

Closed Caption Log, Council Meeting, 09/28/06

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GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN, IT'S MY PRIVILEGE TO WELCOME PASTOR JOHN STENNFELD FROM THE CHRIST LUTHERAN CHURCH WHO WILL LEAD IS IN OUR INVOCATION. PLEASE RISE.

WE PRAY. OH, GOD OUR HEAVENLY FATHER, IN HUMBLE ADORATION WE BEGIN THIS NEW DAY. AWED BY YOUR GLORY, DISPLAYED IN THE MAGNIFICENCE. WE ARE MOST BLESSED TO LIVE IN A CITY OF SUCH BEAUTY, SUCH DIVERSITY. WE ARE MOST BLESSED TO BE THE ONES WHO YOU HAVE ENTRUSTED WITH BOTH THE CARE OF THE PEOPLE AND THE ENVIRONMENT OF THIS PLACE WE CALL AUSTIN. FORGIVE US FOR DECISIONS THAT WE MAKE OUT OF SELFISH AMBITION OR PRIDEFUL ARROGANCE. HELP US REMEMBER THAT WE ARE PUBLIC SERVANTS HERE TO ENRICH THE LIVES OF ALL AUSTINITES THROUGH OUR THOUGHTFUL SERVICE. THE WISDOM OF SOLOMON, THE COURAGE OF DAVID, THE HUMILITY OF MARY, THE COMPASSION OF CHRIST. USE US AS INSTRUMENTS TODAY TO MAKE LIFE BETTER FOR ALL OF US TOMORROW. WE PRAY THIS IN THE NAME OF JESUS, OUR CRUCIFIED YET RISEN LORD AND SAVIOR. AMEN.

MAYOR WYNN: THANK YOU, PASTOR. THIS BEING A QUORUM PRESENT AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, THURSDAY, SEPTEMBER 28TH, 2006. WE ARE IN THE COUNCIL CHAMBERS, IN THE CITY HALL BUILDING, 301 WEST SECOND STREET. IT IS

APPROXIMATELY 10:15 IN THE MORNING, WE HAVE A BIG AGENDA TODAY, THIS BEING OUR FIRST CITY COUNCIL MEETING IN APPROXIMATELY A MONTH. BEAR WITH US. WE DO HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THEY ARE: WE SHOULD NOTE THAT ITEMS NUMBER 2 AND 3, WE NEED TO INSERT THE PHRASE "IN THE FISCAL YEAR '06-'07 APPROVED OPERATING BUDGET OF THE CONSERVATION REBATES AND INCENTIVES FUND OF AUSTIN ENERGY." ITEM 2 AND 3. ON ITEM NO. 12 WE SHOULD NOTE THAT IT'S RELATED TO ITEM NO. 49, NOT RELATED TO ITEM NO. 51. ON ITEM NO. 25 WE NEED TO CORRECT THE NAME OF THE LIMITED PARTNERSHIP, WE ARE AUTHORIZING NEGOTIATION WITH. WE SHOULD INSERT THE WORD AUSTIN, SO THE PARTNERSHIP IS ACTUALLY THE SPRING AUSTIN PARTNERS, LIMITED. WE SHOULD NOTE THAT ITEM NO. 38 HAS BEEN WITHDRAWN FROM THIS WEEK'S AGENDA. ON ITEM NO. 52, WE NEED TO CORRECT A LITTLE BIT OF THE MATH. WE SHOULD STRIKE THE FIRST FIGURE OF \$14,962,556 AND INSERT THE CORRECTED AMOUNT \$14,761,873, ALSO CORRECT AND STRIKE THE AMOUNT 560140 THE DOLLARS AND CORRECT THAT WITH \$5,407,026. WE COULD ALSO STRIKE THE WORD PROPOSED OPERATING BUDGET. BECAUSE IT MAY NOT HAVE BEEN APPROVED. AND -- IN BOTH PLACES AND THEN ALSO STRIKE THE WORDS PROPOSED C.I.P. BECAUSE THESE ARE ACTUALLY NOW APPROVED CAPITAL BUDGETS OF VARIOUS DEPARTMENTS. APPROVAL COMING EARLIER THIS MONTH. ITEM NO. 69, WE NEED TO STRIKE THE PHRASE "IN THE VICINITY OF CITY HALL AND OTHER AREAS TO BE DETERMINED ON THE BASIS OF DEMONSTRATED NEED "AND THEN INSERT THE PHRASE "TO IN THE DOWNTOWN AREA OF CITY HALL AND CAPITAL METROS DOWNTOWN AUSTIN AND 2 IN THE UNIVERSITY OF TEXAS AREA WITH ADDITIONAL PARKING SPACE TO BE DETERMINED ON THE BASIS OF DEMONSTRATED NEED." ALSO, WE NEED TO STRIKE THE PHRASE IMPLEMENT A 12 MONTH PILOT PROGRAM WITH THE CITY DEPARTMENTS TO BE DESIGNATED BY THE CITY MANAGER TO UTILIZE THE AUSTIN CAR SHARE PROGRAM AND -- AND ALSO STRIKE THE PHRASE "ALL APPROPRIATE DOCUMENTS TO IMPLEMENT THE PILOT PROGRAM." THIS IS ITEM NO. 69, ITEM FROM COUNCIL, REGARDING THE AUSTIN CARE SHARE PROGRAM. WE SHOULD NOTE THAT ITEM NO. 70 WILL BE POSTPONED

ONE WEEK TO OCTOBER 5TH, 2006. OUR TIME CERTAINS TODAY, AT NOON WE BREAK FOR OUR GENERAL CITIZENS COMMUNICATIONS. AT 2:00, WE HAVE -- WE HAVE A -- BRIEFINGS, INCLUDING THIS WEEK WILL BE -- WILL BE THE REPORT TO THE CITY COUNCIL CONCERNING DOWNTOWN DEVELOPMENT. THIS IS COMING FROM OUR DOWNTOWN COMMISSION. AT 3:00, WE WILL TECHNICALLY RECESS THE AUSTIN CITY COUNCIL MEETING AND TAKE UP THE MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION BOARD OF DIRECTORS. AND TAKE UP THAT AHFC AGENDA. AT 4:00 WE GO TO ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RIGHT CORNERBACKS. 5:30, WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS. OUR MUSICIAN TODAY IS JOE RICHARDSON. AND THEN AT 6:00 WE HAVE PUBLIC HEARINGS AND POSSIBLE ACTION. AFTER 6:00 P.M. AND SO FAR, COUNCIL, LET'S SEE. ITEMS PULLED OFF THE CONSENT AGENDA INCLUDE -- INCLUDE ITEMS 24 AND 32 HAVE BEEN PULLED BECAUSE WE HAD MORE THAN FIVE CITIZENS SIGN UP FOR THOSE TWO ITEMS. ITEM NO. 29 HAS BEEN PULLED BY COUNCILMEMBER COLE. ITEM 40 PULLED BY COUNCILMEMBER KIM. I HAVE PULLED ITEM NO. 62. THEN I BELIEVE ITEM NO. 75 WON'T BE ON THE CONSENT AGENDA BECAUSE WE WILL TAKE THAT UP IN EXECUTIVE SESSION, PERSONNEL MATTERS RELATED TO OUR MUNICIPAL COURT JUDGES, THEN WE WILL TAKE POTENTIAL ACTION ON THAT AFTER CLOSED SESSION. ADDITIONAL ITEMS TO BE PULLED OFF THE CONSENT AGENDA OR ADDED BACK? HEARING NONE OUR PROPOSED CONSENT AGENDA THEN WILL BE ITEM NO. 1, 1, AND 3 PER CHANGES AND CORRECTION, ITEM 4, 5, 6, 7, 8, 9, 10, 11, 12 PER CHANGES AND CORRECTION, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, PER CHANGES AND CORRECTION, 26, 27, 28, 30, 31, 33, 34, 35, 34, 37, 38, PER CHANGES AND CORRECTION, ACTUALLY -- ACTUALLY ITEM NO. 38 -- EXCUSE ME, HAS BEEN WITHDRAWN AS ANNOUNCED AS PART OF CHANGES AND CORRECTION. SO THAT'S ITEM NO. 38 IS WITHDRAWN, NOT ON THE CONSENT AGENDA. THE CONSENT AGENDA INCLUDES ITEM 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 PER CHANGES AND CORRECTIONS, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63, 63, 64 ARE OUR BOARD AND COMMISSION APPOINTMENTS THAT I WILL READ INTO THE RECORD. FOR OUR ASIAN AMERICAN RESOURCE CENTER ADVISORY BOARD, DBSARAI

[INDISCERNIBLE] THANK YOU VERY MUCH, COUNCILMEMBER, IS A CONSENSUS APPOINTMENT. FOR OUR AUSTIN COMMUNITY TECHNOLOGY AND TELECOMMUNICATIONS COMMISSION, JOHN MONTGOMERY IS MAYOR PRO TEM'S APPOINTMENT AND KENDRA TUVELL IS COUNCILMEMBER MARTINEZ'S APPOINTMENT. TO OUR BOARD OF JUDGMENT FRANK IS OUR REAPPOINTMENT. JOHN KYLE HOLDER IS A CONSENSUS REAPPOINTMENT. TO OUR COMMISSION FOR WOMEN, SYLVIA KAUFMAN IS COUNCILMEMBER MARTINEZ'S APPOINTMENT. TO OUR COMMUNITY DEVELOPMENT COMMISSION, MYRON SMITH IS A CONSENSUS APPOINTMENT. TECHNICALLY REPRESENTING THE SOUTH AUSTIN NEIGHBORHOOD. TO OUR DESIGN COMMISSION, GERARD KINNEY IS A CONSENSUS REAPPOINTMENT. TO THE DOWNTOWN AUSTIN COMMUNITY CORE ADVISORY COMMITTEE, HELEN BARTEY IS A CONSENSUS REAPPOINTMENT. TO THE ENVIRONMENTAL BOARD, JOHN BEAL IS COUNCILMEMBER KIM'S APPOINTMENT. TO OUR ETHICS REVIEW COMMISSION, LUIS [INDISCERNIBLE], MARY JOHNSON REPRESENTING THE LEAGUE OF WOMEN VOTERS. TO OUR PARKS AND RECREATION BOARD DANETTE CLEMENTE, URBAN TRANSPORTATION COMMISSION, ANNE EASTSTON IS A CONSENSUS APPOINTMENT. WATER AND WASTEWATER COMMISSION, CHING LI, COUNCILMEMBER KIM'S APPOINTMENT, ZONING AND PLATTING COMMISSION THERESA RABAGO IS COUNCILMEMBER MARTINEZ'S APPOINTMENT. ITEM NO. 64 ON TODAY'S CONSENT AGENDA. CONTINUING ON, THE CONSENT AGENDA, ITEM 65, 66, 67, 68, 69, PER CHANGES AND CORRECTION, AND 70 WILL BE POSTPONED TO OCTOBER 5TH, 2006, 70, 71, 72, 73, 74, AND 76. COUNCIL, THAT'S OUR CONSENT AGENDA PROPOSED CONSENT AGENDA THIS MORNING. MR. SMITH?

MAYOR, IF I MAY, ITEMS 20 AND 21 WERE PUT ON THE AGENDA AS ALTERNATE POSSIBLE ACTIONS. 20 BEING THE PERMANENT -- WELL THE PERMANENT CHANGE TO THE CODE AND ITEM NO. 21 BEING A TEMPORARY EXTENSION, IF ITEM 20 DID NOT GO. SO IF 20 STAYS ON THE CONSENT, THEN 21 SHOULD BE WITHDRAWN.

YES, SO COUNCIL AGAIN WE ARE POSTED FOR SECOND AND THIRD READING ON ITEM NO. 20 RELATED TO THE MOBILE FOOD ESTABLISHMENT. IF WE PASS IT ON ONLY SECOND

READING, THEN WE NEED TO PASS ITEM 21 WHICH WOULD BE THE TEMPORARY EXTENSION. IF WE DO PASS ITEM 20 ON SECOND AND THIRD READING, IT INCLUDES THE EMERGENCY PASSAGE AND 21 WILL BE WITHDRAWN FROM THE AGENDA. COUNCILMEMBER MARTINEZ?

MARTINEZ: MAYOR THERE'S A SLIGHT AMENDMENT BEING RECOMMENDED BY STAFF THAT I WANTED MR. GUERNSEY TO COME UP AND EXPLAIN TO US AS IT RELATES TO THE SIGNS FOR THE MOBILE FOOD VENDOR.

THANK YOU, GREG GUERNSEY. ONE CHANGE ON PAGE TWO OF THE ORDINANCE ON LINE 13, RIGHT NOW THE MOBILE FOOD ESTABLISHMENT ORDINANCE LIMITS THE OPERATOR TO ONLY ONE SIGN. AND THIS WOULD REMOVE THE LIMITATION TO A SINGLE SIGN TO BE MULTIPLE SIGNS ON A MOBILE FOOD ESTABLISHMENT CART OR TRUCK OR TRAILER. STAFF HAS NO OBJECTION TO THIS. THAT WAS NOT THE INTENT AS DISCUSSED WITH THE STAKEHOLDERS OF THE NEIGHBORHOOD OR THE VENDORS THEMSELVES AND I HAVEN'T HEARD ANY OPPOSITION TO THIS. BOTH THE NEIGHBORHOOD REPRESENTATIVES THAT I HAVE SPOKEN WITH AND THE VENDORS THAT I HAVE SPOKEN WITH ARE IN FAVOR OF THIS CHANGE.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. IF NOT, I WOULD RECOMMEND THAT ITEM 20 REMAIN AS POSTED, APPROVAL ON SECOND AND THIRD READING, SO THEREFORE ITEM 21 WILL BE REMOVED FROM THE AGENDA. OBJECTIONS? COUNCILMEMBER COLE.

MAYOR, I WOULD LIKE TO BRING ATTENTION TO ITEM NO. 69, SIMPLY BECAUSE IT INVOLVES THE AUSTIN CAR SHARE, A NON-PROFIT ORGANIZATION. IF WE PASS THIS RESOLUTION, WE AS A COUNCIL WILL BE THE FIRST COUNCIL IN TEXAS TO HAVE ADOPTED SUCH A RESOLUTION TO SUPPORT CAR SHARING. THIS IS AN IMPORTANT ENDEAVOR THAT COUNCILMEMBER LEFFINGWELL AND I HAVE TAKEN UP TO HELP ENCOURAGE PEOPLE TO SHARE CARS AND REDUCE AIR EMISSION AND QUALITY CONTROL AND SAVE ON GASOLINE. BUT MORE IMPORTANTLY, I THINK IF IT'S WITHIN THE ENTIRE TRANSPORTATION POLICY OF ENCOURAGING PEOPLE TO GET OUT OF THEIR CARS OR NOT OWN A CAR AT

ALL AND BE A PART OF THE TRANSIT ORIENTED DEVELOPMENT. I HOPE NOT ONLY DEDICATED PARKING SPACES, BUT ALSO TO CONTINUE THE NEGOTIATIONS WITH CAR SHARES SO THAT WE MAY HAVE A POTENTIAL PROGRAM BETWEEN THE CITY AND CAR SHARE WHERE CITY EMPLOYEES ARE USING THIS PROGRAM, ALSO.

THANK YOU, COUNCILMEMBER LEFFINGWELL?

I WOULD JUST LIKE TO SAY THAT I AGREE WITH ALL THAT THE COUNCILMEMBER JUST SAID. I FULLY SUPPORT THIS INITIATIVE, OBVIOUSLY. AND I WOULD LIKE TO POINT OUT IN ADDITION THAT AUSTIN CAR SHARE IS A NON-PROFIT ORGANIZATION.

MAYOR WYNN: THANK YOU, COUNCILMEMBER.
COUNCILMEMBER MARTINEZ?

MARTINEZ: I ALSO WANT TO THANK COUNCILMEMBER COLE, LEFFINGWELL FOR BRINGING THIS FORWARD. I RECEIVED SOME PHONE CALLS AND AN E-MAIL. I WANT TO MAKE IT CLEAR TO THOSE OUT THERE WHO HAVE ASKED SOME QUESTIONS ABOUT THIS, THIS IS -- THIS DOES NOT PROHIBIT ANOTHER NON-PROFIT FROM COMING IN AND JOINING IN A CAR SHARE PROGRAM. THIS SIMPLY SHOWS OUR SUPPORT FOR AUSTIN CAR SHARE AND THEIR GOALS OF STARTING THEIR -- STARTING THIS SERVICE. I WANT TO MAKE IT VERY CLEAR, IF THIS THING IS SUCCESSFUL, IF WE HAVE SOMEONE ELSE WHO WOULD LIKE TO ENTER INTO A PROGRAM SIMILAR TO THIS, THEN WE AS A COUNCIL WOULD TAKE THIS ISSUE UP AGAIN AND CONSIDER SUPPORTING THAT OTHER NON-PROFIT AS WELL. I WANTED TO MAKE THAT CLEAR.

MAYOR WYNN: THANKS. THANK YOU, COUNCILMEMBER. ACTUALLY, COUNCIL, I JUST REALIZED WE DON'T HAVE A MOTION ON THE TABLE. I WILL ENTERTAIN A MOTION TO APPROVE -- MOTION MADE BY COUNCILMEMBER MCCracken, SECONDED BY COUNCILMEMBER COLE TO APPROVE THE CONSENT AGENDA AS OUTLINED.
COUNCILMEMBER MCCracken.

MCCracken: MAYOR, ACTUALLY, AS PARTED OF THE

MOTION, I HAVE A -- AN AMENDMENT ON ITEM 22. WHICH IS THE -- THE SECOND AND THIRD READINGS OF THE RESIDENTIAL IN FILL ORDINANCE. TWO MINOR TECHNICAL CHANGES. THE FIRST MINOR -- THESE HAVE BEEN PREPARED BY LEGAL, I'M JUST GOING TO READ THEM. THE FIRST TECHNICAL CHANGE WOULD BE AN EXCEPTION TO APPLICABILITY, SECTION 1.3. THEY WOULD READ THIS SUBCHAPTER DOES NOT APPLY TO. 1.3.3 STATES ARTICULATION REQUIREMENTS ASSOCIATED WITH NEW CONSTRUCTION, LESS THAN 2,000 SQUARE FEET, IN GROSS FLOOR AREA, LESS THAN 32 FEET IN HEIGHT. THE SECOND TECHNICAL CHANGE WOULD BE AN AMENDMENT TO PART 3, D, AND IT WOULD STATE THE TWO DWELLING UNITS MUST HAVE A COMMON WALL OR FLOOR AND CEILING, MAY BE A COMMON GARAGE WALL, FOR AT LEAST 50% OF THE MAXIMUM DEPTH OF THE BUILDING. THOSE ARE THE TWO MINOR TECHNICAL CHANGES PREPARED BY LEGAL.

MAYOR WYNN: COUNCILMEMBER COLE DO YOU CONSIDER THAT A FRIENDLY AMENDMENT?

COLE: YES, I DO.

DUNKERLY: I WANT TO ASK THE COUNCILMEMBER IF HE WAS ABLE TO COME UP WITH SOME LANGUAGE THAT WOULD DEAL WITH THE AFFORDABLE HOUSING ISSUES FOR VERY SMALL HOMES TO REQUIRE SURVEYS AND DO THE ARTICULATION WOULD PROBABLY ADD SEVERAL HUNDRED DOLLARS TO THE AFFORDABILITY OF THOSE HOMES. I KNOW YOU HAVEN'T HAD MUCH TIME THIS MORNING TO LOOK AT, BUT WONDERED IF YOU HAD SOME THOUGHTS ON IT.

MCCRACKEN: YES, THIS FIRST TECHNICAL AMENDMENT DID REMOVE THE ARTICULATION REQUIREMENTS FOR HOMES LESS THAN 2,000 SQUARE FEET. THE TASK FORCE HAS A BUILT-IN SIX MONTH REVIEW PERIOD AND ASKED TO REVIEW THE SURVEY ISSUE DURING THAT SIX MONTH PERIOD. THE ARTICULATION REQUIREMENT --

THANK YOU FOR CLARIFYING THAT BECAUSE IT IS IMPORTANT THAT WE TRY TO KEEP THOSE COSTS AS LOW AS POSSIBLE.

MAYOR WYNN: THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS ON THE CONSENT AGENDA? WE HAVE A COUPLE OF CITIZENS WHO HAVE SIGNED UP TO ADDRESS US ON SOME OF THESE ITEMS THAT ARE ON THE CONSENT AGENDA. SO WITHOUT OBJECTION, COUNCIL, I WOULD LIKE TO CALL UP A COUPLE OF FOLKS WHO HAD SIGNED UP ON ITEM 15 AND 29, TECHNICALLY, WE HAVE PULLED ITEM NO. 29 OFF OF THE CONSENT AGENDA. SO -- SO IT -- IT WILL BE DISCUSSED AT SOME POINT LATER. ITEM 15, RELATES TO -- ONLY TO THE CONTEXT OF -- OF THE POTENTIAL FUNDING SOURCE FOR ITEM NO. 29. BUT -- BUT WITHOUT OBJECTION, MR. JOHN QUINN LAND, WELCOME, JOHN. YOU WILL HAVE THREE MINUTES, FOLLOWED BY CHI SU.

IT'S ACTUALLY ITEM 20. WE HAD TO SIGN UP FOR THEM BOTH BECAUSE THEY ARE RELATED. BUT ITEM 29 IS THE ONE THAT WE WOULD LIKE TO BE HEARD ON IF THAT'S PERMISSIBLE.

MAYOR WYNN: IF YOU DON'T MIND WAITING, WE WILL TAKE THAT UP AS A DISCUSSION ITEM LATER.

THANK YOU.

THANK YOU, MR. QUINN LAND.

I DO WANT TO POINT OUT THAT THE INDIVIDUALS FROM CAR SHARE ARE HERE IF THERE ARE ANY QUESTIONS FROM COUNCIL.

MAYOR WYNN: THANK YOU. ACTUALLY LOOKS LIKE ITEM NO. 46, WHICH IS ON OUR CONSENT AGENDA, SANDY JOHNSON SIGNED UP WISHING TO SPEAK. STILL HERE? DO YOU CARE TO ADDRESS, MS. JOHNSON?

I'M SANDY JOHNSON. IN REGARDS TO THE AUSTIN EMERGENCY RESPONSE CONTRACT, WE ARE CURIOUS IF ANYBODY HAS CONSIDERED OR WILL CONSIDER A SECOND RESPONDER? ON THIS CONTRACT. SIMPLY DUE TO THE NATURE OF -- OF QUANTITY OF RESPONSE TEAMS, IF YOU WILL.

MAYOR WYNN: CITY MANAGER?

FUTRELL: LET'S SEE IF WE HAVE SOMEONE. BYRON ARE YOU GOING TO TAKE THAT OR TRY TO FIND A DEPARTMENTAL REP TO TAKE IT?

BYRON JOHNSON, PURCHASING DEPARTMENT. WE WILL GET JUAN GARZA IF YOU WOULD LIKE TO TALK TO HIM ABOUT THAT. WE HAVE LOOKED AT THE ISSUE, DEPENDENT UPON THE VOLUMES, WE WILL SEE IF WE HAVE TO ADD A SECONDARY CONTRACT, SEE IF INDEED THERE IS A NEED TO BE ABLE TO HAVE A BACKUP SERVICE CONTRACT. SO WE HAVE LOOKED AT WHETHER OR NOT THERE WILL BE A SUPPLY DEMAND, BUT WE NEED TO START THIS CONTRACT AND FIND OUT WHAT THE VOLUMES ARE. SO --

FUTRELL: BOTTOM LINE IS UNDER CONSIDERATION, BUT THEY HAVE NOT MADE A RECOMMENDATION YET TO COUNCIL ON THAT.

THAT'S CORRECT.

FUTRELL: THANK YOU.

MAYOR WYNN: BY COUNCIL APPROVING ITEM NO. 46, IT DOESN'T SPECIFICALLY PROHIBIT PURCHASING COMING BACK WITH A -- WITH A SECOND --

NO. I'M SORRY, MAYOR, YOU ARE CORRECT. WHAT WE WOULD DO IS THAT CONTRACT WOULD BE A BACKUP SERVICE CONTRACT AND THE ONLY THING THAT IT WOULD DO IS IT WOULD PROHIBIT THE COMPANY AS A PRIMARY FROM RESPONDING ON THAT R.F.P. IT'S STILL AN OPEN AVENUE, YES.

MAYOR WYNN: THANK YOU. THANK YOU, MS. JOHNSON. COUNCILMEMBER KIM?

I WAS WONDERING IF WE HAVE SOMEONE FROM THE DESIGN COMMISSION TO SPEAK ABOUT 72, ABOUT UPDATING THE DOWNTOWN DESIGN GUIDELINES, I HAVE A QUESTION.

FUTRELL: MAYBE WE CAN HELP THERE IF WE DON'T HAVE --

ELEANOR MCKINNEY WAS HERE, BUT SHE APPEARS TO HAVE

-- LEFT.

FUTRELL: FROM THE STAFF SIDE FOR DOWNTOWN DESIGN, WHO WOULD BE OUR STAFF LIAISON HERE? GREG, WOULD THAT BE YOU? PARDON ME I DIDN'T HEAR THE QUESTION.

> ABOUT 72, DIRECTING THE CITY MANAGER TO WORK ON THE DESIGN COMMISSION, UPDATE AND REVISE THE DOWNTOWN GUIDELINES TO INCLUDE ... [READING ITEM] WONDERING -- BRIEF SUMMARY OF WHAT THAT'S ABOUT.

FUTRELL: YOU ALSO MAY BE RESCUED, LOOKS LIKE WE DO NOW HAVE A MEMBER OF THE DESIGN COMMISSION IN THE ROOM. [LAUGHTER]

ALL RIGHT.

THANK YOU.

WELCOME, MS. MCKINNEY.

GOOD MORNING. MY NAME IS ELEANOR MCKINNEY, I'M THE CHAIR OF THE DESIGN COMMISSION. WHAT WAS YOUR QUESTION.

KIM: CAN YOU EXPLAIN THIS ITEM IN TERMS OF WHAT YOU ARE HOPING TO ACHIEVE WITH IT?

YES, MA'AM. WHAT WE ARE WORKING TOWARD IS -- IS OTHER CITIES HAVE DENSITY BONUS OPTIONS FOR -- FOR DEVELOPMENT ENTITLEMENTS ABOVE WHATEVER THE SET FAR IS IN ANY CERTAIN AREA. IN ORDER TO BE ABLE TO INCREASE YOUR FAR, YOU THEN HAVE DENSITY BONUS OPTIONS THAT YOU CAN EXERCISE IN ORDER TO BE ABLE TO RECEIVE THOSE ENTITLEMENTS. THESE ARE IN NEW YORK CITY, BOSTON, PORTLAND, PHOENIX, SAN FRANCISCO, DALLAS. MANY DIFFERENT CITIES, BUT WE HAVEN'T YET EXERCISED THEM HERE IN AUSTIN. SO A LOT OF THE DIFFERENT TYPES OF DENSITY BONUS ARE AFFORDABLE HOUSING, DAYCARE EVEN, OPEN SPACE, PUBLIC ART, TRAILS, HIKE AND BIKE TRAIL, BIKEWAYS. THERE ARE MANY DIFFERENT PLACES. IN FACT IN PORTLAND IT'S VERY INTERESTED, THEY JUST PASSED A DENSITY BONUS OPTION,

WHICH WAS GREEN ROOFS. SO IT'S KIND OF ALL OVER THE COUNTRY NOW. BOY THAT'S A PRETTY INTERESTING GREEN ROOF OPTION OUT THERE. WHAT WE HAVE BEEN WORKING WITH COUNCILMEMBER LEFFINGWELL AND DR. MCCRACKEN TO -- WHAT WE ARE WANTING TO DO IS TO DO FURTHER RESEARCH INTO HOW THESE CITIES ARE IMPLEMENTING BONUS OPTIONS, WHAT ARE THE DIFFERENT OPTIONS ON THE TABLE, KIND OF PROVIDE A FRAMEWORK THAT THEN STAFF WOULD TAKE YOU KNOW TO BE ABLE TO CREATE SOME KIND OF MATRIX. AS WELL WE ISSUED THE DOWNTOWN DESIGN GUIDELINES IN 2000. AND WE ARE LOOKING TO UPDATE THOSE DESIGN GUIDELINES AS WELL THOSE OF WHO YOU HAVE BEEN HERE, SINCE 2000 ON, A LOT HAS HAPPENED. THE GOOD NEWS IS THAT THE -- AFTER THE DOWNTOWN DESIGN GUIDELINES WERE ISSUED, WE HAVE SEEN A REALLY WONDERFUL ACCEPTANCE OF THESE GUIDELINES BY THE DEVELOPMENT COMMUNITY AND WE ARE STARTING TO SEE A LOT OF THE BENEFIT OF THEM. YOU KNOW, IN THE DOWNTOWN AREA. SO WE WOULD LIKE TO -- AS WE HAVE BEEN REVIEWING DOWNTOWN BUILDINGS, WE HAVE NOTICED THAT OH, WE DIDN'T HAVE THAT PARTICULAR AREA COVERED, IN OUR GUIDELINES INITIALLY. WE ARE WANTING TO UPDATE THOSE GUIDELINES BASED ON OUR EXPERIENCE AND PROVIDE THEM TO YOU FOR REVIEW AND APPROVAL.

I THINK IT'S VERY TIMELY THAT WE ARE DOING THIS BECAUSE WE HAVE THE AFFORDABLE HOUSING TASK FORCE WORKING ON DENSITY BONUS OPTIONS AS WELL AS WE ARE ABOUT TO LAUNCH THE START OF THE DOWNTOWN PLAN, THE DOWNTOWN NEIGHBORHOOD PLAN. SO ALL OF THOSE THINGS HAVE DIFFERENT INTEREST GROUPS, I HOPE THAT WE CAN KIND OF WORK TOGETHER BECAUSE TO MAKE SURE THAT EVERYTHING IS CONSISTENT SO THAT -- SO THAT DEVELOPERS DOWNTOWN AND PEOPLE HAVE AN INTEREST IN DOWNTOWN KNOW WHAT IS EXPECTED OF THEM. WHAT THEY CAN GET IN EXCHANGE FOR PROVIDING THESE AMENITIES LIKE WORKFORCE HOUSING.

RIGHT. AND YOU KNOW IN AUSTIN WE ARE UNIQUE, WE MAY COME UP WITH OUR OWN DENSITY BONUS OPTION THAT WE WANT THAT ANOTHER CITY DOESN'T HAVE. I THINK IT'S JUST SUCH A GREAT OPPORTUNITY TO INCREASE THE LIVABILITY

OF OUR DOWNTOWN AND OTHER AREAS BECOMING MORE DENSE.

I THINK THAT DOWNTOWN IS A SUITABLE PLACE FOR WORKFORCE HOUSING, ESPECIALLY AS WE GO THROUGH THE DOWNTOWN BUILDOUT SCENARIO. WITH -- WHICH WE WERE GOING TO HAVE TO DO WITH THE NEIGHBORHOOD PLAN. IF WE ARE GOING TO EXPECT THOUSANDS OF MORE PEOPLE DOWNTOWN. I THINK IT'S A FAIR QUESTION TO SAY TO PEOPLE WHO HAVE INTERESTS DOWNTOWN, WHAT DO YOU THINK IS YOUR FAIR SHARE FOR WORKFORCE HOUSING GIVEN THAT WE ARE GOING TO HAVE MORE JOBS FOR PEOPLE, THAT THERE'S GOING TO BE MORE SQUARE FOOTAGE THAT HAS TO BE CLEANED BY JANITORS, TRASH NEEDS TO BE PICKED UP AS WELL AS FOOD SERVICE. ALL OF THOSE PEOPLE THAT PROVIDE THESE SERVICES, HOW ARE WE GOING TO PROVIDE HOUSING FOR YOUR WORKFORCE THAT YOU NEED TO MAKE DOWNTOWN VIABLE. SO -- THANK YOU VERY MUCH AND I ENCOURAGE YOU TO AGAIN WORK WITH -- WITH THE TASK FORCE AS WELL AS THE DOWNTOWN PLAN. I KNOW THAT IT SOMETIMES CAN VARY -- BE VERY CUMBER SON WHEN WE HAVE DIFFERENT GROUPS WORKING ON SOMETHING WHERE THERE'S OVERLAPPING WORK IN TERMS OF THEIR SCOPE. BUT I THINK THAT IT'S VERY IMPORTANT SO THAT BEFORE IT COMES TO THE COUNCIL, BECAUSE WE DON'T WANT TO HAVE -- SORT THAT OUT UP HERE.

WE UNDERSTAND. WE ARE PERFECTLY OPEN, WELCOMING, WANT TO COLLABORATE WITH EVERYONE.

FUTRELL: JUST AS AN ASIDE, ONE OF THE ITEMS BRINGING FORWARD WITH COUNCILMEMBERS WAS TO BE SURE THEY WERE CLEARLY IDENTIFIED AS A STAKEHOLDER AND A PART OF THE DOWNTOWN MASTER PLANNING PROCESS. LIKE YOU SAID WE HAVE SO MANY FOLKS WORKING IN DIFFERENT ARENAS THAT ARE ALL GOING TO COME TOGETHER IN THAT PLAN.

THANK YOU.

MAYOR WYNN: COUNCILMEMBER LEFFINGWELL?

LEFFINGWELL: I WOULD LIKE TO UNDERSCORE THAT. IN MY TALK WAS ELEANOR AND THE REST OF THE DESIGN COMMISSION TO GET THIS ITEM GOING, THEY FULLY UNDERSTOOD THAT THERE ARE OTHER GROUPS THAT ARE WORKING ON PARTS OF THIS SUCH AS THE AFFORDABLE HOUSING TASK FORCE AND THEY UNDERSTAND THAT THEIR CHARGE IS TO WORK COOPERATIVELY WITH THESE OTHER GROUPS. SO I -- BUT THE THING THAT'S REALLY IMPORTANT ABOUT THIS ENTIRE ISSUE, ALL OF THESE GROUPS WORKING TOGETHER TO DEVELOP DENSITY BONUS OPTIONS IS THAT WE REALLY NEED A GENERAL POLICY AND OPPOSED TO WORKING ON INDIVIDUAL PROJECTS, ONE BY ONE IN DEVELOPING THIS PROJECT FOR THIS DEVELOPING OPTIONS FOR THIS PARTICULAR PROJECT AND GOING ON INDEPENDENTLY THE NEXT ONE. WE NEED AN OVERARCHING POLICY. I HOPE THAT'S WHAT WILL BE ACHIEVED WITH THIS EFFORT.

MAYOR WYNN: THANK YOU, COUNCILMEMBER. MS. MCKINNEY WILL BE A LITTLE DISAPPOINTED IF AUSTIN'S DENSITY BONUS ISN'T UNIQUE TO THE COUNTRY.

THANK YOU VERY MUCH.

MAYOR WYNN: A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? I'LL JUST SAY THAT ITEM NO. 66 TECHNICALLY ALL THAT WE ARE DOING IS SETTING A PUBLIC HEARING REGARDING THE PROPOSED WHAT'S CALLED THE LAKEWOOD RAMP AT 2222. MY REQUEST FOR STAFF WOULD BE IF POSSIBLE IN ADVANCE OF THAT PUBLIC HEARING, TO HAVE THE TRANSPORTATION STAFF DO A LITTLE BIT OF ANALYSIS. MY UNDERSTANDING IS THERE ARE A COUPLE OF ALTERNATIVES EVEN SCHEMATIC SKETCHES, SOME PROPOSED BY NEIGHBORS, OTHERS BY TXDOT THEMSELVES. PERHAPS FOR CITY STAFF TO HELP US LOOK AT ALTERNATIVES IN ADVANCE OF THE PUBLIC HEARING TOGETHER WE WILL DO THAT.

WE WILL ALSO BE HOLDING A PUBLIC MEETING IN NORTHWEST HILLS IN MY NEIGHBORHOOD WHERE THIS PROPOSED RAMP ON A RESIDENTIAL STREET NEXT TO BULL CREEK IS PROPOSED AND WE'LL -- WE WILL GET SOME GOOD

PUBLIC FEEDBACK THERE THAT CAN INFORM THE COUNCIL THERE, TOO.

MAYOR WYNN: GOOD, THANK YOU ALL, FURTHER COMMENTS ON THE MOTION AND SECOND TO THE APPROVE THE CONSENT AGENDA AS READ. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE."

WYNN: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL, WE HAVE JUST A COUPLE OF DISCUSSION ITEMS. I SUGGEST WE TAKE UP ITEMS NUMBER 49 AND 32, WE HAVE A MODEST NUMBER OF CITIZENS HERE TO ADDRESS THAT ISSUE. TECHNICALLY 24 IS JUST THE FUNDING AMENDMENT REQUIRED FOR OUR PARKS DEPARTMENT. ITEM 32 WILL BE THE ACTUAL AWARDING OF THE CONSTRUCTION CONTRACT FOR THE GUS GARCIA REC CENTER.

THANK YOU MR. STRUSS. WARREN STRUSS, DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT. IT'S AN EXCITING DAY FOR US. YOUR APPROVAL TODAY OF ITEMS NUMBER 24 AND 32 WILL ALLOW US TO AMEND THE BUDGETS AND TO AWARD THE CONTRACT FOR A MUCH WEIGHTED FOR GUS GARCIA RECREATION CENTER. WHICH WILL BE LOCATED OVER ON RUNDBERG LANE JUST SOUTH OF -- OF DOBIE MIDDLE SCHOOL. IT'S A 19,000 SQUARE FOOT RECREATION CENTER THAT WILL BE FULL SERVICE FOR ALL OF OUR KIDS, QUITE HONESTLY THE LOCATION IS GREAT, RIGHT NEXT TO THE MIDDLE SCHOOL. I HAVE A FEW SLIDES FOR YOU QUICKLY MAYOR. JUST ACROSS RUNDBERG LANE FROM THE DOBIE MIDDLE SCHOOL, ALSO KNOWN AS GUS GARCIA PARK AS WELL. THIS SLIDE IS A QUICK RENDITION, A LARGE GYMNASIUM ALONG WITH ALL OF THE OTHER TYPES OF MULTI-STORAGE AREAS IN THE -- IN THE MULTI-USE ROOMS, ALSO THE -- THE MEETING ROOMS AND, SO IT'S GOING -- AEROBICS, QUITE A RECREATION CENTER TO BE PROUD OF. THIS IS AN ELEVATION, THE DESIGN WHICH WE CAN EXPECT TO HAVE IN ABOUT 12 MONTHS WITH YOUR APPROVAL OF THE CONTRACT. MAYOR THAT'S A QUICK PRESENTATION, WE ARE EXCITED ABOUT THIS, READY TO GET STARTED.

THANK YOU, QUESTIONS OF STAFF, COUNCIL? IF KNOTS WE

HAVE A HANDFUL OF CITIZENS SIGNED UP THAT WOULD LIKE TO ADDRESS THIS COMBINED ITEM 24 AND 32. MY INSTINCT IS MOST OF THE COMMENTS TECHNICALLY WILL BE ON ITEM NO. 32, WHICH IS THE AWARDING OF THE CONTRACT. OUR FIRST SPEAKER, BEN WAGNER, WELCOME, COME FORWARD, FOLLOWED BY MICHAEL VON OHLEN, THREE MINUTES, WELCOME.

GOOD MORNING, MAYOR, COUNCILMEMBERS. MY NAME IS BEN WAGNER, I REPRESENT CONSTRUCTORS ASSOCIATES. WE BID ON THIS PROJECT, GUS GARCIA RECREATION CENTER. REGARDLESS OF THE OUTCOME TODAY, ON COUNCIL'S VOTE ON MOVING FORWARD WITH THE PROJECT, I WOULD LIKE TO JUST SAY THAT WE WERE HAPPY TO BID ON THIS PROJECT. WE TOOK IT VERY SERIOUSLY. WE KNOW THIS IS GOING TO BE A LANDMARK IN THE CITY. WE WOULD LIKE TO DO FUTURE BUSINESS WITH THE CITY. WE ARE CURRENTLY WORKING FOR THE CITY. ON SOME -- ON THE TOWN LAKE PROJECT. WE ARE NOT HERE TO DISCUSS OR PROTEST THE -- THE OUTCOME OR THE CONSULTS OF THE -- RESULTS OF THE ITEM AGENDA. BUT WE DO WANT TO JUST STATE HAS WE HAD SOME CONCERNS OVER THE PROCESS. WE FELT THAT WE PROPOSED THE BEST VALUE TO THE CITY OF AUSTIN. AND WE WERE HOPING THAT IN THE PROCESS OF -- OF ANALYZING THE -- BID PROPOSALS THAT WE WOULD HAVE HAD A CHANCE TO DISCUSS WITH THE CITY, WHY WE FELT THAT THE PROPOSAL WAS SUPERIOR AND THE ADVANTAGES THAT WE COULD OFFER TO THE CITY THROUGH OUR PROPOSAL. WE DID NOT GET THAT CHANCE. WE UNDERSTAND THAT THE COUNCIL MAY HAVE DECIDED FOR WHATEVER REASONS NOT TO DO THAT, BUT WE HAVE -- WE JUST WERE MAKING AN APPEAL TO -- TO BE ABLE TO BE GIVEN A CHANCE TO EXPLAIN WHY WE FEEL OUR PROPOSAL IS A SUPERIOR PROPOSAL. THAT'S WHY WE ARE HERE TODAY MORE OR LESS, TO JUST TO APPEAL FOR THAT.

MAYOR WYNN: THANK YOU, MR. WAGNER, QUESTIONS OF MR. WAGNER, COUNCIL? I GUESS JUST BASED ON HIS COMMENTS, MR. SMITH, JUST LOOKING AT THE POSTING OF THIS, THIS APPEARS TO BE A TYPICAL, YOU KNOW, CONSTRUCTION CONTRACT AWARD. SO THEREFORE I PRESUME PURCHASING, YOU KNOW, DID THE STANDARD PROCESS FOR THE BID, BID DEADLINES, A VERY

STRUCTURED FORMAT. NOT A BEST VALENTINE OF ANALYSIS, IS THAT TRUE?

WELL, I THINK WHAT -- WE ARE READY AND PREPARED TO TALK TO YOU A LITTLE BIT WHEN YOU ARE READY TO ASK QUESTIONS. I DON'T KNOW IF YOU WANT TO LISTEN TO ALL OF THE SPEAKERS SO WE CAN MAYBE DO ONE RESPONSE AT THE END. I THINK THERE ARE PROBABLY SEVERAL QUESTION THAT'S HAVE COME UP, THE INTERVIEW, POSSIBLY EVEN THE CONTINGENCY FUND. WE CAN SPEAK TO ALL OF THIS.

MAYOR WYNN: FAIR ENOUGH. THANK YOU, MR. WAGNER, STAY TUNED. MICHAEL VON OHLEN WISHING TO SPEAK, MICHAEL. BETTY VERA AND MICHELLE VON OHLEN. HELLO. DONATE GONZALEZ AND PAUL SALDANA. MICHAEL, UP TO 15 MINUTES IF YOU NEED IT. WELCOME. FOLLOWED BY BOBBY HERNANDEZ.

THANK YOU, MAYOR, SORT OF PAR LAID MY TIME SO I WOULDN'T HAVE TO RUSH. MY NAME IS MICHAEL VON OHLEN, A LOCAL HOME GROWN BUSINESS OWNERS, ON THE CONSTRUCTORS TEAM FOR THE GUS GARCIA RECREATION CENTER. CONSTRUCTORS IS AN AUSTIN COMPANY AND HOLDS THE DISTINCTION OF HAVING BUILT WHAT IS DESCRIBED AS THE LARGEST, MOST BEAUTIFUL BUILDING ON CONGRESS AVENUE NEXT TO THE CAPITOL, OF COURSE, THE FROST BANK TOWER. THEIR EXPERIENCE IN PREPARING FOR PROPOSALS FOR PROJECTS IN THE PUBLIC AND PRIVATE SECTOR IS UNPARALLEL. I HAVE PROVIDED YOU WITH ACTUAL SECTIONS OF THE REQUEST FOR PROPOSAL DOCUMENTS, HAVE AN ACTUAL COPY HERE TO SUBSTANTIATE ANY INFORMATION THAT YOU MAY HAVE BEFORE YOU. THERE'S A NEED TO UNDERSTAND THE CRUCIAL DIFFERENCES BETWEEN AN IFB, INVITATION FOR BID AND REQUEST FOR COMPETITIVE SEALED PROPOSAL. LET ME QUALIFY WHAT I'M ABOUT TO STATE WITH THE FACT THAT I MYSELF HAVE BEEN DOING BUSINESS WITH THE CITY OF AUSTIN FOR OVER 15 YEARS. I PERSONALLY HAVE THE EXPERIENCE OF BEING INVOLVED IN MANY IF NOT ALL OF THE CITY'S PROCUREMENT PROCESSES FROM INVITATIONS TO BID, TO PROPOSALS, SOLE SOURCE PROCUREMENTS, PROTESTS, PROTEST PROCEDURES TO ARBITRATION. AS A

CURRENT BOARD MEMBER FOR THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA AND TEXAS BUILDING BRANCH, THE LARGEST GENERAL CONTRACTING ASSOCIATION IN AMERICA, I'M ALSO REQUIRED TO CLOSELY FOLLOW THE PROCUREMENT PROCESSES AND LAWS AS WELL AS DEVELOPMENT OF NEW ALTERNATIVE PROCUREMENT PROCESSES. I'M ALSO A CERTIFIED CONSTRUCTION PROJECT MANAGER AND A CERTIFIED CONSTRUCTION INSPECTOR AND CONSULTANT. I MAKE THESE STATEMENTS TO QUANTIFY THAT BASED ON MY TRAINING AND EXPERIENCE IT'S VERY CLEAR THAT THE CITY OF AUSTIN IN THIS CASE DID NOT UNDERSTAND AND DID NOT USE THE COMPETITIVE SEALED PROPOSAL PROCESS TO THE FULLEST EXTENT. THERE'S CLEARLY CONFLICTING AND CONTRADICTIONARY LANGUAGE IN THE PROPOSAL DOCUMENTS CAUSING CONFUSE AND THIS LED TO A DIFFERENCE OF INTERPRETATION AS TO WHAT MAY OR MAY NOT BE INCLUDED OR EXCLUDED IN THE PROPOSAL BEFORE YOU TODAY. EXHIBIT A, WHICH IS SECTION 0040 TITLED CONTRACT FORMS AND CONDITIONS, PAGE ONE OF ONE, CLEARLY STATES THAT THIS IS A REQUEST FOR PROPOSAL. IT ALSO CLEARLY STATES PROPOSAL IN SEVERAL AREAS THROUGHOUT THE DOCUMENT. HOWEVER, IF YOU LOOK AT EXHIBIT B, ON THE CONTRACT FORMS AND CONDITIONS, SECTION 00300 L, THE PAGES WHICH REQUIRE THE PRICES TO BE PROVIDED, PAGES 1, 2 AND 3 CLEARLY STATE BIDDING REQUIREMENTS. AND USES A BID FORMAT, NOT THE A PROPOSAL FORMAT. THE DOCUMENTS ALSO INDICATE THE STATE BID AND BIDDER IN SEVERAL PLACES THROUGHOUT THIS SECTION. WHAT IS THIS. A PROPOSAL? OR A LOW HARD BID. I SUBMIT TO YOU THIS IS WHERE THE CONFUSION AND AMBIGUITIES BEGIN. IT IS CLEAR IT IS BEING TREATED AS A LOW BID, NOT A TRUE COMPETITIVE SEALED PROPOSAL. I'M SURE THE RESEARCH OF THE PAST PROPOSAL SUBMITTED TO THE CITY WILL SHOW THAT HISTORICALLY THE CITY HAS ENTERED INTO NUMEROUS NEGOTIATIONS, CLARIFICATIONS, AND INTERVIEWS ON PREVIOUS REQUESTS FOR PROPOSALS AS ALLOWED BY PROCUREMENT LAW. WHY IS THIS ONE BEING TREATED AS A LOW BID? IF IT IS INDEED TO BE A BEST VALUE PROPOSAL PROCESS. IT CANNOT BE BOTH. IT'S LIKE BEING PREGNANT. EITHER YOU ARE OR YOU ARE NOT. EITHER THIS IS A PROPOSAL OR IT IS NOT. THESE

DOCUMENTS ARE IN DIRECT CONFLICT WITH EACH OTHER. AT THE MANDATORY PREPROPOSE CONFERENCE, CITY STAFF STATED THAT THIS WAS A BEST VALUE PROPOSAL. IT WAS REASONABLY EXPECTED THAT THIS WOULD BE TREATED AS A PROPOSAL AND THAT THE CITY WOULD UTILIZE THE PROPOSAL PROCESS TO ITS FULLEST EXTENT. THIS WOULD HAVE ALSO GUARANTEED THE CITY RECEIVED AS STATED IN EXHIBIT C SECTION 00100 BEFORE YOU, ITEM 15, I QUOTE, TO ENSURE THE BEST POSSIBLE CONSIDERATION IS AFFORDED TO ALL CONCERNED. CLEARLY THIS DID NOT HAPPEN IN THIS CASE. THE CONSTRUCTORS TEAM KNEW AS OBVIOUSLY STAFF KNEW, THAT A CONTINGENCY IS NEEDED FOR THIS PROJECT. THIS IS EVIDENT IN THE THIRD PARAGRAPH OF AGENDA ITEM 3 R [INDISCERNIBLE] THAT YOU HAVE BEFORE YOU. THE CONSTRUCTORS TEAM WAS ALSO AWARE OF THE POTENTIAL FOR UNKNOWN SUBSURFACE CONDITIONS AND UTILITY CONFLICT INDICATED IN THE PLANS AND SPECIFICATIONS THAT WOULD NEED TO BE ADDRESSED, YET WERE UNQUANTIFIABLE. AS STAFF ALSO ACKNOWLEDGES AND STATES IN PARAGRAPH 32 RCA. THE CONSTRUCTORS TEAM IS WELL AWARE OF THE FLUCTUATIONS IN THE COST OF STEEL, COPPER, PVC, CONCRETE AND PETROLEUM BASED PRODUCTS IN THE PAST YEAR, IN EXHIBIT D THAT I PROVIDED SHOWS STEEL ALONE INCREASED IN PRICE OF AN EXCESS OF 13% ACCORDING TO ENGINEERING NEWS REPORT, ENR, A NATIONAL TRADE PUBLICATION THAT TRACKS CONSTRUCTION ECONOMICS. THE TEAM WAS ALSO COGNIZANT OF THE FACT THAT THIS IS ALSO A 365 DAY PROJECT AND THE IMPACT OF THE FLUCTUATING ECONOMY CAN HAVE ON THIS PROJECT. THE CONSTRUCTION TEAM IS ALSO VERY AWARE THAT THE CITY CONTRACTS DO NOT ALLOW FOR NOR HAVE ESCALATION CLAUSES IN THEIR CONTRACTS TO -- TO -- IN THEIR CONTRACT DOCUMENTS TO ADDRESS THESE TYPE OF IMPACTS TO THESE PROJECTS. IT'S EXTREMELY IMPORTANT TO REALIZE THE POTENTIAL FOR ESCALATION OF COSTS DURING THIS PROJECT IS A VERY REAL AND PRESENT CONCERN. HENCE THE TEAM HAD THE FORESIGHT TO INCLUDE A 7% CONTINGENCY IN THE CONSTRUCTORS PROPOSAL. 7% WAS SELECTED BECAUSE IT WAS THE AVERAGE INCREASE OF THE COST OF PRODUCTS OVER THE

PAST COUPLE OF YEARS. THERE REALLY ISN'T AN INDUSTRY STANDARD FOR CONTINGENCY AMOUNTS IN OR FOR PROPOSALS. THE PROBLEM WAS WHERE TO INCLUDE OR SHOW THE CONTINGENCY. PAGE 7 OF 9, SECTION 00100 TITLED REJECTION OF BID, PARAGRAPH B, CLEARLY STATES, I QUOTE, PROPOSALS CONTAINING OMISSIONS, ALTERATION, QUALIFICATIONS NOT CALLED FOR BY THE OWNER WILL BE CONSIDER UNDERSTAND NON-COMPLIANCE. PROPOSAL CUSTOMARILY ALLOW FOR QUALIFICATIONS AND CONTINGENCIES BUT BIDS AND THE BID REQUIREMENT AND THE BID FORMS IN EXHIBIT B DID NOT. THE CONSTRUCTORS TEAM WAS RESTRICTED AND COULD NOT ALTER THE PROPOSAL OR THE BID DOCUMENT. CONSTRUCTORS DID NOT ATTACH A NOTE AS IT COULD ALSO BE ARGUED THAT IT WAS ALSO A QUALIFICATION OR CONDITION AND WHICH IS STATED IN SECTION 0100, WOULD HAVE DEEMED US NON-COMPLIANT. WE ALSO KNEW BASED ON EXTENSIVE PREVIOUS EXPERIENCE ACROSS THE COUNTRY THAT CLIENTS THAT ASK FOR PROPOSAL HISTORICALLY AND TYPICALLY CONDUCT INTERVIEWS OF THE FINAL PROPOSERS TO ENSURE A CLEAR UNDERSTANDING OF WHAT IS IN AND WHAT IS NOT INCLUDED IN THE PROPOSALS TO DETERMINE THE BEST VALUE. THERE BEING ONLY THREE PROPOSALS SUBMITTED OF WHICH ONLY TWO WERE RESPONSIVE, THE TEAM WAS CONFIDENT THAT THE CITY WOULD GO THROUGH THE INTERVIEW PROCESS OR AT MINIMUM REQUEST A CLARIFICATION. AGAIN THIS IS WHERE WE GET INTO AMBIGUITY. IN THE CONSTRUCTION INDUSTRY, EVEN CONTRACTORS THEMSELVES WHEN PRESENTED WITH PRICES FOR IDENTICAL PRODUCTS OR SERVICES WITH PRICES WIDELY DIFFER, WILL ASK FOR A CLARIFICATION FROM THE PROPOSERS TO ENSURE THAT THE LOW PRICE PROPOSAL DID NOT MISS OR DELETE AN ITEM IN THE PRICE OR IF THE HIGHER PRICE POEM IS INCLUDING SOMETHING THE OTHERS DID NOT. IT IS A WAY TO TRULY COMPARE APPLES TO APPLES AND THE REAL VALUE OF BOTH PROPOSALS FAIRLY AND EQUITABLY. THIS IS WHAT THE INTERVIEW PROCESS IS FOR. WITH THE INTERVIEW PROCESS, PERSONAL ASSUMPTIONS AND SUBJECTIVITY IS REMOVED AND PROPOSAL EVALUATIONS ARE SCORED ON TRUE MERITS AND VALUE. THE INTERVIEWS WERE A 25 POINT MAXIMUM SCORE AND HAD THE CITY USED THE

PROPOSAL PROCESS TO ITS FULLEST POTENTIAL, IT WOULD FIND THE CONSTRUCTORS WAS TRULY THE BEST VALUE TO THE CITY WITH THE PRICE OF 6.129 MILLION WITH A 525,000 CONTINGENCY. THIS INFORMATION WOULD HAVE CLOSED THE 16 POINT GAP AS IT WOULD HAVE CHANGED THE OUTCOME OF THE POINTS GIVEN FOR THE PROPOSED COSTS. THE CITY WOULD HAVE LEARNED THAT THE PROPOSAL CAME WITH A COMMITMENT OF NO LESS THAN 41.72% AND AS HIGH AS 47% M.B.E. W.B.E. PARTICIPATION ON THE PROJECT NAMED AFTER THE MAN THAT CHAMPIONED THE M.B.E. PROGRAM SINCE ITS INCEPTION. LET ME CLOSE WITH THIS: A CONTINGENCY WAS EVIDENTLY NEEDED ON THIS PROJECT AS STAFF CLEARLY ACKNOWLEDGES IN RCA ITEMS 32 AND 24. THE PROPOSAL DOCUMENTS DID NOT ALLOW FOR A CONTINGENCY BECAUSE THEY WERE BID DOCUMENTS. CONSTRUCTORS UNDERSTOOD AND ANTICIPATED THE NEED FOR A CONTINGENCY AND INCLUDED ONE. I MYSELF AM VERY FAMILIAR WITH PROCUREMENT LAW. I HAVE BEEN BEFORE THE COUNCIL IN THE PAST. I HAVE WITNESSED THE COUNCIL AWARD CONTRACTS THEY BELIEVED WOULD BE IN THE MOST ADVANTAGEOUS AND IN THE BEST INTEREST OF THE CITY AND TAXPAYERS. GRANTED I HAVE ALSO WITNESSED COUNCIL THROW OUT AND REBID PROJECTS WITH LESS CLARITY AND AM BUDGET DO YOU AND CONFLICTING CONTRADICTORY DOCUMENTS AS WELL. AMBIGUITY. THE CITY OF AUSTIN, HAS THE RIGHT TO AS PAGE 2 OF 2, SECTION 0040 STATES, RESERVE THE RIGHT TO REJECT ANY AND ALL PROPOSALS, ANY MINOR INFORMALITY IN ANY PROPOSAL OR SOLICITATION PROCEDURE. PAGE 7 OF 9, STATES OWNER RESERVES THE RIGHT TO NEGOTIATE ALL ELEMENTS WHICH COMPRISE THE PROPOSAL TO ENSURE THE BEST POSSIBLE CONSIDERATION IS AFFORD TO ALL CONCERNED. MOST IMPORTANTLY, PAGE 4 OF 9 SECTION 00100 ITEM 3.8 STATES, I QUOTE, OWNER WILL SELECT A SUCCESSFUL PROPOSER WHICH OFFERED THE BEST VALUE TO THE OWNER. IT'S EASY TO SEE THE BEST VALUE POSSIBLE CONSIDERATION WERE NOT FULLY REALIZED IN THESE PROPOSALS. BUT THEY WOULD HAVE BEEN HAD THE PROPOSAL PROCESS BEEN FREE OF CONTRADICTORY, RESTRICTIVE OR PERSONAL SUBJECTIVE CRITERIA AND WOULD HAVE BEEN CLARIFIED AND CLEARED THAT A

CONTINGENCY WAS INCLUDED AND THE REASONS FOR IT. IT WOULD HAVE DEMONSTRATED THAT THE MAJORITY OF AUSTIN'S TAX DOLLARS WERE GOING TO STAY IN THE AUSTIN ECONOMY. 20 OF THE 36 SUBCONTRACTORS ON THE OTHER PROPOSAL YOU HAVE BEFORE YOU ARE FROM OUT OF AUSTIN. I BELIEVE IN STIMULATING OUR LOCAL TAX BASE AND OUR LOCAL ECONOMY EVEN THOUGH THERE IS NO LOCAL PREFERENCE, WHICH I AM AWARE OF. IF THE DOCUMENTS WERE CONSISTENT AND INTERVIEWS WERE CONSTRUCTED, THE PRICE WOULD SHOW TO BE 6.129 MILLION, COMPARED TO A 6.25 MILLION WITHOUT A CONTINGENCY. THE CONTINGENCY THAT YOU HAVE THERE IS WHAT STAFF PUT IN THERE, IT WOULDN'T HAVE BEEN NECESSARY WE WOULD HAVE HAD IT IN OUR PRICE. IT'S ALSO IMPORTANT THAT THE CITY COUNCIL UNDERSTANDS THAT WHATEVER AMOUNT OF THE CONTINGENCY THAT IS NOT UTILIZED ON THIS PROJECT, GOES BACK TO THE CITY. I'M SURE WE CAN ALL AGREE THAT THE CITY COUNCIL HAS THE TAX DOLLARS EXPENDED IN THE MOST EFFICIENT MANNER PROCESS. ENSURE THAT IT IS CLEAN, CLEAR, ABSENT OF ANY SUBJECTIVE, RESTRICTIVE, CONFLICTING, CONTRADICTORY OR AMBIGUOUS LANGUAGE OR ACTIONS. BY AWARDED TO CONSTRUCTORS, THE COUNCIL WILL BE WITHIN THEIR LEGAL RIGHTS BY PROCUREMENT LAW AND AS ON PAGE 4 OF 9, SECTION 00100 ITEM 3 A, AGAIN I QUOTE, THE OWNER WILL SELECT A SUCCESSFUL PROPOSAL WHICH OFFERS, I EMPHASIZE, THE BEST VALUE TO THE OWNER. I SUBMIT THIS AWARD SHOULD BE TO THE CONSTRUCTORS TEAM OR THROWN OUT AND EITHER REBID AGAIN OR -- OR ALLOW A TRUE PROPOSAL PROCESS TO BE UTILIZED. ONE WHICH WOULD BE THE USING THE CITY'S WRITTEN STATEMENT IN SECTION 00100 TO ENSURE THE BEST POSSIBLE CONSIDERATION IS AFFORDED TO ALL CONCERNED. AND REMOVE THE QUESTIONABLE SUBJECTIVE OR OPTIONAL CRITERIA TO CREATE EQUITY AND PARITY IN THE PROCESS. THANK YOU, IF YOU HAVE ANY QUESTIONS I WILL BE MORE THAN HAPPY TO ADDRESS THEM.

MAYOR WYNN: THANK YOU MR. VON OHLEN, QUESTIONS OF MICHAEL, COUNCIL?

I KNOW THAT WAS LONG. BUT I TRIED TO CUT IT DOWN.

MAYOR WYNN: THANK YOU. LET ME PULL UP MY SPEAKER LIST. WE HAVE -- BOBBY HERNANDEZ. WELCOME, BOBBY. THREE MINUTES.

MAYOR, COUNCILMEMBERS, CITY MANAGER, MY NAME IS BOBBI GARZA HERNANDEZ, I AM THE FIRM THAT HANDLED THE M.B.E. OUTREACH FOR CONSTRUCTORS. THIS WAS MUCH MORE THAN A GOOD FAITH EFFORT. IT WAS AN EFFORT TO MAXIMIZE MINORITY PARTICIPATION. CONSTRUCTORS' GOAL WAS TO EXCEED THE CITY OF AUSTIN GOAL, IN TRIBUTE TO THE MAN WHO LED THE CHARGE FOR M.B.E.'S IN THE CITY. I DON'T HAVE TO EXPLAIN MY PERSONAL INTEREST IN PARTICIPATING ON THIS PROJECT, WHICH BEARS MY FORMER BOSS' NAME. MOST OF OUR TEAM SHARES THAT PERSONAL CONNECTION WITH THIS PROCESS. AND THIS PROJECT I MEAN. I ASK YOU TO CONSIDER THE INCONSISTENCIES THAT OCCURRED IN THIS SELECTION PROCESS. ALL OF THE BIDS WERE OVERBUDGET BY 3 MILLION. WHY WERE THE FULL 50 POINTS GIVEN TO THE SELECTED FIRM? AND TO ENSURE THAT THERE'S FREE -- I AM ASKING THE COUNCIL TO PLEASE ENSURE THAT THERE IS FREQUENT ROTATION OF MEMBERS ON FUTURE SELECTION COMMITTEES THAT REVIEW PROPOSALS TO ENSURE THAT ANYONE PROPOSING ON THE CITY CONTRACT IS GUARANTEED A FAIR AND EQUITABLE PROCESS. I HAVE COME TO KNOW, HAVING BEEN A PARTICIPANT ON MANY TEAMS FOR CONTRACTS TO THE CITY, THAT FOR SOME TIME NOW THERE HAS BEEN THE ISSUE OF FAIR AND EQUITABLE PROCESS. I KNOW AS WELL AS ANY OTHERS WHO PARTICIPATED IN THE BIDDING PROCESS THAT YOU WIN SOME AND YOU LOSE SOME. AND -- AND YOU CAN USUALLY, IF YOU LOOK HARD ENOUGH, FIND SOMEPLACE IN THE PROCUREMENT PROCESS THAT COULD BE QUESTIONED. IN THIS CASE IT'S BLATANT. IT'S EXTREMELY BLATANT. I SPENT FIVE YEARS WORKING IN THE COUNCILMEMBER'S OFFICE EVALUATING AND TEARING APART THOSE EVALUATION MATRICES AND WHAT I FOUND IN THE REVIEW OF THESE MADE TRICKS REALLY BLEW -- MATRICES REALLY BLEW MY MIND. I ASK YOU TO CONSIDER THOSE ISSUES SERIOUSLY, TO PLEASE DO WHAT IS IN THE BEST INTERESTS OF THIS COMMUNITY. THANK YOU.

MAYOR WYNN: THANK YOU, MS. HERNANDEZ. COUNCIL,

THAT'S ALL OF OUR SPEAKERS ON THIS COMBINED ITEM
2432. QUESTIONS OF -- COMMENTS?

FUTRELL: I HAVE SORT OF MADE A LIST OF SOME OF THE ISSUES, WE HAVE A GROUP OF FOLKS HERE WHO CAN SPEAK TO THE PURCHASING. HERE ARE THE ONES THAT I HAVE HEARD, LET'S SEE IF THESE GETS TO SOME OF THE QUESTIONS THAT YOU ARE ASKING. TO DESCRIBE THE DIFFERENCE BETWEEN AN INFORMATION FOR BID AND A LOW BID, HOW THIS WAS HANDLED AND HOW IT MATCHED THAT APPROPRIATE CATEGORY. WHY INTERVIEWS WEREN'T DONE, THE CONTINGENCY ISSUE. A DISCUSSION OF THE CRITERIA THAT WAS USED. THE -- THE ISSUE OF WEATHER LOCAL OR LOCAL -- WHETHER LOCAL OR LOCAL PREFERENCE, IF YOU ARE ABLE TO USE THAT IN THE SELECTION PROCESS. TO DISCUSS SOME OF THE OTHER PROCESS POINTS LIKE WHETHER THERE WAS A PREBID TO EXPLAIN ALL OF THE COMPONENTS OF THIS. AND ONE THAT JUST GOT ADDED WHICH IS THE SELECTION OF MEMBERS OF THE PANEL. I THINK THAT MIGHT BE IMPORTANT TO EXPLAIN TO PEOPLE HOW WE DO THAT AND HOW THOSE PANELS TURN OVER. RUDY, DO YOU WANT TO TAKE A STAB AT STARTING?

GOOD MORNING, MAYBE, COUNCIL, RUDY GARZA ASSISTANT CITY MANAGER. SONDRAS IS ACTUALLY GOING TO HAVE SOME OF THE DETAILS REGARDING THIS. I WOULD LIKE TO CLARIFY A COUPLE OF THINGS, AGAIN TURN IT OVER TO SONDRAS. ONE, THE CITY MANAGER DID NOTE THERE WAS A PREBID OPPORTUNITY FOR ANY -- FOR ANY CONFUSION THAT MAY HAVE EXISTED OR ANY QUESTIONS THAT WERE -- THAT WERE HELD THAT COULD HAVE BEEN CLEARED UP DURING THE PREBID CONFERENCE. THAT WOULD HAVE BEEN THE PERFECT OPPORTUNITY FOR THAT TO COME UP. BUT I THINK THAT IT'S ALSO IMPORTANT TO NOTE THAT THIS WAS THE EXACT SAME PROCESS WE USED FOR THE AWARD OF THE MAC. FORTUNATELY, WE ARE IN CONSTRUCTION WITH THE MAC. SOME OF THE SAME CONTRACTORS THAT -- THAT HAVE BID ON GUS GARCIA REC CENTER OH, THE MAC, ACTUALLY WORKING ON THE MAC, PARTICIPATE UNDERSTAND THAT PROCESS AND THESE -- PARTICIPATE UNDERSTAND THAT PROCESS AND THESE WERE NOT RAISED. SONDRAS AGAIN WILL SPEAK SPECIFICALLY ABOUT

THE ISSUE ON CONTINGENCY. IT WAS NOT SOMETHING CALLED FOR. NOT SOMETHING THAT WE ASKED THE SUBMITTERS OR PROPOSERS TO SUBMIT. BECAUSE IT WAS NOT, WE DO NOT KNOW IF IN FACT [INDISCERNIBLE] HAS A CONTINGENCY, THERE'S BEEN SOME TALK ABOUT ONE CONTRACTOR SUBMITTED A CONTINGENCY. WE DON'T KNOW IF IN FACT THEY HAVE SOMETHING BUILT IN. THAT WAS NOT SOMETHING CALLED FOR. AGAIN I'M GOING TO TURN IT OVER TO SONDRA.

I WOULD LIKE YOU TO CLARIFY. I KNOW YOU WENT IN AND PERSONALLY TOOK A LOOK AT THIS PIECE BY PIECE. THE CONTINGENCY IS NOT SOMETHING ASKED FOR, NOT OUR PRACTICE. WE ADD A PROJECT CONTINGENCY ON TOP OF THE DOLLARS AMOUNTS THAT COME IN. WHEN YOU LOOKED YOU COULD NOT FIND ONE IDENTIFIED IN THE SUBMITTALS.

CORRECT. THESE ISSUES WERE RAISED SEVERAL WEEKS AGO. I PULLED BOTH, THERE'S NO INDICATION THAT -- WE WERE NO LOOKING FOR ONE, ONE WAS NOT CALLED FOR.

WHAT WOULD BE IMPORTANT TO LOOK AT HERE, IF A PROPOSAL PUT A CONTINGENCY IN, THEY DID IT AN INTERNAL HEDGE, THAT IS OBVIOUSLY PART OF THE PRICE THEY PUT IN FRONT OF US. WHICH MAKES IT DIFFICULT, TO CHANGE THE DOLLAR AMOUNT THAT WAS PROPOSED.

IT -- IN SPITE OF WHATEVER BID AMOUNT, WOULD HAVE BEEN SELECTED, STAFF WOULD STILL HAVE THE OBLIGATION TO PUT A 5% CONTINGENCY, THAT WOULD NOT HAVE MITIGATED OUR REQUIREMENT FOR OUR OPPOSITION. SINCE WE ARE TALKING ABOUT THE CONTINGENCY, I WANT TO KNOW MORE ABOUT HOW THIS IS DONE. DO WE EVER ASK THE BIDDERS TO PUT IN THE CONTINGENCY AND TO LABEL IT AS SUCH. THAT'S MY FIRST QUESTION. SECOND OF ALL, IF -- LET'S SAY THERE'S A COMPANY THAT DOES PUT IT IN. DOESN'T LABEL IT. IS THERE THEN AN OPPORTUNITY FOR THE CITY TO SAY BECAUSE OF THE CONTINGENCY WASN'T USED BECAUSE OF THE COST OF STEEL OR LABOR DIDN'T GO UP, THAT WE WANTED BACK? IF IT HADN'T BEEN LABELED.

A COUPLE OF THINGS. AGAIN, SONDRA WILL BE THE EXPERT

THERE. WE DID NOT ASK FOR A CONTINGENCY. I LOST MY TRAIN OF THOUGHT.

KIM: DO WE EVER ASK FOR IT?

EVER?

KIM: YES. AT THE -- THAT THE BIDDERS INCLUDE THAT.

WE DON'T ASK TWO THAT ON A COMPETITIVE BID PROCESS OR ON A COMPETITIVE SEALED PROPOSAL PROCESS. BUT ON THE CEMENT RISK WE HAVE ASKED FOR CONTINGENCY, CALLED OUT AS A LINE ITEM.

KIM: WHICH IS A DIFFERENT PROCESS?

ANOTHER ALTERNATIVE PROCUREMENT METHODOLOGY. BUT IT IS SPECIFICALLY REQUESTED IN THE CONTRACT DOCUMENTS, IN THE BID DOCUMENTS [MULTIPLE VOICES] ITEMIZED AT SUCH. EVERYBODY KNOWS THAT WE ARE REQUESTING THAT CONTINGENCY, THERE'S AN ITEMIZATION OF IT.

DO WE EVER -- IF WE CHOOSE A COMPANY THAT HAS THE CONTINGENCY BUILT IN WITHOUT IDENTIFICATION AS SUCH, DOES THE CITY THEN HAVE AN OPPORTUNITY TO SAY WE WANT THAT BACK BECAUSE YOU DIDN'T EXERCISE THAT CLAUSE.

CORRECT.

I'M NOT -- I'M SAYING IN THIS ROSE.

RIGHT, UNDER THE -- UNDER THIS PROCESS.

RIGHT, IF WE WERE TO CALL THAT OUT, WE WOULD --
[MULTIPLE VOICES]

FUTRELL: I THINK UNDER THAT PROCESS. CURRENT --
[MULTIPLE VOICES]

UNDER THIS ONE, THERE'S NO [MULTIPLE VOICES] GET THAT MONEY BACK IF THEY DIDN'T EXERCISE IT. IF THEY DIDN'T

NEED THAT MONEY BUILT?

THAT'S RIGHT.

IN FACT, COUNCILMEMBER, MR. VON OHLEN POINTED OUT CORRECTLY THAT HAD IN FACT THEY POINTED THAT OUT, AS PART OF THE REQUIREMENT, THAT WOULD BE SOMETHING THAT WOULD EXCLUDE THEM FROM THE PROCESS BECAUSE THEY WOULD BE ADDING SOMETHING THAT WE DID NOT ASK FOR.

FUTRELL: SONDRAL, YOU ARE GOING TO RUN THROUGH TRYING TO FINISH OUT SOME OF THE OTHER QUESTIONS HERE. MAYBE JUST DESCRIBE THE DIFFERENCE BETWEEN THE TWO PROCESSES BECAUSE THAT WAS QUESTIONED EXTENSIVELY BETWEEN -- AN INFORMATION FOR BID.

THE SENATE BILL 510 ALLOWED THE CITY IN -- IN MUNICIPALITIES IN SEPTEMBER OF 2001 TO USE ALTERNATIVE METHODOLOGIES FOR -- FOR PROCUREMENT AND THAT IS ON BUILDING PROJECTS ONLY. SO THEN WE HAVE USED SOME OF THOSE, SUCH AS DESIGN BUILD, CEMENT RISK THAT SORT OF A THING. WE WORKED WITH THE M AND W.B.E. ADVISORY COMMITTEE AND THE COUNCIL SUBCOMMITTEE DURING LATE 2003 AND 2004 TO COME UP WITH CRITERIA THAT WE WOULD USE TO ACTUALLY RANK THE CONTRACTORS IN THE COMPETITIVE SEALED PROPOSALS PROCESS. AND SO -- SO THEN IN -- IN AUGUST 2004 THE CITY COUNCIL APPROVED USING THE COMPETITIVE SEALED PROPOSAL PROCESS FOR FIVE BUILDING PROJECTS. AND AT THAT TIME THEY ALSO APPROVED THE CRITERIA AND THE MATRIX AND THE WEIGHTING OF THE CRITERIA. SO THE WAY THE PROCESS WORKS IS SIMILAR TO -- SIMILAR TO [INDISCERNIBLE] IN SOME WAYS, BUT STILL FALLS UNDER THE PURCHASING LAW FOR CONSTRUCTION BIDDING, BUT YOU DO ACTUALLY ALLOCATE POINTS FOR CERTAIN CRITERIA. AND THAT CRITERIA IS INCLUDED IN YOUR BACKUP. BUT IT INCLUDES THE COST, THE TEAM'S COMPARABLE PROJECT EXPERIENCE, VENDOR'S PAST RELATIONSHIP WITH THE CITY, FINANCIAL VIABILITY AND STABILITY, TEAM STRUCTURE, WORK APPROACH AND DELIVERY SCHEDULE, VENDOR EXPERIENCE WITH AUSTIN ISSUES, PREVIOUS CITY OF AUSTIN WORK. THEN ALSO

INCLUDED IN -- IN THE CRITERIA IS A SCALE THAT WEIGHTS THE COST PROPOSALS. AND SO 50 POINTS WOULD GO TO THE ONE WITH THE LOWEST COST PROPOSAL. AFTER THAT THERE'S A SCALE THAT RAMPS UP AND IN THIS CASE IF THE COST PROPOSAL IS BETWEEN SIX AND EIGHT PERCENT HIGHER THAN THE LOWEST COST PROPOSAL, THE RESPONDENT ONLY WOULD GET 34 POINTS. AND THE REASON THAT'S IN THERE, OF COURSE, IS BECAUSE, YOU KNOW, IF YOU END UP WITH ALL OF YOUR C.I.P. BUILDING PROJECTS, 7% OVER, THE LOW COST PROPOSAL, THAT'S GOING TO BE QUITE A BIG HIT TO THE CITY. SO WE STILL WANTED TO MAKE SURE THAT THIS IS A COST COMPETITIVE PROCESS. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Typically we will not do interviews if there was a differential in this case if there were 16 points, so there's no way in the interview process that additional questions could be added to tip the respondent.

We noted that in the preresponse meeting so we decided if our interviews are beneficial in this case.

Councilmember Kim.

Kim: On the use of interviews, so it's staff's decision to use interviews, but what if the respondents do want to interview them? What is the process to request an interview? And I agree that interviews can be very useful in clarifying things that there may have been misunderstandings or provide more information that wasn't reflected in the paperwork that was submitted.

It is a staff decision. Of course, anybody that would call us we would listen to what their remarks were and we would discuss that and decide if there's a different way that we should handle it.

But I think your answer in general was when you get to the point to make the decision on the interview, if the point differential, if the spread on the score is so large, is so significant at that point, that's a very large factor in making the decision on taking the time and money to bring folks in for interviews. I think there was a 16 point spread.

17.

About a 17 point spread. There's virtually no way an interview process is going to make up that difference in the spread.

Typically what we would be looking at is when we do interviews there's usually a rather tight spread of maybe a couple of points. And then we're really trying to see what is the big difference between the two respondents. So it's really to try to find out what the differences are, if you have two respondents who are very close together.

I want to look at this as a subcommittee on that, WBE, MBE, this has come up time and time again, people wanting interviews -- not in this case, I'm talking about other cases where a company who is responding doesn't have as much experience in working with the city in understanding what is asked for and how the staff wants to see it. And I think sometimes interviews can clear that up. And I understand that if that happens that someone requests an interview, but you have to interview everybody to make it fair. Also I think that interviews are a way to get information out to everybody. If you answer someone's question, it needs to be shared with everyone to make it fair. I'm just looking for fairness in the process, when it comes to small businesses. So I think we're going to take this up in the subcommittee.

Okay. We'll go ahead and do some analysis and bring some information for it or get ready for that.

We'll tell you things about how often we don't interview as opposed to how often we do and how that plays out in the process as you look at change. Sondra, because there was a fairly strong allegation that there's something unfair in the selection of the folks who serve on panels, can you speak to that just briefly? I think people think sometimes that only the client department is in the room, that they don't understand that we spread this out?

Panel selection is actually a point of pride for me and my department. A long time ago there definitely were allegations that we didn't have diverse panels and that we were -- we had some kind of secretive process or something. And so I take a lot of pride in the way that we form our panels. We're very careful and we want to make sure that it's not just the department who is the owner who is doing the selection so is there's not some kind of bias that may play

out in the selection process. We want to make sure that all the panels are diverse. Again, we're not want -- we're wanting to make sure there's not any kind of bias to come out in the process. And that there's no chain of supervision in the channel typically. We don't want a manager who has a preference exerting that preference on the other panel members. So we're really careful about how we select those panels. And in fact, I actually approve each and every one of them, so I feel very comfortable about our panel selection process.

And in addition to that, we bring other expertise into the room, maybe the law department. We had our integrity officer in the room, purchasing in the room.

We had a member of DSMBR there and every single panel member is required to attend a four hour training class on ethics and how that relates to selection. I think we have a very sound panel selection process.

Thanks.

And on the contingency is there any other information you need on that?

Mayor Wynn: Questions of staff, council? Comments? I think not. Thank you, Mrs. Creighton. So council, further comments or questions? It's combined item 24 and 32. If not, I'll entertain a motion. Mayor pro tem.

Dunkerley: I would move approval on items 24 and 32.

Mayor Wynn: Motion by mayor pro tem, seconded by Councilmember McCracken on items 24 and 32. Further comments?

Dunkerley: I would like to say really one thing, and I'm sorry there was any controversy over this one because it's such an important project. It's been delayed a long time. The costs have escalated a lot, but the purpose here really is to honor someone that's been a pillar in this community in many, many ways. And I don't want us to lose sight of this. And so Gus, I hope we get this built before too long. Thank you.

Mayor Wynn: Thank you, mayor pro tem. Further comments? I just

agree with the mayor pro tem's comments first and foremost that it is unfortunate that there's some heart burn over perhaps the process, and I know constructors and associates well from my previous life and think very highly of the firm and appreciate the effort you all put forward on this project. Further comments on the motion? Hearing none, all those in favor please say aye.

Aye.

Mayor Wynn: Opposed? Motion passes on a vote of seven to zero. Thank you all very much. Council, I think we could take up item number 62 before our citizen communication. Item number 62 is the posted second reading of an ordinance regarding the franchise agreement with Texas gas service and perhaps an update from the staff.

I'm Glen Webb with Webb and Webb and we've been working on finalizing these negotiations. We took our guidance from the discussion that we had at the first reading, and we are asking for guidance this time on some remaining policy issues. I will say that we have come very close. We have met with the resource management commission. There has been some interaction with members of the public and I'll go forward and outline the outstanding policy decisions we're asking to you make and our recommendation. Last time we talk about -- last time we talked about selection of public works permits and street cut fees and there was a concern that adding this on top of extending the franchise for the use of the public right-of-way was not a good idea for a couple of reasons. One, because we were charging five percent, which is not a legally mandated limit, but we thought it wasn't a good idea, so we are recommending at this time after reviewing the fiscal impact and looking at what to expect that we eliminate the collection of fees for public works permits and street cuts. There was also an issue -- there was quite a bit of discussion on timing of the city purchase of the Austin distribution system. We looked at that. Again, what we're trying to do is provide a reasonable opportunity for TGS to invest in Austin and we thought that with the term of the franchise being a 10-year term with an option for a 10-year renewal we would leave the -- we would allow the first 10 years to pass -- the first term to pass without the city purchasing and then the city would have the opportunity as it stated in the charter to purchase the utility from year 16 through the end of the franchise. A major issue was the collection of franchise fees on the value of transported gas. I think you've all

received the information on the kind of research that we've done. This I would say is the general rule in Texas and it is that way because of the unbundling of utility versus transportation services which occurred in the mid 1980's, so the later adopted franchises are adopting what I'll just call the transport fee. In order to provide some kind of phase in, because the collection of this fee would be a significant policy change, we recommend that we phase it in, that we begin with 2.5%, which is half, as of January 1, 2008, and we go to the full five% January 1, 2010. This allows for people to mitigate the budget impact at the present time. Secondly we provided for -- we are recommending that there be exemptions for public entities for franchise fees on the value of transported gas, and public entities, we heard some concerns about University of Texas. We tried to fashion a definition that would address University of Texas, Austin independent school district, Seton, Brackenridge and Children's Hospital, and any federal, state or county government or agency or office. So we thought that that was a fair thing. The provision of exemptions would not be unique. They are offered in some cases. They are a financial incentive in the same manner that other financial incentives are offered by the city. That was our recommendation on that. The natural gas conservation program, there was a lot of discussion on that and I just wanted to make it clear that the franchise agreement ordinance does not fail to address the conservation program. And we're saying let's have it addressed, but let's leave specific program administration and budget issues for later council action. And just for your information, here is the provision that speaks to the natural gas conservation program and that's the first part of it requiring the company to actively support conservation and it states that the conservation program will be determined by later ordinances. That's part one. Part two, and we added a significant part after speaking with the resource management commission and hearing their recommendations and came to an agreement that in working with the city the company shall attend meetings of the resource management commission at least one every calendar quarter for consideration of the natural gas conservation program. Finally, we are asking you to pass this on second reading today, and when I say we I mean all parties involved, the company as well as city staff with final passage on October 5th, 2006, pursuant to any direction you're going to give us on those items that we've asked for policy direction on. Thank you. And any questions?

Mayor Wynn: Ms. Webb, remind me, so the plan would be to come back for third reading next week, October 5th. Is there -- what kind of buffer is there on the calendar? That is, when does the current franchise expire? When do we really have to have final approval?

Well, there is a minor gap even under the current schedule between the expiration of the franchise and the consideration of the new franchise because once it's adopted there is a 60 day period following that before it becomes effective. I think the existing franchise is over November 18th and then this would not be effective until December fifth. So what we are -- we are addressing that in the current drafts and making it effective as of the date of the expiration of the last franchise.

Mayor Wynn: Great. Thank you. Questions of Ms. Webb or staff, council? Councilmember Cole.

Cole: Thank you, Ms. Webb, for all your work. You had a slide earlier that talked about the phrase-in provisions and I was unclear about how that would work for new companies signing up for transportation and would there be any grandfather provisions of the existing companies? Can you explain that?

Grandfathering of existing companies was something that we had looked at as maybe a way of phrasing that in. It isn't something that we recommend in part because as you know there are some legal things that we have to act under. We can't have unreasonable discrimination under customer classes and it may be -- it may be that there is no real reasonable or legitimate distinction between a company that has the same profile as a transport customer, of other transport customers just because they came to Austin on day one versus day 10,000 and whatever. So the timing did not seem to us to be something that we would recommend that the city use as something to distinguish among members of the class.

Let me follow up on that because --

Cole: Let me follow up on that because the reasoning there -- I'm trying to understand more if you can give us some insight on how we can distinguish between governmental users and hospital users versus transporters that don't fit into that -- when you made that statement about discrimination between certain types of users, are

we -- tell us a little bit about our legal footing there.

okay. I would like to -- okay. I would like to discuss the legal footing because as a contract negotiated at arm's length between the city and Texas gas service and as a contract enacted by city ordinance, the terms and conditions of franchise agreements are entitled to great weight. There's a presumption that they're valid. There's a assumption that there is nothing unlawful, arbitrary about them. As a result of those twin and very substantial presumptions, there's not defining case law on the terms and conditions of franchise agreements. In our review of this what we were looking at is by analogy matters such as the rate cases. We were also looking at other financial incentives that were offered. And as you know, the city does have the opportunity to provide economic incentives to promote a vibrant economy or a diverse economy. So it seemed to us that promotion of the economy through -- promotion of the economy through by not charging our sister governments makes sense and since they are -- since those citizens who make use of those services are also taxpayers within Austin, it just seems like a good idea to us. And that was the basis of our recommendation that there was a legitimate government interest in promoting those types of enterprises and that was separate and apart from some other types of enterprises. We looked also at entities which enjoyed other types of exemptions, and that was where the public entities came in.

So that's what you most frequently see in franchise gas ordinances?

I won't say that is most frequent because I think that across the board no exemption is probably the general rule. The ones I've seen have been for -- I think all for government entities except for one project on Martin Marietta.

Cole: Thank you, mayor.

Mayor Wynn: Further questions, council? Councilmember Martinez.

Martinez: In the exemption, which hospitals are we -- which hospitals currently provide indigent and health care service to the agreements with the hospital district?

That would be Seton, Brackenridge and the Children's Hospitals.

Martinez: And in the conservation program, I had to step off the dais

for just a second, but I wanted to talk a little bit about what type of changes are being made to the conservation program if any. Well, at this time the conservation program has undergone a review and I think that that information, the recommendations have been forwarded to the company. They have made their response and the telecommunications and regulatory affairs is looking at that and they will be look at that quarterly and that is by agreement.

Those are all items that the council can address by ordinance if it so chooses. Is.

Martinez: Are you saying we can do that via ordinance after we've entered into this contract with Texas gas?

Yes.

Mayor Wynn: Further comments, questions? Councilmember Kim.

Kim: I want to thank the staff for negotiating this with Texas gas service and I want to thank Texas gas service in particular for your briefing me and having a conversation with me about what this means for your company as well as for the -- for your clients and as well as those that use transported gas. I'm glad that we're able to phase it in. I think it's only fair that people use transported gas through the Texas gas service line, pay their fair share. We still respond or require the response of fire, E.M.S. and police if something were to go wrong. Hopefully they won't, but there are times that we need the response we need for having gas lines underground that go by schools and residences and businesses. So I support the proposal that staff has negotiated. Thank you.

Mayor Wynn: Thank you, councilmember. Further comments, questions? Council, without objection, I see a couple of representatives from a couple of the -- what we call the transportation customers. And my preference would be to hear from a couple of those folks if they would like to come address us. I'll just say that many of us have been trying to find sort of a center of gravity on just the whole concept of both the public entities and these private transport customers. Councilmember Cole's questions earlier talking about the -- trying to figure out how not to be inequitable between the timing and the overall cost of doing business in the city. So we're trying to get as much feedback and input as we can prior to third reading. I see Mr. bridges from 3M. Any of the transport

customers, representatives who are here, are welcome to -- without objection, council -- come address us and give us some testimony. Welcome, Mr. bridges. You will have three minutes.

My name is Russell bridges with 3M company here in Austin. I appreciate you giving me a few minutes to speak on this issue. I understand it's sort of out of protocol for the council, but had we known about this on first reading, I can assure you that many of the transport customers would have been here to talk about this issue. I hope the fact that you've not seen 3 M before you as a body before will give you some idea of the gravity that this particular policy change has to my company. When we first learned from Texas gas service about this proposal, I quickly contacted some other companies that would be effective. Each organization involved were both surprised and confused by what we were hearing and so to enable us to better understand both the bigger picture and impact on our companies individually, I convened a meeting of my peers. I don't necessarily speak for them and most of them didn't have an opportunity to be here today, but I can say that we were generally opposed to the expansion of the franchise fees to transportation customers of Texas gas service. At a time when communities including our own are compete to go attract new major employees, it makes little sense to implement this new fee. Our 3M Austin employees work hard daily to make ournesses profitable and this fee works against their efforts. It sends the message that current employees can be tapped with new fee scheme that have no clear relevance to the cost of providing any new city services. This plan was significantly add to our already soaring energy cost. As written the plan would require us to disclose our privately negotiated rate to constituent or pay a fee based upon a very inflated Houston ship channel rate. This is a significant concern for us and for the other transportation users. 3M negotiate water and wastewater the third party vendor for the very best price. If nothing else, it would seem especially unwieldily for your city staff to try to police an implementation of this fee structure. To have to disclose the negotiated price, applying the Houston ship channel cost imposes a value of excess on what we actually pay. Our gas purchase takes place outside the jurisdiction of Texas gas service and the amount we pay is absolutely not a part of their gross revenues. What we do pay to Texas gas service to transport our gas is indeed a part of their gross revenue and we in no way contest to the City's current way of collectogthese amounts. You are left applying this fee to just a few

businesses. As I understand it, this leaves the positive fiscal impact to the city at a bit less than five hundred thousand dollars. 3 M would be responsible for more than 20% of that. I ask you is that fair? You're contemplating this fee for industries that help the economic health of the region. 3 M, the downtown Hilton, Austin Coca-Cola, A.M.D., others have helped to nurture the health of our economy for years. We're puzzled that you would extend this new fee even as you offer incentives to other employees to come to our city. We feel that 3 M is a.

contributory the local economy. We pay our fair share without complaint but this new fee proposal creates an unfriendly business climate. My company looks at recent actions by governments when we are looking at growth opportunities. This move to draw transportation customers into this fee structure can only be seen as a deliberate step in the wrong direction. I ask you to remove this fee from the Texas gas service franchise agreement renewal and I thank you for your time.

Mayor Wynn: Councilmember Leffingwell.

Leffingwell: You referred to the Houston ship channel price plus 10% as being an unduly onerous fee, but it's my understanding you don't have to pay that, you can simply report what you actually paid and pay the franchise fee on that. Am I misunderstanding that?

That would work out --

Leffingwell: The Houston ship channel price plus 10% would only be in play if you did not disclose the price that you pay.

The issue being that we -- Mr. Leffingwell that, we negotiate these agreements with our provider in confidence as so there's confidentiality that we would like. Our friends on this issue, we don't want them to know what we're paying for gas. 'the confidentiality is the issue.

Mayor Wynn: Councilmember Kim.

Kim: I just pulled your annual report, and I'm looking at your sales, which is in millions. So 3M had in \$200,521,000,000,000 in net sales. And so what kind of bill are we talking about here in terms of

you would have to pay?

I admit, Mrs. Kim, that this is insignificant in the overall scheme of our company, but the indication of what this -- the message that the council is sending to my company about the value of our presence here is a negative.

Kim: That's not the signal we're trying to send. What we're trying to send is everyone needs to pay their fair share for public safety and the -- public safety and the things we need for a safe community. And it's also sending a signal to our small businesses if we don't charge companies like yours that they should pay it and you shouldn't. So I think that this is a very -- a small cost that 3M can bear given that we are going to charge this for all your competitors that would that will be here in Austin and still have a strong climate here. We want 3M to be a long-standing partner in Austin. We do enjoy the relationship we have with 3M, but this is something that I think you should pay.

We'll have a philosophical disagreement as we already have on this. I'll just point out our sales taxes that we pay for the City of Austin, our property taxes that we pay for the City of Austin are miniscule when you look at those against \$23 billion. Each item that we pay is minuscule in the overall Zeke of things, but when you add them all up it becomes significant to us and others.

Mayor Wynn: Councilmember Cole and then mayor pro tem.

Cole: Mr. bridges, I need to go back and understand what you were saying, not anything confidential, but related to your relationship with the Houston ship channel and the franchise fees. That just escaped me and I thought it was a very important point for myself and the rest of the councilmembers.

3 M does not have a relationship with the Houston ship channel. That is what the city staff is recommending as a basis to determine the value of the gas should we not be willing to divulge what we're actually paying through our vendor. Does that answer your question?

Cole: It got lost in terms of whether it was a part of this discussion and negotiation or anything.

It is only because it is a part of the agreement as written by staff.

Cole: Okay.

Mayor Wynn: mayor pro tem.

Dunkerley: I wanted to comment. I do understand the effect of these changes on local budgets, which I think is what you're talking about right here. And that's one of the reasons that I'm interested in phasing this in over a longer term, and I see Mr. Stephens there. I think what we were going to do is not even start phasing it in, and until 2008, and then John, if you could clarify that when we do bring it in, it will not even be at the level -- what the last part of that phase? We tried to make it as painfullness as -- painless as possible?

Mayor pro tem, it will be initially phased in at half of what the normal franchise -- what normal Texas gas customers pay. So beginning in January of 2008 it would be phased in first at two and a half percent and then would not be taken up to the total franchise percentage of five percent until 2010. And let me just say also that one of the things that -- probably one of the issues that we still have yet to resolve with Texas gas services relates to the sale of the distribution system, and I think we are very close to finishing that issue. We'll certainly I think have it resolved by the time we bring this back for third reading. One of the things we did talk to Texas gas representatives about yesterday was the issue that's been brought up here about the Houston ship channel price plus 10 percent. And if we can reach agreement on other issues, we can bring forward for council's deliberation a change to make that the Houston ship channel price plus 10 cents 10 of 10 percent. That's something that tax gas representatives asked us to consider and we will consider that. We'd like to do it in will consideration of the other issues that we hope to wrap up by next week.

Dunkerley: Thank you.

Mayor Wynn: Mr. Stevens before you get away, did I hear Ms. Webb earlier mention something about her concern about the concept of phasing in and then I guess at least for some period of time having similar companies paying different rates?

No. I think, mayor, that issue related to the fact that you would grandfather -- for example, one of the things we wanted to look at for

council to be able to consider was that we would exempt all of the current transport customers and only apply it on new transport customers in order to stem the migration, the potential future migration of customers from Texas gas to transport gas.

Mayor Wynn: It seemed to me that it seems very understandable that a very large customer consumer like a 3 M or others have the ability to have these individual contracts and therefore become transport customers, but I guess we've also learned that there's a couple of individual apartment complexes in town that also are transport customers. So I guess an issue we have to deal with is not necessarily just a large customer who has the ability to become a transport customer and then not pay franchise fees. It could be just individual properties around town as well, correct?

That's correct, mayor.

Mayor Wynn: So there's not a threshold that one has to meet in order to then in theory have the ability to purchase their own natural gas?

That's correct, mayor. There's not a threshold that I'm aware of. And there are some certainly smaller users other than the ones that we had presented you information on which focused on the largest 20 transport customers.

Mayor Wynn: Thank you. Councilmember McCracken.

McCracken: Like all my colleagues, I definitely understand where the employers are coming from. What we're wrestling with is, for instance, hypothetically let's say that a future owner of Texas gas or WNEOK -- ONEOK made one the seller and one the distributor, we would lose a very significant portion of the contract and also we have the continued migration and we would lose a substantial return for the taxpayers in the contract. So what I would urge you to do, and everyone else, is if y'all can find an approach that's fair and legal over the coming weeks, I know we'd all be certainly open to considering it because we've got to protect the taxpayers and we have to protect that interest by establishing a policy. But there's way to do the policy that more aligns with interests you've identified today I think we would definitely be open to considering it.

I appreciate it Mr. McCracken. Certainly today's version is certainly

better than the first reading and I'm sure there's opportunities for improvement beyond that.

one of the advantages of the folks here who have national experience can bring to the table is be able to identify approaches other areas have taken. We've really in good faith taken the best crack at creating something that doesn't just blow apart the whole deal and the whole value for taxpayers. We're also trying to make sure that the certain folks don't get -- are treated differently than others. We're trying to create an equal playing field. Find out what's going on around the country and let us know and we'll consider it.

Thank you. I appreciate it.

Mayor Wynn: Councilmember Cole.

Cole: I would like to add to that, I thought Ms. Webb had stated that the staff and Texas gas were wanting us to consider this on second and third reading, and I wanted to be clear that we were still going to give additional time for some of the companies to negotiate, especially as this issue of the transport fee may relate and be a bargaining tool on the buyout provision as Mr. Stephens suggested in his comments. So I wanted to be clear on that.

We were only asking for second reading. We plan coming back on third reading, incorporating all the guidance we get today and whatever further negotiations culminate in.

Mr. bridges, I hope understanding all our concerns that you're able to work with staff and come up with something that's fair and equitable for all the parties on third reading.

You mentioned departments, mayor. I think as one of the members of the Austin apartment association is present as well.

There's another transportation customer, then they're welcome to come address us. Please identify yourself and you will have three minutes. Welcome.

Good morning, mayor, mayor pro tem, council. My name is Victoria, representing the multi-family industry. We feel that the fee really hasn't been justified and two, it will put an undue hardship not only on the industry, but the tenants as the costs are passed on to them.

We just want to put in our vote for an opposition to this fee. That's it. Thank you for your time.

Thank you.

Mayor Wynn: Quick question, though. My instinct is the vast, vast majority of apartment complexes and individual rental units in town in fact pay a franchise fee. They're not transportation customers. And so it just seems to me that even within your organization, either the Austin apartment association or another multi-family industry association there would want to be the desire to have sort of a level playing field between individual landlords around town.

I agree with that; however, it does affect several thousand units in Austin. I can think of a couple different companies that it will effect a thousand units with one company, can affect several thousand units with another company. It's an additional fee that we hadn't expected. We were -- the letter was thrown at us. We didn't even know about the first reading in time. I appreciate the fact that you will be phasing it in rather than throwing it at everybody, but I still don't think it's really been justified to what we need the fee for on top of everything else.

Mayor Wynn: Councilmember Kim.

Kim: I have a question for staff.

Mayor Wynn: We'll give Mr. Robbins a chance no a second. Are there other transportation customers who would like to address us? If not, how about a rebuttal from Mr. Paul robins? [LAUGHTER]

Thank you for the opportunity. First I want to make comments to the franchise that I hope will be constructive. You're talking about exemptions for public entities. I understand that's the way the majority of this council feels. My suggestion would be that word the franchise so it allows the exemptions to be at the council's discretion so you do not tie your successor's hands eight or 10 years from now. No one knows what will happen then and this will allow you to achieve your results and not tie the council's hands the future. Second, you might want to broadly word resource management commission. They are specifically referenced in the document and they may change their name. Now, to the issue of whether these large users should be exempted, this year there will be poor people

that will be cut off because they cannot afford fuel and to be reinstated they will have to pay a five percent franchise fee like all of us do. Why should the Moorest be -- why should the poorest be forced to pay this fee while the wealthiest corporations are exempted. If it were up to me I would not have a phase in. These people, through an accident of fate, have had 20 years of exemptions. And you would think they would take their winnings and go home and be happy, but no, they want more. Another thing in regard to the franchise itself, and I've said this before, but I think 16 year buyout is too long. I frankly don't think they've done that good a job. Continuing ought to be more like five or -- I think it ought to be five or 10 years. If they sell it to another party, does the city have first option to buy? In a 16-year period, this company was sold twice. If it happens again, we should have first dibs. Thank you.

Mayor Wynn: Councilmember Martinez.

Martinez: Mr. Robbins, I just wanted to tell you thank you for your comments, and that your comments did not fall on deaf ears. One of the things that I've asked city staff to look into through the conservation program is that if the fund is able to roll over and increase over time that we as administrative staff have the opportunity to have an impact on issues that you brought up, and that is if we have someone who is having a hard time and not able to afford their gas bill or have their service turned on that we might be able to use some of those funds in a discretionary manner to help folks like you just mentioned. So we have thought about that, we're working on it, and I appreciate all your feedback because I think some of the things that are in this agreement come directly from the work that you and the information you provide us. I just want to say thanks.

Mayor Wynn: Councilmember Leffingwell.

Leffingwell: Mr. Robbins keeps trying to get away, but I did want to also echo Councilmember Martinez' comments, thanks for your work on this. But you mentioned that you didn't want to tie council's hands in the feet to deal with public entities specifically. And you said that they ought to be able to revisit that issue after eight or 10 years. This contract as I understand it is for 10 years, and that issue could be addressed at that time. Is that correct from staff?

That's correct.

Leffingwell: So I'm just wondering if that addresses your concern?

I used eight or 10 years, I was using an example. It could be three years from now. I realize -- I listened to the last public hearing and I realize that the majority of this body wants to exempt public entities. And I'm suggesting that sometime in the future you may -- at a future council you may object it or you may not be, may decide it's time to bring those into the transport fee charge. And if you lock this in without having this be at the council's discretion, you will tie a future council's hands.

Leffingwell: I'm just suggesting that we're not locked into this for more than 10 years. At the end of 10 years it could be addressed. I just wanted to make that comment.

Okay.

Kim: I have some public safety questions. I don't know who the staff can answer questions on when we have gas leaks and what we do to respond to those? Councilmember Martinez can answer them.

We may have a fire rep right here on the dais. I know I've seen A.P.D. in the back, but I don't believe we have fire represented here, do we?

I think it's important for the public to know that we do have gas leaks and what we do to respond.

Mike, can you score Rudy's scorecard here.

I would defer to Councilmember Martinez.

Martinez: I trust you can handle it, Rudy.

We have leaks. Councilmembers, Rudy Garza, assistant city manager. We do not have anyone here from the fire department. We do have the assistant police chief here and he may be able to respond to some of the frequency, but as far as the response and the protocols we use, if you could give us a few minutes I can get somebody here pretty shortly.

Martinez: Mayor, if we do have a representative from Texas gas here, they can respond to how Texas gas handles an emergency

situation after we arrive on the scene. '

Larry Graham with Texas gas. The first point is we have a 24 hour dispatch here in Austin that receives calls for gas emergencies and gas leaks. So we have folks that respond. The fire department helps unconscious quite a bit depending on the size of the leak, but usually what happens is if it's a leak in the home, we get a call and we send somebody out 24 hours a day, seven days a week. If, for example, loose a construction are project going on in the street and someone hits a gas line, it's quite possible that the fire department would be the first responders. We work very closely with them. We do training with them. We do a lot with them. So in that case they would probably secure the area from a public safety agenda. Keep people away from the exposed gas until our crews would get on site to work to mitigate leak and get the leaked stopped. I want you to know we work closely with the fire department and we have folks that respond 24 hours a day. We have folks here in Austin that take the phone calls and answer the phones 24 hours a day, seven days a week.

What happens if somebody is buying gas from a third party? Do they call you or do they call 911?

It doesn't matter. If their our customer, they're using our pipes, we respond. So there's no -- we don't differentiate between transport customers and systems sales customers on leaks. That doesn't happen. What happens is sometimes folks don't call us, they may call 911 and we have a phone that's dedicated -- that's connected to the 911 dispatching system, so we have folks that take those -- they'll call us immediately and it's not uncommon on a larger leak, especially if it's a hit line in the street, the fire department and our crews usually arrive simultaneously.

Kim: Okay. Thank you.

Mayor Wynn: further questions, comments?

Kim: Do we have a comment from staff on our public safety? We're going to do this on third reading later, so that's fine. I don't want to hold this up.

Mayor Wynn: Ms. Webb, I'm sorry, I've lost my -- my earlier notes. So the -- I guess the final set of direction then staff needs prior to

drafting the third reading --

Right, we need your approval that you agree to eliminate the street cut fees. We need your approval that the city may purchase the utility from year 16 through the end of the franchise. And we need your approval for the exemptions and phase-in and the total program for the collection of franchise fees on the value of transported gas.

Mayor Wynn: So council, this is our chance to chime in and perhaps object to those three suggestions of staff.

I did want to clarify one thing on the purchase. The city does have the first option to purchase. So at any time there would be a sale, the city would have the first option. Moisture mayor so hearing no -- moisture.

Mayor Wynn: So hearing no objections, I'll entertain a motion to approve this on second reading. Motion by Councilmember Martinez, seconded by Councilmember Kim to approve this proposed franchise agreement on second reading only with instructions, however, to work on the exemption and phase-in format with transportation customers. Further comments? Hearing none, all those in favor please say aye. E opposed? Motion passes on a vote of seven to zero. Thank you very much. So council, that takes us to our noon general citizen communication. I'll give folks a few minutes to clear the room. Our first speaker is Sylvia BENINI. I saw her earlier. Who will be followed by Frances Hanlon. Is Sylvia BENINI here? Frances is with you?

We're all together.

Mayor Wynn: We can give you all -- I want you to tell me who all is here with you all. We'll lump all the times together. Sylvia, Frances. Is Hart here?

Good afternoon, mayor, honorable council --

You will have up to nine minutes.

Good afternoon, mayor, honorable councilmembers and city manager. We are instruments for peace, a local coalition of artists, musicians, poets and other creative people. Today may I introduce

Barbara Kay, Richard Bowdin and Tom the world poet.

Members of council, this is already a peaceful town. We really came to affirm the resolutions you pass to continue that process. But whereas poets and musicians and artists, we call upon our representatives to take specific tactics and strategies within our jurisdiction to continue the fact that this is a role model for other community. One thing can happen is discourage the war contracts, corporate war contracts. You've already declared this as a zone of peace and we extend that. We call upon you as instruments of peace to come out to other venues other than this one where we have convergence of Austin voters, citizens who also have Z. for peaceful conditions. A lot people of say what can we do to continue the great conversation of thousand have peace in our time? First you might want to reinvest in public libraries 24/7. Where's the money coming from? Trade in the tasers, trade in the guns so no one gets official violence directed at them. And if you were so inclined to get exit strategies so Austin is articulating a (Indiscernible) for this war community is paying so much for. We have gatherings wherever in coffee shops and we want you to be part of that conversation. We came to you today to ask and petition that this town be seen as an example of ways to live in peace. Now, our libraries and our parks would be better if -- our parks, like Zilker Park, weren't privatized for for-profit measures like ACL and where people have access to them at all times. Zilker Park is is a good example. For three weeks we couldn't get in there without paying at the door. I support poets, musicians, but we don't see your faces at venues apart from the slam occasionally. So what we're asking is as instruments of peace we need your help to join in with the Austin community to come out, particularly Sunday, Caffey caffeine, from 4:00 o'clock to 8:00 p.m. where we'll be gathering with members of the community to ask that this be a town of peace and we have an exit strategy to bring our children home.

Mayor Wynn, members of the council, I'm here, we're here today to ask you to please consider the -- have you as members of this council to promote peace in our community and in the world. I'm a member of code pink women for peace. Code pink recently finished a period of fasting called the troops home fast. We began this fast on July 21st because we have tried everything else, voting, writing letters, requesting meetings with our elected representatives, rallies, peace festivals, banner drops over highways. We've even tried dressing as pink police women. We decided that it was time to put

our bodies on the line in hopes that our sacrifice would prompt others to act. We ended our fast last Thursday, September 21st, the international day of peace. We marked the end of the fast by breaking bread on the Congress Avenue bridge. We invited you to attend, but we cannot see any of you. The war in Iraq has claimed 2,709 American lives, and uncounted thousand of innocent Iraqis. 237 Texans and nine Austinites have died in this war and occupation. Had T. has diverted nearly \$876 million from the City of Austin. This is money that could have been used to meet human needs such as hiring 15,000 teachers or building 7,800 units. Instead this money was used for killing. Those of us who have devoted countless hours towards working for peace have done so because we honestly feel that individuals can make a difference. We are here to ask you to step up and contribute more to this effort as individuals, as our representatives, and as the policymakers for our city. 18 is the only city in Texas to have passed a city for peace resolution. It's time to renew our commitment to this effort and we need your leadership to do it. Here are a few simple things you could start with. Attend and promote peace' events in Austin such as the peace festival on September 10th that you are all invited to. Sponsor citizen gatherings to raise awareness. Communicate to our representatives in Washington that though they don't appear to be listening to us, your constituents want an exit strategy for our troops. We want an international plan for restoring peace and security in Iraq and we want our tax dollars to be diverted back to human needs and away from killing. There are brave people taking a stand against this war at great personal risk. As a counselor with the GI rights hotline I have spoken with a few of them. They are soldiers. Soldiers who are refusing orders to fight in this immoral and illegal war. Some of them have been tried and jailed for taking this stand '. If these men and women can exhibit such great courage, can't we continue our work to support them. Can't you, our representatives, consider the simple actions that we're asking of you today. Thank you very much.

Mayor Wynn: Thank you all. You have about two minutes left. Welcome.

Two minutes.

Two and a half.

Thank you for letting us speak our peace with y'all. My name is Hart VIGES. I'm an Iraq veteran. I joined the Army after September 11th

because I thought that was the way to actually solve our problems be and as I spent my year in Iraq as airborne infantryman, mortarman, the experiences I had over there changed my heart, changed my mind. When I came back I was released from the Army honorably. Now, I could have left all this behind, but I knew I had a responsibility to my brothers and sisters over there to bring them back as quickly as we possibly can. Because I have my connection to the war and I don't know if y'all can feel the connection that y'all have, but it's there. We're not being bombed, we're not being shot at. We're not being physically threatened day in and day out from foreign troops when we go home at night, but over 50% of our tax money goes to the Pentagon and be fighting this war. We have a connection to this. We have a responsibility to do everything we can, to see the immoral and illegal implications of this war and to do everything we possibly can to stop it and bring the troops home and to bring actual aid to Iraq that does not come in the form of ABU GRAIBS. It's our duty as citizens and public servants as you have chosen to be to go beyond the call of duty to bring some kind of awareness to the city that we need to change the way we use our world and our place in life. And as a member -- as the chair of the veterans for peace chapter, we call for -- [Buzzer Sounds] -- a place to put an Arlington Austin where we can hold a cross, a crescent and a star of David for every soldier who has given their lives in Iraq and Afghanistan, and we'll get back to you on that. Thank you for your time.

Mayor Wynn: Thank you for your service. I'm glad you're home safe. Thank you all. Our next speaker is Susana Almanza, who I saw earlier. Welcome. You will have three minutes and you will be followed by Bonnie Brock.

Good afternoon, mayor and be city councilmembers, I'm Susana Almanza with PODER, people organized in defense of earth and her resources, an environmental justice organization. I've come to you today to talk about a case of environmental racism. Capital area metropolitan planning organization, Campo, is reviewing a series of toll road plans for Austin. Because of West Austin's public outcry, a number of west side phase two freeways with tolls have been either stopped, unfunded or unlikely to be tolled, but low income East Austin has currently about six times the double toll lane miles planned. There's a huge difference between East Austin tolls and the other tolls that will be created across Austin. None of the other tolls in phase one were 100% funded. Phase one doesn't take

already funded public highways and shift them to toll ways. Shifting them to the other roads to toll roads will impact low income and people of color communities while other more affluent communities drive their expressways for free. Tolling and privatizing East Austin's public highways is environmental injustice. According to President Clinton's executive order 12898, federal actions to address environmental justice in minority populations and low income populations, public agencies such as the transportation department must identify and avoid disproportionately high and adverse effects on minority and low income populations. Making U.S. 290 east, U.S. 183 east and SH 71 toll roads will impact low income and people of color communities. Again, removing proposed toll roads for West Austin and shifting and diverting to East Austin roads violates this executive order and title 6 of the U.S. Civil Rights Act. The toll authority otherwise known as Central Texas regional mobility authority is a new bureaucracy created to administer a any tax on the East Austin families and they drive to work, cool and shop. Unelected, unaccountable people, mostly from Williamson County, will set the toll rates for East Austin freeways that we have already paid for. This is taxation without representation. Councilmember Will Wynn, Brewster McCracken, Betty Dunkerley and Jennifer Kim all sit on those boards and we ask that you vote again these toll roads. Thank you very much.

Mayor Wynn: Thank you. Bonnie Brock? Welcome, Ms. Brock. You will be followed by wall better Hernandez -- Albert Hernandez.

Thank you. My problem is so small compared to others. I have a problem with the solid waste fees that are paid, that I'm paying personally. I think the city used to say pay as you throw. But I feel like I'm paying even if I don't throw and that's my problem. I can't get the fee reduced. I am paying for the smallest Karen whether I use it - the smallest container whether I use it or not. So I'm looking for something, I don't know what it is. I live alone, I have learned to conserve with electric and water and gas and I've been repaid by lesser bills. But with solid waste I can't get anywhere with lesser bills. And to make matters worse I travel, so I'm here probably half of the time of each year, but I'm paying the full yearly price. The best deal I've been able to get from solid waste is I can pay for no service at all and I would pay \$84 a year. As it is, I'm paying 1 yeah .84 a year and I am able to use the service when I need to put my can out to be picked up. Is thank you.

Mayor Wynn: Chris, have you done the simple calculation if you are producing so little solid waste at your home, have you done its math as to the final option of our solid waste customers -- solid waste customers is in fact literally pay for each service that is used.

There's an be option for that? To phi each service? -- to pay for each service, each pickup?

I thought I heard you say there was an additional option in addition to having just the smallest container, one would pay -- one could not pay the monthly fee and then --

I could have no service at all, no service. Give up my trash can, no service, and that would cost me \$84 a year. Because I live in Austin, not because I'm throwing trash in Austin but because I live here I must pay whether I am throwing a lot of trash or no trash.

Right.

I'm paying the lesser fee as far as a container.

Mayor, maybe that will help a little bit. You're absolutely right there is a base fee that all citizens of Austin pay because garbage service is a safety issue citywide. We unlike other cities have it grade eighted where you don't get one large container, you have a choice of three sizes and pay less for the smaller sizes. But once you get to that smaller and final size you are at your base rate.

I've started there and I am still there and I've been here 22 years in Austin. I don't know when the pay as you throw program started, but I just looked at my record for the past 10 years of how much I have been out of town -- since I'm retired I do travel. And I'm here less than half of the time, and I'm not throwing weekly as I'm here because I'm a one person household, I'm on Social Security. I am conserving. I compost. I have less trash. I'm not a big consumer. I'm not buying things that I'm having to then throw away.

I appreciate it. I understand what you're saying. I guess what I'm trying to offer you is the fact that in many cities you would not even have a gradeiated rate. You would be paying for a larger can --

And certainly is doing that before the pay as you it throw, program. I was paying the same as everybody whether there were five numbers

members in a household or one.

One thing I can offer and I have no idea. I was brainstorming as you were talking, the idea of going with no service and only paying for an individual pickup, it's something that I don't think is going to work out financially for you on that. But we have our director of solid waste services standing in the back and I'm going to ask him to talk with you offline. He put his hand in the air, brave man, because you've given him a truckky proposal. And see if there's anything we can see of. But I will tell you there is just a base cost of service to make sure that every citizen in Austin regardless of where they live or on what street has some basic garage garbage service.

Thank you.

Mayor Wynn: Next speaker is Albert Hernandez.

Mayor, city council, city manager, my name is Albert Hernandez. I live a Dessau Road. I have 4.2-acre of land and less than 55 square feet of impervious cover, which is less than three% of my property. I am in the Austin E.T.J. Here's the situation. An addition of a building of a thousand square feet a site development exemption is is approved. The problem with that is as soon as you build it you're in violation of the ordinance -- you're in violation of the ordinance and your environmental inspector will red tag or stop all work. Under the ordinance a building of a thousand square feet must have a parking space for every 275-foot of the building that is to say four parking spaces or another 1100 square feet. Since the building has to be at a 25-foot set back, all the area from the driveway to the building also counts as impervious cover. A driveway 40 feet wide there to the building adds another thousand square feet. You are now 2,000 square feet in violation of the exception and are required to file a site plan. The site plan must now be submitted by a civil engineer. The cost of the site plan is is anywhere from 16 to \$22,000 plus holding tank fees. The normal cost of a metal building for auto repair is about \$15 per foot. With the new requirements the cost just went up four to five times the original cost. Not only does it stop the work of the building, but it delays everything at least three months. And that's if have you the money to do it. As a general rule most of us that are in the E.T.J. have three to 20 acres. The additional impervious cover of a thousand to 4,000 square feet does not adversely affect the environment and will not flood our neighbors. My recommendation is that the exemption square footage be raised to 4,000 square feet

where impervious cover does not exceed 10 percent of the property. The building size be restricted to 1800 square feet and the rest of the parking, access to the building and driveway for a total of 4,000 square feet. I recommend that in a case where the impervious cover does exceed 10 percent, but not more than 20% of the property a site plan be submitted by the property owner, not a civil engineer. I recommend that some minor landscaping be done in addition to shrubs and several trees will help the environment. And fifth, I propose a variance or waivers be adapted to provide solutions and flexibility for these unusual situations. In closing, the small projects, which is what the watershed developments is just too large in the requirements and not good for small business. Is that my time?

That's my time. Let me offer something to you. What have you actually put in front of us is actually a fairly complicated proposal. It is not as simple for a whole variety of reasons. Several years ago that site plan exemption was I believe almost doubled from what it originally was to get to the thousand square feet. There are very viable reasons justice engineered site plans are required and of course the environmental issues on impervious cover and you have drainage -- there are many things at play. But you have two experts in this room --

But I --

I'll tell you the truth, I'm not trying to get you back on the microphone. I would like to get you with two people, Tammy Williamson. She's one of my very best problem solvers in review. She can look very specifically at your project and see what she can do to help '. And Nancy McClintock over here by the rock wall in a pink shirt is one of our top environmental minds in the city. And what I'd like to you do is if you would, is if you would walk with them your project and let's see what we can do to help you achieve a goal.

Ma'am, that is not my problem --

Mayor Wynn: sir, she has offered you to talk with senior staff about the problem. And just a reminder, 4 years ago it was actually approved extension of the exemption up to a thousand feet. And we extended that to one thousand feet. Next speaker is pat onson. Pat onson, to be followed by Evelyn HERCZOG. To be followed by trek English. To be followed by NAILAH SANKOFA. Well, so a few no shows. So council, that concludes our citizen communication. At this

time without objection we will go into closed session to potentially take up item number 77, which is related to personnel matters, its appointment of an additional associate and substitute judges for the Austin municipal court and pursuant to section 551.071 of the Open Meetings Act, taking up potentially item number 78 related to legal issues of a piece of property in Travis County and pursuant to section 551.072 take up item 71 related to real estate matters also in East Austin Travis County. We are now in closed session. I anticipate us being back in time for our 2:00 o'clock briefing. Thank you.

MAYOR WYNN: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ITEM 77 RELATED TO OUR AUSTIN MUNICIPAL COURT, ALSO ITEM 78 AND 79 RELATED TO REAL ESTATE AND LEGAL MATTERS IN PROPERTY IN EAST TRAVIS COUNTY. NO DECISIONS WERE MADE. SO, COUNCIL, ITEM NO. 77, WE TOOK UP IN EXECUTIVE SESSION. AS POSTED AS AN EXECUTIVE SESSION AGENDA ITEM RELATES TO ITEM NO. 75, WHICH IS THE ACTUAL ORDINANCE APPOINTING AN ASSOCIATE AND SUBSTITUTE JUDGES TO THE CITY OF AUSTIN MUNICIPAL COURT. WE TOOK UP THIS ITEM AS A PERSONNEL MATTER IN CLOSED SESSION A FEW MINUTES AGO. THERE IS A -- A SLATE THAT HAS COME TO THE FULL COUNCIL RECOMMENDED BY THE -- BY THE JUDICIAL SUBCOMMITTEE OF THE COUNCIL AND I DON'T KNOW IF STAFF IS AVAILABLE TO GIVE US JUST A QUICK SUMMARY OF THE PROCESS THAT WE HAVE GONE THROUGH. THIS IS ESSENTIALLY A SOMEWHAT TRUNCATED VERSION FOLLOWING UP LAST YEAR'S LENGTHY AND BROAD PROCESS.

RIGHT, JUST LAST YEAR TOWARD THE END OF THE YEAR IN THE FALL WE WENT THROUGH A RECRUITMENT PROCESS, WE WENT THROUGH SCREENING OF ALL OF THE APPLICANTS. THE JUDICIAL SUBCOMMITTEE INTERVIEWED A LOT OF THE DIFFERENT PEOPLE THAT HAD APPLIED. BECAUSE WE HAD JUST FINISHED THAT, NOT THAT LONG AGO, WE DECIDED WITH THESE THAT IT MIGHT BE A GOOD IDEA TO AT LEAST LOOK AT THE ONES THAT WE HAD SCREENED LAST YEAR. SO WHAT HAPPENED IS THE JUDICIAL SUBCOMMITTEE OF THE COUNCIL WENT THROUGH AND INTERVIEWED THESE CANDIDATES AND KIND OF MADE

SOME RECOMMENDATIONS.

MAYOR WYNN: THANK YOU. QUESTIONS OF STAFF, COUNCIL? IF NOT I THINK STAFF HAS PASSED OUT AN ORDINANCE FOR ITEM NO. 71. IT SHOWS THE FULL SLATE OF BOTH ASSOCIATE AND SUBSTITUTE JUDGES. BUT TECHNICALLY WHAT WE HAVE DISCUSSED TODAY IN OUR CHARGE THIS PAST MONTH OR SO, HAS BEEN TO APPOINT ONE ADDITIONAL ASSOCIATE JUDGE WHO TECHNICALLY WILL BE OUR OVERNIGHT CENTRAL BOOKING JUDGE, AS WELL AS BASED ON PRESIDING JUDGE MCKEE'S RECOMMENDATION, THREE ADDITIONAL SUBSTITUTE JUDGES. SO IN FRONT OF YOU, COUNCIL, IS THE ORDINANCE THAT ESSENTIALLY ADDS YVONNE WILLIAMS OUR OVERNIGHT CENTRAL BOOKING JUDGE. ADDS GAY BREWER, RYAN RUCKLE AND SHERRI STATMAN AS ADDITIONAL SUBSTITUTE JUDGES AT THE AUSTIN MUNICIPAL COURT. I WILL ENTERTAIN THAT MOTION.

SO MOVE.

MOTION MADE BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER COLE AS OUR JUDICIAL COMMITTEE TO AGAIN APPOINT YVONNE WILLIAMS AS AN ASSOCIATE JUDGE, TECHNICALLY THE OVERNIGHT CENTRAL BOOKING GOOD, GAY [INDISCERNIBLE], RYAN RUNCKLE AND SHERRI STATMAN. FURTHER COMMENTS?

MAYOR, I JUST WANTED TO THANK STAFF FOR THEIR WORK IN PREPARING THE SUBCOMMITTEE FOR THIS. IT WAS A LOT OF FOLKS THAT APPLIED. AND WE HAD TO, YOU KNOW, GO THROUGH A LOT OF INFORMATION AND MEET THESE FOLKS. YOU GUYS KEPT US WELL PREPARED. I ALSO WANT TO THANK THE APPLICANT WHO SUBMITTED THEIR NAMES FOR THESE POSITIONS. I THINK THAT WE HAD AN ABUNDANCE OF QUALIFIED APPLICANTS. UNFORTUNATELY, WE WERE ONLY ALLOWED TO SELECT THOSE THAT ARE BEFORE US, BUT I JUST WANTED TO THANK EVERYONE FOR THEIR HELP IN THIS.

THANK YOU. COUNCILMEMBER, THANK YOU AND COUNCILMEMBER COLE'S WORK ON THE SUBCOMMITTEE. I ALSO WANT TO THANK THE TRAVIS COUNTY BAR

ASSOCIATION THAT PLAYS AN INTEGRAL PART OF OUR EVALUATION OF APPLICANTS FOR OUR JUDICIARY. FURTHER COMMENTS ON MOTION TO ITEM NO. 75? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

WYNN: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. ALSO, COUNCIL, EARLIER WE HAD PULLED ITEM NO. 29 -- ACTUALLY, IF YOU DON'T MIND, ITEM NO. 40, WAS PULLED BY COUNCILMEMBER KIM RELATED TO OUR TAXICAB FRANCHISE PROCESS, I WILL RECOGNIZE THE COUNCILMEMBER IF SHE'S READY.

KIM: THANK YOU, MAYOR, I WOULD JUST LIKE SOME INFORMATION FROM THE STAFF ON THE CRITERIA THAT WE ARE -- THAT THEY ARE RECOMMENDING TO US AND WHAT THE FEEDBACK WAS FOR THE URBAN TRANSPORTATION COMMISSION.

SURE. GOOD AFTERNOON, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. I'M SONDRRA CREIGHTON, DIRECTOR OF PUBLIC WORKS. LET'S SEE, AT THE LAST MEETING IN AUGUST 24TH, THE COUPLE APPROVED CHANGING THE SELECTION ROSE TO A CRITERIA BASED PROCESS. AND ASKED US TO PROVIDE SOME DETAIL ON THE CRITERIA WE WOULD BE USING AND THEN RETURN TO COUNCIL FOR APPROVAL OF THE CRITERIA AND ALSO GO TO THE UTC AND THEY DID APPROVE THE CRITERIA. SO I WOULD BE GLAD TO ANSWER ANY QUESTIONS THAT YOU ALL MIGHT HAVE ON IT.

I HAVE A PARTICULAR CONCERN ABOUT THE USE OF CREDIT SCORES. I UNDERSTAND THAT THERE WERE THREE APPLICANTS AND TWO OF THOSE APPLICANTS ARE STRUCTURED AS -- AS DRIVER, OWNER CORPORATIONS. AND BECAUSE THEY ARE NEW ENTITIES, THE -- THE STAFF ASKED FOR THE CREDIT SCORES OF THE INDIVIDUAL DRIVERS. AND THAT PUTS THEM AT A DISADVANTAGE. NO ONE HAS PERFECT CREDIT SCORES AND I'M SURE THAT WITH AS MUCH AS 40 DRIVERS THOSE THINGS WILL BE SKEWED TOWARD FAVORING A CORPORATION THAT IS NOT UNDER THE DRIVER, OWNER OR CO-OP MODEL.

OKAY. SO THE CRITERIA THAT WE ASKED FOR, WE HAVE GOT SOME QUALIFYING CRITERIA, THAT IS THE FINANCIAL RESOURCES ITEM. UNDER THAT WE ARE ASKING IF AN APPLICANT OR COMPANY DOES NOT HAVE AN ESTABLISHED CREDIT SCORE, THEN THE APPLICANT SHALL PROVIDE THE INDIVIDUAL CREDIT SCORE FOR THE PRINCIPAL OF THE BUSINESS. SO IF THE PRINCIPAL IF THESE ARE ALL INCORPORATED COMPANIES, THE PRINCIPAL IS THE ONLY ONE WHO WOULD BE REQUIRED TO PROVIDE THAT CREDIT SCORE. AND IT IS FREE ONLINE SO IT'S NOT A COST OR ANYTHING. I'M NOT SURE THAT I UNDERSTAND EXACTLY --

KIM: MY CONCERN IS NOT THAT THEY CAN GET THEIR CREDIT SCORES FOR FREE ONLINE. THAT DOESN'T TAKE CARE OF THE PROBLEM. THE PROBLEM IS THAT CREDIT SCORES ARE OFTEN USED TO DISCRIMINATE AGAINST PEOPLE. ESPECIALLY IN INSURANCE WE HAVE BEEN SEEING MORE AND MORE THAT INSURANCE COMPANIES ARE USING CREDIT SCORES TO DETERMINE INSURANCE RATES AND I JUST DON'T WANT THE CITY TO BE IN THE BUSINESS OF USING CREDIT SCORES OF INDIVIDUALS TO DETERMINE WHETHER OR NOT A CORPORATION CAN MAKE THE BUSINESS SUCCESSFUL. I DON'T THINK THE TWO ARE CORRELATED. THE CREDIT SCORES ARE JUST TROUBLING FOR ME BECAUSE IT'S BEEN SHOWN THAT FOR AFRICAN-AMERICANS, BLACK POLICYHOLDERS HAD AVERAGE CREDIT SCORES THAT WERE 10 TO 30% WORSE THAN WHITE POLICYHOLDERS, HISPANIC SCORES 20 TO 25% WORSE. I DON'T WANT US TO USE CREDIT SCORES OF INDIVIDUALS TO DETERMINE WHETHER OR NOT THEY SHOULD GET BUSINESS WITH THE CITY. IS THERE A WAY THAT WE CAN TAKE THAT OUT?

YES. THE COUNCIL CAN DECIDE IF THEY PREFER TO HAVE THAT TAKEN OUT OF THE CRITERIA.

KIM: OKAY. I MEAN I THINK THAT THE FINANCIAL WHEREWITHAL OF A COMPANY IS SOMETHING THAT SHOULD BE CONSIDERED. I'M JUST WONDERING IF THERE'S A WAY TO DO IT WITHOUT USING CREDIT SCORES OF INDIVIDUALS.

THIS IS ALL CRITERIA THAT WE ARE BRINGING FORWARD FOR THE COUNCIL FOR YOU TO CONSIDER. AND SO YOU

ABSOLUTELY CAN DECIDE THAT YOU PREFER THAT NOT BE CONSIDERED AND WE WILL JUST TAKE THAT RIGHT OUT OF THERE.

KIM: OKAY. I HAVE ANOTHER ISSUE, BUT COUNCILMEMBER DID YOU WANT TO STAY SOMETHING?

WELL, IT IS -- MAYOR, IF I MAY.

MAYOR WYNN: YES.

MARTINEZ: SORRY. IT'S RELATED TO CREDIT SCORES. I JUST WANTED TO KNOW IF WE ARE GOING TO USE CREDIT SCORING AS A PART OF THE FINANCIAL STABILITY OF THOSE APPLYING FOR THE FRANCHISE, HOW DO WE WEIGHT THAT AND IS IT JUST A SET NUMBER THAT YOU HAVE TO HAVE ABOVE 400 ON YOUR CREDIT SCORE OR WHAT IS THE VALUE THAT'S PLACE ODD THAT? AND HOW?

WELL, INITIALLY THEY WOULD JUST BE PROVIDING THAT INFORMATION AND WE WOULD SIMPLY LOOK AT THE -- HOW IT'S TYPICALLY LOOKED AT. YOU HAVE A GOOD CREDIT SCORE RATING OR YOU DON'T HAVE A GOOD ONE AND IT'S -- IT'S ONE TINY PIECE OF A LOT OF OTHER FINANCIAL DATA. THAT WOULD BE LOOKED AT. OF COURSE THERE ARE A NUMBER OF DIFFERENT OTHER CRITERIA, ALSO, BEING LOOKED AT BESIDE THE FINANCIAL INFORMATION. SO IT'S SIMPLY ONE PART OF IT. YOU KNOW, IF THE COMPANY THAT'S APPLYING FOR THE FRANCHISE, YOU MAY HAVE ONE THAT HAS A VERY GOOD CREDIT SCORE RATING AND THEN YOU MAY HAVE ONE THAT HAS A VERY POOR CREDIT SCORE RATING AND SO WE SIMPLY SAW THAT AS KIND OF A MEASURE OF -- OF THE WAY THAT THAT BUSINESS IS CONDUCTING BUSINESS AND HOW THEIR CREDIT IS. BUT IT'S JUST ONE SMALL PART OF THE WHOLE PICTURE. IF IT'S PROBLEMATIC FOR CERTAIN FRANCHISES IT CAN EASILY BE TAKEN OUT.

DID YOU ENVISION -- LET'S SAY IN THIS ONE EXAMPLE WHERE WE HAVE ONE PARTICULAR GROUP WHO IS QUOTE UNQUOTE CAB DRIVER OWNED. THEY MAY HAVE 40 PRINCIPALS IN THIS CORPORATION. WOULD ALL 40 OF THOSE FOLKS HAVE TO SUBMIT A CREDIT REPORT? IF SO,

HOW WOULD WE WEIGHT THAT IN THE MATRIX?

IT WOULDN'T NECESSARILY BE WEIGHTED IN THE MATRIX. WE ARE GOING TO BE RANKING THEM AS A ONE, TWO, THREE. AS YOU KNOW WE HAVE THREE APPLICANTS THAT WE ARE CONSIDERING. IN THAT CASE IF THERE ARE DRIVERS AND YOU ARE LOOKING AT EACH DRIVER IS SOMEHOW AN OWNER OR PRINCIPAL OF THE COMPANY, THEN WE WOULD SIMPLY LOOK AT HOW THAT AVERAGES OUT FOR THE WHOLE GROUP. SO IN A SENSE, YOU KNOW, IF YOU HAVE A LOT OF PEOPLE AND THEY ARE ALL BEING LOOKED AT VERSUS ONE YOU COULD HAVE A COMPANY THAT DOESN'T HAVE DRIVERS ASPIRINS PALS. THEY GET ONE -- AS PRINCIPALS, THEY GET ONE CHANCE TO HAVE A CREDIT RATING. THE ONE THAT HAS MAYBE NUMEROUS PRINCIPALS THOSE ARE ALL BEING AVERAGED TOGETHER, THEY WOULD GET ONE SCORE. SO YOU COULD LOOK AT IT A LOT OF DIFFERENT WAYS. AGAIN, WE DON'T REALLY SEE IT AS A PROBLEM. IF THE COUNCIL SEES IT AS PROBLEMATIC, YOU CAN CERTAINLY SAY TAKE IT OUT.

MARTINEZ: I'M NOT MAKING A SUGGESTION AT THIS POINT. JUST TRYING TO DETERMINE HOW WE MOVE FORWARD.

SURE.

MARTINEZ: WOULD IT BE POSSIBLE FOR A CAB DRIVER OWNED FIRM TO SELECT ONE INDIVIDUAL AS THEIR PRINCIPAL THAT HAS THE BEST CREDIT BUT YET STILL BE THE REMAINING MEMBERS OF THAT GROUP TILL IS IT BE PART OWNERS IN THAT FRANCHISE?

WHAT WE ARE TRYING TO IDENTIFY HERE IS OF COURSE THE BEST QUALIFIED. THE FRANCHISE THAT WILL PROVIDE THE MOST RELIABLE AND SAFEST SERVICE. TO THE EXTENT THAT WE ARE LOOKING AT THEIR FINANCIAL CAPABILITIES, WE ARE LOOKING AT RELIABILITY. SO I'M NOT SURE IF YOU -- IF YOU IGNORE THE NEGATIVE SIDE OF THINGS THAT YOU ARE NECESSARILY FOCUSING ON THE MOST QUALIFIED.

RIGHT. I WASN'T SUGGESTING THAT WE IGNORE IT. WHAT I WAS TRYING TO GET AT, IS THERE A WAY AROUND IT THAT

COULD SHELTER IT FROM US KNOWING ABOUT IT.

PROBABLY EXCLUDING IT WOULD BE THE BEST WAY TO DO THAT. NOT HAVING IT AS PART OF THE CRITERIA.

I'M SPEAKING FROM AN APPLICANT'S VIEWPOINT. WOULD THERE BE A WAY FOR AN APPLICANT TO CREATE A CREDIT SCORING MODEL THAT APPEARS TO BE VERY STABLE, BUT YET THERE MAY BE MORE FOLKS INVOLVED AS OWNERS THAT IMPACT THAT?

WELL, WHAT WE ARE GOING TO BE LOOKING AT IS WHO THE OWNER IDENTIFIES AS THE PRINCIPAL. SO IF THEY ONLY IDENTIFY ONE PRINCIPAL, THEN THAT'S ALL WE WOULD BE LOOKING AT.

MAYOR WYNN: THANKS, MAYOR. QUESTIONS OF STAFF? COUNCILMEMBER KIM?

KIM: I WAS WONDERING HOW THE MATRIX OR EVALUATION CRITERIA IS TAKEN INTO CONSIDERATION THAT WE WANT TO CONSIDER DIFFERENT FORMS OF BUSINESS ENTITIES SUCH AS CO-OPS. I'M JUST WONDERING IF THIS EVALUATION GIVES CO-OPS A FAIR CHANCE IN DEMONSTRATING THAT THEY CAN WORK IN AUSTIN. I DON'T KNOW WHAT THE ANSWER IS. I DON'T KNOW IF WE CAN DO A PILOT OR MAKE SOME OF THE FRANCHISE -- PERMITS AVAILABLE FOR A CO-OP TYPE OF BUSINESS OR ADD SOME MORE FOR A CO-OP FOR A PILOT TO DO SOME SORT OF PROBATIONARY PERIOD. BUT I WOULD LIKE TO GIVE THE TYPE OF BUSINESS MODEL A CHANCE. I'M NOT SURE THAT THIS SET OF CRITERIA REALLY DOES THAT.

THE CRITERIA WAS REALLY NOT FOCUSED ON THAT PARTICULAR MODEL. NOW, I KNOW THAT THE UTC HAS A WORKING GROUP THAT'S GOING TO EXPLORE THAT FURTHER. THEY ARE PROBABLY GOING TO BE COMING FORWARD WITH RECOMMENDATIONS TO COUNCIL ON THAT CO-OP TYPE OF METHOD FOR RUNNING A TAXICAB FRANCHISE. BUT THERE'S A LOT OF WORK THAT NEEDS TO BE DONE ON THAT AND A LOT OF INPUT FROM THE DRIVERS AND EVERYTHING AND THEY JUST -- I DON'T THINK WE ARE QUITE THERE IN TERMS OF DOING THAT ANALYSIS AND THE

UTC IS -- I KNOW THAT'S ONE OF THEIR TOP PRIORITIES TO WORK ON.

KIM: SO THEY ARE GOING TO BE LOOKING AT COLD COMING TO COUNCIL WITH -- AND COMING TO COUNCIL ON HOW WE WOULD EVALUATE SUCH A BUSINESS FOR OPERATING A TAXICAB FRANCHISE FOR THE CITY.

THAT'S RIGHT. THAT'S MY UNDERSTANDING. I CAN MAKE SURE THAT THEY GET A REPORT TO YOU KIND OF OUTLINING WHAT THEY ARE LOOKING AT.

KIM: OKAY. I WOULD VERY MUCH APPRECIATE THAT. I WOULD LIKE TO -- WELL, I WILL LET THE OTHER COUNCILMEMBERS SPEAK, BUT I PREFER TO TAKE OUT THE CREDIT SCORES IF THERE ARE OTHER WAYS TO EVALUATE THE FINANCIAL SUCCESS OF WHOMEVER WOULD BE OPERATING. THE FRANCHISE.

OKAY.

MAYOR WYNN: COUNCILMEMBER LEFFINGWELL?

LEFFINGWELL: A QUESTION ABOUT THE CREDIT SCORES. WOULD IT BE POSSIBLE TO HAVE A SELECTION CRITERIA THAT HAS JUST A SATISFACTORY OR UNSATISFACTORY? UNSATISFACTORY, HAVE A CUT OFF SCORE AND SAY YOU EITHER QUALIFY ON THE BASIS OF YOUR CREDIT SCORE OR YOU DON'T. SORT OF INITIAL SCREENING CRITERIA. THAT WAY IT SEEMS TO ME LIKE THAT MIGHT ELIMINATE THIS CONTROVERSY ABOUT AVERAGING AND ALL OF THAT AND HOW THAT HELPS OR HURTS SOMEBODY.

THAT WOULD BE ANOTHER SOLUTION FOR SURE.

MAYOR WYNN: FURTHER QUESTIONS, STAFF, COMMENTS? COUNCIL? MR. GARZA.

I MAY ASK OUR CITY ATTORNEY TO CLARIFY FURTHER, MY UNDERSTANDING IS THAT IT SOUNDS LIKE PART OF OUR INTERESTS OR CONCERNS ARE FOR THE DRIVER OWNED OR CO-OP TYPE OF ENTITY, BUT REGARDLESS OF WHAT TYPE OF ENTITY THEY WOULD STILL HAVE TO HAVE SOME TYPE

OF LEGAL MECHANISM TO MAKE THEM A COMPANY. AND IN THAT MECHANISM THEY WOULD IDENTIFY WHO THEIR PRINCIPALS ARE. SO IT WOULDN'T BE ALL 40 DRIVERS OR 20 DRIVERS, THEY WOULD DECIDE, YOU KNOW, THIS GUY IS OUR LEADER AND THESE OTHER TWO GUYS ARE THE CO-LEADERS, SO FORTH. THOSE WOULD BE THE INDIVIDUALS THAT WE WOULD BE TREATING AS OUR PRINCIPALS, NOT ALL 40 DRIVERS. BUT AGAIN IF I MISSPOKE, MAYBE OUR CITY ATTORNEY COULD CLARIFY IT.

SUSAN LEOFFLER, ASSISTANT CITY ATTORNEY. THEY WOULD HAVE TO HAVE SOME SORT OF LEGAL ARRANGEMENT WHETHER IT WAS A PARTNERSHIP OR A CORPORATION. AND NORMALLY THERE WOULD BE SOME -- SOME INDIVIDUALS IDENTIFIED AS THE CORE GROUP THAT WOULD BE MAKING CERTAIN DECISIONS AS THE PRINCIPALS. SO THAT WOULD BE A WAY TO LIMIT HOW MANY PEOPLE YOU ARE ASKING FOR FINANCIAL INFORMATION OR CREDIT SCORES FROM.

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

MARTINEZ: MAYOR, YOU KNOW, AS LONG AS WE CAN COME UP WITH SOMETHING THAT SHOWS WHETHER OR NOT WHOEVER IS APPLYING FOR A FRANCHISE HAS THE FINANCIAL STABILITY TO DO IT WITHOUT INCORPORATING ACTUAL CREDIT SCORING, I THINK THAT'S WHAT I'M UNDERSTANDING IS PART OF OUR GOALS UP HERE, SO I WOULD LIKE TO PROPOSE AN AMENDMENT TO ELIMINATE THE CREDIT SCORING ASPECT OF THE MATRIX AND JUST INCORPORATE IT INTO A FINANCIALLY QUALIFIED OR NOT QUALIFIED CRITERIA.

THAT'S THE MAIN MOTION? THEN I WILL SECOND THAT.

MAYOR WYNN: A MOTION BY COUNCILMEMBER, SECONDED BY COUNCILMEMBER KIM TO APPROVE ITEM NO. 40 AMENDING AS SUCH HOWEVER TO ELIMINATE THE CREDIT SCORING PART OF THE MATRIX AND INSERT JUST A -- A FINANCIALLY QUALIFIED PARAMETER.

JUST TO MAKE SURE CERTAIN, WE DO HAVE THE FINANCIAL RESOURCE ITEM AS A QUALIFYING ITEM AND ALSO AS A

RANKING ITEM. SO YOU ARE OKAY WITH THAT? YOU JUST WANT THE CREDIT SCORING PORTION OUT?

KIM: CAN YOU CLARIFY WHAT IS QUALIFYING VERSUS RANKING?

OKAY. WE HAVE FOUR ITEMS THAT BASICALLY ARE JUST MEETING CODE REQUIREMENT, SORT OF THE MINIMUM STANDARDS. AND SO YOU ADOPTING INTO THE RANKING ASPECT -- DON'T GO INTO THE RANKING ASPECT UNLESS YOU PASS THAT. THEY ARE JUST A YES OR NO. CAN YOU DO THIS OR NOT. REALLY IT GOES BACK TO THE THREE APPLICANTS. THEY HAVE PRETTY MUCH ALREADY SHOWN US THAT THEY CAN PASS THAT. THEN WHEN WE GO INTO THE RANKING ITEMS, THAT'S WHEN WE ACTUALLY RANK THEM 1, 2, 3.

IS THAT NECESSARY TO RANK THEM?

WELL, THAT'S WHERE YOU GET INTO THE SELECTING THE MOST QUALIFIED.

KIM: THEN WHEN WE WERE DOING A LOTTERY SYSTEM BEFORE IT WAS A QUALIFYING ISSUE.

RIGHT. EXACTLY IN THE LOTTERY SYSTEM, EVERYONE -- WE LOOKED AT THIS BASIC INFORMATION ABOUT CRIMINAL HISTORY, EQUIPMENT, SERVICE PLAN AND FINANCIAL RESOURCES AND THEN AS LONG AS THEY WERE ALL QUALIFIED, THEN, YOU KNOW, THEY WERE ALL KIND OF ON AN EQUAL FOOTING. BUT WHEN YOU STEP INTO THE BANKING YOU ARE LOOKING FOR THE BEST OF ALL OF THOSE. I JUST WANTED TO PIP PUT OUT THAT THE FINANCIAL RESOURCES STILL IS A RANKING ITEM. I WANTED TO MAKE SURE I'M CLEAR ON THAT. THE ONLY THING THAT WE ARE TAKING OUT IS THE CREDIT SCORING AND WE ARE STILL RANKING FINANCIAL RESOURCES.

KIM: WHAT ARE THE OTHER FACTORS, A LONG LIST OF OTHER FACTORS THAT WE USE FOR RANKING, DON'T WE?

WELL, THE RANKING FACTORS ARE FINANCIAL RESOURCES, RELATED EXPERIENCE, EQUIPMENT, VEHICLES, DISPATCH,

FACILITY MAINTENANCE, TRAINING PLANS, SERVICE PLAN, REPORTING SYSTEM, SECURITY PLAN, AND SERVICE TO SPECIAL NEEDS CUSTOMERS. THERE ARE A LOT OF DIFFERENT THINGS IN THERE. I DON'T THINK THAT ANY OF THOSE ARE PARTICULARLY PROBLEMATIC FOR THE ONE FRANCHISE OR THE OTHER. ONE APPLICANT OR THE OTHER.

MARTINEZ: THE WAY IT APPEARS TO ME -- I'M SORRY. THE WAY IT APPEARS TO ME IN THE -- IN THE EXHIBIT A IN THE BACKGROUND INFORMATION IS MOST OF THAT STUFF IS EITHER OBTAINABLE OR NOT. CERTIFICATE OF INSURANCE, SELF INSURANCE.

RIGHT.

AUDITED FINANCIAL REPORT, OPERATING BUDGET, START-UP BUDGET. SO TO ME IT SEEMS LIKE EITHER YOU CAN PROVIDE THIS OR YOU CANNOT. THE ONLY I GUESS WHAT APPEARS TO BE SUBJECTIVE MEASURE IN THERE IS THIS CREDIT SCORE. SO -- SO HOW -- HOW OR WHY WOULD WE STILL KEEP THAT IN A RANKED --

THE OTHER THINGS THAT WE WOULD BE LOOKING AT IS THE APPLICANT'S LEGAL OF CAPITALIZATION, LIQUIDITY, ESTABLISHED FINANCING ARRANGEMENTS AND OVERALL FINANCIAL BUSINESS PLAN. SO -- SO WE ARE JUST KIND OF FLESHING OUT THEIR FINANCIAL CAPABILITIES A LITTLE BIT MORE. SO THAT WE KNOW THAT -- THAT YOU KNOW IF THEY NEED TO SET UP A DISPATCH SYSTEM, THEY HAVE THE FINANCIAL CAPABILITY TO BE ABLE TO DO THAT. AND THEN WE WOULD BE EVALUATING WHICH ONE SEEMS TO HAVE THE BEST CAPABILITY TO ACTUALLY RUN THE COMPANY FINANCIALLY. AND WHETHER THEY DO THAT THROUGH GETTING A LOAN OR THEY HAVE THEIR OWN MONEY ISN'T REALLY THE IMPORTANT ASPECT OF IT. IT'S JUST MAKING SURE THAT THEY HAVE A -- SOME TYPE OF FINANCIAL BASIS FOR DOING THIS WORK.

KIM: I DON'T KNOW IF WE SHOULD BE DOING THAT. TRYING TO DETERMINE WHICH COMPANY WE THINK IS MORE LIKELY TO SUCCEED FINANCIALLY. WE STARTED OFF WITH A LOTTERY PROCESS WHERE THEY ALL WERE DEEMED TO BE FINANCIALLY QUALIFIED. SO I DON'T SEE WHAT THE VALUE

ADDED IS IN TERMS OF US TRYING TO RANK THEIR -- THEIR FUTURE POTENTIAL FINANCIAL SUCCESS.

WELL, THE VALUE WOULD BE THAT WE ARE SEEKING THE -- THE BEST COMPANY -- THE COMPANY THAT HAS THE BEST CHANCE OF PROVIDING THE MOST RELIABLE AND THE SAFEST TAXI SERVICE FOR CITIZENS. AND SO TO THAT EXTENT, THERE'S CERTAINLY A FINANCIAL -- RELATIONSHIP THERE. SO WE ARE LOOKING FOR THE ONE WHO HAS THE FINANCIAL CAPABILITY TO BE ABLE TO SUPPORT THAT -- THEIR TAXICAB BUSINESS.

DUNKERLY: I THINK WE ARE ALMOST GETTING BACK TO A LOTTERY TYPE OF THING. IF YOU ARE NOT GOING TO LOOK TO SEE WHICH COMPANY HAS THE ABILITY AND STAYING POWER TO LAST A YEAR, I THINK SOMEHOW YOU HAVE GOT TO INCLUDE THAT ABILITY TO HAVE ENOUGH CASH FLOW TO PAY THEIR BILLS AND TO GET THEIR EQUIPMENT AND -- AND MAYBE INDIVIDUAL CREDIT SCORES AREN'T THE RIGHT VEHICLE. BUT YOU DO HAVE TO LOOK AT THAT I THINK AND THAT SHOULD BE PROBABLY ONE OF THE THINGS THAT YOU CONSIDER IF YOU ARE GOING TO GO TO THIS OTHER METHODOLOGY. I KNOW THAT WHEN PEOPLE DO BUSINESS WITH THE CITY, NOW THIS IS NOT EXACTLY THAT MECHANISM, BUT IT'S PROVIDING SERVICES UNDER A FRANCHISE, WE CERTAINLY GET INFORMATION ON OUR OTHER FRANCHISEES. WE USED TO I GUESS DID A LOT OF DUNN & BRADSTREET CHECKING JUST TO MAKE SURE THAT IF WE WORK WITH SOMEBODY, THEY CAN PAY US OR THEY HAVE A HISTORY OF PAYING THEIR SUPPLIERS OR WHAT HAVE YOU. I DON'T KNOW THAT THESE -- I DON'T KNOW THAT THESE PEOPLE WOULD HAVE THAT TYPE OF REPORTING AND I DON'T KNOW THAT THAT'S NECESSARY. BUT I THINK THAT IT IS NECESSARY TO LOOK AT WHAT KIND OF CASH THEY HAVE ACCESS TO, WHETHER IT'S BY LOAN OR WHETHER IT'S BY SELF FUNDING OR WHAT HAVE YOU. BUT THAT'S JUST MY OPINION.

I JUST WANT TO POINT OUT, TOO, THERE ARE EIGHT CRITERIA. THAT'S NOT THE ONLY ONE.

MAYOR WYNN: COUNCILMEMBER LEFFINGWELL SOME R.

I WAS GOING TO SAY IF WE START STRIKING OUT OF THIS, WE ARE GOING TO BE BACK TO WHERE WE WERE, THE LOTTERY SYSTEM, BASED ON TAKING ALL OF THE QUALIFIED APPLICANTS AND PICKING STRAWS. SEEMS TO ME LIKE WE STARTED OFF WITH CRITERIA THAT MIGHT BE SLANTED UNFAIRLY TO ONE APPLICANT OR ANOTHER, I HAD SPECIFIC REFERENCE TO THE CREDIT SCORE. IT SEEMS TO ME PERFECTLY LOGICAL THAT OTHER FACTORS MIGHT BE USED TO BE IN A RANKING, THEIR ABILITY TO SECURE FINANCING, ET CETERA AND, YOU KNOW, AS LONG AS WE KEEP THE PERSONAL CREDIT SCORING OF THE DRIVERS OUT OF THE MIX, I THINK WE OUGHT TO STICK WITH THE MERIT BASED APPLICATION AND AWARD PROCESS.

MAYOR WYNN: COUNCILMEMBER KIM.

KIM: WELL, THIS IS SIMILAR TO WHAT WE DO WITH THE CANOE CONCESSION IN THAT WE DID NOT TAKE INTO CONSIDERATION THE FINANCIAL QUALIFICATIONS IN PICKING A CANOE CONTRACTOR. I THINK THIS IS SOMEWHAT SIMILAR IN THAT WE ARE PICKING A PROVIDER OF A SERVICE FOR THE CITY AND SO I -- I JUST THINK THAT THERE'S SOME -- FOR ME, UNLESS SOMEONE CAN MAKE AN ARGUMENT OTHERWISE, IT SEEMS INCONSISTENT FOR US, IN THIS CASE WE ARE LOOKING AT RANKING THE FINANCIAL ABILITIES OF APPLICANTS FOR OTHER THINGS WE DO NOT. AND SO I DON'T KNOW -- FOR ME I'M MORE INTERESTED IN MAKING SURE THAT THE LITTLE GUYS GET A FAIR CHANCE. THE WAY IT'S SET UP RIGHT NOW I'M NOT SURE THEY DO GET A CHANCE. WE WILL SEE WHAT HAPPENS, I DO HOPE THAT THE URBAN TRANSPORTATION COMMISSION WILL WORK ON SOME SORT OF PILOT OR RECOMMENDATIONS TO MAKE SURE EVERYONE GETS A CHANCE, TO GET THEIR FOOT UNDER THEM, DEMONSTRATE SOME FINANCIAL CAPABILITY IN THE FACT THAT THEY CAN OPERATE A BUSINESS SUCCESSFULLY FOR THE CITY OF AUSTIN.

MAYOR WYNN: COUNCILMEMBER MARTINEZ?

MARTINEZ: I JUST ONE POINT OF INFORMATION. I THINK THAT I HAD A MOTION PENDING.

THE MOTION AND SECOND ON THE TABLE TO APPROVE THIS

RESOLUTION BUT STRIKE, ELIMINATING THE CREDIT SCORING LINE ITEM.

MARTINEZ: THAT'S CORRECT.

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

AYE.

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

THANKS, MAYOR.

EARLIER, COUNCILMEMBER COLE PULLED ITEM NO. 29, WHICH RELATES TO A -- TO A LEASE SITUATION. I HOPE OUR -- OUR GUEST SPEAKER IS STILL WITH US. PERHAPS JUST BEFORE WE HEAR FROM OUR SPEAKER, IF THE STAFF COULD GIVE US A BRIEF EXPLANATION OF -- OF WHAT IS ESSENTIALLY A REAL ESTATE MATTER, A NEGOTIATION AND EXECUTION OF A 15 YEAR LEASE FOR SOME REAL ESTATE. WELCOME, MR. LURIE.

THANK YOU, MAYOR, COUNCILMEMBERS. DAVID LURIE WITH THE HEALTH AND HUMAN SERVICES DEPARTMENT. WE HAVE BEEN IN A PROCESS FOR QUITE SOME TIME OF LOOKING THE OUR WIC SPACE IN NORTH AUSTIN, THIS IS THE SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN. WE HAVE HAD SOME SERIOUS CONCERNS THERE IN TERMS OF CAPACITY OF THAT SPACE. AND THIS PARTICULAR ITEM IS REQUESTING APPROVAL FOR NEGOTIATION, EXECUTION, OF A NEW SITE RELATIVELY CLOSE BY, ABOUT A MILE AND A HALF AWAY, THAT WOULD PROVIDE US WITH SUBSTANTIAL INCREASE IN SPACE, WE WOULD GO FROM 4,000 SQUARE FEET TO 6280 SQUARE FEET. ALSO PROVIDE FOR DOUBLE THE PARKING SPACE THAT WOULD BE AVAILABLE WHICH HAS BEEN A SERIOUS PROBLEM AT OUR CURRENT SITE. ALSO READILY ACCESSIBLE IN TERMS OF NUMEROUS BUS LINES THAT COME CLOSE TO THIS PARTICULAR LOCATION. THE REASON FOR THE TIMING IS THAT WE HAVE AN OPPORTUNITY RIGHT NOW FOR SOME GRANT FUNDS THAT WOULD BE AVAILABLE

TO US. WE HAVE APPROVAL AT BOTH THE STATE AND FEDERAL LEVEL IN TERMS OF W.I.C. GRANT FUNDS TO PAY FOR -- HELP PAY FOR THE BUILDOUT FOR THIS ADDITIONAL OR NEW SPACE THAT WE WOULD PROPOSE LEASING. AND THAT MONEY IS REQUIRED TO BE SPENT IN THE CURRENT FISCAL YEAR. THESE ARE DOLLARS THAT WERE REMAINING FROM THE CURRENT FISCAL YEAR AND WE WENT THROUGH A PROCESS OF PRESENTING THIS PROPOSAL IN TERMS OF THE W.I.C. CRITERIA AS FAR AS ACCESSIBILITY AND THE CAPACITY RELATIVE TO THIS SPACE BECAUSE ALSO THE STATE REVIEWERS HAD IDENTIFIED THIS AS A PROBLEM FOR THIS PARTICULAR SITE. WE HAVE BEEN SUCCESSFUL IN TERMS OF RECEIVING APPROVAL FROM BOTH AT THE STATE LEVEL AND THE FEDERAL LEVEL FOR USING THESE DOLLARS FOR THE BUILDOUT, BUT WITH THE EXPECTATION THAT WE COMMIT THESE DOLLARS AND WE HAVE WORKED THAT OUT THROUGH FINANCE IN TERM OF A -- OF A TRUST ARRANGEMENT WHERE THESE MONEYS WOULD BE SET ASIDE SPECIFICALLY DESIGNATED FOR THE NEW LANDLORD, BUT WITH A CONTRACTUAL OBLIGATION OBVIOUSLY TO USE THE FUNDS FOR THIS PURPOSE. SO THAT IS BASICALLY THE BUSINESS NEED, WE HAVE BEEN WORKING IN PARTNERSHIP WITH THE REAL ESTATE DIVISION LOOKING AT ALTERNATIVE SITE AND THIS EMERGED AS THE BEST CHOICE FOR US IN MEETING THE CRITERIA THAT WE HAD IDENTIFIED, WHAT WE WERE TRYING TO ACHIEVE AS FAR AS THIS PARTICULAR PROGRAM. I WOULD POINT OUT THIS IS OUR LARGEST, MOST ACTIVE W.I.C. SITE. WE HAVE ABOUT 4700 CLIENTS ENROLLED ON A FORLY BASIS. THE ACTIVITY INCREASED BY ABOUT 11% THIS PAST YEAR. WE ESTIMATE ABOUT 7,000 INDIVIDUALS ELIGIBLE WITHIN THE AREA SERVED BY THIS SITE. THIS IS A 15 YEAR LEASE, SO IT GIVES US THAT EXPANDED CAPACITY AS WE ARE GOING FORWARD AND LOOKING AT CONTINUED EXPANSION AND GROWTH IN TERMS OF DEMAND FOR THESE SERVICES.

THANK YOU, MAYOR.

MAYOR WYNN: THANK YOU, MR. LURIE. QUESTIONS OF STAFF, COUNCIL. A COUPLE OF FOLKS WISHING TO SPEAK, TECHNICALLY ON ITEM NO. 29, WHICH WILL BE THE ACTUALLY REAL ESTATE LEASE. MR. JOHN QUINNLAND, APPRECIATE YOUR PATIENCE, JOHN, THREE MINUTES,

FOLLOWED BY [INDISCERNIBLE]

MR. SHU HAD TO LEAVE FOR ANOTHER MEETING. THAT HE HAD SCHEDULED. I REPRESENT SUMMIT QUAIL, THE PARTNERSHIP OF WHICH MR. SHU IS A PARTNER, THE CURRENT LESSOR. HE HAS BEEN THE LESSOR SINCE 1998 WHEN IT ACQUIRED THE PROPERTY. THE W.I.C. PROGRAM HAS BEEN THERE SINCE 1993, WE HAVE HAD A GOOD 12 OR 13 YEARS THERE AT THIS POINT. BEING THE CURRENT LESSOR, WITH A LEASE THAT RUNS THROUGH 2009 WE ARE OPPOSED TO THE NEW W.I.C. FACILITY AND OUR DISAGREEMENT WITH STAFF THAT THAT WILL INCREASE CAPACITY IN ANY SIGNIFICANT MEASURE. WE HAVE A 2,000 SQUARE FEET THAT'S BEEN HELD AVAILABLE FOR BUILDOUT FOR SEVERAL YEARS, WHICH WOULD PUT CAPACITY THE CURRENT SITE TO 5926 VERSUS 6280, A DIFFERENCE ABOUT 300 TO 350 SQUARE FEET. FOR THAT THE CITY IS GOING TO SHELL OUT THESE TIMES THE TOTAL COST UNDER THE LEASE. BUILDOUT APPROXIMATELY A MILLION AT THE NEW FACILITY. WOULD ONLY COST ABOUT 50,000 AT THE CURRENT FACILITY. THE SITE WILL NOT BE MORE ACCESSIBLE. LESS ACCESSIBLE TO THE CURRENT CLIENTS, MANY OF WHOM WALK OR RIDE THE BUS. THE BUS STOP IS NEAR THE CURRENT FACILITY. IT WILL BE MORE DIFFICULT TO GET THERE BY BUS AT THE NEW FACILITY. THE LONE STAR FARMERS MARKET IS OFTEN USE UNDERSTAND TANDEM BY THE CLIENTS. THEY COME TO W.I.C., THEN TO GO THE MARKET. THAT WILL BE LESS CONVENIENT FOR THEM. I UNDERSTAND THAT THE NORTHEAST RURAL CLIENTS WHO ARE SERVED BY THE CURRENT FACILITY WILL HAVE MORE DIFFICULTY GETTING TO THE NEW FACILITY AND COUNTY FUNDING MIGHT BE IMPACTED BY CLOSURE OF THE CURRENT SITE. PARKING WAS RAISED BY THE CITY AT ONE POINT. WE TRIED TO TALK TO THE CITY ABOUT THAT. WE ARE TOLD THAT WAS A NON-ISSUE AND THAT THE REAL ISSUE WAS AN ALLEGED CONFLICT BECAUSE MR. SHU'S WIFE WORKS FOR THE CITY. SHE BEGAN WORKING FOR THE CITY AND IS NOW THE WATERSHED PROTECTION DEVELOPMENT REVIEW DEPARTMENT DIRECTOR. SHE CAME ON IN 2005 12 YEARS AFTER THIS LEASE WAS EXECUTED, SEVEN YEARS AFTER SUMMIT QUAIL TOOK OVER. WE DON'T BELIEVE A CONFLICT EXISTS. AN ENTITY IN WHICH MR. SHU

IS A PARTNER OWNS THE PROPERTY. HOWEVER TO THE EXTENT THE CITY WERE TO FIND THERE'S A CONFLICT, THE CITY'S OWN RULES DO NOT ALLOW TO VOID THE CONTRACT FOR THAT REASON IN THIS INSTANCE. IF DISCIPLINARY ACTION FOR CITY EMPLOYEE, WHICH HAS NOT BEEN UNDERTAKEN, THE END RESULT OF THAT DISCIPLINARY ACTION WHICH CAN OCCUR ONLY AFTER A FORMAL COMPLAINT AND A HEARING DOES NOT INCLUDE VOIDING THE CONTRACT. THIS CAN BE READILY SEEN BY LOOKING AT THE CODE. FOR INSTANCE SECTION 2763 OF THE CODE DOES PERMIT THE CITY TO VOID A CONTRACT THAT HAS BEEN IMPROPERLY VOTED ON BY A COUNCILMEMBER. NO SUCH REMEDY IS FOUND IN THE CODE FOR THE CITY IN THIS PARTICULAR INSTANCE, BUT AS I SAID THERE'S NOT A CONFLICT HERE. THERE'S NO PECUNIARY TO A CITY SPOUSE, EMPLOYEE. IT'S TO A PARTNERSHIP. THE CITY TALKS ABOUT ENTITIES, VIDEOS, THE PARTICULAR SECTION IN QUESTION, 2762, NO CONFLICT THERE. FURTHERMORE IT WOULD BE INAPPROPRIATE TO TERMINATE THE LEASE BEFORE THE CITY FILE FOLLOWED ITS OWN PROCEDURES AND FOUND A CONFLICT EXISTS. THAT HAS NOT OCCURRED. THE CITY HAS NOT BEGUN TO FOLLOW THOSE PROCEDURES.

MAYOR WYNN: THANK YOU, MR. QUINN. QUESTIONS OF HIM, COUNCIL? THANK YOU, SIR. I THINK IT WOULD -- IT WOULD HELP ME JUST TO GET PERHAPS A RESPONSE JUST ON SORT OF THE REAL ESTATE ASPECTS OF MR. QUINN'S COMMENTS.

FUTRELL: LET'S ELK ABOUT THAT. WE ARE -- LET'S TALK ABOUT THAT. WE ARE GOING TO GO TO STRAIGHT TO WHAT THE BUSINESS NEED IS. THAT IS WHAT IS DRIVING THE DECISION HERE TODAY. BOTH SPACE AMOUNT OF PARKING.

WELL, I JUST WANT TO SAY A FEW WORDS ABOUT THE COST AND THAT IT'S NOT REALLY AN APPLES TO APPLES COMPARISON AT ALL. THE OLD SPACE WOULD HAVE REQUIRED FINISHOUT HAD WE STAYED THERE. HOWEVER, AS DAVID POINTED OUT, YOU KNOW, IT SIMPLY WASN'T GOING TO SERVE THE W.I.C. CENTER ANYMORE.

IT'S NOT AN APPLES TO APPLES COMPARISON BECAUSE IT'S

A COMPARISON OF THE SMALLER CURRENTS SPACE TO THE LARGER NEWER SPACE INCLUDING FINISHOUT. WHEREAS HAVING STAYED IN THE CURRENT SITE WE WOULD HAVE NEEDED TO REMODEL THE CURRENT SITE PLUS TENANT FINISHOUT AND THE COST OF ADDITIONAL SPACE.

RIGHT. WHEN YOU ACTUALLY END UP BACKING OUT THOSE FINISHOUT COSTS, IT'S ACTUALLY A COMPARABLE OR LESS LEASE RATE. THAT'S THE RESPONSE ON THAT.

SPEAK TO PARKING, SONDR.

THERE CERTAINLY ISN'T ENOUGH PARKING AT THE CURRENT LOCATION, THE NEW FACILITY ABSOLUTELY PROVIDES ADEQUATE PARKING IN ADDITION TO THE ADDITIONAL SPACE NEEDED FOR EXPANSION OF THE FACILITY TO PROVIDE THAT SERVICE. [MULTIPLE VOICES]

YOU HAVE ABOUT 37 SPACES ABOUT 70 ARE WHAT WE ESTIMATE ARE NEEDED. I'M ALSO TOLD, DAVID CORRECT ME IF I'M WRONG, ABOUT 80 PLUS% OF THE CLIENTS DO COME IN THEIR OWN CAR, SO PARKING HAS BECOME A VERY BIG ISSUE.

AND IT'S ON A BUS ROUTE. IT'S CURRENTLY ON A BUS ROUTE. AS YOU JUST STATED, YOU KNOW, MOST OF THE CLIENTS COME BY CAR.

THANK YOU, MS. CREIGHTON. FURTHER QUESTIONS OF STAFF, COUNCIL? COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON ITEM NO. 29. I'LL ENTERTAIN A MOTION, MOTION BY COUNCILMEMBER MARTINEZ TO APPROVE ITEM NO. 29 AS POSTED, SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

WYNN: OPPOSED? MOTION PASSES ON A VOTE OF 76-0 WITH COUNCILMEMBER LEFFINGWELL OFF THE DAIS. THANK YOU ALL VERY MUCH. COUNCIL THAT NOW TAKES US TO OUR POSTED 2:00 BRIEFING. WHICH IS A PRESENTATION BY THE DOWNTOWN COMMISSION ON THEIR AUGUST 3RD, 2006

REPORT REGARDING DOWNTOWN DEVELOPMENT.
WELCOME, MR. JED BOYT. BOYT.

I'M GOING TO GET GOING HERE, RATHER THAN TAKING ANY MORE OF YOUR TIME. THIS PRESENTATION GROWS OUT OF -
- WAS BASED ON THE MEMO THAT THE DOWNTOWN COMMISSION WORKED ON EARLIER THIS YEAR. AND THAT WAS PROVIDED TO YOU ON AUGUST 3RD. RELATING TO DOWNTOWN DEVELOPMENT AND LOOKING FORWARD TOWARD THE DEVELOPMENT OF THE DOWNTOWN PLAN. THIS REPORT -- RESULTED IN THE -- BOTH THIS MEMO AND IN TWO OR THREE MAPS OF DOWNTOWN. LOOKING AT THE DEVELOPABLE SPACE THAT IS CURRENTLY AVAILABLE IN TRYING TO SEE WHERE -- WHERE AND HOW DOWNTOWN MIGHT BE GROWING IN THE FUTURE. SPECIFICALLY WE LOOKED AT THREE ISSUES RELATED TO THAT. THE -- THE AVAILABILITY OF CDBG ZONING, CURRENT RESTRICTIONS THAT ARE IN PLACE ON DEVELOPMENT, AND THE NEED FOR TRANSPORTATION DOWNTOWN. THE DOWNTOWN COMMISSION WAS ESTABLISHED BY COUNCIL ORDINANCE TO ADVISE THE CITY ON DOWNTOWN DEVELOPMENT GOALS. SIMILAR OUR -- WE SUPPORT THE CITY'S GOAL OF HAVING 25,000 RESIDENTS DOWNTOWN WITHIN 10 YEARS. WE SUPPORT DENSITY DOWNTOWN AND THE NOTION THAT A VIBRANT REGION IS ANCHORED BY A VIBRANT DOWNTOWN. HOWEVER, DEVELOPABLE SPACE DOWNTOWN IS LIMITED AT THIS TIME. THE -- THE DOWNTOWN COMMISSION WENT THROUGH AND DID A BLOCK BY BLOCK ANALYSIS. LOOKING AT DEVELOPABLE SPACE DOWNTOWN. THOSE WE HAVE AVAILABLE. HAS THESE MAPS SHOW ARE THE GRIDLOCKS OF THE BLOCKS WHERE AT THIS TIME IT APPEARS THERE'S ARE NO APPARENT RESTRICTIONS TOWARD OUR GOAL OF A DENSE AND VIBRANT DOWNTOWN. THE RED BLOCKS ARE BLOCKS WHERE THERE IS -- WE SEE THAT IT'S UNLIKELY THAT THE DEVELOPMENT WILL BE OCCURRING IN THE FUTURE. THE YELLOW BLOCKS ARE -- ARE BLOCKS THAT HAVE A MIX OF OPPORTUNITIES FOR DEVELOPMENT AND OBSTACLES TOWARD FURTHER DEVELOPMENT. THE DEVELOPMENT LIMITATIONS THAT WE LOOKED AT IN COMPARING AND COMPILING THIS MAP, WE ARE LOOKING PRINCIPALLY AT THE EXISTING DEVELOPMENT, YOU KNOW, THERE ARE MANY BLOCKS DOWNTOWN THAT ALREADY ARE

DENSELY DEVELOPED, PROPERTY VALUES OF MORE THAN \$300 A SQUARE FOOT AND IT'S OUR OPINION THAT THOSE BLOCKS ARE VERY UNLIKELY TO BE REDEVELOPED ANY TIME IN THE FUTURE. NEAR FUTURE. IN ADDITION TO THAT, WE HAVE A NUMBER OF STRUCTURES DOWNTOWN THAT ARE -- THAT ARE UNDER PROTECTION AND NOT LIKELY TO BE DEVELOPED, CHURCH OWNED BLOCKS, PARK, CAPITOL VIEWER CORRIDORS AS NOTED BY THE DIAGONAL LINES RADIATING OUT FROM THE CAPITOL AND SOME OTHER ADDITIONAL FACTORS. SO IT'S THE DOWNTOWN COMMISSION'S OPINION IN ORDER TO MEET OUR GOAL OF 25,000 RESIDENTS DOWNTOWN, THE CITY WILL NEED TO ADDRESS THE QUESTIONS OF WHERE TO HAVE CDBG ZONING, WHAT OUR CURRENT DEVELOPMENT RESTRICTIONS ARE, AND LOOKING AT THE TRANSPORTATION NEEDS TO MEET THESE NEEDS. THE DOWNTOWN POPULATION CURRENTLY IS AROUND 5,000 PEOPLE. THIS IS ACTUALLY DOWN FROM OUR POPULATION OF MORE THAN 12,000 PEOPLE IN 1940. BUT SINCE 1940 WE HAVE ACTUALLY BEEN REMOVING A LOT OF HOUSING THAT EXISTED DOWNTOWN. YOU KNOW, WE ARE ON THE -- THE POPULATION BOTTOMED OUT. AROUND 3 -- A LITTLE OVER 3,000 PEOPLE IN THE LATE 70S. OUR DOWNTOWN POPULATION CURRENTLY IS PROJECTED WITH PLANNED UNITS, WELL, ACTUALLY UNITS UNDER CONSTRUCTION WILL TAKE US UP TO 8100 PEOPLE LIVING DOWNTOWN. PLANNED UNITS WILL TAKE US TO ALMOST 13,000 PEOPLE LIVING DOWNTOWN. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

The question of affordability downtown. Principally affordability as it relates to downtown residences is -- and in the whole city is is a concern. And this question of what it means -- what is affordable housing downtown? Is it for the city as a whole or not? And the question of affordability for our downtown business bes. Certainly we've had a lot of recent discussion relative to maintaining some of our iconic, traditional local businesses, but this affordability also relates to making sure we have opportunity for new small businesses to grow downtown and thrive. We have the ongoing issues of the floodplains on either side of downtown, our traditional boundaries of shoal and Waller Creek. And then there's the question of like how development downtown is is going to -- may result in conflicts with

some of the adjacent neighborhoods. So it is our hope that the downtown plan will be able to provide the city with updated unified guidelines for development up to and adjacent to downtown. And certainly its the downtown commission's request that the consultant requested for the downtown plan address these issues. So thank you very much for your time today. I'll be happy to answer any questions you may have.

Mayor Wynn: Thank you. Questions of Mr. Boyd, council?
Councilmember McCracken.

McCracken: I really appreciate what have you done. It's really a helpful report. And I'm glad you identified an issue that I think is really been raised and I think that's the issue of the capital view corridors in certain areas. Can you tell us which views are being protected in the view corridors?

Protected or obstructed you mean at this time?

McCracken: In other words, these view corridors are there to protect a view from a certain advantage point. Can you give us an idea of what some of the advantage points are that are being protected?

Yes. I might need to draw on Mike Knox from city staff at this point. Some of these view corridor locations are specified, like one of them goes to the Lamar bridge. There are several that go to I-35 specifically. There's a spot that goes to the French LEGATION. There's some -- how many total corridors? 35 total view corridors and each one is tied to a specific location around town. There's one identified out to 360 near lost creek where there's the view towards downtown. So those all exist, but not all of those views are currently unobstructed.

McCracken: That's another good question is which of the capitol view corridors already have obstructed views and therefore are not that relevant anymore?

Well, exactly. For instance, there's a view corridor immediately west of the capitol that is be instructed by the large apartment building that was actually in existence at the time the view corridors were implemented. So that view corridor has always been an obstructed, but it still remains. There is a view corridor to South Lamar, which you look at it today and you mostly see there's trees, sights of

downtown, shop signs, street sign. There are other view corridors around town where due to tree growth or changes in the nearly 30 years since the view corridors were implemented that the views are not just what they used to be.

McCracken: Do we have a sense of how many of the view corridors are still achieving their original intent?

Well that, actually is one of the things we're really looking and wanting to do is provide a detailed inventory and examination of how many of the view corridors are still provide unobstructed views and how many are obstructed and really look at the value that we're getting from each of these view corridors.

McCracken: And to follow on a related concept, the map you had of developability downtown, how did you all identify what you could call government parking garage alley, which is San Jacinto and Trinity?

That area of the map is identified as principally as read at this time. Which means not likely for redevelopment in the near future. In addition to the fact that we do have those parking garages, which were mostly built in the last 10 years, we have -- those are all state-owned lands, which is again this question that it's not the city and it's not private developers who will be making decisions about the management of those properties, it will be the state itself. Certainly even looking beyond parking garage alley, you look to see the number of other surface level parking lots that the state owns. I can look out from my office window and see three or four of those surface lots and certainly including lots that they have at is a 16th and Brazos. And more importantly the very high value lot that's at the corner of MLK and Congress across the street from the Blanton and across the street from the Bullock museum.

McCracken: Are both blocks on the northern intersection of 15 'th and Congress? Those blocks on the corner of 15 'th and Congress on the north side have land uses that are just as bad as the federal post office on 16th and Guadalupe. We talk about how bad the federal post office use is, there are four or five blocks north of the capitol that are just as egregious.

At least the D.P.S. office is more user friendly. [LAUGHTER] But exactly. So -- and there's great opportunity here for the city to work in cooperation with the state to hopefully get a project that will serve

the city and the state. The state has certainly been looking at doing a number of real estate development deals, looking how to maximize their value from their property and there's certainly I think some great opportunities there. The question here is how is into that dialogue with the -- how to enter into the dialogue with the state.

McCracken: I think it would be a helpful next step of information would be the following: As we enter the downtown plan -- I think we'll find out maybe today is it the three finalists? Next week? And then when do we have the presentation to council? Do we know yet? Do the three teams present next week? Next week he'll we'll have our three finalists presenting the downtown plan. I think it would be helpful in the near future to see how that map is altered if we did two things, altered the capitol view corridors that are there to serve highways or roads or are already basically meaningless because of view obstructions. And the second would be if we got -- which of these is government owned land that is currently used for a surface parking lot or a parking garage. Because I think it would be helpful for the people of Austin to make a decision when they're driving eight miles per hour on the upper deck of I-35 whether they'd rather see more government-owned land than a downtown Havana in the city of Austin or see several billions of dollars of tax base that help support affordable housing and a revitalized northern part of downtown and a totally transformed area where 25,000 people live achieving the mayor's goal. Because we do have an unbelievable amount of government-owned land and the capitol view corridor particularly in parking garage alley is producing farce the eye can -- as far as the eye can see two to three story parking garages owned by the government. I think we can see how that map gets altered if you sell off the government parking facilities and you alter the capitol view corridors. I would be interested to see how that map changes.

We'll be glad to bring a revised map back to you.

Mayor Wynn: Further questions? Councilmember Martinez.

Martinez: Thanks, Jeb for all your work. Along those same lines I want to make sure that we include in that study not just government owned land of the City of Austin, but of the county, at the state and the feds because we do have some land that's owned by other governmental entities that there's no projected plans that I'm aware of for the foreseeable future because of appropriations funding or what have you. And it's one block I'm looking at in particular on this

map is not in the view corridor and there's no plans for it right now, but it's owned by the federal government. So it's -- those are some of the information that I think could be added to what Councilmember McCracken asked for to help us make decisions in the future and maybe help us work with those other governmental entities to try to maximize our downtown.

Absolutely. I'd be glad to do that.

Cole: Mayor?

Mayor Wynn: Councilmember Cole.

Cole: I appreciate the work you've done thus far. I have a real concern with making sure that we don't have -- with making sure that we don't have a hard edge of downtown stopping at I-35. And one of the items that I've requested is that the study, the downtown study actually include an analysis of what would it take to get the increased population downtown if we included some of the properties along the edge of I-35, especially those that are zoned commercial and that we've done a considerable amount of work for commercial development already. So what I'd like to see or can you to do is to talk a little bit about that parameter and what you think the possibilities are and then ask next time to bring the map with some possibilities for that also.

I'd be glad to do that, councilmember.

Mayor Wynn: Further comments, questions? Mr. Boyd thank you very much. This is a very objective way to challenge us on what has been somewhat of a loose goal and vision as to where we are heading downtown. This really makes us think through the policy directives to make it happen.

Thank you, councilmember. I do need to acknowledge the members of the development subcommittee that worked diligently on this, including Chris Riley, Bob knight, Stan Noss and other members of the downtown commission. I know they'll be happy to receive your input on this and we look forward to bringing this back to you.

Mayor Wynn: Council, that takes us to our Austin Housing Finance Corporation board of directors meeting. So at this time we will recess this Austin city council meeting and call to order the AHFC board of

directors. Welcome Mr. Paul Hilgers.

Thank you, Mr. president. I have three very quick items today. One, AHFC number one is to approve the minutes of both the August 10th, 2006 and September 11th, 2006 board meetings of the Austin Housing Finance Corporation.

Mayor Wynn: Questions of staff, board? I'll entertain a motion.

So move.

Mayor Wynn: Motion made by board member Cole, seconded by the vice-president to approve the minutes as posted. All in favor? Opposed? Motion passes on a vote of six to zero with board member Kim off the dais.

AHFC Item No. 2 is to approve a resolution amending the fiscal year 2006-2007 grant operating budget of a resolution number 20060911 AHFC 001 is to increase the operating budget by \$2,552,153 for a total of \$14,454,256 and a total fiscal year budget of 2006-2007 budget of \$15,221,882. This amendment reflects the additional funds available to AHFC be under the annual service agreement with the City of Austin. It reflects all of the funds that were included in the budget that was passed at the last -- at the budget proceedings of the council. We bring that forward for your approval.

Mayor Wynn: And reare mind me also. Earlier today we approved item number 23, which I want to understand did that actually have an impact on AHFC or not?

No, sir, that did not have an impact.

Mayor Wynn: The neighborhood housing program dollars?

That did not have an impact on the AHFC, sir.

Mayor Wynn: board members, questions of staff, comments? If not, I'll entertain the motion? motion made by vice-president, seconded by board member Leffingwell to approve AHFC Item No. 2 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 five to zero with board members Kim and McCracken off the dais.

And finally the authorization we're asking for in AHFC Item No. 3 is to execute a one-year service agreement with the City of Austin in the amount not to exceed \$14,454,000 to fund the corporation's management and operation of the various city housing programs in fiscal year 2006-2007. The board will recall we have a service agreement between the City of Austin and the Austin Housing Finance Corporation in which we use to operate all of the housing funds that you authorized in the budget through our annual planning process. This action today simply authorizes us to finalize that service agreement which governs the rules of those programs and the operations and administrations of those programs between the Austin Housing Finance Corporation and the City of Austin. And it's a continuation of this agreement that we've had for several years, so with that if there are any questions I'll be glad to answer any questions, but we bring that to you for your approval as well.

Questions, board? Comments? And hearing none, I'll entertain that motion as well. Motion made by the vice-president, seconded by board member Martinez to approve AHFC item number 3 as outlined by staff. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion pass Oz a vote of five to zero with board member McCracken and Kim off the dais.

That's all the business we have before the board today.

Mayor Wynn: Thank you, Mr. Hilgers, there being no more business before this AHFC board meeting we now stand adjourned, be call back to order this meeting of -- actually, I won't. Don't have any discussion items for our city council prior to the 4:00 zoning ordinances and approval of restrictive covenants, so we will continue to be in recess as a city council until 4:00 p.m. Thank you very much. Mayor mayor I'll call back to order this meeting of the Austin city council. We'll go to our 4:00 p.m. zoning ordinances and restrictive covenants and welcome Mr. Greg Guernsey.

These are the 4:00 o'clock items where the public hearings have been closed. The first item I'd like to offer is number item, this is case C-14-06-0023, the marks 4 property located at 2301 east Riverside

Drive. This is a rezoning request from family residence district zoning to LR-MU-CO combining district zoning for tract 1 and limited office conditional overlay combining district zoning for tract 2. This is ready for consent approval on third reading. Item number 82 is San Jose church and ARANDAS, and this is second and third reading for the property at 2510 South First street from SF-3 district zoning to CS-CO combining district zoning. General office conditional overlay combining district zoning, community commercial conditional overlay combining district zoning and limited office conditional overlay and this is ready for second and third readings. Item number 83 is case C-14-06-01 is 29.

The pavilion park and ride. This is to approve second and third reading for the property located at 11979 research boulevard and 11933 Jollyville Road. This is a rezoning request from public district zoning and limited office district zoning and community commercial district zoning to general commercial services conditional overlay combined district zoning for tract 1 and limited office conditional overlay combined district zone for tract 2 and this is ready for second and third readings. Item 84 is case C-14-06-0141, the children's courtyard. This is to approve second and third reading of an ordinance rezoning property at 5811 southwest parkway from an development reserve district zoning to neighborhood commercial conditional overlay combining district zoning. And this is ready for consent approval on second and third readings. Item number 85 is case C-14-06-0138 at 4711 east Riverside. This is to approve second and third readings zoning the property at 4711 east Riverside Drive from G.O. district zoning to general office mixed use conditional overlay district zoning. I understand there might be one change is.

... the units to be for sale condos and the owner has agreed to that. I think they have included that in a restrictive covenant. I think at this time the ordinance has something about a C.O. for multi-family which would include the condos, so I think this is now covered with a restrictive covenant and I would like to see if we can just eliminate that one part of the C.O. in the ordinance and leave it on consent.

That's my understanding as well and I understand there's a neighborhood representative that is also in agreement, so the change would be -- so the change would be in the conditional overlay to remove the prohibition against multi-family and then rely on this covenant, private covenant that speaks to a prohibition of

rental units. And I believe that is clear enough that we can go forward to strike that prohibited use of multi-family from the ordinance and still keep this on for second and third ordinance reading. With that I'll continue. Item number 86 is case C-14-06-0136 known as gate terrace for the property located at 170 is 1 and 1703 wind oak. This is a zoning request from family residence district zoning to townhouse condominium residence conditional overlay district zoning. And this is ready for consent approval on second and third readings. Item number be 87, staff is removing this from your agenda. There is no action required on this we will bring this item back at a later date. We're trying to take care of some land use negotiations a property exchange between the city, Catellus and a property property owner. So no action is required in any on 87.

Mayor Wynn: Can you do this on about 10 more others? [LAUGHTER]

Let me continue with the consent items. Number 88 is C-14-06-0114, this is the general kins tract. This is a request from neighborhood commercial or LR district Joaning and family residence or SF 3 district zone to go neighborhood commercial mixed use conditional overlay combining district zoning and this is ready for consent approval on second and third readings. Item number 89 is case C-14-06-00114, our lady of the Catholic church located at 1320 east 51st treat. This is approved on second and third reading of a zoning request from family residence to limited office conditional overlay combining district zoning. Again, this is ready for consent approval on second is and third readings. Item number 90 is case C-14-06-'0097 '. This is the Cody pools property at 2300 west Parmer lane. This is a request from interim rural residential to neighborhood commercial conditional overlay combining district zoning. This is ready for consent approval on second is and third readings. Item 91, council, I understand that the property owner still does not agree with the first reading action of the planning commission and the neighborhood is also not in agreement with what was approved on first reading. And I don't have -- we could certainly offer first reading approval of this item, but I think you wanted to hear back from both of those parties since this last time this item came up. The property owner's representative did go meet with our urban design officers and offer suggestions. They're contained within your backup and their response. As I said before, the agent is is here and he can respond directly to you.

Mayor Wynn: This is for item 91?

Item 91.

Mayor Wynn: Council, perhaps why don't we get through the consent agenda on these cases and let you all think about our choice on 91. Councilmember Leffingwell.

Leffingwell: For your consideration on item number 91, I wonder if we could proceed on second reading only since the applicant is not in agreement and there are also some neighborhood issues yet to be resolved. I for one would be willing to leave it on consent for second be reading only.

Mayor Wynn: Let me go through the proposed consent agenda that will include approving on second reading only consent agenda for item 91.

Yes, we can approve these on consent.

Mayor Wynn: Council, the proposed consent agenda on these case where's we've already closed the public hearing would be to approve item number 81 on third reading, to approve on second and third readings items 82, 83, 84. Also 85; however with the multi-family restriction lifted as discussed earlier.

That's right. It would be removing it from the conditional overlay.

Mayor Wynn: Correct, from the conditional overlay. Approving on second and third reading item number 86, noting that item 87 has been withdrawn, and --

Not withdrawn, just removed from your agenda for action this evening.

Mayor Wynn: Postponed, is that right?

No, not even pope. We're not sure when we can bring this back. No action is required on 87.

Mayor Wynn: Item 87 is removed from the agenda. [LAUGHTER]
And approving on second and third readings items 88, 89 and 90 and approve on second reading only item 91. Motion by

Councilmember Leffingwell, seconded by the mayor pro tem 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 seven to zero.

Thank you, mayor and council. Let me go on to the 4:00 p.m. items which are scheduled for public hearing and possible action. The first item is item number 92. This is case C-14-06-0119, Beverly's, which is located at 8504 South Congress avenue. This is a rezoning request from development reserve to commercial liquor sales district zoning. The zoning and platting commission recommendation was to grant commercial liquor sales conditional overlay combining district zoning for tract 1 and general commercial services conditional overlay district zoning for tract 2. And this is ready for consent approval on all three readings. Item number 93 is case C-14-06-0137. This is the CVS on William Cannon at MoPac property located at 4001 West William Cannon drive. This is a rezoning request from limited office combining district zoning to neighborhood commercial district zoning. The zoning and platting commission recommendation was to grant neighborhood commercial conditional overlay combining district zoning and this is ready for consent approval on all three readings. Item number 94 is case C-14-06-0153. This is the Austin first church property at 1203 Bastrop highway. This is a rezoning request from interim rural residence district zoning, interim single-family residence standard lot district zoning and yes or no commercial services district zoning to general commercial services district zoning. The zoning and platting commission recommendation was to grant general commercial services conditional overlay combining district zoning. And this is ready for consent approval on all three readings. Item number 95 is case C-14-06-0154 known as the domain. This is for the property located at 10701 North MoPac expressway. This is a zoning request from major industrial planned development area combining district zoning to major industrial planned development area combining district zoning. The planning commission recommendation was to grant the industrial planned development area combining district zoning. In order to change a condition of zoning. This request would allow the modification of the existing planned development ordinance for the construction of four signs along the MoPac frontage road on the western boundary of the parcel within the scenic roadway designation. One of these freestanding signs would have a height of 72 feet and this differs from the actual planning commission

recommendation in the original request which was 69 feet and three subdivision identification signs with a maximum height of 12 feet. These are shown in some of the exhibits in your backup. I want to note for the record because there was a change from the planning commission recommendation they requested three additional feet for the tallest sign. Item number 96 is case C-14-06-0140. This is the church for the holy Vietnam niece MARTYRS parish diocese of Austin for the property located at 1112 east Yager Lane. This is from townhouse and condominium residence district zoning and development reserve district zoning to community commercial district zoning. The zoning and platting commission recommendation was to grant community commercial conditional overlay combining district zone fog tract 1 and neighborhood office conditional overlay combined district zone fog tract 2 and this is ready for all three readings. Item number be 97 is is case C-14-06-be 0101 is raven's Kroft for the property located at 11401 to 11499 block of man shock road. This is interim rural residence district zoning to townhouse condominium residence district zoning. The zoning and platting commission recommendation was to grant condominium residence conditional overlay district zoning. This is a related case to item number 98 which is right across the street. This is case C-14-06-102, raven's Kroft again on man shock road from interim rural residence district zone to go Houston townhouse condominium district zoning. The zoning and platting commission recommendation was to grant townhouse condominium residence conditional overlay combining district zoning. Both of these cases are ready for first reading only. The applicant has requested to modify the planning commission's recommendation on both of these items to decrease the number of units allowed on item number 97 by reducing it by eight units and asking to increase the number of units on item number 98 by adding eight units. So the total number of units between the two tracts would be the same as what the planning commission recommendation was, but it would be to decrease the number of units approved by the commission on 97 by eight which wouldbly it down to 18 and increasing the number of units allowed on item number 98 by eight to bring it to a total of 78 units. With that staff could offer that for first reading only on consent approval.

Mayor Wynn: Staff is essentially recommending that change, at least on first reading.

That's correct.

Mayor Wynn: Thank you.

I've been told by legal staff that items 79 and 78, that can be forwarded for all three readings then with those two notations of change of units. I'm told first reading only. Let's leave 97 and 98 --

Mayor Wynn: All right.

Okay. Pardon me. Let me clarify that. Items 97 and 98 are for first reading only and then the domain tract on item number 95 is consent approval for first reading only. First reading only for item number 95. Item number 99, and let me continue, we have a postponement by staff on item number 99 to October manyth. The planning commission has not yet taken action on this item. They'll review this item on October 3rd. So on item 99 it's a staff postponement to the 19th. Item number 100, this is case C-14-06-0120. This is the Martin 1 is and 2 tract at 101 and 103 east Braker lane. We have a neighborhood postponement. Their first request to October 5th. Item 101, this is case C-14-06-0142, this is Ed's mountain shadow. It's a property located at 8800 and 8702 sky mountain drive. Staff is requesting a postponement of this item to October 19th to address some issues related to road improvements adjacent to this property. Item 102 is case C-14-06-0158, the oasis in west campus. This is for the property at 1801 Nueces street from general office to downtown mixed use. And we have an adjacent property owner request, their first request for a postponement of this item to October 19 its. And I am not sure, mayor, if there's actually someone to speak to that particular postponement on item on 102.

Mayor Wynn: We have a number of folks signed up to speak. Should we hold a public hearing, yes. They might be able to speak to the postponement request as well.

I understand this is an adjacent property owner's first request and this is the first time it is your agenda, but we do have a postponement request on the item.

Mayor Wynn: We'll come back and take up some potential discussion on the postponements.

The remaining items, 1203, 104, 105 and 106 will be discussion items.

Dunkerley: Is 10 is 2 to be postponed or heard?

We have a first time request with to be postponed.

Dunkerley: My comment is if it is postponed this would give that owner an opportunity to meet with the appropriate neighborhood association to see if some of the issues that we've received e-mails about could be addressed. Before it comes back. Mayor moisture the three folks here to speak in opposition, folks essentially our tradition is is that on a first request by either an applicant -- somebody in favor of the zoning case and/or somebody in opposition we grant that first time request. In this case frankly it would give the applicant and agent time to meet with folks in opposition to see if there can be some progress made.

Mr. Sears I understand is one of the individuals that actually asked for the postponement. He's nodding his head in the audience right now.

Mayor Wynn: Thank you, Scott.

Mayor, before you went through that whole list I want to make sure I'm clear on 95 on domain. Item 97 and 98 to be for three readings on both of those items, noting the change of the increase in eight in one and decrease in the other.

Mayor Wynn: And staff is recommending that change.

Staff is recommending that change.

Mayor Wynn: Council, our proposed consent agenda on these public hearing cases will be to close the public hearings and approve on all three readings cases 92, 93 and 94. Close the public hearing and approve on first reading only case 95. Close the public hearing and approve on all three readings case number 96, 97 and 98, noting again on case 97 there will be a decrease of eight units down to 18. And 98 will be an increase of eight units up to 18. We will postpone item 99 to October 19th, 2006. Postpone item 100 to October 5th, 2006. Postpone items 101 and 1012 to October 19th, 2006. I'll entertain a motion. Motion made by Councilmember Leffingwell that I'll second.

Leffingwell: And I have a comment, a question actually for staff on

95. Originally it was suggested for consent all three readings and then changed that to staff recommendation of first reading only. Could you discuss the reason for that. What are the outstanding issues so we can be prepared when it comes back for second and third?

Yes. When we come back for second and third we can address this, but it's a change to some of the height sizes of some of the signage on the property. The domain request is simply to add some changes to their existing PDA that would allow some increases in the size of the signs that they are current -- that are proposed on the property. That's the major issue.

Leffingwell: The size of the signs, not the height, etcetera.

that's correct. And we'll bring that back for second and third reading noting those changes.

Mayor Wynn: So we have a motion and a soaked 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 seven to zero.

Thank you, mayor and council. At this time I would like to introduce Ms. Walters to come up and speak to items 10 is 3, 204, 105 and 106. These are the neighborhood plans and the neighborhood plan rezonings for the neighborhood plans areas. And mark will be assisting in the PowerPoint presentation. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

NEXT OVER THE COMBINED PLANNING AREA. THE VISION AND GOALS, THE PLANNING COMMISSION FLUM, FUTURE LAND USE MAP, AFTER THE PRESENTATION I WOULD LIKE TO TAKE QUESTIONS FROM COUNCIL. THAT WOULD BE THE FIRST PART OF THE PRESENTATION. THE SECOND PART OF THE RECOMMENDED PRESENTATION WOULD BE TO OPEN THE PUBLIC HEARING, AND THEN CLOSE THE PUBLIC HEARING. AFTER THE PUBLIC HEARING IS CLOSED, I WOULD LIKE TO GO THROUGH THE MOTION SHEET. ON THE MOTION SHEET FIRST WE WOULD APPROVE THE NEIGHBORHOOD, THE UNCONTESTED PORTIONS OF THE NEIGHBORHOOD PLAN, APPROVE THE UNCONTESTED TRACTS FOR THE RIVERSIDE, PARKER LANE AND PLEASANT VALLEY AREAS.

PRESENT THE CONTESTED TRACTS. DO YOU HAVE ANY QUESTIONS ABOUT THE PRESENTATION AT THIS POINT?

QUESTIONS, COUNCIL? I THINK THAT WE ARE KEEPING OUR POWDER DRY.

OKAY [LAUGHTER] ACTUALLY, REAL QUICKLY, I WANTED TO GO THROUGH THE CONTENTS OF YOUR PACKET. YOU SHOULD HAVE RECEIVED A MOTION SHEET -- THE MOTION SHEETS, TRACT MAPS THAT GO WITH THE MOTION SHEETS, THE PLANNING COMMISSION RECOMMENDED FLUM, CURRENT LAND USE MAPS FOR EACH OF THE AREA. A LETTER FROM THE PROPERTY OWNER OF BURLESON COURTS AND I ALSO PROVIDED SOME COPIES OF SOME PETITIONS. THIS IS THE COMBINED PLANNING AREA. BOUNDED ON THE NORTH BY TOWN LAKE, GROVE BOULEVARD AND MONTOPOLIS ON THE EAST, BEN WHITE ON THE SOUTH AND I-35 ON THE WEST. THE COMBINED PLANNING AREA IS MADE UP OF 3 INDIVIDUAL PLANNING AREAS, CONSISTING OF RIVERSIDE, PLEASANT VALLEY AND PARKER LANE. NEXT WE WILL GO OVER THE PROCESS HIGHLIGHTS. THE PLANNING PROCESS DID START IN OCTOBER OF 2003. AND AT THAT TIME THERE WERE MEETINGS WITH STAKEHOLDERS AND AN INITIAL SURVEY WAS ALSO MAILED. IN DECEMBER OF 2003 WE HAD THE FIRST WORKSHOP. FROM FEBRUARY OF 2004 TO APRIL OF 2005 THERE WERE APPROXIMATELY 25 FOCUS GROUP MEETINGS. THOSE MEETINGS INCLUDED LAND USE, ZONING, TRANSPORTATION, PARKS AND OPEN SPACE, AND URBAN DESIGN. THOSE MEETINGS WERE FACILITATED BY THE CITY OF AUSTIN, AND ALL OF THOSE MEETINGS WE INVITED OVER 350 PEOPLE ON OUR INTEREST LIST TO ATTEND THOSE MEETINGS. THE INTEREST LIST DID CONSIST OF HOMEOWNERS, BUSINESS OWNERS, RENTERS AND WAS INVITED THE PUBLIC WAS INVITED. ALSO DURING THE BEGINNING OF THE PROCESS WE DID FORM AN ADVISORY COMMITTEE. THE ADVISORY COMMITTEE IS A SELF SELECTED GROUP. IT'S APPROXIMATELY 15 MEMBERS, MADE UP OF HOMEOWNERS, THOSE MEMBERS OF THE ADVISORY COMMITTEE DO REPRESENT 8 NEIGHBORHOOD ASSOCIATIONS WITHIN THE COMBINED AREA. APPROXIMATELY IN MARCH OF 2005 THE ADVISORY COMMITTEE EXPRESSED CONCERN OVER THE

RECOMMENDATIONS MADE FROM THE PUBLIC MEETINGS. SO AT THAT TIME, THE ADVISORY COMMITTEE DID START DEVELOPING ALTERNATIVE RECOMMENDATIONS AS WELL AS AN ALTERNATIVE FLUM, WHICH THEY WILL PRESENT LATER. IN JUNE OF 2005, WE HAD OUR FINAL OPEN HOUSE. AND FINALLY, IN OCTOBER OF 2005, WE DID HAVE A PLANNING COMMISSION HEARING. AT THAT TIME PLANNING COMMISSION -- RECOMMENDED A POSTPONEMENT OF THE PLAN FOR ABOUT SIX MONTHS. AND THE DESIRE WAS TO HAVE STAFF MEET WITH THE ADVISORY COMMITTEE TO HELP REDUCE THE NUMBER OF CONTESTED TRACTS. AT THAT TIME WE HAD OVER 50 CONTESTED TRACTS. DURING THAT POSTPONEMENT TIME FROM OCTOBER TO JUNE, WE DID MEET WITH THE ADVISORY COMMITTEE TO WORK OUT DIFFERENCES, WE DID GET THE NUMBER OF CONTESTED TRACTS DOWN TO THE LOW TWENTIES. WE ALSO WORKED ON MODIFYING PORTIONS OF THE PLAN. WHICH BRINGS US TO JUNE OF 2006. THE PLAN AND REZONINGS BACK TO PLANNING COMMISSION AND AT THAT TIME PLANNING COMMISSION RECOMMENDED THE PLAN TO CITY COUNCIL, WHICH BRINGS US TO TODAY. I WOULD LIKE TO SHOW SOME OF THE SIGNIFICANT LANDMARKS IN THE AREA. THIS IS A CURRENT LAND USE MAP. YOU CAN SEE IN THE CORNERS MEASURE BELL DAVIS PARK -- MABEL DAVIS PARK WHICH RECENTLY WENT UNDER A LOT OF RENOVATIONS, INCLUDING THE ADDITION OF A SKATE PARK. COUNTRY CLUB CREEK. SEVERAL CAMPUS STYLE AREAS, SEMI MAKE TECH, AMD. TWO ELEMENTARY SCHOOLS IN THE COMBINED AREA, BAILEY AND LINDER. THIS AREA ALSO HAS THE COLORADO RIVER PARK, AUSTIN COMMUNITY COLLEGE, THE RIVERSIDE GOLF COURSE, AND THE DANIEL REYES LIBRARY. NEXT I WOULD LIKE TO TALK ABOUT SOME CURRENT LAND USE PATTERNS. AS YOU CAN SEE, SHOWN IN ORANGE, A SIGNIFICANT AMOUNT OF THE AREA IS MULTI-FAMILY. THE MULTI-FAMILY DOES HOUSE BOTH FAMILIES AND STUDENTS. THE MULTI-FAMILY THAT EXISTS, THERE ARE OLDER APARTMENTS AND THERE ARE NEW APARTMENTS AND THE RIVERSIDE AREA IS OVER ONE THIRD MULTI-FAMILY, AS YOU CAN SEE HERE, ARE SOME PHOTOS OF SOME OLDER APARTMENTS. IN THE CORNER, BOTTOM CORNER IS THE METROPOLIS, WHICH WAS -- WHICH WAS REDONE TO SORT OF HAVE A FUNKY LOOK. THEN HERE ARE SOME PHOTOS OF

SOME NEWER APARTMENTS WITHIN THE AREA. THERE'S ALSO MANY ESTABLISHED SINGLE FAMILY AREAS AND SINGLE FAMILY IS THE PREVAILING LAND USE WITHIN THE PARKER LANE AREA TOWARDS THE BOTTOM OF THE MAP. THERE ARE BOTH TRADITIONAL SINGLE FAMILY HOMES AND DUPLEXES. NEXT ALONG EAST RIVERSIDE DRIVE, HAS A LOT OF COMMERCIAL AREA. THERE IS A LOT OF VACANT AND UNDERUTILIZED PROPERTIES WITHIN THE AREA, ESPECIALLY ALONG THE SOUTH SIDE OF EAST RIVERSIDE DRIVE. HERE'S SOME PHOTOS OF RIVERSIDE DRIVE. YOU CAN SEE THERE'S VAST PARKING LOTS IN THE BOTTOM CORNER PICTURE. RIVERSIDE, RIVERSIDE DRIVE, OLTORF STREET ALSO HAS A COMMERCIAL AREA THAT'S DIFFER FROM RIVERSIDE DRIVE. IT'S A LOT OF LEVEL BUILDINGS, KIND OF A STRIP LOOK. HERE'S A PHOTO ALONG OLTORF. I-35 THERE IS OFFICES AND COMMERCIAL EXISTING, THIS IS JUST A PHOTO OF I-35. AND ALONG BEN WHITE THERE'S SOME SCATTERED COMMERCIAL AND OFFICE AND THEN ALSO SOME INDUSTRIAL AREAS, TOKYO ELECTRON NORTH OF BEN WHITE, BUT A.M.D. AND SEMATECH. SEMATECH. I WOULD BRIEFLY LIKE TO GO OVER THE AREA PROFILE. IN THE 2,000-CENT SUNS THE COMBINED AREA WAS 35,000. THE COMBINED AREAS IS APPROXIMATELY 5.25 SQUARE MILES, THE SECOND MOST DENSE COMBINED PLANNING AREA AT 9.59 PEOPLE PER ACRE BEHIND CENTRAL AUSTIN. DOUGH TO ALL OF THE MULTI-FAMILY -- DUE TO ALL OF THE MULTI-FAMILY, THERE IS A LOW OWNER OCCUPANCY RATE AND A LARGE RENTAL POPULATION. THERE'S A LOT OF TRADITIONAL STUDENT HOUSING DISTRICTS, WITH -- WITH THE LARGEST AGE GROUP OF POPULATION IS 18 TO 24 YEARS, MAKING UP 41.5% OF THE TOTAL POPULATION. IT IS AN AREA IN TRANSITION. AN EMERGING PORT OF ENTRY FOR RECENT IMMIGRANTS. THERE IS AN INCREASING HISPANIC POPULATION AND A DECLINING WHITE POPULATION. AS YOU CAN SEE, MULTI-FAMILY RESIDENTIAL IS 25% OF THE COMBINED AREA. FOLLOWED BY OPEN SPACE AT 18%, AND SINGLE FAMILY RESIDENTIAL MAKES UP 12% OF THE COMBINED AREA. YOU CAN ALSO SEE THAT THERE'S 11% OF VACANT OR UNDEVELOPED PROPERTY IN THE COMBINED AREA, ALSO. VISION AND GOALS. THE NEIGHBORHOOD DEVELOPED A VISION, WHICH SERVES AS THE BASIS FROM WHICH ALL OF THE GOALS, OBJECTIVES AND

RECOMMENDATIONS ARE DERIVED FROM. THIS IS THE VISION THAT THEY ESTABLISHED. I WOULD LIKE TO GO OVER JUST A FEW OF THE -- ALL OF THE GOALS ARE IMPORTANT, BUT I JUST WANT TO PULL OUT TWO OR THREE OF THE GOALS TO GO OVER. THERE ARE 13 GOALS IN THE PLAN. THEY ADDRESS RESIDENTIAL CHARACTER, HOUSING AFFORDABILITY, COMMERCIAL CORRIDORS, TOWN LAKE, PARKS, TRAILS, OPEN SPACE, THE NATURAL ENVIRONMENT, AND URBAN DESIGN. REGARDING SINGLE FAMILY, THE FIRST GOAL IN THE PLAN SAYS TO PRESERVE AND ENHANCE THE CHARACTER OF EXISTING RESIDENTIAL NEIGHBORHOODS. THIS GOAL IS ACHIEVED BY MAINTAINING SINGLE FAMILY ZONING IN ESTABLISHED NEIGHBORHOODS, BY THE ADOPTION OF DESIGN TOOLS, AND THERE'S ALSO A VOLUNTARY URBAN DESIGN GUIDELINES IN THE PLAN. GOAL 3 IN THE PLAN SAYS TO IMPROVE THE APPEARANCE, VITALITY AND SAFETY OF EXISTING COMMERCIAL CORRIDORS AND COMMUNITY AMENITIES AND ENCOURAGE QUALITY URBAN DESIGN AND FORM THAT ENSURES ADEQUATE TRANSITION BETWEEN COMMERCIAL PROPERTIES AND ADJACENT RESIDENTIAL NEIGHBORHOOD. ONE OF THE RECOMMENDATIONS IN THE PLAN WAS TO CONDUCT A FOCUS CORRIDOR STUDY OF RIVERSIDE DRIVE AND I'M SURE ALL OF YOU KNOW THAT THIS HAS BEEN FUNDED, SO THIS WAS A VERY SIGNIFICANT ITEM THAT DID COME OUT OF THE PLAN. AND THE LAST GOAL THAT I WOULD LIKE TO GO OVER IS TO PROTECT AND ENHANCE THE TOWN LAKE WATERFRONT OVERLAY AS WELL AS CREEK AREAS AND OTHER NATURAL AMENITIES. THERE ARE RECOMMENDATIONS IN THE PLAN TO MODIFY THE EAST RIVERSIDE AND SOUTH LAKE SHORE SUBDISTRICTS OF THE WATERFRONT OVERLAY. AND THERE'S WORDING IN THE PLAN THAT THEY POSSIBLY WOULD LIKE TO LOOK INTO EXTENDING SETBACKS, REQUIRING BUFFERS, AND HEIGHT RESTRICTIONS. THERE'S ALSO A RECOMMENDATION IN THE PLAN THAT ALL NEW DEVELOPMENT ALONG TOWN LAKE SHOULD DEDICATE LAND OR AN EASEMENT FOR THE EXTENSION OF THE HIKE AND BIKE TRAIL. AND LASTLY, THERE'S A RECOMMENDATION TO WORK TO DOCUMENT THE PRECISE LOCATION OF CREEKS, SEEPS, SPRINGS AND WETLAND. OFFICIAL LAND USE MAP. AS I STATED BEFORE THE ADVISORY COMMITTEE DID DEVELOP THEIR OWN

VERSION OF THE FLUM AND THEY MAY PRESENT THAT LATER TONIGHT. TODAY IS THE ONE RECOMMENDED BY THE PLANNING COMMISSION. THIS IS THE CURRENT LAND USE ON RIVERSIDE. YOU CAN SEE THE COMMERCIAL ALONG BOTH SIDES OF RIVERSIDE DRIVE. AND THIS IS THE FUTURE LAND USE. RECOMMENDING TO MAINTAIN THE SINGLE FAMILY THAT EXISTS, THERE ARE STILL SIGNIFICANT AMOUNTS OF MULTI-FAMILY. WE ARE RECOMMENDING MIXED USE. AT THE TOP OF THE MAP, NEAR TOWN LAKE THE PROPERTIES THAT ARE SHOWN BROWN WITH THE DIAGONAL LINE, WE ARE SHOWING THOSE MIXED USE BECAUSE THEY ARE LOCATED IN THE WATERFRONT OVERLAY. AND THE WATERFRONT OVERLAY DOES PERMIT A MIX OF COMMERCIAL AND RESIDENTIAL ZONING. AND THEN ALSO WE ARE RECOMMENDING MIXED USE ALONG THE SOUTH SIDE OF RIVERSIDE DRIVE. WE ARE NOT RECOMMENDING ADDING THE MIXED USE COMBINING DISTRICT, RATHER JUST ADDING THE MIXED USE BUILDING AND NEIGHBORHOOD URBAN CENTER OPTION. RECOMMENDING TO MAINTAIN COMMERCIAL ALONG THE NORTH SIDE OF RIVERSIDE DRIVE. MAINTAIN EXISTING OFFICE ALONG I-35. THERE ARE AN EXISTING SET OF USES WHICH WILL REMAIN CIVIC, INCLUDING A PARD FACILITY AND CHURCHES, ALSO A SMALL AMOUNT OF OPEN SPACE DUE TO THE HIKE AND BIKE TRAIL. NEXT IS THE PLEASANT VALLEY PLANNING AREA, THIS IS THE CURRENT LAND USE MAP. YOU CAN SEE THERE IS A LOT OF OPEN SPACE DUE TO THE COLORADO RIVER PARK, RIVERSIDE GOLF COURSE, ALSO A SIGNIFICANT AMOUNT OF MULTI-FAMILY AND INDUSTRIAL. LAND USE MAP. THE FUTURE LAND USE MAP, PRESERVE THE FAMILY AREAS, MAINTAIN THE EXISTING MULTI-FAMILY FARES, AND THERE HAS BEEN -- AREAS, AND THERE HAS BEEN SOME RECENT ZONING CASES FOR MIXED USE AND OFFICE MIXED USE, SO WE ARE SHOWING THOSE. BELIEVE, MAINTAIN THE EXISTING COMMERCIAL AS WELL AS OFFICE. AND MAINTAIN THE CAMPUS-LIKE INDUSTRIAL. CIVIC USES, THERE IS AN ELEMENTARY SCHOOL, THAT WILL REMAIN CIVIC. AS I STATED BEFORE, THE COLORADO RIVER PARK IS THE OPEN SPACE. YOU CAN SEE THAT THERE IS A BIG WHITE AREA. THAT AREA IS THE RIVERSIDE GOLF COURSE AND THE AUSTIN COMMUNITY COLLEGE CAMPUS. IT'S ALL OWNED BY AUSTIN COMMUNITY COLLEGE AND THEY HAVE CHOSEN TO

NOT HAVE THE NP ATTACHED. SO THERE WILL BE NO REZONINGS FOR THAT AREA AND THERE WILL BE NO DESIGNATION ON THE FLUM. THE LAST AREA IS THE PARKER LANE PLANNING AREA, THIS IS THE CURRENT -- OOPS. SORRY. THIS IS THE CURRENT LAND USE. AND THE FUTURE LAND USE. ONCE AGAIN, WE WILL BE MAINTAINING A SINGLE FAMILY ESTABLISHED NEIGHBORHOODS. THERE IS SOME HIGHER DENSITY SINGLE FAMILY IN THE AREA. AS WELL AS MULTI-FAMILY. MIXED USE, THE MIXED USE AT THE BOTTOM IS A RECENT ZONING CASE, IS AN APARTMENT COMPLEX THAT WILL BE GEARED TOWARDS SENIORS. AND THERE ARE A COUPLE OF SPOTS OF OFFICE MIXED USE THAT WE ARE RECOMMENDING. MAINTAIN THE COMMERCIAL ON I-35. AND THE SOUTH SIDE OF OLTORF AND ALONG BEN WHITE BOULEVARD. OFFICE ON THE FUTURE LAND USE MAP, MAINTAIN THE INDUSTRIAL AREAS. CIVIC, AND OPEN SPACE. THERE ARE 46 TOTAL ZONING TRACTS. 22 OF THOSE ARE CONTESTED. WHICH IS A GREAT REDUCTION FROM WHEN WE WENT TO PLANNING COMMISSION IN OCTOBER. AND 24 OF THOSE ARE UNCONTESTED. I WOULD LIKE TO GO IN DETAIL LATER OVER THE INDIVIDUAL CONTESTED ZONING TRACTS. I JUST WOULD LIKE TO POINT OUT A COUPLE OF THE GENERAL ISSUES THAT HAVE COME UP WITH THE CONTESTED ZONING. THE FIRST ONE IS THAT THERE IS A LOT OF MULTI-FAMILY APARTMENTS THAT ARE LOCATED ON COMMERCIALLY ZONED PROPERTIES. STAFF AND PLANNING COMMISSION ARE RECOMMENDING THAT THESE PROPERTIES, WHICH ARE NOT LOCATED ON AN ARTERIAL, AND ARE LOCATED IN THE INTERIOR OF THE NEIGHBORHOOD, BE REZONED TO THE APPROPRIATE MULTI-FAMILY CATEGORY. ON THE OTHER HAND, THE ADVISORY COMMITTEE IS RECOMMENDING THAT THESE PROPERTIES REMAIN COMMERCIAL. THE SECOND ISSUE IS THE CONSISTENT APPLICATION OF ZONING. STAFF AND PLANNING COMMISSION ARE RECOMMENDING REZONINGS ALONG PORTIONS OF EAST RIVERSIDE DRIVE TO ACHIEVE A GREATER CONSISTENCY OF ZONING. THERE IS A LOT OF CS OR CS 1 ZONING THAT IS NOT BEING USED AS SUCH, SO WE ARE PROPOSING TO REZONE IT TO GR, THE APPROPRIATE ZONING CATEGORY, WITH THE EXISTING USES. THE ADVISORY COMMITTEE WOULD LIKE TO WAIT UNTIL THE CORRIDOR STUDY THAT'S BEEN FUNDED IS COMPLETED.

THE LAST PARTS OF MY PRESENTATION ARE THE INFILL OPTIONS RECOMMENDED. PLANNING COMMISSION STAFF AND THE NEIGHBORHOOD ARE ALL IN AGREEMENT TO RECOMMEND SMALL LOT AMNESTY. I BELIEVE THERE ARE APPROXIMATELY 8 LOTS THAT WOULD BE AFFECTED. THE URBAN HOME SPECIAL USE, FOR DESIGN TOOLS, PLANNING COMMISSION STAFF AND NEIGHBORHOOD ARE RECOMMENDING IMPERVIOUS COVER AND PARKING PLACEMENT RESTRICTIONS. AS WELL AS GARAGE PLACEMENT RESTRICTIONS. FINALLY, FRONT YARD PARKING RESTRICTIONS ARE RECOMMENDED FOR THE COMBINED AREA WITH THE EXCEPTION OF THE BURLESON HEIGHTS AND [INDISCERNIBLE] SUBDISTRICTS, YOU DO HAVE A MAP THAT SHOWS WHERE THOSE SUBDISTRICTS ARE LOCATED. THAT CONCLUDES THIS PORTION OF THE PRESENTATION. DO YOU HAVE ANY QUESTIONS AT THIS TIME?

MAYOR WYNN: QUESTIONS, COUNCIL? COMMENTS?
COUNCILMEMBER MARTINEZ?

MARTINEZ: I WAS -- I WAS LOOKING AT THE CONTESTED ZONING CASES AND THERE WAS A SLIDE THAT CAME UP, HOW MANY OF THOSE CONTESTED CASES ARE ON RIVERSIDE DRIVE? I WOULD SAY -- SORRY, LET ME LOOK AT MY SHEET REALLY QUICK TO GIVE YOU A ROUGH ESTIMATE. I BELIEVE THERE ARE APPROXIMATELY 10.

SO HALF OF THE CONTESTED CASES ARE ALONG RIVERSIDE DRIVE? CLOSE TO HALF?

YES, CLOSE TO HALF.

MARTINEZ: MAYOR, SINCE WE HAVE ORDERED A CORRIDOR STUDY FOR THE RIVERSIDE DRIVE CORRIDOR, I FEEL LIKE IT WOULD BE APPROPRIATE IF WE CONSIDER TAKING THOSE CONTESTED ZONING CASES THAT ARE GOING TO BE IMPACTED BY THE CORRIDOR STUDY OUT OF ANY ACTION WE MIGHT TAKE TONIGHT AND WAIT FOR THAT INFORMATION TO COME BACK. BECAUSE I THINK THE CORRIDOR STUDY IS GOING TO HOPEFULLY GIVE US THE VISION AND THE PLAN OF WHAT WE WANT TO DO WITH THE -- IN TERMS OF HOW WE ZONE FOR THE CORRIDOR. I HATE TO DO THIS AGAIN AFTER WE PAY FOR THIS STUDY AND GO BACK AND DO

THESE ZONING CASES ALL OVER AGAIN.

MAYOR WYNN: GOOD COMMENT. MR. GUERNSEY, REMAINED US THE POTENTIAL TIMING OF THE CORRIDOR STUDY? I THINK WE JUST FUNDED IT THE LAST BUDGET, RIGHT?

GUERNSEY: THE CORRIDOR STUDY THAT WE ARE GOING TO MOVE FORWARD ON, WE WERE JUST GETTING -- PREPARING TO GO OUT AND START THAT PROCESS. IT WOULD PROBABLY DELAY THE PLAN AND PLAN REZONINGS, IF YOU ARE SUGGESTING TO REMOVE AT THIS TIME WOULD BE FOR ANOTHER YEAR. THE CONCERN I THINK A LOT OF THE PROPERTY OWNERS, SOME OF THE DEVELOPERS THAT OWN PROPERTY IN THIS AREA AND THE NEIGHBORHOODS HAVE IS THAT THEY ARE FULLY GETTING NOW APPLICATIONS FOR ZONING CASES, THERE'S UNCERTAINTY ALONG THE CORRIDOR, THEY WOULD ACTUALLY RATHER HAVE THE PLAN GO FORWARD TONIGHT. THE PLANNED REZONINGS. IF THERE'S SOMETHING THAT COMES OUT OF THE CORRIDOR STUDY, THAT WE CAN REVISIT, IF THERE NEEDS TO BE PLAN AMENDMENTS IN THE FUTURE, REZONINGS OR AN OVERLAY APPLIED. THAT THAT CAN TAKE PLACE AFTER THEY DO THAT ANALYSIS. SOME OF THE NEIGHBORHOODS FEEL THAT THEY ARE UNDER SIEGE BECAUSE THERE'S SO MANY REQUESTS COMING AT THEM. I THINK THERE ARE INDIVIDUAL PROPERTY OWNERS THAT WISH TO DEVELOP THEIR PROPERTY THAT WANT THE CERTAINTY OF SOMETHING STAYING IN PLACE. BECAUSE THIS PLAN HAS BEEN GOING ON FOR THREE YEARS. KIND OF OUR RECORD PLAN. I WILL OFFER THAT COMMENT. WE WILL CERTAINLY DO WHATEVER THE COUNCIL SUGGESTS, BUT I KNOW THAT A LOT OF THE PROPERTY OWNERS AND NEIGHBORHOOD FOLKS OUT HERE HAVE KIND OF INVESTED A LOT OF THEIR TIME AND SOULS TO THIS PROJECT. I THINK I WOULD JUST LIKE TO HAVE THAT FINALIZED AND -- AND WE WILL TAKE THE NEXT STEP WHEN WE GET THE -- THE CORRIDOR PLAN AND LOOK AT THAT.

MARTINEZ: MAYOR, I WASN'T SUGGESTED THAT WE NOT ADOPT THE NEIGHBORHOOD PLAN. JUST LOOKING SPECIFICALLY AT THE 10 -- THE 10 CONTESTED ZONING CASES THAT ARE GOING TO BE IMPACTED BY THE CORRIDOR STUDY. TALK TO US ABOUT, EVEN IF WE IN THEORY PRODUCED THE FUTURE LAND USE MAP AND DID

ALL OF THE REZONINGS WITH THE EXCEPTION OF THOSE
CONTESTED CASES, WHAT'S YOUR --

IF WE ARE GOING FORWARD WITH THE FUTURE LAND USE
MAP THAT WOULD ADD SOME CERTAINTY AND TAKE CARE
OF THE MAJORITY OF THE CONCERNS. IF WE ARE
ELIMINATING SOLELY THOSE 10 CASES I WOULD RELY ON
THEM TO TELL ME ABOUT THE POTENTIAL IMPACT OF
WAITING. I'M NOT SURE IF THE PROPERTY OWNERS WOULD
HAVE CONCERNS ABOUT DELAYING THOSE SPECIFIC 10
TRACTS.

I KNOW THAT THE -- THE POTENTIAL TWOERS OF THE SITE
AND THE -- DEVELOPERS OF THE SITE AND THE
NEIGHBORHOOD HAVE BEEN WORKING ON A FEW OF THOSE
TRACTS, THEY HAVE BEEN MEETING A LOT, SO I DON'T KNOW
-- ON THOSE TRACTS IF THEY WOULD WANT TO DELAY THEM
BECAUSE I HAVE HAD A LOT -- THEY HAVE HAD A LOT OF
MEETINGS TO DISCUSS THOSE TRACTS. THERE ARE A
COUPLE OF PROPERTY OWNERS HERE. WHO WANT THOSE
TRACTS TO GO FORWARD, ALSO.

I HAVE BEEN INFORMED SOME OF THOSE 10, I DON'T KNOW
WHICH ONES, BUT SOME OF THE 10 ACTUALLY ARE PENDING
REAL ESTATE CONTRACTS THAT ARE KIND OF WAITING THE
DECISION OF -- OF HOW WE MOVE FORWARD WITH THE
ZONING ON THOSE PROPERTIES. SOME OF THEIR
REPRESENTATIVES ARE HERE THIS EVENING.

THIS IS A REALLY DUMB QUESTION. TELL ME ONCE AGAIN
WHAT THE DIFFERENCE IN THE NEIGHBORHOOD PLANNING
TEAM IS AND THE ADVISORY TEAM. BECAUSE I NOTICE THAT
THERE ARE CONFLICT BETWEEN THE TWO SOMETIMES.

I WOULDN'T CALL IT A NEIGHBORHOOD PLANNING -- I
WOULDN'T CALL IT A NEIGHBORHOOD PLANNING TEAM. THEY
AL THE BEGINNING OF THE PROCESS WE GOT EVERYONE TO
PARTICIPATE IN THE PROCESS. THAT GAVE US A LIST OF
OVER 350 PEOPLE INTEREST LIST. THOSE 350 PEOPLE WERE
INVITED TO ALL OF OUR MEETINGS THAT THE CITY
FACILITATED. WITHIN THAT IS THE ADVISORY COMMITTEE.
THE ADVISORY COMMITTEE WAS PART OF THE 350 PEOPLE,
ON OUR INTEREST LISTS. TOWARDS THE END, AFTER MARCH

OF 2005, THE ADVISORY COMMITTEE HAD CONCERN OVER THE RECOMMENDATIONS THAT WERE MADE AT OUR FOCUS MEETINGS, OUR LAND USE AND ZONING MEETINGS, SO THEY DID PARTICIPATE IN THOSE MEETINGS, HAD CONCERN OVER THE RECOMMENDATIONS, SO THEN THEY CHOSE TO SORT OF MAKE THEIR OWN RECOMMENDATIONS, THEIR OWN ZONINGS RECOMMENDATIONS, WHICH I WILL -- WHICH I REFLECTED ON THE MOTION SHEET.

JUST ONE ADDITIONAL CLARIFIER. ONCE YOU HAVE SENT OUT THE NOTICE, YOU HAVE OVER 300 PEOPLE PARTICIPATING, FOR EASE OF EFFORT WE BEGIN TO TALK ABOUT IT AS THE PLANNING TEAM, IT'S THE GROUP OF PEOPLE WHO ARE WORKING, IS THAT WHERE THE PHRASE COMES FROM AS WE BANDY IT AROUND UP HERE? YOU ARE LOOKING FOR HELP. THE SECOND CLARIFIER IS EXPLAIN HOW THE ADVISORY GROUP, ARE THEY SELF SELECTED OR VOTED ON BY THE GROUP. HOW DOES THAT GROUP COME INTO BEING?

THE ADVISORY COMMITTEE IS SELF SELECTED GROUP THAT STARTED AT THE BEGINNING OF THE PROCESS BASICALLY THE ADVISORY COMMITTEE WAS DEVELOPED TO WORK WITH STAFF, A SMALLER GROUP OF PEOPLE, ABOUT 15 PEOPLE TO WORK WITH STAFF, TO DISCUSS UPCOMING MEETINGS, MAYBE TOPICS THEY WANT TO DISCUSS.

FUTRELL: HOW ARE THEY SELECTED?

THEY JUST VOLUNTEER.

DUNKERLY: THIS IS MORE LIKE A MAJORITY AND A MINORITY RECOMMENDATION OR REPORT. OCCASIONALLY YOU WILL HAVE A TEAMWORKING, THE MAJORITY OF THE FOX WANT X, SOME THAT WANT Y. THEN THEY COME IN WITH AN ADDITIONAL MINORITY REPORT. IS IT MORE IN THAT LIGHT?

HELP ME CLARIFY.

IT ALMOST SOUNDS TO ME LIKE THAT'S WHAT IT BECAME.

MIKE WALTERS, NEIGHBORHOOD PLANNING AND ZONING.
YES THE ADVISORY COMMITTEE WAS A SELF SELECTED

GROUP OF PEOPLE WHO WERE NOT SATISFIED WITH THE RESULTS OF THE CITY FACILITATED MEETINGS. SO THEY SET OUT ON THEIR OWN TO CREATE AN ALTERNATIVE SET OF RECOMMENDATIONS TO BRING FORWARD.

DUNKERLY: LIKE A MINORITY REPORT. OKAY.

FURTHER QUESTIONS, COMMENTS, COUNCILMEMBER KIM?

LET ME ADD ONE MORE THING.

WORKING THAT WAY.

YOU KNOW WHAT? MAYBE THIS WASN'T SUCH A DUMB QUESTION.

WHERE IS LAURA HUFFMAN.

THE GROUP THAT WE ARE SPEAKING OF WAS ALWAYS PART OF THE LARGER GROUP. THEY WEREN'T SOME SPLINTER GROUP THAT SEPARATED FROM THE ORIGINAL GROUP. THEY WERE ALWAYS PART OF THE ORIGINAL GROUP. IT'S JUST A SMALLER SET OF THAT ORIGINAL GROUP. WHEN WE WENT TO THE PLANNING COMMISSION, THE PLANNING COMMISSION ASKED STAFF TO GO BACK AND MEET WITH THESE SMALLER GROUP AND SEE IF WE COULD WORK THROUGH A LOT OF THE CONCERNS. NOT MORE THAN PROBABLY ABOUT -- ABOUT SIX MONTHS AGO, WE PROBABLY WERE STILL LOOKING AT CONTESTED TRACTS WHERE THE STAFF HAD AN OPINION AND THIS -- THE NEIGHBORS THAT WE HAVE BEEN SPEAKING OF, THE SMALLER GROUP, MAYBE HAD 50 PLUS CASES OR 50 PLUS TRACTS WHERE WE WERE AT ODDS. WE WEREN'T IN AGREEMENT. OVER THE SUMMER, WE HAVE KIND OF WORKED THAT DOWN TO BE A MUCH SMALLER LIST. I THINK ABOUT 20 TRACTS. SO -- SO I WOULDN'T SAY IT IS A MINORITY OPINION OR A SPLINTER GROUP. I WOULD JUST SAY IT'S A SMALLER GROUP OF THE ORIGINAL SET THAT WHEN WE HAD ALL OF THE ORIGINAL NOTICES THAT WERE SENT OUT. WE NOTIFIED THE WORLD. WHEN WE STARTED WORKING WITH THE SMALLER GROUP, WE DID NOT HAVE THE BENEFIT OF SENDING OUT THAT SAME NOTICE LIST TO EVERYONE IN THE WORLD, ALTHOUGH THEY ALL COULD

HAVE --

DUNKERLY: YOU ARE SAYING THIS REALLY REPRESENTS TWO SMALLER GROUPS THAT MAY HAVE DIFFERING OPINIONS?

MAYOR WYNN: GREG IS BEING VERY DIPLOMATIC.

GUERNSEY:: BUT SMALLER GROUPS OF THE ORIGINAL SET.

DUNKERLY: I KNOW THAT. I'M TRYING TO FIGURE OUT WHICH GROUP REPRESENTS MORE OF THE LARGER GROUP.

I THINK THEY WOULD SAY THE SMALLER GROUP REPRESENTS FIVE DIFFERENT NEIGHBORHOODS THAT HAVE BEEN WORKING ON THE PLAN FOR THE LAST THREE YEARS. I DON'T THINK THEY LOOK AT THEMSELVES AS BEING SMALLER GROUP. THEY ACTUALLY LOOK AT THEMSELVES AS TRYING TO REPRESENT A LARGER AREA. BUT THEY ARE THE GROUP THAT --

DUNKERLY: THERE'S NO DIFFERENCE OTHER THAN TWO GROUPS AND TWO DIFFERENT OPINIONS SOMETIMES.

GUERNSEY: GURN THERE MAY BE TWO GROUP WAS TWO DIFFERENT OPINIONS, BUT THEY ARE BASICALLY THE SAME GROUP BUT A SMALLER SET OF THE ORIGINAL GROUP.

DUNKERLY: REALLY IS CONFUSING.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. FURTHER QUESTIONS OF STAFF? COUNCILMEMBER KIM?

KIM: I LOOKED AT A COPY OF THE FUTURE LAND USE MAP PLANNING PRINCIPLES APPLIED TO THIS RIVERSIDE OLTORF NEIGHBORHOOD PLAN, THE DATE IS JULY 9TH, I WOULD LIKE TO READ THIS BECAUSE I THINK THAT IT REVEALS A LOT ABOUT THIS AREA, WHAT IT COULD BE, WHAT IT IS NOT RIGHT NOW. I DON'T THINK THIS PLAN IS GOING TO GET US WHAT WE WANT. THE PRINCIPALS ARE TWO OF THE -- PRINCIPLES ARE TWO OF THE -- OBSERVATIONS, TWO OF THE THREE SUBAREAS IN THE PLANNING AREA SAW A DECREASE IN OWNER OCCUPANCY, A TREND OPPOSITE

THAT OF THE REST OF THE URBAN CORE. NEXT BETWEEN 2000 AND 2004 1855 MULTI-FAMILY UNITS WERE ADDED, ONLY 211 SINGLE FAMILY UNITS WERE ADDED. BUT THE TAXABLE VALUE OVERALL INCREASE OF 40% TO 60%, WHICH EQUALS 50 TO \$100 MILLION. WHILE THE COMMERCIAL MULTI-FAMILY DECREASED IN TAXABLE VALUE. THE CRIME RATE IN THE 78741 ZIP CODE IS THE HIGHEST IN THE CITY, WITH OVER 14,000 CRIMES COMMITTED IN 2005. I WAS HOPING THAT THIS PLAN WOULD ENCOURAGE REDEVELOPMENT AND MORE MIXED USE AND MORE COMPACT DEVELOPMENT. WHAT WE HAVE HERE, I BELIEVE, IS REZONING TO MAKE MULTI-FAMILY A CONFORMING USE WHEREAS WITH THE CURRENT ZONING IT WOULD BE MORE COMMERCIAL AND I'M HOPING WE COULD CHANGE THAT MORE TO MIXED USE. I DON'T KNOW WHAT WE CAN DO ABOUT THIS NOW WE HAVE THIS PLAN, BEEN AN OVERALL PROCESS WHICH HAS BEEN IMPERFECT. I'M NOT CASTING BLAME ON ANYONE. BUT I JUST MY UNDERSTANDING FROM -- FROM SOME OF THE PARTICIPANTS IS THEY WERE TOLD SINGLE FAMILY WILL REMAIN SINGLE FAMILY, IF MULTI-FAMILY IS THE USE, IT WILL REMAIN MULTI-FAMILY. THAT MAY NOT BE THE BEST AND HIGHEST USE FOR THOSE TRACTS. ESPECIALLY SINCE THIS IS PART OF OUR URBAN CORE. WE DO AS A COUNCIL WANT TO SEE MORE REDEVELOPMENT THAT IS MIXED USE, PEDESTRIAN FRIENDLY, BUT THERE IS A DISCOURAGEMENT TO DOING THAT WHEN THEY ARE SURROUNDED BY MULTI-FAMILY AND THERE ISN'T THE POTENTIAL FOR OWNER OCCUPANCY SUCH AS WITH CONDOS WHICH REQUIRES SF 6 ZONING. THE OPPORTUNITY THAT'S REALLY VISIONARY, TO GIVE THE PEOPLE IN THE NEIGHBORHOOD THE OPPORTUNITY TO SEE IT AS SUCH, SETTING THESE PARAMETERS, THESE RULES IF IT'S MULTI-FAMILY, IT'S GOT TO SAY MULTI-FAMILY. I DON'T THINK THAT'S VERY FAIR. I THINK IT WAS A MISSED OPPORTUNITY. SO I DON'T KNOW WHAT THE PROCESS SHOULD BE RIGHT NOW. BUT I KNOW THIS IS NOT THE BEST THAT WE CAN DO.

16 PAGES OF MOTION. LET'S SEE HOW MANY WE CAN GET THROUGH IN 30 MINUTES. IF YOU ALL ARE READY.
[INDISCERNIBLE]

MAYOR WYNN: OH, YEAH, SPEAKERS. [LAUGHTER]

TESTIMONY. OH, YEAH.

WE ARE RECOMMENDING TO OPEN THE PUBLIC HEARING BEFORE WE GO IN DETAIL OVER THE MOTION SHEET.

MAYOR WYNN: TAKES ALL OF THE FUN OUT OF IT. SO -- WE WILL NOW CONDUCT OUR PUBLIC HEARING, I GUESS COMBINED ITEMS 103 THROUGH 105 OR 6 AND SO -- ITEM NO. 103, FIRST SPEAKER IS LARRY SUNDERLAND. WELCOME, YOU WILL HAVE THREE MINUTES, FOLLOWED BY GAIL GOT, FOLLOWED BY JAN LONG.

THANK YOU, I GUESS THAT I WILL SPEAK TO ALL OF THEM RIGHT NOW. MY NAME IS LARRY SUNDER LAND, I LIVE AT 1507 SUMMIT SPEAK, SPEAKING IN SUPPORT OF THE EAST RIVERSIDE OLTORF COMBINED NEIGHBORHOOD PLAN. WHEN WE CAME BEFORE THE PLANNING COMMISSION LAST YEAR I PRESENTED A PETITION WITH OVER 190 SIGNATURES OF CITIZENS WHO SUPPORTED THE PLAN AS PRESENTED. I GAVE THEM TO STAFF AT THAT TIME, I E-MAILED YOU A COPY OF THE TEXT THIS WEEK. IT IS ALMOST A RELIC NOW, BUT WHY IT WAS PRESENTED ORIGINALLY IS STILL IMPORTANT. THE PETITION WAS IN RESPONSE TO A PETITION CIRCULATED BY THE AFFECTED NEIGHBORHOOD ASSOCIATIONS AT A MEETING THEY HOSTED AFTER THE NEIGHBORHOOD PLAN WAS PUBLISHED IN OCTOBER OF 2005. THE MEETING WAS AN ATTEMPT TO CHANGE THE DECISIONS THAT WERE MADE IN THE PUBLIC HEARINGS. I DID NOT QUESTION THEIR GOOD HEARTS, I KNOW THEY LOVE THE CITY AS MUCH AS I DO, AS WITNESSED BY THE AMOUNT OF TIME SOME OF THESE FOLKS PUT INTO CITY MATTERS. I THINK IT'S FUNDAMENTALLY WRONG TO USE THE CLOUT OF A NEIGHBORHOOD ASSOCIATION TO PUSH THROUGH THE AGENDA OF A FEW. I WANT TO MAKE IT CLEAR BEYOND GATHERING SIGNATURES AND PRESENTING THIS PETITION AT VARIOUS MEETINGS, ANYTHING I SAY HERE IS MY OWN OPINION, I AM IN NO WAY SPEAKING FOR ANYONE OTHER THAN MYSELF. I SUPPORT THE PLAN BECAUSE I THINK IT REPRESENTS THE COLLECTIVE WISDOM OF CITIZENS AND CITY STAFF WORKING TOGETHER FOR THE GREATER GOOD. IT IS NOT A PERFECT DOCUMENT. IF WE HAD IT ALL TO DO OVER AGAIN, WE WOULD PROBABLY APPROACH IT DIFFERENTLY. BUT IT DOES GIVE US A SOLID

ROAD MAP THAT WOULD ALLOW US TO MOVE FORWARD AND HOPEFULLY REMOVE SOME OF THE DISCORD. THE REAL PRICE HERE IS A LIVEABLE CITY. DURING THIS PROCESS MY EYES HAVE BEEN OPENED TO WHAT WE CAN EXPECT IN THE WAY OF GROWTH, THE EFFECT THAT'S THIS GROWTH CAN HAVE ON OUR QUALITY OF LIFE. KNOWING WHAT I KNOW NOW ABOUT THE COMMITMENT OF CITY STAFF, PLANNERS, REGULAR CITIZENS, I AM NOT AFRAID OF THE FUTURE THAT WILL COME. IN FACT I WOULD ONLY BE AFRAID FOR OUR NEIGHBORS IF WE DID NOT ACCEPT THIS PLAN. PLEASE ENDORSE THIS PLAN TONIGHT AND LET US MOVE FORWARD.

THANK YOU, I'M TAKING THIS IN ORDER FOR ITEM 103 TECHNICALLY, THE FIRST ONE, EVEN THOUGH I'M TRYING TO CALL THEM UP AT THE SAME TIME. GAIL GOFF. WELCOME. IS DONALD REDMAN HERE?

I IMAGINE A LOT OF PEOPLE AREN'T HERE BECAUSE WHEN WE LOOKED AT THE AGENDA AND SAW THE LIST, WE THOUGHT IT WOULD BE INCREDIBLE TO BE BEFORE YOU ANY EARLIER THAN 9:00 TONIGHT. SO WE SUGGESTED AS A -- AS A MIDDLE POINT 6:30. WE CERTAINLY DIDN'T THINK THAT WE WOULD BE HERE BEFORE MUSIC AND PROCLAMATIONS.

MAYOR WYNN: I DOUBT WE WILL BE DONE BY 6:30.

THERE'S HOPE.

MAYOR WYNN: FAIR ENOUGH. THREE MINUTES FOLLOWED BY JAN LONG.

I BELIEVE SEVERAL PEOPLE DONATED TIME TO ME. I BELIEVE A LIST WAS -- WAS GIVEN TO YOU -- I HAVE A LIST OF SPEAKERS THEN. YOU ARE SUGGESTING FOLKS HERE ARE DONATING TIME TO YOU, DETAIL.

I SHOULD -- THERE SHOULD HAVE BEEN PEOPLE ON THE SIGNUP LIST ALREADY. THERE WERE SOME THAT I WAS EXPECTING AT 6:30. SO I DON'T KNOW HOW MUCH --

REDMAN AND LINDA LAND. GAIL, SIX MINUTES, FOLLOWED BY JUDY PRICE.

I PROBABLY NEED MORE THAN SIX BECAUSE I'M KIND OF DOING AN OVERVIEW OF THE PROCESS HOPEFULLY TO ANSWER SOME OF THE QUESTIONS --

IF SOMEBODY HERE WILL DONATE TIME TO YOU?

[INDISCERNIBLE] INSTEAD OF GENE, GO TO JAIL. YOU WILL HAVE NINE MINUTES IF YOU NEED IT.

MAYOR, COUNCILMEMBERS, I'M GALE GOFF, A 30 YEAR RESIDENT IN THE EAST OLTORF COMBINED NEIGHBORHOOD PLANNING AREA. I'M A PARTICIPANT IN PLANNING MEETING. I'M A CO-VICE-PRESIDENT OF SRCC, A MEMBER OF THE PLANNING TEAM AND A MEMBER OF THE NEIGHBORHOOD PLANNING CONTACT TEAM. I WOULD LIKE TO GIVE YOU AN OVERVIEW OF OUR AREA, OF THE PLANNING PROCESS HERE, AND OF THE PLAN RECOMMENDATIONS. I'M STARTING WITH THIS MAP OF THE EAST RIVERSIDE OLTORF COMBINED AREA. WE WILL BE REFERRING TO IT AS EROC. THE MAP IS UNLIKE MOST OF THE ZONING MAPS TONIGHT. EROC. IT SHOWS YOU WHAT YOU CAN'T SEE JUST BY DRIVING THROUGH THE AREA ON YOUR WAY TO THE AIRPORT. THIS AREA IS COVERED WITH SEEP, SPRINGS, CREEKS. IT MAKES OUR AREA SPECIAL. AS YOU LISTEN TO THE PRESENTATIONS TONIGHT, THERE ARE CERTAIN FACTS ABOUT THIS PART OF THE CITY THAT YOU SHOULD CONTINUALLY BEAR IN MIND. THE NUMBERS THAT WE WILL USE ARE FROM THE SAME ONES MELISSA QUOTED FROM. FROM THE CENSUS OF 2000. THEY HAVE ONLY GROWN HIGHER. THE FIRST THING THAT YOU SHOULD REMEMBER ABOUT EROC IS DENSITY. FACT, WE GOT IT. THE EROC NEIGHBORHOOD PLANNING AREA IS DENSE AND GETTING DENSER. THE DENSE STEW YOU WANT TO CHAN -- DENSITY THAT YOU WANT TO CHANNEL INTO ALL PARTS OF AUSTIN, IT'S HERE IN EROC RIGHT NOW. EROC HAS THREE TIMES AS MANY PEOPLE AS THE URBAN CORE. IF YOU LOOK AT THE NUMBERS THERE BEFORE YOU, YOU CAN SEE THAT TWO OF THE SUBAREAS HAVE ALMOST TWICE THE NUMBER OF PEOPLE PER ACRE. RIVERSIDE IS OFF THE CHART. EROC POPULATION GREW OVER 70% BETWEEN 1990 AND 2000. COMPARED TO 22% IN THE URBAN CORE. THE OTHER THING THAT YOU NEED TO REMEMBER IS -- WHOOPS. OKAY. I WILL GET USED TO THIS IN A MINUTE. MULTI-FAMILY HOUSING. WE HAVE GOT THAT, TOO. BY 2000, ALMOST HALF

OF ALL OF THE DEVELOPED LAND IN EROC WAS MULTI-FAMILY. OVER 78% OF ALL HOUSING STRUCTURES IN THIS AREA ARE MULTI-FAMILY. THERE IS NO BALANCE OF LAND USES, WHILE EROC IS ONLY 6.3% OF THE TOTAL NPA ACRES, IT HAS OVER 21% WORTH OF NPA MULTI-FAMILY ACRES. YOU ALSO NEED TO KNOW THAT EROC SUPPORTS AND HAS AFFORDABLE HOUSING. ACCORDING TO THE AFFORDABLE HOUSING GUIDE, WE HAVE OVER 3,000 RENTAL UNITS, WE HAVE 1900 THAT QUALIFY FOR TAX CREDITS, RTC, AHFC, SECTION 8, LEVEL A VERY LOW INCOME HOUSING. THE MAP AND GOALS SUPPORT CONTINUED HOUSING OPTIONS, AFFORDABLE HOUSING OPTIONS DIRECTED AT HOME OWNERSHIP. AND SUPPORT AFFORDABILITY COMPONENTS IN THE NEW AND REDEVELOPMENT PROJECTS THAT COME TO OUR AREA. SO THEY WILL TALK ABOUT NEIGHBORHOOD PLANNING. WHAT WE HEARD ABOUT NEIGHBORHOOD PLANNING WE WERE ALL REALLY EXCITED. THE TASK AFTER READING ON THE CITY WEBSITE SEEMED TO BE INCREDIBLE. IT WAS A WAY FOR US TO SHAPE OUR NEIGHBORHOODS, TO ADDRESS LAND USE, TRANSPORTATION, SERVICES, INFRASTRUCTURE, TO ESTABLISH GOALS, TO IMPROVE THE NEIGHBORHOOD. AND TO CREATE A CLEAR PICTURE OF THE TYPE OF DEVELOPMENT DESIRED BY THE NEIGHBORHOOD. IT STARTED WITH THE SURVEY. IN 2003 THE FIRST EROC SURVEY WAS TAKEN. IT WAS TO IDENTIFY WHAT PEOPLE FELT WERE THE AREAS KEY ASSETS AND WHICH ISSUES WERE IMPORTANT TO THEM. 250 FOLKS RESPONDED. 34% OF THEM WERE APARTMENT RESIDENTS. THE SURVEY IDENTIFIED THESE TOP 10 THINGS THAT WE LIKE SO MUCH ABOUT OUR AREA. WE LIKE THE AFFORDABILITY. WE LIKE THE CHARACTER AND THE CENTRAL LOCATION. WE LOVE THE TREES AND HOW EASY IT IS TO GET DOWNTOWN FOR -- FOR PLANNING COMMISSION AND CITY COUNCIL MEETINGS. WE LOVE THE SINGLE FAMILY HOME AREAS, IT'S QUIET, WE HAVE NATURAL AREAS AND GREEN SPACE, WE HAVE GREAT VIEWS AND WE HAVE LOW TRAFFIC. SO WE ALSO IDENTIFIED THINGS THAT MOST CONCERN US. NUMBER ONE ON THAT LIST IS MANAGING NEW DEVELOPMENT. SECOND, CRIME. SAFETY AND SECURITY. WE WOULD LIKE TO MAINTAIN THE SINGLE FAMILY HOMES, WE WOULD LIKE TO IMPROVE OUR INFRASTRUCTURE AND PARKS, WE WANT TO PRESERVE THE NATURAL ENVIRONMENT, WE WANT TO MAINTAIN THE

QUALITY OF THE NEIGHBORHOODS. WE WANT TO REVITALIZE RIVERSIDE DRIVE. IT NEEDS TO BE GREENER, WE NEED NEW BUSINESS. WE WOULD LIKE TO MANAGE TRAFFIC AND WE WOULD LIKE TO GET SOME CODE ENFORCEMENT. AND THE SURVEY INFORMATION SHOULD HAVE DRIVEN THE MEETINGS OF THE PLANNING PROCESS. HOWEVER, DURING TWO YEARS, THE EROC PLANNING PROCESS DID NOT ADDRESS THE ISSUES THAT CONCERNED STAKEHOLDERS. IT DID NOT CREATE A PLAN REPRESENTATIVE OF STAKEHOLDERS' GOALS FOR THE FUTURE. I THINK THERE ARE MANY REASONS FOR THIS. WE FELT LIKE THAT COMMUNITY OUTREACH WAS INEFFECTIVE. FOR EXAMPLE WE HAVE A CONSIDERABLE HISPANIC POPULATION. BUT THE ONLY NOTICE REGARDING THIS AT THE BEGINNING OF THE PROCESS CONTAINED ONLY ONE STATEMENT IN SPANISH DIRECTOR THE READER TO CONTACT STAFF IF A COPY IN SPANISH WAS DESIRED. HOW WOULD YOU KNOW? THERE WERE UNSOUND AND INCONSISTENT VOTING PROCEDURES. AT THE MEETINGS WE NEVER DISCUSSED THE ISSUES MENTIONED BY THE SURVEY THAT WERE SO IMPORTANT. THE QUANTITY OF TRACTS WERE OVERWHELMING MUCH INCOMPLETE AND CONFUSING INFORMATION AND MAPS. AT THE FIRST MEETINGS THE TRACTS DIDN'T EVEN HAVE ADDRESSES. THERE WERE MANY TRACTS THAT STAKEHOLDERS WANTED TO DISCUSS, THEY WOULD BE IMPORTANT TO FUTURE PLANNING, BUT THEY WERE OFF THE TABLE. IT WAS SO DIFFERENT FROM THE EXPERIENCE DESCRIBED ON THE WEBSITE. IT WAS NOT ABOUT PLANNING. IT WAS ABOUT REZONING. AND TO MANDATE A PLANNING PROCESS IN AN AREA OF THE CITY THAT NEEDS IT MOST AND THEN NEVER HOLD THE MEETINGS TO EXAMINE AND CHOOSE DIRECTIONS FOR THE FUTURE, WELL, IT'S UNJUSTIFIABLE. THEREFORE, IN AN EFFORT TO REDIRECT THE COURSE OF THIS PROCESS, A GROUP OF ACTIVE PARTICIPANTS JOINED IN MEETING WITH THE TOP LEVEL NPZD STAFF. THE REQUEST, PARTICIPANTS WANTED CONSTRUCTIVE SESSIONS TO DEAL WITH AREA ISSUES. THEY WANTED TO SET REZONINGS ASIDE SO THAT ACTUAL PLANNING COULD HAPPEN. THE RESPONSE WAS NO. SO -- SO RECOGNIZE REPRESENTATIVES OF 8 REGISTERED NEIGHBORHOOD ORGANIZATIONS, THEN FORMED A PLANNING TEAM AND AGREED TO CONTINUED

COLLABORATION TO ATTEMPT TO ADDRESS THE ISSUES AND CONCERNS THAT HAVE BEEN IDENTIFIED BY THAT FIRST SURVEY. THE RESULT? AN IMPROVED PLAN DOCUMENT, A PLANNING TEAM FLUM THAT REPRESENTS OUR VISION FOR THE FUTURE AND RESPECTS EXISTING ZONING, ENVIRONMENTAL FEATURES AND AREA ASSETS. HERE'S SOME OF THE RECOMMENDATIONS. WE WANT TO PRESERVE AND PROTECT SINGLE FAMILY HOMES IN THE NEIGHBORHOOD CHARACTER. WE WANT TO SUPPORT EXISTING COMPATIBILITY STANDARDS. THE PLAN URGES NO NET INCREASE IN MULTI-FAMILY HOUSING. WHILE PROMOTING HOME OWNERSHIP OPPORTUNITIES TO MEET RESIDENTIAL NEEDS. IT PROVIDES SPECIFICS ON IMPROVEMENTS FOR RIVERSIDE DRIVE, RECOMMENDS THE ALLOCATION FOR RESOURCES FOR A COMPREHENSIVE PLAN, A PLAN, FOR THE RIVERSIDE DRIVE CORRIDOR. IT RECOMMENDS SPECIFICS TO STRENGTHEN THE WATERFRONT OVERLAY BECAUSE THE LAKE IS FOR THE PEOPLE OF AUSTIN. THE PLAN STRIVES TO RESTORE, PRESERVE AND PROTECT OUR CREEKS, OUR SPRINGS, OUR ENVIRONMENTAL FEATURES. WE WOULD LIKE TO ESTABLISH THE COUNTRY CLUB CREEK PRESERVE, WE WANT TO DESIGN AND CONSTRUCT THE COUNTRY CLUB CREEK TRAIL. WE WANT TO PRESERVE AND PROTECT THE 18 HOLE RIVERSIDE GOLF COURSE. [BEEPING] I HAVE JUST A LITTLE BIT MORE.

MAKE IT A LITTLE PLEASE, WE HAVE LOTS OF FOLKS.

THERE ARE FOUR ITEMS TONIGHT THAT MAY BE ACTED ON. THE OTHERS WILL NEED TO BE ADDED TO A FUTURE AGENDA. THEY ARE ALL VITAL AND IN SUPPORTING THE PLAN. THE ACTION ITEMS ON TONIGHT'S AGENDA ARE TO ADOPT THE EROC GOALS AND OBJECTIVES AND RECOMMENDATIONS, THE WRITTEN PLAN DOCUMENT. SO ADOPT THE PLANNING TEAM FUTURE LAND USE MAP AS THE VISION FOR OUR NPA, TO SUPPORT THE PLANNING TEAM RECOMMENDATIONS ON TRACT REZONINGS, TO FINALIZE FUNDING SPECIFICS FOR COMPREHENSIVE RIVERSIDE DRIVE CORRIDOR STUDY. PLEASE DON'T THROW THE MONEY AWAY ON FURTHER SPOT REZONINGS BEFORE THAT PLAN CAN BE COMPLETED.

THANK YOU, MS. GOFF.

THESE ARE ALL OF THE ITEMS FOR FUTURE AGENDAS
WHICH FOLKS WILL NOW SPEAK TO.

MAYOR WYNN: FAIR ENOUGH. NEXT SPEAKER IS JUDY PRICE.
WELCOME, THREE MINUTES FOLLOWED BY MA'AM
COLORADO YATES. MALCOLM YATES. NOTE THAT WE ARE
GOING TO BREAK AT 5:30.

I'M JUDY PRICE, I LIVE IN THIS AREA, I HAVE BEEN AN ACTIVE
PARTICIPANT IN ALL OF THE MEETINGS. EVER SINCE THIS
BEGAN. THREE YEARS AGO. WE HAVE WORKED VERY HARD
FOR OUR TRAIL AND WE HAVE ACCOMPLISHED A LOT WITH
THE HELP OF THIS CITY. THIS D.V.D. WILL TELL MY STORY.
THANK YOU.

MAYOR WYNN: PERHAPS WHY DON'T WE HEAR FROM
MALCOLM YATES, TRY TO GET SOME TESTIMONY IN WHILE
WE ARE SITTING HERE BEFORE WE BREAK. BRIAN MYLAR,
MALCOLM 80'S. YATES.

CAN I PRESENT --

I'M BARB FOX, CAN I DO MY PRESENTATION.

I'M SORRY? YOU MAY, THANK YOU.

IS TERRY FOX HERE. DONATING HIS TIME TO YOU, UP TO SIX
MINUTES, WELCOME.

GOOD EVENING. I'M BARB FOX, AN AUSTIN AREA RESIDENT
SINCE 1972. CROSSING GARDEN HOMES HOME RUN AND
RESIDENT OF THE EAST RIVERSIDE OLTORF COMBINED
NEIGHBORHOOD GEOGRAPHIC. ALSO A BOARD MEMBER AND
CIVIC REPRESENTATIVE FOR THE CROSSING GARDEN
HOMES, HOMEOWNERS ASSOCIATION, WHICH CONSISTS OF
96 SINGLE FAMILY HOMES. THE AUSTIN COMMUNITY
COLLEGE RIVERSIDE CAMPUS AND RIVERSIDE GOLF
COURSE ARE ALSO IN THE EROC NEIGHBORHOOD
GEOGRAPHY. SPECIFICALLY, IN THE PLEASANT VALLEY
NEIGHBORHOOD. ALTHOUGH A.C.C. IS EXEMPT FROM
MUNICIPAL ZONING REGULATIONS AS ARE SCHOOL

DISTRICTS IN TEXAS, A.C.C. ALSO ELECTED TO HAVE THE A.C.C. RIVERSIDE CAMPUS AND THE 18 HOLE RIVERSIDE GOLF COURSE PROPERTIES EXCLUDED FROM THE EROC NEIGHBORHOOD PLAN AND FROM THE FUTURE LAND USE MAP. WE MUST REMEMBER OVER 150 ACRES OF THAT WHITE SPACE OR PROPERTY THAT YOU SAW IN THE FLUM IS GREEN SPACE. AND IT IS THE 18 HOLE HISTORIC GOLF COURSE. IS REVISING ITS CURRENT MASTER PLAN, DEVELOPING A DISTRICT MASTER PLAN, WE WOULD HOPE A.C.C.'S MASTER PLANS DO NOT ELIMINATE THE EXISTING 18 HOLE GOLF COURSE. A.C.C. BUILT THE EXISTING RIVERSIDE CAMPUS ON A PORTION OF THE OLD COUNTRY CLUB GOLF COURSE IN SUCH A WAY AS TO KEEP AN 18 HOLE COURSE. THE ORIGINAL COURSE DESIGNED BY PERRY MAXWELL, WHERE HARVEY PENNICK LIVED AND TAUGHT THE GAME OF GOLF FOR 34 YEARS AND IS THE COURSE WHERE TWO TIME MASTER CHAMPION BEN CRENSHAW, FORMER U.S. OPEN CHAMPION TOM KITE AND OTHER GOLFING GREATS LEARNED TO PLAY THE GAME. EVEN WITH THE CONSTRUCTION OF THE EXISTING RIVERSIDE CAMPUS, THERE IS A STRONG PRESENCE OF THE ORIGINAL COURSE. GOLF HISTORIAN SAYS 16 OF THE ORIGINAL MAXWELLS GREENS ARE STILL INTACT AND RIVERSIDE FOUR FINISHING HOLES ARE CONSIDERED SOME OF THE BEST IN GOLF. FOR AVID GOLFER MAGAZINE, 13 OF THE ORIGINAL MAXWELL HOLES ARE STILL INTACT. FOUR OF THE HOLES HAVE BEEN MODIFIED, ONE HOLE IS NEW, AND THE ORIGINAL PRACTICE PUTTING GREEN THAT BEN CRENSHAW AND TOM QUIET LEARNED TO PUTT ON IS STILL INTACT. CERTAINLY THE RIVERSIDE GOLF COURSE STILL HAS BOTH ARCHITECTURAL AND HISTORICAL SIGNIFICANCE AND WARRANTS BEING PRESERVED. FROM THE GOLF COMMUNITY AND THE MANY OUT OF TOWN GOLFERS WHO CHERISH THE OPPORTUNITY TO GOLF THIS HISTORIC COURSE. ADDITIONALLY THE RIVERSIDE GOLF COURSE IS ONLY A FEW MILES FROM DOWNTOWN AUSTIN AND IT'S ONE OF OUR LARGEST GREEN SPACES COVERING OVER 150 ACRES. A.C.C. STATED THAT THE RIVERSIDE CAMPUS NEEDS TO BE EXPANDED FOR ITS CURRENT STUDENT ENROLLMENT AND ITS IN CURRENT NEED OF A 400 SPACE PARKING STRUCTURE. FURTHER EXPANSION OF THE RIVERSIDE CAMPUS WILL BE NEEDED TO PROVIDE FOR FUTURE STUDENT GROWTH, FROM THE DEL

VALLE INDEPENDENT SCHOOL DISTRICT, WHICH HAS BEEN ANNEXED AND IS NOW PART OF THE AUSTIN DISTRICT. [BEEPING], ANNEX I SUPPORTED AND VOTED FOR. I KNOW OF NO OPPOSITION TO THE RIVERSIDE CAMPUS BEING EXPANDED. HOWEVER, THERE'S A STRONG CONCERN THAT A.C.C.'S ACTIONS MAY ELIMINATE THIS HISTORIC COURSE. A.C.C. HAS CLEARLY STATED IT'S NOT COMMITTED TO RETAINING AND PRESERVING THE 18 HOLE RIVERSIDE GOLF COURSE AND MAY EVEN CHOOSE TO EXPAND THE CAMPUS ON TO THE COURSE AND/OR SELL THE PROPERTY FOR FUTURE DEVELOPMENT. RESULTING IN THE ELIMINATION OF THE COURSE. TODAY THE RIVERSIDE CAMPUS BUILDINGS ARE ONLY ONE AND TWO STORIES HIGH, ALL PARKING STREET LEVEL, THE TENNIS COURTS ARE NOT USED FOR INSTRUCTION, 21.8 VACANT ACRES FOR SALE THAT BORDER THE A.C.C. RIVERSIDE PROPERTY. EXPANSION OF THIS CAMPUS AND CONSTRUCTION OF PARKING STRUCTURE CAN BE MADE ON THESE AREAS WITHOUT BUILDING ON OR ELIMINATING THIS HISTORIC COURSE. A.C.C. STATED THAT IN THE PLANNING COMMISSION HEARINGS ON JUNE 13TH OF THIS YEAR, THAT A.C.C. HAD MET WITH THE MAYOR, CITY MANAGER AND OTHERS EARLIER THIS YEAR AND A.C.C. STATED ITS WILLING TO CONSIDER DISTRICT WIDE TRADE AND/OR PURCHASE TO ACCOMPLISH THE RESOLUTION OF THE RIVERSIDE LAND AS WELL AS OTHER LAND ACQUISITIONS NEAR A.C.C. CAMPUSES. A.C.C. ALSO STATED JUNE 13TH THERE HAD BEEN NO OFFER FURTHER DISCUSSION FROM THE CITY REGARDING THE ACQUISITION OF THE GOLF COURSE. WITH THE NEEDED EXPANSION OF THE RIVERSIDE CAMPUS, A.C.C.'S LACK OF COMMITMENT TO PRESERVE THIS COURSE, IT'S CRITICAL THAT OUR MAYOR, MAYOR PRO TEM, OUR COUNCILMEMBERS, CITY MANAGERS AND OTHER CITY OFFICIALS TAKE ACTION NOW WHILE THIS GOLF COURSE STILL EXISTS. WE ASK THAT THE CITY OF AUSTIN PROACTIVELY WORK WITH A.C.C. TO ENSURE THE ACQUISITION OF THIS HISTORIC COURSE. AND LET'S DO SO IT CAN REMAIN A PUBLIC COURSE AND DO IT WHILE IT'S STILL OPEN GREEN SPACE. PREVIOUSLY, I THINK NOVEMBER OF LAST YEAR SOME OF YOU THIS YEAR, I PROVIDED ALL OF Y'ALL WITH A COPY OF A BINDER ON THE RIVERSIDE GOLF COURSE WITH SOME PICTURES OF THE CAMPUS, THE NEIGHBORHOOD AND THE COURSE. I ENCOURAGE YOU, IF

YOU HAVE NOT YET INSIDE YOUR BINDERS, YOU HAD TWO D.V.D.'S THERE. IF YOU HAVE NOT LOOKED AT THEM YET OR YOUR STAFF, I ENCOURAGE YOU TO TAKE A LOOK AT THEM. ONE FROM BEN CRENSHAW AND OTHERS FROM GOLF HISTORIANS AND OTHERS TALKING ABOUT THIS HURRICANE COURSE AND THE NEED TO PRESERVE IT. APPRECIATE YOUR TIME, THANK YOU.

MAYOR WYNN: THANK YOU, BARB. IS JUDY [INDISCERNIBLE] HERE BY ANY CHANCE?

I AM JUDY PRICE, I LIVE ON [INDISCERNIBLE] COURT AND WE HAVE BEEN TRYING FOR -- QUITE A WHILE TO GET SOME INTEREST STARTED IN A TRAIL THAT WOULD GO FROM COLORADO RIVER UP THROUGH VARIOUS COMPLEXES, HOUSING COMPLEXES AND RESIDENTIAL AREAS. TO -- TO GET A HIKE AND BIKE TRAIL UP HERE. SO THAT RESIDENTS OF THIS AREA, ALL OF THE APARTMENT COMPLEXES AND SO ON CAN GET DOWN TO THE RIVER WITH -- WITHOUT DEALING WITH THE TRAFFIC ON THE ROADS. FIRST GOT THIS IDEA BECAUSE MY BACK YARD BACKS UP TO THIS BEAUTIFUL AREA THAT GOES ALONG THE FLOODPLAIN. THAT FLOODPLAIN LEADS DIRECTLY TO THE COLORADO RIVER. [♪ MUSIC PLAYING ♪] [APPLAUSE]

MAYOR WYNN: WELL DONE. OKAY, SO WITH THAT, COUNCIL, THAT GETS US TO OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. WE WILL CONTINUE TAKING TESTIMONY ON OUR NEIGHBORHOOD PLAN AFTER THIS BREAK. SO -- STAY TUNED FOR JOE RICHARDSON, HOPEFULLY. WE WON BE IN CLOSED SESSION. AT THIS POINT WE WILL -- WE WILL RECESS THIS CITY COUNCIL MEETING, LIKELY GET BACK TOGETHER AGAIN SHORTLY AFTER 6:00 P.M. BRIANNA,.

MAYOR WYNN: OKAY, FOLK, WELCOME TO OUR LIVE MUSIC GIG. WE CAN LIVE LIVE MUSIC GIG AT THE AUSTIN CITY COUNCIL. JOINING US IS JOE RICHARDSON OF THE JOE RICHARDSON EXPRESS. HIS MUSIC COMBINES ELEMENTS OF CLASSIC BLUES, R AND B AND ROCK AND TO CREATE A POWERFUL ELECTRIC SOUND. JOE SING, PLAYS GUITAR AND HARP AND IS AN AWARD WINNING SONG WRITER. MORE THAN 40 YEARS IN THE MUSIC INDUSTRY, JOE HAS BEEN A SOUGHT AFTER SIDE MAN AS WELL AS A RESPECTED

MAINSTAY OF OUR HISTORIC SIXTH STREET COMMUNITY. HIS FOURTH ORIGINAL CD, ENTITLED NON-STOP WAS RELEASED IN MARCH OF THIS YEAR. HE JUST RETURNED FROM A TOUR OF EUROPE WITH THE FATHER OF ROCK AND ROLL MR. CHUCK BERRY. MORE RECENTLY JOE AND THE EXPRESS RECORDED A COLLABORATIVE CD WITH ALLAN WILDER AND THE BAND [INDISCERNIBLE] WHICH WILL BE RELEASED [LAUGHTER] IN THE SPRING. PLEASE JOIN ME IN WELCOMING MR. JOE RICHARDSON. [APPLAUSE] [♪ MUSIC PLAYING ♪]

MAYOR WYNN: JOE, TELL US WHERE CAN WE HEAR YOU NEXT?

WELL, TONIGHT WE GIG A LOT. TONIGHT WE ARE DONE DO ON INFAMOUS SIXTH STREET.

WHICH CLUB.

A PLACED CALLED B.D. RYANS. CAN I INTRODUCE THESE GUYS.

MR. JOHN WOLF ON BASE GUITAR. [APPLAUSE]

[INDISCERNIBLE] SHAKER RIGHT NOW. HE'S USUALLY ON [INDISCERNIBLE] [APPLAUSE]

SO WHERE CAN WE BUY THE CD, WATERLOO?

CD'S, YEAH, ANY STORE. INTERNET, CD, GO TO OUR WEBSITE AT WWW.JOERICHARDSONEXPRESS.COM.

ABOUT 10:30 I THINK WE START. AND SATURDAY A POLICE CALLED FRIENDS ON SIXTH STREET. WHEN WE PLAY IN TOWN, WE USUALLY PLAY ON SIXTH STREET.

GREAT.

BEEN PLAYING THERE FOR 20 SOME ODD YEARS OR SO.

THAT'S GREAT. BEFORE YOU GET AWAY, WE HAVE A SPECIAL PROCLAMATION THAT READS: BE IT KNOWN WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL,

ECONOMIC AND CULTURAL DIVERSITY, AND WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AT THE LIVE MUSIC CAPITAL OF THE WORLD, THEREFORE I WILL WYNN, MAYOR OF THE AUSTIN, TEXAS, DO HEREBY PROCLAIM TODAY, SEPTEMBER 28TH, 2006 AS JOE RICHARDSON DAY IN AUSTIN, CALL ON AND YOU ARE CITIZENS TO JOIN ME IN CONGRATULATING THIS GREAT, GREAT TALENT. [APPLAUSE]

MAYOR WYNN: SO WHILE JOE AND THE BAND BREAK DOWN, WE WILL COME OVER HERE AND START OUR WEEKLY PROCLAMATIONS. OUR FIRST ONE IS NICE GIFT TO US AS A CITY. I WOULD LIKE TO INTRODUCE FROM OUR KOBLENZ GERMANY SISTER CITY COMMITTEE, MS. RENATA ANDERSON.

THANK YOU, MAYOR. MAYOR WYNN, CITY COUNCIL MEMBER, CITY MANAGER, WE ARE HERE TODAY TO CELEBRATE THE KATRINA CAMP THAT WAS HOSTED FROM 24TH OF JULY UNTIL THE 4TH OF AUGUST BY PARKS AND RECREATION, ORGANIZED BY THE COMMUNITY HOUSING DEPARTMENT. I'M VERY PROUD TO -- TO BE HERE TODAY AND MAYOR WYNN WITHOUT YOUR INVOLVEMENT, THIS WOULD HAVE NOT HAPPENED. WE ARE SO GRATEFUL TO YOU FOR ALL OF THE THINGS THAT YOU DO FOR SISTER CITIES, IN PARTICULAR FOR AUSTIN KOBLENZ. KOBLENZ GAVE US \$20,000 AS SOME OF YOU KNOW. AND THIS IS HOW WE COULD AFFORD TO HAVE THE CAMP THIS SUMMER. NEXT YEAR WE WILL DO -- WE HAD 40 CHILDREN INVITED TO CAMP KATRINA. ALL KATRINA EVACUEES. NEXT YEAR WE WOULD LIKE TO DO THE SAME CAMP FOR UNDERPRIVILEGED CHILDREN IN AUSTIN. WE REALLY SEE THIS AS A MISSION FOR SISTER CITIES, FOR THE PEOPLE TO PEOPLE ORGANIZATION. AND WITH THAT I WOULD JUST LIKE TO GO TO THE AWARDS. MAYOR WYNN? WE WANT TO PRESENT THIS -- THIS AWARD TO YOU, AUSTIN SISTER CITIES INTERNATIONAL, [INAUDIBLE - NO MIC] [APPLAUSE]

MAYOR WYNN: THANK YOU VERY MUCH. [APPLAUSE]

PAUL HILGERS, WARREN STRUSS, [INDISCERNIBLE], THIS GOES TO -- TO PAUL HILGERS AT THE HOUSING DEPARTMENT. WE REALLY APPRECIATE ALL OF YOUR

COMMITMENTS THAT YOU MADE FOR US. YOU MADE THEM TO ME RIGHT IN THE BEGINNING AT THE RECOMMENDATION OF THE MAYOR. I REALLY, REALLY THANK YOU AND YOUR STAFF. EVERYBODY HAS BEEN SO HELPFUL. [APPLAUSE] YOU SEE ALL OF THESE PEOPLE STANDING BEHIND ME, EACH AND EVERY ONE OF THEM WAS INVOLVED WITH PARKS AND RECREATION WITH CAMP KATRINA, CAMP KOBLENZ, IT WAS JUST A WONDERFUL GROUP OF PEOPLE THAT PUT THEIR HEART IN TO MAKE THESE DAYS FOR THE KIDS REALLY A SUCCESS. THEY DID. LET ME JUST TELL YOU WHAT THE CHILDREN DID ON THEIR VERY -- ONE TIME THE MAYOR COME TO VISIT THEM AND THEY ALL -- ALL 38 OF THEM WENT OVER TO THE MAYOR AND GAVE HIM THE BIGGEST HUG. ON THE LAST DAY, THEY SCREAMED AT THE LAST MINUTES AND SAID, "WE LOVE AUSTIN AND THE CITIZENS OF AUSTIN, WE LOVE AUSTIN SISTER CITIES AND WE LOVE OUR KOBLENZ GERMANY AND ITS CITIZENS." I TELL YOU, IF THAT WASN'T THE MOST MOVING MOMENT, YOU CANNOT IMAGINE. IT WAS JUST WONDERFUL. THANK YOU PARKS AND REC, ALL OF YOU, THANK YOU. [APPLAUSE]

WHILE RENATA IS TALK BEING, I THINK WE ALL OWE THIS LADY A HUGE HAND, JOIN ME IF YOU WILL. [APPLAUSE]

[INAUDIBLE - NO MIC] I THINK TIME DOESN'T ALLOW TO READ ALL OF THIS. PAUL HILGERS. ROBERT. [APPLAUSE] WE HAVE CERTIFICATES FOR EACH AND EVERY ONE OF THE PEOPLE HERE FROM PARKS AND REC, BUT TIME DOES NOT ALLOW US TO READ THEM ALL OFF. THANK YOU SO MUCH, EVERY ONE OF YOU DID A GREAT JOB. I SAY IT AGAIN, I REALLY THANK YOU FROM THE BOTTOM OF MY HEART. THANK YOU. [APPLAUSE] OR FIRST PROCLAMATION IS REGARDING MENTAL HEALTH AWARENESS WEEK. AFTER TWO AND A HALF YEARS AGO WHEN WE FORMED THE MAYOR'S TASK FORCE ON MENTAL HEALTH, 90 PROFESSIONALS IN THE AREA CAME TOGETHER AND HELPED US CRAFT SOME VERY ACCOMPLISHABLE RECOMMENDATIONS FOR WHAT SADLY IS A VERY FRAGMENTED SERIES OF -- OF SERVICE DELIVERY FOR FOLKS WITH -- WITH MENTAL HEALTH ISSUES. VERY PROUD THAT JUST THIS PAST MONTH, THE CITY COUNCIL AND OUR ANNUAL BUDGET FOR NEXT YEAR HAS APPROPRIATED FOR THE FIRST TIME A SIGNIFICANT AMOUNT OF MONEY TO COORDINATE WITH AUSTIN TRAVIS COUNTY

MHMR TO START IMPLEMENTING SOME OF THOSE RECOMMENDATIONS. IT'S GOING TO BE A POSITIVE YEAR FOR US TRYING TO DEAL WITH THE FRAGMENTED SERVICE MODEL THAT WE HAVE HERE. SADLY IN TRAVIS COUNTY. SO I WILL READ THE PROCLAMATION, BEVERLY WILL TALK ABOUT THE WEEK AND SOME UPCOMING EVENTS. PROCLAMATION READS -- BE IT KNOWN WHEREAS ONE IN FIVE PERSONS WILL HAVE A MENTAL ILLNESS AT SOME TIME IN HIS OR HER LIFE, BUT MENTAL ILLNESSES RESPOND FAVORABLY TO TREATMENT. WHEREAS THE MAYOR'S TASK FORCE ON MENTAL HEALTH HAS DEVELOPED A PLAN TO ADD THE ISSUES OF MENTAL HEALTH AND MENTAL ILLNESS IN AN EFFORT TO MAKE AUSTIN A HEALTHIER CITY. WHEREAS WE SALUTE THE AUSTIN TRAVIS COUNTY MHMR CENTER, [INDISCERNIBLE] NAME AUSTIN, TEXAS, THE COMMUNITY ACTION NETWORK, THE BIPOLAR FOUNDATION OF CENTRAL TEXAS, AUSTIN CHILD GUIDANCE, SELF HELP ADVOCACY CENTER AND THE TEXAS COUNCIL OF MHMR CENTERS, ALONG WITH OTHERS WORK TIRELESSLY TO PROVIDE REWARDING QUALITY OF LIFE FOR CHILDREN AND ADULTS WITH MENTAL ILLNESS OF THEREFORE I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM THE WEEK OF OCTOBER 1ST THROUGH 7TH, 2006 AS MENTAL ILLNESS AWARENESS WEEK HERE IN AUSTIN AND CALL ON MS. BEVERLY SCARBOROUGH TO SAY A COUPLE OF THINGS ABOUT THE WEEK. INCLUDING A NICE ONE THIS SUNDAYS. PLEASE JOIN ME IN WELCOMING AND THANKING BEVERLY SCARBOROUGH.

THANK YOU. WE THANK YOU WHAT YOU HAVE SHOWN IN THE FIELD OF -- THE LEADERSHIP THAT YOU HAVE SHOWN IN COMBATING MENTAL ILLNESS IN THE FIELD. PEOPLE ARE JUST STARTING TO TALK ABOUT. WE HAVE A GREAT WEEK. SUNDAY THE FIFTH ANNUAL CHAMPIONS EVENT FEATURING CHRISTOPHER KENNEDY LAWFORD WHO IS GOING TO BE SPEAKING ABOUT GETTING SOBER. A GOOD TOPIC. IT'S AT THE RENAISSANCE, IF YOU NEED MORE INFORMING TO THE AUSTIN TRAVIS COUNTY MHMR WEBSITE, WWW.ATCMHMR.COM. NAME AUSTIN IS HAVING AN EVENT OVER AT THE UNION TREASURE CHURCH FEATURING A FILM OUT OF THE SHADOWS, GOING TO BE THIS TUESDAY AT 7:00 P.M. AND WE JUST HAVE A NUMBER OF OTHER THINGS. I

COULD BE UP HERE FOR A WHILE. ALL ON OUR WEBSITE. THANK YOU VERY MUCH AND ONCE AGAIN, THANK YOU FROM THE PEOPLE OF AUSTIN, MAYOR. [APPLAUSE] OUR NEXT PROCLAMATION REGARDLESS FINANCIAL PLANNING WEEK, [INDISCERNIBLE] WILL SAY A FEW WORDS. AFTER -- WHAT WE DO WITH THESE PROCLAMATIONS IS RETRY TO HIGHLIGHT PARTNERS WE HAVE IN THE COMMUNITY, UPCOMING EVENTS, SAY CONGRATULATIONS, IN THIS CASE ALSO SAY THANK YOU TO A NUMBER OF ORGANIZATIONS, ASSOCIATIONS IN TOWN THAT REALLY ARE BEHIND THE SCENES HELPING OUR ECONOMY AND OUR CITY SORT OF PLUG AHEAD. THIS PROCLAMATION READS BE IT KNOWN WHEREAS THE FINANCIAL PLANNING PROCESS ENABLES INDIVIDUALS TO IDENTIFY REALISTIC FINANCIAL GOALS AND TO NEGOTIATE FINANCIAL BARRIERS AS THEY ARISE AT EVERY STAGE IN LIFE. WHEREAS THE 27,000 MEMBERS OF THE FINANCIAL PLANNING ASSOCIATION ARE COMPETENT, ETHICAL PROFESSIONALS DEDICATED TO PROVIDING THEIR CLIENTS WITH OBJECTIVE FINANCIAL ADVICE. WHEREAS THE FINANCIAL PLANNING ASSOCIATION ENCOURAGES INDIVIDUALS FOR FINANCIAL PLANNING TO HELP THEM ACHIEVE THEIR GOALS AND DREAMS, I WILL WYNN, MAYOR OF AUSTIN, DO HEREBY PROCLAIM THE WEEK OF OCTOBER 2ND, 2006, AND CALL ON LENNY TO SAY A FEW WORDS ABOUT THE LOCAL ASSOCIATION AND YOU ALL'S EVENTS. THANK YOU.

GOOD EVENING, LADIES AND GENTLEMEN. MY NAME IS LENNY FEBIS, I'M THE PRESIDENT ELECT OF THE AUSTIN CHAPTER OF THE FINANCIAL PLANNING ASSOCIATION, KNOWN AS FPA. WITH ME TONIGHT IS DALE SHORES ANOTHER BOARD MEMBER HERE IN AUSTIN. NEXT WEEK IS FINANCIAL PLANNING WEEK AS MAYOR WYNN MENTIONED. ON BEHALF OF THE AUSTIN CHAPTER, I WANT TO THANK YOU FOR RECOGNIZING WHAT OUR LOCAL CHAP CONTRIBUTED TO AUSTIN. FPA IS A NATIONAL ORGANIZATION WHOSE PRIMARY MISSION IS TO BENEFIT THE PUBLIC BY MAKING SURE THAT YOU ARE ABLE TO TAKE ADVANTAGE OF RETIREMENT PLANNING AND INVESTMENT PLANNING AND INSURANCE PLANNING, TAX PLANNING AND ESTATE PLANNING BY COMPETENT AND ETHICAL PROFESSIONALS. FINANCIAL PLANNING ITSELF IS THE PROCESS WHERE WE

DO MAKE SURE YOUR PERSONAL AND FINANCIAL GOALS ARE NOT ONLY ACHIEVED BUT SHOW YOU OPTIONS AND SOLUTIONS IN CREATING A WAY TO ACHIEVE THEM. FROM CASH FLOW TO BUDGETING TO YOUR IRA'S, TO 401 K'S TO ESTATE PLANNING. OUR AUSTIN CHAPTER HAS OVER 200 MEMBERS DEDICATED TO BRINGING TOGETHER THE LOCAL COMPETENT, ETHICAL PROFESSIONALS TO ACHIEVE YOUR GOALS AND SO THAT YOU CAN BOTH GET TOGETHER. OUR MEMBERS ARE NOT ONLY CERTIFIED FINANCIAL PLANNERS, CFP'S IF YOU HAVE HEARD THOSE INITIALS IN THE NEWS, BUT ACCOUNTANTS, ATTORNEYS, BANKERS, LAWYERS, MONEY MANAGERS, CHARITABLE GIVING SPECIALISTS, ET CETERA. OUR CORE VALUES ARE COMPETENCE, INTEGRITY, RELATIONSHIPS AND STEWARDSHIP. THE AUSTIN CHAPTER HAS SPONSORED A LOCAL CHARITY GOLF TOURNAMENT EACH YEAR THAT OVER THE PAST FOUR YEARS HAS ACTUALLY RAISED AND DONATED OVER \$10,000 TO LOCAL CHARITIES. AND EACH AND EVERY YEAR, FOR THE PAST FIVE YEARS, WE HAVE WON THE GOLD AWARD WITH OUR NATIONAL FINANCIAL PLANNING ASSOCIATION, WHICH RECOGNIZES OUR CHAPTERS BEING AMONG THE BEST IN THE COUNTRY. FINALLY, AS I MENTIONED IN THE BEGINNING, OUR PRIMARY AIM IS TO BENEFIT THE PUBLIC BY ENSURE THAT FINANCIAL PLANNING IS DELIVERED THROUGH COMPETENT AND PROFESSIONALS. IF YOU WANT MORE INFORMATION, YOU MAY GO TO OUR WEBSITE, WWW.AUSTINFPA.ORG. THANKS FOR YOUR TIME. [APPLAUSE]

MY LAST PROCLAMATION FOR THE EVENING BEFORE WE HEAR FROM COUNCILMEMBERS KIM AND COLE IS REGARDING HOST TELLING INTERNATIONAL DAY. I WOULD LIKE TO REMINDS PEOPLE, AUSTIN HAS QUICKLY BECOME QUITE THE DESTINATION SPOT. IT'S NOW QUICKLY SPREADING INTERNATIONALLY. AND IT'S THE UNCOMMON WEEK WHERE I DON'T HAVE A -- A CHANCE TO ON DO IN A VERY POSITIVE WAY BUMP INTO YOUNG PEOPLE WHO ARE TRAVELING HERE. VERY INSTANCE EXPENSIVELY AND TO THE EXTENT THAT WE CAN HELP YOUNG PEOPLE FROM ABROAD COME THIS COUNTRY, COME TO THE CITY, HAVE A GOOD TIME, A SAFE, FUN, INEXPENSIVE STAY HERE IN AUSTIN THE BETTER FOR ALL OF US. THIS

PROCLAMATION, EST VAN WILL TALK TO US ABOUT HOSTELING LOCALLY. THIS ONE READ, AUSTIN HOSTEL ON THE SHORE OF TOWN LAKE, SURROUNDED BY BIG OAK TREES CELEBRATING ITS 20TH BIRTHDAY OF HOUSING TRAVELERS. IT ALSO OPPORTUNITIES THROUGH WHICH LOCAL GROUPS CAN COOK FOR AND SHARE A MEAL WITH TRAVELERS, TAKE COURSES ON WORLD CULTURE, PEOPLES, INTERNATIONAL CONCERNS, SENT JOY SWAPPING TRAVEL STORIES AND TIPS. WHEREAS AUSTIN HOSTEL SUPPORTS THE REGION AND NATIONAL MISSION, TO HELP ALL ESPECIALLY THE YOUNG GAIN A GREATER UNDERSTANDING OF ITS WORLD AND ITS PEOPLE. THEREFORE I WILL WRITTEN, MAYOR OF THE CITY OF AUSTIN, DO HEREBY PROCLAIM SEPTEMBER 30TH, 2006 AS HOSTELING INTERNATIONAL DAY IN AUSTIN AND ASK VAN NECESSARY TO SAY A FEW WORDS ABOUT US HERE LOCALLY. THANK YOU. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] IF YOU CAN'T MAKE IT TO THE PARTY, PLEASE CHECK OUT MORE INFORMATION ON OUR HOSTEL AT WWW.HIAUSTIN.ORG. THANK YOU. [APPLAUSE]

AT THIS TIME I'LL INTRODUCE CITY COUNCIL MEMBER SHERYL COLE.

COLE: IT IS WITH GREAT PLEASURE THAT I GET TO PRESENT A PROCLAMATION TO COMMUNITIES AND SCHOOLS. I SERVE ON THE BOARD OF THIS ORGANIZATION AND I CAN TELL YOU THAT IT IS A WONDERFUL ORGANIZATION THAT IS ORGANIZED TO PREVENT STUDENTS FROM DROPPING OUT OF SCHOOL. IT WAS ORGANIZED IN 1985 BY A GROUP OF BUSINESS AND COMMUNITY LEADERS WHO WERE CONCERNED AND RECOGNIZED THE STUDENTS COULD NOT GRADUATE IF THEY DID NOT STAY IN SCHOOL. SO I WOULD LIKE TO READ THE PROCLAMATION TO COMMUNITIES AND SCHOOLS. BE IT KNOWN, WHEREAS SINCE 1985 COMMUNITIES IN SCHOOLS, CENTRAL TEXAS, INC. HAS BEEN PROVIDED EFFECTIVE YEAR-ROUND DROP OUT PREVENTION PROGRAM TO THOUSANDS OF STUDENTS ON 48 PUBLIC SCHOOL CAMPUSES AND WHEREAS COMMUNITIES IN SCHOOLS IS SPONSORING THIS SPECIAL WEEK TO RAISE AWARENESS OF THE CONTINUING NEED FOR PROGRAMS FOR AT RISK STUDENTS AS WELL AS TO CELEBRATE THE INDIVIDUALIZED SUPPORT AND PREVENTION SERVICES THAT

HAVE PROVEN TO BE 99% SUCCESSFUL, AND WHEREAS THE IBM UPTOWN CLASSIC 10-K RACE AND THE FOOD FOR THOUGHT CULINARY EVENT ARE TWO PREMIERE FUND RAISING EVENTS BENEFITING COMMUNITIES IN SCHOOLS DURING THEIR 21ST ANNIVERSARY CELEBRATION. WITH GREAT PRIDE TO COMMUNITIES IN SCHOOLS. WOULD ANYONE LIKE TO SAY A WORD?

MY NAME IS ZUKI STEINHAUSER. I'M THE CHIEF EXECUTIVE OFFICERS OF COMMUNITIES IN SCHOOLS. WE'VE BEEN AROUND FOR 21 YEARS AND WE WANT THE ENTIRE COMMUNITY TO KNOW THAT AS MANY AS ONE IN THREE YOUNG PEOPLE DON'T GRADUATE FROM HIGH SCHOOL. IT'S SIMPLY NOT ACCEPTABLE FOR US TO GO ON THIS WAY. EVERY CHILD NEEDS THE OPPORTUNITY TO DO WELL IN SCHOOL AND IN LIFE, AND YOU AND I BOTH WANT FOLKS IN THIS COMMUNITY TO HELP ALL THOSE STUDENTS TO SUCCEED. ONE WAY YOU CAN BE INVOLVED IS TO BE INVOLVED WITH THE LIFE OF A CHILD. IT'S -- IT'S KNOWN THAT A ONE-ON-ONE PERSONAL RELATIONSHIP WITH AN ADULT IS WHAT MAKES ALL THE DIFFERENCE IN HELPING SOMEONE TO BE SUCCESSFUL IN SCHOOL AND IN LIFE, SO I ENCOURAGE EVERYONE TO BE INVOLVED WITH A CHILD. WE ALSO ENCOURAGE YOU TO BE INVOLVED WITH KEEP KIDS IN SCHOOL WEEK. IT'S THE FIRST ANNUAL KEEP KIDS IN SCHOOL WEEK WHERE WE WOULD LIKE PEOPLE TO COME OUT TO THE EVENTS THAT WE HAVE SCHEDULED, ALL KINDS OF THINGS TO CELEBRATE THE FACT THAT WE CAN HELP EVERY CHILD TO GRADUATE FROM HIGH SCHOOL. THANK YOU. [APPLAUSE] IT IS WITH GREAT PRIDE THAT I GET TO PRESENT A PROCLAMATION TO THE LINKS, INCORPORATED. LINKS, INC. IS A VERY WELL RESPECTED PRESTIGIOUS AFRICA AFRICAN-AMERICAN FEMALE ASSOCIATION ON TWO FRONTS. FIRST ON BEHALF OF KIDS FRONT AT CAMPBELL ELEMENTARY WHERE NUTRITIOUS MEALS ARE PROVIDED TO STUDENTS WHO NEED THEM. AND THE PROCLAMATION ASSOCIATED WITH THE KIDS CAFE PROGRAM I WILL NOW READ FOR CAMPBELL ELEMENTARY. THE CITY OF AUSTIN CERTIFICATE OF CONGRATULATIONS FOR HAVING RECEIVED A NATIONAL AWARD FOR THEIR KIDS CAFE PROGRAM AT CAMPBELL ELEMENTARY SCHOOL. THE TOWN LAKE CHAPTER OF LINKS IS DESERVING PUBLIC ACCLAIM AND

RECOGNITION. THE AWARDS GIVEN MY LINKS AT THEIR 38 NATIONAL ASSEMBLY ACKNOWLEDGES THE LOCAL CHAPTER'S OUTSTANDING SERVICE TO YOU. KIDS CAFE EXISTS AT CAMPBELL ELEMENTARY BECAUSE 95% OF THE STUDENTS ARE ON FREE OR REDUCED LUNCHES. THE TOWN LAKE CHAPTER OF LINKS, IN COOPERATION WITH OTHER COMMUNITY ORGANIZATIONS, PROVIDES NUTRITION EVENING MEALS TO THOSE CHILDREN WHO MIGHT NOT RECEIVE ONE AT HOME. IN ADDITION, THE CHAPTER CONDUCTS WEEKLY SELF-ESTEEM CLASSES FOR AFRICAN-AMERICAN BOYS AND GIRLS AT SCHOOL. THIS CERTIFICATE IS GIVEN WITH THE AWARD IN ACKNOWLEDGMENT OF THE LINKS' MANY CONTRIBUTIONS TO OUR COMMUNITY, THE 28TH DAY OF SEPTEMBER, IN THIS YEAR, 2006, THE CITY COUNCIL OF AUSTIN TEXAS AND MAYOR WILL WYNN. [APPLAUSE]

PLEASE SAY A FEW WORDS.

MAYOR WYNN AND TO COUNCIL MEMBER SHERYL COLE, THANK YOU SO MUCH. WE HAVE COME IN RECORD NUMBERS TO COLLECTIVELY THANK YOU FOR THIS HONOR. THE FACT THAT YOU RECOGNIZE -- YOU ARE RECOGNIZING US THIS AFTERNOON AND THIS EVENING SAYS TO US THAT YOU TOO ARE PASSIONATE ABOUT IMPROVING THE LIVES OF CHILDREN IN AUSTIN. SO WE THANK YOU FOR THIS HONOR AND IT WILL GIVE US A CHARGE TO GO FORTH AND DO EVEN MORE. ALSO I'D LIKE TO MENTION THAT WE HAVE ONE ANNUAL FUND RAISER EVERY YEAR, FEBRUARY 10. MARK YOUR CALENDARS. WE'D LOVE TO HAVE YOU COME. THANK YOU. [APPLAUSE]

COLE: I WOULD ALSO LIKE TO PRESENT A CERTIFICATE TO BRIANNA KNELP, ON BEHALF OF LINKS. THE LINKS SPONSORED A NATIONAL POSTER AWARD, AND BRIANNA DREW THAT POSTER, IS THAT RIGHT? YES, DREW THE POSTER AND WON AND SO SHE IS RECEIVING A SEPARATE AWARD ON BEHALF OF LINKS. THIS SAYS THAT THE CITY OF AUSTIN CERTIFICATE OF CONGRATULATIONS IS TO CERTIFICATE THAT FOR HAVING BEEN SELECTED AS THE FIRST PLACE AREA LEVEL WINNER IN THE LINKS INC. NATIONAL POSTER ART CONTEST, BRIANNA KNELP IS DESERVING PUBLIC ACCLAIM AND RECOGNITION. WE JOIN

THE CHAPTERS OF THE TOWN LAKE LINKS IN CONGRATULATING BRIANNA AND MCCALLUM HIGH SCHOOL STUDENTS, PROMOTING A HEALTHY LIFESTYLE ENTITLED "WALKING FEET." THE CERTIFICATE IS PRESENTED WITH OUR CONGRATULATIONS, THE 28TH DAY OF SEPTEMBER IN THE YEAR 2006, AND THERE'S NOTHING BETTER THAN A MCCALLUM STUDENT BECAUSE THAT'S WHERE ALL MY BOYS ARE GOING. [APPLAUSE]

HI. I JUST WANT TO SAY THANK YOU TO THE LINKS IN PROVIDING ME WITH THIS OPPORTUNITY. IT'S BEEN A REALLY GREAT EXPERIENCE, AND IT'S BEEN AWESOME. THANK YOU FOR THE RECOGNITION. [APPLAUSE]

I THINK I JUST MET MY DAUGHTER-IN-LAW. [LAUGHTER]

THANK YOU.

I'M COUNCIL MEMBER JENNIFER KIM AND I HAVE A FEW PROCLAMATIONS TODAY, ONE FOR THE AUSTIN ROWING CLUB DAY AND ANOTHER FOR TEXAS ROWING CENTER DAY AND I WAS WONDERING IF CAMILLE CAN JOIN ME, AS WELL AS MATT, AND ALL THE ROWERS. THERE WERE A LOT OF THEMSELVES. SO YOU CAN JUST COME UP LINE UP HERE BEHIND ME BUT I'D LIKE FOR CAMILLE TO COME AND SAY A FEW WORDS ABOUT THEIR CENTERS. WHILE WE'RE GETTING EVERYONE HERE I'LL SAY A FEW THINGS ABOUT ROWING. I HAVE HAD THE PLEASURE OF ROWING WITH BOTH THESE CLUBS. THE FIRST TIME I LEARNED TO ROW WAS IN 1999 WITH THE TEXAS ROWING CENTER. THEY WERE KIND ENOUGH TO TEACH US TO ROW WITH THE DRAGON CLUB, SO WE LEARNED HOW TO SCULL IN A FOUR MAN SCULL AND I WAS THE TEAM CAPTAIN OF A SCULL AND WE ONE-THIRD PLACE OUT OF 11 TEAMS. I WAS SO HAPPY ABOUT THAT. AND IT GOT ME ADDICTED TO ROWING. IT TOOK ME A WHILE TO GET BACK ON THE WATER AND NOW I'M A MEMBER OF THE AUSTIN ROWING CLUB AND I ENCOURAGE EVERYONE TO LEARN ABOUT THIS. IT'S A THRILL AND IT'S A GREAT WAY TO SEE AUSTIN, ENJOY AUSTIN. I ACTUALLY SEE JEAN MATHER, WHO WE SEE QUITE A BIT ON THE LAKE AS WELL AND SHE HAS HER BOAT OVER AT THE AUSTIN ROWING CLUB AS WELL, AND THIS IS A WONDERFUL SPORT. I ENCOURAGE EVERYONE TO, IF YOU CAN'T ROW YOURSELF, TO COME OUT

AND WATCH SOME OF THE COMPETITION, SUCH AS THE PUMPKIN HEAD AND SOME OTHER REGATTAS THAT WE HAVE ON THE WATER. BUT FIRST I'D ASK CAMILLE TO SAY A FEW WORDS ABOUT THE AUSTIN ROWING CLUB BEFORE I DO THE PROCLAMATION.

HI, I'M CAMILLE JOBE, AND I WANT TO THANK EVERYONE IN AUSTIN AND CITY COUNCIL FOR GIVING YOU THE OPPORTUNITY TO DO WHAT WE DO ON TOWN LAKE. IT'S ONE OF THE BEST PLACES IN THE COUNTRY TO ROW AND WE'RE VERY GRATEFUL FOR THE RECOGNITION BUT I WANT TO INTRODUCE GEORGE JENKINS, OUR HEAD COACH, AND HE'S GOING TO SAY A FEW WORDS ABOUT THE AUSTIN ROWING CLUB.

HELLO. I JUST WANTED TO TAKE A MOMENT TO RECOGNIZE A FELLOW ROWER OF OURS, FRIST WOOS, WHO WAS A MEMBER OF THE TEXAS ROWING COMPANY AND WE LOST HIM A FEW DAYS AGO, AND WE WANT HIS FAMILY TO KNOW WE'RE THINKING ABOUT HIM. THE AUSTIN ROWING CLUB IS IN ITS 28TH YEAR OF SERVICE TO THE AUSTIN COMMUNITY. WE OFFER PROGRAMS FOR JUNIORS, ADULT COMPETITIVE ROWS AND RECREATIONAL. TONIGHT WE'RE HERE TO RECOGNIZE THE COMPETITIVE ELEMENT OF THE CLUB WHO RUN A RECORD 6 NATIONAL CHAMPIONSHIPS THIS YEAR AT THE MASTER'S, IN SEATTLE, AND WE WANT TO THANK KIM, WHO HAS BEEN A TRUE SUPPORTER OF THE CLUB. WE WANT TO THANK THE MAYOR FOR COMING DOWN AND HELPING US WITH EVENTS, AND COUNCIL MEMBER MARTINEZ WHO IS BRINGING US EXCITING EVENTS LATER THIS YEAR, TO THE EAST AUSTIN COMMUNITY AND TO THE EAST END OF THE LAKE. THANK YOU. [APPLAUSE]

SO I'M GOING TO -- GEORGE MENTIONED THE NATIONALS, AND THERE ARE A NUMBER OF PEOPLE WHO EARNED METALS AT THAT RACE, AND I'M GOING TO READ THEIR NAMES JUST FOR THE RECORD. THE ONES WHO METALLED FROM AUSTIN ROWING CLUB, AMANDA LORRA, ALLISON CONWAY, MARINA DUNN, JULIA EDWARDS, GARRETT, JESSICA HEMWITZ, CAMILLE JOBE, AMY MIXBADDEN, JEN PAISLEY, MARGARET CHELSEY, ELIZABETH, JEN STEEL, RACHEL WINCHESKY, RON BURNET, JASON DEMELLO, TIM JONES, DAWN KIRT, ANDREW MAGILL, VINCE PEREZ, NATHAN

KWIRING, PAUL, DOUG ZIMMER, CHRISTOPHER -- RONALD YAU. WE'RE VERY PRODUCED OF YOU. THE PROCLAMATION READS, BE IT KNOWN THAT WHEREAS ROWING IS A SPORT THAT MEN AND WILL, NOVICE AND COMPETITIVE ATHLETES, THE INDEPENDENT AND THE TEAM PLAYERS CAN ENJOY AND WHEREAS ROWING ON TOWN LAKE, ONE OF THE TEN BEST PLACES TO ROW IN THE U.S., IS A GOOD WAY TO ROW IN THE U.S. WHILE GETTING A WORKOUT AND WE ARE PLEASED TO CONGRATULATE OUR TEAM FROM THE AUSTIN ROWING CLUB, WHO COMPETED IN NATIONAL REGATTA IN SEATTLE AND DID AUSTIN PROUD WITH THEIR NUMEROUS METAL WINNING PERFORMANCE, NOW, I WILL WYNN, DO PROCLAIM SEPTEMBER 30, 2006 AS AUSTIN ROWING CLUB DAY. CONGRATULATIONS. SIGNED, MAYOR WILL WYNN. [APPLAUSE]

NEXT I HAVE A LIST OF PEOPLE WHO METALLED FROM THE TEXAS ROWING CENTER, SO WE HAVE MATT TO RECEIVE IT FOR THEM, AND THE NAMES ARE, MATT KNIFTON, JASON SAVAGE, KEN GATES, RONICA SHEER, TOMMY BROWN, LISA FERRIS, LISA, MOLIBA, DALE -- AND MARILYN FLANNIGAN. AND THE PROCLAMATION READS, SAME THING ABOUT AUSTIN BEING OF THE WITH TEN BEST PLACES TO ROW. WE ARE PLEASED TO CONGRATULATE OUR TEAM WHO COMPETED IN THE MASTERS CHAMPIONSHIP AND DID AUSTIN PROUD WITH THEIR NUMEROUS METAL WINNING PERFORMANCES, NOW, I, WILL WYNN, DO PROCLAIM OCTOBER 7, 2006 AS AUSTIN TEXAS ROWING CENTER DAY. AND WITH THAT CONGRATULATIONS, AND I THINK YOU WANT TO SAY A FEW WORDS ABOUT YOUR CENTER. [APPLAUSE]

I HATE TO GET UP HERE AND CORRECT A COUNCIL PERSON THE FIRST THING I SAY, BUT I HAVE TO SAY I THINK THE PROCLAMATION SHOULD SAY THAT AUSTIN AND TOWN LAKE ARE THE FINEST ROWING VENUE IN THE UNITED STATES. I THINK THAT'S THE HONEST TRUTH. MY NAME IS MATT KNIFTON. I'M THE PRESIDENT OF THE TEXAS ROWING CENTER. IT IS AN AUSTIN PARKS AND REC. CONCESSION. WE'RE LOCATED ON THE HIKE AND BIKE TRAIL BEHIND AUSTIN HIGH SCHOOL. THE TRAIL RUNS THROUGH OUR AUSTIN CONCESSION SO IF YOU USE THE TRAIL YOU CAN'T MISS YOU. WE'RE OPEN ALL DAY EVERY DAY. WE'VE GOT THE LARGEST ROWING ORGANIZATION IN THE STATE OF

TEXAS WITH OVER 700 MEMBERS, WHICH DOES NOT INCLUDE THE OVER 100 JUNIORS THAT WE HAVE, THAT ARE HIGH SCHOOL AND MIDDLE SCHOOL AGE KIDS FROM AROUND AUSTIN WHO PARTICIPATE IN OUR PROGRAMS. WE ALSO HAVE THE LARGEST KAYAKING RENTAL ON TOWN LAKE, WITH OVER 20,000 RENTALS ANNUALLY. ALL THIS BIGGER AND BETTER MAKES US THE HIGHEST GROSSING PARK CONCESSION, AND THAT MEANS THAT NOT ONLY DO WE WIN BUT THE CITY WINS AS WELL. WE PAY OVER \$50,000 A YEAR IN CONCESSION FEES TO THE CITY, WHICH WE'RE VERY PROUD OF. IT'S NOT ALL ABOUT REVENUES FOR US, THOUGH. WE HAVE A NONPROFIT ARM. THE TEXAS RIVER SCHOOL, WHICH WAS FOUNDED BY ONE OF OUR MANAGERS, JOE KENDALL IN 1990, WITH THE MISSION OF PUTTING KIDS FROM DISADVANTAGED NEIGHBORHOODS OR POOR NEIGHBORHOODS AROUND AUSTIN ONTO THE RIVER, AND ANNUALLY THAT PROGRAM HAS PUT OVER 500 KIDS ONTO THE RIVER, PRIMARILY FROM EAST AUSTIN, ELEMENTARY AGE KIDS. THEY GET AN OPPORTUNITY TO LEARN ABOUT WATER SAFETY. THEY LEARN ABOUT NAVIGATING BOATS. THEY LEARN ABOUT NUTRITION AND HEALTH AND FITNESS, AND IT'S A VERY WORTHWHILE PROJECT AND PROGRAM. JOE HAS BEEN RUNNING IT SINCE 1990. AS OF LAST YEAR WE ARE THE CORPORATE RESPONSE, THE HOST, AND THE PROUD PARTNER OF THAT VERY IMPORTANT TEXAS RIVER SCHOOL. ALL OF US HERE, WE APPRECIATE YOUR RECOGNIZING ROWING TODAY. IT HELPS US TO LEGITIMIZE OURSELVES AND I THINK IN THE COMMUNITY, AND WE WOULD -- WE HAVE A COMMON GOAL OF MAKING AUSTIN AN EPICENTER FOR ROWING IN THE UNITED STATES AND I THINK WITH OVER A THOUSAND MEMBERS BETWEEN THE TWO CLUBS THAT WE'RE WELL ON YOUR WAY. I KNOW THE AUSTIN ROWING CLUB HAS PLANS TO HOST THE US MASTERS NATIONALS THIS YEAR AND WE SUPPORT THEM AND DO WHATEVER WE CAN TO HELP THEM WITH THAT EFFORT. TRC SUSPENDS PRIVATE MONEY ON PUBLIC FACILITIES. WE DID THAT IN 2005 WITH A NEW BOAT HOUSE WE BUILT FOR OUR PARKS DEPARTMENT, WHICH DIRECTOR STRUCE HAS BEEN KIND ENOUGH TO LET US USE FOR THE DURATION OF OUR CONTRACT WITH THE CITY, AND WE WOULD LIKE TO RECOGNIZE DIRECTOR STRUCE AND HIS LEADERSHIP AND HIS SUPPORT OF ROWING AS WELL AS HIS

VERY ABLE STAFF AND THEIR HELP AND ASSISTANCE WITH OUR MISSION TO MAKE AUSTIN A LEADER IN ROWING. [APPLAUSE]. IN CLOSING, AT SOME POINT IN THE FUTURE, NO DOUBT, WE WILL BE BACK IN FRONT OF CITY COUNCIL AND THE MAYOR WITH A PROJECT OR A PROGRAM THAT WE ARE SUPPORTING, AND WE WOULD LIKE AT THAT TIME TO HAVE AS MANY ROWING MEMBERS ON THE COUNCIL AS POSSIBLE, SO I -- IN ADDITION TO COUNCIL PERSON -- MEMBER KIM, WE -- WE WOULD LIKE TO INVITE THE COUNCIL MEMBERS, AS WELL AS THE MAYOR, TO COME DOWN AND LEARN HOW TO ROW WITH US, TO JOIN THE THOUSANDS OF AUSTINITES WHO HAVE ROAD WITH US AND IN THAT REGARD I DECLARE A CITY COUNCIL PERSON/MAYOR, WHICH I HOPE THEY WILL TAKE ADVANTAGE OF WHEREVER THEY ARE. THANK YOU VERY MUCH. [APPLAUSE]

KIM: I JUST GOT THE EMAIL DAY THAT MY FEES ARE DUE AT THE AUSTIN ROWING CLUB. I WILL SEND THAT CHECK IN. WE PAY OUR DUES, COUNCIL MEMBER IN MANY WAYS, INCLUDING OUR ROWING DUES. BUT THANK YOU VERY MUCH AND CONGRATULATIONS AGAIN. [APPLAUSE] CITY'S MUNICIPAL ANNEXATION PLAN, HERE TODAY TO REPORT THAT THIS COOPERATIVE EFFORT BETWEEN THE NEIGHBORHOOD STAFF DUE TO THE DILIGENCE OF RICARDO SALIZ AND SALIZ, CONVERTED FROM DRAINAGE UTILITY TO DRAINAGE UTILITY RECREATIONAL. HAVE NOW CLEARED THIS EASEMENT ALL THE WAY TO ELMONT DRIVE. OUR GROUP HAS CLEARED THE TRAIL ALL THE WAY FROM TOWN LAKE TO ELMONT DRIVE. BURLESON ROAD AND CIP PROJECT. THE SECTION WEST OF BURLESON WILL RUN ON RESIDENTIAL STREETS. THE CRITICAL SECTION OF THE TRAIL THAT WE MAINS TO BE BUILT IS BETWEEN RIVERSIDE AND OLTORF. ONCE THIS SECTION OF TRAIL IS COMPLETE, THE RESIDENTS OF OUR NEIGHBORHOOD WILL BE ABLE TO RISE, TO GO TO GUERRERO PARK WITHOUT TRAVELING ON A MAJOR ARTERIAL ROAD. THE NEIGHBORS ARE ASKING COUNCIL TODAY TO HELP US ACHIEVE ONE OF THE MAJOR GOALS OF THE NEIGHBORHOOD PLAN BY DIRECTING THE CITY MANAGER TO ALLOCATE RESOURCES TO OBTAIN RECREATIONAL EASEMENTS FOR THE SECTION OF TRAIL ALONG COUNTRY CLUB CREEK BETWEEN RIVERSIDE DRIVE AND OLTORF. THANK YOU FOR SUPPORTING THIS

IMPORTANT GOAL OF OUR NEIGHBORHOOD PLAN. .

THANK YOU, MR. YATES. WELCOME, WAYNE. LET'S SEE,
DONATE TIME TO YOU, SEVERAL, ACTUALLY.

I DON'T THINK I NEED MORE SIX. MONTHS AND I'LL TRY TO BE
BRIEF.

IS CAROL HAGGARD HERE? WHY DON'T YOU TAKE SIX,
WAYNE.

MAYOR WYNN AND ESTEEMED COUNCIL MEMBERS, CITY
MANAGER. MY NAME IS WAYNE. I'M HERE ON BEHALF OF
EROC. I ATTENDED THE VERY FIRST PLANNING SESSION OF
THIS PLANNING PROCESS YEARS AGO. THERE WERE MANY
PEOPLE THERE AND WE UNANIMOUS MUSTILY AGREED THAT
WE WANTED TO PRESERVE THE GOLF COURSE AND A HIKE
AND BIKE TRAIL. THE STAFF'S IMMEDIATE REACTION WAS
THAT THAT WAS BEYOND THE SCOPE, THE PURVIEW OF THE
PLANNING PROCESS. WE WERE STUNNED, AND WE BEGAN
TO PENNSYLVANIA MATTERS INTO OUR OWN HANDS AND WE
DECIDED TO WALK THE CREEK AND SEE IF IT WAS EVEN
POSSIBLE TO HAVE A HIKE AND BIKE TRAIL. WE DISCOVERED
THE HEADWATERS OF THIS CREEK THAT HAS A BASE FLOW,
THEY'RE UP BY, IN FACT, WE'VE GOT A MAP HERE. I'LL SHOW
YOU IF YOU POINT TO WHERE THAT IS, LINDA, THEY'RE UP BY
BEN WHITE, SEEPS AND SPRINGS THAT PROVIDE A BASE
FLOW FOR THIS CREEK. I THINK IT'S ONE OF THE THREE --
ONLY THREE CREEKS REMAINING IN AUSTIN INNER CITY
THAT HAVE A BASE FLOW. WE DISCOVERED THAT THERE
WAS PLENTY OF LAND ON BOTH SIDES OF THE CREEK FOR A
HIKE AND BIKE TRAIL AND WE DISCOVERED THAT THERE
WAS ENOUGH ROOM TO GET UNDER THOSE BRIDGES AT
LEAST TWO OF THOSE BRIDGES-- THERE'S THREE ALL
TOGETHER THAT WE'LL HAVE TO GET UNDER, SO THERE'S
PLENTY OF ROOM UNDER AT LEAST TWO OF THOSE
BRIDGES. OLTORF IS PROBLEMATIC. WE THEN BEGAN WHAT
YOU JUST HEARD ABOUT FROM JUDY AND. BY THIS TIME THE
CITY WAS ON BOARD, AND IT'S A REMARKABLE SUCCESS
STORY OF VOLUNTEER LABOR TO GET THIS PROJECT
STARTED. I DON'T BELIEVE THE CITY HAS SPENT A TIME ON
IT YET. NOW, DURING THIS PROCESS WE FINALIZED OUR
FLUM. WE UNDERSTOOD, REALLY, FROM THE BEGINNING

WHAT WE WANTED. WE WANT THIS HIKE AND BIKE TRAIL, THE GREENBELT, THE OPEN SPACE THAT IT REPRESENTS, STARTING WITH THE PRESERVE, WHICH WE'RE ASKING YOU TO ACKNOWLEDGE ACQUIRE. THAT'S UP BY BEN WHITE, A CATHOLIC CHURCH THERE, TO HELP CONSTRUCT THE REST OF THE HIKE AND BIKE TRAIL, TO ACKNOWLEDGE ACQUIRE THE HISTORIC HARVEY PENNICK GOLF COURSE AND TO GIVE YOU THE GREENBELT CORRIDOR, BOULEVARD, WITH SIMILAR TREATMENT OF LAKESHORE BOULEVARD AND OLTORF, AND CONNECT US -- CONNECT ALL OUR NEIGHBORHOODS THROUGH THESE HIKE AND BIKE TRAILS TO TOWN LAKE. OUR SPECIFIC REQUEST TO YOU IS THAT OUR FLUM BE INCLUDED IN OUR PLAN. WE'RE HERE SPEAKING IN OPPOSITION BECAUSE WE HAD TO SIGN UP IN OPPOSITION TO THE PLAN. WE ACTUALLY WANT YOU TO ADOPT THE PLAN, BUT WE'RE OPPOSES OPPOSING THE OMISSION OF OUR FLUM. WE WOULD LIKE TO FIND OUT SOME WAY TO INCLUDE IT IN OUR PLAN. THAT'S OUR BASIC REQUEST TO YOU. NOW, WE'RE NOT CONTENT WITH JUST A PRETTY MAP. WE WOULD LIKE YOU TO ACTUATE THIS PLAN SO THAT WE REALLY MAKE IT A REALITY AT SOME POINT IN TIME. HOW CAN YOU DO THAT? WELL, THE BOND ELECTION OF -- COMING UP THIS FALL SHOULD PROVIDE THE FUNDS TO DO -- TO DO JUST THAT. I KNOW THERE'S A LOT OF COMPETING INTERESTS, BECAUSE YOU HAVE 2 MILLION IN PROPOSITION 1 FOR BIKE WAYS. THERE'S 145 MILLION TOWARD DRAINAGAGE WATER QUALITY AND ACQUIRE LAND IN OPEN SPACE. THAT COULD BE USED FOR THE HIKE AND BIKE TRAIL, THE PRESERVE AND THE GOLF COURSE. THERE'S 84.7 MILLION FOR PARKS AND PARKS FACILITIES, AND I BELIEVE THERE'S STILL A FEW MILLION LEFT IN THE DESTINATIONS PARK FUND, AND OF COURSE THE RIVERSIDE GOLF COURSE IS ADJACENT TO -- IT'S REALLY SURROUNDED BY THE COLORADO RIVER PARK. SO WE SEE THIS AS AN EXTRAORDINARY OPPORTUNITY. YOU'VE ALREADY HEARD HOW WE HAVE THE DENIES'S -- WE HAVE THE GREATEST DENSITY IN AUSTIN, THREE TIMES THE INNER CORE. WE HAVE FAR MORE THAN OUR SHARE OF APARTMENTS. WE HAVE SUFFERED FROM THE LACK OF PLANNING, BUT WE HAVE THIS WONDERFUL GREENBELT, THIS UNDEVELOPED AREA, BEGINNING WITH THE HEADWATERS OF THE CREEK, RUNNING DOWN OUR HIKE AND BIKE TRAIL, THROUGH THE --

RIGHT NEXT TO THE HISTORIC GOLF COURSE WE HOPE WILL BE NAMED THE PENNICK MEMORIAL SOMEDAY, AND INTO THE PARK. IF YOU CAN ADOPT THIS FLUM FOR US TODAY AND HELP THIS BECOME REALITY, THIS LONG NEGLECTED SECTION, QUADRANT OF AUSTIN CAN HAVE A GREAT FUTURE. SO THAT'S WHAT WE'RE HERE TO ASK YOU TO DO TONIGHT. I KNOW THAT THE GOLF COMMUNITY IS ORGANIZING TO ASSIST THE CITY. I'M CONFIDENT THAT WITH THE COMPETENCY OF OUR CITY STAFF AND OUR CITY COUNCIL, THAT YOU WILL BE ABLE TO WORK SOMETHING OUT WITH ACC FOR THE ACQUISITION OF THE GOLF COURSE. THE PRESERVE AND HIKE AND BIKE TRAIL WILL BE SIMPLE. IF THERE'S ANY QUESTIONS I'D BE GLAD TO SPEAK TO PARTICULARLY THE GOLF COURSE ISSUE, BUT I'LL CLOSE BY JUST REITERATING THAT WE'D LIKE YOU TO FIGURE OUT SOME WAY TO PUT OUR FLUM INTO OUR PLAN. THANK YOU.

MAYOR WYNN: THANK YOU, MR. BROBQUIST. THERE HAVE BEEN VERY ENCOURAGING MEETINGS AND DISCUSSIONS WITH ACC. NEXT SPEAKER IS JEAN MATHER. WELCOME, JEAN. IS HELEN FLEMMING HERE? JEAN, YOU'LL HAVE UP TO SIX MINUTES IF YOU NEED IT.

MAYOR AND COUNCIL, I'M JEAN MATHER, CO-PRESIDENT OF SRCC AND MEMBER OF THE PLANNING TEAM. I HAVE TWO THINGS TO SPEAK ABOUT AND I THINK I -- I CAN CUT OUT PART OF THE WHY AND BE SURE TO GET THROUGH IT, BUT -- MAYBE RUN OVER IT. I'LL SAY, OUR VISION FOR OUR NEIGHBORHOOD INCLUDES A STIFFENING UP OF THE WATERFRONT OVERLAY, AND OUR VISION FOR THE LAKEFRONT MIRRORS THE MIXED USE ILLUSTRATIONS IN THE GUIDELINES WE WERE SHOWN IN THE BEGINNING OF THIS PLANNING PROCESS. COMMERCIAL USES WITH LIVING USES UPSTAIRS AND A CHARMING, WALKABLE SETTING WITH TREES, BENCHES, MAYBE EVEN FOUNTAINS TO ATTRACT PEOPLE TO THE AREA. WE WILL HAVE TOOLS TO ACCOMPLISH THIS WITH THE DESIGN GUIDELINES, MIXED USE, AND THE NEIGHBORHOOD URBAN CENTER BUT WE MAY NEED TO WAIT A LITTLE FOR INVESTORS WITH THE SAME INVESTIGATION. WE ENCOURAGE THE COUNCIL TO SEE THIS -- AND ANY UP ZONING OR REDEVELOPMENT ALONG TOWN LAKE. NO. 1, REQUIRE THE INSTALLATION OF A BIKE -- HIKE AND BIKE TRAIL WITHIN THE HUNDRED FOOT SETBACK. NO.

2, ALLOW NO VARIANCE TO THE 50% IMPERVIOUS COVER IN THE DEVELOPMENT BEYOND THE HUNDRED FOOT SETBACK. NO. 3, REQUIRE TRUE MIXED USE IN ANY DEVELOPMENT. REPLACEMENT ONLY OF THE EXISTING MULTIFAMILY, WITH A MINIMUM OF 25% COMMERCIAL. OPEN SPACE FLOWING THROUGH THE DEVELOPMENT, WITH WALKWAYS, SHADE TREES AND VISUAL AS WELL AS ACTUAL ACCESS TO THE HIKE AND BIKE TRAIL. BUILDINGS ADJACENT TO THE SETBACK AREA SHOULD STEP DOWN TO THREE STORIES OR 40 FEET AND SHIELD THE PARKING FROM LAKE AND STREET VIEWS. OUR OTHER HOPE IS THAT WE CAN PRESERVE THE EXISTING -- LET'S SEE -- COULD YOU PUT THOSE PHOTOS UP ON -- OH, THANK YOU. THE EXISTING GATEWAY TO THE CITY ON THE I-35 EAST RIVERSIDE INTERSECTION. THIS IS ACKNOWLEDGED AS A GATEWAY BOTH IN AND OUT OF AUSTIN. THE TXDOT ENGINEERS CONSTRUCTED THE HIGHWAY WITH AN INTENDED CURVE BEFORE TOWN LAKE TO TAKE ADVANTAGE OF A MAGNIFICENT VIEW OF THE CAPITAL. AND ALTHOUGH THE CAPITAL IS NOW OBSTRUCTED, THE VIEW OF DOWNTOWN IS A GRAND ONE ALL THE SAME. FUTURE DEVELOPMENT AT THIS INTERSECTION SHOULD SAFEGUARD THIS GATEWAY WITH 15 FEET OF VEGETATIVE LANDSCAPE BUFFER FROM THE CURVE INCLUDING THE TXDOT RIGHT-OF-WAY AND/OR SETBACKS. THE SAME SETBACKS SHOULD APPLY TO THE BEN WHITE FRONTAGE ROAD. THE ADVISORY TEAM IS LOOKING FORWARD TO THE PROPOSED CORRIDOR STUDY TO EAST RIVERSIDE DRIVE TO TURF IT INTO A TRULY SCENIC ROADWAY. WE WOULD HOPE THAT IT WOULD INCLUDE OR IMPROVE UPON THE FOLLOWING SUGGESTIONS. NUMBER ONE, REQUIRE A MINIMUM LANDSCAPE SETBACK OF 10 FEET ON ALL NEW DEVELOPMENT. 2, CONSTRUCT SIDEWALKS WITH SHADE TREES WITHIN THE RIGHT-OF-WAY AND/OR THE LANDSCAPE SETBACK WITH A BERM OR SHRUBS AT THE CURB TO PROTECT PEDESTRIANS. 3, REQUIRE A MINIMUM SPACING OF 200 FEET BETWEEN CURB CUTS TO IMPROVE TRAFFIC FLOW. 4, TAKE ADVANTAGE OF THE GREAT CAPITAL VIEW NEAR WILLOW CREEK AND RIVERSIDE. WE HAVE A MEMBER WHO'S GOING TO SHOW YOU THAT VIEW. 5, CONTINUE SCENIC ROADWAY SIGN REGULATIONS, WHICH IS THE ONLY SCENIC PART OF THE SCENIC ROADWAY NOW, AND 6, REQUIRE A SITE PLAN WITH PROPOSED ZONING FOR

ALL NEW DEVELOPMENT, SO WE CAN REALLY JUDGE WHETHER OR NOT IT IS WHAT WE'RE HOPING FOR. THANK YOU.

MAYOR WYNN: DON SIZBAR, IS OUR NEXT SPEAKER, I SAW DON EARLIER, TO BE FOLLOWED BY LINDA WATKINS, TO BE FOLLOWED BY BRIAN SMITH. DON SIZMAR. LINDA WATKINS? HOW ABOUT BRIAN SMITH?

YOU HAVE THIS IN YOUR HANDOUT, AND I URGE YOU TO --

MAYOR WYNN: WHAT'S YOUR NAME, AGAIN, MA'AM?

LINDA WATKINS. I'M SORRY.

MAYOR WYNN: OKAY.

MAYOR WYNN: AND HOW LONG IS YOUR DVD? [INAUDIBLE]

MAYOR WYNN: YOU'LL BE FOLLOWED BY BRIAN SMITH, WILL BE FOLLOWED BY LINDA YATES.

MAYOR WYNN: PERHAPS WHILE WE'RE TRYING TO GET TO GET THAT DVD TO WORK, BRIAN SMITH OR -- FOR SAGE WHITE. LOTS OF BUSINESS TO STILL ACCOMPLISH TONIGHT.

[MUSIC]

THIS IS LINDA WATKINS WITH EROC NEWS ON A DEVELOPING STORY HERE ON EAST RIVERSIDE. CAN YOU TELL ME ABOUT THIS STORY?

I'VE BEEN WAITING FOR THE EROC DILLO. I SEE ONE COMING DOWN RIVERSIDE EVERY SINGLE DAY SEVERAL TIMES A DAY AND IT NEVER STOPS. I'VE GOT TO GET TO WORK. I NEED THE EROC DILLO. I'VE NEVER BEEN ABLE TO CATCH IT.

WHERE IS THE DILLO?

I DON'T KNOW.

IS THIS THE RIGHT BUS STOP?

YEAH.

WE HAVE ANOTHER EROC RIDER WHO'S DESPERATELY
WAITING FOR THE EROC DILLO.

I WANT TO GO TO THE COUNTRY CLUB CREEK TRAIL.

HAVE YOU EVER BEEN THERE?

NO, BUT I HEARD IT'S GREAT.

DO YOU RIDE THE DILLO?

I'D LIKE TO. WHERE IS IT?

THAT'S THE BURNING QUESTION HERE ON EAST RIVERSIDE,
WHERE IS THE EROC DILLO? WHERE IS THE EROC DILLO.

THE DILLO IS SUPPOSED TO BE COMING DOWN HERE TO THE
BUS STOP. YOU GUYS ALL NEED TO GET THE DILLO?

YOU WANT TO GO GET SOME ICE CREEK? LET'S SEE IF WE
CAN GET THE DILLO TO COME. EVERYBODY GO LIKE THIS.
WE'LL SAY THE MAGIC WORDS. DILLO COME. OKAY? READY?
ONE, TWO, THREE. DILLO COME.

ONE MORE TIME. FEEL IT. WE'RE WARMING UP. ONE MORE
TIME. ONE, TWO, THREE DILLO COME. I DON'T KNOW IF
THAT'S GOING TO WORK.

I KNOW WHAT WE CAN DO. WE CAN CALL UP THE TAXI. WE
SHOULD CALL THE TAXI, GET A TAXICAB HERE. IS THIS
YELLOW CAB? YEAH, WE'RE WAITING AT A STOP WHERE THE
DILLO IS SUPPOSED TO COME HERE ON RIVERSIDE AND WE
HAVE ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN OF US WHO
NEED A RIDE. OKAY. THANK YOU. [MUSIC] ¶ [APPLAUSE]

MAYOR WYNN:

MY NAME IS BRIAN SMITH AND I'M A RESIDENT OF THE EROC
PLANNING AREA, AND THAT PICTURE THAT JEAN MATHER
PUT UP THERE REALLY PROVES A POINT, BECAUSE IT
SHOWED I-35, FIVE OF 57, BEING THREE LANES IN EACH

DIRECTION, AND THEREFORE IT HAS NOT CHANGED UNDER THE RIVERSIDE BRIDGE SINCE BEFORE I WAS BORN. IT GIVES YOU A LITTLE CLUE OF THE GLACIAL PACE OF HOW THE TRANSPORTATION THINGS ARE TAKEN CARE OF IN AUSTIN. THE HEAVY CONCENTRATION OF APARTMENT COMPLEXES IN RIVERSIDE ALONG WITH THE AIRPORT THAT'S NOT GOING TO CHANGE WITH THE NEW FLY-OVERS BECAUSE IT'S STILL A MORE DIRECT ROUTE, MEANS AS WE KEEP THROWING HUNDREDS AND HUNDREDS AND HUNDREDS MORE APARTMENTS, WITHOUT OFFICES, WITHOUT SHOPPING, THEN ALL THOSE PEOPLE CONTINUE TO HAVE TO TRY TO GET ON I-35 AT RIVERSIDE DRIVE, WHICH COMPLETELY STOPS UP THE CITY ENTIRELY. I REALLY WAS SHOCKED BY A PICTURE, I HADN'T SEEN THAT FROM JEAN, BUT WE HAVE A SIMILAR VIEW, SINCE THE ONE COMING ON I-35 HAS BEEN FULLY OBSCURED, THAT EXISTS ON RIVERSIDE DRIVE. THE PICTURE THAT'S UP THERE IS TAKEN RIGHT AT THE INTERSECTION OF WILLOW CREEK. THAT'S THE STOPLIGHTS THERE, OR ACTUALLY A GREEN THERE, BUT THAT'S WILL OH CREEK. RIGHT WHEN YOU COME AROUND THAT TURN YOU HAVE THAT VIEW. DURING THE STUDY OF RIVERSIDE DRIVE THAT YOU-ALL ARE PROPOSING, I WOULD REALLY LIKE TO HAVE A LOOK AT THIS VIEW CORRIDOR FOR PROTECTION SO THAT PEOPLE COMING FROM THE AIRPORT CAN ORIENT THEMSELVES WHERE THEY ARE IN AUSTIN AND FOR JUST THE EFFECT THAT IT HAS, PARTICULARLY AT NIGHT, BECAUSE IT IS QUITE A NICE VIEW. I'D HAS TO SEE THAT ONE OBSCURED BY A BUNCH OF AT ALL BUILDINGS JAMMED RIGHT UP TO RIVERSIDE DRIVE. REALLY RIVERSIDE DRIVE AND THE WHOLE AREA CAN'T TAKE SUBSTANTIAL MORE DEVELOPMENT WITHOUT SOMETHING DONE ABOUT THE INTERSECTION OF I-35 AND RIVERSIDE DRIVE, AND THAT'S NOT GOING TO BE DONE, UNLESS WE GET MORE TRUE MIXED USE, AND A LOT OF PROJECTS THAT ARE COMING BEFORE YOU ARE ONLY NOMINALLY MIXED USE. THEY'LL BE COMING UP, AND THEY ARE FAST INCREASES THAN WHAT THEY ALREADY ARE, WHICH IS OVERBURDENED APARTMENT COMPLEXES WITHOUT SUFFICIENT SERVICES OR PLACES TO WORK AND THINGS LIKE THAT, SO THEY'RE ALL GOING TO HAVE TO GET IN THEIR CAR IN ORDER TO GO DOWNTOWN TO WORK AND I DON'T

THINK THAT WILL BE VERY PRODUCTIVE. THANK YOU.

MAYOR WYNN: THANK YOU, MR. SMITH. STEP RIGHT UP. ANYBODY, I CALLED A BUNCH OF NAMES EARLIER SO JUST STEP RIGHT UP AND INTRODUCE YOURSELF.

MY NAME IS LINDA YATES AND I LIVE IN THE SUNRIDGE NEIGHBORHOOD WHICH IS PART OF THE PARKER NEIGHBORHOOD PLANNING AREA. I'M HERE TONIGHT TO TALK TO YOU ABOUT THE NEED FOR MORE PATROL OFFICERS IN THE EROC AREA. THERE IS ONE TOPIC THAT EVERYONE IN. EROC PLANNING -- NEIGHBORHOOD PLANNING AREA CAN AGREE ON.

MAYOR WYNN: SORRY. IS CARL BRAUN HERE? CARL, SO IF YOU NEED THREE MORE MINUTES YOU COULD HAVE UP TO SIX NOW, LINDA. THANK YOU.

OH, THANK YOU. IS THAT ALL RIGHT NOW? ANYWAY, AT THE BEGINNING OF THE PLANNING PROCESS THE NEIGHBORHOOD PLANNING DEPARTMENT CONDUCTED A SURVEY AND THE NO. 2 CONCERN OF THE RESPONDENTS WAS CRIME IN THIS AREA. YOU ONLY HAVE TO APPLY LOOK AT THE CITY OF AUSTIN WEB SITE TO SEE WHY, FOR AS FAR BACK AS STATISTICS WERE AVAILABLE, THE 78741 ZIP CODE WAS NO. 1 IN CRIME INCIDENCE, IN 2001 TO 2006. THIS STATISTICS WERE CONFORMED BY THE SPREADSHEET BY THE AUSTIN POLICE DEPARTMENT WHICH SHOWS THAT THE NUMBER OF CRIMES PER CAPITA IN THE SOUTH CENTRAL AREA COMMAND WERE ONLY EXCEEDED BY THE DOWNTOWN AREA COMMAND. THE DOWNTOWN AREA STATISTICS, HOWEVER, ARE SKEWED BY THE LOW RESIDENT POPULATION AND THE SIXTH STREET ENTERTAINMENT DISTRICT. WHAT IS OBTAINING THESE STATISTICS IS THE HIGH POPULATION DENSITY IN THE AREA. THE JULY 26 ARTICLE ON DENSITY IN THE ARTICLE IN THE AUSTIN AMERICAN-STATESMAN SHOWS THAT THE RIVERSIDE AREA HAS ONE OF THE HIGHEST DENSITIES IN THE CITY. IF YOU LOOK AT THE WAY THE STATISTICS ARE CALCULATED, HOWEVER, RIVERSIDE BECOMES ALMOST THE HIGHEST. OFFICE BUILDINGS ARE EXCLUDED FROM THE DOWNTOWN AREA CALCULATION, WHICH MAKES THE DOWNTOWN DENSITY APPEAR HIGHER. ANOTHER SKEW FACTOR IS THE

HIGH IMMIGRANT POPULATION IN THE SOUTH CENTRAL AREA, WHICH MAKES UNDERREPORTING OF POPULATION ALMOST A CERTAINTY. THIS DENSITY HAS A NEGATIVE EFFECT ON THE ABILITY OF OUR OFFICERS TO RESPOND TO CALLS. AS COMMANDER O'BRIEN NOTED IN AN AUGUST 16 STATESMAN ARTICLE ON POLICE RESPONSE TIME. THE SOUTH CENTRAL AREA, GEOGRAPHICALLY, IS LONG AND THIN, SO GETTING FROM ONE AREA TO THE OTHER AREA IS VERY DIFFICULT, AND TRAFFIC DELAYS CAUSE RESPONSE -- AND TRAFFIC CAUSES RESPONSE DELAYS. THIS AREA IS ALSO GROWING VERY RAPIDLY DUE TO ANNEXATION. THIS CREATES AN ADDITIONAL STRAIN ON ALREADY CONSTRAINED RESOURCES. THESE SPREADSHEETS WERE SUPPLIED BY THE AUSTIN POLICE DEPARTMENT AND THEY SHOW THE RATIO OF POPULATION TO POLICE OFFICER. THESE CHARTS SHOW AUTHORIZED, VALIDATED NUMBERS, BUT THEY DO NOT REFLECT THE ACTUAL STAFFING DUE TO VACANCIES CAUSED BY INJURY, VACATION OR TRAINING. AT THE AUGUST 8 HENRY SECTOR COMMANDERS FORUM IT WAS REPORTED THAT THE SOUTH CENTRAL COMMAND HAD TEN VACANCIES. THESE CHARTS SEEMED TO SHOW THAT THE SOUTH CENTRAL AREA IS NOT AS BAD OFF AS SOME OTHER AREAS. WHEN THESE STATISTICS, HOWEVER, ARE COMBINED INTO ANOTHER CHART THAT SHOWS THE RATIO OF CRIMES PER OFFICER, THE DISPARITY BETWEEN THE NEIGHBORHOODS BECOMES MUCH MORE APPARENT. FOR THIS SPREADSHEET THE NUMBER OF CRIMES PER SECTOR WERE OBTAINED FROM THE AUSTIN CITY OF AUSTIN WEB SITE AND THE STAFFING FIGURES WERE SUPPLIED BY APD. BECAUSE THERE ARE NOT ENOUGH OFFICERS TO PATROL THIS AREA, THERE ARE CONSTANTLY NEEDLESS CRIMES AND INJURIES. THE SEPTEMBER 23 ARTICLE IN THE AUSTIN AMERICAN-STATESMAN ON CAR CRASHES AND RACING IS AN EXAMPLE. THE COMBINATION OF EAST RIVERSIDE DRIVE AND EAST OLTORF HAS THE THIRD HIGHEST NUMBER OF CAR RACING INCIDENCES. THE TOP TWO ROWS IN AUSTIN FOR RACING ARE BOTH FREEWAYS. HOWEVER, IN THIS AREA OF TOWN, THE RACING OCCURS ON VERY CROWDED STREETS, LIVE WITH TRAFFIC LIGHTS AND PEDESTRIANS. THE MOST PERTINENT FACTS OF THIS PRESENTATION ARE THAT THE 78741 ZIP CODE HAS CONSISTENTLY HAD THE MOST CRIME WHILE THE SOUTH CENTRAL HAS HAD THE

HIGHEST CRIME TO OFFICER RATIO. PLEASE HELP OUR NEIGHBORHOOD AND OUR HARDWORKING POLICE OFFICERS TO REDUCE THE CRIME IN THIS AREA. THE NEIGHBORHOODS OF THE EROC PLANNING AREA ARE ASKING COUNCIL TO SIGNIFICANTLY INCREASE THE NUMBER OF PATROL OFFICERS IN THE SOUTH CENTRAL AREA COMMAND TO REFLECT THE AMOUNT OF CRIME THAT IS HAPPENING IN THIS AREA AND TO REFLECT THE POPULATION, WHICH IS ONE OF THE HIGHEST DENSITIES IN THE CITY, IN ORDER TO DECREASE CRIME AND REVITALIZE THIS AREA. I WANT TO THANK YOU FOR YOUR SUPPORT IN HELPING OUR NEIGHBORHOOD REALIZE OUR GOALS IN MAKING IT A SAFER PLACE TO LIVE.

MAYOR WYNN: THANK YOU, MS. YATES. NEXT SPEAKER IS PAGE WHITE. DON SIZMAR, THEN SAGE WHITE, THEN TONY HOUSE.

GOOD EVENING, COUNCIL MEMBERS. MY NAME IS DAWN SIZMAR. I AM A MEMBER OF THE NEIGHBORHOOD PLANNING TEAM FOR THE EROC, THAT IS EAST RIVERSIDE OLTORF COMBINED NEIGHBORHOOD PLANNING AREA. I'M ALSO A MEMBER OF THE SRC CITY AREA COORDINATOR FOR THE AREA EAST RIVERSIDE BETWEEN PARKER, TO THE LAKESHORE FROM EAST RIVERSIDE AND SO FORTH. I WANT TO THANK YOU VERY MUCH FOR HEARING AND LISTENING TO US. SOMETIMES WE FEEL THAT PERHAPS COUNCIL MEMBERS ARE SO CAUGHT UP IN THE POLITICS THAT THEY DON'T ACTUALLY HEAR NEIGHBORHOODS. OUR NEIGHBORHOOD IS -- MY PARTICULAR NEIGHBORHOOD IS WONDERFUL, AND I MOVED THERE APPROXIMATELY 14 YEARS AGO. I'VE BEEN IN AUSTIN OVER 30 YEARS. I USED TO LIVE NORTH OF THE RIVER, AND THEN I MOVED TO SOUTH AUSTIN AND IT'S A WONDERFUL PLACE, AND THE NEIGHBORHOOD IS HISTORIC. I WAS FORTUNATE TO BE ABLE TO BUY A HOME, WHICH AS A SINGLE PARENT IS NOT EASY TO DO. I'M A TEACHER, AND IT'S REALLY HARD TO BUY PROPERTY IN AUSTIN. I WAS PLEASED THAT THE LAKEFRONT IS NEARBY MY HOME, BUT IT WAS -- YOU KNOW, IT WAS HARD TO FIND OUT THAT I COULDN'T WALK TO THE LAKEFRONT. SO PEDESTRIAN ACCESS IS VERY IMPORTANT. WE'VE FORGOTTEN ABOUT THE PEDESTRIANS. THAT WOULD BE PEOPLE WITH YOUNG CHILDREN, ELDERLY PEOPLE,

PEOPLE WHO NEED TO WALK OR PEOPLE WHO HAVE DISABILITIES CANNOT GET TO AND AROUND IN OUR AREA. I'M ALSO ACTIVE IN NEIGHBORHOOD -- ESTABLISHING A NEIGHBORHOOD WATCH AND HAVE BEEN ATTENDING POLICE COMMANDER FORUMS FOR A LONG TIME, AND WE KNOW THAT THERE HAS BEEN CRIME IN OUR AREA, BUT WE HAVE HAD A HARD TIME GETTING ANYONE'S INTEREST IN THE NEIGHBORHOODS' ATTEMPT TO TRY TO DEAL WITH CRIME. IN FACT, WHEN WE TRY TO GET CRIME ENFORCE -- ENFORCEMENT OF CRIME OR OTHER CODE ORDINANCES, THEY ARE DISMISSED. AS PART OF THE NEIGHBORHOOD PLANNING TEAM, SINCE -- AT THE VERY FIRST MEETING IN OCTOBER, SITTING IN THOSE LITTLE CHAIRS AT LINDER AND REMINISCENT OF THOSE LITTLE CHAIRS I HAVE SAT IN AS A PARENT IN THE PUBLIC SCHOOLS, WE WERE PRESENTED WITH IDEAS, AND I'M REALLY PLEASED TO BE PART OF THE NEIGHBORHOOD PLANNING TEAM BECAUSE YOU CAN -- EACH OF YOU CAN BE GRATEFUL THAT WE HAVE SUCH WONDERFUL PEOPLE WILLING TO SPEND SO MUCH TIME DEVOTED TO THE CITY. LAST THING, I WAS TOLD LATE THIS AFTERNOON I WAS SUPPOSED TO ASK THAT THE NVU ORDINANCE -- MOBILE FOOD VENDING ORDINANCE BE ADOPTED WITH THE NEIGHBORHOOD PLAN. THIS IS SOMETHING THAT I'M APPALLED TO ACTUALLY HAVE TO ASK YOU FOR, BUT I NEED TO ASK THE QUESTIONS, WHAT EXACTLY WILL THE ENFORCEMENT BE? PERMITS WERE NEEDED. OTHERWISE THE PEOPLE WILL NOT BE ABLE TO BE TRACKED BY THE CITY, IN ANY WAY MONITORED, AND I'LL ASK YOU TO RESPECT NEIGHBORS WHO ARE FIGHTING FOR CRIME IN THEIR AREA AND RESPECT THE NEIGHBORHOOD PLANNING TEAM THAT HAS PUT THOUSANDS OF HOURS COLLECTIVELY INTO DEALING WITH THE ZONING ISSUES IN OUR AREA. THANK YOU.

MAYOR WYNN: THANK YOU, MS. SIZMAR. SAGE WHITE. WELCOME SAGE.

SAGE HAS DONATED HER THREE MINUTES TO ME. GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCIL MEMBERS. MY NAME TONY HOUSE. I'M CO-VICE PRESIDENT OF SOUTH CITY --

MAYOR WYNN: SEVERAL OTHER FOLKS WANT TO DONATE

TIME TO YOU TOO.

I WON'T NEED THEIR TIME.

MAYOR WYNN: OKAY. THANK YOU.

AND A MEMBER OF THE EROC NEIGHBORHOOD PLANNING TEAM. I'VE LIVED IN THE NPA FOR APPROXIMATELY 20 YEARS. THANK YOU FOR THE OPPORTUNITY TO SPEAK TONIGHT. PLEASE SUPPORT THE NEIGHBORHOOD PLANS, VISIONS AND GOALS AND ENSURE THAT EROC IS REDEVELOPED TO ADDRESS THE CONCERNED IDENTIFIED IN THE NEIGHBORHOOD PLANS SURVEYS. DO NOT ADOPT A FUTURE LAND USE MAP. IT DOES NOT REFLECT THE DIVERSITY OF LAND USE THAT IS NEEDED. IT DOES NOT REPRESENT THE FUTURE LAND USE THAT STAKEHOLDERS SUPPORTED IN THE PLANNING SURVEYS AND ZONING MEETINGS. STAKEHOLDERS WERE CLEAR THAT THEIR SURVEY RESPONSES AND DISCUSSIONS WITH STAFF THAT SINGLE-FAMILY NEIGHBORHOODS SHOULD BE PROTECTED. PARTICIPANTS SUPPORTED TRANSITIONAL ZONING ALONG BORDERS FOR THAT REASON. STAKEHOLDERS WERE ADAMANT ABOUT THE FUTURE LAND USE WE WANTED FOR THE NORTHWEST BOUNDARY OF RIVERSIDE'S ONLY SINGLE-FAMILY NEIGHBORHOOD, A GUARANTEED MIX OF USES. LIMITED OFFICE FOR JOB OPPORTUNITIES, GR-MU AND RESIDENTIAL. THE ONLY VOTE ALLOWED ON THOSE TRACTS RESULTED IN SCENARIOS THAT GUARANTEED A BALANCED LAND USE AND RETAINS THE TRANSITIONAL ZONING THAT IS NECESSARY TO PROTECT RESIDENTIAL NEIGHBORHOODS. THESE TRACTS WERE PULLED FROM THE PLANNING PROCESS AND WE WERE NOT ALLOWED TO DISCUSS THEM OR VOTE ON THEM AGAIN DURING FOLLOW-UP ZONING MEETINGS. OTHER TRACTS FOR WHERE STAFF AND STAKEHOLDERS DISAGREED ON THE FUTURE LAND USE WERE BROUGHT FORWARD TIME AND AGAIN BY STAFF FOR MORE DISCUSSION AND VOTE. BECAUSE THESE TRACTS WERE PULLED FROM THE PLAN DURING THE REST OF THE PROCESS THEY WERE SHOWN AS WHITE ON THE FLUM. THESE TRACTS ARE CRITICAL TO PROTECTING RIVERSIDE'S SINGLE-FAMILY NEIGHBORHOOD AND SHOULD BE SHOWN ON THE FLUM WITH THEIR EXISTING ZONING OR REFLECTED ON THE EROC'S PLANNING TEAM'S FLUM. THIS PLANNING

AREA DESERVES CAREFUL AND THOUGHTFUL DEVELOPMENT. WE ALREADY KNOW WHAT HAPPENS WHEN THERE IS NO BALANCE IN LAND USE. IT HAS GIVEN US VAST EXPANSES OF CONCRETE AND ASPHALT, MINIMAL EMPLOYMENT OPPORTUNITIES AND THE HIGHEST CRIME RATE IN THE CITY. EROC COMPRISES ONLY 6% OF THE CITY'S LAND MASS YET CONTAINS A WHOPPING 21% OF THE ENTIRE CITY'S MULTIFAMILY HOUSING. TO HELP CORRECT THIS IMBALANCE, SINGLE-FAMILY NEIGHBORS MUST BE PROTECTED FROM ADDITIONAL ENCROACHMENT BY COMMERCIAL AND HIGH DENSITY USES. CHRIS DIRKSON OF CLEARY & ASSOCIATES TOLD YOU ON MARCH 2 THAT PROTECTIVE BUFFERS BETWEEN COMMERCIAL DEVELOPMENT, ESPECIALLY MIXED USE DEVELOPMENT AND RESIDENTIAL NEIGHBORHOODS ARE NECESSARY. I HAVE LISTENED TO YOU IN MULTIPLE ZONING CASES TELL RESIDENTS OF OTHER PLANNING AREAS HOW MUCH YOU VALUE THEIR SINGLE-FAMILY NEIGHBORHOODS AND YOU AGREE THAT THEY MUST BE PROTECTED. WE ASK FOR THAT SAME CONSIDERATION. OUR FUTURE REMAINING SINGLE-FAMILY NEIGHBORHOODS CANNOT AFFORD TO LOSE THE PROTECTION OF THE BUFFERS CREATED BY ZONING TRACTS 49, 50 AND 55. TRACT 50 IS THE RESULT OF OVER BUILDING ON TRACT 49. IT IS CRITICAL THAT APPROPRIATE DEVELOPMENT LIMITATIONS BE MAINTAINED ON TRACTS 49 AND 50 TO PROTECT THE NEIGHBORHOOD FROM ADDITIONAL ENCROACHMENT AND TO DISCOURAGE PROPERTY OWNERS FROM DELIBERATELY VIOLATING CITY CODE. TRACT 47 IS A RESIDENTIAL HOME ON SUMMIT, AND THE NORTHERN GATEWAY TO RIVERSIDE'S SINGLE-FAMILY NEIGHBORHOOD. IT HAS MORE BUFFERING FROM RIVERSIDE DRIVE THAN THE LOTS EAST OF THE PROPERTY, AND TRIGGERS COMPATIBILITY STANDARDS. UP ZONING THIS PROPERTY WILL BE ANOTHER SERIOUS ENCROACHMENT INTO THE NEIGHBORHOOD, AND WILL FURTHER REDUCE OUR DWINDLING SUPPLY OF SINGLE-FAMILY HOUSING. TRACT 55 TRIGGERS COMPATIBILITY STANDARDS TO PROTECT SINGLE-FAMILY HOMES, WHICH COULD ENCOURAGE REDEVELOPMENT OF ADJACENT DUPLEXES AS OWNER OCCUPIED HOMES. OUR PLANNING AREA HAS TREMENDOUS POTENTIAL. WITH YOUR SUPPORT WE CAN REALIZE OUR GOAL OF MAKING EROC RENOWNED FOR ITS

GREEN SPACES AND A DESTINATION FOR THE REST OF THE CITY, ALL OF OUR ASSETS, INCLUDING OUR ESTABLISHED NEIGHBORHOODS SHOULD BE SUPPORTED AND PROTECTED. PLEASE FOLLOW THE EROC PLANNING TEAM'S ZONING RECOMMENDATIONS, ADOPT THE NEIGHBORHOOD PLAN DOCUMENT, ADOPT THE EROC PLANNING TEAM'S FUTURE LAND USE MAP. WE ALSO NEED AN ADDITIONAL ITEM FOR A FUTURE AGENDA. WE NEED TO ADOPT A PLAN AMENDMENT THAT ALLOWS US TO UTILIZE THE MOBILE FOOD VENDING UNIT TOOL. THANK YOU. [APPLAUSE]

MAYOR WYNN: THANK YOU, TONY. NEXT SPEAKER IS JAN LONG. WELCOME, JAN. A COUPLE FOLKS WANTED TO DONATE TIME TO YOU. IS DEBBIE RUSSELL STILL HERE? HI, DEBBIE. LAURA SEQUAL. AND TERRY FRANZ. TERRY, SO YOU HAVE UP TO 12 MINUTES IF YOU NEED IT.

I DON'T THINK I NEED THAT MUCH. MAYOR AND COUNCIL MEMBERS, MY NAME IS JAN LONG AND I AM THE CONTACT PERSON FOR THE SOUTHEAST AUSTIN NEIGHBORHOOD ALLIANCE AND FOR THE EAST RIVERSIDE OLTORF NEIGHBORHOOD PLANNING CONTACT TEAM. THIS STACK OF THREE-RING BINDERS AND PAPERS REPRESENTS MY 35 MONTHS IN THE NEIGHBORHOOD PLANNING PROCESS. 35 MONTHS OF MEETINGS, NOTES, HANDOUTS, EMAILS, DRAFTS. 35 MONTHS ATTEMPTING TO NAVIGATE NEIGHBORHOOD PLANNING. I WAS AWARE OF THE PROCESS AT ITS INCEPTION HAVING, ALONG WITH TWO NEIGHBORHOOD ORGANIZATION LEADERS HERE TONIGHT, APPEARED BEFORE THE CITY NINE YEARS AGO, INTERESTED IN BECOMING ONE OF THE FIRST THREE AREAS CHOSEN AS PILOT PROJECTS UNDER THE THEN NEWLY CREATED NEIGHBORHOOD PLANNING DIRECTIVE. AS STATED ON THE CITY'S WEB SITE, NEIGHBORHOOD PLANNING IS AN OPPORTUNITY FOR CITIZENS TO SHAPE THE NEIGHBORHOODS WHERE THEY LIVE, WORK, OWN PROPERTY OR MANAGE A BUSINESS. THE GOAL OF NEIGHBORHOOD PLANNING IS FOR DIVERSE INTERESTS TO COME TOGETHER AND DEVELOP A SHARED VISION FOR THEIR COMMUNITY. THIS IS A WORTHY GOAL BUT IT'S BEEN HARD TO REACH AFTER 35 MONTHS. I WILL NOT BLAME THE 11 STAFF MEMBERS WHO WORKED ON OUR PLAN. I WILL BLAME THE PROCESS. I BELIEVE STAFF WAS GIVEN CERTAIN

SPECIFIC INSTRUCTION, SUCH AS DIRECTING THAT ALL NONCONFORMING USES BE BROUGHT INTO COMPLIANCE THROUGH REZONING, NO MATTER THE DESIRE OF THE PLANNING PARTICIPANTS. THIS INSTRUCTION DID NOTHING MORE THAN LEGITIMIZE EXISTING MULTIFAMILY IN AN ALREADY SATURATED AREA. I BELIEVE STAFF WAS NOT GIVEN CERTAIN TOOLS IT NEEDED, SUCH AS TRAINING AND DEVELOPING CONSISTENT VOTING PROCEDURES, THE LACK OF WHICH CREATED DISTRUST AT BEST. I WAS PERSONALLY TOLD BY A STAFF MEMBER IN THE SPRING OF 2005 THAT THE ONLY STAKE HOLDER VOTE THAT COUNTED WAS THE ONE TAKEN THE VERY LAST TIME ATTRACT WAS DISCUSSED. IN OTHER WORDS, IF A PARTICIPANT DID NOT ATTEND EVERY SINGLE ZONING MEETING AND EVERY SINGLE FLUM MEETING, HE RAN THE RISK OF NOT HAVING HIS OPINION COUNT, AND WE CAN BEAR THIS OUT BY SPREADSHEETS THAT WE CREATED TO FOLLOW THE HISTORY OF EACH AND EVERY TRACT. THIS WAS ONLY ONE OF THE CLEAR INDICATIONS THAT OUR PLAN WAS FLAWED. I BELIEVE THAT THE CITY KNEW THE PROCESS WAS FLAWED AND TRIED TO CORRECT SOME OF THE PROBLEMS THROUGH THE CREATION OF THE ADVISORY COMMITTEE AND THE ALTERNATIVE FUTURE LAND USE MAP. I BELIEVE THE CITY NEW ABOUT THE PROBLEM OF ZONING APPLICATIONS INTERRUPTING AND CIRCUMVENTING THE PLANNING PROCESS. AT ONE POINT EARLIER THIS SPRING THE PLANNING CONTACT TEAM HAD 9 ACTIVE ZONING CASES BEFORE IT, TAKING OUR TIME AND ENERGY AWAY FROM THE COMPLETION OF OUR PLAN. I BELIEVE THAT THE DISCUSSION OF TRANSPORTATION IN CONNECTION WITH PLANNING, IN THIS ONE OF THE DENS'S PLANNING AREAS IN THE CITY AND 3400 ACRES IN SIZE, WAS MINIMAL. EAST RIVERSIDE, A DESIGNATED SCENIC ARTERIAL, IS ANYTHING BUT AND DESERVES PARTICULAR ATTENTION. I BELIEVE THAT OUR PLANNING AREA HAS SUFFERED DURING THE PAST FEW DECADES, THROUGH NEGLECT, HAPHAZARD BUILDING PRACTICES. A BLIGHTED LANDSCAPE THAT SERIOUSLY NEEDS ATTENTION IS THE SORRY RESULT. THE SPOT REZONING THAT SEEMS TO BE THE BACKBONE OF THE CITY'S PLANNING PROCESS IS NOT APPROPRIATE. IN A PLANNING AREA OF THIS SIZE AND WITH THIS DIVERSITY IN ZONING DESIGNATIONS, WITH THIS DIVERSITY IN ETHNICITY

AND WITH THE DENSITY GREATER THAN THAT OF THE URBAN CORE, THERE ARE OTHER ISSUES THAT OVERWHELM THOSE OF VOTE FREE ZONING. THE NEIGHBORHOOD PLANNING PROCESS SHOULD EMPHASIZE PLANNING, NOT ZONING. I BELIEVE THAT SINCE THE BEGINNING OF THE PLANNING PROCESS THE STAKEHOLDERS HAVE NOT WAVERED IN THEIR DESIRE TO SEE NO NET INCREASE IN THE NUMBER OF MULTIFAMILY UNITS IN OUR PLANNING AREA. ALL REZONING APPLICATIONS THAT COME BEFORE US SHOULD BE GUIDED BY THIS PRINCIPLE. I BELIEVE THAT THE PROTECTION OF THE REMAINING SINGLE-FAMILY NEIGHBORHOODS IN OUR PLANNING AREA MUST BE A PRIORITY. IT IS THROUGH THE VESTED INTEREST CREATED BY OWNER OCCUPIED HOUSING THAT AN AREA BECOMES TRULY LIVABLE. EVEN THOUGH OUR PLANNING AREA HAS ALREADY ABSORBED MORE INHABITANTS THAN MOST OF AUSTIN, WE HAVE NEVER ASKED THAT YOU DECREASE THE NUMBER WHO LIVE HERE. WE HAVE NEVER ASKED THAT NO MORE BE ADDED. IN ORDER TO PLAN FOR OUR FUTURE AND SIMULTANEOUSLY ACHIEVE BOTH DENSITY AND A LIVABLE COMMUNITY, WE NEED A BETTER BALANCE OF LAND USES. WE BEGAN WITH 150 TRACTS OPEN TO REVIEW. THROUGHOUT THE PROCESS AND THROUGH CONTINUED DISCUSSION WE REACHED AGREEMENT WITH STAFF IN ALL BUT 46 TRACTS AND OVER THE LAST NINE MONTHS ON ALL BUT 22. OF THOSE 22 TRACTS, 20 ARE CONTESTED BY STAKEHOLDERS AND 2 BY PROPERTY OWNERS. YOU HAVE IN YOUR PACKET THAT I HANDED OUT EARLIER A GREEN HANDOUT OUTLINING THE REASONS FOR OUR REZONING RECOMMENDATIONS ON THOSE 20 TRACTS. AT THE TOP OF THE PAGE ARE FIVE STATEMENTS SUPPORTING OUR RECOMMENDATIONS. ONE OR MORE OF THOSE STATEMENTS APPLIES TO EACH OF THE ZONING CASES LISTED AND ARE SPOTLIGHTED IN THE NEIGHBORHOOD PLAN TEAM RECOMMENDATION COLUMN. AND LET ME READ THOSE RECOMMENDATIONS. NO. 1, ADDING MUB AND NUC TO THE BASE ZONING PROVIDES THE POSSIBILITY OF INCREASING COMMUNITY GREEN SPACE AND PROMOTING DIVERSITY IN USES, EVEN THOUGH IT INCREASES MULTIFAMILY OPPORTUNITIES. NO. 2, MAINTAINING EXISTING BASE ZONING OF LO, GO, LR AND GR AND INDIVIDUAL TRACTS AND IN COMBINATION ON LARGER TRACTS

PROVIDES AN OPPORTUNITY FOR A BETTER BALANCE OF LAND USES IN FUTURE DEVELOPMENT AND REDEVELOPMENT, AS WELL AS ENSURING A TRUE MIX OF USES WHEN LOCATED ON THE SAME SITE. NO. 3, ADDING THE MU-CO, THE CO TO PROHIBIT MS, TO EXISTING COMMERCIAL AND OFFICE ZONING PROVIDES AN OPPORTUNITY FOR A MIX OF USES AND REDIRECTS RESIDENTIAL USE AWAY FROM MS. IT SIMULTANEOUSLY INCREASES THE RANGE OF EMPLOYMENT POSSIBILITIES. NO. 4, UTILIZING THE MOST APPROPRIATE TRANSITIONAL ZONING WILL BUFFER AND PROTECT THE AREA'S SMALL POCKETS OF TRADITIONAL SINGLE-FAMILY HOMES, WHICH MEETS THE PLAN GOAL OF PRESERVING SINGLE-FAMILY NEIGHBORHOODS. NO. 5, PROTECTING OUR CRITICAL ENVIRONMENTAL FEATURES ACKNOWLEDGES THE VALUE OF NATURE IN URBAN SETTINGS AND PREFERS URBAN TREE, CAN MY AND WATERWAYS. PLEASE READ THOSE RECOMMENDATIONS AS THEY APPLY TO EACH ZONING CASE AND IF YOU HAVE ANY QUESTIONS, MEMBERS OF THE NEIGHBORHOOD ASSOCIATIONS REPRESENTED HERE TONIGHT WILL BE HAPPY TO ANSWER THEM. THERE ARE AT LEAST EIGHT REGISTERED ORGANIZATIONS WHO HAVE BEEN ACTIVELY INVOLVED SINCE THE BEGINNING OF THE PLANNING PROCESS IN OCTOBER OF 2003. WE HAVE OUTLINED AND EMPHASIZED OUR CONCERNS, SOME OF WHICH SHOULD BE PLACED ON FUTURE AGENDAS. YOU HAVE AN OPPORTUNITY TO HELP CORRECT MISTAKES OF THE PAST AND ASSIST US IN PREPARING FOR OUR FUTURE BY TAKING FOUR ACTIONS THIS EVENING. ONE, ADOPT A WRITTEN PLAN THAT IS BEFORE YOU. TWO, ADOPT THE FLUM THAT IS CREATED BY THE PLANNING TEAM. 3, SUPPORT THE PLANNING TEAM'S ZONING DESIGNATIONS, AND 4, FINALIZE THE FUNDING FOR THE RIVERSIDE CORRIDOR STUDY AND DELAY ACTION ON FUTURE REZONING UNTIL THE CORRIDOR STUDY IS COMPLETE. AND EVERYONE YOU SEE BEHIND ME WEARING A GREEN EROC NAME TAG SUPPORTS OUR ENDEAVORS. THANK YOU FOR YOUR CONSIDERATION. [APPLAUSE]

MAYOR WYNN: THANK YOU, MS. LONG. THAT'S THE END OF THE ORGANIZED SEQUENTIAL SPEAKERS THAT WE HAD EARLIER. NOW WE'VE GOT A BUNCH OF FOLKS WHO SIGNED

UP TO GIVE US INDIVIDUAL TESTIMONY. OUR NEXT SPEAKER WILL BE MR. BILL HILES. BILL HILES SIGNED UP WISHING TO SPEAK, AS DID MIKE GARVEY? AM I MISPRONOUNCING THAT? WOULD YOU LIKE TO SPEAK? THEN PLEASE COME FORWARD. AND IS MOHAMMED VOLVO HERE? MIKE KEEP ONCOMING FORWARD. HE WAS WANTING TO DONATE TIME FOR YOU BUT OUR RULES ARE HE NEEDS TO BE PRESENT IN THE CHAMBERS TO DO SO. SO WELCOME, YOU HAVE THREE MINUTES.

THANK YOU. THANK YOU FOR GIVING ME THE OPPORTUNITY TO TALK ABOUT OUR PROPERTY AT 1500 AND 1600 PLEASANT VALLEY ROAD. I WOULD LIKE TO TAKE THE OPPORTUNITY TO THANK THE NEIGHBORHOOD PLANNING AND CITY STAFF FOR THE HARD WORK TO MAKE THE CITY OF AUSTIN A BETTER PLACE TO LIVE. OUR PROBLEM IS NOT THE ZONING ON 1600 AND 1500 PLEASANT VALLEY. OUR MAJOR PROBLEM FOR 15 AND 1600 SOUTH PLEASANT VALLEY IS THE UPSTREAM STORM WATER GOING FROM THE RIVERSIDE AND PLEASANT VALLEY TO OUR PROPERTY AND MAKE OUR PROPERTY A DETENTION POND FOR NEW. OUR CONCERN. ALSO WE SUBMIT A CALCULATION TO SHOW THIS OLD OPEN STORM DRAINAGE SYSTEM CANNOT SUPPORT H.E.B. IMPROVEMENT WITHOUT RESTRUCTURING THE STORM DRAIN SYSTEM. ANY HEAVY RAIN SUBMERGE 1500, 1600 PLEASANT VALLEY ROAD AND THE INTERSECTION OF THELE MONTH AND PLEASANT VALLEY IN THE WATER, THE WAY THAT YOU CANNOT SEE THE SIDE OF THE STREET. THIS SITUATION CAUSED THE PROBLEM HARD TO BE DEVELOPED OR SELL, AND -- OR SELL IT, TO THE DEVELOPER. HAD -- TO THE DEVELOPER HAD INTEREST ON THE PROPERTY, AND REMAIN AN EYESORE FOR THE CITY. CURRENT OPEN STORM WATER DRAINAGE SYSTEM DATED BACK TO 1960, WHICH AT THAT TIME BOTH SIDE OF THE PLEASANT VALLEY WAS RAW LAND, AND NOW WE HAVE A HUNDRED PER CENT DEVELOPMENT SO SOLID. THERE IS NO PLACE TO ABSORB THIS WATER. EVERYTHING COMES TO THAT OPEN DRAINAGE. I THINK A BULLDOZER [INDISCERNIBLE] 96 DAYS ON THE SIDE OF THE STREET. AND WE HAVE NO OBJECTION THAT THE ZONING BE SUPPORTED, BUT WE WOULD LIKE THIS TO BE IN CONSIDERATION ALSO. WE WOULD LIKE IF THE PROPERTY USED FOR SOME SPECIFIC REASON PRIOR TO

THESE ISSUES, THOSE TO BE ON THERE TOO. THANK YOU VERY MUCH FOR THE OPPORTUNITY THAT YOU GAVE ME, AND LISTENING TO OUR CONCERN. IT'S IMPORTANT I AM INVITING ALL THE HONORABLE -- MAYOR AND ALL THE CITY COUNCIL MEMBERS TO MAKE INQUIRY REGARDING THIS ISSUE ABOUT THE SUBMERGING WATER AND HOW ELMONT AND PLEASANT VALLEY GET SUBMERGED IN ANY HEAVY RAIN SITUATION. THANK YOU, YOUR HONOR.

MAYOR WYNN: THANK YOU, MR. GARVEY. LET'S SEE, OUR NEXT SPEAKER WILL BE RON THROWER. WELCOME, RON, YOU'LL BE FOLLOWED BY ALICE GLASGOW.

I'M RON THROWER, REPRESENTING A PROPERTY OWNER AT THE INTERSECTION OF IH-35 AND RIVERSIDE, BUT THAT ITEM IS NOT UP FOR DISCUSSION TONIGHT. I HAVE SOME CONCERNS ABOUT THE PLANNING DOCUMENT THAT YOU HAVE BEFORE YOU TODAY, AND I WANT TO POINT UP TWO PARTICULAR ITEMS THAT ARE I THINK MAJOR CONCERNS. ONE OF THEM IS THE SETBACKS FROM THE ROADWAYS. THEY'RE ASKING FOR THE BUILDINGS TO BE AWAY FROM THE ROADWAYS, WHICH APPEARS TO BE IN QUITE CONTRAST TO THE COMMERCIAL DESIGN STANDARDS DOCUMENTS, WHICH YOU-ALL PASSED NOT TOO LONG AGO. SECONDLY, THE COMMERCIAL DESIGN STANDARDS SPECIFICALLY DEFINED RIVERSIDE AS A CORE TRANSIT CORRIDOR WHERE THE INTENSE DEVELOPMENT SHOULD BE OCCURRING, AND THIS DOCUMENT THAT IS BEFORE YOU TONIGHT IDENTIFIES A HEIGHT LIMIT ALONG RIVERSIDE OF 40 FEET, AND I THINK THAT THAT SHOULD BE AT LEAST A MINIMUM OF 60 FEET, IF NOT HIGHER IN SOME OTHER AREAS WHERE IT IS WARRANTED. AND I WANTED TO BRING THAT TO YOUR ATTENTION. APPRECIATE IT.

MAYOR WYNN: THANK YOU, MR. THROWER. ALICE GLASGOW? WELCOME, MS. GLASGOW. LET'S SEE, IS JEFF MUSCROW HERE? HOW ABOUT RICHARD WEISS? RICHARD? SO ALICE, NINE MINUTES IF YOU NEED IT.

GOOD EVENING, MAYOR AND COUNCIL MEMBERS. I'M ALICE GLASGOW AND I WANT REPRESENTING THE POTENTIAL BUYER OF WHAT IS KNOWN AS RIVER TOWN MALL, AND THE TRACTS THAT ARE REPRESENTED BY THIS PROPERTY ARE

TRACT 41, 43 AND 44. THE MAP BEFORE YOU SHOWS THE SITE THAT IS CURRENTLY DEVELOPED WITH THE SHOPPING CENTER AND HAS 100% IMPERVIOUS COVER. THIS IS THE CURRENT CONDITION OF THE SITE NOW, WHICH SHOWS THE USE THAT CURRENTLY EXIST. THE BOTTOM PICTURE IS WHAT IS KNOWN AS THE BACK ROOM NIGHTCLUB. THIS IS A NIGHTCLUB THAT HAS BEEN IN PLACE FOR A WHILE AND CAUSES A LOT OF ACTIVITY FOR THE POLICE DEPARTMENT, AS FAR AS THE NUMBER OF CALLS THEY RECEIVE IN THIS AREA ARE SIGNIFICANT, ESPECIALLY IN THE LAST FIVE MONTHS. THERE'S ABOUT TWO PAGES LONG OF CALLS TO THIS AREA. MORE EXISTING CONDITIONS ON THIS SITE. THE SITE INFORMATION. BRIEFLY, THIS SITE IS APPROXIMATELY 6.1 ACRES. THE EXISTING ZONING BARRIERS, THERE ARE A TWO FOOT FENCE OF CS-1 ZONING FOR TWO NIGHTCLUBS. THE MAIN BODY OF THE SITE IS ON -- IN THE CS ZONING THAT SUPPORTS AN ELECTRICAL CONTRACTOR CURRENTLY ON THE SITE. THESE ARE THE TRACTS THAT ARE SHOWN BY A MAP THAT HAS BEEN PROVIDED BY THE PLANNING STAFF. SITE PLAN FOR THE AREA THAT SHOWS THE BUILDING LOCATIONS, AND ALSO THIS SHOWS YOU THE WIDTH OF THE PROPERTY FROM EAST RIVERSIDE DRIVE. THIS IS A CONCEPTION 5 PLAN THAT HAS BEEN PREPARED BY RICHARD WEISS, AND MR. WEISS SERVED ON THE COMMERCIAL DESIGN STANDARDS. THE SITE PLAN THAT MR. WEISS HAS PUT TOGETHER HAS A PROPOSAL THAT MEETS ALL THE INTENT AND REQUIREMENTS OF THE VERTICAL MIXED USE REGULATIONS UNDER THE COMMERCIAL DESIGN STANDARDS. THIS PROJECT INCLUDES PARALLEL PARKING. IT HAS THE ELEMENTS THAT ARE CALLED FOR IN THE DESIGN GUIDELINES. YOU HAVE A STREET, TREE AND FRONTAGE ZONE. YOU HAVE A CLEAR ZONE, WHICH IS MAINLY YOUR SIDEWALK. YOU HAVE A SUPPLEMENTAL ZONE. THIS IS AN OPTIONAL ZONE THAT ALLOWS PROJECTS THAT EXCEED THE SETBACKS THAT ARE CALLED FOR UNDER THE DESIGN STANDARDS TO PROVIDE SEATING, LIKE YOU SEE OUT ON SECOND STREET AND -- THE SITE KNOWN AS AMWAY HAS -- INCLUDING A ZONE WHERE YOU CAN HAVE OUTDOOR SEATING. THIS COULD OCCUR HERE ON THIS SITE WITH THE REDEVELOPMENT OF A VERTICAL MIXED USE DEVELOPMENT ON THE SIX ACRES. THIS IS A CROSS SECTION OF THE CONCEPTUAL SITE PLAN. AGAIN, IT SHOWS

YOU ALL THE ELEMENTS THAT ARE ENVISIONED IN THE COMMERCIAL DESIGN STANDARDS, INCLUDING THE OPTIONAL TRANSITION ZONE AND THE MIXED USE COMPONENT OF THE VERTICAL MIXED USE ORDINANCE. I WENT TOO FAR. THE PLANNING RECOMMENDATION FOR THIS SITE INCLUDES THE FOLLOWING ELEMENTS: KEEP THE EXISTING CS-1 FOOTPRINT AND ADD CMPOMP. NO. 2 CS-MU POMP FOR THE REMAINDER OF THE SLIGHT WITH A AND LIMIT THE SIZE TO GR SITE DEVELOPMENT REGULATIONS. THIS WOULD INCLUDE ALL THE REGULATIONS THAT RELATE TO THE SIDE, IMPERVIOUS COVER, SETBACKS. AT LEAST 10% OF THE GROSS AREA WILL BE USED FOR COMMERCIAL USED. AT LEAST 25% OF THE DEVELOPMENT'S AREA WILL BE USED FOR RESIDENTIAL USES, OF WHICH 30% OF THE 25% WILL BE TOWNHOMES OR CONDOMINIUMS, WITH A MAXIMUM OF 200 RENTAL UNITS. WE ARE REQUESTING THAT YOU ALLOW US TO HAVE 300 RENTAL UNITS TO MAKE THIS PROJECT VIABLE, TO HAVE A TRUE MIXED USE, A MIXTURE OF USES WHERE YOU HAVE SOME HOME OWNERSHIP, SOME APARTMENTS, THIS SITE IS AN OLD SITE THAT NEEDS TO BE REDEVELOPED TO MAKE IT FINANCIALLY VIABLE. YOU'VE GOT TO HAVE A LITTLE BIT OF EVERYTHING. SOME RENTAL, SOME FOR SALE UNITS AND ALSO, OBVIOUSLY, RETAIL, TO SUPPORT THE AREA AND THE RESIDENTS. NO. 5, AT LEAST 10% OF THE DEVELOPMENTS THERE WILL BE OPEN SPACE. 6, LIMITED HEIGHT OF BUILDINGS ALONG EAST RIVERSIDE DRIVE TO THREE STORIES OR 40 FEET WITHIN A HUNDRED FEET. WE HAD PREVIOUSLY ACCEPTED THIS GOAL BUT THAT THE NEIGHBORHOOD HAD OFFERED BUT THIS GOAL WAS DESIGNED BY THE NEIGHBORHOOD BEFORE THE COMMERCIAL DESIGN STANDARDS WERE FULLY IMPLEMENTED, AND THIS PARTICULAR REQUIREMENT CREATES A CONFLICT WITH THE REQUIREMENT OF THE COMMERCIAL DESIGN STANDARDS TO PLACE BUILDINGS CLOSER TO THE STREET. OUR BUILDINGS, WHEN WE MOVE OUR BUILDINGS CLOSER TO THE STREET, THE HEIGHT WILL BE 60 FEET, HENCE THE CONFLICT. 7, COMPLY WITH THE COMMERCIAL DESIGN STANDARDS. THE PLANNING COMMISSION WANTED TO MAKE SURE WE COMPLY WITH THE COMMERCIAL DESIGN STANDARDS AND WE ACCEPT THAT. WE'RE NOT EXEMPT FROM THEM, AND THAT THE FUTURE LAND USE MAP REFLECT MIXED USE. IN SUMMARY, THE

RECOMMENDATIONS WE'RE ASKING FOR YOU TO VARY FROM THAT OF THE PLANNING COMMISSION IS TO SIMPLY ALLOW TO HAVE 300 RENTAL UNITS IN LIEU OF 200 TO MAKE IT A VIABLE AND FINANCIALLY FEASIBLE, DELETE THE 40-FOOT MAXIMUM HEIGHT OF THE PROPERTY LINE. THIS SITE IS SET, WITH A 25-FOOT SETBACK, APPROXIMATELY 80 FEET FROM RIVERSIDE DRIVE, AND THE REASON FOR REQUESTING THE DELETION OF CONDITION NO. 6 IS BECAUSE RIVERSIDE DRIVE HAS A 200-FOOT RIGHT-OF-WAY IN FRONT OF THE PROPERTY, THAT IS 25 FEET FROM THE EDGE OF THE CURB TO THE EDGE OF THE PROPERTY LINE, AND THE ARGUMENT THAT A CANYON EFFECT WILL OCCUR HERE IS NOT POSSIBLE SIMPLY BECAUSE OF THE WIDTH OF THE RIGHT-OF-WAY AND THAT OF THE PROPERTY LINE FROM THE CURB OF THE RIGHT-OF-WAY. THAT PARTICULAR REQUIREMENT DOES CONFLICT WITH THE COMMERCIAL DESIGN STANDARDS AS FAR AS BUILDING PLACEMENT GOES AND RELATES TO A BUILDING. THE ORANGE COLOR SHOWS THE EFFECT OF THAT CONDITION THAT REQUIRES THE BUILDINGS BE SET A HUNDRED FEET AWAY FROM RIVERSIDE DRIVE IN ORDER TO ACHIEVE HEIGHTS GREATER THAN 40 FEET. IF WE -- THE BUILDING THAT WE HAVE RIGHT THERE IS SETBACK 80 FEET FROM RIVERSIDE DRIVE. THIS CROSS SECTION SHOWS YOU THE EFFECT, WE WOULD LOSE TWO STORIES IF WE MOVE THE BUILDING AS DESIGNED -- OR AS REQUESTED BY THE NEIGHBORHOOD GOAL THAT CONFLICTS WITH THE DESIGN STANDARDS AS FAR AS PLACEMENT GOES. AND GOING BACK TO THAT. WHEN YOU LOSE TWO STORIES, MEANS WE GET TO LOSE THE NUMBER OF UNITS THAT WE CAN ACTUALLY SELL. THAT WILL BE THE BUILDING THAT WILL HOUSE THE TOWNHOMES OR CONDOMINIUMS FOR SALE, AND WE DO WANT TO HAVE AS MANY FOR SALE UNITS AS POSSIBLE HERE TO CREATE A BALANCE OF HOUSING TYPES AND CHOICES. THIS EXHIBIT SHOWS YOU THE LOCATION OF BUILDINGS, THE ARGUMENT OF A CANYON EFFECT DOES NOT REALLY APPEAR POSSIBLE BECAUSE OF THE WIDTH OF THE ROADWAY AND THE HEIGHT OF THE BUILDING. 60 FEET DOES NOT CREATE A CANYON EFFECT. THE RIGHT-OF-WAY IS TOO WIDE FOR THAT. THE GOALS THAT WE -- THAT IDENTIFY THE NEIGHBORHOOD PLAN THAT WILL SUPPORT WHAT WE'RE DOING IS THAT THIS IMPROVES THE APPEARANCE AND VITALITY OF THIS AREA.

VERTICAL MIXED USE IS A GOAL OF THE DESIGN STANDARDS. THIS IS A POOR TRANSIT CORRIDOR AND IMPROVEMENT IN APPEARANCE OF THIS SCENIC ROADWAY OF THE CITY WOULD BENEFIT FROM THAT. GOAL NO. 4, ENCOURAGE A BALANCE OF MIX IN RESIDENTIAL USES, COMMERCIAL USES, AND THAT IS WHAT THIS PROPOSAL OFFERS. GOAL NO. 5, ENHANCE THE TRANSPORTATION NETWORK TO ALLOW RESIDENTS AND, TO TRAVEL SAFELY BY FOOT, BICYCLE, AUTOMOBILE AND PUBLIC TRANSIT. THE COMMERCIAL DESIGN STANDARDS DO ENHANCE THAT ON THIS PROJECT. THESE ARE THE ELEMENTS THE PROJECT COMPLIES WITH UNDER DESIGN STANDARDS. THE COMMERCIAL DESIGN STANDARDS CALL FOR AND WE WILL COMPLY WITH BUILDINGS TO THE STREET, TRANSIT. SIDEWALKS WITH STREET, TREMENDOUS, FRONTAGE ZONE, CLEAR ZONE, SUPPLEMENTAL ZONE IS OPTIONAL BUT WE HAVE ENOUGH ROOM TO ACCOMMODATE THAT AND PARALLEL PARKING WITH COULD YOU KICKING LANE. BUILDING DESIGN STANDARDS, INTERNAL CIRCULATION ROUTE ON THIS PROJECT, SINCE IT'S OVER 5 ACRES WE DO HAVE ROOM FOR MORE THAN JUST ONE INTERNAL CIRCULATION ROUTE. OPEN SPACE, INCLUDING IMPERVIOUS COVER REDUCTION. WE WILL PROVIDE AFFORDABLE HOUSING BEING OF UNDER THE VMU DESIGNATION AND WE HOPE THAT YOU WILL DESIGNATE US AS VMU. WE WILL BE ABLE TO PROVIDE 10%, MEDIUM, FOR SALE UNITS, 5% AND 80% MFI AND AT 100% MFI AND I AM WRAPPING UP. THIS IS AN EXAMPLE OF WHAT A MIXED USE PROJECT ON THIS SITE COULD LOOK LIKE. THE TRANSFORMATION COULD BECOME THIS. THANK YOU FOR YOUR SUPPORT AND THANK YOU FOR LISTENING TO MY PRESENTATION.

MAYOR WYNN: THANK YOU. COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: SO THE 60-FOOT HEIGHT, THAT BUILDING IN FRONT, THAT FRONTS ON RIVERSIDE DRIVE THAT'S ALREADY SETBACK, WHAT, SOME 55 FEET FROM THE ACTUAL ROADWAY?

THAT IS CORRECT. IT WOULD BE 55 FEET AWAY FROM THE CURB OF THE DRIVE.

LEFFINGWELL: SO WHAT ACTUALLY CAUSES YOU TO NEED THAT -- TO NOT BE APPROVED -- OR RECOMMENDED FOR THAT ADDITIONAL HEIGHT IS THE FACT THAT YOU'RE TRYING TO COMPLY WITH DESIGN STANDARDS. IF YOU WOULD SET THE ENTIRE BUILDING BACK ANOTHER 40 FEET, THEN THERE WOULD BE NO PROBLEM WITH THE 60-FOOT HEIGHT; IS THAT CORRECT.

THE CURRENT ZONING ALLOWS US TO HAVE A BUILDING AT 60 FEET. THE 60-FOOT HEIGHT IS ALLOWED. HOWEVER, THE PLACEMENT OF THE BUILDINGS UNDER THE DESIGN STANDARDS ARE THAT YOUR BUILDING BE AT THE PROPERTY LINE. SO AT THE PROPERTY LINE, AT 60 FEET, THAT CONFLICTS WITH THE NEIGHBORHOOD GOAL OF HAVING A 30-FOOT OR 40-FOOT BUILDING LEVEL.

LEFFINGWELL: YOU COULD DO THAT WITH YOUR EXISTING ZONING. YOU COULD NOT COMPLY WITH DESIGN STANDARDS, MOVE BACK THE ADDITIONAL 40 FEET, HAVE THE 60-FOOT BUILDING, BUT THAT WOULD ALSO ELIMINATE THE INTERNAL CIRCULATION ROUTE?

EXACTLY. IF WE MOVE FURTHER BACK IT WOULD AFFECT THE INTERNAL CIRCULATION ASPECT THAT IS CALLED FOR IN DESIGN GUIDELINES.

LEFFINGWELL: SO YOU'RE KIND OF CAUGHT IN A VICE HERE BETWEEN TWO REGULATIONS, THE HEIGHT RESTRICTION ON THE ONE SIDE AND THE DESIGN STANDARDS ON THE OTHER.

CORRECT.

LEFFINGWELL: THANK YOU. FURTHER COMMENTS, QUESTIONS?

MAYOR WYNN: THANK YOU, MS. GLASS GO.

THANK YOU.

MAYOR WYNN: LET'S SEE, A COUPLE FOLKS SIGNED UP NOT WISHING TO SPEAK. MARIAM GARVEY IN FAVOR, STEVEN JACOBS AGAINST. I'M TRYING TO SEE IF THE COMPUTER WILL GIVE ME A COMPOSITE LIST HERE. OUR NEXT SPEAKER

SHOULD BE JAMES CROCKETT. WELCOME, MR. CROCKETT.
GOOD TIMING. YOU'LL HAVE THREE MINUTES --

MY NAME IS JAMES CROCKETT. I'M A REAL ESTATE INVESTOR AND TO PUT THINGS IN HISTORICAL PERSPECTIVE, CLARK WILSON BUILT THE SUBDIVISION THERE WHICH A LOT OF THE PEOPLE HERE OWN HOMES IN. HE LOST THE PROPERTY TO THE BANK AND IN 1991 I BOUGHT IT. I BOUGHT 73 LOTS, THE 3.75 AND 12.9 FROM THE BANK. AND OVER A PERIOD OF SOME YEARS I SOLD THE 73 LOTS TO ALLOW THE A LOT OF THE PEOPLE WHO HAVE PREVIOUSLY TESTIFIED AND WHO I FIND UNFORTUNATELY ARE MY PROTAGONISTS IN MY DESIRE TO DEVELOP THE 3.75 AND 12.9 THAT'S INDICATED BY THE LITTLE GREEN DOTS. I'VE ATTENDED MANY OF THE MEETINGS AT THE NEIGHBORHOOD ASSOCIATION -- OR NEIGHBORHOOD PLANNING, AND I WAS A VOICE IN THE WILDERNESS. I COULDN'T GET ANYBODY TO AGREE THAT DENSITY WAS A GOOD SITUATION. I DID BRING BUT DON'T HAVE TIME TO HAND OUT, AN ARTICLE FROM THE NEWSPAPER WHERE MAYOR WYNN TALKS ABOUT THE VIRTUE OF DENSITY AND BONDING FOR THIS ISSUE. SO I THINK DENSITY MAKES SENSE ON THESE TWO PARTICULAR PROPERTIES. WITH DENSITY YOU GET BETTER DELIVERY OF CITY SERVICES. YOU GET MORE TAX REVENUE AND MAYBE SOME HINDRANCE TO SOME SUBURBAN SPRAWL THAT WE HAVE. IN ANY CASE, THE SECOND SHEET I GAVE YOU PEOPLE IS ALSO A CITY DOCUMENT, SHOWS THE PROPOSED HIKE AND BIKE TRAIL, WHICH WOULD APPARENTLY FALL ALONG THE EAST SIDE OF THE 12.9 PIECE, AND IN THAT CASE YOU'D HAVE THE TRACT OR THE TRAIL. YOU WOULD HAVE THE LITTLE CREEK AND A LINE OF TREES THAT WOULD FORM A NATURAL BARRIER BETWEEN WHAT I WOULD PROPOSE AS AN SF-6 ZONING, WHICH WOULD BE A STEP DOWN FROM THE MF-2 THAT'S TO THE WEST. I JUST BASICALLY DIDN'T DO ANY GOOD WITH TRYING TO PRESENT MY CASE. I WAS ALWAYS OUTVOTED BY EVERYBODY WHO WANTED SINGLE-FAMILY. OBVIOUSLY I HAVE SELFISH MOTIVATION. I WANT TO MAKE SOME MONEY OUT OF THIS. I'VE GOT FOUR KIDS IN COLLEGE HERE. I'VE GOT A DAUGHTER AT TCU, ONE AT UT, ANOTHER DAUGHTER AT TEXAS LUTHERAN AND A SON DOWN AT TEXAS STATE SO I COULD USE THE MONEY. ALSO, IF I NOTED EARLIER, THIS IS

MENTAL HEALTH WEEK. I USED TO OWN A LARGE APARTMENT COMPLEX -- THEY MENTIONED EARLIER ABOUT THE DENSITY OF POPULATION IN THE AREA, WHICH IS TRUE. AT ONE TIME FOR 17 YEARS I OWNED A 368 UNIT APARTMENT COMPLEX ON BRITAIN DRIVE AND I ENDED UP LOSING THAT IN '95 ON THE COURTHOUSE STEPS, SO DURING THAT TIME I FOUND OUT I WAS BIPOLAR AND I SPENT A WEEK IN SHOAL CREEK WHEN I WAS SUICIDAL. SO AT THIS POINT I'M TAKING MOOD PILLS FROM THE DA SO I'M A LITTLE MORE TRANQUIL. BUT IN ANY CASE, I'M ALL FOR THIS TRAIL. I THINK THAT'S A GOOD IDEA. BUT WHAT I'D LIKE TO DO, IDEALLY, IS USE THAT AS A BUFFER FOR WHAT I DECIDED, AND IT WAS -- THERE WAS A MAN NAMED CHRISTOPHER JOHNSON THAT'S A SENIOR PLANNER FOR THE CITY, WHO SUGGESTED THAT WHEN I RAN OUT OF OPTIONS WITH TRYING TO DO WHAT I WANTED TO DO TO THESE PROPERTIES THAT I BRING IT TO THIS VENUE. NOW, WHETHER THIS PARTICULAR MEETING IS APPROPRIATE OR NOT, I HAVEN'T HAD LUCK. TO DIFFICULT -- TO GO BACK FOR A MINUTE, THIS WHOLE SUBDIVISION WAS ONE TIME LISTED AS MF-2. THEN IN '96 THE CITY DOWN-ZONED IT TO SINGLE-FAMILY, SF-2. AND I THOUGHT TO KEEP THE MF-2 THAT I HAD ON OLTORF, I FOUGHT, BUT UNFORTUNATELY I WASN'T HITTING ON ALL CYLINDERS IN THOSE DAYS. I HAD BEEN THROUGH A CHAPTER 11 IN '91. I WENT INTO A SECOND CHAPTER 11 IN '96 AND I WENT THROUGH A DIVORCE.

MAYOR WYNN: PLEASE CONCLUDE, YOUR TIME AS EXPIRED.

I'M SORRY. WHAT I'M TRYING TO DO IS I HAD MF-2 AND I LOST IT AND THEN I TRIED TO GET MF-6 FROM THE CITY. THEY SAID I COULD GET IT AND THEN YOU TURNED ME DOWN FOR IT. SO I'D LIKE TO SEE IF THERE'S SOME WAY THIS COULD BE ADDRESSED. I'VE BEEN UNSUCCESSFUL SO FAR.

MAYOR WYNN: THIS IS THE MEETING TO TRY TO DO IT AT SO STAY TUNED AS WE WALK THROUGH THE MOTION SHEET AND AS YOU HEAR YOUR PROPERTY BEING DEBATED, JUST IDENTIFY YOURSELF --

IT'S OFF THE MAP. I HAVEN'T BEEN ABLE TO GET IT UP ON THE ISSUE HERE, AND I HAD PAID \$1,181 WITH THE IDEA THAT I WAS GOING TO GET SF-6 AND THEN I GOT TURNED DOWN.

SO IT WAS ONLY BECAUSE OF THIS SENIOR PLANNER SAID THAT I COULD COME HERE AND PRESENT THIS THAT I ATTEMPTED THIS. I DON'T KNOW WHETHER IT'S GOING TO DO ME ANY GOOD OR NOT, BUT I THOUGHT I'D PRESENT MY CASE.

MAYOR WYNN: FAIR ENOUGH. STAY TUNED.

MAYOR WYNN: OKAY. NEXT SPEAKER IS CARL BRAUN, SIGNED UP WISHING TO SPEAK EARLIER. FOLLOWED BY JEFF HOWARD, TO BE FOLLOWED BY ANDY MARTIN.

GOOD EVENING, I'M CARL BRAUN. I REPRESENT BURLESON HEIGHTS NEIGHBORHOOD GROUP. WE'RE IN THE PARKER PLANNING AREA, AND WE'VE -- THE RETAIL AND COMMERCIAL ESTABLISHMENTS THAT HAVE BEEN IN THE AREA ARE JUST RAPIDLY DISAPPEARING, AND WE'RE OPPOSED TO THIS PLAN BECAUSE THE STAFF FLUM DOES NOT PROVIDE THE LAND USE FOR THESE TYPE OF FUNCTIONS THAT WE REALLY NEED, AND I JUST WANTED TO CALL THAT TO YOUR ATTENTION. THANKS.

MAYOR WYNN: THANK YOU, SIR. WELCOME, MR. HOWARD, YOU HAVE THREE MINUTES, FOLLOWED BY ANDY MARTIN.

THANK YOU, MAYOR. GOOD EVENING, COUNCIL MEMBERS. MY NAME IS JEFF HOWARD. I'M HERE TONIGHT ON BEHALF OF THE OWNERS OF TRACTS 49 AND 50, WHICH ARE CONTESTED CASES TONIGHT, AND WE ARE IN FAVOR OF THE PLANKS COMMISSION RECOMMENDATIONS ON THESE TWO TRACTS. THE TRACTS IS LOCATED AT THE FRONTAGE ROAD OF I-35 AND -- IS AT THE INTERSECTION OF SUNNY VEIL STREET. HERE'S A ZONING MAP. THE -- THE PROPERTY IS HERE. THIS IS TRACT 49 TO THE LO DESIGNATION. THE TRACT NEXT TO IT IN THE CROSSHATCHING IS TRACT 50. WHAT I WANT TO POINT OUT ON THIS ZONING MAP IS A COUPLE ITEMS. FIRST IS THE PROPERTY TO THE NORTH HERE IS ZONED GR-MU, AND THE PROPERTY IMMEDIATELY ADJACENT TO MY CLIENT'S TRACT, WHICH HAS GOT A NEXT TELL SPRINT ESTABLISHMENT ON IT IS ZONED LR. 49 IS ZONED LR. AS WE GO PAST THESE MF TRACTS HERE YOU HAVE ANOTHER TRACT HERE AT THIS CORNER, WHICH IS ALSO GR-MU-CO. THAT SHOWS YOU SOME OF THE ZONING

ON THAT SIDE OF I-35. WHAT I WANT TO TALK ABOUT ON TRACT 50 -- A LITTLE BIT ABOUT THE ZONING HISTORY. IT IS ZONED SF-3. HOWEVER, IN 1971 IT WAS REZONED TO WHAT WAS THEN KNOWN AS B RESIDENTIAL, AND IT WAS REZONED THAT SO THAT IT COULD BE A PARKING LOT, AND, IN FACT, THERE WAS A RESTRICTIVE COVENANT ENTERED INTO WAS CK 14, 72-279 AT THE TIME AND IT WAS DEED RESTRICTED SO THERE COULD ONLY BE A PARKING LOT. THE RESTRICTION SAID THERE WOULD BE PRIVACY FENCES CONSTRUCTED AND THAT NO ACCESS WOULD BE PROVIDED TO LUPINE STREET. THAT STREET IS RIGHT HERE, AND ACTUALLY THE PAVEMENT ENDS RIGHT ABOUT APPROXIMATELY WHERE THAT LINE IS. SO THERE'S NO LEGAL ACCESS TO LUPINE STREET. THERE'S NO PHYSICAL ACCESS TO THAT STREET, AND IT WAS ZONED IN '71 FOR THE PURPOSE OF A PARKING LOT. NOW, WHAT HAPPENED WAS, APPARENTLY, AND THE CITY CONVERTS, IT BECAME SF-3, WHEN WE WENT TO THAT NOMENCLATURE. IT'S NOW NONCONFORMING. IT WASN'T WHEN IT WAS ZONED AND INTENDED AS A PARKING LOT. THIS AERIAL IS A LITTLE FUZZY BUT HOPEFULLY WHAT YOU CAN SEE HERE IS ABOUT 1971 THE AMERICAN OFFICE BUILDING WAS CONSTRUCTED ON TRACT 49 THERE AND THE PARKING LOT ON TRACT 50 WAS ALSO BUILT. IT IS, IN FACT, ONE TRACT, FOR ALL INTENTS AND PURPOSES. PHYSICALLY. IT IS ALSO ONE TRACT LEGALLY. IT'S ONE SINGLE LOT NOW. IT IS NOW LOT 3 A AND IT'S ALL ONE LOT. SOME MORE PHYSICAL ATTRIBUTES OF THESE TRACTS. HERE ARE SOME -
- THE PARKING LOT ON TRACT 50 IS ACTUALLY BELOW GRADE. I'M ALREADY UP TO THREE MINUTES ALREADY. HERE ARE SOME PICTURES THAT SHOW THIS IS BELOW GRADE FROM THE ADJACENT NEIGHBORHOOD, AND SINCE IT'S ALWAYS BEEN A PARKING LOT WE WOULD LIKE THAT TO BE ZONED LO TO MAKE IT CONFORMING. THE TRACT 49 SHOULD BE KEPT AT LR AT THE LEAST. ALTERNATIVELY THERE'S AN OPPORTUNITY TO BE A GR SITE HERE, AND WITH THAT I'LL BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE. THANK YOU, MAYOR.

MAYOR WYNN: QUESTIONS, COUNCIL? MAYOR PRO TEM?

DUNKERLEY: THE LOT HAS A BUILDING ON THAT FRONT LOT AND THEN THE BACK IS THE PARKING LOT?

YES, MA'AM, THAT'S CORRECT.

DUNKERLEY: AND YOU'RE ACTUALLY JUST WANTING TO KEEP IT A PARKING LOT. YOU WON'T EVER BE ABLE TO PUT A BUILDING BACK THERE BECAUSE OF THE ALL THE RESTRICTIONS. YOU'VE GOT YOUR BUILDING IN FRONT SO YOU'RE REALLY JUST TRYING TO GET A CONFORMING ZONING TO COVER THE PARKING LOT?

YES, MA'AM, THAT'S CORRECT. THE CO THAT THE STAFF HAS RECOMMENDED WILL ENSURE IT STAYS A PARKING LOT. OUR DEED RESTRICTION REQUIRES IT CAN ONLY BE USED AS A PARKING LOT AND WE HAVE NO INTENTION --

DUNKERLEY: THAT'S REALLY WHAT I WANTED TO CLARIFY, IS HOW WAS IT RESTRICTED, IT'S A DEED RESTRICTION.

YES, MA'AM.

MAYOR WYNN: MR. HOWARD. NEXT SPEAKER IS ANDY MARTIN. WELCOME MR. MARTIN.

GOOD EVENING, MAYOR, COUNCIL. MY NAME IS ANDREW MARTIN. I'M HERE ON BEHALF OF THE OWNERS OF A COUPLE OF TRACTS. THE FIRST ONE I'LL TALK ABOUT IS TRACT 45, 45 A AND 45 B. THAT IS A SHOPPING CENTER THAT HAS CS-1 ZONING. WE WOULD -- WE SUPPORT THE STAFF RECOMMENDATION THAT WOULD RESULT IN CONSOLIDATING THE CS-1 SO THAT IT COINCIDES WITH THE EXISTING CS-1 USE IN THAT SHOPPING CENTER OF 7,690,000 SQUARE FEET, SO WE WOULD RECOMMEND THAT YOU ADOPT THE STAFF RECOMMENDATION APPEAR CASE FOR TRACTS 45 A AND 45 B. SECOND ONE IS FOR V AND S ENTERPRISES TRACT 43 A. MS. GLASGOW WAS JUST IN FRONT OF YOU WITH HER REQUEST FOR CONSIDERATION OF THE CS-1 MIXED USE FOR THE BALANCE OF THE TRACT OF 43. 43 A IS A SMALL GAS STATION THAT'S ON THE NORTHWEST CORNER OF THAT SITE. IT MAKES PLANNING SPENDS FROM OUR PERSPECTIVE AND WHAT WE WOULD REQUEST IS THAT YOU ROLL THAT IN AND INCLUDE THE SAME TYPE OF CS-MU COMP ZONING THAT WAS REQUESTED FOR THE BALANCE OF THAT TRACT SO WHEN YOU'RE ALL SAID AND DONE YOU HAVE A LARGER TRACT WITH THE SAME

AMOUNT OF ZONING AND NOT A LESSER INTENSIVE LR ZONING AT THE CORNER OF THAT INTERSECTION, WHICH DOESN'T SEEM TO MAKE SENSE. SO THOSE ARE OUR REQUESTS AND THANK YOU FOR CONSIDERATION.

MAYOR WYNN: THANK YOU, MR. MARTIN. GAY SULLIVAN? WELCOME, MS. SULLIVAN.

MAYOR WYNN: YOU TOO WILL HAVE THREE MINUTES. WELCOME.

THIS IS ABOUT TRACT 47. I CONCUR WITH THE CITY PLANNING THAT IT GETS LO MIXED USE. I THINK IT'S -- IT'S RIGHT ON RIVERSIDE DRIVE. IT WOULD BE THE ONLY PLACE THAT WOULD STILL BE ZONED SINGLE-FAMILY 3 ON RIVERSIDE, AND I THINK IT WOULD BE THE BEST USE FOR IT BECAUSE WE'RE BOUNDED BY A COMMERCIAL BUILDING. RIVERSIDE DRIVE -- THE CORNER OF RIVERSIDE DRIVE AND I-35, AND OLD EAST RIVERSIDE DRIVE. SO IT'S NOT IMPINGING ON ANYTHING. SO WE LIKE THE CITY PLANNING, WHAT THEY RECOMMENDED.

DUNKERLEY: EXCUSE ME, MAYOR.

MAYOR WYNN: MAYOR PRO TEM.

DUNKERLEY: WHAT'S THE NUMBER ON THAT LOT?

MAYOR WYNN: 47.

DUNKERLEY: 47.

MAYOR WYNN: THANK YOU, MS. SULLIVAN. MS. GENTRY, THAT'S ALL THE SPEAKERS I SEE SIGNED UP IN THE COMPOSITE LIST. THANK YOU VERY MUCH. OKAY. SO COUNCIL, THOSE ARE OUR CITIZEN TESTIMONIALS THIS EVENING. NOW, WELCOME BACK, MR. GUERNSEY OR MS. LARSON OR SOMEBODY.

GREG GUERNSEY, NEIGHBORHOOD PLANNING. I WANT TO COVER A COUPLE ISSUES. THIS PLAN, AS I MENTIONED EARLIER HAS BEEN IN PROCESS FOR A LONG TIME, OVER THREE MONTHS. I KEEP REFERENCING THE 35 MONTHS AND,

YOU KNOW, WE'RE JUST COUNTING BACK WITH SOME OF MY STAFF BACK THERE AND WE COUNT AT LEAST SEVEN STAFF THAT HAVE WORKED ON THIS PLAN, BUT I WANT TO TELL YOU SOME OF THE REASONING BEHIND WHY IT'S ACTUALLY TAKEN SO LONG, AND YOU'VE HAD A LOT OF INPUT FROM THE INDIVIDUAL NEIGHBORS AND PROPERTY OWNERS WITH REGARDS TO THAT. THERE WAS MENTION WHEN WE STARTED THE PROCESS THAT WE HAD THESE BEGINNING MEETINGS AND THAT THERE WAS THE PROPERTY OWNER PERSPECTIVE RECOMMENDATIONS THAT MAY HAVE COME OUT AND THE GROUP ONE. THERE IS NOTHING I WOULD SAY IN GROUP ONE IS LESSER THAN GROUP ONE OR VICE VERSA BUT THERE WAS MORE NOTICE PROVIDED FOR GROUP ONE, AND THERE WERE SOME, YOU COULD SAY DISSENSION ON HOW THAT VOTING PROCESS WAS HANDLED. COUNCIL, WHEN YOU APPROVED YOUR BUDGET THIS YEAR YOU APPROVED FACILITATORS AND BASICALLY A PRE-RESOURCES TEAM THAT MAY COME IN AND HELP ADDRESS SOME OF THESE ISSUES IN THE FUTURE. BUT WHAT RESULTED IN THAT, WHEN WE HAD THE TWO GROUPS, AND THEN WE STARTED WORKING WITH THE GROUP 2, WHICH WAS A SUBSET OF THE ORIGINAL GROUP, WE WERE TRYING TO RESOLVE ISSUES THAT KIND OF CAME UP ALONG THE WAY. THESE WERE GROUPS OF PEOPLE THAT REPRESENTED AT LEAST FIVE OR MORE NEIGHBORHOOD ASSOCIATIONS IN THAT AREA TRYING TO RESOLVE ISSUES ABOUT ZONING. ONE THING THAT WE ACTUALLY DID AS PART OF THIS PROCESS EARLIER THIS YEAR WAS TO CHANGE OUR CODE TO ACTUALLY BE ABLE TO MODIFY THE MIXED USE DISTRICT, TO ADD A CONDITIONAL OVERLAY TO ALLOW COUNCIL OR THE COMMISSION TO PROHIBIT, IF THEY SO DESIRED, CERTAIN RESIDENTIAL LAND USES FROM THE MIXED USE CATEGORY, AND IN THIS PARTICULAR CASE THESE FOLKS FROM THE EAST RIVERSIDE, OLTORF NEIGHBORHOOD SAID THAT THEY WOULD EMBRACE DENSITY IF IT WAS OWNER OCCUPIED DENSITY AND NOT RENTER. AND SO GIVEN THE HIGH NUMBER OF MULTIFAMILY UNITS, THAT PROVISION WAS PROVIDED, AND WHEN WE GO THROUGH THE ACTUAL TRACT SHEETS YOU'LL SEE REFERENCES TO APPROVING MIXED USE BUT ACTUALLY PROHIBITING MULTIFAMILY. THEY COULD DEVELOP CONDOMINIUMS, SELL THOSE UNITS. IT WOULD LOOK LIKE

THE SAME PRODUCT BUT IT WOULD NOT NECESSARILY BE AN APARTMENT PRODUCT. I ALSO WANTED JUST TO POINT OUT THAT THE PARTICIPATION BY AUSTIN COMMUNITY COLLEGE, IF YOU LOOK AT THE REFERENCES THAT ARE IN THE PLAN, THEY ARE EXCLUDED, AND YOU'VE HEARD A GREAT DEAL OF TESTIMONY THIS EVENING BY NEIGHBORHOOD GROUPS ASKING THAT THEY WOULD BE IN THE PLAN. ACC CAME FORWARD. THEY'RE WORKING ON A MASTER PLAN FOR ALL THEIR CAMPUSES. THEY ASKED STAFF TO LOOK AT THIS, TAKE THIS INTO CONSIDERATION, WORK WITH THEM AND BRING THEM BACK AT A LATER DATE TO INCORPORATE THEM INTO THE NEIGHBORHOOD PLAN, AND AT THAT TIME WHEN THEY FINISHED THEIR MASTER PLAN, ALLOW PUBLIC INPUT. SO THAT HAS BEEN CONSIDERED AND THAT'S ANOTHER REASON WHY THAT YOU HAVE -- STAFFING IS ANOTHER ISSUE THAT -- BECAUSE THIS PLAN HAS TAKEN -- IT'S CHANGED FROM STAFF MEMBER TO STAFF MEMBER, SO NEW STAFF HAVE HAD TO GEAR UP, WORKING WITH THESE NEIGHBORHOOD GROUPS, WORKING WITH PROPERTY OWNERS, AND THAT'S ANOTHER REASON WHY. THE OWNERSHIP AND RENTAL ISSUE, AS I SAID BEFORE, IS A VERY DELICATE ONE. IF YOU LOOK AT THE MAP THAT THE PLANNING COMMISSION RECOMMENDED FOR LAND USES RECOMMENDED BY STAFF, THERE'S A GREAT DEAL OF MIXED USE THAT'S PROPOSED IN THE FUTURE LAND USE MAP THAT STAFF AND THE COMMISSION RECOMMENDED. THE NEIGHBORHOOD HAD CONCERNS, AND I THINK IF YOU LOOK AT -- I THINK THE MAP THAT JEAN MATHER MAY HAVE PROVIDED YOU, WHICH IS AN ILLUSTRATIVE MAP THAT WAS IN COLOR, IT DID NOT REFLECT AS MUCH MIXED USE, BUT I WILL TELL YOU ALL ALONG THE WATERFRONT OVERLAY WHERE THEY ASK FOR AMENDMENTS AND CHANGES, THE WATERFRONT OVERLAY ALREADY ALLOWS RESIDENTIAL USES. SO ALTHOUGH THE FUTURE LAND USE MAP THAT THEY PROVIDED DOES NOT SHOW THAT, IT'S ALREADY PERMITTED UNDER THE WATERFRONT OVERLAY. SO AS THE REST OF THE STAFF KIND OF GOES THROUGH AND GUIDES YOU THROUGH THESE TRACTS, I JUST WANTED TO ACQUAINT YOU WITH SOME OF THESE ISSUES. THE PLAN THAT THE PLANNING COMMISSION RECOMMENDED, AS YOU LOOK THROUGH THIS DOCUMENT, THERE ARE REFERENCES TO THE NEIGHBORHOOD, TO THE

NEIGHBORHOOD AND STAFF, TO NEIGHBORHOOD AND CAPITAL METRO. FOR INSTANCE, I THINK YOU HEARD MS. GLASGOW, MR. THROWER, REFERENCE TO REMOVAL OF SOME OF THE LIMITATIONS OF HEIGHT OF BUILDINGS ALONG EAST RIVERSIDE DRIVE TO THREE STORIES AND 40 FEET. THOSE WERE CONCERNS THAT WERE BROUGHT FORWARD BY THE NEIGHBORHOOD. THEY WEREN'T NECESSARILY ENDORSED BY STAFF, BUT THEY WERE ENDORSED BY THE NEIGHBORHOOD, AND THERE WAS OTHER ISSUES IN HERE ABOUT PROVIDING A DILLO. THAT'S ACTUALLY IN THE PLAN. CAPITAL METRO WOULD BE IN AGREEMENT WITH THAT, TO PROVIDE A DILLO ROUTE CONNECTING EROC. THE PLANNING COMMISSION, WHEN THEY ACTED ON THE PLAN AND THE FUTURE LAND USE MAPS, TOOK INTO CONSIDERATION DESIRED GREEN SPACE MAP. IT MAY NOT BE EXACTLY WHAT THE NEIGHBORHOOD REQUESTED BECAUSE I THINK THEY COVER THE TRACKS OF THE ACC GOLF COURSE. THAT'S PARTLY SHOWN IN THIS AREA AS A DESIRED GREEN SPACE MAP, BUT THAT'S ACTUALLY MAP 11 ON PAGE 123 OF THE CODE, OR OF THE NEIGHBORHOOD PLAN, AND IT SHOWS A LOT OF THOSE GREENBELTS THAT THE NEIGHBORHOOD WAS TALKING ABOUT. BUT THE PLAN THAT WAS RECOMMENDED TO YOU BY THE COMMISSION TOOK NEIGHBORHOODS' CONCERNS, SOME OF THE THINGS THE STAFF BROUGHT FORWARD, SOME OF THE THINGS THE DEVELOPERS BROUGHT FORWARD, AND IT WAS A COMPROMISE IN THEIR RECOMMENDATION IN BRINGING IT TO YOU. SO I JUST WANTED TO MAKE SURE THAT YOU REALIZE THAT IT'S NOT NECESSARILY -- WHEN PEOPLE ARE COMING FORWARD AND SAYING THEY WERE AGAINST THE PLAN BECAUSE OF THIS PART OR AGAINST THE PLAN BECAUSE OF THAT PART, THERE ARE PROBABLY MANY PLACES WHERE THE NEIGHBORHOOD OR THE DEVELOPMENT COMMUNITY AND STAFF ARE ACTUALLY ALL IN AGREEMENT. THEIR PARTICULAR PARTS OF THE PLAN THAT THERE ARE INDIVIDUALS THAT MAY BE OPPOSED TO SPECIFIC SECTIONS OF THAT. I THINK WITH THAT I'LL PAUSE AND I'LL LET SOMEONE COME FORWARD AND SPEAK TO THIS.

MAYOR WYNN: MR. MCCRACKEN?

GREG, ONE QUESTION I HAD WAS IN LOOKING THROUGH THE

POTENTIAL MOTION SHEET, I DON'T SEE ANY SPECIFIC MENTION OF THINGS BEING VERTICAL MIXED USE. CAN YOU CLARIFY FOR ME IF THAT'S PROPOSED IN ANY OF THE STAFF RECOMMENDATIONS OR --

WELL, RIVERSIDE DRIVE IS A CORE TRANSIT CORRIDOR, AND THERE WILL BE AN OPPORTUNITY FOR NEIGHBORHOODS, SINCE IT WON'T GO IN EFFECT UNTIL JANUARY OF -- OR OF 2007, IN MID-OCTOBER WE'LL BE ACTUALLY SENDING OUT THE NOTICE ABOUT PARTICIPATION TO -- I GUESS TO OPT OUT OF THE CORE TRANSIT CORRIDORS. IF A PROPERTY OWNER THAT HAD MIXED USE WANTED TO OPT INTO THE CORE TRANSIT CORRIDORS, THEY WOULD HAVE TO SEEK A ZONING CHANGE TO UTILIZE THAT. SO THERE'S GOING TO BE PLENTY OF DIALOGUE GOING ON I THINK IN THE FUTURE WITH REGARD TO THAT. I DID HEAR AT LEAST TWO NEIGHBORHOOD REPRESENTS THAT WOULD LIKE YOU TO ACT SOONER, I THINK ON THE MOBILE VENDING -- OR I SHOULD SAY THE MOBILE FOOD ESTABLISHMENT AMENDMENT AND WOULD ASK COUNCIL TO DIRECT STAFF TO DO THAT NOW RATHER THAN WAITING TO THE FEBRUARY TO APRIL CYCLE, SINCE THAT AMENDMENT WAS JUST APPROVED EARLIER TODAY.

GREG, I'M SORRY, I GUESS ONE OF THE THINGS -- THE REASON I ASKED IT IS, ONE THING I PICKED UP IS A NUMBER OF NEIGHBORS SAYING, WELL, WE WANT TO MAKE SURE THAT THERE'S A REQUIREMENT OF MIXED USE AND I THINK THAT THAT IS WHY OUR MIXED USE ORDINANCES ARE BECOMING RECOGNIZED AS A FAILURE BECAUSE IT'S REALLY -- AS MIKE MARTINEZ SAID, IT'S ACTUALLY KIND OF MULTIPLE-CHOICE ORDINANCE AS POSED TO MIXED USE. I THOUGHT IT WAS A GOOD CHARACTERIZATION. ANY NEIGHBORHOOD THAT HAVE GOTTEN BURNED BY OUR MIXED USE ORDINANCE, IT'S THE NEIGHBORHOODS BEFORE US TONIGHT. MIXED USE HAS BECOME THE MULTIPLE-CHOICE MENU OPTION. AND SO ONE OF THE HOPES I KNOW AT LEAST I HAD COMING INTO THIS WAS THAT THE NEIGHBORHOOD PLANNING PROCESS WOULD SYNC UP WITH THE COUNCIL POLICY DOCUMENT FROM LAST YEAR IN MAY OF 2005, SPEAKING OF VERTICAL MIXED USE. IT WAS SUCH A BIG CONCERN IN THESE NEIGHBORHOODS THAT MIXED USE BE MANDATED AND NOT JUST USING THAT. SO I DO PICK UP

THAT THAT WOULD BE A HELPFUL THING TO SAY MANDATORY MIXED USE, VERTICAL MIXED USE AS OPPOSED TO THE MULTIPLE CHOICE APPROACH. MY READ OF THIS IS WE ARE NOT SPECIFYING IN THIS MANDATORY MIXED USE AND THAT IS A SOURCE OF FRICTION, SO I THINK IT'S A THING WE CAN LEARN FROM, IS THAT THE MANDATORY MIXED USE PORTION IS SOMETHING WE NEED TO BE SPECIFYING IN OUR MOTIONS, PROBABLY GOING FORWARD ON THIS PLAN, BUT ALSO THAT THIS NEIGHBORHOOD -- THESE NEIGHBORHOODS SHOW WHY WE NEED TO BE REQUIRING MANDATORY VERTICAL MIXED USE AS OPPOSED TO OUR CURRENT ORDINANCE.

MAYOR WYNN: MAYOR PRO TEM?

DUNKERLEY: I THINK COUNCIL MEMBER MCCrackEN HAS REALLY HIT ON SOMETHING ON THE MIXED USE, AS WELL AS MY COLLEAGUES DOWN THIS AISLE, AND IT MIGHT BE AT A FUTURE DATE SOMETHING FOR THE LAND USE COMMITTEE TO CONSIDER WITH THE STAFF AS FAR AS TRYING TO SEE HOW THAT WOULD FIT IN WITH THE VERTICAL MIXED USE, WHICH OFFERS SOME INCENTIVES IF YOU DO MIXED USE, VERSUS SOME MANDATORY MIXED USE, BUT IT JUST DOESN'T SEEM TO ME TO MAKE SENSE TO SAY MIXED USE AND END UP BEING ANY USE. AND SO THAT WOULD BE ONE THING I WOULD LIKE TO CONSIDER WITH YOU AND STAFF AND THE REST OF THE COLLEAGUES THROUGH THE LAND USE COMMITTEE AS WELL.

MAYOR WYNN:

COUNCIL MEMBER, I WANT TO MAKE SURE I WAS CLEAR, WHEN WE WERE INTRODUCING THE MIXED USE, THESE ARE TRACTS THAT ALREADY HAVE RESIDENTIAL ON THEM, SO WHEN WE'RE INTRODUCING A MIXED USE -- AND WE'LL GO THROUGH THESE TRACTS MORE SPECIFICALLY, BUT WE WERE ADDING COMMERCIAL TO THEM THAT WOULD ACTUALLY PROVIDE THE OPPORTUNITY TO HAVE MIXED USE IN THE FUTURE OF INTRODUCING COMMERCIAL WHERE THERE'S ONLY RESIDENTIAL NOW. IT'S NOT INTRODUCING MIXED USE ON TRACTS THAT ARE ONLY COMMERCIAL, SHE'LL DETAIL THAT.

THE PROBLEM, GREG, IS UNTIL YOU REQUIRE THE MIXED USE WHAT YOU'RE ACTUALLY DOING IS OPENING THE BARN DOOR, AS THE MAYOR PRO TEM AND I AND SOME OF OUR COLLEAGUES WERE SAYING, WE'RE GOING TO HAVE A MORE SUCCESSFUL NEIGHBORHOOD PLANNING PROCESS IF WE SPEAK TO THE INTEREST WE HERE, ACTUALLY WANT THE MIXES TO BE USE AS OPPOSED TO JUST BROADENING THE AMOUNT OF SINGLE USE DEVELOPMENTS THAT WILL HAPPEN. I THINK THAT'S BEEN A BIG SOURCE OF DISCONNECT --

DUNKERLEY: WE'RE NOT SAYING THAT EVERY BUILDING -- I'M NOT SAYING THAT EVERY BUILDING HAS TO HAVE RETAIL. WE DON'T WANT TO OVERRUN THIS COMMUNITY WITH RETAIL THAT CAN'T SUPPORT ITSELF BUT I DO THINK THERE'S A OPPORTUNITY IN MANY OF THESE BUILDINGS TO HAVE A TRUE MIXED USE THAT'S BENEFICIAL TO THE NEIGHBORHOOD. MAYBE IT'S NOT BUT I'D LIKE TO SPEND A LITTLE MORE TIME -- NOT SAYING HERE. WE CAN ALWAYS COME BACK AND CHANGE THE DEFINITIONS BUT I JUST THINK IT'S SOMETHING AS A COUNCIL THAT WE NEED TO LOOK AT, AND I DO WANT TO EXPLORE THE ISSUE THAT IT NOT HAVE A NEGATIVE IMPACT ON YOUR VERTICAL MIXED USE, WHICH IS WHERE WE'RE GOING FROM AFFORDABLE HOUSING. SO IT'S GOT TO BE CAREFULLY THOUGHT THROUGH, AND LIKE EVERYTHING ELSE, IT'S NOT EASY. SO IT'S JUST SOMETHING IN THE FUTURE I'D LIKE TO WORK ON IF WE COULD.

AND I THINK WITH THE ADDITION OF THE COMMERCIAL DESIGN STANDARD, SINCE THESE ARE BEING ACTUALLY APPLIED TO ALL THE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.]

I think there is a lot of discussion about that because there was a suggestion that the property only be used for retail or office use, and not for a multi-family or residential use. And so the dilemma is that it wouldn't necessarily allow for mixed use. We have a lot of neighbors that embrace the mixed use if it was development mixed use, but the staff can't guarantee that that property would become mixed use in the future. I think their fall back position is let's keep it commercial or let's keep it office. So when you look at the map the neighborhood brought forward, there's no mixed use per se that was exhibited on

that. And so I think that's the dilemma that comes up.

Kim: Because they were afraid if they zoned something that was commercial to mixed use that they would just get multi-family, more multi-family.

The multi-family exists already on these tracts, but what they can't be sure of is there would be true mixed use, so they would rather have commercial rather than going back and having that residential maintained in the future.

Kim: But when we look at the zoning on the map, there's so much multi-family all over the place. What I'm saying is that we see that there is part of our urban core and that we want to have mixed use and that the multi-family that's on the ground really is a transitional use. The use life of a common complex is about 30 years. So if we zone it today multi-family, it will stay multi-family in perpetuity unless we do something else. Even though we've got the corridor plan coming up, vertical mixed use coming up in January. What if we just hold off on the FLUM today. If there are some cases that are before us where commercial developments where they need to go there because they've got project that they've been planning we can go ahead and do the zoning on that, but what if if we gave the opportunity to the neighbors to reconsider the zoning where there is multi-family to something else? Another reason I'm concerned is if we do have mixed use, pass the mixed use today it is multiple choice and because a developer goes in, sees that there's so much multi-family out there, that's what we've created is a little spot economy that is dependent on multi-family. Then there's not really an incentive to put mixed use in where they really need that kind of -- the income to support the different types of uses from office to retail services. So I'm just wondering what the process could be to give the resident and the owners there an opportunity to consider certain tracts. I think they were told by staff there were certain tracts they could not consider for changes.

McCracken: I've heard an incorrect statement of fact up here, which is that we don't have any tools to ensure mixed use and that's not true. We passed the interim vertical mixed use ordinance earlier this year and we passed the policy document a year before that and we have finally adopted commercial design standards. We have three different council actions that do give us the authority that require mixed use. It's not a factually correct statement to say that we don't

have any tools to require mixed use right now. We have three different adopted things that allow that. So we do have the tools and I think that's again a big source of the disconnect tonight. It's not speaking to the interest --

I'm speaking that have we have property owners that have multi-family zoning today and there's not incentive right now for them to come back and tear them down to build something else.

McCracken: We do have that too, but I'll grant you that if we change the zoning to be MU that they would only be eligible for the density bonuses at the opt in and opt out in January not only that, but the good only about the vertical mixed use standards that were developed by the west university neighborhoods impact was, and we adopted the design standards, is it represents better urban design. These apartment complexes are deadful places in the community and the neighbors along Riverside are getting drilled by it. So we have an opportunity to do VMU. We have the tools, the opportunity to require VMU and it would be a better addition to the neighborhood and it would contain as of January an intent to do something different. So I think that one of the lessons learned on this, because had I know this neighborhood plan was during the transition, so this was a hard deal to reflect the change the ordinance, and I respect that. But as we kind of go back and learn afterwards, I think one of the thing we can learn is is that we do have tools in place now to require the mixed use and that produces a better quality of life. Dunk I think this discussion --

Dunkerley: I think this goes to the middle ground I was trying to go to. We do have a lot of multi-family here and how do you encourage the redevelopment to ensure something other than total multi-family. And how do you do it without impacting the voluntary nature of the vertical mixed use that will gets affordable housing. That's the issue I would like to talk about at the land use commitment so that Councilmember Kim, who I think is also right about this, can be encouraged that we can find a tool that we can look forward and put some kind of designation there that tells people that when they redevelop this is the zoning that we want. And it may have to be something like a real mix bed use and not impact a voluntary -- or we may have to look to get our affordable housing thing in. So both of you are right and we need to deal with it.

And we do provide for mixed use, which is one of the building tools,

the mixed use building, but it won't get there until someone actually -
- comes in and tears it down and actually starts to --
[OVERLAPPING SPEAKERS].

Dunkerley: When we look out and see what we have now and what we would like to be, that's probably what that plan is for. And that's is what we're all trying to 98 different ways. And we've developed a lot of tools and some of them are to accomplish different things. And we need to look at those and see how can we draw that FLUM or whatever we call this now so that it shows what we would like to have there in the future without a lot of other repercussions that run through some of other other tools and policies. And that's what I would like to have the land use committee look at with you all and come back with some recommendations for council at some time in the future. Have I said that right, Jennifer, kind of?

Kim: Yes. Marilyn Moritz Councilmember Kim.

Kim: There are some things that I noticed have been happening one in Austin and one in Houston. First in Austin I've noticed that there are more condo conversion projects happening where people are taking apartments and models them and telling them as condos. Can they do that under MF zoning or do they need an FS 6 zoning?

Under the Texas property code, whether it's a multi-family, townhouse project, all the way down to a duplex, to create a condominium. You do not need a zoning change simply to create a condominium regime. Someone could create owner occupied units even if -- it could be developed with any of those type of units.

Kim: So he could you could do it with MF zoning?

Even with SF. You could create a condominium and sell each off individually and hold the land in common.

Kim: I didn't know that. The second is along Bellaire there are a number of apartments there were there that were just apartments, but because Bellaire in southwest Houston has become their China town and has really grown and we have a lot of developments there like banks, shopping as well as offices. There's apartments -- because Houston doesn't have zoning, their lucky city council, they have -- they now use those apartments as offices, some of the units, as well as apartments, offices, apartments and sometimes they have

stores where they're selling whatever, Chinese medicine, herbs or acupuncture or whatever it is the neighborhood wants. SoCo that be done in these apartments or would we have to zone it mixed use?

Well, first you would have to introduce some sort of mixed use zone to go allow those commercial uses and residential uses within that same district. It may be more of a dilemma to overcome the building codes to have those types of uses within the same building unless the building is greatly altered so it meets the fire codes and building code requirements. They have the commercial and residential uses within an existing apartment building.

Kim: Okay.

Cole: Mayor, I have a question. I too share the desire to be able to work on some of these issues in the land use subcommittee and recognize that the neighbors have had a difficult time along with the staff of coming one a compromise position, but that we have several new tools that I frankly don't always understand that we can use the mixed use with no apartment restrictive covenants and then we have the design standards and the vertical mixed use and we have the corridor study. And I think what we need to do is recognize all the new tools we have, coupled with the market conditions. Just because we say so doesn't mean it's going to happen. And have some sort of that type of economic impact on a specific type of region. And then perhaps the subcommittee can make some recommendations to council on the different language or restrictions that need to be made to the code to accomplish what we're all trying to do.

Council, I'm going to speak briefly to tract 1203. It's a -- 203. It's a tiny splotch in this complex maze, but it kind of speaks to the issue. Tract 203 is also known as 2600, 2600 and a half pleasant valley road. The neighborhood has asked that this be zoned I believe parkland. Please understand that roughly 75 or 80% of it is in a floodplain, and the part that is not in a floodplain might be better developed as parkland or -- this is my opinion, not the neighborhood's, as some other mixed use such as small office or perhaps retail. It goes to what other people here have been saying, which is that we need diversify land use that smart housing isn't only housing, it's also housing that saves transportation. Thank you for your attention.

Mayor Wynn: Thank you, Mr. Robbins. So council, that was the last of our citizen speakers signed up on the combined public hearing. Before I forget, I'll entertain a motion to close the public hearing. Motion made by Councilmember Martinez, seconded by Councilmember Cole to close the combined public hearings. All those in favor, please say aye? Opposed? Motion passes on a vote of seven to zero. Further comments, questions for staff? Tonight we'll welcome back Ms. Larson.

I'd like to start with the motion sheet. Motion number 1, agenda item 103, proposed action is to approve the east Riverside Olton combined neighborhood plan, save and except for tracts 203, 204, 212, 222, 22, 37, 39, 40, 41, 43, 43-A, 44, 45, 45-A, 45-B, 46, 47, 49, 50, 52, 53, 55. The I.R.S. site. The Marx 4 project at 2301 East Riverside Drive and 4711 east Riverside Drive. The land use suggestion for these cases will be handled separately in separate motions.

> The proposed planning commission map which is up on the screen does incorporate the Marx 4, 4711 east Riverside and 1701 and 1703 wind oak zoning cases that were previously discussed. Is four votes are required for first reading and five for all reading. That's the end of my presentation for motion one.

Mayor Wynn: Council, questions of staff? Councilmember Kim.

Kim: If we want to make an amendment to not do the zoning cases for the multi-family, how many of those tracts would we have to take out? Could staff do that for us and then leave that for the land use and transportation subcommittee to take up?

You're asking to take out all the multi-family portions?

Kim: Not do the zoning today.

Mark Walters, neighborhood planning and zoning. I'd like to clarify the question. Whether you're taking out the multi-family in total or just those where there's a conflict between the multi-family and the commercial based zoning where we have recommended a mixed use combining district?

Kim: No, all of it. And offer the nobility Newt it will be some other use

other than multi-family.

Mayor Wynn: Councilmember McCracken.

McCracken: I think there's two issues and I'm glad Councilmember Kim has raised this. Not all this will be, you know, mixed use. The market won't be there for it all to be vertical mixed use. And the second issue is that the designs of these gardens apartment is terrible. They're gated apartment buildings, they're walled off, they're super blocks, and what you're seeing is some of the most neighborhood unfriendly real estate development this city has anywhere. So I think the issue is how do we require requirements for multi-family going forward to make them better neighbors and the second one, which would be things like maximum block size, entrances, no gated apartment complexes. The second one is we do need to have a better understanding of which of these multi-family zoned lots could be mixed use, which is something that we're hearing from the neighborhood that they want, so I don't know whether it would be something that we would back out all the multi-family now or come back later.

Let's pose a potential solution. Greg, let's walk through kind of a two-step process here and see if we can put this in front of the council as an option.

One thing right now we have VMU or the commercial sign standards coming in January. So there's going to be a dialogue with the neighborhood about the transit corridor. So that will be an opportunity to really, I guess, distill what people really want along the east Riverside corridor.

So for all the multi-family along the corridor, very soon there's --

There's an neighborhood discussed if the neighborhoods would like to discuss that actual plan-- owe.

The opt in, opt out process.

Right now they're in unless you opt out. So there will be a discussion on that.

There's the first piece. Then you've got a lot of multi-family that's not

on the corridor.

That's right. There's a great deal of multi-family that is not on the core transit corridor either south of Riverside or north Riverside in particular between Riverside and Town Lake, there's a great number of units. And one possibility is that you seemed to be talking Berler was adding to the tool box maybe some of the components of the commercial design standards or the VMU to these areas.

So drop VMU into the tool box, pull those tracts out, drop VMU into the the tool box and put it back through a process.

We would have to go look the commission to discuss those tracts, but then they would have something else to look at and staff would have another option to discuss with the neighbors and the property owners of those tracts of having a different opportunity to redevelop in the future. So multi-family tracts.

As we talked about and you pointed it out, councilmembers, this plan got trapped on the cuff, in transition between new sets of options that weren't available when this plan was pretty much finishing and going through board and commissions. So you have two things that could happen I think that address your concerns by January, all on the corridor we have another chance to reassess, and the rest of the apartments multi-family off the corridor could be done by pulling them out, dropping VMU, some components of the design standards.

We would have to work with you and we can work with the committee -- [OVERLAPPING SPEAKERS].

create possibly something and go forward with a tool to address these mixed use concerns on these large multi-family areas.

I think by the way, just my final point, and I know the mayor pro tem will say something about this. We need -- I think Councilmember Kim is on to something that we need to look at the multi-family issue. A lot of the things that we adopted in vertical mixed use, they did in the UNO plan and related to multi-family. So we could look at -- as Councilmember Kim said, bring the multi-family issue in the neighborhood plan to the land use transportation committee and we could look at testimony and input from the neighbors and create some better rules for multi-family also.

Dunkerley: If I could add one thing. I think there's another component here. 'and I have no magic bullet and I don't know what an incentive would be. But one of the thing I think somehow we need to look at in these types of areas where there's so much multi-family is some type of up incentive, whether it's density, whether who knows what it is to move from multi-family to home ownership. Whether it's redeveloping those as condos that are owned or what have you. So I think we've got at least a lot of ideas here that thanks to you you've help us organize. And I'm a little more optimistic now than when I first looked at the map.

That's good.

We could certainly make these property owners aware of what rights they have, enjoy today. We could get with our neighborhood housing community development office and see what opportunities that they have working with Paul Hilger's staff for redevelopment, if they were trying to create more, I guess, condo type ownership --

I think the concept -- I might be talking about density bonuses and thing like that.

I think one other thing to add is to keep this in mind, nothing will work unless it works economically. So we're still in the testing phase for the vertical mixed use. We do not know if we will get very much vertical mixed use. But as we test that, that begins to tell us some of the options and some of the incentives that we might be able to use to encourage owners to find enough economic incentive to do something different.

Mayor Wynn: Councilmember Kim.

Kim: I think if we go through this process in giving the owners of those properties some predictability of what they can expect throughout, I'm sure the property owners who have multi-family, they may not want to be the first one to convert to con 'doughs, to convert to mixed use. It's very risky for anyone to be the first one. But if they see a map where there are more tools and they know that there is -- those tracts are very attractive because they're so close to downtown, so close to 35, then that's what we see is we start to see a redevelopment because there's kind of a market signal that they recognize and that the council encourages through our actions. So that's what we need to do is allow the market to work properly.

Because I believe this is very valuable land in the proximity of being in our urban core and close to downtown. We seemed to let it happen. So I think that going through this process of taking the multi-family out and then taking another look at it and the land use transportation and getting the input and allowing it to happen I think is the right approach. So I think a lot of the residents who do live in multi-family right now, as they work and they earn more income, they start families, then they want to 98 that same neighborhood, but they also want to enjoy the benefits of home ownership. So they could be the ones I would hope who want to stay in that neighborhood, but also be a homeowner. Right now those opportunities are very, very limited in this neighborhood area. And what we do is want to provide more opportunities for home ownership, for workforce housing in this area.

Council let me make a discussion. I've heard what you said. Why don't we postpone this item, the three related items, the zoning cases in the plan. Let us come back in three weeks with a proposal and we can separate out the larger multi-family areas as the suggested area to look at again and identify those areas that maybe we can go forward in the single-family neighborhoods and look at those areas and we can finalize those areas and then we'll take a look at that core because right now I think we could actually go forward with the core itself and address those coming January when we start the whole process going in the commercial design standards and the opt in process will already be underway, or opt out I should say. But I think that will give us time to pause, to catch our breath and then we can come back with something that can you more easily wrestle something that we can actually speak with the stakeholders that are here tonight that may have already presented, may not be here, because we don't want to catch them off guard. I don't want to do something rash where we have all these property owners saying it's all multi-family, there's nothing going to change in the plan, there's nothing going to change by zoning and suddenly everything is changing in their world.

The pieces that are left is then we have some time to explore options and tools and see where we head from there.

Maybe there is something on the 19th that we can bring back. I know there's still a lot of pressure by the neighborhoods of redevelopment in their areas. So there's thought that we probably take forward and maybe the core. I know that some of the commercial property owner

are very eager to do development, even do mixed use development along these core areas. But we can give you something I think you can wrestle with maybe in three weeks that you could say these are the multi-family areas that you want to look to the mixed use development that you've suggested earlier here this evening.

Councilmember, let's talk about what you want to do. The proposal was they would come back and move at that time. When are you thinking, the 19th maybe?

The 19th.

I would love for it to be the 12th, but I don't think there's a meeting on the 12th.

There's not.

And do the single-family, potentially -- we'll evaluate it, but take a look at the core and see if that can go through also because of our opt out, opt in coming up in a couple of months. And then with what's left give you a more viable proposal on the multi-family left and how we would move forward with accomplishing something.

There was one property that we talked about, at least one, that had a development that was pretty close to going forward. And I think Alice you were the one that mentioned that. Can yours wait until the 19th?

41, 43 and 44.

Dunkerley: My question is how time sensitive is yours? I don't want to keep pushing people back that have worked hard to get a good project this far along.

Councilmembers, if it helps you in hearing everything together, we can wait until the 19th. We just have to request an extension from the seller of the property.

Dunkerley: I really appreciate that. And I thank you very much.

If you find a problem with that, if you will work with Greg quickly, we will try to get out earlier than that, maybe the fifth. Well, I guess you will have to have notice.

No, if you can postpone it to a time certain you don't have to. It's up to staff and council to assess everything and come back. I believe my client can wait another three weeks.

McCracken: I think one of the things that is -- that I know Greg is has identified is that these commercially zoned properties are going to become VMU in January. They may not be eligible for the density bonus, but like the project that we see described before us from Alice Glasgo and her clients, that is zoned -- based on the ordinance we have adopted, the VMU overlay, it will be able to be built with VMU come January when the VMU overlay takes effect. The only question is whether it would be eligible for the density bonuses. So I think we can proceed with a great deal of assurance knowing that the project proposed before us will be eligible to go forward based on the ordinance that council has adopted. The question is whether they can go forward in November or January. That's really the issue. And the second issue being whether it would be eligible for the density bonus.

Mayor Wynn: Further comments, questions? Councilmember McCracken.

McCracken: As we look at the multi-family, I think it would be good for us to take Councilmember Kim's idea of bringing the multi-family issue to land use transportation committee and let's make sure we invite the neighborhood planning teams to that meeting and get input on not just -- we have one issue that will come back to us in three weeks about where the multi-family should be, but the second question is how do we do the multi-family in a way that's better for the neighborhoods as opposed to these isolated, gated apartment complexes, non-connected. I look at this map and no wonder there's a problem. There are blocks -- I can see blocks on this map that are equivalent of 20 downtown blocks holding one apartment complex. That needs to be addressed. So I think we do need to take that up at land use transportation and things like the UNO planning came up with. And the second is what do we see as design standards for block size and development orientation and we can apply -- That's the interest of the neighborhood planning team for multi-family in this area.

We don't have a neighborhood contact team yet, but we'll contact with the stakeholders that we'll be dealing with. At least five months or more, and they have basically been working with us and so we'll

continue to bring them and keep them in line with that process.

Mayor Wynn: Councilmember Cole and then Kim.

Cole: Mayor, as a member of the transportation committee, I would also like to see that presentation focus some on other cities and what they have done with large multi-family areas that have a large crime population because we know we have heard testimony tonight about that and what can be done about that. I think the transportation committee would do good to have a tool to deal with that also.

Mayor Wynn: Councilmember Kim.

Kim: Also, can we make notification available in Spanish? Just do it this time. [APPLAUSE]

We can. When we bring this back before commission and council for these larger multi-family areas, we can provide it in Spanish.

Kim: Thank you.

Mayor Wynn: Further comments, questions? So the recommendation, Mr. Guernsey, is is that we simply postpone action now on item 103 through 106 until October 19th. I'll sprain that motion or further -- I'll entertain that motion or further comment. Councilmember Martinez moves to postpone items -- action on items 103 through 106 to a 6:00 p.m. time certain -- actually, 4:00 p.m.? Mr. Guernsey, do you remember a potential 4:00 o'clock time certain?

I'm hearing a lot of calls for 6:00 o'clock. I have no objection as long as you postpone those items time certain, then 6:00 o'clock would be fine.

Mayor Wynn: Motion by Councilmember Martinez to postpone action on items 103 through 106 for a time certain at six p.m., October 19th, 2006, seconded by Councilmember Kim. Further comment? Hearing none, all those in favor please say aye.

Aye.

Mayor Wynn: Opposed? Motion to postpone passes on a vote of

seven to zero. 'thank you very much, folks.

Dunkerley: And we have a new member on the land use committee.
[LAUGHTER]

Mayor Wynn: Okay. So council, let's see. That takes us to our first public hearing, item number 107 to conduct a public hearing to approve an ordinance amending the city code for the definition of medical offices to include a pharmacy use of 3,000 square feet or less as recommended by the planning commission. Perhaps a brief staff presentation.

This will be short and sweet, be I think, mayor.

Promises, promises, Greg.

This is item 107 and what it simply does is allow small pharmacies to operate under a medical office designation. We had a small business owner that came forward to us who had the unfortunate situation of buying a piece of property that was in a medical office complex, and after listening to his discussions, his attorney's discussions and looking at a situation, we felt, staff felt that this was actually appropriate. We approached our planning commission, they embraced this, and so the suggestion would be under the medical office designation for this particular use that it would allow a pharmacy, a small pharmacy to operate that's 3,000 square feet or less under the medical office designation. The parking requirements, the trips would be similar to a medical office, and this would actually allow those folks that are going to medical offices or let's say a medical complex that they would be able to combine their trips and not only see the doctor, but get their prescription drugs and then they could go home or go wherever they wanted without having to drive to another location. The staff recommends this, commission recommends this. I'm not aware of any opposition to this change to the code. Although there might be one person here that may be in favor of it. I'm not sure, mayor, if they actually signed in, but that's my presentation.

Mayor Wynn: Thank you very much. Questions of staff, council? We have one citizen signed up, Andy Martin signed up to testify if we have questions, in favor.

McCracken:, mayor, I move to approve on all three readings.

Mayor Wynn: Motion by Councilmember McCracken and seconded to approve on all three reading. Further comments? Hearing none, all those in favor please say aye. opposed? Motion pass Oz a vote of six to zero with Councilmember Cole off the die is is as.

Mayor Wynn: Thank you. That takes us to item 108. Welcome Ms. Plummer.

Thank you. The legal fact finding for item 108 is that there's no other feasible and prudent alternative to the taking of the dedicated parkland which includes all planning to minimize harm to the park.

Questions, council, of staff? Again, this is 0.212 acres or about 9221 square feet for a temporary work space.

In a water line. This is a relocation for the water line for Highway 183.

Mayor Wynn: Okay. Further questions, comments? We have no speakers signed up, so Councilmember Leffingwell moves to close the public hearing and approve this resolution as posted. Seconded by Councilmember McCracken. 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 Cole off the dais. Public hearing number 109, the north acres annexation area. Welcome Ms. Huff man.

Welcome, mayor, mayor pro tem, and city council. This is another one of our map annexations, the map process which is outlined by law is a three year annexation process that we have begun. So what we're doing this evening is holding the first of two public hearings. The second public hearing will be will be Tuesday, October 3rd at holy word Lutheran church on bluff bend drive. We've talked several time this year about the importance of annexation as a tool for local governments both to control their boundaries to ensure that they have tax equity between people who receive city services and people who receive city services and pay taxes. This annexation proposal is a little bit different than the two others you heard earlier

this year in that this one is coming at a cost to the city of a little over \$12 million. This area is different in that it is essentially a donut hole inside the city limits and has been isolated from city services.

Virginia Collier is here to talk about the service plan for this proposed area. The thing that I would highlight to you is that the biggest cost driver in the service plan is going to be extend centralized sewer. This was an area developed long time ago and is mostly on septic. Unlike the other two annexations that we've talked about earlier this year, this is not a revenue producing annexation, but this gives us an opportunity to close a donut hole from a service perspective and provide central sewer for an area currently on septic. I will turn it over to Virginia to walk you through the proposed service plan. Just as a reminder, this will be another annexation that will not take place until December 2008. So again we're beginning the process. Our purpose tonight is to listen to residents, make sure we understand their concerns and we will work with residents to produce a service plan that meets everyone's needs.

Mayor Wynn: Thank you. Welcome Ms. Collier. You've been busy lately.

Good evening, thanks. My name is Virginia Collier with the City's neighborhood planning and zoning department. In compliance with statutory requirements, our plan has three major components. The first is the early action plan which provides services that will number the area commencing on the effective date of annexation, including services provided at the same level as comparable areas of the city such as police and fire protection, emergency medical service, solid waste collection. And then operation and maintenance of infrastructure at levels equal to or superior to the level of operation and maintenance in the area prior to inclusion in the map. The water and wastewater facilities, the roads and streets, street lighting, public streets and play ground. The second section of the service plan includes additional services that are provided citywide such as watershed protection and development review, use of city libraries, health and human services benefits and anti-litter services. Finally the capital improvements section of the service plan is where we would include any information about capital improvements necessary to provide municipal services to the area. In general the city begins providing services currently provided by other entities such as the county and and will be providing services not currently available to resident who live outside the city limits. In addition, residents of the of the city are eligible to vote in all city elections. Finally the resident

in the area will have the option to continue with their current solid waste appeared recycling contract for up to two years following annexation and wouldn't be required to pay for city solid waste during that time. This concludes our presentation and I've got copies of the service plan available tonight in case anyone's interested.

Mayor Wynn: Thank you. Questions of staff, council? We have a handful of folks who would like to testify. Our first speaker, if they're still here, is Chris HALEK. You will have three minutes and be followed by Ramon SULPEV. DA.

I'll make it really short. I encourage you to vote north acres into the city. It's just time for this little donut hole to become part of the city. Many of us have been waiting for a long, long time and that's really all I want to say. Thank you.

Mayor Wynn: Thank you. Ramon? Welcome, sir. You will have three minutes.

Howdy. Thank you for letting me speak. I've been -- I'm 52 years old. I've never been before a council or anybody like that, but I love my government, I love my country. I don't like things that cost me money. I don't like things that go counter to what I think the people that I've talked to that live in the community, the majority of the people are either against it or that they don't have an opinion at this time. So basically I've been coming to Austin since the early '70's and Austin's a nice place. I like it. I moved here a number of years ago. We've been visiting this particular area for 20 years or so, maybe 30 years, because my wife's family lived in that area. We love the area. It's nice. My backyard is about a half acre. I've got 80-foot, 90-foot trees in the backyard. People visit it and say it's park like. So I don't know how many planning, zoning regulations that its City of Austin has and mostly they don't apply and I like that and I'd like for it to stay like that. So I've talked for neighbors walking through this area before I moved in there and they said well, the city will never annex this area because it costs money. So I would remind you that you have -- of course, you don't need this. I'm just bringing it. You have the fiscal responsibility, fiduciary responsibilities to your taxpayers, to your constituents to do the right thing. It's going to cost you money. I mean, I don't have have \$12 million to put out. So anyway, I found out about this meeting about 6:00 o'clock last night, and I've had rotator cup surgery. I have bronchitis. I came over here to merely let you know that it's not all hunky-dory. We don't all want

to close the donut. The donut has been there. I want to congratulate past councils for the past 40, almost 50 years that have decided to bypass this little donut. That's wise. They had a reason for doing that, okay? I don't know if some of you have had an opportunity to vote on this type of -- this annexation since sitting on the council, but I would encourage you to continue in those wide movements, those wide decisions of not annexing this particular little donut. [Buzzer Sounds] Thank you.

Mayor Wynn: Thank you. These are real slow processes for these very reasons. And let's see, our last person that signed up was Daniel McDonald who signed up to answer questions if we have them in favor of the annexation. You're welcome to address us if you would prefer, Mr. McDonald. You might as well come speak. You sat there quietly all night, you may as well speak.

Thank you, mayor and councilmembers. One issue that is of considerable concern to myself is fire protection. The neighborhoods around us have all recently been annexed. North oaks was just added to the city at the beginning of the year. Ewbank acres I think it was two years ago, maybe three years ago now. As such our emergency service district has lost the revenue from property taxes. They've had to close one of their fire stations. And the fire chief said that, well, Austin fire district -- fire department has four stations that are closer than the one that he now has to operate out of to cover us. So I would ask that you would annex us just so that we have good fire coverage again. And that's pretty much all I have to say. But I'll be happy to answer any questions.

Mayor Wynn: Thank you. Questions for Mr. McDonald, council? Thank you, sir. So are there any other speakers that would like to address us on this public hearing regarding the full purpose annexation of the north acres annexation area, public hearing number 109? Thank you. So council, there being no more speakers to address us, I would entertain a motion to close the public hearing? Motion made by Councilmember Martinez, seconded by Councilmember Leffingwell to close the public hearing. No action is required. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor Wynn: Opposed? Motion passes on a vote of six to zero with

the mayor pro tem off the dais. Any comments, Ms. Huffman?

We will have our second public hearing October 3rd at the holy word Lutheran church on bluff bend drive. And just as a reminder for those that are interested in participating from the neighborhood in the negotiation on the service plan this will be another one of those where the Travis County commissioners court will appoint that negotiating team. So those that are interested should get in touch with the commissioners court or us and will convey their interest to the court.

Mayor Wynn: Fair enough. Thank you, Ms. Huffman. So council, that takes us to public hearing number 110 regarding repealing a portion of the city code relating to pools and spas as recommended by the planning commission. Welcome Mr. Lurie.

Yes, mayor, council, thank you. This would change our local rules to be consistent with the state rule and it has to do with the frequency of inspections and record keeping required primarily for semi public pools such as apartment buildings and other community pools that have use by various members. And so it was in fact heard by the planning commission, they had a public hearing and support of the staff on a vote of seven to zero. We recommend your approval.

Mayor Wynn: Questions for staff, council? We have no citizens signed up for this public hearing number is 1 Central Texan? 110. I'll entertain a motion.

McCracken: Move the public hearing and the readings.

Mayor Wynn: Motion by Councilmember McCracken, seconded by Councilmember Martinez to close this public hearing and approve this ordinance as outlined by staff on all three readings. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor Wynn: Oppose the? Motion pass Oz a vote of six to zero with the mayor pro tem off the dais. Public hearing 111, a public hearing regarding receiving public comments on the potential adoption of an ordinance amending the large primary service special contract rider in the electric rate schedule in exhibit A. Brief staff presentation.

Evening. This proposed amendment to the LTS special contract rider would restrict the class of customers eligible to receive service under the current tariff to those already having contracts in place and will limit their current service to the terms of their existing contracts. The latest of which expire on May 31st, 2015. New customers wishing to receive service and those whose contracts expire before May 31st, 2015 can receive service under the proposed LPS special contract rate too until May 31st, 2015. Really what the effect of these amendments is to make available the rate to all eligible and new and existing large primary customers for the same continuing term until May 31st, 2015 rather than a staggered contractual terms that we have now. One thing I'd like to stress is this has been really important in attracting and retaining customers that are high-tech and large industrial customers for the city, and really important to the economy of the City of Austin. And another thing I want to mention it this has not changed the rate. The rate stays the same in reducing or increasing the rate. I'd recommend approval.

Mayor Wynn: Thank you. Questions of staff, council? We have no citizens signed up on this public hearing. I'll entertain a motion? Motion made by Councilmember Cole, seconded by Councilmember McCracken to close this public hearing and amend the ordinance as presented by staff. Further comments? Hearing none, all those in favor please say aye. Motion pass Oz a vote of six to zero with the mayor pro tem off the dias. that takes us to our final hearing number 112, which is a chapter 26 hearing as we call them regarding the Balcones canyon land preserve tract known as Cortana for the construction of the water treatment plant number four. Welcome Mr. Garza.

Mayor, members of the council, I'm Juan Garza, here to talk to you about water treatment plant four and the required tap chapter 26 hearing. I think first it's more important to answer why we're here, why we're doing this. You all know that we have determined that we need additional treated water capacity by the year 2013. That is after the effect of our new conservation program which we have or in the process of just starting. The council has also determined that water treatment plant 4 should be the next capacity increase for the system, and as a result of the various meetings and hearings which we have previously held with respect to the treatment plant, the city council directed the staff to hold the chapter 26 hearing, and that's what we're having today.

Mayor Wynn: Thank you.

A little bit of the history on what's happened with the proposed treatment plant. We started discussing this back in the '70's and as early as 1984 we purchased the Bull Creek site which is fully mitigated and permit and the original site for the water treatment plant 4. We've been plan fog quite some time. In 2001 we restarted the planning efforts to begin the work there at the original site and as a result of those planning efforts the community raised a number of concerns with respect to the environment for that site. First of all, it is surrounded by the BCP Bull Creek mecca site. It is the head waters of Bull Creek. It poses a threat to the environment. There is a risk of degrading the water quality, so it means a degradation of the vocationalville, potential degradation of the habitat for the Jollyville plateau salamander. And regarding the golden cheeked warbler, it poses a permanent loss of that habitat in that area. So based on those very serious concerns, the council directed the staff to evaluate alternative sites and we did that. Now, this poses a challenge because potentially that entire area is very environmentally sensitive, so -- we're actually proposing to build a major piece of infrastructure in that area. We need to comply with the letter and the intent of the BCP. We need to act prudently with respect to the ratepayers. They're the ones that are going to be paying for this. And we need to act prudently with respect to the endangered species and their habitat that occupy that area of Travis County. As important as we kind -- is important we bring this into perspective. This is a direct quote from the BCP habitat conservation plan and the environmental impact statement. The golden cheeked warbler has been referred to as a driving force of the BCCP which concerns for the wash beler's viability arguably having center stage in the design process. Regarding the veerio. The U.S. fish and wildlife service recognizes that there is not enough VIR I don't habitat in Travis County for a viable habitat for this species. The continued survival of the black capped VIRio will require conservation activities in significant portions of its range outside of Travis County. We have not given up on the VIRio in Travis County. We're not proposing that. With those things in mind we went about selecting a new site. The first plan -- we needed to find a site within five miles of the proposed intake. We needed to be 750 feet or above in elevation. That's just a function of gravity. We needed 50 developable acres and wanted undeveloped land. Didn't want to get into the process of take being developed land. With those criteria in mind we selected, we found

five potential sites which we labeled A through E for the purpose of evaluation they are A the Cortana park west, Riebelin, the Bull Creek site, which is the original site, and the Schlumberger site. Those sites were first evaluated based on elevation, site availability, the proximity to the intake, essentially the closer it is, the less cost. Referring to power same argument. Site accessibility in terms of transportation, vegetation cover. Habitat concern and other environmental concerns. Impacts to the neighborhoods and of course the total project cost, which is again one of the key points in prudence with respect to the ratepayer. Going down the list, site B, which was park west, was not selected because it had a restricted development envelope. The increased distance to the treated water pipe, further away from the power supply. The site has more forest. It's also in the BCP. And it has a cave feature which has also been identified in the BCCP. And of course it line up with the higher total cost. We're comparing against the two most favorably rated sites which are the Bull Creek and the Cortana site. Site C the Riebelin site was not selected because of similar reasons. But Leander ISD has 112 acres on that site and we expect them to close on in a October. The site is further from the intake again. It has limited access. It is also in the Bull Creek macro site. And it has the highest total cost for the project, so it didn't make the grade. The Schlumberger site was not selected because a portion of that site already is under contract to Concordia university, so they kind of beat us to the punch. It's not close enough to the power supply. It does not front on a major roadway and would require significant construction there to build a driveway to it. It's also in the Bull Creek macro site and it has significant neighborhood issues which would be a problem for us. In the process of the various meetings that we went through, a couple more sites were brought forward which we also evaluated. These are known as the Lucas tract and the rabbit ears. Both of them had insufficient buildable area and we simply could not fit the proposed plant in the amount of flat land 'that was available to us. And we did look at those two sites very seriously, but we simply could not fit the proposed plant plant into those tracts. The thing to keep in mind here is that the size of the intake warrants a certain size of the plant, otherwise you don't know if that's a significant cost for that intake. So we wind up with the original sites, which is the Bull Creek site, be and you can see it on the map and the Cortana site. You can see right away one of the advantages, the proximity to transportation for the Cortana site and it's obviously also a lot closer to the lake or the intake than the original Bull Creek site

is. So let's look at site D, the original Bull Creek site.

There's always some uncertainty with respect to exactly what's going to happen to the VIRio who are there, but we have experience in creating habitat for the black eyed VIRio, so we have confidence that we will do it again. The various boards and commissions that we took it to approved with conditions a water, wastewater commission on August 2nd. Then the coordinating committee which is comprised of the mayor and a commissioner also approved it with conditions on August 21st. The environmental board listed conditions only at their August 16th meeting. We went ahead and recommended all the conditions to the city council that were recommended to us, and those are listed for you there. That the city recommit to the completion of the preserve that. we leave the development of a plan by march of 2007 to preserve 2,000 acres of black capped VIRio habitat that. the BCP must be a thousand acres of black capped virio happen at that time under management within three years and that we manage five acres of virio habitat for each acre taken with a goal of having at least two acres suitable for occupation and dedicate the existing site, the Bull Creek site to the BCP. And in addition to that, to dedicate the little Barton Creek under dual management and maintain the availability for public access to that parcel is also one of the conditions. Other conditions that were added were the development and implementation of environmental commissioning process for the construction of the actual treatment plant. This is a very involve, very top of the list, avant garde process to make absolutely certain that we minimize the impact to the environment as we go about the actual construction process then the development and implementation of best management practices to protect the water quality during and after construction of the treatment plant. Thunderstorms different conditions that -- these were different conditions that we agreed to and the council did adopt. So after a full evaluation I've got to say it's very, very exhaustive evaluation, we find and recommend that there is no feasible and prudent alternative to the use of the Cortana site in the Balcones canyon land preserve for WTP 4 and that the proposed project includes all reasonable planning to minimize harm to the Balcones canyon land preserve from the use of the site for a water treatment plant. And I want to add further that when we talk about the word prudence and feasible with respect to chapter 26, we're talking about a point in time. And from this point in time it is our considered opinion that there is no feasible or prudent alternative to the Cortana site. So we do recommend that

this site be accepted by the city council as you have previously done for our new water treatment plant 4. And with that, if you have any questions, I would be delighted to answer them. I also have additional staff available for us if that should be needed.

Mayor Wynn: A whole Army back there. Thank you, Mr. Garza. Questions of staff, council? If not we have a handful of citizens who would like to address us. We'll take that testimony first. Our first speaker is melody LIDELL. Welcome. You will be followed by Bruce Bigelow.

I'm melody LIDELL, former BCP biologist. I didn't really come here to talk about biology because I don't think this is about the virio versus the salamander. But an issue came up today that I'm compelled to address. I think a lot of you probably read the impact daily article concerning the possible down grading from endangered to threatened status for the black capped virio. I immediately e-mailed Dr. Jack Saxton who immediately e-mailed me that he was misquoted. Then I talked to the U.S. fish and wildlife office in charge of this particular issue in Arlington, Texas. They told me in no uncertain terms that it was anything but an unfounded rumor, that it was certainly being considered given that the five-year status report is out, but it wasn't going to happen until fish and wildlife says it's going to happen. Therefore it's extremely important for us to look at delisting. If delisting occurs, you may know that the same rules apply to this bird as an endangered species for some time. Now, let's talk about the preserve. As public official I hope you can take the long-term view of this issue, building a facility of this magnitude inside the preserve sets a frightening precedent. We've heard a lot about the decreasing availability of land, the increasing cost of land, and we know full well in a growing city such as Austin this is not the major piece of infrastructure that will have to be built. Eron in this case building on Cortana opens the entire BCP to such maneuvers, and including the Bull Creek preserve. I think this move intended to safeguard the Bull Creek watershed actually threatens it by opening the preserve as a whole to infrastructure of this nature. If you think about it, Bull Creek is geographically central and the perfect place for infrastructure. Now, given that every Wal-Mart and every shopping center of every description can find acreage, it's difficult for me to believe that the City of Austin, which spends millions on consultants, cannot find a place to build this treatment plant outside land already set aside for conservation. The problem is we can't find an engineering firm capable of building on available

land. I've got to tell you, I drive by you will Rick almost everyday. It's not built on flat property. Ulrich. Now, time permitting, I'd like to read from the EIS, the final environmental impact statement concerning the Balcones canyon land preserve plan. It's been described by the City of Austin staff as the broadest governing document for the BCP. [Buzzer Sounds] One paragraph?

Mayor Wynn: Please conclude, thank you.

The BCP preserve system is to be managed to permanently conserve and facilitate recovery of the populations of targeted endangered species inhabiting western Travis County. The welfare of target species will be the overriding influence on all decisions regarding activities on preserve lands. Thank you.

Mayor Wynn: Thank you. The next speaker is Bruce Bigelow. Thank you. You will be followed by Jackie Davis.

Mayor, members of the council, my name is Bruce Bigelow, I'm an Austin attorney. We have continued our investigation into the staff's 2005 search for a site for water treatment plant number 4. It's not a fire station, folks, it's \$950 million. It's a major project. We have learned that the proposed destruction of the north Cortana site was initiated by Jenny Plummer. Since her suggestion of using it as a no land cost option, the utility has never waived from its course. The stealth effort resulted in the approval of the Cortana site at the 8122 council. Everyone was surprised, including your partner, Travis County. This reminds me of captain Edward John submits who years ago set such a course. Our research also explains a your site evaluation criteria used by Alan Plummer consultant. There is no explanation of the minimum 20-acre ownership requirement other than to screen out otherwise higher scoring sites so Cortana would appear to be chosen using a real process. During this period both Wal-Mart and Leander ISD found sites outside the BCP for major projects which could have been used by the city. Neither the City of Austin nor Alan Plummer had input from a biologist. Your environmental board was incredulous that Dr. Don Kohler, the City's BCP head biologist read about the decision in the paper like I did. Now back to captain Smith. Near midnight on April 14, 1912, his ship, the titanic, struck an ice in the north Atlantic and went down with the ship. Unlike captain submits, the city has the current opportunity to avoid a similar fate, staying the course means running into an iceberg. There are serious legal issues with staying the

course. It's questionable that conducting this chapter 26 hearing after the council votes of June 22, July 27 and August 24 satisfies the statutory requirements of chapter 26. It requires newspaper publication notice and the hearing before a decision, not after three decisions. In light of the process and selection criteria used, upon what basis can the city contend there is no prudent alternative to the use or taking of the Cortana tract as required by chapter 26. Based upon U.S. fish and wildlife standards it appears even if U.S. fish and wildlife service approves this relocation by a minor amendment, if judicially challenged, a court would conclude that the change required major amendment. [Buzzer Sounds] Have rather than being a no land cost use of Cortana, it is likely one of the consequences of the destruction of Cortana are fully evaluated, this construction could be the most expensive 45 acres in Travis County history.

Mayor Wynn: Please conclude. Your time has expired.

I ask you not to gamble, but to are asession outside the Balcones canyon land preserve.

Mayor Wynn: Thank you.

Employ evening, councilmembers. -- good evening, councilmembers, my name is Jackie Davis. Since the current city BCP wildlife biologists have not been allowed by management to speak freely, I feel compelled to speak up. Austin water utility has done a good job of putting those interested in protecting the salamander on Bull Creek against those interested in protecting the black capped virio on Cortana. But in reality, it is more about protecting the integrity of the BCP lands, which were supposed to be set aside in perpetuity. When a portion of the City's BCP Boles tract was turned over to the LCRA for a water treatment plant in 2000, I believe that was a bad precedent, but I worked for the city at the time and therefore could not speak up. It took the city nine months to do that deal for land much less sensitive than Cortana. Why should this proposed use of BCP land be rushed through without really looking at all the possible scenarios? Have each of you taken a really good look at this map? Looked at the cross hatch lines and the gold colored areas. Why not put it up near the folks who you say will be needing the water up near the northwest section of Travis County. But there are other scenarios as suggested by Mary Arnold, who has sent you her letter in her absence tonight, looking at the real needs

for construction of a water treatment plant and also taking a hard look at water conservation. I am categorically opposed to using the uplands of Cortana for a water treatment plant and I'm also against using the original site on the Bull Creek. This should not be an either or dilemma, but a neither nor situation. Neither Bull Creek nor uplands Cortana. In closing I'm a bit confused by this public hearing. Council has already voted, yet here we are after the fact doing a chapter 26 hearing. Will council adhere to the chapter 26 rules and regulations? At any rate, there will be another chapter 26 hearing next week at Travis County. And the commissioners have indicated that they are very much interested in hearing what we may have to say about using preserve lands set aside in perpetuity for major infrastructure projects. It thank you very much.

Mayor Wynn: Thank you. Dave Anderson? I saw him earlier. Welcome. You will be followed by Jeff MUNDY. Representing that incredulous environmental board.

Thank you, Mr. mayor, mayor pro tem, councilmembers, city manager. I'm here to just reiterate the environmental board's unanimous motion and to explain it a little bit. Our motion was that certainly we felt that -- was that essentially felt that the city owed it to the citizens, owed it to our commitment to endangered species and the wonderful work that we've done at the BCP to continue looking for additional sites. If we had the time to do that, and I believe we have in the long-term given the wonderful work that Councilmember Leffingwell has done with the water conservation taskforce tomorrow, that we might or would be successful in finding a site that does not have the impacts to endangered species. That the proposed site on the Cortana tract might. It's a simple message. I just wanted to reiterate what your advisory board unanimously voted for and I'll wrap it up with that.

Mayor Wynn: Thank you. Welcome.

Good evening, mayors, members be of the council. My name is Jeff MUNDY. I'm here on behalf of the 2200 members be of the Travis Audubon society. For the record I will incorporate the statement I made at the August 24th council hearing. That policy statement remains unchanged as we sit here tonight. But I wish to bring to your attention tonight, and I think it requires immediate attention by the city attorney and the council, if you go back to the resolution you passed on August 24, it was loading in favor of the Cortana site

provided the county acted by September 27th. To my knowledge the county has not taken the knowledge that y'all laid out in the August 24 resolution, therefore in your resolution you had it diverting back -- reverting back to the Bull Creek site so as we sit here on September 27th, my belief of the resolution you passed now has it sighted in the Bull Creek site unless you take action, and I leave it to the attorney's how to do that, but sooner rather than later to make clear that that is not the goal.

Mayor Wynn: There's a construction trailer on the site tonight, Mr. MUNDY.

Thank you. But I will reiterate what have you heard from others and the policy of the Travis County AUDOBON society. We would not support looking for an additional site, but if it came down to only these two, we do believe the Cortana site is the less objectionable of those. That's not to say that we support placing it in Cortana, but we think it's a good idea. Don't. But just to make clear that if it's either or, that is the less objectionable of the two. Given the significance of Bull Creek in putting a major construction into an otherwise undeveloped area you will draw in exotic predatory species that would be detrimental to the golden cheeked warblers. Thank you very much.

Mayor Wynn: Thank you. My understanding is the construction driveway, the gate, construction trailer, the surveying work began today on water treatment plant number 4 at the Bull Creek site.

Really?

Mayor Wynn: Yes. Our last speaker signed up wish to go address us, Terry France signed up not wish to go speak in opposition and Cole lien Clark signed up not wish to go speak neutral. Are there any other speakers that would like to address us on item 112? Yes, sir. Please come forward and state your name.

I appreciate your giving me the chance. I thought I signed up, mayor. Good evening, any name is gardener sumner. I appreciate this chance to talk to you briefly. I feel very despondent about this development. The Bull Creek -- the canyon land preserve is just is that, it is a preserve. It is not the domain of the water department even though they're in charge of it. It's a place where many thousands, millions of living creatures, trees, birds, animals, have

been preserved by the goods of some long sighted individuals. I think it's a rather tragic development that this preserve, which indeed hasn't even been completed, I understand we haven't completed the preserve as we simply would. There are several hundred or maybe a thousand acres that are still to be provided for the preserve in the original agreement.

Mayor Wynn: About three thousand.

Three thousand. Thank you, sir. So the thing becomes increasingly complex as you begin looking at the little parts. Now, Mr. Garza talked about feasibility. Bull Creek, as he pointed out, was originally set aside in 1970. This is 2007. It would certainly be feasible to purchase the Riebelin site, which is no longer available, had people looked at this problem earlier. North Texas as he said, it's too late. But how much more of the preserve is going to be faced with similar situations down the road if it is seen as sort of a grab bag for whatever has to be done because it hasn't been done before. It's been a long evening. I don't want to detain you any further, but I strongly recommend that those of you who have any shadow of a doubt, talk to your colleagues and see if there's any compromise to the absolute desecration of 45 acres of this preserve should the water plant go in here. Thank you very much.

Mayor Wynn: Thank you, sir. Any other citizens that would like to testify in this public hearing? Thank you very much. Again, council, we're not posted for action. This was just our public hearing, technically the chapter 26 public hearing.

Yes, council, but you are posted to make your findings. You do have to make the findings, and there is a resolution that has been prepared for your action.

Mayor Wynn: Thank you very much. That's on the dais, I assume?

It was in backup. So council we have the resolution before us that is the findings, technical findings regarding this chapter 26 hearing. So I'd entertain comments, questions or a motion E Councilmember Martinez.

Martinez: I was just wondering if the city attorney could address the comment that was made by one of the speakers about I guess the legality of the chapter 26 hearing and whether or not it was

conducted appropriately.

The chapter 26 hearing was conducted appropriately and should the county take action their chapter 26 hearing is scheduled for next week and should they take action, then we will be coming back to you for appropriate action regarding the earlier resolution that you adopted with the deadlines that you had in it.

Martinez: What about the point that was made that the hearing should have taken place before any decisions were made?

Your hearing is timely taken now because this is an opportunity for you to review that earlier decision that you made. And you have an opportunity at this point to adopt the resolution continuing forward with your decision or you have an opportunity to determine that indeed we haven't met the chapter 26 findings and not go forward. So this is in essence your again consideration of the issue of whether treatment plant number 4 should go to the Cortana site.

Martinez: Thank you.

Further questions, comments?

I know it's getting late, but I want to clarify. I don't know why we've decided we're going to draw individual names into this discussion, but there was some comment made earlier that singled out a single city staff person who works in our real estate division as somehow being the architect of one particular site or another. In using Juney's name I want everyone in this room to know that is absolutely incorrect. I don't know where that's coming from. I think in thiest of this discussion we ought to keep that to the issues and the facts on the table and not take it in blame or assessing blame on any particular employee.

Mayor Wynn: Thank you, city manager. Ms. Terry?

Yes. The attorney pointed out to me, and I should repeat and I should make it perfectly clear that the chapter 26 only requires you to make your findings. It is the result of the findings that drives your ultimate decision. The resolution only addresses the findings. And mayor, we do need to close the public hearing.

Mayor Wynn: Yes. I was waiting for a motion. Further comments,

questions? If not, I'd entertain a motion to close the public hearing and approve the resolution regarding the finding of this chapter 26 hearing. Motion made by Councilmember Cole, seconded by the mayor pro tem to close the public hearing and approve this resolution regarding the findings of the chapter 26 hearing. Further comments? Councilmember Kim.

Kim: Please show me voting no as I don't agree with the findings. Thank you.

Mayor Wynn: Thank you. Further comments, questions? Hearing none, all those in favor please say aye.

Aye.

Mayor Wynn: Opposed? Motion passes on a vote of six to one with Councilmember Kim voting no. Thank you all very much. Ms. Gentry, that being all the business before this week's city council agenda, we stand aunder. It is 9:28 p.m. Thank you all very much. [End of Meeting]

End of Council Session Closed Caption Log