND IT'S NOT IN THE AGREEMENT AT THIS TIME. MAY THE CONSERVATION PROGRAM I BELIEVE NEEDS MUCH CLOSER OVERSIGHT THAN WHAT THE REGULATORY AND TELECOMMUNICATIONS AFFAIRS COMMISSION CAN PROVIDE IT FOR CONSERVATION. IT IS NOT A CONSERVATION MINDED ORGANIZATION, IT IS A REGULATORY AND TELECOM AFFAIRS ORGANIZATION. I VERY MUCH WOULD LIKE YOU TO CONSIDER PUTTING INTO EITHER THIS AGREEMENT OR THIS ORDINANCE OR FUTURE ORDINANCE THAT THIS CONSERVATION PROGRAMS HAVE TO COME TO RMC BEFORE THEY ARE IMPLEMENT SOD THAT THE PEOPLE WHO ACTUALLY DO CONCERN THEMSELVES WITH CONSERVATION CAN HAVE AN EYE AND LOOK INTO THESE SITUATIONS AND MAKE PRODUCTIVE, APPROPRIATE SUGGESTIONS FOR THE CITIZENS. AND FINALLY, THIS IS MY PERSONAL OPINION IS THAT WE NEED SOME THREE AND FIVE-YEAR REVIEWS OF THE APPROPRIATENESS OF THE CONSERVATION PROGRAM TO MAKE SURE THAT THEY ARE IMPLEMENTED WELL. I CAN ASSURE YOU THAT I AM VERY ANNOYED THAT ONE OF THE MARKETING PROGRAMS IS IS ACTUALLY A SPONSORSHIP OF SOME PUBLIC TELEVISION PROGRAMS THAT HAVE NOTHING TO DO WITH

CONSERVATION. I DON'T BELIEVE THAT IS A CONSERVATION PROGRAM. WHILE I BELIEVE THAT THE TELEVISION SHOW ITSELF IS QUITE APPROPRIATE, IT IS NOT A GOOD USE OF CONSERVATION FUNDS OR FRANCHISE FEES THAT WE ASSESS. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. QUESTIONS, COUNCIL? THANK YOU ALL VERY MUCH. SO COUNCIL, THAT'S ALL THE FOLKS WHO HAVE SIGNED UP WANTING TO ADDRESS US ON ITEM 26. COUNCILMEMBER COLE.

Mayor Wynn: I'D LIKE TO MAKE A MOTION --

Cole: I'D LIKE TO MAKE A MOTION THAT IN LIGHT OF THE FACT THAT THERE ARE VERY FEW OTHER CITIES THAT ASSESS A TRANSPORTATION FEE, THE FACT THAT WE RECEIVED INFORMATION FROM THE ATTORNEYS THAT WE HAVE NOT NECESSARILY HAVE SOLID GROUND TO ASSESS A DIFFERENT FEE BETWEEN COMPANIES AND GOVERNMENTAL ENTITIES, THAT WE DIRECT THE STAFF NOT TO INCLUDE THE TRANSPORTATION FEE IN THE NEXT DRAFT OF THE ORDINANCE. THAT'S MY MOTION.

Mayor Wynn: SO A NEGOTIATION BY COUNCILMEMBER COLE, SECONDED BY COUNCILMEMBER MCCRACKEN. AS A TECHNICAL QUESTION FOR PERHAPS MR. SUBMITS, SO WOULD THE APPROPRIATE ACTION BE TO APPROVE THIS ON FIRST READING, BUT THE DIRECTION BEING FROM THE -- THE MOTION TO CHANGE IT ON -- FOR THE SECOND READING OR IN THEORY COULD THE MOTION BE TO APPROVE ON FIRST READING ONLY AN AMENDED ORDINANCE, THAT IS --

I THINK, MAYOR, THE FIRST METHOD YOU SUGGESTED WOULD BE THE PREFERABLE METHOD TO ME.

Mayor Wynn: SO MOTION ON TABLE BY COUNCILMEMBER COLE, SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE THIS OSHS ON FIRST READING ONLY, BUT FURTHER DIRECTION TO STAFF THAT WHEN THE ORDINANCE COMES BACK FOR ITS IS SECOND READING NOT

TO INCLUDE TRANSPORTATION CUSTOMER FEES.
COUNCILMEMBER KIM.

Kim: CAN THE STAFF GO BACK OVER THE
TRANSPORTATION FEE AGAIN IN ABOUT HOW THAT
WOULD BE APPLIED AND WHO WOULD BE APPLIED
TO? CAN YOU PLEASE GO OVER IT IN DETAIL?

I DID WANT TO CLARIFY THAT IT IS PROBABLY AN
OVERSTATEMENT TO SAY THAT VERY FEW
COMMUNITIES IMPOSED THIS FEE. THE FEE THAT IS
IMPOSED ON THE VALUE OF TRANSPORTED GAS IS A
FEE WHICH CAPTURED THE REVENUE ON THE
ACTUAL GAS THAT IS TRANSPORTED IN THE
PIPELINES, BUT WHICH DOES NOT APPEAR IN
RESIDENTIAL AND COMMERCIAL CAN YOU
REMEMBER BILLS SO THAT WHEREAS THE RATES OF
RESIDENTIAL AND COMMERCIAL CUSTOMERS
INCLUDE A COST OF SERVICE FOR THE VALUE OF
THE GASKS THE COST OF THE GAS -- WHICH
INCLUDES THE COST OF TRANSPORTATION, THE
REVENUES OF THE UTILITY THAT WE ARE
ASSESSING THE FRANCHISE FEE ON DO NOT
INCLUDE THAT COMPONENT, THE VALUE OF THE
TRANSPORTED GAS. SO IT IS -- WHAT WE'RE TRYING
TO RECOVER FROM THESE TRANSPORT CUSTOMERS
IS A PORTION OF THE -- A PORTION OF THE COST OF
SERVICE THAT REGULAR CUSTOMERS DO PAY. THE
REVENUES ON THAT COST OF SERVICE. AND I THINK
WE'VE GONE OVER THE NUMBERS, BUT THIS IS AN
EMERGING APPROACH, AND THE REAL ISSUE HERE
IS THE STABILITY AND THE PROTECTION OF THE
REVENUE STREAM. AND WHEN WE DON'T -- WHEN
WE ALLOW THAT -- WHEN WE ALLOW NO TAX ON
THE VALUE OF THE TRANSPORTED GAS, THAT
COULD -- WE HAVEN'T STUDIED IT, BUT IT COULD
PROVIDE AN INCENTIVE FOR PEOPLE TO BYPASS
THE UTILITY AND PROVIDE THEIR OWN UTILITY
SERVICE, AND THAT VALUE WOULD BE LOST TO THE
CITY.

...

Kim: SO IF THIS MOTION IS PASSED, WE WOULD NOT
BE ABLE TO RECOVER THAT COST, WHICH IS THE
VALUE OF THE TRANSPORTED GAS, WHICH WE ARE

NOT RECEIVING RIGHT NOW, IS THAT CORRECT?

THAT'S CORRECT.

Mayor Wynn: MAYOR PRO TEM.

Kim: I DO THINK THAT WE NEED TO COVER THE COST OF THE GAS THAT'S BEING TRANSPORTED BY THIRD PARTIES. I THINK IT SHOULD BE AN EVEN PLAYING FIELD AND I THINK THAT THEY ALL USE OUR RIGHT-OF-WAY, PUBLIC INSTITUTIONS AS WELL AS PRIVATE, AND I THINK THAT IT'S THE STAFF RECOMMENDATION, BUT I'M WILLING TO GO WITH THE STAFF RECOMMENDATION AT THIS TIME.

Mayor Wynn: THANK YOU, COUNCILMEMBER. MAYOR PRO TEM.

Dunkerley: I THINK TEXAS GAS SERVICE HAS THREE -- MAYBE THREE CUSTOMERS WHO CHARGE THE TRANSPORT FEE, BUT THERE ARE OTHER GAS COMPANIES IN TEXAS AND OTHER CITIES IN TEXAS THAT HAVE INCLUDED THE VALUE OF TRANSPORTED GAS IN THEIR FRANCHISE. I'M NOT SURE THE NUMBER, BUT IT IS FAR MORE THAN 3.

Mayor Wynn: MR. WEBB.

WE HAVE DID HE REQUEST OF -- [INAUDIBLE - NO MIC]. ... THAT CHARGE THE FRANCHISE FEE ON THE VALUE OF TRANSPORTED GAS. A GREAT MANY OF THEM IN THE DALLAS METROPLEX AREA, INCLUDING THE CITY OF DALLAS, CHARGE A FRANCHISE FEE ON THE VALUE OF TRANSPORTED GAS. IT'S REALLY QUITE COMMON THERE. IT IS UNUSUAL FOR TEXAS GAS SERVICE, BUT IT'S NOT UNUSUAL FOR GAS PROVIDERS AS -- PARTICULARLY IN THE DALLAS-FORT WORTH AREA. AND THE CITY OF DLARKS FOR EXAMPLE, HAS ABSOLUTELY -- THE CITY OF DALLAS HAS ABSOLUTELY NO EXEMPTIONS FOR ANY TRANSPORT CUSTOMER. SO WHILE THE EXEMPTIONS ARE CLEARLY A POLICY MATTER, THAT THE VARIOUS CITIES AROUND THE STATE WHO CHARGE FRANCHISE FEES ON THE VALUE OF TRANSPORTED GAS, IT IS NOT UNCOMMON AND I KIND OF BELIEVE THAT IT COULDN'T REST ON VERY

SHAKY SUPPORT IF SO MANY OTHER CITIES DO IT.

I WOULD ALSO LIKE TO POINT OUT THAT 1:00 O'CLOCK IS IN OKLAHOMA -- ONE OAK IS AN OKLAHOMA BASED CORPORATION. I WOULD SAY BASED ON INFORMATION WE'VE RECEIVED FROM CITIES THRRKS IT IS THERE, IT IS PROBABLY LESS OF THE EXCEPTION THERE. IT'S REALLY THE.... TIMING OF THE CHAN.....FRANCHISES. AS THESE PREMID 80 FRANCHISES EXPIRE, THAT IS WHEN COMMUNITIES ARE TAKING THE OPPORTUNITY TO ASSESS THE TRANSPORT FEE.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: YEAH, AND ACTUALLY ON THE TRANSPORT FEE, WHAT I WOULD LIKE TO SEE US DO IS TO EXEMPT GOVERNMENT AGENCIES AND NOT TO EXEMPT THE PRIVATE SECTOR FROM THE TRANSPORT FEE, BUT ALSO ONE OF THE THINGS WE LEARNED IN THE MEERING EMERGING TECHNOLOGIES COMMITTEE IS THAT THE COST OF THE GAS, THRB LD BUDGETARY ISSUES RAISED IN THE CURRENT FISCAL YEAR FOR A LOT OF THESE CUSTOMERS. SO I DO PERSONALLY BELIEVE THAT IT MAKES SENSE TO SAY THAT THE COST OF THE GAS ITSELF, NOT ASSESS THAT FEE UNTIL THE BEGINNING OF THE NEXT FISCAL YEAR, OR IF THEY DO CALENDAR YEAR BUDGET, FOR EACH OF THESE CUSTOMERS. SO IT DOESN'T THROW OFF THEIR MIDYEAR BUDGETING, WHICH COULD BE A BIG HIT.

Mayor Wynn: COUNCILMEMBER COLE.

Cole: I'D LIKE TO MAKE A COMET. FIRST I'D LIKE TO SAY THAT FIRST WE HAVEN'T HAD AN OPPORTUNITY TO HEAR FROM ANY OF THE USERS THAT WE ARE CONTEMPLATING ASSESSING THIS FEE FOR, I WOULD LIKE TO WITHDRAW MY MOTION SO THAT WE HAVE A CHANCE TO HEAR THAT AND PERHAPS GIVE DIRECTION TO STAFF ON SECOND READING.

Mayor Wynn: SO WE HAVE A MOTION WITHDRAWN, SO NO MOTION ON THE TABLE. COUNCILMEMBER

MARTINEZ?

Martinez: I WANTED TO MAKE A COMEPT. PART OF THE PROCESS I SEE HERE HAPPENING IS THAT WE'RE ASKING QUESTIONS OF STAFF, AND THAT SHOULD BE THE WAY WE RELAY OUR CONCERNS. AND I WAS GOING TO SPEAK TO THAT MOTION BECAUSE I FEEL LIKE IT'S GIVING A DIRECTION ON A SPECIFIC CONTRACT NEGOTIATION ITEM THAT WE DON'T HAVE THE ENTIRE AGREEMENT BEFORE US AND WE HAVEN'T HEARD FROM ALL THE STAKEHOLDERS. SO MUCH I WANT TO MAKE A STATEMENT THAT I THINK WE HAVE A RIGHT AS A COUNCIL TO GIVE POLICY DIRECTION, BUT I WOULD BE DISCOURAGED IF WE WERE TO TAKE ACTION TO DIRECT STAFF TO GO BACK AND NEGOTIATE A SPECIFIC ITEM OUT OF AN AGREEMENT THAT ENCOMPASSES MANY MORE ITEMS. SO I LOOK FORWARD TO HEARING BACK FROM STAFF ON SECOND READING. YOCH A PROBLEM PASS THG ON -- CAN I DON'T HAVE A PROBLEM PASS THG ON FIRST READING BASED ON CONVERSATIONS TODAY, AND I HOPE WE KEEP THAT IN MIND FOR FUTURE REFERENCE.

Mayor Wynn: MY UNDERSTAND SG IS THAT STAFF HAS SPECIFICALLY ASKED FOR SOME DIRECTION ON THESE THREE OR FOUR ESSENTIALLY OUTSTANDING ISSUES. AND SO IS I THINK IT ACTUALLY -- KNOWING HOW COMPLICATED IT IS TO FIRM UP THE DETAILS, THE LANGUAGE OF WHAT CAN BE A SIMPLE ENOUGH SOUNDING ISSUE, I THINK THEY WOULD LIKE FOR TO US GIVE THEM DIRECTION ON THE TWO OR THREE ISSUES SO THEY CAN BEGIN TO DRAFT IT AND TAKE THE MONTH TO FIRM UP THAT LANGUAGE. AND MEANWHILE, MY SUSPICION IS THAT WE HAVE THE ABILITY AND WE WILL BE HEARING FROM SOME OF THE CUSTOMERS THAT WILL BECOME AWARE OF A POTENTIAL CHANGE IN THEIR COST OF GAS. COUNCILMEMBER KIM.

Kim: WITH THESE DECISION POINTS HAVING TO DO WITH THE TRANSPORTED GAS, THERE IS ALSO A QUESTION -- I THINK STAFF HAS LAID IT OUT RIGHT NOW THAT IT DOESN'T EXEMPT PUBLIC INSTITUTIONS, IT DOESN'T EXEMPT STATE

GOVERNMENT, AND I'D LIKE TO KEEP IT THAT WAY PERSONALLY. STATE GOVERNMENT HERE HAS A LOT OF SAY. THEY HAVE -- THEY'RE BEHAVINGLY LIKE FATHER NATIONS IN OUR CITY WHEN IT COMES TO OUR LAND USE AND THEIR PROPERTY. THEY DON'T PAY PROPERTY TAXES TO THE CITY. WE'RE GLAD TO HAVE THE CAPITOL HERE, BUT THEY ALSO ADD A LOT OF COSTS TO OUR INFRASTRUCTURE THAT WE NEED TO PAY FOR. SO GIVEN THAT THEY DON'T PAY PROPERTY TAXES RIGHT NOW, I DON'T HAVE TO ADD THEM TO THE LIST OF THINGS WE GET FROM OUR CITY BECAUSE WE DO NEED THE MONEY TO PROVIDE THE QUALITY SERVICE FOR STATE GOVERNMENT TO FUNCTION. I WOULD LIKE TO MAINTAIN THAT THAT THEY DO NEED TO PAY FOR THE COST OF TRANSPORTED GAS AS WELL AS NONPROFIT INSTITUTIONS.

..

Leffingwell: WE CURRENTLY CHARGE A FEE ON TRANSPORTED GAS. WHAT WE'RE CONTEMPLATE SG IS A FRANCHISE FEE ON THE COST OF THE GAS. I DIDN'T UNDERSTAND IF THAT WAS COUNCILMEMBER COLE'S ORIGINAL MOTION FOR AWHILE OR NOT. YOU...COUNCILMEMBER, ARE YOU PROPOSING TO DIRECT NOT CHARGING A FRANCHISE FEE ON THE COST OF TRANSPORTED GAS BOUGHT FROM A THIRD PARTY FOR EVERYONE AS IT WAS AT YOUR MOTION?

Cole: THAT WAS MY ORIGINAL MOTION AND THEN I FELT LIKE WE NEEDED TO WITHDRAW IT BECAUSE WE NEEDED TO HEAR FROM MORE OF THE STAKEHOLDERS?

McCracken: WE DO NOT HAVE A MOTION ON THE TABLE?

Mayor Wynn: I'LL GLADLY ENTERTAIN ONE.

McCracken: I'LL MOVE ON FIRST READING THE FRANCHISE AGREEMENT WITH THE FOLLOWING TWO ADDITIONAL DIRECTIONS. TO NOT INCLUDE THE STREET CUT FEES IN THE ITEM BROUGHT BEFORE US FOR SECOND READING, AND ALSO TO

NOT INCLUDE A FRANCHISE FEE FOR THE COST OF THE GAS FOR GOVERNMENTAL ENTITIES.

I WOULD SECOND THAT, BUT WHY DON'T YOU BREAK THEM UP. YOU WANT STREET CUT FEES VERSUS GOVERNMENTAL ATTENDANTS, BECAUSES THAT TO DO WITH TRANSPORTATION.

McCracken: I'M PROPOSING TWO SEPARATE CHANGES. WE HAVE A MOTION AND A SOAKED THE TABLE AND A MOTION BY COUNCILMEMBER MCCRACKEN, SECOND BY COUNCILMEMBER COLE TO APPROVE THIS ORDINANCE ON FIRST READING ONLY WITH TWO POINTS OF DIRECTIONS TO STAFF, THE FIRST BEING THAT NO STREET CUT FEES WILL BE INCLUDED IN THIS SECOND READING AS BROUGHT TO US, AND THAT NO FRANCHISE FEES ON THE COST OF GAS TO POLITIC ENTITIES BE INCLUDED ON THE SECOND READING.

Kim: MAYOR, I'D LIKE TO STRIKE GOVERNMENTAL ENTITIES FROM THAT PROVISION. THEY WOULD NOT BE EXEMPT.

Mayor Wynn: SO I TAKE IT THAT WON'T BE A FRIENDLY AMENDMENT. SO WE HAVE A MOTION TO AMEND ON THE TABLE. I GUESS I NEED A SECOND ON THE MOTION TO AMEND. THAT MOTION TO AMEND BEING -- COUNCILMEMBER LEFFINGWELL SECONDS THE MOTION TO AMEND. THAT BEING TO ON THE SECOND POINT OF DIRECTION FROM COUNCILMEMBER MCCRACKEN'S MOTION TO STRIKE THAT AND THEREFORE INCLUDE FULLY FRANCHISE FEE ON THE COST OF GAS TO ALL TRANSPORTATION CUSTOMERS.

AND MAYOR IF I COULD JUST TO MAKE SURE, DEPENDING ON WHAT THE VOTE IS, COUNCILMEMBER MCCRACKEN USED THE PHRASE PUBLIC ENTITIES AND COUNCILMEMBER KIM USED THE PHRASE GOVERNMENTAL ENTITIES. AND I JUST WANTED TO MAKE SURE THAT COUNCILMEMBER KIM'S PROPOSED AMENDMENT ISN'T SPEAKING OF ANYTHING DIFFERENT THAN THE SAME ENTITIES COUNCILMEMBER MCCRACKEN'S MOTION SPOKE

TO.

Kim: SO STRIKING PUBLIC ENTITIES SINCE HE USED THAT TERM.

Mayor Wynn: QUESTION. SO STRIKING PUBLIC ENTITIES, YOU INTEND TO LEAVE GOVERNMENT ENTITIES IN THIS PROPOSED EXEMPTION?

Kim: CORRECT. IN THE EXEMPTION? NO. MY INTENT IS TO NOT EXEMPT GOVERNMENTAL OR PUBLIC ENTITIES.

Mayor Wynn: YOU'RE EXEMPTING NO ONE. YOUR MOTION IS IS THAT ALL TRANSPORTATION CUSTOMERS, PUBLIC, PRIVATE, GOVERNMENT --

Kim: CORRECT, WOULD BE SUBJECT TO THE FEE. AND I THINK THAT IF WE WANT TO TAIG SOME TIME IN THE NEXT MONTH TO LOOK AT THIS AND EXCLUDING THEM, WE SHOULD LOOK AT WHAT OTHER COMMUNITIES ARE DOING. AT THIS TIME I DON'T THINK ON THE FIRST MOTION THAT WE SHOULD EXCLUDE THEM OUT RIGHT. WE SHOULD REALLY LET THE STAFF TAKE THE TIME AND NEGOTIATE THIS WITH 1:00 O'CLOCK AND GIVE US NOMPLS THE -- ONE OAK AND WHAT THEY CHARGE AND FOR PUBLIC AND PRIVATE ENTITIES.

Mayor Wynn: WE HAVE A MOTION ON THE TABLE. MAYOR PRO TEM?

Dunkerley: I'D LIKE TO THROW ANOTHER -- I DON'T THINK I WANT TO MAKE A MOTION, BUT WHAT I'D LIKE TO SEE IS AN EXEMPTION FOR LOCAL SCHOOL DISTRICTS ONLY. SO WE HAVE A LOT OF --

...KIM.....

Kim: KIM WE CAN DO THAT ON SECOND READING.

Dunkerley: WHAT I'M TRYING TELL THE STAFF IS THERE'S NOT CONSENSUS ON THE COUNCIL AND WHAT WE WANT TO DO WITH EXEMPTION.

Mayor Wynn: I THINK WE WILL NEED A CHINESE

MENU ON SECOND READING. COUNCILMEMBER MARTINEZ.

Martinez: PART OF THE MOTION IS TO ALSO EXEMPT STREET CUTS, AND --

Mayor Wynn: THAT'S NOT WHAT WE'RE ABOUT TO BE VOTING ON.

Martinez: I UNDERSTAND. MY POINT IS WITH THIS AMENDMENT WE ACTUALLY HAVE DOLLAR FIGURES IN FRONT OF US AS TO THE IMPACT THAT IT MIGHT HAVE ON THIS FRANCHISE AGREEMENT. WITH THE OTHER PART OF THE MOTION WE DON'T. SO I'M OKAY WITH VOTING UP OR DOWN ON WHETHER OR NOT WE EXEMPT GOVERNMENTAL ENTITIES BECAUSE I HAVE THE DATA BEFORE ME. I'M NOT OKAY WITH SEAT VOETING UP OR DOWN TREAT CUTS BECAUSE WHEN I ASKED THE QUESTION ABOUT REVENUE IF WASN'T BEFORE US. BUT THE CONCERN I HAVE WITH EXEMPTING GOVERNMENTAL ATTENDANTS AND/OR PUBLIC ENTITIES IS THAT WE HAVEN'T HEARD FROM THEM.

Kim: I CAN AMEND MY MOTION. TO NOT REMOVE --

Mayor Wynn: COUNCILMEMBER, PLEASE WAIT UNTIL YOU'RE IDENTIFIED UNTIL YOU SPEAK OUT. THERE'S A MOTION AND A SECOND ON THE TABLE THAT STRIKES ALL FEES. COUNCILMEMBER LEFFINGWELL.

Leffingwell: I SECOND THE MOTION BECAUSE I PECIALLY DON'T HAVE ENOUGH INFORMATION TO GO ABOUT REMOVING THE TAX ON CERTAIN ENTITIES RIGHT NOW. I MAY WELL DECIDE THAT AFTER I GET MORE INFORMATION IN THE FUTURE. BUT FOR NOW I WOULD LIKE TO SEE ON FIRST READING A MOTION GO FORWARD THAT INCLUDES BASICALLY EVERYBODY. AND THAT MAY CHANGE BY THE TIME OF SECOND READING. MECHANIC...

McCracken: MAYOR, I'LL ACCEPT TAZ A FRIENDLY AMENDMENT. THERE'S NO WAY I'M GOING TO ACCEPT A FRANCHISE AGREEMENT THAT TAXES THE STATE OF TEXAS, AISD AND THE UNIVERSITY

OF TEXAS. BUT TO STREAMLINE THINGS FOR SECOND READING I'D BE HAPPY TO ACCEPT IT FOR THAT.

Mayor Wynn: THANK YOU, ACCEPTED, AND I AGREE WITH YOUR COMMENTS. SO WE NOW HAVE THE ONLY ADDITIONAL DIRECTION TO STAFF IS TO NOT INCLUDE STREET CUT FEES AT SEBD AT SECOND READING. FURTHER COMMENTS ON THE MOTION ON THE TABLE NOW. COUNCILMEMBER MCCRACKEN.

McCracken: MAYOR, I SEE WHAT'S COMING AND I'LL TELL YOU AGAIN ORKS THE STREET CUT FEES, WE ARE OVERUSING STRET CUT FEES IN MY OPINION, THE CITY OF AUSTIN, NOT DOING TOO LATE OF THEM. THAT IS IT BECOMES A MAJOR IMPEDIMENT TO BURYING UTILITY LINES. IT IS ONE OF THE REASONS WHY WE HAVE A HARD TIME GETTING THE PHONE AND CABLE COMPANIES TO GO UNDERGROUND BECAUSE WE HAVE A POORLY REGARDED STREET CUT FEE POLICY AROUND THE STATE. AND IT THIS WOULD ADD ON TO SOMETHING THAT IS NOT WORKING ALREADY. SO INSTEAD OF COMPOUNDOGA BAD IDEA, I'D RATHER NOT SEE US ADD ON TO A BAD IDEA AND START FIXING IT. THAT SAID, THAT'S FINE TO BE TAKEN FOR SECOND READING TOO. I'LL WITHDRAW THE STREET CUT DEAL. I WOAPT SUPPORT -- I'M GOING TO BE REAL LEERY OF ANYTHING THAT INCLUDES A STREET CUT FEE.

Mayor Wynn: SO THE MOTION ON THE TABLE IS SIMPLY TO APPROVE ON FIRST READING ONLY WITH NO DIRECTION OF STAFF. AND NOW WE'RE MAKING STAFF TRY TO READ OUR COLLECTIVE MINDS. I TOO WILL NOT BE VOTING ON SECOND OR THIRD READING FOR ANY FRANCHISE AGREEMENT THAT ARBITRARILY TAXES AISD, THE UNIVERSITY OF TEXAS AND THE STATE OF TEXAS, I'LL MAKE THAT VERY CLEAR. I ALSO WILL TAKE LEGAL ADVICE THAT FIVE PERCENT FRANCHISE FEE IS THE HIGHEST FEE ALLOWED PER STATE LAW, AND THAT LAW WAS WRITTEN THAT THAT FRANCHISE FEE, A PERCENTAGE, IS IN LIEU OF OTHER FEES. SO I WILL ALSO NOT BE VOTING ON TO HAVE THE MAXIMUM STATE ALLOWED FRANCHISE FEE AND THEN IN

ADDITION TO THAT CHARGE ANYBODY TO -- FOR STREET CUTS OR ANYTHING FOLLOWS THAT MATTER. SO THAT'S MY INDIVIDUAL DIRECTION. I'M SORRY THAT WE'RE NOT GOING TO TAKE MOTIONS TO LET STAFF SEE WHETHER THERE'S A FOUR-THREE, FIVE-TWO, ONE-SIX DIRECTION ON THREE DIFFERENT ISSUES, BUT PERHAPS WE CAN NOW TAKE COMMENTS AND WE CAN JUST INDIVIDUALLY TELL STAFF HOW WE FEEL ABOUT THOSE ISSUES. I OF COURSE RESERVE THE RIGHT TO IN THEORY CHANGE MY MIND SHOULD A NUMBER OF CUSTOMERS COME TO ME IN THE -- COME TO ME IN THE NEXT MONTH AND SUGGEST THAT PERHAPS -- IF BILL POWERS COMES TO ME AND STHAWGZ THE UNIVERSITY OF TEXAS WOULD GLADLY PAY ANOTHER MILLION AND A HALF DOLLARS TO THE CITY OF AUSTIN NEXT YEAR, HE MIGHT CONVINCE ME TO CHANGE MY MIND. A MOTION AND A SECOND ON THE TABLE. FURTHER COMMENTS? COUNCILMEMBER MARTINEZ ARE?

Martinez: THE OTHER CUSTOMERS I WANT TO KEEP IN MIND ARE RESIDENTIAL CUSTOMERS WHO ARE PAYING THEIR FEE. WHAT I'D LIKE TO SEE IS I MAY OR MAY NOT BE IN AGREEMENT WITH EXEMPTING GOVERNMENTAL AND PUBLIC ENTITIES. I MAY OR MAY NOT BE IN AGREEMENT WITH STREET CUTS. WHAT I'D LIKE TO SEE IS COMPARISON OF THAT DATA, ESPECIALLY AS IT RELATES TO STREET CUTS. BECAUSE COMMENTS MAY BE RIGHT ON TARGET AND I MAY BE IN COMPLETE AGREEMENT WITH THOSE COMMENTS. I JUST HAVEN'T BEEN ABLE TO SEE THE ANSWERS TO THE QUESTIONS THAT I POSED IN TERMS OF THE REVENUE GENERATION THAT WE'RE TALKING ABOUT.

Mayor Wynn: FURTHER COMMENTS?
COUNCILMEMBER KIM.

Kim: I'D LIKE TO SAY THANK YOU, COUNCILMEMBER MCCracken.

Mayor Wynn: THANK YOU. FURTHER COMMENTS? WHICH MIGHT ALLOW STAFF TO CRAFT A GOOD CHINESE ME NEW FOR US ON SECOND READING. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY

AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON FIRST READING ONLY. THANK YOU ALL VERY MUCH. WELL, COUNCIL, WE HAVE 10 MINUTES NOW BEFORE OUR NOON CITIZEN COMMUNICATION. OUR ONLY OTHER DISCUSSION ITEM IS I THINK PERHAPS A RELATIVELY COMPLICATED WAIVER, ITEM NUMBER 28. WE HAVE ABOUT 12 CITIZENS SIGNED UP WISH TO GO SPEAK. PERHAPS WE COULD GET THE PRESENTATION OF THE CASE PRIOR TO NOON,, THEN WE'LL GO TO CITIZEN COMMUNICATION AND THEN WE'LL CONTEMPLA HOW TO TAKE THE CITIZEN TESTIMONY ON THIS ITEM NUMBER 28. SO STAFF PRESENTATION. WELCOME.

....'

I'M HERE TO PRESENT ITEM 28, WHICH IS A WAIVER REQUEST FOR 1508 WEST 30TH STREET. THE REQUEST IS TO CONSTRUCT A NEW SINGLE-FAMILY HOUSE WHICH IS APPROXIMATELY 3,045 SQUARE FEET. IT'S A TWO-STORY STRUCTURE, IT EXCEEDS THE SIZE LIMITATIONS BY APPROXIMATELY 548 SQUARE FEET AND IT HAS A FAR LIMITATION OF 4.469. JUST TO GIVE AWE TIME LINE ON THIS PROPERTY. IN JANUARY WITH THE APPLICANT DID COME IN AND SUBMIT A MODEL REQUEST TO ADD A SECOND STORY TO THE EXISTING SINGLE-FAMILY RESIDENCE. DURING CONSTRUCTION, HOWEVER, THE STRUCTURE WAS DEMOLISHED AND IT WAS DEMOLISHED WITHOUT THEM SEEKING A PERMIT. THE APPLICANT WAS NOTIFIED THAT A DEMOLITION PERMIT WOULD BE REQUIRED FOR NEW CONSTRUCTION AND THEY APPLIED FOR THAT PERMIT ON JULY 28TH, AND IT WAS ISSUED. THE STOPGAP ORDER WAS ISSUED ON AUGUST THE FOURTH BECAUSE THE ORIGINAL PERMIT THAT THEY APPLIED FOR, THEY WERE NO LONGER IN COMPLIANCE BECAUSE THERE WAS NO STHRUR. NO STRUCTURE THERE. THE APPLICANT SUBSEQUENTLY CAME IN AND APPLIED FOR A WIEFER THE GLIEWNDZ THE DEVELOPMENT LIMITATION UNDER THE SINGLE-FAMILY

ORDINANCE BECAUSE THEY FELT THAT THE DWOIMENT POSED AN UNDUE HARDSHIP ON THE APPLICANT DUE THE SIGNIFICANT TIME AND FINANCIAL INVESTMENT THAT HAD BEEN PLACED ON THE PROPERTY AND THEY FELT THAT THE PROPOSED SINGLE-FAMILY RESIDENCE WOULD NOT HAVE AN ADVERSE EFFECT ON THE HEALTH, SAFETY AND WELFARE OF THE NEIGHBORS. WHEN THE APPLICATION CAME IN TO THE STAFF, THE STAFF USED THE FOLLOWING CRITERIA TO EVALUATE THE REQUEST. THE FACTORS THAT WE CONSIDERED WAS THE LETTER FROM A PROFESSIONAL YIRN STATING THAT THE STRUCTURE WOULD NOT HAVE A NEGATIVE IMPACT ON THE DRAINAGE. THE APPLICANT DID PRESENT FINDINGS THAT THEY HAD A SIGNIFICANT CAPITAL OUT LAY. THEY HAD 12 LETTERS OF NEIGHBORHOOD SUPPORT. THE APPLICANT PROPOSES -- ESSENTIALLY THE STRUCTURE HAD NOT CHANGED IN TERMS OF WHAT THEY PROPOSED TO BUILD WAS PRETTY MUCH THE SAME STRUCTURE THAT THEY HAD WHEN THEY CAME IN IN JANUARY WRKS THE EXCEPTION OF TWO THINGS. THEY HAD AN ENCLOSED PORCH OF 175 NEAT ON THE GROUND LEVEL AND AN ENCLOSED PORCH OF 275 FEET ON THE SECOND LEVEL. THEY ALSO HAD PICTURES ILLUSTRATING SOME OF THE OTHER HOUSES THAT WOULD NUMBER THE NEIGHBORHOOD THAT THEY WOULD BE COMPATIBLE. I THINK I WANTED TO SHOW YOU A COUPLE OF THOSE IF WE COULD. THE SQUARE FOOTAGE I THINK IS ABOUT 2600 ON THIS ONE. THIS AGAIN IS ON THE SAME STREET AND THE SQUARE FOOTAGE IS ABOUT 2600 ON THIS ONE AS WELL. AND BASED ON THESE FACTORS, THE STAFF IS RECOMMENDING APPROVAL OF THE WAIVER REQUEST BEFORE THU AFTERNOON. WE WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE BEFORE GOW TO BREAK.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL. AGAIN, JUST A QUICK SUMMARY, I KNOW YOU PROBABLY JUST WENT YOU.... THROUGH THIS, BUT THE HOUSE AS IT'S BEING CONSTRUCTED NOW IS ESSENTIALLY THE SAME SIZE AS WHAT WOULD HAVE HAPPENED HAD THEY SIMPLY ADDED THE

SECOND FLOOR ON TO THE ORIGINAL ARE SINGLE STORY HOUSE WITH THE EXCEPTION OF AN ENCLOSED PORCH?

THE ENCLOSED PORCHES ADDED ADDITIONAL FAR TO THE HOUSE, THAT'S CORRECT.

Mayor Wynn: IS THE FOOTPRINT, IS IT APPROXIMATELY THE SAME AS THE ORIGINAL FOUNDATION OF THE ORIGINAL SINGLE STORY HOUSE?

THE FOOTPRINT WOULD BE A LITTLE BIT LARGER. I THINK IT'S JUST A TAD BIT LARGER, NOT VERY MUCH, THOUGH. IS THAT CORRECT? I'M SORRY, I'M INCORRECT. I'M BEING CORRECTED RIGHT NOW. IT'S EXACTLY THE SAME, I APOLOGIZE. I BELIEVE THEY WERE GOING UP A STORY, IS THAT CORRECT? THEY WERE GOING UP.

Mayor Wynn: AND THE HOME HAS IT'S AS IT'S BEING CONSTRUCTED NOW, HOW OUT OF COMPLIANCE IS IT WITH THE McMANSION ORDINANCE THAT WE PASSED RECENT SNRI.

IT'S APPROXIMATELY 545 545 SQUARE FEET OVER THE SIZE LIMITATION. IT HAS A FAR OF .469.

SO ON RAW QUAIRJ, AS PART OF.....PART -- RAW SQUARE FOOTAGE, WITH THE TENT, THE BUILDING ENVELOPE THAT WE APPROVED, IS IT ALSO -- IS IT OR IS IT NOT COMPLIANT WITH THE SETBACKS SNIRKS IT'S COMPLIANT WITH THE SETBACKS AND HEIGHT LIMITATION, BUT IT'S NOT PART OF -- IT HASN'T BEEN ADOPTED YET COMPLETE LIVMENT WE'RE NOT APPLYING -- WE'RE NOT APPLYING COMPLYING THESE REVISIONS OF THE ORDINANCE. THAT COMES IN EFFECT IN OGHT. THE BUILDING ENVELOPE, THAT'S NOT INTO EFFECT UNTIL OCTOBER. SO AS IT STANDS RIGHT NOW, THEY COMPLY WITH HEIGHT, SETBACKS, EVERYTHING ELSE EXCEPT THAT LIMITATION.

Mayor Wynn: COUNCILMEMBER ALVAREZ OF STAFF? COUNCILMEMBER LEFFINGWELL.

Leffingwell: IT'S MY UNDERSTANDING THIS
ORIGINALLY STARTED OUT TO BE A REMODEL.

YES.

Leffingwell: AND IN THE PROCESS OF REMODELLING,
THE WHOLE HOUSE GOT DEMOLISHED?

THAT'S CORRECT.

Leffingwell: AND THAT WAS DONE WITHOUT A
PERMIT?

THAT'S CORRECT, IT WAS.

Leffingwell: AND IT'S MY UNDERSTANDING THAT
TWLORP STOP WORK IRPZ -- THAT THERE WERE TWO
STOP WORK ORDERS ISSUED AND BOTH WERE
IGNORED IN THE PROCESS?

THE INITIAL STOP ORDER PROCESS WAS ISSUED
SAYING THEY WERE NO LONGER COMPLIANCE.
THEY DID COME IN IMMEDIATELY AFTER THAT TO
COME IN AND MEET WITH STAFF.

Leffingwell: SO IMMEDIATELY AFTER THE STOP WORK
ORD WAS ISSUED THEY STOPPED WORK AND CAME
IN?

THAT'S MY UNDERSTANDING. I THINK SHE DID
COME IN AND SPEAK WITH STAFF TO LET US KNOW
WHAT SHE NEEDED TO DO. SHE MET WITH STAFF TO
FIGURE OUT WHAT WERE OTHER..... HER OPTIONS.
SHE WAS VERY COOPERATIVE AND MET WITH
STAFF.

Leffingwell: SO JUST TO BEAT A DEAD HORSE HERE,
THE REASON THEY DIDN'T APPLY FOR THIS WAIVER
BEFORE THEY BEGAN THE PROCESS IS WITH
BECAUSE THEY DIDN'T KNOW THEY NEEDED A
WAIVER TO DEMOLISH AND THE HOUSE AND
REBUILD IT?

IT WAS MY INTENTION THAT THEY DIDN'T WANT TO
DEMOLISH THE HOUSE. WHEN IT HAPPENED DURING
THE CONSTRUCTION ACT, THAT'S WHEN THEY

KNEW THEY NEEDED A WAIVER. THE INSPECTOR WENT OUT, RED TAGGED IT AND SAID YOU'RE NO LONGER COMPLIANCE. YOU DON'T HAVE IS A PLOALGDZ HAD ANYMORE. YOU NEED TO APPLY FOR NEW CONSTRUCTION. THAT'S WHEN THEY CAME IN.

Leffingwell: THEY DIDN'T UNDERSTAND THAT THEY WERE ACTUALLY DEMOLISHING THE HOUSE. THEY THOUGHT THEY WERE PLOALGDZING MORE EXPENSE -- HE PLOALGDZING ... MODELING MORE EXTENSIVELY. AFTER THEY KNEW IT WAS GONE THEY KNEW IT WAS DEMOLISHED.

ABSOLUTELY.

COUNCILMEMBER MCCRACKEN.

McCracken: WHEN WAS THE HOUSE TORN DOWN?

I DON'T REALLY KNOW THE DATE. I THINK WE BECAME AWARE OF IT I BELIEVE IT WAS THE BEGINNING OF AUGUST.

McCracken: AT THE POINT YOU BECAME AWARE THAT THE HOUSE WAS TORN DOWN, WHAT ON THE GROUNDS? WAS IT ALREADY UNDER CONSTRUCTION FOR A NEW HOUSE?

NO. I THINK WHEN WE BECAME AWARE OF IT WE GOT PICTURES AND THERE WAS AT THE TIME JUST A SLAB, WHEN STAFF BECAME AWARE OF IT.

McCracken: A SO AS OF AUGUST 4TH THERE WAS ONLY A SLAB THERE?

YEAH. BUT I BELIEVE A PORTION OF IT HAS BEEN FRAMED.

[INAUDIBLE - NO MIC].

McCracken: IT SOUNDS LIKE WE NEED TO GET SOME OF THE FLMPLS THE VARIOUS SPEAKERS.

Mayor Wynn: THE QUESTION I HAVE, TAMMY, IS SO A BUILDING PERMIT WAS ISSUED BY THE CITY FOR

THE SECOND FLOOR ADDITION TO AN EXISTING SINGLE-FAMILY HOUSE. NOW, WHEN THAT OCCURS, DOES STAFF DO THE CALCULATION AS TO F.A.R.?

YES.

Mayor Wynn: SO THE ORIGINAL PERMIT ISSUED BY THE CITY CONTEMPLATED SETBACKS AND F.A.R. AND AS PROPOSED TO THE CITY THE SECOND FLOOR ADDITION WOULD COMPLY WITH ALL OF OUR REGS?

THAT'S CORRECT.

Mayor Wynn: SO IT SOUNDS LIKE IT'S JUST -- OBVIOUSLY SEVERAL MISTAKES WERE MADE, IT SOUNDS LIKE, BUT THAT WHAT HAS TAKEN IT OUT OF TECHNICAL COMPLIANCE, PUTTING ASIDE THE MISSING DEMOLITION PERMIT AND STOP WORK ORDERS, THOSE TYPE THINGS, IS THE FACT THAT A COUPLE OF PORCHES HAVE BEEN ENCLOSED, SO THAT ADDITIONAL SQUARE FOOTAGE HAS TRIGGERED THE NON-COMPLIANT F.A.R. REGULATION?

THAT'S CORRECT.

Mayor Wynn: FURTHER QUESTIONS OF STAFF, COUNCIL? AGAIN, I SORT OF HATE DOING THIS, BUT WE HAVE 12 OR -- WE HAVE 45 MINUTES' WORTH OF TESTIMONY FROM FOLKS HERE BOTH FOR AND AGAINST THIS CASE, IT'S RIGHT AT NOON. WE HAVE FOLKS WHO COME HERE AT LUNCH HOUR FOR CITIZEN COMMUNICATION. WITHOUT OBJECTION, I THINK WE CAN TABLE THIS AND GO TO OUR CITIZEN COMMUNICATION, WHICH GENERALLY TAKES ABOUT 30 MINUTES, AND THEN WE CAN FIGURE OUT HOW BEST TO TAKE UP THE CITIZEN TESTIMONY. THANK YOU ALL FOR YOUR PATIENCE AND FLEX..... FLEXIBILITY. COUNCIL, WITH THAT THAT TAKES US TO OUR NOON GENERAL CITIZEN COMMUNICATIONS. OUR FIRST SPEAKER TODAY WILL BE CAROL ANNE ROSE KENNEDY? TO BE FOLLOWED BY DON WILLIAMSON. I THINK I SAW DON EARLIER. NANCY DENNIS?

EXCUSE ME. THEY'RE LOADING UP OUR PRESENTATION FOR THE PEAK OIL PRESENTATION. AND NANCY -- MY NAME IS LARRY GILG AND NANCY AND I ARE SWAPPING OUR TIME SLOTS IF THAT'S OKAY.

Mayor Wynn: FAIR ENOUGH. SO WE'LL HAVE LARRY, FOLLOWED BY NANCY DENNIS, FOLLOWED BY SUSAN GILG.

I DIDN'T REALIZE THREBLD NINE ...THEREWOULD BE NINE OF YOU.

GOOD AFTERNOON, MAYOR AND CITY COUNCIL. THIS PRESENTATION IS ENTITLED PREPARING FOR PEAK OIL, AN AUSTIN PERSPECTIVE. IT'S PRESENTED BY FOUR REPRESENTATIVES OF THE CRUDE AWAKENING GROUP IN AUSTIN. MY NAME IS LARRY GILBG AND I'M GOING TO START WITH SOME BACKGROUND ON PEAK OIL. PEAK ROYAL..... OIL TROAFERZ THE CONCEPT THAT THERE IS A MAXIMUM RATE OF FLIEWKS OCCURS WHEN ROUGHLY HALF THE RECOVERABLE OIL IS STILL IN THE GROUND. A LARGE FIELD OF OIL WELLS IN A REGION WILL EXHIBIT A BELL SHAPED CURVE WHEN OIL EXTRACTED ANNUALLY FROM THESE WELLS IS PLOTTED AGAINST A YEAR OF PRODUCTION. UNRESTRICTED PRODUCTION MEANS THAT THE PRODUCTION RATE IS NOT ART FIRLLY CONTROLLED. THE BELL CURVE RESULTS FROM THE CHARACTERISTICS OF THE WELLS IN THE FIELD AS PERTAINS TO DISCOVERY HISTORY, START TIMES, RATES OF PROCLAMATION AND ETCETERA. HUBBARD DEVELOPED THE INSIGHTS INTO A METHOD FOR PREDICTING THE DATE OF PEAK PRODUCTION RATE. AFTER THIS DATE HAS BEEN REACHED, NO AMOUNT OF TECHNOLOGY, MANPOWER OR MONEY CAN INCREASE -- CAN RESTORE THE RATE INCREASE, LET PLOON MAINTAIN ITS PEAK. REMEMBER, THE PRODUCTION RATE IS RESTRICTED ONLY BY THE YEELG OF THE SITE. NOTICE THE 35-YEAR -- THERE'S A 35-YEAR LAG BETWEEN DISCOVERY AND PRODUCTION IN THE U.S. ACCORDING TO THIS CHART. 35 YEARS IS BETWEEN THE PEAK BELL CURVE ON THE LEFT AND THE PEAK BELL COWFERB THE RIGHT. ANY POINT

ON THOSE CURVES ARE ABOUT 35 YEARS APART, SO IT MAKES SENSE THAT THE PEAK WOULD BE AT 35 YEARS AFTER THE PEAK OF DISCOVERY. NFG, THE PEAK HAPPENED IN 1972 JUST AS HUBBARD PREDICTED. IT LOOKS SIMPLE IN HINDSIGHT, BUT DUE TO THE LUMPS IN THE BELL CURVE, RECOGNIZING THE PEAK WAS NEVER EASY AND ALWAYS AFTER THE FACT. HUBBARD'S GENIUS WAS TO TAKE THE ANNUAL PRODUCTION, WHICH IS WELL-KNOWN AND REGULATED IN INDUSTRY AND USE THAT TO MAKE A PREDICTION AS TO THE RECOVERABLE RESOURCE AND CONSEQUENTLY THE TIME OF PEAK. HIS LINE IS BASED ON THIS SAME HARD DATA. HIS LINE IS FORMED BY TAKING A POINT ON THE BELL CURVE THAT CORRESPONDS TO A GIVEN YEAR, DIVIDE THE AMOUNT OF OIL FOR THAT YEAR BY THE AMOUNT EXTRACT UNDERSTAND ALL PRIOR YEARS, GIVING A PERCENTAGE INCREASE OF THE CUMULATIVE AMOUNT EXTRACTED. PLOT THAT POINT AT THE INTERSECTION OF SIX PERCENT AND 30 BILLION BARRELS. ROAPT REPEAT THAT FOR A YEAR. THE POINTS IN RED ON THIS CHART WERE PLOTTEDIOUS AS CRIEBD FOR OIL EXTRACTED IN THE UNITED STATES FROM 1950 THROUGH 22. -- THROUGH 2002. THIS ALLOWS AN ESTIMATE TO BE MADE OF THE TOTAL RECOVERABLE RESOURCE, ABOUT 230 BILLION BARRELS, WHICH AGREES WELL WITH GEOLOGIST'S UNDERSTANDINGS TODAY. IT ALSO GIVES YOU A VISION INTO WHEN HALF THE TOTAL RECOVERABLE RESOURCE HAS BEEN REACHED. IN THIS CASE THE 1972 PEAK. SO THAT THE DATA THAT -- THE METHOD THAT HUBBARD DEVELOPED WAS ACTUALLY VERY ACCURATE IN PREDICTING THE PEAK. THE SAME ARGUMENT APPLIES TO WORLD OIL SUPPLY. NOTICE IN THE YEAR 2000 WE ARE WELL DOWN THE DISCOVERY CURVE WITH THE LARGE DISCOVERIES HAPPENING 40 TO 50 YEARS AGO. THE OIL SHOCKS OF THE 70'S AND 80'S WE CAN MAKE THE STATEMENT THAT THE MAXIMUM RATE OF OIL PRODUCTION WILL OCCUR NOW. THE TOTAL RECOVERABLE RESOURCE WILL BE TWO TRILLION BARRELS AND HALF OF THAT WILL BE EXTRACT UNDERSTAND 2006. THE ANALYSIS SAID THAT WE ARE AT PEAK PRODUCTION WORLDWIDE TODAY.

THANK YOU.

Mayor Wynn: NEXT SPEAKER IS NANCY DENNIS, TO BE FOLLOWED BY SUSAN GILG. WELCOME.

THANK YOU. LARRY HAS COVERED SOME TECHNICAL AND THEORETICAL ASPECTS OF PEAK OIL AND I'M GOING TO PRESENT ASPECTS OF WHAT'S HAPPENED SO FAR. THIS IS A BIG CHART AND WE HAVE ACTUALLY A PHYSICAL COPY TO GIVE TO EACH ONE OF YOU, WHICH WE'RE ABLE TO DO THROUGH A JEAN RUSS DONATION OF ONE OF OUR MEMBERS. THERE'S SO MUCH INFORMATION ON THIS CHART YOU CAN'T REALLY SEE IT ON THE SLIDE, BUT THE POSTER IS BIG ENOUGH THAT YOU'LL BE ABLE TO SEE A LOT OF THE STUFF THAT IT SAYS. THE MAIN PIECE OF THIS CHART SHOWS THE WORLDWIDE OIL PRODUCTION FROM 1859 UP THROUGH 2005 AND THEN FROM THERE IT HAS PROJECTIONS OUT TO 2052. THERE'S A LITTLE YELLOW LINE ON TOP THAT SHOWS WORLD POPULATION STARTING AT 1.5 BILLION IN 1892 UP TO OVER 6 BILLION IN THE EARLY '90'S. SO IF WE EXPAND OUR TIME SCALE OUT TO 4,000 YEARS, WE CAN SEE THAT THIS LITTLE PERIOD OF TIME WHEN WE'VE BEEN PRODUCING OIL IS REALLY JUST A BLIP ON THAT TIME SCALE. AND THE IMPORTANT THING TO NOTICE ABOUT THAT IS HOW THE POPULATION CURVE FOLLOWS THAT SAME PATTERN. SO IT WOULD APPEAR THAT CHEAP OIL HAS MADE IT POSSIBLE FOR POPULATION TO EXPAND EXPONENTIALLY. SO THE BIG QUESTION IS WHEN WE COME DOWN THE OTHER SIDE OF THAT OTHER PEAK, WHAT'S GOING TO HAPPEN TO THAT POPULATION LINE? WE THINK THAT THE ANSWER DEPENDS IN LARGE PART ON HOW PEOPLE RESPOND TO THE FACTS THAT WE'RE PRESENTING TODAY. IN THE PAST DECADE, FIVE OF THE SIX LARGEST OIL FIELDS EVER DISCOVERED HAVE PEAKED AND ARE NOW TERMINAL DECLINE. FOUR IN THE PAST THREE YEARS. THESE FIELDS HAVE BEEN PROVIDING THE LION'S SHARE OF OIL TO THE WORLD. THE LAST DISCOVERIES OF GIANT OR SUPER YIENT OIL FIELDS WERE MORE THAN 35 YEARS AGO. IN FACT, THE MAJORITY OF THE 36 LARGE OIL PRODUCING NATIONS HAVE PEAKD AND ONLY SAUDI ARABIA

CONTAINS A HIGHLY PRODUCING SUPER GIANT. THAT FIELD HAS BEEN PRODUCING FOR MORE THAN 40 YEARS AND IT'S VIABILITY IS NOW IN SERIOUS QUESTION ABOUT OIL GEOLOGISTS AROUND THE WORLD. SO ON THIS SLIDE THE BLUE LINE, THE MAIN BLUE LINE THERE IS OIL EXTRACTION AS IT'S ACTUALLY HAPPENED WORLDWIDE. AND IT SHOWS A PEAK OCCURRING A LITTLE BIT BEFORE 2010. THEN THE REST OF IT OF COURSE IS AN EXTRAPOLATION. THE ORANGE LINE THEN IS AN AFFERTION OVER THE LAST 20 YEEMPLTZ. [BUZZER20 YEARS. [BUZZER SOUNDS] WHEN YOU FORECAST THAT OUT, THE RESULT IS A DIFFERENCE BETWEEN THE ACTUAL PRODUCTION OF OIL AND THE BUSINESS AS USUAL DEMAND. THIS SHOWS THE DIRCHS DIFFERENCE BETWEEN THE BUSINESS AS USUAL DEMAND AND WHAT WE CAN ACTUALLY PRODUCE. YOU CAN SEE AS YOU GO OUT IN TIME YOU REACH THAT POINT.

Mayor Wynn: NANCY, YOU'RE EITHER EEGHT UP ALL OF SUSAN'S TIME OR YOU NEED TO CONCLUDE.

I'LL QUIT. I JUST WANT TO SAY THAT AFTER THE PEAK THERE WILL BE NO SUCH THING AS BUSINESS AS USUAL. WE'VE GOT ABOUT 20 YEARS TO MAKE A SUBSTANTIAL CHANGE IN HOW WE USE ENERGY. THANK YOU.

Mayor Wynn: WELCOME, SUSAN. YOU WILL BE FOLLOWED BY JOHN BOTTL.

GOOD AFTERNOON. I'M SUSAN GILG AND MY PART OF THE PRESENTATION WILL FOCUS ON HOW THE EFFECTS OF PEAK OIL WILL AFFECT OUR LIVES IN AUSTIN. WE'RE ALL AWARE OF THE RECENT STEEP INCREASE IN THE PRICE OF OIL. THE GRAPH ON THE LEFT SHOWS THE ANNUAL AVERAGE PRICE OF A BARREL OF OIL RISING FROM ABOUT \$20 IN 1996 TO OVER \$60 SO FAR THIS YEAR. AND THIS AFFECTS A HOST OF COMMODITIES THAT WE'VE CONSIDERED AS LOW COST ALTERNATIVES. FOR EXAMPLE, THE GRAPH TO THE RIGHT SHOWS THAT THE PRICE OF ASPHALT OVER JUST THE LAST THREE YEARS HAS TRACKED THAT INCREASE IN OIL. IN ADDITION TO OIL DEPLETION, RECENT HEADLINES REMIND US

THAT POLITICAL INSTABILITY AND EVENTS LIKE HURRICANES AND PIPELINE SHUT DOWNS CONTINUALLY STRAIN OUR CURRENT OIL SHROOF AND IT DOESN'T TAKE MUCH OF A DECREASE IN AVAILABLE SUPPLIES TO CAUSE A STAGGERING INCREASE IN THE PRICE OF OIL. A TEAM OF PUBLIC POLICY EXPERTS ADVISED THE PRESIDENT IN 2005 THAT AN OIL SUPPLY REDUCTION OF LESS THAN FOUR PERCENT WOULD CAUSE THE PRICE OF A BARREL OF OIL TO INCREASE TO OVER \$160. THIS COINCIDES WITH THE REALITY THAT THE U.S. CURRENT CONSUMPTION AT 20 MILLION BARRELS A DAY, OUR SPARE CAPACITY HAS DECREASED FROM ALMOST NINE BILLION BARRELS A DAY IN 1995 TO LESS THAN ONE MILLION BARRELS A DAY NOW. HOW MUCH DOES THIS PRICE OF OIL AFFECT US? AS YOU CAN SEE HERE, TEXAS BY FAR THE LARGEST CONTRIBUTOR TO OUR ENERGY CONSUMPTION. IT'S WHAT WE DEPEND ON THE MOST. IF OUR CONSUMPTION IS LIKE THE REST OF THE COUNTRY, TWO-THIRDS OF THE CATEGORY 5 PERCENT THAT WE USE FOR TRANSPORTATION IS USED IN CARS AND LIGHT TRUCKS. ANOTHER 14% IS CONSUMED AS INDUSTRIAL FEED STOCKS FOR PLASTICS, FERTILIZERS, PETROCHEMICAL MANUFACTURING, ETCETERA. THIS COMBINED 79% OF OUR OIL CONSUMPTION IS THE MOST DIFFICULT TO REPLACE EFFICIENTLY AND IS -- AND IS THE OBVIOUS PLACE TO LOOK FOR CONSERVATION OPPORTUNITIES. AUSTIN'S SHARE OF THE 20 MILLION BARRELS OF OIL CONSUMED EACH DAY IN THE U.S. IS OVER 52,000 BARRELS. IN THE THREE MINUTES OF MY TALK WE'LL USE 100 BARRELS OF OIL. AT \$20 PER BARREL, TEXAS LOSTS TO \$380 MILLION A YEAR AND AT \$75 PER BARREL, WE'RE TALKING ABOUT AN ESTIMATED \$1.4 BILLION ANNUAL ECONOMIC BURDEN TO OUR CITIZENS. AS PEAK OIL WILL HAVE PROFOUND EFFECTS ON OUR LIVES HERE IN AUSTIN. THE ADDED COSTS OF VIRTUALLY ALL GOODS AND SERVICES WILL REDUCE EVERY CITIZEN'S BUYING POWER EVEN FOR THE MOST BASIC NEEDS OF FOOD AND SHELTER. AGRICULTURE AND BUSINESS RELIES HEAVILY ON OIL. NO CHEAP OIL MEANS FOR CHEAP FOOD. CHEAP OIL HAS SUPPORTED THE SUBURBAN LIFE-STYLE THAT ENCOURAGES LIVING FAR FROM WORK, SHOPPING

AND SCHOOLS, ACCESS TO COMMUNITY AMENITIES WILL BE CONSTRAINED OR NEED TO SHIFT TO OTHER MODES OF TRAVEL. DECENTRALIZING, CONSOLIDATING AND LOCAL LIESING DOWN THE NEIGHBORHOOD LEVEL WILL BECOME MORE EFFICIENT THAN LARGE REGIONAL COOLS OR OFFICE BUILDINGS. CHANGES TO OUR LAND USE PATTERNS AND OTHER INFRASTRUCTURE WILL BE NEEDED TO SUPPORT THIS NEW COMMUNITY DIRECTION. THANK YOU.

Mayor Wynn: WELCOME, ON. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY DICK PIERCE.

I'M GOING TO DISCUSS WHAT WE CAN DO IN AUSTIN TO PREPARE FOR THE FUTURE. THIS IS A LIST OF THE 200-DOLLAR QUESTIONS, THAT IS, QUESTIONS THAT WE NEED ANSWERED FOR WHEN WE ARE SPENDING \$200 PER BARREL OF OIL. FIRSTLY, WE NEED TO STUDY THE EFFECTS ON CITY POLICIES AND BUDGETS. WE DON'T HAVE A SPEFG ANSWER AS TO HOW THIS IS GOING TO PLAY OUT. AND WE NEED TO FIND THAT OUT. AND PART OF THE SOLUTION IS GOING TO DEPEND UPON US EXPANDING OUR LOCAL RESOURCES AND PROTECTING THEM SUCH AS FOOD PRODUCTION, WATER SUPPLY, LOCAL INDUSTRY ARE, ALL THESE LOCAL INITIATIVES TO HELP US DEAL WITH THE SITUATION HERE RATHER THAN RELYING UPON A FEDERAL RESPONSE OR GIVEN THE LAG TIMES THAT WE'RE LIKELY TO SEE WITH THAT. AND HOW ARE WE GOING TO MAINTAIN THE QUALITY OF LIFE, WHICH WE AS WE KNOW IS VERY IMPORTANT FOR US HERE APPEARED NOT JUST FOR THE PEOPLE WHO WILL BE VERY WEALTHY AND BE ALE TO AFFORD ALL OF THE LUKS..... LUXURIES THAT WE CURRENTLY HAVE ACCESS TO. AND WE'RE GOING TO NEED TO DEFINE PROGRESS AND SUCCESS IN TERMS OF SUSTAINABILITY FOR THE LONG-TERM IF WE WANT TO ACHIEVE THESE GOALS. THE CITY IS DOING A LOT OF THINGS RIGHT AND HERE IS A PARTIAL LIST OF THOSE INITIATIVES AND WE APPRECIATE THAT. WE ARE AHEAD, WE ARE CONSIDERED A LEADER AND WE FEEL THAT IT IS CRUCIAL THAT AUSTIN CONTINUES TO PLAY THAT ROLE AND SHINE OUT IN THE NATION AND THE WORLD. THERE ARE OTHER

THINGS THAT WE CAN DO. FOR INSTANCE, LOCALIZING OUR CULTURES TO REDUCE OUR DEPENDENCE UPON THINGS THAT ARE SHIPPED FAR AWAY FOR THINGS THAT BECOME MORE EXPENSIVE AS THE COST OF OIL INCREASES. FOR INSTANCE, THE COMMUNITY GARDENS, WE HAVE SOME HERE. WE'RE THINKING IN TERM OF SOMETHING LIKE THE VICTORY GARDENS WHERE EVERYONE ACROSS THE NATION BACK IN WORLD WAR II IT WAS SUGGESTED THAT THEY GROW AS MUCH OF THEIR OWN FOOD AS THEY COULD. AND TAX AND ZONING INCENTIVES FOR LOCAL GROWERS. WE'RE TALKING ON THE SCALE OF FOR INSTANCE, SAMSUNG'S INCENTIVE PACKAGE TOTALING APPROXIMATELY \$230 MILLION RECENT THROI LOCALIZE HERE. SOMETHING ALONG THAT SCALE FOR LOCAL AGRICULTURE WOULD BE NEEDED. COMMUNITY ENRICHMENT, AND BY THIS WE MEAN ENCOURAGING NEIGHBORHOOD VALUES AND ENCOURAGE CRAFTS AND TRADES AND THE ARTS HERE TO A GREATER DEGREE SO THAT WE ARE NOT SO RELIANT ON IMPORTS FROM OTHER COMMUNITIES. CASEY TO LIFE WITHOUT A CAR IS GOING TO BECOME INCREASINGLY IMPORTANT. THERE ARE SOME OBVIOUS WAYS TO DO THAT. ONE OF THE LESS OBVIOUS WAYS IS SUPPORTING SMALL BUSINESSES AND LOCAL INDUSTRIES. THIS WILL PLAY NAZ WELL BY KEEPING THE NORTH AUSTIN WE'RE CURRENT LG HAD SPENDING TO GET THINGS IMPORTED HERE INTO OUR OWN COMMUNITY SO WE CAN TIP TO USE THAT MONEY WE'RE. WE'RE PROPOSING A THREE-PHASE APPROACH TO FIGURING OUT WHAT TO DO HERE. FIRST ADOPT A RESOLUTION SIMILAR TO WHAT PORTLAND AND HAS RECENTLY ADOPTD. WE HAVE PRESENTED A DRAFT TO YOU TO LOOK AT ADD TO CONSIDER AND WE HAVE SUPPORT FROM ROGER DUNCAN, FORMER CITY COUNCILMEMBER, WHO WOULD ALSO LIKE TO JOIN NUMBER TWO, THE ENERGY DEPLETION TASKFORCE THAT WE'RE RECOMMENDING. [BUZZER SOUNDS] TO IDENTIFY AREAS OF VULNERABILITY AND WAYS THAT WE ARE LOCKING IN OIL CONSUMPTION. AND WE MUST INFORM CITIZENS AND BUSINESSES ABOUT THIS SO THAT WE CAN DEAL WITH THIS AS A COMMUNITY. SOMETIME OF THE ESSENCE. AND WE WOULD LIKE FOR YOU TO

CONSIDER IS AS A RATIONAL SFontS IMPENDING SITUATION, WE BELIEVE THAT DESIGNING, DIRECT APPEARED MOTIVATING THE CITY AND ITS RESIDENTS TOWARD AN ERA OF DECREASING DEPENDENCE UPON FOSSIL FUELS AS QUICKLY AS POSSIBLE SHOULD BE THE PREVAILING PRINCIPLE IN EVERY DECISION MADE BY YOU AND EVERY ISSUE YOU ADDRESS. THANK YOU. JONBENET
THANK YOU AND ALL OF YOU --

Mayor Wynn: THANK YOU AND ALL OF YOU FOR THE PRESENTATION. CAN WE KEEP A COPY OF THE PRESENTATION? DICK, WELCOME, MR. PIERCE. YOU WILL BE FOLLOWED BY RICHARD HALPI U.N.

THANK YOU, MAYOR, COUNCILMEMBERS, CITY MANAGER AND CITY STAFF HEADS THAT ARE HERE. I'D LIKE TO WELCOME AND THANK YOU TO THE CITY OF AUSTIN AND A BRIEF REPORT FROM OUR YOUNG PEOPLE. THAT WILL BE FOLLOWEDLY RICHARD AND OUR YOUNG -- SOME OF OUR YOUNG PEOPLE THAT ARE FILING UP HERE NOW. WE'RE FROM AMERICAN YOUTH WORKS AND A SAMPLE OF OUR YOUNG PEOPLE HERE WHO HAVE COME IN FROM A DAY ON THEIR -- THANK YOU. THEY'RE OFF FOR AN HOUR OR TWO FROM BUILDING A HOUSE IN EAST AUSTIN AND OCCUPY THE SLIDE SOME OTHER MEMBERS OF AMERICAN YOUTH WORKS. THEY'RE A SIMPLE OF OUR FOLKS. THEY'RE ALBRIGHT, ALL TALENTED, ALL ENERGETIC, VERY DIVERSE. ALL CAPABLE OF AND ALL IN SEARCH OF A BETTER LIFE AND A BRIGHT FUTURE AS THEY SPEND SIX TO 12 MONTHS WITH US IN COMMUNITY SERVICE TO AUSTIN. MANY OF THESE YOUNG PEOPLE, THIS CREW IN PARTICULAR, ARE FROM CASA VERDE BUILDERS. THEY HAVE BUILT OVER 90 LOW INCOME HOMES FOR FAMILIES IN EAST AUSTIN. MANY OF THEM AWARD WINNING. AND WE HAVE GREAT THANKS TO THE CITY OF AUSTIN, PARTICULARLY FOR PAUL HILGERS AND TO THE GREEN BUILDERS IN AUSTIN ENERGY FOR THEIR SUPPORT IN THIS AND ALSO TO DAVID LURIE OF HEALTH AND HUMAN SERVICES WHO HAS HELPED US OVER THE LONG HAUL HERE. THESE ARE WONDERFUL AWARD WINNING HOMES. THE LAST TIME WE CAME TO TALK TO YOU, WE WERE CELEBRATING THIS

AWARD FOR NATIONAL AWARD FROM THE
NATIONAL ASSOCIATION OF HOME BUILDERS. WE'RE
STILL VERY PROUD OF THAT AWARD AND VERY
PROUD OF THE YOUNG PEOPLE THAT BUILT THESE --
THAT BUILD THESE HOUSES. WHAT WE'RE DOING
HERE IS THREE WAYS, WE'RE BUILDING HOUSES,
WE'RE BUILDING LIVES AND WE'RE BUILDING
AUSTIN THANKS TO THESE YOUNG PEOPLE. REALLY
THE THING THIS IS ABOUT IS THIS IS A DREAMS US
AND FOR AUSTIN TO BRING BACK A
NEIGHBORHOOD. MOST OF OUR HOMES ARE BUILT
IN EAST AUSTIN IN... IN THE LINCOLN GARDENS
AREA. WE'VE BUILT PROBABLY OVER HALF OF OUR
HOMES THERE. WHAT WE'VE DONE OVER TIME WITH
THE EFFORTS OF THESE YOUNG PEOPLE IS DRAMA-
TICALLY INCREASE THE PROPERTY
TAX LEVELS AND THE VALUE OF THAT
NEIGHBORHOOD. WE'RE PROUD OF THE HELP
THROUGH AUSTIN'S GREEN BUILDING PROGRAM
THAT THESE HOMES ARE 40% MORE AFFORDABLE
AVERAGE THAN COMPARABLE HOMES IN THE
NEIGHBORHOOD, WHICH MEANS SAVINGS FOR
AUSTIN, MEANS SAVINGS FOR THE ENVIRONMENT
AND IT'S A CRITICAL ELEMENT FOR FIRST TIME LOW
INCOME HOME BUYERS. VERY SIGNIFICANT IS IN
THAT NEIGHBORHOOD THE VIOLENT CRIME IS
DOWN OVER 40% SINCE WE STARTED THERE AS A
PARTNERSHIP WITH THE TRUE LIFE BAPTIST
CHURCH AND THAT NEIGHBORHOOD ASSOCIATION
IS AND OUR CITY PARTNERS. [BUZZER SOUNDS] IF
THE ENVIRONMENTAL CORPS IS ALSO VERY ACTIVE
PARTNER WITH THE CITY. THIS IS STONE WORK ON
SHOAL CREEK. I WANTED TO SHOW YOU BRIEFLY
THE STEPS AT THE NATURE CENTER AND THE
CORNER BEFORE AND AFTER OUR CREWS DID THE
STONE WORK. ANOTHER ONE AT SPICEWOOD
VALLEY PARK AND THE NATIONAL TRAILS
ASSOCIATION THAT CAME OUT WITH
(INDISCERNIBLE) AND BROUGHT TENSION TO OUR
WORK AND TO THE CITY. SOME LIGHTER WORK ON
PICKING UP AROUND TOWN LAKE AND
CONSTITUENT, BUT ALSO WE'D LIKE TO INVITE YOU
TO GO TO THE WORK THAT'S CURRENTLY
UNDERWAY AT THE ZILKER PARK TEA HOUSE
WHERE OUR YOUNG PEOPLE ARE PUTTING IN A
HANDICAP ACCESSIBLE TRAIL TO THE TEA HOUSE.

THESE ARE THE RESULTS. LOTS OF YOUNG PEOPLE WITH DIPLOMAS, WITH JOBS, WITH FUTURES. WE'RE VERY PROUD OF OUR INTERNSHIP PROGRAM WITH THE CITY THAT STARTED AS A PILOT PROJECT THREE YEARS AGO AND WE'RE HOPEFUL TO CONTINUE. MANY DEPARTMENTS INVOLVED. TANYA IS NOW AN EMPLOYEE STARKTSSED AS AN INTERN. KATY HOPES TO BE AN EMPLOYEE; NOW AN INTERN. AND KEEGAN HANKS IS OFF TO COLLEGE, BUT COMING BACK FOR THE SUMMER TO WORK WITH AUSTIN ENERGY. ONE LAST PERSON HERE IS ONE OF OUR PERSON, LEVI SINGLETON WHO STARTED HERE AS A DROPOUT IN ONE OF THE CITY'S HIGH SCHOOLS, CAME TO US AND GOT A DIPLOMA, BECAME A MEMBER, CAME BACK TWO YEARS AGO AS OUR EMPLOYEE TO NOW TRAIN THESE YOUNG PEOPLE. IT'S A SPECIAL PARTNERSHIP AND IT'S A SPECIAL PARTNERSHIP WE HAVE WITH THE CITY THAT WE THANK YOU FOR BECAUSE TO THE OTHER WE'RE INVESTING IN YOUNG PEOPLE AND WE'RE INVEST NG EACH OTHER. FOR THAT WE THANK YOU VERY MUCH AND WE'RE VERY PROUD OF THESE YOUNG PEOPLE AND PROUD OF OUR PARTNERSHIP.

Mayor Wynn: WFNLGHT.

THANK YOU, SIR. COUNCILMEMBERS AND MAYOR, WE'VE GOT A LITTLE DVD OR CD HERE WE'RE GOING TO SHOW FOR YOU A QUICK TWO MINUTES. AND THEN WE HAVE SOMETHING SPECIAL WE'D LIKE TO GIVE TO YOU.

I DON'T SEE DAVID, BUT IT'S PEOPLE LIKE THAT AND ROGER DUNCAN WHO YOUR FOLKS, YOUR LEADERSHIP IN THE DEPARTMENTS WILL REALLY MAKE US ABLE TO HELP US HELP THESE YOUNG PEOPLE BIEM..... BECOME A BIG SUCCESS. I WANT TO INTRODUCE DEANA BUYERS. YOU KNOW HER FROM THE WORLD CONFERENCE ON INFORMATION TECHNOLOGY THAT SHE HELPED -- SHE PUT ON HERE.

EVERY YEAR THOUSANDS OF CENTRAL TEXAS TEENAGERS DROP OUT OF HIGH SCHOOL.

DO YOU THINK THIS IS SOMEONE ELSE'S PROBLEMS, LISTEN TO THIS. ONE DROP OUT COSTS SOCIETY ABOUT \$300,000 IN WELFARE, UNEMPLOYMENT AND YALE COSTS. COSTS PAID FOR -- BY YOUR TAX DOLLARS. BUT HERE IN AUSTIN, DAVID SCOTT SHOWS US A SPECIAL PROGRAM THAT GIVES DROPOUTS NEW DREAMS. IT IS TONIGHT'S SPECIAL ASSIGNMENT. YOU.

WHAT'S THE BUZZ? ASK NATE. HE DROPPED OUT OF LANIER HIGH SCHOOL IN NINTH GRID IN.

WHY DID I QUIT? I ENDED UP GETTING MY GIRLFRIEND PREGNANT, SO I DIDN'T REALLY HAVE TIME FOR SCHOOL AND TEACHERS WOULDN'T TAKE TIME FOR ME.

IT WAS HARD BECAUSE I WAS PREGNANT WITH ANOTHER ONE AND IT WAS HARD FOR ME EVERYDAY TO GO TO SCHOOL AND I JUST COULDN'T TAKE IT ANYMORE. SO I DROPPED OUT AND REALLY I THOUGHT I WASN'T GOING ANYWHERE AFTER THAT.

THEY WERE PART OF AMERICAN YOUTH WORKS ENVIRONMENTAL CORPS, BUILDING AUSTIN PARKS AND TRAILS WHEN THEY'RE NOT IN SCHOOL. ACROSS TOWN GREG DODSON AND THE OTHERS ARE POUNDING NAILS, NOT THE STREET ANYMORE. THEY'RE PART OF THE AMERICAN YOUTH WORKS CASA VERDE BUILDERS.

IT CHANGED MY WHOLE LIEVMENT THE ROAD I WAS ON WASN'T A BAD ROAD, BUT THE WAY IT IS NOW, I'LL GO HERE FOR FOUR HOURS, THEN GOI TO THE ACTUAL SCHOOL FOR FOUR HOURS. SO THAT TAKE UP MOST OF MY TIME. IF I WASN'T DOING THIS, I AM ILD PROBABLY BE GET NG TROUBLE SOMEWHERE.

THESE BUILDERS ARE BUTT PUTTING UP HOMES FROM SCRATCH LIKE THIS ONE UP THE STREET. AND THEY'RE GETTING DEGREES.

THE YOUNGSTERS WILL SPEND HALF A DAY LEARN NG THE CLASSROOM, BUT THE OTHER HALF OF DAY

OUT HERE, LEARNING SKILLS AND A WORK ETHIC.

SOME 600 FORMER DROPOUTS ATTEND CLASS AT TWO CHARTER COOLS. THEIR AGES 16 TO 26 AND THEY'RE ALL DETERMINED TO GET THEIR DIPLOMAS OR G.E.D. IT IS THE BRAINCHILD OF RICHARD --

SO, LADIES AND GENTLEMEN, WE'RE HERE TODAY TO SHARE WITH YOU THE NATIONAL STRENGTHENING FAMILIES AWARD FROM THE NATIONAL COUNCIL OF LA RASA. IT HAS BEEN GIVEN TO AMERICAN YOUTH WORKS AND WE'RE GIVING IT TO YOU, OUR PARTNERS, BECAUSE WITHOUT YOU THESE YOUNG PEOPLE WOULD NEVER HAVE THE CHANCE TO BECOME THE PRODUCTIVE, DYNAMIC, INCREDIBLE CITIZENS THAT THEY HAVE BECOME AND THAT WE NEED FOR OUR COMMUNITY. SO I'M GOING TO ASK THE LADIES AND GENTLEMEN HERE FROM OUR CREWS TO WALK UP AND HAND EACH ONE OF YOU THIS AWARD AND TO TELL YOU THAT THESE ARE INDIVIDUALIZED. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

JUST A COMMENTS. MR. HALPIN, I WANT TO THANK YOU. SPECIFICALLY TO THE STUDENTS. I'VE HAD THE GOOD FORTUNE OF SEEING WHAT YOU DO IN EAST AUSTIN. I WORKED AS A FIREFIGHTER AT STATION 5 FOR 15 YEARS, BUT SPECIFICALLY OVER THE LAST NINE TO 10 YEARS, YOU GUYS HAVE DONE AMAZING WORK WITH THE NEIGHBORHOODS OUT THERE. I WOULD LIKE TO TAKE YOU UP ON YOUR COMMENT AT SOME POINT. REALLY LOOK TO SEE HOW WE CAN INCORPORATE THESE YOUNG FOLKS INTO THE WORKFORCE WITHIN THE CITY OF AUSTIN. I THINK THAT YOU ARE CREATING NATURAL LEADERS AND I REALLY WANT TO CONGRATULATE AND COMMEND YOU FOR THE WORK THAT YOU DO IN THIS COMMUNITY. NOT ONLY IN EAST AUSTIN. I HAVE SEEN ALL OF THE TRAILS THAT YOU BUILD ON THE WEST SIDE OF TOWN AS WELL, YOU ARE JUST MAKING A HUGE IMPACT ON THIS COMMUNITY AND THANK YOU FOR EVERYTHING THAT YOU HAVE DONE. [APPLAUSE]

THANK YOU ALL VERY MUCH. CONGRATULATIONS.

IN OUR LAST SPEAKER, COUNCIL, MR. PAT JOHNSON.
COUNCIL THAT ENDS OUR GENERAL CITIZENS --
EXCUSE ME?

Mayor Wynn: I CALLED YOU EARLIER, WELCOME. I
DIDN'T SEE YOU BACK THERE, YOU WERE THE
SECOND NAME THAT I CALLED. I APOLOGIZE.

THANKS.

MAYOR, CITY MANAGER FUTRELL, COUNCIL, I'M
DON WILLIAMSON, 48 YEARS RESIDENTS OF AUSTIN,
18 YEAR WERE THE IN SOUTH LAMAR
NEIGHBORHOOD ASSOCIATION. I'M A SUPPORTER OF
THE S.O.S. FOUNDATION, FRIENDS OF DEEP EDDY
AND A MEMBER OF THE TOWN LAKE TRAIL
FOUNDATION. WHEN I MENTION THESE GROUPS, I
GET A POSITIVE FEEDBACK. WELL, TWO OUT OF
THREE. WE LIVE IN THE CITY THAT'S FULL OF
SLOGANS, AND SOME OF THOSE GET POSITIVE
FEEDBACK, ALSO. KEEP AUSTIN WEIRD, AUSTIN THE
LIVE MUSIC CAPITAL OF THE WORLD, KEEP AUSTIN
BEAUTIFUL. WOULDN'T IT BE GREAT IF THAT'S
WHAT AUSTIN IS REALLY KNOWN FOR. TO MAKE
THIS A REALITY, WE NEED TO CHANGE THAT FROM
A SLOGAN TO A LIFESTYLE. KAB WAS ESTABLISHED
IN 1985, IT'S MISSION TO HAVE CITIZENS IN AUSTIN
TAKING A GREATER PERSONAL RESPONSIBILITY
FOR ENHANCING THEIR COMMUNITY BEAUTIFUL.
CHANGING FROM LET'S GET OUR NAMES ON A
STREET SIGN TO LET'S ALL DO OUR PART. I BELIEVE
IF WE START WITH THE LEADERS TODAY, THE TAIL
WILL FOLLOW. ONE THING IS TO CLEAN UP THE
LITTERS BY ELECTIONS. DURING THE LAST
ELECTION CYCLES I WAS SHOCKED AT HOW FAR
CANDIDATES AND CAUSES WILL GO TO GET
NOTICED AND IN THE PROCESS TRASH OUR CITY.
VOTE NO, VOTE YES, BIG FOR TRUSTEE, LITTLE FOR
SCHOOL BOARD. HOLD ON A MINUTE,
[INDISCERNIBLE] HEAD, MY ALTER EGO. YOU KNOW
WHAT A T POST IS. THAT WAS THE PAST. I'VE
CHANGED. EXAMPLES OF TRASHING OUR CITY, THE
MAY ELECTION IN MY NEIGHBORHOOD, THE AREA
ADOPTED BY THE KNIGHTS OF COLUMBUS, THAT

SECTION OF LAMAR TO UECLID, AT ONE TIME 30-YARD SIGNS PLACED IN THE RIGHT-OF-WAY. WE NEED TO EDUCATE THE COMMUNITY THAT THE RIGHT-OF-WAY IS OFF LIMITS AND EMPOWER THE RESIDENTS OR CODE COMPLIANCE TO REMOVE THEM. YOU KNOW, IF THE REST OF US DON'T KNOW WHERE THE CITY EASEMENT IS, ALL THEY HAVE TO DO IS ASK THE BUSINESSES ON SOUTH CONGRESS. DON'T LET THE POLITICAL ACTION COMMITTEES OFF THE HOOK, EITHER. THEY NEED TO BE HELD RESPONSIBLE FOR LEAVING THEIR SIGNS ON THE RIGHT-OF-WAY. JUST LIKE THE ONE AT 8400 NORTH I-35. 100 DAYS AFTER THE ELECTION, IT'S STILL THERE. YOU GUYS ARE PROBABLY SAY, THAT'S STATUS QUO, IT WILL NEVER CHANGE. WHAT IF -- TIGHTEN THINGS UP A NOTCH, PERMIT, REGULATE. YOU KNOW YOU CAN'T JUST JUMP INTO TOWN LAKE. BUT WITH THE RED BULL TAG WITH A PERMIT YOU COULD. APPLY FOR SIGN PERMIT, ATTACH SOME SORT OF STAMP THAT MAKES A SIGN AT LEAST LEGAL IF PLACED PROPER. LEVY A FEE IF THESE ARE NOT COLLECTED AND ACCOUNTED FOR AFTER THE ELECTION. THIS WILL MAKE THESE NEW WIRE AND PLASTIC SIGNS, SO FLIMSY AND THROW AWAY MORE ACCOUNTABLE. I BELIEVE THAT THE CITIZENS OF AUSTIN SEE CANDIDATES AND ELECTED LEADERS DOING THEIR PART DURING ELECTIONS, IT MIGHT START OTHERS TO MAKE THAT SHIFT TO KEEP AUSTIN BEAUTIFUL. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: THANK YOU, MR. WILLIAMSON. COUNCIL, THAT CONCLUDES OUR CITIZENS COMMUNICATION. REMEMBER EARLIER WE HAD A STAFF PRESENTATION ON ITEM NO. 28. NORMALLY AT 12:30 WE BREAK FOR THE EXECUTIVE SESSION SO WE CAN GRAB LUNCH. I HESITATE TO DO THAT KNOWING THAT WE HAVE SO MANY FOLKS SIGNED UP WISHING TO ADDRESS US ON THIS ISSUE. SO I THINK THAT THE CONSENSUS SEEMS TO BE THAT WE WILL JUST GO AHEAD AND TAKE -- TAKE -- FINISH THIS CASE, TAKE ALL OF OUR CITIZENS INPUT AND TO THE EXTEND THAT ONE OR MORE OF US NEED TO GO GRAB A BITE, WE CAN QUICKLY DO THAT, COME BACK. I TELL PEOPLE IF YOU SEE A COUNCILMEMBER LEAVE, THERE IS FULL VIDEO

AND AUDIO IN THE BACK, SO WE WILL STILL SEE.
ADDITIONAL ANNOUNCEMENTS FROM STAFF
BEFORE WE GO TO THE SPEAKERS?
COUNCILMEMBER LEFFINGWELL?

Leffingwell: I BELIEVE YOU WANTED TO ADD
SOMETHING.

I ACTUALLY WANTED TO CLARIFY SOME OF THE
RED TAG INFORMATION THAT YOU WERE ASKING
ABOUT PREVIOUSLY. AS IT TURNS OUT, THE -- I GOT
SOME HISTORY, WE HAD A BREAK. TURNS OUT ON
THE -- ON JULY 26th, THERE WAS A STOP WORK
ISSUED, ACTUALLY ISSUED FOR THE APPLICANTS TO
COME IN AND CORRECT THEIR WORK ON THE SITE.
THE INSPECTOR CAME BY, NOTICED THERE HAD
BEEN DEMOLITION ON THE SITE. ASKED THEM TO
COME AND CORRECT. AT THAT TIME THE
APPLICANT DID COME IN, BECAUSE I THINK SHE
THOUGHT ALL SHE HAD TO DO WAS PULL A
DEMOLITION PERMIT. SHE DID THAT, THEN BEGAN
TO WORK AGAIN. THE INSPECTOR STILL STARTED
TO RECEIVE MORE ADDITIONAL PHONE CALLS AT
THAT TIME. HE CAME BACK, ISSUED ANOTHER STOP
WORK ORDER. SHE CAME IN ONCE AGAIN. THAT'S
WHEN WE TOLD HER YOU NEED A WAIVER AT THAT
POINT. I THINK THAT'S WHAT HAPPENED IN THE
COURSE OF THAT. IN THAT TIME FRAME YEAH THE
HOUSE WAS FRAMED BECAUSE HE DID RELEASE
HER TO GO AHEAD AND BEGIN WORKING. MARY
YOU ASKED THE QUESTION ADDITIONALLY SOME
OF THE THINGS THAT WERE HAPPENING WITH THE
CASE. AS OF JANUARY WHEN THEY PREVIOUSLY
APPLIED, THEY WERE IN COMPLIANCE BECAUSE THE
McMANSION ORDINANCE WASN'T IN EFFECT AT THE
TIME. THEY WERE FINE IN TERMS OF THE REMODEL
AND ADDITION, THEY WERE FINE THERE. THAT WAS
THE ONLY THING OUT OF WHACK HERE. WHEN THE
HOUSE WAS TORN DOWN, BY THAT TIME THE NEW
REGULATIONS CAME INTO EFFECT,
TATICALLATIONS OBVIOUSLY WERE DIFFERENT,
THAT'S WHAT'S DIFFERENT IN THIS CASE NOW.
THAT'S WHY YOU ARE HEARING IT TODAY.

THANK YOU.

Leffingwell: JUST TO RECAP LATE, THEY DID NOT IGNORE TWO STOP ORDERS, THEY COMPLIED IN BOTH CASES.

THEY CAME IN TO SEE WHAT WAS GOING ON. WE DID LIFT THEM, THEY STARTED WORK AGAIN, THE NEIGHBORS WERE NOT AWARE OF THAT.

THEY DIDN'T IGNORE IT. THANK YOU.

Mayor Wynn: FURTHER QUESTIONS OF STAFF? COUNCIL? IF NOT THEN WE WILL GO TO OUR CITIZENS SPEAKERS. WE'LL TAKE THESE SEQUENTIALLY, THEY ARE LUMPED TOGETHER AS FOR AND AGAINST, TAKE THEM IN THE ORDER THEY SIGNED UP, LESLIE CAMERON. WELCOME, LESSEE. YOU WILL HAVE THREE MINUTES AND FOLLOWED BY POLLY [INDISCERNIBLE] FOLLOWED BY BILL WOODS.

GOOD AFTERNOON MAYOR AND COUNCIL, I APPRECIATE THE PRIVILEGE THAT YOU ARE GIVING ME TO SPEAK BEFORE YOU. HOMEOWNER MYSELF 26 YEARS IN MY EXISTING HOUSE THERE ON WEST 30th, NOT ACTIVE IN THE NEIGHBORHOOD ASSOCIATION. I HAVE BEEN A MEMBER IN THE PAST, BUT I'M A TEACHER ELDER AT MY CHURCH, THAT'S WHERE I SPEND THE VOLUNTEER TIME THAT I HAVE. I DON'T KNOW THE PROCESS, I FOUND THAT TO BE EVIDENT WHEN IN FEBRUARY I WENT BEFORE THE HISTORIC LANDMARK COMMISSION TO SPEAK AGAINST THAT PERMITTING PROCESS THEN. I LIVE IN A NATIONAL HISTORIC NEIGHBORHOOD AND WANTED TO KEEP IT AS IT WAS. THAT PERMIT WAS AGREED TO ADD THAT SECOND STORY, THERE WAS A QUOTATION TO KEEP THE SECOND STORY AND KEEP IT AS A BUNK ALTHOUGH STYLE COTTAGE. BUNGALOW STYLE COTTAGE. WORK STOPPED AND STARTED ALL THE WAY BACK TO AUGUST OF LAST YEAR. I LEFT TOWN ON JULY THE 13th, CAME BACK ON THE 22nd OF JULY TO FIND THE HOUSE RAZED TO THE GROUND, THE ONLY THING LEFT WAS THE FOUNDATION. WATCH SHORT TIME THE HOUSE HAD BEEN FRAMED, A SECOND STORY ADDED AS WELL AS THE ROOF TRUSSES PUT ON. I ASSUMED ALL OF THIS OF COURSE WAS WITH PERMITS, HAD NO

COMMENTS. WORK ABRUPTLY STOPPED ABOUT FOUR WEEKS AGO, AGAIN BECAUSE WORK STOPPED AND STARTED IN THE LAST YEAR I HAD NO CONCERN UNTIL I FOUND OUT FROM A NEIGHBOR THAT THE NEIGHBORHOOD ASSOCIATION HAD STEPPED IN AND TRIED TO SEEK THE PROPER PERMITS AND THAT'S WHEN I FOUND OUT THEY HAD NOT BEEN GIVEN. THE CITY WATERSHED PROTECTION AND REVIEW DEPARTMENT RECOMMENDED THIS FOR APPROVAL BASED ON THREE PURPOSES, THAT THERE WERE HARDSHIPS DEMONSTRATED, THAT THE NEIGHBORS HAD GIVEN SUPPORT AND IT WAS COMPATIBLE WITH THE EXISTING HOMES IN OUR NEIGHBORHOOD. HARDSHIP, OF COURSE, COMES ABOUT BECAUSE OF NOT GOING THROUGH THE REVIEW PROCESS, NOT GOING THROUGH THE PERMITTING PROCESS. ANY OF THE HARDSHIPS HAVE BEEN INCURRED BY THE OWNERS THEMSELVES DUE TO THEIR LACK OF DUE DILIGENCE WHICH OF COURSE ANYBODY WOULD DO IF THEY WERE HERE IN TOWN DOING THE BUILDING. NEIGHBOR SUPPORT, THEY USED A LETTER ORIGINALLY WRITTEN BACK IN FEBRUARY. I HAVE A COPY OF THAT. I DIDN'T KNOW IF THAT WAS PERMISSIBLE TO PASS THOSE OUT. IS THAT OKAY?

Mayor Wynn: SURE, HAND IT TO COUNCILMEMBER LEFFINGWELL, HE WILL PASS IT DOWN.

THIS NEIGHBOR'S SUPPORT LETTER WAS USED BACK IN FEBRUARY FOR THAT REMODEL. SHE HAS SINCE FOUND OUT OF COURSE WHAT'S GOING ON AND THE LACK OF INFORMATION FROM THE WATERSHED REVIEW AND DEVELOPMENT DEPARTMENT IS QUITE FRUSTRATING IN FINDING OUT WHAT HAS HAPPENED SHE CERTAINLY WITHDREW THAT SUPPORT. THERE WERE RENTERS THAT WERE GIVEN OPPORTUNITIES AS WELL AS CHILDREN OF HOMEOWNERS, ALL OF THESE LETTERS OF SUPPORT THEY USED TO GO BEFORE THAT WATERSHED REVIEW AND PROTECTION DEPARTMENT WERE KIND OF DECEPTIVE. THE OTHER THOUGHT ABOUT COMPARABLES WITHIN OUR NEIGHBORHOOD. IN THAT SAME PACKET I HAVE TAKEN THE PHOTOS OF HOMES ON OUR BLOCK, BOTH TO THE EAST AND TO

THE WEST. AS WELL AS PHOTOS LOOKING OUT OVER MY PORCH AND LOOKING NEXT DOOR. AND YOU WILL SEE [BEEPING] THAT THIS IS NOT IN KEEPING WITH OUR NEIGHBORHOOD. MY SUGGESTION, MY IMPLOREMENT TO YOU IS NOT TO RECOMMEND THIS. I PRAY THAT YOU WOULD STICK ABOUT ...THINKABOUT STICKING WITH WHAT WAS THERE IN PLACE.

THANK YOU, POLLY LANDINGS SPAR ROW, FOLLOWED BY BILL WOODS. YOU WILL HAVE THREE MINUTES.

MAYOR AND COUNCILMEMBERS, THANK YOU FOR THIS OPPORTUNITY TO SPEAK. MY NAME IS POLLY LANDING SPARROW, I'M A NEIGHBOR OF THE HOUSE AT 1508 WEST 30th. I AM HERE TO SAY THAT I STRONGLY OPPOSE THE CITY'S GRANTING A WAIVER FOR THIS PROPERTY. JENNA KUNDY APPROACHED ME IN LATE FEBRUARY ASKING FOR MY SUPPORT OF A REPOD DEL OF THE HISTORIC HOUSE. REMODEL. I WAS NOT OPPOSED BECAUSE SHE ASSURED ME THAT THERE THIS WAS A PRESERVATION PROJECT, THAT THE HOME WOULD REMAIN VERY SIMILAR TO ITS ORIGINAL STATE, WITH NOTHING MORE THAN A SECOND FLOOR BEING ADDED TO THE EXISTING HOUSE. THE CITY ISSUED THEM A REMODEL PERMIT. IN LATE JULY, BY THE 24th OF JULY, THE HOUSE, WHICH WAS DESIGNATED AS AN OLD WEST AUSTIN HISTORIC DISTRICT CONTRIBUTING HOME, WAS DEMOLISHED WITHOUT A PERMIT. I REPORTED THIS TO THE CITY AND THE PROJECT WAS RED TAGGED, ALTHOUGH WORD DID NOT -- WORK DID NOT CEASE FOR MANY DAYS. THE NEW HOUSE WAS COMPLETELY FRAMED, AGAIN WITHOUT A PERMIT, DURING THE TIME I REPORTED THE DEMOLITION AND THE TIME THAT THE WORK WAS FINALLY HALTED. IN A LETTER TO THE NEIGHBORHOOD ASSOCIATION BOARD DATED AUGUST 3rd, REGARDING THE DEMOLITION, ERIC CRISER THE OWNER OF THE PROPERTY EXPLAINED THAT HE WAS NOT AWARE OF WHAT WAS HAPPENING, IN FACT, THESE ARE HIS WORDS, HE WAS VICTIMIZED BY HIS BUILDER WHO IS JENNA KRISER'S FAMILY. THE NEW CONSTRUCTION IS NOT IN COMPLIANCE WITH THE CURRENT CODES OF THE

CITY OF AUSTIN, I STRONGLY URGE YOU NOT WISHING TO SPEAK ISSUE A WAIVER. THE WORK AT 15078 IS NO LONGER A PRESERVATION PROJECT. THE CONTRIBUTING HOME IS GONE, IT SHOULD CONFORM TO THE GUIDELINES OF THE INTERIM DEVELOPMENT REGULATIONS AND OTHER APPLICABLE CODES. TO MY KNOWLEDGE, THE OWNERS HAVE NOT PROVEN ANY HARDSHIP FOR THE EXCESSIVE SQUARE FOOTAGE OR THE 4'7" SET BACK AT THE PROPERTY LINE. IF THIS WAIVER IS GRANTED I FEEL THAT IT SENDS A MESSAGE TO HOMEOWNERS AND BUILDERS THAT IT'S OKAY TO DEMOLISH INSTRUCT STRUCTURES WITHOUT PERMIT. TO BUILD NON-COMPLIANCE STRUCTURES WITHOUT PERMITS AND THAT THE IDR HAS NO WEIGHT. IN CLOSING I FEEL STRONGLY THAT THE APPROPRIATE FINES SHOULD BE LEVIED FOR WORK DONE WITHOUT PERMITS AND THAT MODIFICATIONS TO THE STRUCTURES SHOULD BE MADE SO IT CONFORMS TO CODE, PARTICULARLY AS STIPULATED IN THE IDR. THANK YOU VERY MUCH FOR YOUR CONSIDERATION.

THANK YOU.

BILL WOODS, WELCOME. THREE MINUTES FOLLOWED BY JOYCE [INDISCERNIBLE]

MR. MAYOR AND COUNCILMEMBERS, I'M BILL WOODS, MEMBERS OF THE BRYKERWOODS NEIGHBORHOOD AND I GIVE MY THREE MINUTES TO JOYCE. THANK YOU.

Mayor Wynn: OKAY. I SHOULD HAVE SEEN THAT COMING, JOYCE, WELCOME. IN ADDITION TO BILL'S TIME, JAMES MALLARD HERE? JAMES. WELCOME. SO JOYCE YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT.

OKAY. GOOD AFTERNOON, MAYOR WYNN AND COUNCIL. I'M JOYCE BASIANO, A MEMBER OF THE BRYKERWOODS NEIGHBORHOOD ASSOCIATION, THEIR ACTING ZONING CHAIR RIGHT NOW. THE CITY STAFF, COUNCIL AND NEIGHBORHOOD HAVE BEEN PRESENTED WITH A VERY CONFUSING SITUATION AND A WAIVER APPLICATION THAT..... THAT

SHOULD RECEIVE CLOSER SCRUTINY. THE HOUSE WAS PRESENTED TO THE HISTORIC LANDMARK COMMISSION AS A OUTSIDE THEY WANTED TO BUILD IS NOT THE HOUSE FOR WHICH THEY ARE RECEIVING A WAIVER TODAY. WHILE THEY ARE ASSERTING THEY HAVE BEEN VICTIMIZED BY THEIR OWN FAILURE TO OBTAIN THE PROPER PERMITS DURING THE TIME THAT THE McMANSIONS ORDINANCE WENT INTO OF COURSE EFFECT, IN FACT THEY ARE ATTEMPTING TO TAKE ADVANTAGE TO BUILD MORE HOUSE THAN THEY PLANNED TO BUILD IN FEBRUARY BEFORE THE McMANSIONS OR THE IDR ORDINANCE WAS PASSED. THE HARDSHIPS IN THIS CASE ARE SELF-IMPOSED. SHOULD THEY BE ALLOWED TO BUILD MORE HOUSE AFTER THE IDR ORDINANCE WAS PASSED? THAN THEY SOUGHT TO BUILD BEFORE THE IDR ORDINANCE WAS PASSED? SHOULD THEY BE REWARDED WITH A WAIVER FOR THEIR FAILURE TO OBTAIN THE PROPER DEMOLITION AND BUILDING PERMITS? AND FOR THEIR NON-COMPLIANCE WITH A STOP WORK ORDER. THE BOARD SUPPORTS THE CURRENT REGULATIONS AND BELIEVES IN CODE ENFORCEMENT. PLEASE CONSIDER THE MESSAGE THIS WILL SEND TO THE NEIGHBORHOOD AND GREATER AUSTIN COMMUNITY. I WANT TO CUT RIGHT TO THE CHASE AND SHOW YOU TWO ILLUSTRATIONS THAT COME OUT OF BACKUP DOCUMENT 2 ON THE CITY'S WEBSITE. THEY HAVE TO PASS IT AROUND. MS. McWILLIAMS STATED THAT THE CURRENT STRUCTURE IS 35 BY 35, ROUGHLY THE DIMENSIONS OF ORIGINAL HOUSE. I WOULD DISAGREE WITH THAT. HERE ON THE NEW CONSTRUCTION PLAN, WHICH WAS THE -- SUBMITTED BY THE OWNERS, THE 35 BY 35 IF YOU OVERLAY THESE TWO, HOLD THEM UP TO THE LIGHT, YOU CAN SEE THERE'S AN ADDITIONAL OF MAYBE 8 FEET IN THE BACK OF THE HOUSE. IT REALLY -- THEY ARE NOT REALLY USING THE ORIGINAL FOOT ANYMORE. THEY HAVE BUILT OUT. FURTHERMORE, IF YOU LOOK AT BACKUP DOCUMENT ONE CAREFULLY, THERE ARE REALLY TWO SETS OF ARCHITECTURAL PLANS HERE. ONE WAS DONE BY ATLANTIS ARC TEXTS IN FEBRUARY OF 2006. AND ANOTHER SET WAS DONE BY JAY [INDISCERNIBLE] IN APRIL 8th 2006. AS I WENT

THROUGH THIS DOCUMENT, I NOTED THAT THERE'S A CLOSED PORCH SHOWN ON THE APRIL 8th JAY HENG'S DIAGRAM ON THE SECOND FLOOR AND AN OPEN PORCH SHOWN BY THE SAME ARCHITECT ON THE LOWER FLOOR PLAN. IN HER OWN HANDWRITING, MS. CLUNDE HAS INDICATED THAT THOSE PORCHES ARE NOW CONDITIONED OR CLOSED SPACE. THERE'S ALSO IN ANOTHER BACKUP DOCUMENT A DIAGRAM OF THE WALL AND THEY ARE SHOWING STYROFOAM WITH STUCCO SIDING. STUCCO IS SOMETHING THAT YOU DON'T REALLY WANT TO USE IN A NATIONAL HISTORIC DISTRICT, WHICH BRYKERWOODS IS. IF I WERE A BUILDING INSPECTOR AND I WERE HANDED THIS SET OF PLANS AND I WAS ASKED TO GO INSPECT THIS BUILDING, WHICH OF THESE HOUSES WOULD I BE INSPECTING? A HOUSE THAT HAS TWO ENCLOSED PORCHES? A HOUSE THAT HAS AN ENCLOSED PORCH ON THE SECOND FLOOR AND AN OPEN ONE ON THE FIRST FLOOR? A HOUSE THAT HAS WOOD SIDING ALL AROUND? OR A HOUSE THAT HAS SOME STUCCO SIDING? THAT SEEMS TO ME THAT THIS APPLICATION, THIS WAIVER PLEX, COVERS ALL KINDS OF DEVELOPMENT BASES. I WOULD LIKE TO KNOW, YOU KNOW, WHAT -- WHICH ONE OF THESE HOUSES IS REALLY BEING BUILT? THERE'S A FEW OTHER THINGS I CAUGHT. THE BACKUP DOCUMENT, NUMBER 6, SHOWS SQUARE FOOTAGE OF -- OF 2831 SQUARE FEET. THIS IS A DOCUMENT THAT THE CRISLERS SUBMITTED. THE SQUARE FOOTAGE OF THE NEW CONSTRUCTION WAS 3045 FEET. THIS IF THIS IS SO, THEN THIS HOUSE WOULD BE THE THIRD LARGEST HOUSE IN BRYKERWOODS IF IT'S CONSTRUCTED. ALSO, IT'S NOT CLEAR IF THE THIRD FLOOR LIVING SPACE WAS INCLUDED IN THE FAR. BUT IT DEFINITELY, YOU KNOW, IT'S A LIVING SPACE THAT CAN BE ADDED SOME DAY, BUT THERE'S NO FLOOR PLAN FOR IT IN THE PACKET. ANOTHER LITTLE INTERESTING INCIDENT HERE IS THAT THE ADDRESS ON THE APPLICATION IS 1504 RATHER THAN 1508. I'M WONDERING IF THIS WAIVER APPLICATION IS A LEGAL DOCUMENT, SHOULDN'T IT BE ACT CRT AND CORRECT? ACCURATE AND CORRECT. TWO THINGS I WANT TO MAKE A COMMENT ON. IN THIS IDR WAIVER PROCESS, AND ESPECIALLY IN THE CASE LIKE THIS, A

CONTENTIOUS CASE LIKE THIS, IN THE APPLICATION PACKET THERE'S NO INFORMATION ON HOW THE HISTORIC PRESERVATION OFFICER ARRIVE ADD .. ARRIVED AT HIS DECISION TO ISSUE AN ADMINISTRATIVE DEMOLITION PERMIT. THERE'S NO ENGINEER'S REPORT STAMPED AND SEALED BY AN ENGINEER STATE THANK THE WALLS OF THE -- STATING THAT THE WALLS OF THE ORIGINAL HOUSE COULD NOT SUPPORT A SECOND FLOOR. AND I'M WONDERING, YOU KNOW, WHY THAT IS NOT SO. IF WE LOOK AT THE HARDSHIPS, THAT WERE SUBMITTED, ANY TIME THAT YOU CHOOSE TO BUILD A HOUSE OR DEMOLISH A HOUSE WITHOUT A PERMIT, THERE ARE COSTS FOR THIS. SPECIAL CIRCUMSTANCES, THE STRUCTURE IS NOT SUPPORTABLE. AGAIN, THERE'S NO LETTER FROM A PROFESSIONAL ENGINEER IN THE PACKAGE. NUMBER TWO HARDSHIP, MORE SPECIAL CIRCUMSTANCES, AN OUT OF TOWN BUILDER. ON THIS CASE WE JUST FOUND OUT THAT IT'S MS. KLUNDE'S FATHER. THAT'S AN OWNER CIRCUMSTANCE. KNOTTING TO DO WITH THE PERMIT. NUMBER 3, ECONOMIC HARDSHIP. AGAIN, THIS IS A SELF-IMPOSED HARDSHIP. WHEN YOU BUILD WITHOUT A PERMIT, GIVEN WE ENFORCE OUR CODES, THERE'S A PENALTY TO PAY. NUMBER 4 THE HISTORIC ELEMENTS OF THE HOME ARE NOT BEING ALTERED. THIS IS NOT TRUE. THE SIDING, THE WINDOWS AND THE DOORS ARE GONE. THE ORIGINAL HOUSE MATERIAL IS GONE. NUMBER 5, WE ARE NOT HURTING OUR NEIGHBORS. NOT COMPLYING WITH CURRENT REGULATIONS IS HARMING THE NEIGHBORHOOD AND THE IMMEDIATE NEIGHBORS. THERE'S AN ILLUSTRATION OF TERMITE DAMAGE. WE ALL KIND OF HAD A CHUCKLE WITH THAT. BECAUSE BRYKERWOODS IS FULL OF OLD PIER AND BEAM HOUSES AND TERMITE DAMAGE IS QUITE COMMON. IN THAT SAME DOCUMENT THIS COULD BE BACKUP PART 3. THERE'S AN ILLUSTRATION HERE OF A WALL OR THE -- I GUESS IT THE ELEVATION, I'M NOT AN ARCHITECT, FORGIVE ME, BUT THE SECOND FLOOR IS SHOWN TO BE NINE FEET TALL AND THE ORIGINAL PLAN THAT I RECALL, IT WAS SUPPOSED TO BE 8 AND A HALF FEET TALL. HERE AGAIN IT'S SHOWN THE STUCCO SIDING. LIKE I SAID, IF YOU

WERE A BUILDING INSPECTOR, YOU KNOW, WITH ALL DUE RESPECT TO MS. McWIMENTS,. WILLIAMS, SHE IS IN THE PERMITTING END, IF YOU ARE IN THE INSPECTION END GIVEN A SET OF PLANS LIKE THIS, WHAT ARE YOU GOING TO PASS ON? WHICH HOUSE ARE YOU LOOKING AT? I'M AVAILABLE FOR ANY QUESTIONS AND CLARIFICATIONS SHOULD THE COUNCIL NEED THAT. BUT THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. QUESTIONS FOR JOYCE, COUNCIL?

THANK YOU, OUR NEXT SPEAKER IS JENNA KUNDI, FOLLOWED BY JEFFREY TUTER, FOLLOWED BY JANE BILLING.

ERIC CRISLER THE OWNER OF THE HOME. ARE THOSE ACTUALLY -- CAN I ASK THEM TO GIVE ME THEIR TIME AND SPEAK RIGHT NOW ON BEHALF OF MYSELF.

HE HAD TO GO HOME.

> HE'S NOT HERE.

Mayor Wynn: THEY HAVE TO BE HERE TO DONATE YOUR TIME. IS HOWARD WOLF, DAVID --

NOT HOWARD. DAVID KUNDE.

OKAY.

AMBER WORD WHO IS HERE.

AMBER WORD. SO ERIC UP TO NINE MINUTES IF YOU NEED IT.

WE ARE GOING TO SPEAK TOGETHER IF THAT'S ALL RIGHT. I GUESS WE HAVE 12. THANK YOU VERY MUCH. NOW I NEED TO --

LET ME FIRST START BY ADDRESSING A COUPLE OF THE ISSUES THAT HAVE BEEN BROUGHT UP. FIRST OF ALL, THE SETBACK ISSUE THAT WAS BROUGHT UP BY POLLY, WE HAVE A CERTIFIED STAMPED -- A

CERTIFIED STAMPED ENGINEER'S.

SURVEY.

SURVEY THAT SHOWS THAT IT'S FIVE FEET AND WE ARE NOT ENCROACHING UPON THE PROPERTY TO THE LEFT OF US. WE FOUND OUT THE OTHER DAY THAT POLLY OR THAT OUR NEIGHBOR WAS CONCERNED ABOUT THIS. SO WE HAD THAT SURVEY COMPANY COME OUT AGAIN THIS MORNING AND THEY HAVE DONE THEIR SURVEY AGAIN AND CONFIRMED THAT IT'S 5.0, WE ARE IN OUR OWN SETBACK. SO WE ARE NOT ENCROACHING. THE FLOOR SPLIT -- LET ME START HERE NOW. OKAY. I WANT TO START WITH THE SUMMARY OF EVENTS. WE DID GET OUR BUILDING PERMIT WHERE WE APPLIED IN JANUARY SO THE McMANSION WAS NOT AN ISSUE TO US. WE DID NOT KNOW ABOUT McMANSIONS, WE DID NOT HAVE AN IDEA THAT WE COULD BUILD A HOUSE TOO BIG FOR THE LOT THAT WE HAD PURCHASED. TOGETHER WITH THE HLC WE FOCUSED ON THE HISTORIC PART OF THE HOME, WORKED WITH THEM EXTENSIVELY TO WE UP SOMETHING THAT THEY LIKED, WE LIKED THAT WOULD MEET OUR NEEDS. AND IN FEBRUARY OF 2006 WE GOT OUR BUILDING PERMIT. PLUS THE BWNA, BRYKERWOODS NEIGHBORHOOD ASSOCIATION STOOD UP AT THE HLC MEETING, SAID WE SUPPORT THIS HOUSE, THIS IS GOOD THAT WE'RE ALL FOR. OKAY. NOW, WE ARE SUBMITTING PLANS FOR THE SAME HOUSE AS FAR AS THE FACADE OF THE HOUSE GOES. THERE IS AN ISSUE WITH THE PORCHES, WHICH I WILL ADDRESS. BUT AS FAR AS THE SIZE OF THE HOUSE, AS FAR AS THE COVERAGE ON THE LAND OF THE HOUSE, EVERYTHING IS EXACTLY THE SAME. THIS ISSUE OF STUCCO COMING UP, I HAVE NO IDEA WHERE THAT IS. WE HAVE BOUGHT TONS OF WOOD THAT IS EXACTLY THE EXACT SAME PROFILE OF THE WOOD THAT WAS DESTROYED. WE HAD IT MILLED. OKAY. LET ME KEEP GOING.

I CAN ADDRESS THE ISSUE OF THE STUCCO WALL. THAT WASSING ILLUSTRATION TO SHOW JOYCE THAT OUR ORIGINAL INTENTION WAS TO TAKE THE STRUCTURE TO THE STUDS, PUT A PONY WALL ON IT

THEN TRUSS THE HOME. THIS IS AN ENGINEERING THING. THAT WAS -- THAT WAS A DRAWING AND YOU GUYS HAVE IT. THAT WAS A DRAWING THAT WAS MEANT TO SHOW -- MEANT TO ILLUSTRATE TO THEM WHAT A PONY WALL WAS.

OKAY. SO THIS SLIDE HERE IS THE HOME, IF YOU LOOK CLOSELY, WE SPENT, I BOUGHT TWO GUNS THAT ARE USED FOR SCRAPING PAINT OFF OLD WOOD. AND WE HAD LABORERS OVER THERE SCRAPING PAINT AND THEN STANDING IT AND THEN PRIMING I. OUR INTENTION WAS TO CUT THE TOP OF THE HOUSE OFF AND THEN GO AHEAD AND PUT A SECOND STORY ON THE HOUSE. SO WE SPENT TONS OF MONEY ON THIS, WE SPENT TONS OF MONEY ON FIRING UP THE FOUNDATION OF THIS HOME. KEEPING WOOD FLOORS ON THE FIRST FLOOR, THIS WAS OUR INTENTION ALL ALONG WAS TO PUT A SECOND STORY ON THIS HOUSE. IN EARLY -- IN THROUGH MAY AND EARLY JULY, OUR BUILD EITHER AND FRAMING CREW WERE WORKING ON THE FOUNDATION, CUTTING OUT THE BACK OF THE HOUSE, FOUND ROTTED WOOD AND OTHER STRUCTURAL ISSUES, STARTED TO EXAMINE WHAT WAS LEFT, STARTED TO DETERMINE THAT THE SECOND STORY WOULD NOT BE SUPPORTED BY THE FIRST STORY. WE WENT OUT OF TOWN. ON JULY 7th. DURING THAT PERIOD THE TOP OF THE HOME WAS SCHEDULED TO BE CUT OFF IN THAT PROCESS THE DEMOLITION CREW TOOK OUT ALL OF THE SIDING AND THIS IS WHAT WE CAME HOME TO. OKAY? WE LITERALLY CAME HOME TO THIS. WE WERE COMPLETELY SHOCKED. OUR -- I WENT TO THE BUILDER AND I WENT TO THE FRAMING CREW AND I SAID, YOU KNOW, WHAT DO WE HAVE HERE? THEY SAID WE HAVE TWO WALLS, WE HAVE SOME STUDS, I JUST SAID GO AHEAD. FRAME IT. AND THEN THE NEXT THING THAT HAPPENED WAS EVERYTHING CAME DOWN AND THEY STARTED FRAMING AND WITHIN -- HERE'S THE LETTER FROM THE BUILDER STATING THAT WE DIDN'T KNOW. A SIGNED LETTER. HERE'S A LETTER FROM THE BILLY HELM, A WELL-KNOWN FRAMER WHO SAID THIS STRUCTURE WOULD NOT SUPPORT THE SECOND STORY. JULY 4th THEY WERE AT IT QUICKLY. THIS IS WHAT HAPPENED BETWEEN JULY 24th AND AUGUST 2nd.

THEY BUILT THE HOME. BASICALLY FRAMED UP TWO STORIES OF THE HOME. AND PUT THE ROOF ON. AS YOU KNOW, WE WERE NOT STOPPED DURING THAT PROCESS. TO -- AND WE FOLLOWED ALL OF THE RECOMMENDATIONS OF THE CITY, WHAT WE SHOULD DO, HOW IS THIS GOING TO GO, WE JUST COMPLIED WITH THEM ALL THE WAY THROUGH. OKAY. SO HERE'S SOME MORE SUMMARIES OF THE EVENTS THAT HAPPENED. I THINK THAT I HAVE COVERED A LOT OF THESE. THE BIG QUESTION IS WHY WOULD WE DO THIS? WHY WOULD WE GET PAINT GUNS OUT, SCRAPE THE HOME, HAVE TONS OF -- OF LABOR AND EFFORT INTO KEEPING THE HOME IF WE DIDN'T INTEND TO DO IT IN THE FIRST PLACE? OUR CHARACTER HAS BEEN, YOU KNOW, ABUSED AND BEATEN BY OUR NEIGHBORS IN THIS CASE. A FEW OF OUR NEIGHBORS AT LEAST. AND WE JUST DIDN'T HAVE ANY IDEA THAT THIS WAS GOING TO HAPPEN. THIS IS JUST A -- YEAH, GO AHEAD.

WELL, I'M THE PERSON THAT TOOK IT UPON HERSELF TO PULL OUTLINE OF THE PERMITS BECAUSE AS AN OWNER WE HAVE THAT RIGHT. I HAVE SPENT SO MUCH TIME ASKING THE GIRLS QUESTIONS AND -- IN THAT OFFICE. IT'S A FULL-TIME JOB FOR ME. AND THEY ARE AT MY DISPOSAL ALL THE TIME TO ANSWER THESE QUESTIONS AND HAVE BEEN THROUGHOUT THE ENTIRE THING. IT BOILS DOWN TO MAKING ONE MISTAKE, YOU KNOW, THE POINT WAS WHAT WE WERE PERMITTED BEFORE THE McMANSION ORDINANCE. WE DECIDED TO KEEP -- TO COVER IN THOSE PORCHES ON THIS SECOND APPLICATION BECAUSE COVERED PORCHES UPSTAIRS COUNT TOWARDS YOUR FAR. SO IT'S 107 -- 175 FEET OR SOMETHING LIKE THAT UPSTAIRS AND IT WOULD HAVE BEEN THE SAME WHETHER IT WAS A PORCH OR WHETHER IT WAS SQUARE FOOTAGE. SO ULTIMATELY WE ARE ONLY ASKING FOR 175 FEET MORE AND --

NO, 100 SQUARE FEET MORE.

YEAH.

LET ME GO ON. OKAY. HERE ARE OUR, YOU KNOW, OUR GROUND SQUARE WAIVER. WE IMPLORE THAT

THESE ARE UNFORESEEABLE CIRCUMSTANCES. AND THAT WE HAVE BEEN TRYING AND SPENDING MONEY ON DOING THIS AND THIS DEMOLITION HAS ONLY COST US. OUR BUILDER OUT OF TOWN IS JENNA'S FATHER, HE'S A QUALITY BUILDER, DONE AN AMAZING JOB WITH WHAT'S THERE. THERE WAS SOME -- SOME MAJOR COMMUNICATION ISSUES. AND -- ALSO HE DIDN'T KNOW ABOUT THE PERMITTING. HE BUILDS IN BASTROP, WAS NOT AS SENSITIVE AS HE SHOULD HAVE BEEN, CLEARLY. AND WE SHOULD HAVE BEEN ON TOP OF IT MORE, TOO WE ARE NOT -- RIGHT NOW WE HAVE TWO STORIES OF FRAMED BUILDING. THE -- WE HAVE TRIED 100 TIMES SHOULD WE NOT GET THIS WAIVER TO FIGURE OUT HOW CAN WE GET 450 SQUARE FEET OUT OF TWO STORIES OF FRAMED BUILDING. I PROMISE YOU THAT IT IS NOT AN EASY THING TO FIGURE OUT. IT WOULD BE A MAJOR, MAJORETTE TWO FIT, WHICH WE BELIEVE IS UNDUE HARDSHIP. WE BELIEVE THAT WE ARE NOT ADVERSELY AFFECTING PUBLIC HEALTH AND SAFETY. THIS IS GOING TO BE A BEAUTIFUL HOUSE. IT'S GOING TO BE HAVE WOOD. IT'S NOT GOING TO BE MADE OUT OF HARDY PLANK. IT'S GOING TO LOOK EXACTLY LIKE THE HOUSE THAT WE SUBMITTED IN FEBRUARY WITH SADOWSKY OF THE HISTORIC COMMISSION. WE HAVE 24 LETTERS OF SUPPORT FROM OUR NEIGHBORS. I CANNOT BELIEVE THAT OUR NEIGHBORS ARE TELLING US THAT WE MISLED PEOPLE IN FEBRUARY. YOU WILL SEE THAT'S NOT THE CASE. WE ALSO -- WE ARE TALKING ABOUT SEVEN BOARD MEMBERS FROM THE BWNA WHO SAID THAT THEY LOVED THIS HOUSE AND STOOD UP AND SAID THEY LOVED IT THEN, NOW THEY SAY THEY DON'T. OKAY, LET ME KEEP GOING. THIS IS THE LETTER WE WROTE, GOT 24 SIGNATURES IN OUR NEIGHBORHOOD. IT EXPLICITLY INDICATES THAT WE NEED 500 SQUARE FEET, ACTUALLY WE NEED 453 SQUARE FEET IS THE ACTUAL NUMBER. BUT CLEARLY THERE'S DEBATE ABOUT WHAT THESE FAR'S ARE HARD TO CALCULATE AND -- BUT THERE'S 500 -- WE HAVE CLEARLY STATED THAT WE NEED 500 SQUARE FEET AND EXACTLY WHAT HAPPENED THERE WAS NO MISLOADING HERE. WE HAVE 24 SIGNATURES. ANOTHER ONE KAY IN TODAY FROM ONE OF MY NEIGHBORS, SAYING I

SUPPORTED THE ORIGINAL PLANS, AGAIN I HAVE SPOKEN WITH ERIC, I KNOW THAT HE WILL BUILD THIS THE SAME AS WE SPOKE, I THINK HE'S A GOOD NEIGHBOR. HERE'S A DIAGRAM, IF THE X IS THE HOUSE IN QUESTION, ALL THE CHECKS ARE WHERE WE HAVE SIGNATURES FROM. SO WE HAVE SIGNATURES FROM HOUSE DIRECTLY BEHIND US, 06 THE NEIGHBORS VERBALLY SUPPORTED US IN FEBRUARY. THEY HAVE JUST DECIDED PHOTO GET -- NOT TO GET INVOLVED. THE HOUSE ACROSS THE STREET NO CHECK. THEY WISHED US GOOD LUCK THIS MORNING, SAID WE DON'T WANT TO GET IN THE MIDDLE OF IT. ALL OF THE OTHER PEOPLE NEARBY CHECKED US AND SAID WE SUPPORT THIS HOUSE. LETTERS FROM ALL OF THESE PEOPLE. THE 1504 THING IS WE LIVE IN 1504, THAT'S WHY THE WAIVER APPLICATION SAID 1504 AND SOME OTHER DOCUMENT SAID 1504, THAT WAS CORRECTED THIS MORNING. SO THOSE DOCUMENTS NO LONGER SAFE 1504, THEY SAY 1508. HERE'S A HOUSE, 4500 SQUARE FEET RIGHT ACROSS THE STREET, THEODORES DOWN. OKAY? THERE'S A HOUSE THEODORES DOWN ON THE OTHER SIDE OF THE STREET THAT'S 3100 SQUARE FEET. I'M GOING TO CONTEST THAT OUR HOUSE IS THE THIRD LARGEST HOUSE IN BRYKERWOODS RIGHT NOW, I DON'T BELIEVE THAT. ON OUR BLOCK ALONE THERE ARE TWO HOUSES BIGGER THAN OURS. LET ME KEEP GOING. THIS IS THE ORIGINAL HOUSE, A DRAWING OF IT, HERE'S THE HOUSE THAT WE SETTLED ON WITH STEVE SADOWSKY. IF SOMEONE IN HERE CAN TELL ME HOW I CAN PUT A SECOND FLOOR ON THIS HOUSE AND MAKE IT MORE LIKE THIS HOUSE, I WOULD REALLY LIKE TO KNOW. OKAY. WE DID WHAT THEY ASKED AND WE HAD OTHER PLANS, WE WENT WITH THESE PLANS. HERE'S THE SURVEY. IF YOU WILL LOOK CLOSELY IT SAYS 5.0, WE ARE NOT IN THE SETBACK. WE BELIEVE THE WAIVER FUNCTION IS A GREAT THING, WE ARE HAPPY IT'S HERE BECAUSE THERE WAS A MISHAP, WE BELIEVE THAT OUR CASE FITS ALL OF THE REQUIREMENTS FOR A WAIVER. STAFF HAS LOOKED CLOSELY AT THIS CASE AND WE WOULD JUST IMPLORE THAT YOU GUYS GIVE US YOUR SUPPORT HERE BECAUSE WE BELIEVE THAT THEY MADE A GOOD RECOMMENDATION AND THAT -- THAT THIS IS -- THIS IS REALLY A GOOD USE OF

THE WAIVER. THANK YOU.

ANY QUESTIONS?

Mayor Wynn: THANK YOU, QUESTIONS OF THE OWNERS, COUNCIL? COMMENTS? THANK YOU ALL VERY MUCH.

THANK YOU.

Mayor Wynn: LET'S SEE, IN ADDITION A COUPLE OF OTHER FOLKS SIGNED UP WISHING TO SPEAK IN FAVOR, THEY MAY HAVE LEFT. JEFFREY TUTER, SIGNED UP WISHING TO SPEAK. WELCOME, SIR. YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR, THANK YOU CITY COUNCIL MEMBERS FOR GIVING ME THIS OPPORTUNITY TO PROVIDE MY SUPPORT FOR ERIC CRISLER WHO I HAVE KNOWN FOR ABOUT SEVEN YEARS AND FOR BRYKERWOODS WHOM I'VE BEEN FORTUNATE ENOUGH TO LIVE IN FOR THE PAST EIGHT. MY WIFE ACTUALLY WAS BORN IN A HOUSE, WELL SHE CAME TO THE HOUSE DIRECTLY ACROSS FROM MR. CRISLER SHE OFFERS HER SUPPORT IN ABSTENTIA AS WELL. THE FIRST THING, AS LONG AS I HAVE KNOWN ERIC HE HAS BEEN WANTING TO DO SOMETHING WHICH IS HISTORICALLY ACCURATE AND RELATIVE TO THE NEIGHBORHOOD TO ENHANCE THE VALUE OF THE NEIGHBORHOOD. NOT A McMANSION IN THE SENSE OF THESE MODERNISTIC THINGS THAT LOOK LIKE THEY HAVE SET DOWN OUT OF CALIFORNIA, BUT SOMETHING THAT ACTUALLY IMPROVES THAT LOT VALUE. WHAT YOU HAVE NOT SEEN IS A PICTURE OF THAT HOUSE BEFORE MR. CRISLER TOOK IT. IT WAS YES HISTORIC WITH PAINT PEELING, BRUSH OVERGROWN, A COMPLETE RAMSHACKLE SITUATION. HE HAS MANAGED TO INVEST AND WANTS TO BUILD SOMETHING MUCH MORE VALUABLE TO THE COMMUNITY. ANOTHER PART OF THIS IS THAT AS A FAMILY, SOMEONE WHO IS MOST IMPORTANTLY A FATHER TRYING TO RAISE HIS KIDS IN BRYKERWOODS, I UNFORTUNATELY HAVE SEEN SO MANY OF MY FRIENDS THAT MOVED IN FOR THEIR STARTER HOMES, HAD TO MOVE OUT

BECAUSE OF THE DIFFICULTY IN EXPANDING THE SIZE OF THEIR HOMES. I AM VERY SENSITIVE TO THE SITUATION THAT HE'S IN. HE'S TRYING TO CREATE A FAMILY IN BRYKERWOODS. AND AS FAMILY MEMBER AND SOMEBODY WHO REALLY CARES ABOUT TRYING TO, YOU KNOW, HAVE KIDS ON BICYCLES UP AND DOWN THERE, WE COULD BE IN A SITUATION WHICH HAS HAPPENED ON MY STREET WHICH IS BEVERLY ROAD, WHERE YOU HAVE MORE OF THESE HOMES GETTING BOUGHT BY OUT OF TOWNERS, THEY DON'T INCREASE THE SIZE OF THEM, BUT THEY ARE INVESTMENT PROPERTIES, THEY PUT COLLEGE KIDS IN THEM. THAT'S HAPPENED TO TWO OF MY SURROUNDING HOUSEHOLDS. IT'S VERY DISTURBING TO ME. SO IT'S VERY IMPORTANT, I BELIEVE, FOR THE CITY TO I OBJECT VEST IN THESE -- INVEST IN THESE KIND OF ENHANCEMENTS OF THE NEIGHBORHOOD THAT MR. CRISLER IS DOING, AS WELL AS DOING THINGS IN AN HISTORICAL RELEVANT MANNER. BOTH OF WHICH HE IS DOING, THE EXACT SAME SQUARE FOOTAGE FROM BEFORE THE EXISTING STRUCTURE, NOT CHANGING THAT AT ALL. EFFECTIVELY IDENTICAL TO WHAT IS PERMITTED. I BELIEVE WHAT WE HAVE IS FOLKS THAT WERE AGAINST IT IN THE FIRST PLACE, SAYING HERE'S OUR OPPORTUNITY TO STOP IT. AND I CAN RESPECT THEIR CONSIDERATION OF WANTING TO KEEP EVERYTHING THE WAY IT WAS IN 1945, BUT IF WE DO THAT WE ARE REALLY GOING TO HAVE A PROBLEM MOVING FORWARD, MOVING THIS CITY FORWARD AND MAINTAINING AND RETAINING FAMILIES IN THAT AREA. SO I OFFER MY FULL-FLEDGED SUPPORT FOR MR. IRS CHARACTER AS WELL AS -- MR. CRISLER'S CHARACTER AS WELL AS THE HOUSE THAT HE IS REPORTING TO BUILD. JAY BILLING SIGNED UP WISHING TO SPEAK IN FAVOR. AS DID HOWARD WOLF.

MAYOR, COUNCIL, MY NAME IS HOWARD WOLF, I LIVE AT 1102 BELMONT, PARKWAY, I'M A NEIGHBOR OF MR. CRISLER. I'M A RETIRED SENIOR PARTNER OF FULBRIGHT AND JAWORSKI, I'M CURRENTLY A MEMBER OF THE SUNSET ADVISORY COMMISSION HAVING BEEN APPOINTED BY LIEUTENANT GOVERNOR DEWHURST, I'M ALSO CURRENTLY SERVE AS CHAIRMAN OF THE FALCON SEABOARD,

LIEUTENANT GOVERNOR DEWHURST'S PRIVATE COMPANY, I'M HIS PERSONAL ATTORNEY. I MENTION THOSE FACTS TO GIVE SHH CREDIBILITY TO WHAT I'M GOING TO TELL YOU. SOME CREDIBILITY. I'M HERE TO SUPPORT MR. CRISLER, IN PARTICULAR TO ADVISE YOU WITH RESPECT TO HIS NOT BEING AWARE OF WHAT HAPPENED WITH RESPECT TO TEARING DOWN THE EXISTING HOUSE. MY WIFE AND I HAVE -- ARE FRIENDS OF ERIC. WE FOLLOW VERY CAREFULLY WHAT HE WAS DOING IN CONNECTION WITH REMODELING THIS HOUSE. MY WIFE GATHERED INFORMATION ON SEARS AND ROEBUCK KIT HOUSES WHICH THIS WAS ONE, TALKED TO ERIC ABOUT THAT WHEN HE STARTED ON THIS PROJECT, WE FOLLOWED THE PROJECT CAREFULLY. I REALIZED THAT HE HAD GOTTEN INTO TROUBLE WITH IT IN I BELIEVE IT WOULD HAVE BEEN LATE JUNE WHEN I SAW ERIC, HE TOLD ME ABOUT THE PROBLEMS IN SUPPORTING THE SECOND STORY AND SO I STARTED LOOKING AT THE HOUSE AT THAT TIME AND I CALLED ERIC ON MY CELL PHONE AND GOT HIM IN NEW YORK CITY AND I SAID, ERIC, WHAT'S HAPPENING WITH RESPECT TO THE HOUSE? I SEE THAT YOU HAVE ALREADY PUT ON ROOF ON IT, ET CETERA, ET CETERA, YOU HAVE A LOT INVESTED IN THIS, WHAT ARE YOU GOING TO DO TO SOLVE THAT PROBLEM? HE SAID IT'S A REAL PROBLEM. I'M TRYING TO FIGURE OUT HOW TO WORK IT OUT AS SOON AS I GET BACK FROM VACATION, LET ME GET WITH YOU AND MAYBE YOU CAN GET ME SOME IDEAS. I SAID GREAT CALL ME. I -- HE SAID BECAUSE I'M GOING TO HAVE TO HAVE THE ROOF TAKEN OFF AND THE NON-CONFORMING FRAMING TAKEN OFF RIGHT AFTER I GET BACK. I DROVE BY THE HOUSE THE NEXT AFTERNOON AND IT WAS GONE. THE ROOF WAS GONE. THE FRAMING WAS GONE. I CALLED ERIC ON HIS CELL PHONE AND GOT HIM IN NEW YORK AND I SAID ERIC I THOUGHT YOU SAID THAT YOU WERE GOING TO COME BACK AND LOOK AT THIS BEFORE YOU CAME BACK. HE SAID I AM. I SAID ERIC THE ROOF IS GONE, FRAMING IS GONE. HE SAID NO, NO, NO, THEY CAN'T BE THE CASE. I SAID I'M STANDING IN FRONT OF YOUR HOUSE LOOKING AT IT, IT'S GONE. SO WHEN HE SAYS THAT HE DID NOT KNOW THAT THE BUILDER CAME IN AND DID THAT, I'M

JUST SUPPORTING HIS CREDIBILITY. THE LAST THING THAT I WANT TO SAY IS, I THINK THAT YOU HAVE HEARD THIS ALL ALONG, GREAT DYNAMIC TENSION AS TO HOW TO DEAL WITH THE NEIGHBORHOODS LIKE THIS. BUT THIS IS NOT THE THIRD LARGEST HOUSE IN BRYKERWOODS. I KNOW AT LEAST A DOZEN HOUSES THAT ARE LARGER THAN THIS HOUSE. YOU ARE GOING TO CONTINUE TO HEAR THE DYNAMIC TENSION THAT YOU JUST HEARD FROM THE PREVIOUS SPEAKER. I WON'T REPEAT IT TO YOU THERE. BUT THIS IS A CREDIBLE PROJECT. MR. CRISLER PUT A TREMENDOUS AMOUNT OF MONEY, TIME, ENERGY AND EFFORT INTO THAT. I WANT TO SUPPORT WHAT HE WANTS TO DO HERE SO THE NEIGHBORHOOD CAN GO FORWARD AND GET THIS HOUSE BUILT. ANY QUESTIONS?

QUESTIONS FOR MR. WOLF? COUNCIL? THANK YOU, SIR.

Mayor Wynn: OUR NEXT SPEAKER IS JAMES CAMERON, FOLLOWED BY KATHRYN HAWKINS.

THANK YOU, MR. MAYOR. THANK YOU COUNCILMEMBERS. THANK YOU CITY MANAGER. GLAD TO GET TO BE HERE AND TALK. THE FIRST THING THAT I WOULD LIKE TO DO IS JUST SAY THAT I HAVE LIVED IN AUSTIN FOR 33 YEARS, 26 YEARS AT 1510 WEST 30th STREET. IF LESLIE DIDN'T MAKE IT CLEAR, WE ARE THE NEIGHBORS NEXT DOOR TO THIS HOUSE. THIS IS THE FIRST TIME THAT I HAVE EVER SPOKEN ON MY OWN BEHALF AT A CITY COUNCIL MEETING. THE FIRST THING THAT I WOULD LIKE TO SAY IS THESE LETTERS OF NEIGHBORHOOD SUPPORT, I WOULD SUBMIT TO THE CITY COUNCIL ARE COMPLETELY IRRELEVANT. THOSE ARE STALE LETTERS THAT WERE OBTAINED WHEN THEY WERE TALKING ABOUT THIS REMODELING PROJECT. THAT WAS GOING TO PRESERVE THE HISTORIC INTEGRITY OF THIS HOME. THERE WERE PEOPLE WHO SIGNED IT BASED ON THAT. I ALSO KNOW FROM TALKING TO NEIGHBORS AND ASKING THEM WHY DID THEY DO THAT, THEY WERE TOLD, AT LEAST ONE TOLD US THAT MRS. CUNDY WENT AND TOLD THEM THAT WE SUPPORTED THE PROJECT AND WHEN THEY HEARD

THAT WE DID NOT, THEY THEN RETRACTED THEIR LETTER OF SUPPORT. ALSO THE PERSON THAT SHE JUST ERIC GOT THROUGH POINTING TO ACROSS THE FENCE TO THE BACK, DID SIGN A LETTER OF SUPPORT. AND WHEN SHE BECAME AWARE OF WHAT THEY HAVE DONE, SHE HAS RETRACTED THAT LETTER OF SUPPORT, THAT WAS ON THE TOP OF THE PACKAGE THAT LESLIE GAVE YOU. JUST TO QUOTE FROM THAT LETTER, THIS WAS WRITTEN BY SARAH SIMPSON AFTER TALKING ABOUT HER OPPOSITION TO THIS THING THAT THEY ARE DOING NOW, SHE SAID THIS IS AN EXCELLENT EXAMPLE OF WHY McMANSION RULES HAD TO BE WRITTEN AND I FEEL THAT I WAS COMPLETELY DUPED INTO SUPPORTING A LIE. THE PLAN THAT I SUPPORTED IS NOT THE PLAN THAT IS BEING BUILT. THAT'S THE COMMON THREAD THAT WE ARE HEARING. WE OPPOSED IT BACK THEN. BUT THAT'S WHAT WE ARE HEARING FROM THE NEIGHBORS THAT WE TALKED TO. I THINK THIS WHOLE THING ABOUT HARDSHIP IS A BUNCH OF HOOEY, MYSELF. AND IF THERE WERE MAJOR COMMUNICATION DIFFICULTIES BETWEEN THE APPLICANT AND THE BUILDER, WHO JUST HAPPENED TO... TO BE THE FATHER OF MS. CUNDY, THAT SHOULDN'T EXCULPATE THEM FOR PAYING THE PRICE OF WHAT THEY HAVE DONE. I THINK THERE'S A VERY CLEAR TRAIL HERE ABOUT BASICALLY BAIT AND SWITCH AND I HOPE, I IMPLORE THE CITY COUNCIL TO THINK CAREFULLY ABOUT THAT. AND TO READ THE FACTS FOR WHAT THEY REALLY ARE. ALSO, THE LETTER FROM THE BUILDER THAT THEY POINTED TO, THAT'S THE LETTER FROM HER FATHER. THE LETTER FROM HIS FRAMER ABOUT THE WALLS, IT'S NOT SEALED, I DON'T KNOW WHO THAT IS, THERE'S BEEN NO PROFFERING OF ANY PROOF THAT THAT'S AN EXPERT. THAT COULD HAVE BEEN WRITTEN BY THE CHILDREN IN THE NEIGHBORHOOD WHO ALSO WROTE SEVERAL OF THE LETTERS THAT WE FOUND OUT, LETTERS OF SUPPORT. I HOPE PERSONALLY THAT THE CITY WILL LOOK INTO THE POSSIBILITY OF CRIMINALLY PROSECUTING THIS THING. IT LOOKS TO ME LIKE THERE'S A CLEAR TRAIL THAT LEADS THERE AND I WOULD IMPLORE YOU TO TAKE A LOOK AT THAT. TWO MORE POINTS QUICKLY, I KNOW THAT I'M OUT OF TIME. HEALTH AND SAFETY.

OUR HOME IS A 164 INCHES AWAY FROM THIS THING THAT NOW TOWERS OVER OUR HOME. IN 1945, WHEN THE OTHER HOUSE WAS BUILT, IT WAS LOWER THAN OUR HOME AND THERE'S A SHRUB BETWEEN THEM. THE SHRUB IS STILL THERE, NOW AS YOU CAN SEE FROM THE PICTURES, IF A FIRE CATCHES NEXT DOOR, IT LOOK TO ME, I'M NOT AN ENGINEER, I'M A LAYMAN, BUT IT LOOKS TO ME PLAUSIBLE THAT WOULD GREATLY INCREASE THE CHANCES OF OUR HOUSE BURNING DOWN. IN CLOSING THIS JUST ISN'T RIGHT TO APPROVE THIS THING. I UP MORE YOU NOT TO GRANT -- I AND M MORE YOU NOT TO GRANT THIS WAIVER.

THANK YOU. MAYOR PRO TEM?

Dunkerly: THE HOUSE REMODELED AS THEY WERE TRYING TO DO AND THAT SECOND STORY ADDED, WOULDN'T YOU BE IN RELATIVELY THE SAME POSITION AS FAR AS YOUR HEIGHT?

YES. THAT'S WHY WE OPPOSED IT BACK THEN, YES, MA'AM. THANK YOU.

Mayor Wynn: THANK YOU, SIR.

NEXT SPEAKER IS KATHRYN HAWKINS. WELCOME. THREE MINUTES FOLLOWED BY JOEY [INDISCERNIBLE]

GOOD AFTERNOON, I HAVE BEEN LIVING IN MY HOME ON 30th STREET FOR -- IN THE SUMMER IT WILL HAVE BEEN 20 YEARS, I'M HERE BASICALLY TO SUPPORT MY NEIGHBORHOOD ASSOCIATION. I HAVE BEEN A MEMBER MOST OF ANY TIME IN RESIDENCE. I DO THINK THEY REPRESENT MY NEIGHBORHOOD AND THEY CERTAINLY SPEAK FOR ME. IT WOULD APPEAR TO ME THERE'S TWO QUESTIONS HERE, ONE THE STRUCTURE ITSELF. I THINK THE SEPARATE ISSUE HERE IS THE PROCESS. I HAVE CONCERNS ABOUT BOTH. BUT I WOULD CERTAINLY SAY THE PROCESS APPEARS TO CLEARLY LACK INTEGRITY AND I WOULD ASK THAT YOU LOOK CLOSELY, NOT ONLY AT THE PLANS FOR THE STRUCTURE, BUT ALSO SCRUTINIZE THE PROCESS. I THINK THEY

BOTH ARE VERY QUESTIONABLE. THANK YOU.

Mayor Wynn: THANK YOU, MS. HAWKINS. JOEY WALKER. THREE MINUTES.

THANK YOU, THIS IS A NEW EXPERIENCE FOR ME, BUT I WANTED TO COME DOWN AND SHOW MY SUPPORT FOR THE NEIGHBORHOOD ASSOCIATION. I LIVE AT 1514 WEST 30th, WHICH IS TWO HOUSES UP FROM THE NEW STRUCTURE. I OPPOSED IT WHEN IT WAS ORIGINALLY PROPOSED BACK IN FEBRUARY. I HAD NEVER SEEN THE PLANS. THE OWNERS HAVE NEVER APPROACHED ME. THEY DID, HOWEVER, WHEN THEY WERE GAINING LETTERS OF SUPPORT COME TO MY HOME AND TALK TO MY SON AND SOLICITED HIS SUPPORT. WHICH HE GAVE. BUT HE DID TELL THEM THAT HE WAS NOT THE HOMEOWNER. THEY NEVER CAME BACK AND ASKED ME TO SUPPORT THEIR PETITION. WHAT I THINK IS THE MOST IMPORTANT THING HERE, WHAT I WAS SO COMPLETELY THRILLED WITH THE McMANSION ORDINANCE WAS THE FACT THAT YOU COUNCILMEMBERS WERE FINALLY LISTENING TO THE NEIGHBORHOODS AND PARTICULARLY OUR NEIGHBORHOOD WHICH HAS BEEN IN EXISTENCE FOR SO LONG. I HAVE LIVED IN BRYKERWOODS FOR THE LAST 14 YEARS. I LIVED IN TARRYTOWN BEFORE THAT. AND I THINK WHAT IS THE MOST IMPORTANT THING HERE IS THAT YOU FULLY SUPPORT THE ORDINANCE YOU HAVE PUT IN PLACE. THESE PEOPLE HAVE EXHIBITED THE BEHAVIOR OF SAYING, WELL, IF WE PLEAD IGNORANCE, WE CAN GET AWAY WITH IT. I THINK IF YOU FULLY BACK THE ORDINANCE AND TELL THESE PEOPLE THAT YOU CANNOT DO THIS, THAT YOU HAVE TO DO IT IN THE RIGHT AND PROPER WAY, THEN THAT IS THE MOST IMPORTANT THING. SO I APPRECIATE YOUR CONSIDERATION. BUT I AM VERY MUCH OPPOSED TO THIS.

Mayor Wynn: THANK YOU, MS. WALKER. AND OUR LAST PERSON SIGNED UP DOES NOT WISH TO SPEAK, KATHRYN [INDISCERNIBLE] SORRY IF I'M MISPRONOUNCING THAT, NOT WISHING TO SPEAK ALSO IN OPPOSITION. COUNCIL, THAT CONCLUDES OUR CITIZENS TESTIMONY ON THIS ITEM. THIS

WAIVER, ITEM NO. 28. COMMENTS, QUESTIONS?
MAYOR PRO TEM? SORRY, COUNCILMEMBER
LEFFINGWELL?

Leffingwell: I HAVE A QUESTION OF STAFF.

SEEMS TO ME WHAT REALLY HAPPENED TO
TRIGGER THIS WHOLE SUBSEQUENT TRIGGER OF
EVENTS IS THAT A DEMOLITION OCCURRED
WITHOUT A PERMIT.

THAT'S CORRECT.

THIS SFWIS THAT HAS BEEN -- SOMETHING THAT
HAS BEEN A CONSISTENT PROBLEM IN ALL PARTS
OF THIS CITY, VIRTUALLY, ESPECIALLY IN WEST
AUSTIN. HOUSES DISAPPEARING IN THE MIDDLE OF
THE NIGHT. SO MY QUESTION IS THIS BUILDER THAT
DEL DEMOLISHED THIS OUT.... WITHOUT A PERMIT
ANY REPERCUSSIONS TO HIM, IS HE LICENSED DOES
HE STAND TO LOSE HIS LICENSE? WHAT RECOURSE
IS THERE TOWARDS HIM AS A BUSINESSMAN?

THE CITY OF AUSTIN DOES NOT -- WOULDN'T
NECESSARILY BE ANY REPERCUSSIONS TO HIM
PERSONALLY. WE DON'T LICENSE THE BUILDERS.
THE STATE WOULD THAT. PROBABLY SOMETHING
TO THE HOMEOWNER POSSIBLY IN TERMS OF TIME
AND MONEY, BUT NO PUNITIVE, ANYTHING
PUNITIVE TOWARD THAT PARTICULAR BUILDER,
NO.

Leffingwell: SO THERE ARE DEMOLITION COMPANIES,
THOSE ARE -- ARE THOSE ALSO LICENSED BY THE
STATE?

I THINK THOSE MAY BE LICENSED BY THE STATE
PERHAPS, BUT THAT'S NOT SOMETHING THAT WE
LICENSE PERSONALLY.

Leffingwell: WE HAVE NO CONTROL?

NO, WE HAVE NO CONTROL.

Leffingwell: THANK YOU. ONE MORE QUESTION. IF
THE SQUARE FOOTAGE ON THIS HOUSE WERE

REDUCED TO COMPLY WITH THE 40% FAR --

IT WOULD HAVE TO BE REDUCED BY
APPROXIMATELY 545 SQUARE FEET.

HOW MANY SQUARE FEET ARE ON THE TOP FLOOR,
DO YOU KNOW THAT NUMBER OFFHAND
APPROXIMATELY.

NOT RIGHT OFFHAND I DON'T APPROXIMATELY. THE
OWNER MAY KNOW EXACTLY HOW MANY -- HARRIS
WHY DON'T YOU COME DOWN TO THE MICROPHONE,
WE WILL GET THIS ON THE RECORD.

I THINK THE CORRECT NUMBER THAT WE ARE
LACKING IS 453. THE SECOND STORY IS I BELIEVE
SOMEWHERE AROUND 1500 SQUARE FEET. THE
ENTIRE STRUCTURE RIGHT NOW AS IT'S SITTING IS
3045 SQUARE FEET. WE LOOKED AT TRYING TO CUT
WHAT THE IMPLICATIONS OF TRYING TO CUT OUT
THE ROOF OR THE SECOND STORY WOULD BE AND
IT'S JUST AN AMAZING --

CAN YOU -- DO YOU HAVE A FINISHED ATTIC OR
PLAN TO HAVE A FINISHED ATTIC.

NO FINISHED ATTIC, NO.

Leffingwell: NOTHING IN THE ATTIC, JUST TWO
FLOORS.

IT'S AN ATTIC, I FORGOT TO BRING THAT UP.
THERE'S NO PLANS FOR US TO FINISH THE ATTIC.
THE ATTIC WILL NOT BE FINISHED WHEN WE HAVE
IT -- WHEN WE HAVE THE FINAL INSPECTION.

Leffingwell: SO YOU HAVE STATED THAT YOU FELT
THERE WAS NO FEASIBLE WAY TO REDUCE THE
DESIGN OF YOUR HOUSE AT THIS POINT. TO REDUCE
453 SQUARE FEET.

ABSOLUTELY.

Leffingwell: THAT'S ALL THAT I HAVE.

Mayor Wynn: THANK YOU, MAYOR PRO TEM?

Dunkerly: THIS IS FOR STAFF, TOO. ORIGINALLY, WHEN THEY HAD THE REMODEL PERMIT AND WE INTENDED TO TAKE THE ROOF OFF TO ADD THE SECOND STORY, THEY COULD DO THAT WITH THEIR REMODELED PERMIT.

THAT'S CORRECT.

Dunkerly: THEN WHEN THEY PLANNED TO TAKE THE ROOF OFF, THEY REMOVED MOST -- ALL OF THE SIDING AND MANY OF THE STUDIES ON THAT FIRST FLOOR. THAT'S WHEN THEY WENT THAT FAR, WHEN THEY STARTED REMOVING THE SIDING AND SOME OF THE STUDS, THAT'S WHEN THEY SHOULD HAVE HAD ESSENTIALLY A DEMOLITION PERMIT. THEY DIDN'T DEMOLISH THE WHOLE BUILDING, DID THEY?

IT WAS DIFFICULT FOR US TO TELL. WE DON'T HAVE ANYBODY OUT THERE. WE WERE GETTING PICTURES AND REPORTS FROM THE FIELD WE DON'T KNOW EXACTLY TO WHAT EXTENT.

Dunkerly: IT WAS NOT THE ROOF THAT CAME OFF THAT WAS THE PROBLEM. IT WAS THE SIDING AND THE 50% OF THE -- [MULTIPLE VOICES]

IT WAS MUCH MORE THAN THE ROOF THAT CAUSED IT TO BE.

Dunkerly: I DID LOOK AT ALL OF THE CHRONOLOGY OF THIS, IT SEEMS TO ME WHEN THEY RAN INTO A PROBLEM, THEY REALLY DID TRY TO WORK WITH STAFF. FIGURE OUT, YOU KNOW, WHAT THEY NEEDED TO DO AND IT WAS ONE OF THE FEW TIMES THAT I HAVE SEEN PEOPLE REALLY SAYING THAT, YOU KNOW, GREAT RESPONSE, CERTAINLY A LOT OF RECOMMENDATIONS AND GUIDANCE ON WHAT TO DO NEXT.

YES. CERTAINLY MS. CUNDY IS RIGHT, SHE'S A REGULAR.

Dunkerly: SHE'S A REGULAR.

SHE'S A REGULAR NOW, SHE'S GOT A PASS
[MULTIPLE VOICES]

Dunkerly: I KNOW THIS MAY BE HARD FOR THE
NEIGHBORS TO UNDERSTAND, WHEN I LOOKED AT
THE CHRONOLOGY AND LOOKED AT THE PERMITS
THEY HAD AND RECORDED THOSE VISITS DOWN
THERE, I REALLY THINK THERE WAS A REAL
MISUNDERSTANDING.

IT WAS DIFFICULT. I THINK AT ONE POINT, JENNY
YOU CAN CERTAINLY SPEAK TO THIS, AT ONE POINT
THEY WERE CONSIDERING CHANGING THEIR
DESIGN TO SOME DEGREE IN ORDER NOT TO HAVE
THE WAIVER. IT WAS A MATTER OF THAT OR
DECIDING TO MOVE FORWARD WITH THE HOUSE IN
TERMS -- [MULTIPLE VOICES]

ESPECIALLY HAD HE..... THEY ENDED UP WITH THE
SAME FOOTPRINT, ESSENTIALLY THE SAME HOUSE
THEY WOULD HAVE HAD OTHER THAN THE CLOSED
IN PORCH THAT THEY ORIGINALLY WOULD HAVE
HAD UNDER THE REMODEL PERMIT. FOR THAT
REASON I THINK IT WOULD BE A TREMENDOUS
HARDSHIP TO -- PEOPLE HAVE PAID A LOT FOR
THEIR LOT AND FOR THE FOOTPRINT OF THAT
HOUSE AND, YOU KNOW, THEY STILL HAVE A
HOUSE TO BUILD AND A ROOF TO COVER. I DON'T
THINK THE ROOF IS COVERED YET. I MAY BE
WRONG. SO I KNOW THAT IT'S UNFORTUNATE THAT
THE MISUNDERSTANDINGS TOOK PLACE, ET
CETERA, I DON'T THINK THERE WAS ANYTHING
MALICIOUS OR CRIMINAL HERE. SO I FOR ONE AM
GOING TO SUPPORT THE WAIVER.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: TAMMIE, SO I HAVE -- I THINK THAT I
UNDERSTAND THIS, HISTORIC LANDMARK
APPROVED A -- A -- AN EXPANSION OF THE -- OF THE
-- OF THE HOUSE TO -- DID THEY HAVE A CERTAIN
LEVEL OF AMOUNT OF DIMENSIONS, PHYSICAL
DIMENSION, RIGHT.

> THAT'S CORRECT.

WHAT'S BEING BUILT NOW AS THE REPLACEMENT HOUSE HAS THOSE SAME PHYSICAL DIMENSIONS IN TERMS OF THE HEIGHT OF THE HOUSE AND SETBACKS AND ALL OF THAT.

THAT'S CORRECT.

OKAY. SO WE ARE -- DO WE HAVE ANY -- ANY ASSURANCE OR WAY TO ASSURE THAT IT WILL HAVE THE SAME, YOU KNOW, I GUESS WOOD SIDING AS OPPOSED TO STUCCO? I THINK THAT'S A REAL FAIR CONCERN. I KNOW THEY STATED IT WOULD HAVE WOOD SIDING, BUT I DIDN'T KNOW IF THERE WAS A WAY THROUGH THE WAIVER PROCESS THAT THEY WILL GRANT THE WAIVER PROVIDED THAT YOU DO BUILD WHAT WAS PRESENTED IN THE LANDMARK COMMISSION IN TERMS OF THE WOOD SIDING AND STUFF LIKE THAT?

Mayor Wynn: MS. TERRY?

MAYOR AND COUNCIL, IF IT IS YOUR DESIRE TO ADD A STIPULATION TO THE ORDINANCE THAT THE DESIGN OF THE HOUSE THAT IS CONSTRUCTED COMPLY WAS THE DESIGN OF A HOUSE THAT WAS PRESENTED TO THE HISTORIC LANDMARK AND PROVE..... APPROVED BY THEN WE CAN PLACE THAT IN A CONDITION OF THE ORDINANCE AS A CONDITION OF GRANTING THE WAIVER. I BELIEVE THAT I UNDERSTAND WHERE YOU ARE GOING WITH THAT. I BELIEVE THAT THAT IS SUFFICIENT DIRECTION THAT I CAN WRITE THOSE PROVISIONS IN IF YOU -- IF YOU WANT, WHICH TO INCLUDE THAT IN YOUR MOTION AND IF COUNCIL WISHES TO MAKE THAT A CONDITION OF GRANTING THE WAIVER.

McCracken: MY -- I HAVE A QUESTION FOR -- FOR MR. CRISLER. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

McCracken: IT WAS ONE OF THE REASONS WHY I THINK WE SAW WE NEEDED TO DO THE McMANSION ORDINANCE BECAUSE I THINK WE HAVE AN EFFORT THAT WAS WELL UNDERWAY PRIOR TO OUR INITIAL

ACTION IN FEBRUARY. I'VE SEEN WHAT'S THERE AND IF I WERE IN THAT PLACE I WOULD FEEL REAL CROWDED BY THE TREASURE, BUT WE ARE IN THAT -- BY THE STRUCTURE, BUT WE ARE IN THAT TRANSITION PHASE AND WE HAVE TO PRACTICAL AND WE HAVE TO BE FAIR. SO THE GOOD THING ABOUT THE ORDINANCE IS THAT THIS IS NOT SOMETHING THAT'S GOING TO HAPPEN AF WE GET OUT OF THE TRANSITION FAIL AND WE ARE AT THE TAIL END OF THAT PHASE. BUT WE HAVE TWO ISSUES TO PROCESS .., THEPROCESS VERSUS THE STRUCTURE. I AGREE WITH CATHERINE. I THINK SHE GOT THE ISSUES DOWN JUST RIGHT. IN TERMS OF THE STRUCTURE, THE STRUCTURE IS GOING UP AS A STRUCTURE APPROVED BY THE HISTORIC LANDMARK COMMISSION. IT IS -- THE ONLY DIFFERENCE IS THAT BASED ON I THINK WHAT WE CAN PUT ON THE COVENANTS IS IS THAT THIS STRUCTURE CAN HAVE NEW WOOD AS OPPOSED TO THE ORIGINAL TIMBERS. AND THE SECOND ISSUE IS THE PROCESS. AND I THINK THAT THERE WERE SOME HICK..... HICCUPS IN THE PROCESS. WE HAVE TO MAKE JUDGMENT ABOUT WHETHER THESE WERE INNOCENT HICCUPS IN THE PROCESS. THIS WAS NOT A MALICIOUS DEAL. THE REASON I WANTED TO KNOW IF THIS IS YOUR HOMESTEAD IS THAT IT'S NOT ABOUT -- LIKE WE HAVE A BIG PROBLEM IN THE COMMUNITY RIGHT NOW, WE HAVE THE -- THESE INVESTMENT AS I UNDERSTAND CATS FROM -- SYNDICATES COMING FROM N. AND THEY'LL TELL US GIVE US 30 HOUSES TO BUY THIS WEEKEND WHEN WE FLY IN THIS WEEKEND FROM LA AND THEY'LL TEAR THEM DOWN AND BUILD DUPLEXES THAT ARE FIVE TIMES LARGER THAN THE 30 HOUSES THAT THEY TORE DMOWN OUR HISTORIC NAIDS. THIS IS NOT ONE OF THOSE SITUATIONS. THIS IS A DIFFERENT SITUATION, SO I'LL SUPPORT THE WAIVER ALSO.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER LEFFINGWELL.

Leffingwell: MR. CHRISLER, DO YOU OWN ANY OTHER HOUSES IN AUSTIN?

YES, I DO.

Leffingwell: SNOWM.

....TWO.THE ONE I LIVE IN AND ONE IN EAST AUSTIN.

TWO TOTAL OR TWO OTHERS?

TWO OTHERS.

Leffingwell: DO YOU RENT THESE OTHERS OR DO YOU PLAN TO BUY THEM AND RENOVATE THEM AND SELL THEM?

THE ONE IN EAST AUSTIN IS IS A RENTAL AND I WILL TELL YOU THAT WE MOVED A 1940'S HOME THAT A PERSON SOLD TO US FOR \$10,000, WE MOVED IT 20 BROOKS AND SET IT UP ON A DIFFERENT PIECE OF LAND. SO WE KEPT A 1940'S HOME INTACT AND RENOVATED IT AND IT'S A BEAUTIFUL HOME.

Leffingwell: SO YOU BOUGHT A HOUSE BEFORE YOU RENOVATED TAND YOU SOLD IT?

WE MOVED IT. WE BOUGHT A HOUSE AND MOVED IT TO A LOT THAT WE OWNED, AND THEN PUT IT ON A FOUNDATION AND IT'S A REPRESENTATIVE AL RENTALPROPERTY.

Leffingwell: AND YOU SOLD THE HOUSE IN BREAKER WOODS? , I HAVEN'T SOLD ANY HOUSES. I LIVE IN IF ANY 04 AND WE LIVE IN 1508 AND THERE'S ONE OTHER HOME ON THE EAST SIDE OF THIEWN I INITIALLY BOUGHT A LOT AND THEN I MOVED A 1940'S HOME TO THAT LOT AND SET IT OCCUPY A FOUNDATION.

Leffingwell: SO YOU DON'T CONSIDER YOURSELF TO BE IN THE BUSINESS OR SIDE BUSINESS OF BUYING HOUSES, RENOVATING THEM?

CERTAINLY I'M NOT IN THAT BUSINESS.

Leffingwell: YOU DO A LITTLE BIT OF IT.

RIGHT, THAT'S CORRECT.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER MARTINEZ.

Martinez: MAYOR, I WANTED TO ASK WHAT PREPTED
TO -- DID THIS GO BEFORE THE HISTORIC
LANDMARK COMMISSION?

YES.

Martinez: WHAT PRESENTED TO THE HISTORIC
LANDMARK COMMISSION IN TERMS OF WHAT THEY
APPROVED? WHAT DID THEY APPROVE IN TERMS OF
F.A.R. AND SQUARE FOOTAGE IN.

EXACTLY WHAT HAS BEEN RESUBMITTED FOR OUR
NEW REMODEL PERMIT, WHICH IS SAVE THE PORCH
ISSUE, THE DOWNSTAIRS PORCH ISSUE. SO
NOTHING'S CHANGED AS FAR AS THE FOOTPRINT OF
THE HOME. NOTHING HAS CHANGED AS FAR AS THE
SQUARE FOOTAGE OF THE HOME IS CONCERNED,
AND NOTHING'S CHANGED AS FAR AS THE
APPEARANCE OF THE HOME IS CONCERNED. THE
HISTORIC LANDMARK COMMISSION ESSENTIALLY
APPROVED THE SAME HOME.

Martinez: WHAT WERE YOU REFERRING TO WHEN
YOU WERE TALKING ABOUT THE 438 SQUARE FOOT
DISCREPANCY?

THE PERMIT THAT WE OBTAINED IN FEBRUARY WAS
BEFORE THE McMANSION ORDINANCE AND A
REMODEL PERMIT. IT DID NOT FLY THE F.A.R. NOW
THAT WE HAVE TO GO FROM A REMODEL PERMIT TO
A NEW BUILDING PERMIT, WE'RE IN A DIFFERENT
TIME NOW WHERE THE McMANSION ORDINANCE IS
IN PLACE.

Mayor Wynn: COUNCILMEMBERECONOMIC.

McCracken: I CAN CLEAR THAT ISSUE UP. UNDER THE
INITIAL ACTION WE UNDERTOOK IN FEBRUARY,
COVERED PORCHES WERE NOT COUNTED AS PART
OF F.A.R. BUT THE TASKFORCE AGREED
UNANIMOUSLY IS IS THAT COVERED PORCHES DO

CONTRIBUTE TO THE BULK OF THE STRUCTURE IN TERMS IF YOU FEEL CROWDED, SO THEY ADDED COVERED PORCHES IN. SO WHAT WE ADOPTED IN EARLY FEBRUARY DID NOT INCLUDE COVERED PORCHES, BUT WHAT WE HAVE SINCE ADOPTD DOES INCLUDE COVERED PORCHES. MY UNDERSTANDING IS THAT COMPLETELY WHAT ACCOUNTS FOR THE DIFFERENCE IN THE SQUARE FOOTAGE APPEARED THE F.A.R. IS THE POLICY DECISIONS THIS BODY MADE TO REDEFINE COVERED PORCHES AS PART OF F.A.R.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM 28.

Dunkerley: I WOULD MOVE APPROVAL OF THE WAIVER WITH THE CONDITIONS THAT COUNCILMEMBER MCCRACKEN PREVIOUSLY ARTICULATED.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE THIS WAIVER WITH THE CONDITIONS AS OUTLINED BY COUNCILMEMBER MCCRACKEN EARLIER IN HIS COMMENTS THAT THE LAW DEPARTMENT CAN FIGURE OUT. FURTHER COMMENTS? QUESTIONS?

Leffingwell: MAYOR, I WON'T BE ABLE TO SUPPORT THE MOTION. THERE ARE TOO MANY QUESTIONS HERE. THE HOUSE WAS DEMOLISHED WITHOUT A PERMIT. THE ALLEGATION HAS BEEN MADE THAT IT WOULDN'T SUPPORT A SECOND STORY, THAT THERE WERE TOO MANY TERMITES. WE'LL NEVER KNOW THAT BECAUSE THERE WAS NO CHANCE TO MAKE AN ENGINEERING, SEALED INVESTIGATION OF THAT AND GO THROUGH THE NORMAL PROCESS. WE'VE HAD AN ONGOING PROBLEM IN THIS CITY FOR A LONG TIME WITH THIS KIND OF THING HAPPENING. NOW, I UNDERSTAND THE HARDSHIP THAT THE APPLICANT FEELS ON THIS. I DO BELIEVE THAT THERE'S PROBABLY SOME WAY HE CAN COME IN COMPLIANCE. ALL HE HAS TO DO IS REDUCE HIS SQUARE FOOTAGE IN THIS HOUSE BY 453 SQUARE FEET. SURELY SOME WAY CAN BE FOUND TO DO THAT. BUT I CANNOT CONDONE THE CONTINUING,

ONGOING PROCESS OF DEMOLISHING HOUSES IN THE MIDDLE OF THE NIGHT WITHOUT A PERMIT. SO I CAN'T SUPPORT IT.

Mayor Wynn: UNDERSTOOD. FURTHER COMMENTS, QUESTIONS? I'LL JUST SAY I WILL BE SUPPORTIVE BELIEVING THAT WITH THE CONDITIONS AS OUTLINED BY COUNCILMEMBER MCCRACKEN THAT FUNDAMENTALLY THE HOUSE THAT WAS APPROVED BY THE HISTORIC LANDMARKS COMMISSION WILL BE BUILT ON THAT LOT. FURTHER COMMENTS? MOTION AND A SECOND ON THE TABLE TO APPROVE ITEM 28 WITH CONDITIONS. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASS OZ A VOTE OF SIX TO ONE WITH COUNCILMEMBER LEFFINGWELL VOTING NO. THANK YOU ALL VERY MUCH. SO COUNCIL, THAT CONCLUDES OUR DISCUSSION ITEMS PRIOR TO THE NEXT COUPLE OF TIME CERTAINS, INCLUDING A 2:00 O'CLOCK BOND SALE. SO WITHOUT OBJECTION WE'LL NOW GO INTO CLOSED SECTION PURSUANT TO 551.071 OF THE OPEN MEETINGS ACT TO TALK ABOUT POTENTIALLY ITEM NUMBER 43 REGARDING CHAPTER 245 CLAIMS, ITEM 44 REGARDING OUR MWBE PROGRAM. AND ITEM NUMBER 46, LEGAL ISSUES SURROUNDING A LAWSUIT. WE ARE NOW IN CLOSED SESSION. I ANTICIPATE US COMING BACK OUT TIME AFTER 2:00.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ITEMS NUMBER 43, 44 AND 46. NO DECISIONS WERE MADE. COUNCIL, IF YOU REMEMBER, ITEM NUMBER 46 WE DID GET BACKGROUND ON SOME LEGAL ADVICE REGARDING A LAWSUIT THAT WE ARE POSTED FOR AN ACTION ITEM, NUMBER 47. I'LL RECOGNIZE MS. ANNE MORGAN FROM CONSTITUENT'S LEGAL DEPARTMENT -- FROM THE CITY'S LEGAL DEPARTMENT.

I'M HERE TO ASK THE COUNCIL TO SETTLE A CASE, IT'S A PERSONAL INJURY LAWSUIT TILED ANWAR CHEAS CHARDRE VERSUS THE CITY OF AUSTIN. THIS IS A PERSONAL INJURY CASE INVOLVING THE FIRE DEPARTMENT. THERE WAS AN ACCIDENT IN 2005, STHRFS A THERE WAS A WAIVER OF IMMUNITY

BECAUSE IT WAS A MOTOR VEHICLE ACCIDENT. WE ARE RECOMMENDING YOU SETTLE THE CASE FOR \$60,000, PLUS 2,000 FOR AD LITEM FEES. THEY WILL REPRESENT THE CHILD BEFORE THE COURT.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? WE HAD A DETAILED PRESENTATION IN CLOSED SESSION? HEARING NONE, I'LL ACCEPT A MOTION FOR ITEM NUMBER 47.

MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER MARTINEZ TO APPROVE THIS SETTLEMENT AS OUTLINED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU, MS. MORGAN. SO COUNCIL, OBVIOUSLY WE'RE WAY BEHIND. WE STILL HAVEN'T DONE OUR BUDGET MORNING BRIEFING; HOWEVER, WE HAVE THE TEAM HERE FOR OUR BOND SALES THAT WAS POSTED TO HAPPEN SOMETIME AFTER 2:00 P.M., SO WITHOUT OBJECTION, WE CAN GO STRAIGHT TO OUR DISCUSSION AND POSSIBLE ACTION REGARDING BOND SALES AND WELCOME MR. BILL NEWMAN.

GOOD AFTERNOON, MAYOR AND COUNCIL. MY NAME IS BILL NEWMAN. SWEERVE AS FINANCIAL -- WE SERVE AS FINANCIAL ADVISETORY THE CITY. I'M HERE TO SPEAK TO YOU ABOUT ITEMS NUMBER 48, WHICH IS THE SALE OF 24,154,000 IN CERTIFICATES OF OBLIGATION, SEAR.....SERIES 2006. ITEM NUMBER 49, THE SALE OF \$14,120,000 PUBLIC PROPERTY FINANCE CONTRACTUAL OBLIGATIONS. AND ITEM..... ITEM NUMBER 50, 1,579,000 FOR BOND SERIES 2006. YOUR BOND COUNSEL IS HERE TODAY. I WOULD ASK YOU TO TAKE NOTE OF ONE THING MENTIONED ON PAGE 3. YOU SEE OUR UNDERLYING RATINGS FOR THE BONDS. THESE ARE GENERAL OBLIGATION BONDS. WE'VE HAD IN THE PAST BEEN GIVEN A DOUBLE A PLUS AND IN THIS CASE MOODY'S HAS ELECTED TO UPGRADE US TO A DOUBLE A ONE CREDIT. THAT SAID I WOULD

MENTION YOU KIND OF ENTER INTO A GROUP OF VERY ELITE TEXAS CITIES. THERE ARE ONLY TWO TRIPLE A RATED CITIES IN THE STATE. THERE ARE ONLY EIGHT INCLUDING YOURSELF, DOUBLE A PLUS CITIES IN THE STATE AND ONLY 21 DOUBLE A CITIES OVERALL. I'D LIKE TO MENTION BRIEFLY IF I COULD WHAT STANDARD AND POOR'S SAID ABOUT THIS UPGRADE -- WHAT MOODY'S SAID ABOUT THIS UPGRADE. THESE INVESTOR SERVICES, THE CITY OF AUSTIN'S RATING REFLECTS THE CITY'S ELECTRONIC ECONOMIC RECOVER AFTER A PERIOD OF WEAKENING IN THE HIGH-TECH SECTOR, A SIZEABLE TAX BASE, PRUDENT FINANCIAL MANAGEMENT PRACTICES AND SOLID RESERVE LEVELS, MODEST DEBT DESPITE SIGNIFICANT CAPITAL NEEDS AND A FAVORABLE SOCIOECONOMIC PROFILE. MAYOR AND COUNCIL, I THINK WHAT THAT TELLS YOU IS THAT THE POLICIES, THE FINANCIAL POLICIES THAT THIS COUNCIL HAS PUT IN PLACE OVER THE YEARS HAVE TAKEN HOLD, THEY'RE DOING WHAT THEY'RE DESIGNED TO DO AND THEY'RE STRONG IN A WEAK ECONOMY. IT SAYS A GREAT DEAL ABOUT YOUR CITY MANAGER AND THE CITY STAFF AS FAR AS BEING ABLE TO MAINTAIN THESE POLICIES AND I THINK IT'S CERTAINLY SOMETHING YOU SHOULD BE PROUD OF. SO CONGRATULATIONS ON YOUR UPGRADE. BRIEFLY ON PAGE 4-RBGS THE MARKET FIRMED UP A LITTLE BIT TODAY. THE COMMERCE DEPARTMENT REPORTED A LITTLE CONSUMPTION INCREASE, VERY MINOR. BASICALLY THE NEW ISSUE CALENDAR WAS VERY LIGHT TODAY. PAGE 5 YOU WILL SEE THE INDEX FOR THE TRIPLE RATED G.O. BONDS AND G.O. TREASURY. THEY'RE SOMEWHAT STEADY FOR THIS TIME OF YEAR. PAGE 6 WE DON'T HAVE A BIG MARKET IN THE MARKET TODAY. ABOUT 150 MILLION IN COMPETITIVE ISSUES SHOWN AND PROBABLY 250 MILLION IN NEGOTIATED. THE GOOD NEWS COMES ON PAGE 7 OF YOUR HANDOUT, AND IT JUST SHOWS ALL THREE SALES THERE TOGETHER. PUBLIC IMPROVEMENT BOND SALE ON THE LEFT HAD A TRUE INTEREST COST OF 4.39%. CERTIFICATES OF OBLIGATION HAD 4.29% AND THE PPFC'S, PUBLIC PROPERTY FINANCE CORPORATION BONDS HAD A TIC OF 3-POINT FEA. I WOULD MENTION THAT THE ONLY

THREE OF THESE THAT WERE INSURED WAS THE MIDDLE ONE, THE CO'S, AND THEY'RE LONGER THAN THE REST OF THEM. WHAT THAT SAYS IS IS THAT YOUR G.O. RATING IS NOW SO STRONG THAT INSURANCE IS NOT ALWAYS REQUIRED. IT'S ALSO NOT ECONOMICALLY FEASIBLE ANYMORE FOR THESE BUYERS TO PUT INSURANCE ON TOP OF IT BECAUSE IT'S NOT GOING TO GIVE THEM ANY JUICE. SO THAT STRONG CREDIT HAS REACHED UP AND PUT YOUR DOUBLE A RATING ON TOP OF A TRIPLE ASSURED RATING, WHICH IS COMEBDABLE. WE GOT A TOTAL OF 10 BIDS FOR THE PIB'S. YOU GOT A TOTAL OF 12 BIDS THE CO'S, AND EIGHT BEDS FOR THE PPFC. I WOULD RECOMMEND APPROVAL TO THE COUNCIL ON ALL THREE ITEMS.

Mayor Wynn: THANK YOU. QUESTIONS OF MR. NEWMAN OR OF STAFF, COUNCIL? ONCE GERNGS IT'S ALL VERY, VERY GOOD NEWS, PARTICULARLY THE BOND RATING. HEARING NO QUESTIONS, I'LL ENTERTAIN A MOTION. MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER MCCracken TO APPROVE THIS COMBINED THREE ITEMS, 48, 49, 50, THESE THREE BOND SALES AS PRESENTED BY MR. NEWMAN. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASS OZ A VOTE OF SIX TO ZERO WITH COUNCILMEMBER KIM TEMPORARILY OFF THE DAIS.

MAYOR AND COUNCIL, CONGRATULATIONS.

Mayor Wynn: SO COWRNGS I GUESS WE SHOULD GO BACK NOW TO OUR MORNING BUDGET BRIEFING, WHICH WE SKIPPED OVER EARLIER. THIS IS POSTED AS ITEM 42. THIS IS OUR FISCAL YEAR '06-'07 BUDGET FOR NEIGHBORHOOD PLAN NEIGHBORHOOD PLAN BUDGET DEPARTMENT, PUBLIC WORKS DEPARTMENT, AUSTIN WATER TICIALGHTS AUSTIN ENERGY AND ECONOMIC GROWTH AND REWITH DEVELOPMENT SERVICES OFFICE. I RECOGNIZE MS.

LAURA HUFFMAN.

MAYOR AND CITY COUNCIL, THIS IS A LARGE GROUP OF DEPARTMENTS WE'RE HERE TO PRESENT TO YOU TODAY AND REPRESENT THE LAST BUDGET BRIEFING FROM THE STAFF. THERE ARE SIX DEPARTMENTS THAT ARE REPRESENTED THIS EVENING. THIS IS THE SET OF SERVICES THAT PLANS FOR, REVIEWS THE CODE COMPLIANCE OF, IMPLEMENTS AND PROVIDES STRATEGIC UTILITIES FOR ALL OF THE GROWTH IN AUSTIN. TOGETHER THIS GROUP OF DEPARTMENTS WE THINK HAS TWO KEY THEMES THAT BIND THEM TOGETHER. ONE IS THAT THEY PROVIDE ALL OF THE SURROUNDING SERVICES THAT PROMOTE DEVELOPMENT IN AUSTIN. BUT PERHAPS MORE IMPORTANTLY, THIS SET OF DEPTZ IN EACH AND EVERY CASE IS BALANCING COMMUNITY VALUES. THIS IS A SET OF DEPARTMENTS THAT ENSURES THE QUICK AND EFFICIENT REVIEW OF PLANS, BUT ALSO LOOKS OUT FOR OUR ENVIRONMENTAL PROTECTION POLICIES AND MAKE SURE THAT AUSTIN DEVELOPS WITH VALUES THAT REFLECTS OUR COMMUNITY. THIS IS A SET OF DEPARTMENTS SHA THA SOLD NEARLY \$6 MILLION OF ELECTRICITY AND WATER, BUT ALSO IS NATIONALLY AND INTERNATIONALLY RECOGNIZED FOR MAJOR CONSERVATION PROGRAMS, CLEAN ENERGY PROGRAMS AND A NEW PARTNERSHIP WITH LCRA ON WATER CONSERVATION. THIS IS A SET OF DEPARTMENTS THAT MAINTAINS AND BUILDS NEW ROADS TO MAKE SURE THAT OUR TRAFFIC AND CONGESTION CAN IMPROVE AS MUCH AS POSSIBLE, BUT ALSO LOOKS FOR NEW WAYS TO PROMOTE MULTIMODE AL TRANSPORTATION SO AS WE DO GROW WE GROW IN A WAY THAT IS NOT SO CAR RELIANT. THIS IS AN ACTIVE AND SUCCESSFUL GROUP OF DEPARTMENTS. TOGETHER THEY REPRESENT 70% OF THE CITY'S TOTAL BUDGET. THAT'S NOT JUST THE GENERAL FUND, BUT 70% OF THE TOTAL BUDGET FOR THE STIRKS AND 32% OF THE CITY'S STAFF WORK WITHIN THESE DEPARTMENTS. THERE ARE LED BY A GROUP OF SEASONED DIRECTORS, INCLUDING GREG GURN ANY, VICTORIA SHOE, JUAN GARZA, CHRIS LIPPE AND SUE EDWARDS. THIS IS ALSO A SET OF DEPARTMENTS WHERE WE'VE HAD THE

OPPORTUNITY TO REBUILD IN THE EXECUTIVE LEVELS AND WHAT YOU WILL SEE IN THE ASSISTANT DIRECTORS IS SOME VERY TALENTED AND STRONG BENCH STRENGTHS. WHAT I WANT TO DO QUICKLY IS RUN THROUGH THE AGGREGATED PICTURE FOR THESE DEPARTMENTS BEGINNING WITH THE PROPOSED BUDGETS. THE COMBINED BUDGETS OF THESE DEPARTMENTS IS 1.6 BILLION, OF WHICH 29.8 MILLION IS GENERAL FUND. SO MOST OF THE DOLLARS THAT WE'LL BE TALKING ABOUT TODAY ARE SITTING IN THE ENTERPRISE DEPARTMENT, PUBLIC WORKS, AUSTIN ENERGY AND THE WATER UTILITY. NEIGHBORHOOD PLANNING AND ZONING IS PROPOSED AT 4.5 MILLION. WATERSHED PROTECTION AND DEVELOPMENT REVIEW IS PROPOSED AT 69.7 MILLION. PUBLIC WORKS AT 56.8 MILLION. THE WATER UTILITY AT 341 MILLION. AUSTIN ENERGY, OUR LARGEST DEPARTMENT, AT 1.1 BILLION AND ECONOMIC GROWTH AND REDEVELOPMENT SERVICES AT 5.7 MILLION. WHAT YOU WILL NOTICE IS THAT IN EACH CASE WE HAVE MADE A RANGE OF A LITTLE UNDER TWO PERCENT TO 15% OF STRATEGIC ADDS. EACH OF THE DIRECTORS IS GOING TO TALK TO YOU ABOUT THE PERFORMANCE MEASURES THAT WERE UNDER PRESSURE OR THE SERVICE DELIVERY THAT NEEDED SOME ASSISTANCE. WHAT'S DRIVING THE INCREASES ACROSS THE BOARD IS GROWTH, COMPLEX AND CHANGING REGULATIONS FOR WHICH WE NEED ADDITIONAL TAF, AND IN SOME CASES WE WANT TO IMPROVE OUR ABILITY TO PROVIDE BETTER CUSTOMER SERVICE AND EACH OF THE DEPARTMENTS WILL TALK ABOUT THOSE MEASURES THAT ARE DRIVING THE DEMAND FOR ADDITIONAL RESOURCES. FROM A FULL-TIME EMPLOYEE PERSPECTIVE, HERE'S HOW THESE DEPARTMENTS SHADE UP. THE TOTAL STAFF ASSOCIATED WITH THE DEPARTMENT 375 IMEEMENTZ AGAIN YOU WILL NOTICE IN EACH OF THE DEPARTMENTS WE ARE ADDING STAFF ANYWHERE FROM TWO TO 42 NEW STAFF MEMBERS. THESE ADDS CORRESPOND VERY DIRECTLY WITH THE BUDGET DOLLARS THAT I JUST TALKED ABOUT. THESE PEOPLE ARE HELPING US IN THE DEVELOPMENT DEPTZ, THESE ARE STAFF MEMBERS

THAT ARE HELPING TO US MANAGE THE TREMENDOUS INCREASE IN WORK LOAD THAT WE'VE SEEN. THEY ARE ALSO HELPING US TO MANAGE HAD SOME OF THE MORE COMPLEX REGULATIONS THAT WE'RE SEEING WITH RESIDENTIAL DEVELOPMENT AND ALSO WITH COMMERCIAL DESIGN GUIDELINES. AND THE UTILITIES YOU'RE GOING TO SEE SOME VERY STRATEGIC ADD BACKS IN ORDER TO ADDRESS CUSTOMER SERVICE ISSUE AND ALSO SOME BASIC CREW ADDITIONS. THE LAST SLIDE TOIPT TALK ABOUT WE'RE CALLING STRATEGIC UNFUNDED ADDS AND THERE'S ONE AREA AMONGST THESE DEPARTMENTS THAT WE WANT TO FOCUS ON AND THAT IS NEIGHBORHOOD PLANNING AND ZONING. WHAT YOU SIGH ON THE SLIDE IS AN ADDITION OF 342,864 DLAMPLTZ WE CONSIDER THIS A STRATEGIC ADD, BUT IT IS NOT IN THE BUDGET BEFORE YOU TODAY. WHAT WE ARE RECOMMENDING WITH THIS ADD IS A NEIGHBORHOOD PLANNING RESOURCE TEAM THAT WOULD BE COMPRISED OF FIVE PEOPLE, AND THEY WOULD PERFORM THREE BEHAVING FUNCTIONS TO SUPPORT OUR NEIGHBORHOOD PLANNING PROCESS. AND WE HAVE DEVELOPED THIS IDEA BY COLLECTING FEEDBACK FROM A VARIETY OF RESOURCES, INCLUDING OUR OWN STAFF. THERE WAS A GROUP LAST SPRING THAT CONDUCTED AN EXTENSIVE LOOK BACK ON THE NEIGHBORHOOD PLANNING PROCESS. WE'VE ALSO TALK TO INDIVIDUAL NEIGHBORHOODS AND THE NEIGHBORHOOD ASSOCIATIONS. AND BASED ON THAT FEEDBACK WE THINK THERE ARE THREE FUNDAMENTAL THANKS FWHEED TO ALTER OR ADD TO TO IMPROVE OUR NEIGHBORHOOD PLANNING. THAT INCLUDES AN ADVANCED TEAM FUNCTION WHERE A GROUP OF FOLKS CAN GET OUT INTO THE NAIDS BEFORE WE'RE TALKING ABOUT LAND USE ISSUES. HELP THE NEIGHBORHOOD ORGANIZE, TRAIN THE NEIGHBORHOOD ON THE BASICS OF LAND USE AND ALSO GET A SENSE FOR WHAT THE NEIGHBORHOOD'S PRIORITIES AND VALUES ARE. HAVING THAT BASE WILL IMPROVE THE WAY THAT THE LAND USE CONVERSATIONS GO AND WHAT WE'RE HEARING FROM NEIGHBORHOOD SZ THEY WANT THE ABILITY TO HAVE A CONVERSATION ABOUT SOME ISSUES THAT ARE BROADER THAN

LAND USE BEFORE WE GET IN AND HAVE THOSE CONVERSATIONS. THE SECOND FUNCTION WOULD BE TO PERFORM FACILITATION FOR THE NEIGHBORHOOD PLANNING PROCESS. THAT PROCESS USUALLY TAKES BETWEEN 8 TO 12 MEETINGS PER PLAN, AND SOME OF THE STRONG FEEDBACK THAT WE'VE GOTTEN FROM BOTH OUR STAFF AND FROM THE NEIGHBORHOODS IS THAT IT WOULD BE USEFUL TO HAVE A FACILITATOR IN THOSE MEETINGS. SO AS ISSUES ARISE, IT WOULD ALLOW THE PROFESSIONAL STAFF TO TALK ABOUT WHAT THE PLANNING PRINCIPLES INVOLVED ARE, BUT ALSO ALLOW THE NEIGHBORHOODS TO TALK ABOUT THEIR INTERESTS FROM THEIR PERSPECTIVE. AND THE THIRD FUNCTION IS A TRANSITION FUNCTION. WHAT THAT WILL ALLOW US TO DO IS TO TAKE THE NON-LAND USE RECOMMENDATIONS FROM THE NEIGHBORHOOD PLANNING PROCESS, FEED THOSE BACK INTO THE ORGANIZATION AND PROVIDE SOME STRUCTURED FOLLOW-UP FOR THE NEIGHBORHOODS. AN EXAMPLE OF THAT WOULD BE CIP PLANNING, INVESTMENTS IN SIDEWALKS AND OTHER ISSUES THAT ARE IMPORTANT TO NEIGHBORHOODS, BUT THAT DON'T CULL MA NATE IN LAND USE DECISIONS. WITH THAT, MAYOR, WHAT I'D LIKE TO DO IS TALK ABOUT THE RANKING OF CITY SERVICES. AS YOU KNOW, EVERY YEAR WE ASK OUR CITIZENS WHAT CITY SERVICES THEY CONSIDER TO BE MOST IMPORTANT. THIS IS THE TOP 10 LIST FROM THAT SURVEY. IN YELLOW YOU WILL SEE HIGHLIGHTED THREE SERVICES THAT ARE REPRESENTED BY THE DEPARTMENTS PRESENTING TODAY ARE RANKED IN THE TOP 10. AT NUMBER 4 IS ENVIRONMENTAL PROTECTION. NUMBER 6 IS TRAFFIC FLOW AND SIGNAL SYNCHRONIZATION AND NUMBER 10 IS ECONOMIC DEVELOPMENT EFFORTS. SO THIS SET OF DEPARTMENTS DOES MAKE ITS WAY INTO THE TOP 10... 10 PRIORITIES FROM OUR CITIZENS' PERSPECTIVE AS WELL. YIKLY I WILL GIVE YOU THE OUTLINE. EACH OF THE DIRECTORS WILL FOLLOW THE FOLLOWING OUTLINE, CITIZEN SURVEY RULTZ, BUDGET FACT AND HIGHLIGHTS, STRATEGIC ADDS, AND THE ICMA SCORECARD, WHICH IS OUR WAY OF BENCHMARKING OUR SERVICES AGAINST CITIES FROM ACROSS THE COUNTRY. AND WE WILL GO IN

THE ORDER THAT THE MAYOR AED EARLIER, WHICH HAS US BEGINNING WITH GREG GURN ANY SI, THE DIRECT -- GUERNSEY, THE DRERKT OF NEIGHBORHOOD PLANNING AND ZONING.

Mayor Wynn: WELCOME MR. GUERNSEY. WON'T HAVE IS TO READ A CASE NUMBER FOR A CHANGE.

MY NAME IS GREG GUERNSEY, DIRECTOR OF NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. ACCOMPANYING ME TODAY IS LISA NICKEL, OUR FINANCIAL MANAGER FOR OUR DEPARTMENT. THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT IS MORE THAN JUST A DEPARTMENT THAT PRESENTS ZONING CASES TO YOU EACH AND EVERY THURSDAY AT 4:00 P.M. IT IS A DEPARTMENT THAT'S RESPONSIBLE IN ENSURING AUSTIN'S BUILT ENVIRONMENT REPRESENTS THE VALUES AND PREFERENCES OF OUR CITIZENS. IT IS A DEPARTMENT THAT HELPS RESPOND TO CONSTITUENT'S GROWTH AND ITS VISIONS FOR A LIVEABLE TOMORROW. THESE ARE AREAS THAT YOU, OUR COUNCIL, HAVE TAKEN AN INTEREST IN. WE CONTINUE TO BRING FORWARD NEIGHBORHOOD PLANS FOR YOUR CONSIDERATION THAT REFLECT THE NEEDS AND DESIRES OF AUSTIN CORE NEIGHBORHOODS, BUT WE ARE ALSO PURSUING WAYS TO ENHAPPENS THE ORDERLY DEVELOPMENT OF OUR TRANSPORTATION CORRIDORS THROUGHOUT THE CITY WITH OUR COMMERCIAL DESIGN STANDARDS THAT YOU'LL CONSIDER LATER TODAY. SIMULTANEOUSLY WE'VE UPDATED OUR LOCAL HISTORIC DISTRICT TOOL AND RECENTLY PLANS NEW RESIDENTIAL DEVELOPMENT REGULAR LAITIONZ THAT ALLOW FOR REDEVELOPMENT OF AUSTIN'S OLDER NEIGHBORHOODS WHILE PRESERVING THEIR UNIQUE CHARACTERISTICS. WE HAVE BEGUN DISCUSSIONS AND TWORKT STATION AREA FLOONZ SUPPORT MIXED USE AND MULTIMODAL TRANSIT, CORRIDOR PLANNING AND A DOWNTOWN PLAN TO ENSURE THE VITALITY OF THE HEART OF OUR CITY. TOGETHER THESE EFFORTS HELP SHAPE WHERE AND HOW WE GROW. THIS IS IMPORTANT BECAUSE OUR HISTORICAL POPULATION GROWTH RATE AND THE PROKSZ OF OUR CITY DEMOGARE DEMOGRAPHER PREDICT

THAT OUR POPULATION WILL DOUBLE IN THE NEXT 25 YEARS. THE CITIZENS' FAYE '78 FOR OUR -- SURVEY FOR OUR DEPARTMENT MEASURES TWO KEY AREAS. FIRST IS THE SATISFACTION OF THE NEIGHBORHOOD PLANNING AND ZONING RELATED EFFORTS, WHICH HAS INCREASED SLIGHTLY BY 1.3% SINCE LAST YEAR. AND OUR SECOND IS THE REVIEW SERVICES FOR ZONING CHANGES, WHICH ALSO ROSE BY 2.7%. THE BUDGET DEPARTMENT REFLECT AN INCREASE OF \$216,000 AND A PROJECTED EXPENDITURES OF A 4.5 MILLION, WHICH IS AN INCREASE OF APPROXIMATELY 6.3% OVER LAST YEAR. THE TWO TOTAL NUMBER OF F.T.E.'S IS 65 AND ONE HALF, AND THREE OF THESE POSITIONS ARE NEW. TWO OF THESE POSITIONS ARE FOR THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION, WHICH ARE FULLY REIMBURSED. THE OTHER F.T.E. IS FOR TRANSPORTATION PLANNER THAT I WILL ADDRESS LATER IN MY PRESENTATION. THE ONE TIME CRITICAL ITEMS TOTAL \$59,384, AND THIS IS FOR A SERVICE ENHANCEMENT -- SERVICE INCENTIVE ENHANCEMENT. NOW I'D LIKE TO COVER THE PROPOSED BUDGET THAT ADDRESS OUR KEY GOALS FOR THE YEAR 2007. FIRST THAT WE WOULD COMPLETE 10 NEIGHBORHOOD PLANS AND ASSOCIATED REZONING CASES. WE'LL CONDUCT NEIGHBORHOOD PLAN UPDATES, COMMERCIAL DESIGN STANDARDS IMPLEMENTATION, RESIDENTIAL DEVELOPMENT REGULATION -- IMPLEMENTATION TO UPDATE OUR FAVORITE THREE-YEAR ANNEXATION PLAN TORKS BEGIN OUR DOWNTOWN PLAN AND CORRIDOR PLANS. TO CREATE LOCAL HISTORIC DISTRICTS. TO COORDINATE THE SH 130 LAND USE AND PLANNING EFFORTS. AND TO START THREE STATION AREA PLANS ASSOCIATED WITH OUR TRANSIT ORIENTED DISTRICT ORDINANCE. THE PROPOSED BUDGET HAS FUNDED STRATEGIC ADD BACKS OF \$66,084 FOR ONE TRANSPORTATION PLANNER. THIS SENIOR PLANNER POSITION WILL SUPPORT CORRIDOR PLANNING AND INPUT ON TRANSPORTATION ISSUES RAISED DURING OUR NEIGHBORHOOD PLANNING PROCESS. THE PROPOSED 2007 CAPITAL BUDGET ALSO PROVIDES FOR CONTINUED FUNDING OF OUR GREAT STREETS DEVELOPMENT PROGRAM. THE COUNCIL APPROVED

THE ALLOCATION OF 30% OF PARKING METER REVENUE COLLECTED IN OUR DOWNTOWN AREA TO THIS PROGRAM. AND \$400,000 IS AVAILABLE FOR APPROPRIATION YEAR 2007. IN THE PAST THIS REVENUE HAS BEEN USED IN PARTNERSHIP WITH DOWNTOWN BUSINESSES TO PROVIDE SIDEWALK IMPROVEMENTS, LANDSCAPING, STREET LIGHTS AND PEDESTRIAN AMENITIES. TO DATE THE PROGRAM HAS PROVIDED 54 AND A HALF BLOCK SPACES OF GREAT STREET IMPROVEMENTS OF WHICH 10 HAVE BEEN PROVIDED PRIVATELY AND 44 AND A HALF HAVE BEEN PROVIDED PUBLICLY, PUBLICLY FUNDED. OUR KEY PERFORMANCE MEASURES FOR THE YEAR 2007 INCLUDES THE COMPLETION OF 10 NEIGHBORHOOD PLANS AND ASSOCIATED REZONINGS. CURRENTLY WE HAVE 13 PLANS IN PROGRESS. THREE WILL BE CONSIDERED WITH ADOPTION OF THE FY '06 BUDGET, HOPEFULLY BY THE END OF NEXT MONTH, AND THE REMAINING 10 WILL BE CONSIDERED FOR ADOPTION IN EARLY 2007, ABOUT THE SAME TIME WE'LL BEGIN THE PROCESS FOR NEW PLANS FOR FY '08. TO DATE WE HAVE COMPLETED 33 OUT OF 57 PLANS WITHIN OUR URBAN CORE, WITH EIGHT MORE CORE PLANS TO BE COMPLETED NEXT YEAR. THESE ADDITIONAL PLANS WILL BRING OUR TOTAL TO 41 CORE NEIGHBORHOOD PLANS OR ABOUT 77% OF THE TOTAL NUMBER OF NEIGHBORHOOD PLANS TO BE COMPLETED. OUR DEPARTMENT GOAL IS TO COMPLETE ALL THE URBAN CORBY THE YEAR 2010. AND CURRENTLY WE ARE ON TRACK TO COMPLETE ALL THE URBAN CORE PLANS BY THE YEAR 2009. OUR NEXT INDICATOR MEASURES THE CAN YOU REMEMBER SATISFACTION -- CUSTOMER SATISFACTION WITH NEIGHBORHOOD PLANNING PROCESS. THE TOTAL ESTIMATED SATISFACTION RATE FOR 2006 IS 70% AS COMPARED TO 84% IN 2005. THIS MEASURE HAS FALLEN BECAUSE OF LOSS OF KEY NEIGHBORHOOD PLANNING STAFF AND THE COMPLEXITY OF THE ISSUES WITHIN THESE NEIGHBORHOOD PLANNING AREAS. IN FY 2007, OUR PROPOSED BUDGET, THE DEPARTMENT ANTICIPATES ACHIEVING AN 84% SATISFACTION FROM PARTICIPANTS. AND THOUGH NOT SHOWN IN THE CHART AND IN YOUR BUDGET BOOKS, THERE'S A FIGURE OF 70%. CURRENTLY THERE ARE NO

NATIONAL BENCHMARKS IN WHICH TO COMPARE NEIGHBORHOOD PLANNING AND ZONING ACTIVITIES. UNDER OUR UNFUNDED STRATEGIC ADDS, WE INCLUDE FIVE F.T.E.'S AT A COST OF \$332,864. THESE POSITIONS WILL BE USED IN A COMPREHENSIVE PLANNING PROGRAM TO CREATE NEIGHBORHOOD PLANNING -- A NEIGHBORHOOD PLANNING RESOURCE TEAM WHICH SERVES THREE VITAL SUPPORT AND INTEGRATION FUNCTIONS. AND THE ASSISTANT CITY MANAGER LAURA HUFFMAN, AND I'LL BRIEFLY COVER THESE, THE FIRST IS ADVANCE TEAM THAT GOES INTO THE NEIGHBORHOOD PLANNING AREA BEFORE WE START PLANNING IN THERE. THE SECOND IS THAT THE ASPECT TO ADD.... AID IN THE COMMUNITY PLANNING MEETINGS APPEARED THE THIRD IS IS A TRANSITION TEAM THAT WOULD MAKE SURE THAT RESULTS OF THE PLAN AND THE ISSUES THAT ARE RAISED ARE IMPLEMENTED AND RECOGNIZED THROUGHOUT THE CITY DEPARTMENTS. THIS CONCLUDES MY PRESENTATION TO YOU. DO YOU HAVE ANY QUESTIONS?

Mayor Wynn: COUNCILMEMBER KIM.

Kim: IN THE NEIGHBORHOOD PLANNING SPLOARKS OF THE NEIGHBORHOODS GOING THROUGH THAT PROCESS RIGHT NOW HAVE HAD A CHALLENGING TIME IN GETTING THE AGENDA, UNDERSTAND THE AGENDA AND HOW SOME OF THEIR CONCERNS CAN BE DREASD. AND.....ADDRESSED. SOMETIMES THEY FEET PROCESS IS TOO FAST FOR THEM -- I'M TALKING ABOUT THE SOUTH LAMAR ARE ARE NEIGHBORHOOD ASSOCIATION. THEY'VE HAD TO RESTART THAT AND WE'VE HAD TO BRING IN A FACILITATOR TO HELP WITH THAT. I THINK SOMETIMES THERE'S A DIFFERENT SKILL SET TO BEING A PLANNER VERSUS FACILITATING AND RUNNING A MEETING. AND I WAS WONDERING WHAT THE DEPARTMENT CAN DO TO HELP THE NEIGHBORHOOD OUT AND MAKE SURE THAT THIS IS A MEANINGFUL PROCESS AND REDUCE SOME OF THE FRUSTRATIONS THAT WOO THEY'VE BEEN HAVING.

I THINK THAT'S WHY WE WERE SUGGESTING THE

UNFUNDED STRATEGIC ADD TO TRY TO PROMOTE THE EDUCATION PROCESS UP FRONT AND MAKE SURE EVERYONE IS AWARE THAT HAVE PROCESS, HOW LONG IT WOULD TAKE. AND THE FACILITATION IS A VERY IMPORTANT PART, SO MEETINGS CAN MOVE ALONG AND EVERYONE'S VOICE IS HEARD THROUGHOUT THAT PROCESS AND RECOGNIZED. AND CERTAINLY THE TRANSITION PART ONCE THE PLAN IS ACTUALLY DONE THAT THEIR VOICES ARE HEARD AND NOT LOST AND PLACED IN SOME UNFUND DON'T DOCUMENT ON A SHELF.

...

Kim: SO IT'S UNFUNDED?

IT'S AN UNFUNDED STRATEGIC ADD THAT THE COUNCIL WOULD HAVE TO ADD.

THAT'S CORRECT.

Kim: THANK YOU.

Mayor Wynn: FURTHER QUESTIONS? THANK YOU, GREG. WITH THAT, THEN I'LL INTRODUCE MS. VICTORIA SHUE, DIRECTOR OF THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT.

Mayor Wynn: WELCOME VICTORIA.

EMPLOY AFTERNOON, MAYOR -- GOOD AFTERNOON, MAYOR, MAYOR PRO TEM, COUNCIL. I AM VICTORIA SHUE, DIRECTOR OF THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT. JOINING ME TODAY ARE JOE PANTALION, DEPUTY DIRECTOR. I AM HERE TO PRESENT TO YOU THE DEPARTMENT'S PROPOSED FISCAL YEAR 2007 BUDGET. YOU HAVE JUST HEARD THAT NEIGHBORHOOD PLANNING IS RESPONSIBLE FOR ENSURING THAT AUSTIN'S BUILT ENVIRONMENT REFLECTS THE COMMUNITY'S VALUES AND PREFERENCES. ONCE THE VALUES AND PREFERENCES ARE TRANSLATED INTO ORDINANCES YOU, REGULATIONS AND RULES. THE DEPARTMENT AND WATERSHED PROTECTION AND

DEVELOPMENT REVIEW IS RESPONSIBLE FOR IMPLEMENTATION. THERE ARE TWO MAJOR AREAS IN THE DEPARTMENT, ONE STOP SHOP AND WATERSHED PROTECTION. WE MANAGE THE SERVICES THAT REVIEW AND INSPECTS SPECIFIC SUBDIVISIONS, SITE AND BUILDING PLANS QUICKLY AND EFFICIENTLY WHILE ENSURING YOUR VISION IS ACHIEVED. WE ALSO MANAGE SERVICES THAT PROTECT THE WATER QUALITY, MAINTAIN WATER WASTE, RESTORE STREAMS AND MITIGATE FLOOD HAZARDS. FOR ONE STOP SHOP, THE MAIN SOURCE OF FUNDING IS THE GENERAL FUND. ANNUALLY THE ONE STOP SHOP ISSUES ABOUT 100,000 PERMITS, MAKES OVER 200,000 INSPECTIONS AND HAS ABOUT NINE MILLION HOITS THE WEBSITE DEVELOPMENT WEB PAGE. THROUGH JULY THE ONE STOP SHOP HAS COLLECTED 13.5 MILLION WITH NINE MILLION OF IT FROM BUILDING PERMITS. THE PROPOSED EXPENDITURE BUDGET OF 14.4 MILLION AND 194 FULL-TIME EMPLOYEES INCLUDE 11 NEW POSITIONS. THE PROPOSED 13.6% EXPENDITURE INCREASE WILL ADDRESS THE INCREASED DEMAND. ALSO, IT WILL HELP TO ADDRESS THE RESOURCE NEEDS TO IMPLEMENT THE McMANSION DESIGN STANDARDS AND COMMERCIAL BUILDING DESIGN STANDARDS. THE ONE-STOP SHOP INCLUDES PERMITTING AND INSPECTI FUNCTIONS FROM 13 CITY DEPTZ. DEPTZ. 2006 WAS THE FIRST FULL YEAR IT WAS I AM PLEMENTD. THE DEPARTMENT WILL CONTINUE TO IMPROVE COMMUNICATION WITH BOTH INTERNAL STAFF AND EXTERNAL CUSTOMERS THROUGH COMPREHENSIVE TRAINING PROGRAMS. MORE EFFICIENT OPERATION IS EXPECTED TO BE ACHIEVED AS THE NEW DATABASE COMES ONLINE. RESIDENTIAL REVIEW TIME WILL IMPROVE WITH THE CREATION OF A STANDARD PERMIT TO STREAMLINE VOLUME BUILDERS APPLICATION REVIEWS. ELECTRONIC SUBMITTALS WILL IMPROVE SPOPS TIME FOR -- RESPONSE TIME FOR ALL CUSTOMERS. THE DEVELOPMENT PROCESS IS EXOASD OF LAND USE REVIEW AND INSPECTIONS. FOR LAND USE REVIEW THERE'S A SLIGHT DROP IN CITIZEN SATISFACTION. NEW LAND DEVELOPMENT PLIKSZ FOR ZONING SUBDIVISIONS AND SITE PLANS INCREASED 11% TO ABOUT 1100 REVIEWS PER YEAR. THE REVIEWS HAVE BEEN ACHIEVING 90 PERCENT

ON TIME PERFORMANCE STANDARDS. THE COMMERCIAL BUILDING PLAN REVIEW THERE IS AN INCREASING IS DECREASING CITIZEN SATISFACTION. THE PROCESS HAS TAKEN LONGER BECAUSE OF BID PROCESS AS WELL AS 17 PERCENT OF REVIEWS. WE ARE REQUESTING TWO NEW F.T.E.'S TO ADDRESS THE INCREASED WORK LOAD IN THE NEW COMMERCIAL DESIGN STANDARD REVIEWS. FOR RESIDENTIAL BUILDING REVIEWS, CITIZEN SATISFACTIONS HAVE IMPROVED. PERFORMANCE HAS DROPPED DUE TO INCREASED WORK LOAD OF 12 PERCENT. STAFF TURNOVER ALREADY A SMALL REVIEW TEAM IN SEARCH OF APPLICATIONS. WE ARE REQUESTING THREE F.T.E.'S TO ADDRESS THE WORK LOAD IN THE McMANSION DESIGN STANDARDS. WE HAVE SEEN AN INCREASE OF 17 PERCENT IN RESIDENTIAL INSPECTIONS AND 23% INCREASE IN COMMERCIAL INSPECTIONS. WE ARE REQUESTING FOUR F.T.E.'S TO ADDRESS THE WORK LOAD INCREASE IN BOTH McMANSION DESIGN STANDARDS AND COMMERCIAL BUILDING DESIGN STANDARDS. APPLICATION CLER..... CLER IT FOR WATERSHED PROTECTION, DRAINAGE UTILITY FEE IS THE MAIN FUNDING SOURCE. THERE IS NO DRAINAGE FEE INCREASE IN THE 2007 PROPOSED BUDGET. CRESO REVENUE TO 52.9 MILLION IS BASED ON GROWTH IN THE RESIDENTIAL AND COMMERCIAL DEVELOPMENT BASE, DEVELOPMENT C REVENUE AND INTEREST INCOME. THE PROPOSED EXPENDITURE BUDGET INCREASES TO 55.3 MILLION IN 289.5 F.T.E.'S. TWO POSITIONS ARE BEING ADDED IN STORM DRAIN IT REHABILITATION AND OPEN WATERWAY MAINTENANCE TO COMPLETE EXISTING WORK CREWS. A NEW PUBLIC INFORMATION SPECIALIST POSITION IN FLOODPLAIN MANAGEMENT WILL IMPLEMENT AN OUTREACH PROGRAM, INCLUDING EXPANSION OF THE DEPARTMENT'S WEBSITE FOR FLOODPLAIN INFORMATION, NEIGHBORHOOD AND DEVELOPMENT COMMUNITY OUTREACH AND FLOOD SAFETY AWARENESS INFORMATION. THE PROPOSED BUDGET TRANSFERS TWO FLOOD EARLY WARNING SYSTEMS TECHNICIAN TO COMMUNICATION TECHNOLOGY MANAGEMENT, CTM, WIRELESS OPERATION. CTM HAS BEEN WORKING WITH US FOR OVER A YEAR TOMORROW

PROOF OPERATION READINESS OF THE FUSE SYSTEM. THE TRANSFER OF STAFF WILL ENHANCE THE COOPERATIVE EFFORT. THREE CREWS IN THE POND MAINTENANCE ACTIVITY ENSURE THAT THE CONTROLS FOR RESIDENTIAL DISWITONZ FUNCTION AS INTENDED. THE PROPOSED BUDGET INCLUDES RESOURCES TO MAINTAIN 93% OF THE RESIDENTIAL POND INVENTORY. THE '06 APPROVED BUDGET PROVIDED FUNDING FOR A SECOND EROSION CREW TO BE STAFFED AT THE END OF THE FISCAL YEAR WHEN EQUIPMENT IS DELIVERED WHVMENT THIS CREW IS FULLY OPERATIONAL IN FISCAL YEAR 2007, THE TWO CREWS WILL CONSTRUCT 14 LOCALIZED EROSION CONTROL PROJECTS AND STABLIZE 500 LINEAR STREET OF STREAM CHANNEL. THE WATER QUALITY EDUCATION ACTIVITY HAS DEVELOPED SUCCESSFUL OUTREACH PROGRAMS, INCLUDING EARTH SCHOOL, GROW GREEN, WEED AND SEED AND WATERSHED WATCH PROGRAM. THE 2007 BUDGET INCREASES FUNDING TO EXPAND EXISTING PROGRAM AND IMPLEMENT A NEW CLEAN CREEK GREEN NEIGHBOR PROGRAM PILOTED IN FISCAL YEAR '06. THE PROPOSED BUDGET INCLUDES A PUBLIC INFORMATION POSITION TO IMPLEMENT A FLOODPLAIN INFORMATION OUTREACH PROGRAM, INCLUDING FLOOD SAFETY AWARENESS INFORMATION. THE FEDERAL EMERGENCY MANAGEMENT AGENCY AWARDED THE DEPARTMENT A 6.3 MILLION GRANT TO SUPPORT BUYOUT OF UP TO 118 SINGLE-FAMILY RESIDENTIAL PROPERTIES IN THE ONION CREEK FLOODPLAIN. THIS WILL ACCELERATE BUYOUT ACTIVITIES IN THIS FLOOD PRONE AREA. THE TOTAL PROPOSED FEAR THE DRAINAGE UTILITY IS 52.9 MILLION. 95% OF THIS REVENUE COMES FROM THE MONTHLY DRAIMG FEE ASSESSED TO CITY OF AUSTIN HILT CUSTOMERS. IN AUGUST 2001 CITY COUNCIL APPROVED A FIVE-YEAR COST TO SERVICE PLAN, INCLUDING ANNUAL DRAINAGE FEE INCREASES THROUGH FISCAL YEAR '06. THE FEE INCREASES PROVIDED FUNDING TO MEET THE UTILITY'S MASTER PLAN FOR INFRASTRUCTURE AND SYSTEM IMPROVEMENTS. THE APPROVED MASTER PLAN IDENTIFIED CIP NEEDS OF 8 WILL HUNDRED MILLION IN INFRASTRUCTURE IMPROVEMENTS,

WHICH IS 20 MILLION PER YEAR OVER 40 YEARS. SUPPORTING THE DEPARTMENT'S MISSION OF FLOOD CONTROL, EROSION CONTROL AND WATER QUALITY PROTECTION. THE DRAINAGE UTILITY FUND TRANSFER IS CURRENTLY THE MAIN SOURCE OF FUNDING FOR THE CAPITAL IMPROVEMENT PROGRAM, CIP. THIS SLIDE ILLUSTRATES HOW THE DRAINAGE UTILITY FEE INCREASES THE COUNCIL ENACT FRD 2001 TO 2006 ENABLED THE CIP TRANSFER TO GROW. WE WERE ABLE TO USE SOME OF THE PROJECTED GROWTH IN THE THE FEE CUSTOMER BASE TO INCREASE THE TRANSFER SLIGHTLY IN THE PROPOSED 2007 BUDGET. WITHOUT A FEE INCREASE IN THE FUTURE, THE TRANSFER WILL DECREASE OVER TIME TO MEET THE NEEDS TO FUND BASIC OPERATION AND MAINTENANCE. IF VOTERS APPROVE THE KNIFE MILLION BOND FUNDING THAT COUNCIL PLACED ON THE NOVEMBER BALLOT THAT COMBINED WITH THE UTILITY TRANSFER TO THE CIP WILL PROVIDE CUMULATIVE FUNDING TO ADDRESS THE MASTER PLAN IDENTIFIED NEEDS. AS SHOWN ON THE PREVIOUS SLIDE, 17-POINT IS... 1 MILLION WILL BE TRANSFERRED TO HELP WITH EROSION MITIGATION A WATER QUALITY MANAGEMENT PROJECTS IDENTIFIED IN THE MASTER PLAN. THE DEPARTMENT YIEWTSZ I WANT GRAITION PROCESS TO DEVELOP A LIST OF PROCESS THAT WILL RECEIVE NEW APPROPRIATIONS. THIS MAXIMIZES RESOURCES BY ENSURING THAT FUNDED PROJECTS MEET ONE OR MORE OF THE CORE MISSIONS OF FLOOD CONTROL, EROSION CONTROL AND WATER QUALITY PROTECTION AND INTEGRATES WITH PROJECTS WHENEVER FEASIBLE. THIS SLIDE HIGHLIGHTS SATISFACTION WITH SERVICES OF THE DRAINAGE UTILITY SIDE OF THE DEPARTMENT. IT ALSO PROVIDES SOME KEY PERFORMANCE MEASURE DATA. THIS MEASURE COMPARES THE NUMBER OF BUILDING INSPECTIONS PER THOUSAND POPULATION AT 340. AUSTIN SNNERS ARE PERFORMING -- INSPECTORS ARE PERFORMING ALMOST TWICE AS MANY AS THEIR COUNTERPARTS IN SATELLITE. -- IN SAN ANTONIO. THIS MEASURES THE LEVEL OF DEVELOPMENT ACTIVITY WE ARE SEEING IN AUSTIN. THIS MEASURE COMPARES THE PERCENTAGE OF BUILDING INSPECTIONS

COMPLETED ON TIME IN FISCAL YEAR 2005. THE AUSTIN STANDARDS IS INSPECTING WITHIN 24 HOURS OF THE REQUEST. THE TOTAL OF 89% SHOWN ON THE SLIDE COMBINES THE TIMELINESS OF CODE ENFORCEMENT INSPECTIONS WITH THAT OF BUILDING INSPECTIONS. AS NOTED ON THE PREVIOUS SLIDE, 86% OF BUILDING INSPECTIONS WERE COMPLETED ON TIME IN '05. THIS WAS LESS THAN THE BUDGET GOAL OF 90%. THIS CONCLUDES MY PRESENTATION AND WE WILL TRY TO ANSWER QUESTIONS.

Mayor Wynn: THANK YOU. QUESTIONS FOR VICTORIA, COUNCIL? COUNCILMEMBER LEFFINGWELL.

Leffingwell: A FEW YEARS AGO, I THINK IT WAS IN 2000, 2001, YOUR DEPARTMENT COMPLETED A WATERSHED PROTECTION MASTER PLAN STUDY WHICH IDENTIFIED AT THAT TIME 800 MILLION DOLLARS' WORTH OF IMPROVEMENTS NEEDED FOR EROSION CONTROL, FLOOD CONTROL AND WATER QUALITY.

THAT'S RIGHT.

Leffingwell: AND THE PLAN AT THE TIME WAS 800 MILLION IF YOU PUT IN \$20 MILLION A YEAR FOR 40 YEARS, YOU WOULD COMPLETE ALL THAT. AND THAT WAS TO BECOME PRIMARILY OUT OF THE DRAINAGE FUND. SO WHERE ARE WE WITH REGARD TO THAT TARGET RIGHT NOW? ARE WE ABOVE THE LINE OR BELOW THE LINE? TOWARDS THAT 800 MILLION DOLLARS' WORTH?

WE WERE ONLY MAKING A LITTLE DENT IN THE MASTER PLAN. AND JOE CAN PROVIDE SOME DETAILED INFORMATION.

Futrell: AS JOE IS COMING UP, I THINK WE ALL KNOW OUR PROBLEMS ARE GROWING, NOT REDUCING AS WE MOVE THROUGH TIME. SO IT HAS BEEN VERY DIFFICULT TO MAKE ANY SIGNIFICANT PROGRESS.

Leffingwell: THAT'S WHY I TRIED TO EMPHASIZE, CITY MANAGER, THAT IT WAS \$800 MILLION AT THAT

TIME. I HAVE NO IDEA WHAT IT IS NOW.

THAT'S CORRECT. JOE PANTALION THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT. IN 2007 THE TOTAL CIP NEED WAS \$800 MILLION. I'D ALSO LIKE TO REMIND YOU THAT THAT TOTAL AMOUNT ALSO WAS ONLY FOR 17 WATERSHEDS. IT WAS NOT FOR THE ENTIRE CITY. SO IN TERMS OF BEING BELOW OR ABOVE THE LINE, AT THIS POINT WE ARE BELOW THE LINE, BUT WITH THE \$95 MILLION' WORTH OF BONDS, WE HOPE TO GET CLOSETORY WHERE WE SHOULD BE.

Leffingwell: JUST ONE FOLLOW-UP. IT WAS HOPED WHEN WE BEGAN THE REPAIRS MANDATED BY THE AUSTIN CLEAN WATER PLAN, MANDATED BY THE FEDERAL GOVERNMENT REALLY TO CLEAN UP, THAT WE WERE GOING TO INTEGRATE SOME OF THESE REPAIRS WHERE SEWER LINES WERE IN CREEKS AND SO FORTH AND IMPROVE THE BED AND BANKS ON THOSE CREEKS AND SUPPOSEDLY DERIVE SOME BENEFIT CATCHING UP WITH THAT. HAS THAT HAD ANY APPRECIABLE EFFECT ON THE PLANS?

THAT HAS HAD A TREMENDOUS EFFECT. AM IN FURTHER RESEARCH WE FOUND THAT BETWEEN THE WATERSHED PROTECTION DEPARTMENT AND THE AUSTIN WATER UTILITY WE ARE ABLE TO GARNER SAVINGS OF ABOUT \$5.8 MILLION ON THOSE EROSION CONTROL PROJECTS.

Futrell: I THINK TOO IF YOU LOOK AT SLIDE 25 IT GIVES YOU AN IDEA OF HOW EVERY YEAR WE'VE ACTUALLY BEEN INCREASING OUR FUNDING OF BOTH OUR PROJECTS AND OUR MAINTENANCE OF OUR EXISTING PROJECTS, BUT LIKE YOU SAID, IT'S STILL NOT BARELY MAKING A DENT INTO THE ISSUE.

Leffingwell: YEAH, I DID NOTICE THAT, BUT I NOTICE WE'VE GONE DOM THE END OF OUR PLANNED INCREASES. THERE IS NO INCREASE FOR NEXT YEAR, SO THAT PLAN IS OVER. FUTURE FOUGHT

Futrell: AND WHAT WE HAVE IN FRONT OF THE

VOTERS IN NOVEMBER IS A GENERAL FUND PROPOSITION THAT DOES RELATE TO DRAINAGE.

Mayor Wynn: \$95 MILLION.

Futrell: YES, SIGNIFICANT, BECAUSE OF EXACTLY THAT, COUNCILMEMBER, BECAUSE OUR FEE INCREASE IS NOW LEVEL.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS FOR MS. SHUE. THANK YOU VICTORIA.

THANK YOU VERY MUCH. IN SUMMARY, THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT IMPLEMENT YOUR VISIONS THROUGH REGULATION REVIEW SERVICES. OUR NEXT PRESENTER IS SONDR A CREIGHTON, DIRECTOR OF PUBLIC WORKS, WHO TURNS YOUR VISION INTO REALITY.

Mayor Wynn: U.T. WHAT AN INTRODUCTION FOR MS. CREIGHTON.

GOOD AFTERNOON, MAYOR, MAYOR PRO TEM, CITY COUNCIL. TODAY I'LL BE DISCUSSING THE PUBLIC WORKS PROPOSED BUDGET. SOME OF THE KEY ISSUES FACING OUR DEPARTMENT AND HOW WE'RE GOING ABOUT DREATION THESE ISSUES -- ADDRESSING THESE ISSUES, THE PICTURE BEFORE YOU IS A FAMILIAR ONE IN AUSTIN AS MORE AND MORE PEOPLE MOVE INTO THIS AREA TO ENJOY WHAT AUSTIN HAS TO OFFER, WE'RE BEING CHALLENGED TO KEEP PACE WITH THE EVER INCREASING TRAFFIC. THIS YEAR CITIZENS RANKED THE NEED FOR NEW ROADS AS THEIR TOP PRIORITY. LATER IN MY PRESENTATION I'LL PROVIDE WITH YOU A LIST OF OUR PROPOSED ROAD IMPROVEMENT PROJECTS. WE ALL KNOW, THOUGH THAT, BUILDING NEW ROADS ALONE WILL NOT SOLVE OUR CONGESTION PROBLEMS. OTHER ALTERNATIVES ARE ALSO NEEDED. PUBLIC WORKS ALSO HAS MANY SIDEWALK AND BIKEWAY PROJECTS THAT ARE PROGRAMMED FOR CONSTRUCTION IN THE COMING YEAR. IN ADDITION, AS YOU'RE AWARE, CAPITAL METRO IS DEVELOPING WITH COMMUTER RAIL AND TXDOT IS EVALUATING HOV LANES AND OF COURSE

BUILDING NEW HIGHWAYS. ALL OF THESE STRATEGIES ARE NEEDED TO IMPROVE MOBILITY IN THE AREA. ROAD CONDITIONS ALSO RANK AS A TOP CITIZEN ISSUE. OUR GOAL IS TO MAINTAIN 10% OF THE ROADWAY NETWORK ANNUALLY. HOWEVER, DURING THE ECONOMIC DOWNTURN, ANNUAL FUNDING FOR PREVENTIVE MAINTENANCE SLIPPED TO EIGHT PERCENT. DOLLARS HAD TO BE STRETCHED OVER MANY OTHER ACTIVITIES. IN ADDITION, MATERIAL COSTS HAVE SKYROCKETED IN THE PAST YEARS DUE TO WORLD DEMAND. NEXT YEAR WE'LL NEED OVER A MILLION DOLLARS MORE JUST TO PAY FOR THE SAME AMOUNT OF PAVING MATERIALS THAT WE'LL NEED THIS YEAR. TO ADDRESS THE CITIZEN CONCERNS WE'LL NEED TO STEADILY INCREASE PREVENTIVE MAINTENANCE IN THE FUTURE FROM THE CURRENT EIGHT PERCENT TO THE OPTIMAL GOAL OF 10%. LATER ON IN MY PRESENTATION I'LL BE PROVIDING YOU WITH INFORMATION THAT SHOWS HOW DIFFERENT MAINTENANCE LEVELS IMPACT FUTURE COSTS OF RECONSTRUCTION. EVEN THOUGH CITIZENS RANKED TRAFFIC FLOW AND ROAD CONDITIONS SOMEWHAT LOW, I'M PLEASED TO SAY THAT OVER THE PAST YEARS SATISFACTION HAS STEADILY INCREASED. IN FACT, SIX OF THE SEVEN MEASURES HAVE INCREASED WITH ONE REMAINING FLAWED AND I'D LIKE TO ACKNOWLEDGE ALL THE WORK THAT PUBLIC WORKS EMPLOYEES HAVE DONE IN THIS AREA. IN THE AREA OF SIGNAL TIMING, FOR EXAMPLE, STAFF REGULARLY WORK ON MAXIMIZING OUR TRAFFIC SYNCHRONIZATION PROGRAM. IN FACT, I RECEIVE A NUMBER OF E-MAILS FROM CITIZENS THANKING THE STAFF FOR THEIR INDIVIDUAL CARE THEY TAKE IN RESPONDING TO REQUESTS TO RETIME PARTICULAR SIGNALS. THIS IS REFLECTED IN A REMARKABLE 5.7% INCREASE IN SATISFACTION. NOW I'D LIKE TO POINT OUT THAT THERE IS A LIMIT TO WHAT WE CAN ACHIEVE THROUGH SIGNAL RETIMING ALONE. AS THE POPULATION HAS GROWN, TRAFFIC VOLUMES HAVE INCREASED. EVEN STREETS WITH PERFECTLY TIMED SIGNALS ARE BECOMING MORE CONGESTED. IN ORDER TO ADDRESS THE CITIZEN CONCERNS, THE TRANSPORTATION STRATEGIES I MENTIONED EARLIER ARE CRITICAL. OUR STREET

RECONSTRUCTION SIDEWALK TEAMS HAVE ALSO DONE AN EXTRAORDINARY JOB. A FEW.... FEW YEARS AGO WE UNDERTOOK A FEW KEY INITIATIVES, IMPROVING EXECUTION OF ROAD CONSTRUCTION PROJECTS AND ALSO IMPROVING OUR SIDEWALK DELIVERY. IN ADDITION, A NUMBER OF STREET SCAPING PROJECTS ARE UNDER DESIGN OR HAVE BEEN CONSTRUCTED. THESE ONGOING COUNCIL-DRIVEN INITIATIVES ARE REFLECTED IN A VERY FAVORABLE EIGHT PERCENT INCREASE IN SATISFACTION OF ROAD MAINTENANCE. AND A 3.3% INCREASE IN SATISFACTION AND PEDESTRIAN FRIENDLY AREAS. TWO EXAMPLES OF SUCCESSFULLY EXECUTED STREET RECONSTRUCTION PROJECTS DURING THE LAST YEAR ARE THE 45TH STREET PROJECT, WHICH WAS COMPLETED TWO MONTHS AHEAD OF SCHEDULE, AND THE RIVERSIDE DRIVE PROJECT, WHICH WAS COMPLETED FOUR MONTHS AHEAD OF SCHEDULE. AND OF COURSE WE'VE ALSO BUILT A LOT OF SIDEWALKS AND RAMPS ALL ENHANCING MOBILITY IN THE AREA. THE PUBLIC WORKS BUDGET IS BROKEN DOWN INTO THREE FUNDZ THE LARGEST OF THESE BEING THE TRANSPORTATION FUND. THIS SLIDE PROVIDES A HIGH LEVEL OVERVIEW OF THE TRANSPORTATION BUDGET. AS CAN YOU SEE OUR REVENUE IS INCREASING IN FISCAL YEAR 2007. MOST OF THE INCREASE COMES FROM THE RECENTLY APPROVED ONE-TIME REALLOCATION OF CAPITAL METRO QUARTER-CREPT FUNDS. THE TRANSPORTATION FUND COVERS STREET REPAIRS, PREVENTIVE MAINTENANCE, SIGNS AND MARKINGS, PARKING ENFORCEMENT AND TRANSPORTATION ENGINEERING. YOU CAN SEE FROM THE SLIDE, THOUGH, THAT EXPENDITURES ARE ALSO INCREASING AS A RESULT OF PERSONNEL INCREASES AND PAVING MATERIAL COSTS. WE HAVE A NUMBER OF INITIATIVES UNDERWAY IN THE TRANSPORTATION ARENA. WE'RE PROPOSING TO CONVERT SIX TEMPORARIES INTO PERMANENT F.T.E.'S IN ORDER TO CONTINUE DOING UTILITY CUT REPAIRS. WE'LL CONTINUE IMPLEMENTATION OF HOUSE BILL 87, WHICH ALLOWS US TO PROVIDE 25 MILES PER HOUR SPEED LIMITS ON MOST RESIDENTIAL STREETS. WE'LL ALSO BE UPGRADING THE DOWNTOWN STREET SIGNS. WE'LL BE

PROVIDING A TRAFFIC SIGNAL TECHNICIAN AT CTECH IN ORDER TO IMPROVE EMERGENCY READINESS. OUR EMERGENCY MASTER PLAN IMPLEMENTATION WILL ENTER INTO ITS NEXT PHASE. WE WILL BE EXPANDING OUR GI BASED INVENTORY OF EXISTING SIDEWALKS AND CURB RAMPS, WE'LL BE IDENTIFYING WHERE GAPS EXIST AND RANKING PROJECTS FOR FUTURE CONSTRUCTION. NOW I'LL TALK A LITTLE BIT ABOUT OUR OTHER TWO FUNDS. THE CAPITAL PROJECTS MANAGEMENT FUND IS PRIMARILY SUPPORTED THROUGH BACK CHARGES TO CIP PROJECTS. THIS FUND SUPPORTS PROJECT MANAGEMENT, ENGINEERING, INSPECTION, CONTRACT PROCUREMENT AND REAL ESTATE FUNCTIONS. THE PROPOSED BUDGET FOR THIS FUND INCLUDES 10 NEW CIP FUNDED POSITIONS. MOST OF THE NEW F.T.E.'S WILL BE USED TO CONVERT TEMPS TO PERMANENT, A SMALL SURVEYING CREW AND HELP TO IMPLEMENT OUR CRO-TRAINING AND CAREER ADVANCEMENT INITIATIVES. SEVERAL OTHER INITIATIVES ARE ALSO UNDERWAY WHICH WILL IMPROVE THE QUALITY OF OUR CONSTRUCTION PROJECTS AND OUR ACCOUNTABILITY IN THE PROJECT DISFERRY AREA -- DLRCHRY AREA. DURING FISCAL YEAR 2007 WE'LL BE PROVIDING CROSSING IMARDZ AT ABOUT 170 LOCATIONS NEAR 73 SCHOOLS. NOW I'D LIKE TO SAY A FEW WORDS ABOUT THE VOLATILE CONSTRUCTION ENVIRONMENT, THE PRICE OF PAVING AND CONSTRUCTION MATERIALS HAS SKYROCKETED DURING THE LAST TWO YEARS. GLOBAL DEMAND FOR THESE MATERIALS FAR OUTPACES SUPPLIES. A RECENT STUDY COMMISSIONED BY THE AMERICAN INSTITUTE OF ARCHITECTS NOTED THAT DURING 2005, CHINA CONSUMED 50% OF WORLDWIDE CONCRETE PRODUCTION. THE IMPACT ON THE CITY HAS BEEN SIGNIFICANT. LAST YEAR WE UPDATED CONSTRUCTION ESTIMATES FOR FACILITIES THAT HAD BEEN DEFERRED DURING THE ECONOMIC DOWNTURN. WE USED UNIT PRICES FOR PROJECTS THAT WERE BIGD LAST YEEMPLT NONETHELESS, THE GUS GARCIA REC CENTER, WHICH IS THREE MILLION DOLLARS OVER THE ORIGINAL BUDGET, DURING JUST THE LAST YEAR ALONE IT INCREASED BY ONE MILLION DOLLARS. THESE INCREASES ARE FORTUNATELY BEING

SCOFERD BY CIP INTEREST FUNDS. THE PRICE INCREASES ALSO AFFECT THE CITY'S OPERATING BUDGET. FOR FISCAL YEAR 2007 WE'VE INCLUDED AN ADDITIONAL 1.4 MILLION DPLARTZ STREET AND BRIDGE BUDGET JUST TO PURCHASE THE SAME QUANTITY OF MATERIALS WE USED THIS FISCAL YEAR. VERY BRIEFLY I ALSO WANT TO MENTION THE 16 AND A HALF MILLION DOLLARS IN NEW CAPITAL BUDGET APPROPRIATIONS THAT WE'VE REQUESTED. AND THE FUNDING SOURCES ARE THE 2000..... 2000 BONDS AND THE TRANSPORTATION FUND REVENUE. THIS SLIDE PROVIDES WITH YOU A LIST OF SOME OF THE KEY STREET CONSTRUCTION AND STREET IMPROVEMENT PROJECTS THAT ARE SLATED FOR CONSTRUCTION OR DESIGN THIS FISCAL YEAR. STH SHROID SHOWS WHY -- THIS SLIDE SHOWS WHY CITIZEN SATISFACTION HAS INCREASE ODD THE PERFORMANCE MEASURES. OUR FAST PACED SIDEWALK AND RAMP INSTALLATION PROCESS HAS PRODUCED RECORD RESULTS FOR THE LAST TWO YEARS AND WILL CONTINUE DURGHT NEXT YEAR AS WE SPIN DOWN OUR LAST SIDEWALK FUNDING APPROPRIATIONS FROM THE 2000 BOND. IT..IN 2006 IF THE PROPOSED TRANSPORTATION BOND PASSES WE'LL BEGIN SHIFTING OUR FOCUS INTO REPAIR AND REPLACEMENT OF EXISTING SIDEWALKS. AND THE 2006 BOND INCLUDES ABOUT EIGHT MILLION DOLLARS. I'D THRIEK SPEND THE REMAIN -- I'D LIKE TO SPEND THE REMAINING TIME I HAVE WITH YOU TODAY ON PROVIDE INFORMATION ON THE CONDITION OF OUR STREET NETWORK. AS YOU CAN SEE FROM THIS CHART, ABOUT 73% OF THE ROAD NETWORK IS IN FAIR TO EXCELLENT CONDITION. WITH CLOSE TO 30% OF THE NETWORK IN FAIL TO POOR CONDITION, WE BEGIN TO UNDERSTAND WHY CITIZENS HAVE RANKED ROAD CONDITIONS AS THEIR TOP PRIORITY. AUSTIN ISN'T THE ONLY CITY FACING FUNDING CHALLENGES TO KEEP UP WITH ROAD MAINTENANCE, ALTHOUGH THERE ARE A FEW DESERT CITIES LIKE PHOENIX AND LAS VEGAS WITH HIGH SATISFACTION LEVELS, WE ALSO KNOW THAT THOSE CITIES DON'T HAVE THE HIGHLY EXPANSIVE SOILS THAT ARE PRESENT IN THE AUSTIN AREA. THESE CLAY SOILS ARE MUCH MORE COSTLY TO MAINTAIN AND CONSTRUCT. AND

RECONSTRUCT. FOR FISCAL YEAR 2007, THE TRANSPORTATION BUDGET WILL SUPPLEMENT TRANSPORTATION USER FEE REVENUE WITH ABOUT \$2.8 MILLION FROM THE QUARTER-CENT FUNDS AND TWO MILLION DOLLARS THE LAST BUILD CENTRAL TEXAS PROGRAM TO CONTINUE TO PROVIDE PREVENTIVE MAINTENANCE ON EIGHT PERCENT OF THE TREAT NETWORK. WELL BELOW OUR GOAL OF 10 PERCENT. AS CAN YOU SEE, THIS WILL MARK THE SIX.... SIXTH YEAR IN A ROW THAT WE'VE DEFERRED A SIGNIFICANT PORTION OF THIS CRITICAL MAINTENANCE FUNCTION. THIS CHART SHOWS YOU THE BREAK DOWN OF THE VARIOUS PREVENTIVE MAINTENANCE MEASURES WE'LL BE USING. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

INCREASING PREVENTATIVE MAINTENANCE FROM 8 TO 10% WILL COST ABOUT \$5 MILLION IN FISCAL YEAR '07, OVER 10 YEARS, FOR THE COUNTING INFLATION, THAT WOULD BE A MARGINAL INCREASE OF \$50 MILLION. WITH THAT INVESTMENT OVER THE SAME PERIOD, THE FUTURE RECONSTRUCTION BACKLOG COULD BE DECREASED BY ALMOST \$200 MILLION. WHICH IS QUITE A SIGNIFICANT RETURN ON A VERY SMALL INVESTMENT. I HOPE THIS SLIDE GIVES YOU A CLEAR PICTURE OF THE LONG DASH TERM VALUE THE CITY -- LONG-TERM VALUE THE CITY RECEIVES BY INVENTING IN THE MAINTENANCE. THIS CONCLUDES MY PRESENTATION ON THE PUBLIC WORKS BUDGET. THE RESULTS OF THE CITIZENS' SURVEY AND SOME OF THE ISSUES AND INITIATIVES THAT WE ARE HANDLING AT PUBLIC WORKS, I WOULD BE GLAD TO ANSWER ANY QUESTIONS. THANK YOU, COUNCILMEMBER KIM?

Kim: I JUST WANTED TO ASK YOU, HOW MUCH IS IN OUR BOND PACKAGE FOR STREET RECONSTRUCTION THAT VOTERS WILL BE VOTING ON NOVEMBER 7th.

85 MILLION IN STREET RECONSTRUCTION, RIGHT.

Kim: SO THAT \$58 MILLION THEN IS FOR ROADS THAT WE HAVE LET DETERIORATE TO THE POINT WHERE THEY HAVE HAD TO BE RECONSTRUCTED

NOW.

TO AN EXTENT. YOU KNOW, ALL OF THE ROADS HAVE A DESIGN LIFE THAT'S FINITE. EVENTUALLY THEY ARE ALL GOING TO DECAY. BUT THERE ARE ALSO A.. A LOT OF ROADS THAT HAVE FALLEN INTO DISREPAIR FROM LACK OF MAINTENANCE.

Kim: OKAY. WHAT HAS BEEN THE CONTRIBUTION FROM CAPITAL METRO FOR BUILD CENTRAL TEXAS FOR STREET MAINTENANCE? WHAT IS THE REASONING FOR WHY CAPITAL METRO WOULD BE GIVING THE CITY OF AUSTIN MONEY FOR STREET MAINTENANCE?

THE RATIONALE GOES BACK QUITE A LONG WAYS. ORIGINALLY WE WERE POISED TO ACTUALLY -- WHEN WE WERE EVALUATING THE IMPACT OF BUSES, ON ROADS, AND WHAT WE FOUND THROUGH A STUDY THAT WE HAD DONE IS THAT -- FOR ONE CAR PASSING OVER THE ROADWAY, IT'S EQUIVALENT TO ABOUT 8,000 -- I'M SORRY, ONE BUS, IT'S EQUIVALENT TO ABOUT 8,000 CARS. WESTERN SEEING A LOT OF BUS DAMAGE -- WE WERE SEEING A LOT OF BUS DAMAGE ON OUR ROADS, THE ROUTES WOULD CHANGE, NEW DAMAGE WOULD POP UP ON THESE OTHER ROADS. WE WERE ACTUALLY POISED TO STAB A DIFFERENT TYPE OF USER FEE BECAUSE THE RATE AT WHICH BUSES WERE USING UP, THE ROAD NETWORK. SO RATHER THAN GET INTO A RATHER ADVERSARIAL TYPE OF RELATIONSHIP, WE ENTERED INTO SORT OF A GENTLEMAN'S AGREEMENT TO HAVE THE BUILD GREATER AUSTIN PROGRAM AND AT THAT TIME ABOUT \$40 MILLION WAS APPROVED FOR THAT MAINTENANCE AND THAT CONTINUED ON FOR ABOUT 10 YEARS AND THEN THAT PROGRAM HAS BEEN EXTENDED WITH A COUPLE OF MILLION DOLLARS A YEAR. IN ADDITION, THROUGH THE QUARTER CENT FUNDING, THERE HAS BEEN I THINK ABOUT \$90 MILLION ALLOCATED, BUT THAT HASN'T BEEN JUST FOR ROAD MAINTENANCE. IT'S BEEN FOR A VARIETY OF DIFFERENT TRANSPORTATION INITIATIVES. AND WE CAN PROVIDE YOU WITH A BREAKDOWN OF THAT IF YOU WOULD LIKE. WE STILL HAVE SOME MONEY LEFT, I THINK WE HAVE

ABOUT \$8 MILLION REMAINING IN RECONSTRUCTION PROJECTS. AND SOME OF THOSE PROJECTS ARE UNDERDESIGNED RIGHT NOW. FOR EXAMPLE, WE HAVE SOME IN THE DOWNTOWN AREA, SUCH AS BRAZOS AND COLORADO AND THEY ARE BEING SEQUENCED SO THAT WE DON'T GET INTO A TRAFFIC GRIDLOCK SITUATION. WE HAVE GOT SESQUICENTENNIAL COMING ON BOARD -- CESAR CHAVEZ COMING ON BOARD, SECOND STREET, BRAZOS AND COLORADO. THOSE TWO PROJECTS ARE VERY EXPENSIVE PROJECTS, THE MONEY HAS BEEN SITTING THERE FOR A WHILE AS WE SEQUENCE THE PROJECTS. IN ADDITION, THOSE TWO PROJECTS, WE HAVE DECIDED TO INCORPORATE GREAT STREETS AND SO WE NEEDED TO GET ADDITIONAL FUNDING FOR THAT AS WELL.

Kim: THE MONEY THAT'S IN THE BALANCE FOR BUILD GREATER AUSTIN, THERE HAVE -- THEY HAVE ALREADY BEEN PROGRAMED FOR STREETS.

ABSOLUTELY.

Kim: WAITING FOR A MATCH FROM THE GREAT STREETS PROGRAM TO ENHANCE DESIGN AND SOME OF THE THINGS THAT THIS COUNCIL HAS PROVIDED DIRECTION ON.

THAT'S RIGHT.

Kim: OKAY. IS CAPITAL METRO THEN GOING TO CONTINUE TO MAKE THEIR CONTRIBUTION TO THE - - TO BUILD GREATER AUSTIN, GIVEN THAT THEY STILL HAVE BUSES OUR STREETS, THEY STILL DO A LOT OF DAMAGE, THEY HAVEN'T REDUCED THE NUMBER OF TRIPS OR MILES IN THE CITY.

I THINK THERE'S BEEN A DECISION TO PERHAPS NOT MAKE THOSE CONTRIBUTIONS BECAUSE CAPITAL METRO IS INTERESTED IN MOVING FORWARD OF COURSE WITH THEIR RAIL PROGRAMS. I'M NOT SURE THAT EVERYONE IS AWARE OF THE HISTORY OF THE ROAD DAMAGE BEING CAUSED BY THE BUSES AND MAYBE IT PROBABLY WOULD BE WISE TO REVISIT THAT WHOLE ISSUE. BECAUSE WE STILL HAVE BUS DAMAGE INJURING. SO THERE'S STILL A GOOD

RATIONALE TO HAVE CAPITAL METRO MAKE THOSE CONTRIBUTIONS. ALSO JUST TO THE AREA OF SIDEWALK, YOU KNOW, OF COURSE IT'S GOING TO HAVE THOSE CONNECTIONS TO THE BUS STOPS. THROUGH A SIDEWALK PROGRAM. AND WE HAVE CONSTRUCTED QUITE A FEW SIDEWALKS FOR CAPITAL METRO AS WELL.

Kim: IT'S ALL RECEIVING MONEY FOR THAT --

WE ARE NOT. NEXT YEAR WILL BE THE END OF THE NEW SIDEWALK MONEY AND ACTUALLY THE \$5 MILLION THAT WE HAVE REMAINING IS COMING FROM THE 2000 BOND PROGRAM AND AFTER THAT, THAT WILL PRETTY MUCH DEplete OUR MONEY FOR NEW SIDEWALKS.

Kim: SEEMS TO ME THAT CAPITAL METRO REALLY AS A PARTNER WITH THE CITY WANTS TO ENHANCE MOBILITY, WANTS TO ENHANCE RIDERSHIP AND ALSO THE QUALITY OF THE RIDE, FOR THEIR BUS PATRONS. I THINK THAT -- CAN YOU -- I HAVE ONE MORE QUESTION. WHAT ABOUT CONSTRUCTION COSTS? YOU MENTIONED THAT -- THAT IF WE MAINTAIN JUST BELOW THE 10%, I MEAN, 8 PERCENT I THINK WHAT YOU ARE SAYING, THAT WE WILL HAVE A BACKLOG IN 10 YEARS OF \$20 MILLION OF PROJECTS? IF WE DON'T? WAS THAT THE NUMBER THAT YOU GAVE US.

ABOUT 900 MILLION.

Kim: HOW MUCH.

I'M SORRY, 700 MILLION. AT THE 8% IT WOULD BE ABOUT 900 MILLION IN BACKLOG AT THE 8% LEVEL. AND YOU CAN REDUCE THAT BY PROVIDING THE 10% LEVEL, YOU COULD REDUCE THAT BACKLOG TO 700 MILLION. STILL A VERY LARGE NUMBER, BUT IT'S 200 MILLION LESS.

Kim: RIGHT. OKAY.

THAT DOESN'T INCLUDE INFLATION.

Kim: WELL, ACTUALLY, MY NEXT QUESTION IS

ABOUT INFLATION, WHAT HAVE WE BEEN SEEING AS FAR AS STREET RECONSTRUCTION COSTS IN TERMS OF WHEN WE ARE GOING OUT TO BID AND WHAT ARE WE SEEING IN THE PRICE OF THE BIDS COMING BACK?

WE ARE SEEING SIGNIFICANT INCREASES, MAINLY BECAUSE OF THE MATERIAL COSTS. YOU KNOW, JUST IN THE FIRST SIX MONTHS, OF THIS -- OF THIS FISCAL YEAR, I THINK THE COSTS HAVE GONE UP ABOUT 67%. JUST FOR ASPHALT, THIS SLIDE HERE SHOWS YOU WHAT THE COST INCREASES ARE. SO FOR EXAMPLE, YOU KNOW, THE RECENT PROJECTS THAT WE HAVE SEEN, WHETHER THEY ARE FACILITY PROJECTS OR STREET RECONSTRUCTION PROJECTS, EVERYTHING IS GOING UP.

Kim: OKAY. SEEMS TO ME THAT WE NEED TO DO OUR PART TO GET THE BIGGEST BANG FOR THE BUCK IN TERMS OF OUR EXPENDITURES AND STREET MAINTENANCE IS KIND OF A NO BRAINER. AND THAT ANYTHING THAT WE PUT INTO STREET MAINTENANCE, TO GET AT LEAST 10%, IS GOING TO REAP REWARDS LOOKING AT THE BOND PACKAGE THAT WE HAVE WITH VOTERS. I WOULD DEFINITELY PREFER TO PUT THOSE 80, \$85 MILLION TO OTHER THINGS THAT WERE NEEDED, THE CITIZEN REQUEST WAS MUCH LARGER THAN WHAT THE VOTERS ARE GOING TO BE VOTING ON BECAUSE WE CAN ONLY TAX OUR CITIZENS SO MUCH. AND I THINK THAT MAKES SENSE FOR US TO DO OUR PART AS WELL AS FOR CAPITAL METRO TO CONTINUE TO CONTRIBUTE TOWARDS STREET MAINTENANCE BECAUSE AS MS. CREIGHTON STATED, ONE BUS EQUATES TO HOW MANY TRIPS IF.

8,000 CAR TRIPS IN TERMS OF THE DAMAGE TO OUR ROADS. OKAY, THANK YOU, MS. CREIGHTON.

THANK YOU.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: I JUST WANT TO CLARIFY THE MONEY THAT YOU WERE TALKING ABOUT, THE -- THE \$4

MILLION THAT'S PREVENTIVE MAINTENANCE.

\$4 MILLION YES, PREVENTIVE MAINTENANCE.

Leffingwell: THAT WAS THE PART THAT BCT
CONTRIBUTED TO?

[INDISCERNIBLE] MILLION DOLLARS, WE HAD A
COUPLE OF YEARS AGO WE GOT \$4 MILLION FOR
PREVENTIVE MAINTENANCE, AN ADDITIONAL \$2.8
MILLIONS WE ALLOCATED FROM THE QUARTER
CENT FUNDING.

TALKING STRICTLY ABOUT THE PREVENTIVE
MAINTENANCE, WHAT DO YOU DO TO PREVENT
DAMAGE FROM BUSES?

WELL WE DO STRUCTURAL OVERLAYS. SO WE DID --

STOPPING --

WHAT WE DO INSTEAD OF JUST GOING IN AND
DOING A SEAL COAT THAT WOULDN'T BE EFFECTIVE
ON A BUS ROUTE OBVIOUSLY. SO WHAT WE DO IS
NAIL DOWN THE SURFACE OF THE ROADWAY AND
INSTEAD OF JUST DOING A SIMPLE TWO INCH
OVERLAY, WE MIGHT DO A FOUR INCH OVERLAY TO
MAKE IT STRONGER. THEN WE MIGHT ALSO PUT IN
CONCRETE BUS PADS AT THE BUS STOP.

SO THAT BCT MONEY, IF IT WERE FORTHCOMING,
IT'S NOT IN THE BUDGET NOW FROM CAPITAL
METRO, IT WOULD BE USED STRICTLY FOR
INCREASED STRUCTURAL CAPABILITY FOR BUS
STOPS?

WELL, OUR PREFERENCE WOULD BE TO LOOK AT
THE NETWORK AS A WHOLE AND BE ABLE TO HAVE
A LITTLE BIT MORE FLEXIBILITY AS TO HOW WE USE
THAT FUNDING. [MULTIPLE VOICES]

RESTRICTED TO BUS ROUTES?

YES THE MONEY ACCRUED TO DATE FOR IT WAS
RESTRICTED TO BUS ROUTES AND WHAT WE ARE
ASKING FOR FOR NEXT FISCAL YEAR FROM CAPITAL

METRO, WE DID ASK FOR A LITTLE BIT MORE FLEXIBILITY ON THAT.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: MS. CREIGHTON, ON THE -- TALKING ABOUT THE SOURCES OF FUNDS OR THE TRANSPORTATION FUNDS, WHAT IS THE SOURCE OF FUNDS THAT IT'S NOT GOING TO COME FROM THE CAPITAL METRO BUDGET? IS IT GENERAL FUND OR -

THE TRANSPORTATION FEE? USER FEE WHICH IS, YOU KNOW, ABOUT \$3, A LITTLE OVER \$3 ON YOUR UTILITY BILL.

McCracken: THEN WHAT ELSE?

A LITTLE BIT OF GENERAL FUND -- ARE YOU TALKING ABOUT JUST FOR PREVENTIVE MAINTENANCE?

McCracken: PAGE 34 SAYS SOURCES OF FUNDS BUT ACTUALLY IT DOESN'T GIVE A SOURCE OF FUNDS. IT JUST GIVES A DOLLAR AMOUNT. IT SAYS \$38.9 MILLION, I WAS TRYING TO FIGURE OUT WHAT IS THE SOURCE OF FUNDS.

Futrell: CORRECT ME IF I'M WRONG --

TRANSPORTATION USER [MULTIPLE VOICES]

A LITTLE BIT OF GENERAL FUND, A LITTLE BIT OF UTILITY REVENUE, THAT'S BASICALLY IT.

McCracken: OKAY.

THE BCT MONEY IS PROGRAMED IN. IN THE QUARTER CENT REALLOCATED FUNDING OF \$2.8 MILLION.

THEN ON THE -- ON THE -- WHAT IS, I SAW ON PAGE 39, WE HAVE A NUMBER OF PLANNED STREET IMPROVEMENT PROJECTS, RECONSTRUCTION PROJECTS. SO COULD YOU TALK ABOUT WHAT IS -- FIRST WHAT IS THE -- WHAT IS THE -- WHAT IS THE

SIGNIFICANCE OR DIFFERENCE BETWEEN THE
IMPROVEMENT PROJECTS AND THE
RECONSTRUCTION PROJECTS? HOW MUCH --

SURE. THE STREET RECONSTRUCTION PROJECTS ARE
RECONSTRUCTION OF EXISTING ROADWAYS. SO
THEY WOULD BE SIMILAR TO THE 45th STREET
PROJECT AND THE RIVERSIDE PROJECT THAT WE
DID. THEY WOULD INCLUDE UTILITY
REPLACEMENT, STORM SEWER IMPROVEMENTS AND
THAT SORT OF A THING. THE STREET IMPROVEMENT
PROJECTS ARE TO ADDRESS EITHER CAPACITY
ISSUES, SAFETY ISSUES, THAT SORT OF THING. OR
PERHAPS CLEAR BOTTLENECKS THAT THERE MIGHT
BE. MOST OF THEM THAT IF IT'S A -- IF IT'S AN
INTERSECTION IMPROVEMENT, IT'S PRIMARILY
SAFETY RELATED.

SO THEY ARE --

THEN CESAR CHAVEZ YOU KNOW ABOUT.

McCracken: YEAH. [INDISCERNIBLE]

GREAT DEAL.

McCracken: AND ON THE RECONSTRUCTION
PROJECTS, WHAT IS OUR POLICY WE ARE
OPERATING UNDER CURRENTLY REGARDING
SIDEWALKS, SIDEWALK CONSTRUCTION, AND ALSO
PLACEMENT OF THE UTILITIES TO ALLOW FOR
STREET TREES ON THE SIDEWALK?

OKAY. FOR SIDEWALKS WE ABSOLUTELY LOOK AT
THIS AS AN OPPORTUNITY TO PUT IN SIDEWALKS.
SO WHERE THERE ARE GAP, WE WILL BE FILLING
THOSE GAPS. IF WE HAVE DETERIORATED
SIDEWALKS, WE WILL BE PUTTING THOSE IN. AS FAR
AS STREET TREES, THAT WAS NOT ADDRESSED IN
THE STREET RECONSTRUCTION PROJECTS. BUT WE
WOULD CERTAINLY BE LOOKING AT IT IN ALL OF
THE STREET IMPROVEMENT PROJECTS THAT WE DO
PUT IN, STREET TREES AND LANDSCAPING AND,
YOU KNOW, UPGRADE BAKE LANES, SIDEWALKS,
ALL OF THAT.

McCracken: IN OTHER WORDS I GUESS THAT I AM GATHERING THERE IS NOT CURRENTLY A POLICY IN PLACE RELATING TO HOW WE LOCATE UTILITIES DURING THESE RECONSTRUCTION PROJECTS TO ACCOMMODATE POTENTIALLY FOR STREET TREES? I WOULD ONLY SAY THIS WOULD BE THE CASE IN THE TRANSIT CORRIDORS WHICH 31st STREET CLEARLY IS NOT. I DON'T THINK OLTORF IS. BUT THEY WOULD THROUGH THE SIDEWALKS, WHAT ARE THE SIDEWALK WIDTHS, DIMENSIONS THAT ARE THE CURRENT POLICIES THAT ARE IN PLACE ON THE RECONSTRUCTION PROJECTS?

TYPICALLY THEY WOULD BE FIVE OR SIX FEET WIDE.

McCracken: OKAY. I KNOW WE HAVE -- WE HAVE NOW ADOPTED NEW SIDEWALK STANDARDS OR AT LEAST AS OF TONIGHT. I WANT TO MAKE SURE, I DON'T KNOW IF WE NEED TO GIVE ANY FURTHER DIRECTION THAT WE HAVE HAD WITH US NOW IN THE CITY OF AUSTIN ADOPTING THESE SIDEWALK STANDARDS ON OUR ROADWAYS, I THINK IT WOULD BE HELPFUL TO -- TO GET SOME SENSE OF HOW THAT WOULD BE INTEGRATED ON THE IMPROVEMENT AND RECONSTRUCTION PROJECTS. MAKE SURE THAT WE ARE ALL PLAYING FROM THE SAME SHEET.

SURE. WE CAN LOOK AT THAT. THOSE OPPORTUNITIES. THE FUNDING IS GOING TO PROBABLY BE A CONSTRAINT.

YEAH, I THINK WE CAN LEARN ON -- ON SOME OF THESE ROADS THAT THERE IS A SIGNIFICANT SAVINGS TO DO THESE AS ONE PROJECT AND --

YES.

McCracken: I THINK, YOU KNOW, HOWEVER MUCH PEOPLE COMPLAINED ABOUT OUR ROAD SITUATION, WE ACTUALLY HAVE AS GREAT OF A CITY AS AUSTIN IS, ONE OF THE WORST SIDEWALK SITUATIONS OF ANY MAJOR CITIES. MAJOR ARTERIALS, NO SIDEWALKS AT ALL. I THINK THAT IS A PRETTY CRITICAL NEED PARTICULARLY AS WE

MOVE TOWARD, YOU KNOW, MORE COMPLETE TRANSPORTATION SYSTEM AND SO I GUESS IT WOULD BE NICE TO -- ONE OF THE THINGS THAT WE ARE GOING TO NEED AS A COUNCIL IS TO GIVE YOU PROBABLY SOME MORE INTEGRATED POLICY DIRECTION ON THOSE SINCE IT SOUNDS LIKE WE ARE IN SYNC AT THE MOMENT.

> WE CAN WORK WITH MPZ ON ALL OF THOSE ISSUES. I GUESS THE KEY THING IS WHEN THE DESIGN STANDARDS ARE PASSED THERE WOULD BE A FINANCIAL, A FISCAL APPLICATION. SO WE WOULD CERTAINLY SEEK COUNCIL GUIDANCE, DO YOU WANT US TO CANCEL CERTAIN PROJECTS AND USE THAT FUNDING TO INCORPORATE THESE NEW IMPROVEMENTS OR, YOU KNOW, HOW MIGHT THAT BE ACCOMPLISHED. AND IF YOU WOULD LIKE, WE CAN WORK WITH NPC MAYBE COME UP WITH SOME PROPOSALS ON THAT.

McCracken: YEAH, I THINK THAT WE NEED TO GET SOME INFORMATION SO WE CAN GET THE POLICY DIRECTION ON THAT.

UH-HUH.

McCracken: THEN ON -- YOU HAVE GIVEN US INFORMATION ON ROAD MAINTENANCE, BUT ONE OF THE THINGS THAT I SAW IN OUR BOND PACKAGE IS THAT WE ARE, DESPITE HAVING A VERY POOR SITUATION IN THE CITY, TO HAVE FUNDS AVAILABLE TO DO VIRTUALLY ANYTHING ON NEW SIDEWALKS BECAUSE OF THE NEED TO SPEND VIRTUALLY ALL OF THE MONEY ON SIDEWALK MAINTENANCE AND RECONSTRUCTION. WHAT IS OUR ANGLE, WHAT IS OUR ANNUAL BUDGET ON SIDEWALK MAINTENANCE? THAT'S SOMETHING WE HEAR ABOUT FROM OUR CONSTITUENTS A LOT.

IT WAS IN THE 90'S, I THINK, MAYBE THE LATE 90s, THAT UP UNTIL THAT POINT IT WAS THE HOMEOWNER'S RESPONSIBILITY TO MAINTAIN THE SIDEWALK. SO IT'S JUST BEEN RECENT THAT THAT DEFAULTED TO THE CITY. AND THAT'S WHY WE NOW HAVE THIS PROGRAMED INTO THE UPCOMING BOND. BUT UP UNTIL THEN, WE DID NOT HAVE

MONEY BUDGETED AND WE WEREN'T REQUIRED TO. AND THEN SINCE THAT TIME, WE HAVE NOT BEEN ABLE TO IDENTIFY A FUNDING SOURCE TO DO SIDEWALK MAINTENANCE. SO WHAT WE ARE DOING NOW IS WE ARE JUST BASICALLY CAPTURING ALL OF THE AREAS THAT NEED THAT TYPE OF MAINTENANCE AND WE ARE WAITING FOR THE BOND HOPING THAT IT WILL PASS AND THEN WE WILL IMMEDIATELY DISPATCH OUR CREWS TO GO BEGIN FIXING ALL OF THOSE SIDEWALKS.

McCracken: I GUESS THE ANSWER IS WE SPEND \$0 ON SIDEWALK MAINTENANCE?

THE WAY WE HANDLE IT IS ON AN EMERGENCY BASIS. IF WE GET A CALL ABOUT A HAZARDOUS SIDEWALK AND WE GO OUT IMMEDIATELY AND TAKE CARE OF IT, SOMETIMES UNFORTUNATELY WE ARE NOT EVEN ABLE TO PUT CONCRETE BACK. WE PUT ASPHALT BACK. BUT WHAT WE ARE DOING IS WE ARE KEEPING TABS ON ALL OF THOSE AREAS AND THEN WE WILL GO BACK AND DO A PROPER REPAIR ASSUMING THE -- THE BOND PASSES.

McCracken: THIS IS NOT A CRITICISM OF YOU. THIS IS IMPORTANT INFORMATION, THOUGH THAT IS -- FOR OUR POLICY DIRECTION. IF WE ARE SPENDING \$0 TO MAINTAIN A PART OF OUR TRANSPORTATION SYSTEM THAT FOLKS IN WHEELCHAIRS RELY, FOLKS IN STROLLERS, INCREASING A PART OF OUR TRANSPORTATION SYSTEM, IF WE SEND ZERO BUCKS A YEAR ON THAT, THAT'S A REAL AN DID..... ABDICATION OF RESPONSIBILITY, WE NEED TO FIX THAT.

Futrell: WE NEED TO DO A BIT OF A CLARIFIER ON THIS. I CAN'T REMEMBER WHEN IT WAS, MID TO LATE 90s, OUR CODE SAID THAT BASICALLY SIDEWALK WAS THE RIGHT-OF-WAY WAS THE RESPONSIBILITY OF THE PROPERTY OWNER IN FRONT OF IT. WHAT WE FOUND IS THAT SIDEWALK MAINTENANCE WASN'T HAPPENING BECAUSE OF THAT.

McCracken: THAT'S ONE OF THE REASONS WHY WE

HAVE SUCH BAD SIDEWALKS.

Futrell: THAT WAS CHANGED THEN OF COURSE THE DOWNTURN HIT NOT MUCH LONGER AFTER THAT. YOU ARE RIGHT, NO PROGRAM DOLLARS FOR IT. WE USE SOME OF THE QUARTER CENT MONEY, SOME OF THE PAST BOND DOLLARS PARTICULARLY ON ARTERIALS. THAT'S WHERE YOU WOULD SEE US DOING WORK PRIMARILY UNTIL JUST RECENTLY ON TRYING TO EITHER PATCH, CORRECT OR FILL IN GAPS ON SIDEWALKS. BUT CERTAINLY IF YOU WERE IN NEIGHBORHOODS OR ON NEIGHBORHOOD COLLECTORS, YOU WERE COMPLETELY ON YOUR OWN FOR IT. THAT HAS JUST RECENTLY CHANGED WITH OUR NEW SIDEWALK CREWS AND WE ARE HOPING FOR THE NEW BOND DOLLARS AS A WAY TO BEGIN OUR FUNDING.

I WOULD SAY FROM A FISCAL MANAGEMENT STANDPOINT, IT'S TYPICALLY CONSIDERED TO NOT BE AN OPTIMAL POLICY TO USE ONE-TIME FUNDS OR BOND FUNDS FOR MAINTENANCE. I THINK THAT HAS BEEN A VERY LEGITIMATE CRITICISM OF THIS FISCAL SITUATION WE FIND OURSELVES IN THIS BOND ELECTION IS. WE ARE HAVING TO DEVOTE TOO MUCH MONEY TO MAINTENANCE IN THE BOND ELECTION BECAUSE WE ARE NOT -- WE ARE NOT MEETING THE ONGOING ANNUAL RESPONSIBILITIES OF FUNDING BASIC MAINTENANCE. SO I THAT YOU WOULD BE VERY HELPFUL AS WE GO INTO NEXT YEAR'S BUDGET PLANNING TO -- TO START COMING UP WITH A -- WITH SOME INFORMATION ON GETTING ABOVE \$0 ON ANNUAL SIDEWALK MAINTENANCE.

Futrell: WHY DON'T WE GIVE YOU SORT OF A FULL ASSESSMENT. THERE IS NO DOUBT TAKE WE HAVE NOT HAD IDENTIFIED FUNDS FOR AN -- OF ANY KIND OF THOROUGH OR AGGRESSIVE PROGRAM HERE. LET'S GIVE YOU AN ASSESSMENT OF WHAT FUNDS WE HAVE USED, WHERE WE ARE HEADED IN THE FUTURE.

FOR NEW SIDEWALKS OR FOR EXISTING --

MAINTENANCE OF SIDEWALKS. YOU ARE TALKING

ABOUT OLD SIDEWALKS.

RIGHT. BECAUSE WE HAVE SOMEHOW COME UP WITH A 10% OF OUR LANE MILE FIGURE FOR ROAD MAINTENANCE AND THAT REFLECTS THE CLEAR RESPONSIBILITY THAT WE HAVE IN THE ROAD SYSTEM, ANOTHER PART OF OUR TRANSPORTATION SYSTEM, PARTICULARLY AS WE MOVE TOWARD THE ENVISION CENTRAL TEXAS LAND USE PATTERNS IS THE SIDEWALK SYSTEM AND SO WE NEED TO HAVE SOME KIND OF INFORMATION OF POLICY MAKERS, WHAT IS OUR SHARE RESPONSIBILITIES FOR AN -- OUR BASIC RESPONSIBILITIES FOR OUR SIDEWALKS --

WE DO ABSOLUTELY GO OUT AND RESPOND IF IT'S HAZARDOUS. IF WE GET A CALL, YOU KNOW, THAT THERE'S A HAZARDOUS SITUATION. SO WE HAVE PUT MONEY INTO THAT.

Futrell: ONE THING THAT I WILL ADD INTO THAT ANALYSIS, THIS IS SO TRUE, WE ARE ALL LOOKING FOR ADDITIONAL SIDEWALKS TO BE BUILT, EVEN IN THE DEMAND FOR TRAFFIC CALMING, FOLKS WHO WANT ADDITIONAL TRAFFIC CALMING, SPEED CUSHIONS, WE RECENTLY HAD AN ASSESSMENT SHOWING IT WAS TIME TO DO MINUTES ON THE EXISTING SPEED CUSHIONS, OF COURSE THERE'S NO IDENTIFIED FUNDING FOR THAT.

McCracken: YEAH.

I ALSO WANT TO POINT OUT WE DO HAVE OUR PEDESTRIAN MASTER PLAN. WHAT WE ARE DOING WITH THAT WE ARE IDENTIFYING LOCATIONS WHERE SIDEWALKS DON'T EXIST. WE HAVE COVERED A GOOD DEAL OF THE AREA OF THE CITY. AND AS WE ARE GOING THROUGH THAT PROCESS, WE ARE ALSO PICKING UP IN THE SECOND PHASE AREAS WHERE THE SIDEWALK NEEDS TO BE REPAIRED. SO WE ARE DOING AN INVENTORY NOW, BUT THEN THE PROBLEM IS GOING TO BE FINDING THE FUNDING SOURCE. SO WE DO HAVE THAT. WE WILL BE ABLE TO GIVE YOU ALL OF THAT INFORMATION AS WE GO THROUGH WITH THIS PEDESTRIAN MASTER PLAN THAT WE ARE

DEVELOPING. IT'S A GIS SYSTEM AND IT'S GOT A LOT OF GREAT DATA.

McCracken: FINALLY I NOTE THAT -- COUNCILMEMBER LEFFINGWELL AND I HAVE DEVELOPED A -- A KEEN UNDERSTANDING OF THE FISCAL REALITIES OF OUR OTHER PUBLIC ORGANIZATION, WHICH WE SAID CAPITAL METRO AND I THINK THAT IT'S -- I KNOW THAT COUNCILMEMBER LEFFINGWELL AND I HAVE, YOU KNOW, BOTH BEEN ON THE RECORD SAYING THAT WE RECOGNIZE THAT CAPITAL METRO IS UNDER A -- MORE -- EVEN MORE SERIOUS BUDGET CONSTRAINTS THAN THE CITY OF AUSTIN IS, PARTICULARLY AS THEY -- AS CAPITAL METRO IS MOVING FORWARD WITH RAIL, MASS TRANSIT, WHICH ACTUALLY IS A GREAT GIFT TO THE CITY OF AUSTIN IN TERMS OF CREATING SIGNIFICANT TAX BASE. I MEAN, YOU LOOK AT THE BILLIONS OF DOLLARS OF TAX BASE AROUND THE TRANSIT ORIENTED DEVELOPMENT THAT THE RAIL STOPS ARE GOING TO CREATE, THAT IS A CAPITAL METRO PUTTING THAT IN PLACE AND CREATING THIS MASSIVE INCREASE IN OUR TAX BASE. SO I THINK THAT THERE IS A -- THERE ARE MANY COMPONENTS TO THAT PICTURE. THE BUSES TEAR UP OUR ROADS, THE RAIL SYSTEM IS GOING TO CREATE AN EXPLOSION OF TAX BASE AROUND THE RAIL STOPS SO, YOU KNOW, NOT TO MENTION THEY DON'T HAVE ANY REALLY -- [INDISCERNIBLE] I DON'T THINK THAT IS REALISTICALLY IN THE CARDS ON AN ONGOING BASIS. I THINK WE KNEW THAT DAY WAS GOING TO COME. WE HOPED IT WOULDN'T BE THIS YEAR BUT IT APPARENTLY IS.

Mayor Wynn: MAYOR PRO TEM?

Dunkerly: BACK TO THE SIDEWALKS, I KNOW THAT YOU WILL INCLUDE IN YOUR ANALYSIS THE FUNDS FROM OUR CHILD SAFETY PROGRAM WHERE YOU GET THE FINES FOR TICKETS IN SCHOOL ZONES GOING TO THE SPECIAL FUND. ARE THOSE FUN, I KNOW THEY CAN BE USED FOR SIDEWALKS AND AROUND SCHOOL, ARE THOSE PRIMARILY USED FOR NEW SIDEWALKS OR CAN YOU USE THAT TO REPAIR

SIDEWALKS AROUND THE SCHOOL?

WE PROBABLY COULD USE THAT TO REPAIR SIDEWALKS, TOO. MOST OF THE FOCUS IS GETTING KIDS TO SCHOOL BUT IN PRACTICE WE HAVE PROBABLY SPENT THE BULK OF THOSE DOLLARS ON NEW SIDEWALKS.

THANKS. FURTHER QUESTIONS OF MS. CREIGHTON?

THANK YOU, SONDRRA.

I AM TURN IT OVER TO CHRIS LIPPE, THE DIRECTOR OF THE AUSTIN WATER UTILITY, HE MAKES SURE THAT THE CITIZENS HAVE CLEAN DRINKING WATER, THANK YOU.

WELCOME, MR. LIPPE.

THANK YOU, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, MY NAME IS CHRIS LIPPE, THE DIRECTOR OF THE AUSTIN WATER UTILITY. I'M PLEASED TO PRESENT TO YOU THE COMING YEARS OPERATING AND CAPITAL BUDGETS. I BELIEVE THAT WE DO A LOT OF GREAT THINGS IN AND FOR OUR COMMUNITY. I'M GOING TO TAKE AN OPPORTUNITY TO SHARE SOME OF THOSE WITH YOU THIS AFTERNOON. OUR PRESENTATION TODAY WILL ALSO COVER OUR MISSION AND WHAT THE UTILITY DOES EVERY DAY. RESULTS OF THE CITIZENS SATISFACTION SURVEY, OUR BUSINESS GOALS FOR NEXT YEAR, PROJECTED REVENUES, EXPENDITURES, RATES, STAFFING LEVEL FOR NEXT YEAR AND KEY PERFORMANCE MEASURES TO SHOW YOU HOW WELL THE UTILITY MEETS ITS QUALITY AND REGULATORY REQUIREMENTS. FIRST LET ME GO OVER OUR MISSION WITH YOU AND IT MAY SEEM LIKE IN THE LAST FEW WEEKS THAT OUR MISSION IS FIXING WATER LINES THAT HAVE BROKEN AND WE HAVE SEEN A LOT OF THAT BROUGHT ON BY THE DROUGHT CONDITIONS OF THE SUMMER. I JUST WANTED TO RECOGNIZE OUR WATER MAINTENANCE CREWS FOR THE HEROIC EFFORTS THAT THEY ARE DOING IN REPAIRING THOSE LINES. THAT MAY SEEM LIKE OUR MISSION, BUT OUR MISSION IS ACTUALLY MUCH BROADER THAN THAT.

OUR MISSION IS TO PROVIDE EFFECTIVE MANAGEMENT OF OUR WATER RESOURCES FOR THE COMMUNITY IN ORDER TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT. SO TO ACCOMPLISH THIS MISSION WE PROVIDE A SAFE AND RELIABLE SUPPLY OF WATER FOR COMMUNITY PURPOSES AND FOR THE PUBLIC SAFETY. WE PROVIDE WASTE WATER COLLECTION AND TREATMENT SERVICES IN AN ENVIRONMENTALLY RESPONSIBLE MANNER AND WE PRACTICE CONSERVATION, ENVIRONMENTAL RESPONSIBILITY, CUSTOMER SERVICE, COST EFFICIENCY AND CONTINUOUS IMPROVEMENT. I BRIEFLY WANT TO SHARE WITH YOU SOME OF THE THINGS THAT WE DO ON A DAILY BASIS TO -- TO MEET THE NEEDS OF THE CITY'S WATER RESOURCES AND WATER NEEDS AND FIRST OF ALL WE SERVE APPROXIMATELY 820,000 PEOPLE AND BUSINESSES IN THE AUTOMATIC METROPOLITAN AREA, WITH SLIGHTLY OVER A THOUSAND EMPLOYEES. OUR SERVICE AREA TOTALS APPROXIMATELY 450 SQUARE MILES AND INCLUDES PORTIONS OF TRAVIS, WILLIAMSON AND HAYS COUNTIES. WE MANAGE, PROTECT AND MAINTAIN OVER 30,000 ACRES OF WATERSHED AND PRESERVE LANDS. WE TREAT APPROXIMATELY 55 BILLION GALLONS OF POTABLE WATER AND 35 BILLION GALLONS OF WASTEWATER PER YEAR. TO DO THIS WE MANAGE AND OPERATE THREE MAJOR WATER TREATMENT PLANTS, THREE MAJOR WASTEWATER TREATMENT PLANTS AND EIGHT SATELLITE WASTEWATER TREATMENT PLANTS. WE MANAGE AND OPERATE A BIO SOLIDS MANAGEMENT PLAN THAT'S THE PRODUCER OF THE POPULAR COMPOST DILLO DIRT. WE MANAGE AND MAINTAIN A WATER DISTRIBUTION SYSTEM TOTALING 2,800 MILES OF MAINS. OVER 28,000 FIRE HYDRANTS AND STORAGE AND SYSTEM CAPACITY OF 250 MILLION 250 MILLION GALLONS. WE MANAGE AND MAINTAIN A WASTEWATER COLLECTION SYSTEM, 2400 MILES OF MAINS AND LIFT STATIONS. AUSTIN CITIZENS AND THE CUSTOMERS OF THE AUSTIN WATER UTILITY HAVE CONSISTENTLY EXPRESSED SATISFACTION WITH THE SERVICES PROVIDED. AS REFLECTED IN THE RATINGS FOR THE VARIOUS UTILITY SERVICES IN THE 2006 CITIZENS SURVEY. VERY HIGH RATINGS FOR CLEAN AND SAFE

QUALITY DRINKING WATER, FOR SATISFACTION WITH WATER AND WASTEWATER PROGRAMS ACROSS THE BOARD, SATISFACTION WITH WATER PRESSURE AT HOME AND TASTE OF YOUR DRINKING WATER. ALL OF THESE ARE RATED VERY HIGHLY AND SHOW IMPROVEMENT IN THE LAST YEARS. THE PROPOSED BUDGET IS DESIGNED TO MEET THE UTILITY'S MISSION, ALSO DESIGNED TO ACCOMPLISH A NUMBER OF BUSINESS GOALS. WHICH FOR THIS YEAR ARE ... ENSURE THE PROTECTION OF PUBLIC SAFETY, SAFETY AND FIRE PROTECTION. WE DO THIS BY OPTIMIZING WATER QUALITY AND OPERATIONS OF THE SYSTEM. FOR CONSERVATION, WHERE HE MAKE THE MOST OF OUR WATER SUPPLY BY EXPANDING OUR CONSERVATION PROGRAMS AND BY RECLAIMING AND REUSING OUR WATER RESOURCES. WE ALSO ENSURE PROTECTION OF THE ENVIRONMENT FOR EFFECTIVE COLLECTION, TREATMENT AND REUSE OR RELEASES OF TREATED WATER AND THROUGH LAND MANAGEMENT. FOR CUSTOMER SERVICE OUR GOAL IS TO STRENGTHEN AND MAINTAIN CUSTOMER SATISFACTION. WE ALSO SUPPORT CITY WIDE LAND DEVELOPMENT POLICIES, WE DO THIS THROUGH, FOR EXAMPLE, OUR SERVICE EXTENSIONS IN THE DESIRED DEVELOPMENT ZONE AND AN INTERESTING MEASURE THAT WE HAVE IS THAT OVER 85% OF ALL NEW APPROVED SERVICES, SERVICE EXTENSION REQUESTS, OVER 85% ARE LOCATED IN THE DESIRED DEVELOPMENT ZONE. NOW LET ME TURN TO THE NUMBERS. FOR THE SOURCES OF FUNDS IN OUR BUDGET, WE HAVE IDENTIFIED \$367.6 MILLION. WITH THE BEGINNING BALANCE OF 38.4 MILLION, THE REMAINING IS -- OF REVENUE IS 95% OF THE REVENUES COMING IN THIS YEAR COME FROM OUR BASIC WATER AND WASTEWATER SERVICE FEES, THE BILLS FOR WATER AND WASTEWATER. WE ALSO HAVE 2.5 MILLION OF INTEREST INCOME AND TRANSFERS INTO THE BUDGET OF \$8.8 MILLION, ALMOST ALL OF WHICH IS IN CAPITAL RECOVERY FEES TRANSFERRED INTO THE BUDGET, COLLECTED OVER THE LAST YEAR. THIS REQUIREMENT OF FUNDS RESULTS IN A RATE INCREASE PROPOSED OF 7.18% OF COMBINED WATER AND WASTEWATER AND LET ME GO OVER THE USES OF THE FUND NOW.

OUR BUDGET PROPOSAL IS \$341.5 MILLION. 43% OF THAT IS IN THE OPERATIONS AND MAINTENANCE. WHICH IS THE BASIC OPERATING WATER TREATMENT PLANTS, WATER AND WASTEWATER TREATMENT PLANTS, DISTRIBUTION, COLLECTION, THEN THE SUPPORT THAT GOES INTO THOSE OPERATIONS. DEBT SERVICE IS 41.2%. TRANSFERS OUT, \$53.2 MILLION AND LET ME JUST BREAK THAT DOWN FOR YOU. OUR -- WE TRANSFER EQUITY OR PAY AS YOU GO FUNDS TO PAY FOR OUR CAP IMPROVEMENTS PROGRAM AND THIS YEAR WE ARE TRANSFERRING TO THE CIP \$27.5 MILLION. WE ARE -- PROJECTED TRANSFER FOR THE GENERAL FUND IS \$22 MILLION. AND THE SUSTAINABILITY FUND IS \$3.2 MILLION. WE ARE PROPOSING AN INCREASE OF 3 F.T.E.'S AND THOSE F.T.E.S WILL BE TO GIVE US MORE ATTENTION ON OUR VALVES AND FIRE HYDRANT MAINTENANCE PROGRAM. LET ME TALK FOR A POSTPONEMENT ABOUT OUR CAPITAL IMPROVEMENTS PROGRAM. WE HAVE A FIVE YEAR C.I.P. SPENDING PLAN OF \$923 MILLION. THAT'S BROKEN DOWN INTO -- WE HAVE CATEGORIZED IT INTO BASICALLY EXISTING -- REPLACEMENT AND REHABILITATION OF EXISTING FACILITIES OR NEW FACILITIES . FACILITIES. MORE SPECIFICALLY 42% IS IN THE CATEGORY OF FOR EXISTING FACILITIES. REGULATORY COMPLIANCE AND AGING INFRASTRUCTURE. THAT'S \$385 MILLION. EXAMPLES OF THOSE PROJECTS ARE TREATMENT PLANTS, PUMP STATIONS, RESERVOIRS, LIFT STATIONS AND FOR THE -- FOR THE WASTEWATER COLLECTION SYSTEM AREA THE CLEAN WATER PROGRAM THAT YOU ARE FAMILIAR WITH, SO THOSE ARE FUNDS GOING TO REHABILITATION OR REPLACEMENT OF AGING INFRASTRUCTURE. ECONOMIC GROWTH AND ECONOMIC DEVELOPMENT WOULD BE THE NEW FACILITIES AND THAT'S 58% OF THE FIVE-YEAR C.I.P. SPENDING PLAN. OR \$538 MILLION. EXAMPLES OF -- OF THAT WOULD BE, ADDITIONAL CAPACITY, NOT REHABILITATION OF EXISTING FACILITIES, BUT NEW CAPACITY OF TREATMENT PLANTS, COLLECTION, DISTRIBUTION SYSTEM, SERVICED ANNEXED AREAS PUT INTO THIS CATEGORY, SERVICE EXTENSION REIMBURSEMENTS, WHICH WOULD BE \$06 MILLION OVER THE NEXT -- \$60 MILLION OVER THE NEXT FIVE YEARS AND RELOCATIONS FROM HIGHWAY,

COUNTY, CITY ROAD WORK PROJECTS, THAT REQUIRE THE RELOCATION OF OUR EXISTING LINES. THAT WAS A \$923 MILLION, FIVE YEAR C.I.P. SPENDING PLAN. AND THE NEXT SLIDE GIVES YOU A LITTLE BIT MORE INFORMATION ON THAT FIVE YEAR PATTERN. IN THE NEXT YEAR WE WILL BE LOOKING AT \$191 MILLION SPENDING PLAN. WE AVERAGE ABOUT 195 OVER EACH OF THESE FIVE YEARS. FOR THIS NEXT YEAR, THE MAJORITY, ABOUT 59% IS ON THE WASTEWATER SIDE. BUT AFTER THE CLEAN WATER PROGRAM WRAPS UP IN ANOTHER -- AFTER THE -- BY THE THIRD YEAR, YOU SEE THAT THE MAJORITY OF THE SPENDING SWITCHES BACK TO THE WATER SIDE OF THE UTILITY. AND AGAIN IT'S FOR THAT TOTAL OF \$923 MILLION. WE SPENT A MOMENT LOOKING AT A COUPLE OF PERFORMANCE MEASURE THAT'S WE ARE VERY PROUD OF. ONE OF THE KEY MEASURES FOR OUR DRINKING WATER QUALITY, THIS IS A MEASURE THAT'S USED BY REGULATORS TO ASSESS THE QUALITY OF OUR DRINKING WATER. WE ARE AT A -- ONLY ONE THIRD OF THE ALLOWABLE MEASURE FORTURE BIDTY IN OUR DRINKING WATER. SO THAT REPRESENTS A VERY HIGH QUALITY CLEAN SAFE DRINKING WATER FOR OUR CUSTOMERS, SO WE ARE VERY PROUD OF THAT. SIMILAR REGULATORY PERMIT REQUIREMENT FOR OUR WASTEWATER TREATMENT PLANTS, THE -- THAT MEASURES THE QUALITY OF THE TREATED EFFLUENT AND FOR THIS MEASURE IS BIO CHEMICAL OPTION [INDISCERNIBLE] ON DEMAND, ONLY 20% OR LESS OF THE REQUIRED AMOUNT OR THE MAXIMUM IS 10-MILLIGRAMS PER LITER, WE ARE AT TWO OR LESS. SO THAT REPRESENTS A VERY HIGHLY -- HIGH EQUALLY, HIGHLY TREATED WASTEWATER FROM OUR WASTEWATER TREATMENT PLANTS, BASICALLY IS RECLAIMED WATER, THEN BECOMES AVAILABLE FOR OUR REUSE PROGRAM. THIS NEXT SLIDE TRACKS THE HISTORY OF CUSTOMER GROWTH AND OUR -- THE NUMBER OF EMPLOYEES IN THE UTILITY. YOU CAN SEE THAT THE -- THAT THE TOP TWO LINES ARE BOTH WATER AND WASTEWATER CUSTOMERS GROWING TOGETHER THAT GROWTH OVER THAT TIME PERIOD FROM -- FROM THE FISCAL YEAR 92-93 TO THE CURRENT PROJECTED IS 36% INCREASE IN

THE -- IN THE CUSTOMER BASE FOR THE UTILITY. AND YOU CAN SEE THAT THE NUMBER OF EMPLOYEES HAS REMAINED FLAT OVER THAT TIME. THAT CUSTOMER GROWTH CARRIES WITH IT AS YOU MIGHT EXPECT NUMBERS OF MILES OF PIPE AND PUMP STATIONS AND LIFT STATIONS AND TREATMENT PLANTS TO OPERATE, SO THERE'S A WORKLOAD OF COURSE THAT GOES ALONG WITH THAT. SO WE ARE VERY PROUD THAT WE HAVE BEEN ABLE TO DO THAT MAINTAIN A 30% INCREASE WITH ONLY A 3% INCREASE OVER THAT SAME TIME PERIOD AGAIN, AND THAT REPRESENTS A LOT OF IMPROVEMENTS IN PRODUCTIVITY IN EFFICIENCY, BUT -- FOCUSING ON HYDRO MAINTENANCE, WE ALSO BELIEF THAT WE HAVE REACHED THE OPTIMUM POINT ON THIS, MOST LIKELY IN FUTURE YEARS WE NEED TO START ADDING SOME CREWS TO MAINTAIN THE RESPONSE TIMES AND CUSTOMER SERVICE IN THE WATER -- WATER AND WASTEWATER UTILITY. THE LAST SLIDE DOES -- DOES OUR COMPARISON OF AVERAGE MONTHLY BILLS FOR RESIDENTIAL CUSTOMERS IN TEXAS AND SOME OTHER NATIONAL CITIES THAT WE COMPARED TO. THE BILLS ARE BASED ON AUSTIN'S AVERAGE OF 8500-GALLONS OF WATER USAGE AND 5,000-GALLONS OF WASTEWATER FLOW PER MONTH. SO THAT'S AUSTIN'S AVERAGE CUSTOMER AND WE COMPARE ON THOSE SAME VOLUMES WITH THE RATES FROM OTHER CITIES. YOU SEE AUSTIN IN THE LOWER HALF, SOME OF THE OTHER MAJOR CITIES IN CENTRAL TEXAS ARE BELOW, THERE'S A COUPLE ABOVE. MOST OF THE CENTRAL TEXAS TOWNS ARE - - HAVE HIGHER RATES THAN AUSTIN WOULD. ALL OF THE CIRCUMSTANCES AND CONDITIONS AREN'T IDENTICAL. FOR EXAMPLE, SAN ANTONIO AND EL PASO BOTH HAVE HISTORICALLY HAVE USED MOSTLY GROUND WATER, EL PASO IS -- HAS GOTTEN TO THAT POINT WHERE THEY ARE NEEDING TO SHIFT TO AUGMENT WITH SURFACE WATER, THEY HAVE A GROWING SURFACE WATER PROGRAM AS SAN ANTONIO IS PLANNING TO DO WE KNOW. WE KNOW ABOUT THE -- THE PROGRAM THAT SAN ANTONIO HAS FOR -- FOR BUILDING SOME MAJOR WATER TREATMENT PLANTS AND MAJOR DISTRIBUTION SYSTEMS TO MOVE THAT WATER AROUND. SO THOSE -- THOSE CITIES ARE GOING TO

START SEEING THE -- THE RATE INCREASES THAT COME ALONG WITH MOVING TO THAT TYPE OF A SYSTEM. WHAT'S SHOWN HERE ARE EXISTING RATE. PROPOSED RATE IS 4.06 PER MONTH, THAT'S THE 7.5 COMBINED SYSTEM RATE INCREASE THAT -- THERE WILL BE A PUBLIC HEARING ON THAT TONIGHT IN A LITTLE WHILE. AND -- BUT THAT CONCLUDES MY PRESENTATION AND I WOULD BE PLEASED TO ANSWER ANY QUESTIONS.

Mayor Wynn: THANK YOU, MR. LIPPE, QUESTIONS FOR MR. LIPPE, COUNCIL? THANK YOU VERY MUCH.

MY PLEASURE TO INTRODUCE ACTING ASSISTANT CITY MANAGER JUAN GARZA FOR THE NEXT FEW HOURS. AND THE -- GENERAL MANAGER OF AUSTIN ENERGY, HE WILL BE NEXT.

WELCOME, MR. GARZA,.

THANK YOU, CHRIS, MAYOR, MAYOR PRO TEM. COUNCILMEMBERS, CITY MANAGER FUTRELL, I WAS GOING TO SAY CITY ATTORNEY DAVID SMITH, BUT HE'S NOT HERE! I OVERHEARD THE OTHER DAY DAVID CLAIM THANK PEOPLE TEND TO -- CLAIMING THAT PEOPLE TEND TO OVERLOOK THAT HE'S UP THERE WHEN THEY ADDRESS YOU, I WANTED TO DO MY PART TO CORRECT IT. IT'S MY PLEASURE TO GIVE YOU THE AUSTIN ENERGY PROPOSED BUDGET FOR 2007. AUSTIN ENERGY IS THE 10th LARGEST PUBLIC POWER UTILITY IN THE CUB. WE HAVE OVER \$3.1 BILLION IN ASSETS. WE GENERATE OVER A BILLION DOLLARS IN ANNUAL REVENUE. THE -- WE SERVE AN AREA OF 437 SQUARE MILES AND INCLUDE MOST OF THE CITY, BUT NOT ALL OF THE CITY AND PARTS OF TRAVIS COUNTY AND WILLIAMSON. THE TOTAL NUMBER OF CUSTOMERS IS ABOUT 372,000. IT FLUCTUATES EVERY DAY, BUT GENERALLY KEEPS GROWING. WE ADDED ABOUT 9,000 CUSTOMERS IN FACT LAST YEAR. THE -- IN TERMS OF HOW OUR CUSTOMER PROFILE LOOKS, WE ARE MOSTLY RESIDENTIAL. ABOUT 89% OF OUR CUSTOMERS ARE RESIDENTIAL. ABOUT 11 PERCENT BEING COMPRISED OF COMMERCIAL, INDUSTRY AND THE GOVERNMENTAL ACCOUNTS. BUT LOOK AT THE WAY THE REVENUE TURNS AROUND. THE

89% OF OUR RESIDENTIAL CUSTOMERS GENERATE 40% OF OUR REVENUE AND THE 11% OF THE REMAINDER GENERATE 60% OF OUR REVENUE. VERY IMPORTANT TO KEEP AN EYE ON THAT. JUST A ROUGH LOOK AT OUR BUDGET. OUR BEGINNING BALANCE IS STAYING ABOUT THE SAME, GOING DOWN, ABOUT 4.2% FROM 200 MILLION TO \$192 MILLION. WE EXPECT REVENUES NEXT YEAR OF \$1.1 BILLION. AND OUR EXPENDITURES ARE ROUGHLY ABOUT THE SAME, RIGHT UNDER THE PROJECTED REVENUE AND OUR ENDING BALANCE IS GOING TO SAY PRETTY MUCH AT THE LEVEL THAT WE STARTED THE YEAR. WE ARE PROPOSING -- F.T.E.'S OF -- OF 1,578, I AM ADDING TO THAT A REQUEST OF AN ADDITIONAL 26 F.T.E.'S FOR -- FOR THE ELECTRIC SERVICE DELIVERY SIDE AND I'LL TALK A LITTLE BIT ABOUT THAT LATER. LOOK AT OUR AUSTIN ENERGY BUDGET HIGHLIGHTS, I WANTED TO START OUT WITH ECONOMIC DEVELOPMENT BECAUSE THAT'S SO IMPORTANT TO US. AS WE HAVE GOTTEN INTO THAT, AS YOU ALL PROBABLY KNOW, WE FUNDED THAT PART OF THE BUDGET WE HAVE LEARNED THAT WE ARE IN THE MIDDLE OF -- OF JUST ABOUT EVERY SINGLE RECRUITMENT EFFORT THAT THE CITY DOES. SO WE ARE VERY PROUD TO BE A PART OF THAT AND WE HAVE LEARNED THAT IT ADDS TO OUR LOAD. SO IT'S -- IT'S DOLLARS THAT ARE VERY WELL INVESTED BY THE COMMUNITY. REGARDING THE HOLLY POWER PLANT CLOSURE WE ARE VERY MUCH ON TARGET TO CLOSE HOLLY AT THE END OF THIS NEXT FISCAL YEAR. YOU MIGHT REMEMBER WE PASSED A RESOLUTION ADOPTING SEPTEMBER 2007 AS CLOSURE TARGET AND WE ARE -- WE ARE RIGHT ON TARGET. A LITTLE BIT ON WORKFORCE DEVELOPMENT PLANNING, THE -- WITH THE AGING POPULATION, WE ARE SEEING A FLIGHT OF EMPLOYEES TO RETIREMENT AND TO OTHER INDUSTRIES SO THAT THE ENTIRE PUBLIC OR THE POWER INDUSTRY IS FACED WITH COMPETING WITH A DWINDLING NUMBER OF TALENTED AND SKILLED EMPLOYEES. THE RECENT MARKET ADJUSTMENT THAT WE DID FOR OUR EMPLOYEES HAS PUT US INTO A MUCH MORE COMPETITIVE POSITION TO CONTINUE TO ATTRACT FOLKS TO WORK FOR US. AND YOU MAY HAVE READ OF THE VENTURE WE ARE DOING WITH -- WITH AUSTIN

COMMUNITY COLLEGE AND CAPITAL IDEA IN EXPANDING THE AREAS THAT WE MARKET FOR NEW EMPLOYEES AND WE THINK THAT'S GOING TO BE VERY SUCCESSFUL. ROGER DUNCAN, AS I LIKE TO CALL IT, EVEN THOUGH IT'S OURS, NATIONAL CAMPAIGN FOR PLUG IN HYBRIDS IS VERY POPULAR, CONTINUES TO DRAW ATTENTION TO AUSTIN, AND IT IS NOW RECEIVED NATIONAL ACCLAIM AND WITH -- WITH TOYOTA ANNOUNCING IT'S INTENT TO -- TO BUILD AND SELL -- THE PLUG-IN HYBRID VEHICLE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

SOLAR INITIATIVE. NEXT TUESDAY WE WILL RELEASE THE R.F.P. FOR THE SOLAR COMPONENT THAT WE'VE BEEN TALKING ABOUT. AND WE EXPECT TO GET SOME GOOD INTEREST IN THAT. WE HAVE STRUCTURED THE R.F.P., BUT IT'S A PURCHASE POWER CONTRACT, BUT WE ARE PREPARED ALSO TO PURCHASE THAT IF THE OPPORTUNITY PRESENTS ITSELF. OUR CONSERVATION GREEN CHOICE PROGRAMS CONTINUE TO BE NATIONWIDE LEADERS AND OUR EMPLOYEES CONTINUE TO GARNER US NATIONAL ATTENTION AND GET US NATIONAL RECOGNITION FOR THOSE PROGRAMS. OUR UTILITY REVENUE BONDS WERE UPGRADE THIS LAST MAY. WE'RE VERY PROUD OF THAT. WE FINALLY ACHIEVED OUR DOUBLE A BOND RATING, EVEN IF IT'S JUST ACROSS THE BOARD, BUT ALL THE OTHER BOND RATING AGENCIES UPGRADED OUR BONDS, SEVERAL OF OUR COUNCILMEMBERS, THE MAYOR ATTENDED OUR PRESENTATIONS IN NEW YORK. WE'RE VERY PROUD TO HAVE ACCOMPLISHED THAT. SO WHAT DO OUR CUSTOMERS THINK OF US? I THINK IT'S NOT BAD. MOST OF OUR RATINGS ARE UP IN THE 70'S AND 80'S. IF YOU LOOK AT THE AMOUNT THAT THEY PAY FOR ENERGY, THEY'RE NOT TOO CLOSED ABOUT THAT, SO OVERALL IF YOU LOOK AT IT FROM THAT PERSPECTIVE, WE'RE DOING ALL RIGHT. I'M NOT AS PLEASED WITH THE TREND. IF YOU LOOK AT THE NEXT SLIDE, OUR TRENDS LAST YEAR WERE A NEGATIVE GENERALLY EXCEPT FOR OUR ENERGY CONSERVATION PROGRAMS. I THINK SOME OF THAT IS EXPLAINED BY A REALLY SPATE OF REALLY SEVERE STORMS THAT HIT US, EVEN THOUGH WE'VE HAD FAIRLY HOT WEATHER

LATELY, THOSE STORMS LAST YEAR REALLY, REALLY CUT INTO OUR BUSINESS, AND I THINK WE'RE SEEING SOME OF THAT. SO WHAT ARE WE GOING TO DO ABOUT THAT? WELL, WITH RESPECT TO RELIABILITY, WE'RE GOING TO FOCUS, RENEW OUR FOCUS ON PREVENTIVE MAINTENANCE. OUR TREE TRIMMING PROGRAM, WHICH YOU ALL APPROVED SOME MODIFICATIONS TO, WILL CONTINUE TO BE MODIFIED. AND ALTHOUGH AUSTIN ENERGY SETS THE GOLD STANDARD FOR THE ENERGY PROGRAM, WE'RE GOING TO CONTINUE TO DO BETTER. WE'RE GOING TO CONTINUE TO GROW. WE HAVE A STATUTORY DUTY TO SERVE. WE CONTINUE TO REFINE THE SYSTEM SO AS THE -- OUR CUSTOMER BASE GROWS, WE CAN JUST BALANCE THAT TO PROVIDE THE MOST STABLE POWER FOR OUR COUNTRIES. WE ARE PUTTING PRIORITY ON OUR SUBSTATIONS, ESPECIALLY OUR SUBSTATIONS THAT SERVE OUR YOUR CUSTOMERS AND WE ARE INVESTING A SIGNIFICANT AMOUNT OF DOLLARS IN THOSE ACTIVITIES. AND WE ARE ADDING ADDITIONAL STAFF TO ELECTRIC SERVICE DELIVERY AS I SAID EARLIER, 26 EMPLOYEES, AND I'LL GET INTO DETAILS RIGHT NOW. REQUESTING 26 NEW F.T.E.'S AT A COST OF ABOUT TWO MILLION DOLLARS WILL FOCUS ON IMPROVING CYCLE TIME. WE WANT TO GET TO OUR SERVICE REQUESTS QUICKER FROM OUR CURMZ AND.... CUSTOMERS AND WE WANT TO FOCUS ON CUSTOMER SERVICE DISTRIBUTION AND TREAT LIGHTS. FOCUS ON SYSTEM, RELIABILITY GOT EIGHT EMPLOYEES GOING TO THAT, IMPROVE OUR METER MAINTENANCE AND RECORDS TO PROTECT THE SYSTEM REVENUE AND WE ALSO ARE GOING TO ADD FOUR EMPLOYEES TO OUR QUALITY IMPROVEMENT INITIATIVE. WE THITS IT'S REALLY ALL IT'S GOING TO TAKE TO GET US INTO THAT ASPECT OF IT. THIS IS VERY, VERY IMPORTANT TO US. WE UNDERSTAND THAT THE FRONTLINE OF KEEPING OUR CURMZ HAPPY IS THE MOST IMPORTANT TO PAY ATTENTION TO, AND THAT'S WHAT THIS INITIATIVE IS INTENDED TO DO. WITH RESPECT TO OUR CUSTOMER SERVICE, WHILE WE CONTINUE TO ENJOY VERY GOOD RATINGS THRRKS WE DID SEE THAT LITTLE DECLINE. WE ARE ADD TO GO OUR 311 CALL CENTER. AND THE NEW

FACILITIES FOR THE 311 CALL CENTER WILL BE USED JOINTLY ALONG WITH THE FACILITIES AT OUR MAIN BUSINESS CALL CENTER FOR JOINT TRAINING. WE EXPECT TO BE ABLE TO IMPROVE OUR SERVICES THERE. THE ADDITIONAL TOOLS, THE TELEPHONE AND SOFTWARE WILL ALSO ENABLE US TO BACK EACH OTHER UP SO THAT IN THE EVENT WE HAVE A PROBLEM IN ONE OF OUR OFFICES, THE OTHER OFFICE CAN PROVIDE BACKUP. THE BUILDING SYSTEM REPLACEMENT. OUR CUSTOMER INFORMATION SYSTEM, THAT IS THE GUTS OF WHAT WE DO TO KEEP TRACK OF OUR CAN YOU REMEMBER ACCOUNT, WAS PURCHASED BACK IN THE '90'S AND IT NEEDS TO BE REPLACED. IT'S ABOUT 10 YEARS OLD NOW, AND IT IS AN OLD TECHNOLOGY, THE NEWER TECHNOLOGY IS MUCH MORE FLEXIBLE. WE WILL BEGIN TO REPLACE THEM IN 2007. WE ARE DOING THE PLANNING FOR IT RIGHT NOW DISBHEERCHLTD SYSTEM. ONE OF THE THINGS, FOR EXAMPLE, THAT AUTOMATED METER READING WILL ENABLE US TO DO ALONG WITH THE CIS IS AT LAST WHEN CUSTOMERS CALL AND ASK US CAN YOU BILL ME ON A SPEFG DATE OF THE MONTH, WE WILL FINALLY BE ABLE TO DO THAT. BELIEVE IT OR NOT, THAT IS GOING TO GIVE US A LOT IN CUSTOMER SATISFACTION. AND WE INTEND TO PROMOTE OUR CONSERVATION REBATES A LITTLE BIT MORE STRONGLY NEXT YEAR AND FOCUSING ON THE HOMES THAT DON'T HAVE -- THAT SHOW BASED ON OUR RECORDS THAT THEY DON'T HAVE THE MOST EFFICIENT INSULATION. WHEN YOU LOOK AT THE VERY LOW CAN YOU REMEMBER SATISFACTION FOR OUR PRICES, IT'S KIND OF TOUGH TO UNDERSTAND BECAUSE AS YOU COMPARE US ACROSS THE STATE, WE HAVE ABOUT THE LOWEST RATES IN THE STATE. SAN ANTONIO BEATS US. THEY HAVE A LITTLE BIT BETTER THAN WE DO, BUT LOOK AT THAT ACROSS HOUSTON AND DALLAS. THEY'RE MUCH HIGHER THAN WE ARE. WE INTEND TO PROMOTE THAT WITH OUR CURMZ TO REMIND THEM THAT IN FACT THEY ARE GETTING ABOUT THE LOWEST RATES THAT THEY CAN GET OUT THERE IN THE INDUSTRY. I'M SURE SOME OF IT HAS TO DO WITH THE AMOUNT OF MONEY THAT PEOPLE ARE PAYING FOR FUEL IN YES OR NO. AND WHEN YOU LOOK AT OUR ENTIRE BILL, WATER,

SOLID WASTE, ALL THE CITY SERVICES THAT ARE BILLED IN ONE COMBINED BILL, SO THEY MAY HAVE AN EFFECT FOR TOMORROW. FINALLY WE WANT TO TALK ABOUT THE RETURN TO INVESTMENT NO THE COMMUNITY, WHICH WE CALL THE GENERAL FUND TRANSFER. WE EXPECT THAT TO GO UP BY ABOUT 10% NEXT YEAR. SO WE'RE GOING FROM \$77.4 MILLION UP TO \$84.5 MILLION. THAT TRANSFER GOES A LONG WAYS IN PROVIDING BASIC CITY SERVICES TO THE CITIZENS OF AUSTIN. I'M VERY PROUD TO HEAD UP AUSTIN ENERGY, I'M VERY PROUD TO HEAD UP A PROFESSIONAL AND VERY DEDICATED STAFF AND I WILL ANSWER ANY QUESTIONS YOU HAVE AT THIS TIME.

Mayor Wynn: THANK YOU, MR. GARZA. QUESTIONS OF MR. GARZ COUNCILMEMBER MCCRACKEN.

McCracken: MR. GARZA, WHAT IS THE STATUS OF THE ELECTRONIC CONTROL CENTER AND THE SUBSTATION ABOUT DECOMMISSIONING THAT AND PUTTING THAT INTO PRIVATE DEVELOPMENT?

WE ARE RIGHT NOW IN THE PROCESS OF ASSESSING A COUPLE OF SITES TO RELOCATE. ASSUMING WE CAN GET CONTROL OF A SITE, WE INTEND TO BEGIN TO MOVE VERY QUICKLY TO MOVE THE CONTROL CENTER TO ANOTHER PART OF TOWN. AS YOU KNOW, THAT CENTER HAS TO HAVE THE ABSOLUTE PUREST POWER WE CAN GET BECAUSE IT'S A NERVE CENTER FOR THE UTILITY, SO WE'RE VERY CAREFUL, BUT WE EXPECT TO BE MOVING THAT VERY QUICKLY.

McCracken: DO WE HAVE A TIME FRAME ON WHAT WE WILL HAVE THE TWO ITEMS DONE, THE CONTROL CENTER GONE AND THEN ABLE TO ISSUE R.F.P.'S FOR THE SALE OF BOTH OF THOSE PRIME DOWNTOWN BLOCKS?

THE TIME FRAME WILL BE AFFECTED SOMEWHAT BY THE NEGOTIATIONS ON ACQUIRING THE LAND. WE'RE LOOKING ACTUALLY AT FACILITY AND WE'RE LOOKING AT A GREEN SPACE. SO WE ACTUALLY HAVE AN OPTION TO EITHER BUILD OR TO MODIFY AN EXISTING FACILITY, BUT WITHIN

THE NEXT THREE OR FOUR YEARS WE'LL BE OUT OF THERE.

McCracken: IF THERE'S A WAY TO MOVE THAT UP FASTER, MY CONCERN IS IS THAT WE'RE IN A GOOD REAL ESTATE MARKET RIGHT NOW AND THOSE ARE TWO DOWNTOWN BLOCKS ALONG OUR NEXT RAIL LINE, NEITHER OF WHICH IS CON STRAINED BY THE CAPITOL VIEW CORRIDOR. SO WE HAVE A LOT OF VALUE FOR THE TAXPAYERS AND RATEPAYERS SETTING THERE THAT IS THE WINDOW FOR MAXIMUM CAPTURE CLOSING VERY QUICKLY. SO I THINK IT'S CRITICAL THAT WE EXPEDITE THAT, PARTICULARLY AS WE'RE IN A GOOD POINT IN THE REAL ESTATE CYCLE AND AS WE MOVE WITH ACROSS TOWN RAIL MASS TRANSIT.

IT WAS NOT SOMETHING ON OUR FIVE-YEAR CIP. WE MOVED IT UP AS A RESULT AND WE INTEND TO MOVE AS QUICKLY AS WE CAN.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?
COUNCILMEMBER KIM FKS.

Kim: THANK YOU, MR. GARZA. I HAVE A FEW QUESTIONS ABOUT AIR QUALITY FROM A CITIZEN, AND YOU MAY NOT HAVE THE ANSWERS RIGHT NOW, SO I'M JUST GOING TO READ THE QUESTIONS AND MAYBE YOU CAN GIVE ME -- JUST RESPOND IN GENERAL AND MAYBE GIVE ME MORE DETAILED ANSWERS LATER. I'D APPRECIATE THAT. THIS HAS TO DO WITH AIR QUALITY. AND I WANTED TO KNOW HOW MUCH WE'RE SPENDING ON AIR QUALITY EFFORTS OR IMPROVEMENTS THROUGH AUSTIN ENERGY? AND IF YOU COULD BREAK THAT DOWN BY PROJECT, I'D APPRECIATE THAT. AND ALSO, IF YOU COULD GIVE ME INFORMATION ON HOW EACH PROGRAM FURTHERS THE GOAL OF CLEAN AIR ACTION PLAN AND A LIST OF ALL THE CONTRACTS THE CITY HAS WITH NONPROFIT GROUPS TO ADDRESS AIR QUALITY, INCLUDING THE AMOUNTS AND THE SCOPE OF WORK, THE LENGTH OF THE CONTRACT AND THE GOAL TO BE ACHIEVED BY THE CONTRACT.

I DON'T HAVE THAT INFORMATION HANDY WITH ME,

BUT I WILL GET WITH YOU AS QUICKLY AS I CAN.
LET ME JUST SAY THAT WITH RESPECT TO AIR
QUALITY, THE FILTERS THAT WE'RE ADDING TO THE
FAYETTE PLANT WILL RUN IN EXCESS OF \$100
MILLION THAT WE INTEND TO INVEST. IT WILL
MAKE THAT PLANT ONE OF THE CLEANEST COLE
PLANTS IN THE ENTIRE COUNTRY.

..

Kim: OH, REALLY? IS WHEN IS THAT GOING TO BE?

THAT IS IN THE PLANNING PROCESS RIGHT NOW. DO
WE HAVE -- CHRIS, DO WE HAVE A SCHEDULE ON
THAT? 2006? 2010.

Kim: THANK YOU VERY MUCH.

Mayor Wynn: QUESTIONS, DISMENTS THANK YOU, MR.
GARZA. WELCOME MS. EDWARDS.

THANK YOU. MAYOR, MAYOR PRO TEM AND
COUNCILMEMBERS, I'M SUE EDWARDS, DIRECTOR
FOR THE ECONOMIC GROWTH AND
REDEVELOPMENT SERVICES OFFICE. WITH ME
TODAY ARE RODNEY GONZALES, OUR NEW
ASSISTANT DIRECTOR, AND MINDY GRIGGS, OUR
FINANCIAL MANAGER. AS YOU ARE AWARE, I AM
HERE TO PRESENT TO YOU A SUMMARY OF THE
2006-2007 PROPOSED BUDGET. RESEARCH HAS
SHOWN THAT UNLIKE MOST CITIES, THE CITY OF
AUSTIN VIEWS ECONOMIC DEVELOPMENT FROM A
DIFFERENT PERSPECTIVE. SEVERAL YEARS AGO
YOU THE COUNCIL RECOGNIZED THE SYNERGISTIC
RELATIONSHIP THAT EXISTS BETWEEN
TRADITIONAL ECONOMIC DEVELOPMENT, THE
SMALL BUSINESS TRIPP AND THE CREATIVE CLASS.
THE ECONOMIC GROWTH AND IS REDEVELOPMENT
SERVICES OFFICE IS ORGANIZED AROUND THIS
PREMISE. THE OFFICE IS COMPRISED OF THREE
MAJOR DIVISIONS, ECONOMIC GROWTH AND
REDEVELOPMENT, SMALL BUSINESS DEVELOPMENT
AND CULTURAL ARTS WHICH INCLUDES MUSIC,
FILM AND VARIOUS ASPECTS OF MEERING --
EMERGING TECHNOLOGY. THE ECONOMIC GROWTH
DIVISION WORKS WITH THE VARIOUS CHAMBERS OF

COMMERCE ON ECONOMIC DEVELOPMENT INITIATIVES AND EVALUATES COMPANIES AND MIXED USE DEVELOPMENT PROJECTS WITH RESPECT TO INCENTIVE REQUESTS. WE WORK CLOSELY WITH THE DOWNTOWN AUSTIN ALLIANCE AND THE DOWNTOWN AND SIXTH STREET PUBLIC IMPROVEMENT DISTRICTS. WE ARE RESPONSIBLE FOR MONITORING PERFORMANCE CRITERIA AND ACTING AS THE LIAISON FOR THE CITY ON VARIOUS ONGOING ECONOMIC DEVELOPMENT PROJECTS. YOU'VE HEARD MANY TIME NOW THAT SMALL BUSINESS IS THE CORE OF OUR ECONOMY. THE SMALL BUSINESS DEVELOPMENT PROGRAM WAS SPECIFICALLY CREATED TO PROVIDE INFORMATION AND ASSISTANCE TO THE SMALL BUSINESS OWNER. THE PROGRAM, LOCATED AT ONE TEXAS CENTER, COMBINES A BUSINESS SOLUTION CENTER DESIGNED FOR SMALL BUSINESS OWNERS AND ENTREPRENEURS AND ONLINE PC LAB FOR CLASSROOM TRAINING AND A PLANNING ROOM THAT PROVIDES COMPUTER ACCESS TO PUBLIC AND PRIVATE CONSTRUCTION DOCUMENTS STATEWIDE. WE MARKET THESE SERVICES TO THE SMALL BUSINESS DEVELOPMENT WEBSITE THROUGH PLACING BOOTHS AT VEENTS AND TRADE SHOWS LIKE THE AUSTIN TECHNOLOGY VILLAGE THAT WAS A PART OF THE WORLD CONGRESS ON INFORMATION TECHNOLOGY. THROUGH PRESENTATIONS TO SMALL BUSINESS NETWORKING GROUPS, THE TEXAS WORKFORCE COMMISSION AND THE AUSTIN INDEPENDENT BUSINESS OWNERS ALLIANCE. WE HOST AN INDUSTRY SPECIFIC CONFERENCE AND A MEET THE LENDER EVENT EACH YEAR. THIS YEAR THE MEET THE LENDER EVENT ATTRACTED OVER 500 PARTICIPANTS AND INCLUDED EXHIBITS BY 19 BANKS AND SIX COMMUNITY LENDERS. THE CULTURAL ARTS PROGRAM INCLUDES CULTURAL ARTS CONTRACTING, ART IN PUBLIC PLACES, MUSIC AND FILM AND THE INTERNATIONAL AND SISTER CITIES PROGRAMS. THE FUNDING FOR THE CULTURAL ARTS CONTRACTS DROMZ THE HOTEL-MOTEL TAX AND IS IN ADDITION TO THE DOLLARS YOU SEE IN THE EXPENDITURE BUDGET. THE CULTURAL ARTS FUND ESTIMATED FOR 2006-2007 IS \$4.2 MILLION. THIS YEAR THE CITIZENS SURVEY INCLUDED TWO

QUESTIONS THAT RELATED TO EGRSO. WHEN CD ABOUT THE VITALITY OF DOWNTOWN, 84% SAID THAT THEY ARE SATISFIED WITH WHAT IS HAPPENING IN THE DOWNTOWN AREA, WHICH TRANSLATES INTO AN OVERALL TWO DWLEERCHS .6 PERCENT AND A SATISFACTION RAIGHT. AND WHEN ASKED ABOUT THE CITY'S ECONOMIC DEVELOPMENT EFFORTS, 72.7% OF THE COMMUNITY RESPONDED POSITIVELY. GERNGS LOOKING -- AGAIN, LOOKING AT THE RATING SINCE THE FIRST TIME THE QUESTION WAS ASKED, THE INCREASE IS 10.7%. THESE MEASURES REFLECT BOTH INTEREST IN AND SATISFACTION WITH TWO OF THE GOALS THAT WE HAVE ESTABLISHED. THE PROPOSED BUDGET FOR FISCAL YEAR 2006-2007 IS APPROXIMATELY \$5.7 MILLION. A 1.7% INCREASE OVER THE PREVIOUS YEAR. EGRISO IS REQUESTING TWO NEW F.T.E.'S, A SENIOR DEVELOPMENT DDOWNL THE SMALL BUSINESS DEVELOPMENT PROGRAM AND AN ART IN PUBLIC PLACES COORDINATOR. IF APPROVED THE DEPARTMENT WILL HAVE A TOTAL OF 39 F.T.E.'S. I WILL BE DISCUSSING THIS F.T.E. REQUEST IN DETAIL LATER ON IN THE PRESENTATION. WE'VE BEEN ASKED TO TALK ABOUT HIGHLIGHTS FOR NEXT YEAR AND THERE ARE STHEAFERL I THINK THAT ARE IMPORTANT TO MENTION HERE. EGRSO IS RESPONSIBLE FOR BOTH NEW AND ONGOING REDEVELOPMENT PROJECTS. FIVE OF THESE PROJECTS ARE PUBLIC-PRIVATE VENTURES, WHICH IN A VARIETY OF WAYS INVOLVE THE CITY. THE CITY IS CURRENTLY NOTING A DEVELOPMENT AGREEMENT FOR THE ENZYME REDEVELOPMENT -- THE SEAHOLM REDEVELOPMENT PROJECT WHICH WE ANTICIPATE BRINGING TO COUNCIL THIS FALL. THE PURCHASE AND SALE AGREEMENT FOR BLOCK 21 HAS BEEN SIGNED AND CLOSING ON THE PROPERTY SHOULD OCCUR BY THE END OF 2006. CRUX IS ANTICIPATED TO GYP IN THE SPRING AND SUMMER OF 2007. BLOCK 22 IS A LONG-TERM LEASE BETWEEN THE CITY AND AMLI RESIDENTIAL FOR THE DEVELOPMENT OF A MIXED USE EIGHT-STORY HI-RISE THAT WILL INCLUDE 1231 RESIDENTIAL UNITS AND STREET LEVEL RETAIL, A RESTAURANT AND ABOVE GROUND PARKING. CONSTRUCTION BEGAN IN MARCH OF THIS YEAR WITH AN

ESTIMATED COMPLETION DATE OF SPRING OF 2008. THE SECOND STREET RETAIL PROJECT IS AN AGREEMENT BETWEEN THE CITY, AMLI RESIDENTIAL AND URBAN PARTNERS, THE RETAIL DEVELOPER. TO DATE 97% OF THE AVAILABLE RETAIL SPACE HAS EITHER BEEN LEASED OR IS IN LEASE DEVELOPMENT, I THINK ABOUT 83 TO 87% OF THAT HAS ACTUALLY BEEN LEASED. THE REDEVELOPMENT OF MUELLER IS IN ITS SECOND YEAR IMPLEMENTATION. CATELLUS TOOK DOWN 62 ACRES OF LAND THIS FISCAL YEAR, SELECTED THEIR FIRST MULTI-FAMILY AND RESIDENTIAL DEVELOPERS AND HAVE ACQUIRED SIGNED LEASES FOR A LARGE PART OF THE RETAIL SPACE LOCATED ADJACENT TO I-35. CURRENTLY IN DEVELOPMENT ON THE SITE ARE THE DELL CHILDREN'S MEDICAL CENTER, THE RONALD MCDONALD HOUSE, ARE ARE THE SOUTHWEST EDUCATIONAL DEVELOPMENT LAB OFFICE BUILDING, A MEDICAL OFFICE BUILDING, THE VISITORS CENTER AND THE LAKE PARK. IN ADDITION IT IS ANTICIPATED THAT THE LEASE FOR THE UNIVERSITY OF TEXAS FOR THE DELL PEDIATRIC RESEARCH NEWT WILL BE SIGNED IN OCTOBER. OTHER ONGOING PROJECTS THAT EGRSO IS CURRENTLY INVOLVED WITH INCLUDE THE DOMAIN LOCATED AT BRAKER LANE AND BURNET ROAD SCHEDULED TO OPEN WITH NEIMAN MARCUS AS THE ANCHOR TENANT IN THE SPRING OF 2007. THE TRIANGLE LOCATED AT 38TH AND LAMAR. ROBERTSON HILL LOCATED BETWEEN EIGHTH AND 11th STREET AND FINALLY THE DEMOLITION OF THE INTEL BUILDING SHELL, WHICH IS SCHEDULED TO OCCUR BEFORE THE END OF THE YEAR TO MAKE FWIE THE CONSTRUCTION OF THE NEW FEDERAL COURTHOUSE. WE ARE OFTEN ASKED ABOUT THE NUMBER OF ECONOMIC DEVELOPMENT INCENTIVES THE CITY PROVIDES. AND WHEN APPROVING INCENTIVES, THE COUNCIL HAS BEEN VERY THOROUGH IN ITS ECONOMIC ANALYSIS OF COMPANIES AND MIXED USE PROJECTS. THIS SLIDE SHOWS THAT SINCE 1991 THE COUNCIL HAS APPROVED 16 AGREEMENTS COMPARED TO SAN ANTONIO'S 67 AND DALLAS' 208. THERE ARE MANY WAYS I THINK THAT WE CAN TALK ABOUT ECONOMIC DEVELOPMENT; HOWEVER THRKS....., THIS SLIDE DESCRIBES THE INCENTIVES

AND BENEFITS DERIVED BY THOSE INVESTMENTS. ECONOMIC AGREEMENTS APPROVED BY COUNCIL THIS YEAR ALONE WILL OVER THE NEXT 10 TO 20 YEARS YOU PRODUCE COMPANY INVESTMENTS OF \$4.5 BILLION, PROVIDE INCREASES TO THE YUND TOTALING \$77 MILLION AND CREATE 1180 NEW JOBS. WE CONTINUOUSLY SEEK TO IMPROVE SERVICE DELIVERY, AND I WOULD LIKE TO TALK ABOUT THREE OF THE SEVERAL PLANT INITIATIVES FOR THE UPCOMING YEAR. THE FIRST INITIATIVE RESPONSE TO THE COUNCIL'S GROWING RECOGNITION OF THE ROLE THAT MEERING TECHNOLOGY PLAYS IN THE REGION, YOU HAVE REQUESTED AND TEXAS PERSPECTIVES IS IN THE PROCESS OF COMPLETING A REPORT ON THE FINANCIAL IMPACT OF THE ENTERTAINMENT, SOFTWARE AND DIGITAL MEDIA IN AUSTIN. EGRSO STAFF'S THE COUNCIL SUBCOMMITTEE ON MEERING TECHNOLOGY AND WILL CONTINUE TO EXPAND OUR PARTICIPATION IN THIS AREA. PHASE 3 OF THE DOWNTOWN RETAIL STUDY, WHICH IS A COLLABORATIVE EFFORT WITH THE DOWNTOWN AUSTIN ALLIANCE, WILL FOCUS ON THE REVIVAL OF RETAIL ON SIXTH STREET FROM I-35 WEST TO BOWIE. THE STUDY WILL ASSESS THE CURRENT RETAIL MIX IN THE CONTEXT OF AREA CHARACTERISTICS WITH AN EMPHASIS ON NURTURING THE LIVE MUSIC AND ENTERTAINMENT SCENE. THEY WILL DEVELOP -- IT WILL DEVELOP A PLAN FOR MERCHANDISING AND RECOMMEND AN IMPLEMENTATION STRATEGY. THE COUNCIL IS SCHEDULED FOR A BRIEFING ON THE FINDINGS OF THE CONSULTANT, ERA, IN OCTOBER. EARLIER THIS YEAR YOU APPROVED A CONTRACT WITH THE METROPOLITAN GROUP FROM PORTLAND, OREGON, WHICH WILL BE ASSISTING IN THE CITY WITH A DEVELOPMENT OF THE AUSTIN COMMUNITY CULTURAL PLAN. A TWO-YEAR COMMUNITY-WIDE PROCESS THAT WILL HELP TO DEFINE THE COMMUNITY VISION, POLICY FRAMEWORK, STRATEGY, STRUCTURE AND FUNDING NEEDS. THE PROCESS WHICH INCLUDES BROAD AND DIVERSE COMMUNITY INPUT WILL BEGIN THIS FALL. I PREVIOUSLY DISCUSSED THE BUSINESS SOLUTION CENTER THAT EXISTS TO PROVIDE ASSISTANCE TO THE SMALL BUSINESS OWNER. OUR EXPERIENCE

TELLS US THAT MANY SMALL BUSINESS OWNERS ATTEMPT TO START OR TO EXPAND THE BUSINESS WITHOUT UNDERSTANDING HOW THE CITY'S DEVELOPMENT, PERMITTING AND ZONING REGULATIONS CAN IMPACT THEIR PLANS. THIS OFTEN LEADS TO UNEXPECTED DELAYS AND EXPENSES, AND IN SOME INSTANCES, THE BUSINESS MAY NOT BE ABLE TO MOVE FORWARD AS PLANNED. THE BUSINESS SOLUTION CENTER IS PILOTING A SERVICE CALLED DEVELOPMENT, INFORMATION RESOURCES THAT ASSISTS SMALL BUSINESS OWNERS IN UNDERSTANDING AND NAVIGATING THE CITY'S DEVELOPMENT REVIEW, PERMITTING AND ZONING PROCESS AND FACILITATES PROBLEM SOLVING MEETINGS BETWEEN THE SMALL BUSINESS OWNER, CONTRACTORS AND CITY DEPTZ. THE PROGRAM WILL OFFER RELATED EDUCATION MATERIALS, AN ORIENTATION CLASS AND HANDS ON GUIDANCE. TO BE ABLE TO IMPLEMENT THIS SERVICE, EGRSO IS REQUESTING ONE NEW F.T.E. THE SECOND F.T.E. REQUEST IS TO SUPPORT THE ART IN PUBLIC PLACES PROGRAM. IN 2002 THE PROGRAM WITH TWO F.T.E.'S WAS TRANSFERRED FROM THE PARKS AND RECREATION DEPARTMENT TO EGRSO. IN THE LAST FOUR YEARS THE ART IN PUBLIC PLACES PROGRAM HAS GROWN TO INCLUDE NOT ONLY ART IN PUBLIC PLACES, BUT THE PEOPLE'S ART GALLERY IN THE NEW CITY HALL AND THE CIVIC ART FUND. SO PROVIDE YOU WITH SOME CONTEXT FOR THE EXTEND OF THE PROGRAM, THE CITY HAS OVER 150 PIECES IN ITS PERMANENT ART COLLECTION AND THERE ARE 38 ACTIVE AIPP PROJECTS VALUED AT \$1.9 MILLION. THE AVERAGE DEVELOPMENT TIME FOR EACH OF THESE PROJECTS IS THREE YEARS, AND EACH STAFF MEMBER MANAGES BETWEEN 12 AND 15 PROJECTS AT ANY GIVEN TIME. THE SECOND PROGRAM, THE PEOPLE'S ART GALLERY IN CITY HALL, INCLUDES 115 WORKS OF ART BY 96 ARTISTS. THE GALLERY EXHIBITS ARE CHANGED EVERY 12 MONTHS AND THEY WILL BE CHANGING AGAIN THIS FEBRUARY. THE CURRENT EXHIBITS CALL FOR ARTISTS EVOKED MORE THAN ONE THOUSAND SUBMISSIONS WHICH WERE REVIEWED BY A FIVE-MEMBER SELECTION PANEL. EACH SELECTION MUST BE CATALOGUED AND INDIVIDUAL CONTRACTS

WRITTEN FOR EACH ARTIST. A PRINTED GALLERY GUIDE IS DEVELOPED FOR THE NEW EXHIBIT AND GUIDED TOURS FOR GROUPS ARE MADE AVAILABLE UPON REQUEST. THE THIRD PROGRAM THAT THIS STAFF ADMINISTERS IS A CIVIC ART FUND. DEVELOPERS WORKING WITH THE CITY AND PUBLIC-PRIVATE PARTNERS, HAVE DONATED IT HAD TO DATE OVER \$800,000 FOR THIS PURPOSE. THE AIPP STAFF WORK WITH THE DEVELOPERS THROUGHOUT THE PROCESS FROM THE CALL FOR ARTISTS TO ACTUAL PLACEMENT OF THE ART. THE FINAL SLIDE DEPICTS JUST A FEW OF THE DEPARTMENT'S MANY PERFORMANCE MEASURES. THE CITY FUNDED OVER 200 CULTURAL CONTRACTS THIS YEAR. ONE OF THE MEASURES OF SUCCESS IS THE 4.5 MILLION PEOPLE WHO EXTENDED THESE EXHIBITS AND PERFORMANCES. THE BUSINESS SOLUTIONS CENTER BEGAN OPERATIONS AT ONE TEXAS CENTER IN JUNE OF 2005. FISCAL YEAR 2006 WILL BE THE FIRST FULL YEAR OF DATA THAT WILL BE COLLECTED. BASED ON ACTIVITIES TO DATE, IT IS ANTICIPATED THAT IN FY 2007, THE DOLLAR VALUE OF CONTRACTS AWARDED TO CONTRACTORS USING THE BUSINESS SOLUTIONS CENTER WILL BE APPROXIMATELY \$12 MILLION AND THE NUMBER OF UNDUPLICATED VISITS TO THE CENTER WILL INCREASE BY 12 AND A HALF PERCENT. OUR CHARGE WHEN CREATED SIX YEARS AGO WAS TO SUPPORT ECONOMIC DEVELOPMENT, ASSIST THE SMALL BUSINESS OWNER AND THE ENTREPRENEUR, ENCOURAGE CULTURAL ARTS AND PRESERVE THE CHARACTER OF AUSTIN. IT IS STILL OUR CHARGE AND WE CONTINUE TO WORK ON IT EACH DAY. THIS CONCLUDES MY PRESENTATION. APPROXIMATE.

Mayor Wynn: THANK YOU. QUESTIONS?
COUNCILMEMBER MCCracken.

McCracken: THIS MAY BE PARTIALLY FOR YOU AND PARTIALLY FOR LAURA HUFFMAN. IT IS ON -- WHAT OUR STRATEGY OR WHAT POLICIES WE'RE IMPLEMENTING AT THE MOMENT RELATING TO TRANSIT ORIENTED DEVELOPMENT AND ALSO THE RELATED CONCEPT IS THE DISCUSSION ABOUT HOW WE'RE GOING TO FUND NEW RAIL INFRASTRUCTURE FOR RAIL AND TRANSIT IN THE CITY. CAPITAL

METRO HAS BEEN TALKING ABOUT TAXING INCREMENT FINANCING OR SOME KIND OF PARTNERSHIP, AND I KNOW THAT WE HAVE -- MY READ OF IT AT THE MOMENT IS THAT WE PROBABLY HAVE TWO SETS OF SKILLS THAT ARE NOT IN THE SAME AREA. ONE IS OUR PLANNERS AND THE OTHER FOLKS NR YOUR SHOP WHO DID ALL THE GREAT WORK ON MUELLER AND DOMAIN AND UNDERSTAND HOW THE REAL ESTATE ECONOMICS WORK. THOSE THINGS BETTER BE WORKING TOGETHER, SOIPT TO FIND OUT QUHA WE'RE DOING RIGHT NOW.

I THINK THAT'S PROBABLY A QUESTION FOR --

Futrell:.

COWRKS THE REASON YOU HAVE IS LAURA ON THE PODIUM IS SHE'S SEEN HOW IT'S BEEN BLENDED BETWEEN THE SKILL SETS APPEARED THE ISSUES THAT CROSS A NUMBER OF LINES. LAURA, I THINK PART OF IT WE PROBABLY NEED TO TWAWK ABOUT THE STUDY THAT WE'RE DOING TO PREP FOR ANY DISCUSSION.

THERE ARE PROBABLY SEVERAL DIFFERENT THINGS TO SAY HERE. THE FIRST IS THAT CHARLES BEHINDS IS CONDUCTING AN ECONOMIC ANALYSIS OF A PROPOSED CIRCULATOR SYSTEM IN THE DOWNTOWN AREA. THIS WOULD BE A SYSTEM THAT TAKES RAIL FROM THE CONVENTION CENTER OVER TO SEAHOLM AND UP THROUGH THE CAPITOL COMPLEX. CAPITAL METRO IS STUDYING OTHER ASPECTS OF A CIRCULATOR SYSTEM ADD THE QUESTION WE'RE ASKING IN THAT STUDY IS WHAT IS THE ECONOMIC BENEFIT, APART FROM WHAT WE'RE SEEING IN DO YOU WANT ALREADY, WHICH IS A DECIDEDLY POSITIVE BOOM, WHAT MORE WOULD A CIRCULATOR SYSTEM DELIVER TO US IN TERMS OF ECONOMIC BENEFIT? SO THAT'S THE QUESTION THAT CHARLES HYPIS IS ANSWERING APPEARED WE SHOULD HAVE THAT STUDY. THAT STUDY IS IN DRAFT FORM AND IT SHOULD BE FINALIZED IN THE NEXT SEVERAL WEEKS. AND IT'S A FAIRLY DETAILED STUDY HE'S EVALUATING ON A FRONTAGE BY PROJECT BASIS, WHAT'S HAPPENING

IN DOWNTOWN NOW. IT'S GOING TO PROVIDE A LOT OF GOOD BASELINE INFORMATION, ALSO FOR OUR DOWNTOWN PLAN, WHICH IS GOING TO BE UNDERWAY THIS YEAR. AND JUST TO GIVE YOU AN IDEA OF HOW WE MAKE CONNECTIONS BETWEEN THE ECONOMIC GROWTH AND REDEVELOPMENT SERVICES DEPARTMENT AND OUR OTHER PLANNING FUNCTIONS, THAT IS A MULTIDISCIPLINARY TEAM. IT INCLUDES PEOPLE FROM OUR URBAN DESIGN TEAM, IT INCLUDES PEOPLE FROM THE ZONING AND NEIGHBORHOOD PLANNING FUNCTIONS. IT INCLUDES MICHAEL KNOX FROM THE ECONOMIC GROWTH AND REDEVELOPMENT SERVICES DEPARTMENT THAT HAS A LONG HISTORY WITH DOWNTOWN ISSUES. IT ALSO INCLUDES FOLKS FROM IMLIK WORKS AS TRANSPORTATION EMERGES OVER AND OVER AGAIN AS A KEY ISSUE IN PLANNING.

AND OCCASIONALLY THE UTILITIES.

AND IN THIS CASE THE UTILITIES WILL BE VERY IMPORTANT BECAUSE WHAT'S HAPPENING UNDERGROUNDED IN DOWNTOWN IS EVERY BIT AS IMPORTANT AS WHAT'S HAPPENING ABOVE GROUND. SO THAT'S GOING TO BE A LARGE MULTIDISCIPLINARY TEAM. IN THAT CASE BECAUSE IT IS SUCH A STRONG COUNCIL PRIORITY, WE WILL ALSO PUT IN PLACE AN OVERSIGHT TEAM THAT WILL BE COMPRISED OF THE EXECUTIVES FROM THOSE TEAMS. WE TRY TO PUT TOGETHER A STRUCTURE THAT MAKES SENSE TO MOVE PROJECTS FORWARD, RECOGNIZES THE DEPARTMENTS THAT ARE GOING TO BE INVOLVED, BUT HAS THE APPROPRIATE EXECUTIVE FOCUS SO WE KEEP AN EYE ON YOUR POLICY PRIORITIES. AND THE OTHER OF T.O.D.'S, A NUMBER OF THINGS ARE GOING ON THERE. PROBABLY THE MOST IMPORTANT ASPECT OF T.O.D.'S IS THAT'S BEING MANAGED OUT OF THE HAVE NEIGHBORHOOD PLANNING FUNCTION. WE HAVE PEOPLE SITOGTHAT TEAM BECAUSE YOU WILL RECALL WE HAVE LAND PLING CONSULTANTS APPEARED PEOPLE HELPING US MAKE THE RIGHT CHASES FOR LAND PLANNING, BUT ONE OF YOUR STRONGEST POLICY GOALS IS TO ACHIEVE AFFORDABLE HOUSING. SO THERE WE SEE

MULTIDISCIPLINARY TEAMS AS WELL.

McCracken: IS THERE A FORMAL STRUCTURE AT THE MOMENT OR IS IT KIND OF AN AD HOC?

THERE'S A FORMAL STRUCTURE AND YOU'RE LOOKING AT THE EXECUTIVE SPONSOR AT THE PODIUM.

McCracken: AND HOW DOES THAT COMPARE TO I GUESS LIKE HOW WE STRUCTURE THE MUELLER TEAM?

IN SOME WAYS MUELLER WASN'T THAT DIFFERENT. WE INCLUDED PEOPLE FROM THE AFFORDABLE HOUSING GROUP. WE HAD NEGOTIATORS FROM OUR FINANCIAL OFFICE, WHICH I DIDN'T MENTION EARLIER, BUT WE ALWAYS INCLUDE SOMEONE AT THE EXECUTIVE LEVEL FROM OUR FINANCE DEPARTMENT ON THESE TEAMS SO THAT AS WE MOVE THROUGH THE FINANCES WE HAVE THAT EXPERTISE SITTING AT THE TABLE. AND IT ALSO INCLUDES FOLKS FROM THE ECONOMIC GROWTH AND REDEVELOPMENT SERVICES. SO WE'RE VERY USED TO THIS FORMAT. WE DON'T COMPRISE THE TEAMS EXACTLY THE SAME WAY EVERY TIME BECAUSE THE POLICY INTERESTS AND INTERESTS SHIFT. SEAHOLM IS THE SAME WAY. AND SEAHOLM WE HAVE FOLKS FROM A NUMBER OF DIFFERENT DEPARTMENTS WORKING TOGETHER. AS YOU KNOW, UTILITY ISSUES IMPORTANT IN SEAHOLM, BOTH WATER AND ELECTRIC, SO WE HAVE FOLKS HELPING US ON THOSE ISSUES, WE HAVE FOLKS FROM THE FINANCIAL DEPARTMENT HERE AT THE CITY, ECONOMIC GROWTH AND REDEVELOPMENT SERVICES, AND ANOTHER GROUP, WHEN THESE CULMINATE IN CONTRACTS, ANOTHER GROUP THAT ALWAYS HELPS US OUR LAW DEPARTMENT.

McCracken: A LOT OF US ON THE COUNCIL, MYSELF INCLUDED, HAVE A GREAT DEAL OF CONFIDENCE IN THE GREAT JOB THAT THE TEAM HAS DONE ON THE MANAGING THE MUELLER REDEVELOPMENT PROJECT FROM A PLANNING AND FINANCIAL STAND POINT, SO AS WE LOOK TO TAKE SOMETHING THAT IS A TOTAL HOMERUN, SUCCESS STORY INSIDE THE

CITY OF AUSTIN, HOWEVER IT'S STRUCTURED, THAT'S A GOOD EXAMPLE. SO WE'VE GOT THE OPPORTUNITY TO DO SOMETHING THAT LIKE ARTICLE TON, VIRGINIA HAS BEEN ABLE TO HAVE 76% OF NEW DEVELOPMENT GO IN AROUND THEIR TRANSIT ORIENTED DEVELOPMENT AREAS IN THE LAST I THINK 15 YEARS. 33% OF THEIR ENTIRE TAX BASE IN ARLG..... ARLINGTON IS CENTERED AROUND THE SEVEN PERCENT OF THE LAND AT THE RAIL STATION. THAT'S AN EXAMPLE OF WHAT THE MAYOR HAS BEEN PROVIDING GREAT LEADERSHIP ON AND PROVIDING THE OPPORTUNITY TO RADICALLY CHANGE OUR LAND USE PATTERNS AND ACHIEVE A COMPLETE WINDFALL FOR THE TAXPAYERS AT THE SAME TIME. SO I WANT TO MAKE SURE WE'RE AHEAD OF THE CURVE. WE'RE ALL WORKING TOGETHER ON STRATEGIES TO PARTNER WITH CAPITAL METRO, THE STATE, THE COUNTY AND ON WAYS TO DO WHAT ARLINGTON AND PORTLAND AND SAN DIEGO AND DENVER HAVE DONE, WHICH IS REALLY ACHIEVE SOME VERY IMPRESSIVE, FORWARD THINKING LAND USE CHANGES LINKING RAIL MASS TRANSIT, TRANSIT ORIENTED DEVELOPMENT AND WAYS TO HELP PAY FOR THAT AND THOSE INVESTMENTS.

I WOULD SAY THAT PROBABLY THE ONE THING, AND LAURA, EXPAND ON THIS IF YOU CAN. WHAT IS A LITTLE BIT DIFFERENT BETWEEN THE MUELLER TEAM AND WHAT WE'RE GOING INTO HERE IS ON THE MUELLER TEAM ALTHOUGH IT WAS CROSS-DEPARTMENTAL, MULTIDISCIPLINE, IT WAS ALL STILL WITHIN THE CITY OF AUSTIN'S CONTROL. AND IN THIS CASE WE ARE GOING TO HAVE MULTIPLE OUTSIDE EXTERNAL PARTNERS, CAPITAL METRO TO THE STATE TO U.T., WITH ANY HOPE THE COUNTY. AND THAT I THINK IS WHERE WE HAD SOME WORK TO DO ON HOW THAT STRUCTURE WORKS.

THAT'S EXACTLY THE DISTINCTION I WAS GOING TO MAKE. THE KEY DIFFERENCE WITH MUELLER, APPEARED IT WAS AN ENORMOUS ADVANTAGE APPEARED WE LEVERAGED IT EVERY STEP OF THE WAY, IS THE FACT THAT IT WAS A SINGLE LANDOWNER AND IT WAS US AND IT WAS A SINGLE DWOARP WHO HAS A NATIONAL REPUTATION FOR

WORKING WITH NEIGHBORHOODS, TAKING TRICKY SIDES AND THROUGH VERY, VERY -- PROBABLY UNUSUALLY COLLABORATIVE PROCESSES, MAKING SURE THAT THE CITY'S VALUES ARE ACHIEVED. SO WE HAD SOME VERY NICE ADVANTAGES THERE THAT WE WOAPT HAVE IN EVERY SINGLE TOD BECAUSE WON'T BE THE LANDOWNER. THERE WILL BE MULTIPLE LANDOWNERS. IT'S ALL THE MORE IMPORTANT IN THOSE AREAS.

AND MULTIJURISDICTIONAL AREAS AT PLAY.

McCracken: DESPITE FACT THAT THERE WILL BE MULTIPLE FUNDING SOURCES THROUGH MULTIPLE PUBLIC AGENCY PARTNERS THAT THEY WILL -- BECAUSE WE WERE THE ONLY LEVEL OF GOVERNMENT THAT HAS ANY LAND USE AUTHORITY WE'LL STILL BE THE MAIN SHOW IN TOWN WHEN IT COMES TO THE LAND YIEWRKS AND BECAUSE OF THAT WE WILL HAVE SUPERIOR EXPERIENCE IN THE ECONOMIC OF THAT FROM DOING THE DOMAIN, FROM DOING THE MUELLER REDEVELOPMENT AND THINGS LIKE THAT. SO I THINK THE MAIN THING I WANT TO MAKE SURE IS THAT WE'RE THINKING ABOUT THAT APPEARED WE'RE ABLE TO TAKE THE SUCCESSFUL TEAM APPROACH TO BE DEVELOPED, PARTICULARLY AT MUELLER, BUT ALSO AT DOMAIN, TO BE PUT AT WORK FOR THE TOD'S ADD THE COMING RAIL SPEANGS.

...EXPANSION.

WE'VE GONE FROM HANDLING ONE OR TWO OF THESE PROJECTS A YEAR TO HANDLING A DOZEN AT A TIME.

AND I'M NOT AWARE OF ANY TOD OF ANY SIGNIFICANCE ANYWHERE IN THE COUNTRY THAT DOESN'T HAVE PUBLIC INVESTMENT AND PUBLIC INFRASTRUCTURE. SO WE'VE GOT SEVEN OF THESE COMING ONLINE IN THE NEXT THREE YEARS, NOT COUNTING THE EXPANSION FROM AN URBAN RAIL SYSTEM. THIS IS JUST COMMUTER RAIL. SO I THINK WE ALL NEED TO BUCKLE OUR SEAT BELTS. THAT MEANS BEING READY FOR THE NEXT COUPLE OF

YEARS.

Mayor Wynn: MAYOR PRO TEM.

Dunkerley: I AGREE THAT THESE TOD'S AND DEVELOPMENT AROUND THEM WILL BE A VERY SIGNIFICANT CHANGE IN OUR COMMUNITY, AND I CERTAINLY THINK FOR THE BETTER. AS WE MOVE TOWARD WHATEVER PARTNERSHIP WE HAVE WITH ALL OF THE PLAYERS IN THIS ARENA, ONE OF THE THINGS I'D LIKE US TO KEEP IN MIND IS IS THAT FROM MY UNDERSTANDING WHAT THEY'RE LOOKING TO US FOR IS SOME CONTRIBUTION TOWARD THE CAPITAL COST OF THE INFRASTRUCTURE. AND I WOULD LIKE EVENTUALLY THAT DETERMINE WHAT THAT NUMBER IS. AND THEN HE GOES, FOR US TO BE ABLE TO LOOK AT IT AND SAY WHAT IS THE BEST WAY FOR THE CITY TO FINANCE ITS SHARE? SO MAYBE WE GO IN THINKING IT'S ONLY GOING TO BE A TIF, BUT WE MAY FIND ANOTHER WAY TO FIND THE SAME LEVEL OF REVENUE. IT'S THE TOTAL CONTRIBUTION THAT THEY ARE LOOK TO GO THEIR PARTNERS FOR TO HELP BUILD THIS INFRASTRUCTURE. AND THEN THE COUNCIL CAN FIGURE OUT FROM THERE WITH THE HELP OF THE FINANCE PEOPLE WHAT'S THE BEST WAY OF BEING A PARTNER IF THAT'S THE WAY THIS COUNCIL CHOOSES TO GO.

McCracken: IT WOULD BE HELPFUL FOR US TO KNOW WHAT IS THE STRATEGY TO PAY FOR THIS INFRASTRUCTURE. IT MAY BE THAT WE DO IT THROUGH GENERAL OBLIGATION BONDS. FOR INSTANCE, WE DON'T HAVE A LOT OF EXPERIENCE WITH RAIL TRANSIT IN THE CITY, AND CONSEQUENTLY WE'RE GOING TO RAMP UP ON OUR KNOWLEDGE LEVEL. WE KNOW THAT THE AMAZING TAX BASE IMPLICATIONS AND THE A LOT TO IMPROVE PEOPLE'S LIVES. WE JUST DON'T KNOW SOME OF THE PARTICULARS ABOUT HOW THEY'RE FINANCED ON THE PUBLIC SIDE. WE FINANCE OUR ROADS THROUGH GENERAL OBLIGATION BONDS, SO MAYBE IT'S THAT WE DO OUR SHARE OF RAIL WITH THAT TOO.

AND WE WILL DO TWO THINGS, ONE IS PROVIDE YOU WITH AS MANY THINGS AS WE CAN. THE SECOND THING IS TO KNOW VERY WELL WHAT HAS WORKED IN OTHER CITIES ACROSS THE COUNTRY. IN FACT, ONE OF THE FIRST THINGS THE CONSULTANT IS GOING TO HELP US DO IS IDENTIFY BEST PRACTICES AROUND THE COUNTRY AND FIGURE OUT WHAT ARE THE EXAMPLES WITH PEOPLE WHO DID A LOT OF THINGS RIGHT. ARE THERE CITIES THAT DID TWO OR THINGS WELL, REALLY OUTSTANDING WAYS THAT THEY PUT TOD'S TOGETHER? ONE OF THE THINGS WE'LL DO IS DEVELOP A PEER REVIEW SYSTEM WITH THOSE CITIES SO WE DON'T TAKE A LOOK AT THEM AS A CHART. WE HAVE A CHANCE TO TALK TO THE PEOPLE WHO IMPLEMENTED THE REGULATIONS AND LIVE WITH THE REGULATIONS AND FIND OUT HOW ALL THAT FIT TOGETHER TO MAKE THOSE THINGS SUCCESSFUL.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: WHO DO YOU THINK THAT REPORT WOULD BE READY?

THAT'S GOING TO BE A SEGMENT OF THE WORK THAT THE TOD CONSULTANT IS DOING. WHAT WE'RE ASKING THEM TO DO IS IDENTIFY BEST PRACTICES AROUND THE COUNTRY RIGHT NOW. THEN WHAT WE'LL DO IS WE'LL START CONTACTING COUNTIES, THOSE CITIES AND FIND OUT WHAT THEIR REGULAR LAINTIONS LOOK LIKE, HOW THEY HANDLED PUBLIC FINANCING, WHAT KIND OF PUBLIC FINANCING, WHO PROVIDED THE PUBLIC FINANCING, SEVERAL PEOPLE HAVE MENTIONED THERE'S MORE THAN ONE GOVERNMENTAL ENTITY INVOLVED. SO DID ALL THE GOVERNMENTAL ENTITIES PARTICIPATE? WE'LL BEGIN COLLECTING DATA. AS WE BRING THE TOD'S FORWARD, THEY'RE JUST BEGINNING THE TOD STUDY RIGHT NOW. YOU ALL APPROVED THAT CONTRACT ABOUT SIX WEEKS AGO. WE'RE JUST AT THE VERY BEGINNING OF THAT PROCESS, BUT IT'S PRETTY FAST TRACK. WE'RE HOPING TO BE ABLE TO DEVELOP THOSE LAND PLANS FOR YOU.

Kim: CAN YOU SHARE..... SHARE THAT INFORMATION?
HOW ARE WE GOING TO FINANCE THIS AND THE
PROPOSAL RIGHT NOW TO LOOK AT 50% FROM THE
STATE AND 50% FROM THE LOCAL ENTITIES, WHICH
WOULD BE SHARED AMONG THE COMMUNITIES
APPROXIMATE BASED ON A FORMULA TO BE
DECIDED IN THE FUTURE. THE QUESTION IS SHOULD
WE DO IT BY THE TRACK MILES OR SHOULD WE DO IT BY
BOARDING, BY THE NUMBER OF RIDERS FROM ONE
STOP TO ANOTHER. IT'S VERY CONFUSING FOR US.
EVERYONE WANTS TO PAY LESS AND GET THE MOST
BENEFIT IN TERMS OF THE STOP. AND IN AUSTIN
THAT WOULD BE ALL THE WAY FROM
GEORGETOWN DOWN TO OUR CENTRAL BUSINESS
DISTRICT, I THINK AROUND THE SEAHOLM SITE. SO IF
YOU CAN SHARE THAT INFORMATION AS IT COMES
AVAILABLE AND MAYBE WE'LL HAVE A BRIEFING
FOR THE RAIL CORRIDOR COMMITTEE MEMBERS AS
WELL BECAUSE I KNOW THEY WOULD BENEFIT
FROM WHAT WE'RE DOING FROM THAT RIGHT NOW.

I THINK SOME OF THE CHALLENGES FACING THAT
GROUP ARE GOING TO BE EVEN HARDER THAN
WHAT WE'RE FACING WITH THE RAIL AND THE
TODAY'S ALONG CAPITAL METRO BECAUSE THAT RAIL
IS FUNDED. SO IT'S A MATTER OF HOW YOU CAN
CREATE STATIONS AND STATION AREA PLANNING
THAT LEVERAGES THOSE INVESTMENTS WHEREAS IN
THIS CASE WE'RE TALKING ABOUT HOW YOU GET
THOSE ON THE GROUND INVESTMENTS THERE IN
THE FIRST PLACE.

..

Kim: RIGHT. I HAVE ANOTHER QUESTION ABOUT THE
SMALL BUSINESS SERVICES, AND I LIKE WHAT
WE'RE DOING FOR SMALL BUSINESSES AND I THINK
IT'S IMPORTANT THAT WE LET THEM KNOW THAT
WE'RE HERE TO HELP THEM. APPARENTLY WE
RECOGNIZE THE VALUE TO OUR ECONOMY, THE
PEOPLE THAT EMPLOY THE SERVICES, THE
IDENTITY OF AUSTIN IN OUR -- AND THE PRIDE WE
TAKE IN OUR LOCAL BUSINESSES. I AM INTERESTED
IN FUNDING A POSITION FOR A SMALL BUSINESS
OMBUDSMAN AND I'M THINKING OF -- I'VE BEEN
TALKING TO SOME OF THE OTHER

COUNCILMEMBERS OF REDEVELOPING THAT POSITION FOR A DEVELOPMENT COUNSELOR TO THIS MISSION, BUT AT THE SAME TIME I UNDERSTAND THE NEED FOR SOMEONE WHO IS GOING TO BE DOING A SITE PLAN OR OPENING A BUSINESS AND NEEDS TO KNOW THE PROCESS APPEARED CAN'T AFFORD SOMEBODY WHO KNOWS THE LAND DEVELOPMENT CODE, IF THERE IS ANYONE OUT THERE WHO UNDERSTANDS THE LAND DEVELOPMENT CODE, GIVEN ALL THE THINGS THAT WE'VE THROWN AT THE STAFF RECENTLY FROM DINE STANDARDS, McMANSIONS AND AFFORDABLE HOUSING AND ON AND ON AND ON. I WAS WONDERING IF SLT WATERSHED PROTECTION, SINCE WE'RE ADDING STAFF TO THAT FUNCTION, IF THERE'S SOME WAY THAT AS THEY ARE GOING THROUGH THAT CONSULTING PROCESS AND THEY'RE GOING TO STREAMLINE HOW THEY PERMIT THINGS, HOW THEY -- THE FLOW OF INFORMATION AT THE ONE STOP SHOP, MAYBE WE COULD TAKE SOME TIME TO LET THAT HAPPEN FIRST AND THEN MAYBE REVISIT THIS IN A YEAR AND SEE WHERE THE GAPS ARE BEFORE WE HIRE THAT PERSON.

I THINK THAT'S CERTAINLY A COUNCIL PREROGATIVE. ONE OF THE THINGS THAT WE FELT STROPGLY ABOUT IS THAT SINCE WE HAVE SINCE PILOTING THIS PARTICULAR PROGRAM SEEN A GREAT NEED FOR THAT. A THINK THAT I WOULD OFFER TO YOU IS THAT WE DO HAVE OTHER STAFF WHO COULD BE REDIRECTED TO DO WHAT YOU WERE TALKING ABOUT SPEFGLY TO ADVERTISE THE PROGRAM, BE OUT IN THE COMMUNITY, TALK ABOUT THE PROGRAM AND MAKE THAT THEIR FOCUS. WE HAVE SOME OF THAT NOW, BUT IT'S CERTAINLY, AS YOU SAID, NOT NEARLY AS MUCH AS WE WOULD LIKE TO HAVE. AND IF YOU WOULD ALLOW US, WE COULD TAKE A LOOK AT THAT AND POSSIBLY REDIRECT SOMEONE IN THE PROGRAM ALREADY IN THAT DIRECTION, AND AT THE SAME TIME SERVE THE NEEDS OF THE SMALL BUSINESS PEOPLE AS THEY COME IN WITH THIS POSITION THAT WE'RE REQUESTING.

SURE. I WOULD BE OPEN TO THAT AND SEEING YOUR SUGGESTIONS BECAUSE I THINK THE TWO

ARE JUST -- ARE EQUALLY IMPORTANT. THEY'RE VERY CRITICAL FOR SMALL BUSINESS, BUT I WAS THINKING OF ARE COMBINING THE TWO, BUT I REALLY THINK THEY'RE TWO DIFFERENT SKILL SETS. I THINK SOMEONE NEEDS TO KNOW THE DEVELOPMENT PROCESS, WILL BE IN THE OFFICE GOING THROUGH PAGES AND PAGES OF THE APPLICATION, MEDIATING AT THESE MEETINGS. THAT'S A DIFFERENT SKILL SET THAN SOMEONE WHO IS OUT THR, FRIENDLY, PROVIDING ADVICE, GETTING ANSWERS TO QUESTIONS FROM EVERYTHING FROM CODE ENFORCEMENT TO PUBLIC SAFETY TO PICKING UP THE GARBAGE, ALL THOSE THINGS THAT ARE NOT HAVING TO DEAL WITH THE DEVELOPMENT PROCESS. SO IF YOU WANT TO PROVIDE ME WITH MAYBE WHO WOULD BE ABLE TO DO THAT, BECAUSE IT IS A DIFFERENT TYPE OF ACTIVITY, WE DO NEED TO BE OUT THERE IN THE COMMUNITY AND GOING TO BUSINESS MEETINGS, CHAMBER MEETINGS, NETWORKING MEETINGS, GOING -- JUST VISITING STORES OR RETAIL AREAS AND JUST DOING THAT. I MEAN, I'VE HAD MY OWN STREET GREETINGS WHERE I PICK AN AREA, I VISIT SMALL BUSINESSES. EVERY TIME I GO THERE AND I ASK THEM HOW ARE YOU DOING? IS THERE ANYTHINGKY DO FOR YOU, I GET A LONG LIST OF THINGS FROM THOSE MEETINGS JUST BY STOPPING AND SAYING HELLO AND ASKING WHAT WE CAN DO FOR THEM. SO I THINK SOMEONE IN THE COMMUNITY NEEDS TO DO THAT BECAUSE THESE OARNZ JUST DON'T HAVE THE TIME TO PICK UP THE PHONE AND THEY HAVE ALL THESE OTHER COMPETING NEEDS IN RUNNING A BUSINESS. AND I THINK THAT FOR US TO HELP THEM IT'S REALLY HELPING OUR ENTIRE COMMUNITY.

IF YOU WOULD ALLOW US, WE WOULD WORK WITH THE CITY MANAGER TO DO THAT AND GET YOU SOME INFORMATION BACK ON HOW WE COULD MANAGE TO DO BOTH OF THOSE THINGS BECAUSE HAVE YOU DEFINED A NEED THAT WE TALK ABOUT THE NUMBER OF D/B/A'S THAT ARE IN OWE REASONABLED EVERY YEAR AND THERE'S -- REGISTERED EVERY YEAR AND THERE'S AN UNTOLD NEED. IT'S ALMOST IMPOSSIBLE TO SERVE. YOU'VE FOCUSED ON WHAT WE REALLY THINK IS

EXTREMELY IMPORTANT.

Kim: OKAY. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? STU...THANK YOU VERY MUCH. THANK YOU, MS. EDWARDS. SO COUNCIL, THAT CONCLUDES THIS PORTION OF THE FISCAL YEAR 2006-2007 BUDGET PRESENTATION. MR. STEPHENS, CAN YOU WALK US THROUGH -- -- WALK US THROUGH THE SCHEDULE NOW. DOES THIS COMPLETE THE FOURTH OF OUR --

YOU'VE HAD THE FULL PRESENTATION OF THE PROPOSED BUDGET AND THEN YOU'VE HAD THREE COMBINATIONS OF STAFF PRESENTATIONS, FOLLOWED BY PUBLIC HEARINGS, WHICH WILL BE CULMINATED TONIGHT. AND THEN JOHN, TALK THROUGH NEXT STEP.

AFTER THE -- YOU'LL HAVE THE HEARINGS TONIGHT, THE PUBLIC HEARING THAT THE CITY MANAGER SPOKE ABOUT, AND AFTER THAT WE'LL HAVE THREE -- WE HAVE THREE DAYS CEDED, SEPTEMBER 11TH RTION 12TH AND 13 FOTH THE ACTUAL BUDGET READINGS THEMSELVES AND WE WILL GO THROUGH THE PROCESS THAT WE NORMALLY GO THROUGH EVERY YEAR WHERE WE'LL TAKE THE CITY MANAGER'S PROPOSED BUDGET THAT WE HAVE BEEN DISCUSSING AND WE HAVE THE LONG LIST OF STRATEGIC ADDS THAT ARE UNFUND AT THAT POINT AND COUNCIL CAN CONSIDER ADOPTING THOSE AS AMENDMENTS TO THE PROPOSED BUDGET AND THEN THERE WILL BE A VARIETY OF OTHER THINGS THAT WE WILL ALSO TAKE UP AT THE AT THE SAME TIME. FOR EXAMPLE, THE ACVB MARKETING PLAN, THE RESOLUTION THAT WILL APPROVE THAT AND THEIR BUDGET AND RELATED ITEMS.

Mayor Wynn: GREAT. THANK YOU, MR. STEPHENS. WE LOOK FWOORD THAT. COUNCIL, THAT TAKES US TO 5:30, BUT PERHAPS WE COULD GET THROUGH THE CONSENT AGENDA, MR. GUERNSEY, SO GIVE FOLKS SOME LEAF AND LET THEM GO HOME BEFORE WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS.

VERY GOOD MAYOR AND COUNCIL: LET ME GO THROUGH OUR 4:00 O'CLOCK CONSENT ITEMS THAT WE CAN OFFER. UNDER ZONING ITEMS, ORDINANCES, PUBLIC HEARINGS ARE CLOSED, I CAN OFFER ITEM NUMBER 52. THIS IS CASE C-14-05 HAD 05-0151 FLEX 15. THE APPLICANT HAS REQUESTED A POSTPONEMENT OF THIS CASE AND THE NEIGHBORHOOD HAS AGREED. THIS POSTPONEMENT IS TO OCTOBER 5TH. ITEM 53 IS CASE C-14-06-0080, SAN JOSE LOFTS. THIS IS A VOANING REQUEST FROM MULTI-FAMILY RESIDENCE MODERATE HIGH DENSITY..... DENSITY NEIGHBORHOOD PLAN COMBINING DISTRICT TO CS-MU-CO-NP. THERE HAS BEEN AN GREARJTS PRIVATE AGREEMENT HAS BEEN SIGNED. I'LL JUST NOTE THAT IT ALSO INCLUDES TREE PROTECTION AND ALSO REFERENCES GREAT STREETS, SIDEWALKS AS PART OF THAT. SO THAT CONCLUDES THE PUBLIC HEARINGS THAT ARE CLOSED THAT I CAN OFFER CONSENT AT THIS TIME.

Mayor Wynn: COUNCIL, OUR CONSENT AGENDA ON THESE CASES THAT WE'VE ALREADY CONDUCTED AND CLOSED THE PUBLIC HEARINGS WILL BE TO POSTPONE ITEM NUMBER 52 TO OCTOBER 5TH, 2006, AND TO APPROVE ON SECOND AND THIRD READING ITEM NUMBER 53. I'LL ENTERTAIN THAT MOTION. MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER COLE TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER MARTINEZ TEMPORARILY OFF THE DAIS.

THESE ARE WHERE THE PUBLIC HEARINGS ARE OPEN. THE FIRST ITEM IS ITEM NUMBER 54, CASE C-14-06-0135, THE PRIVATE MINI STORAGE LOCATED ON CORRAL LANE AND 7116 SOUTH I-35 SERVICE ROAD SOUTHBOUND. THE STAFF IS REQUESTING A POSTPONEMENT OF THIS ITEM TO THE 28TH AND THE PLANNING COMMISSION HAS NOT YET CONSIDERED THIS -- ZONING AND PLATTING COMMISSION HAS NOT YET CONSIDERED THIS ITEM LAND CONSIDER IT SEPTEMBER FIFTH. THE NEXT ITEM IS ITEM NUMBER 55, CASE C-14-06-0116 FOR THE

PROPERTY LOCATED AT 1017 WEST SLAUGHTER LANE. THIS IS A VOANING REQUEST FROM DEVELOPMENT RESERVE OR DR DISTRICT ZONING TO LR DISTRICT ZONING. THE COMMISSION'S RECOMMENDATION ON THIS TIM IS IS TO GRANT NEIGHBORHOOD COMMERCIAL MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING FOR TRACT ONE AND LIMITED OFFICE MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING FOR TRACT 2. THE APPLICANT IS AGREEABLE TO THE COMMISSION'S RECOMMENDATION AND THIS IS READY FOR ALL THREE READINGS. ITEM NUMBER 56, WHICH IS CASE C-14-06-0.0.01..0136 WILL BE A DISCUSSION ITEM. ITEM NUMBER 57 IS CASE C-14-H-05-17, BAUGH-COLBY HOUSE. WE HAVE A NEIGHBORHOOD REQUEST FOR A POSTPONEMENT. THIS IS THEIR FIRST REQUEST. THE PROPERTY OWNER DOES NOT OBJECT AND THIS IS A POSTPONEMENT TO OCTOBER 5TH. ITEM 58 IS CASE C-14-06-129, THE PAVILION PARK AND RIDE EXPANSION FOR THE PROPERTY LOCATED AT 119 SFEFB RESEARCH BOULEVARD. THIS IS A REZONING REQUEST FROM PUBLIC OR P DISTRICT ZONING LIMITED OFFICE DISTRICT ZONING AND COMMUNITY COMMERCIAL DISTRICT ZONING TO GENERAL COMMERCIAL SERVICES DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT GENERAL COMERNL SERVICES CONDITIONAL OVERLAY OR CS-CO COMBINING DISTRICT ZONING FOR TRACT ONE AND LIMITED OFFICE COMBINING DISTRICT ZONE FOG TRACT TWO AND IT'S READY FOR CONSENT APPROVAL ON FIRST READING ONLY. ITEM NUMBER 59 IS CASE C-14-06-0104 WURKS OLYMPIC HEIGHTS WEST FOR THE PROPERTY LOCALLY KNOWN AS THE EAST TERMINUS OF YANDALL DRIVE. THIS IS A REZONING INTEREST FROM INTERIM RURAL RESIDENCE DISTRICT ZONING TO SINGLE-FAMILY RESIDENCE FOR TRACT ONE AND SINGLE-FAMILY RESIDENCE SMALL LOT CONDITIONAL OVERLAY COMBINING DISTRICT ZONE FOG TRACT TWO. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO GRANT THE SF-2 COMBINING DISTRICT ZONE FOG TRACT ONE AND THE OTHER FOR TRACT TWO AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE

READINGS. STUMENT.....ITEM NUMBER 60, CODY POOLS ON WEST PARMER LANE. THIS IS BE A DISCUSSION ITEM. NUMBER 61 IS CASE C-14-06-100, BULL CREEK APARTMENTS IS A VOANING REQUEST FROM MULTI-FAMILY RESIDENCE MODERATE HIGH DENSITY DISTRICT ZONING TO MULTI-FAMILY RESIDENCE HIGHEST DENSITY CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO GRANT THE MULTI-FAMILY RESIDENCE HIGHEST DENSITY CONDITIONAL OVERLAY OR... COMBINING DISTRICT ZONING. I'LL JUST NOTE THAT THE OWNER AND SOME ADJACENT NEIGHBORHOODS HAVE AGREED TO A HEIGHT LIMITATION OF 60 FEET AS A CHANGE TO THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION W THIS ONE CHANGE WE CAN OFFER THIS FOR CONSENT APPROVAL ON ALL THREE READINGS. AGAIN, THAT'S TO DECREASE THE HEIGHT THAT WAS RECOMMENDED BY THE COMMISSION FROM 65 FEET TO 60 FEET. ITEM NUMBER 62 IS CASE C-14-06128, THE AUSTEX REEVES PROPERTY. WE HAVE A REQUEST FROM THE NEIGHBORHOOD ASSOCIATION TO POSTPONE THIS ITEM. THE OWNER DOES NOT OBJECT AND THIS IS TO SEPTEMBER 28 ITS. THIS IS THE NEIGHBORHOOD'S FIRST REQUEST. I'VE JUST BEEN TOLD THAT BOTH PARTIES WOULD AGREE TO CHANGE TO OCTOBER 5TH.

Mayor Wynn: THANK YOU. SO THE CONSENT AGENDA ON THESE PUBLIC HEARING ZONING CASES WILL BE ON ITEM NUMBER 54 TO POSTPONE TO SEPTEMBER 28TH, 2006. TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASE 55. TO POSTPONE CASE 57 TO OCTOBER 5TH, 2006. TO CLOSE THE PUBLIC HEARING AND APROOCH ON FIRST READING ONLY ITEM 58. TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS ITEM 59. TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS ITEM 61, NOTING THE REDUCED HEIGHT LIMITATION OF 60 FEET AS NOTED BY MR. GUERNSEY. AND TO POSTPONE ITEM NUMBER 62 TO OCTOBER 5TH, 2006. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER COLE, SECONDED BY

COUNCILMEMBER MCCRACKEN TO APPROVE THE
CONSENT AGENDA AS OUTLINED. FURTHER
COMMENTS? COUNCILMEMBER MCCRACKEN.

McCracken: GREG, I WOULD LIKE FOR US TO ON THE
STORAGE ISSUE, ONE OF THE THINGS I'VE LEARNED
THROUGH MY WIFE IN WORKING WITH POLICE
OFFICERS IS THAT THERE'S A DEVELOPING
CONCERN IN LAW ENFORCEMENT THAT REALLY
THE EXPLOSION AND PROLIFERATION OF STORAGE
UNITS IS IS DRIVEN OVERWHELMINGLY THAT
THEY'RE BEING USED AS LOCATIONS TO FENCE
STOLEN GOODS, AS METH LABS AND FOR PURPOSES
LIKE THAT. AND SO I THINK IT WOULD BE HELPFUL
TO GET A HANDLE ON WHAT IS GOING ON WITH THIS
PROLIFERATION OUT OF NOWHERE OF STORAGE
IEWPTS, WHAT THEY'RE BEING USED FOR, SO WE
CAN GET A ACCEPTS OF WHETHER WE'RE AIDING
AND ABIT BET THRUG OUR LAND USE SOME
PROBLEMS FOR LAW ENFORCEMENT AND FOR OUR
COMMUNITY. SO I WOULD LIKE FOR US TO GET
SOME INFORMATION BACK FOR Y'ALL TO
COORDINATE WITH A.P.D. AND OTHER LAW
ENFORCEMENT UNITS TO FIND OUT WHAT'S GOING
ON. IT'S APPARENTLY EMERGING AS A BIGGER
CONCERN WITH LAW ENFORCEMENT.

WE CAN GET WITH A.P.D. FIND OUT WHAT THE LAND
USE PROBLEMS MIGHT BE WITH MINI STORAGE.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: JUST FOR CLARIFICATION, ON 61 IS THAT
THE ZONING AND PLATTING COMMISSION
COMMISSION'S RECOMMENDATION WITH THE 60-
FOOT HEIGHT LIMITATION?

THAT'S CORRECT.

Leffingwell: I WOULD NOTE THAT'S DIFFERENT FROM
THE STAFF.

RIGHT.

Mayor Wynn: THANK YOU, COUNCILMEMBER.
FURTHER COMMENTS ON THE CONSENT AGENDA?

WE HAVE A MOTION AND A SECOND ON THE TABLE. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. SO COUNCIL, THAT TAKES US JUST PAST OUR 5:00 THIRTY BREAK FOR LIVE MUSIC AND PROCLAMATIONS. STAY TUNED FOR ROSIE FLORES AND COUNCIL SHOULD BE BACK FOR OUR DISCUSSION, ZONING HEARINGS SHORTLY AFTER PROCLAMATIONS. THANK YOU VERY MUCH. THE COUNCIL IS TECHNICALLY IN RECESS.

Mayor Wynn: OKAY, FOLKS. WELCOME BACK TO THE WEEKLY LIVE MUSIC GIG. JOINING US TODAY IS ROSIE FLORES. HER MUSIC BLENDS THE BEST OF SURF, ROCK, COUNTRY AND BLUES WITH THE TRADITION NATIONAL SOUNDS OF HER MEXICAN-AMERICAN HERITAGE. HER REPUTATION HAS EARNED HER APPEARANCES ON SUCH NATIONALLY BROADCAST TELEVISION PROGRAMS AS OUR OWN AUSTIN CITY LIMITS AND LATE NIGHT WITH CONAN O'BRYAN. PLEASE JOIN ME IN WELCOMING ROSIE FLORES. [APPLAUSE] MUSIC MUSIC ... [MUSIC PLAYING] . [MUSIC PLAYING] . [MUSIC PLAYING] YOU CAN CLAP [APPLAUSE]

Mayor Wynn: WHERE CAN WE HEAR YOU NEXT AND DO YOU HAVE A WEBSITE WHERE WE CAN BUY CD'S.

YES, I HAVE ROSIEFLORES.COM. AND I PLAY TONIGHT AND THEN CHRIS SCRUGZ IS GOING ON LATER. AND EVERY THURSDAY I WANT TO LET EVERYBODY KNOW THAT I'M AT JIN ANNY'S LITTLE OWE JOEN ANNY'S LITTLE LONGHORN.

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Mayor Wynn: BEFORE YOU GET OUT OF HERE WE HAVE A SPECIAL PROCLAMATION THAT READS, BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DEVELOPMENT AND WHEREAS THE DEDICATED EFFORTS OF AUSTIN'S ARTISTS FURTHER OUR AT THAT TIME STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD, NOW

THEREFORE I, WILL WYNN, MIR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM TODAY AS ROSIE FLORES DAY IN AUSTIN AND CALL ON ALL SIT ACCEPTS TO JOIP ME IN CONGRATULATING THIS GREAT TALENT. FP [APPLAUSE]

THANK YOU. THANK YOU, WILL. THIS IS A GREAT DAY, REALLY BEAUTIFUL. THANK YOU, EVERYBODY. [APPLAUSE]

Mayor Wynn: SO WHILE ROSIE BREAKS DOWN OVER THERE, CITY MANAGER TOBY FUTRELL IS GOING TO JOIN ME BECAUSE I BELIEVE WE ARE GOING TO BE PREPTING AN AWARD BY ROLFE JENNINGS.

MAYOR, CITY MANAGER, THIS IS FROM THE CONCRETE REINFORCING STEEL INSTITUTE AND THE CONCRETE REINFORCING STEEL INSTITUTE FOR OVER 80 HERE'S AS REPRESENTED THE STEEL INDUSTRY AND FOR MORE THAN 40 OF THOSE YEARS WE HAVE BEEN PRESENTING DESIGN AWARS TO OUTSTANDING PROJECTS THROUGHOUT THE UNITED STATES. THIS YEAR WE HAD A BUMPER CROP OF OUTSTANDING AWARDS, BUT NONE ANY BETTER THAN THIS ONE. AND I WANTED TO TELL BARNEY TO PRESENT TO YOU OUR DISIEP AWARD FOR THE CITY HALL PROJECT. YOU ARE THE OWNER APPEARED WE ARE PROUD TO PREPT THAT TO YOU - - PRESENT THAT TO YOU. LATER ACROSS THE HALL WE WILL BE PRESENTING THE OTHER AWARDS TO THE PROJECT TEAM, THE ARCHITECTS, THE STRUCTURAL ENGINEERS, THE CONTRACTORS, BUT WE WANTED TO PRESENT THIS TO YOU. WE ARE SHONNED. THIS IS SUCH AN OUTSTANDING EXAMPLE. OTHER SORRY THAT THE ARCHITECT COULD NOT BE HERE. HE HAS HAD DOUBLE KNEE SURGERY. BUT WE JUST WANTED TO PRESENT THIS IN THE CHAMBERS AND WE THANK YOU SO MUCH FOR THE OPPORTUNITY. [APPLAUSE]

Mayor Wynn: JUST BRIEFLY, ONE, VERY VERY PROUD OF THIS AWARD. THE BUILDING HAS WON A NUMBER OF AWARDS AND MANY OF THESE CAN BE SEEN UPSTAIRS IN OUR LITTLE TROPHY CASE. VERY QUICKLY, IF YOU HAVEN'T ALREADY, I WOULD ENCOURAGE YOU IF YOU USE THE SECOND STREET

ENTRANCE TO THIS BUILDING, THERE'S A LARGE BRASS PLAQUE THERE THAT WE'RE VERY PROUD THAT THE CITY MANAGER HAD ESSENTIALLY HER ENTIRE TEAM WHO WORKED ON THIS PROJECT OVER A SPAN OF ABOUT FIVE YEARS NAMES INDESCRIBED ON THAT PLAQUE. WHERE NORMALLY FLANGE FRANKLY YOU ALWAYS HAVE THE MAYOR AND COUNCILMEMBERS' NAMES ON PLAQUES ON BUILDINGS, IT'S VERY APPROPRIATE THAT A VERY BROAD, LARGE GROUP OF CITY EMPLOYEES, EVERY CONCEIVABLE DEPARTMENT, WORKED IN SOME FORM OR FASHION ON THIS PROMG. IF YOU GET A CHANCE, SWING BY AND SEE HOW MANY FINE CITY OF AUSTIN EMPLOYEES HELPED DELIVER A GREAT BUILDING TO US AS A CITY. ON BEHALF OF THE CITY OF AUSTIN, THANK YOU ALL VERY MUCH FOR THIS AWARD. [APPLAUSE] FOR OUR FIRST OFFICIAL PROCLAMATION I'M JOINED BY LIEBEL HARELIK, BUT FIRST I'LL RIDE THE PROCLAMATION. BE IT KNOWN THAT WHEREAS TEXAS RANKS FIRST IN THE NATION FOR PROSTATE CANCER WHICH CAN BE A SILENT KILLER BECAUSE EARLY STAGES OF THE DISEASE HAVE NO SYMPTOMS AND WHEREAS THE DISEASE CAN BE ELIMINATED IF FOUND EARLY AND SO WE ENCOURAGE THE MEN OF AUSTIN TO BE INFORMED BY PROSTATE CANCER, TO GET SCREENED FOR THE DISEASE, ESPECIALLY IF THEY'RE OVER 50, AND TO TAKE THE NECESSARY STEPS TO PROTECT THEIR HEALTH. AND WHEREAS AUSTIN WILL SOON BE HOME TO A CANCER SURVIVORS PARK, A POSITIVE PLACE OF NATURAL BEAUTY REPRESENTING SURVIVORSHIP AND HOPE WHICH SURVIVORS OF ALL KINDS OF CANCER AND THEIR FAMILIES CAN ENJOY. NOW THEREFORE I, WILL WYNN, MAYOR OF AUSTIN, DO HERE BY PROCLAIM SEPTEMBER 2006 AS PROSTATE CANCER MONTH IN AUSTIN. AND NOT ONLY HEAR ABOUT HOW TO RAISE THE AWARENESS OF THIS CANCER AND WE'LL TALK ABOUT THE GREAT SURVIVORS PARK WHICH WILL BE IN WATERLOO PARK, I BELIEVE.

WE'RE STILL IN PLANK STAGES.

-- PLANNING STAGES.

THANK YOU, HONORABLE MAYOR, HONORABLE CITY. AND IT'S AN HONOR TO BE HERE, AND I HAVE TO TELL YOU THAT THE MAYOR HERE HAS BEEN ABLE TO TRACE MY SURVIVOR SHIP BECAUSE HE AND I HAVE BEEN TOGETHER ALMOST EACH YEAR THROUGH MY SURVIVORSHIP TO RECEIVE A PROCLAMATION. ABOUT FOUR AND A HALF YEARS AGO I RECEIVED THE DFG TERMINAL. I WAS GIVEN SIX MONTHS TO LIVE. I WAS TOLD TO GET THINGS IN ORDER. THERE WAS NO CURE. I WENT THROUGH SEVEN DOCTORS AND A MAJOR MEDICAL FACILITY SAYING WE'RE SORRY, COME BACK WHEN IT GETS WORSE. I HAVE TO TELL YOU I THOUGHT TO MYSELF, YOU KNOW SOMETHING, I GOD PERSONALLY APPEARED THEY WEREN'T GOD. AND SO I'M HERE TO TELL YOU I'M NOW COMING OUT -- I WANTLY, I AM IN MY SECOND BATTLE, I HAVEN'T BEEN ABLE TO TELL THE MAYOR YET, BUT I'M IN MY SECOND BATTLE WITH CANCER, IT DID COME BACK, BUT I WANT TO KNOW THERE'S AN EXCITING THING. THE DOCTOR TOLD ME YOU KNOW IF YOU'RE GOING TO GET CANCER AGAIN YOU'VE GOT THE BEST KIND. YOU'VE GOT THE CHANCE OF A CURE. AND RIGHT NOW I'M GOING THROUGH RADIATION AND I HAVE A GOOD CHANCE OF CURING MY CANCER. BUT THE REASON I'M HERE AND SPEAKING TO EACH OF YOU IS OUR CONCERN FOR EVERY CITY, PARTICULARLY AUSTIN, TEXAS, PARTICULARLY MINORITIES IN UNDERSERVED AREAS. IN THE AFRICAN-AMERICAN COMMUNITY THERE'S A 65% RATE OF DIAGNOSIS OF PROSTATE CANCER, TWICE THE DEATH RATE. IT'S A VERY SCARY NUMBER. THE PART THAT I WANT TO DO IN MY GOAL TO HELP OUR COMMUNITY IS WE DO CITYWIDE SCREENINGS, AND I LAST YEAR WORKED WITH THE "AUSTIN AMERICAN-STATESMAN", SETON HOSPITAL, THE CANCER CARE TEAM, MYSELF AND US TOO AND SCREENED -- WELL WE CAME OUT AT A NUMBER OF ABOUT 675 MEN FROM THE CITY, FREE SCREENINGS. THIS YEAR WE HAVE ANOTHER EXCITING ADVENTURE. LANCE ARMSTRONG AND THE CHALLENGE FOR THE CURE HAS COME ONBOARD. IN OCTOBER I WANT TO ANNOUNCE THAT WE'LL BE DOING FREE SCREENINGS FOR THE CITY AGAIN AND INVITE EVERYBODY TO COME PAY ATTENTION TO YOUR MEDIA AND WE WOULD LIKE

EVERYBODY TO WHO AVAILABLE IF YOU DON'T HAVE INSURANCE, IT DOESN'T MATTER, DON'T HAVE MONEY, IT DOESN'T MATTER. WE JUST WANT TO SAVE YOUR LIFE. IF YOU CATCH PROSTATE CANCER IN AN EARLY STAGE YOU HAVE A KNIFE% CURE RATE. IF YOU CATCH IT AT MY STAGE THERE'S A 20% CURE RATE. THERE'S A BIG DIFFERENCE. ALSO AT THIS TIME I WOULD LIKE TO RECOGNIZE I'VE GOT A DEAR FRIEND OF MINE WHO HAS HELPED ME CARRY THROUGH. PAUL, IF YOU WILL -- PAUL IS ONE OF MY FRIENDS AND SURVIVORS AND WE DO MENTORING OF PEOPLE GOING THROUGH OTHER STAGES AND TREATMENT. AND PAUL WAS MY PERSON WHO HELPED MENTOR ME AND WE BOTH MENTOR EACH OTHER OCCASIONALLY THROUGH IT ALL. I'D ALSO THRIEK HAVE MY WIFE STAND UP. I'D LIKE TO LET YOU KNOW THAT SURVIVOR SHIP DOES NOT JUST GO WITH US THAT HAVE THE DISEASE, IT'S THE ONES AROUND US. WITHOUT MY WIFE I WOULDN'T HAVE SURVIVED. THANK YOU. [APPLAUSE]

THE EXHIBIT WILL BE DISPLAYED STHRU NOVEMBER. I INVITE EVERYONE TO JOIN US ON SATURDAY, SEPTEMBER NINTH AT NINE A.M. ON THE CAPITAL GROUNDS FOR THE OFFICIAL KICKOFF OF TEJANO TEAR HAJ MONTH. IF YOU WANT MORE INFORMATION CAN YOU VISIT OUR CHAMBER WAREHOUSE. WE ALSO HAVE SOME OF THE STAFF OF THE HISPANIC CHAMBER HERE IF HAVE YOU INDIVIDUAL QUESTIONS YOU WOULD LIKE TO ASK, FEEL FREE AND THANK YOU AGAIN, COUNCILMEMBER MARTINEZ. WE APPRECIATE IT. CHAP CLAP [APPLAUSE]

WE'RE GOING TO TAKE A SHORT BREAK AND THEN WE'LL START BACK UP. OH, THERE'S ANOTHER ONE. THERE'S ONE MORE. IS THE MAYOR PRESENTING THIS ONE?

..

McCracken: WE'RE ANNOUNCING THE VOLUNTEER OF THE MONTH. WE HAVE KAREN DICKS TO TELL BUS THE VOLUNTEER OF THE MONTH AWARD AND ABOUT WHO OUR RECIPIENTS ARE FOR THE TWO MONTHS FOR JULY AND AUGUST, RIGHT? GREAT.

HERE YOU GO.

THANK YOU, BREWSTER. ON BEHALF OF AMD AND HANDS ON CENTRAL TEXAS, A PROGRAM OF THE UNITED WAY, I'M DELIGHTED TO HONOR THESE TWO WONDERFUL RECIPIENTS UP HERE AND EACH MONTH WE PICK AN INDIVIDUAL IN THE COMMUNITY THAT HAS DONE AN OUTSTANDING JOB OF GIVING BACK THROUGH VOLUNTEERISM AND WE ENCOURAGE THE REST OF THE COMMUNITY TO FOLLOW THEIR LEAD AND YOU CAN DO THAT BY GOING TO VOLUNTEER CENTRAL TEXAS.ORG. NOW I'M GOING TO TURN THIS BACK TO BREWSTER SO HE CAN INTRODUCE THE FIRST WINNER. JIN VOLUNTEERS WITH THE GIRL SCOUTS. I'D LIKE FOR YOU TO TELL US HOW YOU CAME TO BE INVOLVED IN GIRL SCOUTS APPEARED WHAT DID YOU.

ALL RIGHT. IT'S ACTUALLY AN INTERESTING STORY. IT HAPPENED TO ALL OF US. I WENT TO A GIRL SCOUT MEETING FIGURING I'D SIGN UP MY DAUGHTER AND PAY MY MONEY APPEARED NODD THE HILLS. AND THEY SAID IF YOU WANT A TROOP, YOU HAVE TO BE A LEADER. I WENT WHAT? AND HERE IT IS, IT'S BEEN 10 YEARS. I'VE BEEN A BOY SCOUT LEADER, A CAN YOU BE SCOUT LEADER AND MY DAUGHTER'S IN HIGH SCHOOL, STILL INVOLVED IN GIRL SCOUTS. WE'RE THRILLED ABOUT T MY SON IS IN BOY SCOUTS AFTER BEING IN CUBS AND I HAVE SOME SPECIAL THANK YOU'S IF YOU DON'T MIEPD. GIEFT SOME GIRL SCOUT PEOPLE HERE, MY FRIEND JANE WHO IS PROBABLY ONE OF MY DWREST MENTORS IN GIRL SCOUTING. AND BRENDA BACK THERE. AND LOOK, A SWEET GIRL SCOUT, CATHERINE WICKER. STAND UP, CATHERINE. HOW CUTE IS SHE? [APPLAUSE] AND HER MOM WHO BRAVED THE TRAFFIC IN NORTHWEST AUSTIN TO BRING HER DOWN HERE. THANK YOU VERY MUCH. I ENCOURAGE ALL OF YOU TO VOLUNTEER. I WAS NOT A GIRL SCOUT AT THE TIME. I'M HAVING A WONDERFUL TIME AS AN ADULT BECAUSE WE CAN DO ALL OF THE FUN STUFF THAT THE GIRLS DO AND IT DOESN'T TAKE A LOT OF YOUR TIME, BUT IT IS WELL WORTH IT. IT REALLY IS. SO U.T.

.THANK YOU.

FOR HAVING BEEN SELECTED AS THE UNITED WAY CAPITAL AREA JULY 2006 VOLUNTEER OF THE MONTH, JEN NEED IS DISFERK THE PUBLIC NEED AND RECOGNITION. SHE SERVES THE GIRL SCOUTS LONE STAR COUNCIL AS SERVES AS ASSISTANT DIRECTNER CHAIRING THE SILVER AWARD COMMITTEE FOR NINE SERVICE UNITS. YOU DIDN'T TALK YOURSELF UP ENOUGH. IN THAT CAPACITY SHE SERVES GIRLS THIS THEIR LEADERSHIP PROJECTS. SHE SHARES HER LEADERSHIP AND EXPERIENCE BY TRAINING NEW LEADERS AND HELPS ENLIVEN KIDS PROGRAM THROUGH WHICH SCOUTS HELP LESS FORTUNATE KIDS IN OUR COMMUNITY. SHE IS AN ENTHUSIASTIC VOLUNTEER WHO HAS IMPACTED AN UNTOLD NUMBER OF GIRL SCOUTS AND FELLOW LEADERS. THIS IS PRESENTED IN RECOGNITION OF HER THOUSANDS OF HOURS OF SERVICE OVER A DECADE PRESENT THIS HAD 31st DAY OF AUGUST, 2006 FROM THE COUNCIL OF AUSTIN, TEXAS, WILL WYNN, MAYOR. THANK YOU VERY MUCH, CONGRATULATIONS. OUR NEXT VOLUNTEER OF THE MONTH FOR AUGUST IS LINDA WELCH AND SHE VOLUNTEERS WITH CAMPFIRE U.S.A. SO LINDA, IF YOU WOULDN'T MIND TELLING US HOW YOU GOT INVOLVED WITH CAMPFIRE GURLZ AND HOW FOLKS CAN GET INVOLVED.

FIRST I HAVE TO TELL YOU THAITS NOT CAMPFIRE GIRLS, IT'S CAMPFIRE BOYS AND GIRLS. AND MY INSPIRATION FOR BEING PART OF IT IS IS IN THE AUDIENCE. EVAN, WILL YOU WATCH? EVAN WAS A KINDER GARTNER WHEN I FIRST STARTED BEING INVOLVED IN CAMPFIRE SO I'VE BEEN INVOLVED FOR 17 YEARS. HE'S A SENIOR AT U.T. IN CHEMICAL ENGINEERING. AND CAMPFIRE GAVE MORE TO OUR FAMILY THAN WE GAVE TO THEM IN SO MANY WAYS. WE MET SOME WONDERFUL, CARING PEOPLE AND HAD GREAT ADVENTURES. IT'S AN ORGANIZATION THAT I FEEL LIKE EVERY CHILD IN THIS COMMUNITY DESERVES. OUR MISSION IS TO CREATE CARING, CONFIDENT YOUTH AND FUTURE LEADERS, AND CAMPFIRE DOES THAT. IN FACT, EVAN MET HIS FIANCEE THROUGH CAMPFIRE, SO IT ALSO BUILDS FAMILIES. [LAUGHTER] OUR

WONDERFUL CUTE ACTIVE DIRECTOR, REBECCA BENSON, IS IN THE AUDIENCE. WOULD YOU WAVE? AND WE LOVE VOLUNTEERS. WE'RE INCLUSIVE OF BOTH BOYS AND GIRLS. IT'S A WONDERFUL ORGANIZATION. AND I WOULD BE REMISS IF I DID NOT RECOGNIZE MY WONDERFUL HUSBAND OF 32 YEARS. I ALWAYS CRY. AND JIM PUT UP WITH ALL MY VOLUNTEERING OVER THE YEARS. SO THANK YOU.

McCracken: THEN WE PROBABLY SHOULD READ IT TO YOU ALSO, JIM. BUT THE CERTIFICATES OF CONGRATULATIONS FOR HAVING BEEN SELECTED BY UNITED WAY CAPITAL AREA, THE AUGUST 2006 VOLUNTEER OF THE MONTH, LINDA WELCH IS DESERVING THE PUBLIC ACCLAIM AND RECOGNITION. LINDA BECAME VOLUNTEERING WITH CAMPFIRE U.S.A. WHEN HER SON WAS IN KIP.... KINDER GARDEN AND CONTINUED UNTIL THEY REACHED HIGH SCHOOL. SHE HELPED THEM ACHIEVE AWARDS -- WHAT IS THAT?

IT STANDS FOR WORK, HEALTH AND LOVE. IT'S THE HIGHEST HONOR.

...

McCracken: WHICH REQUIRES 300 HOURS OF COMMUNITY SERVICE. WHEN CAMPFIRE U.S.A. BALCONES COUNCIL LOST ITS FUNDING AND STAFF AND STAFF HAD TO BE LET GO IN 2001, LINDA ORGANIZED A STRONG LEADERSHIP TEAM WHICH ALLOWED THE COUNCIL TO CONTINUE ITS PROGRAMMING. IN FACT, THE COUNCIL RECEIVED A NATIONAL AWARD FOR QUALITY PROGRAMS AND STRENGTHEN FAMILIES WHILE SHE WAS AT THE HELM. LINDA'S HARD WORK, CALM FRIENDLINESS AND COURAGE HAS INSPIRED FELLOW VOLUNTEERS AND HELPED THE YOUTH WITH DEVELOPING LEADERSHIP SKILLS. THIS CERTIFICATE IS PRESENTED WITH OUR LEADERSHIP OF COMPENSATION. THANK YOU VERY MUCH AND CONGRATULATIONS. I APPRECIATE IT. CAN YOU TELL FOLKS HOW THEY CAN GET INVOLVED WITH VOLUNTEERING THROUGH THE UNITED WAY, WHICH IS HOW I GOT MY START AND IT MADE A BIG

DIFFERENCE IN MY LIFE. I HAD A GREAT EXPERIENCE AND I HOPE THAT EVERYONE WILL --

I WOULD ENCOURAGE YOU TO GO. IT'S VOLUNTEER CENTRAL TEXAS.ORG. CAN YOU LOOK FOR INDIVIDUAL OPPORTUNITIES, FAMILY TUPTS, GROUP OPPORTUNITIES. IT'S A WONDERFUL WEBSITE. SO JUST TAKE A FEW MINUTES AND CHECK IT OUT. AND CONGRATULATIONS ONCE AGAIN TO OUR TWO RECIPIENTS THIS EVENING. THANKS, BREWSTER. [APPLAUSE]

ALSO LIMITING THE RESIDENTIAL DENSITY TO ONE SINGLE-FAMILY UNIT PER LOT. THE PROPERTY CURRENTLY CONSISTS OF A 1.. 1.58 ACRES AND IS ADJACENT TO A ZONING CASE THAT CITY COUNCIL CONSIDERED EARLIER THIS YEAR THAT WAS LOCATED TO THE WEST AND ZONED THE PROPERTY TO SF-6 WITH A CONDITIONAL OVERLAY. THAT CONDITIONAL OVERLAY ON THE ADJOINING PROPERTY LIMITED THAT ADJOINING TRACT TO A MAXIMUM OF 20 DWELLING UNITS IN 12 BUILDINGS, ALSO PROVIDED FOR A FIVE-FOOT VEGETATIVE BUFFER. THERE WAS A PUBLIC RESTRICTIVE COULD HAVE NEPT THAT SPOKE TO PROTECTING ALL THE PROTECTED TREES ON THE PROPERTY. THERE IS NEIGHBORHOOD OPPOSITION TO THIS REZONING REQUEST. THERE'S NOT A VALID PETITION AT THIS TIME. THE APPLICANT DOES DISAGREE WITH A PORTION OF THE PLANNING COMMISSION RECOMMENDATION AND I WILL LET LAWYER..... LAURA TUPPS, THE AGENT FOR JIM CUMMINGS, COME FORWARD AND SPEAK TO THAT. THE PROPERTY RIGHT NOW, AS I SAID BEFORE, IS ZONED SF-3. ACROSS THE STREET TO THE NORTH IS OTHER PROPERTY DEVELOPED AS SF-3 WITH SINGLE-FAMILY. TOWARDS THE WEST IS CS-CO PROPERTY AND MULTI-FAMILY PROPERTY. TO THE EAST IS SF-6 PROPERTY. AGAIN, THIS IS THE CASE I JUST RIF.... REFERENCED. AT THIS POINT I'LL PAUSE AND IT LAURA WILL COME FORWARD WITH ADDITIONAL INFORMATION FOR YOU.

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL? THANK YOU, MR. GUERNSEY. SO AT THIS TIME WE'LL HEAR FROM OUR AGENT MS. TOWPZ. MS. TOUPS. YOU

WILL HAVE A FIVE-MINUTE PRESENTATION AND A THREE-MINUTE REBUTTAL.

LAURA TOUPS WITH URBAN DESIGN GROUP AND I REPRESENT THE APPLICANT ON THIS. I'M GOING TO SHOW A GRAPHIC. WE WERE HERE A FEW MONTHS AGO WITH A REQUEST FOR SF-6 ZONING ON THE TRACT NEXT TO THE ONE THAT IS BEFORE YOU. AND LET ME GET IT UP HERE. I THINK IT WILL HOPEFULLY EXPLAIN. BUT THIS LARGER TRACT WAS THE ONE THAT YOU APPROVED THE SF-6 ZONING ON. THAT PROJECT HAD A LOT OF DISCUSSION BECAUSE THERE'S SOME WONDERFUL, LARGE OAK TREES ON THE PROPERTY. THE NEIGHBORHOOD -- THERE WERE SOME NEIGHBORHOOD OPPOSITION ABOUT A NUMBER OF THINGS, BUT ONE OF THE THINGS WAS ACCESS TO WIND OAK. AND ON THAT ZONING CASE YOU LIMITED IT TO ONE DRIVEWAY ON TO WIND OAK. ALL THROUGH THE.... THE DISCUSSIONS WITH THE NEIGHBORHOOD AND THE PLANNING COMMISSION, WE HAD ALWAYS SHOWN THIS GRAPHIC. HE..MY CLIENT OWNED THIS TRACT, THE TWO SINGLE-FAMILY LOTS BEFORE YOU TODAY AND HE ALSO OWNED A LOT WHICH HAS A POND ON IT. BEFORE WENT TO SECOND AND THIRD READING, THE STAFF POINTED OUT, AND IT WAS MISSED EARLY ON IN THE DISCUSSIONS AND IT WAS MISSED BY MYSELF THAT IT CANNOT BE DONE ON SF-3 PROPERTY. SO THE ONLY REASON WE ARE HERE TODAY IS WE ARE REQUESTING THE ZONING FROM SF-3 TO SF-6 TO ENABLE US TO BUILD THIS DRIVEWAY. THE ENTENT WAS ALWAYS TO HAVE ONE PRIVATE DRIVE THROUGH THE PROPERTY, TO LINE THAT DRIVEWAY UP WITH THE EXISTING CUL-DE-SAC, AND SO ALWAYS HAVE JUST TWO SINGLE-FAMILY RESIDENCES ON THESE TWO LOTS. THEY ARE DEED RESTRICTED -- THEY'RE ZONED SF-3 NOW, BUT YOU COULD NOT DO DUPLEX ON THEM NOW BECAUSE THEY'RE DIED RESTRICTED. SO OUR REQUEST TO THE STAFF WAS FOR THE SF-6 ZONING WITH A CONDITIONAL OVERLAY LIMITING IT TO ONE HOUSE EACH ON THE LOTS TO FURTHER ENFORCE THAT RESTRICTIVE COVENANT WHICH THE CITY IS NOT A PART OF RIGHT NOW. AND ALSO TO KEEP THE IMPERVIOUS COVER AT THE SF-3 LEVEL, WHICH IS

45%. SO AGAIN WE WERE TRYING TO DEMONSTRATE THE ONLY REASON TO DO THIS WAS FOR THE DRIVEWAY. WE WENT TO THE PLANNING COMMISSION. THE DISCUSSION THERE, THEY SUPPORTED THE STAFF RECOMMENDATION, WHICH IS TO GRANT THE SF-6 WITH A CONDITIONAL OVERLAY OF ONE HOUSE PER LOT AND THE 45% IMPERVIOUS COVER. THEY ADDED TWO RESTRICTIONS WHICH I'M NOT IN AGREEMENT WITH. AND ONE OF THEM WAS TO RESTRICT THIS FROM BEING A GATED COMMUNITY. THERE'S A LOT OF DISCUSSION ON BOTH SIDES ON THAT. I FEEL THAT'S NOT AN APPROPRIATE ZONING OVERLAY. IT IS NOT FOR SURE THAT IT WOULD BE A GATED COMMUNITY, BUT THE CLIENT WOULD LIKE THAT OPPORTUNITY. MANY TIMES THEY FEEL IF THEY ARE IN AREAS THAT MIGHT BE IN TRANSITION THAT BUYERS WOULD WANT A GATED COMMUNITY. SO I AM NOT IN AGREEMENT WITH THAT OR THE APPLICANT. THE SECOND WAS THAT THEY WANTED TO LIMIT THE IMPERVIOUS COVER TO 40%, WHICH IS LESS THAN SF 34-7B GETS, LESS THAN ALL THE SURROUNDING AREA. I BELIEVE THAT THE CUSHION WAS THAT THE SUPPORT FOR THIS LAYOUT WAS THE A LOT TO CLUSTER THE PROPERTY OR CLUSTER THE DEVELOPMENT OR THE HOUSES AND THAT WE SHOULD BE ABLE TO LIVE WITH LESS IMPERVIOUS COVER. IT WILL BE LESS IMPERVIOUS COVER PROBABLY ON THIS OUTSIDE LOT, IF YOU'LL SEE THAT, BUT WHAT HAPPENS ON THIS LOT RIGHT HERE, WE ACTUALLY HAVE THE DRIVEWAY THAT SERVES ALL OF THESE AS WELL AS THE ONE NEXT DOOR. SO I CAN COMPLY WITH THE 45% IMPERVIOUS COVER, WHICH IS ALLOWED BY SF-3, BUT I THINK THAT THE 40 MIGHT BE A LITTLE TIGHT. SO I'M HERE TODAY CG YOU TO SUPPORT THE STAFF RECOMMENDATION TO ALLOW US TO REZONE THIS TO SF-6, CONDITIONAL OVERLAY LIMITING IT TO ONE UNIT ON EACH LOT, ONE HOUSE, SINGLE-FAMILY HOUSE, NOT A DUPLEX, AND RESTRICTING IT TO THE 45% IMPERVIOUS COVER RATHER THAN THE 55%, WHICH IS WHAT IS ALLOWED BY SF-6.

Mayor Wynn: QUESTIONS OF THE AGENT, COUNCIL? IF NOT, WE'LL GO TO OUR CITIZEN SPEAKERS. WE

HAVE NOBODY HERE IN SUPPORT OF THE CASE. WE GO TO THOSE IN OPPOSITION. OUR FIRST SPEAKER IS MJ OZGOOD. WELCOME. AND IS FRANK LADD HERE? SO FRANK IS DONATING HIS TIME TO YOU, SO YOU WILL HAVE SIX MINUTES. IS IT MY?

NO. IT IS TONY HOUSE. I'M GOING TO OPEN FOR THE NEIGHBORHOOD.

GEERCHTION .. GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. MY NAME IS IS TONI HOUSE. I'M PRESIDENT OF SOUTH RIVER CITY CITIZENS NEIGHBORHOOD ASSOCIATION, A MEMBER OF THE SOUTHEAST COALITION AND A MEMBER OF THE EROC NEIGHBORHOOD PLANNING TEAM. PLEASE DO NOT GRANT THIS ZONING CHANGE. THIS HAD THE PRIMARY GOAL OF IMPROVING EXISTING SINGLE-FAMILY NEIGHBORHOODS IN THE RIVERSIDE OLTORF NEIGHBORHOOD PLANNING AREA. THROUGHOUT THE PLANNING PROCESS, STAFF AND STAKEHOLDERS CONSISTENTLY DESIGNATED THESE TRACTS AS SF-3. THE RIVERSIDE MPA HAS SUCH A TINY AMOUNT OF OPEN SPACE, ONLY THREE PERCENT, THAT WE MUST RELY ON OUR SINGLE-FAMILY AS CONFIRMED BY APPLICANT'S AGENTS, TYING THREE DRIVEWAYS TOGETHER ACROSS THE TWO SINGLE-FAMILY LOTS WILL ACTUALLY INCREASE THE AMOUNT OF IMPERVIOUS COVER ON THOSE TWO LOTS AS WELL AS DIMINISH SINGLE-FAMILY CHARACTER OF THE EXISTING NEIGHBORHOOD. THE NEIGHBORHOOD PREFERS TWO ADDITIONAL DRIVEWAYS ON WIND OAK THAT SERVE TWO SINGLE-FAMILY HOMES. CONFORMING TO THE STYLE OF THIS SUBDIVISION THIS ALLOWS ONE DRIVEWAY ON WIND OAK FOR DUPLICATE'S DUPLEX DEVELOPMENT AND THE SIZE OF THIS TRACT GIVES THE APPLICANT OVER 470 FEET OF WIND OAK FRONTAGE ON WHICH TO PLACE IT. THERE'S SIMPLY NO NEED FOR THIS DRIVEWAY TO BE LOCATED ON PROPERTY THAT WAS NOT PART OF THAT ZONING CASE. DEED RESTRICTIONS ON THESE TWO LOTS PREVENT THEM FROM BEING DEVELOPED AS SF-6 PROPERTIES. I FIND APPLICANTS' EXPLANATION THAT HE WAS UNAWARE THAT SF-6 AND SF-3 DRIVEWAYS COULD NOT BE CONNECTED

PUZZLING. HE HAD EXPERIENCED ENGINEERS AND ARCHITECTS AS WELL AS A ZONING CASE MANAGER REVIEW HIS CONCEPTUAL PLANS. I'M VERY AFRAID THAT GRANTING THIS UP ZONING ONLY ENCOURAGE APPLICANT TO PETITION FOR REMOVAL OF THE DEED RESTRICTIONS THAT LIMIT DEVELOPMENT OF THESE PROPERTIES. WE URGE YOU TO STOP REMOVING SF-3 ZONING FROM OUR NEIGHBORHOOD AND SUPPORT OUR NEIGHBORHOOD'S EXISTING BOUNDARIES AND PROTECTED BUFFERS. PLEASE DENY APPLICANT'S REQUEST. THANK YOU.

Mayor Wynn: THANK YOU. SO MJ OSGOOD? I'M SORRY, IS IT MJ? MY COMPUTER SCREEN IS MESSING UP.

I SIGNED IN AS MJ.

Mayor Wynn: YOU WILL HAVE SIX MINUTES IF YOU NEED IT AND YOU WILL BE FOLLOWED BY PAT WALLACE.

MY NAME IS MARY JAY OSGD. THERE'S NO REASON TO CHANGE THE EXISTING SF-3 ON THESE TWO RESIDENTIAL LOTS TO A HIGHER DENSITY ZONING. DEED RESTRICTIONS PROHIBIT BUILDING ANYTHING OTHER THAN ONE SINGLE-FAMILY DWELLING ON EACH LOT. THE ZONING CHANGE FURTHER ERODES THE AMOUNT OF SF-3 SINGLE-FAMILY NEIGHBORHOODS IN EAST AUSTIN. THE NEIGHBORHOOD IS CONCERNED THAT ZONING CHANGES WILL ENCOURAGE HAMILTON TO PETITION TO REMOVE THE EXISTING DEED RESTRICTIONS AND ALLOW HIM TO SIGNIFICANTLY REDUCE THE AMOUNT OF PERVIOUS COVER ON THESE TWO LOTS. WE IN THE NEIGHBORHOOD WOULD RATHER HAVE TWO SINGLE-FAMILY DRIVEWAYS ON WINDOAK THAT SERVE EACH HOME. THIS KEEPS WITH THE EXISTING CHARACTER OF THE NEIGHBORHOOD. THE ZONING CHANGE TO SF-6 JUST TO LINK THESE TWO PROPERTIES TO APPLICANT'S DUPLEX DEVELOPMENT WILL FURTHER DEGRADE THE SINGLE-FAMILY CHARACTERISTICS OF THE SOUTH GATE TERRACE SUBDIVISION. THERE CURRENTLY IS NOTHING IN PLACE TO PROTECT THE TREES ON THESE TWO

LOTS, BY THE WAY. COUNCIL APPROVED THE ZONING FROM SF-3 TO SF-OF ON THE MANSION PROPERTY TO THE EAST, BUT IMPOSED A CONDITIONAL OVERLAY AND A PUBLIC RESTRICTIVE COVENANT TO ADDRESS SOME OF THE NEIGHBORHOOD'S CONCERNS. THE CO FOR THE PROPERTY AT 2100 PARKER LANE IN ZONING CASE C 14050201 ALLOWS FOR ONE DRIVEWAY ON THE PARKER LANE DEVELOPMENT. THAT'S THE DUPLEX DEVELOPMENT WITH THE MAIN ENTRANCE ON PARKER LANE. THE CO DOES NOT STIPULATE THE DRIVEWAY MUST BE LOCATED ON PROPERTY THAT WAS NOT PART OF THAT ZONING CASE. COUNCIL HAS AN OPPORTUNITY TO SUPPORT SINGLE-FAMILY NEIGHBORHOODS BY KEEPING THE SF-3 ZONING. THERE IS NO REASON TO CHANGE THE EXISTING SF-3 ON THESE TWO RESIDENTIAL LOTS TO HIGHER DENSITY ZONING. PLEASE DENY THIS ZONING CHANGE. QUESTIONS IN...? THANK YOU, MA'AM. SO PAT WALLACE? WELCOME, PAT. YOU WILL BE FOLLOWED BY JEAN MATSER, WHO WILL BE FOLLOWED BY GALE GOFF.

GOOD EVENING, THANK YOU FOR LETTING ME SPEAK. I'M A MEMBER OF THE EAST RIVERSIDE-OLTORF AREA. AND I RESIDE IN A STRIP OF SINGLE-FAMILY HOMES THAT RUNS FROM I-35 OVER TO PARKER, AND FROM OLTORF OVER TO RIVERSIDE. SO THIS DEVELOPMENT IS IN THAT AREA. I'D LIKE TO DRAW ATTENTION TO AN IMPACT OF-UP ZONING THIS PROPERTY, BUT I DON'T THINK ANYONE ELSE HAS REALLY FOCUSED ON T AND IT'S PART OF A LARGER PICTURE. THE CITY HAS LONG SINCE DECLARED ITS SUPPORT FOR AND ENCOURAGEMENT OF DENSIFICATION OF THE IMMEDIATE DOWNTOWN AREA, AND THAT'S BEEN GOING ON FOR QUITE AWHILE. ONCE DEVELOPERS HAD BEGUN RUNNING OUT OF PROPERTIES THAT THEY COULD BUILD HI-RISES AND CONDOMINIUMS ON IN THE IMMEDIATE DOWNTOWN AREA, THEY MOVED, AS I THINK EVERYBODY KNOWS, TO THE CESAR CHAVEZ NEIGHBORHOOD. AND THE PEOPLE THERE, MANY OF THEM ARE LONG TIME HOMEOWNERS WHO PAY OFF THEIR MORTGAGES, BUT THEY FIND THEMSELVES BETWEEN A ROCK AND A HARD PLACE BECAUSE THEY HAVE

DEVELOPERS KNOCKING ON THEIR DOORS
WANTING TO BUY THEIR HOME SO THEY CAN TEAR
IT DOWN AND REPLACE IT WITH A CONDOMINIUM IF
THEY..... IF WE DON'T SELL THEN THEY'RE FACED
WITH HIGHER PROPERTY TAXES. I'M AFRAID THAT
BY UP-ZONING THIS PROPERTY ON THE MANSION
FORMER PROPERTY, HE... I'M AFRAID IT'S SYMBOLIC
IN SIGNIFICANCE. IT WOULD BE LIKE A FOOT IN THE
DOOR FOR DEVELOPERS IN MY SINGLE-FAMILY
HOME NEIGHBORHOOD, THE WHOLE STRIP. IT
WOULD BE LIKE WAVING A BANNER AND SAYING,
OKAY, WHEN YOU BEGIN TO RUN OUT OF
PROPERTIES IN THE CESAR CHAVEZ
NEIGHBORHOOD, COME OVER HERE YOU AND
START TEARING DOWN THE HOMES AND START
WITH MORE INTENSE LAND USES. AS A
HOMEOWNER THAT HAS A DEVASTATING EFFECT,
WHICH LONG YONG THE CITY HAS ADDRESSED. AND
THAT IS THAT IN THESE HOMES THAT ARE NOT OLD
ENOUGH TO BE DECLARED HISTORIC PROPERTIES,
BUT THEY ARE OLD ENOUGH TO BE VERY
WORTHWHILE PLEASANT HOMES TO LIVE IN, BUT
THEY STILL NEED REPAIRS, BUT WHEN HAVE YOU A
SITUATION WHERE YOU HAVE DEVELOPEDDERS -- [
BUZZER SOUNDS] -- KNOCKING ON YOUR DOOR,
HAVE YOU NO INCENTIVE, HAVE YOU A
DISINCENTIVE FOR MAINTAINING OR IMPROVING
YOUR PROPERTY. I DON'T THINK THE CITY HAS
ADDRESSED THIS, AND I WOULD LIKE TO SEE THEM
ADDRESS T ON A SYMBOLIC LEVEL I WOULD NOT
LIKE TO YOU UP-ZONE TO SF-6 BECAUSE IT JUST
INTENSIFIES THIS EFFECT. THANK YOU.

Mayor Wynn: THANK YOU. WELCOME. YOU WILL
HAVE THREE MINUTES AND BE FOLLOWED BY GALE
GOFF.

EVENING, COUNCIL. MY NAME IS JEAN MATHER, CO-
PRESIDENT OF SRCC AND A MEMBER OF THE EROC
ADVISORY COUNCIL. YOU MAY THINK THERE'S NOT
MUCH DIFFERENCE BETWEEN KEEPING THE USE
AND CHANGING THE ZONING, BUT ACTUALLY,
'CHANGING THE ZONING WOULD MAKE THESE TWO
LOTS PART OF THE AN DER 12 WATHER
DEVELOPMENT. AND IT WOULD TAKE AWAY THE
CHARACTER OF TWO SINGLE-FAMILY HOMES WITH

TWO DRIVEWAYS ON TO WINDOW. SO I URGE YOU NOT TO CHANGE THE ZONING. THERE'S AMPLE SPACE FOR MR. HAMILTON TO PUT A DRIVEWAY ON TO WINDOAK WITHOUT TAKING AWAY PROPERTY FROM THESE TWO HOMES. U.T.

Mayor Wynn: THANK THANK YOU.

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Mayor Wynn: WELCOME. YOU WILL BE FOLLOWED BY DAWN SIZEMORE.

HI, MAYOR, COUNCILMEMBERS. MY NAME IS GALE GOFF. I LIVE IN THIS NEIGHBORHOOD, I'M PART OF THE EROC PLANNING TEAM AND CO-VICE-PRESIDENT OF SRCC. FOR THREE YEARS WE'VE BEEN PLANNING IN OUR NEIGHBORHOOD, AND THROUGHOUT THIS PROCESS BOTH THE STAFF AND STAKEHOLDERS HAVE AGREED THESE TRACTS SHOULD BE SF-3. HOW IS IT EXACTLY THAT ONE DEVELOPER'S DESIRES TRUMP THAT OF A MAJOR PLANNING EFFORT? THE DEVELOPER KNEW AT THE TIME OF THE REZONING OF THE MANSION TRACT THAT SF-6 PROPERTIES CAN'T SHARE ARE DRIVEWAY WITH SF-3. HE HAS EXPERIENCED YIRNZ AND ARCHITECTS AND HE'S MET WITH OUR OWN CITY STAFF NAME RUSS NUMEROUS TIMES. EVEN MORE IMPORTANT THE DEVELOPER DOESN'T REQUIRE THE UP-ZONING OF THIS ADDITIONAL PROPERTY. HE HAS OVER 470 FEET OF FRONTAGE ALONG WINDOAK FOR THIS DROIVMENT ALLOWING THESE TWO LOTS TO REMAIN SF SF-3 AND KEEPING WITH THE CHARACTER OF THIS CUSTOM HOME NEIGHBORHOOD AND IN KEEPING WITH THE DEED RESTRICTIONS WILL RELEASE SOME PORTION OF THE SOUTH SIDE OF WIND OAK AS A TRADITIONAL NEIGHBORHOOD. THE ARCHITECT WHO DID THIS SUBDIVISION PROVIDED SIGNIFICANT PROTECTIONS FOR THE RESIDENTIAL PROPERTIES ON THE SOUTHERN EDGE, BUT RELIED ON THE USE TO PROTECT THE INTERIOR EDGE OF HOMES. THE HOMEOWNERS WHO BOUGHT CUSTOM HOMES ACROSS FROM THESE TRACTS DESERVE TO ALSO BE PROTECTED. I WOULD NOTE ALSO THAT THE TRACT DIRECT THROI THE WEST OF THESE TWO TRACTS IS

THE ONE WITH THE SPRING FED POND THAT'S A CRITICAL ENVIRONMENTAL FEATURE OF OUR NEIGHBORHOOD AND ON THE OTHER SIDE OF THAT IS THE SHUGART STORAGE, WITH WHICH A CO WAS NEGOTIATED TO REQUIRE A 75-FOOT VEGETATIVE BUFFER WITH NO ACCESS TO WINDOAK AS WELL AS SOME OTHER RESTRICTIONS. SO ALL OF THESE THINGS ARE THINGS THAT WERE BUILT IN TO OUR NEIGHBORHOODS TO PROTECT THEM, AND AS WE EAT AWAY AT ALL OF THESE RESTRICTIONS, WE PROVIDE NO BUFFER FOR THE SINGLE-FAMILY HOMES THAT EXIST, SO I URGE YOU TO DENY THIS REQUEST TONIGHT. THANK YOU. IT.

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Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: WITH THE CO'S THAT HAVE BEEN PLACE ODD THIS BY THE STAFF AND PLANNING COMMISSION, I'M HAVING A HARD TIME SEEING THE DIFFERENCE BETWEEN THE DIFFERENCE THAT WITH THE SF 6 THERE'S A DIFFERENCE BETWEEN THE TWO.

I'LL TRY. THIS ALSO CAME UP IN PLANNING COMMISSION AND ONE OF THE THINGS THAT CAME UP WAS IMPERVIOUS COVER. IT SURE DOES SEEM LIKE ONE DRIVEWAY WOULD BE LESS IMPERVIOUS COVER AND UNFORTUNATELY IT ISN'T. IT'S ACTUALLY MORE. THESE ARE VERY LARGE LOTS. AND ONE OF THE REASONS THAT THE NEIGHBORS WOULD LIKE THE EXTRA DRIVEWAYS IS THAT THEN IT MATCHES THE OTHER HOMES AND IT GIVES THE TRADITIONAL FEELING OF WHAT ALL OF THEIR HOMES LOOK LIKE.

Leffingwell: FWU HAS SF-3 IMPERVIOUS COVER LIMIT ON THE CO IMPOSED BY STAFF AND ALSO LESS THAN THAT ON THE CO ASKED FOR. [OVERLAPPING SPEAKERS]

Leffingwell: IF I LIVED ACROSS THE STREET, I WOULD RATHER HAVE ONE DRIVEWAY CUT THAN TWO.

WELL, THE NEIGHBORS WHO LIVE DIRECTLY

ACROSS FROM THIS WOULD PREFER TO SEE HOMES
THAT LOOK LIKE THEIR OWN ACROSS THE STREET.
DAWRNGS YOU WILL BE FOLLOWED BY PEG -- I'M
SORRY, SHE DOESN'T WANT TO SPEAK. DAWN?

MY NAME IS DAWN SIZEMORE, I'M A MEMBER OF
THE NAID. I LIVE NEARBY. I'M AN AREA
COORDINATOR FOR THE SOUTH RIVER CITY
CITIZENS FOR THE AREA DIRECTLY NORTH OF THIS.
AND WE ARE SIMILAR IN CHARACTER IN THAT WE
ARE SINGLE-FAMILY NEIGHBORHOODS. I HAVE
NEIGHBORS THAT HAVE BEEN THERE 40 OR 50
YEARS. MANY OF THE HOMES WERE CUSTOM BUILT,
BUT THERE ARE ALSO MODERATE -- VERY MODERATE
PRICED HOMES -- MODERATE PRICED HOMES. SOME
OF THE LAST IN CENTRAL AUSTIN. AND WE ARE
FEELING -- APPEARED PART OF THE NEIGHBORHOOD
PLANNING TEAM AND I HAVE BEEN PARTICIPATING
FOR OVER 10 YEARS, AND IT'S HARD TO SEE -- TO
WORK SO HARD ON A NEIGHBORHOOD PLAN AND
THEN HAVE THE NEIGHBORHOOD PLAN ERODED BY
INDIVIDUALS COMING IN CHOOSING NOT TO
PARTICIPATE IN THE NEIGHBORHOOD PLAN AND
THEN ACTING CONTRARY TO THE NEIGHBORHOOD
PLAN AND PUTTING THINGS WHICH ARE CONTRARY
TO EVERYTHING ANYONE ALREADY THERE
AROUND THERE WANTS. I WATCHED THIS PROCESS
AND IT'S SAD THAT THE MANSION WAS NOT
RESPECTED AND THE PROPERTY WAS NOT TREATED
WITH SOME SENSE OF COMPREHENSIVE HOLD. AND
WHEN WE CAME HERE AS I DID TO ASK YOU TO
SERIOUSLY CONSIDER THE CONSEQUENCES OF UP
ZONING TO SF-6 IN AN -- SOLIDLY SF-3
NEIGHBORHOOD, THERE WERE SOME CONDITIONS
PLACE ODD IT. AND EVEN THOSE THE DEVELOPER
HAS NOT BEEN ABLE TO DEAL WITH. I'M IMPRESSED
WITH THE EXTENT THAT THE NEIGHBORS HAVE
REALLY TRIED TO WORK WITH THE DEVELOPER
AND I REALLY WOULD ASK YOU TO RESPECT THE
NEIGHBORHOOD PLANNING PROCESS. PEOPLE HAVE
LIVED THERE FOR 30 OR 40 YEARS KNOW WHERE
THE CREEKS ARE, KNOW WHERE THE WATER RUNS,
KNOW WHO FLOODS OUT AND THE AMOUNT OF
DENSITY THAT'S BEING SHOVED IN REALLY
ENCROACHES ON THE CHARACTER APPEARED THE
INTEGRITY OF SINGLE-FAMILY NEIGHBORHOODS.

THERE ARE MANY, MANY AREAS NEARBY WHERE WE HAVE APPROPRIATE DENSITY AND WHERE MORE DENSITY COULD BE PLACED. BUT THE NEIGHBORS THAT HAVE ALREADY TALKED AND THEIR REPRESENTATIVES ARE CLEAR ON THE FACT THAT THIS IS A FURTHER ENCROACHMENT ON A NEIGHBORHOOD, MULTICULTURAL, MULTIETHNIC, MULTIINCOME LEVEL, AND AMAZINGLY WE'VE ALL GOTTEN ALONG FOR DECADES. SO I WOULD ENCOURAGE YOU TO SEE THAT AS SOMETHING GOOD. AND WE'RE CONCERNED ABOUT TRAFFIC CONCERNS, DRAINAGE AND JUST THE PRECEDENT BEING SET NOW THAT THE FRONT PROPERTIES TOWARDS MARKER LANE GOT -- PARKER LANE GOT REZONED, NOW THE OTHER ONES WANT SIMILAR REZONINGS AND TO DO AWAY WITH DEED RESTRICTIONS. I ASK YOU TO RESPECT WHAT HAS GONE BEFORE FROM PLANNERS WHO HAVE FOUGHT THINGS OUT AND PLANNED NEIGHBORHOODS THAT DID SURVIVE FOR DECADES AND ARE STILL INTACT. THIS IS SOMETHING TO BE LOOKED AT AS SOMETHING POSITIVE. THANK YOU. PEG TREADWAY SIGNED UP IN OPPOSITION, AS DID LINDA LAND.

Mayor Wynn: COUNCIL, THAT'S ALL OUR FOLKS IN OPPOSITION TO THE ZONING CASE. WE NOW HEAR A ONE-TIME THREE-MINUTE REBUTTAL FROM THE AGENT. WELCOME BACK MS. TOUPS. YOU.

.....

THANK YOU. FIRST I WOULD LIKE TO POINT OUT THE BIG PICTURE BECAUSE THERE'S A LOT OF CUSHION ABOUT THE ZONING IN THIS AREA. YOU CAN SEE THIS IS THE TRACT THAT WE'RE LOOKING AT. NEXT TO IT IS -- APPEARED I NEED TO PUT MY GLASSES ON, ARE APARTMENTS. AND TO THE EAST OF IT ARE PROPERTIES THAT ARE ALL ALONG I-35. THERE IS STILL A BUFFER BETWEEN THE APARTMENTS AND THE DUPLEX DEVELOPMENT THAT WAS THE PREVIOUS ZONING CASE. SO JUST LOOKING AT IT IN THE BIG PICTURE, THE INTEGRITY OF THE SF-3 I BELIEVE IS STILL RESPECTED TO THE ACROSS WIND OAK FROM THIS TRACT. I'M CONFUSED BECAUSE WHEN WE HAD DISCUSSION WITH THE NEIGHBORHOOD THEY WERE WANTING

NO DRIVEWAY CUTS ON TO WIND OAK E AND THAT'S THE REASON WE HAD ALWAYS SHOWN THE CONCEPT PLAN. I'M REALLY SORRY THAT IT WASN'T CAUGHT EARLIER AND STAFF DIDN'T CATCH IT AS WELL. THERE'S NO OTHER WAY TO GET THE DRIVEWAY. I WISH I COULD GO GET A BOARD OF ADJUSTMENT VARIANCE. YOU CAN'T. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

I DON'T SEE HOW WE CAN STOP THAT, I WANT TO POINT OUT THE RETENTION POND.

PART OF THE LOT OF 1701, I WOULD LIKE TO MAKE SURE IT WAS PART OF THE I WOULD LIKE TO HAVE SOME WAY OF GUARANTEEING THAT THAT CRITICAL ENVIRONMENTAL FEATURE IS SECURED OR MAINTAINED THE WAY IT IS NOW. THAT THERE COULD POSSIBLY BE SOME TYPE OF GREENBELT ADDED. DIRECTLY TO THE -- TO THE WEST OF THE PROPERTY. JUST ON THE OTHER SIDE OF THAT -- OF THAT -- RETENTION POND, SO THAT THERE'S A BUFFER TO -- FROM THE FREEWAY ALLOWING THE NEIGHBORHOOD TO STAY QUIET, AND SOMEWHAT LIVEABLE WITH THE SAKE OF IT BEING INFILL, THAT'S IT, I APOLOGIZE FOR NOT BEING SIGNED UP PROPERLY.

Mayor Wynn: THANK YOU, MR. PETERSON, NO PROBLEM. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] CITY WILL BE ENFORCING ONLY ONE SINGLE HOUSE, IF IT'S A CO ON THIS ZONING, SO IT GIVES MORE TEETH TO THAT. BOTH THE PREVIOUS ZONING CASE, THIS ONE AND THE POND, WHICH I HAVE TO POINT OUT IS NOT A CRITICAL ENVIRONMENTAL FEATURE. THE CITY STAFF HAS LOOKED AT IT. IT WILL BE LOOKED AT AGAIN WHEN WE GO THROUGH THE SITE PLAN PROCESS, BUT HE DID COME OUT AND LOOK REQUEST STILL FOR SF 3. WE'RE NOOT TRYING TO INCREASE IT. THE OTHER A.. LOT WILL BE WAY BELOW THAT IN THE LAY OUT. IT JUST BECOMES, IF I'M RESTRICTED TO THE 40% IMPERVIOUS COVER, WHICH IS LESS THAN SF-3, THEN I MAY -- I MAY HAVE SOME PROBLEMS WITH THAT BECAUSE I HAVE TO -- THERE'S A LOT LINE, AND I HAVE TO PUT ONE HOUSE ON EACH LOT AND THE DRIVEWAY WILL BE ON THE LOT, WHICH IS

CROSS ACROSS FROM THE CUL-DE-SAC. SO I'M NOT TRYING TO EXCEED SF-3 ALLOWED IMPERVIOUS COVER AND I WILL BE WAY BELOW IT ON THE OTHER LOT. I GUESS I DON'T AGREE THAT A SINGLE-FAMILY HOUSE HAS TO HAVE A DRIVEWAY. THESE WILL BE SINGLE-FAMILY HOMES ADDRESS THE STREET. THE ONLY DIFFERENCE THERE WILL BE ONE DRIVEWAY INSTEAD OF HAVING THREE DRIVEWAYS A LONG WINDOW. AND I CAN ANSWER ANY QUESTIONS. I THINK THAT WAS MY TIME. HUH?

THANK YOU MS. TUBES. COUNCIL? QUESTIONS OF MS. TUBES? ANYBODY ELSE? MS. HOUSE, WOULD YOU LIKE TO --

I HAVE A LETTER FROM MIKE OF THE CITY OF AUSTIN. TO MR. HAMILTON, WHICH WE HAVE -- WHICH IS BEING INCLUDED AS PART OF OUR NEIGHBORHOOD PLAN, WHICH DOES IDENTIFY THE WINDOW POND AS A CRITICAL ENVIRONMENTAL FEATURE. MR. HAMILTON WAS NOTIFIED OF THIS ON OCTOBER THE 11TH, 2005.

THANK YOU, MS. HOUSE.

CONGRESSMAN ..COUNCILMAN LEFFINGWELL? CAN YOU EXPLAIN HOW THIS REQUEST IS DIFFERENT FROM SF-3? DO YOU HAVE SOME KIND OF DIAGRAM THAT WE COULD REFER TO THAT SHOWS THAT?

NO, I DON'T HAVE A DIAGRAM, BUT I CAN EXPLAIN THAT. SF-3 ZONING IS ON... SOMETHING THAT TIP CLI ALLOWS FOR DUPLEXES. THERE IS A RESTRICTION, A PRIVATE RESTRICTION OF PROPERTY THAT LIMITS IT TO SINGLE ZONING FOR EACH ONE OF THESE LOTS AND THAT'S WHAT ALSO STAFF RECOMMENDED AND THE COMMISSION RECOMMENDED. SO EVEN THOUGH YOU MIGHT HAVE SF-6 ZONING, WHAT IS BEING PROPOSED BY STAFF AND THE COMMISSION WOULD LIMIT TO A SINGLE -- A SINGLE DWELLING UNIT PER LOT. THE NEED FOR THE SF-6 IS MAINLY DRIVEN FOR THE DRIVEWAY, AND THAT IS THE REASON FOR THEIR REQUEST THAT'S --

SO THE REASON -- SO A DRIVEWAY CAN BE -- CAN

CONNECT THE TWO LOTS?

THAT'S CORRECT.

INTERNALLY.

THE DRIVEWAY IS AN ACCESSORY TO THE CONDOMINIUM USE WHICH IS ON THE PROPERTIES THAT ARE FURTHER TO THE EAST, AND YOU CANNOT TAKE A MORE INTENSIVE USE -- THAT PRINCIPAL USE, AND ALL ITS ACCESSORY USES MUST BE ALLOWED IN ORDER TO REVERSE THESE SF-3 LOTS, AND THAT'S THE REASON FOR THE REQUEST. DRIVEWAYS -- VERY SIMPLY, THE DRIVEWAY IS ALLOW FOR WAL-MART AND ALLOWED FOR SINGLE-FAMILY NEIGHBORHOOD, YOU CAN'T TAKE WAL-MART TRAFFIC THROUGH A SINGLE-FAMILY NEIGHBORHOOD UNLESS THEY'RE BOTH ZONED APPROPRIATELY, AND THIS IS SIMILAR, NOT NECESSARILY THE INTENSITY OF THAT, BUT THE TOWNHOUSE -- TO HAVE THE DRIVEWAY GO THROUGH THESE PROPERTIES, IT MUST ALSO BE ZONED SF-6.

BUT FROM STREET -- FROM STREET APPEARANCE, THE ONLY APPARENT DIFFERENCE FOR ME WITH THE CO OF ONE UNIT PER LOT IS THAT YOU SEE ONE DRIVEWAY INSTEAD OF TWO.

THAT'S CORRECT. DRIVEWAY MAY BE A LITTLE WIDER TO ACCOMMODATE FIRE APPARATUS TO GET IN AND OUT, SO IT MAY BE --

THE OTHER DIFFERENCE THAT I CAN SEE IS IF THERE WERE A GAIT ON THAT DRIVEWAY, IT WOULD LOOK DIFFERENT. IT WOULDN'T LOOK LIKE A SINGLE-FAMILY NEIGHBORHOOD IN THAT AREA. SO THAT -- I GUESS THAT'S WHY THE PLANNING COMMISSION IMPOSED ..IMPOSED THE ADDITIONAL CO OF NO GAIT ON THE DRIVEWAY, TO PRESERVE THE NEIGHBORHOOD APPEARANCE.

I BELIEVE THAT'S WHAT THE NEIGHBORHOOD WAS TESTIFYING, AND THE COMMISSION DID CONSIDER THAT, YES.

BUT OTHERWISE, AS I STATED, YOU STILL HAVE THE SAME IMPERVIOUS COVER LIMIT? YOU'VE STILL GOT ONE UNIT PER LOT? IT LOOKS FOR ALL INTENTS AND PURPOSES LIKE A SINGLE-FAMILY NEIGHBORHOOD AT THAT -- AT LEAST AT THIS PARTICULAR LOT THAT'S BEING REZONED OR REQUESTED TO BE REZONED TO SF-6, LOOKS EXACTLY LIKE A SINGLE-FAMILY NEIGHBORHOOD.

IT WOULD LOOK LIKE A SINGLE-FAMILY NEIGHBORHOOD BECAUSE THEY COULD ONLY BUILD ONE HOUSE PER ONE LOT.

I WOULD ADD THAT -- I THINK WHERE I LIVE IS ZONED SF-3, SF SOMETHING. ANYWAY, BUT MY PARTICULAR HOUSE I SHARE A DRIVEWAY WITH MY NEXT DOOR NEIGHBOR, AND I GUESS THAT'S A MATTER OF HOW THE DEED IS WRITTEN AND SO FORTH, AND I -- I HAVEN'T NOTICED ANY PARTICULAR DIFFERENCE IN THE WAY THE NEIGHBORHOOD LOOKS BECAUSE WE SHARE THE -- WE SHARE THE SAME DRIVEWAY AND THEN IT SPLITS OFF.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? COUNCIL, THIS IS ONLY READY FOR FIRST READING, WHATEVER ACTION YOU TAKE TODAY.

THANK YOU, MR. GUERNSEY. QUESTIONS OR COMMENTS? ITEM NO. 56, COUNCIL MEMBER LEFFINGWELL.

I'LL MAKE A MOTION TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING THE SF-6 WITH THE COS PROPOSED BY STAFF PLUS THE ADDITIONAL CO OF NO GATES ALLOWED ON THE DRIVEWAYS.

MAYOR WYNN: MOTION BY COUNCIL MEMBER LEFFINGWELL. SECOND BY COUNCIL MEMBER MCCracken. TO CLOSE PUBLIC HEARING AND APPROVE ON THE FIRST READING ONLY. STAFF RECOMMENDATION WITH THE ADDITIONAL CONDITIONAL OVERLAY OF NO GATED COMMUNITY. FURTHER COMMENTS? HEARING

NONE, ALL THOSE IN FAVOR PLEASE SAY AYE?

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 7 TO ZERO
FIRST READING ONLY FIRST.

GUERNSEY: THAT BRINGS US TO OUR LAST ZONING CASE, C14-06-0097 FOR THE PROPERTY LOCATED AT 2300 WEST PARMER LANE, CODEIST POOLS, AND AGENTS OF PERMIT -- THE COMPANY'S NAME. REZONING CAN IS FROM ENTER MAR R TO CS, WHICH IS GENERAL COMMERCIAL SERVICES ZONING. IT'S AN EXISTING POOL, CONTRACTOR BUSINESS, AND WOULD REQUIRE THE GENERAL COMMERCIAL SERVICES DISTRICT ZONING TO BE A PERMITTED USE. THE PROPERTY IS ILLEGAL, NOT CONFORMING USE, HOWEVER THE PROPERTY OWNER WOULD LIKE TO ACTUALLY DO SOME EXPANSION ON THE PROPERTY. THE PROPERTIES THAT SURRENDER THIS TO THE NORTH ARE ZONED SF 1, SINGLE-FAMILY USES. TO THE EAST IS AN LO ZONED PROPERTY AND A DENTIST'S OFFICE. TO THE WEST IS ANOTHER NONCONFORMING USE, WHICH IS A QUICK GROUP TYPE FACILITY, THAT WOULD NORMAL BE -- REQUIRE LR ZONING AND A LITTLE BIT FURTHER DOWN IS A COMPANY CALLED THE PERFECT SHIRT, WHICH HAS LO ZONING EXCEPT FOR A FOOTPRINT OF GR ZONING ON THAT PROPERTY. TO THE SOUTH ARE VARIOUS PROPERTIES THAT HAVE BEEN CONVERTED FROM RESIDENTIAL USES TO OFFICE USES. THEY ARE ZONED NO, LO AND NLR. AT THIS TIME I'LL PAUSE. IF YOU HAVE ANY QUESTIONS, THE APPLICANT IS IN DISAGREEMENT WITH BOTH THE COMMISSION'S RECOMMENDATION AND THE STAFF RECOMMENDATION OF.... THE COMMISSION'S RECOMMENDATION WAS TO GRANT LR, OR NEIGHBORHOOD COMMERCIAL ZONING WITH A CONDITIONAL OVERLAY LIMITING THE PROPERTY TO A 700 VEHICLE TRIPS PER DAY AND A RIGHT-OF-WAY RESERVATION OF 100 FEET FROM THE CENTERLINE OF PARMER LANE.

MAYOR WYNN: REMIND ME AGAIN, WHAT WAS THE STAFF'S RECOMMENDATION?

GUERNSEY: THE STAFF'S RECOMMENDATION WAS FOR LIMITED OFFICE WITH THE SAME TRIP LIMITATION AND THE SAME RESERVATION, RESERVATION ON RIGHT-OF-WAY.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL? IF NOT WE WILL GO TO OUR PUBLIC HEARING. WE WILL START WITH THE OWNER OR AGENT.

GUERNSEY: MAUREEN IS COMING FORWARD.

MAYOR WYNN: WELCOME, MS. MORPHEW. YOU HAVE FIVE MINUTES.

HONORABLE MAYBE AND DISTINGUISHED COUNCIL MEMBERS. I'M HERE REPRESENTING MICHAEL CHURCH, AND MICHAEL CHURCH -- CODY POOLS HAS BEEN OPERATING AS CS -- I MEAN, BEFORE ZONING, BECAUSE HE WAS COMMERCIAL -- I MEAN, CONTRACT FOR SALES AND SERVICE, AND HE WAS DOING THAT BEFORE THE CITY EVER TOOK THEM IN. THAT'S WHAT HE WAS, AND IN ORDER TO DO ANY WORK ON THE PLACE WE HAD TO GET OUT OF INTERIM RR BECAUSE HE WAS TALKING ABOUT ADDING ANOTHER POOL, A SHOW POOL, YOU KNOW, TO SHOW PEOPLE. AND IN ORDER TO DO THAT WE THOUGHT, WELL, WE WERE LEGALLY NONCONFORMING AND IN ORDER TO BE CONFORMING AND TO BE LEGAL, WE FELT THAT IT SHOULD BE CS, BECAUSE THAT'S WHAT HE IS, THAT'S WHAT HE'S ALWAYS BEEN AND THAT'S WHAT HE IS NOW: AND SO I WOULD RECOMMEND, RATHER THAN -- THEY WANTED US TO DO LO AND THEN PLANNING COMMISSION SAID LR, YOU KNOW, BUT WE WOULD BE WILLING TO DO -- WE WERE ASKING FOR CS, AND WE'D BE WILLING TO DO, LIKE A CONDITIONAL OVERLAY ON IT IN ORDER THAT -- THAT HE COULD GO AHEAD AND OPERATE IT CS, BUT IF HE DECIDED IF -- IF HE EVER SOLD IT OR IT DIDN'T WORK IN THAT CAPACITY ANYMORE, THAT IT WOULD GO BACK TO LR OR LO OR WHATEVER YOU-ALL WANTED IT TO DO H ANY QUESTIONS?

MAYOR WYNN: QUESTIONS FOR THE AGENT, COUNCIL? THANK YOU, MA'AM. HANG AROUND FOR

REBUTTAL, PERHAPS, BECAUSE WE HAVE NOBODY HERE SPEAKING IN FAVOR OF THE ZONING CASE, BUT A FEW IN OPPOSITION. OUR FIRST SPEAKER IN OPPOSITION IS DECKS..... DEXTER SMITH. WELCOME MR. SMITH. THIS WILL BE FINE. YOU'LL HAVE THREE MINUTES AND YOU'LL BE FOLLOWED BY MIKE -- WELL MAUREEN AND MICHAEL ARE THE ONLY TWO OTHERS SIGNED UP SO WELCOME.

THANK YOU. THANK YOU, COUNCIL AND MAYOR. I'M HERE TO SPEAK AGAINST THE REZONING. I HAD SOMEONE PASS OUT SOME PICTURES FOR YOU TO SEE. IT'S VERY EASY TO STAND UP AND SAY WHAT A SITUATION IS. IT'S A WHOLE LOT BETTER IF YOU SWEA THAT SITUATION IN ACTUALITY IS. THE REASON I'M REQUESTING AGAINST THIS IS THE ZONING THAT THEY ARE ASKING FOR IS ALMOST THE SAME AS WHAT FRY'S HAS. THAT'S A HUGE RETAIL COMPLEX SITTING AT THE END OF A NEIGHBORHOOD, A VERY OLD NEIGHBORHOOD THAT'S ONE-ACRE LOTS OR JUST A LITTLE BIT LESS THAN THAT. WE'RE TRYING OUR BEST TO PRESERVE THE SANG TI... TI TI OF THAT NEIGHBORHOOD AND YOU CAN SEE THERE'S NOT ROOM WITH THE PARKING OVERFLOW THAT WE HAVE FROM THE TWO BUSINESSES ON THE END TO ALLOW TWO CARS TO PASS SUFFICIENTLY. THE ENGINEERING DEPARTMENT HAS SHOWN CONCERN THAT EMERGENCY VEHICLES MAY NOT BE ABLE TO PASS THROUGH THAT. WE ARE.....IT WOULD BE VERY, VERY UNFORTUNATE IF SOMEONE WERE TO LOSE THEIR LIFE. I'M THE YOUNGEST ONE IN THE NEIGHBORHOOD. THAT'S WHY I'VE BEEN SENT HERE, SO WORK WITH ME, IF YOU WILL, PLEASE.

[LAUGHTER] THESE PICTURES DO INDICATE A SITUATION -- AN ONGOING SITUATION I'VE HAD SINCE THE YEAR 2000. IN DISCUSSION WITH THE CITY -- WE AS A COMMUNITY WENT TOGETHER AND GOT A COMMISSION TO HAVE THIS STREET DEEMED NO MARKING 8:00 TO 5:00. AND THAT WOULD BE PERFECTLY OKAY WITH US, BUT WHAT..... WHAT'S HAPPENING NOW MY CURB HAS BEEN RUN OVER BY MAJOR VEHICLES, THEY'RE LARGE VEHICLES, DUMP TRUCKS PULLING BACKHOES AND STUFF LIKE THAT RIGHT OVER MY CURB AND DAMAGED THAT COMPLETELY. THIS PETITION WAS SIGNED BY

EVERYONE ON SILVER SPUR. WE REDUCED THAT TO JUST THOSE PEOPLE THAT LIVED ON SILVER SPUR PLUS WE DIDN'T GET WANT TO GET SOME OTHER OPINIONS THROWN IN THERE THAT MAYBE SHOULDN'T HAVE BEEN. SO THE NEIGHBORHOOD, IN FACT, IS BEHIND EXACTLY WHAT THEY..... WE SAID, AND WE ARE HERE IN SUPPORT OF WHAT THE PLANNING AND ZONING COMMITTEE -- WHAT THEY RECOMMENDED FOR THAT. WE WOULD PRESERVE IT LOW CO., VERY LITTLE IMAK. IF YOU LOOK AT EVERY ONE OF THOSE PICTURES, EVERY ONE WILL SHOW A PROBLEM WE'RE HAVING, YET ON FRIDAY AFTERNOON WHEN THE BUSINESS IS CLOSED AND EVERYONE HAS GONE HOME, THERE IS NO PARKING, NOBODY THERE AT ALL. SO THAT DOESN'T LOOK LIKE VERY LITTLE IMPACT ON THE NEIGHBORHOOD. SO IF THERE'S ANYTHING THAT CAN BE DONE TO HELP THIS NEIGHBORHOOD RETAIN ITS INTEGRITY WE WOULD APPRECIATE ANYTHING YOU DO AND WE WOULD PREFER THEY GO ALONG WITH WHAT HAS BEEN SUGGESTED. THANK YOU.

MAYOR WYNN: THANK YOU, MR. SMITH. QUESTIONS OF MR. SMITH, COUNCIL? THANK YOU, SIR. I JUST REALIZED MICHAEL CHURCH HAD NOT SIGNED UP WISHING AS... TO SPEAK, SO -- I GUESS YOU SIGNED UP AGAINST THE PLANNING COMMISSION ZONING, SO COME ON UP.

GOOD EVENING, MAYOR, COUNCIL MEMBERS. I WAS ABOUT TO ANSWER SOME QUESTIONS. I THINK I'D LIKE TO RESPOND TO THE OPPOSITION, IF I COULD, AND I COULD-- I THINK THERE'S A LITTLE MISUNDERSTANDING. CODY POOLS, WHICH LOCATED -- IT'S AT THE CORNER OF SILVER SPUR AND PARMER LANE AND THERE'S ONE PARKING LOT THAT EXISTS ON SILVER SPUR THAT HOLDS SEVEN CARS. THEN WE HAVE ANOTHER PARKING LOT THAT FACES THE PARMER LANE, WHICH HOLDS ANOTHER ADDITIONAL -- 11 PARKING PLACES. WE ONLY HAVE 11 EMPLOYEES. WE DO HAVE CUSTOMERS THAT COME IN THROUGHOUT THE DAY. ACROSS THE STREET FROM US IS A DENTAL OFFICE THAT EVERY ONE OF THE EMPLOYEES IN THE DENTAL OFFICE PARKS ON THE STREET AND THE REASON THERE'S NO TRAFFIC THERE ON FRIDAYS IS THE DENTAL

OFFICE IS CLOSED ON FRIDAYS. SO THAT'S WHY YOU SEE A PICTURE ON FRIDAY AFTERNOONS THE STREET IS CLEAR, BUT THE EMPLOYEES WE HAVE, THE NINE WE HAVE THERE, THEY'RE NOT FULL-TIME EMPLOYEES THERE. THERE ARE DESIGNERS THAT WORK IN THE FIELD, SO WE HAVE LIMITED AMOUNT OF NEED FOR PARKING PLACE. THE REASON WE WANT TO CHANGE, WE ARE ASKING THE CHANGES BECAUSE WE ARE GOING TO DO SOME REMODELING. WE DO HAVE AN EXISTING DISPLAY POOL AND THE WAY OUR PARKING LOT SITS, IT'S ONE AS FAR AWAY FROM THE OFFICE BECAUSE THE BUILDING USED TO BE ON A SEPTIC SYSTEM BECAUSE.....SO THE PARKING LOT -- IT'S ABOUT 150 FEET AWAY FROM THE OFFICE AND WE DO WANT TO EVENTUALLY HAVE THE BUILDING RETURN TO PARKING LOT, NOT CHANGE ANY ADDITIONAL PARKING BUT MAKE IT SO IT'S CLOSER TO THE OFFICE. WE ALSO MAY AT ONE TIME PUT ANOTHER DISPLAY POOL IN JUST TO SHOW OUR CUSTOMERS, BECAUSE WE DO HAVE ONE NOW. THAT'S THE ONLY STATEMENTS I HAVE TO SAY.

MAYOR WYNN: THANK YOU, MR. CHURCH.
QUESTIONS OF MR. CHURCH? MAYOR PRO TEM?

SINCE 1995.

1995. OKAY.

MAYOR WYNN: SO MS. MORPHEW, DO YOU WANT TO -- DO YOU NEED TO REBUT ANYTHING YOU'VE HEARD OR WANT TO HAVE SOME CLOSING STATEMENTS? [INAUDIBLE]

WE HAVEN'T SEEN THE PICTURE, YOU KNOW, SO I HAVE NO IDEA WHAT HE'S TALKING ABOUT THERE.

COUNCIL MEMBER LEFFINGWELL MAY SHARE IT WITH YOU.

LEFFINGWELL: COUNCIL, THAT'S ALL OF THE FOLKS SIGNED UP TO ADDRESS ON THIS ZONING CASE NO. 60.

MAYOR WYNN: I. I HAVE SOME QUESTIONS FOR MR.

GUERNSEY, I GUESS, OR STAFF.

MR. GUERNSEY, SOUNDS LIKE THIS ISN'T THAT UNCOMMON A SITUATION, SO IF A BUSINESS WAS BUILT OUT IN THE COUNTY AND THEN THE CITY CAME AND ANNEXED AND SO -- SO YOU HAVE -- IT'S LEGAL BECAUSE IT'S CERTAINLY -- IT WAS BUILT LEGALLY, BUT IT'S NON-COMPLYING TO OUR ZONING, WHICH WHATEVER ZONING WE WOULD OTHERWISE PUT ON IT, AND I GUESS THIS -- IS THIS A CASE WHERE THE OWNER OF THIS OTHERWISE LEGAL, YOU KNOW, BUSINESS -- IF THEY WANT TO GO DO SOME WORK, GO TAKE OUT A LOAN, YOU KNOW, MORTGAGE THE PROPERTY, OR PERHAPS EVEN AS SIMPLE AS GETTING A BUILDING PERMIT FROM THE CITY TO DO SOMETHING, THAT'S, YOU KNOW, CONSISTENT WITH THEIR EXISTING USE, IS IT THAT SIMPLE, DO THEY ACTUALLY HAVE TO HAVE A ZONING CHANGE TO DO VIRTUALLY ANYTHING, ANY V.U.S., ANY..... ADJUSTMENTS, ANY ADDITIONS TO THE PROPERTY?

THEY ARE A ILLEGAL NO .. A NONCONFORMING USE AND BY THE INFORMATION WE THEY WERE ANNEXED IN 1996. IT IS LEGAL FOR THEM TO SEEK A ZONING CHANGE BECAUSE WHEN YOU HAVE A USE LIKE THIS THEY HAVE A TEN-YEAR LIFE AND NEED TO COME INTO SOME SORT OF ZONING COMPLIANCE AFTER TEN YEARS BECAUSE THEY'RE OPEN SITE USE, THE OUTDOOR DISPLAY AREAS WOULD ACTUALLY CEASE AFTER THAT TIME. SO IT IS APPROPRIATE FOR THEM TO COME IN NOW AND MAKE THE REQUEST. THEY COULD CONTINUE CERTAINLY ANY USE WITHIN THE BUILDINGS, BUILDINGS THAT ARE WORTH MORE THAN \$10,000, AND THEY WOULD NEED BUILDING PERMITS AND THE CITY WOULD ISSUE BUILDING PERMITS BECAUSE WE WOULD HONOR THE LEGAL NONCONFORMING USE. THEY MAY ACTUALLY HAVE SOME ABILITY TO DO SOME EXPANSIONS OF THEIR USE UNDER LO AND LR ZONING. HOWEVER, TO THE EXTENT THAT THEY'VE UTILIZED THE SITE FOR PARKING AND BUILDING AND THE AREAS OF THE OUTDOOR DISPLAY, I'M NOT FAMILIAR WITH ALL THE DIFFERENT THINGS THAT THEY HAVE OUT THERE, THE AMOUNT OF IMPERVIOUS COVER ON

THIS PROPERTY IS QUITE HIGH, AND SO CS ZONING ALLOWS 95% IMPERVIOUS COVER. THE LO'S AND THE LR DISTRICT WOULD BE SUBSTANTIALLY LESS, GOING DOWN AS MUCH AS 70%. SO THEY MIGHT NEED THE CS ZONING TO NOT NECESSARILY TO ALLOW THE EXPANSION BUT TO ALLOW FOR THE IMPERVIOUS COVER ON THE PROPERTY. ALSO LIKE TO POINT OUT, THOUGH, WE NOT TOO LONG AGO AMENDED SOME OF OUR REGULATIONS, OUR WATERSHED REGULATIONS INTO A LINE WHERE THE ZONING REGULATIONS AT THE SURFACE AREA OF SWIMMING POOLS NOT.... SWIM COUNTED TOWARDS THE AMOUNT OF IMPERVIOUS COVER. SO WE COULD TAKE A LOOK AT THIS IF COUNCIL WANTED TO TAKE SOME ACTION ON FIRST READING, GET BACK WITH MICHAEL CHURCH AND LOOK EXACTLY -- IF HE KNOWS EXACTLY WHAT HIS PLANS ARE, WE MIGHT GIVE YOU A BETTER IDEA OF WHAT HIS EXISTING IMPERVIOUS COVER IS UNDER THE CODE, SO HE KIND OF KNOWS WHAT HE WOULD ACTUALLY NEED TO EXPAND, IF HE COULD EXPAND INTO A LESSER CATEGORY. HE WOULD BE LIMITED, THOUGH, BY THE ZONING TO ONLY A ONE-TIME EXPANSION, SO IF HE MADE ONE CHANGE, DID AN EXPANSION ON HIS SITE, THAT WOULD BE IT UNDER OUR ZONING REGULATION, AND HE WOULD NOT HAVE ANOTHER OPPORTUNITY TO DO SO. SO HE HAS ONE SHOT TO GET IT RIGHT. IF HE TRIES TO USE OUR NONCONFORMING USE REGULATION.

MAYOR WYNN: THANK YOU, MR. GUERNSEY.
COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: WELL, I'M LOOKING AT THIS MAP OF THE AREA HERE WITH THE ZONING ON IT, AND I DON'T SEE ANY CS, NOT ONLY NOT NEAR IT, BUT I DON'T SEE ANY CS EVEN ON THE MAP. IT'S -- THREE SIDES IS SF. THE OTHER SIDE IS LO. ACROSS THE STREET IS NO AND LR. CS WOULD BE CIBD OF OUT OF CHARACTER, SPOTKIND OF OUT OF CHARACTER, SPOT ZONING? I WOULDN'T NECESSARILY WANT TO CHARACTERIZE THAT, BUT THERE IS NO LOGICAL GRADATION TO CS ON THIS MAP THAT I SEE.

GUERNSEY: STAFF AND THE COMMISSION BOTH

RECOMMENDED SOMETHING LESS THAN CS. AGAIN, STAFF RECOMMENDING THE LO ZONING AND THE COMMISSION RECOMMENDING THE LR, AND FROM THE POINT WHERE YOU READ MOST OF THE RETAIL USES, WHICH ARE USES,ED TOWARDS MOPAC AND IT WAS MENTIONED EASTERLY I DIDN'T YEAR BY THE CITIZEN THAT IT WAS A FRY'S C -- THAT USED TO BE A HOME -- NOT A HOME -- BUILDERS SQUARE THAT WOULD REQUIRE CS ZONING, IT ACTUALLY FRONTS TOWARDS MOPAC, BUT THERE ARE NO CS OR GR USES FROM LAMP LIGHT VILLAGE -- EXCUSE ME, THERE'S A SHOPPING CENTER AT THE CORNER OF LAMP LIGHT VILLAGE BUT FROM THAT SHOPPING CENTER DOWN TO, THE USES THAT FRONT MOPAC, THERE ARE NO USES THAT ARE MORE INTENSIVE THAN THE LR ALONG THIS STRETCH OF PARMER LANE.

LEFFINGWELL: AND THE CURRENT OCCUPANT CAN CONTINUE HIS USE NO MATTER WHAT IT'S ZONED; IS THAT RIGHT?

GUERNSEY: HE WOULD NEED SOME ZONING CHANGE TO CONTINUE AFTER THE END OF THIS YEAR, WITH THE OUTDOOR DISPLAY, BOTH LO AND LR WOULD AFFORD HIM THE CONTINUANCE OF THOSE USES.

LEFFINGWELL: HE COULD STAY IN HIS CURRENT BUSINESS AT HIS CURRENT BUSINESS WITH EITHER L OF THE O OR LR.

THAT'S RIGHT, AND HE COULD ACTUALLY CONVEY THE BUSINESS TO ANOTHER CONSTRUCTION SALES AND SERVICE TYPE USE, ANOTHER CONTRACTOR-TYPE USE, AND EVEN THOUGH IT'S NOT SELLING POOLS BUT MAYBE SELLING PLUMBING SUPPLIES OR SOMETHING, THAT USE COULD EVEN CONTINUE ON. SO IT'S NOT TIED TO THE OWNER PERSONALLY OR THE COMPANY PERSONALLY.

LEFFINGWELL: AND SO REFRESH ME A LITTLE BIT. WHAT'S THE MAJOR DIFFERENCE BETWEEN LR AND LO?

GUERNSEY: LO ALLOWS FOR OFFICE AND LR

ALLOWS FOR NEIGHBORHOOD AND RETAIL, FOOD SALES, GAS STATIONS, WOULD ALLOW FOR PERSONAL SERVICES LIKE A HAIR SALON, DRY CLEANER PICK UP.

LEFFINGWELL: WOULD ALLOW FOR A POOL CONTRACTOR.

THAT WOULD REQUIRE MINIMUM CS ZONING, TO ALLOW THAT INTENSITY, OR TO ALLOW THAT USE, IT WOULD REQUIRE MORE INTENSE ZONING.

MAYOR WYNN: FURTHER QUESTIONS, COMMENTS? COUNCIL MEMBER KIM?

KIM: WHENEVER A SMALL BUSINESS COMES UP TO US AND THEY'RE DOING WELL AND THEY WANT TO EXPAND, I DO REALLY WANT TO SUPPORT THEM, BUT I THINK THE SITE PROBABLY ISN'T A GOOD SITE FOR CS ZONING GIVEN THAT IT'S NEXT TO THE SINGLE-FAMILY HOMES, AND I DON'T THINK AN EXPANSION AT THIS LOCATION IS REALLY IN THE BEST INTEREST OF THE NEIGHBORHOOD, AND MAYBE FOR THE BUSINESS ITSELF. BUT IF THEY HAVE TO EXPAND, I MEAN, THEY MAY NEED TO MOVE TO A NEW LOCATION. I REALLY WOULD LIKE TO SUPPORT THE STAFF'S RECOMMENDATION FOR LO-CO TO LIMIT TRIPS TO 700 A DAY AND A HUNDRED FEET AND PRESERVE THE RIGHT-OF-WAY FROM THE CENTERLINE OF PARMER LANE, SO THAT WILL BE MY MOTION.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? COUNCIL MEMBER, I'D BE GLAD TO CONSIDER THAT A MOTION.

LEFFINGWELL: I'VE GOT A QUESTION. IS THAT FIRST READING ONLY?

KIM: YES, THAT WOULD BE FOR FIRST READING ONLY.

MAYOR WYNN: MOTION BY COUNCIL MEMBER KIM TO APPROVE ON FIRST READING ONLY PLANNING COMMISSION RECOMMENDATION OF LR-CO WITH THE CONDITIONS AS OUTLINED. SECOND BY

COUNCIL MEMBER LEFFINGWELL. FURTHER COMMENTS? FIRST READING ONLY. AND MR. GUERNSEY, I WOULD APPRECIATE IT IF YOUR OFFICE COULD TAKE THE TIME TO WORK WITH THE OWNER TO DO THAT CALCULATION ON BOTH IMPERVIOUS COVER AND PERHAPS WHATEVER ADVICE YOU CAN GIVE THEM AS TO THEIR FLEXIBILITY INHERENT TO THE LR ZONING. FURTHER COMMENTS ON THE MOTION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

AYE? OPPOSED? MOTION PASSES WITH A VOTE OF 7-0 ON THE FIRST READING ONLY.

THANK YOU MAYOR, AND THAT CONCLUDES OUR ZONING CASE ITEMS THIS EVENING. WE HAVE SOME ZONING AMENDMENTS LATER.

MAYOR WYNN: LATER, YES. THANK YOU, MR. GUERNSEY. COUNCIL, IF YOU CAN BEAR WITH ME, WE'VE HAD -- SKIPPED OVER SEVERAL THINGS EARLIER, INCLUDING WHAT WAS POSTED AS A 2:30 BRIEFING ON THE FEASIBILITY STUDY REGARDING THE COMBINATION OF THE AUSTIN POLICE DEPARTMENT WITH THE CITY MARSHAL'S, PARK POLICE AND AIRPORT POLICE UNDER CENTRAL COMMAND AND CONTROL. I WOULD APPRECIATE SORT OF A SUMMARY BRIEFING BY ASSISTANT CITY MANAGER, RUDE I GARZA. I UNDERSTAND MR. GARZA, NOW THIS REPORT HAS BEEN RELEASED. IT'S PERHAPS EVEN ON THE WEB SITE OR CERTAINLY AVAILABLE TO FOLKS WHO ASK FOR IT?

YES, MAYOR, THE PRESENTATION AND THE FULL REPORT THAT YOU'RE RECEIVING NOW IS ON OUR WEB SITE, AND IF IT'S NOT ON THE WEB SITE AT THIS MINUTE IT WILL BE THERE SHORTLY BUT IT WILL DEFINITELY BE AVAILABLE TO THE PUBLIC AND WE ALSO HAVE COPIES HERE TO DISTRIBUTE. WE'LL GO THROUGH THIS VERY QUICKLY. ON JUNE 22 OF THIS YEAR THE CITY COUNCIL DIRECTED CITY MANAGER TO LOOK AT BASICALLY CONDUCT A FEASIBILITY STUDY AND ASSESSMENT, WHAT IT WOULD -- THE COST AND ALL OF THE FACTORS REQUIRED FOR A

POTENTIAL CONSOLIDATION OF THE PUBLIC SERVICE MANAGEMENT PROGRAM WITH THE AUSTIN POLICE DEPARTMENT. SO TODAY WE'RE GOING TO REVIEW WITH YOU VERY QUICKLY THE PROCESS THAT WE FOLLOWED, THE STAFF THAT PARTICIPATED, THE VARIOUS FACTORS AND ASSUMPTIONS THAT WE USED, IMPLEMENTATION AND LEGAL ISSUES AS WELL AS COST ISSUES. THE -- JUST TO CLARIFY, THE PUBLIC SAFETY EMERGENCY DEPARTMENT IS A NEW DEPARTMENT AND WE'RE TALKING ABOUT THREE AGENCIES: THE PARK POLICE, AIRPORT POLICE AND THE CITY MARSHAL. BASICALLY THEY ARE THE AGENCIES THAT PROVIDE SPECIALIZED LAW ENFORCEMENT IN THE AREAS THAT THEY COVER, IN ADDITION TO SECURITY SERVICES AND CUSTOMER SERVICE FACTORS -- FUNCTIONS WITHIN THEIR DEPARTMENT. AGAIN, ALL THESE DIVISIONS ARE LOCATED WITHIN THE POLICE DEPARTMENT, AND IF YOU RECALL ALSO, THIS IS ACTUALLY THE FIRST YEAR OF THIS DEPARTMENT. THESE WERE CONSOLIDATED WITHIN THE PUBLIC SAFETY EMERGENCY DEPARTMENT, WHICH WE REFER TO AS PCEM. FOR SEVERAL REASONS, BUT MOSTLY TO STREAMLINE OUR OPERATIONS, STANDARDIZE OUR TRAINING OR PROCEDURES AND CREATE SOME EFFICIENCIES AS WE PROVIDE OUR SERVICES. ALSO NOTE, THE PEACE OFFICERS ARE CERTIFIED PEACE OFFICERS. HOWEVER THEY ARE NON-CIVIL SERVICE. ONE OF THE THINGS THAT WE WANTED TO ACHIEVE WITH THIS CON CELL EDUCATION WAS THE STANDARDIZATION OF SALARIES AND BENEFITS FOR THE OFFICERS IN PCEM AND ALSO ADDRESS OTHER COST FACTORS AND PERSONNEL FOR PCEM OFFICERS. AS YOU SEE IN THE SLIDE, THE PROPOSED BUDGET INCLUDES BUDGET INCLUDES BILLION RKSZ ALL RELATED TO THE SALARIRY. THE, MARKET ADJUSTMENTS OF JUST UNDER 5. WHAT WE'LL SEE IN THE PROPOSED BUDGET IS ALMOST A 9% SALARY INCREASE FOR THESE OFFICERS. IN ADDITION TO THAT WE'RE ADDING ALMOST \$700,000 FOR THE THOUSAND THOUSANDIZATION OF CITY PENDZ OF ALL THE OFFICERS. ONE OF THE QUESTIONS WE CONTINUE TO TRY TO ANSWER WAS THE STANDARD MODEL FOTS SERVICES THAT ARE PROVIDED HERE IN THE CITY OF AUSTIN, AND

YOU'LL SEE ON THIS CHART THERE IS NO STANDARD MODEL. EVERYONE IS DOING IT DIFFERENTLY. THE FIRST LINE YSM YOU SEE THERE IS THE CITY OF AUSTIN. SEPARATE AIRPORT POLICE, PARK POLICE AND CITY MARSHAL FOR EACH OF THE FUNCTIONS AND IT'S VERY DIFFERENT THROUGHOUT THE STATE. THE CITY OF SAN ANTONIO HAS A VERY SIMILAR STRUCTURE AS WE DO. I DO WANT TO POINT OUT FOR THOSE CITIES THAT HAVE THE POLICE DEPARTMENT WITHIN THEIR AIRPORT SERVICES, BEING YOU . YOU SHOULD NOTE WE KNOW FROM RESEARCH AND EXPERIENCE AND DISCUSSION WITH THESE AIRPORTS, THEY'RE VERY HEAVY ON SECURITY GUARDS TO AUGMENT THE POLICE PRESENCE. THIS IS VERY COMPREHENSIVE EXERCISE THAT WE WENT THROUGH. IT INVOLVED SEVERAL DEPARTMENTS, INCLUDING THE DIRECTOR, ASSISTANT DIRECTOR AND ALL THE DIVISION CHIEFS FOR THE DEPARTMENT. THE APD WAS LED BY JULIA BRIAN WHICH YOU'LL HERE FROM. IT ALSO INVOLVED THE LAW DEPARTMENT. WE HAD AN ATTORNEY LOOK AT THE PERSONNEL FACTORS AND OTHER THINGS RELATED TO THIS. THE BUDGET OFFICER WAS INVOLVED WHEN IT CAME TO CALCULATING THE COST. WE MET WITH THE AIRPORT, AND CITY MARSHAL IN REGARDS TO THE SERVICES THAT THEY RECEIVE AND THAT THEY NEED. THIS WAS HANDLED THROUGH THE CITY MANAGER'S OFFICE, ACTUALLY FROM MY OFFICE, AND THEN FINALLY, ONCE WE COMPLETED ALL OF OUR ASSESSMENTS, PUT ALL OF OUR FACTORS TOGETHER AND DEVELOPED OUR APPROACH, WE HANDED IT OVER TO AN INDEPENDENT BODY AND THAT..... THAT WAS THE PFM GROUP, TO GIVE US AN OUTSIDE LOOK, AND BASICALLY VALUE DADE QUESTIONS, POKE HOLES IN OUR ASSUMPTION AND GIVE US THEIR OWN ASSESSMENT. AGAIN, A VERY COMPREHENSIVE APPROACH TO THIS EXERCISE, STARTING WITH AN INVENTORY OF ALL THE SERVICES THAT ARE BEING PROVIDED BY THE VARIOUS AGENCIES. AS I NOTED AT THE BEGINNING, PCEM OFFICERS, IN CONTRAST TO CITY APD OFFICERS, ARE VERY SPECIALIZED IN THE SERVICES THAT THEY PERFORM. AGAIN, THEY DON'T HAVE A CITYWIDE FOCUS. THEIR SCOPE IS VERY LIMITED TO PARKS FACILITIES, AIRPORT

FACILITY AND OUR CITY MARSHALS ARE -- SECURITY -- SERVING OF WARRANTS. SO WE DID AN ENFORCEMENT OF THE SERVICES THEY PROVIDE, UNLESS THE NON-LAW ENFORCEMENT SERVICES SUCH AS SECURITY SERVICES AT THE AIRPORT, PARTICIPATING AND GETTING INVOLVED WITH RECREATIONAL PROGRAMS. WE DID AN ANALYSIS OF BASICALLY WHAT WOULD IT TAKE FOR THIS TO HAPPEN AND HOW WOULD IT HAPPEN? WE LOOKED AT THE REQUIREMENTS FROM A PERSONNEL STANDPOINT, WHAT KIND OF TRAINING WOULD BE INVOLVED, WHAT KIND OF KNOWLEDGE/SKILLS WOULD WE NEED TO TEACH OUR OFFICERS FROM BOTH APD AND PCEM TO MAKE THIS HAPPEN AND LOOK AT STANDARDIZED PROCEDURES THAT WE WOULD NEED TO MAKE CHANGES IN. AND THEN MOST IMPORTANTLY, HOW DOES IT FIT WITHIN APD STANDARDS? AND THAT WAS A KEY -- KEY FORCE, AND IT WAS IMPORTANT TO HAVE THE ASSISTANT CHIEF, ASSISTANT YEAH BRIAN, LEAD THIS EFFORT, BECAUSE IT WAS KEY FOR HER ASSESSMENTS AND MANAGEMENT'S ASSESSMENT OF HOW THIS WOULD ACTUALLY WORK WITHIN APD. AFTER WE -- CONSIDERATION OF ALL OUR ISSUES, ALL THE FACTORS AND EVERYTHING INVOLVED WITH THIS EFFORT, WE DEVELOPED A COMPREHENSIVE ACTION PLAN ON MAKING THIS HAPPEN. ONCE THE PLAN WAS IN PLACE AND WE -- WE HAD OUR STEPS AND ALL THE THINGS THAT NEEDED TO HAPPEN, THIS IS THEN TURNED OVER TO THE COMMAND STAFF LEVEL AT APD, THE OTHER ASSISTANT CHIEFS AND ALSO THE CHIEF, KATHY ELLISON, TO LOOK AT THIS AND GIVE US THEIR ASSESSMENT AND FEEDBACK, THEY TOOK SEVERAL DAYS TO LOOK AT IT, BASED ON THEIR EXPERIENCE WITH THE TRAINING OFFICERS INVOLVED FROM APD, WE MADE THE CHANGES NECESSARY AGAIN TO BE IN FULL COMPLIANCE WITHIN THE APD STRUCTURE. ONCE APD'S COMMAND STAFF WAS ABLE TO COMPLETE THEIR ASSESSMENT, THEN THAT WAS TURNED OVER TO THE FULL GROUP. THE PCEM GROUP, THE CITY ATTORNEY'S OFFICE, MY OFFICE AND THEN AGAIN TO THE PUBLIC FINANCIAL MANAGEMENT OFFICE. [CHILDREN SCREAMING] [LAUGHTER]

IT'S THAT FATHER INSTINCT. I SAW YOU TURN.

WE WERE ABLE TO DEVELOP THE STRUCTURE FOR HOW THIS WOULD WORK. THEN WE TURNED IT OVER TO OUR BUDGET OFFICER. OUR BUDGET OFFICER, WORKING TOGETHER WITH STAFF FROM APD AND STAFF FROM MY OFFICE, LED THE COST CALCULATIONS, AND AGAIN SENT THAT OVER TO OUR INDEPENDENT ANALYST FROM PUBLIC FINANCIAL MANAGEMENT GROUP TO GIVE US THEIR ASSESSMENT AND THEIR CALCULATION. NOW, CERTAINLY IN ORDER TO DETERMINE WHAT KIND OF COST IMPACT WE LOOK FOR THIS TYPE OF CONSOLIDATION, WE HAD TO MAKE SOME BASIC ASSUMPTIONS, AND THAT WAS NECESSARY IN ORDER TO MOVE FORWARD. AS WE STARTED THIS PROCESS, PART OF THE DISCUSSION WAS THAT YOU HAD TO BELIEVE THAT THIS WAS THE SAME JOB, SO THE FIRST ASSUMPTION THAT WE MADE WAS, IF, IN FACT, THAT WAS THE APPROACH, THAT THIS WAS THE SAME JOB, THEN RANG AND TENURE FOR PCEM WOULD TRANSFER OVER TO AUSTIN POLICE DEPARTMENT. SECONDLY, FOR THE LEADERSHIP IN EACH OF THESE DIVISIONS, THE CHIEF OF PARK POLICE AND AIRPORT POLICE WOULD BE COMMANDERS WITHIN THE APD STRUCTURE, THE DIVISION MANAGER AT THE MARSHALS WOULD BECOME A LIEUTENANT OVER THAT DIVISION. THE COST DRIVER COMES IN THE THIRD ASSUMPTION, AND THAT IS THAT ALL PERSONNEL WITHIN PCEM WOULD BE INCREASED -- THEIR SALARIES WOULD BE INCREASED TO BE WITHIN THE APD PAY AND BENEFITS STRUCTURE. CERTAINLY THE OFFICERS WOULD REGAIN CIVIL SERVICE STATUS AS PART OF APD, AND AGAIN, AS CHIEF O BRIAN AND THE COMMAND STAFF FROM APD NOTED THROUGHOUT THIS REPORT WAS THAT THIS..... THIS WOULD HAVE TO BE WITHIN COMPLIANCE WITHIN THE APD STANDARDS FOR STAFFING, SUPERVISION AND ALL OF THE OTHER OPERATIONAL FEATURES OF HAVING AN AUSTIN POLICE DEPARTMENT DIVISION. PUTTING ALL THOSE ASSUMPTIONS TOGETHER, BASED ON -- AND HERE'S THE IMPORTANT PART. IF YOU LOOK AT THE COST ASSUMPTIONS HERE, ONE OF THE ASSUMPTIONS WAS THAT EVERYONE WOULD COME UP WITHIN THE APD PAY AND

BENEFITS, SO THE FIRST SECTION THAT RECEIVED \$3.4 MILLION IS THE COST IMPACT FOR NO ADDITIONAL STAFF BUT STRICTLY TO BRING THE OFFICERS WITHIN THE APD PAY STRUCTURE. HOWEVER, THE NEXT ITEM, THE 19 ADDITIONAL STAFF, THAT IS TO MEET THE MINIMUM STANDARDS FOR APD OPERATIONAL REQUIREMENTS, FOR SUPERVISION AND STAFFING SUPPORT, WOULD BE AN ADDITIONAL \$1.5 MILLION. SO THE BASE COST FOR A POTENTIAL CONSOLIDATION IS JUST UNDER \$5 MILLION. YOU NOTICE THE FOLLOWING YEARS IS JUST ASSUMING THE CURRENT -- EVEN A CONTRACT MOVES FORWARD, THE INCREMENTAL INCREASES EACH YEAR. I DO WANT TO EXPLAIN IN YEAR TWO YOU SEE A NEGATIVE \$316,000, AND VERY QUICKLY WE KNOW THAT THE FIRST YEAR WE WOULD HAVE TO RAMP UP, THERE WOULD BE SIGNIFICANT AMOUNT OF TRAINING REQUIRED FOR OUR PCEM OFFICERS, SO THE ASSUMPTIONS WERE WE WOULD ADD FIVE TRAINING OFFICERS FOR YEAR ONE. ONCE THE TRAINING WAS COMPLETED, THOSE OFFICERS WOULD BE REDEPLOYED WITHIN THE APD NEEDS AND SO THAT COST WOULD BE REMOVED FROM THE BASE COST THAT WE ADDED IN YEAR ONE. BUT OVERALL -- OVER A THREE-YEAR TOTAL, IT'S A \$60 MILLION IMPACT OVER THREE YEARS. THIS IS THE SAME INFORMATION BROKEN DOWN BY EACH OF THE INDIVIDUAL DEPARTMENTS, AND YOU SEE THERE IS THE TOTAL STAFF -- THE ADDED STAFFING OF 19 AND THEN DOWN TO 14, AS I NOTED THOSE FIVE OFFICERS GOING BACK WITHIN APD. NOW, I SHOULD NOTE THESE COSTS DO NOT ASSUME AND DO NOT INCLUDE ANY ADDITIONAL EQUIPMENT, ANY ADDITIONAL CAPITAL, OVERTIME FOR BACKFILL OR OVERTIME NECESSARILY FOR TRAINING. THIS IS BASE SALARIES AND BENEFITS. TO VERY QUICKLY REVIEW THE STAFFING REQUIREMENTS I'M GOING TO ASK CHIEF JULIE O'BRIAN TO REVIEW THAT..RE.

MAYOR WYNN: WELCOME, CHIEF.

GOOD EVENING. IN MAKING THE STAFFING RECOMMENDATIONS WE LOOKED AT TWO THINGS. ONE WAS WHAT WOULD BE NECESSARY TO MAKE CONSOLIDATION HAPPEN, AND THOSE WOULD BE

UNDER THE STAFFING OTHER RECOMMENDATIONS, , AND THOSE WOULD BE THE SAME REGARDLESS OF WHAT THE SCENARIO LOOKED LIKE AND HOW CONSOLIDATION MIGHT HAPPEN. FOR THESE SPECIFIC STAFFING CHANGES FOR AIRPORT PARK AND POLICE DIVISIONS, AS THEY WOULD BECOME IN APD, WAS SIMPLY TO MAKE ANY STAFFING CHANGES NECESSARY TO INCREASE SUPERVISION OR ADD ADDITIONAL OFFICERS TO BRING THOSE DIVISIONS UP TO CURRENT APD STANDARDS. FOR AIRPORT POLICE THERE WOULD BE THREE OF THE PATROL OFFICER POSITIONS TRANSFERRED TO THE PARKS DIVISION TO INCREASE THE SIZE OF THEIR LAKE PATROL, AND I'LL EXPLAIN MORE ABOUT THAT WHEN I GET TO PARK POLICE, BUT THESE ARE THE THREE PATROL OFFICER POSITIONS THAT ARE CURRENTLY ACTING IN AN INVESTIGATIVE CAPACITY FOR AIRPORT POLICE THAT WE WOULD NOT BE ABLE TO CONTINUE UNDER APD. WE'RE ALSO RECOMMENDING TWO CORPORAL POSITIONS FOR THE TWO-DAY SHIFTS IN AIRPORT POLICE. CURRENTLY AT APD WE DO NOT HAVE ANY PATROL SHIFT FUNCTION WITH SEVEN OR MORE OFFICERS, IT DOES NOT HAVE A CORPORAL'S POSITION, SO TO TREAT THESE THE WAY WE DO OTHER APD DIVISIONS, WE'RE RECOMMENDING THE TWO CORP. RALES FOR THE DAY SHIFT AIRPORT POLICE DAY SHIFT. THERE ARE OTHER PATROL SHIFTS HAVE LESS THAN 7 OFFICERS. WE'RE ALSO RECOMMENDING THE TWO DETECTIVE POSITIONS TO TAKE THE PLACE OF THE THREE PATROL OFFICER POSITIONS THAT WOULD BE TRANSFERRED TO PARKS DIVISION. AIRPORT POLICE IS ALMOST ENTIRELY SELF-CONTAINED OTHER THAN EMERGENCY SITUATIONS OR LARGE SCALE INVESTIGATIONS, LIKE HOME LIKES SIDES OR SWAT CALL OUT THAT HANDLE THEIR OWN INVESTIGATION. ANY CRIMINAL OFFENSE THAT'S COMMITTED ON AIRPORT PROPERTY IS BEING INVESTIGATE. THE INVESTIGATION IS BEING DONE BY A PATROL OFFICER POSITION. SEVERAL YEARS AGO AT APD WE HAD PATROL OFFICERS -- OR OFFICERS HAD FILED A LAWSUIT CLAIMING THEY WERE DOING THE WORK OF DETECTIVES BUT NOT BEING PAID AS DETECTIVES. AS A RESULT OF THAT WE HAD A LOT OF POSITIONS THAT WERE

RECLASSIFIED AS DETECTIVE POSITIONS, SO WE DO NOT ALLOW OFFICERS TO DO IN DEPTH FOLLOW-UP INVESTIGATION AS TO CRIMINAL OFFENSES. TO KEEP THE AIRPORT SELF-CONTAINED, WHICH I THINK WOULD BE THE BEST THING TO DO, WOULD BE TO ASSIGN A DETECTIVE OUT THERE TO PICK UP THESE CASES THAT OCCUR ON AIRPORT PROPERTY AND ARE UNIQUE TO THE AIRPORT ENVIRONMENT, THINGS LIKE PEOPLE BRINGING WEAPONS IN THEIR BAGGAGE, THINGS LIKE THAT. THE OTHER TWO OFFICER POSITIONS ACTED AS LIAISONS. THEY ACTED AS INVESTIGATIVE PARTNERS WITH THE INTERNAL REVENUE SERVICE FOR PERSONS THAT WOULD BE TRYING TO BRING LARGE AMOUNTS OF MONEY THROUGH THE AIRPORT. THEY ARE ALSO ON THE JOINT TERRORISM TASK FORCE. THOSE ARE ASSIGNMENTS AT APD THAT ARE DETECTIVE ASSIGNMENTS, BECAUSE OF THE IN DEPTH KIND OF WORK THAT'S DONE. OUR RECOMMENDATION IS THAT THE TWO DETECTIVE POSITIONS COULD REPLACE THE THREE PATROL OFFICER POSITIONS THAT ARE CURRENTLY AIRPORT. FOR PARK POLICE, WE HAVE THE THREE OFFICERS THAT WOULD BE -- THREE PATROL OFFICER POSITIONS THAT.....THAT WOULD BE TRANSFERRED IN FROM THE AIRPORT, AND THE RECOMMENDATION IS FOR THERE TO BE TWO NEW PATROL OFFICER POSITIONS TO INCREASE THE SIZE OF THEIR LAKE PATROL. CURRENTLY THEY HAVE SEVEN OFFICERS AND ONE SERGEANT ASSIGNED TO THE LAKE PATROL, AND THEY COVER SEVEN DAYS A WEEK WITH EXTRA STAFFING ON THE WEEKENDS, OF COURSE, DURING THE BUSY TIME OF THE YEAR. WHAT WE'RE RECOMMENDING IS THAT THERE BE TWO SHIFTS OF SIX OFFICERS AND A SERGEANT SO THAT YOU'VE GOT SEVEN DAY A WEEK COVERAGE WITH THE FLEXIBILITY TO INCREASE YOUR STAFFING ON THE WEEKEND, BUT ALSO SO THAT YOU CAN OPERATE WITH TWO OFFICERS PER BOAT OR WITH TWO BOATS ON A LAKE, DEPENDING ON WHAT THE SUPERVISORS THOUGHT APPROPRIATE, AND THAT'S TO ELIMINATE THE CURRENT SITUATION WHERE YOU HAVE ONE OFFICER IN A BOAT AND THAT OFFICER MAY BE OUT ON A LAKE BY HIMSELF OR HERSELF. WE CONSIDER THAT TO BE A RISK MANAGEMENT CONCERN. WE'RE ALSO RECOMMENDING THE TWO

CORPORAL POSITIONS FOR PARK POLICE BECAUSE THEIR DAY SHIFT HAS SEVEN OFFICERS. THEIR EVENING SHIFT DOES NOT. FOR CITY MARSHALS WE'RE RECOMMENDING THAT THERE BE FOUR ADDITIONAL PATROL OFFICER POSITIONS ADDED. IF YOU REMEMBER, THIS SCENARIO PRESUPPOSES THAT WHEN APD GETS THE DIVISIONS, THAT WE WILL CONTINUE AS APD OFFICERS TO PERFORM THE SAME FUNCTIONS THAT THEY DO. CITY MARSHAL CURRENTLY HAS SIX DEPUTIES THAT PERFORM COURTROOM SECURITY. THEY HAVE FOUR DEPUTIES THAT ACTUALLY GO OUT AND SERVE CLASS C WASHTS, AND THEY DO SERVE CLASS C WARRANTS AT PEOPLE'S RESIDENCE, AND OF COURSE IN LAW ENFORCEMENT ONE OF THE MOST DANGEROUS AREAS THAT A LAW ENFORCEMENT OFFICER CAN OPERATE IS IN IN SOMEONE'S HOME. WE CONSIDERED A RISK MANAGEMENT CONCERN THAT THERE WOULD BE ONE PERSON GOING UP TO SOMEBODY'S FRONT DOOR, KNOCKING ON IT AND SAYING WE'VE GOT WARRANTS FOR YOUR ARREST. COME WITH ME TO GO SEE A JUDGE. WE WOULD REQUIRE THAT THERE BE TWO OFFICERS. SO SIMPLY WHAT WE'RE RECOMMENDING IS INCREASING THE SIZE OF THE WARRANT SERVICE FROM FOUR OFFICERS TO EIGHT SO THAT YOU CAN HAVE TWO OFFICERS THAT GO UP TO THAT DOOR. NOW, THESE STAFFING OTHER CHANGES ARE WHAT WOULD BE NEEDED TO ACTUALLY MAKE CONSOLIDATION HAPPEN, ALMOST REGARDLESS OF THE SCENARIO, IF WE WERE ACTUALLY GETTING 109 POSITIONS THAT HA WOULD BE FORWOULDBE FOR THE MOST PART FILLED. AS MR. GARZA EXPLAINED, THE REPRESENTATIONRECOMMENDATION IS FOR FIVE TRAINING OFFICERS. MY TRAINING DIVISION RIGHT NOW HAS A LOT OF RESPONSIBILITIES. WE'RE ANTICIPATING HAVING SOME LARGE CADET CLASSES OVER THE NEXT FEW YEARS, AND THAT'S ON TOP OF CONTINUING TRAINING FOR THE 1300 TO 1400 CURRENT OFFICERS THAT WE HAVE. THE RECOMMENDATIONS FROM THE TRAINING STAFF WERE TO HAVE THESE FIVE ADDITIONAL POSITIONS, SO INSTEAD OF TRYING TO FIND A WAY TO STRETCH WHAT WE CURRENTLY HAVE TO, ALSO INCLUDING THE TRAINING FOR CONSOLIDATION, THESE FIVE OFFICERS WOULD BE DEDICATED TO THE EIGHT

WEEKS OR WHATEVER THE TRAINING WEEKS WOULD TURN OUT TO BE. ALSO, THE SUPERVISED FIELD TRAINING THAT THEY WOULD MONITOR THAT. AND I CAN TELL YOU THAT QUITE HONESTLY I WOULD PREFER THAT THESE TRAINING POSITIONS STAY AT THE TRAINING ACADEMY BECAUSE THEY WOULD NEVER BE WANTING FOR THINGS TO DO, BUT IN THE EFFORT OF NOT TRYING TO UNNECESSARILY INCREASE THE COST OF THIS, WE CAN ABSORB THEM BACK INTO THE POLICE DEPARTMENT SO IT'S A FIRST YEAR EXPENSE ONLY. NOW, INTERNAL AFFAIRS ARE RECOMMENDING ONE ADDITIONAL DETECTIVE'S POSITION. RIGHT NOW I HAVE 14 DETECTIVES ASSIGNED TO THE INTERNAL AFFAIRS DIVISION AND THEY COVER A HUNDRED SWORN OFFICERS. IF WE ADD 109 SWORN POSITIONS, I'LL NEED AN ADDITIONAL DETECTIVE'S POSITIONS FOR....'S INTERNAL AFFAIRS SO THAT I'M NOT OVERBURDENING THE DETECTIVES THAT ARE SINGALREADY THERE. CURRENTLY WHAT INTERNAL AFFAIRS DOES IS LOOK AT JUST THE MOST SERIOUS TYPES OF ALLEGATIONS THAT MIGHT INVOLVE A PUBLIC SAFETY AGENCY OFFICER, THINGS LIKE AN OFFICER INVOLVED IN A SHOOTING. THE OTHER TYPES OF COMPLAINTS ARE HANDLED USUALLY BY THE SUPERVISORS. UNDER APD, WE WOULD BE COVERED -- WE WOULD BE INVESTIGATING ALL OF THE MINOR NATURE COMPLAINTS AS WELL AS MONITORING ANY SUPERVISORY INVESTIGATION THAT MIGHT BE DONE. FOR SPECIAL EVENTS WE'RE RECOMMENDING ONE OFFICER POSITION. RIGHT NOW IN OUR SPECIAL EVENTS UNIT WE HAVE TWO PATROL OFFICERS THAT ARE PRIMARY COORDINATORS TO FOR THE SPECIAL EVENTS AT AP DID IS...D IS THE SPECIAL COORDINATOR FOR. LAST YEAR WE HAD 135 SPECIAL EVENTS. IF YOU ASK THE LIEUTENANT OVER AT SPECIAL EVENTS CENTER HE WOULD SAY THAT 25 5RBGS BUT IT'S ACTUALLY 135 SINGLE SPECIAL EVENTS, WITH, PER OFFICER COORDINATOR. PARK POLICE.....ER HAS 45 SPECIAL EVENTS WITH THE SPECIAL EVENTS AS LARGE AS TRAIL OF LIGHTS, AUSTIN CITY LIMITS, URBAN FEST, THE KITE FESS TI VALUE, 4TH OF JULY. THE TWO OFFICERS THAT ARE CURRENTLY IN SPECIAL EVENTS WOULD BE QUITE SIMPLY OVERBURDENED,

SO THE RECOMMENDATION IS TO BRING AN ADDITIONAL OFFICER'S POSITION INTO SPECIAL EVENTS SO THAT HE OR SHE COULD TAKE ON THE ADDITIONAL COORDINATION THAT WOULD BE NECESSARY FOR THE EVENTS THAT ARE NOW COORDINATED BY PARK POLICE.

IN SMER, WHAT WE'D LIKE TO DO WITH THIS NEXT SLIDE IS HIGHLIGHT SOME OF THE KEY CONCERNS AND ISSUES REMAINING AS PART OF THIS EXERCISE. I NOTED EARLIER, PROBABLY THE MOST SIGNIFICANT DIFFERENCE IS APD OFFICERS, BASED ON OUR STRUCK TUR, HAVE A CITYWIDE FOCUS. IN ADDITION TO THAT IT'S VERY COMMON FOR OFFICERS TO ROTATE PATROL TO OTHER DIVISIONS WITHIN THE POLICE DEPARTMENT. OFFICERS WITHIN THE PCEM DEPARTMENT ARE VERY SPECIALIZED AND.....SPECIAL FOCUSED IN THEIR AREAS. IN ADDITION TO THAT THERE'S VERY -- THERE'S A SERIES OF NON-LAW ENFORCEMENT FUNCTIONS THAT ARE PERFORMED WITHIN PCEM THAT ARE NOT SOMETHING THAT..... THAT OUR OFFICERS WOULD DO WITHIN APD. , FUNCTIONS SUCH AS RESPONDING TO DOOR ALARMS, ATTENDING BASKETBALL BALL TURN MENTS, PARTICIPATING IN THOSE KIND OF EVENTS, ALSO SERVING AS A CARRIER SERVICE FOR THE TRANSFER OF DEPOSITS WITHIN EACH OF THE AGENCIES. WITH THAT OFNL..... OBVIOUSLY IS A LIMITED EXPERIENCE, VERY LIMITED FOCUS. THE. WHILE THERE ARE GREAT SIMILARITIES WITHIN AIRPORT PARKS OF THE TYPES OF INCIDENTS THAT THEY RESPOND TO, CERTAINLY THE VOLUME AND THE TIME THOSE HAPPEN ARE MUCH DIFFERENT. A STABILIZED STAFF. I NOTED TO YOU WITHIN APD IT'S VERY COMMON FOR OFFICERS TO ROTATE WITHIN VARIOUS DIVISIONS OF THE DEPARTMENT. ONE OF THE REASONS WE'VE BEEN VERY SUCCESSFUL WITHIN PARKS AND AIRPORT AND OUR CITY MARSHALS IS THE STABILITY THAT THE OFFICERS PROVIDE REMAINING IN ONE PLACE. THE CHIEF TALKED ABOUT TRAINING, AGAIN SIGNIFICANT NEED FOR TRAINING, DIFFERENT FOCUS FOR THE DIFFERENT JOBS, AND FINALLY, THE COST IMPACT, \$5 MILLION FOR THE FIRST YEAR, \$16 MILLION OVER A THREE-YEAR PERIOD.

IMPLEMENTATION, BASICALLY THERE'S ONLY ONE OF THREE WAYS TO MAKE THIS HAPPEN. ONE OPTION WHICH CLEARLY WE WOULDN'T RECOMMEND, BUT WOULD BE AND HAS HAPPENED IN OTHER CITIES, A REDUCTION IN FORCE. BASICALLY, THE TERMINATION OF ALL EXISTING PERSONNEL WITHIN PCEM AND FILLING THE POSITIONS THROUGH THE NORMAL HIRING PROCESS OF APD. SECONDLY WOULD BE THROUGH THE MEET AND CONFER PROCESS, AND THAT WOULD BE INITIATING NEGOTIATIONS WITH THE AUSTIN POLICE OFFICERS ASSOCIATION. AS YOU KNOW, THE CURRENT CONTRACT ALLOWS FOR EITHER PARTY TO RAISE AN ISSUE, TO OPEN UP THE CONTRACT FOR RENEGOTIATIONS BEGINNING OCTOBER 1 OF THIS YEAR. OUR RECOMMENDATION WOULD BE IF THIS IS SOMETHING THAT WAS AN INTEREST OF THE APA, THAT THEY USE THEIR CONTRACT REOPENER TO BEGIN THESE DISCUSSIONS. AND FINALLY, ANOTHER OPTION WOULD BE IF THERE WAS SPECIAL LEGISLATION TO MAKE THIS TO MAKE.

MAYOR ..MAKE.

WITH THAT I'LL TURN IT OVER TO THE CITY ATTORNEY.

GOOD EVENING, I'M ANITA STEVENSON, CITY ATTORNEY. THERE'S ONE SIGNIFICANT LEGAL ISSUE THAT WE'VE ENCOUNTERED IN LOOKING AT THE SCENARIOS THAT CAN'T BE SOLVED THROUGH THE MEET AND CONFER PROCESS, AND THAT HAS TO DO WITH PENSION PLAN ISSUES FOR THESE EMPLOYEES. CITY EMPLOYEES PARTICIPATE IN THREE DIFFERENT PENSION SYSTEMS. THE PUBLIC SAFETY OFFICERS, A MEMBER OF THE CITY OF AUSTIN EMPLOYEE RELATIONS -- EXCUSE ME, EMPLOYEE RETIREMENT SYSTEM. APD OFFICERS PARTICIPATE IN THE AUSTIN POLICE RETIREMENT SYSTEM. THE CITY SYSTEM BELONGS TO SOMETHING CALLED THE PROPORTIONATE PROGRAM, WHICH ALLOWS -- IS A PROGRAM IN WHICH OTHER GOVERNMENTAL AGENCIES ALSO PARTICIPATE WITH US, AND IT ALLOWS EMPLOYEES WHO HAVE SERVICE CREDIT IN MORE THAN ONE OF

THOSE GOVERNMENTAL PENSIONS TO COMBINE THOSE TIMES IN ORDER TO REACH ELIGIBILITY FOR RETIREMENT. THE POLICE RETIREMENT SYSTEM DOES NOT CURRENTLY PARTICIPATE IN THAT PROGRAM, AND SO IF THIS -- IN THIS CURRENT STATUS, IF THE PUBLIC SAFETY OFFICERS WERE MOVED INTO APD, THEY WOULD NOT BE ALLOWED TO COMBINE THEIR CITY TIME WITH THEIR APD TIME IN ORDER TO QUALIFY FOR RETIREMENT. NOW, THE SOLUTION TO THAT, OF COURSE, IS FOR THE POLICE RETIREMENT SYSTEM TO JOIN THE PROPORTIONATE PROGRAM WITH US AND THESE OTHER AGENCIES. THEY CAN DO THAT WITHOUT LEGISLATIVE ACTION,... IT JUST REQUIRES A RESOLUTION BY THEIR BOARD OF DIRECTORS AND THEN APPROVAL BY THE CITY COUNCIL OF THAT RESOLUTION, BUT THEIR PLAN, FOLKS HAVE TOLD US, THAT THEY DO REQUIRE LEGISLATIVE ACTION IN ORDER TO CHANGE SOME OF THE DEFINITIONS IN THEIR CURRENT REQUIREMENT PLAN LANGUAGE, WHICH IS STATUTORY. SO THAT WOULD REQUIRE LEGISLATIVE ACTION. AND THEN THEY ALSO ANTICIPATE THAT THE CITY WOULD NEED TO INCREASE ITS CURRENT CONTRIBUTION RATE IF THESE OFFICERS WERE MERGED INTO THEIR PENSION SYSTEM, AND THAT WOULD ALSO REQUIRE LEGISLATIVE ACTION. AND THE PENSION PLAN IS... HAS ALSO ADVISED US THAT THEY WOULD EXPECT THE CITY TO PAY ANY AND ALL FEES ASSOCIATED WITH MOVING THESE OFFICERS OVER INTO THEIR PENSION SYSTEM.

MAYOR.....

THE PROPOSED BUDGET INCLUDES THE CONTINUATION OF THE THREE DIVISIONS WHIB..... WITHIN THE PCEM DEPARTMENT. ONE THING I WOULD LIKE TO HIGHLIGHT IS THAT THIS EXERCISE DID SURFACE FOR US AND CHIEF O BRIAN TALKED ABOUT SOME SAFETY CONCERNS WE HAVE WITHIN THE MARSHALS DEPARTMENT DIVISION AND THE PARK POLICE LAKE PATROL. AS YOU KNOW, WITHIN THE UNFUNDED STRATEGIC ..UNADS WE ARE ADDITIONAL ADDITIONAL FUNDING FOR LAKE PATROL AND REQUEST TWO ADDITIONAL MARSHALS WITHIN THE MARSHALS DIVISION TO

ADDRESS THE SAFETY CONCERNS THAT WERE HIGHLIGHTED. THE APPROPRIATE BUDGET INCLUDING INCLUDES THE \$1.2 BILLION FOR FOR THE PCEM OFFICERS. FINALLY OUR RECOMMENDATION AFTER THE COMPLETE ASSESSMENT, INDEPENDENT LOOK BY PUBLIC FINANCIAL MANAGEMENT, COMMAND STAFF OF APD, AND THE SERVICES THAT WE PROVIDE AND THE SUCCESS THAT WE'VE HAD OVER THE LAST SEVERAL YEARS, OUR RECOMMENDATION IS THAT WE CONTINUE OUR APPROACH TO LAW ENFORCEMENT, SECURITY, CUSTOMER SERVICE AND ALL THE NON-LAW ENFORCEMENT SERVICES USING THE STRUCTURE OF PUBLIC SAFETY EMERGENCY MANAGE. THAT CONCLUDES OUR PRESENTATION.

MAYOR WYNN: THANK YOU. QUESTIONS? STAFF? COUNCIL? THAT WAS A LOT OF INFORMATION TO TAKE IN. COUNCIL MEMBER MARTINEZ?

MARTINEZ: I CERTAINLY AGREE WITH YOU, THIS IS A LOT OF INFORMATION. I WANTED TO KNOW IF WE COULD JUST MAYBE HAVE -- HAVE THIS ON -- AS AN AGENDA ITEM FOR A SUBSEQUENT MEETING AFTER WE'VE HAD TIME TO REVIEW THIS AND HAVE -- I HATE TO ASK ALL THESE STAFF FOLKS TO COME BACK AGAIN, BUT I THINK FOR ME IT'S GOING TO TAKE SOME TIME TO GET THROUGH ALL OF THIS TO COME UP WITH APPROPRIATE QUESTIONS.

MAYOR WYNN: COUNCIL MEMBER, I GUESS MY -- MY RECOMMENDATION MIGHT BE THAT WE COULD -- WE COULD HANDLE THIS ALMOST LIKE A BUDGET PRESENTATION AND WE COULD, YOU KNOW, SEND IN OUR INDIVIDUAL QUESTIONS, AND I WOULDN'T MIND MY QUESTIONS BEING SHARED WITH EVERYBODY, THE MANAGER I.'S OFFICE --

A WEB SITE WITH THIS WEB SITE AND THEN WITH COUNCIL MEMBERS' QUESTIONS AND RESPONSES TO THOSE QUESTIONS?

WE'LL INCLUDE THAT ON OUR BUDGET WEB SITE AND THEN HANDLE IT JUST LIKE WE WOULD A

BUDGET Q AND A, IF THAT WORKS FOR YOU.

MAYOR WYNN: JUST THINKING ABOUT THE LOGISTICS OF TRYING TO REMEMBER ALL OF OUR QUESTIONS AT THE SAME TIME AT A COUNCIL MEETING MARTINEZ MARTINEZ I THINK THAT'S GREAT.

MAYOR WYNN: SO THIS IS NOW AVAILABLE TO EVERYBODY, AND --

THE BACK OF THE ROOM, FIRST THING TOMORROW MORNING IT WILL BE ON THE WEB. WE HAVE HARD COPIES GOING OUT TO THE PUBLIC, IF THEY WOULD LIKE TO TAKE A COPY WITH THEM.

MAYOR WYNN: I'M SURE SOME OF OUR EMPLOYEES --

DO YOU HAVE ENOUGH COPIES TO WHERE AT LEAST KEY NON-STAFF MEMBERS, REPRESENTATIVES OF THE PUBLIC SAFETY OFFICERS GROUP, AUSTIN POLICE ASSOCIATION, AT LEAST GET A COPY TONIGHT SO THEY CAN --

, IN FACT, WE HAVE DELIVERED THOSE TO THEM. THEY HAVE THOSE IN THEIR HANDS NOW, SIR.

COUNCIL.....COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: YEAH, I SECOND THAT. ACTUALLY, NONE OF... OF US HAD ACCESS TO THIS REPORT UNTIL YOU STEPPED UP TO THE PODIUM, SO WE OBVIOUSLY HAVEN'T HAD TIME TO LOOK THROUGH IT. IT'S HARD TO TRY TO EVEN FORM LATE QUESTIONS ABOUT IT SINCE THE MATERIAL MIGHT BE IN HERE AND I JUST HAVEN'T BEEN ABLE TO LOOK AT IT. BUT A COUPLE OF THINGS DID KIND OF LEAP OUT AT ME. FIRST OF ALL THE UNDERLYING ASSUMPTION THAT ALL OFFICERS WOULD BE TRANSFERRED WITH THEIR PRESENT RANK AND TENURE. I DON'T KNOW THAT THAT WOULD NECESSARILY HAVE TO BE THE CASE. I'VE NEVER SEEN A MERGER IN THE PRIVATE SECTOR WHERE THAT KIND OF ASSUMPTION WAS ACTUALLY USED. THE SECOND THING, NOTHING REALLY JMPD OUT

AT ME AS FAR AS IDENTIFICATION OF ANY POTENTIAL SAVINGS THROUGH JOINT TRAINING DEPARTMENTS, JOINT ADMINISTRATIVE SUPPORT, ET CETERA, AND THAT'S ONE OF THE KEY THINGS THAT WE'RE LOOKING FOR. THIRDLY, I AT LEAST NEVER ENVISIONED THAT THIS WOULD HAVE ANY IMPACT WHATSOEVER ON THIS YEAR'S BUDGET. THIS IS OBVIOUSLY A LONG-TERM THING THAT WE'RE GOING TO HAVE TO STUDY THIS REPORT, GET ANSWERS TO OUR QUESTIONS, AND IT WILL -- IF IT EVER HAPPENS, IT WILL BE A MULTI-YEAR PROCESS, SO I ENDORSE THE CONCEPT THAT WE'LL CONTINUE TO STUDY THE REPORT, SUBMIT OUR QUESTIONS AND SEE WHAT HAPPENS FROM THERE.

MAYOR WYNN: COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: YEAH, AND ACTUALLY I DO THINK WE NEED TO LOOK IT OVER, I DON'T GET MUCH OUT OF - - A SINGLE SPORADIC QUESTIONS AND PREPARED RESPONSES, THE OPPORTUNITY FOR US TO LEARN TOGETHER, ASK QUESTIONS, ASK FOLLOW-UP QUESTIONS. I FIND THAT A LOT MORE USEFUL. I DO THINK AT THE AT THE APPROPRIATE TIME, AFTER A MONTH OFF OR SO, WE WOULD PROBABLY WANT TO HAVE SOME OPPORTUNITY TO -- TO ACTUALLY REVIEW THE QUESTIONS AT AN OPEN MEETING, MAYBE AT A 2:00 SESSION OR SOMETHING LIKE THAT, BECAUSE I DO FIND THAT THAT IS, AT LEAST IN THE BUDGET, A MORE HELPFUL WAY FOR ME TO LEARN, HEARING FROM MY COLLEAGUES AND ASKING FOLLOW-UP QUESTIONS.

MAYOR WYNN: COUNCIL MEMBER QUESTIONS MARTINEZ?

MARTINEZ: ONE MORE QUESTION. IF WERE WE DO ENTERTAIN SOMETHING LIKE THAT, IF WE COULD STRUCTURE IT LIKE A PUBLIC HEARING SO WE COULD GET CITIZEN FEEDBACK AND INPUT, I'D APPRECIATE IT.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? THANK YOU, MR. GARZA. THANKS EVERYBODY FOR YOUR PATIENCE. I WANTED TO GET THAT OFF THE AGENDA. SO WE CAN NOW GO TO OUR EVENING

PUBLIC HEARINGS AND POSSIBLE ACTIONS. I'M SUGGESTING, COUNCIL, WE TAKE THESE SEQUENTIALLY. THERE'S APPROXIMATELY THE SAME NUMBER OF SPEAKERS ON SEVERAL OF THESE PUBLIC HEARINGS, SO ITEM NO. 63 IS TO CONDUCT A PUBLIC HEARING REGARDING THE MOBILE FOOD ESTABLISHMENT ISSUE. MR. GUERNSEY?

GUERNSEY: COUNCIL, MAYOR AND COUNCIL, MY NAME IS GREG GUERNSEY WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. THIS IS INDEED TO CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE ADDING SECTION 25-2-812 TO THE CITY CODE AND AMENDING SECTION 25-2--06 OF THE CITY CODE RELATING TO MOBILE FOOD ESTABLISHMENTS AND REAPPEALING ORDINANCE 2006, 06-08-120. LET ME GIVE YOU A LITTLE HISTORY BEHIND THIS ORDINANCE AND HOW IT CAME TO YOU TODAY. THIS IS A REQUEST THAT ORIGINALLY STARTED BY THE MOBILE FOOD VENDORS COMING TO CITY COUNCIL WITH A CONCERN THAT THEY WERE --

MAYOR.....

I APOLOGIZE, I WANTED TO LET FOLKS KNOW THAT WE HAVE A TRANSLATOR HERE. IF THERE'S SOMEONE IN THE AUDIENCE THAT REQUIRES TRANSLATION, WE DO HAVE SERVICES AVAILABLE.

MAYOR WYNN: GREAT, THANK YOU, COUNCIL MEMBER.

GUERNSEY: IF YOU COULD HAND HER A MOBILE MIC OR IF SHE COULD COME UP TO THE MIC AND INTRODUCE HERSELF AND LET FOLKS KNOW.

BONY AS TARRED HE IS ?. [SPEAKING SPANISH] WE HAVE OUR OWN INTERPRETER, RAUL. SOMEBODY WHO IS ALLOWED TO SPEAK FOR US.

I GUESS THE FUNDAMENTAL QUESTION, IS THERE ANYMORE OF NUMBER OF FOLKS IN THE AUDIENCE HOLD REQUIRE TRANSLATION. MY INSTINCT IS THEY WOULD NEED TRANSLATION FROM WHAT MR. GUERNSEY IS GIVING AS A SUMMARY OF WHAT

WE'VE BEEN. SO -- YES. [SPEAKING SPANISH]

TWO PEOPLE.

MAYOR WYNN: THEN PERHAPS IF OUR TRANSLATOR COULD SIT NEAR THE FOLKS -- IT WOULD BE A LITTLE MORE EFFICIENT FOR EVERYBODY. I'LL PAUSE AND WAIT TILL SHE GETS OVER THEREGETS.

MAYOR WYNN: THANK YOU.

MAYOR AND COUNCIL, I'D LIKE TO GIVE A BRIEF HISTORY OF THE ORDINANCE AND HOW IT GOT BEFORE YOU. THIS ACTUALLY CAME ABOUT, MOBILE FOOD VENDORSFOOD THAT APPROACHED CITY COUNCIL, WILL ALVAREZ, ALTHOUGH I THINK COUNCIL MEMBER DUNKERLEY AND COUNCIL MEMBER LEFFINGWELL WERE ALSO SPONSORS OF AN ITEM TO BRING FORTH A RESOLUTION DIRECTING THE MANAGER TO CREATE AN ORDINANCE ON THEIR BEHALF TO DEAL WITH MOBILE FOOD ESTABLISHMENTS. UNDER OUR CODE, UNDER OUR ZONING REGULATIONS, TO BE MORE SPECIFIC, MOBILE FOOD ESTABLISHMENTS WERE NOT PERMITTED UNDER OUR CODE. WE ALLOW FOR A GREAT MANY USES IN OUR ZONING REGULATIONS, WHICH ALLOW FOR THE PREPARATION AND SALE OF FOOD, AS PERMANENT USES ON A PROPERTY, BUT WE DID NOT MAKE AN ACCOMMODATION IN OUR ORDINANCE, OUR ZONING ORDINANCE, TO ALLOW A MOBILE FOOD ESTABLISHMENT TO OPERATE FROM A PRIVATE PROPERTY. THIS ORDINANCE REALLY ONLY ADDRESSES PRIVATE PROPERTY. IT DOES NOT ADDRESS VENDORS THAT MAY OPERATE OUTSIDE THE CITY LIMITS, ON PUBLIC RIGHTS OF WAY. WE DO MAKE ACCOMMODATIONS FOR MOBILE FOOD VENDORS TO PARTICIPATE ON CITY PROPERTY, SAY PUBLIC PARKS OR AUDITORIUM SHORES DURING CERTAIN FESS TI AT THE VALUES OR EVENTS, WORKING THROUGH OUR DEPARTMENT TO RENT TEN BY TEN SQUARES SET FOR SALE ON SOUTH CONGRESS OR BY THE UNIVERSITY AREA TO OPERATE ON A LIMITED BASIS, AND NOR WOULD THIS ACTUALLY -- OUR PREVIOUS ORDINANCE PREVENT SOMEONE WHO WAS DOING A MOBILE

FOOD ESTABLISHMENT USE IN ASSOCIATION WITH ANOTHER EVENT, LET'S SAY A GRAND OPENING OF A STORE, THAT YOU MIGHT HAVE SOMEONE GIVING AWAY HOT DOGS OR SELLING HOT DOGS OR SOMETHING ALONG WITH THAT TYPE OF EVENT. BUT THERE WAS NOT AN ACCOMMODATION UNDER OUR ZONING REGULATIONS. THEY....THERE HAVE BEEN PROBABLY AT LEAST FOUR TO FIVE YEARS THAT I KNOW OF, EASILY, WHERE THE ZONING AND PLATTING COMMISSION HAD CITIZENS COME BEFORE THEIR COMMUNICATION AND RAISE CONCERNS OF FOOD VENDORS NOT NECESSARILY LIMITED TO JUST SELLING FOOD BUT JUST VENDORS IN GENERAL ALONG SOUTH STASSNEY, WILLIAM CAN CON AND THE EASTCANON AND THE EAST RIVERSIDE AREA, AND THE MOBILE FOOD VENDORS ARE PROBABLY THE ONES THAT ARE MOST GREATLY IMPACTED. SO THE CITY ZONING ENFORCE RNESS R ENFORCEMENT STAFF, WHEN THEY JOINED THE SERVICES DEPARTMENT, HAD A GREATER ABILITY TO DO ENFORCEMENT, AND AS THE CONCERNS WERE BROUGHT TO THIS COUNCILAND TO THE ZONING AND PLATTING COMMISSION IN THE PAST, OUR ZONING ENFORCEMENT STAFF WENT OUT AND ENFORCED THE ZONING REGULATIONS, AND CITED THIS..... THESE MOBILE FOOD VENDORS. IT'S NOT A PARTICULAR VENDOR. THERE ARE SEVERAL VENDORS THAT WERE INVOLVED. THEY WERE GIVEN MUNICIPAL NOTICES TO APPEAR IN MUNICIPAL COURT FOR ZONING VIOLATIONS. THEY NATURALLY CAME TO OUR OFFICE, STOPPED AT OUR ONE-STOP SHOP APPEAR ASKED,..... AND ASKED WELL, HOW DO WE COMPLY IN AND OUR RESPONSE WAS ONE OF TWO THINGS UNDER THE REGULATIONS AS THEY EXISTED. ONE, THEY COULD COME IN AND BECOME A PERMANENT BUSINESS OR TWO, THEY COULD ACTUALLY OPERATE OUTSIDE OF OUR CITY LIMITS. THAT WOULD BE THE TWO WAYS THEY COULD OPERATE. PREVIOUS TO THAT WE ACTUALLY HAD A PARTICULAR MOBILE FOOD VENDOR THAT IS OPERATING ON EAST RIVERSIDE DRIVE THAT WAS TRYING TO ESTABLISH A PERMANENT RESTAURANT AND OPERATING A MOBILE FOOD RESTAURANT, OR MOBILE FOOD ESTABLISHMENT AT THE SAME TIME. THAT

RESULTED IN, I GUESS YOU COULD SAY, A SETTLEMENT BETWEEN THE CITY AND THE PROPERTY OWNER, WHO IS NOW CURRENTLY BUILDING A PERMANENT RESTAURANT OR OPERATING A MOBILE FOOD VENDING OPERATION ON THAT PARTICULAR PROPERTY. IT'S KNOWN AS HE WILL TAQUITO ON EAST RIVERSIDE. AND SO THAT GENERATED A LOT OF INTEREST AS WELL. THE COMBINATION OF THESE TWO ITEMS HAS STEPPED UP ENFORCEMENT. ONE PARTICULAR MOBILE FOOD ESTABLISHMENT THAT WAS OPERATING NEARBY SOME SINGLE-FAMILY HOMES RAISES CONCERN TO THE CONCERN TO THE POINT WHERE WE DID OUR ENFORCEMENT, CITED THESE FOLKS AND THEY CAME TO CITY COUNCIL FOR SOME RELIEF. STAFF WAS THEN DIRECTED TO GO CREATE AN ORDINANCE, AND THERE IS -- IN YOUR BACKUP THERE'S ACTUALLY A RESOLUTION THAT WAS APPROVED AND A DRAFT ORDINANCE THAT WAS SUGGESTED, AND THE ORDINANCE THAT COUNCIL HANDED STAFF, AGAIN MADE SURE THAT THE HEALTH RULES WERE ENFORCED, WHICH WE DO HAVE HEALTH REGULATIONS THAT DEAL WITH MOBILE FOOD ESTABLISHMENTS, AND PART OF THAT PROCESS, THERE MAY HAVE BEEN CONFUSION BY SOME OF THESE MOBILE VENDORS BECAUSE THE LICENSE -- OR PERMITS THAT THEY RECEIVED TO OPERATE THEIR BUSINESS IMPLY THAT THEY MIGHT BE LEGAL, JUST BY GETTING THE HEALTH DEPARTMENT LICENSE, THAT THE DIRECTION WAS ALSO THAT THE SALE OF FOOD AND BEVERAGES FROM MOBILE FOOD ESTABLISHMENT WOULD OPERATE OUTSIDE OF A PUBLIC RIGHT-OF-WAY, THAT THEY WOULD BE PROHIBITED FROM A RESIDENTIAL AREA. AGAIN, THESE ARE THINGS THAT COUNCIL HAD GIVEN STAFF IN A DRAFT ORDINANCE. THAT THEY WOULD BE OPERATING IN COMMERCIAL INDUSTRIALLY ZONED AREAS, AND THAT THE MOBILE FOOD ESTABLISHMENT WOULD NOT BE CONSIDERED A CHANGE OF USE OR REQUIRE SITE PLAN APPROVAL OR REVISION TO SITE PLAN OR A SITE PLAN EXEMPTION. STAFF WORKED WITH COUNCIL MEMBER ALVAREZ'S OFFICE, SOME OF THE MOBILE FOOD VENDORS AND CAME UP WITH SOME RECOMMENDATIONS THAT THAT WERE BROUGHT ORIGINALLY TO THE PLANNING COMMISSION AND

EVENTUALLY TO THE CITY COUNCIL. SOME OF THE ITEMS INCLUDED THOSE ITEMS AND THEN ALSO CLARIFIED THE HOURS OF OPERATION THAT THE MOBILE FOOD VENDORS WOULD NOT BE ABLE TO OPERATE WITHIN 200 FEET OF A RESIDENCE, BETWEEN THE HOURS OF 3:00 A.M. AND 6:00 A.M., WOULD NOT BE LOCATED WITHIN 300 FEET OF ANOTHER MOBILE FOOD ESTABLISHMENT, WOULD BE LIMITED -- OR PROHIBITED FROM USING SOUND EQUIPMENT OUTSIDE OF THE MOBILE FOOD ESTABLISHMENT, WOULD NOT BE ABLE TO PROVIDE SEATING, WOULD ALSO PROVIDE SUPPORT PARKING FOR AT LEAST FOUR VEHICLES ON THE PROPERTY, AND PROBABLY THE MOST IMPORTANT PARTS OF THIS ORDINANCE WAS A PROVISION THAT SPOKE TO HAVING WHAT WAS CALLED A TEMPORARY USE PERMIT. A TEMPORARY USE PERMIT IS SOMETHING THAT ACTUALLY REQUIRES LICENSING BY THE CITY. IT'S A \$75 FEE, I BELIEVE, ON AN ANNUAL BASIS. WE USE IT FOR USES THAT ARE TEMPORARY IN NATURE, FOR SELLING CHRISTMAS TREES OR PUMPKINS, FOR CERTAIN WEEKEND SALES OR EVENTS, AND IT WOULD REQUIRE REVIEW AND SIGN-OFF BY CITY STAFF, AND THEY WOULD BE OPERATING FOR UP TO ONE YEAR AND THEN THE INDIVIDUAL COULD COME BACK IN AND SEEK RENEWAL. THOSE RECOMMENDATIONS WERE GIVEN TO THE PLANNING COMMISSION. THE PLANNING COMMISSION DID MAKE A RECOMMENDATION TO THE CITY COUNCIL, WITH THE EXCEPTION OF THE 200-FOOT SEPARATION REQUIREMENT, THEY BASICALLY STATED THEY NEEDED MORE TIME TO CONSIDER THAT ITEM, AND THE CITY COUNCIL ON JUNE 8 PASSED AN INTERIM ORDINANCE, OR A TEMPORARY ORDINANCE, DEALING WITH MOBILE FOOD ESTABLISHMENTS. AND THIS ACTUALLY LEGITIMIZED MOBILE FOOD ESTABLISHMENTS FOR THE FIRST TIME IN AUSTIN TO OPERATE ON PRIVATE PROPERTY. THE MOBILE FOOD ESTABLISHMENT ORDINANCE THAT WAS APPROVED, AGAIN ECHOED THAT YOU NEED TO HAVE THE DEPARTMENT'S APPROVAL AUTHORITY TO...S TO OPERATE, THAT THEY WOULD BE COMMERCIAL AND INDUSTRIAL DISTRICTS EXCEPT THEY WOULD NOT BE ALLOWED IN OFFICE ZONING DISTRICTS. THEY WOULD NOT

BE ALLOWED IN RESIDENTIAL DISTRICTS, WHETHER THEY'RE SINGLE-FAMILY DISTRICTS OR MULTIFAMILY DISTRICTS, THAT THEY WOULD HAVE TO BE LIMITED TO THE HOURS -- OR THEY WOULD NOT BE ABLE TO OPERATE PAST 3:00 A.M. IN THE MORNING OR BEFORE 6:00 A.M. THEY WOULD HAVE TO BE AT LEAST 20 FEET FROM A PERMANENT RESTAURANT THAT -- PERMANENT GENERAL RESTAURANT OR LIMITED RESTAURANT, LIKE A FAST FOOD RESTAURANT, THAT THEIR NOISE LEVELS OF THE EQUIPMENT ON THE PROPERTY COULD NOT EXCEED 70 DECIBELS OF THE PROPERTY LINE, WHETHER THAT'S A GENERATOR OR SOUND EQUIPMENT THAT'S LOCATED OUTSIDE THE MOBILE FOOD ESTABLISHMENT. SOME OF THE VENDORS HAD INDICATED DURING THE PROCESS THAT THEY DID PLAY MUSIC OR HAD TELEVISION OUTSIDE WHILE THE CUSTOMERS WAITED TO GET IN LINE. THAT A DRIVE-IN SERVICE WAS PROHIBITED, SO YOU COULDN'T HAVE A DRIVE UP WINDOW, THE EXTERNAL WINDOW HAD TO BE LIGHT SHIELDED, ON IT COULD..... WOULD NOT BE VISIBLE. SIGNS WOULD HAVE TO BE ATTACHED IN A MANNER THAT WAS NOT PROJECT MORE THAN 6 INCHES AWAY FROM THAT, THAT DURING THE HOURS OF OPERATION, THAT A TRASH RECEPTACLE WOULDTHAT ATRASH REWOULD BE AVAILABLE AND THEY WOULD HAVE TO KEEP THE AREA FREE OF LITTER AND DEBRIS, THAT HOOKUP TO PERMANENT WATER/WASTEWATER FACILITIES IS PROHIBITED, AND THAT'S MAINLY BECAUSE OF OUR PLUMBING CODES AND THE CONCERNS THAT IF THE TRAILER WOULD HAVE MOVED, SINCE THEY ARE MOBILE, THAT YOU MIGHT HAVE SPILLAGE OF WASTEWATER. ELECTRICAL SERVICE MAY BE THROUGH A TEMPORARY SERVICE OR OTHER CONNECTION ALLOWED BY ELECTRIC UTILITY, OR BY AN ON BOARD GENERATOR, THAT A MOBILE FOOD ESTABLISHMENT USE IS AN ACCESSORY USE TO A PERMANENT RESTAURANT, IT WOULD NOT BE SUBJECT TO THESE REGULATIONS. SO IF I OPERATED A RESTAURANT FROM A BUILDING MONDAY THROUGH FRIDAY, I COULD HAVE A SMALL TACK.....TACO STAND OUTSIDE OR OTHER FOOD ESTABLISHMENT OUTSIDE. THERE WAS A NEW PROVISION THAT WAS ALSO ADDED BY THE

COUNCIL AT THAT TIME, THAT YOU COULD OPERATE ON ANY PROPERTY FOR NOT MORE THAN THREE HOURS WITHIN ANY GIVEN 24-HOUR PERIOD, AND THEN AGAIN, THE COUNCIL CAME BACK AND AT THAT TIME, ON JUNE 8, SUGGESTED -- APPROVED THAT THE MOBILE FOOD ESTABLISHMENT WOULD NOT BE REQUIRED TO FILE A SITE PLAN -- SITE PLAN EXEMPTION OR A TEMPORARY USE PERMIT. AND THAT WAS THE BASIS OF THE ORDINANCE. THE ORDINANCE WOULD EXPIRE ON SEPTEMBER 29, AND THE COUNCIL DIRECTED OUR PLANNING COMMISSION TO LOOK AT THE APPROPRIATE BUFFERING BETWEEN A MOBILE FOOD ESTABLISHMENT AND A RESIDENTIAL USE AND BRING THOSE RECOMMENDATIONS BACK BEFORE YOU BY AUGUST 31 OF THIS MONTH. AND SO THE COMMISSION HAS DONE THAT. THERE WAS A LOT OF DISCUSSION, I KNOW, BETWEEN SOME OF THE MOBILE FOOD VENDORS THAT ARE REPRESENTED BY A GROUP CALLED AVA TACO, WHICH I THINK YOU'LL HEAR LATER, AND SOME ATTORNEYS, BOTH REPRESENTING THE NEIGHBORHOOD, AND REPRESENTING PRIVATE VENDORS, ABOUT HAVING SEPARATIONS OF USES OF THE MOBILE FOOD ESTABLISHMENT USE AND RESIDENTIAL USES, FOR DISTANCES MAYBE AS MUCH AS 300 FEET, WHERE THERE WOULD BE NO USES, LIMITED HOURS OF OPERATION BETWEEN 30500 NO LIMITS ON OPERATION BEYOND 500. THAT WASN'T SPECIFICALLY DISCUSSED ON JUNE 8 BUT THAT WAS A LOT OF DISCUSSION AMONG NEIGHBORHOODS. I'M SURE COUNCIL PROBABLY GOT SOME EMAILS AND LETTERS ABOUT THAT. SO OUR PLANNING COMMISSION SENT THIS TO THEIR SUBCOMMITTEE, CONSIDERED THE AMENDMENT, AND HAS BROUGHT BACK BEFORE YOU A PROPOSED ORDINANCE WHICH ADDRESSES SPECIFICALLY ABOUT BUFFERING BUT ALSO BUFFERINGS SOME OTHER CONCERNS THAT HAVE COME UP DURING OUR COMMITTEE MEETINGS AND COMMISSION MEETINGS. SO WHAT YOU HAVE BEFORE YOU IS THE PLANNING COMMISSION'S RECOMMENDATION, AND I'LL GO THROUGH THAT AND THEN MAKE TWO STAFF SUGGESTIONS AND THEN IF YOU HAVE ANY QUESTIONS I'LL BE HAPPY TO ANSWER THEM. THIS WOULD BE A PERMANENT ORDINANCE, AND WHAT IS SUGGESTED BY YOUR

POSTING, IT WOULD REPEAL THE INTERIM ORDINANCE. YOU DO HAVE THE ABILITY TO TAKE ONLY FIRST READING TODAY. YOU COULD TAKE SECOND READING ANOTHER DAY, BECAUSE I SAID IF YOU DO NOT REPEAL THE OLD ORDINANCE, THE EXISTING ORDINANCE STAYS IN PLACE TO THE DAY AFTER, I THINK -- I GUESS IT'S THE 29TH OF SEPTEMBER, AND SO YOU COULD TAKE ACTION ON THE LAST MEETING OF THIS FISCAL YEAR, ON THE 28TH, IF YOU WANT TO DEFER SECOND AND THIRD READINGS. BUT WHAT THE COMMISSION RECOMMENDED IS BASICALLY THE FOLLOWING: THAT IT WOULD STILL -- THAT A MOBILE FOOD ESTABLISHMENT IS NOT ALLOWED TO OPERATE ON PRIVATE PROPERTY, THIS WOULD BE WITHIN THE CITY OF AUSTIN'S JURISDICTION, UNLESS YOU HAD A HEALTH DEPARTMENT LICENSE TO OPERATE, THAT IT'S PERMITTED IN ALL COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS EXCEPT THOSE OFFICE DISTRICTS, AND THERE'S NOT A PROVISION FOR THEM TO OPERATE IN A RESIDENTIAL DISTRICT, THAT THEY WOULD NOT BE LOCATED WITHIN 50- FEET OF A LOT OF A RESIDENTIAL AND COMMERCIAL MIXED-USE BUILDING, SO YOU WOULD ACTUALLY HAVE A SEPARATION BETWEEN THE MOBILE FOOD ESTABLISHMENT, WHICH IS MEASURED AT THE ESTABLISHMENT, TO A MIXED USE OR RESIDENTIAL COMMERCIAL USE, THAT THE HOURS OF OPERATION THAT YOU WOULD NOT BE ALLOWED TO OPERATE AFTER 3:00 A.M. AND BEFORE 6:00 A.M., AND THAT YOU WOULD NOT BE ALLOWED TO OPERATE WITHIN 20 FEET OF A PERMANENT RESTAURANT, GENERAL RESTAURANT THAT SERVES ALCOHOL AND A LIMITED RESTAURANT THAT DOES NOT. THEY MAINTAIN THE NOISE LIMITATIONS, ABOUT 70 DECIBELS AT THE PROPERTY LINE, MAINTAIN THE MAINTAIN THE DRIVING IS SURFACE BEING PROHIBITED, MAINTAIN THE EXTERIOR LIGHTING, THAT THE LIGHTS WOULD HAVE TO BE HOODED OR SHIELDED FROM A RESIDENTIAL USE, MAINTAIN THE SIGN LIMITATION GOES, THAT THEY STILL HAVE TO BE ATTACHED TO THE TRAILER OR THE CART -- EXCUSE ME, THEY COULD NOT EXTEND MORE THAN 6 INCHES FROM THAT, THAT THE OPERATOR WOULD HAVE TO PROVIDE A TRASH RECEPTACLE, BECAUSE OF SOME

CONCERNS ABOUT BLOWING TRASH, THE PORTION THAT DEALT WITH KEEPING THE AREA FREE OF LITTER WAS NOT LIMITED JUST TO THE HOURS OF OPERATION FOR THE MOBILE FOOD ESTABLISHMENT BUT BASICALLY TO KEEP THE AREA FREE AND CLEAR OF LITTER AT ALL TIMES AROUND THE MOBILE FOOD ESTABLISHMENT. THERE WERE NO CHANGES TO WATER/WASTEWATER CONNECTIONS OR ELECTRICAL CONNECTIONS, BUT THEY DID ADD A PROVISION THAT SPEAKS TO ADDITIONAL REQUIREMENTS THAT WOULD SPEAK TO THE HOURS OF OPERATION AND SEPARATION BETWEEN A MOBILE FOOD ESTABLISHMENT AND CERTAIN RESIDENTIAL USES, AND LET ME READ WHAT THOSE REQUIREMENTS ARE AND THOUSAND THEY WOULD APPLY. A REQUEST WOULD BE MADE THAT A MOBILE FOOD ESTABLISHMENT MAY NOT OPERATE WITHIN 50 FEET OF AN SF #- 5 OR MORE RESTRICTED DISTRICT OR ON WHICH A RESIDENTIAL USE IS PERMITTED, AN SF 5 OR MORE RESTRICTED DISTRICT. AND I'LL GO THROUGH EACH OF THESE AND BE VERY CLEAR. AN SF 5 OR MORE RESTRICTED USE, MAY BE A SINGLE-FAMILY HOME, A DUPLEX, A TWO FAMILY RESIDENTIAL USE, SMALL CONDOMINIUM PROJECTS WITH TEN UNITS OR LESS OR TOWNHOUSE UNITS, TEN UNITS OR LESS. AND THE COMMISSION FELT THAT IF A PROPERTY WAS ZONED MULTIFAMILY OR THERE WERE LARGER TOWNHOUSE OR CONDOMINIUM DEVELOPMENTS THAT WERE MORE THAN TEN UNITS, THAT IT WOULD BE APPROPRIATE THAT THE SETBACK WOULD NOT APPLY TO THEM. SAY THAT A NEIGHBORHOOD ESTABLISHMENT COULD OPERATE BETWEEN 50 FEET AND 100 FEET FROM THE HOURS OF 6:00 A.M. TO 10:00 P.M. AGAIN, ONLY PROTECTING THOSE RESIDENTIAL USES I JUST MENTIONED, THOSE SF 5 OR MORE RESTRICTIVE USES, OR SF 5, OR MORE RESTRICTIVE ZONING DISTRICT. IS..IF THEY WERE BEYOND 300 FEET, THAT THE TIME LIMITATION WAS THE SAME AS COUNCIL ORIGINALLY APPROVED, THAT YOU COULD NOT OPERATE AFTER 3:00 A.M. OR BEFORE 6:00 A.M. THEY MADE A PROVISION TO DO THIS IN A MANNER THAT A NEIGHBORHOOD COULD OPT IN IN A MANNER SIMILAR TO OUR FRONT YARD PARKING PROGRAM,

AND OUR FRONT YARD PARKING PROGRAM ALLOWS
ONCE A YEAR FOR APPLICATIONS TO BE TAKEN IN
FEBRUARY FOR NEIGHBORHOODS TO MAKE A
REQUEST TO OPT IN TO HAVE PARKING
LIMITATIONS THAT WOULD PROHIBIT PARKING IN
THE FRONT ...LIMITATIONS PROHIBIT PARKING IN
THE FRONT YARD. AND THIS WOULD BE SIMILAR
FOR THESE PARTICULAR SETBACKS, THE SETBACK
OF NOTHING WITHIN 50 FEET, THE
LIMITATION THAT YOU COULDN'T OPERATE PAST
10:00 P.M. BETWEEN 50 AND 300 FEET, AND THEN TO
ALLOW BEYOND 300 FEET TO BE LIMITED ONLY TO
THE HOURS -- OR CLOSING HOUR OF 3:00 A.M., THAT
THIS IS SOMETHING THAT THEY THEY COULD FILE
AN APPLICATION FOR. IT WOULD BE FILED IN
FEBRUARY AFTER THEY DO CERTAIN THINGS, HAVE
A MEETING, GET SOME MEETING MINUTES, BRING
THIS BEFORE COUNCIL AND COUNCIL WOULD
DECIDE WHETHER OR NOT THESE RESTRICTIONS
THEN WOULD BE IN PLACE. THEY WOULD REMAIN
IN PLACE APPROXIMATELY FOR THREE YEARS AND
THE NEIGHBORHOOD COULD COME BACK IN. BUT
TECHNICALLY WHAT THE COMMISSION
RECOMMENDED WOULD NOT PROVIDE AN
AUTOMATIC 50-FOOT SETBACK IN THE HOUR
LIMITATION SETBACKS ANYWHERE IN AUSTIN
UNLESS THE OPTION WAS EXERCISED. IT ALSO
COULD BE DONE THROUGH THE NEIGHBORHOOD
PLANNING PROCESS, SO IF THERE WAS A
NEIGHBORHOOD PLAN THAT WAS UNDER WAY, A
NEIGHBORHOOD COULD COME IN AND MAKE THAT
A PART OF THEIR NEIGHBORHOOD PLAN TO PUT
THESE SETBACK AND TIME RESTRICTIONS AS PART
OF THE NEIGHBORHOOD PLANNING PROCESS. THE
NEXT THING THE COMMISSION DID WAS SPEAK TO
ACTUAL MOBILE FOOD VENDORS THAT OPERATE IN
CONJUNCTION WITH A PERMANENT RESTAURANT,
AND THIS WOULD BE AN ACCESSORY USE TO THE
PERMANENT RESTAURANT. THE ORDINANCE
COUNCIL ORIGINALLY APPROVED DID NOT HAVE
ANY RESTRICTIONS ON A -- ON AN ACCESSORY
RESTAURANT THAT OPERATES IN CONJUNCTION
WITH A PERMANENT RESTAURANT, SO IF I HAD A
PERMANENT HAMBURGER RESTAURANT IN THE
BACK AND I WANTED TO SELL HAMBURGERS,
FRENCH FRIES AND COAX FROM A SMALL VENDING

VEHICLE OR CART OR TRAILER IN FRONT OF THE STORE, THEY WOULD NOT BE SUBJECT TO THESE REQUIREMENTS. SO THE COMMISSION CAME BACK AND SAID THAT THESE SAME RESTRICTIONS WOULD APPLY AS THEY RELATE TO THE NOISE LEVEL, THAT THEY WOULD HAVE TO BE RESPECTFUL OF THE NOISE LEVEL, THE EXTERIOR LIGHTING, THE SIGNAGE RIRM,..... RIRMREQUIREMENT, THE REQUIREMENTS TO TAKE CARE OF THEIR TRASH AND LITTER. AND THEN THEY ADDED ONE MORE REQUIREMENT THAT, ALTHOUGH THE RESTAURANT COULD OPERATE 24 HOURS A DAY, 7 DAYS A WEEK, THEY PLACED A RESTRICTION ON AN ACCESSORY USE, AN ACCESSORY MOBILE FOOD VENDOR WOULD NOT BE ALLOWED AFTER 10:00 P.M. THE OTHER PROVISIONS OF THE ORDINANCE DID NOT CHANGE. THERE WAS STILL NOT A REQUIREMENT ADDED BY THE COMMISSION FOR TEMPORARY USE PERMIT. WHAT THIS WOULD MEAN IS THAT THE ENFORCEMENT OF THIS ORDINANCE WOULD FALL SQUARELY UPON A COMPLAINT BASIS GIVEN TO ONE OF OUR WATERSHED INSPECTORS -- OR NOT WATERSHED -- OUR SOLID WASTE SERVICES ZONING INSPECTORS, THAT THEY WOULD MAKE THE CALL IN THE FIELD TO MAKE SURE THAT THE PROPERTY WAS BEING USED APPROPRIATELY FOR THE MOBILE FOOD ESTABLISHMENT USE AND THAT COUNCIL, AS THEY DID IN THE FIRST READING -- OR THE FIRST ORDINANCE, THAT THE PERMANENT HOLDER MUST COMPLY WITH THE SECTION AND MAY BE SUBJECT TO A CLASS C MISDEMEANOR IF THEY WERE IN VIOLATION. I THINK THAT PRETTY MUCH CONCLUDES WHAT THE COMMISSION DID. SO IN SUMMARY, COUNCIL, RIGHT NOW YOU HAVE A TEMPORARY ORDINANCE THAT WILL EXPIRE. THIS IS AN ORDINANCE THAT WOULD PERMANENTLY ALLOW A MOBILE FOOD ESTABLISHMENT TO OPERATE ON PRIVATE PROPERTY WITH CERTAIN RESTRICTIONS. MANY OF THESE RESTRICTIONS ARE SIMILAR TO RESTRICTIONS THAT YOU MIGHT FIND UNDER COMPATIBILITY STANDARDS AS THEY RELATE TO LIGHTING ANNOYS, BUT IN ORDER AND NOISE, BUT IN... IN ORDER FOR THE NEIGHBORHOOD TO TAKE ADVANTAGE OF THOSE SETBACKS, REZONING DISTRICTS, RESIDENTIAL USES FOR ZONING DISTRICTS, THEY WOULD HAVE TO GO

THROUGH THE FRONT YARD OPT-IN PROPOSAL. SO WITH THAT, I APOLOGIZE FOR THE LENGTH, I KNOW THAT WE HAVE TWO COUNCIL MEMBERS THAT DID NOT HAVE THE BENEFIT OF ALL THE THINGS THAT WENT ON BEFORE, AND I KNOW WE HAVE SEVERAL PEOPLE HERE FROM NEIGHBORHOOD AND SOME FROM THE MOBILE FOOD STBT COMMUNITY THAT WOULD LIKE TO SPEAK TO THIS AMENDMENT.

MAYOR WYNN: YES, WE DO, MR. GUERNSEY. QUESTIONS FOR STAFF, MAYOR PRO TEM?

MR. GERNSEY, I JUST NEED TO CLARIFY A COUPLE THINGS. IN THE ORDINANCE WE PASSED, WE HAD THE MINIMUM SETBACK AT 50 FEET FROM THE MIXED USE STRUCTURE.

GUERNSEY: THAT'S CORRECT.

AND THIS ONE, THE MINIMUM SETBACK IS 50 FEET FROM AN SF 5 OR LESS.

GUERNSEY: WELL, THE MIXED USE PORTION DID NOT CHANGE.

OKAY.

GUERNSEY: AND WHAT THE PLANNING COMMISSION SUGGESTED IS THERE BE A 50-FOOT SETBACK AS WELL, ONLY IF YOU WERE TO OPT IN.

OH, I SEE.

GUERNSEY: IF YOU WERE TO APPROVE THE ORDINANCE AS -- AS PROPOSED BY THE COMMISSION TODAY, THERE IS NOT A SETBACK BETWEEN A SINGLE-FAMILY HOME DUPLEX AND THE SMALL TOWNHOUSE CONDOMINIUM DEVELOPMENT AT ALL UNTIL EITHER THE COUNCIL HAS USE PROVISIONS FOR THE 50-FOOT SETBACK TO BE BROUGHT IN WITH A NEIGHBORHOOD PLAN OR THEY COME IN IN FEBRUARY AND WE'D PROBABLY BRING TO YOU IN APRIL THE OPT-IN PROVISIONS.

AND SO IN OTHER WORDS, IT STAYED THE SAME EXCEPT FOR THE OPT-IN PROVISION, AND IF THEY

OPT IN, THEN IT'S 50 FEET FROM FIVE OR LESS. AND THEN THE OTHER DIFFERENTIAL WITH THE OPT-IN IS THE -- IS THE TIMING OF WHEN IT -- THE ESTABLISHMENT CLOSES?

GUERNSEY: THAT'S CORRECT. THAT IS ALSO AN OPT-IN PROVISION. THAT IS KNEW, AND WHAT THE COMMISSION BASICALLY SAID, BETWEEN 50 AND 300 FEET, THEY CAN OPERATE, BUT THEY WOULD HAVE TO CLOSE BY 10:00 P.M.

AND THERE'S NO OTHER RESTRICTIONS ON NOT BEING ABLE TO OPERATE EXCEPT THE 50 FEET?

GUERNSEY: THERE ARE OTHER RESTRICTIONS GENERALLY IN THE ORDINANCE, BUT.

YEAH, WELL, I MEANT, FROM THIS PARTICULAR -- THE OTHER THING I'D LIKE..... YOU TO SUMMARIZE IS THE ACCESSORY USE INCLUDED IN THE PLANNING COMMISSION.

GUERNSEY: THE PLANNING COMMISSION STILL ALLOWS THESE AS ACCESSORY USES, BUT DID PROVIDE SOME ADDITIONAL PROVISIONS THAT COUNCIL DID NOT HAVE IN THEIR JUNE 8 ORDINANCE, THAT IF IT WAS OPERATING AS AN ACCESSORY USE, THEY'VE MADE A PROVISION THAT THE MECHANICAL EQUIPMENT COULDN'T EXCEED 70 DECEMBER BELLS WHEN MEASURED AT THE PROPERTY LINE, ACROSS THE STREET OR A BUGHT..... BUTTING A RESIDENTIAL USE, SO THE GENERATOR COULDN'T OPERATE AT A HIGH LEVEL - - MAKE A LOT OF NOISE, THAT THEY MADE A PROVISION THAT YOUR EXTERIOR LIGHTING WOULD STILL HAVE TO BE SHIELDED, THAT THE LIGHT SOURCE COULDN'T BE VISIBLE FROM A RESIDENTIAL USE, THAT YOU HAD SIGNAGE RICKS AND THE RESTRICTIONS AND THE TRASH RECEPTACLE AND PICK UP OF THE TRASH AROUND THE MOBILE FOOD ESTABLISHMENT ACCESSORY USE, YOU KNOW, TO THE PERMANENT RESTAURANT WOULD BE THE SAME AS ALL THE OTHER MOBILE FOOD VENDORS. THEY DID ADD ONE ADDITIONAL ITEM THAT SPOKE TO A LIMITATION THAT THEY

COULD NOT OPERATE PAST 10:00 P.M.

NO MATTER WHAT DISTANCE?

GUERNSEY: NO MATTER WHAT DISTANCE, AND LET ME BACK UP JUST ONE MOMENT. THAT HAD TWO MODIFICATIONS THAT WE WOULD SUGGEST TO THE CITY COUNCIL OF THE COMMISSION'S RECOMMENDATION. ONE, THAT IF THEY WERE MORE THAN 300 FEET AWAY, WE WOULD -- STAFF WOULD SUGGEST AS ACCESSORY USE THAT THEY..... THEY COULD OPERATE TO 3:00 P.M., JUST LIKE ANY OTHER MOBILE FOOD VENDOR. AND SO IF THERE WAS ONE OPERATING NEXT DOOR THEY COULD DO THAT SAME THING. AND THAT IF THERE WAS AN OPT-IN PROVISION, THERE'S A GRACE PERIOD OF 60 DAYS, SO WE COULD CONTACT THE MOBILE FOOD ESTABLISHMENTS THAT WE'RE AWARE OF IN A PARTICULAR NEIGHBORHOOD AREA AND THE NEIGHBORHOOD ITSELF TO ALLOW THEM TIME TO RELOCATE TO BE IN CONFORMANCE WITH THE ORDINANCE.

THANK YOU.

MAYOR WYNN: THANK YOU, MR. GUERNSEY.
COUNCIL MEMBER MARTINEZ?

MARTINEZ: MAYOR, I HAD SOME QUESTIONS ABOUT THE CODE ENFORCEMENT ASPECT. I WANTED TO ASK, THE PLAN RIGHT NOW YOU SAID WAS TO RESPOND TO COMPLAINTS ON A CASE-BY-CASE BASIS, WATERSHED PROTECTION.

GUERNSEY: THAT'S CORRECT, ACTUALLY SOLID WASTE SERVICES TO CODE ENFORCEMENT. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.]

WE HAVE NOT RECEIVED COMPLAINTS ABOUT MOBILE VENDING UNITS.

McCracken: DID WE RECEIVE ANY PRIOR TO THE INTERIM ORDINANCE AND WHAT DID WE DO IN THOSE CASES IF WE DID?

WE DID AND WE RESPONDED. IT WAS A COMPLAINT

BASIS. IN LOOKING BACK AT APPROXIMATE NUMBERS, WE MIGHT HAVE RECEIVED 10, 15 COMPLAINTS A MONTH MOBILE VENDORS. SO WE DID RESPOND BASED ON THE COMPLAINT. IS.

Martinez: SO IF SOMEONE WANTS TO MAKE A COMPLAINT LATE IN THE EVENING, WHO WOULD THEY CALL?

IT WOULD STILL BE ROWMENT ROUTED THROUGH 311 AS PER THE ORDINANCE. RIGHT NOW OUR STAFF TYPICALLY REPORT TO WORK ANYWHERE BETWEEN 7:00 AND 4:30. AND DWOA SET UP -- WE DO SET UP LATE EVENING INSPECTIONS WHERE WE HAVE A COMPLAINT WHERE WE MIGHT HAVE TO VERIFY A VIOLATION LATE IN THE EVENING. RIGHT NOW WE ARE NOT STAFFED, WE ARE NOT SET UP TO PERFORM INSPECTIONS ON A REGULAR BASIS IN THE EVENING. IT'S ON A LIMITED BASIS.

Martinez: DO WE RESPOND THE VERY NEXT DAY TO THAT COMPLAINT?

WE TRY TO BE OUT IN 48 HOURS. THAT'S OUR GOAL.

Martinez: SO IF WE'RE ENACTING AN ORDINANCE THAT ACTUALLY HAS A DECIBEL LIMIT, HOW DO WE EXPECT TO ENFORCE THAT WHEN A COMPLAINT'S CALLED IN IF A COMPLAINANT THABLZ IT'S ABOVE A CERTAIN DECIBEL?

IN THE PAST LATE EVENING INSPECTIONS WE WORKED VERY CLOSELY WITH THE POLICE DEPARTMENT, WITH THE DISTRICT REPRESENTATIVE PROGRAM AS WELL AS FIELD PATROL. WE HAVE TRAINED FIELD PATROL OFFICERS TO BE ABLE TO RESPOND TO ZONING VIOLATIONS WHEN IT OCCURRED. THIS WAS IN REGARDS TO A PILOT PROGRAM ALONG RIVERSIDE DRIVE. SO WE HAD POLICE OFFICERS THAT WERE IN THE AREA THAT COULD RESPOND.

Martinez: IS THAT THE PLAN IN THE FUTURE TO MAINTAIN THAT POLICY OF POTENTIALLY HAVING A.P.D. RESPOND TO COMPLAINTS OF MOBILE FOOD

VENDORS?

WE HAVEN'T HAD THOSE DISCUSSION WATER AND WASTEWATER A.P.D. WE CERTAINLY ARE WORKING VERY CLOSELY WITH THEM AND WEMD HAVE TO LOOK AT HOW WE COULD RESPOND LATE IN THE EVENING AND THAT COULD BE POSSIBLY ONE OF THE OPTIONS.

Martinez: LET'S SAY IF SOMEONE DOES DMAWL..... CALL IN A COMPLAINT AND A.P.D. IS SENT TO THE KEEN, IS SCENE, IS A.P.D. ALSO GOING TO BE IN CHARGE OF ENFORCING THE REST OF THE CODE AS WELL AS IT RELATES TO LITTER OR ANY OTHER VIOLATIONS THAT MAY HAVE OCCURRED?

I'M NOT SURE TO WHAT EXTENT REGARDING THEIR CALL LOAD AND WHAT THEY WOULD BE ABLE TO RESPOND TO. I DON'T KNOW AT THIS POINT.

Martinez: I WAS ALSO TOLD THAT YOU GUYS ARE PLANNING OR SOMEBODY DISCUSSED THIS, MAYBE STAFF DID, YOU GUYS DISCUSSED THE POTENTIAL OF IF THERE WERE A LOT OF FOCUSED COMPLAINTS IN A PARTICULAR AREA THAT CODE ENFORCEMENT WOULD SPEND A LITTLE MORE TIME IN THAT AREA, MAYBE EVEN SPEND AN EVENING OR TWO RIDING AROUND THE AREA. IS THAT SOMETHING THAT WAS DISCUSSED OR AS A POTENTIAL IDEA?

WE COULD DO THAT, YES. WE DID DO THE RIVERSIDE PILOT PROGRAM THAT INVOLVED CODE ENFORCEMENT OFFICERS AND A.P.D. AND WE DID TARGET THE AREA ALONG RIVERSIDE AND PERFORMED THREE OR FOUR NIGHTS OF LATE EVENING INSPECTION WATER AND WASTEWATER CODE ENFORCEMENT AND POLICE OFFICERS RESPONDING.

Martinez: HAVE WE TALKED ABOUT ANY PENALTIES FOR FALSE COMPLAINTS?

NO, WE HAVE NOT.

Martinez: DO WE KNOW IF ANY FALSE COMPLAINTS

WERE MADE OF THE 10 OR SO THAT WERE MADE?

NOT THAT I KNOW OF.

Martinez: THANKS. GREG, I WANTED TO ASK ABOUT YOU MENTIONED THE OPT IN PROVISION, AND I THINK YOU MENTIONED THERE'S TWO WAYS TO DO IT. ONE IS TO OPT IN ONCE A YEAR IN FEBRUARY, I BELIEVE, SO PETITION THE COUNCIL.

THAT'S CORRECT.

Martinez: THE OTHER WAS THROUGH A NEIGHBORHOOD PLANNING PROCESS?

THAT'S CORRECT. IF THE NEIGHBORHOOD WANTS TO DO FRONT YARD PARKING, IN OUR NEIGHBORHOOD PLANNING PROCESS THERE'S WAY THAT ONE OF OUR TOOLS WOULD BE TO OPT IN TO A PROHIBITION OF FRONT YARD PARKING, AND THIS WOULD ACTUALLY BE AN EXTENSION OF THAT. THERE ARE OTHER THINGS THAT A NEIGHBORHOOD MAY ALSO -- BUT A NEIGHBORHOOD PLAN DOESN'T PRECLUDE THIS FROM BEING ADOPTED IF NEIGHBORHOOD WERE TO PETITION IT DURING THE YEAR FROM COUNCIL? IF YOU DON'T HAVE A NEIGHBORHOOD PLAN --

IF THE NEIGHBORHOOD PLAN IS IN PROCESS, THEN WE WOULD NOT TAKE THE APPLICATION AND IT WOULD REQUIRE THAT IT BE DISCUSSED WITH THE NEIGHBORHOOD PLAN. IF IT IS OUTSIDE OF THAT PROCESS --

Martinez: CAN YOU SAY THAT AGAIN?

IT'S PART OF THE NEIGHBORHOOD PLANNING PROCESS IS GOING ON RIGHT NOW, THEN WE WOULD ASK THAT IT BE GOING THROUGH THAT NEIGHBORHOOD PLANNING PROCESS. AND THERE'S NOT A NEIGHBORHOOD PLANNING GOING ON, THEN THEY WOULD WAIT UNTIL THAT FEBRUARY TO MAKE THE APPLICATION AND GO THROUGH IF THEY'RE NOT PART OF THAT PROCESS. SO IF HAVE YOU A NEIGHBORHOOD PLAN GOING ON RIGHT NOW, FOR INSTANCE, NEXT MONTH YOU'LL BE

CONSIDERING THE EAST RIVERSIDE-OLTORF COMBINED PLANNING AREA, THIS WOULD BE SOMETHING THAT COULD BE BROUGHT FORWARD TO THE COUNCIL TO CONSIDER. IF I WAS IN A DIFFERENT NEIGHBORHOOD AND IT'S NOT GOING THROUGH THE NEIGHBORHOOD PLANNING PROCESS, FAR NORTHWEST AUSTIN, THEY WOULD HAVE TO WAIT UNTIL FEBRUARY TO MAKE AN APPLICATION TO MAKE THAT REQUEST.

Martinez: AS A FOLLOW-UP TO WHAT MATT SAID, I'M AWARE IN THE LAST 15 YEARS OR SO THAT WE'VE HAD ZONING ENFORCEMENT STAFF WHEN THEY WERE ACTUALLY PART OF DEVELOPMENT AND REINSPECTION DEPARTMENT TO ACTUALLY GO OUT FLOODGATE THE EVENING TO LOOK AT ZONING COMPLAINTS THAT HAVE BEEN RAISED BY CITIZENS IN THE UNIVERSITY AREA, ABOUT ACTIVITIES THAT WERE BEING HELD OR FESTIVALS THAT WERE BEING HELD ON A WEEKLY BASIS OUTSIDE OF RESTAURANTS -- I DON'T KNOW IF IT WAS A RESTAURANT OR BAR, BUT I FLOAFS ONE CASE IN PARTICULAR WE HAVE A ZONING ENFORCEMENT STAFF THAT WORKED A STHIFTED HOUR FLOODGATE EVENING TO INVESTIGATE A COMPLAINT THAT WAS HAPPENING AT A LOCAL ESTABLISHMENT ON A WEEKLY BASIS. SO I KNOW OUR ZONING ENFORCEMENT STAFF THAT HAVE WORKED PAST THOSE HOURS THAT MATT MENTIONED DURING THE DAY. AS FAR AS NOISE, I PERSONALLY EXPERIENCE ON A CASE THAT THE CITY PURSUED FOR ZONING VIOLATION OF AN ILLEGAL ICE BUSINESS, AND THE MAIN CONTENTION OF ICE BUSINESS WAS THE MACHINE WAS EMITTING MORE THAN 70-DECIBELS AND WE HAD ACTUALLY A.P.D. GO OUT WITH I THINK THE SAME EQUIPMENT THEY'VE PROBABLY USED TO MONITOR NOISE DOWNTOWN TO TAKE TWO DIFFERENT SOUND READINGS FROM THE RESIDENTIAL PROPERTY OWNERS, THE COMPLAINANTS PROPERTY OF THE EQUIPMENT AS IT OPERATES. SO THAT WAS USED AS PART OF THE INFORMATION THAT WE COULD SI THAT THE OPERATION OF THE ILLEGAL ICE BUSINESS IN VIOLATION OF OUR COMPATIBILITY STANDARDS OF

THE CITY AS WELL AS OPERATING ILLEGALLY.

Martinez: SINCE THE ARE INTERIM ADOPTION OF THIS ORDINANCE, NO COMPLAINTS WERE FILED?

MATT SAID HE WAS NOT AWARE OF ANY. I'M NOT AWARE OF ANY PERSONALLY THAT HAVE BEEN FILED. I THINK MOST PEOPLE ARE WAIT TO GO SEE WHAT HAPPENED WITH THIS ORDINANCE.

Martinez:.

Martinez: WITH THE ADOPTION OF THE INTERIM ORDINANCE, HOW MANY WERE FORCED TO MOVE FRARP A PARTICULAR STRUCTURE?

THERE'S NO WAY TO KNOW FOR SURE BECAUSE RIGHT NOW THEIR LICENSE IS MOBILE FOOD ESTABLISHMENTS, WHICH IMPLIES THEY TRAVEL FROM PLACE TO PLACE. I KNOW THAT THERE ARE SOME REPRESENTATIVES HERE THIS EVENING THAT OPERATE FROM CERTAIN PRIVATE PROPERTIES. I KNOW WHEN I DRIVE TO WORK EVERY MORNING I PASS THREE OR FOUR AS I COME IN TO WORK. BUT IN TRAVIS COUNTY THERE MAY BE CLOSE TO A THOUSAND THAT OPERATE. SOME OPERATE INSIDE OUR CITY LIMITS, SOME WILL OPERATE OUTSIDE THE CITY LIMITS OR IN OTHER JURISDICTIONS AND THEY MAY BE OPERATE THEARZ SELL ICE CREAM OFF THE STREET, THEY MAY BE ONES THAT ARE SELLING AT PRIVATE FESTIVALS OR DIFFERENT ACTIVITIES THAT HAPPEN ON CITY LAND. THEY MIGHT BE THE ONES THAT SHOW UP AT OFFICE BUILDINGS OCCASIONALLY AND SELL SANDWICHES OR TACOS OR WHATEVER, BUT NO, THERE'S NOT A PARTICULAR INVENTORY. I THINK THE MOBILE FOOD ESTABLISHMENT GIVES STAFF A LIST OF KNOWN ESTABLISHMENTS BECAUSE THEY DON'T KNOW WHAT'S GOING TO HAPPEN WITH THIS ORDINANCE EITHER. SO UNDERSTANDABLY.

Martinez: I'LL ASK IT SO WE CAN PREPARE FOR IT. I'D BE INTERESTED TO KNOWIOUS HOW MANY BUSINESSES ARE GOING TO BE IMPACTED, HOW MANY WERE IMPACTED IN THE INTERIM ORDINANCE AND HOW MANY ARE GOING TO BE

IMPACTED IF THEY TAKE ACTION AND ADOPT WHAT'S BEFORE US TODAY.

UNLESS CITY STAFF DRIVES DOWN EVERY SINGLE STREET, MEASURES THE LOCATION AND DID AN INVENTORY ON A LITERALLY ONE BY ONE BASIS, I DON'T KNOW IF STAFF COULD ACTUALLY GIVE YOU AN ACCURATE NUMBER. WHATKY TELL YOU IS BEFORE THE INTERIM ORDINANCE, ALL THOSE THAT WERE OPERATING FROM PRIVATE PROPERTY WERE ILLEGAL AND THAT THIS WOULD GIVE THEM THE OPPORTUNITY TO OPERATE LEGALLY FOR THE FIRST TIME.

MAYOR AND COUNCIL, I WANTED TO CLARIFY ONE ISSUE. IN TALKING TO CHIEF ELLISON, A.P.D. IS VERY MUCH CAPABLE TO ENFORCE THE ORDINANCE BOTH AT THE NOISE LEVEL AND THEN ALSO VIOLATIONS IN THE EVENING. AS MATT SAID EARLIER, THEIR HOURS OF OPERATION ARE FROM 7:00 TO 4:30; HOWEVER, WE'VE HAD A PARTNERSHIP IN THE PAST THAT WE PLAN TO ENHANCE WHICH BASICALLY WOULD ALLOW US TO HAVE OUR CODE ENFORCEMENT OFFICERS GO IN AND TRAIN OFFICERS IN BEING TIEBL DEDUCT VIOLATIONS AND BASICALLY ASSIST THEM IN BEING ABLE TO ENFORCE ANY ASPECTS OF THE ORDINANCE THAT THEY..... THEY CAN. A.P.D. VERY COMMONLY TODAY ENFORCES THESE TYPE OF VIOLATIONS BECAUSE THEY FALL UNDER THAT CLASS C VIOLATION. SO THIS IS NOT SOMETHING THAT IS INDIFFERENT TO TO WHAT THEY'RE ACCUSTOMED TO. SO THIS WOULD BE FURTHER ENHANCED AND IMPROVED SO WE COULD GET TO THE VIOLATIONS AS QUICKLY AS WE CAN AND I THINK THIS PARTNERSHIP HAS WORKED WELL IN THE PAST AND WE PLAN TO DO IT IN THE FUTURE. I DID WANT TO NOTE THAT THE POLICE DEPARTMENT IS VERY MUCH A PARTNER IN TRYING TO HELP US CONSIDERING THE LIMITATION OZ THE ENFORCEMENT DURING THE DAY ADD THE ISSUES THAT MAY ARISE IN THE EVENING.

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS? WE HAVE A HANDFUL OF CITIZENS WHO WOULD LIKE TO ADDRESS US. WITHOUT OBJECTION, WE'LL GO TO THOSE FOLKS. OUR FIRST

SPEAKER TONIGHT IS TONI HOUSE. WELCOME BACK, TONI. AND A HANDFUL OF FOLKS WANTED TO DONATE TIME TO YOU, TONI, INCLUDING IS PAT WALLACE STILL HERE? HOW ABOUT FRANK LADD?

I DON'T BELIEVE I'LL NEED ANY EXTRA TIME. GOOD EVENING AGAIN. TONI HOUSE, CO-VP OF SRCC RTION SOUTHEAST COALITION APPEARED THE EROC PLANNING TEAM. I ENDORSE THE RECOMMENDATIONS THAT MVU'S, INCLUDING RESTAURANT ACCESSORY USES MUST CLOSE BY 10:00 P.M. IF LOCATED FROM 50 TO 300 FEET OF A RESIDENTIAL USE. IN SUPPORT OF THE RECOMMENDATION -- I SUPPORT THE RECOMMENDATION THAT RESTAURANT ACCESSORY USES MUST ALSO ABIDE BY THE SAME REGULATIONS AS OTHER MVU'S REGARDING NOISE, LITTER, ETCETERA. IT IS CRITICAL THAT MVU'S OPERATING AS RESTAURANT ACCESSORY USES NOT BE EXEMPT FROM THIS ORDINANCE. IT..AND REALLY SHOULDN'T ALL OF THE PROVISIONS THAT APPLY TO OTHER MVU'S ALSO FLY RIFT RAWNT ACCESSORY USE MVU'S IN THE PROBLEMS ASSOCIATED WITH THE LATE NIGHT HOURS ARE NO DIFFERENT FOR THE RESTAURANT ACCESSORY MVU'S. YOU CAN STRENGTHEN THIS ORDINANCE BY REQUIRING THAT MVU'S THAT ARE MORE THAN 300 FEET FROM RESIDENTIAL ZONING CLOSE BY ONE A.M. RATHER THAN THREE A.M. ACCORDING TO OUR NEIGHBORHOOD POLICE, A ONE A.M. CLOSING TIME WILL SIGNIFICANTLY REDUCE THE NUMBER OF LATE NIGHT CALLS THEY MUST RESPOND TO IN THE RIVERSIDE AREA. MY NEIGHBORS AND I DO HAVE CONCERNS ABOUT THE MECHANICS OF IMPLEMENTATION AND ENFORCEMENT OF THE OPT IN PROVISION. AND WE'RE HOPEFUL THAT THESE CAN BE WORKED OUT PRIOR TO SEPTEMBER 28TH SINCE EROC IS THE PLANNING AREA MOST IN NEED THIS ORDINANCE. THANK YOU.

Mayor Wynn: THANK YOU. OUR NEXT SPEAKER JEAN MATHER. WELCOME BACK, JEAN. YOU WILL BE FOLLOWED BY RAUL RAMIREZ, WHO WILL BE FOLLOWED BY PEG TREADWELL.

..

I WANT TO SAY THAT WE ARE VERY GRATEFUL FOR THE PLANNING COMMISSION'S WORK ON THIS ORDINANCE, BUT ONE QUESTION WE HAVE IS THE OPT IN PROVISION. IF OUR PLAN HAS ALREADY BEEN APPROVED BY THE PLANNING COMMISSION, EACH THOUGH IT WASN'T FINISHED, AND WE ARE TO BE APPROVED BY THE COUNCIL, I ASSUME ON THE 28TH, DOES THAT MEAN WE WOULD HAVE TO GO BACK TO THE PLANNING COMMISSION AND BACK THROUGH THE COUNCIL TO DO THE OPT IN? THAT'S WHAT I'D LIKE,. GREG TO RESPOND TO. HE'S THE ONE THAT WOULD KNOW, RIGHT?

Mayor Wynn: HE'S THE ONE.

AND I WANT TO SAY HOW GRATEFUL I AM TO THE PLANNING COMMISSION FOR ON THE DAIS WORKING OUT ALL THESE PROBLEMS, AND I THINK THE VENDORS AS WELL AS WE ARE PRETTY HAPPY ABOUT IT.

Mayor Wynn: THANK YOU. MR. GUERNSEY WILL WRITE DOWN ALL THESE QUESTIONS AND TELL US THE ANSWERS IN A FEW MINUTES. RAUL RAMIREZ, WELCOME. YOU WILL BE FOLLOWED BY PEG TREADWELL.

GOOD EVENING, LADIES AND GENTLEMEN OF THE CITY COUNCIL AND HONORABLE MAYOR. MY NAME IS RAIL..... RAUL RAMIREZ AND I'M A U.T. STUDENT AND A PART AFTER GROUP OF MOBILE VENDORS RUN AGRICULTURE LEGITIMATE AND PROFITABLE BUSINESS FOLLOWING THE LAW SET FORTH BY GRT CITY OF AUSTIN. WE SIMPLY WANT TO STATE OUR GRATITUDE FOR THE STAIM TAKEN BY THE PLANNING COMMISSION AND THE SUBCOMMITTEE IN DRAFTING THE RECOMMENDATIONS FOR THIS ORDINANCE. WE OBSERVED THE CITY WORKING FOR THE PEOPLE AND APPRECIATE THE CONSIDERATION TO BOTH SIDES OF THIS ISSUE. THE PROPOSED SET BACK FROM RESIDENTIAL SF-5 ZONES IS INEXRENS INCOMPREHENSIBLE AND WE UNDERSTAND THE CONCERNS OF THE CITIZENS. WE WOULD LIKE TO CONTINUE OUR COMPLIANCE WITH

THE PROPOSED ORDINANCE AND ASK FOR ASSISTANCE WITH ITS ENFORCEMENT. WE ASK FOR A SPECIFIC NUMBER TO CALL OR A CITY OFFICIAL -- I HEARD ABOUT THE WATERSHED. CALL A CITY OFFICIAL TO ALERTS WHEN WE FIND MVU'S REFUSING TO FOLLOW THE ORDINANCE. WE WOULD ALSO ASK YOU TO CONSIDER THE FAITH OF THOSE MVU'S OPERATING IN AND AROUND BARS SINCE THEY ATTRACT THE ROWDY CROWDS. IT IS SAID WE SHOULDN'T ALLOW A FEW ROTTEN APPLES TO DESTROY THE ORCHARD. IF THESE UNITS CONTINUE TO BREAK THE RULES, THEN THEY SHOULD BE PROSECUTED AND SERVE AS AN EXAMPLE TO THOSE NEW ONES WHO CHOOSE TO IGNORE THE REGULATIONS. WE THANK YOU ONCE MORE FOR TAKING THE TIME TO LISTEN TO OUR CONCERNS. BY RUSSIAN THE SETBACK TO 50 FEET AND APPLYING IT TO THE PROBLEMATIC ZONES, THE PLANNING COMMISSION HAS SPARED 80% OF OUR MEMBERS AND ENSURED THEIR SAFETY AND EARNING A LIVELIHOOD. IN CONTRAST A LARGER SET BACK WOULD ELIMINATE 90 PERCENT OF THE BUSINESSES WHO ARE NOT ABLE TO... TO RELOCATE INTO THE 200-FOOT ZONE. WE ASK THAT YOU VOTE YES ON THIS ORDINANCE AND ALLOW OUR ORGANIZATION TO CONTINUE ITS WORK IN PROVIDING INFORMATION REGARDING HOURS AND LOCATIONS TO NEW AND EXISTING VENDORS. OUR GOAL IS TO MAKE SURE THAT ALL CITIZENS OF AUSTIN, SPECIFICALLY THE LAND LAT CONTINUE COMMUNITY, UNTIL THESE REGULATIONS AND HEED THE CITY PROPOSAL. THANK YOU VERY MUCH AND COME OUT AND ENJOY A TACO SOMETIME.

Mayor Wynn: THANK YOU.

Martinez: MAYOR, I HAVE A QUESTION. HE SAID BY ADONGS OF THIS ORDINANCE -- ADOPTION OF THIS ORDINANCE THE WAY IT'S DRAFTED RIGHT NOW THAT 90% OF YOUR MEMBERS WOULD BE AFFECTED BY IT?

WELL, IT WAS TO MY UNDERSTANDING -- AGAIN, I MIGHT HAVE BEEN MISTAKEN. I THOUGHT IT WAS THE 50-FOOT SET BACK WAS ONLY RESTRICTED TO THE SF-5 RESIDENTIAL ZONES AND THAT MULTI-

FAMILY ZONES ESPECIALLY IN THE RIVERSIDE COMMUNITY WEREN'T GOING TO BE -- DIDN'T NEED TO FOLLOW THE CERTAIN SET BACK RESTRICTIONS?

Martinez: SO YOUR UNDERSTANDING IS THAT WHAT HAS BEEN PUT BEFORE US IS NOT SOMETHING YOU WOULD SUPPORT?

NOT THAT I'VE HEARD IT, NOT ALL OF IT. I REALLY THOUGHT IT WAS TO THE SF-5 ZONES ONLY AND THAT THE MULTI-FAMILY ZONES WERE EXCLUDED FROM THE ORDINANCE.

Martinez: SO YOU BELIEVE THAT BY --

BY INCIDENT COLLUSION OF THE MULTI-FAMILY ZONES, YES RKTS 90 PERCENT OF OUR ORGANIZATION, WHICH IS 59 OUT OF 63 TACO VENDORS, WOULD BE OUT OF BUSINESS. THEY WOULD HAVE TO LOCATE PLEATLY AND THERE IS NO SPACE ON RIVERSIDE TO PUT THEM IN.

Martinez: WERE YOU AWARE OF THIS GOING BEFORE THE PLANNING COMMISSION AND WHAT THEY ADOPTED WHEN THEY DID?

I WAS AWARE OF WHAT I THOUGHT -- ALSO THAT, THE OPT IN OPTION WAS PUT THERE IN PROTECTION FOR THE VENDORS IN CASE vendors in case NEIGHBORHOOD WANTED TO KEPT A VENDOR PAST HOURS PROPOSED IN THE ORDINANCE. ALSO THIS EVENING I'M HEARING IT'S THE OTHER WAY AROUND. SO I DO HAVE A COUPLE OF CONCERNS OVER THAT. I'M JUST KIND OF READING WHAT I HAD WRITTEN LAST WEEK.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: HOW MANY VENDORS ARE THERE ON RIVERSIDE DRIVE?

ON RIVERSIDE DRIVE --

Kim: APPROXIMATELY.

APPROXIMATELY, WE WOULDN'T KNOW. WE JUST

KNOW FROM THE PEOPLE IN OUR ORGANIZATION, BUT A LARGE NUMBER CONSTITUTE THOSE ON RIVERSIDE DRIVE, SO I WOULD GUESSTIMATE JUST ON RIVERSIDE ALONE BETWEEN 80 TO ABOUT 120.

MOBILE FOOD VENDORS?

YES.

Kim: THANKS.

Mayor Wynn: MAYOR PRO TEM.

Dunkerley: COULD I HAVE MR. GUERNSEY CLARIFY FOR US THE MULTI-FAMILY ISSUE?

THE PLANNING COMMISSION DID NOT PROVIDE FOR A SETBACK FOR MULTI-FAMILY, BUT DID PROVIDE A SETBACK FOR THOSE SF-5 OR MORE RESTRICTED RESIDENTIAL USES. SO WHERE MOBILE FOOD ESTABLISHMENT WOULD HAVE TO SET BACK THE 50 FEET BEING DISCUSSED OR THE HOURS OF OPERATION LIMITATION ONLY TO 10:00 P.M. BETWEEN 50 AND 300 WOULD BE FROM A SINGLE-FAMILY HOME, A DUPLEX, A GARAGE APARTMENT OR SOMETHING LIKE A TWO-FAMILY RESIDENTIAL USE, TOWNHOUSE OR CONDOMINIUMS THAT ARE 10 UNITS OR LESS, MULTI-FAMILY USES OR LARGE CONDOMINIUM COMPLEXES OR LARGE TOWNHOUSE COMPLEXES, THERE WOULD NOT AN SET BACK REQUIREMENT. THEY COULD OPERATE LESS THAN 50 FEET FROM THOSE TYPES OF DEVELOPMENTS UNDER THE PROPOSED ORDINANCE. AND IF IT WAS ZONED MULTI-FAMILY, THRBLD..... THERE WOULD BE NOT THE PROTECTION OF THE 50-FOOT INTEAKT OR THE TIME LIMITATION, BUT IF IT WAS ZONED SF-2 OR 3 THAT WERE FOR SINGLE-FAMILY OR DUPLEX TYPE ZONING THEN YOU WOULD HAVE THOSE PROVISIONS. SO THERE'S NO REQUIREMENT ON THE COMMISSION'S RECOMMENDATION BETWEEN MULTI-FAMILY USES OR ZONING AND A MOBILE FOOD ESTABLISHMENT.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: ONE MORE QUESTION, SIR. WHAT ARE THE

BUSIEST TIME OF OPERATION WHRKS DO THEY DO THE MOST BUSINESS?

BETWEEN 10:00 AT NIGHT AND THREE IN THE MORNING.

Kim: 10 AND WHAT?

10:00 AT NIGHT AND THREE IN THE MORNING.

Kim: CAN YOU BREAK THAT DOWN BETWEEN 10 ADD 3:00 A.M. WHAT ARE THE BUSIEST TIMES?

BETWEEN 10 AND 12 IT'S SORT OF SLOW, IN THE EVENING JUST REGULAR PEOPLE COMING IN. AROUND 12 TO 1:00 YOU GET THE CLUB, LATE NIGHT CROWD COMING IN AND AT TECHNIQUE 2:00 YOU GET THE BOOM OF EVERYBODY COMING OUT OF THE CLUB.

SO THE BIGGEST HOUR WOULD BE 2:00 TO 3:00 A.M. BECAUSE THAT'S WHEN THE CLUBS HAVE CLOSED?

RIGHT.

Kim: THANK YOU.

Mayor Wynn: THANK YOU. PEG TREADWELL....WELL SIGNED UP WISHING TO SPEAK. WELCOME. YOU WILL HAVE 3 MINUTES AND BE FOLLOWEDLY (INDISCERNIBLE).

I THINK LINDA LAND GAVE ME HER TIME TOO.

Mayor Wynn: IT'S NOT SHOWN HERE, BUT IF -- LINDA? LAND? IS LINDA HERE? SO YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT.

GOOD EVENING, MY NAME IS PEG TREADWELL. I'VE SENT YOU E-MAILS TODAY AND REPLAYED PLOOID TO VARIOUS COPIES OF THIS ORDINANCE THAT I'VE GOTTEN. LATE TODAY I GOT THE OFFICIAL VERSION FROM GREG GUERNSEY. MY NEIGHBORS AND I HAVE BEEN INVOLVED WITH THIS FOISH A LONG TIME AND WE GREATLY APPRECIATE ALL THE TIME AND CONSIDERATION THAT HAS GONE INTO

WRITING THIS. ON AUGUST 18th I MET WITH MR. LOZANO FROM THE TACO GROUP AND THIS PAST TUESDAY WE MET AGAIN, THIS TIME WITH GUADALUPE RUIZ AND JAVIER MUNIZ AS WELL. BOTH TIMES WE TALKED ABOUT HOW WE COULD WORK TOGETHER TO MAKE OUR NEIGHBORHOOD GREAT FOR ALL OF US. GUADALUPE PROBABLY HAD THE FIRST MOBILE FOOD UNIT IN AUSTIN. SHE STARTED 20 YEARS AGO AT FIESTA GARDENS. JAVIER HAS THE HOT DOG STAND ON PLEASANT VALLEY ROAD AND ARENA. ALTHOUGH DON'T AGREE ON ALL THINGS BY ANY MEANS, WE DID AGREE ON SOME. AND ISSUE MALL IS HERE AND HE CAN CORRECT ME IF I MISSPEAK. WE AGREE THAT WHATEVER RULES THAT FLY SOME UNITS SHOULD APPLY TO ALL WITH NO EXCEPTIONS AND WE ALL AGREE THAT WE WOULD LIKE TO SEE THE MOBILE UNITS AND THE AREA AROUND THEM KEPT CLEAN. WE TALKED ABOUT HAVING SOME GARZ AT BUSY SITES AND THEIR SUGGESTION WAS THAT THE GUARDS SHOULD BE REAL OFF-DUTY LAW ENFORCEMENT OFFICERS RATHER THAN SOMEONE JUST IN A GUARD SUIT. MANY PEOPLE HAVE SPOKEN ABOUT HOW THEY REALLY LIKE THE MOBILE FOOD UNITS AND THEY ENJOY THE FOOD AND THE CONVENIENCE AND SO DO I AND MY NEIGHBORS. BUT I THINK THAT WE'RE ALL MOSTLY REFERRING TO THOSE THAT ARE OPEN DURING DATE OR EVENING. HERE IS ANOTHER EXPERIENCE. I WAS CALLED OUT OF TOWN FOR AN EMERGENCY ON SUNDAY, AUGUST 20TH FKT I HAD TO GO DOWNTOWN TO MY WORKPLACE AT 3:00 A.M. TO FINISH SOME WORK BEFORE I LEFT TOWN. WHEN I RETURNED AROUND 3:30 A.M., I COULDN'T TURN INTO MY NEIGHBORHOOD. THE ACCESS ROAD HAD CARS PARKED IN IT SO I WAS STUCK ON RIVERSIDE WITH CARS COMING AT ME FROM BEHIND. A MOBILE FOOD UNIT NEAR ME IS 60 FEET FROM RESIDENTIAL BACKYARDS AND THERE WERE ABOUT 30 CARS, AT LEAST 10 PARKED INTO THE NEIGHBORHOOD, ABOUT 50 PEOPLE PARKED OUTSIDE OF THEIR CARS THAT WEREN'T COMING AND GOING, BUT SEEMED TO BE STAYING, AND TWO GUARDS WHO HADN'T ASKED THE PARKED CARS TO MOVE. THIS IS PROBABLY NOT THE USUAL FOR MOST OF AUSTIN FWURKS THE USUAL FOR ME AND

MY ANYWAYS. AND I CAN'T IMAGINE THAT ANY OF YOU WOULD REALLY LIKE THIS IN YOUR BACKYARD. KEEP IN MIND THAT THE 60 FEET BETWEEN THE MOBILE UNIT APPEARED THE NEIGHBORS WFS....WAS SOLID PEOPLE AND CARS. THAT'S FULL OF PEOPLE AND CARS, SO THAT SOME OF THAT WAS RIGHT ON THE BACKYARD OF THE RESIDENCE. AND IF IT'S 200 FEET AND IT'S FULL OF 200 FEET OF PEOPLE IN CARS, THEN IT'S THE SAME THING. THEY'RE STILL RIGHT ON THE RESIDENTIAL BORDER. I WOULD LIKE TO URGE THAT IN PART ONE, ITEM L, THE OPT IN WOULD BE THE DEFAULT. IN OTHER WORDS, THE RULES WOULD BE IN PLACE AND A NEIGHBORHOOD COULD REQUEST TO WAIVE THEM RATHER THAN THE OPT, AND I WOULD ALSO URGE THAT ITEM D APPLY TO ANY NOISE ASSOCIATED WITH THE VENUE RATHER THAN JUST THAT FROM SOUND EQUIPMENT OR OPERATING EQUIPMENT. APART FROM THAT WE AGREE WITH THE AMENDMENT AND WE REALLY APPRECIATE ALL THE TIME THAT EVERYONE'S PUT INTO IT AND WE HOPE TO CONTINUE TO WORK WITH AVA TACO AND SEE IF WE CAN'T AT LEAST MAKE OUR RIVERSIDE NEIGHBORHOOD GREAT. THANK YOU.

Mayor Wynn: THANK YOU. ANNETTE, WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY ANDREW MARTIN.

MY NAME IS DANETTE CLEMENT K I'LL BE BREEVMENT I DON'T WANT TO REPEAT WHAT'S ALREADY BEEN SAID, BUT I DO SUPPORT THE PLANNING COMMISSION RECOMMENDATION. I THINK IT WAS A FAIR COMPROMISE. IT ALLOWS FOR THE MOBILE VENDING UNITS TO STILL BE ABLE TO OPERATE, MOST OF THEM, AND YET IT PROTECTS THE SURROUNDING NEIGHBORHOODS FROM THE ADVERSE EFFECTS OF NOISE AND LATE NIGHT PARTYING AND SUCH. I WANT TO SAY THAT THE PLANNING COMMISSION STUDIED THIS VERY CAREFULLY. THEY EVEN SMRKS OF THE COMMISSIONERS WENT OUT TO SOME OF THESE SITES AT LATE NIGHT AND TOOK A LOOK AND SAW THE IMPACT ON THE NEIGHBORHOODS THEMSELVES. I ALSO WANT TO SAY THAT I HAVE A LITTLE BIT OF A PERSONAL EXPERIENCE. I DON'T

LIVE NEAR THE RIVERSIDE AREA, BUT I DO LIVE NEAR SOUTH CONGRESS, AND I LIVE PROBABLY ABOUT 200 FEET AWAY FROM SOUTH CONGRESS AND I CAN TELL YOU THAT WHEN FOLKS ARE OUT AT NIGHT EATING, PARTYING, HAVING A EMPLOY..... GOOD TIME, FROM THAT DISTANCE YOU REALLY CAN'T SLEEP. SO I THINK THE BIG ISSUE HERE IS THE HOURS OF OPERATION. CLOSING AT 10:00 P.M. WHEN CLOSE TO SINGLE-FAMILY RESIDENCES REALLY HELPS WITH THE IMPACT ON THE NEIGHBORHOODS. AND I WOULD URGE YOU TO ENDORSE WHAT THE PLANNING COMMISSION HAS RECOMMENDED. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. ANDREW MARTIN, WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY RUTH MARIE, WHO WILL BE FOLLOWED BY DAWN SIZEMORE.

THANK YOU, MAYOR AND COUNCILMEMBERS. I BELIEVE THAT THE PLANNING COMMISSION'S RECOMMENDATION WAS PRIMARILY THE OPT IN PROVISION WAS PRIMARILY MOTIVATED BY DESIRE TO NOT DISTURB THE BUSINESSES OF TACO VENDORS ALL OVER TOWN SIMPLY BECAUSE OF SOME PROBLEMS AS YOU HAVE HEARD IDENTIFIED HERE IN ONE PART OF TOWN. SO IN THAT SENSE THE OPT IN PROVISION DOES MAKE SOME SENSE, BUT YOU'VE ALSO HEARD TONIGHT THAT SINCE THE INTERIM ORDINANCE YOU HAVEN'T HEARD ANY COMPLAINTS, OR AT LEAST WE HAVE NO RECORD OF COMPLAINTS BEING FILED. ONE CAN REACH WHATEVER CONCLUSIONS ONE WANTS ABOUT THAT, BUT I THINK THROUGHOUT THIS PROCESS WHAT WE'VE SEEN DEMONSTRATED IS THE COMPLAINTS HAVE ARISEN FROM RIVERSIDE AND PRIMARILY, IF NOT EXCLUSIVELY, FROM WHAT GREG WAS TELLING ME, POSSIBLY THE ONE MOBILE VENDING UNIT THAT THE CITY HAS RECOGNIZED AS BEING LEGALLY PERMITTED TO OPERATE IN THE PAST AS A RESULT OF THAT SETTLEMENT. I WOULD URGE, AND I GUESS I SHOULD BACK UP. I REPRESENT VNS ENTERPRISES AND RAY DECK MANAGEMENT RAY DECK MANAGEMENT MANAGES THE RIVER HILLS SHOPPING CENTER WHERE ROSA JUAREZ HAS THE MOBILE STORE VEANDING UNIT,

WHICH HAS BEEN THERE FOR 20 YEARS. AND IT IS FAR MORE THAN 50 FEET FROM A SINGLE-FAMILY USE. THE PLANNING COMMISSION'S RECOMMENDATION IN FRONT OF YOU THAT ADDRESSES OPERATING HOURS OR ESTABLISHES OPERATING HOURS FOR ACCESSORY USES WILL HAVE A DIRECT IMPACT ON HIZ.... HIZ ROWR ... MS. JUAREZ'S MOBILE UNIT BECAUSE IT HAS A 3:00 A.M. CLOSING TIME, WHICH HAS NOT BEEN SOMETHING SHE'S OPERATED WITH. SHE STAYS OPEN UNTIL FOUR AND THAT BUSINESS DOES A LOT OF BUSINESS BETWEEN 3:00 AND 4:00, AND IT IS LOABLGHT LOCATE UNDERSTAND A WAY THAT DOES NOT -- IT'S NOT BEEN THE SOURCE OF THE COMPLAINTS THAT YOU MAY HAVE HEARD AND WE HAVE HEARD FROM THE NEIGHBORS. SO THE PLANNING COMMISSION RECOMMENDATION, IF YOU CHOOSE TO ADOPT IT, WITH THE AMENDMENTS TO THE ACCESSORY USES, I WOULD URGE YOU TO ADD THE FIRST SENTENCE FROM THE TAF RELIGIOUS THAT PROVIDE THAT IT -- THE STAFF RECOMMENDATION THAT PROVIDES THE 10:00 P.M. CLOSING TIME DOES NOT COMPLY UNLESS YOU'RE WITHIN 300 FEET OF AN SF-5 OR MORE RESTRICTIVE USE. BEYOND THAT, FRANKLY, I'M GOING REPEAT WHAT I SAID IN THE LETTER THAT I DISTRIBUTED TO YOU EARLIER, I THINK THE INTERIM ORDINANCE AND THE PROVISIONS THAT YOU ADOPTED IN JUNE ARE APPROPRIATE. I THINK THE FACT THAT YOU HAVEN'T HAD ANY COMPLAINTS UNDER THAT SHOULD BE SOMETHING THAT YOU TAKE INTO CONSIDERATION. THANK YOU.

Mayor Wynn: THANK YOU. RUTH MARIE? WELCOME, MA'AM. YOU WILL HAVE THREE MINUTES, FOLLOWED BY DAWN SIZEMORE.

I'M RUTH MARIE AND I LIVE IN THE WINDSOR PARK NEIGHBORHOOD. I WAS CONCERNED ABOUT THIS BECAUSE WE HAVE A COUPLE OF VENDORS OR MOBILE FOOD VENDORS THAT AT THE TIME THAT I HEARD ABOUT IT, AT THE TIME I WE WANT NEEGHT LAST ..WENT TO MEETINGLAST WEEK, WOULD BE OUT OF BUSINESS. ONE WAS A TACO STAND AND ONE WAS A BARBECUE STAND THAT CAME IN ONLY ON WEEKENDS. I'M WONDERING NOW IF... AS I'M

LISTENING TO THINGS IF PERHAPS I MAY BE WORRYING NEEDLESSLY. ONE THAT'S THE TACO STAND IS LESS THAN 50 FEET AWAY FROM A MULTI-FAMILY ESTABLISHMENT. IF I HEAR RIGHT, THAT WOULD BE OKAY. THE OTHER ONE IS ALSO WITHIN APPROXIMATELY 50 FEET, BUT THEY DO MOVE. THEY ONLY ARE THERE ON WEEKENDS. I'M WONDERING IF I DO NOT UNDERSTAND PROPERLY THAT TECHNICALLY THEY CANNOT BE IN A PARTICULAR POSITION BECAUSE IT'S PRIVATE PROPERTY OR IS IT THAT THEY CAN -- IF THERE'S AN AGREEMENT WITH THE PROPERTY OWNER THAT THEY HAVE THE RIGHT TO BE THERE? THAT'S THE QUESTION THAT I HAVE. AND I BELIEVE THAT THAT TAKES CARE, WHAT I HEARD TONIGHT TAKES CARE OF WHAT I'M CONCERNED ABOUT. I JUST LIKE THE OPT IN ISSUE BECAUSE ONE OF THE THINGS THAT REALLY BUGS ME IS WHEN THERE IS A PROBLEM IN A PARTICULAR AREA AND SOMEHOW OR ANOTHER THE LAW COMES IN AND MAKES IT APPLICABLE TO THE WHOLE AREA WHEN IT DOESN'T REALLY -- IT ISN'T REALLY NEED UNDERSTAND ALL THOSE OTHER AREAS. I WILL THAT'S NOT QUITE FAIR. I REALLY LIKE THAT OPT IN OPTION.

Mayor Wynn: THANK YOU. DAWN SIZEMORE. WELCOME BACK.

EVENING, COUNCILMEMBERS. MY NAME IS DAWN SIZEMORE. I AM A COMMUNITY REPRESENTATIVE AND I'VE BEEN ACTIVE IN MANY ASPECTS OF COMMUNITY WORK THROUGH NO PROFIT TO MYSELF OR PERSONAL INTEREST. I HAVE FOR SEVERAL YEARS BEEN ACTIVE IN NEIGHBORHOOD WATCH AND ATTENDING POLICE COMMANDERS' FORUMS AND I IN JUNE ATTENDED THE POLICE COMMUNITY FORUM, TWO DAYS OF COMMUNITY, PEOPLE OF ALL KINDS GETTING TOGETHER TO TALK WITH THE POLICE AND MEETING THE NEW CADETS. I'VE ALSO HAD SOME EXPERIENCE IN THIS AREA WITH MULTIPLE FOOD VENDING UNITS AND I WANT TO THANK -- WE'RE VERY GRATE THAFL AN ORDINANCE HAS BEEN PROPOSED, HOWEVER I WOULD CAUTION THAT YOU NOT DO QUICK APPROVAL OF THE ORDINANCE THAT WAS AMENDED LATE IN THE PLANNING COMMISSION

MEETING IN A COUPLE OF AREAS. DOI WANT TO SAY TO YOU THE CITY MANAGER AND TO THE COUNCIL FOR APPROVING ADDITIONAL BUDGET ITEMS FOR INCREASED ENFORCEMENT OF CODES AND FOR FILLING IN THE GAPS THAT HAVE BEEN THERE FOR YEARS. SOME OPERATIONS, SOME ARE BENIGN AND SOME ARE NOT, HAVE TAKEN PLACE IN -- TAKEN PLACE IN PLACE OF CODE ENFORCEMENT. I WOULD ASK TO YOU WORK WITH TRAVIS COUNTY AND THE HEALTH DEPARTMENT SINCE MOST OF THE BURDEN FALLS TO THE HEALTH DEPARTMENT IN TRYING TO POLICE OR ENFORCE ANY OF THIS. THE HEALTH DEPARTMENT ISSUES STICKERS FOR MOBILE FOOD VENDING UNITS AND ALL OF THEIR WORK IS BASED ON THE FACT THAT THE VENDORS DO MOVE AND NFG USED TO HAVE TO MOVE WITHIN A 24-HOUR PERIOD. AND SUCH THINGS AS THEY NEED TO PROVIDE REST..... RESTROOMS IF THEY WERE GOING TO HAVE SEATING AND THINGS LIKE THAT. THAT WENT AWAY, SO FOR A FEW YEARS BUSINESSES MOVED IN WHEN THERE WAS NO ENFORCEMENT. AND WORKING WITH THE POLICE, I FOUND OUT HOW MUCH CRIME IS RELATED TO LATE NIGHT OPERATIONS, SO SOME PEOPLE ARE MAKING MONEY. THE ENFORCEMENT EFFORTS WERE NOT JUST DIRECTED AT FOOD VENDING UNITS. THERE ARE A NUMBER OF OTHER OPERATIONS AND THANKS HAPPEN IN THESE AREAS WHERE LOTS LOTS OF PEOPLE GATHER AT NIGHT WRAND THE PROPERTY OWNERS ARE NOT PRESENT APPEARED ARE IN SOME CASES GEJT APPEARED NOT PAYING ATTENTION TO WHAT'S HAPPENOGTHEIR PARKING LOTS WHEN AFTER HOURS. I LIVE NEAR ONE OF THESE AREAS ANDKY TELL YOU PERSONALLY THE KIND OF THING WE'VE EXPERIENCED OVER THE YEARS. SO I WOULD ASK YOU VERY MUCH TO, A, FWHIT BUDGET AND THE I AM APPLICATIONS THIS WILL HAVE. THERE WILL BE MORE ENFORCEMENT NEEDED, NOT LESS. [BUZZER SOUNDS] I ALSO WOULD PLEASE MAKE OPT OUT THE DEFAULT, NOT OPT N THE OPT IN POLICY DIDN'T COME OUT OF THE SUBCOMMITTEE AND IT IS MUCH TOO COMPLEX AND ADDS UNNECESSARY DIFFICULTY AND DELAY. THE WHOAG CITY IS AFFECTED. IT'S NOT JUST ONE AREA. THANK YOU.

Mayor Wynn: THANK YOU. LAURIE RENT REI CAN'T, GALE GOFF, GARY SOUTHERLAND SIGNED UP NOT WISH TO GO SPEAK, IN FAVOR. THAT'S ALL OUR CITIZEN SPEAKERS. I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER COLE, SECONDED BY COUNCILMEMBER MCCRACKEN TO CLOSE THE PUBLIC HEARING. ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. COMMENTS, QUESTIONS? COUNCILMEMBER MARTINEZ.

Martinez: YOU KNOW, BASED ON THE COMMENTS TONIGHT AND BASED ON THE CONFUSION TONIGHT, IT'S CLEAR TO ME THAT NEITHER SIDE IS HAPPY WITH WHAT'S COME OUT OF PLANNING COMPLETELY. AND THAT THERE IS STILL SOME CONFUSION OVER WHAT POTENTIALLY THIS PROPOSED ORDINANCE DOES. I ALSO WANT TO MAKE A COMMENT THAT -- MAKE A COMMENT THAT IT APPEARS THAT IN SOME CASES THAT WE'RE TRYING TO ADDRESS SYMPTOMS OF MOBILE FOOD VENDING AND NOT ISSUE WITH MOBILE FOOD VENDING. WE HAVE LAWS IN PLACE THAT TAKE CARE OF PUBLIC INTOXICATION, PUBLIC INDECENCY, WE HAVE A NOISE ORDINANCE IN PLACE. AND I THINK THAT WE'RE NEGATIVELY HARMING LEGITIMATE BUSINESSES THAT OPERATE WITHIN THE CONFINES OF THE LAW. NOW, WHETHER THEY'RE PATRONS THAT OPERATE WITHIN THE CONFINES OF THE LAW, THAT'S WHAT THE POLICE DEPARTMENT IS FOR. MY CONCERN IS THAT WE ARE GOING TO IMPACT A LOT OF MICROBUSINESSES IN A NEGATIVE WAY AND PUT A LOT OF PEOPLE EITHER OUT OF A JOB OR NEGATIVELY IMPACT THEIR BUSINESS. I DON'T KNOW FOR SURE IF 90% OF THE BUSINESSES ON EAST RIVERSIDE DRIVE ARE GOING TO BE AFFECTED BY THIS, BUT EVEN IF 50% ARE, THEN I THINK THEY NEED TO KNOW THAT AND WE NEED TO HAVE A CLEAR UNDERSTANDING FROM BOTH SIDES MUCH WHAT WE'RE ADOPTING TONIGHT. SO MY RECOMMENDATION, I'M GOING TO MAKE A MOTION THAT WE REJECT THE PLANNING COMMISSION'S RECOMMENDATION ON FIRST READING ONLY AND THAT WE SEND IT BACK TO PLANNING AND ALLOW

BOTH SIDES TO TRY TO COME UP WITH SOMETHING, FIRST OF ALL THAT, THEY BOTH UNDERSTAND, AND THAT THEY CAN BOTH SPEAK TO WHEN THEY COME DOWN HERE IN SUPPORT OF OR AGAINST.

Mayor Wynn: SO A MOTION TO REJECT THE PLANNING COMMISSION RECOMMENDATION --

Martinez: BASICALLY LEAVE THE ORDINANCE AS IT IS IN THE INTERIM LANGUAGE AND SEND IT BACK TO PLANNING SO THAT IT CAN COME BACK FOR SECOND AND THIRD READING.

Mayor Wynn: MAYOR PRO TEM.

Dunkerley: COULD I HAVE SOME COMMENTS? I THINK THE REAL REASON WE DID THIS ORDINANCE IN THE FIRST PLACE WAS TO GIVE SOME STRUCTURE FOR THE MOBILE FOOD VENDORS SO THAT THEY WOULD KNOW WHAT IT MEANT TO LEGALLY OPERATE. AND SO THAT'S REALLY WHAT WAS OUR FIRST INTENT. AND THEN SECONDLY IT WAS TO PROVIDE SOME RULES, SOME GUIDE FLIENZ THEIR .GUIDELINES FOR THEIR PREMISES, AND IN SOME CASES JUST VERY SIMPLE THANK OTHER BUSINESSES HAVE TO OPERATE LIKE TOO. AND I THINK WE REALLY ACCOMPLISHED THAT. I'M ALSO INTRIGUED THAT WITH THE PROPOSAL THAT'S BEFORE US TONIGHT I AGREE WITH COUNCILMEMBER MARTINEZ THAT THERE'S A LOT OF MISUNDERSTANDING ABOUT HOW THIS WORKS. BUT AS I'VE SEEN THE WORK ON OUR DESIGN STANDARDS AND ON OUR RESIDENTIAL GUIDELINES, WE'VE BEEN ABLE TO ACCOMMODATE ALMOST EVERY GROUP THAT HAS HAD A MAJOR ISSUE. MAYBE NOT EXACT THROI THEIR LIKING, BUT WE'VE BEEN ABLE TO COME UP WITH SOMETHING THAT THEY CAN LIVE WITH. RIGHT NOW THE ONLY CONCERNS THAT I REALLY HEAR THAT WOULD MAKE THIS NOT A VERY WORKABLE PROPOSAL WOULD BE THE ISSUES DEALING WITH THE ACCESSORY USE. CERTAINLY I THINK THEY NEED TO COMPLY WITH THE SAME CIED OF RULES THAT THE OTHER MOBILE VENDORS DO, AND MR. MAR TIP'S SUGGESTION ABOUT THAT LANGUAGE I THINK PROBABLY SHOULD BE INCORPORATED. BUT I WOULD LIKE TO TAKE THIS

NEXT LITTLE BIT BEFORE IT COMES BACK TO US, AND I'M NOT SURE WHETHER WE TOTALLY REJECT THE PLANNING COMMISSION RECOMMENDATION, BUT I'D LIKE TO HAVE A LOT MORE WORK WITH STAFF AND WITH THE MOBILE .. MOBILE VENDORS TO SEE WHICH ONES ARE AFFECTED AND ARE AFFECTED IN WHAT WAY. AND SEE IF WE CAN CERTAINLY TWEAK THESE RULES SO THAT WE COULD COME TO A BETTER ACCOMMODATION. I THINK MANY OF THEM HAVE WORKED ON THIS COMPROMISE AND I DIDN'T LIKE THE OPT IN WHEN I STARTED, BUT I'M BEGINNING TO LIKE IT NOW BECAUSE I THINK THERE ARE MOST AREAS THAT WOULD NOT NEED TO PUT THIS IN PLACE. SO I DON'T KNOW WHETHER WE REJECT IT OR WHETHER WE JUST SEND IT BACK FOR SOME MORE WORK AND UNDERSTANDING WITH THE VENDORS AND THE STAFF AND ON COME BACK LATER TO SEE IF WE'VE ACCOMMODATED MOST OF THE OTHER ISSUES. I DON'T KNOW. IT'S JUST A GENERAL COMMENT.

Mayor Wynn: WE HAVE A MOTION ON THE TABLE TO -
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Dunkerley: DID HE HAVE A SECOND?

Mayor Wynn: NOT YET. I THINK IT'S MORE CLEAR JUST TO REJECT THIS, SENDING IT BACK TO THE PLANNING COMMISSION.

Martinez: KY AMEND MY MOTION -- I CAN AMEND MY MOTION, MAYOR, IF IT MAKES IT EASIER TO MAKE A MOTION TO ADOPT THE INTERIM ORDINANCE AS DRAFTED AND SEND IT BACK. THAT JUST KEEPS THE LANGUAGE THE WAY IT IS AND LET'S IT GO BACK. JUST ON FIRST READING. JUST MAINTAIN WHAT WE HAVE IN PLACE RIGHT NOW.

Mayor Wynn: WELL, THAT DOESN'T NEED -- I DON'T THINK WE CAN -- IT'S THE EXISTING ORDINANCE.

THIS IS THE NEW -- DEBRA, I NEED TO YOU HELP ME OUT HERE. THIS IS THE NEW PERMANENT ORDINANCE, AND THE INTERIM ORDINANCE IS IN PLACE RIGHT NOW, AND IT EXPIRES ON SEPTEMBER THE 28TH. SO YOU HAVE AN INTERIM ORDINANCE IN

PLACE IF IT IS YOUR DESIRE TO ADOPT THE INTERIM ORNS ORDINANCE AS THE PERMANENT ORDINANCE ON FIRST READING, I BELIEVE THAT THAT IS SOMETHING THAT YOU CAN DO. BUT YOU DO HAVE THAT INTERIM ORDINANCE IN PLACE NOW.

Martinez: IT'S NOT NECESSARY IF IT'S GOING TO BE GOOD UNTIL THE 29TH OF SEPTEMBER.

THAT'S RIGHT. THE INTERIM ORDINANCE IS GOOD UNTIL THE 29TH.

SO OPERATING RIGHT NOW. AND WHAT WE'LL HAVE TO DO AND WHAT THE STAFF WILL HAVE TO DO IS BRING SOMETHING BACK TO YOU BECAUSE THAT'S WHEN THAT ORDINANCE EXPIRES. SO DEPENDOGWHAT THE MECHANISM IS, WHETHER TOWPT SIMPLY SEND THIS MATTER BACK TO THE PLANNING COMMISSION FOR FURTHER WORK, WHETHER YOU WANT TO GO ON AHEAD AND ADOPT THE INTERIM ORDINANCE ON FIRST READING, YOU STILL HAVE THAT INTERIM -- YOU STILL HAVE THE INTERIM ORDINANCE IN PLACE. SO THERE IS THAT PRKS THERE OR -- THERE IS THAT PROTECTION THERE OR THERE IS THAT PROVISION THERE.

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AND IF COUNCIL SO DESIRES, WE CAN PLACE AN ITEM ON THE AGENDA ON THE 29TH TO EXTEND THE.... ORDINANCE IF THE COUNCIL WOULD LIKE TO HAVE ADDITIONAL TIME AND CONTINUE OPERATING UNDER THE INTERIM ORDINANCE TO ALLOW THE PLANNING COMMISSION TO CONSIDER THAT. AND I JUST WANT TO MENTION ONE THING. A TACO REPRESENTATIVE CAME TOWP ME BECAUSE HE WAS CONCERNED ABOUT THA DISCUSSION OZ COUNCIL MAYBE MISS.....MISINTERPRETED THEIR GROUP. AND THAT HIS ORGANIZATION IS IN FAVOR OF THE ORDINANCE AND IT WOULD NOT NEGATIVELY IMPACT 90% OF THEIR BUSINESSES. WOULD NOT NEGATIVELY IMPACT THEM SO LONG AS THE PROVISIONS THE CURRENT ORDINANCE ARE THE SAME. BASICALLY IT WOULD LEAVE ANY SET BACK PROVISION FROM ANY MULTI-FAMILY OUT OF THE ORDINANCE AS IT'S WRITTEN. SO THE TACO

REPRESENTATIVE, HE CAN COME FORWARD IMEN AND SPEAK, BUT HE CAME RUNG UP TO ME AND HE HE WANTED TO MAKE SURE THAT COUNCIL UNDERSTOOD THAT THEY'RE OKAY WITH THE ORDINANCE BECAUSE 32 NO PROVISION FOR SET BACK FOR MULTI-FAMILY USES. AND THAT THE MAJORITY OF HIS HIS REPTIONZ, OF HIS ASSOCIATION, ARE OKAY WITH THIS. I JUST WANT TO POINT THAT OUT.

Mayor Wynn: I'LL JUST SAY THAT MY OPINION IS THAT THE PLANNING COMMISSION HAS DONE ITS WORK. SO THE FACT THAT STAFF HAS SORT OF SET THE STAGE FOR US TO HAVE ANOTHER MONTH AFTER FIRST READING TONIGHT IN THEORY, AND THE FACT THAT I HEARD THE VENDORS SAYING THAT THE VAST, VAST MAJORITY OF THEIR MEMBERSHIP IS IN FAVOR, SPECIFICALLY BECAUSE THERE'S NOT THE SETBACK REQUIREMENT FOR MULTI-FAMILY THAT MY PREFERENCE TONIGHT WOULD BE FOR US TO PASS THIS ON FIRST READING WITH OR WITHOUT SOME AMENDMENTS, SOME PROPOSED BY STAFF, SOME NOT, KNOWING THAT THERE'S A MONTH FOR US TO CONTINUE TO REFINE IT. BUT I'M ACTUALLY QUITE PLEASED WITH THE AMOUNT OF WORK AND DETAIL AND EFFORT THAT THE PLANNING COMMISSION HAS ALREADY GIVEN THIS ISSUE AND THEREFORE GIVEN US WITH SOME DETAILED RECOMMENDATION THAT WE CAN ACCEPT SOME AND NOT OTHERS.

Dunkerley: LET ME TRY THIS. I WOULD MOVE THAT WE APPROVE ON FIRST READING THE ORDINANCE AS BEFORE WUSS AN AMENDMENT INCORPORATING THE LANGUAGE THAT MR. MARTIN HAD ABOUT THE ACCESSORY USE, JUST USING THE FIRST SENTENCE IN THAT SECTION.

Mayor Wynn: MAYOR PRO TEM, IF YOU REMEMBER, THAT WAS THE STAFF RECOMMENDATION THAT AN ADDITIONAL ISSUE BE THAT IF A MOBILE VENDOR IS MORE THAN 300 FEET AWAY FROM A SINGLE-FAMILY RESIDENTIAL USE, THEN THE 3:00 A.M. TIME DOES NOT APPLY. IS THAT CORRECT, MR. GUERNSEY?

I BELIEVE -- AND MR. MARTIN COME FORWARD, BUT I THINK THE IDEA WAS THAT THEY COULD OPERATE PAST 3:00 A.M. IS WHAT MR. MARTIN WAS SUGGESTING.

I WAS RESPONDING TO THE QUESTION THAT MR. MARTINEZ RAISED AS TO WHETHER OR NOT THE INTERIM ORDINANCE HAD AFFECTED THE OPERATIONS OF ANY OF THE VENDORS. AND IT HAD NOT, BUT ESTABLISHING -- TO MY KNOWLEDGE, UNDERSTANDING A 3:00 A.M. CLOSING TIME FOR A STAND THAT IS APPROXIMATELY 2..200 FEET AWAY FROM A MULTI-FAMILY USE AND FAR MORE THAN 300 FEET AWAY FROM ANY SINGLE-FAMILY USE THAT HAS OPERATED UNTIL 4:00 A.M. FOR....FOR CLOSE TO 20 YEARS WOULD HAVE A SIGNIFICANT IMPACT ON THAT BUSINESS, AND SO THAT'S WHY I WAS REQUESTING THAT THE STAFF RECOMMENDATION, WHICH INCLUDED ADDING TWO SENTENCES, DELETE THAT SECOND SENTENCE, WHICH EFFECTIVELY ESTABLISHES A THREE A.M.

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Dunkerley: I THINK IF DO YOU THAT, THAT ACCOMODATES THAT A VENDOR HAS BEEN THERE FOR A VERY LONG TIME. IT IS NOT CLOSE TO ANY SINGLE-FAMILY RESIDENCE AND I THINK THAT WOULD BE A GOOD ACCOMMODATION.

Mayor Wynn: AND MAYOR PRO TEM, THERE WAS A SECOND STAFF AMENDMENT, THAT BEING IF THE NEIGHBORHOOD DOES OPT IN, THAT STAFF IS REQUESTING 60 DAYS IN ORDER TO GIVE THEM TIME TO NOTICE THE MOBILE VENDORS OF THEIR NEED TO RELOCATE. WOULD THAT BE PART OF YOUR MOTION AS WELL? MAYOR PRO TEM?

KY READ WHAT THAT IS, MAYOR. IT WAS TO ALLOW A 60 DAY GRACE PERIOD FOR ENFORCEMENT OF SET BACK AND HOURS OF OPERATION PROVISIONS THAT WOULD APPLY AND OPT IN NEIGHBORHOOD OR AREAS WITH ADOPTED NEIGHBORHOOD PLANS. AND THIS WOULD ALLOW A NON-COMPLIANT MOBILE FOOD ESTABLISHMENT OPERATOR TO RELOCATE TO A NEW SITE IN COMPLIANCE WITH THE ORDINANCE.

SO THEY WOULD HAVE A 60-DAY GRACE PERIOD. IF COUNCIL WERE TO APPROVE A NEIGHBORHOOD LET'S SAY TODAY THAT WOULD GIVE A VENDOR 60 DAYS TO GO FIND A NEW SITE TO BE IN COMPLIANCE. SO WE'RE NOT UPROOTING THEM RIGHT AWAY AND THEY HAVE REASONABLE TIME TO PICK UP AND MOVE ON.

Mayor Wynn: MOTION BY MAYOR PRO TEM TO APPROVE ON FIRST READING ONLY PLANNING COMMISSION RECOMMENDATION WITH THE ADDITIONAL TWO STAFF RECOMMENDED AMENDMENTS, ONE REGARDING A MOBILE FOOD VENDOR BEING MORE THAN 300 FEET AWAY FROM A SINGLE-FAMILY RESIDENTIAL AND THE 60-DAY GRACE PERIOD FOR TIME FOR A VENDOR TO RELOCATE TO A COMPLIANT SITE.

MAYOR, I THINK MR. MARTIN WAS SUGGESTING THAT IF IT WAS OVER 300 FEET AWAY THAT THERE WOULD NOT BE A TIME LIMIT OF 3:00 P.M. THAT WOULD BE TO DELETE THE SECOND SENTENCE WHICH TAIITS STATES IF A MOBILE FOOD ESTABLISHMENT IS LOCATED OVER 300 FEET FRARP A SF-5 OR MORE RESTRICTED ZONING DISTRICT, THEN THE MOBILE FOOD ESTABLISHMENT MAY OPERATE BETWEEN THE HOURS OF 6:00 A.M. AND 3:00 A.M. SO THAT WOULD BE REMOVED AS WHAT SUGGESTED BY MR. MARTIN.

THAT WOULD ACCOMMODATE THIS PARTICULAR VENDOR THAT IS WITHIN THE -- IT'S ITS FURTHER AWAY THAN 300 FEET FROM THE SINGLE-FAMILY RESIDENCE, BUT IT'S BEEN OPERATING FOR 20 YEARS IN THAT LOCATION.

Mayor Wynn: MOTION BY MAYOR PRO TEM TO APPROVE ON FIRST READING ONLY PLANNING COMMISSION WITH TWO ADDITIONAL AMENDMENTS. SECONDED BY COUNCILMEMBER COLE. FURTHER COMMENTS?

Dunkerley: I HAVE ONE OTHER COMMENT. I'D LIKE -- I'D REALLY LIKE THE STAFF TO TAKE SOME TIME UP AND DO WHAT THEY CAN TO GET SOME ACTUAL DATA ON THE VENDORS. I KNOW WE HAVE ONE

GROUP THAT SAYS THAT MORE THAN 90 PERCENT WILL BE OKAY, BUT IF THERE ARE OTHER GROUPS -- I'D LIKE TO FIND OUT THE IMPACT ON INDIVIDUAL GROUPS OF VENDORS OR SPECIFIC VENDORS TO THE EXTENT THAT YOU CAN BEFORE WE BRING THIS BACK FOR SECOND AND THIRD READING.

I'LL SEE IF WE CAN GET A SAMPLE OF SOME VENDORS THAT WE SEE AND GET THAT INFORMATION TO YOU.

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Dunkerley: WHEN WE FIRST ESTABLISHED THIS ORDINANCE IT WAS NOT OUR INTENT TO AFFECT THE BUSINESSES NEGATIVELY, BUT TO PROVIDE SOME SORT OF GUIDELINE WHERE THEY COULD OPERATE AND FEEL COMFORTABLE OPERATING AND WOULD NOT IMPACT THE NEIGHBORHOOD TOO MUCH. SO WE WERE TRYING TO GET THAT COMPROMISE, AND I WANT TO MAKE SURE THAT WE'RE STILL ON THAT PAGE.

AND COUNCIL, I'LL OFFER TO MEET IN THE NEXT WEEK OR TWO WITH THOSE PEOPLE HERE IF THEY WOULD LIKE, I'LL GET THEIR NAMES AND PHONE NUMBERS, TO SIT DOWN WITH THEM AND GO THROUGH WHAT -- IF THIS MOTION PASSES -- WHAT YOU'RE APPROVING ON FIRST READING SO THAT THEY ARE CLEAR ON WHAT THE REGULATIONS WOULD BE AND HOW THEY WOULD AFFECT THEM BEFORE THIS COMES BACK TO YOU. AFTER YOU VOTE, IF YOU VOTE CESFULLY TO APPROVE THIS ITEM, I'LL GO OUTSIDE AND GET THEIR NAMES AND PHONE NUMBERS AND SET AUTOPSY MEAGHT TO MEET WITH THEM.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I WONDER IF IT WOULD BE APPROPRIATE TO ADD TO THE MOTION DIRECTION TO BRING BACK THE POSSIBILITY OF EXTENDING THE INTERIM ORDINANCE IN CASE WE CAN'T DEAL WITH IT ON THE 28TH, WE'LL HAVE THAT OPTION TO EXTEND THAT.

Dunkerley: ABSOLUTELY, FRIENDLY AMENDMENT.

MAYOR AND COUNCIL, WE'LL TAKE CARE OF THAT.
WE'LL PUT IT ON THE AGENDA.

Mayor Wynn: COUNCILMEMBER COLE, DO YOU
CONSIDER THAT A FRIENDLY AMENDMENT? YES.
THAT WILL BE PART OF THIS MOTION. FURTHER
COMMENTS? HEARING NONE, ALL THOSE IN FAVOR
PLEASE SAY AYE. OPPOSED? AMENDED MOTION
PASSES ON FIRST READING ONLY ON A VOTE OF
SEVEN TO ZERO. THANK YOU, MR. GUERNSEY AND
EVERYBODY. OKAY. ITEM NUMBER 64 IS CONDUCT
A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT
ON THE CITY OF AUSTIN FISCAL YEAR 2006-2005
PROPOSED BUDGET, ANY PART OF THE BUDGET, BUT
INCLUDING THOSE DEPARTMENTS THAT WE HAD A
PRESENTATION FROM EARLIER TODAY,
NEIGHBORHOOD PLANNING AND ZONING
DEPARTMENT, WATERSHED PROTECTION,
DEVELOPMENT REVIEW DEPARTMENT, THE PUBLIC
WORKS DEPARTMENT, AUSTIN WATER UTILITY,
AUSTIN ENERGY, AND ECONOMIC GROWTH AND
REDEVELOPMENT SERVICES OFFICE. WE HAD A
DETAILED STAFF PRETITION EARLIER TODAY AND WE
HAVE A HANDFUL OF FOLKS WHO WOULD LIKE TO
ADDRESS US. WE WILL START WITH WILLIAM BRAY.
HE SIGNED UP WISHING TO SPEAK IF MR. BRAY IS
HERE. OUR NEXT SPEAKER IS RON CRANSTON? HE
SIGNED UP WISHING TO SPEAK. YOU'LL BE
FOLLOWED BY STEPHANIE THOMAS, WHO WILL BE
FOLLOWED BY BOB KAFKA.

CAN YOU HELP? THERE WE GO. PERFECT.

WELCOME. YOU WILL HAVE TEE MINUTES. THREE
MINUTES. YOU.

MY NAME IS RON CRANSTON, A NUMBER OF ADOPT
AND ALSO WORK WITH ECP OF TEXAS. THE ITEM
BEFORE THIS ONE KIND OF MADE ME HUNGRY FOR
A TACO, BUT ONE OF THE THINGS YOU HAVE TO
DEAL WITH IS MAKING SURE YOU CAN GET AROUND
THIS CITY. THE CITY IS GENERALLY VERY CEABL,
BUT ONE OF THE THINGS THAT COMES UP IN MY
WORLD VERY AWCH AND FOR OTHER FOLKS WITH

DISABILITIES IS SIDEWALKS AND CURB CUTS, A NEED FOR SIDEWALKS AND CURB CUTS. YOU HAVE A GOOD SUM OF MONEY IN THE SIDEWALKS AND CURB CUTS, BUT AS PART OF YOUR BUDGET, BUT AS I UNDERSTAND, THERE ARE SOME THINGS HAPPENING AT CAPITAL METRO WHICH ARE GOING TO BE LEAVING THEIR BUDGET HIGH AND DRY IN TERMS OF CAPITAL IMPROVEMENT PROJECTS WITH REGARD TO SWAIKZ AND CURB CUTS. IT'S ESSENTIAL TO HAVE A SAFE PEDESTRIAN COMMUNITY, AND THAT -- AND REALLY WHAT IT GETS DOWN TO IS WE NEED EACH OF YOU ON THE COUNCIL TO WORK WITH CAPITAL METRO AND CONTINUE TO BUILD OUR SIDEWALKS AND CURB CUTS AS PART OF THE PEDESTRIAN INTR INFRASTRUCTURE. WE'VE HAD A NUMBER OF PLACES THAT ARE DESIGNATED THAT ARE PROBLEMS. WE CONTINUE TO SEE SOME OF THOSE AREAS THAT ARE IN SOME OF THE PROPOSED AND PLANNED CHANGES, BUT WE CONTINUE TO NEED TO BUILD ON THE INFRASTRUCTURE FOR SIDEWALKS AND CURB CUTS AND BUILD AND KEEP AUSTIN AS A VERY ACCESSIBLE AND FRIENDLY PEDESTRIAN COMMUNITY. A LOT OF THE FOLKS THAT ARE SPEAKING AFTER ME WILL BE ADDRESSING THIS ISSUE. ADDITIONALLY IT'S NOT FOR TONIGHT, BUT SOME OF THE THINGS IN THE BUDGET WE NEED TO KEEP AUSTIN TENANTS' COUNCIL INVOLVED AND ACCESSIBILITY FOR FOLKS WITH DISABILITIES AND HOUSING. WE NEED TO ALSO MAKE SURE THAT AFFORDABLE AND ACCESSIBLE HOUSING IS AVAILABLE AT A VERY -- AT A PERCENTAGE OF 15% TO INCLUDE FOLKS WITH SSI LEVELS OF INCOME AND THOSE ARE A COUPLE OF THINGS THAT I WANTED TO MENTION. AS I SAID, AFFORDABLE, CEABL HOUSING IS ACCESSIBLE HOUSING IS PART OF WHAT'S AN CEABL COMMUNITY ALONG WITH CURB CUTS AND SIDEWALKS. THANKS FOR YOUR TIME. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] CLER

I'M IN FAVOR OF LIGHT RAIL, BUT I THINK THAT WE NEED TO BE ABLE TO GET AROUND TOWN, TOO. AND WHILE A LOT HAS HAPPENED, THIS CITY HAS BEEN TRANSFORMED IN WHAT HAS HAPPENED WITH SIDEWALKS AND CURB CUTS AROUND AUSTIN. YET

THERE ARE THINGS THAT WE HAVE HAD ON A LIST OR WISH LIST OF STUFF TO HAPPEN IN THIS REGARD THAT HAVE BEEN THERE FOR OVER 10 YEARS. SOME EVEN LONGER THAN THAT. AND THINGS LIKE THERE ARE CURB CUTS IN THE DOWNTOWN AREA THAT ARE NOW NO LONGER GOOD ENOUGH. YOU CAN GET STUCK IN THEM WHERE YOU WILL BE GOING AND YOUR CHAIR JUST HIGH WATERS OUT IN THE MIDDLE AND YOU'RE STUCK THERE. OR CRACKS. AREAS WHERE THERE AREN'T CUTS, YOU WILL BE GOING DOWN THE SIDEWALK, YOU WILL COME TO AN ALLEY, THERE ISN'T A CURB CUT TO GET ACROSS THE ALLEY. THOSE KINDS OF THINGS NEED TO BE DONE, TOO. AND THEY NEED FUNDING. SO -- SO WE HAVE PLANS TO MAKE BIGGER, BETTER SIDEWALKS EVERYWHERE. IF THERE ISN'T MONEY FOR THOSE SIDEWALKS, THEN PLANS ARE PLANS. YOU KNOW? THAT YOU CAN'T BUILD A SIDEWALK OUT OF PLANS. SO -- SO BASICALLY THE BOTTOM LINE IS THAT I THINK THAT YOU GUYS SHOULD REALLY TELL CAPITAL MET RO TO RETHINK THAT LITTLE PLAN OF THEIRS AND IN ADDITION CONTINUE THE CURB CUTS. ON THE ISSUE OF HOUSING, AGAIN, SOMEBODY ELSE HAS DUMPED A PROBLEM IN YOUR LAMP. H.U.D. HAS BACKED AWAY FROM ITS COMMITMENT TO POOR PEOPLE AND HOUSING IN AMERICA. THEY ARE -- THEY ARE DOING JUST DESPICABLE THINGS, THEY HAVE CUT FUNDING FOR AFFORDABLE HOUSING FOR OTHER THINGS THROUGH -- THROUGH SOME OF THEIR PROGRAMS. AND IT'S WINDING UP IN OUR COMMUNITY. I KNOW THAT YOU HAVE MONEY SET ASIDE THAT COULDN'T GO IN AND I JUST REALLY WANT TO STRONGLY ENCOURAGE YOU TO PUT IT IN THERE. THE TENANTS COUNCIL CONTINUES TO DO EXCELLENT WORK. OVER 50% OF THEIR COMPLAINTS NOW, THOUGH, ARE BASED ON DISABILITY RELATED ISSUES. WE HAVE A VERY DISCRIMINATORY CITY, DESPITE OUR GROOVY KEEP AUSTIN WEIRD AND ALL OF THAT. IT STILL IS A VERY DISCRIMINATORY PLACE. THE ARCHITECTURAL BREAKER REMOVAL -- BARRIER REMOVAL PROGRAM IS A CRITICAL PROGRAM, AFFORDABLE HOUSING NEEDS TO BE MORE AFFORDABLE THAN WE TALK ABOUT NOW. ALL OF

THOSE THINGS NEED YOUR SUPPORT. THANK YOU.

THANK YOU, STEPHANIE, BOB KAFKA, WELCOME,
FOLLOWED BY JENNIFER MCPHAIL.

I'M BOB KAFKA, ALSO WITH ADAPT. I JUST WANTED TO REITERATE THE NEED FOR THE REESTABLISHMENT OF -- OF THE CURB CUT DOLLARS. I KNOW THAT IT WASN'T YOUR DECISION. BUT -- BUT I THINK THERE REALLY NEEDS TO BE SOME OUTCRY IN TERMS OF CAPITAL METRO CUTTING BACK ON SIDEWALKS FOR -- FOR ALL -- FOR THE JUST PEOPLE WITH DISABILITIES. YOU KNOW, EVERY SATURDAY MORNING STEPHANIE AND I ROLL USING SIDEWALKS AND CURB CUTS DOWN TO THE FOURTH STREET FARMERS MARKET AND, YOU KNOW, AGAIN IT'S A -- IT STRIKES ME, I GREW UP IN NEW YORK CITY, THAT WHAT MAKES A VIBRANT YOU.... URBAN KIND OF CITY, DOWNTOWN AND ALSO SURROUNDING AREAS, IS THE ABILITY TO -- TO WALK, ROLL AROUND AND BE PART OF THE COMMUNITY INSTEAD OF WHERE I USED TO LIVE IN HOUSTON WHERE YOU HAVE TO JUMP IN YOUR CAR TO GO ALMOST EVERYWHERE AND SO -- SO, YOU KNOW, IT'S -- IT'S BEEN EXCITING TO SEE AUSTIN GROW AND HAS BEEN NO BIGGER SUPPORTER OF LIGHT RAIL ON CAPITAL METRO DOING THAN ADAPT BECAUSE WE KNEW THEIR ACCESSIBILITY. BUT IT'S OUT RAGOUS THAT THEY HAVE CUT BACK THAT SIX MILLION DOLLARS AND THEN HAS PUT THE SORT OF RESPONSIBILITY BACK THERE. I THINK, YOU KNOW, THE CITIZENS PAY THE -- PAY THE SALES TAX FOR THAT VERY, VERY REASON TO THE -- TO THE TAXING AUTHORITY OF CAPITAL METRO AND REALLY HOPE THAT THIS CITY COUNCIL CAN ACTUALLY WRITE A LETTER TO THE CAPITAL METRO BOARD SAYING THAT THAT ACTION IS REALLY CALMING THE QUALITY OF LIFE. AND THEN TO REITERATE THE THING ABOUT HOUSING, WE HAD A FLIER WHERE WE HAD SECRETARY ALFONZO JACKSON WANTED FOR CRIMES AGAINST PEOPLE WITH DISABILITIES. HE REALLY SHOULD BE A WANTED POSTER IN EVERY OFFICE poster in every office CRIMES AGAINST LOW INCOME PEOPLE. CUTTING BACK ON COMMUNITY DEVELOP, BLOCK GRANT FUNDS IN THIS ERA IS SO

OUTRAGEOUS THAT I BELIEVE REALLY CRIMINAL PROCEDURES SHOULD GO BROUGHT AGAINST THE GENTLEMAN. THE PROBLEM HAS BEEN FOSTERED UPON YOU ALL, VERY MUCH LIKE YOU HEARD THE ARCHITECTURAL BARRIERS REMOVAL PROGRAM HAS BEEN AN EXCELLENT SUCCESS, MODEL AROUND THE COUNTRY, THE TENANTS COUNCIL ALSO ONE OF THE BEST IN THE COUNTRY. THEN ONCE GENERAL..... GENERAL THINK ABOUT LOW INCOME, PEOPLE ON SSI, THEIR TOTAL INCOME IS ABOUT 15% OF POVERTY. NOT EVEN CLOSE TO THE 80% THAT H.U.D. CURRENTLY USING AS LOW INCOME. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. KAFKA. JENNIFER MCPHAIL, WELCOME. YOU WILL BE FOLLOWED BY BRANDON JAMES.

I WILL JUST REITERATE WHAT EVERYONE HAS SAID. I CAN ACTUALLY NAME A FEW LOCATIONS FOR YOU SIDEWALKS THAT NEED BOTH TO HAVE GAPS CLOSED AND CONNECTED WITH OTHER PIECES OF SIDEWALK AND MEET CURB CUTS. THE SHOAL CREEK BOULEVARD AT 35th AND SHOAL CREEK. MANCHACA, LANSING ON THE WEST SIDE OF THE ROAD, FOURTH AND COLORADO TO FIFTH STREET. EAST AND WEST SIDES. JOLLYVILLE FROM ARBORETUM TO NORTH PAVILION PARK AND RIDE AND MANCHACA AT BARTON SKY WAY, SOUTHWEST CORNERS, NORTH -- I MEAN SOUTH LAMAR IN FRONT OF THE BROKEN SPOKE AND QUITE A FEW OF THESE HAVE BEEN ON -- AS STEPHANIE SAID FOR LONGER THAN 10 YEARS. SOME SINCE 1992. AND I REMEMBER THE VERY FIRST MEETINGS THAT WE WENT TO TO GET THIS THING STARTED WHEN IT WAS JUST A CONCEPT. AND NOW IT'S TURNED INTO A NATIONAL STANDARD BARRIER THAT YOU GUYS GET TO TAKE CREDIT FOR IT. SINCE YOU GET TO TAKE CREDIT FOR IT, YOU SHOULD ALSO BE EXPECTED TO BE ON THE FRONT LINES DEFENDING IT WHEN IT'S UNDER ATTACK. THE RESULT OF YOU STAYING SILENT AND NOT USING YOUR UNIQUE BULLY PULPIT TO PROTECT MY LIFE OR LIVES OF PEOPLE LIKE ME WHO ARE PEDESTRIANS IS THAT WE WILL EITHER BE MAMED OR WE WILL DIE. I'VE HEARD YOU TALK SEVERAL

TIMES ABOUT THE ECONOMIC DEVELOPMENT EFFORTS THAT YOU TAKE UNDER DURING YOUR TIME IN THESE HALLS. I HAVE HEARD YOU, WILL, TALK ABOUT HAVING A SIGN UP ON YOUR DOOR SAYING HOW MANY JOBS HAVE YOU CREATED TODAY? WELL, YOU CAN'T GO TO WORK IF YOU CAN'T SAFELY GET FROM POINT A TO POINT B. YOU JUST NEED TO RECOMMIT YOURSELVES TO THE REALITY IF YOU DO NOT FIGHT FOR THESE THINGS, THEY WILL GO AWAY. IT TAKES A FIGHT NOT ONLY FROM ADAPT, BUT FROM YOU GUYS, TOO. ALSO I WANT TO SAY THAT -- THAT AGAIN WE SUPPORT THE STRATEGIC ADD BACKS FOR HOUSING. THANKS.

THANK YOU, JENNIFER. BRANDON JAMES. SIGNED UP WISHING TO SPEAK. AS DID LAURIE RENTRY YA, WELCOME, LAURIE, YOU HAVE BEEN PATIENT ALL NIGHT. FOLLOWED BY FELIX BRIONES.

THANK YOU, MAYOR AND COUNCILMEMBERS. BUDGET IS NOW ONE OF MY AREAS AND I'M JUST HERE TO SAY THAT I REALLY WANT TO -- WANT YOU TO FOCUS AND SUPPORT ALL OF YOUR ENERGY IN HOUSING, HOUSING, HOUSING, FOR THE POOREST OF THE POOR. YOU HAD AN ITEM EARLIER TODAY, I THINK IT WAS ITEM 9, YOU KNOW WE REALLY NEED TO TIGHTEN UP THOSE INCOME ELIGIBILITY, WE NEED TO IMPLEMENT THE COMMUNITY LAND TRUST AND COMMUNITY LAND BANK, THE INVESTMENTS THE CITY IS MAKING IN AFFORDABLE HOUSING, IT'S JUST PUTTING MONEY IN SOME UNSCRUPULOUS INDIVIDUAL'S POCKETS, YOU KNOW, THEY ARE REQUIRED TO PAY IT BACK, THE CITY IS DOING SUCH A GOOD JOB BUILDING HOUSING THEY CAN BUILD A BRAND NEW HOME FOR 81,000, THAT COULD BE FLIPPED FOR 250,000. SO EVEN IF SOMEBODY WERE TO HAVE TO REPAY THE WHOLE TOTAL LOAN, THEY GET TO POCKET, YOU KNOW, 200 -- ALMOST \$200,000. SO YOU NEED TO TIGHTEN UP YOUR INCOME GUIDELINES. YOU KNOW, WE -- T.O.D., ALL OF THOSE THINGS, WE ARE STILL TALKING ABOUT 80% MFI, IT'S NOT MEETING A NEED. WE NEED TO LOWER THOSE INCOME CRITERIA SO THAT THE INVESTMENTS YOU ARE MAKING IN HOUSING REALLY SERVE THOSE MOST IN NEED. AND THE NEIGHBORHOOD PLANNING AND

ZONING BUDGET I HAD A CHANCE TO LISTEN TO THAT TODAY, I'M VERY GLAD THAT YOU ARE COMMITTED TO BEEFING UP THAT PROGRAM, I DID GET A LITTLE CONCERN, THOUGH, WHEN I SAW THAT ONLY THREE STATION AREA PLANS ARE PROPOSED IN 2007 AND I'M LOBBYING YOU RIGHT NOW TO MOVE SALTILLO T.O.D. TO THE FIRST ROUND BECAUSE WE HAVE ALREADY SPENT ALMOST A HALF A MILLION ON A -- ON A ROMA PLAN FOR THE 11 ACRES, SO IT MAKES SENSE THAT OUR T.O.D. BE THE FIRST T.O.D. IN THE FIRST ROUND. I WORRY THAT THE OTHER NEIGHBORHOOD, THE OTHER THREE THAT YOU ARE GOING TO DO ARE NOT EVEN IN THE BUDGET FOR 2007. SO IF IT'S ONLY GOING TO TAKE SIX OR EIGHT MONTHS TO DO THOSE, THEN IT SHOULD BE IN THE BUDGET FOR MORE THAN THREE. I'M ALSO SERVING ON THE DAY LABOR TASK FORCE AND I'M SPEAKING AS AN INDIVIDUAL. I SUPPORT PRESERVING THAT FUNDING FOR -- FOR A DAY LABOR, A SECOND DAY LABOR SITE, DESPITE ANY CONTROVERSY OR DECISION ON A SPECIFIC LOCATION. IT'S A STRATEGIC ADD-BACK AND WE NEED TO PRESERVE THAT FUNDING EVEN THOUGH THERE MAY BE CONTROVERSY OVER THAT SITE AND THE PROGRAM, IF YOU WILL GIVE THE TASK FORCE A VERY TALENTED GROUP, SOMETIME, I THINK THAT WE'LL BE ABLE TO SPEND THE MONEY IN THE NEXT YEAR, MAYBE NOT AT THAT LOCATION. AND JUST THANKS TO ALL OF THE HARD WORK, ALL OF THE STAFF, ESPECIALLY IN CODE ENFORCEMENT. AND I'M GLAD THAT YOU ARE BEEFING UP THAT AREA, TOO. THANK YOU.

THANK YOU.

I HAD A QUESTION REAL QUICK.

McCracken: I THINK, LAURIE, WE ARE GOING TO HAVE THE LAND USE TRANSPORTATION COMMITTEE ON THE AFTERNOON OF SEPTEMBER 11th, I BELIEVE. MAYOR PRO TEM DUNKERLY, COUNCILMEMBER COLE AND I HAVE A PRESENTATION FROM CAPITAL METRO, [INDISCERNIBLE] OFFICE DURING THE T.O.D. STATIONARY PLANNING FOR THE CITY, THEN THE -- THEN THE McIVER IS THINK IS WHO WE HAVE HIRED

FOR THE AFFORDABLE HOUSING PRESENTATION AND POLICY DIRECTION ON T.O.D.'S. SO I HOPE THAT YOU CAN COME. I THINK THAT IT'S VERY REASONABLE TO HAVE SALTILLO IN THAT FIRST ROUND. I KNOW THAT'S SOMETHING THAT COUNCILMEMBER MARTINEZ AND COUNCILMEMBER LEFFINGWELL HAVE BEEN WORKING ON REAL HARD, TOO.

ANYTHING ELSE? NEXT SPEAKER IS FELIX BRIONES, AS DID I GUESS ALBERT METZ. HOW ABOUT FREDDIE GONZALEZ? OKAY. ALL SIGNED UP WISHING TO SPEAK. COUNCIL, THAT'S ALL OF OUR CITIZENS -- CITIZEN SPEAKERS ON PUBLIC HEARING 64 REGARDING OUR PROPOSED '06-'07 BUDGET. I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER LEFFINGWELL. SECONDED BY COUNCILMEMBER COLE TO CLOSE THIS PUBLIC HEARING, NUMBER 64, WE HAVE RECEIVED PUBLIC COMMENT ON THE PROPOSED BUDGET. ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER MARTINEZ OFF THE DAIS. PUBLIC HEARING NUMBER 65 IS TO CONDUCT A -- TO CONDUCT A PUBLIC HEARING ON THE PROPOSED AD VALOREM TAX RATE FOR FISCAL YEAR 2006-2007. I BELIEVE ONCE AGAIN I HAVE BEEN SCRIPTED FOR STATE LAW. COUNCIL WE'LL NOW TAKE UP AGENDA ITEM 65, AS STATED EARLIER, TO RECEIVE COMMENTS ON THE TAX RATE. ON AUGUST 10th, 2006, THE CITY COUNCIL AADOPTED A MOTION TO CONSIDER A PROPOSED AD VALOREM TAX RATE OF NOT MORE THAN 41.26 CENTS PER \$100 VALUATION, THIS IS THE SECOND OF TWO PUBLIC HEARINGS TO RECEIVE COMMENT ON THE PROPOSED RATE. THE COUNCIL WILL VOTE ON THE AD VALOREM TAX RATE FOR FISCAL YEAR '06-'07 AT THE ANNUAL BUDGET MEETINGS TO BE HELD AT THE AUSTIN CITY COUNCIL CHAMBERS HERE AT CITY HALL, 301 WEST SECOND STREET, AUSTIN, TEXAS, 78701, 10:00 IN THE MORNING OF MONDAY, SEPTEMBER 11th, TUESDAY SEPTEMBER

12th, AND/OR WEDNESDAY, SEPTEMBER 13th. THE COUNCIL ADOPTS SAID TAX RATE ON MONDAY, SEPTEMBER 11th AND THE TAX RATE WILL NOT BE CONSIDERED AT THE MEETING SCHEDULED FOR TUESDAY THE 12th OR WEDNESDAY THE 13th. SO WE NOW GO TO -- TO OUR PUBLIC COMMENT. WE HAD TWO FOLKS SIGNED UP, LAURIE RENTRIA BEING THE ONLY ONE WISHING TO SPEAK. JEREMY MAIZER IS HERE IN OPPOSITION TO ANSWER QUESTIONS IF WE HAVE THEM. WELCOME.

THANK YOU. TAXES ARE NOT MY ISSUE EITHER. I HAVE A REAL MATH HANGUP. THE -- WHAT I AM HERE TO BEG YOU FOR IS TO PLEASE HELP US ON THE EAST SIDE. THERE ARE TOOLS AT YOUR DISPOSAL, HOUSE BILL 525 THE HOMESTEAD PRESERVATION ACT, YOU COULD HAVE ALREADY CREATED THE DISTRICT WHICH WOULD HAVE ALLOWED SOME TAX RELIEF FOR LOW INCOME HOMEOWNERS IN THAT DISTRICT, REGARDLESS OF THE PROBLEMS WITH THE LANGUAGE, WITH THE T.I.F. AND HOW WE RECAPTURE THAT FUND. THAT FUNDING AND HOW WE SPEND IT. THERE ARE OTHER PROVISIONS THAT YOU COULD HAVE IMPLEMENTED BEFORE JULY 1st. RUDY WILLIAMS, AND ANOTHER PEOPLE FROM EAST SIDE ARE ORGANIZING TO GET A HOME HOMESTEAD EXEMPTION FROM THE CITY. AND WE LOOK FORWARD TO WORKING WITH MARTINEZ AND MCCracken ON LEARNING WHAT THE DIFFERENCES BETWEEN AN APPRAISAL CAP AND A HOMESTEAD EXEMPTION, BUT WE ARE DECEMBER RATE FOR HELP OVER THERE IN OUR TAXES. OUR TAXES HAVE GONE UP 400% IN THE LAST THREE YEARS. THEN THERE'S SOME FREAK CALIFORNIA TAX THAT YOU GUYS -- MY DAUGHTER MADE A MISTAKE WHEN SHE WAS 19 YEARS OLD, GOT SUCKERED INTO A LEASE CAR PAYMENT, LEASE CAR BECAUSE WE REFUSED TO HELP HER BUY A BRAND NEW CAR. SO THEY SUCKERED HER INTO A LEASE AND BECAUSE THE CITY DOES NOT OFFER -- THERE IS AN EXEMPTION UNDER STATE LAW WHERE IF YOU ARE NOT USING A POLICE VEHICLE FOR YOUR BUSINESS, THEN YOU DON'T HAVE TO PAY THAT TAX. LEASE VEHICLE. BUT THE COWBOY..... COUNCIL HAS NOT AGREED TO THAT.

THERE ARE LOADS OF AUSTIN HIGH STUDENTS THAT GET SUCKED -- THEY ACTUALLY MARKET LEASING AUTOS AT ALL OF THE HIGH SCHOOLS AT GRADUATION TIME FOR ALL OF THOSE KIDS WHOSE PARENTS CAN'T BUY THEM A NEW GRAND CHEAP CHEROKEE. SO -- JEEP CHEROKEE. YOU REALLY NEED TO TAKE A LOOK AT THAT. A LOT OF PEOPLE FOR CREDIT REASONS WHO HAVE TO LEASE A CAR BECAUSE THEY CAN'T BUY ONE, THE TAX IS HUGE. IT'S SOMETHING LIKE 600 BUCKS. PLEASE DO WHAT YOU CAN TO TAKE A LOOK AT THAT FOR OFFERING THAT OPTION IF YOU ARE NOT USING IT FOR -- FOR YOUR BUSINESS. THAT'S ALL THAT I HAVE GOT TO SAY. THANK YOU.

Mayor Wynn: THANK YOU. PERHAPS THE CITY ATTORNEY COULD INVESTIGATE THAT ISSUE. I HAVEN'T HEARD OF THAT BEFORE.

IN FACT I'M LOOKING AT THE HOMESTEAD PRESERVATION DISTRICT AS I SPEAK.

Mayor Wynn: WE KNOW THAT ONE, CURIOUS ABOUT THE LEASE CARS.

YEAH, LEASE CARS.

Mayor Wynn: OKAY, COUNCIL BELIEVE IT OR NOT, THAT'S ALL OF THE CITIZENS WHO SIGNED UP ON THIS PUBLIC HEARING, ITEM NO. 65, I WILL ENTERTAIN A MOTION TO THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER MCCracken TO CLOSE THE PUBLIC HEARING. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. ITEM NO. 66 CUTTING A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED RATE AND FEE CHANGES OF THE AUSTIN WATER UTILITY AS PART OF THE FISCAL YEAR '06-'07 PROPOSED BUDGET. NO CITIZENS SIGNED UP. ANYBODY THAT WOULD LIKE TO ADDRESS US

REGARDING THIS PROPOSED FEE RATE AND SCHEDULE FOR THE WATER UTILITY? HEARING NONE I ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER MARTINEZ TO CLOSE THIS PUBLIC HEARING, ALL IN FAVOR PLEASE SAY AYE?

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. ITEM NO. 67, CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED RATE AND FEE CHANGES FOR THE SOLID WASTE SERVICES DEPARTMENT AS PART OF THE FISCAL YEAR 2006-2007 PROPOSED BUDGET. WE HAVE NO CITIZENS SIGNED UP FOR THIS PUBLIC HEARING. IS THERE ANYBODY WHO WOULD LIKE TO ADDRESS US ON THIS ISSUE? HEARING NONE I ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER LEFFINGWELL TO CLOSE THE PUBLIC HEARING, ALL IN FAVOR.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. ITEM NO. 68. CONDUCT A HEARING TO APPROVE POTENTIALLY SECOND AND THIRD READING OF AN ORDINANCE AMENDING THE CITY CODE REGARDING GENERALLY DESIGNED STANDARDS. PERHAPS A -- PERHAPS A -- BRIEF STAFF PRESENTATION? YES MAYOR AND COUNCILS, CLARION MATT GOBEL IS HERE, ALSO GEORGE ADAMS IS HERE TO HELP ANSWER ANY QUESTIONS. YOU SHOULD HAVE COPIES OF SOME CHANGES AT THE DAIS NOW. THERE'S A TWO OR THREE PAGE DOCUMENT AT THE DAIS TO HELP WALK YOU THROUGH.

Futrell: LAURA DOES A WONDERFUL IMITATION, YOU COULD DO YOUR BARBARA JORDAN IMITATION, ONE OF THE BEST. SAVED BY THE DAY LAURA.

McCracken: I DON'T KNOW, I THINK WE NEED TO SEE

IT.

Futrell: I'M GOING TO PAY DEARLY FOR THAT, I CAN PROMISE YOU.

MAYOR AND COUNCIL, I'M NOT SURE THAT YOU ARE POSTED FOR THAT [LAUGHTER] TOBY FUTRELL OH, MARTY. [LAUGHTER]

GOOD EVENING. PLEASURE TO BE BACK. IS OUR POWERPOINT AND SLIDE SHOW LOADED?

WE WERE HERE A FEW WEEKS AGO TO TALK ABOUT THE DESIGN STANDARDS, WE ARE BACK WITH A REVISED NEW AND IMPROVED VERSION. WHAT I WANTED TO TALK ABOUT IN THIS PRESENTATION, MUCH BRIEFER THAN OUR PRIOR PRESENTATION, I WANTED TO TALK ABOUT KEY CHANGES FROM THE DRAFT THAT YOU APPROVED ON FIRST READING, ALSO PROVIDE FOLLOW-UP DISCUSSION TO SOME OF THE ISSUES THAT WERE RAISED BY THE COUNCIL AT THE PRIOR MEETING. THAT SLIDE JUST SHOWS THE AGENDA FOR THIS DISCUSSION. I DID WANT TO JUST MAKE THE POINT BEFORE I GET INTO THIS THAT THE REASON WHY THE CHANGES HAVE BEEN MADE SINCE THE PRIOR VERSION IS PRIMARILY BASED ON ADDITIONAL DISCUSSIONS FROM THE TASK FORCE. IF YOU RECALL WE TALKED VERY BRIEFLY LAST TIME ABOUT THE LONG PROCESS THAT THIS PRODUCT HAS BEEN THROUGH. IT'S BEEN ABOUT TWO YEARS NOW THAT THE TASK FORCE HAS BEEN WORKING TO PUT TOGETHER A SET OF NEW DESIGN STANDARDS TO RAISE THE BAR FOR COMMERCIAL AND MIXED USE DEVELOPMENT IN AUSTIN. THESE STANDARDS HAVE PUT -- BEEN LOOKED AT BY A LOT OF DIFFERENT FOLKS AND IT'S REALLY AN IMPRESSIVE CROSS-SECTION OF THE COMMUNITY. I WANTED TO PUT THE SLIDE UP AGAIN BECAUSE I REALLY WANTED TO REITERATE THAT WE AS CONSULTANTS THAT DO THIS AROUND THE COUNTRY, HAVE RARELY COME ACROSS A COMMITTEE THAT IS SUCH A DIVERSE GROUP OF STAKEHOLDERS, IT'S REALLY BEEN INTERESTED AND GRATIFYING TO SEE THEM WORK TOGETHER, COME TOGETHER TO PRODUCE THIS PRODUCT. WE HAVE REALLY ENJOYED WORKING WITH THEM.

JUST TO REMIND YOU VERY BRIEFLY, THE GENERAL INTENT OF THE ORDINANCE WAS TO INTRODUCE SOME FUNDAMENTAL CHANGES IN THE WAY NON-RESIDENTIAL DEVELOPMENT IS DONE IN AUSTIN. SIDEWALK ISSUES, BUILDING LOCATION, REQUIRING FOR EXAMPLE A FURNITURE OR STREET TREE ZONE ALONG THE STREETS, REQUIRING BUILDINGS ALONG KEY CORRIDORS, LIKE GUADALUPE, LAMAR, SOUTH CONGRESS TO BE BROUGHT UP TO THE STREET. TO ENCOURAGE A MORE PEDESTRIAN FRIENDLY ENVIRONMENT. I THINK THAT'S A THEME THAT RUNS THROUGHOUT A LOT OF THE STANDARDS THAT WE HAVE TACKLED IN THIS DOCUMENT. THE OTHER HALF IS VERTICAL MIXED USE. NEW BUILDING TYPE IN AUSTIN THAT YOU CAN DO NOW IN SOME ZONING DISTRICTS, THIS REALLY ENCOURAGES VERTICAL MIXED USE, A PREFERRED TYPE OF DEVELOPMENT FOR YOUR KEY DEVELOPMENT CORRIDORS AS WE TALKED ABOUT THIS IS GOING TO BE A KEY IMPLEMENTATION TOOL FOR ENVISION CENTRAL TEXAS. YOU ARE REALLY TAKING THE FIRST BIG STEP FORWARD IN OUR EYES TOWARDS IMPLEMENTING THAT REGIONAL PLAN AND SHOULD BE COMMENDED FOR THAT. THAT'S THE TWO BIG SUBSTANTIVE PIECES THAT WE ARE TALKING ABOUT IN THIS ORDINANCE, THE BUILDING LOCATION SIDEWALKS AND THE VERTICAL MIXED USE. WE WENT THROUGH ALL OF THE SUBSTANCE LAST TIME. I JUST WANTED TO RUN THROUGH A FEW BRIEF SLIDES WITH YOU TO TALK ABOUT SOME OF THE ISSUES RAISED BY THE COUNCIL. FIRST OF ALL, WE HEARD SOME CONCERNS ABOUT SMALL LOTS. WE HEARD SOME CONCERNS THAT PERHAPS THE STANDARDS HAVE BEEN DESIGNED WITH PRIMARILY LARGE SITES IN PLACE. FIVE ACRES OR MORE AND THEY MIGHT NOT BE WORKABLE WHEN YOU LOOKED AT SMALL SITES THAT EXIST IN SOME OF THE OLDER NEIGHBORHOODS SAY OLD WEST AUSTIN. WHAT WE HAVE DONE IS PUT TOGETHER A COUPLE OF SLIDES THAT ADDRESSED THIS POINT. BEFORE I TALK ABOUT THE GRAPHIC THAT'S UP THERE, I WANTED TO EMPHASIZE THAT WE ALREADY HAVE SEVERAL PROVISIONS IN THE FIRST READING DRAFT THAT ADDRESSED SMALL LOTS. FOR EXAMPLE, IF YOU HAD A SHALLOW LOT ON A TRANSIT CORRIDOR,

THAT WAS LESS THAN 150 FEET IN DEPTH, YOU COULD REDUCE THE WIDTH OF YOUR SIDEWALK, YOU ALREADY HAD PROVISIONS IN PLACE LIKE THAT THAT DID ACCURATE SMALL LOTS. WHAT WE HAVE DONE, HOWEVER, TO ADDRESS YOUR CONCERNS IS TO GO BACK INTO THIS ISSUE, LOOK AT IT EVEN MORE CLOSELY. STAFF HAS PUT TOGETHER SIMPLE SITE PLANS THAT HAVE TYPICAL LOT CONFIGURATIONS FOR SMALL LOTS IN AUSTIN. THIS ONE ON THIS SLIDE IS 65 BY 120. AND WHAT THIS SLIDE SHOWS IS THAT AS WITH MOST SMALL LOTS THAT THE STAFF LOOKED AT, YOU CAN COMPLY WITH THE NEW STANDARDS ON SMALL LOTS. YOU DON'T HAVE TO GO TO THAT ALTERNATIVE COMPLIANCE THAT WE TALKED ABOUT, YOU CAN COMPLY WITH THE STANDARDS AND STILL PRODUCE A QUALITY DEVELOPMENT. WHAT YOU SEE ON THIS GRAPHIC HERE IS THE CORE TRANSIT CORRIDOR UP AT AT THE TOP OF THE GRAPHIC. THE REAR OF THE SITE WHERE THE PARKING IS, 25-FOOT DRIVEWAY PROVIDED FROM THE FRONT CURB CUT TO THE PARKING IN THE REAR OF THE SITE. THEM A GOOD SIZED COMMERCIAL BUILDING THERE BROUGHT RIGHT UP TO THE SIDEWALK WHICH IS THE INTENT OF THE ORDINANCE. SO THERE'S A CHANGE HERE FROM A TYPICAL SUBURBAN STYLE DEVELOPMENT AND THAT THE PARKING IS REQUIRED TO BE PUT BEHIND THE BUILDING AWAY FROM THE STREET. THE BUILDING IS REQUIRED TO BE BROUGHT TO THE FRONT. THAT'S A CHANGE IN THE WAY THINGS ARE DONE. BUT YOU CAN STILL LAY OUT THIS SMALL SITE VERY WELL WITH -- AND STILL MEET THE STANDARDS. HOWEVER, THERE WERE A COUPLE OF INSTANCES THAT AROSE DURING THE STAFF TESTING OF SMALL SITES, SOME ISSUES AROSE. THIS IS AN EXAMPLE OF WHERE WE SAW A PROBLEM. ANOTHER CITED IN THE CORE TRANSIT CORRIDOR. A DEPARTMENT OF 120 FEET. WHEN YOU APPLY THE RULES OF THE ORDINANCE, 15-FOOT SIDEWALK IN, BRING THE BUILDING UP TO THE STREET, PUT THE PARK IN THIS BACK BEHIND THE BUILDING, YOU COME UP WITH KIND OF AN ODD SHAPED BUILDING. PRETTY LONG, NARROW, YOU MIGHT HAVE A DIFFICULT TIME MAKING THIS PRACTICALLY AND ECONOMICALLY WORK FOR A LOT OF SMALL

BUSINESSES. A LOT OF SMALL BUSINESSES MIGHT BALK AT HAVING SUCH SMALL FRONTAGE ON THE STREET. WE THOUGHT THIS WAS A PROBLEM. THE WAY THIS IS ADDRESSED IS A NEW PROVISION. WE HAVE A COUPLE OF NEW PROVISIONS THAT WE HAVE SUGGESTED FOR SMALL LOTS. FIRST OF ALL, IS AN EXEMPTION FROM THE BUILDING PLACEMENT REQUIREMENTS FOR NARROW LOTS. DEFINED AS LESS THAN 65 FEET ON CORE TRANSIT CORRIDORS WITHOUT REAR ALLEYS. IF YOU ARE IN THIS PRIOR SLIDE, YOU ARE LESS THAN 65 FEET, YOU ARE ONLY 50 FEET IN WIDTH ON THAT SLIDE. WITH THIS NEW EXEMPTION, YOU WOULD BE ABLE TO -- TO BRING YOUR PARKING TO THE FRONT OF THIS SITE, PUT IT TO -- PUT IT WHERE THE BUILDING IS NOW, BASICALLY REVERSE THE POSITION OF THE BUILDING IN PARKING. SO THIS IS AN ACCOMMODATION FOR SMALL LOTS, WE DON'T THINK THIS IS GOING TO HAPPEN A LOT BECAUSE OUR LOOK AT THE LOT CONFIGURATIONS IN CENTRAL AUSTIN SUGGEST THAT YOU DON'T HAVE A LOT OF THESE VERY NARROW SITES. YOU DO HAVE SOME, THOUGH. SOUTH FIRST IS A GOOD EXAMPLE. I THINK EAST CESAR CHAVEZ SOME OF THESE SITES, TOO, SO IT IS GOING TO HAPPEN SOMETIMES, WE THINK THIS IS A GOOD EXEMPTION TO ADDRESS SOME OF THOSE ISSUES. LSES A DIFFERENT TYPE OF STREET TREE TO BE USED ON SOME OF THE ESPECIALLY SMALL SITES. WE ARE CALLING SHALLOW SITES IN THIS INSTANCE SITES THAT ARE LESS THAN 120 FEET IN DEPTH. THE ISSUE WITH THESE SITES IS THAT IF YOU HAVE A SHALLOW SITE, YOU HAVE -- YOU HAVE OVERHEAD UTILITIES THAT STAYED IN PLACE ON THE FRONT OF THE SITE, THEN STILL HAD TO PUSH ALL OF THE DEVELOPMENT BACK, YOU REALLY ARE LOSING A LOT OF DEVELOPMENT PROBABLY ON THAT SMALL SITE BECAUSE YOU HAVE TO HAVE THAT TREE A CERTAIN DISTANCE FROM THOSE OVERHEAD UTILITIES. WHAT WE ARE SAYING WITH THIS NEW EXEMPTION IS THAT YOU CAN PUT A SMALLER TREE IN PLACE BASICALLY ON THE FRONT OF THE SITE THAT'S NOT GOING TO MAKE YOU HAVE SUCH A LARGE DISTANCE FROM THE OVERHEAD UTILITIES, GOING TO GIVE YOU MORE DEVELOPMENT POTENTIAL ON A SMALL SITE. SO THOSE ARE TWO

EXAMPLES OF CHANGES THAT HAVE BEEN SUGGESTED BY THE TASK FORCE BASED ON STAFF ANALYSIS TO ADDRESS THE SMALL LOT ISSUE. I THINK THERE ARE REAL POSITIVE STEPS FORWARD. WE HAD SOME QUESTIONS AT THE LAST MEETING ABOUT HILL COUNTRY ROADWAYS AT THE LAST PUBLIC HEARINGS, THE EXTENT TO WHICH THEY WERE AFFECTED BY THE NEW COMMERCIAL DESIGN ORDINANCE. WE WANTED TO REALLY JUST CLARIFY SOME THINGS WITH THIS SLIDE. THE WAY THE ORDINANCE IS DRAFTED, IN CASE OF CONFLICT, THE HILL COUNTRY ROADWAY STANDARDS APPLY. THEY TRUMP THIS ORDINANCE. THE ROADWAY BUFFER ON THE HILL COUNTRY ROADWAY STILL APPLIES, THE BUILDING HEIGHT CONTROLS OUT ON THE HILL COUNTRY ROADWAY STILL APPLY. ALL OF THOSE STANDARDS ARE STILL IN PLACE. ANOTHER JUST POINT OF EMPHASIS IS THE NEXT BULLET. THERE'S NO SIDEWALK OR BUILDING PLACEMENT REQUIREMENTS ALONG THE HILL COUNTRY ROADWAYS. WE DO SPEND A LOT OF TIME IN THIS PRESENTATION TALKING ABOUT THE SIDEWALKS, ABOUT BRINGING BUILDINGS UP TO THE STREET. BUT THAT'S ALL FOR THE LITTLE -- THE GREAT HILLS, INNER CITY ROADS NOT FOR THE HILL COUNTRY ROADWAYS. NO SIDEWALK REQUIREMENT FOR BUILDING PLACEMENT REQUIREMENT ALONG THE HILL COUNTRY ROADWAYS. WE DO AFFECT THE HILL COUNTRY ROADWAYS SOMEWHAT, THOUGH. THERE ARE SOME PROVISIONS IN THE ORDINANCE THAT DO APPLY TO SITES ALONG THE HILL COUNTRY ROADWAYS. FOR EXAMPLE, YOU DO HAVE THAT REQUIREMENT FOR LARGE SITES, FIVE PLUS ACRES, TO HAVE AN INTERNAL CIRCULATION SYSTEM. AND THAT AS CURRENTLY DRAFTED WOULD APPLY TO SITES ALONG HILL COUNTRY ROADWAYS AS IT WOULD TO OTHER TYPES OF SITES. YOU COULD HAVE VERTICAL MIXED USE BUILDINGS ALLOWED ON SITES ALONG HILL COUNTRY ROADWAYS. THAT WOULD HAPPEN IF THOSE SITES HAD AN MU DESIGNATION, A MIXED USE OR IF THEY HAPPEN TO BE ON A SITE THAT WAS OVER THREE ACRES IN SIZE. THE WAY THE ORDINANCE IS DRAFTED NOW, IF YOU HAVE A SITE OF THREE ACRES, IT'S NOT LOCATE ODD A CORE TRANSIT CORRIDOR, YOU CAN

GET IT APPROVED THROUGH A CONDITIONAL USE PERM. THERE ARE SOME WAYS THAT SOME OF THE NEW CONCEPTS INTRODUCED IN THIS ORDINANCE CAN -- CAN HAVE IMPLICATIONS ON HILL COUNTRY ROADWAYS. BUT IT'S NOT IN THE WAY THAT WOULD NEGATE THE ATTEMPT OF THE EXISTING HILL COUNTRY STANDARDS AT ALL. WE HAVE REALLY TRIED TO RESPECT THAT WORK THAT'S BEEN DONE ON THE ROADWAYS AND TO NOT TRUMP THOSE AT ALL. IN ANY KIND OF CASE OF CONFLICT, THE HILL COUNTRY ROADWAY STANDARDS APPLY. WE HAD QUESTIONS ABOUT THE DOWNTOWN, THE EXTENT TO WHICH THESE STANDARDS WOULD APPLY IN THE DOWNTOWN. THE SIMPLE ANSWER IS THAT YES THE ORDINANCE DOES APPLY TO THE DOWNTOWN. IT'S NOT CARVED OUT AS AN AREA THAT'S EXEMPT. HOWEVER, SEVERAL TARGETED EXEMPTIONS THAT DO APPLY JUST TO THE DOWNTOWN. SIDEWALKS IS A BIG ONE. WE HAVE STANDARDS IN PLACE HAS REQUIRE A 15-FOOT SIDEWALK OR 12-FOOT SIDEWALK ON AN URBAN ROADWAY. THOSE DON'T APPLY, THOSE STANDARDS DON'T APPLY WITHIN THE DOWNTOWN. THE CITY OF AUSTIN ALREADY PUT A GREAT DEAL OF TIME AND EFFORT INTO DEVELOPING THE GREAT STREET STANDARDS FOR SIDEWALKS IN THE DOWNTOWN, WE HAVE CARVED OUT AN EXEMPTION FOR THE DOWNTOWN SIDEWALKS TO SAY THAT IN THE DOWNTOWN DEVELOPMENT IS ENCOURAGED TO COMPLY WITH THE GREAT STREETS STANDARDS.

AN OPTIONAL SYSTEM, CURRENTLY THE CASE, YOU DON'T HAVE TO COMPLY WITH THE NEW STANDARDS THAT APPLY ELSEWHERE IN THE CITY. WE ALSO HAVE CREATED AN EXEMPTION KIND OF AN ANTICIPATEORY. THE PROCESS WILL INCLUDE SPECIAL DESIGN STANDARDS, EXPECTED FOR THE DOWNTOWN. ANYTHING THAT ULTIMATELY COMPLIES WITH THOSE STANDARDS WILL BE EXEMPT. SAME PHILOSOPHY THAT APPLIES TO MUELLER. PROJECTS COMPLY WITH THE MUELLER STANDARDS ARE EXEMPT.

FINALLY, TO ADDRESS ANOTHER ISSUE, WE CLARIFY MIXED USE BUILDINGS OTHER THAN BMU

ARE STILL POSSIBLE DOWNTOWN. WE ARE NOT SAYING THAT EVERY TIME YOU COMBINE USES THAT YOU HAVE TO FALL WITHIN THIS VERTICAL MIXED USE SYSTEM THAT WE HAVE DEVELOPED. IF YOU ARE UNDERLYING ZONE DISTRICT ALLOWS A MIX OF USES, YOU CAN GO AHEAD AND COMPLETE THAT DEVELOPMENT JUST LIKE YOU WANT, YOU DON'T HAVE TO COMPLY WITH VMU, DEVELOPABILITY. THEN THE FINAL BULLET HERE IS THAT -- THAT BASED ON SOME DISCUSSIONS WITH PROPERTY OWNERS AND FOLKS IN THE DOWNTOWN, WE DID ADD A CLARIFICATION OR A NEW EXEMPTION FOR EXTERIOR LIGHTING OF TALL BUILDINGS IN THE DOWNTOWN AREA. OVER 120 FEET. WE HAD A PRIOR PROVISION THAT SAID YOU JUST CAN'T FLAT HAVE UPLIGHTING ON BUILDINGS. WE HEARD FROM A LOT OF THE TALL BUILDING OPENERS THAT THE UP LIGHTING OF ESPECIALLY TALL BUILDING IS A PRETTY COMMON FEATURE, THEY WANTED TO MAINTAIN THAT ABILITY. WE ADDED AN EXEMPTION TO AUTHORIZE THAT. IMPERVIOUS COVER, THERE WAS A DISCUSSION ABOUT THIS AT THE LAST MEETING. PER COUNCIL AMENDMENT, WE CHANGED THE TEXT. [READING GRAPHIC] IN THE PRIOR DRAFT THERE WAS SIMPLY AN AUTHORIZATION FOR ADDITIONAL SIDEWALK SPACE TO HAPPEN. HERE WE HAVE A 5% KAPUT IN PLACE. THE CAP, SIDEWALKS THAT ARE PUT IN PLACE UNDER THIS CAP MAY NOT EXCEED 15 FEET IN WIDTH, THE SAME MAXIMUM SIDEWALK WIDTH. POROUS MATERIALS, THIS EXEMPTION APPLIES ONLY OUTSIDE THE BARTON SPRINGS ZONE. SO WE ARE NOT REWRITING THE S.O.S. PROVISIONS WITH THIS EXEMPTION. WE HAD A QUESTION ABOUT DENSITY BONUSES. THE QUESTION WAS SIMPLY YOU ARE GETTING SOME IMPORTANT EXEMPTIONS WHEN YOU DO A BMU PRODUCT. VMU. AN EXEMPTION FOR MINIMUM SITE AREA. WHAT POSSIBLY NEW DENSITIES COULD OCCUR WITH THESE EXEMPTIONS. WE HAVE DONE A LITTLE BIT OF WORK ON THIS. IT'S MAINLY BEEN THROUGH TALKING WITH LOCAL DEVELOPERS AND TRYING TO GET A SENSE OF HOW THIS WOULD HAPPEN, WE HAVEN'T DONE ANY PRO FORMAS BUT WE HAVE TALKED WITH FOLKS, THERE'S A LOT OF VEARNLS, BUT GENERALLY IT SEEMS THAT ON LARGE SITES

THERE ARE PROBABLY GOING TO BE SEEING AN INCREASE OF MAYBE 30 TO 50% MORE UNITS POSSIBLE THROUGH THE -- THE DENSITY BONUSES POSSIBLE WITH VMU, PRETTY SIGNIFICANT. ON THE SMALL SITES REALLY HARD TO SAY. VERY LIKELY, THOUGH, THAT OTHER ORDINANCE PROVISIONS OUTSIDE OF THIS DOCUMENT LIKE COMPATIBILITY ARE GOING TO KICK IN, PROBABLY REALLY RESTRICT THE ADDITIONAL DENSITY THAT YOU COULD GET. SO THERE IS GOING TO BE A NOTICEABLE IMPACT ON LARGE SITES, PROBABLY LESS ON SMALL SITES. VUM. WE HAD A DISCUSSION ON OVERHEAD UTILITIES. WE WANTED TO CLARIFY THE THINKING, AS THIS ORDINANCE GOES. THE PROPOSED POLICY IN THIS DOCUMENT IS THAT FOR NEW DEVELOPMENTS ON CORE TRANSIT CORRIDORS, UNDERGROUND SERVICE LINES SHALL BE PROVIDED FROM THE STREET TO THE BUILDING. A VERY COMMON PRACTICE AROUND THE COUNTRY. IN THE RIGHT-OF-WAY, OUTSIDE OF THE PROPERTY, DISTRIBUTIONS SHOULD BE PLACED UNDERGROUND BY THE DEVELOPER TO THE MAXIMUM EXTENT PRACTICALMENT WE WOULD LIKE YOU TO DO IT, BUT I CAN'T REQUIRE YOU TO DO THAT. YOU DON'T HAVE TO PUT THE UNDERGROUND, THE SERVICE LINES UNDERGROUND OUT IN THE STREET. WE WOULD LIKE YOU TO DO IT. THAT'S AS FAR AS WE ARE GOING WITH THE REGULATORY DOCUMENT THAT WE HAVE IN FRONT OF US, COMPLETE UNDERGROUNDING IN KEY AREAS. ALL OF THE UTILITY LINES IS CLEARLY THE CITY'S GOAL ULTIMATELY. AUSTIN ENERGY HAS SAID THEY WANT TO MOVE IN THIS DIRECTION. A LOT OF THE NEIGHBORHOODS WOULD LIKE TO MOVE IN THIS DIRECTION. MOST CITIES IN THE COUNTRY ARE TRYING TO MOVE TOWARDS ULTIMATELY RETROFITTING THEIR UTILITIES SO THEY ARE ALL UNDERGROUND, ESPECIALLY IN KEY AREAS. I WANTED TO REMIND YOU AT THIS POINT THAT THERE IS A SEPARATE PART OF THIS PROJECT THAT'S GOING TO BE LOOKING AT SOME POLICY ISSUES RELATED TO THE ORDINANCE BUT NOT NECESSARILY PART OF THE ORDINANCE. ONE OF THOSE POLICY ISSUES IS THE EXTENT TO WHICH NEW FUNDING MECHANISMS SHOULD BE

DEVELOPED FOR UNDERGROUNDING UTILITY LINES. THAT'S ONE THING THAT WE ARE GOING TO BE LOOKING AT ONCE THIS ORDINANCE IS THREW THE ADOPTION PROCESS IS HOW WE CAN BUILD ON THE EXISTING STRATEGIES THAT YOU HAVE ALREADY GOT FOR UNDERGROUNDING IN THE DOWNTOWN, UNO, NEW GREEN FIELD SUBDIVISIONS TO TRY TO EXTEND THOSE UNDERGROUNDING POLICIES IN OTHER AREAS. THAT'S ALL OF THE FOLLOW-UP ISSUES THAT I WANTED TO HIGHLIGHT FOR YOU. THE KEY ONES THAT WE HAVE HEARD FROM YOU AT THE FIRST READING. THERE ARE A NUMBER OF OTHER KEY CHANGES, THOUGH, TO THE DOCUMENT THAT I DID WANT TO CALL YOUR ATTENTION TO. AGAIN BASED PRIMARILY ON THE DISCUSSIONS, THE FOLLOW-UP DISCUSSIONS THAT THE TASK FORCE HAS HAD TO TRY TO FURTHER CLARIFY THEIR THINKING ON ALL OF THESE ISSUES, A LOT OF STUFF IN THE DOCUMENT. FIRST OF ALL THE FIRST KEY CHANGES THAT WE ADDRESS THE COUNCIL AMENDMENTS THAT WERE MADE FROM THE DAIS, THE FIRST READING. FOR EXAMPLE, THERE WAS ACKNOWLEDGE AMENDMENT TO EXEMPT DATA CENTERS, FROM THE STANDARDS, THAT AMENDMENT HAS BEEN MADE. UNLESS THE -- ALSO AN EXEMPTION FROM THE BUILDING LOCATION REQUIREMENTS FOR RESTAURANT REDEVELOPMENT. A RESTAURANT THAT'S RETWOING ON THE SAME SITE, SAME OWNER, WOULD NOT HAVE TO REDESIGN THAT SAME SITE TO COME INTO COMPLIANCE WITH THE BUILDING. THEY WOULDN'T HAVE TO FOLK DOWN THAT OLD BUILDING AND BRING THE WHOLE BUILDING FORWARD. THEY COULD REBUILD ON THAT OLD FOOTPRINT. WE HAVE EXTENDED THAT EXEMPTION TO SERVICE STATIONS ALSO. IN THE NEW ORDINANCE BASED ON DISCUSSIONS WITH THE TASK FORCE. WE HAVE ADDED CLARIFICATION AND EMPHASIS THAT THE STATE AND FEDERAL ACCESSIBILITY STANDARDS CONTINUE TO APPLY TO ALL PROJECTS ON THE ORDINANCE. CLARIFY THE POLICY ON ANGLED AND PARALLEL PARKING. A GOOD BIT OF DISCUSSION ON THIS, THE EXTENT TO WHICH YOU CAN HAVE THAT PARKING ON THE STREET SAY IN FRONTS OF THE VMU BUILDING. FOR A LOT OF SMALL BUSINESS OPENERS HAVING THAT

PARKING IS KEY TO THEIR VIABILITY. KEY TO HAVING PEOPLE STOP BY. FROM A PUBLIC SAFETY PERSPECTIVE, THERE'S A CONCERN THAT YOU DON'T WANT TO HAVE CARS PULLING OUT ON TO A STREET BACKWARDS ON A STREET THAT HAS A HIGH SPEED LIMIT. YOU HAVE MORE EXPERIENCE THAN MOST CITIES WITH THIS. SOUTH CONGRESS, Z TEJAS, AUSTIN HAS THE EXPERIENCE, IT DEFINITELY WILL BE DONE. WHAT'S CLARIFIED IN THIS DOCUMENT IS THAT ON STREET PARKING IS A MATTER OF RIGHT FOR VMU DEVELOPMENTS. THERE'S A WAIVER PROCESS THAT'S BEEN SUGGESTED IN THE DOCUMENT FOR CODIFICATION BUT IT'S A MATTER OF RIGHT FOR VMU. FOR OTHER SITES, NOT VMU, IT WILL BE SUBJECT TO ADMINISTRATIVE CRITERIA. TO BE DEVELOPED BY THE DIRECTOR OF PUBLIC WORKS AND TO BE BROUGHT TO THE COUNCIL NO LATER THAN JANUARY OF 2007. THOSE HAVE BEEN -- ADMINISTRATIVE CRITERIA ARE PROBABLY GOING TO LOOK AT THINGS LIKE THE SPEED LIMIT ON THE ADJACENT ROAD, THE SITE LINES FOR THE SITE, THE EXTENT TO WHICH YOU HAVE GOOD VISIBILITY, IS IT SAFE FOR ANGLED AND PARALLEL PARKING THERE. BUT THAT'S A NEW SECTION THAT WE HAVE ADDED. JUST A COUPLE MORE SLIDES. CLARIFIED THE VERTICAL MIXED USE OVERLAID DISTRICT. [READING GRAPHIC] THAT WAS ALSO THE TASK FORCES INTENT BUT DIDN'T MAKE IT TO THE FIRST DRAFT. A FEW STATEMENT OF CITY POLICY OVERTCAL MIXED USE. I HAVE GOT THE FIRST SENTENCE OF IT QUOTED HERE. [READING GRAPHIC] VMU IS A PRIORITY, WHENEVER YOU HAVE A QUESTION ABOUT INTERPRETATION OR DEVELOPMENT REVIEW POLICIES, YOU RESOLVE THAT IN THE DIRECTION OF TRIED TO PROMOTE VMU. A FEW CHANGES RELATED TO THE AFFORDABILITY REQUIREMENTS. TRIED TO THINK THROUGH AND FINE TUNE THE LANGUAGE TO BE AS PRECISE AS POSSIBLE WITH THE AFFORDABILITY REQUIREMENT. IF YOU RECALL, YOU GET SOME NICE DENSITY BONUSES AND OTHER -- OTHER EXEMPTIONS FROM PARKING REQUIREMENTS THINGS LIKE THAT WITH THE VMU PROJECTS, BUT THERE IS A STICK THERE AS WELL. YOU HAVE TO PROVIDE SOME AFFORDABLE UNITS. WE HAVE

REQUIRED A FREE APPLICATION CONFERENCE FOR VMU PROJECTS, BECAUSE THE CALCULATION OF THOSE AFFORDABLE UNITS IS SOMETHING THAT SHOULD NOT BE LEFT UNTIL LATE IN THE PROCESS. THERE NEEDS TO BE A P.M. MEETING WITH -- PREAP MEETING WITH STAFF EARLY ON. CLARIFY LANGUAGE FOR THE AFFORDABLY UNITS IN THE VMU BUILDINGS FOLLOWING CONSULTATION WITH NEIGHBORHOOD HOUSING. CLARIFIED THAT AFFORDABILITY STANDARDS ARE SUBJECT TO THE OPT IN, OPT OUT PROCESS. WE TALKED ABOUT THE PROCESS GOING TO BE 135 DAY PERIOD, CONNECTICUTS OFF AFTER THE ADOPTION OF THIS ORDINANCE, THINGS THAT WILL BE LOOKED AT NEIGHBORHOOD BY NEIGHBORHOOD ARE WHETHER THOSE DIMENSIONAL STANDARDS EXEMPTIONS APPLY, ANOTHER THING THAT THEY CONSIDER IS THE AFFORDABILITY REQUIREMENTS THAT APPLY TO THE VMU BUILDINGS WITHIN THEIR JURISDICTION AND WE CLARIFIED THAT WAS SUBJECT TO OPT IN, OPT OUT. I JUST WANTED TO HIT THE HIGH POINTS FOR YOU. AGAIN I THINK FOR THE MOST PART THESE ARE REALLY JUST CLARIFICATIONS OF MATERIAL THAT WAS ALREADY THERE BASED ON GOOD QUESTIONS THAT WE HAD FROM DIFFERENT FOLKS. WE ALSO HEARD QUESTIONS LAST TIME AT FIRST READING ABOUT HOW ARE YOU GOING TO IMPLEMENT THIS, MAKE IT WORK. THERE'S A LOT OF NEW STEPS FOR AUSTIN HERE, A LOT OF NEW STEPS THAT THE STAFF IS NOT FAMILIAR WITH. WE WANTED TO JUST TALK A LITTLE BIT ABOUT NEXT STEPS. THAT FOLLOW ALONG WITH THIS PROCESS. FIRST OF ALL, FIRST AND FOREMOST, THE TASK FORCE DIDN'T JUST LOOK AT COMMERCIAL DESIGN EXCLUSIVELY. BUILDING DESIGN AND SITE DESIGN. THEY ALSO LOOKED AT AMENDMENTS TO LANDSCAPING, SEEN REGULATIONS AND WE ARE GOING TO BE REFORMATTING, REORGANIZING THE LANDSCAPE AND SIGN AMENDMENTS, INTEGRATING ALL OF THOSE EDITS THAT THEY DID, PROBABLY WITHIN THE NEXT COUPLE OF WEEKS. THOSE ARE GOING TO BE COMING FOR YOUR REVIEW VERY SHORTLY. THAT'S GOING TO FOLLOW ALONG, AN IMPORTANT PART OF THE TASK FORCE'S WORK, I MENTIONED ALSO THE OUTSTANDING POLICY ITEMS FROM THE

TASK FORCE REPORT. THEY MADE A NUMBER OF RECOMMENDATIONS ON THINGS LIKE WE WANT TO OVERHEAD UTILITIES AS FAST AS POSSIBLE, HELP US THINK OF SOME STRATEGIES, BEST PRACTICES AROUND THE COUNTRY DOING THAT. HELP US THINK ABOUT AMENDMENTS TO THE LICENSING PROCESS. THOSE ARE THE TYPES OF THINGS THAT ARE GOING TO BE COVERED IN THOSE OUTSTANDING POLICY ITEMS. FINALLY, IMPLEMENTING THIS ORDINANCE. AND I HAVE GOT ANOTHER SLIDE JUST TO CLARIFY THAT FINAL BULLET THERE. A LOT OF DIFFERENT PIECES TO THIS, A LOT OF DIFFERENT MOVING PARTS TO INTRODUCING MAJOR NEW REGULATORY CHANGE LIKE THIS TO A CITY THE SIZE OF AUSTIN. WE HAVE FIT SOME OF THE HIGH POINTS IN THIS SLIDE. FIRST OF ALL, JUST TRAINING. JUST MAKING SURE THAT THE DIFFERENT PEOPLE IN THE DIFFERENT DEPARTMENTS UNDERSTAND THE REQUIREMENTS, UNDERSTAND WHAT THEY ARE EXPECTED TO ADMINISTER AND ENFORCE ON A DAILY BASIS. A LOT OF FOLKS NEED TO BE TRAINED. THE STAFF NEEDS TO UNDERSTAND THE REQUIREMENT, DEVELOPMENT COMMUNITY NEED TO UNDERSTAND THEIR EXPECTING TO COMPLY WITH, NEIGHBORHOODS NEED TO UNDERSTAND. AN IMMEDIATE [INDISCERNIBLE] WITH THE NEIGHBORHOOD BECAUSE THEY HAVE AN OPT IN OPT OUT PROCESS TO GO THROUGH. I AM PLEASED TO SAY WE HAVE ALREADY STARTED THE TRAINING PROCESS ON THE McMANSION ORDINANCE WHICH YOU WILL BE TALKING ABOUT LATER, CLARION, I MET WITH THE DEVELOPMENT REVIEW FOLKS YESTERDAY, MET WITH THE INSPECTORS THIS MORNING, IT JUST A REALLY VALUABLE TOLL TO SPEND TIME WITH THEM WALKING VERY CAREFULLY THROUGH THE ORDINANCE, HELPING THEM UNDERSTAND WHAT THE REQUIREMENTS ARE. THE NEXT STEP IN IMPLEMENTATION IS THE OPT IN OPT OUT WHICH IS 135 DAY PROCESS WE TALKED ABOUT LAST TIME. I UNDERSTAND THAT THE STAFF HAS ALREADY STARTED INTERNAL MEETINGS ON SOME OF THE SPECIFICS OF THAT, LOGISTICS, NOTICE, THINGS LIKE THAT. THERE'S GOING TO BE SOME NEW APPLICATION PACKETS, NEW APPLICATION FORMS

DEVELOPED TO HELP GET THE INFORMATION THE CITY NEEDS TO DETERMINE COMPLIANCE WITH THESE NEW REGULATIONS. THIS IS STRAIGHTFORWARD BUT IT'S IMPORTANT. WE ARE DOING THE SAME THING FOR McMANSIONS AND IT'S IMPORTANT THAT YOU GET THOSE PIECES IN PLACE UP FRONT BEFORE THE EFFECTIVE DATE. SPECIFY ADMINISTER PROCEDURES FOR MINOR MODIFICATIONS AND ALTERNATIVE EQUIVALENT COMPLIANCE. THIS SIMPLY MEANS THAT STAFF NEEDS TO BE THINKING THROUGH SOME OF THE SPECIFICS OF HOW THEY ARE GOING TO -- WORK THESE NEW PROCEDURES IN PRACTICE. WHO IS ACTUALLY GOING TO BE MAKING THE DECISION. IF IT'S ALTERNATIVE COMPLIANCE IS THAT ALWAYS GOING TO BE THE DIRECTOR, DELEGATED DOWN TO SOME STAFF THAT HAD SPECIFIC [INDISCERNIBLE] IN THE PROJECT, THOSE PROCEDURAL SPECIFICATIONS. SAME ANYTHING FOR SITE PLAN AND REVIEW, HOW ARE THESE INCREATED INTO THOSE EXISTING PROCEDURES. FINALLY RULE MAKING, SEVERAL PLACES REQUIRE ADMINISTRATIVE RULES AND CRITERIA TO BE DEVELOPED. HELP OVER TIME WITH THE ADMINISTRATION OF THIS ORDINANCE MUCH ONE IS THE STREET TREE LIST. THINKING THROUGH THE LIST OF ACCEPTABLE STREET TREES THAT CAN BE USED AND AGAIN THE REAL INTEND HERE IS TO PROVIDE SHADE ON THESE NEW SIDEWALKS TO MAKE THEM PEDESTRIAN FRIENDLY SPACES. WHAT ARE THE TREES THAT CAN BE USED. THAT LIST HAS TO BE DEVELOPED. ADMINISTRATIVE RULES I REFERENCED EARLIER, NEED TO COME FORWARD WITHIN THE NEXT FEW MONTHS. THEN THE AFFORDABILITY RULES AND PROCEDURES FOR THE VMU PROJECTS, GOOD GENERAL PARAMETERS BEING PUT IN PLACE IN THIS ORDINANCE BUT SPECIFICS IN TERMS OF THE ADMINISTRATION OF THOSE RULES THAT THE DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT WILL NOT -- BE PARTICIPATING IN. FINALLY ONGOING MONITORING AND UPDATES OF THE NEW ORDINANCE, I CAN'T STRESS THIS ENOUGH. ANY TIME A COMMUNITY EMBARKS ON A NEW SYSTEM LIKE THIS, THIS IS A MAJOR STEP FORWARD THERE'S GOING TO BE TWEAKS, THING

THAT WORK REALLY WELL, THINGS THAT ARE GOING TO NEED TO BE TWEAKED IN SIX MONTHS, THINGS THAT YOU NEED TO REVISIT WITHIN A YEAR. ALL COMMUNITIES DO THIS. IT'S A LIVING DOCUMENT. I DON'T THINK ANYONE WOULD SUGGEST THIS IS GOING TO STAY IN ITS CURRENT FORM FOR THE NEXT 10 YEARS. WE CERTAINLY ENCOURAGE, WE HAVE HEARD FROM THE TASK FORCE THAT WE PLAN ON STAYING INVOLVED, HELPING THE CITY MONITOR THIS, THINKING THROUGH HOW TO MAKE IT EVEN BETTER IN THE FUTURE. SO -- SO WITH THAT I WILL STEP DOWN AND GEORGE ADAMS AND I WILL TAKE QUESTIONS.

THANK YOU. COUNCILMEMBER LEFFINGWELL.

Leffingwell: [INDISCERNIBLE] SINCE THERE HAS BEEN THAT CONCERN, I WANT YOU TO REITERATE IN ALL CASES WHERE THERE IS A CONFLICT BETWEEN THE HILL COUNTRY ROADWAY ORDINANCE AND THESE DESIGN STANDARDS THAT THE HILL COUNTRY ROADWAY ORDINANCE WILL PREVAIL AND WILL TRUMP THE DESIGN STANDARDS. THAT'S WHAT YOU SAID AND THAT'S PROVIDED FOR IN THE ORDINANCE ITSELF.

YES. THE CLEAR SUBSEQUENT IS TO RESPECT ALL OF THE PAST WORK DONE IN HILL COUNTRY ROADWAYS, TO HAVE THOSE EXISTING STANDARDS TRUMP THIS NEW ORDINANCE WHEREVER THERE'S A CONFLICT.

Leffingwell: I WOULD RESPECTFULLY MAKE THE SUGGESTION AS WE GO THROUGH THIS ONGOING MONITORING PROCESS THAT WE PERHAPS INCLUDE SOMEBODY FROM ONE OF THE AREAS THAT IS DIRECTLY AFFECTED BY THE HILL COUNTRY ROADWAY ORDINANCE SO THAT THEY COULD BE SATISFIED THAT THESE PROVISIONS ARE BEING PROPERLY MET. WITH THAT I HAVE ONE MORE QUESTION WITH REGARD TO THE SIDEWALK, I WONDER IF I COULD ASK THE WATERSHED TO COME UP AND VERY QUICKLY WALK US THROUGH THE CHANGES FROM THE CURRENT TO THE PRESENT PROPOSAL. AND THEN AFTER THE EXTENSIVE, JUST A QUICK OVERVIEW. JOE PAN TOLL I DON'T

PANTALION, WE HAVE TALKED TO PROVIDE SOME CLARIFICATION, TO LOOK AT THE MANNER IN WHICH THAT SIDEWALK WOULD BE GIVEN, I ACTUALLY HAVE A GRAPHIC HERE THAT'S GOING TO BE PUT UP ON THE SCREEN THAT KIND OF SHOWS YOU THE INTENT OF THE NEW COMMERCIAL DESIGN STANDARDS APPROACH. WHICH IS DIFFERENT THAN WHAT IS CURRENTLY PROVIDED FOR UNDER CURRENT CODE. I THINK WE TALKED ABOUT THIS IN THE LAST MEETING, WE HAVE THE ABILITY TO -- TO APPROVE PERMEABLE PAVERS AND PROVIDE FOR A 20% REDUCTION IN ESSENCE OF THE EFFECTIVE IMPERVIOUS COVER SO THAT IF SOMEONE WAS TRYING TO GET A 5% SIDEWALK CREDIT THEY WOULD ESSENTIALLY HAVE TO BUILD ABOUT 25% OF THEIR SITE AS PERMEABLE PAVERS JUST TO GET THAT 5% INCREASE OVER AND ABOVE THE CURRENT LET'S SAY FOR THIS EXAMPLE 60% IMPERVIOUS COVER LIMIT. THAT CURRENT CRITERIA REQUIRES THE APPLICANT TO PROVIDE A VERY SPECIFIC PROPOSAL FOR THAT SITE. IT HAS TO DEMONSTRATE THE TECHNICAL MERIT OF THAT. AND THIS SECTION OF THE CODE IS REALLY WRITTEN FOR SITES BUILDING IN AND AROUND RECHARGE FEATURES, TRYING TO GET TO IMPROVED RECHARGE AND INFILTRATION. WITH THE PROPOSED COMMERCIAL DESIGN STANDARDS APPLYING CITY WIDE, WHAT WE WANT TO DO IS MAKE SOMETHING THAT WAS SIMPLER, SIMPLIFIED MORE STREAMLINED APPROACH, ONE THAT IT WAS NOT SO SAY LABOR INTENSIVE IN TERMS OF A CASE BY CASE PROPOSAL FOR EACH SITE. WHAT WE HAVE IN THE COMMERCIAL DESIGN STANDARDS FOR SIDEWALKS 15 FEET OR LESS, INTERNAL CIRCULATION ROUTES, THAT ESSENTIALLY IF THEY ARE BUILT OUT OF PERVIOUS CONCRETE, ONE OF THE MANY TIMES OUT THERE, CONSTRUCTED OUT OF PERVIOUS CONCRETE, THEN THAT WOULD BE ALLOWED TO GO OVER THE WATERSHED IMPERVIOUS COVER LIMIT BY THAT -- BY THAT 5% LIMIT AND AGAIN THAT AREA WOULD ALSO, THOUGH, HAVE TO BE TREATED FOR BOTH WATER QUALITY AND DETENTION.

RIGHT NOW DO WE HAVE ADEQUATE STANDARDS IN THE ENVIRONMENTAL CRITERIA PANUL FOR --

FOR PERVIOUS PAVERS, POROUS CONCRETE.

THAT'S ONE OF THE THINGS THAT WOULD BE PART OF THE IMPLEMENTATION PLAN. WHAT WE WOULD NEED TO DO IS IMPLEMENT A ROLE THAT WOULD CLARIFY THE DETAILS.

OKAY. THAT CAN BE DONE, THAT DOESN'T REQUIRE ANY COUNCIL ACTION, THAT'S A PURELY ADMINISTRATIVE PROCEDURE --

RULE CHANGES PROCESS.

CHANGING THE ACM SO --

THAT SOUNDS GOOD.

THANK YOU, MR. PAN TALL I DON'T KNOW. THAT'S ALL THAT I HAVE.

THANK YOU, COUNCILMEMBER.

WE HAVE A NUMBER OF FOLKS WHO WOULD LIKE TO ADDRE US, WITHOUT OBJECTION WE GO TO THE -
- TO THE PUBLIC HEARING, ALTHOUGH I -- I NEED A MOTION TO GO PAST 10:00 P.M.

MOTION MADE BY COUNCILMEMBER MCCRACKEN, COUNCILMEMBER LEFFINGWELL TO WAIVE COUNCIL RULES GO PAST 10:00 P.M., ALL IF FAVOR SAY AYE, OPPOSED, MOTION PASSES ON A VOTE OF 7-0, THANK YOU VERY MUCH. FIRST SPEAKER ON THIS HEARING, STEPHANIE THOMAS. WELCOME STEPHANIE, FOLLOWED BY BOB KAFKA, WHO WILL BE FOLLOWED BY JENNIFER MCPHAIL..... MCPHAIL. WE -- WE HAVE STILL ALTHOUGH SOME CONCERNS ARE SOMEWHAT ALLEVIATED, CONCERNS ABOUT A LOT OF THE PIECES OF THIS BIG COMPLICATED PROPOSAL THAT I UNDERSTAND YOU EVEN HAVE A NEW VERSION OF TONIGHT. IT'S VERY DIFFICULT TO GET A COPY TO LOOK AT THE VARIOUS PARTS OF IT AND UNDERSTAND WHAT THEY ALL ARE. TONIGHT I HEARD ABOUT -- ABOUT PERVIOUS PAVERS ON MANY THINGS LIKE THAT IMPACT ACCESSIBILITY IN THE COMMUNITY. IT IS VERY DIFFICULT TO -- TO GET A HANDLE ON ALL OF THE DIFFERENT PARTS OF

THIS AND HOW IT WILL AFFECT ACCESSIBILITY IN OUR COMMUNITY EVEN IF IT DOES COMPLY WITH FEDERAL LAW. THE SAME THING GOES FOR AFFORDABILITY. I LISTENED TO SOME OF THE -- SOME OF THE PIECES OF THE PRESENTATION HERE AND IT JUST SOUND LIKE IT'S GOING TO BE A LOT MORE EXPENSIVE TO BUILD. I'M NOT AN SCPET, BUT IT'S A VERY -- I'M VERY CONCERNED ABOUT THAT AND -- AND I WANTED TO -- TO JUST SAY THAT I THINK THIS PROCESS HAS BEEN VERY DIFFICULT TO GET INFORMATION OF WHAT REALLY IS BEING PROPOSED AND WHAT REALLY IS -- IS GOING TO HAPPEN. AND THAT I WONDER HOW MUCH REALLY INPUT THERE HAS BEEN FROM THE DISABILITY COMMUNITY ON ACCESSIBILITY ISSUES. I -- I AM -- I AM JUST VERY CONCERNED ABOUT THE WHOLE PROCESS AND I JUST WANTED TO SHARE THAT WITH YOU. WE HAVE IN ADDITION ONE THING THAT I WANTED TO SAY IS THAT IT TALKED ABOUT INCLUDING THE NEED TO COMPLY WITH FEDERAL AND STATE ACCESSIBILITY LAWS, BUT WE HAVE SOME THINGS HERE IN AUSTIN THAT ARE ALSO DIFFERENT FROM OTHER PLACES AND WE THINK THAT IT SHOULD ALSO SAY -- LOCAL ACCESSIBILITY LAWS AS WELL. AND THE CHANGES THAT WERE DISCUSSED IN SOME OF THE MEETINGS WITH STAFF WERE NOT REALLY WHAT CAME OUT IN THE END. AND JENNIFER IS GOING TO SHARE SOME OTHER LACK THAT WE WOULD LIKE TO SEE IN THERE, BUT JUST BEYOND THAT WE JUST HAVE A LOT OF CONCERNS ABOUT THIS. WE HOPE THAT IF YOU DO PASS THIS TONIGHT THAT YOU WILL ACTUALLY KEEP AN EYE ON WHAT'S GOING ON BECAUSE IT DOESN'T SOUND LIKE IT'S ACTUALLY A FINISHED PRODUCT AT ALL. AND I THINK THAT IT'S ACTUALLY A LITTLE WEIRD TO VOTE ON SOMETHING THAT ISN'T REALLY A FINISHED PRODUCT. BUT IF THAT'S WHAT HAPPENS, THAT YOU REALLY DO KEEP A VERY CLOSE EYE AND EAR OUT FOR PROBLEMS FROM THE COMMUNITY BECAUSE I THINK THERE MAY BE QUITE A FEW OF THEM IN THE FUTURE. THANK YOU.

THANK YOU, STEPHANIE. BOB KAFKA, I SAW -- JENNIFER MCPHAIL, SIX MINUTES IF YOU NEED IT,

WELCOME.

HOPEFULLY I JUST WANTED TO LET YOU GUYS KNOW ON RECORD WHAT OUR PROPOSED LANGUAGE IS GOING TO BE. WE JUST -- WE WANTED TO -- I THINK ADD AN ADDITIONAL SENTENCE OR TWO. ACCESSIBILITY INTEGRATION AND INCLUSION OF PEOPLE WITH DISABILITIES. AS A FUNDAMENTAL -- OUR FUNDAMENTAL COMPONENTS OF OUR VISION FOR THE VISION FOR THE FUTURE OF THE CITY OF AUSTIN, THEN THE LANGUAGE THAT WAS ALREADY WRITTEN. THERE'S -- THERE'S A GREAT DEAL THAT CAN BE SAID AND A GREAT DEAL OF CHANGE THAT CAN HAPPEN BECAUSE OF THE TYPE OF LANGUAGE THAT YOU USE AND EVEN THOUGH IT MAY SOUND SMALL, I THINK THERE'S A HUGE DIFFERENCE BETWEEN I LIKE BRUSSEL SPROUTS AND I HAVE TO EAT BRUSSEL SPOUTS. THERE'S A HUGE DIFFERENCE BETWEEN I HAVE TO COMPLY WITH FEDERAL AND STATE LAW AND WE BELIEVE IN COMPLYING WITH FEDERAL AND STATE LAW. IN THIS IS SOMETHING THAT WE INVEST AND TAKE PRIDE IN. DON'T WANT PEOPLE LEFT BEHIND, WE WANT PEOPLE CONTRIBUTING TO SOCIETY. IT'S REFLECTED IN WHAT YOU WRITE AS WELL AS WHAT SAY. REMIND YOURSELF OF THE I HAVE A DREAM SPEECH OR PRESIDENT KENNEDY'S SPEECH AT THE BERLIN WALL. PEOPLE STILL CELEBRATE EVEN ALL OF THIS TIME LATER. HOPEFULLY EVEN THOUGH THERE ARE CONCERNS, I SHARE CONCERNS WITH EVERYONE IN OUR GROUP, MAYBE WE WILL BE LUCKY THIS WILL TURN OUT TO BE A REALLY GOOD THING. IT HAS TO BE ALSO CONSIDERED HOW WE PRESENT THIS THING TO THE OUTSIDE WORLD. YOU ARE GOING TO GET A LOT MORE -- A LOT MORE EXCITEMENT FROM BUILDERS IF YOU -- IF YOU COUCH IT A CERTAIN WAY. IT'S NOT COUCHED IN THE RIGHT WAY. THANK YOU. RON CRANSTON, HE LEFT EARLIER. JANICE CARTWRIGHT FOLLOWED BY TERRY MITCHELL. THINKS HIGHLY OF THEM.

I'M JANICE CARTWRIGHT, THE EXECUTIVE DIRECTOR OF THE REAL ESTATE COUNCIL, I'M GLAD THAT YOU ALL ARE STILL HERE TONIGHT. I WANTED TO START OFF BY SAYING THIS THIS PROCESS HAS BEEN ONE THAT HAS BEEN I THINK A

VERY GOOD ONE AND COUNCILMEMBER MCCracken THANK YOU FOR INCLUDING THE REAL ESTATE COUNCIL IN A BROAD CONSTITUENCY OF PEOPLE IN THE TASK FORCE WORK, I ACTUALLY DO THINK THERE WAS A LOT OF INAPPROXIMATE FRUIT A VARIETY OF DIFFERENT PEOPLE THAT HELPED DEVELOP WHAT YOU ARE SEEING TODAY. WE PASSED A RESOLUTION IN SUPPORT OF THE COMMERCIAL DESIGN STANDARDS. THAT IS NOT TO IMPLY WE ARE IN LOVE WITH IT. I THINK WHAT YOU WILL FIND AS A GROUP THERE ARE PROBABLY NOT A GROUP OF INDIVIDUALS ANY MORE FEARLESS THAN COMMERCIAL DEVELOPERS, SO WE ARE GOING TO GIVE THIS A TRY. I ALSO THINK THAT WHAT YOUR CONSULTANT FROM CLARION SAID ABOUT HAVING TO DO SOME ONGOING REVIEW OF THE ORDINANCE COMPARE IT TO MAYBE EVEN THIS NEXT 135 DAYS, TAKE A LOOK AT ACTUAL PROJECTS THAT ARE COMING IN, AND HOW THEY WOULD FARE UNDER THE COMMERCIAL DESIGN STANDARDS THAT MIGHT COULD BE TWEAKED IN THE NEAR TERM, BUT CERTAINLY I THINK OVER THE NEXT YEAR IS SOMETHING THAT NEEDS TO HAVE CONTINUED REVIEW. SO THANK YOU FOR -- FOR LETTING ME SPEAK TODAY AND SHOW US IN SUPPORT OF THE COMMERCIAL DESIGN STANDARDS.

THANK YOU, MS. CARTWRIGHT AND FOR ALL YOUR WORK. LAURIE. WELCOME BACK. LAURIE, FOLLOWED BY FELIX BRIONES, FOLLOWED BY THOMAS PANTINE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] CLERK.

I DO WANT TO CLARIFY, THOUGH, IN THE HANDOUT THAT WAS THE FINAL, FINAL, FINAL, IT SAID THAT THE EXEMPTION WAS FOR A PRINCIPAL STREET, AND THE GUY FROM CLARION IN THE OVERHEAD IT SAID FOR A CORE TRANSIT CORRIDOR. SO I'M HOPING THAT IT'S NOT JUST CORE TRANSIT STREETS, BUT ANY PRINCIPAL STREET BECAUSE IF IT'S NOT, THEN IT'S REALLY LIMITED BECAUSE NEIGHBORHOODS MAY TOTALLY OPT OUT OF THESE CORE TRANSIT CORRIDOR VMTU OPTIONS BECAUSE IT'S SO COMPLICATED. AND FINALLY, TOMAS WILL SPEAK MORE ABOUT THIS, BUT THERE HAS JUST

BEEN SO MANY DECADES OF DISRESPECT AND
NEGLECT OF THE EAST SIDE AND OUR BUSINESSES.
UP UNTIL 10 YEARS AGO THERE WERE FIGHTS
EVERY YEAR OTHER USING COMMUNITY
DEVELOPMENT BLOCK GRANT FOWNDZ BUSINESS
PEOPLE WANTING TO IMPROVE THE ALLEYS AND
RESIDENTS WANTING THAT MONEY FOR HOUSING.
THE CONDITION OF OUR ALLEYS FOR ALL OF OUR
BUSINESSES ARE NOT IN THE SAME CONDITION AS
NEIGHBORHOODS WEST OF I-35. ON BASING THE
SMALL LOT EXCEPTION FOR SMALL LOTS IN -- ON
THE EAST SIDE IS NOT THE SAME. OUR ALLEYS ARE
FULL OF CRIME. WE DON'T HAVE LIGHTS, THEY'RE
NOT PAVED. THEY'RE NOT USABLE. YOU
NEGLECTED OUR ALLEYS 50 YEARS AGO. YOU
KNOW THAT, ISN'T THE CASE IN HYDE PARK AND
WEST CAMPUS AND SOUTH CONGRESS AND NEAR
DOWNTOWN, SO BREWSTER, YOU WERE OPEN TO
THE SMALL LOT WHEN YOU DROVE DOWN CESAR
CHAVEZ. NEXT TIME DROVE THE ALLEYS, OKAY,
AND YOU'LL SEE WHAT WE'RE TALK BEING. THANK
YOU VERY MUCH.

Mayor Wynn: THANK YOU. I THINK FELIX WENT HOME
EARLIER. SO WELCOME TOMAS. AND LET'S SEE, IS
RYAN SUBMITS HERE? -- RYAN SUBMITS HERE?

...

MAYOR, COUNCILMEMBERS, I'M TOMAS. I'M GLAD
THAT WE FINALLY RECOGNIZED IT WAS THE
PROBLEM WITH SMALL LOTS. IT WAS ONLY THREE
MONTHS TO GET THAT TO COME ACROSS. I WASN'T
CRAZY THEN AND I'M NOT CRAZY NOW.
DISILLUSION ABOUT SMALL LOTS IS JUST SMOKE
AND MIRRORS. IT LOOKS VERY CUTE, BUT BASIC
WLAI IT DOES IS ROUTES ALL THE TRAFFIC TO THE
ALLEYS. I DON'T KNOW HOW MUCH TIME I WILL
HAVE LEFT OF MY THREE MINUTES, SO I WANT TO
START WITH MY CONCLUSION. PLEASE EXCLUDE
MY LOTS SMALLER THAN 80 BY IS 170 IN THIS
ORDINANCE SO FURTHER STUDIES CAN BE DONE. I
REALIZE I'M GOING A LITTLE BIT LARGE AND AT
THE END WHEN WE STARTED CAREFULLY WE CAN
REDUCE IT TO SMALLER SIZE LOTS. PLEASE FREEZE
ANY LOTS BETWEEN 80 TO 170 DIMENSION FRZ THIS

ORDINANCE. THIS ORDINANCE IS NOT WRITTEN. I DON'T KNOW HOW ANYBODY ELSE FEELS ABOUT THIS ORDINANCE, BOUGHT LEAST THE SMALL LOTS ARE HOLDING THEM BACK A LITTLE BIT. NOW GIEL TO DETAILS. ON THE WILL -- BY THE WAY, THIS IS MINE. THAT EXAMPLE THEY USED WAS THE 65 LOT ON THE RIGHT-HAND SIDE. HE SAID IT'S A WONDERFUL SITUATION. WELL, ON A 65 BY 120 LOT YOU WOULD BE ABLE TO ONLY BUILD 1500 SQUARE FOOT BUILDING. THAT'S A TYPE ANY BUILDING. -- TINY BUILDING. THIS ORDINANCE IS NOT WRITTEN AND IT IS LAST MINUTE SOLUTION TO A PROBLEM THAT WE'VE BEEN TRYING TO COME UP WITH FOR THE LAST THREE MONTHS. IT DOESN'T WORK. PLEASE HOLD THIS PART OF THE ORDINANCE SO WE CAN STUDY IT AND DON'T CLOSE THE HEARINGS ON THIS PART. THANK YOU.

Mayor Wynn: THANK YOU, TOMAS. OUR NEXT SPEAKER IS CAROL AND/OR PETER TORE DLEEN GEPSON.

I BELIEVE I WILL HAVE TO TAKE UNL BRANS FROM THE GENTLEMAN FOR WHO FOR FOR CLARION EARLIER. WE DO NOT BELIEVE THEY ARE FULLY COVERED BY THE SECTIONS OF THE CODE THAT ARE SPECIFIED IN THE COMMERCIAL DESIGN STANDARDS. AS OF THE MAY 22nd VERSION OF THESE STANDARDS, THERE WERE NO PROVISIONS OF THE HILL COUNTRY ROADWAY ORDINANCE THAT WERE -- THAT SUPERCEDED THE DESIGN STANDARDS. NOW WE'RE UP TO EIGHT. I GUESS IF WE HAD ENOUGH TIME WE'D GET THEM ALL IN THERE, BUT THEY'RE IN THE IN THERE NOW. WE MADE AN EFFORT TO GET ALL OF THE ARTICLE 11 OF CHAPTER 25-2, WHICH IS THE IMPLEMENTATION OF THE HILL COUNTRY ORDINANCE INCLUDED IN SECTION 1.2.4. B .1 WHICH IS SUPERSEDING SECTION OF THIS DOCUMENT. I HATE THAT I KNEE NUMBER. BUT WE HAVE BEEN UNABLE TO DO SO. ONLY HALF OF THE PROVISIONS OF THE HILL COUNTRY ROADWAY ORDINANCE ARE INCLUDED. AND AN ARGUMENT CAN BE MADE THAT WE DON'T ALL APPLY, BUT IS THERE ANY TROAN SAY THAT THEY DON'T SUPERSEDE IT IF THEY DON'T APPLY? PLUS, THERE ARE 35 DIFFERENT SECTIONS IN THE LAND

DEVELOPMENT CODE WHICH REFERENCE HILL COUNTRY ROADWAYS AND THERE ARE EIGHT OF THEM THAT THERE ARE MENTIONED IN THIS DOCUMENT. SO I'M NOT CONVINCED THAT THE HILL COUNTRY ROADWAY PROVISIONS OF THE LAND DEVELOPMENT CODE TRULY TRUMP THE COMMERCIAL DESIGN STANDARDS ADD THE QUESTIONS WE'VE ASKED HAVE NOT ALL BEEN ANSWERED. SO UNTIL THEY GET ANSWERED OR UNTIL THERE'S A BLAPG CET STATEMENT IN THE COMMERCIAL DESIGN STANDARDS THAT CLEARLY STATES THE HILL COUNTRY ROADWAY PROVISIONS OF THE LAND DEVELOPMENT CODE SUPERSEDE OR WHATEVER THE LEGAL TERM IS THE PROVISIONS OF THE COMMERCIAL DESIGN STANDARDS. I THINK IT'S UNFAIR FOR THIS TO BE REPRESENTED AS HAVING BEEN ADDRESSED. THAT WASN'T WHAT I CAME HEAR TO TALK ABOUT. WE KEEP HEARING ABOUT THIS TRUMPING AND WE'VE BEEN ASKING QUESTIONS AND WE'VE BEEN TRADING E-MAILS AND WE'VE BEEN MEETING WITH STAFF AND I HAVE TO TELL YOU THAT WE ARE NOT PARTICULARLY HAPPY WITH THE WAY THAT THINGS HAVE WORKED OUT. WE'RE STILL VERY CONCERNED ABOUT THE UNINTENDED CONSEQUENCES WHEN THESE STANDARDS ARE APPLIED TO AN AREA OF AUSTIN FOR WHICH THEY ARE NOT DESIGNED. THESE STANDARDS WERE DESIGNED FOR URBAN AND SUBURBAN AND IN THE TRUEST SENSE OF THE WORD PORTIONS OF AUSTIN AND THEY'VE BEEN APPLIED TO OUTSIDE AREAS. AND I DON'T THINK ANYONE HAS HAD THE TIME TO LOOK AT THE UNINTENDED CONSEQUENCES OF THAT. THE CLARION CONSULTANTS TOLD US AT THE AUGUST 9TH MEETING THAT THA THEY WOULD BE PUTTING TOGETHER BY TONIGHT'S MEETING A CROSS-REFERENCE GUIDE TO HOW THE DESIGN STANDARDS WOULD INTERACT WITH THE LAND DEVELOPMENT CODE SECTIONS FOR THE HILL COUNTRY ROADWAY PROVISIONS WERE CONCERNED AND THEY HAVE NOT DONE SO, SO I DON'T KNOW EXACTLY HOW THAT WORKS OUT. [BUZZER SOUNDS] BUT ULTIMATELY OUR CONCERN IS THAT THE STZ WILL BE INTERPRETED BY DEVELOPERS, THEIR AGENTS AND ATTORNEYS AND THERE WILL BE LOOPHOLES FOUND IN THE

WORDING OF THOSE STANDARDS THAT WILL BE USED TO JUSTIFY DEVELOPMENT AND FEATURES WHICH WOULD NOT HAVE BEEN ALLOWED BEFORE ADOPTION OF THESE STANDARDS AND WHICH WILL BE UNDESIRABLE. PUTTING IN A BLANKET STATEMENT OF EXEMPTION OR SUPER SESSION WOULD NOT MAKE IT BULLETPROOF, BUT IT WOULD GO A LONG WAY TO ADDRESSING OUR CONCERNS. THANK YOU VERY MUCH.

Mayor Wynn: PETER, WELCOME. MAYOR PRO TEM.

Mayor Wynn: I JUST WANTED TO MAKE ONE STATEMENT. I WAS LISTENING VERY CAREFULLY TO SEE IF THIS LATEST EDITION COVERED YOUR ISSUES OR IF THERE WAS STILL SOME CONFUSION. AND YOU WERE VERY CLEAR, THERE'S STILL CONFUSION TO US.

Leffingwell: MAYOR, AT THE APPROPRIATE TIME I WILL OFFER AN AMENDMENT FOR A BLANKET STATEMENT.

Mayor Wynn: THANK YOU VERY MUCH.

McCracken: AND I WILL ACCEPT IT AS A FRIENDLY AMENDMENT.

Mayor Wynn: WELCOME, PETER.

MY NAME IS PETER, REPRESENTING 2222, CONE IN A AND LONG CONNAN HOMEOWNERS ASSOCIATION. THANK YOU FOR ALLOWING US TO SPEAK AT THIS PUBLIC HEARING. I'M GOING SPEAK ON A COMPLETELY DIFFERENT PART OF THE SITUATION HERE. WE'VE TRIED TO STUDY HOW THE SCMECIAL DESIGN STANDARDS WOULD BE APPLIED TO SOME OF THE PROPERTIES IN OUR AREA AND AS A RESULT OF THAT HE WE'RE PROPOSING THAT AT LEAST AN INVESTIGATION BE MADE OF POSSIBLY PUTTING IN AN ADDITIONAL SECTION WHICH IS THE SECTION ON WHAT I CALL THE OUTER SUBURBAN ROADWAY SECTION, WHICH IS TO MORE EFFECTIVELY CODIFY THE BEST PRACTICES AND IS DESIGN STZ FOR A SECTION WHICH IS NOT TRULY SUBURBAN, BUT IT HAS A LOT OF SUBURBAN CHARACTER TO IT, BUT

THERE ARE SOME SIGNIFICANT DIFFERENCES. LET ME TALK ABOUT A COUPLE OF THOSE. ONE IS THE SIZE OF THE TRACTS. THERE'S A LOT OF CONSIDERATION ABOUT BIG TRACTS WHICH ARE MORE THAN FIVE ACRES. WELL, THE SMALLEST PROJECT WE'VE WORKED ON IS 10 ACRES. AND THE TRACTS GO UP FROM THERE. SOME OF THE TRACTS ARE QUITE LARGE. THEY HAVE SIGNIFICANT CONNECTIVITY ISSUES. SOME OF THEM HAVE REASONABLE CONNECTIVITY. OTHERS OF THEM ARE BASICALLY NOT CONNECTIBLE TO ANY OTHER TRACT EXCEPT BY A HIGHWAY. PART OF THE WAY THAT THE ORIENTATION IS IN THE SUBURBAN AREA AND TWOHOOS Y. I CALL WHAT WE'RE PROPOSING THE OUTER SUBURBAN AREA BECAUSE IN THE SUBURBAN AREA THE FUNDAMENTAL IDEA IS TO BRING THE BUILDING BUILDING UP TO THE STREET. THERE WILL BE A BUILDING TOWP STREET OR COME TOWP A SUPPLEMENTARY ZONE WHICH IS AT MOST 20 FEET IN WIDTH. IN OUR AREA WE WANT TO PUSH THE BUILDINGS AWAY FROM THE STREETS A LITTLE BIT RATHER THAN BRINGING IT UP TO THE STREET. SINCE MOST OF THE TRACTS ARE VERY BIG, THE INTERNAL CIRCULATION ROUTES, THE BLOCK STANDARDS THAT ARE CALLED OUT FOR LARGE TRACTS MAKE A LOT OF SENSE. THE PROBLEM WE'RE HAVING IS HOW THOSE TRACTS INTERNALLY, WHICH ARE VERY SUBURBAN IN CHARACTER, INTERACCUSE WITH THE ROADWAY, DMS MANY CASES QUITE RURAL IN CHARACTER. AND FRANKLY, PART OF MY DESIRE IS IN ONE SENSE TO STRENGTHEN THE SIDEWALK REQUIREMENTS SO THAT A DEVELOPER CAN'T COME IN AND SAY THESE SIDEWALKS TOOR LONG TO REACH TO THE ACTUAL PUBLIC STREET. I SHOULDN'T HAVE TO PUT THEM IN. AND MY ATTITUDE IS PEOPLE CAN LEARN HOW TO WALK AND PEOPLE TO DO WALK A LOT AND THE SIDEWALK IS MAYBE TWO, THREE, FOUR HUNDRED FEET IS COMPLETELY FEASIBLE AND REASONABLE AND NOT AT ALL UNREASONABLE TO REQUIRE A DEVELOPER TO PUT IN. ANOTHER ITEM WHICH IS A DIFFERENCE WHICH IS CONSIDERABLE IS THERE'S A SECTION IN THE COMMERCIAL DESIGN STANDARDS WHICH ALLOWS FOR A PARKING REDUCTION OF UP TO 10 PERCENT FOR SAVING SIGNIFICANT GROUP OF TRIES. AND THAT MAY BE FINE AND I THINK IT IS

FINE IN A MORE URBAN INTOWN AREA WHERE YOU'RE TRYING TO SAVE THE VEGETATION. IF THERE IS PARKING OVERFLOW, IT CAN GO INTO THE NEXT BLOCK. [BUZZER SOUNDS] IN OUR AREA THERE IS NO NEXT BLOCK TO HAVE THE PARKING IN. WHAT WE TRY TO DO IS TO FORCE DEVELOPERS TO PUT IN STRUCTURED PARKING TO SAVE IMPERVIOUS COVER, GET GOOD PEDESTRIAN ACCESSIBILITY AND TO SAVE THE ENVIRONMENT AT THE SAME TIME. I'D LIKE TO SEE A REAL I AM EMPHASIS ON THAT PUT INTO THIS. THANK YOU.

Mayor Wynn: THANK YOU. SO THE FOLLOWING FOLKS DON'T WANT TO SPEAK, BUT ALL ARE SIGNED UP IN FAVOR. DANETTE (INDISCERNIBLE), CHRIS (INDISCERNIBLE). LAURA MORRISON, BOBBY RIGNY SIGNED UP IN FAVOR. SO COUNCIL, THAT'S ALL OF OUR CITIZEN INPUT ON ITEM NUMBER 68, THIS PUBLIC HEARING REGARDING COMMERCIAL DESIGN STANDARDS. I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER MARTINEZ TO CLOSE THIS PUBLIC HEARING. ALL IN FAVOR PLEASE SAY AYE?

OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING PASS OZ A VOTE OF SIX TO ZERO WITH COUNCILMEMBER KIM OFF THE DAIS. COMMENTS, QUESTIONS? I HAVE A NUMBER OF AMENDMENTS THAT HAVE BEEN FLOATING AROUND OR TALKED ABOUT. COUNCILMEMBER MCCRACKEN.

McCracken: MAYOR, I KNOW THAT SOME OF MY SCLEEGZ SOME AMENDMENTS AND WE'VE ALL BEEN WORKING ON THESE AND ALL OF HAVE YOU A COPY OF A BASE SET OF AMENDMENTS THAT'S BEEN DISTRIBUTED OUT ALSO. SO I ANTICIPATE WHEN THE TIME TO MAKE A MOTION IS, I KNOW THAT COUNCILMEMBER COLE, MAYOR PRO TEM DUNKERLEY AND COUNCILMEMBER LEFFINGWELL HAVE AMENDMENTS THEY'RE GOING OFFER AS WELL. SO THAT'S KIND OF THE ROAD MAP OF HOW I UNDERSTAND THIS IS GOING TO WORK AT THE MOMENT. I KNOW PEOPLE HAVE SOME QUESTIONS TOO.

MAYOR, I BELIEVE THE LAST TIME ON FIRST READING SEVERAL COUNCILMEMBERS EXPRESS THE CONCERN ABOUT TO WHAT EXTENT SMALL BUSINESSES WOULD BE IMPACTED BY THIS ORDINANCE. SO I MADE SOME EFFORTS WITH COUNCILMEMBER MCCRACKEN AND HIS OFFICE AND HIS AIRDZ TO TRY TO REACH OUT AND COME TO SOME LANGUAGE THAT WOULD MAKE IT EASIER FOR BUSINESSES WITH LESS THAN 10,000 FEET TO COMPLY WITH THE ORDINANCE. AND IN FRONT OF YOU YOU HAVE WHAT I AM PROPOSING AS A SMALL BUSINESS AMENDMENT TO THE COMMERCIAL DESIGN STANDARDS RKS AND THIS AMENDMENT WOULD GO IN THE ALTERNATIVE COMPLIANCE PART OF THE ORDINANCE. AND BASIC WLAI IT DOES IT IT TIEWFERZ A SMALL BUSINESS OR ONE THAT IS UNDER 10,000 10,000 SCWEELT AN OPPORTUNITY TO - - SQUARE FEET AN OPPORTUNITY TO SEEK ALTERNATIVE COMPLIANCE SO THEY CAN SHOW TO THE DEPARTMENT HEAD THAT THEY ARE UNDER UNDUE HARDSHIP. THAT'S THE AMENDMENT THAT I OFFER.

Mayor Wynn: SO AT THE APPROPRIATE TIME, COUNCILMEMBER, I'LL ASK YOU TO READ THIS AS A FRIENDLY AMENDMENT TO THE MAIN MOTION.

Dunkerley: I HAVE A COUPLE OF QUESTIONS FOR THE CONSULTANT. I WAS TRYING TO FIND THE ANSWER DURING THE WEEK AND I REALLY FORGOT TO FOLLOW UP AND I DON'T RECALL IF YOU TOUCHED ON IT TONIGHT. IN THE ALTERNATE COMPLIANCE PROCESS YOU'VE GOT YOUR INFORMAL PROCESS AND YOUR FOM AL PROCESS. YOUR INFORMAL PROCESS IF I REMEMBER CORRECTLY, THE APPEAL PROCESS WAS TO DIRECTOR OF THE DEPARTMENT. THEN I WONDERED IF THERE IS AN APPEAL PROCESS FROM THE FORMAL COMPLIANCE PROCESS IN...?

THE FORMAL ALTERNATIVE COMPLIANCE WOULD BE APPROVED BY THE BODY THAT'S ULTIMATELY DECIDING ON THE APPLICATION, WHICH I THINK IS THE LAND USE COMMISSION OR THE DIRECTOR DEPENDING ON THE TYPE OF APPLICATION. SO IT WOULD BE THE NORMAL APPEAL PROCESS THAT

WOULD KICK IN FOR DECISIONS BY THAT BODY.

Dunkerley: ALL RIGHT. AND THEN YOU MENTIONED I THINK IN YOUR PRESENTATION SOMETHING ABOUT ANGLED PARKING THAT I HAD NOT HEARD BEFORE. AND OTHER CRITERIA OR PROCESSES FOR IT. WHAT DO YOU HAVE IN MIND FOR THAT?

THIS IS ONE OF THE BIGGER CHANGES IN THIS DRAFT. BASICALLY IN THE PRIOR DRAFT OF THE ORDINANCE THERE WAS AN AUTHORIZATION TO PROVIDE ANGLED PARKING OR CUT-IN PARKING IN A CUT-IN ON THE STREET ADJACENT TO THE DEVELOPMENT. AND LIKE I SAID, IT WAS TO PROVIDE THAT PARKING CLOSE TO THE BUILDING. THE REVISED DRAFT CONTAINS A GOOD BIT OF NEW LANGUAGE THAT SAYS THAT IF YOU'RE A DMU DEVELOPMENT ON A CORE TRANSIT CORRIDOR, YOU'RE ENTITLED TO THAT ANGLED PARKING AS A MATTER OF RIGHT. FLS A PROCEDURE IN PLACE THAT ALLOWS THE DIRECTOR OF PUBLIC WORKS TO SEEK A WAIVER FROM THAT PARKING THAT YOU'RE ENTITLED TO AS A MATTER OF RIGHT AND THEN THE PROCEDURE IS SPELLED OUT. YOU WOULD HAVE TO SUBMIT A SITE PLAN THAT REQUESTS -- THE DIRECTOR OF PUBLIC WORKS WOULD HAVE TO SUBMIT THAT WAIVER, THE URBAN DESIGN OFFICER WOULD THEN HAVE TO MAKE AN AFFIRMATIVE DETERMINATION THAT THE REQUEST TO DENIAL OR MODIFICATION OF PARALLEL PARKING WOULD NOT UNDERMINE COUNCIL POLICY FOR CORE TRANSIT CORRIDORS. THEN THE DRERKT OF PUBLIC WORKS WOULD THEN PRESENT THAT REQUEST TO YOU, THE COUNCIL, AND WITHIN 45 DAYS OF THE FILING OF THE SITE PLAN AND THEN YOU WOULD HAVE TO APPROVE THAT WAIVER REQUEST FOR THE PARALLEL PARKING TO NOT BE PROVIDED. SO THERE'S A PROCESS IN PLACE AND IT WOULD BE TOUGHER TO NOT HAVE THAT ANGLED..ED PARKING OR PALE LEGAL PARALLEL PARKING. THAT'S JUST FOR DMVU DEVELOPMENT ON CORE TRANSIT CORRIDORS. THIS IS WHERE THOSE CRITERIA WOULD BE DEVELOPED THAT I FWAFFNLGHTD THE DIRECTOR OF PUBLIC WORKS WOULD HAVE UNTIL JANUARY OF 2007 THAT WOULD SAY WHEN AND WHERE THAT PARKING

SHOULD BE PROVIDED, FWHIEWS AFTER OTHER THAN VMU PROMGZ.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?
COUNCILMEMBER KIM.

Kim: I HAVE A QUESTION FOR COUNCILMEMBER MCCRACKEN ABOUT THE AFFORDABILITY REQUIREMENTS FOR OWNER-OCCUPIED UNITS. YOU HAVE INITIALLY THE HOME FOR F 1 C, THE HOMEOWNER ASSOCIATION FEES FOR THE OWNER OCCUPIED AFFORDABLE UNITS SHOULD BE DECIDES BY THE MEMBERS OF THE HOMEOWNER ASSOCIATION PURSUANT TO PROCEDURES AND CRITERIA TEABD BY THE DEPARTMENT OF NEIGHBORHOOD HOW HOUSING AND COMMUNITY DEVELOPMENT AND YOUR AMENDMENT HEAR IS TO REPLACE IT WITH THE FOLLOWING. THE HONE SOARTION FEES FOR THE UNITS SHALL NOT BE SET OR INCREASED TO CAUSE TOTAL HOUSING COSTS TO EXCEED THE TARGET LEVELS PURSUANT TO PROCEDURES AND A CROOIRT CRITERIA AS TEABD BIT DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT. I WAS WONDERING IF YOU COULD EXPLAIN THE AMENDMENT.

YEAH, COUNCILMEMBER, WE HAVE HAD A PRINCIPLE THAT WE'RE TRYING TO FIND THE BEST WAY TO APPLY. THE PRINCIPLE IS IF YOU DON'T DEAL WITH THE HOMEOWNERS OR CONDO ASSOCIATION FEES, THEN PROVIDING AFFORDABILITY WOULD BE LARGELY A SYMBOLIC ACT IF YOUR CONDO ASSOCIATION FEES SORE ONEROUS THAT IT RUINS YOUR AFFORDABILITY. SO WE WENT THROUGH MULTIPLE MEETINGS AND ARRIVED AT WHAT WE THOUGHT WAS A CONSENSUS IN A THE MOST EFFECTIVE WAY TO DO THIS WOULD BE TO SAY THAT THE CONDO ASSOCIATION FEES FOR THE TARGETED AFFORDABLE UNITS WILL BE SET AT AN AFFORDABLE OPERATE..... RAILT AND THE OVERALL CONDO ASSOCIATION FEE WOULD SUBSIDIZE THAT DIFFERENCE. YOU HAVE TWO OWNERSHIPS. YOU WOULD HAVE ONE SET OF OWNERSHIP RIGHTS WHICH ARE TARGET AFFORDABILITY. YOU CAN'T SELL FOR A BIG PROFIT

ON THE MARKET IT HAS TO REMAIN AFFORDABLE. BUT PART OF THAT IS HAVE YOU A LOWER CONDO FEE. IT'S LIKE A DIFFERENT SET OF PROPERTY RIGHTS. AND THE SECOND POSSIBLE SET OF PROPERTY RIGHTS WOULD BE CAN YOU SELL YOUR CONDO FOR AS MUCH AS YOU WANT, BUT YOU WILL PAY A FULL CONDO ASSOCIATION FEE. WE HAD A SPLIT IN THE COMMUNITY DEVELOPMENT COMMUNITY ABOUT WHAT THE BEST APPROACH IS TO KEEP CONDO FEES AFFORDABLE. SOME DEVELOPERS HAVE TOLD US THAT IT IS MUCH BETTER TO HAVE THE APPROACH THAT WAS INITIALLY IN THERE BECAUSE THAT MEANS THAT THE INITIAL SALES PRICE FOR AN AFFORDABLE UNIT INCLUDES WHAT THE CONDO FEE IS GOING TO BE. SO IF HAVE YOU HIGH CONDO FEES, THE DEVELOPERS WON'T BE ABLE TO SELL THEIR AFFORDABLE CONDOS FOR VERY MUCH. THAT'S WHY SOME DEVELOPERS BELIEVE IT IS BETTER FOR THAT APPROACH. OTHERS IN THE DEVELOPMENT COMMUNITY HAVE THE OPPOSITE VIEWPOINT AND THEY BELIEVE THAT THERE WOULD BE SOME SORT OF PENALTY THAT WOULD DISINCENT THE SALE OF CONDOS IF THERE IS THAT IN THERE. WHAT WE ULTIMATELY ARRIVED ON IS THE MATTER OF CONSENSUS. HERE TODAY IS TO STATE THE PRINCIPLE AND TO COME UP WITH THE PARTICULARS OVER THE NEXT 135 DAYS OR SIX MONTHS OR WHATEVER IT IS, WORKING THROUGH ACTUAL PROJECTS. AND THE ONLY CRITERIA WE HAVE IS THAT THE RESULT MUST BE THAT THE CONDO FEES ARE AFFORDABLE. AND WE'RE NOT GOING TO GET TOO HUNG UP ON HOW IT HAPPENS, BUT IT'S GOING TO HAPPEN. AND SO BECAUSE AS WE WERE DISCUSSING, THE CONDO FEE PERCENTAGES IN THIS ARE FIVE PERCENT AT 80 PERCENT FAMILY INCOME AND FIVE PERCENT OF 80 PERCENT FAMILY INCOME. AND IF WE CAN'T FIGURE OUT HOW TO CREATE FIVE PERCENT OF OUR HOUSING AFFORDABLE, THEN WE HAVE BIGGER PROBLEMS THAN THE VMU ORDINANCE. WE'RE GOING MAKE IT WORK, BUT WE'RE GOING IT WITH THE PRINCIPLE THAT WILL HAVE THE CRITERIA SET.

Kim: I UNDERSTAND THE INTERESTS APPEARED I AGREE WITH THE GOAL HERE. I'M CONCERNED

ABOUT THE IMPACT FOR THE OTHER HOMEOWNERS IN THE ASSOCIATION. AND THE DEVELOPER MAY NOT BE AS INTERESTED IN WHAT HAPPENS AFTER THE UNITS ARE SOLD, BUT THE HOMEOWNERS OF THE REST OF THAT COMPLEX WILL BE INTERESTED IN THAT BECAUSE THEY AS THE HOMEOWNERS HAVE TO VOTE ON WHAT THEIR FEES ARE. AND THEY HAVE A RESPONSIBILITY TO MAINTAIN THEIR INVESTMENT AND ANY -- THERE ARE THINGS THAT HAPPEN WITH CONDOS, THERE MAY BE A MASSIVE POOL LEAK, THERE MAY BE NEED TO REPLACE ALL OF THE WATER STORAGE UNITS. THERE ARE THINGS THAT JUST HAPPEN AS CONDOS GET OLDER, AND THIS -- I'M CONCERNED THAT THIS AMENDMENT WOULD THEN PUT THE BURDEN ON ALL THE OTHER HOMEOWNERS IN THAT COMPLEX AND TO SUBSIDIZE I GUESS THE OTHER UNITS THAT WOULD NOT FACE AN INCREASE EVEN THOUGH THEY WOULD REAP THE BENEFITS OF THE REPAIRS TO MAINTAIN THE INVESTMENT FOR EVERYBODY. SO I DON'T KNOW EXACTLY HOW THIS IS GOING TO BE ESTABLISHED OR HOW THIS IS GOING TO BE ENFORCED, BUT I DO HAVE CONCERNS FOR THE OTHER HOMEOWNERS THAT WILL BE PART OF THE ASSOCIATION AS TO THE IMPACT OF AFFORDABILITY OF THEIR UNITS AS WELL. THERE ARE TIME WHEN THERE NEED TO BE SPECIAL ASSESSMENTS AND I DON'T KNOW IF THIS IS GOING TO AFFECT SPECIAL ASSESSMENTS, THE HORNS MAY SOMETIMES DECIDE STO TO JUST RAISE THE FEE ITSELF OR TO ASSIGN SPECIAL ASSESSMENT TO BE PAID OVER ONE YEAR, THREE YEARS, HOWEVER LONG IT TAME TO MAKE THE ROOF REPAIRS ON ALL THE UNITS AFTER A HAILSTORM IF THEY DON'T HAVE INSURANCE. ALL THESE THINGS ARE REALLY UNPREDICTABLE AND I HAVE CONCERNS ABOUT LIMITING THE ABILITY OF THE HOMEOWNERS ASSOCIATION TO TAKE CARE OF AND MAINTAIN THEIR PROPERTY APPEARED THE COSTS THEY WOULD HAVE TO PAIR AND HA THA THE HOMEOWNERS IN THE AFFORDABLE UNITS WILL NOT HAVE TO BEAR.

McCracken: COUNCILMEMBER, HAVE YOU VERY EXPERTLY ARTICULATED THE CONCERNS AMONG THE DEVELOPERS WHO WERE CONCERNED ABOUT

THE BROADER SUBSIDY APPROACH VERSUS THE OTHER DEVELOPERS WHO BELIEVE THAT THAT WAS THE BETTER WAY TO DO IT. AND WHAT WE REALLY REALIZED AS WE GOT INTO IT IS ACTUALLY WE CD EVERYBODY GIVE US YOUR NUMBERS AND NOBODY HAD ANY NUMBERS. WE'RE DOING A NEW THING. SO WHAT WE'RE SAYING IS WE'RE GOING TO BE RESULTS ORIENTED. DON'T KNOW WHAT THE BEST TWIE DO IT IS, BUT WE KNOW A LITTLE SYMBOLIC ACT TO SAY WE'RE GOING TO MAKE UNITS AFFORDABLE IF WE DON'T DEAL WITH THE CONDO FEES AND FWHIERT GOING THAT, WE'RE INTO RULTZ. OVER THE NEXT FEW MAY MONTHS WE'LL FIGURE OUT WHAT THE BEST AND FAIREST WAY IS TO HAVE A RESULT THAT IS MEANINGFUL AND SNOT A SYMBOLIC..IC ACTION. WE DON'T KNOW WHAT GHIENG TO BE RIGHT NOW.

Kim: I WOULD LIKE TO REMAIN INVOLVED IN THIS AND FOLLOW THIS AS WELL.

Mayor Wynn: THANK YOU FURTHER COMMENTS, QUESTIONS BEFORE WE ENTERTAIN A MOTION?

MAYOR, WE WOULD LIKE TO CLARIFY ONE ASPECT OF THIS, AND THAT GOES BACK TO THE ANGLED PARKING. CLARION TALKED A LITTLE BIT ABOUT HOW THE PARKING IS FOR VMU STRUCTURES VERSUS NON-VMU. IF YOU WANT TO LOOK AT HOW THE LANGUAGE READS IT'S ON PAGE 20 AND 21 OF THE DRAFT BEFORE U FOR NON-VMU STRUCTURES WHARKS IT'S ASKING US TO DO IS TO TO CREATE A SET OF CRITERIA AND EVALUATE THE REQUESTS FOR ANGLED OR PARALLEL PARKING AND BASED ON THOSE CRITERIA AGREE OR DISAGREE WITH WHAT THE DEVELOPER IS PROPOSING. THE REASON THIS IS SO IMPORTANT IS BECAUSE IN MOST PERSON CITIES, CITIES RESIST ANGLED PARKING AND PARALLEL PARKING. THERE ARE NEW CRITERIA OUT THERE THAT ARE CALLED CONTEXT SENSITIVE CRITERIA THAT ARE BY FAR THE MOST FLEXIBLE CRITERIA BEING USED. WE'VE TALKED ABOUT THIS WITH CLARION. WE'VE ALSO RUN IT THROUGH THE URBAN DESIGN TEAM. AND THEY LOOK AT THINGS LIKE SPEED LIMIT, THE ROAD CAPACITY, THE VOLUME OF TRAFFIC ON THE ROAD, AND SO WE

THINK THAT REPRESENTS A BEST PRACTICE NATIONAL FLOI ANSWERING THE QUESTION IS ANGLED PARKING APPROPRIATE OR NOT APPROPRIATE. SO WE'RE VERY COMFORTABLE WITH THAT. WHEN YOU LOOK AT WHAT'S HAPPENING ON THE VMU STRUCTURES, WHAT YOU'LL SEE IS THAT THE PROPOSER HAS THE ABILITY TO DO EITHER HEAD IN OR PARALLEL PARKING BY RIGHT. AND SO IF THE STAFF REVIEWS THAT SET OF PLANS AND USES THAT SAME SET OF CRITERIA AND DETERMINES THAT HEAD IN OR PARALLEL PARKING WOULD NOT BE APPROPRIATE, THEN A WAIVER IS REQUIRED IN ORDER FOR STAFF TO DENY ACCESS TO THAT ANGLED OR PARALLEL PARKING. AND THAT'S JUST FUNDAMENTALLY DIFFERENT THAN HOW IT'S WORKING IN THE OTHER SECTIONS AND WE WANT TO MAKE SURE WE CLARIFY THAT BECAUSE TIP DPLI THE DEVELOPMENT REVIEW PROCESS STAFF WEIGHS IN AS THE DEVELOPMENT IS COMING THROUGH THE PROCESS. SO THIS REPRESENTS A PRETTY SIGNIFICANT DIFFERENCE. AND TOIPT GIVE SONDRRA AN OPPORTUNITY TO TALK A LITTLE BIT ABOUT HOW THAT WOULD WORK JUST FROM AN OPERATIONAL PERSPECTIVE.

Mayor Wynn: WELCOME BACK.

HERE ARE A COUPLE OF CONCERNS THAT WE WOULD HAVE WITH THE NEW LANGUAGE. WE HAD KIND OF GONE BACK AND FORTH ON THIS LANGUAGE THROUGH THE PROCESS AND WE WERE SATISFIED WITH THE LANGUAGE THAT UNTIL THIS RECENT CHANGE. THE 2006 ITE REPORT CONTACT SENSITIVE SOLUTIONS AND DESIGNING MAJOR URBAN THOROUGHFARES FOR WALKABLE COMMUNITIES RECOMMENDS AGAINST ANGLED PARKING ON TREATS WHEN ANY OF THE FOLLOWING CONDITIONS ARE PRESENT. SPEEDS OVER 25 MILES PER HOUR, TRAFFIC VOLUME OVER 6,000 VEHICLES PER DAY, ADJACENT BICYCLE LANE AND INSUFFICIENT BACKING ROOM. WHAT WE WILL LIKE TO BE ABLE TO DO IS MAKE SURE THAT WE HAVE AN OPPORTUNITY TO REVIEW THAT AND THAT WE SET SOME MUCH THAT CROOUT AS THE BASIS BEFORE WE CONSIDER ANGLED PARKING. WHAT THIS NEW LANGUAGE WOULD PUT NUS THE

PLACE OF DOING IS COMING TO COUNCIL AND PRESENTING TO YOU THE CONCERNS THAT WE HAVE, THE SAFETY CONCERNS AND GOING INTO QUITE A BIT OF DETAIL TO DEFEND WHY WE DON'T FEEL LIKE ANGLED PARKING IS APPROPRIATE. OF COURSE, THAT WOULD BE ESTABLISHING A RECORD ABOUT PUBLIC SAFETY ON THOSE STREETS. THERE ARE VARIOUS STUDIES ALSO THAT SHOW THAT ANGLED PARKING, THERE'S BEEN A STUDY OF OVER 4800 ACCIDENTS AND FOUND OVER 50% OF MID BLOCK COLLISIONS INVOLVED PARKING MANEUVERS. SO THERE'S A LOT OF DATA THROUGHOUT THAT SHOWS THAT THIS IS SOMETHING THAT WE REALLY NEED TO BE CONCERNED ABOUT. WE WOULD LIKE TO BE ABLE TO HAVE THE OPPORTUNITY TO BE ABLE TO SET SOME CRITERIA FOR WHEN IT WOULD BE APPROPRIATE TOIOUS DEFAULT IN ALLOWING ANGLED PARKING UNDER CERTAIN CONDITIONS, BUT IN OTHER SITUATIONS WE WOULD CERTAINLY WANT TO VT OPPORTUNITY TO CAREFULLY REVIEW THE SITUATION, ALSO LOOKING AT HORIZONTAL CURVATURE OF THE ROADWAY, VERTICAL CURVATURE AND A LOT OF THINGS FROM A SAFETY PERSPECTIVE. WE WOULD LIKE TO HAVE THAT OPPORTUNITY TO REVIEW IT BEFORE RATHER THAN HAVING TO COME TO COUNCIL EACH TIME WE OBJECT AND ASK FOR A WAIVER.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.
McMILK I APPRECIATE THE UNSOLICITED INPUT HERE AND WE'VE GONE BACK AND FORTSZ ON THIS FOR QUITE AWHILE. WE'VE COME UP WITH AN OPPORTUNITY FOR MS. CREIGHTON TO DO WHAT SHE'S DOING RIGHT NOW ON PROJECTS. AS YOU SEE, WE HAVE TWO FUNDAMENTAL ISSUES WHERE THE OPERATIONAL CRITERIA ARE FUNDAMENTALLY AT ODDS WITH WHAT AS A POLICY THIS CITY COUNCIL DOING TO ENVISION CENTRAL TEXAS, WHICH IS TO SAY THAT ON OUR CORE TRANSIT CORRIDORS YOU, THOSE MEANING BY DEFINITION MORE THAN 6 THOWTION CAR TRIPS A DAY. SO WHAT WE'RE SAYING IS WHAT WE'RE TRYING TO DO IS ACHIEVE SOME POLICY INTERESTS AND WE'VE HAD SOME DIFFERENCES, BUT WE'VE CREATED A MECHANISM ABOUT THE DIFFERENCES CAN BE PRESENTED TO

COUNCIL FOR POLICY WAIVERS AND PERHAPS AT SOME POINT WHEN WE HAVE A MORE COMMON TRACK RECORD OF VISION ON THIS, THIS IS SOMETHING THE NEIGHBORHOODS AND DEVELOPMENT COMMUNITY WERE BOTH UNIT UNDERSTAND THEIR EXPERIENCE THAT WE NEEDED TO HAVE A LITTLE MORE CLARITY ABOUT THE OPPORTUNITY FOR VERTICAL MIXED USE AND PEDESTRIAN ORIENTED DEVELOPMENT, THE SUCCESS OF IT TO HAVE MORE PREDICTABILITY ON THE ANGLED PARKING WITH THE OPPORTUNITY FOR ADMINISTRATIVE CRITERIA. THERE SHOULD BE NO - - THE LANGUAGE DOES NOT PROVIDE IN ANY SENSE A.. A ROADBLOCK FOR PUBLIC WORKS TO SEEK A WAIVER OF COUNCIL POLICY ON INDIVIDUAL PROJECTS. IS I'M READY TO MAKE A MOTION.

Mayor Wynn: I'LL ENTERTAIN A MOTION.

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McCracken: I'LL MOVE TO APPROVE ON SECOND AND THIRD READING THE DRAFT FRONT OF US WITH THE AMENDMENTS THAT ARE LABELED FINAL, FINAL, FINAL. AND THERE'S -- I'M ACTUALLY GOING TO ADD TWO CHANGES. ON THE SECOND PAGE WHERE IT SAYS ADDITIONAL MEASURES TO IMPROVE CONNECTIVITY, YOU'LL SEE IN THAT FIRST LINE IT SAID IN THE TABLE OF OPTIONS, COMMA, IN THE NEXT TWO BOTTOM CELL, TO CLARIFY WHERE THAT CELL IS. ON THE THIRD PAGE ON THE SECTION 14.3.4. E ABOUT THE EXPEDITED REVIEW FOR PERMIT PARKING, ON THE THIRD LINE IT WILL SAY PERMIT PARKING, RPP, DISTRICTS, AND THEN INSERT, FOR BLOCKS STARTING AND WITHIN 600 FEET. AND FINALLY, WE HAVE THE SUBSTITUTE LANGUAGE AND COUNCILMEMBER KIM DID READ THAT CORRECTLY, AND SO IT'S IN BOLD AND I'LL GO TO MS. GENTRY, BUT WHAT IT SAYS IS REPLACE THE EXISTING LANGUAGE WITH THE FOLLOWING, THE HOMEOWNER ASSOCIATION FEES FOR THE OWNER OCCUPIED UNIT AFFORDABLE UNITS MAY NOT BE SET OR INCREASED TO CAUSE TOTAL HOUSING COSTS TO EXCEED THE TARGETED AFFORDABILITY LEVELS PURSUANT TO PROCEDURES AND CRITERIA ESTABLISHED BY THE DIRECTOR OF

NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT. SO THAT IS MY MOTION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCracken, SECONDED BY COUNCILMEMBER KIM TO APPROVE ON SECOND AND THIRD READING THIS AMENDED ORDINANCE AS DESCRIBED BY THE COUNCILMEMBER AND WHOSE FINAL TERMS ARE HERE FRONT OF OUTSIDE THE DAIS.

Kim: MAYOR, CAN I ASK A QUESTION OF DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT? I THINK YOU FOR WHAT I'M GOING TO ASK YOU. HOW ARE WE GOING TO DO THIS? DO YOU HAVE ANY THOUGHTS ON THE PROCESS ON THE HOMEOWNER ASSOCIATION FEES AND --

WELL, WE HAVE BEEN WORKING WITH STAFF ACTUALLY AND GOT THE LANGUAGE, AND THIS LAST FINAL VERSION OF THE LANGUAGE ALLOWS US TO HAVE SOME TIME TO DEVELOP WHAT WE THINK ARE POLICIES AND PROCEDURES THAT WOULD INCORPORATE THE ISSUES OF VERY SIMILAR TO WHAT WE DO IN DETERMINING HOASHT USING A UTILITY ALLOWANCE WITH A MORTGAGE ALLOWANCE OF 28%, TWO PERCENT. WE'D FIGURE OUT EXACTLY HOW WE WOULD INCLUDE SOME OF THE ISSUES OF THE HOA. IT WILL BE A RULE MAKING PROCESS AS WELL, A FAIRLY FORMAL RULE MAKING PROCESS, SO WE'LL HAVE TO ESTABLISH THOSE RULE. THE ISSUES AND THE QUESTIONS THAT YOU RAISED THRESHOLDS WORKS PENALTIES COME IN ARE ALL I THINK ISSUES THAT WE'LL HAVE TO TAKE INTO CONSIDERATION OF AT WHAT POINT IN TIME DO THE ASSESSED FEES COME IN. IT WILL BE AN ISSUE THAT WE'LL HAVE TO INCORPORATE. I THINK THAT THE CONCEPT OF ENSURING THAT, FOR EXAMPLE, THAT HOMEOWNER ASSOCIATION FEES DON'T GET ARBITRARILY INCREASED IS SOMETHING THAT WE CAN CONTROL. THE LAST THING I THINK I'D SAY IS THAT THIS CAN TO A LARGE DEGREE BE A COMPLAINT DRIVEN PROCESS FROM HOMEOWNERS THEMSELVES WHO ARE IN AFFORDABLE UNITS. IT WON'T BE THE ONLY THING THAT NECESSARILY IS ONE OF THE METHOD DOLLION DOLGS, BUT WE CAN SET UP A SYSTEM SO

THAT IF HOMEOWNERS ARE IN CONDOMINIUMS IN VERTICAL MIX USED DEVELOPMENT AND THEY FEEL LIKE THEIR HOMEOWNERS ASSOCIATION FEES ARE CREATING A HARDSHIP FOR THEM, THAT WOULD BE ONE OF THE WAYS FOR THEM TO NOTIFY US THAT WE WOULD THEN LOOK INTO THE SITUATION, SEE IF IT'S MET OUR PARAMETERS IS ONE OF THE WAYS WE WOULD ADMINISTER. I'M NOT TELLING YOU EXACTLY HOW WE WOULD DO IT, BUT I DO THINK AFTER GOING THROUGH A FORMAL RULE MAKING PROCESS AND BASED UPON THE FINAL LANGUAGE THAT WE'VE GOT SO THAT WE'RE SAYING THAT ALL THREE OF THEM CAN'T BE SET OR INCREASED TO EXCEED AFFORDABILITY SDZ R. STANDARDS, THOSE COULD BE MODIFIED OVER TIME TO ACCOMMODATE THE GOALS AND THE ISSUES AND HOPEFULLY SOME OF THE MORE COMPLEX ISSUES YOU RAISE ABOUT THIS.

Kim: I THINK THIS IS A VERY COMPLEX ISSUE. QUOTE FOR INCOME REQUIREMENTS WHEN SOMEONE PURCHASES A UNIT AND THEY -- WE'RE HOPING THAT THEY WILL BE ABLE TO WORK AND GET AN INCREASE IN THEIR INCOME OVER TIME. SO WE ARE LOOKING IN THAT AFFORDABILITY EVEN THOUGH THEIR INCOME MAY INCREASE. I DON'T WANT TO SEE A SITUATION WHERE A CONDO ASSOCIATION ALL OF A SUDDEN HAS A 100,000-DOLLAR BILL FOR REPLACING ROOFS OR WATER HEATERS AND THE PEOPLE IN THE AFFORDABLE UNITS, EVEN THOUGH THEY HAVE ABILITY TO PAY ARE ASSESSED ZERO WHEREAS THE REST OF THE PEOPLE IN THE CONDO ASSOCIATION, WHICH MAY BE ONLY 20 UNITS OR LESS OR 10 UNITS HAVE TO BEAR THAT ENTIRE COST DIVIDED AMONG THEMSELVES AND THE ONE IN -- THE PEOPLE IN THE AFFORDABLE UNITS DON'T HAVE TO PAY ANYTHING. BECAUSE THEY FELL UNDER THAT GRANDFATHER PROVISION AND THEY CAN HOLD ON TO THAT FOR AS LONG AS THEY OWN THE UNIT.

YES, MA'AM. AND I UNDERSTAND THAT THAT'S YOUR INTEREST AND THAT WILL BE PART OF THE ISSUES THAT WE WILL HAVE TO DISCUSS IN SETTING UP THOSE -- THIS SYSTEM. I AGREE WITH YOU. MCM: I THINK YOU'RE SEEING WHY THIS

DOESN'T HAPPEN ORGANICALLY. THERE'S A POSTPONER LINE OUT THERE THAT THE MARKET WILL MAKE TAKE OF THIS AND THAT'S COMPLETE BALONEY. IT'S HARD STUFF TO MAKE HAPPEN AND IT'S CRITICAL. DON'T WANT TO LOOK BACK AND BE WHAT SAN FRANCISCO FOUND THEMSELVES TODAY WHERE HAVE YOU TO HAVE THE MOST AFFORDABLE SHOWS LIKE 600,000 BUCKS.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: SO I GUESS IT'S THE APPROPRIATE TIME FOR MY FRIENDLY AMENDMENT. AND THE AMENDMENT WILL BE ON PAGE 5, AND IT'S CHAPTER 1.2.4, WHICH IS TITLED CONFLICTING PROVISIONS. AND THE CHANGE WOULD BE IN SUBPART B, WHICH SAYS THE FOLLOWING PROVISIONS SUPERSEDE THE REQUIREMENTS OF THE SUBCHAPTER TO THE EXTENT OF CONFLICT, AND THEN ITEM D BELOW THAT, ONE OF THESE PARTICULAR PROVISIONS SHOULD READ PROVISIONS APPLICABLE TO HILL COUNTRY ROADWAYS. AND THE REST OF THAT SECTION D SHOULD BE STRICKEN SO IT'S A BLANKET STATEMENT, COMPLETELY CLEAR, THAT IN THE CONVENIENT OF A CONFLICT WITH THE HILL COUNTRY ROADWAY ORDINANCE, THE HILL COUNTRY ROADWAY ORDINANCE WILL PREVAIL.

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

Mayor Wynn: COUNCILMEMBER KIM? YES. THANK YOU ALL. FURTHER QUESTIONS, COMMENTS? MAYOR PRO TEM.

Dunkerley: I HAVE ANOTHER AMENDMENT. I WOULD LIKE TO PROPOSE AN AMENDMENT TO CHANGE SECTION .2.5 TO INCLUDE THE COMMENTS MADE BY ADAPT EARLIER THIS EVENING, ACCESSIBILITY INTEGRATION AND INCLUSION OF PEOPLE WITH DISABILITIES ARE FUNDAMENTAL COMPONENTS OF OUR VISION FOR THE FUTURE OF THE CITY OF AUSTIN. THE COMMERCIAL DESIGN STANDARDS ORDINANCE IS NOT INTENDED TO SPREAD ANY APPLICABLE STATE OR FEDERAL ACCESSIBILITY

STATUTES AND REGULATIONS. ADMINISTRATION AND ENFORCEMENT OF THIS SUBCHAPTER SHALL COMPLY WITH ALL STATUTES AND REGULATIONS.

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

Mayor Wynn: COUNCILMEMBER KIM? YES.

Cole: MAYOR, I HAVE AN AMENDMENT.

Mayor Wynn: COUNCILMEMBER COLE.

Cole: I WOULD THRIEK MAKE AN AMENDMENT ON PAGE 11, SECTION 1.5.4 UNDER THE CRITERIA OF ALTERNATIVE COMPLIANCE. AND AFTER THE AMENDMENT THAT SECTION WILL READ IN RELEVANT PART, THAT THE PROPOSED ALTERNATIVE ACHIEVES THE INTENT OF THE SUBJECT ARTICLE OF THIS SUBCHAPTER FROM WHICH THE ALTERNATIVE IS SOUGHT TO THE MAXIMUM EXTENT PRACTICAL AND AS NECESSARY BECAUSE -- AND IT GIVES A ONE AND TWO, BUT THE PART I'M INSERTING IS THREE, AN UNDUE FINANCIAL HARDSHIP WOULD BE CREATED FOR DEVELOPMENT LESS THAN 10,000 SQUARE FEET WITHOUT ANY IT EXTERIOR TRADEMARK DESIGN FEATURES.

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

Mayor Wynn: ACCEPTED. COUNCIL, WE HAVE A MOTION, AN AMENDED MOTION TO APPROVE ON SECOND AND THIRD READING ON THE TABLE. MOTION AND A SECOND. FURTHER COMMENTS? QUESTIONS? I GUESS BEFORE WE VOTE ON THIS, CAN YOU WALK US THROUGH THE TIMING OF WHEN THIS BECOMES EFFECTIVE AND THINGS THAT STAFF WILL BE DOING BETWEEN NOW AND THAT TIME?

I'LL HAVE YORJ ADD GEORGE ADAMS WALK YOU THROUGH THE TIMING. WHAT WE'LL DO TO GET READY FOR THIS IS ADD SOME STAFF TO THE AREAS THAT WILL BE REVIEWING FOR THESE DEVELOPMENTS. CLARION IS COMING IN AND

CONDUCTING THE SAME TRAINING THAT THEY BEGAN TODAY WITH THE RESIDENTIAL REVIEW FUNCTIONS AND ALSO THE INSPECTION REVIEW FUNCTIONS. THEY WILL ALSO HELP US DESIGN THE REVIEW TOOLS IS SO THAT AS THE SITE PLAN AND BUILDING PLAN REVIEWS CHANGE THEY'LL HELP US DESIGN REVIEW TOOLS SO THAT WHEN THESE GO INTO EFFECT THOSE REVIEWS CAN HAPPEN SEAMLESSLY. GEORGE WILL WALK YOU THROUGH EIGHT OPTION TIME LINE.

MAYOR, COUNCILMEMBERS, MY NAME GEORGE ADAMS, ONE OF THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. THE WAY THAT THIS WORKS IS THE EFFECTIVE DATE TRACKS THE VMU OPT IN, OPT OUT PROCESS. SO THE PROVISIONS OF THIS ORDINANCE WILL BECOME EFFECTIVE 1 THROIF DAYS AFTER ADOPTION. AS MS. HUFFMAN SPOKE TO, IN THAT PERIOD WE'LL BE DOING TRAINING. WE'LL BE WORKING VERY DILIGENTLY ON THE VMU OPT IN PROCESS TO GET NOTICE TO YOU THE NEIGHBORHOODS REGARDING THIS PROCESS. WE'LL BE HOLDING MEETINGS IN VARIOUS PARTS OF THE CITY TO EXPLAIN THE PROCESS. WE'LL BE PROVIDING MAPS OF THE HEIRS THAT ARE AFFECTED BY THIS PROCESS AND WE'LL BE GATHERING THE INPUT AND PROVIDING THAT TO THE PLANNING COMMISSION AND THE CITY COUNCIL. WE'LL ALSO BE WORKING ON THE DEVELOPMENT OF MATERIALS THAT ARE NEEDED TO IMPLEMENT THE PROVISIONS OF THE CODE, INCLUDING APPLICATION PACKETS, CHECKLISTS AND SIMILAR MATERIALS. WE'LL BE WORKING ON ADMINISTRATIVE PROCEDURES FOR VARIOUS SECTIONS OF THE CODE TO MAKE SURE THAT WE HAVE CLEAR PROCESSES IN PLACE ON HOW TO ADMINISTER THESE SECTIONS. AND THEN FINALLY, WE WILL BE BEGINNING THE PROCESS TO DEVELOP AND ADOPT RULES. CERTAINLY NOT ALL OF THOSE WILL BE COMPLETE DURING THE 135-DAY PROCESS, BUT WE WILL BEGIN WORKING ON THOSE AND MOVE THEM THROUGH THE PROCESS AS QUICKLY AS POSSIBLE.

Mayor Wynn: THANK YOU, MR. ADAMS. SO AGAIN, MOTION AND A SECOND ON THE TABLE, AMENDED

SECOND AND THIRD READING APPROVAL. FURPTSD COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. CONGRATULATIONS. COUNCIL, A COUPLE MORE PUBLIC HEARINGS, I BELIEVE. ACTUALLY, JUST ONE. THAT LEAVES US WITH ITEM NUMBER 69, WHICH IS TO CONDUCT A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING TITLE 25 OF THE CITY CODE REGARDING EXAT ILLUSTRATE. COMPATIBILITY. APPRECIATE A PREVIOUS STAFF PRESENTATION.

GOOD EVENING, COUNCIL, CITY MANAGER, CITY ATTORNEY, MY NAME IS TINA BUI WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. I'M HERE TO PRESENT A SERIES OF CODE AMENDMENTS PRESENTED BY THE REGULATION DEVELOPMENT TASKFORCE, ALSO KNOWN AS THE McMANSION TASKFORCE. EARLIER THIS SPRING WHEN THE TASKFORCE WAS WORKING ON THEIR RECOMMENDATIONS FOR SINGLE-FAMILY AND SIMILAR CONSTRUCTION, THEY HAD ALSO PROPOSED AMENDMENTS TO OTHER PARTS OF THE LAND DEVELOPMENT CODE; HOWEVER, BECAUSE THE PLANNING COMMISSION AND YOUR BODY WAS NOT POSTED TO CONSIDER AMENDMENTS THAT WOULD AFFECT NONRESIDENTIAL USES, THIS HAD TO COME BACK TO YOU AND COULD NOT BE ADDRESSED AT THAT TIME. SO ON JUNE 22nd WHEN YOU ADOPTED THE RESIDENTIAL REGULATIONS THAT GO INTO EFFECT IN OCTOBER, YOU ALSO INITIATED THESE CODE AMENDMENTS. CODE AMENDMENTS CAN ONLY BE INITIATED BY THE COUNCIL AND PLANNING COMMISSION. SO AGAIN YOU INITIATED THESE ON JUNE 22nd. SO TONIGHT PURSUANT TO THE PREVIOUS RECOMMENDATIONS OF THE TASKFORCE, YOU'RE BEING ASKED TO CONSIDER THE REFORMAT OF THE NEW RESIDENTIAL DESIGN AND EXALTIBILITY STANDARDS, THE McMANSION ORDINANCE, BY ADOPTING THE WORK THAT CLARION ASSOCIATES HAS ASSOCIATE PRODUCED

FOR US. AMENDMENTS AS TO HOW THE HEIGHT AFTER STRUCTURE OR SET BACK PLAIN IS STRUCTURED. AMENDMENT THAT GOVERN WHEN AND HOW SOMEONE CAN REDEVELOP AN EXISTING STRUCTURE, AND ALSO FOR BUILDINGS AND DEMOLITION PERMITS. A LOT OF THE AMENDMENTS THAT ARE IN FRONT OF YOU ACTUALLY REFLECT EXISTING PRACTICES BY OUR WATERSHED, PROTECTION AND REVIEW DEPARTMENT. THE CHANGES REGARDING HEIGHT MEASUREMENT AND NON-COMPLIANT STRUCTURES ARE ALSO CONSISTENT WITH THE PROVISIONS THAT YOU APPROVED IN JUNE AS PART OF THE RESIDENTIAL REGULAR LAITONZ. ADDITIONALLY THE CHANGES TO HEIGHT MEASUREMENT ARE ALSO GENERALLY CONSISTENT WITH THE AMENDMENTS THAT THE WATERSHED PROTECTION DEPARTMENT HAD CONSIDERED BRINGING FORTH PRIOR TO THE TASKFORCE BEING CREATED. THE WATERSHED PROTECTION REVIEW DEPARTMENT WAS LOOKING AT THE HEIGHT DEFINITION IN THE CODE DUE TO SOME CONCERNS THAT HAD ARIZ NEN THE PAST COUPLE OF YEARS, SO THEY WERE WORKOGTHAT. THE TASKFORCE KNEW THAT WATERSHED WAS WORKOGTHAT, SO THEY WANTED TO TRY TO HELP THE STAFF BRING FORWARD THESE RECOMMENDATIONS. THESE AMENDMENTS WENT TO THE PLANNING COMMISSION LAST WEEK. THE PLANNING COMMISSION RECOMMENDED APPROVAL OF THESE AMENDMENTS. THEY DID OFFER RECOMMENDATIONS IN TWO AREAS. MODIFICATION OF NON-COMPLIANT STRUCTURES AND HEIGHT MEASUREMENT. AND I'LL DISCUSS THOSE RECOMMENDATIONS WHEN WE GET TO THOSE ISSUES. YOU SHOULD HAVE IN FRONT OF 2002 ORDINANCES FOR THIS ITEM. ONE ORDINANCE ADDRESSES THOSE THAT APPLY ONLY IN THAT LIMITED AREA THAT YOU'VE ALREADY APPROVED. THE OTHER ORDINANCE COVERS CODE AMENDMENTS THAT WOULD BE APPLIED CITYWIDE. WE'VE CREATED THE TWO ORDINANCE FZ COUNCIL WISHES TO ADOPT OR ADDRESS THE DIFFERENT ISSUES ON A DIFFERENT NUMBER OF READINGS; HOWEVER, THE STAFF TONIGHT WOULD RECOMMEND FIRST READING FOR BOTH OF THE ORDINANCES. I HAVE A POWERPOINT THAT -- JUST A

REAL SIMPLE POWERPOINT THAT HOPEFULLY WILL HELP US GET THROUGH THE AMENDMENTS AND I'M GOING TO GO BACKWARDS AND ADDRESS THE DMAINGZ THE PART 2 ORDINANCE FIRST. AGAIN, THERE'S TWO ORDINANCES, ONE'S LABELED PART ONE, ONE'S LABELED PART TWO. I'M GOING TO GO THROUGH THE PART TWO STUFF FIRST. IN THE PART TWO ORDINANCE YOU'RE BEING ASKED TO ADOPT THE CLARION REWRITE AND READOPT SOME PROVISIONS YOU'VE ALREADY APPROVED IN JUNE AS PART OF THE NEW RESIDENTIAL REGULATIONS. BECAUSE CLARION'S WORK REPLACES THE McMANSION ORDINANCE, THAT ORDINANCE MUST BE REPEALED. SO YOU NEED TO READOPT SOME PROVISIONS THAT YOU'VE ALREADY APPROVED. THESE PROVISIONS ARE EXACTLY THE SAME AS THEY WERE WHEN YOU ADOPTED THEM IN JUNE. YOU WOULD NEED TO RECREATE THE NEW RESIDENTIAL DESIGN AND COMPATIBILITY IS IT COMMISSION. YOU WOULD NEED TO READOPT THE PROVISION THAT A NEIGHBORHOOD PLANNING AREA BE ABLE TO DO FOR MOD FI CERTAIN ELEMENTS OF THE NEW RESIDENTIAL DESIGN STANDARDS. THE NEXT SLIDE DISCUSSES THE REFORMATTING THAT CLARION'S DONE. IF WE COULD GO TO THE NEXT SLIDE. SORRY, THANK YOU. WIEWT.....NOW WE'LL LOOK AT THE REFORMAT THAT CLARION HAS DONE. UNLESS YOU WOULD LIKE KNOW, I WON'T GO THROUGH THE CLARION DOCUMENT BECAUSE YOU DID ADOPT THOSE PROVISIONS IN JUNE, BUT I DID WANT TO POINT OUT THREE AREAS WHERE THE CLARION DRAFT HAS NEW LANGUAGE THAT YOU DID NOT APPROVE IN JUNE. THE SECTIONS THAT HAVE NEW LANGUAGE ARE CONSISTENT WITH THE INTENT OF WHAT THE TASKFORCE HAD RECOMMENDED NOW THAT WE'VE BEEN LOOKING AT THE ORDINANCE WE REALIZE THAT THERE ARE SOME PARTS THAT SHOULD HAVE BEEN IN IT WHEN IT WAS BROUGHT IN JUNE BUT THEY WERE OMITTED, SO THEY'RE IN THE CLARION STUFF NOW. THE FIRST CHANGE IS TO ADD BED AND BREAKFAST, GROUP 2 AS A USE THAT IS REGULATED BY THE NEW STANDARDS. BED AND BREAKFAST GROUP ONE WAS ALREADY LISTED AS A GROUP THAT'S REGULATED, BUT BED AND BREAKFAST GROUP TWO WAS ACCIDENTALLY EXCLUDED, SO

WE'RE ADD ADDING THAT IN. THE IDEA THAT BED AND BREAKFAST USES ARE ALLOWED IN RESIDENTIAL AREAS AND HENCE SHOULD BE SUBJECT TO THESE RESIDENTIAL STANDARDS. THE SECOND SECTION REGARDS SECOND DIETIONZ A ONE STOIR BUILDING. THE TASKFORCE HAD WANTED TO ENCOURAGE PEOPLE TO ADD TO O. TO THEIR HOMES INSTEAD OF DEMOLISHING THEM SO THEY WANTED TO CREATE ALLOWANCES THAT WOULD ENCOURAGE THAT. THEY PROVIDED FOR A HIGHER SET BACK PLAIN. IF YOU'LL RECALL IN THE NEW RESIDENTIAL REGULATIONS WE HAVE A VERY NEW REGULATION HERE THAT CREATES ESSENTIALLY A TENT IS HOW I LOOK AT IT OVER YOUR PROPERTY TO PUSH HEIGHT WARD THE CENTER OF THE PROPERTY. SO THE SETBACK PLAINS, THE TASKFORCE WANTED TO ALLOW A HIGHER SET BACK PLAIN. AGAIN, IF YOU WERE ADDING ON TO A HOME. SO THERE'S NEW LANGUAGE ON PAGE 15 OF THE CLARION DRAFT THAT SPECIFIES THAT NEW HIGHER SET BACK PLAIN IS ALLOWED FONDLE THE EXISTING FOOTPRINT OF THE BUILDING. THERE'S LANGUAGE IN THE ORDINANCE THAT YOU APPROVED THAT SOME MIGHT INTERPRET THAT -- THAT MIGHT ALREADY SUGGEST THAT, BUT JUST TO BE SAFE THIS ADDITIONAL LANGUAGE IS BEING ADDED. AND LASTLY, THERE'S ALSO ANOTHER MINOR CHANGE. THERE ARE CONDITIONS UNDERWHICH THE NEW RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION CAN ADOPT -- CAN GRANT MODIFICATIONS. THERE ARE ALSO CONDITIONS WHICH WOULD PROBABILITY THEM FROM A MODIFICATION REGARDING HISTORIC STRUCTURES. YOU HAD ALREADY APPROVED A PROHIBITION THAT THEY CANNOT GRANT A MODIFICATION IF THE STRUCTURE IS CONTRIBUTING IN A LOCAL HISTORIC DISTRICT AND THAT MODIFICATION WOULD RENDER IT NON-CONTRIBUTING. THE ONLY CHANGE NOW IS TO ALSO SPECIFY THAT IF A STRUCTURE IS CONTRIBUTING TO A NATIONAL REGISTER DISTRICT THAT MODIFICATION CANNOT BE GRANTED. AND THOSE CHANGES PRETTY MUCH COVER EVERYTHING THAT'S IN THE PART TWO ORDINANCE. SO NOW I'M GOING TO MOVE TO THE PART ONE ORDINANCE AS IT'S LABELED. THESE ARE

THE CODE AMENDMENTS THAT WILL APPLY CITYWIDE. AGAIN, THESE ARE THE CODE AMENDMENTS THAT COULDN'T BE BROUGHT FORWARD THIS PAST SPRING, SO NOW THEY'RE IN FRONT OF YOU TODAY. IF WE GO TO THE NEXT SLIDE. THE HEIGHT MEASUREMENT. THE CHANGES THAT ARE PROPOSED TO HOW THE CITY MEASURES HEIGHT ARE CONSISTENT WITH THE HIGH MEASUREMENT CHANGES YOU ADOPT UNDERSTAND JUNE AS PART OF THE NEW RESIDENTIAL REGULATIONS. AGAIN, THESE APPLY CITYWIDE. THEY APPLY TO ALL BUILDINGS. THE AMENDMENTS WOULD REDEFINE HOW WE MEASURE HEIGHT SO THAT WE MEASURE HEIGHT FROM THE LOWER OF NATURAL OR FINISHED GRADE. TODAY WE MEASURE FROM FINISHED GRADE. THIS WOULD RECOMMEND ERROR OF NATURAL OR FINISHED GRADE. SECOND, FOR STEPPED ORATOR RACED BUILDING, WE WOULD ADD LANGUAGE TO THE CODE THAT WE WOULD MEASURE THE HEIGHT OF EACH SEGMENT OF THAT BUILDING INDIVIDUALLY. THIS IS EXISTING PRACTICE. IT'S THE SAME LANGUAGE THAT YOU HAD APPROVED IN JUNE TO APPLY TO RESIDENTIAL USES. THIRD, THE RECOMMENDATION IS TO MEASURE THE HEIGHT OF A BUILDING IMMEDIATELY FROM THE BOTTOM OF THE STRUCTURE TO THE TOP OF THE STRUCTURE. EMERGENCY INA RETAINING WALL WITH A FENCE. WE HAVE HEIGHT LIMITS FOR FENCES. YOU WOULD MEASURE THAT HEIGHT FROM UNDER THE RETAINING WALL THAT YUSHD NEETSZ THE FENCE. THIS IS AN EXISTING PRACTICE TODAY IN WASTEWATER PREK. FOURTH, THERE'S A RECOMMENDATION THAT HEIGHT ALSO BE -- THE MAXIMUM HEIGHT BE LIMITED BY BOTH THE NUMBER OF FEET AND THE NUMBER OF STORIES. THIS IS EXISTING PRACTICE. FOR EXAMPLE, WE HAVE SECTIONS IN THE CODE THAT SAY THAT THE MAXIMUM HEIGHT IS THE LESSER OF TWO STORIES OR 30 FEET. I CAN'T TODAY GO BUILD A TWO STORY STRUCTURE THAT IS 35 FEET. I'M LIMITED BY BOTH OF THOSE CONDITIONS. THIS JUST ADDS LANGUAGE TO MAKE SURE THAT THAT'S CLEAR. AND LAST, THERE'S A RECOMMENDATION THAT THE CITY PROHIBITS CERTAIN BUILDING FEATURES THAT

WOULD NORMALLY BE ALLOWED TO EXCEED THE MAXIMUM ZONING DISTRICT HEIGHT LIMIT. THAT THOSE FEATURES BE PROHIBITED WITHIN THE CAPITOL VIEW CORRIDOR. THIS IS ALSO EXISTING PRACTICE TODAY IN THE WATERSHED PROTECTION DEPARTMENT. I WANT TO POINT OUT AGAIN THAT I MENTIONED TO YOU THAT THE WATERSHED DEPARTMENT HAD BEEN LOOKING AT THEAZ CHANGES PREVIOUSLY. THESE ARE ALL GENERALLY CONSISTENT WITH WHAT THEY HAD CONSIDERED BRINGING FORWARD. REGARDING THE MEASUREMENT OF HEIGHT FROM THE LOWER OF NATURAL OR FINISHED GRADE, WATERSHED HAD LOOKED AT THAT AND RECOMMENDED -- WAS CONSIDERING RECOMMENDING THAT A HIGHLIGHT BE MEASURED ONLY FROM NATURAL GRADE. BUT MY UNDERSTANDING IS THEY DO NOT OBJECT TO THE RECOMMENDATION THAT IT BE MEASURED FROM LORT HEIGHT OR NATURAL OR FINISHED GRADE; HOWEVER, BECAUSE THERE ARE SOME ISSUES STILL TO BE WORKED OUT WITH HIERKTS THAT'S ONE OF THE REASONS WHY WE'RE RECOMMENDING THIS ORDINANCE TO YOU TONIGHT ON FIRST READING ONLY. THIS PLANNING COMMISSION, WHEN THIS WENT TO PLANNING COMMISSION LAST WEEK THEY ALSO MADE A RECOMMENDATION APPEARED THEY JUST ASKED THAT YOU THE COUNCIL CONSIDER ANY LANGUAGE THAT THE STAFF BRINGS FORWARD REGARD THE HEIGHT MEASUREMENT AS IT RELATES TO AFFORDABILITY. AT THEIR DIRECTION WE'VE REVIEWED THAT HEIGHT MEASUREMENT AND AT THIS TIME WE WOULD RECOMMEND THAT THE MUELLER DEVELOPMENT BE EXEMPT FROM THE NEW HEIGHT MEASUREMENT. SO WE RECOMMEND THAT MUELLER FOR THE MUELLER AREA BUILDINGS CONTINUE TO BE MEASURED FROM FINISHED GRADE AS WE DO TODAY. THIS EXEMPTION OF MUELLER WAS RAISED AT THE PLANNING COMMISSION, SO THEY'RE AWARE OF THAT REQUEST. THE TASKFORCE MEMBERS THAT HAVE STILL BEEN WORKING WITH US ARE ALSO SUPPORTIVE OF EXEMPTING MUELLER FROM THE NEW HIGH DEFINITION. THIS SLIDE WITH ALL ITS LITTLE TEXT IS KIND OF A LITTLE TECHNICAL, SO I'LL TRY TO EXPLAIN THIS SIMPLY AS BEST AS I CAN. THESE

CHANGES REGARD NON-COMPLIANT STRUCTURES. NON-COMPLYING STRUCTURE IS SIMPLY A STRUCTURE THAT DOESN'T MEET OUR CURRENT REGULATIONS. THESE AMENDMENTS ADDRESS HOW YOU CAN MODIFY A NON-COMPLYING STRUCTURE AND THEY ALSO ADDRESS WHEN AND HOW YOU CAN REBUILD A NON-COMPLYING STRUCTURE THAT'S BEEN DAMAGED, SAY BY FIRE, TORNADO, ETCETERA. THE TASKFORCE IS RECOMMENDING TO ADD LANGUAGE TO THE CODE SO THAT IF HAVE YOU A NON-COMPLYING BUILDING THAT TODAY EXCEEDS THE CURRENT HEIGHT LIMIT, THE CODE DOES ALLOW YOU TO INCREASE THE HEIGHT OF PART OF THAT BUILDING UNDER CERTAIN LIMITS. BUT THEY'RE RECOMMENDING AN ADDITIONAL -- THEY'RE RECOMMENDING ADDITIONAL LANGUAGE THAT WOULD JUST SPECIFY THAT THAT NEW ADDITION WORKS YOU ADD THAT HEIGHT ON, THAT THAT CAN'T ENCROACH INTO CURRENT SET BACK. WE DO THAT TODAY. THAT'S EXISTING PRACTICE, BUT THIS WOULD BE NEW LANGUAGE IN THE CODE JUST TO CLARIFY THAT. THE SECOND RECOMMENDATION THAT THEY'RE MAKING IS SIMILAR. IT'S THE FLIP SIDE OF IT. IF HAVE YOU A NON-COMPLYING BUILDING THAT DOESN'T MEET THE CURRENT MINIMUM YARD SETBACKS, THE CODE ALSO ALLOWS YOU TO ADD ON SO THAT THE NEW ADDITION DOESN'T MEET THE CURRENT SET BACK. BUT WHEN YOU ADD ON THAT ADDITION, THE TASKFORCE IS RECOMMENDING THAT IT CANNOT BE GREATER IN HEIGHT THAN THE EXISTING NON-COMPLYING BUILDING AND IT MUST ALSO COMPLY WITH THE CURRENT HEIGHT REQUIREMENT. THIS IS CURRENT PRACTICE ALSO IN WATERSHED PROTECTION REVIEW DEVELOPMENT DEPARTMENT TODAY, SO THIS HELPS CLARIFY THAT. THERE HAS BEEN SOME CONFUSION ABOUT THIS, SO THIS DOES BRING CLARITY TO THAT. AND LASTLY, THE TASKFORCE IS RECOMMENDING A NEW LIMIT ON HOW MUCH YOU CAN EXTEND THAT NON-COMPLYING BUILDING WHEN IT ENCROACHES INTO THE SETBACK. CURRENTLY YOU CAN ADD 25 FEET TO THAT NON-COMPLYING BUILDING. THEY'RE RECOMMENDING THAT THE NEW ADDITION NOT EXCEED THE LESSER OF 50% OF THE LENGTH OF THE NON-COMPLYING PORTION OR 25 FEET. THE NEXT

PART I THINK WE HAVE A NEW SLIDE. I'M SORRY, CAN YOU GO BACK TO THE OTHER SLIDE? THE TASKFORCE IS ALSO RECOMMENDING CHANGES THAT WOULD SPECIFY WHEN YOU CAN RESTORE A DAMAGED, NON-COMPLYING STRUCTURE. N.N. THE 1980'S THERE WAS A CODE REWRITE TROAFERD AS THE (INDISCERNIBLE), AND THIS LANGUAGE WAS TAKEN OUT OF THE CODE. THE TASKFORCE WOULD RECOMMEND THAT WE ADD IT BACK IN. IT WOULD SPECIFY THAT CIRCUMSTANCE -- IT WOULD SPECIFY THE CIRCUMSTANCES UNDER WHICH YOU CAN REBUILD A DAMAGED OR NON-COMPLYING STRUCTURE. IT WOULD LIST THESE OUT. THEY INCLUDE THINGS LIKE FLOODS, FIRES AN ACCIDENT OF ANY KIND. THEY'RE ALSO RECOMMENDING THAT LIMENTZ BE PRIEBTD IF SOMEBODY WANTS TO TAKE ADVANTAGE OF THIS SECTION OF THE CODE. THEY WOULD RECOMMEND THAT A DAMAGED NON-COMPLYING STRUCTURE CAN ONLY BE REBUILT TO THE SAME FOOTPRINT, GROSS POINT AREA, LOCATION AND DEGREE OF NONCOMPLIANCE. THIS IS NOT SAYING THAT IF YOU WANT TO GO REBUILD NON-COMPLYING STRUCTURE THAT WAS BURNED DOWN YOU COULD NOT REBUILD IT TO THE SAME LIMITS. IF YOU WANTED TO EXCEED THE LIMITS YOU COULD, BUT YOU WOULD HAVE TO MEET CURRENT REQUIREMENTS. AGAIN, IF YOU WANT TO TAKE ADVANTAGE OF THE AREAS IN WHICH YOU WERE NON-COMPLYING BEFORE, YOU CAN, BUT UNDER THOSE LIMENTZ. THIS IS THE LANGUAGE THAT YOU ADOPTED IN JUNE AS PART OF THE NEW RESIDENTIAL REGULATIONS. THE PLANNING COMMISSION DID HAVE A RECOMMENDATION IN THIS AREA. THEY SUGGESTED THAT IF YOU HAVE A HOME THAT'S ON A CORNER LOT, IT'S NON-COMPLYING, IT DOESN'T MEET THE CURRENT SIDE YARD SET BACK, THAT YOU BE ABLE TO ADD A SECOND STORY TO THAT BUILDING SO THAT THE SECOND STORY DISRINT TO MEET THE CURRENT MINIMUM REQUIRED YARD SET BACK. SO BASICALLY AGAIN IF HAVE YOU A ONE STORY HOME IT DOESN'T MEET THE YARD SET BACK, IT'S ENCROACHING ON THE SETBACK. IF YOU WANT TO GO UP, TODAY YOU WOULD HAVE TO PUSH IN. VULD TO PUSH IN IS WHAT I CALL IT TO MEET THAT CURRENT SET BACK. PLANNING COMMISSION IS

RECOMMENDING FOR HOMES ON CORNER LOTS FOR THAT SIDE YARD YOU NOT BE REQUIRED TO PUSH IN TO MEET THE CURRENT MINIMUM REQUIRED YARD SET BACK. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] MYSELF AND OTHER STAFF CAN HELP ANSWER THOSE.

THANK YOU. COMMENT, QUESTIONS? WE HAVE A HANDFUL OF FOLKS THAT WOULD LIKE TO ADDRESS THIS COUNCIL SO WE WILL GO TO THE PUBLIC HEARING. THE FIRST SPEAKER IS COREY WALTON, WE SAW EARLIER. YOU WILL HAVE THREE MINUTES AND FOLLOWED BY BARBARA BRIDGES AND FOLLOWED BY LORI MORRISON.

I'M HERE FIRST OF ALL TO PLAUD THE TASK FORCE FOR THE WORK THAT THEY'VE DONE ON THIS PROJECT, THEIR LABORS AND FOR COUNCIL FOR ALLOWING THEM THE LATITUDE AND THE CITY RESOURCES TO ACCOMPLISH WHAT THEY HAVE DONE IN THE REGULATIONS THAT ARE BEFORE THIS EVENING. I SPECIFICALLY WANTED TO TALK TO YOU THIS EVENING ABOUT A PARTICULAR CONCERN AND THAT WAS THE ADDITION OF THE HEIGHT MEASUREMENT STANDARD AS IN ADDITION TO THE, YOU KNOW, FOR COMMERCIAL AS WELL AS TO THE RESIDENTIAL REALM. AND I JUST WANT TO ILLUSTRATE TO YOU AND IN PARTICULAR THE NEED TO ADOPT TONIGHT, IF NOT SOONER, THE NEW HEIGHT MEASUREMENT DEFINITIONS. WHAT WE HAVE IN OUR NEIGHBORHOOD, WHAT YOU SEE ON THE SCREEN IN FRONT OF YOU, IS THE CORNER OF BARTON STRINGS AND DAWSON ROADS, A SLOPED SITE. AND WE'VE BEEN HEARING FOR YEARS, COUNCIL AND STAFF, ABOUT LOOPHOLES AND HEIGHT MEASUREMENT LANGUAGE THAT ALLOW HOMEBUILDERS TO ADD AN EXTRA STORY, MAYBE WITH OR WITHOUT A PLANNING BOX TO RAISE THE SITE ELEVATION. WELL, WHAT YOU ARE GOING TO SEE HERE ON THIS SLOPED SITE, IF WE COULD HAVE THE NEXT ONE, PLEASE, IS THAT THIS, THAT LOOPHOLE HAS NOW BEEN EXPANDED BY A COMMERCIAL DEVELOPER TO 40 FEET AND 4 STORIES. THIS IS A CITY-APPROVED SITE PLAN FOR THIS SLOPE SITE. WHAT THE DEVELOPER AND ARCHITECT DID WAS BY COVERING OR CLADING A

FOUR-STORY PARKING GARAGE THAT IS EVEN WITH THE UPPER-MOST ELEVATION OF THAT SLOPE SITE, HE THERE BY DECLARED THE TOP OF THAT CLAD PARKING GARAGE THE TOP OF THE SITE. AND THE BEGINNING MEASUREMENT OF THE SUBSEQUENT 60-FOOT, FIVE-STORY CONDOMINIUM BUILDING. SO NOW THAT THAT CAT IS OUT OF THE BAG TO THE AUSTIN DEVELOPMENT WORLD, THERE IS REALLY NO REASON THAT WE CAN'T SEE SIMILAR LIBERTIES ANYWHERE ELSE ON ANY OTHER SLOPED SITE ANYWHERE IN AUSTIN [BEEPING] IF I MAY, I'VE GOT A DONATION OF ANOTHER THREE MINUTES BUT I WILL JUST CONCLUDE --

BY WHO?

FROM KATHY TOBO.

WHO?

KATHY TOBO.

FAIR ENOUGH. THREE MORE MINUTES.

LET MECON COLLUDE, -- LET MECON MECONCLUDE THIS IS THE LAST IMAGE THIS IS OBVIOUSLY A LARGE CONCERN TO NEAR-BY RESIDENTS AND THE NEIGHBORHOODS AND RESIDENTS ALL OVER AUSTIN AND I THINK, YOU KNOW, OVER THE COURSE OF TWO TO THREE YEARS THIS IS ALSO PROVEN A CONCERN TO STAFF AND CITY LEGAL. SO I WOULD JUST LIKE TO ENCOURAGE YOU THIS EVENING TO ADOPT THE NEW HEIGHT MEASUREMENT LANGUAGE, ALONG WITH THE PROPOSED REGULATIONS AS WRITTEN. THANK YOU FOR YOUR CONSIDERATION.

THANK YOU. BARBARA BRIDGES? FOLLOWED BY LAURA MORRISON.

I WOULD LIKE TO -- MY NAME IS BARBARA BRIDGES, I'M COORDINATOR OF THE CASWELL HEIGHTS NEIGHBORHOOD ASSOCIATION AND CONSIDERING THE LATENESS OF THE HOUR I WOULD SIMPLY LIKE TO READ INTO THE RECORD A LETTER FROM CAMPAK NEIGHBORHOOD PLANNING TEAM. MAYOR

WYNN, MAYMAYOR PRO TEM AND COUNCIL MEMBERS, CAMPAK, THE NEIGHBORHOOD PLANNING TEAM COMBINE WITH THE CENTRAL COMBINED NEIGHBORHOOD PLAN STRONGLY SUPPORTS ALL OF THE LATEST REGULATIONS OF THE TASK FORCE THAT MENTION TASK FORCE. WE STRONGLY OBJECT TO THE EXEMPTION OF UNO SUB DISTRICT AREA FROM THE HEIGHT REGULATIONS IF OUR NEIGHBORHOOD PLAN WAS DEVELOPED, ALL MEMBERS MUCH THE VARIOUS STAKE HOLDER GROUPS IN THE PLANNING AREA PARTICIPATED IN THE PREPARATION OF A HAIGHT MAP FOR THE UNO SUB DISTRICT AREA. AS WE UNDERSTAND IT FROM THE RESIDENTIAL DEVELOPMENTDEVELOPMENT TASK FORCE THIS HEIGHT MAP IS SUBJECT TO THE SAME VAGUE REESE OF INTERM -- VAGARIES OF INTERPRETATION AS OTHER AMENDMENTS TO BE ADDRESSED BEFORE YOU THIS EVENING ON ITEM NUMBER 69. TO EXEMPT THE UNO SUB DISTRICT AREA WOULD EXEMPT THE HEIGHT AGREEMENTS MADE BY THE VARIOUS GROUP. CAMPAK WISHES TO WORK WITH DEVELOPERS WHO MIGHT NEED EXEMPTION ON A CASE BY CASE BASIS. DURING THE COURSE ON OUR NEIGHBORHOOD PLAN WE DEMONSTRATED OUR ABILITY TO WORK EFFECTIVELY TOGETHER ON AREAS OF COMMON INTEREST. SUCH AS THE QUESTION OF HEIGHT AND DESIGN STANDARDS IN THE UNO SUB DISTRICT AREA. CAMPAK HAS NOT HEARD DIRECTLY FROM THE DEVELOPERS FROM WHOM YOU ARE APPARENTLY HEARD ON THIS ISSUE, NOR HAVE WE HEARD FROM THE CITY STAFF MEMBERS AND AS A RESULT WE DO NOT HAVE A DIRECT UNDERSTANDING OF THE ISSUES THAT HAVE BEEN PRESENTEDPRESENTED TO COUNSEL. WE HAVE ALSO NOT HAD THE OPPORTUNITY TO OPPOSE APPROPRIATE SOLUTIONS ANDSANDS WITH AS WE DEMONSTRATED OUR WORK ON THE NEIGHBORHOOD PLAN WE CAN RISE TO THE CHALLENGE. WE HAVE TWO STANDING MEETING EACH MONTH AND ARE AVAILABLE TO ASSIST THE COUNCIL AND THE UNO DEVELOPERS AND THE ISSUES THEY HAVE PRESENTED TO COUNCIL. PLEASE TO NOT UNDER MINE THE YEARS OF NEIGHBORHOOD WORK ON OUR PLAN BY EXEMPTING A PORTION OF OUR PLANNING

PROVISIONS. THANK YOU FOR YOUR PROVISION.
CAMP/ NEIGHBORHOOD PLANNING TEAM.

THANK YOU MISS BRIDGES. LAURA, YOU WILL HAVE
THREE MINUTES AND FOLLOWED BY BOBBY RIGNY.

GOOD EVENING, I'M LAURA MORRISON I WANT TO
REMIND YOU AND TINA CAREFULLY POINTED OUT
TO YOU WHAT IS IN FRONT OF YOU TODAY
REFLECTS WHAT THE WORK OF THE TASK FORCE
FROM THE SPRING, THERE IS A REFORMATTING IN
THE CLARION DOCUMENT THAT IS GOING TO BE A
REALLY TERRIFIC VERSION TO HAVE FOR
EVERYBODY TO WORK FROM BUT ALL THE OTHER
ISSUES WERE ISSUES WE ALL DISCUSSED BACK IN
MAY AND AGREED NONE MAY. NOW, WE'VE BEEN
VERY DILIGENT AS WE'VE WORKED TO GET THEM
INTO THIS NEW FORM AND THE NEW LEGAL, UM,
VERSIONS THAT ARE NEEDED. WE'VE BEEN REALLY,
REALLY DILIGENT TO MAKE SURE THEY EXACTLY
REFLECT WHAT THE TASK FORCE AGREED TO BACK
IN MAY BECAUSE WE FELT THAT THAT WAS OUR
RESPONSIBILITY AS NOT EVERYBODY SHOWING UP
ANY MORE AT THE MEETINGS WE ARE HAVING. AS
YOU SAW FROM TINA'S PRESENCE/TATION MAINLY
BESIDE THE REFORMATTED VERSION, WE ARE
LOOKING AT CLOSING LOOPHOLES AND SOME
PLACES IN THE CODE THAT WERE UNCLEAR AND I
WANTED TO REMINDS YOU OR, IF YOU DIDN'T KNOW
IT IN THE FIRST PLACE, LET YOU KNOW THAT THE
HEIGHT DEFINITION THAT WE'RE TALKING ABOUT,
THE NEW HEIGHT DEFINITION, WAS, IN FACT, PART
OF THE MAJOR COMPROMISE AGREEMENT THAT
THE TASK FORCE CAME TO IN MAY, IT WAS MAY 12,
WHEN WE HAD A COMPROMISE ON THE TABLE AND
WE HAD 15 OUT OF 16 OF THE TASK FORCE
MEMBERS AGREEING TO THAT, SO THAT WAS
REALLY A MAJOR PART OF THE AGREEMENT. THERE
ARE OTHER TASK FORCE MEMBERS HERE, IF YOU
HAVE ANY QUESTIONS, I'M SURE THEY WOULD BE
GLAD TO ANSWER THEM AND I WOULD LIKE TO
URGE YOUR APPROVAL TONIGHT. THANK YOU.

THANK YOU MISS MORRISON. BOBBY RIGNY
SIGNING UP WISHING TO SPEAK. WE WILL SHOW
NEW FAVOR, THANK YOU BOBBY. MIKE McCO. SAW

MIKE EARLIER. WELCOME MIKE. YOU WILL HAVE THREE MINUTES AND FOLLOWED BY ALLAN ROBINSON.

MAYOR, MEMBERS OF THE COUNCIL, MY NAME IS MIKE McCONE AND I TALKED BRIEFLY ABOUT THIS, LEARNED ABOUT IT VERY LATE IN THE GAME AND SORRY THAT WE HAVEN'T REACHED AGREEMENT IN CAMPAK BECAUSE WE HAVEN'T HAD A CHANCE TO DISCUSS IT. I'M HERE SPEAKING ON BEHALF OF THE UNIVERSITY AREA PARTNERS AND THE FACT THAT WE HAVE SEVERAL PROJECTS IN THE UNIVERSITY AREA ON THE UNO AREA THAT COULD BE NEGATIVELY IMPACTED BY THE CHANGE OF THE HEIGHTS. I REALIZE THAT THERE ARE PEOPLE WHO ARE TAKING ADVANTAGE OF THIS IN OTHER NEIGHBORHOODS, BUT ARE NOT TAKING ADVANTAGE OF THIS CHANGE IN UNO. PRIMARILY WE HAVE PROBLEMS IN THE 50 TO 65-FOOT HEIGHT AREAS AND BEFORE YOU IS A PLAN THAT WOULD SHOW YOU IN THE BOULDER LEAN IT IS NOT SHOWING UP AS RED, THE FACT THAT IF YOU APPLY THE NATURAL, THE LOWER OF THE NATURAL OR FINISHED GRADE, YOU ELIMINATE STORY FROM THESE BUILDINGS. THIS OCCURS THIS IS A PROJECT THAT HAS ALREADY BEEN APPROVED SO IT WOULD NOT EFFECT THIS PROJECT BUT IT SHOWS YOU AND DEMONSTRATED TO YOU IN A VERY CLEAR MANNER WHAT THE PROBLEM IS THAT A FOOT BY THE WHOLE STORY CAN BE REMOVED AND THIS IS THE SITUATION THAT WE HAVE ON SEVERAL SITES. WE WANT TO PRESERVE AND HAVE THE HEIGHT BUILT IN UNO TO THE HEIGHT THAT WERE APPROVED IN THE NEIGHBORHOOD PLAN. WE ARE NOW GOING BACK AND CHANGING THE RULES AND THIS WILL RESULT IN THE BUILDINGS NOT HAVING THE FULL HEIGHT. THESE PARTICULAR BUILDINGS THAT ARE BEFORE YOU, A COUPLE OF THEM HAVE, ARE OPTING INTO THE BONUS THAT GOT THE EXTRA 15 FEET, IF THEY WOULD PROVIDE 10% OF THE UNITS AT 80% AND PROVIDE 10% OF THE UNIT THE AT 50% FOR FIFTEEN YEARS. THESE ARE BENEFITS THAT I DON'T THINK THAT WE WANT TO DIMINISH IN THE AREA. IN FACT, THIS IS A SPECIAL DISTRICT THAT WE ARE TRYING TO GET MORE HEIGHT AND MORE DENSITY INTO AND THEY ARE NOT

AFFECTING COMPATIBILITY AT ALL. SO I WOULD URGE YOU TO LOOK AT TWEAKING THE DEFINITION OF HEIGHT AND I'M SURE THAT BETWEEN NOW AND THE TIME THIS COMES BACK TO YOU ON SECOND AND THIRD READING, I CAN MEET WITH THE CAMPAK FOLKS AND WE CAN COME UP WITH A PLAN THAT WOULD WORK IF YOU ARE OPEN TO AMENDMENTS THAT WOULD MAKE SURE WE WOULD GET THE MAXIMUM DENSITY BUILT IN THIS AREA WHICH WE'VE ALL AGREED IS AN AREA WE NEED TO INCREASE THE DENSITY. SO THANK YOU FOR YOUR TIME, I KNOW IT IS A VERY LATE HOUR ANSWER I APPRECIATE YOUR ATTENTION.

MR. MR. CONE AND FOR YOUR PATIENT, THANK YOU. WELCOME.

MAYOR WYNN, COUNCIL MEMBERS. MY NAME IS ALLEN ROBINSON AND I WORK FOR COLLEGE HOUSES, WHERE STUDENT HOUSING CO-OP IN WEST CAMPUS AND WE'VE BEEN PROVIDING THAT HOUSING SINCE 1965. I SHARE MR. McCONE'S CONCERN THAT ESPECIALLY IN THE PROPERTY WHERE WE HAVE 60 FEET, THAT MEANS ONE LESS FLOOR OF HOUSING WE CAN PROVIDE. I THINK BETWEEN CITY STAFF AND CAMPAK WE CAN COME TO SOME RESOLUTION BUT I ENCOURAGE YOU TO MAKE SURE THAT THAT HAPPENS. WHAT IS BEING BUILT IN WEST CAMPUS, MOST OF IT IS NOT AFFORDABLE. WE ARE ONE OF THE FEW, ALONG WITH ICC CO-OPS THAT WILL PROVIDE SOMETHING AT 50 OR 40% OF MFI, NOT THE 08%, -- NOT THE 80% SO MAKE SURE THAT IN UNO WE WANT THE DENSITY. WE ARE NOT LIKE OTHER NEIGHBORHOODS WHO WANT TO RESTRICT DENSITY, WE SPENT YEARS TRYING TO PUT IT IN THE RIGHT PLACE AND WE THINK UNO IS IT SO TO MAKE SURE THAT THAT IS WHAT HAPPENS AND WE DON'T LOSE AFFORDABLE HOUSING IN THE WEST CAMPUS. THANK YOU.

THANK YOU, MR. ROBINSON. AS MISS MORRISON POINTED OUT, THERE IS A NUMBER OF TASK FORCE MEMBERS HERE WHO ARE AVAILABLE TO ANSWER QUESTIONS, ALL ESSENTIALLY SIGNED NUMBER FAVOR. EVERYBODY FROM LINDA GUERRERO AND

JIM AND NICK, BROOK, GENE STEVENS, MARY INGLE AND ALBERT MET SIGNED UP, NOT WISHING TO SPEAK, NEUTRAL. COUNCIL, THAT IS ALL OF OUR CITIZEN SPEAKERS ON THIS PUBLIC HEARING NUMBER 69 REGARDING THE McMANSION ORDINANCE. I WILL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

MOTION MADE BY COUNCIL MEMBER McCRACK INTO CLOSE TO THIS PUBLIC HEARING. ALL IN FAVOR PLEASE SAY AYE. MOTION PASSES ON A VOTE OF 6-0 WITH COUNCIL MEMBER COAL.

I APOLOGIZE, I WANTED TO KIND OF HELP YOU THROUGH THE TWO ORDINANCES THAT YOU HAD IN FRONT OF THIS EVENING. WHEN WE CAME TO THE MEETING TODAY, WE KNEW THAT CLARION'S WORK WAS NOT DONE. THEY STILL HAVE FURTHER REFINEMENT THAT THEY NEED TO DO AND THEY ARE CONTINUING TO MEET WITH US. SO WE KNEW THAT THAT ORDINANCE COULD ONLY BE PASSED ON FIRST READING. THE OTHER PROVISIONS, IF YOU WISH, COULD BE PASSED ON THIRD READING, THAT IS NOT STAFF'S RECOMMENDATION BECAUSE STAFF WANTS TO FURTHER LOOK AT SOME OF THE PROVISIONS AND WEIGH SOME OF THE COMMENTS THAT YOU'VE HEARD THIS EVENING. BUT THE MOTIONS, THE APPROPRIATE MOTIONS TONIGHT REGARDLESS OF THE NUMBER OF READINGS THAT YOU ARE GOING TO DO, IS THAT DO YOU HAVE TWO ORDINANCES THAT YOU NEED TO ADOPT TONIGHT AND NOT JUST ONE, SO THERE IS A PART ONE AND A PART TWO AND I WANTED TO BE SURE THAT MOTIONS PROPERLY REFLECTED THAT.

WE ARE NOT REFERRING TO IT AS THE CLARION ORDINANCE.

THERE ARE TWO, ONE IS PART ONE AND THE OTHER IS PART TWO, SO IF THE MOTION IS FOR PASSAGE OF ORDINANCE LABELED PART ONE AND ORDINANCE LABELED PART TWO, THAT WILL TAKE CARE OF THE RECORD.

WHICH IS WHICH?

THE CLARION IS ATTACHED TO, IT GOT PLATED -- SEPARATED FROM BUT IT IS ATTACHED TO THE PART TWO ORDINANCE. IT IS ATTACHED TO IT AND IF YOU LOOK AT THE PART TWO ORDINANCE THAT HAVE YOU BEFORE YOU ON YELLOW, YOU WILL SEE THAT THERE IS A SPECIFIC SECTION THAT ADOPTS THE ATTACHMENT. AND THAT PART IS -- YOU SHOULD HAVE YELLOW ORDINANCES PASSED --

NO.

THIS THANK YOU VERY MUCH BEEN PROVIDE ODD TO YOU EARLIER. -- PROVIDED TO YOU EARLIER. STAFF, CAN I GET SOME HELP HERE? I APOLOGIZE COUNCIL.

THAT IS ALL RIGHT. IS PART ONE THE ORDINANCE LABELED PART ONE, THAT IS THE ORDINANCE THAT HAS ALREADY BEEN PASSED ON TWO READINGS BUT STAFF RECOMMENDATION IS THAT --

NO, LET ME BACK UP COUNCIL. THE PART ONE ORDINANCE REFLECTS THE ADDITIONAL CONDITIONS THAT YOU INITIATED AND INSTRUCTED US TO GO BACK AND DO. AND THAT WE ARE BRINGING FORWARD. PART TWO CONTAINS THE CLARION REWRITE AND THE REASON WHY WE SEPARATED THESE OUT IS IF YOU HAD A DESIRE TO PASS ONE ON ALL THREE READING, IF HUH A DESIRE TO PASS PART ONE ON ALL THREE READINGS, THAT IS NOT STAFF'S RECOMMENDATION BUT WE WERE TRYING TO GIVE YOU FLEXIBILITY. ALL OF THE PROVISIONS THAT YOU HAVE IN FRONT OF YOU, COUNCIL, ARE PROVISIONS THAT YOU SPECIFICALLY REQUESTED THAT WE BRING BACK TO YOU AND THAT IS THE REASON WHY THEY ARE ON YOUR, THAT IS THE REASON FOR THIS PUBLIC HEARING THIS EVENING. THE PART ONE PROVISIONS ADDRESS THE HEIGHT, THE HEIGHT MEASUREMENTS. IT ADDRESSES THE MODIFICATION AND MAINTENANCE OF THE NONCOMPLYING STRUCTURES THAT SHE WENT THROUGH. THE RESTORATION OF NONCOMPLYING STRUCTURES THAT POLICE BUI WENT THROUGH AND -- STRUCTURES THAT MISS BUI WENT THROUGH AND THE BUILDING PERMIT REQUIREMENTS AND THE

DEMOLITION REQUIREMENTS THAT MISS BUI WENT THROUGH, THESE PROVISIONS YOU ADOPTED ON JUNE 22 APPLIED TO RESIDENTIAL STRUCTURES BECAUSE ONLY IN A LIMITED AREA AND BECAUSE YOU WANTED TO EXTEND THEIR AND EXPAND THEIR SCOPE YOU SENT US BACK TO DO THAT AND BRING THEM BACK TO YOU. THIS IS A SEPARATE ORDINANCE BECAUSE AS THEY WERE WRITTEN THERE IS, IT IS CONCEIVABLE AND IT IS POSSIBLE FOR YOU TO PASS THIS ON ALL THREE READINGS, ALTHOUGH WE DO RECOMMEND YOU NOT DO THAT BECAUSE WE NEED TO FURTHER EXAM THE HEIGHT MEASUREMENTS IN SOME OF THE OTHER PROVISIONS. THE PART TWO ORDER NABS IS THE CLARION -- PART TWO ORDINANCE IS THE CLARION WRITE AND IT HAS THE COMPATIBILITY COMMISSION AS WELL AS THE CLARION ATTACHMENT TO IT WHICH CONTAINS THE NEW I WILL STRAIGHTSES AND THE -- I WILL STRAIGHTS AND THE -- CONTAINS THE NEW ILLUSTRATIONS AND THE FORMAT THE REWRITE. THIS ONE DEFINITELY IS NOT READY FOR THIS EVENING ON ALL THREE READINGS. IT IS ONLY READY FOR FIRST READING AND STAFF IS CERTAINLY RECOMMENDING FIRST READING ON THIS ONE AS WELL. SO, IF THE APPROPRIATE MOTIONS FOR YOU TO CONSIDER TONIGHT, THE STAFF WOULD RECOMMEND IS TO PASS BOTH THE PART ONE ORDINANCE AND THE PART TWO ORDINANCE ON FIRST READING ONLY AND 1256 IS GETTING THOSE COPIES NOW. I APOLOGIZE, THEY SHOULD HAVE BEEN PUT ON THERE EARLIER TODAY.

THIS IS ON THE HEIGHT PROVISIONS AND MAYBE IT IS LIKE -- SOMEONE FROM STAFF ALSO IF YOU KIND OF HELP NEWS THIS BECAUSE TO ME, CONCEPTUALLY, I'M HAVING A HARD TIME UNDERSTANDING WHY 60 FEET, FOR INSTANCE, TO ME, IF YOU ARE ADDING OTHER THINGS BELOW TO MAKE THE BUILDING HIGHER THAN 60 FEET TALL, THAT SOUNDS LIKE IT IS A LOOPHOLE THAT WOULD BE CLOSED. SO WHAT I'M TRYING TO FIGURE OUT IS I HEAR PEOPLE LIKE ROBINSON WERE SAYING, THAT WILL TAKE AWAY HEIGHT FROM US THAT IF YOU ARE ONLY ALLOWED TO SAY, FOR INSTANCE, GO 60

FEET, TECHNICALLY HOW IS THIS HAPPENING?

I HAVEN'T HAD A CHANCE TO REALLY STUDY WHAT HE IS LOOKING AT, BUT IT LOOKS LIKE IT IS A LITTLE BIT SIMILAR IN CONCEPT TO WHAT HAPPENED TO THE TREE HOUSE THAT CORE RETALKED ABOUT BECAUSE IT LOOKED LIKE IT IS BEING LIFTED, THE BUILDING IS BEING LIFTED UP ON TO A PEDESTAL AND HE IS MEASURING FROM THE PEDESTAL TO THE TOP OF THE BUILDING.

TO ME, LIKE, FOR INSTANCE I COULD ASK, ASK MIKE McCONE THIS, THE BUILDING HE SHOWED US WAS TALLER THAN WHAT IS ALLOWED BY THE HEIGHT, I'M GUESSING, IN TERMS OF PURE FEET. I MEAN, TO ME THAT STRIKES ME AS THESE ARE TWO ISSUES, ONE, WHAT IS THE APPROPRIATE AMOUNT OF FEET BY ORDINANCE AND THE SECOND IS HOW DO YOU MEASURE IT. BUT IF IT IS TALLER THAN THAT NUMBER OF FEET, THEN IT WOULD SEEM TO BE MORE FEET THAT YOU ARE ALLOWED.

COUNCIL MEMBER, IF I CAN I WILL TRY TO ANSWER THE QUESTION. I DON'T KNOW IF THIS DIAGRAM IS SHOWING IT TO YOU BUT WHAT WE HAVE IS THE DIFFERENCE BETWEEN THE FINISHED GRADE AND THE LOWER OF THE FINISHED GRADE AND THE NATURAL GRADE. AND WHEN YOU CHANGE THAT DEFINITION TO THE LOWER OF THE NATURAL GRADE, WHAT DO YOU HAVE YOU, YOU ARE PENALIZED BY HAVING, IF YOU ARE BUILDING A BUILDING THAT HAS NO SET BACKS, PARKING UNDERNEATH IT, AND IT IS BUILT ALL THE WAY TO THE PROPERTY LINES, YOU END UP WITH A FINISHED GRADE ADJACENT TO THE BUILDING THAT WILL GIVE YOU A HEIGHT THAT IS, ALLOWS AN ADDITIONAL FLOOR. WE COMPLY WITH THE CURRENT DEFINITION OF HEIGHT, AND IF YOU GO BACK TO THE NATURAL GRADE, THE LOWER, YOU GET A SITUATION WHERE YOU ARE REDUCED IN HEIGHT AND WHAT THAT DOES IS IN THESE AREAS WHERE YOU WANT MORE HEIGHT YOU END UP LOSING A STORY. THOSE ARE THE AFFORDABLE UNITS, THOSE ARE --

MIKE, LET ME ASK YOU THIS. SO PARTICULAR

EXAMPLE, WHAT IS THE GOVERNING HEIGHT, IS IT 60 OR 90 FEET?

THE GOVERNING HEIGHT IS 65. IN THIS CASE YOU ARE IN A 50-FOOT UNO ZONE AND GRANTED A 15-FOOT BONUS IF YOU PROVIDED THE ADDITIONAL 10%.

SO LIKE THIS EXAMPLE, WHAT IS THE, WHICH SIDE IS THE STREET SIDE?

THE STREET SIDE ON THIS PARTICULAR PROJECT IS THE FRONT LINE THAT YOU SEE. THIS IS THE EAST ELEVATIONS OF THE EAST, THESE BUILDINGS FACE EAST SO IT IS THE EAST ELEVATION. AGAIN, WE HAVE ANOTHER ONE ADJACENT TO IT, AGAIN SHOWS THAT IT GETS CUT OFF BY ONLY 4 FEET BECAUSE OF THE DIFFERENTIAL AND THE FINISHED GRADE AND THE NATURAL GRADE. HERE THE NATURAL GRADE IS A LITTLE FLATTER SITE BUT MEAN THIS SITUATION, BY THAT SMALL DIFFERENTIAL BETWEEN NATURAL AND FINISHED GRADE ELEVATIONS, YOU CUT OFF THE TOP FOUR FEET SO YOU LOSE THE WHOLE FLOOR AND WHAT WE'RE TRYING TO DO HERE IS DEMONSTRATE THAT THERE ARE SITES IN THE UNO AREA THAT WILL RESULT IN THE LOSS OF DENSITY IN A SPECIAL DISTRICT THAT WE'VE CREATED WHERE WE WANT THE HEIGHT. AND THE EXAMPLES I'VE SHOWN YOU ARE THREE BUILDINGS THAT HAVE ALREADY BEEN APPROVED AND MR. ROBINSON WAS TALKING ABOUT A PROPOSED BUILDING THE COLLEGE HOUSES OWNS ON PROPERTY ON PEARL STREET AND WHAT WE WOULD LIKE TO DO IS, IF A PROJECT IS AGREED TO BE BUILT UNDER THE UNO STANDARD THAT USE THE HEIGHT DEFINITION THAT IS CONSISTENT WITH WHAT IS EVERYBODY ELSE HAS GOT TO DO BECAUSE THESE -- GOTTEN TO DO BECAUSE THESE PROJECTS ARE GOING FORWARD WITHOUT PENALIZING THE PROJECTS THAT ARE COMING LATE.

LET ME ASK YOU THIS. THE VIEW NOW, THE STREET-SIDE VIEW?

THIS IS 28th STREET ON THIS PARTICULAR PROJECT

AND IT FACES THREE STREETS.

OKAY.

RIO GRANDE, SALEDON AND 28th. SO YOU HAVE TO CREATE, WHEN DO YOU THE GRADING THE DETENTION AND FINISH THE GRADE SO IT CONTAINS THE WATER ON THE SITE AND COMPLY WITH THE WATERSHED DETENTION RETENTION REQUIREMENT, PUT BARKING UNDER BENEATH IT AND MEASURING FROM THE AVERAGE ELEVATIONS OF THE FINISHED GRADE AND YOU COME UP WITH A LITTLE BIT TALLER BUILDING THAN YOU WOULD YOU GO WITH THE LOWER OF THE NATURAL GRADE WHICH FOLLOWS THIS RED LINE.

I JUST WANTED TO ADD THAT THERE ARE RESPONSIBILITY DEVELOPERS AND IRRESPONSIBLE DEVELOPERS AND THE PROBLEM WE HAVE IS OUR CODE ALLOWS PUTTING, IN FACT, FOUR STORIES OF PARKING AND IF YOU PUT A RETAINING WALL WITH DIRT ON THE OUTSIDE OF IT, THEN THE WAY THE CODE IS WRITTEN RIGHT NOW THAT DOESN'T COUNT AS HAVING STARTED YOUR HEIGHT. AND SO WHILE -- YOUR HEIGHT YET. AND SO WHILE THINGS MIGHT SORT OF BE OKAY AND STABLE IN UNO RIGHT NOW, IF YOU LEAVE THE CODE THE WAY IT IS RIGHT NOW, THAT SAME THING COULD HAPPEN THERE, WE'RE SAYING WE ARE SAYING SO MY SUGGESTION IS IF THERE IS AN ISSUE THAT NEEDS TO BE DEALT WITH IN UNO TO DEAL WITH THAT BUT LEAVE UNO OPEN FOR THE KIND OF ABUSE WE HAVE SEEN IN THE PAST IN THE REST OF THE CITY IS REALLY UNFAIR TO THOSE FOLKS IN AN AREA, I THINK. I WOULD HOPE THERE WOULD BE A DIFFERENT WAY THAT COULD BE ADDED ON LATER TO DEAL WITH THAT.

I THINK THAT THE, MAYOR, I WILL SAY THAT WHATEVER WE COME UP WITH BETWEEN FIRST AND SECOND, THIRD READINGS, I MEAN, IT NEEDS TO BE SOMETHING WHERE IT PASSES THE COMMON SENSE TEST. AND I THINK ONE OF THE PROBLEMS WE'RE HAVING IS WHEN YOU PUT, YOU KNOW, BUILDING ON STILTS AND THEN PACK DIRT AROUND IT AND IT IS 100 FEET UP IN THE AIR, THAT IS NOT A 60-FOOT

BUILDING THAT DOES NOT PASS THE CONSENSUS TENT SO WE NEED IT -- COMMON SENSE TEST SO WE NEED TO HAVE AN ORDINANCE THAT MEETS THE PUBLIC EXPECTATIONS THAT WHEN YOU SEE SOMETHING IT MATCHES THE LAW AS OPPOSED TO A LOOPHOLE OF THE LAW. AND SO, WHATEVER WE DO, IT SOUNDS LIKE THERE MAY BE SOME ISSUES IN THE COMMERCIAL STEPS AND MAYBE NOT THAT GETS SORTED OUT AND THAT IS MY FINAL WORD ON THAT.

MAYOR PRO TEM.

AND I REALLY WANTED TO REITERATE WHAT BREWSTER SAID, AS YOU LOOK THROUGH THESE PARTICULAR ISSUES, IN FACT, I THINK I TALKED TO THE CAMPAK GROUP AND THEY'VE OFFER THOSE LOOK AT IT. I DON'T KNOW WHETHER YOU ANSWER THESE WITH LABORS OR TRY TO FIND SOMETHING AS COUNCIL MEMBER SAID THAT MADE A, IS A COMMON SENSE RULE THAT WOULD APPLY, BUT I WOULD APPRECIATE IT BECAUSE THAT NEIGHBORHOOD AND ALL OF US WORKED REALLY HARD TO GET THAT EXTRA DENSITY IN THE UNO AREA, AND WHEN PEOPLE OPT INTO UNO THEY ARE AGREEING TO PAY FOR SOME PRESENT EXPENSIVE THINGS. SIDEWALKS AND AFFORDABLE HOUSING AND THEY CAN'T DO THAT UNLESS THEY'VE GOT AN ADEQUATE NUMBER OF UNITS TO COVER THAT MARGIN SO WE DIDN'T WANT TO IMPACT THAT BUT TAME WE WANTED TO -- AT THE SAME TIME WE WANTED TO COVER THE BIG LOOPHOLES. SO YOU ARE VERY CREATIVE SO I'M SURE YOU CAN COME UP WITH SOMETHING.

FURTHER COMMENTS, QUESTIONS? I WILL ENTERTAIN A MOMENT. COUNCIL MEMBER McCRACK IN?

IF WE MAKE A COMBINED MOTION TO APPROVE PARTS ONE AND TWO ON FIRST READING ONLY? THAT IS MY MOTION, APPROVE PARTS ONE AND TWO ON THE FIRST READING ONLY.

MOTION MADE BY COUNCIL MEMBER McCRACKEN. APPROVE ON PARTS ONE AND TWO FIRST READING

ONLY. SECONDS. FURTHER COMMENTS?
McCRACKEN.

I JUST WANT TO SAY, I'M IN COMPLETE AWE BUT WE HAVE TWO PEOPLE THIS ROOM TONIGHT, LAURA MORRISON WHO HAVE OVER THE LAST 30 MINUTES BASICALLY REWRITTEN OUR ENTIRE LAND DEVELOPMENT CODES, PRIVATE CITIZENS BETWEEN THE RESIDENTIAL AND COMMERCIAL SIDE AND THIS IS A VERY, VERY HARD GROUP, HARD-WORKING GROUP OF FOLKS THAT SERVES ON OUR TASK FORCE BUT I DON'T THINK THERE HAS EVER BEEN IN THE CITY ANYWHERE IN THE COUNTRY WHERE HAVE YOU ACTUALLY PEOPLE LIKE GANET AND LAURA WHO IS REWRITTEN THE ENTIRE DEVELOPMENT CODE AND THAT IS AN AMAZING FETE AND WE ARE VERY LUCKY AS COMMUNITY FOR ALL OF YOU [APPLAUSE]

FURTHER COMMENT, MOTION TO SECOND ON THE TABLE APPROVING A FIRST READING ONLY. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE? MOTION PASSES ON FIRST READING ONLY ON A VOTE OF 7-0. THERE BE NOTHING MORE BUSINESS BEFORE THE CITY COUNCIL, WE STAND ADJOURNED. IT IS 11:59:00 P.M.

**End of Council Session Closed Caption
Log**