

## Closed Caption Log, Council Meeting, 1/31/08

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MAYOR WYNN: GOOD MORNING. I'M AUSTIN MAYOR, WILL WYNN. HE IS MY PRIVILEGE TO WELCOME DR. TOM FRNGS FROM THE SAN JOSE CATHOLIC CHURCH WHO WILL LEAD US IN THE INVOCATION. PLEASE RISE.

I'D LIKE TO THANK ONE OF YOUR ASSISTANTS, GAIL CHAVEZ, FOR INVITING ME TO COME, FOR SENDING ME A FACTION TO REMIND ME OF IT AND FOR CALLING ME TO REMIND ME AGAIN, AND I REALLY APPRECIATE THAT. I COUNT IT AN HONOR AND JOY TO WRITE A PRAYER FOR YOU TODAY, ONCE A YEAR. I'M REMINDED OF THE MOVIE PATTON, WHO CALLED HIS ARMY CHAPLAIN ASIDE AND SAID, IF YOU'LL WRITE A GOOD PRAYER WE'LL HAVE SUCCESS. HE DID, AND THEY WERE, AND I HOPE THIS HELPS YOU TODAY. GOOD MORNING, LORD, AND THANK YOU FOR BRINGING US TO A NEW DAY AND AN OPPORTUNITY TO DO SOME GOOD FOR OTHERS TODAY AND FOR THE FUTURE. ON THE FINAL DAY OF THIS MONTH WE ARE AWARE THAT SOME THINGS MUST COME TO A CONCLUSION TODAY AND THAT AT EACH CONCLUSION -- EACH COLLUSION ALWAYS BRINGS NEW THINGS TO BEGINNING. AS WE ATTEMPT TO DO OUR BEST, CONTINUE TO REMIND US, LORD, OF THOSE WOMEN, MEN AND CHILDREN OF OUR COMMUNITY WHO HAVE NO OR LITTLE REPRESENTATION FOR WITH US. WE INVITE YOUR INSISTENCE IN OUR DELIBERATIONS AND OUR DECISIONS FOR WE KNOW WITH YOUR HEALTH GOOD DECISIONS WILL COME FORTH. [IN SPANISH] AND AT THE END OF OUR DAY, REMEMBERING WHAT GOOD WE MAY HAVE DONE, HOWEVER IMPERFECT, GIVE US A RESTFUL SLEEP AND ONE DAY, LORD, A PEACEFUL DEATH. AMEN. ALL THE BEST.

MAYOR WYNN: THANK YOU, FATHER TOM. THERE BEING A QUORUM PRESENT AT THIS TIME I'LL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, JANUARY 31, 2008, APPROXIMATELY 10:16:00 A.M. WE ARE IN THE COUNCIL CHAMBERS OF THE STHAW BUILDING, 301 WEST 2ND STREET. BEFORE I GO THROUGH OUR CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA I WANT TO MAKE A QUICK COMMENT. SOME OF YOU-ALL HAVE PROBABLY HEARD THAT THE YOUNGER BROTHER OF OUR INCOMING CITY MANAGER -- THAT OF COURSE IS MARK OTT, HIS YOUNGER BROTHER, SERGEANT ERNIE OTT PASSED AWAY THIS WEEK. HE'S AN OFFICER FOR THE WITH THE OAKLAND COUNTY SHERIFF'S DEPARTMENT IN MICHIGAN. PASSED AWAY TUESDAY

MORNING, AND MARK, OF COURSE, IS TRAVELING TO MICHIGAN TO BE WITH HIS FAMILY. SERVICES ARE SET FOR MONDAY. SO MORE OFFICERS CAN ATTEND SERGEANT OTT'S FUNERAL. AND SO OF COURSE OUR THOUGHTS ARE WITH MARK AND HIS FAMILY THIS WEEKEND. AND THANK YOU ALL FOR JOINING ME. AND MARK ASKED THAT I ACKNOWLEDGE AND THANK SO MANY OF YOU-ALL WHO HAVE BOTHERED TO, YOU KNOW, SEND THOUGHTS AND PRAYERS TO HE AND HIS FAMILY. SO THANK YOU VERY MUCH. WELL, COUNCIL, WE DO HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. FOR ITEM NO. 1 WE SHOULD NOTE THAT THESE MINUTES ALSO INCLUDE THE SPECIAL CALLED MEETING FROM THE JANUARY 16, 2008 CITY COUNCIL MEETING. ON ITEM NO. 13 WE NEED TO STRIKE THE PHRASE "FUNDING AVAILABLE IN THE FISCAL YEAR 2007-2008, AUSTIN ENERGY, AND INSERT THE PHRASE, THE CONNECTION, FUNDING IN THE AMOUNT OF \$31,000 IS AVAILABLE IN THE FISCAL YEAR 57-58 OPERATING BUDGET OF VARIOUS GENERAL FUND AND ENTERPRISE FUND DEPARTMENT. THAT'S ITEM NO. 13, CORRECTING THE FUNDING SOURCE OF THAT ITEM. WE SHOULD NOTE THAT A NUMBER OF ITEMS HAVE BEEN POSTPONED TO FEBRUARY 14, 2008, THAT BEING OUR NEXT COUNCIL MEETING. THOSE WOULD BE ITEMS 25, 28, 29 AND 36 HAVE ALL BEEN POSTPONED FOR TWO WEEKS. ON ITEM NO. 74 WE SHOULD STRIKE THE PHRASE "AND APPROVING THE BOND PURCHASE AGREEMENT." SO, IN FACT, ITEM 74 WILL NOW JUST BE APPROVING AN ORDINANCE TO EXPAND THE LIFT OF PRIOR GENERAL OBLIGATION BOND OBLIGATIONS ELIGIBLE TO BE REFUNDED. WE SHOULD NOTE THAT ITEM NO. 75 IS WITHDRAWN AS THERE ARE NO BOARD AND COMMISSION APPOINTMENTS THIS WEEK. ITEM NO. 95, WE SHOULD INSERT THE WORDS "AN ORDINANCE" BECAUSE, IN FACT, WE WILL BE APPROVING THE SECOND AND THIRD READINGS OF AN ORDINANCE FOR ITEM NO. 95. ON ITEM NO. 123, THE ZONING CASE LATER THIS AFTERNOON, EVENING, REGARDING THE JUDGE'S HILL NEIGHBORHOOD. WE SHOULD NOTE THAT A VALID PETITION HAS BEEN FILED FOR THREE OF THE FOUR TRACTS IN OPPOSITION TO BEING EXCLUDED FROM THE VERTICAL MIXED USE, OR VMU, OVERLAY DISTRICT. SO WE'LL TAKE THOSE CASES UP AS VALID PETITION REQUIREMENTS. AND ON ITEM NO. 130, THE HENRY KOLLIE HOUSE, WE SHOULD NOTE THAT THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT FAMILY RESIDENT HISTORIC, SF-3 H COMBINING DISTRICT ZONING. OUR SCHEDULE TODAY HERE AS SOON AS WE GET THROUGH OUR CONSENT AGENDA, AND DEPENDING ON HOW MANY DISCUSSION ITEMS THERE MAY BE FOLLOWING THAT, OUR MORNING BRIEFING WILL BE AN UPDATE ON THE 51ST STREET WATER TOWER. IF YOU REMEMBER IT'S BEEN A COUPLE YEARS AGO NOW THAT THE COUNCIL DIRECTED STAFF TO ESSENTIALLY BID TWO DIFFERENT SCHEMES OR TWO DIFFERENT CONSTRUCTION TECHNIQUES AND DESIGNS FOR THAT WATER TOWER. WE'LL GET A PRESENTATION FROM OUR WATER -- WASTEWATER UTILITY ON THAT. I DON'T THINK WE ARE POSTED FOR ACTION, BUT THIS WILL BE A GOOD PUBLIC BRIEFING FOR FOLKS TO SEE THE DIFFERENT DESIGNS AND THE DIFFERENT COST INVOLVED. AND THEN WE BREAK FOR OUR GENERAL CITIZEN COMMUNICATIONS. AT -- SOMETIME AFTER 2:00, OUR AFTERNOON BRIEFING TODAY WILL BE AN UPDATE ON THE WALLER CREEK PROJECT AND THE TAX INCREMENT FINANCING DISTRICT ASSOCIATED WITH IT. AT 4:00 WE GO TO OUR ZONING MATTERS. AT 5:30 AS USUAL WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS.

TODAY OUR MUSICIAN IS GEORGE INSEL, I HOPE I PRONOUNCED THAT RIGHT, AND THEN AT 6:00 WE BEGINNING PUBLIC HEARINGS. WE SHOULD NOTE THAT ITEM NO. -- PUBLIC HEARING NO. NO. 137, WHICH RELATES TO A SIDEWALK REQUIREMENT FOR NEW CONSTRUCTION IN THE CITY. THE STAFF WILL BE REQUESTING A POSTPONEMENT FOR TWO WEEKS TO FEBRUARY 14, 2008, ALSO A 6:00 P.M. EVENING PUBLIC HEARING. SO WE CAN'T TAKE UP THAT POSTPONEMENT, THOUGH, TECHNICALLY UNTIL AFTER 6:00 P.M. TODAY, BUT NOTE THAT STAFF WILL BE REQUESTING, AND WE GENERALLY ALWAYS DO OUR BEST TO SATISFY THAT REQUEST. SO ITEM NO. 137 LIKELY WILL BE POSTPONED TO FEBRUARY 14. SO FAR, COUNCIL, NO ITEMS HAVE BEEN PULLED OFF OUR CONSENT AGENDA, SO BEFORE I READ THE PROPOSED CONSENT AGENDA, ANY ITEMS THAT NEED TO BE PULLED FOR LATER DISCUSSION OFF THE CONSENT AGENDA? OF COURSE WE ALWAYS RESERVE THE RIGHT TO ASK QUESTIONS ONCE ITEMS ARE ON THE CONSENT AGENDA WITH A MOTION AND A SECOND. AND HEARING NONE, I WILL READ A PROPOSED CONSENT AGENDA NUMERICALLY. IT IS TO APPROVE ITEMS 1 FOR CHANGES AND CORRECTION, FROM AUSTIN ENERGY, TO APPROVE ITEMS 2, 3, 4 AND 5 FROM OUR WATER UTILITY, TO APPROVE ITEM 6 FROM OUR ECONOMIC GROWTH AND REDEVELOPMENT SERVICES, APPROVING ITEMS 7, 8, AND 9 FROM OUR FIRE DEPARTMENT, WILL BE APPROVING ITEM NO. 10 FROM OUR GOVERNMENT RELATIONS DEPARTMENT. WE'LL BE APPROVING ITEM NO. 11. FROM OUR LAW DEPARTMENT APPROVING ITEMS 12 AND 13 PER CHANGES AND CORRECTION, NOTING THE FUNDING SOURCE. FROM OUR NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT, APPROVING ITEM 14. FROM OUR PARKS AND RECREATION DEPARTMENT APPROVING ITEM 15. FROM OUR POLICE DEPARTMENT APPROVING ITEM 16. AND FROM OUR PUBLIC WORKS DEPARTMENT WE'LL BE APPROVING ITEMS 17, 18, 19, 20, 21, 22, 23, 24. WE'LL BE POSTPONING ITEM 25 TO FEBRUARY 14, 2008 PER CHANGES AND CORRECT. WE'LL BE APPROVING ITEMS 26 AND 27, AND WE'LL BE POSTPONING ITEMS 28 AND 29, AGAIN TO FEBRUARY 14, 2008. WE WILL BE APPROVING ITEMS 30, 31, 32, 33, 34 AND 35. WE'LL BE POSTPONING ITEM 36, AGAIN, TO FEBRUARY 14, 2008. WE WILL BE APPROVING ITEMS 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 AND 51. FROM OUR PURCHASING OFFICE WE'LL BE APPROVING ITEMS 52, 53, 54, 55, 56, 57, 58, 59 AND 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71 AND 72. FROM OUR SOLID WASTE SERVICES DEPARTMENT WE'LL BE APPROVING ITEM 73. FROM OUR TREASURY OFFICE WE'LL BE APPROVING ITEM 74 PER CHANGES AND CORRECTION. WE ARE WITHDRAWING ITEM 75 AS THERE ARE NO BOARD AND COMMISSION APPOINTMENTS, BUT WE WILL BE APPROVING ITEMS 76, 77, 78, 79, 80, 81, 82, AND 83. I'LL ENTERTAIN A MOTION ON OUR PROPOSED CONSENT AGENDA. MOTION BY THE MAYOR PRO TEM, SECONDED BY COUNCIL MEMBER MARTINEZ TO APPROVE THE CONSENT AGENDA AS PROPOSED. COMMENTS? COUNCIL MEMBER LEAF?

-- LEFFINGWELL.

LEFFINGWELL: ON ITEM 81 I WANT TO POINT OUT THERE'S BEEN CHANGES IN THE BACKUP. THIS IS THE ETJ REQUEST. I OFFERED THESE CHANGES TO THE SPONSOR AND THEY HAVE BEEN ACCEPTED AND THEY'RE INCLUDED ON THE SHEET. I JUST WANT TO POINT OUT THAT WE ARE RESOLVED TO CONTINUE THE PROCESS THAT WAS OUTLINED IN OUR OCTOBER

APPROVED POLICY FOR ETJ RELEASES, WHICH WILL INCLUDE SENDING IT TO THE ENVIRONMENTAL BOARD, TO THE PLANNING COMMISSION AND THEN BACK TO US. AND ALSO THAT THE DISCUSSIONS WILL BE BASED ON THE ASSUMPTION THAT THE PROPOSAL WILL BE WITHIN AUSTIN'S ETJ, THE DISCUSSIONS OF THE PROJECT.

COUNCIL MEMBER MARTINEZ?

THANKS, MAYOR. YEAH, COUNCIL MEMBER LEFFINGWELL. I WANTED TO ADD SOME ADDITIONS TO THE RESOLUTION. I THINK THAT THEY ARE GOOD ADDITIONS, AND THIS RESOLUTION, IT SIMPLY ALLOWS US TO ENTER INTO DETAILED DISCUSSIONS TO COME TO A FINAL DECISION WHETHER OR NOT THIS IS SOMETHING COUNCIL IS SUPPORTIVE OF IN THE REQUEST, AND SO I APPRECIATE EVERYONE'S SUPPORT TRYING TO GET THIS TO A FINAL DECISION BECAUSE I REALIZE THAT THE FOLKS AT VIA MUSE, THEY ARE UNDER SOME TIME CONSTRAINTS, SO I WOULD LIKE TO JUST SPEED THIS UP WITH THIS RESOLUTION.

MAYOR WYNN: I'LL CHIME IN AS ONE OF THE SPONSORS OF THIS ITEM AGAIN, OUR SPONSORSHIP OF THE ITEM IS NOT SUPPORTING OR DENYING WHAT WE BELIEVE TO BE THE PROPOSAL. IT'S ENCOURAGING STAFF -- TELLING STAFF THAT THEY HAVE OUR BLESSING AND ENCOURAGEMENT TO SPEND A LOT OF TIME AND EFFORT, FRANKLY, OVER THIS NEXT MONTH OR SO, WE BELIEVE, TO TRULY ANALYZE THE DEVELOPMENT OPPORTUNITY AND BE ABLE TO ADVISE US ON ANY POTENTIAL VARIANCES TO WHAT HAVE BEEN CURRENT PRACTICES THAT WILL ENABLE US TO CALL THE QUESTION SOONER RATHER THAN LATER. SO HOPEFULLY JUST TO ANSWER THE QUESTION IN A TIMELY WAY, THIS ITEM SHOULD ACCOMPLISH THAT. SO THANK YOU. AGAIN, OUR MOTION AND A SECOND ON THE TABLE. COUNCIL MEMBER MARTINEZ?

MARTINEZ: MAYOR, A COUPLE OTHER ITEMS. I WANTED TO CLEAR SOMETHING UP. WE GOT A FEW PHONE CALLS THIS MORNING FROM FOLKS KIND OF EXCITED, THE LANGUAGE ON ITEM 60. WE ARE AWARDED A CONTRACT TO A COMPANY CALLED SOMEWHAT KEY MAINTENANCE, AND I WANT TO MAKE IT CLEAR THIS IS NOT THE SOUTHWEST KEY CORPORATION THAT IS REQUESTING OUR SUPPORT FOR PROGRAMMING IN EAST AUSTIN. VERY CONCERNED CITIZENS CALLED MANY OF OUR OFFICES THIS MORNING WANTING TO KNOW WHY WE WERE EXTENDING A CONTRACT FOR SERVICES, AND I JUST WANTED TO MAKE IT VERY CLEAR, BECAUSE I DON'T THINK I WAS ABLE TO CALL EVERYONE BACK THIS MORNING THAT CALLED, AND I WANT TO LET THEM KNOW THAT THIS IS A COMPLETELY SEPARATE ORGANIZATION AND COMPLETELY SEPARATE SERVICE.

MAYOR WYNN: THANK YOU. FURTHER COMMENTS ON THE CONSENT AGENDA? COUNCIL MEMBER KIM?

KIM: THANK YOU, MAYOR. FIRST ITEM THAT I HAVE ON THE CONSENT AGENDA IS THE MILLER HEALTHY COMMUNITY INITIATIVE, AND I BELIEVE GERARD KINNEY IS HERE WITH THE ADVISORY GROUP AND THIS IS SOMETHING THAT WILL HELP THE WHOLE AREA, THE

NEIGHBORHOOD AROUND MILLER, THAT SINCE WE HAVE THIS GREAT URBAN PLANNING PRINCIPLE AT MILLER, IN ADDITION WE HAVE THE HEALTH RESOURCES THERE WITH SETON, THE DELL CHILDREN'S HOSPITAL AND THE SITE FOR THE PROPOSED UT ACADEMIC HEALTH CENTER AND WE HAVE FAMILIES THAT WILL BE MOVING IN SOON WITH 25% AFFORDABLE HOUSING. WE ALSO HAVE PARKS THAT THE CITY OWNS AROUND THE AREA. THE IDEA IS TO CREATE A HEALTHY COMMUNITY INITIATIVE TO ALLOW PEOPLE TO ENJOY AND ALSO BENEFIT FROM THE ASSETS IN THAT AREA SO THAT THEY CAN FIND WAYS TO LIVE HEALTHY, TO LOWER THE RATES OF HEART DISEASE, OBESITY, DIABETES, THE THINGS THAT IN OUR SOCIETY ARE VERY COSTLY TO TREAT, BY FOCUSING ON PREVENTION AND ALSO TO LEVERAGE THE ASSETS THERE IN TERMS OF SIDEWALKS AND PARKS AND EXERCISE. WE'RE HOPING THAT WE CAN MOVE TOWARDS HAVING BROADER GOALS AND PROGRESS IN MAKING OUR NATION HEALTHY. SO THIS IS SOMETHING THAT I'M HOPING THAT -- I'M LOOKING FORWARD TO. DAVID DRURY, OUR HEALTH DEPARTMENT DIRECTOR, TO REALLY BUILDING ON AND TAKING SOME OF THE PROBLEMS WE CAN DO SUCCESSFULLY IN AUSTIN FOR THIS AREA AND REALLY START TALKING NATIONWIDE ABOUT HOW PREVENTION AND ALSO MANDY'S PLANNING CAN HELP PEOPLE LIVE HEALTHIER LIVES. THE SECOND ONE IS A SMALL BUSINESS INITIATIVE TO HELP NEGOTIATIONS FIND MULTIPLE SITES FOR BUSINESSES THAT ARE IN A RETAIL MODEL WHERE THEY ONLY HAVE ONE STORE. IT IS A CHALLENGE FOR THEM TO MOVE TO MULTIPLE LOCATIONS. I DON'T KNOW, MAYOR, IF JAN TRIPLETT IS SIGNED UP. SHE'S WITH THE BUSINESS SUCCESS CENTER. SHE'S HERE TO TALK A LITTLE BIT ABOUT THAT TODAY, SO I WAS WONDERING IF WE CAN GIVE HER A FEW MINUTES TO TALK ABOUT THE UNIQUE CHALLENGES OF SMALL BUSINESSES IN THAT AREA.

YES, JAN TRIPLETT HAS SIGNED UP WISHING TO ADDRESS US. JAN, WELCOME. IF YOU COULD LIMIT YOUR COMMENTS TO THREE MINUTES WE'D APPRECIATE IT.

ABSOLUTELY. THANK YOU VERY MUCH, COUNCIL MEMBER KIM FOR INVITING ME TO COME. MAYOR AND COUNCIL MEMBERS I COME AS A FRIEND OF THE COUNCIL. I THINK THAT THERE ARE A LOT OF VERY GOOD INITIATIVES THAT NEED TO BE DONE FOR SMALL BUSINESSES IN TERMS OF RETAINING THE BUSINESSES WE HAVE. I SIGNED UP AS NEUTRAL SIMPLY BECAUSE I HAD A COUPLE OF QUESTIONS THAT I RAISED TO COUNCIL MEMBER KIM AND SHE WAS GRACIOUS ENOUGH TO LET ME BRING THEM TO YOU NOW. I DO AGREE THAT ONE OF THE ISSUES, FOR THOSE OF US WHO HAVE BEEN IN BUSINESS 25 YEARS, WHICH I HAVE THIS YEAR, THAT WE DON'T WANT BLACK HOLES. WE DON'T WANT RETAIL LOCATIONS THAT ARE EMPTY. I HAVE SOME CONCERNS BECAUSE THE BUSINESS SUCCESS CENTER IS A VIRTUAL I THINK YU LATER, AN ACCELERATOR PROGRAM FOR EXISTING BUSINESSES THAT TRAINING IS NOT GOING TO BE ENOUGH. AND SO THE PURPOSE OF THIS, IF IT IS TO FILL THE SPACES, REALLY NEEDS TO GO BEYOND THAT, BECAUSE THERE ARE TWO OTHER ISSUES. ONE HAS TO DO WITH REDUCING THE RISK FOR DEVELOPER WHO HAVE RESPONSIBILITIES TO THEIR INVESTORS TO MAKE SURE THAT THEY GET THE BEST BUSINESSES IN THERE, AND TO BANKS TO FINANCE THE DEALS. PART OF THIS IS REALLY LOOKING AT THE OTHER SIDE OF THE EQUATION, AND THAT REALLY NEEDS TO BE

ADDRESSED. THE SECOND IS AN ISSUE ABOUT PARTNERING. I TOOK IT ON MY OWN TO CONTACT TWO TRADE ORGANIZATIONS, THE TEXAS RETAILERS ASSOCIATION AND RESTAURANT ASSOCIATION, TO SEE IF THERE ALREADY WERE AN INITIATIVE IN THIS AREA. CERTAINLY WHEN WE TALK ABOUT RETAIL WE THINK MOSTLY OF RESTAURANTS WHEN WE TALK ABOUT STORES. CURRENTLY AT THIS TIME THERE IS NOTHING ON THE BOOKS THAT THEY HAVE DONE THIS IN THE PAST. IN THE PAST THE CITY HAS DONE A LOT IN TERMS OF PARTNERING, AND I WOULD LIKE TO RECOMMEND THAT AS MY SECOND RECOMMENDATION, THAT THE CITY CONSIDER CONDUCTING A STUDY, LIKE YOU DID A NUMBER OF YEARS AGO, ABOUT WHO PROVIDES SMALL BUSINESS SERVICES, AND JUST MAKE SURE WE'RE NOT DUPLICATING EFFORTS. I WORKED FOR THE STATE AND I UNDERSTAND ABOUT PUBLIC MONEY. THE THIRD IS THAT RETAILERS ARE NOT THE ONLY ONES WHO NEED ADDITIONAL LOCATIONS. CERTAINLY WE HAVE AN INTEREST IN PROVIDING SPACE TO RETAILERS, BUT THERE ARE SERVICE BUSINESSES WHO WOULD ALSO LIKE TO GO INTO THESE SPACES AND I WOULD LIKE TO MAKE SURE THAT THE COUNCIL INSTRUCTS THE CITY MANAGER NOT TO -- TO RELEGATE THOSE PEOPLE TO NOT BEING CONSIDERED FOR THE PROGRAM, BECAUSE THEY HAVE THEIR OWN ISSUES. A SECOND LOCATION, NO MATTER WHAT YOU DO, IS DIFFICULT. AND FOURTH IS THAT I AM A LITTLE BIT CONCERNED ABOUT THIS SUCCESS PROTEGE MENTORSHIP PROGRAM SIMPLY BECAUSE IN THE PAST WE HAVE DONE A PROGRAM WITH YOU FOR MULTIMEDIA COMPANIES TO PROVIDE BUSINESS SERVICES AND TO GROW THEM, AND ONE OF THE THINGS WE LEARNED OUT OF THAT IS THAT SOMETIMES A BUSINESS THAT LOOKS SUCCESSFUL, THAT MIGHT HAVE MULTIPLE LOCATIONS, IS NOT NECESSARILY SO. SO I'M A LITTLE CONCERNED ABOUT MAKING SURE THAT THE PROCESS, THE MATCHING PROCESS, REALLY IS GOING TO BE VALID AND RESULT IN WHAT YOU ARE AIMING FOR IN TERMS OF EXPANDING AND RETAINING THE BUSINESSES WE HAVE. WE WANT TO KEEP AUSTIN WEIRD. I KNOW SOME OF YOU DON'T LIKE THAT, BUT I DO. SO THANK YOU VERY MUCH FOR YOUR TIME AND I'M HAPPY TO ANSWER ANY QUESTIONS.

MAYOR WYNN: THANK YOU, MS. TRIPLET. QUESTIONS FOR JAN? COMMENTS? THANK YOU, JAN.

I JUST WANT TO SAY THAT WE ALL ARE SUPPORTIVE OF KEEPING AUSTIN WEIRD, AND I APPRECIATE THE COMMENTS THAT YOU HAVE, AND I HAVE BEEN IN TOUCH WITH THE TEXAS RETAIL ASSOCIATION. WE'LL BE SURE IF WE CAN'T CONTACT THE RESTAURANT ASSOCIATION AS WELL, AND THIS IS SOMETHING THAT STAFF WILL BE COMING BACK TO US IN 60 DAYS, WITH A PLAN. THANK YOU VERY MUCH.

MAYOR WYNN: AGAIN, WE HAVE -- WE HAVE ONE MORE CITIZEN WHO WANTED TO ADDRESS THIS COUNCIL. SCOTT JOHNSON HAS SIGNED UP TO SPEAK TO US ABOUT ITEM NO. 64, WHICH IS A PURCHASE ITEM FOR LARGE TRUCK BODIES, I BELIEVE, MOSTLY SOLID WASTE. SCOTT JOHNSON WISHED TO ADDRESS US, SIGNED UP NEUTRAL BUT WISHING TO SPEAK. AND WE'LL NOTE MR. JOHNSON'S INTEREST. AGAIN WE HAVE A MOTION AND A SECOND ON THE TABLE APPROVING THE CONSENT AGENDA AS READ. FURTHER COMMENTS? COUNCIL

MEMBER COLE?

COLE: YES, I JUST HAD A BRIEF COMMENT, THANK YOU, MAYOR, ABOUT THE VILLA MUSE ITEM THAT I AM CO-SPONSORING. WE REALIZE THIS IS A PLAN DEVELOPMENT IN FAR EAST AUSTIN AND THERE HAS BEEN EXPLOSIVE GROWTH BETWEEN I-35 AND FAR EAST AUSTIN, AND WE ANTICIPATE LOTS OF INFRASTRUCTURE, THEY'RE ANTICIPATING INFRASTRUCTURE DEVELOPMENT. IT'S IMPERATIVE WE FULLY CONSIDER THEIR OFFER AND I REALLY COUNCILCOUNCIL MEMBER LEFFINGWELL'S OFFER TOLL SEND THIS THROUGH THE BOARD SO WE CAN PROPERLY EVALUATE IT.

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL.

LEFFINGWELL: I WANT TO EMPHASIZE, I TRIED TO SPELL THIS OUT EARLIER, THIS IS REALLY A TWO TRACK PRODUCTS NOW. THERE'S A CONSIDERATION OF THE ETJ RELEASES, AND ON APPARELON APARALLEL, WE'RE TALKING ABOUT HOW IT COULD WORK IN AUSTIN'S ETJ. WE'VE TALKED ABOUT THIS MARCH DATE AND THE RESOLUTION. I DON'T GUESS THERE'S ANY GUARANTEE THAT CAN BE MET WITH REGARD TO THE FIRST TRACK, THAT IS THE ETJ RELEASE, AND IF WE COULD I'D LIKE TO HAVE MS. HUFFMAN COME UP AND DISCUSS THAT -- IFERLS I MAY BE PUTTING YOU ON THE SPOT HERE, BUT GIVE US AN IDEA OF HOW LONG THAT PROCESS MIGHT TAKE AND WHAT IS INVOLVED IN IT.

MAYOR WYNN: WELCOME, MS. HUFFMAN, AND BIRMENT, WE DO BY THE WAY, WE HAVE A COUPLE REPRESENTS FROM THE VILLA MUSE PROPOSAL ARE HERE, IN CASE WE WANT TO ASK THEM ARE OR IF THEY WANT TO ADDRESS US.

THANK YOU, MAYOR AND COUNCIL. YOU HAVE ADOPTED A POLICY THAT ALLOWS US TO REVIEW THIS, SO YOU'VE ESTABLISHED CRITERIA AGAINST WHICH WE EVALUATE THESE REQUESTS. PART OF THAT POLICY IS YOU REQUIRE THAT WE WOULD GO TO THE ENVIRONMENTAL BOARD AND THE PLANNING COMMISSION. WE'RE SCHEDULED TO GO TO THE ENVIRONMENTAL BOARD ON FEBRUARY 6 AND THE PLANNING COMMISSION ON FEBRUARY 12. SO WE WILL BE IN A POSITION TO BRING BACK BOTH THE ETJ RELEASE REQUEST ALONG WITH AN UPDATE ON THE NEGOTIATIONS FOR HOW WE MIGHT PARTNER IN THE ETJ TO ACCOMPLISH THIS DEVELOPMENT. SO WE'LL SCHEDULE BOTH OF THOSE FOR THE MARCH MEETING DATE.

MAYOR WYNN: THANK YOU. THANK YOU, LAURA. QUESTIONS FOR STAFF, COUNCIL?

COLE: WHEN DO WE BEGIN THIS PROCESS OF EVALUATING THE DEANNEXATION -- I MEAN, THE RELEASE OF ETJ REQUEST?

WE INITIATED THAT EVALUATION AS SOON AS WE GOT THE REQUEST. SO IT'S BEEN IN STAFF HANDS AND WE'VE BEEN DEVELOPING A STAFF RECOMMENDATION AND HAVE SCHEDULED IT FOR THE BOARDS AND COMMISSION. SO WE'VE STARTED THAT PROCESS IN

DECEMBER. WE'VE ALSO BEGUN CONTACT WITH FIRST SOUTHWEST, WHO IS THE FINANCIAL ADVISER FOR VILLA MUSE, AND ARE WORKING WITH THEM TO GET A HANDLE ON THE PRO FORMA AND THE FINANCIALS THAT ARE ASSOCIATED, BOTH WITH THE ORIGINAL REQUEST, BECAUSE THAT WILL HELP US UNDERSTAND HOW THEY'RE FINANCING THE DEVELOPMENT, AND IT WILL ALLOW US TO SEE HOW AND IF WE CAN DO THAT SAME -- A SIMILAR KIND OF ARRANGEMENT WITHIN THE CITY'S ETJ. AND JUST BY WAY OF REMINDER, WHAT VILLA MUSE IS LOOKING TO IS A FINANCING TOOL. AT THIS TIME THEY'RE LOOKING AT A PID, WHICH IS A PID, PUBLIC IMPROVEMENT DISTRICT, HELPS TO PAY FOR INFRASTRUCTURE AND OTHER COSTS ASSOCIATED WITH THE DEVELOPMENT. SO WE'LL BE LOOKING AT WHETHER OR NOT THAT SAME PID STRUCTURE COULD WORK INSIDE THE CITY LIMITS, UNDERSTANDING THAT PROBABLY PART OF WHAT THEY WILL BE LOOKING FOR IS A DELAY IN ANNEXATION. THE REASONS THEY WOULD BE LOOKING FOR A DELAY IN ANNEXATION IS TO AVOID BOTH CITY TAXES AND A PID SIMULTANEOUSLY. SO WE'LL BE LOOKING AT ALL THOSE ISSUES. AND FRANKLY, JUST SEE WHAT KIND OF PID RATE IT WOULD TAKE IN ORDER TO SUPPORT THE DEVELOPMENT THAT THEY HAVE PROPOSED. AND ALSO JUST IN KEEPING WITH YOUR LONG-STANDING POLICY, WE WANT TO LOOK FOR WAYS WE CAN MAKE THIS PERFORMANCE-BASED, SO IF THE CITY COUNCIL AGREES TO THE CREATION OF A PID, WE HAVE A MECHANISM TO ENSURE THAT THE LAND USES OCCUR IN ACCORDANCE WITH YOUR POLICIES, AND THAT THE DEVELOPMENT HAPPENS AS EXPECTED. SO THOSE ARE THE THINGS WE'LL BE LOOKING AT AND DISCUSSION WITH THE VILLA MUSE FOLKS.

THANK YOU.

YOU BET.

LEFFINGWELL: AN IMPORTANT PART OF IT REMAINING WITHIN OUR ETJ IS OUR CONTROL OVER THE DEVELOPMENT PROCESS AND ALSO OVER OUR ENVIRONMENTAL REGULATIONS, WHICH WOULD APPLY IF IT REMAINS IN THE ETJ, AND WHICH WOULD NOT APPLY IF IT DOES NOT REMAIN IN THE ETJ.

MAYOR WYNN: ANY FURTHER QUESTIONS OF STAFF? AND I AM TOLD THAT SOME OF THE REPRESENTATIVES FROM VILLA MUSE ARE HERE AND I GUESS THEY'RE HERE, AVAILABLE TO ANSWER QUESTIONS IF COUNCIL HAS ANY OF THEM. I'LL JUST NOTE THAT ALL WE ARE DOING TODAY IS ENCOURAGING -- ASKING STAFF TO SPEND REALTIME AND EFFORT OVER THIS NEXT MONTH OR SO TO HELP US TRULY ANALYZE THE OPPORTUNITY. WELL, THANK YOU ALL FOR BEING HERE. AGAIN, FURTHER COMMENTS ON THE CONSENT AGENDA? I WANT TO THANK ALL COLLEAGUES, COUNCIL MEMBERS COAL AND MARTINEZ ARE HELPING CO-SPONSOR WITH ME ITEM NO. 76, WHICH IS REGARDING A LIVE MUSIC TASK FORCE. NOT TO GET LOST IN THE BACKGROUND NOISE, SO TO SPEAK, OF WHAT HAS BEEN AN ANALYSIS AND SOME DEBATE, FRANKLY, ABOUT NOISE COMING FROM LIVE MUSIC VENUES, IS JUST THE OVERALL IMPORTANCE OF LIVE MUSIC TO OUR ECONOMY, REALLY TO OUR SORT OF DEFINING CHARACTERISTIC, PARTICULARLY IN OUR DOWNTOWN AS WE ARE REDEVELOPING OUR DOWNTOWN. SO WHAT THIS TASK FORCE WILL DO, IN ADDITION TO



ANALYZING ACOUSTIC ISSUES, REALLY, IS ANALYZING THE ECONOMIC DYNAMICS AND OPPORTUNITIES, AND AS WE SEE NEW CONSTRUCTION DOWNTOWN, ALL THE DIFFERENT OPPORTUNITIES FOR NOT ONLY KEEPING OUR LIVE MUSIC VENUES -- EXISTING LIVE MUSIC VENUES IN BUSINESS BUT FIGURING OUT HOW TO EXPAND OPPORTUNITIES FOR THEM FROM A REAL ESTATE STANDPOINT, PERHAPS WITHIN THE NEW CONSTRUCTION THAT'S OCCURRING, AND AT THE SAME TIME EVEN EXPANDING THE ANALYSIS TO ANALYZE AND TALK ABOUT, YOU KNOW, HOUSING FOR MUSICIANS. WE HAVE A GREAT PARTNERSHIP WITH HEALTH ALLIANCE FOR AUSTIN MUSICIANS WITH SETON AND ST. DAVID'S AND THE SIMMS FOUNDATION TO HELP ON THE HEALTH SIDE. WE'LL ALSO TALK ABOUT HOUSING AND OTHER ECONOMIC ASPECTS OF WHAT IS A VERY IMPORTANT INDUSTRY CLUSTER HERE IN AUSTIN, LIVE MUSE MUSIC. SO THANK YOU ALL FOR THAT. ANY OTHER COMMENTS ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. SO WE'LL LET THE CROWD CLEAR OUT WHILE WE GET PREPARED FOR OUR MORNING BRIEFING FROM OUR WATER UTILITY. AND IF FOLKS COULD TAKE THEIR CONVERSATION OUT IN THE FOYER WE'D APPRECIATE IT. WE HAVE A MORNING BRIEFING TO PAY ATTENTION TO. AGAIN, FOLKS, PLEASE TAKE YOUR CONVERSATION OUT IN THE FOYER. THANK YOU VERY MUCH. SO WITH THAT, COUNCIL, WE'LL TAKE UP OUR MORNING BRIEFING. AGAIN, IT'S FROM OUR WATER UTILITY. THIS IS THE UPDATE ON THE WATER RECLAMATION INITIATIVE AND THEN SPECIFICALLY THE ISSUES REGARDING THE PROPOSED 51ST STREET ELEVATED WATER TOWER. WELCOME ASSISTANT CITY MANAGER, RUDY GARZA.

THANK YOU, MAYOR. AS YOU KNOW, AS YOU MENTIONED WE'VE BEEN WORKING ON THIS FOR THE LAST COUPLE YEARS. THERE'S BEEN A LOT OF DISCUSSIONS ON TWO SPECIFIC DESIGNS. STAFF HAS NOW COMPLETED THE BID PROCESS SO THAT WE COULD, IN FACT, DEFINE SPECIFIC COSTS FOR EACH DESIGN, PROVIDE THE INFORMATION TO COUNCIL TO GIVE US THE DIRECTION. YOU ARE NOT SET FOR ACTION TODAY, BUT BASED ON YOUR FEEDBACK TODAY WE WILL COME BACK WITH AN ACTION ITEM EITHER TO -- WELL, IN FACT, I WILL -- I DON'T WANT TO TAKE GREG'S PRESENTATION BUT GREG IS DIRECTING THE WATER UTILITY, WILL GO THROUGH THE DETAILS BUT TODAY THERE WON'T BE ANY SPECIFIC ACTION. SO I'LL TURN IT OVER TO GREG.

MAYOR WYNN: THANK YOU, RUDY.

GREG, AUSTIN WATER UTILITY DIRECTOR, AND WE HAVE A BRIEF PRESENTATION TO UPDATE YOU ON OUR RECLAIMED WATER TANK. JUST TO START OFF WITH BACKGROUND, OUR WATER RECLAIMED IN INITIATIVE IS PART OF COUNCIL'S DIRECTED SUSTAINABILITY DIRECTIVE. A LOT OF BENEFITS TO THE CITY WITH RECLAIMED WASTEWATER FLUIDS. ONE IS IT'S GENERALLY GOOD FOR THE ENVIRONMENT, IMPORTANT ELEMENT OF OUR WATER CONSERVATION PROCESS. THIS PROJECT IN PARTICULAR HAS A LOT OF BENEFITS. IT

WOULD BRING WATER -- RECLAIMED WATER TO THE MUELLER REDEVELOPMENT AREA, BARTHOLOMEW PARK, THE AUSTIN FILM SOCIETY. I THINK IN THE BIGGER PICTURE IT'S A KEY PROJECT FOR US TO ALLOW TO EXTEND RECLAIMED WATER SYSTEM TO THE UNIVERSITY OF TEXAS, THE CAPITAL COMPLEX, THE DOWNTOWN AREA. UT ALREADY HAS SIGNIFICANT INVESTMENT IN RECLAIMED WATER PIPING AND THEY'RE JUST WAITING FOR THE WATER TO GET THERE, AND WOULD SAVE SEVERAL HUNDRED MILLION GALLONS OF POTABLE WATER IN THE FUTURE. WE'VE BEEN WORKING FOR SEVERAL YEARS NOW WITH THE NEIGHBORHOOD. THEY HIRED AN ARCHITECT. THE PROJECT ADVISORY COMMITTEE, TO HELP US REALLY SORT THROUGH TWO DESIGNS, AND KIND OF ON THE SCREEN YOU CAN SEE THE TWO DESIGNS. THE DESIGN TO THE LEFT, WHAT WE REFER TO AS THE LATTICE-STYLE TANK, WAS WHAT MIGHT BE CALLED KIND OF THE HIGH-END LANDMARK STRUCTURE OF THE NEIGHBORHOOD -- THE NEIGHBORHOOD PREFERRED THAT TECHNIQUE, LOOK AND FEEL. YOU CAN KIND OF SEE THE OTHER PICTURE IS HOW THAT TANK WOULD LOOK AT NIGHT-LIGHTED. THEN THE OPPOSITE TANK IS SIGNIFICANTLY ENHANCED TANK FROM OUR STANDARD. WE'RE CALLING IT THE ENHANCED COMPOSITE TANK, AND AGAIN YOU CAN SEE THE DESIGN ELEMENTS OF THAT AND HOW THAT WOULD LOOK AT NIGHT IN A LIGHTED FEATURE. WE CAME TO COUNCIL ABOUT TWO YEARS AGO, AND COUNCIL APPROVED US TO MOVE FORWARD WITH SOME ENGINEERING WORK AS WELL AS THE PROCESS TO BID THOSE TWO TANK DESIGNS SO THAT THE COUNCIL AND THE COMMUNITY WOULD HAVE ACTUAL COSTS TO KIND OF BASE A DECISION ON WHICH ONE OF THOSE TANKS WOULD BE BEST TO DO FOR THE 51ST STREET TANK PROJECT. AND THAT'S EXACTLY WHAT WE WENT OUT TO DO, IS WE PUT TOGETHER TWO BID DOCUMENTS, ONE FOR THE LATTICE STYLE TANK, ONE FOR THE ENHANCED COMPOSITE TANK. WE BID THOSE IN THE FALL. WE ACTUALLY EXTENDED THE BID TIME BASED ON SOME COMMENTS WE GOT FROM BIDDERS. WORKING WITH PUBLIC WORKS WE RELAXED SOME OF THE STANDARDS FOR EXPERIENCE TO MAKE SURE THAT WE GOT AS MANY POSSIBLE BIDDERS AS POSSIBLE. THE NEIGHBORHOOD ASKED US TO CHANGE SOME OF THE ARRANGEMENTS WITH WHO WOULD BE THE PRIME CONTRACTOR OR SUBCONTRACTOR, AGAIN TO TRY TO HAVE FLEXIBILITY WITH CONFIGURING THE CONSTRUCTION TEAM THAT MIGHT BE ABLE TO BUILD THESE TANKS. THE BID RESULTS ARE HERE ON THIS SLIDE. THE LATTICE STYLE TANK, WE ONLY HAD ONE BIDDER, CHICAGO BIDS AND IRON. THE BID WAS SIGNIFICANTLY ABOVE OUR ESTIMATE. TURNED OUT TO BE NEARLY \$16 MILLION. ALSO THAT BID WAS DEEMED TO BE NOT COMPLIANT BY DSMBR FOR OUR GOAL THERE. ON THE COMPOSITE STYLE TANK, WE HAD COMPETITIVE BIDDING, 4 BIDDERS. THE LOW BID, PHOENIX, DID NOT MEET THE REQUIRED EXPERIENCE, SO THE NEXT LOW BID WAS LANDMARK TANK FOR ABOUT 7.9 MILLION, AND THEY ARE A -- WERE DEEMED A RESPONSIVE BIDDER. I HAVE A NOTE THERE THAT THE CITIZENS PROJECT ADVISORY COMMITTEE IS PREPARING A LETTER ACCEPTING ENHANCED COMPOSITE TANK. AND AS A MATTER OF FACT WE JUST WERE HANDED A LETTER A FEW MINUTES AGO FROM THE PROJECT ADVISORY COMMITTEE AND THEY DO REAFFIRM THAT THEY ARE NOT OBJECTING TO MOVING FORWARD WITH THE COMPOSITE STYLE TANK GIVEN THE COST OF THE LATTICE STYLE TANK. THEY'VE ASKED IF THEY CONTINUE TO WORK WITH THE UTILITY, TO LOOK FOR WORKS TO CONTINUE TO ENHANCE

THAT THROUGH MAYBE PRIVATE FUNDING FOR LANDSCAPING, ADDITIONAL LIGHTING, WHICH WE'RE VERY OPEN TO, CONTINUE TO WORK WITH THEM THROUGHOUT THAT PROCESS. SO REALLY TODAY I THINK THERE IS A COUPLE OF OPTIONS THAT THE COUNCIL MAY WANT TO CONSIDER. ONE WOULD BE TO DIRECT US TO MOVE FORWARD PREPARING RCA'S TO GO AHEAD AND CONSTRUCT THAT ENHANCED COMPOSITE STYLE TANK, WHICH WE WOULD BE READY TO DO VERY SHORTLY. I THINK ALTERNATIVELY WE COULD LOOK AT KIND OF STARTING THE PROCESS ALL OVER AGAIN AND TRY TO REBID TO SEE IF THERE WAS A WAY THAT THAT LATTICE STYLE TANK WOULD COME IN LESS EXPENSIVE. WE DON'T BELIEVE THAT THAT PROCESS WOULD LIKELY RETURN A RESULT THAT WOULD SIGNIFICANTLY REDUCE THE COST OF THE LATTICE STYLE TANK, AND IT MAY ACTUALLY EBBED UP INCREASING THE COST OF THE OTHER STYLE TANK. CONSTRUCTION COSTS CONTINUE TO GO UP. BUT THAT IS AN OPTION, KIND OF A REDO IN TERMS OF THE BID PROCESS. AND REALLY THAT WAS ALL I HAVE AS A BRIEFING AND WOULD BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE.

DUNKERLEY: COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: CAN YOU GIVE US SOME COMMENT ON WHY YOU THINK THERE WAS ONLY ONE BID SUBMITTED FOR THE LATTICE STYLE?

THE LATTICE STYLE TANK WAS REALLY A UNIQUE DESIGN. WE BELIEVE IT WAS GOING TO REQUIRE A LOT OF SPECIALIZED FABRICATION OF THE STEEL. IT WASN'T THE STANDARD KIND OF COOKIE CUTTER TYPE TANK OR EVEN A DERIVATIVE OF THAT. IT WAS A TOTAL NEW APPROACH TO TANK. I THINK WHEN YOU TRY SOMETHING UNIQUE LIKE THAT, IT REALLY LIMITS THE NUMBER OF BIDDERS THAT ARE CAPABLE OF BUILDING THAT AND YOU END UP WITH REALLY A SMALLER POOL. I THINK THAT WAS ONE OF THE CAUSES THAT WE HAD JUST ONE BIDDER. IN SOME SENSE YOU'RE NEVER QUITE SURE WHY OTHERS CHOOSE NOT TO BID BUT THAT WOULD BE MY THEORY ON WHY WE JUST GOT THE ONE BIDDER ON THE LATTICE STYLE TANK.

IS THERE ANY BASIS FOR EXPECTING, IF YOU DID REBID IT, THERE WOULD BE MORE PEOPLE THAT --

NO, WE DON'T BELIEVE SO. WE BELIEVE WE MAY NOT GET ANY BIDS IF WE REBID ON THAT OR JUST CHICAGO IRON BIDDING ON THAT AGAIN. WE'RE NOT EXPECTING THERE'S SOMETHING THAT WOULD CAUSE MORBIDDERS TO SUBMIT ON THAT.

MAYOR WYNN: FURTHER QUESTIONS? COUNCIL MEMBER COLE?

COLE: I BELIEVE I RECALL THAT THE ORIGINAL COST ESTIMATES WERE A LOT LOWER. CAN YOU TELL ME WHAT HAPPENED OR --

WELL, WHEN WE FIRST STARTED THE PROJECT WE WERE GOING TO BUILD JUST A

STANDARD TANK, AND THAT ESTIMATE WAS SIGNIFICANTLY LOWER. IT WAS PROBABLY IN THE 3 TO \$4 MILLION RANGE. AS WE SWITCH TO THE MORE ENHANCED STYLES, OUR ESTIMATES WERE HIGHER BUT NOT AS HIGH AS THE BID ACTUALLY CAME IN. I THINK IT'S JUST THE NATURE OF THE BIDDING RIGHT NOW, THAT CONSTRUCTION COSTS CONTINUED TO GO UP EVEN OVER THE LAST COUPLE YEARS. WE'VE SEEN SOME DOUBLE DIGIT GROWTH IN TERMS OF CONSTRUCTION AND IT'S REFLECTIVE OF THE BIDDING ENVIRONMENT. IF YOU LOOK FOR THE BIDS FOR THE COMPOSITE STYLE TANK IT WAS VERY COMPETITIVE. WE HAD FOUR BIDS. THREE OF THE BIDS WERE VERY CLOSE IN COST. ULTIMATELY THE TWO MORE RESPONSIVE BIDS WERE ALMOST NEARLY IDENTICAL IN COST, AND THAT'S OFTEN A SIGN OF VERY COMPETITIVE CONSTRUCTION BIDDING. SO I BELIEVE THAT IT'S JUST A -- A MORE EXPENSIVE ENVIRONMENT TO DO CONSTRUCTION IN RIGHT NOW IN TERMS OF THOSE FINAL COSTS.

COLE: I DO RECALL TALKING TO A FEW NEIGHBORS ABOUT THE TWO TANKS AND WHICH ONES THEY PREFER. I KNOW THE WINDSOR PARK NEIGHBORHOOD WAS INVOLVED IN THIS. DO YOU KNOW ANY OF THE OTHER NEIGHBORHOOD GROUPS?

I DO. THE LETTER THAT WE RECEIVED TODAY, THERE WERE REPRESENTATIVES FROM WINDSOR PARK, THE AUSTIN FILM SOCIETY, CHERRY WOOD NEIGHBORHOOD ASSOCIATION AND DELLWOOD TWO NEIGHBORHOOD ASSOCIATION. THEY ALL SIGNED THIS LETTER IN SUPPORT OF GOING AHEAD AND MOVING FORWARD WITH THE COMPOSITE STYLE TANK.

COLE: OKAY. THANK YOU.

MAYOR WYNN: AND GREG, I KNOW THAT MUCH OF THIS PREDATES YOUR ARRIVAL AS OUR DEPARTMENT DIRECTOR, BUT SOME GENERAL THOUGHTS I HAVE, ONE IS -- I MEAN, YOU KNOW, DESIGN DOES MATTER, AT LEAST TO ME PERSONALLY, BUT, YOU KNOW, IT'S TROUBLING TO SEE THIS BIG A DELTA IN PRICE. I MEAN, FRANKLY I SEE THAT BIG A DELTA IN AESTHETICS. I WAS HOPING IT WOULDN'T CORRESPOND TO AS LARGE A DELTA IN THE PRICE OF THE TOWERS. BUT IT DOES SEEM QUITE OBVIOUS THAT THE DESIGN IS SO UNIQUE, IT'S ALMOST REINVENTING, YOU KNOW, EVEN THE CONCEPT OF A WATER TOWER. BUT I MEAN, REMIND US, WE HAVE A HALF DOZEN OR MORE OF THESE PLANNED OVER SOME PERIOD OF TIME AS WE CONTINUE TO -- YOU KNOW, HOPEFULLY OVER THE FUTURE, TO LITERALLY EXPAND OUR RECLAMATION PROJECT CITYWIDE, IN THEORY. AND SO I COULD SEE AN ELEMENT OF JUSTIFICATION ON A PRETTY DRAMATIC PRICE DIFFERENTIAL, YOU KNOW, FOR THE -- YOU KNOW, FOR AN ORIGINAL DESIGN. SO IS IT PRACTICAL THAT THE ADDITIONAL EXPENSE, SHOULD WE CHOOSE THE MORE COMPLICATED, BUT I THINK AESTHETICALLY PLEASING DESIGN -- WOULD IT BE FAIR TO SAY THAT THERE'S OPPORTUNITIES, THEN, TO ALMOST AMORTIZE THAT DELTA OVER THE NEXT FIVE OR SIX OR EIGHT OR TEN WATER TOWERS WE BUILD, IN THEORY, IF WE WERE TO LITERALLY CHOOSE THAT EXACT SAME DESIGN? IS THERE A WAY TO ALMOST MASS, YOU KNOW -- MASS PRODUCE THAT EXACT DESIGN, BUT IF WE -- IT SEEMS TO ME THERE'S A LEARNING CURVE AND IF WE GET -- WE AND OR THE CONTRACTING COMMUNITY, YOU KNOW, LEARNS FROM

THE FIRST ONE, LEARNS HOW TO PERHAPS, YOU KNOW, VALUE ENGINEERS, SOME OF THE ADDITIONAL AESTHETICS ON IT, LEARNS HOW TO, YOU KNOW, BUILD THE SECOND, THIRD, FOURTH AND FIFTH ONE WITH MUCH LOWER DIFFERENTIAL IN COST, THAT, YOU KNOW, THAT WE SORT OF JUSTIFY THE START-UP OF A NEW DESIGN. I'M TRYING TO UNDERSTAND IF THERE'S A WAY WE CAN LITERALLY AMORTIZE THIS ADDITIONAL COST OVER THE NEXT FEW TOWERS.

I THINK RESPONDING IN A COUPLE WAYS. WE HAVE SEVEN TOTAL RECLAIMED WATER TANKS THAT WE HAVE PLANNED OVER THE NEXT ROUGHLY 30 YEARS AS A PART OF OUR RECLAIM MASTER PLAN. THAT SEVEN INCLUDES THIS TANK. THREE OF THE FUTURE TANKS WOULD BE LIKELY IN MORE RESIDENTIAL KIND OF AREAS. THREE ARE GOING TO BE MORE IN INDUSTRIAL COMMERCIAL AREAS WHERE PERHAPS SOME OF THE DESIGN AESTHETIC ISN'T AS NEEDED. I THINK YOU'RE RIGHT, I THINK, YOU KNOW, WE LEARNED A LOT THROUGH THIS PROCESS TO ENGAGE THE COMMUNITY AND NEIGHBORHOODS. REALLY, I WOULD HOPE THAT AS WE WORK ON FUTURE TANKS, THAT, AGAIN WE'LL INVOLVE THE NEIGHBORHOOD IN THAT, IT WILL GET MORE COMMON FOR SOME OF THESE MORE AESTHETIC DESIGN ELEMENTS TO BE IN THERE, THAT THE ENGINEERING AND CONSTRUCTION OF THAT WILL BE KIND OF MORE OF A ROUTINE AS OPPOSED TO AN EXCEPTION, AND THAT WE HOPEFULLY COULD SEE COSTS STABILIZE OR GO DOWN ON THAT. KIND OF IRONICALLY I WAS JUST EMAILED THIS WEEK BY ANOTHER LARGE UTILITY IN NASHVILLE SORTING OUT THIS THING, THEY'RE LOOKING FOR ADVICE ON LANDMARK TANKS AND AESTHETICS. THEY'RE BUILDING TANKS ON SOME RIDGES IN THEIR COMMUNITIES. SO INDUSTRY WIDE IT MIGHT BE THAT THIS IS A MOVEMENT AND WE'LL SEE TANK MANUFACTURERS RESPOND TO THIS WITH REDUCED COST IN THE FUTURE.

MAYOR WYNN: WELL, AGAIN, IS IT -- IS IT EVEN PRACTICAL -- OF COURSE IN THEORY I GUESS THIS WAS SUCH A -- YOU KNOW, SORT OF A, YOU KNOW, STAKE HOLDER DRIVEN, YOU KNOW, DESIGN AND CONCEPT, AND SO NOT EVERY, YOU KNOW, NEIGHBORHOOD, NOT EVERY PART OF TOWN MIGHT HAVE THE SAME SUGGESTIONS ON AESTHETICS, BUT IF WE WERE TO LITERALLY CHOOSE THIS MODEL AND IF WE JUST, YOU KNOW, MAKE THE -- ALMOST THE POLICY DIRECTIVE THAT THE NEXT FIVE TANKS WILL BE THIS TANK, IS THERE AN OPPORTUNITY FOR, YOU KNOW, CHICAGO IRON AND STEEL, WHATEVER THE COMPANY NAME IS, TO -- YOU KNOW -- IN ANTICIPATION OF THAT, YOU KNOW, LITERALLY MAKE THE NEXT FEW OF THEM COST LESS, AT LEAST FROM A MATERIAL STANDPOINT, BECAUSE OF THE -- YOU KNOW, THE WORK THEY DID AT THE FOUNDRY, FOR INSTANCE? IS THERE A WAY TO LITERALLY ALMOST MASS PRODUCE THESE -- THAT'S NOT THE RIGHT PHRASE, ABOUT YOU TO -- YOU KNOW, IF WE KNEW THAT THIS WAS GOING TO BE THE DESIGN FOR THE NEXT FIVE OF THESE, YOU KNOW, COULD WE BE SAVING ENOUGH MONEY IN THE FUTURE THAT HELPS US, FRANKLY, YOU KNOW, JUSTIFY THIS DELTA?

IT'S HARD FOR ME TO SAY. I WOULD SAY THAT THE TIME BETWEEN THESE TANKS FOR US OFTEN WILL GO FIVE TO SEVEN TO NINE YEARS BETWEEN THE CONSTRUCTION OF THESE TANKS, AS OUR RECLAIMED WATER PROGRAM EXPANDS, THAT IT MIGHT BE DIFFICULT FOR

CONTRACTORS TO REALLY GEAR UP FOR THESE TO BE MORE ROUTINE TRANSACTIONS FOR THEM, BUT I REALLY DON'T KNOW. I'M NOT -- I THINK I'D ALMOST HAVE TO CONSULT WITH THEM TO SAY FOR SURE HOW THEY MIGHT REACT TO THAT KIND OF LONG RANGE --

OBVIOUSLY THIS DOESN'T -- I USED THE TERM MASS PRODUCTION INCORRECTLY. THIS DOESN'T LEND ITSELF TO BEING MASS-PRODUCED, JUST THE TIMING OF WHEN THESE TOWERS WOULD BE REQUIRED, BUT I'M JUST TRYING TO THINK THROUGH WHAT MIGHT BE SOME SAVINGS ON THE SECOND, THIRD AND FOURTH TOWER, YOU KNOW, BASED ON THIS DESIGN.

I HAVE ANOTHER THING TO ADD. THAT EACH SITE HAS DIFFERENT DESIGN PARAMETERS, THAT THE HEIGHT OF THE TANK, THE VOLUME, IS IT A HALF A MILLION, A MILLION, A MILLION AND A HALF, THAT THOSE CHANGE BASED ON THE DIFFERENT PARTS OF THE SYSTEM THAT WE'RE BUILDING TANKS. SO IT MAY NOT BE POSSIBLE WITH FUTURE TANKS TO BUILD THIS EXACT TANK BECAUSE JUST THOSE PARAMETERS CHANGE. SO THERE'S SOME UNIQUENESS AS WE WORK THROUGH CHANGE, AND I THINK WE'D HAVE TO INCORPORATE THAT IN OUR THINKING WITH DESIGN STANDARD AND HOW CONTRACTORS MIGHT GEAR UP FOR THAT IN THE FUTURE.

MAYOR WYNN: THANK YOU. COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: COULD I JUST FOLLOW UP ON THAT JUST A LITTLE BIT? IS THERE A WAY TO SEPARATE OUT THE COMMON DESIGN ELEMENTS FROM THE CONSTRUCTION COSTS SO THAT IN THE FUTURE -- AND THEN THE SECOND QUESTION, I GUESS, IS IF WE DO THAT, DO WE NOW OWN THE DESIGN ELEMENTS, THE DESIGN, SO THAT WE WOULDN'T HAVE TO PAY FOR THAT AGAIN? I THINK THAT'S WHAT I UNDERSTOOD THE MAYOR TRYING TO ASK.

FOR THE ENHANCED COMPOSITE?

WOULD CHICAGO BRIDGE AND IRON BE WILLING TO GIVE YOU INFORMATION ON THAT?

WE'LL ASK THEM, AND I THINK WE COULD -- WE COULD CERTAINLY FACTOR THAT OUT AND COME BACK ON THAT, FOR SURE.

MAYOR WYNN: ANY FURTHER QUESTIONS? COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: GREG, I RECALL FROM AN EARLIER BRIEFING THAT THE WATER TOWERS ARE PROJECTED TO BE 100 YEAR ASSETS. IS THAT -- AM I RECALLING THAT ACCURATELY?

GENERALLY WITH GOOD MAINTENANCE, PAINTING AND MAINTENANCE WATER TOWERS CAN LAST A CONSIDERABLE TIME. SO I THINK THAT'S PROBABLY A FAIR STATEMENT.

MCCRACKEN: HOW LONG DO YOU FINANCE OUT THE COST OF THE WATER TOWERS?

THE BONDS ARE 30 YEARS.

MCCRACKEN: I WAS JUST MODELING OUT A DIFFERENCE, QUICKLY, AND THIS DOES NOT INCLUDE INTEREST, BUT IF YOU WENT LIKE -- YOU'D BE LOOKING AT A COST IN PRINCIPAL DIFFERENCE PER YEAR BETWEEN THE TWO DESIGNS OF \$267,000, BASICALLY. IT'S \$266,920 -- \$921 PLUS INTEREST. WHAT -- I RECALL THAT THERE HAVE BEEN SOME INTEREST FROM THE MUELLER ADVISORY COMMITTEE IN THE PAST, STAKEHOLDERS, ABOUT LOOKING AT IF THERE IS A DIFFERENCE IN THE RECLAIMED WATER RATE TO MAKE UP THAT DIFFERENCE. HAVE YOU-ALL DONE SOME ANALYSIS ABOUT WHAT WOULD BE THE IMPACT ON THE RECLAIM WATER RATE TO MAKE UP THAT \$267,000 PLUS INTEREST DIFFERENCE PER YEAR?

LET ME MAKE SURE I UNDERSTAND. YOU'RE ASKING IF WE WENT WITH THE LATTICE STYLE TANK AND THE EXTRA COST, HOW MUCH WE'D HAVE TO INCREASE THE RECLAIMED WATER RATE TO MAKE UP THAT DIFFERENCE?

YES, BECAUSE I THINK THAT HAD BEEN THE PROPOSAL FROM SOME STAKEHOLDERS IN THE AREA.

AND WAS IT JUST TO USERS IN THAT AREA OR RECLAIMED WATER RATES ACROSS THE BOARD?

I THINK YOU-ALL ARE MORE FAMILIAR WITH THIS THAN I AM, SO MAYBE RUDY OR SOMEONE COULD TELL US.

COUNCIL MEMBER, WE HAVE NOT RUN THAT SPECIFIC SCENARIO.

OKAY.

, IN FACT, WE ARE JUST AT THIS POINT JUST SEEKING DIRECTION. IF THAT'S -- IF, IN FACT, THE COUNCIL WAS US TO PURSUE FURTHER THE LATTICE STYLE TANK, WE COULD LOOK AT DIFFERENT OPTIONS FOR FUNDING THAT.

MCCRACKEN: I DON'T KNOW WHERE I COME DOWN ON THIS. WHAT I DO SEE, THOUGH, IS IT WOULD BE HELPFUL TO KNOW THE IMPACT ON THE RECLAIMED WATER RATE. IF WE'RE LOOKING AT, YOU KNOW, BASICALLY LESS THAN A THOUSAND DOLLARS A DAY OF DIFFERENCE PLUS INTEREST, THAT -- THAT MIGHT HAVE AN INCREDIBLY MINOR EFFECT ON A WATER RATE -- RECLAIMED WATER RATE, OR IT COULD BE, FOR INSTANCE, THAT WE MIGHT WANT TO LOOK AT, IN THE CASE OF THE MULLER REDEVELOPMENT, WE'RE INVESTING ALREADY \$50 MILLION OF TAXPAYER FUNDS ON AN INFRASTRUCTURE, THAT PERHAPS, YOU KNOW, THERE IS AN INTEREST FROM STAKEHOLDERS TO MAKE UP THAT SMALL DIFFERENCE PER YEAR THROUGH SOME OTHER FINANCING STRATEGIES WE'VE

ALREADY USED AT MILLER. I DON'T KNOW WHAT -- I DON'T KNOW WHERE I'D COME DOWN ON THOSE BUT I DO THINK IT WOULD BE HELPFUL TO KNOW JUST A LITTLE MORE INFORMATION ABOUT WHAT WOULD BE THE IMPACT ON THINGS SUCH AS RECLAIMED WATER RATES IF WE WERE TO MAKE UP THAT BASICALLY ABOUT A THOUSAND DOLLARS A DAY, WHICH MAY OR MAY NOT HAVE A BIG IMPACT.

WE COULD -- WE COULD RUN THOSE NUMBERS AND GET BACK.

MCCRACKEN: I THINK THAT WOULD BE HELPFUL FOR ME TO KNOW WHERE I COME DOWN.

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: AND WHILE YOU'RE DOING THAT I THINK WE ALSO NEED TO EVALUATE THE IMPACT ON OUR WATER CONSERVATION PROGRAM, BECAUSE A BIG PART OF THAT WAS INCENTIVIZING USE OF THE -- WITH THE PRICE DIFFERENTIAL FOR RECLAIMED VERSUS TREATED WATER. SO THAT HAS TO BE A PART OF IT. IT WAS A PART OF THE CONSERVATION PLAN. IT IS REFLECTED IN THE SAVINGS THAT WE'RE GOING TO ACHIEVE WITH CONSERVATION, SO WE NEED TO EXAMINE THAT TOO, I BELIEVE.

WE'LL MAKE SURE WE DO THAT, TOO.

MAYOR WYNN: FURTHER QUESTIONS OF STAFF? COMMENTS? THANK YOU, GREG. COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: JUST A QUESTION, AND IT'S KIND OF -- WHAT I TAKE FROM THIS IS WE DON'T HAVE ANY DIRECTION RIGHT NOW. WE JUST HAVE A LITTLE MORE INFORMATION TO COME BACK FROM AUSTIN WATER, AND WITH THAT INFORMATION WE CAN GIVE YOU DIRECTION. THAT'S KIND OF THE SENSE OF WHERE WE HAVE, THEN.

MAYOR WYNN: THAT'S WHAT I'M HEARING. I HAD TO STEP AWAY, GREG. I MAY HAVE MISSED IT. WHAT IS -- WHAT WILL BE THE STAFF'S PREFERENCE AS TO WHEN YOU-ALL NEED FINAL DIRECTION? OBVIOUSLY AT SOME POINT WE NEED TO FISH OR CUT BAIT.

WELL, OUR BIDS FOR THIS ARE GOING TO TIME OUT EVENTUALLY. LET ME -- WHEN DO THE BIDS TIME OUT IS? OUT?

BY THE FIRST OF MARCH THE CURRENT BIDS WILL EXPIRE, SO WE'D LIKE TO KIND OF DECIDE IF WE'RE GOING TO GO AHEAD WITH THE COMPOSITE TANK THEN OR REBID, SO I THINK THAT WOULD BE OUR TIME FRAME FOR TRYING TO WRAP THAT UP.

MAYOR WYNN: THANK YOU. I APPRECIATE THAT DEADLINE, ACTUALLY. FURTHER QUESTIONS, COMMENTS? COUNCIL MEMBER MCCRACKEN?



MCCRACKEN: WELL, THEN I GUESS THE QUESTION IS, WHAT IS THE MECHANISM BY WHICH WE'LL GET THAT INFORMATION? WILL WE HAVE THIS AS ANOTHER AGENDA ITEM IN LIKE TWO WEEKS?

, IN FACT, COUNCIL MEMBER, WHAT I WANTED TO DO IS JUST GET CONFIRMATION ON EXACTLY THE EXPECTATIONS AND THE DELIVERABLE CAN BE A REPORT FROM STAFF BACK TO MAYOR AND COUNCIL AND WE CAN GET FEEDBACK FROM YOUR OFFICES. SO WE WILL CONTACT THE CONTRACTOR FOR THE LATTICE-STYLE TANK AND DISCUSS IF, IN FACT, WE REBID THIS FOR MULTIPLE NUMBER OF TANKS, WOULD THERE BE A COST DIFFERENTIAL. THAT WAS ONE QUESTION THAT I UNDERSTOOD WE WANTED TO PURSUE. AND THEN IF, IN FACT, THE COST STAYED AROUND THE SAME, LOOK AT FUNDING OPTIONS, WHAT KIND OF IMPACT IT WOULD HAVE ON RECLAMATION WATER RATES AND THE IMPACT TO THE CONSERVATION EFFORTS, AND THEN IF THERE IS ANY OTHER FUNDING CONCERNS, THAT WE NEED TO BRING TO YOUR ATTENTION, THOSE WERE BASICALLY THE TWO MAIN ISSUES THAT I UNDERSTAND YOU EXPECT US TO GO BACK AND --

DUNKERLEY: WHILE YOU'RE DOING THAT YOU MIGHT AS WELL INCLUDE IN THAT ANALYSIS THE OTHER WATER TOWER YOU HAVE IN YOUR PLAN, BECAUSE I DON'T THINK THIS IS GOING TO BE AN ISOLATED INSTANCE.

AND AS PART OF THAT WE WILL GO AHEAD AND IDENTIFY FOR YOU BASICALLY WHAT WE HOLD FOR THE FUTURE ON HOW MANY TANKS AND WHERE THEY EXPECT TO BE PLACED AT.

MCCRACKEN: AND MAYOR.

MAYOR WYNN: YES, COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: MY PREFERENCE WOULD BE IF WE COULD JUST COME BACK TO THE FULL SESSION. IT'S VERY HELPFUL FOR US TO BE ABLE TO HEAR THE SAME INFORMATION. I THINK IT WOULD PROBABLY TAKE 15 MINUTES MAYBE AT OUR NEXT MEETING.

MAYOR WYNN: LET'S DO -- HAVE AGENDA STAFF, YOU KNOW, PLACE-HOLD AN ITEM FOR TWO WEEKS FROM NOW, THE 14TH, AND PERHAPS AS A CAUTION BE POSTED -- AT TIMES HOW WE'VE DONE BEFORE IS WE CHOOSE BETWEEN TWO BIDS AND TWO CONTRACTS, AND HOPEFULLY BY THEN WE'LL HAVE ENOUGH INFORMATION FOR THE PRESENTATION AT THAT TIME FOR US TO BE ABLE TO MAKE A DECISION FOR YOU.

THAT'S FINE WITH US. WE'LL DO THAT. YOU BET.

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

LEFFINGWELL: AT THE RISK OF BEING REPETITIVE, I DO WANT TO EMPHASIZE IT'S VERY

IMPORTANT THAT WE MAINTAIN THIS COST DIFFERENTIAL BETWEEN RECLAIMED AND TREATED WATER TO INCENTIVIZE -- AND THE CUSTOMERS ARE GOING TO BE USING THIS, BY THE WAY, ARE BIG CUSTOMERS, NOT INDIVIDUAL RESIDENCES, SO A VERY SMALL -- A VERY SMALL UNIT PRICE INCREASE THAT'S GOING TO HAVE A BIG EFFECT, AND WE NEED TO LOOK VERY CLOSELY AT THE IMPACT OF COSTING OUT THAT DELTA AS A PART OF THE PRICE OF RECLAIMED WATER. MY GUT FEELING IS THAT'S NOT GOING TO WORK VERY WELL, BUT WE CERTAINLY NEED TO TAKE A LOOK AT IT.

MAYOR WYNN: THANK YOU, GREG, RUDY. WELL, COUNCIL, THAT CONCLUDES OUR MORNING BRIEFING. I WILL SAY EARLIER ON OUR CONSENT AGENDA I WAS REMISS. I HAD SOME QUESTIONS THAT I WAS GOING TO ASK WHILE ALLOWING ITEM 11 TO STAY ON THE CONSENT AGENDA, THAT BEING THE PROPOSED INTERIM LOBBY CONTRACTS. I SEE MISFACALO AND MR. HUNTS ARE HERE. THEY HAVE I HAVE A COUPLE QUESTIONS. I EXPECT THEY'LL BE ANSWERED TO OUR SATISFACTION. THE FIRST QUESTION, KRISTEN, IS THE POSTING LANGUAGE SUMMARY JUST IMPLIED THAT THESE ARE ONE-YEAR CONTRACTS, BUT TECHNICALLY WHAT THESE ARE ARE CONTRACTS THAT ARE EXPIRING AT THE END OF THE CURRENT FISCAL YEAR; IS THAT CORRECT?

THAT'S CORRECT, MAYOR. CHRIS TAKE MASALA, CHIEF OF STAFF. GOOD MORNING. THESE CONTRACTS, THE FORMER CONTRACTS EXPIRED AT THE END OF SEPTEMBER OF LAST YEAR. THIS CONTRACT WAS TO BEGIN IN OCTOBER 1 OF LAST YEAR AND THEN WOULD EXPIRE AT THE END OF SEPTEMBER OF '08.

MAYOR WYNN: RIGHT. SO IN A SENSE THIS GETS US BACK INTO WHAT WOULD BE OUR ANNUAL BUDGET TIMING. SO IN THEORY, IF WE WANTED TO TALK ABOUT, YOU KNOW, EITHER CHANGING THE AGGREGATE NUMBER, GROWING IT, SHRINKING IT, IN A SECOND HERE I'LL ASK A COUPLE QUESTIONS ABOUT OUR EFFORTS IN WASHINGTON, D.C., BUT THAT COULD -- THERE COULD BE THAT SORT OF DIRECTION AS WE DEVELOP NEXT FISCAL YEAR'S BUDGET OVER THE COURSE OF THE SUMMER, I PRESUME?

ABSOLUTELY, MAYOR, AND WHAT WE HAVE DONE IS THIS IS A YEAR BASIS. WHAT WE COULD DO WITH DIRECTION FROM COUNCIL IS COME BACK TO YOU WITH A TWO-YEAR SCHEDULE THAT WOULD TALK ABOUT OUR LEGISLATIVE EFFORTS FOR A SESSION YEAR, WHICH WOULD BE NEXT JANUARY, AND THEN IN ADDITION ON A OFF STATE SESSION YEAR, HOW WE COULD DO FUNDS DIFFERENTLY, HOW WE COULD BRING WILL IN DIFFERENT FOCUSES FOR AN INTERIM BASIS VERSUS A LEGISLATIVE SESSION, BECAUSE AS YOU KNOW THEY ARE VERY DIFFERENT ANIMALS. SO WITH ANY DIRECTION FROM YOU WE ARE HAPPY TO COME BACK WITH A PROPOSAL WAY IN ADVANCE OF THE EXPIRATION OF THESE CONTRACTS SO THAT THEY COULD BE WORKED IN THE BUDGET CYCLE.

MAYOR WYNN: AND LASTLY, THESE CONTRACTS TECHNICALLY ARE JUST FOR WHAT I GENERALLY CHARACTERIZE AS OUR AUSTIN, OUR STATE EFFORTS.

YES, SIR.

MAYOR WYNN: THIS DOESN'T HAVE AN IMPACT ON WHAT WE CURRENTLY DO IN WASHINGTON, D.C., CORRECT?

THAT IS CORRECT. IN DECEMBER YOU PASSED A CONTRACT FOR OUR -- ONE OF OUR EFFORTS IN THE WASHINGTON, D.C. AREA, SO THAT HAS -- THAT IS GOING ON, BUT THIS RIGHT NOW IS JUST FOCUSED ON OUR STATE. IN THE PAST WE'VE PUT THOSE TOGETHER. I THINK IT MAKES MORE SENSE THAT WE SEPARATE THOSE AND LOOK AT THOSE INDIVIDUALLY, SO THAT'S WHAT YOU HAVE BEFORE YOU TODAY.

MAYOR WYNN: SO ACTUALLY I'LL JUST STATE, COUNCIL, WITH THAT IN MIND, MY UNDERSTANDING IS, FROM MY MEMORY, WE ACTUALLY ONLY RELATIVELY RECENTLY GREW OUR BUDGET, IF YOU WILL, IN WASHINGTON, D.C. FROM I THOUGHT WHAT MIGHT HAVE BEEN 30 OR \$40,000 A COUPLE YEARS AGO NOW TO APPROXIMATELY 75,000. AND SO I WOULD BE -- LIKE TO SUGGEST THAT -- WHETHER WE DO IT, YOU KNOW, SOONER RATHER THAN LATER, BUT CERTAINLY THROUGH OUR BUDGET DELIBERATIONS THIS LATE SPRING, EARLY SUMMER, IS I REALLY BELIEVE THAT WE NEED TO HAVE A PRETTY MEASURABLE EXPANDED PRESENCE AND EFFORT, BUDGET, FRANKLY, IN WASHINGTON, D.C. AND SO I THINK WE'LL HAVE THIS OPPORTUNITY EITHER, YOU KNOW, IN SHORT ORDER OR CERTAINLY DURING THE BUDGET PROCESS TO, I THINK, MEASURE REPLY GROW OUR PRESENCE THERE. MY -- IN TALKING WITH OTHER MAYORS AND TRYING TO ANALYZE OTHER CITIES, SOME OF WHICH WERE VERY SUCCESSFUL, SEEMINGLY, IN WASHINGTON, D.C., IT STRUCK THAT WE HAVE A VERY SMALL BUDGET IN THE NATION'S CAPITAL, CERTAINLY WHEN YOU COMPARE IT TO WHAT WE DO UP THE STREET AT THE STATE HOUSE. SO -- MAYOR PRO TEM?

DUNKERLEY: I'D LIKE TO ADD ONE THING. I TOO AM WANTING TO SUPPORT INCREASING OUR PRESENCE IN WASHINGTON, AND I WOULD NOT BE AVERSE TO YOU-ALL LOOKING AT THAT AND GIVING US ADVICE, AND IF -- IF WE CAN BENEFIT FROM MOVING THAT FORWARD, I WOULD SUGGEST THAT WE USE OUR CURRENT YEAR CONTINGENCY, WHICH IS, WHAT THAT CONTINGENCY IS FOR, THINGS THAT COME UP IN THE MIDDLE OF THE BUDGET YEAR ACTION AND GET THAT DONE SOONER RATHER THAN LATER. BUT I'D LIKE TO HAVE SOME FEEDBACK FROM YOU AND YOUR STAFF AS TO WHETHER OR NOT YOU THINK IT WOULD BE BENEFICIAL TO MOVE MORE QUICKLY THAN WAITING UNTIL NEXT SEPTEMBER.

ABSOLUTELY. AND -- THANK YOU VERY MUCH.

MAYOR WYNN: COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: MY UNDERSTANDING IS THAT WHILE WE DO HAVE A GENERAL LOBBYING PRESENCE IN WASHINGTON, D.C., WE ALSO ACTUALLY HAVE THE AUSTIN ENERGY LOBBYING PRESENCE. I THINK IT WOULD BE HELPFUL FOR US AS THE BOARD OF AUSTIN

ENERGY TO GET A SENSE OF WHAT OUR FOCUS IS FOR AUSTIN ENERGY'S LOBBYING EFFORTS, BECAUSE A BIG PART OF WHAT WE'VE ENVISIONED AS OUR LOBBYING EFFORT IN WASHINGTON, D.C. IS EXPANDING OUR CLEAN ENERGY OPPORTUNITIES, THINGS LIKE THE NATIONAL RENEWABLE ENERGY LABORATORY, LOCATING ONE OF THE REGIONAL LABS IN AUSTIN. SO -- WHICH ARE PART OF OUR -- PER OUR POLICY MISSION ON THE COUNCIL, AND AS THE BOARD MEMBERS OF AUSTIN ENERGY. I THINK WE NEED TO MAKE SURE THAT AS THE BOARD MEMBERS OF AUSTIN ENERGY WE HAVE SOME SENSE OF WHAT POLICY DIRECTIONS AUSTIN ENERGY IS EMBARKING ON WITH THE LOBBYING EFFORTS, BECAUSE IT STRIKES ME WE DON'T KNOW WHAT IT IS, BUT IT'S NOT TRADITIONALLY BEEN INCLUDED IN OUR ANALYSIS OF WHAT WE'RE SPENDING ON LOBBYING, EVEN THOUGH WE DO HAVE WASHINGTON, D.C. LOBBYISTS IN WASHINGTON.

ABSOLUTELY. WE CAN ARRANGE FOR THAT.

MAYOR WYNN: COUNCIL MEMBER COLE?

COLE: I KNOW THAT WE HAVE HAD A SUBSTANTIAL AMOUNT OF TALKS IN LAND USE AND TRANSPORTATION ABOUT THE -- OUR TRAILS AND TRANSIT EFFORTS THAT WE HOPE TO ACCOMPLISH OVER THE NEXT FIVE TO TEN YEARS, AND I THINK THAT IT WOULD BE WISE FOR OUR CITY TO GO AHEAD AND ESTABLISH A BASELINE PRESENCE TO TRY TO GET EARMARKS FOR THOSE THINGS, AND WE SHOULD ALSO FOLLOW THE DIRECTIVES OF OUR OTHER CITIES IN HOUSTON AND SAN ANTONIO, THAT HAVE BEEN VERY SUCCESSFUL IN THAT REGARD.

ABSOLUTELY. JUST AS AN EXAMPLE, COUNCIL MEMBER, IN NOVEMBER OF LAST YEAR THE WRDA, WHICH IS THE WATER RESOURCE DEVELOPMENT ACT, WAS PASSED IN 2007, THIS ENABLED AND APPROVED APPROPRIATIONS OF \$46 MILLION, OF WHICH THE CITY OF AUSTIN HAS A PROJECT -- SEVERAL PROJECTS THAT WOULD BE ELIGIBLE FOR THAT. SO AS YOU KNOW, THAT IS WHERE RESOURCES ARE FOR US TO CONTINUE IN THE WORK THAT WE DO, AND WE NEED TO CONTINUE THOSE EFFORTS.

MAYOR WYNN: COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: MY UNDERSTANDING ALSO IS THAT WHILE WE NEED AN ON THE GROUND LEGISLATION AND PRESENCE IN WASHINGTON, D.C., WHICH IS ONE OF THE THINGS SHE DIVED FOR TRANS IDENTIFIED FOR TRANSIT FUNDING, ALL LOBBYISTS WE HIRE HERE HAVE THE RELATIONSHIPS WORKING WITH OUR CONGRESSIONAL DELEGATION AS WE. WE MAY BE ABLE TO LEVERAGE THE FACT THAT WE HAVE OUR TEAM WORKING FOR US THE ENTIRE TWO YEARS, TO WORK WITH OUR CONGRESSIONAL DELEGATIONS AS WELL, BECAUSE WE HAVE FOUR MEMBERS OF THE CONGRESSIONAL DELEGATION WHO REPRESENT PART OF AUSTIN.

THERE'S NO QUESTION. IN FACT, WE'VE DONE THAT IN THE PAST. WE'VE USED THESE

CONTRACTS AS WELL IN SOME OF OUR EFFORTS IN D.C., BECAUSE THEY DO HAVE ASSOCIATIONS. EITHER THEIR LAW FIRMS HAVE A PRESENCE IN D.C. OR THEY ACTUALLY DO THAT WORK AS WELL. SO THAT'S -- THAT'S ALWAYS AN OPPORTUNITY FOR US. AND WE'LL LOOK AT THOSE OPPORTUNITIES.

MAYOR WYNN: COUNCIL MEMBER KIM?

KIM: ONE OTHER THING THAT I KNOW THAT WE NEED TO TAKE A LOOK AT IS COORDINATING OUR LOBBYING EFFORTS FOR ADDITIONAL FUNDING FROM THE FEDERAL GOVERNMENT. FOR EXAMPLE, AUSTIN SAN ANTONIO RAIL CORRIDOR HAS PEOPLE WHO ARE LETTING PEOPLE KNOW AT THE CONGRESSIONAL LEVELS, WITH ?AR KAY BAILEY HUTCHISON, HOSE VERY SUPPORTIVE OF THIS PROJECT, TO MOVE FREIGHT OFF OF THAT LINE AND HAVE PASSENGER RAIL FOR THE CORRIDOR. AND SO I WOULD JUST LIKE TO ASK THAT WHILE WE'RE LOOKING AT AN INCREASED PRESENCE IN WASHINGTON, D.C., THAT WE ALSO LOOK AT WHO HAS HIRED WHOM FOR THE OTHER AREAS OF COLLABORATION, FOR EXAMPLE, WITH THE RAIL PROJECT.

ABSOLUTELY, AND COORDINATING WITH NUMEROUS REGIONAL GOVERNMENTS IN THEIR EFFORTS IN D.C., OF COURSE THAT WOULD BE PART OF IT.

KIM: THANK YOU.

MAYOR WYNN: AND COUNCIL MEMBER MARTINEZ?

MARTINEZ: THANK YOU. THANKS, MAYOR. I WANTED TO ASK A LITTLE BIT ABOUT THE PLAN FOR WHEN THIS COMES BACK BEFORE OCTOBER, IN TERMS OF EVALUATING OUR CURRENT PROCESS AND ACTUAL TEAM MEMBERS AND WHETHER OR NOT WE'RE GOING TO HAVE SOMETHING THAT COUNCIL CAN CONSIDER MOVING FORWARD AS TO. WHAT IS THE BEST MAKEUP OF OUR TEAM? WE HAVE ALL KINDS OF ELECTIONS GOING ON THIS MARCH AND THEN ULTIMATELY IN NOVEMBER THAT COULD HAVE A SIGNIFICANT IMPACT ON HOW THE LEGISLATURE LOOKS. AND SO WHAT I'D LIKE TO DO OR WHAT I'D LIKE TO SEE IS SOME TIME OF PROCESS COMING BACK THAT TAKES THOSE, I GUESS -- THAT TAKES THAT INTO CONSIDERATION AND ALLOWS COUNCIL TO PUT THE BEST TEAM FORWARD BASED ON AUSTIN'S NEEDS AND BASED ON THE CURRENT PICTURE OF THE -- WHAT WE'RE LOOKING AT IN THE LEGISLATURE FOR THE NEXT SESSION. IS THAT SOMETHING THAT STAFF HAS CONSIDERED OR IS THAT SOMETHING THAT CAN BE ACCOMPLISHED BETWEEN NOW AND THIS COMING OCTOBER WHEN WE REALLOCATE THIS?

ABSOLUTELY, COUNCIL MEMBER, AND, IN FACT, I THINK IT'S SOMETHING WE WOULD COME BACK TO YOU WEIGH ADVANCE IN OCTOBER. SO AGAIN, DURING THAT BUDGET CYCLE YOU HAVE THE OPPORTUNITY, AND WHAT WE WILL DO IS COME BACK TO YOU WITH A PLAN, BOTH INCORPORATING WHAT I'VE HEARD TODAY IN TERMS OF A FEDERAL EFFORT AND ALSO LOOKING AT OUR STATE EFFORT AND SEEING IF WE NEED TO MAKE CHANGES, AND

THEN HOW WE MIGHT MAKE THOSE CHANGES AND HOW THOSE TWO CAN COMPLEMENT ONE ANOTHER. WE WILL BRING BACK SOMETHING TO YOU IN ADVANCE OF THE BUDGET SESSION SO THEN YOU CAN MAKE THOSE DECISIONS AND GIVE US DIRECTION. AND AGAIN, IN RESPONSE TO MAYOR PRO TEM'S COMMENT, IF WE FEEL THAT WE NEED A PRESENCE OR SOME CHANGES THIS YEAR, WE WILL -- ESPECIALLY IF WE NEED AN ENHANCED EFFORT IN WASHINGTON, D.C., WE CAN BRING THAT TO YOU AT THAT TIME AS WELL. SO WE WILL COME BACK TO YOU WITH A COMPREHENSIVE PLAN ON HOW TO MOVE THIS FORWARD. I AM HEARING, AND WE HAVE HEARD, THAT THERE IS TIME TO REEVALUATE THIS, AND WE COULDN'T AGREE MORE. THERE'S NO QUESTION THAT WE CAN BRING YOU SEVERAL OPTIONS, AND THEN YOU CAN GIVE US FURTHER DIRECTION AND WE CAN BRING THOSE BACK AS WE BRING BACK NEW CONTRACTS.

GREAT. I HAD ONE OTHER QUESTION THAT WAS ASKED OF ME THAT I COULDN'T ANSWER. I THINK I KNOW THE ANSWER BUT I WANTED TO ASK AND JUST ALLOW THE PUBLIC COMMENT ON THAT.

SURE.

MARTINEZ: AND THAT WAS, WE'RE VOTING ON THIS ITEM AND IT'S ROUGHLY A MILLION DOLLARS WORTH OF SERVICE CONTRACTS BUT YET THERE WAS NO RFP AND NO OPPORTUNITY FOR ANY FOLKS TO SUBMIT AND, YOU KNOW, COME TO US AND SAY, WE THINK WE'D BE GREAT FOR YOUR TEAM. J IS THAT AND WHAT ALLOWS US TO AUTHORIZE THIS WITHOUT AN RFP PROCESS?

ABSOLUTELY. I'LL TALK TO YOU HOW WE'VE USED THIS PROCESS, BUT I'M ALSO -- IF BYRON JOHNSON IS AVAILABLE -- YEAH, HE IS. I'D RATHER HIM SPEAK TO YOU ABOUT THE LAW AND WHAT ENABLES US TO DO THAT. BUT IN THE PAST, AND THIS IS SOMETHING THAT HAS BEEN CONSISTENT FOR THESE KINDS OF CONTRACTS, IS WE'VE LOOKED AT THE NEEDS THAT WE HAVE, SPECIFIC NEEDS, AND IDENTIFIED THOSE AND HAD CONVERSATIONS WITH PEOPLE WHO HAVE HAD THOSE. OBVIOUSLY WE DO GET PHONE CALLS A LOT, AND PURSUE THOSE TO SEE IF THERE'S A GAP THAT WE NEED TO FILL IN TERMS OF BRINGING A COMPLETE TEAM TO YOU THAT BRINGS US THOSE RESOURCES. SO THAT IS HOW WE'VE BEEN ACCOMPLISHING THAT. AGAIN, COUNCIL MEMBER, IF THERE'S SOMETHING THAT YOU WOULD WANT, WE WILL LOOK AT PROCESS AS WELL AS PLAN WHEN WE BRING YOU BACK SUGGESTIONS. BUT I'LL LET BYRON FOLLOW UP, OR JIMMY, FOLLOW UP, IF I'VE MISSED ANYTHING.

MARTINEZ: MORNING, JENNY.

MORNING. STATE PROCUREMENT LAW DOES NOT REQUIRE US TO PROCURE FOR PROFESSIONAL SERVICES, AND THE LOBBY CONTRACTS ARE CONSIDERED PROFESSIONAL SERVICES. SO THERE'S NOT A TRADITIONAL PROCUREMENT SERVICE FOR THAT.

MARTINEZ: OKAY. THANK YOU.

UH-HUH.

MAYOR WYNN: COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: AND I THINK IT'S IMPORTANT FOR ALL OF US TO REMEMBER THE ACCOMPLISHMENTS THAT OUR LEGISLATIVE EFFORTS HAVE ACHIEVED, WHICH ARE REALLY PHENOMENAL, BECAUSE WITH PROBABLY FIVE, SIX SECTIONS RUN AT A MINIMUM, DEFINITELY SINCE I'VE BEEN ON THE COUNCIL, THERE HAVE BEEN SERIOUS LEGISLATIVE EFFORTS THAT CAME CLOSE TO SUCCESS TO GUT THE CITY OF AUSTIN'S ABILITIES TO HAVE ITS OWN WATER QUALITY AND ENVIRONMENTAL CONTROLS, REMOVE THEM, STRIP THEM FROM THE CITY OF AUSTIN. WHERE WE GOT DOWN TO THE FINAL HOURS OF THE SESSION NOT SURE WHETHER THOSE EFFORTS WOULD SUCCEED OR NOT. AND SO I THINK WE SHOULD BE GRATEFUL FOR THAT GREAT EFFORT ON OUR LEGISLATIVE REPRESENTATION IN THE CAPITAL. WE HAVE ALSO HAD FOR THREE SESSIONS RUNNING SERIOUS WL ORGANIZED GENUINE THREATS THAT HAVE GUTTED THE ABILITY OF CITY GOVERNMENT TO HELP POLICE AND FIRE PROTECTION, ROAD MAINTENANCE THROUGH -- FROM -- THROUGH REVENUE CAPS. THIS IS SERIOUS BUSINESS THAT WOULD HAVE PERMANENTLY HOB BE THE CITY OF AUSTIN TO PROVIDE BASIC LOCAL SERVICES. THERE WAS A SERIOUS WELL FUNDED EFFORT TO STRIP STRIP OF CITY OF ITS MCMANSION ORDINANCE, WHICH WE WERE SUCCESSFUL IN HAVING LOCAL CONTROL OVER LAND USE ISSUES SUCH AS THAT. AND ALSO OUR LOBBYING TEAM IN PARTNERSHIP WITH OUR LOCAL DELEGATION, HAD A -- AN INCREDIBLY SUCCESSFUL EFFORT THAT ALMOST GOT PAST ON ITS FIRST GO-ROUND ON SH-130 INFRASTRUCTURE LEGISLATION. AND SO WE HAVE SOME MAJOR ACHIEVEMENTS THAT I THINK THE CITY OF AUSTIN -- ALL AUSTIN TAXPAYERS, RESIDENTS CAN BE VERY GRATEFUL FOR THOSE SUCCESSES. THEY DIDN'T HAPPEN BY ACCIDENT: I KNOW THAT A LOT OF THE FOLKS IN THIS ROOM, YOU KNOW, KRISTEN, JOHN, LAURA HUFFMAN ARE DOING THINGS LIKE GOING UP AT 11:00 AT NIGHT TO THE CAPITAL, MEETING OUR LOBBYISTS WHO ARE ALSO SHOWING UP AT THE CAPITAL AT 11:00 OR MIDNIGHT TO PREVENT EFFORTS TO GUT THINGS THAT ARE PART OF OUR CORE MISSION AND VALUES IN THIS COMMUNITY. SO THESE ARE SOME GOOD SUCCESSES THAT ARE A GOOD RETURN ON OUR INVESTMENT FOR QUALITY OF LIFE HERE IN AUSTIN. SO I APPRECIATE ALL YOU-ALL'S GREAT WORK.

THANK YOU VERY MUCH.

MAYOR WYNN: FURTHER COMMENTS? COUNCIL MEMBER COLE?

COLE: IN ADDITION TO THE DIRECT THAT WE ASK YOU TO TAKE ON TRYING TO GET OUR CURRENT LOBBY TEAM TO GIVE YOU SOME FEEDBACK ON THE FEDERAL LOBBYING EFFORT, I THINK IT'S IMPORTANT THAT WE REALIZE EVEN IN THE OFF-SEASON WHEN THE LEGISLATURE IS NOT MEETING, WE'RE ASKING THAT TEAM TO WORK. WE'RE ASKING THEM

TO GO TO INTERIM COMMITTEE MEETINGS AND WE'RE ALSO ASKING THEM TO ACTIVELY PARTICIPATE IN THE POLITICAL PROCESS SO THAT WE KNOW WHAT WE SHOULD BE DOING EVEN IN THE OFF-SEASON, AND I WOULD THINK SOME OF THAT WORK WOULD BE OF VALUE TO US IN TRYING TO EVALUATE WHEN WE USE THAT FEDERAL CONTRACT AND WHAT WE NEED TO BE GETTING READY FOR IN THE UPCOMING SEASON.

ABSOLUTELY. THIS IS THE TIME IN WHICH WE PREPARE AND WHICH WE CONTINUE OUR RELATIONSHIP-BUILDING AND ANTICIPATE WHAT'S GOING TO BE PART OF A CRAZY, FRANTIC 140 DAYS STARTING IN JANUARY. SO ABSOLUTELY.

MAYOR WYNN: AGAIN, TECHNICALLY WE HAVE ALREADY APPROVED THIS ITEM ON OUR CONSENT AGENDA EARLIER, ITEM NO. 11, HAD SOME ADDITIONAL DIRECTION OF STAFF AND ADDITIONAL QUESTIONS ANSWERED. FURTHER COMMENTS OR QUESTIONS OF STAFF? NO NEED TO RECONSIDER THE ITEM? THANK YOU ALL VERY MUCH.

THANK YOU.

MAYOR WYNN: SO COUNCIL, THAT CONCLUDES OUR MORNING APPROVALS AND BRIEFING. AT THIS TIME WITHOUT OBJECTION WE'LL GO INTO CLOSED SESSION PURSUANT TO SECTION 551.071, TO TAKE UP POTENTIALLY SOME LEGAL ITEMS, ITEMS 85, REGARDING THE TRANSITION WITH OUR TRAVIS COUNTY HEALTH CARE DISTRICT, ITEM NO. 86 REGARDING LEGAL ISSUES REGARDING ARBITRATION OF ANNEXED SERVICE PLANS FOR A NUMBER OF AREAS. ITEM NO. 87, LEGAL ISSUES REGARDING THE REDEVELOPMENT OF THE SEA HOME POWER PLANT BUILDING AND PROPERTY, SWENGS POTENTIAL LEGAL ITEMS ON 89, REGARDING OUR AUSTIN WATER UTILITIES CUSTOMER DAMAGES REIMBURSEMENT FUND. WE MAY ALSO TAKE UP A REAL ESTATE MATTER, ITEM NO. 88, REGARDING THE SEAHOLM POWER PLANT AS A REAL ESTATE MATTER IN CLOSED SUCH AS WELL. I ANTICIPATE US COMING BACK INTO CLOSED SESSION RIGHT AT NOON FOR OUR GENERAL CITIZEN COMMUNICATION, AND THEN RETIRING BACK INTO CLOSED SESSION AROUND 12:30 FOR THE REST OF THESE THAT SHOULD TAKE US INTO THE MIDAFTERNOON. SO WE ARE NOW IN CLOSED SESSION. WE SHOULD BE BACK AT NOON FOR CITIZEN COMMUNICATION. THANK YOU.

Dunkerley: WE'RE READY FOR OUR CITIZENS COMMUNICATION, AND OUR FIRST SPEAKER IS FRED SHUFFIELD. IS FRED HERE?

THEY SAID HE IS OUT OF TOWN ON AN EMERGENCY AND WILL NOT BE HERE.

Dunkerley: GREAT. THANK YOU. THE NEXT PERSON ON MY LIST IS PAUL ROBBINS.

AUSTIN IS KNOWN AROUND THE COUNTRY AS A GREEN CITY AND A CLEAN ENERGY CAPITAL OF THE NATION. NUCLEAR POWER IS NEITHER GREEN NOR CLEAN, NOR IS IT CHEAP, RENEWABLE OR SAFE. IT'S NOT GREEN OR CLEAN DO YOU TO YOU ARE RAN NUMB MINING --



URANIUM MINING. THERE'S A LOT OF LOW LEVEL RADIOACTIVE WASTE IN THE PATH OF THE CONTAMINATED AQUIFERS AND OTHER DRINKING SOURCES IN THE LAND AROUND IT. BETWEEN THE MINING, ITS ENRICHMENT OF URANIUM CONSTRUCTION, THERE'S ENORMOUS RELEASE OF FOSSIL FUEL EMISSIONS. THE COST IS ALSO VERY HIGH. THE SOUTH TEXAS NUCLEAR PROJECT ORIGINALLY BACK IN THE 70'S AND 80'S HAD A BUDGET OF LESS THAN A MILLION DOLLARS WITH AN ACTUAL 5.6 BILLION AND WAS SAID TO BE BUILT IN FOUR YEAR AND INSTEAD WAS BUILT IN 12. THE EXPANSION IS ESTIMATED AT 6.6 TO 8.6 BILLION WITH MOODY'S CORPORATION FINANCE ESTIMATE AT 16.2 BILLION. THEY'RE ALSO SAYING THAT IT'S ALSO GOING TO BE ONLY FOUR YEARS, BUT WHO'S TO SAY. RENEWBL. THIS IS NOT A RENEWABLE RESOURCE. SOME REPORTS SHOW TODAY THAT THE URANIUM HAD MAYBE LESS THAN 2,000 FLIRT AND THAT WILL RUN OUT AT SOME POINT. THERE ARE ALSO A LOT OF ACCIDENTS, LEAKS, COOLING ISSUES AND STORAGE. COOLING ISSUES, URANIUM OR NUCLEAR POWER REQUIRES A LOT OF WATER FOR COOLING, AND WITH INCREASED TEMPERATURES AND DROUGHTS AND ALSO WATER ISSUES THAT WE HAVE HERE IN TEXAS, THIS COULD DEFINITELY BECOME AN ISSUE. STORAGE IS DEFINITELY AN ISSUE AFTER 50 YEARS OF PRODUCING THE MINING TAILINGS AND ALSO FROM THE MAINTENANCE AND EVERYTHING OF RUNNING A NEW NUCLEAR POWER PLANT THIS, STORAGE OF THIS MATERIAL STILL HAS NOWHERE TO GO. IT DOES NOT HAVE A HOME. WHO IS TO SAY IF TERRORISTS OR OTHERS GET HOLD OF THE RADIOACTIVE TERG? WHAT I WOULD LIKE TO SEE AUSTIN DO IS CONTINUE TO BE A GREEN CITY AND A CLEAN CITY. AND TO PROMOTE AND KEEP GOING WITH THE PLANS IN PLACE WITH SOLAR POWER AND WIND POWER, GREEN BUILDING AND ON SITE CO-GENERATION BUILDING SUCH AS DELL'S CHILDREN HOSPITAL. SO I ASK YOU NOT TO CONSIDER NUCLEAR POWER PLANT EXPANSION AS CLEAN ENERGY FOR OUR FUTURE. THANK YOU.

THERE IS A NEW PRODUCT BEING SOLD AT H.E.B. (INDISCERNIBLE) ITS OWNER MAY BE THE SAME (INDISCERNIBLE) PLACED TO COUNTER MASSIVE HOLOCAUST OF CHILDREN IN THE KOREAN AND VIETNAM CONFLICTS. THEY CONTINUE THE BUSINESS MODEL. SOME MONTHS AGO THIS GUY WAS HIT BY A MILITARY STYLE COMMANDO, BUT MISSED. SO H.E.B. MIGHT BE LAUNDERING DRUG MONEY. NUMBER TWO, I ASKED FOR A JUDGE FOR TWO RAIDS BY THE A.P.D. AND HI A CHANCE TO RESIDENCE THE TRIAL BEFORE NINE WHICH THE INDIVIDUAL REPRESENTED HIMSELF AND HE WAS TICKETED AT 95 MILES PER HOUR ON MOPAC AND THEN 60 ON ENFIELD BY AN OFFICER OPERATING HER COMPUTER. THE OFFICERS WERE WORRIED ABOUT (INDISCERNIBLE). AT THE END, CHARGES WERE DISMISSED BY JUDGE MITCHELL SOLOMON. THEN HE EXCUSES HIMSELF FOR A MOMENT, THEN THE PROSECUTOR STANDS UP AND EX-CLAIMS, THAT WAS FUCKING BULL SHIT. A SECOND TIME LATER. I ASKED SECURITY, HOW CAN HE SAY THAT IN A COURTROOM? HE SAID I'M NOT HERE. AS THE SPEEDING OFFICER WALKED OUT OF THE ROOM, I KNEW I WAS IN A BAD SPOT AND I WAS UP NEXT. AGAIN, DURING QUESTIONING, JUDGE SOLOMON ALLOWED OFFICER DAVIS TO LIE UNDER OATH SEVERAL TIMES AS DID BEFORE. THEN I SAID WHAT ABOUT DRUG DEALING AND THE POLICE COMING DOWN ON US? HE SAID CALL 311. THE CHIEF KNOWS THIS CRIME BARRAGE HAS BEEN INTRODUCED. HE CANNOT ROUND THEM UP IN 15

MINUTES. INSTEAD HE SET UP A CHECKPOINT TWICE FOR (INDISCERNIBLE) TO GO THROUGH. HOW DO YOU SAY COWARD IN SPANISH? TRAVIS COUNTY HOLDS THE WORST ERRORS IN EDUCATION, EMPLOYMENT AND POVERTY ALL FED BY FEAR. BY THE WAY, MRS. FUTRELL HAS BEEN SPOTTED IN THE AREA RECENTLY. I'LL KEEP MY EYES OPEN. THANK YOU.

BRAD DENTON. MAYOR PRO TEM, CITY COUNCILMEMBERS, CITY MANAGER, I THINK I'VE GOT EVERYBODY. I'M HERE AS A MEMBER OF THE AFFORDABLE HOUSING TASKFORCE AND A MEMBER OF THE REAL ESTATE COUNCIL OF AUSTIN. THE TASKFORCE THAT WAS CREATED WELL OVER A YEAR AGO MET ABOUT 20 TIMES OVER A SEVEN-MONTH PERIOD. IT WAS A COLLABORATIVE EFFORT OF AFFORDABLE HOUSING ADVOCATES, NEIGHBORHOOD LEADERS, DEVELOPERS, CITY STAFF AND OTHERS, MR. HILGERS AND HIDZ STAFF ESPECIALLY WERE VERY HELPFUL. THE TASKFORCE PUT FORWARD NEARLY A DOZEN RECOMMENDATIONS THAT WERE VOTED ON UNANIMOUSLY BY ALL MEMBERS OF THE TASKFORCE, ALL BUT ONE RECOMMENDATION, AND IT STILL RECEIVED THE MAJORITY VOTES. OVERALL THE DRAFT OARNS THAT YOU WILL CONSIDER LATER TODAY WE THINK ACCURATELY CAPTURES THE RECOMMENDATIONS OF THE TASKFORCE; HOWEVER, A COUPLE OF CLARIFICATIONS NEED TO BE INCLUDED AND ARE CURRENTLY BEING ADDRESSED BY CITY STAFF. SECTION 3 OF THE DRAFT ORDINANCE, WHICH IS 25-2-586-D, THE TASKFORCE RECOMMENDED A SPECIFIC LIST OF INCENTIVES THAT GO HAND IN HAND WITH THE LEVELS OF AFFORDABILITY. TO THE EXTENT THIS LIST OF INCENTIVES IS MODIFIED, SO TOO WILL WE NEED TO CONSIDER THE LEVELS OF AFFORDABILITY THAT WERE AGREED TO. SPECIFICALLY UNDERSECTION 3 OF THE TASKFORCE, ESPECIALLY THE CBDDMU SECTIONS, IS RECOMMENDATION STATES THE FOLLOWING: PROVIDED DEVELOPERS MAINTAIN AFFORDABILITY RESTRICTIONS OUTLINED BELOW, THEY WOULD BE ENTITLED TO ALL OF THE FOLLOWING INCENTIVES. NUMBER 1, FAST TRACK PERMITS. NUMBER 2, ALL CITY OF AUSTIN FEES WAIVED, INCLUDING PARKLAND DEDICATION, DRAINAGE, WHICH ALSO INCLUDES RSMP AND WAIVED DRAINAGE FEES, ELECTRICAL METERS, STREET LIGHTING, WATER METERS, SEWER TAPS, STREET CLOSURE FEES. AND UNDER LICENSE AGREEMENTS, THE FEES WOULD BE WAIVED AND WE WOULD RECEIVE EXPEDITED PROSTLES. ALSO AUSTIN ENERGY FEES SHOULD BE WAIVED AND ANY AND ALL OTHER CITY FEES OR ACTIONS. CURRENTLY THE ORDINANCE TALKS ABOUT DEVELOPMENT FEES BEING WAIVED AND WE WOULD LIKE TO HAVE THE EXTENSIVE LIST OF INCENTIVES DETAILED OUT. THREE WEEKS AGO THE COMMUNITY DEVELOPMENT COMMISSION APPROVED THIS RECOMMENDATION, INCLUDING PARKLAND DEDICATION FEES AND ALSO THE COMMERCIAL FEES IN LIEU. TWO WEEKS AGO THE PLANNING COMMISSION APPROVED THE DRAFT ORDINANCE WITH SOME CLARIFICATIONS. LAST FRIDAY THE AFFORDABLE HOUSING INCENTIVE TASKFORCE MEMBERS, TWO OR THREE MEMBERS, MET WITH THE DENSITY BONUS TASKFORCE THAT'S PART OF THE AUSTIN DESIGN COMMISSION. AND WE AGREED TO INCLUDE THEIR RECOMMENDATIONS IN THE AFFORDABLE HOUSING TASKFORCE ORDINANCE AS WELL. SPECIFICALLY THE DESIGN COMMISSION WOULD LIKE 50% OF ANY OF THE FEES IN LIEU TO GO TOWARD AFFORDABLE HOUSING AND 50% OF

OTHER COMMUNITY VALUES AND NEEDS AS WELL. THEY ALSO WANT DEVELOPERS TO INCORPORATE GREAT STREETS. WE AGREE WITH ALL THESE RECOMMENDATIONS, ALTHOUGH WE AGREED WITH THE -- WITH THE DESIGN COMMISSION THAT 100% OF FEES IN LIEU FOR RESIDENTIAL PROJECTS WOULD GO TO THE RESIDENTIAL PROJECTS OF FEES IN LIEU FOR NONRESIDENTIAL PROJECTS, 50% WOULD GO TO AFFORDABLE HOUSING AND 50% WOULD GO TO OTHER COMMUNITY NEEDS. SO WE SUPPORT THOSE RECOMMENDATIONS. THERE'S ALSO BEEN TALK ABOUT PULLING OUT CBD AND DMU FROM THE AFFORDABLE HOUSING TASKFORCE. THANK YOU FOR INDULGING ME. THERE'S ALSO BEEN TALK ABOUT PULLING THAT OUT FROM THE TASKFORCE RECOMMENDATION IN THE ORDINANCE. WE WOULD ASK THAT YOU PLEASE KEEP THAT IN THERE WITH THE NUMBER OF BORES AND COMMISSIONS THAT HAVE GONE THROUGH AND WORKED TOGETHER ON THIS, WOOF BEEN ABLE TO INCLUDE EVERYBODY AGO RECOMMENDATIONS, EVERYBODY'S CHANGES THAT HAVE BEEN MADE, WE THINK, AND WE WOULD ASK THAT YOU APPROVE THE ORDINANCE IN ITS ENTIRETY. PLEASE KEEP CBD AND DMU AS PART OF THAT PROCESS. AND WE WOULD ASK THIS EVENING THAT YOU DO THE SAME. THANK YOU.

AS FATHER FRANKS OF SAN JOSE CATHOLIC CHURCH APPROPRIATELY PUT IT, PLEASE REPRESENT THE ONES THAT ARE NOT REPRESENTED, UNREND OR THE NEEDY, THE POOR AND THE HAVE NOTES, THE GAP WIDENS. AS YOU KNOW, YOU MIGHT HAVE SEEN THE NEWS LAST NIGHT AND A COUPLE OF CHANNELS. THE UNITED STATES ATTORNEY'S OFFICE, MR. SUTTON, THE F.B.I., ATF AND DEA MADE GOOD ARRESTS ON GANG MEMBERS. YOU MIGHT FROWN, BUT THIS IS A PROBLEM THAT IS INCREASING HERE IN AUSTIN. IT IS NOT ACCEPTABLE TO HAVE HOOD LUMS, WHETHER THEY BE JUVENILE OR ADULT FOLLOW PEOPLE AND HARASS PEOPLE AND FOLLOW THEM IN THEIR CARS AND NOTHING IS BEING DONE ABOUT THAT. IT IS NOT LAWFUL TO HARASS PEOPLE WHO ARE BEING LAW LAW-ABIDING CITIZENS, KIDS WHO ARE IN SCHOOL AND TRY TO GET THEM TO JOIN GANGS. I HAVE BEEN REASSURED THAT THE FEDS WILL DO EVERYTHING THEY CAN IN THEIR POWER TO MAKE MORE ARRESTS AND ARREST THESE HOOD LUMS. COUNCILMEMBER LEFFINGWELL, I BELIEVE -- I BELIEVE I CAN STATE THIS UNLESS MR. SUBMITS OR MR. MARTINEZ IS A MILITARY VETERAN. WE HAD A POWERFUL MEETING WITH THE TEXAS VETERANS COMMISSION LAST WEDNESDAY. THIS MEETING WAS WELL ATTENDED BY ALL MEMBERS OF THE MILITARY SERVICE COALITIONS THROUGHOUT THE STATE OF TEXAS, VETERAN SERVICE OFFICERS, ETCETERA. THE KEY CRITICAL ISSUES WERE OF COURSE AFFORDABLE HOUSING, HEALTH CARE, MENTAL HEALTH CARE, JOB TRAINING, COMPREHENSIVE JOB TRAINING AND JOBS THAT ARE SUPPOSED TO BE FOR VETERANS UNDER VETERANS PREFERENCE AND THEY'RE NOT. I WOULD CHALLENGE THE CITY OF AUSTIN TO LOOK AT YOUR POLICIES AGAIN, POLICY AND PROCEDURES THAT THE PERSONNEL DEPARTMENT, HUMAN RESOURCE DEPARTMENT TO ENSURE THAT THE VETERANS GET A FAIR SHAKE. WE HAVE A LOT OF VETERANS THAT STAND TO LOSE THEIR HOMES TO FORECLOSURE, A LOT OF MENTAL HEALTH PROBLEMS. THEY NEED TREATMENT. JUST TO KIND OF WRAP IT UP. SUNNY MEADE APARTMENTS ON OLTORF, JUST ONE BLOCK EAST OF SOUTH CONGRESS, IS SCHEDULED FOR DEMOLITION. IT'S GOING TO DISPAIS A LOT

DISPLACE A LOT OF POOR PEOPLE WITH DISABILITIES, PEOPLE THAT WON'T BE ABLE TO AFFORD THE NEW PRICES THAT COME WITH THE AFFORDABLE HOUSING. GIVE ME A CLEAR-CUT DEFINITION OF WHAT AFFORDABLE IS. I WOULD LIKE TO SEE THE CITY COUNCIL AND THE MAYOR HAVE MORE BETTER COMMUNICATION AND DIALOGUE AND INTERACTION WITH THE COUNTY COMMISSIONERS COURT ALSO. I THINK WE SHOULD IMPROVE THAT IN AND FOR THE BEST INTEREST OF THE TAXPAYERS. LASTLY, -- LET ME WRAP IT UP. LASTLY I JUST WANT TO MAKE SURE THAT WHEN THE NEW CITY MANAGER COMES ABOARD, IT WOULD BE NOT AN OPEN DOOR POLICY, BUT EVERYBODY WOULD BE AFFORDED THE ABILITY TO SPEAK TO MR. OTT, AND I THANK Y'ALL VERY MUCH FOR YOUR TIME. PLEASE DIGEST THE (INDISCERNIBLE) AND MAKE IT MORE INCLUSIVE FOR THE TAXPAYERS.

PAT JOHNSON. EXCUSE ME, COUNCILMEMBER.

Leffingwell: I JUST WANT TO COMMENT THAT MAYBE YOU'RE NOT AWARE OF ALL THE THINGS THE CITY OF AUSTIN IS DOING TO HELP PARTICULARLY OUR PEOPLE WHO ARE IN THE RESERVE AND GUARD. AUSTIN RECENTLY WAS AWARDED FIVE STAR STATUS BY THE DEPARTMENT OF DEFENSE. WE MEET AND EXCEED ALL THE CRITERIA THEY RECOMMEND FOR OUR GUARD AND RESERVE PEOPLE WHO ARE CALLED TO ACTIVE DUTY. WE PAY PROTECT THEM. WE MAKE SURE THAT INSURANCE REMAINS ENFORCE FOR THEM AND THEIR FAMILIES AND WE ENSURE THAT THEIR JOB IS THERE WAITING FOR THEM TWH THEY GET BACK. WE HAVE GONE TO THE EXTRA EXPENSE TO HIRE AN OMBUDSMAN WHOSE FULL-TIME JOB IS DEALING WITH ISSUES INVOLVING OUR RESERVISTS AND GUARDSMEN WHO ARE CITY EMPLOYEES AND ALSO HELPING THEM WITH THE TRANSITION, HELPING THEIR FAMILIES WHILE THEY'RE GONE AN HELPING THEM TRANSITION INTO THE CIVILIAN WORKFORCE WHEN THEY GET BACK. SO WE'RE DOING A GREAT DEAL. WE'RE ONE OF THE FEW EMPLOYERS IN THE STATE OF TEXAS THAT HAS THIS FIVE-STAR AT THAT TIME TUS. AND WE'RE ALSO WORKING ON EFFORTS TO TRY TO CONVINCE OTHER EMPLOYERS IN THE CITY OF AUSTIN TO FOLLOW OUR LEAD AND ADOPT SIMILAR PROGRAMS. SO I'M AWARE OF THE PROGRAM. I THINK WE HAVE SOMETHING LIKE 1500 HOMELESS VETERANS ON THE STREETS OF AUSTIN RIGHT NOW. AND WE WANT TO DO SOMETHING ABOUT IT.

OKAY. TRY MORE THAN 15 HOMELESS VETERANS. THERE ARE MORE LIKE ABOUT 1500. THANK YOU VERY MUCH FOR THE EFFORT. I KNOW WHAT'S OUT THERE AND NOT OUT THERE.

Leffingwell: IF IT SOUNDED LIKE I SAID 15, I MEANT TO SAY 1500. I THOUGHT I SAID 15.

YOU'RE CORRECT. 1500. THANK YOU FOR YOUR EFFORTS OUT THERE.

Dunkerley: THANK YOU VERY MUCH. AND YOU DID SAY 1500. PAT JOHNSON?

GOOD DAY, COUNCIL. I'M GOING TO COME BACK HERE AND START SPEAKING TO Y'ALL AGAIN. I SPEAK ABOUT ISSUES THAT BENEFIT THE TAXPAYERS AND THE CITIZENS. TODAY'S

TOPIC IS THE SUBDIVISION INFRASTRUCTURE WARRANTIES IS COSTING THE TAXPAYER GREATLY. THE CURRENT STREET WARRANTY IS INADEQUATE. SUBDIVISIONS BUILT EAST OF 35 DUE TO THE SOIL COMPOSITION, EAST AND WEST OF 35 WE'VE GOT ALL ROCK. EAST OF 35 WE'VE GOT GUMBO, CLAY, SAND. REQUIRES REPAIR WITHIN 15 MONTHS OF BEING BUILT. RIVERSIDE MEADOWS, THAT'S THE CENTEX SUBDIVISION. AND THE FRONTIER AT MONTANA, THE AUSTIN CORPORATION DEVELOPMENT, ALL HAVE STREET FAILURES. FRONTIER AT MONTANA IS EXTREMELY BAD. THE CONTRACTOR PUT IN THE WRONG ROCK IN THE STORM WATER FACILITY. THE HANDY CANNED RAMPS ARE -- THE HANDICAPPED RAMPS ARE HOLDING WATER AND JUST ABOUT EVERY STREET NEEDS TO BE FIXED. WITH THE ONE YEAR WARRANTY WE HAVE IN PLACE NOW, THE TAXPAYERS WILL BE PICKING UP THE TAB. THE SAME THING OVER THERE AT RIVERSIDE MEADOWS. THE CULVERT THEY PUT YURTDZ NEETSZ THE ROAD THERE OVER HAS GOT STRUCTURAL DAMAGE TO IT. PHASE 1 IS OUT OF WARRANTY. WHO PICKS UP THE TAP WE DO. TO ADDRESS THE WARRANTY PROBLEMS THAT WE CURRENTLY HAVE REQUIRE THREE-YEAR INFRASTRUCTURE WARRANTY THAT INCLUDES MAINTENANCE AND A MIGHTER BOND PERCENTAGE. FOR ANY SUBDIVISION BUILT EAST OF 35 OR IN THE E.T.J. DETENTION PONDS, DRAINAGE CHANNELS AND STORM WATER FACILITIES A TWO-YEAR WARRANTY ON VEGETATION, SEDIMENT CONTROLS AND MAINTENANCE. NOW, SOME OF THE SAME CONTRACTORS THAT DID RIVERSIDE MEADOWS IS RESPONSIBLE FOR POLLUTING HAMILTON POOL. THESE DEVELOPERS PUSH THESE CONTRACTORS INTO WORKING LONGER THAN NORMAL HOURS, IN WEATHER CONDITIONS WHEN THE GROUND IS COMPLETELY SOAKED, AND I DON'T CARE IF YOU PUT 12 INCHES OF BASE ON THE GROUND AND THEN PUT TWO INCHES OF ASPHALT ON TOP, WHEN HAVE YOU ALL THAT HEAVY TRUCK EQUIPMENT GOING IN THERE LIKE CEMENT TRUCKS, GARBAGE TRUCKS, DUMP TRUCKS, CONCRETE PUMPER ON THOSE STREETS, THE STREETS BREAK UP. NOW, HERE WE HAVE THE STAFF MEMBERS, CITY STAFF THAT ACKNOWLEDGE THE PROBLEM. IT'S REAL SIMPLE. WE ELECT THIS COUNCIL TO SPEND OUR TAX MONEY WIELY. WHEN WE BUY A NEW CAR OR BUY SOMETHING, WE BUY ATIT TO LAST. IF WE CAN'T HAVE INFRASTRUCTURE NUT OUR CITY THAT WILL LAST LONGER THAN A YEAR, WE HAVE SERIOUS PROBLEMS. I WOULD ASK THAT THIS COUNCIL TAKE A GOOD HARD LOOK AT THE INFRASTRUCTURE THAT THESE DEVELOPERS ARE PROMISING WE'RE GOING TO COME IN AND DO THIS, THIS, THIS BUT WHENEVER THAT CONTRACTOR'S WORK FALLS APART, GUESS WHO IS PICKING UP THE TAB NOW? THE TAXPAYERS.

Dunkerley: OKAY. THANK YOU. OUR NEXT SPEAKER IS KEN VASSEAU.

MY NAME IS KEN VASSEAU AND I'M A LOCAL REAL ESTATE AGENT AND I'M ANNOUNCING MY CANDIDACY FOR PLACE 14 ON THE-- PLACE4 ON THE AUSTIN CITY COUNCIL. AND TO GIVE A SOLUTION TO THIS GENTLEMAN'S PROBLEM RIGHT HERE IS WE NEED TO FLOAT BONDS, MUNICIPAL BONDS RIGHT NOW AT LOW INTEREST RATES, SO WE CAN HANDLE FUTURE GROWTH. AND A SOLUTION THAT WE MAY HAVE FOR THIS GENTLEMAN HERE IS THAT WE COULD -- THAT THIS CEMENT THAT IS BEING USED TO POUR OUR INFRASTRUCTURE, THE CEMENT HAS TIGHTER MOWLZ THAT HAVE A STRONG -- TIGHTER MOLECULES THAT HAVE A TIGHTER STRUCTURE THAN PROBABLY WHAT IS BEING USED. AND AT THE PRICE OF

CEMENT, IT'S ALREADY MAYBE INCREASED TO MAYBE \$60 A SQUARE FEET. NOT EVERYBODY CAN POUR CEMENT, BUT LIKE MAYBE FIVE YEARS AGO, THE PRICE WAS \$30. BUT THE PRICE OF CEMENT HAS INCREASED BECAUSE WE'RE COMPETING WITH OTHER COUNTRIES. IT'S EVERYBODY'S PROBLEM. BUT ANYWAY, GETTING BACK ON TRACK HERE, LIKE I SAY, THAT IS ONE ISSUE THAT THIS GENTLEMAN HAS, AND I'VE BEEN REACHING OUT TO THE OTHER CITIZENS OF AUSTIN. ANYWAY, I WOULD LIKE TO THANK YOU FOR LISTENING TO ME, AND WHAT I NEED IS EVERYONE'S ENDORSEMENT, IF I CAN HAVE THAT. ANY CONTRIBUTIONS, I NEED, AND YOUR VOTE ON MAY 10th TO MAKE SOME OF THESE THINGS HAPPEN.

THANK YOU VERY MUCH. [ APPLAUSE ]

Dunkerley: NEXT SPEAKER IS JENNIFER GALE.

HI, AUSTIN. HAPPY VALENTINE'S DAY. LOVE IS IN THE AIR. ACHOO. MAYOR WYNN -- I'M SORRY, MAYOR WYNN ISN'T HERE. MAYOR DUNKERLEY, CITY MANAGER TOBY FUTRELL, I'VE ENJOYED YOU BEING OUR CITY MANAGER AUDIOLOGY THESE YEARS. COUNCILMEMBERS LEFFINGWELL, MARTINEZ, KIM, MCCracken AND COLE. A MAN FROM MAYORRAN FOR CITY OF AUSTIN FROM NEW YORK CITY AND NOW WE HAVE SKY SCRAPE THEARS HAVE NOTHING TO DO WITH WHAT AUSTIN IS ALL ABOUT. WE SHOULD ONLY BE BUILDING ABOUT THREE STORIES SO WE CAN ENJOY THE BUSHES, THE TREES AND THE SKY, WHICH WE'RE NOT ABLE TO DO NOW. WHY ARE WE REBUILDING NEW ORLEANS WHEN IT'S 11 FEET UNDERWATER? NEXT THURSDAY IS FIRST THURSDAY, IT'S NOT THIS ONE, BUT WE DO HAVE MORE DEVELOPMENT DOWN THERE. DO YOU WANT TO KNOW INSANITY. WE HAVE A CONTRACT FOR CAPITAL METRO THAT EXPIRED BACK IN JULY. WE NEED A NEW CONTRACT. COULD YOU PLEASE SPONSOR ANOTHER RESOLUTION ASKING THE ADMINISTRATION TO BARGAIN. THE MAYOR MUST BE THE SOLE AUTHORITY. THAT'S WHY THEY NEVER PASS. THERE'S NO EXCUSE FOR OUR MAYOR NOT SEEING THAT GENTLEMAN CROSS THE STREET AND THEY BELIEVE HITTING HIM. I'M ASKING FOR A GRAND JURY INVESTIGATION TO FIND OUT WHAT HAPPENED, AND IF ANY CRIMINAL CHARGES SHOULD BE FILED AGAINST THE FORMER MAYOR. MARDI GRAS IS TUESDAY. IN GALVESTON. IT'S A REAL BIG TO DO DOWN THERE, AND ALSO HERE IN THE PALMER EVENTS CENTER HERE AS WELL. OUR GROSS NATIONAL PRODUCT WENT UP. WE'RE REACHING RECESSION RIGHT NOW WITH A THREE PERCENT FEDERAL LENDING RATE. SO BUSINESSMEN AND BUSINESS WOMEN AROUND AUSTIN AND AROUND OUR COUNTRY ARE -- [ BUZZER SOUNDS ] STILL AMENDING THE LOT.

Dunkerley: TIME'S UP? MY TIME'S UP. I CAN'T TAKE A FEW MORE SECONDS? OKAY. THANK YOU.

Dunkerley: THANK YOU VERY MUCH. DO WE HAVE ANY OTHERS SIGNED THAWP I DON'T HAVE THE CARDS ON. ALL RIGHT. WITH THAT, EYE LIKE TO ANNOUNCE THAT WE ARE -- I'D LIKE TO ANNOUNCE THAT WE ARE GOING BACK INTO EXECUTIVE SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEYS UNDER SECTION 551.071 OF THE OPEN MEETINGS

ACT TO DISCUSS AGENDA ITEM NUMBER 85, 87, AND UNDER SECTION 551.072 TO DISCUSS ITEM NUMBER 88. SO WE STAND ADJOURNED.

Dunkerley: WE HAVE RETURNED FROM EXECUTIVE SESSION. WE COVERED ITEM 85 AND 87. AND NO DECISIONS WERE MADE ON THOSE TWO ITEMS. NOW WE'LL GO BACK TO OUR 2:00 O'CLOCK AFTERNOON BRIEFING ON THE WALLER CREEK TUNNEL PROJECT.

MILES PER HOUR, THIS IS A PROJECT THAT YOU AND -- MILES PER HOUR, THIS IS A PROJECT THAT YOU AND I WORKED ON WITH GREAT PRY AND I'M PLEASED TO BRING BACK THE ACTUAL DOWNTOWN PLAN, INDIVIDUALS, ROMA HAS STATE THAT HAD THERE HAVE BEEN FIVE MAJOR INTERVENTIONS IN DOWNTOWN. THOSE WERE THE 1839 WALLER PLAN, THE RAIL SYSTEM, THE DAMMING OF THE COLORADO. THE URBAN RENEWAL AND I-35 AND THE CAPITAL VIEW CORRIDORS ANIMAL CARE SERVICES THEY HAVE NAMED THIS THE SIX ITS INTERVENTION OF DOWNTOWN. IT IS MY PLEASURE TO BRING BEFORE YOU THE PROFESSIONAL STAFF MEMBERS. GARY JACKSON, THE PROJECT STAFF MANAGER, KIM SPRINGER WHO ALSO WORKS IN PUBLIC WORKS. JOE PAN TALLIANTALLTALION. WE HELD A MEETING TWO MONTHS AGO AND WE HAD OVER 200 PEOPLE. WE'VE BEEN MAKING THE ROUND AROUND THE CITY AND HAVE HAD LOTS OF PARTICIPATION. WITH THAT WE GIVE YOU ASSISTANT CITY MANAGER RUDY GARZA.

GOOD AFTERNOON, MAYBE, MAYOR PRO TEM, I'M RUDY GARZA, ASSISTANT CITY MANAGER. WE HAVE A MULTIPART PRESENTATION FOR YOU TODAY. THERE'S ACTUALLY TWO PROJECTS GOING ON. THERE'S A MASSIVE CONSTRUCTION GOING ON WITH THE TUNNEL, THE CAPITAL IMPROVEMENT PROJECT. AT THE SAME TIME, IT'S ALSO ONE OF THE LARGEST PLANNING AND DEVELOPMENT PROJECTS THAT IS HAPPENING. SO WHAT WE WILL HAVE FOR YOU TODAY WILL BE AN OVERVIEW OF THE CONSTRUCTION PROJECT, THE TUNNEL OVERVIEW, THE DESIGN AND WHERE WE ARE IN THAT PROCESS. WE'LL TALK TO YOU ABOUT ALL OF THE PUBLIC INPUT IN THE PROCESS THAT WE'VE USED THAT COUNCILMEMBER COLE HAS LED THROUGHOUT THIS ENTIRE SEVERAL MONTHS. AND THEN I WILL ACTUALLY RETURN TO GIVE YOU AN UPDATE ON WHERE WE ARE WITH THE TAX INCREMENT FINANCING OF WALLER CREEK. WITH THAT I'M GOING TO TURN IT OVER TO OUR FIRST PRESENTER, JOE.

THANK YOU, RUDY. AS RUDY SAID, I'LL GIVE AWE BRIEF UPDATE ON THE PROJECT. AS A REMINDER, THE FLOOD CONTROL TUNNEL BEGINS IN WATERLOO PARK AND ENDS AT LADY BIRD LAKE. THE TUNNEL THRB 22 FEET IN DIAMETER, APPROXIMATELY ONE MILE IN LENG THE AND 60 TO 70 FEET UNDERGROUND. AFTER THE PROJECT THE FLOODPLAIN WILL BE MAINTAINED WITHIN THE BANKS OF THE CREEK, REDUCING THE SIZE OF THE FLOODPLAIN BY APPROXIMATELY 28 ACRES OR WELL OVER A MILLION SQUARE FEET. ONCE OPERATIONAL, THE TUNNEL WILL MAINTAIN A CONTROLLED AND CONSTANT FLOW OF WATER IN WALLER CREEK IN BOTD WET AN DRY PERIODS. THIS IS A MAP OF THE PROJECT AREA. THE CREEK GENERALLY RUNS FROM NORTH TO SOUTH. LEFT TO RIGHT ON THIS THE TUNNEL ITSELF WILL BE LOCATED PRIMARILY UNDER SABINE STREET FOR MOST OF THE

LENGTH, WHICH CLOSELY PARALLELS THE CREEK. BETWEEN 12TH STREET AND THE LAKE, THERE WILL BE TWO TO FOUR INTERVENING CAPTURE POINTS OR CREEK INLETS THAT WILL TAKE RUN OFF THAT TENSORS BELOW 12 TZ STREET TO THE TUNNEL. THE PURPOSE OF THE INLETS IS TO MAKE SURE THAT DURING A FLOOD THE RUNOFF THAT COMES INTO THE CREEK BELOW THE INLET OF THE TUNNEL DOES NOT FLOOD THAT AREA. SO AGAIN IT PROVIDES FOR A A LEVEL OF SAFETY OVER AND BEYOND THE INLET AT WATERLOO PARK. THIS IS THE ANTICIPATED SCHEDULE FOR THE PROJECT. THE PROJECT IS CURRENTLY IN THE PREDESIGNED PHASE, WHICH WILL PROVIDE THE FILL DATA MODELING NECESSARY TO FINALIZE THE TUNNEL DESIGN. THE FINAL DESIGN STARTING IN JANUARY 2009. THE DESIGN WILL INCLUDE PLANS FOR THE INLET, THE OUTLET, THE TUNNEL. THE TWO TO FOUR INTERVENING CAPTURE POINTS I TALKED ABOUT ALONG THE CREEK AND SOME ANCILLARY SMALL PROJECTS TO BE ABLE TO IMPLEMENT THE PROJECT. THE PROJECT IS EXPECTED TO BE BID IN THE FIRST HALF OF 2010 WITH AN EXPECTED CONSTRUCTION FINISH DATE OF AUGUST 2014. IEWR PUBLIC WORKS DENT IS MANAGING THE PROJECT AND INCLUDING THE DESIGN AND CONSTRUCTION SERVICES CONTRACT WITH THE JOINT VENTURE FIRM OF KELLOGG BROWN & ROOT SERVICES AND SB CONSULTANTS. CURRENTLY THE PHASE B 1 WORK IS ON SCHEDULE. THE SURVEY FIELD WORK AND GEOTECHNICAL STUDIES ARE ONGOING AS ARE THE SUBSURFACE UTILITY EXPLORATION EFFORTS. TO MAINTAIN THE PROJECT SCHEDULE, THE JOINT VENTURE NEEDS DPRECTS CITY ON CERTAIN ELEMENTS OF THE TUNNEL. AT THE SAME TIME, SPECIFICALLY THE INLET AND OUTLET DESIGNS AND BASE FLOW DESIGN OF THE CREEK ARE NEEDED FOR SOME DISCUSSION AND DECISION MAKING. TO THAT END THE PROJECT TEAM HAS BEEN INVOLVED HEAVY FLY THE STAKEHOLDER PROCESS THAT KIM WILL BE TALKING ABOUT SHORTLY. WE DO HOPE TO BE BACK HERE IN MAY OR JUNE WITH ANOTHER UPDATE AND TO PRESENT THE SCHEMATICS AND 3-D MODELS OF THE STRUCTURE THAT WILL FORM THE BASIS OF THE FINAL DESIGN. SO WITH THAT I'M HAPPY TO ANSWER ANY QUESTIONS. OTHERWISE I WILL INTRODUCE KIM SPRINGER FROM PUBLIC WORKS, WHO HAS BEEN COORDINATING THE STAKEHOLDER PROCESS TO DESCRIBE WHAT'S BEEN HAPPENING OVER THE LAST FOUR TO FIVE FIVE MONTHS IN TERMS OF HAVING A VISION, CONSISTENT VISION AND CONSENSUS FROM OUR ADVISORY COMMITTEE FOR THESE AREAS OF THE TUNNEL ELEMENTS.

MAYOR PRO TEM, COUNCIL, I'M KIM SPRINGER WITH THE PUBLIC WORKS DEPARTMENT AND I AM THE PUBLIC INFORMATION AND COMMUNITY OUTREACH COORDINATOR FOR THE WALLER CREEK TUNNEL PROJECT. I ALSO SERVE AS THE STACH LEE A-- THE STAFF LIAISON. THE COUNCIL COMMITTED THE ADVISORY COMMITTEE IN APRIL OF 2007 AND THEIR PURPOSE WAS TO PROVIDE CITIZEN LEADERSHIP AND OVERSIGHT FOR BOTH THE TUNNEL AND MASTER PLAN PROJECTS. THE COMMITTEE CONSISTS OF 15 MEMBERS REPRESENTING THE CITIZENS OF AUSTIN. A WIDE VARIETY OF BORE AND COMMISSIONS, COMMUNITY ORGANIZATIONS AS WELL AS TRAVIS COUNTY. THE COMMITTEE IS LED BY BILL SPELMAN AND SAM ARCHER. THE ADVISORY COMMITTEE HAS COMPLETED A NUMBER OF TASKS SINCE THEIR FIRST MEETING IN MAY OF 2007. THEY'VE RECEIVED NUMEROUS PRESENTATIONS ON THE VARIOUS ASPECTS OF THE PROJECT FROM STAFF AND THE



TUNNEL. ORGANIZATIONS HAVE ALSO MADE PRESENTATIONS ON SIMILAR PROJECTS OR TO PROVIDE INPUT ON THE PROJECT OVERALL. THE COMMITTEE IS ALSO PROVIDED VALUABLE INPUT FOR THE MASTER PLAN RFQ THAT YOU WILL HEAR ABOUT IN A MOMENT. FINALLY THEY'VE REACHED OUT TO THE PUBLIC FOR FEEDBACK REGARDING THE DESIGN ISSUES, THE JV NEEDS DIRECTION ON AT THIS POINT. THEY HOST ADD PUBLIC DESIGN WORKSHOP IN NOVEMBER WHERE APPROXIMATELY 200 PEOPLE ATTENDED. IN ADDITION, STAFF AND THE JV HAVE TAKEN PART IN NIEWM JUST ADDITIONAL MEETINGS AS STAKEHOLDERS FOR THEIR INPUT. THROUGH THIS OUTREACH AND FEEDBACK THAT I'VE COLLECTED THROUGH PRESENTATIONS PRESENTATIONS TO VARIOUS BOARDS AND COMMISSIONS, THE COMMITTEE DEVELOPED A RESOLUTION TO COUNCIL CONTAINING THEIR RECOMMENDATIONS ON CURRENT DESIGN ISSUES. THIS CONTAINS A BRIEF SUMMARY OF THE RESOLUTION'S MAIN POINTS AND A COPY OF THE RESOLUTION IN ITS ENTIRETY IS ATTACHED TO YOUR PRESENTATION PACKET. THIS IS THE FIRST OF SEVERAL RESOLUTIONS AND OPPORTUNITIES FOR FEEDBACK RELATED TO THE TUNNEL AND THE MASTER PLAN FROM THE ADVISORY COMMITTEE. WE ARE COMING TO YOU TODAY WITH THESE ISSUES BECAUSE OF THE POTENTIAL EFFECT ON THE PROJECT SCHEDULE AND BUDGET. THE COMMITTEE'S RESOLUTION FOCUSES ON THE CHARACTER OF THE INLET AND OUTLET, THE CREEK'S BASE FLOW AND OVERALL USE OF THE CREEK. FIRST THE INLET SHOULD BE CONDUCIVE TO BOTH ORGED EVENT OR THE CASUAL USER THAT MAY BE STROLLING THROUGH THE PARK AT WATERLOO PARK. SECOND, THE OUTLET SHOULD MAINTAIN A NATURAL SHORELINE AND NOT INCLUDE AN AMP THEATER AS INITIALLY PROPOSED WITH PREVIOUS CONCEPTS. THIRD THE BASE FLOW SHOULD ONLY BE ENOUGH TO MAINTAIN A REASONABLE DEPTH SO IT MAINTAINS THE GENERAL HEALTH AND MOVEMENT OF THE WATER AND SHOULD NOT BE SO MUCH THAT IT IMPEDES ACCESS OR CAUSES EROSION. THE THIRD AND FOUR POINTS ARE OF PARTICULAR IMPORTANCE BECAUSE OF A STAKEHOLDER GROUP THAT SUPPORTS DISIEBL OF THE TUNNEL IN A MANNER THAT WOULD MAKE WHITE WATER RAFTING AVAILABLE. BASED ON THE FEEDBACK THE COMMUNITY RECEIVED FROM NUMEROUS GROUPS, THEY DID NOT FEEL THERE WAS ENOUGH SUPPORT FOR SUCH A USE AND SUBSTANTIAL CHANGE IN THE TUNNEL'STUNNEL'S DESIGN. I'LL NOW HAND THE PRESENTATION OVER TO JIM ROBERTSON WHO WILL HANDLE THE WALLER CREEK MASTER PLAN.

Mayor Wynn: THANK YOU.

GOOD AFTERNOON, MR. MAYOR AND COUNCIL. JIM ROBERTSON WITH NEIGHBORHOOD PLANNING AN ZONING DEPARTMENT. IN ANTICIPATION OF THE REDEVELOPMENT THAT WILL BE ENABLED BY THE REDUCTION IN THE FLOODPLAIN AND IN FACT THE REDEVELOPMENT THAT WILL SUPPORT THE TIF FINANCE MECHANISM, WE HAVE INITIATED A MASTER PLANNING PROCESS FOR THE CREEK CORRIDOR AND THE DISTRICT. AND I SHOULD EMPHASIZE THAT THIS PROJECT IS NOT LIMITED JUST LITERALLY TO THE BANKS OF THE CREEK. WE ARE REGARDING THIS AS A PLANNING PROJECT FOR A DISTRICT OF OUR DOWNTOWN. THE PLAN STRUCTURE THAT WE ANTICIPATE IS SIMILAR TO MOST PLANNING PROJECTS AND INITIAL STEP OF BOTH ASSESSING AND ANALYZING BASELINE CONDITIONS,

A PROCESS OF IDENTIFYING A COMMUNITY VISION, AND I THINK THE TYPES OF ISSUES THAT WE'LL WILL LOOKING AT IN THE VISIONING PROCESS ARE THINGS LIKE SHOULD THE WALLER CREEK DISTRICT HAVE ITS OWN UNIQUE CHARACTER OR SHOULD IT BLEND SEAMLESSLY INTO DOWNTOWN? WITHIN THE DISTRICT IS THERE A COMMUNITY DESIRE FOR A SINGULAR CHARACTER OR MIGHT THIS BE A DISTRICT THAT WOULD SUPPORT A DIFFERENT TYPE OF CHARACTER AND DIFFERENT PLACES ALONG THE CREEK. AND ANOTHER ISSUE MIGHT BE WHAT IS OUR COMMUNITY VISION WHEREIN TO DO WE REGARD THIS AS AN ASSET LOCAL TO DOWNTOWN? IS IT A REGIONAL OR EVEN NATIONAL DESTINATION THAT WENT TO CREATE? THOSE ARE A SAMPLING OF THE ISSUES THAT WILL BE ADDRESSED IN THE VISIONING PROCESS. I SHOULD POINT OUT THAT A LOT OF THE WORK THAT KIM IDENTIFIED, IN PARTICULAR THE NOVEMBER OPEN HOUSE WE HAD HERE AT CITY HALL AND A NUMBER OF MEETINGS WE'VE HAD WITH VARIOUS STAKEHOLDERS GROUPS ARE REALLY THE BEGINNINGS OF THIS PROCESS TO REACH OUTABLE TALK TO A LOT OF PEOPLE ABOUT WHAT TYPE OF PLACE ARE WE WANTING TO CREATE HERE. AFTER HAVING IDENTIFIED THE VISION, THEN THE NEXT STEP IS TO SAY WE KNOW WHERE WE ARE AND WE KNOW WHERE WE WANT TO BE, HOW DO WE GET FROM WHERE WE ARE TO WHERE WE WANT TO BE. THAT'S THE CHALLENGES AND OPPORTUNITIES PORKS. AND THEN THERE WILL BE THE DEVELOPMENT AFTER MASTER PLAN, WHICH MAY THROUGH A NUMBER OF ELEMENTS. IT MAY ANTICIPATE CHANGES TO LAND DEVELOPMENT ISSUES AND REGULATIONS. IT MIGHT INCLUDE DESIGN IS IT IF WE AS A COMMUNITY DECIDE THAT THE CHARACTER OF THIS AREA WOULD BE SUPPORTED BY PARTICULAR DESIGN ELEMENTS AND SO FORTS. AND OF COURSE, THE LAST PHASE OF THE PROJECT WILL BE AN IMPLEMENTATION PHASE WHERE WE ACTUALLY AFTER WE'VE VISITED WITH THE COMMUNITY AND WITH YOU, WE BEGIN TO ACTUALLY IMPLEMENT THESE STEPS, PUT IN PLACE THE DESIGN STANDARDS IF THOSE ARE DESIRED AND SO FORTS. JUST A LITTLE UPDATE ON WHERE WE ARE ON THAT PROCESS. WE ISSUED THE REQUEST FOR QUALIFICATIONS IN LATE NOVEMBER. THE RESPONSES WERE DUE LAST WEEK. WE HAVE RECEIVED RESPONSES FROM SEVEN APPEAR TO BE VERY QUALIFIED, AT LEAST BASED ON GENERAL REPUTATION, TEAMS. THOSE SETS OF QUALIFICATIONS ARE NOW BEING REVIEWED FOR COMPLIANCE WITH THE BASIC REQUIREMENTS OF THE RFQ AS WELL AS FOR COMPLIANCE WITH THE MINORITY AND WOMEN-OWNED BUSINESS GOALS FOR THE PROJECT. THE SELECTION TEAM WILL BEGIN ITS WORK NEXT WEEK WINNOWING DOWN THE SET, CONDUCTING INTERVIEWS AND THEN WE WILL COME BACK TO YOU PROBABLY IN MARCH. WE'RE HOPING THE FIRST PART OF MARCH. WITH A SHORT LIST OF FINALISTS FOR SELECTION. WE WILL THEN NEGOTIATE THE SCOPE OF WORK AND THE CONTRACT THAT WILL SUPPORT THE PROJECT. WE HOPE TO ISSUE A NOTICE TO PROCEED PROBABLY BY MAY. AND IT WILL BE ABOUT A 24-MONTH PLANNING PROJECT FROM THEN. IF THERE ARE ANY QUESTIONS I'D BE HAPPY TO TAKE THEM AT THIS TIME. AND IF NOT, I BELIEVE THE NEXT PERSON WHO IS GOING TO TALK TO YOU ABOUT THE FINANCE STRUCTURE IS ASSISTANT CITY MANAGER RUDY GARZA.

THANK

Mayor Wynn: THANK YOU, JIM. QUESTIONS FOR MR. ROBERTSON, COUNCIL? WELCOME BACK

MR. GARZA.

GOOD AFTERNOON AGAIN MAYOR, COUNCILMEMBERS. I'M ACTUALLY PINCH HIT FOR LESLIE BROADER OUR CHIEF FINANCIAL OFFICER WHO IS HOME WITH THE FLU. I WANTED TO POINT OUT THAT WE HAD THREE STAFF MEMBERS REPRESENTING THREE DIFFERENT DEPARTMENTS. LESLIE WOULD HAVE BEEN THE FORTH DEPARTMENT AND I WANT TO ACKNOWLEDGE THAT THERE'S SOME SIGNIFICANT COORDINATION GOING ON WITH BASICALLY EVERY DEPARTMENT IN THE CITY, PARKS, WAWRD, WATERSHED, PUBLIC WORKS, EGR. IT'S SUCH A SIGNIFICANT PROJECT. VERY QUICKLY I WANT TO GIVE YOU AN UPDATE ON WHERE WE ARE WITH THE TIF AND SOME OF THE NEXT STEPS. ON JUNE 21<sup>st</sup> THE CITY COUNCIL HAD A PUBLIC HEARING AND THEN FORMED THE TIF. WE FORMED THE TIF, BUT REVENUES ARE NOT EXPECTED TO BE COLLECTED UNTIL 2009. THE TERM OF THE TIF IS A 20 YEAR PERIOD WITH EXPIRATION IN 2028. JOE TALKED TO YOU ABOUT THE EFFORTS THAT ARE ONGOING WITH THE DESIGN. THAT PORTION OF THE PROJECT IS IN FACT BEING FUNDED FROM PREVIOUS VENUE FUND PROCEEDS. WE'RE USING THOSE, INTEREST EARNINGSABLE ALSO SOME REVENUES FROM THE REFUNDING OF THE HILTON HOTEL CONSTRUCTION BONDS. ALSO IN OCTOBER OF 2007 WAS WHEN WE APPOINTED THE COUNCILMEMBERS, THE ENTIRE COUNCIL AS OUR REPRESENTATIVES TO THE BOARD PER THE ORDINANCE. THE NEXT STEPS THAT WILL HAPPEN FOR THE TIF -- LET ME JUST BACKTRACK QUICKLY. IN THIS PAST SUMMER, LESLIE, OUR CHIEF FINANCIAL OFFICER, OUR LEGAL DEPARTMENT AND ALSO ASSISTANCE FROM OUTSIDE COUNCIL, WE DREW UP THE TIF AGREEMENT BETWEEN THE CITY OF AUSTIN AND TRAVIS COUNTY. WE PROVIDED THAT TO THE COUNTY OVER THE SUMMER. WE'VE BEEN IN ONGOING DISCUSSIONS WITH THEM ON -- VERY SIMPLY, THE AGREEMENT IS EVERYTHING WE'VE TALKED ABOUT AND REPRESENTED, PUTTING IT INTO A -- CODIFIED INTO AN AGREEMENT. WE EXPECT THE COUNTY TO TAKE ACTION ON THAT FOR FINAL APPROVAL THIS MONTH IN FEBRUARY. SO THE NEXT STEPS THAT WILL HAPPEN IS THE BOARD, WHICH IS COMPRISED OF NINE MEMBERS, THE MAYOR AND THE COUNCIL, ONE REPRESENTATIVE FROM THE COUNTY AND ONE REPRESENTATIVE FROM AUSTIN COMMUNITY COLLEGE WILL CONVENE A MEETING. AT THAT BOARD MEETING PER THE ORDINANCE, CITY COUNCIL WILL APPOINT A CHAIR. WE EXPECT THAT THE MAYOR WILL BE THE CHAIR OF THE TIF. AGAIN, YOU SEE THERE MR. BELL LYNN IS THE AUSTIN COMMUNITY COLLEGE REPRESENTATIVE. ONCE WE -- ONCE THE TIF HAS APPOINTED THEIR CHAIR AND IN THAT MEETING WE EXPECT THE MOST SIGNIFICANT ACTION ITEM FOR THE TIF WILL BE TO REVIEW THE PROJECT BUDGET, THE PROJECT SCHEDULE AND ENSURE BASICALLY THAT WHAT HAS BEEN DISCUSSED AND PLANNED IS IN FACT WHAT IS GOING FORWARD. THEY WILL ALSO LOOK AT THE FINANCING PLAN THAT WE'VE TALKED ABOUT. THE EXPECTATION IS THAT THE TIF WILL THEN APPROVE THAT AND RECOMMEND IT FOR CITY COUNCIL APPROVAL ON FEBRUARY 14<sup>TH</sup>. AFTER THAT MEETING, THE CITY COUNCIL WILL THEN CONVENE FOR FINAL APPROVAL OR CONSIDERATION OF THE PLAN APPROVED BY THE TIF BOARD. WE ALSO EXPECT THE TRAVIS COUNTY STAFF WILL BE DOING THE SAME THING WITH THE COMMISSIONERS, TAKING THE PLAN FOR THEIR ACTION. THAT'S A VERY QUICK RECAP ON WHERE WE ARE WITH THE FINANCING PART OF THE PROJECT. AND I JUST

WANT TO CLOSE OUT, JOE TALKED TO YOU ABOUT WHERE WE ARE AS FAR AS DECISION POINTS. THERE'S GOING TO BE SEVERAL OBVIOUSLY WITH A PROJECT OF THIS MAGNITUDE, THERE WILL BE SEVERAL DECISION POINTS AS WE GO THROUGH THE CONSTRUCTION AND PLANNING OF IT. WE HAVE PROVIDED YOU I BELIEVE LAST WEEK I SENT YOU A WRITTEN REPORT WITH THE ACTIONS OF THE ADVISORY COMMITTEE AND JIM ALSO TALKED ABOUT THAT, THEIR RECOMMENDATIONS FOR THE DESIGN. WE WOULD -- WE NEED THE DIRECTION FROM COUNCIL BEFORE WE MOVE FORWARD WITH THE ACTUAL DESIGN SO THAT OUR ENGINEERS CAN PROCEED. SO THE 14TH WE'LL COME BACK TO THE COUNCIL TO RECEIVE YOUR DIRECTION ON THE INLET AND OUTLET, THE BASE FLOW AND THEN ALSO THE ACTIONS THAT I JUST TALKED TO YOU ABOUT RELATED TO THE TIF. AND WITH THAT STAFF IS HERE TO ANSWER ANY QUESTIONS.

Mayor Wynn: THANK YOU, MR. GARZA. AND I'M SORRY I HAD TO STEP OFF THE DAIS FOR A FEW MINUTES EARLIER. AND I MAY HAVE MISSED THIS PART. I HEARD THAT THE MAJORITY OF THE ROUTE OF THE TUNNEL IS ANTICIPATED TO BE ESSENTIALLY BELOW OR WHAT WOULD BE THE VERTICAL RIGHT-OF-WAY OF SABINE STREET. BUT ONE CONCERN I HAD WHEN I STARTED THINKING ABOUT THE POTENTIAL FUTURE TAX BASE THAT OBVIOUSLY FUNDS THE TIF IS WHAT I STILL REFER TO AS THE OLD VIGNETTE SITE AT ESSENTIALLY THREE OF THE FOUR CORNERS OF RED RIVER AND CESAR CHAVEZ. SO I'D LIKE TO JUST RAISE THE ISSUE OR SEE IF THERE'S BEEN AN ANALYSIS DONE AS TO THE ROUTE OF THE -- OBVIOUSLY THE TUNNEL IS DOZENS AND DOZENS OF FEET BELOW THE SURFACE, BUT IT REALLY WOULD BE A MISTAKE IF FOR WHATEVER REASON THE VERY SPECIFIC ROUTE OF THE TUNNEL SOMEHOW PRECLUDES SOMETHING AS PROMINENT AS AT LEAST WHAT APPROVED FOR THAT VIGNETTE SITE BACK IN 2001. SOME OF THE HI-RISE CONSTRUCTION THAT WE SEE DOWNTOWN, SOME OF THE HOLES FOR THE PARKING GARAGE OR THE SUBTERRAINIAN STRUCTURE, THEY SEEM TO BE 30, 40, 50 FEET DEEP AT TIMES. I WANT TO MAKE SURE THAT WE HAVEN'T PRECLUDED THE MAXIMIZATION OF TAX BASE PARTICULARLY AT THAT INTERSECTION BASED ON WHERE THE TUNNEL GOES AS IT APPROACHES LADY BIRD LAKE.

IN JUNE WHEN WE APPROVED THE TIF, WE ALSO APPROVED THE BOUNDARIES OF THE TIF. WHAT MIGHT BE HELP., AND WE CAN CERTAINLY PRODUCE THIS FOR YOU, MAYOR. WE DO HAVE A MAP THAT SHOWS SPECIFICALLY WHERE THE BOWN BOUNDARIES OF THAT. I CAN'T TELL YOU RIGHT OFF IF IT INCLUDES THAT.

Mayor Wynn: I'M SURE -- IT HAS TO BE, IT'S ON THE CREEK. THAT IT'S WITHIN THE BOUNDARIES OF THE TIF. MY CONCERN IS WHERE THE TUNNEL MIGHT BE. I GUESS AT SOME POINT -- I GUESS IF YOU HAVE ENOUGH ROOM, YOU COULD STILL HAVE A GIANT SUBTERRAINIAN TUNNEL AND STILL HAVE A HI-RISE BUILT ON TOP OF IT. I JUST HATE FOR IT TO BE PERHAPS JUST A LITTLE TOO CLOSE TO THE SURFACE BECAUSE OF ITS PROXIMITY TO THE LAKE THAT MAYBE IT PREINCLUDES A SIGNIFICANT STRUCTURE AND THEREFORE SIGNIFICANT TAX BASE AT THAT INTERSECTION.

THAT'S ACTUALLY GREAT FEEDBACK. I KNOW THE TUNNEL IS SUBSURFACE ABOUT 60, 70 FEET. OBVIOUSLY I'M NOT AN ENGINEER, BUT I'LL POINT THAT OUT TO OUR STAFF AND MAKE SURE THAT WE DON'T IN FACT PRECLUDE ANY POTENTIAL DEVELOPMENT BASED ON INFRASTRUCTURE REQUIREMENTS.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS, COMMENTS FOR STAFF? COUNCILMEMBER COLE.

Cole: MAYOR, I THOUGHT WE MIGHT HAVE A LITTLE BIT MORE OF A SPECIFIC AREA OF QUESTIONS. JOE OR GARY DID YOU HAVE SOMETHING TO ADD TO THAT? I SAW YOU WALKING TO THE MIC.

DURING THE COURSE OF THE REVIEW OF THE TUNNEL ALIGNMENT WE HAVE MADE CONTACT WITH CERTAIN LANDOWNERS AND THEY'VE APPROACHED US TO DETERMINE AND IDENTIFY ANY POTENTIAL CONFLICTS. I THINK, MAYOR, THAT'S WHAT YOU WERE TALKING ABOUT IN TERMS OF THE TUNNEL ALIGNMENT IN POTENTIAL AND SIGNIFICANT DEVELOPMENT IN THAT AREA. CERTAINLY BECAUSE WE -- AS A PROJECT THAT BENEFITS FROM THE TIF, WE CERTAINLY DON'T WANT TO IMPACT OR LIMIT THE DEVELOPMENT. THERE HAVE BEEN MEETINGS AMONG OUR JOINT VENTURE SUBCONSULTANTS, ON OUR MANAGER AND THE PROPERTY OWNERS. THE DEVELOPERS THAT WE HAVE MET WITH HAVE DETERMINED AND JOINTLY WITH OUR STAFF THAT THE TUNNEL WILL BE BELOW THEIR STRUCTURES. I THINK RIGHT NOW WHAT THEY'RE DOING IS LOOKING AT THE ENGINEER TO GO MAKE SURE WHETHER IT'S FROM A TUNNEL DESIGN STANDPOINT OR THEIR PARKING GARAGE DESIGN THAT THERE WILL NOT BE ANY CONFLICTS IN TERM OF THE NATURE OF THE EXCAVATION. WE ARE ACTIVELY WORKING ON THAT.

Cole: AND MAYOR, I HAD ONE OTHER COMMENT. I KNOW THERE HAS BEEN A LOT OF NEWS COVERAGE ABOUT THE OIL SPILL ON WALLER CREEK AND THAT ACTUALLY EVE HAD SOME COVERAGE AT OUR LAST CITIZEN ADVISORY MEETING. I'D LIKE TO ASSURE THIS COUNCIL THAT THAT WILL NOT HAVE ANY IMPACT ON WHAT WE'RE DOING IN THE CONSTRUCTION OR MASTER PLAN OR DESIGN PHASE. CAN ANYBODY SPEAK TO THAT FOR US REAL QUICK?

I CAN ADD A LITTLE BIT DO IT. WE HAVE HERE WITH US TODAY NANCY McCLINTOCK AND STAN TINDALL. STAN BEING THE ONE TO MANAGE THE REMEDIATION FOR THE DEPARTMENT. I'M GLAD TO SAY THAT OUR EXPEND ENTIENT SI IN TERNL OF RESPONDING TO THE SPILL PREVENTED ANY OF THE OIL FROM EACH REACHING LADY BIRD LAKE. OUR DEPARTMENT IMMEDIATELY CONTACTED THE ENVIRONMENTAL REMEDIATION SURFACE, WHO WAS ON SITE QUICKLY. AND BOOMS WERE SET UP ACROSS WALLER CREEK AT ALMOST EVERY BRIDGE LOCATION FROM SIX THE STREET DOWN TO CESAR CHAVEZ. THE CLEANUP IS COMPLETE. THE TANK, WHICH I BELIEVE WAS ON THE ORDER OF 15,000 GALLONS, HAS BEEN PUMPED OUT, CLEANED AND THERE'S BEEN BACKFILL TO PROTECT THAT AREA. AND OUR SCIENTISTS, ALONG WITH THE CITY'S LEGAL DEPARTMENT ARE NOW

COORDINATING TO DETERMINE NEXT STEPS IN THAT ARENA.

Cole: THANK YOU, JOE.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? COUNCILMEMBER KIM.

Kim: I WAS WONDERING IF SOMEONE COULD TALK ABOUT THE PUBLIC INPUT PROCESS. I KNOW THAT THE RAILROADS HAVE AN INTEREST IN THIS PROJECT AND IN PARTICULAR WITH THE ROW HOUSES AND THEIR FACILITIES AND WHAT HAVE WE DISCUSSED WITH THEM AS WE -- RIGHT NOW WE'RE JUST DOING THE DESIGN WORK, BUT DURING CONSTRUCTION WHAT ARE SOME THING THAT WE'RE ABLE TO WORK OUT FOR THEM AND THEIR ACTIVITIES TO CONTINUE?

I'M SPRINGER WITH PUBLIC WORKS. WE HAVE BEEN WORKING IN CONNECTION WITH THE ROWING CLUB EXTENSIVELY. THEY HAVE A REPRESENTATIVE ON THE ADVISORY COMMITTEE AND WE MEET WITH THEM REGULARLY TO MAKE SURE WE'RE ADDRESSING THEIR CONCERNS, PARTICULARLY WITH THEIR BOAT HOUSE. ALSO THEY HAD SIGNIFICANT REPRESENTATION AT THE PUBLIC WORKSHOP IN NOVEMBER TO VOICE THEIR OPINIONS AND THEIR THOUGHTS ON THE PROJECT. SO WE ARE COORDINATING WITH THEM VERY MUCH SO.

Kim: WHAT ARE THEY ASKING FOR OR WHAT ARE THEY SAYING THAT THEY NEED TO HAVE FOR THIS TO NOT CAUSE INTERRUPTIONS?

THEY DID HAVE CONCERN WITH THE WHITE WATER PROPOSAL AND THE IMPACT IT WOULD HAVE ON THEIR EXISTING OPERATIONS IN LADY BIRD LAKE. AND BECAUSE OF THE OUTLET STRUCTURES LOCATION, IT AFFECTS THEIR BOAT HOUSE. AND WE'RE WORKING WITH THEM TO MITIGATE THE AFFECT ON THEIR BOAT HOUSE.

Kim: IS THERE A WHITE WATER PROPOSAL? I DIDN'T THINK IT WAS SOMETHING WE'RE FORMALLY DOING?

THERE WAS AN ORGANIZATION THAT DID MAKE A PRESENTATION TO THE ADVISORY COMMITTEE REGARDING WHITE WATER AND THE POSSIBILITIES POTENTIAL FOR SUCH AN OPERATION IN WALLER CREEK. AND THEY MADE A PRESENTATION TO THE ADVISORY COMMITTEE AND THEY ALSO HAD REPRESENTATIVES AT THE PUBLIC WORKSHOP IN NOVEMBER AND THEY'VE BEEN IN COMMUNICATION WITH THE ADVISORY COMMITTEE AND THEY MADE THEIR DECISION, WHICH WAS INDICATE UNDERSTAND RESOLUTION.

Kim: IN THE RESOLUTION IS THAT WE WOULD HAVE CONSTANT BASE FLOW WATER RATE, RIGHT?

THE THIRD AND FOURTH POINTS.

Kim: SO NOT THE RIGHT WATER?

YES.

Kim: THANK YOU.

Mayor Wynn: AGAIN, FURTHER COMMENTS, QUESTIONS? THANK YOU ALL VERY MUCH. CONGRATULATIONS AND THANK YOU TO THE MAYOR PRO TEM AND COUNCILMEMBER COLE FOR SHEPHERDING THIS TO THIS POINT SO FAR. SO COUNCIL, I BELIEVE WE HAVE NO MORE DISCUSSION ITEMS ON OUR AGENDA PRIOR TO OUR 4:00 O'CLOCK POSTING FOR ZONING MATTERS. I WILL NOTE THAT EARLIER IN CLOSED SESSION WE HAVE CONCLUDED OUR EXECUTIVE SESSION AGENDA WITH THE EXCEPTION OF WE DID NOT AND WILL NOT TAKE UP ITEM NUMBER 87, THE LEGAL ISSUES REGARDING THE SEAHOLM POWER PLANT BUILDING AND PROPERTY. WE DID TAKE UP THE REAL ESTATE MATTERS RELATED TO THAT PROPERTY. SO THERE BEING NO MORE DISCUSSION ITEM ON OUR AGENDA PRIOR TO OUR 4:00 O'CLOCK ZONING CASES, I WILL NOW RECESS THIS MEETING AND ANTICIPATE US CALLING IT BACK TO OR RIGHT AT 4:00 O'CLOCK P.M. THANK YOU.

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THE MEETING OF THIS AUSTIN CITY COUNCIL. WE'VE BEEN IN RECESS. I BELIEVE COUNCILMEMBER McCRACKEN IS NOW IN THE ROOM. SO WITH THAT WE WILL WELCOME MR. GREG GUERNSEY.

THANK YOU, MAYOR AND COUNCIL. I'M WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. I'LL GO THROUGH OUR 4:00 ZONING ORDINANCE AND RESTRICTIVE COVENANT ITEMS WHERE THE HEARINGS HAVE BEEN CLOSED. LET ME START WITH THE ITEMS WE CAN OFFER FOR CONSENT. ITEM 91, CASE C 14-06-0144, RANCH YOATHIS IS A REZONING REQUEST FROM INTERIM RESIDENCE OR IRR, COMBINING DISTRICT ZONING AND INTERIM SINGLE-FAMILY RESIDENCE, STANDARD LOT SF 2 ZONING FOR TRACT 1 AND NEIGHBORHOOD COMMERCIAL LR ZONING FOR TRACT 2 WITH CONDITIONS. READY FOR CONSENT APPROVAL. ITEM 92 IS C 14-06-0145. A REQUEST FROM INTERIM SINGLE-FAMILY RESIDENCE, DISTRICT ZONE TO GO SINGLE-FAMILY RESIDENCE STANDARD LOT OR SF 2 DISTRICT ZONING WITH CONDITIONS. THAT'S READY FOR CONSENT APPROVAL ON SECOND AND THIRD READING. ITEM 93, CASE C 14-06-0146, RANCHO ALTO 3 AT 1900 TO 1920 RALPH COX RODE AND 11 # HUNDRED TO 11916 DAVE SILK DRIVE. DISTRICT ZONE TO GO SINGLE-FAMILY RESIDENCE STANDARD LOT SF 2 DISTRICT ZONING WITH CONDITIONS. READY FOR CONSENT APPROVAL ON SECOND AND THIRD READING. ITEM 94, C 14-06-0148, 1800 TO 1820 RALPH COX ROAD, 11801, 12229 AND 12220 TO 12224 BUZZ SCHNEIDER LANE AND 1609 TO 1641 PAVELICH PASS AND 12116 TO 12124 VERCHOTA DRIVE TO SINGLE-FAMILY RESIDENCE STANDARD LOT, SF 2 DISTRICT ZONING WITH CONDITIONS. IT'S READY FOR SECOND AND THIRD READING. ITEM 95, RANCHO ALTO NUMBER 7, CASE C 14-06-0150 FOR THE PROPERTY

LOCATED AT 1213 VERCHOTA DRIVE AND 1600 TO 1628 PAVELICH PASS, FROM INTERIM SINGLE-FAMILY LOT TO SINGLE-FAMILY RESIDENCE OR SF 2 DISTRICT ZONING. READY FOR CONSENT APPROVAL AND SECOND AND THIRD READINGS, SF 2 WITH CONDITIONS. ITEM 96, CASE C 14-06-0151, RANCHO ALTO 8 FOR THE PROPERTY AT 1813 TO 1913 RALPH COX ROAD AND 1800 TO 1824 BILL BAKER DRIVE, A REQUEST FROM INTERIM SINGLE-FAMILY RESIDENCE STANDARD LOT DISTRICT ZONING TO SINGLE-FAMILY RESIDENCE SF 2 DISTRICT ZONING WITH CONDITIONS. THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS. ITEM 97, CASE C 14-06-01 A 2, RANCHO ALTO NUMBER 9 FOR THE PROPERTY LOCATED AT 1801 TO 1825 BILL BAKER DRIVE AND 1700 TO 1724 OCALA THAN DRIVE FROM INTERIM SINGLE-FAMILY RESIDENCE TO SINGLE-FAMILY RESIDENCE STANDARD LOT OR SF 2 DISTRICT ZONING WITH CONDITIONS. THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD READING. ITEM 98 IS CASE C 14-2007-0191, ANDERSON MILL CHILDREN'S COURTYARD DAY CARE. THIS IS A REZONING REQUEST FROM DEVELOPMENT RESERVE TO LIMITED OFFICE CONDITIONAL OVERLAY. THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS. ITEM 99, CASE C 14-2007-0129, CUMBERLAND RESIDENTIAL. STAFF IS REQUESTING A POSTPONEMENT OF THIS ITEM TO FEBRUARY 14<sup>th</sup> IN ORDER TO FINALIZE DOCUMENTS FOR SECOND AND THIRD READINGS. ITEM 100, C 14-2007-0218, FOR THE 620/183 LIMITED PARTNERSHIP PROPERTY AT 10700 TO 10704 LAKELINE MALL. A REZONING REQUEST FROM COMMUNITY COMCIAL MIXED USE COMBINED DISTRICT ZONE TO GO MULTI-FAMILY RESIDENCE MODERATE HIGH DENSITY ZONING. STAFF IS OFFERING THIS FOR SECOND READING. ON THE DAIS YOU HAVE ON THE DAIS A LIST OF A DOZEN GREEN BUILDER RESTRICTIONS THE OWNER IS OFFERING FOR YOUR CONSIDERATION ON SECOND READING APPROVAL WITH THESE -- APPROVAL OF THESE ITEMS AND PROCEED ON TO THIRD READING. BUT THIS IS ON ITEM NUMBER 100. AND THAT COULD BE OFFERED ON CONSENT WITH SECOND READING AND THE EXCEPTING OF THOSE CONDITIONS. ITEM 101, C 14-2007-0211, FOR THE PROPERTY AT 5725 DIEHL TRAIL TO MULTI-FAMILY RESIDENCE MODERATE HIGH DENSITY. CONDITIONAL OVERLAY OR COMBINED DISTRICT ZONING. READY FOR CONSENT ON SECOND AND THIRD READINGS. PREPARED IN THE ORDINANCE AN ADDITIONAL EXHIBIT. THE OWNER HAS AGREED TO PROHIBIT CONSTRUCTION OF STRUCTURES WITHIN A LIMITED AREA OF THE NEIGHBORHOOD REQUESTED SO THAT'S INCORPORATED INTO THE ORDINANCE IF THERE IS NO OBJECTION ON YOUR PART. WE CAN TAKE THAT ON ALL THREE READINGS. IF THERE IS OBJECTION, WE CAN DELETE THAT. WE CAN OFFER THAT WITH ADDITIONAL CONDITIONS. ITEM 102, CASE C 14-2007-0084 TO THE ELM TERRACE PROPERTY. THE APPLICANT HAS REQUESTED A TWO-WEEK POSTPONEMENT TO FEBRUARY 14<sup>th</sup>. THAT CONCLUDES THE ITEMS I CAN OFFER ON CONSENT APPROVAL FOR THIS PORTION OF THE AGENDA.

Mayor Wynn: THANK YOU, MR. GUERNSEY. COUNCIL, WITHOUT OBJECTION THE PROPOSED CONSENT AGENDA WILL BE TO APPROVE ON SECOND AND THIRD READINGS ITEMS 91, 92, 93, 94, 95, 96, 97, AND 98, NOTING SEVERAL ADDITIONAL CONDITIONS THAT MR. GUERNSEY HAS READ INTO THE RECORDS. TO POSTPONE ITEM NUMBER 99 TO FEBRUARY 14<sup>th</sup>, 2008. TO APPROVE ON SECOND READING ONLY ITEM 100 AND DIRECTING STAFF TO PREPARE



THOSE ADDITIONAL CONDITIONS REGARDING GREEN BUILDING STANDARDS. TO APPROVE ITEM 101 ON SECOND AND THIRD READING, AND TO POSTPONE ITEM 102 TO FEBRUARY 14th, 2008. I'LL ENTERTAIN THAT MOTION.

MOVE APPROVAL.

MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER MARTINEZ TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

THANK YOU, MAYOR AND COUNCIL. LET ME CONTINUE WITH OUR 4:00 NEIGHBORHOOD AND PLAN ITEMS. THESE ARE ITEMS WHERE THE PUBLIC HEARINGS ARE OPEN AND ACTION IS POSSIBLE. FIRST ITEM I'LL OFFER FOR CONSENT IS ITEM 103, CASE C 814-2007-0163, THE VENUE AT LAKE TRAVIS. THIS CASE HAS BEEN WITHDRAWN. ITEM 104, CASE C 14-2007-0108, CAMDEN DEN NORTH LAMAR, 53 ON 4 AND 5400 NORTH LAMAR BOULEVARD. APPLICANT HAS REQUESTED INDEFINITE POSTPONEMENT. THAT WOULD MEAN WHEN WE BRING THIS BACK WE WOULD HAVE TO DO AN ADDITIONAL NEWSPAPER AND MAIL NOTICE TO ASSOCIATIONS REGISTERED WITH THE CITY AND ADJACENT PROPERTY OWNERS WITHIN 300 FEET. ITEM 105, C 14-2007-0237, THE OLD WEST AUSTIN NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE BUILDING, THE OPT IN, OPT OUT PROCESS. STAFF IS RECOMMENDING A POSTPONEMENT OF THIS ITEM TO YOUR FEBRUARY 28th AGENDA. ITEM 106 IS CASE C 14-2007-14-2007-0259, THE GOVALLE JOHNSTON TERRORIST. THIS IS STAFF POSTPONEMENT ON THIS ITEM TO YOUR FEBRUARY 28th AGENDA. ITEM 107, C 14-2007-0262, CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLANNING AREA APARTMENT IN, OPT OUT. THIS IS AN ITEM STAFF IS RECOMMENDING POSTPONEMENT TO YOUR FEBRUARY 28th AGENDA. ITEM 108, CASE NPA-2007-NPA-2007-0016.02, THE GOVALLE LAND. THIS IS AN AMENDMENT TO A NEIGHBORHOOD PLAN. THIS CASE HAS BEEN WITHDRAWN. NO ACTION IS REQUIRED. ITEM 109, CASE C 14-2007-0146. SH, 1100 LINDEN STREET, A REZONING REQUEST FROM FAMILY NEIGHBORHOOD PLAN COMBINED DISTRICT ZONING, MULTI-FAMILY RESIDENCE, MEDIUM DENSITY COMBINING DISTRICT ZONING TO SINGLE-FAMILY RESIDENCE, SMALL LOT, NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING, AND MULTI-FAMILY RESIDENCE, MEDIUM DENSITY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE SF-4 NP COMBINED DISTRICT ZONING AND THE MF-3-(P. THIS IS READY FOR CONSENT APPROVAL ON FIRST READING ONLY. ITEM 110 IS CASE C 14-06-0147, RANCHO ALTO 4. THIS IS A REQUEST FROM INTERIM SINGLE-FAMILY RESIDENCE ZONING TO SINGLE-FAMILY RESIDENCE STANDARD LOT, SF 2 DISTRICT ZONING WITH CONDITIONS. IT WAS RECOMMENDED FOR SF 2 WITH CONDITIONS AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM 111, C 14-06-010149, THIS IS A REZENNING REQUEST FROM INTERIM SF-2 OR IINTERIM SINGLE-FAMILY TO SINGLE-FAMILY RESIDENCE STANDARD LOT OR SF 2 DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION WAS GRAND THE SF 2 ZONING WITH CONDITIONS AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM 112, C 14-86-301 RCA SPRINGFIELD AT EAST WILL 81 CANNON DRIVE. THIS IS AN AMENDMENT TO

RESTRICTIVE COULD HAVE NANLT, THE ZONING AND PLANNING COMMISSION RECOMMENDED AND THIS IS READY FOR CONSENT APPROVAL. ITEM NUMBER 115, C14-06-0215C. Springfield 12. Property locally known as the northwest corner of East William Cannon Drive and McKinney Falls Parkway. From multi-family residence-low density MF-2 district zoning; community commercial GR district zoning and warehouse- limited office WLO district zoning to community commercial-mixed use GR-MU combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use- COMPANIES AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 116 IS C14-06-0215B. Springfield 14 Conduct a public Locally known as the west side of Jane's Ranch Road. From limited office LO district zoning to multi-family residence. Zoning and Platting Commission Recommendation: To grant multi-family residence- medium density MF-3 district zoning with conditions. THIS IS READY FOR ALL THREE READINGS. NUMBER 117 IS NPA-2007-0003.01. 1309 Chicon Development. The Chestnut Neighborhood Plan, To change the land use designation. Planning Commission Recommendation: To approve mixed use designation. THIS IS READY FOR FIRST READING ONLY. ITEM NUMBER 118, A RELATED ITEM, C14-2007-0136. 1309 Chicon Development. Rezoning property locally known as 1309 Chicon Boggy Creek Watershed from neighborhood commercial- neighborhood plan LR-NP combining district zoning to community commercial- mixed use-conditional overlay- neighborhood plan GR-MU-CO- NP combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use- conditional overlay- THIS IS READY FOR FIRST READING ONLY. ITEM NUMBER 119 IS C14-04-0196.02. The Enclave. 4525 Guadalupe Street. From multi-family residence- moderate high density- neighborhood conservation combining district-neighborhood plan MF-4-NCCD-NP combining district zoning to multi-family residence-moderate high density-neighborhood conservation combining district- neighborhood plan MF-4-NCCD- NP combining district zoning to amend the Hyde Park North neighborhood conservation combining district NCCD. Planning Commission Recommendation: To grant THE COMBINED DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 120, C14-2007-0092 21C. Known as 300 San Jacinto Blvd. POSTPONE THIS CASE TO THE FEBRUARY 28 AGENDA. ITEM NUMBER 121, C14-2007-0212. 907 Rio Grande. Rezoning property locally known as 907 Rio Grande Street Waller Planning Commission Recommendation: To grant limited office-mixed use LO-MU combining district zoning with conditions. THIS IS READY FOR CONSENT APPROVAL ON FIRST READING ONLY. MAYOR, I UNDERSTAND THE OWNERS AGENT HAS SIGNED UP IN FAVOR OF THIS REQUEST, NORMALLY I WOULD OFF THIS AS A CONSENT ITEM, IF --

SIGNED UP WISHING TO SPEAK. BY SPEAKING IT WILL BE REMOVED FROM THE CONSENT AGENDA, RISK THE APPROVAL BUT YOU ARE WELCOME TO -- THANK YOU. THIS IS FOR CONSENT APPROVAL ON FIRST READING ONLY. ITEM NUMBER 22 IS C14-2007-0249. Block. BLOCK 21 PROPERTY. 300 West 2nd Street and 200 Lavaca Street. From central business district- central urban redevelopment- conditional overlay CBD-CURE- CO combining district zoning to central business district-central urban redevelopment- conditional overlay CBD-CURE-CO combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant central business district-central urban AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 123 IS C14-2007-0235. Judges Hill Neighborhood Association Portion of

Downtown Planning Area Vertical Mixed Use Building. Zoning Opt-inOpt-Out Process AS A DISCUSSION ITEM. ITEM 124 IS C14-2007-0258. East MLK Combined Neighborhood Planning Area Vertical Mixed Use Building Zoning Opt- inOpt-Out Process. THIS IS A DISCUSSION ITEM. ITEM NUMBER 125, C14-2007-0263. Hyde Park Neighborhood Planning Area Vertical Mixed Use Building Zoning Opt-inOpt-Out Process THIS IS A DISCUSSION ITEM. ITEM NUMBER 126, NPA-2007-0005.01. Jockey Tract. AN AMENDMENT TO CHANGE the land use designation on the future land use map FLUM from commercial and mixed residential to industry for the property located at 912 Bastrop Hwy Planning Commission Recommendation: To grant industrial land use designation. WE COULD OFFER THIS AS CONSENTS APPROVAL ON ALL THREE READINGS, MAYOR. I UNDERSTAND THERE IS ONE INDIVIDUAL THAT MAY HAVE SIGNED UP IN OPPOSITION TO THIS BUT WE DO NOT SEE HIM PRESENT EARLIER.

IS PAT JOHNSON IN THE CHAMBERS? MR. PAT JOHNSON, HOURS AGO, SIGNED UP IN OPPOSITION BUT IF MR. JOHNSON IS NOT HERE, WE WILL JUST NOTE HIS OPPOSITION FOR THE RECORD. BOTH ON 126 AND 127.

VERY GOOD, MAYOR. I WILL OFFER 127 ALSO AS A CONSENT ITEM. THAT IS CASE C14-2007-0186. Jockey Tract. 912 Bastrop Hwy. services-conditional overlay- neighborhood plan CS-CO-NP combining district zoning; and single-family residence-small lot-neighborhood plan SF-4A-NP combining district zoning to industrial park-conditional overlay-neighborhood plan IP-CO-NP combining district zoning. Planning Commission Recommendation: To grant industrial park conditional overlay neighborhood plan IP-CO-NP combining district zoning. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 128, THIS IS CASE C14H-2007-0017. Dorothy Nichols Duplex. 1206 Lorrain Street. THE NEIGHBORHOOD HAS REQUESTED POSTPONEMENT, THE PROPERTY OWNER IS IN AGREEMENT WITH THAT REQUEST AND THIS WOULD BE UNTIL FEBRUARY 28. ITEM 129 IS ACE CASE C14H-2007-0028. Burch-Jackson House. 1706 Canterbury Street. THE OWNER HAS REQUESTED A POSTPONEMENT UNTIL THE FEBRUARY 14 MEETING. ITEM NUMBER 130 C14H-2007-0031. Henry Colley House. IS THIS IS A DISCUSSION ITEM. WE HAVE A DISCUSSION POSTPONEMENT ON 131 QUO GO THROUGH AND YOU CAN HEAR THAT DISCUSSION AND TRY TO DO THIS ON THE CONSENT AGENDA OR WE CAN DEAL WITH THAT ONE SEPARATELY.

WITHOUT OBJECTION COUNCIL, WHY DON'T WE GET THROUGH THE CONSENT AGENDA AND WE WILL TAKE UP DIE BLOG THAT POSTPONEMENT REQUEST.

THEN WE WILL COME BACK TO 131.

THAT. BY THE WAY, MR. JOHNSON HAS ARRIVED SO THEN COUNCIL, OUR PROPOSED CONSENT AGENDA FOR THESE CASES WHERE WE HAVE YET TO CONDUCT THE PUBLIC HEARING WOULD BE TO NOTE THAT ON ITEM NUMBER 103 THIS CASE HAS BEEN WITHDRAWN. WE WILL BE POSTPONING ITEM 104 INDEFINITELY WHICH REQUIRES ADDITIONAL NOTICE SHOULD THAT CASE COME BACK. WE WILL BE POSTPONING ITEMS 105, 106 AND 107 TO FEBRUARY 28, 2008. WE WILL NOTE THAT ITEM 10 HAS BEEN WITHDRAWN.

CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY ITEM 10. WE WILL CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS ITEMS 110, 111. WE WILL CLOSE THE PUBLIC HEARING AND APPROVE THE RESTRICTIVE COVENANT AMENDMENT ON CASE 112. WE WILL CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASES 113, 114, 115 AROUND 116. -- AND 116. WE WILL CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY CASES 117 AND 118. WE WILL CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASE 119. WE WILL BE POSTPONING ITEMS 120 UNTIL FEBRUARY 20, 2008. WE WILL CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY CASE 121. CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASE 122. WE WILL BE POSTPONE ING CASE 128 TO FEBRUARY 28th, 2008. WE WILL BE POSTPONING ITEM 129 TO FEBRUARY 14th, 2008.

AND MAYOR, I'VE BEEN JUST TOLD THERE IS AGREEMENT NOW TO POSTPONE ITEM 131, IF YOU WOULD LIKE ME JUST TO READ THAT BRIEFLY INTO THE RECORD.

PLEASE DO.

THIS IS THE CASE C814-06-0202. PIER Partners. 1703 River Hills Road. I UNDERSTAND THE PARTIES ON THE NEIGHBORHOOD SIDE AND THE APPLICANT SIDE HAVE BOTH AGREED TO A POSTPONEMENT TO FEBRUARY 28th. AND STAFF WILL TRY TO HAVE THIS READY FOR ALL THREE READINGS ON THAT DAY.

THEN COUNCIL, AN ADDITIONAL CONSENT ITEM WILL BE TO POSTPONE CASE 131 TO FEBRUARY 28th, 2008. I WILL ENTERTAIN A MOTION ON THE CONSENT AGENDA. MOTION BY COUNCIL MEMBER McCRACKEN. SECONDED BY MAYOR PRO TEM TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? ACTUALLY COUNCIL, WITHOUT OBJECTION, SINCE WE ARE GETTING THROUGH SO QUICKLY, THOMAS DID SIGN UP WISHING TO SAY A FEW WORDS ABOUT ITEM 121 WE WILL BE APPROVING ON FIRST READING ONLY AND I WOULD WELCOME HIM TO GIVE A BRIEF STATEMENT OR TESTIMONY ABOUT THAT CASE. ANY QUESTIONS ON CASE 121, COUNCIL, WHICH IS OUR ZONING CASE KNOWN AS 907 RIO GRANDE? WE WILL LEAVE THAT ON THE CONSENT AGEN MOTION AND A SECOND TO APPROVE IT AS READ, FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE, OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. SO MR. GUERNSEY, WHY DON'T WE QUICKLY TAKE UP CASE IS 126 AND 127. MR. JOHNSON IS BACK IN THE CHAMBERS.

126 AND 127 ARE RELATED ITEMS. NPA-2007-0005.01. C14-2007-0186. AND THE 126 CASE IS AN AMDMENT TO THE NEIGHBORHOOD PLAN, A NEIGHBORHOOD PLAN WITH A PORTION OF THE PART OF THE AUSTIN SMALL CONFERENCE PLAN TO CHANGE THE FUTURE LAND USE DESIGNATION ON THE PROPERTY LOCATED AT 912 BASTROP HIGHWAY FROM COMMERCIAL MIXED USE TO INDUSTRIAL. THE PLANNING COMMISSION DID MAKE A RECOMMENDATION FOR THAT LAND USE DESIGNATION CHANGE. THE RELATED ZONES INDICATION IS CASE C14-2007-0186. FOR THAT SAME PROPERTY AND THIS IS A REZONING REQUEST FROM GENERAL

COMMERCIAL services-conditional overlay- neighborhood plan CS-CO-NP combining district zoning; and single-family residence-small lot-neighborhood plan SF-4A-NP combining district zoning to industrial park-conditional overlay-neighborhood plan IP-CO-NP combining district zoning. AND THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE INDUSTRIAL PARK CONDITIONAL OVER PLAY, NEIGHBORHOOD COMBINED DISTRICT ZONING. THE PARK IS APPROXIMATELY 42-ACRES IN SIZE. WHEN THE COMMISSION MADE THEIR RECOMMENDATION IT WAS APPROVED ON CONSENT FOR BOTH ITEMS AND THEY APPROVED THE STAFF RECOMMENDATION AND IT HAD SOME LIMITATIONS ON THE ZONING, SPECIFICALLY IN THE PROPERTY THAT WOULD LIMIT THE PROPERTY TO LESS THAN 2,000 DAILY TRIPS PER DAY, AND CLOSE WHERE IT DEAD END INTO THE PROPERTY, REQUIRE A 50-FOOT VEGETATIVE BUFFER ON THE SOUTHWEST PROPERTY LINE, TO REQUIRE A FENCE BETWEEN THE 50-FOOT BUFFER AND THE REMAINDER OF THE PROPERTY, THAT THERE ARE NO DOORS EXCEPT EMERGENCY EXIT DOORS AND FIRE DOORS THAT WILL BACK UP TO THE RIVER SIDE MEADOWS SECTION ONE SUBDIVISION. AND THIS IS READY FOR ALL THREE READINGS. FOR BOTH OF THESE ITEMS. IT IS LOCATED IN THE PLANNING AREA THAT WAS PART OF THE CITY'S AUSTIN NEIGHBORHOOD PLANNING PROGRAM AND ADOPTED IN SEPTEMBER OF 2001. REQUESTED AMENDMENT TO THE NEIGHBORHOOD PLAN LOCATED WITHIN THESE BOUNDARIES. IT'S BORDERED ON THE NORTH BY INDUSTRIAL PROPERTIES ZONED L-I AND USED FOR WAREHOUSE, SINGLE FAMILY RESIDENTIAL USES OR SF-4A ZONING TO THE SOUTH. TO THE CEASE COMMERCIAL PROPERTY, AND CF-CO COMMERCIAL BUSINESS PARK AND WEST IS SF-3 RESIDENCES. AT THIS TIME I WILL PAUSE. IF YOU HAVE ANY QUESTIONS, AND THE APPLICANT'S AGENT, MR. BILL FOUST IS HERE TO PRESENT THE CASE.

THANK YOU, MR. AGAINST. QUESTIONS FOR STAFF? ACTUALLY COUNCIL, WITHOUT OBJECTION, JUST NOTING THAT THIS HAS STAFF RECOMMENDATION HAS BEEN CONSENT APPROVAL BY THE PLANNING COMMISSION, MR. JOHNSON IS THE ONLY PERSON HERE TO SPEAK, AS OPPOSED TO MAKING MR. FOUST PRESENT THE CASE THAT WE ARE PRETTY WELL AWARE OF, PERHAPS IF MR. JOHNSON COULD COME FORWARD AND GIVE HIS OPPOSITION TESTIMONY, THEN PERHAPS MR. FOUST MAY JUST BE ABLE TO RESPOND TO ISSUES MR. JOHNSON MAY. HAVE WELCOME, MR. PAT JOHNSON. YOU HAVE THREE MINUTES. WELCOME.

COUNCIL, EVERYBODY THAT HAS SPOKE ABOUT THIS LOT, NOBODY LIVES OVER THERE. TO THE WEST OF THIS TRACK, WE GOT HOUSE, WE GOT MOBIL HOMES. IT IS A MOBIL HOME PARK THAT HAS BEEN THERE FOR 35 OR 40 YEARS. THE DEVELOPER HERE TALKS ABOUT GIVING A SET BACK TO THE RIVER SIDE MEADOWS SUBDIVISION BUT GIVES US NO SET BACK TO THE WEST. AS YOU CAN SEE HERE, AND THIS PICTURE THAT IS SHOWING HERE, THESE STEPS RIGHT HERE, THAT IS THE BACK DOOR OF MY HOUSE. WHEN THE RIVER SIDE TRACK WAS PUT IN THERE, THEY WIDENED THAT DRAINAGE DITCH THAT SEPARATED THE TWO PROPERTIES BY 30-FOOT. NOW, AFTER TALKING TO MR. FAUST ONE TIME ONLY, HE ONLY TALKED TO US ONE TIME, DID HE NOT TALK TO THE MANAGEMENT COMPANY THAT MANAGED OR PROPERTY FOR OUR PROPERTY OWNER THAT OWNS TWO OTHER PARKS

HERE IN AUSTIN. HE SAYS DID HE, BUT HE DIDN'T. AS YOU CAN SEE, IN THIS PICTURE HERE, THIS IS LOOKING TO THE WEST. OUR HOMES BACK UP RIGHT UP TO THE PROPERTY LINE, AS YOU CAN SEE IN HERE. NOW, WE ASKED THAT WE DON'T HAVE A MANUFACTURING PROPERTY OWNER BACK THERE THAT IS GOING TO CAUSE A LOT OF NOISE. PALM HARBOR HAS BEEN A GOOD NEIGHBOR, WE DON'T HEAR HARDLY ANYTHING FROM THEM. IF YOU ALLOW THIS INDUSTRIAL PARK ZONING WITHOUT A SET BACK OFF OUR PROPERTY LINE, YOU ARE DOING US AN INJUSTICE. WE ARE ALREADY GETTING FLOODED OUT BACK THERE BECAUSE THAT TRACK DRAINS TO OUR PROPERTY. AS YOU CAN SEE HERE IS THE DRAINAGE CHANNEL THAT WAS WIDENED FROM THE RIVER SIDE MEADOWS SUBDIVISION. IT IS ONLY RIGHT THAT WE DO THE SAME FOR THIS TRACT OF LAND IF YOU APPROVE THIS ZONING. WE WOULD ASK THAT YOU REQUIRE A COVENANT IN THIS ZONING, REQUIRE THE PROPERTY OWNER TO WIDEN THE DITCH FROM WHERE IT STOPS AT RIVER SIDE MEADOWS TRACK AT THE END OF THE STORM WATER POND ALONG OUR PROMPT LINE OVER AT -- PROPERTY LINE AT 1430 FRONTIER VALLEY AND PUT A PRIVACY SENSE. ANOTHER ISSUE IS WE'RE CONCERNED ABOUT IS THE PARKING SPACES FOR THIS DEVELOPMENT. IT IS GOING TO BE FACING OUR PARK AND OUR HOMES. I THINK THESE ARE VALID CONCERNS CONCERNS. BUT AS YOU CAN SEE, FROM THE BACK OF THAT HOME TO THE PROPERTY LINE OF THIS DEVELOPMENT THEY WANT TO ZONE INTO AN INDUSTRIAL PARK ONLY SEPARATES EIGHT FOOT SO IMAGINE THAT BEING YOUR BEDROOM BACK THERE AND YOU LISTEN TO A BUSINESS RIGHT NEXT DOOR TO YOU. SO WE ASK TO ZONE IT INDUSTRIAL PARK GIVE US SOME SET BACKS OFF THE WEST SIDE OF THAT PROPERTY LINE. THANK YOU.

THANK YOU, MR. JOHNSON. PERHAPS MR. FAUST CAN COME AND GIVE US HIS OPINION TESTIMONY. WELCOME.

THANK YOU, MR. MAYOR. MY NAME IS BILL FAUST, I REPRESENT THE BUYER AND THE SELLER OF THE PROPERTY. THIS IS THE JOCKEY TRACK THAT HAS BEEN IN FRONT OF THIS COUNCIL MULTIPLE TIMES. WE HAVE HAD FOUR NEIGHBORHOOD ASSOCIATION MEETINGS WITH THE NEIGHBORS IN THIS AREA. THOSE ARE OF RECORD. WE HAVE MET WITH PODER, ONE OF THE LARGER NEIGHBORHOODS AND GOT 100% COMMISSION WITH THEM AND WE HAVE A CITY OF AUSTIN, HELD TWO NEIGHBORHOOD MEETINGS WITH THE PLANNING GROUP IN THE NEIGHBORHOOD ASSOCIATION THAT WE DEALT WITH AND GOT 100% SUPPORT FROM BOTH OF THOSE MEETINGS. AS FAR AS SET BACKS OFF THAT WEST PROPERTY LINE, OBVIOUSLY WE WILL COMPLY, WE WILL HAVE COMPATIBILITY STANDARDS TO SET BACK AUTOMATICALLY FROM THOSE PROPERTIES. WE ALSO INTEND TO BUILD THE DETENTION AND FILTRATION IN THAT AREA BETWEEN THE END OF THIS AND OUR PROPOSED PROPERTY AND THIS PROPERTY SO WE WILL BE ABLE TO HANDLE ALL THE WATER. WE WILL APPLY BY THE CODES IN THE CITY OF CITY OF AUSTIN AND THE SITE PLAN ORDINANCE AND BUILD IT ACCORDING TO CODE. WE WILL NOT EXACERBATE ANY FLOODING THAT MAY OR MAY NOT BE GOING ON THERE WE WILL DETAIN THE WATER SO THAT IT RUNS OFF IN ITS DEVELOPED STATE NO FATHER THAN THIS RUNS IN ITS UNDEVELOPED STATE AS PART OF THE ELEMENTS. WE INTEND TO BE GOOD NEIGHBORS AND WE'RE NOT GOING TO HAVE ANY HEAVY MANUFACTURING THERE. WE WILL HAVE LESS NOISE THAN PALM

HARBOR. MOSTLY WHAT THIS IS IS WE'RE FINDING THIS IS GOING TO BE OFFICE WAREHOUSE-TYPE OPERATION MOSTLY AND IT IS NOT GOING TO BE HEAVY MANUFACTURING, THAT IS THE REASON WE WANT THE LI. SO WE WILL BE COMPLYING WITH EVERYTHING AND NOT DEGRADING THE PROPERTY VALUES OF THOSE FOLKS NEXT DOOR TO US.

THANK YOU.

I'M AVAILABLE FOR ANY QUESTIONS ANYBODY ON THE COUNCIL MAY HAVE.

THANK YOU, MR. FAUST. QUESTIONS OF MR. FAUST, COUNCIL? I CAN A QUICK QUESTION OF MR. GUERNSEY, A VERY IF I INDICATION, GREG -- VERIFICATION VERIFICATION, GREG, WHEN THE PROJECT GOES TO THE SITE PLAN PROCESS, IT HAS TO COMPLY WI ALL SET BACK, ALL COMPATIBILITIES, EVERY, YOU KNOW, ORDINANCE WE HAVE.

TYPICALLY AT THE TIME OF ZONING UNLESS WE ARE DOING A PLANNING NEW DEVELOPMENT, THERE IS NOT A MODIFICATION MADE TO THE STANDARDS TUNE THIS DATE HE HAS NOT SUBMITTED ONE. THAT IS NOT TO SAY THAT ONE CANNOT BE REQUESTED IN THE FUTURE, HOWEVER THERE WOULD BE A NOTICE SENT TO PROPERTY OWNERS IF THERE WAS A REQUEST FOR A VARIANCE OR SOMEHOW MODIFY COMPATIBILITY STANDARDS. I WAS MEETING WITH MR. JOHNSON AND EXPLAINING THIS PROJECT WOULD BE SUBJECT TO COMPATIBILITY STANDARDS AND BECAUSE THE PROMPT HE IS ON IS RESIDENTIAL CATEGORY THERE IS A 25-FOOT SET BACK WITH NO PARKING, NO BUILDING, NO DRIVEWAYS. THERE IS REQUIREMENTS FOR SCREENING TO PROVIDE FENCING OR SOME SORT OF VEGETATIVE BLOCK FROM THE SF-3 ZONING FROM THIS PROPERTY. LIGHTING WOULD HAVE TO BE SHIELDED SO LIGHT SOURCE IS NOT SHINING ON THE BACK OF THOSE RESIDENCES WHERE MR. JOHNSON LIVES AND THERE IS ACTUALLY HEIGHT RESTRICTIONS THAT WOULD STEP BACK SO BETWEEN 25 FEET AND 50 FEET AWAY, NO BUILDING COULD EXCEED TWO STORIES OR 30 FEET IN HEIGHT AND AS YOU GET FURTHER AWAY THEN THE BUILDINGS CAN RISE IN HEIGHT ACCORDING THREE SO THERE ARE SOME RESTRICTIONS WE ALREADY HAVE IN OUR CODE THAT SPEAK SO TO SET BACKS ON OUR COMPATIBILITY STANDARDS AND THEY WOULD BE IN FORCE AND IN EFFECT ON THE PROPERTY MR. FSUST IS REPRESENT -- MR. FAUST IS REMITTING THIS EVENING.

THANK YOU. QUESTIONS OF STAFF COUNCIL, OR ANYBODY ELSE. MAYOR PRO TEM?

MAYBE THIS IS FOR GREG. WHEN YOU GET TO THE SITE PLAN STAGE, THAT IS WHEN YOU WILL CHECK ON THE DRAINAGE ISSUES AND THINGS LIKE THAT.

THAT IS RIGHT. AT THE SITE PLAN STAGE WE DO TYPICALLY DO THE ENGINEERING WORK FOR FLOODING AND WATER QUALITY AND THEY WILL MAKE A DETERMINATION AT THAT TIME WHETHER THE APPROPRIATE PLACE FOR A POND WOULD BE AND THEY CAN'T BASICALLY HAVE MORE RUN OFF THAN IS ALREADY RUNNING OFF THE PROPERTY AND THE

STATE IT IS DEVELOPED RIGHT NOW.

OKAY, THANK YOU.

ANY FURTHER QUESTIONS, COMMENTS? I REMEMBER THE FIRST TIME I SAW THIS ZONING CASE COME WAS 2000, EIGHT YEARS AGO SO I'VE SEEN THIS TRACT OF LAND MANY TIMES AND I'M PLEASED IT HAS COME TO US WITH CONSENT APPROVAL.

HOPEFULLY THIS IS THE LAST TIME.

UNANIMOUS APPROVAL BY ALL THE FOLKS WHO HAVE REVIEWED THIS. COMMENTS, QUESTIONS? I WILL ENTERTAIN A MOTION ON COMBINED CASE 126 AND 127 THAT STAFF INFORMED US IS READY FOR THREE READINGS.

MAYOR.

MOTION BY COUNCIL MEMBER LEFFINGWELL. SECONDED BY COUNCIL MEMBER COLE TO CLOSE THE PUBLIC HEARING ON ALL THREE READINGS COMBINED CASE 126 AND 127. FURTHER COMMENTS? HEARING NONE. ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED. MOTION PASSES ON A VOTE OF 7-0.

THANK YOU, MAYOR AND COUNCIL. LET ME THEN INTRODUCE MR. GEORGE ADAMS AND HE WILL BE PRESENTING ITEMS 123, 124 AND 125 RELATING TO THE VERTICAL MIXED USE BUILDINGS ZONING OPT IN/OPT OUT PROCESS ON THREE DIFFERENT NEIGHBORHOODS.

THANK YOU, MR. GUERNSEY. WELCOME MR. ADAMS.

THANK YOU. ITEM 123 IS CASE C 14-2007-1235, JUDGE'S HILL VERTICAL MIXED USE OPT IN/OPT OUT ZONING APPLICATION. COULD YOU PLEASE PUT THE MAP UP ON THE SCREEN. THE BOUNDARIES OF THE JUDGE'S HILL NEIGHBORHOOD ASSOCIATION AND THE BOUNDARIES FOR THE DMU ZONING CASE ARE MLK JUNIOR, MARTIN LUTHER KING, JR., BOULEVARD ON THE NORTH, NORTH LAMAR BOULEVARD ON THE WEST, WEST 15th STREET ON THE SOUTH, AND 1/2 BLOCK EAST OF WEST AVENUE ON THE EAST. THE JUDGE'S HILL PLANNING AREA HAS TWO CORE TRANSIT CORRIDORS ON ITS BOUNDARIES, NORTH LAMAR BOULEVARD ON THE WEST AND MARTIN LUTHER KING, JR., BOULEVARD UP TO PEARL STREET ON THE NORTH SIDE OF THE AREA. THE VMU OVERLAY DISTRICT ALONG THESE ROADWAYS INCLUDES FOUR TRACTS CONSISTING OF A TOTAL OF 1.16-ACRES. THE APPLICATION RECEIVED FROM, OR THE RECOMMENDATIONS RECEIVED FROM THE JUDGE'S HILL NEIGHBORHOOD ASSOCIATION CALLED FOR EXCLUDING OR REMOVING ALL FOUR OF THESE TRACTS FROM THE VMU OVERLAY DISTRICT AND WHAT THAT MEANS IS, IF APPROVED BY THE COUNCIL, THESE TRACTS WOULD NOT HAVE THE ABILITY TO DO VERTICAL MIXED USE BUILDINGS OR TAKE ADVANTAGE OF THE INCENTIVES THAT ARE AN OPTION UNDER THE VMU PROVISIONS OF THE DESIGN STANDARDS. PLANNING COMMISSION



APPROVED THE NEIGHBORHOOD RECOMMENDATION EXCLUDE TRACTS 1 THROUGH 4 FROM THE OVERLAY DISTRICT ON JANUARY 15th, AND WE HAVE A VALID PETITION ON, FROM THE PROPERTY OWNERS OF TRACTS ONE THROUGH THREE WHO OPPOSE THE NEIGHBORHOOD RECOMMENDATION AND THEY ARE REQUESTING THAT THEIR PROPERTIES REMAIN WITHIN THE OVERLAY DISTRICT AND RECEIVE THE VMU DIMENSION AM AND PARKING -- DIMENSIONAL STANDARDS AND PARKING REDUCTIONS IN THE ADDITIONAL GROUND FLOOR USES AND THE OFFICE GLOBING DISTRICTS. THAT CONCLUDED MY PRESENTATION ON ITEM 123. I WOULD BE GLAD TO ANSWER ANY QUESTIONS YOU HAVE.

MR. ADAMS, I DIDN'T QUITE HEAR THAT SO OF THE FOUR TRACTS, --

TRACTS ONE THROUGH THREE HAVE A VALID PETITION.

THANK YOU. QUESTIONS FOR MR. ADAMS, COUNCIL. DO WE HAVE A COUPLE OF FOLKS WHO WANT TO TESTIFY. MAYOR PRO TEM.

OPT IN/OPT OUT, VMU PROCESS. BUT ARE WE SAYING THAT THE NEIGHBORHOOD IS OPTING OUT OF THAT WHOLE MARTIN LUTHER KING BOULEVARD IN THEIR AREA, OPTING ALL OF THOSE PROPERTIES OUT OF THE VMU?

THAT IS CORRECT. WE USE THE TERM EXCLUDE THEM FROM THE OVERLAY DISTRICT JUST TO DID I DIFFERENTIATE OPT OUT. THAT MEANS MEANS IN OUR TERMINOLOGY, THEY WOULD STILL, FOR EXAMPLE IN THESE PROMPTS THEY ARE TERMED LO OR GO, IF THEY ARE ONLY OPTED OUT THEY WOULD NOT BE ABLE TO ACCESS THE VMU INCENTIVES BUT WOULD STILL HAVE THE ABILITY TO DO MIXED USE ON THAT PROMPT AND WHAT THE NEIGHBORHOOD IS RECOMMENDING ON THESE IS TO REMOVE THEM FROM THE OVERLAY DISTRICT WHICH MEANS THEY WOULD HAVE NEITHER OF THOSE OPTIONS.

RIGHT NOW THEY DO IS THE VMU DECEMBER I CAN NATION.

THAT IS CORRECT -- DESIGNATION.

THAT IS CORRECT.

ARE ALL OF THESE PROPERTIES OWNED BY ONE INDIVIDUAL THAT ARE REQUESTING TO STAY IN THE --

NO, COUNCIL MEMBER, I BELIEVE TRACTS ONE AND TWO ARE COMMON OWNERSHIP. AND THEN THREE AND FOUR ARE SEPARATE OWNERS. SO THERE ARE A TOTAL OF THREE PROPERTY OWNERS.

THEY ARE ALL REQUESTING TO BE INCLUDED IN THE OVERLAY.

ACTUALLY TRACTS ONE THROUGH THREE. WE HAVEN'T HEARD THROUGH THE OWNER OF TRACT FOUR.

COUNCIL MEMBER McCRACKEN.

I THINK THAT IS AN IMPORTANT CLARIFICATION THAT GEORGE SPOKE TO, IN RESPONSE TO MAYOR PRO TEM'S QUESTION, WE HAD INITIALLY COME UP WITH THE ORDINANCE, THE STAKEHOLDER GROUP AND IT WAS UNANIMOUSLY SUPPORTED BY THE AUSTIN NEIGHBORHOOD COUNCIL, REAL ESTATE COUNCIL OF AUSTIN AMONG OTHERS WAS THAT THESE WOULD ALL, ALL THE PROMPTS IN THE CORE TRANSIT CORRIDORS WOULD BE VMU. THE OPT OUT QUESTION WAS ONLY ABOUT THE AFFORDABLE HOUSING DENSITY BONUSES SOME OF WHEN WE TALK ABOUT OPT IN OR OPT OUT THAT IS ONLY FOR THE AFFORDABLE HOUSING DENSITY BONUSES. WE SUBSEQUENTLY HAD AN AMENDMENT EARLY LAST YEAR THAT GAVE NEIGHBORHOODS THE UNDERSTOOD TO RECOMMEND TO -- THE OPPORTUNITY TO RECOMMEND TO REMOVE THE VMU ALL TOGETHER. AT THE TIME WE PASSED THAT WE RECOGNIZED THERE WOULD BE INSTANCES, WITHOUT PREJUDGING WHAT WE HAD BEFORE TONIGHT, THAT WE RECOGNIZED THERE WOULD BE INCIDENCES THERE WOULD BE SOME PROPERTIES THAT SHOULD BE EXCLUDED ALL TOGETHER. BUT THE NEIGHBORHOOD COUNCIL'S REPRESENTATIVES ASSURED US, AND IT WAS A BIG FACTOR IN OUR DECISION, WAS THAT THIS WOULD BE USED SPARINGLY AND I THINK WHAT WE ARE GOING TO SEE TONIGHT, NOT FROM JUDGE'S HILL THAT MAY BE A DIFFERENT WAYS CASE, BUT WE HAVE A COUPLE OF APPLICATIONS WHERE WE SEE PRESENTATIONS, SAY JUST REMOVE EVERYTHING, EXCLUDE IT, NOT ONLY NO AFFORDABLE HOUSING DENSITY BONUSES BUT JUST EXCLUDE WHICH WAS DIFFERENT FROM WHAT THE NEIGHBORHOOD COUNCIL HAD PRESENTED WHEN THEY HAD SUPPORTED THE ABILITY TO HAVE LIMITED EXTRACTIONS AS OPPOSED TO WHOLESALE REMOVALS, SO BUT THAT IS THE KEY DIFFERENCE, AFFORDABLE HOUSING DENSITY BONUS, WHAT WE TALKED ABOUT FOR OPT IN/OPT OUT. EXCLUDES IS WHAT WE TALK ABOUT REMOVING IT ALL TOGETHER. RIGHT HERE, WE HAVE, IN JUDGE'S HILL, REQUEST FOR WHOLESALE EXCLUSIONS. I PERSONALLY SUPPORT IT FOR JUDGE'S HILL OF DEFERRING ANY DECISION ON THESE PROPERTIES SINCE IT IS IN THE DOWNTOWN PLANNING AREA, BECAUSE ROMA IS ALREADY LOOKING AT THIS AND IT VERY FAR DOWN THE ROAD AND IDENTIFIED THIS AS ONE OF THE DISTRICT IT IS WANTS TO GIVE PARTICULAR ATTENTION TO SO THIS MAY BE, JUDGE'S HILL MAY BE AN AREA WHERE IT MAKES A LOT OF SENSE JUST TO LET ROMA, WHO IS ALREADY WORKING ON THIS COVER THIS, SINCE THEY ARE ALREADY WORKING ON IT.

FURTHER QUESTIONS? COUNCIL MEMBER LEFFINGWELL.

SO YOU SAID PROPERTIES ONE, TWO AND THREE HAVE A VALID PETITION BUT FOUR DOES NOT.

THAT IS CORRECT.

EXPLAIN TO US WHAT THAT MEANS MEANS.

THE PROPERTY OWNERS, THERE SOMEONE PROPERTY OWNER FOR TRACTS ONE AND TWO, AND SO THEY HAVE OBJECTED TO THE NEIGHBORHOOD'S RECOMMENDATION.

I KNOW THAT IS WHAT IT MEANS BUT IN TERMS OF VOTES.

I'M SORRY. IF THE COUNCIL WERE TO APPROVE THE NEIGHBORHOOD RECOMMENDATION IT IS WOULD REQUIRE SIX VOTES ON TRACTS ONE THROUGH THREE.

AND FOUR? FOUR VOTES ON FOUR?

THAT IS CORRECT, YES.

AGAIN THAT WOULD REQUIRE SIX VOTES IF WE WERE TO ATTEMPT ON ALL, AT A THIRD READING. A FINAL READING WOULD REQUIRE --

THAT'S CORRECT.

AND I BELIEVE STAFF ALREADY INFORMED IT'S THEY ARE TECHNICALLY ONLY READY FOR FIRST READING, REGARDLESS.

THAT'S CORRECT.

THE SECOND QUESTION BUILDS ON COUNCIL MEMBER'S McCRACKEN'S COMMENT ABOUT THE ROMA RECOMMENDATION. SO WHAT DOES THAT MEAN? DOES THAT MEAN THAT THE NEIGHBORHOOD WOULD NO LONGER HAVE THE OPPORTUNITY TO OPT OUT IF THE THEDOWNTOWN PLAN RECOMMENDATION IS DIFFERENT?

WHAT I'M THINKING, AT LEAST PERSONALLY, I THINK IT WOULD MAKE A GOOD IDEA TO POSTPONE THIS ONE INDEFINITELY. THE JUDGE'S HILL ONE, SINCE ROMA, WE WILL HEAR FROM THEM IN TWO WEEKS AND ON TOP OF THAT, THEY ARE PROVIDING SOME, YOU KNOW, A VERY FINE-GRAIN LOOK AT JUDGE'S HILL IN OTHER AREAS OF DOWNTOWN. I THINK IT WOULD MAKE SENSE TO POSTPONE THE JUDGE'S HILL ONE INDEFINITELY SINCE IT IS A SMALL NUMBER OF PROMPTS AND IT IS ALREADY IN THE -- PROPERTIES AND IT IS ALREADY IN THE ALREADY IN THE DOWNTOWN PLAN.

THEY RESERVE THE RIGHT TO OPT OUT IF THEY WANT TO?

MY UNDERSTANDING IS YES.

YES, COUNCIL MEMBER, MY, I GUESS MY CONCEPTION OF HOW THIS WOULD PLAY OUT THE WITH THE DOWNTOWN PLAN IS YOU KNOW, ONE OF THE ISSUES THAT ROMA HAS

IDENTIFIED FOR THE DOWNTOWN AREA IS THEY FEEL THERE IS A NEED TO IDENTIFY OR TO DEFINE IDENTIFIABLE DISTRICTS, INCLUDING I BELIEVE THEY HAVE TAKEN A PRELIMINARY LOOK AT SKETCHING THOSE OUT AND I BELIEVE THERE IS ONE FOR THE JUDGE'S HILL AREA AND FOR EACH OF THOSE DISTRICTS THEY WILL BE LOOKING AT STANDARDS, DEVELOPMENT REGULATIONS THAT APPLY AND MAY VARY WITHIN THOSE DISTRICTS.

SO THIS IS JUST ONE MORE RECOMMENDATION LAYERED ON TOP OF THE STAFF RECOMMENDATION, PLANNING RECOMMENDATION IN THE EVENT WALL DECISION ON WHETHER IT IS OPTED IN OR OUT WOULD BE COUNCIL'S DECISION.

THAT IS CORRECT.

OKAY.

FURTHER QUESTIONS OF STAFF BEFORE WE TAKE CITIZEN TESTIMONY TESTIMONY. COUNCIL MEMBER COLE.

I'M SORRY, I AM A NOVICE, I NEED A CLEAR UNDERSTANDING IF WE ARE ONLY ON FIRST READING WE NEED ONLY A MAJORITY OF 4-3 STREET ACTUALLY APPROVE THE NEIGHBORHOOD'S OPT OUT, IS THAT CORRECT?

THAT'S CORRECT.

AND I ALSO NEED TO UNDERSTAND, ROMA IS LOOKING AT THIS, THEY LED TO YOU KNOW ANY PRELIMINARY RECOMMENDATIONS THEY WILL MAKE FOR IN NEIGHBORHOOD OR IS THE NEIGHBORHOOD INFORMED OF THAT? WE ARE SO CLOSE TO GETTING ROMA RECOMMENDATIONS BUT WE HAVE THE NEIGHBORHOOD HERE TODAY AND I'M TRYING TO UNDERSTAND THAT.

MY UNDERSTANDING IS THAT ROMA HAS LOOKED AT SOME GENERAL SUGGESTIONS FOR WHAT THE BOUNDARIES OF THE DISTRICTS MIGHT BE, BUT BEYOND THAT THEY HAVEN'T DONE A LOT OF DETAILED WORK. YOU KNOW THAT WOULD BE PART OF THE SECOND PHASE WHERE THEY LOOK AT EACH OF THESE DISTRICTS IN MUCH MORE DETAIL AND DEVELOP THE STANDARDS APPLICABLE TO THEM.

ARE WE SUPPOSED TO HEAR FROM ROMA IN THE NEXT COUPLE WEEKS. IS THAT CORRECT?

YES, COUNCIL MEMBER, I BELIEVE THEY ARE HERE ON FEBRUARY 14th TO PROVIDE A BRIEFING ON THE DOWNTOWN PLAN.

AND AFTER THAT, THE NEIGHBORHOOD WOULD BE FREE TO COME BACK TO US WITH THE SAME REQUEST FOR OPTING OUT BUT THEY WOULD HAVE TO TAKE AN AFFIRMATIVE ACTION TO DO THAT, BUT IF WE POSTPONED WOULD WE HAVE TO DO THAT INDEFINITELY

OR TO THE NEXT MARCH MEETING OR WHAT?

IF YOU POSTPONED INDEFINITELY WE WOULD NEED TO RENOTIFY ALL THE STANDARD PARTIES THAT THE REQUEST WAS COMING BACK TO THE COUNCIL, IF YOU CHOSE TO POSTPONE IT TO A DATE CERTAIN WE WOULD NOT.

FURTHER QUESTION, COMMENTS? WE HAVE THREE FOLKS THAT WOULD LIKE TO GIVE US TESTIMONY ON THE JUDGE'S HILL DECISION. OUR FIRST SPEAKER IS BOB. SORRY IF I MISPRONOUNCED THAT, BOB. I DON'T THINK I'VE EVER SEEN IT IN WRITING. WELCOME. YOU WILL HAVE THREE MINUTES AND FOLLOWED BY JILL BICFORD.

MY NAME IS BOB SWAFFER, RHYMES WITH OFFER. ANY CASE, I AM THE PRESIDENT OF THE JUDGE'S HILL NEIGHBORHOOD AND I DON'T WANT TO STEAL ANY FIRE FROM THE ROMA GROUP BUT THIS THEIR PRESENTATION THEY MAY HAVE A NICE LITTLE MAP THAT SHOWS SOME VARIOUS DISTRICTS THAT THEY ARE PROPOSING FOR THE DOWNTOWN AS PART OF THE DOWNTOWN PLAN, AND JUDGE'S HILL IS ONE OF THOSE DISTRICTS. MOREOVER, OUR NEIGHBORHOOD WOULD LIKE TO MAKE IT INTO AN HISTORIC DISTRICT AND WE'RE MAKING SOME EFFORTS EFFORTS IN THAT REGARD, AND THAT IS OUR REAL ARGUMENT RIGHT NOW FOR EXCLUDING VMU PROPERTIES ALONG MARTIN LUTHER KING THERE IS THAT MIGHT WELL BE PART OF AN HISTORIC DISTRICT. AND GIVEN THE AFFECTS OF HISTORIC DISTRICT WITH THE NEGOTIATION WITH THE DEVELOPERS WOULD BE QUITE DIFFERENT THAN IF IT WAS JUST A NEIGHBORHOOD. WE HAVEN'T ESTABLISHED WHAT THE BOUNDARIES OF THAT HISTORIC DISTRICT MIGHT BE AND WE LOOK FORWARD TO WORKING WITH ROMA AND THE CITY STAFF TO DO SO. WE, TAKING A LARGER POINT OF VIEW, WE'RE THINKING THAT MAYBE THE DISTRICT STARTS WITH THE MANSION AT JUDGE'S HILL WHICH IS ACTUALLY ACROSS FROM MARTIN LUTHER KING AND IT MIGHT EXTEND AS FAR SOUTH AS THE OLD AUSTIN HIGH SCHOOL, SO THERE IS QUITE A RANGE OF POSSIBILITIES IN THERE. WE HAVE ON THE ORDER OF 20 HISTORIC LAND MARKS IN THE DISTRICT ALREADY. SO WE'RE ASKING THAT YOU POSTPONE OR ACCEPT OUR REQUEST TO EXCLUDE THESE PROPERTIES FROM THE VMU BASICALLY BECAUSE WE DON'T THINK WE WILL BE COMPATIBLE WITH THE HISTORIC DISTRICT.

THANK YOU, MR. SWAFFER. QUESTIONS FOR BOB COUNCIL? THANK YOU, SIR. OUR NEXT SPEAKER IS JILL BICFORD. WELCOME, JILL. YOU TOO WILL HAVE THREE MINUTE, TO BE FOLLOWED BY ROBERT CLAYMAN.

HI, I OWN THE TRACT ONE AND TRACT TWO OF THE FOUR BUILDINGS ON THE WEST MLK CORRIDOR. I'M NOT A MEMBER OF THE JUDGE'S HILL ASSOCIATION. I DON'T GO TO THEIR MEETING, I'M NOT INVITED TO THEIR MEETINGS. I WENT A COUPLE TIMES BECAUSE THEY HAD QUESTIONS FOR ME OR ABOUT MY PROPERTY. THE HOUSES ARE BUILDING, AS FAR AS I'M CONCERNED, I BOUGHT THEM IN 1994 WITH MY HARD-EARNED MONEY. I AM THE SOLE PROPRIETOR. THESE HOUSES ARE FIX-UPS. THEY HAVE BEEN ALMOST TORN TO THE GROUND. I'VE FIXED THEM UP. I HAVE ACHANGED SO MANY THINGS IN THESE HOUSES,

THESE BUILDING, WALL, PORCHES, WINDOWS. THESE ARE JUST BUILDINGS LIKE YOU WOULD FIND ANYWHERE IN AUSTIN THAT SOMEONE WOULD BUY AND FIX UP. AND THIS IS AN INVESTMENT FOR ME. THIS IS MY LIFE. I HAVE DONE THIS ALL OF MY ADULT LIFE, I'VE BEEN WORKING AT PUTTING THESE HOUSES TOGETHER TO MAKE A BED AND BREAKFAST. THIS IS NOT KNOWING DO WITH HISTORIC. THEY ARE SEVERAL BLOCKS AWAY FROM NEAR, THE PEOPLE THAT, THE NEIGHBOR OWES POSING THIS, I FRONT WEST MLK, THE CORRIDOR, I'M SURROUNDED AND THEY ARE GETTING HIGHER AND HIGHER AND HIGHER BUILDINGS, RETAIL, MY ATTORNEY WILL GO MORE INTO THAT, BUT THIS IS THE 21st CENTURY JILL BICFORD HOUSE, THESE ARE NOT HISTORIC HOME, THESE HAVE BEEN TOTALLY REDONE AND I'M NOT, I'M FACING THE CORRIDOR, I'M NOT IN THE UNDERSTOOD, THERE ARE MANY, PLANE -- IN THE NEIGHBORHOOD, THEY ARE MANY, MANY BLOCKS AWAY AND I WANT TO OPT IN BECAUSE I WANT THE OPPORTUNITY TO DO WHAT EVERYBODY ELSE HAS BEEN DOING ON WEST MLK, AND THAT IS, YOU KNOW, HELPING THE CITY OF AUSTIN GROW. THANK YOU.

THANK YOU, MISS BICFORD. QUESTIONS FOR JILL, COUNCIL? WE WILL HEAR FROM ROBERT CLAYMAN. WELCOME, MR. CLAYMAN, YOU TOO WILL HAVE THREE MINUTES.

I'M HERE ON BEHALF OF JILL BICFORD. I'M DOING LOW TECH MAP HERE OF THE AREA WITH JILL'S PROPERTY. I WANT TO EMPHASIZE THE POINT YOU'VE DRIVEN DOWN THIS PORTION OF WEST MLK, THERE IS CURRENTLY FIVE-STORY HIGH RISE CONDO BEING CONSTRUCTED ON HER IMMEDIATE EASTERN BOUNDARY. THE OFFICES ARE ACROSS PEARL STREET, CADDY CORNER, ACROSS MLK THERE IS OFFICES. THE MANSION HOTEL THAT WAS MENTIONED A FEW MINUTES AGO, YOU WILL SEE THE TRACT THAT IS CALLED RETAIL RESTAURANT HOTEL, THAT IS CURRENTLY SERVING AS A CONSTRUCTION WORK SITE FOR THE CONDOSSES NEXT TO HER AND THERE IS PROPOSED TO BE A MIXED USE RETAIL HOTEL CENTER THERE. EVERYTHING ALONG THIS STRETCH OF MLK IS COMMERCIAL TODAY. SHE HAS LO ZONING, THAT IS WHY SHE IS ELIGIBLE FOR THE VMU. I THINK WE CAN ALL APPRECIATE THE UNDERSTOODS DESIRE TO THINK ABOUT SOME DAY MAYBE DOING HISTORIC DISTRICT BUT I DON'T THINK A HISTORIC DISTRICT IS GOING TO SWING UPON TWO HOUSES THAT REFLECT JILL BICFORD'S TASTE AND WHAT SHE HAS DONE AS OPPOSED TO WHAT MAY EXIST TWO BLOCKS OUT ON 17th STREET. IF THEIR DISTRICT HINGES ON THESE TWO HOUSES THAT ARE NOT HISTORIC, THEY PROBABLY DON'T HAVE MUCH OF A QUALITY APPLICATION. I THINK WHAT WE ARE LOOKING AT IS SOMEONE MAY SOME DAY DO SOMETHING IS CREATING A GREAT DEAL OF UNCERTAINTY WHEN SHE IS HAVING TO LIVE NEXT DOOR WITH A CRANE THAT PASSES OVER HER PROPERTY EVERY DAY. IT IS THE CORRIDOR AND WE ARE ASKING THAT YOU ALLOW HER THE FULL VMU ENINCENTIVES THAT YOU PREVIOUSLY DECIDED WAS APPROPRIATE FOR THIS TRANSIT CORRIDOR. I THINK IT MAKES SENSE. IT IS NO LONGARY RESIDENTIAL STREET AND CERTAINLY NO LONGER A RESIDENTIAL PROPERTY GIVEN THOSE CONDO, THE APARTMENT NEXT TO IT, MULTIFAMILY ALL THE WAY AROUND IT OR BUSINESS. AND WE DO RESPECTFULLY REQUEST THAT YOU ALLOW HER TO HAVE THE VMU DESIGNATION IN ACCORDANCE WITH YOUR PRIOR POLICY

DECISIONS I WOULD BE HAPPY TO ANSWER ANY QUESTIONS.

THANK YOU, MR. CLAYMAN, QUESTIONS FOR ROBERT, COUNCIL? THANK YOU, SIR SO COUNCIL, THAT IS ALL 6 OUR SPEAKERS ON THIS VMU CASE, THAT BEING ITEM NUMBER 123. QUESTION, COMMENTS? SORRY, THAT CAME UP, WE HAVE COUNCIL RULES ABOUT PUBLIC HEARINGS SO WE TAKE FOLKS IN FAVOR, THREE MINUTES AT A TIME, AND FOLKS IN OPPOSITION. THIS ISN'T A TYPICAL ZONING CASE AS THERE WASN'T AN APPLICANT PRESENTATION PER SE, BUT COUNCIL RESERVES THE RIGHT TO ASK QUESTIONS OF YOU, BOB, OR ANYBODY ELSE. COMMENTS? COUNCIL MEMBER McCRACKEN.

AND MY COLLEAGUE, ALL THE SAME QUESTIONS, I PERSONALLY DO AS I STATED BEFORE, I BELIEVE WE SHOULD POSTPONE THIS. I IMAGINE INDEFINITELY. IT WOULD LEAVE THE APPLICATION LIVE BUT WE ARE HAVING THE DOWNTOWN PLAN GIVING A SPECIFIC LOOK AT THIS AREA, AND I THINK THAT THIS IS A UNIQUE SITUATION. THAT WHERE WE HAVE SOME WORK IN PROGRESS WITH ABOUT ALREADY \$800,000 OF TAXPAYER FUNDS PLANNING, INCLUDING ON THESE PARTICULAR PROPERTIES, AND SO MY PERSONAL BELIEF IS WE WOULD BE BETTER OFF POSTPONING THIS SINCE THERE ARE NOT ACTUAL LIVE DEVELOPMENT PROPOSALS AT THE MOMENT.

MAYOR PRO TEM.

I WANT TO MAKE REALLY TWO COMMENTS, ONE ON THE HISTORIC DISTRICT. IN THAT, IN THOSE REGULATIONS WE RECENTLY PUT FORWARD AND I'M CERTAINLY SUPPORT OUR FIRST HISTORIC DISTRICT THAT IS COMING THROUGH OR HAS BEEN THROUGH THE PLANNING COMMISSION. YOU REALLY CAN DESIGN THAT DISTRICT FOR AS FEW OR AS MANY BLOCKS AS YOU WANT IT AND IF THE MAPS THAT I'VE SEEN HERE TODAY OR ACCURATE, I TOO DON'T UNDERSTAND HOW THIS SECTION OF THAT STREET WOULD BE INCLUDED IN HISTORIC DISTRICT. YOU HAVE TO GET SOME 60-PLUS PERCENT OF THE LAND OWNERS WITHIN THAT DISTRICT TO SUPPORT IT. SO I WOULD THINK YOU ARE GOING TO HAVE TO GET A BETTER DEFINE ED DISTRICT, JUST MY OPINION FROM WHAT LITTLE LOOKING I'VE SEEN. PERSONALLY, I'M GOING TO NOT, LET'S SEE, HOW DO YOU SAY IT, I'M GOING TO SUPPORT THESE TWO PROPERTIES REMAINING, NOT OPTING OUT OF THE DISTRICT. I DON'T THINK THOSE, I DON'T THINK IT IS APPROPRIATE TO OPT THEM OUT WHEN THEY HAVE NOTHING BUT COMMERCIAL MULTIFAMILY AND OTHER TYPES OF ZONING ALL AROUND THEM ON THAT BUSY COMMERCIAL CORRIDOR. SO THAT IS JUST MY OPINION FROM LOOKING AT THE VARIOUS EXHIBITS.

COUNCIL MEMBER LEFFINGWELL.

IF THESE ARE OPTED OUT FOR VMU, THEY STILL ARE COMMERCIAL ZONED, ARE THEY NOT? I MEAN, THEY COULD BE DEVELOPED NONE WITH WHATEVER --

THAT'S CORRECT.

I BELIEVE THEY ARE ZONED LO.

THAT'S CORRECT, COUNCIL MEMBER.

HOW ABOUT THREE?

ONE AND TWO ARE ZONED LO, TRACTS THREE AND FOUR ARE GO.

SO THAT WOULD REMAIN. DESCRIBE THE DIFFERENCES IN DEVELOP. RIGHTS BETWEEN LO AND VMU, GIVEN THE RESTRAINT, THAT WOULD STILL BE CONSTRAINED BY COMPATIBILITY?

THAT'S CORRECT. THEY WOULD, THE HEIGHT LIMITATIONS ARE THE SAME, COMPATIBILITY STANDARDS, IF APPLICABLE ARE THE SAME, IMPERVIOUS COVER IS THE SAME. IF THESE PROPERTIES RECEIVE THE FULL VMU ENTITLEMENTS, THE FLORIDA AREA RATIO WOULD BE WAVED, THE FRONT AND SIDE BUILDING SET BACKS WOULD BE REDUCED TO ZERO, ALSO SUBJECT TO COMPATIBILITY. BUILDING COVERAGE LIMITS WOULD BE WAVED, AND, WAIT, I'M FORGETTING THE FOURTH ONE. IF.

IF THE SIGHT IS CONSTRAINED BY COMPATIBILITY, IT DOESN'T MATTER.

THAT IS TRUE, IF THEY ARE SUBJECT TO COMPATIBILITY, THAT IS THE CONTROLLING FACTOR.

IT SEEMS TO ME THE PROMPT OWNER MIGHT BE MORE CONSTRAINED UNDER VMU THAN NOW SINCE WE ALSO HAD THE ADDITIONAL REQUIREMENT TO PROVIDE DIFFERENT USES ON DIFFERENT FLOOR, RESIDENTIAL VERSES COMMERCIAL, AND ALSO TO PROVIDE A CERTAIN PERCENTAGE OF AFFORDABLE HOUSING IN THE UNITS. IT MIGHT BE MORE RESTRICTIVE THAN THE CURRENT ZONING.

THE VMU STANDARDS DO REQUIRE TWO USES WITH ONE OF WHICH MUST BE RESIDENTIAL AND IF THEY TAKE ADVANTAGE OF THE DEVELOPMENT STANDARDS, THE RELAXED DEVELOPMENT STANDARDS, THEY HAVE TO PROVIDE 10% OF THE UNITS AS AFFORDABLE.

MAYOR.

COUNCIL MEMBER McCRACKEN.

YOU WANT TO IDENTIFY THAT AS AN OPTION, NOT REQUIRED, SO IF HE HAVE VMU, IT OPERATES LIKE UNO WHERE THEY CAN KEEP THE BASE COMMERCIAL BUT THEY HAVE THE ADDITIONAL OPTION THAT IS PURELY VOLUNTARY OPERATING UNDER VMU SO WHILE THERE WOULD BE COMPATIBILITY STANDARDS, FOR INSTANCE, IT WOULD TAKE PLACE IN



VMU IT WOULD STILL REMAIN A VOLUNTARY CHOICE BY THE PROPERTY OWNER WHERE THEY COULD STILL BUILD UNDER THEIR LO ARE INSTEADY BUILD UNDER VMU.

MAYOR PRO TEM.

EXCUSE ME.

MAYOR PRO TEM.

GO AHEAD.

I WAS GOING TO ASK MR. SWAFFER IF HE HAD SOME RESPONSE TO THE COMMENTS MADE EARLIER. HE SEEMS TO HAVE SOME CONCERN ABOUT THAT AND I WOULD LIKE TO HEAR WHAT THOSE CONCERNS ARE.

WELCOME BACK, MR. SWAFFER.

I HAVE A COUPLE OF PHOTOGRAPHS OF THE PROPERTY THAT MISS BICFORD OWNS. ONE OF THEM WAS BUILT IN 1911, RIGHT THERE. AND IT IS ACTUALLY IN VERY GOOD SHAPE. AND THE OTHER PROPERTY WAS BUILT IN 1925. AND IT IS IN VERY GOOD SHAPE TOO. SHE SAID SHE HAS REPAIRED THEM LOT AND I'M SURE SHE DOES, EVERYONE THAT OWNS AN OLD HOUSE, IF YOU OWN AN OLD HOUSE THAT WAS BUILT IN 1911 IT WOULD BE SOMETHING YOU HAVE TO MAINTAIN A LOT. SO IT IS NOT LIKE THESE ARE, CERTAINLY NOT CORNER STONES OF OUR HISTORIC DISTRICT. THEN THESE PROPERTIES WOULD PROBABLY BE ASSOCIATED WITH THAT. I HAVE ANOTHER POINT I WOULD LIKE TO MAKE ABOUT THE TRANSIT CORRIDOR. WHY DOES THE TRANSIT CORRIDOR STOP AT PEARL STREET? BECAUSE IT BECOME AS TWO-LANE STREET AT THAT POINT AND UNFORTUNATELY, PEARL STREET IS ON THE NORTH IS A DIFFERENT SURVEY THAN PEARL STREET ON THE SOUTH SO THAT THE STREETS DON'T MEET, THEY JOG. THE PLACE WHERE THE MLK REDUCES TO TWO LANES IS ASSOCIATED WITH PEARL STREET ON THE NORTH AND UNFORTUNATELY, BOTH OF THESE PROPERTIES ARE WEST OF THAT POINT. SO BOTH OF THESE PROPERTIES ARE WHERE MLK IS A TWO-LANE STREET. SO WE HAVE A COUPLE OF ACTUALLY VERY NICE PROPERTIES, WHICH COULD POTENTIALLY BE PART OF AN HISTORIC DISTRICT, AND WE HAVE THE PROBLEM WITH MLK REDUCED TO TWO LANES AT THE POINT WHERE THESE PROPERTIES ARE. THANK YOU.

THANK YOU, MR. SWAFFE RE. MAYOR PRO TEM AND COUNCIL MEMBER COLE.

I DON'T HAVE A QUESTION FOR YOU BUT MY THOUGHT IS, THOUGH THAT IF PEOPLE CHOOSE TO OPT IN TO THE VMU THEY ARE OPTING INTO AFFORDABLE HOUSING AND SO TO ME TO HAVE THE ABILITY TO DO THAT I THINK IS OF VALUE TO THIS COMMUNITY. SO THAT WAS ANOTHER COMMENT I WANTED TO MAKE. IF YOU OPT INTO THAT, YOU OPT INTO THE

AFFORDABLE HOUSING REQUIREMENTS AS WELL.

COUNCIL MEMBER COLE.

I HAD A QUESTION FOR --

MR. SWAFFER?

MR. SWAFFER. WAS IT ROBERT? OKAY.

BOB TO SOME OF US.

YOU HAD STATED EARLIER IN YOUR TESTIMONY THAT A POSTPONEMENT WOULD BE OKAY WITH YOU.

YES. I THINK -- AGAIN, WE LOOK FORWARD TO THE OPPORTUNITY TO WORKING WITH ROMA AND MAYBE WE CAN ESTABLISH SOME BOUNDARIES AND CRITERIA FOR A HISTORIC DISTRICT THERE AND IT MIGHT NOT INCLUDE THESE PROPERTIES.

OKAY. SO YOU ARE CONTEMPLATING WORKING WITH ROMA ON A POSSIBLE HISTORIC DISTRICT BASED ON THEIR RECOMMENDATION AND WORKING WITH THESE PROPERTIES. OKAY.

COUNCIL MEMBER MARTINEZ.

THERE IS A COUPLE OF, I THINK THERE IS A COUPLE OF CONVERSATIONS GOING ON SIMULTANEOUSLY AND MAYBE NOT THE FULL CONVERSATIONS BEING HAD BUT I THINK THERE IS A COUPLE OF ISSUES HAPPENING SIMULTANEOUSLY. AND BOB, IT SOUNDS LIKE, YOU KNOW, ONE OF YOUR CONCERNS IS KIND OF PRESERVATION OF YOUR NEIGHBORHOOD, NOT SO MUCH TRANSITIONING OF WHAT WAS ONCE HOMES INTO WHAT IS TODAY, YOU KNOW, VERTICAL MIXED USE OR NEW URBAN DESIGN. AND I APPRECIATE THAT CONCERN. BUT I THINK THAT IS VERY DIFFERENT FROM SAYING THAT YOU MIGHT CREATE A HISTORIC DISTRICT AND THESE TWO HOMES MIGHT BE A PART OF THAT BECAUSE I WOULD GUESS, AND THIS IS AN ASSUMPTION, BUT I WOULD ASSUME THAT THE LAND OWNER WOULD NOT APPROVE OF THOSE TWO PIECES OF PROPERTY BEING UNDERSTOOD HISTORIC DISTRICT. IN THAT INDICATES IT WOULD CREATE A VALID PETITION FOR THAT TO BE TRANSFERRED TO AN HISTORIC, INTO THE HISTORIC DISTRICT. AND BECAUSE OF THAT, I THINK THE CHANCES ARE VERY SLIM THAT IT WOULD GET TO THAT POINT, ESPECIALLY BASED ON THE ADJACENT PROPERTIES. SO WHEN I LOOK AT THIS, I AGREE THAT THERE ARE CONCERNED ABOUT PRESERVATION BUT THERE IS ALSO ISSUES OF COMPATIBILITY AND WITH THE CURRENT DEVELOPMENT THAT IS GOING ON AND WITH THE PLANNING PROCESS THAT WENT ON PRIOR TO OUR VERTICAL MIXED USE CORE TRANSIT CORRIDOR PLANNING AREAS, IF YOU WILL, THIS IS IDENTIFIED AS ONE OF THOSE AREAS. AND I JUST

THINK THAT THE VERTICAL MIXED USE CONVERSATION AND DISCUSSION TOOK PLACE OVER LONG PERIODS OF TIME AND THIS WAS CLEARLY IDENTIFIED AS ONE OF THOSE AREAS. AND I DO SEE BASED ON ADJACENT USES AND ADJACENT PROPERTIES, THAT THIS REALLY ISN'T THE CORE OF A NEIGHBORHOOD, IT IS ON A CORE TRANSIT CORRIDOR, IT IS VERY COMMERCIAL, AND FOR ME, AN IMPROVEMENT WOULD BE TO GO TOWARDS A VERTICAL MIXED USE THAT CREATES WALKABLE SIDEWALKS, THAT CREATES AFFORDABLE HOUSING, AND SOMETHING BETTER THAN WHAT YOU SEE ACROSS THE STREET WHICH IS A HUGE PAVED PARKING LOT AND AN OFFICE BUILDING. TO ME, THAT IS NOT SOMETHING I WOULD WANT IN MY NEIGHBORHOOD COMPARED TO A VERTICAL MIXED USE PROJECT. SO FOR THOSE REASONS, I THINK THAT I'M SUPPORTIVE OF THE VERTICAL MIXED USE, I UNDERSTAND YOUR CONCERNS AND I WOULD BE GLAD TO, YOU KNOW, ENTERTAIN HELPING THE UNDERSTOOD -- THE NEIGHBORHOOD CREATE THAT HISTORIC DISTRICT. AND THANK YOU FOR THE JAPANESE TEACUP, THEY ARE GREAT. I BOUGHT SOME FOR CHRISTMAS. A GREAT ARTIST.

FURTHER QUESTIONS, COMMENTS? MOTION FROM COUNCIL MEMBER LEFFINGWELL.

JUST TO VERIFY YOU ARE OKAY WITH THE TYPE OF POSTPONEMENT THAT COUNCIL MEMBER McCRACKEN SUGGESTED?

WELL, YES. WE HAVE LOTS OF COMMERCIAL PROPERTIES IN OUR NEIGHBORHOOD NOW. MANY OF THE OLDER HOMES ARE ALREADY OFFICES AND PROFESSIONAL BUILDINGS SO IT IS NOT THE COMMERCIAL PART OF IT THAT IS THE PROBLEM, IT IS THE APPROPRIATENESS OF SCALE AND THAT IS THE MAIN THING THAT WE WORRY ABOUT. IF THIS IS GOING TO BE A HISTORIC DISTRICT THIS IS A GATEWAY THAT GOES INTO THE DISTRICT.

THANK YOU, BOB. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

IF THE NEIGHBORHOOD IS ASKING TO OPT OUT WE'RE GOING TO RECOMMEND THE OPT-OUT.

COUNCIL MEMBER, THERE WAS, I GUESS, A SIMILAR DISCUSSION AT THE PLANNING COMMISSION, THE PROPERTY OWNER AND HER REPRESENTATIVE WERE THERE, AND I CAN -- FROM OUR PERSPECTIVE I THINK THE PLANNING COMMISSION FELT LIKE THERE WAS A COMPELLING CASE TO LOOK AT THE IDEA OF THE HISTORIC DISTRICT AND THE REASON THAT THEY SUPPORTED THE NEIGHBORHOOD RECOMMENDATIONS.

SO THERE IS NO ESTABLISHED CRITERIA FOR PLANNING COMMISSION TO -- I GUESS TO APPROVE THE RECOMMENDATION -- OR TO RECOMMEND THAT THEY OPT OUT WHEN A NEIGHBORHOOD MAKES A REQUEST. THE PLANNING COMMISSION GOES THROUGH A FULL DELIBERATIVE PROCESS?

THAT'S CORRECT.

OKAY. THANKS.

MAYOR WYNN: FURTHER QUESTIONS, COMMENTS? I'LL JUST SAY CONCEPTUALLY I'M VERY MUCH IN FAVOR OF AS MUCH VERTICAL CAL MIXED USE AS WE CAN HAVE WITH AS MUCH LINEAR FEAR AS WE HAVE ON THE CORRIDOR. THERE NEEDS TO BE 250,000 HOUSING UNITS BUILT, NEW HOUSING UNITS BUILT IN AUSTIN OVER THE NEXT 25 TO 35 YEARS TO HOUSE THE NEXT 4 TO 700,000 PEOPLE WHO ARE ALREADY MOVING HERE TO THE TUNE OF ABOUT 85 PEOPLE A DAY RIGHT NOW. YOU KNOW, EVEN WITH EVEN WITH WHAT'S HAPPENING DOWNTOWN, THERE MAYBE 10,000 UNITS BUILT IN OUR DOWNTOWN, HIGH RISE RESIDENTIAL DOWNTOWN. REFUSE TO HAVE AS JUDICIOUS A WAY AS POSSIBLE, AND THE LESSON OF CENTRAL TEXAS WAS AS COMPACT AND MIXED USE WALKABLE AFFORDABLE WAY AS POSSIBLE, ENABLE 250,000 NEW HOUSING UNITS TO BE BUILT IN TOWN. WHAT THAT MAKES IS YOU HAVE TO TAKE, YOU KNOW, EVERY LINEAL FOOT, EVERY QUARTER MILE, EVERY CORNER BLOCK OF ALL OF OUR CORE TRANSIT CORRIDORS THROUGHOUT OUR CITY, AND IN THIS CASE HAVE AFFORDABLE RESIDENTIAL ABOVE WHAT OTHERWISE WOULD JUST BE TYPICAL OF COMMERCIAL SPACE. SO THE CONCEPT, I THINK, NO ONE REALLY DISAGREES WITH THAT, BUT THE FUTURE OF THIS CITY DEPENDS ON VERY JUDICIOUS SOUND LAND USE DECISIONS AND THE CONCEPT OF VERTICAL MIXED USE IS BRILLIANT AND IT WILL BE AN IMPORTANT TOOL FOR HOW WE GET TO THE ANSWER, THE VISION OF THE EXERCISE OF ENVISION CENTRAL TEXAS. AND TECHNICALLY I GUESS ANY POTENTIAL ACTION TODAY IS NOT GOING TO COMPOUND THAT ONE WAY OR THE OTHER IN THAT WE'RE NOT READY FOR FINAL READING, SO WHETHER IT'S NO ACTION AND OR IT'S ACTION BUT ON FIRST READING ONLY, THIS OF COURSE ISN'T THE FINAL DECISION ON THEY SEETHese CASES. ACTUALLY, I HAVE A QUICK QUESTION BEFORE I ENTERTAIN A MOTION FOR STAFF. SO REMIND US AGAIN, TAKING NO ACTION, CURRENTLY THOSE FOUR TRACTS ON MLK HAVE VMU RIGHTS. IS THAT CORRECT?

UNTIL THE COUNCIL ACTS ON THE APPLICATION, THEY'RE WITHIN THE OVERLAY DISTRICT, BUT UNTIL THE COUNCIL ACTS ON THE APPLICATION, THEY WILL NOT HAVE THE ABILITY TO TO --

[INAUDIBLE]

CORRECT. OKAY. MAYOR PRO TEM?

DUNKERLEY: I DON'T KNOW HOW TO MAKE A MOTION RIGHT NOW. I'M TRYING TO -- I'M LOOKING AT YOU. I WOULD MOVE THAT WE NOT OPT THESE PROPERTIES OUT OF THE VERTICAL MIXED USE OVERLAY. NOW, HOW DO I SAY THAT?

EXCUSE ME, COUNCIL MEMBER. I WOULD PHRASE IT SOMETHING ALONG THE LINES OF ADOPT VERTICAL MIXED USE ZONING AND ASSOCIATED DEVELOPMENT INCENTIVES FOR

TRACTS 1 THROUGH 4, IF THAT'S YOUR WISH.

DUNKERLEY: WITH THAT THOSE TRACTS WILL CONTINUE TO REMAIN [INAUDIBLE] FOR THE VMU?

THAT'S CORRECT, THEY WOULD BOTH REMAIN WITHIN THE OVERLAY DISTRICT AND THEY WILL BE ELIGIBLE FOR THE DEVELOPMENT STANDARDS THAT SERVE THE INCENTIVE TO BUILD VMU. IT WOULD ALSO BE SUBJECT TO THE AFFORDABILITY REQUIREMENTS IF THEY TAKE ADVANTAGE OF THOSE DEVELOPMENT STANDARDS.

MAYOR WYNN: ONLY ONCE WE TAKE FINAL READING.

THAT'S CORRECT.

MAYOR WYNN: CORRECT. AND STAFF IS ONLY READY FOR FIRST READING, REGARDLESS.

DUNKERLEY: OKAY. I WOULD MAKE THAT MOTION.

FIRST READING ONLY?

MAYOR WYNN: SO MOTION BY MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY A MOTION ENABLING THE VERTICAL MIXED USE DESIGNATION ON TRACTS 1, 2, 3, 4 AS PRESENTED BY STAFF, FIRST READING ONLY, SECONDED BY COUNCIL MEMBER MARTINEZ. GEORGE, SO -- SO INDEPENDENT OF THE WORK THAT ROME IS DOING -- GOING TO PRESENT THE COUNCIL IN TWO WEEKS, ON THE 14TH. IF THAT WORK WASN'T ONGOING, OCCURRING, WHAT WOULD BE YOUR ANTICIPATED TIMING TO BRING THIS CASE BACK FOR SECOND OR THIRD READING? THAT IS, IS THERE STILL WEEKS AND COUPLE MONTHS WORTH OF WORK ON YOUR PART?

IT WOULD BE A COUPLE WEEKS, AT THE MOST, TO HAVE IT BACK FOR SECOND AND THIRD READING.

MAYOR WYNN: I GUESS NOW WE HAVE A MOTION AND A SECOND ON THE TABLE. THE REQUEST OF MINE WOULD BE PERHAPS THAT IT NOT COME BACK PRIOR TO ROMA. IF WE GET THE PRESENTATION BY ROMA AND UNDERSTAND PERHAPS THE DIRECTION THEY'RE TAKING, OR WOULD SUGGEST THAT WE TAKE AT SOME FUTURE DATE, AND THEN OF COURSE THE COUNCIL RESERVES THE RIGHT TO TAKE ANY ACTION FOR SECOND AND OR THIRD READING. COUNCIL MEMBER MCCrackEN?

MCCrackEN: I THINK TO VERIFY THE MOTION FROM COUNCIL MEMBER DUNKERLEY WAS TO APPROVE 1 THROUGH 4 IN THE DISTRICT AND ALSO TO MAKE THEM ELIGIBLE FOR THE AFFORDABLE HOUSING DENSITY BONUSES.

MAYOR WYNN: MAYOR PRO TEM NODS AGREEMENT AS DOES CONGRESSMAN MCCRACKEN, THE SECOND.

MAYOR WYNN: WE HAVE A RESTATED MOTION AND SECOND ON THE TABLE, FIRST READING ONLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: OPPOSED? MOTION PASSES ON A VOTE OF 6-1 WITH COUNCIL MEMBER LEFFINGWELL VOTING KNOW, AGAIN, FIRST READING ONLY. ONLY.MCCRACKEN.

THANK YOU, MAYOR. GEORGE ADAMS WITH NEIGHBORHOOD PLANNING AND ZONING.

MAYOR WYNN: TAKES US TO OUR 5:30 BREAK, LIVE MUSIC AND PROCLAMATIONS. I APPRECIATE EVERYBODY'S PATIENCE. I PRESUME WE HAVE A MUSICIAN HERE IN THE NEXT FEW MINUTES. SO WITHOUT OBJECTION, TECHNICALLY SINCE THERE'S NO EXECUTIVE SESSION ITEMS REMAINING ON OUR AGENDA, WE WILL RECESS THIS MEETING OF AUSTIN CITY COUNCIL WHILE WE LISTEN TO LIVE MUSIC AND QUICKLY DO PROCLAMATIONS. I ANTICIPATE US CALLING THE MEETING BACK TO ORDER AND TING THE MEETING SHORTLY AFTER 6:00 P.M. WE ARE NOW IN RECESS. THANK YOU. VONNYE AKINS

MAYOR WYNN: OKAY, FOLKS. WELCOME BACK. IT'S TIME FOR OUR WEEKLY LIVE MUSIC GIG HERE AT THE AUSTIN CITY COUNCIL. JOINING US TODAY IS TROOB DOOR GEORGE ENSLE. HE BEGAN WRITING STONGS AND PERFORMING IN THE LATE 1960, DOESN'T LOOK THAT OLD, WITH FOLKS LIKE GUY CLARK, AND GEORGIA FALKER. HE IS NUMEROUS SONG WRITING AWARDS SUCH AS THE KERRVILLE FOLK FESTIVAL AND THE SONG WRITERS GROUP. HE HAS RELEASED 4 CDZ CDS IN THE U.S. AND GERM ANY. PLEASE JOIN ME IN WELCOMING GEORGE ENSLE.

THANK YOU, MAYOR. MUSIC MUSIC. [ (music) SINGING (music) ][ (music) SINGING (music) ]  
]MUSIC[APPLAUSE]

THANK YOU.

MAYOR WYNN: WELL DONE. BY THE WAY, GEORGE GETS TO BE THE FIRST PERFORMER IN THE YEAR OF AUSTIN MUSIC, WHICH WE'RE GOING TO PROCLAIM HERE IN A COUPLE MINUTES. SO REMIND US, GEORGE, HOW DO WE GET A COPY OF THE CDS AND WHERE DO WE HEAR YOU NEXT? HOW CAN WE HELP PROMOTE YOU?

I'D FIRST LIKE TO INTRODUCE MR. GREG WIT FIELD. HE'S PLAYING WITH ME TODAY, SIDEKICK AND PARTNER. I HAVE A WEB SITE, GEORGE ENSLE.COM, AND WE HAVE THE CDS AVAILABLE THERE. CDS BABY SELLS THEM, WATERLOO RECORDS SELLS THEM, AND WE HAVE -- THIS MONTH WE HAVE ABOUT EIGHT SHOWS IN AND AROUND AUSTIN AND CENTRAL

TEXAS. TOMORROW MORNING WE'RE GOING TO BE ON FOX 7 MORNING SHOW, AND WE'RE GOING TO BE DOING A DIFFERENT SONG THEN. WE'RE GOING TO BE DOING OUR TEXAS NATIONAL AND THEM THAT I WROTE -- ANTHEM IWROTE.

GEORGE ENSLE.COM, WHERE YOU CAN CHECK OUT GEORGE. GO OVER TO WATERLOO. JONS KOONZ WILL GLADLY SELL YOU A CD. I HATE TO DO THIS, YOU HAVE TO GET UP EARLY IN THE MORNING AND BE ON TV, BECAUSE PEOPLE TEND TO CELEBRATE THEIR DAYS WELL INTO THE NIGHT.

IF I CAN INTERRUPT YOU. AUSTIN MUSIC FOUNDATION IS RESPONSIBLE FOR PROMOTING MUSIC AND FOR MY BEING HERE AND IT'S GOING TO BE LOVE AUSTIN MUSIC MONTH, THE MONTH OF FEBRUARY.

TOMORROW, FOR LOVE AUSTIN MUSIC MONTH, AND IN ABOUT TEN MINUTES WE'LL PROCLAIM THIS THE YEAR OF AUSTIN MUSIC. SO AUSTIN MUSIC FOUNDATION IS A GREAT PARTNER, YOU KNOW, WITH US AS WE TRY TO CONTINUE TO PROMOTE AUSTIN AS THE LIVE MUSIC CAPITAL OF THE WORLD SFOO AND THE PARTICULAR SHOW THAT THEY'RE PROMOTING THIS MONTH FOR US IS THE ONE AT ART'S RIB HOUSE ON FEBRUARY 7. MAYOR WYNN: RIGHT. THAT WOULD BE THURSDAY -- NEXT THURSDAY.

NEXT THURSDAY, DECREE.

MAYOR WYNN: SO BEFORE GEORGE GETS AWAY, THOUGH, GREG -- THE PROCLAMATION READS, BE IT KNOWN THAT WHEREAS THE CITY OF AUSTIN, TEXAS IS BLESSED WITH MANY CREATIVE MUSICIANS WHO'S TALENT EXTENDS TO EVERY MUSICAL GENRE AND OUR MUSIC SCENE THRIVES BECAUSE WE SUPPORT THEM, LOCALS AND NEWCOMERS ALIKE, WE'RE PLEASED TO SHOWCASE OUR LOCAL ARTISTS. THEREFORE I, WILL WYNN, MAYOR OF THE LIVE MUSIC CAPITAL OF THE WORLD DO HEREBY PROCLAIM TODAY, JANUARY 31, 2008 AS GEORGE ENSLE DAY HERE IN AUSTIN AND CALL ON ALL CITIZENS TO JOIN ME CONGRATULATING A GREAT TALENT. [APPLAUSE]

THANK YOU, MAYOR. THANK YOU ALL VERY MUCH. [APPLAUSE]

MAYOR WYNN: OKAY. AND SO WHILE THE BAND BREAKS DOWN ON THAT SIDE OF THE ROOM, WE'LL COME OVER HERE AND USE THIS PODIUM TO DO OUR WEEKLY PROCLAMATIONS. AGAIN, WE TAKE THIS OPPORTUNITY EACH THURSDAY TO TRY TO RAISE AWARENESS ABOUT LOCAL ISSUES, TO SAY HI AND CONGRATULATIONS AND THANK YOU TO, YOU KNOW, DEAR FRIENDS AND TO, YOU KNOW, JUST HELP GOOD CAUSES AROUND THE COMMUNITY. I'M PROUD TO BE JOINED NOW BY DR. CHARLES AKINS AND VONNYE RICE-GARDNER AS WE ALSO WILL BE KICKING OFF BLACK HISTORY MONTH. WE HAVE A FABULOUS SERIES OF EVENTS EACH YEAR, NOW FOR THE LAST 20 SOME ODD YEARS, US AND TRAVIS COUNTY AND OTHERS HELL US CELEBRATE BLACK HISTORY MONTH. WHAT I'LL DO IS READ THE PROCLAMATION AND ASK DR. AKINS OR VONNYE TO COME AND SAY A FEW

WORDS ABOUT ALL THE ACTIVITIES AND WHY WE SHOULD BE CELEBRATING THIS GREAT DIVERSITY WE HAVE IN OUR TOWN. SO THE PROCLAMATION READS, THE NATION'S 32ND AND AUSTIN'S 12TH ANNUAL OBSERVATION OF BLACK HISTORY MONTH PAYS TRIBUTE TO THE LAYS OF CARTER G. WIDTHSON KNOWN AS THE FATHER OF BLACK HISTORY, AT THE GEORGE CARVER MUSEUM ON FEBRUARY 1 CELEBRATES CONTRIBUTIONS BY AFRICAN AMERICANS TO THE HISTORY OF THE U.S. AND CULTURE DIVERSITY OF THE CITY, WITH A TALK BY LARRY IRVIN AND ENTERTAINMENT BY TWO CHOIRS, AND WHEREAS WE RECOGNIZE THE AUSTIN CONVENTION AND VISITORS BUREAU, AUSTIN ENERGY, A AISD, THE CAPITAL CHAMBER OF COMMERCE, THE DOWNTOWN AUSTIN ALLIANCE, THE GEORGE WASHINGTON CARVER MUSEUM, THE HERITAGE SOCIETY OF AUSTIN, HISTORIC LANDMARK CONDITION AND HOUSTON TILL ON THE SON UNIVERSITY FOR COORDINATING THESE. I, MAYOR WILL WYNN, MAYOR OF THE CITY OF AUSTIN TEXAS, DO PROCLAIM FEBRUARY, 2008 AS AGAIN BLACK HISTORY MONTH HERE IN AUSTIN. PLEASE JOIN ME IN THANKING VONNYE AND DR. AKINS FOR ALL THEIR WORK. WE'LL HEAR FROM THEM NOW. [APPLAUSE]

IT IS AN HONOR TO BE HERE, AND STANDING HERE I REMEMBER BACK IN 2001 I RECEIVED THE HONOR FOR MAKING THE ANNOUNCEMENT ABOUT BLACKS IN EDUCATION, IN WHICH THEY HONORED MY FATHER AND DR. AKINS, AND THE THING THAT WAS SO INTERESTING AND WONDERFUL ABOUT THAT PARTICULAR TIME PERIOD IS THAT WHEN MY FATHER WAS THE PRINCIPAL, DR. AKINS WAS JUST A LITTLE BOY. [LAUGHTER] AND MY FATHER HAD SAID, WELL, YOU KNOW, THIS KID IS REALLY GOING TO MAKE SOMETHING OF HIMSELF, AND SEE WHERE HE IS NOW. BUT IT'S THAT -- [APPLAUSE]

IT IS THAT ACKNOWLEDGE ACKNOWLEDGEMENT OF WHAT THE CITY OF AUSTIN IS DOING, BLACK HISTORY MONTH WITH THE DIFFERENT AFFAIRS WE'RE GOING TO BE HAVING, THAT WE WISH TO THANK ALL OF YOU WHO MADE THIS POSSIBLE AND WILL BE MAKING IT POSSIBLE THROUGHOUT THE MONTH FOR YOU TO COME AND JOIN WITH US IN THIS CELEBRATION OF THE ACHIEVEMENTS THAT ALL OF YOU HAVE CONTRIBUTED. AND THE THING THAT I OFTEN THINK ABOUT ARE ALL OF THE TEACHERS THAT GOT ME WHERE I AM, SO THAT MEANS THAT I HAVE SOMETHING THAT I NEED TO PASS ON. AND THEN FROM THERE TO OTHERS. I AM SO LUCKY TO HAVE MY FRIENDS, MY COLLEAGUES AND DIFFERENT INDIVIDUALS WHO ARE ALSO A PART OF THE COMMUNITY THAT HAVE REALLY HELPED IN THIS PARTICULAR EFFORT. I THANK YOU SO VERY MUCH, I FEEL VERY HONORED AND HUMBLE TO BE ACCEPTING THIS PROCLAMATION, AND I'M REALLY LOOKING FORWARD TO THE EVENTS AS THEY UNFOLD WITHIN THE NEXT FEW WEEKS. THANK YOU SO VERY MUCH. I APPRECIATE IT. [APPLAUSE]

I WOULD WANT TO JUST ADD A STATEMENT OR SO TO WHAT HAS ALREADY BEEN SAID. I WANT TO SAY TO YOU, MAYOR WYNN, AND TO PEOPLE OF THE CITY COUNCIL, AND MS. COAL AND KIM AND MCCracken AND ALL WHO ARE HERE, THIS IS TRULY AN HONOR AND TRULY I'M HUMBLLED TO BE A PART OF THE HONOR. AND I SAY THAT BECAUSE BEING A NATIVE OF AUSTIN I'VE HAD A CHANCE TO SEE THE EVOLUTION FOR THE BETTER. I WANT YOU TO KNOW HOW PROUD HIM TO BE A NATIVE OF AUSTIN AND TO BE A PART OF THE



COMMUNITY, TO BE A PART OF THE ISD FOR SO MANY YEARS. I THINK THE STRIDES THAT HAVE BEEN MADE TOWARD INCLUSIVENESS IS AMONG THE BEST IN OUR COUNTRY. WHEN SEVERAL YEARS AGO I WOULD DRIVE DOWN CONGRESS AVENUE, MR. MAYOR, AND SEE ALL THOSE BEAUTIFUL BANNERS WITH THOSE PERSONS WHO HAD ACCOMPLISHED, WHO JUST HAPPENED TO BE AFRICANS, OF COURSE I WAS VERY PROUD, AND I KNOW THAT WE ARE AMONG THE VERY BEST WHEN IT COMES TO THINKING INCLUSION. WE ARE AMONG THE BEST WHEN IT COMES TO THIS WHOLE BUSINESS OF MAKING AUSTIN A MUCH BETTER PLACE TO LIVE. AND SO ON BEHALF OF THE COMMUNITY THAT I REPRESENT, THE MUSEUM OF COURSE AND PFEIFFER, ALL THE OTHER PERSONS, WE SAY THANK YOU, AND OF COURSE LET'S KEEP UP THIS GOOD WORK. WE ARE A MODEL CITY, NO QUESTION ABOUT IT, AND THIS IS JUST ANOTHER STAR IN OUR CROWN TO MAKE US EVEN BETTER. THANK YOU VERY MUCH. [APPLAUSE] BE.

MAYOR WYNN: DR. AKINS IS BEING WAY TOO HUMBLE. HIS SMILING FACE WAS ON ONE OF THOSE BANNERS JUST ABOUT FOUR YEARS AGO, BLACKS IN INDICATION, AND OF COURSE WE'RE ALL BIG FANS OF AKINS HIGH SCHOOL. MY NEXT PROCLAMATION WAS ACTUALLY A DISTINGUISHED SERVICE AWARD. I'M JOINED HERE BY JUAN GARZA WHO MANY OF YOU ALL KNOW HAS JUST RECENTLY LEFT AS BEING OUR SIX OR SO YEARS SEARCH SERVING GENERAL MANAGER OF AUSTIN ENERGY AND PRIOR TO THAT HAVING SENIOR MANAGER ROLES HERE IN THE CITY. WE HAVE BEEN DOING THIS A LOT LATELY, SAYING GOOD-BYE, YOU KNOW, THANK YOU, GOOD LUCK, TO A BUNCH OF SENIOR, SENIOR OFFICIALS IN THIS FINE ORGANIZATION, AND IT'S -- IT'S REWARDING TO DO THAT, I GUESS, BUT IT'S A LITTLE SCARY WHEN YOU SEE THE TALENT AND EXPERTISE THAT'S RETIRING AND MOVING ON FROM THIS ORGANIZATION, JUST IN THIS LAST YEAR. AND OF COURSE WE'LL HAVE A BIG ONE HERE IN JUST A COUPLE WEEKS. SO WHAT I'D LIKE TO DO IS READ THE DISTINGUISHED SERVICE AWARD FOR JUAN. TOBY FUTRELL OUR MANAGER WOULD LIKE TO SAY A FEW WORDS, ALSO JOINED BY CITY MANAGER RUDY GARZA AS WELL, AND COUNCIL, COLLEAGUES, AND UPPER CITY MANAGEMENT STROOR NAIR. DISTINGUISHED SERVICE AWARD READS: FOR HIS YEARS OF PUBLIC SERVICE WITH THE CITY OF AUSTIN, ESPECIALLY THE PAST SIX AS GENERAL MANAGER OF AUSTIN ENERGY, JUAN GARZA IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. JUAN HAS BEEN A GUIDING FORCE IN THE GROWTH AND DEVELOPMENT OF AUSTIN ENERGY, AND HAS BECOME A BILLION DOLLAR ENTERPRISE. HIS DEDICATION TO THE SAFETY AND WELFARE OF AUSTIN ENERGY STAFF WAS UNQUESTIONABLY A MAJOR FOCUS OF HIS TENURE. HIS IMPECCABLE INTEGRITY, STRATEGIC APPROACH TO PROBLEM SOLVING AND ADVOCACY FOR THE PUBLIC INTEREST SERVED OUR STAFF AND PUBLIC VERY, VERY WELL. UNDER HIS LEADERSHIP AUSTIN ENERGY RECEIVED NUMEROUS ACCOLADES, INCLUDING RECOGNITION FROM THE ENVIRONMENTAL PROTECTION AGENCY FOR THE NATION'S NUMBER ONE GREEN POWER PROGRAM FOR FOUR CONSECUTIVE YEARS. [APPLAUSE]

MAYOR WYNN, IN FACT, LAST TIME I CHECKED AUSTIN WAS SELLING MORE RENEWABLE ENERGY ON A RETAIL BASIS THAN THE NO. 2, 3 AND 4 UTILITIES COMBINED, ALL THREE OF THOSE BEING IN CALIFORNIA. WHERE WAS I, NOW? AND ALSO DESIGNATION AS THE FIRST

TRANSMISSION AND DISTRIBUTION OF ANY UTILITY IN THE COUNTRY TO EARN THE ISO 9001 REGISTRATION, AN INTERNATIONAL QUALITY STANDARD. A TRUE CIVIL SERVANT IN EVERY SENSE OF THE WORD AND A FRIEND TO ALL, JUAN HAS MADE AUSTIN A BETTER PLACE TO LIVE THROUGH HIS EFFORTS. THIS CERTIFICATE IS PRESENTED WITH OUR ADMIRATION AND APPRECIATION THIS 31ST DAY OF JANUARY, 2008, SIGNED BY ME, MAYOR WILL WYNN, ACKNOWLEDGED BY THE FULL CITY COUNCIL. THIS DISTINGUISHED SERVICE AWARD FOR MR. JUAN GARZA. [APPLAUSE]

I'M REALLY GOING TO MISS JUAN. YOU KNOW, WE HAD A POLICE CHIEF THAT DECIDED AUSTIN WASN'T ENOUGH OF A CHALLENGE AND WENT TO AFGHANISTAN. AND SO NOW WE HAVE A DIRECTOR OF AUSTIN ENERGY THAT DECIDED AUSTIN WASN'T ENOUGH AND HE'S GOING TO TECTEC. [LAUGHTER] , YOU KNOW, WHEN YOU TALK ABOUT -- WHEN YOU TALK ABOUT JUAN, THERE ARE JUST CERTAIN THINGS THAT COME TO MIND, OPEN AND HONEST COMMUNICATION, SERVICE-MINDED LEADERSHIP. HE IS A GUY WHO MENDWHO MENTORED HIS DIRECT REPORTS. HE REALLY HELPED SHAPE A NEW CULTURE AT AUSTIN ENERGY. SO MUCH CAN BE SAID ABOUT JUAN'S TIME AT AUSTIN ENERGY, BUT I WANT TO TOUCH ON JUST SOME OF THE HIGHLIGHTS, BECAUSE THEY'RE REALLY IMPORTANT. ONE YOU DON'T THINK ABOUT VERY OFTEN, BUT IT'S SAFETY. JUAN HAS AN ABSOLUTE VALUE OF SAFETY, AND THAT FOCUS ON SAFETY MAKES AUSTIN ENERGY HEADS ABOVE THE BEST SAFETY RECORD IN THE CITY AND ONE OF THE BEST IN THE NATION AND ALWAYS THE LOWEST INJURY RATE FOR ANY MAJOR DEPARTMENT, AND THAT SPEAKS VOLUMES ABOUT HOW A DEPARTMENT DIRECTOR FEELS ABOUT THEIR EMPLOYEES, THAT THEY KEEP THEM SAFE AND DO EVERYTHING THEY CAN TO PUT THE MEASURES AND TRAINING IN PLACE TO BE SURE THEY GO HOME AT NIGHT AND GO HOME AT NIGHT SAFE. HIS CUSTOMER SERVICE AND RELIABILITY HAVE CREATED SOME OF THE BEST RECORD IN THE COUNTRY FOR AN ENERGY COMPANY. HE IMPLEMENTED AN ON-LINE SYSTEM THAT ALLOWS CUSTOMERS TO VIEW AND TO PAY THEIR BILLS AND TO VIEW THEIR ACCOUNT HISTORY OVER THE INTERNET. HE GREW THE NATIONALLY RECOGNIZED KEY ACCOUNT SYSTEM, WHICH IS REALLY CONSIDERED THE BEST PRACTICE IN THE COUNTRY ON HOW YOU HANDLE YOUR LARGEST CUSTOMERS AND PROVIDE THEM THE KIND OF CUSTOMER SERVICE IT TAKES TO GROW YOUR BUSINESS. HE CREATED WHAT'S CALLED BUSINESS CONTINUITY PLANS. HE OPENED A NEW BACKUP ENERGY CONTROL CENTER, SO IN CASE THE HUB OF THE ENERGY CONTROL CENTER GOES DOWN WE HAVE SOMETHING TO BACK IT UP. AND WHEN WE HAD A VERY EMBARRASSING AND MAJOR OUTAGE THAT IMPACTED SAMSUNG AT A CRITICAL TIME AND OUR ECONOMY AND OUR RELATIONSHIP WITH SAMSUNG, AND WE WERE CALLED ON THE CARPET AT SAMSUNG TO DISCUSS THAT, AND THEY TALKED TO US ABOUT QUALITY AND BEING QUALITY CERTIFIED, JUAN LEFT THAT ROOM AND HE SAID, I CAN DO THAT. AND WE NOW HAVE THE ONLY ISO CERTIFIED ENERGY COMPANY IN THE NATION BECAUSE OF JUAN AND THE STAFF THAT WORKS FOR JUAN. WHEN WE TALK ABOUT ACCOUNTABILITY, IT WAS UNDER JUAN'S GUIDANCE THE HOLLY POWER PLANT WAS CLOSED, AND I CAN'T STRESS ENOUGH THE CHALLENGES THAT THAT TOOK AND THE KIND OF COMMUNICATION THAT THAT TOOK. WHEN YOU TALK ABOUT FINANCIAL INTEGRITY, I RECALL TAKING A TRIP,

AND I KNOW SEVERAL OF OUR COUNCIL MEMBERS WILL REMEMBER THIS BECAUSE COUNCIL MEMBERS MCCracken AND Leffingwell WENT ON THAT BOND TRIP WITH US. WHEN WE HAD TO GO SEE ALL THREE OF THE BOND RATING AGENCIES, AND THESE ARE VERY FORMAL, VERY STIFF AFFAIRS. YOU'RE GOING INTO VERY FORMAL BOND RATING AGENCY PORTRAYALS WHERE YOU HAVE TO SHOW YOUR FINANCIAL STUFF, AND WHEN WE LEFT WE WON THE TRIPLE CROWN, EARNING UPGRADES FROM ALL THREE MAJOR BOND RATING AGENCIES ON THOSE UTILITY BONDS, SOMETHING ALMOST UNHERDSUNHEARD OF IN THE INDUSTRY. AND FINALLY WHEN YOU TALK ABOUT CREATIVE, CREATIVITY, UNDER HIS LEADERSHIP STYLE, HE LIKES TO BRAG ABOUT HE DOESN'T DO MUCH EXCEPT GET OUT OF THE WAY OF THE FOLKS HE SUPPORTS, AND YOU CAN CITE EXAMPLE AFTER EXAMPLE AFTER EXAMPLE, AND ONE OF THOSE IS HIS FRIEND AND MY FRIEND, THE NEW ACTING DIRECTOR OF AUSTIN ENERGY, ROGER DUNCAN, AS AN EXAMPLE. I CAN'T TELL YOU HOW MANY TIMES I HEARD JUAN SAY, YOU KNOW, ROGER HAS GOT A GREAT IDEA. I THINK WE OUGHT TO DO IT. BUT HE WAS CONSTANTLY COMING AND SAYING, SOMEONE HAS GOT A GREAT IDEA. WE'VE GOT TO DO IT. AND AUSTIN ENERGY IS KNOWN FOR HAVING OUT OF THE BOX CREATIVE GREAT IDEAS, AND YOU SEE HEADS NODDING ALL OUT HERE BE A I COULD NAME NAMES, BUT THESE ARE SOME OF THE BEST MINDS IN THE BUSINESS. AND THEY WERE LET FREE BY THIS MAN. HE'S GOING TO BE REALLY HARD TO REPLACE. WE WE OWE HIM A GREAT DEBT OF GRATITUDE, A FRIEND, A MENTSER, JUAN GARZA. BY THE WAY, RUDY GARZA IS GOING TO DO A SKIT IN A MINUTE AND DO AN IMPERFECT NATION. OH, YOU AREN'T GOING TO DO THAT, RUDY? [LAUGHTER]

I GIVE YOU JUAN GARZA. [APPLAUSE]

THANK YOU. THANK YOU. HONEST, I REALLY NEVER REALLY DID MUCH. [LAUGHTER] THE -- I WILL ADMIT I WORKED TIRELESSLY TO CREATE THE ENVIRONMENT THAT I FELT WE NEEDED THAT WOULD DRAW EMPLOYEES IN EVERY MORNING EAGER TO MAKE A CONTRIBUTION, AND I BEGAN READING ABOUT THIS MANY YEARS AGO, IN FACT, BACK IN THE '80S FROM A MAN NAMED ROBERT GREENLY, WOULD TALK ABOUT LEADING BY HYPOTHESIS. AND THE IDEA APPEALED TO ME. IT SAYS THAT THE LEADER LEADS BY A SHADOW OF A DOUBT AND IT GIVES THE MESSAGE TO THE EMPLOYEES THAT WORK FOR HIM THAT THE BOSS DOESN'T HAVE ALL THE ANSWERS. THE GOOD NEWS THERE IS IT INVITES THEM TO PARTICIPATE IN WHAT'S GOING ON, AND THE MORE THEY PARTICIPATE, THE MORE THEY REALIZE THAT THEY'RE MAKING A DIFFERENCE, AND THE MORE THEY ARE INVITED, OR THE MORE THE WORK ENVIRONMENT DRAWS THEM TO IT AND THE BETTER AND BETTER THE WORK THAT THEY PRODUCE. AND NOWHERE HAVE I SEEN IT IN BETTER PRACTICE THAN HERE AT AUSTIN ENERGY WHEN THE RESPONSE THAT I GOT FROM OUR EMPLOYEES WAS ABSOLUTELY JUST OVERWHELMING. IT WAS MARVELOUS, AND YOU HEARD WHAT TOBY SAID ACTUALLY HAPPENED, BUT IT'S NOTHING WHAT I DID. IT'S WHAT THE EMPLOYEES OF AUSTIN ENERGY DID. I AM SO PROUD OF THEM. AND I CAN ASSURE YOU THAT AS I LEAVE, I LEAVE COMPLETELY CONFIDENT THAT THE ATMOSPHERE WE CREATED THERE WILL BE CONTINUED BY ROGER DUNCAN, ONE OF MY HEROES AND I THINK ONE OF THE TREASURES OF THIS COMMUNITY, AND WE NEED TO SUPPORT HIM, AND THE STAFF, MICHAEL

MCINCLUDES CI, OUR OTHER DEPUTY MANAGER, SITTING RIGHT NEXT TO HIM IN CHARGE OF FILE PRODUCTION. TERRY OVERTON IN CHARGE OF CUSTOMER CARE. HE HAS DONE WONDERS IN THAT DEPARTMENT. TO SAY WHAT HE DID, WE USED TO WRITE OFF \$12 MILLION A YEAR IN BAD DEBTS. SINCE GARY TOOK OVER HE REDUCED THEM TO 5 1/2 MILLION, HE AND HIS STAFF. THAT'S AN INCREDIBLE ACCOMPLISHMENT BY HIS FOLKS. ELAINE HEARTH, II DON'T BELIEVE SHE'S HERE, EVERY YEAR WOULD GIVE US -- TO BRING IT DOWN INTO WHAT SHE FELT WE OUGHT TO BE SPENDING FOR THE NEXT YEAR. LET'S SEE IF I'VE FORGOTTEN. SHERYL NEILE, WHO LED THE EFFORT, HER AND MERCY SANCHEZ, TO GET A CERTIFIED OR REGISTERED ON THE ISO 9000 CRITERIA. IT IS AN ABSOLUTELY INCREDIBLE ACCOMPLISHMENT THAT HAS NEVER BEEN ACCOMPLISHED BEFORE IN THIS COUNTRY, AND IT HAPPENED RIGHT HERE IN THE CITY OF AUSTIN WITH AUSTIN ENERGY BY A BUNCH OF FOLKS THAT DECIDED THEY COULD GET IT DONE. SOMEONE IN IT HAS BROUGHT THE DEPARTMENT TO A LEADING EDGE IN THE IT WORLD, TALK ABOUT THE EXPERIENCE THAT WE HAD HERE AND THE SUCCESS THAT WE'RE HAVING. WE'VE GOT A WONDERFUL STAFF. YOU HAVE ABSOLUTELY NOTHING TO WORRY ABOUT. THEY'RE GOING TO CONTINUE EXACTLY WHAT WE'VE DONE. BUT LET ME SAY ONE MORE THING. I AM GRATEFUL FOR THE PRIVILEGE TO HAVE SERVED ALL OF YOU. I FIRST WANTED TO MOVE TO AUSTIN BACK IN THE '60S WHEN MY DAD AND I MOVED A LADY THAT HAD MARRIED A UNIVERSITY PROFESSOR, AND WE MOVED HER INTO THE HYDE PARK AREA, AND I TOLD MY DAD, THIS IS THE CITY, DAD, THAT I'M GOING TO LIVE IN AFTER I COME OUT OF COLLEGE. AND I TRIED TO GET BACK FOR YEARS. WHEN I HAD FINALLY GIVEN UP I WAS INVITED TO COME UP BY JESUS GARZA, AND I HAVE TO TELL YOU, NOT ONLY HAVE THE DIFFERENT GENERATIONS OF LEADERS THAT HAVE COME THROUGH THE CITY PRESERVED WHAT I SAW THERE, BUT YOU HAVE ENHANCED IT. AND I'VE WATCHED FIRSTHAND THE CARE WITH WHICH YOU EXERCISE THE LEADERSHIP THAT HAS GOTTEN THE CITY TO WHERE IT IS, AND I AM SO PROUD TO HAVE BEEN GIVEN THE HONOR TO HAVE SERVED YOU. MAYOR, THANK YOU, AND TOBY, THANK YOU FOR THE PROFESSIONALISM THAT YOU ALWAYS EXHIBITED TOWARDS ME. BELIEVE ME, IT'S APPRECIATED. AND ONE MORE THING. I WANT TO THANK MY WIFE, WHOM I MET IN THE FIFTH GRADE, AND STUCK WITH ME THROUGH THICK AND THIN. THANK YOU. I LOVE YOU. [APPLAUSE]

MAYOR WYNN: OKAY. FOR MY FINAL PROCLAMATION WE'RE GOING TO TALK ABOUT THE YEAR OF AUSTIN MUSIC. THIS HAS BEEN -- ACTUALLY THIS MORNING THE COUNCIL UNANIMOUSLY APPROVED A RESOLUTION THAT WE BROUGHT FORWARD WHEREBY WE'RE CREATING A LIVE MUSIC TASK FORCE TO TAKE SIX, EIGHT, NINEMONTHS NINE MONTHS TO HELP US ANALYZE AND PROMOTE LIVE MUSIC IN THIS TOWN. THERE'S BEEN FRANKLY TOO MUCH ATTENTION PAID TO JUST ONE ELEMENT OF THIS BIG, FUN INDUSTRY CLUSTER IN TOWN, WHICH IS THE NOISE ORDINANCE DOWNTOWN, SOUND, BUT IT'S SO MUCH MORE THAN THAT. AND SO WE'RE GOING TO TALK ABOUT VENUES. WE'RE GOING TO TALK ABOUT FRIENDS WITH MEDICAL CARE FOR MUM TITIONS. WE'LL TALK ABOUT HOUSING FOR MUMUSICIANS, BUT FUNDAMENTALLY WE'LL TALK ABOUT MORE VENUES, SAVING THE ONES WE HAVE, EXPANDING MORE VENUES, CONTINUING TO RECOGNIZE WHAT AN IMPORTANT

INDUSTRY CLUSTER LIVE MUSIC IS SPECIFICALLY HERE IN AUSTIN. 19,000 JOBS ARE DIRECTLY OR INDIRECTLY CREATED BY LIVE MUSIC IN THIS TOWN. IT'S ABOUT A BILLION DOLLAR A YEAR ECONOMIC IMPACT FOR OUR COMMUNITY, ABOUT \$25 MILLION A YEAR JUST IN ACTUAL LOCAL TAX REVENUE GENERATED BY LIVE MUSIC VENUES AND MUSICIANS AROUND TOWN. SO IT'S AN IMPORTANT INDUSTRY INCLUDES CLUSTER BUT BEYOND THAT IT'S A VERY IMPORTANT DEFINING CHARACTERISTIC OF WHO WE ARE AND WHY DISPROPORTIONATELY AUSTIN IS SO MUCH FUN. AND I TELL PEOPLE FREQUENTLY THE OLD MODEL OF ECONOMIC GROWTH WAS THAT CITIES BUILT BIG STUFF, BIG INDUSTRIAL PIECES OF INFRASTRUCTURE, A BIG SHIP CHANNEL OR BIG PORTS OR BIG AIRPORTS. THOSE WERE THE MODEL FOR ABOUT A HUNDRED YEARS. BUT AUSTIN PICKED UP ON THIS EARLIER THAN MOST CITIES BUT IT'S GENERALLY RECOGNIZED IN THE ECONOMIC DEVELOPMENT CIRCLES, THE CHAMBERS OF COMMERCE, IF YOU WILL AROUND THE WORLD. THE TOWNS THAT ARE MORE FUN, ECONOMIES THAT ARE SO FUN ARE GOING TO DO BETTER ECONOMICALLY. IN AUSTIN THAT MEANS LIVE MUSIC. AUSTIN MEANS OUTDOOR RECREATION. IT MEANS -- YOU KNOW, IT MEANS TOLERANCE, IT MEANS AESTHETIC URBAN FABRIC. IT MEANS LOTS OF THINGS, BUT DISPROPORTIONATELY IT'S ABOUT LIVE MUSIC. SO TO HAVE THAT HAPPEN THIS MORNING, AND THEN TO HAVE SOMETHING LIKE GEORGE ENSLE, A 40 YEAR PERFORMING ARTIST, COME IN AND PERFORM FOR US, AND JUST RECOGNIZE HIM. HE'S STILL HANGING AROUND, STILL SELLING CDS, STILL GIGGING. STILL HELPING US PROMOTE, AND THEN KNOWING THAT TOMORROW AT LUNCH WE KICK OFF THE LOVE AUSTIN MUSIC MONTH, WHICH WE STARTED LAST YEAR. THEY EVEN LET CITY COUNCIL MEMBERS GO ON TV AND BE ON SOME PUBLIC SERVICE ANNOUNCEMENTS, PSA'S AROUND THE MONTH LAST YEAR. SO WE KICKED OFF THE LIVE MUSIC TASK FORCE THIS MORNING. WE GOT TO LISTEN TO GEORGE ENSLE. WE -- TOMORROW AT A NOON PRESS CONFERENCE HERE WE KICK OFF LOVE AUSTIN MONTH IN PARTNERSHIP WITH AUSTIN MUSIC FOUNDATION, BUT WE'RE GOING BEYOND THAT EVEN MORE RIGHT NOW BECAUSE WE'RE GOING TO DECLARE THIS THE YEAR OF AUSTIN MUSIC AND WE'RE GOING TO TAKE THIS YEAR TO REALLY RAISE AWARENESS OF HOW IMPORTANT MUSIC, ALL THE GENRES, ARE TO THIS COMMUNITY, WHAT IT HAS MEANT ECONOMICALLY FOR US, HISTORICALLY, AND WHAT IT CAN MEAN FOR US MOVING FORWARD, THEN HOW FUNDAMENTALLY WE NEED TO GET REALLY SERIOUS ABOUT -- WE NEED THREE THINGS. WE GOT TO KEEP VENUES, HAVE TO HAVE THE VENUES. HALF OF THEM ARE HANGING ON BY THEIR FINGERNAILS RIGHT NOW. YOU GOT TO HAVE THE MUSICIANS. RIGHT NOW WE HAVE ABOUT 8,000, 8,000 WORKING MUSICIANS HERE IN THIS TOWN. BUT THEN THIRD, YOU GOT TO HAVE THE AUDIENCES. YOU GOT TO HAVE THE PUBLIC SUPPORT. YOU GOT TO HAVE PEOPLE THAT WILL TURN THEIR TELEVISION OFF, GET OFF THE COUCH AND GO OUT AND LISTEN TO LIVE MUSIC A COUPLE TIMES A MONTH. YOU KNOW, FORGET, YOU KNOW, MAJOR LEAGUE SPORTS. PEOPLE ASK, WHEN IS AUSTIN GOING TO HAVE A MAJOR LEAGUE SPORTS FRANCHISE? BIGGER THAN ALL THESE OTHER CITIES, WHEN ARE WE GOING TO GET MAJOR LEAGUE BASEBALL, BASK. LIVE MUSIC SHOULD BE OUR MAJOR LEAGUE SPORTS FRANCHISE IN THIS TOWN, INSTEAD OF -- [APPLAUSE] INSTEAD OF ONCE A YEAR TAKING YOUR FAMILY TO, YOU KNOW, NFL GAME AND SPENDING ABOUT 500 BUCKS, RIGHT? SUBSIDIZING A BILLIONAIRE OWNER OF A TEAM THAT THE

TAXPAYERS PROBABLY BUILT A \$500 MILLION STAITD STADIUM FOR TO BEGIN WITH. INSTEAD OF DOING THAT WHY NOT GO OUT TWICE A MONTH AND PAY ABOUT 40 BUCKS, PAY A COVER CHARGE, BUY DINNER, A COUPLE DRINKS, DRINK RESPONSIBLY. [LAUGHTER] SUPPORT THE MUSICIANS WHO ARE GIGGING AND SUPPORT THE VENUES THAT ARE GIVING THEM A PLACE TO PERFORM. DO THAT A COUPLE TIMES A MONTH AND THAT'S GOING TO BE MORE FAR-REACHING IMPACT ON US CULTURALLY, AND I'M TELLING YOU, ON US ECONOMIC LE. SO THIS IS GOING TO BE THE YEAR OF AUSTIN MUSIC. SO REAL QUICKLY, I'LL SHUT UP. I'LL READ THE PROCLAMATION AND THEN TROY IS GOING TO TELL US ABOUT HOW WE'RE EXTENDING BOTH THE LOVE AUSTIN MUSIC MONTH AND TURNING IT INTO THE YEAR OF AUSTIN MUSIC. THE THE PROCLAMATION READS AUSTIN'SAUSTIN'S MUSIC HAS PROVIDED ENTERTAINMENT FOR RESIDENTSRESIDENTSAND VISITORS ALIKE SINCE THE 1940S AND THE QUALITY AND QUANTITY OF MUSICIANS LED TO OUR REPUTATION AS THE LIVE MUSIC CAPITAL OF THE WORLD, AND WHEREAS IT'S VITALLY IMPORTANT TO ENSURE ECONOMIC STABILITY FOR AUSTIN'S MUSICIANS THAT THEY MAY CONTINUE TO ENTERTAIN US, BETTER OUR QUALITY OF LIFE AND CONTRIBUTE TO OUR LOCAL ECONOMY, AND WHEREAS WE ENCOURAGE ALL AUSTINITES TO EMBRACE THIS PRICELESS JEWEL IN OUR CROWN AND SUPPORT MUSICIANS AND MUSIC VENUES AND TO CONTRIBUTE IN WHATEVER WAY POSSIBLE TO THE HEALTH OF AUSTIN MUSIC. SO THEREFORE I, WILL WYNN, MAYOR OF THE LIVE MUSIC CAPITAL OF THE WORLD, DO HEREBY PROCLAIM THE YEAR OF 2008 AS THE YEAR OF AUSTIN MUSIC IN AUSTIN AND PLEASE JOIN ME, TROY, GET UP HERE AND LISTEN FOR THE APPLAUSE, OTHER FRIENDS ARE HERE TOO, BUT HOW ABOUT A ROUND OF APPLAUSE FOR, YOU KNOW, THE DECADES' WORTH OF WORKING MUSICIANS, VENUE OWNERS IN THIS TOWN THAT HAVE ENABLED ENABLED US TO BE THE LIVE MUSIC CAPITAL OF THE WORLD BEFORE WE HEAR FROM TROY. [APPLAUSE]

THANKS. IT'S A SHAME YOU'RE SO BUSY, WE COULD USE YOU SPOAG FOR US. IT'S VERY WELL PUT. I'M TROY DIL INJER. I'M AN AUSTINITE SINCE 1975. A PROFESSIONAL MUSICIAN SINCE 1983. MY FIRST GIG WAS -- MY FIRST PAID GIG WAS IN THE NOW DEFUNCT STEAMBOAT DOWN ON SIXTH STREET, AND I'VE BEEN SLOGGING IT OUT HERE AND AROUND THE WORLD EVERY SINCE. ON BEHALF OF MYSELF, AUSTIN'S MUSIC COMMUNITY AND THE YEAR OF AUSTIN MUSIC ORG., I'D LIKE TO THANK MAYOR WILLMAYOR WYNN AND YOUR STAFF AND THE CITY COUNCIL AND THE AUSTIN MUSIC COMMISSION FOR THEIR SWIFT ACTION AND COMMITMENT TO ONE OF OUR CITY'S MOST PRECIOUS RESOURCES, OUR MUSIC. AUSTIN'S MUSIC CONTRIBUTES, AS THE MAYOR SAID, TO QUALITY OF LIFE NOT FOUND IN OTHER U.S. CITIES. IT CONTRIBUTES OVER A BILLION DOLLARS A YEAR INTO OUR LOCAL ECONOMY, AND THAT HUGE CONTRIBUTION IS THREATENED. THE YEAR OF AUSTIN MUSIC AWARD IS DEDICATED TO SEEING THAT IT'S NOT LOST. THE YEAR OF AUSTIN MUSIC AWARD IS A COMMUNITY-BASED GROUP THAT'S COMMITTED TO REVITALIZING AUSTIN'S MUSIC SCENE, OUR COMMUNITY, AND OUR ECONOMY BEFORE IT'S LOST FROM LACK OF OUR OWN INFRASTRUCTURE, FROM THE CURRENT BOOM IN OUR CITY'S GROWTH AND FROM OTHER LOCAL ECONOMIC PRIORITIES. WE'RE NOT A CHARITY. OUR ORGANIZATION SEEKS A COMMON SOLUTION IN WHICH ALL AUSTINITES CAN PARTICIPATE IN A UNITED

ACTION, AND ENJOY THE REWARDS TOGETHER AS WELL. OUR MOTTO IS NO BENEFITS AND NO ENEMIES. WE'RE NOT GOING TO DO FREE SHOWS TO TALK ABOUT WHY WE SHOULDN'T BE DOING FREE SHOWS, AND WE'RE NOT GOING -- WE'RE NOT GOING TO GO AFTER ANYBODY. WE -- OUR APPROACH IS WE'RE GOING TO BRING A SOLUTION AND ALL WHO ARE INTERESTED IN OUR SOLUTION ARE WELCOME TO JOIN US. AND THOSE WHO AREN'T, PLEASE JOIN US AT SUCH TIME AS IT BECOMES POSSIBLE FOR YOU. BUT WE'RE NOT HERE TO START FIGHTS. OUR MISSION IS TO ENSURE OUR LOCAL MUSIC SURVIVAL AND GROWTH, AND WE URGE EVERY AUSTINITE TO SEE ONE AUSTIN BAND EACH MONTH, OF 2008, OR TWO, AS THE MAYOR SAID. BUT WE FIGURE IF WE CAN DO THAT, AND EVEN IF WE'RE NOT SUCCESSFUL WITH IT AND ON-LINE 1% OF AUSTIN DOES THAT, WE'LL STILL HAVE 150,000 PEOPLE A MONTH IN OUR VENUES THAT WEREN'T THERE LAST YEAR. SO WE ALSO SUPPORT THE AUSTIN MUSIC FOUNDATION'S LOVE AUSTIN MUSIC MONTH. PLEASE CHECK OUT THE AUSTIN MUSIC FOUNDATION.ORG'S WEB SITE. THEY'VE GOT A WHOLE MONTH OF HE WANTS FOR THE PUBLIC, AND LOCAL MUSICIANS TO GET INVOLVED WITH, WORKSHOPS AND MORE. SO WE ASK ALL AUSTINITES, OLD AND NEW, TO JOIN US AS WE RETURN AUSTIN'S WORLD FAMOUS MUSIC SCENE TO ITS FORMER LUSTER AND RAISE IT TO A NEW LEVEL OF GREATNESS. AS AUSTINITES RETURN TO OUR LOCAL MUSIC VENUES, AS OUR MUSIC ECONOMY GROWS, WE CAN PROBABLY CALL 2008 THE YEAR OF AUSTIN MUSIC AND TRULY CLAIM RIGHTS TO OUR SLOGAN OF THE LIVE MUSIC CAPITAL OF THE WORLD. THANKS. [APPLAUSE]

MAYOR WYNN: FOR OUR LAST PROCLAMATION I YIELD THE PODIUM TO COUNCIL MEMBER KIM KIM.

KIM: TODAY WE HAVE A PROCLAMATION TO TALK ABOUT WOMEN AND HEALTH, AND IN PARTICULAR HEART DISEASE, CARDIO VASTCARDIOVASCULAR DISEASE, STROKE. IT'S SOMETHING THAT IS A SILENT KILLER, AND IN FEBRUARY EVERY YEAR WE TALK ABOUT HOW IT'S IMPORTANT TO MAKE SURE WE NOTICE THE SIGNS OF STROKE AND HEART ATTACK, AND ALSO PREVENTION, AND ESPECIALLY FOR WOMEN, FOR WOMEN WE HAVE SPECIAL NEEDS AND ALSO SPECIAL SYMPTOMS THAT WE NEED TO MAKE SURE EVERYONE IS AWARE OF. AND WE CALL IT THE GO RED FOR WOMEN CAMPAIGN. SO I HAVE A PROCLAMATION HERE. AND IT SAYS, BE IT KNOWN THAT WHEREAS CARDIOVASCULAR DISEASE IS OUR NATION'S LEADING CAUSE OF DEATH WITH NEAR 2,400 AMERICANS DYING EACH DAY, AN AVERAGE OF ONE DEATH EVERY 36 SECONDS, AND WHEREAS THE AMERICAN HEART ASSOCIATION ENCOURAGES CITIZENS TO HELP SAVE LIVES BY CALLING 911 IF SYMPTOMS OCCUR, BECOME TRAINED IN CPR AND SUPPORTING COMPREHENSIVE AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAMS IN THEIR COMMUNITIES, AND WHEREAS DURING GO FOR RED WOMEN MONTH THE HEART ASSOCIATION IS CARRYING OUT AN EDUCATION AND AWARENESS CAMPAIGN ABOUT THE WARNING SIGNS OF HEART ATTACK AND STROKE, AND URGING CITIZENS TO LEARN THE SKILLS THAT CAN SAVE THOUSANDS OF LIVES EACH YEAR. NOW, THEREFORE, I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM FEBRUARY, 2008 AS GO RED FOR WOMEN MONTH, AND MARIAN

WANTS TO SAY A FEW WORDS. [APPLAUSE]

GOOD EVENING. I HAVE THE HONOR OF REPRESENTING THE AMERICAN HEART ASSOCIATION TONIGHT. GO RED FOR WOMEN MONTH WILL START TOMORROW WITH NATIONAL WEAR RED DAY. THIS DAY -- EXCUSE ME. THIS DAY IS A PART OF THE AMERICAN ASSOCIATION GO RED FOR WOMEN NATIONAL CAMPAIGN AND IT IS DESIGNED TO INCREASE AWARENESS OF WOMEN AND HEART DISEASE. HEART DISEASE IS THE NUMBER ONE KILLER OF WOMEN. WE ENCOURAGE WOMEN TO TAKE ACTION TO REDUCE THEIR RISK FOR HEART DISEASE AND TO SPECIFIC GO RED FOR WOMEN.ORG WEB SITE, TO LEARN MORE ABOUT THE DISEASE AND TAKE THE ASSESSMENT, TO DETERMINE THEIR OWN PERSONAL RISK FOR HEART DISEASE AND TO DISCUSS THE RESULTS WITH THEIR DOCTOR. TOMORROW WE WILL BE HOSTING AWARE RED CELEBRATION AT THE CENTRAL MARKET ON NORTH LAMAR, AND THE AUSTIN TORRES WILL BE HOSTING A GO RED FOR WOMEN EVENT TOMORROW NIGHT WHERE EACH DOLLAR WILL BE DONATED TO THE AMERICAN HEART ASSOCIATION. WE ALSO ASK WOMEN TO JOIN US AT THE HEART SAVVY SUMET ON MAY 1 AT THE RENAISSANCE HOLD TO LEARN MORE ABOUT CARE OF THE HEART. PLEASE CONTACT YOUR AUSTIN AMERICAN HEART ASSOCIATION FOR MORE INFORMATION AND PLEASE WEAR RED TOMORROW. THANK YOU. [APPLAUSE] COLLIE HOUSE COLLIE HOUSE

THERE BEING A QUORUM PRESENT I'LL CALL BACK TO ORDER THE MEETING OF THE AUSTIN CITY COUNCIL. SORRY FOR THE DELAY. EARLIER AS I READ CHANGES AND CORRECTIONS TO OUR POSTED AGENDA I KNEW THAT STAFF WOULD BE ASKING FOR A POSTPONEMENT OF ITEM 137 FOR TWO WEEKS TO FEBRUARY 14, 2008. I'LL ENTERTAIN THAT MOTION. MOTION BY COUNCIL MEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM, TO POSTPONE ITEM 137, PUBLIC HEARING ON SIDEWALKS, AMONG OTHER THINGS, TO FEBRUARY 14, 2008. AND YOU ALL IN FAVOR SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 4-0 WITH COUNCIL MEMBERS LEFFINGWELL, COLE AND KIM OFF THE DAIS. SO COUNCIL, WE HAVE, YOU KNOW, THE VAST MAJORITY OF FOLKS ARE HERE NOW FOR ITEM NO. 130, A PUBLIC HEARING REGARDING A HISTORIC ZONING CASE. WE STILL HAD THOSE TWO NEIGHBORHOOD VMU CASES, ITEM 124 AND 125. HOWEVER, NO CITIZENS ARE HERE TO GIVE US TESTIMONY ON THOSE TWO CASES. I BELIEVE THAT I'VE HEARD A COUNCIL MEMBER OR TWO TALKING ABOUT THE CONCEPT OF IN SOME FORM OR FASHION POSTPONING ACTION, BUT I'LL ENTERTAIN -- I'LL -- LOOKING FOR SUGGESTIONS AS TO -- AS HOW WE CAN HANDLE 123 AND 124, OUR TWO VMU CASES. COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: MAYOR, I THINK MY UNDERSTANDING WAS MAYBE GEORGE ADAMS COULD GIVE US AN UNDERSTANDING, BUT WAS THAT WE'D HAVE PRESENTATIONS THIS EVENING, BUT AT LEAST IN THE CASE OF HYDE PARK THEY HAD REQUESTED A POSTPONEMENT OF



ASK FOR ONE MONTH.

MAYOR WYNN: HAD MR. AD MR. ADAMS?

COUNCIL MEMBERS, I'M PREPARED TO DO A BRIEF PRESENTATION IF YOU LIKE. I HAVE NOT RECEIVED A REQUEST FROM HYDE PARK TO POSTPONEMENT.

MCCRACKEN: WE RECEIVED AN EMAIL OURSELVES AND I TALKED WITH ONE OF THE LEADERSHIP OF THE HYDE PARK EFFORT YESTERDAY EVENING, AND SHE HAD REQUESTED A POSTPONEMENT OF ACTION. BUT WE COULD DEFINITELY HAVE THE PUBLIC HEARING. II THINK IT WOULD BE VERY FAST, MAYOR?

MAYOR WYNN: I THINK SINCE THERE'S NO CITIZENS HERE. IT'S WHETHER WE'D HAVE TO END UP ALMOST REDOING THE PRESENTATION IF THERE ARE GOING TO BE SOME FOLKS HERE AT A FUTURE DATE WHEN WE TAKE ACTION. I'LL -- I GUESS PROBABLY LEGALLY, FOR THE RECORD, WE NEED TO CONDUCT A PUBLIC HEARING, OR AT LEAST HAVE THE PUBLIC PRESENTATION AND ACKNOWLEDGE THAT NO CITIZENS ARE HERE TO GIVE US TESTIMONY. WE COULD CLOSE THE PUBLIC HEARING AND POST FOR ACTION ANYTIME IN THE FUTURE.

MCCRACKEN: MAYOR, I THINK MAYBE, AS I THINK ABOUT IT, YOUR IDEA IS GOOD. I'LL MOVE TO POSTPONE BOTH OF THESE FOR ONE MONTH, JUST OUT OF AN ABUNDANCE OF CAUTION.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MCCrackEN, SECONDED BY COUNCIL MEMBER LEFFINGWELL, TO POSTPONE ITEMS 123 AND 124.

MCCRACKEN: 125 --

MCCRACKEN: 124, 125, EXCUSE ME.

MAYOR WYNN: EXCUSE ME, 124, 125. WE IMMEDIATE IN FOUR WEEKS, WHICH IS FEBRUARY 21, 2008.

MCCRACKEN: THE MEETINGS IN FEBRUARY ARE THE 14TH AND THE 28TH.

MAYOR WYNN: MOTION TO POSTPONE ITEMS 124 AND 125 TO FEBRUARY 28, 2008. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. SO COUNCIL, THAT TAKES US TO ITEM NO. 130, WHICH IS OUR PUBLIC HEARING, THE HENRY COLLEY HOUSE,

AND WE'LL WELCOME A BRIEF STAFF PRESENTATION.

MAYOR WYNN: WELCOME, MR. SADOSKI.

THANK YOU, MR. MAYOR, MEMBERS OF CITY COUNCIL, STEVE SADOWSKY, HISTORIC PLANNING AND ZONING HOUSE. THIS IS THE COLLIE HAYS HOUSE AT 718 NORWALK LANE AND THIS IS AN APPLICATION THAT ACTUALLY CAME IN FIRST AS A DEMOLITION PERMIT. IT HAS SINCE BEEN CHANGED TO A RELOCATION PERMIT. IT WAS RECOMMENDED FOR HISTORIC ZONING BY THE HISTORIC LANDMARK COMMISSION AND BY THE PLANNING COMMISSION. AND I WILL TELL YOU ABOUT THE PLANNING COMMISSION RECOMMENDATION AT THE END OF MY PRESENTATION. THIS IS A TROUBLESOME CASE. THIS HOUSE HAS A HISTORY. IT -- WE BELIEVE IT WAS BUILT AROUND 1909, 1910. IT IS LOCATED ON A PIECE OF PROPERTY THAT IS KNOWN AS HENRY COLLEY'S HOME TRACT, AND WE DO HAVE PAPERS THAT INDICATE THAT HENRY COLLEY, WHO WAS AN I WILL LITERAL AFRICAN-AMERICAN FARMER PURCHASED THIS PROPERTY FROM THE PEAS ESTATE, SPECIFICALLY MRS. PEAS IN WEST AUSTIN. THIS IS LOCATED ABOUT A BLOCK FROM THE RANDALL'S AT EXPOSITION AND LAKE AUSTIN BOULEVARD. THE HOUSE -- OR MR. COLLIE WAS BORN IN 1852 IN TENNESSEE. HE CAME TO TEXAS AT SOME POINT AFTER THAT, AROUND 1875, WE BELIEVE, AND THEN IN 1884 PURCHASED THIS PROPERTY. IN APPROXIMATELY 1890 OR SO HE -- I'M SORRY, IN 1913 HE EXECUTED A MECHANIC'S LEAN TO HAVE A HOUSE MOVED FROM ONE PORTION OF THIS PROPERTY TO ANOTHER, SO WE KNOW THAT HE OWNED THIS PROPERTY AND HE OWNED A HOUSE ON IT. THE HOUSE REMAINED IN HIS FAMILY UNTIL THE 1940S. MR. COLLEY DIED IN 1923. HIS WILL WAS PROBATED IN 1925, A THAT'S WHEN THIS TRACT WAS SUBDIVIDED INTO LOTS. HE GAVE A PORTION OF THE LAND TO HIS DAUGHTER, WHO WAS LIVING WITH HIM AT THE TIME, AND SUBDIVIDED THE REST OF IT. SO THIS HOUSE IS ON THE RIGHT PIECE OF GROUND FOR IT TO BE THE HENRY COLLEY HOUSE. THE PROBLEM WITH THE CASE IS THAT WE DON'T KNOW EXACTLY HOW MUCH OF THIS HOUSE HENRY COLLEY LIVED IN. THE HOUSE HAS BEEN COVERED WITH ALUMINUM SIDING. IT'S GOT REPLACEMENT WINDOWS. I'LL GO THROUGH A REAL BRIEF EXTERIOR TOUR WITH YOU RIGHT NOW JUST TO SHOW YOU HOW DIFFICULT IT IS TO ACTUALLY PINPOINT WHAT PORTION OF THIS HOUSE MAY BE ORIGINAL. IT'S OBVIOUS THAT THERE ARE ADDITIONS, BUT WE DON'T HAVE ANY BUILDING PERMIT TO INDICATE EXACTLY WHEN THESE ADDITIONS WERE MADE OR WHEN THE ALUMINUM SIDING WAS PUT ON OR THE WINDOWS CHANGED OUT. THIS IS THE VIEW THAT YOU SEE RIGHT HERE FROM NORWALK LANE LOOKING AT IT FROM STRAIGHT ON, AND YOU CAN SEE IT'S A VERY SUBSTANTIAL HOUSE. HERE'S A VIEW OF THE FRONT ENTRY AND YOU CAN SEE THE SIDE LIGHTS AND THE TRANS OM, THE GLASS ABOVE THE DOOR ARE INTACT. HOWEVER THE DOOR ITSELF NOT ORIGINAL. THIS SHOWS YOU THE FRONT PORCH OF IT. HERE IS ONE OF THE BACK DOORS WHICH DOES LOOK TO BE ORIGINAL TO THE HOUSE. IT IS OF THE PERIOD OF AROUND 1900. YOU CAN TELL BY THE PANELS THERE. AND HERE'S A VIEW DOWN THE SIDE OF THE HOUSE, AND THIS IS THE SIDE THAT FACES 8TH STREET. NOW, IT'S VERY DIFFICULT TO TELL BECAUSE THE ALUMINUM SIDING HAS BEEN PLACED ON THE HOUSE, WHERE THE ORIGINAL PART OF THE HOUSE WAS AND WHERE ADDITIONS MAY HAVE BEEN, BUT IT'S PRETTY CLEAR FROM LOOKING AT THIS, AT LEAST IN

MY OPINION, THAT PART OF THIS HOUSE HAS BEEN ADDED ON TO, PARTICULARLY IN THE BACK. THERE ARE A NUMBER OF WHAT APPEAR TO BE ORIGINAL WINDOWS IN THE HOUSE. YOU CAN TELL BECAUSE THEY'VE GOT FOUR OVER FOUR WINDOW PATTERNS. THAT MEANS FOUR PAINS OF GLASS IN BOTH THE TOP AND BOTTOM SASH, AND THIS WOULD INDICATE CIRCA 1900 TO 1910 CONSTRUCTION DATE. HERE ARE TWO THAT ARE ON THE NORTH SIDE OF THE HOUSE FACING 8TH STREET. HERE'S A VIEW OF THE BACK OF THE HOUSE, THE BACK PORCH, AND THEN HERE'S A WINDOW ON THE BACK OF THE HOUSE AS WELL, STILL SHOWING THAT 4/4 WINDOW CONFIGURATION. THERE'S ANOTHER BACK DOOR ON THE HOUSE. THIS ONE HAS THE TWO ROUND ARCH GLAZING, OR GLASS PATTERNS IN IT, ALSO LOOKS TO BE PERIOD FOR THE HOUSE. AND THEN HERE'S A DIAGRAM THAT I DREW. THIS IS NOT TO SCALE BY ANY MEANS, BUT THE X'S SHOW WHERE THERE ARE ORIGINAL FEATURES ON THE HOUSE. IT COULD HAVE BEEN THAT WINDOWS HAVE BEEN MOVED AROUND. IT COULD HAVE BEEN THAT WINDOWS WERE REUSED WHEN ADDITIONS WERE MADE TO THE HOUSE. IT'S JUST VERY DIFFICULT TO TELL. LET ME GO ON AND TELL YOU A LITTLE BIT ABOUT HENRY COLLEY. HE WAS, AS I SAID, BORN IN TENNESSEE, CAME TO TEXAS. HIS WIFE EVA WAS BORN IN TEXAS IN 1856 AND HE HAD SEVERAL CHILDREN LIVING WITH HIM WHEN HE WAS ACCOUNTED FOR IN THE 1900 CENSUS. THE PROBLEM WITH ONGOING THROUGH ALL OF THIS IS THAT THIS PART OF WEST AUSTIN DIDN'T HAVE ANY STREETS. IT DIDN'T HAVE ANY REAL ADDRESSES TO REALLY GO BACK AND DATE THIS. WHEN YOU GO BACK THROUGH THE CITY DIRECTORIES AND EVEN IN THE CENSUS RECORDS, THESE FOLKS ARE LISTED AS LIVING TWO BLOCKS WEST OF WEST 6TH STREET AND -- I'M SORRY, NORTH OF WEST SIXTH STREET AND BY DEEP EDDIE. SO THE HOUSE REALLY COULD HAVE BEEN ANYWHERE, AND THERE'S NO DESCRIPTION OF WHAT TYPE OF HOUSE WAS THERE. LIKE I SAID, WE KNOW THAT HENRY COLLEY OWNED THE LAND AND THAT HE PURCHASED IT, SO IT'S CLEAR THAT THIS HOUSE CAN BE TRACED BACK TO HENRY COLLEY. THE QUESTION IS, HOW MUCH OF IT CAN BE? THE COLLEYS OWNED THIS HOUSE THROUGH 1943 WHEN THEY SOLD IT TO THE HAYS FAMILY AND THE HAYS FAMILY HAS OCCUPIED THE HOUSE TILL THIS YEAR. SHE DIED LAST YEAR AND WAS LIVING IN THE HOUSE WHEN SHE PASSED AWAY. IT HAS REMAINED IN THE FAMILY SINCE THEN. SO THEY ALSO HAVE A VERY LONG HISTORY WITH THE HOUSE. HENRY COLLEY SHOWS US IN CITY DIRECTORS AS BEING A LABORER, A FARMER AND ALSO HE WORKED AT THE IDEAL DAIRY, WHICH WAS THE PRECURSOR TO J.C. BRYANT CREAM RI OUT ON WEST 6TH CLOSE TO DEEP EDDIE. HE OBVIOUSLY HAD A LOT OF LAND SO HE FARMED IT, SO HE'S LISTED AS A FARMER BUT ALSO AS A LABORER, WHICH INDICATES HE EITHER HIRED HIS TIME OUT OR WORKED AT SOME OTHER JOB, NON-AGRICULTURAL JOB. WE JUST DON'T KNOW. AND THAT IS THE PROBLEM THAT WE'VE HAD WITH THIS CASE ALL ALONG. IN 1906 THE AFRICAN-AMERICAN SORORITY IN TOWN PUBLISHED A PROFILE OF PROMINENT AFRICAN-AMERICANS IN THE CITY. HENRY COLLEY DOES NOT SHOW UP IN IT. I HAVE CHECKED WITH THE CARVER MUSEUM, THE AUSTIN HISTORY CENTER, HOUSTON TILL ON THE SON'S LIBRARY TO FIND OUT ANYTHING THAT EXISTS ABOUT HENRY COLLEY, AND THERE'S NOTHING BEYOND THE INFORMATION THAT'S IN CITY DIRECTORIES AND THE CENSUS RECORDS AT THE AUSTIN HISTORY CENTER. AS I SAID, HE DIED IN 1923. HIS WILL WAS PROBATED IN 25. HIS FAMILY HELD ON TO IT UNTIL 43

WHEN THEY SOLD IT. THE HOUSE HAS HAD QUITE A FEW MODIFICATIONS AS OBVIOUS FROM THE ALUMINUM SIDING. THE NEW METAL WINDOWS HAVE BEEN PLACED IN THE HOUSE. I'M NOT SURE THAT WE CAN SAY WITH A CLEAN CONSCIENCE THAT THIS HOUSE MAINTENANCE OR MAINTENANCE ITS HISTORIC APPEARANCE AT LEAST GOING BACK TO THE TIME THAT HENRY COLLEY OWNED IT. THERE ARE A NUMBER OF OTHER SMALL HOUSES OUT IN WEST AUSTIN THAT CAN ALSO BE TRACED BACK TO AN AFRICAN-AMERICAN HERITAGE, AND THEY'RE VERY SMALL. THEY'RE NOT NEAR AS SUBSTANTIAL AS THIS, WHICH ALSO LEADS TO A LITTLE BIT OF DOUBT BECAUSE IF HENRY COLLEY WAS SO PROMINENT AN AFRICAN-AMERICAN CITIZEN OF AUSTIN AT THAT TIME, HE SHOULD HAVE BEEN PROFILED IN THAT 1906 PROFILE OF PROMINENT PEOPLE IN THE CITY, AND HE WASN'T. THE HOUSE, AS I SAID, WAS THEN SOLD TO THE HAYS FAMILY. MR. HAYS WAS A DEPARTMENT MANAGER AND THEN DRIVER FOR W.H. RICHARDSON, WHICH WAS A WHOLESALE HARDWARE COMPANY IN TOWN, VERY MUCH LIKE THE TIFFS COMPANY, AND THE HAYS FAMILY MAINTAINED THE HOUSE UNTIL THE PRESENT DAY. IT'S ADULT CASE BECAUSE THE HOUSE HAS AN OBVIOUS CONNECTION TO AFRICAN-AMERICAN HISTORY IN THE CITY. AND IT'S DIFFICULT, TOO, BECAUSE THIS IS AN AREA OF WEST AUSTIN THAT HAS JUST NOW COME INTO RECOGNITION OF ITS AFRICAN-AMERICAN HERITAGE AND THE FACT THAT THERE ARE A GREAT NUMBER OF AFRICAN-AMERICAN FAMILIES LIVING OUT WEST OF THE RAILROAD TRACKS BEYOND WHAT WE NORMALLY CONSIDER CLARKSCLARKSVILLE. HOWEVER, I DO WANT TO POINT OUT TOO THAT AT THE TIME THIS HOUSE WAS BUILT AND MR. COLLIE WAS LIVING HERE, AFRICAN-AMERICANS WERE LIVING THROUGHOUT THE CITY. THERE WAS NO SEGREGATION AT THAT TIME, NO RESIDENTIAL SEGREGATION, AND AFRICAN-AMERICANS WERE LIVING ON THE OUTSKIRTS OF THE CITY, BOTH ON THE WEST SIDE, THE EAST SIDE AND THE SOUTH SIDE. THERE WERE SCATTERED COMMUNITIES AS FAR EAST AS MANOR OF AFRICAN-AMERICAN FAMILIES, SO IF MR. COLLIE WAS AS PROMINENT IN THE COMMUNITY AS HE APPEARS TO HAVE BEEN BY HOW SUBSTANTIAL THIS HOUSE IS, YOU WOULD THINK THERE WOULD BE SOME KIND OF RECORD OF IT, AND THERE ISN'T. SEVERAL YEARS AGO YOU-ALL APPOINTED A TASK FORCE TO REVIEW THE CRITERIA FOR DESIGNATING A HOUSE AS A HISTORIC LANDMARK. TWO OF THOSE CRITERIA ARE THAT IT NEEDS TO BE ASSOCIATED WITH A PERSON WHO CONTRIBUTED SIGNIFICANTLY OR FIGURED SIGNIFICANTLY IN THE HISTORY AND DEVELOPMENT OF THE CITY. THE OTHER IS THAT IT HAS TO MAINTAIN ITS HISTORIC APPEARANCE AND IT HAS TO HAVE ARCHITECTURAL MERIT. THIS IS A FAIRLY COMMON EXAMPLE OF A HOW. IN FACT, JUST TWO MONTHS AGO WE HAD A HOUSE ON SAN BERNARD STREET IN EAST AUSTIN THAT LOOKS VERY MUCH LIKE THIS THAT WAS ASSOCIATED WITH AN AFRICAN-AMERICAN FAMILY, BENJAMIN FWEE, WHO WAS A VERY PROMINENT BUSINESSMAN IN TOWN AND HEAD THEED THE BENEVOLENT SOCIETY. HE IS PROFILED IN THAT 1906 PAMPHLET ABOUT AFRICAN-AMERICAN CITIZENS OF THE CITY. SO I FULLY ACKNOWLEDGE THAT THIS HOUSE HAS A HISTORY IN WEST AUSTIN. IT HAS A PLACE IN AFRICAN-AMERICAN HISTORY. I JUST CAN'T BRING MYSELF TO RECOMMEND TO YOU-ALL THAT IT'S ENOUGH TO RECOMMEND THIS HOUSE FOR LANDMARK DESIGNATION. WE SIMPLY JUST DON'T KNOW ENOUGH ABOUT MR. COLLIE OR WHAT THE ORIGINAL CONFIGURATION

OF THIS HOUSE WAS. THANK YOU.

MAYOR WYNN: THANK YOU, MR. SIDOWSKY. QUESTIONS OF STAFF, COUNCIL, COMMENTS?

COLE: I HAD A QUICK QUESTION. THE DOCUMENT YOU SAID YOU REFERRED TO IN 1906, WHAT WAS THAT?

IT'S A PROFILE -- I WISH I COULD REMEMBER THE TITLE OF IT FOR YOU, BUT IT WAS A PROFILE OF AFRICAN-AMERICAN CITIZENS PUT OUT, I BELIEVE, BY METROPOLITAN AME CHURCH, BUT IT COVERED NOT ONLY THEIR CHURCH MEMBERS BUT ALL PROMINENT PEOPLE IN THE CITY AT THAT TIME, LISTS THE PEOPLE. IT SHOWS PICTURES OF THEIR HOUSES. IF MR. COLLIE HAD BEEN IN THAT IT WOULD HAVE BEEN A GREAT FIND BECAUSE WE WOULD HAVE BEEN ABLE TO TELL WHAT THE HOUSE LOOKED LIKE IN 1906.

COLE: DID YOU SAY THAT WAS THE METROPOLITAN AME CHURCH?

I BELIEVE IT WAS. I WOULD HAVE TO CHECK ON THAT, COUNCIL MEMBER, TO REALLY BE SURE BEFORE I TELL YOU. IT'S A RESOURCE THAT WE HAVE AT THE HISTORY CENTER.

COLE: AND HOW DO YOU -- IT'S JUST I'M STRUGGLING WITH THE NOTION KNOWING THAT IN 1906 THERE WERE A LOT OF AFRICAN-AMERICANS, AND THEIR HERITAGE IS NOT BEING RECORDED. THAT WE DON'T EVEN KNOW ABOUT NOW. SO I'M STRUGGLING WITH THE ACCURACY OF THIS PUBLICATION AND WHAT OTHER DOCUMENTS YOU COULD USE TO VERIFY THAT AND HOW YOU WOULD GO ABOUT RESEARCHING THAT IN THE FIRST PLACE.

WELL, BECAUSE IT WAS PUT OUT BY AN AFRICAN-AMERICAN ORGANIZATION, I THINK THE VERACITY OF WHAT'S CONTAINED IN THERE IS PRETTY CLEAR. IT WAS DESIGNED, REALLY, TO HIGHLIGHT THE CONTRIBUTIONS OF AFRICAN-AMERICANS TO THE CITY, PUT OUT BY AN AFRICAN-AMERICAN ORGANIZATION.

COLE: OKAY.

MAYOR WYNN: SPEAKING OF THAT PROFILE, IS IT -- APPROXIMATELY HOW MANY CITIZENS WERE PROFILED IN THAT DOCUMENT?

I BELIEVE THERE'S ABOUT 60.

COLE: AND WHAT TIME PERIOD DID IT COVER?

IT WAS PUT OUT IN 1906 AND IT'S BASICALLY A SNAPSHOT OF AFRICAN-AMERICAN LIFE IN THE CITY AT THAT TIME, AND THAT IS THE TIME THAT MR. COLLEY WAS LIVING IN THIS HOUSE, OR ON THIS PROPERTY.

MAYOR WYNN: FURTHER QUESTIONS FOR MR. SIDOWSKI? AGAIN, WITH TECHNICALLY THIS BEING A LANDMARK COMMISSION HISTORIC ZONING CASE, WE'LL CONSIDER THIS STAFF PRESENTATION AS BEING THAT OF THE APPLICANT AS WE NORMALLY DO IN A ZONING CASE. OF COURSE OUR RULES ARE WE THEN HEAR FROM FOLKS IN FAVOR OF THE ZONING CASE. THREE MINUTES A POP, AND THEN WE HEAR FROM FOLKS IN OPPOSITION AND ALLOW FOR THE APPLICANT, IN THIS CASE MR. SIDOWSKI, TO PERHAPS BE AVAILABLE FOR A REBUTTAL. WE HAVE A BUNCH OF FOLKS WHO HAVE SHOWN OBVIOUSLY, A STRONG INTEREST IN THIS CASE. THERE'S ABOUT 50 FOLKS HERE WHO HAVE SIGNED UP EITHER FOR OR AGAINST. WELL, 57 PEOPLE. IT'S 31 PEOPLE AGAINST, 16 IN FAVOR. WHEN YOU PLUG IN THE MINUTES THAT FOLKS HAVE, IT'S RIGHT AT 30 MINUTES, HALF AN HOUR FOR FOLKS SUPPORTING THE ZONING CASE. WHEN YOU ADD UP THE TIME FOLKS IN OPPOSITION IT'S RIGHT AT ONE HOUR. THIS HAPPENS TO BE ALMOST EXACTLY 2 TO 1 ON THE MINUTES. I GUESS BEFORE I ASK ASSISTANCE OF COUNCIL, MR. SADOWSKY, REMIND US, TECHNICALLY THERE'S A VALID PETITION AGAINST THIS HISTORIC ZONING CASE?

THERE IS NO WRITTEN VALID PETITION, MR. MAYOR, BUT THE OWNERS HAVE OBJECTED TO THE ZONING CHANGE THROUGHOUT THE ENTIRE PROCEEDINGS.

MAYOR WYNN: WELL, ARE THE -- AND HAVE THEY BEEN ADVISED AS TO THE LEGAL RAMIFICATIONS OF A VALID PETITION VERSUS NOT HAVING A VALID --

I BELIEVE THEY HAVE -- BOTH THE PROSPECTIVE OWNER AND THE DESCENDANT OF THE HAYS FAMILY ARE REPRESENTED BY AGENTS.

MAYOR WYNN: IF THERE WAS A VALID PETITION IN OPPOSITION TO THIS ZONING CASE, THEN OF COURSE THE LEGAL REQUIREMENT WOULD HAVE BEEN THAT THERE BE SIX VOTES REQUIRED -- AFFIRMATIVE VOTES REQUIRED TO ZONE THE CASE HISTORIC, AND THAT'S -- THAT'S, AS WE KNOW, IT'S A RELATIVELY HIGH BURDEN -- HURDLE FOR CASES TO PASS, AND -- THAT MIGHT SORT OF DICTATE, PERHAPS, THE WILLINGNESS TO WAVE COUNCIL RULES AND SET, YOU KNOW, THE SAME MINUTES ASIDE FOR FOLKS IN FAVOR AND OPPOSITION. MAYOR PRO TEM?

DUNKERLEY: VALID PETITION PETITION, AND I'D LIKE TO ASK --

SOMEBODY HAS AN AGENT AND THEY'RE IN OPPOSITION AND THEY DIDN'T FILE A VALID PETITION AGAINST THE HISTORIC ZONING CASE, I'D GET ME A NEW AGENCY.

DUNKERLEY: I KNOW.

THANK YOU, URNS, I APPRECIATE-- --YOUR HONOR. I APPRECIATE THAT. MR. SA DOS SKI HAS A VALID POSITION. YOU RECEIVED IT FROM THE HAYS FAMILY.

MAYOR WYNN: I THINK THIS IS VERY IMPORTANT. THIS IS A VERY IMPORTANT DISTINCTION.

WE NEED TO BE TOLD WHETHER THERE IS A STAFF-VALIDATED PETITION IN OPPOSITION TO THE ZONING CASE OR NOT.

SOUNDS LIKE WE'RE JUST -- IF WE DON'T HAVE ONE, THAT WE ALL CAN RECOGNIZE THAT WE'LL HAVE ONE WITHIN SECONDS. IS THAT FAIR?

THAT'S FAIR, AND I ALSO DO WANT TO SAY THAT THIS IS ONLY READY FOR FIRST READING AS WELL.

MR. SADOWSKY HAS A ALL RIGHT --

PLEASE IDENTIFY ARE YOURSELF FOR THE RECORD.

I'M BOON ALMANZA, I'M ATTORNEY FOR THE HAYS FAMILY.

MAYOR WYNN: THANK YOU FOR IDENTIFYING YOURSELF.

YES, BETTY MOTT HAS FILED, WHO IS LEGAL HEIR OF THE ESTATE HAS SUBMITTED A VALID PETITION OBJECTING TO THE HISTORIC ZONING.

MAYOR WYNN: THANK YOU FOR THAT INFORMATION.

I'M SORRY, MR. MAYOR, IT IS HERE. I WAS -- DON'T KNOW WHAT I WAS THINKING. BUT IT IS HERE.

MAYOR WYNN: OKAY. SO THIS IS A VALID PETITION CASE. SO AGAIN, COUNCIL, WE HAVE ABOUT 30 MINUTES' WORTH OF FOLKS HERE TO TESTIFY IN FAVOR OF THE ZONING CASE. WITH THAT HURDLE I'M NOT SURE WE'RE GOING TO NEED TO LISTEN TO AN HOUR'S WORTH OF OPPOSITION, BUT PERHAPS WE COULD MAKE THAT CALL AS WE GET MORE CITIZEN TESTIMONY.

MAYOR, I'D RECOMMEND WE JUST LIMIT IT TO 30 MINUTES A SIDE, GIVEN THE FACT WE PROBABLY HAVE ABOUT TEN MORE PUBLIC HEARINGS THIS EVENING.

MAYOR WYNN: WE DO HAVE A NUMBER OF PUBLIC HEARINGS TONIGHT. WELL, COUNCIL, WITHOUT OBJECTION, THEN OF COURSE COUNCIL ALWAYS RESERVES THE RIGHT TO CONTINUE TO CALL FOR TESTIMONY, AND OF COURSE TO ASK QUESTIONS OF FOLKS TESTIFYING. MY RECOMMENDATION WOULD BE THAT WE LIMIT TESTIMONY TO 30 MINUTES A SIDE AND THEN, IF NEED BE, HAVE MORE TESTIMONY OR A Q AND A FROM COUNCIL. SO WITH THAT LET'S START WALKING THROUGH THE LIST OF FOLKS WHO ARE HERE WANTING TO TESTIFY IN FAVOR OF THE HISTORIC ZONING CASE. I'M JUST GOING TO TAKE THEM IN THE ORDER THAT THEY'RE SIGNED UP. THE FOLKS ARE WELCOME TO, YOU KNOW, TRADE-OFF AND CHANGE ORDERS IF THEY WANT TO. THE FIRST PERSON SIGNED UP IS

CHRISTOPHER ALGUIRE SORRY IF I MISPRONOUNCED THAT. A NUMBER OF FOLKS WANTED TO DONATE TIME TO YOU. IS PAULINE BROWN HERE? PAULINE BROWN. HOW ABOUT MARY ARNOLD? I SAW MARY EARLIER. HELLO, MARY, WELCOME BACK. LESLIE HEIR ES? HELLO, LESLIE. SO YOU'LL HAVE UP TO 9 MINUTES IF YOU NEED IT. WELCOME.

THANK YOU. MAYOR, COUNCIL MEMBERS, I'M CHRIS ALGUIRE AND I SIT ON THE BOARD OF THE WEST AUSTIN NEIGHBORHOOD GROUP. WE'VE LIVED A COUPLE BLOCKS FROM THIS AND NEVER KNEW ITS HISTORY. THE SLIDE? AFTER A DEMOLITION PERMIT TRIGGERED HISTORIC REVIEW WE WERE VERY INTRIGUED BY THE AFRICAN-AMERICAN OWNERSHIP, WHICH WAS NOTED IN THE STAFF REPORT. HIM.

MAYOR WYNN: I'LL PAUSE THE CLOCK WHILE WE WAIT FOR FOR --

WITH THE HELP OF OTHERS, WE UNDERTOOK TO DO SOME -- UNDERTOOK SOME ADDITIONAL RESEARCH. AS MR. SADOWSKY STATED, HENRY COLLEY WAS BORN IN 1852 IN TENNESSEE, LIKELY INTO SLAVERY. WE KNOW HE WAS HERE BY 1872 BECAUSE THEY PULLED A TRAVIS COUNTY MARRIAGE LICENSE. WE HAD HEARD THAT CLARKVILLE -- WE'RE AWARE THAT CLARKVILLE WAS ESTABLISHED AROUND THIS TIME AND THAT GOVERNOR PETE HAD GIVEN LAND TO FORMER SLAVES THERE, BUT WE DIDN'T KNOW THE SETTLEMENT EXTENDED SO FAR INTO WEST AUSTIN. WE FOUND RECORDS PERTAINING TO HENRY COLLEY ALL THROUGH THE PEAS'S PAPERS. DO I DO NEXT SLIDE? THIS IS FORMER GOVERNOR ELIJAH PEAS, ABOUT THE TIME HE EVIDENTLY MET HENRY COLLEY AND A HAND-DRAWN MAP WE FOUND IN THE PAPERS FROM THE 1880'S NOTING COLLIE'S TRACT THERE IN THE LOWER LEFT CORNER. GOVERNOR PEAS, HIS WIFE AND HIS DAUGHTER JULIA PEAS ALL CONTAINED PAPERS RELATING TO HENRY COLLEY IN THEIR FILES AT THE HISTORY CENTER. THE TRACT THERE IN THE LOWER COVERS THE LAND WHERE BOTH RANDALL'S AND I GUESS YOU KNOW MAUDIE, THAT AREA CONSTITUENTS ON THE TRACT THERE THE LOWER LEFT. NEXT, PLEASE? THESE ARE THE ADDITIONAL SETTLEMENTS -- OR ADDITIONAL PROPERTIES THAT WE'VE DISCOVERED WERE OWN BY FREED FREEDMAN IN THIS PERIOD SO FAR. IN THE LOWER LEFT THERE WE HAVE THE HENRY COLLEY TRACK. ABOVE THAT WE HAVE TWO TRACTS THAT WERE GIVEN TO EMILY WOODS AND SAMUEL BARBER, BOTH FARMER SLAVES OF GOVERNOR PEAS, AND THEY UNDERLIE WHAT IS NOW OH HENRY. TO THE RIGHT WE HAVE TWO MORE SALES GOVERNOR PEAS MADE TO FREEDMAN. THEY'RE NOTED AS FREEDMAN. ONE IN 1873 AND ONE IN 1876. THEY'RE OVER IN AN AREA THAT WE WOULD TRADITIONALLY THINK OF AS CLOSE TO CLARKSVILLE BEFORE BOTH THE RAILROAD AND MOPAC CAME THROUGH. WE HAVE ANOTHER ONE OUT ROBIN HOOD THAT MR. WALSH SOLD TO PHILIP STEWART WHO WAS COLLIE'S FATHER. THAT LAND WAS PURCHASED IN 1885 AND THEY ALSO HELD ON TO IT WELL INTO THE '30S. NEXT, PLEASE? EMILY WOODS WAS A FORMER PEAS FAMILY SLAVE. GOVERNOR PEAS GIFTED THEIR LAND TO THEM IN 1872. SHE PASSED AWAY SHORTLY THEREAFTER AND HER HUSBAND LOST LAND FOR NONPAYMENT OF TAXES. IT'S NOW PART OF O HENRY MIDDLE SCHOOL AND NOTHING REMAINS. NEXT? THIS IS JUST A COPY OF THE DEED AND THE LANGUAGE THAT WAS TYPICAL FOR PEAS, FOR AND IN CONSIDER OF THE FAITHFUL



SERVICES AND GOOD CONDUCT OF EMILY, A FREED WOMAN OF SAID COUNTY, WHEN SHE WAS A SLAVE OF MINE. NEXT? SAMUEL BARBER WAS ALSO A FORMER PEAS SLAVE. HE WAS ALSO GIFTED LAND BY THE FORMER GOVERNOR. HE LATER SHOWS UP IN THE 1880 CENSUS IN EAST AUSTIN. WE DON'T KNOW WHAT HAPPENED TO HIS OWNERSHIP OF THE LAND BUT IT IS ALSO NOW PART OF O HENRY MIDDLE SCHOOL. AGAIN, THIS IS THE LANGUAGE THAT WAS TYPICAL WHEN GOVERNOR PEAS WAS GIFTING LAND TO HIS FORMER SLAVES. NEXT? ON THE PLAT THERE WE THINK THIS IS THE APPROXIMATE LOCATION UNDER BOTH THE TRACT AND THE TENNIS COURTS NORTH OF O HENRY SCHOOL WHERE THESE PLOTS OF LAND WERE ORIGINALLY GIFTED. NEXT? THE ROBERT JOHNSON PROPERTY IS OVER NEAR 10TH AND MOPAC NOW. IT WAS PURCHASED FROM GOVERNOR PEAS IN 1873. AS MR. SADOWSKY MENTIONED, THE DIRECTORY LISTINGS ARE SOMETHING TYPICAL OF THIS, ONE BLOCK WEST OF IMGM RAILROAD, WHICH IS NOW MOPAC AND THIS ONE AT THE END OF WEST 10TH STREET. YOU CAN SEE A PORTION OF THE JOHNSON DIVISION SUBDIVISION ON THAT T CAD. NEXT. THE DEED LANGUAGE WHEN HE WAS SELLING TO FREED MAN WAS SLIGHTLY DIFFERENT. HE SAID HAVE THE ESTATE CONTACTED TO JOHNSON, AND HIS WIFE ONE ACRE OF LAND. NEXT. THIS IS FOR WE THINK THE PROPERTY WAS -- IT'S OVER AT 10TH AND MOPAC AND PROBABLY EXTENDED UNDER A LOT OF THE ACCESS ROAD. NEXT? SAM HUGHES ADDITIONALLY PURCHASED AN ACRE IN 1878. WE FIND THAT PRISCILLA HUGHES LATER IN THE DIRECTLY AS ABOUT THE ADDRESS WHERE WE THINK THIS WAS AGAIN AT 10TH AND MOPAC. NEXT? AGAIN, HE WOULD SAY TO JOHN HUGHES, A FREED MAN, AN ACRE OF LAND. PHILIP STEWART IS MORE INTERESTING IN THAT HE IS HENRY COLLEY'S FATHER-IN-LAW, AND HE IS VARIOUSLY LISTED AS EITHER BORN IN 1822 OR AGE UNKNOWN IN CENSUS DATA. HE PURCHASED THIS LAND IN 1885 FROM WILLIAM WALSH, AND IN LATER YEARS, IN 1938 WE FOUND A RECORD OF THE STEWART FAMILY AS WELL AS THE CULLY HEIRS GIVING LAND TO THE CITY OF AUSTIN FOR THE WIDENING OF ENFIELD ROAD. THIS PROPERTY IS CURRENTLY UNDER THE CHERRY TOWN GREEN CONDOMINIUMS AND A PORTION OF ENFIELD ROAD AND YOU CAN STILL SEE THE PHILIP STEWART HOME PLACE SUBDIVISION ON THE CURRENT PLATFORM THIS IS A COPY OF THE INSTRUMENT WHERE THEY SAY THEY DO GRANT, SELL AND CONVEY UNTO THE CITY OF AUSTIN FOR THE PURPOSE OF WIDENING ENFIELD ROAD. THE FOLLOWING DESCRIBES STRIPS OR PARCELS OF LAND. NEXT. AS YOU CAN SEE, YOU CAN STILL SEE LITTLE NOTATIONS FOR PHILIP STEWART EXTENDING ACROSS ENFIELD ROAD AND INTO WHAT IS NOW THE GORES, WHICH GOLF COURSE WHICH MAKES THE SECOND INSTANCE WHERE PART OF UT'S LAND CONTAINS LAND THAT BELONGS FOR FREED MAN FORMER SLAVES. THOSE WERE THE ONLY INSTANCES WHERE WE FOUND DEEDS ACTUALLY BELONGING TO FREEDMAN BUT WE WONDERED HOW MANY OTHER PEOPLE LIVED OUT THERE SO WE CHECKED THE DIRECTORIES. THIS IS A SAMPLE FROM 1910, JUST SO WE COULD MATCH IT UP TO THE CENSUS. AND WE FIND ALL THESE NAMES WITH THE ADDRESSES VARIOUSLY NOTED AS 7 BLOCKS WEST OF THE RAILROAD TRACKS, A HALF MILE WEST OF THE RAILROAD TRACKS, TWO BLOCKS WEST OF THE RAILROAD TRACKS. SO NOT VERY DESCRIPTIVE, BUT THEY ARE ALL IN AN AREA, YOU KNOW, MUCH FARTHER WEST THAN WE THINK OF CLARKVILLE AS EXTENDING TO. AND IF YOU MATCH ONE OF THOSE NAMES, NANNY OVER TON AND MATCH

IT TO THE CENSUS DATA YOU FIND THESE AREN'T JUST A FEW LABORERS LIVING OUT THERE YOU BUT FAMILY AFTER FAMILY. NANNY HAD SIX CHILDREN AND TWO BOARDERS IN HER HOUSE. SO WE FIND A FAIRLY LARGE SETTLEMENT OF AFRICAN-AMERICANS IN THE AREA THAT WE WEREN'T AWARE OF. NEXT? IN THE PEAS PAPERS WE FOUND WHAT WE'VE BEEN TERMING CREDIT REPORTS WHERE HENRY COLLEY HAS DELIVERED TO A -- ELIJAH AND LATER KATIE PEAS, SAMPLE DOCUMENTS HE HAS PAID RENT, SOLD HIS CORN OVER THE YEARS TO SHOW EVIDENTLY THAT HE WAS GOOD FOR HIS DEBT TO BUY SOME LAND. THE KATIE PEAS DID SELL HIM 6 ACRES IN 1864 AND IN 1890 HE SOLD THE WESTERN THREE ACRES RA RANDALL'S SIT. HENRY COLLEY DIED IN 1923 AND HIS THREE ACRES WERE SUBDIVIDED KNOWN AS HENRY COLLEY'S HOME TRACT. THE HEIRS SOLD THEIR INTEREST TO HENRY'S SON WILLIE AND WIFE MAIMY IN 1931. MAIMY SELLS LOTS 11214 TO THE HAYS FAMILY IN 1943 AND AIM AMY CULL I SOLD THE REMAINING LOTS IN 1845 WHEN THE INTEREST OF THE COLLIE'S IN THAT SUBDIVISION EVIDENTLY ENDS. HERE ARE SAMPLES OF THE PAPERS PULLED OUT OF THE PEAS FILES NOTING IN 1881 THAT HENRY COLLEY HAD SOLD 50 BUSHEL OF CORN OR HE PAID HIS RENT TO MRS. GRAY, AND WE FINALLY SCATTERED THROUGH THEIR PAPERS FOR VARIOUS YEARS LEADING UP TO HIS PURCHASE OF LAND. NEXT. HERE'S A COPY OF THE DEED FROM LIEW INDICATED YEAH PEAS TO HENRY COLLEY FOR THE 1884 PURCHASE. MR. SADOWSKY DATES THIS HOUSE TO APPROXIMATELY 1909 THAN AND WE KNOW FROM THE DEED RECORDS THAT HENRYHENRY COLLEY CONTRACTED IN 1913 TO MOVE THE DWELLING HOUSE NOW SITUATED ON THE DESCRIBED PROPERTY AND WELL AND TRULY CONSTRUCT CERTAIN ADDITIONS AND REPAIRS, BEING SITUATED, TO WIT AND BEING THE NORTHEAST CORNER OF THE SIX ACRES FOR THE SUM OF \$1,386, WHICH IS MORE THAN FOUR TIMES WHAT HE HAD PAID FOR THE LAND JUST -- LOOKS LIKE 20 YEARS PREVIOUSLY. IN 1920 HENRY CULLY'S WILL LEAVES THE BULK OF HIS ESTATE, INCLUDING LOTS 1 THROUGH 5 AND 10 THROUGH 15 TO DAUGHTER MAGGIE LAWRENCE, BECAUSE SHE HAS BEEN HELPING ME TO PAY THE DEBT ON THE HOUSE I HAVE BUILT ON THE ABOVE MENTIONED THREE ACRES. NEXT? THIS IS THE HENRY COLLEY HOME TRACT SUBDIVISION IN THE DARK LINE, AND WHAT HE FORMERLY OWNED TO THE LEFT, WHICH IS NOW RANDALL'S, AND THE HOUSE IS INDEED LOCATED UP IN THE NORTHEAST QUARTER WHERE THE STAR IS. THE CULLY HAYS HOUSE IS THE ONLY KNOWN FREEDMAN EXAMPLE THAT WE FOUND. IS THAT MY MINUTES?

MAYOR WYNN: WHY DON'T YOU TAKE A BRIEF PERIOD AND CONCLUDE YOUR STATEMENTS.

OKAY. ALTHOUGH THERE MAY BE SOME RENTAL PROPERTIES WHICH IS THE ONLY FREEDMAN OWNED HOUSE WE FOUND. WE NEVER CLAIMED HE WAS PROMINENT BUT WE DO CLAIM THAT HE HAS -- HE HAS REPRESENTED A REMARKABLE ACCOMPLISHMENT FOR AN I WILL LITERAL FREED MAN TO OBTAIN SUCH A REMARKABLE HOUSE WITH HIS LAND HOLDING.

MAYOR WYNN: THANK YOU. MARY REED IS OUR NEXT SPEAKER. TO BE FOLLOWED BY BLAKE COLET. COME FORWARD AS LONG AS YOU STATE YOUR NAME FOR THE RECORD

AND I CAN FIND YOUR NAME.

MY NAME IS GRANT FAIR.

HELLO, MR. FAIR. SO IS GWEN JEWS HERE? GWEN, WELCOME BACK, AND THOMAS PEN? HELLO, THOMAS, AND MARSHA ATINO. MARSHA, WELCOME. OUR RULES ARE YOU NEED TO BE PRESENT IN THE CHAMBERS IN ORDER TO DONATE YOUR TIME. GRANT YOU'LL HAVE UP TO 12 MINUTES.

GREAT. MY NAME IS GRANT FAIR AND I LIVE IN THE NEIGHBORHOOD SEVERAL BLOCKS TO THE EAST OF THIS PROPERTY, TOWARDS MOPAC. I'M ACTUALLY NOT A MEMBER OF WANG. I'M JUST SOMEBODY WHO GOT INVOLVED WITH THIS BECAUSE I'M A HISTORY NUT AND I'VE BEEN INTERESTED IN THE HISTORY OF THAT AREA, PARTICULARLY CHARLES JOHNSON AND PEOPLE AROUND THERE. THERE WAS CONFUSION AT THE PLANNING COMMISSION THE OTHER NIGHT WHEN THE COMMISSION RECOMMENDED THE ZONING CHANGE TO THE COUNCIL. THE DEED AND PROBATE RECORD DOCUMENT, THE FACT THAT HENRY COLLEY DID, IN FACT, LIVE IN THIS HOUSE. THE PROPERTY WAS HIS, QUOTE, HOME PLACE, AS HE DESCRIBED IT IN HIS WILL, WITH A, QUOTE, HOUSE THAT I HAVE BUILT, ALSO MENTIONED, AND THERE IS A KEY MECHANIC'S LIEN FROM 1913, THAT CHRIS HAS REFERRED TO, WHICH MAKES IT CLEAR THERE WAS A HOUSE ON THE PROPERTY AND THERE ARE OTHER THINGS THAT I HAVE FOUND AND PROVIDED FROM THE PUBLIC RECORD. THE OTHER SIDE PRETENDS NOT TO REALLY SEE THIS. THE HAYS AGENT HAVE TO MY KNOWLEDGE NOT PRODUCED ANY EVIDENCE THAT THERE WAS ANY OTHER HOUSE ON THIS PROPERTY ON THIS ENTIRE THREE ACRE PROPERTY. NOR HAVE THEY PRODUCED ANY EVIDENCE THAT HENRY COLLEY EVER LIVED ANYWHERE ELSE FROM 1884 UNTIL HIS DEATH IN 1923, AND YET THEY STILL INSIST HE DID NOT LIVE THERE IN THIS HOUSE. WE HAVE MADE OUR CASE. THE DOCUMENTS HAVE MADE OUR CASE. COMMON SENSE HAS MADE OUR CASE, AND IF ANYONE WANTS TO MAKE A DOCUMENTED CASE AND TONIGHT TO COUNTER IT THEN DO SO, BUT THIS WHOLE RED HERRING COMING FROM YOUR OWN CITY STAFF BOILS DOWN TO THIS. YOU DON'T HAVE A PICTURE OF HENRY COLLEY STANDING ON THE FRONT PORCH OF THIS HOUSE IN THIS LOCATION WITH A BIG SIGN AROUND HIS NECK THAT SAYS IN TWO FOOT TALL LETTERS I AM HENRY COLLEY AND I LIVE IN THIS HOUSE. WHY DON'T YOU SAY HENRY COLLEY NEVER EXISTED AT ALL. WHY DON'T YOU SAY WHERE IS THE PROOF OF THAT? WHY NOT DIG HIM UP AND SAY, LOOK, HE DOESN'T EVEN HAVE A SOCIAL SECURITY CARD. HE WASN'T PROMINENT. AND BY THE WAY, WHERE IS THE PHOTO OF W.R. AND W.M. HAYS, FATHER AND SON, STANDING ON THE PORCH OF THIS VERY HOUSE IN 1943 WHEN THEY BOUGHT IT WITH BIG OLD SIGNS AROUND THEIR NECKS SAYING, WE LIVE HERE AND HENRY COLLEY NEVER DID, AND SO THERE. THE OTHER SIDE, THEIR AGENTS, ARE WORRIED ABOUT THIS. AND I DON'T KNOW WHY. EVEN THOUGH THEY ARE CONFIDENT THAT THE CITY COUNCIL NEVER VOTES AGAINST A PROPERTY OWNER'S WISHES, EVEN THOUGH THEY HAVE COUNTED THE VOTES AS THEY SEE THEM AND THUS I THINK THAT IS WHY THEY WON'T BUDGE. THEY SHOW UP IN CHAMBERS AND TRY TO MUDDLE THE QUESTION OF WHERE HENRY COLLEY LIVED, DISPUTE HIS OWN WORDS IN HIS OWN LAST WILL AND

TESTAMENT AND RAYS THE HOUSE THAT I HAVE BUILT. WHERE ARE THEY WASTING THEIR EFFORTS, WITH A STORY THEY FEAR IS MUCH STRONGER THAN ANY OF US HERE. WE HAVE NO IDEA HOW MUCH STRONGER. WE WERE NEVER THERE, AND ON TOP OF THAT, MOST OF US ARE WHITE. LET ME TALK ABOUT HENRY COLLEY FOR JUST A MINUTE. THERE ARE VARIOUS THINGS ABOUT COLLIE THAT STRUCK ME AS I LOOKED INTO THE SURPRISING AMOUNT OF DOCUMENTATION THAT SURVIVES ABOUT HIM. I SAY SURPRISING BECAUSE HE WAS AN I WILL LITERAL, AND DOCUMENTATION INTENDS NOT TO BE THAT WAY. BUT DOCUMENTATION IS THIS. NOWHERE DO I SEE ANY NOTATION AND PARTICULARLY IN THE PEAS PAPERS WHERE HE WAS REFERRED TO AS JUST HENRY. IT WAS ALWAYS HENRY COLLEY, OR H. COLLIE OR JUST COLLIE. THERE WAS A CONVENTION THAT CONTINUED AS FAR AS INTO MY OWN CHILDHOOD IN THE 1950S IN THIS TOWN WHERE THERE WERE MARIE AND EDDIE WHO CAME AND WENT IN MY LIFE. YOU RARELY IF EVER USED A BLACK PERSON'S LAST NAME. IT WAS CUSTOMARY. IN SLAVE DAYS THEY EVER HAD LAST NAMES AND THIS WAS THE ONE CONSTANT WAY THAT BLACK PEOPLE RIGHT UP TO THE 1950S AND 1960S WERE KEPT DOWN AT THEIR LEVEL. THEY DID NOT HAVE THE DIGNITY OF A LAST NAME, NOT ONE THAT WAS ACKNOWLEDGED ANYWAY. OR IT WAS THAT GIRL, AGE 50, ALWAYS HAS AN EXCUSE FOR BEING LATE. BUT COLLEY WAS COLLEY. I'M ALMOST POSITIVE AT THIS POINT PEAS HAD NO RELATIONSHIP WITH COLLIE BEFORE HE SHOWED UP ATTWOOD LAWN, THE PIECES OF PAPER THAT I FOUND IN THE PEAS PAPERS, SCRAWLED UNDATED RECEIPTS FOR RENT PAID, A PAWN TICKET FOR 50 BUSHELS OF CORN. I'M NOT SURE THEY LIKED HIM. HE WAS A HARD AND DETERMINED MAN. THAT'S WHAT COMES ACROSS. I DON'T THINK I WOULD HAVE LIKED HIM MYSELF. BUT HE WAS A MAN, NOT A BOY. ONLY ABOUT 30 YEARS OLD AND HE WANTED LAND. HE WANTED PROPERTY RIGHTS. THE HAYS ARE INSISTENT ABOUT THIS. NO ONE SHOULD EVER HAVE THE POWER TO DICTATE AND LIEWL WHAT WE CHOOSE TO DO WITH OUR PROPERTY AND OUR FAMILY'S HOME. AND IT MAKES SENSE, ACTUALLY EXCEPT IN A PRACTICAL WAY IT JUST ISN'T POSSIBLE. IT ISN'T TRUE. WE'RE TALKING HERE ABOUT ZONING, AND THERE ARE CODES AND PERMITS, BECAUSE WE ALL LIVE TOGETHER IN THE CITY WE ALL LIVE CLOSE TOGETHER. THE HAYS WANTS TO MOVE THIS HOUSE TO LIBERTY HILL TO A SUBDIVISION WITH A HOMEOWNERS ASSOCIATION. OTHER THAN THE COUNTY AND MAYBE A WATER DISTRICT, IT IS POSSIBLY THE ONLY LOCAL AUTHORITY THEY HAVE TO DEAL WITH. THEY HAD TO GET A VARIANCE FROM THE ASSOCIATION. THEY HAD TO AGREE TO CERTAIN RESTRICTIONS ON HOW THE HOUSE WOULD LOOK, HOW THE NEW CONSTRUCTION. THIS WAS ALL IN THE DOCUMENTATION THEY PROVIDED. INDEED AS I READ IT THEY COULD NOT MOVE THIS HOUSE INTO THE SUBDIVISION, INTO THE NEIGHBORHOOD AT ALL WITHOUT THE ASSOCIATION'S APPROVAL OR A LAWSUIT. IT DOES SEEM AS THOUGH PROPERTY RIGHTS ARE SACROSANCT WHEN IT'S CONVENIENT, AND NO CONCERN WHEN IT'S NOT. IT DOES SEEM AS THOUGH WORKING WITH THE NEW NEIGHBORS ON THE NEW NEIGHBORS' TERMS IS NOT A CONCERN, WHEREAS THE OLD NEIGHBORS, THE ONES WHO WON'T BE ANYMORE, ARE THE DICTATORS, AND THAT'S THE POINT OF VIEW, THE PROBLEM IS WE HAVE RIGHTS TOO. THE HOUSE ALONE, PUTTING ASIDE WHOEVER LIVED IN IT OR ITS HISTORY OR WHAT HAVE YOU, ADDS TO THE NEIGHBORHOOD. IF THE LANDLORD BY HIS PRESENCE ALONE AND

ALWAYS HAS BEEN, IF HE TAKES THE NEIGHBORHOOD, WHICH WAS STILL IN THE EAST WHEN THIS HOUSE WAS BUILT. THIS NEW INFORMATION AS TO ITS HISTORY ADDS TO THAT. ADDS MORE SELF-RESPECT, YOU MIGHT SAY. LOOK, WE HAVE SOMETHING TOO BESIDES MAUDIE'S AND GOODWILL, A FEW STREETS OF SUBURBAN HOUSES FROM THE 20TH CENTURY ON. IT'S UNIQUE. AND LIBERTY HILL IS JUST A DEED VARIANCE AND GOOD LUCK GETTING [INAUDIBLE] FOR THAT. IF IT DOESN'T END IN A PILE ON THE SIDE OF THE HIGHWAY INSTEAD. THE HAYS DID ORIGINALLY APPLY TO THE CITY OF AUSTIN FOR A DEMOLITION PERMIT, NOT A RELOCATION PERMIT. I DON'T BELIEVE WE HAVE HEARD OR WILL EVER HEAR THE FULL STORY BEHIND THAT. IN THE PRESENT CONTEXT IT JUST DOESN'T MAKE SENSE, BUT FROM MY EXPERIENCE IN THE CONTEXT OF CHOOSE THE HOUSE OR THE MONEY ON THE TABLE, IT MAKES A GREAT DEAL OF SENSE ALL AROUND. SELL THE PAST AND PAY FOR THE FUTURE, IT MAKES SENSE, IT'S A DEAL. HENRY COLLEY GOT HIS [INAUDIBLE] RIGHT AND HE WAS NOT A PROMINENT MAN. I DON'T THINK SO. AND SO WHAT? HE DIED PRETTY POOR, AS BEST I CAN TELL. AND MAYBE A LITTLE BROKEN AT AGE 71, BUT HE HAD WORKED HIMSELF UP AND OUT OF AN ALMOST PERFECT IGNORANCE OF THE RICH MAN SYSTEM AND MONEY AND POWER AND PROPERTY AND THAT WAS THE SAME SYSTEM TO WHICH HE HAD BEEN BORN 30 YEARS BEFORE. THEY ALL NEW COLLIE. I MUST SAY IF WE HAVE ANYONE TO BLAME MOST FOR THIS PREDICAMENT, AND SAYING IT TRUE THRI IS A PREDICAMENT, IT IS THE HAYS, FATHER AND SON, AS DESCRIBED IN 1943 DEED LANGUAGE TO KEPT THIS HOUSE, EVEN LIVED IN IT. IN THE MID 1940S FSES THAT WAS UNUSUAL. AS I RECALL, THE CITY OF AUSTIN HAD SEPARATE FACILITIES. THERE WAS THIS THING ABOUT PHYSICAL INTIMACY THAT WAS ENFORCED, THE SEGREGATION OF RACES. THE HAYS DIDN'T CARE. THEY WERE WAY AHEAD OF THEIR TIME. THEY INTEGRATED THEIR HOUSE, TO USE AN A KNACK ROW NISM. IT WOULD BE VERY NICE, GIVEN THAT, THE HISTORY OF CLEANSING THAT TOOK PART IN THIS PART OF TOWN, WITH THE SUBURBAN EXPANSION, THAT THIS ACCOMPLISHMENT BY THE HAYS WERE HONORED BY KEEPING THIS HOUSE SIMILAR TO THE WAY IT IS. THE HAYS COLLIE HOUSE, OR THE COLLIE HAYS HOUSE, MAKES NO DIFFERENCE. THIS HOUSE COULD BE A HOUSE ABOUT TOLERANCE AND INTOLERANCE, BECAUSE IT IS, AND IT COULD BE ABOUT TRYING TO MAKE THE SYSTEM OF MONEY AND POWER AND PROPERTY DO A LITTLE GOOD ALL AROUND, FOR YOURSELF AND EVERYONE, AS POSSIBLE, OR EVEN VOTE FOR LIBERTY HILL. THERE'S STILL A WAY TO WORK THIS OUT SO EVERYONE GETS RICH ONE WAY OR THE OTHER AND THE CITY DOES TOO, AND ALL IT TAKES IS THE COURAGE AND THE APPLICATION AND THE DIGNITY. THANK YOU.

MAYOR WYNN: THANK YOU, MR. FAIRER. LET'S SEE, I THINK EARLIER I HAD CALLED -- BLAKE, I HAD CALLED YOUR NAME EARLIER. YOU'RE WELCOME TO GIVE TESTIMONY, IF YOU LIKE, AS WITH MARY REED. WELCOME. YOU HAVE THREE MINUTES.

GOOD EVENING, COUNCIL MEMBERS. MY NAME IS BLARE TOLET. I'M REPRESENTING WEST AUSTIN NEIGHBORHOOD GROUP. WE WOULD ASK YOU TO GO FORWARD WITH THE HISTORIC ZONING ON THIS PROPERTY. I WANT TOSS-UP FRONT THAT THE NEIGHBORHOOD ASSOCIATION IS SYMPATHETIC TO THE HAYS ERRORS. JOHN OF THE HERITAGE SOCIETY AND I MET WITH THE HEIRS ALONG WITH THEIR ATTORNEY BOON ALMANZA. AND I BELIEVE

THE SISTERS DESIRE TO MOVE THE HOUSE TO LIBERTY HILL IS BASED ON WHAT THEY BELIEVE IS BEST FOR THEIR FAMILY. AS THEY TOLD US THE MONEY CONSIDERATION IS IMPORTANT TO THEM, BUT JUST AS IMPORTANT IS THEIR DESIRE TO HAVE THIS HOME, WHERE THEY GREW UP, RELOCATED TO AN AREA THAT HOLDS FAMILY SIGNIFICANCE TO THEM. THE HAYS FAMILY HAS 60 YEARS OF HISTORY HERE, BUT WE ARE ASKING TO LOOK AT THE UNDERLYING 60 YEARS OF HISTORY, THE HISTORY OF HENRY COLLEY FAMILY AND THE SIGNIFICANCE AND IMPORTANCE OF THAT HISTORY TO THE STORY OF AUSTIN. I LIVED ACROSS WEST 8TH STREET FROM THE HAYS PROPERTY WHEN I FIRST MOVED TO AUSTIN IN 1973 AND EXCEPT FOR A NINE MONTH ABSENCE I HAVE LIVED THERE EVER SINCE. THE COLLIE FAMILY WAS THEN AND IS NOW A LANDMARK IN THE NEIGHBORHOOD. IT'S THERE WHERE 8TH STREET COMES INTO NORWALK. YOU CAN'T MISS IT. I WALK BY IT, HAVE DRIVEN BY IT OVER YEARS. EVERYBODY KNOWS THAT HOUSE. BUT I ALWAYS ASSOCIATED THE HOME WITH THE HAYS FAMILY. I'D SEE MR. HAYS DRIVING HIS TRACTOR AROUND, HIS WIFE - - THEY HAD A TREMENDOUS GARDEN OUT THERE. AND I -- AND AGAIN, AS I SAID, I'VE LIVED AROUND THERE FOR, WHAT, 35 YEARS THIS YEAR. I HAD NO IDEA THAT THERE WERE ANY FREED MAN SETTLEMENTS IN THAT PARDON OF TOWN. I ALWAYS THOUGHT THEY ALL STOPPED AT CLARKSVILLE. THAT'S WHAT THEY TALKED ABOUT, CLARKSVILLE, THE FREED MAN SETTLEMENT WHEN I MOVED HERE. THERE WERE DIRT STREETS OVER THERE. AND I DON'T THINK -- I THINK THE VAST MAJORITY OF THE PEOPLE AROUND THAT PROPERTY WOULD NOT KNOW THIS HISTORY THAT'S ATTACHED TO IT AND THIS FREED MAN SETTLEMENT. IT'S A RICH HISTORY. YOU'VE HEARD SOME OF THE RESEARCH THAT'S BEEN DONE ON THIS. IT -- THERE'S PAGE AFTER PAGE OF THIS. I MEAN, THIS IS NOT -- I'M SURPRISED BY THE CITY STAFF REPORT. I DISAGREE WITH THE CITY STAFF REPORT. I DON'T THINK THE CITY STAFF REPORT -- I HAVE A LOT OF RESPECT FOR MR. SADOWSKY. I JUST CANNOT -- IT'S ALMOST UNFATHOMABLE FOR ME THAT HE COULDN'T RECOMMEND THIS HOUSE. IF THE OWNERS WANT THIS HOUSE MARKED HISTORIC, THE CITY STAFF REPORT, IN MY MIND, WOULD HAVE BEEN COMPLETELY DIFFERENT, AND I -- I'M JUST AMAZED ABOUT THAT. THERE'S BEEN TREMENDOUS RESEARCH DONE ON THIS. THE RETENTION -- THE DARK MAN SHOW THIS HOUSE WAS BUILT BY MR. COLLIE AND HIS FAMILY. WE WERE LOOKING AT THE PROCLAMATIONS -- YOUR 5:30 PROCLAMATIONS. I THINK IT'S EXTREMELY IRONIC THAT TODAY AT 5:30 THIS -- FEBRUARY IS BEING RECOGNIZED AS BLACK HISTORY MONTH. THIS IS AFRICAN-AMERICAN HISTORY, ALIVE IN AUSTIN. IT'S RIGHT HERE. THIS IS YOUR DECISION. I WISH THAT IT WAS AN EASIER DECISION FOR YOU. THIS IS -- ONCE THIS HOUSE IS GONE THERE IS NO OTHER HOUSE OVER THERE. THIS IS IT. AND YOU CAN HAVE -- YOU CAN HAVE SOMETHING IN THE HISTORY CENTER ABOUT THIS. NOBODY IS GOING TO SEE THAT. YOU CAN HAVE A PLAQUE ON A STICK OVER THERE. PEOPLE ARE GOING TO WALK BY THAT. THIS HOUSE MEANS SOMETHING. THIS HOUSE REPRESENTS MORE THAN JUST -- IT REPRESENTS -- I'M JUST AMAZED HOW MUCH HISTORY IS HERE. WE'RE ASKING YOU TO PLEASE HELP US. THANK YOU.

MAYOR WYNN: THANK YOU, MR. TULET. LET'S SEE, I CALLED MARY REED. WELCOME. YOU

TOO WILL HAVE THREE MINUTES TO BE FOLLOWED BY JOHN DENISI.

THANK YOU. GOOD EVENING, MAYOR AND COUNCIL. I'M HERE SPEAKING ON BEHALF OF THE CLARKSVILLE COMMUNITY DEVELOPMENT CORPORATION, AND WE'RE ASKING YOU TO GIVE HISTORIC ZONING TO THE HENRY COLLEY HOUSE IN THE DEEP EDDIE NEIGHBORHOOD. WE BELIEVE IT'S AN IMPORTANT PART OF AUSTIN'S VAN SHRINK AFRICAN-AMERICAN HISTORY. CLARKSVILLE, THE AREA KNOWN AS DEEP EDDIE WAS ONCE AN AFRICAN-AMERICAN COMMUNITY. IN FACT, MANY OF THE FREED SLAVES SETTLED IN THE DEEP EDDIE AREA AFTER THE CIVIL WAR AND HENRY COLLEY WAS PROBABLY A FREED SLAVE AS WELL, HAD TIES TO THE CLARKSVILLE FREED SLAVES, AND IN ADDITION MANY OF THE FREED SLAVES IN BOTH NEIGHBORHOODS, INCLUDING HENRY COLLEY, BECAME LANDOWNERS BY PURCHASING LAND FROM GOVERNOR PEAS. WE THINK THAT HENRY COLLEY IS A REALLY INTREEKING HISTORIC FIGURE AND REALLY THE PER SONFICATION OF THE AMERICAN DREAM, BECAUSE ALTHOUGH HE WAS A LABORER AND A FARMER HE WAS ABLE TO PURCHASE A SUBSTANTIAL AMOUNT OF LAND AND BUILD WHAT WAS A RELATIVELY SUBSTANTIAL HOME FOR A FREED SLAVE AT THAT TIME. IF YOU LOOK AT OTHER HOMES BUILT BY FREED SLAVES THEY'RE NOT NEARLY AS IMPRESSIVE AS THIS. AND HE WAS ABLE TO HOLD ON TO HIS ASSETS. I MEAN, HE ACQUIRED LAND OF, HE KEPT THE HOME. HE WAS ABLE TO PASS ON A GOOD BIT OF PROPERTY TO HIS CHILDREN. BOTTOM LINE, WE HOPE THAT -- WELL, WE WOULD LIKE TO -- ONE SOLUTION THAT WE THOUGHT OF WAS THAT PERHAPS THE CURRENT OWNERS OF THE LAND WOULD BE -- IF YOU GRANTED THEM HISTORIC ZONING, OR GAVE THEM HISTORIC ZONING, NOT GRANTED THEM, ZONED THE HOUSE HISTORIC, PERHAPS THEY WOULD BE WILLING TO SELL THE HOUSE ONCE IT'S ZONED HISTORIC TO NEW OWNERS WHO WOULD RECOGNIZE THE VALUE OF THE HOUSE. IT'S IN REALLY GOOD SHAPE FROM THE LOOKS OF IT, AND IT'S IN AN ATTRACTIVE NEIGHBORHOOD WITHIN WALKING DISTANCE OF O HENRY MIDDLE SCHOOL AND NOT FAR FROM THE OTHER SCHOOLS, AND IT SEEMS LIKE IT WOULD BE A HOUSE THAT SOMEONE WOULD WANT TO BUY AND FIX UP. IF THAT WOULD BE A GREAT WAY TO KIND OF KEEP THAT HENRY COLLEY SPIRIT LIVING IN THE NEIGHBORHOOD AND HAVE ANOTHER FAMILY LIVING THERE INSTEAD OF HAVING IT MOVED OFF TO A PART OF THE -- PART OF TRAVIS COUNTY THAT HAS NO RELATIONSHIP TO AUSTIN AND THE COLLIE FAMILY. SO BOTTOM LINE, WE HOPE THAT, KIND OF ECHOING THE PREVIOUS SPEAKER, THAT YOU'LL REALLY HONOR BLACK HISTORY MONTH, SEEMS LIKE A FITTING WAY TO DO IT, AND GRANT HISTORIC ZONING TO THIS HOUSE. THANK YOU.

MAYOR WYNN: THANK YOU, MS. REED. LET'S SEE. JOHN DENISI. WELCOME. YOU'LL BE FOLLOWED BY KATHERINE BREWER.

THANK YOU, MAYOR AND COUNCIL. MY NAME IS JOHN DENIS: I'M HERE THIS EVENING IN MY VOLUNTEER CAPACITY AS PRESIDENT OF THE BOARD OF THE HERITAGE SOCIETY OF AUSTIN. THIS IS ADULT CASE. I KNOW HOW YOU HATE TO HEAR THESE OWNER OPPOSED ZONING CASES. THEY ARE OFTEN EMOTIONAL AND HEART WRENCHING. THIS CASE IS NO EXCEPTION, AND IF YOU DON'T HAVE YOUR KLEENEX ON THE DAIS WHEN MS. MOTT COMES

UP AND SPEAKS, YOU'LL NEED IT. SHE'S VERY PERSUASIVE AND SHE MAKES A VERY MOVING ARGUMENT, AND DISPLAYS HER PASSION THAT SHE HAS FOR THIS HOME. BECAUSE THIS CASE IS SO DIFFICULT, WE STEPPED IN TO SINCERELY TRY TO FIND A COMPROMISE. WE INITIALLY OFFERED TO SUPPORT MOVING THE STRUCTURE ON TO ONE LOT TO ALLOW THE REMAINING LOTS TO BE DEVELOPED. THE HOUSE CURRENTLY SITS ON TWO VERY VALUABLE LOTS IN WEST AUSTIN, AND OUR THOUGHT WAS TO MOVE IT ON TO ONE AND ALLOW THE FAMILY TO DEVELOP THE REMAINING THREE. ACTUALLY WE PROPOSED TO GO OUT AND TRY TO RAISE THE MONEY TO MOVE THE HOUSE ON TO THE ONE LOT. MR. SADOWSKY I THINK MAY TALK ABOUT THIS IN A LITTLE BIT. THE PLANNING COMMISSION ACTUALLY SUGGESTED UP ZONING FROM SF-3 TO POTENTIALLY SF 5 OR 6 TO GIVE THEM AN ADDITIONAL AMOUNT OF VALUE. WE HAVE OFFERED TO SUPPORT VARIANCES FOR MOVING THE HOUSE WHEREVER IT MAY GO. WE'VE HAD DISCUSSIONS WITH AISD ABOUT MOVING IT TO O HENRY. WE'VE TALKED TO THE BOARD OF REGENTS ABOUT PUTTING IT ON THE BRACKENRIDGE TRACT. UNFORTUNATELY NONE OF THIS HAS BEEN -- HAS SAVED US FROM WHERE WE ARE TODAY. WE SIMPLY HAD NO MOVEMENT ON THE OTHER SIDE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.] IT'S IMPORTANT TO REALIZE THAT THIS IS THE LAST REMNANT OF THE SUBSTANTIAL AFRICAN-AMERICAN CULTURE THAT COULD BE SAVED IN THIS NEIGHBORHOOD. SO THERE IS SUBSTANTIAL HISTORIC VALUE IN THE COMMUNITY VALUE, NOT IN THE NUMBER OF WINDOWS, NOT IN WEATHER IT WAS RENOVATED, NOT IN DROPPED CEILINGS, BUT THE FACT THAT THIS HOME IS ARCHITECTURALLY SIGNIFICANT AND IT REPRESENTS WHAT -- THERE WAS A SUBSTANTIAL -- A FREED SLAVE WHO LEFT A SUBSTANTIAL HOLDING IN WEST AUSTIN AND WAS ABLE TO LEAVE THAT TO HIS HEIRS IN WEST AUSTIN. I THINK THE BIG QUESTION IS HOW DO WE DARE WE TELL A FAMILY WHAT THEY CAN DO WITH THEIR HOME. ARE WE ALLOWED TO DO THIS? THE REPRESENTATIVES HAVE DONE AN EXCELLENT JOB TWO OF THING. ONE IS DOCUMENTING THEY'RE HISTORY, AND YOU WILL HEAR THIS TODAY IN DETAIL. THE FAWNG HISTORY, WHAT THEY REMEMBER ABOUT THIS HOUSE. THE SECOND IS IN KEEPING OUR OPTIONS OFF OF THE TABLE. I TALKED TO AISD TODAY AND THERE IS POSSIBLY INTEREST IN MOVING IT OVER TO O'HENRY WHERE IT WOULD STILL BE A PIECE OF THE "-- VERY CLOSE TO THE COLLIE TRACT. PEOPLE COULD SAY WHAT IS THIS, WHAT HAPPENED? AND AND HEAR THE HISTORY OF THE HOME. THE MOST IMPORTANT PIECE TO REALIZE THAT I THINK NOBODY HAS REALLY TALK ABOUT IS THE FACT THAT THE FAMILY PUT THIS HOUSE ON THE MARKET. THAT THEY SOL -- THEY PUT THE HOUSE UP FOR SALE WITH THE PROPERTY. THE HOUSE FOF SWAS FOR SALE. AND LAST NIGHT MS. MOTT SAID SHE ASKED THE REALTOR THAT SHOULD SOMEBODY NOT WANT THE HOUSE, SHE MIGHT LIKE TO MOVE IT. YOU WILL HEAR A LOT OF TESTIMONY FROM THE FAMILY TONIGHT ABOUT HOW MUCH THIS HOUSE MEANS TO THEM AND HOW ABSOLUTELY THEY HAVE TO HAVE IT TO CONTINUE THEIR FAMILY MEMORIES. MEMORIES THE. PLEASE HER THAT THEY PUT IT FOR UP SALE. THEY WERE WILLING TO SELL THE HOUSE. WHEN THE DEVELOPER DECIDED HE WANTED A CLEAN LOT, THEY DECIDED TO MOVE IT.

Mayor Wynn: THANK YOU, MS. BREWER. SO COUNCIL, THAT CONCLUDES ALL THE FOLKS



SIGNED UP TO GIVE US TESTIMONY IN FAVOR OF THE HISTORIC ZONING. NOW WE GO TO FOLKS IN OPPOSITION, AND THOSE FOLKS WERE KIND ENOUGH TO GIVE ME A LIST OF THE SEQUENCE THAT THEY WOULD LIKE TO SPEAK IN. NUMBER OF FOLKS ARE HERE WILLING TO DONATE DIFFERENT AMOUNTS OF TIME TO DIFFERENT ONES OF THE SPEAKERS. WE'LL JUST START WITH MR. JIM BENNETT. YOU WILL HAVE THREE MINUTE AND BE FOLLOWED BY BETTY MOTT.

MAYOR, THAT LIST THAT I GAVE YOU ARE THE SPEAKERS THAT I KNOW OF AND THE ORDER THAT WE WILL SPEAK. I AM JIM BENNETT. I WAS RETAINED AS AN AGENT ON THIS CASE BY THE MOTT FAMILY HEIRS. AND MAYOR, YOUR COMMENT ALMOST HAD ME IN A HEART ATTACK AWHILE AGO ABOUT HIRING A NEW AGENT. I WAS WRITING THIS --

Mayor Wynn: IT WAS THE FIRST THING THAT WAS TOLD TO US, MR. BEN BEN KNIT. BENNETT.

THERE'S NO DWHEA MR. COLLIE OWNED THIS PROPERTY. THERE'S NO QUESTION THAT MR. COLLIE WAS AN AFRICAN-AMERICAN. THERE IS NO QUESTION THAT THERE WAS A CONTRACT, A MECHANIC'S LIEN ENTERED INTO IN 1913 FOR LOAN OF MONEY TO MOVE A HOUSE IN THIS GENERAL VICINITY WHICH I SUSPECT WAS PROBABLY THE SAME HOUSE. MR. COLLIE APPARENTLY DIDN'T BUILD THE HOUSE, BUT HE HAD IT MOVED AND FIXED UP AND REPAIRED ACCORDING TO THAT CONTRACT. THERE'S NO QUESTION IT WAS SUBDIVIDED INTO 19 LOTS AND THERE'S NO QUESTION THAT THE HAYS FAMILY ACQUIRED THE PROPERTY IN 1933. THERE'S NO QUESTION ABOUT THE REMODELING BECAUSE YOU CAN SEE THE VINYL SIDING. YOU CAN SEE THE FIRE -- THE FIREPLACES AND CHIMNEYS WERE REMOVED. YOU CAN SEE THAT THERE WAS YOU ALUMINUM WINDOWS INSTALLED. SO THERE'S FACTUAL EVIDENCE THAT THESE THINGS THAT I JUST MENTIONED DID OCCUR. YOU HAVE HEARD TESTIMONY FROM SPEAKERS BEFORE ABOUT WHAT A FINE HOUSE THIS WAS AND HOW THE HAYS FAMILY LIVED THERE, PEOPLE WALKED BY IT, RECOGNIZED IT AS AN OLD HOUSE, BUT YET THE HISTORIC QUESTION DOESN'T COME BEFORE YOU UNTIL YOU GET TO THE QUESTION OF REDEVELOPMENT OF THE PROPERTY. THAT'S WHEN THE CONCERNS ABOUT THE HISTORY OF THE HOUSE, ALTHOUGH THERE WAS OPPORTUNITIES AS DISCUSSED BY THE OTHER SPEAKERS THAT WALKED BY IT DAILY AND SAW THE ACTIVITIES AND THE GARDENS, NOBODY MENTIONED OR RESEARCHED TO SAY PERHAPS WE OUGHT TO LOOK AT THIS TO SEE IF THIS HOUSE WAS SOMETHING THAT WOULD WARRANT HISTORIC ZONING UNTIL IT COMES BEFORE YOU FOR REDEVELOPMENT. THERE WAS PLENTY OF OPPORTUNITIES AND THE AGE OF THE HOUSE FOR THOSE OCCURRENCES TO HAPPEN BY THE ASSOCIATIONS AND THE HISTORICAL PEOPLE, BUT THAT DIDN'T OCCUR UNTIL THIS OPPORTUNITY CAME. I'LL BE AVAILABLE SHOULD YOU HAVE ANY QUESTIONS AND THAT LIST HAVE YOU, MAYOR, IS THE SPEAKERS THAT I KNOW OF.

Mayor Wynn: THANK YOU, MR. BENNETT. QUESTIONS FOR MR. BENNETT, COUNCIL? IF NOT, WE'LL HEAR NEXT FROM BETTY MOTT. WELCOME MS. MOTT. AND A NUMBER OF FOLKS WANTED TO DONATE TIME TO YOU. IS KATY RUTHFIN HERE. HOW ABOUT ANNE DOUGHERTY. AND ARE EITHER OF THE BRINGS HERE? BOTH. BETTY, YOU WILL HAVE UP TO

15 MINUTES IF YOU NEED IT. WELCOME.

THANK YOU. MY NAME IS BETTY MOTT AND MY SISTER, KATY RUTH AND I ARE THE REQUIRES OF THE PROPERTY AT 718 NORWALK LANE. I APOLOGIZE FOR READING MY COMMENTS TO YOU TONIGHT. IT IS VERY STRESSFUL AND VERY EMOTIONAL TO ME AND I DON'T WANT TO OMIT ANYTHING. AND MY COMMENTS ARE TRUE AND STRAIGHT FROM THE HEART. MY SISTER AND I DO OPPOSE THE INITIATION OF HISTORIC ZONING OF OUR HOME AS DO MEMBERS OF OUR FAMILY AND LIFELONG FRIENDS. WHICH INCLUDE SOME OF OUR NORWALK LANE NEIGHBORS. IT'S THE ONLY APPRECIABLE ASSET OF OUR MOTHER'S ESTATE, AND OUR MOTHER'S WILL STATED EVERYTHING WAS TO BE DIVIDED BETWEEN KATY AND MYSELF. THE SALE OF THIS PROPERTY WILL ALLOW US TO COMPLETE OUR MOTHER'S WISHES. IT WILL ALSO PROVIDE ME WITH THE FUNDS TO RELOCATE AN RENOVATE THE HOME. WITHOUT THE SALE OF THE PROPERTY THAT'S PENDING, I CAN'T DO ANYTHING TO PRESERVE THIS HOME AT ITS CURRENT LOCATION. IT'S VERY IMPORTANT TO ME TO KEEP THIS HOME IN OUR FAMILY. IT'S EQUALLY IMPORTANT TO ME TO RELOCATE THE HOME TO LIBERTY HILL. I WANT TO RETIRE THERE IN OUR FAMILY'S HOME. THAT'S WHERE OUR FAMILY'S ROOTS BEGAN. MY PARENTS HELPED ME THROUGHOUT MY LIFE. AND TO ME RELOCATING THE HOME BACK TO WHERE THEY ORIGINATED IS MY WAY OF PAYING BACK, GIVING BACK TO MY FAMILY, MAKING MY PARENTS -- THANKING MY PARENTS FOR EVERYTHING THAT THEY GAVE TO US, AND PROVIDING A WAY FOR OUR CHILDREN, GRANDCHILDREN AND GREAT GRANDCHILDREN TO CONTINUE THE HERITAGE AND THE TRADITIONS THAT OUR FAMILY -- OUR PARENTS PASS ODD TO US. TO ME IT'S WORTH EVERY PENNY TO KNOW THAT I'LL BE PROVIDING AN OPPORTUNITY FOR OUR FAMILY'S HERITAGE AND TRADITIONS TO CONTINUE FOR MANY GENERATIONS TO COME. OUR FATHER, WM HAYS, WAS BORN IN LIBERTY HILL. OUR MOTHER WAS SENT TO LIBERTY HILL AT THE AGE OF 13 AFTER THE DEATH OF HER MOTHER. OUR PARENTS WERE MOARDMARRIED THERE AND MY SISTER WAS BORN THERE. MY PARENTS, GRANDPARENTS AND KATY LIVED THERE UNTIL SHE WAS ABOUT THREE AND THEN THEY MOVED TO AUSTIN. I WAS BORN HERE IN AUSTIN IN FROO. 42. MY DAD AND GRANDPA PURCHASED THE PROPERTY FROM HIS MAMIE COLLEY IN SEPTEMBER OF 1943. OUR PARENTS AND GRANDPARENTS WERE HARD WORKERS. OUR FATHER AND MOTHER WERE NOT WELL EDUCATED. THEY ONLY COMPLETED THE EIGHTH GRADE. OUR GRANDMOTHER WAS UNABLE TO READ OR WRITE. MY SISTER TAUGHT HIM TO SIGN HIS NAME. HE WORKED FOR CALCASIEU COMPANY UNHAULING FREIGHT AND HAULING LUMBER MATERIALS ON HIS FLATBED TRUCK. HE ALSO HAULED FOR SURROUNDING FARMERS. MY GRANDMOTHER WORKED IN THE HOME. SHE TOOK CARE OF MY SISTER AND I WHILE FAIRNTS WORKED OUTSIDE THE HOME. ALL OF THEM HAD TO WORK TO PAY THE MORTGAGE AND PROVIDE FOR US. MY DAD WORKED FOR DIFFERENT SUNSET, RED BALL TRANSFER AND WH RICHARDSON. LATER HE WENT TO WORK FOR THE AUSTIN MEMORIAL PARK AND WITH THE CITY OF AUSTIN. HE THEN TROFERRED THE ELECTRICAL DEPARTMENT FROM WHICH HE RETIRED. DURING HIS TENURE WITH THE CITY OF AUSTIN, THE CREW HE WORKED ON ASSISTED IN HANGING THE LIGHTS FOR THE ZILKER CHRISTMAS TREE. OUR MOTHER WORKED FOR AUSTIN LAUNDRY,

SCAR BROAZ AND RETIRED FROM THE CHECKING OFFICE, WHICH IS NOW THE INSURANCE COUNCIL OF TEXAS. EVEN THOUGH OUR PARENTS AND GRANDPARENTS WERE NOT EDUCATED, THEY ALWAYS HAD A GOOD JOB AND THEY PROVIDED THE BEST THEY COULD FOR US. THEY TAUGHT US TO BE THANKFUL FOR WHAT WE HAD AND IN THEIR WORDS, HANG ON FOR TOTOIT. ON JULY 20TH, 1957, OUR DAD AND GRANDFATHER TOOK OUT A LOAN TO DO EXTENSIVE REMODEL TO GO OUR HOME. THE CREEGZ WERE LOWERED, CRAWLS WERE REMOVED, VINYL VIEDSIDING WAS PLACED ON THE HOUSE. CHIMNEYS REMOVED, CLOSETS A BUILT AND NUMEROUS OTHER REMODELING WAS DONE. IN MAY OF 2007, KATY AND I DID HAVE TO PUT THE HOUSE ON THE MARKET. OUR MERE WAS IN A NURSING -- OUR MOTHER WAS IN A NURSING HOME. SHE WAS IN VERY BAD HEALTH AND IN ORDER TO MEET HER FINANCIAL NEEDS WE WERE GOING TO HAVE TO SELL THE HOME AND THE PROPERTY TO BE ABLE TO MAINTAIN HER KNEES WHEN SHE WAS IN THE NURSING HOMES. SHE PASSED AWAY ON JULY THE 10th. DURING MEETINGS WITH OUR REALTOR, I MENTIONED SEVERAL TIMES THAT IT HAD BEEN A DREAM OF MINE FOR MANY YEARS, NOT JUST THEN, BUT FOR MANY YEARS THAT I ALWAYS WANTED THE HOUSE. IF WE EVER HAD TO SELL THE PROPERTY, I WANTED TO KEEP THE HOUSE. AND THAT WAS IF OF COURSE THE BUYER DIDN'T WANT IT. I DID NOT KNOW WHAT THE COST WOULD BE OR EVEN IF THE HOUSE COULD BE MOVED. AND WHEN WE GOT A CONTRACT ON THE HOME, IT WAS MOST CONFUSING IN THE BEGINNING BECAUSE WE THOUGHT THAT THERE WAS A POSSIBILITY THAT THE BUYER WAS GOING TO TRY TO KEEP THE HOME AND RELOCATE IT TO HIS OWN PERSONAL PROPERTY. AND HE DECIDED NOT DO THIS. AND THIS WAS ONLY JUST A FEW DAYS PRIOR TO OUR FIRST HISTORICAL SOCIETY HEARING. AND WE HAD BEEN TOLD AND IT'S MY UNDERSTANDING THAT IT WAS EASIER TO ASK FOR A DEMOLITIONS PERMIT FIRST AND THEN AFTER THINGS WERE ARRANGED TO GET A RELOCATION PERMIT, IT WAS JUST GOING TO BE A MATTER OF AN ADMINISTRATIVE PROCESS TO GET THAT CHANGED. I NEVER WANTED TO TEAR DOWN THE HOUSE, BUT THIS WAS THE PROCESSES THAT WE WERE ADVISED TO TAKE. WHEN WE FOUND THIEW THE BUYER WASN'T -- WHEN WE FOUND OUT THAT THE BUYER WASN'T INTERESTED IN RELOCATING THE HOME, I IMMEDIATELY STARTED LOOKING FOR PROPERTY. I KNOW THAT THE WEST AUSTIN NEIGHBORHOOD GROUP AND AUSTIN HISTORICAL SOCIETY WANT TO PRESERVE THE HERITAGE OF THE HOME. I AM TRYING TO PRESERVE THE HERITAGE OF THE HOME. THE HAYS HERITAGE IS BASED ON 64-PLUS YEARS OUR FAMILY LIVED THERE. WE HAVE HAD SIX GENERATIONS WHO LIVED THERE PERMANENTLY, TEMPORARILY, GATHERED FOR CELEBRATIONS, GRANDCHILDREN AND GREAT GRANDCHILDREN WHO WERE CARED FOR BY OUR PARENTS AND IN LATER YEARS GRANDCHILDREN WHO TOOK CARE OF OUR MOTHER IN THE HOME. IN THE YEARS PAST OUR HOME WAS USED AS A GATHERING PLACE FOR RELATIVES TO COME PLAY CARDS, DOMINOES, HORSE SHOES AND WASHERS. DADDY AND GRANDPA LOVED TO HUNT AND FISH. ONE OF THEIR FAVORITE PLACES WAS TO GO BACK TO LIBERTY HILL WHERE THEY ORIGINATED. OUR PARENTS AND GRANDPARENTS PASSED DOWN FAMILY TRADITIONS OF BEING LOVING PARENTS, HARD WORKERS AND THEY ALWAYS PUT THEIR FAMILY FIRST. THEY WERE HONEST, RESPECTFUL, TAX PAYING CITIZENS WHO GAVE TO OTHERS IN NEED. I CAN'T BEGIN TO TELL YOU THE MANY WONDERFUL MEMORIES THE HAYS HOME HAS

BROUGHT TO OUR FAMILY. IN THESE CHAMBERS TONIGHT ARE THREE OF THE SIX GENERATIONS OF THE HAYS FAMILY, EXTENDED FAMILY, CO-WORKERS AND LIFELONG FRIENDS WHO SUPPORT OUR EFFORTS. KATY AND I HAVE HAD TO PAY THE PRICE FINANCIALLY AND EMOTIONAL BECAUSE OF THE PROBLEMS WE'VE ENCOUNTERED THROUGHOUT THIS. THE HOME IS NOT IN GOOD CONDITION ON THE INSIDE. THE FLOORS ARE SEPARATING. THE WALLS HAVE CRACKS. THE FLOORING IN THE BATHS AND KITCHEN AND CERTAIN AREAS OF THE HOME IS ROTTEN. WE FILL THEM WITH FOAM INSULATION TO KEEP THE RODENTS OUT. THE BACK WALL OF THE KITCHEN IS LEANING AND THE BACK PORCH IS EVACUATE SPRAITING FROM THE HOUSE. THE HOME IS A HEALTH HAZARD AND IS UNSAFE TO LIVE IN AS IT IS. DOES OUR HOME HAVE HISTORY? YES, IT HAS HISTORY. WE UNDERSTAND, APPRECIATE AND RESPECT MR. COLLEY FOR HIS ACHIEVEMENTS THAT HE MADE DURING HIS LIFETIME. WE UNDERSTAND THE IMPORTANCE OF PRESERVING HISTORICAL LANDMARKS AND WE APPRECIATE THAT. BUT THE HOME AT 718 IS NOT AN HISTORICAL LANDMARK. AND MR. SADOWSKY HAS CONFIRMED THAT BY NOT RECOMMENDING HISTORIC ZONING. THIS IS OUR FAMILY HOME OF 64-PLUS YEARS AND WE SHOULD BE ABLE TO DECIDE WHAT WE WANT TO DO WITH IT. AND I SAY IT WAS MY OPINION OF OUR FAMILY AND FRIENDS THAT NO ONE SHOULD HAVE THE POWER TO DICTATE AND RULE. WHAT WE DO OR WHAT WE CHOOSE TO DO WITH OUR OWN FAMILY'S HOME AND PROPERTY. OUR HERITAGE IS VERY IMPORTANT TO US. THE PROPERTY AT 718 NORWALK LANE IS EVERYTHING AND ALL THAT WE HAVE. AND WE WANT TO KEEP IT. WE CAN'T LET SOMEONE ELSE TAKE IT AND LET -- AND TO ALLOW OTHER CHILDREN OR OTHER PEOPLE HAVE THE OPPORTUNITIES TO WALK THROUGH AND HAVE IT SET UP AS A MUSEUM OR WHATEVER. WE WANT OUR FAMILY TO BE ABLE TO LIVE IN IT, TO RELIVE ALL THE MEMORIES FOR OUR CHILDREN AND GRANDCHILDREN TO REMEMBER WHAT IT'S LIKE TO COME TO GRANDMA'S HOUSE AND CELEBRATE AND RELIVE THE STORIES THAT WE ONCE SHARED. WITHOUT THE SALE OF THIS HOUSE OR THE PROPERTY, I CAN'T DO ANYTHING TO PRESERVE THE HOME. MORE IMPORTANTLY, WE COULDN'T AFFORD TO PAY THE PROPERTY TAXES. AND IT'S NOT THAT THE RELOCATION IS IMPORTANT TO ME. IT'S IMPORTANT TO EVERY MEMBER OF OUR FAMILY. THE REASON I WANT TO RELOCATE THE HOME TO LIBERTY HILL IS BECAUSE, AS I SAID BEFORE, IT'S WHERE OUR FATHER WAS BORN, IT'S WHERE OUR MOTHER LIVED, IT'S WHERE ALL OF OUR FAMILY IS BURIED. THERE IS NO PLACE MORE SUITABLE THAN TO MOVE THE HOME TO A PLACE WHERE THE ROOTS OF OUR FAMILY BEGAN. I WANT TO RETIRE AND I WANT TO LIVE IN THE HOME FOR THE REMAINDER OF MY LIFE. AND I WANT TO LEAVE IT FOR MY FAMILY TO ENJOY. I HAVE MADE TWO EXTENSIONS ON THE PROPERTY THAT I HAVE A CONTRACT WITH. AND MY DEADLINE IS FEBRUARY 15TH. THAT'S MY LAST EXTENSION. I CAN'T TELL YOU HOW MUCH IT MEANS FOR US TO BE ABLE TO KEEP OUR HOME AND LET US RELOCATE IT TO WHERE WE WANT. THE GENTLEMAN THAT I HAVE -- HAS AGREED TO MOVE THE HOUSE, HIS NAME IS JUNIOR BROWN, I BELIEVE. HE HAS COME WELL RECOMMENDED AS SOMEONE THAT WOULD MOVE OLDER HOME AND KEEP THEM INTACT. THE BUILDER THAT I HAVE TO DO THE RENOVATION, HE ALSO CAME VERY WELL QUALIFIED AS HE'S FROM LIBERTY HILL AND HAS DONE MOST OF THE RESTORATION ON THE OLDER HOMES IN THAT COMMUNITY AND IN THEIR BUSINESS DISTRICT. I HAVE THE

PLANS WITH ME TONIGHT. IF YOU'RE INTERESTED IN SEEING THEM, I WANT TO KEEP THE HOME AS CLOSE TO ITS ORIGINAL FORMAT AS IT CAN POSSIBLY BE. I DON'T WANT TO CHANGE THE HOME. AND I PROMISE YOU, ONLY AN ACT OF GOD WILL DEMOLISH IT. SO I ASK EACH OF YOU TONIGHT, I AM PLEADING WITH EACH OF YOU TONIGHT, PLEASE DON'T TAKE THIS HOME FROM US. BY RECOMMENDING HISTORIC ZONING. PLEASE ALLOW ME TO RELOCATE THE TH HOME TO THE PLACE WHERE OUR FAMILY'S ROOTS BEGAN. IF OUR PARENTS COULD BE HERE TONIGHT, THEY WOULD BE BEHIND US 100%. THEY LOVED THAT COUNTRY UP THERE. AND THEY WOULD BE MOST HAPPY TO KNOW THAT THEIR HOME WAS GOING BACK TO WHERE THEY ONCE LIVED AND THAT THEIR ANCESTORS COULD CONTINUE TO USE IT. THANK YOU FOR YOUR TIME AND YOUR RECOMMENDATION FOR RELOCATION PERMIT FOR ME WOULD BE MOST APPRECIATED.

Mayor Wynn: THANK YOU, MS. MOTT. QUESTIONS FOR BETTY, COUNCIL? COMMENTS? SO OUR NEXT SPEAKER IS MARTY GLASS. WELCOME, MAR TIVMENT LET'S SEE, IS ROBERT FRASIER -- HELLO, WELCOME. JOE CHESNEY. JENNY CAROL? AND CAROL ANNE PEEVEHOUSE? SO MARTY, YOU WILL ALSO HAVE UP TO 15 MINUTES IF YOU NEED IT. WELCOME.

THANK YOU, GOOD EVENING, COUNCIL. I'M GOING TO TRY TO GO THROUGH THIS PRETTY QUICK BECAUSE I KNOW THERE ARE SOME PEOPLE THAT ARE IMPORTANT THAT NEED TO SPEAK. I'M THE OLDEST GREAT GRANDCHILD OF WALTER AND TILLYTILLY HAYS. I'M THE OLDEST GRANDCHILD AND THE SON OF KATY. I WAS BORN IN 1953, 10 YEARS AFTER MY GREAT ARE GRANDPARENTS AND PARENTS PURCHASED THEIR HOME AT 718 NORWALK LANE. I EVEN HAD THE PRIVILEGE OF KNOWING AND REMEMBERING MY GREAT GRAND FATHER. HE WAS AFFECTIONATELY KNOWN AS WINDY. HE PASSED AWAY WHEN I WAS EIGHT YEARS OLD. I WAS FORTUNATE ENOUGH TO GROW UP ON 2410 FRUIT STREET. THIS WAS ONLY ONE BLOCK FROM THE HAYS HOME. NEEDLESS TO SAY WITH ME BEING THE FIRST GRANDCHILD AND LIVING IN SUCH CLOSE PROXIMITY TO THEM, 718 NORWALK LANE WAS LIBRARY A SECOND HOME TO ME AND I HAVE MANY FOND MEMORIES GROWING UP THERE. MY GREAT GRAND FATHER WAS A LARGE FRAMED MAN, WHILE MY GRANDFATHER AFS SMAWMER FRAMED MAN T WAS NORMAL FOR ME TO REFER TO THEM AS BIG PA AND MY GRANDFATHER AS LITTLE PA. I WOULD ISN'T SIT ON THE PORCH WITH MY BIG PA AND HE WOULD TALK TO ALL THE NEIGHBORS PASSING BY AND HE KNEW ALL THE NEIGHBORS. HE WOULD SEND ME DOWN TO THE GROCERY STORE TO BUY KING EDWARD CIGARS FOR HIM. MY BIGGEST THRILL INVOLVED HIS BIG FLATBED TRUCK WHICH HE USED TO HAUL LUMBER TO CALCALCASIEU LUMBER COMPANY BEFORE RETIREMENT. HE WOULD TAKE ME FOR A RIDE IN HIS BIG TRUCK DOWN TO RED BUD ISLE WHERE WE WOULD FISH BELOW THE DAM. MY FONDEST MARIES WERE OF THEM WORKING IN THE GARDEN. THAT GARDEN PRODUCED AMAZING VEGETABLES AND FRUITS. IT PRODUCED SUCH QUANTITY THAT NOT ONLY DID GRANDMA HAVE PLENTY TO CAN FOR OUR FAMILY, BUT LITTLE PA ALSO GAVE PLENTY TO THE NEIGHBORS. I ALSO REMEMBER BEING THERE EVERY SATURDAY TO WATCH TV. GRANDMA TENDED TO HER BEAUTIFUL GARDEN AROUND THE PERIMETER OF THE HOUSE. LITTLE PA CLEANING HIS HUNTING AND FISHING GEAR GETTING READY FOR HIS NEXT TRIP.

GRANDMA'S FRIED CHICKEN. THERE'S LOTS OF WONDERFUL MEMORIES FOR ME IN THIS HOUSE. I NOW HAVE TWO GROWN CHILDREN. MY WIFE WENT BACK TO WORK AFTER HAVING OUR KID, THEIR GREAT GRANDMOTHER, MY GRANDMOTHER, DEBBIE HAYS KEPT THEM UNTIL THEY WERE OLD NOWF TO START SCHOOL ADD KEPT THEM IN THE SUMMER MONTHS. BOTH OUR CHILDREN CELEBRATED ALL THEIR BIRTH DAYS AT GRANDMAS HOUSE. THEY HAD EVERY CHRISTMAS AND THIF DINNER AT GRANDMA'S HOUSE UP UNTIL ABOUT THREE YEARS AGO AS DID THE REST OF THE FAMILY. MY FAMILY PURCHASED THE PROPERTY IN 1943 FROM MR. COLLEY. MY FAMILY HAS LIVED IN THE HOUSE EVER SINCE. THE HEIRS HAVE FOUND A BUYER FOR THE PROPERTY. THIS SALE WILL ALLOW A NEW LOCATION IN LIBERTY HILL, TEXAS WHERE SHE WILL MAKE IT HER HOME. THERE'S A FAMILY HISTORY IN LIBERTY HILL. WM HAYS, MY GRANDFATHER, AND MY GRANDMOTHER WERE BOTH BORN IN LIBERTY HILL. THIS WOULD ALLOW HAYS FAMILY MEMBER TO CONTINUE TO LIVE IN OUR HOME. MY FAMILY HAS ALMOST 65 YEARS OF HISTORY IN THIS HOUSE. IT IS OUR FAMILY'S DESIRE TO CONTINUE WITH MORE YEARS OF HISTORY, A PLACE FOR FUTURE GENERATIONS CAN CONTINUE TO ADD TO THE HISTORY OF THE HAYS HOME. A PLACE TO CONTINUE TO HAVE THANKSGIVING AND CHRISTMAS. I ASK THAT THE COUNCILMEMBERS PLEASE REJECT THE PROPOSED HISTORICAL ZONING FOR THIS HOUSE AND LET MY FAMILY BE ABLE TO CONTINUE TO LIVE IN THIS HOUSE AND MAKE MANY MORE MEMORIES IN THE FUTURE.

JENNIFER ARNOLD IS NEXT. WELCOME. IS ELLEN AND TRAVIS GLASS HERE? WELCOME. HOW ARE Y'ALL? KIM OWE O'BRYAN. JENNIFER, YOU WILL HAVE UP TO 12 MINUTES IF YOU NEED IT.

THIS IS MORE EMOTIONAL TESTIMONY, BUT IT'S IMPORTANT TO US THAT WE PRESENT IT. NOT MANY PEOPLE GET THE CHANCE TO KNOW THEIR GREAT GRANDMOTHER. I HOWEVER WAS PRACTICALLY RAISED BY HER. BEFORE MY BROTHER AND I WERE OLD ENOUGH TO BE IN SCHOOL, WE STAYED IN HER HOUSE EVERYDAY WHILE MY PARENTS WORKED. I TOOK SOME OF MY STEPS AND SPOKE MY FIRST WORDS IN THAT HOUSE, AS DID MANY OTHERS IN MY FAMILY. WITH THE EXCEPTION OF THE PAST COUPLE OF YEARS, EVERY CHRISTMAS, THANKSGIVING AND BIRTHDAY WAS CELEBRATE UNDERSTAND THAT HOUSE WITH ALL OF MY 'CUZCOUSINS AND FAMILY. AND IRONICALLY TODAY ON MY 25SS BIRTHDAY I'M MARY HERE FIGHT FOG IT. WE USED TO SWING OFF THE PORCH FROM AN ANCIENT ROPE SWING. WE USED TO GET IN A LOT OF TROUBLE BECAUSE WE WOULD RUN THROUGH THE HOUSE AND THE WOODEN FLOORS WOULD SHAKE AND IT WOULD CAUSE HER BREAD NOT TO RISE. WE DIDN'T CARE BECAUSE IT STILL TASTED GOOD. THE BATHROOM IN THE HOUSE IS IN THE VERY BACK AND TO GET TO IT YOU HAVE TO WALK PAST MY GREAT GRANDMOTHER'S ROOM, WHICH HE WAS DEAD BY THE TIME I CAME AROUND, BUT ANY TIME WE HAD TO GO TO THE BAT ROOM, WE WENT AS A GROUP BECAUSE WE KNEW HIS GHOST WAS IN THERE AND THERE WAS NO WAY WE WERE WALKING PAST THAT DOOR. THERE ARE A LOT OF INTERESTING STORIES IN THAT HOUSE, FOND MEMORIES. I COULD GO ON, LIST A MILLION THINGS ABOUT THAT HOUSE. AND MY MEMORIES ARE NOTHING COMPARED TO MY FATHERS AND MY GRANDMOTHERS AND BETTY'S, AND THEY CAN GO ON AND ON FOR HOUR

AND TELL YOU STORIES. THEY DO FREQUENTLY. SOME PEOPLE NEVER HAVE A CHANCE TO MAKE MEMORIES LIKE THESE, ESPECIALLY PEOPLE IN MY GENERATION. THEY CAN'T GO BACK TO THEIR GREAT GRANDMOTHER. THEY CAN'T SAY THAT THEY SPENT 24 YEARS OF THEIR LIVES WITH THEIR GREAT GRANDMOTHER. SO PEOPLE WHO HAVE THIGHS THESE MEMORIES, WE KNOW HOW PREBS THEY ARE AND HOW PRECIOUS IT IS TO CONTINUE THINGS LIKE THIS. AS MY COUSINS AND I BECOME OLD ENOUGH TO START OUR OWN FAMILIES, I JUDD THINK ABOUT HOW AMAZING IT WOULD BE FOR MY CHILDREN TO GET TO GO TO GRANDMA'S HOUSE FOR THANKSGIVING. MY AUNT BETTY IS ONE OF THE MOST GENEROUS PEOPLE I KNOW AND SHE WOULD LITERALLY GIVE YOU SHIRT OFF HER BACK IF YOU ASKED FOR IT. SHE HAS PUT HER TIME, MONEY, ENERGY AND TEARS TAKING CARE OF GRANDMA HAYS AS HER HEALTH DETERIORATED. SHE WANTS TO RESTORE THIS HOUSE FOR OUR MEMORIES PAST AND FUTURE. THIS CANNOT HAPPEN UNLESS WE'RE ALLOWED TO MOVE THE HOUSE. I'M SURE THE HOUSE WILL BE MISSED BY ALL THE NEIGHBORS AS IT IS A CORNERSTONE OF THE NEIGHBORHOOD, BUT PLEASE KNOW THAT OUR MEMORIES ARE INSIDE THAT HOUSE. IF T. BELONGS TO US AND ALL WE ASK FOR IS PERMISSION TO MOVE IT TO LIBERTY HILL SO WEB TAKE CARE OF IT AND RAISE MANY MORE GENERATIONS UNDER GRANDMA'S ROOF. THANK YOU.

Mayor Wynn: DOYLE HEATH IS OUR NEXT SPEAKER. YOU WILL HAVE THREE MINUTES.

GOOD EVENING, MAYOR AND COUNCIL. FOR THE RECORD IT'S HEATH DOYLE. IT'S CONFUSING. IT HAPPEN ALL THE TIME. NO PROBLEM. I'VE KNOWN THE MOTT FAMILY THROUGH MY WIFE FOR ABOUT 17 YEARS. MY WIFE AND I HAVE BEEN MARRIED FOR EIGHT YEARS AND THAT IS MY CONNECTION TO THIS FAMILY. I KNOW THAT IT MEANS A LOT TO MY WIFE. SHE COULDN'TING HERE TONIGHT. MY DAUGHTER HAS SCHOOL TOMORROW. SHE COULDN'T BE HERE. SHE'S GOT TO TAKE CARE OF HER. MY EMOTIONAL TIE TO THIS HOUSE IS THROUGH MY DAUGHTER. IT WILL BE DIFFICULT FOR ME TO ANSWER TO HER. WHY WE DO NOT GO BACK TO GRANDMA'S HOUSE ON CHRISTMAS AND THANKSGIVING ANYMORE. IT WILL BE MUCH EASIER FOR ME TO ANSWER WHEN CAN WE GO BACK TO HER HOUSE. THAT'S WHY I AM PLEADING EMOTIONALLY TO YOU. I'M SURE YOU ALL HAVE CHILDREN AND YOU CAN UNDERSTAND THE VALUE OF YOUR CHILDREN'S MEMORIES AS THEY'RE GROWING UP. THAT'S WHY I'M PLEADING TO YOU TO ALLOW MRS. MOTT, WHO I'VE COME TO KNOW AS GRANDMA BETTY TO MOVE THE HOUSE TO LIBERTY HILL SO THAT WE CAN CONTINUE THAT TRADITION JUST AS EVERYONE THAT YOU'VE HEARD FROM HAS SAID. WE WANT TO BE ABLE TO CONTINUE THAT FOR MANY YEARS TO COME. I APPRECIATE YOUR TIME AND PLEASE OPPOSE THE REZONING. THANK YOU.

Mayor Wynn: THANK YOU, MR. DOYLE. BOON ALMANZA, WELCOME BACK. YOU TOO WILL HAVE THREE MINUTES.

THANK YOU, MAYOR, COUNCIL. MY NAME IS BOON ALMANZA. I'M THE ATTORNEY FOR THE HAYS ESTATE. I'M HERE BEFORE YOU REALLY TO TELL YOU JUST A COUPLE OF SIMPLE THINGS. ONE OF WHICH IS THERE SEEM TO BE A VERY BIG MISUNDERSTANDING ABOUT

WHAT THE HAYS' WANT TO DO. BETTY MOTT WANTS TO TAKE THIS HOUSE AND MOVE IT AND LIVE IN IT. THE SIMPLE PROBLEM IS IN ORDER TO ANSWER THE QUESTION FROM COUNCILMEMBER LEFFINGWELL IS SHE CAN'T KEEP THE HOUSE ON THE LOT OR MOVE IT TO ONE OF THE THREE LOTS AND KEEP AND HAVE ENOUGH MONEY TO BE ABLE TO RENOVATE IT. THE HOUSE INSIDE IS QUITE FRANKLY -- THOSE WHO HAVE SPOKEN FOR HISTORICAL ZONING ARE COMPLETELY WRONG ABOUT THE HOUSE. THE HOUSE IS IN HORRIBLE CONDITION. IT NEEDS A LOT OF RENOVATIONS. THE BID ARE ABOUT \$200,000 TO FIX THIS HOUSE. THERE ARE TWO HEIRS TO THIS ESTATE. THE SIMPLE MATH INDICATES SHE CAN'T KEEP THE HOUSE ON ANY OF THE FOUR LOTS AND RENOVATE IT. IF SHE'S REQUIRED TO KEEP IT THERE THROUGH HISTORICAL ZONING, THEN SHE'S GOING TO HAVE TO LOOK TO DO SOMETHING ELSE, BUT SHE WON'T BE ABLE TO TAKE HER PROPERTY, DO WHAT SHE WANTS TO DO WITH IT AND ALLOW HER FAMILY TO CONTINUE LIVING IN THAT PROPERTY. NOW, QUITE FRANKLY, HE INDICATED THE OTHER NIGHT THAT I SAID THERE WAS AN IMMOVABLE FORCE AND THAT THE FAMILY DID NOT WANT TO COMPROMISE. THE FAMILY HAS LISTENED TO THE ALTERNATIVES FROM THE NEIGHBORHOOD, HAS LISTENED TO ALTERNATIVES FROM THE HAIR TANK SOCIETY AND THE SIMPLE PROBLEM IS THAT ALL THE ALTERNATIVES FROM THEM REQUIRE THAT SHE GIVE UP THE HOUSE. SHE DOESN'T WANT TO GIVEN UP THE HOUSE. SHE WANT KEEP IT. I UNDERSTAND FROM THE TESTIMONY THAT THEY SEEM TO BELIEVE THAT SHE'S NOT BEING AUTHENTIC ABOUT THAT. I THINK IT'S HARD TO BELIEVE AFTER LISTEN TO GO HER THAT SHE'S NOT BEING AUTHENTIC ABOUT HER DESIRE TO KEEP THE HOUSE. THIS IS A DIFFICULT ISSUE, NO QUESTION ABOUT IT. QUITE FRANKLY, IN MY VIEW IT IS UNFORTUNATE, BEING MYSELF A NEIGHBOR OF 40 YEARS, VERY CLOSE TO THIS HOUSE, THAT THE CITY OF AUSTIN, THE COMMUNITY, HAS NOT RECOGNIZED IN A PROPER WAY SLAVES WHO WERE FREED AND LIVED IN THAT NEIGHBORHOOD. IT IS A PROBLEM. HOWEVER, THAT SIN OF THE COMMUNITY SHOULD NOT BE VISITED ON THE HAYS FAMILY. THIS HOUSE IS NEXT DOOR TO COMMERCIAL PIECES OF PROPERTY. WE'VE GOT MAWDY'S, CONTINUE LIQUORS. ESSENTIALLY SAFE WAY IS RIGHT ACROSS THE STREET. O'HENRY IS REAL CLOSE TO IT. THE SIN OF THIS CITY NOT RECOGNIZING FREED SLAVES SHOULD NOT BE VISITED ON THE HAYS FAMILY. IT'S ARBITRARY AND UNFAIR. I DO THINK THE CITY UNDERSTOOD TO DO SOMETHING ABOUT RECOGNIZING FREED SLAVES WHO LIVED THROUGHOUT THE CITY. BUT JAWS BECAUSE IT'S THE LOST PROPERTY MAKES IT ARBITRARY TO ME TO GO AHEAD AND ZONE THIS PROPERTY HISTORIC. I THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU, MR. ALMANZA. IT LOOKS LIKE OUR FINAL SPEAKER OR TWO MIGHT BE SERENE HARTPENCE. WELCOME, MA'AM. THIS WILL BE YOUR TIME. SORRY IF I MISPRONOUNCED THAT. YOU WILL HAVE THREE MINUTES. WELCOME.

I'M SERENE HARTPENCE. I'M A LICENSED INTERIOR DESIGNER, STATE OF TEXAS. I'M ALSO LICENSED BY THE TEXAS REAL ESTATE COMMISSION AS A REAL ESTATE AGENT AND WITH DOUG FIKE BROKER. DOUG HOLDS THE LISTING FOR THE LOTS IN LIBERTY HILL WHERE BETTY MOTT HAS A CONTRACT PENDING TO MOVE THIS HOUSE. WHEN BETTY APPROACHED US IN OCTOBER OF LAST YEAR WITH HER MOVE-ON HOUSE, IT WAS CLEAR THAT IT DID NOT



FIT THE RESTRICTIONS OF THE SUBDIVISION; HOWEVER, HAVING WORKED AS A DESIGNER ON OLD HOMES FROM THE EARLY 1900'S, I KNEW THAT THERE WERE MATERIALS AVAILABLE THAT WOULD SAVE THE ARCHITECTURAL INTEGRITY OF THIS HISTORICAL HOUSE. WITH THE SELLER'S EXTREME INTEREST IN HISTORY AND THE SUBJECT PROPERTY DATING BACK TO THE TIME THAT THE PROPERTY OF ANCIENT OAKS WAS REPORTEDLY A STAGECOACH STOP BETWEEN WACO AND AUSTIN, THEY FELT THAT WE SHOULD GIVE SOME CONSIDERATION TO THIS PROPERTY. IF THE LOT OWNERS WOULD AGREE TO THE VARIANCE. BETTY MOTT SELECT ADD LOT AT ANCIENT OAKS WITH OAK TREES THAT HAVE GROWN VERY CLOSE TO THE TREES THAT NOW SURROUND THIS HOUSE AT ITS EXISTING LOCATION. I PUT TOGETHER A PACKAGE WHEN BETTY BROUGHT US A PICTURE OF THE HOUSE AND GAVE US THE HISTORICAL INFORMATION OF HER FAMILY IN LIBERTY HILL AND PRESENTED IT TO THE LOT OWNERS. AND WHEN ALL THE OWNERS VOTED, THE MAJORITY OF THE VOTES CAME IN YES, WE WELCOME THIS HISTORICAL HOUSE TO THEIR NEIGHBORHOOD. A CONTRACT WAS EXECUTED, BUT MRS. MOTT HAS HAD TO DELAY AGAIN AND AGAIN, AND WHAT I NEED TO YOU UNDERSTAND IS THAT THE SELLERS AT ANCIENT OAKS ONLY HAVE SIX LOTS LEFT. JUST TUESDAY OF THIS WEEK THEY HAD SEVEN. IF THIS IS NOT RESOLVED SOMETIME SOON, BETTY MOTT MAY LOSE HER OPPORTUNITY TO TAKE HER HOME TO LIBERTY HILL. WITH THE SUBJECT HOUSE REMAINING WITH THIS ARCHITECTURAL INTEGRITY AND THE HOMEOWNERS WELCOMING IT IN THEIR NEIGHBORHOOD, I ASK YOU TO ALLOW THIS HOUSE TO BE MOVED TO LIBERTY HILL. BACK TO THE FAMILY'S ROOTS.

Mayor Wynn: THANK YOU. SO COUNCIL, THAT'S ALL OF THE CITIZEN WHOSE HAVE SIGNED UP WISH TO GO GIVE US TESTIMONY IN ON SITION TO THIS CASE. REAL QUICKLY I'LL READ IN FOR THE RECORD A NUMBER OF FOLKS SIGNED UP NOT WISH TO GO SPEAK, THREE OF THOSE IN FAVOR OF THE ZONING CASE, THAT WOULD BE CAROL COLLINS, BERN IN A DEBT KAY AND MARY THOMAS. FOLK SIGNING UP NOT WISH TO GO SPEAK IN OPPOSITION TO THE ZONING CASE WOULD INCLUDE KEVIN MOTT, JERRY FIGURES, BOB BUMPUS, JOHN GRAY, EELIZABETH BAILEY, BURT DEMYTH, JOHN ROBINSON, SUSAN HAMPTON, MARGARET GAY THEYGAITHER. LC SMITH WILL BE NOTE UNDERSTAND OPPOSITION. SO THAT'S ALL OF OUR TESTIMONY. COMMENTS, QUESTIONS? OF STAFF OR OF ANYBODY ELSE? VERY DIFFICULT CASES. ANY QUESTIONS OF STAFF, COMMENTS? MAYBE WE COULD HAVE A ONE-TIME THREE-MINUTE REBUGHTS BY THE APPLICANT. THAT'S SEEMINGLY NOT NEEDED HERE OR APPROPRIATE. THIS IS WHY WE WANTED TO BE ON THE CITY COUNCIL. [ LAUGHTER ] COMMENTS? COUNCILMEMBER COLE.

Cole: MAYOR, I THINK THIS IS UNDOUBTEDLY ONE OF THE MOST DIFFICULT HISTORIC ZONING CASES THAT WE'VE HEARD. IT'S PARTICULARLY TROUBLING TO HAVE TWO FAMILIES HAVE SUCH A SHARED HISTORY IN ONE PIECE OF PROPERTY. AND I KNOW ONE OF THOSE FAMILIES IS NO LONGER HERE, MR. COLLEY, AND IT WAS INTRIGUING TO ME TO KNOW ABOUT THE 1906 BOOK THAT WE USED FROM A METROPOLITAN AME CHURCH TO DESIGNATE THE PROMINENCE OF AFRICAN-AMERICANS IN 1906 BECAUSE WE DON'T HAVE ANYTHING BETTER. AND I WISH WE HAD SOMETHING BETTER BECAUSE I SHARE THE SENTIMENTS OF THE HISTORICAL SOCIETY, THE HERITAGE SOCIETY WITH THE NOTION

THAT YOU DON'T HAVE TO BE PROMINENT OR PROSPEROUS TO BE PROMINENT. AND I THINK WHAT MR. COLLEY HAS DONE AND ACCOMPLISHED IN HIS LIFETIME WITH THE PROPERTY AT A TIME THAT PROCEEDED WHEN AFRICAN-AMERICANS COULD NOT VOTE OR RECEIVED FORMAL EDUCATION AND MANY OTHER THINGS THAT MY COLLEAGUES ARE FAMILIAR WITH. AND I THINK AS WE GROW THE CITY INTO THE FUTURE, IT'S IMPORTANT THAT WITH YOU PRESERVE AND RECOGNIZE OUR PAST. SO WITH THAT I'M GOING TO GO AHEAD AND MAKE A MOTION THAT WE RECOGNIZE THE HISTORICAL ZONING.

Mayor Wynn: SO MOTION BY COUNCILMEMBER COLE TO CLOSE THE PUBLIC HEARING. AND REMIND ME, ARE WE READY FOR ALL THREE READINGS?

WE'RE ONLY ON FOR FIRST READING TONIGHT, MR. MAYOR.

Mayor Wynn: AND APPROVE FOR FIRST READING ONLY HISTORIC ZONING. SECONDED BY COUNCILMEMBER LEFFINGWELL. COMMENTS?

Dunkerley: I DO HAVE A COMMENT. I REALLY ALMOST HAVE A QUESTION. DURING THE PRESENTATION, ONE OF THE CITIZENS COMMENTED THAT -- WE HAVE NO DOUBT THAT THE 16 ACRES WAS PURCHASED AND OWNED BY MR. COLLEY. THE QUESTION BECOMES DID HE LIVE IN THIS HOUSE, HOW LONG DID HE LIVE IN THIS HOUSE, ETCETERA. BUT IN THE COURSE OF THE DISCUSSION, SOMEONE SAID THAT AT A CERTAIN TIME THEY SOLD OFF THE LOTS, SEVERAL LOTS TO THE HAYS FAMILY AND RETAINED SOME OF THE OTHERS. AND MY QUESTION REALLY WAS IT WOULD SEEM TO ME THE FAMILY WOULD HAVE SAVED THE HOMESTEAD RATHER THAN SELLING OFF THE HOMESTEAD. SO THAT MADE ME TEND TO WONDER, EVEN THOUGH THE PROPERTY DID BELONG TO THE COLLEY FAMILY, EXACTLY HOW LONG OR IF HE ACTUALLY LIVED IN THIS STRUCTURE AND WHEN IT WAS REMODELED AND WHEN IT WAS BUILT. SO IT WAS JUST A THOUGHT I HAD AS THE PRESENTATION CAME ALONG. I REALLY WISH THERE WERE SOME WAY THAT WE COULD HONOR BOTH FAMILY. I'M GOING TO LET MY WISER COLLEAGUES HELP FIGURE THAT OUT. BECAUSE I THINK THAT'S REALLY WHAT NEEDS TO BE DONE. I THINK MOST OF YOU KNOW THAT IT'S REALLY TOUGH FOR ME TO VOTE FOR LANDMARK DESIGNATION ON PROPERTY ANYWAY BECAUSE IT MEANS THERE'S A TAX ABATEMENT ON IT FOREVER, AND I'M VERY CAREFUL ABOUT IT. AND ON THIS ONE I THINK THERE'S SOME DOUBT AS TO THE STRUCTURE, MAYBE NOT THE LAND, BUT AS TO THE STRUCTURE. SO IF WE CAN FIGURE OUT HOW TO HONOR BOTH, I PROBABLY WILL NOT BE VOTING FOR THE HISTORIC DESIGNATION ON THE HOUSE ITSELF.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I THINK, MAYOR PRO TEM DUNKERLEY HAS ACTUALLY IDENTIFIED A CRITICAL ELEMENT OF THIS CASE, WHICH IS WHAT THE LOCATION OF THE PROPERTY IS HISTORICALLY SIGNIFICANT, WHILE THE HOUSE ITSELF MAY NOT BE. AND SO MR. SADOWSKY I HAVE A QUESTION FOR YOU, WHICH IS: IS THERE SOME WAY TO PROVIDE

SOME COMMEMORATION ON THE PROPERTY ITSELF WHRRKS IT BE SOMETHING LIKE -- YOU'LL SEE FROM TIME TO TIME IN CERTAIN SPOTS AROUND THE CITY TEXAS HISTORICAL LANDMARK SPOTS THAT SAY LIKE IN THIS LOCATION LIVED THIS PERSON. AND IT MAY NOT BE ATTACHED TO A PHYSICAL STRUCTURE, BUT MAYBE A SIGN ON A POLE, FOR INSTANCE. DO WE HAVE SOMETHING SIMILAR LIKE THAT IN AUSTIN?

WE COULD DO SOMETHING LIKE THAT, COUNCILMEMBER. I MEAN, WE GENERALLY RESERVE THAT SORT OF THING FOR A DESIGNATED LANDMARK. GENERALLY NOW WHAT WE DO IS JUST PUT A PLAQUE ON A BUILDING, BUT DOWNTOWN WE DO HAVE PLAQUES WITH A NARRATIVE ON THEM. AND THAT IS SOMETHING THAT WE COULD DEFINITELY LOOK INTO FOR THIS SITE AS FAR AS PUTTING A PLAQUE, A MARKER, CITY MARKER ON THE SITE.

McCracken: I WOULD LIKE TO SEE HOW WE COULD DO THAT. BECAUSE I THINK I'D LIKE TO HEAR FROM STAKEHOLDERS ON THAT AFTER THIS CASE, BUT I THINK MAYOR PRO TEM DUNKERLEY REALLY IDENTIFIED -- AND I THOUGHT ACTUALLY MR. ALMANZA SAID IT REALLY WELL TOO WHICH IS THAT THE COMMUNITY HAS NOT DONE A GOOD JOB OF IDENTIFYING IMPORTANT PLACES AND IMPORTANT RECOGNITION OF THE ACHIEVEMENTS OF THE FREED SLAVES OF OUR AFRICAN-AMERICAN POPULATION. AND I THINK COUNCILMEMBER COLE HAD REALLY STATED IT VERY WELL TOO THAT YOU DON'T HAVE TO HAVE BEEN A WEALTHY PERSON TO BE PROMINENT OR PROMINENT TO BE IMPORTANT. SO I THINK THAT THE SITE ITSELF IS WORTHY OF RECOGNITION. I PERSONALLY CANNOT VOTE FOR HISTORIC ZONING FOR THE HOUSE ITSELF. I DON'T THINK IT RAISES TO THAT LEVEL, SO I WOULD LIKE TO SEE US HAVE SOME WAY TO IDENTIFY AND COMMEMORATE THE IMPORTANCE OF THIS LOCATION BECAUSE I THINK IT IS IMPORTANT. AND THEN ALLOW THE HOUSE TO BE MOVED.

Mayor Wynn: THANK YOU, COUNCILMEMBER. COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'M SYMPATHETIC TO THE PLIGHT OF THE HAYS FAMILY AND I RECOGNIZE THEIR WANTS AND DESIRES ON THIS, BUT THERE'S ALSO THE COMMUNITY'S INTEREST IN THIS AS WELL. AND I THINK THE HAYS FAMILY HAS OTHER OPTIONS. AND SOME OF THOSE OPTIONS WERE MENTIONED HERE TONIGHT. FOR INSTANCE, MOVING THE HOUSE TO ONE LOT AND ALLOWING THEM TO REALIZE -- NONE OF THEE OPTIONS, BY THE WAY, WOULD ALLOW THEM TO LIVE IN THE HOUSE IN LIBERTY HILL. BUT THAT MAY BE A SACRIFICE THAT'S ENDURE RABBLE ANDABLE AND ONE THEY COULD MAKE IN THE INTEREST OF THE COMMUNITY BEING ABLE TO SAVE THIS HISTORIC HOUSE. SO I THINK BETWEEN NOW AND SECOND AND THIRD READINGS, WE SHOULD EXPLORE THOSE OTHER OPTIONS, MOVING IT TO ONE LOT, PERHAPS PUT ING IT ON THE O'HENRY CAMPUS AND OTHER OPTIONS THAT WE HAVEN'T TALKED ABOUT YET.

Mayor Wynn: COUNCILMEMBER MARTINEZ AND THEN KIM.

Martinez: MAYOR, I WANTED TO ASK A QUESTION OF THE FAMILIES' ATTORNEY, MR. ALMANZA AND SEE IF CE ANSWER THIS QUESTION. THERE WAS A POINT MADE EARLIER THAT I THINK

FOR ME IS SIGNIFICANT IN THE COMMENTS THAT COUNCILMEMBER LEFFINGWELL JUST MADE. AND THE POINT THAT WAS MADE EARLIER WAS THAT AT ONE POINT THIS -- THERE WAS A FOR SALE SIGN IN FRONT OF THIS HOME. AND APPARENTLY THE FAMILY WAS -- HAD MADE A DECISION THAT THEY WERE GOING TO TRY TO SELL THE PROPERTY, INCLUDING THE HOME. WERE THERE CONDITIONS OF SALE THAT DIDN'T ALLOW THE HOME TO BE TRANSFERRED IN THE SALE?

NO. I APPRECIATE THE QUESTION. LET ME ANSWER IT THIS WAY. WE HAVE TO UNDERSTAND THE TIME LINE. THE HOUSE WAS PUT ON THE MARKET IN MAY OF 2007 AT THE TIME EVIE HAYS WAS ALIVE. SHE WAS IN A NURSING HOME AT THE TIME, AND KATY, RUTH AND BETTY MOTT, HER DAUGHTERS, HAD TO SELL THE HOUSE OR NEEDED FUNDS IN ORDER TO TAKE CARE OF HER BECAUSE OF HER HEALTH NEEDS. SHE THEN DIED IN JULY. WHEN WHTHAT OCCURRED THERE WERE DISCUSSIONS FROM THE VERY BEGINNING. I WAS NOT INVOLVED IN THE CONTRACT NEGOTIATION. I WAS NOT INVOLVED IN THE ORIGINAL CONTRACTS, BUT I TALK TO THE FAMILY AND WHAT TRANSPIRED WAS THE ISSUE WAS WILL THE BUYER -- MS. DOUGHERTY IS HERE TONIGHT, SHE COULD TESTIFY TO THIS. BUT WHOEVER THE BUYER IS GOING TO BE, IF THEY WILL KEEP THE HOUSE, THEN THEY CAN HAVE THE HOUSE. IF THEY'RE NOT GOING TO KEEP THE HOUSE, I WANT THE HOUSE. I THINK YOU HEARD THAT TESTIMONY FROM MS. MOTT HER SELF. SO DESPITE THE FACT THAT THE NEIGHBORHOOD HAS SAID AND TRIED TO INSIN TWAIT WAIT THAT SHE DIDN'T WANT THE HOUSE, THE SIMPLE TRIEWZ. MATTER IS SHE'S ALWAYS WANTED THE HOUSE. THE QUESTION ALWAYS WAS CAN SHE AFFORD THE HOUSE AND KEEP IT AND RENOVATE IT. THE HAYS FAMILY IS NOT A RICH FAMILY. AND FRANKLY, REDOING HOMES IS SOMETHING FOR THE YOUNG AND SOMETHING TYPICALLY FOR THOSE WHO ARE RICH. THIS IS NOT SOMETHING THAT THEY COULD DO WITHOUT THE SALE OF THE LAND. SO TO ANSWER YOUR QUESTION DIRECTLY, YES, AT SOME POINT IN TIME WHEN MS. HAYS WAS ALIVE, THE IDEA WAS THAT THEY WOULD SELL THE HOUSE, BUT IF FOR SOME REASON THAT THE BUYER DIDN'T WANT THE HOUSE, MS. MOTT WANTED IT.

Martinez: MAYOR, AND WITH THAT RESPONSE, FOIG ME THE CONCERN I HAVE IS THAT I REALIZE THAT THERE MAY HAVE BEEN OTHER CONSIDERATIONS WHEN THIS HOUSE WAS PUT ON THE MARKET. BUT I WOULD ASSUME THAT AFTER 64 YEARS THE HOUSE IS CLEAN AND CLEAR OF ANY LIENS, AND I THINK THERE WERE OTHER OPTIONS. IF THERE WERE FINANCIAL CONSTRAINTS, THE VALUE IN THAT PROPERTY COULD HAVE BEEN LEVERAGED SOMEHOW TO ADDRESS THOSE CONCERNS. AND I DON'T KNOW THE PERSONAL HISTORY AND I'M NOT TRYING TO GET INTO THAT. I JUST DON'T BELIEVE BASED ON WHAT I'M HEARING THAT EVERY OPTION HAS BEEN EXPLORED. AND SO WITH THAT I'M GOING SUPPORT FIRST READING AND I WOULD LIKE FOR EVERY OPTION TO BE EXPLORED BECAUSE RIGHT NOW WHAT IT SOUNDS LIKE IS THERE'S SUBSTANTIAL LAND VALUE WHERE THAT HOUSE SITS. AND WHILE THE PRESERVATION OF THE HOME, MOVING IT TO LIBERTY HILL IS SIGNIFICANT TO THE CONVERSATION, I THINK WHAT HAPPENS TO THAT LAND AFTER WE MOVE THAT HOME IS ALSO SIGNIFICANT TO THE FAMILY IN THIS DELIBERATION. AND NOBODY'S TALKED ABOUT THAT AND I THINK THAT'S A CONCERN AS WELL FOR THE

COMMUNITY THAT SURROUNDS THAT PROPERTY. AND THERE'S SUBSTANTIAL LAND VALUE THERE. SO I WANT TO EXPLORE EVERY OPTION THAT'S POSSIBLE AND IF WE CAN COME UP WITH SOMETHING THAT WORKS FOR BOTH THE FAMILY AND THE PRESERVATION DESIRES OF THE COUNCIL, THEN I'LL BE SUPPORTING IT ON SECOND AND THIRD READING.

MAYOR, COULD I JUST RESPOND TO THAT?

Mayor Wynn: NO, MR. ALMANZA. I'LL SEE IF ANYONE HAS A QUESTION FOR YOU.

Kim: I HAVE A QUESTION FOR BLAKE ABOUT AN E-MAIL HE SENT YESTERDAY ABOUT AN ALTERNATIVE OF ALLOWING THEM TO SUBDIVIDE THE LOTS TO MOVE THE HOUSE ON TO A SMALLER PORTION SO THAT THEY CAN KEEP OWNERSHIP AND SELL THE OTHER PART OF THE LOT AND EXPLORE II GUESS THE ALTERNATIVE OF SF-3 BUT SUNG IT TO SF-3 BUILDING STANDARDS. THAT'S SOMETHING CAN YOU E-MAILED TO OUR OFFICES YESTERDAY.

YES, BLAKE TOLLETTE. NUMBER ONE, I CANNOT GUARANTEE THAT THAT WILL FLY OVER THERE, BUT I DO KNOW THAT THE NEIGHBORS HAVE A LOT OF CONCERN ABOUT WHAT GOES ON IN THE UNDERLYING PROPERTY. THEY CARE ABOUT WHAT THE HOUSE DOES TOO. I KNOW THAT THE DEVELOPER WHO HAS BOUGHT IT IS TALKING ABOUT FLIPPING THE LOTS SO THEY ALL FACE EIGHTH STREETS AS TO OPPOSED THEY'RE NOW FACING NORWALK. IF THEY -- IF YOU TOOK THE HOUSE YOU WOULD HAVE TO FLIP IT NORTH-SOUGHT. IF YOU WERE TO CHANGE IT -- RETAINED IT ON THE EAST SIDE LOT, YOU WOULD HAVE TO MORE THAN LIKELY, THE NEIGHBORHOOD ASSOCIATION ON THIS PART, I'M VERY CONFIDENT THEY WOULD SUPPORT VARIANCES TO KEEP IT ON THE PROPERTY THERE. THAT WOULD FREE UP AT LEAST THREE LOTS AND MAYBE -- ORANGELY I THINK THEY WERE TALKING ABOUT FOUR LOTS OF 6600 SQUARE FEET. THAT'S THE UNDERLYING GROUND. IF YOU SQUEEZE THE HOUSE ON TO A LOT, THERE MIGHT BE SOME SMALLER LOTS THERE. IT WOULD AN TRADE-OFF IF WE UP ZONE THE RAW LAND TO SF-5, BUT MAYBE SF-3 BUILDING STANDARDS. THAT WOULD SUBJECT IT TO THE McMANSION ORDINANCE THAT WOULD BE GOOD. THE NEIGHBORS -- I DON'T THINK. I THINK THE NEIGHBORS WOULD SURE LISTEN IF THAT WAS SOMETHING THAT COULD BE WORKED OUT. THE HOUSE -- THE STRUCTURE WAS ZONED HISTORIC AND WAS LEFT ON THE FAR EAST LOT. IT COULD BE SOLD AS IS. YOU COULD PROBABLY GET -- I WOULD THINK YOU COULD GET AT LEAST THREE -- THERE WAS FOUR LOTS THERE. THE SELLING PRICE WAS 1.2.3 MILLION. IF YOU COULD GET THAT -- IF THAT LOT WAS SOLD WITH THE HOUSE, YOU CAN GET AT LEAST 300 FOR THAT. AND THE OTHER LOTS IF DEVELOPED OUT, AGAIN, IF IT WAS PURE MONEY, I THINK THIS -- MONEYWISE I THINK THAT THE NEIGHBORS COULD WORK WITH THE OWNERS AND I THINK WE COULD GET THEM TO THE POINT AND MAIL EVEN PAST THE POINT WHERE THEY ARE NOW AS FAR AS MONEY. BUT AGAIN, I RESPECT THEIR WISHES AND I HEAR THEIR WISHES. BUT IT'S IMPORTANT. THIS IS -- AGAIN, THIS IS IT AS FAR AS THE NEIGHBORHOOD IS CONCERNED. THE -- A PLAQUE ON A STICK IS NOT GOING TO DO IT. THAT'S GOING TO BE LOST. I APOLOGIZE AND I DON'T MEAN TO -- WHAT'S IMPORTANT IS THE HOUSE. TO I HAVE WEAG SEE THE HOUSE. IF YOU SEE THE PLAQUE ON A STICK, WE'RE NOT EVENING TALKING ABOUT

THAT, BUT SOMETHING SMAICIAL, BUT IT'S THE HOUSE THAT'S IMPORTANT AND WE'RE ASKING TO YOU PLEASE LET US -- THERE ARE WAYS. IF IT'S MONETARY THINGS, THERE ARE WAYS TO DO THIS AND I'LL GIVE YOU MY WORD THAT I'LL GO UP THERE AND TALK TO THE NEIGHBOR. I KNOW THOSE NEIGHBOR OVER THERE. I'LL TALK TO THEM AN SEE IF THAT'S SOMETHING THAT WE COULD WORK ON, I'D BE GLAD TO GO TALK TO THEM. THANK YOU.

Kim: THANK YOU. SO I HAVE A QUESTION FOR DEBRA THOMAS, THE CITY ATTORNEY. IF WE WERE TO LOOK AT -- SAY THEY WERE TO WORK OUT SOME SORT OF ARRANGEMENT WHERE THEY COULD MOVE THIS SITE TO THE -- THE HOUSE TO A SMALLER PART OF THE SITE TO PRESERVE THE STRUCTURE INTACT IN AUSTIN, BUT THEN THEY NEEDED AN ALTERNATIVE OF SF-57 ON OWE THIS IS WHAT I'M READING HERE. WOULD THEY THEN HAVE TO NOTICE ALL OVER AGAIN WHAT WOULD BE THE PROCESS FOR DOING THAT?

YES, THEY WOULD HAVE TO RENOTICE THE CASE AND GO BACK TO PLANNING COMMISSION BASICALLY STARTING ALL OVER AGAIN.

OKAY. I THINK THAT'S SOMETHING THAT IS WORTH EXPLORING. I KNOW THERE'S A CONTRACT ON THIS, BUT GIVEN THE SIGNIFICANCE OF THE VALUE OF THE LAND AS WELL AS THE HOUSE TO AUSTIN'S HISTORY, I'M GOING TO SUPPORT THE MOTION FOR HISTORIC ZONING AND I HOPE THAT SOMETHING CAN BE WORKED OUT. I KNOW THAT THERE'S SOME COUNCILMEMBERS WHO ARE GOING TO BE VOTING AGAINST IT SINCE THERE'S A VALID PETITION, YOU NEED SIX VOTES TO DO THE HISTORIC ZONING. SO IT IS IN THE NEIGHBORHOOD'S INTEREST TO TRY TO WORK WITH THE PROPERTY OWNER.

McCracken: MAYOR, I WENT AHEAD AND LOOKED ON TRAVIS CAD TO GET SOME CONSENSUS. WE HAVE A SITUATION WHERE THE HAYS FAMILY HAS HAD THIS HOME AND -- THIS HOME IN THEIR FAMILY FOR 60-PLUS YEARS. THE PROPERTY TAX BILL ON THIS SITE COMES IN AT \$34,759 A YEAR. AND YOU HAVE THE TWO SISTERS WHO ARE RETIRED. AND THEY HAVE TWO CHOICES BASED ON WHAT WE'RE HEARING SOME IDEAS FROM THE DAIS. ONE WOULD BE THAT THE CITY COUNCIL WOULD FORCE THEM TO LOSE A HOME THAT'S IN THEIR FAMILY FOR 60 YEARS. THE SECOND IS THEY COULD KEEP THE HOUSE AND BE SADDLED WITH PROPERTY TAX PAYMENTS OF NEARLY \$35,000 A YEAR. AND I DON'T KNOW HOW MANY OF US WOULD BE SADDLED WITH THAT, BUT IT'S CERTAINLY NOT HOW MOST PEOPLE ENVISION OUR RETIREMENT. AND I DON'T THINK IN GOOD CONSCIENCE -- PERSONALLY I JUST DON'T THINK IT'S RIGHT THAT WE FORCE TWO RETIRED SISTERS INTO A SITUATION WHERE THEY HAVE TO CHOOSE BETWEEN PAYING \$35,000 A YEAR IN PROPERTY TAXES TO KEEP A PRO HOAM THAT'S STAYED IN THEIR HOME FOR 60 YEARS OR LOSE THEIR HOME THAT HAS BEEN IN THEIR FAMILY FOR 60 YEARS. I DON'T THINK THAT EITHER OF THOSE THINGS THAT WE WOULD IMPOSE ON THE FAMILY WOULD BE A GOOD OUTCOME OR A FAIR OUTCOME. SO THERE ARE -- I'M A HISTORY MAJOR IN COLLEGE. I SPONSORED THE McMANSION ORDINANCE. I BELIEVE IN HISTORIC PRESERVATION AND PROTECTING OUR CENTRAL CITY NEIGHBORHOODS, BUT I DO BELIEVE THERE NEEDS TO BE A BALANCE. AND I THINK THAT THE IMPACT ON THIS FAMILY IS VERY EXCEEDED IF YOU TRY TO BALANCE

THESE THINGS OUT. I DON'T THINK IT'S FAIR OR RIGHT TO DO THIS TO THEM.

Mayor Wynn: THANK YOU, COUNCILMEMBER. AND LOOKING AT THE MAP A LITTLE BIT HERE, I HAVE A BUNCH OF LENGTHIER PLEA ABOUT HOW -- FRANKLY HOW DIFFICULT THIS CASE IS. ULTIMATELY I COME DOWN ON THE ECONOMIC HARDSHIP OF THE CURRENT OWNERS. SO I WON'T BE SUPPORTING THIS MOTION; HOWEVER, IF I AM COUNTING CORRECTLY, IT SOUND LIKE THE MOTION WOULD PASS ON FIRST READING 4-3. IT'S GOING TO TAKE SIX AFFIRMATIVE VOTES TO HAVE THIS ZONED HISTORIC ON THE FINAL READING. WE'RE TOLD THERE'S A CONTRACT PENDING THAT -- I BELIEVE I HEARD FEBRUARY 15TH BEING THE DATE FOR SOME DEADLINE OF SOME EXTENSION OF ONE OF THE CONTRACTS. WE HAVE A COUNCIL MEETING ON FEBRUARY 14TH. TO MAKE IT EVEN MORE MISERABLE, IT'S VALENTINE'S DAY. AND WE'RE TOLD THAT STAFF COULD IN FACT HAVE THE SECOND AND THIRD READING -- THE ORDINANCE DRAFTED AND WRITTEN IN TIME FOR -- BARELY IN TIME FOR THAT FEBRUARY 14TH MEETING. SO AT THAT TIME WE COULD VOTE ON THE FINAL READING OF THIS HISTORIC ZONING CASE, AGAIN, KNOWING IT WILL TAKE SIX AFFIRMATIVE VOTES TO ZONE THAT PROPERTY HISTORIC. SO I'LL LEAVE EVERYBODY WITH THAT MATH. COUNCILMEMBER LEFFINGWELL.

Leffingwell: FIRST OF ALL, IF THE PROPERTY IS ZONED HISTORIC, THERE WOULD BE A SIGNIFICANT REDUCTION IN THE TAXES. SO THAT WOULD MITIGATE THAT SOMEWHAT. BUT AS I SAID, I THINK THERE ARE OTHER OPTIONS THAT COULD BE LOOKED AT. AISD WAS MENTIONED. I THINK WE SHOULD TAKE ANOTHER LOOK AT THAT OPTION, BECAUSE I AGREE WITH MR. TOLETTE. IT'S REALLY NOT THE PROPERTY, IT'S THE HOUSE AND THE GENERAL LOCATION. SO IF THAT HOUSE COULD BE MOVED UNDER THE O'HENRY MIDDLE SCHOOL CAMPUS, I THINK THAT'S ONE OPTION THAT HAS BEEN TALKED ABOUT. IT WOULD PRESERVE THE HISTORIC SIGNIFICANCE IN THAT PARTICULAR AREA, WHICH IS WHAT WE'RE LOOKING FOR. SO ALL THOSE THINGS TAKEN TOGETHER, I HOPE THAT WE CAN TAKE A LOOK AT THESE AND COME BACK WITH SOMETHING THAT MEETS EVERYONE'S NEEDS ON SECOND AND THIRD READINGS.

Mayor Wynn: A MOTION AND A SECOND ON THE TABLE TO APPROVE ON FIRST READING ONLY, HISTORIC ZONE FOG THIS PROPERTY. FURTHER COMMENTS? WITH DIRECTION OF STAFF TO PLEASE HAVE THIS BACK FOR SECOND AND THIRD READING, THE FINAL ORDINANCE DRAFTED ON THURSDAY, FEBRUARY 14TH. AND AGAIN, NOTING THAT IT WILL TAKE SIX AFFIRMATIVE VOTES AT THAT TIME TO ZONE IT HISTORIC. MOTION AND A SECOND ON THE TABLE. FURTHER COMMENTS? AND I GREATLY APPRECIATE THE PASSION AND COMPASSION THAT MY COLLEAGUES ARE SHOWING ON THIS DELIBERATION BECAUSE IT IS A VERY, VERY DIFFICULT CASE TO HAVE TO ADJUDICATE. ALL IN FAVOR OF THE MOTION, PLEASE SAY AYE?

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON FIRST READING ON A VOTE OF 4 OPINION 3 WITH THE MAYOR, THE MAYOR PRO TEM AND COUNCILMEMBER MCCracken VOTING NO. THANK YOU, MR. IS A DROW IT SADOWSKY AND FOR YOUR HEART BURN AS WELL. OKAY. SO COUNCIL, THAT TAKES US BACK TO -- MR. GUERNSEY I BELIEVE THAT WAS OUR FINAL ZONING CASE TECHNICALLY, CORRECT?

CORRECT, MAYOR.

SO NOW THAT TAKES US TO OUR PUBLIC HEARINGS. WE DON'T HAVE MANY SPEAKERS FOR MANY OF THEM, BUT THE MODEST MAJORITY OF THEM, I BELIEVE MANY ARE IN THE ROOM RIGHT NOW. THAT WOULD BE ITEM NUMBER 132. THIS WOULD BE TO CONDUCT A PUBLIC HEARING IN CONSIDERATION OF AN ORDINANCE RELATING TO AFFORDABLE HOUSING HOUSING DEVELOPMENT INCENTIVES. AND I'LL WELCOME A BRIEF STAFF PRESENTATION.

THANK YOU, MAYOR AND COUNCIL. ITEM 132 IS TO CONDUCT A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 25-2 OF THE CITY CODE RELATING TO AFFORDABLE HOUSING DEVELOPMENT INCENTIVES. IN NOVEMBER OF LAST YEAR, YOU APPROVED A RESOLUTION DIRECTING THE CITY MANAGER TO MOVE FORWARD WITH THE AFFORDABLE HOUSING INCENTIVES TASKFORCE INCENTIVES FOR DOWNTOWN, MULTI-FAMILY AND SINGLE-FAMILY DEVELOPMENT THROUGH VARIOUS BOARDS AND COMMISSIONS FOR REVIEW. WE HAVE COMPLETED THAT TASK AND HAVE BEFORE YOU AN ORDINANCE THAT HAS BEEN ENDORSED BY MANY OF THE BOARDS AND COMMISSIONS. AND I WOULD LIKE AT THIS TIME TO WALK THROUGH THE ORDINANCE WITH YOU AND THEN COVER THE DIFFERENT BOARDS AND COMMISSIONS THAT HAVE WORKED DILIGENTLY OVER THE MATTER OF THE LAST COUPLE OF MONTHS TO BRING THIS TO YOU TODAY. THE AMENDMENT ITSELF IS PRIMARILY COMPOSED OF FOUR PARTS. THE FIRST PART WOULD ADDRESS SINGLE-FAMILY RESIDENT STANDARD LOT OR SF-2 OR FAMILY RESIDENCE SF-3 TRACTS OF LAND. THIS WOULD BE THROUGHOUT THE CITY AND THE DEVELOPMENT THAT -- A DEVELOPMENT THAT MAY COMPLY WITH THE SF 4 A STANDARD AND THESE ARE THE SMALLER LOT STANDARDS. IT COULD BE DEVELOPED ON AN SF 2 OR SF 3 PROPERTY IF CERTAIN CONDITIONS ARE MET. ONE, THAT THE PROPERTY IS AT LEAST THREE ACRES IN SIZE AND IT'S PREVIOUSLY UNSUBDIVIDED. SO THESE MIGHT BE THE LARGE SURVEY TRACTS THAT YOU MIGHT FIND IN A CITY, BUT NOT LAND THAT HAS BEEN PREVIOUSLY SUBDIVIDED SUCH AS YOU MIGHT FIND IN HYDE PARK OR TARRYTOWN OR ELSEWHERE. ALSO, THAT IT WOULD BE COMPLIANT WITH THE CITY SMART HOUSING PROGRAM, SO IN ORDER TO TAKE ADVANTAGE OF THIS, YOU WOULD HAVE TO BE COMPLIANT WITH THE SMART HOUSING PROGRAM AND BE ON PREVIOUSLY UNSUBDIVIDED LAND. THAT'S THE FIRST PART OF THIS ORDINANCE. THE SECOND PART OF THIS ORDINANCE DEALS WITH MULTI-FAMILY TRACTS OF LAND, AND THIS WOULD BE MULTI-FAMILY RESIDENCE LOWER



DENSITY, MULTI-FAMILY RESIDENCE MEDIUM DENSITY, WHICH IS THE MF 3 DISTRICT. MULTI-FAMILY RESIDENCE AND THE MULTI-FAMILY RESIDENCE HIGH DENSITY OF MF 5. AND THE KEY TO THESE PROPERTIES ALTHOUGH THEY MIGHT BE APPLIED CITYWIDE, WOULD BE ON LAND THAT HAS NOT BEEN DEVELOPED OR ONLY DEVELOPED WITH AN AGRICULTURAL USE. WHAT A DEVELOPER OR PROPERTY OWNER COULD TAKE ADVANTAGE OF IS THAT THEY COULD DEVELOP UNDER THE MF 6 STANDARDS WHICH ALLOWS 80% IMPERVIOUS COVER UNLIMITED DENSITY, FIVE FOOT SIDE YARDS, 15-FOOT FRONT YARDS, 10-FOOT REAR YAR. BUT THEY WOULD HAVE TO STAY COMPLIANT WITH THE HEIGHT REGULATIONS OF THAT BASE ZONING THAT PREEXISTED. SO YOU WOULDN'T BE ABLE TO MODIFY THE HEIGHT OF 40 FEET IF THAT'S WHAT THE CURRENT BASE DISTRICT IS OR 60 FEET. NORMALLY MF 6 ALLOWS A HEIGHT OF 90 FEET. IN EITHER CASE IF IT WAS COMPLIANT WITH THE STANDARDS FOR HEIGHT, YOU WOULD ALSO HAVE TO BE COMPLIANT WITH COMPATIBILITY STANDARDS. IF YOU HAD A SINGLE-FAMILY HOME NEXT DOOR, ALTHOUGH YOU COULD HAVE UNLIMITED DENSITY THEORETICALLY ON YOUR PROPERTY, YOU WOULD STILL HAVE TO COMPLY WITH THE HEIGHT REGULATIONS. AND YOU WOULD ALSO HAVE TO BE COMPLIANT AND CERTIFIED IN THE CITY'S SMART HOUSING PROGRAM. AND IN ADDITION, IF IT'S RENTAL DEVELOPMENT THAT rental development that AT LEAST 10% OF THE RENTAL UNITS ARE RESERVED FOR AFFORDABLE HOUSING FOR A MINIMUM OF 40 YEARS AND THAT RENTAL WOULD BE FOR HOUSEHOLDS EARNING NOT MORE THAN 60 PERCENT OF THE MEDIAN FAMILY INCOME. IF TCHES OWNER OCCUPIED -- IF IT WAS OWNER OCCUPIED, THIS WOULD CHANGE SLIGHTLY. IT WOULD BE FIVE PERCENT OF THE OWNER OCCUPIED UNITS WOULD BE RESERVED FOR AFFORDABLE HOUSING FOR A PERIOD OF 99 YEAR AT 80% MEDIAN FAMILY INCOME AND FIVE PERCENT -- GOAN THAT SAME PERIOD OF 99 YEARS, BUT AT 100% OF THE MEDIAN FAMILY INCOME. SO AGAIN, THIS WOULD APPLY THEORETICALLY CITYWIDE, BUT IT WOULD HAVE TO BE ON PROPERTY THAT HAD NEVER BEEN DEVELOPED BEFORE OR BE OF AGRICULTURAL YIEWVMMENT YOU WOULD HAVE TO COMPLY WITH SMART HOUSING AND THEN FOR THOSE PERIODS OF 99 YEARS OR 40 YEARS DEPENDING ON WHAT THE RENTAL OR IF IT OWNERSHIP AND YOU MUST COMPLY WITH THE HEIGHT REGULATIONS. THE NEXT PART DEALS WITH THE DOWNTOWN AREA, WHICH IS OUR CENTRAL BUSINESS DISTRICT OR DOWNTOWN MIXED USE DISTRICT. AND THESE WOULD BE TRACTS OF LAND THAT ARE ZONED CBD OR DMU THAT THIS WOULD APPLY TO. IN THIS SECTION IT TALKS ABOUT A DESIGNATED AREA THAT WOULD BE SURROUNDING UP TO TWO MILES FROM THE INTERSECTION OF SIXTH STREET AND CONGRESS AVENUE, AND IF THERE'S A PORTION AFTER PLANNING AREA THAT ACTUALLY GOES INTO LET'S SAY THIS DONUT AREA OF TWO MILES, THEN THE ENTIRE PLANNING AREA WOULD BE AFFECTED. THE DEVELOPMENT ON THE SITE, THE CBD SITE OR DMU SITE COULD TAKE ADVANTAGE OF -- YOU COULD EXCEED THE EXISTING HEIGHT OF THAT DISTRICT. IF IT WAS ALLOWED BY THE CITY COUNCIL. IF THE DEVELOPER PROVIDES AFFORDABLE HOUSING AND 10% OR MORE OF THE GROSS FLOOR AREA -- PROVIDES AFFORDABLE HOUSING, 10 PERCENT OR MORE OF THE GROSS FLOOR AREA. THAT EXCEEDS THE FLOOR TO AREA LIMITATION FOR THAT DISTRICT. IF IT'S CBD IT'S EIGHT TO ONE. IF IT'S DMU IT'S FIVE TO ONE. OR THERE'S THE OPTION OF PAYING INTO A HOUSING ASSISTANCE FUND OF \$10 FOR EACH GROSS SQUARE

FOOT THAT EXCEEDS THE FLOOR TO AREA LIMITATION. SO IF IT WAS CBD AND YOU'RE GOING NINE TO ONE, THAT ADDITIONAL AMOUNT OVER EIGHT TO ONE THERE THAT WOULD BE AFFECTED. THE ORDINANCE WOULD PRESCRIBE THAT THE DIRECTOR WOULD WAIVE ALL THE CITY DEVELOPMENT FEES AND EXPEDITE APPLICATIONS. IF THE DEVELOPER PROVIDES AFFORDABLE HOUSING OR PAYS A PRESCRIBED FEES. AND THAT'S SCRIBTD IN ANOTHER SECTION OF IT. AND AGAIN THAT SPEAKS TO BEING SMART HOUSING, OWNER OCCUPIED, IN THIS CASE FOR THAT PERIOD OF 99 YEARS BY AN OCCUPANT WHOSE GROSS INCOME DOES NOT EXCEED 120% OF THE MEDIAN FAMILY INCOME AND A RENTAL YIEWNT FOR A PERIOD OF 40 YEARS AND THE GROSS INCOME NOT TO EXCEED 80%. OR THE DEVELOPER CAN PROVIDE THE AFFORDABLE HOUSING ON THE PROPERTY IN FIVE PERCENT OR MORE OF THE GROSS FLOOR AREA OR PAYS INTO THE HOUSING ASSISTANCE FUND OF \$10 FOR THE FIVE PERCENT OF THE GROSS FLOOR AREA. SO THEY HAVE AN OPTION. THE FINAL PART DEALS WITH A SMALLER PORTION OF OUR CITY AND THESE ARE AREAS THAT ARE AFFECTED BY NEIGHBORHOOD PLANS. AND IT WOULD PROVIDE AN OPTION TO BE ADDED TO THE NEIGHBORHOOD PLANNING TOOL BOX. THIS WOULD BE DISCUSSED BY THE DIFFERENT NEIGHBORHOOD PLANNING AREAS WHEN THEIR PLANS ARE ADAPTED OR THEY COME BACK TO BE REVISED AND THEY COULD BE APPLIED TO THE DISTRICT OR A PORTION OF THE DISTRICT. AND THESE TOOLS AGAIN WOULD REQUIRE SMART HOUSING AND THAT TEP% OR -- 10 PERCENT OR MORE ARE FOR RENTAL OR PURCHASE TO HOUSEHOLDS WHOSE INCOMES DO NOT EXCEED 60% OF THE MEDIAN FAMILY INCOME. SO THOSE ARE THE TWO PRIMARY CRITERIA FOR THESE NEIGHBORHOOD PLANNING AREAS. AND THEN UNDER THAT IF YOU'RE TALKING ABOUT DEVELOPING A SINGLE-FAMILY HOME, THE ADVANTAGE OF GOING THROUGH AND MEETING THE SMART HOUSING AND PROVIDING IT FOR 20-YEAR PERIOD EITHER RENTAL OR PURCHASE AT 60 PERCENT OF MFI IS THAT YOU COULD DEVELOP A SINGLE-FAMILY HOME WITH SLIGHTLY HIGHER IMPERVIOUS COVER IF IT DOESN'T RESULT IN IDENTIFIABLE ADVERSE FLOODING ON OTHER PROPERTY, SO YOU COULD GO FROM 45% TO 50%. AND THAT A NON-COMPLYING STRUCTURE MAY ACTUALLY BE REPLACED WITH A NEW STRUCTURE IF THE NEW STRUCTURE DOESN'T INCREASE THE EXISTING DEGREE OF NONCOMPLIANCE WITH THE YARDS. SO YOU COULD ACTUALLY BASICALLY TAKE DOWN THE HOUSE THAT MAYBE WAS THREE FEET OFF INSTEAD OF FIVE FEET OFF A PROPERTY LINE BECAUSE THAT WOULD NOT BE COMPLIANT WITH THE CURRENT REGULATIONS AND THEN GO BACK UP AND REBILLION THE HOME. IT ALSO -- AND REBUILD THE HOME. IT ALSO HAS A PROVISION TO APPLY FOR A DUPLEX USE AND WOULD LOWER THE MINIMUM LOT AREA TYPICALLY FOR A DUPLEX THAT YOU WOULD NORMALLY FIND AT 7,000 SQUARE FEET DOWN TO 5,700 SQUARE FEET FOR THE MINIMUM LOT AREA. SO YOU COULD BE ABLE TO ACTUALLY HAVE A DUPLEX WHERE YOU PROBABLY WOULD NOT NORMALLY BE ABLE TO HAVE ONE BECAUSE YOU'VE GOT ENOUGH LOT AREA WOVMENT INCREASE WOULD INCREASE THE IMPERVIOUS COVER AREA AND WOULD ALLOW A MAX MUNL OF EIGHT BEDROOMS BE PERMITTED WITH A DUPLEX UNIT. TWO-FAMILY RESIDENTIAL IS ANOTHER CATEGORY OR ANOTHER TOOL THAT WOULD BE ALLOWED UNDER THIS, AGAIN COMPLIANT WITH SMART HOUSING AND THE FIRM OF 20 YEARS RENTAL OR PURCHASE FOR NOT MORE THAN 60% OF THE MEDIAN FAMILY INCOME. FOR THE TWO FAMILY IT REDUCES

THE MINIMUM LOT AREA FROM 7,000 TO 5750. AND WOULD ALLOW POSSIBLY FOR AN INCREASE IN IMPERVIOUS COVER FROM 45% TO 50 PERCENT. AND ONE THING THAT IT DOES DO FOR TWO FAMILY RESIDENTIAL, AND IF YOU RECALL TWO FAMILY RESIDENTIAL BASICALLY IS A HOUSE IN FRONT AFTER HOUSE. THAT SECOND DWELLING UNIT WE HAVE ORDINANCES RIGHT NOW THAT SAID IT CAN'T EXCEED 850 SQUARE FEET, BUT THE SECOND FLOOR CAN'T EXCEED 550 SQUARE FEET. THIS WOULD REMOVE THAT LIMITATION AND BASICALLY SAY THAT IF YOU WERE ON ONE OF THESE SMALLER LOTS LESS THAN 7,000 SQUARE FEET, THAT ALL OF THE 850 SQUARE FEET COULD BE ON THE SECOND FLOOR OF THAT SECOND UNIT. AND THERE'S VERY SIMILAR LANGUAGE, IF NOT IDENTICAL LANGUAGE FOR SOMETHING CALLED A SECONDARY APARTMENT, WHICH IS ONLY ALLOW UNDERSTAND NEIGHBORHOOD PLANNING AREAS AND AGAIN IS A HOUSE BEHIND ANOTHER HOUSE. SO THESE ARE THE GENERAL CHANGES THAT ARE NOW IN THE ORDINANCE THAT HAVE YOU BEFORE YOU THAT WE BROUGHT FORWARD. WE HAVE TAKEN THEM BEFORE THE COMMUNITY DEVELOPMENT COMMISSION, THE PLANNING COMMISSION, THE DESIGN COMMISSION, AFFORDABLE HOUSING TASKFORCE, AND THE DOWNTOWN COMMISSION. AND WHAT I'D LIKE TO DO NOW IS KIND OF RUN THROUGH THE RECOMMENDATIONS THAT WE HAVE. LET ME START WITH THE PLANNING COMMISSION AND THEN I'LL ADDRESS THESE OTHER COMMISSIONS. THE PLANNING COMMISSION DID RECOMMEND THE AMENDMENT. AND REGARDING THE FEE IN LIEU OF, THEIR COMMENT WAS THAT IN EXAMINING THE RECENT DEBT OF DOWNTOWN LAND, CONSIDERING THE INDEX OF THE FEE AND COST OF LIVING FACTOR, REPORT THE VALUE FEE OF THE COUNCIL ANNUALLY, BASICALLY ACCUMULATING INFORMATION THAT THEY WANT TO MAKE SURE IS AVAILABLE. THEY WANT TO BRING CON GRIEWS WITH THE DOWNTOWN PLAN WITH THE DESIGN COMMISSION DENSITY BONUS, THE VMU, AFFORDABLE HOUSING TASKFORCE RECOMMENDS TO MAKE SURE THEY DON'T CONFLICT. IF YOU RECALL, THERE WAS A RESOLUTION DIRECTING THE DESIGN COMMISSION TO COME ONE A DENSITY BONUS PROVISION. THEY ARE HARD AT WORK ON THAT. THEY ACTUALLY COME WAWP EXRMS RECOMMENDATION -- CAME UP WITH A COMPROMISE RECOMMENDATION. BUT THAT ACTUAL ORDINANCE PROBABLY WILL NOT COME BACK TO YOU FOR ESTIMATING SIX WEEKS OR SO. THE DOWNTOWN PLAN ROMO WILL BE COMING BACK TO YOU IN ABOUT TWO WEEKS WOULD THEIR RECOMMENDATIONS FOR PHASE 1 AND YOU WILL ALSO HEAR INFORMATION ABOUT DENSITY BONUSES, AFFORDABLE HOUSING IN THE DOWNTOWN AREA. THE PLANNING COMMISSION DID RECOMMEND THAT AMENDMENT. THE COMMUNITY DEVELOPMENT COMMISSION REGARDING THAT SAME FEE IN LIEU, THE CURRENT DRAFT ORDINANCE APPLIES TO ALL OF THE PORTION OF THE RESIDENTIAL USE OF THE BUILDING \$10 A SQUARE FOOT THAT EXCEEDS THE F.A.R. THEY SPOKE TO INCLUDE THE SCWAIRNG FEE OF \$10 PER COMMERCIAL AS DETERMINED BY THE COMMERCIAL MITIGATION NEXUS STUDY, AND THIS 10-DOLLAR FEE WAS ALSO ECHOED BY THE DESIGN COMMISSION, AND I'LL SPEAK TO THE AFFORDABLE HOUSING INCENTIVES TASKFORCE SUPPORT THIS AS WELL. ALL NEW RESIDENTIAL AND MIXED USE PROJECTS THAT WERE REQUESTING AN INCREASE IN THE FLOOR TO AREA LIMITATION, THEY MAY OPT FOR \$10 FOR EACH SQUARE FOOT OF GROSS FLOOR AREA AND COMMERCIAL BUILDINGS ONLY MUST PAY THE FEE, THE FEE IN

LIEU SHOULD BE INDEXED TO THE COST OF LIVING INDICATOR AND THE FEE IN LIEU OF VALUE SHOULD BE REPORTED TO THE CITY COUNCIL ANNUALLY. THERE HAVE BEEN PROBABLY SOME DISCUSSIONS BETWEEN THE DESIGN COMMISSION AND THE AFFORDABLE HOUSING TASKFORCE THAT YOU'LL PROBABLY HEAR TONIGHT FROM SOME OF THE MEMBERS THAT WILL BE COMING FORWARD BECAUSE THEY HAVE -- EVEN THOUGH WHAT YOU HAVE ON YOUR MATRIX IN FRONT OF YOU REFLECTS SOME OF THE INFORMATION. THEY HAVE BEEN TALKING DILIGENTLY FOR THE LAST COUPLE OF DAYS LEADING UP TO THIS MEETING, AND SOME OF THEM SPOKE ABOUT -- SOME OTHERS WILL PROBABLY ELABORATE ON SOME OF THOSE COMMENTS.

Mayor Wynn: WE'D BE DISAPPOINTED IF THEY DOESN'T.

AS FAR AS FUNDING THE AFFORDABLE HOUSING INCENTIVES TASKFORCE SUPPORTED THIS POSITION AND THE DOWNTOWN COMMISSION ALSO SUPPORTED THIS POSITION. FEE WAIVERS. UNDER THE CURRENT DRAFT, ALL -- WAIVING ALL CITY DEVELOPMENT FEES IN THE PROCESS OF AN APPLICATION FOR SITE PLAN APPROVAL. THE DESIGN COMMISSION KNEW THAT FEE WAIVERS WERE INDIVIDUALLY NEGOTIATED AND SHOULD BE INDIVIDUALLY ENUMERATED IN THE ORDINANCE, THE DESIGN COMMISSION SAID WAIVE ALL DEVELOPMENT IMPACT AND CAPITAL RECOVERY FEES EXCEPT PARKLAND DEDICATION FEES. FEES WAIVED WOULD NOT BE MORE THAN THE FEE IN LIEU OF PAY, AND FAST TRACK ALL CITY PROCESSES. NOT JUST A SITE DEVELOPMENT PERMIT, BUT SITE DEVELOPMENT PERMIT AND BUILDING PERMIT, FOR INSTANCE. THE HOUSING, AFFORDABLE HOUSING INCENTIVES TASKFORCE BASICALLY SAID TO WAIVE ALL OF THE DEVELOPMENT AND IMPACT CAPITAL RECOVERY FEES AND THIS IS A SLIGHT CHANGE, INCLUDING THE PARKLAND DEDICATION FEES AND LIST THEM IN THE ORDINANCE. THE FEES WAIVED WOULD NOT BE MORE THAN THE FEE IN LIEU OF AND FAST TRACKED TO ALL CITY PROCESS. SO THE DIFFERENCE BEING DESIGN COMMISSION. THE AFFORDABLE HOUSING TASKFORCE IS ONE OF THE PARKLAND FEES. THE DOWNTOWN COMMISSION SAID TO WAIVE ALL DEVELOPMENT IMPACT RECOVERY FEES AND ITS ACTIONS, INCLUDING THE PARKLAND DEDICATION FEES AND LIST THEM IN THE ORDINANCE. THE FEES WAIVED WOULD NOT BE MORE THAN THE FEE IN LIEU OF PAY. FAST TRACK ALL CITY PLOASES. IF THE CITY DOES NOT MEET ITS OBLIGATIONS, EXPEDITED REVIEW FEE WAIVERS AND THE APPLICANT RECEIVES A BENEFIT WITHOUT PROVIDING THE UNITS ON SITE OR PAYING THE FEES IN LIEU OF, THAT LAST PART IS A SIGNIFICANT CHANGE FROM THE OTHER TWO. AND THEN THEY ASKED THAT COUNCIL COMMIT TO REVISIT THE (INDISCERNIBLE) UPON THE COMPLETION OF THE DOWNTOWN PLAN. THE INTERIM WILL EXPIRE ON SEPTEMBER 1st OF 2009. THAT'S A GENERAL OVERVIEW OF THE VARIOUS COMMISSIONS. THE DESIGN COMMISSION, I BELIEVE YOU HAVE THEIR MEXICAN-AMERICAN ROW, MEMO. JUST TO SPEAK TO A COUPLE OF THINGS TO TAKE ADVANTAGE OF THE DOWNTOWN PORTION OF THIS ORDINANCE, THEY LOOK AT MEETING CERTAIN GUIDELINES AND GREAT STREETS REQUIREMENTS, BUT I WANT TO TALK TO YOU ABOUT THE COMMUNITY BENEFITS. AND AS I MENTIONED BEFORE, THE CHILD AND ELDER CARE, BUT THEY ALSO SPOKE TO OPEN SPACE, TRANSIT, GREEN BUILDING, HISTORIC PRESERVATION, SOUND MITIGATION, LIVE MUSIC VENUES. SO THEY ACTUALLY

WENT ON AND MENTIONED SOME OTHER THINGS AS WELL. I KNOW THAT YOU'VE RECEIVED SEVERAL E-MAILS AND I'LL LET THE MEMBERS OF THE AFFORDABLE HOUSING TASKFORCE PRESENT THEIR COMMENTS TO YOU. I THINK THE OPTIONS THAT YOU HAVE HERE TONIGHT WE HAVE PREPARED THE ORDINANCE. YOU COULD TAKE THREE READINGS ON THE ORDINANCE THAT HAVE YOU ON THE DAIS. YOU COULD TAKE ALL OF IT, YOU CAN POSTPONE ALL OF IT. IF YOU WANTED TO CONSIDER THE COMMENTS OF ROMA OR THE DESIGN BONUS ITEMS THAT MIGHT BE COMING BACK LATER. YOU COULD POSTPONE AND REMOVE THAT PORTION OUT OF IT. AND YOU'LL HEAR VERY DEFINITIVE OPINIONS OF WHAT YOU SHOULD DO REGARDING THIS ORDINANCE OR PULLING PARTS OF OUT THIS EVENING FROM THE CITIZENS THAT ARE COMING FORWARD. THE ONE THING, IT PLACES THE WAIVER OF THE FEES AND THE DIRECTOR'S CONTROL. AND THE STAFF WOULD LIKE TO ADDRESS THE COUNCIL AND SUGGEST THAT THE COUNCIL MAY WAIVE THOSE DEVELOPMENT FEES AND EXPEDITE THOSE PROJECTS. RATHER THAN THE DIRECTOR BEING PLACE ODD THAT. SO THAT'S THE ONLY THING THAT WE WILL LIKE TO POINT OUT. I THINK AT THIS TIME I'LL PAUSE. THERE ARE MEMBERS FROM THE NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT OFFICE THAT ARE ALSO HERE. WE'VE BEEN HAVING A ROAD SHOW GOING TO THE DIFFERENT COMITIONZ, COMMISSIONS, MY STAFF, PAUL HILGER'S STAFF. BUT I THINK WE'VE SAID ENOUGH AND WE CAN LET THE CITIZENS SPEAK UNLESS HAVE YOU QUESTIONS AT THIS TIME.

Mayor Wynn: THANK YOU, QUESTIONS OF GREG, COUNCIL. COMMENTS? WE DO HAVE A HANDFUL OF FOLKS WISHING TO ADDRESS US, 10 OR 12 ADDRESS. I SHOULD PUT ALL FOLKS IN FAVOR AND THEN ALL FOLKS IN OPPOSITION. ELEANOR McKINNEY. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY PERRY LOREN.

THANK YOU, A MAYOR, MEMBERS OF THE CITY COUNCIL. ON SEPTEMBER 28th, 2006, YOU ASKED US TO BRING THE VARIOUS DENSITY BE NEWHOUSE GROUPS TOGETHER TO -- DENSITY BONUS GROUPS TOGETHER. WE HAVE COME TO AN UNDERSTANDING ON THE AFFORDABLE HOUSING TASKFORCE OF 50% FEE IN LIEU OF GOING TO AFFORDABLE HOUSING AND 50% TO A NEW COMMUNITY BENEFITS FUND. IT'S BEEN AN HONOR TO WORK WITH THE VARIOUS COMMUNITY LEADERS AND BOARDS AND COMMISSIONS, INCLUDING MY COLLEAGUES AT THE DESIGN COMMISSION AND OF COURSE THE COUNCILMEMBER AND MAYOR. TO BRING THIS FORWARD TO YOU TODAY. WE ASK YOU TO VOTE IN FAVOR OF THIS AMENDED AFFORDABLE HOUSING ORDINANCE AND INTERIM DENSITY PROGRAM TONIGHT AND WE APPRECIATE YOUR GUIDANCE AND SUPPORT. THANK YOU. PERRY, YOU WILL BE FOLLOWED BY TIM TAYLOR AND FOLKS CAN SPEAK FROM EITHER PODIUM.

THIS WILL BE VERY SHORT. I'M PERRY LORENZ. I'M A MEMBER OF THE DENSITY BONUS TASKFORCE, A MEMBER OF THE DESIGN COMMISSION. AND ALSO I WEAR THE HAT OF A DEVELOPER WHO WORKS DOWNTOWN. I'M ENCOURAGING YOU TO LOOK FAVORABLY ON THIS ORDINANCE. I FEEL A LOT OF PEOPLE, A BIG CROSS-SECTION OF PUBLIC SERVANTS IN AUSTIN HAVE WORKED HARD ON THIS AND NEED TO BE HEARD. WHEN YOU HAVE A GROUP AS DIVERSE AS REAL ESTATE ATTORNEYS, REAL ESTATE DEVELOPERS, AFFORDABLE

HOUSING ADVOCATES, DESIGNERS, ARCHITECTS, ALL GET TOGETHER AND AGREE ON SOMETHING, IT'S UNUSUAL. I THINK IF THERE'S ANY FEAR ABOUT THIS SOMEHOW THAT IT'S BEEN RUSH AND THERE'S A LOT OF UNKNOWNNS AND IT MAY NOT BE PERFECT, BUT WE CALL IT AN INTERIM ORDINANCE BECAUSE IT'S SOMETHING. IT'S A START. IT SHOWS THAT WE MEAN IT, THAT WE'RE TRYING. AND WHEN YOU TRY TO THINK OF WHAT'S GOING TO BE THE FALLOUT, WHAT'S THE WORST THING THAT CAN POSSIBLY HAPPEN, IT'S THAT WE'LL END UP POSSIBLY WITH SOME MONEY IN A FUND TO USE FOR COMMUNITY BENEFITS AND WE MIGHT ACTUALLY GET SOME AFFORDABLE HOUSING ON THE GROUND. IF ROMA COMES ALONG AND SIDES DISIED WE'VE MADE A MISTAKE HERE, IT NEED TO BE TWEAKED, SO BE IT. THAT CAN HAPPEN ALMOST INSTANTLY. I THINK THE BIG FAILURE WOULD BE TO DO NOTHING, TO POSTPONE IT, TO STALL IT, TO WAIT FOR ROMA. I THINK THE HORSE IS OUT OF THE BARN ALREADY, AND IN ANOTHER -- IN A FEW MORE MONTHS IT WILL BE TWO COUNTIES AWAY. SO I THINK NOW IS THE TIME. I THINK SOMETHING GOODWILL HAPPEN. AND IT'S INTERIM AFTER ALL. AND IF IT NEEDS TICKETING, WE CAN -- IF IT NEEDS FIXING, WE CAN FIX IT. I ENCOURAGE TO YOU LOOK FAVORABLY ON THIS AND I ENCOWRN IT VERY MUCH.

Mayor Wynn: THANK YOU FOR YOUR SERVICE. TIM TAYLOR, WELCOME. YOU WILL BE FOLLOWED BY FRANK FERNANDEZ.

THANK YOU. I HAD THE HONOR OF SERVING ON THE TASKFORCE AS CO-CHAIR WITH FRANK AND SO OBVIOUSLY I'M HERE TONIGHT TO ENCOURAGE YOU TO VOTE AND PASS OUR ORDINANCE. OVER A YEAR AND A HALF AGO WE STARTED WORK ON THIS NAND THE INTERIM HUNDREDS IF NOT THOUSANDS OF VOLUNTEER AND STAFF HOURS HAVE GONE INTO PRODUCING A STAKEHOLDER NEGOTIATED COMPROMISE THAT ULTIMATELY HAD A RECOMMENDATION COME FORWARD OUT OF THIS DIVERSE GROUP. AND EVERY RECOMMENDATION THAT'S INCORPORATED IN THE ORDINANCE THAT'S BEFORE Y'ALL TONIGHT WAS PASSED UNANIMOUSLY BY THE PEOPLE WHO ATTENDED THE MEETING WHERE WE VOTED ON IT. I THINK THAT'S IMPORTANT. COUNCILMEMBER KIM IS GOING TO READ IN A NUMBER OF IMPORTANT AMENDMENTS WHEN THE MOTION IS MADE. I WANT -- I CAN'T EMPHASIZE ENOUGH HOW IMPORTANT THOSE AMENDMENTS ARE. WE'VE BEEN WORKING VERY HARD TODAY WITH THE CITY ATTORNEY DEBRA THOMAS, WITH MR. LEVIN SKI AND COUNCILMEMBER KIM AND OTHERS AND WE HAVE COME UP WITH THING THAT ARE IMPORTANT AND NECESSARY. SO I URGE Y'ALL TO LISTEN CAREFULLY TO THOSE AND INCORPORATE THOSE. I'M NOT GOING TO GO INTO A LOT OF DETAIL. I THINK I'VE TALKED TO MOST OF Y'ALL OR E-MAILED OR WHATEVER THE PAST YEAR AND A HALF AND TALKED ABOUT HOW IMPORTANT IT IS. PERRY STOLE MY LINE ABOUT HOW IMPORTANT IT IS THAT IF WE PASS IT WE MIGHT GET MORE AFFORDABLE HOUSING OR MONEY. THAT WAS A GOOD ONE. I WANT TO TAKE THIS OPPORTUNITY TO THANK STAFF, FOR THE GREAT JOB THEY'VE DONE IN WORKING ON THIS. I CAN'T TELL YOU HOW HARD STAFF HAS WORKED ON THIS. I THINK THE COMMITMENT THAT STAFF HAS SHOWN TO THIS ORDINANCE ALSO EMPHASIZES THAT NOT ONLY IS THIS IMPORTANT TO THE CITIZENS, NOT ONLY WAS THIS A POLITICAL PRIORITY WHICH YOU THIS COUNCIL INSTRUCTED TO US DO WITH THIS TASKFORCE, BUT THE STAFF CARES DEEPLY ABOUT SEEING SOMETHING HAPPEN ABOUT AFFORDABLE

HOUSING IN AUSTIN. THIS IS YOUR OPPORTUNITY TO DO IT. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

STILL TRYING TO GET OVER THE BASKETBALL GAME LAST NIGHT.

I THINK A LOT OF US ARE TRYING TO GET OVER IT. I WANT TO TOUCH ON SOME THINGS HE SAID. TO ME THE IMPORTANT PART, THIS WAS A VERY DELIBERATIVE PROCESS. WE HAD A LOT OF DIFFERENT STAKEHOLDERS INVOLVED. WE HAD NEIGHBORHOOD FOLKS, SOME ACADEMICS, FOR PROFIT DEVELOPS, NONPROFIT DEVELOPERS, WORKING MANY, MANY HOURS, MANY MONTHS. AS WE TALKED TO YOU GUYS WHEN WE PRESENTED THIS INITIALLY THERE WAS A LOT OF CONTENTION AND FIGHTING BUT WE FORGED A COMPROMISE, SOMETHING WE THOUGHT WE COULD ALL LIVE WITH. THE FACT YOU HAD ALL THE COMMISSIONS, TWEAKED IT BUT AGREED WITH IT, I THINK SPEAKS TO A PUBLIC PROCESS, THAT YOU HAVE A LOT OF COMMUNITY INPUT INTO THIS FROM VARIOUS SIDES. I THINK THAT'S AN IMPORTANT THING TO THINK ABOUT WHEN YOU'RE LOOKING AT VOTING ON THIS, HOPEFULLY IN FAVOR. THE PART THAT I WANT TO EMPHASIZE, JUST THE URGENCY OF THIS. I THINK THIS HAS BEEN DELAYED -- WE PRESENTED TO YOU-ALL, WHEN WAS IT, TIM, ABOUT A YEAR AGO, AND WE STILL HAVEN'T BEEN ABLE TO MOVE OFF POINT. AND THE ISSUE OF AFFORDABILITY, AS MANY OF YOU KNOW, IS NOT GETTING BETTER, IT'S GETTING WORTH. SO THERE IS AN URGENCY TO THIS. WE NEED TO ACT SOONER RATHER THAN LATER. SO I URGE YOU TO DO THAT. THE LAST THING I THINK THAT I WOULD SAY IS THAT FROM MY PERSPECTIVE AND I THINK FROM A LOT OF THE FOLKS IN THE AFFORDABLE HOUSING ADVOCATES, MOVING FORWARD WITH THE ORDINANCE SIGNALS THAT WE'RE EMBRACING AFFORDABILITY AS A COMMUNITY VALUE. I LIKE TO THINK ABOUT AFFORDABILITY AS PART OF OUR BASIC INFRASTRUCTURE, JUST LIKE ROADS, LIBRARIES, PUBLIC SAFETY, SOMETHING THAT'S BASIC TO OUR QUALITY OF LIFE AND OUR COMMUNITY, AND PASSING THIS ORDINANCE I THINK HELPS US ACHIEVE AND MOVE TOWARDS THAT. AND THE LAST THING I WOULD SAY IS THAT IF WE AGAIN DELAY AND NOT MOVE FORWARD WITH THIS ORDINANCE OR WITH THIS COMMITMENT TO AFFORDABILITY, I THINK OUR STATED COMMITMENT AS A COMMUNITY, AS A CITY TO THIS ISSUE REALLY STARTS TO RING HOLLOW FOR MANY OF US OUT THERE IN THE CITY OF AUSTIN. SO I WOULD JUST AGAIN URGE YOU TO CONSIDER AND PLEASE GO AHEAD AND PASS THIS ORDINANCE, AND I'LL END BY JUST AGAIN THANKING -- I WANT TO REITERATE WHAT TIM SAYS IN TERMS OF THANKING STAFF. THEY DID A GREAT JOB OF WORKING WITH US. THIS WAS A LONG PROCESS BUT THEY MADE IT AN ENJOYABLE ONE AND AT TIMES FRUSTRATING. THANK YOU.

MAYOR WYNN: THANK YOU, FRANK, AGAIN, FOR YOUR SERVICE. WELCOME, KATHY. THREE MINUTES TO BE FOLLOWED BY BRET.

I'M KATHY ECHOES, A MEMBER OF THE AFFORDABLE HOUSING INCENTIVE TASK FORCE, WE'RE ADVOCATING FOR AFFORDABLE HOUSING IN AUSTIN. I STRONGLY ENCOURAGE YOU TO SUPPORT THE ORDINANCE IN CURRENT FORM INCLUDING THE CHANGES THAT WILL BE READ IN BY COUNCIL MEMBER KIM. IT IS A HUGE IMPORTANT

FIRST STEP IN CREATING A COHERENT AFFORDABLE HOUSING POLICY FOR AUSTIN. I WANT TO COMMENT ON TWO PARTS OF THE ORDINANCE THAT HAVE BEEN QUESTIONED. FIRST THERE HAVE BEEN SUGGESTIONS THAT THE DMUDMUCDB ELEMENTS BE PULLED OUT PENDING ROMA'S DOWNTOWN PLAN. I WOULD ARGUE AGAINST HA THAT. THE ORDINANCE COULD BE REVISED IN RESPONSE TO THAT PLAN BUT WE ALL WORKED TOO HARD ON THAT PART OF THE ORDINANCE TO NOT GET A COHERENT AFFORDABLE HOUSING ORDINANCE IN PLACE AT THIS POINT. SECONDLY, THERE HAVE BEEN SUGGESTIONS THAT THE CM SHOULD APPLY ONLY TO THE RESIDENTIAL COMPONENTS. I WOULD ARGUE THAT IT SHOULD APPLY BOTH TO THE RESIDENTIAL AND COMMERCIAL USES WITHIN CMD AND DMU. THE TASK FORCE FELT THAT THE CM SHOULD APPLY FOR SEVERAL REASONS. FIRST WE WERE CONCERNED THAT IF IT ONLY APPLIED ONLY TO RESIDENTIAL USES IT COULD DISINCENTIVIZE THE PRODUCTION OF RESIDENTIAL UNITS, WHICH DOES NOT SEEM DESIRABLE FOR DOWNTOWN. SECOND IS THE PRACTICAL CONSIDERATION THAT IN A MIXED USE DEVELOPMENT IT COULD BE DIFFICULT TO DETERMINE WHICH PART OF THE DEVELOPMENT -- WHICH PART OF THE ADDITIONAL-SQUARE-FOOT SHOULD BE ATTRIBUTED TO RESIDENTIAL VERSUS COMMERCIAL USES. AND FINALLY THERE'S THE EQUITY ISSUE, THAT IT'S UNCLEAR WHY RESIDENTIAL DEVELOPERS SHOULD BE REQUIRED TO PROVIDE COMMUNITY BENEFITS IN EXCHANGE FOR ADDITIONAL DENSITY, WHEREAS COMMERCIAL DEVELOPERS SHOULD NOT BE REQUIRED TO DO SO. I ALSO WANT TO CAUTION THAT SOME ADDITIONAL WORK WILL BE REQUIRED. THE MULTIFAMILY PROVISIONS IN THE CURRENT ORDINANCE APPLY ONLY TO GREEN FIELD DOAFLT, AND DEVELOPMENT, AND WE DID THAT BECAUSE WE WERE CONCERNED IF IT DIDN'T ONLY APPLY TO GREEN FIELD DEVELOPMENT WE MIGHT BE INCENTIVIZING THE DESTRUCTION AND REDEVELOPMENT OF EXISTING AFFORDABLE HOUSING. ULTIMATELY, THE MULTIFAMILY PROVISION SHOULD APPLY CITYWIDE, BUT ONLY AFTER REVISIONS ARE MADE TO PROVIDE PROTECTIONS FOR NEIGHBORHOODS AND TO ENSURE THAT THERE IS COMPATIBILITY WITH OTHER ORDINANCES LIKE THE DMU. IT'S REMARKABLE THAT THE PEOPLE WHO MADE UP THE TASK FORCE COULD COME UP WITH THE SET OF -- AND PASS THIS UNANIMOUSLY, SO FOM REASON I STRONGLY ENCOURAGE YOU TO PASS THIS ORDINANCE IN THE FORM THAT WILL BE BEFORE YOU TONIGHT. THANKS.

MAYOR WYNN: THANK YOU, KATHY. WELCOME, BRET.

MAYOR -- EXCUSE ME, MAYOR, COUNCIL MEMBERS, GIGA MAGAZINES. I'M BRET, AND A MAYOR OF THE TASK FORCE AND AFFORDABLE HOUSING TASK FORCE. I SPOKE THIS AFTERNOON, A LOT HAS HAPPENED BUT I THINK WE'VE ENDED UP IN A GREAT PLACE. AS YOU'VE HEARD FROM OTHERS AND I'VE MENTIONED BEFORE, THE TASK FORCE MET OVER 20 TIMES OVER A 7 MONTH PERIOD. IT IS VERY MUCH A COLLABORATIVE EFFORT, AFFORDABLE HOUSING ADVOCATES, NEIGHBORHOOD LEADERS, DEVELOPERS, CITY STAFF AND OTHERS, KRISTEN AND PAUL AND THEIR STAFFS HAVE BEEN WONDERFUL TO WORK WITH AND VERY SUPPORTIVE THROUGH THIS PROCESS. AND AS YOU'VE HEARD NEARLY A DOZEN RECOMMENDATIONS CAME OUT OF THE TASK FORCE ALL UNANIMOUSLY APPROVED BY MEMBERS OF THE TASK FORCE. AFTER MUCH DISCUSSION THIS AFTERNOON THE



ORDINANCE WE THINK COVERS ALL THE RECOMMENDATIONS OF THE AFFORDABLE HOUSING INCENTIVE TASK FORCE AS WELL AS MANY OTHERS. THE COMMUNITY DEVELOPMENT COMMISSION, THE PLANNING COMMISSION, THE DENSITY BONUS TASK FORCE AND THE AUSTIN DESIGN COMMISSION. WE'VE WORKED VERY CLOSELY WITH THE DESIGN COMMISSION AND THEIR DENSITY BONUS TASK FORCE OVER THE LAST WEEKS TO ENSURE THAT ALL THEIR RECOMMENDATIONS ALSO ARE INCLUDED IN THIS AND WE SUPPORT THEM WHOLEHEARTEDLY. THE ROMA DOWNTOWN PLAN HAS BEEN MENTIONED A COUPLE TIMES. IT'S A WONDERFUL PLAN. I THINK IT'S A GREAT VISION FOR OUR DOWNTOWN AREA. AS OTHERS HAVE SAID, THERE WILL BE AMPLE OPPORTUNITY TO MODIFY THIS IF NEED BE, BUT WE STRONGLY ENCOURAGE YOU TO PASS THE ORDINANCE AS IT'S CURRENTLY DRAFTED. IT'S GOING TO TAKE A LONG TIME TO GET THAT THROUGH -- TO VET THROUGH THE NUMBERS AND DIFFERENT RECOMMENDATIONS THAT THE ROCKYAROCKY ROMA COMMISSION HAS MADE. THERE'S BEEN DISCUSSION ABOUT PULLING DMU HOTEL USES AND OTHERS. PLEASE DON'T PULL ANY OF THOSE VARIOUS USES OR AREAS THAT ARE DESCRIBED IN THE ORDINANCE. WE ENCOURAGE YOU TO PASS IT IN ITS ENTIRETY. AGAIN, IT'S BEEN THOROUGHLY VETTED BY NUMEROUS BOARDS AND COMMISSIONS AND TASK FORCES AND CITIZENS AND THERE WILL BE AMPLE TIME TO EVALUATE IT IN THE FUTURE. AS OTHERS HAVE SAID, THE WORST THING THAT CAN HAPPEN IS WE MADE GET MORE AFFORDABLE HOUSING TO USE TOWARD OTHER COMMUNITY SERVICES. IN ONE ORDINANCE YOU CAN APPROVE THE WORK AND RECOMMENDATIONS OF MANY DIFFERENT TASK FORCES, MANY DIFFERENT BOARDS AND COMMISSIONS AND NOT HAVE TO SIT THROUGH A BUNCH -- A LOT MORE HEARINGS RELATED TO EACH OF THOSE. PLEASE PASS THE ORDINANCE UNANIMOUSLY THAT COUNCIL MEMBER KIM WILL READ INTO THE RECORD IN A LITTLE WHILE. THANK YOU.

MAYOR WYNN: THANK YOU, MR. DENTON. OUR FINAL TWO SPEAKERS ARE GLENN WEST, TO BE FOLLOWED BY NANCY BURNS. YOU ALSO WILL HAVE THREE MINUTES.

GOOD EVENING, I'M GLENN WEST. I'M HERE IN MY CAPACITY WITH THE AUSTIN CONVENTION AND VISITORS BUREAU. I SIMPLY WANT TO COME AND EXPRESS A WORD OF CAUTION AND RESERVATION THAT IN YOUR EFFORTS TO ADDRESS AN IMPORTANT AND SUBSTANTIAL ISSUE IN OUR COMMUNITY OF AFFORDABLE HOUSING, THAT YOU NOT DO SOMETHING THAT HAS AN ADVERSE IMPACT UPON MAJOR DEVELOPMENT PROJECTS IN OUR DOWNTOWN AREA, AND IN PARTICULAR THE DEVELOPMENT OF HOTEL PROPERTIES. I CAN TELL YOU THAT THE CONVENTION AND VISITORS BUREAU, OF COURSE, AS YOU KNOW, IS THE MARKETING ARM FOR OUR CONVENTION CENTER. WE ARE EXPERIENCING DIFFICULTY IN MARKETING THAT CONVENTION CENTER TODAY TO MAJOR CONVENTION GROUPS SIMPLY BECAUSE OF A LACK OF AN ADEQUATE INVENTORY OF HOTEL PROPERTIES IN THE DOWNTOWN. OUR HOTELS ARE DOING VERY WELL THESE DAYS, AND IT'S BECOMING MORE DIFFICULT FOR US TO PUT TOGETHER SUFFICIENT NUMBER OF ROOMS TO BE ABLE TO GO AFTER CONVENTION BUSINESS, AND INDEED WE DO ON A REGULAR BASIS LOSE VERY LUCRATIVE AND ATTRACTIVE CONVENTION BUSINESS FOR AUSTIN BECAUSE WE DON'T HAVE -- WE CANNOT OFFER THE NUMBER OF HOTEL PROPERTIES. WE ARE VERY

INTERESTED PARTICULARLY IN THE MARRIOTT HOTEL PROJECT, WHICH WOULD GIVE US A SECOND MAJOR ANCHOR HOTEL IN THE IMMEDIATE VICINITY OF OUR CONVENTION CENTER. THAT PROJECT, AS ALL OF US KNOW, HAS HAD MANY OBSTACLES. IT STILL HAS ADDITIONAL OBSTACLES BEFORE IT, BUT WE WANT TO BE CAUTIOUS THAT YOU DON'T CREATE YET ANOTHER FEE THAT, IN FACT, MIGHT MAKE THAT PROJECT UNWORKABLE FOR THE DEVELOPER, AND I WANTED TO COME ON BEHALF OF OUR ORGANIZATION THIS EVENING AND EXPRESS THAT CONCERN. THANK YOU.

MAYOR WYNN: THANK YOU, MR. WEST. AND NANCY BURNS. WELCOME, NANCY.

THANK YOU, MR. MAYOR, CITY COUNCIL PEOPLE. I'M NANCY BURNS, CHAIR OF THE DOWNTOWN AUSTIN ALLIANCE. AS I'M SURE ALL OF YOU KNOW, THE DOWNTOWN AUSTIN ALLIANCE REPRESENTS THE PROPERTY OWNERS THAT WOULD BE AFFECTED BY THIS ORDINANCE. THE DOWNTOWN AUSTIN ALLIANCE HAS STRONG CONCERNS THAT PASSING THIS INTERIM POLICY WOULD HAVE UNINTENDED CONSEQUENCES, ESPECIALLY IN DISCOURAGING DENSITY IN DOWNTOWN AND WE KNOW THAT'S NOT SOMETHING YOU WANT BECAUSE YOU'VE ALREADY TAKEN A POSITION OF WANTING DENSITY IN DOWNTOWN. IT COMPLIES WITH WHAT ENVISION CENTRAL TEXAS AS WHAT WE WANT FOR DEVELOPMENT IN OUR CENTRAL TEXAS AREA. I JUST REMIND YOU THAT WHEN THE BOND ISSUE WAS PASSED, THE DOWNTOWN AUSTIN APPLIANCE WAS IN SUPPORT OF THE AFFORDABLE HOUSING PACKAGE AS PART OF THAT BOND ISSUE. WE STILL ARE IN SUPPORT OF THAT. WE THINK THAT'S THE WAY TO ADDRESS THE ISSUE OF PROVIDING AFFORDABLE HOUSING FOR THE COMMUNITY. YOU'VE HIRED COMPETENT PEOPLE TO LOOK AT ALL OF THESE ISSUES FOR THE DOWNTOWN PLAN, AND WE WOULD SUGGEST THAT THEY HAVE THE ABILITY TO HANDLE THESE COMPLEX ISSUES THAT WE'RE FACING BUT HAVE NOT HAD AN OPPORTUNITY TO DO THE ECONOMIC MODELING. FROM WHAT WE UNDERSTAND THEY VBT HAVEN'T HAD AN OPPORTUNITY TO COMPLETE THE ECONOMIC MODELING FOR THE RESIDENTIAL COMPONENT, LET ALONE FOR THE NON-RESIDENTIAL COMPONENT. AS YOU'VE HEARD FROM GLENN WEST THERE'S A CONCERN ABOUT THE IMPACT IT MIGHT HAVE ON HOTEL DEVELOPMENT AND OTHER COMMERCIAL PROPERTIES IN THE DOWNTOWN AREA. ONE SIZE DOES NOT FIT ALL. THERE IS NOT A MAGIC FORMULA IN TERMS OF WHAT'S GOING TO HAPPEN IN DOWNTOWN AND IN TERMS OF DEVELOPMENT. DIFFERENT USES, RESIDENTIAL, HOTEL, OFFICE, MIXED USE, THEY ALL NEED TO BE ANALYZED SEPARATELY. ROMA AND HRA HAVE ONLY JUST BEGUN THEIR ECONOMIC MODELING, AND WE WOULD URGE YOU TO GIVE THEM AN OPPORTUNITY TO BE ABLE TO COMPLETE THAT AND TO ADD THE NON-RESIDENTIAL COMPONENT, THE COMMERCIAL COMPONENT, BEFORE YOU MAKE ANY DECISIONS IN TERMS OF WHAT'S GOING TO BE HAPPENING AS FAR AS THESE INCENTIVES. WE WOULD SUGGEST TO YOU, AND I'VE HEARD SEVERAL PEOPLE TALK TONIGHT IN TERMS OF PASSING THIS IMMEDIATELY AND THEN YOU CAN GO BACK AND AMEND IT IN A FEW MONTHS. I WOULD ASK WHY THE RUSH? IF YOU THINK YOU MIGHT HAVE TO AMEND IT, WHY NOT WAIT UNTIL YOU HAVE RECOMMENDATIONS FROM HIRED PAID CONSULTANTS THAT YOU'VE ASKED TO DO THIS KIND OF PLANNING. THAT WOULD SEEM TO ME TO MAKE THE MOST LOGICAL SENSE IN TERMS OF HOW TO ADDRESS THIS ISSUE. THE

SIZE OF THE SITE SHOULD BE AN IMPORTANT CONSIDERATION. THIS DISPROPORTIONATELY IMPACTS SMALL SITES, BECAUSE FAR IS CALCULATED BASED ON THE SIZE OF THE SITE, SMALL SITES ARE MORE LIKELY TO NEED HIGHER FAR TO CREATE A DEVELOPMENT THAT WORKS ECONOMICALLY. THE PROPOSED FEE WAIVERS INTENDED TO BE INCENTIVES MAY BE ONLY A SMALL FRACTION OF THE COST OF PAYING THE \$10 PER SQUARE FOOT ON THE DESIRED INCREASE IN DENSITY. WE ALL KNOW FROM THE DOWNTOWN COMMISSION STUDY THAT THERE ARE VERY FEW BLOCKS OR HALF BLOCKS AVAILABLE FOR DEVELOPMENT IN DOWNTOWN. WE'RE TALKING ABOUT SMALL SITES, AND IN ORDER FOR THOSE TO BE ECONOMICALLY DEVELOPED AND TO PROVIDE THE INFILL THAT WE WANT IN DOWNTOWN, THEY'RE GOING TO HAVE TO BE THE ABILITY TO BE ABLE TO GO HIGHER THE CURRENT FAR. AND YOU MIGHT BE MAKING IT IMPOSSIBLE FOR THOSE TO BE DEVELOPED IN THE FUTURE IF YOU, IN FACT, ENACT THIS. WE WOULD RESPECTFULLY SUGGEST THAT THE CBD AND DMU BE REFERRED TO ROMA FOR FURTHER STUDY. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU, NANCY. COUNCIL, THAT'S ALL OUR FOLKS WHO WANTED TO GIVE US VERBAL TESTIMONY. WE HAVE A HANDFUL OF FOLKS WHO SIGNED UP NOT WISHING TO SPEAK, JEANY WIGINTON AND GERARD KENNY SIGNED UP NOT WISHING TO SPEAK IN FAVOR AND ANOTHER NOT SWISHING TO SPEAK IN OPPOSITION. BEFORE WE TAKE COMMENTS, QUICK QUESTION, I DON'T KNOW IF OUR STAFF HAS THIS READILY AVAILABLE OR NOT BUT MR. WEST AND MS. BURNS BROUGHT THE ISSUE OF OUR DOWNTOWN HOTEL MARKETPLACE, AND IS IT -- VERY -- SEEMINGLY THE PROPOSED MARRIOTT AT 2ND AND CONGRESS LIKELY IS GOING TO BE THE LARGEST HOTEL, AT LEAST ON THE PLANNING -- IN THE PLANNING STAININGS ROOT NOW. ANY IDEA WHAT FAL THEYR THEY HAVE BEEN ANALYZING THAT UNDER? THE FACT THEY HAVE A LARGE LOT, I'M SUSPICIOUS THAT LIKE MANY OF OUR HIGHHIGHRISES DOWNTOWN THEY'RE NOT USING THE BASE FAR ALLOWANCE. BUT I WAS CURIOUS IF ANYBODY MIGHT HAVE THAT. MY UNDERSTANDING, OF ALL THE HIGHRISES UNDER CONSTRUCTION NOW, I BELIEVE ONLY ONE OF THEM HAS EXCEEDED HIGH TEN. ONLY TWO HAVE EVEN EXCEEDED 10-1 FAR. PROJECTS LIKE FROST BANK TOWER, EVEN THOUGH WE GAVE THEM -- WE BUMPED THEM FROM 8 TO 12 FAR IN ADVANCE OF THAT CONSTRUCTION, THEY ONLY GOT TO ABOUT 7.7 FAR. SO THE VAST, VAST MAJORITY OF ALL THE HIGHRISES BUILT DOWNTOWN DON'T EVEN - - FRANKLY WOULDN'T EVEN TAP INTO, AT LEAST WITH THEIR CURRENT CONSTRUCTION MODELS, WILL EVEN TAP INTO THESE BONUSES. SO IT'S THE RARE PROJECT THAT EVEN REACHES THIS BENCHMARK. BUT I'M SUSPICIOUS THAT MAYBE THE MARRIOTT, EVEN IN A THOUSAND ROOMS AT 5TH AND CONGRESS, PROBABLY DOESN'T -- MIGHT NOT NEED MORE THAN 8 FAR.

WE HAVE NOT RECEIVED A SITE PLAN APPLICATION FROM THEM YET. I'VE HEARD THE NUMBER 12 BANTERED AROUND BUT LAST I HEARD THE BUILDING WAS ACTUALLY GETTING LESS, SO IT WOULD PROBABLY -- THE SAME THING YOU HAVE.

MAYOR WYNN: OKAY. COUNCIL MEMBER KIM, YES?

KIM: ANOTHER THING I WANT TO MAKE SURE PEOPLE UNDERSTAND, THIS IS A VOLUNTARY PROGRAM. IT IS AN INCENTIVE. IT IS SOMETHING THAT IF PEOPLE DON'T WANT FEE WAIVERS, THEY DON'T WANT EXPEDITED REVIEW, YOU CAN GO THROUGH THE NORMAL PROCESS. WE ARE NOT CHANGING THAT. YOU CAN STILL COME TO THE COUNCIL AND ASK FOR WHATEVER YOU WANT LEGALLY. THIS IS A WAY FOR PEOPLE TO GET EXPEDITED REVIEW, FEE WAIVERS, TO BE ABLE TO PROVIDE FOR OUR CITIZENS AFFORDABLE HOUSING AND OTHER COMMUNITY BENEFITS. I WANT TO THANK EVERYONE WHO WORKED SO HARD ON THIS. AND THE THINGS THAT WE WERE ABLE TO WORK OUT, JUST SOME HOUSEKEEPING ITEMS, I THINK IT'S VERY IMPORTANT THAT THERE'S JUST CLEAR SPELLING OUT WHAT THE FEES WOULD BE AND ALSO WHAT THE REVIEWS WOULD BE THAT WOULD BE EXPEDITED. SO I'M JUST GOING TO READ THAT, MAKE THE MOTION FOR THE COMPROMISE, SUBSTITUTE ORDINANCE WHICH INCLUDES THE 50% FOR COMMUNITY BENEFITS AS WELL AS 50% AFFORDABLE HOUSING FOR THE FAMILY PORTION WHERE THAT IS BEING COLLECTED. I WOULD LIKE TO MOVE APPROVAL TO SUBSTITUTE MOTION WITH THE FOLLOWING CHANGES: PART 3 A, LANGUAGE SHOULD READ, THE SECTION APPLIES TO RESIDENTIAL DEVELOPMENT OR TO A MIXED USE DEVELOPMENT THAT CONTAINS A RESIDENTIAL USE THAT IS LOCATED IN A CENTRAL BUSINESS DISTRICT, ZONING DISTRICT OR IN A MANNER DETERMINED BY THE CITY COUNCIL IN A ZONING ORDINANCE, DOWNTOWN MIXED USE ZONING DISTRICT ONLY. PART 3D, TO SPECIFY THE WAIVERS. ALL CITY DEVELOPMENT FEES, CAPITAL RECOVERY FEES, SUB DWIX APPLICATION FEES, ZONING APPLICATION FEES, SITE PLAN APPLICATION FEES AND INSPECTION FEES INCLUDING ENVIRONMENTAL WATER, WASTEWATER IS AUTHORIZED UNDER SMART HOUSING AND WATER METERS, SEWER TAP, RIGHT-OF-WAY CLOSURE, THIS DOES NOT INCLUDE PARKLAND DEDICATION FEES. THOSE WOULD STILL BE COLLECTED. JUST A REMINDER THAT WE PASSED IN THE BUDGET A CAP OF 750,000 FOR FEE WAIVERS SO WE CANNOT EXCEED THAT WITHOUT THIS COMING BACK TO COUNCIL FOR EXAMINATION. IN ADDITION THE DIRECTOR SHOULD CAUSE TO BE EXPEDITED THE PROCESSING OF ALL CITY APPLICATIONS AND APPROVALS AND OTHER ENTITLEMENTS RELATING TO THE PROJECT, INCLUDING LICENSE AGREEMENTS AND SIDE PLAN APPROVALS, THE SUBSECTIONS ARE MEDICAL, 3D, SECTION 1 A, INSERT THE WORDS AT THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY, PART 3 A, AFTER THE WORDS EXUMER INDEX, INSERT ALL CITY WORKS WORKERS DO AN AVERAGE, 1982 TO 1984, 100 AS PUBLISHED BY THE BUREAU OF LABOR DEPARTMENT OF LABOR. SO THOSE ARE THE HOUSEKEEPING MEASURES FOR THAT, BUT I JUST WANT TO THANK EVERYONE FOR SIGNING UP TODAY TO SPEAK, AND ESPECIALLY FOR SERVING ON THE TASK FORCE AND THE TASK FOR ALL YOUR HARD WORK ON THIS. WE LOOKED AT A LOT OF MAPS. WE HAD ARGUMENTS. WE HAD CONSENSUS. WE HAD A LOT OF MEETINGS. WE HAD A LOT OF SPREADSHEETS, AND I REALLY WANT TO THANK EVERYONE FOR GOING THROUGH THIS FOR -- AND STICKING WITH AND REALLY WORKING WITH US TO MAKE -- SEE THAT THIS HAPPENS. I KNOW WE'VE GOT GREAT CONSULTANTS WITH ROMA BUT EVEN IF THEY COME UP WITH SOMETHING THAT STILL NEEDS TO GO THROUGH A PUBLIC PROCESS. I MEAN, THEY ARE CONSULTANTS THAT HAVE EXPERTISE TO HELP US MAKE -- HELP US AS A COMMUNITY MAKE BETTER INFORMED DECISIONS. AND AS SUCH I REALLY APPRECIATE US

TAKING ACTION TONIGHT TO BE ABLE TO SAY THAT WE ARE TAKING A STRONG SUPPORTIVE MEASURE HERE FOR AFFORDABLE HOUSING, AND ALSO WITH THE BOND PACKAGE THAT WE PASSED AS A CITY AND ALSO WITH THE SMART HOUSING PROGRAMS AND THE IMPROVEMENTS WE MADE THROUGH THAT, ALL THE THINGS THAT WE'RE DOING IN AUSTIN FOR AFFORDABLE HOUSING REALLY COMPLEMENT ONE ANOTHER. SO I MAKE THAT MOTION AND THANK YOU FOR YOUR HARD WORK, AND THANK YOU, TOO, FOR THE COUNCIL MEMBERS' SUPPORT, AND ESPECIALLY MAYOR PRO TEM BUD BETTY DUNKERLEY WHO ATTENDED A LOT OF THE MEETINGS AND SHOWED SUPPORT FOR MAKING THIS HAPPEN.

MAYOR WYNN: MOTION BY COUNCIL MEMBER KIM TO CLOSE THE PUBLIC HEARING AND APPROVE THIS COMPROMISED MOTION -- ORDINANCE, EXCUSE ME. SECONDED BY COUNCIL MEMBER LEFFINGWELL. MS. THOMAS, I THINK YOU HAD A COMMENTS?

YES, MAYOR. THERE WAS JUST ONE MORE CORRECTION IN PART 3 OF COUNCIL MEMBERS' REVISED ORDINANCE, SECTION 252-586 A. THERE WAS -- WE ORIGINALLY DIDN'T INCLUDE COMMERCIAL, A THAN SO WE HAD TO CORRECT THAT A SECTION TO SAY THAT THIS SECTION APPLIES TO RESIDENTIAL MIXED USE OR COMMERCIAL DEVELOPMENT. IT'S JUST A CORRECTION SINCE WE INCLUDED COMMERCIAL IN THE REST OF THE ORDINANCE.

FOR THREE READINGS.

MAYOR WYNN: THANK YOU, MS. THOMAS AND MOTION AND SECOND ON THE TABLE FOR ALL THREE READINGS. COMMENTS? COUNCIL MEMBER MARTINEZ?

MARTINEZ: WHEN WE ADD THE COMMERCIAL COMPONENT, MS. THOMAS, DOES THAT -- WILL THAT AFFECT, LIKE, OUR HOTELS THAT ARE BEING PROPOSED RIGHT NOW IF THEY'RE SEEKING AN ENTITLEMENT THAT'S GREATER THAN [INAUDIBLE] FAR?

THIS ORDINANCE, YES, THAT WOULD AFFECT. IT WOULD GO THROUGH THIS PROCESS, BUT THAT WOULD BE ONLY IF THEY WERE SEEKING AN ENTITLEMENT UNDER THIS ORDINANCE.

MARTINEZ: BUT SEEKING THE ENTITLEMENT DOESN'T AUTOMATICALLY PUT IT THROUGH THIS ORDINANCE. THEY CAN STILL COME TO COUNCIL AND SEEK A GREATER FAR BASED ON DESIGN -- OR, YOU KNOW -- FOR WHATEVER REASON.

IF THERE ARE OTHER WAYS TO GET THAT SAME ENTITLEMENT, YES, THAT WOULD BE TRUE MARTINEZ MARTINEZ ALL RIGHT. THANKRIGHT.

MARTINEZ: ALL RIGHT, THANK YOU.

FURTHER QUESTIONS, COMMENTS? MOTION AND A SECOND ON THE TABLE. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON ALL THREE READINGS. THE VOTE IS 7-0.  
[APPLAUSE]

MAYOR WYNN: THANK YOU ALL VERY MUCH. TAKES US TO PUBLIC HEARING ITEM NO. 133,  
PUBLIC HEARING REGARDING FRONT AND SIDE YARD --

WELCOME, MR. GUERNSEY.

ITEM 133 IS TO CONDUCT A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING SECTION 12-5-29 OF THE AUSTIN CITY CODE RELATING TO PARKING IN THE FRONT OR SIDE YARDS OF RESIDENTIAL PROPERTY. THIS IS AN AMENDMENT TO THE CODE THAT WOULD ADDRESS AN ISSUE THAT AROSE LAST YEAR, IN JUNE OF LAST YEAR THE COUNCIL DIRECTED CITY MANAGER TO INITIATE AN AMENDMENT TO THE PARKING REGULATIONS TO PROVIDE GREATER FLEXIBILITY FOR THE SUBMITTAL AND REVIEW OF APPLICATIONS BY RESIDENTS. STAFF AND COUNCIL, OUR DEPARTMENT HAS WORKED WITH THE LAW DEPARTMENT IN BRINGING FORTH THIS AMENDMENT TO YOU, AND THERE WAS A LIMITATION THAT WAS ORIGINALLY IN THE ORDINANCE THAT SPOKE TO THE APPLICATIONS THAT ARE SUBMITTED BY NEIGHBORHOOD ORGANIZATIONS, COULD ONLY BE CONSIDERED IN THE MONTH OF APRIL. PART OF THIS ORDINANCE WOULD ELIMINATE THAT PROVISION AND JUST SPEAK TO THEY COULD BE CONSIDERED ANNUALLY. IN ADDITION, THE ORDINANCE AMENDMENT WOULD SPEAK TO NEIGHBORHOODS WITH AN ADOPTED NEIGHBORHOOD PLAN, THAT IF THERE IS NOT AN OFFICIAL PLANNING CONTACT TEAM, THAT ALSO A NEIGHBORHOOD ASSOCIATION COULD BRING IT FORWARD IF THERE WAS NO CONTACT TEAM. IN ADDITION, THERE WAS A QUESTION ABOUT PROVIDING NOTICE AFTER THE AMENDMENT IS APPROVED. THERE IS A CONCERNED THAT HOW WOULD PEOPLE KNOW THAT THIS IS ACTUALLY HAPPENING, AND SO THERE WOULD BE A NOTICE THAT WOULD BE PROVIDED TO NEIGHBORHOOD ASSOCIATIONS. SO THE CHAIR OF A PLANNING CONTACT TEAM. UTILITY CUSTOMERS, AND THESE WOULD INCLUDE BOTH RENTERS AND OWNERS, AND INCLUDING THOSE NOTICE OWNERS WHO DIDN'T ACTUALLY LIVE IN THE AREA BUT OWN PROPERTY IN THE AREA. SO THAT HAS BEEN ADDED TO THE ORDINANCE. THIS WAS RECOMMENDED BY THE PLANNING COMMISSION AND IT WAS APPROVED BY THEM ON CONSENT. AND THAT'S THE END OF MY PRESENTATION. IF YOU HAVE ANY QUESTIONS I'LL BE MORE THAN HAPPY TO ANSWER THEM.

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

MARTINEZ: I JUST WANT TO MAKE SURE ON THE NOTIFICATION. WE TALKED ABOUT THIS BACK IN JUNE. THERE WAS A CONCERN THAT I RAISED ABOUT IT NOT BEING EVER AFFECT AFFECTED PROPERTY OWNER IN TERMS OF RESIDENCE AND THAT NOTIFICATION BE IN

ENGLISH AND IN SPANISH.

THAT MIGHT HAVE BEEN FORFOR -- I THINK THAT WAS MOBILE FOOD VENDORS, BUT WE CAN CERTAINLY PROVIDE THE NOTICE IN ENGLISH AND SPANISH WITH THIS, AND THAT WOULD BE DIRECTED ENOUGH THAT WE COULD WORK WITH THE LAW DEPARTMENT.

MARTINEZ: YEAH, I WOULD LIKE TO SEE IT IN ENGLISH AND SPANISH. ANY TYPE OF NOTIFICATION PROCEDURE THAT'S IN THE OPT-IN PROCESS FOR A NEIGHBORHOOD THAT WE PROVIDE THAT.

I HOPE WE COULD TAKE THIS ON THREE READINGS. I THINK IT'S A CLEAR ENOUGH DIRECTION. THE LAW DEPARTMENT IS NODDING IN CONCURRENCE.

MARTINEZ: THANK YOU.

MAYOR WYNN: WE HAVE ONE CITIZEN SIGNED UP WISHING TO ADDRESS US. WELCOME, ROSS SMITH.

MAYOR, COUNCIL. I SIGNED UP NEUTRAL ON THIS BECAUSE FRANKLY I COULD NOT UNDERSTAND WHAT THIS AMENDMENT WAS ABOUT FROM THE BACKUP MATERIAL. THE REASON WHY I SIGNED UP -- I'M JUST GOING TO MAKE SOME GENERAL COMMENTS ABOUT THIS. I VERY WELL COULD BE OUT OF COMPLIANCE WITH THIS. I HAVE NO WAY OF KNOWING BECAUSE I HAVE NO WAY OF FINDING OUT. WE LIVE IN A TWO AND THREE-CAR FAMILY SOCIETY, AND MANY OF THEM ARE HAVING TO SQUEEZE INTO ONE-CAR HOUSES AND APARTMENTS. MANY OF THE APARTMENTS AND CONDOS THAT WE ARE PUTTING UP ARE ONLY BUILT FOR ONE CAR, BUT THEY HAVE TWO AND THREE-CAR FAMILIES MOVING INTO THEM. THE RESULT IS THAT IN MANY OF OUR URBAN CORE NEIGHBORHOODS STREET PARKING IS GETTING MORE AND MORE DEAR, AND THE ONLY PLACE LEFT TO PARK IS IN YOUR YARD OR IN YOUR DRIVEWAY, IF YOU'VE GOT THE ROOM. AS I SAID, IT'S IMPOSSIBLE TO FIND OUT -- ALMOST IMPOSSIBLE TO FIND OUT IF YOUR NEIGHBORHOOD HAS OPTED IN OR OUT. SO ONE THING I WOULD SUGGEST IS ON THE WEB SITE SET UP SOME WAY THAT YOU CAN LOOK UP YOUR NEIGHBORHOOD AND FIND OUT WHICH OF THE MANY NEIGHBORHOOD OPT INS AND OPT OUTS APPLY TO YOU. THAT WOULD BE VERY, VERY HELPFUL FOR ALL OF US. I WOULD ALSO SUGGEST A SIMPLIFIED, VERY SIMPLE, EASY WAY, PAIN-FREEWAY TO AMEND YOUR PLAT TO SHOW IF YOU HAVE PUT IN EXTRA DRIVEWAY SPACE, A VARIANCE PROCESS FOR COMPLYING WITH THIS ORDINANCE, PUTS YOU OVER THE -- WHAT DO YOU CALL IT, THE IMPERVIOUS COVER LIMIT FOR YOUR PROPERTY, AND I WOULD ALSO ASK IF THE BACKGROUND MATERIAL REFERRED TO A PAVED SURFACE FOR YOUR EXTRA DRIVEWAY SPACE. I WOULD HOPE THAT THAT WOULD INCLUDE THE KIND OF POROUS BRICK PARKING THAT YOU ENCOURAGE FOR COMMERCIAL FACILITIES. I CAN LAY BRICK, BUT I'D HAVE TO HIRE SOMEBODY TO POUR CONCRETE. THANK YOU.

MAYOR WYNN: THANK YOU, MR. SMITH.

MAYOR, LET ME OFFER JUST A FEW COMMENTS, JUST TO RESPOND. THIS ISN'T TALKING ABOUT A PARTICULAR NEIGHBORHOOD. THIS IS BASICALLY SPEAKING TO THE PROVISION THAT WOULD ALLOW A NEIGHBORHOOD TO FILE AN APPLICATION TO REQUEST THIS. SO IF THERE WAS A REQUEST, THEN WE WOULD BE DOING NOTIFICATION OF THOSE AREAS THAT WOULD ACTUALLY COME IN. REGARDING PAVED PARKING, IF YOU ARE PROVIDING PARKING RIGHT NOW IN THE CITY OF AUSTIN AND AND YOU'RE PUTTING IN PARKING SPACES, IT WOULD HAVE TO BE AN ALL WEATHER SERVICE, IT COULD BE BRICK OR CONCRETE. WE ACCEPT RIBBON STRIPS FOR PARKING AS WELL. BUT REQUIRED PARKING WOULD NOT BE ABLE TO BE PROVIDED JUST BY PARKING ON THE LAWN, WHICH THIS WOULD BE ADDRESSING.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. WE'LL SEE ON THE SURFACE, I SHARE MR. ROSS'S CONCERN THAT -- MORE THAN JUST OUR PARKING. YOU KNOW, DIFFERENT NEIGHBORHOODS OPTING IN, OPTING OUT OF ANY NUMBER OF REGULATIONS THAT WE'VE HAD BEFORE US TONIGHT, EVEN, I THINK DOES BEG SOME TYPE OF ANALYSIS AS TO HOW, YOU KNOW, VISUALLY THE CITY CAN GET THAT INFORMATION INTO THE HANDS OF RESIDENTS AS RELATIVELY AS EASY AS POSSIBLE. FURTHER QUESTIONS OF STAFF, COUNCIL? COMMENTS? IF NOT, I GUESS I'LL ENTERTAIN A MOTION. MAYOR PRO TEM MOVES THAT WE CLOSE THE PUBLIC HEARING AND APPROVE THIS ORDINANCE/AMENDMENT AS PRESENTED. SECONDED BY COUNCIL MEMBER MCCrackEN. FURTHER COMMENTS?

AND THAT WOULD BE NOTING WITH THE ADDITION THAT IT BE SPANISH AND ENGLISH, THE NOTIFICATION THAT WE SEND OUT.

MAYOR WYNN: YES. THANK YOU, MR. GUERNSEY. ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. MAYOR PRO TEM? DUNK MR. LEFFINGWELL AND I ARE CONDUCTING SOME MEETINGS ON OUR WEB SITE, SO I WANT TO MAKE SURE THAT I TAKE THE SUGGESTION THAT WE JUST HAD TO THE NEXT MEETING ABOUT --

THANK YOU.

DUNKERLEY: TRYING TO FIGURE OUT WHICH NEIGHBORHOODS OPTED, THE VARIOUS KINDS OF OPT IN/OPT OUT SOLUTIONS WE HAVE.

MAYOR WYNN: COUNCIL, OF OUR REMAINING PUBLIC HEARING ONLY ITEM 138 HAS ANY CITIZENS SIGNED UP WISHING TO ADDRESS US. SO WITHOUT OBJECTION WE'LL TAKE UP ITEM 138 WHICH IS TO CONDUCT A PUBLIC HEARING CONSIDERING OUR ORDINANCE ON



RESIDENTIAL SERVICE TARIFFS FOR OUR ELECTRIC RATE SCHEDULE IN AUSTIN ENERGY.  
WELCOME MR. ROGER DUNCAN.

THANK YOU, MAYOR AND COUNCIL. THIS ORDINANCE AMENDS THE RESIDENTIAL SERVICE TARIFF AND THE ELECTRIC RATE SCHEDULE TO EXCLUDE ON AN OPTIONAL BASIS ANY CHURCH, SYNAGOGUE OR OTHER PLACE OF PUBLIC GROUP RELIGIOUS WORSHIP SERVICES HAVING A DEMAND OF POWER SUFFICIENT TO QUALIFY FOR SERVICE UNDER THE GENERAL SERVICE TARIFF. CURRENTLY ALL CHURCHES AND OTHER PLACES OF WORSHIP ARE SERVED UNDER THE RESIDENTIAL TARIFF, BUT BECAUSE OF THE GROWS OF SIZE IN MANY CHURCHES AND THE EXPANSION OF OPERATING HOURS AND THE FACT THAT THE ELECTRICAL SYSTEM OF SOME CHURCHES ARE INTERTWINED WITH SCHOOL FACILITIES, THE LOW PROFILE AND USAGE PATTERNS OF A FEW CHURCHES OF WORSHIP ARE MORE CONSISTENT WITH THAT OF A COMMERCIAL FACILITY THAN A RESIDENTIAL FACILITY, AND THIS PROPOSED CHANGE WILL ALLOW THE CHURCHES WITH THE DEMAND OF OVER 20 KW TO QUALIFY FOR THE COMMERCIAL DEMAND RATE IF THEY SO CHOOSE.

MAYOR WYNN: THANK YOU, MR. DUNCAN. QUESTIONS FOR STAFF, COUNCIL? JUST -- I'M JUST SUSPICIOUS THAT MY WORSHIPPING AT THE BROKEN SPOKE DOESN'T QUALIFY AS -- [LAUGHTER]

NO.

MAYOR WYNN: OKAY. THANK YOU. COUNCIL, WE DO HAVE A COUPLE FOLKS WHO SIGNED UP WISHING TO ADDRESS THIS. LET'S SEE, LAURA CAROL HAS BEEN VERY PATIENT ALL NIGHT. WELCOME, LAURA, AND A NUMBER OF FOLKS WANT TO DONATE TIME TO YOU. CRAIG SUMMERS, WELCOME. CHRIS BAKER HAD TO LEAVE. HOW ABOUT CHARLES ORTLY? HELLO, CHARLES. SO LAURA, YOU HAVE UP TO 9 MINUTES IF YOU NEED IT. WELCOME.

GOOD EVENING, MAYOR AND COUNCIL MEMBERS. MY NAME IS LAURA RON CAROL. I'M A MEMBER AND FORMER PRESIDENT OF ST. MARTIN'S LUTHERAN CHURCH. IT IS A 124 YEAR OLD CONGREGATION LOCATED AT 15TH AND RIO GRANDE AND IS ONE OF THE OLDEST CHURCHES IN AUSTIN. WE HAVE 1300 MEMBERS AND A BUILDING THAT IS ABOUT 70,000 SQUARE FEET IN SIZE. WE SUPPORT THE AMENDMENT TO THE ELECTRICITY RATE ORDINANCE ALLOWING HOUSES OF WORSHIP TO PAY THE GENERAL SERVICES DEMAND RATE RATHER THAN THE RESIDENTIAL SERVICE RATE. THE ORIGINAL AMENDMENT WAS INTENDED TO PROVIDE A MORE EQUITABLE RATE FOR SMALLER HOUSES OF WORSHIP, THOUGH THE IMPACT ON LARGER HOUSES OF WORSHIP WASN'T ANTICIPATED. THE RESULT IS THAT IT HURTS MANY LARGER CONGREGATIONS, SUCH AS ST. MARTIN'S, ST. DAVID'S, FIRST BAPTIST AND FIRST UNITED METHODIST. WE BELIEVE THAT A GENERAL SERVICE DEMAND RATE IS MORE APPROPRIATE BECAUSE ST. MARTIN'S AND OTHER LARGE CONGREGATIONS ARE MORE SIMILAR TO COMMERCIAL BUSINESSES THAN RESIDENCES. FOR EXAMPLE, ST. MARTIN'S WAS REQUIRED TO MEET THE COMMERCIAL CODE FOR CONSTRUCTION WHEN WE ERECTED THE BUILDING AND RENOVATED IT. WE MUST FOLLOW

COMMERCIAL INSPECTIONS AND GUIDELINES, INCLUDING THOSE FOR HEALTH, FIRE SPRINKLER SYSTEM, CONSTRUCTION, ELEVATOR, FIRE EXTINGUISHER AND BOILER SYSTEM. WE ARE OPEN SEVEN DAYS A WEEK FOR MANY PURPOSES, INCLUDING MEETING SPACE FOR COMMUNITY ORGANIZATIONS, SUCH AS THE AUSTIN CHILDREN'S SHELTER AND BOY SCOUTS. WE HOST THE FREEZE NIGHT SHELTER ON FRIDAY EVENINGS WHEN TEMPERATURES FALL TO FREEZING IN AUSTIN. WE HOUSE 25 OR MORE HOMELESS MEN FOR THE EVENING TO KEEP THEM OUT OF THE COLD. AND WE HAVE A FULL-TIME DAY CARE AND PRESCHOOL OF 160 STUDENTS. IT'S WORTH NOTING THAT DAY CARE FACILITIES ARE EXCLUDED FROM THE CURRENT RESIDENTIAL RATE. IN SHORT, WE SUPPORT THE AMENDMENT BECAUSE IT CORRECTS AN UNANTICIPATED PROBLEM IN THE ORIGINAL TARIFF. THE PROPOSED CHANGE MAKES IT EQUITABLE FOR ALL. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU, MS. CAROL. WELL SAID. LET'S SEE, AND TERRY NATHAN WAS HERE TO ANSWER QUESTIONS IF WE HAVE THEM OF HIM, AND NANCY BURNS SIGNED UP NOT WISHING TO SPEAK IN FAVOR. THAT'S ALL OF OUR CITIZENS WANTING TO GIVE US COMMENTS IN THIS PUBLIC HEARING REGARDING THIS NEW POTENTIAL TARIFF. QUESTIONS, COMMENTS? COUNCIL MEMBER COUNCIL MEMBER COLE?

COLE: MAYOR, MY CHILDREN WENT TO FIRST BAPTIST AND ST. MARTIN'S AND NO LONGER GO THERE AND I SUPPORT THIS ORDINANCE AND I MAKE A MOTION WE ADOPT IT.

MAYOR WYNN: MOTION BY COUNCIL MEMBER COLE, SECONDED BY COUNCIL MEMBER MCCracken, TO CLOSING THE PUBLIC HEARING AND APPROVE THIS AMENDED ORDINANCE REGARDING -- REGARDING THE RESIDENTIAL SERVICE TARIFF IN OUR LOST ELECTRIC RATE SCHEDULE. FURTHER COMMENTS? I WANT TO COMMEND AUSTIN ENERGY STAFF FOR BRINGING THIS FORWARD TO US. I THINK IT'S WHOLLY APPROPRIATE, IF NOTHING ELSE TO REWARD ALL THEIR WORK FOR US, BUT JUST AS MS. CAROL SO ADEQUATELY POINTED OUT, YOU KNOW, FRANKLY THESE ARE, YOU KNOW -- COMMERCIAL STRUCTURES THAT WE DEMAND COMMERCIAL QUALITY ON EVERY OTHER ASPECT OF THE BUILDING FABRIC, SO IT'S APPROPRIATE FOR THEM TO HAVE THAT RATE AS WELL. FURTHER COMMENTS? MOTION AND A SECOND ON THE TABLE. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. WELL, COUNCIL, JUST A HANDFUL OF QUICK PUBLIC HEARINGS WITH NO CITIZENS SIGNED UP TO SPEAK, APPARENTLY. JUST TAKE THESE IN ORDER, I GUESS, MR. GUERNSEY, STARTING WITH ITEM NO. 134.

134, YES. MAYOR AND COUNCIL, ITEM 134 IS TO CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE AMENDING SECTION 25-2-812 OF CITY CODE RELATING TO MOBILE FOOD ESTABLISHMENTS. IN JUNE OF THIS PAST YEAR STAFF WAS DIRECTED TO INITIATE AMENDMENTS TO THE CODE TO HELP COUNCIL, RESIDENTS, STAFF, WITH

AMENDMENTS DEALING WITH MOBILE FOOD VENDORS. THIS AMENDMENT WOULD PROVIDE THAT THE APPLICATIONS TO BE CONSIDERED BY THE CITY COUNCIL WOULD NOT JUST OCCUR IN THE MONTH OF APRIL BUT COULD OCCUR ANNUALLY, THAT THE REQUEST TO WORK WITH MOBILE FOOD VENDORS IN THESE AREAS WHERE THERE'S AN ADOPTED NEIGHBORHOOD PLAN, THEY COULD BE SUBMITTED AS A REQUEST BY THE CONTACT TEAM OR NEIGHBORHOOD ASSOCIATION. IF THERE WAS NO REGISTERED CONTACT TEAM. SO THAT THERE IS A SPECIFIC NOTICE PROVISION AND I'LL NOTE THAT WE'LL DO THIS IN SPANISH ENGLISH BECAUSE THAT WAS THE DIRECTION OF THE COUNCIL. AND THE CITY IS RESPONSIBLE FOR THE COST AND THE NOTICE WOULD BE PROVIDED TO EACH MOBILE FOOD ESTABLISHMENT AND LICENSED BY OUR HEALTH AUTHORITY AND TO THE REGISTERED NEIGHBORHOOD ASSOCIATIONS. THERE'S ALSO -- ALREADY A REQUIREMENT THAT WE HAD IN THERE FOR PUBLICATION AND GENERAL CIRCULATION NEWSPAPER. WITH THAT I'LL CONCLUDE. IF YOU HAVE ANY COMMENTS I'LL BE MORE THAN HAPPY TO PROVIDE ANSWERS TO YOUR QUESTIONS. AGAIN, THIS IS NOT FOR A PARTICULAR NEIGHBORHOOD. THIS IS GENERALLY CITYWIDE AND INDIVIDUAL APPLICATIONS THAT GO OUT TO NEIGHBORHOODS WOULD BE BROUGHT TO YOU AT A LATER DATE. THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL? COMMENTS? ARE THERE ANY CITIZENS HERE THAT WOULD LIKE TO ADDRESS THIS PUBLIC HEARING, ITEM NO. 134, REGARDING MOBILE FOOD VENDING? HEARING NONE I'LL ENTERTAIN A MOTION. MOTION BY COUNCIL MEMBER MARTINEZ, SECONDED BY COUNCIL MEMBER KIM, TO CLOSE THIS PUBLIC HEARING AND APPROVE THE AMENDMENT AS PRESENTED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE? OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

THANK YOU MAYOR AND COUNCIL. I'M GOING TO INTRODUCE MARK WALTERS TO PRESENT ITEM 135.

MAYOR WYNN: THANK YOU. WELCOME, MR. WALTERS.

GOOD EVENING, MAYOR AND COUNCIL. MARK WALTERS, NEIGHBORHOOD PLANNING AND ZONING. I'M HERE TO PRESENT AGENDA ITEM NO. 135, WHICH WOULD BE TO AMEND CHAPTER 25-2 OF THE CITY CODE TO ADD THREE NEW USES TO THE NEIGHBORHOOD COMMERCIAL OR L.R. ZONING DISTRICT. THOSE THREE NEW YOOZ WOULD BE GENERAL RETAIL SALES, LESS THAN 5,000 SQUARE FEET, AND THAT WOULD ALLOW FOR THE SALE OF FURNITURE STORES, THOSE STORES SELLING HOME FURNISHINGS, OR THE -- THE SALE OF AUTO -- AUTOMOBILE PARTS BUT NOT THE INSTALLATION OF THOSE PARTS. THE SECOND USE WOULD BE PERSONAL IMPROVEMENT SERVICES, LESS THAN 5,000 SQUARE FEET, AND THAT WILL ALLOW FOR PHYSICAL FITNESS STUDIOS, MARTIAL ARTS STUDIOS, YOGA STUDIOS, PILATES STEWED YO, LEARN 35,000 SQUARE FEET. THE THIRD USE, RESTAURANT, LESS THAN 4,000 SQUARE FEET, WOULD ALLOW A RESTAURANT THAT SELLS ALCOHOL

INCIDENTAL TO FOOD IN LR ZONING DISTRICT. CURRENTLY YOU CANNOT HAVE A RESTAURANT IN LR ZONING WHERE YOU CAN HAVE AN ADULT BEVERAGE WITH YOUR MEAL, BUT YOU CAN HAVE A DRIVE-THROUGH RESTAURANT OPEN 24 HOURS A DAY, WOULD BE A 5,000-SQUARE-FOOT PAD BUT YOU COULDN'T HAVE A 12,000-SQUARE-FOOT RESTAURANT AND HAVE A GLASS OF WINE. THIS IS ALLOW FOR SMALL NEIGHBORHOOD RESTAURANTS IN LR ZONING. THE PLANNING COMMISSION RECOMMENDED THE FIRST TWO USES, THE PERSONAL IMPROVEMENT SERVICES AND THE GENERAL RETAIL SALES GENERAL AND HAD NO RECOMMENDATION ON THE RESTAURANT LESS THAN 4,000 SQUARE FEET. ALSO, WITH THE RESTAURANT LESS THAN 4,000 SQUARE FEET, THERE ARE SOME PERFORMANCE MEASURES THAT HAVE TO BE MET. AMONG THOSE IS OUTDOOR SEAT SHOULD BE LIMITED TO 500 SQUARE FEET. OUTDOOR SEATING SHOULD NOT BE LOCATED ANY CLOSER 50 FEET TO A SINGLE-FAMILY USE. THE HOURS OF OPERATION WOULD BE LIMITED TO 7:00 IN THE MORNING TO 11:00 IN THE EVENING. NO AMPLIFIED SOUND OUTSIDE, NO MUSIC OR LOUD SPEAKERS, NO OUTDOOR ENTERTAINMENT AS AN ACCESSORY USE, SO IT WOULD BE JUST A DINING ONLY, NO OUTDOOR ENTERTAINMENT, NO PERFORMANCE, AND A DRIVE-THROUGH ACCESSORY USE WOULD NOT BE ALLOWED. AND THAT'S -- THERE'S AN ORDINANCE PREPARED AND IS READY FOR ALL THREE READINGS. THAT'S THE END OF MY PRESENTATION, IF YOU HAVE ANY QUESTIONS.

MAYOR WYNN: THANK YOU, MR. WALTERS. QUESTIONS OF STAFF, COUNCIL? COMMENTS? I JUST APPRECIATE STAFF OBVIOUSLY AS RETAILING CONTINUES TO CHANGE AND AS WE DO A BETTER JOB OF GETTING MORE LOCALLY OWNED SMALL BUSINESSES BACK INTO OUR NEIGHBORHOODS, THIS IS WHAT STAFF SHOULD BE DOING, IS MAKING SURE WE HAVE THE FLEXIBILITY WITHIN OUR CODE, SO WE APPRECIATE THAT WORK.

THANK YOU, MAYOR.

MAYOR WYNN: ARE THERE ANY CITIZENS WHO WOULD LIKE TO GIVE US TESTIMONY ON THIS ITEM NO. 135 REGARDING NEIGHBORHOOD COMMERCIAL ZONING -- AMENDING THE NEIGHBORHOOD ZONING DISTRICTDISTRICT? HEARING NONE I'LL ENTERTAIN A MOTION. MOTION BY COUNCIL MEMBER MCCracken, SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE THIS AMENDED ORDINANCE AS PRESENTED BY STAFF. FURTHER COMMENTS? COUNCIL MEMBER KIM? KIM CEM.

KIM: I KNOW THAT SOME PEOPLE ARE CONCERNED ABOUT THE RESTAURANT USE BECAUSE OF THE TRAFFIC AND I WAS WONDERING IF TO MAKE A MOTION, DO IT LIKE THE PLANNING COMMISSIONS AND EXCLUDE THAT. THE RESTAURANT USE. THE PLANNING COMMISSION HAD NO RECOMMENDATION FOR THAT, THE RESTAURANT USE.

MAYOR WYNN: SO MS. WALKER, HELP ME AT LEAST BEFORE I EVEN ASK -- TO CONSIDER THAT.

THE POINT -- THIS ONE ITEM WAS BEFORE THE PLANNING COMMISSION. THEY TRIED TO

ATTACH ADDITIONAL CONDITIONS, AND EVERY TIME THEY WENT THROUGH TWO DIFFERENT ITERATIONS OF A VOTE TRYING TO ATTACH DIFFERENT CONDITIONS, TRYING TO ATTACH SOUND, INTERNAL SOUND, DISTANCE FROM THE FRONT DOOR OF THE ESTABLISHMENT, AND THEY COULDN'T COME UP WITH A DEFINITIVE VOTE. THERE WAS ALWAYS A LOSING SIDE. THEY COULDN'T GET A MAJORITY OF VOTES FOR THAT. SO THE TONE OF THE VOTE WAS NOT TO EXCLUDE IT BUT TO COME UP WITH EXTRA CONDITIONS, AND THEY COULDN'T WITH UP WITH A CONSENSUS. SO THAT WAS THE NATURE OF THE VOTE FOR THE PLANNING COMMISSION.

MAYOR WYNN: OKAY.

DOES THAT ANSWER YOUR QUESTION?

MAYOR WYNN: THAT HELPS ME. COUNCIL MEMBER KIM, ARE YOU STILL --

KIM: YEAH, I'D LIKE TO GIVE THEM MORE TIME, IF THERE ARE SOME CONDITIONS THEY NEED, I GUESS I NEED TO HEAR THOSE. SO I WON'T SUPPORT THIS ON ALL THREE READINGS, BUT I'M OPEN TO LOOKING AT OTHER WAYS WE CAN ADDRESS THOSE ISSUES.

MAYOR WYNN: AND MS. WALTERS, THE PLANNING COMMISSION COULD ALWAYS INITIATE ANY CODE AMENDMENT AND BRING IT TO COUNCIL AT ANY TIME IN THE FUTURE, CORRECT?

THAT IS CORRECT.

MAYOR WYNN: OKAY. SO FURTHER -- THE MOTION AND SECOND ON THE TABLE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON ALL THREE READINGS WITH A VOTE OF 6-1 WITH COUNCIL MEMBER KIM VOTING NO.

THANK YOU.

MAYOR WYNN: THANK YOU. ITEM NO. 136, PUBLIC HEARING REGARDING AMENDING OUR ORDINANCE IN THE CITY CODE RELATED TO RESIDENTIAL USES IN MIXED USE BUILDINGS. WELCOME BACK, MR. GUERNSEY.

THANK YOU. GREGG GUERNSEY, PLANNING DEPARTMENT. THIS DEALS WITH MIXED USE BUILDING AND IT MAKE SEEM COUNTER-INTUITIVE TODAY BUT STAFF HAS DESIGNED IT AND GOD ABOARD TO DEFEND THE POSITION WOULD NOT NECESSARILY REQUIRE A RESIDENTIAL USE AS A MIXED USE BUILDING. LET ME EXPLAIN. WHEN WE DID THE ORIGINAL AMENDMENT, THE SMART GROWTH AMENDMENTS SEVERAL YEARS AGO, I THINK IT WAS ON

APRIL OF 2000, THE MIXED USE BUILDING WAS ADDED AS ONE OF THE USES THAT MEMBERS COULD OPT INTO. AT THAT TIME, ALTHOUGH THE DEFINITION SAYS A RESIDENTIAL -- A MIXED USE BUILDING IS RESIDENTIAL/COMMERCIAL USES, THE DEVELOPMENT STANDARDS SAID THAT YOU MAY HAVE A RESIDENTIAL USE ON THE UPPER FLOORS OR YOU MAY HAVE IT ON THE LOWER FLOORS, BUT UNLESS THEY REQUIRE IT UNDER THE SITE DEVELOPMENT REGULATIONS. STAFF ACTUALLY HAD POSTED ON OUR WEB SITE AND STATED THAT A RESIDENTIAL USE IS NOT REQUIRED. WATERSHED PROTECTION AND DEVELOPMENT DEPARTMENT FOR THE LAST COUPLE YEARS HAS ISSUED BUILDING PERMITS FOR MIXED USE BUILDINGS WITHOUT A RESIDENTIAL USE. THIS WAS BROUGHT TO MY ATTENTION AND BROUGHT TO COUNCIL'S ATTENTION AND COUNCIL DIRECTED US TO GO DO A CODE AMENDMENT TO TAKE CARE OF THIS, AND THAT IS WHAT IS BEFORE YOU. THIS AMENDMENT SIMPLY STATES EM FAST CLI THAT A MIX EM FAST CLI THAT A MIXED USE BUILDING MUST HAVE A RESIDENTIAL USE CONTAINED WITHIN IT TO BE CONSIDERED MIXED USE BUILDING. SO THAT'S ALL THIS AMENDMENT DOES, AND IT'S RECOMMENDED BY THE COMMISSION BY CONSENT. WE'VE HAD MANY NEIGHBORHOODS THAT ARE IN SUPPORT OF IT. AND IT'S READY FOR YOUR APPROVAL ON ALL THREE READINGS THIS EVENING.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. HE SPOKE BY THE WAY -- COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: GREG, I KNOW WE HAD A QUESTION ABOUT WHETHER WE DO IT AS A NUMBER OF UNITS VERSUS PERCENTAGE OF OCCUPIED SPACE ABOVE THE GROUND LEVEL FOR RESIDENTIAL.

I'VE BEEN ASKED ABOUT -- YOU KNOW, IF -- COULD YOU HAVE ONE RESIDENTIAL UNIT, AND THAT -- THAT IS CORRECT. THE MIXED USE BUILDING IS LIMITED TO A SINGLE -- A ONE-ACRE TRACT WOULD BE THE GREATEST SIZE AND THERE'S A GREAT REDUCTION IN PARKING FOR THE COMMERCIAL USE, AND THAT IS KIND OF WHAT BROUGHT THIS ISSUE IN THE BOULDIN NEIGHBORHOOD TO LIGHT, THAT THEY HAD ALREADY HAD A MIXED USE BUILDING THAT WAS SHARING -- SHARING A SINGLE KITCHEN IN BETWEEN TWO DIFFERENT RESTAURANTS AND IT WAS CONSIDERED A MIXED USE BUILDING. BUT I UNDERSTAND THAT THERE WAS A CONCERN THAT HAD BEEN RAISED, AND I'M NOT SURE EXACTLY BY WHOM, BUT THAT IF YOU JUST HAD ONE RESIDENCE, MAYBE THAT'S NOT ENOUGH. I DON'T THINK WE ACTUALLY REQUIRE A MINIMUM NUMBER UNDER VERTICAL MIXED USE BUILDINGS, AND THIS IS ALMOST A SMALLER VERSION OF THAT. BUT THIS WOULD ADDRESS THE ISSUE THAT YOU MUST HAVE A RESIDENTIAL USE, AND THE ONLY CONCERN THAT STAFF WOULD HAVE, IF YOU DID PLACE A MINIMUM NUMBER -- OR A MINIMUM AMOUNT OF SQUARE FOOTAGE, THAT WHEN YOU HAVE THESE SMALLER MIXED USE BUILDINGS, IT MAY BE DIFFICULT FOR THEM TO FIT ANOTHER SPACE IN TO HAVE RESIDENTIAL AND COMMERCIAL ON THE SAME FLOOR IF THEY MEET CERTAIN BUILDINGS CODE AND BAR CODES AND THINGS LIKE THAT.

WELL, I THINK FOR STARTERS, ONE OF THE IMPLIED REASONS WHY WE'RE HERE IS THAT THE NEIGHBORHOOD MIXED USE BUILDING ZONING CODE IS NOT -- HAS NOT WORKED, AND

WHAT IT BECAME WAS A WAY TO GAIN THE SYSTEM TO DO SINGLE USE DEVELOPMENT AND GET REDUCED PARKING FOR RESTAURANTS ON SOUTH CONGRESS. SO WHAT WE'RE TRYING TO DO IS MAKE SURE THAT WE DO TODAY CLOSES A LOOPHOLE ON A ZONING CATEGORY THAT'S NEVER BEEN USED BY ANYTHING OTHER THAN FOR EFFORTS TO GAIN THE SYSTEM. SO MAXIMIZE OUR EFFORTS TO ENSURE THIS DOES NOT BECOME A TROJAN HORSE TO GAIN THE SYSTEM, I THINK WE NEED TO HAVE SOMETHING THAT PROTECTS US AGAINST THAT, BECAUSE I MEAN, YOU KNOW, IT WAS WELL INTENTIONED, IT WAS CUTTING EDGE AT THE TIME IT STARTED BUT IT JUST -- IT JUST DOESN'T WORK FINANCIALLY AND THAT'S WHY NO ONE BUILDS UNDER IT TRUE MIXED USE PROJECTS. AND SO I'D LIKE TO SEE US DO SOME REQUIRED PERCENTAGE OF OCCUPIED SPACE BE RESIDENTIAL ABOVE THE GROUND FLOOR, AT A MINIMUM.

WELL, IF YOU SAID THE -- A PERCENTAGE PORTION OF THE BUILDING, THAT MIGHT BE EASIER BECAUSE YOU VERY WELL COULD HAVE RESIDENTS IN RESIDENCE IN THE BACK AND COMMERCIAL IN THE FRONT ON SOME MIXED USE PROJECTS. SO THEY MAY NOT ALL BE VERTICAL. THEY MIGHT NOT ALL BE VERTICAL MIXED USE. THEY MIGHT JUST BE A MIXED USE BUILDING. SO IF YOU WANT TO SAY 10% OF A BUILDING OR SAY TWO UNITS OR SOMETHING LIKE THAT, THAT WOULD BE CLEAR ENOUGH, WE COULD PROBABLY ACT ON THAT TONIGHT. IF YOU WANT TO TAKE FIRST READING ON THIS AND SUGGEST SOMETHING, STAFF COULD GO BACK AND LOOK AT THAT. WE COULD DO THAT EITHER WAY. BUT I WOULD --

HOW ABOUT --

I WOULD SUGGEST THAT WE DON'T SAY IT'S ABOVE, BECAUSE YOU MIGHT HAVE SOME THAT PUT IT TO THE BEHIND.

HOW ABOUT THIS. THAT'S A REAL GOOD POINT. HOW IF WE SAID MUST CONTAIN RESIDENTIAL AND, SECOND, THAT 50% OF THE OCCUPIED SPACE ABOVE THE GROUND FLOOR MUST BE RESIDENTIAL, SO TWO- TWO-PART, MODEL THAT -- ON FIRST READING, AND --

OKAY. THAT'S CLEAR ENOUGH DIRECTION WE CAN TAKE THAT ON FIRST READING AND WORK ON SOME LANGUAGE AND BRING IT BACK TO YOU.

OKAY.

MAYOR WYNN: ACTUALLY BEFORE I TAKE THAT MOTION I WANT TO CONFIRM, ARE THERE ANY CITIZENS HERE THAT WOULD LIKE TO ADDRESS THIS PUBLIC HEARING ITEM 136 REGARDING MIXED USE BUILDING? THERE BEING NONE, COUNCIL MEMBER MCCrackEN MOVES THAT WE CLOSE THE PUBLIC HEARING, APPROVE FIRST READING -- A FIRST READING ONLY THE AMENDED -- OR THE AMENDMENT WITH ADDITIONAL DIRECTION OF

STAFF.

AND THAT BEING THAT IF THERE ARE UPPER FLOORS THAT 50% OF THE AREA ABOVE THE FIRST FLOOR IS USED FOR RESIDENTIAL USES.

YES.

MAYOR WYNN: SECONDED BY COUNCIL MEMBER KIM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

MAYOR WYNN: AYE.

MAYOR WYNN: OPPOSED? MOTION PASSES ON FIRST READING ON A VOTE OF 7-0. THANK YOU, L GUERNSEY. AND MS. GENTRY, MY MACHINE STILL SHOWS ITEM 137, BUT WE I BELIEVE VOTED TO POSTPONE THAT FOR TWO WEEKS EARLIER IN THE EVENING. OKAY. GREAT. SO THERE BEING NO MORE BUSINESS BEFORE THE CITY COUNCIL ON THIS AGENDA, WE STAND ADJOURNED. IT IS 9:51 P.M.

**End of Council Session Closed Caption Log**