

Closed Caption Log, Council Meeting, 11/08/07

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Mayor Wynn: GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN, UNFORTUNATELY PASTOR CHARLES LEE OF THE ACT FELLOWSHIP CHURCH COULD NOT ATTEND THIS MORNING. SO WE'VE ASKED MARK HEINRICH OF CITY STAFF TO STAND IN FOR US, LEAD US IN OUR END VOCATION, PLEASE RISE.

THANK YOU, MAYOR. OUR HELP CONVENIENTLY FATHER, WE JUST COME BEFORE YOU NOW WITH HUMBLE HEARTS. WE ASK YOU, BROTHERS, TO RESPECT THOSE WHO WORK HARD AMONG YOU. WHO ARE OVER YOU IN THE LORD AND WHO ADMONISH YOU. LIVE IN PEACE WITH ONE ANOTHER. WE URGE YOU, BROTHERS, TO WARN AGAINST WHO ARE IDLE, ENCOURAGE THE TIMID, HELP THE WEAK. BE PATIENT WITH EVERYONE. MAKE SURE THAT NOBODY PAYS BACK WRONG FOR WRONG, BUT ALWAYS TRY TO BE KIND TO EACH OTHER AND TO EVERYONE ELSE. THESE WORDS ARE FROM THE BIBLE. BE JOYFUL, ALWAYS, PRAY CONTINUALLY, GIVE THANKS IN ALL CIRCUMSTANCES, HOLD ON TO THE GOOD AND AVOID EVERY KIND OF EVIL. HEAVENLY FATHER, IN YOUR NAME WE PRAY, FOR BLESSINGS AND THANKSGIVINGS, WE THANK YOU FOR ALL OF THE THINGS THAT THIS WORLD HAS BEEN BLESSED WITH. ESPECIALLY FOR THE CITY OF AUSTIN, THE PEOPLE THAT ARE HERE FOR THE COUNCIL MEETING, ARE ALL HERE FOR ONE COMMON GOOD, TO WANT THE BEST FOR THE CITY. ALLOW THE COUNCILMEMBERS AND THE CITY MANAGER AND ALL OF THE STAFF TO DO THEIR VERY BEST TO DO WHAT'S RIGHT FOR ALL OF THE PEOPLE THAT LIVE HERE. IN YOUR HEAVENLY

NAME WE PRAY, AMEN.

Mayor Wynn: THANK YOU, MARK. THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, NOVEMBER 8th, 2007. WE ARE HERE IN THE CITY COUNCIL CHAMBERS OF THE CITY HALL BUILDING, 301 WEST SECOND STREET. APPROXIMATELY 10:18 A.M. COUNCILMEMBER MCCRACKEN, I BELIEVE THAT YOU -- THAT YOU MIGHT HAVE A COMMENT AS WE BEGIN.

McCracken: JUST AS MANY OF YOU ALL KNOW, A GREAT AUSTINITE, LARRY LANGLEY, PASSED AWAY THIS MORNING. HE WAS SOMEONE WHO WAS A MENTOR TO ME, A LOT OF OTHER AUSTINITES AND IT WAS JUST AS GOOD AS THEY CAME. I JUST WANTED TO -- FOR FOLKS WHO DIDN'T KNOW ABOUT IT, THAT LARRY HAD PASSED AWAY AFTER A VALIANT BATTLE WITH CANCER, A GREAT MAN AND A LOSS TO AUSTIN.

Mayor Wynn: THANK YOU, COUNCILMEMBER. A GREAT FRIEND OF THE CITY. SO WE HAVE A NUMBER OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THEY ARE NOTING THAT -- THAT ITEM NO. 23 COMES RECOMMENDED TO US BY THE PUBLIC SAFETY TASK FORCE, ITEM 38 AND 42 HAVE BEEN WITHDRAWN OFF THE AGENDA, ITEM NO. 61 RELATED TO ITEM NO. 23 ALSO COMES RECOMMENDED BY THE PUBLIC SAFETY TASK FORCE, AND ON ITEM NO. 128, LOOKS LIKE WE NEED TO -- TO INSERT THE PHRASE -- REPOST THE SUMMARY AS APPROVE A RESOLUTION DIRECTING THE CITY MANAGER TO -- TO PROCESS AMENDMENTS TO CITY CODE CHAPTER 25-10 REGARDING SIGN REGULATIONS. OUR SCHEDULE TODAY AT NOON WE BREAK FOR OUR GENERAL CITIZENS COMMUNICATION, AT 2:00 WE HAVE DISCUSSION AND POSSIBLE ACTION REGARDING OUR BOND SALES, WE ALSO WILL TAKE UP A BRIEFING REGARDING THE DESIGN COMMISSION'S DENSITY BONUS REPORT, AND WE WILL HAVE A -- WE WERE POSTED TO HAVE A SMART HOUSING PUBLIC HEARING AT 2:00, HOWEVER I'LL NOTE NOW THAT -- THAT STAFF IS REQUESTING POSTPONEMENT OF THAT TO NOVEMBER 29th, 2007. AT 6:00 P.M. SO TECHNICALLY, I DON'T THINK WE CAN TAKE UP THAT POSTPONEMENT ACTION UNTIL AFTER 2:00

P.M., BUT NOTE THAT STAFF WOULD LIKE TO HAVE THE SMART HOUSING PUBLIC HEARING OCCUR NOVEMBER 29th AT 6:00 P.M. 4:00 WE GO TO THE ZONING MATTERS. AT 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS. OUR MUSICIANS TODAY COME TO US FROM THE POWER OF THE CROSS FESTIVAL, STAY TUNED. AT 6:00 WE CONDUCT A NUMBER OF PUBLIC HEARINGS. SO FAR, COUNCIL, LET'S SEE, WE HAVE JUST ITEMS 3, PULLED FROM THE AGENDA, BY COUNCILMEMBER MCCRACKEN, I THINK WE'LL TALK ABOUT A POSTPONEMENT POTENTIALLY. ITEM NO. 10 HAS BEEN PULLED BECAUSE IT'S RELATED TO AN EXECUTIVE SESSION ITEM. AND THEN ITEM NO. 65 HAS BEEN PULLED BY COUNCILMEMBER COLE. SO ADDITIONAL ITEMS TO BE PULLED OFF THE CONSENT AGENDA? COUNCILMEMBER MCCRACKEN.

McCracken: MAYOR, IF WE COULD SIMPLY POSTPONE ITEM 3 TO THE 29. AS WE GATHER MORE INFORMATION. I KNOW THERE'S AN ANALYSIS ON THE WHAT THE CLEAN ROOM, WHAT IS STILL CLEAN FOR INSTANCE. THE AUSTIN ENERGY SIDE, I THINK THAT COULD BE HANDLED ON CONSENT WITHOUT OBJECTION.

Mayor Wynn: SO WITHOUT OBJECTION, COUNCIL, I WILL READ THE CONSENT AGENDA. -- WHEN I READ THE CONSENT AGENDA WE WILL INCLUDE THAT AS A POSTPONEMENT. AGAIN, OTHER ITEMS TO BE PULLED FROM THE CONSENT AGENDA OR ADDED BACK? AND IF -- IF ANY COUNCILMEMBER WOULD LIKE, THIS WOULD BE A GOOD TIME TO ANNOUNCE POTENTIAL UPCOMING ITEMS FROM COUNCIL OR ISSUES AT FUTURE MEETINGS, COUNCILMEMBER COLE?

Cole: MAYOR, BECAUSE WE'RE NOT HAVING A MEETING NEXT WEEK, I WANT TO ANNOUNCE THAT THE WALLER CREEK ADVISORY COMMITTEE WILL BE HOLDING A TOWN HALL MEETING, WE ARE EXTENDING INVITATIONS TO THE ENTIRE CITY, ESPECIALLY THE DOWNTOWN AREAS AND THE AREAS ALONG WALLER CREEK. BECAUSE THIS IS SUPPOSED TO BE AN AMENITY FOR THE ENTIRE COMMUNITY, WE WOULD LIKE TO SEE A GOOD SHOWING. THAT'S GOING TO BE HELD ON NOVEMBER 17th FROM 9:00 UNTIL 12:00 IN THE CITY HALL CHAMBERS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER POTENTIAL ITEMS FROM COUNCIL? COUNCILMEMBER LEFFINGWELL?

Leffingwell: IT'S NOT A POTENTIAL FUTURE ITEM, BUT I WANT TO MENTION THAT THIS FRIDAY WE'RE HAVING A LUNCH FOR THE CITY'S VETERANS, PEOPLE WHO ARE SERVING IN RESERVE AND GUARD UNITS AND -- AND AT THAT TIME WE WILL BE TALKING ABOUT THE NEW PROGRAM THAT THE CITY HAS INITIATED. IT'S ALREADY BUDGETED TO -- TO ADDRESS THE NEEDS OF OUR VETERANS AND THEIR FAMILIES AS THEY ARE CALLED TO ACTIVE DUTY AND AGAIN AS THEY COME BACK.

Mayor Wynn: THANK YOU FOR THAT REMINDER. AGAIN, DO NOTE THAT OUR ANNUAL VETERANS DAY PARADE WILL BE SUNDAY MORNING DOWN CONGRESS AVENUE. PLEASE COME OUT AND SEE A GREAT PARADE. FURTHER ISSUES OR ITEMS BEFORE THE COUNCIL? IF NOT, I WILL READ OUR PROPOSED CONSENT AGENDA NUMERICALLY. IT WILL BE TO APPROVE ITEM NO. 1, OUR MINUTES FROM OUR LAST MEETING. FROM AUSTIN ENERGY TO APPROVE ITEM NO. 2. AND TO POSTPONE ITEM NO. 3 TO NOVEMBER 29th, 2007. FROM OUR AUSTIN WATER UTILITY TO APPROVE ITEMS 4, 5, 6, 7, 8, AND 9. FROM OUR COMMUNICATIONS AND TECHNOLOGY MANAGEMENT DEPARTMENT, TO APPROVE ITEMS 11 AND 12. FROM OUR COMMUNITY CARE SERVICES DEPARTMENT APPROVING ITEM 13. FROM OUR ECONOMIC GROWTH AND REDEVELOPMENT SERVICES, APPROVING ITEMS 14, 15, 16, AND 17. FROM OUR E.M.S. DEPARTMENT APPROVING ITEMS 18 AND 19. FROM OUR HEALTH AND HUMAN SERVICES DEPARTMENT, APPROVING ITEMS 20 AND 21. APPROVING ITEM NO. 22 FROM OUR LAW DEPARTMENT. APPROVING ITEM NO. 23 PER CHANGES AND CORRECTIONS FROM OUR MUNICIPAL COURT DEPARTMENT. FROM OUR NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT APPROVING ITEM 24. FROM OUR NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT, APPROVING ITEMS 25, 26, 27, 28, 29, AND 30. FROM OUR OFFICE OF EMERGENCY MANAGEMENT APPROVING ITEM 31. FROM OUR PARKS DEPARTMENT, APPROVING ITEM 32. FROM OUR POLICE DEPARTMENT, APPROVING ITEMS 33, 34, AND 35. FROM THE PUBLIC WORKS DEPARTMENT, APPROVING

ITEM 36 AND 37. ,.39, 40, 41, 43, 44, 45, 46, 47, 48, AND 49.
FROM OUR PURCHASING DEPARTMENT, APPROVING ITEMS
50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, PER CHANGES AND
CORRECTION, AND 62. ITEM 63 IS OUR BOARD AND
COMMISSION APPOINTMENTS THAT I WILL READ INTO THE
RECORD. THEY ARE TO OUR ANIMAL ADVISORY
COMMISSION, FRANCES JONAN IS COMMITMENT'S NOMINEE -
- COUNCILMEMBER KIM'S NOMINEE. TO OUR ELECTRIC
UTILITY COMMISSION, PHILLIP SCHMIDT IS COUNCILMEMBER
KIM'S NOMINEE, AS IS ROMA GARIJAPATI TO OUR LIBRARY
COMMISSION. THAT'S ITEM NO. 63 ON OUR CONSENT
AGENDA. WE WILL ALSO BE PROPOSING TO APPROVE ITEMS
64, 65, 66, 67, 68, 69. WE WILL BE SETTING THE PUBLIC
HEARING, ITEMS 70, 71, 72, 73, AND OFF OF OUR ADDENDUM,
WE WILL BE APPROVING ITEMS 127. AND 128 PER CHANGES
AND CORRECTIONS. [ERROR 65 NOT ON CONSENT.

Mayor Wynn: I WILL ENTERTAIN A MOTION NOT TO APPROVE
THE CONSENT AGENDA.

MOTION, SECONDED BY COUNCILMEMBER COLE TO
APPROVE THE CONSENT AGENDA. FURTHER COMMENTS,
COUNCILMEMBER KIM?

TODAY WE WILL BE CHOOSING A VENDOR FOR THE SAFETY
CAMERAS AT INTERSECTIONS AND I WANT TO THANK THE
STAFF FOR PUTTING TOGETHER THE PILOT AND WORKING
WITH ALL OF THE DIFFERENT DEPARTMENTS, ESPECIALLY
MUNICIPAL COURT AND PUBLIC WORKS AND ALSO CHIEF
MICHAEL McDONALD AND AS THE CITY MANAGER RUDY
GARZA. IT'S BEEN A LOT OF WORK AND I THINK WHAT WE
ARE GOING TO SEE IS A DECREASE IN -- IN FATALITIES AND
INJURIES AT INTERSECTIONS CAUSED BY PEOPLE RUNNING
RED LIGHTS. THANK YOU FOR DOING THIS. MANY CITIES
ACROSS TEXAS HAVE STARTED USING THEM AND SEEING
VERY GOOD RESULTS. I EXPECT THAT IN AUSTIN WE WILL
SEE THE SAME AS WELL TO MAKE OUR STREETS SAFER AND
ALSO FOR OUR PEDESTRIANS. THANK YOU.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: ITEM NO. 66 IS A RESOLUTION AUTHORIZING THE
CITY TO ENGAGE IN MEET AND CONFER NEGOTIATIONS WITH

OUR E.M.S. EMPLOYEES. THAT AUTHORIZATION WAS GAINED IN THE TEXAS LEGISLATURE THIS PAST SESSION. THEY HAVE SUBMITTED THE REQUISITE NUMBER OF SIGNATURES AND THOSE SIGNATURES HAVE BEEN VALIDATED BY THE CITY CLERK. SO THIS RESOLUTION AUTHORIZES THAT PROCESS ON THE PART OF THE CITY.

Mayor Wynn: FURTHER COMMENTS, COUNCILMEMBER COLE?

Cole: MAYOR, ITEM NO. 24 HAS BEEN WORKED VERY HARD ON BY THE PARTIES TO THE TRIPARTY AGREEMENT, INCLUDING ARA, THE URBAN RENEWAL BOARD AND THE CITY. I KNOW ALL OF THESE ENTITIES HAVE BEEN WORKING VERY HARD TO COME TO AGREEMENT. WE APPRECIATE THAT. THE DEVELOPMENT IN THE CORRIDOR HAS ALWAYS BEEN PARAMOUNT TO THE CITY, EVEN PRECEDING MY TERM AND I'M VERY GLAD THAT THE PARTIES WERE ABLE TO REACH AN AGREEMENT. I WILL BE BRINGING A RESOLUTION FORWARD FOR CLARIFICATION TO THE PARTIES ON HOW COUNCIL'S POLICY DECISIONS SHOULD BE MADE WITH RESPECT TO VERTICAL MIXED USE, HOUSING AND PARKING IN THE CORRIDOR. THEY SIMPLY NEED DIRECTION FROM COUNCIL ON THESE ITEM. I HOPE TO DO THAT ON THE NOVEMBER 29th MEETING.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS ON THE CONSENT AGENDA? COUNCILMEMBER KIM AND THEN MARTINEZ.

Kim: ITEM 67 IS A RESOLUTION DIRECTING THE CITY MANAGER TO SEND THE AFFORDABLE HOUSING TASK FORCE RECOMMENDATIONS TO THE BOARDS AND COMMISSIONS, SPECIFICALLY THE ORDINANCES THEMSELVES. MAKING IT VERY CLEAR THAT THE RECOMMENDATIONS ARE A PRIORITY FOR OUR CITY. I WOULD LIKE TO THANK THE MEMBERS WHO SERVED ON THE TASK FORCE AND ALSO THE CITY STAFF FOR -- FOR WORK DILIGENTLY IN THE PAST TWO WEEKS TO PUT THIS TOGETHER. DEBORAH THOMAS, MIKE ENGLISH TO GET THEM READY FOR THE NEXT STEPS. THIS IS THE FIRST TIME THAT WE HAVE HAD BUILDERS AND ADVOCATES COMING TOGETHER AND HAVING OPEN DIALOGUE AND HOW WE CAN BUILD HOUSING FOR OUR COMMUNITY. AND JUST AS WE DO

FOR OUR ROADS AND OTHER TYPES OF UTILITIES AND INFRASTRUCTURE, WE HAVE LONG-RANGE PLANNING. I BELIEVE THAT WE NEED TO DO THE SAME FOR AFFORDABLE HOUSING. WE NEED TO HAVE A 20 YEAR PLAN FOR AFFORDABLE HOUSING. SO THE RECOMMENDATIONS WILL BE AN IMPORTANT TOOL FOR US TO PROVIDE DIVERSE HOUSING OPTIONS FOR FAMILIES AND ALSO TO MAKE SURE THAT THOSE THAT CAN AFFORD THE -- THE UNITS AT MARKET RATE WILL HAVE OPTIONS TO STAY IN OUR CITY AND FOR OUR COMMUNITY TO PROSPER. AGAIN I APPRECIATE EVERYBODY'S HARD WORK ON THIS AND LOOK FORWARD TO VOTING ON IT IN DECEMBER.

COUNCILMEMBER MARTINEZ?

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THANKS, MAYOR. I HAVE A COUPLE OF QUESTIONS. I DON'T WANT TO PULL THEM OFF CONSENT. ON ITEM NO. 24, I WANT TO SHOW MYSELF AS ABSTAINING. THIS IS AN ITEM THAT'S BEEN PUT ON THE AGENDA. I REALIZE THERE'S BEEN A WHOLE LOT OF WORK PUT IN ON THIS, BUT WE DIDN'T RECEIVE THIS AGREED UPON CONTRACT UNTIL ABOUT 2:00 P.M. YESTERDAY. I BELIEVE BECAUSE WE HAVE NEARLY A \$40 MILLION INVESTMENT IN THIS REDEVELOPMENT AREA AND IT'S OR THAT WE CONTINUE THIS REDEVELOPMENT, I JUST DON'T THINK THAT -- THAT I'VE HAD ENOUGH TIME TO REVIEW THE NEGOTIATED AGREEMENT AND I THINK THERE ARE STILL SOME LINGERING QUESTIONS IN TERMS OF INQUIRY THAT OUR CITY AUDITOR IS DOING AND SO -- SO I DON'T WANT TO STOP THIS AGREEMENT FROM MOVING FORWARD. BUT I DO WANT TO SHOW MYSELF ABSTAINING JUST SO I CAN HAVE A LITTLE MORE TIME TO REVIEW IT AND IF WE NEED TO BRING IT BACK, WE WILL BRING IT BACK SOME OTHER DAY. ON ITEM 55, I WANT TO THANK AGAIN PETE COLLINS, I SEEM TO BE DOING THIS A LOT BUT IT'S BECAUSE IT'S DESERVED. ITEM 55 IS EXPANDING OUR WORK WITHIN OUR COMMUNICATIONS TECHNOLOGY MANAGEMENT. WE ARE NOW INCLUDING BASTROP IN OUR SERVICE AREA. THIS INCREASES THE CONTRACT BY \$8 MILLION. IT'S AN AMENDMENT TO THE CONTRACT. BUT AT THE SAME TIME IT'S NOT ONLY INCREASING THE -- THE AMOUNT OF EXPENDITURES AS IT RELATES TO

COMMUNICATION AND TECHNOLOGY MANAGEMENT. IT DOESN'T COST THE CITY A DIME. THIS IS -- THE COST IS BEING BORNE BY BASTROP COUNTY. BUT AT THE SAME TIME WE ARE MAINTAINING A 16.7% MINORITY PARTICIPATION RATE IN THESE EFFORTS, THEY WANTED TO THANK PETE AND MS. HART FOR ALL OF THEIR HARD WORK AND YOUR STAFF. ON ITEM 57, I HAD A COUPLE OF QUESTIONS. THIS IS AN AGENDA ITEM WHERE WE ARE -- BRINGING AN ITEM FORWARD TO CURE SOMETHING THAT HAS ALREADY OCCURRED. AND I WANTED TO ASK THE CITY ATTORNEY A COUPLE OF QUESTIONS ABOUT IT. BECAUSE -- BECAUSE IN THE 2006 FINANCIAL AUDIT THAT WAS CONDUCTED BY KPMG, THEY CITED AS -- AS THE EXPENDITURE FOR THE -- FOR THE WCIT CONFERENCE THAT CAME TO AUSTIN, THE EXPENDITURES THAT EXCEEDED \$47,000 FOR SOME BOOTHS AT THIS CONFERENCE EXCEEDED THE -- EXCEEDED THE ADMINISTRATIVE AUTHORITY WITHIN THE CITY CHARTER. WE PAID \$57,000 TO SOME VENDORS THROUGH THE ADMINISTRATIVE AUTHORITY. AT THAT TIME IN 2006 THE ONLY -- THE EXPENDITURE CAP WAS 47,000. SO I WANTED TO ASK OUR CITY ATTORNEY WHETHER OR NOT THIS CONSTITUTES OR THAT ACT CONSTITUTED A VIOLATION OF THE CITY CHARTER BECAUSE IT'S MY UNDERSTANDING THAT -- THAT THE ADMINISTRATIVE AUTHORITY FOR EXPENDITURES IS GRANTED THROUGH THE CITY CHARTER.

THE -- THE SHORT ANSWER IS IN MY OPINION NO IT DID NOT. BUT LET ME EXPLAIN. THE CITY CHARTER, DEFINES THE RELATIONSHIP OF -- BETWEEN THE CITY COUNCIL, THE CITY MANAGER, DEFINES ROLES FOR VARIOUS OFFICERS, INCLUDING THE CITY ATTORNEY. AND -- AND THE CITY MANAGER IN OUR CHARTER IS GIVEN THE AUTHORITY TO MAKE EXPENDITURES WITHOUT APPROVAL FROM COUNCIL. I THINK NOW THE AMOUNT IS 50,000. AT THIS TIME IT WAS 47,000. THE OUTSIDE AUDITORS NOTED THAT THIS PARTICULAR VENDOR WAS PAID AN AMOUNT IN EXCESS OF THAT INDEPENDENT AUTHORITY GIVEN TO THE MANAGER. THE -- THE COUNCIL IN MAY OF 2006, I BELIEVE, HAD GIVEN THE MANAGER AUTHORITY TO EXPEND 1.56 OR \$7 MILLION ON THIS CONFERENCE. IT IS MY OPINION THAT THE MANAGER DID NOT HAVE TO COME BACK TO COUNCIL WITH EACH INVOICE THAT CAME THROUGH FOR THE WCIP

CONFERENCE. IF -- IF COUNCIL HAD NOT GIVEN THAT AGGREGATE AUTHORITY AND IF THE MANAGER HAD SPENT MORE THAN HER INDEPENDENT AUTHORITY, THAT WOULD BE A CHARTER VIOLATION..... VIOLATION.

Martinez: THEN WHY DO WE NEED AN AGENDA ITEM TO CURE SOMETHING THAT DOESN'T NEED CURING?

BECAUSE KPMG IS KIND OF LIKE BELTS AND SUSPENDERS. KPMG, OUTSIDE THE COUNTY FIRM THAT SIGNS OFF ON THE CITY'S FINANCIAL STATEMENTS, EXPRESSED CONCERN ABOUT THIS PROCESS. AND THE FACT THAT ON THIS INDIVIDUAL INVOICE, THE INDEPENDENT AUTHORITY OF THE MANAGER WAS EXCEEDED. SO TO SATISFY THOSE CONCERNS, IT'S MY ADVICE THAT WE ASK COUNCIL TO RATIFY THAT EXPENDITURE.

Martinez: OKAY. MAYOR I WANT YOU TO SHOW ME VOTING AGAINST ITEM 57.

Mayor Wynn: OKAY. COUNCILMEMBER MCCRACKEN.

McCracken: JUST TO SPEAK TO THAT. FOR THOSE MEMBERS THAT WERE NOT ON THE COUNCIL IN MAY OF 2006. THE COUNCIL HAD GIVEN EXPLICIT DIRECTION TO THE CITY MANAGER TO -- TO APPROPRIATE FUNDS FROM THE CONVENTION CENTER FUNDS TO BASICALLY MAKE SURE THE WCIT WAS FULLY FUNDED AND WE BECAME AWARE OF IT AS A SIGNIFICANT FINANCIAL SHORTFALL FOR THE WORLD CONGRESS ON INFORMATION TECHNOLOGY SHORTLY BEFORE THE CONGRESS WAS SUPPOSED TO BE HELD. THIS WAS THE LARGEST AND MOST SIGNIFICANT CONGRESS -- CONFERENCE HELD IN ANY FIELD IN THE HISTORY IN THE CITY OF AUSTIN IN MY OPINION AND NOT TO MENTION WE HAD AN INTERNATIONAL AUDIENCE OF TECHNOLOGY LEADERS COMING TO THIS CONGRESS SO WE GAVE WHAT I THOUGHT WAS -- WAS THESE -- MR. SMITH'S TERM, WE GAVE BELT AND SUSPENDERS DIRECTION TO THE CITY MANAGER TO TAKE THE CONVENTION CENTER FUNDS BECAUSE THERE WERE LOCAL VENDORS WHO HAD PROVIDED SERVICES AND GOODS WHO WERE GOING TO NOT BE PAID IF WE DID NOT -- IF WE DID NOT FUND THIS FINANCIAL GAP. ADDITIONALLY THE CONGRESS, FREE OF CHARGE, THE CITY -- PROVIDED A

DOWNTOWN WIRELESS MESH FROM SIXTH STREET DOWN TO LADYBIRD LAKE. AMONG OTHER THINGS, EVEN PROVIDED WIRELESS NET OR MESH AT THE CONVENTION CENTER ADDITIONALLY. SO THE TAXPAYERS OF THE CITY OF AUSTIN RECEIVED INCREDIBLE VALUE AT NO CHARGE. THE COUNCIL HAD GIVEN EXPLICIT DIRECTION OF THE CITY MANAGER TO TAKE CONVENTION CENTER FUNDS AND THE AUDIT AND FINANCE COMMITTEE I THOUGHT THAT KPMG WAS ENGAGING IN HAIR SPLITTING. IT WAS ACTUALLY ABOUT A \$10,000 OVERAGE BECAUSE IT WAS A \$57,000 PAYMENT TO MAKE SURE LOCAL VENDORS WERE PAID ABOVE WHAT WE EXPLICITLY STATED ON THE COUNCIL. BUT IT WAS TO MAKE SURE THAT LOCAL VENDORS WERE REIMBURSED FOR THIS CONGRESS. I WOULD HAVE BEEN MORE UNHAPPY WITH THE CITY MANAGER IF SHE HADN'T DONE THIS THAN IF SHE DID DO IT.

COUNCILMEMBER MARTINEZ?

I'M NOT SPEAKING TO THE VALUE OF WHAT THE CONFERENCE DID FOR THE CITY. OBVIOUSLY IT WAS A GREAT EVENT. CITIZENS GAINED A LOT. BUT I WOULD DAY SAYER THAT A VIOLATION OF THE CITY CHARTER IN MY OPINION IS SPLITTING HAIRS. THAT'S WHY I'M VOTING AGAINST IT.

Mayor Wynn: UNDERSTOOD. COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'M ON THE AUDIT AND FINANCE COMMITTEE ALSO AND WE DISCUSSED THIS ITEM AND I DO SUPPORT THE ITEM ON THE AGENDA. THE QUESTION WAS RAISED, I RAISED IT, HOW DID WE GET OURSELVES IN THIS SITUATION WHERE WE WERE LEFT HOLDING THE BAG AFTER SIGNING A NUMBER OF CONTRACTS WITH AN ORGANIZATION THAT WAS GOING TO USE OUR FACILITIES AND I AGREE WITH COUNCILMEMBER MCCracken BY THE TIME WE FOUND OUT ABOUT IT, THERE WERE -- WE HAD VERY LIMITED OPTIONS AND WE HAD TO DO SOMETHING. BUT I DO THINK THAT WE NEED TO DO SOMETHING IN THE FUTURE SO THAT WE CAN GUARANTEE THAT THE PROMISED REVENUES FROM THE VENDOR ARE FORTHCOMING AND MAKE SURE THAT WE ARE NOT LEFT HOLDING THE BAG IN THE FUTURE. WE NEED TO AMEND OUR PROCESS FOR BRINGING THESE KINDS OF CONVENTIONS TO

CITY.

COUNCILMEMBER COLE.

I VIVIDLY REMEMBER THIS DISCUSSION IN AUDIT AND FINANCE BECAUSE IT OCCURRED ON THE DAY WE ACTUALLY HAD THE PRESENTATION FROM KPMG ABOUT OUR ENTIRE AUDIT AND FINANCIAL RECORDS. THE BIG PICTURE OF THIS IS THAT WE RECEIVED AN UNQUALIFIED OPINION DESPITE HAVING A LOT OF COMPLEX FINANCIAL ISSUES BEING RAISED THIS YEAR. I BELIEVE THAT WE GAVE DIRECTION TO THE CITY MANAGER AT THAT TIME. AND THE CITY -- ASSISTANT CITY MANAGERS THAT WE WOULD LIKE TO -- SOMETHING DONE SO WE DON'T GET INTO THE SITUATION AGAIN SPECIFICALLY SAYING WE HOPED OUR AGREEMENTS WOULD INCLUDE THE INDEM INDICATION LANGUAGE IN THE FUTURE. SO I AM SUPPORTING THIS ITEM. INDEM.....

Kim: I RECALL VIVIDLY IN THE FINAL DAYS GETTING GEARED UP FOR WCIT BEING ASKED TO AUTHORIZE 500,000 IN FEES FOR THIS CONFERENCE, IT WAS ALARMING. THAT'S WHY I ASKED A LOT OF QUESTIONS, JOHN STEPHENS WAS HELPFUL IN GETTING ME THE DETAILED BUDGET IN TERMS OF THE REVENUES, WHERE THE EXPENDITURES WERE MADE AS WELL AS THE COMMITMENTS THAT WERE PROMISED BUT NEVER CAME THROUGH. IT WAS VERY ALARMING TO ME THAT -- THAT AT SUCH A LATE HOUR THAT WE WOULD BE ASKED TO WAIVE SO MUCH FOR AN EVENT LIKE THIS. EVEN THOUGH THE EVENT WAS VERY IMPORTANT, SUCCESSFUL, I DID HAVE STRONG CONCERNS, STILL DO ABOUT THE CONTROLS AROUND THE CONVENTION CENTER AND EVENTS LIKE THIS. I DEGREE WITH MY COLLEAGUES THAT WE NEED TO DO A BETTER JOB OF K -- KPMG HAS TOLD US SO, I LOOK FORWARD TO WORKING WITH THE AUDIT AND FINANCE MEMBERS AS WELL AS OUR AUDITOR'S OFFICE WHO HAS A LOT OF EXPERTISE TO HELP IN THIS REGARD. AS WITH REGARDS TO THE SPECIFIC PAYMENT FOR THE BOOTHS, IT IS SOMETHING THAT THE COUNCIL AND THE CITY MANAGEMENT THOUGHT WAS IMPORTANT THAT THE CITY OF AUSTIN HAVE A BOOTH TO REPRESENT THE CITY TO ALSO AS PEOPLE ARE COMING FROM AROUND THE WORLD TO SHOWCASE HOW -- HOW AUSTIN IS A GOOD PLACE TO DO BUSINESS. ESPECIALLY IN THE INTERNATIONAL COMMUNITY

AND I THINK WE NEED TO PAY OUR VENDORS.

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

Kim: JUST A COUPLE MORE ITEMS. THE ITEM 21 IS FOR H.I.V. FUNDING CONTRACTS, SPECIFICALLY FOR THE WRIGHT HOUSE WELLNESS CENTER THAT'S GOING TO BE ABLE TO PROVIDE MORE SERVICES FOR H.I.V. PRIMARY MEDICAL SERVICES AND AIDS SERVICES OF AUSTIN, SO I WANTED TO THANK THEM FOR THEIR HARD WORK IN CARING FOR OUR COMMUNITY AND SPECIFICALLY IN BEING ABLE TO SECURE KNEES..... THESE GRANTS WORKING WITH OUR HEALTH DEPARTMENT. ON ITEM 58 IT'S FOR RESIDENTS SHALL TREATMENT OF THOSE -- RESIDENTIAL TREATMENT OF THOSE CHARGED WITH PUBLIC INTOXICATION. WE WORKED CLOSELY WITH THE COUNTY ATTORNEY, COUNTY COURT AT LAW, MHMR AND COMMUNITY COURT. SO WE HAVE DEVELOPED A PLAN FOR A 90 DAY RESIDENTIAL TREATMENT FACILITY FOR THOSE INDIVIDUALS WHO HAVE BEEN CHARGED WITH A CLASS B ENHANCED PUBLIC INTOXICATION. THIS KIND OF WRAP AROUND CARE IS NECESSARY FOR THE LONG TERM SUCCESS OF THESE INDIVIDUALS, SO I JUST WANT TO -- TO MAKE A NOTE THAT THIS IS A -- SOMETHING THAT WILL REALLY HELP OUR COMMUNITY IN TERMS OF QUALITY OF LIFE FOR THESE INDIVIDUALS WHO DEAL WITH SUBSTANCE ABUSE AND ALSO MENTAL HEALTH ILLNESS. ITEM 62 IS FOR OUR COMMUNITY TAX CENTERS, FOUNDATION COMMUNITIES HAS BEEN DOING THIS A LONG TIME TO MAKE SURE THAT FAMILIES WHO ARE WORKING AND AT THE SAME TIME ARE HAVING PART OF THEIR PAYCHECKS DEDUCTED FOR FEDERAL INCOME TAX, THEY ARE ABLE TO GET THAT BACK THROUGH THE EARNED INCOME TAX CREDIT AND IT'S BEEN SUCCESSFUL IN -- IN TARGETING CITY EMPLOYEES, ESPECIALLY, WHO WEREN'T -- EARN LESS THAN 40,000 AND FOR THOSE FAMILIES UP TO FOUR MEMBERS EARNING LESS THAN 50 THOWVMENT..... 50,000. LAST YEAR ... RECEIVED MORE THAN 250,000 IN REFUNDS COLLECTIVELY. ITEM 118 IS THE B.C.P. LAND MANAGEMENT AND SPECIFICALLY WANT TO TALK ABOUT TURKEY CREEK TRAIL. I KNOW THERE ARE A LOT OF PEOPLE INTERESTED IN MAKING SURE THIS TRAIL IS

STILL OPEN AS AN OFF LEASH DOG AREA. I HAVEN'T HAD AN OPPORTUNITY TO ENJOY THIS TRAIL MYSELF, BUT NOW I KNOW IT'S THERE, SO I LOOK FORWARD TO DOING THAT. I KNOW THERE'S BEEN SOME CONCERN ABOUT THE GOLDEN CHEEKED WARBLERS, BUT ALL OF THE EVIDENCE HAS SHOWN THAT WASH.....WARBLERS HAVE GROWN IN POPULATION SINCE THE TRAIL HAS BEEN OPENED FOR PEOPLE AS WELL AS DOGS. I WOULD LIKE TO SEE THE B.C.P. DEVELOP A STAFF AND TIME LINE FOR INCREASE PUBLIC ACCESS TO THE ENTIRE PRESERVE. BUT I ASSURE YOU THAT THE SCIENCE IS GOING TO HELP US MAKE SURE THAT WE BALANCE ACCESS WITH PRESERVATION OF THE -- THE SPECIES THAT ARE IN THE B.C.P.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? WE DO HAVE A HANDFUL OF FOLKS WHO WOULD LIKE TO ADDRESS US ON SOME MISCELLANEOUS ITEMS THAT ARE CURRENTLY ON THE CONSENT AGENDA FOR APPROVAL. SO WITHOUT OBJECTION, I WOULD LIKE TO WELCOME A FEW FOLKS TO -- TO COME GIVE US SOME TESTIMONY. REGARDING THE SORT OF THE COMBINED ITEM -- TWO DIFFERENT ITEMS REGARDING THE RED LIGHT CAMERAS, ITEMS 23 AND 61, WE HAVE FOLKS WHO WOULD LIKE TO ADDRESS US, DEBBIE RUSSELL STILL HERE? I SAW DEBBIE EARLIER. SIGNED UP WISHING TO SPEAK ON THIS ISSUE IN OPPOSITION. AS DID AMY EVERHART. AMY EVERHART SIGNED UP AGAIN IN OPPOSITION. AS DID RICHARD REEVES. SO IF -- RICHARD, WELCOME.

YOU WILL HAVE THREE MINUTES, WELCOME.

HELLO, I'M RICHARD REEVES, I THINK SOME OF YOU ON THE CITY COUNCIL PROBABLY REMEMBER ME FROM SOME OF THE CAMPO MEETINGS WE HAVE ALL BEEN TO. SEEMS LIKE THE CITY OF AUSTIN WORKERS HARDER AND HARDER TO THWART TRAFFIC. WHICH I CAME HERE IN 1999 RED LIGHTS WERE TIMED BETTER. TRAFFIC FLOWED SMOOTHER. SOME OF THE EXAMPLES ARE GUADALUPE, LAVACA, CESAR CHAVEZ, FIFTH STREET AND BY THE WAY I DO DRIVE PRIMARILY AT NIGHT. SO I HAVE NOTICED WHEN I DRIVE DURING THE DAY, WHICH IS NOT AS MUCH, BUT WHEN I DO DRIVE DURING THE DAY, THE TRAFFIC LIGHTS ARE -- ARE TIMED A LITTLE BIT DIFFERENT. SO -- SO MAYBE DURING THE

DAY THEY ARE A LITTLE BIT BETTER. BUT I KNOW AT NIGHT THEY ARE PROBABLY WORSE THAN EVER AND IT'S NOT LIKE THIS IS THE FIRST TIME THAT IT'S BEEN BROUGHT UP TO SOME OF THE MEMBERS ON THIS COUNCIL. I THINK THE FIRST TIME I HAD BROUGHT IT UP WAS IN 2004 BACK IN DECEMBER, THE CAMPO BOARD MEETING. SOME OF THE FOLKS THAT ARE HERE TODAY WERE AT THAT SAME CAMPO BOARD MEETING. SO ANYWAY THIS RED LIGHT CAMERA SYSTEM IS ABOUT REVENUE. IT'S ABOUT MAKING MORE MONEY. IT'S ABOUT FLEECING THE PEOPLE OF AUSTIN CONTINUOUSLY AND FREQUENTLY. IT VIOLATES DUE PROCESS IN AT LEAST TWO DIFFERENT WAYS. ONE WAY IS THE PEOPLE THAT PASS THROUGH THESE INTERSECTIONS WILL NOT KNOW WHETHER THEY HAVE BEEN TARGETED OR TICKETED OR CAUGHT IN A SUPPOSED INFRACTION OR NOT. THEY WON'T KNOW, THEY WON'T BE ABLE TO GO BACK TO THE SCENE AND GATHER THE REQUISITE EVIDENCE THAT THEY WOULD NEED TO DEFEND THEMSELVES IN COURT. AND THE OTHER WAY IT VIOLATES DUE PROCESS IS IN COURT, WE ARE SUPPOSED TO BE ABLE TO GUYS OUR ACCUSERS -- BE ABLE TO FACE OUR ACCUSERS, NOW IT'S GOING TO BE A MACHINE OR SET OF MACHINES THAT IN THIS DAY AND AGE CAN BE PREPROGRAMED TO PROVIDE WHATEVER RESULT THE CITY WANTS TO HAPPEN OR THE PROGRAMMERS WANT TO HAPPEN. THERE HAVE ALREADY BEEN CITIES, TOWNS, COMMUNITIES IN THE UNITED STATES THAT HAVE BEEN CAUGHT RED HANDED PUTTING SHORT YELLOW LIGHTS TO INCREASE THESE REVENUES. NOW, LIKE I SAY, I'M A PROFESSIONAL DRIVER OF 30 YEARS. MAYBE ONCE A YEAR I ENCOUNTER WHAT COULD OR MIGHT HAVE BEEN AN ACCIDENT WITH A RED LIGHT RUNNER. LET ME TELL YOU THOSE RED LIGHT CAMERAS WOULDN'T HAVE MADE A DARNED BIT OF DIFFERENCE IN THOSE INCIDENTS. BECAUSE THOSE PEOPLE WERE OBLIVIOUS TO WHAT THEY WERE DOING. THE RED LIGHT CAMERA WOULDN'T HAVE MADE ANY DIFFERENCE. IT WAS -- EACH OF US HAS TO JUST BE CAREFUL AT INTERSECTIONS. IF THE LIGHT CHANGES, I'M LOOKING LEFT AND RIGHT BEFORE I GO. SIMPLE AS THAT. AND IN THESE -- IN THESE INCIDENTS THAT I'M TALKING ABOUT, THESE PEOPLE HAD RED LIGHTS FOR MANY SECOND. NOT JUST A SECOND. NOT JUST TWO SECONDS DEAL. 15 SECONDS I GUESS MAYBE. I DON'T KNOW HOW

LONG -- HOW MANY. BUT MORE THAN ONE OR TWO SECONDS, WHICH MOST OF THESE SUPPOSED INFRACTIONS OCCUR WITHIN LIKE THE FIRST SECOND OR SO OF A RED LIGHT. SO THE KEY THING IS IF WE'RE TALKING ABOUT SAFETY, THESE YELLOW LIGHTS NEED TO BE EXTENDED A PROPER AMOUNT OF TIME AND DON'T JUST THINK ABOUT A CAR. I DROVE 18 WHEELERS FOR MANY YEARS. I HAVE SEEN A LOT OF TRAFFIC LIGHTS NOT HAVE ENOUGH OF A YELLOW LIGHT FOR AN 18 WHEELER LOADED WITH 80,000 POUNDS TO STOP AND I CAN CITE YOU ONE HECK OF AN EXAMPLE HERE IN AUSTIN. THAT'S HERE ON 360 ON THE SOUTH END OF 360 WHERE IT CROSSES CLOSE TO BARTON CREEK THERE'S A TRAFFIC LIGHT RIGHT THERE [BEEPING] THAT GOES INTO THAT OFFICE COMPLEX. IF YOU ARE TRAVELLING, I WILL WRAP THIS UP MY LAST POINT.

Mayor Wynn: PLEASE DO.

IF YOU ARE TRAVELLING NORTHBOUND ON 360, COMING FROM LAMAR, BIG DOWNHILL RIGHT THERE, MANY OF YOU ALL PROBABLY REMEMBER THAT DOWNHILL RIGHT THERE. MANY TIMES IF YOU HAVE 80,000-POUND ON THAT TRUCK YOU BETTER BE SLOWING DOWN AT THE TOP OF THAT HILL. ANYWAY THANK YOU.

Mayor Wynn: THANK YOU.

Kim: I WAS WONDERING IF THE CITY MANAGER RUDY GARZA COULD TALK A LITTLE MORE ABOUT HOW THIS PROGRAM HAS SAFEGUARDS FOR CITIZENS IN ITEMS OF PRIVACY AS WELL AS APPEALS.

I'M RUDE GARZA, ASSISTANT CITY MANAGER. I WOULD LIKE TO TALK VERY QUICKLY ABOUT THE PROCESS.

THE CAMERAS WOULD TAKE A STILL SHOT OF THE VEHICLE LICENSE PLATE AS IT'S ENTERING THE INTERSECTION. ALSO ANOTHER STILL SHOT OF THE VEHICLE IN THE INTERSECTION WITH A STEADY RED LIGHT. ALSO A VIDEO OF THAT ENTIRE ACTIVITY. COUPLE OF THINGS HAPPEN. THAT INFORMATION THEN GOES TO THE VENDOR FOR VERIFICATION AND ACCURACY. THE NEXT STEP THEN IT COMES TO THE CITY STAFF, WHERE -- WHERE AUSTIN

POLICE DEPARTMENT POLICE OFFICER WILL VIEW THE STILL SHOTS AND THE VIDEO TO DETERMINE IF IN FACT A VIOLATION OCCURRED. IF A VIOLATION DID OCCUR WE WILL APPROVE THAT. THE CITIZENS WOULD THEN RECEIVE A CITATION IN THE MAIL. AND THEY HAVE A COUPLE OF OPTIONS. THEY CAN PAY THE CITATION. GET A COPY OF THEIR STILL SHOTS. ONCE THEY VIEW THAT INFORMATION THEY CAN PAY THE CITATION. THEY CAN ALSO APPEAL IT THROUGH A HEARING PROCESS THAT IS ESTABLISHED AS PART OF THE COUNCIL ORDINANCE AND IN FACT CAN ALSO GO TO THE WEBSITE TO SEE THE LIVID OF THEIR VEHICLE THROUGHOUT THE ENTIRE PROCESS. SO WE FEEL VERY CONFIDENT THAT THERE'S A -- A LOT OF INFORMATION AVAILABLE AND TOOLS FOR THE CITIZENS TO CONFIRM WHETHER OR NOT A VIOLATION OCCURRED.

THANK YOU, MR. GARZA. I ALSO WANT TO THANK COUNCILMEMBER.....COUNCILMEMBER MARTINEZ'S PUBLIC SAFETY TASK FORCE WHO INVENTED.....VETTED THIS AT LEAPT..... AT LENGTH. MORE CITIZENS WANTING TO SPEAK. NUMBER 24, COUNCILMEMBER COLE IS TRIPARTY AGREEMENT, ROBERT WHITE SIGNED UP WISHING TO GIVE US SOME TESTIMONY IN OPPOSITION TO THIS ITEM. AGAIN IF FOLKS DON'T TESTIFY WE WILL NOTE THEIR OPPOSITION FOR THE RECORD. LET'S SEE, WHO ELSE? ITEM NO. 35, A GRANT AWARD, BOTH DEBBIE RUSSELL AND A.B. EVERHART WANTED TO SPEAK IN OPPOSITION. I CALLED THEIR NAMES EARLIER..... EARLIER, THEY ARE NOT IN CHAMBERS, I WILL NOTE THEIR OPPOSITION TO ITEM NO. 35. COUNCIL, I BELIEVE THAT'S ALL OF OUR POTENTIAL CITIZEN TESTIMONY ON OUR CONSENT AGENDA. NOTING THAT ITEM NO. 10 HAS BEEN PULLED OFF THE CONSENT AGENDA A HANDFUL OF FOLKS WANTED TO GIVE US TESTIMONY, THOSE CITIZENS WILL HAVE A CHANCE TO GIVE US TESTIMONY. WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. 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.

Mayor Wynn: SINCE WE ARE NOT GOING TO TAKE UP ITEM NO. 10 UNTIL OUR EXECUTIVE SESSION DISCUSSION, WE HAVE NO ACTION ITEMS BEFORE OUR NOON CITIZENS COMMUNICATION. SO AT THIS TIME, WE WILL GO INTO CLOSED SESSION PURSUANT TO --

[INDISCERNIBLE]

Mayor Wynn: FOLKS, IF YOU COULD PLEASE TAKE YOUR CONVERSATION OUT IN THE FOYER. WE DO HAVE ONE ACTION ITEM TO TAKE UP THIS MORNING BEFORE CLOSED SESSION. IF YOU COULD PLEASE TAKE YOUR CONVERSATION OUT INTO THE FOYER WE WOULD APPRECIATE IT. AS NOTED EARLIER, COUNCILMEMBER COLE PULLED ITEM NO. 65 OFF -- 65 OFF THE CONSENT AGENDA. AN ITEM FROM COUNCIL REGARDING THE -- REGARDING THE SELECTION ROSE FOR THE CITY ATTORNEY -- SELECTION PROCESS FOR THE ATTORNEY. I WILL RECOGNIZE COUNCILMEMBER COLE.

Cole: THANK YOU, MAYOR, I WAS CONCERNED ABOUT THIS ITEM BECAUSE I'VE -- I JUST BELIEVE THAT THE CITY ATTORNEY SHOULD CONTINUE TO REPORT TO THE CITY MANAGER. I AM VERY CONCERNED ABOUT OUR CONTINUED PIECEMEAL DISRUPTION OF THE CITY MANAGER FORM OF GOVERNMENT. THIS FORM OF GOVERNMENT CAME INTO PLAY IN A TIME WHERE WE JUST HAD THE PROCESS BEING TOO POLITICAL. IF YOU DIDN'T AGREE WITH A CERTAIN COUNCILMEMBER OR GOT INTO A DISAGREEMENT WITH THEM, YOU HAD THE POTENTIAL OF YOUR TRASH NOT BEING PICKED UP OR STREET BEING PAVED. THE CITY MANAGER WAS PUT INTO THAT SITUATION TO BUFFER FROM POLITICS. I THINK IT'S EVEN MORE IMPORTANT THAT WE HAVE THAT WITH OUR CITY ATTORNEY. WE ARE INCREASING GROWING CITY, WITH COMPLEX AND NOVEL ISSUES FACING US. IT'S MORE IMPORTANT THAT WE HAVE SOUND, RATIONAL STEADY DIRECTION FROM OUR CITY ATTORNEY THAT IS UNDAUNTED BY POLITICAL WINDS. SO OH MOVE THAT WE DO NOT APPROVE THIS ITEM THAT WE DENY THE RESOLUTION DIRECTING THE CITY MANAGER TO PREPARE AN ORDINANCE CHANGING THE ELECTION TO SUBMIT TO VOTERS A PROPOSED AMENDMENT REGARDING THE OFFICE OF THE

CITY ATTORNEY.

Dunkerly: I SECOND THAT MOTION.

Mayor Wynn: SO WE HAVE A MOTION BY COUNCILMEMBER COLE, SECONDED BY THE MAYOR PRO TEM TO NOT APPROVE ITEM NO. 65. AND JUST NOTING COUNCIL FOR THE RECORD WE DON'T HAVE ANY CITIZENS SIGN..... SIGNED UP ON THIS ITEM. COUNCILMEMBER LEFFINGWELL.

Leffingwell: IF WE CAN -- I HAVE JUST A VERY BRIEF POWERPOINT TO ILLUSTRATE WHAT I THINK THIS PROPOSAL DOES AND DOESN'T DO. IF WE COULD CRANK THAT UP. PLEASE DO.

Mayor Wynn: LET ME ADD, ALSO, I AGREE WITH COUNCILMEMBER COLE. I SUPPORT THE COUNCIL MANAGER FORM OF GOVERNMENT AND ONE OF THE PRIMARY PURPOSES OF THIS WAS TO STRENGTHEN THAT FORM OF GOVERNMENT SO THAT WE ARE NOT EVENTUALLY FORCED INTO ANOTHER TYPE OF GOVERNMENT. ARE WE READY TO GO?

ROLL IT.

Leffingwell: SO THE PROPOSAL AS IT'S STATED IS TO MAKE THE CITY ATTORNEY MORE ACCOUNTABLE TO THE CITIZENS AND THEIR ELECTED REPRESENTATIVES BY SHIFTING APPOINTMENT POWER FROM THE CITY MANAGER TO THE CITY COUNCIL. IT ALLOWS THE CITIZENS OF AUSTIN TO VOTE ON CHANGING THE CITY CHARTER TO GIVE THE CITY COUNCIL THE AUTHORITY TO APPOINT THE CITY ATTORNEY WITH SOME CONDITIONS. WE WILL ADDRESS THAT NEXT. THERE WAS A CONCERN WHICH COUNCILMEMBER COLE JUST ADDRESSED ABOUT POLITICIZING THE CITY ATTORNEY. WE'VE ATTEMPTED TO ADDRESS THAT IN THE WAY SHOWN ON THE NEXT SLIDE. TO PROTECT THE CITY ATTORNEY FROM POLITICS BY APPOINTING HIM OR HER FOR A FIXED TERM OF FIVE YEARS AND REMOVAL WOULD BE ALLOWED DURING THAT TIME ONLY BY A SUPER MAJORITY VOTE OF COUNCIL, THAT WOULD BE SIX VOTES TO TERMINATE THAT APPOINTMENT EARLY. THERE'S BEEN A MISPERCEPTION THAT THIS IS SOMETHING UNUSUAL THAT HASN'T BEEN

REALLY TRIED OR VETTED BEFORE. ACTUALLY, COUNCIL APPOINTED ATTORNEYS ARE THE RULE RATHER THAN THE EXCEPTION. DATA FROM THE TEXAS MUNICIPAL LEAGUE OVER 300, DATA ON OVER 300 HOME RULE CITIES. 213 OF THOSE, OVER THREE-QUARTERS, HAVE A CITY ATTORNEY APPOINTED BY THE CITY COUNCIL. 16 HAVE A CITY ATTORNEY APPOINTED BY THE MANAGER. THE REMAINING HAVE A COMBINATION APPOINTING CONFIRMATION PROCESS THAT INVOLVED THE MAYOR, THE COUNCIL AND THE MANAGER OR SOME COMBINATION OF THOSE. HERE ARE JUST SOME MAJOR CITIES WITHIN TEXAS THAT HAVE COUNCIL APPOINTED CITY ATTORNEYS. VERY SHORT LIST. NOT ON THE LIST BUT I WOULD ADD THAT THE CITY WE TRY TO PATTERN OURSELVES AFTER IN A LOT OF WAYS AND GET CRITICIZED FOR IT BY THE WAY IS PORTLAND, OREGON, HAS A COUNCIL APPOINTED ATTORNEY. SO THE ITEM IS NOT TO APPROVE THIS CHANGE OBVIOUSLY IT'S TO PUT THE ITEM ON THE CITY CHARTER AND ALLOW THE CITIZENS TO MAKE THAT DECISION. SO --

Mayor Wynn: THANK YOU. MAYOR PRO TEM?

Dunkerly: I'M SUPPORTING THIS ORDINANCE. I DO KNOW THAT MANY CITIES DO HAVE THEIR ATTORNEYS APPOINTED BY COUNCIL. BY I HAVE WORKED IN CITIES ALL OVER THIS STATE AND OTHER STATES. AND I HAVE YET TO SEE A CITY MANAGER TRY TO INTERFERE WITH THE CITY ATTORNEY'S RULINGS AND IN SEVERAL INSTANCES I'VE HAD INSTANCES WHERE COUNCIL HAS TRIED TO INTERFERE AND IN SOME CASES HAS INTERFERED AND HAS LED TO FILINGS. I PERSONALLY IN A COMPLICATED CITY LIKE THIS WANT THE VERY BEST LEGAL ADVICE, EVEN WHEN THAT ADVICE IS TELLING ME NO THAT I CAN'T DO SOMETHING. SO THAT HAPPENS FREQUENTLY WITH ME. [LAUGHTER] SO -- BUT SO I'M GOING TO BE SUPPORTING THIS BECAUSE I DO THINK THAT IT GIVES A LOT OF PROTECTION FOR OUR LEGAL DEPARTMENT FROM POLITICAL WHIMS THAT MAY HAPPEN, EVEN IN THE PAST, IN THE FUTURE, SO I WILL BE SUPPORTING COUNCILMEMBER COLE'S MOTION.

Mayor Wynn: COUNCILMEMBER COLE?

Cole: LAST COMMENT. I WORKED AT THE TEXAS MUNICIPAL

LEAGUE FOR OVER SIX YEARS AND I TOOK NUMEROUS CALLS FROM COUNCILMEMBERS AND CITY ATTORNEYS WHO WERE EMBATTLED IN COB FLIKTS THAT INVOLVED POLITICIZING THE OFFICE AND -- CONFLICTS THAT INVOLVED POLITICIZING THE OFFICE. AND THAT'S WHY I'M CONCERNED ABOUT THIS. IN THE HOME RULE, 300 CITIES REPORTING TO THE CITY COUNCIL, WE NEED TO RECOGNIZE THAT TWO THIRD OF THOSE CITIES DO THOUGH THE HAVE IN-HOUSE CITY ATTORNEYS. LIKE ROUND ROCK AND LAKEWAY, THEY ACTUALLY HAVE A LAW FIRM WHO SERVES AS THEIR CITY ATTORNEY AND IT'S VERY DIFFERENT THAN WHAT WE HAVE HERE WHERE WE HAVE A FULL-TIME CITY ATTORNEY TOTALLY DEVOTED TO OUR NEEDS..... NEEDS.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: JUST FOR THE RECORD, I WOULD LIKE TO MAKE IT VERY CLEAR BASED ON THE MAYOR PRO TEM'S COMMENTS THAT THIS ITEM IS NOT DIRECTED AT THE CITY ATTORNEY. IT'S NOT DIRECTED AT THE CITY MANAGER. THIS IS A PROPOSED STRUCTURAL CHANGE AND ABSOLUTELY THERE ARE NO PERSONALITIES INVOLVED.

Dunkerly: MAYOR, I UNDERSTAND THAT, COUNCILMEMBER LEFFINGWELL, AND I HOPE THAT YOU DIDN'T TAKE THAT AS SUCH. I'VE NOT SEEN THIS COUNCIL INTERFERE. I HAVE SEEN OTHER COUNCILS INTERFERE AND I UNDERSTAND YOUR POSITION AND RESPECT IT.

Martinez: JUST WANT TO RE-EMPHASIZE A POINT THAT'S ALREADY BEEN MADE AND THAT IS THIS IS A CITY CHARTER AMENDMENT. THE CITY CHARTER IS OWNED BY THE PEOPLE OF AUSTIN NOT BY THIS BODY, NOT BY ANY OTHER ENTITY OTHER THAN THE CITIZENS OF AUSTIN. IF -- IF WE ENTRUST OUR CITIZENS TO ELECT US AS A COUNCIL, WHY CAN'T WE ENTRUST OUR CITIZENS TO DETERMINE WHETHER OR NOT THEY WANT TO AMEND THE CHARTER TO -- TO REFLECT THE PROPOSAL THAT'S BEFORE US? NOBODY HERE IS SAYING THAT WE AS A COUNCIL ARE CHANGING THE CHARTER UNILATERALLY. THIS WOULD HAVE TO BE VOTED ON BY THE CITIZENS, THIS ITEM JUST SIMPLY PUTS IT BEFORE THEM. I THINK OUR CONSTITUENTS ARE SMART ENOUGH TO RESEARCH THE PROPOSAL THAT'S LAID OUT BEFORE THEM

AND MAKE THEIR DECISIONS AND IF YOU HAVE STRONG FEELINGS ONE WAY OR THE OTHER. YOU ARE FREE TO EXPRESS THOSE STRONG FEELINGS PUBLICLY AND AT THE BALLOT BOX. SO I THINK THAT -- THAT, YOU KNOW, WHEN THIS COUNCIL STARTS TAKING THE CITIZENS' RIGHT TO VOTE ON THE DOCUMENT THAT BELONGS TO THEM AWAY FROM THE CITIZENS, I'M NOT SURE THAT THAT IS WHAT I BELIEVE THE CITIZENS HAVE ENTRUSTED US IN OUR POSITION AS COUNCILMEMBERS.

Kim: WE'VE BEEN HEARING CONCERNS FROM CITIZENS ABOUT THE ROLE THE CITY ATTORNEY AND THE CITY MANAGER AND THE COUNCIL IN THE FRAMEWORK OF GOVERNMENT AND WHAT IS THE BEST FOR OUR CITY. SO I AGREE THIS IS REALLY UP FOR THE VOTERS TO DECIDE IF THEY WANT A CITY ATTORNEY TO BE APPOINTED AND REPORTING TO THE COUNCIL AND UP FOR RENEWAL EVERY FIVE YEARS. THEN THEY CAN DO THAT. IF THEY DON'T THEY CAN VOTE NO. I BELIEVE PUTTING THIS ON THE BALLOT IS SOMETHING WORTHY OF A COMMUNITY DISCUSSION. I WOULD BE VOTING AGAINST THE MOTION TO KILL THIS ORDINANCE.

Martinez: I WANTED ASK THE CITY ATTORNEY FOR A CLARIFICATION POINT. ITEM 65 IS TO APPROVE A RESOLUTION DIRECTING THE CITY MANAGER. IT'S MY ASSUMPTION THAT IS THE POSTING OF THE ITEM. IF YOU ARE NOT IN SUPPORT OF IT, YOU WOULD VOTE AGAINST ITEM 65, NOT NECESSARILY FOR -- UNLESS COUNCILMEMBER COLE HAS ISSUED A SUBSTITUTE MOTION. THE POSTING WAS TO APPROVE A RESOLUTION DIRECTING THE CITY MANAGER. I JUST NEED A CLARIFICATION ON WHAT YOU ARE VOTING ON.

I UNDERSTAND THE QUESTION..... QUESTION. TWO PARTS. ONE PART IS THE MOTION APPROPRIATE UNDER THE POSTING LANGUAGE AS IT READS..... READS. I DO THINK THE MOTION IS APPROPRIATE. WHAT COUNCIL WILL BE VOTING ON IS A MOTION TO NOT DIRECT THE CITY MANAGER TO PREPARE THE ORDINANCE.

Mayor Wynn: WE HAVE A MOTION AND A SECOND ON THE TABLE. HAS THE CITY -- AS THE CITY ATTORNEY POINTED

OUT ON ITEM NO. 65 DIRECTING THE CITY MANAGER NOT TO PREPARE THE ORDINANCE AS PROPOSED IN THIS ITEM FROM COUNCIL. FURTHER COMMENTS? I'LL JUST SAY I WILL BE SUPPORTING THE MOTION. THAT'S NOT TO SAY THAT THERE'S -- I DO ANTICIPATE THERE BEING SOME POTENTIAL CHARTER AMENDMENTS PROPOSED AT A LATER TIME PROBABLY EARLY SPRING BY THIS COUNCIL FOR A -- FOR A - - FOR A MAY ELECTION AND THE -- THE TECHNICALITIES OF THIS CONCEPT AS WELL AS SOME OTHER ONES LIKELY WILL BE REVISITED BEFORE THAT. BUT AT THIS TIME I'LL BE SUPPORTING THE MOTION AS PRESENTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 4-3 WITH COUNCILMEMBERS LEFFINGWELL, MARTINEZ AND KIM VOTING NO. THANK YOU ALL. COUNCIL NOW THAT GIVES US - - TAKE US TO OUR EXECUTIVE SESSION AGENDA. THERE BEING NO MORE DISCUSSION ITEMS UNTIL AFTER WE TAKE UP A COUPLE OF ITEMS IN CLOSED SESSION. SO PURSUANT TO... TO -- WITHOUT OBJECTION PURSUANT TO 551.071 OF THE OPEN MEETINGS ACT, WE WILL BE IN CLOSED SESSION TO TAKE UP POTENTIALLY ITEM 75, LEGAL ISSUES REGARDING THE SEARCH FOR A NEW CITY MANAGER, 76 LEGAL ISSUES REGARDING THE PROPOSED AGREEMENT WITH THE LCRA, AND ITEM NO. 129, OFF OUR ADDENDUM, POTENTIAL LEGAL ISSUES REGARDING A REQUEST FOR RELEASE OF -- FROM OUR E.T.J. FOR WHAT'S KNOWN AS THE VILLA MUSE DEVELOPMENT. ALSO PURSUANT TO SECTION 551.02 TAKE UP REAL ESTATE MATTERS THOSE BEING ITEM 77 REGARDING OPEN SPACE ACQUISITION, ITEM 78 REGARDING PARKLAND ACQUISITION, AND THEN POTENTIALLY ITEM -- ITEM NO. 74 REGARDING THE PERSONNEL MATTERS REGARDING THE CITY MANAGER SEARCH PURSUANT TO SECTION 551.074. SO AT THIS TIME WE WILL BE IN CLOSED SESSION, TAKING UP SOME OF THOSE ITEMS. I'M SURE NOT ALL OF THEM. WE WILL BE BACK AT NOON FOR OUR GENERAL CITIZENS COMMUNICATION, SO WE ARE NOW IN CLOSED SESSION. THANK YOU.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. WE TOOK UP

ITEMS 76 AND 129. NOTICES WERE MADE. WE ARE NOW BACK IN OPEN SESSION FOR OUR GENERAL CITIZEN COMMUNICATION. COUNCIL, WE HAVE A COUPLE OF PEOPLE WHO HAVE SENT US NOTES THAT EVEN THOUGH THEY ARE SIGNED UP, THEY CAN'T BE HERE, SO BETWEEN THAT FACT AND JUST A POINT OF PERSONAL PRIVILEGE, TRAVIS COUNTY COMMISSIONER SARA ECKHARDT IS HERE. WE WOULD LIKE TO GIVE COMMISSIONER ECKHARDT THE FIRST SPOT OF OUR CITIZEN COMMUNICATION AND WELCOME HER.

TO ALL BY SHEER ACCIDENT, I AM TRAVIS COUNTY COMMISSIONER FOR PRECINCT 2, BUT I AM ACTUALLY HERE SPEAKING AS A CITIZEN OF THIS GREAT CITY AND ALSO AS A NEIGHBOR OF THE MARRIED STUDENT HOUSING ON AUSTIN BOULEVARD. I'M HERE TO SPEAK INTO THE TRACT AND SPECIFICALLY THE BENEFITS AND RETAINING THE MARRIED STUDENT HOUSING OVER IN THAT VICINITY. THE BENEFITS TO OUR CITY, TO OUR COUNTY AND ESPECIALLY THE UNIVERSITY OF TEXAS ARE GREAT. I WANT TO GIVE KUDOS TO THE UNIVERSITY OF TEXAS FOR HAVING THIS MARRIED STUDENT HOUSING. IT IS AFFORDABLE, FAMILY FRIENDLY HOUSING AT ITS BEST, MIXED RACE, MULTI-CULTURAL, MULTI-GENERATIONAL, CLOSE TO GOOD SCHOOLS LIKE MATTHEWS ELEMENTARY WHERE MY OWN SON GOES, IT'S CLOSE TO TRANSIT, BOTH CAPITAL METRO AND THE U.T. SHUTTLE, CLOSE TO AFFORDABLE DAY CARE AND RECREATION. I WANT TO GIVE KUDOS TO THE CITY OF AUSTIN FOR SPEARHEADING OUR EFFORTS IN AFFORDABLE HOUSING AND KEEPING THIS CITY AFFORDABLE TO FAMILIES. THIS CAN BE INNERCITY DEVELOPMENT AT ITS BEST. WITH A MIXED INCOME THAT INCLUDES BOTH THE HOUSING, CLARKSVILLE AND TARRYTOWN, A WALKABLE NEIGHBOR AND A STUDENT BODY THAT IS BOTH A RELIABLE AND ENTHUSIASTIC USER OF PUBLIC TRANSIT, THIS IS OUR INNERCITY DEVELOPMENT. THE SUPPORT THAT'S COALESCING AROUND THE MARRIED STUDENT HOUSING IS A BEAUTIFUL EXAMPLE OF PEOPLE WITH A VOICE ADVOCATING FOR THOSE WHO DON'T HAVE MUCH OF A VOICE IN THIS COMMUNITY. MOST OF THE STUDENTS LIVING OVER IN THAT HOUSING ARE NOT FROM HERE. 73% OF THEM ARE INTERNATIONAL STUDENTS. SOME ARE LIMITED IN THEIR ENGLISH PROFICIENCY. NONE ARE WEALTHY. ALL ARE

IN SCHOOL, MOST ARE MARRIED, AND MANY HAVE CHILDREN. I'M LOOKING FORWARD TOMORROW, FRIDAY, TO THE PUBLIC HEARING BEFORE THE UNIVERSITY OF TEXAS BOARD OF REGENTS TO EXPLORE THIS ISSUE FURTHER. I THINK THAT THIS IS A GREAT OPPORTUNITY FOR US AS A COMMUNITY AND FOR THE UNIVERSITY OF TEXAS TO EXPAND OUR PRESENCE IN AFFORDABLE HOUSING AND TO CONTINUE U.T.'S LEGACY AS A JEWEL IN THE INTERNATIONAL WORLD FOR EDUCATION. MARRIED STUDENT HOUSING DESERVES OUR SUPPORT AND I URGE MY FELLOW AUSTINITES AND U.T. ALUMNI, OF WHICH I AM ONE TO, ATTEND TOMORROW'S PUBLIC HEARING AT THE U.T. REGENTS TO GIVE THEM A FULL UNDERSTANDING OF THE BENEFITS OF MARRIED STUDENT HOUSING TO US, TO U.T. AND TO THE LARGER COMMUNITY. IT'S AT 1:30 AT THE ASH BELL SMITH HALL, 201 WEST 7th STREET. REQUESTS TO SPEAK MUST BE SUBMITTED IN ADVANCE, BUT WRITTEN COMMENTS ARE ALSO ACCEPTABLE AT BOR@UT..... BOR@UTSYSTEM.EDU. ALL OF THIS INFORMATION IS AVAILABLE ON THE U.T. SYSTEM WEBSITE WHICH IS JUST UTSYSTEM.EDU. I'VE ALSO INCLUDED ON MY WEBSITE OR WILL THIS AFTERNOON SOME LOVELY SELF-PORTRAITS OF THE 120 SOME ODD STUDENTS WHO ARE FROM MARRIED STUDENT HOUSING. ONE-THIRD OF MATTHEWS IS FROM MARRIED STUDENT HOUSING. OVER.

% IS ON THE FREE AND REDUCED LUNCH PROGRAM. PORTUGUESE IS THE SECOND MOST COMMON LANGUAGE SPOKEN IN THE HOME OF MATTHEWS ELEMENTARY STUDENTS AND THAT IS BECAUSE OF THE MARRIED STUDENT HOUSING. SO I WOULD ASK ALL OF US IN THE COMMUNITY, AUSTINITES, U.T. ALUM AND ALL INTERESTED IN AFFORDABLE HOUSING AND VIABLE TRANSIT ORIENTED INNERCITY DEVELOPMENT TO THE BOARD OF REGENTS TOMORROW AND CREATE THE OPEN WELCOMING DIALOGUE THAT I KNOW WILL CREATE THE BEST RESULT FOR OUR CITY. THANKS.

Mayor Wynn: THANK YOU, COMMISSIONER ECKHARDT.
COUNCILMEMBER KIM.

Kim:.....KIM.

THE OVERHEAD IS ONE OF THE SELF-PORTRAITS.

Kim: COMMISSIONER ECKHARDT, I WANT TO SAY THANK YOU FOR YOUR LEADERSHIP IN THIS ISSUE. AS A CONCERNED PARENT AND ELECTED OFFICIAL AND CARING ENOUGH ABOUT THIS AND I AGREE PEOPLE IF THEY WANT TO MAKE SURE THIS IS AN OPEN PROCESS WHERE WE REALLY ARE HAVING INPUT AND FIGURING OUT WHAT IS THE BEST FOR OUR COMMUNITY AS WELL AS FOR THE U.T. AS A HIGHER EDUCATION INSTITUTION, IT NEEDS TO BE A PUBLIC DIALOGUE, IT NEEDS TO BE AN OPEN PROCESS WHERE WE ARE TALKING ABOUT WHAT WE WANT TO SEE FOR THE FUTURE, ESPECIALLY FOR MARRIED STUDENT HOUSING.

AND I KNOW IT WILL BE AN OPEN AND PUBLIC PROCESS AND WE'RE ALL INTERESTED IN THAT AFFORDABLE, TRANSIT FRIENDLY HOUSING FOR OUR CITY. THANKS.

Mayor Wynn: THANK YOU, COMMISSIONER. OUR NEXT SPEAKER ON CITIZENS COMMUNICATION WILL BE MR. PAUL ROBBINS. WELCOME. PAUL, YOU HAVE THREE MINUTES, TO BE FOLLOWED BY ANTHONY AMARO.

MAYOR, COUNCIL, CITIZENS OF AUSTIN, MY NAME IS PAUL ROBBINS. I'M AN ENVIRONMENTAL ACTIVIST AND CONSUMER ADVOCATE. I'M HERE TODAY TO COMMENT ON THE NEW AND PROPOSED COURTHOUSE IN NORTHEAST AUSTIN. I DO BELIEVE THE PUBLIC WILL BE BEST SERVED BY LOCATIONS NEARER THE CENTRAL CITY AND NOT NEAR THE PROPOSED LOCATION OF ST. JOHN'S AND I-35. THERE IS A PERCEPTION ABOUT THE PROPOSED NORTHEAST COURTHOUSE SITE THAT NEEDS TO BE EXAMINED MORE CLOSELY. IT HAS BEEN STATED THAT THE POPULATION CENTER OF THE CITY OF AUSTIN IS NOW NEAR NORTHCROSS MALL. ADVOCATES OF THE NEW NORTHEAST LOCATION WILL SEIZE ON THIS AS A WAY TO JUSTIFY THE NEW SITE, BUT LOOK MORE CLOSELY AND IT SEEMS COUNTER INTUITIVE, ONE WOULD ASSUME THAT IF THE POPULATION CENTER IS IN NORTH AUSTIN AND THE COURTHOUSE IS IN NORTH AUSTIN, THE NEW SITE WOULD REACH THE MAJORITY OF CITIZENS. BUT A STATISTICAL CENTER OF A POPULATION IS NOT THE SAME THING AS ACCESS TO A PARTICULAR SITE. MAY I HAVE THE SLIDE, PLEASE. NOW, I DID A PRELIMINARY ANALYSIS USING

VISUALLY IDENTIFIED ZIP CODE CENTERS AND MEASURED THEM IN RELATION TO THE CURRENT DOWNTOWN COURTHOUSE SITE AND THE NEWLY PROPOSED SITE, AND THOSE DISBLIP.....ZIPCODES YOU SEE IN THE BOTTOM IN GREEN ARE CLOSE TO GO THE EXISTING SITE AND THE ONES IN GRAY ARE CLOSER TO THE NEW SITE. WHAT I FOUND IS THAT THE COMMENT SITE IS CLOSER TO 53% OF AUSTIN RESIDENTS AND THE NEW SITE IS CLOSER TO 47% OF AUSTIN RESIDENTS. I USE 2005 POPULATION ESTIMATES FOR EACH ZIP CODE. EVEN WHEN I REMOVE ZIP CODES WHERE PARTS OF THE AREA WERE CLOSER TO BOTH SITES, THERE WERE STILL MORE PEOPLE CLOSER TO THE CURRENT SITE. I HASTILY ADMIT THAT ONE SHOULD DO A MORE THOROUGH ANALYSIS. ONE SHOULD SHOULD CENSUS BLOCKS INSTEAD OF ZIP CODES AND THESE SHOULD BE MEASURED WITH A PRECISE G.I.S. SOFTWARE. I DO NOT HAVE THIS CAPABILITY OR I WOULD HAVE DONE IT, BUT STILL I DON'T THINK MY ESTIMATES ARE FAR OFF. AND EVEN IF I AM WRONG, IS IT FAIR OR EFFICIENT TO ASK AUSTIN RESIDENTS WHO LIVE AS FAR SOUTH AS HAYS COUNTY TO DRIVE TO THE PROPOSED NORTHEAST SITE FOR A COURT DATE AND JURY DUTY. I AM AFRAID THAT IF YOU LOCATE THE COURTHOUSE OUT OF THE CENTRAL CITY, IT WILL DISCOURAGE PEOPLE FROM USING THE MUNICIPAL CODE TO PROTECT THEMSELVES. AN ALTERNATIVE MIGHT BE TWO SEPARATE AND DISTINCT COURTHOUSE LOCATIONS. BUT I BELIEVE THE CURRENT PROPOSAL IS DEEPLY FLAWED. THANK YOU.

Mayor Wynn: THANK YOU, MR. ROBBINS. OUR NEXT SPEAKER IS ANTHONY AMARO. WELCOME, ANTHONY. SORRY IF I MISPRONOUNCED YOUR NAME. WILL YOU BE FOLLOWED BY RICHARD VIKTORIN.

YOU JUST ABOUT GOT IT RIGHT THERE. FIRST OFF, I WANT TO CONGRATULATE THE COUNCIL ON THIS INITIATIVE FOR NEW URBAN STYLE BUILDING HERE IN AUSTIN. ONE OF THEM IS THE MILLER DEVELOPMENT THAT I'M HERE TO SPEAK ABOUT TODAY. ALSO IN THE ENVIRONMENTAL INITIATIVES SET FORTH ON NEWER URBAN PLANNING THAT'S GOING ON HERE IN AUSTIN. LET ME SPEAK ABOUT WHAT'S GOING ON WITH US. MY WIFE AND I LIVE IN NORTH AUSTIN. I'M A RECENT GRADUATE FROM THE UNIVERSITY OF TEXAS,

GRADUATING IN ELECTRICAL ENGINEERING, AND WE'RE BASICALLY STARTING OFF OUR LIVES. WE'RE TRYING TO SAVE UP MONEY FOR A DOWNPAYMENT ON A HOUSE, AND WE'VE BEEN TRYING TO DECIDE WHAT OUR BEST HOUSING OPTION IS. I HAD A CHANCE TO MEET THE MAYOR AT AN EVEN..... A ENVISION CENTRAL TEXAS SEMINAR THAW MODERATED AND I GOT TO SPEAK WITH YOU AND TOLD YOU ABOUT OUR SITUATION. I BELIEVE WE MAKE AROUND WHAT WOULD BE CONSIDERED MIDDLE INCOME. AFTER TAXES, WE BRING HOME LESS THAN \$50,000 A YEAR. AND WHAT WE'RE TRYING TO FIGURE OUT IS HOW CAN WE AFFORDABLY AND RESPONSIBLY AFFORD A HOME IN AUSTIN. ALSO BEING A NEW CONVERT TO [INAUDIBLE], WE'VE BEEN LOOKING AT THE MILLER DEVELOPMENT THERE AND WE FOUND THAT STARTING PRICES FOR HOMES THERE ARE NO LESS THAN \$250,000. THAT'S WITHOUT ANY OF THE AFFORDABLE HOUSING INITIATIVES THAT ARE GOING ON THERE. PEOPLE IN MY TAX BRACKET ESSENTIALLY ARE PRESSURED TO MOVE INTO THE OUTER AREAS OF THE CITY. THIS CLUES AREA LIKE CEDAR CEDAR PARK, LEANDER AND KYLE AND I AND MY WIFE DON'T WANT TO DO THAT BECAUSE IF WE CONTINUE TO ALLOW THIS TO HAPPEN, IT'S GOING TO INCREASE TRAFFIC ON OUR HIGHWAYS, WHICH IS ALREADY A PROBLEM, AND I ALSO BELIEVE WHAT THE MAYOR SUGGESTED WHICH IS THAT WE NEED MORE PEOPLE LIVING TO CLOSER TO WHERE WE WORK AND LIVE AND PLAY. I, HOWEVER, GOING TO ENGINEERING SCHOOL, I WAS TAUGHT YOU DON'T REALLY COMPLAIN ABOUT THINGS UNLESS YOU HAVE SOLUTIONS, AND DOING A LITTLE BIT OF RESEARCH, I FOUND THREE ALTERNATIVES. ONE OF THEM IS THE MAYOR'S ALTERNATIVE WHICH IS TO INCREASE THE INCOME LIMIT FOR THE AFFORDABLE HOUSING INITIATIVE. ANOTHER ONE I FOUND IN THREE CITIES, TRASKA, MINNESOTA, CINCINNATI, OHIO, AND DELAND, FLORIDA HAVE SUCCESSFULLY IMPLEMENTED MODULAR HOUSING IN DENSE URBAN DEVELOPMENTS. WHAT THIS HAS ALLOWED THEM TO DO IS TO CREATE HOUSING IN THE 100 TO \$200,000 RANGE AND STILL HAVE QUALITY LIVING FOR PEOPLE LIKE ME AND ALSO OF LOWER INCOME. AND I HAVE INFORMATION ON THAT AS WELL. ALSO THERE'S A REPORT PUBLISHED BY THE CENTER FOR TRANSIT ORIENTED DEVELOPMENT. [BUZZER SOUNDING] SORRY. ON PUTTING HOUSING CLOSE

TO RAIL LINES AND PUBLIC TRANSIT. THAT'S BASICALLY ALL I HAVE TO SAY. SO THANK YOU.

Mayor Wynn: THANK YOU, ANTHONY. IF YOU COULD SEND YOUR COMMENTS TO ME OR ANY OF US, WE'LL MAKE SURE THAT WE ALL SEE THOSE AND APPRECIATE YOUR SUGGESTIONS.

THANK YOU.

Mayor Wynn: THANK YOU. RICHARD VIKTORIN, YOU HAVE THREE MINUTES, YOU WILL BE FOLLOWED BY GUS PENA.

THANK YOU, MAYOR, COUNCIL. GOOD AFTERNOON. THE REASON I'VE APPEARED BEFORE YOU THESE PAST WEEKS ON THE SUBJECT OF PUBLIC ACCESS TO BALCONES CANYONLANDS PRESERVE IS THE BCP OPERATES ON A FIVE-YEAR MANAGEMENT PLAN. PUBLIC ACCESS ADVOCATES GET ONE BITE OF THE APPLE EVERY FIVE YEARS. THE BCP INCLUDES 7,690 ACRES PAID FOR BY PROPOSITION 10 FROM THE BOND ELECTIONS OF 1992. 65% OF THE VOTERS APPROVED WHICH READS PROVIDING OPEN SPACE FOR PASSIVE PUBLIC USE. 95% OF LAND PURCHASED WITH THESE BONDS REMAIN CLOSED AND CONTINUE TO REMAIN CLOSED IF YOU APPROVE THIS PLAN. FURTHERMORE, THE BCP INCLUDES OVER 6,000 ACRES OF CITY AND COUNTY PARK LAND. THAT WHEN SEEDED TO THE BCP WERE GRANDFATHERED TO PARK USES. FOR THE FIRST TIME WITH THESE MANAGEMENT PLAN REVISIONS, WE SEE THE TERM CONDITIONAL GRANDFATHERING. THE BCP PROPOSED CLOSING TURKEY CREEK NATURE TRAIL TO DAWRKS A DIRECT ATTEMPT TO AVOID CITY ORDINANCE DESIGNATING IT A LEASH-FREE NATURE TRAIL. THE TERM TRADITIONAL GRANDFATHER COULD BE USED TO RESTRICT BART CREEK WILDERNESS PARK AND THEREFORE BARTON SPRINGS ITSELF. INDEED OVER 650 ACRES. THE CURRENT PLAN DIFFERENTIATES ACTIVE USES FROM PASSIVE USES. ACTIVE USES ARE NOT ALLOWED INITIAL ON THE BCP OTHER THAN PARK TRACTS WHICH ARE CONDITIONALLY GRANDFATHERED. BAND USES SUCH AS JOGGING, MOUNTAIN BIKING AND GROUP SPORTS. PASSIVE RECREATION, THE ALLOWED ACTIVITIES COMBINED ON SPONSORED GROUP, HIKING, PHOTOGRAPHY, NATURE

GROUPS. MUST BE ORGANIZED, STRUCTURED, MANAGED AND MITIGATED. ONLY GROUP ACTIVITIES. THE PERMITTED GROUP ACTIVITY MUST BE REAPPLIED FOR EVERY 12 MONTHS. THE MANAGEMENT PLAN DOES NOT ALLOW ANY CITIZEN OF AUSTIN, THE CITIZENS WHO PAID FOR THESE LANDS, TO GO WALK IN THE WOODS UNLESS FUNDAMENTAL ACTIVITY, LOW IMPACT ACTIVITY FOR PHYSICAL AND MEANT HEALTH. IN LATE 2005 AND EARLY 2006, CITIZENS PARTICIPATED IN A PUBLIC PROCESS SO THEY MIGHT EXPRESS WHAT THEY WANTED, WHAT ACCESS THEY WANTED. 300 CITIZENS COMMENTED ON THE WEBSITE. EXACTLY FOUR ASKED FOR LESS ACCESS. THE CURRENT REVISIONS FURTHER RESTRICT ACCESS TO THESE PUBLIC LANDS. THE INTERESTS OF YOUR CITIZENS WERE IGNORED. THE BCP IS STILL NOT OPEN AS SPECIFIED IN THE BOND LANGUAGE. YOUR CITIZENS VOTED FOR OPEN SPACE. THE CITY GAVE US A 11-PAGE APPLICATION. NO AEROBIC, NO JOGGING, NO RUNNING, NO BIKES, NO DOGS, WALKING ONLY, 11-PAGE APPLICATION GOOD FOR ONE YEAR, MUST MITIGATE, SPONSORED GROUPS ONLY. IF YOU RUN, WALK OR BIKE A DOG, YOU NEED NOT APPLY. WE'RE ASKING YOU NOT APPROVE THE POLICIES PUT FORTH IN THE LAND MANAGEMENT DIVISIONS ESPECIALLY CHAPTER 12. [BUZZER SOUNDING] INSTRUCT STAFF TO OPEN THE RESERVE TO MORE REASONABLE USE IN RESPONSE TO DESIRES OF CITIZENS WHO PAID FOR THE PRESERVE. THANK YOU FOR PROCEEDING WITH CAUTION. AS YOU CONSIDER THE NEW PLAN. THANK YOU.

Mayor Wynn: THANK YOU, RICHARD. OF COURSE NOTE THAT WE HAVE A PUBLIC HEARING, I'M TRYING TO FIND THE NUMBER, 118, THAT WE'LL CONDUCT LATER TONIGHT TO GIVE MORE CITIZEN FEEDBACK REGARDING THE LMP. BUT MOST PROPERLY PUBLIC ACCESS. IT MIGHT BE WELL AFTER 6:00, BUT WELCOME. THE NEXT SPEAKER TODAY IS GUS PENA. WELCOME. YOU WILL BE FOLLOWED BY TERRY McMAINS.

THANK YOU, MAYOR, COUNCIL, GUS PENA. I'M HERE TO SPEAK ON SEVERAL ISSUES. I'M GOING TO TRY TO HURRY UP BUT NOT RAMBLE. GANG MEMBERSHIP IS ON THE INCREASE. CRIME IS ON THE INCREASE. YOU PEOPLE TO HERE IN THE COUNTY COMMISSIONERS COURT WHAT EXACT

CRIME IS OCCURRING IN THE CITY. YOU HAVE PROSTITUTION, DRUG DEALING LIKE YOU'VE NEMP SEEN BEFORE. SPECIFICALLY I'M GOING TO MENTION THIS AREA, BUT IT'S ALL THROUGHOUT THE -- IT'S NOT JUST INCLUSIVE OF EAST AUSTIN, BUT SOUTHEAST AUSTIN, I-35, SOUTH OLTORF, PARKER AND BURDEN, THAT AREA, RIVERSIDE DRIVE. NOW, WE ARE SEEING AN INCREASE OF GANG MEMBERSHIP AND THEY HAVE INFILTRATED OUR HIGH SCHOOLS AND MIDDLE SCHOOLS. IF YOU DON'T THINK THIS IS SERIOUS, YOU BETTER THINK AGAIN BECAUSE IT'S CAPTURING THE MINDS AND HEARTS OF OUR KIDS. WE'RE TRYING TO KEEP THEM EDUCATED SO THEY CAN MAINTAIN A LIVELIHOOD IN THEIR ADULthood. ONE OF THE THINGS I'M VERY CONCERNED ABOUT THAT I'VE SPOKEN TO A LOT OF PEOPLE ABOUT, MOTEL OWNERS AND EVEN IN ST. JOHN'S IS THAT MY UNDERSTANDING IS THAT THE GANG TASK FORCE IS NOT 24/7 ANYMORE. AND THEY HAVE BEEN INCLUDED WITH THE VICE UNIT. THAT'S NOT ACCEPTABLE. GIVE THE OFFICERS MONEY, GIVE THE OFFICERS RESOURCES AND PERSONNEL TO FIGHT CRIME HERE. ASK THEM HOW MANY OFFICERS THERE ARE IN BETWEEN THESE AREA COMMANDS. NOT ACCEPTABLE. NOW, I KNOW THERE'S FEDERAL FUNDING. FREE THE FEDERAL FUNDING SO THEY CAN DO THEIR JOBS. OVERTIME, YOU ALL HAD A GOOD TIME SPEAKING ABOUT OVERTIME. YOU PEOPLE THAT DON'T KNOW WHAT CRIME IS ALL ABOUT, YOU WILL HAVE WISHED THEY HAD VOTED TO EXTEND OVERTIME TO OUR OFFICERS. NOW, I HAVE FAMILY AND FRIENDS IN THE AUSTIN POLICE DEPARTMENT AND THE SHERIFF'S OFFICE DEPARTMENT. THE ISSUE IS THIS, YOU NEED TO FIND MORE FUNDING SO THEY CAN COMBAT CRIMES. GIVE THEM THAT OPPORTUNITY. WE NEED THEM ON THE STREETS. THERE'S A LOT OF PROBLEMS OUT THERE. SECOND OF ALL, I THANK YOU ALL FOR INCLUDING US VETERANS IN THE VETERANS DAY PARADE SUNDAY. MARINE CORPS BIRTHDAY, NOVEMBER 10th, SATURDAY, 232 YEARS OLD. I'M A UNITED STATES MARINE CORPS VETERAN AND PROUDLY OF BEING A MARINE CORPS MEMBER SIX YEARS. I DON'T THINK WE SHOULD FORGET ABOUT OUR VETERANS. WE HAVE A LOT OF VETERANS THAT ARE HOMELESS. THEY HAVE MENTAL HEALTH ISSUES, HOUSING ISSUES, THEY NEED TO REENTER THE WORKFORCE BECAUSE THIS IS NOT AN AFFORDABLE

CITY. THIS IS AN UNAFFORDABLE CITY. AFFORDABLE HOUSE..... HOUSING, COMMISSIONER ECKHARDT MENTIONED THAT, GIVE ME AN IDEA WHAT IT IS BECAUSE IT'S NOT AFFORDABLE THE PARAMETER BEING USED BY SOME ENTITIES, IT'S NOT AFFORDABLE. AS I SAID LAST WEEK, OUR KIDS, HOW CAN THEY BE ABLE TO AFFORD HOMES WHEN THEY GROW UP MUCH LESS NOW WITH THE PRICES OF HOMES. 250, 350,000. THAT AIN'T AFFORDABLE. NOT ACCEPTABLE. GOT TO DO YOUR JOBS. YOU HAVE A FIDUCIARY, STATUTORY RESPONSIBILITY. [BUZZER SOUNDING] TO MAKE THIS TOWN AFFORDABLE FOR ALL. FOR ALL, INCLUDING EVERYBODY. AND HELP THE OFFICERS FIGHT CRIME. WE NEED THEIR HELP. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. PENA. TERRY McMAINS. WELCOME. YOU WILL HAVE THREE MINUTES, TO BE FOLLOWED BY MICHAEL WAGNER.

TERRY WAS UNABLE TO BE HERE SO I'M HERE.

Mayor Wynn: OKAY, WELCOME, YOU HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY PHIL RUSSELL.

THANKS FOR ALLOWING ME THE TIME TODAY, MAYOR, CITY COUNCILMEMBERS AND CITIZENS OF AUSTIN. I'M HERE TO TALK ABOUT RAIN WATER HARVESTING. I'VE KIND OF PUT TOGETHER A BRIEF STATISTICAL RAIN WATER HARVESTING STUDY FOR AUSTIN, TEXAS. THE DATA USED FOR THE STUDY IS BASED UPON A THEORETICAL MASTER PLANNED COMMUNITY COMPRISED OF 500 NEW RESIDENTIAL UNITS, ASSUMING AN AVERAGE OF 1500 SQUARE FOOT OF ROOFED AREA PER HOME, THE RECENT AVERAGE RAINFALL OF AUSTIN, 31 INCHES PER YEAR, THIS WOULD BE 80..... EQUATE TO A POSSIBLE WATER SAVINGS OF 29,295 GALLONS PER HOME. THIS EQUALS 14.6 MILLION GALLONS OF WATER SAVED EACH YEAR BY CAPTURING RAIN WATER. FROM RESIDENTIAL ROOF..... ROOFTOPS. THE COST TO THE BUILDER CANNOT BE OFF SET BY INCENTIVE PROGRAMS PUT IN PLACE BY THE MUNICIPALITIES. SUCH AS INCREASED DENSITIES WITHIN GIVEN CONSTRUCTION PHASES, WATER CREDITS, REDUCED IMPACT FEES, EXPEDITED PLAN REVIEWS. USING THE AVERAGE, THIS WOULD EQUAL 219

MILLION GALLONS SAVED IN 15 YEARS OR APPROXIMATELY 678 ACRES OF WATER. THERE'S VERY LITTLE FILTRATION OR TREATMENT NEEDED FOR RAIN WATER. DRASTICALLY REDUCING O&M EXPENSES. IF THE WATER IS CAPTURED AT ITS SOURCE AND USE POINT, THERE IS NO NEED TO CONSIDER PUMPING AND TRANSFER EXPENSES. TYPICALLY REALIZE WATER SUPPLY TO HOMES. CONSIDER INCREASED INFRASTRUCTURE DEMANDS AND THE PROBABILITY OF WATER COSTS INCREASING DRAMATICALLY OVER THE NEXT 15 YEARS, RAIN HARVESTING IS AN EXCELLENT SOLUTION. HARVESTING WATER FROM ROOFTOPS ALSO SIGNIFICANTLY DECREASES INFRASTRUCTURE NEEDS. RANCHO DEJUEVO WAS THE FIRST MASTER PLANNED COMMUNITY IN THE UNITED STATES TO IMPLEMENT RAIN WATER HARVESTING ON EVERY HOME, APPROXIMATELY 10 HOMES PER YEAR. RAIN HARVESTING HAS ALLOWED THEM TO DEMONSTRATE TO BUYERS, BUILDERS AND STATE AND LOCAL OFFICIALS THE POSSIBILITIES FOR WATER CONSERVATION. WE HAVE OTHER SYSTEMS IN PLACE TO HELP REDUCE THE IMPACT TO OUR HOMES, BUT RAIN HARVESTING IS THE MOST IMPORTANT PART OF REDUCING THE WATER USE OF OUR HOMES SAYS DEE WITHERSPOON, VICE PRESIDENT OF PRODUCTION. HOMES AT RANCHO USE 26% LESS WATER WITH ONLY 7 INCHES OF RAINFALL. I'VE ALSO ATTACHED A SANTA FE COUNTY CITY ORDINANCE. THANK YOU AGAIN FOR THE TIME. IF..

Mayor Wynn: THANK YOU, MR. WAGNER. COUNCILMEMBER LEFFINGWELL.

Leffingwell: WE HAVE A PROCESS IN PLACE FOR EVALUATING ALL KINDS OF WATER CONSERVATION STRATEGIES. WE HAVE A WATER CONSERVATION TASK FORCE THAT'S MEETING ON A REGULAR BASIS NOW. AND I WOULD SUGGEST, HERE'S SOME LEFTOVER, THAT THERE'S SOME WATER UTILITY PERSONNEL IN THE ROOM THIS AFTERNOON AND GIVE THIS TO THEM AND THEY WILL EVALUATE YOUR STRATEGIES AND PERHAPS SET YOU UP WITH A PRESENTATION TO THE TASK FORCE.

I APPRECIATE IT.

Mayor Wynn: THANK YOU. MICHAEL. THE NEXT SPEAKER IS

PHILIP RUSSELL. YOU WILL HAVE THREE MINUTES TO BE FOLLOWED BY ROBERT HAGEMAN.

YES, SOME YEARS AGO I PERCEIVED A PROBLEM WHICH WAS THE CARS STACKED UP AT THE CHRISTMAS TRAIL OF LIGHTS AND I CAME BEFORE COUNCIL IN A LITTLE LESS THAN EIGHT SURROUNDINGS AND SUGGESTED A SOLUTION WHICH WAS TO BAN CARS AT THE TRIMS TRAIL OF LIGHT AND HAVE PEDESTRIANS AND BIKERS, AND THAT WORKED OUT FINE. AND SO NOW I'VE PERCEIVED ANOTHER PROBLEM WHICH IS THAT TELECOMMUNICATIONS COMPANIES REPEATEDLY COME BY HOUSES AND PROMISE DEALS, REDUCED RATES WHEN IN FACT THEY ARE SCHEMING TO GET PEOPLE TO THEIR COMPANY AND RAISE THE RATES. THERE'S A VARIETY OF SEMANTIC TRICKS THEY USE. AND I WOULD LIKE -- I DON'T HAVE GOOD DATA ON HOW OFTEN THIS HAPPENS, BUT THE VERY FACT THAT VONAGE SAYS WE'RE NOT LIKE THE OTHER GUYS, WE DON'T PLAY SHELL GAMES. THAT LEADS ME TO THINK THAT THE PROBLEM IS PRETTY WIDESPREAD AND SO I HAVE A SUGGESTION, A SOLUTION TO THIS PROBLEM. SIMPLY FOR THOSE TELECOMMUNICATIONS COMPANIES THAT YOU DO HAVE AUTHORITY OVER IS SIMPLY HAVE THEM FILL OUT A STANDARD FORM WHICH WILL LIST ALL OF THEIR CHARGES AND THEN AT THE BOTTOM OF IT LIST WHAT THE MONTHLY CHARGE WILL BE TO THE CONSUMER, AND IF YOU THINK THIS HAS ANY MERIT, PLEASE PASS THIS ON TO YOUR COMMUNICATIONS DEPARTMENT AND HAVE THEM WORK WITH THIS. I'D BE GLAD TO CONSULT WITH THEM. I HAVE MY NAME AND ADDRESS DOWN AT THE BOTTOM. AND WHO CAN I LEAVE THESE COPIES WITH? I HAVE A COPY FOR EACH OF YOU.

Mayor Wynn: JUST HAND IT TO COUNCILMEMBER COLE AND SHE WILL PASS THEM DOWN.

THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU FOR YOUR SUGGESTIONS. THE TRAIL OF LIGHTS WAS A BRILLIANT ONE. ROBERT HAGEMAN. ROBERT, WELCOME. YOU WILL HAVE THREE MINUTES.

MAYOR AND COUNCIL, ROBERT HAGEMAN. I'M A BUILDER

AND INVENTOR OFTEN I HAVE LIVED HERE SINCE 1972. I JUST FINISHED BUILDING 18 CONDOMINIUM UNITS AT 807 EAST 14th STREET DOWNTOWN DIRECTLY ACROSS THE HIGHWAY FROM BRACKENRIDGE HOSPITAL. AT THIS TIME GREEN AND GOLD COLORED CONDOMINIUMS, FOUR STORIES TALL. WE FINISHED IN JUNE, PEOPLE STARTED MOVING IN IN JULY. THERE'S 18 UNITS. SINCE THEN WE'VE HAD A FEMALE GUEST WAS BERATED IN THE PARKING GARAGE BY A BUM WHO ASKED HER FOR MONEY. SHE REFUSED AND HE BERATED HERE AND SHE WENT SCREAMING. WE HAD A -- WE HAVE BUMS WALKING THE STREETS ON ON LANDER STREET AND THEY WALK UP AND BRAZENLY ASK YOU FOR MONEY. PRS WE'VE.....WE'VE HAD TWO CARS BROKEN INTO IN AUGUST. THE POLICE CAME AND MADE A REPORT. THE HOUSE NEXT DOOR TO US A COUPLE OF DAYS LATER HAD THEIR AIR CONDITIONING UNIT STOLEN. THIS IS FOUR BLOCKS FROM THE POLICE STATION. A CROOK STOLE SOME TOOLS OUT OF THE PLUMBER'S TRUCKS AND ONE OF MY EMPLOYEES CHASED THE FELLOW, THREW HIM TO THE GROUND AND THEY CAME AND ARRESTED HIM. THERE WERE TWO MORE CARS BREEN INTO TWO WEEKS LATER AND THE CROOKS' FACES WERE CAUGHT ON VIDEO. WE HAVE A VIDEO CAMERA IN THE PARKING GARAGE. WE GAVE THE VIDEO TO THE POLICE AND THEY SAID THEY WOULD HAVE A DETECTIVE CALL US. A MONTH LATER AFTER NO CALL FROM ANYBODY I CALLED THE DETECTIVE AND I SAID WHAT'S GOING ON, AND HE SAID, WELL, WE CAN'T FIND THE VIDEO CLIPS. AND IF WE FOUND THEM, WE COULDN'T EVEN TAKE THE IMAGES OFF THE VIDEO. SO I WENT DOWN, GOT THE VIDEO CLIP, BROUGHT THEM BACK PICTURES. WHEN I FIND OUT -- WHEN I FINALLY FOUND OUT THAT THEY COULDN'T VIEW THE THING, I HAD TO GO DOWN AND TAKE ACTION AND PROVIDE THOSE FOLKS PICTURES OF THE CROOKS. ABOUT A WEEK OR SO AFTER THAT TWO MORE CARS WERE BROKEN INTO. WE'RE TALKING WINDOWS SHATTERED, STUFF PILL FERD OUT OF THE CARS. OUR AREA OFFICER CAME TO OUR NEIGHBORHOOD MEETING TELLING EVERYBODY HOW CONCERNED THEY WERE AND THAT THEY WERE GOING TO DO A STING OPERATION RIGHT AWAY. WELL, ABOUT A MONTH LATER, I MEAN WE'RE TALKING MORE THAN A MONTH LATER, THEY SHOWED UP WITH A COUPLE OF GUYS IN A BAIT CAR. THEY PUT THE BAIT CAR IN THERE IN THE

AFTERNOON AND HID IN THE BUSHES FOR THREE OR FOUR HOURS. THEN THEY LEFT. THAT WAS THEIR STING OPERATION. NOBODY CAME THAT NIGHT SO THEY JUST TOOK THE CAR AWAY AND THAT WAS IT. TWO WEEKS LATER WE HAD TWO MORE CARS BROKEN INTO. THE GUY WAS CAUGHT ON VIDEO. I QUESTIONED THE OFFICERS ABOUT WHAT THEY'VE BEEN DOING AND THEY SAID, WELL, WITHOUT ANY NAME OR FINGERPRINTS, THEY COULDN'T REALLY DO ANYTHING. AND I SAID, WELL, MAYBE I'LL JUST PUT A SIGN UP AND ASK THE CROOKS TO LEAVE THE NAME AND ADDRESS SO THEY CAN BE CONTACTED BY THE POLICE. ALL ALONG THE OFFICERS TOLD ME THE ONLY WAY TO PROTECT MY PROPERTY WAS TO PUT A FENCE AROUND IT. [BUZZER SOUNDING] A CITY DEPARTMENT OFFICIAL ASKED ME TO GET A LETTER FROM THE APD ASKING, YOU KNOW, SUGGESTING THAT WE HAVE A FENCE PUT UP. IT TOOK ME TWO WEEKS OF CONSTANT CALLING ASKING THE APD FELLOWS FOR A LETTER, A SIMPLE LETTER SAYING WE NEEDED TO HAVE A FENCE PUT UP. AFTER I FINALLY GOT THE LETTER, I MEAN BEFORE I GOT THE LETTER, THEY KEPT SAYING THE DELAY WAS THEY HAD TO HAVE A SUPERVISOR APPROVE IT. WHEN I GOT THE LETTER, IT WAS A FORM LETTER THAT THEY SEND TO EVERYBODY THAT HAS CRIME PROBLEMS. THE -- THIS IS MY LAST POINT. THE RESIDENTS AT MY PLACE ARE SCARED TO DEATH. THEY DON'T EVEN WANT TO GO DOWN TO THEIR CARS AT NIGHT. MY CALLS TO THE POLICE ARE NOT RETURNED OR IF THEY ARE RETURNED IT'S SOMETIMES WEEKS LATER. I MEAN A WEEK LATER. SOMETIMES THE DIALOGUE WITH THE POLICE SEEMS LIKE IT'S ALMOST COACHED, LIKE IT'S ALMOST -- LIKE IF I WAS GOING TO COACH SOMEBODY ON HOW TO TALK TO A WORRIED PERSON, IN OTHER WORDS, IT SEEMED COACHED WHAT THEY SAY. AND A LOT OF TIMES IT JUST SEEMS LIKE IT'S INDIFFERENT, LIKE THEY'VE HEARD IT 50 TIMES OR 100 TIMES. THEY TRY TO MAKE ME FEEL LIKE THEY ARE OVERWORKED OR SPREAD TOO THIN. IT SEEMS TO ME, IN CLOSING, IT SEEMS TO ME THERE IS PLENTY OF POLICE TO WRITE PARKING TICKETS AND TRAFFIC TICKETS AND POLICE ENTERTAINMENT VENUES, BUT THE REAL CRIMES GOING ON ARE RIGHT DOWNTOWN RIGHT UNDER THEIR NOSES AND THERE'S NOBODY DOING ANYTHING. THE 24 RESIDENTS OF MY PLACE, MY TWO SONS WHO WORK WITH ME THERE AND

MY WIFE AND I HAVE LOST RESPECT FOR THE POLICE, THEIR METHOD. NOT VEDLY AGAINST THEM, BUT THEIR EFFORTS AND EFFECTIVENESS, WE'VE JUST LOST ALL RESPECT FOR THAT. AND I HAVE SEVERAL IDEAS I WOULD LIKE TO SPEAK WITH SOMEBODY ABOUT HOW TO CURB CRIME IN THE DOWNTOWN AREA. THAT'S ALL I HAVE TO SAY. THANK YOU.

Mayor Wynn: THANK YOU, ROBERT OF THE COUNCILMEMBER KIM.

Kim: IF WE HAVE SOMEONE FROM APD TO RESPOND TO SOME OF THE THINGS THE GENTLEMAN POINTED OUT? ESPECIALLY ABOUT THE AGGRESSIVE PANHANDLING AND WHAT OTHER PROCEDURES TO ADDRESS THAT.

JUST LAST COUNT WE HAD WAS 11 OR 12 VEHICLES BROKEN INTO SINCE JULY.

Kim: OKAY. CHIEF PATTY ROBINSON.

FIRST OF ALL, HE WAS SPEAKING ABOUT THE CRIME IN DOWNTOWN AREA COMANTD. AND THAT IS ACTUALLY ONE OF THE PLACES THAT WE DO HAVE THE SOLICITATION ORDINANCE THAT APPLIES BETWEEN CERTAIN HOURS AND CERTAIN AREA. AS FAR AS PEOPLE BEING ON THE SIDEWALKS AND ON THE STREET, THEY ARE ALLOWED TO DO. THAT THEY CAN DO THAT. AS FAR AS FOLKS COMING UP AND BEING AGGRESSIVE IN THEIR SOLICITATION, THE PERSON, THE VICTIM OF IT NEEDS TO CALL US AND WE NEED A COMPLAINT FROM THEM. IT'S PART OF THE ORDINANCE. AND IT'S SOMETHING THAT WE HAVE TO HAVE IN ORDER TO GO THROUGH WITH PROSECUTION. THE BURGLARY OF VEHICLES AND SOME OF THE OTHER THINGS THAT WERE OCCURRING IN THIS PARTICULAR AREA, THEY DID DEPLOY THE BAIT VEHICLE. THAT BAIT VEHICLE ALSO HAD A VIDEO ON IT. AND SO IT'S ACTIVATED WHENEVER IT'S OPENED UP AND THAT'S ONE OF THE TOOLS THEY WERE USING. THE LETTER THAT HE MENTIONED IS SOMETHING THAT WE DO FOR SITE SECURITY PLANS AND THE FELLOW WAS RIGHT IN REQUESTING IT FROM THE POLICE DEPARTMENT, ENSURING THAT THE OFFICERS HAD GONE THERE AND ASCERTAINED THAT THIS PARTICULAR RESIDENTIAL AREA WAS IN NEED OF A PARTICULAR SITE PLAN FOR SECURITY. SIR, I AM

AVAILABLE TO SPEAK WITH YOU BECAUSE I WOULD LIKE TO HEAR SOME OF THE THINGS YOU HAVE, ESPECIALLY IN THE INTEREST OF YOUR RESIDENTS FOR THAT PARTICULAR AREA.

IF YOU CAN MAYBE JUST TALK AND ADDRESS SOME OF THE -
- WHAT ARE THE NEXT STEPS MAYBE AT SECURITY CAMERAS, SOME OTHER THINGS TO HELP WITH ENFORCING THE LAWS WE HAVE ON THE BOOKS? IT SOUNDS TO ME LIKE THE NEIGHBORS THERE, THE RESIDENTS THERE HAVE SOME REAL CONCERNS ABOUT THE BURGLARIES AND BREAK-INS AND I'D LIKE TO KNOW IF THERE IS A WAY WE CAN DEAL WITH THIS COMPREHENSIVELY.

AND YOU ARE ABSOLUTELY RIGHT IN THAT SOME OF THE REASONS THAT PEOPLE DO NOT CALL THE POLICE BECAUSE THEY DON'T KNOW IT'S A CRIME OR THERE ARE CERTAIN STEPS THEY CAN TAKE TO ENSURE THEIR SAFETY AND WELFARE NOT ONLY FOR THEMSELVES AND PERSON BUT PROPERTY AND WE'LL GET SOME OF OUR DISTRICT REPS ON THAT AND I'LL SHARE THAT WITH ROBERT.

Kim: MAYBE THERE CAN BE A MEETING OF THE NEIGHBORS TO ASK QUESTIONS AND GET INFORMATION AND HOW TO KEEP THEMSELVES SAFE, WHAT ARE THE THINGS TO KEEP -- TO KNOW WHEN MAKING A REPORT. THAT MIGHT BE HELPFUL TO THE RESIDENTS AS WELL.

THANK YOU.

Mayor Wynn: THANK YOU, CHIEF. MR. HAGEMAN. COUNCIL, THAT CONCLUDES OUR CITIZEN COMMUNICATION TODAY. ALTHOUGH WE WERE MISSING A COUPLE OF MEMBERS, I TRUST THEY ARE WITHIN EARSHOT AND CAN JOIN US SHORTLY. EARLIER IN EXECUTIVE SESSION WE DID TAKE UP ITEM NUMBER 76 WHICH WERE LEGAL ISSUES REGARDING THE POTENTIAL AGREEMENT WITH THE LCRA. I BELIEVE STAFF IS PREPARED FOR A BRIEF PRESENTATION. THEN WE CAN TAKE UP ITEM 10, WHICH IS THE ACTION ITEM RELATED TO THIS AGREEMENT. WELCOME, MS. HUFFMAN.

THANK YOU, MAYOR AND COUNCILMEMBERS. WHAT WE WOULD LIKE TO DO IS JUST WALK YOU THROUGH A BRIEF

PRESENTATION ON TODAY'S ACTION ITEM ON THE SUPPLY AGREEMENT WITH AUSTIN AND THE LCRA. IF YOU WILL RECALL THAT THE FIRST ACTION THAT YOU TOOK WAS IN JUNE OF THIS YEAR AND THE ACTION THAT YOU TOOK WAS TO APPROVE A SETTLEMENT AGREEMENT BETWEEN THE LCRA AND THE CITY OF AUSTIN WHICH SETTLED SIX OUTSTANDING PERMITS THAT WERE AT THE STAY. IN THAT AGREEMENT YOU ASKED CITY STAFF TO WORK WITH LCRA OVER THE COURSE OF THE SUMMER TO DEVELOP A LONG-TERM WATER SUPPLY AGREEMENT AND TO GO THROUGH A PUBLIC PROCESS FOR THOSE DECISIONS AND COME BACK TO YOU AND THAT'S WHY WE'RE HERE TODAY. I JUST WANT TO HIGHLIGHT A COUPLE POINTS ABOUT THAT AGREEMENT SO THAT THOSE THAT ARE WATCHING UNDERSTAND WHAT IT IS THAT THIS CONTRACT IS IN PLACE FOR. THIS WOULD INCREASE AUSTIN'S WATER SUPPLY BY 250,000-ACRE FEET. MANY PEOPLE RECALL THAT IN THE LATE 90s, THE CITY OF AUSTIN ALSO APPROVED A WATER SUPPLY AGREEMENT WITH THE LCRA AND THE PURPOSE AND THE AMOUNT OF WATER THAT WAS IN THAT AGREEMENT WILL PROVIDE WATER FOR AUSTIN, WE PROJECT, FOR THE NEXT 50 YEARS. WHAT IS BEFORE YOU TODAY WILL BE TRIGGERED WHEN THAT WATER SUPPLY IS EXHAUSTED. SO WE EXPECT THIS SUPPLY OF WATER TO BE NEEDED IN AUSTIN SOMEWHERE IN ABOUT 50 YEARS, WHICH IS WHY WE ARE CALLING THIS A 100-YEAR SUPPLY AGREEMENT. THE FIRST 50 YEARS OF THAT AGREEMENT WAS APPROVED IN 1999, AND TODAY WHAT YOU ARE ACTING ON IS THE SECOND 50 YEARS FOR A COMBINED TOTAL OF ABOUT A 100-YEAR WATER SUPPLY FOR OUR COMMUNITY. WHAT THIS AGREEMENT DOES IN ESSENCE IS IT CREATES A PLANNING PROCESS BETWEEN THE LCRA AND THE CITY OF AUSTIN SO THAT WHEN THE WATER IS NEEDED, WE ARE REQUIRED TO GO THROUGH CERTAIN KINDS OF EXERCISES. FIRST OF WHICH IS TO HAVE DEMAND PROJECTIONS IN PLACE SO THAT YOU AND THE COMMUNITY KNOW THE RATE AT WHICH WE ARE USING WATER AND THEREFORE THE POINT IN TIME WHEN WE WILL NEED ADDITIONAL WATER. ONE OF THE THINGS THAT YOU INDICATED TO US, MAYOR AND COUNCIL, IS THAT YOU WANTED TO MAKE SURE THAT THESE PROJECTION DECISIONS WERE VERY PUBLICLY DISCUSSED AND SO WE'VE PUT SEVERAL THINGS IN PLACE IN THIS AGREEMENT TO

MAKE SURE THAT AS WE MOVE THROUGH OUR STAFF WORK, WE'RE ALSO HAVING A BROAD-BASED COMMUNITY DISCUSSION. SO THERE ARE THREE WAYS THAT THAT'S HAPPENING IN THIS AGREEMENT. THE FIRST IS THAT THERE WILL BE A STAKEHOLDER GROUP. IT WILL NOT BE DEFINED MEMBERSHIP. WHOEVER HAS AN INTEREST IN THIS ISSUE CAN BE A PART OF THE THIS STAKEHOLDER GROUP. ONE OF THE THINGS THAT YOU HAVE ASKED US TO DO MOST RECENTLY IS TO MAKE SURE THAT THE MEETINGS FOR THIS STAKEHOLDER GROUP ARE POSTED AND WE WILL DO THAT. AND THAT THERE IS ALSO AN OPPORTUNITY FOR CITIZENS TO SPEAK AT THESE MEETINGS AND WE WILL ALSO MAKE SURE THAT HAPPENS T SECOND..... THE SECOND THING IS TO MAKE SURE WE INCORPORATE OUT WORK INTO AN ANNUAL OR AS NEEDED REPORT TO THE BOARDS AND COMMISSIONS AND SO FAR WE'VE BEEN WORKING WITH THE WATER UTILITY BOARD, THE NATURAL RESOURCE BOARD AND THE ENVIRONMENTAL BOARD AND WE WILL CONTINUE TO WORK WITH YOUR BOARDS AND COMMISSIONS AS WE MOVE THROUGH DISCUSSIONS IN THE FUTURE. AND THEN THE THIRD WAY WE'VE MADE SURE THIS IS GOING TO BE A BROADLY DISCUSSED SET OF DECISIONS IS THAT THIS AGREEMENT REQUIRES US TO COME AND REPORT TO YOU THE CITY COUNCIL ON AN ANNUAL BASIS ABOUT THE WORK OF THE STAFF COMMITTEE BETWEEN THE CITY AND THE LCRA. SO WE'VE CREATED A NUMBER OF WAYS TO MAKE SURE THAT AS WE LOOK AT DEMAND PROJECTIONS AND AS WE CONSIDER HOW AND WHEN WE WILL ASK LCRA FOR ADDITIONAL WATER THAT THOSE ARE VERY PUBLIC DISCUSSIONS. I THINK IT'S IMPORTANT TO POINT OUT IN THIS AGREEMENT THERE IS NO REQUIREMENT FOR THE CITY OF AUSTIN TO MAKE A PRE-PAYMENT. THIS AGREEMENT ESSENTIALLY OBJECT GATES LCRA TO COMMIT TO 250,000-ACRE FEET OF WATER. IT CREATES THE PUBLIC PROCESS THAT I JUST DESCRIBED. BUT THEN IT GIVES AUSTIN SOME CHOICES ON HOW IT WANTS TO FILL THAT NEED IN THE FUTURE. WE HAVE THE ABILITY TO CONTRACT WITH LCRA. WE HAVE THE ABILITY TO GO OFF ON OUR OWN AND PURSUE A WATER SUPPLY SOURCE INDIVIDUALLY. OR WE CAN PARTNER WITH LCRA, OR WE COULD PARTNER WITH A THIRD PARTY. SO WHAT THIS AGREEMENT DOES IS IT GIVES THE CITY OF AUSTIN A LOT OF FLEXIBILITY ABOUT HOW IT WILL

MEET THAT WATER SUPPLY NEED WHEN THE CITY OF AUSTIN NEEDS THAT ADDITIONAL 250,000-ACRE FEET OF WATER, BUT DOES NOT REQUIRE US TO MAKE A PAYMENT TODAY. WE'VE HAD A LOT OF PUBLIC PROCESS OVER THE SUMMER. THERE HAVE BEEN 11 MEETINGS WITH BOARDS AND COMMISSIONS. THE MAYOR HAS CORRESPONDED WITH ALL OF THE CITIES IN THE REGION, WITH THEIR ELECTED LEADERSHIP TO MAKE SURE PEOPLE IN THE REGION KNOW WHAT IT IS THAT WE'RE ENTERING INTO WITH LCRA AND MAKING AN OFFER FOR US TO MEET WITH CITY STAFFS FROM OTHER COMMUNITIES AND THE REGION. WE'VE HAD THIS ON THE W.B.E. SIGHT FOR A COUPLE OF -- WEBSITE FOR A COUPLE OF MONTHS NOW AND HAVE MOST RECENTLY AND IN RESPONSE TO YOUR REQUEST WE HAVE REVISED THE AGREEMENT TO INCORPORATE FEEDBACK AND RECOMMENDATIONS FROM THE BOARDS AND COMMISSIONS. SO MAYOR AND COUNCIL, WHAT'S BEFORE YOU TODAY REFLECTS YOUR INTEREST IN MAKING SURE THAT THE BOARDS AND COMMISSIONS RECOMMENDATIONS ARE INCORPORATED AND IT GOES A STEP FURTHER, AS YOU ASKED TO, MAKE SURE THAT THE STAKEHOLDER MEETINGS ARE POSTED AND THAT CITIZENS HAVE A CHANCE TO SPEAK AT ALL OF THOSE STAKEHOLDER MEETINGS. WITH THAT, MAYOR, I WOULD BE HAPPY TO ANSWER ANY QUESTIONS.

Mayor Wynn: QUESTIONS? THERE'S BEEN A REMARKABLE AMOUNT OF VENTING WITH THIS AGREEMENT WITH BOARD AND COMMISSION BUT WITH PHONE CALLS AND E-MAILS TO OUR OFFICES. WE HAD A COUPLE FOLKS WHO SIGNED UP EARLIER WANT TO GO GIVE US ADDITIONAL TESTIMONY HERE TODAY. I'M NOT SURE IF THEY WERE ABLE TO STAY. ANDREW D.. DONAHUE.

HI, ANDREW DONAHUE, COUNCILMEMBER COLE'S APPOINTEE TO THE RESOURCE MANAGEMENT COMMISSION. THANK YOU FOR HAVING ME. I'D LIKE TO ADDRESS SOME OF MY PERSONAL CONCERNS AND THEN I'D LIKE TO FILL KNEW ON THE RESOURCE MANAGEMENT COMMISSION VIEW OF THIS AGREEMENT. SO I HAVE TWO HATS THAT I'M WEARING HERE. I TYPICALLY COME TO COMMISSION ISSUES FROM A BUSINESSMAN'S PERSPECTIVE. I BASICALLY WANT OUR ENTERPRISE WHICH WE CALL THE CITY TO RUN AS PROFITABLY AS POSSIBLE BECAUSE I ASSOCIATE PROFIT

WITH SUSTAINABILITY. WE CAN'T HAVE A SUSTAINABLE BUSINESS POLICY OR ENVIRONMENTAL POLICY UNLESS WE ARE RUNNING A SOUND SHIP. AND SO MY CONCERNS ABOUT WATER ARE THAT I'M NOT CONVINCED THAT THIS IS A GOOD BUSINESS DEAL. IN PRACTICE, WHEN I DO A DEAL, I LOOK AT -- BEFORE I SIGN IT, I LOOK TO SEE WOULD I DO THIS DEAL WITHOUT OTHER EXTRANEIOUS FACTORS. IN THIS CASE THIS IS A SETTLEMENT FOR LAWSUITS OR OTHER ACTIONS. IF WE DIDN'T HAVE THOSE LAWSUITS, WOULD WE BUILD A PARTNERSHIP AGREEMENT TO AGREE HOW TO AGREE. SINCE WE HAVEN'T DONE THAT IN THE PAST, I WOULD ARGUE THAT WE WOULDN'T BE DOING THIS NOW UNLESS THERE WERE THESE LAWSUITS AND I WOULD SUGGEST THAT MAYBE A DIFFERENT SETTLEMENT PATH WOULD BE THE RIGHT PATH. CONSIDERING THE SETTLEMENT AGREEMENT IS DONE AND WE ARE WORKING WITH JUST THE SUPPLEMENTAL WATER AGREEMENT, I'VE CHOSEN TO WORK WITH THE RMC TO... TO TURN WHAT I CALL LEMONS INTO LEMONADE TO GET A BROAD AND AGGRESSIVE PROCESS AND I WOULD LIKE TO ENCOURAGE COUNCIL TO -- SO WE CAN KEEP THESE WATER SUPPLY ISSUES WHICH ARE VERY IMPORTANT TO THE HEALTH OF OUR CITY AVAILABLE AND VISIBLE. SO I WOULD IN PARTICULAR LIKE TO THANK STAFF IN THE FORM OF AT LEAST OUTSIDE COUNCIL KEN RAMIREZ AND RUSSELL CROWE FOR THEIR SUPPORT IN HELPING ME AND PROVIDING RMC ALL OF THE ISSUES THAT -- AND INFORMATION WE NEEDED TO HELP THEM CRAFT A DEAL. AND FINALLY, THIS IS A LONG-TERM DEAL. IT'S GOING TO TAKE ON LOT OF SUPPORT. IT ALSO RUNS IN A VERY SLOW FASHION SO I WOULD APPRECIATE STRONG COUNCIL SUPPORT IN MOVING THESE STAKEHOLDER ACTIVITIES FORWARD QUICKLY AND SO THAT WE CAN HAVE A SET -- SET SOME PRECEDENCE HOW THIS DEAL WILL WORK SO WE CAN ENSURE GOOD WATER SUPPLY FOR US FOR THE FUTURE. THANK YOU.

Mayor Wynn: THANK YOU. NEXT SPEAKER IS COLIN CLARK. COLIN SIGNED UP WISHING TO SPEAK IN OPPOSITION. WE'LL NOTE THAT FOR THE RECORD IF HE CAN'T MAKE IT. JENNIFER WALKER, WELCOME. WILL YOU HAVE THREE MINUTES, TO BE FOLLOWED BY SARA BAKER.

GOOD AFTERNOON, MAYOR, COUNCIL. MY NAME IS JENNIFER

WALKER. I'M HERE REPRESENTING THE LONE STAR CHAPTER OF THE SIERRA CLUB. I'VE BEEN RADIO..... REVIEWING THE SUPPLEMENTAL WATER SUPPLY AGREEMENT AND WORKING WITH OTHER ORGANIZATIONS AND WITH LCRA STAFF AND CITY OF AUSTIN STA AND BOARDS AND COMMISSIONS TO I THINK HELP IMPROVE THE DOCUMENT, PROVIDE -- PROVIDE MORE OPPORTUNITY OR CLARIFY THAT THE PUBLIC PARTICIPATION PART OF THE DOCUMENT, AND I JUST WANTED TO LET YOU ALL KNOW THAT THAT HAS BEEN A GOOD PROCESS AND THAT A LOT OF THE THINGS WE'VE ASKED FOR HAVE BEEN ADDED TO THE DOCUMENT AND THAT I'M VERY APPRECIATIVE OF THAT. AND AS FAR AS WATER CONSERVATION GOES, THOSE HAVE BEEN ADDED AS WELL AND THE OTHER THINGS THAT WE WERE INTERESTED IN. SO I JUST WANTED TO LET YOU ALL KNOW THAT WE APPRECIATE THAT. AND THEN THIS IS THE LETTER THAT I JUST GAVE YOU ALL IS -- IS A REQUEST CLARIFYING THAT THE STAKEHOLDER GROUPS MEETINGS BE OPEN TO THE PUBLIC AND PROPERLY NOTICED AND HAVE THE MATERIALS AVAILABLE IN ADVANCE. SO THE PUBLIC CAN BE INVOLVED IN THESE DECISIONS. THAT'S IT. THANKS.

Mayor Wynn: THANK YOU. SARA BAKER HAD SIGNED UP WISHING TO SPEAK. WELCOME, SARA. GINA KEEGAN SIGNED UP NOT WISHING TO SPEAK BUT IN OPPOSITION.

THANKS, SARA BAKER, AND I'M REPRESENTING SAVE OUR SPRINGS ALLIANCE. IT'S SAVE OUR SPRINGS' POSITION THAT THE SUPPLEMENTAL WATER SUPPLY AGREEMENT BEFORE YOU TODAY SHOULD NOT BE APPROVED SO THAT THE JUNE SETTLEMENT AGREEMENT DOESN'T BECOME EFFECTIVE. AND THE CITY CAN UNDERTAKE A THOROUGH AND OPEN PLANNING PROCESS FOR ALL WATER NEEDS THROUGH 2100. ALL OF THE PRESENTATIONS HERE AT THE BOARDS AND COMMISSIONS, THERE HASN'T BEEN A GOOD EXPLANATION OF HOW THE SETTLEMENT OF SIX PERMITTING PERMITTING DISPUTES AT TCEQ RESULTED IN A CONTRACT WITH THE CITY OF AUSTIN TO PARTNER FOR PROVISION OF WATER FOR ALL OF EACH PARTY'S CUSTOMERS FOR THE NEXT 100 YEARS. WE'VE SENT A COUPLE OF LETTERS TO CITY COUNCIL EXPLAINING OUR POSITION ON THIS AND PARTS OF THE CONTRACT THAT COMMIT US TO PARTNERING TO

SERVE ALL OF LCRA'S CUSTOMERS INTO THE FUTURE. SO I THINK YOU UNDERSTAND OUR POSITION ON THAT. AND BASICALLY IT'S THAT THE CITY HAS INTERESTS VERY DIFFERENT THAN THOSE OF LCRA, AND TO GIVE THOSE UP INTO THE FUTURE AS WATER SUPPLY BMENT BECOMES MORE SCARCE CONTRADICTS OUR BEST INTERESTS. WHILE WE'RE NOT PUTTING UP A BUNCH OF CASH THIS TIME FOR OUR WATER SUPPLY, WE MAY BE SACRIFICING OTHER THINGS. THE WATER SUPPLY AGREEMENT SETS UP A DECISION-MAKING PROCESS THAT'S GOING TO TAKE PLACE DECADES INTO THE FUTURE. 2020, 2030, 2040, 2050, SO ON. THE LONGEVITY OF THAT AGREEMENT IS WHAT MAKES INTELLIGENT AND INFORMED PUBLIC PARTICIPATION VERY CRITICAL. THE RESOURCE MANAGEMENT COMMISSION AND THE ENVIRONMENTAL BOARD RECOMMENDED SOME PUBLIC PROCESSES THAT HAVE, I THINK, WILL BE ADOPTED, AND I APPRECIATE THEIR EFFORTS VERY MUCH, ESPECIALLY THE RESOURCE MANAGEMENT COMMISSION. THEY'VE DONE A LOT OF WORK ON THIS TO EVALUATE THE AGREEMENT AND RECOMMEND CHANGES. BUT I DO THINK THAT THE MOST EFFECTIVE WAY TO KEEP THE PUBLIC INFORMED AND ABLE TO PROVIDE INTELLIGENT INPUT WOULD BE TO MAKE THE EXECUTIVE MANAGEMENT COMMITTEE DECISIONS OPEN TO THE PUBLIC AND TO PROVIDE FOR PUBLIC INPUT AT THOSE MEETINGS. I WOULD REMIND THAW THIS AGREEMENT CAME FROM THE CITY AND LCRA NEGOTIATORS WITH NO PROVISIONS FOR PUBLIC INPUT AT ALL. EVERYTHING HAS BEEN ADDED AFTER THE FACT ON REVIEW AND SUGGESTION OF ENVIRONMENTAL GROUPS AND THOSE BOARDS AND COMMISSIONS. OPENING THOSE MEETINGS TO THE PUBLIC WOULD ALLOW INFORMATION TO BE ACQUIRED BY THE PUBLIC AT A TIME WHEN IT CAN BE EFFECTIVE. SETTING UP A SEPARATE STAKEHOLDER PROCESS THAT OCCURS SEPARATING FROM THE DECISION-MAKING PROCESS IS A WEAKER METHOD THAT CONTROLS THE FLOW OF INFORMATION AND TIMING TO THE PUBLIC. IF YOU DO OPEN UP THE STAKEHOLDER PROCESS, I THINK MAKING THOSE ADVERTISE ON BOTH LCRA AND THE CITY OF AUSTIN'S WEBSITES AND OPEN TO ALL OF THE PUBLIC RATHER THAN INVITATION ONLY PROCESS AS WAS PREVIOUSLY SUGGESTED WOULD BE MUCH MORE EFFECTIVE. [BUZZER SOUNDING] THE OTHER CRITICAL

SHORTFALL IS THERE IS NO FIRM COMMITMENTS BY EITHER PARTY TO SPECIFIC WATER CONS..... CONSERVATION GOALS THAT CAN BE MEASURED. EVERYTHING TALKS ABOUT MAKING RECOMMENDATIONS AND THIS IS A TIME WHEN WE HAVE LEVERAGE TO GET SOME SPECIFIC WATER CONSERVATION COMMITMENTS FROM LCRA AND I HOPE YOU WILL UNDERTAKE TO CONTINUE NEGOTIATING ON THESE UNTIL THAT CAN BE ACHIEVED. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MS. BAKER. COUNCIL, THAT'S ALL OF THE FOLKS THAT SIGNED UP WISHING TO GIVE US TESTIMONY ON ITEM NUMBER 10. THE ACTION ITEM REGARDING THE LCRA WATER AGREEMENT. OF COURSE, AS SAID EARLIER, THERE HAS BEEN LOTS OF TESTIMONY GIVEN IN DIFFERENT BOARD AND COMMISSION VENUES UP UNTIL NOW. QUESTIONS, COUNCIL? COMMENTS? QUESTIONS OF STAFF? COUNCILMEMBER KIM.

Kim: MS. HUFFMAN, I HAVE A COUPLE QUESTIONS ABOUT THIS. I THINK SOME OF THE INPUT WE'VE GOTTEN ON PUBLIC PROCESS HAS BEEN CONSTRUCTIVE AND HELPFUL JUST AS MS. BAKER SAID, AND SO I WANTED TO GET TO SOME OF THE POINTS THAT SHE'S RAISED BY ASKING YOU ABOUT THE STAKEHOLDER PROCESS. HOW IS THAT DIFFERENT FROM EXECUTIVE MANAGEMENT COMMITTEE, WHO MAKES UP THAT MANAGEMENT COMMITTEE AND WHAT -- HOW ARE DECISIONS MADE IN FOLLOWUP OF THIS DISAGREEMENT.

THE EXECUTIVE MANAGEMENT COMMITTEE IS REALLY A JOINT STAFF COMMITTEE BETWEEN LCRA AND THE CITY OF AUSTIN. SO IT WILL FUNCTION JUST LIKE ANY STAFF TEAM ON THESE ISSUES. THE STAKEHOLDER COMMITTEE, THAT IS -- WE'RE GOING TO HAVE THAT BE OPEN AND NOT AN APPOINTED COMMITTEE SO THAT AT ANY POINT IN TIME AS WE MOVE THROUGH THESE PROJECTIONS AND WATER SUPPLY DECISIONS, THAT ANYONE WHO IS INTERESTED CAN COME TO THE STAKEHOLDER MEETINGS. AND THAT WILL BE THE -- THAT WILL BE ONE OF THE THREE GROUPS THAT I MENTIONED THAT THE STAFF TEAM WILL BE REQUIRED TO WORK WITH AS WE DEVELOP WATER USE PROJECTIONS FOR THE FUTURE AS WE LOOK TO POTENTIAL RESOURCES FOR WATER FOR THE FUTURE. SO YOU'LL HAVE THE STAKEHOLDER GROUP WHICH WILL BE OPEN MEMBERSHIP,

WILL YOU HAVE BOARDS AND COMMISSIONS WHICH YOU APPOINT, AND A REQUIREMENT FOR YOU ALL TO MEET ANNUALLY TO HEAR FROM THAT EXECUTIVE MANAGEMENT COMMITTEE ABOUT WHAT THEY HAVE ACCOMPLISHED OVER THE COURSE OF THE YEAR EVEN IF THERE IS NOT A PENDING DECISION FOR THE CITY COUNCIL. THE FACT OF THE MATTER IS THAT THE WATER SUPPLY DECISIONS ARE GOING TO BE DECISIONS THAT ARE MADE BY THIS CITY COUNCIL. AND SO THERE WILL BE SOME KEY POINTS IN TIME VERY FAR INTO THE FUTURE WHEN CITY COUNCIL WILL HAVE TO MAKE DECISIONS LIKE ARE WE AT A POINT IN TIME WHEN WE WANT TO CALL ON THIS 250,000-ACRE FEET, AND WHAT PORTION OF THAT 250,000-ACRE FEET DO WE WANT TO CALL ON BECAUSE IT'S NOT AN ALL OR NOTHING CONTRACT. SO WE MIGHT GET TO 2040 AND REALIZE THAT WE NEED 50,000-ACRE FEET OR 100-ACRE FOOT BLOCK OF WATER. THAT IS A DECISION THAT ONLY CITY COUNCIL CAN MAKE. SO BEFORE THE CITY ASKS LCRA FOR ANY OF THIS WATER, I ANTICIPATE THAT WE WILL HAVE WORKED A LONG TIME WITH THE STAKEHOLDER GROUP ON PROJECTIONS, WE WILL HAVE WORKED WITH BOARDS AND COMMISSIONS AND THE CITY COUNCIL ON THE TIMING OF THAT SUPPLY REQUEST. ONCE YOU'VE MADE THAT REQUEST, IT WILL TRIGGER ADDITIONAL STAFF WORK AND ADDITIONAL PUBLIC INPUT ON HOW WE'RE GOING TO FULFILL THAT SUPPLY NEED. AND YOU ARE NOT BOUND TO ONLY BUY THE WATER FROM LCRA. WE'VE PRESERVED OPTIONS FOR THE CITY OF AUSTIN. YOU CAN BUY THE WATER FROM LCRA. YOU CAN PARTNER WITH LCRA OCCULT WAITING NEW WATER IF WATER IS NOT CURRENTLY AVAILABLE AT THAT TIME. AUSTIN HAS THE ABILITY TO GO AND CULTIVATE ITS OWN WATER OR PARTNER WITH A THIRD PARTY. ALL OF THOSE DECISIONS WOULD BE CITY COUNCIL DECISIONS AND I THINK THE WAY WE'RE LOOKING AT IS THE STAKEHOLDER GROUPS AND YOUR BOARDS AND COMMISSIONS WOULD BE SOME OF THE GROUPS THAT WE WOULD WANT IN THE MIX AS WE'RE WORKING THROUGH THOSE DECISIONS TO ADVISE THE CITY COUNCIL.

Kim: WHAT SPECIFICALLY WOULD THE EXECUTIVE MANAGEMENT COMMITTEE BE LOOKING AT? THEIR CLOSED MEETINGS? AND WHAT KIND OF RECOMMENDATION WOULD

BE COME OUT OF THAT?

ONE SPECIFIC THING IS TO COME UP WITH CONSERVATION GOALS AND PROGRAMS. SO AT LEAST IN THE NEXT YEAR I WOULD EXPECT THEM TO HAVE A LOT OF DISCUSSIONS ABOUT CONSERVATION. AND AGAIN, I THINK WHAT'S SIGNIFICANT ABOUT THAT IS THAT THE WHAT YOU WOULD EXPECT STAFF TO DO, DISCUSS THESE ISSUES, COME UP WITH A FRAMEWORK AND WORK WITH INTERESTED STAKEHOLDERS AND BOARDS AND COMMISSIONS ON IDEAS AND RECOMMENDATIONS. SO FROM THAT STANDPOINT I THINK IT WOULD BE VERY REFLECTIVE OF THE TRADITIONAL STAFF, STAKES HOLDER, BOARD AND COMMISSION FRAMEWORK.

Kim: SO ANYTHING THAT COMES OUT OF THOSE MEETINGS WOULD HAVE TO GO THROUGH BOARDS AND COMMISSIONS AS WELL AS THE STAKEHOLDER PROCESS BEFORE IT COMES TO THE COUNCIL FOR A DECISION?

ABSOLUTELY.

Kim: OKAY. ANOTHER THING THAT THERE'S AN INTEREST ON IS LOOKING AT WATER PLANNING AND LONG-TERM WATER PLANNING AS IT AFFECTS GROWTH IN-TOE RON..... -- THE REGIONAL GROWTH. THE IDEA WAS AN IMPACT COMMITTEE. HOW CAN WE USE OUR BOARDS AND COMMISSIONS THAT ARE APPOINTED BY THE COUNCIL TO ACTUALLY LOOK AT NOT JUST WATER QUALITY BUT ALSO GROWTH AS IT RELATES TO WATER INFRASTRUCTURE?

I THINK THAT -- I THINK IT'S PART OF THEIR NATURAL CHARGE, BUT I THINK YOU COULD ALSO ADD IT SPECIFICALLY TO THEIR CHARGE IF YOU WANTED TO DO THAT AND IF YOU WANTED TO REQUIRE BOARDS AND COMMISSIONS TO WORK TOGETHER, YOU COULD ALSO DO IT THAT WAY. BUT THE WAY THAT I SEE THAT ISSUE EVOLVING IS THAT'S REALLY GOING TO HAVE TO DO WITH WHAT OUR DEMAND PROJECTIONS LOOK LIKE, AND I THINK THERE'S A REALLY STRONG RELATIONSHIP BETWEEN THAT AND HOW WE APPROACH CONSERVATION, FOR EXAMPLE. BECAUSE TO THE EXTENT THAT WE CAN CURB OUR DEMAND PROJECTIONS, I WOULD EXPECT BOARDS AND

COMMISSIONS TO BE HEAVILY INVOLVED IN ALL OF THOSE DISCUSSIONS.

Kim: I'M WONDERING IF OTHER STATES, DO THEY HAVE REGIONAL PLANNING AUTHORITIES THAT DON'T LOOK AT JUST ROADS AND JUST WATER BUT LOOK AT ALL OF THE INFRASTRUCTURE TOGETHER, THE UTILITIES, AS WELL AS THE ROADS? BECAUSE WE HAVE CAMPO, WHICH SOME OF US ARE ON, BUT WE ONLY LOOK AT INFRASTRUCTURE THAT HAS TO DO WITH ROADS. WE DON'T LOOK AT RAIL NECESSARILY, WE DON'T LOOK AT WATER. BUT ARE THERE OTHER PLANNING ENTITIES THAT LOOK AT ALL OF THAT AND PLAN ACCORDINGLY, PLAN ALL THAT TOGETHER?

ARE YOU ASKING ARE THERE OTHER PARTS OF THE COUNTRY WHERE THAT IS WITHIN ONE GOVERNMENT STRUCTURE?

Kim: RIGHT.

YOU MIGHT FIND SOME AREAS WHERE YOU'VE GOT REGIONAL COUNTY GOVERNMENT WHERE MANY OF THOSE FUNCTIONS ARE HOUSE UNDERSTAND ONE LOCAL GOVERNMENT UNIT, BUT AROUND THE COUNTRY WHAT YOU WILL FIND IS MANY OF THOSE FUNCTION ARE DISPERSED ALONG LOCAL GOVERNMENTS. AND SO WHAT IT REQUIRES IS IT REQUIRES PEOPLE TO WORK TOGETHER. AND FRANKLY, EVEN IN TEXAS WATER IS NOT ALWAYS SUPPLIED BY CITIES. SO FREQUENTLY -- AND I'M NOT JUST TALKING ABOUT THE RAW WATER, I'M TALKING ABOUT THE DISTRIBUTION OF WATER. SO YOU'VE GOT MUNICIPAL UTILITY DISTRICTS, WATER CONTROL AND IMPROVEMENT DISTRICTS, YOU'VE GOT A NUMBER OF DIFFERENT LOCAL GOVERNMENT STRUCTURES THAT ARE IN THE MIX ON INFRASTRUCTURE. AND THAT IS PRETTY COMMON THROUGHOUT THE COUNTRY, ALTHOUGH THERE ARE PROBABLY SOME AREAS WITH VERY STRONG REGIONAL GOVERNMENTS WHERE THERE ARE FEWER LOCAL GOVERNMENTS INVOLVED.

Kim: THANK YOU.

Mayor Wynn: FURTHER QUESTIONS OF STAFF? COMMENTS?

MOTIONS? WE WERE POSTED TECHNICALLY TO AUTHORIZE THE CITY MANAGER TO EXECUTE THIS LONG-TERM WATER SUPPLY BETWEEN THE CITY AND THE LCRA. FURTHER COMMENTS? MOTION MADE BY COUNCILMEMBER McCRACKEN, SECONDED BY COUNCILMEMBER COLE TO APPROVE THIS ITEM AS POSTED AND PRESENTED BY STAFF. I'LL JUST SAY I COMMEND THE STAFF, LOTS OF HARD WORK, LENGTHY, YOU KNOW, COMPLICATED ISSUE THAT WE REALLY APPRECIATE AND COMMEND THE BOARD AND COMMISSION PROCESS WHEREBY WE'VE I THINK APPROPRIATELY ALLOWED A NUMBER OF DIFFERENT PERSPECTIVES TO HELP US ANALYZE WHAT IS A VERY IMPORTANT LONG-TERM SUPPLY AGREEMENT. COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: QUESTION FOR MS. HUFFMAN. I GUESS THE QUESTION IS THERE'S BEEN SOME DISCUSSION OF ALL THE RECOMMENDATIONS OF THE ENVIRONMENTAL BOARD AND THE RESOURCE MANAGEMENT COMMISSION. MY UNDERSTANDING IS ALL OF THAT IS NOW INCLUDED IN THE AGREEMENT. IS THAT CORRECT?

WITH ONE EXCEPTION. WE DON'T EXPLICITLY HAVE IN THE AGREEMENT RIGHT NOW THE REQUIREMENT FOR THE STAKEHOLDER MEETINGS TO BE PUBLICLYLY NOTICED AND TO HAVE A REQUIREMENT TO HAVE CITIZEN COMMUNICATIONS DURING EACH OF THOSE MEETINGS. SO YOU MIGHT WANT TO ADD THAT.

Leffingwell: I WILL DO THAT RIGHT NOW, WITH THE PERMISSION OF THE MAKER, I WOULD LIKE TO OFFER A FRIENDLY AMENDMENT, AND IT WOULD BE ITEM 1, THE STAKEHOLDER MEETINGS, SECTION 4-1, SUPPLEMENTAL WATER SUPPLY AGREEMENT SHOULD BE PUBLICLY NOTICED IN ADVANCE THROUGH EACH ENTITY'S WEBSITE, THAT IS, THE LCRA AND THE CITY OF AUSTIN, WITH AGENDAS AND SUPPORTING DOCUMENTATION PROVIDED IN ADVANCE TO THE PUBLIC. ITEM 2, A SPECIFIC ITEM SHOULD SET ON EACH AGENDA TO RECEIVE PU PUBLIC COMMENT. PUBLIC COMMENT SHOULD BE HEARD BEFORE ANY DECISIONS ARE MADE. AND THEN THE STATEMENT THAT STAKEHOLDER GROUP SHOULD BE COMPRISED OF A BALANCED AND DIVERSE GROUP OF ORGANIZATIONS AND INDIVIDUALS IN

THE PARTY'S WATER SUPPLY DISCUSSIONS. AND I BELIEVE THIS HAS BEEN PRE VETTED AND IS SATISFACTORY TO BOTH PARTIES AND I HAVE IT IN WRITING IF THE MAKER AND SECOND ANTICIPATE.

Mayor Wynn: AMENDMENT ACCEPTED AS FRIENDLY. WE HAVE AN AMENDED MOTION AND SECOND ON THE TABLE TO APPROVE ITEM 10 AS PRESENTED AND AMENDED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM OFF THE DAIS. THANK YOU ALL VERY MUCH. SO COUNCIL, WITH THAT POTENTIAL ACTION ITEMS POSTED UNTIL 2:00 P.M. WHERE WE TAKE UP BOND SALES AND BRIEFINGS, WE'LL NOW GO BACK INTO EXECUTIVE SESSION. PURSUANT TO SECTION 551.071, WE MAY TAKE UP ITEM 75, LEGAL ISSUES REGARDING THE SEARCH FOR NEW CITY MANAGER. WE DEFINITELY WILL TAKE UP PURSUANT TO SECTION 551.072 REAL ESTATE MATTERS, ITEM 77, ACQUISITION OF OPEN SPACE, ITEM 78, ACQUISITION OF PARK LAND. AND WE MAY DISCUSS THE SEARCH FOR A NEW CITY MANAGER, TAKE UP PERSONNEL MATTERS, ITEM 74, PURSUANT TO SECTION 551.074. WE'RE NOW IN CLOSED SESSION. I ANTICIPATE US COMING BACK SOMETIME AFTER 2:00 P.M. THANK YOU. REQUESTING THAT WE POSTPONE THE 2:00 SMART HOUSING PUBLIC HEARING AND -- UNTIL NOVEMBER 29th, 2007 AT 6:00 P.M. THAT BEING OUR POSTED PUBLIC HEARING NUMBER 83. SO I WOULD ENTERTAIN THAT MOTION AT THIS TIME.

SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCracken, SECONDED BY COUNCILMEMBER COLE TO POSTPONE ITEM NO. 83, THE SMART HOUSE BEING PUBLIC HEARING -- SMART HOUSING PUBLIC HEARING TO NOVEMBER 29th AT 6:00 P.M. ALL IN FAVOR SAY AYE?

Wynn: OPPOSED? MOTION TO POSTPONE PASSED ON A VOTE OF 7-0. COUNCIL, EARLIER IN CLOSED SESSION WE TOOK UP A REAL ESTATE MATTER. WE HAVE POSTED ACTION THAT BEING ITEM NO. 79. I WOULD APPRECIATE A BRIEF STAFF PRESENTATION BY MS. JENNY PLUMBER. [INAUDIBLE - NO

MIC]

79 IS THE PURCHASE OF PARKLAND THAT PURCHASE IS .441 OF AN ACRE FOR 475,000. THIS SITE IS LOCATED AT 2806 TO 3,000 DEL KURTO, YOUR SELLER IS CRV LAMAR MANCHACA A LIMITED PARTNERSHIP BY CYPRESS, VDPRIET AS THEIR GENERAL PARTNER. ALSO AS A PART OF THIS TRANSACTION THERE WILL BE PARKLAND DEDICATION IN THE AMOUNT OF 1.6 ACRES, YOU WILL HAVE A LITTLE BIT MORE THAN TWO ACRES AS A PART OF THIS TRANSACTION WHEN IT CLOSES. THE PURCHASE PRICE IS 475,000 AND THAT'S THE CURRENT FAIR MARKET APPRAISED VALUE.

Mayor Wynn: THANK YOU, MS. PLUMBER. QUESTIONS FOR STAFF, COUNCIL, COMMENTS? I BELIEVE WE HAVE A RESOLUTION FOR 79 HERE IN FRONT OF US. I WOULD ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER MCCracken, SECONDED BY THE MAYOR PRO TEM TO APPROVE THIS ITEM, ITEM NO. 79, REGARDING PARKLAND ACQUISITION AS PRESENTED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU.

THANK YOU, MS. PLUMBER. COUNCIL, THAT TAKE US TO OUR DISCUSSION AND POSSIBLE ACTION ON BOND SALES. OUR -- I SEE OUR CONSULTANTS AND STAFF IN THE ROOM. APPRECIATE A STAFF PRESENTATION ON ITEMS 08 OR 8 -- 80 OR 81. I'M BILL NEWMAN, THE CITY'S FINANCIAL ADVISOR, GOING TO TALK TO YOU ABOUT ITEM NO. 08 AND 81. CHRIS ALLEN IS GIVING OUTLET BOOKS REGARDING THE SALE. WHILE HE'S DOING THAT I WILL MENTION TAKE OUT A COMMERCIAL PAPER IS WATER AND WASTEWATER UTILITY OUTSTANDING, APPROXIMATELY 135 MILLION, THE PLAYERS ARE ON PAGE THREE OF THE THE BOOK. THIS IS A COMPETITIVE SALE OUT IN THE OPEN MARKET AGAIN. DIDN'T USE AN UNDERWRITING. MR. [INDISCERNIBLE] IS HERE SOMEWHERE, YOUR BOND ATTORNEY FROM FULBRIGHT

AND JAWORSKI, WE WILL TALK IN A MINUTE ABOUT THE ULTIMATE PURCHASER. ON PAGE FOUR A BRIEF UPDATE. THE BOND MARKET WAS UNCHANGED. IF YOU HAVE SEEN THE STOCK MARKET LATELY IT WILL GIVE YOU HEART FAILURE. DOWN AGAIN TODAY. MUNICIPAL MARKET UNCHANGED, ACTUALLY VISIBLE SUPPLY DOWN SOME, UNUSUAL ON A MARKET LIKE THIS. USUALLY WHEN YOU SEE STOCK MARKETS DROP AS THIS ONE HAS, YOU WILL SEE A FLIGHT TO QUALITY AND SEE MORE MOVEMENT INTO THE MUNICIPAL BOND MARKET. PAGE 5, WE ALWAYS SHOW A COMPARISON OF THE REVENUE BOND BUYERS INDEX AS COMPARED TO THE 30 YEAR TREASURY. IF YOU WILL NOTE ON THE FAR RIGHT-HAND SIDE OF THAT PAGE, YOU WILL SEE THAT THE R.B.I. IS A LITTLE HIGHER THAN TREASURERY. VERY UNHEARD OF. CLOSE IN DECEMBER OF '06, EXTREMELY UNUSUAL. A REFLECTION OF THE TYPE OF ECONOMY THAT WE ARE IN. ON PAGE SIX A VERY LOW VOLUME DAY FOR THE STATE OF TEXAS IN TERMS OF THE COMPETITIVE BOND SALES, AUSTIN WAS NOT THE BIGGEST, BUT CERTAINLY ONE. LARGEST IN THE MARKET IN TEXAS. NUMBER 7 GIVES YOU AN IDEA OF OUR MATURITY. IT WAS 475. TO TALK ABOUT THAT JUST A LITTLE BIT, IF YOU WILL TURN TO PAGE 8, THAT'S REALLY WHERE THE CRUX OF THIS SALE IS. 475 WAS THE LOWEST BID FROM MORGAN STANLEY, HIGHEST FROM JAMES, 486. ONLY NINE BETWEEN HIGH AND LOW, WHICH REPRESENTS A GOOD, CLOSE INDICATION ON WHERE THE MARKET IS. WE GOT A TOTAL OF 12 BIDS. YOU'VE HEARD ME SAY BEFORE THAT WE HAVE GOTTEN A LOT A GOOD BIDS. WE HAVE NEVER GOTTEN 12, NEVER THIS MANY. IN THIS KIND OF A MARKET, THIS IS A VERY GOOD INDICATION OF THE TYPE OF CREDIT THAT WE ARE SELLING, THE GOOD CREDIT THAT THE CITY OF AUSTIN'S NAME CARRIES OUTS INTO THE MARKET AND A DEMAND FOR A GOOD CREDIT LIKE THIS. AS YOU KNOW, WE SELL THESE BONDS WITH BOND INSURANCE. YOU MAY NOT KNOW THAT THE BOND INSURANCE COMMUNITY HAS REALLY SUFFERED A LOT OF STRIVE LATELY. BOND INSURERS DON'T ONLY INVESTMENT IN MUNICIPALITIES, BUT THEY ALSO INVEST IN MORTGAGES AND LOANS. YOU KNOW THE REST OF THAT STORY. SOME OF THE LEADERS IF YOU WOULD IN THE HERDING COMMUNITY ARE FGIC AND BACK AND THE LIKE. MBIA AND FSA AND EXCEL THE INSURANCE COMPANY

THAT WE USE IS FARING VERY WELL. BUT THERE'S A BIG FLUX THERE. WHAT THAT WILL DO IS WHERE YOU ARE AN O OR DOUBLE A RATED CREDIT. AT ONE POINT IN TIME THERE WAS A 20 POINT BASIS SPREAD BETWEEN TRIPLE AND DOUBLE A. THAT SPREAD WILL CLOSE NOW SINCE YOU DON'T HAVE MUCH ACCESS TO INSURANCE. MY POINT IS THE FACT THAT YOU ARE A GOOD, STRONG UNDERLYING CREDIT WILL MAKE YOU SELL BETTER AND THERE WILL BE MORE INTEREST IN YOU AS A CREDIT. THAT'S WHY YOU HAVE MORE INTEREST TODAY. WE OF COURSE RECOMMEND THAT YOU ACCEPT THE SALE WITH MORGAN STANLEY BEING THE SUCCESSFUL BIDDER. BUT I SHOULD SAY, MAYOR, THAT THIS SALE DID COMPLY WITH THE CITY'S POLICIES AND PROCEDURES AND I WOULD LIKE TO GIVE DUE CREDIT AS ALWAYS TO THE STAFF FOR THEIR HARD WORK, PARTICULARLY [INDISCERNIBLE] AND DAVID ANDREWS. SO WITH THAT I WOULD ASK IF THERE ARE ANY QUESTIONS IF YOU HAVE ANY.

THANK YOU. QUESTIONS OF MR. NEW MAN, COUNCIL? COMMENTS? IF NOT I CAN ENTERTAIN A MOTION ON THIS ITEM NO. 80. MOTION BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER COLE TO APPROVE THIS ITEM AS POSTED, THIS WATER AND WASTEWATER REVENUE SYSTEM REFUNDING BOND SERIES 2007, FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU, MAYOR AND COUNCIL. THE NEXT ITEM IS NUMBER 81, ON THAT \$250 MILLION TRANSACTION, NOT ONE THAT WE ARE BRINGING YOU TO YOU TODAY. PARAMETER SALE, SEEKING THE COUNCIL APPROVE TO MOVE FORWARD. WHEN THE MARKET IS RIGHT, SO THAT IS ALL THAT'S ABOUT.

REMINDE US WHAT THIS IS THEN IS ALSO -- ALSO -- ACKNOWLEDGING THE EXISTING FINANCIAL POLICIES WE HAVE WITHIN THE CITY. THAT IS --

THIS SALE, WHEN I MENTIONED IT WAS A PARAMETER SALE THAT LITERALLY MEANS THAT IT HAS TO FOLLOW THE

PARAMETER OF THE CITY'S OUTSTANDING FINANCIAL POLICIES, ASSUMING THAT IT'S WITHIN THOSE PARAMETERS WITHIN THE SAVINGS RANGE THAT WE HAVE TO HAVE TO PERFORM A SALE, THEN YES WE WILL PULL THE TRIGGER ON IT AND DO THE DEAL, THAT'S EXACTLY RIGHT.

Mayor Wynn: QUESTIONS, COUNCIL? COMMENTS? IF NOT I WILL ENTERTAIN A MOTION ON THIS ORDINANCE NUMBER 81 AUTHORIZING THIS PARAMETER POTENTIAL SALE. MOTION BY COUNCILMEMBER LEFFINGWELL. SECONDED BY THE MAYOR PRO TEM TO APPROVE THIS ITEM NO. 81 AS PRESENTED BY MR. NEWMAN. FURTHER COMMENTS.

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

AYE.

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

THANK YOU AGAIN, MAYOR AND COUNCIL. AGAIN CONGRATULATIONS ON A GREAT SALE.

THANK YOU, MR. NEWMAN. FOR ALL YOUR WORK AND YOUR TEAM. COUNCIL, THAT TAKE US TO OUR 2:00 BRIEFING. TODAY IS A PRESENTATION BY OUR DESIGN COMMISSION. REGARDING THE DENSITY BONUS REPORT. SEVERAL OF OUR TEAM MEMBERS AND COMMISSIONS HERE.

MY NAME IS ERICA LEAK IN THE PLANNING AND ZONING DEPARTMENT AS WELL AS THE LIAISON TO THE DESIGN COMMISSION. AS YOU MAY REMEMBER IN SEPTEMBER OF 2006 COWBOY 2006 COUNCIL DIRECTED THE DESIGN COMMISSION TO PROVIDE RECOMMENDATIONS FOR A DENSITY BONUS PROGRAM THAT WOULD ALLOW GREATER DENSITY IN EXCHANGE FOR COMMUNITY BENEFITS SUCH AS AFFORDABLE HOUSING, PUBLIC ART, OPEN SPACE, ET CETERA. COUNCIL ALSO DIRECTED THE DESIGN COMMISSION TO BRING TOGETHER EFFORTS OF VARIOUS GROUPS ON DENSITY BONUS ISSUES, INCLUDING AFFORDABLE HOUSING, ADVOCATES AND OTHERS. THE DESIGN COMMISSION ON THAT DIRECTIVE FORMED A TASK FORCE, UNDERTOOK EXPENSIVE RESEARCH AND SOUGHT INPUT FROM STAKEHOLDERS TO CRAFT INTERIM

RECOMMENDATIONS. GO DOWN TWO SLIDES. THEY SOUGHT INPUT FROM DOWNTOWN PLANNING CONSULTANTS. ANOTHER ONE. ONE MORE. YEAH. OH, I THINK YOU WENT BACK. ANYWAY, THEY SOUGHT INPUT FROM DOWNTOWN PLANNING CONSULTANTS, CITY STAFF, INCLUDING PLANNING STAFF, INTERESTED STAKEHOLDERS, COMMUNITY LEADERS AND NUMEROUS BOARDS AND COMMISSIONS AND THEY USED THIS INPUT TO DRAFT THEIR INTERIM RECOMMENDATIONS, WHICH THEY TOOK TO 11 BOARDS AND COMMISSIONS AND OTHER INTERESTED GROUPS. AT THAT POINT THEY MODIFIED THOSE INTERIM RECOMMENDATIONS BASED ON THAT INPUT AND ON SEPTEMBER 10th OF THIS YEAR, THEY -- THE DESIGN COMMISSION UNANIMOUSLY APPROVED THE FINAL RECOMMENDATIONS FOR THEIR DENSITY BONUS PROPOSED PROGRAM. NOW I WOULD LIKE TO INTRODUCE ELEANOR McKINNEY, THE CHAIR OF THE DESIGN COMMISSION AND THE CHAIR OF THE DENSITY BONUS TASK FORCE TO PRESENT TO YOU THEIR RECOMMENDATIONS.

THANK YOU, WELCOME, MS. McKINNEY.

THANK YOU, MAYOR, MEMBERS OF THE CITY COUNCIL. THIS IS A -- THIS IS A WONDERFUL DAY FOR US TO COME BACK AFTER YOUR CHARGE TO US ABOUT A LITTLE OVER A YEAR AGO TO LOOK INTO A DENSITY BONUS PROGRAM. WE APPRECIATE THE TRUST THAT YOU HAVE PLACED IN THE DENSITY BONUS TASK FORCE TO DO THAT RESEARCH. WE ALSO WANT TO LET'S SEE GIVE THE DENSITY BONUS TASK FORCE MEMBERS HERE, TWO OF WHICH ARE SITTING HERE, GERARD KINNEY ARCHITECT AND PHIL REED AND ACTUALLY HOLLY KINCANNON SITTING BACK THERE. A COUPLE OF MEMBERS NOT ABLE TO BE HERE TODAY, ONE IS DEVELOPER PERRY LORENZ, ALSO JENNY WIGGINGTON. IN YOUR BACKUP YOU WILL FIND A LETTER FROM PERRY, I WANTED TO HIGHLIGHT A FEW OF THOSE ITEMS THAT HE HAD IN HIS LETTER BECAUSE IT WAS SO IMPORTANT TO US TO HAVE A DEVELOPER ON OUR COMMITTEE TO GET HIS PERSPECTIVE OF EVERYTHING THAT WE -- THAT WE THOUGHT OF. HAVE IT BE BALANCED, I THINK THAT'S THE MAIN THING.

I WILL READ THIS LETTER. I MAINLY WANT TO MAKE IT CLEAR

THAT THIS ENTIRE NOTION OF A DENSITY BONUS PROCESS IS NOT A BOLD NEW PROPOSAL. A DENSITY BONUS PROGRAM WILL MERELY FORMALIZE THE PROCESSES THAT ARE ALREADY IN PLACE. MAKE IT UNDERSTANDABLE AND EQUITABLE AND MORE READILY ENSURE THAT DEVELOPERS PROVIDE BENEFITS IN KEEPING COMMUNITY GOALS AND VALUES. BECAUSE OF LEGAL ISSUES, WE BELIEVE THAT SUCH A PROGRAM IS ADOPTED IT WILL HAVE TO BE AN INCENTIVE BASED VOLUNTARY PROGRAM. WE LEAVE IT TO THE DOWNTOWN PLANNING TEAM AND STAFF TO OFFER THEIR INSIGHTS INTO THE FINANCIAL FEASIBILITY OF ADOPTING SUCH A PROCESS. THE ROLE OF THE TASK FORCE IS TO LOOK INTO HOW THE PROCESS WORKED IN OTHER CITIES, TO LAY THE ISSUE ON THE TABLE FOR YOUR CONSIDERATION. SINCERELY, PERRY LORENZ. OKAY. WE'LL GET INTO THE PRESENTATION. I JUST CAME BACK FROM A CONFERENCE IN SAN FRANCISCO ON -- ON GREEN BUILDING AND SUSTAINABILITY. AND ONE OF THE EQUATIONS THAT THEY HAD THAT REALLY STRUCK ME WAS THIS. IT WAS DENSITY PLUS LIVABILITY EQUALS SUSTAINABILITY. AND WE HAVE BEEN TALKING ABOUT DENSITY AND INCREASING DOWNTOWN TO 25,000 RESIDENTS, WE HAVE BEEN TALKING ABOUT SUSTAINABILITY WITH CLIMATE PROTECTION PLAN AND OTHER PROJECTS. WE BELIEVE THAT THE DENSITY BONUS PROGRAM IS THE LIVABILITY COMPONENT -- LIVABILITY PART OF THIS EQUATION. SO JUST KIND OF TAKING A LOOK AT IT ALTOGETHER. YOU CAN'T HAVE ONE WITHOUT THE OTHER. THIS IS THE LIVABILITY PART. WE DID RESEARCH VARIOUS DEVELOPMENT INCENTIVES, SUCH AS FEE IN LIEU OF, TRANSFER TO DEVELOPMENT RIGHTS, DEVELOPER AGREEMENTS. WE ALSO LOOKED AT AUSTIN'S CURRENT INCENTIVES PROGRAM, VERTICAL MIXED USE, UNIVERSITY NEIGHBORHOOD OVERLAY, ET CETERA. THEN WE WENT TO OTHER CITIES. WE LOOKED AT PORTLAND, VANCOUVER, SEATTLE, SAN DIEGO, ATLANTA AND BOSTON AND THEN FINALLY AS YOU KNOW A FEW OF US, GER RAD KINNEY AND HOLLY AND MYSELF WENT TO PORTLAND, MET WITH THE SENIOR PLANNERS AND DID ONSITE VISITS. WE DID SOME PRETTY THOROUGH RESEARCH INTO THIS. FROM THIS WE CAME UP WITH A PROGRAM OF COMMUNITY BENEFITS THAT -- THAT WE FOUND THAT WERE IN MANY PROGRAMS ACROSS THE COUNTRY, AS WELL AS REACHING

DOWN INTO OUR COMMUNITY AND FINDING OUT WHAT -- WHAT DIFFERENT PARTS OF OUR COMMUNITY THOUGHT WOULD BE IMPORTANT TO BE IN THE PROGRAM. SO I'M GOING TO JUST READ THOSE RIGHT HERE, AFFORDABLE WORKFORCE HOUSING, CHILD AND ELDER CARE, OPEN SPACE, PEDESTRIAN CONNECTIVITY. TRANSIT, GREEN BUILDING, HISTORIC PRESERVATION, SAVING OF VALUABLE COMMUNITY FEATURES, SPACE FOR NON-PROFITS, PUBLIC ART, CULTURAL FACILITIES AND LIVE MUSIC VENUES AND SOUND MITIGATION. NOW, AGAIN SOME OF THESE CAME FORWARD SUCH AS THE CHILD AND ELDER CARE AND LIVE MUSIC VENUES AS WE WENT AROUND TO BOARDS AND COMMISSIONS, WE REALLY DID GET THEIR FEEDBACK AND BRING IT TOGETHER. SO WHAT I'M GOING TO GO OVER THE BASIC RECOMMENDATIONS HERE. THE FIRST ONE IS TO SET BASELINE REQUIREMENTS FOR PARTICIPATION IN A DENSITY BONUS PROGRAM. SO THAT IF A DEVELOPER WANTS TO PARTICIPATE IN THIS PROGRAM, THEY WOULD JUST AT THE STARTING GATE PROVIDE SOME AFFORDABLE AND WORKFORCE HOUSING, COMPLIANCE FOR THE DOWNTOWN GUIDELINES AND IMPLEMENTATION OF GREAT STREETS ON THE STREET FRONTAGES. FROM THAT, THERE MAY BE OTHER -- OTHER BENEFITS THAT COULD BE GAINED. FROM -- FROM OTHER PARTS OF THE PROGRAM. SO THE NEXT RECOMMENDATION IS MAINTAINING EXISTING FARs. THE ONE THING THAT THE PORTLAND STAFF AND DEVELOPERS AND ARCHITECTS SAID TO US IN PORTLAND, IF YOU CAN LEAVE THE FARs WHERE THEY ARE. THAT IS YOUR NEGOTIATING TOOL FOR ANYTHING YOU WANT ABOVE THAT. TO GAIN COMMUNITY BENEFIT. IT WAS AMAZING. WE HEARD FROM THEM ALL DAY LONG, ONE STAFF MEMBER SAID THIS IS YOUR BOTTOM LINE. WE ARE BRINGING THAT TO YOU AS PARTS OF OUR PROGRAM. THE SECOND ONE TO DEFINE GOALS BY AREA. A LOT OF TIMES PEOPLE LOOK AT DOWNTOWN AS ONE LARGE AREA. WITHIN IT MIGHT BE DIFFERENT AREAS WITH DIFFERENT GOALS. FOR INSTANCE IF A PROJECT WAS NEAR LEANDRO BARBOSA LAKE OR WALLER AND -- LADYBIRD LAKE OR WALLER AND SHOAL CREEK, THERE MAY BE IDEAS THAT COME FORWARD, COMMUNITY GOALS THAT MAY BE APPROPRIATE FOR DENSITY BONUS TO HAPPEN IN THOSE AREAS, THAT'S WHAT WE'RE RECOMMENDING. NEXT RECOMMENDATION IS TO

MINIMIZE VISIBLE PARKING TO PROVIDE INCENTIVES TO WRAP PARKING WITH OCCUPIED SPACE OR LOCATE IT UNDERGROUND. WITHIN THE PROGRAM POSSIBLY WE COULD REDEFINE THAT FAR TO INCLUDE THE -- THE ABOVE GROUND STRUCTURED PARKING UNLESS -- WITH OCCUPIED SPACE. BY THE WAY, WHEN WE GET FINISHED WITH THIS PRESENTATION, GERARD AND PHIL ARE GOING TO BE HERE TO ANSWER ANY SPECIFIC QUESTIONS THAT YOU MIGHT HAVE ABOUT ANY OF THESE. THE NEXT RECOMMENDATION IS SPACE FOR COMMUNITY USES WHICH MIGHT BE EXEMPTING FROM FAR THE SQUARE FOOTAGE FOR USE AND UNBIASED COMMUNITY VALUES. THIS MIGHT BE SIMILAR TO ACL AT BLOCK 21. COULD BE HISTORIC PRESERVATION, SPACE FOR NON-PROFIT. THE NEXT IS TO CREATE A TRANSFER OF DEVELOPMENT RIGHTS PROGRAM IN WHICH THE CITY OR PRIVATE ENTITY COULD ACQUIRE AND HOLD UNUSED DEVELOPMENT RIGHTS AND THEN OTHER OTHER DEVELOPERS MIGHT BE ABLE TO PURCHASE THOSE RIGHTS. YOU COULD TRANSFER FROM OTHER AREAS. THEY FOUND THIS TO BE GOOD IN PORTLAND TO SAVE OPEN SPACE THROUGH TRANSFER DEVELOPMENT RIGHTS. WE WERE ABLE TO SEE THAT IN ACTION. ALSO THE USE OF DEVELOPER AGREEMENTS. THEY USED THE AGREEMENTS TO DEFINE THE DENSITY BONUS OR TRANSFER DEVELOPMENT RIGHTS. ALL THERE WRITTEN DOWN BEFORE THEY EVER CAME TO YOU FOR APPROVAL OF THEIR ZONING CASE, FOR INSTANCE. AND THE -- THE WE ABOUT TALK TO CAPITAL METRO. THEY WERE INTERESTING IN USING DENSITY BONUSES TO FUND TRANSIT. ESPECIALLY PERHAPS IF IT WAS WITHIN A THOUSAND FEET OF A TRANSIT STOP. SO THAT WAS ONE OF THEIR IDEAS THAT WE BROUGHT FORWARD. ALSO ENCOURAGE TRANSIT USE BY USING PARKING REQUIREMENTS, PROVIDING SPACES FOR CAR POOL PARKING AND UNLINKING PARKING SPACES FROM RESIDENTIAL USES, SO THAT -- IF SOMEBODY JUST WANTED TO USE TRANSIT, PERHAPS THEY COULD AND THEREFORE THEIR WHOLE LEASE OR PURCHASE COULD BE LESS. OTHER PLANNING TOOLS THAT WE LEARNED ABOUT IN SOME -- SOME OF YOU ALREADY STARTED TO WORK ON WOULD BE TO COORDINATE DEVELOPMENT WITH TRANSIT. TO CREATE A DIGITAL 3 D MONITORING PROGRAM FOR PROJECT REVIEW, THAT WOULD BE FOR ANY BOARD AND

COMMISSION. AND ALSO TO DEVELOP AN ECONOMIC FEASIBILITY MODEL FOR A PROGRAM THAT WOULD NOT DETER DENSE DEVELOPMENT. AS WE HAVE BEEN RESEARCHING, THERE'S ALL KINDS OF DOLLARS PER SQUARE FOOT IN DIFFERENT CITIES, BUT THEY HAVE DIFFERENT FINANCIAL MODELS THAN WE DO. WE NEED TO BE ABLE TO FIND OUT WHAT WORKS HERE THAT WILL NOT DETER DENSE DEVELOPMENT. REVIEW OF BUILDING HEIGHTS AND MASSING, TO PROTECT OPEN SPACE AS FAR AS PRESERVATION TO OPEN AND BUFFER NEIGHBORHOOD EDGES. SOME OF THESE ARE ALREADY IN THE WORKS, WE APPRECIATE THAT HAPPENING. CREATE COMPREHENSIVE PARKING. DEVELOP URBAN OPEN SPACE MASTER PLAN. LOOK AT THE GREEN INFRASTRUCTURE THE LIVABILITY OF THE CITY IN WHICH THESE DIFFERENT PROJECTS ARE BEING PLACED. HOW DOES THAT TIE INTO INTERCONNECTED OPEN SPACE MASTER PLAN. AND THEN FINALLY TO CONSIDER THE USE OF SYSTEM DEVELOPMENT CHARGES TO RECOVER THE COST OF BASIC SERVICES. THIS IS SIMILAR TO YOUR PARKLAND DEDICATION FEES THAT WE PASSED, THAT YOU PASSED EARLIER. BUT THEY ALSO USE IT FOR -- FOR SOLID WASTE SERVICES FEES, OTHER INFRASTRUCTURE FEES. SO THEY ARE LOOKING AT THE FACT THAT INCREASED DENSITY IS JUST ADDING WEIGHT TO THE EXISTING SERVICES. BESIDES CREATING NEW ITEMS FOR COMMUNITY BENEFITS. SO YOU MIGHT TAKE A LOOK AT THAT AS YOU GO FORWARD. SO THE LAST QUESTION IS WHERE DO WE GO FROM HERE? I'M GOING TO TURN IT OVER TO GERARD KINNEY.

THANK YOU MS. McKINNEY, WELCOME, GERARD. [INAUDIBLE - NO MIC]

FIRST, IF YOU HAVE ANY SPECIFIC QUESTIONS, I GUESS WE PROBABLY SHOULD ADDRESS THEM. IF NOT YET LET ME SAY SEVERAL THINGS. BEFORE I -- BEFORE I ACTUALLY MAKE SOME SPECIFIC SUGGESTIONS TO YOU ABOUT EXACTLY WHERE WE THINK YOU SHOULD GO FROM HERE, I WANT TO PERSONALLY THANK ELEANOR McKINNEY. SHE WAS GIVING US ALL OF THE CREDIT. BUT ELEANOR FOR THE LAST TWO YEARS HAS BEEN THE CHAIR OF THE DESIGN COMMISSION AND I'M CHAIR ELECT, PHIL IS THE VICE CHAIR ELECT, SO WE WILL BE CARRYING IT FORWARD NEXT YEAR. ELEANOR IS STILL ON THE COMMISSION, SHE WILL STAY INVOLVED IN

THE DENSITY BONUS TASK FORCE AS IT GOES FORWARD BUT SHE'S BEEN A FANTASTIC LEADER AND MOTIVATING FOR ALL OF US. THANK YOU, ELEANOR. WHAT WE THINK IS -- -- YOU'VE HEARD THE RECOMMENDATIONS, IN FACT YOU EVEN GAVE US THE SUGGESTION, I THINK THAT THE DOWNTOWN PLAN WILL HAVE A ROLE IN IMPLEMENTING THE DENSITY BONUS PROGRAM. WE THINK THAT'S APPROPRIATE THAT THEY HAVE A ROLE. WE ALSO THINK THAT IT'S GOING TO TAKE A WHILE FOR THE DOWNTOWN PLAN TO UNFOLD. -- OWE.... OUR RECOMMENDATION IS ACTUALLY THAT YOU ASK STAFF TO -- TO -- THAT YOU SET THIS ITEM FOR ACTION, YOU ARE NOT POSTED FOR ACTION TODAY. THAT YOU POST IT FOR ACTION AND AT THAT TIME DIRECT STAFF -- AT THAT TIME ADOPT THESE RECOMMENDATIONS AND DIRECT STAFF TO IMPLEMENT THEM. WHICH WILL CAUSE STAFF, OF COURSE, TO RELY TO -- TO SOME EXTENT -- ON THE DOWNTOWN PLAN CONSULTANT. AND THAT WILL BE A VERY IMPORTANT THING. WE KNOW THAT THAT'S AN IMPORTANT PART OF THIS. BUT WE ALSO THINK THAT THERE'S A LOT OF THIS THAT CAN BE IMPLEMENTED REALLY IMMEDIATELY AND FOR YOUR INFORMATION, THE OTHER THING ABOUT WHERE DO WE GO FROM HERE, WE INTEND THAT THE DESIGN COMMISSION, ASSUMING THAT YOU DO ADOPT OR APPROVE THESE RECOMMENDATIONS, WE INTEND TO ACTUALLY USE THESE RECOMMENDATIONS, ADD THESE RECOMMENDATION, THESE ELEMENTS TO THE CRITERIA BY WHICH WE MAKE RECOMMENDATIONS TO YOU. AS YOU KNOW, WE SEND YOU A RECOMMENDATION ON MOST DOWNTOWN PROJECTS ABOUT WHEN FOLKS ARE ASKING FOR ENTITLEMENTS AND WE WILL BE USING THESE AS CRITERIA IN THE MEANTIME TO ACTUALLY INFORM OUR RECOMMENDATIONS. SO I THINK THAT'S BASICALLY OUR RECOMMENDATION.

I'M OKAY, IF ANYONE HAS ANY QUESTIONS I'M WILLING TO ANSWER.

QUESTIONS, COMMENTS, COUNCILMEMBER KIM?

MS. KINNEY, MR. GERARD AND ALL OF THE REST OF YOUR MEMBERS HERE FROM YOUR DESIGN COMMISSION, THANK YOU VERY MUCH FOR THIS WORK. I AM REALLY PLEASED TO HEAR THAT YOU TRAVELED TO PORTLAND AND REALLY

TALKED TO THE STAFF AND THE PEOPLE WHO WERE ABLE TO DO IT SUCCESSFULLY THERE. I THINK THAT'S ONE REASON WHY THESE CITY VISITS WERE SO IMPORTANT AND SO USEFUL BECAUSE WE HAVE GONE THROUGH IT ONCE, WE CAN REALLY LEARN A LOT FROM THE LESSONS THAT WE HAVE FOR US. I REALLY -- I REALLY AGREE WITH YOU ON YOUR SUGGESTION ABOUT STARTING WORK ON THAT NOW WHILE THE DOWNTOWN PLAN PROCESSES IS WORKING. IT IS A VERY LONG PROCESS AND THERE WAS A BIT OF I GUESS MY AFFORDABLE HOUSING INCENTIVE TASK FORCE, THERE WERE SOME THINGS THAT PEOPLE REALLY WANTED TO SEE SPED UP. WE ARE DOING THAT. IT'S GOING TO BE GOING THROUGH THE PLANNING COMMISSION AS WELL AS I THINK - - I THINK IT'S PRETTY MUCH THE PLANNING COMMISSION. I'M GOING TO ASK THAT THEY AT THE SAME TIME THAT THEY ARE LOOKING AT THAT ALSO LOOK AT YOUR REPORTED AND ALSO MAKE RECOMMENDATIONS TO US AS COUNCIL BECAUSE -- I THINK WHAT'S GOING TO HAPPEN AT THE END OF THIS DOWNTOWN PROCESS, PRETTY MUCH KIND OF COME UP WITH THE SAME SUGGESTIONS THAT YOU HAVE RIGHT NOW, WHICH IS DEPENDING ON THE SIZE OF THE PROJECT, DEPENDING ON THE NEEDS OF THAT AREA, LET'S LOOK AT A MENU OF THINGS THAT WE CAN PICK FROM AND FIGURE OUT WHAT'S -- WHAT ARE THE THINGS THAT OR NOT ONLY PRACTICABLE BUT ALSO RELEVANT AND MOST DESIRED IN THAT AREA, DEPENDING ON WHERE THAT PROJECT IS. SINCE THEY HAVE ALREADY SAID WHAT THAT IS, A DOLLAR AMOUNT ABOVE THE TERMS OF THE FAR, LET'S GO AHEAD AND USE THAT SO THAT CAN BE SPENT ON DIFFERENT THINGS LIKE CHILD CARE FACILITIES OR PARKLAND OR CIVIC USES USES THAT WE WANT TO SEE IN THAT PROJECT OR NEAR THAT PROJECT. THAT'S BASICALLY WHAT WE'RE TALKING ABOUT. SINCE OUR CITY STAFF SINCE WE ARE WORKING ON CASES, WE WILL NOT ONLY HAVE THE INPUT ON YOUR COMMISSION, BUT THE NEIGHBORHOODS BLUE THE NEIGHBORHOOD PLAN PROCESS, THROUGH DIFFERENT ZONING CASES, THEY CAN ALSO HELP GUIDE US ON WHAT ARE THE THINGS THAT ARE RECOMMENDATIONS FOR THAT PROJECT. OF COURSE INCENTIVE TASK FORCE IS THE PURPOSE OF IT IS TO NOT HAVE TO GO THROUGH ZONING. SINCE WE HAVE THAT EXPERTISE IN THE CITY WE CAN USE THEM TO FIGURE OUT WHAT IS THE BEST MIX OF

USES TO HELP FACILITATE THAT THOSE DISCUSSIONS WITH THE BUILDER AND THE NEIGHBORHOOD AND IN THE COMMUNITY AT LARGE. SO THANK YOU.

THANK YOU.

ANY OTHER --

COUNCILMEMBER LEFFINGWELL..... LEFFINGWELL?

Leffingwell: FIRST, I WANT TO THANK YOU FOR ALL OF THIS WORK. I KNOW YOUR TRIP FOR PORTLAND WAS ON YOUR OWN NICKEL. THE CITY PAVED THE WAY AND GAVE YOU THE CONTACTS, BUT THAT JUST SHOWS TREMENDOUS DEDICATION TO ME, I APPRECIATE IT. COULD YOU EXPLAIN MORE, I SHOULD HAVE ASKED YOU WHEN YOU WERE GOING THROUGH THE SLIDES. THE DENSITY BONUS TRANSFERRED TO CAPITAL METRO. CAN YOU EXPLAIN THAT MORE FOR ME.

ACTUALLY IT WAS JUST WE HAD INVITED SOME REPS FROM CAPITAL METRO INTO OUR TASK FORCE MEETINGS. SINCE WE WERE -- THE TASK FORCE WITHIN THE COMMISSION MY GOAL WAS TO BRING PEOPLE INTO EVERY MEETING. WE WANTED TO HIT ALL OF THE DIFFERENT SECTORS, ONE OF THEM WAS OBVIOUSLY TRANSIT, WE INVOLVED CAPITAL METRO IN. WHEN THEY STARTED LOOKING AT DENSITY BONUSES, ACTUALLY LUCY GALBREATH SAID ONE MAY THAT WE MIGHT WORK TOGETHER WOULD BE FOR DENSITY BONUS FOR TRANSIT, A THOUSAND FEET FROM A TRANSIT STOP. THAT MIGHT BECOME A PRIORITY IF A DEVELOPMENT WAS IN THAT LOCALE. JUST AS COMMITMENT SAID, IF A DEVELOPMENT WAS WITHIN A THOUSAND FEET OF A PLANNED TRANSIT STOP, MIGHT NOT THAT RISE TO THE TOP AS A PRIORITY. THAT'S WHAT THEY WANTED TO PUT ON THE TABLE. MAKES SENSE.

Leffingwell: I'M STILL NOT GETTING IT. WHAT WOULD THEY GET OUT OF IT.

LET GIVE IT A SHOT AT THIS THEY BIG \$64 MILLION QUESTION IS HOW DO WE AFFORD TRANSIT. IN THE CITY. THAT'S WHAT THEY CAME TO US WITH. THEIR VIEW IS WE NEED TO FIGURE OUT A WAY THAT THE PEOPLE WHO ARE GOING TO BENEFIT

MOST FROM THE TRANSIT CONTRIBUTE TOWARDS ITS COST.
WHAT THEY ARE SAYING IS OFFER SOME ADDITIONAL
ENTITLEMENTS FOR DEVELOPERS IF THEY WILL PAY FOR,
HELP PAY FOR THE.

Leffingwell: RAILROAD.

THE RAILROAD, YES, SIR, BOTTOM LINE.

STATION.

Leffingwell: WANTED TO MAKE SURE.

Mayor Wynn: COUNCILMEMBER KIM?

Kim: I WANT TO BE CLEAR, BECAUSE I THINK THERE MAY BE
SOME CONFUSION WITH PEOPLE WHO AREN'T FAMILIAR
WITH THE PROCESS. IN TEXAS WE DON'T HAVE CONTRACT
ZONING BECAUSE THAT IS -- IS NOT LEGAL. SO THIS IS A
VOLUNTARY PROGRAM. IF SOMEONE WANTS TO HAVE AN
INCREASE IN HEIGHT AND NOT HAVE TO GO THROUGH
ZONING BECAUSE THAT CAN BE -- THEY DON'T KNOW AT THE
END WHAT THE COUNCIL IS GOING TO DO, AT LEAST THIS
WAY THEY HAVE A FORMULA TO KNOW YOU PROVIDE THESE
COMMUNITY BENEFITS, YOU GET X, Y, Z. THIS IS WHAT -- THIS
PROCESS THAT WE ARE TALKING ABOUT IN TERMS OF A
VOLUNTARY PROGRAM FOR A COMMUNITY BENEFITS WHEN
THERE IS A SUGGESTION THAT THERE'S A PROJECT WHERE
THERE WILL BE AN INCREASE IN HEIGHT, DECREASE IN
SETBACK, SOMETHING THAT WOULD BE AN INCREASE IN
VALUE TO THAT DEVELOPER. OKAY? THANKS.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?
COUNCILMEMBER MCCracken?

McCracken: YEAH. I THINK YOU ALL HAVE DONE AN
EXCELLENT JOB. AND I -- AS I CAN PHIL [INDISCERNIBLE], I
BELIEVE THE BEST COURSE RIGHT NOW IS TO SEND THEM
TO ROMA FOR THEIR INPUT AND PART OF THE DOWNTOWN
PLANNING PROCESS AND THE REASON WHY IS BECAUSE
THE RULES ARE GOING TO CHANGE IN ABOUT A YEAR TO
REFLECT WHAT THE COUNCIL VOTES ON AS PART OF
ROMA'S -- HOW WE ADOPT ROMA'S PLAN. IF HE WERE TO

ALSO TRY TO IMPLEMENT THIS RIGHT AWAY, WE WOULD BE HAVING TWO FAIRLY MEANINGFUL RULE CHANGES RIGHT ON TOP OF EACH OTHER. WHICH IS A VERY DISRUPTIVE THING TO DO. WE TRY TO -- I THINK IT'S A BETTER COURSE TO -- TO TAKE THESE EXCELLENT AND THOUGHTFUL RECOMMENDATIONS, SEND THEM TO ROMA, THEY CAN BE PART OF THE DOWNTOWN PLAN PROCESS SO THAT WE ONLY DO THESE RULE CHANGES ONE TIME AND THEN I -- I DO BELIEVE THAT -- THAT MOST OF THESE WILL LIKELY SHOW UP IN SOME FORM IN THE RECOMMENDATION, BUT AT LEAST WE WILL HAVE A MINIMUM DISRUPTION.

ONE OTHER THING, TOO, I THINK AS WE LOOK AT THE RAIL PLANNING ISSUES, ONE OF THE THINGS THAT WE DID BOTH IN THE DOWNTOWN PLAN AND ALSO AS THE -- AS THE MAYOR CALLED FOR ON MOVING FORWARD ON OUR NEXT STEP IN RAIL, SOMETHING THAT I AND I KNOW MANY OF MY COLLEAGUES SUPPORT AS WELL, IS THIS, THE CITY IS DOING THE RAIL PLANNING THROUGH ROMA. WE ARE ALSO LINKING UP OUR LAND USE TOOLS, YOU KNOW, ZONING, DENSITY BONUSES, PUBLIC IMPROVEMENT DISTRICTS, T.I.F.E.S, THINGS LIKE THAT, WE WERE LINKING THOSE UP SO THAT THE CITY IS DOING THE RAIL PLANNING TO LINK IT UP WITH OUR LAND USE PLANNING. CAPITAL METRO ASKED US TO FINANCE IT AND THIS IS OUR TOOL. TO THE EXTENT THAT THIS IS ABOUT -- THE QUESTION OF WHETHER CAPITAL METRO TWO IS IDENTIFYING THE ROUTES OR THE CITY IS IDENTIFYING THE ROUTES, I THINK THAT IT'S CLEAR THAT THE DOWNTOWN PLAN AND ALSO THROUGH OTHER THINGS THAT WE'VE BEEN DOING THAT THE CITY IS THE LAND USE AUTHORITY WITHIN OUR CITY LIMITS IS THE ONE DOING THE RAIL ROUTE PLANNING.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER LEFFINGWELL?

Leffingwell: WELL, I WOULD JUST SAY I TOTALLY AGREE WITH COUNCILMEMBER MCCracken'S COMMENT THAT WE NEED TO -- ROMA NEEDS TO HAVE THE BENEFIT OF ALL THE WORK THAT YOU HAVE DONE. BUT I WOULD EVEN GO BEYOND THAT. SEEMS LIKE WE HAVE GOT A LOT OF GROUPS IN THE CITY, A LOT OF TASK FORCES AND BOARDS AND COMMISSIONS THAT ARE WORKING ON ITEMS THAT KIND OF

OVERLAP IN A LOT OF WAYS. I WOULD LIKE TO -- I WOULD REALLY BE INTERESTED IN -- YOU KNOW, I DON'T THINK WE OUGHT TO CONSOLIDATE ALL OF THIS EFFORT BECAUSE I THINK THERE'S A BENEFIT TO BE DERIVED FROM HAVING DIFFERENT GROUPS REACH INDEPENDENT CONCLUSIONS. BUT THERE OUGHT TO BE A POINT WHERE ALL OF THIS INFORMATION OUGHT TO BE SHARED AND COORDINATED. SO -- SO I WOULD SAY PERHAPS WE OUGHT TO SCHEDULE AN ACTION ITEM FOR NEXT MEETING AND PERHAPS TAKE ACTION ON SOMETHING THAT WOULD FURTHER THAT EFFORT. SO THANKS.

THANK YOU.

Mayor Wynn: COUNCILMEMBER KIM.

ELEANOR WE DID HAVE A MEMBER OF THE DESIGN COMMISSION WHO IS ON THE AFFORDABLE HOUSING TASK FORCE, FROM THE VERY BEGINNING, JENNY, CORRECT, SO SHE WAS GIVING YOU REPORTS AS TO THE WORK THROUGHOUT THE WHOLE PROCESS, RIGHT YOU WERE JUST LOOKING AT OTHER THINGS IN ADDITION TO AFFORDABLE HOUSING.

RIGHT.

Kim: THANK YOU.

MAYOR? CAN I OFFER A COMMENT? TO RESPOND TO A COUPLE OF THINGS. NOT TO -- I MIGHT BE PARSING WORDS HERE. BUT WITH -- WITH RESPECT TO THE IMPLEMENTATION OF IT AND ROMA'S INVOLVEMENT, ALL OF THAT, I THINK OUR RECOMMENDATION WAS ACTUALLY THAT -- THERE MIGHT BE A NUANCE OF A DIFFERENCE HERE. OUR RECOMMENDATION WAS ACTUALLY THAT WE HOPED THAT YOUR ACTION WOULD BE TO DIRECT STAFF TO IMPLEMENT THE RECOMMENDATIONS OF THE TASK FORCE AND THAT WAY IT'S -- IT'S WITHIN, YOU KNOW, THE CITY HAS ITS ARMS WRAPPED IT. IT'S IN THE -- IN THE CITY STAFF'S PROCESS AND THEIR RESPONSIBILITY AND SHOULD PORTIONS OF IT, WE THINK THAT THERE ARE LARGE PORTIONS OF IT WHICH WOULD BE, SHOULD PORTIONS OF IT BE APPROPRIATE TO GIVE TO ROMA TO RESOLVE, YOU KNOW, WHAT SPECIFIC

FAR YOU GET FOR INSTANCE FOR AFFORDABLE HOUSING OR FOR, YOU KNOW, COMMUNITY VALUES AND THINGS LIKE THAT. I THINK ROMA IS PROBABLY A REALLY GOOD GROUP TO -- TO RESOLVE SOME OF THAT. YOU CAN HAVE COMMUNITY FORUMS, THEY CAN RUN THE NUMBERS ON IT, DO THE ACCOUNTING FIGURE OUT WHAT THE PROS AND CONS ARE. BUT I GUESS OUR FEAR WAS THAT IF IT WAS HANDED DIRECTLY TO ROMA, YOU KNOW, SHOULD ROMA'S PROCESS START TO TAKE LONGER THAN WE THOUGHT IT WOULD TAKE. IT WOULD SOMEHOW, YOU KNOW, THIS WOULD BE LEFT I GUESS ON THE BEACH, YOU KNOW, IN A SENSE. DOES THAT MAKE ANY SENSE? THAT SPECIFICALLY IT WOULD GO TO STAFF FIRST. THAT THAT WOULD BE --

IF I MIGHT ADD A KEY THING IS THAT WE HAVE NOT MADE, IF YOU HAVE NOTICED WE HAVE NOT MADE SPECIFIC RECOMMENDATIONS ABOUT AMOUNTS OF ADDITIONAL ENTITLEMENT. THAT ALL HAS TO BE WORKED OUT. WE UNDERSTAND THAT. WE KNOW THAT ROMA WILL OBVIOUSLY WILL BE INVOLVED IN THAT PROCESS. BUT IF THERE WERE A WAY THAT YOU COULD ADOPT THE PRINCIPLES HERE SO THAT ROMA UNDERSTOOD THAT THIS WAS SOMETHING TO BE IMPLEMENTED AND THAT WE THE DESIGN COMMISSION UNDERSTOOD THAT OUR MARCHING ORDERS AS WE LOOK AT PROJECTS IN THE MEANTIME EMBODY THESE PRINCIPLES, I THINK THAT WOULD -- WE WOULD KIND OF DO BOTH, ACCOMPLISH BOTH GOALS.

Mayor Wynn: COMMENTS, QUESTIONS? COUNCILMEMBER LEFFINGWELL?

Leffingwell: I WOULD SAY I'M NOT ADVERSE TO THAT AT ALL, BUT I DON'T THINK WE'RE POSTED FOR ACTION ON THIS TODAY. THAT WAS MY COMMENT THAT WE NEED TO BRING IT BACK AND TAKE APPROPRIATE ACTION.

RIGHT.

CORRECT.

THOUGHTS, COMMENTS? AGAIN, WE GREATLY APPRECIATE THE -- BOTH THE VOLUNTEER EFFORT BUT ALSO THE

EXPERTISE THAT YOU BRING TO AN IMPORTANT ISSUE.

THANK YOU, MAYOR WYNN. I ALSO WANTED TO THANK THE NPZ STAFF WHICH WAS ERICA LEAK AND GEORGE ADAMS FOR THEIR SUPPORT WITH US. THANK YOU SO MUCH.

Mayor Wynn: AGREED. THANK YOU. COUNCIL, THAT CONCLUDES OUR 2:00 BRIEFINGS AND ACTIONS. SO THERE BEING NO MORE POSTED -- ITEMS BEFORE THE COUNCIL, WE CAN'T TAKE UP OUR NEXT CASES OUR ZONING CASES UNTIL 4:00 P.M. WITH THAT WE WILL NOW BE IN RECESS UNTIL 4:00 P.M., APPROXIMATELY ONE HOUR AND 15 MINUTES.

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WE'VE BEEN IN RECESS FOR ABOUT AN HOUR AND A HALF, HAVING FINISHED OUR AFTERNOON BUSINESS EARLY. WE WILL NOW GO TO OUR 4:00 O'CLOCK ZONING HEARING, APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. AND WELCOME MR. GREG GUERNSEY.

GOOD AFTERNOON, MAYOR AND COUNCIL. MY NAME IS GREG GUERNSEY WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. LET ME GO THROUGH THE 4:00 O'CLOCK PUBLIC HEARING ITEMS THAT ARE CLOSED. THESE ARE THE ZONING AND RESTRICTIVE COVENANTS ITEMS NUMBER 84 THROUGH 92. AND I'LL BEGIN WITH ITEM NUMBER 84. 84 IS CASE C-14-2007-0065, KNOWN AS THE BASSFORD 44 PROPERTY AT 8437 WEST HIGHWAY 71. THIS IS READY FOR CONSENT APPROVAL ON SKD SECOND AND THIRD READ FOG SF-2-CO ZONING. I WILL NOTE THAT WE DID HAVE ONE GENTLEMAN APPROACH US REQUESTING A TRAIL EASEMENT IN THE OAK HILL AREA THAT WOULD ACTUALLY BE THROUGH A PORTION OF THE PROPERTY. AND THAT WAS SUBMITTED BY E-MAIL TODAY. THAT IS NOT PART OF THE ORDINANCE ON -- THAT IS NOW PART OF THE ORDINANCE ON THAT ONE. ITEM NUMBER 85 IS CASE C-14-2007-98 AT 9011 BROWN LANE. THAT IS REZONING REQUEST TO LIMITED INDUSTRIAL CONDITIONAL OVERLAY OR LI-CO COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS. ITEM NUMBER 86 IS CASE C-14-2007-0139. KNOWN AS THE BARTON CREEK CHILD CARE

DEVELOPMENT CENTER AT 5805 TRAVIS COOK ROAD. THIS IS A REZONING REQUEST FROM RURAL RESIDENTIAL ZONING TO LIMITED OFFICE CONDITIONAL OVERLAY. ITEM NUMBER 27, THIS IS PALM SQUARE AT 6004 WEBBERVILLE ROAD. STAFF WOULD ASK THAT YOU TABLE THIS ITEM. WE HAD A NEIGHBORHOOD REPRESENTATIVE THAT BROUGHT US A LITTLE STACK OF RETITIONS IN OPPOSITION TO THIS REQUEST. AND WE ARE --GER RUSTHOVEN OF MY STAFF IS SPEAKING WITH HER AND REEVALUATING THAT ONE. SO ITEM 87, WE WOULD ASK THAT YOU TAKE NO ACTION AT THIS TIME.

Mayor Wynn: WHAT YOUR RENGES ON ITEM NUMBER --
RECOMMENDATION ON ITEM NUMBER 86?

86 WAS FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS. ITEM NUMBER 88 IS CASE NPA-2007-2003 OF THE UNIVERSITY HILLS/IMIND SORE PARK COMBINED NEIGHBORHOOD PLAN FOR TRACTS 202, 220 AND 220 A. THIS WOULD BE AN BE AMENDMENT TO THE AUSTIN TOMORROW COMPREHENSIVE PLAN BE AND CHANGING THE DESIGNATION OF THE FUTURE LAND USE MAP FOR CIVIC FOR 7506 AND 7560 ED BLUESTEIN. THIS IS TRACT 202. FOR SINGLE-FAMILY RESIDENTIAL FOR 5301 LOYOLA LANE, 220 AND MIXED USE FOR A PART OF 5306 LOYOLA LANE. RELATED NUMBER IS NUMBER 89, C-14-2007-0006. THIS WOULD BE TO REZONE THE PROPERTY TO LO-CO-NP. AND THE NIRD..... THIRD PART OF THIS SERIES OF RELATED ITEMS IS ITEM NUMBER 90, CASE C-14-2007-0006.01, UNIVERSITY HILLS NEIGHBORHOOD PLAN COMBINING DISTRICT TRACTS 220 AND 220-A. AND IT WOULD BE TO REZONE THE PROPERTY FROM FAMILY RESIDENCE TO FAMILY RESIDENCE NEIGHBORHOOD PLAN ZONING. THAT'S FOR TRACT 220. WITH A RESIDENTIAL INFILL OPTION. AND ON THE PORTION OF 5301 LOYOLA LANE, WHICH IS TRACT 220 A FROM FAMILY RESIDENCE SF-3 TO COMMUNITY COMMERCIAL MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN ZONING. AND THIS WOULD BE FOR CONSENT APPROVAL ON ALL THREE READINGS FOR 88, 89 AND 90. I'LL NOTE THAT ON ITEM NUMBER 90 AND 89 THERE WAS A QUESTION THAT AROSE WHEN THIS WAS CONSIDERED AT FIRST READING WHETHER OR NOT THE AUSTIN INDEPENDENT SCHOOL DISTRICT WOULD LIKE TO CONSIDER HAVING CIVIC AND P PUBLIC

ZONING ON THIS PROPERTY. THEY HAVE SENT A LETTER TO US INDICATING THAT THEY ARE OPPOSED TO THE P DISTRICT ZONING ON THIS PROPERTY, ALTHOUGH THEY ARE STILL WILLING TO GO WITH THE RECOMMENDATIONS THAT WERE INCORPORATED AT FIRST READING, WHICH WOULD PROHIBIT A SERIES OF USES THAT THE NEIGHBORHOOD HAD REQUESTED. THE NEIGHBORHOOD IS STILL OPPOSED TO THE DESIGNATION ON 88 AND ITEMS NUMBER 90 FOR THE AISD PROPERTY TO BE SINGLE-FAMILY AND THE COMMERCIAL MIXED USE. AND WOULD STILL PREFER THE P PUBLIC AND CIVIC DESIGNATIONS FOR THIS PROPERTY. THEY'VE ALSO HANDED ME A NOTE HERE AND JUST NOTED THAT THEY WOULD ALSO REQUEST A 50-FOOT BUFF BE BETWEEN THE GR AND THE SF USES AND A 25-FOOT LANDSCAPE BUFFER ALONG ED BLUESTEIN. THIS IS PART OF THEIR REQUEST. AND BE ALSO THEY ALSO HANDED ME A LETTER FROM THE AUSTIN NEIGHBORHOOD COUNCIL THAT IS DATED TODAYIZATION THEY SUPPORT THE AUSTIN UNIVERSITY HILLS NEIGHBORHOOD ASSOCIATION AND WOULD POART THE REQUEST FOR CIVIC DESIGNATION AND P PUBLIC FOR THE AUSTIN INDEPENDENT SCHOOL DISTRICT PROPERTY. ITEM NUMBER 91 AND 92 ARE KNOWN AS TIME INSURANCE. THIS IS CASE C-14-04-00 0030 AT 1405 AND 1415 EAST RIVERSIDE DRIVE. AND ITEM NUMBER 92, CASE C-14-06-0117 FOR THE PROPERTY LOCATED AT 1317 EAST RIVERSIDE DRIVE AND 1220 I-35 SOUTH. STAFF WOULD REQUEST A POSTPONEMENT OF THIS ITEM TO DECEMBER 6TH. WE ARE MAKING PROSMGHT WHEN HE A TWO AND A HALF MEETING LAST NIGHT. ALTHOUGH BOTH PARTIES DISAGREE ON THE ZONING, THERE IS AGREEMENT ON MOVING FORWARD WITH EITHER A COVENANT OR PLACING ITEMS INTO RESTRICTIVE COVENANT OR INTO AN ORDINANCE. AND WE'RE SORTING THROUGH THAT RIGHT NOW. SO WHEN THIS COMES BACK TO YOU, THERE WILL STILL BE AGREEMENT, BUT THERE WILL BE AGREEMENT ON WHAT MAY BE PRESENTED TO YOU AS FAR AS FORMAT IF NOTHING ELSE. SO WITH THAT I WOULD CONCLUDE THE CONSENT AGENDA ITEMS. I WILL NOTE THAT ON THE UNIVERSITY HILLS ITEM THERE IS REPRESENTATIVES HERE TO SPEAK IF YOU HAVE ANY QUESTIONS REGARDING THEIR RESPONSE TO THE AISD LETTER AND STILL THEIR CONCERNS ABOUT THOSE TRACTS.

PRARS.....

Mayor Wynn: THANK YOU. SO COUNCIL, OUR PROPOSED
CONSENT AGENDA ON THESE CASES WHERE WE'VE CLOSED
THE PUBLIC HEARING WOULD BE TO APPROVE ON SECOND
AND THIRD READING ITEMS 84, 85 AND 86. WE'RE GOING TO
TABLE ITEM 87 TEMPORARILY. WE'RE GOING TO APPROVE
ON SECOND AND THIRD READING THE COMBINED
UNIVERSITY HILLS CASES, 88, 89 AND 90 AS READ INTO THE
RECORD BY MR. GUERNSEY. AND WE'LL BE POSTPONING
ITEMS 91 AND 92 TO DECEMBER SIXTH, 2007.

I HAVE A QUESTION.

YES, COUNCILMEMBER LEFFINGWELL.

Leffingwell: ON 84 YOU MADE MENTION THAT THERE HAD
BEEN A REQUEST FOR A TRAIL EASEMENT ON THAT
PROPERTY.

THAT'S CORRECT.

Leffingwell: COULD YOU ELABORATE ON THAT?

WE HAD AN E-MAIL FROM A CITIZEN EARLIER TODAY, MR.
RICHARD PERKINS WHO REPRESENTS THE OAK HILL TRAILS
ASSOCIATION. AND ASKED WHETHER OR NOT THE OWNER
WOULD BE WILLING TO DEDICATE A 50-FOOT EASEMENT ON
EITHER SIDE OF WILLIAMSON CREEK. THIS REQUEST CAME
IN THE LATTER PART OF THIS MORNING. I ASKED THE CASE
MANAGER TO SEND THIS ON TO THE AGENT, MR. BENNETT,
IS HERE. MAYBE HE COULD SPEAK TO THAT REQUEST. BUT
I'VE NOT HEARD BACK FROM EITHER MR. BENNETT OR MR.
PERKINS.

Leffingwell: THERE'S MR. BENNETT RIGHT THERE.

Mayor Wynn: WELCOME, MR. BENNETT.

MAYOR, COUNCIL. COUNCILMEMBERS, WE HAVEN'T
DISCUSSED ANYTHING ABOUT THE TRAIL EASEMENT AS IT
WAS JUST RECEIVED BY STAFF; HOWEVER, OUR
SUBDIVISION WILL HAVE SIDEWALKS AND SO ANYONE THAT

WANTS TO USE THE PUBLIC SIDEWALKS SHOULD BE ABLE TO
-- WE TOTALLY HAVEN'T PROPOSED ANY ACCESS TO THE
CREEK.

Leffingwell: I WOULD SUGGEST THAT -- THIS COULD BE AN
IMPORTANT THING IF IT'S PART OF A TRAIL MASTER PLAN.
THAT WAY WE CAN KNOW IF IT'S A VALID CONCERN OR NOT.
IF THERE'S NO OBJECTION OF COUNCIL, BE I WOULD
PROPOSE TO CHANGE THAT TO CONSENT SECOND READING
TODAY.

COUNCILMEMBER, THE ONLY PROBLEM WE WOULD HAVE
WITH THAT WOULD BE FINANCIAL OBLIGATIONS THAT IF
POSSIBLE WE NEED TO MOVE FORWARD IF WE CAN DO THAT
AT THE SUBDIVISION PROCESS, THEN THAT WOULD
CERTAINLY -- WE'VE GOT TO GO THROUGH THE SUBDIVISION
PROCESS TO DO IT. I DON'T KNOW IF THAT MIGHT BE DONE
AT THAT TIME OR NOT.

Leffingwell: COULD I ASK MR. GUERNSEY TO RESPOND TO
THAT POSSIBLE SOLUTION.

WE COULD CERTAINLY ASK AT THE TIME OF SUBDIVISION
FOR THIS, WHETHER OR NOT IT COULD BE DONE. I DON'T
THINK THAT THERE IS A SUBDIVISION THAT'S BEEN
SUBMITTED, AND I'M NOT SURE OF THE SET BACKS OR IF
THERE ARE ANY CRITICAL ENVIRONMENTAL FEATURES
ALONG THIS PART OF WILLIAMSON CREEK TO KNOW IF
THERE WAS A TRAIL THAT COULD BE PUT WITHIN THAT 50
AREA.

Leffingwell: I MAY NOT KNOW ANY OF THE DETAILS YET, BUT I
WOULD SURE HATE TO CUT OFF THAT POSSIBILITY. I
REALIZE IT'S LATE DMAIL TO BE RAISING THESE KIND OF
ISSUES AND I WOULDN'T BE BE DOING IT IF IT WEREN'T FOR
SOMETHING LIKE THAT THIS.

IF IT IS YOUR WISH FOR SECOND READING, STAFF COULD GO
BACK AND BRING THIS BACK AT YOUR NEXT MEETING ON
THE 29TH. AND HAVE AN EVALUATION OF THIS STRETCH OF
WILLIAMSON CREEK AND WHAT THE POSSIBILITIES OF
HAVING AN EASEMENT WITH A TRAIL ALONG IT.

Leffingwell: THAT WOULD BE MY SUGGESTION SUBJECT TO THE WILL OF THE COUNCIL.

Mayor Wynn: MR. GUERNSEY, BEFORE YOU STEP AWAY. SO AT THE SITE PLAN PROCESS, DO WE HAVE THE ABILITY TO -- DOES STAFF ADMINISTRATIVELY HAVE THE ABILITY TO ESSENTIALLY REQUIRE A TRAIL EASEMENT?

WE WOULDN'T NECESSARILY HAVE THE ABILITY TO MAKE THE EXACT REQUIREMENT TO DEDICATE AND BUILD A TRAIL, BUT WE COULD LOOK AT THE POSSIBILITY OF HAVING ONE THERE. AND IF THERE'S REASONABLE SPACE TO CONSTRUCT ONE ALONG THAT AREA.

Mayor Wynn: BUT IF ULTIMATELY A PROPERTY OWNER DECLINES, DO YOU HAVE ANY SORT OF ADMINISTRATIVE REGULATORY AUTHORITY TO --

NOT THAT I'M AWARE OF AT THIS TIME. IF THIS IS DEVELOPED WITH THE SF 2, WE COULD LOOK AT -- WHEN WE LOOK FOR THE PARKLAND DEDICATION AND LOOK AT THE POSSIBILITY OF HAVING PARKLAND MAYBE ON THE PROPERTY. THAT ANALYSIS WOULD BE DONE AT THE TIME OF SUBDIVISION. AND THEY COULD EITHER -- THEY COULD PAY A FEE IN LIEU OF OR DEDICATE PARKLAND, WHICH MAY BE ADJACENT TO THE CREEK, BUT THAT WOULD COME UP AT THE TIME OF SITE PLAN.

Mayor Wynn: AND ALSO REMIND ME, AT THIRD READING AS PART OF OUR ZONING, DO WE AS A COUNCIL HAVE THE ABILITY TO REQUIRE THAT AS PART OF A THIRD READING ZONING CASE.

I'LL LOOK TO TOM, BUT I'M NOT AWARE OF THE ABILITY TO DO SO UNLIKE A ROADWAY PLAN WHERE WE HAVE SPECIFIED RIGHT-OF-WAY -- DESIRED RIGHT-OF-WAY WIDTHS FOR FUTURE CONSTRUCTION OF ROADWAYS. I'M NOT AWARE OF A PARK PLAN THAT WOULD SPEAK TO CREATING TRAIL EASEMENTS AND TRAIL CONSTRUCTION. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] WHEN THEY ARE ADJACENT TO TRAILS AND PUBLIC ACCESS SO, AT LEAST MY PERSPECTIVE HERE, ISN'T TRYING TO TAKE ANY VALUE AWAY FROM THE PROPERTY OWNER HERE, THE

DEVELOPER IN THIS PROPOSAL, IT JUST, I THINK ALONG WITH COUNCIL MEMBER LEFFINGWELL, JUST TRYING TO FIGURE WHAT WOULD BE A BETTER LONG-TERM PLAN PARTICULARLY AS WE CONTINUE TO HAVE STRONGER EFFORTS AT TRYING TO IMPROVE OUR TRAIL WAY NETWORK. WITHOUT OBJECTION THEN, COUNCIL MEMBER LEFFINGWELL MOVES THAT WE APPROVE CONSENT AGENDA AS PROPOSED WITH THE EXCEPTION OF ITEM NUMBER 84 BEING SECOND READING ONLY. SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE 7-0.

THANK YOU. MAYOR AND COUNCIL, LET ME TAKE YOU BACK TO ITEM 87 WHICH WAS TABLED A MOMENT AGO. AND MR. RUSTHOVEN HAS INDICATED THERE HAVE FILINGS, AND WE SUGGEST WE POSTPONE ITEM 87 TO ALLOW US TIME TO VALIDATE THE SIGNATURES AND SEE IF THERE IS A VALID PETITION THAT WOULD BE TRIGGERED THAT WOULD REQUIRE A 3/4 MAJORITY VOTE OF THE CITY COUNCIL. THE APPLICANT HAS BEEN MADE AWARE OF THAT AND RELUCTANTLY WOULD AGREE THIS NEEDS TO BE DONE. THE NEIGHBORHOOD CERTAINLY WANTS TO KNOW THIS AS WELL SO WE WOULD SUGGEST A STAFF POSTPONEMENT ON ITEM NUMBER 87 UNTIL YOUR NEXT MEETING OF NOVEMBER 29, AND DURING THAT TIME, STAFF WOULD GO BACK AND VALIDATE THE PETITION TO SEE IF IT MEETS THAT 20% THRESHOLD OR NOT.

MOTION BY COUNCIL MEMBER MARTINEZ, SECOND BY COUNCIL MEMBER McCRACKEN TO POSTPONE ITEM NUMBER 87 TO NOVEMBER 29, 2007. ALL IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

WE CONTINUE ON TO THE 4:00 ZONING AND AMENDMENTS. THESE PUBLIC HEARINGS ARE OPEN AND FOR POSSIBLE ACTION THIS EVENING. ITEM NUMBER 93 IS CASE NPA-2007-0009.01. Central East Austin NPA McMansion Ordinance Amendment The Central East Austin Neighborhood Plan. STAFF IS ASKING FOR POSTPONEMENT OF THIS ITEM UNTIL DECEMBER 13 AND THE RELATED ITEM IS ZONING CASE C14-01-0148.005 Central East Austin NPA McMansion Ordinance Amendment. THIS IS FOR THE ZONING PORTION OF THIS,

STAFF RECOMMEND AS POSTPONEMENT OF THIS ITEM AS WELL TO YOUR DECEMBER 13 MEETING.

ITEM NUMBER 95 IS C14-2007-0108 Camden North Lamar BOULEVARD. WE HAVE AN APPLICANT POSTPONEMENT OF THIS QUESTION UNTIL DECEMBER 13. ITEM NUMBER 96, C14-2007-0105. FOR THE PROPERTY LOCATED AT 1032 and 1036 Springdale Road AND THIS IS A ZONING REQUEST FROM FAMILY RESIDENCE, Neighborhood plan SF-3-NP combining district zoning to townhouse and condominium residence-neighborhood plan SF-6-NP combining district zoning. THE STAFF RECOMMENDATION WAS TO GRANT townhouse and condominium residence-neighborhood plan SF-6-NP combining district zoning. THIS IS READY TORE CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 97 IS CASE C14-2007-0141 Cresent Stonelake PROPERTY AT 10011 AND 10015 Stonelake Boulevard. general commercial services CS district zoning to multi-family residence-moderate-high density MF-4 district zoning. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE multi-family residence- moderate-high density-conditional overlay MF-4-CO combining district zoning with conditions. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 98 IS CASE C14-2007-0148 Beaver Brook Children Center. AT 11726 Jollyville Road Walnut ROTE, THIS IS single-family residence-standard lot SF-2 district zoning and limited office LO district zoning to limited office LO district zoning. THE ZONING AND PLANNING COMMISSION RECOMMENDATION WAS TO GRANT limited office-conditional overlay LO-CO combining district zoning. AND THIS IS READY FOR ALL THREE READINGS. ITEM NUMBER 99 IS CASE NUMBER C14-2007-0016 Stoney Ridge Phase D. MAYOR, I UNDERSTAND THERE ARE PROBABLY CITIZENS HERE THAT HAVE SIGNED UP IN OPPOSITION TO THIS ITEM.

THAT WOULDN'T BE OUT OF CHARACTER. LET'S SEE, WE HAVE ONE PERSON SIGNED UP, YES.

OKAY. I WILL SKIP THAT, THAT WILL BE A DISCUSSION ITEM. ITEM NUMBER 100 IS CASE NUMBER NPA-2007-0015. 02 Rogge Lane. THIS IS AN AMENDMENT FOR THE East MLK Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan. designation on the future land use map FLUM from single family to neighborhood mixed use for the property.

Located at 2906 Rogge Lane Fort Branch Watershed. REZONING QUESTION FROM ZONING RESIDENCE TO COMMERCIAL MIXED USE, CONDITIONAL OVERLAY NEIGHBORHOOD PLAN OR GR-MU-CO. THE PLANNING RECOMMENDATION WAS TO GRANT THE COMMUNITY MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLANNER AND COMBINED DISTRICT ZONING AND NEIGHBORHOOD COMMERCIAL MIXED USE, CONDITIONAL OVERLAY NEIGHBOR PLANNER LR-MU-CA ZONING. THESE ARE READY FOR CONSENT APPROVAL FIRST READING ONLY, THAT IS ITEM NUMBER 100 AND 101. ITEM NUMBER 102 IS CASE C14-84-361RCT Smart Mail Conduct located at 2200 Tillery Street Tannehill. A RELATED ITEM IS 103, CASE NUMBER C14-2007-0076 Smart Mail Conduct , SAME ADDRESS, 2200 Tillery Street. WE UNDERSTAND THEY ARE IN AGREEMENT, AND THEY CONTINUE TO DISCUSS THIS ITEM WITH THE NEIGHBORHOOD AND THE APPLICANT SO THIS IS AN INDEFINITE POSTPONEMENT OF ITEMS 102 AND 103. INDEFINITE POSTPONEMENT, WE WILL HAVE TO REDO THE NOTICE AND SEND THIS BACK OUT AGAIN NEXT TIME IT IS SCHEDULED. ITEM NUMBER 104 IS CASE NUMBER C14-2007-0115 Midbar. 853 Airport Boulevard. I UNDERSTAND THERE ARE CITIZENS SIGNED UP IN OPPOSITION TO THIS REQUEST SO THIS WILL BE A DISCUSSION ITEM.

CORRECT.

ITEM NUMBER 105, CASE NUMBER C14-05-0124 Dessau Market AN INTERIM REQUEST FOR RESIDENTIAL district zoning to community commercial GR district zoning. THE PLANNING AND ZONING RECOMMENDATION IS TO DENY community commercial GR district zoning. THIS IS READY FOR FIRST READING ONLY. WE HAVE SPOKEN TO THE PUBLIC WORKS DEPARTMENT ABOUT THE MEDIAN BREAKS AND HAVE COME TO SOME MUTUAL AGREEMENT ON THOSE. WE ARE GOING TO REVIEW THE TIA AS IT IS SUBMITTED NOW WITH THE MEDIAN BREAK SUGGESTION THAT PUBLIC WORKS HAS REVIEWED AND THAT WILL BE, SO THERE IS NO OPPOSITION ON THIS ITEM AS FAR AS WE KNOW AND CAN BE OFFERED FOR CONSENT APPROVAL ON FIRST READING ONLY.

THANK YOU.

ITEM NUMBER 106, THIS IS CASE C14-2007-096.sH Georgian

Acres As 8837, 8839, 8841 East Drive WE UNDERSTAND THERE ARE NEIGHBORS THAT ARE HERE IN OPPOSITION TO THIS REQUEST, ALSO THE PLANNING COMMISSION RECOMMENDED DENIAL OF THIS ITEM SO MANY THIS WILL BE A DISCUSSION ITEM. ITEM NUMBER 107, CASE C14-2007-0123 AT 11701 Jollyville Road Conduct a public -- From single- family residence-standard lot SF-2 district zoning to neighborhood commercial-mixed use-conditional overlay LR-MU-CO combining district zoning. THEY HAVE AMENDED THIS WEEK THE PLANNING AND ZONING RECOMMENDATION, BUT THERE IS STILL OPPOSITION TO THE REQUEST AND THERE ARE NEIGHBORS AT LEAST ONE THAT I'M AWARE OF THAT WOULD LIKE TO SPEAK TO THIS PARTICULAR ITEM, THAT IS ITEM NUMBER 107.

A NUMBER OF NEIGHBORS, YES.

ITEM NUMBER 108 IS CASE C14-2007-0161. FOR THE PROPERTY LOCATED AT 5350 Burnet Road. THIS IS A DISCUSSION ITEM, I UNDERSTAND WE HAVE NEIGHBORHOOD OPPOSITION TO THIS REQUEST. AND FINALLY ITEM 109 AND 110, THESE ARE RELATED ITEMS. C14-95-0183RCA Vina Plaza Restrictive Covenant Amendment located at 12801 Harris Ridge Boulevard Harris Branch Watershed. ON THIS WILL BE DISCUSSION ITEM, PUBLIC HEARING IS STILL OPEN FOR THESE ITEMS AND THAT IS ITEM 109 AND 110. AND THAT CONCLUDES THE ITEMS I CAN OFFER FOR CONSENT THIS EVENING.

THANK YOU MR. GUERNSEY. COUNCIL, PROPOSE CONSENT AGENDA ON THESE CASES WHERE WE HAVE PUBLIC HEARING WILL BE TO POSTPONE UNTIL DECEMBER 13, 2007, ITEMS 93, 94 AND 95, TO CLOSE THE PUBLIC HEARING AND I PROVE ON ALL THREE READINGS CASES NUMBER 96, 97 AND 98. TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY IS THE FUTURE LAND USE MAP DESIGNATION ITEM 100 AND 101, FIRST READING ONLY. POSTPONE ITEMS 102 AND 103 AND CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY CASE 105. I WILL ENTERTAIN THAT MOTION.

MOVE APPROVAL.

MOTION BET MAYOR PRO TEM, SECONDED BY COUNCIL MEMBER COLE TO APPROVE THE CONSENT AGENDA AS READ. COMMENTS? HEARING NONE, FAVOR FAVOR? ALL THOSE IN FAVOR, SAY AYE? OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

THAT BRINGS US BACK TO ITEM NUMBER 99. STONEY RIDGE PHASE D, THE PROPERTY AT ELROY ROAD, REZONING REQUEST FROM PUBLIC P-DISTRICT ZONING, SF-2, AND DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE SINGLE FAMILY RESIDENT OR SF-4 A DISTRICT ZONING. THE PROPERTY IS APPROXIMATELY 163-ACRES AND THE APPLICANT INTENDS TO DEVELOP THIS PROMPT WITH SMALL LOT RESIDENTIAL USES. THE CURRENT PROPERTY USAGE IS AGRICULTURAL. TO THE NORTH IS SOME UNDEVELOPED LAND, AND SINGLE FAMILY RESIDENCES ON LARGE TRACTS AND DESIGNATED AS COUNTY ON SSF-2. TO THE EAST AND SOUTH IS LAND. TO THE WEST IS ZONED PUBLIC ZONE, SOME COUNTY LAND AND SOME SF-4 A LAND. THE PROPERTY IS PART OF THE MORRIS CROSSING MUNICIPAL UTILITY DISTRICT WHICH IS, WAS CREATED IN 1986. AND I BELIEVE THE OPPOSITION SPEAKS, WOULD SPEAK PROBABLY AGAIN TO THE SMALL LOT DESIGNATION BEING ON THIS PROPERTY. THE APPLICANT/AGENCY IS HERE AND IF YOU HAVE ANY QUESTIONS OF STAFF AT THIS TIME I WILL BE MORE THAN HAPPY TO ANSWER THEM OR YOU CAN HEAR FROM THE APPLICANT.

QUESTIONS FOR STAFF? COUNCIL, COMMENTS? IF NOT, WE WILL THEN CONDUCT THIS PUBLIC HEARING FOR THE ZONING CASE, AND WE ONLY HAVE ONE CITIZEN SIGNED UP BUT FIRST WE ARE OFFERED A PRESENTATION BET AGENT AND/OR OWNER. SET THE CLOCK FOR FIVE MINUTES. THEN WE HEAR FROM FOLKS FOR THE CASE, AND FOLKS IN OPPOSITION THEN THE AGENT CAN COMMENT AGAIN. WELCOME, BILL.

I REPRESENT THE JOINT VENTURE AND THIS IS THE APPLICATION TO ZONE WHAT WE CALL PHASE D FROM SF-2 TO SF 4A. TO THE PURPOSE, AND I HAVE A SMALL AND VERY BRIEF SLIDE PRESENTATION, AND I'M GOING TO CAN I ASK ONE QUESTION, DO I SIMPLY -- VERY GOOD. THE PROPERTY

WAS ORIGINALLY, THAT WAS PURCHASED WAS 840-ACRES AND THAT INCLUDED 20-ACRES THAT WAS IN, THEY EXTENDED THE DISTRICT FOR THE PURPOSE OF EXPANDING THE SCHOOL FROM 10-ACRES TO 17-ACRES. 1998 WE MET WITH THE CITY AND REVISED THE PARK PLAN AND CHANGED THAT TO INCLUDE THREE AMENITY PARK SYSTEMS OR THREE AMENITY PARKS, AND WE ARE IN THE PROCESS OF BUILDING ONE IT. TOOK SOME TIME TO GET THAT APPROVED, AND WE JUST GOT THE BIDS BACK ON THAT THE SECOND PART WILL NOBODY THIS AREA HERE, AND IN THE SFD AREA. AND IT WILL BE CONSTRUCTED WITH THE SUBDIVISION. WE ARE BUILDING AFFORDABLE HOUSING IN THIS SUBDIVISION UNDER THE RULES OF THE MUD, WE ARE SUPPOSED TO BUILD 20% AFFORDABLE HOUSING, WE ARE BUILDING IS 100% AFFORDABLE HOUSING. LITERALLY EVERY HOUSE BUILT IN THIS SUB DISTINGUISH HAVE BEEN 80% AT THIS TIME AND MANY HAVE BEEN AFFORDABLE TO PEOPLE WITH LESS THAN 50% OF THE ANNUAL INCOME IN THIS TOWN. IT IS A VERY DIVERSE BLUE COLLAR AREA AND A VERY GOOD ONE AND TAKE A LOT OF PRIDE IN DOING THAT. IT IS ONE THING TO BUILD AN EXPENSIVE LOT SUBDIVISION, AND IT IS ANOTHER THING KEEP IT AFFORDABLE AND I'M VERY PROUD OF THE FACT WE HAVE OVER 800 AFFORDABLE HOUSING UNITS AND WILL END UP WITH 2,000 BEFORE IT IS OVER. WE HAVE FOUND THAT A 45-FOOT LOT IS VERY DESIRABLE TO THE PRODUCTION BUILDERS OPPOSED TO A 50-FOOT LOT. ALL THE LOTS IN SECTION ONE, PHASE B, WHICH INCLUDES SECTION ONE, SECTION TWO AND PHASE C ARE ALL ZONED SF-4 A, APPROXIMATELY 450 LOTS. 300 OF THOSE LOTS ARE ON THE GROUND TODAY AND 200 OF THEM HAVE HOUSES, AND YOU CAN SEE VERY LITTLE DIFFERENCE BETWEEN THE 50-FOOT LOT HOUSES AND THE 45-FOOT LOTS. THE DEPTH OF ALL THE 45-FOOT LOTS THAT WE HAVE ARE APPROXIMATELY 115 TO 125 FEET IN DEPTH, WHICH IS LARGER THAN NORMAL, AND WE DO THAT TO GIVE THEM A LARGER BACKYARD. ALL THE UTILITIES ARE UNDER GROUND, AND WE TEND TO DO THAT, WE ARE OFFERING ALL THE HOUSING WITH FENCED YARDS TO BEGIN WITH. THE PURPOSE HERE IS JUST TO MAINTAIN THE AFFORDABILITY OF HOUSING AND TO CREATE THE TYPE OF HOUSE THAT THE BUILDERS FIND IN MOST DEMANDS WHICH IS A 45-FOOT PRODUCT HOUSE OPPOSED TO A 50 OR 55-FOOT. THE

DISTRICT IS APPROXIMATELY 20% BUILT OUT, IT WILL BE ACCELERATING VERY QUICKLY IN THE NEXT FIVE YEARS BECAUSE OF THE OPENING OF 130. WE HAVE APPROXIMATELY A MILE ON EITHER SIDE OF 130 THAT FRONTS ON 130. WE ARE ALSO EXPANDING ELROY ROAD FROM A TWO-LANE COUNTY ROAD TO A SIX-LANE, FOUR TO SIX-LANE ROAD THAT IS DIVIDED MEDIAN, ALL UNDER GROUND UTILITIES, CONTROLLED ACCESS ON AND OFF THE ROAD. WE ALSO HAVE JUST SUBMITTED A NEW TRANSPORTATION IMPACT STUDY TO THE STAFF UNDER TITLE 30, AND WE DID THAT TO BE ABLE TO SEE THE IMPACT OF BOTH THE EXPANSION OF ELROY AND 1, AND WE EXPECT A SIGNIFICANT AMOUNT OF TRAFFIC ON THIS NODE OF 130 BECAUSE ELROY IS AN ON AND OFF RAMP OF THE TOLL ROAD, ONE OF THE FEW IN THE SOUTHEAST AREA SO THE TRAFFIC EXPERTS, INCLUDING ALL THE 130 PEOPLE WERE EXPECTING, AND THIS GOES INTO THE SOUTHERN ENTRANCE OF THE AIRPORT HERE TOO, ARE EXPECTING CONSIDERABLE GROWTH IN THIS DISTRICT AND SO DO WE AND THAT IS THE PURPOSE IN THIS ZONING. I'M HAPPY TO ANSWER ANY QUESTIONS ABOUT IT, I'VE GIVEN YOU A NUMBER OF SLIDES HERE, AND I DON'T WANT TO SHORTCHANGE THAT BUT A LOT OF WORK WENT INTO THESE, THESE SHOW A TIME PROGRESSION OF THE PROPERTY, INCLUDING THE 130 ALIGNMENT. THE ELROY ALIGNMENT IS DIFFICULT TO SHOW, THE RIGHT OF WAY IS 630 FEET AND THE ELROY ROAD IS ONLY 120 SO IT IS SMALL IN COMPARISON ABOUT IT IS FOUR TO SIX LANES WITH THE DIVIDED MEDIAN, IT IS HARD TO SEE THAT. THIS IS THE 2010 WHICH SHOWS ALSO THE ADDITION OF WANDERING CREEK TO THE SOUTH AND THERE IS A MAJOR EXPANSION OF WASTE WATER LINE DOWN DRY CREEK AND AN EXTENSION OF A 36-INCH WATER LINE BOTH SOUTH ALONG MAGANGUS ROAD AND EAST TO ELROY TO SERVICE THAT DISTRICT. THERE IS ALSO DISCUSSION OF BRINGING THAT DRY CREEK INTERCEPTOR DOWN TO SERVE THE KARMA PROPERTY, AND THAT IS IN THE WORKS AND THE WATER, WASTE WATER DEPARTMENT, RECOMMENDED THAT TO YOU. I THINK MY TIME IS UP. I DON'T HAVE V ANYTHING FURTHER TO SAY, I'M REAL PROUD WHAT HAVE WE'VE DONE, AND I LOOK FORWARD TO WORK BUG -- WORKING WITH YOU AND I TOLD THE PLANNING COMMISSION I WOULD BRING THE FRONTAGE

BACK FOR THEIR REVIEW, THEY MADE THAT QUESTION, AND I WOULD HONOR THAT AND THAT WOULD GIVE YOU A LOOK AT WHAT THE AESTHETICS OF THAT ROADWAY WOULD BE THE MILE ON EITHER SIDE OF THERE, AND WE WILL START THAT PROCESS IN THE NEXT THREE MONTHS. THANK YOU VERY MUCH. I CAN ANSWER ANY QUESTIONS, I'M HAPPY TO.

QUESTIONS OF THE APPLICANT? COUNCIL MEMBER LEFFINGWELL.

ONE QUICK WITH YOU. THE AIRPORT OVERLAY, IS THAT A FACTOR OR NOT?

IT IS NOT A FACTOR ON SECTION D, REALLY. JUST IN THE FRINGE OF THE FLOOD PLAIN. AND THAT IS NOT IN THE ROAD, THE OVERLAY IN THE CLASSIC SENSE OF THE WORD, IT IS AN EXPANDED OVERLAY, NOT BASED ON A MILE AND A HALF ON THE SIDE. FROM THE SIDE, A MILE AND A HALF IT IS, NONE OF IT IS IN THERE, BUT IF DO YOU THAT ON AN EXPANDED BASIS IT CLIPS THE CORNER ON THE SOUTHWEST.

THANK YOU.

THANK YOU, BILL. FURTHER QUESTIONS OF THE AGENT/APPLICANT? THANK YOU, SIR. LET'S SEE, OUR ONE SPEAKER IN OPPOSITION IS KATHY OLIVE. WELCOME, YOU WILL HAVE THREE MINUTES. ARE YOU FROM THE OLIVE CLAN UP IN WILLIAMSON COUNTY BY CHANCE?

NO. GOOD AFTERNOON, COUNCIL MEMBER. MY NAPM IS KATHY OLIVE AND I'M THE REPRESENTATIVE FOR THE ELROY PRESERVATION, NEIGHBORHOOD ASSOCIATION FOR THE EL READY ROY PROPERTY OWNER, WE ARE STRONGLY OPPOSING THE STONEY RIDGE PHASE 4, CHANGING THE LOT SIZED FROM THE STANDARD SIDE TO THE SMALL LOTS AT ELROY AND KELLUM FOR THE FOLLOWING REASONS: THIS AREA IS GETTING SATURATED WITH SMALL-LOT SUBDIVISIONS. ELROY ROAD IS A TWO-LANE COUNTRY ROAD WITH NOWHERE FOR EMERGENCY VEHICLES TO PASS SAFELY THIS ROAD IS NOT DUE TO BE IMPROVED UNTIL 2030, AND I BROUGHT A PICTURE OF KELLUM. WHAT GENTLEMAN WAS TALKING ABOUT WAS EL READY ROY WAS IMPROVED

UP TO THE S-CURVES, BUT NOT IN FRONT OF THIS PROPERTY. SMALL LOT, 40-FOOT WIDE SUBDIVISIONS IS TOO MUCH IMPERVIOUS COVER THIS PROPERTY HAS A SLOPE LIKE THIS, AND WHAT WE ARE SAYING IS IT IS WAY TOO MUCH IMPERVIOUS COVER FOR SMALL LOTS ON THIS SLOPING PROPERTY. POSSUM ELEMENTARY SCHOOL IS AT CAPACITY, TELL VALLEY INDEPENDENT SCHOOL DISTRICT HAS SAID REPEATEDLY THEY CANNOT GENERATE TAXES FROM THESE 3-2 STARTER HOUSES TO EDUCATE THE CHILDREN IN THE HOUSES, AND YOU ARE OVER BURDENING THE SCHOOL DISTRICT, AND THAT IS NOT FAIR. WE ARE ASKING TO YOU STOP AND THINK ABOUT WHAT YOU ARE DOING BEFORE YOU VOTE. WE, THE PROPERTY OWNERS WHO HAVE LIVED IN THIS AREA BETWEEN 20 TO 50 YEARS AND WHO LOVE THIS LAND ARE ASKING TO YOU TABLE THIS AND TALK TO THE SCHOOL BOARD, PLEASE DON'T RUSH THIS ISSUE, THESE 3/2 STARTER HOUSES CAN BE SPREAD INTO OTHER DISTRICTS. I WOULD ALSO LIKE TO SAY THAT THIS, I WAS GOING TO HAVE MORE MEMBERS OF OUR HOMEOWNER ASSOCIATION HERE, BUT THEY ARE OUT DOING A PETITION DRIVE RIGHT NOW FOR PROPERTY ACROSS THE STREET, AND WE'VE GATHERED OVER 200 SIGNATURES FOR THE PROPERTY ACROSS THE STREET WHICH IS ALSO A SMALL LOT SUBDIVISION, AND I GUESS WHICH MAY HAVE TO START OVER AND DO A PETITION DRIVE FOR THIS ONE, BUT THAT IS WHY I'M THE ONLY ONE HERE, I GOT THE SHORT STRAW. AND IF YOU CAN'T TABLE, THIS WE ARE ASKING YOU TO PLEASE CONSIDER LEAVING THESE LARGER TRACT SIZES SO WE HAVE SOME DIVERSITY IN OUR NEIGHBORHOOD.

THANK YOU, MISS OLIVE. QUESTIONS FOR MISS OLIVE, COUNCIL? THANK YOU, MA'AM. COUNCIL, THAT IS ALL THE FOLKS WHO SIGNED UP IN OPPOSITION. YOU HAVE ONE TIME-THREE-MINUTE REBUTTAL.

I WILL BE VERY QUICK, MR. MAYOR. ON THE SMALL LOT SUBDIVISION, BECAUSE WE ARE AVERAGING 45-FOOT-WIDE LOTS THAT ARE 100 TO 120, BETWEEN 115 AND 120-FOOT IN DEPTH THE ACTUAL SIZE OF THOSE LOTS ARE LARGER THAN THE MINIMUM SIZED LOTS ON THE SF 50s. SO WE COULD HAVE THE SAME SF-50 LOTS THAT WE HAVE RIGHT NOW AND HAVE THE SAME DENSITY. WE DON'T INTEND TO

LOWER THE SIZE OF THESE LOTS, WE COULD LOWER THEM DOWN TO 40 FEET BY 90 FEET, WE ARE NOT GOING TO DO THAT, AND WE MADE THAT PRESENTATION COMMENT WITH THE PLANNING COMMISSION THAT HAS NEVER BEEN THE INTENTION. THE INTENTION IS TO CUT FIVE FEET OFF THE WIDTH OF THE LOT. THE DENSITY IS APPROXIMATELY THE SAME, IT IS LESS THAN THE DENSITY OF THE NEW PLAN, THAT THE ORIGINAL PLAN CALLED FOR FOR THIS SPECIFIC SECTION, NOT THE ENTIRE THING. ON THE ENTIRE THING IT IS MUCH LOWER. THE ENTIRE MUD UNIT WE HAVE 2700 APPROVED, AND WE WILL HAVE 2200 WHEN IT IS ALL SAID AND DONE SO WE HAVE MUCH MORE OPEN SPACE AND THOSE KIND OF ISSUES. THIS IS THE PLACE FOR AFFORDABLE HOUSING, THIS IS THE TYPE OF SUBDIVISION THAT MEETS LEGAL NEEDS AND THE SCHOOL CHILDREN NEED AND I'M GOING TO DEFEND THAT VIGOROUSLY UNDER ANY OF THE COMMENTS THAT SHE MADE. THE CHILDREN OF THIS SCHOOL DISTRICT DO NOT DESERVE TO LIVE IN REFRABRICATED MOBIL HOMES, IN MOBIL HOMES OR OTHER TYPES OF HOUSING OUT THERE IN THIS AREA. WE ARE OFFERING THEM TWO-CAR GARAGE, TWO AND THREE AND FOUR BEDROOM HOUSES WITH TWO BATHS, AND IT IS A GOOD SUBDIVISION, AND IT MEETS THEIR NEEDS AND MEETS THE FAMILY NEEDS AND WE'VE HAD THOSE, WE'VE HAD VERY GOOD RECEPTION FOR THE LAST SIX YEARS AND I'M REALLY PROUD OF THAT AND PROUD OF THE SUCCESS OF THE ELEMENTARY SCHOOL AS WE SPENT A LOT OF TIME AND A LOT OF MONEY BUILDING THAT SCHOOL AND I TOLD THE SCHOOL DISTRICT WE ARE HAPPY TO PROVIDE ANOTHER SCHOOL SITE FOR THEM IF THEY NEED ONE SO MR. WILLIAMS WHO IS THE LAND MANAGER FOR DELL VALLEY KNOWS THAT. BUT THE OTHER SECTION IS, AND SHE SPOKE TO THE SECTION OF WIDENING ELROY ROAD, WHEN THIS IS SUBSIDIZED THERE IS A PARTICIPATION AGREEMENT BETWEEN OURSELVES AND OTHER PARTIES FOR THE WIDENING OF ELROY ROAD IN MUCH THE SAME WAY WE DID THE PHASING AGREEMENT IN SECTION ONE AND TWO AND THAT RESULTED IN THIS ROAD THAT IS 4 TO 6 LANE OWES POSSED TO 2 LANES SO IT IS NOT THE PART, THE DEVELOPER'S PART THAT IS NOT MAKING THIS POSSIBLE AND NOT DOING THE RIGHT THING AND I JUST WANTED TO

SAY THAT. APPRECIATE IT.

THANK YOU. QUESTIONS, AGAIN, FOR OUR APPLICANT/AGENT? COUNCIL? COMMENTS? I JUST HAVE A QUESTION FOR MR. GUERNSEY. REMIND ME, TECHNICALLY THIS IS THE ZONING CASE, AND WHEN, AFTER THE THE ZONING CASE I GUESS IT IS THE SITE PLAN STAGE IS WHEN THINGS LIKE IMPERVIOUS COVER GET CALCULATED, THINGS LIKE SLOPE CALCULATIONS, THINGS LIKE ROADWAY IMPROVEMENT, BOTH DEDICATION, AND PHYSICAL REQUIREMENTS, CORRECT?

THOSE WILL BE DONE WITH THE SUBDIVISION WHEN IT COMES IN AND THAT WILL BE THE NEXT STAGE. ONCE THE ZONING IS ESTABLISHED, THOUGH, UNLESS THERE ARE VARIANCES OR THE PLATT, SUBDIVISION PLATTS DO NOT MEET THE MINIMUM STANDARDS OF THE CITY OF AUSTIN, THE COMMISSION WOULD BE REQUIRED, PLANNING COMMISSION WOULD BE REQUIRED TO APPROVE THE PLATTS AS THEY ARE TURNED IN BECAUSE THE USE IS BEING DECLARED NOW, AND THE STANDARDS, ACCOMPANYING THE SF-4 DISTRICT, ARE BEING ESTABLISHED WITH THIS ZONING CASE. AND I THINK THE TRACT THAT THEY ARE REFERENCES THEY WERE PETITIONING AGAINST IS CURRENTLY INSIDE THE COUNTY.

THANK YOU. AND AGAIN, SO STAFF RECOMMENDATION AND PLANNING COMMISSION RECOMMENDATION WAS THE SAME, THAT IS THIS SF-4 A.

SF-4A. WE HAVE AN ORDINANCE THAT REFLECTS THE COMMISSION RECOMMENDATION SO IT IS READY FOR ALL THREE READING FUSS CHOOSE -- REALINGS IF DO YOU SO.

THANK YOU. QUESTIONS FOR STAFF? COMMENTS? MOTIONS? ITEM NUMBER 99. COUNCIL MEMBER McCRACKEN. MOTION BY COUNCIL MEMBER McCRACKEN. SECOND BY COUNCIL MEMBER MARTINEZ TO CLOSE THE PUBLIC HEARING AND APPROVE THE PLANNING COMMISSION RECOMMENDATION ON ALL THREE READINGS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION PASSES ON ALL THREE READINGS ON A VOTE OF 6-0 WITH COUNCILMEMBER KIM

OFF THE DAIS.

MAYOR AND COUNCIL THAT BRINGS US TO OUR NEXT ITEM WHICH IS 104, CASE C 14-2007-0115. MIDBAR, A REZONING REQUEST FROM GENERAL COMMERCIAL SERVICES, CONDITIONAL OVERLAY, NEIGHBOR PLANNER CS-CO-NP COMBINED DISTRICT ZONING TO THAT SAME DISTRICT TO CHANGE THE CONDITION OF THE ZONING. PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE ZONING CHANGE. THE RECOMMENDATION THAT WAS PRESENTED AND ACTED ON BY THE PLANNING COMMISSION WOULD BE FOR GENERAL COMMERCIAL SERVICES. THE NEIGHBORHOOD PLAN WOULD PROHIBIT THE FOLLOWING USES ALREADY CONTAIN UNDERSTAND EXISTING CONDITIONAL OVERLAY AND PROHIBIT AGRICULTURE SALES AND SERVICES AND MAINTENANCE SERVICES AND CONSTRUCTION SALES AND SERVICES USES, EQUIPMENT REPAIR SERVICE, EQUIPMENT SALES, LIMITED WAREHOUSE AND DISTRIBUTION SERVICES AROUND LAUNDRY SERVICES. THIS PROPOSAL WOULD BE TO ADD OR REMOVE A LIST OF PROHIBITED USES VEHICLE STORAGE. THE PROPERTY IS APPROXIMATELY 1.8-ACRES, AND IT IS BORDERED ON THE NORTH BY SOME GR-MP AND SF-MP ZONING AND USED FOR CONSTRUCTION SERVICES AND OPEN SPACE. TO THE SOUTH IS GOING TOY CREEK AND A LITTLE BIT FURTHER TO THE SOUTH IS A MOBIL HOME PARK. AND ZONED MOBIL HOME. TO THE EAST IS SOME SF-3 ZONING ON UNDEVELOPED TRACTS AND SINGLE FAMILY USES. TO THE WEST ACROSS AIRPORT BOULEVARD IS CS-CO-NP ZONING AND RETAIL USES. AT THE TIME THIS WAS PRESENTED TO THE COMMISSION THE ITEM WAS TAKEN BY CONSENT, HOWEVER WE'VE BEEN APPROACHED BY NEIGHBORS IN OPPOSITION TO THIS REQUEST. THE PROPERTY IS CURRENTLY OCCUPIED ON PORTION OF THE PROPERTY BY A CONVENIENT STORAGE FACILITY AND THE APPLICANT WOULD LIKE TO MOVE AHEAD WITH THE STORAGE OF VEHICLES ON THIS PROPERTY. VEHICLE STORAGE IS A USE THAT IS NOT AN AUTO SALVAGE USE, THEY WOULD NOT BE ABLE TO DISMANTLE VEHICLES ON THIS PROPERTY. TIMES WE HAVE VEHICLE STORAGE IT IS USED BY TOWING COMPANIES TO BRING IN CARS PARKED ILLEGALLY OR ARE DISABLED AND ARE STORED ON A PROPERTY. AIRPORT

BOULEVARD IS A MAJOR ARTERIAL. ALSO, THAT THE PROPERTY LIES WITHIN THE JOHNSON TERRACE NEIGHBOR PLANNING AREA, MAP FOR THIS PROPERTY DESIGNATES AS COMMERCIAL USE. WHEN THE PLAN WAS ADOPTED THIS USE WAS PROHIBITED AS PART OF THAT PROCESS. AT THIS TIME I WILL PAUSE AND LET THE APPLICANT SPEAK TO THEIR APPLICATION. IF YOU HAVE ANY QUESTIONS, I WILL BE HAPPY TO ANSWER THEM AT THIS TIME.

QUESTIONS FOR MR. GUERNSEY, COUNCIL? COMMENTS? IF NOT, THEN WE WILL CONDUCT THIS PUBLIC HEARING. OUR FIRST SPEAKER, OF COURSE IS THE APPLICANT/AGENT. CLAIRE BROOKS IS HERE, WELCOME, WE WILL SET THE CLOCK FOR FIVE MINUTES. WE THEN HEAR FROM FOLKS IN FAVOR OF THE ZONING CASE, AND FOLKS IN OPPOSITION, AND YOU WILL HAVE A REBUTTAL AT THE END. WELCOME.

THE PROPERTY IS CURRENTLY ZONED CS-CO AS YOU KNOW, COMMERCIAL SERVICES WITH A CONDITIONAL OVERLAY. THE CONDITIONAL OVERLAY SPECIFIES THEREBY BE NO VEHICLE PARKING IN THE NEIGHBORHOOD. WE ARE REQUESTING AND THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT IS RECOMMENDING THAT, WE BE ALLOWED TO PURSUE STORAGE FACILITIES FOR RECREATIONAL VEHICLES AND OTHER VEHICLES. I'M HERE TODAY TO DEFEND OUR RIGHT TO CONDUCT A LEGITIMATE BUSINESS. THE STORAGE FACILITY HAS APPROXIMATELY 1/2 ACRE JOINING IT WHICH IS EMPTY AND UPON WHICH WE WANT TO EXPAND OUR STORAGE, OFFERING TO THE PUBLIC TO INCLUDE RECREATIONAL VEHICLE, BOATS AND OTHER VEHICLE STORAGE. WE HAVE NO INTENTION OF OPERATING A JUNK OR SALVAGE YARD AS SOME OF THE NEIGHBORHOOD FAREWELL DO. THIS IS A LEGITIMATE BUSINESS USE FOR THIS PIECE OF PROPERTY. TO DO SO, WE MUST HAVE PERMISSION TO REMOVE THE CO FROM OUR PROPERTY OR AS A COMPROMISE TO SATISFY THE NEIGHBORHOOD PERHAPS AMEND IT TO READ THAT A STORE OF VEHICLE THAT CAN BE DRIVEN ON TO THE FACILITY, AND NOT TOWED IN. IF YOU WOULD LIKE TO SEE PICTURES OF OTHER STORAGE FACILITIES, I HAVE THEM. THEY ARE NOT ON A COMPUTER THOUGH. THERE IS A NEED FOR THIS TYPE OF FACILITY BECAUSE THERE IS NO PLACE FOR THIS TYPE OF VEHICLE TO BE PARKED. IT IS ILLEGAL TO

PARK ON THE STREET AND IN MANY SUBDIVISIONS, RESIDENTS ARE NOT EVEN ALLOWED TO PARK IN THEIR OWN DRIVEWAY THIS TYPE OF VEHICLE. THESE VEHICLES ARE VULNER TO BELIEVE VANDALISM ABILITY OWNERS WANT TO PROTECT THEIR INVESTMENT. WE ARE CONSTANTLY RECEIVING PHONE CALLS ASKING TO BE ABLE TO PARK RECREATION VEHICLES, BOTHS AND OTHER VEHICLES ON OUR LOT. CURRENTLY WE ARE TELLING PROSPECTIVE CUSTOMERS WE ARE UNABLE TO HELP THEM UNTIL ZONING IS RESOLVED. WE HAVE IMPROVED THE APPEARANCE OF IT WITH PAINT, ROOF REPAIR, ET CETERA. WE PATROL IT DAILY TO MAKE SURE IT IS FEET AND CLEAN AND USEABLE BY OUR PUBLIC. WE WOULD DO THE SAME WITH A VEHICLE STORAGE. BEFORE WE MET WITH A NEIGHBORHOOD PLANNING TEAM, ONE OF THE MEMBERS OF THE TEAM CALLED ME TO MAKE DEMANDS, WHICH WE MET. HOWEVER SHE STILL CALLED CODE ENFORCEMENT. IS THAT WORKING TOGETHER AS GOOD NEIGHBORS? FURTHER MORE, WE WERE DISAPPOINTED THE NEIGHBORHOOD PLANNING TEAM WE MET WITH ON OCTOBER 30 WAS VERY UNCOMMUNETIVE AFTER THE MEETING. IN THE INTEREST OFING A PROBLEM WE WOULD HOPE SHE WOULD DISCUSS THEIR RESERVATIONS WITHS BUTTOUS, BUT THEY DID NOT EVEN RETURN E-MAILS AND PHONE CALLS. WE ARE IN THE DARK AS TO THEIR WISHES. IN THE MEETING THEY ASKED A FEW QUESTIONS AFTER WE PRESENTED WHAT WE INTENDED TO DO, BUT WE GOT NO FEEDBACK. GOAL WHATEVER WE CAN TO HONOR THEIR WISHES BUT WANT TO BE ALLOWED TO CONDUCT OUR BUSINESS WITH THIS ZONING PROBLEM RESOLVED. PLEASE ALLOW US TO CONDUCT OUR BUSINESS BY RELEASING THE CONDITIONAL OVERLAY THAT PROHIBITS VEHICLE PARKING ON OUR PROPERTY OR AMEND IT AS YOU AND THE NEIGHBORHOOD SEE FIT DID WANT TO SEE SOME OF THE PICTURES? THIS IS ALSO WHAT WE HAVE IN MIND TO DO.

IF YOU HAVE THEM, HAND THEM TO COUNCIL MEMBER LEFFINGWELL, AND HE WILL PASS THEM DOWN THE DAIS.

YOU ARE THE CURRENT OWNER OF THE PROPERTY.

THAT IS CORRECT.

AND WERE YOU AWARE OF THE NEIGHBORHOOD PLAN PROCESS WHEN THAT WENT THROUGH, WHENEVER THAT WAS?

WERE WE AWARE OF THE CONDITIONAL OVERLAY?

YES, MA'AM.

NO. BUT WE HAD STARTED TO PUT A FENCE AROUND AND DO SOME IMPROVEMENTS, SOMEONE FROM THE CITY CAME TO US AND SAID YOU NEED TO GET A PERMIT SO WE WENT TO THE WATERSHED PEOPLE, AND THEY, AND THIS IS WHERE THE PROCESS HAS LED US AND WHATEVER NEEDS TO BE DONE AFTERWARDS, THAT IS WHAT WE WILL DO.

THANK YOU. COMMENT, QUESTIONS FOR MISS BROOKS, COUNCIL, COMMENTS? THANK YOU, MA'AM. YOU WILL HAVE REBUTTAL IN A FEW MINUTES. SO WE NOW GO TO FOLKS WHO SIGNED UP IN FAVOR OF THE ZONING CASE. THERE ARE NONE SO WE HEAR FROM FOLKS IN OPPOSITION. WE HAVE A HANDFUL OF FOLKS THAT WOULD LIKE TO TESTIFY. OUR FIRST SPEAKER IS JESSICA ARTIST. I HOPE I PRONOUNCED THAT RIGHT. JESSICA, WELCOME. JOHNNY, WELCOME, YOU CAN START US OFF. THREE MINUTES AND YOU WILL BE FOLLOWED BY JESSICA.

GOOD AFTERNOON. SORRY, BUT DID SPEAK LOUD. MAYOR WYNN AND COUNCIL MEMBERS, BACK IN 2000 OUR COMMUNITY GOT TOGETHER WITH OTHER STAKEHOLDERS IN OUR COMMUNITY TO PUT TOGETHER A PLAN OF HOW WE WANTED OUR COMMUNITY TO BE IN THE FUTURE, YOU KNOW, AND SO WE WERE ABLE TO CHANGE OVER 600 ZONINGS, MANY OF THEM BEING SINGLE FAMILY HOMES THAT WERE ZONED LIGHT INDUSTRIAL OR INDUSTRIAL, AND FOR THOSE REASONS, MANY OF OUR PROPERTIES WERE RIGHT NEXT TO FACILITIES THAT WERE NOT COMPATIBLE WITH OUR NEIGHBORHOOD. BUT LUCKILY WITH THIS NEIGHBORHOOD PLAN, IT GAVE US THE OPPORTUNITY TO BE ABLE TO CHANGE OUR COMMUNITY TO WHAT WE WANTED TO BE LIKE NOW AND IN THE FUTURE. AND SOME OF THESE PROPERTIES, WE ARE WORKING WITH THE ORIGINAL PROPERTY OWNER, YOU KNOW, WE WERE ABLE TO, BY PUTTING CONDITIONAL OVERLAYS ON THEM WE WERE ABLE

TO GET THE PROPER ZONINGS AND THAT IS THE CASE WITH THIS PARTICULAR PROPERTY. IN THE MEETING THAT WE HAD WITH MR. BROOKS, SHE TOLD THANK YOU SHE JUST BOUGHT THE PROPERTY I THINK A YEAR AGO, AND THAT IS WHY THEY DID NOT PARTICIPATE IN THE NEIGHBORHOOD PLAN. NOW, IF WE ALLOW THIS CHANGE TO HAPPEN TO OUR NEIGHBORHOOD PLAN, WE ARE GOING TO GO BACK TO WHAT IT WAS BEFORE WE EVEN DID A NEIGHBORHOOD PLAN. WE DON'T WANT TO GO BACKWARDS, WE WANT TO GO FORWARDS. AND THERE IS A LOT OF CHANGE AND THIS COMMUNITY IS CHANGING. WITHIN THE LAST COUPLE OF YEARS WE'VE HAD, RIGHT NEXT TO THIS PROPERTY, RIGHT CLOSE TO THIS PROPERTY WE HAD A SUBDIVISION CALLED THE GROVE, 98 BRAND NEW HOMES THAT PEOPLE LIVE IN NOW. THERE IS 10 OTHER NEW HOMES, AND WE WILL PASS OUT FOR THE NEXT SPEAKER WHERE YOU CAN SEE WHERE THE NEW HOMES ARE, THERE IS 10 NEW HOMES ON BALM ROAD, RIGHT CLOSE TO GROVE VALLEY PARK. THAT IS BESIDE ALL THE OLD COMMUNITY THAT HAS BEEN THERE FOR MANY, MANY, MANY YEARS. SO WE DON'T WANT TO GO BACKWARDS, WE WANT TO GO FORWARDS, AND THAT IS WHY WE HAVE THIS CONDITIONAL OVERLAY BECAUSE THESE ARE SERVICES THAT WE NO LONGER WANT IN OUR COMMUNITY. AND IF WE WANT OUR COMMUNITY TO CHANGE FOR THE BETTER, THEN YOU KNOW, WE HAVE TO OPPOSE THIS TYPE OF CHANGES AND KEEP THEM GOING BACKWARDS. SO THAT IS WHY I AM HERE TODAY, AND I HOPE THAT YOU ALL WILL VOTE AGAINST THIS. REMOVING THIS CONDITIONAL OVERLAY. WE WORKED ABOUT A MONTH AGO WE WORKED WITH ANOTHER DEVELOPER THAT IS GOING TO COME INTO OUR COMMUNITY RIGHT NEXT TO GROVE VALLEY PARK ON SHADY LANE, AND THEY ARE GOING TO BE, DO A MIXED USE, AND THAT IS GOING TO IMPROVE OUR COMMUNITY SO WE ARE GOING TO, WE WORK WITH HIM, AND WE ARE GOING TO SUPPORT HIS PROJECT. AND THERE IS GOING TO BE ANOTHER HOUSING PROJECT THAT IS GOING TO BE BUILT ON PERRY ROAD RIGHT ACROSS THE STREET FROM THE 98 HOMES, THE GROVE, AND SOP OF THOSE HOMES ARE GOING TO BE OWNED BY THE NEIGHBORHOOD DEVELOPMENT CORPORATION WHO IS AN ORGANIZATION DOES AFFORDABLE HOUSING. AND THEY ARE GOING TO BUILD, I FORGOT HOW MANY HOMES NOW,

BUT, YOU KNOW, IT IS LIKE I THINK LIKE 20-SOMETHING NEW HOMES, SO IF YOU WANT THIS KIND OF DEVELOPMENT, WE'VE GOT TO MAKE SURE THAT WE STOP AND KEEP FROM GOING BACKWARDS. SO AGAIN, THANK YOU FOR YOUR TIME, AND I HOPE THAT YOU ALL VOTE NO AGAINST THIS GOING BACK. THANK YOU VERY MUCH.

I HAVE A QUESTION.

THANK YOU. COUNCIL MEMBER COLE.

MR. JOHNNY, CAN I ASK YOU A COUPLE OF QUESTIONS.

SURE.

I'M FAMILIAR WITH THIS AREA OFF OF BALM ROAD BECAUSE I LIVE CLOSE TO, I LIVE RIGHT OFF OF AIRPORT, AND YOU TALKED ABOUT THE CHANGE IN THE NEIGHBORHOOD. I'M TRYING TO DETERMINE IF THE CONDITIONAL OVERLAY THAT STAFF AND THE PLANNING COMMISSION RECOMMENDED WOULD SOLVE YOUR CONCERNS ABOUT THE JUNKYARD.

NO, IT DOESN'T BECAUSE, YOU KNOW, THE PLANNING COMMISSION, WE DIDN'T GET NOTICED. THAT IS THE ONLY REASON WHY WE WERE NOT THERE-TO-BEGIN WITH, WE FOUND OUT, WE GOT THE NOTICE WHEN IT WAS COMING TO COUNCIL FOR THE OCTOBER 11 MEETING, BUT WE CALLED, AND WE POSTPONED IT FOR THIS DAY TO GIVE US TIME TO MEET WITH MISS BROOKS. BUT NO THIS, WILL NOT CHANGE BECAUSE THE WAY I LOOK AT IT AND SOME OF MY NEIGHBORS, IF PEOPLE CAN PARK RVs OR BOATS OR OTHER VEHICLES THEY HAVE IN THEIR NEIGHBORHOODS BECAUSE THEY HAVE HOMEOWNER'S RULES OR THEY HAVE NEIGHBORHOOD ASSOCIATION RULES, THAT MAKES IT RIGHT THAT IT IS DO IT IN OUR NEIGHBORHOOD. IT MIGHT BE OKAY ON THE EAST SIDE, WELL IT IS NOT OKAY ON THE EAST SIDE ANY MORE BECAUSE WE WORK VERY HARD TO IMPROVE OUR COMMUNITY, AND THAT IS WHY WE ARE TOTALLY AGAINST IT. EVEN THE VEHICLE STORAGE.

THE VEHICLE STORAGE, OKAY. THANK YOU.

THANK YOU. I JUST LOST MY PLACE. SO JESSICA, WELCOME

BACK. IS RAUL HERE? HOW ABOUT THOMAS ARDIS? SO JESSICA, I WILL HAVE UP TO SIX MINUTES, WELCOME.

THANK YOU. I WOULD JUST LIKE TO SAY, BEFORE I START, THAT REREALIZE THAT THIS CONDITIONAL OVERLAY, LIFING IT WOULD NOT ALIEU SALVAGE WARD, BUT WE HAVE SEVERAL OF THESE VEHICLE STORAGE FACILITIES OFF OF AIRPORT WHERE CAR PARTS AND SUCH ARE ALLOWED TO BE STORES. NOW THE CAR IS NOT ALLOWED TO BE DISMANTLED ON SITE, BUT THESE CAN QUICKLY TURN INTO AN EYE SORE AND THAT SOMEONE OF THE REASONS THAT WE OPPOSE THIS. AND LET ME START OFF BY SAYING THAT I REPRESENT THE GROVE VALLEY PARK NEIGHBORHOOD ASSOCIATION, AND OBVIOUSLY WE OPPOSE LIFTING THIS VEHICLE STORAGE RESTRICTION AND SINCE HE ALREADY DISCUSSED THE NEIGHBORHOOD PLAN, I WOULD LIKE TO GO INTO SOME SPECIFIC REASONS WHY WE OPPOSE VEHICLE STORAGE. AND THIS POSSIBLE LAND USE. AND HE HAS PASSED OUT A HAND OUT, AND I WOULD LIKE TO POINT OUT THAT THE PROPERTY OWNERS WERE ALREADY IN VIOLATION OF THE ZONING, AS YOU CAN SEE ON PAGE ONE, NOT ONLY ARE VEHICLES CURRENTLY BEING STORED THERE, BUT THE SERVICE IS BEING ADVERTISED ALREADY, DESPITE BEING TOLD BY CODE ENFORCEMENT AND BY NEIGHBORS, SO WE ARE FRUSTRATED BECAUSE IF THIS IS ALREADY GOING ON BEFORE IT IS ALLOWED, WHAT IS GOING TO HAPPEN AFTER IT IS ALLOWED. AND I SEE NO REASON TO AWARD A ZONING CHANGE TO A PROPERTY OWNER WHO HAS FAILED TO FOLLOW THE LAW AND CONTINUES TO DO SO. A SECOND HAVE I WOULD LIKE TO ADDRESS THE LOCATION OF THE PROPERTY, AND NUMEROUS TIMES IT HAS BEEN REFERRED TO AS BEING ON A MAJOR THOROUGH FARE, 853 AIRPORT. WHILE THAT IS TRUE, THE ADDRESS IS ON THERE, IF YOU COULD PLEASE FLIP PAGE TWO YOU WOULD SEE THAT THE MAJORITY OF THE FRONTAGE IS ON BALM ROAD WHICH IS PRIMARILY RESIDENTIAL, AND FURTHERMORE, THAT FRONTAGE ON BALM VODE DIRECTLY ACROSS FROM OUR NEIGHBORHOOD PARK, VALLEY CITY PARK, AND THAT PARK IS HEAVILY USED, IF YOU WOULD PLEASE FLIP TO PAGE THREE YOU WOULD SEE A TYPICAL SATURDAY AT THAT PARK. AND I AM REALLY OPPOSED TO THE IDEA OF CHILDREN PLAYING AT PA PARK ACROSS FROM

A VEHICLE STORAGE FACILITY. ONE OF THE REASONS IS, I THINK, THAT IT IS NOT A GOOD THING FOR THEM TO BE PLAYING ACROSS, FROM THEY SHOULD BE PLAYING IN A BEAUTIFUL ENVIRONMENT, AND NOT ACROSS FROM A VEHICLE STORAGE LOT. ALSO, THIS PROPERTY IS ON THE BOGGY CREEK WATERSHED WHICH RUNS DOWNSTREAM INTO GROVE VALLEY PARK AND THERE IS NOTHING TO KEEP CHILDREN FROM PLAYING IN THE RIVER, IN THE CREEK, EXCUSE ME. AND SO AS WE ALL KNOW, VEHICLES OPERABLE OR OTHERWISE LEAK GASOLINE WHICH CONTAINED BENZINE AND I'M KIND OF HORRIFIED AT THE IDEA OF CHILDREN PLAYING IN THAT. AND THAT CREEK GOES ON TO DRAIN INTO THE COLORADO AND I'M SURE YOU ARE ALL VERY AWARE OF ENVIRONMENTAL ISSUES LIKE THAT. FINALLY, ON LOCATION I WOULD LIKE TO SAY THIS IS THE GATEWAY TO OUR NEIGHBORHOOD, BALM ROAD AND AIRPORT, IT IS THE GATEWAY TO THE NEIGHBORHOOD AND THE HIGH SCHOOL, AND I JUST DON'T KNOW WHAT WE ARE SAYING TO OUR FAMILIES IF WE ARE GOING TO PUT VEHICLE STORAGE AT THE GATEWAY TO OUR PARK AND OUR PUBLIC SCHOOLS. NEXT, I WOULD LIKE TO DISCUSS THE FUTURE USE OF THIS PROPERTY. THE OWNERS SAY THAT THEY PLAN TO STORE RVs ON THE PROPERTY. AS YOU CAN SEE FROM THE PICTURES ON PAGE ONE, I MEAN, WE ALREADY HAVE DUMP TRUCKS AND OTHER THINGS AND THAT WOULD BE PERFECTLY ALLOWABLE IF THIS VEHICLE STORAGE CONDITIONAL OVERLAY IS LIVED, SO I'M NOT SURE WHAT GUARANTEE WE HAVE THAT IT WOULD BE A NICE, CLEAN NO PARTS LYING AROUND RV STORAGE FACILITY. AND THAT BRINGS UP THE ISSUE OF FUTURE OWNERS, WHAT WOULD THEY DO WITH THE PROPERTY. YOU KNOW, WE HAVE NO GUARANTEE THAT THE PROMISES THAT ARE MADE WOULD BE KEPT. ONE THIS ZONING HAS CHANGED WE HAVE NO CONTROL OVER THE AFFECTS OF IT ON OUR NEIGHBORHOOD. AND TO TOUCH AGAIN ON WHAT MR. LEMONE HAS TALKED ABOUT WITH EAST AUSTIN, I LIVE IN THE SUBDIVISION HE MENTIONED THAT HAS 98 NEW HOUSES, AND I CAN TELL YOU THAT NONE OF US BOUGHT OUR HOUSE EXPECTING THIS DEVELOPMENT TO BE DOWN THE ROAD, AND YES, THAT HAPPENS, BUT WE SAW OUR NEIGHBORHOOD MOVING FORWARD WITH SINGLE FAMILY HOUSES, MIXED USE DEVELOPMENT THAT COINCIDES

PEACEFULLY WITH THE SURROUNDING DEVELOPMENT. YOU KNOW, NEIGHBORHOOD BUSINESSES THAT WOULD BENEFIT US, NOT JUST THE PROPERTY OWNER. SO I WOULD JUST LIKE, AS HE SAID, NOT TO TAKE A STEP BACKWARD IN THAT RESPECT. YOU CAN SEE WE HAVE MANY NEIGHBORS THAT ALSO APOSE THIS. FINALLY, I WOULD ASK THAT THE CITY COUNSEL NOT DO ANYTHING IN THIS CASE. WE ARE NOT ASKING FOR ORDINANCE OR CHANGE, WE ARE SIMPLY ASKING THAT DO YOU NOT HARM TO OUR NEIGHBORHOOD. I WOULD BE HAPPY TO ANSWER ANY QUESTION THANK YOU MIGHT HAVE.

THANK YOU. QUESTIONS? COUNCIL MEMBER KIM.

YES, YOU TALK ABOUT THE CHILDREN WHO CAN PLAY, AND YOU WERE CONCERN BILLION DOLLAR GASOLINE AND CAN YOU TELL ME A LITTLE MORE ABOUT THAT. WHAT EXACTLY IS THEIR EXPOSURE TO, I GUESS, GASOLINE, AND FLUIDS.

I DON'T KNOW SPECIFICALLY HOW BENZINE LEAKS INTO THE WATER SUPPLY, I JUST KNOW FROM DOING A LOT OF RESEARCH YOU MAY BE FAMILIAR WITH A TANK FARM THAT WAS PREVIOUSLY AT, NEAR THIS INTERSECTION, AND THERE IS ALREADY BENZINE FROM GASOLINE LEAKING INTO THE SOIL WHICH I HAVE BEEN TOLD IS A FREQUENT PROBLEM WITH STORED VEHICLES. AND SO WE ARE JUST NOW GETTING, YOU KNOW, AFTER YEARS OF WORKING TO CLEAN THAT PROPERTY UP, WE ARE JUST NOW GETTING THAT SECTOR A PLACE WHERE WE ACTUALLY BUILD DEVELOPMENT, WHERE PEOPLE COULD LIVE, AND I JUST WOULD HATE TO ADD A NEW SOURCE OF POLLUTION TO THAT AREA. AND I DON'T HAVE A PICTURE OF IT, BUT THAT CREEK, THERE IS NO, THERE IS NOTHING AT ALL KEEPING KIDS FROM PLAYING IN IT, AND I SEE IT ALL THE TIME. THERE IS NOT VERY MUCH WATER, IT IS A TYPICAL AUSTIN CREEK, WHEN IT RAIN IT IS FLOODS, BUT YOU KNOW, IT IS TYPICALLY JUST A TRICKLE AND KIDS ARE DOWN THERE PLAYING, AND IT IS PART OF THE PARK.

IT JUST SOUNDED ALARMING, AND IF THERE IS SOMETHING WE NEED TO ADDRESS IN TERMS OF RUN OFF FROM THAT PROPERTY CURRENTLY THEN WE NEED TO LET CODE

ENFORCEMENT KNOW.

I DON'T KNOW A SPECIFIC ANSWER TO THAT. I DO KNOW HISTORICALLY CARPS HAVE NOT BEEN PARKS THERE, VEHICLES, SO I DON'T KNOW IF THERE IS CURRENTLY ANY RUN OFF FROM IT. IT IS RIGHT NOW A MINI STORAGE.

THANK YOU.

AND IF I COULD JUST ADDRESS ONE MORE THING, WE'VE BEEN TOLD THAT THE PROPERTY HAS BEEN KEPT MUCH BETTER SINCE THE CURRENT OWNERS BOUGHT IT, AND I DIDN'T BRING IT, BUT YOU KNOW WE HAVE SATELLITE PICTURES SHOWING IT WAS VERY WELL KEPT BEFORE, AND IT WAS MOWED AND WE'VE HAD, YOU KNOW, ONE OF THE CODE ENFORCEMENT COMPLAINTS THAT WAS CALLED IN WAS A FAILURE TO MAINTAIN THE PROPERTY, BUT OUR MAIN CONCERN WITH CODE ENFORCEMENT WAS THEY HAVE GONE AHEAD WITH STORING VEHICLES, AND WE JUST DON'T SEE HOW THAT IS ACCEPTABLE.

THANK YOU, MISS ARDIS.

THANK YOU.

COUNCIL, FOR THE RECORD, A NUMBER OF FOLKS SIGNED UP NOT WISHING TO SPEAK IN OPPOSITION, THOSE BEING TIM VIASENTA, RICHARD LEE, MARY TUN AND MARY MORRISON OPPOSITION. SO MISS BROOKS, YOU KNOW HAVE A TIME FOR REBUTTAL. SET THE CLOCK FOR THREE MINUTES, AND YOU CAN GIVE US MORE FEEDBACK.

THANKS. AT THE AREA IS DEVELOPED, YOU WILL FIND THAT SOME OF THE PEOPLE MOVING INTO YOUR OWN AREA WILL HAVE RECOGNIZE CRYING CREATIONAL CREATION -- RECREATIONAL VEHICLE, AS PEOPLE BECOME MORE ECONOMICALLY ADVANTAGED WILL BUY THESE VEHICLES AND WILL NEED TO STORE THEM SOMEWHERE BECAUSE THEY WILL NOT HAVE A PLACE TO STORE THEM THE WATERSHED PEOPLE OF THE CITY WILL BE MONITORING VERY CLOSELY WHAT DO WE AS FAR AS ANY KIND OF LEAKAGE OF VEHICLES. THEY HAVE VERY STRINGENT REQUIREMENTS WHEN YOU ARE NEAR A CREEK AS TO WHAT

NEEDS TO BE DONE. THE DUMP STRUCKS THAT WERE REFERRED TO ARE NOT OURS, THERE IS A SECTION OF LAND IN FRONT OF THE EMPTY LOT THAT THERE ARE TRUCKS THAT PARK ON, THAT IS NOT OUR LAND, WE HAVE NOTHING TO DO WITH THAT. THE TANK FARM, WE HAVE NOTHING TO DO WITH THAT. AND ACTUALLY, I CAN UNDERSTAND WHY THERE WAS SOME VEHICLE RESTRICTION AT ONE TIME BECAUSE I THINK THE TANK FARM OR THE PEOPLE THAT OWN THOSE TRUCKS WOULD PARK ALL OVER AND POSSIBLY THAT WAS THE REASON FOR RESTRICTING VEHICLE PARKING. WE ARE NOT ADVERTISING, WE ARE NOT RENTING OF PEOPLE THERE WILL BE NO DISMANTLING OF VEHICLE, IT WILL BE AS YOU SEE IN THE PICTURES, VEHICLE PARKING, RECREATIONAL VEHICLE, VEHICLES THAT ARE NOT ALLOWED TO PARK ANYWHERE ELSE, AND THEY WILL NOT COME FROM OUTSIDE THE NEIGHBORHOOD. THE PEOPLE CALLING US TO REQUEST STORAGE ARE INSIDE THE NEIGHBORHOOD.

THANK YOU, MISS BROOKS. QUESTIONS, COMMENTS FOR MISS BROOKS OR ANYBODY ELSE? THOUGHTS? COUNCIL MEMBER MARTINEZ.

MAYOR, IN LIGHT OF THE NEIGHBORHOOD PLAN AND THE CONCERNS CITED BY THE NEIGHBORS I WILL MOVE TO DENY THE REQUEST OF AMENDING THE CONDITIONAL OVERLAY.

SECOND.

WE HAVE A MOTION BY COUNCIL MEMBER MARTINEZ, A SECOND BY COUNCIL MEMBER COLE TO CLOSE THE PUBLIC HEARING AND DENY THIS CASE. ITEM NUMBER 104. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION TO DENY PASSES ON A VOTE OF 7-0. THANK YOU ALL. COUNCIL, WE HAVE ABOUT SEVEN OR EIGHT MINUTES BEFORE OUR 5:30 BREAK. OUR NEXT COUPLE OFS. WELL, PERHAPS, WELL, HATE TO BIFURCATE THE CASE, BUT WE CAN GET A LITTLE BIT OF WORK DONE. ITEM 106 ONLY HAS TWO FOLKS HERE SPEAKING IN OPPOSITION SO PERHAPS WE COULD AT LEAST PRESENT THE CASE AND MIGHT HAVE TO SPLIT UP THE TESTIMONY, BUT WE CAN GET STARTED.

106.

YES, SIR.

ITEM NUMBER 106 IS CASE C 4-2007-096. SH. GEORGIA ACRES. 8841 EAST DRIVE. THIS IS' REZONING REQUEST FROM SF-3 ZONING FOR TOWNHOUSE CONDOMINIUM DISTRICT ZONING. PLANNING COMMISSION AND STAFF BOTH RECOMMENDED DENIAL MUCH THIS REQUEST. THERE IS A VALID PETITION FILED IN OPPOSITION THAT STANDS AT 33.17%. THE PROPERTY ITSELF IS APPROXIMATELY .88-ACRES OF LAND AND IS ADJACENT TO SF-3 ZONING TO THE NORTH, SOUTH AND WEST AND DEVELOPED WITH SF-3. THERE IS AN FM-4 PROPERTY TO THE EAST AND THAT PARTICULAR PROPERTY FRONTS 35. GIVEN THE AMOUNT OF TIME LEFT BEFORE BREAK, IF YOU HAVE ANY QUESTIONS I WOULD BE MORE THAN HAPPY TO ANSWER THEM. AT THIS TIME THE APPLICANT WISHES TO GO FORWARD WITH A SMALL MULTIPLE RESIDENCE PROJECT, APPROXIMATELY 12 UNITS IS PROPOSED ON THIS PROPERTY. THEY DID QUALITY AS A SMART HOUSING PROJECT ON THIS TRACT AS WELL. AND THAT WOULD BE DEPENDENT UPON THE ZONING BEING GRANTED.

CORRECT. QUESTIONS FOR STAFF? COUNCIL, COMMENTS? IF NOT, WE WILL HAVE A PRESENTATION FOR OR APPLICANT AND/OR AGENT. RICK VAUGHN. MR. VAUGHN IN THE ROOM?

I DON'T SEE MR. VAUGHN IN THE AUDIENCE. IS JUAN HERE?

THEN PERHAPS --

I WOULD SUGGEST WE POSTPONE THIS ITEM UNTIL NOVEMBER 29th, OR WHATEVER YOU WOULD LIKE TO DO.

IT MAY BE THAT, YOU KNOW, HE OR SOMEBODY STEPPED OUT THINKING WE ARE ABOUT TO GO TO OUR 5:30 BREAK SO SINCE WE ARE HERE, WHY DON'T INSTEAD WE WILL TRY TO CALL THIS UP AGAIN RIGHT AFTER THE BREAK, AND IF --

WE WILL TRY TO MAKE PHONE CONTACT.

CORRECT. SO COUNCIL, THEN WITHOUT OBJECTION THAT

TAKES US APPROXIMATELY TO OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. WHEN WE COME BACK AFTER THOSE ISSUES, WE WILL CALL FOR ITEM 106, THAT WILL TAKE UP ITEMS 107 THROUGH 110. SO WE ARE NOW IN RECESS UNTIL APPROXIMATELY 6:00 OR SO. THANK YOU.

YOU'RE WELCOME TO APPLAUD. EMILY YOUR LICK.

EMILY YOUR ULICK. JACKIE MARINEO. JINGLE JUDGE.
[APPLAUSE]

MAYOR WYNN: JU LEE. [APPLAUSE]

MAYOR WYNN: KATHERINE HIWAY OR HAYWAY. KATHERINE?
[APPLAUSE]

MAYOR WYNN: JOSH GRAY. ANY...NICOLE ETMAGJA.
[APPLAUSE]

MAYOR WYNN: SAVANNAH VERDEN. VERDEN. [APPLAUSE]

MAYOR WYNN: TIM HE QONG. [APPLAUSE]

MAYOR WYNN:

WE JUST WANTED TO PRESENT YOU WITH YOUR OWN BILLBOARD.

MAYOR WYNN: OH, GOOD.

SO YOU COULD HAVE IT TO SIT ON YOUR DESK.

MAYOR WYNN: OKAY. THANK YOU. THANK YOU. [APPLAUSE]

MAYOR WYNN: THANK YOU, JILL. COME ON, GET YOU ON TV.

MAYOR WYNN: OKAY. OUR NEXT PROCLAMATION IS REGARDING GIS DAY, A TECHNOLOGY WE USE FOR SURE EVERY SINGLE COUNCIL MEETING, VIRTUALLY EVERY ZONING CASE, WE'RE USING GIS UP ON THE DAIS. I'LL READ THE PROCLAMATION AND THEN LEEANNE PI CAT AND I WILL SAY A FEW WORDS AND ABOUT HOW WE USE IT IN THE CITY. THE PROCLAMATION READS, EACH YEAR NATIONAL

GEOGRAPHIC AWARENESS WEEK IS CELEBRATED TO PROMOTE GEOGRAPHIC AWARENESS IN OUR SCHOOLS AND COMMUNITIES, AND WHEREAS GEOGRAPHIC INFORMATION SYSTEMS, OR GIS, TECHNOLOGY IS AN IMPORTANT PART OF SPATIAL AWARENESS. THE CITY OF AUSTIN IS COMMITTED TO APPLYING THE USE OF GIS IN FIELDS AS ENVIRONMENTAL PROTECTION, LAND USE, PLANNING, NATURAL RESOURCES, INFRASTRUCTURE MANAGEMENT AND CRIME PREVENTION AS WELL AS SHARING THOSE RESULTS WITH THE GENERAL PUBLIC, AND WHEREAS THE CITY HAS INVESTED IN GIS TECHNOLOGY AND TRAINING FOR CITY STAFF AS A TOOL FOR ACHIEVING ITS MISSION TO BE THE MOST LIVABLE COMMUNITY IN THE COUNTRY. SO NOW THEREFORE I, WILL WYNN, MAYOR OF AUSTIN, DO HEREBY PROCLAIM NOVEMBER 14, 2007 AS GIS DAY HERE IN AUSTIN. ASK LEEANNE TO SAY A FEW WORDS ABOUT THE PROGRAM. FIRST JOIN ME IN CONGRATULATING SOME HARD HARDWORKING CITIZENS. [APPLAUSE]

THANKS, MAYOR. MY NAME IS LEEANNE PI CAT AND I. I'M WITH THE CITY OF AUSTIN COMMUNICATIONS TECHNOLOGY MANAGEMENT DEPARTMENT AND I'M THE GIS MANAGER THERE. GIS DAY IS... IS A GRASS ROOTS EVENT THAT GETS GIS PROFESSIONALS AND EDUCATORS ALL OVER THE WORLD TOGETHER ON THAT ONE DAY TO SHARE WITH EVERYBODY ABOUT THE AMAZING AND INNOVATIVE TECHNOLOGY OF GIS AND HOW WE USE IT IN OUR COMMUNITY. WORLDWIDE THERE ARE HUNDREDS OF EVENTS. THERE ARE 40 -- 69 COUNTRIES INVOLVED AND 49 STATES IN THE U.S. I'M NOT SURE WHICH THE SLACKER IS. I DON'T KNOW WHICH ONE THAT IS. BUT MAYBE THEY'VE JOINED BY NOW. LAST TIME I LOOKED THERE WERE STILL 49 STATES. BUT THE MAIN THING I THINK MOST OF YOU PROBABLY UNDERSTAND AS MAYOR WYNN SAID, GIS IS BECOMING AN INTEGRAL PART IN RUNNING THE CITY, PROVIDING EFFICIENCIES AND INFORMATION IN AN EASIER FORMAT THAN MAYBE IT HAS BEEN IN THE PAST. IN PARTICULAR NEXT WEEK, WEDNESDAY, WE WANT TO INVITE YOU TO COME OUT. IT'S 9:00 TO 3:00 HERE AT CITY HALL. CITY MANAGER, TOBY FUTRELL WILL KICK IT OFF. WE HAVE LOTS OF SPEAKERS. WE HAVE SPEAKERS FROM TEXAS NATURAL RESOURCE INFORMATION SYSTEMS, ESI, THE OUR

GIS VENDOR AND UT, LCRA. WE HAVE PRESENTATIONS BY CITY STAFF OF ABOUT, I THINK THERE'S ABOUT TEN DIFFERENT DEPARTMENTS THAT ARE GOING TO BE PRESENTING HOW WE USE GIS IN OUR BUSINESS TO GET MORE EFFICIENCY -- ALONE A LOT OF IT DID IS GETTING THE INFORMATION OUT THERE. YOU MAY SEE THE VIEWERS ON THE INTERNET. YOU CAN LOOK AT THE DATA HERE AT THE CITY ON THE INTERNET. YOU CAN ALSO DOWNLOAD FROM THE SITE A LOT OF OUR DATA. IT'S AVAILABLE. BUT THIS IS TO SHARE THIS INFORMATION WITH THE PUBLIC AND TEACH PEOPLE ABOUT THE TECHNOLOGY. AND ONE MORE THING IS I WAS JUST GOING TO INTRODUCE SOME OF THESE GUYS HERE. THESE ARE SOME OF THE PEOPLE THAT ACTUALLY DID THE WORK TO PULL ALL THIS OFF. WE HAVE PEOPLE FROM AUSTIN ENERGY. THIS IS ACROSS DEPARTMENTS, ALL THE DIFFERENT DEPARTMENTS ARE INVOLVED. THIS IS JANICE KLEIN, AND A LISA FROM AUSTIN ENERGY. THIS IS LINDA POUNDS ADAMS OUR DEPUTY CIO AND MONA CLEMENS IS FROM CTM AND JACKIE HUNTSEY AND DELL SCOTT ARE ALSO FROM CTM. SO THIS YEAR IS GI YES, SO COME OUT AND LEARN SOMETHING OR SHARE SOMETHING. WE'LL SEE YOU NEXT WEDNESDAY.

MAYOR WYNN: THANK YOU VERY MUCH. [APPLAUSE]

MAYOR WYNN: OUR NEXT PROCLAMATION IS REGARDING MUNICIPAL COURTS WEEK. I'M JOINED BY PRESIDING JUDGE ELIZABETH BEKI -- EVELYN MCKEE AND REBECCA STARK OUR MUNICIPAL COURT CLERK. I'LL READ THE PROCLAMATION AND HEAR FROM EITHER THE JUDGE OR REBECCA ABOUT THE WEEK. THIS NOTE, IT PROBABLY SAYS IT IN HERE -- I SHOULD KNOW THIS ANYWAY, BUT, YOU KNOW, THE CITY COUNCIL MEETINGS WE MIGHT HAVE, EVEN AT A LONG 15, 18-HOUR CITY COUNCIL MEETINGS THERE MIGHT BE, YOU KNOW, 500, 600 PEOPLE COME HERE THROUGH THE COURSE OF A LONG, LONG DAY. AT THE MUNICIPAL COURTS THEY HAVE THOUSANDS OF PEOPLE EVERY SINGLE DAY, 450, 500,000 CASES ANY GIVEN YEAR, SO FAR AND AWAY THE MOST COMMON CITIZEN INVOLVEMENT - - CONNECTION TO THEIR LOCAL GOVERNMENT, LIKE IT OR NOT, IS IN OUR MUNICIPAL COURT SYSTEM. AND WE WORK REALLY HARD TO TRY TO MAKE THE EXPERIENCE AS POSITIVE AS IT CAN BE, EVEN THOUGH IT MIGHT BE A

CRUMMY DAY FOR SOME PEOPLE, AND WE TRY TO MAKE THE ENVIRONMENT AS GOOD AS WE CAN FOR THE EMPLOYEES DOWN THERE. I'LL READ THE PROCLAMATION AND HAVE JUDGE REBECCA SAY A FEW WORDS ABOUT OUR MUNICIPAL COURTS AND THE WEEK THAT WE'RE CELEBRATING. SO THE PROCLAMATION READS, SINCE THE MUNICIPAL COURTS ARE THOSE WITH WHICH MOST PEOPLE COME INTO CONTACT, THE PUBLIC'S IMPRESSION OF THE ENTIRE JUDICIAL SYSTEM IS LARGELY DEPENDENT UPON THEIR EXPERIENCE IN MUNICIPAL COURTS AND WHEREAS AUSTIN MUNICIPAL COURTS, PERSONNEL HAVE PLEDGED TO BE EVER MINDFUL OF THEIR NEUTRALITY AND IMARCH AT, RENDERING EQUAL SERVICE TO ALL AND STANDARDS SET BY JUDICIAL CONDUCT AND WE'RE PLEASED TO RECOGNIZE THE ACCOMPLISHMENTS OF OUR DOWNTOWN MUNICIPAL COURT AND DOWNTOWN COURT, INCLUDING 9 JUDGES, 14 SUBSTITUTE JUDGES AND 139 COURT SUPPORT STAFF. AND TO SALUTE THEIR CRITICAL ROLE IN PROTECTING PUBLIC SAFE, PROAK PROTECTING OUR QUALITY OF LIFE AND STOPPING CRIMINAL ACTIVITY. I HEREBY PROCLAIM NOVEMBER 5 THROUGH 9, 2007 AS MUNICIPAL COURTS WEEK HERE IN AUSTIN AND ASK JUDGE MCKEE TO SAY A FEW WORDS AND REBECCA ABOUT SOME FINE CITY EMPLOYEES RUNNING A VERY COMPLICATED DEPARTMENT. JUDGE? [APPLAUSE]

WELL, MAYOR AND CITIZENS, IT IS WITH GREAT HONOR THAT I ACCEPT THIS PROCLAMATION ON BEHALF OF THE CHIEF CLERK, REBECCA STARK, THE JUDICIARY AND THE 140-SOME-ODD EMPLOYEES WHO STAFF THE COURT FROM 7:00 IN THE MORNING UNTIL 10:00 AT NIGHT FIVE DAYS A WEEK. YOU KNOW, IN A LIFETIME MOST PEOPLE WILL FIND THEIR WAY TO A MUNICIPAL COURT. WHETHER THEY ARE THERE AS JURORS OR DEFENDANTS, MOST OF THEM DON'T LOOK FORWARD TO THAT TRIP. BUT WHEN THEY LEAVE OUR COURT, WE STRIVE FOR THEM TO HAVE THE BELIEF AND FEELING THAT WE ARE THE MOST EFFECTIVE, EFFICIENT -- WE DON'T WASTE THEIR TIME -- AND IMPARTIAL COURT IN THE STATE OF TEXAS. AND MR. MAYOR, WE APPRECIATE THIS PROCLAMATION. WE APPRECIATE YOUR SUPPORT AND BUDGET, AS WELL AS OUR NEW COURTHOUSE.

MAYOR WYNN: THANK YOU. CONGRATULATIONS. [APPLAUSE]

MAYOR WYNN: FOR OUR NEXT -- ACTUALLY IT'S SORT OF NOT A PROCLAMATION. WE ACTUALLY ARE ACCEPTING A GIFT OR A PLAQUE FROM THE ENVIRONMENTAL PROTECTION AGENCY, THE EPA, JOINED HERE BY EPA CHIEF MIKE MICHAUD AND MAYOR PRO TEM BETTY DUNKERLEY WHO WILL SAY A FEW WORDS AFTER MIKE PRESENTS THE PLAQUE. MIKE?

THANK YOU. MR. MAYOR, IT'S A PLEASURE TO BE HERE. AS YOU INDICATED MY NAME IS MIKE MICHAUD. I'M THE ASSOCIATE DIRECTOR FOR WATER ENFORCEMENT IN EPA REGION 6. I'M HERE TO THANK AND EXPRESS OUR APPRECIATION TO THE CITY OF AUSTIN WATER UTILITY FOR THEIR PRESENTATION AND THE DEVELOPMENT OF OUR ANNUAL EPA REGION 6 SEMUM CONFERENCE. THAT'S CAPACITY MONITORING OPERATIONS AND MANAGEMENT. BASICALLY THE CMOM PROGRAM IS ONE THAT HELPS THE CITY MANAGE THEIR INFRASTRUCTURE, THEIR WASTEWATER COLLECTION SYSTEM, THEIR SEWAGE TREATMENT SYSTEM, AND BASICALLY IMPROVE THE QUALITY OF THE CITIZENS, THE QUALITY OF LIFE FOR THE CITIZENS OF AUSTIN. AS I INDICATED, THIS WAS OUR FIFTH ANNUAL CMOM CONFERENCE THAT THE CITY OF AUSTIN ASSISTED US IN PUTTING ON. IT'S AN COOPERATIVE EFFORT BETWEEN THE CITY OF AUSTIN, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND EPA REGION 6. THIS IS THE ONLY CONFERENCE OF THIS TYPE PUT ON IN THE COUNTRY, SO THE CITY OF AUSTIN IS STEPPING UP TO PRESENT THIS -- ASSIST US IN PRESENTING THIS CONFERENCE IS A TREMENDOUS BENEFIT, NOT ONLY TO THE CITY OF AUSTIN, TO THE ENVIRONMENTAL PROTECTION AGENCY, BUT ALSO TO CITIES ALL OVER THE REGION -- OUR FIVE-STATE REGION. THIS YEAR'S -- AT THIS YEAR'S CONFERENCE WE HAD OVER 450 PARTICIPANTS FROM OUR FIVE-STATE REGION. SO IT'S A VERY SIZABLE CONFERENCE. I'D LIKE TO MENTION JUST A FEW PEOPLE WHO HAD WITH THE CITY -- WITH THE AUSTIN WATER UTILITY WHO HAD PLAYED A MAJOR ROLE IN PUTTING ON THE CONFERENCE. FIRST OF ALL ROAJ BATTERE, AND BARBARA WILD WITH THE AUSTIN WATER UTILITY, AND TONY ON THATTERMAN AND STACY MCGILL WHO ARE EMPLOYEES OF EARTH TECH, WHO ARE A

CONTRACTOR TO THE CITY OF AUSTIN. I'D LIKE TO PRESENT THIS PLAQUE, AND UNFORTUNATELY I DIDN'T MAKE IT DOWN LAST YEAR SO I ACTUALLY GET TO PRESENT LAST YEAR'S PLAQUE AS WELL AS THIS YEAR'S PLAQUE. I'D LIKE TO PRESENT THIS PLAQUE TO YOU-ALL IN COMMEMORATION OF THE CITY'S PARTICIPATION IN PUTTING ON THIS WORKSHOP.

THANK YOU.

MAYOR WYNN: THANK YOU. [APPLAUSE]

DUNKERLEY: THANK YOU VERY MUCH. IF I COULD SAY JUST A FEW WORDS ON BEHALF OF THE MAYOR AND THE COUNCIL. I WANT TO FIRST THANK YOU, MR. MICHAUD, FOR THE PLAQUE, AND REALLY FOR COMING DOWN ALL THE WAY FROM DALLAS TODAY TO BE HERE AT THIS PRESENTATION. WE REALLY APPRECIATE IT. WE RECEIVED MANY BENEFITS FROM THE AUSTIN CLEAN WATER PROGRAM, AND ONE OF THEM IS A BETTER WORKING RELATIONSHIP WITH THE EPA. AND I THINK THIS IS BEST EVIDENCED IN... IN THE WORKSHOPS THAT ARE PUT ON JOINTLY BETWEEN THE -- OR OUR PROJECT MANAGER EARTH TECH AS WELL AS OUR STAFF AND THE EPA FOLKS. AND THIS -- THESE WORKSHOPS HAVE REALLY BEEN VERY SUCCESSFUL. OVER 400 PEOPLE HAVE ATTENDED THESE SESSIONS, AND IT GIVES US AN OPPORTUNITY TO SHARE WITH OTHERS THE LESSONS LEARNED, AND TO THAT EXTENT WE'RE VERY GRATEFUL TO HELP OUR OTHER UTILITIES AND -- ACROSS THE STATE AND WE'RE REALLY THANKFUL FOR YOUR RECOGNITION TODAY, FOR YOUR HELP AND PARTNERSHIP IN THE WORKSHOPS, AND BEGAN, A THANKS TO OUR STAFF AND TO EARTH TECH PROJECT MANAGER. AND I WOULD LIKE TO SAY A SPECIAL THANK YOU TO THIS COUNCIL AND TO ALL THE COUNCILS IN THE PAST THAT HAVE SUPPORTED SO STRONGLY OUR CLEAN WATER PROGRAM, AND WITHOUT THAT SUPPORT AND URGENCY, IT WOULD NOT HAVE BEEN AS SUCCESSFUL AS IT IS TODAY. SO THANK YOU TO ALL OF US WHO WORKED ON IT FOR A LONG TIME, ALL OF THE PAST COUNCILS, AND ALL OF THE STAFF, AND CERTAINLY TO EPA. THANK YOU. [APPLAUSE]

MAYOR WYNN: FOR OUR NEXT PROCLAMATION I'LL TURN

THE PODIUM OVER TO COUNCIL MEMBER MIKE MARTINEZ.

MARTINEZ: THANK YOU, MAYOR. WE HAVE A VERY SPECIAL WEEKEND COMING UP, VETERANS DAY. THIS IS GOING TO BE A COUPLE OF PROCLAMATIONS HERE. ONE IS TO MR. JEFF DAVIDSON. IS HE HERE? THERE HE IS. HI, JEFF. FOR THOSE OF YOU THAT DON'T KNOW, MR. DAVIDSON IS THE SON OF FORMER CITY MANAGER DAN DAVIDSON, WHO PASSED AWAY RECENTLY, AND WE HONORED HIM BY NAMING OUR PLAZA AFTER HIM AND TONIGHT WE WANT TO HONOR HIS SERVICE WITH A COUPLE OF RECOGNITIONS, AND I'LL START WITH A PROCLAMATION THAT READS WHEREAS, NOVEMBER 11, THE ANNIVERSARY OF THE END OF WORLD WAR I HAS BEEN A DAY TO PAY TRIBUTE TO THE MEN AND WOMEN WHO HAVE TAKEN UP ARMS TO SECURE, DEFEND AND MAINTAIN OUR NATION'S FREEDOMS AND WHEREAS TODAY THERE ARE MORE THAN 24 MILLION LIVING VETERANS WHO HAVE SERVED OUR COUNTRY IN TIMES OF PEACE AND WAR. WE ARE PARTICULARLY PLEASED TO ACKNOWLEDGE THE SERVICE OF DAN DAVIDSON, AN ARMY VETERAN, WHO ALSO SERVED AUSTINITES FROM 1972 TO 1981 AS OUR 12TH CITY MANAGER AND WHEREAS WE CALL ON OWL CITIZENS TO JOIN IN RECOGNIZING AND REMEMBERING MR. DAVIDSON AND ALL THE PAST AND PRESENT MEMBERS OF THE ARMY, NAVY, AIR FORCE, MARINES AND COAST GUARD, ALONG WITH PRISONERS OF WAR AND THOSE MISSING IN ACTION. FOR THEIR SERVICE ON BEHALF -- ON OUR BEHALF. NOW THEREFORE, I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM NOVEMBER 11, 2007 AS VETERANS DAY IN AUSTIN, TEXAS AND, AND WE ALSO HAVE ANOTHER RECOGNITION FROM UNITED STATES CONGRESSMAN LLOYD DOGGETT. THIS IS A UNITED STATES FLAG PRESENTED TO YOU ON BEHALF OF CONGRESSMAN DOGGETT AND OUR PROCLAMATION PRESENTED TO YOU ON BEHALF OF THE CITY FOR YOUR FATHER'S GREAT SERVICE TO US. THANK YOU.

THANK YOU VERY MUCH. [APPLAUSE] ON BEHALF OF MY FATHER AND MY MOTHER WHO COULD NOT BE HERE, AND THE REST OF MY FAMILY, I JUST WANT TO THANK YOU VERY MUCH. THIS IS A GREAT HONOR FOR MY FATHER. MY FATHER, OF COURSE, LOVED OUR COUNTRY. HE LOVED THE CITY HERE. HE WAS VERY PROUD OF BOTH AND WOULD BE

VERY HONORED AND PROUD OF THIS AWARD. THANK YOU VERY MUCH. [APPLAUSE]

LEFFINGWELL: I'VE GOT A PROCLAMATION I WANT TO READ HERE IN JUST A SECOND, BUT FIRST I WANT TO GO OVER SORT OF THE SEQUENCE OF EVENTS THAT THE CITY IS DOING TO HONOR VETERANS DAY. TOMORROW WE'RE HAVING A PRESS CONFERENCE AT 1:00 WHERE WE'RE GOING TO ANNOUNCE A NEW PROGRAM FOR CITY OF AUSTIN EMPLOYEES AND THEIR FAMILIES WHO ARE CALLED TO ACTIVE DUTY. WE HAVE OVER A THOUSAND PEOPLE THAT ARE IN RESERVE AND GUARD UNITS IN THE CITY, AND WE ARE GOING TO MAKE SURE THAT THEY ARE WELL ATTENDED AND THEIR FAMILIES HAVE A PERSON TO GO TO FOR ANY NEED THAT THEY MIGHT HAVE, AND ALSO IT WILL BE FOR WHEN THEY COME BACK, MAKING THAT ADJUSTMENT BACK TO CITY LIFE. SO WE'RE GOING TO HAVE ALL OF OUR CITY VETERANS OVER HERE FOR LEVERAGE AND AT 12:00 ANNOUNCE THIS NEW PROGRAM AND HAVE A CEREMONY TO DO THAT. AND THEN ON SATURDAY MORNING WE'RE PLANNING, I BELIEVE IT'S 57 TREES WE'RE PLANTING IN ZILKER PARK IN HONOR OF OUR VETERANS. THAT WILL BE AT ZILKER PARK AT 9:00 IN THE MORNING AND ON SUNDAY IS VETERANS DAY ITSELF. AND THERE IS A PARADE ON CONGRESS AVENUE. THE CITY WILL BE PART OF THAT PARADE. I'LL BE THERE WALKING. WE'VE GOT A BANNER TO CARRY AND I THINK WE HAVE SOME TWO DOZEN CITY OF AUSTIN EMPLOYEES WHO ARE -- HAVE AGREED TO COME DOWN AND MARCH WITH US. SO WE HAVE A FULL THREE DAYS AHEAD OF US TO HONOR OUR VETERANS. SO I'LL READ THE PROCLAMATION NOW. IT'S BE IT KNOWN THAT WHEREAS, THE CITY OF AUSTIN PROUDLY SUPPORTS THE 1,016 VETERANS AND 173 EMPLOYEES WHO SERVE IN THE NATIONAL GUARD AND RESERVE AND WHEREAS THE CITY'S HUMAN RELATIONS POLICIES ARE IN COMPLIANCE WITH THE UNIFORMED SERVICES EMPLOYMENT AND REAPPOINTMENT RIGHTS ACT AND OUR SUPERVISORS AND MANAGERS HAVE RECEIVED TRAINING TO EFFECTIVELY MANAGE EMPLOYEES WHO SERVE IN THE NATIONAL GUARD AND RESERVE UNITS, AND WHEREAS THE CITY WAS RECENTLY NAMED A FIVE-STAR EMPLOYER. THAT'S THE HIGHEST RANKING, BY EG -- ESGR, AN ADVOCACY GROUP THAT PRODUCT.....

PROMOTES COOPERATION AND SUPPORT AMONG EMPLOYERS, MILITARY UNITS AND SERVICE MEMBERS. THIS IS THE HIGHEST HONOR, ESGR BESTOWS ON PUBLIC AND PRIVATE EMPLOYERS IN RECOGNITION OF THEIR SUPPORT FOR EMPLOYEES IN THE GUARD AND RESERVE. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM NOVEMBER 8, 2007 AS CITY OF AUSTIN FIVE-STAR EMPLOYER DAY, AND AS A 20-YEAR NAVY VETERAN, I'M PROUD TO PARTICIPATE IN THIS PROCESS. [APPLAUSE] MOSES SALDANA IS GOING TO SAY A FEW WORDS. WELCOME.

THANK YOU, LEE. I GOT A SPOS PRN HERE THAT'S GOING TO -- -- SPOKESPERSON WHO IS GOING TO FILL YOU IN WITH WHAT'S TAKING PLACE THIS SATURDAY. JD MARTINEZ.

ON SATURDAY WE'RE PROUD OF THE -- IT'S AN ANNUAL CEREMONY WE OBSERVE IN HONOR OF VETERANS DAY. WE HAVE SOME DISTINGUISHED GUESTS THAT WILL BE SPEAKING FOR US ON THAT DAY. WE HAVE CONGRESSMAN LLOYD DOGGETT WILL BE JOINING US, NEW POLICE CHIEF AND SOME OF THE SPEAKERS WHO WILL BE SPEAKING THAT DAY. WE INVITE YOU TO COME OUT TO THE MEXICAN CURLTAL CENTER AT 600 RIVER STREET. WE'LL BEGIN AT 8:00 IN THE MORNING AND GO TILL 10:15. AT 10:30 WE'LL MOVE TO THE MEMORIAL SITE WHICH IS ON 900 CESAR CHAVEZ WHERE THE FLAG POLES AND THE ACTUAL FLAG RAISING WILL TAKE PLACE. WE'LL HAVE COFFEE AND BREAKFAST GOODIES FOR EVERYONE. WE ENCOURAGE YOU TO COUNTY O. IT'S FREE TO THE PUBLIC. THIS IS AN ANNUAL EVENT THAT THE EAST AUSTIN LINE CLUB PUTS ON EVERY YEAR IN HONOR OF OUR VETERANS AND THOSE SERVING OUR COUNTRY. THANK YOU. [APPLAUSE]

LEFFINGWELL: I'D LIKE TO INVITE US ALLEN BERSHERON TO RECEIVE THE PROCLAMATION WE JUST READ.

THANK YOU, COUNCIL MEMBER. IT'S AN HONOR TO ACCEPT THIS PROCLAMATION, PRIMARILY ON BEHALF OF VETERANS AND OUR CITY EMPLOYEES THAT ARE IN THE GUARD AND RESERVE, THE 173 OF THEM THAT ARE CITY EMPLOYEES THAT ARE -- CALLED TO DUTY AND VOLUNTEERED TO SERVE OUR GREAT COUNTRY. THEY'RE NOT ONLY SERVING OUR

COUNTRY BUT SERVING THIS GREAT CITY. AND THE FIVE-STAR RATING IS THE HIGHEST RATING UNDER THE EMPLOYER SERVICES -- MR. DUANE JAMES HERE FROM THE EMPLOYEE SERVICES FOR THE SUPPORT OF THE GUARD TO PRESENT AN AWARD TO THE CITY.... CITY.

THANK YOU, ALLEN, CONGRESSMAN. IF COUNCILMAN, IF I MAY FOR THE SUPPORT GUARD RESERVE RECOGNIZE THE CITY OF AUSTIN FOR ITS GOING ABOVE AND BEYOND AND TAKING CARE OF NOT ONLY ITS EMPLOYEES WHO ARE MEMBERS OF THE GUARD AND RESERVE COMPONENTS BUT ALSO THOSE WHO HAVE SERVED BEFORE AS WELL AS SETTING A STANDARD FOR OTHER MUNICIPALITIES AND OTHER EMPLOYERS TO EMULATE. WE CONGRATULATE YOU ON YOUR POLICIES AND PROGRAMS AND WE ARE PLEASED WITH THE OPPORTUNITY TO WORK WITH YOU.

LEFFINGWELL: THANK YOU VERY MUCH.

THANK YOU. [APPLAUSE]

LEFFINGWELL: THANK YOU. I THINK WE'RE -- I DON'T KNOW HOW MANY EMPLOYERS NATIONWIDE HAVE RECEIVED THIS AWARD. I DON'T THINK IT'S VERY MANY. HERE IN OUR AREA, USAA AND I BELIEVE BURLINGTON NORTHERN RAILROAD ARE A COUPLE. SO THE CITY OF AUSTIN IS VERY PROUD. WE'RE VERY PROUD OF THE EFFORT WE'VE MADE TO GET WHERE WE ARE WITH REGARD TO THIS PROGRAM, AND WE'RE PROUD TO RECEIVE THIS AWARD. THANK YOU. [APPLAUSE] [BREAK].....BREAK]

MAYOR WYNN: THERE BEING A QUORUM PRESENT AT THIS TIME I'LL CALL BACK TO ORDER THE MEETING OF THE CITY COUNCIL. I APOLOGIZE FOR THE LENGTH FOR THE LENGTHY BREAK. WE'VE BEEN ON BREAK FOR ABOUT AN HOUR. AS WE WENT TO MUSIC AND PROCLAMATION WE TRIED TO CALL UP ITEM 106. THE AGENT WASN'T HERE. MR. GUERNSEY? IS THAT STILL THE CASE?

ITEM NO. 106, WHICH IS THE GEORGIAN ACRES QUESO EAST DRIVE, I HAD AN OPPORTUNITY TO TALK WITH THE OWNER OF THE PROPERTY, JUAN CHEZNIK, HE INDICATED TO ME HE UNDERSTOOD HIS AGENT WOULD BE PRESENT TONIGHT

AND ASKED FOR A POSTPONEMENT. HE WAS NOT ABLE TO COME DOWN THIS EVENING HIMSELF. HE -- I DID INDICATE THERE WERE SEVERAL NEIGHBORS DOWN HERE TO SPEAK TO THE ITEM. HE WOULD NOT OBJECT IF THEY WANTED TO SPEAK THIS EVENING TO THE MERITS OF THIS CASE, BUT HE COULD NOT MAKE IT DOWN HERE. I GUESS HE RESIDES THREE OR FOUR MILES WEST OF CEDAR PARK. THERE'S NO WAY THAT HE COULD PHYSICALLY GET DOWN HERE IN THE SHORT TIME. BUT HE DID ASK THAT HE IS REQUESTING A POSTPONEMENT TO DECEMBER 13 ON THIS CASE.

MAYOR WYNN: REMIND ME, MR. GUERNSEY, THIS CASE COMES TO US WITH BOTH STAFF AND PLANNING COMMISSION RECOMMENDING DENIAL.

RECOMMENDING DENIAL.

MAYOR WYNN: AND A VALID PETITION.

AND A VALID POSITION, THAT'S CORRECT, STANDS AT 33% AND WE ARE ONLY READY FOR FIRST READING THIS EVENING, BUT THERE IS A VALID PETITION AND THERE ARE NEIGHBORS HERE THAT WOULD LIKE TO SPEAK TO YOU THIS EVENING. THEY HAD INDICATED TO ME THAT THEY HAD APPEARED AT COMMISSION -- THE FIRST TIME IT CAME UP IN COMMISSION THE APPLICANT OR AGENT WERE NOT PRESENT. THE COMMISSION POSTPONED IT. CAME BACK A SECOND TIME. THEY WEREN'T THERE. AND THE COMMISSION I UNDERSTAND DENIED THE REQUEST AFTER THAT SECOND -- AT THE SECOND HEARING.

MAYOR WYNN: COUNCIL, MY RECOMMENDATION, WE CERTAINLY -- I THINK WE CERTAINLY OWE IT TO THE CITIZENS, THESE NEIGHBORS, TO HEAR THEIR TESTIMONY. I'M COMFORTABLE OPENING UP TO THE PUBLIC HEARING. IT'S UNFORTUNATE THAT THE AGENT ISN'T HERE TO PRESENT THE CASE. WE LIKELY WILL GET SOME INFORMATION FROM THE NEIGHBORS AND WE COULD CONFIRM AND VERIFY ANY OF THAT WITH STAFF. AND THEN WE COULD DECIDE WHETHER TO TAKE ACTION OR NOT. SO -- SO WITHOUT OBJECTION, WE'LL CALL UP ITEM 106, CONDUCTING THE PUBLIC HEARING. WE'LL CONSIDER JUST -- ACTUALLY MR. GUERNSEY, IF YOU COULD JUST GIVE US A

VERY QUICK SUMMARY AS TO ACREAGE AND LOCATION FOR BACKUP AND THEN WE'LL HEAR FROM THE NEIGHBORS.

VERY GOOD. CASE C14-2007-096. SH, PROPERTIES LOCATED ON EAST DRIVE AT 8837 AND 8839 AND 8841 EAST DRIVE. THIS IS A REZONING REQUEST FROM FAMILY RESIDENCE, OR SF-3 DISTRICT ZONING TO SF-6 DESCRIBES TOWNHOUSE ZONING. THE PROPERTY IS .88 ACRES. THE PROPERTY FRONTS ON EAST DRIVE, BUT IS BORDERED BY SF-3 ZONING TO THE NORTH, THE SOUTH AND THE WEST. ALL ARE SINGLE-FAMILY RESIDENCES. THE PROPERTY TO THE EAST IS SF-4 BUT THAT PROPERTY TAKES PRECEDENCE AND HAS FRONTAGE ON I-35. THE PLANNING COMMISSION'S RECOMMENDATION WAS TO DENY THE REQUEST FOR SF-6 ZONING ON A NOTE OF 9-0. STAFF ALSO RECOMMENDED DENIAL OF THE REQUEST. WE DO HAVE A VALID PETITION FILED BY PROPERTY OWNERS, WITHIN 300 FEET AND IT STANDS AT 33.17%.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. QUESTIONS FOR STAFF, COUNCIL? COMMENTS? IF NOT, WE NORMALLY HEAR NOW FROM FOLKS IN FAVOR OF THE ZONING CASE. THERE ARE NONE. I'LL TAKE UP TESTIMONY FROM NEIGHBORS IN OPPOSITION. OUR FIRST SPEAKER IS LYNETTE GALBRETH. WELCOME, LYNETTE. AND LET'S SEE, IS TONYA GOTTHROW HERE. I WANT TO TELL YOU THERE ARE RULES TO BE PRESENT IN THE CHAMBER SO WELCOME, TONYA. SO LYNETTE, YOU'LL HAVE UP TO SIX MINUTES. , YOU'LL YOU'LL BE FOLLOWED BY KENNETH GRIEMS.

THANK YOU. I APPRECIATE AN OPPORTUNITY TO TALK TO YOU ABOUT THIS, AND WHILE THE GENTLEMAN IS LOADING A SHORT POWERPOINT PRESENTATION THAT WE PREPARED, I WOULD JUST LIKE TO POINT OUT THAT THIS IS A 3 FOR 3 WHERE CITY STAFF, CITY LEADERSHIP, PLANNING COMMISSION, NEIGHBORHOODS AND EVERYBODY CONNECTED WITH THIS CASE HAS BOTHERED TO SHOW UP ON TIME READY TO WORK ON IT, AND THIS IS THE THIRD TIME THAT MR. CHIFY HAS CHOSEN TO NOT BE PRESENT. I CONTACTED THE CASE MANAGER TODAY ASKING IF THERE HAD BEEN ANY REQUEST FOR A POSTPONEMENT OR OF ANYTHING ELSE THAT WOULD AFFECT THE HEARING TONIGHT, AND SHE INDICATED THAT THERE HAD BEEN NO

SUCH REQUEST, AND I ALSO WANT TO SHOW IF MR. VAUGHN WAS STILL REPRESENTING MR. CHITSY AND THE CASE MANAGER'S RESPONSE WAS THAT HE HAD NOT WITHDRAWN FROM REPRESENTING MR. CHITSY BUT THAT HE HAD INFORMED THE CASE MANAGER THAT MR. VAUGHN DID TELL MR. CHITSY ABOUT THE MEETING TONIGHT AND THE TIME. SO THERE WAS AWARENESS ON THE PART OF ALL PARTIES THAT THIS WAS SCHEDULED. ARE WE READY? I'M GOING TO READ WILL YOU THIS REALLY FAST. THANK YOU FOR YOUR TIME AND ATTENTION ON THIS MATTER, IMPORTANT TO THE AUSTIN RESIDENTS. I'M LYNN GALLON BREATH AND I'M A PROPERTY OWNER AND I REPRESENT THE NORTH CREEK GEORGIAN NEIGHBORS IN THIS CASE CASE BEFORE YOU. THE ASSOCIATION AND THE NEIGHBORS THAT LIVE IN THE IMMEDIATE VICINITY STRONGLY BELIEVE YOU SHOULD RECOMMEND AGAINST THIS REQUEST. HERE IS THE -- HERE'S THE AREA IN REVIEW. THE CHITSY PROPERTY IS SHOWN IN RED. NEIGHBORS WITHIN 200 FEET ARE BLUE AND THOSE WITHIN 300 FEET ARE OUTLINED IN ORANGE. EXCEPT FOR THE HUGE APARTMENT COMPLEX TO THE EAST THAT OPENS TO A MAJOR ROAD OUTSIDE THE NEIGHBORHOOD, THERE IS NO MULTIFAMILY HOUSING. THIS IS WHAT OUR NEIGHBORHOOD LOOKS LIKE. EAST DRIVE IS A QUIET NARROW STREET FILLED WITH SINGLE STORY SINGLE-FAMILY DWELLINGS, MOSTLY OWNER OCCUPIED. NEXT ONE. THIS IS JUST TO SHOW YOU THE AREA. WE AGREE WITH THE CITY'S NEIGHBORHOOD PLANNING AND ZONING COMMISSION STAFF. SF-6 WOULD HAVE A DETRIMENTAL IMPACT TO OUR NEIGHBORHOOD CHARACTER. IT WOULD CONSTITUTE A GRANT OF SPECIAL PRIVILEGE TO AN INDIVIDUAL OWNER AND RESULT IN SPOT ZONING. IT WOULD BE SET AN UNDESIRABLE PRECEDENT FOR OTHER PROPERTIES IN OUR NEIGHBORHOOD AND ELSEWHERE IN THE CITY. THE STREET WIDTH IN FRONT OF THE CHITSY PROPERTY IS ONLY 18 FEET. THERE'S ALREADY BEEN A DRASTIC DEPARTURE FROM THIS NEIGHBORHOOD'S CHARACTER BY ALLOWING A SUBDIVISION OF TWO LOTS INTO THREE NARROW LOTS. ADDING HIGHER DENSITY ON THIS LOT DOES NOT SERVE THE NEIGHBORHOOD, THE CITY, OR SATISFY A PUBLIC NEED. WE HAPPEN TO ALREADY MEET MANY OF THE GOALS OF SMART HOUSING. WE ALREADY HAVE A GENEROUS AMOUNT OF AFFORDABLE RENTAL HOUSING, AND, IN FACT, WE HAVE

AN EXCESS OF RENTAL HOUSING IN OUR NEIGHBORHOOD, WHICH WE BELIEVE CONTRIBUTES TO THE SERIOUS CRIME PROBLEM, JUST SOUTH OF RUNDBERG, WHICH HAS BEEN IN THE NEWS QUITE A BIT LATELY FOR CRIME PROBLEMS. WE ARE ALSO STILL AFFORDABLE FOR NEW HOMEOWNERS WHO WANT TO MAKE A COMMITMENT TO THIS NEIGHBORHOOD. THIS MIGHT BE THE LAST AFFORDABLE NEIGHBORHOOD WITHIN 8 MILES OF THE CAPITAL. EAST DRIVE IS A NARROW STREET THAT IS ALONG WALNUT CREEK. THE LACK OF CURBS AND GUTTERS ALLOWS FOR SERIOUS EROSION PROBLEMS NOW. ALLOWING FOR THE CHITSY THING WILL INCREASE THIS PROBLEM. THIS IS A PHOTO TAKEN IN AUGUST AND SHOWS THE TYPICAL CONDITION OF THIS PROPERTY SINCE WE HAVE LIVED HERE WHICH IS 12 YEARS. ON THE LEFT IS THIS ABSENTEE OWNER'S PROPERTY. TO THE RIGHT A RESIDENT OWNER PROPERTY. THE PICTURE ON THE RIGHT IS THE AUSTIN THAT WE WANT TO LIVE IN AND THAT WE'RE TRYING TO PROMOTE HERE TONIGHT. THIS PROPERTY HAS A LONG HISTORY OF NEGLECT, ABUSE AND TROUBLE. THE CONSTANT DISREPAIR INVITES LITTER, DUMPING AND CRIME. THE LAND IS COVERED WITH POISON IVY, TRASH, TREES AND REFUSE. EVERY YEAR NEIGHBORS HAVE HAD TO REQUEST ACTION BY THE CITY TO ADDRESS THE HEALTH CONCERNS THE NEGLECT CREATES. THE CITY MOWED ON AUGUST 30 IN RESPONSE TO OUR CODE VIOLATION COMPLAINT. THESE ARE JUST EXAMPLES OF WHAT WE LIVE WITH ON THIS PROPERTY PRESENTLY. THAT'S IT. THIS IS A LITTLE BIT DIFFERENT PART OF TOWN THAT'S CLOSE TO 51ST STREET. THE RED OUTLINED AREA SHOWS THE PREVIOUS DEVELOPMENT BY MR. CHITSY AND THE SURROUNDING NEIGHBORHOOD IMPACTED BY IT. THIS STREET OF SINGLE-FAMILY HOMES OUTLINED IN BLUE NOW HAS ONE ANOMALOUS HIGH DENSITY PROPERTY WITH A HUGE PERCENTAGE OF IMPERVIOUS COVER. PLEASE NOTE THE GREEN YARDS AND TREES IN THE SINGLE-FAMILY LOTS AND THE NEAR TOTAL PAVEMENT IN THE CONDO LOTS. WALLER CREEK IS AT THE BOTTOM OF THIS PICTURE. ONLY ONE OF THESE 12 UNITS IN MR. CHITSY'S CONDO DEVELOPMENT HAS AN OWNER WITH THIS MAILING ADDRESS. THE REMAINING OWNERS HAVE MAILING ADDRESSES ELSEWHERE INDICATING WE BELIEVE THAT THESE ARE RENTAL UNITS WITH A TRANSIENT POPULATION.

OKAY. FULL CIRCLE BACK TO OUR NEIGHBORHOOD. THE CHITSY PROPERTY IS RED OUTLINED. THE BLUE OUTLINED PROPERTIES WITHIN 200 FEET AND THE ORANGE OUTLINED ARE WITHIN 400 FEET. EVERY SINGLE AVAILABLE PROPERTY OWNER WITHIN 300 FEET SIGNED A PETITION OPPOSING A ZONING CHANGE. THE CITY STAFF RECORD AS BEING CORRECTED TO REFLECT IT WASN'T THE 32% VALID PETITION, IT WAS 43.44%. MR. RHODES CONFIRMED THAT FOR ME TODAY. SOMETHING HAD GONE WRONG WITH THE FORMULA. THEY LEFT ONE OF OUR PEOPLE OFF. SO WHERE ARE -- GOING TO LIVE DECADES WITH ANY INAPPROPRIATE EXCESSIVE DENSITY ZONING. THE DEVELOPER WILL TAKE HIS PROFITS AND MOVE ON HAVING NO INVESTMENT IN THE QUALITY OF OUR HOME NEIGHBORHOOD. HE IS NOT AN AUSTIN RESIDENT. THERE ARE TWO MORE QUICK SLIDES SHOWING YOU OUR NEIGHBORHOOD'S EFFORTS TO FIGHT CRIME AND WE ACTUALLY DO HAVE APD WORKING WITH. WE HAVE MEMBERS OF THE CITY WORKING WITH US TRYING TO TURN THINGS AROUND BY RUNDBERG.

MAYOR WYNN: SHOW THE LAST SLIDE AS WELL. THANK YOU.

ANY QUESTIONS?

MAYOR WYNN: THANK YOU. QUESTIONS FOR MS. GALL.....
MS. GALLBREATH, COUNCIL? THANK YOU.

THANK YOU.

MAYOR WYNN: OUR NEXT SPEAKER IS KENNETH CRIMES.
CRIME GRIMES. WELCOME, KENNETH. YOU'LL HAVE THREE MINUTES.

THANK YOU FOR LETTING ME SPEAK. THANK YOU, LYNN.
SHE'S OUR NEIGHBORHOOD ASSOCIATION LEADER. I HAVE A PROPERTY JUST OUTOF THIS PROPERTY IN QUESTION, AND I CAN TELL YOU HOW IT'S BEEN AFFECTING ME OVER THE PAST 12 YEARS I'VE BEEN A HOMEOWNER. YOU PROBABLY KNOW THE AREA, BUT IT'S REALLY COMING AROUND. IT'S JUST -- THE NEIGHBORHOOD IS REALLY COMING UP. PEOPLE ARE PUTTING MONEY INTO THE NEIGHBORHOOD AND SO FORTH. MY PROBLEM WITH THE PROPERTY IS, FIRST OF ALL, IS THE EROSION. IT IS JUST INCREDIBLE. YOU CAN SEE

WATER COMING OFF OF THE PROPERTY IN WAVES ACROSS MY PROPERTY, AND I'M HAVING TO DO THINGS LIKE BUILD SPEED BUMPS IN MY DRIVEWAY, PUT FRENCH DRAINS IN FRONT OF MY GARAGE. I'M PUTTING BARRIERS AROUND THE HOUSE BECAUSE EROSION IS JUST COMING OFF SO FAST. SO TO BUILD THIS MUCH PROPERTY ON THIS LAND IS -- IT WOULD BE IMPOSSIBLE AND VERY ACTION VERY DAMAGING FOR ME. AND I HAVE BEEN INVESTING A WHOLE LOT OF MONEY IN THE PROPERTY TOO SO I'M REALLY WATCHING THIS. AND THE ONLY OTHER THING I WANT TO ADDRESS IS THE HISTORY OF THE PROPERTY. IT HAS THE DARKEST HISTORY. THIS DEVELOPER HAS THE DARKEST HISTORY WITH THIS PROPERTY, AS COULD BE IMAGINED. THE LAST TIME HE BUILT ON IT THE CITY HAD TO TEAR IT DOWN. IT WAS CRACK HOUSES. IT WAS A DANGEROUS PLACE. AND HE LET PEOPLE OCCUPY THE HOUSES WHO WEREN'T LEGALLY SUPPOSED TO OCCUPY THE HOUSES. EVERY YEAR FOR THE PAST 12 YEARS I HAVE LIVED THERE I HAVE COMPLAINED TO THE SOLID WASTE DEPARTMENT ABOUT THE TRASH AND THE WEEDS GROWING UP, AND OUT OF THOSE 12 YEARS, THE FIRST/SECOND YEAR IT WAS ADDRESSED, THE CITY CAME OUT AND MOWED IT. I COMPLAINED EVERY YEAR AFTER THIS. THIS PAST YEAR MY FRUSTRATION GOT TO THE POINT I THINK I SENT ALL OF YOU AN EMAIL. EMPLOYEES HELPED ME WITH WITH THIS, I'M NOT GETTING A RESPONSES.....RESPONSES, AND I DID GET AN RESPONSE. IT WAS MOWED. IT'S NOT ANYMORE, THE WEEDS THIS TAWLD, SEWAGE, TRASH, EVERYTHING. THIS PROPERTY OWNER NOT SHOWING UP. THIS IS THE THIRD TIME. IT FEELS LIKE A TACTIC BECAUSE WE ALL HAVE THINGS TO DO. BUT THIS IS VALUABLE TO US. BUT HE IS NOT CONCERNED ABOUT THE PROPERTY. NEITHER HIM OR HIS REPRESENTATIVE. HE DOESN'T EVEN TAKE ENOUGH INTEREST TO SHOW UP. THREE TIMES IS THE CHARGE. AT LEAST SOMEBODY SHOULD HAVE SHOWED UP AT THIS POINT. AND AGAIN, THE CITY HAS BEEN VERY KIND. THE PLANNING COMMISSION HAS SEEN THE ROAD CANNOT HANDLE THIS TYPE EROSION. THE ROAD CANNOT HANDLE THIS TYPE OF BUILDINGS, AND WE DO ENCOURAGE SMART HOUSING, AFFORDABLE HOUSING, IS HOW WE CAN AFFORD OUR HOUSES, BECAUSE OF THE NEIGHBORHOOD, BUT WE DO ENCOURAGE, AND WE'D LOVE TO HAVE HOMEOWNERS

LIVING THERE, PEOPLE WHO REALLY WOULD TAKE AN INTEREST, BECAUSE RIGHT NOW IT'S BEING USED BY DRUG USERS AND PROSTITUTES. I HAD TO BUILD A 100-FOOT FENCE TO SEPARATE MY FAMILY FROM THE ACTS OF THE PROSTITUTES WHO USE THE LOT. SO WE ARE NOT AGAINST THE BUILDING ON THIS PROPERTY. WE JUST WANT IT TO BE RESPONSIBLE. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU, MR. GRIMES.

ANY QUESTIONS?

MAYOR WYNN: QUESTIONS FOR MR. GRIMES, COUNCIL?
THANK YOU, SIR.

THANK YOU.

MAYOR WYNN: COUNCIL, THAT CONCLUDES OUR CITIZEN TESTIMONY, ITEM NO. 106. COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: MAYBE, I THINK IT'S FAIRLY EVIDENT FROM THE TESTIMONY WE'VE HEARD THAT THE OWNER HAS NOT MADE A GOOD-FAITH EFFORT TO SHOW UP FOR THE VARIOUS HEARINGS ALONG THE WAY. I WOULD MOVE TO CLOSE THE PUBLIC HEARING AND TO DENY THE APPLICATION IN ACCORDANCE WITH STAFF AND PLANNING COMMISSION RECOMMENDATION.

MAYOR WYNN: MOTION BY COUNCIL MEMBER LEFFINGWELL, SECONDED BY COUNCIL MEMBER MARTINEZ, TO CLOSE THE PUBLIC HEARING AND DENY THIS CASE 106. FURTHER COMMENTS? COUNCIL MEMBER, MCCracken?

MCCracken: YEAH, MAYOR. WE -- THIS IS A CASE -- THIS CASE REFLECTS A BROADER COUNCIL VISION WHICH IS IMPLEMENTING THE ENVISION CENTRAL TEXAS, WHICH OUR POLICY HAS BEEN TO DO HIGH QUALITY MIXED USE DENSITY ON THE CORRIDORS AND NOT TRY TO JAM DENSITY INSIDE OF SINGLE-FAMILY NEIGHBORHOOD. SO NOT ONLY DID THE OWNER FAIL AND DIDN'T SHOW UP, BUT THIS ACTUAL PROPOSAL IS A FLAT-OUT EXAMPLE OF SOMETHING THAT'S COUNTER TO OUR POLICIES, TRYING TO JAM DENSITY INTO SINGLE-FAMILY NEIGHBORHOODS AS OPPOSED TO DOING IT

ON THE CORRIDORS. SO I THINK THIS IS ANOTHER GOOD REASON WHY THIS SHOULD BE REJECTED.

MAYOR WYNN: COUNCIL MEMBER KIM?

KIM: MAYOR, I THINK THE SMART HOUSING IS A GOOD PROGRAM WE HAVE. HOWEVER, I AGREE WITH THE CITIZENS HERE THAT THIS ISN'T A GOOD LOCATION TO BUILD 12 UNITS AND THREE NARROW LOTS BETWEEN SINGLE-FAMILY HOMES ISN'T A GOOD IDEA FOR ANYONE. SO I'M GOING TO BE SUPPORTING THE DENIAL.

MAYOR WYNN: AGAIN, MOTION AND SECOND ON THE TABLE DENYING THIS CASE. FURTHER COMMENT? HEARING NONE, ALTHOUGH IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION TO DENY PASSES ON A VOTE OF 7-0. THANK YOU ALL. MR. GUERNSEY, CASE 107?

107. CASE C14-2007-0123. THIS IS AT 11701 JOLLYVILLE ROAD. THIS IS A REZONING REQUEST FROM SF-2 TO GR-MU. THE APPLICANT HAS RECENTLY AMENDED THEIR APPLICATION TO BE LO-MU CO, WHICH STANDS FOR LIMITED OFFICE MIXED USE CONDITIONAL OVERLAY, AND HAS AN AGREEMENT NOW TO GO WITH THE ZONING AND PLANNING COMMISSION'S RECOMMENDATION, WHICH WAS FOR LO-MU CO ZONING ON THE PROPERTY. THIS PROPERTY IS APPROXIMATELY .918 ACRES, AND IS CURRENTLY DEVELOPED WITH A SINGLE-FAMILY RESIDENCE, GARAGE, STRUCTURE AND A LARGER TWO-STORY WAREHOUSE TYPE STRUCTURE. IT IS ZONED SINGLE-FAMILY. THE PROPERTY IS LOCATED ALONG JOLLYVILLE ROAD, AND HIS STAFF AND THE COMMISSION AND THIS COUNCIL HAVE GONE THROUGH THE YEARS AND ADOPTED SOME OF THE STANDARDS FOR THE U.S. HIGHWAY 183 JOLLYVILLE ROAD, WHICH DATES BACK TO OUR '80S, WHICH RESPECTS A 120-FOOT BUFFER OF ZONING ALONG THE NORN SIDE OF JOLLYVILLE ROAD. THE AGENT IS HERE THIS EVENING AND CAN SPEAK TO THE MERITS OF THE REQUEST. WE DO HAVE A PETITION THAT STANDS AT 36.03%. HOWEVER, I UNDERSTAND THAT WITH THE AMENDMENT OF

THE ZONING REQUEST TO THE ZONING AND PLANNING COMMISSION'S RECOMMENDATION OF LO-MU CO, I UNDERSTAND THAT ONE OF THE PETITIONERS, WHICH WAS THE MOST SIGNIFICANT ONE STANDS AT 25-POINT OF 6%, HAS WITHDRAWN THEIR OPPOSITION TO THIS CASE. THIS IS ONLY READY FOR FIRST READING THIS EVENING, AND AT THIS TIME I'LL PAUSE AND IF YOU HAVE ANY QUESTIONS I'LL BE HAPPY TO ANSWER THEM.

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

LEFFINGWELL: YOU SAID ONE OF THE PETITIONERS HAD WITHDRAWN. SO IS THE PETITION STILL VALID OR NOT?

GUERNSEY: WELL, I HAVEN'T PHYSICALLY GOT IT IN MY HAND BUT I UNDERSTAND THAT THE ASIAN AMERICAN CULTURAL PROPERTY WHICH BORDERSES THIS HAS BEEN WITHDRAWN. THEY STAND AT 25.66% OF THIS PETITION, WHICH WOULD DROP BELOW 20%. SO ALTHOUGH THERE ARE STILL SOME OTHERS THAT ARE IN OPPOSITION, IT WOULD NOT BE A VALID PETITION THAT WOULD TRIGGER A THREE QUARTERS VOTE.

LEFFINGWELL: THANK YOU.

MAYOR WYNN: ANY FURTHER QUESTIONS OF STAFF, COMMENTS? IF NOT, WE WILL CONDUCT THIS PUBLIC HEARING --

GUERNSEY: MR. SHAW HAMILTON IS HERE TO SPEAK ON BEHALF OF THE OWNER AND I THINK HE IS IN THE PROCESS OF GIVING ME OR HAS ALREADY GIVEN JERRY RUSTHOVEN OF MY STAFF A COPY OF THAT WITHDRAWAL.

MAYOR WYNN: WOMEN, MR. HAMILTON. WE'LL SET THE CLOCK FOR FIVE MINUTES FOR YOUR PRESENTATION.

MAYOR AND COUNCIL MEMBERS, I'M SHAW HAMILTON, AGENT FOR THE OWNER. LIKE STAFF WE INITIALLY CAME IN FOR A GR ZONING. AFTER SPEAKING WITH STAFF, AFTER GOING THROUGH THE PLANNING COMMISSION, WE HAVE AMENDED OUR SUBMITTAL TO LO-MU CO, WHICH IS WHAT

STAFF RECOMMENDED, WHICH IS WHAT THE PLANNING COMMISSION HAS APPROVED UNANIMOUSLY. SO WE'RE TRYING TO ADHERE TO NEIGHBORHOOD GROUP AS WELL AS STAFF AND THE PLANNING COMMISSION'S RECOMMENDATIONS. I HAVE A MAP YOU COULD SHOW. ALONG JOLLYVILLE ROAD, THE PINK OR THE YELLOW ZONINGS ALONG JOLLYVILLE ROAD. THE YELLOW ARE THE BAR INTENSE USES. LRGU, LOCATED AT THE CORNER OF BELL AND JOLLYVILLE. HE'S PRETTY MUCH THE LAST ONE IN THE SUBDIVISION ZONED SF, WHICH IS ALONG JOLLYVILLE ROAD. AS GREG SAID, THERE WAS A CONDITIONAL OVERLAY PUT ON JOLLYVILLE ROAD IN '79, WHICH REQUESTED THAT 120-FOOT STRIP ALONG JOLLYVILLE ROAD, WHICH INCLUDES THIS PROPERTY, BE ZONED LO. SO WHAT WE'RE TRYING TO DO IS ADHERE TO THE ORIGINAL '79 REQUIREMENTS AS WELL AS TODAY, AND IF YOU HAVE ANY QUESTIONS I'M AVAILABLE FOR THEM.

MAYOR WYNN: THANK YOU. COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: WHICH ONE IS THE PROPERTY?

IT'S -- YOU SEE THE ARROW, THE BLACK ARROW THERE. THE -- IN PURPLE.

MCCRACKEN: WHERE IS THAT IN RELATION TO --

TO THE ASIAN CENTER?

MCCRACKEN: WHICH DIRECTION IS THE ARBORETUM?

TO THE SOUTH. IF YOU SEE WHERE JOLLYVILLE AND RESEARCH COME TOGETHER, IF YOU GO SOUTH OF THAT IS WHERE THE ARBORETUM IS.

MCCRACKEN: OKAY. THANKS.

MAYOR WYNN: QUESTIONS. COUNCIL MEMBER MARTINEZ?

MARTINEZ: MR. HAMILTON, WAS THERE A BUILDING CONSTRUCTED ON THIS SITE THAT CREATED A NONCONFORMING USE --

NO, ALL THE BUILDINGS THAT WERE THERE WERE PUT LEGALLY THERE. THERE HAD BEEN SOME COMPLAINTS FROM THE NEIGHBORHOOD, COMPLAINING ABOUT THE BUILDINGS BEING CONSTRUCTED. THEY HAD BEEN INVESTIGATED BY STAFF, AND FOUND TO BE OKAY. NOW, THEY WERE NEVER RED TAGGED. IT WAS NEVER FOUND TO BE ILLEGAL. EVERYTHING IS UP TO SNUFF.

MARTINEZ: THANKS, MAYOR.

MAYOR WYNN: OKAY. FURTHER QUESTIONS OF THE APPLICANT OR AGENT? THANK YOU, MR. HAMILTON. AT THIS TIME WE WILL HEAR FROM FOLKS IN FAVOR OF THE ZONING CASE. LET'S SEE. OUR FIRST SPEAK IS TOM MCKAY. WELCOME, TOM. YOU'LL HAVE THREE MINUTES, TO BE FOLLOWED BY JOHN SILHASKY.

MAYOR AND COUNCIL, MY NAME IS TOM MCKAY. I'M 45 YEARS OLD. I'VE LIVED IN THE NEIGHBORHOOD FOR 17 YEARS. MY WIFE AND MY FOUR KIDS HAVE BEEN THERE ALL THIS TIME, AND THEY GO TO SCHOOL THERE. WE CARE ABOUT THE NEIGHBORHOOD. WE NEVER DO ANYTHING BUT TRY TO SUPPORT THE NEIGHBORHOOD. THIS IS A MAP. I THINK IT WOULD BE EASIER TO FOLLOW. YOU CAN PUT THAT ON THERE. OKAY. OUR PROPERTY IS THIS ONE RIGHT HERE, THE SUBJECT PROPERTY. RIGHT NEXT DOOR TO US IS THE ASIAN COMMUNITY CULTURAL CENTER. DENTIST OFFICE HERE, BEAVER BROOK DAY CARE, WHICH IS LO, WHICH YOU ALSO CONFIRMED TO BEING ZONED LO 2 FOR THE GENTLEMAN THAT OWNS THAT PROPERTY. AGAIN OFFICES HERE. THIS IS ALL OFFICES HERE. DENTIST OFFICE, MORTGAGE OFFICE, EVERYWHERE UP AND DOWN JOLLYVILLE. THE ARBORETUM IS THIS WAY, FOR YOUR REFERENCE. THE PROPERTY FACES THIS THREE STORY BUILDING RIGHT HERE. EVERYBODY CAN SEE THAT. ON THE OTHER SIDE OF OUR PROPERTY IS THE ASIAN COMMUNITY CULTURAL CENTER. I JUST WANTED TO GIVE YOU AN IDEA OF WHAT IT... ACTUALLY LOOKS LIKE, A BIGGER MAP TO REFERENCE. THE BOTTOM LINE IS THIS PROPERTY IS REALLY SUITABLE FOR OFFICE, AND THAT'S WHAT'S ALL AROUND MERE AND FACES ME AND I'VE GOT SUPPORT. I'VE LISTENED TO THE STAFF. I'VE LISTENED TO THE ZONING COMMISSION. I'VE LISTENED TO THE NEIGHBORS, AND THE PERSON THAT HAD TO SIGN THAT

PETITION, SHE WAS TOLD BY SOMEBODY THAT LO-MU CO MEANT -- THE LO -- I'M SORRY, THE MU AND THE CO MEANT THAT IT COULD BE USED RETAIL. IT WAS GR, AND SHE WAS MISINFORMED. BUT -- ANYHOW. SO THAT'S WHY THAT PETITION FAILED AT 7%. ANYWHERE, THE BOTTOM LINE IS THE PROPERTY IS REALLY SUITABLE FOR THE OFFICE AND NOT SO MUCH FOR RESIDENTIAL ANYMORE. IT'S NO LONGER THE QUIET ROAD IT ONCE WAS. I HAVE THE SUPPORT OF MOST OF THE NEIGHBORHOOD. IT IS -- LIKE I SAID, THE CITY STAFF AND THE ZONING. NEARLY EVERY PROPERTY ON JOLLYVILLE IS OFFICE. IT'S A FOUR LANE ROAD NOW. I'M ONE OF THE LAST TO CONVERT. THIS PROPERTY IS ONE OF FIVE IN THAT SUBDIVISION THAT ARE ALL SPECIFICALLY DEED ALLOWED TO BE USED AS OFFICE. SO IN THE ORIGINAL DEVELOPER ENVISIONED THIS BEING USED JUST EXACTLY AS I'M PRESENTING IT, THE LAST ONE TO DO IT. I JUST ASK THAT YOU PASS THIS ZONING. MAKES SENSE. IT ALREADY HAS LOTS OF SUPPORT. YOU KNOW, LIKE I SAID, WE'RE A FAMILY OF SIX, WE CARE ABOUT THE AREA AND WE'RE RESPONSIBLE BUSINESSPEOPLE. WE WANT TO TAKE CARE OF IT. THANK YOU.

THANK YOU, MR. MCKAY. QUESTIONS FOR TOM, COUNCIL? IF NOT. WE'LL HEAR FROM JOHN SAHOSKY. WELCOME, JOHN, YOU TOO WILL HAVE THREE MINUTES, TO BE FOLLOWED BY RAY RORK.

MAYOR AND COUNCIL MEMBERS, MY NAME IS JOHN. I LIVE AT 5701 SARA MADRE, WHICH IS ONE BLOCK IN FROM JOLLYVILLE ROAD AND BORDERSES LA VISTA DRIVE WHICH IS ONE BLOCK SOUTH ON JOLLYVILLE ROAD FROM THE PROPERTY UNDER CONSIDERATION. WE'VE BEEN THERE FOR 35 YEARS, AND I'M ALSO A MEMBER OF -- SUPPOSEDLY A MEMBER OF THE HOMEOWNERS ASSOCIATION. SOME OF THE MEMBERS OF THE HOMEOWNERS ASSOCIATION WILL PROBABLY OPPOSE THIS PROPERTY, BUT THEY LIVE QUITE SOME DISTANCE FURTHER AWAY FROM IT THAN I DO. I'M IN FAVOR OF THIS PROPERTY BEING CHANGED BECAUSE IT IS NOT ON OUR SIDE OF JOLLYVILLE ROAD. IT'S ON THE OPPOSITE SIDE. IT WOULD HAVE NO IMPACT FROM A TRAFFIC STANDPOINT AND NO IMPACT FOR OTHER REASONS WITHIN OUR NEIGHBORHOOD. THANK YOU FOR YOUR

CONSIDERATION.

MAYOR WYNN: THANK YOU, JOHN.

QUESTIONS.

MAYOR WYNN: QUESTIONS, FOR MR. ZUHASKY? THANK YOU, SIR. RAY ROARK? WELL, RAY, YOU'LL HAVE THREE MINUTES AND YOU'LL BE FOLLOWED BY PHILIP WILLIAMS.

MAYOR, COUNCIL MEMBERS, MY NAME IS RAY ROORK. EXCUSE ME. I'M LOSING MY VOICE. I OWN THE PROPERTY ACROSS THE STREET AT 11726 JOLLYVILLE ROAD AND I WANT YOU TO KNOW I HAVE NO OBJECTION TO THIS AT ALL. THAT'S ALL I HAVE TO SAY.

MAYOR WYNN: THANK YOU, SIR. THOSE ARE ALL THE FOLKS WHO ARE HERE SIGNED UP TO SPEAK IN FAVOR OF THE ZONING CASE. NOW WE GO TO FOLKS IN OPPOSITION. FIRST SPEAKER WILL BE PHILIP WILLIAMS. WELCOME, SIR. YOU HAVE THREE MINUTES, TO BE FOLLOWED BY JILL HUDSON.

MR. MAYOR AND COUNCIL, MY NAME IS PHILIP WILLIAMS. I'M A MEMBER OF THE SUMMIT OAKS NEIGHBORHOOD ASSOCIATION AND I'VE LIVED THERE FOR WELL OVER 40 YEARS. IF I'M A LITTLE BIT GROGGY TONIGHT AND A LITTLE WARN OUT, DISORIENTED, I'D LIKE FOR YOU TO UNDERSTAND THAT LAST NIGHT AROUND 8:00 SOMEONE HAND-DELIVERED A LETTER FROM MR. MCKAY'S LAWYER, SUPPOSEDLY ALLEGING THAT SEVERAL MEMBERS OF OUR ASSOCIATION WERE SLANDERING HIM. -- WERE SLANDERING MR. MCKAY AND IMPLYING A LAWSUIT. THAT NOTICE WAS DATED NOVEMBER 5. IT WAS DELIVERED, AS I SAID, ON THE 7TH, ABOUT 8:00 LAST NIGHT. IT CONTAINS THE FILING DATE OF OCTOBER THE 5TH, 2007. SO I STAYED UP A LOT LAST NIGHT WONDERING WHY IT TOOK A MONTH TO GET THAT NOTICE DELIVERED TO US. HOWEVER, LET'S NOT -- LET'S NOT DWELL ON THAT. LET'S GO TO SOME OF THE CIRCUMSTANCES ASSOCIATED WITH THE PROPERTY. WE INITIALLY REQUESTED THIS POSTPONEMENT BECAUSE THERE WERE SOME ERRORS IN THE PAPERWORK, AND AS YOU SAW, IN THE NOTICES THAT WERE SENT OUT. IT WAS LISTED AS GR, ALTHOUGH THEY WERE MAKING A

RECOMMENDATION OF LO. SINCE THEN THAT HAS BEEN RESOLVED. AS YOU ALSO KNOW FROM THEIR PRESENTATION, THERE IS A 15,000 SQUARE FEET COMMERCIAL-TYPE BUILDING LOCATED ON THAT SITE AND WAS CONSTRUCTED UNDER SF-2 ZONING REQUIREMENTS. IN ADDITION TO THAT THERE'S A 1900 SQUARE FEET RESIDENCE AND A GARAGE THERE. AT THE OCTOBER HEARING WHERE WE AGREED THAT IF THEY'D GO WITH LO, AND THE COMMISSION AGREED AND MR. MCKAY AGREED AT THAT HEARING, ONE OF THE COMMISSIONERS REMARKED, SO THIS IS THE CLASSIC EXAMPLE OF BACK-DOOR ZONING. I HAVE NO REASON TO QUESTION HIS OBSERVATION. TO MY KNOWLEDGE, NO SITE PLAN HAS BEEN SUBMITTED, EVEN THOUGH IT IS AN EXISTING STRUCTURE WITH AN ENTRY ON TO BELL AVENUE AND TO JOLLYVILLE ROAD. A SIGNIFICANT AMOUNT OF THE SURFACE OF THAT PROPERTY HAS BEEN PAVED ALREADY. THE BUILDING SETBACKS FOR COMMERCIAL USE HAVE NOT BEEN MET. ON-SITE PARKING REQUIREMENTS HAVE NOT BEEN DETERMINED, NOR HAS THE WATER REDENGES AND....RETENTION AND RUN OFF REQUIREMENTS BEEN STUDIED TO PROTECT OUR ENVIRONMENT AND THE SURROUNDING NEIGHBORS. TRAFFIC SAFETY HAS ALWAYS BEEN OUR -- AN ISSUE WITH HAVING COMMERCIAL AT THAT SITE. WE'VE NOW ADDED BEAVER BROOK AND I'M OUT OF TIME, SO IT'S A WORSENING TRAFFIC SITUATION. BUT WE WILL ACCEPT THE LO ZONING AND WILL TRUST THAT THE CITY AND THE COUNCIL WILL BE ABLE TO PROTECT OUR CHILDREN, OUR CITIZENS, AS WELL AS OUR ENVIRONMENT. THANK YOU VERY MUCH FOR YOUR TIME.

MAYOR WYNN: THANK YOU, MR. WILLIAMS. QUESTIONS FOR MR. WILLIAMS, COUNCIL? THANK YOU, SIR. JILL HUDSON IS OUR NEXT SPEAKER. WELCOME, MS. HUDSON. YOU'LL HAVE THREE MINUTES, TO BE FOLLOWED BY BRIAN SCARBOROUGH.

THANK YOU. I WANTED TO THANK MR. WILLIAMS FOR SPEAKING SO ELOQUENTLY, AND I AM IN AGREEMENT WITH EVERYTHING MR. WILLIAMS HAS STATED. I DO NOT WANT TO WASTE THE COUNCIL'S TIME BY REITERATING HIS POINTS. HOWEVER, I WOULD LIKE TO NOTED THERE ARE MULTIPLE REPRESENTATIVES FROM OUR NEIGHBORHOOD TONIGHT

AND THIS APPLICATION HAS CAUSED GREAT CONCERN IN OUR COMMUNITY. IF THIS CHANGE IS GRANTED, WE HOPE THE CITY WILL HOLD THIS APPLICANT TO ANY AND ALL RESTRICTIONS AND LAWS THAT FALL WITHIN THE SPECTRUM OF THIS TYPE OF ZONING. I DID WANT TO TOUCH ON A COUPLE OF POINTS THAT THE APPLICANT HAS MADE. HE DOES NOT LIVE IN OUR NEIGHBORHOOD. HE OWNS SEVERAL RENTAL PROPERTIES IN OUR NEIGHBORHOOD. IN ADDITION, THE 15,000-SQUARE-FOOT ADDITION WAS NOT AND HAS NOT BEEN APPROVED BY THE CITY, AND CITY REPRESENTATIVES MADE MULTIPLE ATTEMPTS TO COME OUT TO ADDRESS THE ISSUES AND COMPLAINTS, A MR. JASON COUCH, AND ON 10-5-06 THAT CASE WAS CLOSED BECAUSE NUMEROUS INSPECTIONS WERE DONE. NO FOLLOW-UP REGARDING INCRIMINATING EVIDENCE. I NEED ACCESS TO THE PROPERTY TO CALCULATE IMPERVIOUS COVERAGE. SO THEREFORE, THE CITY REPRESENTATIVE WAS NOT EVEN ABLE TO GO ON THE PROPERTY TO LOOK AT THE COMMENTS AND COMPLAINTS. IN ADDITION, WE ALSO IN OUR NEIGHBORHOOD WOULD LIKE TO STATE THAT WE ARE OPPOSED TO THIS CHANGE AT THE ENTRANCE OF OUR NEIGHBORHOOD, BUT WE ARE WILLING TO COMPROMISE WITH THE APPLICANT. THANK YOU.

MAYOR WYNN: THANK YOU, MA'AM. QUESTIONS, COUNCIL? COMMENTS? THANK YOU, JILL. OUR FINAL SPEAKER IN OPPOSITION IS BRIAN SCARBOROUGH. WELCOME, BRIAN. YOU TOO WILL HAVE THREE MINUTES. AND FOR THE RECORD, JAMES SCARBOROUGH IS ALSO SIGNED UP IN OPPOSITION.

HELLO, EVERYBODY. THANK YOU FOR YOUR TIME. I'M BRIAN SCARBOROUGH. I HAVE LIVED IN THE NEIGHBORHOOD FOR TEN YEARS. I ACTUALLY LIVE ON SIERRA LEONE, WHICH IS SEVERAL BLOCKS SOUTH OF JOLLYVILLE. WE HAVE ALWAYS BEEN CONCERNED ABOUT THE TRAFFIC BECAUSE, UNFORTUNATELY, BELL AVENUE AND NEVADA, THERE ARE NO THROUGH STREETS, OUR ONLY ACCESS INTO AND OUT OF OUR NEIGHBORHOOD IS OFF JOLLYVILLE. THIS CAUSES US CONCERN WHEN MORE COMMERCIALIZATION COMES IN BECAUSE THERE IS NO ROOM FOR A RED LIGHT AT THAT CORNER SINCE THERE IS ONE AT DUVAL. WE WERE OPPOSED TO THE RETAIL. AFTER THE CHANGES WERE MADE

IN THE -- FOR THE BUSINESS, AS PHIL AND THE OTHER PERSON HAVE STATED, WE WERE AGREED TO RESCINDING OR AGREEING WITH THAT, BUT AGAIN, WE ARE CONCERNED THAT THIS WAS A TIP OF THE ICEBERG FOR ADDITIONAL BUILDING. AT THIS TIME, SINCE I WAS INCLUDED ON THE LIST AS -- AS BEING SLANDEROUS, I'M NOT SURE I NEED TO SAY ANY MORE IN FRONT OF EVERYBODY, BUT I DON'T FEEL LIKE THIS FORUM IS THE PLACE FOR SLANDER. BUT I WOULD APPRECIATE THE CITY COUNCIL'S RECOMMENDATION AND LOOK AT THIS JUST TO MAKE SURE THIS DOES NOT GO ANY FURTHER THAN JUST OFFICE. SO AGAIN, I AM IN AGREEMENT WITH THE -- WITH THE OFFICE SPACE, NOT RETAIL.

MAYOR WYNN: THANK YOU, MR. SCARBOROUGH.

QUESTIONS?

MAYOR WYNN: QUESTIONS FOR MR. SCARBOROUGH? THANK YOU, SIR.

THANK YOU FOR YOUR TIME.

MAYOR WYNN: COUNCIL, THAT CONCLUDES ALL THE FOLKS GIVING TESTIMONY, SO AT THIS TIME MR. HAMILTON COULD HAVE A ONE-TIME 3-MINUTE REBUTTAL IF NEED BE. WELCOME BACK,.

MAYOR, COUNCIL MEMBERS, THE OWNER WOULD LIKE TO DO THE REBUTTAL, IF YOU DON'T MIND.

MAYOR WYNN: WE DON'T. WELCOME, MR. MCKAY.

THANK YOU. THAT IS NOT A TRUE STATEMENT THAT I DO NOT LIVE IN THE NEIGHBORHOOD. THIS IS FRUSTRATING TO ME BECAUSE I'VE BEEN -- WALKED THAT NEIGHBORHOOD SEVERAL TIMES. I'VE MET EVERYBODY. I'VE GOTTEN THE SUPPORT. I'VE DONE IT THE HARD WAY, I'VE DONE IT THE RIGHT WAY. IT'S VERY ACTION VERY DISINGENERAL WITH US THE STATEMENTS THAT HAVE..... -- DISINGENUOUS THE STATEMENTS THAT WERE JUST MADE. WHAT WAS STATED WAS BECAUSE THIS WAS GIVEN TO THEM THE DAY BEFORE. I DON'T KNOW IF YOU CAN ZOOM IN ON THAT. BUT THIS IS A NOTICE -- OKAY, THIS IS A NOTICE FROM THE HOMEOWNERS

ASSOCIATION THAT CERTAIN OF THESE INDIVIDUALS ARE RESIGNING MONDAY, AND IN ORDER TO PRESERVE THE INFORMATION -- THEY'VE TAKEN HUNDREDS OF PHOTOGRAPHS AND VIDEOS AND HARASSED SOME OF MY TENANTS, SO I WANT TO..... I WANTED TO MAKE SURE THAT EVIDENCE DIDN'T GET DESTROYED. SOME OF THEM THINK THEY'RE BEING HARASSED. I WANTED TO GET THE INFORMATION. SPEAKING TO ME NOT LIVING IN THE NEIGHBORHOOD, THIS IS THE MAP. THE INDIVIDUAL WHO JUST SPOKE. HE JUST SAID HE LIVES SEVERAL BLOCKS AWAY, AND THE GALLON BEFORE THAT COMPLAINED ABOUT NOT HAVING THE ENTRANCE AFFECTED. WELL, FIRST OF ALL, HERE'S THE ENTRANCE TO THEIR NEIGHBORHOOD. IT'S ACROSS THE STREET. THIS IS A FOUR-LANE STREET, JOLLYVILLE. THEIR ENTRANCE ISN'T AFFECTED IN ANY WAY WHATSOEVER. THEY'RE SITTING OVER HERE. THAT'S THE ENTRANCE. THE GENTLEMAN WHO JUST SPOKE. HE LIVES HERE, I LIVE HERE AND THE GENTLEMAN THAT SPOKE BEFORE HIM LIVES IN BETWEEN. I THINK THAT IF YOU TAKE -- MEASURE THIS OFF, I'M CLOSER TO THE PROPERTY THAN THEY ARE. SO THERE'S NO TRUTH TO THIS BUSINESS THAT I'M NOT A NEIGHBOR AND THAT I DON'T LIVE IN NEIGHBORHOOD, AND THAT'S ALL I WANTED TO SAY. UNLESS YOU HAVE OTHER QUESTIONS, I'M HAPPY TO ANSWER.

MAYOR WYNN: THANK YOU, MR. MCKAY. QUESTIONS OF THE OWNER, COUNCIL?

MAYOR, I HAVE A QUESTION.

MAYOR WYNN: COUNCIL MEMBER COLE.

COLE: CAN YOU RESPOND TO THE STATEMENTS ABOUT THE INSPECTOR THAT CAME TO YOUR HOUSE -- I MEAN, TO THE PROPERTY?

THERE WAS -- AND IT'S IN THE BACKGROUND. THERE WAS A COMPLAINT BECAUSE -- ABOUT, I BELIEVE, AN 8-FOOT FENCE. THE PROPERTY -- I COULD SHOW YOU A PICTURE OF IT BUT I'LL JUST DESCRIBE IT. IT MIGHT BE EASIER. THE PROPERTY IN THE FRONT, THE CITY HAD CONSTRUCTED A SIDEWALK, AND BECAUSE OF THE RETENTION -- OR THE DITCH THAT'S IN FRONT, WHEN YOU STOOD ON THAT

SIDEWALK YOU COULD NOW LOOK OVER THAT 6-FOOT FENCE. EVEN A SMALL CHILD COULD. SO THE FEBS WAS RAISED TO 8 -- FENCE WAS RAISED TO 8-FOOT JUST SO PEOPLE COULDN'T LOOK INTO THE YARD. I HAD A TRAMPOLINE AND A POOL THERE AT ONE TIME. AND YOU COULD SEE THE WALKING HEADS GOING BY. SO I BELIEVE THAT'S THE COMPLAINT THAT SHE'S REFERRING TO. I DON'T KNOW. THERE'S BEEN A LOT OF UNFOUNDED COMPLAINTS, SO I DON'T KNOW WHAT TO SAY TO THAT.

COLE: BUT HAS CODE ENFORCEMENT ACTUALLY BEEN ON YOUR PROPERTY, AND IF THEY HAVE, HAVE THOSE COMPLAINTS BEEN CLEARED?

YES. YES. IF YOU LOOK IN THE HISTORY YOU'LL SEE THAT EVERY ONE OF THEM -- I HAVE THAT, I'LL BRING IT OUT -- NO, EVERY ONE OF THEM CASE CLOSED, CLEAR. THAT'S ALL I CAN SAY. THERE'S ONE OR TWO INDIVIDUALS IN THIS NEIGHBORHOOD THAT HAVE HARASSED ME, I THINK, FOR SEVERAL YEARS, AND CODE ENFORCEMENT, THEY COME OUT ON A COMPLAINT, DOESN'T MATTER WHETHER IT'S CREDIBLE OR NOT. THEY COME OUT.

MAYOR WYNN: FURTHER QUESTIONS FOR MR. MCKAY, COUNCIL? COMMENTS? COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: THAT'S ALL THE SPEAKERS, CORRECT, MAYOR?

MAYOR WYNN: YES, SIR.

LEFFINGWELL: I'LL MOVE TO CLOSE THE PUBLIC HEARING AND PASS THE ZONING AND PLANNING RECOMMENDATION ON FIRST READING.

MAYOR WYNN: MOTION BY COUNCIL MEMBER LEFFINGWELL, SECONDED BY THE MAYOR PRO TEM, TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST HEARING ONLY, THAT BEING LO-MU CO, ON FIRST READING. CORRECT, MR. GUERNSEY?

THIS ONE IS THE ZONING AND PLANNING COMMISSION.

MAYOR WYNN: ZONING AND PLANNING COMMISSION, SORRY. THAT'S WHAT THE COUNCIL MEMBER SAID. MOTION. SECOND ON THE TABLE. COUNCIL MEMBER KIM?

KIM: MAYOR, LISTENING TO THE PEOPLE WHO ARE FROM THE AREA, I'M VERY FAMILIAR WITH THE STREET, AND IT SEEMS THAT IT IS WINDY AND IN AREAS WHERE THERE ARE BLIND SPOTS, AND I DON'T THINK IT'S APPROPRIATE TO HAVE AN OFFICE HERE SO CLOSE TO THE HOMES. THERE ARE HOMES ACTUALLY ON THAT STREET AND SO I WILL NOT BE SUPPORTING THE MOTION.

MAYOR WYNN: MOTION AND SECOND ON THE TABLE, FIRST READING ONLY. FURTHER COMMENTS? ZONING AND PLANNING COMMISSION RECOMMENDATION. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-1, FIRST READING ONLY, COUNCIL MEMBER KIM VOTING NO. THANK YOU ALL. CASE 108.

GUERNSEY: TAKES US TO ITEM 108, CASE C14-2007-0161, THE PROPERTY LOCATED AT 5350 BURNET ROAD. THIS IS A REZONING REQUEST FROM COMMERCIAL SERVICES MIXED USE CONDITIONAL OVERLAY OR LR-MU-CO, TO THAT SAME ZONING CATEGORY. THE REQUEST IS TO CONSIDER APPLYING THE TERMINATION VERTICAL MIXED USE. THE COMMISSION'S RECOMMENDATION, THE PLANNING COMMISSION'S RECOMMENDATION WAS TO RECOMMEND THE STAFF'S RECOMMENDATION FOR THAT AND IT WAS APPROVED ON A VOTE OF 6-3. THE PROPERTY ITSELF IS APPROXIMATELY 2.425 ACRES. IT IS LOCATED ON BURNET ROAD. THERE IS A SITE PLAN THAT YOU HAVE IN YOUR BACK OF THE MATERIAL. I'M SURE THE APPLICANT WILL SHOW YOU, THAT THE PROPERTY IS LOCATED AT THE CORNER OF LONGMONT AVENUE AND BURNET ROAD. THE PROPERTY IS PROPOSED FOR A MIXED USE PROJECT. THERE WOULD BE A CONDITIONAL OVERLAY THAT WAS RECOMMENDED BY STAFF AND THE COMMISSION THAT WOULD LIMIT THE PROPERTY TO 2,842 TRIPS ON THE PROPERTY. THE PROPERTY IS CURRENTLY USED FOR AN ANTIQUE STORE.

THE PROPERTIES TO THE NORTH ARE SF-2 AND CF AND USED FOR RESIDENTIAL AND RETAIL. TO THE SOUTH IS CS AND RETAIL AND RESTAURANT. TO THE EAST IS CS-MU-CO-NP FOR RETAIL AND OFFICES AND TO THE WEST IS APARTMENT USES. AT THIS TIME I'LL PAUSE AND IF YOU HAVE ANY QUESTIONS I'LL BE MORE THAN HAPPY TO ANSWER THEM. THERE ARE NEIGHBORS HERE TO SPEAK TO THIS APPLICATION, AND THE APPLICANT'S AGENT, DRENNER STEWART GOLDEN WOLF LLP IS HERE TO MAKE A PRESENTATION.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. QUESTIONS TO STAFF, COUNCIL? COMMENTS? IF NOT, WE WILL HEAR FROM THE AGENT, MR. METCALF. SET THE CLOCK FOR FIVE MINUTES. LOOKS LIKE, LET'S SEE, MICHELE ROGERSON WANTS TO DONATE THREE MINUTES. IS ASHLEY MCNAB HERE? HELLO, ASHLEY. SO MR. METCALF, YOU'LL HAVE UP TO 11 MINUTES IF YOU NEED IT AND YOU'LL BE FOLLOWED BY JIM VOIGHT.

THANK YOU MAYOR, COUNCIL MEMBERS. AS MR. GUERNSEY SAID, THE SITE WE'RE TALKING ABOUT IS ON BURNET ROAD AT THE INTERSECTION WITH LONGMONT. 2.4 ACRES AS YOU CAN SEE BY LOOKING AT THIS AERIAL OF THE SITE, IS CURRENTLY OCCUPIED BY THE ANTIQUE MARKETPLACE, WHICH IS BASICALLY ONE SINGLE BUILDING WITH A SEA OF IMPERVIOUS COVER AROUND IT, JUST PAVING. BASICALLY THE SITE IS COMPLETELY PAVED OVER. THE WAY THE ANTIQUE MARKETPLACE LOOKS IS -- I THINK MOST OF YOU-ALL HAVE SEEN IT, LOOKS SOMETHING LIKE THIS, A BUILDING WITH A PARKING LOT AROUND IT, OLD BUILDING. THIS IS A LOOK AT IT FROM THE REAR. WHAT WE'RE HERE ASKING FOR IS TO HAVE A VMU DESIGNATION ON THIS SITE. IT IS ON A TRANSIT CORRIDOR. IT WOULD FIT IN WITH THE VMU ORDINANCE THAT WAS PASSED BY COUNCIL BACK IN AUGUST, AND THIS IS AN EARLY DETERMINATION ON THE OPT IN OPT OUT REQUEST BY THE NEIGHBORHOOD. WE'RE PROPOSING A VMU PROJECT. THIS IS A RENDERING OF A SIMILAR TYPE PROJECT, AND THIS IS THE KIND OF PROJECT WE WANT TO BUILD HERE. WHAT THEY'LL HAVE IS FIRST FLOOR RETAIL FACING OUT ON BURNET AND THEN MULTIFAMILY BUILT ON TOP OF IT. LOOKING AT THE SITE PLAN, IF YOU LOOK AT IT YOU CAN SEE THE ORANGE AREA IS

WHERE THE RETAIL WOULD BE. YOU WOULD HAVE YOUR PEDESTRIAN ORIENTED STREET FRONT OUT FRONT. YOU HAVE A PARKING GARAGE THAT IS BASICALLY WRAPPED ON THREE SIDES BY UNITS OR RETAIL. AND COMMERCIALY DESIGNED STANDARD COMPLIANT PROJECT. I MEAN, THIS IS -- THIS IS THE TYPE OF PROJECT THAT WAS ENVISIONED BEING PUT ON THE CORE TRANSIT CORRIDORS. THERE ALSO IS AN EXISTING APPROVED SITE PLAN FOR THE PROJECT THAT WAS APPROVED AND FILED BEFORE THE VMU ORDINANCE WAS IN EFFECT, AND SO IT DOESN'T MEET THE REQUIREMENTS OF VMU OR A COMMERCIAL DESIGNED STANDARDS PROJECT. I'LL COMPARE AND CONTRAST THOSE A LITTLE BIT BECAUSE I THINK THAT'S REALLY THE KEY HERE. IF YOU LOOK AT THE TWO SITE PLANS, AND WHAT YOU'LL HEAR FROM NEIGHBORS IS THEIR MAIN CONCERN HAS BEEN DENSITY AND IT REALLY COMES DOWN TO HOW YOU DEFINE DENSITY. IF YOU LOOK AT THE TWO SITE PLANS, THE BUILDINGS ARE ROUGHLY EQUAL. ONE IS 170,000 SQUARE FEET. THE ONE WE'RE PROPOSING IS 186,000 FEET. ONE IS 54 FEET TALL. OURS, THE OTHER IS 52 FEET. THEY'RE ALL BASICALLY -- THE TWO COMPARED BUILDINGS ARE BASICALLY THE SAME SIZE. THE ONE WE'RE PROPOSING HAS MORE UNITS, BUT THE NUMBER OF BEDROOMS IS REALLY SIMILAR. SO IF YOU LOOK AT THE TWO FOOTPRINTS LAID OUT YOU'LL SEE THAT THE ONE IN RED IS WHAT WE'RE PROPOSING AND THE ONE IN BLACK IS THE EXISTING APPROVED SITE PLAN, AND THE REASON THAT THEY'RE ALMOST THE SAME -- EXCEPT THE REASON THAT OURS GOES FARTHER OUT TOWARDS BURNET OF COURSE IS BECAUSE WE DON'T HAVE THE BIG PARKING FIELD OUT FRONT. WE'RE BUILT RIGHT UP TO THE SIDEWALK. ALSO IF YOU LOOK AT THE MASKING OF THE TWO BUILDINGS, THIS IS THE ELEVATION FROM BURNET, THEY'RE APPROXIMATELY THE SAME HEIGHT, SAME WIDTH. LOOK AT A RENDERING FROM LONG MON. THE REASON OUR BUILDING IS LONGER IS BECAUSE IT DOESN'T HAVE THE BIG PARKING FIELD OUT FRONT. THE REAL -- REALLY THE ONLY TANGIBLE MEASURE OF DENSITY HERE, BECAUSE THE BUILDINGS ARE REALLY THE SAME SIZE, IS TRAFFIC, BUT IF YOU LOOK AT THE AMOUNT OF EXTRA TRAFFIC PRODUCED BY THIS PROJECT WITH MORE UNITS, IT'S JUST A LITTLE -- IT'S BETWEEN 500 AND 600 MORE TRIPS. AND NOT EVEN -- AT 1900 THAT'S NOT

EVEN ENOUGH TO HAVE A TIA AND EVEN MORE IF YOU LOOK AT IT DURING PEAK HOURS, THE PROPOSED PROJECT PRODUCES ONLY 54 MORE TRIPS AT A PEAK HOUR IN THE EVENING AND 40 IN THE AM PEAK HOUR. LESS THAN A CAR A MINUTE ON A CORE TRANSIT CORRIDOR. WE'RE NOT TALKING ABOUT A LOT OF TRAFFIC. IF YOU START LOOKING AT ALL THE -- THE IMPROVEMENTS ON OUR PROPOSED SITE PLAN VERSUS THE IMPROVED ONE, THAT'S WHERE YOU CAN REALLY SEE THE DIFFERENCE IN THE PROJECT. BASICALLY ALMOST EVERY OTHER MEASURE OF A DESIRABLE PROJECT IS THE PROPOSED SITE PLAN MEETS. WE ARE NOT TAKING ACCESS OUT TO LONG MONT. THAT'S BEEN A BIG ISSUE WITH THE NEIGHBORS. YOU CAN SEE THE EXISTING APPROVED SITE PLAN SHOWS A CURB CUT OUT TO LONGMONT. OURS WE HAVE NO CURB CUT OUT TO LONGMONT. THE APPROVED SITE PLAN HAS MORE IMPERVIOUS COVER THAN WE DO. OBVIOUSLY THE EXISTING SITE IS 100% IMPERVIOUS COVER. ANOTHER BIG DIFFERENCE IS THE WAY THE BUILDINGS LOOK. THEY'RE SIMILAR IN SIZE BUT THEY LOOK A LOT DIFFERENT AND THAT'S BECAUSE ONE IS COMMERCIALY DESIGNED STANDARD ORIENTED AND THE OTHER ISN'T. IF YOU LOOK AT THESE RENDERINGS HERE, WE'RE TALKING ABOUT COMMERCIALY DESIGNED STANDARD ORIENTED BUILDING WHERE YOU BUILD UP TO A STREET, RETAIL ON THE FIRST FLOOR, NO PARKING OUT FRONT, AND MEETING ALL THE COMMERCIAL DESIGN STANDARDS THAT WERE PASSED AT THE SAME TIME AS THE VMU ORDINANCE, WHEREAS IF YOU LOOK AT THIS ELEVATION OF THE APPROVED SITE PLAN THAT'S A FIRST FLOOR PARKING GARAGE. SO IT'S A PODIUM PROJECT AS OPPOSED TO A WRAPPED PRODUCT, LIKE WE'RE PROPOSING. ALSO, ANOTHER BIG DIFFERENCE BETWEEN THE TWO PROJECTS IS THAT OUR PROJECT IS GOING TO HAVE PARKLAND DEDICATION. THE APPROVED SITE PLAN, NO PARK PLAN DEDICATION. IT WAS APPROVED BEFORE THE ORDINANCE SO THERE'S NO PARKLAND GOES WITH IT. WE'RE ADDING ANOTHER COMMUNITY BENEFIT THAT THE EXISTING SITE PLAN DOESN'T HAVE. ANOTHER BIG DIFFERENCE IS AFFORDABLE HOUSING. OUR PROPOSED SITE PLAN WILL HAVE THE VMU PRESCRIBED FOR AFFORDABLE HOUSING, 10% OF THE UNITS AT 80% AFFORDABILITY. THE APPROVED SITE PLAN WILL RESULT IN

NO AFFORDABLE HOUSING. WE HAVE MET WITH THE NEIGHBORS A BUNCH ON THIS PROJECT AND I THINK THERE ARE SOME THINGS WE SEE EYE TO EYE ON, SOME THINGS WE DON'T. THEY HAVE A DIFFERENT VIEW OF DENSITY THAN WE DO BUT WE'VE TRIED TO MEET THEIR IN ADDITION.....INITIATIVES INCLUDING THE ATMOSPHERE ON BURNET AND ALSO CREATING A PEDESTRIAN PATHWAY. THERE IS A VISION TO HAVE A PEDESTRIAN PATHWAY THAT RUNS BEHIND THIS PROJECT, AND WE WORKED WITH THE NEIGHBORHOOD TO TRY TO COME UP WITH SOLUTIONS TO THAT. WE'RE WILLING TO EXPLORE OTHER ONES, BUT RIGHT NOW YOU'LL LOOK AT THIS SITE PLAN AND YOU'LL SEE THAT ON THE SOUTH SIDE OF IT WE HAVE A SIDEWALK THAT WILL RUN TO THE BACK OF THE PROJECT, AND HOPEFULLY CONNECT INTO AT SOME POINT IN THE FUTURE WHEN THERE IS A PEDESTRIAN CORRIDOR RUNNING ON THE BACK SIDE OF THIS, WILL CONNECT INTO THAT SIDEWALK. THIS IS THE WAY BURNET LOOKS TODAY. YOU CAN LOOK, YOU-ALL ARE FAMILIAR WITH IT, IT'S JUST BASICALLY ROLL OVER CURB, SEAS OF PARKING. I DON'T THINK THAT'S WHAT THE VISION IS FOR CORE TRANSIT CORRIDORS, AND MOST OF THE OTHER NEIGHBORHOODS IN THE AREA, INCLUDING ROSEDALE, BRENTWOOD -- YOU CAN SEE ON THIS MAP THEY OPTED -- THEY DID NOT ATTEMPT TO OPT OUT MOST OF THEIR SITES. ALLENDALE STANDS ALONE IN THAT OPINION ON HOW BURNET SHOULD LOOK. TECHNICALLY THEY DID NOT OPT THIS SITE OUT BUT THE LIMITATIONS THEY PUT ON THE NON-OPT OUT, SO TO SPEAK, WERE SUCH THAT YOU DON'T GET THE DENSITY THAT A VMU WOULD ALLOW YOU. SUMMARIZE, THE DIFFERENCES HERE, WE ARE PROPOSING MORE UNITS, BUT THE ONLY TANGIBLE MEASURE OF THAT DENSITY IS TRAFFIC AND IT'S JUST NOT A LOT OF EXTRA TRAFFIC, ESPECIALLY ON A CORE TRANSIT CORRIDOR. THE PROPOSED PROJECT IS A PEDESTRIAN FRIENDLY DESIGN. CBS COMMERCIAL DESIGN STANDARDS, WRAPPED GARAGE, PEDESTRIAN PATHWAY, WE'RE NOT TAKING ACCESS OUT TO LONGMONT. WE'RE DEAD INDICATING PARKLAND. WE'RE PROVIDING AFFORDABLE HOUSING. AND THIS PROJECT, AGAIN, THE KEY HERE IS IT'S ON A CORE TRANSIT CORRIDOR AND IT MEETS THE GOALS THAT THE COUNCIL SET OF CREATING DENSITY ON CORE TRANSIT CORRIDORS IN RETURN FOR AFFORDABLE HOUSING. I'LL BE GLAD TO

ANSWER ANY QUESTIONS OR TAKE ANY COMMENTS.

MAYOR WYNN: THANK YOU. QUESTIONS OF THE AGENT?
COUNCIL MEMBER COLE?

COLE: I THINK THAT THE STAFF AND THE PLANNING
COMMISSION MADE THE SAME RECOMMENDATIONS. DID YOU
HAVE ANY CONCERNS ABOUT THE OVERLAY?

WHICH OVERLAY ARE WE TALKING ABOUT?

COLE: WELL, I GUESS DO YOU HAVE ANY OVERLAY
CONCERNS? I JUST VAGUELY THOUGHT THAT I HEARD YOU
SAY SOMETHING LIKE THAT BUT --

WELL, I DON'T THINK SO. WE PROPOSED -- WE PROPOSED TO
GR AGREE TO A COUPLE OF OVERLAYS BUT I DON'T KNOW
THAT THEY CAME OUT OF PLANNING COMMISSION.

COLE: SO YOU'RE SUPPORTING THE STAFF
RECOMMENDATION?

YES,.

COLE: OKAY.

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

LEFFINGWELL: QUICK ONE. ALL THE NUMBERS YOU GAVE US
ON THAT TABLE FOR OLD AND PROPOSED, THAT WAS BASED
ON 165 UNITS INCH IS THAT CORRECT?

ON THE NUMBER -- I'M SORRY?

LEFFINGWELL: WELL, THE TABLE THAT YOU GAVE US, THE
NUMBERS, THE STATISTICS FOR THE ORIGINAL -- THE
APPROVED SITE PLAN VERSUS WHAT YOU'RE PROPOSING.

YES.

LEFFINGWELL: FOR EXAMPLE, YOU SAID OUR PLAN WILL

GENERATE 1903 VEHICLES.

165 --

LEFFINGWELL: THAT'S MY QUESTION.

MAYOR WYNN: OTHER QUESTIONS OF THE AGENT? THANK YOU, MR. METCALF. IF YOU CAN HANG AROUND FOR REBUTTAL LATER. NEXT SPEAKER IS JED BOYD. THANK YOU FOR BEING HERE. YOU HAVE THREE MINUTES. AND YOU'LL BE FOLLOWED BY TOM LESS THAN I HAS NOT.

THANK YOU, MAYOR AND COUNCIL MEMBERS. I'M HERE TO SPEAK IN FAVOR OF THIS PROJECT TONIGHT. I LIVE TWO BLOCKS FROM THIS PROJECT AND CERTAINLY VISUALLY FROM THE SITE. THIS PROPOSAL IS WHOLLY CONSISTENT WITH OUR OBJECTIVES FOR PEDESTRIAN ORIENTED USES ALONG BURNET ROAD AND THEN REALLY EVEN A LARGER QUESTION IS HOW THIS PROJECT IS CONSISTENT WITH OUR GOALS FOR DENSER DEVELOPMENT AND MULTIFAMILY DEVELOPMENT IN THE CENTRAL CITY AND REALLY THE ONLY QUESTION I REALLY HAVE TO ASK OF YOU -- OF THE -- PRIMARY THING TO SAY IS IF WE DON'T BUILD MULTIFAMILY HERE AT THIS LOCATION AT A SITE THAT'S LIKE PRACTICALLY MORE THAN 90% IMPERVIOUS COVER TODAY, IT'S ON A TRANSIT ROUTE, WHERE ARE WE GOING TO BUILD MULTIFAMILY IF WE DON'T BUILD IT HERE. SO THANK YOU VERY MUCH.

THANK YOU, MR. BOYD. AND FOR THE RECORD, BEFORE WE HEAR FROM FOLKS IN OPPOSITION, GLENN GAB WA SIGNED UP NOT WISHING TO SPEAK IN FAVOR. FIRST SPEAKER IS TOM LENIHAN. YOU HAVE THREE MINUTES, FOLLOWED BY STEVEN SETH NEAR.

THANK YOU, MAYOR AND COUNCIL MEMBER. I'M TOM. I'M PRESIDENT OF THE ALLEN DALE NEIGHBORHOOD ASSOCIATION. I'M HERE TO ASK YOU TO DENY THE VARIANCE REQUEST. LET ME MAKE IT CLEAR THAT ALLEN DALEDALE IS NOT OPPOSED TO BMU. WE SUPPORT THE CONCEPT OF VMU AS LONG AS THE INFRASTRUCTURE CAN SUPPORT IT. WE SUPPORT VMU AT THIS LOCATION, BUT THIS IS NOT GOOD BMU. AND THE PERSON WHO WILL BE FOLLOWING ME ON

THIS, STEVEN ZETNER, WILL EXPLAIN WHY AND OFFER SUGGESTED CHANGES THAT WOULD MAKE THIS DEVELOPMENT FIT WITH THE LARGER VISION THAT WE SUPPORT FOR THE AREA.... AREA. I HAVE THE OPPORTUNITY TO COME BEFORE YOU REGARDING THIS CASE, BECAUSE IT HELPS PROVIDE OUR NEIGHBORHOOD, AND WE THINK OTHER NEIGHBORHOODS IN CENTRAL CITY, A CLEAR IDEA WHAT THE COUNCIL HAS IN MIND WITH REGARD TO BMU. YOUR RULING TONIGHT WE THINK WILL SET A PRECEDENT FOR BMU'S ELSEWHERE. BY WAY OF BACKGROUND, CAR DEVELOPMENT CAME TO THE ALLENDALE NEIGHBORHOOD ASSOCIATION TWO YEARS AGO ASKING FOR SUPPORT VARIANCE FOR A HEIGHT VARIANCE ON A MIXED USE DEVELOPMENT AT THIS SITE. AND WE SUPPORTED IT. WHAT WE SUPPORTED WAS A MIXED USE DEVELOPMENT THAT CONSISTED OF RETAIL AND 88 OWNER OCCUPIED UNITS. MR. CAR SUBSEQUENTLY RECEIVED THE HEIGHT VARIANCE ALLOWING HIM TO GO TO 60 FEET ON HIS PROPOSED DEVELOPMENT. IN JULY WE LEARNED THAT ARDENT PROPERTIES HAS AN OPTION TO BUY THE PROPERTY FROM CAR AND WANTS TO DO SOMETHING VERY DIFFERENT THAN WHAT WAS ORIGINALLY PROPOSED. INSTEAD OF 88 TWO BEDROOM UNITS, OWNER OCCUPIED UNITS, ARDENT WANTS TO NEARLY DOUBLE THE NUMBER OF UNITS, ESSENTIALLY GOING TO 165. ONE AND TWO BEDROOM RENTAL UNITS. WE'VE BEEN TOLD CAR'S DEVELOPMENT IS NOT A GOOD IMPLEMENTATION OF BMU AND I THINK WE HEARD THAT IN THE EARLIER PRESENTATION. THAT MAY BE THE CASE BUT WE, ALLENDALE, WHAT WE SEE IS WE PROVIDED SUPPORT FOR A HEIGHT VARIANCE THAT'S NOW BEING HANDED OFF TO ANOTHER DEVELOPER, WHO WANTS TO DO MUCH MORE THAN WHAT WAS ORIGINALLY PRESENTED TO US. ONE OF OUR MAIN CONCERNS IS WITH THIS DENSITY PROPOSED, IT'S GOING TO DUMP TOO MUCH TRAFFIC ON TO BURNET ROAD. I KNOW THIS IS TRANSIT CORRIDOR. WE HEARD THAT, BUT LET ME TELL YOU HOW THIS WORKS FOR RESIDENTS WHO LIVE BEHIND THESE TRANSIT CORRIDORS. WALKING TO BURNET ROAD FOR ME IS ABOUT A MILE FROM MY HOUSE. THAT'S NOT A SHORT WALK FOR ME TO GET -- GET TO THE BUS. I HAVE TO USE MY CAR TO GET AROUND. AND IN DRIVING ON BURNET ROAD, IF THIS DEVELOPMENT HAPPENS, WE FEEL IT'S GOING TO MAKE IT MUCH MORE

DIFFICULT TO DO THAT IN THE NEIGHBORHOOD. AND WE KNOW THIS IS NOT THE ONLY BMU DEVELOPMENT THAT'S GOING TO HAPPEN ALONG BURNET ROAD. QUITE FRANKLY I THINK WE'D LIKE TO SEE A TRAFFIC PLAN FOR THE AREA TO GET A SENSE FOR HOW IT'S GOING TO PLAY OUT OVER TIME. I SEE THAT MY TIME IS UP. I'LL STOP THERE.

MAYOR WYNN: THANK YOU, MR. LENIHAN. OUR NEXT SPEAKER IS STEVEN ZETNER. WELCOME. LET'S SEE. IS ANN YOUNG IN THE ROOM. WELCOME. HOW IS CAREY HOW? HELLO, CAREY. STEVEN, YOU'LL HAVE UP TO 9 MINUTES IF YOU NEED IT AND YOU'LL BE FOLLOWED BY CHRIS HAYDEN.

THANK YOU. THANK YOU, MAYOR. THANK YOU, COUNCIL MEMBERS. MY NAME IS STEVEN SETH ZETN ZETNER. I'M A MEMBER OF THE ALLENDALE ASSOCIATION AND BMU TEAM. I'M A PROPONENT OF BMU IF IT'S DONE WELL. I'M HERE TONIGHT TO ASK IF YOU DO APPROVE THE ZONING CHANGE AT 5350 BURNET THAT YOU AMEND THE ORDINANCE LANGUAGE TO SHIFT OPEN SPACE ON THE SITE FROM THE NORTH SIDE TO THE SOUTH SIDE OF THE PROPERTY AND YOU WAVE CERTAIN SETBACKS SO THAT THE TOTAL OPEN SPACE PROPOSED BY THE DEVELOPER REMAINS THE SAME. THE REASON THAT WE WANT TO DO THAT IS BECAUSE WE ARE TRYING TO CREATE A PEDESTRIAN SPINE THAT CONNECTS THE ENTIRE DISTRICT, VERTICAL MIXED USE DISTRICT AT NORTH LOOP THAT WOULD RUN FROM THE NORTH TO THE SOUTH AND STARTING AT THE SOUTH END OF THIS PROPERTY, AND WE'D LIKE THE DEVELOPER TO SET A PRECEDENT OF CONTRIBUTING ENOUGH PROPERTY TO THE SPINE TO MAKE IT VIABLE FOR THE THOUSANDS OF PEOPLE WHO ARE GOING TO LIVE IN THIS DISTRICT. THE BROADER AIM IS TO CREATE SUSTAINABLE DENSITY, AND HAVING BEEN WORKING ON THIS FOR ABOUT A YEAR NOW I'VE TALKED TO A LOT OF PEOPLE AND GOTTEN A LOT OF INSIGHT AS TO HOW SUSTAINABLE DENSITY WORKS, AND SOME OF THE POINTS THAT I HAVE ON THE SLIDE HERE ARE THINGS THAT WE THINK ARE VERY APPROPRIATE TO THE BMU DISTRICT AND THE THINGS THAT I KNOW THAT THE CITY OF AUSTIN SUPPORTS, WALKABLE DISTRICTS AND MIXED USES, THOSE TWO THINGS TOGETHER HELP TO REDUCE THE NUMBER OF VEHICLES TRIPS PER DAY RESIDENTS HAVE TO MAKE BECAUSE THEY GET GET TO THE PLACES THEY

NEED TO GO. THEY CAN GO TO THE SERVICES AND OFFICES THEY WANT TO GO TO BY FOOT -- OR BY MASS TRANSIT INSTEAD OF BY CAR. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.]

... AND THEN YOU HAVE THE REDDISH BOXES FROM NORTH TO SOUTH. THOSE ARE THE FUTURE BMU PADS. AND AT THE VERY BOTTOM OF THE SLIDE YOU SEE YARBOROUGH LIBRARY AND THAT PARTED THERE WOULD BE EXTENDED THAT THIS SLIDE ASSUMES WILL EXTEND THE PARK. CONNECTING ALL THIS WE WANT TO SEE A PEDESTRIAN SPINE ABOUT 60 FEET WIDE. THAT'S ABOUT FOUR CAR PARKING LOT SPACES IN WIDTH AND WE THINK THAT'S APPROPRIATE FOR THE THOUSANDS OF PEOPLE THAT WOULD BE IN THIS DISTRICT. WE UNDERSTAND THE DEVELOPERS HAVE CONSTRAINTS. WE'RE TRYING TO FIND THE MINIMUM AMOUNT OF SPACE HERE THAT WILL SUPPORT WHAT WE WANT TO DO AS FAR AS PEDESTRIAN INTEGRATION FOR THE ENTIRE DISTRICT. THE PROBLEM THAT WE'RE RUNNING INTO, AND AS YOU MIGHT EXPECT BECAUSE THIS HAPPENS ALL THE TIME, IS THAT THE DEVELOPERS ARE NOT THE PEOPLE WHO ARE GOING TO ADDRESS THE STRICT LEVEL ISSUES. THEY ARE BUSINESSMEN. THEY ARE NOT PLANNERS. THEY HAVE A GOAL TO MAKE MONEY ON THEIR PROJECTS. WE UNDERSTAND THAT. BUT 5350 BURNET IS A GOOD EXAMPLE OF WHAT WE'RE RUNNING INTO WHERE THE DEVELOPER IS TRYING TO MAX OUT THE DENSITY ON THIS SITE. AND OUR CONCERN IS THAT THEY ARE CROSSING THE LINE ON THE BMU MIXED USE RULE, WHICH IS DOWN AT THE BOTTOM OF THE SLIDE HERE. [INAUDIBLE] MUST BE DIFFERENT FROM THE USE ON AN UPPER FLOOR. THERE ARE SOME EXAMPLES THERE FROM THE ORDINANCE. THIS DEVELOPMENT HERE HAS ONE-THIRD OF ONE FLOOR DEDICATED TO NON-RESIDENTIAL USES. THAT MEANS MOST OF THE PROPERTY IS RESIDENTIAL. IT'S PRACTICALLY JUST A MULTI-FAMILY DEVELOPMENT. AND THE IMPLICATION FOR US IS THAT IN ORDER TO GET ALL OF THOSE EXTRA RESIDENTIAL UNITS ON THE GROUND FLOOR, THE DEVELOPER IS NOT MAKING FULL USE OF THE OPEN SPACE THAT THEY'VE SET ASIDE FOR THIS DEVELOPMENT AND I'LL SHOW YOU HERE. THIS IS THE NORTHWEST CORNER OF THE PROPERTY. IN ORDER TO

HAVE RESIDENTIAL ON THE GROUND FLOOR AND HAVE SOME -- ENOUGH SUNLIGHT AND GREEN SPACE BEHIND THOSE UNITS TO BE ATTRACTIVE TO POTENTIAL RESIDENTS, THEY HAVE TO HAVE 10 TO 15 FEET OF SPACE IN THERE. THAT'S A CORNER NOBODY IS GOING TO WALK TO EXCEPT POSSIBLY THOSE GROUND FLOOR RESIDENTS. IT'S VERY POORLY UTILIZED SPACE. WHAT WE WOULD LIKE TO DO IS TAKE THAT SPACE AND SHIFT IT TOWARDS WHERE WE WANT TO HAVE THE PEDESTRIAN SPINE THAT CONNECTS THE ENTIRE DISTRICT. THIS IS THEIR PROPOSED PLAN. AGAIN, YOU CAN SEE THE RED LINES THERE ARE THE RETAINING WALLS. YOU CAN SEE HOW THE PROPERTY AS PLANNED IS JUST SMACK DAB IN THE CENTER OF THE LOT. THE SOUTH END OF THE PROPERTY WHERE WE THINK THAT A PEDESTRIAN ZONE WOULD BE APPROPRIATE, THAT'S ABOUT 25 FEET. THAT'S -- I MEAN YOU CAN SEE THERE IT'S A FIRE LANE. THAT'S THE LENGTH OF THAT ZONE. AND WE WANT TO GET THEM TO EXPAND THAT AND WE THINK THAT THE RIGHT PLACE TO GET THE OPEN SPACE TO DO THAT IS TO NUDGE THEIR PLAN INTO THE NORTHWEST CORNER. YOU CAN ALSO SEE ON THIS SLIDE IT MAKES CLEAR HOW MUCH OF THIS IS RESIDENTIAL AND NOT MIXED USE. THIS IS THE WEST SIDE OF THE BUILDING, IF DONE THE WAY THEY INTENDED TO IT, THERE'S A 15-FOOT SPACE THERE. AND BECAUSE OF THE RETAINING WALLS, YOU CAN SEE THAT CREATES KIND OF A CANYON EFFECT WHICH IS PROBABLY NOT THE BEST WAY TO UTILIZE YOUR SPACE HERE. THIS IS AN EXAMPLE. IT'S NOT INTENDED TO BE A REPLACEMENT PLAN. WE'RE NOT CONFIDENT ENOUGH TO DO THAT. BUT IT GIVES YOU AN IDEA OF SOME OF THE CONCEPTS THAT WE'RE LOOKING AT TRYING TO APPLY HERE. MOVING THE BUILDING INTO THE NORTHWEST CORNER, INTEGRATING THE PEDESTRIAN SPINE THAT WE WANT TO CREATE WITH COURT YARDS THAT WOULD BE -- EXTEND INTO THEIR DEVELOPMENT AND ALLOW PEDESTRIAN ACCESS TO OTHER USES, INCLUDING OFFICE SPACE, FOR INSTANCE, THEIR LEASING OFFICE. WE WOULD LIKE TO SEE THEM MOVE THE RESTAURANT TO THE SOUTHEAST CORNER WHERE IT WOULD CONTRIBUTE MORE TO THE PEDESTRIAN ZONE THAT WE'RE TRYING TO CREATE. THIS IS OUR VISION OF WHAT THE PEDESTRIAN SPINE WOULD LOOK LIKE. AGAIN, WE'VE LOOKED AT SEVERAL EXAMPLES OF PEDESTRIAN ZONES. 60 FEET SEEMS TO BE

AN ADEQUATE AMOUNT OF SPACE FOR THE KIND OF POPULATION DENSITY WE'RE GOING TO SEE HERE. WE THINK WE CAN GET ABOUT 15 FEET FROM KENSINGTON GREEN IF WE BEG THEM. THAT LEAVES ABOUT 45 FEET THAT'S GOING TO BE ON THE SITE OF THE M.U. DEVELOPERS AND WE NEED TO SET A PRECEDENT TO GET THE M.U. DEVELOPERS TO CONTRIBUTE TO THIS. WE'VE TALKED TO THE DEVELOPER ABOUT THIS RIGHT FROM THE START. THEY'VE MADE SEVERAL ARGUMENTS. THEY ARGUED THAT THE USES OTHER THAN RESIDENTIAL THAT WE'RE PROPOSING AREN'T PROFITABLE ALONG BURNET, THEY ARE NOT PRUDENT. OUR ARGUMENT TO THAT IS THAT WE'VE GOT THE SAME DILEMMA WITH DENSITY. WE'VE GOT THE CHICKEN AND THE EGG EFFECT HERE. PART OF THE M.U. IS TRYING TO RE-CREATE MARKETS THROUGHOUT THE CITY, AND IF YOU DON'T START SOMEHOW BY ADDING MIXED USE IN THESE SITES, WE'RE NOT GOING TO GET THE BENEFIT OF THE VMU. THEY ARE ASKING US TO ACCEPT MORE DENSITY. WE'RE ASKING THEM TO ACCEPT MORE MIXED USE. THEY'VE ARGUED SEVERAL TIMES NOW THAT WE HAVE A CHOICE JUST BETWEEN THEIR PLAN AND THE EXISTING APPROVED SITE PLAN. [BUZZER SOUNDING] WE THINK THAT'S NOT A FAIR COMPARISON AND I GUESS I'M OUT OF TIME SO I'LL WRAP UP. WE REALLY WOULD APPRECIATE YOUR SUPPORT. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. VERY GOOD PRESENTATION. QUESTIONS FOR MR. ZETTNER? THANK YOU. NEXT IS CHRIS HAYDEN. WELCOME. YOU HAVE THREE MINUTES TO BE FOLLOWED BY PAULETTE CERN.

GOOD EVENING, MAYOR PRO TEM, COUNCILMEMBERS. I'M CHRIS HAYDEN.... HAYDEN AND I LIVE FOUR HOUSES DOWN FROM THE NORTHWEST CORNER OF THIS PROPERTY. THIS IS THE THIRD HEARING I'VE BEEN TO ON THIS PROPERTY. I THINK THE BIG KEY YOU NEED TO UNDERSTAND IS THIS ALREADY HAS BEEN APPROVED FOR M.U. PROJECT. MAYBE NOT BY THE CURRENT DESIGN STANDARDS SHE BUT TWO YEARS AGO THE CURRENT OWNER GOT A VARIANCE TO GO AN ADDITIONAL 20 FEET HIGH FOR OWNER-OCCUPIED UNITS. I WAS IN SUPPORT OF OWNER-OCCUPIED UNITS. I'M NOT IN SUPPORT OF AMOUNTS. HE IS USING THIS AS A WAY TO SELL IT AND GET APARTMENTS TO GET HIS MONEY OUT OF THE

PROJECT AND THEN TURN AROUND AND RECEIVE THE 20 FEET HE GAINED FOR BAIT AND SWITCH. THAT'S THE MAIN REASON I'M OPPOSED TO THIS PROJECT. I'M ASKING YOU TO DENY THE ZONING CHANGE, BUT I WOULD LIKE TO HAVE A FEW THINGS TO ADD TO THE ORDINANCE. FIRST OF ALL, THEY'VE COMMENTED THEY WILL NOT HAVE AN EXIT [INAUDIBLE]. I WOULD LIKE THAT IN THE ZONING REQUEST. I HAVE LANGUAGE WHICH WOULD READ: NO PROJECT CONSTRUCTED OR WITHIN THE BOUNDARIES OF THE PROPERTY SHALL BE PERMITTED A CURB CUT ON LONGMONT AVENUE. THAT IS ONE OF THE STIPULATIONS I WOULD LIKE IN THE ORDINANCE. THERE ARE PROHIBITED USES OF WHAT CAN BE IN THE RETAIL AREA. THERE'S A DISCREPANCY BETWEEN THE STAFF REPORT AND WHAT I SAW AS THE DRAFT ZONING REQUEST, THE DRAFT ZONING ORDINANCE. ONE OF THE THINGS IT HAS IN THERE IS THE STAFF REPORT HAS A -- WHAT'S THE WORD I'M TRYING TO THINK OF? PROHIBITED ITEMS AND THE STAFF REPORT INCLUDES A RESTAURANT DRIVE-THROUGH, FAST FOOD. THE ORDINANCE I SAW WITH THE DRAFT ORDINANCE DOES NOT HAVE THAT. I WOULD LIKE THAT INCLUDED INTO THIS DRAFT ZONING ORDINANCE. ALSO THERE'S A COUPLE OTHER TYPES OF BUSINESSES I DO NOT BELIEVE NEED TO GO INTO THIS PROJECT SUCH AS CHECK CASHING AND PAYDAY LOANS. I DON'T BELIEVE THAT'S IN THE LIST. ALSO I DON'T THINK A DRY CLEANER NEEDS TO GO IN. IT CAN CAUSE LATER ISSUES. ALSO BAIL BONDING BUSINESSES. THAT'S NOT ON THE LIST OF PROHIBITED USES IN THE DRAFT ORDINANCE. THIRDLY, I'M WORRIED ABOUT OVERFLOW PARKING. THERE'S NOT ENOUGH PARKING AVAILABLE IN THIS FACILITY. THERE IS NO ROOM ON BURNET, THEY ARE GOING TO THE SIDE STREET AND I DON'T WANT ANY KIND OF OVERFLOW PARKING IN NEIGHBORHOOD. I WOULD LIKE SOMETHING THAT WOULD GIVE US TEETH TO ALLOW THEM TO KEEP THAT FROM HAPPENING. I'M ASKING YOU DENY THE ZONING REQUEST. IF YOU ARE GOING TO MOVE FORWARD, I ONLY ASK YOU DO FIRST READING BECAUSE I STILL THINK THERE'S ISSUES WE COULD WORK OUT WITH THE DEVELOPER AND ALSO THESE THREE ITEMS TO WORK INTO THE ZONING ORDINANCE. I THANK YOU FOR YOUR TIME AND I WANT TO THANK COUNCIL AND STAFF FOR MEETING WITH THE NEIGHBORHOOD ASSOCIATION AND NEIGHBORS

DURING THIS WEEK. I REALLY APPRECIATE YOUR TIME.
THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. HAYDEN. PAULETTE KERN IS
OUR NEXT SPEAKER.

[INAUDIBLE]

Mayor Wynn: YOU BETCHA. WELCOME. WILL YOU HAVE UP TO
SIX MINUTES IF YOU NEED IT.

THANK YOU, MAYOR. I CERTAINLY HOPE I WON'T TAKE UP
THAT MUCH OF A TIME ON MY BRIEF PRESENTATION. MAYOR
AND MAYOR PRO TEM AND MEMBERS, I'M BERGLY BETTIS,
5607 MONTVIEW, THE NORTHERN END. I HAVE A MAP THAT
SHOULD BE CUED UP. [INAUDIBLE] STREET IS WHAT I WANT
TO BRING THE COUNCIL'S ATTENTION TO HERE. I'M NOT
HERE TO ADDRESS THE ISSUE OF TRANSIT CORRIDORS. I'M
SPEAKING SOLELY ON THE ISSUE OF THE EFFECT OF THIS
PARTICULAR VMU PROJECT ON ADJOINING RESIDENTIAL
AREA. MONTVIEW IS A SHORT PEDESTRIAN STREET WHICH
RUNS PARALLEL TO BURNET ROAD. IT'S ESSENTIALLY A
PEDESTRIAN ALTERNATIVE TO BURNET ROAD AS IT EXISTS
TODAY. YOU'VE SEEN THE APPLICANT'S PHOTOGRAPHS OF
BURNET ROAD AND YOU CAN TELL JUST FROM LOOKING AT
THAT THAT TRYING TO USE BURNET ROAD AS A PEDESTRIAN
PATHWAY TODAY IS REALLY AN EXTREME SPORT. IN FACT,
MONTVIEW STREET PROVIDES A VIABLE ALTERNATIVE
BETWEEN THE EXISTING MEDIUM DENSITY APARTMENTS TO
THE SOUTH, THE DIVERSIFIED NEIGHBORHOOD RESIDENTIAL
PROPERTIES THERE TO THE WEST OF BURNET ROAD, AND
THEN THE NEIGHBORHOOD RETAIL HUB ANCHORED BY THE
H.E.B. AT THE INTERSECTION OF BURNET AND KAY INC. --
KOENIG. ON ANY GIVEN DAY YOU WILL SEE TRAFFIC MOVING
SMOOTHLY ON FOOT, MOTORIZED WHEELCHAIR, BETWEEN
THE EXISTING APARTMENT UNITS WHERE WE HAVE A
NUMBER OF PEOPLE WHO ARE RETIREES OR HAVE
DISABILITIES WHO GO BACK AND FORTH USING THE
MONTVIEW CORRIDOR TO DO THEIR SHOPPING. A YOUNG
WOMAN WALKING YESTERDAY ALONG THE STREET READING
A BOOK IN ONE HAND WITH HER FABRIC SHOPPING BAG IN
THE OTHER WALKING ALONG TOWARD THE H.E.B. TO DO HER
SHOPPING. I THINK THAT'S THE KIND OF THINK COUNCIL

ENVISIONS FOR THE FUTURE OF NEIGHBORHOODS IN AUSTIN. THE PROBLEM IS THAT THE PROPOSED DEVELOPMENT HERE, WHICH IS THE YELLOW SQUARE THERE ALONG BURNET ROAD. THIS GOT FLIPPED SO IT'S RUNNING EAST-WEST, IT SHOULD BE NORTH-SOUTH, BUT THAT'S TO THE SOUTH. THAT PROPOSED DEVELOPMENT HAS NO CONTROLLED NORTH-SOUTH ACCESS TO BURNET ROAD. PEOPLE WHO ARE GOING TO BE -- IF THE COUNCIL SEES FIT TO GO AHEAD AND PUT A DEVELOPMENT HERE, AND CERTAINLY SOME DEVELOPMENT IS GOING TO GO HERE WHETHER THIS ONE OR ANOTHER, PEOPLE ARE LEAVING THIS PROPERTY ARE GOING TO BE GOING NORTHBOUND TO THE DOMAIN AND I GUESS AS OF TODAY TO WAL-MART AS WELL. AND THAT TRAFFIC IS GOING TO HAVE TO CUT ACROSS TWO LANES OF SOUTHBOUND BURNET ROAD. THE CLOSEST CONTROLLED INTERSECTION ON TO BURNET ROAD AND PROVIDES ACCESS IS TO THE NORTH HERE AT THE INTERSECTION OF BURNET ROAD RIGHT BY THE PARKING LOT -- EXCUSE ME, THE PLAYGROUND OF THE NEW AMY'S ICE CREAM STORE. AND SO WHAT WE FEAR AND THE REASON WHY WE HAVE APPROACHED THE APPLICANT WITH OUR CONCERNS ABOUT THE CURB CUT ON NORTHLAND IS THAT PEOPLE ARE GOING TO USE MONTVIEW AS THEIR SHORTCUT TO BURNET ROAD FOR NORTHBOUND ACCESS. THE APPLICANT HAS INDICATED THAT HE RECOGNIZES THAT THIS IS A LEGITIMATE CONCERN AND INDEED HE EVEN PROPOSED TO THE NEIGHBORS SOME LANGUAGE. BASICALLY WHAT HE SUGGESTED AND WHAT I HAVE NOW DRAFTED IN TERMS OF I HAVE ANOTHER ORDINANCE THAT'S THE NEXT -- YEAH, THAT NEEDS TO BE TURNED. IF YOU CAN BRING THAT UP JUST A BIT. THIS IS ESSENTIALLY CODIFIES IN THE PROPOSED ORDINANCE WHAT HE HAS SUGGESTED IS THE PRINCIPLE ADVANTAGE OF HIS NEW SITE PLAN, BUT THIS MAKES IT A MATTER OF LAW, NOT A.. AN OPTION IN A SITE PLAN AND IT CAN BE AMENDED, CHANGED OR COMPLETELY DISCARDED. AT THE OPTION OF THIS OR SOME FUTURE DEVELOPER. AND ALL IT SAYS IS THAT NO PROJECT CONSTRUCTED ON OR WITHIN THE BOUNDARIES OF THE PROPERTY SHALL BE PERMITTED A CURB CUT ON LONGMONT AVENUE. WHAT THAT DOES IS JUST REMOVE VEHICULAR ACCESS TO WHAT IS NOW AND WE HOPE WILL REMAIN NOT ONLY FOR EXISTING NEIGHBORS BUT FOR NEW

NEIGHBORS IN OUR NEIGHBORHOOD A FRIENDLY, WHOLESOME PEDESTRIAN VENUE THAT IS COMPATIBLE WITH WHAT I HOPE IS THE SORT OF URBAN VILLAGE THAT THE COUNCIL CONTEMPLATES. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS.

Mayor Wynn: THANK YOU, MR. BETTIS. QUESTIONS FOR MR. BETTIS, COUNCIL? THANK YOU. COUNCIL, LET'S SEE. YES, MA'AM.

[INAUDIBLE]

Mayor Wynn: OH, I THOUGHT YOU DONATED --

[INAUDIBLE]

Mayor Wynn: I APOLOGIZE. I GAVE YOUR MINUTES TO MR. BETTIS, BUT YOU ARE WELCOME TO COME ADDRESS US AND YOU WILL HAVE THREE MINUTES.

THANK YOU. I'M PAULETTE KERN. SOME OF YOU MAY RECOGNIZE ME FROM THE PAST WEEKEND AND I APPRECIATE YOUR TIME. I'VE BEEN INVOLVED IN THIS CASE PRETTY MUCH FROM THE BEGINNING WHEN A NEIGHBOR OF THE PROPERTY IS QUESTION CONTACTED ME AND ASKED FOR MY HELP AS A.N.A. ZONING CHAIR. I HAVE PARTICIPATED IN NUMEROUS DISCUSSIONS WITH THE APPLICANT AND NEIGHBORS. AS YOU HAVE HEARD TONIGHT, WE HAVE NUMEROUS CONCERNS. THE CENTER OF WHICH IS WE JUST WENT THROUGH THIS TWO YEARS AGO WITH THE PRESENT OWNER WHO CAME TO US ASKING SUPPORT FOR A HEIGHT VARIANCE OF 60 FEET. THE NEIGHBORS AND NEIGHBORHOOD NEGOTIATED WITH THE OWNER IN GOOD FAITH AND SUPPORTED THE VARIANCE, AN INCREASE IN DENSITY AND A MIXED USE PROJECT. NOW WE ARE NO LONGER GETTING THE STATED HOMEOWNERSHIP AND THE OWNER'S STATEMENT REGARDING THE LONGMONT DRIVEWAY BEING REQUIRED FOR ANY DEVELOPMENT ON THIS SITE HAS ALSO PROVEN TO BE UNTRUE. WE BELIEVE THAT THIS ZONING CHANGE REQUEST IS AN OBVIOUS CASE OF DOUBLE DIPPING. WE NOT ONLY HAVE SUPPORT FROM THE IMMEDIATELY ADJACENT NEIGHBORS, BUT ALSO FROM NEIGHBORS IN THE LARGER IMPACT ZONE. AS I SAID

EARLIER, THE NEIGHBORS CAME TO A.N.A. FOR SUPPORT AND THE ASSOCIATION HAS GIVEN SUPPORT. AS WELL, OTHER NEIGHBORHOOD ASSOCIATIONS ARE SHOWING CONCERN ABOUT THIS CASE. SO YOU CAN TELL MANY PEOPLE ARE WATCHING YOUR ACTIONS TONIGHT. THEY ARE ASKING FOR.

.....FOR YOUR SUPPORT. THEY ARE ASKING FOR YOU TO ACKNOWLEDGE THEIR CONCERNS. WE ARE ASKING TO YOU HONOR OUR PREVIOUS COMMITMENT TO OUR -- TO AN OWNER-OCCUPIED RESIDENTIAL PROJECT OF 37 UNITS PER ACRE. IN FACT, WE HAVE JUST COMPLETED TODAY WHAT WE BELIEVE IS A VALID PETITION. IT HAS NOT BEEN CALCULATED BY THE CITY AS IT WAS TOO LATE FOR VALIDATION TODAY, AND WE APOLOGIZE FOR THIS. HERE'S A GRAPHIC SHOWING THE SUBJECT PROPERTY. SHOWING THE SUBJECT PROPERTY AND THE PROPERTIES WHICH HAVE SECTIONS WITHIN THE REQUIRED 200-FOOT ZONE. THEIR OWNER SIGNATURES ARE ATTACHED ON FOLLOWING PAGES AND FOLLOWED BY ADDITIONAL PAGES OF SIGNATURES REPRESENTING OPPOSITION FROM PROPERTY OWNERS WITHIN THE LARGER IMPACTED AREAS. WE INTEND TO SUBMIT THIS PETITION TO THE CITY OF AUSTIN FOR VALIDATION TOMORROW. PLEASE VOTE AGAINST THIS ZONING CHANGE REQUEST. THANK YOU. I'LL BE.....I'LL BE GLAD TO ANSWER ANY QUESTIONS.

Mayor Wynn: QUESTIONS FOR MS. KERN, COUNCIL? THANK YOU, PAULETTE. COUNCIL, THAT CONCLUDING ALL OF OUR CITIZEN TESTIMONY ON THIS CASE 108. WE HAVE A ONE-TIME THREE-MINUTE REBUTTAL FROM MR. METCALF. WELCOME BACK.

THANK YOU, MAYOR. FIRST LET ME POINT OUT, CLAIRE WE ARE PROPOSING NOT TO TAKE ACCESS TO LONGMONT. I DON'T WANT THERE TO BE ANY CONFUSION ABOUT THAT. A COUPLE OF OTHER THINGS. I THINK MR. ZETTNER POINTED OUT THIS ISN'T THE ONLY POSSIBILITY ON THIS SITE AND THAT'S TRUE, THERE ARE OTHER ALTERNATIVES. THIS SITE COULD BE DEVELOPED JUST AS A RETAIL CENTER. THE ANTIQUE MARKETPLACE COULD STAY. IF THE MAIN CONCERN IS THE TRAFFIC GENERATED, THE RETAIL CENTER, AND HERE'S A PICTURE OF ONE, AND WE DIDN'T

EVEN TRY TO MAX THIS OUT. THIS IS DESIGN STANDARD COMPLIANT, BUT IT'S ONE STORY. WE DIDN'T DO STRUCTURED PARKING. AND IF YOU DO THIS CENTER, WHICH IS ABOUT 17,000 SQUARE FEET WITH A 5,000 SQUARE FOOT RESTAURANT, IT PRODUCES 2800 TRIPS AS OPPOSED TO THE 1900 WE'RE TALKING ABOUT. THERE ARE OTHER ALTERNATIVES HERE AND VMU DOESN'T PRODUCE THAT MUCH TRAFFIC. THAT'S ONE OF THE GREAT THINGS ABOUT VMU IS IT REDUCES TRAFFIC. ALSO QUESTIONS ABOUT SAFETY. IF YOU LOOK AT THE NUMBER OF CARS TURNING INTO THE PROJECT IN THE A.M. AND P.M., WILL YOU SEE THEM ON THIS DEPICTION, ALL THESE OPERATE AS LEVEL OF SERVICE A. BECAUSE OF THE WAY THE TRAFFIC IS STAGGERED HERE, ALL THESE TURNS IN OPERATE AS A LEVEL OF SERVICE A SO IT'S NOT GOING TO BE BACKING UP BURNET. I ALSO WANT TO ADDRESS IN ZETTNER'S SITE PLAN. THIS IS THE FIRST TIME WE'VE SEEN IT AND HE'S A PRETTY GOOD LAND PLANNER AND IT'S GOT SOME MERITS, JUST SOME THINGS WE CAN'T DEAL WITH. THE WHOLE GOAL OF VMU IS CREATE THAT PEDESTRIAN ORIENTED STREET FRONT ON BURNET ROAD. NOT TO PUSH THE BUILDINGS UP AND CREATE RETAIL SPACE BEHIND IT. WE DON'T THINK THAT'S GOING TO WORK. WE DON'T THINK YOU ARE GOING TO CREATE RETAIL SPACE BEHIND THE SITE THAT'S GOING TO WORK. OUR PROJECT -- OUR PROJECT, AS YOU CAN SEE, IT'S WHAT'S ENVISIONED ON THE FOUR TRANSIT CORRIDORS. WE HAVE THE RETAIL SPACE OUT FRONT. WE HAVE INDUSTRIAL ORIENTED STREET FRONT OUT FRONT, AND WE BELIEVE THAT THAT THAT'S WHAT FITS HERE. WE ALSO DON'T CONTROL THAT LAND AROUND US. WE DON'T CONTROL THE LAND AROUND US. SO HERE'S WHAT IT LOOKS LIKE BEHIND YOU, AND MR. ZETTNER SHOWED A PICTURE LIKE THIS, BUT WHAT ARE WE GOING TO DO WITH THAT APARTMENT COMPLEX BEHIND US AND CAR PORTS BEHIND US WHEN WE CREATE THIS 60-FOOT PEDESTRIAN MALL. WE DON'T HAVE ANY CONTROL OVER THAT. WE HAVE NO IDEA WHEN THAT'S GOING TO HAPPEN. WE WOULD BE CREATING SOMETHING THAT MAY BE 10, 20 YEARS AWAY THAT CAN'T BE USED UNTIL THAT HAPPENS. SO IT DOESN'T REALLY HAVE ANY USE YET. IF THIS WAS -- IF WE WERE JUST DEALING WITH THE GREEN FIELD SITE AND STARTING WITH SCRATCH, MAYBE YOU COULD DO THAT. BUT WE HAVE TO DEAL WITH

THE ADJOINING PROPERTY OWNERS. WE HAVE TO DEAL WITH THE CONDITIONS WE'RE DEALT. FINALLY, LET ME ADDRESS JUST A LITTLE BIT ABOUT THE QUESTION OF THE PREVIOUS DISCUSSIONS. YES, THERE WERE PREVIOUS DISCUSSIONS. [BUZZER SOUNDING] BUT THE LIMITS ON -- THERE WAS NEVER A LIMIT ON THE NUMBER OF UNITS IN THOSE DISCUSSIONS ABOUT A -- ABOUT THE VARIANCE. IF YOU LOUISIANA THE RECORD OF THE ZONING CASE, THERE IS NO DISCUSSION ON A NUMBER OF UNITS. THAT JUST HAPPENS TO BE WHAT THEY WERE SHOWING ON THE SITE PLAN AT THE TIME THEY WERE PRESENT TO GO NEIGHBORHOOD. THERE'S A GOOD REASON FOR THAT. THAT'S THE EXACT AMOUNT OF DENSITY ALLOWED BY M.U. # 8...88 UNITS. IT'S WHAT WAS ALLOWED BY CODE AT THE TIME. HAPPY TO ANSWER ANY QUESTIONS.

Mayor Wynn: THANK YOU. QUESTIONS FOR THE AGENT, COUNCIL? COMMENTS? MOTIONS? COUNCILMEMBER McCRACKEN.

McCracken: A CLARIFICATION FROM STAFF. IS THIS AN OFTEN REQUEST FOR THE AFFORDABLE HOUSING DENSITY BONUSES OR IS THIS A REZONING?

THIS IS A REZONING TO [INAUDIBLE] FOR THE VMU. SO THEY HAVE AGREED TO DO THE DESIGN, BRING THE BUILDING FORWARD, ALL THE DIFFERENT DESIGN ELEMENTS.

McCracken: THAT'S ALL ACADEMIC IN A WAY. AND I'M GOING TO MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE THE PLANNING COMMISSION RECOMMENDATION ON ALL THREE READINGS.

SECOND.

THERE WAS A PETITION THAT WAS OFFERED BUT NOT UNTIL TOMORROW. IF IT WAS NOT OFFERED TILL TOMORROW, THERE'S NO MAJORITY VOTE REQUIRED OTHER THAN THE SIMPLE MAJORITY. IF THE PETITION WERE OFFERED TODAY AND IT WAS A VALID PETITION, THEN IT WOULD REQUIRE THREE-QUARTERS VOTE OR SIX OUT OF SEVEN VOTES OF THE CITY COUNCIL. I DON'T HAVE ANY WAY OF VALIDATING A PETITION IN A MATTER OF MINUTES, BUT IF YOU WERE TO

VOTE ON A MAJORITY VOTE OF SIX OUT OF SEVEN, REGARDLESS OF WHAT THE PETITION WOULD SAY, IT WOULD BE A VALID VOTE AND IT COULD BE TAKEN ON ALL THREE READINGS. I JUST WANT TO POINT THAT OUT.

MAYOR, MY UNDERSTANDING IS WE DO NOT HAVE A PETITION. THAT SAID, ALSO MY MOTION IS UNCHANGED.

THE OTHER THING I JUST WANTED TO POINT OUT, THERE WAS AN OFFER I BELIEVE THAT WAS MADE TO PROHIBIT ACCESS ON LONGMONT. THAT'S NOT WITHIN THE ORDINANCE I BELIEVE THAT YOU HAVE ON THE DAIS. IF YOU WANTED TO MODIFY THE MOTION TO SPEAK TO THE ACCESS OR MODIFYING THE ACCESS, THEN CERTAINLY YOU CAN DO SO AND AS LONG AS WE HAVE CLEARED DIRECTION ON WHAT THAT IS, THEN WE COULD ALSO GO FORWARD WITH THE [INAUDIBLE]

Leffingwell: I WILL BE OFFERING TWO FRIENDLY AMENDMENTS. THAT WOULD BE ONE, NO ACCESS TO LONGMONT. THE OTHER WOULD BE A CAP ON THE CAP ON THE NUMBER OF UNITS AT 165.

Mayor Wynn: WE HAVE A MOTION ON THE TABLE, MOTION AND SECOND, MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER COLE, TO CLOSE THE PUBLIC HEARING AND APPROVE PLANNING COMMISSION RECOMMENDATION ON ALL THREE READINGS.

A FRIENDLY AMENDMENT,LY ACCEPT THE CURB CUT AND I WONDER IF THE MAKER WOULD CONSIDER A CAP OF 175 UNITS.

Leffingwell: 175? YES.

McCracken: I'LL ACCEPT THAT AS A FRIENDLY AMENDMENT AS WELL.

Mayor Wynn: WE HAVE AN AMENDED MOTION AND SECOND ON THE TABLE. ALL THREE READINGS, PLANNING COMMISSION RECOMMENDATION, WITH TWO ADDITIONAL RESTRICTIONS. ARE THERE COMMENTS? MR. GUERNSEY

HAS.... THAT'S ENOUGH DIRECTION --

FOR THOSE TWO ITEMS OFFERED, THAT WOULD BE THE RESTRICTION ON ACCESS AND THE NUMBER OF UNITS, THAT WOULD BE ENOUGH DIRECTION.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: COULD I ASK, IS MR. ZAPALAC OUT THERE? I WANT TO ASK ONE QUESTION ABOUT THIS CURB CUT. THAT IS THE CORRECT TERMINOLOGY, CURB CUT?

YES, SIR.

Leffingwell: IT WAS SPELLED DIFFERENTLY ON THE SHEET I SAW. IF SOMETHING WERE TO GO WRONG WITH THIS DEAL, THEY DO HAVE AN EXISTING APPROVED SITE PLAN FOR 88 UNITS. WOULD ALL THE RIGHTS INCLUDING THE LONGMONT CURB CUT BE RESTORED IF THIS -- IF THEY DON'T APPLY FOR THE SITE PLAN UNDER THIS NEW ZONING?

YES, SIR. THE EXISTING SITE PLAN IS VALID AT THIS TIME AND THEY COULD CHOOSE TO BUILD THAT SITE PLAN AND A DRIVEWAY ON TO LONGMONT. IF THAT SITE PLAN EXPIRES OR IF THEY WANTED TO MODIFY IT SIGNIFICANTLY, THEN THIS NEW REQUIREMENT COULD BE TRIGGERED.

Leffingwell: BUT AS OF NOW, AS LONG AS IT HAS NOT EXPIRED, THEY STILL HAVE ALL THE RIGHTS TO THAT OLD SITE PLAN.

THAT IS CORRECT.

Leffingwell: THANK YOU.

Mayor Wynn: COUNCILMEMBER McCracken.

McCracken: I THINK THIS IS IMPORTANT TO BEAR REPEATING. WHAT THE VISION IS OF THE CITY COUNCIL HAS BEEN OPERATING FROM WHICH IS A VISION THAT WAS UNANIMOUSLY ENDORSED BY EVERY MEMBER OF THE AUSTIN NEIGHBORHOOD COUNCIL WHO SERVED ON THIS TASK FORCE WAS UNANIMOUSLY ENDORSED BY EVERY

AFFORDABLE HOUSING ADVOCATE ON THE TASK FORCE, WAS UNANIMOUSLY ENDORSED BY EVERY MEMBER OF LIVABLE CITY THAT WAS ON THE TASK FORCE, AND IT WAS THAT THE COMBINED VISION WE SAW PART OF EARLIER THIS EVENING WHEN WE DECLINED TO MOVE THE DENSITY INSIDE OF SINGLE-FAMILY NEIGHBORHOODS IS COMBINED WITH THIS IS THE VISION WHICH IS UNANIMOUSLY ENDORSED WAS TO PUT THE DENSITY ON CORRIDORS AND HIGH QUALITY MIXED USE DEVELOPMENTS AND 15-FOOT SIDEWALKS TO SHADE TREES. THIS IS GOING TO BE A STUNNING IMPROVEMENT OVER WHAT'S THERE ON BURNET ROAD NOW. IN FACT, WHEN WE EMBARKED ON THIS, BURNET ROAD WAS ONE OF THE POSTER CHILDREN FOR WHY WE WERE DOING THIS ORDINANCE. AND VERY MUCH RESPECT THE HARD WORK OF THE ALLENDALE RESIDENTS WHO HAVE COME FORWARD THIS EVENING. I THINK IT'S -- THE ALLENDALE RESIDENTS ARE IN A DIFFERENT PLACE THAN THE NEIGHBORHOODS FROM HE CRESTVIEW, ROSEDALE, BOLD EVEN, GLENDON AND THE AUSTIN NEIGHBORHOOD COUNCIL ALL OF THEM SUPPORTED THIS AND HAVE SUPPORTED THIS ON THEIR CORRIDORS. THIS IS SPECIFICALLY TO ALLOW EXTRA BEDROOMS IN EXCHANGE FOR PERSONAL AFFORDABLE HOUSING ON -- PERMANENT AFFORDABLE HOUSING ON BURNET ROAD. AND SO THE VISION WE ARE PURSUING IS SOMETHING THAT HAS BEEN SUCCESSFULLY DONE IN ARLINGTON, VIRGINIA, WASHINGTON, D.C., YOU PUT MIXED USE WITH HIGH QUALITY PEDESTRIAN ORIENTED TREATMENTS ON THE CORRIDORS AND YOU PROTECT SINGLE-FAMILY NEIGHBORHOODS. THAT'S THE VISION THE CITY COUNCIL IS OPERATING FROM AND IT'S BEEN SUCCESSFUL IN OTHER COMMUNITIES. IT IS A TOOL WE HAVE TO DRAMATICALLY IMPROVE THE DEVELOPMENT, . QUALITY ON BURNET ROAD, ANDERSON LANE, EAST RIVERSIDE AND OTHER ROADS AND PROVIDE PERSONAL AFFORDABILITY. I BELIEVE THAT OVER TIME WE WILL SEE THIS IS NOT -- THIS PROJECT IS [INAUDIBLE]. THIS PROJECT IS GOING TO BE AN INCREDIBLE IMPROVEMENT AND I THINK IT WILL TRIGGER SOME VERY WELCOME AND MUCH NEEDED REDEVELOPMENT ON BURNET THAT ALL OF US WILL BE VERY PROUD OF IN THE FUTURE. I APPRECIATE THE WORK OF EVERYBODY INVOLVED.

Mayor Wynn: AGAIN, WE HAVE A TWICE AMENDED MOTION AND A SECOND ON THE TABLE, PLANNING COMMISSION RECOMMENDATION, THREE READINGS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. MR. GUERNSEY, I THINK WE CAN CALL UP 109 AND 110 TOGETHER.

I WOULD LIKE TO OFFER 109 AND 110 TOGETHER. 109, C 14-95-0813. THIS IS THE VINA PLAZA RESTRICTIVE COVENANT. THIS IS A REQUEST TO MODIFY OR AMEND THE RESTRICTIVE COVENANT AT 12801 HARRIS RIDGE BOULEVARD. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO MOVE FORWARD WITHOUT A RECOMMENDATION WITH REGARDS TO THAT PARTICULAR ITEM. ITEM 110 IS CASE C 14-2007-0087, THE VINA PLAZA FOR THAT SAME PROPERTY TO REZONE IT FROM RURAL RESIDENCE OR RR DISTRICT ZONING TO COMMUNITY COMMERCIAL GR DISTRICT ZONING. COUNCIL DID APPROVE ON FIRST READING LAST WEEK THE ZONING CHANGE FROM RR, RURAL RESIDENCE DISTRICT, TO GR DISTRICT ZONING, AND TO AMEND THE RESTRICTIVE COVENANT TO REMOVE THE CONDITION THAT PRO HITS THE CONNECTION TO JOSH RIDGE BOULEVARD TO HARRIS RIDGE BOULEVARD ON A VOTE OF 6-0. THESE PROPERTIES ARE PROPOSED TO BE REDEVELOPED WITH A RETAIL CENTER. IT WOULD INCLUDE A GROCERY STORE AND OTHER SPECIALTY RETAIL USES. IT WOULD BE TO REZONE THE PROPERTY THAT IS CLOSEST TO SOME SINGLE-FAMILY SF 2 ZONING RIGHT NOW AND NEAR EXISTING RESIDENCES THAT WOULD BE LOCATED MAINLY TO THE EAST AND NORTH. THERE'S A LI-PDA TRACT TO THE WEST ACROSS HARRIS RIDGE BOULEVARD, DELL PROPERTY, AND THEN THERE'S AN EXISTING GR PROPERTY TO THE SOUTH OF SOME APARTMENTS ZONED MF-2 CO. THE COUNCIL DID CONTINUE THE HEARING FROM LAST WEEK TO THIS WEEK. WE DID PREPARE AN ORDINANCE FOR YOU THAT REFLECTS YOUR FIRST READING ACTION. ON THE DAIS, YOU DO HAVE A MOTION SHEET. THE APPLICANT'S REPRESENTATIVE AMELIA PHELPS HAS CONTACTED STAFF, STATED WILLINGNESS TO GO FORWARD WITH THE COMMISSION'S RECOMMENDATION WHICH WAS FOR LR-CO ZONING ON THE PROPERTY WITH THE CONDITIONS THAT

THEY OUTLINED. THERE IS A SLIGHT MODIFICATION THAT I'M SURE THAT MS. PHELPS WILL SPEAK TO AND I THINK WITH THAT I'LL PAUSE IF YOU HAVE ANY QUESTIONS.

Mayor Wynn: COUNCILMEMBER McCRACKEN.

McCracken: WE'VE ALREADY HELD A PUBLIC HEARING AND I KNOW -- I'M GOING TO MOVE THAT THE PURPOSE OF KEEPING THE PUBLIC HEARING OPEN THIS EVENING WAS SIMPLY TO RECEIVE AN UPDATE FROM EACH SIDE. SINCE WE'VE HAD A FULL PUBLIC HEARING ON THIS MATTER, I WOULD SUGGEST THAT WE HAVE A 10-MINUTE PRESENTATION PER SIDE SINCE WE'VE ALREADY HAD A PUBLIC HEARING.

Mayor Wynn: COUNCIL, IT'S MY UNDERSTANDING LOOKING AT THE LIST HERE THAT VIRTUALLY EVERYBODY WHO HAS SIGNED UP TO SPEAK TONIGHT AT THIS CONTINUATION OF PUBLIC HEARING DID IN FACT GIVE US TESTIMONY LAST THURSDAY. THERE MIGHT BE A -- JUST A HANDFUL OF PEOPLE WHO IS NOT THE CASE. I THINK MY UNDERSTANDING WAS THAT THE PURPOSE WAS TO BE ABLE TO HAVE AN UPDATE AS TO THE REMAINING ISSUES FROM LAST THURSDAY.

McCracken: WE DO HAVE GEORGE ZAPALAC HERE AFTER THE TESTIMONY IF YOU WANT TO DISCUSS THE ACCESS. I KNOW THAT WAS AN ISSUE THAT WAS BROUGHT UP AT THE LAST MEETING AND WE DO HAVE AN EXHIBIT AND CAN SPEAK TO THAT.

Mayor Wynn: COUNCIL, WITHOUT OBJECTIONS -- IN FACT, PERHAPS IF WE HEARD FROM MR. ZAPALAC IN ADVANCE. GEORGE, IF YOU ARE READY OR NOT, OR IF THE TESTIMONY WE HEAR MIGHT CHANGE SOME OF THE -- SOME OF YOUR ANALYSIS, GEORGE, BUT ...

MAYOR AND COUNCIL, THE -- AT THE LAST MEETING, STAFF DID RECOMMEND THAT THE JOSH RIDGE BOULEVARD BE CONTINUED THROUGH THIS TRACT AND THE RESTRICTIVE COVENANT NOT BE TERMINATED. AT THAT TIME AN ALTERNATIVE WAS DISCUSSED THAT THE APPLICANT PROAFLD TO PROVIDE TWO PRIVATE ACCESS DRIVES

THROUGH THE TRACT FROM THE TERMINATION OF JOSH RIDGE TO HARRIS RIDGE BOULEVARD. THEY HAVE AGREED TO DEDICATE A PRIVATE ACCESS EASEMENT THAT WOULD PROVIDE TWO PATHS FROM THE TERMINATION OF JOSH RIDGE OVER TO HARRIS RIDGE THAT WOULD BE PRIVATE DRIVES, NOT PUBLIC STREETS. STAFF RECOMMENDATION IS -- OUR PREFERENCE IS THAT A PUBLIC STREET BE PROVIDED. WE FEEL THAT IT IS MORE APPROPRIATE AND IT WOULD PROVIDE POSSIBLE RELIEF FOR SOME OF THE EXISTING CUT-THROUGH TRAFFIC IN THE NEIGHBORHOOD. HOWEVER, THE ALTERNATIVE PROPOSED BY THE APPLICANT DOES PROVIDE A DEGREE OF CONNECTIVITY THROUGH THE SITE AS RECOMMENDED BY THE URBAN DESIGN STANDARDS.

Mayor Wynn: QUESTIONS FOR MR. -- COUNCILMEMBER LEFFINGWELL.

Leffingwell: SO IS THIS A REAL [INAUDIBLE] THE ONE YOU HAVE SHOWN ON THE SCREEN?

NO, WHAT IS SHOWN ON THE SCREEN IS THE EXTENSION OF THE STREET AS A PUBLIC STREET. IF ALTERNATIVE THAT IS PROPOSED BY THE APPLICANT IS WE -- I'M NOT SURE IF WE HAVE A DEPICTION OF THAT. THAT WOULD BE THEN THROUGH THE SITE PLAN PROCESS. THIS HAS NOT BEEN FULLY REVIEWED AND EXAMINED BY STAFF TO ENSURE IT COMPLIES WITH ALL REQUIREMENTS, BUT BASICALLY THE RED DOTTED LINE THAT YOU SEE FROM THE END OF JOSH RIDGE BOULEVARD, THERE ARE TWO RED DOTTED LINES THAT EXTEND BEHIND THE PROPOSED RETAIL CENTER OVER TO JOSH RIDGE BOULEVARD -- TO HARRIS RIDGE.

Leffingwell: SO WHAT WE HAVE HERE IS A MAD FOUR, FOUR-LANE DIVIDED COLLECTOR ROAD THAT EXTENDS FROM A MAJOR ARTERIAL DESIGNED TO GO TO ANOTHER MAJOR ARTERIAL TO CONNECT THOSE TWO ARTERIALS. AND THE PROPOSAL IS TO DEAD END THAT MAD 4 INTO A SHOPPING CENTER AND COULD CONVERT IT INTO A TWO-LANE DRIVEWAY?

THAT'S CORRECT. TO PROVIDE TWO, TWO-LANE DRIVEWAYS. AND WHAT THE APPLICANT HAS ALSO PROPOSED IS NOT TO

PROVIDE PARKING ALONG THOSE DRIVEWAYS EXCEPT AT THE REAR OF THE RETAIL FACILITY.

Leffingwell: AS A TRAFFIC ANALYST, ARE YOU SUPPORTING THAT ALTERNATIVE? IS STAFF SUPPORTING THAT?

COUNCILMEMBER, STAFF WOULD STILL PREFER THAT THE STREET BE EXTENDED AS A PUBLIC STREET. WE DON'T FEEL THAT THIS IS EXACTLY EQUIVALENT TO HAVING A PUBLIC STREET. BUT AS I MENTIONED, IT DOES PROVIDE SOME CONNECTIVITY.

Leffingwell: IS IT YOUR -- YOUR RECOMMENDATION IS THAT THE APPLICATION TO REMOVE THE RESTRICTIVE COVENANT NOT BE GRANTED.

THAT'S CORRECT.

Leffingwell: THANK YOU.

Mayor Wynn: COUNCILMEMBER McCracken.

McCracken: FIRST, I WANT TO EMPHASIZE MY UNDERSTANDING IS THESE ARE NOT DRIVEWAYS, THESE ARE PRIVATE ROADS, PRIVATE DRIVES, AND MAYBE THAT'S SEMANTICS, BUT THE WHOLE PURPOSE WAS TO CREATE A STREET GRID AS OPPOSE TO DO THE OLD WAY OF DOING THINGS THAT WE WERE RETURNING TO THE TRADITIONAL DOWNTOWN GRID APPROACH. SO THESE ARE DESIGNED, AS I UNDERSTAND IT, TO FUNCTION AS ROADS; IS THAT CORRECT?

WELL, THEY WOULD NOT BE CONSTRUCTED EXACTLY TO PUBLIC STREET STANDARDS. THEY WOULD BE CONSTRUCTED TO DRIVEWAY STANDARDS.

McCracken: THE DIFFERENCE BETWEEN THAT.

THE THICKNESS OF THE PAVEMENT, THE DESIGN SPEED AND THINGS OF THAT NATURE. THEY ARE DESIGNED TO HAVE RIGHT ANGLE TURNS IN THEM WHICH A PUBLIC STREET WOULD NOT.

McCracken: THEY ARE NOT DESIGNED TO GO AS FAST AS THE ROADWAY DESIGN THAT HAS BEEN PART OF OUR CRITERIA MANUAL TO DATE. IS THAT CORRECT?

THAT IS CORRECT.

McCracken: I PERSONALLY THINK THAT'S A GOOD THING. ONE OF THE THINGS THAT WE'VE FOUND IS A FAILURE FOR SUBURBAN ROAD DESIGN IS WE REINQUIRE ROADS WAY TOO FAST FOR WHERE PEOPLE LIVE. IN TERMS OF THE TRAFFIC LOAD OF THAT MAD 4 ROAD BEFORE ABOVE CARRIES, WHAT KIND OF TRAFFIC IS IT CARRYING CURRENTLY?

I THINK IT'S JUST A FEW HUNDRED TRIPS A DAY BECAUSE IT IS A DEAD END AND IT ONLY COLLECTS TRAFFIC FROM A COUPLE OF RESIDENTIAL NEIGHBORHOODS. THE PROJECTED TRAFFIC WILL BE SEVERAL THOUSAND BECAUSE IT WILL BRING TRAFFIC TO AND FROM THE RETAIL CENTER AS WELL AS FROM THE NEIGHBORHOODS.

McCracken: SO IN OTHER WORDS, IN TERMS OF WHAT THE CURRENT TRAFFIC WAS, A COUPLE HUNDRED CARS A DAY, WILL THIS STREET GRID WITH THIS SLOWER DESIGN SPEEDS BUT REPRESENTING TWO DIFFERENT TWO-LANE ROADS, IS THAT ADEQUATE TO CARRY THE COUPLE HUNDRED CARS A DAY THAT WOULD COME FROM THAT MAD 4 ROAD UP THERE?

YOU ARE ASKING ME IS IT ADEQUATE FOR EXISTING TRAFFIC?

McCracken: YES.

YES, FOR EXISTING TRAFFIC. IT WILL ALSO CARRY SOME ADDITIONAL TRAFFIC FROM PEOPLE GOING TO AND FROM THE CENTER. BUT WHETHER THE STREET GOES THROUGH OR WHETHER THESE TWO SEPARATE DRIVES ARE PROVIDED, THE TRAFFIC IMPACT ANALYSIS INDICATES THAT THERE'S SUFFICIENT CAPACITY IN THE ROADWAY SYSTEM. SO THERE IS CAPACITY, IT'S JUST THAT OUR CONCERN IS THAT AT THE PRESENT TIME THERE IS CUT-THROUGH TRAFFIC USING SOME OF THE RESIDENTIAL STREETS NEAR

AND WE FEEL THAT A PUBLIC STREET WOULD HELP RELIEVE SOME OF THAT TRAFFIC AS WELL.

McCracken: I REALLY APPRECIATE YOU ALL'S FLEXIBILITY, GEORGE. AND I'M JUST TRYING TO GET SOME CLARIFICATION. I THINK YOU HAVE DONE A REALLY GOOD JOB. I APPRECIATE THAT VERY MUCH. SO AS I UNDERSTAND WHERE WE COME FROM NOW IS THAT THE DISTRIBUTED GRID BASE STREET SYSTEM THAT THE APPLICANT HAS IMPLEMENTED WILL BE ADEQUATE TO CARRY THE TRAFFIC LOADS BOTH CURRENT AND CREATED BY THE SHOPPING CENTER?

YES.

McCracken: OKAY. SO WE'RE NOT CREATING A TRAFFIC FAILURE. IN FACT, THE TRAFFIC ROADWAY DESIGN PRESENTED WILL BE ADEQUATE TO CARRY BOTH THE CURRENT AND PROJECTED DEMANDS?

THAT'S CORRECT.

McCracken: AND I KNOW YOU HAD SAID THAT THE PREFERRED APPROACH -- THE PREFERRED APPROACH WOULD BE TO CONTINUE THAT MAJOR ARTERIAL DIVIDED ROADWAY THROUGH THE SITE. BUT AS I ALSO UNDERSTAND, WHILE THAT'S YOUR PREFERENCE, THIS ALTERNATIVE DESIGN YOU ARE SAYING IS SOMETHING THAT YOU ALL FROM A TRAFFIC ENGINEERING STANDPOINT PASSES MUSTARD FOR WHAT IT'S CREATED TO CARRY.

WELL, WE THINK IT'S THE SECOND BEST OPTION. IT DOES PROVIDE CONNECTIVITY. IT DOES PROVIDE SOME ACCESS THROUGH THE NEIGHBORHOOD TO THE SITE.

McCracken: OKAY.

FROM THAT RESPECT IT IS THE SECOND BEST OPTION.

McCracken: GREAT. THANK YOU.

Mayor Wynn: FURTHER QETS? COUNCILMEMBER

LEFFINGWELL.

Leffingwell: I GATHER FROM WHAT YOU SAID THE TRAFFIC COUNT IS FAIRLY LOW NOW ON THE MAD 4. BUT THAT'S ALSO BECAUSE A LOT OF THE TRAFFIC IS ROUTED THROUGH THE NEIGHBORHOOD BECAUSE THEY HAVE -- BECAUSE THE ROAD DOESN'T GO ALL THE WAY THROUGH. BUT WHEN THE ROAD IS COMPLETED, IT WOULD CARRY A LOT MORE TRAFFIC.

THAT WAS OUR BELIEF AS WELL, THAT IT WOULD DIVERT SOME TRAFFIC THAT IS CURRENTLY USING THE RESIDENTIAL STREETS IN THE AREA.

Leffingwell: SO JUST AS A MATTER OF GENERAL PRINCIPLE, DO YOU THINK IT'S GOOD STREET CONSTRUCTION -- PLANNING PRACTICE TO HAVE FOUR-LANE DIVIDED COLLECTOR ROADS ALL OF A SUDDEN BACK DOWN INTO TWO-LANE DRIVES, PRIVATE DRIVES OR PUBLIC DRIVES?

WE THINK IT WOULD PROVIDE MORE CONTINUITY AND PROVIDE APPROPRIATE COLLECTOR STREET FUNCTION IF IT DID EXTEND ALL THE WAY TO HARRIS RIDGE.

Leffingwell: DO YOU THINK THAT'S GOOD GENERAL PRACTICE TO HAVE FOUR-LANE ROADS BACK DOWN TO TWO-LANE?

NO. WE THINK IT WOULD BE PREFERABLE TO HAVE DIRECT CONNECTION TO HARRIS RIDGE.

Mayor Wynn: FURTHER QUESTIONS OF MR. ZAPALAC BEFORE WE HEAR FROM -- THE PRESENTATION FROM OUR TWO SIDES? WELL, THEN, IF NOT, THEN WHY DON'T WE SET THE CLOCK -- WITHOUT OBJECTION, COUNCIL, WE'LL SET THE CLOCK FOR 10 MINUTES AND ASK EACH SIDE, OUR AGENT MS. LOPEZ PHELPS AND PERHAPS SOME OF THE NEIGHBORS, MS. PRINCE OR MR. McANDREW TO GIVE US A SUMMARY OF THE UPDATED ISSUES. WELCOME.

GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. THANK YOU AGAIN FOR THE TIME TO PRESENT THIS WONDERFUL PROJECT TO YOU FOR THE VINA PLAZA. WE WON'T GO OVER THE ZONING CASE. THERE IS

ONE POINT I WANT TO MENTION ABOUT THE CONDITIONS OF THE ZONING THAT GREG ALLUDED TO. THERE IS A CONDITION ON THERE THAT WAS IMPOSE ORDER RECOMMENDED BY COMMISSION FOR -- TO PROVIDE A SAL IDENTIFY MASONRY FENCE ALONG THE NORTH LOT. THAT WAS NOT PART OF OUR NEGOTIATIONS OR THE CONDITIONS THAT WERE WORKED OUT WITH HARRIS GLENN. AND HARRIS GLENN CANNOT DO MASONRY FENCE BY RESTRICTIVE COVENANT SO THEY ARE ASKING FOR A WOOD FENCE WITH MASONRY COLUMNS. WE'RE ASKING THE COUNCIL SINCE WE'RE GOING TO HAVE TO PROVIDE A SOLID FENCE ANYWAY ON THE NORTHERN PROPERTY IF THEY WOULD CONSIDER MODIFYING THAT ONE CONDITION WITH THE ZONING WHEN YOU TAKE THAT INTO CONSIDERATION. LAST WEEK WHEN WE PRESENTED OUR ZONING CASE TO YOU FOR VINA PLAZA, WE WERE EXCITED TO WALK AWAY WITH YOUR SUPPORT WITH A 6-0 VOTE FOR ZONING. OBVIOUSLY THE RESTRICTIVE COVENANT BEING POSTPONED TO THIS EVENING. THE PROPERTY OWNER, OUR CLIENT, WENT BACK TO THE DESIGN TEAM AND TOOK BACK THE COMMENTS PROVIDED TO US BY SEVERAL COUNCILMEMBERS AND CITY STAFF. WE BELIEVE WHAT THE TEAM'S HARD WORK THAT WE'VE PRODUCED SOME REALLY EXCITING AND VERY ACCESSIBLE DRIVES THAT WILL ALLEVIATE MUCH OF THE TRAFFIC CONCERNS. VERY BRIEFLY, KEEPING IN MIND THAT THE TRAFFIC IN HARRIS RIDGE AND HARRIS GLENN, IF YOU HAVE LOOKED AT TONIGHT THE GENERAL SENSE, IT'S PRETTY MUCH A BIG BOX SPLIT BETWEEN TWO NEIGHBORHOOD ASSOCIATIONS. AND DIFFERENT BOUNDARIES. THE NORTHERN PORTION ON THE -- THERE'S AN... AN AERIAL. THE NORTHERN PORTION FROM JOSH RIDGE TO HARRIS LANE BASICALLY COVERS HAIR..... HARRIS RIDGE LANE AND THE SOUTHERN PORTION IS FOR HARRIS GLENN. HARRIS GLENN PRETTY MUCH BORDERS THE PROPERTY LINE. THAT'S ALL HARRIS GLENN. THAT'S WHO WE HAVE BEEN NEGOTIATING SEVERAL MONTHS. THAT'S WHAT ALL CONDITIONS WERE BASED ON. ON YOUR FAR LEFT, THE PROPERTY LINE THERE BUTTS UP TO THE HARRIS RIDGE NEIGHBORHOOD WHO WAS NOT INVOLVED IN NEGOTIATIONS BECAUSE THEY CHOSE NOT TOO. AND SO -- AND OBVIOUSLY THEY ARE HERE TO SPEAK AGAINST THIS CASE. SO WHAT WE WANTED TO MENTION TO YOU IS THAT AS GEORGE HAD

MENTIONED, WHAT WE PROVIDED WAS TWO, TWO-LANE INTERNAL DRIVES WITH NO HEAD-IN PARKING. WHAT THAT DOES, IT PROVIDES FOR A SMOOTHER TRANSITION ON EITHER SIDE WHEN THEY ARE COMING DOWN JOSH RIDGE HEADED TO HARRIS TO THE LEFT OR TO THE RIGHT, THERE'S NO HEAD-IN PARKING SO YOU WILL HAVE A SMOOTH DRIVE THAT WOULD JUST TAKE YOU THROUGH. THERE'S ONLY ONE OR TWO ENTRANCES ON EACH SIDE OR CURBS THAT WOULD TAKE YOU INTO THE SHOPPING STRIP IF THAT WAS YOUR DECISION. SO THAT PROVIDES A SMOOTH TRAVEL ROUTE FOR THE FOLKS THAT ARE COMING IN FROM THE JOSH RIDGE AREA, WHICH IS HARRIS GLENN, OR RETURNING TO HARRIS GLENN. AS GEORGE HAD ALSO ALLUDED TO IS THE CUT-THROUGH TRAFFIC THAT'S BEEN MENTIONED THAT IS GOING THROUGH THE HARRIS RIDGE NEIGHBORHOOD, THAT CONSISTS OF THE BUILTOUT AREA OF THE TWO NEIGHBORHOODS. SO THAT AREA HAS ALREADY BEEN BUILT OUT. SO THE CUT-THROUGH TRAFFIC THAT'S GOING THROUGH BREYERGATE TO THE NORTH OF THE SITE, A LOT OF THOSE FOLKS LIVE IN THE HARRIS GLENN AREA. AND JUST AS COMMON SENSE APPROACH AND HUMAN NATURE, WILL YOU TAKE THE CLOSE..... CLOSEST AND SMOOTHEST ROUTE. AS A RESULT OF THIS NEW DESIGN, I WOULD LIKE TO MENTION THE HONG KONG MARKET WHICH IS TWO STORY HAD TO BE RELOCATED FURTHER TO THE SOUTH TOWARD PARMER LANE BY APPROXIMATELY 37 FEET. WHAT THAT DID, SO OBVIOUSLY THAT'S REALLY GOOD NEWS FOR BOTH NEIGHBORHOODS. SO WHAT THAT DID IS ALLOW US AN OPPORTUNITY TO PROVIDE A 26-FOOT DRIVE, WHICH IS CLOSEST TO THE DETENTION POND TO THE RIGHT OF YOUR SCREEN, AND THE 11--FOOT WIDE LAND SCALE ISLAND FROM THE ENTRANCE INTO THE PROJECT T OTHER DRIVE I BELIEVE IS -- IF I REMEMBER CORRECTLY, IT'S A 30-FOOT WIDE THAT GOES TO THE LEFT OF THE HONG KONG MARKET FROM JOSH RIDGE TO HARRIS RIDGE BOULEVARD. ALSO NO HEAD-IN PARKING. SO WE'VE DONE EVERYTHING WE COULD TO GET AS CLOSE TO WHAT THE CITY WOULD LIKE TO SEE AND OBVIOUSLY IF YOU LOOKED AT THE SITE PLAN, IF YOU REALLY PAY ATTENTION, WE HAVE TO CONFIGURE SOME OTHER PARTS OF THE SITE PLAN AND WE WILL BE FINE TUNING THAT TO BE SURE WE MEET THE COMMERCIAL DESIGN STANDARDS. IN RESPONSE TO THE HARRIS GLENN

NEIGHBORHOOD ASSOCIATION, WHICH BACKS UP AND IS -- GOES RIGHT ALONG JOSH RIDGE, THEIR BIGGEST CONCERN, IF YOU REMEMBER, IS THAT THEY DIDN'T WANT THAT STREET TO GO THROUGH AT ALL SO THEY WERE PREPARED TO FILE A VALID PETITION ON US. AS YOU CAN TELL BY THE BOUNDARY LINE, THEY ARE GOING TO MORE THAN EXCEED 20%. SO IN PROVIDING THIS ALTERNATE OPTION, THEY LIKED IT. NUMBER ONE, THEY FELT THEY WERE BEING A GOOD NEIGHBOR TO THE HARRIS RIDGE FOLKS WHO WANT THE FOUR-LANE TO GO THROUGH, AND IT WOULD PROVIDE A SITUATION THAT WOULD SLOW TRAFFIC DOWN BEFORE YOU GET TO THE CENTER. SO THE PEOPLE THAT ARE COMING OUT FROM THE SIDE STREETS THAT LIVE IN HARRIS GLENN ON TO JOSH RIDGE WOULD HAVE A SAFER SITUATION TO PULL OUT INTO JOSH RIDGE FROM THE SIDE STREETS AND YOU WOULDN'T HAVE CARS ZIPPING THROUGH STRAIGHT TO HEAD OVER TO TER REST RIDGE. THEY PROVIDED A LIST OF CONDITIONS THAT WE WERE ABLE TO AND WILLING TO GO AHEAD AND SUPPORT AND AGREE TO WHICH ARE THE CONDITIONS YOU HAVE BEFORE YOU NOW. WE'VE GONE AHEAD AND SHARED THIS NEW DESIGN. WE FINE-TUNED IT SEVERAL TIMES SINCE LAST WEEK. WE SHOWED IT TO SOME OF THE COUNCIL OFFICES. WE'VE MET WITH THE CITY REVIEW TEAM IN DETAIL AND THEY HAVE ADMITTED THIS IS DEFINITELY A BIG IMPROVEMENT FROM LAST WEEK'S DESIGN AND SOME OF THE DESIGNS WE HAVE BEFORE THAT. I WILL ASURE YOU WE HAVE EXHAUSTED EVERY OPPORTUNITY TO PROVIDE THE BEST DESIGN FOR THIS PROJECT TO MAKE IT A FEASIBLE AND REALISTIC PROJECT FOR OUR CLIENT, STILL MAINTAINING THE INTEGRITY AND DESIGN WHICH IS WHAT HE HAD IN MIND, AND STILL PROVIDING A QUALITY AND PEDESTRIAN FRIENDLY PROJECT FOR THE COMMUNITY AS A WHOLE. AND IN SUMMARY, MAYOR AND COUNCIL, WE DO WANT TO THANK YOU AGAIN FOR LAST WEEK'S CONSIDERATION AND THIS WEEK'S AND YOUR VOTE OF CONFIDENCE LAST WEEK WITH THE 6-0 VOTE ON THE ZONING WITH THE CONDITIONS AND HOPEFULLY YOU WILL MAKE THAT ONE MODIFICATION. WE WOULD LIKE TO ASK FOR YOUR SUPPORT AGAIN THIS EVENING FOR THE ZONING AND FOR THE RESTRICTIVE COVENANT MODIFICATION ALONG WITH THE CONDITIONS THAT HAVE BEEN PRESENTED TO CITY STAFF. THIS IS A BEAUTIFUL

PROJECT. IT'S A BEAUTIFUL ASSET TO OUR COMMUNITY. IT PROVIDES A MULTI-CULTURAL COMMERCIAL AMENITY FOR THE AREA. IT IS TO OUR KNOWLEDGE THE FIRST ASIAN BASED COMMERCIAL AMENITY AND SITE IN NORTHEAST AUSTIN. AS I MENTIONED LAST WEEK, WE HAVE 6% OF OUR POPULATION CONSISTS OF ASIAN AMERICANS, WHICH IS EQUIVALENT OF AT LEAST 70,000 CITIZENS. AND I THINK THAT THIS AREA, AS A MATTER OF FACT, BASED ON [INAUDIBLE] AND RESEARCH, THIS NORTHEAST QUADRANT HAS ABOUT 24% OF THAT 70,000 THAT LIVE IN THIS AREA. AND SO WE WOULD APPRECIATE GIVING THEM, PROVIDING THEM THIS OPPORTUNITY NOT JUST TO THE ASIAN-AMERICAN COMMUNITY BUT TO THE COMMUNITY AS A WHOLE. WE THINK IT'S AN APPROPRIATE SITE, A BEAUTIFUL PROJECT. WE'RE NOT BUILDING A 60-FOOT BUILDING THAT WE COULD UNDER THE GR ZONING. WE'VE OFFERED AND WORKED VERY CLOSELY WITH THE NEIGHBORHOOD WITH THESE CONDITIONS AND WE THINK WE'VE GONE A VERY, VERY GOOD JOB. CITY STAFF HAS BEEN WONDERFUL IN ADVISES US VERY CLOSELY. COUNCILMEMBER McCRACKEN HAS BEEN WONDERFUL IN HELPING WITH US THE COMMERCIAL DESIGN STANDARDS WHICH HAVE BEEN A BIT OF A CHALLENGE TO REALLY UNDERSTAND, AND SO WE CONTINUE TO FINE TUNE THIS PROJECT TO MEET THE INTENT AND THE COMMERCIAL DESIGN STANDARDS. WHAT WE WOULD LIKE TO ASK YOU IS TO KEEP IN MIND THAT VINA PLAZA -- VINA PLAZA IS UNIQUELY DESIGNED TO BE A PEDESTRIAN FRIENDLY PROJECT. AND WE HAVE THE ROTUNDA, WE HAVE THE PLAZA, A LOT OF AMENITIES THAT ARE GOING TO BE ACCESSIBLE AND USABLE FOR NOT JUST THE VENDORS AND CLIENTS BUT ALSO FOR THE NEIGHBORHOOD. AND WE'RE HERE TO ANSWER ANY QUESTIONS YOU MIGHT HAVE. THANK YOU.

Mayor Wynn: THANK YOU, MS. LOPEZ PHELPS. QUESTIONS FOR THE AGENT, COUNCIL? THERE'S ABOUT A MINUTE AND A HALF LEFT ON THE TIME IF MR. WILSON OR DUPREE OR MR. TROY WOULD LIKE TO SAY A FEW CLOSING COMMENTS.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, LAST WEEK I WAS HERE TO SUPPORT THE VINA PLAS IS AND THIS WEEK I'M HERE AGAIN BECAUSE 2,000 AUSTIN RANKED NUMBER ONE AMONG ALL SMALL CITIES IN THE UNITED STATES. AND

MANY PEOPLE ARE VERY PROUD TO MOVE TO AUSTIN BECAUSE OF THAT RANKING. AND IN 2006, AUSTIN RANKED I THINK NUMBER THREE AMONG LARGE CITIES BECAUSE WE ARE NO LONGER A SMALL CITY. AND THE CITY IS GROWING. THE ASIAN POPULATION IS GROWING. WITH THE HIGH TECH INDUSTRY AND A LOT OF US MOVED TO THE COMMUNITY BECAUSE WE LOVE AUSTIN AND WE WANT TO FIND AUSTIN A COMFORTABLE PLACE TO STAY. WE TALK TO FRIENDS AND RELATIVES FROM OTHER PLACES THAT WANT TO VISIT AUSTIN. WHAT'S IN AUSTIN, LIKE A CHINA TOWN? WE DON'T REALLY HAVE A CHINA TOWN. WE HAVE MAYBE SOME RESTAURANTS. IF YOU REALLY WANT GOOD FOOD, WE CAN TAKE YOU TO HOUSTON OR SHOPPING. VINA PLAZA WILL PROVIDE A -- IT WILL PROVIDE THE AUSTINITES AND THE ASIAN AMERICANS HERE IN AUSTIN THE PLACE AND THE ATMOSPHERE THAT ON THIS SCALE THAT WE'VE NEVER SEEN BEFORE IN AUSTIN. LAST YEAR I THINK THERE WERE A COUPLE OF DEVELOPMENTS AND PLACES WHERE WE'RE HAPPY ABOUT THAT AND I THINK PEOPLE SAY THERE'S TOO MUCH COMPETITION OR WE DON'T NEED ANOTHER PLACE LIKE THAT. WELL, COMPETITION IS WHAT MAKES AMERICA GREAT. AND COMPETITION IS WHAT IS MAKING AUSTIN UNIQUE. [BUZZER SOUNDING] I THINK VINA PLAZA IS A GREAT PROJECT. I'M HERE TO SUPPORT IT. THANK YOU.

Mayor Wynn: THANK YOU. THAT WAS OUR 10-MINUTE SUMMARY FROM FOLKS IN FAVOR OF THIS ZONING CASE. WE'LL SET THE CLOCK AGAIN FOR 10 MINUTES AND ASK SOME OF THE OPPOSITION TO GIVE US AN UPDATE AS TO ISSUES THAT MAY HAVE TRANSPIRED SINCE LAST THURSDAY. IF ANY -- THERE ARE A NUMBER OF KEY SPEAKERS. HAROLD BALDWIN, DOLORES PRINCE, ROBERT McANDREW. WELCOME.

GOOD EVENING, MAYOR AND COUNCIL. ROBERT McANDREW. I'VE LIVED IN HARRIS RIDGE 15 YEARS AND THIS IS MY THIRD TIME TO BE AT COUNCIL CHAMBERS TALKING ABOUT THE SAME ITEM. FIRST OF ALL, THERE'S ONLY TWO ISSUES WE REALLY WANT TO TALK ABOUT, THE ZONING AND THE TRAFFIC. IT'S NOT ABOUTIST..... ABOUT THE SITE PLAN. IT'S A BEAUTIFUL PLAN. THE FIRST ISSUE, IF I COULD DIRECT YOUR ATTENTION TO THE FIRST IMAGE, I'M NOT CERTAIN I WAS AT THE LAST MEETING, IT DIDN'T SEEM THE WHOLE

COUNCIL REALLY INTENDED TO IMPROVE THE GR. MAYBE THAT WAS MY MISTAKE IN WATCHING IT. BUT THE L.O. AND G.O. ARE PREFERRED. IN FACT, THE SURROUNDING AREAS OF OUR NEIGHBORHOOD THAT ARE COMMERCIAL, THEY ARE ALL L.O. ADJACENT TO THE SINGLE-FAMILY. AREAS... LO-CO IS RECOMMENDED BY THE ZONING AND PLATTING. BOTH NAIKDZ ARE OPPOSED TO G.R. THE AGENT REPRESENTS THE NEIGHBORHOOD AS A WHOLE, WITH WHEN IN FACT OF THE 52 COMMENTS PROVIDED ON YOUR BACKUP INFORMATION, 46 ARE AGAINST THE G.R. AND SIX MORE. WE ARE OTHER CAN ADVANCING AS WELL. EVEN THE APPLICANT IS OKAY WITH LR-CO AND IN CASE THIS DOESN'T GO THROUGH, WE URGE TO YOU PLEASE CHANGE IT FROM THE FIRST READING BACK TO LR-CO AS ADVISED BY THE STAFF AND THE COMMISSION, NEIGHBORHOODS AND THE APPLICANT. IF YOU PLEASE GO TO THE SECOND PAGE, I DIRECT YOUR ATTENTION TO THE GREEN CIRCLE. THIS IS EXTENSION OF JOSH RIDGE BOULEVARD. IT'S -- AGAIN, IT'S NOT ABOUT THE PARTICULAR SITE PLAN AND IT'S NOT ABOUT THE ACCESS FROM JOSH RIDGE. OUR CONCERN IS ACCESS FROM HARRIS RIDGE AND I'LL GO INTO THAT IN A MOMENT. FIRST OF ALL, THE EXTENSION COMPLETES CONNECTIVITY WITH HARRIS RIDGE BOULEVARD WHICH FULFILLS THE ORIGINAL INTENTION OF THE AREA DEVELOPMENT. IT ALLOWS FUTURE EXTENSION TO THE WEST. THE PRIVATE DRIVE DOES NOT DO THAT. SECONDLY, IT PROVIDES ACCESS TO VINA PLAZA FROM HARRIS RIDGE BOULEVARD WHICH IS A MUCH MORE MAJOR STREET THAN JOSH RIDGE. IT DIRECT ACCESS FROM AREA MAJOR ROADS AND IMPROVES SAFETY BECAUSE AS I'LL SHOW IT WILL TAKE TRAFFIC OFF THE NEIGHBORHOOD STREETS. THE MAIN POINT IT REDUCES CUT-THROUGH TRAFFIC INTO THE NEIGHBORHOOD IF YOU ALLOW FULL ACCESS FROM HARRIS RIDGE. TRAFFIC IS GOING TO COME FROM HARRIS RIDGE BOULEVARD NOT THROUGH JOSH RIDGE. TRAFFIC IS OUR ONLY CONCERN. IT'S NOT THE TYPE OF MARKET AND SHOPS. THAT IS GREAT. THAT IS ABSOLUTELY NO ISSUE. FULL ACCESS FROM THE MAIN ROADS IS A NECESSITY. PLEASE DIRECT YOUR ATTENTION TO THE NEXT SLIDE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

SO THE LIMITED ACCESS RESULTS IN MORE CUT-THROUGH

TRAFFIC THROUGH THE NEIGHBORHOOD. NONE OF THE SITE PLAN ADDRESSES THE ACCESS OFF OF HARRIS RIDGE BOULEVARD. IT PROVIDES POOR ACCESS TO THEIR PROPERTY. I DON'T UNDERSTAND THAT. CONNECTIVITY IS ALREADY ESTABLISHED THROUGH JOSH RING. THE CONCLUSION IS THE NEIGHBORHOOD STREETS AND JOSH RIDGE WILL HAVE MORE TRAFFIC IF THERE'S NOT FULL ACCESS FROM HARRIS RIDGE BOULEVARD. IF YOU LOOK AT THE LARGE ARROWS, ACCESS FROM SOUTHBOUND SOUTHBOUND AIR RIS RIDGE AND ACCESS TO EASTBOUND HOWARD LANE, IF YOU PROVIDE FULL ACCESS AT THE INTERSECTION OF A FULL STREET OF JOSH RIDGE AT HARRIS RIDGE, IT ALLOWS LEFT AND RIGHT TURNS IN AND OUT, IT STOPS CUT-THROUGH TRAFFIC THROUGH OUR NEIGHBORHOOD. THE JOSH RIDGE EXTENSION AS WAS DISPLAYED LAST WEEK AT THE COUNCIL MEETING, IT WAS DESPERATE INTRETTED TO BE POSSIBLY IN THE MIDDLE OF THE TRACT. I NOT IN THE MIDDLE OF THE TRACT. IT'S AT THE VERY EDGE. IN ADDITION, IT ADDS AN APPROPRIATE FWOWFERT THE SINGLE-FAMILY AREAS -- AN APPROPRIATE BUFFER TO THE SINGLE-FAMILY AREAS. THEY'VE ALREADY MOVED IT MOST OF THE WAY. LET'S MOVE TAILGHTS BIT FURTHER AND PUT REAL ACCESS TO THIS PROPERTY. NOTHING HAS BEEN BUILT YET. LET'S DO IT RIGHT. LET'S DO IT BEFORE WE BUILD IT, BEFORE WE HAVE TOO MANY ACCIDENTS, BEFORE WE HAVE TOO MANY CARS DRIVING THROUGH OUR NEIGHBORHOOD TO GET TO THIS NICE DEVELOPMENT. FINALLY, I WOULD LIKE TO CONCLUDE, EXISTING CUT-THROUGH TRAFFIC WILL BE WORSE WITHOUT A FULL CONNECTION OF THE JOSH RIDGE AT HARRIS RIDGE BOULEVARD. THE SITE PLAN AND TRAFFIC STUDY DO NOT SUPPORT THE POOR SCEAFTS SITE PLAN THROUGH MAJOR RECORDS DIRECTLY. THE JOSH RIDGE DIRECTION AT HARRIS RIDGE WILL PROVIDE BETTER ACCESS TO VINO PLAZA, IT REQUIRES ONLY MINOR REVISION AND IT REDUCES NEIGHBORHOOD CUT-THROUGH TRAFFIC. THE SOLUTION IS TO EXTEND JOSH RIDGE BOULEVARD. I DEFER THE REST OF MY TIME TO OTHER NEIGHBORS IF THAT'S POSSIBLE, MR. MAYOR.

Mayor Wynn: IT IS. THANK YOU, SIR. WELL DONE. ADDITIONAL COMMENTARY? WE HAVE ABOUT THREE AND A HALF

MINUTES LEFT.

FIRST I'D LIKE TO SAY THAT JANET CLAUSE COULD NOT BE HERE TONIGHT AND SHE ASKED ME IF I WOULD LET YOU KNOW THAT SHE OPPOSES AMENDING THE RESTRICTIVE COVENANT BECAUSE IT IS NECESSARY FOR LONG RANGE PLANNING. HER MOM'S IN THE HOSPITAL SO THAT'S WHY SHE'S NOT HERE. I HAVE VERY -- I LIVE IN HARRIS RIDGE. I HAVE VERY STRONG FEELINGS ABOUT JOSH RIDGE BEING EXTENDED TO HARRIS RIDGE. I WAS ONE OF THE NEIGHBORS IN 1995 WHO MET WITH CITY COUNCILMEMBERS AFTER OUR AREA WAS ANNEXED BY THE CITY. WE ZONED THE SMALL TRACK RR, PUT IN THE JOSH RIDGE EXTENSION TO PROMOTE NEIGHBORHOOD CONNECTIVITY AND ALSO TO PROVIDE ACCESS TO THE GR TRACT. WE ALL AGREED THAT GR BELONGED ON A MAJOR ARTERIAL ROAD LIKE PARMER. TO FURTHER CONFIRM THE FEELINGS OF OUR COMMUNITY, A FEW OF US WENT THROUGH OUR NEIGHBORHOOD WITHIN A 24 HOUR PERIOD AND OBTAINED APPROXIMATELY 90 SIGNATURES OF THOSE WHO FELT THAT JOSH RIDGE SHOULD GO IN AS ORIGINALLY INTENDED. WE ALSO WENT TO THE HARRIS GLEN NEIGHBORHOOD TO STREETS MOST AFFECTED BY JOSH RIDGE AND OBTAINED APPROXIMATELY 30 SIGNATURES IN LESS THAN THREE HOURS FROM PEOPLE WHO AGREED THAT JOSH RIDGE SHOULD GO THROUGH. YESTERDAY A SIMILAR ISSUE WAS RAISED IN AN ARTICLE IN THE "AUSTIN AMERICAN-STATESMAN". SPECIFICALLY IT WAS REGARDING CUT-THROUGH TRAFFIC IN THE GALINDO NEIGHBORHOOD. TO FIX THE PROBLEM, PUBLIC WORKS PLANS ON REDUCING THE SPEED LIMIT BY FIVE MILES PER HOUR. MOST CITIZENS DO NOT OBEY SPEED LIMIT SIGNS, SO THIS IS JUST A BAND-AID, NOT SOLVING THE REAL PROBLEM. WE ARE TRYING TO PREVENT THIS FROM HAPPENING IN OUR NEIGHBORHOOD. THANK YOU FOR YOUR TIME AND CONSIDERATION IN THIS VERY IMPORTANT DECISION THAT WILL AFFECT HUNDREDS OF HOMES IN HARRIS RIDGE ON BRIAR GATE, WEATHERFORD AND FIELD GATE. ALL OF THESE HOMES FRONT THE STREET. AND ALSO IT WILL AFFECT 11 NOAMZ HARRIS GLEN THAT BACK UP TO THE STREET. THANK YOU.

Mayor Wynn: THANK YOU. AGAIN, THERE'S ABOUT A MINUTE AND A HALF LEFT IF SOMEBODY WOULD LIKE TO GIVE A

SUBJECTRY. THANK YOU.

I THINK WE'RE DONE ON OUR SIDE F THERE'S ANY QUESTIONS OR COMMENTS, PLEASE, I DO AGAIN REFER TO YOU THE BACKUP NAMPLS THE CITY STAFF PROVIDED AS ADDITIONAL INFORMATION.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF OR OUR NEIGHBORS OR APPLICANT? COUNCILMEMBER MARTINEZ.

Martinez: JUST A POINT OF CLARIFICATION. ARE WE TAKING ITEMS 109 AND 110 TOGETHER? ARE WE SPEAKING TO THE ZONING AS --

Mayor Wynn: I JUST HAD THEM CALLED UP AS THE CONTINUATION OR SUMMARY OF THE PUBLIC HEARING THAT WAS HELD. WE COULD ACCEPT THE MOTION ON EITHER OR BOTH. COUNCILMEMBER MCCRACKEN.

McCracken: THIS IS PROBABLY FOR THE APPLICANT.

Mayor Wynn: MS. LOPEZ-PHELPS?

YES, SIR?

McCracken: ON THE ROADWAY SYSTEM YOU ALL HAVE PROPOSED THIS EVENING, HOW WIDE ARE THE ROADS? THE ROAD TO THE NORTH, WHICH WOULD OBJECT ON THE LISTENED SIDE OF THE STREEN -- WHICH WOULD BE ON THE LEFT-HAND SIDE OF THE SCREEN, THAT WOULD BE 26 FEET WIDE. THE ROAD ON THE CENTER MORE TO THE SOUTH IS 30 FEET WIDE. SO THE WIDTH WE HAVE IS WE DID 24 FEET -- 26 FEET AND 30 FEET, AND WHAT WE DID IS BE ABLE TO DO THAT AND SAVE AS MUCH PARK BEING, WHICH WE DID LOSE QUITE A BIT OF PARKING AND ALSO TO MEET THE COMMERCIAL DESIGN STANDARDS WE HAVE TO MOVE HONG KONG MARKET OVER AND I BELIEVE THEY WENT OVER 37 FEET. TOWARDS PARMER LANE. AND AS WE STATED EARLIER, THERE IS NO HIDDEN PARKING, SO THAT MINIMIZES THE OBSTRUCTION OF TRAFFIC WHEN CARS ARE COMING THROUGH. I ALSO DID WANT TO MENTION IT'S A PRIVATE ACCESS DRIVE TO THE ENTRANCE IS DESIGNED TO

ACCOMMODATE EMERGENCY SERVICE VEHICLES TOO.

McCracken: THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?
COUNCILMEMBER LEFFINGWELL.

Leffingwell: I GUESS THAT'S ALL THE PUBLIC TESTIMONY. AND I DO THINK WE OUGHT TO DIVIDE THESE. 109 IS NOT REALLY RELATED. I MEAN, IT'S THE SAME PLACE, BUT IT'S NOT NECESSARILY THE SAME VOTE ON THESE TWO ITEMS. AND I THINK THIS IS -- AS THE NEIGHBORHOOD REPRESENTATIVE SAID, IT'S NOT ABOUT THE SHOPPING CENTER. IT'S NICELY DESIGNED AND I COMPLEMENT YOU ON THAT. BUT I THINK IT'S A MISTAKE TO DESTROY OUR ABILITY IN THE FUTURE TO COMPLETE OUR ROADWAY SYSTEM. SO I'M GOING TO MOVE TO DENY THE PETITION TO REMOVE THE RESTRICTIVE COVENANT ON ITEM 109.

Mayor Wynn: MOTION BY COUNCILMEMBER LEFFINGWELL TO CLOSE THE PUBLIC HEARING ON 109 AND TO DENY THIS RESTRICTIVE COVENANT AMENDMENT. MOTION FAILS FOR LACK AFTER SECOND.

McCracken: MAYOR, I HAVE A MOTION.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I'M GOING TO MOVE TO APPROVE THE ITEM 109, TO CLEES THE HEARING AND APPROVE THE REMOVAL OF THE RESTRICTIVE COVENANT.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER MARTINEZ TO CLOSE THE PUBLIC HEARING AND APPROVE THE RESTRICTIVE COVENANT AMENDMENT AS POSTED ITEM 109. COMMENTS?

McCracken: MAYOR, I WANT TO SAY REAL QUICK THAT THE ROAD PROPOSAL PRESENTED BY THE APPLICANT DOES ACCORDING TO OUR OWN TRAFFIC ENGINEERS, MEET THE TRAFFIC VOLUMES BOTH ACTUAL AND PROJECTED CREATED BY THIS. SO FOR STARTERS, JUST FROM A PURE TRAFFIC ENGINEERING STANDPOINT, THIS PROJECT WILL MEET BOTH

ACTUAL AND PROJECTED TRAFFIC COUNTS. AND SECOND, I DO THINK THAT BECAUSE THIS IS THE FIRST HIGHEST PROFILE PROJECT BUILT UNDER THE NEW ROADWAY EQUIPMENTS FOR LARGE SITES IN THE DESIGN STANDARDS ORDINANCE THAT THERE'S A VERY UNDERSTANDABLE LACK OF FAMILIARITY FROM FOLKS ADJACENT TO IT. THIS IS A ROADWAY SYSTEM, This is a roadway system, IT IS NOT DRIVEWAYS. THESE ROADS ARE REQUIRED TO HAVE THE SAME SIDEWALK WIDTH AND STREET TREE WITNESSES AS EVERY UNIVERSITY NEIGHBORHOOD OVERLAY. THESE ROADS ARE 26 AND 30 FEET WIDE. THEY ARE WIDER THAN VIRTUALLY EVERY STREET IN THE WEST CAMPUS AREA. THEY ARE WIDER THAN VIRTUALLY EVERY STREET IN TARRYTOWN AND PEMBERTON. THEY ARE WIDER THAN MOST OF THE STREETS IN HYDE PARK. THEY ARE WIDE ROADWAYS WITH WIDE PARKS AND STREET TREES. THEY WORK FROM AN ENGINEERING STANDPOINT, BUT YOU'VE NEVER SEEN ANYTHING LIKE THIS BEFORE BECAUSE THIS IS ONE OF THE FIRST HIGH PROFILE PROJECTS TO BE REQUIRED TO BE BUILT BACK THE WAY WE USED TO DO IT BEFORE WE STARTED MESSING IT UP. SO I REALLY DO COMMEND THE WHOLE TEAM THAT HAS PRESENTED THIS. THIS IS GOING TO BE AN EXCEPTIONAL PROJECT AND ONE OF THE MOST EXCEPTIONAL THING ABOUT IT IS AN EXCEPTIONAL ROADWAY SYSTEM THAT WILL BE AN INCREDIBLE ADDITION TO NORTH AUSTIN. GREAT WORK.

Mayor Wynn: COUNCILMEMBER COLE.

Cole: MAYOR, I THINK WE'VE ADEQUATELY ANALYZED THE ROAD ISSUE, WHICH IS THE PRIMARY ISSUE THE APPLICANT CAME TO US ON. BUT I WANTED TO TAKE THE OPPORTUNITY TO SAY THIS IS AN AREA OF AUSTIN THAT IS BECOMING INCREASINGLY DIVERSE AND I WANT TO SAY FLOIKT THAT YOU ARE PROVIDING SERVICES THAT WILL BE SO UNIQUE TO THIS AREA. THANK YOU.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: THIS IS AN INCREDIBLE PROJECT AND IT'S THE FIRST ONE TO REALLY WORK WITH OUR COMMERCIAL DESIGN STANDARDS AND THERE'S BEEN A LOT OF INNOVATION AND INCLUDING THE DUMPSTERS INSIDE. I THINK THAT'S

INCREDIBLE. THE DIVERSITY OF THE AREA IS A CONSIDERATION. IT'S GOOD TO SEE ASIAN BUSINESSES THRIVING IN AUSTIN. I THINK WE'LL SEE A LOT MORE. HOWEVER, THE STAFF RECOMMENDATION ON THE ROAD IS ALSO SOMETHING THAT I CAN'T IGNORE AND THIS IS A DIFFICULT ONE FOR ME, BUT I'M GOING TO ABSTAIN FROM THIS ONE.

Mayor Wynn: THANK YOU. I GUESS THE QUESTION FOR STAFF, AND I'LL ASK MR. ZAPALAC OR MR. GUERNSEY. SO THIS MOTION, IF APPROVED, WE'RE AMENDING A RESTRICTIVE COVENANT. THE WAY THIS IS POSTED, DOES IT ALSO COME IN AND REQUIRE THE STANDARDS THAT COUNCILMEMBER MCCracken TALKED ABOUT OR ARE WE SIMPLY DOING AWAY WITH WHAT HAD BEEN THE RESTRICTIVE COVENANT REGARDING THE CONNECTIVITY.

WE ACTUALLY WILL GET TO THIS PROBABLY ON THE SECOND ITEM BECAUSE IT'S MY UNDERSTANDING THAT THE OWNER IS WILLING TO AGREE TO ENTER INTO A PUBLIC RESTRICTIVE COVENANT THAT WILL ADDRESS THE PUBLIC ACCESS ISSUE. SO IT'S KIND OF A TWO-STEP PROCESS. THIS WOULD REMOVE ONE RESTRICTION. WE WOULD CREATE A NEW RESTRICTIVE COVENANT THAT WOULD ACTUALLY SPEAK TO THE ACCESS. IF THERE ARE OTHER CONDITIONS WHICH THE APPLICANT HAS OFFERED TONIGHT TO DO, THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION WITH SOME CHANGES, THOSE WOULD PROBABLY BE SOME IN A PUBLIC COVENANT AND SOME IN A ZONING ORDINANCE. SO THIS JUST TAKES CARE OF THE FIRST PART. AND THE SECOND CASE THAT WE'LL DISCUSS WILL BE THE ONE THAT WILL ADDRESS A NEW COULD.....COVENANT THAT WILL ADDRESS THE ACCESS.

Mayor Wynn: THANK YOU. DISBEN, MOTION AND A -- AGAIN, MOTION AND A SECOND ON THE TABLE TO CLOSE THE PUBLIC HEARING AND APPROVE THIS RESTRICTIVE COVENANT AMENDMENT, ITEM 109. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSE SND..... OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF FIVE TO ONE WITH COUNCILMEMBER LEFFINGWELL SHOWN AS VOTED NO AND COUNCILMEMBER KIM ABSTAINING. COUNCIL THAT, TAKES US THEN TO ITEM 110 KSZED SOWLG IS R. ARE ARE ARE ARE ARE.....ED -- TO ITEM110, THE ZONING CASE. COUNCILMEMBER MARTINEZ?

I GUESS SINCE WE CLOSED THE PUBLIC HEARING ON ITEM 109, WE CAN MOVE STRAIGHT TO A MOTION ON 110?

Mayor Wynn: I THINK SO.

Martinez: THEN I WOULD MOVE APPROVAL OF THE NEIGHBORHOOD'S BROUGHT UP A CONCERN ABOUT THE GR THAT WAS APPROVED ON FIRST READING. SO I'LL MOVE APPROVAL ON SECOND AND THIRD READING FOR LR-CO. AND WITHIN THE CO THAT WE SPEAK TO THE ISSUE OF THE FENCING. I THINK THE AGREEMENT WITH THE NEIGHBORHOODS WAS THAT IT WAS A WOOD FENCE WITH MASONRY PILLARS AND THAT WE JUST ADD THAT BACK INTO THE CO.

Martinez: THE APPLICANT OFFERED THE ZONING AND PLATTING COMMISSION'S RELIGIOUS WITH A..... --... -- RECOMMENDATION WITH A MODIFICATION, BUT WAS SPEAKING SPECIFICALLY TO AN AREA THAT ABUTS RESIDENTIAL PROPERTIES THAT ARE TO THE EAST OF CASACK. THAT'S MY UNDERSTANDING OF WHAT SHE WAS ASKING FOR. MS. PHELPS, WAS THERE AN AGREEMENT WITH THE NEIGHBORHOOD ASSOCIATION TO ERECT A MASONRY FENCE ALONG THE PROPERTY LINE?

YES. SINCE THE NEGOTIATIONS AND AGREEMENT WERE WITH THE HARRIS GLEN NEIGHBORHOOD ASSOCIATION AND SOME OF THE HOMEOWNERS FROM THE CASAK COVE, WHICH IS FROM HARRIS GLEN, IT WAS TO PROVIDE THE WOOD FENCE WITH MASONRY COLUMNS BECAUSE THE COVENANTS DID NOT ALLOW FOR SOLID WOOD. WHEN THE PLANNING COMMISSION MADE THEIR MOTION, THIS IS

BEFORE WE HAD A CHANCE TO SFOA THE PRESIDENT, HE CLARIFIED THIS FOR ME, THAT THAT WAS NOT ALLOWED. THE ZONING AND PLATTING COMMISSION'S MOTION WAS -- I THINK THEIR INTENT WAS TO HAVE A CONSISTENTLY DESIGNED FOANTS NORTH AND EASTERN PROPERTY LINE OF THE COMMERCIAL AND SINGLE-FAMILY, SO THEIR MOTION SPOKE TO A SOLID MASONRY FOANTS NORTHERN AND EASTERN LINE. THE NORTHERN LINE IS PART OF HARRIS RIDGE NEIGHBORHOOD ASSOCIATION, SO IF YOU PROVIDE A SOLID MASONRY FENCE, NUMBER ONE, WE DIDN'T GO INTO ANY NEGOTIATIONS WITH THEM TO OFFER THAT OR THEY DIDN'T ASK FOWS IT. AND YOU WOULD NOT HAVE A CONSISTENT DESIGNED FENCE ALONG THE BACK OF THE PROPERTY. SO WE'RE ASKING CITY COUNCIL IS TO ADOPT THE WOOD WITH THE MASONRY COLUMNS THAT HARRIS GLEN SAYS ARE ALLOWED AND TO BE CONSISTENT WITH THAT FOR THE NORTHERN PROPERTY LINE WHERE WE WOULD STILL PROVIDE A SOLID FOANS THE NORTHERN PROPERTY LINE.

Martinez: U.T. THAT WOULD BE WHAT THE IN-- THANK YOU. THAT WOULD BE WHAT THE INTENT OF MY MOTION WAS, THE WOODEN FENCE WITH MASONRY PILLARS THROUGHOUT THE PROPERTY LINES.

DID THAT INCLUDE THE OTHER BUFFERS AND RECOMMENDATIONS OF THE ZONING AND PLATTING COMMISSION? I'LL ASK YOUR INDULGENCE FOR ONE MORE THING. IT WOULD ALSO BE PART OF THIS REQUEST, AS I UNDERSTAND IT, A PUBLIC ACCESS EASEMENT THAT WOULD PROVIDE THE TERM NIS OF JOSH RIDGE AND HARRIS RIDGE BOULEVARDS WITH TWO ACCESS POINTS TO HARRIS RIDGE BOULEVARD, AND THAT THAT WOULD BE ALSO PART OF YOUR MOTION?

Martinez: YES.

THAT WOULD PROVIDE FOR THE DRIVEWAY THAT WOULD SPLIT AND GO ON EITHER SIDE OF THE BUILDING AND THEN WOULD CONNECT THE TWO ROADWAYS.

THAT WOULD BE THE PUBLIC RESTRICTIVE COVENANT

AGREEMENT?

THAT WOULD BE PART OF THAT, AND IT WOULD ACTUALLY OCCUR WITH THE SITE PLAN AS FAR AS WHEN THE APPROVAL THAT HAVE SITE PLAN WOULD OCCUR.

Mayor Wynn: MR. GUERNSEY, DO WE NEED TO BE MORE SPECIFIC ABOUT EVERYTHING FROM ROADWAY SIZE TO COMMERCIAL DESIGN STANDARDS OR IS THAT SOMEHOW --

WE HAD SOMEWHAT ANTICIPATED THIS MAY HAPPEN, GIVEN WHAT THE APPLICANT HAD SUGGESTED AND THE LANGUAGE WE HAD WRITTEN WOULD PROVIDE TWO 25-FOOT DRIVEWAYS, BUT IT SOUNDS LIKE WHAT'S BEING SAWFERD ONE 30 AND ONE 26-FOOT WIDE DRIVEWAY. SO I THINK WITH THAT CHANGE WE COULD ADD THAT AND CHANGE THAT PORTION. PRIOR TO SITE PLAN APPROVAL THERE WOULD BE ONE 30-FOOT WIDE AND ONE 26-FOOT WIDE PUBLIC ACCESS EASEMENTS THAT WOULD BE PROVIDED BETWEEN THE TERM NIS OF JOSH RIDGE BOULEVARD AND HARRIS RIDGE BOULEVARD TO PROVIDE TWO ACCESS POINTS TO HARRIS RIDGE BOULEVARD. PARKING WOULD BE PROHIBITED ALONG THE ENTIRETY OF THE ACCESS UNLESS OTHERWISE APPROVED BY THE DIRECTOR. I GUESS THABLD THE DIRECTOR OF WATERSHED PROTECTION AND DEVELOPMENT REVIEW. BECAUSE IT WOULD BE AN ADMINISTRATIVE SITE PLAN APPROVED BY THAT, BY THAT DEPARTMENT.

Mayor Wynn: DO WE NEED TO ADDRESS THE ISSUE OF THE COMMERCIAL DESIGN STANDARDS?

THAT WOULD ALREADY BE REQUIRED.

Mayor Wynn: OKAY. SO MOTION BY COUNCILMEMBER MARTINEZ TO TECHNICALLY MAKE SURE WE CLOSE THE PUBLIC HEARING ON ITEM 110 TO APPROVE ON SECOND AND THIRD READING THE ZONING AND PLATTING COMMISSION RECOMMENDATION WITH THE ADDITIONAL REQUIREMENTS REGARDING FENCING AS STATED, AND THE PUBLIC ACCESS EASEMENT AS JUST NOW COMMENT ODD BY MR. GUERNSEY. SECONDED BY COUNCILMEMBER MCCracken. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE

SAY AYE.

AYE.

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

Mayor.....MAYOR.

THANK YOU, MAYOR AND COUNCIL. THAT CONCLUDES OUR ZONING ITEMS.

Mayor Wynn: THANK YOU, MR. GUERNSEY. LET'S SEE, SO COUNCIL, THAT THEN --

MAYOR, COUNCIL. WE WANT TO TAKE A MOMENT DISWROWS THANK EVERYBODY AT THE CITY OF AUSTIN AND THE COUNCIL AND ALL YOUR OFFICES AND THE NEIGHBORHOODS THAT WE HAVE BEEN WORKING WITH FOR SEVERAL MONTHS. IT'S BEEN A VERY DIFFICULT PROCESS, ONE OF MY MORE CHALLENGING ONES IN 15 YEARS, SO I WANT TO THANK YOU FOR YOUR SUPPORT AND YOUR APPROVAL TONIGHT.

Mayor Wynn: THANK YOU FOR YOUR COMMENTS. SO COUNCIL, LET'S SEE, WE HAVE A NUMBER OF PUBLIC HEARINGS TO CONDUCT, A NUMBER OF ANNEXATION PUBLIC HEARINGS THAT HAVE NO CITIZENS SIGNED UP, SO RESPECTING THE TIME OF FOLKS THAT ARE HERE, WE'LL SAVE THOSE FOR US LAST. AND WE DO HAVE FOLKS SIGNED UP FOR SEVERAL OF THOSE, SO WE'LL HAVE THOSE THAT HAVE A NUMBER OF CITIZENS SIGNED UP SEQUENTIALLY AND HOPEFULLY GET YOU HOME AT A REASONABLE HOUR TOMORROW. SO OUR FIRST PUBLIC HEARING WITH CITIZEN COMMENT IS ITEM NUMBER 117, CONDUCT A PUBLIC HEARING FOR THE FULL PURPOSE ANNEXATION OF THE GRAND AVENUE PARKWAY AREA. WELCOME MS. COLLIER. A PORTION OF THE AREA ALONG I-35 IS CURRENTLY IN THE CITY'S LIMITED PURPOSE JURISDICTION AND THE BALANCE IS IN THE E.T.J. COPIES OF THE SERVICE PLAN FOR THIS AREA ARE AVAILABLE THIS EVENING AND IN COMPLIANCE WITH STATE LAW. THE CITY WILL PROVIDE FOR MUNICIPAL SERVICES UPON ANNEXATION. AT THIS TIME I'D BE HAPPY TO

ANSWER ANY QUEP YOU HAVE ON ITEM 117.

Mayor Wynn: QUESTIONS FOR MS. COLLIER, COMMENTS? WE DO HAVE A HANDFUL OF FOLKS THAT WOULD LIKE TO GIVE THEM ON THIS ANNEXATION. OUR FIRST SPEAKER IS BILL SCHULTZ. WELCOME. APPRECIATE YOUR PATIENCE. YOU WILL HAVE THREE MINUTES TO BE FOLLOWED BY DAVID CAMPBELL, TO BE FOLLOWED BY TOM RAMSEY. WELCOME.

HI. MY NAME IS BILL SCHULTZ. I OWN 45 ACRES SOUTH OF THIS ANNEXATION PLAN. I'M FOR THE ANNEXATION. MY PROBLEM IS YOU'RE LEAVING A DONUT, THAT BEING PAM HA LA HEIGHTS. PAMELA HEIGHTS IS KIND OF A CLONIA TYPE SITUATION. IT'S CRIME RIND, HAS NO UTILITY SERVICE. NONE OF THE CODES ARE ENFORCED. AS THE CITY SURROUNDS PAMELA HEIGHTS, I HAVE A FEELING IT'S GOING TO GET WORSE.

Mayor Wynn: THANK YOU, MR. SCHULTZ. WE'LL CONFER WITH STAFF ON THAT. THANK YOU. DAVID CAMPBELL? WELCOME. YOU TOO WILL HAVE THREE MINUTES AND BE FOLLOWED BY TOM RAMSEY.

MY NAME IS DAVID CAMPBELL, I'M A RESIDENT OF THE CITY OF AUSTIN AND SINCE 1999 I'VE OPERATE ADD SMALL BUSINESS ON CENTURY STREET. SINCE THAT TIME WE'VE ALWAYS BEEN TREATED LIKE RED HEADED STEPCHILDREN. WE'VE GOT NO CITY SERVICES TO SPEAK OF AND WE HAVE A DRAINAGE PROBLEM AT THE WEST END OF CENTURY STREET THAT I THINK THE STAFF HAS OVERLOOKED. THE OTHER IS CENTURY STREET IS CURRENTLY A DEDICATED, BUT NON-ACCEPTED COUNTY ROAD, WHICH MEANS WE HAVE NO MAINTENANCE. IT'S A BAD CALICHE ROAD AND UP UNTIL ABOUT A YEAR AGO WHEN HE NO POSTAL SERVICE BECAUSE THE POSTAL WORKERS WOULD NOT DRIVE DOWN THE ROAD. SO IF YOU'RE GOING TO BRING SEXUAL ABUSE THE CITY, THAT'S OKAY BECAUSE YOU'RE GOING TO TAX US, BUT I WOULD LIKE TO SEE CENTURY STREET IMPROVED AND WOULD LIKE TO SEE THE DRAINAGE PROBLEM DOWN THERE CORRECTED AS WELL.

Mayor Wynn: U.T. AS PART OF THIS WE DO TAKE THESE COMMENTS AND CONFER WITH STAFF BEFORE WE TAKE

ACTION. THANK YOU, SIR. TOM RAMSEY SIGNED UP WISH TO GO SPEAK. OKAY. UNDERSTANDABLE. PHILLIP WILHITE SIGNED UP WISH TO GO SPEAK. OKAY. AND IT LOOKS LIKE LARRY KNEE MAN IS HERE TO ANSWER QUESTIONS IF NEED BE. AND BILL SCHULTZ HAS ALREADY GIVEN US TESTIMONY. ARE THERE ANY OTHER SIT SINS WHO WOULD LIKE TO GIVE US TESKE ON THIS PUBLIC HEARING, ITEM 117, THE FULL PURPOSE ANNEXATION OF THE GRAND AVENUE PARKWAY AREA? IF NOT, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

McCracken: I HAVE A MOTION AND I'LL EXPLAIN FIRST THAT WE HAVE ONE PROPERTY OWNER THAT INHERITED A SITUATION FROM THE WINDERMERE UTILITY THAT USED TO HAVE PART OF THIS SERVICE AREA, AND THAT'S MR. NEIMAN. AND HE AND HIS ENGINEER DID A GREAT JOB OF WORKING TOGETHER AND HAVE COME UP WITH I THINK A FAIR APPROACH THAT REFLECTS SOMETHING THAT THE CITY OF AUSTIN DID NOT DO, BUT WE INHERITED WHEN WINDERMERE PROOFLY HAD THESE WATER RESPONSIBILITIES. SO I'M GOING TO MOVE TO CLOSE THE PUBLIC HEARING AND DISTRICT THE CITY MANAGER TO NEGOTIATE AN ANNEXATION AND DEVELOPMENT AGREEMENT WITH MR. LARRY NEIMAN PROVIDING FOR DELAY IN ANNEXATION FOR 10...10 YEARS FOR THE PARCEL NUMBERS 02762610701 AND 027-06-7101, A TOTAL OF APPROXIMATELY 10.21 SEVEN ACRES AND RETURN TO COUNCIL FOR APPROVAL OF AGREEMENT BY DECEMBER 13TH, 2007. AND RETURN TO COUNCIL FOR APPROVAL OF THE FULL PURPOSE ANNEXATION OF THE REMAINING ACRES ON DECEMBER 6, 2007.

Mayor Wynn: I'LL SECOND THAT MOTION TO CLOSE THE PUBLIC HEARING WITH A SPECIFIC ADDITIONAL DIRECTION OF THE CITY MANAGER. TECHNICALLY WE WON'T BE VOTING ON THAT POTENTIAL DELAYED ANNEXATION UNTIL SUCH TIME AS WE'RE POSTED TO TAKE ACTION ON THE ANNEXATION VOTE, CORRECT?

THAT IS CORRECT, MAYOR.

Mayor Wynn: SO MOTION AND A SECOND ON THE TABLE TO CLOSE THE PUBLIC HEARING WITH ADDITIONAL

INSTRUCTION TO THE CITY MANAGER. FURTHER
COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: SO IT'S ESSENTIALLY A MOTION TO POSTPONE
ACTION ON ANNEXATION?

Mayor Wynn: NO. MY UNDERSTANDING IS ALL WE'RE DOING IS
CLOSING THE PUBLIC HEARING. WHEN WE WERE POSTING
TO ACTUALLY VOTE ON THE ANNEXATION, WHICH MS.
COLLIER SAYS IS DECEMBER, AT THAT VOTE ACCORDING TO
COUNCILMEMBER MCCRACKEN AND MY REQUEST, THERE
WILL BE I GUESS AMENDMENTS OR OTHER POTENTIAL
MOTIONS ON OUR DAIS TO CONSIDER WHAT
COUNCILMEMBER MCCRACKEN IS SUGGESTING. RIGHT NOW
WE'RE JUST CLOSING THE PUBLIC HEARING --

Leffingwell: WE'RE NOT TAKING ANY ANNEXATION ACTION AT
ALL NOW.

RIGHT.

Mayor Wynn: MOTION AND A SECOND ON THE TABLE TO
CLOSE THE PUBLIC HEARING WITH ADDITIONAL
INSTRUCTIONS FOR OUR NEXT VOTE. FURTHER COMMENTS?
ALL IN FAVOR? OPPOSE.....OPPOSED? MOTION PASSES ON A
VOTE OF SEVEN TO ZERO. PUBLIC HEARING 118 HAS A
NUMBER OF ADVOCACY SIGNED UP. THIS IS TO CONDUCT A
PUBLIC HEARING, NO ACTION REQUIRED, TO RECEIVE
CITIZEN INPUT REGARDING THE DRAFT REVISE THE LAND
MANAGEMENT PLAN FOR THE BALCONES CANYON LAND
PRESERVES. IF I CAN TRY TO SET THE TONE HERE, WE HAVE
A NUMBER BE OF FOLKS WHO. TO SPEAK. FEK IN THIS
CASELY -- TECHNICALLY THEY'RE SIGNED UP AGAINST.
THEY'RE SIGNED THAWP WAY MY SUSPICION IS BECAUSE OF
SOME OF THE SPECIFIC ELEMENTS REGARDING PUBLIC
ACCESS ON OUR BCCP TRACTS. WHAT I'D LIKE TO DO IS ASK
WILLIE CONRAD, OUR WILD LANDS MANAGEMENT DIRECTOR,
AND ALSO SERVING AS THE SECRETARY OF THE BCCP
COMMITTEE TO GIVE US A BRIEF SUMMARY OF THE LMP. AND
BEFORE WE TAKE SOME PUBLIC COMMENTS OR TESTIMONY,
I'M GOING TO OUTLINE WHAT I BELIEVE TO BE THE
UPCOMING ACTIONS BY THE BCCP COORDINATING
COMMITTEE. I CHAIR THAT. AND THE ONLY OTHER MEMBER

ON THAT COMMITTEE, VOTING MEMBER, IS TRAVIS COUNTY GERALD DAUGHERTY. SO I'LL SET THE STAGE FOR WHAT I THINK WILL BE COMING FORWARD FROM THE COMMITTEE ITSELF, THEN WE'LL TAKE CITIZEN TESTIMONY ABOUT THE LAND MANAGEMENT PLAN. WELCOME, MR. CONRAD.

I HAVE A PROCEDURAL QUESTION. HOW MUCH TESTIMONY DO YOU ESTIMATE WE HAVE CURRENTLY?

Mayor Wynn: I BELIEVE THAT THE VAST, VAST MAJORITY OF THE FOLKS WHO WERE HERE ESSENTIALLY IN OPPOSITION TO THE DRAFT LAND MANAGEMENT PLAN, MOST OF THEM -- FRANKLY MOST OF THEM ARE TALKING ABOUT A SPECIFIC TRACT. I THINK THERE IS 20 MINUTES OR SO WORTH OF ORGANIZED TESTIMONY FROM THAT LARGE GROUP. THERE'S JUST A HANDFUL OF FOLKS, MAYBE ONLY THREE, WHO ARE HERE TO GIVE US TESTIMONY IN FAVOR OF THE PROPOSED PLAN.

McCracken: SO ABOUT 30 MINUTES TOTAL?

Mayor Wynn: I THINK WE CAN MANAGE THIS IN A REASONABLE TIME FRAME BECAUSE I ALSO THINK THAT A LOT OF INFORMATION WILL COME FORWARD PRETTY QUICKLY, PARTICULARLY AS I COMMENT ON WHAT WILL BE MY ACTION AS THE BCCP CHAIR NEXT MONTH. WELCOME MR. CONRAD.

THANK YOU, MAYOR. I'M WILLIE CONRAD. COULD I ASK THE GENTLEMEN HERE TO BRING UP MY POWERPOINT?

Mayor Wynn: THANK YOU, MATT.

THANK YOU. MAYOR AND COUNCILMEMBERS, I'M HERE TONIGHT TO TALK TO YOU ABOUT THE REVISED -- THE DRAFT REVISED LAND MANAGEMENT PLANS FOR BCP. I'D LIKE TO START OUT WITH A LITTLE BIT OF THE HISTORY FOR THE BALCONES CANYON LAND PRESERVES AND WALK YOU THROUGH THE PLANS. I'M GOING TO BE BRIEF THROUGH THE SLIDES. I DO NOT TO START OUT WITH THIS. THE BCP PRESERVE SYSTEM IS TO BE MANAGED TO PERMANENTLY CONSERVE AND FACILITATE RECOVERY OF THE POPULATIONS OF TARGETED AND ENDANGERED SPECIES INHABITING TRAVIS COUNTY. THIS PRIORITY OBJECTIVE WILL

GOVERN PRESERVE MANAGEMENT ACTIVITIES TO PRESERVE TARGET SPECIES HABITAT WHILE PROTECTING PRESERVES AGAINST DEGRADATION OF SURROUNDING LANDS AND INCREASED DEMAND FOR RECREATION USAGE WITHIN PRESERVE LANDS. THIS IS FROM THE HABITAT CONSERVATION PLAN AUTHORIZED BY OUR FEDERAL PERSONALITY. I WOULD LIKE TO YOU KEEP IN MIND THAT BCP WAS CREATED TO MITIGATE HABITAT THAT WAS DESTROYED THROUGH TRAVIS COUNTY FOR DEVELOPMENT. FOR EVERY ACRE DEDICATED TO BCP, MORE THAN AN ACRE HAS BEEN PRESERVED OUTSIDE THE PRESERVE BOUNDARY IN AUSTIN AND TRAVIS COUNTY. THE BALCONES CANYON LAND CONSERVATION SPLANT FIRST REGIONAL MULTISPECIES CONSERVATION PLAN IN THE COUNTRY. IT WAS APPROVED IN MAY OF 1996. THE BCP'S EXISTS TO BALANCE OUR COMMUNITY'S NEEDS FOR ECONOMIC DEVELOPMENT AND GROWTH WITH PROTECTION OF OUR UNIQUE AND IRRELEVANT REPLACEABLE NATIVE WILDLIFE. JUST KEEP IN MIND THAT WE USE BCP TO MITIGATE FOR HABITAT LOSS THROUGH OUR PUBLIC SERVICE INFRASTRUCTURE PROJECTS IN WEST AUSTIN AND WESTERN TRAVIS COUNTY T ALSO PROVIDES OPPORTUNITIES FOR PRIVATE LANDOWNERS TO MITIGATE THEIR RESPONSIBILITIES UNDER THE ENDANGERED SPECIES FACT. THESE PROVISIONS ARE MEANT TO FOSTER ECONOMIC DEVELOPMENT IN OUR COMMUNITY WHILE ASSURING THAT HABITAT FOR ENDANGERED SPECIES IS PERPETUALLY PROTECTED. THE BCP WAS ORIGINALLY ENVISIONED TO BE 30,428 ACRES WITH 70 CAVES CORRECT PROTECTED. TODAY WE HAVE 27,916 ACRES IN THE PRRCHS AND 44 PROTECTED CAVES AND KARST FEATURES. KEEP IN MIND THAT BCP ORIGINALLY ENVISIONED 150,000 ACHE FOARZ..... ACRES FOR PRESERVES WHEN IT WAS FIRST CONTEMPLATED. THAT WAS REDUCED TO 70,000 ACRES BECAUSE OF FINANCIAL AND SOCIAL CONSTRAINTS. TODAY THE CITY AND COUNTY WITH LCRA AND OTHER PRIVATE LANDOWNER PARTICIPANTS PROVIDE 30,000 ACRES FOR BCP, EXAMINE 30,000 ACRES, WHILE THE NATIONAL WILDLIFE REFUGE IS COMMITTED TO TED TO PROVIDING OVER 40,000 ACRES. AS YOU CAN SEE BY THESE NUMBERS, WE STILL HAVEN'T REACHED THAT COMINLT YET. THE FIRST LAND MANAGEMENT PLAN WAS DEVELOPED IN 1999. IT HAD

CONTRIBUTIONS FROM OUR PARTNERS AS WELL AS FISH AND WILDLIFE SERVICE. IN THAT PLAN WERE THE PLANS AND GUIDELINES, THE GUIDELINES ESTABLISHED THE MINIMUM STANDARDS THAT WERE REQUIRED TO MEET FOR LAND MANAGEMENT. WE BEGAN WORK ON OUR NEW LAND MANAGEMENT PLAN IN AUGUST OF 2004. THE BCP PARTNERS WERE REVISED AND UPDATED THE ENTIRE DOCUMENT AND IT'S MEANT TO BE A LIVING DOCUMENT THAT IS REGULARLY UPDATED. WE'RE REQUIRED TO UPDATE A MINIMUM OF ONCE EVERY FIVE YEARS. WE'VE BEEN ASKED BY FOLKS TO PROVIDE RED LINE OR TO PROVIDE COPIES OF THE DOCUMENT, BUT WHEN WE'VE TRIED TO DO THAT, WE FOUND THAT WE CREATED AN I WILL ILLEGIBLE DOCUMENT. THE PLAN IS ROUGHLY ONE THOUSAND PAGES LONG. WE'VE DONE 12 DRAFTS OF IT, AND TRACT CHANGES ARE JUST IMPOSSIBLE TO READ. I'LL TALK TO YOU A LITTLE BIT ABOUT THE BCP LAND MANAGEMENT TIME LINE. AGAIN, WE BEGAN IN AUGUST OF 2004. THE FIRST 15 MONTHS OF OUR PROJECT WE INCORPORATED COMMENTS, NEW BEST MANAGEMENT PRACTICES, AND DOCUMENTS LANDS THAT HAVE BEEN ADDED TO THE PRESERVES. WE PRESENTED THIS PLAN TO THE CITIZENS ADVISORY COMMITTEE AND THE SCIENTIFIC ADVISORY COMMITTEE IN NOVEMBER OF 2005. ONCE WE PRESENTED IT TO THOSE FOLKS, IT REALLY INITIATED A LONG PUBLIC REVIEW AND COMMENT PROCESS. SINCE WE FIRST PRESENTED IT, THERE HAVE BEEN TODAY MORE THAN 40 MEETINGS WHERE THE LAND MANAGEMENT PLAN WAS THE TOPIC ON THE AGENDA FOR OUR COORDINATING COMMITTEE OR THE TWO ADVISORY COMMITTEES. AT EACH OF THESE -- AT EACH OF THESE MEETINGS CITIZEN COMMUNICATION WERE RECORDED AND INCORPORATED INTO THE RECORD. IN NOVEMBER 2005 WHEN THE DOCUMENT WAS DELIVERED TO THE ADVISORY COMMITTEE, THE CITIZEN'S ADVISORY COMMITTEE CREATE ADD WEBSITE WHERE THE ENTIRE PLAN BE WAS POSTED AND THIS WEBSITE ALSO PROVIDED THE OPPORTUNITY FOR FOLKS TO SUBMIT THEIR COMMENTS TO PLANT ELECTRONICALLY TO THE COORDINATING COMMITTEE, THE CITIZEN ADVISORY COMMITTEE AND STAFF. WHEN WE DID -- ADDITIONALLY, THE CITIZEN ADVISORY COMMITTEE HOSTED TWO PUBLIC HEARINGS IN THE COURSE OF A FOUR MONTH REVIEW PERIOD AT THAT TIME. WE PLACED COPIES OF THE PLANS

ALSO HARD COPIES IN THE LIBRARY AND THE HISTORY CENTER AND ALSO LOCAL COFFEE SHOPS. IN THE ADVISORY COMMITTEE REVIEW PROCESS, WE -- AGAIN, THE TWO ADVISORY COMMITTEES CONVENED OVER A NINE-MONTH PERIOD TO DEVELOP THEIR RECOMMENDATIONS AND REVIEW AND DISCUSS THE PLAN. THESE HAPPENED INDEPENDENTLY FOR EACH COMMITTEE, BUT THEY ALSO HAD A JOINT MEETING DURING THAT TIME. AGAIN, THEY HAD FULL ACCESS TO ALL THE PUBLIC COMMENTS DURING THE REVIEW PERIOD. THE SCIENTIFIC ADVISORY COMMITTEE HAD INVITED COMMENTS FROM RESEARCHERS AND OTHERS. THEY BOTH PRESENTED THEIR RECOMMENDATIONS TO THE COORDINATING COMMITTEE IN JULY OF 2006. IT'S INTERESTING TO NOTE THAT AS PART OF THAT PROCESS, THE CITIZENS ADVISORY COMMITTEE RECOMMENDATION HAD NINE COMPONENTS. TODAY FOUR OF THOSE WERE INCORPORATED INTO THE REVISED DRAFT THAT'S AVAILABLE TODAY. TWO OF THOSE ARE ALREADY BEING OPERATIONALLY IMPLEMENTED ON THE CITY'S BCP PROPERTY. THREE WERE NOT ADDRESSED BECAUSE THEY REQUIRED PERMIT AMENDMENTS BECAUSE THEY REQUIRED SPECIFIC BUDGET ACTIONS THAT ARE NOT PART OF THE LAND MANAGEMENT PLANNING PROCESS OR THEY REQUIRED ACTIONS ON NON-BCP PROPERTY. THE SCIENTIFIC ADVISORY COMMITTEE HAD 10 COMPONENTS IN THEIR RECOMMENDATIONS. SIX OF THOSE WERE INCORPORATED IN INTO THE REVISED DRAFTS. FOUR WERE NOT BECAUSE THEY WERE ALREADY IN PLACE FROM THE 1999 ADDITION. ONE OF THEM WAS NOT INCORPORATED BECAUSE IT DIDN'T SUPPORT OUR EXISTING NEEDS. THAT ONE BASICALLY ADVISED US THAT WE SHOULDN'T CONSIDER SCIENTIFIC RESEARCH ON RECREATION ACCESS AS A PRIORITY OVER OTHER RESEARCH. AND BECAUSE WE HAVE MORE THAN 25 PERCENT OF OUR PRESERVES THAT ARE ALREADY ACCOMMODATE PUBLIC ACCESS, WE DIDN'T FEEL LIKE THAT SUPPORTED OUR RESPONSIBILITIES UNDER OUR FEDERAL PERMIT. THE LAND MANAGEMENT PLAN WORKING GROUP IS A COLLABORATIVE GROUP OF REPRESENTATIVES FROM BCP PARTNERS. WE REVIEWED THE PUBLIC COMMENTS AND THE COMMENTS WE RECEIVED FROM THE ADVISORY COMMITTEES AND MADE SOME DECISIONS ABOUT WHERE THEY FIT IN WITH THE WRITTEN POLICY FOR BCP.

AND JUST AS A SIDE NOTE, I'D LIKE TO REMIND YOU THAT WE HAVE FOUR WRITTEN POLICY DOCUMENTS THAT GUIDE OUR ACTION ON BCP, THE FEDERAL PERMIT, THE LIE LONG KEL OPINION, WHICH IS THE JUSTIFICATION THAT FISH AND WILDLIFE MADE TO ISSUE THE FEDERAL PERMIT. THE FINAL ENVIRONMENTAL IMPACT STATEMENT AND HABITAT CONSERVATION PLAN AND THE INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND THE CITY OF AUSTIN. ONCE WE INCORPORATED THE CHANGES INTO THE PLAN, WE ALSO REVIEWED THEM TO MAKE SURE THEY FIT THE TERMS AND CONDITIONS OF THE PLAN. IT'S IMPORTANT TO NOTE THAT BEFORE BCP WAS FIRST AUTHORIZED UNDER THE PERMIT AND HABITAT CONSERVATION PLAN, WE HAD LAND DEDICATED TO THE PRESERVES ALREADY FROM 1992 BOND ELECTIONS. AND WE WERE INSTRUCTED TO MANAGE THOSE ACCORDING TO WRITTEN GUIDELINES. THEY WERE PROVIDED TO US BY U.S. FISH AND WILDLIFE SERVICE. THOSE ARE STILL IN OUR PLANS TODAY THAT ARE DESCRIBED AS PLANS AND GUIDELINES. THEY ARE BASICALLY THE SPECIFICS ABOUT WHAT IS AND IS NOT ALLOWED TO HAPPEN ON BCP PROPERTY AND TO CHANGE THOSE WOULD REQUIRE A PERMIT AMENDMENT. I'D ALSO LIKE TO NOTE THAT WE'VE BEEN CRITICIZED BECAUSE BCCP HAD NEVER CONSIDERED PUBLIC ACCESS. I WASN'T INVOLVED IN THE EARLY DAYS OF BCP, BUT IF YOU LOOK BACK AT THE RECORD, THE FIRST SLIDE I READ YOU TODAY DISCUSSED THE CONCERNS ABOUT PUBLIC ACCESS ON BCP. THE GUIDELINE SECTION OF OUR HABITAT CONSERVATION PLAN HAS FIVE PAGES THAT DEAL SPECIFICALLY WITH PUBLIC ACCESS. AND THE ENVIRONMENTAL CONSEQUENCES DESCRIBE WHAT IS EXPECTED TO HAPPEN TO RECREATIONAL RESOURCES. SO IT'S CLEAR THAT THERE WAS QUITE A BIT OF CONSIDERATION GIVEN PUBLIC ACCESS WHEN BCP WAS FIRST -- WHEN BCP WAS FIRST CONCEIVED.

> THE LAND MANAGEMENT PLAN TODAY, I DIDN'T GIVE EACH OF YOU A COPY. IT'S A THOUSAND PAGES AND I FIGURE I MIGHT SAVE YOU A LITTLE BACKACHE FROM CARRYING IT AROUND, BUT IT IS ON THE WEBSITE THAT IS SPONSORED BY THE CITIZENS ADVISORY COMMITTEE. AND WE HAVE COPIES IN THE LIBRARY AND THE HISTORY CENTER. JUST TO

MENTION IN GENERALITIES ABOUT CHANGES IN THE PLAN FROM 1999, IT INCORPORATES COMMENCE FROM FISH AND WILDLIFE SERVICE ON THE ORIGINAL LAND MANAGEMENT PLAN. THESE WERE GENERALLY CLARIFICATIONS OF REGULATORY INFORMATION OR CLARIFICATIONS OF REGULATORY EXPECTATIONS. IT ALSO ADDRESSES NEW BUY LONG KEL AND ECOLOGICAL DATA RESULTING FROM SCIENTIFIC RESEARCH EITHER ON THE PRESERVES OR OFF THE PRESERVES AS WELL AS OUR PRACTICAL EXPERIENCE ON MANAGING THE LANDS. IT ALSO INCLUDES NEW INFORMATION PROVIDED BY SCIENTISTS AND PEER REVIEWED PUBLICATIONS. WE DID QUITE A BIT OF RESEARCH TO SEE WHAT WE NEEDED TO ADJUST OUR PLANS WITH. AS THE MAYOR MENTIONED, THE PUBLIC ACCESS CHAPTER IS PROBABLY THE MOST CONTROVERSIAL PART OF THE LAND MANAGEMENT PLAN TO DATE. I THINK IT'S IMPORTANT TO REALIZE WHERE PUBLIC ACCESS IS ON BCP TODAY. THE CITY OF AUSTIN AND TRAVIS COUNTY CURRENTLY MANAGE OVER TWO-THIRDS OF ALL THE LANDS THAT MAKE UP BCP AND WE'VE ALWAYS MANAGED PORTIONS OF THE PRESERVE FOR YEAR-ROUND MANAGED PUBLIC ACCESS. 25% OF THE BCP IS AVAILABLE FOR UNRESTRICTED ACCESS ON SITES THAT ARE JOINTLY MANAGED BY THE BCP PROGRAM AND THE PARK AND RECREATION DEPARTMENT. IT INCLUDES OVER 30 MILES OF PUBLIC ACCESS TRAILS ON THOSE TRACTS. IN SOME OF THE CRITICISM, WE'VE BEEN CRITICIZED FOR NO ACCESS AND I GUESS THAT'S THE FIRST EXAMPLE I WOULD LIKE TO OFFER. ONE OF THE CRITICISMS WE'VE ALSO HEARD IS THAT THE FISH AND WILDLIFE SERVICE AUTHORIZE ACCESS ON THE NATIONAL WILDLIFE REFUGE. WHY CAN'T WE EMULATE THEM? AND I GUESS I'D LIKE TO POINT OUT THAT AGAIN ON OUR PRESERVES ON CURRENT NEARLY 28,000 ACRES THAT'S MANAGED FOR BCP, THERE ARE 30 MILES OF TRAILS. CONVERSELY ON THE NATIONAL WILDLIFE REFUGE, THEY MANAGE 22,000 ACRES CURRENTLY AND THEY HAVE 7.4 MILES OF TRAILS. ON THE 30-MILE TRAILS ON THE CITY PROPERTY, IT'S THE SAME UNENCUMBERED PUBLIC ACCESS AS IT BE EXPERIENCE ODD ANY OF THE PARKLAND SITES. WITH RESPECT TO THE NATIONAL WILDLIFE REFUGE, THE PUBLIC ACCESS ON TRAILS IS LIMITED SOLELY TO HIKING, NO BICYCLES OR MOTORIZED ACTIVITIES. AND NATURE

CONTEMPLATION. VERY RESTRICTED ACTIVITIES. IF YOU LOOK AT IT FROM A BROADER PERSPECTIVE OF RECREATION DENSITY, THERE'S ABOUT A THIRD AFTER MILE OF TRAIL FOR EVERY SQUARE MILE OF BCP ON THE BCP PROPERTY. AND THERE'S ABOUT A FIFTH OF A MILE OF TRAIL FOR EVERY SQUARE MILE OF NATIONAL WILDLIFE REFUGE. WE HAVE SEVEN TRACTS OR CONGESTION TRACTS, THESE DUAL MANAGED PROPERTIES. BARTON CREEK GREENBELT, WILDERNESS PARK, THE BULL CREEK GREENBELT AND DISTRICT PARK, COMMONS FORD PARK, EMMA LONG METRO PARK, MOUNT BONNELL, ST. EDWARD'S PARK AND THE SPICEWOOD SPRINGS PARK AND BARREL PRESERVE. BCP HAS ALWAYS ENDEAVORED TO PROVIDE PRESERVE APPROPRIATE PUBLIC ACCESS IN A MANNER CONSISTENT WITH THE TERMS OF THE PERMIT. THE PERMIT AND THE HABITAT CONSERVATION PLAN DESCRIBE THESE AS PASSIVE RECREATION. THAT'S ALSO THE LANGUAGE THAT'S USED IN THE 1992 BOND ISSUE. TO DATE NO PUBLICLY DEDICATED TRAIL WITHIN THE BCP HAS EVER BEEN CLOSED THERE. HAS BEEN SOME TRAILS CLOSE ODD LAND THAT WAS CLOSED BEFORE IT WAS BCP WHERE THERE WAS UNAUTHORIZED PUBLIC ACCESS OCCURRING THERE AND WE HAVE CLOSED SOME OF THOSE TRAILS. THIS PERMIT ASKED THEM TO GO THROUGH AN EDUCATIONAL PROCESS, VISIT A WEBSITE AND THEN TAKE A FIELD TRIP WITH OUR STAFF SO THAT WE CAN ASSURE THAT WE'VE GOT EDUCATED USERS ABOUT THE SENSITIVITY OF THAT PROPERTY WHEN THEY'RE ON THE PROPERTY DURING THE NESTING SEASON. I HAD SOME BULLETS HERE ABOUT THE LECTURE SERIES AND OTHERS, BUT I THINK I WOULD LIKE TO MOVE TO DATA ABOUT THE PASSIVE PUBLIC RECREATION THAT HAPPENS ON OUR PRESERVES. WE HAVE STRUCTURED ACCESS THAT REVOLVES AROUND GUIDED INTERPRETIVE HIKES AS WELL AS VOLUNTARY ACTIVITIES. IN THE FOUR YEARS SINCE 2004, INCLUDING 2004, WE'VE HAD 220 PASSIVE RECREATION EVENTS ON BCP. THAT'S MORE THAN ONE A WEEK. I'D LIKE TO MENTION THAT THOSE 220 EVENTS WERE ACCOMMODATED BY CITY BCP STAFF THAT WORK A 40 HOUR WEEK AND THEN DO THIS TO O. THE WEEKENDS. TODAY WE'VE TRAINED 19 VOLUNTEER DOCENTS WHO WILL LEAD AT LEAST 24 MORE INTERPRET ACTIVE ACTIVITIES ON THE TRAIL. THE FIRST ONE WILL BE

NOVEMBER 17TH ON THE CORTANA TRACT. THIS IS ABOVE AND BEYOND WHAT WE WILL CONTINUE TO DO WITH STAFF. ADDITIONALLY WE ARE PREPARING TO CONDUCT A TRAINING FOR VOLUNTEER PRESERVE STEWARDS. THESE ARE VOLUNTEERS THAT WE'RE TRAINING TO LEAD VOLUNTEER ACTIVITIES, SEED COLLECTION, PLANT SEEDING, PLANT RESCUE AND THINGS LIKE THAT. AND AGAIN, THAT WILL -- THAT WILL LEVERAGE OUR ABILITY TO GET MORE PEOPLE IN THE PRESERVES IN THESE STRUCTURED ACTIVITIES AS CONTEMPLATED IN OUR HABITAT CONSERVATION PLAN. AT THIS POINT I WOULD LIKE TO TAKE A MOMENT AND TALK ABOUT TURKEY CREEK. IT'S A CONTROVERSIAL SUBJECT, AS THE MAYOR MENTIONED, THERE ARE A LOT OF PEOPLE HERE TO TALK ABOUT IT TODAY. ON NOVEMBER 6TH, THE COUNCILMEMBERS WERE SENT A MEMO FROM ASSISTANT CITY MANAGER GARZA AND DARRELL SLUSHER, MY ASSISTANT DIRECTOR, TALKING ABOUT TURKEY CREEK AND THE PROCESS WE WENT THROUGH FOR OVER A YEAR TO TRY TO COME THROUGH CONSENSUS ABOUT HOW THE TRACT COULD BE MANAGED. AS YOU WELL UNDERSTAND THAT CONSENSUS PROCESS FAILED TO REACH A COMMON CONCLUSION. SINCE THEN WE'VE MADE A PROPOSAL TO PARD AND ALSO TO YOU ON AN APPROACHED TAKE ON THAT. THAT'S NEVER BEEN ENFORCED. AND AT THIS POINT IN TIME WE DON'T INTEND TO ENFORCE THAT LANGUAGE, BUT WE HAVE PROPOSED THAT WE INSTALL SIGNAGE AT THE TRAIL END AND SIGNAGE ALONG THE TRAIL THAT INFORMS CITIZENS ABOUT THE SENSITIVE NATURE OF THE PROPERTY. AND WE ALSO WANT TO STRESS THE SAME MESSAGE ON ANY PUBLICATIONS THAT GO OUT ABOUT EMMA LONG PARK AND TURKEY CREEK TRAIL AND PARTICULARLY CONDUCT OUTREACH ACTIVITIES TO USERS OF THE TRAIL TO SEE IF THAT WILL IMPROVE CONDITIONS ON THE TRAIL ITSELF. WE INTEND TO MONITOR THAT FOR THE NEXT YEAR AND SEE IF THAT IMPROVES. IF IT DOES, WE WILL CONTINUE WITH IT. IF IT DOESN'T, THEN IT WILL BE TIME FOR US TO MEET WITH THE PARKS DEPARTMENT AND TALK ABOUT OTHER STRATEGIES. WE CURRENTLY HAVE A TEAM IN PLACE THAT'S DEVELOPING A SIGNAGE AND OUTREACH PLAN AND WE ALSO HAVE A TEAM IN PLACE THAT IS DEVELOPING A MONITORING PLAN FOR THIS PROCESS AND WE EXPECT TO HAVE THAT IN PLACE BY

THE FIRST OF THE YEAR. SO JUST A BRIEF NOTE ABOUT WHERE WE'RE GOING WITH TURKEY CREEK TRAIL BECAUSE I'M CERTAIN YOU WILL HEAR MORE ABOUT IT TONIGHT. FINALLY, I WANT TO TALK A LITTLE BIT ABOUT THE PUBLIC ACCESS PROCESS THAT WAS DEVELOPED IN THE NEW 2007 REVISED PLANS. SO PART OF OUR ENDEAVOR IN DEVELOPING THE NEW LAND MANAGEMENT PLANS WAS TO PROVIDE A WAY FOR PEOPLE TO PROPOSE PUBLIC STACY ACCESS ON OUR PRESERVES. BUT AGAIN WE FEEL CONFIDENT THAT THE POLICY GUIDANCE TELLS THAWS IT NEEDS TO BE STRUCTURED AND MANAGED, MONITORED AND MITIGATED PUBLIC ACCESS, PASSIVE PUBLIC ACCESS. SO WE DEVELOPED A PROCESS THAT ENCOURAGES PEOPLE TO WORK WITH US TO FIND A WAY TOWARDS THIS STRUCTURED TYPE OF ACCESS. THIS APPLIES NOT ONLY TO THE CITY AND COUNTY LANDS, LCRA AND THE PRIVATE MITIGATION PARTICIPANTS ARE NOT PARTICIPATING IN THIS. WE'VE HAD FOLKS SPEAK TO NUS DIFFERENT BCCP MEETINGS ABOUT THE SIGNIFICANCE OF TAPE, BUT I NEED TO REMIND YOU TO KEEP IN MIND THAT OUR FEDERAL PERMIT DOES NOT AUTHORIZE TAKE. UNDER THE ENDANGERED CEASE SPEES ACT, IT IS DESCRIBED AS ARM, HARASS OR ILL WILL HARM BEING DESCRIBED AS ACTIVITIES THAT COULD AFFECT HABITAT, THAT WOULD AFFECT THE MATING AND REPRODUCTIVE BEHAVIOR OF THE SPECIES IN QUESTION. SO AS YOU HEAR DISCUSSIONS ABOUT INSIGNIFICANT TAKE, KEEP IN MIND THAT OUR PERMIT DOESN'T ALLOW ANY TAKE WITHIN THE PRESERVES. THE SIGNIFICANT TAKE THAT'S OCCURRED IS THE 70% OF THE HABITAT HOUSE THE PRESERVE AREA THAT WAS ALLOWED TO BE DESTROYED BECAUSE WE AGREED TO MITIGATE THIS 30,428 ACRES. CONDITION P OF OUR FEDERAL PERMIT REQUIRES US TO ASSURE THAT ALL ADVERSE HUMAN EFFECTS ON PRESERVE LAND BE AVOIDED OR MITIGATED. ADDITIONAL TAKE ON THE PRESERVE TO SERVE TO DIMINISH THE QUALITY AND MITIGATION THAT WE'RE PROVIDING THROUGH OUR PERMIT. IT COULD TRIGGER A REQUIREMENT TO RENEGOTIATE OUR PERMIT. THAT REQUIREMENT COULD SHUT DOWN THE AUTHORIZED TAKE IN THE COMMUNITY, ESPECIALLY ACTIONS LIKE SELLING MITIGATION TO PRIVATE LANDOWNERS THROUGH OUR PARTICIPATION CERTIFICATE PROGRAM. THIS COULD HAVE FAR REACHING ECONOMIC

EFFECTS FOR OUR COMMUNITY. AS I DISCUSS THIS PROPOSAL, I'M SURE YOU'RE AWARE, I'M AWARE THAT THERE HAVE BEEN CONCERNS THAT THE PROPOSAL IS TOO ONEROUS. ONE OF THE CONCERNS WE'VE HEARD IS THAT THIS ACCESS PROPOSAL IS SO ONEROUS BECAUSE WE EXPECT TO HAVE FISH REVIEW THESE PROPOSALS BEFORE WE IMPLEMENT THEM. THE DISCUSSION I'VE HEARD IS THAT WE ALLOWED DEVELOPERS TO RUN RAMPANT AND DESTROY HABITAT, BUT WE WON'T LET RECREATION PEOPLE HAVE AN ACCESS TO THE PRCH WITHOUT GOING THROUGH PUNISH FIRST. -- WITHOUT GOING THROUGH FISH PERCENT. BUT I'D LIKE TO REMIND THAW THE DEVELOPMENT YOU HEAR DISCUSS SHERIFF'S DEPARTMENT OUTSIDE THE PRESERVE BOUNDARY AND EACH OF THE DEVELOPERS IS REQUIRED TO PROVIDE MITIGATION THAT COUNTS TOWARDS BCP BEFORE THEY CAN DESTROY THAT HABITAT THROUGH EITHER THEIR OWN SECTION 10 PERMIT UNDER THE ENDANGERED SPECIES ACT OR THROUGH BUYING MITIGATION FROM OUR PRESERVE SYSTEM. CONVERSELY, ANY TAKE THAT HAPPENS ON ACCESS IS INSIDE THE PRESERVE BOUNDARY WHERE TAKE IS NOT AUTHORIZED AND AGAIN IT DIMINISHES OUR MITIGATION. THE NEXT STEPS, SOME OF THESE ARE A LITTLE OLD. WE PROVIDED THE PLAN TO THE COORDINATING COMMITTEE ON AUGUST 15TH AND AS SECRETARY I CERTIFIED IT AS COMPLIANT WITH THE TERMS AND CONDITIONS OF THE FEDERAL PERMIT. THERE WAS A HEARING AT A COORDINATING COMMITTEE MEETING OCTOBER 24TH. THERE'S ANOTHER ONE NOVEMBER 15TH. THE PUBLIC HEARING TODAY AND THEN TRAVIS COUNTY HELD ONE THIS PAST TUESDAY. THIS WILL GO TO THE COORDINATING COMMITTEE FOR THEIR FINAL ACTION AND FISH AND WILDLIFE SERVICES FOR FINAL APPROVAL. I HOPE I GOT THROUGH THAT QUICK ENOUGH FOR YOU AND I'M OPEN FOR QUESTIONS.

Mayor Wynn: IT'S IMPORTANT THAT EVERYBODY HEARS AS MUCH OF THAT AS POSSIBLE. THANK YOU. QUESTIONS FOR STAFF, COUNCIL? COMMENCE? THEN WHAT I'D LIKE TO DO IS BEFORE I CALL UP OUR CITIZENS WHO WOULD LIKE TO GIVE US TESTIMONY, BE I WOULD JUST LIKE TO TALK BRIEFLY ABOUT MY PERSPECTIVE. SO I'VE BEEN SERVING AS CHAIR OF THE BCCP COORDINATING COMMITTEE NOW SINCE

ABOUT 2002 OR SO. FUNDAMENTALLY PUBLIC ACCESS ON THAT PUBLICLY PURCHASED PROPERTY HAS BEEN THE MOST CONTROVERSIAL AND COMMON ISSUE BEFORE US. AT THE APPROPRIATE BCCP COORDINATING COMMITTEE, LIKELY NOVEMBER 15TH, BUT WE VERY WELL MAY END UP DELAYING THAT ACTION, I WILL BE PROPOSING TO MY COLLEAGUE ON THE COMMITTEE, COUNTY COMMISSIONER DAUGHERTY, THE FOLLOWING ADDENDUM BE ADDED TO THE PRESERVE LAND MANAGEMENT PLAN WITH MY CONCEPT AND THOUGHT BEING THAT WITH ALL DREW RESPECT TO THE HISTORY OF THE MANAGEMENT OF THE BCCP THAT ESSENTIALLY THE COORDINATING COMMITTEE, IN THIS CASE COMMISSIONER DAUGHERTY AND MYSELF, REPRESENT THE PUBLIC AND IN THAT SENSE REPRESENT THE OWNERSHIP AND THE CONSENT OF THE DUAL EXISTENCE OF PUBLIC ACCESS AND SPECIES HABITAT. WHEREAS OUR PARTNER AGENCY, ULTIMATELY THE CONTROLLING AUTHORITY, BEING THE U.S. FISH AND WHILE LIFE SERVICE, WHO SITS ON THE COMMITTEE, BUT DOESN'T VOTE, FUNDAMENTALLY THEY THEN APPROVE BASED ON THEIR ROLE AS GIVEN TO THEM BY THE FEDERAL GOVERNMENT. AND SO I SEE IT AS FRANKLY MY ROLE AND I BELIEVE THE COMMISSIONER AGREES WITH THIS CONCEPT THAT WE PUSH AND TRY TO GET AS MUCH AS WE CAN FOR OUR OWNERS. THAT IS THE CITIZENS OF TRAVIS COUNTY AND THE CITY OF AUSTIN WITH REGARDS TO PUBLIC ACCESS, RECOGNIZING THE U.S. FISH AND WHILE LIFE SERVICE IS THE CONTROLLING AUTHORITY AND VERY WELL MAY FROM THEIR SCIENTIFIC PERSPECTIVE PUSH BACK AND ULTIMATELY TAKE SOME OF THAT BACK. BUT I WILL BE PROPOSING THAT WE HAVE AN ADDENDUM, AN UPDATED BCCP LMP. NUMBER ONE, THE PUBLIC ACCESS TRAILS CONSISTENT WITH THE BALCONES CANYON LAND PRESERVE PERMIT SHALL BE PERMITTED THROUGHOUT THE PRESERVE LAND. AND THAT THESE TRAILS SHALL BE IMPLEMENTED USING THE STANDARDS FOR TRAIL DESIGN, PERSONALITYING, CONSTRUCTION, OPERATION AND MAINTENANCE ESTABLISHED BY THE CITY OF AUSTIN WATER UTILITY WET LANDS WILD LANDS DIVISION AND CREATING THE TRAILS THAT ARE CURRENTLY BEING PROPOSED AND THOUGHT THROUGH ON THE CITY OF AUSTIN'S WATER QUALITY PROTECTION LAND. AND THEN ANY CONFLICTS BETWEEN THIS ADDENDUM AND THE REST OF THE BCCP LMP

SHALL BE INTERPRETED IN FAVOR OF THIS RESOLUTION,
AND THAT IS THE CONCEPT OF PUBLIC ACCESS CONSISTENT
WITH VERY STRICT STANDARDS THAT WE HAVE COME UP
WITH LONG AND HARD ON OUR WATER QUALITY
PROTECTION LAND. MY INSTINCT IS THAT THE
COMMISSIONER VERY WELL MAY AGREE WITH THAT OR GO
FURTHER OR MAY NOT GO QUITE THAT FAR, BUT IT WILL BE
SOMETHING IN THAT REGARD. WE WILL -- IF THERE'S
APPROPRIATE VOTE ON THE BCCP COORDINATING
COMMITTEE, WE WILL PRESENT THAT ULTIMATELY THROUGH
OUR STAFF TO THE U.S. FISH AND WILDLIFE SERVICE AND OF
COURSE WE'LL LOOK FORWARD TO THEIR RESPONSE. SO I
THINK IT IS TIME -- [APPLAUSE] I THINK IT'S TIME FOR US TO
ATTEMPT A DIFFERENT PERSPECTIVE AS IT COMES TO THE
PRESERVE BECAUSE WE -- I WOULDN'T PRESENT IT IF I
DIDN'T BELIEVE THAT WE STILL HAVE THE ABILITY TO
SATISFY WHAT THE FUNDAMENTAL BASIS OF THE
MULTISPECIES, MULTITRACT CONSERVATION PRESERVE,
AND THAT IS THE CONTINUED SURVIVAL OF THOSE SPECIES.
SO HAVING SAID THAT, WHAT I'D LIKE TO DO IS WE HAVE A
BUNCH OF FOLKS HAVE SIGNED UP, MOST OF THEM, BLESS
THEIR HEARTS, NOT WISH TO GO SPEAK. [LAUGHTER] BUT
VIRTUALLY ALL SIGNED UP -- IF IT'S NOT OBVIOUS, I BELIEVE
IT WAS CLEAR ENOUGH THAT FOLK ARE SIGNING UP
AGAINST, THAT IS, THEIR GINS THE TECHNICAL -- THEY'RE
AGAINST THE TECHNICAL ASPECTS OF THE PLAN, 117 FOLKS
IN OPPOSITION, 12 PEOPLE IN FAVOR. AND MUCH OF THE
OPPOSITION FRANKLY HAS BEEN ABOUT THE
TECHNICALITIES OF THE TURKEY CREEK STRATEGY. SO
WHAT I'D LIKE TO TO DO IS ASK THE FEW FOLKS WHO
SIGNED UP IN FAVOR, I WILL LIKE TO CALL ON THEM AND
HEAR THEIR TESTIMONY, INCLUDING SEVERAL ESTEEMED
COLLEAGUES OF OURS, AND THEN THE FOLKS WHO ARE IN
OPPOSITION TO THE CURRENT PROPOSAL WITH REGARDS
TO TURKEY CREEK HAVE AGREED TO A SEQUENCE AND IT'S
ONLY ABOUT 20, 22 OR 23 MINUTES WORTH OF TESTIMONY.
AND I THINK WITH THAT TESTIMONY THE VAST MAJORITY OF
COMMENTS WILL BE GIVEN TO US. AND OF COURSE FOLKS
WILL STILL BE ABLE TO GIVE US ADDITIONAL COMMENTS AS
THEY BELIEVE THAT THEIR PERSPECTIVE HASN'T BEEN
HEARD. WITHOUT OBJECTION, COUNCIL, WE'LL GO INTO OUR
TESTIMONY. [ONE MOMENT, PLEASE, FOR CHANGE IN

CAPTIONERS] INDIVIDUALS DEMANDING INCREASED ACCESS HAVE STATED IF AN EFFECT ON POPULATION CANNOT BE MEASURED WITH STATISTICAL SIGNIFICANCE IT IS NOT SIGNIFICANT. THIS IS NOT LIKELY TRUE FOR THE B.C.P. OR MANY OTHER ECOLOGICAL PHENOMENON THAT MANY OF US ARE AWARE OF. STATISTICAL SIGNIFICANCE, DOES NOT MEAN NO EFFECT. IT MAY MEAN WE COULD CO-EXIST, BUT THAT WE DON'T HAVE ENOUGH DATA AND HASN'T BEEN ANALYZED IN THE PROPER WAY. HOW WE MEASURE POPULATION HEALTH IS ALSO VERY IMPORTANT. MOST OF THE INFORMATION THAT WE HAVE COMES FROM STRAIGHT POPULATION ESTIMATES, POPULATION COUNTS. THESE ARE IMPORTANT, BUT WHEN THE B.C.P. STANDS AS THE 30% OF HABITAT THAT REMAINS AFTER 70% OF THE HABITAT AROUND IT HAS BEEN DESTROYED, OF COURSE POPULATIONS ARE GOING TO INCREASE. THE CONCERN IS THAT POPULATIONS NOW ARE HIGHER THAN HAVE EVER BEEN KNOWN BEFORE THE B.C.P. WAS SET UP. THIS IS A PROBLEM BECAUSE WE DON'T KNOW WHAT THESE HIGH POPULATIONS WILL ACTUALLY DO TO NESTING SUCCESS. TO THE NEXT GENERATION OF BIRDS. YES, WE HAVE A LOT OF BIRDS ON THE POPULATION NOW, BUT IF THEY ARE NOT REARING YOUNG SUCCESSFUL, FIVE, 10 YEARS FROM NOW, WE COULD HAVE A CRASH IN THE POPULATION THAT WE WOULDN'T BE AWARE OF RIGHT NOW. BY THE TIME WE ARE AWARE OF IT. IT COULD BE TOO LATE. THERE CAN BE NO INSIGNIFICANT TAKE. NO INSIGNIFICANT EFFECT OF GOLDEN-CHEEKED WARBLER WITHIN THE BALCONES CANYONLANDS PRESERVE BECAUSE IT'S UNMITIGATED AND THE BALCONES CANYONLANDS STANDS FOR THE MITIGATION TAKE OCCURRING OFF-SITE. AS I MENTIONED B.C.P. IS THE MITIGATION FOR THE REST OF THE DEVELOPMENT THAT'S OCCURRING IN WESTERN TRAVIS COUNTY. B.C.P. THE PRESERVE SIZE REPRESENTS THE MINIMUM SIZE NEEDED FOR MITIGATION AND IT IS NOT COMPLETE. ADVERSE EFFECTS WITHIN THE PRESERVE WOULD HAVE TO BE MITIGATED IN ORDER TO BE COMPLIED WITH THE PERMIT. THE CONSEQUENCES ARE EVEN -- OCCUR IN THE OFF SEASON TO ALLOW ACT. OFF SEASON ACCESS CAN ADVERSELY AFFECT HABITAT. WILL CAUSE INCREASED SOIL EROSION, INCREASED SEDIMENTATION TO CREEKS, INCREASED RISK OF OAK WILT FROM WELL INTENTIONED

FOLKS THAT ARE DOING SOME TRAIL CLEARING FOR YOU. THEY JUST HAPPENED TO DO IT DURING OAK WILT SEASON, WE HAVE SEEN EVIDENCE OF THIS KIND OF TRAIL MAINTENANCE CAUSING OAK WILT SPREAD ALONG OTHER TRAILS WITHIN AUSTIN. OAKS ARE OF COURSE THE HARD WOODS ARE ONE OF THE CRITICAL SPECIES FOR GOLDEN-CHEEKED WARBLER AND AGAIN THAT WOULDN'T BE IMMEDIATELY APPARENT. IT WOULD TAKE YEARS FOR MANY OF THESE TREES TO DIE BEFORE WE REALIZE WHAT A HUGE MISTAKE THAT WE HAVE MADE BY OPENING UNRESTRICTED ACCESS. IT ALSO INCREASES THE RISK OF FIRE THROUGH CAMP FIRES AND OTHER WELL-INTENTIONED RECREATIONAL ACTIVITIES. INCREASES THE INVASIVE SPECIES THREAT. BOTH BY FIRE ANTS AND OTHER INVASIVE SPECIES THAT COME ALONG AND USE TRAILS AS ACCESS TO THIS HABITAT. AND ONCE ACCESS HAS BEGUN, IT IS VERY DIFFICULT TO RESTRICT ACCESS. SIGNIFICANT CONSEQUENCES? IF WE ERR ON THE SIDE OF CAUTION, WE ARE WRONG AS THE RECREATIONAL ADVOCATES SUGGEST, THEN WE WILL CONTINUE TO HAVE CAREFULLY CONTROLLED ACCESS. WE WILL UNCONTROLLED RECREATIONAL ACCESS WILL HAVE TO OCCUR ON EITHER THE 25% OF THE B.C.P. WHERE THAT'S ALREADY ALLOWED OR MAYBE OTHER PARK AND RECREATION AREAS WITHIN AUSTIN. IF WE ERR ON THE SIDE OF RECREATION AND WE ARE WRONG, IT WILL BE IN DIRECT VIOLATION OF THE B.C.P. PERMIT, OUR ACTIONS WILL REQUIRE ADDITIONAL MITIGATION AND IT COULD TRIGGER THE SUSPENSION OF THE PERMIT AND THREATEN FUTURE DEVELOPMENT IN WESTERN TRAVIS COUNTY. SIGNIFICANT, SIGNIFICANT CONSEQUENCES. WE DO NEED BETTER INFORMATION. I REALLY DO FEEL FOR THE ADVOCATES FOR RECREATIONAL ACCESS. WE HAVE BEEN SAYING FOR 10 YEARS THAT IF WE JUST HAD THE RIGHT STUDY YEAH WE WOULD WORK ON IT, WE WOULD BE ABLE TO LET YOU IN. IF WE JUST KNEW WHAT THE SCIENCE SAID. THE TRUTH IS WE HAVEN'T DONE A GOOD JOB ANALYZING THAT SCIENCE. WE HAVE GATHERED DATA FOR 10 YEARS, NEVER BEEN ANALYZED. IT WAS ONLY LAST YEAR THAT A CONTRACT WAS FINALLY ISSUED WITH TEXAS STATE TO DO THE ANALYSIS ON THE DATA. THAT REPORT IS JUST ABOUT TO BEGIN AND THE ADVISORY COMMITTEE IS ANXIOUS TO LOOK AT IT. BUT THAT REPORT HAS NOT YET COME IN YET. AGAIN IT IS

PREMATURE TO EVEN SAY WHAT DATA WE HAVE BEEN COLLECTING. ALL OF THE DATA THAT WE HAVE COLLECTED IS BASED OFF OF POPULATION COUNTS. NOT ON FECUNDITY AND THE SUCCESS TESTIMONY REARING OF NESTING. WE NEED TO SET UP ADDITIONAL STUDIES THAT ACTUALLY LOOK AT THE REAL SUCCESS OF A POPULATION. WHETHER THEY WERE ABLE TO REAR THE NEXT GENERATION OF YOUNG SUCCESSFULLY. WE SHOULD TEST THE EFFECT OF NO EFFECT OF RECREATION OFF ON THE B.C.P. ALLOW RECREATION ON LANDS AS SUGGESTED SUCH AS WATER QUALITY PROTECTION LANDS WHERE BIRDS ALREADY EXIST, BUT WE ARE NOT UNDER PERMIT OBLIGATIONS NOT TO HAVE ANY ADVERSE EFFECT. ALLOW ACCESS INTO TRACTS LIKE STENIS ADJACENT TO FOREST RIDGE WHERE GOLDEN-CHEEKED WARBLER HAVE ALREADY BEEN MONITORED WHERE WE CAN STUDY IF THE EFFECT OF THAT TRAIL WILL HAVE AN EFFECT. THERE'S A TRAIL THAT'S GOING TO BE OPENING THERE IN TWO WEEKS. WE'RE JUST ASKING FOR MORE TIME TO UNDERSTAND THE EFFECTS AND TRULY UNDERSTAND THAT WE WILL HAVE NO EFFECT, UNDERSTAND WHAT THOSE EFFECTS ARE SO WE CAN MITIGATE THEM. MY RECOMMENDATIONS AND THE RECOMMENDATIONS OF THE SCIENTIFIC ADVISORY BOARD TO THE COORDINATING COMMITTEE ARE THESE: COMPLETE THE B.C.P. PRESERVE ACQUISITION. IT'S STILL TOO SMALL FOR THE DAMAGE THAT WE ALREADY KNOW THAT WE ARE WREAKING AND TO ADD MORE DAMAGE TO IT IS COMPLETELY UNACCEPTABLE. COMPLETE PAIRED STUDIES DOCUMENTING THE EFFECTS OF POPULATIONS AND NESTING SUCCESS. LOOKING AT AREAS OFF THE PRESERVE AND SHOWING THAT WE CAN HAVE TRAIL ACCESS WITHOUT ADVERSE EFFECT TO THE WARBLERS. AND THEN MITIGATE ANY ADVERSE EFFECTS THAT WE DO DETERMINE IN ADVANCE. DETERMINE WHAT ANY ADVERSE EFFECTS COULD BE, MITIGATE THEM, WHETHER IT MEANS THROUGH HABITAT MITIGATION, HABITAT CHANGING OR PURCHASE OF ADDITIONAL LAND AND THEN ALLOW FOR ADDITIONAL RECREATIONAL ACCESS. THAT IS THE PROPER WAY TO GO IF WE WANT TO ACTUALLY SAVE THE SPECIES, THAT'S THE RIGHT THING TO DO FOR THE SPECIES. THANK YOU AND I'LL TAKE ANY COMMENTS.

Mayor Wynn: THANK YOU, DR. . QUESTIONS FOR STEVE, COUNCIL? THANK YOU, STEVE. PETER [INDISCERNIBLE] WELCOME, PETER. I SEE DALE IN THE CROWD. DALE OFFERED HIS TIME TO YOU PETER, YOU WILL HAVE UP TO SIX MINUTES FOLLOWED BY CARROLL.

MY NAME IS PETER TORGRAMSON, I'M HERE TO SPEAK ABOUT THE INCREASED PUBLIC ACCESS FOR THE B.C.P. TRACTS. THIS....THERE'S A LOT OF PRESSURE FOR INCREASED PUBLIC ACCESS AND I'M A HIKER MYSELF AND IT WOULD BE GREAT TO HAVE TRAILS CLOSE BY IN THE B.C.P. OR SOMEWHERE WHERE I COULD HIKE AND I LIVE IN NORTHWEST AUSTIN CLOSE TO A LOT OF THE B.C.P. PROPERTY, BUT THE CONDITIONS OF THE B.C.P. TRACKS ARE COMPLETELY INCONSISTENT WITH UNRESTRICTED ACCESS TO THE TRACKS AS DR. WINHAGER JUST COMMENTED ABOUT. MY FEAR IS THE IMPACT ON PUBLIC ACCESS IS GOING TO BE MUCH GREATER THAN ANYBODY ANTICIPATES. WE SHOULD BE EXTREMELY CAUTIOUS ABOUT OPENING UP MORE PUBLIC ACCESS AS ANY IMPACTS ARE UNDOUBTEDLY GOING TO BE IRREVERSELY. THE FOCUS OF THE B.C.P., IT WAS CREATED TO BE THE MITIGATION SO WE COULD GO AHEAD AND DESTROY 70% OF THE ENDANGERED SPECIES POPULATION AND PRESERVE THE 30% REMAINING AND NOW WE'RE TALKING ABOUT WHITTILING AWAY THAT PART. WITHOUT COMPREHENSIVE, CLEAR AND PERSUASIVE SCIENTIFIC EVIDENCE OF SUPPORTS TO INCREASE PUBLIC ACT WE SHOULD NOT ALLOW IT. ANY PUBLIC ACCESS HAS GOT TO BE AN ANCILLARY ACTIVITY BECAUSE THE PURPOSE OF THE B.C.P. IS TO PROTECT THE ENDANGERED SPECIES. THAT'S THE WHOLE PURPOSE OF THE PROJECT FROM THE BEGINNING. MY PERSONAL EXPERIENCE IS A GOOD ILLUSTRATION OF THAT. AT THE CANYON RIDGE P.U.D., WHICH IS THE 2222 AND JUSTER BOULEVARD. LAST FALL 2222 ORGANIZED A PLANT RESCUE OPERATION IN CONJUNCTION WITH THE CITY OF AUSTIN, VERY SUCCESSFUL. WHILE WE WERE THERE, I HAD THE OPPORTUNITY TO VIEW A PART OF THE TRACT WHICH IS A GREENBELT. NOT ACTUALLY A PROPER CONSERVATION EASEMENT, BUT IT IS A GREENBELT. THERE HAVE BEEN SIGNIFICANT TRESPASSING USE BY MOUNTAIN BIKERS ON THAT PROPERTY AND THE -- AND THE THE ENVIRONMENTAL

DAMAGE TO THAT TRACT IS -- IS STAGGERING. THERE'S IMPROMPTU TRAILS THAT CRISS-CROSS THE WHOLE TRACT AND WITH -- WITHOUT ANY REGARD FOR WHERE YOU MIGHT PUT A TRAIL, WHICH WOULD BE APPROPRIATE FOR PEDESTRIAN USE OR FOR SEEING THE PROPERTY WITHOUT DESTROYING IT, I WOULD STRONGLY URGE THAT WE -- THAT WE SPECIFICALLY PROHIBIT THIS USE OR ANY SIMILAR USE ON ANY B.C.P. TRACT. THE DAMAGE WAS UNBELIEVABLE, FRANKLY. RECENTLY, ON A DIFFERENT TACT ON THIS, YOU CHANGED DIRECTION ON THE WTP 4 PLANT LOCATION AT THE BULL CREEK SITE BECAUSE OF CONCERNS OF ENVIRONMENTAL DAMAGE TO THE ADJACENT B.C.P. TRACT. AND INCLUDING SOME CONSIDERATION FOR SPECIES WHICH ARE NOT ACTUALLY ENDANGERED NOW BUT BEING REVIEWED FOR BEING PUT ON ENDANGERED STATUS. THIS REEVALUATION INVOLVES A LOT OF MONEY AND TIME AND I BELIEVE THAT'S A BUT DENT INVESTMENT WE SHOULD BE DOING THAT. WE SHOULD USE A SIMILAR APPROACH CONSIDERING INCREASED PUBLIC ACCESS TO THE B.C.P. IN GENERAL. IT'S WORTH SPENDING SOME TIME, PROPER STUDIES AND MONEY TO MAKE SURE THAT WE ARE NOT GOING TO DESTROY THE SPECIES POPULATIONS THAT WILL REMAIN. BEFORE WE START DESTROYING THEM. THE PROPOSALS FOR PUBLIC ACCESS HAVE THE POTENTIAL TO IMPACT THE OVERALL B.C.P. TO A MUCH GREATER EXTENT THAN THE WTP 4 PLANT WOULD. WE SHOULD ALLOW PUBLIC ACCESS ONLY WHEN WE CLEARLY KNOW THAT ENDANGERED SPECIES WILL NOT BE IMPACTED. WE ARE TALKING ABOUT MAYBE WHITTILING AWAY PART OF THE EFFECTIVENESS OF THAT PROPERTY. A SCIENTIFIC EVALUATION SHOULD BE USED. A VARIETY OF TRACKS WOULD BE -- TRACTS WOULD BE SUITABLE FOR THIS STUDY. WE SHOULD PUT IN THE INVESTMENT AND DO PROPER STUDIES SO WE KNOW WHAT WE'RE TALKING ABOUT INSTEAD OF SAYING WE'LL OPEN IT UP FOR PUBLIC ACCESS FIRST, WE WILL FIGURE OUT IF THERE'S GOING TO BE DAMAGE LATER ON. I THINK IT'S A SERIOUS MISTAKE TO THAT APPROACH. THERE ARE ALREADY MANY OPPORTUNITIES TO SEE THE B.C.P. TRACKS THROUGH GUIDED HEIGHTS AND PARTICIPATION IN PROJECTS. I HAVE DONE BOTH OF THESE ACTIVITIES AND RECOMMEND THEM. TO SEE PARTS OF THE PROPERTIES THAT TRAILS MIGHT

PRESUMABLY NEVER GO ACROSS, THEY COULD BE VIEWED WHILE DOING SOMETHING USEFUL ON THE MANAGEMENT OF THE PROPERTY, PARTICULARLY FOR THE PROJECTS, GUIDED HIKE IT'S REALLY JUST A RECREATIONAL OPPORTUNITY. BUT THAT IS A VALUABLE RECREATIONAL OPPORTUNITY. I SUBMIT THAT THESE KINDS OF ACCESSES ARE COMPLETELY SUFFICIENT FOR A TRACT THAT'S AN ANCILLARY USE WHEN THE PURPOSE OF THE TRACT IS TO PRESERVE THE ENDANGERED SPECIES AND ANY OTHER USE SHOULD BE NON-INTERFERING WITH OUR PRIMARY PURPOSE. I URGE YOU TO NOT INCREASE PUBLIC ACCESS AT THIS TIME AND MAYBE NEVER, IF SCIENTIFIC STUDIES DO NOT CLEARLY INDICATE THAT THERE'S NOT AN ADDITIONAL TAKE OF THE ENDANGERED SPECIES FOR INCREASED HUMAN ACCESS, THANK YOU.

Mayor Wynn: THANK YOU, PETER. CAROL, WOULD YOU LIKE TO GIVE US YOUR TESTIMONY? YOU WILL HAVE THREE MINUTE FOLLOWED BY SHEILA HOLBROOKE WHITE.

THANK YOU. I'M A LITTLE ILL TONIGHT SO BEAR WITH ME, THIS IS REALLY IMPORTANT SO I'M HERE. I LIVE IN LONG CANYON WHICH IS ADJACENT TO AT LEAST TWO SEPARATE B.C.P. TRACTS. AND ACROSS 2222 FROM ANOTHER ONE AND WE ARE SURROUNDED BY A NUMBER OF B.C.P. PROPERTIES. WHEN I FIRST MOVED TO LONG CANYON I DIDN'T UNDERSTAND THE SIGNIFICANCE OF THE B.C.P. PROPERTIES AND I WONDERED WHY PEOPLE DIDN'T GO HIKING IN THERE. I ACTUALLY WAS AN ADVOCATE FOR MORE HIKING, MORE TRAILS. THEN I DID SOME STUDYING, AND I HAVE ACTUALLY READ THE ENDANGERED SPECIES ACT, AS YOU KNOW WHAT SECTION 10 A SAYS. I HAVE TALKED TO B.C.P. PEOPLE AND SOME OF THE CITY BIOLOGISTS AND I UNDERSTAND THE IMPORTANCE OF WHAT THOSE TRACTS REPRESENT. I UNDERSTAND WHAT IS -- WHAT WILL BE LOST IF WE DID A CHANCE AND DO SOMETHING WHICH MAY OR MAY NOT BE REASONABLE. I KNOW IT'S VERY HARD WHEN PEOPLE HAVE INTRUMENTS. TO ME AN ENTITLEMENT IS WHEN SOMEONE HAS DONE SOMETHING WITHOUT BEING CHECKED, NO ONE WAS THERE TO ENTITLEMENT IT. GRANDFATHERING IS THAT YOU HAD A LEGAL RIGHT. I UNDERSTAND ENTITLEMENTS ARE HARD TO LET GO ON. SOMETIMES YOU HAVE TO BITE THE BULLET AND SAY THE PURPOSE IS TO PROTECT THESE

ENDANGERED SPECIES, THE CITY PUT IT UP TO MANAGE AND MAINTAIN ALL THIS TIME, IT'S TOO HIGH OF A RISK. I REALLY SEVERAL THESE WITH PEOPLE WHO WILL LOSE CERTAIN KINDS OF ACCESS, BUT THERE'S TONS OF RECREATIONAL ACT IN THE TRAVIS COUNTY AND CITY OF AUSTIN. IF MORE NEEDS TO BE PURCHASED LET'S DO THAT. BUT LET'S NOT TAKE A CHANCE WITH ENDANGERED SPECIES WHERE WE JUST DON'T KNOW WHAT THE IMPACT WILL BE IF WE LOSE THEM. AND THE U.S. FISH & WILDLIFE SERVICE COMES BACK AND SAY YOU VIOLATED YOUR 10 A YOU GUYS ARE LIABLE UNDER THE ENDANGERED SPECIES ACT, THERE WILL BE LEGAL ACTIONS AGAINST THE CITY AS WELL AS PENALTIES BY FISH AND WILDLIFE AND I JUST THINK THAT'S AN UNNECESSARY RISK TO TAKE. THERE ARE ALTERNATIVES FOR FOLKS AND WHILE IT'S HARD TO NOT HAVE ACCESS TO SOMETHING SO BEAUTIFUL, I HAVE TO ALTHOUGH OUT MY WINDOW AND SEE IT AND I CAN'T GO THERE, BUT I UNDERSTAND WHY THAT IS. WHEN THAT PROPERTY GETS FENCED OFF AND WE WILL NEVER BE ABLE TO ACCESS IT AGAIN, I WILL BE HAPPY WITH THAT. THANK YOU.

Mayor Wynn: THANK YOU, CAROL. NEXT SERIES OF SPEAKERS HAVE AGREED TO GO IN A CERTAIN SEQUENCE. WE'RE GOING TO START WITH SHEILA HOLBROOKE WHITE, FOLLOWED BY RISK PEARSON, DR. MONIQUE CORTEZ, GLEN HALL, THEN A FEW OTHERS. FAIR ENOUGH. THIS IS ENTITLED A FEW SPEAKING FOR MANY. WE LIKE THAT.

GOOD EVENING MAYOR WYNN AND MEMBERS OF COUNCIL, I'M SHEILA HOLBROOKE WHITE WITH THE FRIENDS OF TURKEY CREEK. WE ARE A COALITION OF INDIVIDUALS AND FAMILIES WHO WALK, WHO HIKE, WHO BIRD AND ACTIVELY SUPPORT THIS 2.7-MILE LOOPED TRAIL WITHIN EMMA LONG. MUCH OF IT WITH OUR DOGS OFF LEASH. WE ARE UNIFIED IN OUR OPPOSITION TO THE PROPOSED LAND MANAGEMENT PLAN'S PROHIBITION ON DOGS AT TURKEY CREEK. DESPITE MR. CONRAD'S ASSURANCES WE REMAIN UNIFIED.....UNIFIED THIS MUST BE REMOVED. THE BASIS OF IT WILL BE CLEAR. HAVING DISCOVERED THE ONE SENTENCE PROHIBITION BURIED IN THE 1999 PLAN. THE FRIENDS OF TURKEY CREEK HAVE CONSTRUCTIVELY AND ACTIVELY TAKEN PART IN EVERY OPPORTUNITY TO RESOLVE THIS ISSUE OVER THE PAST TWO YEARS. WE PARTICIPATED IN

LARGE NUMBERS IN THE CITIZENS ADVISORY COMMITTEE HEARINGS IN THE VIPG TO HIGHLIGHT OUR OBJECTION TO THE PROPOSED PLAN AS IT WAS BEING DRAFTED. WHEN THE PARKS DEPARTMENT FACILITATED THE TURKEY CREEK TASK FORCE TO FORGE A CONSENSUS, WE PARTNERED WITH NEIGHBORHOOD ASSOCIATIONS, RECREATIONAL INTERESTS, AUSTIN PARKS FOUNDATION, B.C.P. STAFF AND OTHERS IN AN INTENSIVE NINE MONTH EFFORT. A CONSENSUS POSITION WAS IN FACT DEVELOPED AND APPROVED BY THE MEMBERS. DESPITE OUR HARD WORK AND COLLABORATION THIS CONSENSUS IS NOT REFLECTED IN THE PROPOSED PLAN. WE FIND THIS OMISSION DEEPLY DISTURBING. AS A TASK FORCE PROVIDED A CONSTRUCTIVE PROCESS AND A FORUM FOR RESOLUTION.

OBTAININGIBLY THE FRIENDS OF TURKEY CREEK HAD BEEN A CONSTRUCTIVE FORCE ON THE GROUND. WE HAVE WORKED COLLABORATIVELY AND QUITE WELL WITH THE PARKS DEPARTMENT AND ACTIVE EFFORTS TO MAINTAIN AND IMPROVE THE TRAIL, COORDINATING OUR EFFORTS WITH THE CONDITIONS OF THE U.S. FISH & WILDLIFE SERVICE 10 A PERMIT. RECENTLY YOU MAY HAVE RECEIVED E-MAILS FROM OUR MEMBERS OUTLINING OUR OBJECTIONS. MANY OF THOSE WHO RESPONSIBLY USE AND SUPPORT THIS UNIQUE RESOURCE, SIT, STAND OR STOOD WITH ME EARLIER. YOU WILL RECOGNIZE THEM BY THEIR PAWS. AND IN AN EFFORT TO BE EFFICIENT, WE ARE PROVIDING COORDINATED TESTIMONY IN OPPOSITION TO THE PROPOSED PROHIBITION. OUR OBJECTIONS ARE TWOFOLD. THE PROPOSED PROHIBITION DIRECTLY CONFLICTS WITH THE LETTER OF THE LAW AND CONTRADICTS THE SPIRIT OF THE COMMITMENT TO GRANDFATHERED USES. THOSE USES WILL BE OUTLINED BY GLEN HALL AN ATTORNEY IN AUSTIN. ON AN EVER SHIFTING BASIS, THE CITY STAFF HAS JUSTIFIED ITS PROPOSED BAN ON TURKEY CREEK ON THE BASIS FIRST OFS ON SENTENCIBLE CONFLICTS BETWEEN THE GOLDEN-CHEEKED WARBLER AND DOGS AS WELL AS WATER QUALITY. AS BEHOOVES THE ENVIRONMENTALLY SENSITIVE AND RESPONSIBLE STEWARDS THAT WE ARE, WE HAVE OPTED FOR DATA RATHER THAN GENERALITIES. DATA RATHER THAN PREDICTIONS OF CRISIS. WE HAVE SOUGHT TO BETTER UNDERSTAND THE STATUS OF THE SPECIES WHOSE PROTECTION WE HEARTILY SUPPORT AND TO

UNDERSTAND THE CREEK'S WATER QUALITY. RICK PEARSON WILL PROVIDE A PRESENTATION ON THE STATUS OF THE GOLDEN-CHEEKED WARBLER ON TURKEY CREEK SINCE B.C.P. MONITORING BEGAN. THIS WILL BE FOLLOWED BY THE TESTIMONY OF DR. BARBARA MILER, A HYDROLOGIST WITH THE U.S. GEOLOGICAL SURVEY TO BE READ BY DR. MONIQUE CORTEZ. FINALLY WE WILL PROVIDE WITH YOU A SNAPSHOT OF JUST A FEW OF TURKEY CREEK STEWARDS TO GIVE YOU A FEEL FOR THE UNIQUE AND IMPORTANT RESOURCE THIS TRAIL IS MEMBERS OF THE AUSTIN COMMUNITY, WE WILL BEGIN WITH CLEAN HALL. ,

GOOD EVENING, I'M GLEN HALL, AN ATTORNEY HERE IN AUSTIN, IN PRIVATE PRACTICE, PRIMARILY REAL ESTATE AND BANKING, LICENSED TO PRACTICE LAW FOR ABOUT 26 YEARS. I PROMISE TO BE VERY, VERY BRIEF. THE SEGMENT OF THE PROPOSED BALCONES CANYONLANDS PRESERVE PLAN ENTITLED TIER 3rd CITY OF AUSTIN EMMA LONG METROPOLITAN PARK, WHICH IS IN THE PACKAGE THAT YOU HAVE BEEN PROVIDED, THAT'S THIS, CONTAINNESS THE FOLLOWING STATEMENT: THIS TRAIL HAS BEEN DESIGNATED BY THE PARKS AND RECREATION DEPARTMENT IN NOVEMBER OF 1994 AS AN OFF LEASH AREA FOR DOGS. THE AUGUST 1999 ADDITION OF THE B.C.P. LAND MANAGEMENT PLAN VOIDED THAT DESIGNATION..... DESIGNATION. THE CURRENT DOCUMENT INCLUDES THE RESTRICTION NO DOGS ARE ALLOWED IN THE B.C.P. PORTION EXCEPT IN DESIGNATED PARKING AREAS. END OF QUOTE. YOU WILL FIND THAT LINE ON PAGE FOUR OF THIS SEGMENT. ON ITS FACE THE TWO PROBLEMS WITH THIS STATEMENT. FIRST THE TURKEY CREEK NATURE TRAIL WAS SPECIFICALLY MADE AN OFF LEASH AREA FOR DOGS BY AN ORDINANCE PASSED BY THE CITY OF AUSTIN, CITY COUNCIL AND MAYOR IN 1997, MORE THAN 30 YEARS AGO. NOT BY THE MERE "DESIGNATION BY THE PARKS AND RECREATION DEPARTMENT IN 1994" AS THE PROPOSED PLAN STATES. THE 199 -- 1977 ORDINANCE IS STILL IN EFFECT AND CODIFIED IN THE CURRENT AUSTIN CITY CODE IN SECTION 3-4-4 [THE] THE SECOND PROBLEM WITH THAT PROVISION THAT I JUST QUOTED YOU IN ADDITION TO MISCHARACTERIZING AND DEMEANING THE CITY'S AUTHORIZATION FOR OFF LEASH DOGS AT TURKEY CREEK, IT PURPORTS TO REPEAL OR VOID

TAKE AUTHORITY. FOR YOUR CONVENIENCE WE ARE PROVIDING YOU WITH COPIES OF BOTH THE 1977 ORIGINAL ORDINANCE AND THE CURRENT APPLICATIONABLE AUSTIN CITY CODE SECTION. BUT STILL YET IN ADDITION TO MISCHARACTERIZING AND PURPORTEDLY VOIDING AN ORDINANCE DUAL ENACTED BY THIS BODY, THE PROPOSED PLAN DRAFTED BY STAFF VIOLATES THE COMMITMENT TO CONTINUE AS GRANDFATHERED THOSE USES IN EXISTENCE IN 1996 ON PARK LANDS TAKEN INTO THE PRESERVE. DOGS ON EMMA LONG PARK AND THE TURKEY CREEK TRAIL WERE SPECIFICALLY IDENTIFIED AND GRANDFATHERED IN THE 1996 ENVIRONMENTAL IMPACT STATEMENT HABITAT CONSERVATION PLAN. AGAIN FOR YOUR CONVENIENCE, WE PROVIDED COPIES OF THAT -- THOSE DOCUMENTS AND INCLUDING A MATRIX OF EACH PARK AND ITS EXISTING USES. THERE IS NOTHING IN THE U.S. FISH & WILDLIFE SERVICE 10 A PERMIT UNDER WHICH THE PRESERVE OPERATES THAT PROHIBITS DOGS OFF LEASH OR OTHERWISE ON -- EXCUSE ME -- IN EMMA LONG METROPOLITAN PARK. ON THE OTHER HAND SPECIFICALLY AND LOGICALLY CERTAIN ACTIVITIES ARE PROHIBITED LIKE CLEARING VEGETATION DURING THE WARBLER BREEDING SEASON. NOBODY IS GOING TO ARGUE WITH THAT. IN FACT DURING THE PERMITTING PROCESS, THE U.S. FISH & WILDLIFE SERVICE SPECIFICALLY CONCLUDED THAT EMMA LONG PARK INCLUDING THE TURKEY CREEK NATURE TRAIL COULD BE INCLUDED FOR CREDIT IN THE B.C.P. WITH EXISTING USE AS AN OFF LEASH DOG PARK GRANDFATHERED AND CONTINUING. THE U.S. FISH & WILDLIFE SERVICE ALSO STATED IN WRITING THAT IT HAS NO "POLICY OR POSITION ON DOGS WITHIN THE B.C.P.." WE ARE PROVIDING COPIES OF THE E-MAIL CORRESPONDS DOCUMENTING THAT FOR YOUR CONVENIENCE. IN CONCLUSION WE RESPECTFULLY REQUEST THAT THE PROPOSED PLAN BE CONFORMED TO THE CITY OF AUSTIN BY THE UNAMBIGUOUS DESIGNATION OF TURKEY CREEK NATURE TRAIL AS AN OFF LEASH AREA FOR DOGS. THANK YOU FOR YOUR CONSIDERATION.

Mayor Wynn: THANK YOU, MR. HALL.

GOOD EVENING. I'M DR. MONIQUE CORTEZ. I'M HERE IN AUSTIN. I'M A FAMILY PRACTICE PHYSICIAN. MY

UNDERGRADUATE DEGREE IS A BACHELOR OF SCIENCE IN ZOOLOGY FROM U.T. AUSTIN. I AM A TRIATHLETE, A MARATHONER, SWIMMER AND I HAVE TWO DOGS. I'M HERE TO GIVE YOU THE INFORMATION THAT DR. BARBER MALLER COLLECTED. DR. MALLER IS A HYDROLOGIST WITH THE U.S. GEOLOGICAL SURVEY. SHE SPECIALIZES IN WATER AND SEDIMENT QUALITY. SHE REVIEWED THE TURKEY CREEK WATER QUALITY ON HER OWN TIME AND THE OPINIONS EXPRESSED HERE ARE THOSE OF HER AS A CITIZEN RATHER THAN AS AN EMPLOYEE OF THE U.S. GEOLOGICAL SURVEY. I WOULD LIKE TO POINT OUT THAT DR. MALLER WAS ONE OF THE TWO PEOPLE WHO PROPOSED TO THE U.S. WILDLIFE -- THAT THE BARTON CREEK SALAMANDER BE CONSIDERED AS AN I.. ENDANGERED SPECIES. SHE IS VERY MUCH INTERESTED IN PROTECTING ANY ENDANGERED SPECIES. WATER QUALITY CONSTITUENTS LIKELY TO REFLECT IMPAIRMENT BY DOGS INCLUDE TURBIDITY AND TOTAL SUSPENDED SOLIDS, BACTERIAL COUNTS AND ODOR. NONE OF THESE INDICATED ANY WATER QUALITY IMPAIRMENT. NITRATE AND AMMONIA CONCENTRATIONS IN WATER WERE ALSO LOW, ALTHOUGH THERE WERE MODERATELY ELEVATED FECAL COLOR..... COLOFORM IT HAS NOT BEEN -- BEEN ... OF CONTAMINATION BY WARM BLOODED ANIMALS, MOST CITY AND -- ANIMALS, MOST CITY AND LEGAL AGENCIES INCLUDING THE CITY OF AUSTIN HAVE SWITCHED TO ANALYZING E-COLI. TWO SAMPLES FROM TURKEY CREEK HAVE BEEN ANALYZED FOR E COLI AND CONTAMINANT LEVELS ARE LOW. THE TURKEY CREEK WATERSHED IS NOT PRISTINE AS THERE IS SUBSTANTIAL RESIDENTIAL DEVELOPMENT IN THE UPPER PART OF THE WATERSHED. THIS DEVELOPMENT MIGHT BE RESPONSIBLE FOR THE ELEVATED CONCENTRATIONS OF PAH'S IN SEDIMENT SAMPLES COLLECTED IN 1999 AND 2002. AS MANY OF THE DRIVEWAYS IN THE DEVELOPMENT WHICH ARE VERY LONG ARE SEAL COATED. ALTHOUGH THE CITY OF AUSTIN BANNED THE USE OF COAL TAR BASED SEAL COAT BECAUSE OF THE EXTREMELY HIGH CONCENTRATIONS OF PAH'S ASSOCIATED WITH IT, IT IS LIKELY MOST OF THESE DRIVEWAYS WERE TREATED WITH THE COAL TAR BASED PRODUCT. THIS DEVELOPMENT IS NOT IN THE CITY OF AUSTIN SERVICES AND SOLID WASTE TREATMENT IS BICENTRIC SYSTEM. SEPTIC SYSTEM CITED IN FRACTURE

CARBONATE TERRAIN SUCH AS OF THAT OF THE TURKIDZ WATERSHED ARE LIKELY TO BE SOURCES OF BACTERIA AND NUTRIENTS. IN SUMMARY THE ONLY WATER QUALITY IMPAIRMENT INDICATED BY THE CITY OF AUSTIN DATA LIKELY IS THE RESULT OF RESIDENTIAL LAND USE PRACTICES IN THE WATERSHED. THANK YOU.

MAYOR WYNN, CITY COUNCIL MEMBERS, I REALLY APPRECIATE THIS OPPORTUNITY TO SPEAK WITH YOU TONIGHT. MY NAME IS RICK PEARSON AND I'M A BIRD WATCHER WITH OVER A THOUSAND BIRD ON MY LIFE LIST. I HAVE BEEN DOING THIS FOR DECADE. I ALSO TEACH SCIENCE AT SAINT.....SAINT STEPHENS EPISCOPAL SCHOOL WHERE I TEACH MY STUDENTS ABOUT LOCAL ECOSYSTEMS. I'M A HIKER. I TAKE MY DOG TO TURKEY CREEK, I WORK AS A VOLUNTEER AT TURKEY CREEK REMOVING INVASIVE SPECIES OF PLANTS AND I'M VERY CONCERNED ABOUT SOME OF THE LANGUAGE THAT WE HAVE SEEN IN THE B.C.P. PROPOSED PLAN. I WOULD LIKE TO LOOK AT SOME OF THE DATA THAT REALLY EXISTS, THE DATA THAT IS COMING OUT OF THE B.C.P. AND THOUGH IT WASN'T DESIGNED AS SUCH, THIS REALLY IS A PARALLEL STUDY OVER NINE YEARS THE B.C.P. HAS TAKEN DATA ABOUT THESE BIRDS AT MANY DIFFERENT LOCATIONS WITH DIFFERENT AMOUNTS OF USAGE. ON ALL OF THESE GRAPHS THE TURKEY CREEK DATA IS THE BLACK LINE AND THE AVERAGE DATA FOR ALL OF THESE PRESERVE TERRITORIES IS THE RED LINE. WE CAN SEE THAT -- THAT THE NUMBER OF TURKEY CREEKS IN THIS TERRITORY -- THE NUMBER OF GOLDEN-CHEEKED WARBLERS IN THIS TERRITORY HAS RISEN, BECOME MORE CONCENTRATED. WE ALSO SEE THAT THE PRODUCTIVITY, THE NEST PRODUCTIVITY HAS ALSO STAYED RIGHT THERE WITH THE AVERAGE. AND THIS HAS ALL HAPPENED AFTER 20 YEARS OF USAGE WITH PEOPLE HIKING THERE WITH THEIR DOGS. ALL OF THIS HAPPENED DURING THE LAST 10 YEARS OF THIS KIND OF USAGE. NEXT SLIDE. NUMBER OF TERRITORIES PRODUCING. AGAIN TURKEY CREEK IS WELL ABOVE THE AVERAGE FOR THE ENTIRE TIME PERIOD WITH THE EXCEPTION OF ONE DATA POINT IN 2,000. NEXT SLIDE. IN FLEDGLINGS PER SUCCESSFUL PAIR, WE SEE IN THE FIRST HALF OF THE STUDY PERIOD WE HAD TIME WHERE TURKEY CREEK WAS BELOW THE AVERAGE, SECOND HALF

CONSISTENTLY ABOVE THE AVERAGE. THE QUESTION THAT MAY BE RAISED IS WHY IS THE GOLDEN-CHEEKED WARBLER DOING SO WELL THERE? THE GOLDEN-CHEEKED WARBLER IS DOING BETTER AT THIS LOCATION THAN MOST OTHER LOCATIONS IN THE B.C.P. THIS IS A LONG-TERM SET OF DATA. IF WE LOOK AT THE MAP OF THE GOLDEN-CHEEKED WARBLER TERRITORIES, YOU CAN NOTE THERE ARE MANY TERRITORIES RIGHT NEXT TO THE TRAIL. THERE SEEMS TO BE NO EFFECT ON THE LOCATION OF THE TRAIL ON THE PLACES WHERE THE BIRDS TEND TO -- TO GO. SUMMARY OF THE DATA THAT WE HAVE. THE B.C.P. PROVIDED FOR US. SHOWS THAT THE NESTING SUCCESS IS BETTER THAN THE AVERAGE AND SINCE 1998 THE STATUS OF THE GOLDEN-CHEEKED WARBLER AT EMMA LONG IMPROVED. FLUCTUATIONS IN THE DATA HAVE BEEN LESS THAN MANY OF THE OTHER PRESERVES THAT HAVE BEEN EFFECTED BY THE SAME EXTERNAL CONDITIONS WEATHER AND HABITAT CONDITIONS, DOWN IN GUATEMALA, ET CETERA, ET CETERA. THE LOCATION OF THE TRAIL HAS NO APPARENT EFFECT ON THE LOCATION OF GOLDEN-CHEEKED WARBLER TERRITORIES. NEXT SLIDE, PLEASE. A STUDY CAME OUT THIS SPRING BY A RESEARCHER NAMED JENNIFER REIDY. SHE DID AN EXTENSIVE LITERATURE SEARCH TO IDENTIFY THE KNOWN CHALLENGES TO THE GOLDEN-CHEEKED WARBLER. AND CAME UP WITH THIS -- WITH THE FAMILIAR LITANY OF DEVELOPMENT, HABITAT, ET CETERA, ET CETERA. SHE MADE NO MENTION OF EITHER HIKERS OR DOGS AS A THREAT TO THE GOLDEN-CHEEKED WARBLER. THIS STUDY IS A TWO YEAR STUDY ON SITE AT THIS LOCATION THAT HAD CAMERAS ON THE NESTS TO WATCH FOR NEST PREDATORS. AND SHE IDENTIFIED THE TEXAS RAT SNAKE AS THE PRIMARY NEST PREDATOR. THIS WAS RESPONSIBLE FOR 47% OF THE BIRDS THAT WERE LOST TO PREDATION. THERE WERE ALSO FEMALE GOLDEN-CHEEKED WARBLER THAT WERE CONSUMED BY THESE SNAKES THAT ARE NOT A PART OF THAT DATA. SHE SUGGESTED IN HER REPORT THAT HUMAN PRESENCE MAY ACTUALLY RESTRICT THE MOVEMENT OF PREDATORS. ESPECIALLY PREDATORS THAT ARE FOUND ON THE GROUND. THOUGH A SEARCH OF HER REPORT ON MY COMPUTER DID FOR THE FIND THE WORD DOG. I THINK IT'S SAFE TO SAY THAT DOGS MIGHT ALSO TEND TO SUPPRESS THE MOVEMENT OF SNAKES. MY

RECOMMENDATIONS OR ON BEHALF OF THE FRIENDS OF TURKEY CREEK ARE THAT -- THAT THE B.C.P. PROVIDE MORE SOPHISTICATED MONITORING AND ANALYSIS ALONG THE LINES OF THE REIDY STUDY TO IDENTIFY SPECIFIC THREATS TO THE GOLDEN-CHEEKED WARBLER AND TO COME UP WITH STRATEGIES FOR RESPONDING TO THOSE SPECIFIC THREATS. WE ALSO HOPE THAT THE B.C.P. WILL USE LOCAL AND SITE SPECIFIC STUDIES TO FORMULATE THE MANAGEMENT PLAN RATHER THAN USING GENERALITIES. WE ALSO HOPE THAT THEY WILL INCLUDE TRACT SPECIFIC RESPONSES TO DOCUMENTED PROVEN THREATS IN ORDER TO ENGAGE THE FRIENDS OF TURKEY CREEK SO THAT WE CAN HELP WITH EDUCATION, WE CAN HELP WITH TRAIL WORK, WE CAN WORK TO HELP MAINTAIN THIS TREASURED RESOURCE. THE FRIENDS OF TURKEY CREEK IS NOT THE FRIENDS OF DOGS OF TURKEY CREEK. WE ARE THE FRIENDS OF TURKEY CREEK AND WE FEEL VERY STRONGLY ABOUT THIS PLACE AND WE FEEL VERY STRONGLY ABOUT KEEPING IT BEAUTIFUL AND KEEPING ACCESS AVAILABLE. SO THE LAST SLIDE PLEASE. SO I WOULD ASK THAT THE B.C.P. PLAN BE MODIFIED TO REMOVE ALL LANGUAGE THAT REMOVES PEOPLE OR DOGS FROM THE TURKEY CREEK TRACT AND THAT THE -- THAT THE B.C.P. PLAN BE -- BE MODIFIED TO ASSURE CONTINUED ACCESS TO THIS. SO THANK YOU VERY MUCH FOR YOUR TIME. I APPRECIATE YOUR ATTENTION.

Mayor Wynn: THANK YOU, MR. PEARSON.

GOOD EVENING, I STAND BEFORE YOU TODAY MAYOR WYNN AND THE DISTINGUISHED MEMBERS OF THE COUNCIL AS A MEMBER OF THE CREATIVE CLASS WITH MIXED EMOTIONS. WHILE IT IS A GREAT PRIVILEGE TO BE HERE I'M DEEPLY CONCERNED WITH SOME OF THE PROPOSED ACTIONS THAT WILL AFFECT THE QUALITY OF MY LIFE AND MORE IMPORTANTLY THE QUALITY OF MY FAMILY LIFE. PLEASE ALLOW ME TO INTRODUCE MYSELF. MY NAME IS PRYA SPACE AYER, I'M THE PROUD OWNER OF A 19 MONTH OLD DOG SHADOW. HAVING LIVED IN PUT PEOPLE METROS INCLUDING NEW YORK CITY AND SAN FRANCISCO, MY HUSBAND AND I DECIDED TO MAKE AUSTIN HOME. IN 2005. THE CITY OF AUSTIN WAS THE TOP CHOICE FOR US FOR MULTIPLE REASONS. IT IS FRIENDLY CITY WITH A KIND, CARING AND FUN COMMUNITY. THE CITY OFFERS A QUALITY

OF LIFE AND AN ETHOS RARELY FOUND IN OTHER CITIES WE HAVE LIVED IN. LONG LIVE THE SLOGAN KEEP AUSTIN WEIRD. THE CITY IS ABOUT THE MOST ANIMAL FRIENDLY CITIES WE HAVE ENCOUNTERED. MY HUSBAND CK WHO IS A PRODUCT MARKETING MANAGER FOR A.M.D. AND I A PROGRAM MANAGER FOR DELL LEAD VERY ACTIVE AND BUSY PROFESSIONAL LIVES. THERE ARE FEW ACTIVITIES THAT PROVIDE US WITH MUCH NEEDED RELIEF AND SOUGHT AFTER SOLACE, TOPPING THAT LIST IS A WALK WITH OUR DOG SHADOW AT TURKEY CREEK TRAIL. AS RESPONSIBLE DOG OWNERS, USING TURKEY CREEK TRAIL, THIS IS ONE OF THE FEW OCCASIONS IN THE WEEK WE LOOK FORWARD TO WATCHING SHADOW WALK. OUR FRIENDS VISITING US FROM NEW YORK AND SAN FRANCISCO ARE AMAZED BY AUSTIN'S DOG FRIENDLY CULTURE IN ITS PARKS. I BELIEVE THAT CONTINUING TO MAINTAIN TURKEY CREEK AS A DOG FRIENDLY TRAIL NOT ONLY WILL HELP IS PROVIDE THE QUALITY OF LIFE WE SEEK, BUT ALSO SERVE TO ATTRACT VISITORS AND POTENTIAL FUTURE RESIDENTS TO AUSTIN. PLEASE DON'T TAKE AWAY THIS IRREPLACEABLE EXPERIENCE FROM OUR ROUTINE FAMILY LIFE AND PLEASE DON'T MAKE US REGRET OUR DECISION TO MOVE TO AUSTIN. THANK YOU FOR THE OPPORTUNITY TO SPEAK BEFORE YOU. CK, SHADOW AND I APPRECIATE IT.

GOOD EVENING, I'M JOEL RAWLINGS, A 30 YEAR AUSTIN RESIDENTS, ALSO A MEMBER OF TRAVIS COUNTY SEARCH AND RESCUE, AN ALL VOLUNTEER CANINE SEARCH AND RESCUE TEAM. ALREADY THIS YEAR WE HAVE BEEN CALLED UPON TO ASSIST ON 22 SEPARATE OCCASIONS, THE AUSTIN POLICE DEPARTMENT, AUSTIN TRAVIS COUNTY E.M.S., TRAVIS COUNTY SHERIFF'S OFFICE, AS WELL AS A NUMBER OF OTHER CENTRAL TEXAS LAW ENFORCEMENT AGENCIES. IN ALL CASES, EXCEPT ONE, WE FOUND THE SUBJECT OF THE SEARCH AND LIVES WERE SAVED. ALL OF THE SERVICES WE PROVIDE ARE WITHOUT FEE, COMPENSATION OR PUBLIC FUNDING. IT REQUIRES HUNDREDS OF HOURS TO TRAIN A SEARCH CANINE. TURKEY CREEK PROVIDES ME WITH THE A UNIQUE SITUATION WHERE I CAN TRAIN MY DOG AND CONDITION HER IN AN OFF LEASH AREA THAT REPRESENTS THE KINDS OF AREAS THAT WE GO SEARCH IN. PLEASE KEEP THIS AREA AVAILABLE TO US SO WE CAN CONTINUE TO

PROVIDE THE SERVICES WE DO FOR THIS COMMUNITY.
THANK YOU.

MAYOR, MEMBERS OF COUNCIL, I WANT TO FINALLY WRAP UP OUR PRESENTATION. A SPECIFIC CONFLICT EXISTS BETWEEN THE PLAN AND EXISTING CITY ORDINANCE THAT PREDATES THE B.C.P. AND REMAINS IN FORCE TODAY. THE FRIENDS OF TURKIDZ SUPPORT REVISING THE MAP TO BRING IT INTO CONFORMITY WITH CITY CODE AND THE COMMITMENT TO EXISTING USES ON GRANDFATHERED PROPERTIES. MR. CONRAD'S ASSURANCES WILL NOT ACCOMPLISH THIS TASK. FOCUSING ON DATA, NOT GENERALITIES, EMMA LONG MEETS OR SURPASSES AVERAGE PERFORMANCE ON EACH TRACT AND LEASING INDICATORS SUCH AS TERRITORY DENSITY AND NUMBER OF TERRITORIES WITH AT LEAST ONE YOUNG. FOCUSING ON DATA, NOT GENERALITIES, THE CREEK'S WATER QUALITY CHALLENGES STEM FROM RESIDENTIAL DEVELOPMENT NOT FROM DOGS. WE IN FACT SUPPORT OUR DATA MONITORING, ALBEIT MORE SOPHISTICATED TRACT SPECIFIC MEASURES THAT IDENTIFY SPECIFIC THREATS AND DEVELOP STRATEGIES THAT RESPOND TO THEM. WE STAND READY TO PARTNER AND CONTINUED SUPPORT OF THE TRAIL IN EDUCATION AND OUTREACH. FINALLY, WE HAVE PROVIDED YOU WITH A SNAPSHOT OF ONLY A FEW OF THOSE WHO USE TURKIDZ, THERE ARE MANY MORE STORIES WE COULD HAVE TOLD, THEY SIT, THEY STAND NOW AND THEY STOOD WITH US EARLIER. TURKEY CREEK IS A LIVING EXAMPLE OF CO-EXISTENCE AND COMPATIBILITY WHERE OVER THE PAST 10 YEARS THE WARBLER HAS THRIVED AS PEOPLE AND THEIR DOGS HAVE RECOLLECTION CREATED. WE REG YOUR SUPPORT IN REMOVING THE PROPER BIGGS OF DOGS ALONG TURKEY CREEK AND BRINGING THE LAND MANAGEMENT PLAN INTO CONFORMITY WITH CITY CODE. THANK YOU FOR YOUR CONSIDERATION.

Mayor Wynn: THANK YOU. COUNCILMEMBER MARTINEZ MOVES AND COUNCILMEMBER COLE SECONDS THAT WE WAIVE COUNCIL RULES TO GO PAST 10:00 P.M. ALL IN FAVOR PLEASE SAY AYE? AYE.

Wynn: OPPOSED? ? MOTION PASSES. LET'S SEE. SINCE THAT WAS THE SORT OF THE ORGANIZED, FRIENDS OF TURKEY

CREEK, COORDINATED PRESENTATION OF GREATLY APPRECIATE YOU ALL GETTING TOGETHER AND DOING IT IN A PRECISE WAY. SO DOZENS AND DOZENS OF YOUR NEIGHBORS SIGNED UP, ALSO. IN OPPOSITION PRIMARILY BECAUSE OF THE TURKEY CREEK. I SUSPECT THERE ARE FOLKS HERE WHO WOULD LIKE TO GIVE US TESTIMONY, HOWEVER, THAT AREN'T FORMALLY PART OF THAT OR PERHAPS BELIEVE THEIR PERSPECTIVE HASN'T BEEN HEARD. SO -- SO I PREFER NOT TO READ THROUGH NAMES OF FOLKS WHO SIGNED UP WISHING TO SPEAK. I KNOW THAT WE SHOULD APPRECIATE BREVITY. WE HAVE FIVE OR SIX MORE PUBLIC HEARINGS, INCLUDING A VERY IMPORTANT ONE REGARDING BARTON SPRINGS WATERSHED REDEVELOPMENT ORDINANCE. BUT -- BUT TO THE EXTENT THAT FOLKS DO HAVE SOME TESTIMONY REGARDING THIS -- PUBLIC HEARING ON THE BCCP LAND MANAGEMENT PLAN, YOU ARE WELCOME TO STEP FORWARD AND -- ANNOUNCE YOUR NAME TO THE MICROPHONE FOR THE RECORD AND GIVE US YOUR TESTIMONY. I WILL DO MY BEST TO FIND YOU ON THE SIGNUP SHEET TO SEE IF YOU HAVE ANY MORE TIME.

SCIENCE, NINE MINUTES.

DR. ROCHELLE, IS CHARLIE MACABE HERE? CHARLIE IN THE ROOM? HOW ABOUT CHARLES RILE? SORRY IF I'M MISPRONOUNCING THAT. HOW ABOUT TIM CARTER? WELL, DR. REPORTER SHE..... ROCHELLE.

I CAN DO IT IN SIX MINUTES. WE WILL MAKE IT SIX. IF I CAN HAVE THAT SLIDE PLEASE.

WE'RE GOING TO TALK ABOUT RESPONSIBLE TRAIL PROJECTS, HOW TO USE TO INCREASE WARBLER POPULATION. MY NAME IS GARY ROCHELLE, I'M A BOY SCOUT LEADER. I GET TO TRAIN YOUTH TO LEAVE NO TRACE. I'M A CHEMICAL ENGINEER AT THE UNIVERSITY OF TEXAS, I PRODUCE TECHNOLOGY TO REDUCE GREENHOUSE GASES AND I REPRESENT THE FRIENDS OF THE BALCONES CANYONLANDS PRESERVE. THE MESSAGE THAT I WILL GIVE US ABOUT SCIENCE AND CHOICE. THE ENDANGERED SPECIES ALLOWS REASONABLE, SIGNIFICANT CHOICE. [READING GRAPHIC] THEREFORE WE WILL ACTUALLY

SUPPORT TRAILS NOT FENCES. ENDANGERED SPECIES IS REASONABLE. THE PERMIT PROHIBITS TAKE AND IT DEFINES TAKE AS HARM AND HARASS. AND BOTH OF THOSE ARE DEFINED AS SIGNIFICANT EFFECTS. SO IF YOU WILL LOOK AT THIS DEFINITION. YOU WILL SEE SIGNIFICANT, SIGNIFICANTLY ESSENTIAL. THE ESA IS A REASONABLE ACT. THE PENDING LMP IS NOT REASONABLE. IT DOESN'T TAKE INTO ACCOUNT THAT HARM ITSELF IS DEFINED AS A SIGNIFICANT EFFECT AND NOT SIMPLY NO EFFECT. THE QUESTIONS OF SCIENCE ARE WHERE, WHEN, HOW CAN WE USE TRAIL ALSO WITHOUT SIGNIFICANT EFFECTS. WHAT IS SIGNIFICANT. WE WILL TALK ABOUT STATISTICAL LIMITATIONS ON THAT. CAN WE GAIN HABITAT BY REHABILITATION. WE WILL TALK ABOUT FRAGMENTATION, SIGNIFICANT HABITAT LOSS IN THE OFF SEASON, THAT'S PRIMARILY IN TRAIL COMPACTION. HABITAT LOSS, PRIMARILY AN EFFECT OF FLUSHING, WE WILL LOOK AT THE SCIENCE. FIRST SIGNIFICANCE. I WOULD SUGGEST THAT SIGNIFICANCE PROBABLY WILL TURN OUT TO BE A MEASURABLE LEVEL OF WARBLER LOSS. POPULATION IS REALLY WHAT COUNTS BOTH LEGALLY AND MORALLY. IF WE CONSIDER A TYPICAL SITE WITH 20 WARBLERS ON 100 ACRES, WE CAN MEASURE THOSE PLUS OR MINUS TWO. WE CAN'T DO BETTER THAN THAT. THIS IS A VERY UNCERTAIN SCIENCE. EQUIVALENT TO ABOUT PLUS OR MINUS AN EQUIVALENT AMOUNT OF AVERAGE OF 10 ACRES. I'M GOING TO COUNT WARBLERS AS ACRES FROM NOW ON BECAUSE THAT'S REALLY WHAT WE'RE TALKING ABOUT. IF WE HAD 10 MORE ACRES WE COULD TAKE CARE OF THOSE TWO WARBLERS. THE MOST SIGNIFICANT EFFECT WE DO KNOW ABOUT IS WHEN WE CUT DOWN TREES WE WILL LOSE ALL 100 ACRES, ALL 20 WARBLERS. THEREFORE WE CAN CLAIM ACCORDING TO THE ENDANGERED SPECIES NO HARM IS REALLY GOING TO BE WHERE WE LOSE LESS THAN 10 ACRES. TO THE EFFECTS OF TRAIL. IF WE CHOOSE TO PERFORM AN EXPERIMENT ON THE EFFECTS OF TRAIL USE, WE WILL MEASURE FOR EFFECTS OF TRAILS UNTIL THE EFFECT IS GREATER THAN 10 ACRES, I'M GOING TO SHOW YOU THERE AREN'T ANY CONCEIVABLE EFFECTS OF THIS MAGNITUDE ON TRAIL USE. THERE'S GOING TO BE NO WAY TO SHOW BY EXPERIMENT THAT THE TRAILS HAVE AN EFFECT ON THE BIRDS. BECAUSE THE SORT OF EFFECTS THAT WE ARE

LOOKING FOR ARE GOING TO BE MUCH LESS THAN THE EFFECTS THAT WE EXPECT TO MEASURE. IN 10 YEARS TIME WHEN WE GO TO DO A CENSUS OF THE BIRD, IF WE PUT A BUNCH OF TRAILS IN, THERE WILL NO MEASURABLE EFFECT ON THE BIRD BECAUSE THE SORT OF EFFECTS OF TRAILS ARE REALLY SMALL EFFECTS AND THEY ARE OUTSIDE THE RANGE OF BEING REASONABLE. THEY ARE NOT SIGNIFICANT EFFECTS. SO LET'S LOOK AT SOME OF THESE EFFECTS. THE FIRST IS ACTUALLY NOT AN EFFECT OF TRAILS. IT'S AN EFFECT THAT HE WITH CAN DO SOMETHING ABOUT. WARBLERS AVOID CAN NO PRE FREE CORRIDORS THAT ARE GREATER THAN 30 FEET WIDE. TYPICALLY SITE OF 100 ACRES, ABOUT .4 MILES WILL BE CORRIDOR. WE LOSE ABOUT 20 ACRES OF EFFECTIVE HABITAT BECAUSE THE BIRD AVOID THE EDGES OF THAT CORRIDOR. WE CAN FIX THAT PROBLEM WITH A PUBLIC PRIVATE COALITION DOING TRAIL WORK IN A SITE AND OFFERING THEIR VOLUNTARY HELP, WE CAN REVEGETATE AND PLANT TREES ON THAT 1.5-ACRE CORRIDOR AND ESSENTIALLY REGAIN ALL 20 ACRES THAT WOULD HAVE BEEN LOST TO THAT EFFECT. WE CAN BENEFIT THE WARBLERS WITH GOOD TRAIL PROJECTS. LET'S CONSIDER SOME OF THESE MINOR EFFECTS. HIKERS AND DOGS AND BIKERS CAN USE TRAILS WHEN THERE ARE NO WARBLERS. IN 1989 IT WAS SUGGESTED WE COULD USE THEM DURING NON-NESTING AS LONG AS THE ACTIVITIES DO NOT RESULT IN ANY SIGNIFICANT LAND OR VEGETATIONAL MODIFICATIONS. WE PROPOSE RESPONSIBLE TRAILS NO LOSS OF CANOPY, LESS THAN 1% IMPACT ON THE SOIL AND VEGETATION. WITH A LOSS HABITAT LESS THAN THAT ONE ACRE OF IMPACT BECAUSE THE BIRD PRIMARILY OCCUPY THE TREES, NOT THE TRAILS. WE HAVE A TOTAL LOSS, A GRAND TOTAL OF MAYBE 0 ACRES, MAYBE ONE ACRE, WHEN ALL WE CAN MEASURE IS 10 ACRES. SO THEREFORE WE CAN USE TRAILS WHEN THERE ARE NO WARBLERS WITH NO SIGNIFICANT LOSS OF HABITAT AND WITH NO HARM. WE CAN USE TRAILS WHERE THERE ARE FEW WARBLERS ALONG THOSE WIDE CORRIDORS THAT I MENTIONED, BARTON CREEK, BULL CREEK, EXISTING LEGACY ROADS, WE CAN PUT TRAILS THEY WILL NOT AFFECT THE WARBLERS BECAUSE THEY AREN'T THERE. WE CAN USE TRAILS IN OCCUPIED HABITAT BECAUSE IT TURNS OUT THE MOST SIGNIFICANT EFFECT THERE IS FLUSHING. FLUSHING DEPENDS ON THE

INTENSITY OF THE USE, THE NUMBER OF USERS, THE GROUP SIZE. IF WE CONSIDER FOR EXAMPLE THE SORT OF FLUSHING THAT OCCURS FROM HIKERS AND BIKERS MUST WOULD IT EXPECT AS A BIKER MOVES THROUGH THAT THE BIRDS WILL MOVE AWAY 25 TO 75 FEET. SO IN EFFECT WE ARE GOING TO LOSE ACTIVE HABITAT BECAUSE OF THE BIKERS AND HIKERS GOING THROUGH. OUR BEST ESTIMATE OF THAT IS 0.05 TO .4 ACRES LOST WITH 200 HOURS. OR CONSIDER HIKERS WITH DOGS, SOMEWHAT HIGHER LEVELS OF LOSS. [BEEPING] THEREFORE OUR TOTAL ESTIMATED LOSS IS GOING TO BE ON THE ORDER OF ABOUT .15 TO 3 ACRES. LET ME CLOSE WITH THIS SUMMARY TABLE. IF WE CONSIDER THESE ACTIVITIES AND THEIR NET GAIN AND LOSS IN TERMS OF 100 ACRES, WHETHER WE ARE LOOKING AT REASONABLE SIGNIFICANT LOSS OR SIMPLY IMAGINARY THINGS, OFF SEASON TRAILS WE MIGHT LOSE ONE ACRE, PROBABLY NOT, WE PROBABLY WON'T LOSE ANY. UNOCCUPIED TRAILS, WE WON'T LOSE IN. IN SEASON TRAILS WE MIGHT LOSE TWO ACRES BUT PROBABLY NOT. PROBABLY BE .15 ACRES. IF WE HAVE A GOOD GROUP IN THERE DOING THE WORK LIKE THEY WILL BE DOING, HAVE DEMONSTRATED THAT THEY TEND TO, WE WILL ACTUALLY GAIN THREE TO 20 ACRES. SO THE NET EFFECT OF THIS IS WE HAVE PRESERVES THAT ARE BETTER FOR THE BIRDS, BECAUSE WE ALLOW OUR PUBLIC GROUPS IN TO DO THE WORK THAT WE WANT TO DO. THANK YOU FOR YOUR TIME.

THANK YOU, DR. AND FOR THE HARD COPY. RICHARD, WELCOME BACK.

MAYOR, COUNCIL, THANK YOU. MAYOR, FIRST OFF THANK YOU FOR YOUR ENDORSEMENT OF GREATER PUBLIC ACCESS TO THE B.C.P. IT'S TRULY APPRECIATED.

Mayor Wynn: BEFORE WE GET STARTED THOUGH, A NUMBER OF FOLKS WHO WANTED TO GIVE YOU TIME. HOW MUCH TIME DO YOU THINK THAT YOU ARE GOING TO NEED.

YOU KNOW WHAT I'M GOING TO LOSE THE FLOW BUT I'M GOING TO TRY TO GO THROUGH AS QUICKLY AS I CAN. THEY WERE NINE MINUTES.

Mayor Wynn: SIX IF YOU DON'T MIND. A FEW FOLKS SIGNED

UP TO GIVE YOU TIME. APPRECIATE THE BREVITY.

IN THE B.C.P. THE LAND DEVELOPMENT COMMUNITY GOT WHAT THEY WANTED A DEVELOPMENT PROCESS STREAMLINED PAST U.S. FISH & WILDLIFE SERVICE THE BIOLOGICAL COMMUNITY GOT WHAT THEY WANTED THE PRESERVE. THE PUBLIC THAT PAID FOR THE PRESERVE WITH THEIR TAX DOLLARS, BOND DOLLARS, EVEN WITH THEIR PARKLAND LARGELY GOT FENCES AND NO TRESPASS SIGNS AND EVEN ARREST NOTICES. QUICKLY I WANT TO GO TO THE BOND IN 1992. 22 MILLION WORTH OF BOND, 65% OF THE VOTERS VOTED FOR THEM. THE TRACKS THAT WERE PURCHASED, HANKS, LANIER, CANYON CREEK, JESTER, HILLTOP, LINE CREEK, CORE TANYA, PARK WEST, COLD WATER CANYON, LONG CANYON, DOUBLE J AND T, RECYCLERS RANCH, BOWLS RANCH, 7,690 ACRES CLOSED TO PUBLIC ACCESS UNDER THIS POLICY. GOLDEN-CHEEKED WARBLER IS NOT IN TEXAS FOR SEVEN MONTHS OF THE YEAR. THE PROPOSED LAND MANAGEMENT PLANS DON'T RECOGNIZE THIS FACT. THEY APPLY THE SAME ACCESS STANDARDS YEAR ROUND. THE BALCONES WILDLIFE REFUGE OF 1491 NEVER CLOSES WARBLER TRAILS, OPEN 12 MONTHS A YEAR. SINCE WE ARE ON THE TOPIC, THEY ALREADY END.... ENDORSED TRAILS IN THE ENDANGERED SPECIES HABITAT ON THE NATIONAL WILDLIFE REFUGE BECAUSE OF THE NATIONAL WILDLIFE REFUGE IMPROVEMENT ACT. THE BARTON SPRINGS SALAMANDER IS ANOTHER LOCAL ENDANGERED SPECIES, WE HAVE -- TRAILS ALLOWED ON PRIVATE LANDS MANAGED SUCH AS STEINER RANCH OR EVEN COMMERCIAL BUSINESSES SUCH AS THE CROSSINGS. REQUEST DON'T HAVE DATA. CURRENTLY MUCH POLICY IS BASED ON A LACK OF DATA, THEREFORE ERRING ON THE SIDE OF CAUTION. THEY ARE BASING THEIR POLICIES BY THEIR OWN ADMISSION MORE ON WHAT THEY DON'T KNOW THAN WHAT THEY DO KNOW. WE ARE SEEING INCREASED POPULATIONS AT TURKEY CREEK AND OTHER TEST SITES. AT TURKEY CREEK THE WARBLER IS NESTING RIGHTS ON THE HEAVILY USED TRAIL THAT THE B.C.P. WANTS TO CLOSE. MORE SINGING MALES GENERALLY ON THE B.C.P. THE POPULATION IN TURKEY CREEK IS UP FOR YEARS. RECENTLY ARISEN THE ISSUE OF NESTING SUCCESS FOR POPULATION INCREASES,

WE KNOW THERE ARE MORE SINGING MALES NOW
BIOLOGISTS WANT TO TEST A NEW MEASURE, NEST
PRODUCTIVITY. BUT LO AND BEHOLD IT'S THE HARDEST
CHARACTERISTIC TO TEST. THEY ARE EJECTING ANOTHER
STONEWALL. THREE YEARS AGO FROM THIS DAIS JACKIE
GOODMAN WHEN THIS ISSUE CAME UP IN THE 4 ASKED
ABOUT THE COMPLETING THE STUDIES. DISSATISFIED THEN
SHE ASKED WHEN THE STUDIES WERE GOING TO BE
COMPLETED. HERE WE HAVE TOO MANY Ph.D.'S NOT
TURNING INTO WORK ON TIME, STILL EXPECTING CREDIT. IS
THE DELAY INTENTIONAL, DOES IT CREATE AN EXCUSE FOR
NOT OPENING THE PRESERVE. GOLDEN-CHEEKED WARBLER
RECOVERED -- RECOVERED AT FORT HOOD, THE SECOND
MOST ACTIVE LIVE ARTILLERY RANGE IN THE NATION.
CHAPTER 12 PERTAINS TO PUBLIC ACCESS SERIOUSLY
FLAWED. FOR THE FIRST TIME WE SEE THE TERM
CONDITIONALLY GRANDFATHERED. B.C.P. PROPOSED
CLOSING TURKEY CREEK TO DOGS, DIRECT ATTEMPT TO
AVOID CITY ORDINANCE, DESIGNATING TURKEY CREEK A
LEASH FREE NATURE TRAIL. THE TERM CONDITIONALLY
GRANDFATHERED, RESTRICT ACCESS TO THE GREENBELT,
WILDERNESS PARK, EMMA LONG, AS WELL AS COMMONS
FORD, BULL CREEK, INDEED OVER 5600 ACRES OF
PARKLAND. THE CURRENT PLAN DIFFERENTIATES ACTIVE
USES FROM PASSIVE USES. OTHER THAN PARK TRACKS,
ACTIVE USES ARE NOT ALLOWED ANYWHERE ON THE B.C.P.
BANNED USES INCLUDE ACTIVITIES ENGAGED IN FOR
AEROBIC ACTIVITIES SUCH AS JOGGING, MOUNTAIN BIKING,
GROUP SPORTS. PASSIVE RECREATION THE ALLOWED
ACTIVITIES ARE CONFINED TO SPONSORED GROUP
ACTIVITIES SUCH AS HIKING, PHOTOGRAPHY, NATURE
OBSERVATION AND GUIDED TOURS. ACCESS TO BE
APPROVED MUST BE PART OF AN ORGANIZED STRUCTURED
MANAGED MONITORED AND MITIGATED ACTIVITY. NOTE
ONLY GROUP ACTIVITIES. THE PERMITTED GROUP ACTIVITY
MUST BE REAPPLIED FOR EVERY 12 MONTHS. THE
MANAGEMENT PLAN DOES NOT ALLOW ANY CITIZENS OF
AUSTIN, THE CITIZENS WHO PAID FOR THIS PRESERVE TO
GO FOR A WALK IN THE WOODS, SIMPLEST OF LOW IMPACT
RECREATIONAL ACTIVITY NECESSARY FOR PHYSICAL AND
MENTAL HEALTH. THIS DEFINITIONS REDRAW THE LINE
BETWEEN PASSIVE AND ACTIVE USE. AND IN LATE 2005 AND

EARLY 2006 CITIZENS PARTICIPATED IN A PUBLIC PROCESS SO THEY MIGHT EXPRESS WHAT ACCESS THEY WANTED. 300 CITIZENS COMMENTED EXACTLY FOUR RECOMMENDED LESS ACCESS YET THE CURRENT REVISIONS FURTHER RESTRICT ACCESS TO THESE PUBLIC LANDS. THE INTEREST OF YOUR CITIZENS WERE IGNORED. THE BEECH IS..... B.C.P. IS NOT OPENED AS SPECIFIED. YOUR CITIZENS VOTED IF OPEN SPACE. STAFF GAVE US AN 11 PAGE APPLICATION. IF YOU RUN, BIKE OR WALK A DOG, WANT TO BE ON THE PRESERVE, YOU NEED NOT APPLY, YOU WILL BE DENIED UNDER THE CURRENT MANAGEMENT PLAN REVISIONS. WE ARE ASKING YOU NOT APPROVE THE POLICY SET FORTH IN THE LAND MANAGEMENT PLAN PROVISIONS ESPECIALLY CHAPTER 12. INSTRUCT STAFF TO OBSERVE THE PRESERVE TO MORE REASONABLE USE RESPOND TO THE DESIRES OF CITIZENS WHO PAID FOR THE PRESERVE. WE SUGGEST YOU IMPLEMENT A PUBLIC ACCESS PLAN WITH ACCESSIBILITY FEATURES. B.C.P. IS NEARLY 50 SQUARE MILES, NEW TRAILS, 10 MILES A YEAR FOR FIVE YEARS. ONE MILE OF TRAIL PER SQUARE MILE OF PRESERVE IS NOT UNREASONABLE. INCLUDE SITE SPECIFIC PLANS INTEGRATED INTO TRAILS AND A PUBLIC ACCESS MASTER PLAN, DIRECTION FROM YOU ALSO STOPS THE B.C.P. STAFF FROM [INDISCERNIBLE] WITH THE CITIZENS THEY SERVE. UP DEVELOPED TRACTS [BEEPING] I'LL PULL UP HERE MAYOR. HAVE B.C.P. REOPEN CANYON VISTA DC RANCH, LEGACY TRAIL THERE. FOREST RIDGE MOUNTAIN BIKING AND DOGS, DO AWAY WITH THE THREE PERSON RULE AT LEAST DURING THE NON-NESTING SEASON. STOP DISCRIMINATING AGAINST TRAIL RUNNER, ANOTHER CLASS OF PEDESTRIAN USER. NO SCIENTIFIC BASIS FOR TREATING HIKERS AND TRAIL RUNNERS DIFFERENTLY. THANK YOU FOR YOUR SUPPORT, MAYOR.

THANK YOU, RICHARD FOR KEEPING YOUR COMMENTS BRIEF. ADDITIONAL TESTIMONY? WELCOME PLEASE STATE YOUR NAME FOR THE RECORD. I'M SHEILA RIDER. IT'S NICE TO BE HERE NOT TALKING ABOUT NORTH CROSS FOR A CHANGE. I THANK YOU FOR YOUR ENDORSEMENT FOR ADDITIONAL ACCESS TO THE B.C.P. AS A PAST MEMBER OF THE BOARD OF THE AUSTIN RIDGE RIDERS, I HAVE VISITED THIS ISSUE BEFORE LONG AGO WAS HESITANT TO COME BACK IN AND TRY AGAIN. BUT SEEMS LIKE THINGS ARE

GOING A LITTLE BIT MORE POSITIVE WITH THIS TIME. THAT THE POINT I WANT TO GET ACROSS TODAY THERE'S A HUGE COMMUNITY OUT THERE OF USERS, TRAIL RUNNERS, MOUNTAIN BIKERS, HIKERS, THAT HAVE ALREADY SHOWN THAT THEY CAN BE GOOD PARTNERS WITH -- WITH THE ORGANIZATIONS LIKE THE LCRA AND WE'VE REALLY PUT TOGETHER SOME REALLY GOOD TRAILS OUT AT MULESHOE BEND. WE'VE DONE EXTENSIVE WORK OUT AT WALNUT CREEK PARK AND THESE PLACES ARE MUCH BETTER PLACES THAN THEY WERE BEFORE WE GOT THERE. I JUST WANTED TO -- TO EMPHASIZE THAT POINT THAT YOU'VE GOT USERS OUT THERE THAT CAN BE GOOD PARTNERS, THANK YOU.

THANK YOU, SHEILA. STEP RIGHT UP.

HELL LOCKS MAYOR, COUNCILMEMBERS, MY NAME IS MICHAEL TORKLESON, THIS SHOULD TAKE ABOUT TWO MINUTE. I HAVE FIVE BULLET POINTS TO TALK ABOUT, SOME HANDOUTS.

SPEAKING JUST ON TURNING, MY FIRST SLIDE THAT'S COMING AROUND, IF YOU COULD PUT UP ON THE SCREEN THERE, IS A PICTURE OR A MAP RATHER OF THE B.C.P. SYSTEM. OTHER ONE PLEASE, THERE IT IS. THIS IS KIND OF A [INDISCERNIBLE] CAN YOU FIND TURKEY CREEK ON THIS MAP? I WILL GIVE YOU ONE HINT. IT'S 1.97 MILES LONG, IT'S IN RED. IF YOU CAN'T FIND IT IF YOU FLIP TO THE NEXT PAGE YOU CAN SEE IT VERY, VERY EASILY..... EASILY. HERE IT IS. LITTLE SQUIGGLE. STATISTICALLY SPEAKING ABOUT 0.38%, LESS THAN 1%, NOT 3.8%, IT'S LESS THAN 1%. SO THE OPPOSITION SAYS IF THERE IS NO SIGNIFICANCE -- STATISTICAL SIGNIFICANCE, THERE'S NO HARM TO HIKERS AND DOGS ON TURKEY CREEK THAT DOES SIMPLY SAY THERE'S NOT ENOUGH EVIDENCE TO SUPPORT THEIR CLAIM AND ASK FOR MORE TIME AND STUDIES TO BE DONE. I SAY STATISTICALLY IMPOSSIBLE FOR THAT SMALL AREA TO HAVE AN IMPACT ON THE GOLDEN-CHEEKED WARBLER. ONLY LEGALLY OFF LEASH SPACE..... SPACE. EACH ONE CLAIMED THE OPEN PARKS AS ONE OF THE REASONS FOR THAT AS YOU CAN SEE THERE. IN CONCLUSION I WOULD LIKE TO PERMANENTLY HAVE TURKEY CREEK GRANDFATHERED IN SO WE DON'T HAVE TO DO THIS EVERY FIVE YEAR AS IN THE

PROPOSAL. THANK YOU FOR YOUR TIME.

THANK YOU, MAYOR. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] CANYONLANDS MEMBERS PREDOMINANTLY IN HOUSTON, DALLAS, AND WESTERN MOUNTAIN STATES. THE PURPOSE THAT I'M HERE IS TO TALK ABOUT THE DOCUMENT ITSELF, IT HAS NO MENTION OF TRAIL RUNNING ANYWHERE IN ANY ONE OF THE PRESERVES OR THE PARKS. ONE EXAMPLE IS THAT, I WANT TO GIVE IS ON THE BARTON CREEK GREENVILLE WINDERNESS PARK WHICH IS A GRANDFATHER PARK, THE PUBLIC ACCESS AND USE HAS NO REFERENCE TO RUNNING, JOGGING, IT DOES SAY SOMETHING ABOUT HIKING. SWIMMING, TUBING, MOUNTAIN BIKING THAT SEEMS TO FOLLOW CHUTE WITH ALL OF THE OTHER PUBLIC ACCESS SITES LISTED IN THE DOCUMENT. SO I WOULD LIKE TO SEE THAT JOGGING, AND I WOULD ASSUME THAT JOGGING REFERS TO RUNNING IN GENERAL, BUT IF NOT, THEN I WOULD LIKE TO SEE RUNNING ALSO INCLUDED IN THIS DOCUMENT. THE SECOND POINT THAT I WANT TO BRING UP IS ACCESS TO FOREST RIDGE. FOREST RIDGE IS, AS WE ALL KNOW, HAS BEEN RESTRICTED ACCESS FOR QUITE SOME TIME. MOST OF THE ENDANGERED AREAS OF THE PARK ARE FENCED OFF OR THERE IS SIGN AND RESTRICTING ACCESS. AS FAR AS THE NUMBER OF PEOPLE THAT CAN GAIN ACCESS INTO THE PARK ITSELF ARE RESTRICTED TO THREE INDIVIDUALS. WE, AS A RUNNING GROUP, REALLY HAVE NO ORGANIZED GROUP RUNS, SO TO SPEAK, MOST OF US BASICALLY RUN BY OURSELVES, AND WE WOULD LIKE TO HAVE ACCESS TO FOREST RIDGE FOR THE PRIMARY REASON IS THAT IT EMULATES A TYPE OF RUNNING THAT WE ENJOY DOING. AND A LOT OF THAT IS THE HILLS, THE VERTICALS, THE TECHNICAL TRAILS THAT WE CANNOT FIND ANYWHERE ELSE, AND THE TOWN LAKE TRAIL, IT DOES NOT EMULATE THAT. THE OTHER TRAIL IS BARTON CREEK, GREEN BELT, ANNUAL NUT WILD LIFE PARK. -- AND WILD LIFE PARK. MY TIME IS UP, I DO WANT TO THANK YOU FOR YOUR RECOMMENDATION TO INCREASE PUBLIC ACCESS AND ALL OF THE PRESERVES AND THANK YOU VERY MUCH TO THE COUNCIL LETTING ME SPEAK.

THANK YOU. ADDITIONAL TESTIMONY? WELCOME, PLEASE STATE YOUR NAME FOR THE RECORD.

MY NAME IS CHRIS CHANDLER. THANK YOU, MAYOR, COUNCIL MEMBERS. I'VE LIVED IN AUSTIN 20 YEARS NOW AND USING THESE TRAILS BEFORE THEY WERE PART OF BCP SO I'VE SEEN ALL THE DEVELOPMENT THAT OCCURRED AROUND THEM AND ALL THE CHANGES THAT HAVE TAKEN PLACE. AND IT IS REALLY JUST AMAZING TO ME THAT A HOMEOWNER THAT LIVES NEXT TO THE BCP CAN TURN UP THEIR STEREO OR FIRE UP A CHAINSAW OR SOMETHING, BUT A FAMILY OF FOUR CANNOT LEGALLY GO TO FOREST RIDGE. I DO TAKE ISSUE WITH THE DEFINITIONS BETWEEN ACTIVE AND PASSIVE RECREATION AT THESE PLACES. I DISAGREE THAT JOGGING IS DONE TO ONLY STRENGTHEN MUSCLES. JOGGING IS DONE ON TRAILS IN A NATURAL SETTING TO ENJOY NATURE, JUST LIKE HIKING IS. THE CONTENTION THAT HIKING IS NOT DONE FOR MUSCLE STRENGTHENING IS ALSO NOT APPROPRIATE. ANYONE WHO SAYS THAT HAS NOT BEEN DOWN IN THE BARTON CREEK AREA HAS NOT SEEN THE BOY SCOUTS THROUGHOUT DOING THEIR HIKING IN PREPARATION FOR HAIR BACKPACKING TRIPS. THEY DO THAT FOR STRENGTHENING MUSCLE CAPACITY AND AEROBICS. JOGGERS WHO USE THE TRAILS APPRECIATE THE NATURAL AREA, THEY PICK UP TRASH, AND THEY LEAVE ONLY FOOTPRINTS, JUST LIKE HIKERS. I OPPOSE ANY RESTRICTION TO JOGGING ON ANY OF THE BCP TRACKS. AS STATED BEFORE, BY OTHER PEOPLE, THE TRAILS ON THE BCP TRACKS ENCOUNTER ONLY REALLY A SMALL PERCENTAGE OF THE OVERALL LAND USE IN THAT AREA, SO THERE IS VERY LITTLE OPPORTUNITY TO DISTURB WILD LIFE, BUT USING THE TRAILS. JOGGING, LIKE HIKING, IS A QUIET AND RECREATIONAL OPPORTUNITY FOR THESE PEOPLE. I WANT TO THANK YOU, MAYOR WYNN, FOR YOUR PROPOSED ADDENDUM TO INCREASE ACCESS THAT HAS BEEN TAKEN AWAY FROM US IN PLACES LIKE FOREST RIDGE, AND WE WOULD LIKE TO SEE THAT BROUGHT BACK. THANK YOU.

THANK YOU. MISS CHANDLER. WELCOME.

MY NAME IS JUDY, THANK YOU MAYOR AND COUNCIL FOR ALLOWING ME TO SPEAK TONIGHT. I HAVE BEEN A RESIDENT AND TAXPAYER AND HOME OWNER IN AUSTIN FOR 28 YEAR, I MOVED HERE PARTLY BECAUSE OF THE RECREATIONAL OPPORTUNITIES AND ENVIRONMENTAL AWARENESS THAT

AUSTIN HAS TO OFFER. I ENJOY HIKING, TRAIL RUNNING AND MOUNTAIN BIKING BECAUSE IT GIVES ME A SENSE OF WELL-BEING, ACCOMPLISHMENT AND A CONNECTION WITH NATURE. I'M HERE TODAY TO REPRESENT THE MOUNTAIN BIKING COMMUNITY IN MY CURRENT CAPACITY AS THE PRESIDENT OF THE AUSTIN RIDGE RIDER'S MOUNTAIN BIKE CLUB. I AM HERE TO PROPOSE THAT THROUGH A STRUCTURED CITIZEN/STAKEHOLDER PARTNERSHIP, INCREASED PUBLIC ACCESS TO BCP LANDS CAN BE ACCOMMODATED WITHOUT JEOPARDIZING THE GOALS OF HABITAT PRESERVATION. I BELIEVE THAT FURTHER MONITORING ON THE AFFECTS OF TRAIL RUNNING AND MOUNTAIN BIKING ON THE HABITAT IS ESSENTIAL AND PRUDENT TO CLARIFY THE ISSUE OF WHAT IS, AND WHAT IS NOT ALLOWABLE. I ALSO BELIEVE THAT BECAUSE WE ARE PROHIBITED FROM ACCESSING THESE -- PROHIBITED FROM ACCESSING THESE LANDS, THE MOUNTAIN BIKING COMMUNITY AS A VALUABLE RESOURCE IS BEING UNDER UTILIZED IN HELPING ACHIEVE THE GOAL OF PRESERVATION. THE AUSTIN RIDGE RIDEERS HAS BEEN IN EXISTENCE FOR 20 YEARS. WE ARE AN ALL-VOLUNTEER, NON-PROFIT ORGANIZATION DEVOTED TO THE PROMOTION MUCH ENVIRONMENTALLY CONSCIOUS OFF ROAD BICYCLING TRAIL, STEWARDSHIP AND ADVOCACY. CONTRARY TO THE POPULAR BELIEF OR WHAT TV ADVERTISERS PRESENT, MOUNTAIN BIKERS ARE MATURE, RESPONSIBLE, LAW-ABIDING VOTERS AND TAXPAYERS. WE ARE UNITED AND BONDED BY OUR LOVE OF THE OUTDOORS AND THE SPORT OF MOUNTAIN BIKING WITH OUR PASSION FOR MOUNTAIN BIKING ALSO COMES THE RESPONSIBILITY OF LAND STEWARDSHIP. WE KNOW WE MUST BE GOOD STEWARDS AND POLICE OURSELVES IN ORDER FOR OUR FOR THE SURVIVE. WE HAVE DEMONSTRATED OUR CAPABILITIES AND COMMITMENT TO LAND STEWARDSHIP TO THE LAST 15 YEARS WITH A SOLID TRACK RECORD OF NOTABLE PROJECTS. OUR CLUB IS NOT HUGE, WE ARE ONLY 150 MEMBERS. JUST THIS YEAR ALONE IN 2007, THE AUSTIN RIDGE RIDERS PERFORMED OVER 1500 VOLUNTEER HOURS ON TRAIL BUILDING AND MAINTENANCE. WE ALSO SECURED \$15,500 IN GRANTS AND FUND RAISING, SPECIFICALLY DEDICATED TO TRAIL STEWARDSHIP IF YOU ADD TO THAT THE VALUE OF OUR SWEAT EQUITY FROM VOLUNTEER

LABOR THAT EQUALS OVER \$31,000. THAT MAY NOT SEEM LIKE A LOT OF MONEY TO SOME OF YOU BUT IT REPRESENTED MORE THAN SIX TIMES OUR OPERATING BUDGET. PERHAPS OUR MOST SIGNIFICANT ASPECT OF OUR STEWARDSHIP IS THE PARTNERSHIP WE HAVE WITH THE LAND MANAGERS, WE HAVE A SOLID ONGOING RELATIONSHIP WITH AUSTIN PARKS AND RECREATION DEPARTMENT, TRAVIS COUNTY PARK, CITY OF AUSTIN WATER UTILITY, ARMY CORP OF ENGINEERS, TEXAS PARKS AND WILD LIFE. IS ANYONE HERE TO DONATE THEIR TIME. THREE MORE MINUTES?

IS MARK HENEKI HERE.

THERE IS MARK, GOOD. OKAY. THE LOWER COLORADO RIVER AUTHORITY, THE ARMY CORP OF ENGINEERS, TEXAS PARKS AND WILD LIFE, LAND MANagements FROM EACH OF THESE ORGANIZATIONS WORK WITH OUR SEVEN TRAIL STEWARDS WHO ARE TRAINED IN INTERNATIONAL MOUNTAIN BIKING ASSOCIATION SUSTAINABLE TRAIL-BUILDING PRINCIPLES. THEY ARE EXPERIENCED COMPETENT AND DEDICATED. OUR TWO MOST RECENT TRAIL PROJECTS OF EXCELLENT EXAMPLES OF EFFECTIVE PRIVATE/PUBLIC PARTNERSHIP. THE FIRST PROJECT I'M REFERRING TO WAS COMPLETED THIS YEAR AT WALNUT VEHICLE METRO PARK IN CONNECTION WITH THE FIRE DEPARTMENT AND AUSTIN CREEK FOUNDATION. THE RIDGE RIDERS PROVIDED 100 TRAIL SIGNS FOR IMPROVED EMERGENCY REPORTING AND RESPONSE. THE PROJECT WAS A HUGE SUCCESS, BENEFITING THE USERS AND EMERGENCY RESPONDERS. I'M PROUD TO SAY THAT BECAUSE OF ITS SUCCESS, WE HAVE BEEN RECOGNIZED BY THE PARKS AND REC DEPARTMENT FOR EXCEPTIONAL WORK IN AN AUSTIN PARK. THE SECOND PROJECT CURRENTLY IN PROGRESS IS EXTREMELY RELEVANT TO THE ISSUE AT HAND OF PUBLIC ACCESS THIS IS THE SLAUGHTER CREEK TRAIL PROJECT. IT IS A MULTIUSE TRAIL THAT WILL ACCOMMODATE HIKERS, MOUNTAIN BIKERS, RUNNERS AND HORSEBIERS THAT WILL BE OPEN IN A FEW WEEKS. IT IS A NINE-YEAR CULTIVATION OF INTENSIVE -- CULMINATION OF INTENSIVE PROCESS WITH INITIAL CONCEPT TO IMPLEMENTATION. THIS PROJECT IS A SIGNIFICANT AND UNIQUE MODEL FOR PUBLIC/PRIVATE PARTNERSHIP THAT SERVES PHILOSOPHIES OF

ENVIRONMENTAL PROTECTION, AND PUBLIC ACCESS ON PUBLIC LANDS. THE AUSTIN RIDGE RIDERS AND OTHER STAKEHOLDERS WERE GRANTED FULL RESPONSIBILITY TO FUND, PLAN, CONSTRUCT AND MANAGE PUBLIC ACCESS ON THIS WATER QUALITY PROTECTION TRACT. A MEMORANDUM OF AGREEMENT WITH THE CITY OF AUSTIN AND THE STAKEHOLDERS WAS SIGNED TO ESTABLISH ROLES AND RESPONSIBILITIES FOR PARTIES ENGAGED IN IMPLEMENTING PUBLIC ACCESS. A HUGE COMPONENT OF THE PROJECT AT SLAUGHTER CREEK IS THE EDUCATIONAL SIGNAGE, THEY WILL EDUCATE THE USERS ON THE SPECIAL SIGNIFICANCE OF THE LAND AND THEIR RESPONSIBILITY TO PROTECT IT. WE BELIEVE THE CAREFUL GUIDANCE, WE BELIEVE THAT WITH CAREFUL GUIDANCE AND COLLABORATION, THIS CITIZEN PARTNERSHIP MODEL CAN BE MODIFIED TO FIT INTO THE LAND MANAGEMENT PLAN OF THE BCP WITHIN THE PARAMETERS OF HABITAT PRESERVATION. IN SUMMARY, WE ARE OPPOSED TO RESTRICTIONS ON MOUNTAIN BIKING DUE UNSUBSTANTIATED DEFINITIONS ABOUT PASSIVE VERSUS ACTIVE RECREATION. MOUNTAIN BIKING IS NO MORE IMPACTFUL THAN HIKING. WE SUPPORT PUBLIC ACCESS WHERE PUBLIC ACCESS CAN BE ACCOMMODATED. WE SUPPORT RESPONSIBLE STEWARDSHIP THROUGH PUBLIC AND PRIVATE PARTNERSHIPS. AND INCREASED EDUCATION, AND PUBLIC AWARENESS AND REDEFINING MOUNTAIN BIKING AND TRAIL RUNNING AS PASSIVE RECREATION AND PERMITTING THOSE -- WE CAN CREATE AND PERMITTING THOSE ACTIVITIES WITHIN THE BCP. WE THANK YOU VERY MUCH FOR YOUR TIME.

THANK YOU VERY MUCH, JUDY. WELCOME, MR. CAMERON. I THINK I HAVE ONE TIME DONATION, MAYOR. ON THE LIST HERE.

IS SHANNA ELLISON HERE? WELL THEN SKIP, OUR RULES IS THEY HAVE TO BE PRESENT TO DONATE THE MINUTES. THREE MINUTES.

OKAY. SPEED READ. DON'T YOU FIND IT FUNNY THAT THE PUBLIC IS GIVING YOU THE EDUCATION ON THE SCIENCE. I DO. I FIND IT VERY ODD THAT ALL YOU HERE FROM THE SCIENTIFIC FOLKS IS THE SKY IS FALLING RHETORIC WITH

NO DATA. IT IS REALLY ODD IT. BORDERS ON WHAT I CALL SCIENTIFIC MALPRACTICE. I ALSO FIND IT ODD IF WE ARE GOING TO HAVE GLOBAL WARMING, AND WE HAVE MORE CO₂, CO₂ ENHANCES THE GROWTH OF EVERYTHING THAT GROSS PLANT LIFE, AND THAT IS GOOD FOR GOLDED-CHEEKED WARBLER, ISN'T IT. LET'S DO A LITTLE MORE SCIENCE. THE GOLDED-CHEEKED WARBLER LIKES MIXED OAK JUNIPER WOODLAND. MATURE JUNIPER TREES, OLD OAK TREES. PROVIDES FOR NESTING AND FOOD. NONE OF THE TRAIL BUILDING MAINTENANCE AND USE OF TRAILS IN ANY OF THE PARKS DEPARTMENT GRANDFATHER TRACTS VIOLATE THIS HABITAT DESCRIPTION. WORK BY MANY VOLUNTEERS HAS ACTUALLY CAUSED HUGE IMPROVEMENT FROM HABITAT FROM TERRIBLY UNSUIT TO BELIEVE IDEALLY SUITABLE HABITAT. THE ORIGINAL BCP PLAN WAS FLAWED, CONJURED UP THEORETICAL RESTRICTIONS ON PUBLIC USES THAT DO NOT EXIST IN THE ENDANGERED SPECIES ACT. MUCH OF THE STAFF TIME THEY ARE NOW SPENT ON LAW ENFORCEMENT, PENDING FENCES, CHASING OFF TRESPASSERS AND TRYING TO DEAL WITH THE EXPLODING DEER AND HAWK POPULATIONS. THE NEW VERSION OF THE BCP PLAN IS SERIOUSLY FLAWED IN IT IGNORED 99.9% OF THE PUBLIC WRITTEN INPUT. IT TOOK US FROM JANUARY 1999 TO 2005 TO REACH A SIMPLE FOUR-PAGE MEMORANDUM WITH THE CITY ON THE WILD LIFE CONSERVATION DIVISION TO ADOPT A 60-ACRE TRACT TO BUILD A 1.5-MILE HIKE AND BIKE TRACT THAT WILL OPEN TOMORROW. YOU ARE ALL INVITED. ELIMINATING VAGRANRY, HAVING PEOPLE HIKES, BIKES, DOG RUNNERS, GOLDED-CHEEKED WARBLER ALL ENJOYING THE PUBLIC PARKS DEPARTMENT. IT IS TRAGIC THAT I CAN AFTER TEN YEARS AND AFTER OVER TEN YEARS OF BCP MANAGEMENT THEY STILL DON'T HAVE THE DATA TO SHOW COMPATIBILITY BETWEEN THE GOLDEN CHEEK, AND HUMAN ACTIVITY. LET ME GIVE YOU SOME OF THAT. THE BCP REPORTS THAT WE HAVE TWO CRASH TWO -- WARBLERS ON THE TRACK. WHAT HAVE WE BEEN DOING THE LAST TWO YEARS? WE'VE BEEN BUILDING A TRAIL AND BEFORE THAT WE'VE BEEN IMPROVING THE HABITAT. THERE IS GRASSY FIELDS, MEADOWS AND NEW GRASSES AND TREES REMOVED. THEY ARE LOVING IT, AND THEY ARE COMING. DUE TO THE FACTS CAN WE LEGITIMATELY SAY THE PUBLIC AND PRIVATE

PARTNERSHIP ON THE NEW TRACTS WILL SUSTAIN A NET GAIN ON GCBs AND MORE HABITAT WILL RESULT AND MORE CITIZEN USES AND HIKING, BIKING, DOG WALKING AND EVEN HORSEBACK RIDING. SUPREME COURT JUSTICE CLARENCE THOMAS SAID HE LEARNED FROM HIS GRANT FATHER DOING HARD WORK AND DOING RIGHT BY OTHERS AND THE SAYING OLDMAN CAN'T, IT IS TIME TO BURY HIM. IT IS TIME TO MANDATE, GRANT FATHER OUR USES AND THE CITY CREATE A PUBLIC/PRIVATE PUBLIC ON THE TRACTS AROUND THE COUNTY SUPPORTS THAT AND REQUIRE THAT GCW HUMAN ACTIVITY BE DONE AND REPORTED AND ALL PUBLIC USES ARE REPORTED. THANK YOU.

THANK YOU, MR. CAMERON.

GREETINGS. MY NAME IS BART BOMBAY, I'VE BEEN A HOMEOWNER HERE IN AUSTIN 13 YEARS, I AM A HIKER, RUNNER, MOUNTAIN BIKER, SWIMMER, ROCK CLIMBER AND KAYAKER, AND I ENJOY ALL THESE ACTIVITIES IN OUR BEAUTIFUL PARKS HERE. I WANT TO TAKE A LITTLE BIT OF A BROADER VIEW OF THE SITUATION AND LOOK AT THINGS LIKE THE LONG-TERM ENDANGERED SPECIES PROTECTION. IN ORDER TO ACHIEVE ANY REAL RESULT, WE NEED THE PUBLIC SUPPORT. AND WITHOUT ACCESS, WE CANNOT HAVE THE PUBLIC APPRECIATE THE BEAUTY OF OUR LANDS AND WITHOUT THAT APPRECIATION WE CANNOT HAVE THE POLITICAL SUPPORT FOR THE BALCONES CANYONLANDS PRESERVE AND OUR PARKS. HOW WILL WE EVER HAVE ANOTHER SUCCESSFUL BOND PACKAGE TO BUY PARK LAND IF WE DON'T ALLOW ACCESS BY THE PEOPLE TO THIS PARK LAND. WHY ARE WE MAKING THESE RESTRICTIONS SO EXTREME, WHILE WE ARE AT THE SAME TIME GRANTING PERMITS FOR DEVELOPMENT AT VERY CHEAP PRICES OF 2 OR \$4,000 PER ACRE? IT DOESN'T MAKE SENSE. WHY NOT CHARGE MORE FOR THAN DEVELOPMENT PERMIT AND USE THAT MONEY TO BUY MORE PARK LAND FOR MITIGATION. ONE THING THAT REALLY, REALLY SURPRISES ME HERE IS THAT THESE FENCES THAT WERE GOING -- FENCES THAT ARE GOING UP EVERYWHERE TO KEEP PEOPLE OUT, WELL, IT HAPPENS THAT THESE FENCES WILL ALSO BE DAMAGING THE WARBLER AND THE OTHER BIRDS. IN A STUDY IN SAN DIEGO, THEY HAVE SHOWN THAT FENCES WHICH KEEP OUT ALSO THE COYOTES, ARE ACTUALLY

HURTING THE BIRD SEES. THE COYOTES EAT THE MESO PREDATORS THAT EAT THE BIRDS, RACCOON, FEREL CATS, OPPOSE SUMS THAT WILL GO IN AND EAT THE EGGS IN THE NEST. THIS IS WELL ESTABLISHED BY SCIENTIFIC STUDY AND THE FENCES ACTUALLY ARE A HUGE IMPACT ON THE ENVIRONMENT THEM GREATLY ATTAR THE LANDSCAPE AND THE ENVIRONMENT AND THE HABITAT. THEY ARE USED BY THESE BIRDS AND ALL THE NATURAL CREATURES. WHY DO WE DO THIS? THE TRAIL USE IS INSIGNIFICANT AS HAS BEEN NOTED MANY TIMES ALREADY. AND SO I ASK THAT WE GRANT SOME OF THIS TRAIL USE IN THERE BECAUSE IT IS SO INSIGNIFICANT TO MOUNTAIN BIKING, RUNNING, SWIMMING, ROCK CLIMBING AND SUCH. LET'S REALLY GET THE PUBLIC SUPPORT BEHIND PROTECTING THESE SPECIES. WE CAN DO IT SO EASILY AND WITH THAT SUPPORT, WE CAN PURCHASE MORE LAND AND PROTECT THE SPECIES EVEN BETTER. THANK YOU.

THANK YOU.

MAYOR, I'M GOING TO RESPECTFULLY REQUEST WE CLOSE THE PUBLIC HEARING.

WE HAVE A LOT 67 PUBLIC HEARINGS INDUSTIAL GO THROUGH. I THOUGHT FOLKS WOULD RECOGNIZE WHERE WE ARE HEADED WITH THIS, BUT OBVIOUSLY NOT.

I MOVE TO CLOSE THE PUBLIC HEARING.

MOTION, A SECOND TO CLOSE THIS PUBLIC HEARING, ITEM 118 REGARDING THE BCCP LAND MANAGEMENT PLAN. COMMENTS? MOTION TO CLOSE THE PUBLIC HEARING. COUNCIL MEMBER KIM.

MAYOR, I WANT TO THANK YOU FOR YOUR WORK AND COMMISSIONER AS WELL, AS YOU TAKE MORE INPUT AND TO OPEN UP THE PRESERVE AS PRACTICABLE WITHOUT SACRIFICING THE HABITAT OR THE GOLDED-CHEEKED WARBLER, AND PUBLIC ACCESS IS SOMETHING WE REALLY DO WANT TO INCORPORATE AS MUCH AS WE CAN WITHOUT HURTING THE SPECIES OR THE HABITAT AND CHANGE WE CAN FIND THAT DELICATE BALANCE USING SIGNS AND ALSO THE RESEARCH AND THE DATA THAT WE HAVE. SO I'M

HOPING THAT WE CAN CONTINUE TO WORK ON THIS AND OF COURSE, KEEP TURKEY CREEK TRAIL OPEN TO THE DOG OWNERS AS WELL AS TO REALLY APPRECIATE THE EFFORTS OF THE VOLUNTEERS THAT DO SO MUCH WORK ON THE BCP AND ALSO THE TRAIL AND THE TRAIL RUNNERS AND ALSO TO RESPECT THE NEIGHBORS WHO LIVE IN THE AREA AS WELL WHO WANT TO MAKE SURE THIS AREA REMAINS PRISTINE SO THANK YOU FOR COMING OUT TONIGHT AND FOR YOUR PASSION, DEDICATION AND THE GREAT STICKER, I WILL WEAR ONE AS WELL. THANK YOU VERY MUCH.

I DO KNOW THAT ALL OF THE COMMENTS HERE, ALL THE FOLKS WHO HAVE SIGNED UP WILL BE RECORDED FOR THE RECORD, ALL THOSE AGAINST THE PLAN. MOTION SECOND ON THE TABLE TO CLOSE THE PUBLIC HEARING.

I HAVE A COMMENT.

COUNCIL MEMBER COLE.

I WOULD LIKE TO THANK THE SPEAKERS FOR COMING OUT TONIGHT AND I THE NEEDS TO WATCH POSITIVE THE BIRDS BY I HEARD THE SCIENTIFIC TESTIMONY WE CAN GRANT PUBLIC ACCESS AND I'M PLEASED YOU ARE GOING IN THAT DIRECTION WITH YOUR SERVICE, AND WE ARE RECOGNIZING WE NEED ACCESS TO OUR TRAILS BY THE DOGS ALSO.

MOTION AND SECOND ON THE TABLE TO CLOSE THE PUBLIC HEARING. ALL IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING PASSES ON A VOTE OF 6-0 WITH COUNCIL MEMBER MARTINEZ OFF THE DAIS. THANK YOU ALL VERY MUCH FOR YOUR INPUT AND KNOW THAT BCC ABOUT WILL BE MOSTING ITS UPCOMING MEETINGS SHORTLY IF WE HAVEN'T ALREADY DONE SO. ITEM NUMBER 119. WE HAVE ONE CITIZEN SIGNED SO KNOCK IT OUT. PUBLIC HEARING, RECEIVE COMMENTS REGARDING THE PROPOSED CHANGES TO THE CITY'S BOARD AND COMMISSION SYSTEM. RECOMMENDED BY THE ETHICS REVIEW COMMISSION. PERHAPS THE BRIEF STAFF PRESENTATION OR IF NOT WE WILL JUST TAKE, I THINK WE ARE JUST TAKING COMMENTS. GO AHEAD. WELCOME.

GOOD EVENING, MAYOR, CITY COUNCIL. CITY MANAGER.

MAYOR, WE ARE HERE TO CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED RECOMMENDATION FOR CHANGES TO THE CITY'S BOARD SYSTEM. DURING THE PAST SIX MONTH, CITY STAFF HAS EXPLORED DIFFERENT OPTION ON BEST TO IMPROVE OR STRUCTURE THE PROCESS THAN INCORPORATED THE RECOMMENDATIONS THAT WERE ORIGINATED IN THE 2003 TASK FORCE REPORT AND INCLUDED ADDITIONAL ITEMS WE BELIEVE WILL ENHANCE AND STRENGTHEN THE OVERALL PROCESS AND OF COURSE A NUMBER OF THESE RECOMMENDATIONS INCLUDE DIFFERENT CHANGES, LIKE IN TERMS OF FINANCIAL REPORTING, CONFLICT OF INTEREST, REDUCING THE NUMBER OF BOARDS OF COMMISSIONS TO SEVEN MEMBER, STANDARDIZED BY-LAW, MANDATORY TRAINING AND OVERSIGHT AS WELL. THIS EVENING WE WILL RECEIVE PUBLIC COMMENTS ON THESE RECOMMENDATIONS AND AT THE END WE WILL BE HAPPY TO PROVIDE, TO ANSWER ANY QUESTIONS YOU MAY HAVE THAT CONCLUDES STAFF'S PRESENTATION.

THANK YOU. SCOTT JOHNSON SIGNED UP WISHING TO SPEAK. SCOTT JOHNSON. AND ROBERT WHITE. ROBERT WHITE OR SCOTT JOHNSON. ANY OTHER CITIZENS LIKE TO GIVE US TESTIMONY REGARDING THIS PUBLIC HEARING, PROPOSED CHANGES TO THE CITY'S BOARD AND COMMISSION SYSTEM? HEARING NONE, I WILL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

SO MOVED.

MOTION MADE BY COUNCIL MEMBER LEFFINGWELL AND SECONDED BY PRAY I DON'T REMEMBER PRO TEM TO CLOSE THE PUBLIC HEARING. ALL THOSE IN FAVOR SAY AYE. OPPOSED? PASSES ON A VOTE OF 6-0, COUNCIL MEMBER MARTINEZ OFF THE DAIS. ITEM 121, EFFECT APUBLIC HEARING TO CONSIDER AN ORDINANCE AMEND, THE CITY CODE TO ADD A NEW SECTION RELATING TO REDEVELOPMENT OF THE BARTON STRINGS ZONE, RECOMMENDED BY THE ENVIRONMENTAL BOARD AND PLANNING COMMISSION.

I DON'T KNOW IF WE HAVE ANY SPEAKERS ON THE NEXT

ONE, 120.

WELL, WE DON'T HAVE ANY SPEAKERS. I'M ACTUALLY JUST CALLING UP THE ONES THAT HAVE CITIZENS HERE SIGNED UP TO SPEAK, THINKING THEN WE CAN, WE WILL SIT HERE AS A STAFF AND COUNCIL AND KNOCK OUT, THERE IS STILL 14 MORE PUBLIC HEARINGS TO GO WITH NOW PUBLIC SPEAKERS.

WOW!

SO ITEM 121 REGARDING REDEVELOPMENT IN THE BARTON SPRINGS ZONE. AND WE ARE POSTED FOR ACTION SO PERHAPS EVER SO BRIEF STAFF PRESENTATION JUST TO SET THE STAGE. PARDON?

MAYOR, CAN I SAY A BRIEF WORD WILD WE ARE GETTING READY TO START? THIS REPRESENTS THE CULMINATION OF A PROCESS THAT LASTED LAM YEAR AND A HALF, AND WE INVOLVED APPROXIMATELY TWO DOZEN STAKE HOLDERS FROM ACROSS THE SPECTRUM THAT DELIBERATED, WE MET EVERY TWO WEEKS FOR ALMOST THE ENTIRE TIME. AT THE END OF THE PROCESS WE CAME UP WITH A PROPOSED ORDINANCE THAT WILL REDUCE POLLUTION, STOP URBAN SPRAWL, INCREASE THE AMOUNT OF GREEN SPACE WE HAVE IN THE BARTON SPRINGS ZONE, AND I THINK IT IS A GOOD PRODUCT. I WANT TO ESPECIALLY CONDEMN -- CONDEMN. [LAUGHTER] THERE ARE SOME PEOPLE I MIGHT WANT TO CONDEMN TOO, BUT I WANT TO REALLY COMMEND THE STAFF FOR THE EFFORT THEY PUT INTO THIS ENTIRE PROCESS. THEY WORKED A LOT AND HAVE DONE A LOT OF GOOD, HARD WORK ON THIS, AND I REALLY APPRECIATE IT. THANKS.

WELCOME.

THANK YOU. I AM NANCY, DIRECTOR WITH THE WATER DEVELOPMENT AND REVIEW DEPARTMENT, AND I HAVE WITH ME TONIGHT A TEAM OF PEOPLE, QUALITY PLANNERS, WATER QUALITY ENGINEER, PAT MURPHY IS HERE, YOUR ENVIRONMENTAL OFFICER AND OUR ATTORNEY ON THIS PROJECT, AND I HOPE I DIDN'T LEAVE ANYBODY OUT. ABOUT A YEAR AND A HALF AGO WE COMPLETED A LAND USE

ANALYSIS OF THE BARTON SPRINGS ZONE PORTION THAT THE CITY HAS WHICH IS ABOUT 108 SQUARE MILES, AND WE SHOULD BE GETTING A MAP. I'VE GOT TO DO THAT, OKAY. HERE WE GO. HERE SOUR MAP, THIS SHOWS THE LAND USE IN THAT AREA, THE YELL SLOW SINGLE FAMILY AND THE INDIVIDUAL MULTIFAMILY, AND COMMERCIAL AND THE BLUE IS THE UNDEVELOPED AREA. THIS IS QUITE A FEAT ACTUALLY TO DO THAT LAND USE ANALYSIS. HERE IT IS IN PIE CORPORATE FORM AND WHEN WE LOOK AT THIS WE HAVE PLEASANT SURPRISES THAT WE PROTECTED WITH PARK LAND AND OPEN SPACE OVER 31% OF THAT AREA THAT ONLY 4% WAS LEFT TO BE POTENTIALLY GRAND FATHERED. 31% SINGLE FAMILY RESIDENTIAL, SOS LEVEL, STILL UNDEVELOPED THERE. SO AS COUNCIL MEMBER LEFFINGWELL SAID, ABOUT THAT TIME WHEN WE COMPLETED THIS, HE PUT AN ADVISORY GROUP TOGETHER OF NEIGHBORHOOD INTERESTS, ENVIRONMENTISTS AND DEVELOPMENT FOLKS TO START LOOKING AT THIS DATA AND TRY TO COME TOGETHER WITH SOME THINGS WE COULD WORK ON TOGETHER TO IMPROVE THE OUTLOOK FOR THE AQUIFER, AND WE STARTED CONCENTRATING ON THAT 8% SLICE, THAT RED PIECE OF THE PIE, THE COMMERCIAL AND MULTIFAMILY, AND AS WE LOOK CLOSER THIS IS WHAT WE SAW, THAT EVEN THOUGH THAT SLICE OF THE PIE IS ONLY 8% IN AREA, THAT IT ACTUALLY CANNOTS A DISPROPORTIONATELY HIGH PORTION OF THE POLLUTANT LOAD TO THE SYSTEM AND IN FACT, THE 1% WITHIN THAT 8% THAT IS COMMERCIAL PROPERTIES THAT HAVE NO WATER QUALITY CONTROLS OR VERY OUT DATED QUALITY CONTROLS CAN'T AND THERE IS THE DATA THERE UP TO 8% OF THE RUN-OFF FLOW, 9% OF THE SEDIMENT LOAD AND 7% OF THE LEAD LOAD SO A BIG PART OF THE LOAD, WHEN IT IS ONLY 1% OF THE ENTIRE AREA. SO THIS IS WHERE ALL THOSE PROMPTS WERE IT SHALL PROPERTIES ARE, THAT 1S IN A HAVE NO WATER QUALITY CONTROLS OR OUT DATED WATER QUALITY CONTROLS. THE GREEN AND YELLOW PARCELS HAVE OLD CONTROLS AND THE RED HAVE NO CONTROLS WHAT SO EVER. YOU CAN SEE THE GREEN PART OF THAT MAP IS THE RECHARGE ZONE SO MANY ARE RIGHT IN THE RECHARGE ZONE ARE UPSTREAM 6 THE RECHARGE ZONE. 681-ACRES IN ALL. 58% IMPERVIOUS COVER ON AVERAGE FOR ALL THOSE PARENT SELLS. AND AGAIN, -- OF

THOSE PARCELS AND AGAIN, 1% OF THE AREA. THIS DIAGRAM GIVES YOU A BETTER PICTURE OF THAT DISPROPORTION NATIONAL LOAD. THE THING I WAS TALKING ABOUT IS THE OAK HILL PLANNING AREA. THE RED PARCELS ARE THE PARCELS THAT WE ARE TALKING ABOUT HERE TONIGHT IN THE 681-ACRES ANT BAR GRAPH BELOW THERE IS REPRESENTATIVE OF THE LEAD LOAD THAT COMES FROM EACH ONE OF THOSE PARCELS, AND YOU CAN SEE HOW MUCH HIGHER THE BARS ARE ON THE RED ONES, WHICH ARE THE ONES THAT WE'VE IDENTIFIED THERE AS HAVING NO WATER QUALITY OR OUT DATED WATER QUALITY CONTROLS. AGAIN, A VERY DISPROPORTIONATE PART OF THE POLLUTANT LOAD, AND THAT IS WHAT WE ARE WORKING ON HERE. A FEW POSTER CHILDREN FOR THIS ORDINANCE. ABOUT 12.5-ACRES, 91% IMPERVIOUS COVER, NO WATER CONTROLS. OAK HILL STRIP CENTER, NO WATER QUALITY CONTROLS. THE EX-ALBERTSON'S, 83% IMPERVIOUS COVER AND NO WATER QUALITY CONTROLS. HERE IS BARTON CREEK SQUARE MALL, 72% IMPERVIOUS COVER, OUT DATED WATER QUALITY CONTROLS. THESE ARE NOT REALLY BAD ACTORS, BUT SIMPLY DEVELOPMENTS THAT CAME ABOUT BEFORE WE HAD OUR SOS ORDINANCE SO THEY HAD THE WATER QUALITY CONTROLS THAT WERE THE CONTROLS OF THE DAY, BUT TODAY THEY ARE SITTING THERE ESSENTIALLY, YOU KNOW, POLLUTING AND SENDING POLLUTED RUN OFF INTO THE SYSTEM EVERY SINGLE TIME IT RAINS. SO UNDER OUR CURRENT ORDINANCE, THIS IS WHAT THE REDEVELOPMENT SCENARIO LOOKS LIKE. IF YOU ARE IN THE BARTON SPRINGS ZONE YOU CAN REDEVELOP 25% OF YOUR EXISTING IMPRESSUROUS COVER, AND THAT MUST HAVE SOS-LEVEL WATER QUALITY CONTROLS. WE JUST HAVE SEEN VERY, VERY RARELY THIS PROVISION USED, I THINK TWO OR THREE TIMES, IT TURNS OUT JUST NOT TO BE ECONOMICALLY FEASIBLE FOR THE REDEVELOPERS. OF COURSE, THE OTHER OPTION IS THAT A DEVELOPED SITE CAN KNOCK BACK ALL THE WAY TO TODAY'S EXISTING SOS LEVEL IMPERVIOUS COVER LEVELS, BUT THESE SITES, MANY OF THEM ARE 30, 40, 50, 60% AND MORE IMPERVIOUS COVER, AND IT IS NOT BEEN ECONOMICALLY, IT HAS BEEN SORT OF A NONSTARTER, THEY ARE JUST NOT DOING IT. NOT GOING THERE. SO THE GOAL THAT WE SET OUT WITH WAS TO ACHIEVE BETTER

ENVIRONMENTAL CONTROLS AND ENHANCED WATER QUALITY TO PROVIDE AN OPPORTUNITY FOR HIGH-QUALITY DEVELOPMENT AND THIS IS WHAT THE ADVISORY GROUP SET OUT TO DO. THE STRATEGIES THAT WE WORKED ON WERE TWOFOLD. THE FIRST ONE TO RETROFIT WATER QUALITY STRUCTURAL ROLES WHERE NO OUT DATED CONTROLS EXIST TODAY AND OFFSET HIGHLY IMPERVIOUS SITES WITH OFF-SITE LAND MITIGATION. HERE IS HOW THE REDEVELOPMENT PROPOSAL WORKS. PROMPTS SITTING THERE NOW MAY KEEP THE AMOUNT THEY HAVE, THEY CAN'T INCREASE IT, BUT THEY CAN KEEP THE IMPERVIOUS ACRES THEY HAVE TODAY. FOR SITES WITH LESS THAN 35 0% IMPERVIOUS COVER, THEY MUST RETROFIT IN SOS-STYLE WATER QUALITY CONTROLS. IF THEY HAVE ROOM TO DO THAT, WHICH THEY WILL IF THEY ONLY HAVE LESS THAN 40% IMPERVIOUS COVER, THEN NO ADDITIONAL MITIGATION LAND IS REQUIRED. BUT FOR SITES WITH MORE THAN 40% IMPERVIOUS COVER THEY DO NOT HAVE ROOM TO PUT IN NONDEGRADATION WATER QUALITY CONTROLS SO THE REQUIREMENT THEY MUST PUT IN SEDIMENTTATION FILTRATION ON THE SITE, AND THEY HAVE TO PROVIDE FUNDING OR OTHERWISE PROSERVE ENOUGH OFF-SITE MITIGATION LAND SUCH THAT WITH THE TWO SITES COMBINED THE OVERALL IMPERVIOUS COVER IT REACHES A LEVEL OF 20%. THERE ARE SOME CARTOONS TO FURTHER ILLUSTRATE IT. THIS SUSPECT ONE FOR TRACTS WITH LESS THAN 30% IMPERVIOUS COVER, THE GRAY IS THE COVER, AND THE GREEN PERVIOUS, AND YOU CAN SEE A SITE LIKE THAT HAS ROOM TO PUT RETENTION REIRRIGATION SYSTEM THAT IS A NONDEGRADATION CONTROL AND NO NON-MITIGATION LAND WOULD BE REQUIRED. MORE TRACTS GREATER THAN 40% COMP, THEY PUT THE SAND FILTER IN, BUT THEY HAVE TO BUY NUMBER LAND TO OVERALL THEY GET DOWN TO THE 20% IMPERVIOUS COVER LEVEL. THE OTHER OPTION IS THEY CAN DO A COMBINATION, AND THIS SITUATION YOU CAN SEE THAT THEY HAD ROOM TO DO NONDEGRADATION CONTROL FOR A PORTION OF THEIR SITE, BUT NOT FOR THE OTHER HALF OF THE SITE IN THIS CASE SO THEY WOULD ONLY HAVE TO DO MITIGATION FOR THE 50% OF THE SITE. LAND MITIGATION OPTIONS, FOR THOSE SITUATIONS IN WHICH A PIECE OF PROPERTY HAD TO BUY MITIGATION LAND OR HAD TO PRESERVE SOME

MITIGATION LAND, THERE IS A NUMBER OF WAYS THEY COULD DO IT. THEY COULD GIVE THE CITY ENOUGH MONEY TO PRESERVE THE REQUIRED NUMBER OF ACRES. THE FEE THAT WE HAVE PUT INTO THE ORDINANCE AT THIS TIME IS A \$15,000 AN ACRE. THAT, AS YOU KNOW, WHEN WE BUY WATER QUALITY LAND IN THE CITY, WE PAY A VERY WIDE RANGE OF PRICES, DEPENDING ON HOW AND WHERE THE PROPERTY IS AND HOW BIG IT IS, BUT WE FEEL THIS \$15,000 AN ACRE IS CERTAINLY IN THE BALLPARK OF LAND WE SOMETIMES SEE AND FOR EASEMENTS. WE HAVE IN THE ORDINANCE A PROVISION WHERE THERE IS A 7% ANNUAL INCREASE AND THE BASE PRICE AND THE ANNUAL INCREASE WOULD BE ADJUSTED EVERY THREE YEARS AND THIS IS A PART OF THE ORDINANCE THAT CHANGED DURING THE PUBLIC PROCESS. WE HAD SOME REALLY GOOD DISCUSSIONS ABOUT THIS. THE OTHER THING A DEVELOPER COULD DO IS ACTUALLY GIVE LAND FEE SIMPLE. THAT LAND WOULD BE EVALUATED BY WATERSHED PROTECTION STAFF AND WOULD HAVE TO BE APPROVED BY THE WATERSHED PROTECTION DIRECTOR THAT IT IS, IN FACT, LAND WORTHY OF BEING USED FOR MITIGATION LAND. THE OTHER THING THAT A REDEVELOPER COULD DO IS PROVIDE LAND WITH A CONSERVATION EASEMENT TO GET THE SAME WATER QUALITY BENEFIT OR THEY COULD DO A COMBINATION OF THESE VARIOUS OPTIONS. OTHER REQUIREMENTS, OTHER CITY REQUIREMENTS WOULD STILL APPLY FOR THESE REDEVELOPERS, THEY WOULD STILL HAVE TO COMPLY WITH THE ZONING LIMITATIONS, THE FLOOD PLAIN ORDINANCE, COMMERCIAL DESIGN ORDINANCE, TREE PRESERVATION AND PARK LAND DEDICATION THAT COULD FURTHER REDUCE THE IMPERVIOUS COVER FROM WHERE THEY ARE TODAY BUT OTHER THAN THAT, DO THEY KEEP THE IMPERVIOUS COVER THEY HAVE. SOME TRACTS ARE IN THE TRANSITION ZONE AND SOME IN THE CRITICAL ZONE. THEY COULD STAY WHERE THEY ARE, BUT THEY COULD NOT INCREASE NONCOMPLIANCE WITH OUR BUFFER REQUIREMENTS AND OUR SET BACKS. JUST A LITTLE BIT ABOUT THIS UNIVERSE OF TRACTS THAT WE ARE CONCENTRATING ON. THERE ARE 199 TRACTS -- 199 TRACTS, COMMERCIAL AND OFFICE TRACTS. WE STARTED WITH MULTIFAMILY IN THIS GROUP ALSO, BUT THROUGH THE PUBLIC PROCESS WE

HAVE ELIMINATED THE MULTIFAMILY FROM ELIGIBILITY, OF USING THIS PARTICULAR ORDINANCE AMENDMENT. 199 OF THEM, THEY ARE A TOTAL AREA 681-ACRES, ON AVERAGE THEY ARE 58% IMPERVIOUS COVER IN THIS GROUP OF PROPERTIES. THE MAXIMUM SITE SIZE IS 119-ACRES, THAT IS BARTON CREEK SQUARE MALL, BUT ON AVERAGE THEY ARE 3.4-ACRES IN SIZE AND A GOOD 50% OF ONE ACRE OR SMALLER. A LITTLE BIT ABOUT THEIR SIZE, THE SHORT STORY HERE IS THAT THERE IS NOT VERY MANY BIG ONES AND THERE IS A WHOLE LOT OF SMALL ONES. OVER 20-ACRES THERE IS ONLY SIX PROPERTIES, BUT THEY REPRESENT ABOUT 38% OF THE WHOLE TOTAL AREA OF THE 681-ACRES. ABOUT, YOU KNOW, 92 OF THEM ARE SMALLER THAN ONE ACRE, REMITTING 46% -- REPRESENTING 46% OF THE PROPERTIES AND 7% OF THE TOTAL LAND AREA, AND YOU CAN READ, AGAIN THE SHORT STORY IS THERE IS SIMPLY A LOT OF SMALL PIECES AND NOT VERY MANY BIG ONES. WE ESTIMATED WITH A POSSIBLE OUTCOME WOULD BE IF ALL OF THESE PARCELS, 199 PARCELS ULTIMATELY REDEVELOPED UNDER THIS ORDINANCE. THE OVERALL IMPERVIOUS COVER, THAN COULD HAPPEN OVER MANY YEARS, AND WE DON'T KNOW HOW LONG THAT MIGHT TAKE IT. STARTED 58% WITH THIS ORDINANCE, AND THAT COULD DROP DOWN BETWEEN 29%. WE COULD OBTAIN 800 TO 1300-ACRES OF MITIGATION LAND, ACCRUE 12 TO \$20 MILLION. THAT IS BASED ON \$15,000 AN ACRE AND OF COURSE THAT WILL CHANGE OVER TIME, BUT THAT IS THE WAY WE DID THIS CALCULATION. AND THE TOTAL NITROGEN REDUCTION COULD BE SOMEWHERE BETWEEN 50 AND 61%. OF COURSE ALL THE POLLUTANTS WOULD BE REDUCED BY THE REASON WE ARE KEYING IN ON THE NITROGEN IS IT IS ONLY THROUGH NONDEGRADATION CONTROLS OR BY PROTECTING LANDS SUCH THAT IT IS NOT DEVELOPED AT ALL THAT YOU GET THAT NITROGEN CONTROL. THE SEDIMENTATION FILTRATION PONDS DO KNOW REMOVE POLLUTANTS LIKE NITROGEN SO THAT IS ONE OF THE THINGS THAT IS SPECIAL ABOUT THE SOS ORDINANCE, AND THAT IS WHAT WE ARE TRYING TO MIMIC HERE. SOME OF THE MEMBERS OF THE ADVISORY COMMITTEE WERE CONCERNED EVEN AFTER A REDEVELOPING PARCEL MET ALL THE WATER QUALITY ORDINANCE THERE STILL MIGHT BE NEIGHBORHOOD IMPACTS OR OTHER SIGNIFICANT IMPACTS

AS A RESULT OF THE REDEVELOPMENT SUCH THAT IT WARRANTED GOING TO COUNCIL FOR MORE CAREFUL CONVERSATION, AND PUBLIC INPUT SO AT THE VERY END OF THIS PROCESS WE ADDED THREE THRESHOLDS FOR COUNCIL CONVERSATION. IF A REDEVELOPED PARCEL WILL GENERATE MORE THAN 2,000 ADDITIONAL VEHICLE TRIPS PER DAY, THAT IS IN COUNTRY MENTALLY MORE THAN THE LAST PERMITTED USE, THEN IT WOULD GO TO COUNCIL FOR CONVERSATION. IF THE REDEVELOPED PARCEL WAS GOING TO INCREASE RESIDENTIAL, THE RESIDENTIAL DWELLING UNITS BY MORE THAN 25, IT WOULD GO TO COUNCIL. IF IT IS LOCATED OUTSIDE THE CITY'S ZONING JURISDICTION, IT WOULD GO TO COUNCIL. REMEMBER THAT WE DON'T HAVE ZONING OUTSIDE THE CITY LIMITS SO THE NATURAL KIND OF LIMITS ON HEIGHT OR OTHER TYPES OF DENSITY INCREASES WOULD NOT OCCUR OUTSIDE THE CITY LIMITS SO THAT WAS WHY THAT ONE WAS IMPORTANT. IF THE LAND USE IS CIVIC OR INDUSTRIAL, IT WOULD GO TO COUNCIL FOR CONVERSATION OR IF IT WAS INCONSISTENT WITH THE APPROVED NEIGHBORHOOD PLAN IT WOULD GO TO COUNCIL FOR CONVERSATION. A LOT OF THESE CHANGES WERE MADE THROUGH THE PUBLIC PROCESS AS WE WENT TO BOARDS AND COMMISSIONS AND HEARD FROM OTHER STAKEHOLDER GROUPS. NOTE THAT WHEN THESE REDEVELOPMENT PROJECT GOES TO COUNCIL THEY WOULD NOT REQUIRE A SUPER MAJORITY BUT A SIMPLE MAJORITY AND THE REASON FOR THAT IS, THEY ARE NOT GOING TO COUNCIL FOR A VARIANCE, THEY ARE IN COMPLIANCE WITH THE ORDINANCE, THEY ARE SIMPLY GOING TO COUNCIL FOR ADDITIONAL PUBLIC NOTIFICATION AND INPUT AND COUNCIL CONSIDERATION. IN THE ORDINANCE IS SOME GUIDANCE FOR WHAT COUNCIL MIGHT CONSIDER FOR THOSE REDEVELOPMENTS THAT COME TO COUNCIL. AND THERE THEY ARE, THE COUNCIL WOULD CONSIDER THE BENEFITS OF THE REDEVELOPMENT TO THE COMMUNITY, WHETHER THE PROPOSED MITIGATION OR MANNER OF DEVELOPMENT OFFSETS THE POTENTIAL ENVIRONMENTAL IMPACT OF THE DEVELOPMENT, THE EFFECTS OF OFF SITE INFRASTRUCTURE REQUIREMENTS 6 THE REDEVELOPMENT AND COMPATIBILITY WITH THE CITY'S LONG-RANGE PLANNING GOALS. THE BENEFITS OF THE PROPOSED ORDINANCE, WE HAVE TRIED TO DESIGN SOMETHING THAT

MEETS THE SPIRIT AND FUNCTION OF THE SOS ORDINANCE AND DOING THAT EITHER THROUGH RETROFITTING, NONDEGRADATION WATER QUALITY CONTROLS WHEREVER WE CAN OR BY MITIGATING THE HIGH IMPERVIOUS COVER WITH MITIGATION LAND THAT IS LOWERING THE IMPERVIOUS COVER IN THE REGION. OBVIOUSLY REMOVING ECONOMISTING POLLUTION WITH WATER -- EXISTING POLLUTION WITH WATER QUALITY CONTROLS, MORE OPEN SPACE PRESERVES, WE USING EXISTING DEVELOPMENT WITH OPEN SURPRISE AND SPRAWL. WE BELIEVE WE SHOULD USE EXISTING LOCATIONS BEFORE LEAPFROGGING INTO OTHER GREENFIELD PLACES AND SOME CASES OTHER AREAS OUTSIDE OF THE CITY'S JURISDICTION WHERE THEY ARE NOT ASTRINGENT ON WATER QUALITY CONTROLS OR LESSEN FORCEMENT OF WATER QUALITY PROVISIONS. WE ARE PRETTY EXCITED ABOUT A SYSTEM WHICH PRIVATE FUNDING PAYS FOR SOME OF THE RETROFIT WORK THAT WE DO OUT THERE. WHEN THE SOS ORDINANCE WAS FIRST PASSED THERE WAS, AND STILL IS A RETROFIT PROVISION IN THE ORDINANCE. NOT ONLY DID WE PASS STRINGENT WATER QUALITY PROVISIONS, BUT ALSO THE CITY MANAGER WAS TO GO CREATE A RETROFIT PROGRAM AND BEGIN RETROFITTING. THIS HAS PROVEN TO BE EXTREMELY DIFFICULT. WE'VE DONE SOME RETROFITS, BUT THEY ARE VERY DIFFICULT TO LOCATE BECAUSE GOOD SITES ARE DIFFICULT TO LOCATE BECAUSE YOU HAVE TO PUT THEM IN AREAS THAT WERE LOW OR THEY GET A LOT OF DRAINAGE SO THAT IS TYPICALLY DOWN IN THE CREEKS AND IN THE RAVINES OR IN THE CRITICAL ZONE, AND YOU, BY PUTTING YOUR WATER QUALITY IN, YOU CAN DO A LOT OF DAMAGE. IN THIS CASE, WITH THIS ORDINANCE, THE RETROFITS ARE DONE ON A SITE-BY-SITE BASIS, PAID FOR BY THE DEVELOPER AND OF COURSE WOULD BE MUCH LESS, YOU KNOW, WOULD NOT BE DAMAGING BECAUSE YOU WOULDN'T NEED TO BE GETTING THOSE WATER QUALITY CONTROLS DOWN IN THE VERY LOW AREAS CLOSEST TO THE CREEKS. AND JUST AN IMPROVED COMMUNITY BENEFIT FROM CENTRALLY-LOCATED PROMPTS. THE FOLKS IN OAK HILL FELT THEIR COMMUNITY SERVICES EARN REALLY STAGNATING BECAUSE OF NO REDEVELOPMENT OCCURRING IN THE AREA. WE FELT IF THOSE SERVICES ARE REVITALIZE WE HAD PLAY LOWER NUMBERS OF TRAFFIC

TRIPS BECAUSE PEOPLE DON'T HAVE TO TRAVEL SO FAR TO GET THE SERVICES THEY DESIRE OR NEED. A CASE STUDY TO SHOW YOU A LITTLE BIT MORE ABOUT THE BENEFITS. THIS IS THE OAK HILL PLAZA, 16.8-ACRES, IT USED TO BE THE ALBERTSON'S. 83% IMPERVIOUS COVER AND NO WATER EQUAL TOE -- QUALITY CONTROLS. FOLLOW NOTHING ORDINANCE THE DEVELOP YEAR PUT IN A SAIDMENTTATION SAND FILTER SYSTEM, AND THEY WOULD HAVE TO BUY ABOUT 56-ACRES OF MITIGATION LAND WHICH WOULD GET THEM DOWN TO AN OVERALL 20% IMPERVIOUS COVER. AND HERE IS WHAT THE WATER QUALITY BENEFITS WOULD LOOK LIKE. ABOUT 86% REDUCTION IN THE VOLUME OF RUN OFF THAT WOULD OCCUR FROM THE SITE, ABOUT AN 87% REDUCTION INSPECT SEDIMENT LOAD COMING FROM THE SITE AND THE NITROGEN LOAD WOULD BE, WHAT WOULD HAPPEN HERE IS BECAUSE OF THE MITIGATION LAND YOU WOULD BE AVOIDING MORE NITROGEN THAN THE ALBERTSON'S IS CURRENTLY PRODUCING OFF SITE, SO YOU END UP LOOKING LIKE YOU REMOVED ALL THE NITROGEN. ALTHOUGH THAT IS NOT ENTIRELY THE CASE. I WANT TO ALSO SHOW YOU A LITTLE BIT MORE ABOUT THE MITIGATION LAND BENEFIT. WE TOOK THE 12 LARGEST TRACTS THAN SHOWS YOU THE GRAY AS THE IMPERVIOUS COVER AREA ON EACH OF THOSE TRACTS. GREEN IS THE PERVIOUS AREA. THERE ARE THE 12 LARGEST TRACTS RIGHT THERE. AND THAT IS 348-ACRES TOTAL, TODAY THERE IS 229-ACRES OF IMPERVIOUS AREA AND IF ALL OF THOSE 12 TRACTS TOOK ADVANTAGE OF THIS PARTICULAR ORDINANCE, YOU WOULD GET AN INCREASE OF 835-ACRES.OF MITIGATION LAND. SO THAT IS HOW IT WOULD CHANGE THE OUTLOOK IN TERMS 6 THE REGIONAL IMPACT, THAT MUCH MORE PERVIOUS AREAS. A LOT OF CONCERNS RAISED DURING THIS PROCESS ABOUT CONSTRUCTION IMPACTS ABOUT GROWTH AND DENSITY IMPACTS, ABOUT THE SUPER MAJORITY VOTE AND ABOUT FROM THE DEVELOPMENT INTERESTS, THE FACT THAT SOME FEEL THAT THE ORDINANCE REQUIREMENTS WERE TOO COSTLY. THING THAT WE'VE THOUGHT ABOUT THESE THINGS A WHOLE LOT AND PREPARED SOME INFORMATION FOR YOU, BUT I THINK WE WILL HOLD BACK ON, THAT MAYBE HEAR FROM YOUR CITIZENS THEY WILL WENT BRING OUR INFORMATION BACK FORWARD IF YOU DESIRE DURING THE DISCUSSION PERIOD.

A SUMMARY OF THE SIGNIFICANT REVISIONS THAT HAVE OCCURRED THROUGH THE PUBLIC PROCESS. THE MULTIFAMILY REDEVELOPMENT IS ELIMINATED, PEOPLE COULD GO TO MIXED USE FROM AN EXISTING COMMERCIAL USE, BUT A MULTIFAMILY DEVELOPMENT COULD NOT TAKE ADVANTAGE OF THIS ORDINANCE AMENDMENT. THE MITIGATION LAND COST ADJUSTMENTS WERE ADDED. THIS WAS THROUGH SOME DISCUSSIONS THAT WE HAD WITH SOME REAL ESTATE FOLKS. COUNCIL CONSIDERATION HAS BEEN ADDED FOR REDEVELOPMENT OF CIVIC AND INDUSTRIAL USES, THOSE HAVE BEEN ADDED TO THE THRESHOLD. COUNCIL CONSIDERATION FOR PROJECTS OUTSIDE THE CITY LIMITS HAS BEEN ADDED THERE IS ADDED A REQUIREMENT FOR REPORTING ON POST DEVELOPMENTTIVE AFTER TWO YEARS, AND IN RESPONSE TO THE CONCERN ABOUT CONSTRUCTION IMPACTS, COUNCIL DIRECTED US NOW A COUPLE WEEKS AGO TO -TO- GO AND EVALUATE OUR UPDATES ON CONSTRUCTION PHASE CONTROLS, AND WE ARE LOOKING FORWARD TO THAT. WE THINK WE CAN MAKE SIGNIFICANT IMPROVEMENTS INSPECT REQUIREMENTS THAT WE HAVE TODAY. ALSO, YOU ASKED US TO GO AND LOOK AT THE, OUR INSPECTION, PRACTICES AND OUR ENFORCEMENT PRACTICE SANS OUR RESOURCES. YOU ALSO ASKED US TO GO THROUGH THE SAME PROCESS TO LOOK AT OUR WET POND INSPECTION AND ENFORCEMENT SO I THINK THAT IS GOING TO GO A LONG WAY TO IMPROVE THE OUTLOOK FOR CONSTRUCTION PHASE IMPACTS. ALSO, IN THE ORDINANCE THERE IS LANGUAGE WHICH SAYS THAT REDEVELOPING PARCELS MUST COMPLY WITH THE EROSION SEDIMENTTATION CONTROLS IN PLACE AT THE TIME OF CONSTRUCTION SO IF THEY GOT THEIR SITE PLAN, AND WE GOT NEW EROSION AND SEDIMENT CONTROLS IN PLACE PRIOR TO THE ACTUAL CONSTRUCTION START THEY WOULD BE REQUIRED TO USE THOSE, AN EFFORT SO THERE AREN'T A LOT OF REDEVELOPMENTS THAT GET UNDER THE WIRE BEFORE WE GET THE NEW PROVISIONS IN PLACE. NOW, SOME OF THESE REVISIONS WERE MADE IN TIME THAT THEY ARE ACTUALLY IN THE ORDINANCE THAT HUH IN YOUR BACK UP -- THAT YOU HAD IN YOUR ORDINANCE FOR BACK UP AND SO WERE NOT SO MISSY IS GOING TO COME UP AND DISCUSS WITH YOU THE ADDITIONAL LANGUAGE THAT WAS ADDED TO PROVIDE

FOR THOSE.

I'M MISTY COTTON, ASSISTANT CITY ATTORNEY. YOU SHOULD HAVE A HAND OUT WITH THE PROPOSED STAFF AMENDMENTS. I WILL WALK THROUGH THOSE, THERE IS FOUR OF THEM. THE FIRST IS TO CLARIFY THE EXISTING REDEVELOPMENT EXCEPTION WOULD STILL BE AMICABLE, THE DEVELOPER COULD USE THAT DEVELOPMENT EXCEPTION NANCY TALKED ABOUT WITH THE 25% LIMITATION OR THEY CAN CHOOSE TO USE 27, THEY WOULD NOT HAVE TO DO BOTH OF THESE THERE WAS SOME CONCERN IN THE DEVELOPMENT COMMUNITY WITH WHAT THAT MEANT SO WE TRIED TO CLARIFY THAT. SECOND WE ADDED AN AMENDMENT THERE COULD BE NO BACKSLIDING IN WATER QUALITY CONTROLS. I CAN SEE THAT ON NUMBER TWO, IT PROVIDE AS LEVEL OF WATER QUALITY TREATMENT EQUAL OR GREATER TO THAN WHICH IS PROVIDED. A SITUATION WHERE SOMEONE COMES IN TO REDEVELOP. WOULD SOMEHOW BE ALLOW BACK TO A LESSER WATER QUALITY TREATMENT. THE THIRD WAS THE INDUSTRIAL OR CIVIC USE BEING A THRESHOLD FOR COUNCIL USE. AND THE FOURTH WAS A TWO-YEAR REPORT FROM THE CITY MANAGER, AND THAT WOULD JUST BE A REPORT FROM CITY MANAGER ON THE EFFECTIVENESS OF THE SECTION, HAVE ANY DEVELOPMENTS COME IN AND THE STATUS OF THE FUND, AND THAT KIND OF INFORMATION, AND THAT IS IT.

OKAY, THE HIGHLIGHTS BEFORE YOU HEAR FROM CITIZENS. THE IMPORTANT THINGS HERE THAT REALLY MAKE THIS IN OUR OPINION A WORTHWHILE AND BENEFICIAL ORDINANCE IS IT PROVIDES US AN OPPORTUNITY TO CLEANUP POLLUTING PROPERTIES THAT ARE JUST GOING TO SIT THERE, WE THINK, AND REMAIN DOING WHAT THEY ARE DOING IF WE DON'T DO SOMETHING TO GET THAT REDEVELOPMENT SET SOLID THAT WE CAN GET WATER QUALITY CONTROLS IN THERE. OPEN SPACE PRESERVATION, OBVIOUSLY THIS IS AN IMPORTANT WATER QUALITY GOAL, THE MORE WE CAN GET THE BETTER. NEW COMMUNITY SERVICES EFFORTS NEIGHBORHOODS OUT THERE AND MORE LAND OWNER OPTIONS. SO WITH THAT I THINK I WILL END AND THEN IF YOU HAVE ANY QUESTIONS AT THIS TIME, I WOULD BE GLAD TO ANSWER THEM.

QUESTION ARE FOR STAFF, COUNCIL? COMMENTS? IF NOT, WE WILL CONDUCT THE FIRST OF OUR 13 REMAINING PUBLIC HEARINGS THIS EVENING. AND THERE IS ABOUT 35 FOLKS SIGNED UP, 19 AGAINST, 15 IN FAVOR, 66 MINUTES WORTH OF TESTIMONY. IF EVERYBODY SPEAKS. NO SUGGESTION 6 LIMITING SPEAKERS, WHY DON'T WE START WITH FOLKS IN OPPOSITION. FIRST SPEAKER IS ROY AND FOLLOWED BY COLLIN. FOLLOWED BY SARA BECKER.

I WOULD LIKE TO SEE THAT THEY HAVE TIGHTER CONSTRUCTION STANDARDS AND PENALTIES BECAUSE OF THE SEDIMENT AND THE FACT THAT MANY OF THESE PROPERTIES HAVE ASBESTOS AND LEAD BASED PAINT AND THE REDEVELOPMENT WILL BE WORSE THAN NEW DEVELOPMENT. WE WOULD LIKE TO SEE THAT HAPPEN. ALSO WE'VE SAID IT AGAIN AND AGAIN THAT IT'S VERY IMPORTANT TO US TO HAVE THE SUPER MAJORITY. TO HAVE THAT -- IF IT HAS ON TO GO TO COUNCIL AND THE WAY THAT YOU ARE PUTTING THIS TOGETHER, WE'RE HOPING THAT -- THAT MOST OF THESE ARE TAKEN CARE OF ADMINISTRATIVELY. AND THEY DON'T HAVE TO GO TO COUNCIL. IF THEY DO THAT THE SUPER MAJORITY REMAINS THE LAST DITCH DEFENSE FOR THE PUBLIC TO HAVE THEIR INPUT. AND WHILE WE'RE GLAD TO SEE ON THE MITIGATION FORMULA IT HAS GONE FROM 3% TO 7%, THAT NUMBER IS ACTUALLY MORE TRULY 12%. IT'S KIND OF A HALF PRICED SELL IN TERMS OF THE MITIGATION. THOSE BE THE MAIN POINTS THAT I WANTED TO HIT. YOU ARE GOING TO HEAR A LOT MORE FROM OTHER PEOPLE. THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU FOR. COLORADO LIP CLARK, IS RICHARD MORGAN HERE. RICHARD. SO COLIN YOU WILL HAVE SIX MINUTES IF YOU NEED IT TO BE FOLLOWED BY SARAH BAKER.

I THINK KIRK MITCHELL WOULD LIKE TO DONATE HIS TIME TO ME AS WELL.

A LITTLE LOWER DOWN THE LIST.

Mayor Wynn: YOU WILL HAVE NINE MINUTES IF YOU NEED IT

THEN.

I WON'T TAKE THAT LONG.

THANK YOU.

GOOD EVENING, MAYOR AND COUNCIL. I'M COLIN CLARK WITH SAVE OUR SPRINGS ALLIANCE. WE'RE WITH THE SIERRA CLUB, AUSTIN NEIGHBORHOODS COUNCIL ASKING YOU ALL TO SLOW DOWN, NOT APPROVE THIS TONIGHT. THERE'S SOME NEW LANGUAGE BEING ADDED THAT VERY HAVEN'T SEEN. WE WANT TO ASK YOU TO LET US LOOK AT THIS LEGAL LANGUAGE MS. COTTON PRESENTED TO YOU JUST NOW. SOME OF THE THINGS THAT WE HAVE BEEN ASKED FOR HAVE BEEN INCLUDED. WE APPRECIATE THAT. BUT THERE ARE A LOT OF THINGS THAT NEED TO CHANGE WITH THIS THAT ARE NOT IN THERE. ONE OF THEM THAT YOUR PLANNING COMMISSION RECOMMENDED WITH THE UNANIMOUS VOTE WAS TO LOWER THE THRESHOLD FOR TRAFFIC FROM A 2,000 TRIP PER DAY INCREASE TO A 1,000 TRIP PER DAY INCREASE. A LOT OF WHAT WE HAVE BEEN ADVOCATING FOR HAS TO DO WITH WHAT GETS ADMINISTRATIVELY APPROVED VERSUS WHAT DOES NOT GET ADMINISTRATIVELY APPROVED. WHEN THINGS GO INTO ADMINISTRATIVE APPROVAL THEY GO INTO THE DARK CORNERS OF DEVELOPMENT, NO PUBLIC INPUT, NO PUBLIC SCRUTINY. THE EXAMPLE THAT THE ADVISORS BROUGHT TO THE DEVELOPMENT GROUP, TAKING A SHOPPING CENTER, KNOCKING IT DOWN, REBUILDING WITH THE SAME SIZE, SAME SQUARE FOOTAGE. WE HAVEN'T BEEN COMPLAINING ABOUT A REDEVELOPMENT LIKE THAT. WHAT HAS BEEN GIVING THE COMMUNITY A LOT OF HEART BURN OVER THIS IS THAT THIS ORDINANCE CREATES AN OPENING FOR MAJOR DENSITY INCREASES OVER THE BARTON SPRINGS WATERSHED. AND IT'S NEVER BEEN THE CITY'S POLICY THAT THE BARTON CREEK WATERSHED IS WHERE WE WANT DENSITY. WE CAN UNDERSTAND THE NEED FOR A TOWN CENTER AT THE Y AT OAK HILL, BUT THIS AMENDMENT DOESN'T APPLY JUST FOR THE Y AT OAK HILL. IT APPLIES TO 68,000 ACRES THAT THE CITY CONTROLS IN THE BARTON SPRINGS WATERSHED. ONE IDEA WOULD BE LIMIT IT TO THE Y AT OAK HILL WHERE YOU ARE GOING TO HEAR FROM FOLKS SAYING WE WANT A TOWN CENTER. IN THE ABSENCE

OF SUCH A LIMITATION IF IT DOES APPLY TO ANY COMMERCIAL PROPERTY. WHAT WE'RE ASKING FOR IS IF YOU ARE INCREASING DENSITY, COME TO THE CITY COUNCIL AND WIN A SUPER MAJORITY. WELL, THAT CREATES AN INCENTIVE FOR DEVELOPERS TO REDEVELOP WITHOUT INCREASING DENSITY IF WHAT THEY WANT TO AVOID IS A PUBLIC HEARING. YOU HEARD IN THE STAFF PRESENTATION THAT -- THAT THERE'S A CHANCE THAT THIS WILL -- WILL LIMIT GREEN FIELD DEVELOPMENT. WHEN I THINK ABOUT WHAT DEVELOPERS OUT THERE ARE BUILDING ON GREEN FIELD DEVELOPMENT, STRATUS PROPERTIES COMES TO MIND. THEY ARE DOING A LOT OF GREEN FIELD DEVELOPMENT. A LOT OF IT IN VIOLATION OF THE S.O.S. ORDINANCE. I'M WONDERING IF STATUS PROPERTIES HAS AGREED IF THIS GETS APPROVED THEY ARE GOING TO STOP THEIR GREEN IF HE WOULD DEVELOPMENT. I DON'T KNOW. MAYBE SOMEONE CAN TELL US THAT LATER. I DON'T THINK SO. SO IF WE HAVE DENSITY GOING UP ON REDEVELOPMENT, THAT'S NOT GOING TO STOP STRATUS PROPERTIES FROM BUILDING OUT SECTION N FROM BUILDING OUT LANTANA, FROM CONTINUING TO VIOLATE THE S.O.S. ORDINANCE BECAUSE OF THEIR GRANDFATHERING CLAIMS. WHEN WE TALK ABOUT REDEVELOPMENT STAFF DID MENTION A CONCERN ABOUT CONSTRUCTION. AND I WOULD LIKE TO SHOW YOU SOME PICTURES OF REDEVELOPMENT GOING ON RIGHT NOW. JUST ACROSS THE RIVER. AUSTIN AMERICAN-STATESMAN IS REDEVELOPING. YOU ARE LOOKING AT A VIEW FROM CONGRESS AVENUE. THAT WAS A PARKING LOT A FEW MONTHS AGO. STAFF HAS SAID WELL MOST OF THE REDEVELOPMENT SITES ARE FLAT. YOU KNOW THEY ARE NOT STEEP. THEREFORE CONSTRUCTION SHOULDN'T BE AS BIG OF AN ISSUE FOR RUNOFF. WELL, THOSE MOUNDS OF DIRT AREN'T VERY FLAT. COULD YOU CLICK AGAIN. WE ARE GOING TO HAVE PILES OF RUBBLE WAITING FOR A RAIN. WHEN THE WRITTEN HITS THAT SEDIMENT AND POLLUTION IS GOING TO RUN OFF. WHAT'S KEEPING THIS RUBBLE FROM LADYBIRD LAKE. YOU CAN SEE A SILT FENCE THERE. WE ADVOCATED FOR IMPROVED CONSTRUCTION CONTROLS. YOU APPROVED THAT WE APPRECIATE THAT. BUT WE CAN'T KID OURSELVES INTO THINKING THAT HUGE CONSTRUCTION SITES, THIS SITE IS PROBABLY LESS THAN AN ACRE, THAT

THOSE ARE NOT GOING TO CONTRIBUTE POLLUTION TO BARTON SPRINGS WHEN IT RAINS. ONE MORE PLEASE. THE NEW CONDO TOWER AT SECOND AND CONGRESS, THIS IS THEIR REDEVELOPMENT SITE. RIPPING UP PAVEMENT, PARKING LOTS, WITH LOTS OF NASTY TOXIC CHEMICALS IN THEM. WHAT HAPPENS WHEN IT RAINS? IT WASHES OFF. WE CAN RECOGNIZE THERE ARE SOME BENEFITS OF REDEVELOPMENT, BUT LET'S NOT PRETEND THAT THERE ARE NOT HUGE POLLUTION RISKS WHEN WE ENCOURAGE RIPPING UP PARKING LOTS AND BUILDING NEW CONSTRUCTION SITES. SO AGAIN WHAT WE ARE BASIC ASKING FOR, IF YOU ARE GOING TO INCREASE DENSITY, LET'S COME TO COUNCIL, LET'S PROTECT THE SUPER MAJORITY, IT'S A CENTRAL PART OF THE S.O.S. ORDINANCE AND I'LL -- I THINK THAT I'LL LEAVE IT AT THAT. THANKS.

Mayor Wynn: THANK YOU, MR. CLARK. SARAH BAKER WELCOME BACK SARAH. IS KATHY TIVLO STILL WITH US? SARAH YOU WILL HAVE THREE MINUTES, WELCOME.

GOOD EVENING. MY NAME IS SARAH BAKER. I'M REPRESENTING SAVE OUR SPRINGS ALLIANCE. THE REDEVELOPMENT ORDINANCE IS ROLLING THE DICE WITH THE FUTURE OF BARTON SPRINGS. WE ARE ROLLING THE DICE BECAUSE NO ONE STUDIED WHAT HIGH IMPERVIOUS COVER, HIGH DENSITY REDEVELOPMENT WITH MORE CARS, MORE TOILETS AND MORE PEOPLE WILL DO TO INCREASE POLLUTION. ALL THE STUDIES AND GROOVY CARTOONS THE STAFF HAS SHOWED YOU SHOW DECREASED POLLUTION, BUT DON'T TAKE INTO ACCOUNT WHAT HIGH DENSITY DEVELOPMENT WILL DO TO INCREASE POLLUTION. WE KNOW SOME POLLUTION WILL BE REMOVED BUT WE HAVE NO IDEA HOW MUCH WILL BE ADDED. THERE'S A COUPLE OF WAYS TO ADOPT A REDEVELOPMENT AMENDMENT WITHOUT GAMBLING ON BARTON SPRINGS. THE FIRST IS TO ADOPT A PILOT PROJECT OR LIMITED APPLICATION FOR REDEVELOPMENT THAT WOULD APPLY TO KEY TRACTS IN OAK HILL. WE ARE IN THE MIDDLE OF THE OAK HILL PLANNING PROCESS, WE SHOULD BE ABLE TO IDENTIFY KEY TRACTS FOR REDEVELOPMENT AND APPLY THIS TO THOSE TRACTS. ALSO, MAKE ALL LARGE REDEVELOPMENT PROJECTS COME TO CITY COUNCIL FOR SUPER MAJORITY APPROVAL. A SUPER MAJORITY PROVISION IS A KEY PART

OF THE VOTER APPROVED S.O.S. ORDINANCE. I WAS IN AUSTIN WHEN THE ORDINANCE WAS APPROVED. I WASN'T QUITE OLD ENOUGH TO VOTE. BUT WHEN I GOT TO LAW SCHOOL I LEARNED THAT THAT ORDINANCE WAS THE FIRST CITIZEN INITIAL..... INITIATED ENVIRONMENTAL REGULATION IN THE CUB COUNTRY. THE CITIZENS FELT DEVELOPER INTERESTS COULD BE BALANCED WITH A SUPER MAJORITY FOR PROJECTS THAT DON'T COMPLY WITH THE ORDINANCE. I HOPE THAT YOU'RE NOT THE COUNCIL THAT WEAKENS THE PUBLIC PARTICIPATION AND PUBLIC CONTROL PROVISIONS OF OUR ORDINANCE. THROUGH THE PROCESS WE HAVE PROVIDED SEVERAL SUGGESTIONS FOR MAINTAINING PUBLIC PARTICIPATION IN TERMS OF THRESHOLDS FOR PROJECTS THAT COME TO CITY COUNCIL FOR REVIEW. I HOPE THAT YOU WILL CONSIDER ADDING SOME OF THOSE TONIGHT. THEY INCLUDE LOWERING THE THRESHOLD FOR INCREASED CAR TRIPS TO PROJECTS THAT -- THAT INCREASED CAR TRIPS BY 1,000 PER DAY WOULD COME TO COUNCIL. FOR APPROVAL. ALSO PROJECTS OVER 10,000 SQUARE FEET THAT INCREASE SQUARE FOOTAGE BY 10% OR MORE COULD COME TO COUNCIL FOR APPROVAL. FINALLY YOU RESPONDED TO OUR CONCERNS ABOUT CONSTRUCTION PHASE POLLUTION BY DIRECTING STAFF TO STRENGTHEN POLLUTION CONTROL REQUIREMENTS. BUT IT'S NOT AT ALL CLEAR FROM THE DRAFT ORDINANCE WHAT PROJECTS THESE WILL APPLY TO. THERE'S A PROVISION THAT SAYS THE PROJECTS WILL COMPLY WITH CONSTRUCTION RULES IN EFFECT AT THE TIME OF CONSTRUCTION. BUT GIVEN THE -- GIVEN OUR CURRENT STATE LAW THE ONLY FOOLPROOF WAY FOR PROJECTS TO COMPLY WITH CONSTRUCTION RULES IN EFFECT AT THE TIME OF CONSTRUCTION IS TO WAIT AND ADOPT THIS ORDINANCE WHEN WE HAVE THE STRONGER CONSTRUCTION STANDARDS IN EFFECT. ALSO I WAS PLEASED TO SEE THE SECTION --

Mayor Wynn: PLEASE CONCLUDE, YOUR TIME EXPIRED. 13 MORE PUBLIC HEARINGS TONIGHT.

THANK YOU VERY MUCH.

THANK YOU. JEFF JACK IS THE NEXT SPEAKER TO BE

FOLLOWED BY SUSAN BRIGHT.

MAYOR, COULD I JUST QUICKLY COMMENT. IT'S NOT A QUESTION. BUT THE SUPER MAJORITY IDEA WAS PRESENTED TO BOTH THE ENVIRONMENTAL BOARD AND PLANNING COMMISSION, NEITHER ONE OF THOSE TWO BODIES ADOPTED IT. THE REASON WE DIDN'T RECOMMEND IT IS BECAUSE THE THRESHOLDS UNDER CONSIDERATION ARE -- ARE BY AND LARGE ZONING ITEMS. WE DON'T HAVE SUPER MAJORITY ANYWHERE FOR ZONING, ZONING AS A SIMPLE MAJORITY. THE SECOND THING THAT I WOULD LIKE TO ADDRESS IS THE IDEA OF THE PILOT PROGRAM. THIS APPLIES TO LESS THAN ONE PERCENT OF THE BARTON SPRINGS ZONE. ABOUT 680-ACRES OUT OF OVER 60,000 ACRES. I SUBMIT THAT IS A PILOT PROGRAM ALREADY.

Mayor Wynn: THANK YOU, COUNCILMEMBER. WELCOME, MR. JACK, YOU WILL HAVE THREE MINUTES ON TO BE FOLLOWED BY SUSAN BRIGHT.

THANK YOU, COUNCILMEMBERS. DO YOU KNOW WHY PEOPLE BUY HOUSES? IN THE UNITED STATES THERE ARE TWO MAJOR REASONS PEOPLE BUY A HOUSE. COST AND SCHOOLS. HOW DOES THAT APPLY TO THIS ISSUE? IN 1996, AISD PASSED A BOND ELECTION AND PUT SEVERAL NEW ELEMENTARY SCHOOLS IN A -- AND A NEW MIDDLE SCHOOL OVER THE BARTON SPRINGS ZONE. IN 2004 AISD HAD A SECOND BOND ELECTION. THAT ALSO ADDED ELEMENTARY SCHOOL AND AT THE LAST MINUTE A NEW MIDDLE SCHOOL IN SOUTHWEST TRAVIS COUNTY. AT THE PLANNING COMMISSION MEETING THE OTHER NIGHT THERE WAS AN INTERESTING PERSON IN THE AUDIENCE. ROBERT SCHNIEDER. HE IS AISD'S TRUSTEE FOR SOUTHWEST TRAVIS COUNTY. AISD HAS PROPOSED A BOND ELECTION IN '08 AND THERE'S ALREADY DISCUSSION ABOUT ADDING A HIGH SCHOOL IN THAT BOND ELECTION WEST OF BOWIE HIGH SCHOOL. ONE OF THE REASONS THIS ORDINANCE IS BEING SUPPORTED TONIGHT I THINK COUNCILMEMBER LEFFINGWELL SAID BECAUSE THE BELIEF IT'S GOING TO CURTAIL SPRAWL. IF THAT'S THE CASE, WHY DO WE NEED A NEW HIGH SCHOOL?

IN 1986 THE CITY COUNCIL SAT QUIET WHILE AISD PUT

SCHOOLS OVER THE AQUIFER. AND WE HAVE SEEN THAT WITH THOSE SCHOOLS HAVE COME SIGNIFICANT GREEN FIELD DEVELOPMENT AS MENTIONED BY MR. COLLINS, TALK ABOUT PEOPLE BUILDING NEW SUBDIVISIONS OUT THERE. SO I'M HERE TONIGHT TO SORT OF ASK YOU A FAVOR. IF YOU PASS IN ORDINANCE IN THE BELIEF THAT IT'S GOING TO CURTAIL SPRAWL, ARE YOU GOING TO COUPLE IT THIS TIME AROUND IN WORKING WITH AISD NOT ON BUILD A HIGH SCHOOL TO GENERATE MORE INTENSE DEVELOPMENT OVER THE AQUIFER..... AQUIFER. WE HAVE TO DECIDE AS A COMMUNITY WHETHER OR NOT WE INTEND TO PREVENT SPRAWL OVER THE AQUIFER AND THEREFORE DO WHAT WE CAN WORKING WITH OTHER JURISDICTIONS TO PREVENT IT. OR WE CAN NIBBLE AWAY AT THE ONLY SAFEGUARD THAT WE HAVE, S.O.S. AND WATCH AS IN PIECEMEAL FASHION WE CONTINUE TO ADD DENSITY AND SPRAWL OVER THE AQUIFER. SO IF YOU APPROVE THIS ORDINANCE TONIGHT, I CERTAINLY THINK THAT THE REASONABLE AND RESPONSIBLE THING FOR THIS COUNCIL TO DO IS TO LOOK AT THE WHOLE ISSUE OF HOW WE'RE GOING TO CONTROL GROWTH OUTSIDE OF THE [BEEPING] NEW TOWN CENTER IN OAK HILL, HOW WE ARE GOING TO WORK WITH AISD, SO THAT WE DON'T END UP WITH ANOTHER MAGNET FOR SPRAWL IN A NEW HIGH SCHOOL. BECAUSE WE'RE KIDDING OURSELVES IF WE THINK THAT PASSING THIS ORDINANCE WITHOUT WORKING TO DEAL WITH THE OTHER IMPLICATIONS WILL LIMIT SPRAWL OVER THE AQUIFER. THE AQUIFER IS THE MOST PRECIOUS THING THAT WE HAVE IN OUR COMMUNITY IN MANY, MANY WAYS. AND AS SAID BEFORE, WE'RE ROLLING THE DICE. YOU HAVE A CHANCE TO STEP UP AND DEAL WITH THE ISSUE OF SPRAWL, IN THE AQUIFER, IN A CONSTRUCTIVE WAY, DEAL WITH THE OAK HILL ISSUES, DEAL WITH AISD. AND CERTAINLY I HOPE YOU DO SO. THANK YOU.

Mayor Wynn: THANK YOU, MR. JACK. SUSAN BRIGHT IS OUR NEXT SPEAKER. WELCOME SUSAN, 3 MINUTES TO BE FOLLOWED BY SUZANNE MASON..... MASON.

THANK YOU FOR YOUR TIME TONIGHT. MY NAME IS SUSAN BRIGHT. I'M ON THE BOARD OF SAVE BARTON CREEK ASSOCIATION. I HAVE -- I'M TRYING NOT TO SPEND A LOT OF TIME CORRECTING THE AUSTIN AMERICAN-STATESMAN, I'M A

VERY BUSY PERSON AND IT WOULD TAKE A LOT OF TIME TO DO THAT. BUT THEY DID HAVE AN ARTICLE TODAY THAT SAID THE ENVIRONMENTAL COMMUNITY WAS DIVIDED ABOUT THIS ISSUE AND IT'S NOT. YOU HAVE TONIGHT A COALITION OF THE MAJOR ENVIRONMENTAL GROUPS IN AUSTIN AND MY ORGANIZATION SAVE BARTON CREEK ASSOCIATION IS A VERY DIVERSE GROUP. WHEN WE AGREE ON SOMETHING IT IS A COALITION. IT'S A COALITION POSITIONED IN THE ENVIRONMENT AND I HAVE BROUGHT YOU -- I'LL BRING THIS UP IN A MINUTE. I LEFT THEM BACK AT MY CHAIR BECAUSE I'M TIRED BECAUSE IT'S LATE BECAUSE THIS IS THE 11th HOUR. THREE DIFFERENT LETTERS TRYING IN GOOD FAITH TO NEGOTIATE, TO MAKE THIS -- A MOMENT SOMETHING THAT WILL WORK. THE PLANNING COMMISSION HAS MADE RECOMMENDATIONS. THE ENVIRONMENTAL BOARD MADE RECOMMENDATIONS. SAVE OUR SPRINGS ALLIANCE, SAVE BARTON CREEK ASSOCIATION, S.O.S., AUSTIN NEIGHBORHOOD COUNCIL HAVE ALL MADE STACKS OF RECOMMENDATIONS THAT WERE CARRIED THROUGH WITH THE PLANNING COMMISSION AND HAVE NOT MADE IT INTO THE ORDINANCE AS IT IS WRITTEN TONIGHT. WHICH SHOULD TELL YOU THAT THAT ORDINANCE ISN'T FINISHED. THAT THERE IS STILL GOOD FAITH TO MAKE IT WORK BUT IT'S NOT DONE. IF YOU MOVE ON IT TONIGHT YOU SHOULD DO AT FIRST READING ONLY. I AS SAVE BARTON CREEK ASSOCIATION BOARD MEMBER AND A VERY SERIOUS ENVIRONMENTALISTS AMONG A GROUP OF VERY SERIOUS ENVIRONMENTALISTS WOULD LIKE TO HAVE TIME TO LOOK AT THESE NEW REVISIONS AND THE LOCAL LANGUAGE THAT GOES ALONG WITH THEM SO WE KNOW WHAT THEY MEAN. I DON'T THINK THAT IT'S RIGHT TO GIVE UP THAT FIVE MINUTES BEFORE THE HEARING AND THEN EXPECT US TO BE ABLE TO MAKE ANY KIND OF COMMENT AT ALL. THERE ARE SOME TIGHTENING, IT'S GOOD, GOOD TO DO THAT, IT'S NOT GOOD TO THROW IT AT US SEVEN MINUTES BEFORE THE HEARING AND EXPECT A RESPONSE. LOAM JUST SAY THAT -- LET ME JUST SAY THAT SAVE BARTON CREEK ASSOCIATION HAS THREE TIMES SAID WE CANNOT SUPPORT THIS AMENDMENT AS IT IS WRITTEN. IT IS NOT IN MY OPINION SIGNIFICANTLY CHANGED. AND IT NEEDS TO -- TO GET STRONGER, WE NEED TO KEEP THE MAJORITY, WE NEED A FINDING OF FACTS FOR ADMINISTRATIVE APPROVAL SO

THAT THERE ARE SOME STANDARDS ABOUT SCRERK CONSTRUCTION AND SOME NECESSITY THAT DEVELOPERS HAVE PROVED THAT THEY HAVEN'T POLLUTED AND WON'T POLLUTE. THAT'S BEEN RECOMMENDED BUT NOT IN THE ORDINANCE YET. SO PLEASE IF YOU APPROVE IT, ONLY DO SO ON THE FIRST READING. THANK YOU FOR YOUR TIME.

THANK YOU, SUZANNE MASON NEXT SPEAKER.

Leffingwell: JUST QUICKLY, WHILE WE'RE GETTING READY, I HAVE TO COMMENT ON THE COMMENT THAT THAT THE ENVIRONMENTAL COMMUNITY IS NOT DIVIDED. YOU HAVE A LETTER BEFORE YOU YOU GOT YESTERDAY SAYING BY A GROUP OF ENVIRONMENTAL LEADERS, FOUR OF THOSE LEADERS ARE MEMBERS OF THE SAVE BARTON CREEK ASSOCIATION.

WELCOME, SUZANNE, THREE MINUTES FOLLOWED BY CHRIS LAYMAN.

HI MAYOR WYNN, COUNCIL, THANK YOU. MY NAME IS SUZANNE MASON AND I'LL TRY TO STAY UNDER THREE MINUTES. I WOULD LIKE TO START BY SAYING THAT PEOPLE OF GOOD FORTUNE AREN'T ONLY LUCKY, THEY ARE THE ONES WHOSE PARENTS, GRANDPARENTS OR GRADE GRANDPARENTS HAVE PROTECTED THEIR WEALTH AND FORTUNE FROM BEING SQUANDERED. THEY HAVE PRIZED THEIR WEALTH AND PASSED IT DOWN. THEY HAVE DONE THIS FOR THE FUTURE, FOR THEIR CHILDREN AND THEIR CHILDREN'S CHILDREN. AND AUSTIN'S WEALTH COMES LARGELY FROM ITS PROXIMITY TO CLEAN SPRING WATER OF THE EDWARD'S AQUIFER, PLENTIFUL SHADE, FARMLAND, ET CETERA, ET CETERA. 15 YEARS AGO WHEN THIS COMMUNITY, THE CITIZENS OF AUSTIN PASSED THE SAVE OUR SPRINGS ORDINANCE, IT WAS A COLLECTIVE EFFORTS TO COME TO SOME -- REACH SOME CONSENSUS ABOUT HOW TO PROTECT THIS SPECIAL PLACE, PRESERVE OUR CLEAN WATER AND DO SO IN AN EFFECTIVE WAY. WE DREW A LINE. WHILE WE LIKE TO THINK THAT, YOU KNOW, WE CAN KEEP AUSTIN WEIRD, I THINK THERE'S CERTAIN THINGS THAT WE CAN'T BE WEIRD ABOUT. WE HAVE TO BE REALLY STRONG. WE HAVE TO STAND OUR GROUND AND SAVE OUR SPRINGS ORDINANCE IS ONE OF THOSE THINGS. SO I JUST

WANT TO REITERATE WHAT OTHERS HAVE SAID THAT WE REALLY NEED TO TAKE THIS ONE STEP AT A TIME, BE VERY CAREFUL ABOUT HOW WE DRAFT THIS LANGUAGE. MY PRINCIPAL CONCERNS WITH IT AS A NON-LAWYER ARE THAT I DON'T SEE ANY DEFINITION OF REDEVELOPMENT AND THAT'S VERY TROUBLING. WE TALK ABOUT THERE BEING 199 OF THESE, BUT THAT'S NOWHERE IN THE LEGAL AMENDMENT. THERE COULD BE MANY MORE. THE IMPACT THAT ONE SINGLE DEVELOPMENT OF A CERTAIN MAGNITUDE COULD HAVE IS POTENTIALLY DEVASTATING. SECONDLY, I FEEL LIKE THE WAY THE MITIGATION LANDS TRANSFER IS ESTABLISHED IN THE DRAFT LANGUAGE IS VERY VAGUE AND IT CONCERNS ME A LOT. I WANT TO MAKE SURE THAT WE'RE GETTING WHAT WE'RE TRADING FOR IF WE'RE GOING TO ALLOW PEOPLE TO DEVELOP OUTSIDE OF THE BOUNDS OF THE S.O.S. ORDINANCE, WHICH IS WHAT THIS AMENDMENT IS ESSENTIALLY ALLOWING PEOPLE TO DO. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, SUZANNE. WELCOME CHRIS, YOU WILL HAVE THREE MINUTES.

MY NAME IS CHRIS LAYMAN, THIS IS THE FIRST TIME THAT I HAVE SPOKEN TO THE COUNCIL. I WANT TO THANK YOU ALL FOR TAKING THESE RESPONSIBILITIES AND SERVING THE COMMUNITY THE WAY YOU DO. I ALSO APPRECIATE COUNCILMEMBER LEFFINGWELL'S EFFORTS FOR THE PAST 18 MONTHS TO DO A -- UNDERTAKE A WORTHWHILE EFFORT HERE TO IMPROVE WATER QUALITY RUNNING OFF OF THESE GRANDFATHERED EXISTING PROPERTIES. AT THIS TIME I DO OPPOSE IT AS IT'S WRITTEN. WE JUST WANT TO TWEAK IT SOME. MAKE IT BETTER. AS IT STANDS, THE THRESHOLD OF AUTOMATIC APPROVAL ON ROUGHLY 200 PROPERTIES OUT THERE, AT 2,000 ADDITIONAL TRIPS PER DAY MEANS WE WILL ADMINISTRATIVELY APPROVE 400,000 NEW TRIPS A DAY OVER THE EDWARD'S AQUIFER. NOW, I'M NOT AGAINST GROWTH. YOU MAY HAVE NOTICED THE ENVIRONMENTAL COMMUNITY IS VERY SUPPORTIVE AND GRATEFUL TO THE BRILLIANT LEADERSHIP OF MAYOR WYNN AND THIS COUNCIL TO BRING INFILL AND DENSITY TO AUSTIN BECAUSE WE DO BELIEVE THE URBAN ISLAND IS THE PLACE TO GROW. IF THEY MOVE DOWNTOWN THEY ARE NOT MOVING OVER THE GREEN FIELD, NOT LOSING OUR WATER QUALITY LANDS. WE

REALLY APPRECIATE THAT. WE THINK THIS PART OF AUSTIN IS NOT THE BEST PLACE FOR THE MOST GROWTH. OR INTENSIVE GROWTH OR THE SAME STANDARDS OF GROWTH THAT WE HAVE ELSEWHERE IN THE CITY. A THOUSAND TRIPS A DAY WOULD BE A REASONABLE THRESHOLD. STILL 200,000 TRIPS AUTOMATICALLY, STRAIFL, THAT'S PER DAY. WE WOULD LIKE TO SEE THE SUPER MAJORITY THERE. WE'RE NOT REALLY INTERESTED IN RUSHING INTO THIS AT THIS TIME BECAUSE THERE'S AN ENGINEERING ASSUMPTION IN THIS THAT I DON'T BELIEVE AT ALL AND I DON'T THINK THE SCIENCE BELIEVES OR THE HYDROLOGISTS BELIEVE THAT THESE DETENTION SYSTEMS, MAN MADE SYSTEMS ARE ACTUALLY GOING TO DO WHAT WE SAY THEY'RE GOING TO DO TO IMPROVE THE WATER QUALITY FOR ANY LEAPT OF TIME. THERE ARE MANY EXAMPLES OF THEM FAILING IN THE FIRST YEAR. THERE ARE OTHER EXAMPLES WHERE THEY ARE NOT BEING MAINTAINED AND THEY ARE ONLY ENGINEERED LIKE LEVIES TO A CERTAIN LEVEL. WE LIVE IN THE CATEGORY FIVE WORLD BUT WE BUILD CITIES UNDER CATEGORY THREE LEVIES. THESE WATER DETENTION SYSTEMS HANDLE TWO YEAR RAINFALLS, MEANING LITTLE RAINFALLS THAT WE GET EVERY TWO YEARS IT WILL HANDLE. BUT THEY ARE OVERFLOWED WITH THE THREE YEAR EVENT. AND 25 YEAR RAINFALL EVENTS, 100 YEAR RAINFALL EVENTS, DOESN'T MEAN THAT IT'S GOING TO BE 100 YEAR FLOOD ON THAT PROPERTY, BUT YOU ARE GOING TO GET A LOT OF RAIN DURING THE LIFE OF THESE REDEVELOPMENTS. THIS PLAN WITH THE CURRENT ENGINEERING IS NOT ADEQUATE TO ACTUALLY PROTECT BARTON SPRINGS. WE HAVE HEARD IN THE PAST THAT -- THAT ASKING PEOPLE TO PAY THE 15,000 AN ACRE TO RETAIN THEIR EXISTING IMPERVIOUS COVERAGE WOULD QUADRUPLE THE COST OF RENT OR -- AT THOSE PROPERTIES. WHAT ACTUALLY QUADRUPLES THE RENT IS THAT IT'S GOING TO BE A BRAND NEW STATE-OF-THE-ART BUILDING. THE ADDITIONAL MITIGATION LAND EXPENSE ADDS ABOUT 40 CENTS A YEAR, MAYBE 50 CENTS A YEAR TO THE TRIPLE NET RENT [BEEPING] THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. LEHMANN. WELCOME MR. SINGLETON, FOLLOWED BY BILL BUNCH.

I KNOW IT'S BEEN A LONG TIME SINCE I'VE BEEN DOWN HERE

WHEN THE ALARM STARTS TO STARTLE ME AGAIN. I SEEM TO REMEMBER FROM A PERSUASION CLASS IN COLLEGE THAT I'M ALWAYS SUPPOSED TO START A SPEECH BY SAYING SOMETHING NICE AND COMPLIMENTARY. I WAS GOING TO SAY THANK YOU FOR HAVING THIS 6:00 START AT ABOUT FIVE HOURS LATE. THE WEAK ARE GONE. ALL YOU GET NOW ARE THE DECAFFEINATED AND PISTED OFF. I'M NOT DISAGREEABLE. I SEEM TO REMEMBER BRUCE TODD SAYING IN AUSTIN WE CAN DISAGREE WITHOUT BEING DISAGREEABLY. IT'S BEEN MY EXPERIENCE WE CAN AGREE WITHOUT BEING AGREEABLE. [LAUGHTER] SO I WANTED TO START BY DISAGREEING WITH COUNCILMEMBER LEFFINGWELL. SURE IT'S FINE TO THANK STAFF FOR THEIR HARD WORK ON THIS ITEM. I KNOW YOU GUYS DO THIS EVERY TIME. SEEMS LIKE EVERY ONCE IN A WHILE YOU WOULD THROW A BONE TO THE PEOPLE LIKE S.O.S. ALLIANCE, ALL OF THE CONCERNED CITIZENS FIGHTING TOOTH AND NAIL TO PROTECT THE AQUIFER FOR 15 YEARS NOW. YOU KNOW THAT'S WORKED, TOO. IT'S NOT PAID WORK BY AND LARGE. EVERY ONCE IN A WHILE IT WOULD BE NICE A TIP OF THE HAT TO THE DEMOCRATIC PROCESS AND REMEMBER THAT THE S.O.S. ORDINANCE PASSED BY A TWO TO ONE MARGIN. MY NOTEBOOK HAS GOTTEN SMALLER. FLIPPING PAGES. WHY IS IT THAT IT SEEMS LIKE GOVERNMENT ALWAYS HAS TO BRIBE DEVELOPERS TO DO THE RIGHT THING. THERE'S NO WAY TO GET WHAT WE ALL WANT, LIMITED DEVELOPMENT ON THESE TRACTS AND WATER QUALITY CONTROLS, WE ALWAYS HAVE TO BRIBE THEM. I THINK NEGOTIATION IS IMPORTANT BUT I THINK IT'S PART OF A THREE PART STRATEGY. I THINK YOU GUY'S JOBS IS ONE, TO NEGOTIATE. TWO, TO REGULATE. AND THREE TO LITIGATE. AND YOU HAVE GOT TO BE TOUGH ABOUT THOSE THINGS. YOU CAN'T RELY JUST ON NEGOTIATION BECAUSE THE PEOPLE WITH THE MONEY AND THE POWER ARE ALL ON ONE SIDE AND THE CITIZENS ARE ALL ON THE OTHER. STAFF MENTIONED THAT REDEVELOPMENT OF THESE TRACTS IS NOT ECONOMICALLY FEASIBLE NOW. WELL, THEN MAYBE THEY SHOULDN'T BE REDEVELOPED. DOESN'T MEAN THAT WE HAVE TO CHANGE THE ORDINANCE. IT MEANS WE JUST HAVE TO WAIT FOR A PROJECT TO COME ALONG THAT THINKS THAT IT CAN MAKE A LIVING UNDER THE LAW. AND THE IN THE MEANTIME THE WORSE EXAMPLES WE CAN TRY

TO RETROFIT. I'M A BIG FAN OF THE SIMPSONS, I KNOW THERE'S A DIFFERENCE BETWEEN CARTOONS AND REAL LIFE. IT OCCURRED TO ME WHEN THESE NICE LITTLE LESS THAN 40% TRACTS HAD CONVENIENTLY PLACED WATER QUALITY PONDS. THAT'S ASSUMING ALL OF THE TRACTS ARE FLAT. WHAT IF THE DEVELOPMENT IS ON THE WRONG END. ARE YOU GOING TO GRANDFATHER THEM, MAKE WATER FLOW UP HILL TO REACH THE RETENTION POND? IT WAS MENTIONED IN THE STAFF PRESENTATION AMONG THE BENEFITS THAT THIS IS GOING TO "MEET THE SPIRIT AND FUNCTION OF THE S.O.S. ORDINANCE." WELL, LET ME JUST SAY IN CLOSING, I THINK THE SAVE OUR SPRINGS ALLIANCE AND THE PEOPLE WHO WORKED TO PASS IT ARE THE BEST JUDGES OF WHAT'S IN THE FUNCTION AND SPIRIT OF THE S.O.S. ORDINANCE. THANK YOU.

Mayor Wynn: THANK YOU, MR. SINGLETON. MR. BUNCH IS OUR NEXT SPEAKER, THREE MINUTES TO BE FOLLOWED BY -- ANNETTE.

THANK YOU FOR YOUR TIME. IT IS LATE. THIS IS AN IMPORTANT MATTER FOR OUR COMMUNITY AS WE ALL KNOW. IT CERTAINLY DESERVES GREATER DELIBERATION AND BETTER INFORMATION. SO OUR FIRST REQUEST IS THAT WE BE GIVEN THAT OVER THE NEXT FEW MONTHS SO THAT WE CAN REACH AN APPROPRIATE PLACE WHERE WE CAN ALL AGREE THAT IT'S BETTER FOR BARTON SPRINGS. WHAT'S PROPOSED RIGHT NOW IS GOING TO CAUSE MORE POLLUTION AND MORE DEVELOPMENT. THE DESIGNED TO ENCOURAGE MUCH GREATER DENSITY OF DEVELOPMENT IN THE BARTON SPRINGS ZONE. THAT IS A RADICAL REVERSAL OF 20 YEARS, ALMOST 30 YEARS NOW OF CITY PLANNING. AND AUSTIN TOMORROW COMPREHENSIVE PLAN. FROM THE 1980S, IT'S NOT SOMETHING WE SHOULD DO HASTILY OR NOT EVEN TALKING ABOUT YET. IT HARDLY GOTTEN ANY ATTENTION. THE FIRST RULE OF -- OF POLLUTION IS PREVENTION IS WORTH THE POUND OF CURE. PREVENTION HERE MEANS MINIMIZING LOADINGS IN THE WATERSHED. THIS ORDINANCE IS GOING TO INTRODUCE FAR MORE LOADINGS OF POLLUTANTS INTO THE WATERSHED BY INVITING MORE TRAFFIC, MORE SEWAGE FLOWING THROUGH LEAKING AND AGING SEWER LINES. WE HAD A NICE SEWER LINE BREAK RIGHT ON WILLIAMSON CREEK THIS

WEEK. MORE PESTICIDES, HERBICIDES, MORE PETS. ALL OF THOSE SOURCES OF POLLUTION THAT GO MORE DENSE URBANIZATION. CAN WE TRY TO DEAL WITH SOME OF THOSE? OF COURSE WE CAN. BUT THE SCIENCE THAT YOU WERE GIVEN FROM YOUR STAFF COMPLETELY IGNORES ALL OF THAT. IT PUTS THE BLINDERS ON. IGNORES THE POLLUTION FROM OFF-SITE. FROM INCREASED TRAFFIC. AND IGNORES THE POLLUTION THAT COMES FROM THE CONSTRUCTION PHASE WHICH CAN BE OVERWHELMING. WE DO HAVE SOME NEW LANGUAGE HERE THAT TRIES TO SAY WE'RE GOING TO DO BETTER ON THE CONSTRUCTION. BUT IT'S NOT DONE YET. AND I THINK WE ALL KNOW THAT WE HAVE A -- WE HAVE A DRACONIAN GRANDFATHERING STATE STATUTE THAT MEANS IF YOU SAY YOU'RE GOING TO DO IT LATER IT'S NOT GOING TO APPLY. TO ANYBODY WHO RUSHES IN AND FILES RIGHT NOW. SO WE ARE KIDDING OURSELVES. IF YOU ARE SERIOUS ABOUT PREVENTING POLLUTION FROM THE CONSTRUCTION, THE RECONSTRUCTION PHASE, THE DEMOLITION PHASE, YOU WILL POSTPONE THIS. [BEEPING] UNTIL YOU HAVE THOSE REGULATIONS READY. IS THAT MY FULL SIX MINUTES? MR. BAKER WAS GIVING ME HIS TIME.

Mayor Wynn: THREE MORE MINUTES, WELCOME.

THANK YOU. THERE'S SOME BRAND NEW LANGUAGE WHICH I DON'T UNDERSTAND AT ALL ABOUT SUBDIVISION, SITE PLAN, CONCURRENT, APPLIES OR DOESN'T APPLY. PERHAPS THAT CAN BE EXPLAINED. IT IS A GOOD THING THAT YOU ARE PROPOSING TO TAKE OUT MULTI-FAMILY. WE WOULD MUCH PREFER THE PILOT PROJECT APPROACH THAT WAS RECOMMENDED UNANIMOUSLY BY THE PLANNING COMMISSION. SO THAT WE DON'T HAVE THIS RUSH OF -- OF GRANDFATHERING APPLICATIONS. SO THAT WE CAN BETTER UNDERSTAND HOW THIS WORKS BEFORE WE ARE COMMITTED TO IT, WHICH THE STATE GRANDFATHERING STATUTE REQUIRES US TO BE UNFORTUNATELY. ONCE IT'S WRITTEN AND PASSED..... PASSED. WE NEED TO TAKE OUT LAND THAT'S ADJACENT TO PARKLAND OR ADJACENT TO WATER QUALITY LAND, SAY ABOUT 300 FEET, WE DON'T WANT TO REDEVELOP RIGHT UP TO THOSE. WE WANT TO PROTECT THOSE AREAS. PERHAPS THE MOST OFFENSIVE IS WE'RE NOT REQUIRING ANY IMPROVEMENT IN SOME OF THE

ABSOLUTELY WORST DEVELOPMENT OF THE 70S AND 60S AND 80S. THIS ORDINANCE AS IT'S WRITTEN, ARE WE REALLY GOING TO PASS AN ORDINANCE THAT LET'S US REDEVELOP IN THE CRITICAL WATER QUALITY ZONE WITHOUT REQUIRING ANY SORT OF PULLING BACK AND SETTING BACK? AS THE TOWN LAKE OVERLAY ORDINANCE REQUIRES? IT SEEMS TO ME IF YOU ARE GOING TO REDEVELOP, YOU NEED TO PULL BACK AND PROTECT THOSE CRITICAL WATER QUALITY ZONES. WE DON'T WANT TO REDEVELOP ON TOP OF RECHARGE FEATURES. DEVELOPERS CAN MAKE SOME MONEY AND ACTUALLY CLEAN UP AND -- AND RESTORE, RECHARGE THAT'S BEEN LOST IN YEARS PAST. THE SAME WITH BUILDING ON STEEP SLOPES. THE WAY THIS IS WRITTEN, LITERALLY THE WORST OF THE OLDEST DEVELOPMENT GETS TO THE HIGHEST RETURN ON INVESTMENT, THE GREATEST INCENTIVE TO REDEVELOP ONLY ADDING MULTIPLE FLOORS ON TOP, WE CAN DO SO MUCH BETTER, THE CITIZENS DESERVE BETTER. THEY DESERVE THE OVERSIGHT THAT WAS APPROVED BY THE VOTERS. AND THAT IS THE SUPER MAJORITY REVIEW. IF A DEVELOPMENT COMES IN AND EVERYONE UNDERSTANDS IT'S BETTER, IT WILL GAIN SUPPORT. BUT AS IS [BEEPING] HUGE DEVELOPMENTS LIKE REDEVELOPING THE BARTON SQUARE MALL CAN COME IN, THEY DON'T HAVE TO REDUCE A SQUARE FOOT OF IMPERVIOUS COVER. EVEN IF THEY MASSIVELY INCREASE DENSITY. AND THERE'S SERIAL..... SEVERAL OF THOSE LARGE TRACTS OUT THERE WHERE THAT COULD HAPPEN. I HOPE THAT YOU'LL TAKE MORE TIME AND LET US GET TO A PLACE WHERE WE CAN ALL AGREE THIS IS BETTER FOR BARTON SPRINGS.

THANK YOU, MR. BUNCH. [APPLAUSE]

DANNETTE, THREE MINUTES.

GOOD EVENING, MAYOR AND COUNCIL MEMBERS. MY NAME IS DANNETTE COMENTE, HERE THIS EVENING AS PRESIDENT OF THE AUSTIN NEIGHBORHOODS COUNCIL. THE AUSTIN NEIGHBORHOODS COUNCIL IS COMPRISED OF 74 MEMBER NEIGHBORHOODS THROUGHOUT AUSTIN. YOU HAVE A LETTER FROM ANC DATED OCTOBER 16th, BUT IN THE INTEREST OF TIME AND NOT REPEATING ISSUES OF CONCERN THAT YOU HAVE ALREADY HEARD TESTIMONY ON,

I'M NOT GOING TO READ THAT LETTER. I DO WANT TO SAY THAT THE AUSTIN NEIGHBORHOODS COUNCIL SHARES THE CONCERNS RAISED BY OUR LOCAL ENVIRONMENTAL ADVOCACY GROUPS, THE SIERRA CLUB, SAFE BARTON CREEK ASSOCIATION, ENVIRONMENT TEXAS, SAVE OUR SPRINGS ALLIANCE, WE BELIEVE THAT THE UNANIMOUS RECOMMENDATIONS OF THE PLANNING COMMISSION AND ENVIRONMENTAL BOARD REPRESENT SIGNIFICANT AND NECESSARY IMPROVEMENTS TO THIS ORDINANCE THAT WILL HELP PROTECT THE BARTON SPRINGS WATERSHED AND WE URGE YOU TO ADOPT THEM. ANC ALSO STRONGLY SUPPORTS PRESERVATION OF THE SUPER MAJORITY FOR APPROVAL PROJECTS THAT GO TO CITY COUNCIL, SUPER MAJORITY APPROVAL DOES NOT DETER DESIRED DEVELOPMENTS AS THERE SHOULD BE NO PROBLEM WITH THE STRONG COUNCIL VOTE IN FAVOR OF POSITIVE, RESPONSIBLE DEVELOPMENT. ANC SUPPORTS THE PUBLIC REVIEW PROCESS FOR ALL LARGE PROJECTS. WE ARE CONCERNED THAT MANY OF THE PROJECTS THAT WILL IMPACT OUR WATERSHED WILL BE ADMINISTRATIVELY APPROVED WITH NO PUBLIC PROCESS. OUR COMMUNITY REMAINS ACTIVELY ENGAGED IN PROTECTING OUR ENVIRONMENT AND HAS PLACED A PREMIUM ON THIS VALUE. WE ASK THAT YOU SUPPORT CONTINUANCE OF A HIGH LEVEL OF PUBLIC INVOLVEMENT. WE BELIEVE A STRENGTHENED VERSION OF THE ORDINANCE THAT CONSIDERS CONCERNS EXPRESSED WILL SERVE THE BEST INTERESTS OF AUSTIN AND ITS CITIZENS. WE THANK COUNCILMEMBER LEFFINGWELL FOR HIS LEADERSHIP IN BRINGING THIS FORWARD. AND THANK YOU ALL FOR YOUR CONSIDERATION AND YOUR SERVICE TO THE CITY. THANK YOU.

Mayor Wynn: THANK YOU, DANNETTE. [APPLAUSE]

Mayor Wynn: THAT'S ALL THE FOLKS WHO SIGNED UP TO SPEAK IN OPPOSITION. THERE ARE A NUMBER OF FOLKS WHO SIGNED UP WISHING TO SPEAK IN FAVOR. I'M LED TO BELIEVE THAT THEY ARE AGREEING TO LIMIT THEIR TESTIMONY TO AS BRIEF OF A PERIOD AS POSSIBLE. WE WILL START WITH OUR FIRST SPEAKING, BEING JEFF HOWARD. SOME FOLKS OFFERED TO DONATE TIME TO JEFF.

THANK YOU, MAYOR, WE DID HAVE A POWERPOINT THAT I WOULD QUICKLY BREEZE THROUGH. I WILL TRY TO KEEP IT UNDER THREE MINUTES IF I CAN. MY NAME IS JEFF HOWARD, I SERVED ON THE ADVISE SEER GROUP OF AS THE REAL ESTATE COUNCIL OF AUSTIN REPRESENTATIVES, ONE OF THEIR REPRESENTATIVES. I WON'T BE NEARLY AS WITTY AS MR. SINGLETON, BUT I HOPE TO GIVE YOU REAL INFORMATION ABOUT AS SOMEONE WHO PARTICIPATED IN THAT PROCESS. WE WILL SKIP OVER THESE. SOME CONSENSUS POINTS ON THE CONCEPT OF REDEVELOPING AND RETROFITTING. I WANT TO HIGHLIGHT THE THIRD AND LAST OF THESE POINTS. FIRST IS THAT THE REDEVELOPMENT SHOULD ADDRESS THE SAME GOALS AS POLLUTANT REMOVAL AS THE S.O.S. ORDINANCE. THAT'S SOMETIMES OVERLOOKED. IT WAS A MAJOR CONCESSION ON THE REAL ESTATE COMMUNITIES PART. WE WEREN'T JUST TRYING TO ACHIEVE SOME IMPROVEMENT IN WATER QUALITY. WE ARE TRYING TO ACHIEVE THE IMPROVEMENT THAT WOULD BE AN ALTERNATIVE EQUIVALENT TO THE S.O.S. ORDINANCE. IN TERMS OF POLLUTANT LOAD REMOVAL. VERY HIGH BAR. THE LAST POINT THERE WAS CONSENSUS ON AMONGST OUR GROUP, THE BENEFITS OF REDEVELOPMENT WOULD ONLY BE ACHIEVED IF LANDOWNERS ACTUALLY UTILIZED THE ORDINANCE. THAT'S CRITICALLY IMPORTANT. BECAUSE WE WANT FOLKS TO DO THIS. IF THEY DON'T THEN THE REDEVELOPMENT BENEFITS JUST WON'T WORK. WE HAVE A REDEVELOPMENT ORDINANCE RIGHT NOW. IT'S NOT BEING USED. WE HAVE A -- AN ABILITY TO AMEND S.O.S. ON A SITE BY SIGHT BASIS NOW WITH THE SUPER MAJORITY. IT'S NOT HAPPENING. SO -- SO WHERE WE WERE ABLE TO LEND SOME INPUT IS ON SOME OF THOSE FACTORS TO MAKE SURE THAT FOLKS WILL UTILIZE THIS ORDINANCE. OBVIOUSLY COST IS ONE OF THE FACTORS BUT THAT ADMINISTRATIVE PROCESS WAS ALSO VERY CRITICAL. PEOPLE AREN'T TAKING ADVANTAGE OF THE CURRENT PROCESS TO USE SUPER MAJORITY. YET EVEN THOUGH THEY ARE NOT TAKING ADVANTAGE OF THAT PROCESS, 17% OF THE LEAD FROM THESE ONE PERCENT PROPERTY CONTINUES TO HAPPEN. REDEVELOPMENT IS NOT OCCURRING. RETROFITTING IS NOT OCCURRING. THOSE 17% OF LEAD THAT IS NOT GETTING CLEANED UP. AS A RESULT OF OUR PROCESS, THE RESULT IS I THINK A

BALANCED ORDINANCE. THERE WERE CERTAINLY THINGS THAT I -- THAT I WAS OPPOSED TO. FOR EXAMPLE THE COUNCIL TRIGGERS THAT ARE IN THERE NOW WE WERE OPPOSED TO THOSE, WE FELT LIKE THOSE WERE LAND USE ISSUES. WE FELT LIKE THE BAR HAD BEEN SET VERY HIGH BY THE ORDINANCE. IN ANY EVENT. NEVERTHELESS THE ORDINANCE THAT WAS PASSED ACHIEVES A BALANCE AMONGST ALL OF THE DIVERSE INTERESTS REPRESENTED IN THE GROUP. CERTAINLY WILL RESULT IN BETTER QUALITY IN THE BARTON SPRINGS ZONE, STAFF HAS GOT STACKS AND STACKS OF DATA ON THAT, WILL CERTAINLY RESULT IN BETTER LOCAL SERVICES TO OAK HILL AREA RESIDENTS. NOW THERE'S BEEN TALK ABOUT MAKING CHANGES. IF THE COUNCIL WERE GOING TO CONSIDER CHANGES TO THE ORDINANCE, WE COULD CERTAINLY PROPOSE SOME AS WELL. WE COULD PROPOSE THAT WE THINK THAT -- THAT IF YOU ELIMINATED SOME OF THESE TRIGGERS OR MODIFIED THE TRIGGERS YOU WOULD HAVE MORE PEOPLE TAKING ADVANTAGE OF THIS. AND WE THINK THAT WOULD BE A POSITIVE CHANGE. WE THINK IF YOU WERE TO REDUCE THE MITIGATION COSTS OF -- IN ORDER TO ENCOURAGE FOLKS TO TAKE -- USE THIS ORDINANCE THAT WOULD BE OF BENEFIT, TOO. SO CERTAINLY, YOU KNOW, FOLKS IN THE ENVIRONMENTAL COMMUNITY COULD RECOMMEND CHANGES, WE COULD RECOMMEND CHANGES AS WELL. BUT I THINK THE -- THE ORDINANCE STRIKES A FAIR BALANCE AND WE CERTAINLY SUPPORT IT. FINALLY RESPONSES TO OBJECTIONS THAT WE'VE HEARD. FIRST TRAFFIC AND INCREASE IN INTENSITY. S.O.S. IS A WATER QUALITY ORDINANCE. S.O.S. DOES NOT RESTRICT TRIPS PER DAY. S.O.S. DOES NOT RESTRICT NUMBER OF UNITS. IT RESTRICTS IMPERVIOUS COVER AND REQUIRES NON-DEGRADATION. TRIPS PER DAY IS A LAND USE ISSUE. NUMBER OF UNITS IS A LAND USE ISSUE. THE OAK HILL FOLKS UNDERSTAND THAT AND THEY ARE IN THE PROCESS OF ADDING THAT THROUGH THEIR NAIBTD PLANNING PROCESS. SECONDLY, WHAT IS -- WHAT IS ROUTINELY AND CONSISTENTLY OVERLOOKED IN ALL OF THESE DISCUSSIONS IS THAT THE ACQUISITION OF CONSERVATION LAND WILL NOT ONLY AVOID IMPERVIOUS COVER AND POLLUTANTS BUT ALSO TRAFFIC SPRAWL AND NEW CONSTRUCTION. FOR EXAMPLE THAT ALBERTSON'S SITE

THAT IS 16 ALMOST 17-ACRES IF IT GOES THROUGH THIS REDEVELOPMENT PROCESS YOU ARE GOING TO HAVE 53 ACRES OF CONSERVATION LAND. 53 ACRES THAT WON'T BE GENERATING TRAFFIC. 53-ACRES THAT THERE WOULDN'T BE NEW CONSTRUCTION OCCURRING. THAT'S 53 ACRES THAT WON'T BE ENCOURAGING A NEW HIGH SCHOOL OR NEW INFRASTRUCTURE OR NEW ROADWAYS. THE BEAUTY IS NOT JUST POLLUTANT REMOVALS BUT THE ANTI-SPRAWL AS WELL. WE FULLY SUPPORT WHAT YOU HAVE DONE ON THE CONSTRUCTION ISSUES. THE PILOT PROGRAM I THINK WILL UNREASONABLY LOCK OUT MANY, MANY POTENTIAL BENEFICIAL RETROFITTERS FOR YEARS. IT'S NOT NECESSARY. STAFF HAS GOT THE DATA TO SHOW THAT THIS IS GOOD ORDINANCE AND FINALLY THE 1,000 TRIPS PER DAY LIMITATION I THINK WILL -- WILL RESULT IN NEEDLESS POLLUTEIZATION OF MERIT INVENTORIOUS REDEVELOPMENT. IT WILL HAVE A CHILLING EFFECT. WE WON'T SEE PEOPLE UTILIZE THIS ORDINANCE AND WE WILL MISS A GREAT OPPORTUNITY. WITH THAT I WILL BE HAPPY TO ANSWER QUESTIONS THAT YOU MAY HAVE. QUESTIONS, COUNCIL? THANK YOU, SIR. NUMBER OF OTHER FOLKS SIGNED UP TO GIVE US TESTIMONY IN FAVOR OF THE ORDINANCE. ANY OF THOSE FOLKS WHO FEEL LIKE THEY NEED TO DO SO ARE WELCOME TO COME FORWARD NOW.

THANK YOU VERY MUCH, WE HAVE A COUPLE MORE PEOPLE WHO ARE GOING TO SPEAK, DUANE RODGERS FROM THE OAK HILL ASSOCIATION OF NEIGHBORHOOD, I THINK TOM ALSO WANTS TO SAY A FEW WORD AS WELL. I CAN NEVER TELL WHETHER HE'S FOR OR AGAINST BUT THAT'S OKAY. I HAD A SPEECH ALL PREPARED ABOUT WHY I WAS FOR THIS. BUT I THINK INSTEAD I WANT TO GO OVER SOME OF THE OBJECTIONS THAT HAVE BEEN MADE. ONE OF THEM THE CONFUSION ABOUT THE SUPER MAJORITY VOTE. THE S.O.S. ORDINANCE WAS APPROVED BY THE VOTERS WITH AN AMENDMENT PROCEDURE IN IT. IT WAS KNOWN AT THE TIME AND THAT'S WHAT PEOPLE VOTED FOR. THAT'S WHAT YOU ARE DOING TONIGHT. THAT'S WHAT REQUIRES A SUPER MAJORITY VOTE. IF YOU DON'T APPROVE IT BY A SUPER MAJORITY VOTE TONIGHT IT DOESN'T HAPPEN. WE ARE PRESERVING THE SUPER MAJORITY VOTE. THAT'S WHAT WE'RE DOING HERE.... HERE. IT WOULD BE RIDICULOUS TO

DO A SUPER MAJORITY VOTE TO AMEND THE ORDINANCE AND THEN REQUIRE EVERY CASE THAT COMES BEFORE YOU TO RECEIVE A SUPER MAJORITY VOTE AGAIN. THAT'S WHAT'S BEING ASKED. EITHER A MISUNDERSTANDING OF THE ORDINANCE OR BEING DISINAGAINOUS. THE ADMINISTRATIVE APPROVAL YOU WOULDN'T KNOW FROM THE TESTIMONY THAT S.O.S. ORDINANCE IS ENTIRELY ADMINISTRATIVE. THAT THE DARK CORNERS OF DEVELOPMENT WHERE THESE THINGS LIE? IF YOU HAVE ENOUGH LAND AND THE APPROPRIATE ZONING YOU CAN BUILD A VERY DENSE PROJECT OVER THE AQUIFER TODAY IF YOU HAVE THE APPROPRIATE ZONING NO MATTER HOW MANY TRIPS YOU CREATE, NO MATTER HOW MANY RESIDENTIAL UNITS ARE THERE. AND IT'S APPROVED ENTIRELY ADMINISTRATIVELY. THIS ACTUALLY ADDS PUBLIC SCRUTINY AND ADDS COUNCIL LOOK AT PROJECTS THAT HAVE A CERTAIN AMOUNT OF TRIPS, DENSITY. THE S.O.S. ORDINANCE ITSELF DID NOT DO THAT AND DOES NOT REQUIRE THAT. THE CONSTRUCTION IMPACTS ARE BEING ADDRESSED THROUGH THIS CONSTRUCTION REWRITE AND MANY OF THE EXAMPLES THAT HAVE COME UP IN THE ENVIRONMENTAL BOARD IN THE PLANNING COMMISSION ARE EXAMPLES NOT OF REDEVELOPMENT BUT OF NEW DEVELOPMENT. THE POLLUTION OF HAMILTON POOL, OF LICK CREEK, THESE WERE NOT SITES THAT WERE BEING REDEVELOPED BECAUSE SITES AREN'T BEING REDEVELOPED, THESE ARE DUE TO NEW DEVELOPMENT. AS FAR AS ENCOURAGING HIGH DENSITY DEVELOPMENT THIS DOES NOT CHANGE THE BASE ZONING OF ANY OF THESE PROPERTIES. THEY CAN BE NO MORE DEPOSITION THAN THE ZONING THAT THEY HAVE TODAY. ANY INCREASE IN DENSITY, NUMBER ONE WOULD INCREASE THE TRIPS AND BEFORE IT TO YOU. ANY ZONING -- BRING IT TO YOU, ANY ZONING CHANGE ALSO COME TO THE CITY COUNCIL. THERE WAS SOME ABOUT T WATER QUALITY CONTROLS, WHETHER THEY ARE BEING PROMOTELY MONITORED AND ENFORCE. WELL THEY ARE NOT BEING MONITORED OR END FORCED AT ALL ON MANY OF THESE PROPERTIES BECAUSE THERE ARE NONE. EVEN A FAILING WATER QUALITY CONTROL WOULD BE THE BETTER THAN THE CONSTANT FAILURE THAT IS HAPPENING TODAY AND EVERY DAY THAT IT RAINS. WHEN THESE SITES POLLUTE. THE ONLY OTHER THING THAT I HAVE

TO SAY, NOT ONLY WERE MANY OF THESE PEOPLE WHO SIGNED THAT LETTER YESTERDAY MEMBERS OF THE SAVE OUR SPRINGS ASSOCIATION, ALSO SEVERAL FORMER BORED MEMBERS FOR THE S.O.S. ALLIANCE AS WELL AS PEOPLE WHO WERE ON THE ORIGINAL STEERING COMMITTEE FOR THE S.O.S. COALITION AND THE CONSULTANT FOR THE S.O.S. COALITION WHEN THE S.O.S. ORDINANCE ITSELF WAS PASSED. SO THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. POLICE..... BLIZZARD. GOOD EVENING OR IS IT GOOD MORNING? THANK YOU SO MUCH FOR STAYING HERE TONIGHT HEARING US OUT ON THIS. THANKS SO MUCH TO COUNCILMEMBER LEFFINGWELL AND TO THE STAFF THAT WORK WITH US ON THE ADVISORY GROUP OVER ALL OF THOSE MONTHS. I'M GOING TO BE REALLY BRIEF. I'M DUANE RODGERS, PRESIDENT OF THE OAK HILL ASSOCIATION OF NEIGHBORHOODS. WE HAVE A 25 NEIGHBORHOOD ASSOCIATIONS THAT ARE MEMBERS OF OUR GROUP OVER 11,000 ROOF TOPS IN THE OAK HILL AREA. OHAN SUPPORTS THIS REDEVELOPMENT ORDINANCE, URGES YOU TO PASS IT. IT'S BEEN REFERRED TO FIRST AS A WIN-WIN, THEN WIN-WIN-WIN, NOW I'M UP TO FOUR WINS. IT'S A WIN FOR THE ENVIRONMENT BECAUSE IT'S GOING TO REDUCE AND MITIGATE RUNOFF FROM OUTDATED PROPERTIES WITH NO WATER QUALITY CONTROLS. YOU'VE HEARD A LOT ABOUT THAT. I DO JUST WANT TO RE-EMPHASIZE WE KNOW WHAT WILL HAPPEN IF YOU DON'T PASS IT. THOSE PROPERTIES WILL CONTINUE TO POLLUTE WITH NO WATER QUALITY CONTROLS THAT CAN'T BE A GOOD OUTCOME. IT IS A WIN FOR THE NEIGHBORHOOD. THE FOLKS DOWN IN OAK HILL REALLY DO WANT AND CRY OUT FOR UPDATED AND IMPROVED COMMERCIAL AND RETAIL DEVELOPMENT AND I THINK THE BEST PLACE TO PUT THAT IS WHERE THERE'S ALREADY CONCRETE AND NOT ON GREEN FIELDS. AND THAT IS HAPPENING. I THINK IT'S A WIN FOR THE CITY BECAUSE IT ACKNOWLEDGES AND IT MEETS THE -- THE GOAL OF S.O.S. TO RETROFIT PROPERTIES THAT WERE ALREADY IN EXISTENCE AT THE TIME OF THE S.O.S. ORDINANCE, I MEAN WE'RE TRYING TO MEET THAT GOAL OF THE ORIGINAL ORDINANCE. IT ALLOWS THE CITY THROUGH MITIGATION ACREAGE PURCHASE AND THROUGH

ENCOURAGING REDEVELOPMENT, WHICH MEANS THAT YOU ARE PUTTING NEW DEVELOPMENT ON EXISTING CONCRETE AND NOT ON GREEN SPACE, TO -- TO REACH OUT AND PREVENT OR AVOID POLLUTION IN AREAS WHERE THE CITY HAS NO JURISDICTION TO REGULATE. AND THAT IS GOING ON TODAY IF YOU DRIVE TO DRIPPING SPRINGS OR BEE CAVE, YOU WILL SEE IT. FINALLY, IT'S A WIN FOR THE LANDOWNERS AND DEVELOPERS BECAUSE THEY HAVE A CHANCE TO ECONOMICALLY REDEVELOP THEIR PROPERTIES. YOU KNOW FRANKLY I KIND OF LIST THEM LAST BECAUSE THE PURPOSE OF THE GROUP WAS TO SEEK OUT AN ENVIRONMENTAL BENEFIT FIRST, I THINK THAT'S WHAT WE DID AND ACCOMPLISHED. SO I WOULD URGE YOUR SUPPORT FOR THE ORDINANCE. THANK YOU FOR YOUR TIME, I'M AVAILABLE FOR ANY QUESTIONS.

Mayor Wynn: THANK YOU, QUESTIONS, COUNCIL?

I'M TIM McDILL. I AM A DEVELOPER'S ENGINEER THAT HAS WORKED THESE FORMULAS OVER AND OVER AND THROUGH PROBABLY 40 PROJECTS IN THE LAST YEARS IN AUSTIN. ONE OF THE THINGS THAT I WOULD LIKE TO POINT OUT TO YOU ALL. I HAVE DONE SOME CALCULATIONS, I HOPE WHATEVER THIS ORDINANCE IS DRAWS AS MANY OF THESE PROJECTS IN AS POSSIBLE BECAUSE USING THE STATE'S FORMULAS AND THE CITIES, THERE'S 336,000 POUNDS OF POLLUTANTS THAT ARE GOING INTO THE AQUIFER AND -- AND BARTON CREEK FROM THE -- FROM THESE 200 SITES THAT -- THAT THEY HAVE TARGETED. BUT ON THE OTHER HAND, I HAVE ESTIMATED ABOUT 30 SITES OUT OF THESE 200 THAT HAVE SEPTIC SYSTEMS ON THEM THAT ARE 35 TO 40 YEARS OLD AND THIS IS THE STUFF THAT THEY ARE PRODUCING EVERY DAY, 300 GALLONS EVERY SINGLE DAY FOR EVERY LUE. AND THAT AMOUNTS TO -- TO TWICE AS MANY POUNDS OF POLLUTANTS THAT ARE GOING DIRECTLY INTO THE AQUIFER AND SOME OF THE CASES WHERE THESE SYSTEMS ARE FAILING IT'S BULBING OUT OF THE GROUND AND HEADING DOWN OVER GROUND AND INTO THE CREEK. BOTH THE ENVIRONMENTAL BOARD AND PLANNING COMMISSION RECOMMENDED THAT THERE BE SOME CREDIT PROVIDED FOR ANY OF THESE REDEVELOPMENT PROJECTS THAT TAKES A LARGE SEPTIC TANK DRAIN FIELD AND CONVERTS IT TO A WASTEWATER LINE THAT WILL TAKE IT TO A SEWAGE

TREATMENT PLANT. IF THEY TRADED THAT OUT FOR SOME FORM OF SQUARE FOOTAGE THAT ENDED UP TURNING THIS INTO A ROOF WATER COLLECTION SYSTEMS OR ANY KIND OF TREATED RUNOFF FROM EVEN A PARKING LOT, THIS NOT ONLY LOOKS BETTER, IT SMELLS BETTER, YOU CAN DRINK THIS STUFF. AND IF THEY GET RID OF FOR EVERY SINGLE LUE, SOME OF THESE SITES HAVE UP TO 15 OR 20 OF THESE ON THEM, IT WOULD HELP DRAW MORE PEOPLE INTO THE FOLD TO -- TO TAKE ADVANTAGE OF THIS ORDINANCE, WHATEVER IT ENDS UP BEING. SO MY REQUEST TONIGHT IS THAT -- THAT I HAD DRAFTED UP I THINK THREE OR FOUR LINE RECOMMENDATION THAT DOES GIVE SOMEONE CREDIT. IT LIMITS HOW MUCH THEY COULD HAVE. IT'S REQUIRED TO BE CERTIFIED BY A P.E. AND WOULD CONVERT THIS KIND OF SEWAGE THAT'S HEADED RIGHT INTO THE AQUIFER INTO A MUCH MORE ENVIRONMENTALLY SOUND PRODUCT. DOES ANYBODY HAVE ANY QUESTIONS ON HOW BIG OF A DEAL THIS IS?

THANK YOU VERY MUCH.

THANK YOU. ANY OTHER CITIZENS WOULD LIKE TO GIVE US TESTIMONY ON THIS PUBLIC HEARING ITEM 121? REDEVELOPMENT OF THE BARTON SPRINGS ZONE ORDINANCE.

YES, I WOULD, I SIGNED UP.

OKAY.

MY NAME IS STEVEN BEERS. I WANT TO SAY FIRST OFF I THINK THE IDEA OF REDEVELOPMENT THAT IMPROVES WATER QUALITY IS A GOOD ONE. NO ONE COULD OBJECT TO THAT. I WOULD ALSO LIKE TO PERSONALLY SAY THAT I FAVOR REDEVELOPMENT AT THE Y. IN OAK HILL. WITH MITIGATION. THAT'S A VERY GOOD IDEA, TOO... TOO. I CERTAINLY FEEL THE ACTUAL WORDS, I THINK THERE'S UNINTENDED CONSEQUENCES. FOR INSTANCE LET'S TAKE THE FREESCALE SITE, FORMER MOTOROLA SITE, WHICH IS 200 ACRES AT 40% IMPERVIOUS COVER. IF IT'S REDEVELOPED INTO LET'S SAY THOUSANDS OF APARTMENTS, WHICH IS THE POTENTIAL, THEN IT DOESN'T HAVE TO DO OFF-SITE MITIGATION AT ALL. LET'S TAKE

ANOTHER SITE. THE -- THE BURGER CENTER WHICH IS ALMOST 100% IMPERVIOUS COVER. IF THAT WERE SOLD INTO PRIVATE DEVELOPMENT, THE WAY THIS ORDINANCE READS, BECAUSE IT'S MORE THAN 400 -- EXCUSE ME, MORE THAN 40% IMPERVIOUS COVER, YOU COULD MITIGATE WITH SAND FILTERS. SO I THINK THOSE ARE BIG, GAPING PROBLEMS WITH THIS ORDINANCE. I FAVOR TAKING MORE TIME TO -- TO DRAW IT A LITTLE TIGHTER TO EXCLUDE ANYTHING BUT THE 200 SPECIFIC SITES. AND I QUESTION THE PRIORITIES WHEN LICK CREEK WAS HIT, A.M.D. WAS HIT, ALL OF THESE SITES WITH CONSTRUCTION RUNOFF CULMINATING FINALLY IN HAMILTON POOL CLOSING FROM CONSTRUCTION RUNOFF. I THINK OUR PRIORITIES ARE BACK.....BACKWARDS. WHEN NEAR THE Y THERE'S [INDISCERNIBLE] THOUSANDS OF GALLONS OF SEWAGE SPILLED THAT'S A CITY PROJECT, I THINK THAT IT'S KIND OF CRAZY TO NOT FIX THE REAL WATER QUALITY PROBLEMS FIRST BEFORE WE MAKE IT EASIER TO DAMAGE THE S.O.S. I SUSPECT IT'S BECAUSE THIS IS THE CASE WHERE DEVELOPERS COULD AGREE WITH ENVIRONMENTAL FACTIONS, THAT'S WHY IT BECAME PRIORITY. SORT OF LIKE THE WHITEWATER INVESTIGATION STARTED WITH A FINANCIAL CRIME AND ENDED UP WITH SOMETHING ELSE. THIS DRIFTED REALLY FAR FROM THE IDENTIFIED PROBLEMS WITH BARTON SPRINGS. SO -- SO I THINK IT WOULD BE MOST POLITIC IF YOU DIDN'T TAKE THIS ON ONE READING. [APPLAUSE]

Mayor Wynn: THANK YOU, MR. BEERS. ANY OTHER CITIZENS THAT WOULD LIKE TO GIVE US TESTIMONY ON THIS PUBLIC HEARING.

Leffingwell: COULD I COMMENT AGAIN BRIEFLY THE INSTANCES THAT STEVE MENTIONED WOULD NOT BE COVERED POTENTIALLY NOT BE COVERED BY THIS ORDINANCE THE INDUSTRIAL AND CIVIC USES, I BELIEVE YOU MENTIONED FREESCALE AND BURGER CENTER, BOTH OF THOSE WOULD HAVE TO COME BACK FOR COUNCIL ACTION BECAUSE THEY ARE SPECIFICALLY LISTED NOW IN THE ORDINANCE. THERE ARE ONLY THREE SITES THAT WE KNOW OF THAT WOULD BE CIVIC OR INDUSTRIAL SITES AND FREESCALE IS ONE OF THE INDUSTRIAL, THE OTHER IS A JUNK YARD OUT THERE IN THE CIVIC USE OF COURSE IS THE

BURGER CENTER. FURTHER COMMENTS, QUESTIONS?
MOTIONS? COUNCILMEMBER KIM?

Kim: I HAVE A COUPLE OF QUESTIONS FOR THE STAFF. IF NANCY -- I HAVE SOME QUESTIONS ABOUT THE EROSION AND SEDIMENTATION CONTROLS. I KNOW THAT WE -- THAT WE PASSED A RESOLUTION DIRECTING THE CITY MANAGER TO DEVELOP THOSE CONTROLS AND I THINK WE WERE ANTICIPATING WOULD TAKE ABOUT A YEAR, BUT I WOULD LIKE TO SEE IF WE CAN SPEED THAT UP SINCE WE'RE GOING TO -- IF THIS ORDINANCE WERE TO COME INTO EFFECT. I DON'T KNOW HOW LONG IT WOULD TAKE FOR A SITE PLAN TO GO THROUGH THE CITY PROCESS FOR REDEVELOPMENT AND MITIGATION AND ALL OF THAT. BUT I -- I THINK THAT IT WOULD BE NICE TO HAVE SOME ASSURANCE THAT WE WOULD HAVE SOMETHING IN PLACE FOR AT LEAST SOME DIRECTION OR INFORMATION ON WHERE THE STAFF IS GOING. SO IS THERE A WAY THAT -- THAT THE STAFF CAN WORK ON THIS AROUND HAVE THE STAKEHOLDER PROCESS AT THE BEGINNING RIGHT AWAY THAT -- THAT ANYONE WOULD IS INTERESTED -- WHO IS INTERESTED CAN PROVIDE SUGGESTIONS ON WHAT THOSE ENHANCED CONTROLS CAN BE AND WATER QUALITY CONTROLS CAN BE DURING THE CONSTRUCTION AND THEN GIVE THAT TO THE STAFF, THE STAFF CAN MEET TO WORK ON IT BECAUSE STAKEHOLDER MEETINGS WHERE YOU ARE ONLY MEETING ONCE A WEEK OR ONCE EVERY TWO WEEKS IT'S GOING TO SLOW IT DOWN. STAFF WORK ON IT AND THEN COME BRING A REPORT TO THE COUNCIL IN FEBRUARY OF YOUR SUGGESTIONS, RECEIVE COMMENT FROM THE PUBLIC AND THE COUNCIL AND THEN START IT THROUGH THE BOARD BOARDS PROCESS FOR REVISION? [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

I THINK THAT'S DOABLE, I'M GOING TO TURN AND LOOK AT MICHAELLY BECAUSE HE'S GOING TO LEAD THAT EFFORT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] THE TIME WE GIRLFRIEND STAKEHOLDERS TO RESPOND TO THE ONLY WAY, IF THEY COME BACK WITH COMMENTS AND PUSH BACK, THEN THERE IS A LOT OF BACK AND FORTH GOING ON.

WHICH IS THE PURPOSE OF THE COMMISSION PROCESS. SO IT IS UNDERSTANDABLE IF THEY WERE TO HAVE CHANGES

OR MORE QUESTIONS THAT WOULD SLOW IT DOWN, BUT THAT WOULD BE UNDERSTANDABLE.

EXPECTATION PEDESTRIAN INDICT THIS AS MUCH AS POSSIBLE AND HAVING A STAFF RECOMMENDATION IS COMPLETELY DOABLE.

IF ANYONE HAS ANY SUGGESTIONS, SEND THEM TO MIKE KELLY THEN.

RIGHT.

FOR THE CONTROLS.

RIGHT, AND MIKE IS ALREADY WORKING ON THAT.

ANOTHER QUESTION I HAVE IS ACTUALLY SUGGESTED BY MAYOR PRO TEM JACKIE GOODMAN IS HAVING A FINDING OF FACT, AND I THINK WHAT SHE MEANS IS WE HAVE IN THIS ORDINANCE THAT THAT IF THE COUNCIL WERE TO CONSIDER A PROPOSAL FOR REDEVELOPMENT THAT ONCE THE ADMINISTRATION WAS APPROVED BY THE COUNCIL, THE DIFFERENT EXEMPTIONS OR EXCEPTIONS, THAT THE COUNCIL IS SUPPOSED TO LOOK AT FOUR AREAS, BENEFITS OF REDEVELOPMENTS TO COMMUNITY ALL THE WAY TO COMPATIBILITY OF THESE LONG-RANGE GOALS. THIS IS A COUNCIL THAT IS VERY ENVIRONMENTALLY MINDED, BUT CITIZENS LIKE TO KNOW IF ONE DAY THIS ORDINANCE IS GOING TO BE DETERMINED BY ANOTHER COUNCIL, HOW CAN WE HAVE INPUT FROM THE STAFF ON THESE FOUR ISSUES AND ANYTHING ELSE THAT MAY COME UP. IS THERE A WAY TO ACTUALLY HAVE, LIKE AN ECONOMIC DEVELOPMENT MATRIX WE HAVE IN THE CITY BEFORE WE APPROVE ANY KIND OF, WE RARELY DO, BUT WHEN WE HAVE SOMETHING FOR CONVERSATION WE HAVE DOCUMENTATION OR RECOMMENDATION FROM THE STAFF OR AT LEAST SOME FINDING OF FACT IN THOSE AREAS TO MAKE SURE THERE IS SOME KIND OF CHECK IN TERMS OF WHAT THE DEVELOPMENT WOULD MEAN FOR THE INFRASTRUCTURE AND THE ENVIRONMENTAL IMPACTS. IS THERE A WAY FOR THE STAFF TO DEVELOP SOMETHING LIKE THAT WHERE COUNCIL CAN REVIEW.

WE CAN AND THAT IS REALLY, I THINK, WHAT YOU ARE ASKING FOR IS JUST A STAFF RECOMMENDATION ON THOSE THINGS THAT ARE INCLUDED IN THE ORDINANCES A DETERMINATIONS OR CONSIDERATIONS THAT THE COUNCIL WOULD MAKE. I DON'T KNOW WHETHER THERE IS ANYTHING WE WOULD NEED TO DO TO MAKE CHANGE IN THE ORDINANCE BUT TO ACTUALLY MAKE THOSE FINDINGS OF FACT. AND I WILL TURN AROUND, MISSY SAYS NO. SO I THINK THAT WE CAN SIMPLY DO, THAT YES.

OKAY. I HAVE ANOTHER QUESTION FOR THE ATTORNEY ABOUT THE SOS HISTORY, OF SOS.

ONE OF THE SUGGESTIONS FROM THE PLANNING COMMISSION WAS MAKING THIS A PILOT PROJECT. 35-ACRES OR FIRST TEN PROJECTS AND WHEN I FIRST HEARD THAT IDEA, I THOUGHT OF THE IDEA MYSELF ABOUT I LIKE TO PILOT THINGS FIRST SEE HOW THEY WORK OUT TO GIVE STAFF A CHANCE TO TRY THESE THINGS OUT AND ON THE SURFACE IT SOUNDS TO MAKE COMPLETE SENSE, BUT ONE THING THAT WAS, I GUESS, IT CAME ACROSS IN TALKING ABOUT THE HISTORY OF SOS WAS WHAT HAPPENED WITH THE ORIGINAL ORDINANCE, AND THERE WAS A RULING BY A COURT THAT THERE WAS NO SCIENTIFIC BASIS AND THE LANGUAGE ARBITRARY AND CAPRICIOUS WAS USED. CAN YOU GIVE ME INFORMATION ON SPECIFICALLY WHAT THE COURT SAID WAS ARBITRARY AND CAPRICIOUS FOR THE APPLICATION OR UTILIZATION OF SOS IN THE FIRST PLACE?

LET ME TRY. I THINK THE LANGUAGE ABOUT THE ARBITRARY AND CAPRICIOUS WAS A CITATION IN THE COURT ABOUT THE WATER CODE PROVISION, 26-177 THAT THE CASE WAS BASED ON, AMONG OTHER THINGS. THERE WAS NOT A FINDING IT WAS ARBITRARY AND CAPRICIOUS BUT THERE WAS A LOT OF TALK ABOUT THE LANGUAGE IN THAT PROVISION BECAUSE IT WAS AN ARGUMENT THE CITY MADE THIS WAS A SEPARATION OF POWERS. THIS IS GOING TO GET A LITTLE BIT COMPLICATED, I HOPE IT DOESN'T SOUND ODD, BUT AS TO WHAT THE BURDEN OF, WHAT KIND OF REVIEW A COURT WOULD GIVE TO THE TEXAS WATER COMMISSION AT THE TIME, STATUTE THAT WOULD ALLOW THEM TO LOOK AT THE REASONABLENESS AND ASHTARINESS AND EFFECTIVENESS OF AN ORDINANCE SO

THE ARGUMENT THE CITY WAS MAKING WAS WHAT WAS THE STANDARD REVIEW OF WHAT THE CITY DID. WAS REVIEWING EVERYTHING THEY SAW NEW, OR WAS IT LOOKING AT IT AND GIVING DEAFRANCE TO WHAT THE CITY HAD A H DONE, THE LEGISLATIVE BODY HAD DONE. ULTIMATE COMPLETE COURT DID NOT ACCEPT IT WAS A SEPARATION OF POWERS PROBLEM AND DID NOT FIND THAT PROVISION UNCONSTITUTIONAL, BUT DID USE THE STANDARD REVIEW THAT WAS BENEFICIAL TO THE CITY. SO I'M NOT SURE THERE IS REALLY A PARALLEL WITH THE PILOT PROJECT IDEA.

SO WAS IT THE PROCESS THAT WAS, THAT THE COURT WAS QUESTIONING WHETHER OR NOT THERE WAS --

WELL, THE PETITIONERS WERE QUESTIONING WHETHER IT WAS ARBITRARY ORCA PREOUS BECAUSE THERE WAS NO -- OR CAPRICIOUS, BECAUSE THERE WAS NO BASIS FOR THIS IN OTHER WORDS, THEY WERE HAVING TO MEET A PRETTY HIGH STANDARD WHICH WOULD BE THERE WATTS NO BASIS IN FACT, FOR THE ORDINANCE.

OKAY.

DOES THAT HELP?

KIND OF, BUT NOT REALLY, BUT THAT IS OKAY. [LAUGHTER] IT IS NOT EXACTLY WHAT I THOUGHT I HAD HEARD BEFORE, BUT NEVER MIND, THANK YOU VERY MUCH.

FURTHER COMMENTS, QUESTIONS? COUNCIL MEMBER LEFFINGWELL.

MAYOR, I WOULD LIVE TO MOVE TO CLOSE THE PUBLIC HEARING AND PASS THE ORDINANCE WITH THE LATEST CHANGES MADE ON ALL THREE READINGS TO DIRECTION BY COUNCIL MEMBER KIM AND ALSO BY THE ENVIRONMENTAL BOARD AND BY THE PLANNING COMMISSION FOR ADVANCED EROSION CONTROLS DURING CONSTRUCTION.

SECOND.

MOTION BY COUNCIL MEMBER LEFFINGWELL, SECONDED BY COUNCIL MEMBER COLE TO CLOSE THE PUBLIC HEARING,

APPROVE THIS ITEM, POSTED ITEM ON ALL THREE READING WITH THE ADDITIONAL DIRECTIONS A GIVING REGARDING CONSTRUCTION CONTROLS. COUNCIL MEMBER KIM.

I KNOW THAT COUNCIL MEMBER LEFFINGWELL SPENT A LOT OF TIME OAK HILL, AND I HAVE AS WELL, WORKING ON VARIOUS ISSUES FOR OAK HILL FROM THE TOWN HALL MEETING TO TOLL ROADS, AND IT IS CLEAR THAT THE COMMUNITY IS REALLY UNITED IN ITS CONCERN AND ITS STEWARDSHIP OF THE CREEK AND THE CREEK WATERSHED IS HEAVILY DEVELOPED IT DIDN'T USED TO BE THAT WAY, BUT THERE IS A LOT OF IMPERVIOUS COVER WITH NO WATER QUALITY AT ALL FROM THE RUN OFF OF SITES IN OAK HILL AND SO I THINK, I FEEL THAT THE PROGRAM WE HAVE TODAY IS GOING TO BE A STEP IN THE RIGHT DIRECTION TO TREAT THAT POLLUTION, WHICH THE CITY DOESN'T HAVE THE FINANCES TO DO OURSELVES. IF WE DID, WE WOULD BE ABLE TO DO IT, BUT IT IS VERY EXPENSIVE BECAUSE SO MUCH OF THE AREA IS AFFECTED WITH IMPERVIOUS COVER. AND ANOTHER THING IS I WANT TO THANK COUNCIL MEMBER LEFFINGWELL FOR ACCEPTING MY REQUEST FOR COUNCIL APPROVAL FOR ANY DEVELOPMENT IN THE ATJ AND ALSO MAKING SURE THAT ANYTHING FOR REDEVELOPMENT IN THE CIVIC AND INDUSTRIAL USES WILL ALSO COME TO THE COUNCIL BECAUSE THOSE THINGS I THINK ARE VERY IMPORTANT, EVEN THOUGH WE HAVE A LOT OF COMMERCIAL SITES LIKE BARTON CREEK MALL, AND IT IS EGREGIOUS THAT THAT SPACE HAS SO MUCH POLLUTION, WHICH WE CAN'T DO ANYTHING ABOUT UNTIL TODAY, SO I'M HOPING THAT THIS ORDINANCE WILL HELP US TO DO WHAT IS BEST FOR THE ENVIRONMENT, AND ACTUALLY FIND SOME WAY TO FIND LAND AND PURCHASE LAND AND HEAD WATERS, WHICH IS THE MOST SENSITIVE AREAS, AND IT IS GOING TO HAVE THE LONGEST AND MOST IMPORTANT IMPACT FOR PROTECTING THE ENVIRONMENT, SO I WILL BE SUPPORTING THE MOTION.

MAYOR FUNCTION DON'T MIND, I HAVE A BEEN ADVISED BY THE ATTORNEYS I HAVE TO READ THE LATE CHANGES INTO THE RECORD, ALTHOUGH THEY DID GO OVER THEM, THEY ARE NOT INCLUDED IN THE LATEST DRAFT. THE FIRST ONE IS A CHANGE TO PART 1C, ADDING THE LANGUAGE DEVELOPMENT MAY COMPLY WITH THIS SECTION INSTEAD

OF COMPLYING WITH SECTION 25-8-26 WHICH IS THE REDEVELOPMENT EXCEPTION THAT WAS PREVIOUSLY PASSED, THE 25%. THEN THERE IS A CHANGE TO PART 2-F-4, ADDING THE PARAGRAPH THE WATER QUALITY CONTROLS ON THE DEVELOPMENT SITE MUST PROVIDE A LEVEL OF WATER QUALITY TREATMENT THAT IS EQUAL TO OR GREATER THAN THAT WHICH WAS PREVIOUSLY PROVIDED. AND THEN PART 3-G, ADDING SUB 3 IS PROPOSED ON PROPERTY WITH AN EXISTING INDUSTRIAL OR CIVIC USE. AND FINALLY, PART 4, ITEM 4, THE CITY MANAGER IS DIRECTED TO PRESENT THE CITY COUNCIL A REPORT REGARDING THE EFFECTIVENESS OF SECTION 25-8-27, NOT LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, A REPORT TO CITY COUNCIL IS TO INCLUDE INFORMATION REGARDING APPLICATIONS SUBMITTED, PROGRESS OF REDEVELOPMENTS, PURCHASE OR RESTRICTION OF MITIGATION LAND AND STATUS OF THE BARTON STRING SPRING'S ONLY MITIGATION FUND SO I WOULD LIKE TO AMEND MY ORIGINAL MOTION TO INCLUDE THAT.

COUNCIL MEMBER COLE, DO YOU ACCEPT THAT AMENDMENT? SO AMENDED MOTION. A SECOND ON THE TABLE. COUNCIL MEMBER McCRACKEN.

I WANT TO CONGRATULATIONS LEFFINGWELL ON OUTSTANDING LEADERSHIP AND AWESOME JOB,MAN, I'M PROUD OF YOU.

MAYOR WYNN: FURTHER COMMENTS, MOTIONS? MAYOR PRO TEM.

COUNCIL MEMBER LEFFINGWELL FOR LEADING THIS PROCESS FOR VERY LONG TIME SO I THINK TONIGHT WE HAVE A PRODUCT THAT WE CAN ALL BE VERY PROUD OF, SO THANKS TO THE STAFF AND THANKS TO ALL THE STAKEHOLDERS. NOT EVERYBODY GOT EVERYTHING THEY WANTED AND THAT IS A GOOD SIGN THAT IT WAS A GOOD PROCESS. SO, WE ARE GOING TO GET SOME GREAT WATER QUALITY CONTROL IN AN AREA THAT HASN'T HAD IT IN THE PAST, AND WE WILL HAVE REDEVELOPMENT FOR A NEIGHBORHOOD THAT REALLY NEED IT IS SO A GREAT COMBINATION WINS SO THANK YOU COUNCIL MEMBER FOR

LEADING.

MAYOR WYNN: AMENDED MOTION. A SECOND ON THE TABLE TO APPROVE ITEM 121 WITH ADDITIONAL DIRECTION ON ALL THREE READINGS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. [APPLAUSE] ITEM NUMBER 122. PUBLIC HEARING REGARDING A VARIANCE TO A 25 AND 100-YEAR FLOOD PLAIN. I'M TAKING UP THE PUBLIC HEARINGS THAT HAVE CITIZENS HERE TO GIVE US TESTIMONY US AND STAFF WILL MUSCLE THROUGH THE LAST EIGHT OR 10 HEARING.

GOOD EVENING. THE ACTION BEFORE YOU ITEM 122 IS CONDUCT A PUBLIC HEARING AND CONSIDER --

ACTUALLY, HOLD ON, GEORGE. FOLKS IF YOU ALL CO TAKE YOUR CONVERSATION OUT IN THE FORRIER, WE WOULD APPRECIATE IT. WE HAVE A LOT OF ADDITIONAL PUBLIC HEARINGS TO CONDUCT TONIGHT. PLEASE TAKE YOUR CONVERSATIONS OUT IN THE FORRIER, THANK YOU. GEORGE?

GRANTING VARIANCE REQUEST BY DAVID BURNETT TO ALLOW CONSTRUCTION OF AN ADDITION TO THE SINGLE FAMILY RESIDENCE AT 1111 BURGER STREET AT 259 YEAR AND 100 HAD OF YEAR FLOOD PLAINS AND WAVE THE REQUIREMENT TO DEDICATE A DRAINAGE EASEMENT TO THE 100-YEAR FLOOD PLAIN TO THE FOOTPRINT OF THE EXISTING AND PROPOSED STRUCTURES. CAN YOU GIVE ME THE POWER POINT? THE APPLICANT DESIRES TO CONSTRUCT A 434 SQUARE FOOT ADECISION TO AN EXISTING 659 SQUARE FOOT FAMILY HOUSE. THIS IS A RATHER SMALL HOUSE AND MODEST EDITION, BUT THE SIZE OF THE EDITION EXCEEDS HALF OF THE SIZE OF THE EXISTING STRUCTURE SO IT DOES CONSTITUTION SUBSTANTIAL IMPROVE. WHICH REQUIRES THAT THE EXISTING STRUCTURE BE UPGRADED TO MEET THE CITY'S CURRENT FLOOD PLAIN REGULATIONING. THIS IS THE -- REGULATIONS. THIS IS THE LOCATION OF THE PROPERTY ON THE 25 YEAR AND 100-YEAR FLOOD PLAINS ON THE EAST SIDE OF TOWN. ZOOMING IN, THE YELLOW POLYGON INDICATES THE FOOTPRINT OF THE EXISTING STRUCTURE.

THE PINK AREA IS THE PROPOSED EDITIONS. THIS IS A PICTURE OF THE HOUSE. THE FRONT, THE BACK WHERE THE BEDROOMS AND BATHROOM WILL BE ADDED. THE FRONT WHERE THE PORCH OVER HANG ADDITION WILL BE MADE. WE'RE RECOMMENDING DENIAL OF THE VARIANCE, PRIMARILY BECAUSE OF THE SAFE ACCESS ISSUE, THE DEPTH OF WATER AT THE STREET DURING A 100-YEAR EVENT EXCEEDS TWO FEET, AND WE HAVE A CRITERIA OF 1 1/2 FEET TO SUPPORT THESE TYPES OF VARIANCES WHERE THERE IS LIMITATION OF SAFE ACCESS DURING HIGH WATER EVENTS. HOWEVER THERE IS A MITIGATING CIRCUMSTANCE. YOU GO TO ITEM NUMBER 4, THE APPLICANT HAS AGREED TO APPLY WITH THE CODE TO ELEVATE THE EXISTING STRUCTURE TO A MINIMUM ONE FOOT ABOVE THE 100-YEAR FLOOD PLAIN SO THAT DOES PROVIDE SOME MEASURE OF SAFE REFUGE DURING A HIGH WATER EVENT WITH THAT I WILL TAKE ANY QUESTIONS YOU MAY HAVE.

THANK YOU, GEORGE. QUESTIONS FOR STAFF? COMMENTS? IF NOT, WE HAVE A COUPLE FOLKS WHO SIGNED UP WISHING TO GIVE US TESTIMONY. FIRST SPEAKER IS DAVID BURNETT. WELCOME, DAVID. YOU WILL BE FOLLOWED BY DUANE IDECKER.

THANK YOU VERY MUCH, I'M PRETTY HOARSE TODAY SO YOU WILL HAVE TO BEAR WITH ME. I JUST WANT TO POINT OUT A FEW POINTS ABOUT WHAT WE ARE ATTEMPTING TO DO WE ARE NOT BUILDING A DIFFERENT TIME OF STRUCTURE AT ALL, WE ARE ADDING ON TO THE BACK OF AN ECONOMISTING HOUSE THAT HAS BEEN THERE SINCE I BELIEVE THE EARLY 70s. IT IS IMPORTANT TO NOTE THERE IS ALREADY HUNDREDS OF HOUSES IN THIS SUBDIVISION THAT WERE BUILT IN THE 60s AND 70s AND A GREAT DEAL OF THEM ARE ALREADY IN THE EXISTING FLOOD PLAIN. THERE IS ALSO BEEN SEVERAL COMPLETELY HOUSES BUILT FROM SCRATCH WITHIN TWO OR THREE BLOCKS OF THIS HOUSE THAT I'M NOT SURE, BUT THEY APPEAR, THEY HAVE ALREADY RECEIVED A VARIANCE OR OTHERWISE, I DO NOT KNOW HOW THEY WOULD HAVE BEEN BUILT IN THIS AREA. AND AS WAS JUST POINTED OUT, WE ARE WILLING TO DO THE CONDITIONS OF THE VARIANCE, RAISING THE EXISTING HOUSE UP ABOVE THE 100-YEAR FLOOD PLAIN AND ALSO THE NEW ADDITION WILL BE BUILT ABOVE THE 100-YEAR

FLOOD PLAIN, AND WE WILL ALSO HAVE A REGISTERED PROFESSIONAL ENGINEER CERTIFY THAT THE PROPOSED STRUCTURE WILL WITHSTAND FLOOD FORCES GENERATED BY ANY 100-YEAR FLOOD. WE DO REHAB SOME HOUSES IN THIS AREA. IT IS IMPORTANT WE DO FEEL LIKE WE PROVIDE LOW-INCOME HOUSING IN THIS AREA. THE CURRENT HIGHWAYS IS JUAN BEDROOM, ONE BATHHOUSE. WE WANT TO MAKE IT A THREE BEDROOM TWO BATHHOUSE AND THE MOST EXPENSIVE HOUSE WE'VE EVER SOLD IN THIS AREA IS 120,000 SO WE DO FEEL LIKE WE PROVIDE LOW-INCOME HOUSING IN THIS AREA. AND THAT IS ALL I HAVE TO SAY.

MAYOR WYNN: THANK YOU, SIR. WELCOME.

HI. THIS IS THE FIRST TIME I'VE EVER SPOKEN TO YOU ALL, I APPRECIATE YOUR TIME WITH IT BEING LATE IN THE EVENING. LIKE DAVID SAID, THIS IS EXTREMELY HARD TO REND A ONE BEDROOM HOUSE. WE GET ONE A YOUNG COUPLE AND WHEN WE GO BY TO COLLECT THE RENT IT IS FOUR OR FIVE PEOPLE LIVING IN A ONE-BEDROOM HOUSE AND IT IS HARD TO MEET THE NEEDS OF THE PEOPLE THERE WITH THE STRUCTURE THAT IS THERE. OUR INTENTION IS TO BRING IN MORE LOW-INCOME HOUSING IN THAT AREA. HOUSES THAT ARE BEING REPLACED ARE ANYWHERE FROM, I THINK THE AVERAGE PRICE IS PROBABLY ABOUT 180,000 ON UP, AND WE WOULD LIKE TO STAY IN THE MARKET THAT WE'RE IN THERE AND JUST PROVIDE LOW INCOME HOUSING THERE. SO THANK YOU.

THANK YOU. COUNCIL MEMBER MARTINEZ.

MAYOR, THE APPLICANT IS CORRECT IN THAT WE HAVE APPROVED SOME FLOOD PLAIN VARIANCES ALONG THIS STREET. THIS IS IN CENTRAL EAST AUSTIN. THE REASON THERE IS AD IN PLAIN IS BECAUSE THE TANNIHILL BRANCH, BUT THERE IS SIGNIFICANT IMPROVEMENTS IN TERMS OF DRAINAGE. ONE PROBLEM WITH FACE IS A RAILROAD TESSEL FARTHER EAST WHERE IT HITS THE RAILROAD AND CHANGE CAUSES AN EXPANSION OF OUR FLOOD PLAIN IN THAT AREA. AND MY ENTIRE CAREER WITH THE FIRE DEPARTMENT, INCLUDING THE '98 FLOODS WHERE WE HAD 21-INCHES OF RAIN IN LESS THAN 12 HOUR, WE NEVER HAD A HOME FLOODED OUT IN THAT AREA. SO I WILL MOVE

APPROVAL OF THE VARIANCE REQUEST.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MARTINEZ, SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE THE FLOOD PLAN VARIANCE REQUEST. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION FAILS ON A VOTE OF -- PASSES ON A VOTE OF 5-2 WITH THE MAYOR AND COUNCIL MEMBER LEFFINGWELL VOTING NO. THANK YOU ALL. ITEM 123 HAS SOME SPEAKERS. EYE EFFECT A PUBLIC HEARING TO CONSIDER A REQUEST, A WAIVER FROM DISTANCE REQUIREMENT REGARDING ALCOHOLIC BEVERAGE SALES.

GOOD EVENING, MAYOR AND COUNCIL. JESSICA KING WITH RESIDENTIAL REVIEW WATERSHED PROTECTION. WE ARE HERE FOR A ALCOHOLIC BEVERAGE WAIVER REQUEST. THE APPLICANT, I'M NEVER GOOD WITH THESE THINGS. THERE WE GO. THE APPLICANT REQUESTS ELDORADO MEAT MARKET PROPOSES TO SELL ALCOHOLIC BEVERAGES AT 5001 AIRPORT BOULEVARD WITHIN 210 FEET OF RIDGE TOP ELEMENTARY SCHOOL, A PUBLIC SCHOOL. THE OWNER REQUESTS A WAIVER FROM SECTION 494-A WHICH PROHIBITED A SALE OF ALCOHOL WITHIN 300 FEET OF A CHURCH, PUBLIC SCHOOL OR PUBLIC HOSPITAL. IN OCTOBER OF 2001, COUNCIL GRANTED THE WAIVER TO 300-FOOT DISTANCE REQUIREMENT WHEN THE PROPERTY WAS OWNED BY LISA JIHADI AND PREVIOUSLY KNOWN ASTIN MEAT MARKET BEEN THAT WAIVER EXPIRED UPON THE SALE OR TRANSFER OF THE BUSINESS TO THE NEW OWNER, AND HENCE THE NEW OWNER HAS TO OBTAIN A WAIVER FOR THE CURRENT PROPERTY. SITE LOCATION SHOWS THAT IT IS 210 FEET FROM PROPERTY LINE TO PROPERTY LINE, AND THERE IS A VISUAL IMAGE THERE OF THAT PROPERTY SITE SHOWING THE DISTANCE OF WE WHERE RIDGE TOP ELEMENTARY IS IN RELATION TO THE PROPERTY IN QUESTION. AND THERE ARE SHORT SITES THERE, A VIEW FROM THE SCHOOL TO THE MARKET, AS WELL AS FROM THE MARKET TO THE SCHOOL FROM OPPOSITE DIRECTIONS. COUNCIL HAS THE AUTHORITY UNDER 495 OF THE CODE TO CONSIDER WAVING THE 300-FOOT DISTANCE REQUIREMENT FOR MULTIPLE REASONS. IF IT IS NOT IN THE BEST INTEREST OF THE PUBLIC, CONSTITUTES WASTE OF LAND OR

RESOURCES, CONSTITUTES UNDUE HARDSHIP ON THE APPLICANT AND IS NOT EFFECTIVE OR NECESSARY AND EFFECTS THE HEALTH, SAFE AND WELFARE OF THE PUBLIC. AND THE BEST INTEREST OF THE PUBLIC OR COMMUNITY. COUNCIL MAY CONSIDER WRITTEN CONSENT FROM A WAIVER OF A PUBLIC SCHOOL LOCATED IN 300 FEET OF THE APPLICANTS PROPOSED LOCATION. IN THIS PARTICULAR CASE THE AUSTIN SCHOOL DISTRICT SUBMITTED LETTERS OPPOSING THE REQUEST, AND WE HAVE A BACK UP FROM A LETTER FROM AN INTERESTING PARTY LOCATED CLOSE TO THE NEIGHBORHOOD TOO. STAFF RECOMMENDS DENIAL OF THE WAIVERER BASED PRIMARILY UPON THE AUSTIN INDEPENDENT SCHOOL DISTRICT'S OPPOSITION. AND I BELIEVE THERE IS A FEW SPEAKERS RELATED TO THIS.

QUESTIONS OF STAFF? COUNCIL? WE DO HAVE A COUPLE FOLKS SIGNED UP TO SPEAK. A MR. JIM BENNETT IS OUR FIRST SPEAKER IN FAVOR. WELCOME. YOU WILL BE FOLLOWED BY KIM BERNSON.

MAYOR, COUNCIL. I'M JIM BENNETT AND I'M HERE TONIGHT ON BEHALF OF THE BOSTON MEAT MARKET AND IS NOW OPERATING A BUSINESS KNOWN AS THE ELDORADO MEAT MARKET. THERE WAS A WAIVER GRANTED IN OCTOBER OF '01 BY THE COUNCIL. THE CONDITIONS OF THIS PREVIOUS WAIVER HAS NOT CHANGED, IT IS THE SAME BUILDING, SAME LOCATION, SAME DISTANCE AS THE PREVIOUS ONE IN '01. BUT AS MISS KING INDICATED TO YOU, THE RESOLUTION PASSED BY COUNCIL REQUIRES IF THERE IS A NAME CHANGE OR THE BUSINESS CHANGE IT HAS TO COME BEFORE YOU. HE BOUGHT THE AUSTIN MEAT MARKET ABOUT FOUR MONTHS AGO AND CHANGED IT TO THE ELDORADO MEAT MARKET AND IN DOING SUCH WE HAVE TO COME BACK BEFORE YOU. I WILL POINT OUT TO YOU COUNCIL, IF YOU LOOK AT THE ARIEL THAT STAFF HAS PROVIDED TO YOU, THIS PROPERTY IS PHYSICALLY SEPARATED FROM THE RIDGE TOP SCHOOL, BUT AIRPORT BOULEVARD WHICH IS A FIVE-LANE STREET, MAJOR THOROUGH FARE. THE RAILROAD TRACKS, AND THEN CLARKSON AVENUE SO IT IS NOT LIKE IT IS ADJACENT TO OR ANY CLOSE, THERE IS PHYSICAL BARRIERS BETWEEN THE SCHOOL AND THE MEAT MARKET. THIS LICENSE IS FOR OFF PREMISE CONSUMPTION IN CONJUNCTION WITH THE MEAT MARKET SO THERE IS NO ON

PREMISE, HE IS TRYING TO OPERATE THE SAME BUSINESS THAT HAS BEEN THERE FOR SIX YEARS WITH THE NAME CHANGE. I WOULD POINT OUT TO YOU THAT COUNCIL MAY BE AWARE THAT IN THE ORIGINAL CASE IN '01, AISD DID SUPPORT IT, BUT NOW THEY'VE CHANGED THEIR POLICY, AND IT IS NOW NOT TO SUPPORT ANY TYPE WAIVERS, THEY USED TO LEAVE IT UP TO THE INDIVIDUAL PRINCIPALS, BUT NOW THEIR POLICY IS NOT TO SUPPORT ANY ALCOHOLIC BEVERAGE WAIVERS. I WILL BE AVAILABLE SHOULD HAVE YOU ANY QUESTIONS, AND WE ARE ASKING ON BEHALF OF MY CLIENT TO CONTINUE THE TYPE BUSINESS THAT HAS BEEN THERE, AND THE WAIVER IS NECESSARY TO DO SUCH.

THANK YOU, MR. BENNETT. QUESTIONS FOR MR. BENNETT, COUNCIL IN THE NEXT SPEAKER IS KIM BERTSON. SORRY IF I MISPROANNOUNCED THAT KIM. WELCOME.

THANK YOU VERY MUCH. I AM KIM BERNSON, THE PRESIDENT OF RIDGE TOP NEIGHBORHOOD ASSOCIATION, AND ACTUALLY I JUST WANT TO READ A LETTER, YOU MAY HAVE RECEIVED IT, IT IS FROM A REJ TOP NEIGHBOR, BUT ALSO A STATE PROSECUTOR SO I'M JUST GOING TO READ THAT BECAUSE HE SAYS IT BEST AND SHORTEST. DEAR COUNCIL MEMBER, I'M URGING TO YOU FOLLOW THE CITY'S STAFF RECOMMENDATION TO ALLOW A BEER AND WINE PERMIT WITHIN THE RIDGE TOP NEIGHBORHOOD. AS STAFF INFORMED YOU, IT IS WITHIN 300 FEET OF RIDGE TOP ELEMENTARY, AND IS THUS PREVENTED BY THE TEXAS ALCOHOLIC AND LEVERAGE CODES FROM SELLING UNLESS A WAIVER IS GRANT BADE LOCAL JURISDICTION. I URGE YOU TO DENY THE WAIVER, I BELIEVE THE SCHOOL DISTRICT HAS ALSO VOICED ITS OFFSITION. ASIDE FROM BEING A RESIDENT OF RIDGE TOP, I AM FORMERLY WITH THE TEXAS ALCOHOL DIVISION. THE PARTICULAR STATUTE FOR A WAIVER OF 300 FEET, WAS ENACTED FOR EXTRAORDINARY CIRCUMSTANCES. THERE IS NOTHING EXTRAORDINARY ABOUT THIS REQUEST. THEY HAVE LONG HISTORY OF ALCOHOL-RELATED PROBLEMS WITH FOUR CONVENIENT STORES THAT HAVE OFF PREMISE BEER AND WINE PERMITS. ADDING ONE MORE WILL ONLY MAKE MATTERS WORSE. THE NEIGHBORHOOD DOES NOT NEED ANOTHER DRUNK MAGNET, SPECIALLY ONE CLOSE TO A SCHOOL IN A DANGEROUSLY CONGESTED INTERSECTION. I ASK TO YOU

FOLLOW STAFF'S RECOMMENDATION AND DENY THIS APPLICATION. I ALSO WANT TO SAY AS THE PRESIDENT AND DEALING WITH MANY OF THE UNIQUE THINGS THAT RIDGE TOP HAS, I HAVE NOT VERIFIED IT, I'VE SEEN IT WITH MY EYE, THEY HAVE AN ILLEGAL BUS STATION THEY RUN THERE AT THIS PARTICULAR LOCATION, AND WE ALREADY HAD ONE IN OUR NEIGHBORHOOD, WE ALLOWED THEM TO GET A PERMIT WITH THEM MAKING CHANGE, WE DON'T NEED ANOTHER ONE, THEY ARE TEARING UP 50th STREET. I DON'T THINK THEY ACTUALLY REALIZE IT IS WRONG, THAT IS BEING CHECKED ON, BUT I KNOW FIRST HAND. WE'VE HAD SO MUCH CRIME ON THAT PARTICULAR AREA, AND THAT PARTICULAR AREA OF RIDGE TOP THIS SUMMER, ALMOST EVERY HOUSE HAS BEEN BROKEN INTO, BUSTED INTO ON 50th, 49th, 49 1/2. SO IT IS A REALLY VERY PROBLEMATIC AREA BUT THE ELEMENTARY CHILDREN WALK ACROSS AIRPORT AND GO TO A LOT OF THE APARTMENTS ON HARMON. PARENTS COME AND WALK THEM. WE HAVE TROUBLE WITH PANHANDLES AND VAGRANTS COMING AFTER THESE PARENTS, THEY ARE VERY VULNERABLE, YOUNG CHILDREN THEN A DO CROSS AND COME RIGHT ACROSS THAT AREA TO THE APARTMENTS OFTEN HARMON SO I HOPE DO YOU OPPOSE IT THANK YOU.

THANK YOU, MISS BERNSON. COUNCIL, THAT CONCLUDES ALL OF OUR CITIZEN SPEAKERS FOR THIS PUBLIC HEARING FOR ALCOHOLIC BEVERAGE SALES VARIANCE REQUEST. COMMENTS, QUESTIONS OF STAFF? MOTIONS? COUNCIL MEMBER LEFFINGWELL?

A QUESTION OF STAFF. STAFF IS RECOMMENDING AGAINST IT. FOR CAUSE OR FOR JUST BECAUSE IT IS ROUTINE.

IT IS ROUTINE TO SUPPORT, ESPECIALLY THE AUSTIN INDEPENDENT SCHOOL DISTRICT, AND WE'VE RECEIVED NOT JUST THE ONE LETTER THAT HAVE YOU IN YOUR HAMS, BUT ALSO PHONE CALLS FROM OTHER CITIZENS IN THE AREA HAVE NOTIFIES US THEY ARE REQUEST TO DENY, PRIMARILY BASED UPON AUSTIN'S INDEPENDENT SCHOOL DISTRICT DECISION.

AND ALSO THE NEIGHBORHOOD THAT IT IS IN HAS, IS REQUESTING DENIAL, AND ALSO I BELIEVE THE ADJACENT NEIGHBORHOOD, HYDE PARK NEIGHBORHOOD ASSOCIATION

AS WELL.

THAT IS CORRECT.

SO MAYOR, I WILL MOVE TO CLOSE THE PUBLIC HEARING AND MOVE FOR DENIAL OF THE QUESTION. -- OF THE REQUEST.

MAYOR WYNN: MOTION MAILED BY COUNCIL MEMBER LEFFINGWELL AND SECONDED BY COUNCIL MEMBER DOME CLOSE THIS PUBLIC HEARING AND DENY THIS VARIANCE REQUEST, ITEM NUMBER 123. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION TO DENY PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL, CHANGE ENDS ALL THE PUBLIC MEASURINGS WHERE WE HAD CITIZENS SIGNED UP SO THEY CAN GO HOME, AND NOW STAFF, ONE, TWO, FOUR, THERE IS NOBODY SHOWN TO SIGN UP HERE. BUT TAKE YOUR WORD FOR IT. ITEM 124, CONDUCT A PUBLIC HEARING TO APPEAL THE CREEK AT RIVER BEND HOMEOWNER'S ASSOCIATION, BY THE HOMEOWNER'S ASSOCIATIONING OF 9 ZONING AND PLATTING COMMISSION TO APPROVE A SITE PLAN EXTENSION.

GOOD MORNING, MAYOR AND CITY COUNCIL, I GUESS WE CAN CALL IT MORNING AT THIS POINT. THIS SHOULD BE A QUESTIONABLE -- OKAY. THIS ITEM IS AN APPEAL BETTER THE CREEK AT RIVER BED HOMEOWNERS ASSOCIATION OF A DECISION OF THE ZONING AND PLATTING COMMISSION TO GRANT A THREE-YEAR EXTENSION. FOR A DEVELOPMENT THAT IS CURRENTLY UNDER CONSTRUCTION FOR AN OFFICE PARK. THE SITE PLAN WAS ORIGINALLY APPROVED UNDER THE P IN 1988 BUD ZONING, MOST OF THE BUILDINGS ARE IN PLACE EXCEPT FOR TWO AND ALL OF THE INFRASTRUCTURE HAS BEEN CONSTRUCTED. WHEN THE PLANNING COMMISSION REVIEWED THIS, THEY TOOK A LOOK AT CERTAIN CRITERIA, AND IT WAS DETERMINED THAT IT DIDN'T MEET THE CRITERIA FOR AN EXTENSION. STAFF IS RECOMMENDING THAT THE EXTENSION, THAT THE EXTENSION APPEAL BE DENIED.

DENY THE APPEAL.

WELL, YEAH, BUT WE HAVE NOBODY SIGNED UP HERE SO I'M NOT SURE -- SO APPARENTLY, WHO ARE YOU AND WHAT IS YOUR BUSINESS? WHY DON'T YOU COME OVER HERE BELL SO WE CAN ALL TALK AT THE SAME TIME. SEEMS LIKE WE'VE GOT A CASE IN FRONT OF THE COUNCIL YOU WOULD PROBABLY SIGN UP TO SPEAK.

I APOLOGIZE, I REMIT THE APPLICANT IN THE APPLICATION. AND DID ATTEMPT TO SIGN UP, I JUST. OLD AND DIDN'T DO IT RIGHT.

I'M SORRY, IT IS LATE. SO ACCORDING TO CITY CODE THEN WE NEED TO FOLLOW OUR PUBLIC HEAR PROCESS FOR THE APPEAL PROCESS OF A PLANNING COMMISSION DECISION WHICH INCLUDES, SO WHO DO YOU REPRESENT AGAIN?

I'M REPRESENTING THE APPLICANT, THE OWNERS OF THE PROPERTY.

YES.

THE OWNERS OF THE PROPERTY WENT TO THE PLANNING COMMISSION AND ASKED FOR AN EXTENSION.

SO CODE HAS A PRESENTATION BY THE APPELLATE, THAT IS THE APPLICANT WHICH WOULD BE THE HOMEOWNER'S ASSOCIATION, THEN WE HEAR FROM FOLKS IN SUPPORT OF THE APPEAL AND THEN WE HEAR FROM FOLKS IN OPPOSITION OF THE APPEAL AND THE HOMEOWNER'S ASSOCIATION GETS REBUTTAL OF WHAT THEY HEARD. SO IS THERE ANYBODY HERE FROM THE CREEK AT RIVER WIND HOMEOWNER'S ASSOCIATION? SO THE APPEL SLAT NOT HERE, BUT -- APPELLATE IS NOT HERE, BUT WE ARE CERTAINLY GLADLY TAKE TESTIMONY FROM SOMEBODY IN OPPOSITION OF THAT APPEAL.

AND I WILL TELL YOU THAT I'M HERE AVAILABLE TO ANSWER ANY QUESTIONS YOU MAY. HAVE IT IS AN 800,000 SQUARE FOOT DEVELOPMENT WE'VE GOT, AS THE STAFF SAID, 100% OF THE INFRASTRUCTURE IS IN PLACE WITH THE RETENTION, FILTRATION, EVERYTHING IS IN PLACE AND WE'VE GOT A COUPLE BUILDINGS YET TO BUILD, AND WE

ARE TRYING OUR BEST TO GET THERE.

AND A QUESTION FOR STAFF, SO WHILE THIS PROJECT WAS GOING ON I GUESS THE SITE PLAN EXPIRED, SO WOULD YOU CONSIDER THIS TO BE A STANDARD --

YEAH, BECAUSE CONSTRUCTION WAS STARTED, YOU KNOW, IT IS REALLY MAKES SENSE TO ALLOW THE EXTENSION THE PROJECT CAN BE COMPLETED.

MR. MAYOR, JUST A POINT OF CLARIFICATION, THE SITE PLAN NEVER EXPIRED. WE FILED THE EXTENSION PRIOR TO THE SITE PLAN EXPIRATION NONE WITH CODE SO WE DID -- IN I CORDS AND WITH CODE, SO WE DID ASK FOR IT PRIOR TO THE PUBLIC HEAR THAT CITY, AT THE PLANNING COMMISSION ANDS THAT WITH A UNANIMOUS SUPPORT OF OUR EXTENSION.

OKAY, THANK YOU. QUESTIONS OF STAFF IN OR SOMEBODY IN OPPOSITION OF THE APPEAL?

I HAVE A MOTION THAT WE ACCEPT THE STAFF RECOMMENDATION.

MAYOR WYNN: MOTION FROM COUNCIL MEMBER COLE, SECONDED BY COUNCIL MEMBER McCRACKEN TO CLOSE THIS PUBLIC HEARING, ITEM NUMBER 124, AND DENY THE APPEAL. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION TO DENY PASSES ON A VOTE OF 7-0. NOW WE WILL GO BACK AND SORT OF MUSCLE THROUGH ALL OF OUR PUBLIC HEARING. MISS COLIER HAS BEEN PATIENTLY WAITING TO TAKE UP HER 6:00 TIME CERTAIN. PUBLIC HEARING REGARDS THE ANNEXATION OF THE CANTERA AREA INTO THIS IS THE SECOND OF TWO PUBLIC HEARING, ORDINANCE READINGS SCHEDULED FOR DECEMBER 6. THIS IS INITIATED FULL PURPOSE AREA THAT IS APPROXIMATELY 62-ACRES. COPIES OF THE SERVICE PLAN ARE AVAILABLE. THIS CONCLUDE MICE PRESENTATION.

THANK YOU. ARE THERE ANY CITIZENS TO GIVE US TESTIMONY ON THIS PUBLIC HEARING ITEM 111, SECTION ONE AREA. MOTION MADE BY COUNCIL MEMBER MARTINEZ,

SECONDED BY THE MAYOR PRO TEM TO CLOSE THIS PUBLIC HEARING. ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

ITEM NUMBER 112 IS THE COOPERS MEADOWS AREA. THIS IS FULL PURPOSE ANNEXATION AND APPROXIMATELY 80-ACRES, COPIES OF THE PLAN ARE AVAILABLE AND SLIT TROPROVIDE FULL MUNICIPAL SERVICES ON ANNEXATION.

ARE THERE ANY CITIZENS HERE TO GIVE US TESTIMONY ON ITEM 112 FULL PURPOSE ANNEXATION OF THE COOPER AS MEADOW AREA. I WILL ENTERTAIN MOTION. MAYOR PRO TEM MOVES WE CLOSE THE PUBLIC HEAR, SECONDED BY COUNCIL MEMBER MARTINEZ. ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING PASSES ON A VOTE OF 7-0.

ITEM NUMBER 113 IS THE RESIDENCES AT ONION CREEK SMART HOUSING AREA, THIS IS A REQUESTED FULL PURPOSE ANNEXATION WITH 23-ACRE, COPIES OF THE SERVICE PLAN ARE AVAILABLE THIS EVENING. THE CITY WILL PROVIDE FEW SERVICES THIS CONCLUDES MY PRESENTATION ON ITEM NUMBER 113.

MAYOR WYNN: THANK YOU R. THERE ANY CITIZENS HERE TO GIVE IS TESTIMONY ON ITEM 113? I WILL ENTERTAIN A MOTION.

MOTION HEARING, I HAVE ONE COMMENT.

MAYOR WYNN: MOTION MADE BY COUNCIL MEMBER MARTINEZ TO CLOSE THE PUBLIC HEARING. SECONDED BY COUNCIL MEMBER LEFFINGWELL. COUNCIL MEMBER MARTINEZ.

THE LAST TIME WE BROUGHT THIS UP WE TALKED ABOUT THE TRAFFIC ISSUE WITH HAVING TO CROSS ALL THE WAY OVER INTO THE LEAF TURN LANE TO GO WEST ON SLAUGHTER LANE AND MAKE SURE WE ARE LOOKING INTO THAT ISSUE AND TRYING TO IMPLEMENT A RED LIGHT OR SOME TYPE OF MITIGATION FOR THAT HAZARD THAT EXISTS THERE. THANKS.

MAYOR WYNN: THANK YOU. ALL THOSE IN FAVOR, PLEASE SAY AYE. MOTION PASSES ON A VOTE OF 7-0.

ITEM 114. THE FULL PURPOSE ANNEXATION THAT INCLUDES 201-ACRES. COPIES 6 THE SERVICE PLAN ARE AVAILABLE AND THE CITY WILL PROVIDE FULL SERVICES, THIS CONCLUDES ITEM14.

MAYOR WYNN: ANY CITIZENS THEIR GIVE US PUBLIC TESTIMONY, NUMBER 114. I WILL ENTERTAIN THE MOTION. MOTION MADE BY COUNCIL MEMBER McCRACKEN, SECONDED BY COUNCIL MEMBER MARTINEZ. CLOSE THE PUBLIC HEARING. ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE 7-0.

ITEM NUMBER 115, THE RIVER HILLS ROAD AREA IS AN OWNER INITIATED ANNEXATION THAT INCLUDES TWO ACRES LOCATED IN TRAVIS COUNTY. THE AREA IS UNDEVELOPED AND THE OWNER HAS WAVED THE CITY ANTICIPATES REQUIREMENT TO CONVERT TO FULL PURPOSE. I WILL BE HAPPY TO ANSWER ANY GUESS YOU HAVE ON ITEM 115.

MAYOR WYNN: ARE THERE ANY CITIZENS THEIR GIVE US TESTIMONY ON THIS ITEM 115, THE BE ANNEXATION OF THE RIVER HILLS ROAD AREA. MOTION MADE BY COUNCIL MEMBER COLE TO CLOSE THE PUBLIC HEAR, SECONDED BY MAYOR PRO TEM. ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE 7-0.

AND ITEM 116, THE FULL ANNEXATION THAT INCLUDES APPROXIMATELY 40-ACRES. COPIES OF THE SERVICE PLAN ARE AVAILABLE AND THE CITY WILL PROVIDE FULL MUNICIPAL SERVICES ON ANNEXATION. THIS CONCLUDE MICE PRESENTATION.

MAYOR WYNN: THANK YOU. ANY CITIZEN HERE TO GIVE US TESTIMONY ON THE VENUE AT LAKE TRAVIS AREA? MOTION MADE BY COUNCIL MEMBER McCRACKEN, SECONDED BY COUNCIL MEMBER DEVELOP CLOSE THE PUBLIC HEARING. ALL THOSE IN FAVOR, PLEASE SAY AYE, OPPOSED? MOTION PASSES ON VOTE 7 0. THAT TAKES US TO ITEM 120. WELCOME.

I SHOULD BE 125 ON THIS ONE, AUSTIN CLEAN WATER PROJECT. OH, OKAY. I WILL WAIT.

125, YOU ARE THERE.

YOU SNOOZE YOU LOSE [LAUGHTER]

125 IS AN AUSTIN CLEAN WOADER PROJECT IN NOR WOOD PARK, THE CHAPTER 26 LEGAL FACT FINDING IS THERE IS NO OTHER FEASIBLE OR ALTERNATIVE TAKING OF THE DEDICATED PARK LAND WHICH INCLUDES MINIMIZING DAMAGE TO THE PARK.

QUESTIONS FOR STAFF, COUNCIL? ARE THERE ANY CITIZENS HERE TO GIVE US TESTIMONY ON THIS PUBLIC HEARING REGARDING PRESENTATIONS, SECTION 26 PUBLIC HEARING? MOTION BY COUNCIL MEMBER MARTINEZ, SECONDED BY COUNCIL MEMBER McCRACKEN TO CLOSE THE PUBLIC HEARING AND APPROVE THE RESOLUTIONS A PRESENTED. ALL THOSE IN FAVOR, PLEASE SAY AYE, OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

MAYOR, I ALSO HAVE ITEM 126 WHICH IS AN AUSTIN CLEAN WATER PROJECT WITHIN A PARK, THE CHAPTER 26 LEGAL FACT FINDING IS THERE IS NO OTHER FEASIBLE AND PRUDENT ALTERNATIVE TO THE TAKING OF THE DEDICATED PARK LAND WHICH INCLUDES ALL PLANNING TO MINIMIZE HARM TO THE PARK.

THANK YOU, MISS PLUMBER. QUESTIONS? ARE THERE ANY CITIZEN HERE TO GIVE US PUBLIC TESTIMONIES A PRESENTED BY STAFF? MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCIL MEMBER McCRACKEN TO CLOSE THE PUBLIC HEARING AND APPROVE THE RESOLUTIONS A PRESENTED BY STAFF. ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE 7-0. AND FINALLY, YOB FLAGS.

YOU ARE THE --

I REALLY WANTED TO BE LAST, IT GIVES CLOSURE TO THE EVENING. I'M HERE TO PRESENT A FEW CODE AMENDMENTS TO THE ORDINANCE, REVIEWED BY THE CODES AND

ORDINANCES COMMITTEE, PLANNING COMMISSION, LAND USE AND TRANSPORTATION WITHOUT FAVORABLE RECOMMENDATIONS FROM ALL AND ONE OF THE AMENDMENTS DID HAVE SOME MODIFICATIONS BASED ON THE LAND USE AND TRANSPORTATION SUB COMMITTEE COMMENTS THAT I WILL OUTLINE IN A MOMENT. TWO OF THE AMENDMENTS ARE PREPTORY FOR STATIONARY PLANS TO COME BEFORE YOU. ONE IS SIMPLY THAT THE CURRENT ORDINANCE THAT IS WRITTEN FOR TOD DOES NOT ALLOW A STATIONARY PLAN TO MODIFY THE BOUNDARIES OF A TOD DISTRICT THROUGH THE STATIONARY PLANNING PROCESS WE ARE FINDING THAT WE WANT TO MAKE SOME SMALL MINOR MODIFICATIONS TO THE BOUNDARIES, THE SECOND ADMINISTRATIVE AMENDMENT RELATES TO NEIGHBORHOOD PLAN AMENDMENT PROCESSES, ACCORDING TO THE TOD ORDINANCE WHEN WE BRING STATIONARY PLAN FORWARD TO YOU WE NEED TO MODIFY OR AMEND RELEVANT NEIGHBORHOOD PLANS TO INCORPORATE THE STATIONARY PLAN. THERE IS NO PROVISION IN THE TRANSIT-ORIENTED DEVELOPMENT ORDINANCE NOR IN THE PLAN AMENDMENT ORDINANCE, NEIGHBORHOOD PLAN AMENDMENT ORDINANCE, EXCUSE ME, THAT ENABLES US TO BRING STATIONARY PLANS TO AMEND NEIGHBORHOOD PLANS OUT OF THOSE NEIGHBORHOOD PLAN AMENDMENT FILING PERIODS IN FEBRUARY AND JULY. SO BASICALLY, WE ARE REQUESTING TO BE EXEMPTING FROM THOSE FILING PERIODS SO WE CAN AMEND THE NEIGHBORHOOD PLANS AT THE SAME TIME WE BRING FORWARD STATIONARY PLANS TO YOU. THE THIRD AMENDMENT IS BEING BROUGHT TO YOU AS A RESULT OF THE ZONING, I GUESS, MISHAP WITH A CAPITAL METRO SITE PLAN FOR THEIR REAL TRANSFER, REAL AND BUS TRANSFER, TRANSIT OPERATIONS, BASICALLY CAPITAL METRO'S PLANNING IN ONE OF THE TOD AREAS TRANSPORTATION TERMINAL ACTIVITIES OUTSIDE OF THE AREA WHERE IT PERMITTED SO BASICALLY THE ZONING DOES NOT ALLOW THEM TO DO THE TYPES OF BUS TRANSFER ACTIVITIES THEY WOULD LIKE TO IN THE ZONE THEY WOULD LIKE TO. SO, WE ARE PROPOSING TO AMEND THE TOD ORDINANCE THAT WOULD ALLOW A TRANSPORTATION TERMINAL USE MORE BROADLY THROUGHOUT A TOD DISTRICT, HOWEVER BASED UPON SOME FEEDBACK ON THE LAND USE AND TRANSPORTATION

SUB COMMITTEE WE'VE ALSO INSERTED SOME CRITERIA IN THERE TO ENSURE THAT THE TRANSPORTATION TERMINAL USE OCCURS IN LINE WITH BEST PRACTICES AND PRINCIPLES WITH TOD SO THE STATEMENTS YOU SEE IN THE DRAFTARD NONE WERE TAKEN DIRECTLY FROM THE TRANNITY ORIENTED DEVELOPMENT RULE THAT WAS APPROVED PROBABLY OVER A YEAR AGO. SO THOSE ARE THE FLEE AMENDMENTS, AND IF YOU HAVE QUESTIONS I'M AVAILABLE TO ANSWER QUESTIONS.

THANK YOU, QUESTIONS FOR STAFF, COUNCIL, COMMENTS?

MOTION BY COUNCIL MEMBER McCRACKEN, SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE THIS ORDINANCE CONTAINING THE AMENDMENTS AS PRESENTED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE 7-0. THERE BEING NO MORE BUSINESS BEFORE THE CITY COUNCIL, WE STAND ADJOURNED. IT IS 1:14 A.M.

End of Council Session Closed Caption Log